

**NOTICE FOR POSTING**  
**MEETING OF**  
**BOARD OF ADJUSTMENT, PANEL C**  
**MONDAY, JUNE 22, 2020**

<b>Briefing*:</b>	<b>10:00 A.M.</b>	<b>Video Conference</b>
<b>Public Hearing*:</b>	<b>1:00 P.M.</b>	<b>Video Conference</b>

**\*The Board of Adjustment hearing will be held by videoconference. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure should contact the Sustainable Development and Construction Department at 214-670-4209 by the close of business Friday, June 19, 2020. The following videoconference link is available to the public to listen to the meeting and Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 95 or 96 and the WebEx link:**

<https://dallascityhall.webex.com/dallascityhall/onstage/g.php?MTID=e863fb1be2fea503271d95c1e37903434>

**Purpose:** To take action on the attached agenda, which contains the following:

1. Board of Adjustment appeals of cases the Building Official has denied.
2. And any other business which may come before this body and is listed on the agenda.

**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."*



**CITY OF DALLAS**

**BOARD OF ADJUSTMENT, PANEL C  
MONDAY, JUNE 22, 2020  
AGENDA**

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BRIEFING	Video Conference	10:00 A.M.
PUBLIC HEARING	Video Conference	1:00 P.M.

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

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**PUBLIC TESTIMONY**

Minutes

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**MISCELLANEOUS ITEM**

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Approval of the May 18, 2020 Board of Adjustment Panel C Public Hearing Minutes	M1
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**UNCONTESTED CASES**

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<b>BDA190-029(JM)</b> 10913 Calmar St.	1
<b>REQUEST:</b> Application of Carlos Montoya for a special exception to the side yard setback regulations, and for a special exception to the front yard setback regulations for a carport	

<b>BDA190-041(OA)</b>	4323 Aztec Dr. <b>REQUEST:</b> - Application of Harold Lewis for a special exception to the fence height regulations	2
<b>BDA190-047(JM)</b>	5623 East Grand Ave. <b>REQUEST:</b> Application of Santos Martinez to restore a nonconforming alcoholic beverage establishment use, which will require a special exception to the nonconforming use regulations.	3
<b>BDA190-049(OA)</b>	4434 Crooked Ln. <b>REQUEST:</b> Application of Masterplan represented by Karl A. Crawley for a special exception to the side yard setback regulations for tree preservation	4
<b>BDA190-050(OA)</b>	4610 Cantina Ln. <b>REQUEST:</b> Application of Kristin Danielle Brasher for a special exception to the fence height regulations	5
<b>BDA190-065(OA)</b>	4156 Sleepy Ln. <b>REQUEST:</b> Application of Ariana Hajibashi for a special exception to the fence height regulations, to the fence standards regulations, for a special exception to the single-family regulations, and for a variance to the front yard setback regulations	6

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### REGULAR CASES

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<b>BDA190-027(JM)</b>	9140 Lynbrook Dr. <b>REQUEST:</b> Application of Michael Short for a special exception to the fence height regulations, and for a special exception to the fence standards regulations	7
<b>BDA190-064(OA)</b>	9924 Carnegie Dr. <b>REQUEST:</b> Application of Texas Permit and Development for a special exception to the visibility obstruction regulations	8

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### HOLDOVER CASES

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None

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## EXECUTIVE SESSION NOTICE

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

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

**FILE NUMBER:** BDA190-029(JM)

**BUILDING OFFICIAL'S REPORT:** Application of Carlos Montoya for a special exception to the side yard setback regulations, and for a special exception to the front yard setback regulations at 10913 Calmar Street. This property is more fully described as Lot 4, C/8777, and is zoned an A(A) Agricultural District, which requires a front yard setback of 50 feet and requires a side yard setback of 20 feet. The applicant proposes to construct a carport for a single family residential dwelling in a required side yard and provide a one-foot three-inch setback, which will require a 18-foot nine-inch special exception to the side yard setback regulations, and to construct a carport for a single family residential dwelling in a required front yard and provide a 20-foot setback, which will require a 30-foot special exception to the front yard setback regulations.

**LOCATION:** 10913 Calmar Street

**APPLICANT:** Carlos Montoya

**REQUESTS:** The following requests have been made on a site developed with a single family home:

1. A special exception to the side yard setback regulations of 18 feet nine inches is made to maintain a carport located one-foot three inches from the site's eastern side property line where a 20-foot side yard setback is required.
2. A special exception to the front yard setback regulations of 30 feet is made to maintain a carport 20 feet from front lot line (southern), within the 50-foot required front yard setback.

**STANDARD FOR A SPECIAL EXCEPTION TO ALLOW A CARPORT IN THE SIDE YARD<sup>1</sup>:**

The Board of Adjustment may grant a special exception to the minimum side yard requirements to allow a carport for a single-family or duplex use when, in the opinion of the board, the carport will not have a detrimental impact on surrounding properties. In determining whether to grant a special exception, the board shall consider the following:

- (1) Whether the requested special exception is compatible with the character of the neighborhood.

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<sup>1</sup> Reference Sec.51A-4.402(c) of the Dallas Development Code.

- (2) Whether the value of surrounding properties will be adversely affected.
- (3) The suitability of the size and location of the carport.
- (4) The materials to be used in the construction of the carport.

(Storage of items other than motor vehicles is prohibited in a carport for which a special exception is granted in this section of the Code).

**STANDARD FOR A SPECIAL EXCEPTION TO ALLOW A CARPORT IN THE FRONT YARD<sup>2</sup>:**

The Board of Adjustment may grant a special exception to the minimum front yard requirements in this section for a carport for a single family or duplex use when, in the opinion of the board:

- (A) there is no adequate vehicular access to an area behind the required front building line that would accommodate a parking space; and
- (B) the carport will not have a detrimental impact on surrounding properties.

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

- (5) Whether the requested special exception is compatible with the character of the neighborhood.
- (6) Whether the value of surrounding properties will be adversely affected.
- (7) The suitability of the size and location of the carport.
- (8) The materials to be used in construction of the carport.

(Storage of items other than motor vehicles is prohibited in a carport for which a special exception is granted in this section of the Code).

**STAFF RECOMMENDATIONS:**

No staff recommendation is made on this or any request for a special exception to the side or front yard setbacks for carports 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.

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<sup>2</sup> Reference Sec.51A-4.401(c) of the Dallas Development Code.

## **BACKGROUND INFORMATION:**

### **Zoning:**

Site: A(A) (Agricultural District)  
North: A(A) (Agricultural District)  
East: A(A) (Agricultural District)  
South: A(A) (Agricultural District)  
West: A(A) (Agricultural District)

### **Land Use:**

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

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

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

## **GENERAL FACTS/STAFF ANALYSIS**

An existing house with 792 square feet of floor area was constructed in 1955, per DCAD. No permits are available for this age of structure on POSSE. A two-story addition was made without permits, increasing the floor area by 1,126 square feet for a total of 1,918 square feet. At this time, a carport was also constructed without permits. The purpose of these requests is to maintain a carport within the site's required side and front yards. The property is zoned an A(A) Agricultural District, which requires a 20-foot side yard and a 50-foot front yard.

The Dallas Development Code states

1. Required side yards must be open and unobstructed except for fences and light poles up to 20-feet in height; however, carports may be provided a special exception under certain conditions<sup>3</sup>.
2. Required front yards must be open and unobstructed except for light poles up to 20-feet in height; however, carports may be provided a special exception under certain conditions<sup>4</sup>.

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<sup>3</sup> Reference Section 51A-4.402(c) of the Dallas Development Code.

<sup>4</sup> Reference Section 51A-4.401(c) of the Dallas Development Code.

Since the carport is along the eastern side yard and located 30 feet into the required front yard, board approval is required.

Regarding the side yard, the submitted site plan and elevations show a 651-square-foot carport structure, 14-and-a-half feet-in-height and constructed with six-inch steel post, stone-wrapped columns. The elevation reveals an A-frame pitched metal roof. The main structure is a two-story house wrapped in hardie-plank siding with composition shingle roofing. The main door entry adjacent to the carport maintains an A-frame pitch and stone wrapped columns. No other details are provided.

Staff conducted a field visit of the site and the surrounding area and noted several structures and fences located within the required yards. Most residential structures in the area are set forward, closer than 50 feet from the street.

As of June 12, 2020, no letters of support/opposition have been received by staff.

The applicant has the burden of proof in establishing that the special exceptions to the fence standards regulations related to height and prohibited materials the site will not adversely affect neighboring property. No evidence was submitted for review with this application.

Granting these requests with a condition imposed that the applicant complies with the submitted site plan and elevation would limit the structure in the side and front yard setbacks to a carport as represented on these documents

Granting this special exception will not provide any relief to any existing or proposed noncompliance on the site including, but not limited to those related to fence standards or visual obstruction regulations.

**TIMELINE:**

January 3, 2020: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

February 11, 2020: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

February 14, 2020: The Board of Adjustment Chief Planner/Board Administrator emailed the applicant’s representative the public hearing date and panel that will consider the application; the February 25<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the March 6<sup>th</sup> deadline to submit additional evidence to be

incorporated into the board's docket materials and the following information:

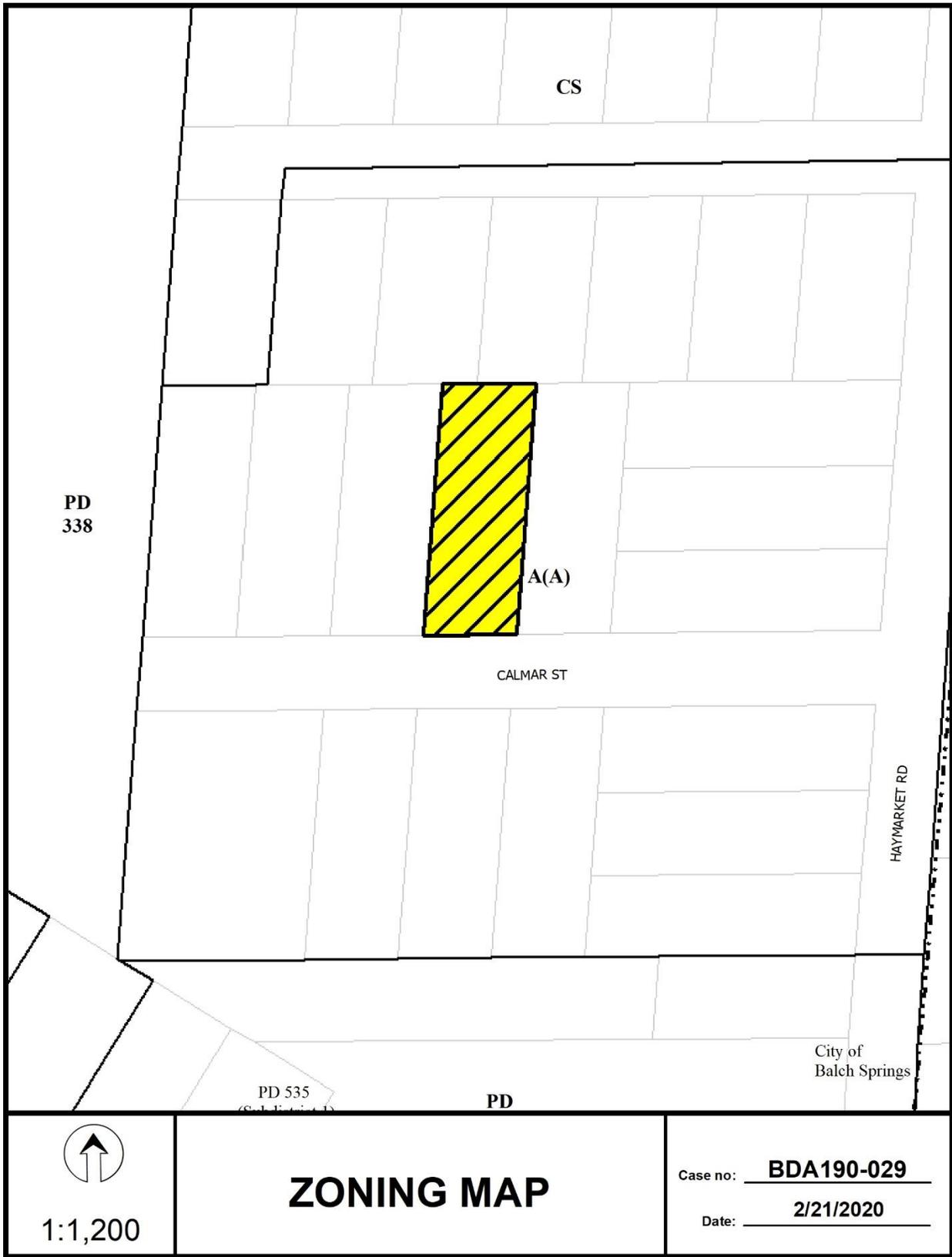
- a copy of the application materials including the Building Official's report on the application;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

February 27, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the March public hearings. Review team members in attendance included the Assistant City Attorney to the board and the following from the Sustainable Development and Construction Department: Board of Adjustment staff including the Chief Planner/Board Administrator, the Senior Planner, and the Assistant Director; Building Inspection Division staff including the Chief Planner, Building Official, and Assistant Building Official; and Engineering Division staff including the Senior Engineer.

March 15, 2020: March BDA hearings were cancelled due to the emergency declaration.

June 4, 2020: Delayed cases scheduled for June hearing dates. Applicants advised of the June 12<sup>th</sup> deadline to submit documentary evidence and the June 19<sup>th</sup> deadline to register to speak at the virtual hearing.

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



PD  
338

CS

A(A)

CALMAR ST

HAYMARKET RD

PD 535  
(C-1, E-1, etc.)

PD

City of  
Balch Springs

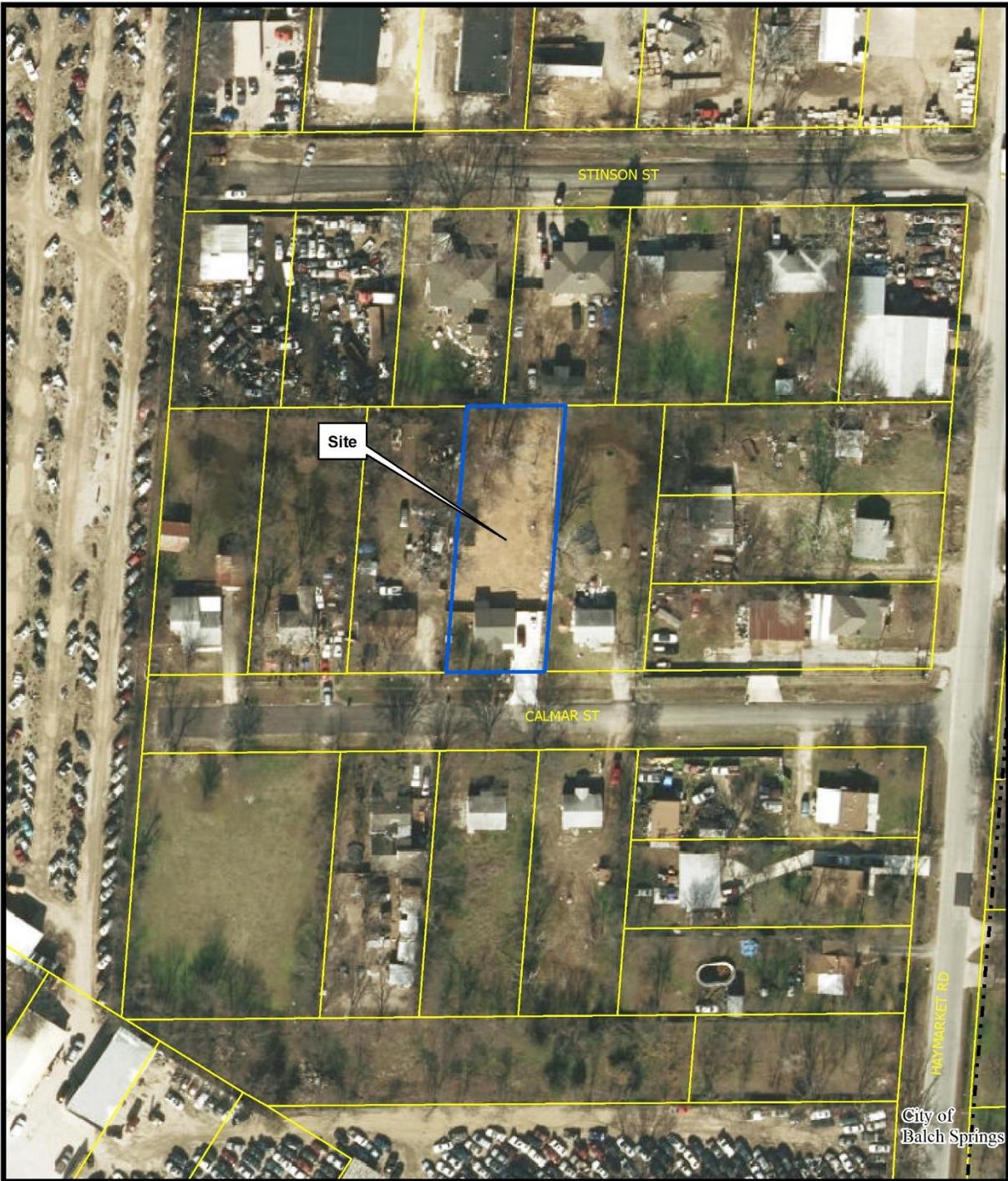


1:1,200

# ZONING MAP

Case no: **BDA190-029**

Date: **2/21/2020**



1:1,200

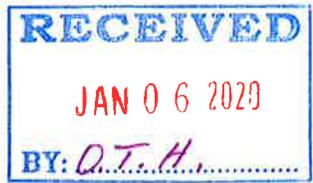
# AERIAL MAP

Case no: BDA190-029

Date: 2/21/2020



City of Dallas



APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-029

Data Relative to Subject Property:

Date: 1-3-2020

Location address: 10913 Calmar St. Dallas, Tx 75217 Zoning District: A(A)

Lot No.: 4 Block No.: C/8333 Acreage: 0.356 Census Tract: 117-02  
AKA BLK B

Street Frontage (in Feet): 1) 26 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Carlos Montoya & Marisol Martinez

Applicant: Carlos Montoya Telephone: 512-680-1670

Mailing Address: 10913 Calmar St. Dallas, Tx Zip Code: 75217

E-mail Address: montoyacarlos1670@gmail.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 Property located on 10913 Calmar St. Dallas, Tx 75217 2/16/2020  
for a Carport front & side, fence yard setbacks

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:

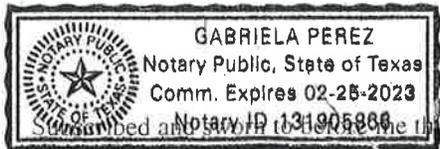
fence is necessary for private property protection  
and carport is necessary for shielding  
my vehicles from sun protection/damage and  
rain/hail.

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 Carlos Montoya  
(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: Carlos Montoya  
(Affiant/Applicant's signature)

3 day of January, 2020

Gabriela Perez  
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 CARLOS MONTOYA

did submit a request for a special exception to the side yard setback regulations, and for a special exception to the front yard setback regulations

at 10913 Calmar Street

BDA190-029. Application of CARLOS MONTOYA for a special exception to the side yard setback regulations, and for a special exception to the front yard setback regulations at 10913 CALMAR ST. This property is more fully described as Lot 4, C/8777, and is zoned A(A), which requires a front yard setback of 50 feet and requires a side yard setback of 20 feet. The applicant proposes to construct a carport for a single family residential dwelling in a required side yard and provide a 1 foot 3 inch setback, which will require a 18 foot 9 inch special exception to the side yard setback regulations, and to construct a carport for a single family residential dwelling in a required front yard and provide a 20 foot setback, which will require a 30 foot special exception to the front yard setback regulations.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official

Enero 6, 2020  
January 6, 2020



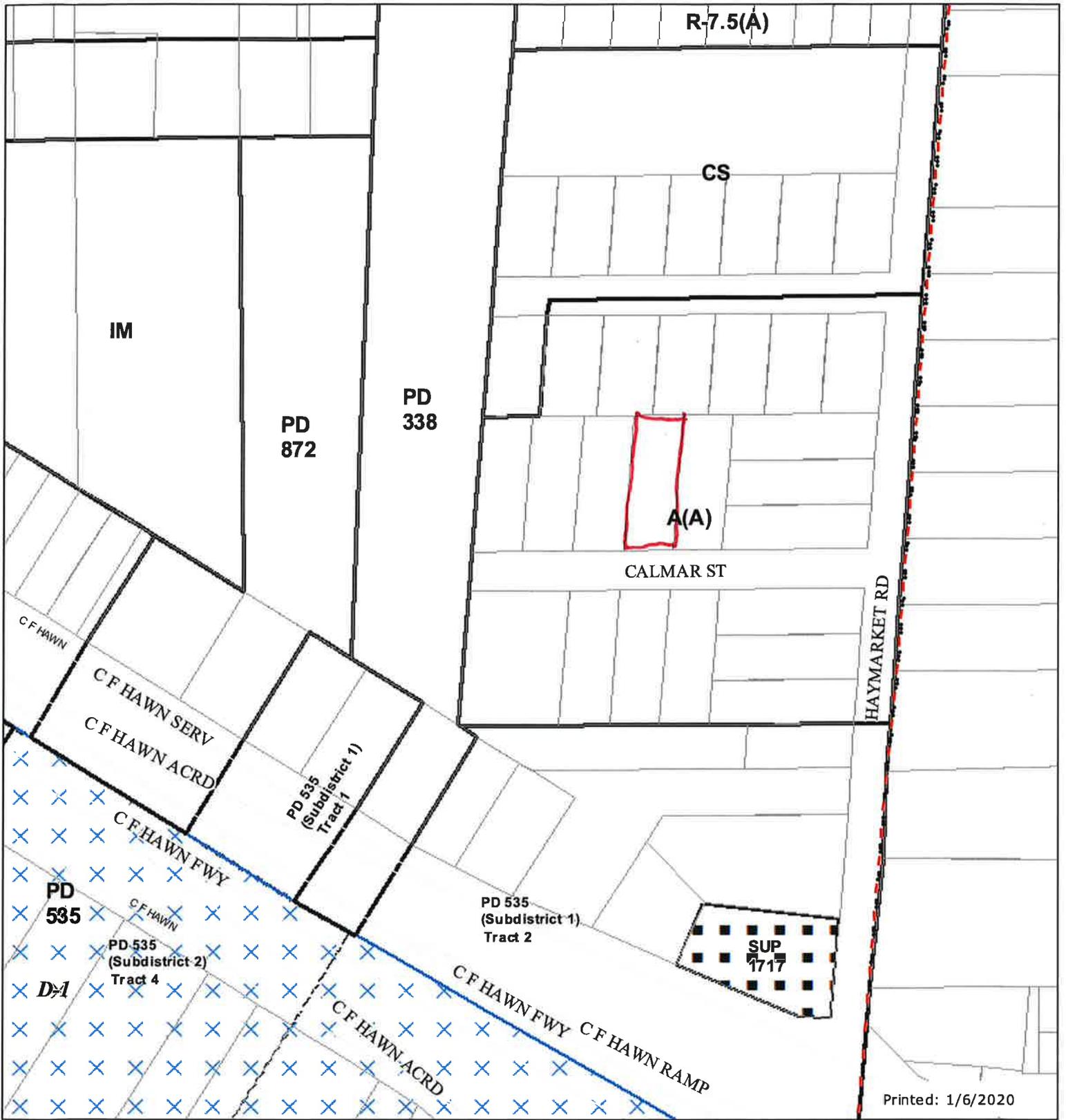
BDA 190-029

Yo, Carlos Montoya, residente en 10913 Calmar Street, solicito a la Junta de Ajuste una excepción especial para permitir un estacionamiento techado en el patio lateral. Entiendo que, si la cerca existente supera los cuatro pies de altura y está en el triángulo de visibilidad, bajaré la altura de la cerca y eliminaré cualquier obstrucción del triángulo de visibilidad para que, de esa manera, la propiedad cumpla con los requisitos del Código de Construcción de la Ciudad de Dallas.

I, Carlos Montoya, resident at 10913 Calmar Street, am applying for the Board of Adjustment for a special exception to allow a carport on the side yard. I understand that if the existing fence exceeds four feet in height and is in the visibility triangle, I will lower the height of the fence and remove any obstruction off the visibility triangle, so the property will comply with the requirements of the City of Dallas Development Code.

Cordially,

*Carlos Montoya* 1/6/2020  
Carlos Montoya



Printed: 1/6/2020

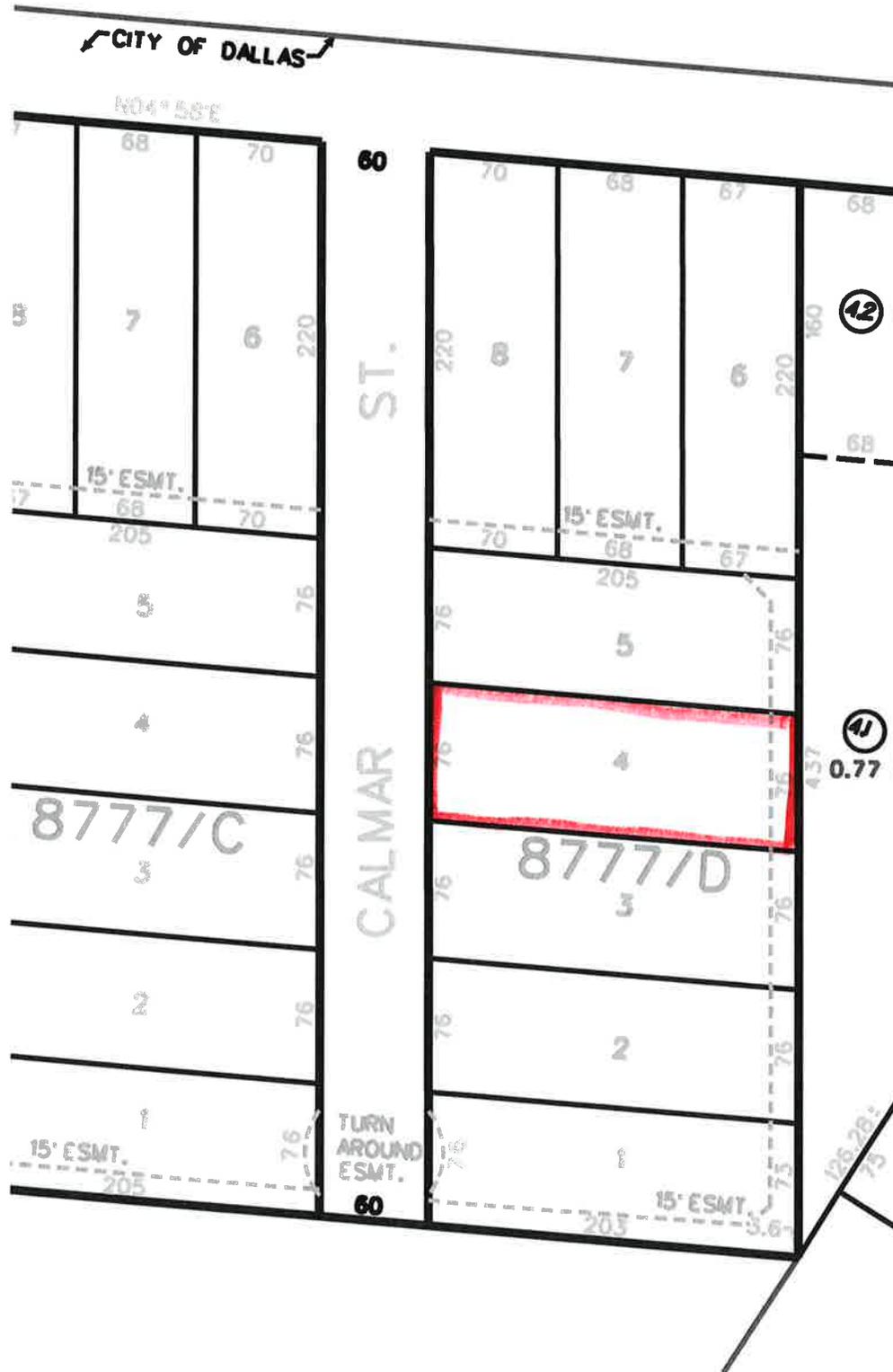
### Legend

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

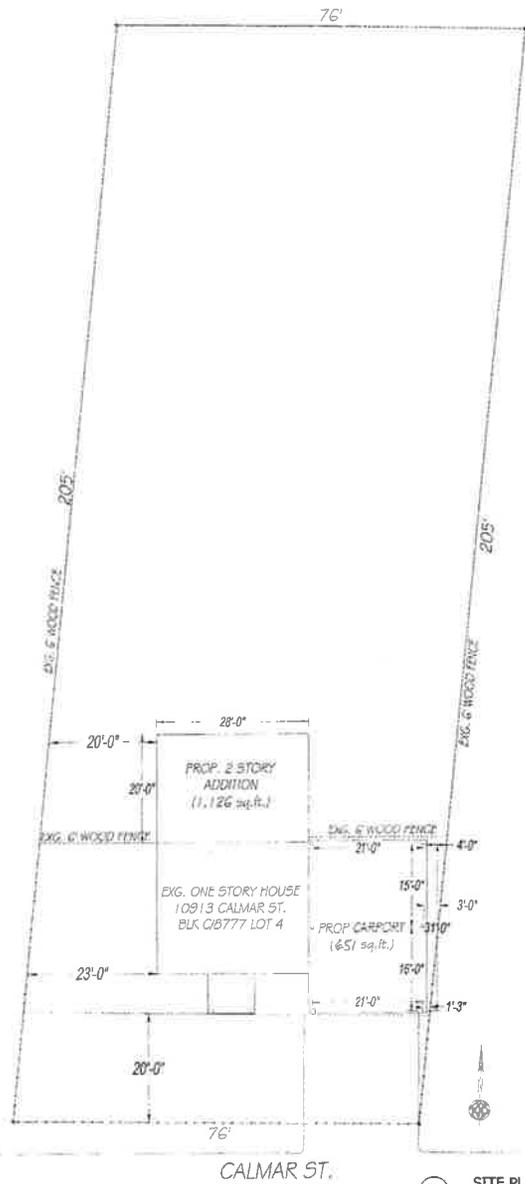
This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering,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



BALCH SPRINGS



777



**APPROXIMATE SQUARE FOOTAGE**

EXIST. HOUSE	1931	sq. ft.
PROP. HOUSE ADD.	1423	sq. ft.
EXIST. CARPORT	262	sq. ft.
<b>TOTAL</b>	<b>3616</b>	<b>sq. ft.</b>

**PERMITS REQUIRED**

AREA OF LOT	14,307	sq. ft.
MAX. COVERAGE ALLOWED	10%	
AREA OF SLAB	7,700	sq. ft.
TOTAL % COVERED	54%	

**1 SITE PLAN**  
Scale: 1" = 10'

**OWNER:**  
 ADRIANA GARCIA &  
 PEDRO CALMAR JR.  
 14145 11845 25000

**LOCAL ACQUISITION:**  
 BELL CO., TX  
 1-14-6416943  
 14092427 34 11 110000 07000 000  
 100000000 100000000000

**PERMITS**

Date	Description

**Project Name & Address:**  
 10913 CALMAR ST.  
 BLK 018777 LOT 4

**Sheet Title:**  
 SITE PLAN

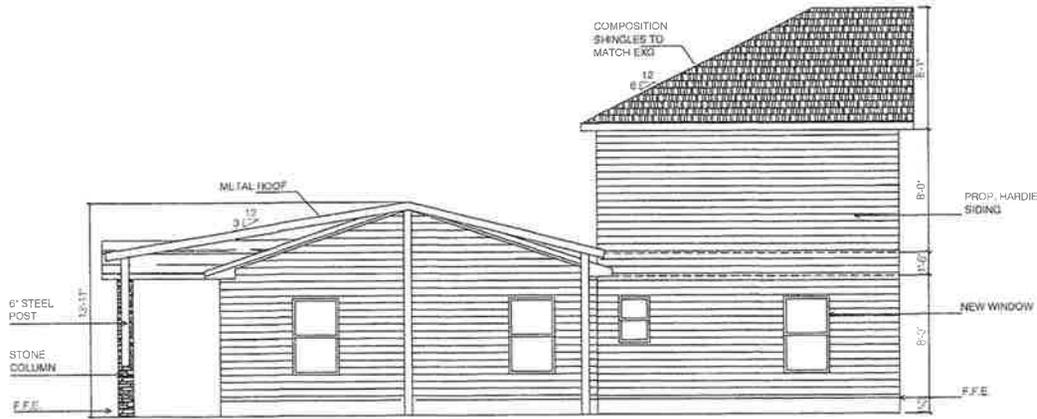
**Date:**  
 MARCH 03, 2020

**Scale:**      **Sheet No.:**

**Project No.:**  
 19-1424-001



**1.4 FRONT ELEVATION**  
Scale: 1/8"=1'-0"



**1.5 RIGHT ELEVATION**  
Scale: 1/8"=1'-0"

OWNER:  
MONTIYA CARLOS &  
10913 CALMAR ST  
DALLAS, TEXAS 75217

ROGUE ACQUISITIONS  
DALLAS, TX.  
0.214.641.6048  
INFO@ROGUECONSULTINGSOLUTIONS.COM  
ROGUECONSULTINGSOLUTIONS.COM

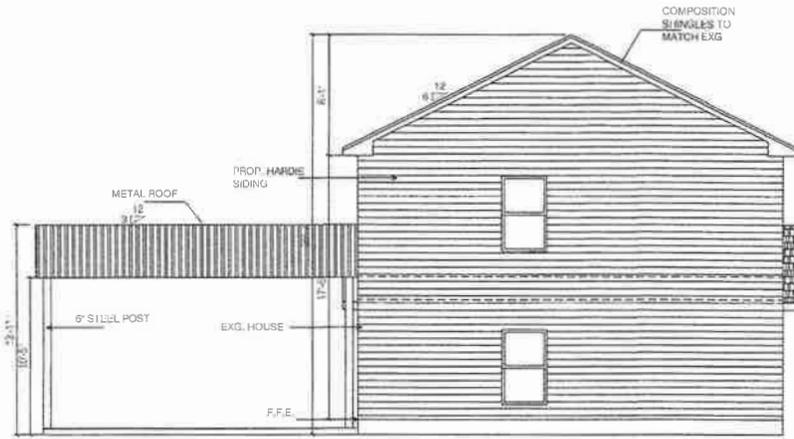
REVISIONS		
	Date	Description
1	10/28/19	CLIENT SET
2	01/02/20	CLIENT REVISION
3	02/03/20	REVISION

Project Name & Address:  
RESIDENTIAL ADDITION  
10913 CALMAR ST.  
DALLAS, TX. 75217

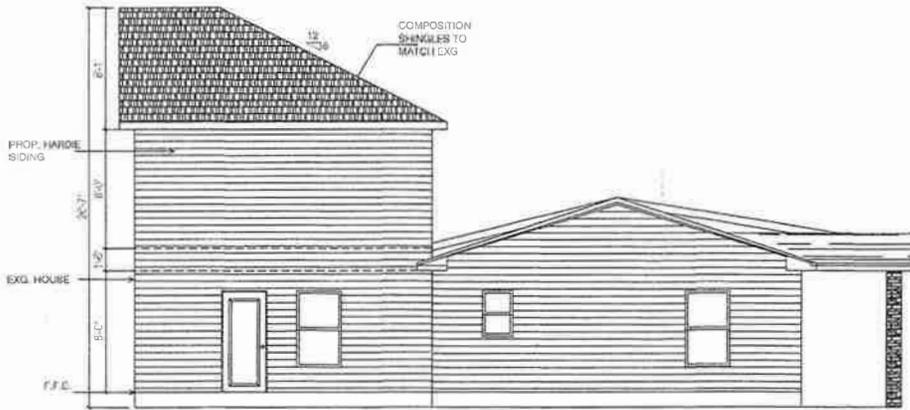
Sheet Title:  
ELEVATIONS

Date:  
MARCH 03, 2020

Scale: 1/8" = 1'-0"	Sheet No. 4.1
Project No.: 20-10913-03	



**1.6** REAR ELEVATION  
Scale: 1/8"=1'-0"



**1.7** LEFT ELEVATION  
Scale: 1/8"=1'-0"

OWNER:  
MONTDOYA CARLOS &  
10913 CALMAR ST  
DALLAS, TEXAS 75217

ROGUE ACQUISITIONS  
DALLAS, TX.  
0.214.641.6048  
INFO@ROGUECONSULTINGSOLUTIONS.COM  
ROGUECONSULTINGSOLUTIONS.COM

REVISIONS

	Date	Description
1	10/28/19	CLIENT SET
2	01/02/19	CLIENT REVISION
3	03/03/20	REVISION

Project Name & Address:

RESIDENTIAL ADDITION  
10913 CALMAR ST.  
DALLAS, TX. 75217

Sheet title:

ELEVATIONS

Date:

MARCH 03, 2020

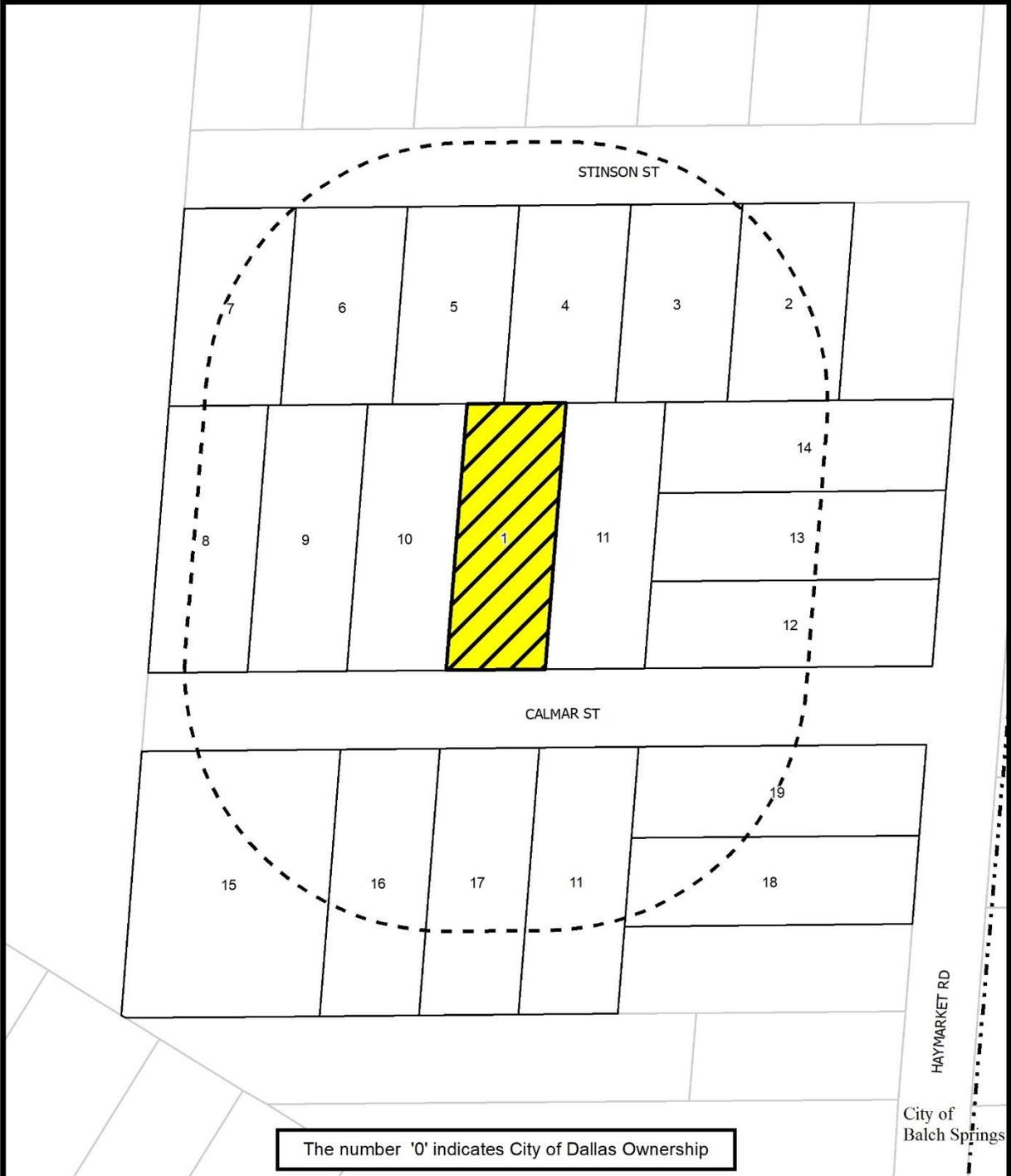
Scale:

1/8" = 1'-0"

Sheet No.:

Project No.  
19-10-10913

4.2



  
 1:1,200

**NOTIFICATION**

200' AREA OF NOTIFICATION  
19 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: BDA190-029  
 Date: 2/21/2020

02/20/2020

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

***BDA190-029***

### ***19 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	10913 CALMAR ST	MONTOYA CARLOS &
2	10914 STINSON ST	VANCE THOMAS E MRS
3	10910 STINSON ST	AMERICAN DREAM INV INC
4	10906 STINSON ST	GUERRERO JUAN R
5	10902 STINSON ST	FARRIS JANICE SACRA
6	10898 STINSON ST	TURCKER DANIEL & MAE DELL
7	10894 STINSON ST	AG TECHNICAL GROUP LLC
8	10901 CALMAR ST	GONZALEZ RICARDO A & EVA
9	10905 CALMAR ST	GONZALEZ RICK
10	10909 CALMAR ST	DCM ENTERPRISES INC
11	10917 CALMAR ST	CHECKERED ENTERPRISES LP
12	917 HAYMARKET RD	TREVINO JESUS
13	913 HAYMARKET RD	LOREDO RAMON &
14	909 HAYMARKET RD	LAREDO RAMON &
15	10900 CALMAR ST	MUNOZ ALONSO
16	10908 CALMAR ST	ROMERO JESUS
17	10912 CALMAR ST	LOPEZ JAIME
18	1011 HAYMARKET RD	MCKENZIE JIMMY
19	1007 HAYMARKET RD	JOHNSON HOMER L SR & BEVERLY S

**FILE NUMBER:** BDA190-041(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Harold Lewis for a special exception to the fence height regulations at 4323 Aztec Drive. This property is more fully described as Lot 8, Block 1/6083, and is zoned an R-7.5(A) Single Family District, which limits the height of a fence in the front yard to four feet. The applicant proposes to construct a six-foot-high fence in a required front yard, which will require a two-foot special exception to the fence regulations.

**LOCATION:** 4323 Aztec Drive

**APPLICANT:** Harold Lewis

**REQUEST:**

A request for a special exception to the fence standards regulations related to height of two feet is made to construct and maintain a six-foot-high solid wood fence in one of the site's two required front yards (Moffatt Drive) 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-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 is developed with a single family home. The areas to the north, east, south, and west are developed with single family uses and vacant lots.

**Zoning/BDA History:**

1. BDA178-119, Property at 4323 Aztec Drive (the subject site) On November 13, 2018, the Board of Adjustment Panel A granted a request for a variance to construct and maintain a one-story single family home structure with a total “slab area” of approximately 2,400 square feet or with a total “home size” of approximately 1,900 square feet, part of which is to be located five feet from one of the site’s two front property lines (Moffatt Avenue) or 20 feet into this 25-foot front yard setback on a site that is undeveloped and impose the submitted site plan as a condition.

**GENERAL FACTS/STAFF ANALYSIS:**

This request for a special exception to the fence standards regulations related to height of two feet is made to construct and maintain a six-foot-high solid wood fence in one of the site’s two required front yards (Moffatt Drive) on a site developed with a single family home.

The Dallas Development Code states that in all residential districts, except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard.

The subject site is located at the northwest corner of Aztec Drive and Moffatt Avenue. The subject site has a 25-foot front yard setback along both street frontages. The site has a 25-foot front yard setback along Aztec Drive, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in this zoning district. The site also has a 25-foot front yard setback along Moffatt Avenue, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where a five-foot side yard

setback is required. However, the site's Moffatt Avenue frontage that would function as a side yard on the property is treated as a front yard setback nonetheless, to maintain the continuity of the front yard setback established by the lots to the west that are oriented southeast towards Moffatt Avenue.

The applicant has submitted a site plan and elevation of the proposal along Moffatt Avenue showing the proposed fence in the front yard setback reaches a maximum height of six feet.

The following additional information was gleaned from the submitted site plan:

- The location of the proposed fence is primarily five feet from the front lot line parallel to Moffatt Avenue or approximately 10 feet from the pavement line.
- The length of the proposed fence in the front yard setback parallel to Moffatt Avenue is approximately 68 feet and 20 feet perpendicular to Moffatt Avenue on the west side of the site in this front yard setback.

Staff conducted a field visit of the site and the surrounding area. Two other fences that appear to be above four feet-in-height were noted to be located south and north of the subject site. These existing fences have no recorded BDA history.

As of May 8, 2020, no letters have been submitted in support of or in opposition to this request.

The applicant has the burden of proof in establishing that the special exception to the fence height regulations (whereby the proposal that would reach six feet-in-height) 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 four feet 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:**

January 30, 2020: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents that have been included as part of this case report.

March 17, 2020: The Board of Adjustment Secretary randomly assigned this case to the Board of Adjustment Panel C.

March 20, 2020: April BDA hearings were cancelled due to the emergency declaration.

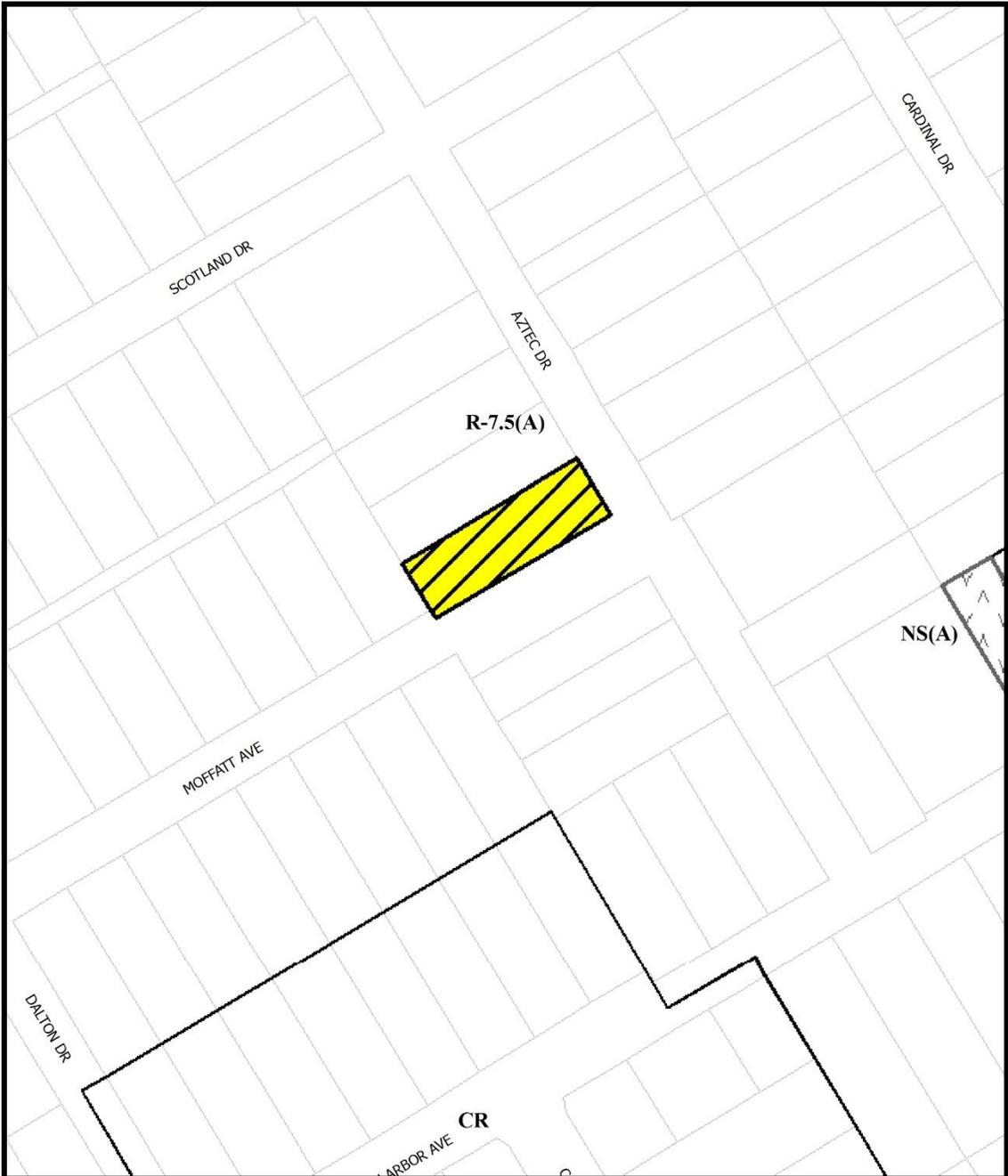
March 23, 2020: The Board of Adjustment Chief Planner/Board Administrator emailed the applicant the following information:

- 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 March 31<sup>st</sup> deadline to submit additional evidence for staff to factor into their analysis; and the April 10, 2020 deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

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

June 4, 2020: Delayed cases scheduled for June hearing dates. Applicants advised of the June 12<sup>th</sup> deadline to submit documentary evidence and the June 19<sup>th</sup> deadline to register to speak at the virtual hearing.

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



1:1,200

# ZONING MAP

Case no: BDA190-041

Date: 3/24/2020



1:1,200

# AERIAL MAP

Case no: BDA190-041

Date: 3/24/2020



City of Dallas

RECEIVED  
JAN 30 2020  
BY: O.T.H.

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-041

Data Relative to Subject Property:

Date: ~~1/27/2020~~ 1-30-20

Location address: 4323 Aztec St.

Zoning District: R-7-5A

Lot No.: 8 Block No.: 1/6083 Acreage: .175

Census Tract: 87.03

Street Frontage (in Feet): 1) 50' 2) 153' 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Harold Lewis

Applicant: Harold Lewis Telephone: 469-324-6380

Mailing Address: 1512 Rocky Ck Cir, Cedar Hill, TX Zip Code: 75104

E-mail Address: haroldlewis@bjbuilder.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 SECURITY/PRIVACY FENCE  
INSTALL 6' BOARD ON BOARD PRIVACY FENCE ALONG SOUTH AND  
WEST PROPERTY LINES.

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:  
WITH THIS BEING A CORNER LOT AND THE BACKYARD CLOSER  
TO THE STREET THE BEST WAY TO GET ANY USAGE  
OUT OF THE BACKYARD IS WITH A PRIVACY FENCE.

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

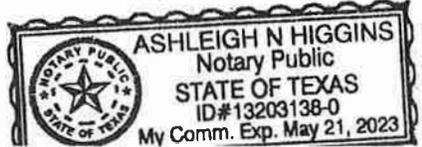
Before me the undersigned on this day personally appeared HAROLD LEWIS  
(Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 30<sup>th</sup> day of January, 2020

(Rev. 08-01-11) A. Higgins  
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**

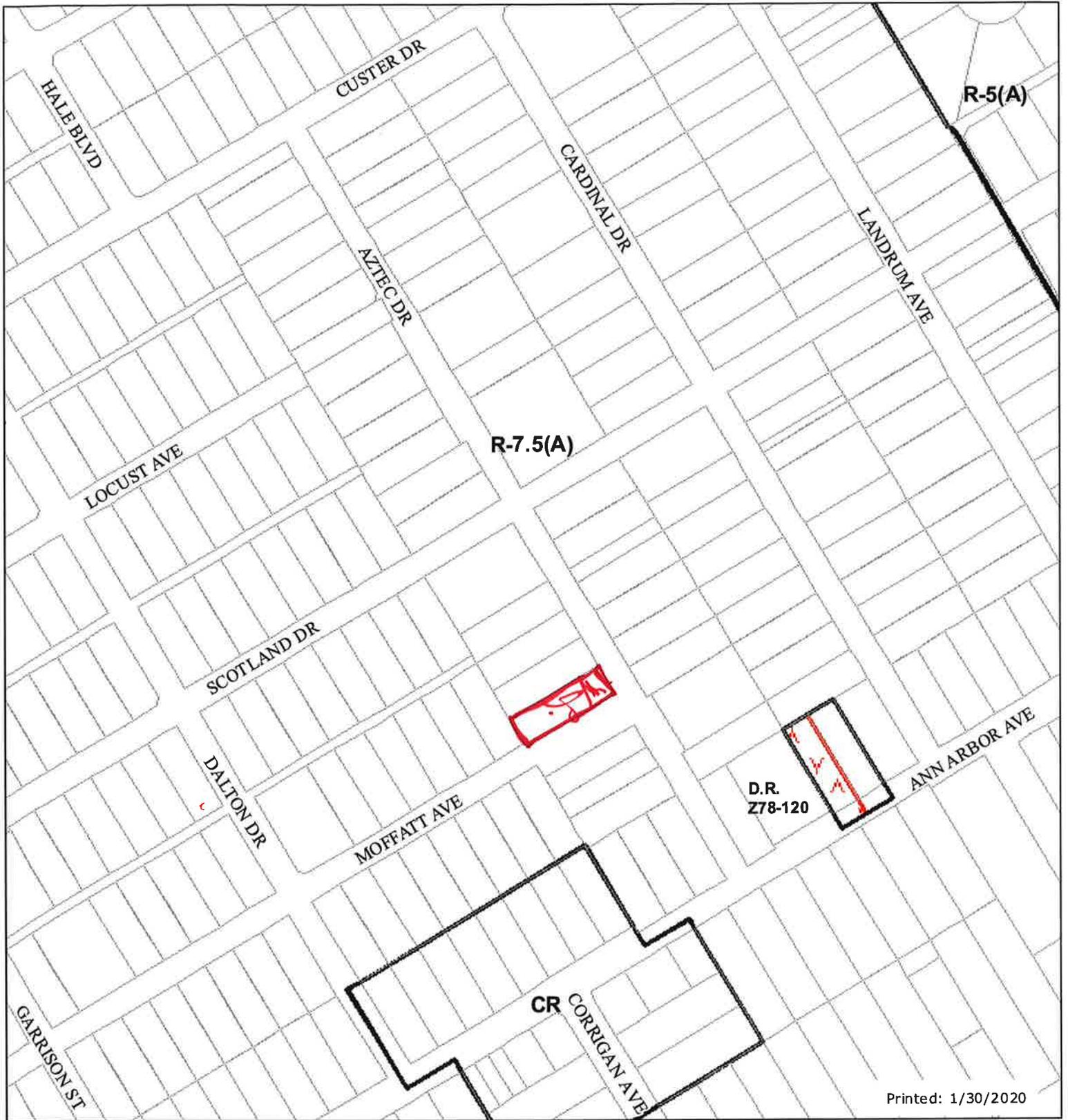
I hereby certify that HAROLD LEWIS

did submit a request for a special exception to the fence height regulations  
at 4323 Aztec Dr.

BDA190-041 Application of HAROLD LEWIS for a special exception to the fence height regulations at 4323 AZTEC DR. This property is more fully described as Lot 8, Block 1/6083, 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 an 6 foot high fence in a required front yard, which wi require a 2 foot special exception to the fence regulations.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official



Printed: 1/30/2020

### Legend

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

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



# CITY VIEW REVISED

A REVISION OF CITY VIEW ADDITION

SCALE: 1"=100' JULY 27, 1940

REVISED & SURVEYED BY:

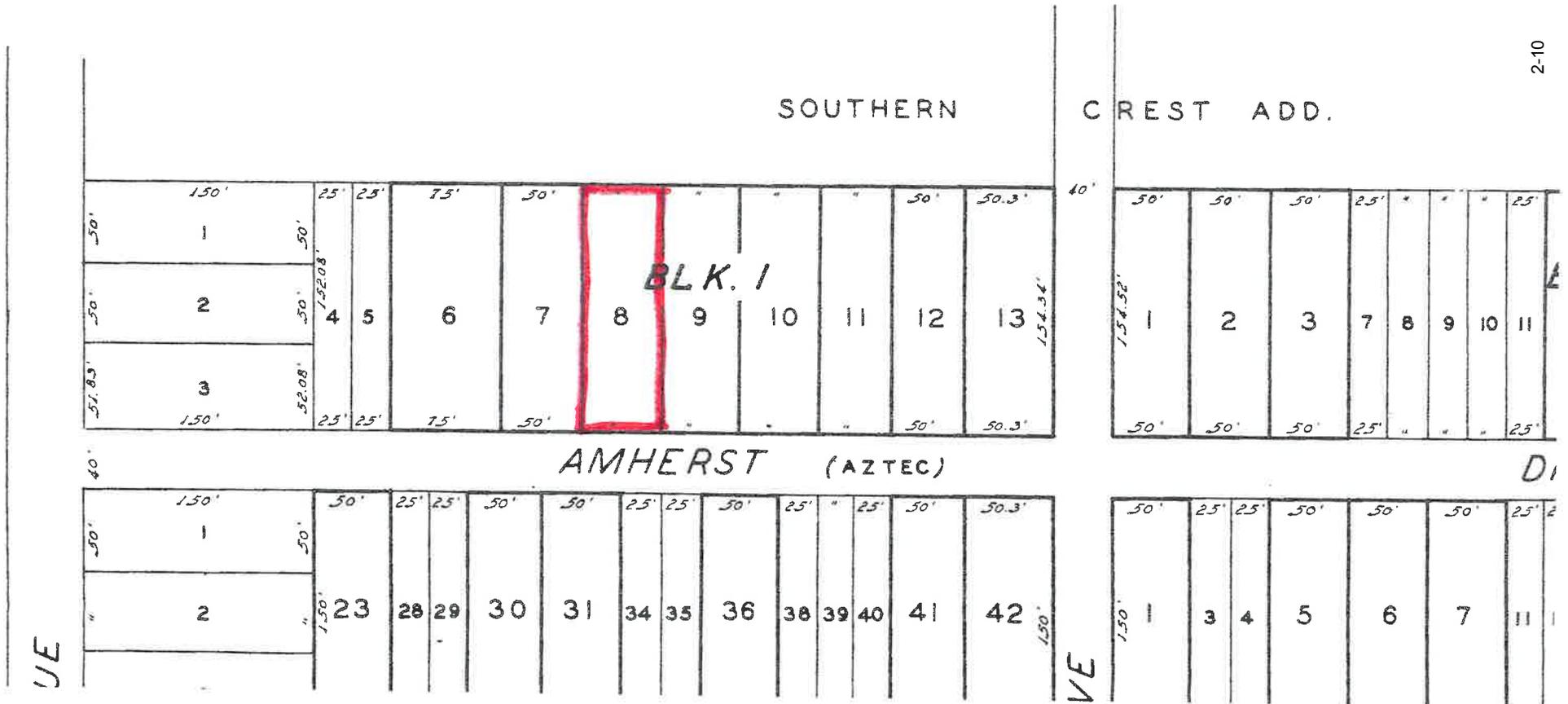
E. E. EMBREY

LICENSED LAND SURVEYOR.

FILED SEPT. 6, 1940.

RECORDED VOL. 6 - 476.

NOTE







 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;"><b>200'</b></td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;"><b>36</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>36</b>	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <b>BDA190-041</b> Date: <b>3/24/2020</b>
<b>200'</b>	AREA OF NOTIFICATION					
<b>36</b>	NUMBER OF PROPERTY OWNERS NOTIFIED					

03/24/2020

## *Notification List of Property Owners*

***BDA190-041***

***36 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	4323 AZTEC DR	LEWIS HAROLD
2	2501 E ANN ARBOR AVE	TAULTON LESTER
3	2507 E ANN ARBOR AVE	BURNS ARLEE & LOIS J
4	2430 MOFFATT AVE	ORTIZ BERTIN C & JOVA S DECRUZ &
5	2426 MOFFATT AVE	HILL AMANDA
6	2422 MOFFATT AVE	RAINEY JAMES
7	2418 MOFFATT AVE	BROWN LAKEYSHIA
8	2415 MOFFATT AVE	OJIELUMHEN SANDRA O
9	2419 MOFFATT AVE	JOHNSON MARSHA
10	2423 MOFFATT AVE	HADNOT THERWANDA
11	2427 MOFFATT AVE	HOUSTON CRYSTAL G
12	2431 MOFFATT AVE	VAZQUEZ MANUEL &
13	2430 SCOTLAND DR	BROWN LESTER
14	2426 SCOTLAND DR	RODRIGUEZ AMANECER E &
15	2422 SCOTLAND DR	SPELLS CAROLYN E
16	2418 SCOTLAND DR	APARICIO MISAEL
17	2515 E ANN ARBOR AVE	DOUGLAS ANGEL
18	2519 E ANN ARBOR AVE	TEJEDA EFRAIN DIAZ
19	4411 AZTEC DR	JONES MACK JR
20	4405 AZTEC DR	JONES MACK
21	4317 AZTEC DR	BELL ERMA
22	4315 AZTEC DR	LOWRY DIANNE R
23	4311 AZTEC DR	LARIN CRISTIAN A RAMIREZ
24	4303 AZTEC DR	SOUL WINNER FOR CHRIST
25	2527 E ANN ARBOR AVE	GLADEWATER ROAD MISSIONARY BAPTIST CHURCH
26	4407 CARDINAL DR	COMMON GROUND COMMUNITY

03/24/2020

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	4403 CARDINAL DR	CUNIGAN JONES NAQUITA
28	4321 CARDINAL DR	WILLIAMS TARAELLAN
29	4317 CARDINAL DR	MANNING BERTRIC L
30	4414 AZTEC DR	JAIMES CARRILLO MARIA CRYSTAL
31	4402 AZTEC DR	JONES MACK & ANNIE
32	4316 AZTEC DR	PARKER BELINDA
33	4312 AZTEC DR	GIRON GABRIEL & ADRIANA VEGA
34	4308 AZTEC DR	DALLAS AREA HABITAT FOR HUMANITY INC
35	2535 E ANN ARBOR AVE	GLADEWATER ROAD MISSIONARY BAPTIST
36	4410 AZTEC DR	JONES MACK JR & ANNIE M

**FILE NUMBER:** BDA190-047(JM)

**BUILDING OFFICIAL'S REPORT:** Application of Santos Martinez to restore a nonconforming use at 5623 East Grand Ave. This property is more fully described as Lot 5 & 6, Block 2/1612, and is zoned a RR Regional Retail, which limits the legal uses in a zoning district. The applicant proposes to restore a nonconforming alcoholic beverage establishment use, which will require a special exception to the nonconforming use regulations.

**LOCATION:** 5623 East Grand Avenue

**APPLICANT:** Santos T. Martinez % La Sierra Planning Group

**REQUEST:**

A request for a special exception to restore/reinstate nonconforming use rights for an "alcoholic beverage establishment" use on the subject site that was discontinued for a period of six months or more is made to obtain a Certificate of Occupancy (CO) for this use.

**STANDARD FOR A SPECIAL EXCEPTION TO OPERATE A NONCONFORMING USE IF THAT USE IS DISCONTINUED FOR SIX MONTHS OR MORE:**

Section 51A-4.704(a)(2) of the Dallas Development Code states that the right to operate a nonconforming use ceases if the nonconforming use is discontinued for six months or more, and that the board of adjustment may grant a special exception to this provision only if the owner can show that there was a clear intent not to abandon the use even though the use was discontinued for six months or more.

**STAFF RECOMMENDATION:**

No staff recommendation is made on this or any request for a special exception to operate a nonconforming use if that use is discontinued for six months or more since the basis for this type of appeal is based on whether the board determines that there was a clear intent not to abandon the nonconforming use even though the use was discontinued for six months or more.

**Zoning:**

<u>Site:</u>	RR Regional Retail District
<u>Northwest:</u>	CR Community Retail District
<u>Northeast:</u>	RR Regional Retail District
<u>Southeast:</u>	R-7.5(A) Single Family District
<u>Southwest:</u>	RR Regional Retail District

**Land Use:**

The subject site is developed with a few structures containing multiple uses according to permit records including the vacant bar, a tire shop, and personal service uses (tattoo parlor and hair salon). The area to the northwest is developed with single family uses; to the northeast is a general merchandise or food store with fueling station; to the southeast are a public park and fire station; and, to the southwest are retail and personal service uses.

**Zoning/BDA History:**

No history.

**GENERAL FACTS/STAFF ANALYSIS:**

This request focuses on restoring/reinstating nonconforming use rights for an “alcoholic beverage establishment” use on the subject site that was discontinued for a period of six months or more in order for the applicant to obtain a Certificate of Occupancy (CO) for this use.

The Dallas Development Code defines “nonconforming use” as “a use that does not conform to the use regulations of this chapter, but was lawfully established under the regulations in force at the beginning of operation and has been in regular use since that time”.

The nonconforming use regulations state it is the declared purpose of the nonconforming use section of the code that nonconforming uses be eliminated and be required to comply with the regulations of the Dallas Development Code, having due regard for the property rights of the persons affected, the public welfare, and the character of the surrounding area.

The nonconforming use regulations also state that the right to operate a nonconforming use ceases if the nonconforming use is discontinued for six months or more, and that the board of adjustment may grant a special exception to operate a nonconforming use that has been discontinued for six months or more if the owner can show that there was a clear intent not to abandon the nonconforming use even though the use was discontinued for six months or more.

The site is zoned an RR Regional Retail District that permits an “alcoholic beverage establishment” use only with a Specific Use Permit (SUP). According to documentary evidence provided by the representative (Attachment A), the alcoholic beverage establishment use has been operating since 1976 when the property was originally zoned an LC Light Commercial District which allowed the use by right. When Chapter 51A was adopted in 1988, the zoning district became an RR District which made the use legal nonconforming.

According to the representative and supporting documents found in Exhibits D and E, a transition in operators in September 2019 brought the conformity of the use into question. An active CO request for a change in operators from October 23, 2019 is pending due to a period of inactivity found by a lack of a Certificate of Occupancy (CO) and a TABC permit to operate under the existing CO legally from August 2017 to August 2018.

Please note that the original application has a discrepancy stated on page four by the representative that the period of inactivity was from January 2019 to August 2019. The representative provided documentary evidence in Exhibits A-P7 (Attachment A) including a statement on page one indicating the specific period of inactivity was from December 2017 to August 2018.

According to DCAD records, the site contains multiple structures erected between 1945 and 1966 and containing over 5,160 square feet of floor area including a cocktail lounge, warehouse, and retail strip center. The portion of the structure in question contains 974 square feet according to the site plan and past CO records.

Building Inspection has stated that these types of special exception requests originate from when an owner/officer related to the property applies for a CO and Building Inspection sees that the use is a nonconforming use. Before a CO can be issued, the City requires the owner/officer related to the property to submit affidavits stating that the use was not abandoned for any period in excess of six months since the issuance of the last valid CO. The owners/officers must submit documents and records indicating continuous uninterrupted use of the nonconforming use, which in this case, they could not.

The applicant has the burden of proof in establishing the following related to the special exception request:

- There was a clear intent not to abandon the nonconforming “alcoholic beverage establishment” use on the subject site even though the use was discontinued for six months or more.

Granting this request would reinstate/restore the nonconforming “alcoholic beverage establishment” use rights that were lost when the use was abandoned for a period of six months or more.

If restored/reinstated, the nonconforming use would be subject to compliance with use regulations of the Dallas Development Code as any other nonconforming use in the city. (The applicant has been advised by staff of Section 51A-4.704 which is the provision in the Dallas Development Code pertaining to “Nonconforming Uses and Structures”).

The applicant could make an application for an SUP that, if approved by the City Council, would make the “alcoholic beverage establishment” use on the property a conforming use.

**Timeline:**

February 19, 2020: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.

March 17, 2020: The Board of Adjustment Secretary randomly assigned this case to the Board of Adjustment Panel B.

March 20, 2020: April BDA hearings were cancelled due to the emergency declaration.

March 23, 2020: The Board of Adjustment Chief Planner/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 March 31<sup>st</sup> deadline to submit additional evidence for staff to factor into their analysis; and the April 10, 2020 deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

April 2, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the April public hearings. Review team members in attendance included the following: the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Sustainable Development and Construction Senior Engineer, the Board of Adjustment Senior Planner the

Building Inspection Senior Plans Examiner/Development Code Specialist, and the Assistant City Attorney to the board.

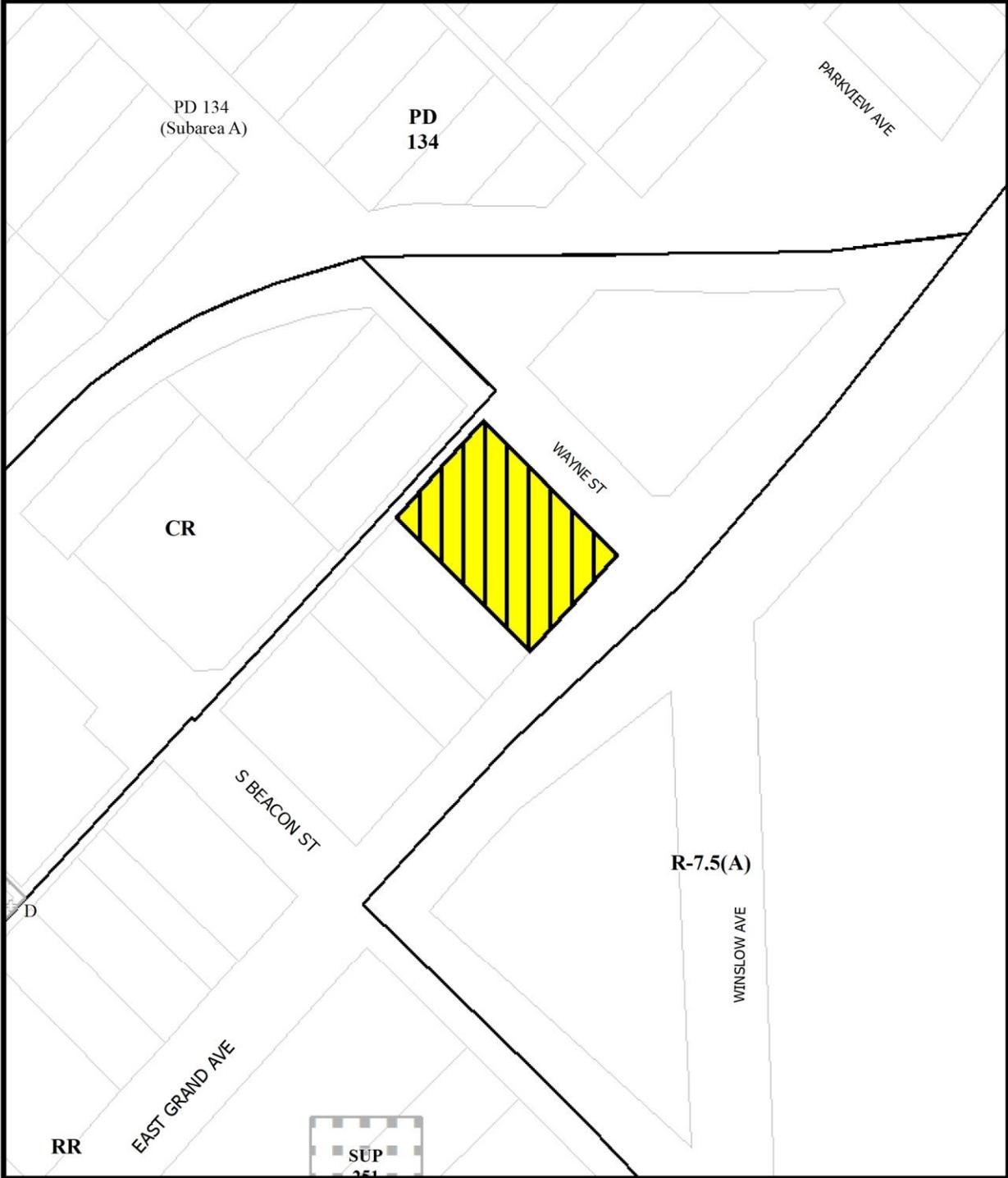
April 15, 2020:

Additional evidence was submitted by the representative via email—see Exhibits A-P7 (Attachment A).

June 4, 2020:

Delayed cases scheduled for June hearing dates. Applicants advised of the June 12<sup>th</sup> deadline to submit documentary evidence and the June 19<sup>th</sup> deadline to register to speak at the virtual hearing.

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



  
 1:1,200

# ZONING MAP

Case no:     **BDA190-047**      
 Date:     **3/24/2020**

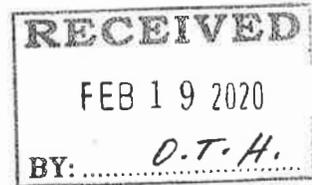


1:1,200

# AERIAL MAP

Case no: BDA190-047

Date: 3/24/2020



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-047

Data Relative to Subject Property:

Date: 2-19-2020

Location address: 5623 East Grand Avenue Zoning District: RR

Lot No.: 5 & 6 Block No.: 2/1612 Acreage: .68 Census Tract: 12.04

Street Frontage (in Feet): 1) 150' 2) 199.44' 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Fore Down Inc

Applicant: SANTOS T. MARTINEZ Telephone: \_\_\_\_\_

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

E-mail Address: \_\_\_\_\_

Represented by: Santos T. Martinez (La Sierra Planning Group) Telephone: 214-684-2775

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

E-mail Address: santos@lasierrapg.com

Affirm that an appeal has been made for a Variance \_\_, or Special Exception X, of reinstatement of non-conforming 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: Previous owner maintained an alcoholic beverage establishment at this address. New owner seeks to continue this use at this address. There has never been an intent to cease this use at this location.

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.

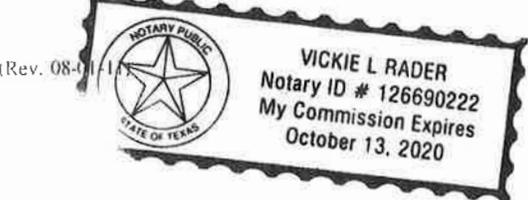
Affidavit

Before me the undersigned on this day personally appeared Santos T. 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/or principal/or authorized representative of the subject property.

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

Subscribed and sworn to before me this 30th day of January 2020



[Signature]  
Notary Public in and for Dallas County, Texas

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

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

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

I hereby certify that SANTOS MARTINEZ

did submit a request to restore a nonconforming use  
at 5623 East Grand Avenue

BDA190-047. Application of SANTOS MARTINEZ to restore a nonconforming use at 5619 EAST GRAND AVE. This property is more fully described as Lot 5 & 6, Block 2/1612, and is zoned RR, which limits the legal uses in a zoning district. The applicant proposes to restore a nonconforming alcoholic beverage establishment use, which will require a special exception to the nonconforming use regulations.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official

AFFIDAVIT

Appeal number: BDA 190-047

I, Fore Down Inc, Owner of the subject property  
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 5623 East Grand  
(Address of property as stated on application)

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

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

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

Specify: reinstatement of non-conforming rights

Fore Down Inc  
Print name of property owner or registered agent

[Signature]  
Signature of property owner or registered agent

Date 1/29/2020

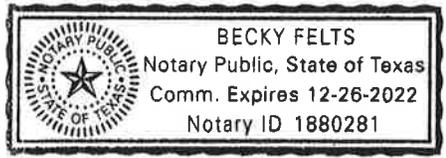
Before me, the undersigned, on this day personally appeared Robert Frankford, Pres

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 29 day of January, 2020

[Signature]  
Notary Public for Dallas County, Texas

Commission expires on 12-26-2022



Board of Adjustment

Appeal to establish a compliance date for a nonconforming use.
Sec. 51A-4.704(a)(1)(A)

or

Appeal to restore a nonconforming use. Sec. 51A-4.704(a)(2)

SEC. 51A-4.704. NONCONFORMING USES AND STRUCTURES.

(a) Compliance regulations for nonconforming uses. It is the declared purpose of this subsection that nonconforming uses be eliminated and be required to comply with the regulations of the Dallas Development Code, having due regard for the property rights of the persons affected, the public welfare, and the character of the surrounding area.

(1) Amortization of nonconforming uses.

(A) Request to establish compliance date. The city council may request that the board of adjustment consider establishing a compliance date for a nonconforming use. In addition, any person who resides or owns real property in the city may request that the board consider establishing a compliance date for a nonconforming use. Upon receiving such a request, the board shall hold a public hearing to determine whether continued operation of the nonconforming use will have an adverse effect on nearby properties. If, based on the evidence presented at the public hearing, the board determines that continued operation of the use will have an adverse effect on nearby properties, it shall proceed to establish a compliance date for the nonconforming use; otherwise, it shall not.

(2) The right to operate a nonconforming use ceases if the nonconforming use is discontinued for six months or more. The board may grant a special exception to this provision only if the owner can show that there was a clear intent not to abandon the use even though the use was discontinued for six months or more.

Property address: 5623 East Grand

- 1. The nonconforming use being appealed/restored: alcoholic beverage establishment
(The land use as stated on the Certificate of Occupancy. Attach a copy of the C.O.)
2. Reason the use is classified as nonconforming: alcoholic beverage establishment requires an SUP in RR zoning district; this use began operating when the zoning district was LC and no SUP was required in that district.
(Was there a change in the zoning or in the use requirements?)
3. Current zoning of the property on which the use is located: RR
4. Date the nonconforming use was discontinued: January -August, 2019
5. Date that the nonconforming use became nonconforming: August 1988
(Date the property zoning or use requirements changed.)
6. Previous zoning of the property on which the use is located: LC
(Applies if a zoning district change caused the use to become nonconforming.)

(Rev. 04/04/14)



City of Dallas

# Certificate of Occupancy

Address: 5623 EAST GRAND AVE 75223

Issued: 12/15/2017

Owner: FM 1314 RESTAURANT, LLC  
4200 BRITTANY CT  
FRISCO, TX 75034

DBA: EAST GRAND CANTINA

Land Use: (5821) ALCOHOLIC BEVERAGE ESTABLISHMENT

Occupied Portion:

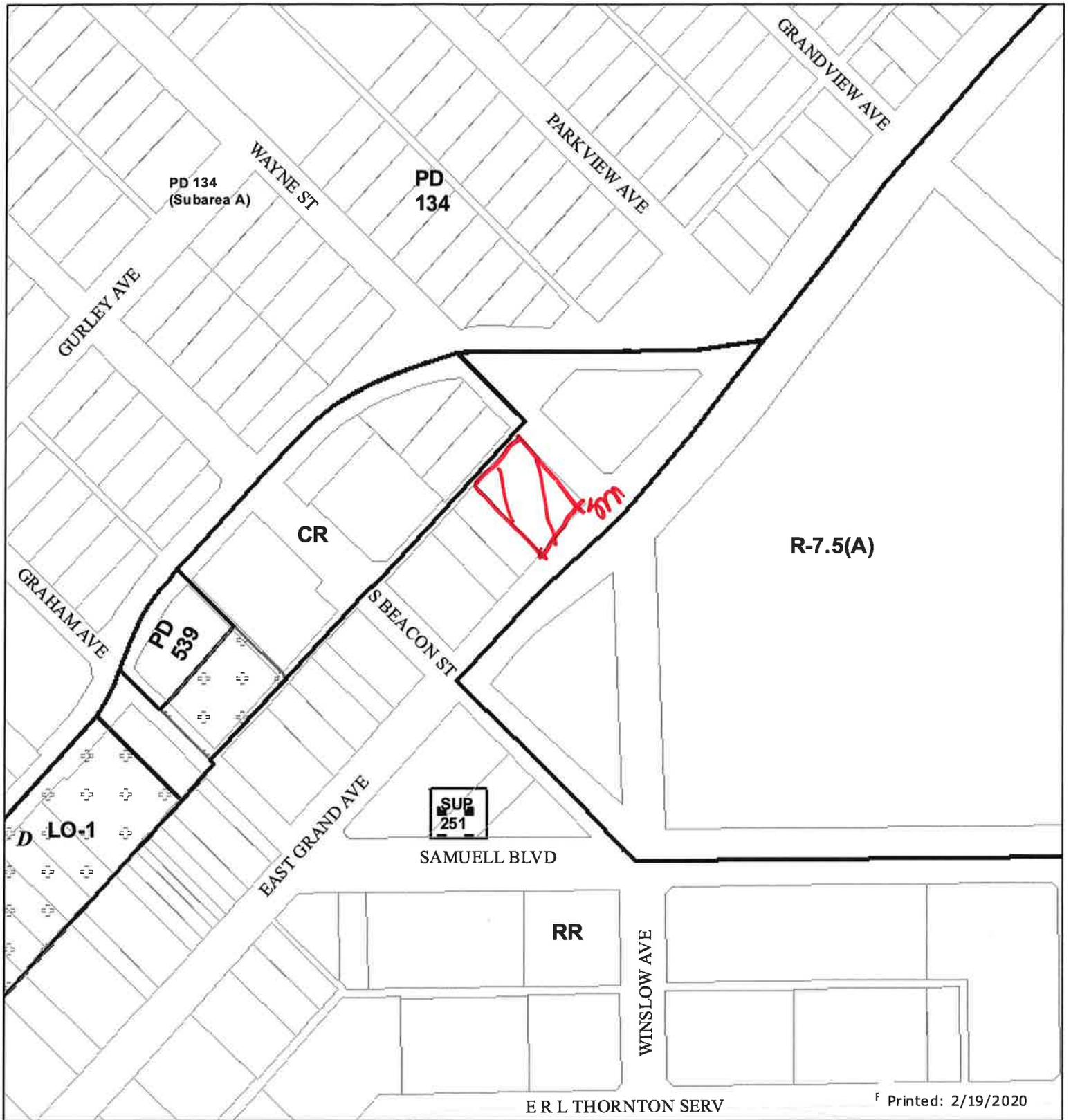
C.O.#: 1711271049

Lot: 5	Block: 2/1612	Zoning: RR	PDD:	SUP:
Historic Dist:	Consv Dist:	Pro Park: 10	Req Park: 10	Park Agrmt: Y
Dwlg Units:	Stories:	Occ Code: B	Lot Area: 15000	Total Area: 974
Type Const: IIIB	Sprinkler:	Occ Load: 47	Alcohol: Y	Dance Floor:N

Remarks: NON-CONFORMING USE - ZONING 11/27/2017. JB  
47 MAX OCC POSTED IN DINING/BAR AREA @ 15 SQFT/OCC  
12 MAX OCC OUTSIDE OPEN AREA @ 15 SQFT/OCC  
TOTAL INSIDE & OUTSIDE = 59 MAX OCC THIS CO  
2 EXITS REQ'D.

Philip Sikes, Building Official

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



### Legend

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

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



3 Watts

3	12	24	12	24	12	24	12	24
11	23	11	23	11	23	11	23	
10	22	10	22	10	22	10	22	
9	21	9	21	9	21	9	21	
8	20	8	20	8	20	8	20	
7	19	7	19	7	19	7	19	
6	18	6	18	6	18	6	18	
5	17	5	17	5	17	5	17	
4	16	4	16	4	16	4	16	
3	15	3	15	3	15	3	15	
2	14	2	14	2	14	2	14	
1	13	1	13	1	13	1	13	

3 Gunter

17	28	17	28	17	28	17	28	17
16	27	16	27	16	27	16	27	16
15	26	15	26	15	26	15	26	15
14	25	14	25	14	25	14	25	14
13	24	13	24	13	24	13	24	13
12	23	12	23	12	23	12	23	12
11	22	11	22	11	22	11	22	11
10	21	10	21	10	21	10	21	10
9	20	9	20	9	20	9	20	9
8	19	8	19	8	19	8	19	8
7	18	7	18	7	18	7	18	7

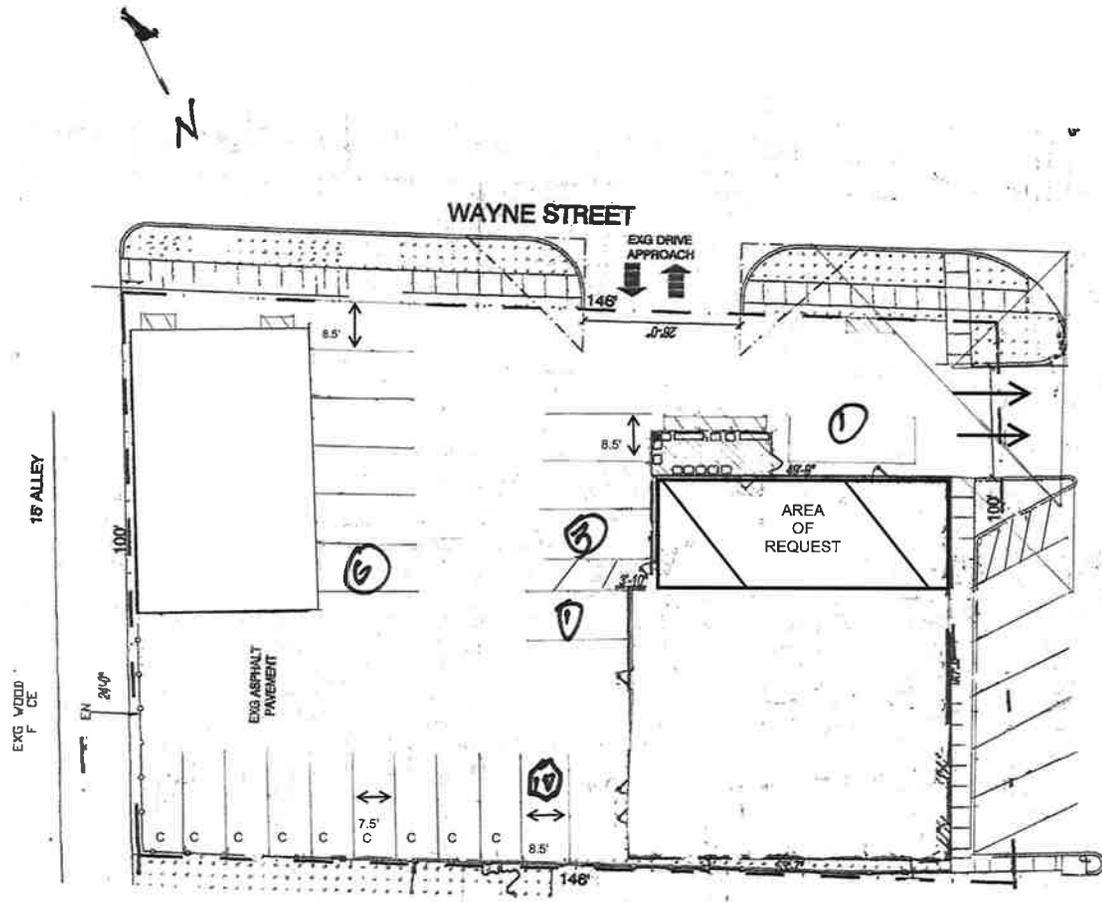
1	2	3	4	5	6	1	2	3	4	5	6	1	2	3	4	5	6	1	2	3	4	5	6	1	2
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3 Grand

STATE OF TEXAS  
 COUNTY OF DALLAS

KNOW ALL MEN BY THESE PRESENT  
 herein by its duly authorized  
 revised plat or map as a true &  
 of Dallas County Texas and the only change made in said B  
 page 247 of the Records of Maps of Dallas County, Texas and  
 block 6 is number 6, Block 2 of the revised plat of Block 6  
 38. Block 2 of the revised plat of Block 7 is numbered 89.

BDA 190-047



SITE SUMMARY

USES:

General merchandise or food store less than 3500 s.f.	1032 s.f.
Personal service:	1548 s.f.
Auto service center:	1500 s.f.
Alcoholic beverage establishment:	571 s.f.

Required Parking:	27
Bike Reduction:	1
Compact Spaces Provided:	9
Total Provided on Site:	21
Delta Credits:	5

Bike Rack 

SCALE: 1"=10'

5623 E. Grand Ave.



April 15, 2020

Ms. Jennifer Munoz  
Chief Planner  
City of Dallas  
1500 Marilla, 5BN  
Dallas, TX 75201

RE: BDA 190-047; 5623 East Grand Avenue

Dear Ms. Munoz,

The owner of the property listed above seeks the reinstatement of non-conforming rights for an alcoholic beverage establishment.

An alcoholic beverage establishment has operated at this location since 1976 (Exhibit A). At that time, the property was zoned LC (Exhibit B) and an alcoholic beverage establishment was permitted by right. The zoning on the property transitioned to an RR zoning district with the creation of Chapter 51(A). In an RR district, an alcoholic beverage establishment is permitted only upon the issuance of a specific use permit.

The floor area for this use has not been enlarged or diminished since 1976. Although operators may have changed, each new certificate of occupancy has recorded an affidavit of the continuation of this non-conforming use. This is evident in the notes section of each issued certificate.

Fore Down, Inc. purchased this property in May of 2019. At that time, East Grand Cantina operated this use at this location (Exhibit C). On September 4, 2019, this tenant decided to terminate its lease (Exhibit D). The property owner secured a new tenant to take over this space on September 10, 2019 to operate an alcoholic beverage establishment (Exhibit E). A new certificate of occupancy application was submitted for this new tenant to operate an alcoholic beverage establishment (Exhibit F). During the review of a new certificate of occupancy, city staff determined that there had been a period of inactivity for greater than six months between December of 2017 and August of 2018.

The following items included for your review to demonstrate that there has never been a clear intention on any property owner to voluntarily abandon this use at this location.

Exhibit G: Certificates of Occupancies for 5623 East Grand Avenue  
G1: 2013  
G2: 2014  
G3: 2015  
G4: 2015 (update)  
G5: 2017

Exhibit H: TABC Alcohol Licenses for 5623 East Grand Avenue  
H1: 1994-2016  
H2: 2018



- Exhibit I: City of Dallas Alcohol Certifications for 5623 East Grand Avenue  
I1: 2013  
I2: 2014  
I3: 2015  
I4: 2017  
I5: 2019
- Exhibit J: Texas Comptrollers Sales Tax Records for 5623 East Grand Avenue
- Exhibit K: Texas Comptrollers Mixed Beverage Records for 5623 East Grand Avenue
- Exhibit L: Alcohol Sales Records 2012-2014 for 5623 East Grand Avenue
- Exhibit M: Alcoholic Beverage Purchase Receipts 2018-2019 for 5623 East Grand Avenue (28 pages)
- Exhibit N: Oncor Electrical Records for 5623 East Grand Avenue
- Exhibit O: Dallas Water Utility Records for 5623 East Grand Avenue
- Exhibit P: Signage Photos 2008-2019 for 5623 East Grand Avenue  
P1: 2008  
P2: 2015  
P3: 2016  
P4: 2017  
P5: 2017  
P6: 2018  
P7: 2019

These exhibits illustrate the intent of each property owner to maintain an alcoholic beverage use at this location. The State of Texas maintains tax records for mixed beverages and sales tax for alcoholic beverage establishment at this location for several entities over time. We would like to point out that even with a gap in records for December 2017 to August 2018 evidence provided clearly demonstrates that an alcoholic beverage establishment was to be maintained at this location.

The new tenant continued this request by seeking a new certificate of occupancy for an alcoholic beverage establishment and submitting sales tax applications with the State of Texas Comptrollers Office (Exhibit J). The new tenant also submitted an alcohol certificate for review (Exhibit I5) to start the process to secure a new TABC license.



The property maintains the signage, equipment, and layout of the previous bar tenant. Exhibit P demonstrates that this location has been marketed for an alcoholic beverage use over an extended period of time. We contend that if an owner sought to convert this use into a new type, the signage on the property would have been changed to reflect that intention. The records indicate that it continues to match the usage of an alcoholic beverage establishment.

The historical usage of this location as an alcoholic beverage establishment is a large factor in the new property owner able to secure a new tenant within a week of the previous tenant leaving the space.

In order for the new owner and tenant to pursue their executed lease, the City of Dallas must release its certificate of occupancy review that began on October 23, 2019. City staff has indicated that this review cannot be completed without positive action from the Board of Adjustment. We believe that if there were questions about the continuity of the establishment from December 2017 to August 2018, that should have been resolved prior to the previous tenant conducting business.

The records listed above demonstrate that there has been no voluntary intent to cease an alcoholic beverage establishment use at this location. Since August 2018, the Texas Alcoholic Beverage Commission issued a new license, the State of Texas acknowledges sales tax revenue, Andrews Distributing conducted regular deliveries of alcoholic beverages, ONCOR and Dallas Water Utilities acknowledge utility usage, and the signage for the establishment remained. We contend that if there was an intent to cease this use after August of 2018, none of these actions would have been put forth.

The new tenant and owner have sought to secure the appropriate certificate of occupancy, TABC licenses, and health permit to continue this use. We respectfully request favorable action in order to complete this review and release the application for field inspections.

Please feel free to contact my office if you have any questions regarding these items.

Sincerely,

Santos T. Martinez  
Authorized representative for  
Property owner

# CERTIFICATE OF OCCUPANCY

Zoning... **LC**

Block No. 2/1612

Fire Limits

No 52699

Lot No. 6

Occupancy

Type Const.

DIVISION OF BUILDING INSPECTION

Inspector... 25

San Map Page

CITY OF DALLAS, TEXAS

Permit No.

Location

**5623 E. Grand Avenue**

Date... **12-15-76**

Use

**Lounge with Beer & wine and Pool**

Owner of Land... Dr. Homer G. Crawford

Address 1524 Bellas Vista

Owner of Improvements... Ollie Monk

Address 6953 Hunnicut Road

Tenant... Ollie Monk

Remarks.

Building Height... Stories

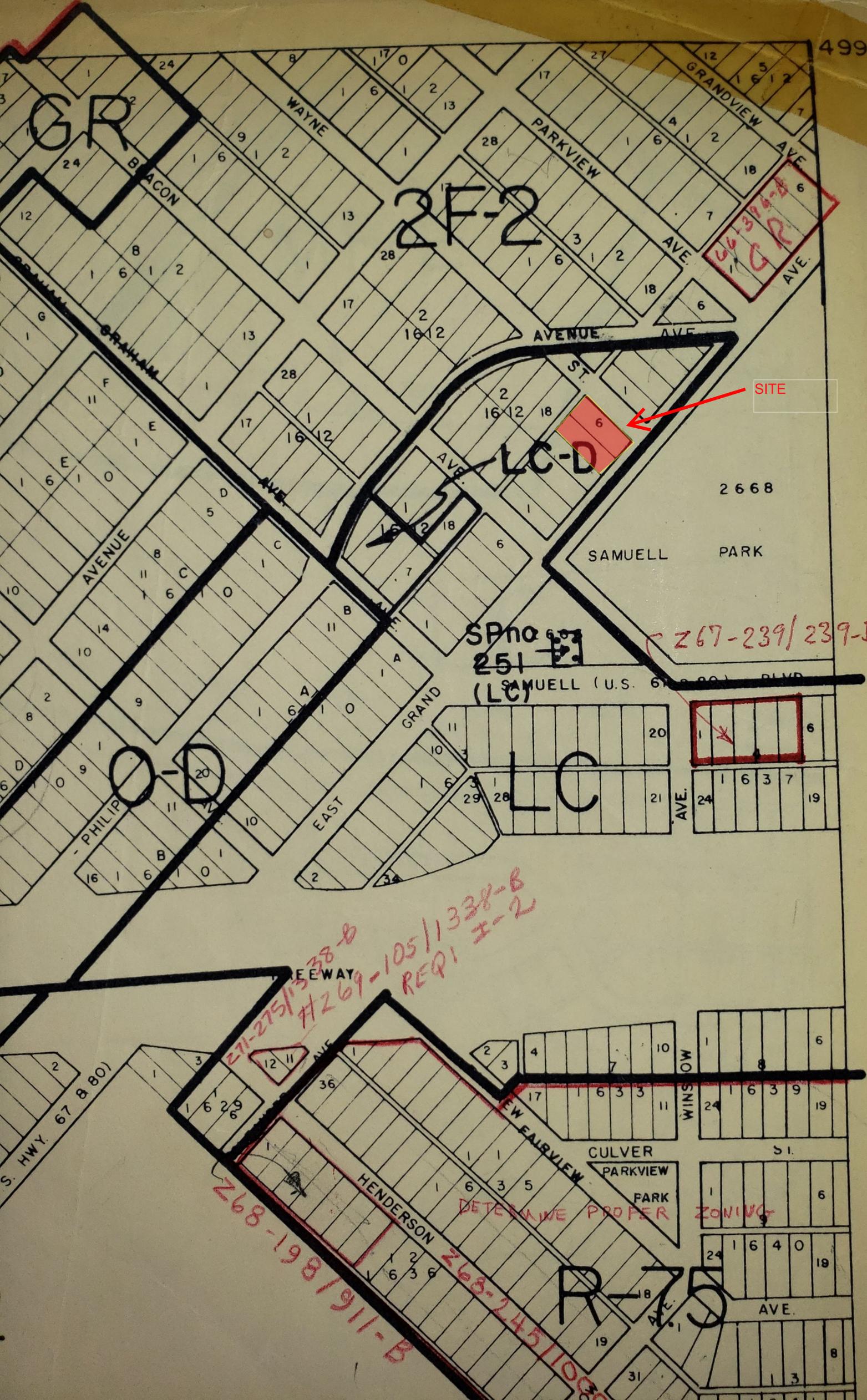
Basement

Maximum allowable floor load per sq. ft.

*J. Tom Jones*  
BUILDING INSPECTION DIVISION

By *Earnest Ruff*

J-8



499

GR

2F-2

267-239/239-B

SITE

LC-D

2668

SAMUELL PARK

SP No 251 (LC)

267-239/239-B

LC

O-D

271-275/1338-B

#267-105/1338-B REQ I-2

268-198/911-B

DETERMINE PROPER ZONING

R-75

S. HWY. 67 & 80

AVE.

# Commercial Gross Lease

1. **Names.** This lease is made by Juanita B. Currens, Landlord, and Andre Robert, Tenant. F M 1314 Restaurant, L.L.C

2. **Premises Being Leased.** Landlord is leasing to Tenant and Tenant is leasing from Landlord the following premises:

5623 East Grand Ave Dallas, TX 75223

3. **Term of Lease.** This lease begins on 11/7/2017 and ends on \_\_\_\_\_.

4. **Rent.** Tenant will pay rent in advance on the 7<sup>th</sup> day of each month. Tenant's first rent payment will be on 11/7/2017 in the amount of \$ \_\_\_\_\_<sup>00</sup>. Tenant will pay rent of \$ \_\_\_\_\_<sup>00</sup> per month thereafter.

- Tenant will pay this rental amount for the entire term of the lease.
- Rent will increase each year, on the anniversary of the starting date in paragraph 3, as follows: \_\_\_\_\_

### 5. Option to Extend Lease

First Option. Landlord grants Tenant the option to extend this lease for an additional 2 years. To exercise this option, Tenant must give Landlord written notice on or before 10/7/2019. Tenant may exercise this option only if Tenant is in substantial compliance with the terms of this lease. Tenant will lease the premises on the same terms as in this lease except as follows: \_\_\_\_\_

Second Option. If Tenant exercises the option granted above, Tenant will then have the option to extend this lease for \_\_\_\_\_ years beyond the first option period. To exercise this option, Tenant must give Landlord written notice on or before \_\_\_\_\_. Tenant may exercise this option only if Tenant is in substantial compliance with the terms of this lease. Tenant will lease the premises on the same terms as in this lease except as follows: \_\_\_\_\_

6. **Security Deposit.** Tenant has deposited \$ \_\_\_\_\_<sup>00</sup> with Landlord as security for Tenant's performance of this lease. Landlord will refund the full security deposit to Tenant within 14 days following the end of the lease if Tenant returns the premises to Landlord in good condition (except for reasonable wear and tear) and Tenant has paid Landlord all sums due under this lease. Otherwise, Landlord may deduct any amounts required to place the premises in good condition and to pay for any money owed to Landlord under the lease.

### 7. Improvements by Landlord

- Before the lease term begins, Landlord (at Landlord's expense) will make the repairs and improvements listed in Attachment 1 to this contract.
- Tenant accepts the premises in "as is" condition. Landlord need not provide any repairs or improvements before the lease term begins.

8. **Improvements by Tenant.** Tenant may make alterations and improvements to the premises after obtaining the Landlord's written consent, which will not be unreasonably withheld. At any time before this lease ends, Tenant may remove any of Tenant's alterations and improvements, as long as Tenant repairs any damage

caused by attaching the items to or removing them from the premises.

**9. Tenant's Use of Premises.** Tenant will use the premises for the following business purposes:

Bar

Tenant may also use the premises for purposes reasonably related to the main use.

**10. Landlord's Representations.** Landlord represents that:

- A. At the beginning of the lease term, the premises will be properly zoned for Tenant's stated use and will be in compliance with all applicable laws and regulations.
- B. The premises have not been used for the storage or disposal of any toxic or hazardous substance, and Landlord has received no notice from any governmental authority concerning removal of any toxic or hazardous substance from the property.

**11. Utilities and Services.** Landlord will pay for the following utilities and services:

- Water
- Electricity
- Gas
- Heat
- Air-Conditioning

Any items not checked will be the responsibility of Tenant.

**12. Maintenance and Repairs**

- A. Landlord will maintain and make all necessary repairs to: (1) the roof, structural components, exterior walls, and interior common walls of the premises, and (2) the plumbing, electrical, heating, ventilating, and air-conditioning systems. *No clogged drains nor toilets*
- ~~B. Landlord will regularly clean and maintain (including snow removal) the parking areas, yards, common areas, and exterior of the building and remove all litter so that the premises will be kept in an attractive condition.~~
- C. Tenant will clean and maintain Tenant's portion of the building so that it will be kept in an attractive condition.

**13. Insurance**

- A. Landlord will carry fire and extended coverage insurance on the building.
- B. Tenant will carry public liability insurance; this insurance will include Landlord as an insured party and will be primary to any liability insurance maintained by landlord. The public liability coverage for personal injury will be in at least the following amounts:
  - \$                      per occurrence. *Between Tenant and his Ins. Agent*
  - \$                      in any one year.
- C. Landlord and Tenant release each other from any liability to the other for any property loss, property damage, or personal injury to the extent covered by insurance carried by the party suffering the loss, damage, or injury.
- D. Tenant will give Landlord a copy of all insurance policies that this lease requires Tenant to obtain.

**14. Taxes**

- A. Landlord will pay all real property taxes levied and assessed against the premises.
- B. Tenant will pay all personal property taxes levied and assessed against Tenant's personal property.

**15. Subletting and Assignment.** Tenant will not assign this lease or sublet any part of the premises without the written consent of Landlord. Landlord will not unreasonably withhold such consent.

**16. Damage to Premises**

- A. If the premises are damaged through fire or other cause not the fault of Tenant, Tenant will owe no rent for any period during which Tenant is substantially deprived of the use of the premises.
- B. If Tenant is substantially deprived of the use of the premises for more than 90 days because of such damage, Tenant may terminate this lease by delivering written notice of termination to Landlord.

**17. Notice of Default.** Before starting a legal action to recover possession of the premises based on Tenant's default, Landlord will notify Tenant in writing of the default. Landlord will take legal action only if Tenant does not correct the default within ten days after written notice is given or mailed to Tenant.

**18. Quiet Enjoyment.** As long as Tenant is not in default under the terms of this lease, Tenant will have the right to occupy the premises peacefully and without interference.

**19. Eminent Domain.** This lease will become void if any part of the leased premises or the building in which the leased premises are located are taken by eminent domain. Tenant has the right to receive and keep any amount of money that the agency taking the premises by eminent domain pays for the value of Tenant's lease, its loss of business, and for moving and relocation expenses.

~~**20. Holding Over.** If Tenant remains in possession after this lease ends, the continuing tenancy will be from month to month.~~

**22. Disputes**

- Litigation. If a dispute arises, either party may take the matter to court.
- Mediation and Possible Litigation. If a dispute arises, the parties will try in good faith to settle it through mediation conducted by

- \_\_\_\_\_
- a mediator to be mutually selected.

The parties will share the costs of the mediator equally. Each party will cooperate fully and fairly with the mediator and will attempt to reach a mutually satisfactory compromise to the dispute. If the dispute is not resolved within 30 days after it is referred to the mediator, either party may take the matter to court.

- Mediation and Possible Arbitration. If a dispute arises, the parties will try in good faith to settle it through mediation conducted by

- \_\_\_\_\_
- a mediator to be mutually selected.

The parties will share the costs of the mediator equally. Each party will cooperate fully and fairly with the mediator and will attempt to reach a mutually satisfactory compromise to the dispute. If the dispute is not resolved within 30 days after it is referred to the mediator, it will be arbitrated by

- \_\_\_\_\_
- an arbitrator to be mutually selected.

Judgment on the arbitration award may be entered in any court that has jurisdiction over the matter. Costs of arbitration, including lawyers' fees, will be allocated by the arbitrator. Landlord need not participate in mediation or arbitration of a dispute unless Tenant has paid the rent called for by this lease or has placed any unpaid rent in escrow with an agreed upon mediator or arbitrator.

**22. Additional Agreements.** Landlord and Tenant additionally agree that: \_\_\_\_\_

**23. Entire Agreement.** This is the entire agreement between the parties. It replaces and supersedes any and

all oral agreements between the parties, as well as any prior writings.

**24. Successors and Assignees.** This lease binds and benefits the heirs, successors, and assignees of the parties.

**25. Notices.** All notices must be in writing. A notice may be delivered to a party at the address that follows a party's signature or to a new address that a party designates in writing. A notice may be delivered:

- in person
- via email, at the addresses provided below
- by certified mail, or
- by overnight courier.

**26. Governing Law.** This lease will be governed by and construed in accordance with the laws of the state of Texas.

**27. Counterparts.** The parties may sign several identical counterparts of this lease. Any fully signed counterpart shall be treated as an original.

**28. Modification.** This lease may be modified only by a writing signed by the party against whom such modification is sought to be enforced.

~~**29. Waiver.** If one party waives any term or provision of this lease at any time, that waiver will be effective only for the specific instance and specific purpose for which the waiver was given. If either party fails to exercise or delays exercising any of its rights or remedies under this lease, that party retains the right to enforce that term or provision at a later time.~~

**30. Severability.** If any court determines that any provision of this lease is invalid or unenforceable, any invalidity or unenforceability will affect only that provision and will not make any other provision of this lease invalid or unenforceable, and shall be modified, amended, or limited only to the extent necessary to render it valid and enforceable.

Dated: 11/7/2017

**LANDLORD**

Name of Business: \_\_\_\_\_  
 at 5623 East Grand Ave  
Dallas, Tx 75223  
 By: Juanita B. Currens  
 Printed Name: Juanita B. Currens  
 Title: Owner of property  
 Address: 6149 Vickery Blvd  
 Email: jburrens46@gmail.com

**TENANT**

Name of Business: East Grand Cantina  
 at 5623 East Grand Ave Dallas Tx  
75223  
 By: Andre Robert  
 Printed Name: Andre Robert  
 Title: owner of Business  
 Address: 4200 Brittany Ct Frisco Tx 75034  
 Email: aer4090@yahoo.com

**GUARANTOR**

By signing this lease, I personally guarantee the performance of all financial obligations of \_\_\_\_\_ under this lease.

Dated: 11-7-2017  
 Printed Name: Andre Robert Title: owner of Business  
 Address: 4200 Brittany Ct Frisco Tx 75034  
 Email: aer4090@yahoo.com

# EXHIBIT D

Sept 4<sup>th</sup> 2019

To whom this may concern

FM1314 Restaurant LLC will no longer be leasing the space located at 5623 E Grang AV  
dallas tx, 75223 once the lease is up on nov.6<sup>th</sup> 2019

The space ill be vacant as of sept 5<sup>th</sup> 2019 midnight

On sept 4<sup>th</sup> we will be giving a final check for [REDACTED] \$ which will cover the last 2 months  
at [REDACTED] per mont for the rent .

[REDACTED] \$ deposit  
[REDACTED] check 1165  
[REDACTED] \$ Total

  
\_\_\_\_\_  
Andre Robert

# EXHIBIT E

## COMMERCIAL LEASE

- THIS LEASE is made between 118 Kenwood, LLC, hereafter called "Lessor," and Heathen Catering, LLC, Daniel Ryan Wallis, and Tyler Sherrod Brown, all of whom collectively hereafter are called the "Lessee", and each of whom are a "party" and collectively are all the "parties" hereto.

The parties agree as follows:

1. AGREEMENT TO LEASE: DESCRIPTION OF THE PROPERTY. The Lessor leases to the Lessee, and the Lessee rents from the Lessor, the following described commercial space: 5623 E. Grand Ave., Dallas, Dallas County, Texas 75223, including Lessor's bar related equipment consisting of 2 drink coolers and an ice machine (the "Premises"). In consideration of this lease, Lessor agrees to relocate the HVAC and move outside compressor to the roof.

2. TERMS OF LEASE. The term of the lease is as follows:

10th RT DW TR

The term of this lease shall be a period of 2 years, commencing on September 1st, 2019, and ends at midnight on August 31st, 2021. Provided the Lessee has not breached any provisions herein, the Lessee shall have the option renew this lease for an additional term of 2 years, on like terms and conditions, at the below described rental rate, by delivering a written notice of intention to renew lease to Lessor no later than 120 days before the end of the term.

3. RENTAL.

a. Lessee shall pay to Lessor as rent at the Premises or at any other address that Lessor may designate, the following rent in lawful money of the United States of America.

Months:	Monthly Rent:
September, 2019 – November, 2019	- \$ [REDACTED]
December, 2019 – August, 2020	- \$ [REDACTED]
September, 2020 – August, 2021	- \$ [REDACTED]
Option Years:	Monthly Rent:
September, 2021 – August, 2022	- \$ [REDACTED]
September, 2022 – August, 2023	- \$ [REDACTED]

b. All payments due from Lessee to Lessor under the terms of this lease shall be paid promptly when due to Lessor by ACH as Lessor designate. If any payment is not received by Lessor by midnight on the 5th day following the day on which the payment is due, a late fee equal to 10% of the delinquent payment shall be due from Lessee to Lessor as additional rent.

c. If Lessee fails to timely pay any amounts due under this lease or if any check of Lessee is returned to Lessor by the institution on which it was drawn, Lessor, after providing written notice to Lessee, may

require Lessee to pay subsequent amounts that become due under this lease in certified funds. If Lessee fails to timely make 2 monthly payments due under this lease, then Lessor may terminate this lease.

4. TAXES. Lessee agrees to pay directly to the taxing authorities, any taxes levied against the personal property and trade fixtures of the Lessee in and about the premises, provided, however, that if any such taxes of Lessee are levied against Lessor or Lessor's property or if the assessed value of Lessor's property is increased by the inclusion of the value placed on Lessee's property and Lessor pays those taxes, Lessee, on demand, shall reimburse Lessor for all taxes actually paid on Lessee's behalf.

5. Omitted.

6. SECURITY DEPOSIT. Lessee has previously deposited the sum of \$[REDACTED] as a nonrefundable fee to secure this lease, the receipt of which is acknowledged by Lessor. Prior to taking possession of the Premises, Lessee shall deposit the sum of an additional \$[REDACTED] as a security deposit. This sum shall be retained by Lessor as security for performance under the lease. If at any time Lessee defaults in any provision of this lease, Lessor will have the right to use the deposit or as much of it as may be necessary to pay any rent in default, any expense incurred by Lessor in curing any default by Lessee, or any damages incurred by Lessor by reason of Lessee's default. Lessor, however, may retain the deposit at its option in liquidation of the damages it suffers by reason of Lessee's default. If the deposit is not used for any such purpose, it shall be refunded to Lessee on the expiration of this lease. Lessee will not be entitled to interest on the security deposit.

7. SUBORDINATION OF RIGHTS. This lease and all rights of Lessee under it are and shall be subject to and subordinate to the rights of any mortgage holder now or hereafter having a security interest in the leased premises or any other encumbrances Lessor desires to place on the property. Lessee must, on demand, execute a subordination, attornment, and nondisturbance agreement that Lessor may request that Lessee execute, provided that such agreement is made on the condition that this lease and Lessee's rights under this lease are recognized by the lien-holder. Furthermore, if there is any change in ownership of the Premises due to a sale of the property or the death of Lessor's principal, Lessee's rights to the use of the premises will cease under this lease agreement and must be renegotiated with the new owner of the Premises.

8. LESSEE'S COVENANTS. Lessee further covenants and agrees as follows:

a. To pay the monthly rent, and all insurance, and every installment of it when it comes due; to use the premises in a careful, proper and legal manner to operate a business within the City of Dallas (including obtaining all business permits and complying with all zoning and other regulations of any governmental entity); to commit or permit no waste or damages to the premises; to conduct or permit no business or act that is a nuisance or may be in violation of any federal, state, or local law or ordinance; to surrender the premises on expiration or termination of this lease in clean condition and good repair, normal wear and tear excepted, provided, however, that all alterations, additions, and improvements permanently attached and made by Lessee, its successors, sublessees, and assigns (excepting movable furniture, equipment, supplies, and inventory) shall become and remain the

property of Lessor on the termination of Lessee's occupancy of the premises. Lessor shall not be liable for any zoning changes made by the City of Dallas.

b. To timely pay all costs of fuel, electricity, telephone, internet, water, and all other utilities used on the leased premises. All those amounts shall be paid within 10 days of becoming due.

c. To maintain at all times during the lease term, at Lessee's cost, a general liability insurance and a dram shop liability insurance policy protecting Lessor against all claims or demands that may arise or be claimed on account of Lessee's use of the premises, in an amount of at least \$ [REDACTED] for injuries to persons in one accident, \$ [REDACTED] for injuries to any one person, and \$ [REDACTED] for damages to property. The terms of the insurance coverage shall be as are acceptable to Lessor and shall be written by a company or companies acceptable to Lessor, authorized to engage in the business of general liability insurance in the state of Texas. Lessee shall deliver to Lessor annual certificates demonstrating that insurance is paid up and copies of the insurance policies issued by the insurance companies. Lessee further agrees to maintain at all times during the lease term, at Lessee's cost, broad-coverage fire and casualty insurance on the premises with Lessor as payee and to provide Lessor with a copy of the policy and a certificate issued by the insurance company demonstrating that insurance is paid up. At its option, Lessor may request Lessee to obtain a certified statement by each insurance carrier containing a clause providing that the insurance carrier will give Lessor 30 days' written notice before any cancellation shall be effective. The insurance policies shall be provided by Lessee and shall be for a period of at least one year. If Lessee fails to furnish policies or certificates showing policies to be paid in full as provided in this lease, Lessor may obtain the insurance, and the premiums on that insurance will be deemed additional rental to be paid by Lessee to Lessor on demand.

d. To prohibit and refrain from engaging or in allowing any use of leased premises that will increase Lessor's premiums for insurance on the building without the express written consent of Lessor.

e. To indemnify and hold harmless Lessor and the leased premises from all costs, losses, damages, liabilities, expenses, penalties, and fines whatsoever that may arise from or be claimed against Lessor or the leased premises by any person or persons for any injury to person or property or damage of whatever kind or character arising from the use or occupancy of the leased premises by Lessee; from any neglect or fault of Lessee or the agents and the employees of Lessee in using and occupying the premises; or from any failure by Lessee to comply and conform with all laws, statutes, ordinances, and regulations of any governmental body or subdivision now or hereafter in force. If any lawsuit or proceeding shall be brought against Lessor or the leased premises on account of any alleged violations or failure to comply and conform or on account of any damage, omission, neglect, or use of the premises by Lessee, the agents and employees of Lessee, or any other person on the premises, Lessee agrees that Lessee or any other person on the premises will defend it, pay whatever judgments may be recovered against Lessor or against the premises on account of it, and pay for all attorneys' fees in connection with it, including attorneys' fees on appeal.

f. In case of damages to the leased premises, to replace it with the same kind, size, and quality as quickly as possible at Lessee's expense.

g. At Lessee's expense, to perform all maintenance and repairs required to keep the Premises in good repair and operable condition including: a) heating and air-conditioning and water heating equipment serving the leased premises; and b) all of Lessor's bar equipment including the ice machine, the drink coolers, and all bar related fixtures and equipment; and c) the roof, walls, foundation, parking lot, doors, windows, glass, and d) electrical service and plumbing; all in good operating condition and repair during the term of this lease and any renewal term.

h. To make no alterations in or additions or improvements to install any equipment in or maintain signs advertising its business on the premises without, in each case, obtaining the written consent of Lessor. If any alterations, additions, or improvements in or to the premises are made necessary by reason of the special use and occupancy of the premises by Lessee, Lessee agrees that it will make all such alterations, additions, and improvements in or to the premises at its own expense and in compliance with all building codes, ordinances, and governmental regulations pertaining to such work, use, or occupancy. Lessee agrees that it will hold Lessor harmless against all expenses, liens, claims, and damages to either property or person that may or might arise because any repairs, alterations, additions, or improvements are made.

i. To permit Lessor to enter, inspect, and make such repairs to the leased property as Lessor may reasonably desire, at all reasonable times, and to permit Lessor to put on the leased premises a notice that Lessee may not remove stating that the premises are for rent one month preceding the expiration of this lease.

j. Not to post or paint any signs at, on, or about the Premises without Lessor's written consent. Lessor may remove any unauthorized sign, and Lessee will promptly reimburse Lessor for its cost to remove any unauthorized sign. Any authorized sign must comply with all laws, restrictions, zoning ordinances, and any governmental order relating to signs on the Premises. Lessor may temporarily remove any authorized sign to complete repairs or alterations of the Premises. Landlord may require Lessee, upon move-out and at Lessee's expense, to remove, without damage to the Premises, any or all signs that were placed on the Premises. Any signs that Lessor does not require Lessee to remove and that are fixtures become the property of the Lessor and must be surrendered at the time this lease ends.

k. To keep the Premises clean and sanitary and promptly dispose of all garbage in appropriate receptacles. To promptly repair a condition in need of repair that is caused, either intentionally or negligently, by Lessee's invitees or employees. Lessee will maintain any grease trap on the Premises, including but not limited to periodic emptying and cleaning, as well as making any modification to the grease trap that may be necessary to comply with any applicable law.

l. Not to alter, improve, or add to the Premises without Lessor's consent. If Lessor authorizes the changing, addition, or rekeying of any locks or other security devices, Lessee must immediately deliver the new keys and access devices to Lessor. Any alterations, improvements, fixtures or additions to the Premises installed by either party during the term of this lease will become Lessor's property at the time this lease ends.

m. Not to do anything that will cause the title of the Premises to be encumbered in any way. If Lessee causes a lien to be filed against the Premises, Lessee will immediately pay the lien and have the lien release of record and take all other action necessary to discharge the lien.

n. TO THE EXTENT PERMITTED BY LAW, LESSOR IS NOT RESPONSIBLE TO LESSEE OR LESSEE'S EMPLOYEES, PATRONS, GUESTS, OR INVITEES FOR ANY DAMAGES, INJURIES, OR LOSSES TO PERSON OR PROPERTY CAUSED BY: I) AN ACT, OMISSION, OR NEGLIGENCE OF: LESSEE, OR LESSEE'S AGENT(S), GUESTS, EMPLOYEES, PATRONS, OR INVITEES; OR II) FIRE, FLOOD, WATER LEAKS, ICE, SNOW, HAIL, WINDS, EXPLOSION, SMOKE, RIOT, WARE, TERRORISM, STRIKE, INTERRUPTION OF UTILITIES, THEFT, BURGLARY, ROBBERY, ASSAULT, VANDALISM, OTHER PERSONS, ENVIRONMENTAL CONTAMINANTS, OR OTHER OCCURRENCES OR CASUALTY LOSSES.

o. Lessee shall indemnify and hold Lessor harmless from any property damage, personal injury, suits, actions, liabilities, damages, cost of repairs or service to the Premises, or any other loss cause, negligently or otherwise, by Lessee or its employees, patrons, guests or invitees.

p. If Lessee fails to vacate the Premises at the time this lease ends, Lessee will become a tenant-at-will and must vacate the Premises immediately upon receipt of demand from Lessor. No holding over by Lessee, with or without the consent of Landlord, will extend this lease. Lessee will indemnify Lessor and any prospective tenants for all damages caused by the holdover. Rent for any holdover period will be 2 times the then monthly rent amount plus any additional rent calculated on a daily basis and will be immediately due and payable daily without notice or demand.

q. Lessee may not assign this lease or sublet any part of the Premises without Lessor's written consent. Lessor shall not unreasonably withhold consent to the assignment of the lease to a third party purchaser of Lessee's business, provided the proposed assignee is acceptable to Lessor. If Lessee assigns this lease or sublets any part of the Premises, Lessee will remain liable for all of Lessee's obligations under this lease regardless if the assignment or sublease was made with or without the consent of Lessor. Lessor may assign this lease to any subsequent owner of the Premises.

r. Within 10 days after receipt of a written request from Lessor, Lessee will execute and deliver to Lessor an estoppel certificate that identifies the terms and conditions of this lease.

s. If after a condemnation or purchase in lieu of condemnation the Premises are totally unusable for the purpose stated in this lease, this lease will terminate. Any condemnation award or proceeds in lieu of condemnation are the property of Lessor and Lessee has no claim to such proceeds or award. Lessee may seek compensation from the condemning authority for its moving expenses and damages to Lessee's personal property.

t. Lessee is additionally liable to Lessor for: all costs of collecting any sums due Lessor hereunder, including attorney's fees and costs of court; costs of reletting the Premises including brokerage fees, advertising fees, and other fees necessary to relet the Premises; repairs to the Premises beyond normal wear and tear; all costs associated with evicting the Lessee, such as attorney's fees and court costs and prejudgment interest; all lost rent; all costs of removing any of Lessee's equipment or fixtures left on the

Premises after termination of the lease; all costs to remove any trash, debris, personal property, hazardous materials, or environmental contaminants left by Lessee or its employees, patrons, guests, or invitees; and all costs to replace any unreturned keys or access devices. Lessor's delay, waiver, or non-enforcement of acceleration, contractual or statutory lien, rental due date, or any other right will not be deemed a waiver of any other or subsequent breach by Lessee or any other term in this lease.

w. Time is of the essence. The Lessor requires strict compliance with the times for performance.

8. LESSOR'S COVENANTS. Lessor covenants and agrees as follows:

a. To warrant and defend Lessee in the enjoyment and peaceful possession of the premises during the aforesaid term, unless Lessor enjoys a termination right.

b. If the premises are destroyed or so damaged by fire, casualty, or other disaster that they become untenable, Lessor will have the right to render the premises tenantable by repairs within 90 days from the date of damage with reasonable additional time, if necessary, for Lessor to adjust the loss with insurance companies insuring the premises, or for any other delay occasioned by conditions beyond the control of Lessor. If the premises are not rendered tenantable within that time, either party will have the right to terminate this lease by written notice to the other. In the event of such termination, the rent shall be paid only to the date of the damage. If the lease is not terminated, rent nevertheless shall be abated during the period of time from the date of damage to the date of physical occupancy by Lessee or date of complete restoration, whichever occurs first.

9. DEFAULT IN PAYMENT OF RENT. If any rent or other payments required by this lease are not paid when due, Lessor will have the option to:

a. Terminate this lease, resume possession of the premises, and recover immediately from Lessee the difference between the rent specified in the lease and the fair rental value of the property for the remainder of the term, reduced to present worth; or

b. Resume possession and re-lease or rent the property for the remainder of the term for the account of Lessee and recover from Lessee at the end of the term or at the time each payment of rent comes due under this lease, whichever Lessor may choose, the difference between the rent specified in the lease and the rent received on the re-leasing or renting. If Lessee fails to timely make 2 monthly payments when due under this lease, then Lessor may terminate this lease.

10. DEFAULTS OTHER THAN RENT. If either Lessor or Lessee fails to perform or breaches any agreement on this lease other than the agreement of Lessee to pay rent, and this failure or breach continues for 10 days after a written notice specifying the required performance has been given to the party failing to perform, (a) the party giving notice may institute action in a court of competent jurisdiction to terminate this lease or to complete performance of the agreement, and the losing party in that litigation shall pay the prevailing party all expenses of the litigation, including reasonable attorneys' fees; or (b) Lessor or Lessee may, after 30 days' written notice to the other, comply with the agreement or correct any such breach, and the costs of that compliance shall be payable on demand.

11. **INSOLVENCY, BANKRUPTCY, ETC., OF LESSEE.** If Lessee is declared insolvent or adjudicated a bankrupt; if Lessee makes an assignment for the benefit of creditors; if Lessee's leasehold interest is sold under execution or by a trustee in bankruptcy; or if a receiver is appointed for Lessee, Lessor, without prejudice to its rights hereunder and at its option, may terminate this lease and retake possession of the premises immediately and without notice to Lessee or any assignee, transferee, trustee, or any other person or persons, using force if necessary.

12. **LESSOR TO HAVE LIEN.** Lessor will have a lien against all goods, equipment, furniture, and other personal property of Lessee brought, stored, or kept on the leased premises during the lease term, in the aggregate amount of all rent, damages, and other sums that may at any time be owed by Lessee to Lessor under the lease. In the event of any default by Lessee, Lessor may foreclose the lien in the same manner that a mortgage would be foreclosed and, in that event, Lessee shall be obligated for all court costs and reasonable attorneys' fees.

13. **GUARANTORS.** The undersigned, jointly and severally, unequivocally guarantees Lessee's timely performance and all liability accruing hereunder to Lessor.

14. **ELECTION BY LESSOR NOT EXCLUSIVE.** The exercise by Lessor of any right or remedy to collect rent or enforce its rights under this lease will not be a waiver or preclude the exercise of any other right or remedy afforded Lessor by this lease agreement or by statute or law. The failure of Lessor in one or more instances to insist on strict performance or observations of one or more of the covenants or conditions of this lease or to exercise any remedy, privilege, or option conferred by this lease on or reserved to Lessor shall not operate or be construed as a relinquishment or future waiver of the covenant or condition or the right to enforce it or to exercise that remedy, privilege, or option; that right shall continue in full force and effect. The receipt by Lessor of rent or any other payment or part of payment required to be made by the Lessee shall not act to waive any other additional rent or payment then due. Even with the knowledge of the breach of any covenant or condition of this lease, receipt will not operate as or be deemed to be a waiver of this breach, and no waiver by Lessor of any of the provisions of this lease, or any of Lessor's rights, remedies, privileges, or options under this lease, will be deemed to have been made unless made by Lessor in writing.

No surrender or assignment of the premises for the remainder of the term of this lease will be valid unless accepted by Lessor in writing. Lessee will not assign or sublet this lease without Lessor's prior written consent, which shall not unreasonably be withheld. No assignment or sublease will relieve the assignor or sublessor of any obligation under this lease. Each assignee or sublessee, by assuming such status, will become obligated to perform every agreement of this lease to be performed by Lessee, except that a sublessee shall be obligated to perform such agreements only insofar as they relate to the subleased part of the property and the rent required by the sublease. Sublessee will be obligated to pay rent directly to Lessor only after Sublessor's default in payment and written demand from Lessor to Sublessee to pay rent directly to Lessor.

15. **ADDRESSES FOR PAYMENTS AND NOTICES.** Rent payments and notices to Lessor shall be paid by ACH or delivered to the address set forth on the first page of this lease, unless Lessor advises Lessee

differently in writing. Notices to Lessee may be mailed or delivered to the leased premises, and proof of mailing or posting of those notices to the leased premises will be deemed the equivalent of personal service on Lessee. All notices to either party shall be either by hand delivery or sent by certified or registered mail, return receipt requested.

16. CAPTIONS. The captions and paragraphs or letters appearing in this lease are inserted only as a matter of convenience and in no way define, limit, construe, or describe the scope or intent of the sections or articles of this lease or affect this lease in any way.

17. TEXAS LAW. This lease will be governed by the laws of the state of Texas, as to both interpretations and performance.

18. ENTIRE AGREEMENT. This lease sets forth all the promises, agreements, conditions, and understandings between Lessor and Lessee relative to the leased premises. There are no other promises, agreements, conditions, or understandings, either oral or written, between them. No subsequent alteration, amendment, change, or addition to this lease will be binding on Lessor or Lessee unless in writing and signed by them and made a part of this lease by direct reference.

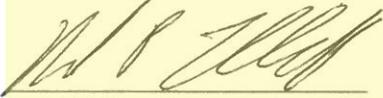
19. TERMS INCLUSIVE. As used herein, the terms "Lessor" and "Lessee" include the plural where ever the context requires or admits.

IN WITNESS WHEREOF, Lessor and Lessee have duly executed this Lease Agreement to be effective as of September 10<sup>th</sup>, 2019.

LESSOR:

10<sup>th</sup> RF TB DW

118 Kenwood, LLC, a Texas limited liability company



By: Robert P Frankenfeld, its Manager

LESSEE:

Heathen Catering, LLC, a Texas limited liability company



By: Tyler Sherrod Brown, its Manager

GUARANTORS:

\_\_\_\_\_  
Daniel Ryan Wallis, Individually

  
\_\_\_\_\_  
Tyler Sherrod Brown, Individually


[Dallas Home](#)
[Building Inspection Home](#)
[Offices](#)
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[Newsletter](#)
[Government](#)
**Certificate of Occupancy - 1910231056**
[Details](#)
[Holds](#)
[Documents](#)
[Zoning Info](#)

## Property

Street Address

[View](#)

5623 EAST GRAND AVE

Status: CO Pending

Application Date: Oct 23, 2019

Issue Date: mmm dd, yyyy

Completed Date:

Applicant: SANTOS MARTINEZ

Owner Category:

PRIVATE

Land Use Description: ALCOHOLIC BEVERAGE ESTABLISHMENT

Temporary Address:

## Project

Doing business as: BAR FLY

Certificate Type: CO

Health Permit Number:

Use of Property: BAR

Occupancy: A2

Selling Alcohol:

Dwelling Units:

Constr. Type: UNK

Dance Floor:

Stories:

Sq. Footage: 974

Occupancy Load:

Sprinkler: (None)

Required Parking:

Proposed Parking:

Development Services Building Inspection Division || 320 E. Jefferson Dallas, Texas 75203 || 214/948-4480

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City of Dallas

# Certificate of Occupancy



Address: 5623 EAST GRAND AVE 75223 Issued: 08/23/2013

Owner: FELIX FLORES  
5623 E GRAND DL TX 75223

DBA: TEJANO TRUE COUNTRY BAR

Land Use: (5821) ALCOHOLIC BEVERAGE ESTABLISHMENT

Occupied Portion:

C.O.#: 1308021013

Lot: 5	Block: 2/1612	Zoning: RR	PDD:	SUP:
Historic Dist:	Consrv Dist:	Pro Park: 0	Req Park: 0	Park Agrmt: N
Dwlg Units:	Stories:	Occ Code: B	Lot Area: 15000	Total Area: 974
Type Const: IIIB	Sprinkler: None	Occ Load:	Alcohol: Y	Dance Floor:N

Remarks: NON-CONFORMING BAR 974 SF. Area may not be enlarged with adjacent suite. OCCUPANT LOAD=48 INSIDE, OUTSIDE PATIO=15, EM 8/20/13. 8-22-2013  
TABC MB, LB. AFFIDAVITS ON FILE..

Larry Holmes, Building Official

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



City of Dallas

# Certificate of Occupancy

Address:	5623 EAST GRAND AVE 75223	Issued: 09/02/2014
Owner:	JUANITA B CURENS 6149 VICKERY	
DBA:	JUANITA'S CANTINA	
Land Use:	(5821) ALCOHOLIC BEVERAGE ESTABLISHMENT	
Occupied Portion:		
C.O.#:	1407071019	

Lot: 5	Block: 2/1612	Zoning: RR	PDD:	SUP:
Historic Dist:	Consrv Dist:	Pro Park:	Req Park:	Park Agrmt: Y
Dwlg Units:	Stories:	Occ Code: A2	Lot Area: 15000	Total Area: 974
Type Const: IIIB	Sprinkler:	Occ Load:	Alcohol: Y	Dance Floor:N

Remarks: SAME LAST ISSUED CO 1308021013. OK TO ISSUE PER VY. MUST COMPLETE LIQUOR MEASUREMENT BEFORE ALCOHOL SALES ALLOWED. SQ FOOTAGE MUST REMAIN AT 974 SQ. FT. NON-CONFORMING BAR 974 SF. Area may not be enlarged with adjacent suite. OCCUPANT LOAD=48 INSIDE, OUTSIDE PATIO=15, EM 8/20/13. 7-31-2014 TABC BG.

Larry Holmes, Building Official

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



City of Dallas

# Certificate of Occupancy

Address:	5623 EAST GRAND AVE 75223	Issued: 12/29/2015
Owner:	JULIE LISSETTE ESQUIVEL 5623 EAST GRAND AVE	
DBA:	EL BOLA'S SPORTS BAR	
Land Use:	(5821) ALCOHOLIC BEVERAGE ESTABLISHMENT	
Occupied Portion:		
C.O.#:	1512231083	

Lot: 5	Block: 2/1612	Zoning: RR	PDD:	SUP:
Historic Dist:	Consrv Dist:	Pro Park:	Req Park:	Park Agrmt: Y
Dwlg Units:	Stories:	Occ Code: A2	Lot Area: 15000	Total Area: 974
Type Const: UNK	Sprinkler:	Occ Load:	Alcohol: Y	Dance Floor:N

Remarks: NONCONFORMING USE  
12/28/15 TABC,BG,BL AFFIDAVIT ON FILE

Larry Holmes, Building Official

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

# Certificate of Occupancy

Address: **5623 EAST GRAND AVE 75223**

Issued: 12/29/2015

Owner: **JULIE LISSETTE ESQUIVEL  
5623 EAST GRAND AVE**

DBA: **EL BOLA'S SPORTS BAR**

Land Use: **(5821) ALCOHOLIC BEVERAGE ESTABLISHMENT**

Occupied Portion:

C.O.#: **1512231083**

Lot:	5	Block:	2/1612	Zoning:	RR	PDD:		SUP:	
Historic Dist:		Consv Dist:		Pro Park:		Req Park:		Park Agrmt:	Y
Dwlg Units:	0	Stories:	1	Occ Code:	B	Lot Area:	15000	Total Area:	974
Type Const:	IIIB	Sprinkler:	None	Occ Load:	47	Alcohol:	Y	Dance Floor:	N

Remarks: NON-CONFORMING USE - ZONING  
12/28/15 TABC,BG,BL AFFIDAVIT ON FILE  
47 MAX OCC POSTED IN DINING/BAR AREA @ 15 SQFT/OCC  
12 MAX OCC OUTSIDE OPEN AREA @ 15 SQFT/OCC  
TOTAL INSIDE & OUTSIDE = 59 MAX OCC THIS CO  
2 EXITS REQ'D.

*Philip Sikes*

Philip Sikes, Building Official

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



# Certificate of Occupancy

**Address:** 5623 EAST GRAND AVE 75223 **Issued:** 12/15/2017  
**Owner:** FM 1314 RESTAURANT, LLC  
 4200 BRITTANY CT  
 FRISCO, TX 75034  
**DBA:** EAST GRAND CANTINA  
**Land Use:** (5821) ALCOHOLIC BEVERAGE ESTABLISHMENT  
**Occupied Portion:**  
**C.O.#:** 1711271049

Lot: 5	Block: 2/1612	Zoning: RR	PDD:	SUP:
Historic Dist:	Consv Dist:	Pro Park: 10	Req Park: 10	Park Agrmt: Y
Dwlg Units:	Stories:	Occ Code: B	Lot Area: 15000	Total Area: 974
Type Const: IIIB	Sprinkler:	Occ Load: 47	Alcohol: Y	Dance Floor: N

Remarks: NON-CONFORMING USE - ZONING 11/27/2017. JB  
 47 MAX OCC POSTED IN DINING/BAR AREA @ 15 SQFT/OCC  
 12 MAX OCC OUTSIDE OPEN AREA @ 15 SQFT/OCC  
 TOTAL INSIDE & OUTSIDE = 59 MAX OCC THIS CO  
 2 EXITS REQ'D.

*Philip Sikes*

Philip Sikes, Building Official

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

EXHIBIT H1  
Texas Alcoholic Beverage Commission

4/14/2020

Roster Report

DALLAS,DALLAS,75223

Retailers - BE,BF,BG,LB,MB

<b>Lic. #:</b> BG312289	<b>Location Address</b>	<b>Mailing Address</b>
<b>Trade Name:</b> JOE'S BURGERS	4408 ASH LANE	306 E TRIPP RD
<b>Owner:</b> JOE'S INVESTMENTS INC.		
<b>County:</b> Dallas	DALLAS, TX 75223	SUNNYVALE, TX 75182
<b>Status:</b> Expired		
<b>Orig. Lic. Date:</b> 10/24/1995	<b>Phone No.:</b> 214-827-1897	<b>Wine Percent:</b> 17
<b>Expiration Date:</b> 10/23/2017	<b>Related To:</b>	<b>Gun Sign:</b> BLUE
<b>Subordinates:</b>		
<b>Lic. #:</b> BG292385	<b>Location Address</b>	<b>Mailing Address</b>
<b>Trade Name:</b> JOE'S SEAFOOD	4224 ASH LANE	306 TRIPP RD
<b>Owner:</b> JOE'S INVESTMENTS INC.		
<b>County:</b> Dallas	DALLAS, TX 75223	SUNNYVALE, TX 75182
<b>Status:</b> Current		
<b>Orig. Lic. Date:</b> 12/30/1993	<b>Phone No.:</b> 214-823-3681	<b>Wine Percent:</b> 17
<b>Expiration Date:</b> 12/29/2021	<b>Related To:</b>	<b>Gun Sign:</b> BLUE
<b>Subordinates:</b>		
<b>Lic. #:</b> BF1067685	<b>Location Address</b>	<b>Mailing Address</b>
<b>Trade Name:</b> JOHNNY PAYLESS LIQUOR	3202 SAMUELL BOULEVARD	2609 CRESTMONT DR
<b>Owner:</b> KL SAMUELL INC.		
<b>County:</b> Dallas	DALLAS, TX 75223	GARLAND, TX 75040
<b>Status:</b> Current		
<b>Orig. Lic. Date:</b> 09/30/2019	<b>Phone No.:</b> 214-828-8003	<b>Wine Percent:</b>
<b>Expiration Date:</b> 09/29/2021	<b>Related To:</b> P 1067684	<b>Gun Sign:</b> BLUE
<b>Subordinates:</b>		
<b>Lic. #:</b> BG300308	<b>Location Address</b>	<b>Mailing Address</b>
<b>Trade Name:</b> JUANITA'S CANTINA	5623 E GRAND AVENUE	6149 VICKERY BLVD
<b>Owner:</b> CURRENS, JUANITA BARRIENTOS		
<b>County:</b> Dallas	DALLAS, TX 75223	DALLAS, TX 752143345
<b>Status:</b> Expired		
<b>Orig. Lic. Date:</b> 08/25/1994	<b>Phone No.:</b>	<b>Wine Percent:</b> 17
<b>Expiration Date:</b> 08/24/2016	<b>Related To:</b>	<b>Gun Sign:</b> RED
<b>Subordinates:</b> BL		

EXHIBIT H2  
Texas Alcoholic Beverage Commission

4/14/2020

Roster Report

DALLAS,DALLAS,75223

Lic. #: BG1025691  
Trade Name: EAST GRAND CANTINA

Location Address  
5623 E GRAND

Mailing Address  
ATTN: BURLSON & CRAIG PLLC  
PO BOX 540327

Owner: FM 1314 RESTAURANT L.L.C.  
County: Dallas  
Status: Vol Cancel

DALLAS, TX 75223

HOUSTON, TX 77254

Orig. Lic. Date: 08/06/2018  
Expiration Date: 08/05/2020  
Subordinates: BL

Phone No.:  
Related To:

Wine Percent: 17  
Gun Sign: RED

Lic. #: BQ707874  
Trade Name: EL MERCADO AZTECA #5

Location Address  
6015 LINDSLEY

Mailing Address  
7730 FORNEY RD

Owner: MALONE'S FOOD STORES LLC  
County: Dallas  
Status: Expired

DALLAS, TX 75223

DALLAS, TX 752272508

Orig. Lic. Date: 11/12/2008  
Expiration Date: 11/11/2015  
Subordinates:

Phone No.: 214-388-4757  
Related To:

Wine Percent: 17  
Gun Sign: BLUE

Lic. #: MB432864  
Trade Name: EL PALENQUE

Location Address  
5431 E GRAND AVENUE

Mailing Address  
3313 MAYDA ST

Owner: MARTINEZ, RICHARD A  
County: Dallas  
Status: Expired

DALLAS, TX 75223

MESQUITE, TX 75150

Orig. Lic. Date: 06/03/1998  
Expiration Date: 06/02/2017  
Subordinates: LB

Phone No.:  
Related To:

Wine Percent:  
Gun Sign: RED

Lic. #: MB682309  
Trade Name: EL PALMERAS NIGHT CLUB

Location Address  
3610 SAMUELL BOULEVARD

Mailing Address  
3610 SAMUELL BLVD

Owner: BARBIS BAR INC.  
County: Dallas  
Status: Current

DALLAS, TX 75223

DALLAS, TX 75223

Orig. Lic. Date: 01/30/2008  
Expiration Date: 01/29/2021  
Subordinates: CB, LB, PE

Phone No.: 214-753-6273  
Related To:

Wine Percent:  
Gun Sign: RED



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Master Permit - 1308201074

**Details** **Trades** **Documents** **Zoning Info**

**Property**

Street Address

[View](#) 5623 EAST GRAND AVE

Status: Work Completed

Application Date: Aug 20, 2013  
Issue Date: Aug 20, 2013  
Completed Date: Aug 21, 2013

**Applicant**

JOE ALCALA

**Contractor**

TEJANO TRUE COUNTRY BAR INC.  
5623 E GRAND AVE.  
DALLAS, TX 75223  
(214) 948-0071

Owner Category: PRIVATE

Fee Web Contractor:

Work Description: 500-ALCOHOL CERTIFICATION

Land Use Description: ALCOHOLIC BEVERAGE ESTABLISHMENT

**Project**

Doing business as: TEJANO TRUE COUNTRY BAR

Activity: (B) Alteration

Occupancy: A2

Selling Alcohol:

Dwelling Units:

Constr. Type: UNK

Dance Floor:

Stories:

Bedrooms:

Bathrooms:

Sprinkler: (None)

Required Parking:

Proposed Parking:

**Sq Ft**

**Cost**

New:

New:

Remodel:

Remodel:

Total: 974

Job Value: \$0.00

CA Not Required:

Subdivision not Required:

Sustainable Construction and Development | Building Inspection Division | 214/948-4480|www.dallascityhall.com

Main Menu



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**Master Permit - 1407281127**

**Details**   **Trades**   **Documents**   **Zoning Info**

**Property**

Street Address

[View](#)   5623 EAST GRAND AVE

Status: Work Completed

Application Date: Jul 28, 2014

Issue Date: Jul 29, 2014

Completed Date: Jul 30, 2014

**Applicant**

JUANITA CURENS

**Contractor**

JUANITA'S CANTINA  
6303 MARQUITA  
DALLAS, TX 75214 3327  
(214) 823-0615

Owner Category: PRIVATE

Fee Web Contractor:

Work Description: 500-ALCOHOL CERTIFICATION

Land Use Description: ALCOHOLIC BEVERAGE ESTABLISHMENT

**Project**

Doing business as: JUANITA'S CANTINA

Activity: (B) Alteration

Occupancy: A2

Selling Alcohol:

Dwelling Units:

Constr. Type: IIIB

Dance Floor:

Stories:

Bedrooms:

Bathrooms:

Sprinkler: (None)

Required Parking:

Proposed Parking:

**Sq Ft**

**Cost**

New:

New:

Remodel:

Remodel:

Total: 974

Job Value: \$0.00

CA Not Required:

Subdivision not Required:


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[Records](#)
[Newsletter](#)
[Government](#)
**Master Permit - 1511191002**
[Details](#)
[Trades](#)
[Documents](#)
[Zoning Info](#)

## Property

### Street Address

[View](#)

5623 EAST GRAND AVE

Status: Work Completed

Application Date: Nov 19, 2015

Issue Date: Nov 19, 2015

Completed Date: Nov 20, 2015

## Applicant

YURY GARCIA

## Contractor

YURY GARCIA

Owner Category: PRIVATE

Fee Web Contractor:

Work Description: 500-ALCOHOL CERTIFICATION

Land Use Description: ALCOHOLIC BEVERAGE ESTABLISHMENT

## Project

Doing business as: EL RINCON

Activity: (B) Alteration

Occupancy: A3

 Selling Alcohol: 

Dwelling Units:

Constr. Type: UNK

 Dance Floor: 

Stories:

Bedrooms:

Bathrooms:

 New: 

 New: 

Sprinkler: (None)

 Remodel: 

 Remodel: 

Required Parking:

 Total: 

 Job Value:  \$0.00

Proposed Parking:

 CA Not Required: 

 Subdivision not Required:



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**Master Permit - 1711271051**

**Details**   **Trades**   **Documents**   **Zoning Info**

**Property**

Street Address

[View](#)   5623 EAST GRAND AVE

Status: Work Completed

Application Date: Nov 27, 2017

Issue Date: Nov 27, 2017

Completed Date: **Nov 28, 2017**

**Applicant**

ANDRE ROBERT

**Contractor**

ANDRE ROBERT

Owner Category: PRIVATE

Fee Web Contractor:

Work Description: **500-ALCOHOL CERTIFICATION**

Land Use Description: ALCOHOLIC BEVERAGE ESTABLISHMENT

**Project**

Doing business as: EAST GRAND CANTINA

Activity: (B) Alteration

Occupancy: B

Selling Alcohol:

Dwelling Units:

Constr. Type: IIIB

Dance Floor:

Stories:

Bedrooms:

Bathrooms:

Sprinkler: (None)

Required Parking:

Proposed Parking:

**Sq Ft**

**Cost**

New:

New:

Remodel: 974

Remodel:

Total: 974

Job Value: \$0.00

CA Not Required:

Subdivision not Required:



[Dallas Home](#) [Building Inspection Home](#) [Offices](#) [Records](#) [Newsletter](#) [Government](#)

**Master Permit - 1910281063**

**Details** **Trades** **Documents** **Zoning Info**

**Property**

Street Address

**View** 5623 EAST GRAND AVE

Status: Permit Issued

Application Date: Oct 28, 2019

Issue Date: Oct 28, 2019

Completed Date:

**Applicant**

MIKE ROMAN

**Contractor**

HEATHEN CATERING LLC  
5623 E GRAND  
DALLAS, TX  
( ) -

Owner Category: PRIVATE

Fee Web Contractor:

Work Description: 500-ALCOHOL CERTIFICATION

Land Use Description: ALCOHOLIC BEVERAGE ESTABLISHMENT

**Project**

Doing business as: BAR FLY

Activity: (B) Alteration

Occupancy: A3

Selling Alcohol:

Dwelling Units:

Constr. Type: UNK

Dance Floor:

Stories:

Bedrooms:

Bathrooms:

New:

New:

Sprinkler: (None)

Remodel:

Remodel:

Required Parking:

Total:

Job Value: \$0.00

Proposed Parking:

CA Not Required:

Subdivision not Required:

## EXHIBIT J

Taxpayer Number	Taxpayer Name	Location Name	Location Address Number	Location Address Text	Permit Date	Jurisdiction City	Location State	Location Zip Code	First Sales Date	Out of Business Date
32007881769	JUANITA B CURRENS	JUANITA'S CANTINA	5623	E GRAND AVE	6/20/2014	DALLAS	TX	75223	7/15/2014	12/25/2018
32059085707	JULIE LISSETTE ESQUIVEL	EL BOLA'S SPORTS BAR	5623	E GRAND AVE	10/13/2016	DALLAS	TX	75223	2/1/2016	9/16/2017
32062280931	FM 1314 RESTAURANT, L.L.C.	EAST GRAND CANTINA	5623	E GRAND AVE	11/10/2017	DALLAS	TX	75223	12/1/2017	7/31/2019
32071008273	HEATHEN CATERING LLC	BAR FLY	5623	E GRAND AVE	9/19/2019	DALLAS	TX	75223	12/1/2019	

## EXHIBIT K

Taxpayer Number	Taxpayer Name	Location Name	Location Address	Location C	Location S	Location Z	TABC Permit Number	Responsibility Begin Date	Responsibility End Date	Obligation End Date
32048606464	EVA CASTILLO	5623 SPORTS BAR	5623 E GRAND AVE	DALLAS	TX	75223	MB822058	10/15/2012	8/1/2013	5/31/2013
32048606464	EVA CASTILLO	5623 SPORTS BAR	5623 E GRAND AVE	DALLAS	TX	75223	MB822058	10/15/2012	8/1/2013	8/31/2013
32051442864	TEJANO TRUE COUNTRY CORPORATION, INC.	TEJANO TRUE COUNTRY BAR	5623 E GRAND AVE	DALLAS	TX	75223	MB852776	9/26/2013	8/31/2014	3/31/2014
32051442864	TEJANO TRUE COUNTRY CORPORATION, INC.	TEJANO TRUE COUNTRY BAR	5623 E GRAND AVE	DALLAS	TX	75223	MB852776	9/26/2013	8/31/2014	6/30/2014
32051442864	TEJANO TRUE COUNTRY CORPORATION, INC.	TEJANO TRUE COUNTRY BAR	5623 E GRAND AVE	DALLAS	TX	75223	MB852776	9/26/2013	8/31/2014	2/28/2014
32048606464	EVA CASTILLO	5623 SPORTS BAR	5623 E GRAND AVE	DALLAS	TX	75223	MB822058	10/15/2012	8/1/2013	11/30/2012
32048606464	EVA CASTILLO	5623 SPORTS BAR	5623 E GRAND AVE	DALLAS	TX	75223	MB822058	10/15/2012	8/1/2013	7/31/2013
32048606464	EVA CASTILLO	5623 SPORTS BAR	5623 E GRAND AVE	DALLAS	TX	75223	MB822058	10/15/2012	8/1/2013	1/31/2013
32051442864	TEJANO TRUE COUNTRY CORPORATION, INC.	TEJANO TRUE COUNTRY BAR	5623 E GRAND AVE	DALLAS	TX	75223	MB852776	9/26/2013	8/31/2014	4/30/2014
32048606464	EVA CASTILLO	5623 SPORTS BAR	5623 E GRAND AVE	DALLAS	TX	75223	MB822058	10/15/2012	8/1/2013	6/30/2013
32051442864	TEJANO TRUE COUNTRY CORPORATION, INC.	TEJANO TRUE COUNTRY BAR	5623 E GRAND AVE	DALLAS	TX	75223	MB852776	9/26/2013	8/31/2014	7/31/2014
32048606464	EVA CASTILLO	5623 SPORTS BAR	5623 E GRAND AVE	DALLAS	TX	75223	MB822058	10/15/2012	8/1/2013	2/28/2013
32051442864	TEJANO TRUE COUNTRY CORPORATION, INC.	TEJANO TRUE COUNTRY BAR	5623 E GRAND AVE	DALLAS	TX	75223	MB852776	9/26/2013	8/31/2014	8/31/2014
32048606464	EVA CASTILLO	5623 SPORTS BAR	5623 E GRAND AVE	DALLAS	TX	75223	MB822058	10/15/2012	8/1/2013	3/31/2013
32051442864	TEJANO TRUE COUNTRY CORPORATION, INC.	TEJANO TRUE COUNTRY BAR	5623 E GRAND AVE	DALLAS	TX	75223	MB852776	9/26/2013	8/31/2014	11/30/2013
32048606464	EVA CASTILLO	5623 SPORTS BAR	5623 E GRAND AVE	DALLAS	TX	75223	MB822058	10/15/2012	8/1/2013	12/31/2012
32051442864	TEJANO TRUE COUNTRY CORPORATION, INC.	TEJANO TRUE COUNTRY BAR	5623 E GRAND AVE	DALLAS	TX	75223	MB852776	9/26/2013	8/31/2014	5/31/2014
32051442864	TEJANO TRUE COUNTRY CORPORATION, INC.	TEJANO TRUE COUNTRY BAR	5623 E GRAND AVE	DALLAS	TX	75223	MB852776	9/26/2013	8/31/2014	9/30/2013
32051442864	TEJANO TRUE COUNTRY CORPORATION, INC.	TEJANO TRUE COUNTRY BAR	5623 E GRAND AVE	DALLAS	TX	75223	MB852776	9/26/2013	8/31/2014	10/31/2013
32048606464	EVA CASTILLO	5623 SPORTS BAR	5623 E GRAND AVE	DALLAS	TX	75223	MB822058	10/15/2012	8/1/2013	4/30/2013
32051442864	TEJANO TRUE COUNTRY CORPORATION, INC.	TEJANO TRUE COUNTRY BAR	5623 E GRAND AVE	DALLAS	TX	75223	MB852776	9/26/2013	8/31/2014	1/31/2014
32051442864	TEJANO TRUE COUNTRY CORPORATION, INC.	TEJANO TRUE COUNTRY BAR	5623 E GRAND AVE	DALLAS	TX	75223	MB852776	9/26/2013	8/31/2014	12/31/2013
32048606464	EVA CASTILLO	5623 SPORTS BAR	5623 E GRAND AVE	DALLAS	TX	75223	MB822058	10/15/2012	8/1/2013	10/31/2012

[Report Home](#)[Licensee Search](#)Address **5623 E GRAND AVE** Summary Report

<u>TABC #</u>	<u>Trade Name</u>	<u>City</u>	<u>Zip</u>	<u>County</u>	<u>Receipts</u>	<u>Month</u>
<a href="#">MB852776</a>	<a href="#">TEJANO TRUE COUNTRY BAR</a>	DALLAS	75223	Dallas	\$207.91	2014/07
<a href="#">MB852776</a>	<a href="#">TEJANO TRUE COUNTRY BAR</a>	DALLAS	75223	Dallas	\$647.91	2014/05
<a href="#">MB852776</a>	<a href="#">TEJANO TRUE COUNTRY BAR</a>	DALLAS	75223	Dallas	\$1,167.91	2014/04
<a href="#">MB852776</a>	<a href="#">TEJANO TRUE COUNTRY BAR</a>	DALLAS	75223	Dallas	\$793.88	2014/03
<a href="#">MB852776</a>	<a href="#">TEJANO TRUE COUNTRY BAR</a>	DALLAS	75223	Dallas	\$514.93	2014/02
<a href="#">MB852776</a>	<a href="#">TEJANO TRUE COUNTRY BAR</a>	DALLAS	75223	Dallas	\$210.00	2014/01
<a href="#">MB852776</a>	<a href="#">TEJANO TRUE COUNTRY BAR</a>	DALLAS	75223	Dallas	\$177.00	2013/12
<a href="#">MB852776</a>	<a href="#">TEJANO TRUE COUNTRY BAR</a>	DALLAS	75223	Dallas	\$497.00	2013/11
<a href="#">MB852776</a>	<a href="#">TEJANO TRUE COUNTRY BAR</a>	DALLAS	75223	Dallas	\$1,359.00	2013/10
<a href="#">MB852776</a>	<a href="#">TEJANO TRUE COUNTRY BAR</a>	DALLAS	75223	Dallas	\$1,224.00	2013/09
<a href="#">MB822058</a>	<a href="#">5623 SPORTS BAR</a>	DALLAS	75223	Dallas	\$17,500.00	2013/05
<a href="#">MB822058</a>	<a href="#">5623 SPORTS BAR</a>	DALLAS	75223	Dallas	\$4,520.00	2013/04
<a href="#">MB822058</a>	<a href="#">5623 SPORTS BAR</a>	DALLAS	75223	Dallas	\$5,920.00	2013/03
<a href="#">MB822058</a>	<a href="#">5623 SPORTS BAR</a>	DALLAS	75223	Dallas	\$7,120.00	2013/02
<a href="#">MB822058</a>	<a href="#">5623 SPORTS BAR</a>	DALLAS	75223	Dallas	\$6,380.00	2013/01
<a href="#">MB822058</a>	<a href="#">5623 SPORTS BAR</a>	DALLAS	75223	Dallas	\$7,318.00	2012/12
<a href="#">MB822058</a>	<a href="#">5623 SPORTS BAR</a>	DALLAS	75223	Dallas	\$706.00	2012/11

EXHIBIT M



**Sold To:**  
 Fm 1314 Restaurant L.L.C.  
 East Grand Cantina  
 5623 E Grand  
 Dallas, TX 75223

**Andrews Distributing of North Texas**  
 2730 Irving Blvd  
 Dallas, TX 75207  
 214-525-9400  
 BB125762 / W658864

<b>Licenses</b>
BG1025691 - 8/5/2020
BG1025691 - 8/5/2020

<b>Account No.</b>	10097
<b>Invoice Date</b>	08/15/2018
<b>Invoice #</b>	6468865
<b>PO#</b>	

**Special Instructions:**  
 Deliver after 3pm / 214-713-9373 Mike

<b>Delivery</b>	DDR 122 Draft
<b>Salesperson</b>	8AO 131 Kristian Lamkin

**TERMS: Alcohol COD / NA**

**Phone Number: (469) -53 - 1-05**

DESCRIPTION	CODE	CASE	KEGS BTL	PRICE	UPC	DISC	DEP	AMOUNT
Modelo Especial 24/12oz Suit CN	12319	4		\$26.40	080660957104			\$105.60
Modelo Especial 4/6/12oz NR	12344	4		\$30.00	080660957654			\$120.00
Tecate 2/12/12oz CN	61105	2		\$24.10	089826900336			\$48.20
Tecate 4/6/12oz NR	61107	2		\$24.10	089826500017			\$48.20
Tecate Light 2/12/12oz CN	61114	2		\$24.10	089826900206			\$48.20
Tecate Light 4/6/12oz NR	61112	2		\$24.10	089826900275			\$48.20
Corona Extra 2/12/12oz CN	12022	1		\$30.00	080660956954			\$30.00
Corona Extra 4/6/12oz NR - 9	12010	4		\$30.00	080660956053			\$120.00
Corona Light 4/6/12oz NR	12012	1		\$30.00	080660956251			\$30.00
Corona Familiar 4/6/12oz NR - 9	12051	2		\$30.00	033544950517			\$60.00
Heineken 24/12oz Lse NR	60101	1		\$30.00	072890000316			\$30.00
Heineken 2/12/12oz CN	60170	1		\$30.00	072890000200			\$30.00
Stella Artois 4/6/11.2oz NR	83501	2		\$31.90	786150000014			\$63.80
Dos Equis Special Lager 2/12/12oz CN - 1	61009	2		\$30.00	072311412131			\$60.00
Dos Equis Special Lager 4/6/12oz NR - 12	61002	3		\$30.00	072311630122			\$90.00
Coors Light 24/12oz Suit CN - 8	27306	2		\$24.10	071990316006			\$48.20
Coors Light 24/12oz Lse NR - 8	27221	2		\$24.10	071990300074			\$48.20
Miller Lite 24/12oz Suit CN -7	57306	2		\$24.10	034100573065			\$48.20
Miller Lite 24/12oz Lse NR - 8	57221	3		\$24.10	034100572150			\$72.30
Pacifico 4/6/12oz NR	12100	4		\$30.00	080660953014			\$120.00

	\$1269.10	<b>Cs - Kg \$</b>	1269.10	<b>Content \$</b>
0 Misc	\$0.00	<b>Water \$</b>	\$0.00	<b>Deposits \$</b>
46 Cases		<b>RedB \$</b>		
0 Kegs	\$0.00	<b>Soda - Misc \$</b>	103.20	<b>Gallons</b>

<b>Total Charges</b>	\$1269.10
<b>Less Total Credits</b>	
<b>Payment: Cash Check</b>	\$1269.10
<b>Net Amount Due</b>	\$0.00

I affirm that the law authorizes me to purchase and receive the type(s) of alcoholic beverage(s) shown on this invoice.

**Remit to:**  
 2730 Irving Blvd  
 Dallas, TX 75207

EXHIBIT M



**Sold To:**  
 Fm 1314 Restaurant L.L.C.  
 East Grand Cantina  
 5623 E Grand  
 Dallas, TX 75223

**Andrews Distributing of North Texas**  
 2730 Irving Blvd  
 Dallas, TX 75207  
 214-525-9400  
 BB125762 / W658864

<b>Licenses</b>
BG1025691 - 8/5/2020
BG1025691 - 8/5/2020

<b>Account No.</b>	10097
<b>Invoice Date</b>	08/15/2018

**Special Instructions:**  
 Deliver after 3pm / 214-713-9373 Mike

<b>Delivery</b>	DDR 122 Draft
<b>Salesperson</b>	8AO 131 Kristian Lamkin

<b>Invoice #</b>	6468865
<b>PO#</b>	

**TERMS: Alcohol COD / NA**

**Phone Number:** (469) -53 - 1-05

DESCRIPTION	CODE	CASE	KEGS BTL	PRICE	UPC	DISC	DEP	AMOUNT
Signature of retailer or employee/agent (Affirmation authorized by Section 11.72 and 61.86, Texas Alcoholic Beverage Code)								
					We value your business. To learn more about our brands visit <a href="http://DestinationBeer.com">DestinationBeer.com</a>			

# EXHIBIT M



**Sold To:**  
 Fm 1314 Restaurant L.L.C.  
 East Grand Cantina  
 5623 E Grand  
 Dallas, TX 75223

**Andrews Distributing of North Texas**  
 2730 Irving Blvd  
 Dallas, TX 75207  
 214-525-9400  
 BB125762 / W658864

<b>Licenses</b>
BG1025691 - 8/5/2020
BG1025691 - 8/5/2020

<b>Account No.</b>	10097
<b>Invoice Date</b>	08/29/2018

**Special Instructions:**  
 Deliver after 3pm / 214-713-9373 Mike

<b>Delivery</b>	DDR 122 Draft
<b>Salesperson</b>	8AO 131 Kristian Lamkin

<b>Invoice #</b>	6495236
<b>PO#</b>	

**TERMS: Alcohol COD / NA**

**Phone Number:** (469) -53 - 1-05

DESCRIPTION	CODE	CASE	KEGS BTL	PRICE	UPC	DISC	DEP	AMOUNT
Modelo Especial 4/6/12oz NR	12344	3		\$30.00	080660957654			\$90.00
Miller Lite 24/12oz Lse NR - 8	57221	2		\$24.10	034100572150			\$48.20
Dos Equis Special Lager 4/6/12oz NR - 12	61002	1		\$30.00	072311630122			\$30.00

	\$168.20	<b>Cs - Kg \$</b>	168.20	<b>Content \$</b>
0 <b>Misc</b>	\$0.00	<b>Water \$</b>	\$0.00	<b>Deposits \$</b>
6 <b>Cases</b>		<b>RedB \$</b>		
0 <b>Kegs</b>	\$0.00	<b>Soda - Misc \$</b>	13.50	<b>Gallons</b>

<b>Total Charges</b>	\$168.20
<b>Less Total Credits</b>	
<b>Payment:</b>	
Cash	
Check	\$168.20
<b>Net Amount Due</b>	\$0.00

I affirm that the law authorizes me to purchase and receive the type(s) of alcoholic beverage(s) shown on this invoice.

Signature of retailer or employee/agent  
 (Affirmation authorized by Section 11.72 and 61.86, Texas Alcoholic Beverage Code)

**Remit to:**  
 2730 Irving Blvd  
 Dallas, TX 75207

We value your business.  
 To learn more about our brands visit [DestinationBeer.com](http://DestinationBeer.com)

# EXHIBIT M

**Sold To:**  
 Fm 1314 Restaurant L.L.C.  
 East Grand Cantina  
 5623 E Grand  
 Dallas, TX 75223



**Andrews Distributing of North Texas**  
 2730 Irving Blvd  
 Dallas, TX 75207  
 214-525-9400  
 BB125762 / W658864

<b>Licenses</b>
BG1025691 - 8/5/2020
BG1025691 - 8/5/2020

<b>Account No.</b>	10097
<b>Invoice Date</b>	09/05/2018

**Special Instructions:**  
 Deliver after 3pm / 214-713-9373 Mike

<b>Delivery</b>	DDR 122 Draft
<b>Salesperson</b>	8AO 131 Kristian Lamkin

<b>Invoice #</b>	6495294
<b>PO#</b>	

**TERMS: Alcohol COD / NA**

**Phone Number:** (469) -53 - 1-05

DESCRIPTION	CODE	CASE	KEGS BTL	PRICE	UPC	DISC	DEP	AMOUNT
Miller Lite 24/12oz Lse NR - 8	57221	2		\$24.10	034100572150			\$48.20
Modelo Especial 4/6/12oz NR	12344	3		\$30.00	080660957654			\$90.00
Dos Equis Special Lager 4/6/12oz NR - 12	61002	4		\$30.00	072311630122			\$120.00
Dos Equis Special Lager 2/12/12oz CN - 1	61009	2		\$30.00	072311412131			\$60.00
Pacifico 4/6/12oz NR	12100	2		\$30.00	080660953014			\$60.00

	\$378.20	<b>Cs - Kg \$</b>	378.20	<b>Content \$</b>
0 Misc	\$0.00	<b>Water \$</b>	\$0.00	<b>Deposits \$</b>
13 Cases		<b>RedB \$</b>		
0 Kegs	\$0.00	<b>Soda - Misc \$</b>	29.25	<b>Gallons</b>

<b>Total Charges</b>	\$378.20
<b>Less Total Credits</b>	
<b>Payment:</b>	
Cash	
Check	\$378.20
<b>Net Amount Due</b>	\$0.00

I affirm that the law authorizes me to purchase and receive the type(s) of alcoholic beverage(s) shown on this invoice.

Signature of retailer or employee/agent  
 (Affirmation authorized by Section 11.72 and 61.86, Texas Alcoholic Beverage Code)

**Remit to:**  
 2730 Irving Blvd  
 Dallas, TX 75207

We value your business.  
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# EXHIBIT M



**Sold To:**  
 Fm 1314 Restaurant L.L.C.  
 East Grand Cantina  
 5623 E Grand  
 Dallas, TX 75223

**Andrews Distributing of North Texas**  
 2730 Irving Blvd  
 Dallas, TX 75207  
 214-525-9400  
 BB125762 / W658864

<b>Licenses</b>
BG1025691 - 8/5/2020
BG1025691 - 8/5/2020

<b>Account No.</b>	10097
<b>Invoice Date</b>	09/19/2018

**Special Instructions:**  
 Deliver after 3pm / 214-713-9373 Mike

<b>Delivery</b>	DDR 122 Draft
<b>Salesperson</b>	8AO 131 Kristian Lamkin

<b>Invoice #</b>	6526830
<b>PO#</b>	

**TERMS: Alcohol COD / NA**

**Phone Number:** (469) -53 - 1-05

DESCRIPTION	CODE	CASE	KEGS BTL	PRICE	UPC	DISC	DEP	AMOUNT
Modelo Especial 4/6/12oz NR	12344	2		\$30.00	080660957654			\$60.00
Corona Extra 4/6/12oz NR - 9	12010	3		\$30.00	080660956053			\$90.00
Dos Equis Special Lager 4/6/12oz NR - 12	61002	1		\$30.00	072311630122			\$30.00
Coors Light 24/12oz Lse NR - 8	27221	1		\$24.10	071990300074			\$24.10

	\$204.10	<b>Cs - Kg \$</b>	204.10	<b>Content \$</b>
0 Misc	\$0.00	<b>Water \$</b>	\$0.00	<b>Deposits \$</b>
7 Cases		<b>RedB \$</b>		
0 Kegs	\$0.00	<b>Soda - Misc \$</b>	15.75	<b>Gallons</b>

<b>Total Charges</b>	\$204.10
<b>Less Total Credits</b>	
<b>Payment:</b>	
Cash	
Check	\$204.10
<b>Net Amount Due</b>	\$0.00

I affirm that the law authorizes me to purchase and receive the type(s) of alcoholic beverage(s) shown on this invoice.

Signature of retailer or employee/agent  
 (Affirmation authorized by Section 11.72 and 61.86, Texas Alcoholic Beverage Code)

**Remit to:**  
 2730 Irving Blvd  
 Dallas, TX 75207

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EXHIBIT M

**Sold To:**  
 Fm 1314 Restaurant L.L.C.  
 East Grand Cantina  
 5623 E Grand  
 Dallas, TX 75223



**Andrews Distributing of North Texas**  
 2730 Irving Blvd  
 Dallas, TX 75207  
 214-525-9400  
 BB125762 / W658864

<b>Licenses</b>
BG1025691 - 8/5/2020
BG1025691 - 8/5/2020

<b>Account No.</b>	10097
<b>Invoice Date</b>	09/26/2018

**Special Instructions:**  
 Deliver after 3pm / 214-713-9373 Mike

<b>Delivery</b>	DDR 122 Draft
<b>Salesperson</b>	8AO 131 Kristian Lamkin

<b>Invoice #</b>	6526892
<b>PO#</b>	

**TERMS: Alcohol COD / NA**

**Phone Number:** (469) -53 - 1-05

DESCRIPTION	CODE	CASE	KEGS BTL	PRICE	UPC	DISC	DEP	AMOUNT
Dos Equis Special Lager 4/6/12oz NR - 12	61002	2		\$30.00	072311630122			\$60.00
Corona Extra 4/6/12oz NR - 9	12010	2		\$30.00	080660956053			\$60.00
Modelo Especial 4/6/12oz NR	12344	2		\$30.00	080660957654			\$60.00
Miller Lite 24/12oz Lse NR - 8	57221	2		\$24.10	034100572150			\$48.20
Coors Light 24/12oz Lse NR - 8	27221	1		\$24.10	071990300074			\$24.10
Heineken 24/12oz Lse NR	60101	2		\$30.00	072890000316			\$60.00

	\$312.30	<b>Cs - Kg \$</b>	312.30	<b>Content \$</b>
0 Misc	\$0.00	<b>Water \$</b>	\$0.00	<b>Deposits \$</b>
11 Cases		<b>RedB \$</b>		
0 Kegs	\$0.00	<b>Soda - Misc \$</b>	24.75	<b>Gallons</b>

<b>Total Charges</b>	\$312.30
<b>Less Total Credits</b>	
<b>Payment:</b>	
Cash	
Check	\$312.30
<b>Net Amount Due</b>	\$0.00

I affirm that the law authorizes me to purchase and receive the type(s) of alcoholic beverage(s) shown on this invoice.

Signature of retailer or employee/agent  
 (Affirmation authorized by Section 11.72 and 61.86, Texas Alcoholic Beverage Code)

**Remit to:**  
 2730 Irving Blvd  
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# EXHIBIT M



**Sold To:**  
 Fm 1314 Restaurant L.L.C.  
 East Grand Cantina  
 5623 E Grand  
 Dallas, TX 75223

**Andrews Distributing of North Texas**  
 2730 Irving Blvd  
 Dallas, TX 75207  
 214-525-9400  
 BB125762 / W658864

<b>Licenses</b>
BG1025691 - 8/5/2020
BG1025691 - 8/5/2020

<b>Account No.</b>	10097
<b>Invoice Date</b>	10/05/2018

**Special Instructions:**  
 Deliver after 3pm / 214-713-9373 Mike

<b>Delivery</b>	DDR 138 Draft
<b>Salesperson</b>	10AI 111 Marie Vielma

<b>Invoice #</b>	6378328
<b>PO#</b>	

**TERMS: Alcohol COD / NA**

**Phone Number:** (469) -53 - 1-05

DESCRIPTION	CODE	CASE	KEGS BTL	PRICE	UPC	DISC	DEP	AMOUNT
Modelo Especial 4/6/12oz NR	12344	3		\$30.00	080660957654			\$90.00
Dos Equis Special Lager 4/6/12oz NR - 12	61002	1		\$30.00	072311630122			\$30.00
Coors Light 24/12oz Lse NR - 8	27221	3		\$24.10	071990300074			\$72.30
Corona Extra 4/6/12oz NR - 9	12010	2		\$30.00	080660956053			\$60.00

	\$252.30	<b>Cs - Kg \$</b>	252.30	<b>Content \$</b>
0 Misc	\$0.00	<b>Water \$</b>	\$0.00	<b>Deposits \$</b>
9 Cases		<b>RedB \$</b>		
0 Kegs	\$0.00	<b>Soda - Misc \$</b>	20.25	<b>Gallons</b>

<b>Total Charges</b>	\$252.30
<b>Less Total Credits</b>	
<b>Payment:</b>	
Cash	
Check	\$252.30
<b>Net Amount Due</b>	\$0.00

I affirm that the law authorizes me to purchase and receive the type(s) of alcoholic beverage(s) shown on this invoice.

Signature of retailer or employee/agent  
 (Affirmation authorized by Section 11.72 and 61.86, Texas Alcoholic Beverage Code)

**Remit to:**  
 2730 Irving Blvd  
 Dallas, TX 75207

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EXHIBIT M



**Sold To:**  
 Fm 1314 Restaurant L.L.C.  
 East Grand Cantina  
 5623 E Grand  
 Dallas, TX 75223

**Andrews Distributing of North Texas**  
 2730 Irving Blvd  
 Dallas, TX 75207  
 214-525-9400  
 BB125762 / W658864

<b>Licenses</b>
BG1025691 - 8/5/2020
BG1025691 - 8/5/2020

<b>Account No.</b>	10097
<b>Invoice Date</b>	10/10/2018
<b>Invoice #</b>	6382603
<b>PO#</b>	

**Special Instructions:**  
 Deliver after 3pm / 214-713-9373 Mike

<b>Delivery</b>	DDR 122 Draft
<b>Salesperson</b>	10AI 111 Marie Vielma

**TERMS: Alcohol Non-Deliverable/NSF Check / NA**

**Phone Number:** (469) -53 - 1-05

DESCRIPTION	CODE	CASE	KEGS BTL	PRICE	UPC	DISC	DEP	AMOUNT
Dos Equis Special Lager 4/6/12oz NR - 12	61002	3		\$30.00	072311630122			\$90.00
Modelo Especial 4/6/12oz NR	12344	5		\$30.00	080660957654			\$150.00
Corona Extra 4/6/12oz NR - 9	12010	4		\$30.00	080660956053			\$120.00
Miller Lite 24/12oz Lse NR - 8	57221	3		\$24.10	034100572150			\$72.30
Coors Light 24/12oz Lse NR - 8	27221	4		\$24.10	071990300074			\$96.40

	\$528.70	<b>Cs - Kg \$</b>	528.70	<b>Content \$</b>
0 <b>Misc</b>	\$0.00	<b>Water \$</b>	\$0.00	<b>Deposits \$</b>
19 <b>Cases</b>		<b>RedB \$</b>		
0 <b>Kegs</b>	\$0.00	<b>Soda - Misc \$</b>	42.75	<b>Gallons</b>

<b>Total Charges</b>	\$528.70
<b>Less Total Credits</b>	
<b>Payment: Cash</b>	
<b>Check</b>	\$528.70
<b>Net Amount Due</b>	\$0.00

I affirm that the law authorizes me to purchase and receive the type(s) of alcoholic beverage(s) shown on this invoice.

Signature of retailer or employee/agent  
 (Affirmation authorized by Section 11.72 and 61.86, Texas Alcoholic Beverage Code)

**Remit to:**  
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# EXHIBIT M

**Sold To:**  
 Fm 1314 Restaurant L.L.C.  
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 5623 E Grand  
 Dallas, TX 75223



**Andrews Distributing of North Texas**  
 2730 Irving Blvd  
 Dallas, TX 75207  
 214-525-9400  
 BB125762 / W658864

<b>Licenses</b>
BG1025691 - 8/5/2020
BG1025691 - 8/5/2020

<b>Account No.</b>	10097
<b>Invoice Date</b>	10/27/2018

**Special Instructions:**  
 Deliver after 3pm / 214-713-9373 Mike

<b>Delivery</b>	Aaron Puebla
<b>Salesperson</b>	10AI 111 Marie Vielma

<b>Invoice #</b>	6424442
<b>PO#</b>	

**TERMS: Alcohol No Checks/ONLY M.O. or Cashier's Check / NA**      **Phone Number:** (469) -53 - 1-05

DESCRIPTION	CODE	CASE	KEGS BTL	PRICE	UPC	DISC	DEP	AMOUNT
Modelo Especial 4/6/12oz NR	12344	4		\$30.00	080660957654			\$120.00
Miller Lite 24/12oz Lse NR - 8	57221	3		\$24.10	034100572150			\$72.30
Dos Equis Special Lager 4/6/12oz NR - 12	61002	2		\$30.00	072311630122			\$60.00
Coors Light 24/12oz Lse NR - 8	27221	5		\$24.10	071990300074			\$120.50

	\$372.80	<b>Cs - Kg \$</b>	372.80	<b>Content \$</b>
0 Misc	\$0.00	<b>Water \$</b>	\$0.00	<b>Deposits \$</b>
14 Cases		<b>RedB \$</b>		
0 Kegs	\$0.00	<b>Soda - Misc \$</b>	31.50	<b>Gallons</b>

<b>Total Charges</b>	\$372.80
<b>Less Total Credits</b>	
<b>Payment: Cash Check</b>	\$372.80
<b>Net Amount Due</b>	\$0.00

I affirm that the law authorizes me to purchase and receive the type(s) of alcoholic beverage(s) shown on this invoice.

Signature of retailer or employee/agent  
 (Affirmation authorized by Section 11.72 and 61.86, Texas Alcoholic Beverage Code)

**Remit to:**  
 2730 Irving Blvd  
 Dallas, TX 75207

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EXHIBIT M



**Sold To:**  
 Fm 1314 Restaurant L.L.C.  
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 5623 E Grand  
 Dallas, TX 75223

**Andrews Distributing of North Texas**  
 2730 Irving Blvd  
 Dallas, TX 75207  
 214-525-9400  
 BB125762 / W658864

<b>Licenses</b>
BG1025691 - 8/5/2020
BG1025691 - 8/5/2020

<b>Account No.</b>	10097
<b>Invoice Date</b>	11/07/2018

**Special Instructions:**  
 Deliver after 3pm / 214-713-9373 Mike

<b>Delivery</b>	Thomas Campbell
<b>Salesperson</b>	10AI 111 Marie Vielma

<b>Invoice #</b>	6440229
<b>PO#</b>	

**TERMS: Alcohol No Checks/ONLY M.O. or Cashier's Check / NA**      **Phone Number:** (469) -53 - 1-05

DESCRIPTION	CODE	CASE	KEGS BTL	PRICE	UPC	DISC	DEP	AMOUNT
Dos Equis Special Lager 4/6/12oz NR - 12	61002	2		\$30.00	072311630122			\$60.00
Modelo Especial 4/6/12oz NR	12344	2		\$30.00	080660957654			\$60.00
Miller Lite 24/12oz Lse NR - 8	57221	4		\$24.10	034100572150			\$96.40
Coors Light 24/12oz Lse NR - 8	27221	6		\$24.10	071990300074			\$144.60
Corona Extra 4/6/12oz NR - 9	12010	4		\$30.00	080660956053			\$120.00

	\$481.00	<b>Cs - Kg \$</b>	481.00	<b>Content \$</b>
0 Misc	\$0.00	<b>Water \$</b>	\$0.00	<b>Deposits \$</b>
18 Cases		<b>RedB \$</b>		
0 Kegs	\$0.00	<b>Soda - Misc \$</b>	40.5	<b>Gallons</b>

<b>Total Charges</b>	\$481.00
<b>Less Total Credits</b>	
<b>Payment: Cash Check</b>	\$481.00
<b>Net Amount Due</b>	\$0.00

I affirm that the law authorizes me to purchase and receive the type(s) of alcoholic beverage(s) shown on this invoice.

Signature of retailer or employee/agent  
 (Affirmation authorized by Section 11.72 and 61.86, Texas Alcoholic Beverage Code)

**Remit to:**  
 2730 Irving Blvd  
 Dallas, TX 75207

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EXHIBIT M



**Sold To:**  
 Fm 1314 Restaurant L.L.C.  
 East Grand Cantina  
 5623 E Grand  
 Dallas, TX 75223

**Andrews Distributing of North Texas**  
 2730 Irving Blvd  
 Dallas, TX 75207  
 214-525-9400  
 BB125762 / W658864

<b>Licenses</b>
BG1025691 - 8/5/2020
BG1025691 - 8/5/2020

<b>Account No.</b>	10097
<b>Invoice Date</b>	11/20/2018

**Special Instructions:**  
 Deliver after 3pm / 214-713-9373 Mike

<b>Delivery</b>	Thomas Campbell
<b>Salesperson</b>	10AI 111 Marie Vielma

<b>Invoice #</b>	6465040
<b>PO#</b>	

**TERMS: Alcohol No Checks/ONLY M.O. or Cashier's Check / NA**      **Phone Number:** (469) -53 - 1-05

DESCRIPTION	CODE	CASE	KEGS BTL	PRICE	UPC	DISC	DEP	AMOUNT
Coors Light 24/12oz Lse NR - 8	27221	5		\$24.10	071990300074			\$120.50

	\$120.50	<b>Cs - Kg \$</b>	120.50	<b>Content \$</b>
0 Misc	\$0.00	<b>Water \$</b>	\$0.00	<b>Deposits \$</b>
5 Cases		<b>RedB \$</b>		
0 Kegs	\$0.00	<b>Soda - Misc \$</b>	11.25	<b>Gallons</b>

<b>Total Charges</b>	\$120.50
<b>Less Total Credits</b>	
<b>Payment: Cash Check</b>	\$120.50
<b>Net Amount Due</b>	\$0.00

I affirm that the law authorizes me to purchase and receive the type(s) of alcoholic beverage(s) shown on this invoice.

Signature of retailer or employee/agent  
 (Affirmation authorized by Section 11.72 and 61.86, Texas Alcoholic Beverage Code)

**Remit to:**  
 2730 Irving Blvd  
 Dallas, TX 75207

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# EXHIBIT M



**Sold To:**  
 Fm 1314 Restaurant L.L.C.  
 East Grand Cantina  
 5623 E Grand  
 Dallas, TX 75223

**Andrews Distributing of North Texas**  
 2730 Irving Blvd  
 Dallas, TX 75207  
 214-525-9400  
 BB125762 / W658864

<b>Licenses</b>
BG1025691 - 8/5/2020
BG1025691 - 8/5/2020

<b>Account No.</b>	10097
<b>Invoice Date</b>	01/02/2019

**Special Instructions:**  
 Deliver after 3pm / 214-713-9373 Mike

<b>Delivery</b>	Thomas Campbell
<b>Salesperson</b>	10AI 111 Marie Vielma

<b>Invoice #</b>	6533289
<b>PO#</b>	

**TERMS: Alcohol No Checks/ONLY M.O. or Cashier's Check / NA**      **Phone Number:** (469) -53 - 1-05

DESCRIPTION	CODE	CASE	KEGS BTL	PRICE	UPC	DISC	DEP	AMOUNT
Coors Light 24/12oz Lse NR - 8	27221	3		\$24.10	071990300074			\$72.30
Corona Extra 4/6/12oz NR - 9	12010	4		\$30.00	080660956053			\$120.00

	\$192.30	<b>Cs - Kg \$</b>	192.30	<b>Content \$</b>
0 Misc	\$0.00	<b>Water \$</b>	\$0.00	<b>Deposits \$</b>
7 Cases		<b>RedB \$</b>		
0 Kegs	\$0.00	<b>Soda - Misc \$</b>	15.75	<b>Gallons</b>

<b>Total Charges</b>	\$192.30
<b>Less Total Credits</b>	
<b>Payment: Cash Check</b>	\$192.30
<b>Net Amount Due</b>	\$0.00

I affirm that the law authorizes me to purchase and receive the type(s) of alcoholic beverage(s) shown on this invoice.

Signature of retailer or employee/agent  
 (Affirmation authorized by Section 11.72 and 61.86, Texas Alcoholic Beverage Code)

**Remit to:**  
 2730 Irving Blvd  
 Dallas, TX 75207

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EXHIBIT M



**Sold To:**  
 Fm 1314 Restaurant L.L.C.  
 East Grand Cantina  
 5623 E Grand  
 Dallas, TX 75223

**Andrews Distributing of North Texas**  
 2730 Irving Blvd  
 Dallas, TX 75207  
 214-525-9400  
 BB125762 / W658864

<b>Licenses</b>
BG1025691 - 8/5/2020
BG1025691 - 8/5/2020

<b>Account No.</b>	10097
<b>Invoice Date</b>	01/16/2019

**Special Instructions:**  
 Deliver after 3pm / 214-713-9373 Mike

<b>Delivery</b>	Thomas Campbell
<b>Salesperson</b>	10AI 111 Marie Vielma

<b>Invoice #</b>	6559455
<b>PO#</b>	

**TERMS: Alcohol No Checks/ONLY M.O. or Cashier's Check / NA**      **Phone Number:** (469) -53 - 1-05

DESCRIPTION	CODE	CASE	KEGS BTL	PRICE	UPC	DISC	DEP	AMOUNT
Modelo Especial 4/6/12oz NR	12344	3		\$30.00	080660957654			\$90.00
Miller Lite 24/12oz Lse NR - 8	57221	2		\$24.10	034100572150			\$48.20
Coors Light 24/12oz Lse NR - 8	27221	2		\$24.10	071990300074			\$48.20

	\$186.40	<b>Cs - Kg \$</b>	186.40	<b>Content \$</b>
0 Misc	\$0.00	<b>Water \$</b>	\$0.00	<b>Deposits \$</b>
7 Cases		<b>RedB \$</b>		
0 Kegs	\$0.00	<b>Soda - Misc \$</b>	15.75	<b>Gallons</b>

<b>Total Charges</b>	\$186.40
<b>Less Total Credits</b>	
<b>Payment: Cash Check</b>	\$186.40
<b>Net Amount Due</b>	\$0.00

I affirm that the law authorizes me to purchase and receive the type(s) of alcoholic beverage(s) shown on this invoice.

Signature of retailer or employee/agent  
 (Affirmation authorized by Section 11.72 and 61.86, Texas Alcoholic Beverage Code)

**Remit to:**  
 2730 Irving Blvd  
 Dallas, TX 75207

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# EXHIBIT M



**Sold To:**  
 Fm 1314 Restaurant L.L.C.  
 East Grand Cantina  
 5623 E Grand  
 Dallas, TX 75223

**Andrews Distributing of North Texas**  
 2730 Irving Blvd  
 Dallas, TX 75207  
 214-525-9400  
 BB125762 / W658864

<b>Licenses</b>
BG1025691 - 8/5/2020
BG1025691 - 8/5/2020

<b>Account No.</b>	10097
<b>Invoice Date</b>	01/30/2019

**Special Instructions:**  
 Deliver after 3pm / 214-713-9373 Mike

<b>Delivery</b>	Carl Havlik
<b>Salesperson</b>	Carl Havlik

<b>Invoice #</b>	6635545
<b>PO#</b>	

**TERMS: Alcohol COD / NA**

**Phone Number:** (469) -53 - 1-05

DESCRIPTION	CODE	CASE	KEGS BTL	PRICE	UPC	DISC	DEP	AMOUNT
Miller Lite 24/12oz Lse NR - 8	57221	2		\$24.10	034100572150			\$48.20
Coors Light 24/12oz Lse NR - 8	27221	3		\$24.10	071990300074			\$72.30
Modelo Especial 24/12oz Lse NR	12341	3		\$30.00	080660957760			\$90.00

	\$210.50	<b>Cs - Kg \$</b>	210.50	<b>Content \$</b>
0 Misc	\$0.00	<b>Water \$</b>	\$0.00	<b>Deposits \$</b>
8 Cases		<b>RedB \$</b>		
0 Kegs	\$0.00	<b>Soda - Misc \$</b>	18.00	<b>Gallons</b>

<b>Total Charges</b>	\$210.50
<b>Less Total Credits</b>	
<b>Payment:</b>	
Cash	
Check	\$210.50
<b>Net Amount Due</b>	\$0.00

I affirm that the law authorizes me to purchase and receive the type(s) of alcoholic beverage(s) shown on this invoice.

Signature of retailer or employee/agent  
 (Affirmation authorized by Section 11.72 and 61.86, Texas Alcoholic Beverage Code)

**Remit to:**  
 2730 Irving Blvd  
 Dallas, TX 75207

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EXHIBIT M



**Sold To:**  
 Fm 1314 Restaurant L.L.C.  
 East Grand Cantina  
 5623 E Grand  
 Dallas, TX 75223

**Andrews Distributing of North Texas**  
 2730 Irving Blvd  
 Dallas, TX 75207  
 214-525-9400  
 BB125762 / W658864

<b>Licenses</b>
BG1025691 - 8/5/2020
BG1025691 - 8/5/2020

<b>Account No.</b>	10097
<b>Invoice Date</b>	02/27/2019

**Special Instructions:**  
 Deliver after 3pm / 214-713-9373 Mike

<b>Delivery</b>	Thomas Campbell
<b>Salesperson</b>	10AI 111 Marie Vielma

<b>Invoice #</b>	6639265
<b>PO#</b>	

**TERMS: Alcohol COD / NA**

**Phone Number:** (469) -53 - 1-05

DESCRIPTION	CODE	CASE	KEGS BTL	PRICE	UPC	DISC	DEP	AMOUNT
Corona Extra 4/6/12oz NR - 9	12010	2		\$30.00	080660956053			\$60.00
Coors Light 24/12oz Lse NR - 8	27221	2		\$24.10	071990300074			\$48.20
Miller Lite 24/12oz Lse NR - 8	57221	2		\$24.10	034100572150			\$48.20

	\$156.40	<b>Cs - Kg \$</b>	156.40	<b>Content \$</b>
0 Misc	\$0.00	<b>Water \$</b>	\$0.00	<b>Deposits \$</b>
6 Cases		<b>RedB \$</b>		
0 Kegs	\$0.00	<b>Soda - Misc \$</b>	13.5	<b>Gallons</b>

<b>Total Charges</b>	\$156.40
<b>Less Total Credits</b>	
<b>Payment:</b>	
Cash	
Check	\$156.40
<b>Net Amount Due</b>	\$0.00

I affirm that the law authorizes me to purchase and receive the type(s) of alcoholic beverage(s) shown on this invoice.

Signature of retailer or employee/agent  
 (Affirmation authorized by Section 11.72 and 61.86, Texas Alcoholic Beverage Code)

**Remit to:**  
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EXHIBIT M



**Sold To:**  
 Fm 1314 Restaurant L.L.C.  
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 5623 E Grand  
 Dallas, TX 75223

**Andrews Distributing of North Texas**  
 2730 Irving Blvd  
 Dallas, TX 75207  
 214-525-9400  
 BB125762 / W658864

<b>Licenses</b>
BG1025691 - 8/5/2020
BG1025691 - 8/5/2020

<b>Account No.</b>	10097
<b>Invoice Date</b>	03/13/2019

**Special Instructions:**  
 Deliver after 3pm / 214-713-9373 Mike

<b>Delivery</b>	Thomas Campbell
<b>Salesperson</b>	10AI 111 Marie Vielma

<b>Invoice #</b>	6667027
<b>PO#</b>	

**TERMS: Alcohol COD / NA**

**Phone Number:** (469) -53 - 1-05

DESCRIPTION	CODE	CASE	KEGS BTL	PRICE	UPC	DISC	DEP	AMOUNT
Miller Lite 24/12oz Lse NR - 8	57221	2		\$24.10	034100572150			\$48.20
Coors Light 24/12oz Lse NR - 8	27221	2		\$24.10	071990300074			\$48.20
Modelo Especial 4/6/12oz NR	12344	2		\$30.00	080660957654			\$60.00

	\$156.40	<b>Cs - Kg \$</b>	156.40	<b>Content \$</b>
0 <b>Misc</b>	\$0.00	<b>Water \$</b>	\$0.00	<b>Deposits \$</b>
6 <b>Cases</b>		<b>RedB \$</b>		
0 <b>Kegs</b>	\$0.00	<b>Soda - Misc \$</b>	13.5	<b>Gallons</b>

<b>Total Charges</b>	\$156.40
<b>Less Total Credits</b>	
<b>Payment:</b>	
Cash	
Check	\$156.40
<b>Net Amount Due</b>	\$0.00

I affirm that the law authorizes me to purchase and receive the type(s) of alcoholic beverage(s) shown on this invoice.

Signature of retailer or employee/agent  
 (Affirmation authorized by Section 11.72 and 61.86, Texas Alcoholic Beverage Code)

**Remit to:**  
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**Sold To:**  
 Fm 1314 Restaurant L.L.C.  
 East Grand Cantina  
 5623 E Grand  
 Dallas, TX 75223



**EXHIBIT M**

**Andrews Distributing of North Texas**  
 2730 Irving Blvd  
 Dallas, TX 75207  
 214-525-9400  
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<b>Licenses</b>
BG1025691 - 8/5/2020
BG1025691 - 8/5/2020

<b>Account No.</b>	10097
<b>Invoice Date</b>	04/10/2019

**Special Instructions:**  
 Deliver after 3pm / 214-713-9373 Mike

<b>Delivery</b>	Carl Havlik
<b>Salesperson</b>	10AI 111 Marie Vielma

<b>Invoice #</b>	6716917
<b>PO#</b>	

**TERMS: Alcohol COD / NA**

**Phone Number:** (469) -53 - 1-05

DESCRIPTION	CODE	CASE	KEGS BTL	PRICE	UPC	DISC	DEP	AMOUNT
Modelo Especial 24/12oz Lse NR	12341	2		\$30.00	080660957760			\$60.00
Heineken 24/12oz Lse NR	60101	1		\$30.00	072890000316			\$30.00
Miller Lite 24/12oz Lse NR - 8	57221	2		\$24.10	034100572150			\$48.20
Coors Light 24/12oz Lse NR - 8	27221	2		\$24.10	071990300074			\$48.20
Corona Extra 24/12oz HG Lse NR - 9	12011	2		\$30.00	080660956084			\$60.00

	\$246.40	<b>Cs - Kg \$</b>	246.40	<b>Content \$</b>
0 Misc	\$0.00	<b>Water \$</b>	\$0.00	<b>Deposits \$</b>
9 Cases		<b>RedB \$</b>		
0 Kegs	\$0.00	<b>Soda - Misc \$</b>	20.25	<b>Gallons</b>

<b>Total Charges</b>	\$246.40
<b>Less Total Credits</b>	
<b>Payment:</b>	
Cash	
Check	\$246.40
<b>Net Amount Due</b>	\$0.00

I affirm that the law authorizes me to purchase and receive the type(s) of alcoholic beverage(s) shown on this invoice.

Signature of retailer or employee/agent  
 (Affirmation authorized by Section 11.72 and 61.86, Texas Alcoholic Beverage Code)

**Remit to:**  
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EXHIBIT M



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 BB125762 / W658864

<b>Licenses</b>
BG1025691 - 8/5/2020
BG1025691 - 8/5/2020

<b>Account No.</b>	10097
<b>Invoice Date</b>	04/24/2019

**Special Instructions:**  
 Deliver after 3pm / 214-713-9373 Mike

<b>Delivery</b>	Carl Havlik
<b>Salesperson</b>	10AI 111 Marie Vielma

<b>Invoice #</b>	6738716
<b>PO#</b>	

**TERMS: Alcohol COD / NA**

**Phone Number:** (469) -53 - 1-05

DESCRIPTION	CODE	CASE	KEGS BTL	PRICE	UPC	DISC	DEP	AMOUNT
Modelo Especial 24/12oz Lse NR	12341	2		\$30.00	080660957760			\$60.00
Corona Extra 24/12oz HG Lse NR - 9	12011	2		\$30.00	080660956084			\$60.00
Heineken 24/12oz Lse NR	60101	1		\$30.00	072890000316			\$30.00
Coors Light 24/12oz Lse NR - 8	27221	2		\$24.10	071990300074			\$48.20
Miller Lite 24/12oz Lse NR - 8	57221	3		\$24.10	034100572150			\$72.30

	\$270.50	<b>Cs - Kg \$</b>	270.50	<b>Content \$</b>
0 Misc	\$0.00	<b>Water \$</b>	\$0.00	<b>Deposits \$</b>
10 Cases		<b>RedB \$</b>		
0 Kegs	\$0.00	<b>Soda - Misc \$</b>	22.50	<b>Gallons</b>

<b>Total Charges</b>	\$270.50
<b>Less Total Credits</b>	
<b>Payment:</b>	
Cash	
Check	\$270.50
<b>Net Amount Due</b>	\$0.00

I affirm that the law authorizes me to purchase and receive the type(s) of alcoholic beverage(s) shown on this invoice.



Signature of retailer or employee/agent  
 (Affirmation authorized by Section 11.72 and 61.86, Texas Alcoholic Beverage Code)

**Remit to:**  
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# EXHIBIT M



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 BB125762 / W658864

<b>Licenses</b>
BG1025691 - 8/5/2020
BG1025691 - 8/5/2020

<b>Account No.</b>	10097
<b>Invoice Date</b>	05/08/2019

**Special Instructions:**  
 Deliver after 3pm / 214-713-9373 Mike

<b>Delivery</b>	Carl Havlik
<b>Salesperson</b>	10AI 111 Marie Vielma

<b>Invoice #</b>	6772849
<b>PO#</b>	

**TERMS: Alcohol COD / NA**

**Phone Number:** (469) -53 - 1-05

DESCRIPTION	CODE	CASE	KEGS BTL	PRICE	UPC	DISC	DEP	AMOUNT
Corona Extra 24/12oz HG Lse NR - 9	12011	2		\$30.00	080660956084			\$60.00
Heineken 24/12oz Lse NR	60101	2		\$30.00	072890000316			\$60.00
Modelo Especial 24/12oz Lse NR	12341	3		\$30.00	080660957760			\$90.00

	\$210.00	<b>Cs - Kg \$</b>	210.00	<b>Content \$</b>
0 Misc	\$0.00	<b>Water \$</b>	\$0.00	<b>Deposits \$</b>
7 Cases		<b>RedB \$</b>		
0 Kegs	\$0.00	<b>Soda - Misc \$</b>	15.75	<b>Gallons</b>

<b>Total Charges</b>	\$210.00
<b>Less Total Credits</b>	
<b>Payment:</b>	
Cash	
Check	\$210.00
<b>Net Amount Due</b>	\$0.00

I affirm that the law authorizes me to purchase and receive the type(s) of alcoholic beverage(s) shown on this invoice.

Signature of retailer or employee/agent  
 (Affirmation authorized by Section 11.72 and 61.86, Texas Alcoholic Beverage Code)

**Remit to:**  
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**EXHIBIT M**



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**Andrews Distributing of North Texas**  
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 Dallas, TX 75207  
 214-525-9400  
 BB125762 / W658864

<b>Licenses</b>
BG1025691 - 8/5/2020
BG1025691 - 8/5/2020

<b>Account No.</b>	10097
<b>Invoice Date</b>	05/18/2019

**Special Instructions:**  
 Deliver after 3pm / 214-713-9373 Mike

<b>Delivery</b>	Carl Havlik
<b>Salesperson</b>	10AI 111 Marie Vielma

<b>Invoice #</b>	6787781
<b>PO#</b>	

**TERMS: Alcohol COD / NA**

**Phone Number:** (469) -53 - 1-05

DESCRIPTION	CODE	CASE	KEGS BTL	PRICE	UPC	DISC	DEP	AMOUNT
Modelo Especial 24/12oz Lse NR	12341	2		\$30.00	080660957760			\$60.00
Miller Lite 24/12oz Lse NR - 8	57221	2		\$24.10	034100572150			\$48.20
Coors Light 24/12oz Lse NR - 8	27221	2		\$24.10	071990300074			\$48.20
Dos Equis Special Lager 24/12oz HG Lse	61012	6		\$30.00	072311332422			\$180.00

	\$336.40	<b>Cs - Kg \$</b>	336.40	<b>Content \$</b>
0 Misc	\$0.00	<b>Water \$</b>	\$0.00	<b>Deposits \$</b>
12 Cases		<b>RedB \$</b>		
0 Kegs	\$0.00	<b>Soda - Misc \$</b>	27.0	<b>Gallons</b>

<b>Total Charges</b>	\$336.40
<b>Less Total Credits</b>	
<b>Payment:</b>	
Cash	
Check	\$336.40
<b>Net Amount Due</b>	\$0.00

I affirm that the law authorizes me to purchase and receive the type(s) of alcoholic beverage(s) shown on this invoice.

Signature of retailer or employee/agent  
 (Affirmation authorized by Section 11.72 and 61.86, Texas Alcoholic Beverage Code)

**Remit to:**  
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EXHIBIT M



**Sold To:**  
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<b>Licenses</b>
BG1025691 - 8/5/2020
BG1025691 - 8/5/2020

<b>Account No.</b>	10097
<b>Invoice Date</b>	05/22/2019

**Special Instructions:**  
 Deliver after 3pm / 214-713-9373 Mike

<b>Delivery</b>	Carl Havlik
<b>Salesperson</b>	10AI 111 Marie Vielma

<b>Invoice #</b>	6796020
<b>PO#</b>	

**TERMS: Alcohol COD / NA**

**Phone Number:** (469) -53 - 1-05

DESCRIPTION	CODE	CASE	KEGS BTL	PRICE	UPC	DISC	DEP	AMOUNT
Modelo Especial 24/12oz Lse NR	12341	4		\$30.00	080660957760			\$120.00
Dos Equis Special Lager 24/12oz HG Lse	61012	2		\$30.00	072311332422			\$60.00
Miller Lite 24/12oz Lse NR - 8	57221	2		\$24.10	034100572150			\$48.20
Coors Light 24/12oz Lse NR - 8	27221	2		\$24.10	071990300074			\$48.20
Corona Extra 24/12oz HG Lse NR - 9	12011	4		\$30.00	080660956084			\$120.00

	\$396.40	<b>Cs - Kg \$</b>	396.40	<b>Content \$</b>
0 Misc	\$0.00	<b>Water \$</b>	\$0.00	<b>Deposits \$</b>
14 Cases		<b>RedB \$</b>		
0 Kegs	\$0.00	<b>Soda - Misc \$</b>	31.5	<b>Gallons</b>

<b>Total Charges</b>	\$396.40
<b>Less Total Credits</b>	
<b>Payment:</b>	
Cash	
Check	\$396.40
<b>Net Amount Due</b>	\$0.00

I affirm that the law authorizes me to purchase and receive the type(s) of alcoholic beverage(s) shown on this invoice.

Signature of retailer or employee/agent  
 (Affirmation authorized by Section 11.72 and 61.86, Texas Alcoholic Beverage Code)

**Remit to:**  
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EXHIBIT M



**Sold To:**  
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 5623 E Grand  
 Dallas, TX 75223

**Andrews Distributing of North Texas**  
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<b>Licenses</b>
BG1025691 - 8/5/2020
BG1025691 - 8/5/2020

<b>Account No.</b>	10097
<b>Invoice Date</b>	06/12/2019

**Special Instructions:**  
 Deliver after 3pm / 214-713-9373 Mike

<b>Delivery</b>	Carl Havlik
<b>Salesperson</b>	10AI 111 Marie Vielma

<b>Invoice #</b>	6828174
<b>PO#</b>	

**TERMS: Alcohol COD / NA**

**Phone Number:** (469) -53 - 1-05

DESCRIPTION	CODE	CASE	KEGS BTL	PRICE	UPC	DISC	DEP	AMOUNT
Modelo Especial 24/12oz Lse NR	12341	6		\$30.00	080660957760			\$180.00
Dos Equis Special Lager 24/12oz HG Lse	61012	3		\$30.00	072311332422			\$90.00
Miller Lite 24/12oz Lse NR - 8	57221	2		\$24.10	034100572150			\$48.20
Corona Extra 24/12oz HG Lse NR - 9	12011	6		\$30.00	080660956084			\$180.00

	\$498.20	<b>Cs - Kg \$</b>	498.20	<b>Content \$</b>
0 <b>Misc</b>	\$0.00	<b>Water \$</b>	\$0.00	<b>Deposits \$</b>
17 <b>Cases</b>		<b>RedB \$</b>		
0 <b>Kegs</b>	\$0.00	<b>Soda - Misc \$</b>	38.25	<b>Gallons</b>

<b>Total Charges</b>	\$498.20
<b>Less Total Credits</b>	
<b>Payment:</b>	
Cash	
Check	\$498.20
<b>Net Amount Due</b>	\$0.00

I affirm that the law authorizes me to purchase and receive the type(s) of alcoholic beverage(s) shown on this invoice.



Signature of retailer or employee/agent  
 (Affirmation authorized by Section 11.72 and 61.86, Texas Alcoholic Beverage Code)

**Remit to:**  
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 5623 E Grand  
 Dallas, TX 75223



**EXHIBIT M**

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 BB125762 / W658864

<b>Licenses</b>
BG1025691 - 8/5/2020
BG1025691 - 8/5/2020

<b>Account No.</b>	10097
<b>Invoice Date</b>	07/03/2019

**Special Instructions:**  
 Deliver after 3pm / 214-713-9373 Mike

<b>Delivery</b>	Carl Havlik
<b>Salesperson</b>	10AI 111 Marie Vielma

<b>Invoice #</b>	6861537
<b>PO#</b>	

**TERMS: Alcohol COD / NA**

**Phone Number:** (469) -53 - 1-05

DESCRIPTION	CODE	CASE	KEGS BTL	PRICE	UPC	DISC	DEP	AMOUNT
Heineken 24/12oz Lse NR	60101	1		\$30.00	072890000316			\$30.00
Miller Lite 24/12oz Lse NR - 8	57221	1		\$24.10	034100572150			\$24.10
Coors Light 24/12oz Lse NR - 8	27221	1		\$24.10	071990300074			\$24.10
Corona Extra 24/12oz HG Lse NR - 9	12011	6		\$30.00	080660956084			\$180.00
Modelo Especial 24/12oz Lse NR	12341	5		\$30.00	080660957760			\$150.00
Dos Equis Special Lager 24/12oz HG Lse	61012	4		\$30.00	072311332422			\$120.00

	\$528.20	<b>Cs - Kg \$</b>	528.20	<b>Content \$</b>
0 Misc	\$0.00	<b>Water \$</b>	\$0.00	<b>Deposits \$</b>
18 Cases		<b>RedB \$</b>		
0 Kegs	\$0.00	<b>Soda - Misc \$</b>	40.50	<b>Gallons</b>

<b>Total Charges</b>	\$528.20
<b>Less Total Credits</b>	
<b>Payment:</b>	
Cash	
Check	\$528.20
<b>Net Amount Due</b>	\$0.00

I affirm that the law authorizes me to purchase and receive the type(s) of alcoholic beverage(s) shown on this invoice.

Signature of retailer or employee/agent  
 (Affirmation authorized by Section 11.72 and 61.86, Texas Alcoholic Beverage Code)

**Remit to:**  
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EXHIBIT M



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 214-525-9400  
 BB125762 / W658864

<b>Licenses</b>
BG1025691 - 8/5/2020
BG1025691 - 8/5/2020

<b>Account No.</b>	10097
<b>Invoice Date</b>	07/10/2019

**Special Instructions:**  
 Deliver after 3pm / 214-713-9373 Mike

<b>Delivery</b>	Carl Havlik
<b>Salesperson</b>	10AI 111 Marie Vielma

<b>Invoice #</b>	6874440
<b>PO#</b>	

**TERMS: Alcohol COD / NA**

**Phone Number:** (469) -53 - 1-05

DESCRIPTION	CODE	CASE	KEGS BTL	PRICE	UPC	DISC	DEP	AMOUNT
Heineken 24/12oz Lse NR	60101	1		\$30.00	072890000316			\$30.00
Dos Equis Special Lager 24/12oz HG Lse	61012	6		\$30.00	072311332422			\$180.00
Miller Lite 24/12oz Lse NR - 8	57221	3		\$24.10	034100572150			\$72.30
Corona Extra 24/12oz HG Lse NR - 9	12011	6		\$30.00	080660956084			\$180.00

	\$462.30	<b>Cs - Kg \$</b>	462.30	<b>Content \$</b>
0 <b>Misc</b>	\$0.00	<b>Water \$</b>	\$0.00	<b>Deposits \$</b>
16 <b>Cases</b>		<b>RedB \$</b>		
0 <b>Kegs</b>	\$0.00	<b>Soda - Misc \$</b>	36.00	<b>Gallons</b>

<b>Total Charges</b>	\$462.30
<b>Less Total Credits</b>	
<b>Payment:</b>	
Cash	
Check	\$462.30
<b>Net Amount Due</b>	\$0.00

I affirm that the law authorizes me to purchase and receive the type(s) of alcoholic beverage(s) shown on this invoice.

Signature of retailer or employee/agent  
 (Affirmation authorized by Section 11.72 and 61.86, Texas Alcoholic Beverage Code)

**Remit to:**  
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EXHIBIT M



**Sold To:**  
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 214-525-9400  
 BB125762 / W658864

<b>Licenses</b>
BG1025691 - 8/5/2020
BG1025691 - 8/5/2020

<b>Account No.</b>	10097
<b>Invoice Date</b>	07/17/2019

**Special Instructions:**  
 Deliver after 3pm / 214-713-9373 Mike

<b>Delivery</b>	Carl Havlik
<b>Salesperson</b>	10AI 111 Marie Vielma

<b>Invoice #</b>	6879777
<b>PO#</b>	

**TERMS: Alcohol COD / NA**

**Phone Number: (469) -53 - 1-05**

DESCRIPTION	CODE	CASE	KEGS BTL	PRICE	UPC	DISC	DEP	AMOUNT
Miller Lite 24/12oz Lse NR - 8	57221	4		\$24.10	034100572150			\$96.40
Coors Light 24/12oz Lse NR - 8	27221	1		\$24.10	071990300074			\$24.10
Heineken 24/12oz Lse NR	60101	3		\$30.00	072890000316			\$90.00
Corona Extra 24/12oz HG Lse NR - 9	12011	6		\$30.00	080660956084			\$180.00
Modelo Especial 24/12oz Lse NR	12341	6		\$30.00	080660957760			\$180.00

	\$570.50	<b>Cs - Kg \$</b>	570.50	<b>Content \$</b>
0 Misc	\$0.00	<b>Water \$</b>	\$0.00	<b>Deposits \$</b>
20 Cases		<b>RedB \$</b>		
0 Kegs	\$0.00	<b>Soda - Misc \$</b>	45.00	<b>Gallons</b>

<b>Total Charges</b>	\$570.50
<b>Less Total Credits</b>	
<b>Payment:</b>	
Cash	
Check	\$570.50
<b>Net Amount Due</b>	\$0.00

I affirm that the law authorizes me to purchase and receive the type(s) of alcoholic beverage(s) shown on this invoice.

Signature of retailer or employee/agent  
 (Affirmation authorized by Section 11.72 and 61.86, Texas Alcoholic Beverage Code)

**Remit to:**  
 2730 Irving Blvd  
 Dallas, TX 75207

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**Sold To:**  
 Fm 1314 Restaurant L.L.C.  
 East Grand Cantina  
 5623 E Grand  
 Dallas, TX 75223



**EXHIBIT M**

**Andrews Distributing of North Texas**  
 2730 Irving Blvd  
 Dallas, TX 75207  
 214-525-9400  
 BB125762 / W658864

<b>Licenses</b>
BG1025691 - 8/5/2020
BG1025691 - 8/5/2020

<b>Account No.</b>	10097
<b>Invoice Date</b>	07/24/2019

**Special Instructions:**  
 Deliver after 3pm / 214-713-9373 Mike

<b>Delivery</b>	Carl Havlik
<b>Salesperson</b>	10AI 111 Marie Vielma

<b>Invoice #</b>	6892813
<b>PO#</b>	

**TERMS: Alcohol COD / NA**

**Phone Number:** (469) -53 - 1-05

DESCRIPTION	CODE	CASE	KEGS BTL	PRICE	UPC	DISC	DEP	AMOUNT
Dos Equis Special Lager 24/12oz HG Lse	61012	4		\$30.00	072311332422			\$120.00
Heineken 24/12oz Lse NR	60101	1		\$30.00	072890000316			\$30.00
Miller Lite 24/12oz Lse NR - 8	57221	6		\$24.10	034100572150			\$144.60
Corona Extra 24/12oz HG Lse NR - 9	12011	6		\$30.00	080660956084			\$180.00

	\$474.60	<b>Cs - Kg \$</b>	474.60	<b>Content \$</b>
0 Misc	\$0.00	<b>Water \$</b>	\$0.00	<b>Deposits \$</b>
17 Cases		<b>RedB \$</b>		
0 Kegs	\$0.00	<b>Soda - Misc \$</b>	38.25	<b>Gallons</b>

<b>Total Charges</b>	\$474.60
<b>Less Total Credits</b>	
<b>Payment:</b>	
Cash	
Check	\$474.60
<b>Net Amount Due</b>	\$0.00

I affirm that the law authorizes me to purchase and receive the type(s) of alcoholic beverage(s) shown on this invoice.

Signature of retailer or employee/agent  
 (Affirmation authorized by Section 11.72 and 61.86, Texas Alcoholic Beverage Code)

**Remit to:**  
 2730 Irving Blvd  
 Dallas, TX 75207

We value your business.  
 To learn more about our brands visit [DestinationBeer.com](http://DestinationBeer.com)

**Sold To:**  
 Fm 1314 Restaurant L.L.C.  
 East Grand Cantina  
 5623 E Grand  
 Dallas, TX 75223



**EXHIBIT M**

**Andrews Distributing of North Texas**  
 2730 Irving Blvd  
 Dallas, TX 75207  
 214-525-9400  
 BB125762 / W658864

<b>Licenses</b>
BG1025691 - 8/5/2020
BG1025691 - 8/5/2020

<b>Account No.</b>	10097
<b>Invoice Date</b>	07/31/2019

**Special Instructions:**  
 Deliver after 3pm / 214-713-9373 Mike

<b>Delivery</b>	Carl Havlik
<b>Salesperson</b>	10AI 111 Marie Vielma

<b>Invoice #</b>	6904339
<b>PO#</b>	

**TERMS: Alcohol COD / NA**

**Phone Number:** (469) -53 - 1-05

DESCRIPTION	CODE	CASE	KEGS BTL	PRICE	UPC	DISC	DEP	AMOUNT
Modelo Especial 24/12oz Lse NR	12341	2		\$30.00	080660957760			\$60.00
Dos Equis Special Lager 24/12oz HG Lse	61012	2		\$30.00	072311332422			\$60.00
Coors Light 24/12oz Lse NR - 8	27221	2		\$24.10	071990300074			\$48.20
Miller Lite 24/12oz Lse NR - 8	57221	6		\$24.10	034100572150			\$144.60

	\$312.80	<b>Cs - Kg \$</b>	312.80	<b>Content \$</b>
0 Misc	\$0.00	<b>Water \$</b>	\$0.00	<b>Deposits \$</b>
12 Cases		<b>RedB \$</b>		
0 Kegs	\$0.00	<b>Soda - Misc \$</b>	27.0	<b>Gallons</b>

<b>Total Charges</b>	\$312.80
<b>Less Total Credits</b>	
<b>Payment:</b>	
Cash	
Check	\$312.80
<b>Net Amount Due</b>	\$0.00

I affirm that the law authorizes me to purchase and receive the type(s) of alcoholic beverage(s) shown on this invoice.

Signature of retailer or employee/agent  
 (Affirmation authorized by Section 11.72 and 61.86, Texas Alcoholic Beverage Code)

**Remit to:**  
 2730 Irving Blvd  
 Dallas, TX 75207

We value your business.  
 To learn more about our brands visit [DestinationBeer.com](http://DestinationBeer.com)

EXHIBIT M



**Sold To:**  
 Fm 1314 Restaurant L.L.C.  
 East Grand Cantina  
 5623 E Grand  
 Dallas, TX 75223

**Andrews Distributing of North Texas**  
 2730 Irving Blvd  
 Dallas, TX 75207  
 214-525-9400  
 BB125762 / W658864

<b>Licenses</b>
BG1025691 - 8/5/2020
BG1025691 - 8/5/2020

<b>Account No.</b>	10097
<b>Invoice Date</b>	08/07/2019

**Special Instructions:**  
 Deliver after 3pm / 214-713-9373 Mike

<b>Delivery</b>	Joe Astorga
<b>Salesperson</b>	10AI 111 Marie Vielma

<b>Invoice #</b>	6919558
<b>PO#</b>	

**TERMS: Alcohol COD / NA**

**Phone Number:** (469) -53 - 1-05

DESCRIPTION	CODE	CASE	KEGS BTL	PRICE	UPC	DISC	DEP	AMOUNT
Modelo Especial 24/12oz Lse NR	12341	3		\$30.00	080660957760			\$90.00
Heineken 24/12oz Lse NR	60101	2		\$30.00	072890000316			\$60.00
Coors Light 24/12oz Lse NR - 8	27221	2		\$24.10	071990300074			\$48.20
Corona Premier 2/12/12oz NR	12036	1		\$30.00	033544950425			\$30.00
Miller Lite 24/12oz Lse NR - 8	57221	7		\$24.10	034100572150			\$168.70
Corona Extra 24/12oz HG Lse NR - 9	12011	3		\$30.00	080660956084			\$90.00

	\$486.90	<b>Cs - Kg \$</b>	486.90	<b>Content \$</b>
0 Misc	\$0.00	<b>Water \$</b>	\$0.00	<b>Deposits \$</b>
18 Cases		<b>RedB \$</b>		
0 Kegs	\$0.00	<b>Soda - Misc \$</b>	40.50	<b>Gallons</b>

<b>Total Charges</b>	\$486.90
<b>Less Total Credits</b>	
<b>Payment:</b>	
Cash	
Check	\$486.90
<b>Net Amount Due</b>	\$0.00

I affirm that the law authorizes me to purchase and receive the type(s) of alcoholic beverage(s) shown on this invoice.

Signature of retailer or employee/agent  
 (Affirmation authorized by Section 11.72 and 61.86, Texas Alcoholic Beverage Code)

**Remit to:**  
 2730 Irving Blvd  
 Dallas, TX 75207

We value your business.  
 To learn more about our brands visit [DestinationBeer.com](http://DestinationBeer.com)

EXHIBIT N

ESI ID	Customer Name	Rate Class/Code	Zip Code	Metered KW	Actual KWH	Billed KW	TDSP Charges	Start Date	End Date	Meter Read Cycle	Service Address 1	Service Address 3	Load Profile
10443720001097410	4304 LIVE OAK LP	D0	75223	14	2678	14	153.81	9/27/2018	10/26/2018	02	5623 E GRAND AVE	DALLAS TX 75223	BUSLOLF_NCEN IDR_WS_NOTOU
10443720001097410	4304 LIVE OAK LP	D0	75223	15	2737	15	136.34	10/26/2018	11/27/2018	02	5623 E GRAND AVE	DALLAS TX 75223	BUSLOLF_NCEN IDR_WS_NOTOU
10443720001097410	4304 LIVE OAK LP	D0	75223	14	2438	14	153.55	11/27/2018	12/27/2018	02	5623 E GRAND AVE	DALLAS TX 75223	BUSLOLF_NCEN IDR_WS_NOTOU
10443720001097410	4304 LIVE OAK LP	D0	75223	15	3018	15	161.85	12/27/2018	1/28/2019	02	5623 E GRAND AVE	DALLAS TX 75223	BUSLOLF_NCEN IDR_WS_NOTOU
10443720001097410	4304 LIVE OAK LP	D0	75223	14	2687	14	153.66	1/28/2019	2/26/2019	02	5623 E GRAND AVE	DALLAS TX 75223	BUSLOLF_NCEN IDR_WS_NOTOU
10443720001097410	4304 LIVE OAK LP	D0	75223	14	2351	14	147.35	2/26/2019	3/27/2019	02	5623 E GRAND AVE	DALLAS TX 75223	BUSLOLF_NCEN IDR_WS_NOTOU
10443720001097410	4304 LIVE OAK LP	D0	75223	9	2564	12	109.48	3/27/2019	4/26/2019	02	5623 E GRAND AVE	DALLAS TX 75223	BUSLOLF_NCEN IDR_WS_NOTOU
10443720001097410	4304 LIVE OAK LP	D0	75223	9	2972	12	109.53	4/26/2019	5/28/2019	02	5623 E GRAND AVE	DALLAS TX 75223	BUSLOLF_NCEN IDR_WS_NOTOU
10443720001097410	4304 LIVE OAK LP	D0	75223	10	3178	12	117.33	5/28/2019	6/26/2019	02	5623 E GRAND AVE	DALLAS TX 75223	BUSLOLF_NCEN IDR_WS_NOTOU
10443720001097410	4304 LIVE OAK LP	D0	75223	11	4087	12	125.29	6/26/2019	7/26/2019	02	5623 E GRAND AVE	DALLAS TX 75223	BUSLOLF_NCEN IDR_WS_NOTOU
10443720001097410	4304 LIVE OAK LP	D0	75223	11	3834	12	125.19	7/26/2019	8/27/2019	02	5623 E GRAND AVE	DALLAS TX 75223	BUSLOLF_NCEN IDR_WS_NOTOU
10443720001097410	4304 LIVE OAK LP	D0	75223	7	330	12	23.4	8/27/2019	9/3/2019	02	5623 E GRAND AVE	DALLAS TX 75223	BUSLOLF_NCEN IDR_WS_NOTOU

RE: 5623 E. Grand

EXHIBIT O



Zapien, Marisa <marisa.zapien@dallascityhall.com>

To santos@lasierrapg.com

Reply
 Reply All
 Forward

Fri 12/13/2019 1:22 PM

This message has been replied to or forwarded.

Mr. Martinez:

Per your request below is the consumption for 5623 E. grand Ave From 01/2018 to August 2018.

886368	1	08/16/2018	3,498	1,100
886368	1	07/18/2018	3,487	0
886368	1	06/21/2018	3,487	0
886368	1	05/21/2018	3,487	0
886368	1	04/18/2018	3,487	0
886368	1	03/20/2018	3,487	11,900
886368	1	02/16/2018	3,368	26,400
886368	1	01/22/2018	3,104	3,800

Thank you



**Marisa Zapien**  
*Supervisor II*  
**City of Dallas | DallasCityNews.net**  
 Dallas Water Utilities | Credit Services  
 1500 Marilla 2DS  
 Dallas, TX 75201  
 214-671-9241  
[Marisa.zapien@dallascityhall.com](mailto:Marisa.zapien@dallascityhall.com)



E Grand Ave  
Dallas, Texas  
Google

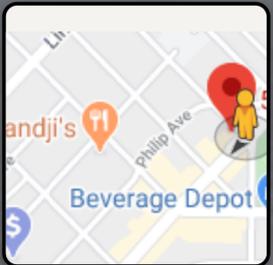
EXHIBIT P1

Street View - Oct 2008

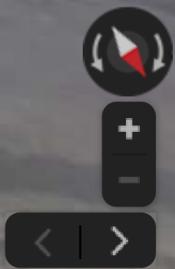


Currently shown: Oct 2008

2007 • [Timeline slider] • 2018



Google

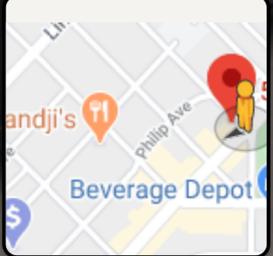


E Grand Ave  
Dallas, Texas

Google

Street View

EXHIBIT P2



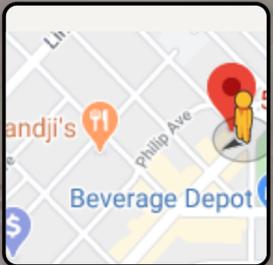
Google

5699 E Grand Ave  
Dallas, Texas

Google

Street View

EXHIBIT P3

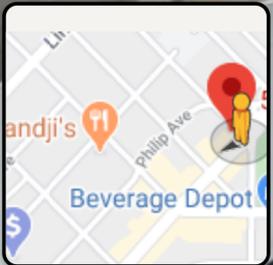


Google

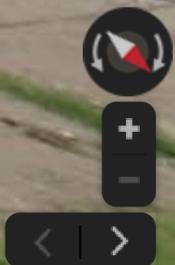
A set of navigation controls in the bottom-right corner. It includes a compass icon, a zoom in (+) button, a zoom out (-) button, and left and right arrow buttons for navigation.

5699 E Grand Ave  
Dallas, Texas  
Google  
Street View

EXHIBIT P4

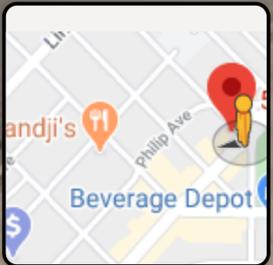


Google

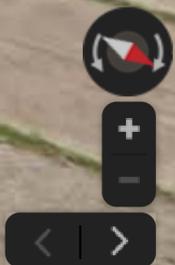


5699 E Grand Ave  
Dallas, Texas  
Google  
Street View

EXHIBIT P5



Google

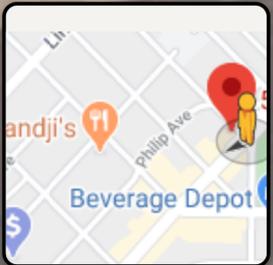


E Grand Ave  
Dallas, Texas

Google

Street View

EXHIBIT P6



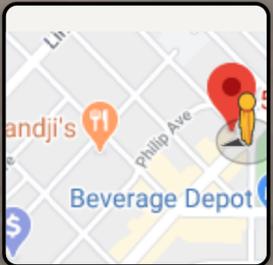
Google

E Grand Ave  
Dallas, Texas

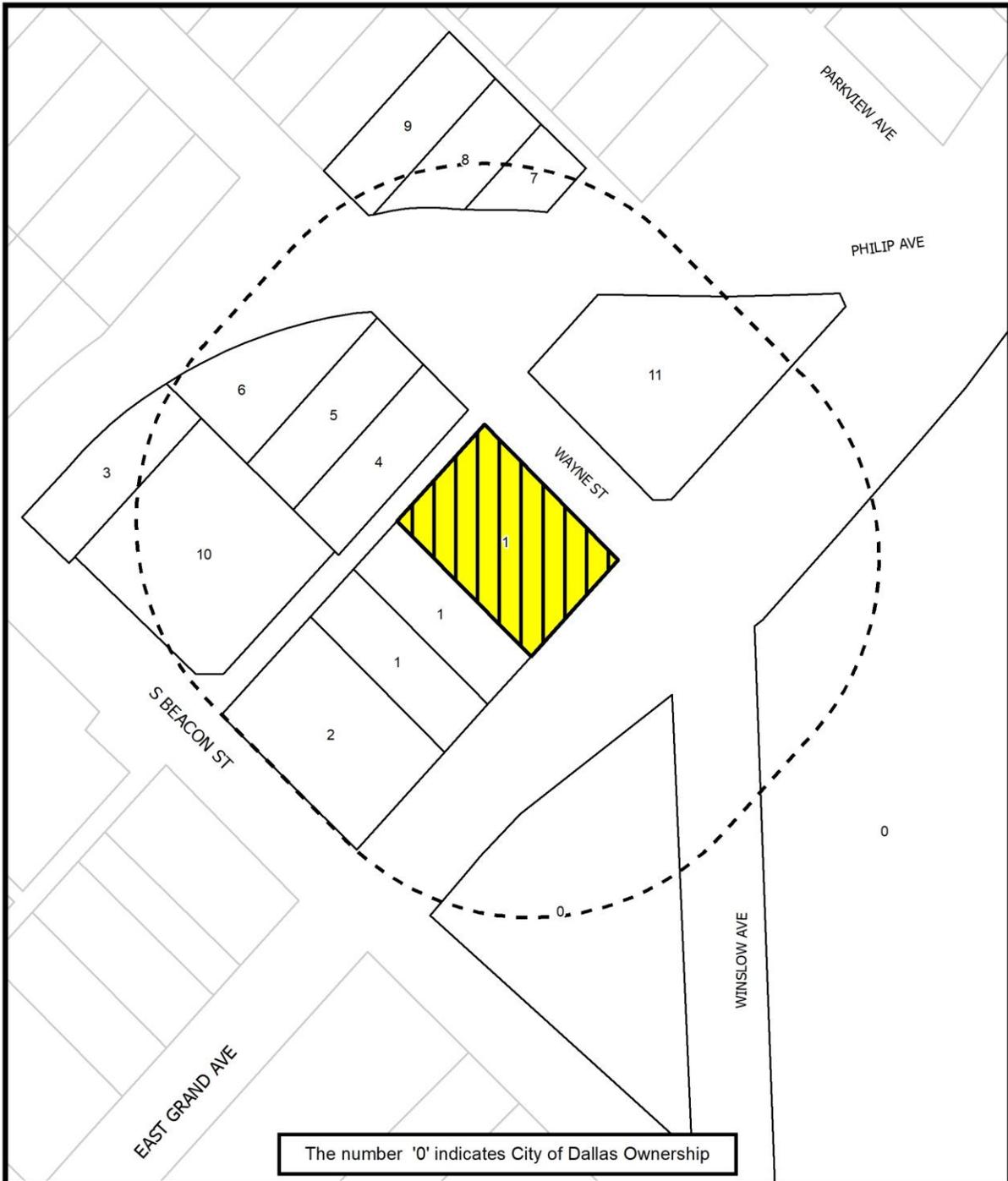
Google

Street View

EXHIBIT P7



Google



1:1,200

# NOTIFICATION

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

Case no: **BDA190-047**  
 Date: **3/24/2020**

03/24/2020

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

***BDA190-047***

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

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	5611 EAST GRAND AVE	FORE DOWN INC
2	5605 EAST GRAND AVE	BALLAS VICTOR
3	1100 S BEACON ST	FURMAGA LLC
4	1115 WAYNE ST	SIMMS HOLDINGS LLC
5	1111 WAYNE ST	IBARRA JUAN & SANJUANA
6	1107 WAYNE ST	CAUDILLO TONY
7	1104 WAYNE ST	GUEVARA JUAN
8	1102 WAYNE ST	GUEVARA JUAN JOSE
9	1030 WAYNE ST	JIMENEZ JUAN J &
10	1106 S BEACON ST	GARNER BRIAN S
11	5711 EAST GRAND AVE	M & N LO JOES CORP

**FILE NUMBER:** BDA190-049(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Masterplan represented by Karl A. Crawley for a special exception to the side yard setback regulations for tree preservation at 4434 Crooked Lane. This property is more fully described as Lot 4, Block B/6400, and is zoned an R-1/2ac(A) Single Family District, which requires a side yard setback of 10 feet. The applicant proposes to construct a residential accessory structure and provide a two-foot six-inch side yard setback, which will require a seven-foot six-inch special exception to the side yard setback regulations.

**LOCATION:** 4434 Crooked Lane

**APPLICANT:** Masterplan represented by Karl A. Crawley

**REQUEST:**

A request for a special exception to the minimum side yard requirements to preserve existing trees including one with a diameter of 35 inches is made to construct a 532-square-foot accessory structure (additional two car garage) which will be located two-feet six-inches from the west side property line or seven-feet six-inches into the 10-foot west side yard setback on a property currently developed with a single family home.

**STANDARD FOR A SPECIAL EXCEPTION TO THE MINIMUM SIDE YARD REQUIREMENTS TO PRESERVE AN EXISTING TREE:**

Section 51(A)-4.402(d) of the Dallas Development Code specifies that the board may grant a special exception to the minimum side yard requirements in this section to preserve an existing tree. In determining whether to grant this special exception, the board shall consider the following factors:

- (A) Whether the requested special exception is compatible with the character of the neighborhood.
- (B) Whether the value of surrounding properties will be adversely affected.
- (C) Whether the tree is worthy of preservation.

**STAFF RECOMMENDATION (Tree Preservation):**

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that requested special exception was compatible with the character of the neighborhood; the value of surrounding properties will not be adversely affected; and that, according to the City of Dallas Chief Arborist, the trees denoted on the submitted site plan, are worthy of preservation.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: R-1/2 ac(A) (Single Family District)  
North: R-1/2 ac(A) (Single Family District)  
East: R-1/2 ac(A) (Single Family District)  
South: R-1/2 ac(A) (Single Family District)  
West: R-1/2 ac(A) (Single Family District)

**Land Use:**

The subject site is developed with a single family structure. 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:**

This request for a special exception to the minimum side yard requirements to preserve existing trees of 35 feet in d focuses on constructing and maintaining 532-square-foot accessory structure (additional two car garage) which will be located two feet six inches from the west side property line or seven feet six inches into the 10-foot west side yard setback on a property currently developed with a single-family home.

The property is located in an R-1/2a(A) Single Family District which requires a minimum side yard of 10 feet.

The submitted site plan indicates an accessory structure (additional two-car garage will be located two-feet six-inches from the west side property line or seven-feet six-inches

into the 10-foot north side yard setback. The site plan also indicates a 35-inch tree located 21 feet from the west side property line.

The applicant submitted a letter from a certified arborist indicating that the tree is worthy of preservation.

The Chief Arborist has determined that the tree in the rear yard identified on the Tree Preservation Plan is worthy of preservation. Placement of the designed driveway and structure would likely require the removal of the tree”.

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

- Whether the requested special exception is compatible with the character of the neighborhood.
- Whether the value of surrounding properties will be adversely affected.
- Whether the tree is worthy of preservation.

If the Board were to grant the special exception request and impose the submitted site plan as a condition, the structure in the side yard setback would be limited to what is shown on this document – which in this case is an accessory structure that is located two feet seven inches from the site’s side property line (or seven feet five inches into the 10-foot side yard setback).

**Timeline:**

February 13, 2020: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

May 13, 2020: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

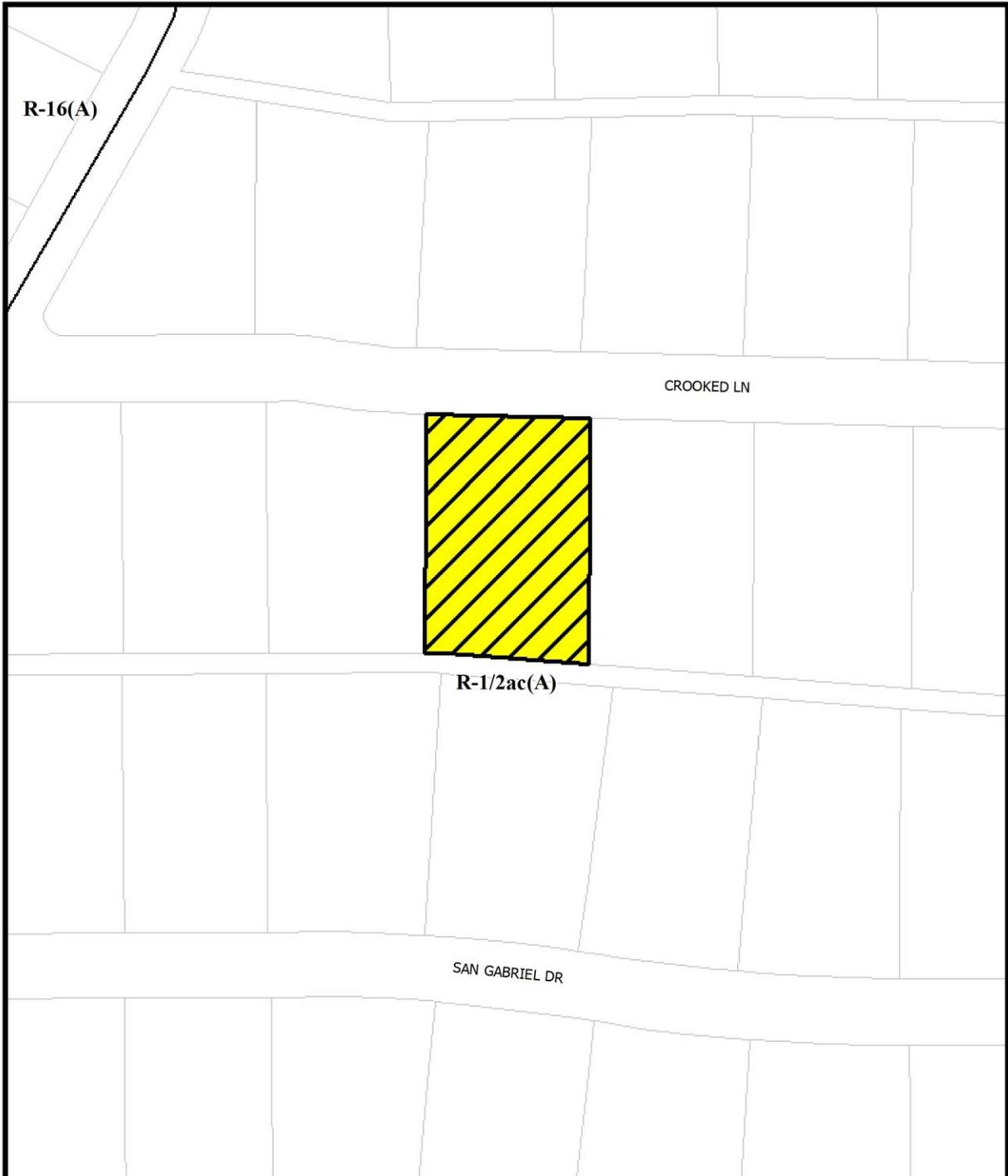
May 13, 2020: The Board of Adjustment Chief Planner/Board Administrator emailed the applicant the following information:

- 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 June 3<sup>rd</sup> deadline to submit additional evidence for staff to factor into their analysis; and the June 12, 2020 deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and

- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

June 5, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the December public hearings. Review team members in attendance included the following: the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Sustainable Development and Construction Senior Engineer, the Board of Adjustment Senior Planner the Building Inspection Senior Plans Examiner/Development Code Specialist, and the Assistant City Attorney to the board.

June 10, 2020: The City of Dallas Chief Arborist emailed the Board Administrator information regarding this application.

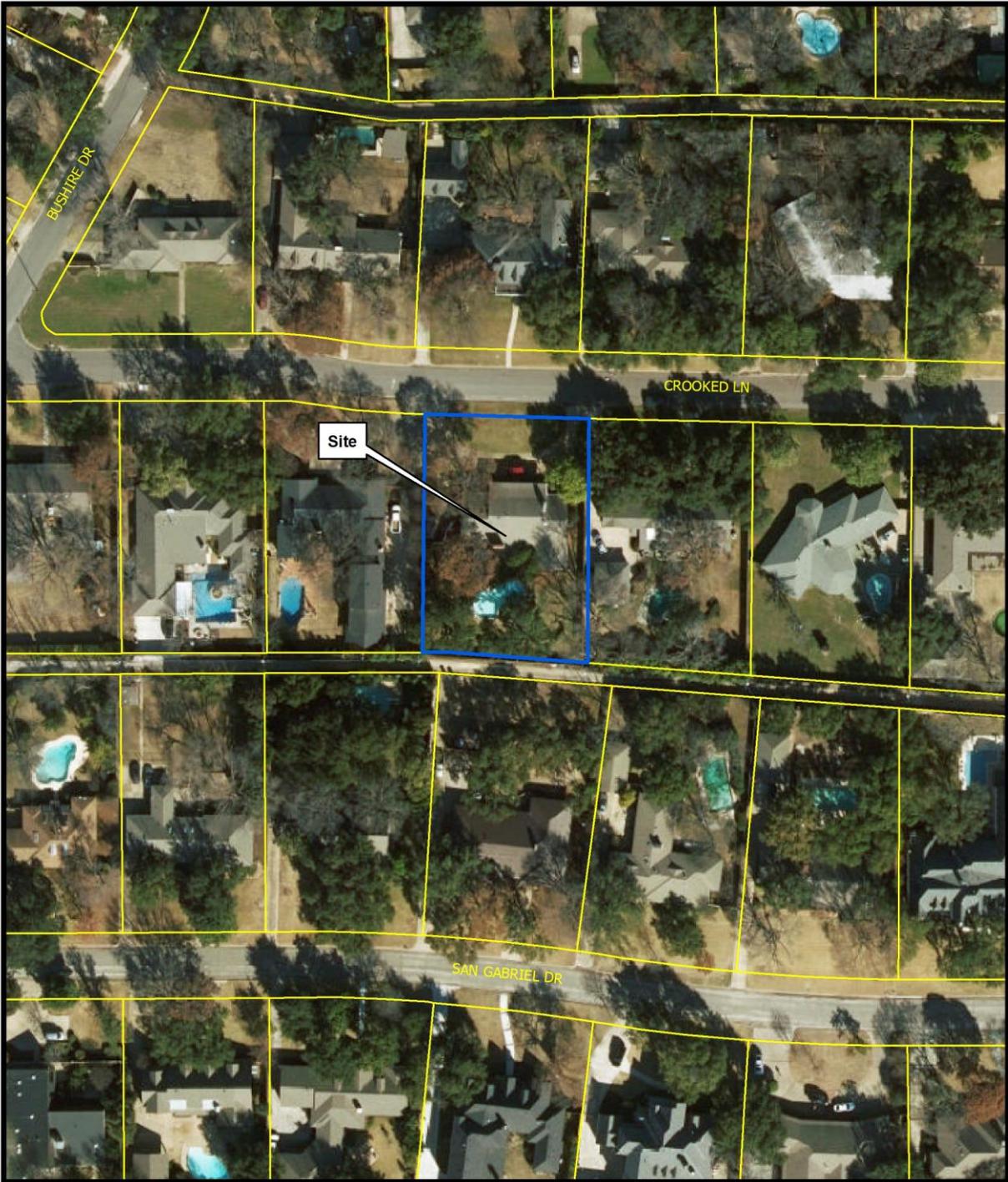


1:1,200

# ZONING MAP

Case no: BDA190-049

Date: 5/29/2020



1:1,200

# AERIAL MAP

Case no: BDA190-049

Date: 5/29/2020



RECEIVED  
FEB 19 2020  
BY: O.T.H.

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-049

Date: 2-19-2020

Data Relative to Subject Property:

Location address: 4434 Crooked Lane Zoning District: R-1/2AC(A)

Lot No.: 4 Block No.: B/6400 Acreage: 0.534 Census Tract: 267

Street Frontage (in Feet): 1) 125 2) 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Diane O. Wright and Charles L. Wright

Applicant: Karl Crawley (Masterplan Texas) Telephone: 214.761.9197

Mailing Address: 2201 Main St., STE:1280, Dallas, TX Zip Code: 75201

E-mail Address: Karl@masterplantexas.com

Represented by: Karl Crawley (Masterplan Texas) Telephone: 214.761.9197

Mailing Address: 2201 Main St., STE:1280, Dallas, TX Zip Code: 75201

E-mail Address: Karl@masterplantexas.com

Affirm that an appeal has been made for a Variance, or Special Exception X, of Sec.51A-10.110(b) allows for the application of a special exception to the requirements of Division 51A-10.130, Urban Forest Conservation.

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: Per Sec.51A-4.402(b)(3), The accessory structure cannot be placed in the compliant rear 30% of the lot due to an effort to protect the large mature Live Oak tree shown on the site plan.

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

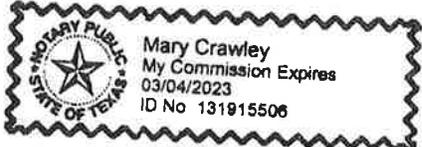
Before me the undersigned on this day personally appeared Karl Crawley (Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 13th day of February, 2020

(Rev. 08-01-11)



[Signature] Notary Public in and for Dallas County, Texas





AFFIDAVIT

Appeal number: BDA 190 - 049

I, Charles L. Wright, Owner of the subject property  
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 4434 Crooked Lane  
(Address of property as stated on application)

Authorize: Karl Crawley (Masterplan Texas)  
(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: Sec.51A-10.110(b) allows for the application of a special exception to the requirements of Division 51A-10.130, Urban Forest Conservation. The accessory structure cannot be placed in the compliant rear 30% of the lot due, per Sec.51A-4.402(b)(3), to an effort to protect the large mature Live Oak tree.

Charles L. Wright  
Print name of property owner or registered agent

[Signature]  
Signature of property owner or registered agent

Date 3/10/20

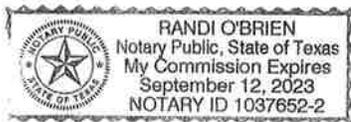
Before me, the undersigned, on this day personally appeared Charles L. Wright

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

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

Randi O'Brien  
Notary Public for Dallas County, Texas

Commission expires on 9/12/2023





AFFIDAVIT

Appeal number: BDA 190-049

I, Diane O. Wright, Owner of the subject property  
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 4434 Crooked Lane  
(Address of property as stated on application)

Authorize: Karl Crawley (Masterplan Texas)  
(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: Sec.51A-10.110(b) allows for the application of a special exception to the requirements of Division 51A-10.130, Urban Forest Conservation. The accessory structure cannot be placed in the compliant rear 30% of the lot due, per Sec.51A-4.402(b)(3), to an effort to protect the large mature Live Oak tree.

Diane O. Wright  
Print name of property owner or registered agent

Diane O. Wright  
Signature of property owner or registered agent

Date 3/10/20

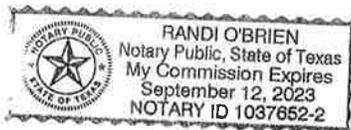
Before me, the undersigned, on this day personally appeared Diane O. Wright

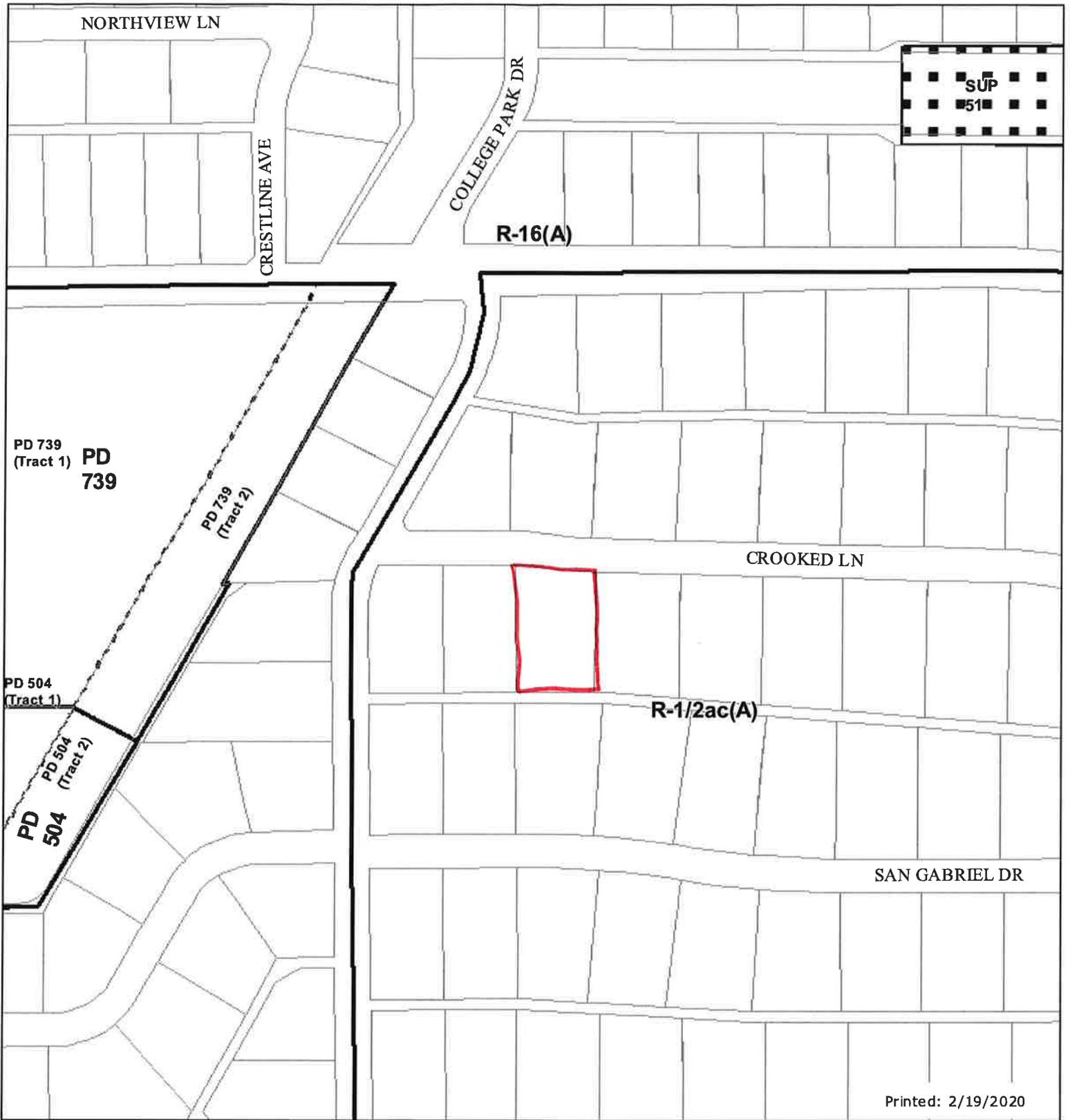
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

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

Randi O'Brien  
Notary Public for Dallas County, Texas

Commission expires on 9/12/2023





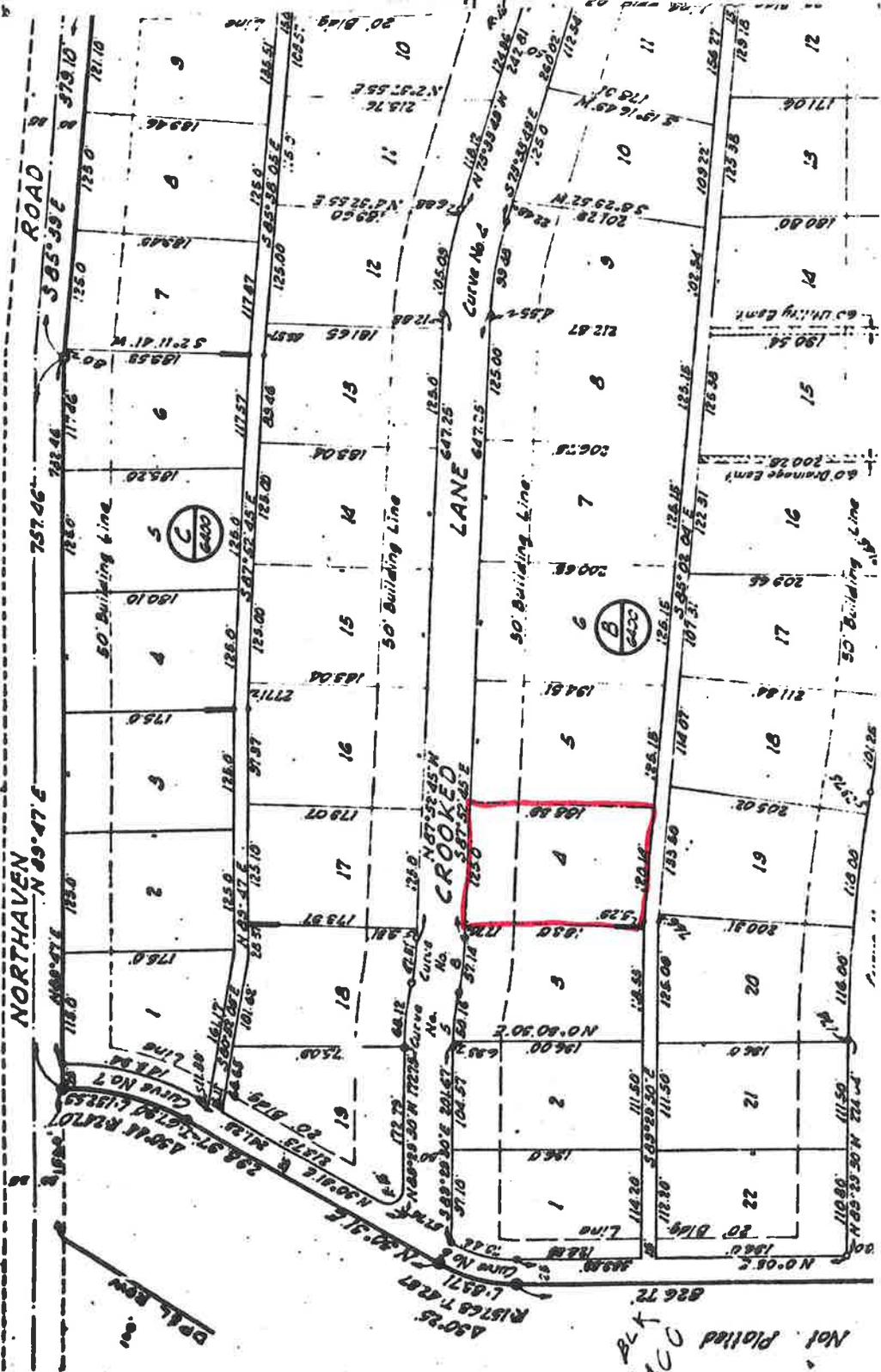
**Legend**

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

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



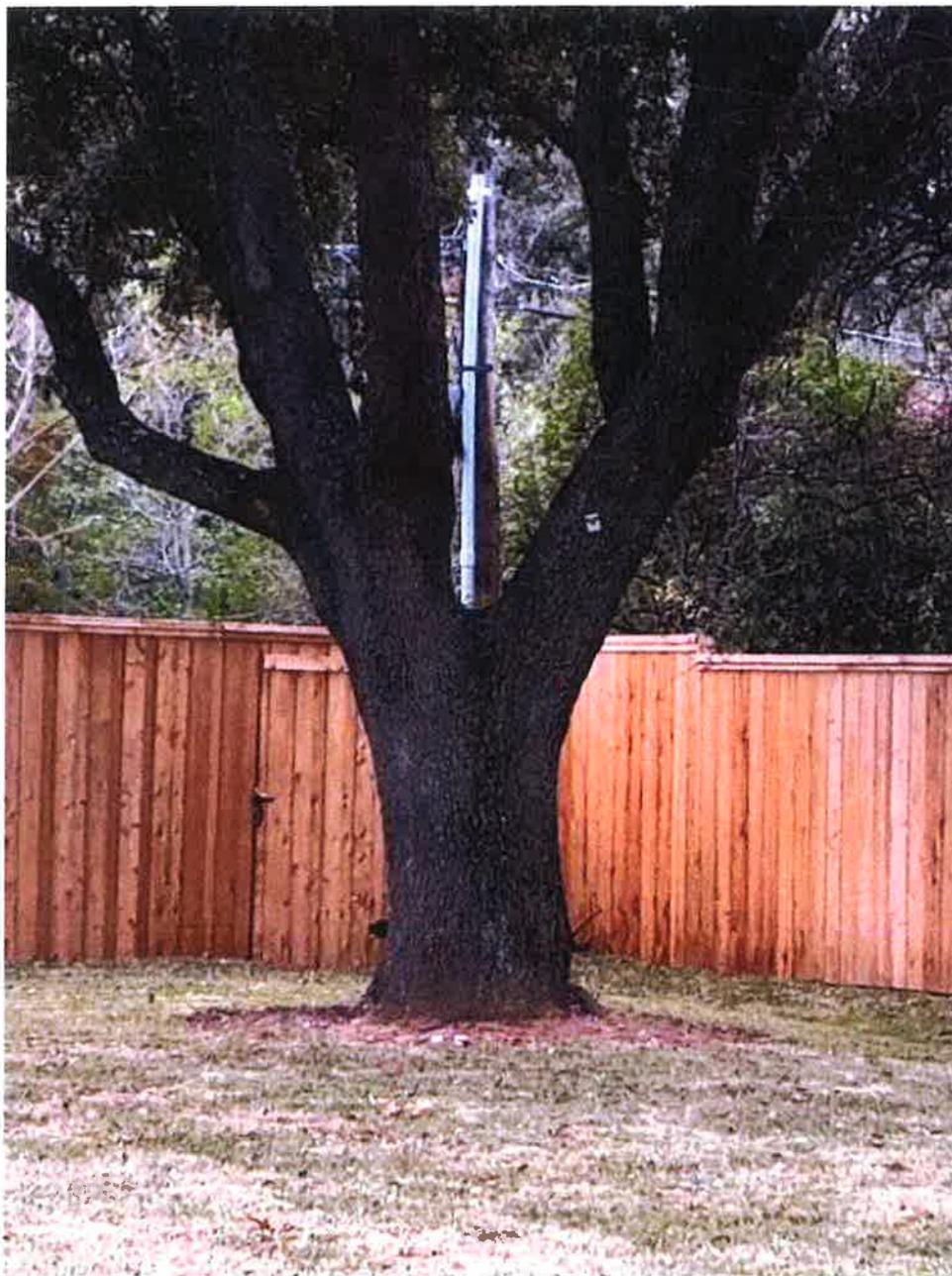
Not Platted



4434 Crooked Lane  
BDA 190-049

Not Platted  
5400  
BLK





Live Oak Evaluation  
4434 Crooked Lane

02/05/2020

Ms. Wright,

Thank you for having me out yesterday to inspect the building site for your future garage. As a rule, placing the new garage or any construction under the drip line of a tree is not the best-case scenario. However sometimes it is unavoidable which is true in this situation.

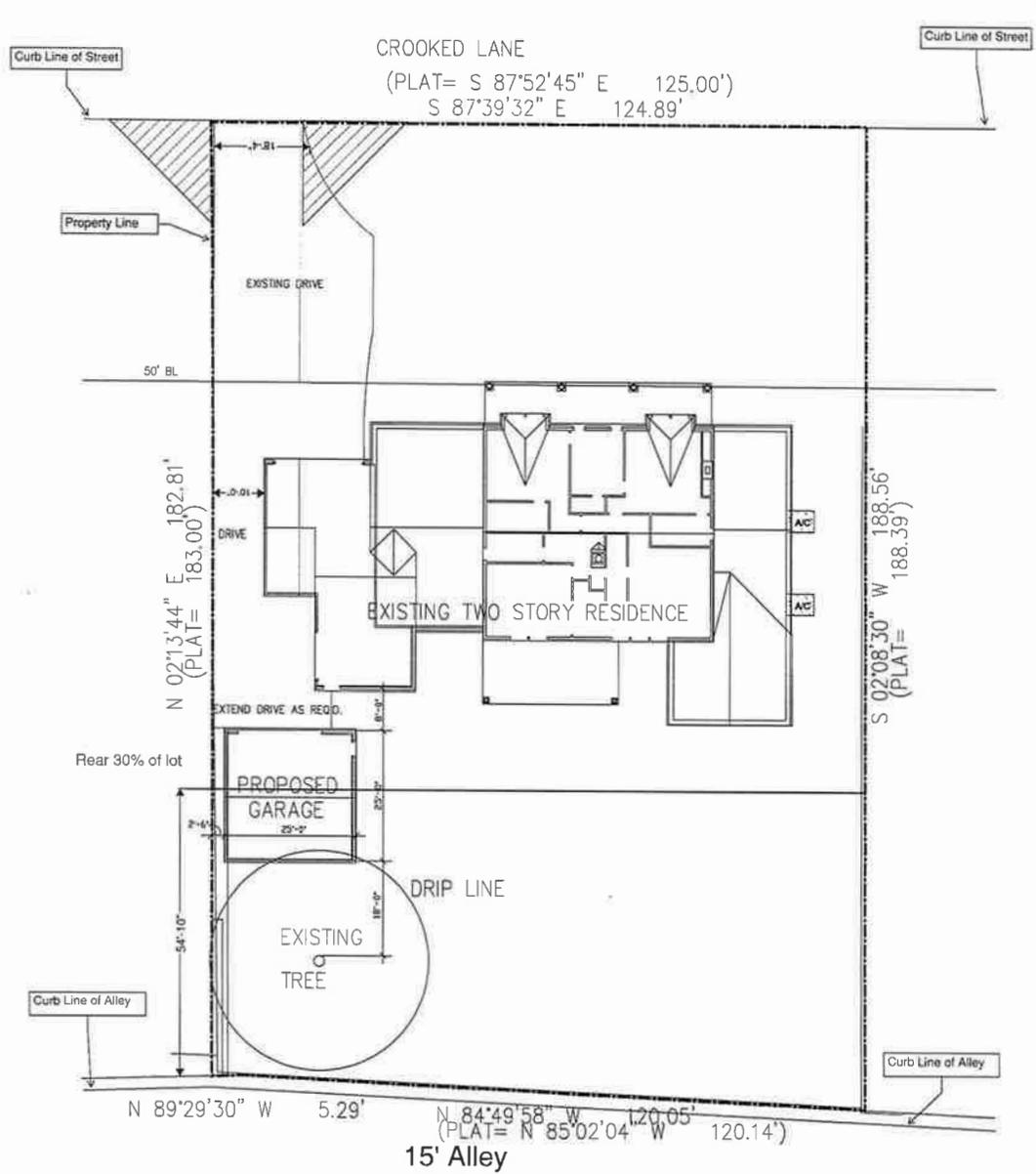
My recommendation is to try and get the variance that we discussed which will allow you to move the placement to the north therefore getting the excavation line 13-18 feet away from the main trunk of the 35" DBH live oak tree. Currently the tree is in good health so I believe this will be far enough from the main anchoring roots that the tree survives. However, it is no guarantee. The contractor should take great care not to excavate into the dripline any farther than necessary, and I would also recommend erecting a fence or some type of barrier to keep workers and equipment off the critical root zone. If the project extends into the summer season, irrigation is a must, and I recommend a supplemental root fertilization to help reduce stress related to construction. Please let me know if you have any questions or other concerns. I'm happy to help out any way I can.

Thank you,

Brian Cox  
District Manager  
The Davey Tree Expert Co.  
Certified Arborist #TX1288A  
[www.davey.com](http://www.davey.com)



VICINITY MAP



PROPOSED SITE PLAN

3/32=1"=0'



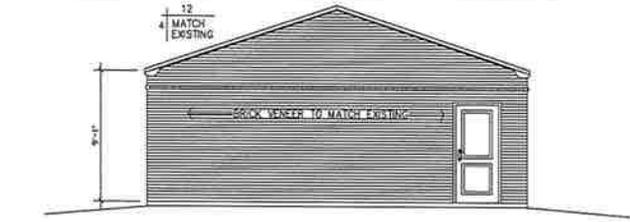
HUDSON LOCKETT III, ARCHITECT  
 6116 NORTH CENTRAL EXPRESSWAY, SUITE ONE TEN  
 DALLAS, TEXAS 75206-5101  
 214-599-2095 HUDSON@HUDSONLOCKETT.COM

A DETACHED GARAGE FOR:  
 4434 CROOKED LANE  
 DALLAS, TEXAS

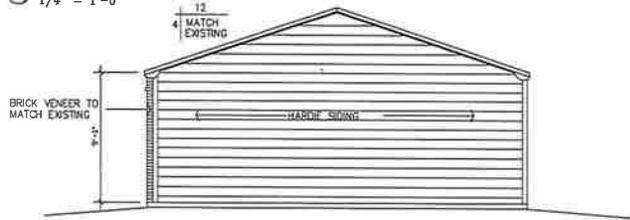
SP-1

WALL LEGEND		GENERAL NOTES	
EXISTING STUD WALL		NEW BRICK VENEER 2 x 4 STUD WALL	
		NEW 2 x 4 STUD WALL	

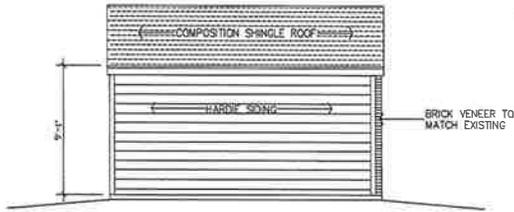
1. REMOVE AND STORE ITEMS DESIGNATED BY THE OWNER TO BE SALVAGED.
2. DISCONNECT ALL ELECTRICAL CIRCUITS IN AREAS TO BE DEMOLISHED, PRIOR TO STARTING DEMOLITION.
3. REMOVE EXISTING PLUMBING AS REQUIRED FOR NEW SYSTEM INSTALLATION AND CAP OFF TO MEET CODE.
4. REMOVE EXISTING HVAC SYSTEM AS REQUIRED FOR NEW SYSTEM INSTALLATION.
5. CONTRACTOR RESPONSIBLE FOR INSTALLATION OF ADEQUATE STRUCTURAL SHORING PRIOR TO DEMOLITION OF EXISTING ROOF FRAMING.



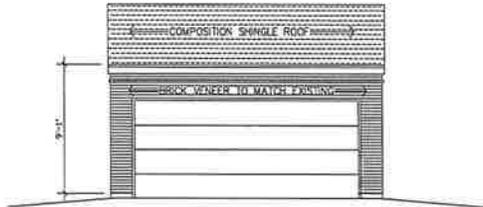
5 EAST ELEVATION  
1/4" = 1'-0"



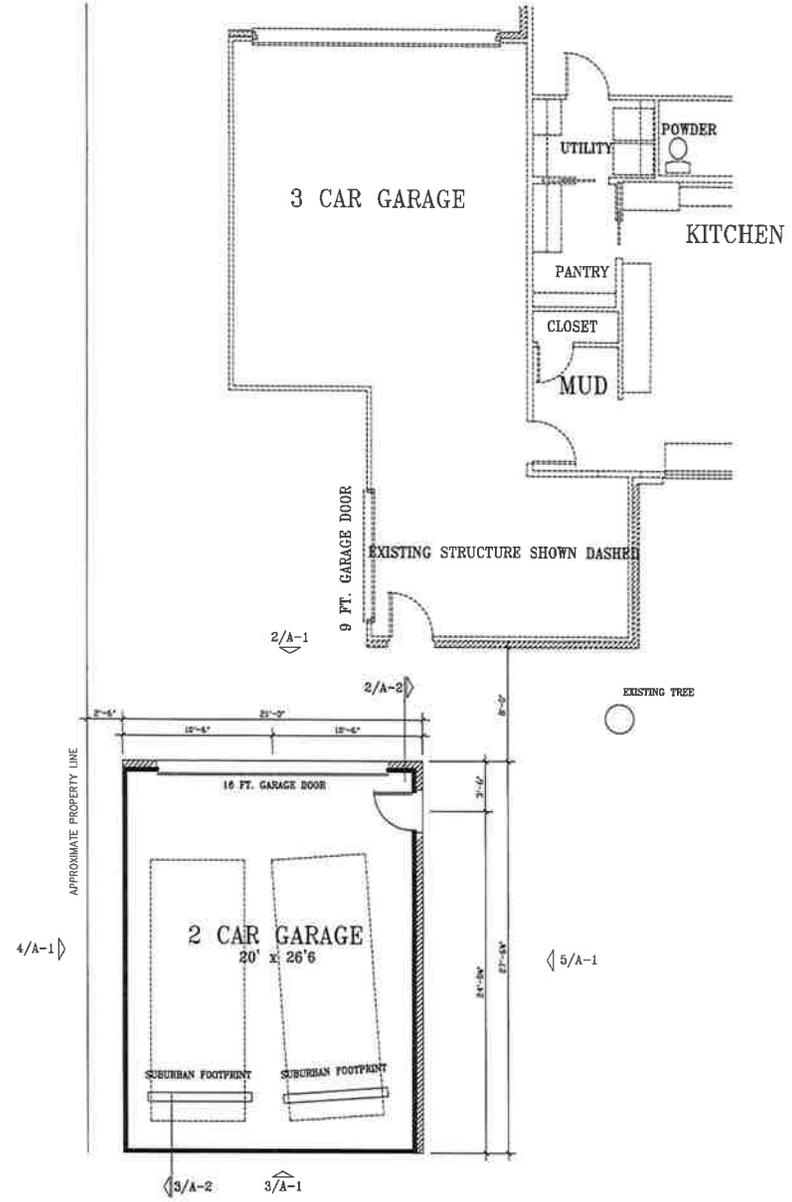
4 WEST ELEVATION  
1/4" = 1'-0"



3 SOUTH ELEVATION  
1/4" = 1'-0"



2 NORTH ELEVATION  
1/4" = 1'-0" NOTE: INSTALL WOOD TRIM ON GARAGE DOOR TO MATCH EXISTING



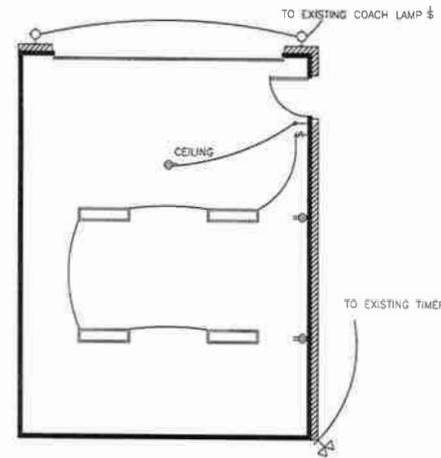
1 PROPOSED GARAGE FLOOR PLAN  
1/4" = 1'-0" 580 SF +/- DETACHED GARAGE ADDITION



HUDSON LOCKETT III, ARCHITECT  
6116 NORTH CENTRAL EXPRESSWAY, SUITE ONE TEN  
DALLAS, TEXAS 75206-5101  
214-559-2095 hudson@hudsonlockett.com

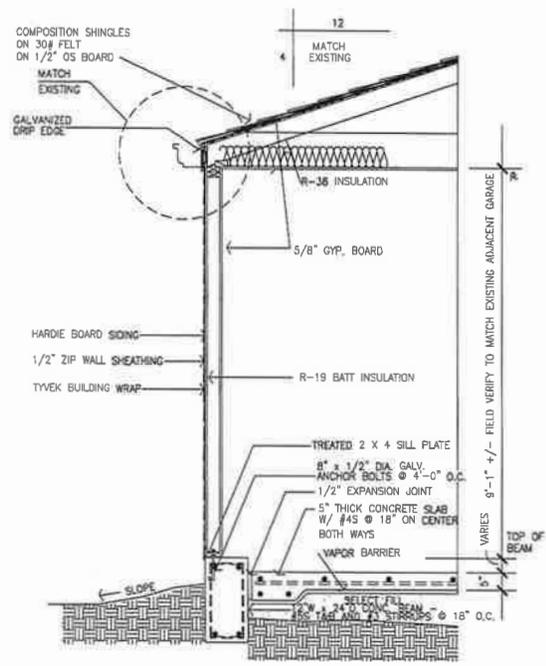
A DETACHED GARAGE FOR:  
4434 CROOKED LANE  
DALLAS, TEXAS

A-1

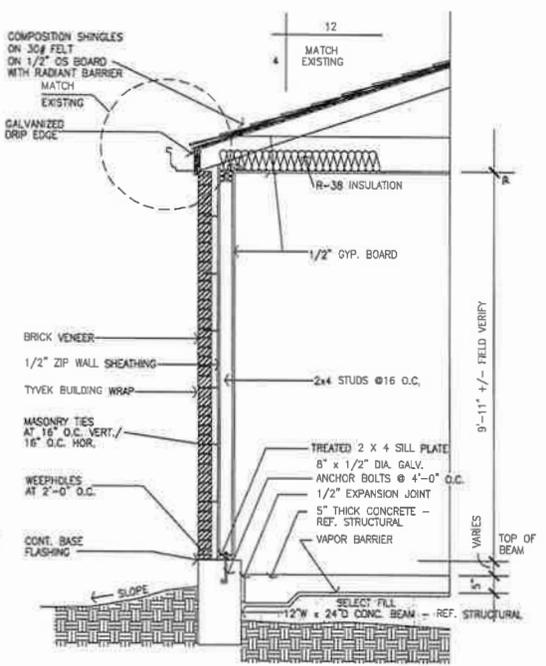


ELECTRIC SYMBOL LEGEND	
	DIMMER SWITCH MOUNTED AT 48" A.F.F.
	220 V OUTLET
	CONVENIENCE OUTLET MOUNTED IN BASE OR BACKSPASH
	JUNCTION BOX WITH DISCONNECT FOR AC UNIT
	2 LAMP LED FIXTURE
	SECURITY SYSTEM KEYPAD
	CEILING OUTLET FOR GARAGE DOOR OPERATOR FIELD VERIFY EXACT LOCATION
	QUAD OUTLET
	SMOKE DETECTOR
	WALL MOUNTED LIGHT FIXTURE
	TWO LAMP FLOOD LIGHT- TO EXISTING TIMER CIRCUIT- VERIFY LOCATION WITH OWNER

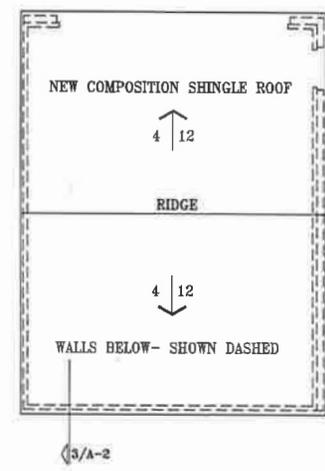
**4 GARAGE ELECTRICAL/LIGHTING PLAN**  
1/4" = 1'-0"



**3 HARDIE SIDING WALL SECTION**  
3/4" = 1'-0"



**2 BRICK VENEER WALL SECTION**  
3/4" = 1'-0"



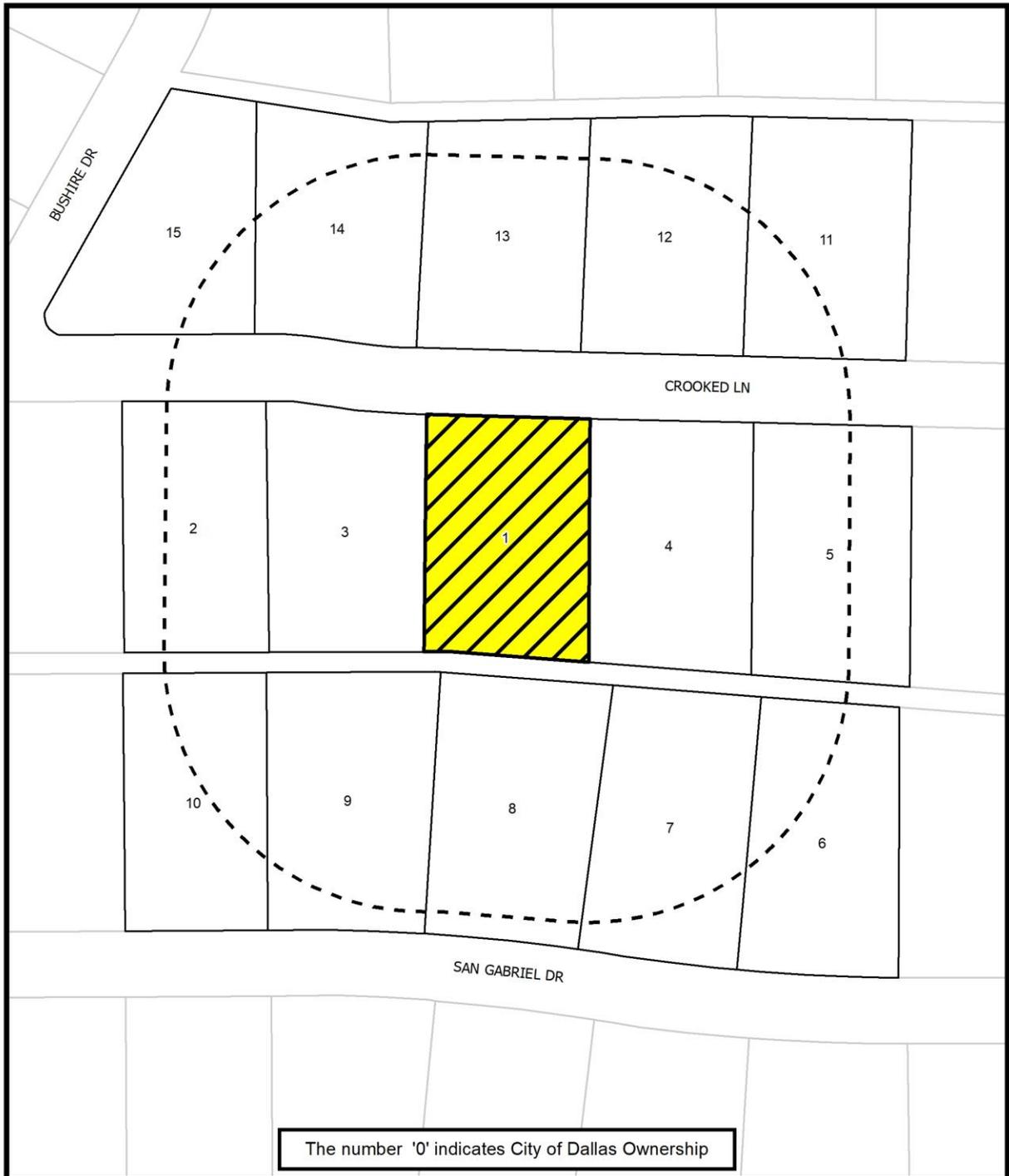
**1 PROPOSED GARAGE ROOF PLAN**  
1/4" = 1'-0" NEW ROOF TO MATCH EXISTING SLOPE AND COMPOSITION SHINGLES



**HUDSON LOCKETT III, ARCHITECT**  
6116 NORTH CENTRAL EXPRESSWAY, SUITE ONE TEN  
DALLAS, TEXAS 75206-5101  
214-599-2095 hudson@hudsonlockett.com

A DETACHED GARAGE FOR:  
**4434 CROOKED LANE**  
DALLAS, TEXAS

A-2



1:1,200

# NOTIFICATION

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

Case no: **BDA190-049**

Date: **5/29/2020**

05/27/2020

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

***BDA190-049***

### ***15 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	4434 CROOKED LN	CHANGE PROPERTIES LLC
2	4418 CROOKED LN	VARLAND CAMILLE
3	4424 CROOKED LN	WRIGHT DIANE & CHARLES
4	4444 CROOKED LN	NORTHROP DAVID HANCOCK &
5	4454 CROOKED LN	MOSTAFAVIPOUR FAMILY LIVNG
6	4455 SAN GABRIEL DR	WHITE KEVIN M & KIMBERLY D
7	4445 SAN GABRIEL DR	LU CHRISTOPHER Y &
8	4435 SAN GABRIEL DR	MCCARTHY JAMES MICHAEL
9	4425 SAN GABRIEL DR	OMAHONEY REVOCABLE LIVING TRUST
10	4415 SAN GABRIEL DR	HERBELIN THOMAS N &
11	4453 CROOKED LN	MEISENHEIMER FREDDIE EDWARD &
12	4443 CROOKED LN	JOHN ALEXANDER INVESTMENTS INC
13	4433 CROOKED LN	NOLAN GALE S
14	4423 CROOKED LN	WILLIAMS BRADLEY & NOELLE S
15	4419 CROOKED LN	CARLETON HERBERT E JR &

**FILE NUMBER:** BDA190-050(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Kristin Danielle Brasher for a special exception to the fence height regulations at 4610 Catina Lane. This property is more fully described as Lot 1, Block C/5534, and is zoned an R-1ac(A) Single Family District, which limits the height of a fence in the front yard to four feet. The applicant proposes to construct an eight-foot six-inch-high fence in a required front yard, which will require a four-foot six-inch special exception to the fence regulations.

**LOCATION:** 4610 Catina Lane

**APPLICANT:** Kristin Danielle Brasher

**REQUESTS:**

A request for a special exception to the fence height regulations of up to four-feet six-inches is made to construct a fence with a portion being four-feet six-inches high with metal on the top and a stone base, and partly an eight-foot-high stone fence, eight-foot six-inch and five-foot stone columns, and two seven-foot six-inch gates in the required 40-foot front yard on Catina Lane on a site being developed with a single family home.

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

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

**STAFF RECOMMENDATION:**

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

**BACKGROUND INFORMATION:**

**Zoning:**

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

**Land Use:**

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

**Zoning/BDA History:**

1. BDA189-141, Property located at 4610 Catina Lane (the subject site)

The Board of Adjustment Panel C, at its public hearing held on Monday, December 16, 2019, denied your request for a special exception to the fence height regulations of feet seven inches without prejudice.

The case report stated that the request was made to construct a fence with a maximum height of seven feet seven inches in the required 40-foot front yard on Catina Lane on a site being developed with a single-family home.
2. BDA112-039, Property located at 10757 Lennox Lane (the lot at the South corner of Royal Lane and Lennox Lane)

On May 14, 2012, the Board of Adjustment Panel C granted a request for a special exception to the fence height regulations of 3' and imposed the submitted site plan and elevation as a condition. The case report stated that the request was made in conjunction with constructing and maintaining a solid stucco wall ranging in height from 6' 4" – 6' 8" (given grade changes on the property) with 7' high stucco columns in the site's Royal Lane 40' front yard setback on a site that is developed with a single-family home.
3. BDA978-231, Property located at 10757 Lennox Lane (the lot at the South corner of Royal Lane and Lennox Lane)

On October 19, 1998, the Board of Adjustment Panel C denied requests for special exceptions to the fence height and visual obstruction regulations without prejudice. The case report stated that the requests were made to construct and maintain an 8' high solid masonry wall in the front yard setback and in the required 45' visibility triangle at Royal Lane and Lennox Lane.
4. BDA 045-172, Property at 4610 Royal Lane (two lots north of the subject site)

On May 18, 2005, the Board of Adjustment Panel B granted a request for a special exception to the fence height regulations of 7' imposing the following condition: Compliance with the newly submitted "Preliminary Concept Plan/Site Plan and Elevation" dated May 18, 2005, is required. The case report stated that the request was made in conjunction with constructing a wall in the 40' Royal Lane front yard setback on a site developed with a single-family home.

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

The purpose of this request for a special exception to the fence height standards is to construct and maintain a fence with a portion being four-feet six-inches high with metal on the top and a stone base, and partly an eight-foot-high stone fence, eight-foot six-inch and five-foot stone columns, and two seven-foot six-inch gates a four-foot six-inch metal/stone fence, with in the required 40-foot front yard on Catina Lane on a site being developed with a single family home. A solid fence with a maximum height of nine feet is allowed along Welch Road when located farther than 40 feet from the front lot line of Catina Lane without board approval and therefore is not part of this request.

The majority of the fence proposed in the front yard on Catina Lane is proposed to be located at the front property line or approximately 12 feet from the pavement line. The eight-foot-tall stone fence is located in the site's east property line within the front yard.

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 four feet above grade when located in the required front yard. The subject site is zoned R-1ac(A) which requires a 40-foot front yard setback.

Staff conducted a field visit of the site and surrounding area and noted several other fences along Catina Lane and Lennox Lane located in front yard setback which appeared to be above four feet-in-height along Catina Lane and Lennox Lane located in the front yard setback, some of which have recorded BDA history (see the Zoning/BDA History section of this case report for details).

As of June 12, 2020, no letters have been received in opposition or support to this request.

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

Granting these special exceptions with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding four feet-in-height in the front yard setback to be constructed in the location and heights as shown on these documents.

## **Timeline:**

February 21, 2020: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

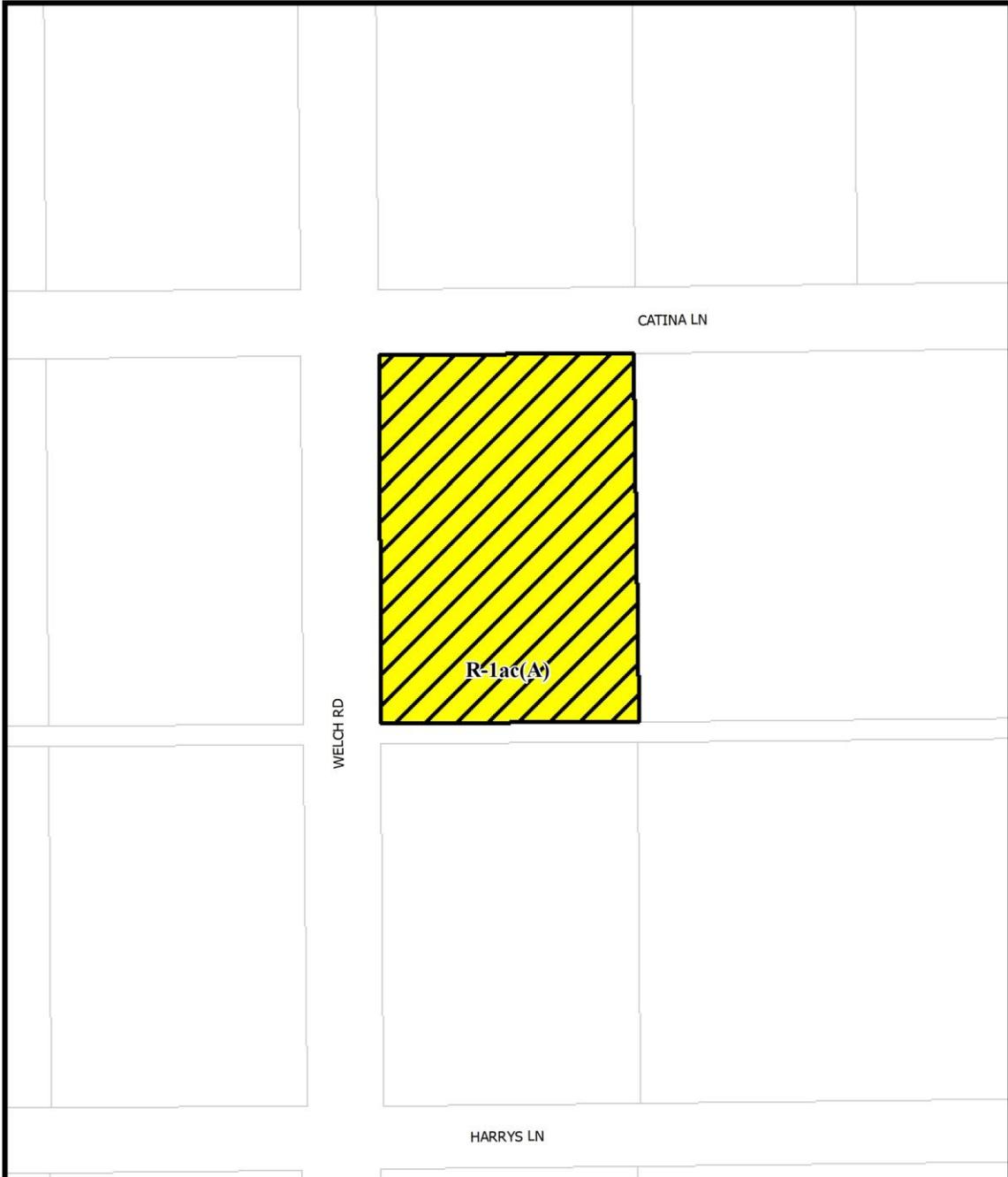
April 6, 2020: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, “If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case”.

April 16, 2020: The Board of Adjustment 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 April 28th deadline to submit additional evidence for staff to factor into their analysis; and the May 8<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

April 30, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the December public hearings. Review team members in attendance included the following: the Building Official, the Assistant Building Official, the interim Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Sustainable Development and Construction Senior Engineer, the Board of Adjustment Senior Planner the Building Inspection Senior Plans Examiner/Development Code Specialist, and the Assistant City Attorney to the board.

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

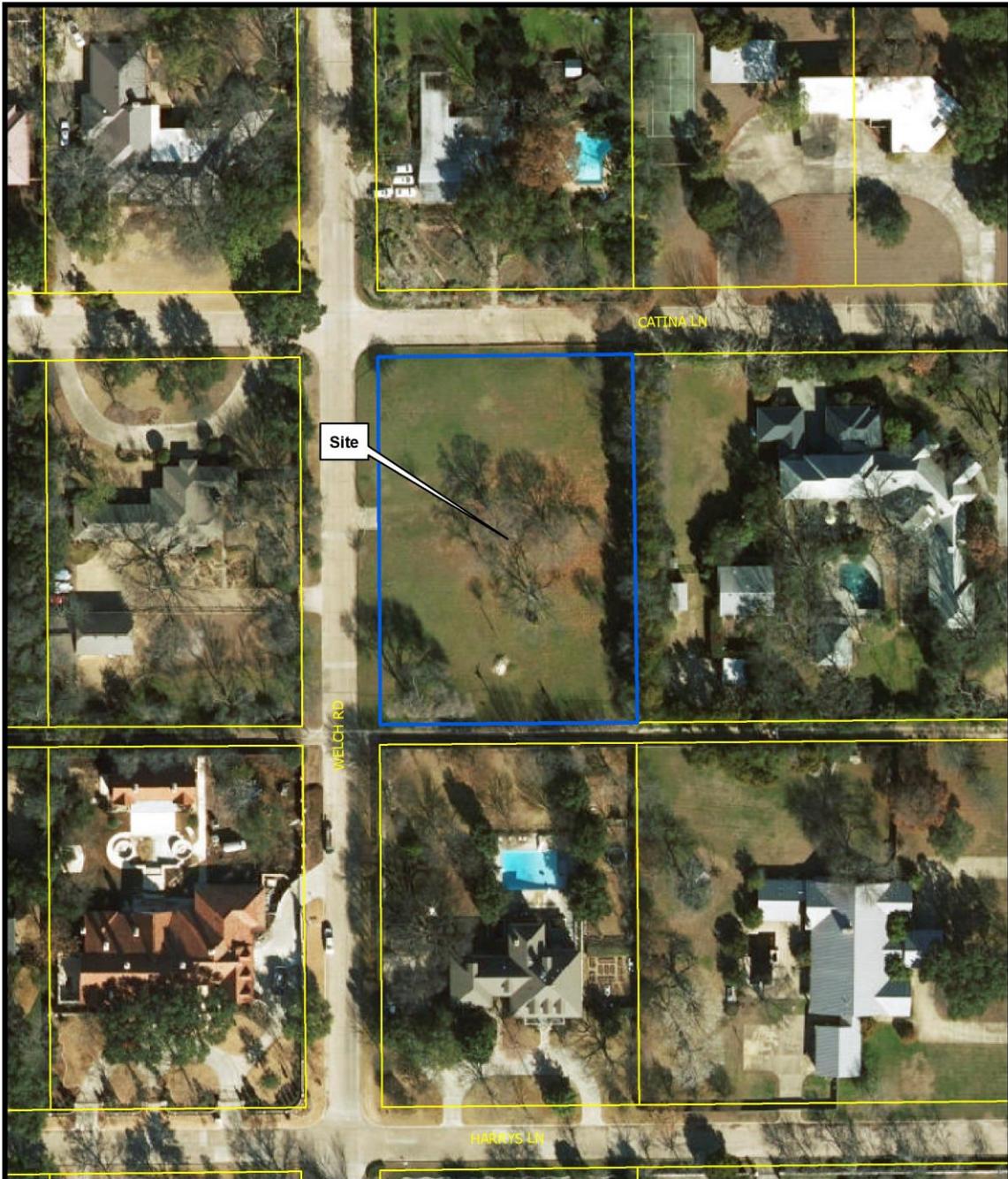


1:1,200

# ZONING MAP

Case no: BDA190-050

Date: 4/27/2020



1:1,200

# AERIAL MAP

Case no: BDA190-050

Date: 4/27/2020



RECEIVED  
FEB 21 2020  
BY: O.T.H.

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-050

Data Relative to Subject Property:

Date: 2-21-2020

Location address: 4610 Catina lane

Zoning District: R-1AC(A)

Lot No.: 1 Block No.: C/5534 Acreage: 1.259 Census Tract: 76.01

Street Frontage (in Feet): 1) 190 2) 280 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Kreunen 2012 Revocable Trust

Applicant: Keistin Brasher Telephone: 214 926 9788

Mailing Address: 4020 Centenary Zip Code: 75225

E-mail Address: Danielle.Brasher@Ebay.com

Represented by: \_\_\_\_\_ Telephone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Affirm that an appeal has been made for a Variance \_\_\_\_\_, or Special Exception X, of Fence standards.  
for front yard fence height. To allow for 8'6" fence, which requires a S.E. of 4'0". To allow for solid wall fence on East side of property, which requires use to openness of 50%.

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

To conform with other estate properties in the neighborhood, and size of the property/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 Keistin Brasher  
(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: Keistin Brasher  
(Affiant/Applicant's signature)



Subscribed and sworn to before me this 13th day of February 2020  
Notary Public in and for Dallas County, Texas

**MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT**

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

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

I hereby certify that Kristin Danielle Brasher

did submit a request for a special exception to the fence height regulations  
at 4610 Catina Lane

BDA190-050. Application of Kristin Danielle Brasher for a special exception to the fence height regulations, at 4610 CATINA LN. This property is more fully described as Lot 1, Block C/5534, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct an 8 foot 6 inch high fence in a required front yard, which will require a 4 foot 6 inch special exception to the fence regulations.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 190050

I, Kreunen 2012 Revocable Trust, Owner of the subject property  
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 4610 Catina Ln, Dallas TX 75229  
(Address of property as stated on application)

Authorize: Kristin Brasher  
(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: Exception to Front yard fence height standards

Derek Kreunen  
Print name of property owner or registered agent

[Signature]  
Signature of property owner or registered agent

Date 03/17/2020

Before me, the undersigned, on this day personally appeared Derek Kreunen

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 17 day of March 2020

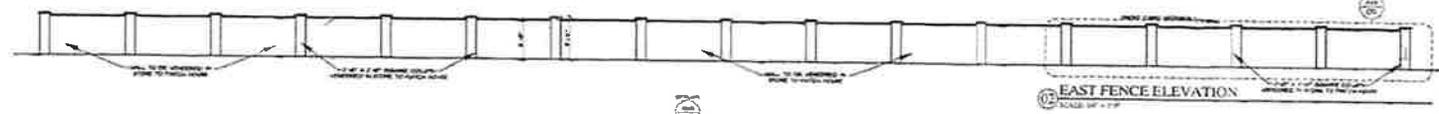
**ELAINE C GIULIANI**  
**NOTARY PUBLIC**  
**STATE OF COLORADO**  
NOTARY ID 20134007845  
My Commission Expires February 14, 2021

[Signature]  
Notary Public for ~~Dallas County, Texas~~  
San Miguel County, Colorado  
Commission expires on 2.14.2021

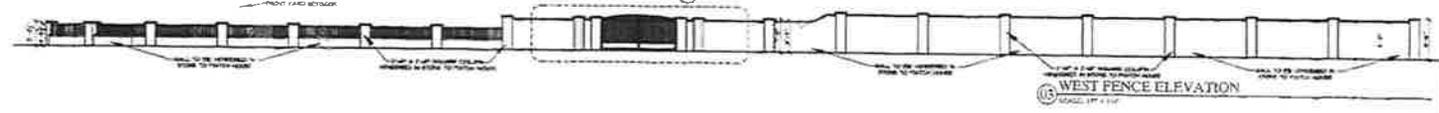




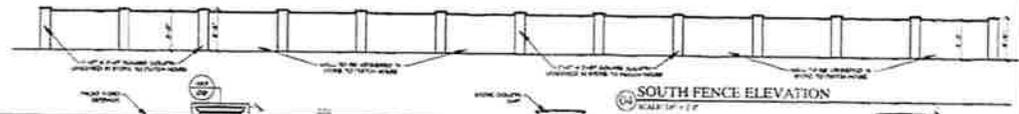
01 NORTH FENCE ELEVATION  
SCALE: 1/4" = 1'-0"



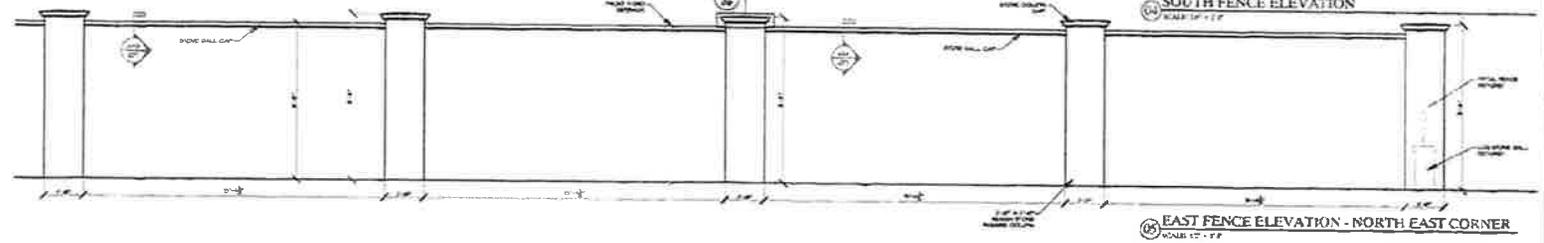
02 EAST FENCE ELEVATION  
SCALE: 1/4" = 1'-0"



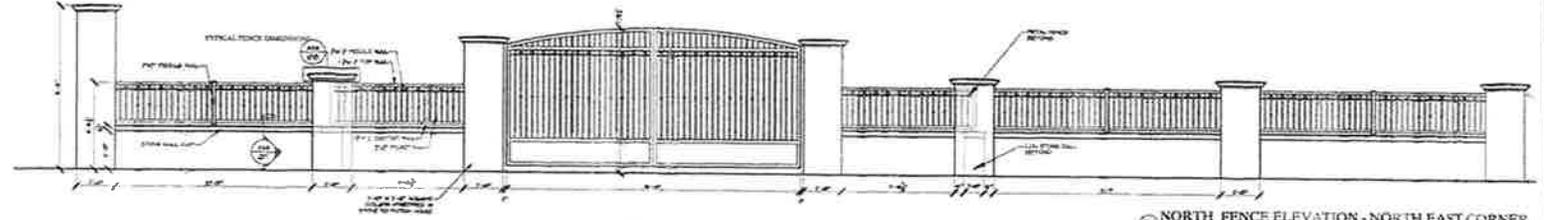
03 WEST FENCE ELEVATION  
SCALE: 1/4" = 1'-0"



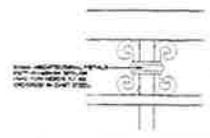
04 SOUTH FENCE ELEVATION  
SCALE: 1/4" = 1'-0"



05 EAST FENCE ELEVATION - NORTH EAST CORNER  
SCALE: 1/4" = 1'-0"



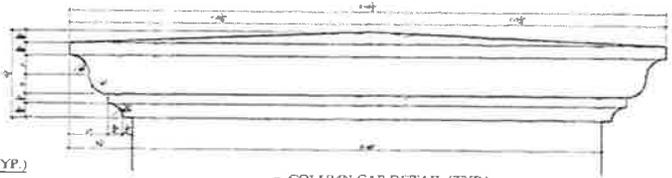
06 NORTH FENCE ELEVATION - NORTH EAST CORNER  
SCALE: 1/4" = 1'-0"



10 PICKET COLLAR TOP (TYP.)  
SCALE: 1/4" = 1'-0"



09 PICKET COLLAR (TYP.)  
SCALE: 1/4" = 1'-0"

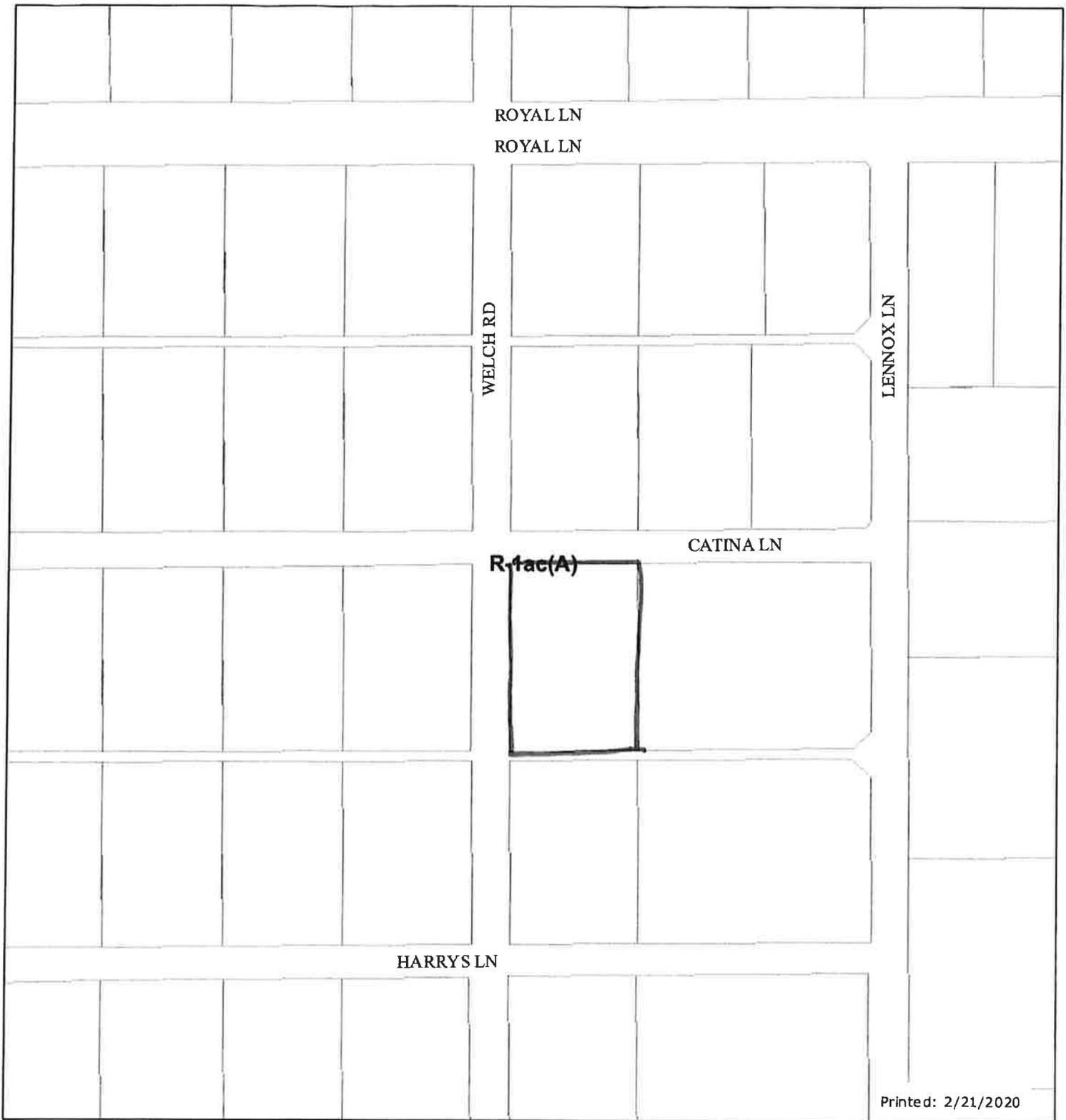


08 COLUMN CAP DETAIL (TYP.)  
SCALE: 1/4" = 1'-0"



07 WALL CAP DETAIL (TYP.)  
SCALE: 1/4" = 1'-0"

A FENCE DESIGN FOR:  
**KREUNEN FAMILY**  
 DALLAS, TEXAS  
 RICHARD RICHMOND DAVIS  
 ARCHITECT  
 10000 Rockwell Road, Dallas, Texas 75244  
 214-343-1111  
 A3.5



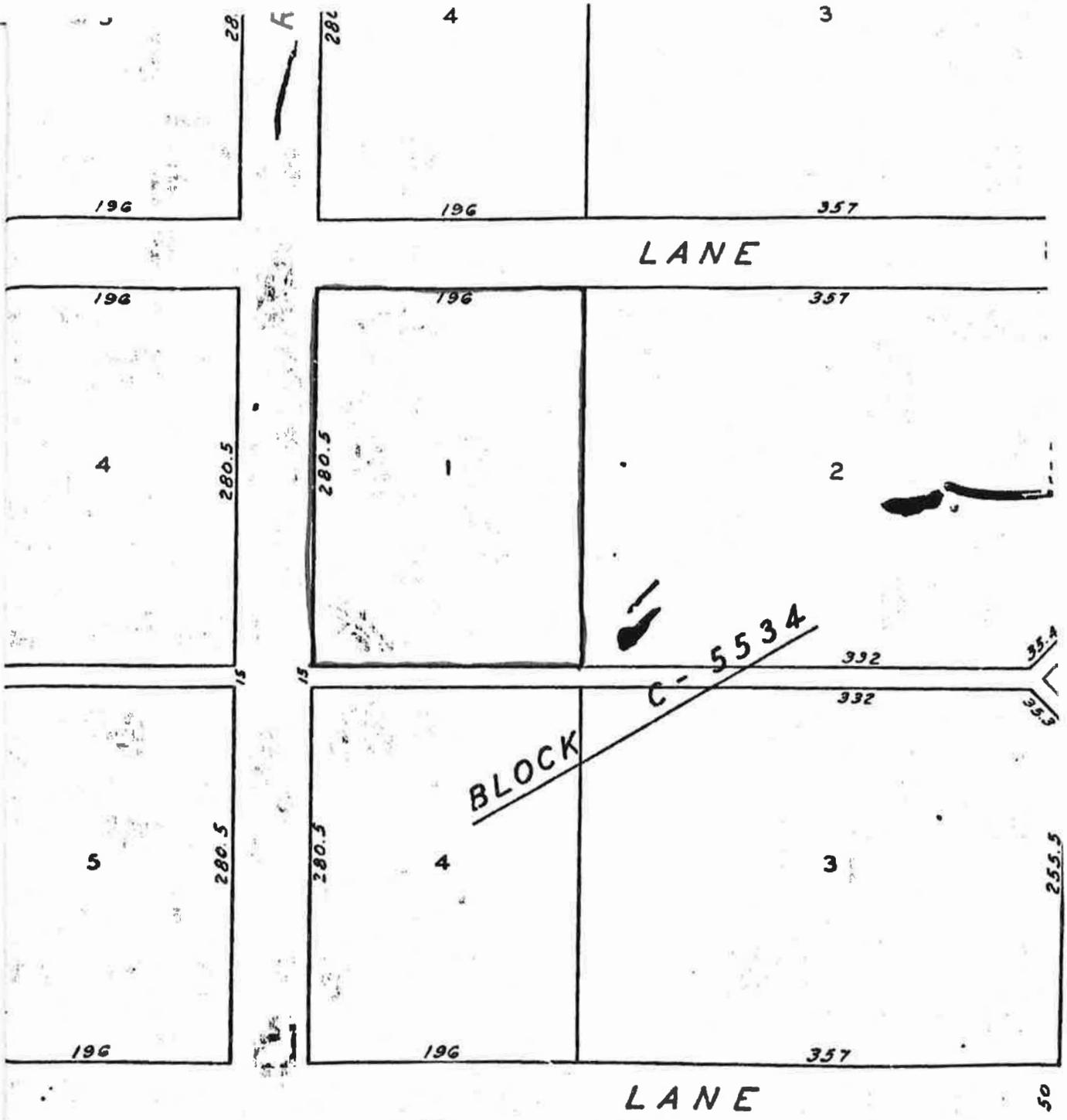
Printed: 2/21/2020

### Legend

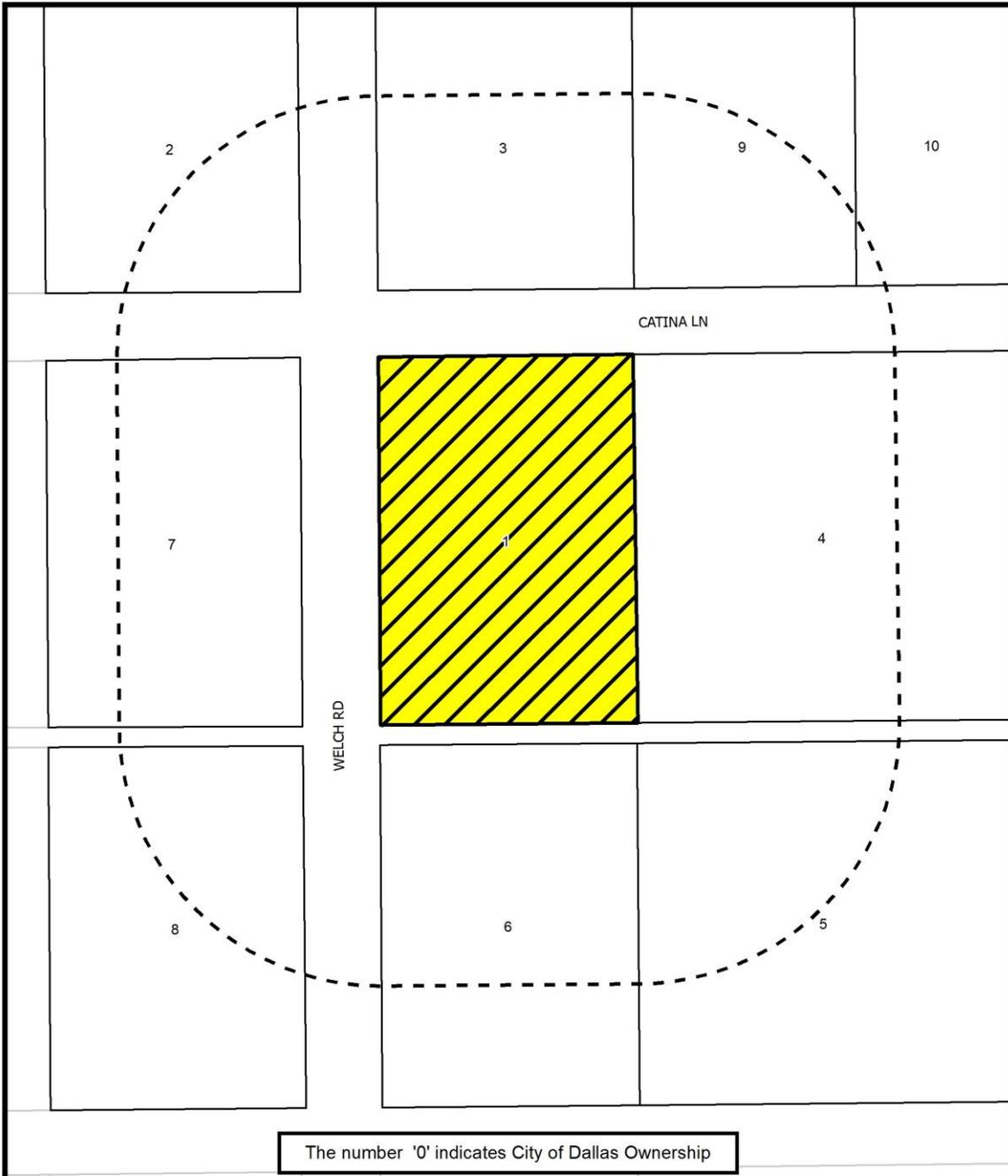
- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | railroad                       | Dry Overlay       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

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





4610 Catina Lane  
 BDA 190-050



 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <p> <input type="text" value="200"/> AREA OF NOTIFICATION  <input type="text" value="10"/> NUMBER OF PROPERTY OWNERS NOTIFIED         </p>	Case no: <u>BDA190-050</u> Date: <u>4/27/2020</u>
--	--	--

04/24/2020

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

***BDA190-050***

### ***10 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	4610 CATINA LN	KREUNEN 2012 REVOCABLE TRUST
2	4555 CATINA LN	FARROW EDWIN M
3	4609 CATINA LN	LAM SAMUEL M
4	10645 LENNOX LN	MMM FAMILY TRUST
5	10625 LENNOX LN	DAY ROBERT C &
6	4609 HARRYS LN	GOLDSTEIN ROBERT &
7	4562 CATINA LN	MEDITZ RICHARD A
8	4555 HARRYS LN	WILSON DALE R & TIFFANY SIMAYS
9	4651 CATINA LN	THOMSON NEIL HAMILTON &
10	10747 LENNOX LN	SAXTON KELLY & VICKY

**FILE NUMBER:** BDA190-065(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Ariana Hajibashi for a special exception to the fence height regulations, and for a special exception to the fence standards regulations, and for a special exception to the single family regulations, and for a variance to the front yard regulations at 4156 Sleepy Lane. This property is more fully described as Lot 17, Block 4/6155, and is zoned an R-16(A) Single Family District, which limits the height of a fence in the front yard to four feet, requires a fence panel with a surface area that is less than 50 percent open, may not be located less than five feet from the front lot line, limits the number of dwelling units to one, and requires a front yard setback of 35 feet. The applicant proposes to construct and maintain a nine-foot-high fence in a required front yard, which will require a five-foot special exception to the fence 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 five feet from the front lot line, to construct an additional dwelling unit for non-rental, which will require a special exception to the single family zoning use regulations and to construct a single family residential structure and provide a 10-foot front yard setback, which will require a 25-foot variance to the front yard setback regulations.

**LOCATION:** 4156 Sleepy Lane

**APPLICANT:** Ariana Hajibashi

**REQUESTS:**

The following requests have been made on a site that is being developed with a single family home:

1. a variance to the front yard setback regulations of 25 feet is made to construct and maintain a single family structure, part of which is to be located 10 feet from one of the site's two front property lines (on Midway Road) or 25 feet into this 35-foot front yard setback;
2. a request for a special exception to the single family use regulations is made to construct and maintain a non-rentable additional dwelling unit;
3. a special exception to the fence standards related to the height of five feet is made to construct and maintain a nine-foot-tall solid masonry fence located in one of the site's two front yard setbacks (Midway Road); and,
4. A special exception to the fence standards related to fence panel materials/location from the front lot line is made to maintain the aforementioned, nine tall masonry

fence, with panels with surface areas that are less than 50 percent open located less than five feet from the Midway Road property line.

**STANDARD FOR A VARIANCE:**

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

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

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

Section 51A-4.201(b)(1)(E)(i) of the Dallas Development Code specifies that the board may grant a special exception to the single family use regulations of the Dallas Development Code to authorize an additional dwelling unit on a lot when, in the opinion of the board, the additional dwelling unit will not: 1) be used as rental accommodations; or 2) adversely affect neighboring properties.

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

**STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS REGULATIONS (Height and Opacity):**

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 (front yard variance):**

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that the subject site is unique and different from most lots in the R-16 (A) zoning district by its restrictive area due to having two front yards and having 3,887 square feet less of buildable area than the similar lots in the same zoning district that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same R-16(A) zoning district (see application materials).
- The applicant submitted a document, as part of the original application indicating, among other things, that the proposed single family structure on the subject site is commensurate to 10 other lots having a single family structure in the same R-16(A) zoning district. The document also notes the average lot size of 10 lots in this district is 12,085 square feet of buildable area while the subject lot only has 8,198 square feet.

**STAFF RECOMMENDATION (single family regulations):**

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

**STAFF RECOMMENDATION (fence standards):**

No staff recommendations are made on these or any requests for a special exception to the fence standards since the basis for this type of appeals is when in the opinion of the board, the special exceptions will not adversely affect neighboring property.

**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 is undeveloped. The area to the north is developed with a public park; the areas to the, east, west, and south are developed with single family uses.

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

There have been no related board or zoning cases near the subject site within the last five years.

### **GENERAL FACTS/STAFF ANALYSIS (front yard variance:**

The subject site is zoned an R-16(A) Single Family District which requires a minimum front yard setback of 35 feet. The property is located at the southwest corner of Sleepy Lane and Midway Road. Regardless of how the structure is proposed to be oriented to front Sleepy Lane, the lot has a 35-foot front yard setback along both street frontages in order to maintain the continuity of the front yard setback established by the lots to the southwest that front and are oriented towards Sleepy Lane and the continuity of the established front yard setback established by the lots to the south that front and are oriented towards Midway Road.

The request for a variance to the front yard setback regulations of 25 feet focuses on constructing and maintaining a two-story single family residential structure with 5,675 square feet of living space, part of which is to be located 10 feet from one of the site's two front property lines (on Midway Road) or 25 feet into this 35-foot front yard setback, as confirmed by the submitted site plan.

According to DCAD records, there are no improvements on the property addressed at 4156 Sleepy Lane.

The applicant submitted a document, as part of the original application indicating among other things, that the proposed single family structure on the subject site is commensurate to 10 other lots having a single family structure in the same R-16(A) zoning district. The document also notes the average lot size of 10 lots in this district is 12,085 square feet of buildable area while the subject lot only has 8,198 square feet.

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

- That granting the variance to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
- The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the

development upon other parcels of land in districts with the same R-16(A) zoning classification.

- The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-16(A) zoning classification.

If the board were to grant the variance request and impose the submitted site plan as a condition, the single family structure in the front yard setback would be limited to what is shown on this document, which in this case is a single family structure that would be located 10 feet from the Midway Road's front property line or 25 feet into this 35-foot front yard setback.

**GENERAL FACTS/STAFF ANALYSIS (single family regulations):**

This request for a special exception to the single family use regulations focuses on constructing and maintaining an additional dwelling unit on a site being developed with a two-story single family home. The site is zoned R-16(A) where the Dallas Development Code permits one dwelling unit per lot.

The submitted site plan denotes the locations of two building footprints, the larger of the two is the proposed single family structure and the smaller of the two is denoted as a "1 Story Guest House".

This request centers on the function of what is proposed to be inside the smaller structure on the site – the "1 Story Guest House" structure, specifically its collection of rooms/features shown on the floor plan.

According to the submitted site plan, the main structure is proposed to contain 5,675 square feet of living space and the accessory structure is proposed at 846 square feet.

If the board were to approve this request, the board may choose to impose a condition that the applicant complies with the site plan if they feel it is necessary to ensure that the special exception will not adversely affect neighboring properties.

The Dallas Development Code states that in granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.

If the Board were to grant this request, Building Inspection would view the structure denoted on the submitted site plan as "1 Story Guest House" as an additional dwelling unit.

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

The requests for special exceptions to the fence standards regulations related to height and fence panel materials/location from a front lot line focus on:

- constructing and maintaining a nine-foot-tall solid masonry fence located in one of the site's two front property lines (Midway Road).
- constructing and maintaining the aforementioned, nine-foot-tall solid masonry fence, with panels with surface areas that are less than 50 percent open located less than five feet from Midway Road front lot line.

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 four feet above grade when located in the required front yard. As noted, the proposed fence would be within the required 35-foot front yard setback.

The Dallas Development Code states that in single family districts, a fence panel with a surface area that is less than 50 percent open may not be located less than five from the front lot line.

The submitted site plan and elevation denote a nine-foot-tall solid masonry fence located less than five feet from Midway Road's front property line.

The following additional information was gleaned from the submitted revised site plan:

- The proposal is represented as being approximately 70 feet in length parallel to Midway Road and approximately 11 feet perpendicular to the street on the north/near center of the site on the Midway Road's required front yard; located approximately at the front property line or approximately 15 feet from the pavement line.

Staff conducted a field visit of the site and surrounding area and noted other fences that appeared to be above four feet-in-height in the required front yard on Midway Road (no recorded BDA History).

As of June 12, 2020, no letters have been submitted in opposition or in support of the request.

The applicant has the burden of proof in establishing that the special exceptions to the fence standards related to the height of five feet and to location and materials on Midway Road will not adversely affect neighboring property.

Granting these special exceptions to the fence standards related to height of up to five feet and panel with a surface area that is less than 50 percent open to locate in certain areas on the site with a condition imposed that the applicant complies with the submitted site plan and elevation, would require the proposal exceeding four feet-in-height in the front yard setbacks and in some areas solid fence panels on Midway

Road's front lot line to be maintained in the locations and of the heights and materials as shown on these documents.

**TIMELINE:**

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

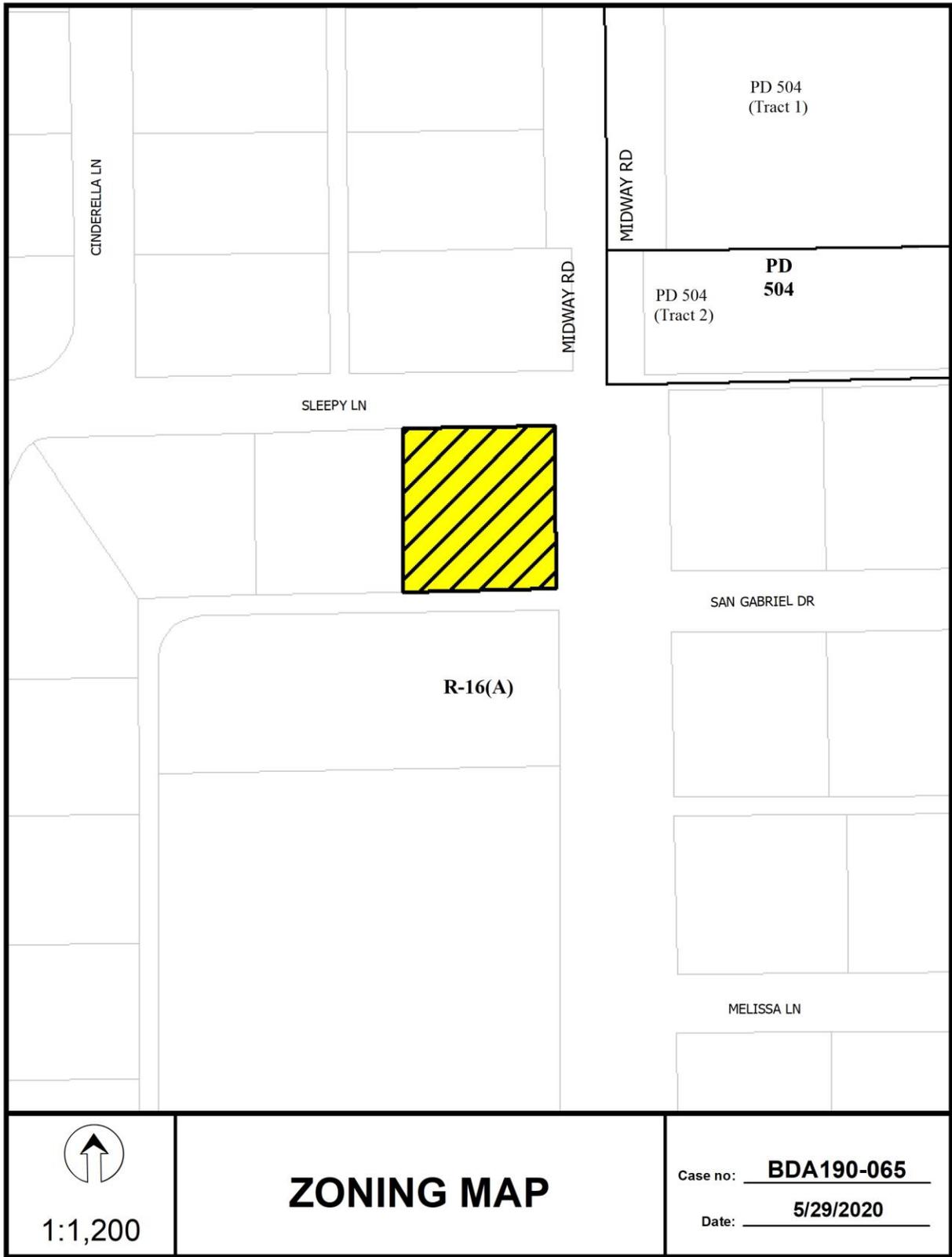
May 13, 2020: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

May 13, 2020: The Board of Adjustment Chief Planner/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 June 3<sup>rd</sup> deadline to submit additional evidence for staff to factor into their analysis; and the June 12, 2020 deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

June 5, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the December public hearings. Review team members in attendance included the following: the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Sustainable Development and Construction Senior Engineer, the Board of Adjustment Senior Planner the Building Inspection Senior Plans Examiner/Development Code Specialist, and the Assistant City Attorney to the board.

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

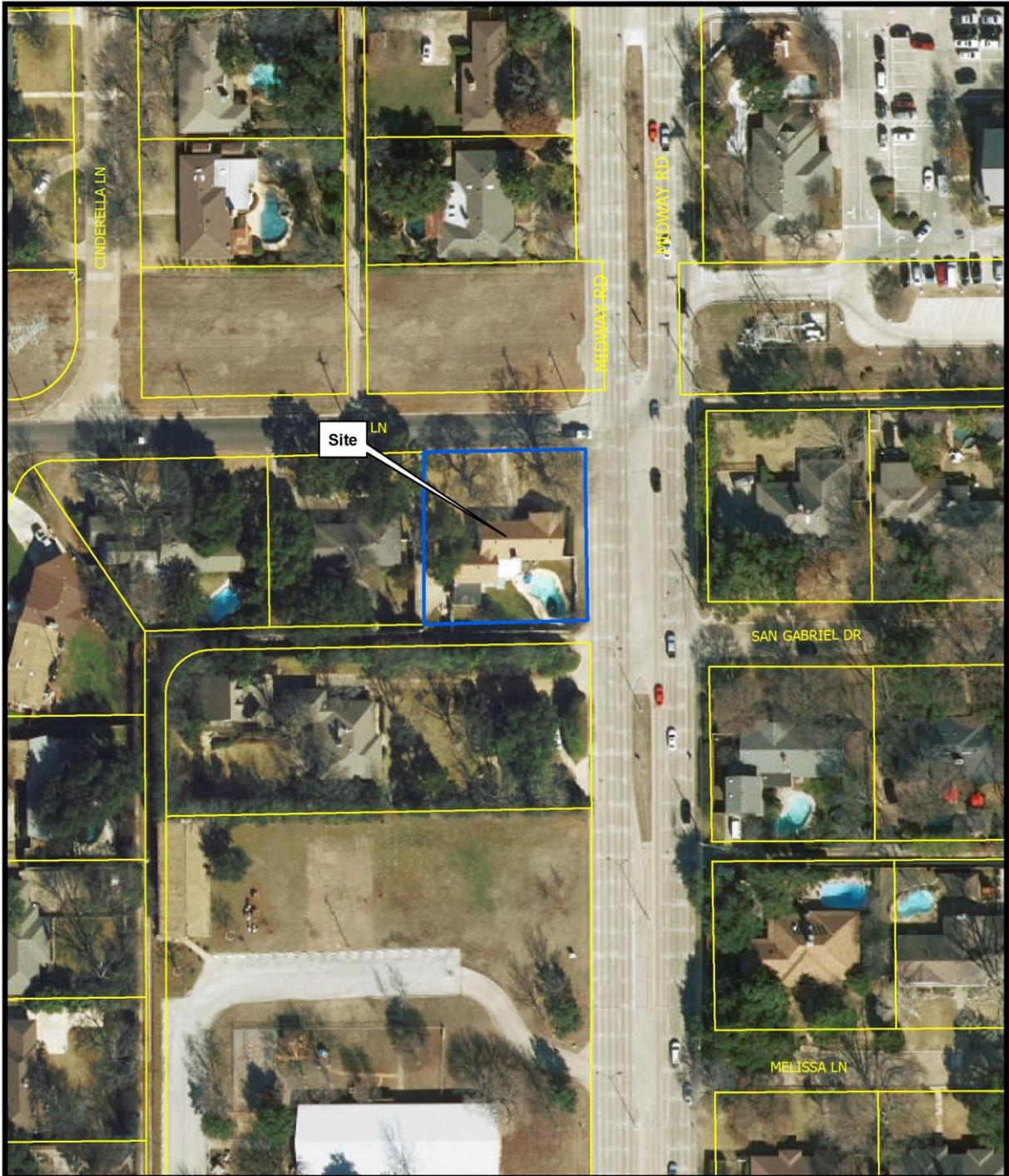


1:1,200

# ZONING MAP

Case no: BDA190-065

Date: 5/29/2020



1:1,200

# AERIAL MAP

Case no: BDA190-065

Date: 5/29/2020



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-065

Data Relative to Subject Property:

Date: 4/22/20 4-24-2020

Location address: 4156 Sleepy Lane Dallas, TX 75229 Zoning District: R-16(A)

Lot No.: 17 Block No.: 4/6155 Acreage: .378 Census Tract: 96.09

Street Frontage (in Feet): 1) 125' 2) 132' 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Ariana Hajibashi + Jason Hutchins

Applicant: Ariana Hajibashi Telephone: 214-641-9684

Mailing Address: 3807 Weeburn Drive Dallas Zip Code: 75229

E-mail Address: ariana@adastrapr.com

Represented by: Telephone:

Mailing Address: Zip Code:

E-mail Address:

Affirm that an appeal has been made for a Variance [checked], or Special Exception [checked], of 10 foot front yard set back on Midway Road, special exception of 9 foot solid fence, Accessory Dwelling Unit (ADU)

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

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

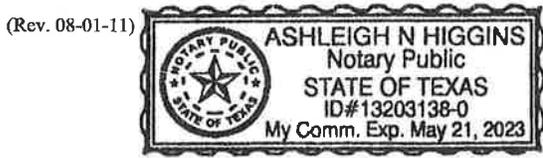
Before me the undersigned on this day personally appeared Ariana Hajibashi (Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 24th day of April, 2020

[Signature] Notary Public in and for Dallas County, Texas



**MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT**

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

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

I hereby certify that Ariana Hajibashi

did submit a request for a special exception to the fence height regulations, and for a special exception to the fence standards regulations, and for a special exception to the single family regulations, and for a variance to the front yard setback regulations

at 4156 Sleepy Lane

BDA190-065. Application of Ariana Hajibashi for a special exception to the fence height regulations, and for a special exception to the fence standards regulations, and for a special exception to the single family regulations, and for a variance to the front yard setback regulations at 4156 SLEEPY LN. This property is more fully described as Lot 17, Block 4/6155, and is zoned R-16(A), which limits the height of a fence in the front yard to 4 feet and limits the number of dwelling units to one 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 front yard setback of 35 feet. The applicant proposes to construct an 9 foot high fence in a required front yard, which will require a 5 foot special exception to the fence 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 a special exception to the fence regulations, and to construct an additional dwelling unit for non-rental, which will require a special exception to the single family zoning use regulations and to construct a single family residential structure and provide a 10 foot front yard setback, which will require a 25 foot variance to the front yard setback regulations.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official





CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 190-065

I, JASON Edward Hutchins, Owner of the subject property  
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 4156 Sleepy Lane  
(Address of property as stated on application)

Authorize: ARIANA Hajibashi  
(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: \_\_\_\_\_

Jason Hutchins

Print name of property owner or registered agent

[Signature]

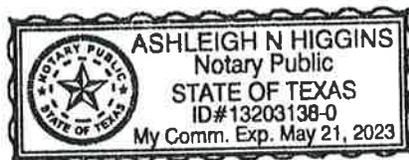
Signature of property owner or registered agent

Date April 24, 2020

Before me, the undersigned, on this day personally appeared Jason Hutchins

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 24<sup>th</sup> day of April, 2020

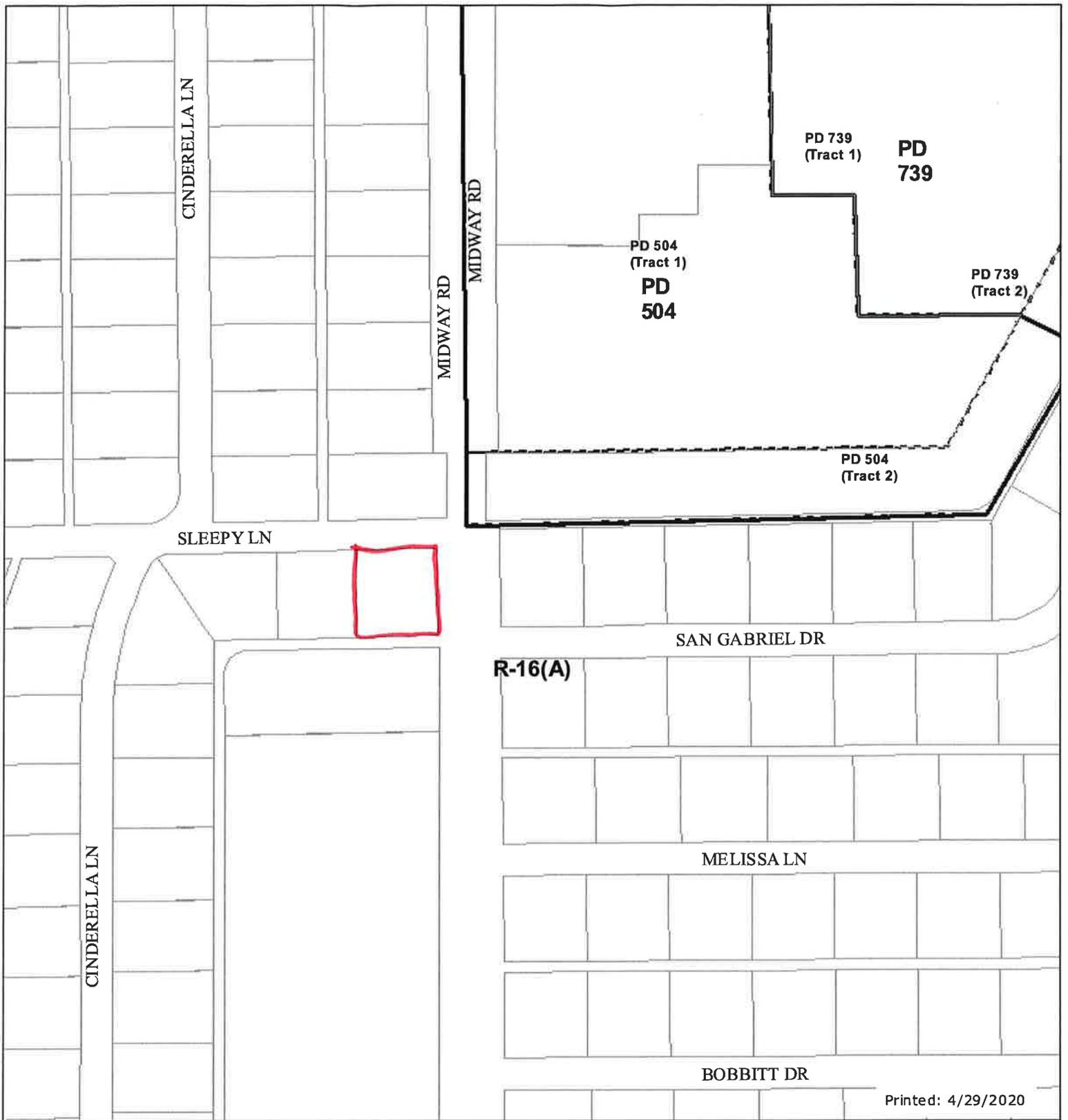


Ashleigh Higgins  
Notary Public for Dallas County, Texas

Commission expires on May 21, 2023

**\*Attached**

1. 10-foot side setback on Midway Road brings my lot to the R-16A zoning district standards, allowing for a pool, backyard and 40% buildable lot coverage.
2. Special exception of a 9-foot solid masonry fence along the property line of Midway Road, bringing it to a standard side property line fence of R-16A zoning district standards.
3. Special exception of a solid fence greater than 4 feet tall.
4. Special exception of an accessory dwelling unit (ADU) due to my father passing away and my mother living with my family. NOT to be used for rent, to be used as a separate extension of my home with the same utilities.



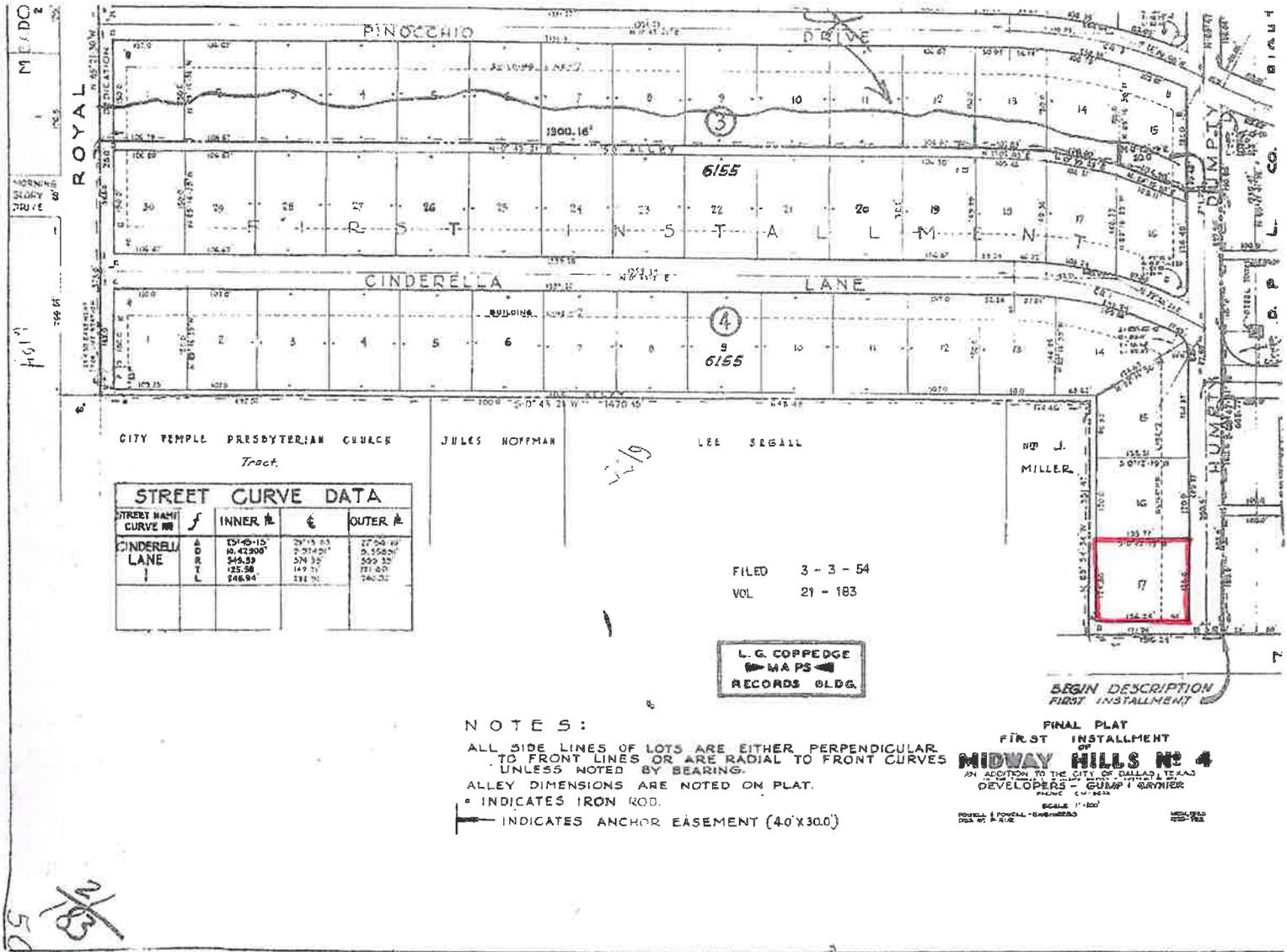
Printed: 4/29/2020

### Legend

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

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50  
 2/5/54

## 4156 Sleepy Lane in Dallas

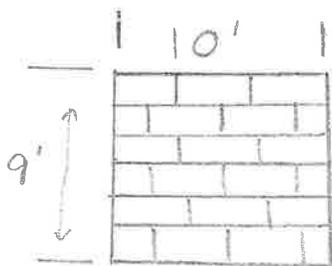
### Application/Appeal to the Board

1. Zoning is R-16 (A) – requires a lot to be a minimum of 16,000 square feet. My lot size is 16,378 square feet.
2. Average buildable area in the Disney Streets is 12,085 square feet. Buildable area for 4156 Sleepy Lane due to having two front yard setbacks is 8,198 square feet, which is **3,887 square feet less than the average in the neighborhood.**

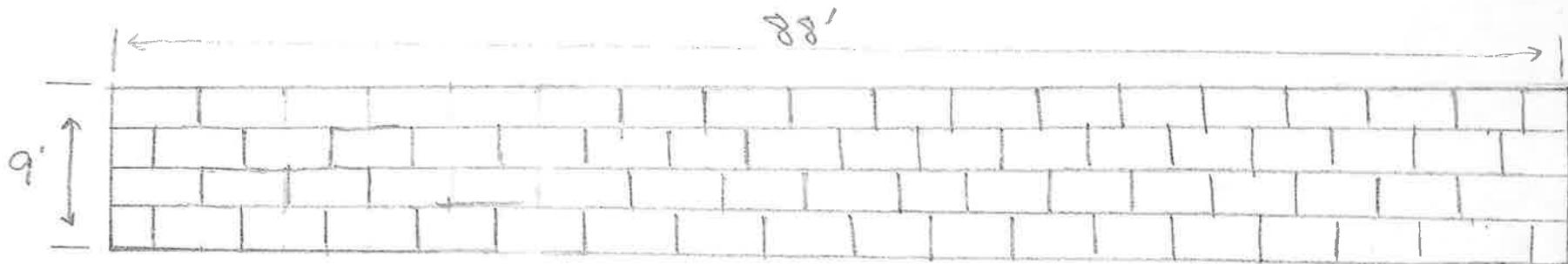
Address:	Lot Size	Buildable
4020 Sleepy Lane	18,880	14,160
4148 Sleepy Lane	15,720	10,920
4138 Sleepy Lane	18,480	13,200
3920 Sleepy Lane	17,640	13,440
11024 Cinderella Lane	16,280	11,880
11016 Cinderella Lane	16,050	11,770
11037 Cinderella Lane	13,524	9,604
11032 Pinocchio Drive	16,200	11,880
11208 Dwarfs Circle	16,000	12,000
11224 Snow White Drive	16,000	12,000

FENCLINE ELEVATION DRAWINGS

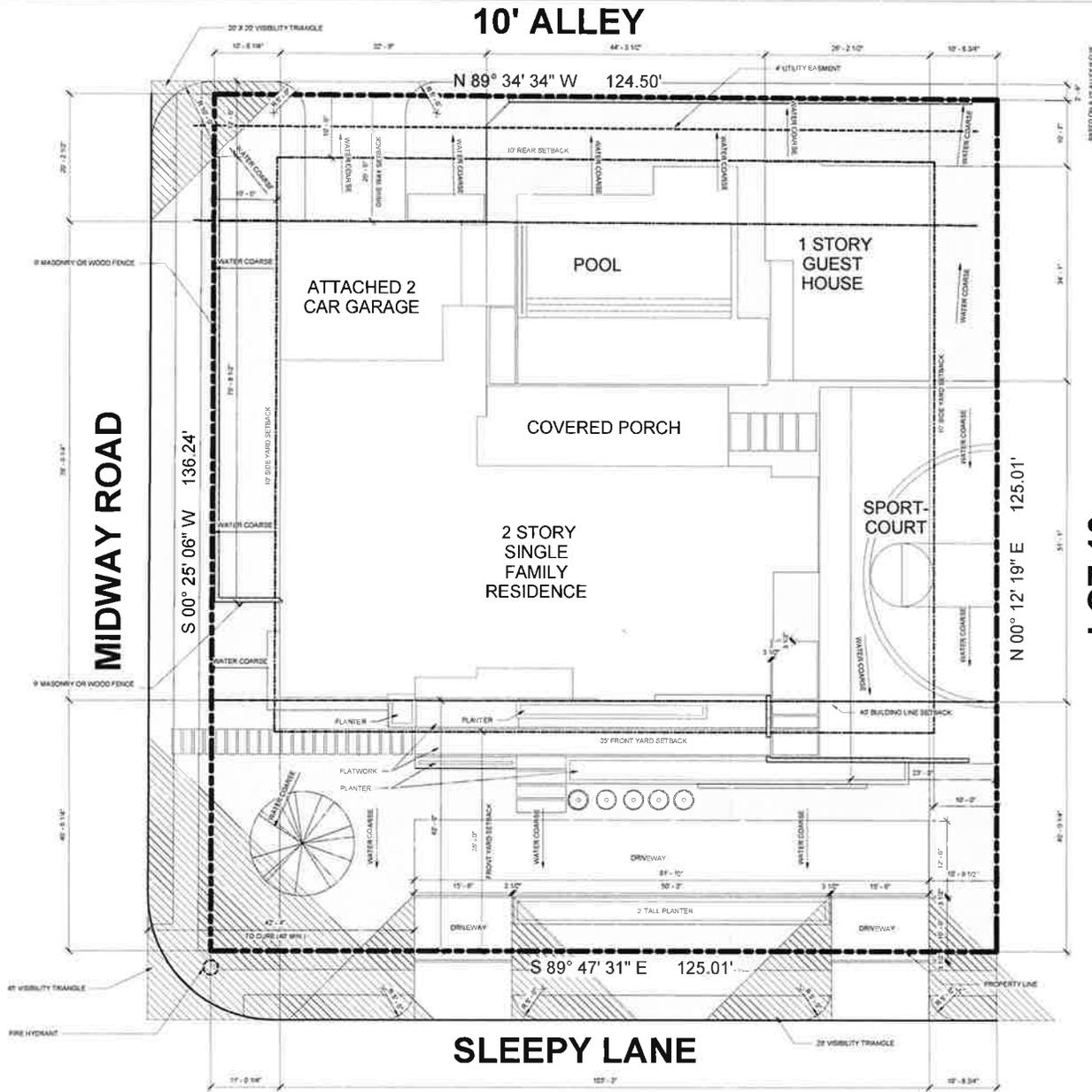
SCALE: 1" = 9'



North-facing Fenceline (Sleepy Lane) masonry



East-facing Fenceline (Midway Road) masonry



**GENERAL NOTES**

- 1 ALL WORK TO CONFORM TO APPLICABLE BUILDING CODES REGULATIONS AND ORDINANCES HAVING JURISDICTION
- 2 DO NOT SCALE DRAWINGS. ANY DISCREPANCY WITHIN THE DRAWINGS TO BE BROUGHT TO THE ATTENTION OF THE DESIGNER
- 3 THESE DOCUMENTS ARE ABREVIATED IN CONTENT. THE CONTRACTOR AND SUBCONTRACTORS ARE RESPONSIBLE FOR REVIEWING AND UNDERSTANDING SCOPE, SITE VISITS, AND ANY VERIFICATION OF SCOPE DETAILS, EXISTING CONDITIONS, ETC. PERTAINING TO SCOPE OF WORK SHOWN HERE
- 4 OBTAIN ALL NECESSARY PERMITS, CERTIFICATES, INSPECTIONS AS REQUIRED BY THE CITY AND OTHER GOVERNMENTAL AGENCIES HAVING JURISDICTION
- 5 THE CONTRACTOR IS ULTIMATELY RESPONSIBLE FOR THE WARRANTY OF THE CONSTRUCTION
- 6 DIMENSIONS ARE GENERALLY TO THE FACE OF STUD
- 7 ALL WORK MUST BE DONE ACCORDING TO MANUFACTURER'S SPECIFICATIONS AND INDUSTRY STANDARDS
- 8 THE STRUCTURAL ENGINEER MUST BE CONSULTED FOR ALL CONSTRUCTION DETAILS
- 9 CONTRACTOR TO FIELD VERIFY BUILDING ELEVATIONS AND EXISTING UTILITIES
- 10 VERIFY CLEARANCES ARE REQUIRED FOR ALL EQUIPMENT
- 11 BEFORE PROCEEDING WITH ANY WORK OR ORDERING ANY MATERIAL, THE CONTRACTOR AND/OR SUBCONTRACTOR SHALL VERIFY ALL MEASUREMENTS AND LOCATIONS OF BUILDING COMPONENTS AND THEIR INTERRELATIONSHIPS AT THE BUILDING SITE, AND SHALL BE RESPONSIBLE FOR THEIR CORRECTNESS
- 12 CONTRACTOR AND/OR SUBCONTRACTOR IS ULTIMATELY RESPONSIBLE FOR VERIFYING AND MAKING ADJUSTMENTS TO ANY DISCREPANCIES BETWEEN THE PLANS AND THE BUILDING SITE
- 13 ALL STAIRS TO BE MAX RISER HEIGHT OF 7.34" AND MIN TREAD DEPTH OF 10"

**PROJECT NOTES**

- SITE AREA: 18,887 SQ. FT. 0.38 ACRE  
 BUILDING FOOT PRINT: 5,517 SQ. FT.  
 LOT COVERAGE: 33%
- BUILDING AREAS**
- MAIN RESIDENCE GROSS SF**
- LEVEL 1: 4,671 SF
  - LEVEL 2: 2,458 SF
  - TOTAL GROSS: 7,129 SF
- MAIN RESIDENCE NET SF**
- LEVEL 1: 3,713 SF
  - LEVEL 2: 2,492 SF
  - TOTAL NET: 6,205 SF
- GUEST HOUSE GROSS SF**
- LEVEL 1: 865 SF
  - TOTAL GROSS: 865 SF
- GUEST HOUSE NET SF**
- LEVEL 1: 746 SF
  - TOTAL NET: 746 SF

**SUSTAINABILITY NOTES**

- 1 AVERAGE FLOW RATE FOR ALL LAVATORY FAUCETS MUST BE 2.0 GPM
- 2 AVERAGE FLOW RATE FOR ALL SHOWERHEADS MUST BE 2.0 GPM
- 3 AVERAGE FLOW RATE FOR ALL TOILETS MUST BE 1.3 GALLONS PER FLUSH
- 4 UTILIZE ENERGY STAR LABELED CASH WASHERS THAT USE 6.0 GALLONS OR LESS PER CYCLE



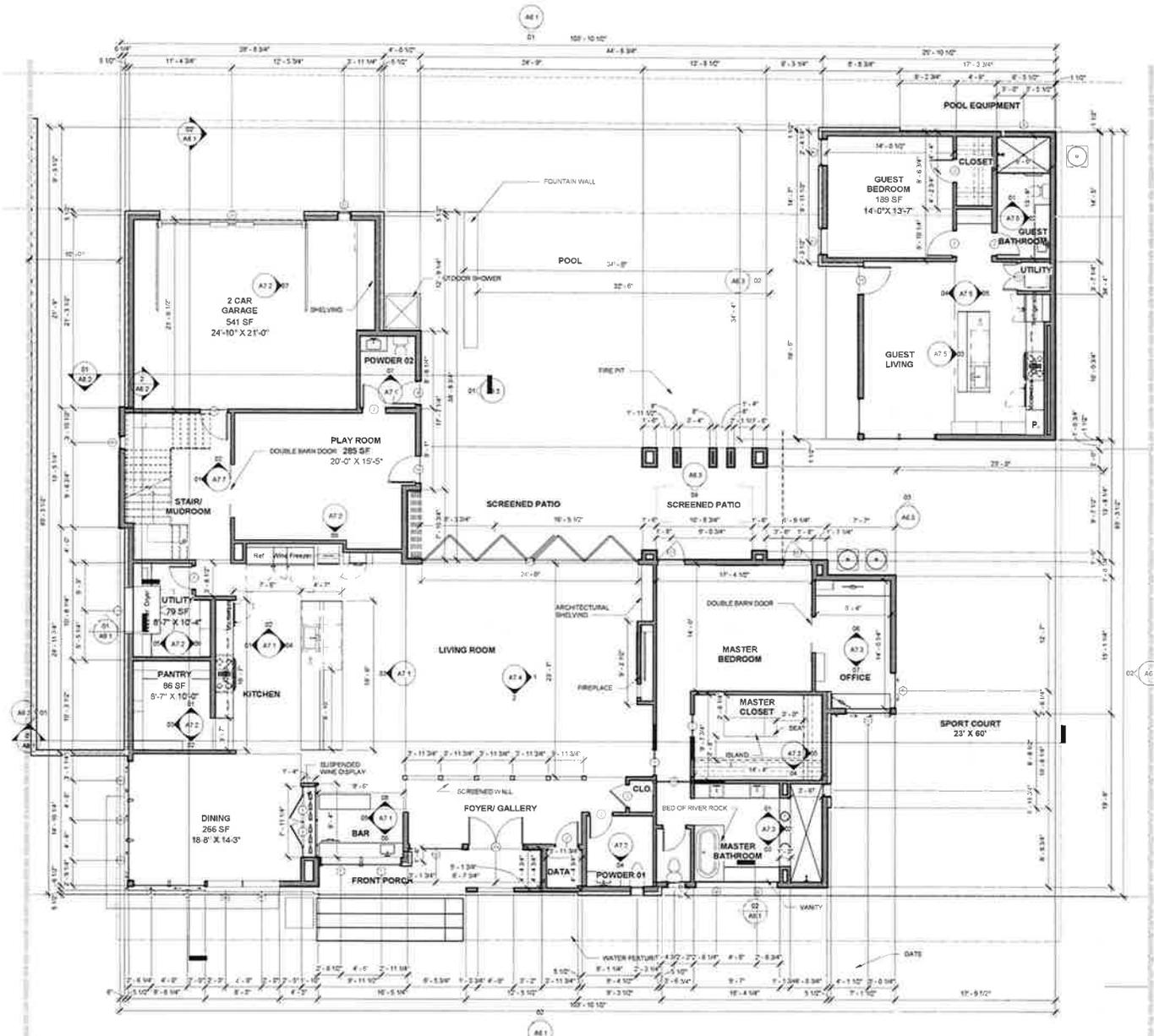
RESIDENTIAL DESIGNER  
 4 SIDE STUDIO, LLC  
 JONNY BONDRE  
 214.515.2106  
 jonny@asidestudio.com  
 www.asidestudio.com

**FLOATING WATER HOUSE**  
 4156 SLEEPY LANE  
 DALLAS, TEXAS 75229

SITE PLAN

**A1.1**

Project # 11025N  
 Date As notated



- GENERAL NOTES**
- 1 ALL WORK TO CONFORM TO APPLICABLE BUILDING CODES REGULATIONS AND ORDINANCES HAVING JURISDICTION.
  - 2 DO NOT SCALE DRAWINGS. ANY DISCREPANCY WITHIN THE DRAWINGS TO BE BROUGHT TO THE ATTENTION OF THE DESIGNER.
  - 3 THESE DOCUMENTS ARE ABBREVIATED IN CONVIANT. THE CONTRACTOR AND SUBCONTRACTORS ARE RESPONSIBLE FOR REVIEWING AND UNDERSTANDING SCOPE, SITE VISITS AND ANY VERIFICATION OF SCOPE, DETAILS, EXISTING CONDITIONS, ETC. PERTAINING TO SCOPE OF WORK SHOWN HERE.
  - 4 OBTAIN ALL NECESSARY PERMITS. CERTIFICATE INSPECTIONS AS REQUIRED BY THE CITY AND OTHER GOVERNMENTAL AGENCIES HAVING JURISDICTION.
  - 5 THE CONTRACTOR IS ULTIMATELY RESPONSIBLE FOR THE WARRANTY OF THE CONSTRUCTION.
  - 6 DIMENSIONS ARE GENERALLY TO THE FACE OF STUD.
  - 7 ALL WORK MUST BE DONE ACCORDING TO MANUFACTURER'S SPECIFICATIONS AND INDUSTRY STANDARDS.
  - 8 THE STRUCTURAL ENGINEER MUST BE CONSULTED FOR ALL CONSTRUCTION DETAILS.
  - 9 CONTRACTOR TO FIELD VERIFY BUILDING ELEVATIONS AND EXISTING UTILITIES.
  - 10 VERIFY CLEARANCES ARE REQUIRED FOR ALL EQUIPMENT.
  - 11 BEFORE PROCEEDING WITH ANY WORK OR ORDERING ANY MATERIAL, THE CONTRACTOR AND/OR SUBCONTRACTOR SHALL VERIFY ALL MEASUREMENTS AND LOCATIONS OF BUILDING COMPONENTS AND THEIR INTERRELATIONS AT THE BUILDING SITE, AND SHALL BE RESPONSIBLE FOR THEIR CORRECTNESS.
  - 12 CONTRACTOR AND/OR SUBCONTRACTOR IS ULTIMATELY RESPONSIBLE FOR VERIFYING AND MAKING ADJUSTMENTS TO ANY DISCREPANCIES BETWEEN THE PLANS AND THE BUILDING SITE.
  - 13 ALL STAIRS TO BE MAX RISER HEIGHT OF 7 3/4" AND MIN. TREAD DEPTH OF 10".



RESIDENTIAL DESIGNER  
 4 SIDE STUDIO, LLC  
 13814Y LINDALEY  
 214.515.2106  
 info@4sidestudio.com  
 www.4sidestudio.com

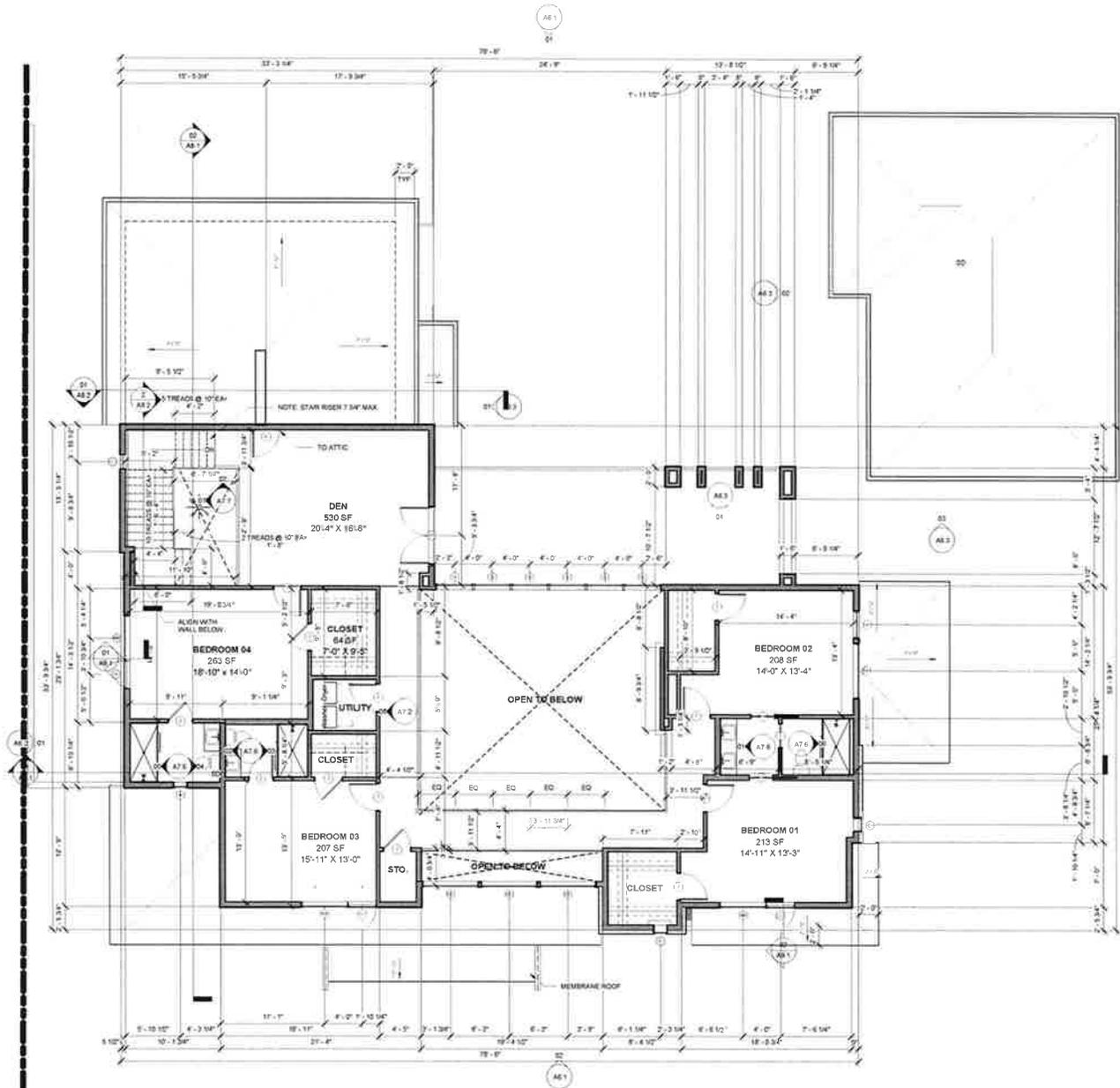
**FLOATING WATER HOUSE**  
 4156 SLEEPY LANE  
 DALLAS, TEXAS 75229

FLOOR PLAN

**A2.1**

PROJECT # 102524  
 SCALE AS SHOWN

01 1ST FLOOR  
 SCALE 3/16" = 1'-0"



- GENERAL NOTES**
- 1 ALL WORK TO CONFORM TO APPLICABLE BUILDING CODES REGULATIONS AND ORDINANCES HAVING JURISDICTION
  - 2 DO NOT SCALE DRAWINGS ANY DISCREPANCY WITH THE DRAWINGS TO BE BROUGHT TO THE ATTENTION OF THE DESIGNER
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  - 4 OBTAIN ALL NECESSARY PERMITS, CERTIFICATES, INSPECTIONS AS REQUIRED BY THE CITY AND OTHER GOVERNMENTAL AGENCIES HAVING JURISDICTION
  - 5 THE CONTRACTOR IS ULTIMATELY RESPONSIBLE FOR THE WARRANTY OF THE CONSTRUCTION
  - 6 DIMENSIONS ARE GENERALLY TO THE FACE OF STUD
  - 7 ALL WORK MUST BE DONE ACCORDING TO MANUFACTURER'S SPECIFICATIONS AND INDUSTRY STANDARDS
  - 8 THE STRUCTURAL ENGINEER MUST BE CONSULTED FOR ALL CONSTRUCTION DETAILS
  - 9 CONTRACTOR TO FIELD VERIFY BUILDING ELEVATIONS AND EXISTING UTILITIES
  - 10 VERIFY CLEARANCES ARE REQUIRED FOR ALL EQUIPMENT
  - 11 BEFORE PROCEEDING WITH ANY WORK OR ORDERING ANY MATERIAL, THE CONTRACTOR AND/OR SUBCONTRACTOR SHALL VERIFY ALL MEASUREMENTS AND LOCATIONS OF BUILDING COMPONENTS AND THEIR INTERRELATIONSHIP AT THE BUILDING SITE AND SHALL BE RESPONSIBLE FOR THEIR CORRECTNESS
  - 12 CONTRACTOR AND/OR SUBCONTRACTOR IS ULTIMATELY RESPONSIBLE FOR VERIFYING AND MAKING ADJUSTMENTS TO ANY DISCREPANCIES BETWEEN THE PLANS AND THE BUILDING SITE
  - 13 ALL STAIRS TO BE MAX RISE HEIGHT OF 7.34\"/>



RESIDENTIAL DESIGNER  
 ASIDE STUDIO, LLC  
 JOHNNY LAMORE  
 214.515.2105  
 john@asidestudio.com  
 www.asidestudio.com

**FLOATING WATER HOUSE**  
 4156 SLEEPY LANE  
 DALLAS, TEXAS 75229

FLOOR PLAN

**A2.2**

Project # 180224  
 Scale A4 reduced

01 2ND FLOOR  
 SCALE: 3/8" = 1'-0"

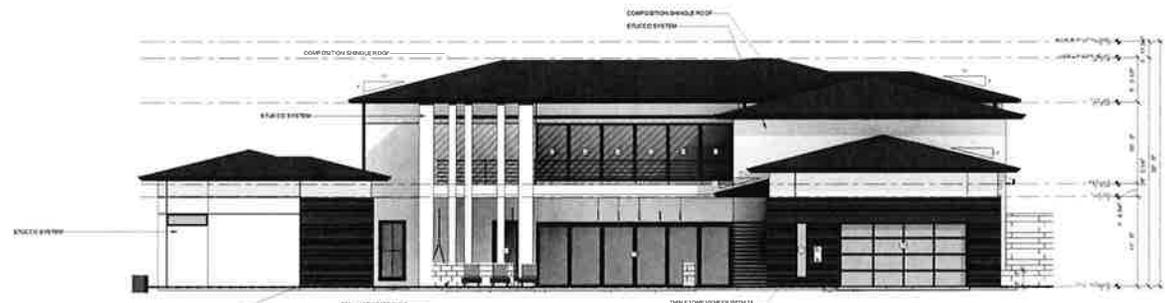


RESIDENTIAL DESIGNER  
 4208 W. 15TH AVE  
 DALLAS, TX 75246  
 214.515.1306  
 info@zEEK5.com  
 www.zEEK5.com

FLOATING WATER HOUSE  
 41156 SLEEPY LANE  
 DALLAS, TEXAS 75229



02 FRONT ELEVATION  
 SCALE 1/8" = 1'-0"



01 REAR ELEVATION  
 SCALE 1/8" = 1'-0"

EXTERIOR ELEVATIONS

A6.1

DATE: 08/11/2020  
 DRAWN: J. L. P.

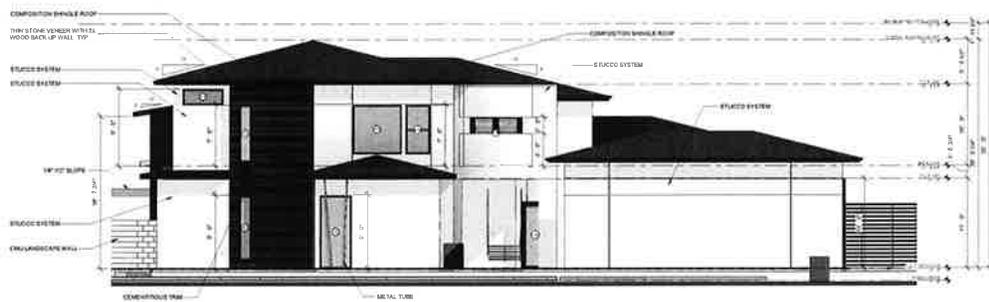


RESIDENTIAL ARCHITECT  
A. BIRD & BIRN, LLC  
ARCHITECTS  
12000 W. LAKOTA AVE. SUITE 100  
DALLAS, TEXAS 75244

FLOATING WATER HOUSE  
4156 SLEEPY LANE  
DALLAS, TEXAS 75229

EXTERIOR ELEVATIONS  
**A6.2**

Project # 18020  
Date 08/11/2018



02 RIGHT ELEVATION @ GARAGE  
SCALE 3/8" = 1'-0"



01 LEFT ELEVATION  
SCALE 3/8" = 1'-0"



RESIDENTIAL DESIGNER  
Alicia Braxton  
JOHN LAMAR  
214 846 2200  
PROJECT@ASBESTUS.COM  
WWW.ASBESTUS.COM

FLOATING WATER HOUSE  
4156 SLEEPY LANE  
DALLAS, TEXAS 75229

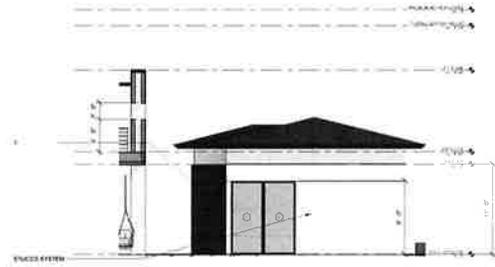
EXTERIOR  
ELEVATIONS

A6.3

Sheet # 0810  
Date 09-11-19



04 SCREENED PATIO  
SCALE: 3/4" = 1'-0"



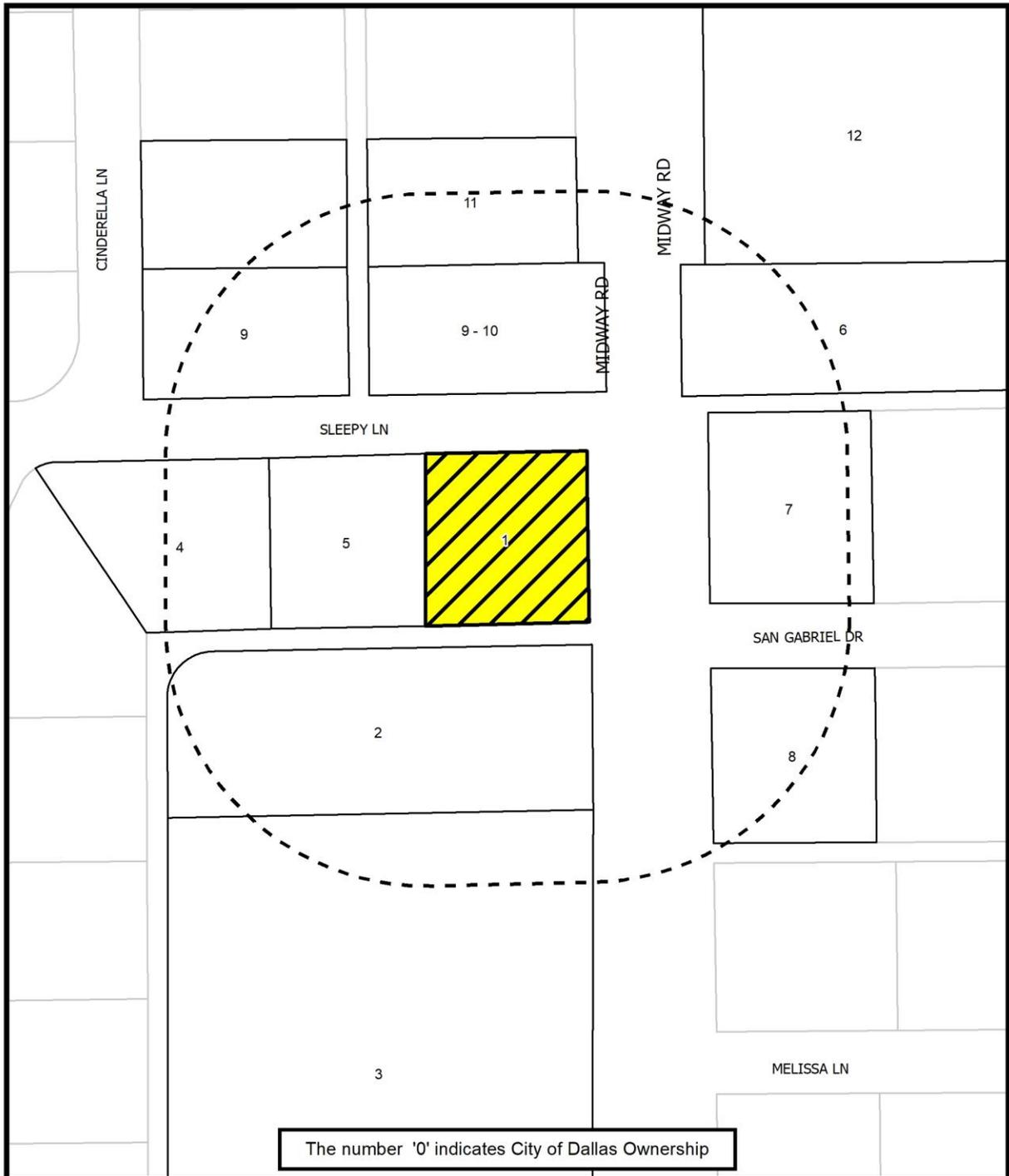
03 GUEST HOUSE ELEVATION FROM RIGHT  
SCALE: 3/4" = 1'-0"



02 GUEST HOUSE ELEVATION FROM POOL  
SCALE: 3/4" = 1'-0"



01 MAIN HOUSE ELEVATION FROM POOL AT GARAGE  
SCALE: 3/4" = 1'-0"



 1:1,200	<h2>NOTIFICATION</h2> <table border="1"> <tr> <td style="padding: 2px;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="padding: 2px;">12</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	12	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA190-065</u> Date: <u>5/29/2020</u>
200'	AREA OF NOTIFICATION					
12	NUMBER OF PROPERTY OWNERS NOTIFIED					

05/29/2020

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

***BDA190-065***

***12 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	4156 SLEEPY LN	HAJIBASHI ARIANA &
2	11015 MIDWAY RD	PETREE DAVID
3	11001 MIDWAY RD	MIDWAY HILLS CHRISTIAN
4	4138 SLEEPY LN	WILSON STEVAN
5	4148 SLEEPY LN	GRIM TRAVIS & AUDREY
6	11119 MIDWAY RD	ONCOR ELECRC DELIVERY COMPANY
7	4207 SAN GABRIEL DR	HABITZREITER RICHARD K &
8	4208 SAN GABRIEL DR	ROBINSON TANGELA &
9	11100 MIDWAY RD	ONCOR ELECRC DELIVERY COMPANY
10	11100 MIDWAY RD	ONCOR ELECRC DELIVERY COMPANY
11	11111 MIDWAY RD	TREVINO MIGUEL JR & INGRID L
12	11122 MIDWAY RD	CORPORATION OF EPISCOPAL

**FILE NUMBER:** BDA190-027(JM)

**BUILDING OFFICIAL'S REPORT:** Application of Michael Short for special exceptions to the fence height regulations and fence standards regulations at 9140 Lynbrook Drive. This property is more fully described as Lot 20, Block G/7317, and is zoned an R-7.5(A) Single Family District, which limits the height of a fence in the front yard to four feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than five feet from the front lot line. The applicant proposes to construct an eight-foot-high fence in a required front yard, which will require a four-foot special exception to the fence regulations, 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 five feet from the front lot line, which will require a special exception to the fence regulations.

**LOCATION:** 9140 Lynbrook Drive

**APPLICANT:** Michael Short

**REQUESTS:** The following requests have been made to construct a fence in the front yard setback along Lake Haven Drive on the subject site:

1. A request for a special exception to the fence standards regulations related to the fence height of four feet to construct an eight-foot high fence in a required front yard, which will require a four-foot special exception to the fence regulations.
2. A request for a special exception to the fence standards regulations related to fence panels having less than 50 percent open surface area when located less than five feet from the front lot line to construct a solid wood fence within five feet of the front lot line.

**STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS REGULATIONS<sup>1</sup>:**

The applicant has the burden of proof in establishing the following standard has been met: 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.

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<sup>1</sup> Reference Section 51A-4.602(d)(3) of the Dallas Development Code.

**STAFF RECOMMENDATIONS:**

No staff recommendation is made on this or any request for a special exception to the fence standards regulations 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-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 is developed with a single family use. The areas to the north, east, south, and west are developed with single family uses.

**Zoning/BDA History:**

1. BDA189-091, Property at 9216 Lynbrook Drive (north of the subject site)

On September 16, 2019, the Board of Adjustment Panel C granted requests in one of the site's two 25-foot front yard setbacks (Lorwood Drive) for: 1) a variance to the front yard setback of up to 20 feet; and, 2) special exceptions to the fence regulations and imposed the following condition: compliance with the submitted site plan and revised elevation is required.

The case report stated the request was made to construct a 575-square-foot pool structure and an eight-foot-high solid wood fence with fence panels with a surface area less than 50 percent open less than five feet from the Lorwood Drive front lot line.

## **GENERAL FACTS/STAFF ANALYSIS**

The subject site is zoned an R-7.5(A) Single Family District, which requires a 25-foot front yard. Corner lots in single family districts with frontage on two streets where one frontage is shorter than the other allow the longer frontage to be governed by the side yard regulations. However, if another structure has an established setback along the block face of the longer frontage, that side must maintain a front yard free from structures for block continuity. Furthermore, if a building line is established by plat or ordinance, the building line rules. In this case, the district requires two 25-foot front yards, but the plat dictates two 30-foot front yard setbacks for the subject site.

The purpose of these requests is to construct an eight-foot tall solid wood fence along the front lot line and in the front yard setback on Lake Haven Drive at the subject site.

The Dallas Development Code states

1. In all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard<sup>2</sup>.
2. In single family districts, a fence panel with a surface area that is less than 50 percent open may not be located less than five feet from the front lot line<sup>3</sup>.

Since the fence is proposed to exceed four feet in height within the front yard setback and the fence panels are proposed to have a surface area that is less than 50 percent open within five feet of the front lot line on Lake Haven Drive, board approval is required.

Regarding the fence height, the submitted site plan and fence elevations show an eight-foot high wood fence with horizontal cedar boards which encloses the entire 30-foot front yard along Lake Haven Drive. Regarding the openness of the fence, the proposed eight-foot high wood fence is proposed to be solid in nature. The proposed fence will not extend into the 30-foot front yard along Lynbrook Drive.

On May 15, 2019, a demolition permit was completed to remove the previous single family home which included a wood fence that exceeded four feet in height, but seems may have been located behind the front yard setback along Lake Haven Drive.

Staff conducted a field visit of the site and the surrounding area and noted one house east on Lake Haven Drive as the street turns south, a single family structure which currently maintains a solid fence that seems to be in one of the property's front yards, above four feet in height, with fence panels with surface area that is less than 50 percent

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<sup>2</sup> Reference Section 51A-4.602(a)(2) of the Dallas Development Code.

<sup>3</sup> Reference Section 51A-4.602(a)(3) of the Dallas Development Code.

open. No other fences were immediately found; however, in September, a house northeast along Lynbrook Drive was granted a front yard variance and special exceptions to the fence standards to construct and maintain a pool structure and an eight-foot tall solid wood fence in the front yard on Lorwood Drive.

As of June 12, 2020, three letters of support, one seemingly neutral letter, and one letter in opposition had been received by staff. Additionally, the applicant did submit a petition of support from surrounding property owners with twelve signatures. Furthermore, a letter was received on March 9, 2020 which was slightly neutral, stating, “no problem with my new neighbor’s exception to the fence standard height,” with a preference for the design clarifying “that the portion on the fence that runs parallel to any city street (most especially Lake Haven, in this case) have the metal posts to their house side (inside).” This letter was shared with the applicant.

The applicant has the burden of proof in establishing that the special exceptions to the fence standards regulations related to height and prohibited materials the site will not adversely affect neighboring property. Photos of approximately 14 homes with fences taller than four feet and fence panels solid in nature were provided by the applicant with the submittal package.

If the board was to grant these special exceptions with a condition imposed that the applicant complies with the submitted site plan and fence elevation, it would require the portions of the fence which exceed four feet in height in the front yard setbacks and the portions with fence panels with surface area that is less than 50 percent open and within five feet of the front lot line to be constructed and maintained in the locations and of the heights and materials as shown on these documents.

**TIMELINE:**

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

February 11, 2020: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

February 14, 2020: The Board of Adjustment Chief Planner/Board Administrator emailed the applicant’s representative the public hearing date and panel that will consider the application; the February 25<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the March 6<sup>th</sup> deadline to submit additional evidence to be

incorporated into the board's docket materials and the following information:

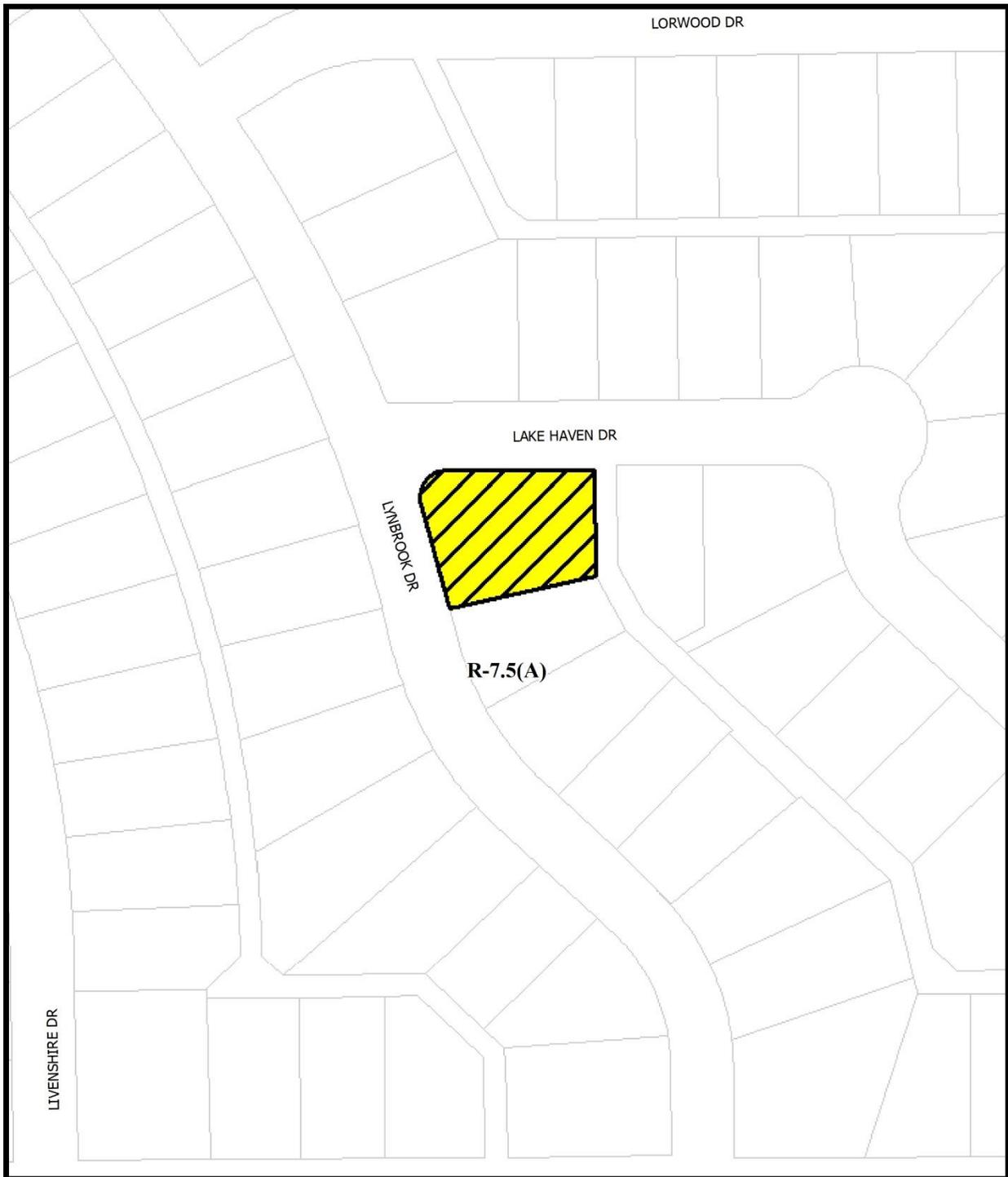
- a copy of the application materials including the Building Official's report on the application;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

February 27, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the March public hearings. Review team members in attendance included the Assistant City Attorney to the board and the following from the Sustainable Development and Construction Department: Board of Adjustment staff including the Chief Planner/Board Administrator, the Senior Planner, and the Assistant Director; Building Inspection Division staff including the Chief Planner, Building Official, and Assistant Building Official; and Engineering Division staff including the Senior Engineer.

March 15, 2020: March BDA hearings were cancelled due to the emergency declaration.

June 4, 2020: Delayed cases scheduled for June hearing dates. Applicants advised of the June 12<sup>th</sup> deadline to submit documentary evidence and the June 19<sup>th</sup> deadline to register to speak at the virtual hearing.

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

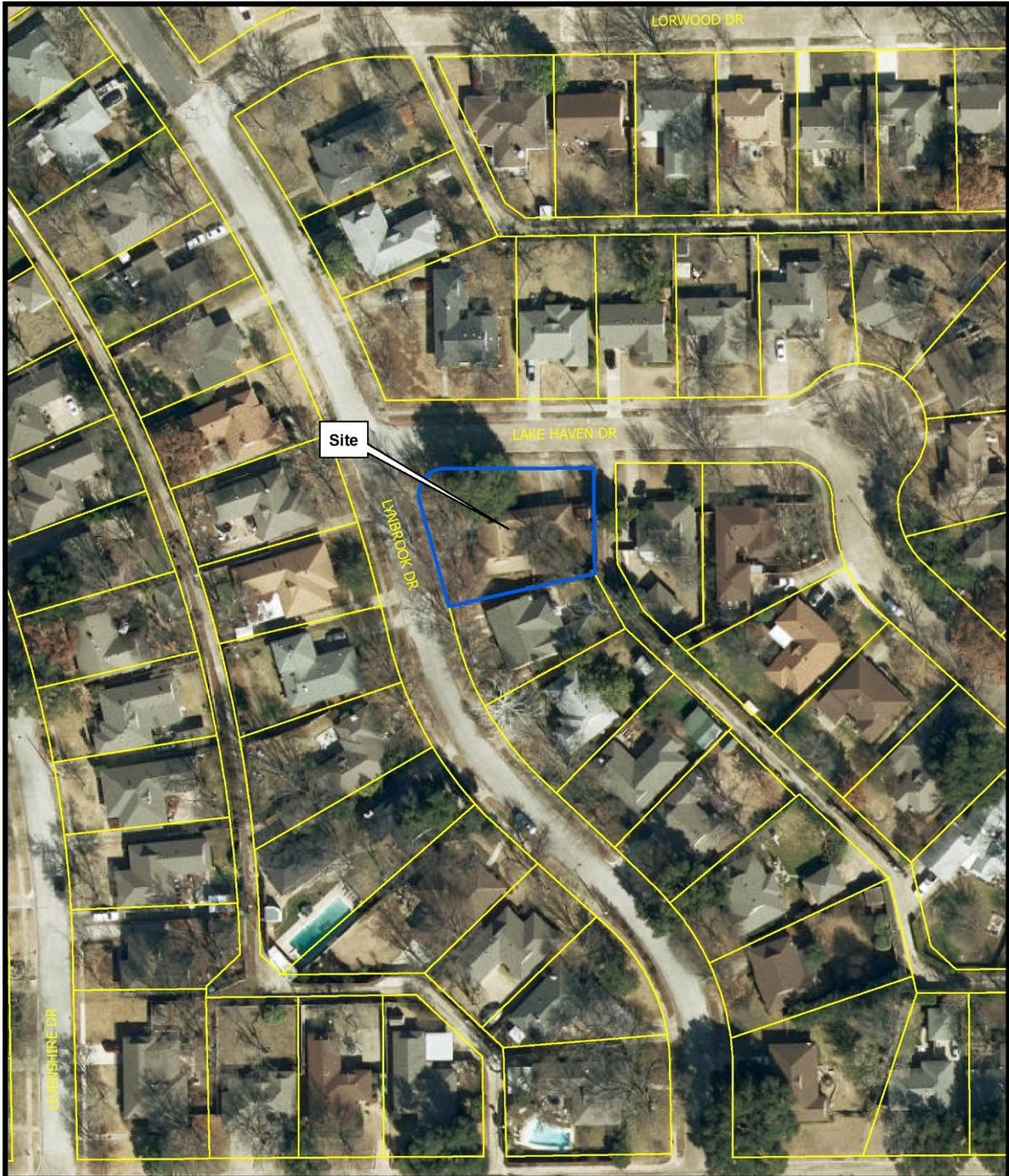


1:1,200

# ZONING MAP

Case no: BDA190-027

Date: 2/21/2020



1:1,200

# AERIAL MAP

Case no: BDA190-027

Date: 2/21/2020



RECEIVED  
JAN 02 2020  
BY: .....

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-027

Data Relative to Subject Property:

Date: ~~12/10/19~~ 1-2-20

Location address: 9140 Lyn Brook Drive

Zoning District: R-7.5 (H)

Lot No.: 20 Block No.: 6/7317 Acreage: .27  
Lyn Brook Lake Haven

Census Tract: 0130.05

Street Frontage (in Feet): 1) 106.7 2) 143.7 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Rustin Garbudee

Applicant: MICHAEL SHORT Telephone: 214.236.3825

Mailing Address: 8030 Eagle Trail Dallas Zip Code: 75238

E-mail Address: mike@shortconstructiongroup.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 ~~30' to the~~ REQUIRED F45B, LESS THAN 50% OPENING AND 4' TO THE EXISTING 4' WALL TO BUILD A SOLID HORIZONTAL FENCE TO 8'

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 HAVE TWO FRONT YARD SET BACKS AND CANNOT REMOVE OUR PROPERTY LIKE NEIGHBORS.

WE HAVE SMALL CLEARANCE AND 50% OPEN AND 4' WALL DOES NOT AFFORD THEM THE SECURITY AND SAFETY AS A 6' FENCE.

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

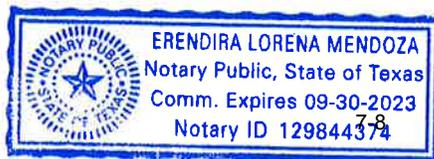
Before me the undersigned on this day personally appeared Michael Short  
(Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 11 day of December, 2019

[Signature]  
Notary Public in and for Dallas County, Texas



MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

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

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

I hereby certify that Michael Short

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

at 9140 Lynbrook Drive

BDA190-027. Application of Michael Short for a special exception to the fence height regulations, and for a special exception to the fence standards regulations at 9140 Lynbrook Dr. This property is more fully described as lot 20, Block G/7317, 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. The applicant proposes to construct an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence regulations, 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 a special exception to the fence regulations.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official

10204 Moree Road



10205 Moree Road



10546 Lakemere Dr N



9109 Longmont Drive



9077 Liptonshire Drive



9752 Queenswood



9325 Larchwood



↳ 10218 Lakemere Side



9612 Lanward



9958 Parkford



10546 Lakemere Drive



9718 Queenswood



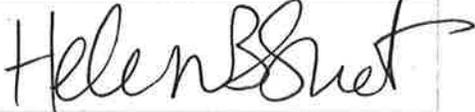
91045 Lydgate



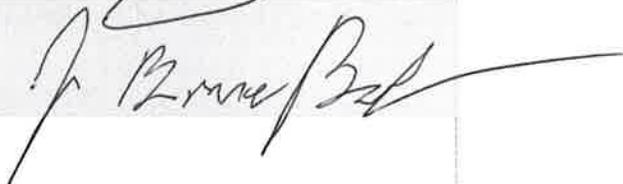
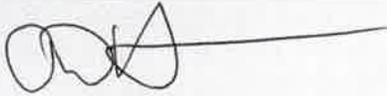
8807 Lake Haven



By signing below, I certify that I have no objection to the Umbergers building an 8 foot fence along Lake Haven Drive and Lynbrook Drive (9140 Lynbrook Drive).

Names	Address	Signature
SHORT LAWSON & HELEN	9216 Lynbrook Drive	
PERKINS KATHRYN E	9210 Lynbrook Drive	
MORRIS JAMES C EST OF	10607 Lake Haven Drive	
WAGGONER JAMES R	10611 Lake Haven Drive	
BAIN BRIAN & HAILEY	10617 Lake Haven Drive	
WAHLQUIST RAYMOND W	10621 Lake Haven Drive	
THIEM CLAUDIA	10627 Lake Haven Drive	
LEATHERWOOD LINDA LEE	10644 Lake Haven Drive	
SHERMAN JASON R & DANA	10622 Lake Haven Drive	
MCKNIGHT LEWIS	10616 Lake Haven Drive	
KRAFT MATTHEW M & SHERRY H	9134 Lynbrook Drive	
JANTZEN NICOLAUS W	9128 Lynbrook Drive	
GARNER ROBIN R D	9124 Lynbrook Drive	

**By signing below, I certify that I have no objection to the Umbergers building an 8 foot fence along Lake Haven Drive and Lynbrook Drive (9140 Lynbrook Drive).**

Names	Address	Signature
WOODARD STEVEN KYLE	9125 Lynbrook Drive	
HANNAH JOHN DAVID & CAROLYN	9118 Lynbrook Drive	
HARRINGTON SETH	9129 Lynbrook Drive	
BERRY KYLE A & NICOLE K	9133 Lynbrook Drive	
BECK JANE LESLIE	9137 Lynbrook Drive	
HENDRIX HALEY A	9141 Lynbrook Drive	
DURAN IRMA ANGELICA	9145 Lynbrook Drive	
MADRALA BOGUSLAW T	9203 Lynbrook Drive	
BALDOCK HAYDEN M & MEGAN A	9207 Lynbrook Drive	
CRIM BRUCE C	9211 Lynbrook Drive	Vacant





Printed: 1/2/2020

### Legend

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

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







**02 EAST FENCE ELEVATION**  
SCALE: 1/8" = 1'



**01 WEST FENCE ELEVATION**  
SCALE: 1/8" = 1'

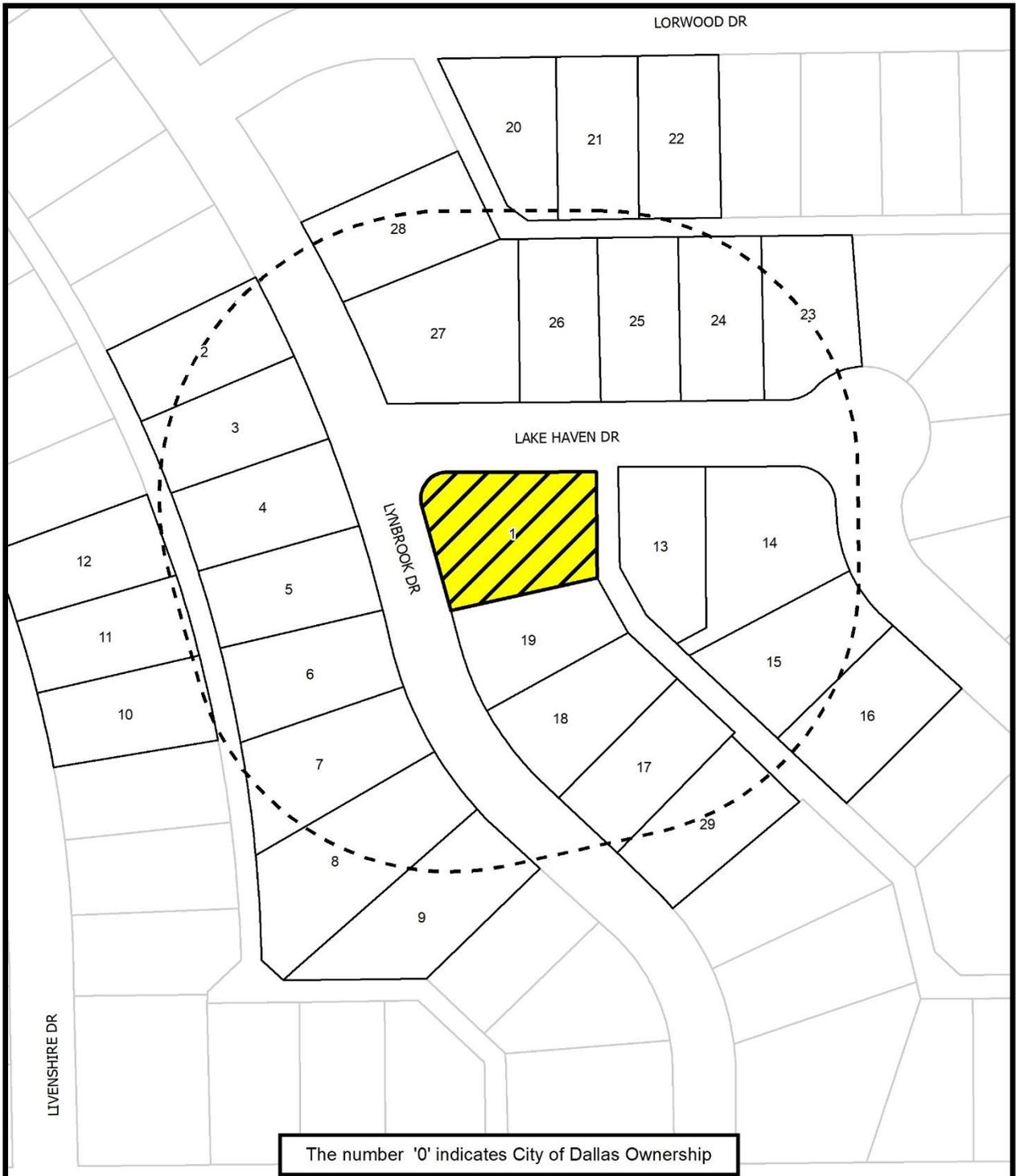
DATE: 07/11/19  
BY: [Signature]



**UMBERGER RESIDENCE**  
DALLAS, TEXAS  
Construction Set



ISSUE DATE  
JULY 11, 2019  
FENCE ELEVATIONS  
**A3.03**



  
 1:1,200

## NOTIFICATION

200' AREA OF NOTIFICATION  
29 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: BDA190-027  
 Date: 2/21/2020

02/20/2020

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

### ***BDA190-027***

#### ***29 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	9140 LYNBROOK DR	UMBERGER DUSTIN
2	9207 LYNBROOK DR	BALDOCK HAYDEN M & MEGAN A
3	9203 LYNBROOK DR	MADRALA BOGUSLAW T
4	9145 LYNBROOK DR	DURAN IRMA ANGELICA
5	9141 LYNBROOK DR	HENDRIX HALEY A
6	9137 LYNBROOK DR	BECK JANE LESLIE
7	9133 LYNBROOK DR	BERRY KYLE A & NICOLE K
8	9129 LYNBROOK DR	HARRINGTON SETH
9	9125 LYNBROOK DR	WOODARD STEVEN KYLE &
10	9126 LIVENSHERE DR	SHELTON DOROTHY JEAN
11	9130 LIVENSHERE DR	HALKA THOMAS & BONNIE
12	9136 LIVENSHERE DR	THOMPSON ANDREW MICHAEL &
13	10616 LAKE HAVEN DR	MCKNIGHT LEWIS
14	10622 LAKE HAVEN DR	SHERMAN JASON R & DANA B
15	10644 LAKE HAVEN DR	LEATHERWOOD LINDA LEE
16	10648 LAKE HAVEN DR	CHAPMAN TRAVIS ALAN
17	9124 LYNBROOK DR	GARNER ROBIN R D
18	9128 LYNBROOK DR	JANTZEN NICOLAUS W
19	9134 LYNBROOK DR	KRAFT MATTHEW M & SHERRY H
20	10620 LORWOOD DR	WILSON ROGER N & CHRISTINE R
21	10626 LORWOOD DR	SAVAGE BARBARA JANE
22	10630 LORWOOD DR	SANDERS TINA M
23	10627 LAKE HAVEN DR	THIEM CLAUDIA
24	10621 LAKE HAVEN DR	WAHLQUIST RAYMOND W
25	10617 LAKE HAVEN DR	BAIN BRIAN & HAILEY
26	10611 LAKE HAVEN DR	WAGGONER JAMES R
27	10607 LAKE HAVEN DR	MORRIS JAMES C EST OF
28	9210 LYNBROOK DR	PERKINS KATHRYN E
29	9118 LYNBROOK DR	HANNAH JOHN DAVID & CAROLYN

**FILE NUMBER:** BDA190-064(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Texas Permit and Development, represented by Danny Sipes, for special exception to the visual obstruction regulations at 9924 Carnegie Drive. This property is more fully described as Lot 1, Block 3/5343, and is zoned R-7.5(A), which requires a 20-foot visibility triangle at the driveway and alley approaches. The applicant proposes to construct a fence up to eight feet-in-height in a required visibility triangle, which will require a special exception to the visual obstruction regulations.

**LOCATION:** 9924 Carnegie Drive

**APPLICANT:** Texas Permit and Development  
represented by Danny Sipes

**REQUESTS:**

A request for a special exception to the visual obstruction regulations is made to locate and maintain portions of an eight-foot-high solid wood fence and solid wood gates in the two 20-foot visibility triangles at the intersection of the street and drive approaches into the site from Peavy Road and in the 20-foot visibility triangle where the alley meets Peavy Road on a site developed with a single family home.

**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 (visual obstruction regulations):**

Denial.

Rationale:

- The Sustainable Development Department Senior Engineer has objections to the requests. The Senior Engineer finds that the fence compromises visibility of pedestrians, bicyclists, and motorists without enough sight distance to see vehicles

exiting (and potentially backing out) of the subject driveway onto a thoroughfare corridor if the aforementioned conditions are imposed as part of the requests.

- Staff concluded that requests for special exceptions to the visual obstruction regulations should not be granted because the items to be located and maintained in the visibility triangles do constitute a traffic hazard.

### **BACKGROUND INFORMATION:**

#### **Zoning:**

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

#### **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 in the vicinity of the subject site within the last five years.

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

The request for a special exception to the visual obstruction regulations on a site developed with a single family home focus on locating and maintaining a portion of an eight-foot-high solid wood fence and solid wood gates in the two 20-foot visibility triangles at the drive approaches into the site from Peavy Road and in the 20-foot visibility triangle at where the alley meets Peavy Road.

Section 51A-4.602(d) of the Dallas Development Code states that 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) 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 eight-foot-high solid wood fence and solid wood gate in the two 20-foot visibility triangles at the drive approaches into the site from Peavy Road and in the 20-foot visibility triangle at where the alley meets Peavy Road.

The Sustainable Development Department Senior Engineer has objections to the requests and determined the proposed fence in the visibility triangle to cause a traffic hazard (see Attachment A).

The applicant has the burden of proof in establishing how granting these requests to maintain portions of an 8-foot high solid wood fence and solid wood gate in the two 20-foot visibility triangles at the drive approaches into the site from Peavy Road and in the 20-foot visibility triangle at where the alley meets Peavy Road does 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 located and maintained in the two 20-foot visibility triangles at the drive approaches into the site from Peavy Road and in the 20-foot visibility triangle at where the alley meets Peavy Road, to that what is shown on these documents – portion of an eight-foot-high solid wood fence and a solid wood gates.

**Timeline:**

April 1, 2020: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

May 13, 2020: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

June 4, 2020: The Board of Adjustment Chief Planner/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 June 3<sup>rd</sup> deadline to submit additional evidence for staff to factor into their analysis; and the June 12, 2020 deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

June 5, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the December public hearings. Review team members in attendance included the following: the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Sustainable Development and Construction Senior Engineer, the Board of Adjustment Senior Planner the Building Inspection Senior Plans Examiner/Development Code Specialist, and the Assistant City Attorney to the board.

June 11, 2020: The Sustainable Development Department Senior Engineer submitted a review comment sheet marked "recommends denial" (see Attachment A).

REVIEW COMMENT SHEET  
BOARD OF ADJUSTMENT  
HEARING OF **June 22, 2020 (C)**

Has no objections

Has no objections if certain conditions  
are met (see comments below or attached)

Recommends denial  
(see comments below or attached)

No comments

BDA 190-049

BDA 190-064

BDA 190-065

COMMENTS:

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***Fence compromises visibility of pedestrians,  
bicyclists and motorists without enough sight  
distance to see vehicles exiting (and  
potentially backing out) of subject driveway  
onto a thoroughfare corridor.***

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***David Nevarez, PE, PTOE, DEV - Engineering***

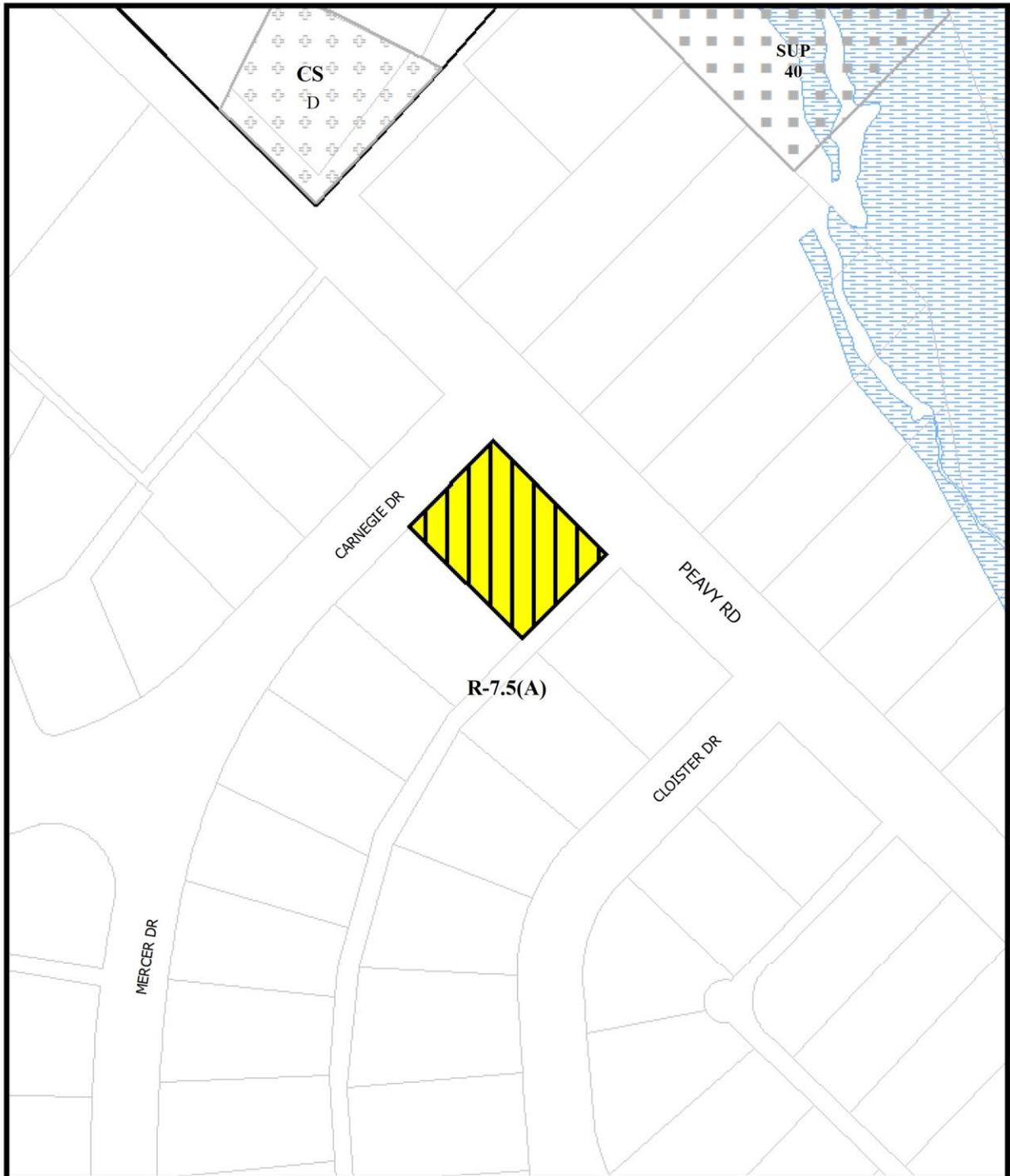
Name/Title/Department

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***6/11/2020***

Date

Please respond to each case and provide comments that justify or elaborate on your response. Dockets distributed to the Board will indicate those who have attended the review team meeting and who have responded in writing with comments.

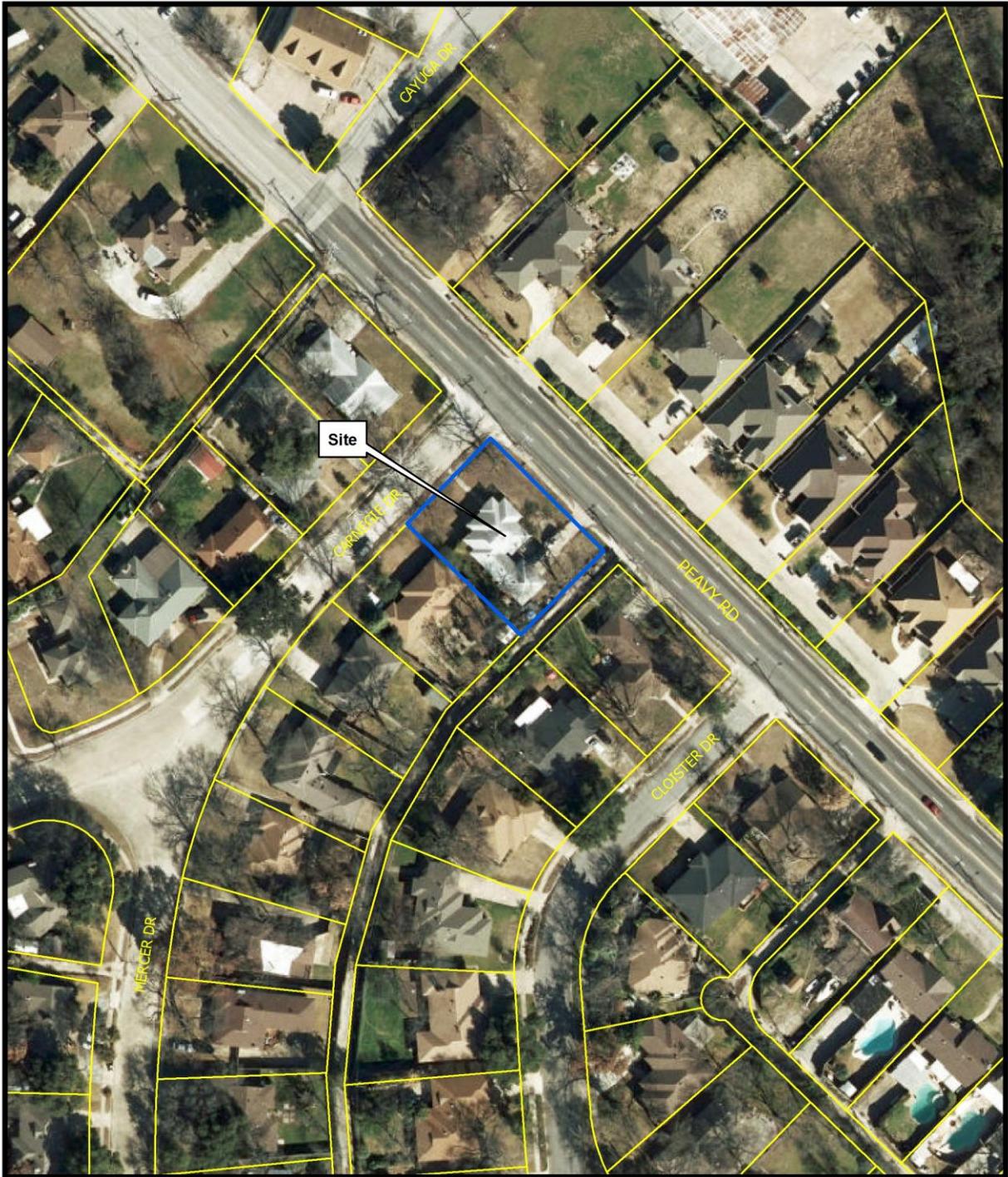


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# ZONING MAP

Case no: BDA190-064

Date: 5/29/2020



1:1,200

# AERIAL MAP

Case no: BDA190-064

Date: 5/29/2020



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-064

Data Relative to Subject Property:

Date: 4-21-2020

Location address: 9924 Carnegie Drive Zoning District: R 7.5A

Lot No.: 1 Block No.: 3/5343 Acreage: .247 Census Tract: 124.00

Street Frontage (in Feet): 1) 120 2) 90 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Dominus Properties Inc

Applicant: Danny Sipes of Texas Permit & Development Telephone: 214-794-0213

Mailing Address: PO Box 3293 Forney TX Zip Code: 75126

E-mail Address: danny@txpermit.com

Represented by: Danny Sipes Telephone: 214-794-0213

Mailing Address: PO Box 3293 Forney TX Zip Code: 75126

E-mail Address: danny@txpermit.com

Affirm that an appeal has been made for a Variance, or Special Exception X, of to the fence regulations to allow a fence more than 50% closed and a special exception to the visibility obstruction regulations to allow a portion of the fence into the visibility corner clip Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas 8' Tall Fence Development Code, to grant the described appeal for the following reason:

To allow for a fence for security, privacy and noise reduction being that this residence is on a corner lot.

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

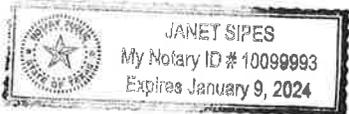
Before me the undersigned on this day personally appeared Danny Sipes (Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 1st day of April, 2020

(Rev. 08-01-11)



[Signature] Notary Public in and for Dallas County, Texas

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

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

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

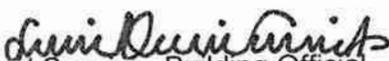
**Building Official's Report**

**I hereby certify that** TEXAS PERMIT AND DEVELOPMENT

**did submit a request** for a special exception to the visibility obstruction regulations  
**at** 9924 Carnegie Drive

BDA190-064. Application of TEXAS PERMIT AND DEVELOPMENT for a special exceptio to the visibility obstruction regulations at 9924 CARNEGIE DR. This property is more fully described as Lot 1, Block 3/5343, and is zoned R-7.5(A), 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,

  
David Session, Building Official



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 190-064

I, Jeffrey Gatlin of Dominus Properties, Owner of the subject property  
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 9924 Carnegie Drive Dallas Tx 75228  
(Address of property as stated on application)

Authorize: Danny Sipes of Texas Permit & Development  
(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: To allow for a fence for security, privacy and noise reduction being that this residence is on a corner lot.

Jeffrey Gatlin  
Print name of property owner or registered agent

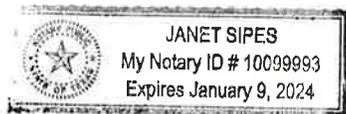
[Signature]  
Signature of property owner or registered agent

Date 4-1-20

Before me, the undersigned, on this day personally appeared Jeffrey Gatlin

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

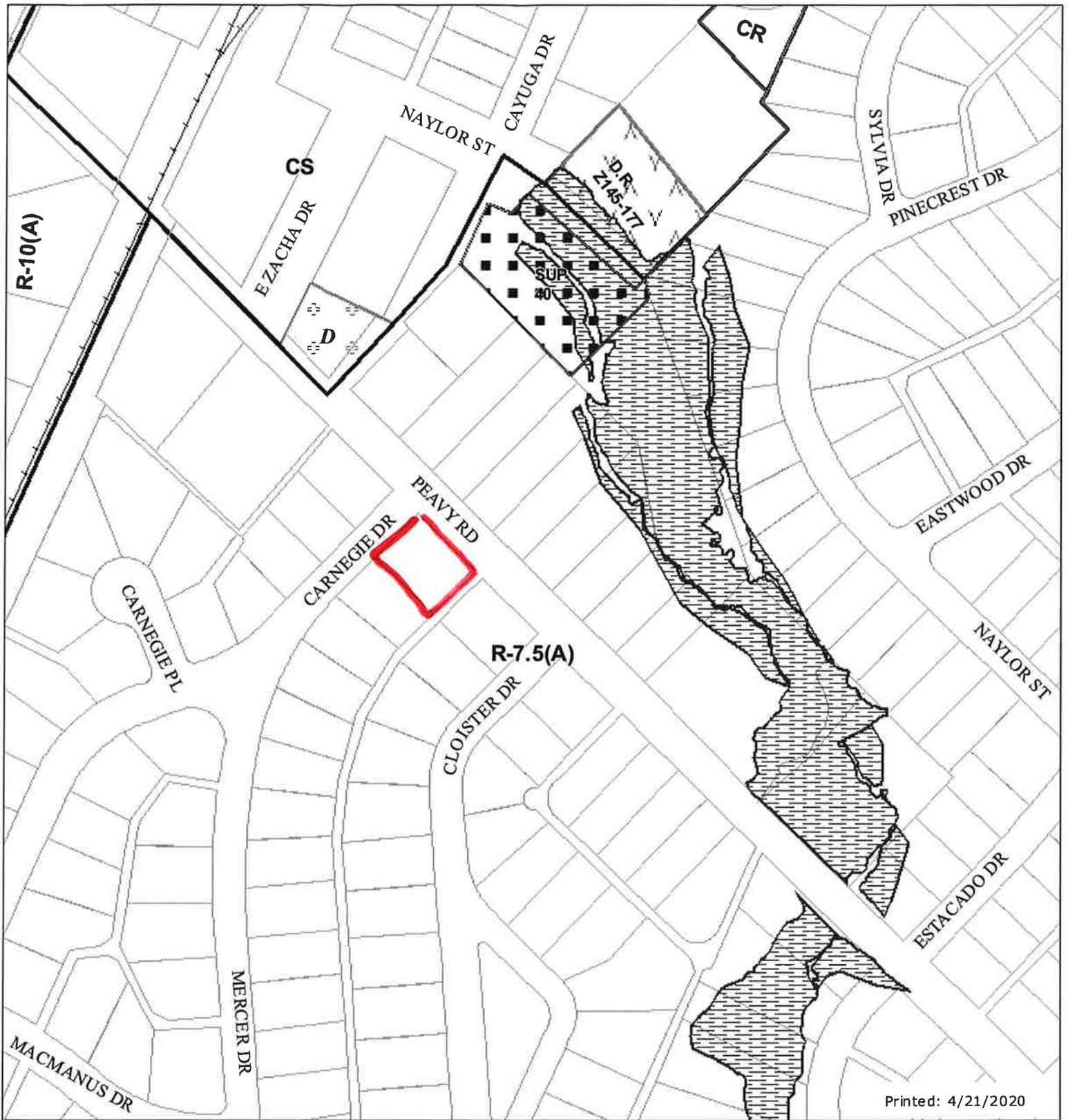
Subscribed and sworn to before me this 1st day of April, 2020



[Signature]  
Notary Public for Dallas County, Texas

Commission expires on 1/9/2024





Printed: 4/21/2020

### Legend

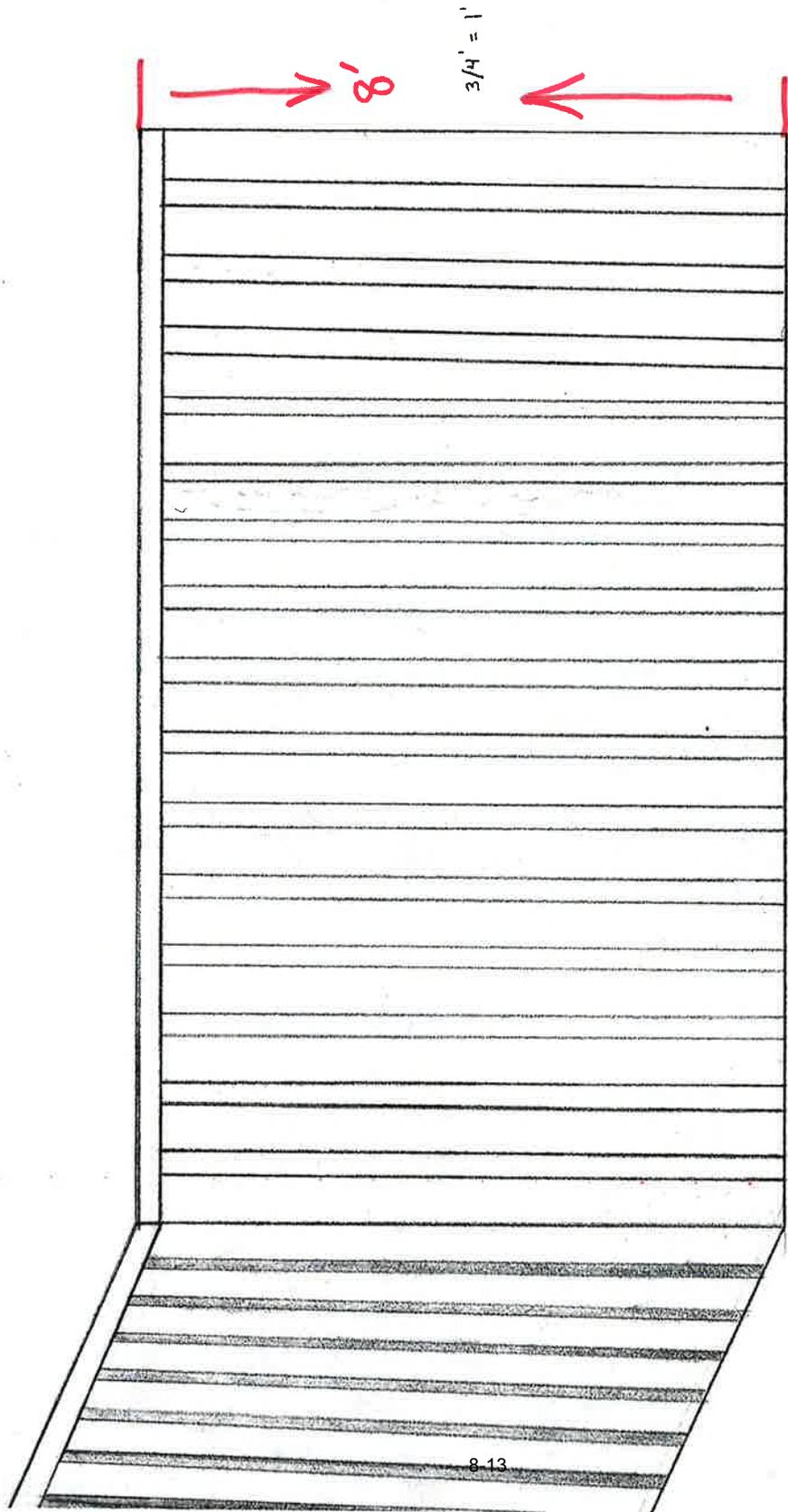
- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | railroad                       | Dry Overlay           | CD Subdistricts            |
| School               | Certified Parcels              | D                     | PD Subdistricts            |
| Floodplain           | Base Zoning                    | D-1                   | PDS Subdistricts           |
| 100 Year Flood Zone  | PD193 Oak Lawn                 | CP                    | NSO Subdistricts           |
| Mill's Creek         | Dallas Environmental Corridors | SP                    | NSO_Overlay                |
| Peak's Branch        | SPSP Overlay                   | MD Overlay            | Escarpment Overlay         |
| X Protected by Levee | Deed Restrictions              | Historic Subdistricts | Parking Management Overlay |
| Parks                | SUP                            | Historic Overlay      | 8-11 Front Overlay         |
|                      |                                | Height Map Overlay    |                            |

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



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REVIEW COMMENT SHEET  
BOARD OF ADJUSTMENT  
HEARING OF **June 22, 2020 (C)**

Has no objections

Has no objections if certain conditions  
are met (see comments below or attached)

Recommends denial  
(see comments below or attached)

No comments

BDA 190-049

BDA 190-064

BDA 190-065

COMMENTS:

---

***Fence compromises visibility of pedestrians,  
bicyclists and motorists without enough sight  
distance to see vehicles exiting (and  
potentially backing out) of subject driveway  
onto a thoroughfare corridor.***

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***David Nevarez, PE, PTOE, DEV - Engineering***

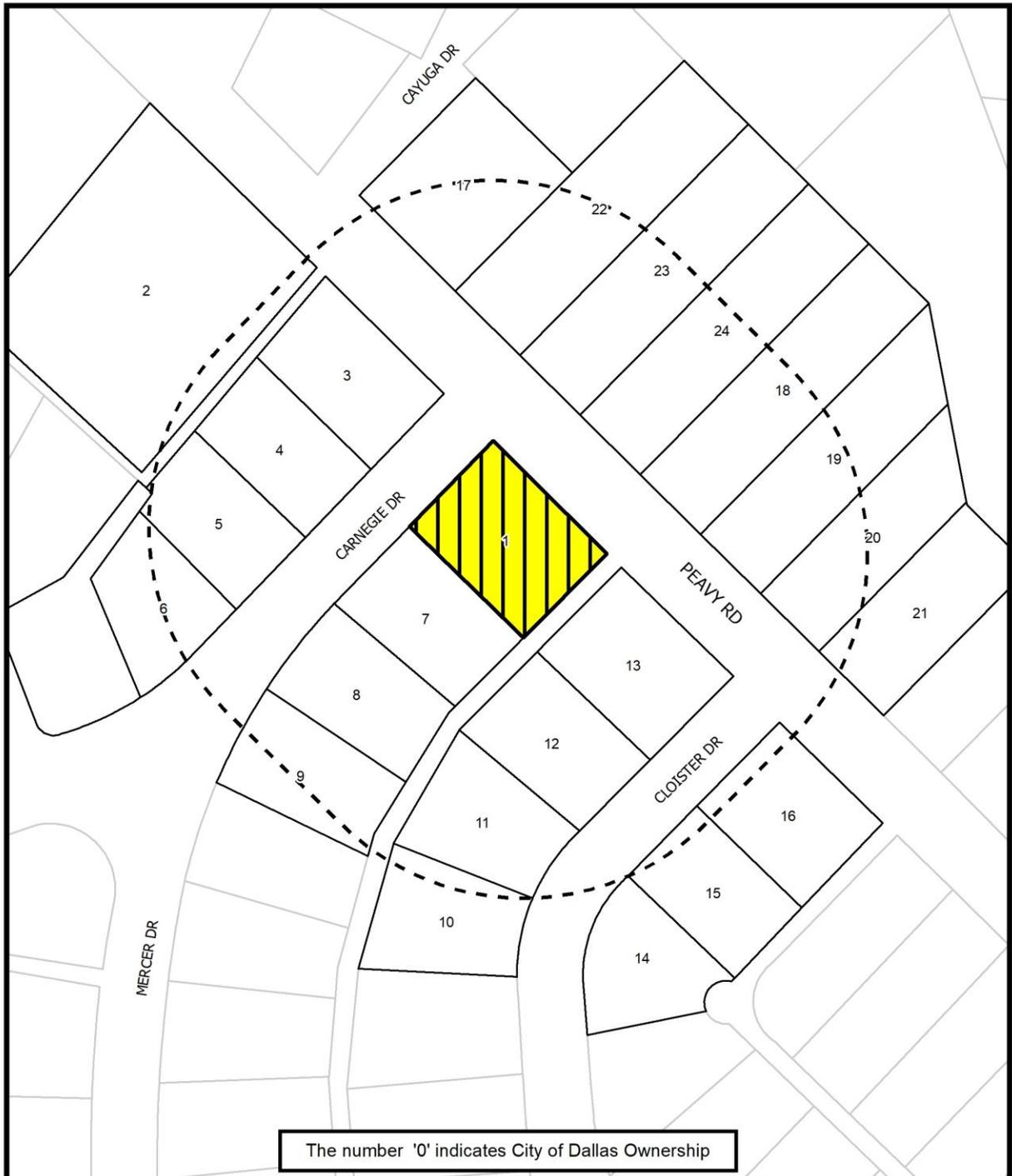
Name/Title/Department

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***6/11/2020***

Date

Please respond to each case and provide comments that justify or elaborate on your response. Dockets distributed to the Board will indicate those who have attended the review team meeting and who have responded in writing with comments.



 1:1,200	<h2>NOTIFICATION</h2> <table border="1"> <tr> <td>200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td>24</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	24	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <b>BDA190-064</b> Date: <b>5/29/2020</b>
200'	AREA OF NOTIFICATION					
24	NUMBER OF PROPERTY OWNERS NOTIFIED					

05/29/2020

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

***BDA190-064***

### ***24 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	9924 CARNEGIE DR	DOMINUS PROPERTIES INC
2	1619 PEAVY RD	SOLIS JOSEPH
3	9931 CARNEGIE DR	BRIDGER JASON SCOTT & MIRIAM
4	9923 CARNEGIE DR	NEILSON LESLIE
5	9919 CARNEGIE DR	DONOVAN LESLIE &
6	9911 CARNEGIE DR	PARHAM KEVIN &
7	9918 CARNEGIE DR	CHANG JOSEPH YUHCHIH
8	9910 CARNEGIE DR	QUINN JACK
9	9902 CARNEGIE DR	GHARIS DOROTHY
10	9915 CLOISTER DR	HAUGH DANIEL
11	9919 CLOISTER DR	NEROES DWAYNE
12	9927 CLOISTER DR	AUGHTMAN MELANY ANN
13	9933 CLOISTER DR	POLI STEFANO
14	9916 CLOISTER DR	SMELLEY DAVID LEE
15	9922 CLOISTER DR	SANSONE ANN
16	9930 CLOISTER DR	OQUINN MEGHAN MCDONALD
17	1702 PEAVY RD	GRIMALDO PEDRO &
18	1718 PEAVY RD	BATES DANNY C
19	1722 PEAVY RD	ZEQIRI BENIN &
20	1726 PEAVY RD	GRANT TABITHA
21	1730 PEAVY RD	BEARD MICHAEL &
22	1706 PEAVY RD	TARTARO SHANTELL M & JACK TARTARO
23	1710 PEAVY RD	CHARTRAND MARC & MELANIE
24	1714 PEAVY RD	SINGER ELISSA J