BRIEFING  
L1FN AUDITORIUM  
1500 MARILLA STREET  
DALLAS CITY HALL  
11:00 A.M.

PUBLIC HEARING  
L1FN AUDITORIUM  
1500 MARILLA STREET  
DALLAS CITY HALL  
1:00 P.M.

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

MISCELLANEOUS ITEM

Approval of the April 17, 2019 Board of Adjustment Panel B Public Hearing Minutes  
M1

UNCONTTESTED CASES

BDA189-054(OA)  
6700 Overlook Drive  
REQUEST: Application of Diana Martinez for special exceptions to the fence standards and visual obstruction regulations

BDA189-057(OA)  
5947 Mercedes Avenue  
REQUEST: Application of William R. Crowell, Sr., represented by Daniel Dodds, for special exceptions to the visual obstruction regulations

BDA189-062(OA)  
8258 San Fernando Way  
REQUEST: Application of Robert Baldwin of Baldwin and Associates for a special exception to the fence standards regulations

BDA189-063(OA)  
9727 Audubon Place  
REQUEST: Application of Enoch Correa for a special exception to the fence standards regulations
REQUEST: Application of Michael Farah, represented by Dallas Cothrum, to appeal the decision of the administrative official
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]
BUILDING OFFICIAL’S REPORT: Application of Diana Martinez for special exceptions to the fence standards and visual obstruction regulations at 6700 Overlook Drive. This property is more fully described as Lot 1, Block 14/5814, and is zoned R-7.5(A), which prohibits the use of certain materials for a fence, and requires a 20 foot visibility triangle at driveway approaches. The applicant proposes to construct and/or maintain a fence of a prohibited material, which will require a special exception to the fence standards regulations, and to locate and maintain items in a required visibility triangle, which will require a special exception to the visual obstruction regulations.

LOCATION: 6700 Overlook Drive

APPLICANT: Diana Martinez

REQUESTS:

The following requests have been made on a site that is developed with a single-family home:
1. A request for a special exception to the fence standard regulations is made to maintain a fence and a rolling gate of a prohibited fence material (corrugated metal) on the property;
2. A request for a special exception to the visual obstruction regulations is made to maintain portions of a 6' high corrugated metal fence and portions of a rolling metal 6' gate in the two 20’ visibility triangles on both sides of the driveway into the site from Donna Drive.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

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

STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:

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

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

**STAFF RECOMMENDATION (visual obstruction special exceptions):**

Approval, subject to the following condition:
- Compliance with the submitted site plan and elevation is required.

Rationale:
- The Sustainable Development Department Senior Engineer has no objection to the request.
- Staff concluded that request for a special exception to the visual obstruction regulations should be granted (with the suggested conditions imposed) because the items located in the visibility triangles does not constitute a traffic hazard.

**BACKGROUND INFORMATION:**

**Zoning:**

<table>
<thead>
<tr>
<th>Site</th>
<th>North</th>
<th>South</th>
<th>East</th>
<th>West</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-7.5(A) (Single family residential 7,500 square feet)</td>
<td>R-7.5(A) (Single family residential 7,500 square feet)</td>
<td>R-7.5(A) (Single family residential 7,500 square feet)</td>
<td>R-7.5(A) (Single family residential 7,500 square feet)</td>
<td>R-7.5(A) (Single family residential 7,500 square feet)</td>
</tr>
</tbody>
</table>

**Land Use:**

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

**Zoning/BDA History:**

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

**GENERAL FACTS/STAFF ANALYSIS (fence standards):**

- The request for a special exception to the fence standards is made to maintain a fence of a prohibited fence material (corrugated metal) on a site developed with a single-family home.
- Section 51A-4.602(a)(9) of the Dallas Development Code states that except as provided in this subsection, the following fence materials are prohibited:
  - Sheet metal;
  - Corrugated metal;
  - Fiberglass panels;
- Plywood;
- Plastic materials other than preformed fence pickets and fence panels with a minimum thickness of seven-eighths of an inch;
- Barbed wire and razor ribbon (concertina wire) in residential districts other than an A(A) Agricultural District; and
- Barbed wire razor ribbon (concertina wire) in nonresidential districts unless the barbed wire or razor ribbon (concertina wire) is six feet or more above grade and does not project beyond the property line.

- The applicant has submitted a site plan and elevation of the existing corrugated metal fence located on the property.
- The submitted elevation included a 6’ high corrugated metal fence.
- The submitted site plan represents a site that is approximately 7,600 square feet in area where approximately 131 linear feet of prohibited fence material (corrugated metal) is located on the property.
- The Sustainable Development and Construction Department Senior Planner conducted a field visit of the site and the surrounding area. Two other fences that appear to be of prohibited material were noted to the south and northeast of the subject site. These existing fences have no recorded BDA history.
- As of May 8, 2019, no letters have been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence standards regulations related to a prohibited fence material (corrugated metal) will not adversely affect neighboring property.
- If the Board were to grant the special exception and impose the submitted site plan and elevation as a condition, the location of the metal panel fence would be limited to what is shown on these documents.

GENERAL FACTS/STAFF ANALYSIS (visual obstruction special exceptions):

- The requests for special exceptions to the visual obstruction regulations focus on maintaining portions of a 6’ high corrugated metal fence and portions of a rolling metal 6’ gate in the two 20’ visibility triangles on both sides of the driveway into the site from Donna Drive.
- The Dallas Development Code states the following: A person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
  - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections and 20-foot visibility triangles at drive approaches and at alleys on properties zoned single family); and
  - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).
- The property is located in R-7.5(A) zoning district which requires the portion of a lot with a triangular area formed by connecting together the point of intersection of the edge of a driveway or alley and the adjacent street curb line (or, if there is no street curb, what would be the normal street curb line) and points on the driveway or alley edge end the street curb line 20 feet from the intersection.
• A site plan and elevation have been submitted indicating portions of a 6’ high corrugated metal fence and portions of a rolling metal 6’ gate in the two 20’ visibility triangles on both sides of the driveway into the site from Donna Drive.
• The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked “Has no objections”.
• The applicant has the burden of proof in establishing how granting the request for a special exception to the visual obstruction regulations to maintain portions of a 6’ high corrugated metal fence and portions of a rolling metal 6’ gate in the two 20’ visibility triangles on both sides of driveway into the site from Donna Drive does not constitute a traffic hazard.
• Granting this request with a condition imposed that the applicant complies with the submitted site plan and elevation would limit the items to be maintained in the two 20’ visibility triangles on both sides of driveway into the site from Donna Drive to that what is shown on these documents – a 6’ high corrugated metal fence and rolling metal gate.

Timeline:

March 4, 2019: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

April 8, 2019: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B.

April 10, 2019: The Sustainable Development and Construction 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 May 1\textsuperscript{st} deadline to submit additional evidence for staff to factor into their analysis; and the May 10\textsuperscript{th} deadline to submit additional evidence to be incorporated into the Board’s docket materials;
• the criteria/standards that the board will use in their decision to approve or deny the requests; and
• the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

May 7, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the May public hearings. Review team members in attendance included the Sustainable Development and Construction Assistant Director, the Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Chief Planner, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.
May 9, 2019: The Sustainable Development Department Senior Engineer submitted a review comment sheet marked “Has no objections”.
APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 129054
Date: 3-4-19

Data Relative to Subject Property:

Location address: 6100 Overlook Dr
Zoning District: R-7-5(u)
Lot No.: 1
Block No.: 1458
Acreage: 17
Census Tract: 84.00
Street Frontage (in Feet): 1) 50 2) 150 3) 4) 5)

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Jose Lazalde & Maria Triston
Applicant: Diana Martinez
Telephone: 214239-3783
Mailing Address: 3808 Woodbury Rd
Zip Code: 75180
E-mail Address: dianamartinez46@yahoo.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 prohibited
Visibility triangle at Driveway - D, M

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 customer have a metal fence is just like the one is cross from her Neighborhood they do have same fence material

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 Diana Martinez
(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/principal/authorized representative of the subject
property.

Respectfully submitted:

Subscribed and sworn to before me this 4th day of March, 2019

(Rev. 08-01-11)
LUCINA CASAS
Notary Public
STATE OF TEXAS
ID#12833111-4,
Notary Public in and for Dallas County, Texas
Building Official's Report

I hereby certify that

DIANA MARTINEZ

did submit a request for a special exception to the fence standards regulations, and for a special exception to the visibility obstruction regulations

at 6700 Overlook Drive

BDA189-054. Application of DIANA MARTINEZ for a special exception to the fence standards regulations, and for a special exception to the visibility obstruction regulations a 6700 OVERLOOK DR. This property is more fully described as Lot 1, Block 14/5814, and is zoned R-7.5(A), which prohibits the use of certain materials for a fence, and requires a 20 foot visibility triangle at driveway approaches. The applicant proposes to construct a fence using a prohibited material, which will require a special exception to the fence regulations, and to construct a fence in a required visibility triangle, which will require a special exception to the visibility obstruction regulations.

Sincerely,

Philip Sikes, Building Official
Fenceline Elevations Drawings

Scale: 1" = 10'

West-facing Fenceline (Donna Drive)
(Metal Panels 3' x 8')

South-facing Fenceline (Alley)
(Metal Panels 3' x 8')
NOTIFICATION

CASE NO: BDA189-054

1:1,200

AREA OF NOTIFICATION

200'

NUMBER OF PROPERTY OWNERS NOTIFIED

26

Date: 4/11/2019

The number '0' indicates City of Dallas Ownership
## Notification List of Property Owners

**BDA189-054**

26 Property Owners Notified

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<thead>
<tr>
<th>Label #</th>
<th>Address</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>6700 OVERLOOK DR</td>
<td>LAZALDE JOSE G &amp;</td>
</tr>
<tr>
<td>2</td>
<td>6721 OVERLOOK DR</td>
<td>GARCIA MARIA C</td>
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<tr>
<td>3</td>
<td>6713 OVERLOOK DR</td>
<td>WHATLEY JERRY LIONEL</td>
</tr>
<tr>
<td>4</td>
<td>6709 OVERLOOK DR</td>
<td>BOWERS SHERRY S</td>
</tr>
<tr>
<td>5</td>
<td>6705 OVERLOOK DR</td>
<td>COPELAND MARY</td>
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<tr>
<td>6</td>
<td>6701 OVERLOOK DR</td>
<td>PACHECO LORENA PATRICIA</td>
</tr>
<tr>
<td>7</td>
<td>6704 OVERLOOK DR</td>
<td>LASALDE JOSE &amp;</td>
</tr>
<tr>
<td>8</td>
<td>6708 OVERLOOK DR</td>
<td>MEDINA ABEL LARA &amp;</td>
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<td>9</td>
<td>6712 OVERLOOK DR</td>
<td>CABRERA JOSE S &amp;</td>
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<tr>
<td>10</td>
<td>6716 OVERLOOK DR</td>
<td>ERWIN JOHN THOMAS &amp;</td>
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<td>RODRIGUEZ RIGOBERTO</td>
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<td>6721 WOFFORD DR</td>
<td>ROBINSON DELORES</td>
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<td>6717 WOFFORD DR</td>
<td>FLORES JOSE COSME</td>
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<td>DAVID ROBERT MAURICE &amp;</td>
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<td>15</td>
<td>6709 WOFFORD DR</td>
<td>ORTIZ LEONARDO ESCOBEDO</td>
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<td>16</td>
<td>6705 WOFFORD DR</td>
<td>SANTIAGO VICTOR J</td>
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<td>17</td>
<td>6701 WOFFORD DR</td>
<td>VALENCIANA ELISA</td>
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<td>18</td>
<td>6626 OVERLOOK DR</td>
<td>FERNANDEZ BENITA</td>
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<td>COLE MELANIE</td>
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<td>20</td>
<td>6636 OVERLOOK DR</td>
<td>PINA VERONICA &amp;</td>
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<td>21</td>
<td>6635 WOFFORD DR</td>
<td>HERNANDEZ JUAN &amp; OLGA</td>
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<td>SALINAS JUAN</td>
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<td>STATSER FINETTA SUSAN</td>
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<td>6633 OVERLOOK DR</td>
<td>GONZALEZ OLIVERIO &amp;</td>
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<tr>
<td>26</td>
<td>6629 OVERLOOK DR</td>
<td>CAVINESS HORACE T &amp; SARA</td>
</tr>
<tr>
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<td>Owner</td>
</tr>
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<td>--------</td>
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</tbody>
</table>
BUILDING OFFICIAL’S REPORT: Application of William R. Crowell, Sr., represented by Daniel Dodds, for special exceptions to the visual obstruction regulations at 5947 Mercedes Avenue. This property is more fully described as Lot 12, Block H/2861, and is zoned CD 11, which requires a 20 foot visibility triangle at driveway and alley approaches. The applicant proposes to locate and maintain items in required visibility triangles, which will require special exceptions to the visual obstruction regulations.

LOCATION: 5947 Mercedes Avenue

APPLICANT: William R. Crowell, Sr.
Represented by Daniel Dodds

REQUESTS:

The following requests for special exceptions to the visual obstruction regulations have been made on a site that is developed with a single-family home:

1. A request is made to maintain portions of an 8’ high solid wood fence and portions of an 8’ high rolling solid wood gate in the two 20’ visibility triangles on both sides of the driveway into the site from Concho Street; and

2. A request is made to maintain portions of an 8’ high solid wood fence in the 20’ visibility triangle at where the alley meets Concho Street.

STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

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

Rationale:

• The Sustainable Development Department Senior Engineer has no objections to the requests.
• Staff concluded that requests for special exceptions to the visual obstruction regulations should be granted (with the suggested conditions imposed) because the items to be maintained in the visibility triangles do not constitute a traffic hazard.
BACKGROUND INFORMATION:

Zoning:

- Site: CD 11 (Conservation District)
- North: CD 11 (Conservation District)
- South: CD 11 (Conservation District)
- East: CD 11 (Conservation District)
- West: CD 11 (Conservation District)

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- The requests for special exceptions to the visual obstruction regulations on a site developed with a single-family home focus on:
  1. maintaining portions of an 8’ high rolling solid wood gate in the two 20’ visibility triangles on both sides of the driveway into the site from Concho Street; and
  2. maintaining portions of an 8’ high solid wood fence in the 20’ visibility triangle at where the alley meets Concho Street.
- Section 51A-4.602(d) of the Dallas Development Code states the following: a person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
  - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections and 20-foot visibility triangles at drive approaches and at alleys on properties zoned single family); and
  - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).
- The property is located in CD 11 zoning district which requires the portion of a lot with a triangular area formed by connecting together the point of intersection of the edge of a driveway or alley and the adjacent street curb line (or, if there is no street curb, what would be the normal street curb line) and points on the driveway or alley edge end the street curb line 20 feet from the intersection.
- A site plan and elevation have been submitted indicating portions of an 8’ high solid wood fence and portions of an 8’ high rolling wood gate located in the two 20’ visibility triangles on both sides of the driveway into the site from Concho Street, and
indicating portions of an 8’ high solid wood fence located in the 20’ visibility triangle at where the alley meets Concho Street.

- The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked “Has no objections.
- The applicant has the burden of proof in establishing how granting these requests to maintain portions of an 8’ high solid wood fence and portions of an 8’ high rolling solid wood gate in the two 20’ visibility triangles on both sides of the driveway into the site from Concho Street, and indicating portions of an 8’ high solid wood fence located in the 20’ visibility triangle at where the alley meets Concho Street, do not constitute a traffic hazard.
- Granting these requests with a condition imposed that the applicant complies with the submitted site plan and elevation would limit the items to be maintained in the 20’ drive approach visibility triangles into the site from Concho Street and in the 20’ visibility triangle where the alley meets Concho Street, to that what is shown on these documents – portions of an 8’ high solid wood fence and portions of an 8’ high rolling solid wood gate.

**Timeline:**

March 21, 2019: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

April 8, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

April 10, 2019: The Sustainable Development and Construction Department Senior Planner emailed the applicant’s representative the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the May 1st deadline to submit additional evidence for staff to factor into their analysis; and the May 10th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standards that the board will use in their decision to approve or deny the requests; and
- The Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

May 7, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the May public hearings. Review team members in attendance included the Sustainable Development and Construction Assistant Director, the Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Chief Planner, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, the Sustainable Development and Construction
Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

May 9, 2019: The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked “Has no objections”.

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-057  
Date: 3-21-19

Data Relative to Subject Property:
Location address: 5947 Mercedes Ave  
Lot No.: 12  Block No.: H/2861  Acreage: .2167  
Street Frontage (in Feet): 1) 50'  2) 41.35'  3)  
Zoning District: CDPD-CRP; CREST No. 2  
Census Tract: 2.02

To the Honorable Board of Adjustment:
Owner of Property (per Warranty Deed): William R Crowell Sr & Patricia F Crowell  
Applicant: William R Crowell Sr  
Mailing Address: 5947 Mercedes Ave, Dallas, TX  
E-mail Address: WRCrowell.SR@GMAIL.COM  
Represented by: Daniel Daddis  
Mailing Address: 1331 E. HWY 80, Mesquite, TX  
E-mail Address: Dannyboi7@AOL.COM

Affirm that an appeal has been made for a Variance , or Special Exception , of ENCROACHMENT TO THE 20'x20' VISIBILITY TRIANGLE AT DRIVEWAY AND ALLEY

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:
my fence is in the same like location on lot as most fences are within my neighborhood, and concho is not a heavily traveled road.

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 William R Crowell  
(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 11 day of March, 2019

(Tyrone E Simon  
Notary Public - Arizona  
Maricopa County  
Building Official's Report

I hereby certify that
represented by
did submit a request
at

William Crowell
DANIEL DODDS
for a special exception to the visibility obstruction regulations
5947 Mercedes Avenue

BDA189-057. Application of William Crowell represented by DANIEL DODDS for a special exception to the visibility obstruction regulations at 5947 MERCEDES AVE. This property is more fully described as Lot 12, Block H/2861, and is zoned CD-11, which requires a 20 foot visibility triangle at driveway and alley approaches. The applicant proposes to construct a single family residential fence structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation.

Sincerely,

Philip Sikes, Building Official
<table>
<thead>
<tr>
<th>Date</th>
<th>Name</th>
<th>Address</th>
<th>Phone #</th>
</tr>
</thead>
<tbody>
<tr>
<td>3/19</td>
<td>Marjorie Shaw</td>
<td>5938 Morningside Lot 10</td>
<td>214-823-6784</td>
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<td>3/19</td>
<td>Laura Beasly</td>
<td>5940 Morningside Lot 11</td>
<td>Attempted 3/19</td>
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<td>3/19</td>
<td>Bill Ohland</td>
<td>5941 Morningside Lot 11</td>
<td>Attempted 3/19</td>
</tr>
<tr>
<td>3/19</td>
<td>Taylor/Angela Robinson</td>
<td>5944 Morningside Lot 12</td>
<td>Attempted 3/19</td>
</tr>
<tr>
<td>3/19</td>
<td>Kim/Steven Chambers</td>
<td>5947 Morningside Lot 12</td>
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<td>Steven Cowan</td>
<td>6001 Morningside Lot 1</td>
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</tr>
<tr>
<td>3/19</td>
<td>David Eubanks/Sailaja</td>
<td>6002 Morningside Lot 1</td>
<td>Attempted 3/19</td>
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<tr>
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# Notification List of Property Owners

**BDA189-057**

23 Property Owners Notified

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BUILDING OFFICIAL’S REPORT: Application of Robert Baldwin of Baldwin and Associates for a special exception to the fence standards regulations at 8258 San Fernando Way. This property is more fully described as Lot 14, Block 9/5260, and is zoned PD 575 (Subdistrict 1), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and/or maintain an 11 foot 8 inch high fence in a required front yard, which will require a 7 foot 8 inch special exception to the fence standards regulations.

LOCATION: 8258 San Fernando Way

APPLICANT: Robert Baldwin of Baldwin and Associates

REQUEST:

A request for a special exception to the fence standards regulations related to height of 7' 8" is made to remodel, construct and maintain a 4‘ rail medal fence with 7’ 2” stone fence columns with decorative lighting, 4’ 6” metal posts and an 11’ 8” arbor in the required front yard on a site developed with a single-family home.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS REGULATIONS:

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

STAFF RECOMMENDATION:
No staff recommendation is made on this or any request for a special exception to the fence standards since the basis for this type of appeal is when in the opinion of the board, the special exception will not adversely affect neighboring property.
The subject site is developed with a single-family home structure. The areas to the north, east, south, and west are developed with single-family uses.

**Zoning/BDA History:**

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

**GENERAL FACTS/STAFF ANALYSIS:**

- This request for a special exception to the fence standards regulations related to height of 7’ 8” focuses on constructing and maintaining a 4’ rail medal fence with 6’ 5” stone fence columns with decorative lighting, 4’6” metal posts and an 11’ 8” arbor in the required front yard on a site developed with a single-family home.
- The property is located in PD 575 (Subdistrict I) zoning district which requires a minimum front yard setback of 80 feet.
- The subject site is located at the southwest corner of San Fernando Way and Breezewood Drive. This site has one front yard setback on San Fernando Way.
- Section 51A-4.602(a) (2) of the Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4’ above grade when located in the required front yard.
- The applicant submitted a site plan/elevation of the proposal in the front yard setbacks with notations indicating that the proposal reaches a maximum height of 11’ 8”.
- The following additional information was gleaned from the submitted site plan/elevation:
  - The proposal is represented as being approximately 150’ in length parallel to San Fernando Way and approximately 80’ perpendicular to San Fernando Way on the northwest and the northeast sides of the site in this front yard setback.
  - The proposal is represented as being located approximately at the front property line or approximately 22’ from the pavement line.
- The Sustainable Development and Construction Department Senior Planner conducted a field visit of the site and surrounding area (approximately 400 feet north, south, east, and west of the subject site) and noted no other fences that appear to be above 4’ in height located in a front yard setback.
- As of May 10, 2019, no letters have been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exceptions to the fence standards related to the height of 7’ 8” will not adversely affect neighboring property.
- Granting this special exception with a condition imposed that the applicant complies with the submitted site plan/elevation would require the proposal exceeding 7’ 8” in height to be located in the front yard setback to be constructed and maintained in the location and of the heights and materials as shown on this document.

**Timeline:**
March 22, 2019: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

April 8, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

April 10, 2019: The Board Administrator emailed the applicant the following information:
- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the May 1st deadline to submit additional evidence for staff to factor into their analysis; and the May 10th 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.”

May 7, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the May public hearings. Review team members in attendance included the Sustainable Development and Construction Assistant Director, the Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Chief Planner, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

No review comment sheets were submitted in conjunction with this application.
APPLICATION/PEEL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-062

Data Relative to Subject Property:

Date: March 22, 2019

Location address: 8258 San Fernando Way Zoning District: PD 575 Sub. 1

Lot No.: 14 Block No.: 9/5260 Acreage: 0.86 acres Census Tract: 81.00

Street Frontage (in Feet): 1) 150 ft 2) 250 ft 3) 4) 5)

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Marshall and Lee Ann Hunt

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

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

E-mail Address: rob@baldwinplanning.com

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

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

E-mail Address: rob@baldwinplanning.com

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

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

The property has an existing fence along both street frontages that is 4' tall. The proposed decorative lighting, wing wall, and arbor will exceed 4'. The proposed arbor on the San Fernando frontage is approximately 1'6". The proposed decorative lighting will be on 1' of the stone fence columns and make the overall height of the columns up to 6.5' tall. The proposed additions to the fencing will not have an adverse impact on neighboring properties, as some other homes also have similar decorative fencing.

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

Affidavit

Before me the undersigned on this day personally appeared Robert Baldwin

(Affiant/Applicant's name printed)

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

Respectfully submitted:

(Affiant/Applicant's signature)

Subscribed and sworn to before me this 4th day of March, 2019

Michele E. Stoy

Notary Public in and for Dallas County, Texas
Building Official's Report

I hereby certify that

ROBERT BALDWIN

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

at 8258 San Fernando Way

BDA189-062. Application of ROBERT BALDWIN for a special exception to the fence height regulations at 8258 SAN FERNANDO WAY. This property is more fully described as Lot 14, Block 9/5260, and is zoned PD-575 (Sub-district 1), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct an 11 foot 8 inch high fence in a required front yard, which will require a 7 foot 8 inch special exception to the fence regulations.

Sincerely,

Philip Sikes, Building Official
Notification List of Property Owners

BDA189-062

12 Property Owners Notified

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FILE NUMBER: BDA189-063(OA)

BUILDING OFFICIAL'S REPORT: Application of Enoch Correa for a special exception to the fence standards regulations at 9727 Audubon Place. This property is more fully described as Lot 11A, Block 14/5587, 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 a 10 foot high fence in a required front yard, which will require a 6 foot special exception to the fence standards regulations.

LOCATION: 9727 Audubon Place

APPLICANT: Enoch Correa

REQUEST:

A request for a special exception to the fence standards regulations related to height of 6’ is made to replace an existing approximately 4’ high open iron fence that spans approximately 1/3 the length of the subject site located in the site’s two required front yards (Audubon Place) and to construct and maintain an 8’ high iron fence with masonry columns and a 10’ high open iron gate that would span approximately 1/3 the length of the site’s two required front yards (Audubon Place) on a site developed with a single family home.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

Site: R-1ac(A) (Single family district 1 acre)
North: R-1ac(A) (Single family district 1 acre)
South: R-1ac(A) (Single family district 1 acre)
East: R-1ac(A) (Single family district 1 acre)
West: R-1ac(A) (Single family district 1 acre)

**Land Use:**

The subject site is developed with a single family home. The areas to the north, south, and west are developed with single-family uses; and the area to the east is developed with public school use.

**Zoning/BDA History:**

1. **BDA 123-053, Property at 9727 Audubon Place (the subject site)**
   
   On June 19, 2013, the Board of Adjustment Panel B denied the requests for a fence height special exception of 6’ without prejudice. The case report stated that a special exception to the fence height regulations of 6’ was requested to replace an existing 4’ high open iron fence that spans approximately half the length of the subject site located in the site’s 40’ Audubon Place front yard setback with an 8’ high open iron fence and columns with 10’ high open iron gate/entry columns that would span across the entire length of the site’s Audubon Place front yard setback and to construct and maintain an 8’ high open iron fence in the site’s Park Lane frontage where there is currently no fence.

2. **BDA 089-116, Property at 9727 Audubon Place (the subject site)**
   
   On October 21, 2009, the Board of Adjustment Panel B denied the requests for an additional dwelling unit on the property and a fence height special exception of 4’ without prejudice. The case report stated that a special exception to the fence height regulations of 4’ was requested in conjunction with replacing an existing approximately 4’ high open iron fence that spans approximately half the length of the subject site and located in the site’s 40’ Audubon Place front yard setback with a 6’ high open iron fence with an 8’ high open iron gate/stone entry columns flanked by 4’ long, 6’ – 7’ 6” high stone wing walls that would span across the entire length of the site and be located in the site’s two 40’
Audubon Place and Park Lane front yard setbacks; and a special exception to the single-family regulations was requested in conjunction with constructing and maintaining two-story, additional dwelling unit/"guesthouse/pool house" structure that would have (according to submitted plans) approximately 2,300 square feet “under roof” that would attach to the existing two-story single family home on the site that has (according to DCAD) 13,002 square feet of living area. The minutes of this hearing stated that the Board Administrator circulated an October 21st email from the applicant to the board members at the morning briefing – an email where the applicant requested that the board deny his requests without prejudice.

3. BDA 012-237, Property at 9727 Audubon Place (the subject site)

On September 9, 2002, the applicant withdrew a request for a fence height special exception of 2' 6" that had been randomly assigned to Board of Adjustment Panel B.

4. BDA 956-163, Property at 9769 Audubon Place (the lot immediately north of the subject site)

On March 26, 1996, the Board of Adjustment Panel A granted a request for special exception to the fence height to maintain a maximum 6.5 foot high open metal fence with 7.5 foot high columns, and a special exception to maintain an additional dwelling unit on the property, subject to deed restricting the property to prevent the additional unit as rental accommodations.

5. BDA 967-313, Property at 9762 Audubon Place (three lots northeast of the subject site)

On October 28, 1997, the Board of Adjustment Panel A granted a request for special exception to the fence height regulations to maintain a 6 foot 6 inch high fence with 6 foot 10 inch high columns, and a 9 foot 6 inch high entry gate/columns, and imposed the following conditions: Compliance with the submitted site/landscape/elevation plan is required. The case report stated that the request was made in conjunction with constructing and maintaining a 6.6’ open iron fence and 10 9.5’ high solid iron columns (including decorative lights) in the Audubon Place front yard setback.
On June 16, 2003, the Board of Adjustment Panel C granted a request for a special exception to the fence height regulations of 2’ 10” and imposed the following conditions: Compliance with the submitted site/landscape plan and fence elevation is required. The case report stated that the request was made in conjunction with constructing and maintaining a maximum 6’ 10” high cast iron fence with “brick underpinning;” maximum 6’ 10” brick columns; and two maximum 6’ 10” high cast iron gates at the two ingress/egress points on the eastern and western ends of the estate.

GENERAL FACTS/STAFF ANALYSIS:

- This request for a special exception to the fence height of 6’ focuses on replacing an existing approximately 4’ high open iron fence that spans approximately 1/3 the length of the subject site located in the site’s two required front yards (Audubon Place) and constructing and maintaining an 8’ high iron fence with masonry columns and a 10’ high open iron gate that would span approximately 1/3 the length of the site’s two required front yards (Audubon Place) on a site developed with a single family home.
- The subject site is located at the north corner of Park Lane and Audubon Place. Regardless of how the existing single-family structure is oriented to Audubon Place, the subject site has 40’ front yard setbacks along both streets. The site has a 40’ front yard setback along Park Lane, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in a single-family zoning district. The site also has a 40’ front yard setback along Audubon Place, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where only a 9’ fence can be constructed and maintained by right. But the site’s Audubon Place frontage is deemed a front yard setback nonetheless to maintain the continuity of the established front yard setback established by the lots developed with single family homes northeast of the site that front/are oriented southeastward onto Audubon Place.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4’ above grade when located in the required front yard.
- No part of the application is made to address any fence in the site’s Park Lane required front yard.
- The applicant has submitted a site plan and elevation indicating a fence/column/gate proposal that would be located in the site’s two 40’ front yard setbacks along Audubon Place and would reach a maximum height of 10’.
- The following additional information was gleaned from the submitted site plan:
The proposal is represented as being approximately 120’ in length parallel to Audubon Place and approximately 40’ perpendicular to Audubon Place on the east and west sides of the site in this front yard setback.

The proposed fence is shown to be located at approximate distances of 5’ – 25’ from the front property lines or at approximate distances of about 25’- 40’ from the “street edge."

The proposed gate is shown to be located at an approximate distance of 20’ – 25’ from the front property lines or at approximate distances of about 35’ – 40’ from the “street edge.”

The Sustainable Development and Construction Department Senior Planner conducted a field visit of the site and surrounding area and noted several other fences that appeared to be above 4’ in height along Audubon Drive and Park Lane located in the front yard setbacks, some of which have recorded BDA history (see the Zoning/BDA History section of this case report for details).

As of May 10, 2019, no letters have been submitted in support of or in opposition to the request.

The applicant has the burden of proof in establishing that the special exceptions to the fence standards regulations related to height over 6’ in the front yard setback will not adversely affect neighboring property.

Granting this special exception of 6’ with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding 4’ in height to be constructed and maintained in the location and of the heights as shown on these documents.

**Timeline:**

March 25, 2019: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

April 8, 2019: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, “If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case.”

April 9, 2019: The Sustainable Development and Construction Department Senior Planner, emailed the applicant the following information:

- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the May 1st deadline to submit additional evidence for staff to factor into their analysis; and the May 10th 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.”

May 7, 2019:
The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the May public hearings. Review team members in attendance included the Sustainable Development and Construction Assistant Director, the Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Chief Planner, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

No review comment sheets were submitted in conjunction with this application.
APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-063
Date: 3/25/19

Data Relative to Subject Property:

Location address: 9727 Audubon PL  Zoning District: R-IA
Lot No.: 11A  Block No.: 14/5587  Acreage: 3.194  Census Tract: 0206.00
Street Frontage (in Feet): 1) 203  2) 3) 4) 5)

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Audubon Holdings Inc.

Applicant: Enoch Correa  Telephone: 4109-767-4965
Mailing Address: 2649 Brenner Dr  Dallas, TX  Zip Code: 75220
E-mail Address: econversion-tx@yahoo.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:
Front yard fence height

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:
Special exception to fence height 4ft to 10 ft Height to match neighbor.

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 Enoch Correa
(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 March, 2019

Notary Public in and for Dallas County, Texas

(Rev. 08-01-11)
Building Official's Report

I hereby certify that Enoch Correa did submit a request for a special exception to the fence height regulations at 9727 Auduborn Pl.

BDA189-083. Application of Enoch Correa for a special exception to the fence height regulations at 9727 AUDUBON PL. This property is more fully described as Lot 11A, Block 14/5587, 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 a 10 foot high fence in a required front yard, which will require a 6 foot special exception to the fence regulations.

Sincerely,

[Signature]
Philip Sikes, Building Official
**Notification List of Property Owners**

**BDA189-063**

11 Property Owners Notified

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<thead>
<tr>
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FILE NUMBER: BDA189-055(SL)

BUILDING OFFICIAL’S REPORT: Application of Michael Farah, represented by Dallas Cothrum, to appeal the decision of the administrative official at 1906 Greenville Avenue. This property is more fully described as Lot 3 & 4, Block 1907, and is zoned PD 842, which requires that the building official shall revoke a certificate of occupancy if the building official determines that the certificate of occupancy was issued on the basis of false, incomplete, or incorrect information; the use is being operated in violation of the Dallas Development Code, other city ordinances, rules, or regulations, or any county, state, or federal laws or regulations. The applicant proposes to appeal the decision of an administrative official in the revocation of a certificate of occupancy.

LOCATION: 1906 Greenville Avenue

APPLICANT: Dallas Cothrum

REQUEST:

A request is made to appeal the decision of the administrative official, more specifically, the Assistant Building Official’s February 28, 2019 revocation of Certificate of Occupancy No. 1704261114 for a commercial amusement (inside) use at 1906 Greenville Avenue.

STANDARD FOR APPEAL FROM DECISION OF AN ADMINISTRATIVE OFFICIAL:

Dallas Development Code Sections 51A-3.102(d)(1) and 51A-4.703(a)(2) state that any aggrieved person may appeal a decision of an administrative official when that decision concerns issues within the jurisdiction of the Board of Adjustment.

The Board of Adjustment may hear and decide an appeal that alleges error in a decision made by an administrative official. Tex. Local Gov’t Code Section 211.009(a)(1).

Administrative official means that person within a city department having the final decision-making authority within the department relative to the zoning enforcement issue. Dallas Development Code Section 51A-4.703(a)(2).

BACKGROUND INFORMATION:

Zoning:

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<td>PD 842, MD-1 (Planned Development, Modified Delta Overlay)</td>
<td>PD 842, MD-1 (Planned Development, Modified Delta Overlay)</td>
<td>PD 842, MD-1 (Planned Development, Modified Delta Overlay)</td>
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</table>
Land Use:

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

Zoning/BDA History:

1. Z189-167, Property at 1906 Greenville Avenue (the subject site)  

A request for a Specific Use Permit (SUP) for late hours establishment in conjunction with a restaurant without drive-in or drive-through service use has been filed but has not been scheduled for a City Plan Commission hearing.

GENERAL FACTS/STAFF ANALYSIS:

- The board shall have all the powers of the administrative official on the action appealed. The board may in whole or in part affirm, reverse, or amend the decision of the official.

Timeline:

March 14, 2019:  
The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

April 8, 2019:  
The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

April 8, 2019:  
The Board Administrator emailed the applicant’s representative the following information:

- an attachment that provided the appeal date and panel that will consider the appeal; the May 1st deadline to submit additional evidence for staff to factor into their analysis (with a notation that staff does not form a recommendation on this type of appeal); and the May 10th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the outline of procedure for appeals from decisions of the building official to the board of adjustment; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”
May 7, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the May public hearings. Review team members in attendance included the Sustainable Development and Construction Assistant Director, the Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Chief Planner, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

No review comment sheets were submitted in conjunction with this appeal.
APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-055

Data Relative to Subject Property:

Date: March 14th, 2019

Location address: 1906 Greenville Avenue
Zoning District: PD-047

Lot No.: 3+4 Block No.: 1907 Acreage: 0.079 Census Tract: 48113001151

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

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Greenville Parks, L.P.

Applicant: Michael Farah Telephone: (817) 467-1889

Mailing Address: P.O. Box 181811 Arlington, TX Zip Code: 76015

E-mail Address: Mfarah@farahlegal.com

Represented by: Dallas Cathrom Telephone: (214) 761-9197

Mailing Address: 100 Jackson Street #640 Dallas, TX Zip Code: 75202

E-mail Address: Dallas@masterplan.com

Affirm that an appeal has been made for a Variance __, or Special Exception __, of the decision of the building officials decision to revoke the current certificate of occupancy and subsequent delta credits.

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

The building officials revoked the current certificate of occupancy, twelve eliminating standing delta credits for the site. It is not believed the certificate of occupancy and delta credits were revoked in error and should be restored.

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 Michael Farah (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:

(Rev. 08-01)

Notary Public in and for Dallas County, Texas

Natalie Grounds, Notary Public, State of Texas
Comm. Expires 07-17-2022
Notary ID 129688479

14th day of March, 2019

Tarrant
Building Official's Report

I hereby certify that Michael Farah
represented by Dallas Cotherum
did submit a request to appeal the decision of the administrative official
at 1906 Greenville Avenue

BDA189-055. Application of Michael Farah represented by Dallas Cotherum to appeal the decision of the administrative official at 1906 GREENVILLE AVE. This property is more fully described as Lot 3&4, Block 1907, and is zoned PD-842, which requires that the building official shall revoke a certificate of occupancy if the building official determines that the certificate of occupancy was issued on the basis of false, incomplete, or incorrect information; the use is being operated in violation of the Dallas Development Code, other city ordinances, rules, or regulations, or any county, state, or federal laws or regulations. The applicant proposes to appeal the decision of an administrative official in the revocation of a certificate of occupancy.

Sincerely,

Philip Sikes, Building Official
February 28, 2019

CITY OF DALLAS

CERTIFIED MAIL NO. 7017 1000 0000 9418 8925

Greenville Parks, LP
2170 Matlock Road #110
Mansfield, TX 76063

RE: Revocation of Certificate of Occupancy No. 1704261114 for a commercial amusement (inside) use at 1906 Greenville Avenue ("the Property")

Dear Greenville Parks, LP:

This letter is to inform you that the above-referenced certificate of occupancy, issued on June 26, 2017, is hereby revoked.

The building official is required to revoke a certificate of occupancy if the use or occupancy authorized by the certificate of occupancy has been discontinued for six months or more. Furthermore, the right to carry forward nonconforming parking and loading spaces under the delta theory terminates when a use is discontinued or remains vacant for 12 months or more.

It has been brought to our attention and confirmed through research, including invoices obtained from Dallas Water Utilities for account number 100820110, that the Property has remained vacant for 12 months or more. Therefore, Certificate of Occupancy No. 1704261114 for a commercial amusement (inside) use is hereby revoked and the right to carry forward the 33 delta credits that were reinstated by special exception (BDA 156-010) has terminated. Any use operating on the Property without a certificate of occupancy is an illegal land use that must immediately cease operating. The commercial amusement (inside) use may not operate until a new certificate of occupancy is issued that complies with all city codes.

This decision is final unless appealed to the Board of Adjustment within fifteen days after the date of this letter. If you have any questions, please contact me at 214-948-4501.

Sincerely,

Megan Wimer, AICP, CBO
Assistant Building Official
Building Inspection Division

cc: Kris Sweeney, Director, Sustainable Development and Construction
Lynetta Kidd, Director, Code Compliance
Phil Sikes, CBO, Building Official
Kaseha Kay, Chief Planner
Tammy Palomino, Executive Assistant City Attorney
Casey Burgess, Executive Assistant City Attorney

2 Section 5 of Ordinance No. 19726 which established the Modified Delta Overlay District No. 1 (the Greenville Avenue Modified Delta Overlay District).
Outline of Procedure for Appeals from Decisions of an Administrative Official

An appeal of an administrative official's decision may have very structured procedures that resemble a court hearing, or it may have more informal procedures that resemble a typical case brought before the Board of Adjustment. The parties can decide how they want to present their case. This document accounts for both scenarios. Please note that although there are time limits listed in this outline, the presiding officer reserves the right to alter these time limitations to promote fairness and efficiency.

I. Explanation of the procedures by the presiding officer

II. Swearing in of all persons who will testify in the case

III. Applicant's case: 20 minute limit

   a. This may resemble a typical Board case where the applicant merely presents his argument to the Board. It may also resemble a court hearing where the applicant gives an opening statement, calls witnesses, and offers evidence.

   b. If the applicant calls a witness, the administrative official is able to cross examine the witness.

   c. The applicant may conduct a redirect of his witness.

   d. The applicant may submit documents to the Board Secretary as long as they comply with the documentary evidence rules set forth in the Board's Rules of Procedures.

   e. The Board may ask questions at any time. Board member questions will not count towards the time limitation.

IV. The Administrative Official's case: 20 minute limit

   a. This may resemble a typical Board case where the administrative official presents his argument to the Board. It may also resemble a court hearing where the administrative official gives an opening statement, calls witnesses, and offers evidence.
b. If the administrative official calls a witness, the applicant is able to cross examine the witness.

c. The administrative official may conduct a redirect of his witness.

d. The administrative official may submit documents to the Board Secretary as long as they comply with the documentary evidence rules set forth in the Board's Rules of Procedures.

e. The Board may ask questions at any time. Board member questions will not count towards the time limitation.

V. Rebuttal by the applicant (optional): 3 minutes

VI. Closing Statements

a. Applicant's closing statement (optional): 3 minutes

b. The administrative official's closing statement (optional): 3 minutes

VII. Move and second to either affirm, reverse, or amend the administrative official's decision.

VIII. Open discussion of the case by Board members

IX. Voting: Four concurring votes are required to reverse or amend the administrative official's decision.
**Notification List of Property Owners**

**BDA189-055**

49 Property Owners Notified

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