

NOTICE FOR POSTING
MEETING OF
BOARD OF ADJUSTMENT, PANEL B
WEDNESDAY, FEBRUARY 17, 2016

Briefing: 11:00 A.M. L1FN CONFERENCE CENTER AUDITORIUM
Public Hearing: 1:00 P.M. L1FN CONFERENCE CENTER AUDITORIUM

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

1. Zoning 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.

***All meeting rooms and chambers are located in Dallas City Hall, 1500 Marilla, Dallas, Texas 75201**

"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."

ZONING BOARD OF ADJUSTMENT, PANEL B
WEDNESDAY, FEBRUARY 17, 2016
AGENDA

BRIEFING	L1FN CONFERENCE CENTER AUDITORIUM 1500 MARILLA STREET DALLAS CITY HALL	11:00 A.M.
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PUBLIC HEARING	L1FN CONFERENCE CENTER AUDITORIUM 1500 MARILLA STREET DALLAS CITY HALL	1:00 P.M.
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Donna Moorman, Chief Planner
Steve Long, Board Administrator

MISCELLANEOUS ITEM

Approval of the January 20, 2016 Board of Adjustment Panel B Public Hearing Minutes	M1
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UNCONTESTED CASES

BDA156-007 (SL)	4926 Deloache Avenue REQUEST: Application of Tony Visconti, represented by Darren Marlowe, for a special exception to the fence height regulations	1
BDA156-012(SL)	6127 Yorkshire Drive REQUEST: Application of David Diamond, represented by John Alexander, for a special exception to the single family use regulations	2
BDA156-013(SL)	9209 Old Hickory Trail REQUEST: Application of Jonathan Stites, represented by Kori Haug of Bella Firma, Inc., for a special exception to the landscape regulations	3
BDA156-017(SL)	5021 Bowser Avenue REQUEST: Application of Danny Sipes for a special exception to the landscape regulations	4

EXECUTIVE SESSION NOTICE

The Commission/Board may hold a closed executive session regarding any item on this agenda when:

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 Commission/Board 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 §551.086]

FILE NUMBER: BDA156-007(SL)

BUILDING OFFICIAL'S REPORT: Application of Tony Visconti, represented by Darren Marlowe, for a special exception to the fence height regulations at 4926 Deloache Avenue. This property is more fully described as Lot 12, Block 11/5584, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and maintain a 10 foot 6 inch high fence, which will require a 6 foot 6 inch special exception to the fence height regulations.

LOCATION: 4926 Deloache Avenue

APPLICANT: Tony Visconti
Represented by Darren Marlowe

REQUEST:

A request for a special exception to the fence height regulations of 6' 6" is made to construct and maintain the following fence proposal in the front yard setback on a site being developed with a single family home:

- a 6' 3" high open wrought iron fence with 7' high cement plaster columns,
- an approximately 8' high open metal pedestrian gate with approximately 8' high cement plaster columns topped with approximately 2' high decorative urns, and
- an approximately 9' 6" high open metal vehicular entry gate with approximately 8' 6" high cement plaster columns topped with 2' high decorative urns.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:

Section 51A-4.602 of the Dallas Development Code states that the board may grant a special exception to the height requirement for fences 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 height 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-1ac (A) (Single family district 1 acre)

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

Land Use:

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

Zoning/BDA History:

There 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:

- This request focuses on constructing and maintaining a 6' 3" high open wrought iron fence with 7' high cement plaster columns, an approximately 8' high open metal pedestrian gate with approximately 8' high cement plaster columns topped with approximately 2' high decorative urns, and an approximately 9' 6" high open metal vehicular entry gate with approximately 8' 6" high cement plaster columns topped with 2' high decorative urns on a site being developed with a single family home.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The subject site is zoned R-1ac(A) and has a 40' front yard setback.
- The applicant has submitted two documents – a site plan, and a site plan with elevation of the proposal with notations indicating that the proposal reaches a maximum height of 10' 6".
- The following additional information was gleaned from the submitted site plan:
 - The proposal is represented as being approximately 170' in length parallel to the street, and approximately 30' in length perpendicular to the street on the east and west sides of the site in the front yard setback.
 - The proposed fence is represented as being located approximately 10' from the front property line, or approximately 19' from the pavement line.
 - The proposed gates are represented as being located approximately 15' from the front property line, or approximately 24' from the pavement line.
- Two single family lots front the proposed fence, one with a fence in its front yard that appears lower than 4' high, and the other with an approximately 5' high open metal fence with no recorded BDA history.
- The Board Administrator conducted a field visit of the site and surrounding area (properties along Deloache Avenue from Sunnybrook Lane on the west to approximately 300 feet to the east of the site) and noted no other fences over 4' in height and in front yard setbacks other than the one previously mentioned located northwest of the subject site.

- As of February 5, 2016, no letters have been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 6' 6" will not adversely affect neighboring property.
- Granting this special exception of 6' 6" with a condition imposed that the applicant complies with the submitted site plan and site plan with elevation documents would require the proposal exceeding 4' in height in the front yard setback to be constructed and maintained in the location and of the heights and materials as shown on these documents.

Timeline:

December 2, 2015: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

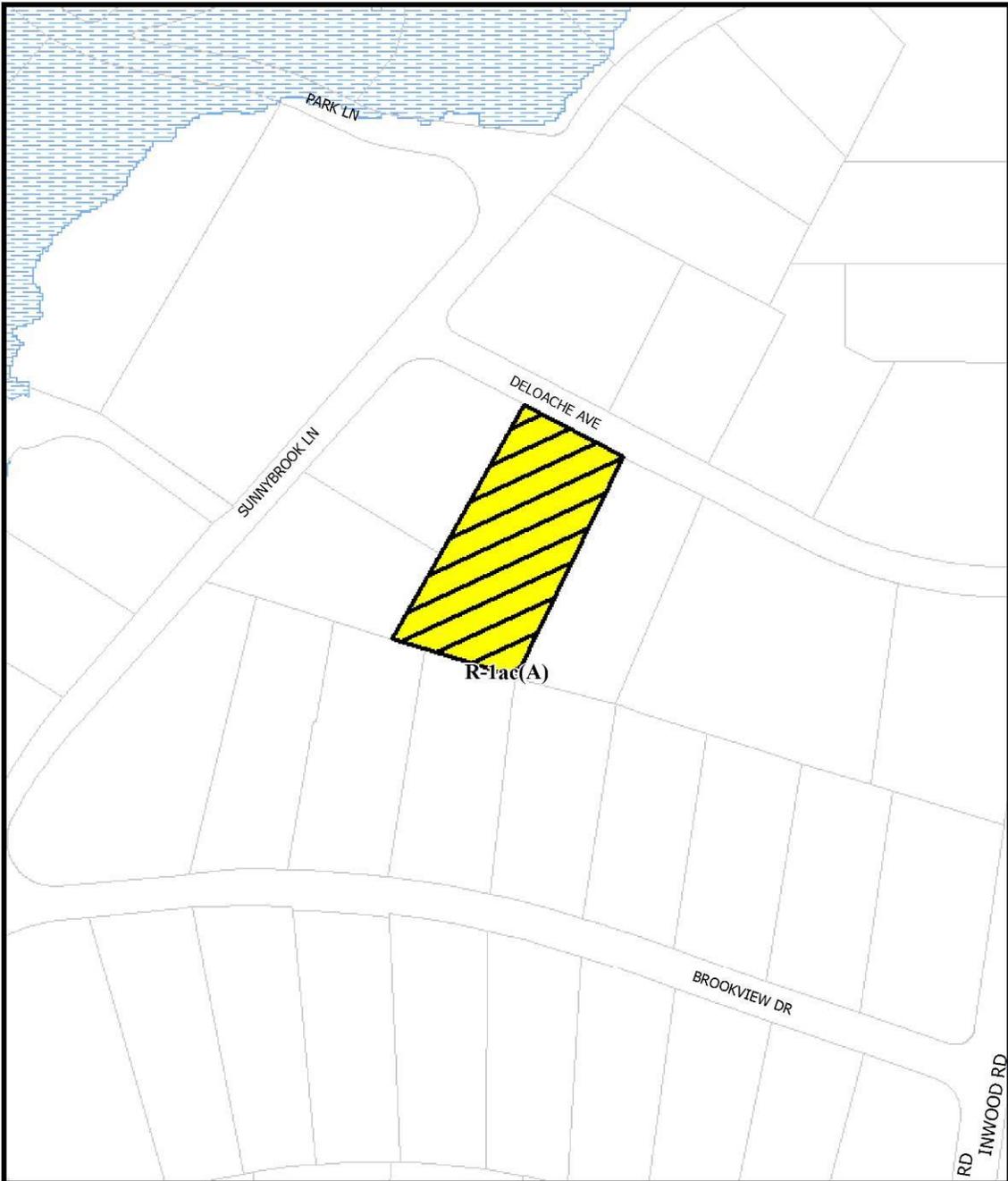
January 6, 2016: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

January 6, 2016: The Board Administrator contacted the applicant and emailed him the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the January 27th deadline to submit additional evidence for staff to factor into their analysis; and the February 5th 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."

February 2, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for February public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Sustainable Development and Construction Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Project Engineers, and the Assistant City Attorneys to the Board.

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

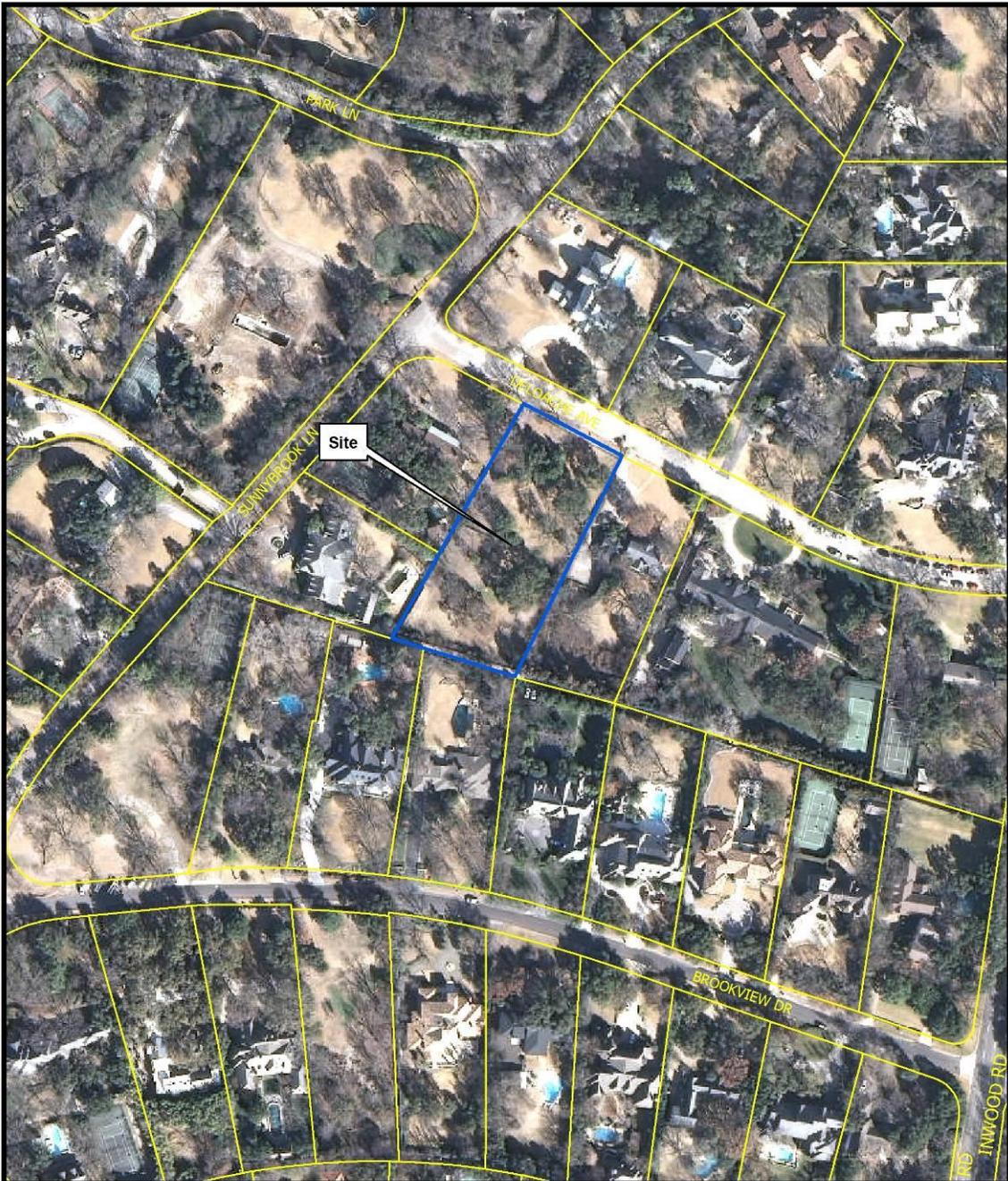


1:2,400

ZONING MAP

Case no: BDA156-007

Date: 1/20/2016



1:2,400

AERIAL MAP

Case no: BDA156-007

Date: 1/20/2016



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-007

Data Relative to Subject Property:

Date: 12-2-15

Location address: 4926 Deloache Ave., Dallas, TX 75220

Zoning District: R-120(A)

Lot No.: 12 Block No.: 11/5584 Acreage: _____ Census Tract: 706.00

Street Frontage (in Feet): 1) 176' 2) _____ 3) _____ 4) _____ 5) _____ NE 2A

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Terra Loam, LLC

Applicant: Tony Visconti

Telephone: (214) 232-3690

Mailing Address: Bella Custom Homes, Inc., P.O. Box 516, Addison, TX 75001

E-mail Address: tony@bellacustomhomes.com

Represented by: Darren Marlowe

Telephone: (214) 995-0706

Mailing Address: Law Office of Darren Marlowe, PLLC, 6709 Vanderbilt Ave., Dallas, TX 75214

E-mail Address: darren@lawofficedm.com

Affirm that an appeal has been made for a Variance _____, or Special Exception X, of 6'-6" for the fence height in a front yard.

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: The special exception will not adversely affect neighboring property, [City Code §51A-4, 602(a)(6)], because the other fences in the neighborhood and on neighboring properties are of similar height and design. This proposed fence will complement the neighborhood and adjoining properties.

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

Affidavit

Before me the undersigned on this day personally appeared Tony Visconti, President of Bella Custom Homes, Inc., who on his oath certifies that the above statements are true and correct to his best knowledge and that he is the owner/or principal/or authorized representative of the subject property.

Respectfully submitted: [Signature] Tony Visconti

Subscribed and sworn to before me this 24 day of November, 2015

(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

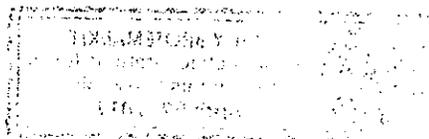
Building Official's Report

I hereby certify that Tony Visconti
represented by Darren Marlowe
did submit a request for a special exception to the fence height regulations
at 4926 Deloache Avenue

BDA156-007. Application of Tony Visconti represented by Darren Marlowe for a special exception to the fence height regulations at 4926 Deloache Avenue. This property is more fully described as Lot 12, Block 11/5584, and is zoned R-1ac(A), which limits the height of fence in the front yard to 4 feet. The applicant proposes to construct a 10 foot 6 inch high fence in a required front yard; which will require a 6 foot 6 inch special exception to the fence regulation.

Sincerely,


Larry Holmes, Building Official



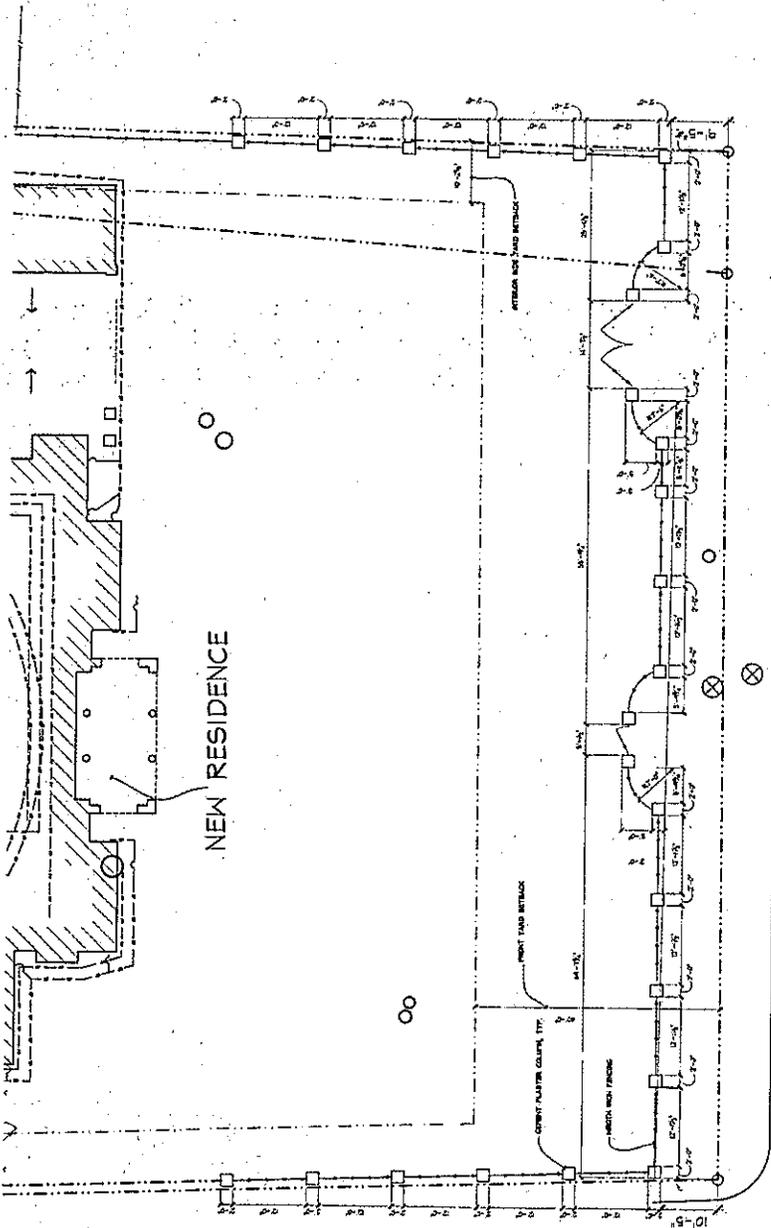
City of Dallas

Internal Development Research Site

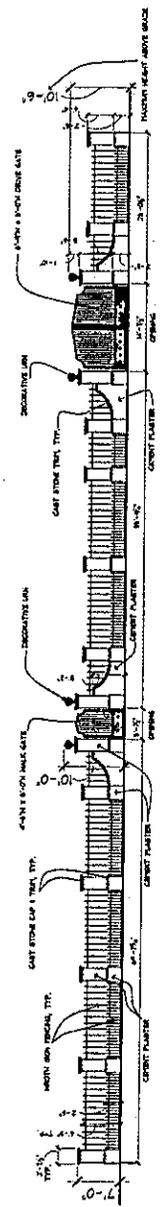
Legend

BDA 156-007



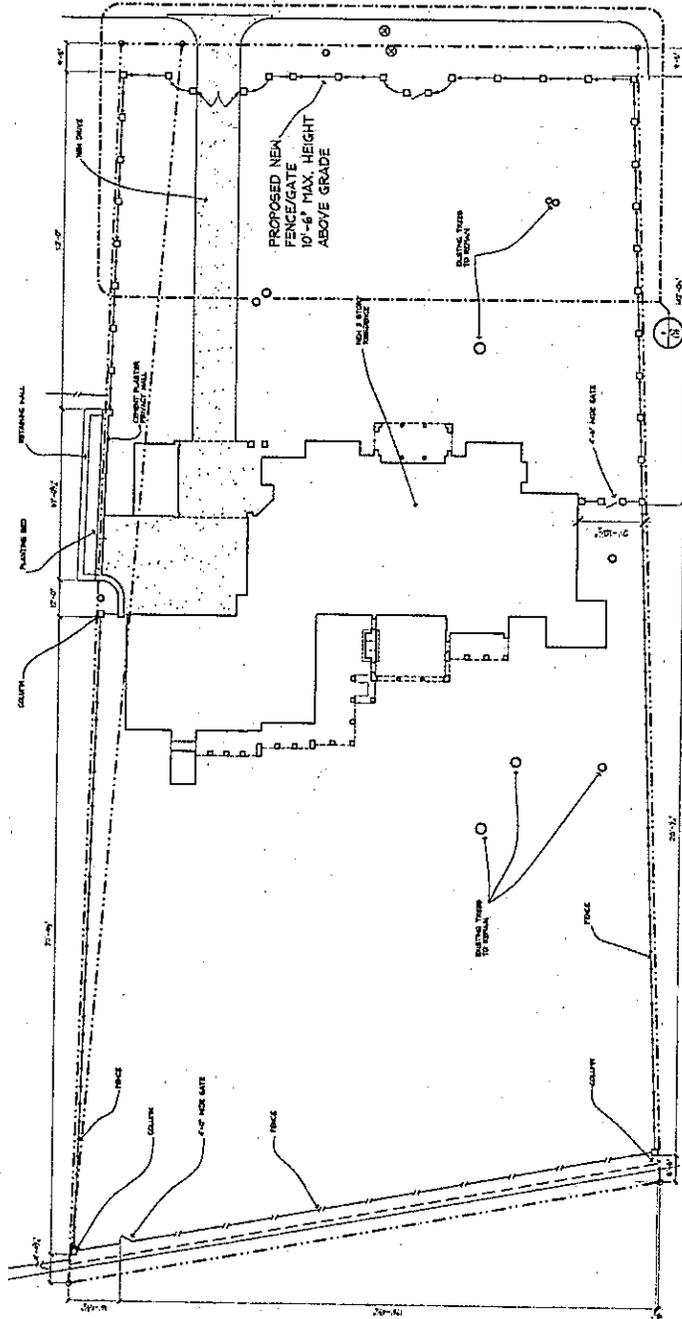


1. DEOACHIE FRONT FENCE / GATE PLAN
SCALE: 1/8" = 1'-0"



2. DEOACHIE FRONT FENCE / GATE ELEVATION
SCALE: 1/8" = 1'-0"

	PROJECT INFORMATION PROJECT NO. 156-007 PROJECT NAME DEOACHIE FRONT FENCE PLAN & ELEVATION	SHEET NO. A2
	DESIGNER INFORMATION DESIGNER NAME DESIGNER ADDRESS DESIGNER PHONE DESIGNER FAX	PROJECT NO. 156-007



PROJECT NO. 15-0000000000
 PROJECT NAME: DELOACH FENCE SITE PLAN
 PROJECT LOCATION: 10000 DELOACH DRIVE, HOUSTON, TX 77036
 PROJECT DATE: 12/2015

PREPARED BY: [Name]
 CHECKED BY: [Name]
 DATE: 12/2015

SCALE: 1/8" = 1'-0"
 SHEET NO. 1-11



The letter 'N' indicates no information available

The number '0' indicates City of Dallas Ownership

 1:2,400	NOTIFICATION	Case no: BDA156-007			
	<table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">12</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	12	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
12	NUMBER OF PROPERTY OWNERS NOTIFIED				

Notification List of Property Owners

BDA156-007

12 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4926 DELOACHE AVE	TERRA LOAM LLC
2	5007 DELOACHE AVE	KIRK JAMES C & MIRJAM
3	4923 DELOACHE AVE	GREENSTONE DAVID C & JOANNA
4	4831 BROOKVIEW DR	HARMON ERIC P & STEPHANIE G
5	4907 BROOKVIEW DR	GILMORE JOHN R & LINDA LB
6	4911 BROOKVIEW DR	DESANTIS NUNZIO M TR & SHEILA M TR
7	4939 BROOKVIEW DR	SCHNITZER KENNETH L JR &
8	4938 DELOACHE AVE	HAEMISEGGER DAVID J &
9	4923 BROOKVIEW DR	URSCHEL HAROLD C III &
10	5006 DELOACHE AVE	HAEMISEGGER DAVID J &
11	4906 DELOACHE AVE	BECKWITT RICHARD &
12	9346 SUNNY BROOK LN	AUGUST THOMAS F & MARILYN J

FILE NUMBER: BDA156-012(SL)

BUILDING OFFICIAL'S REPORT: Application of David Diamond, represented by John Alexander, for a special exception to the single family use regulations at 6127 Yorkshire Drive. This property is more fully described as Lot 16, Block 5/6378, and is zoned R-16(A), which limits the number of dwelling units to one. The applicant proposes to construct and maintain an additional dwelling unit, which will require a special exception to the single family zoning use regulations.

LOCATION: 6127 Yorkshire Drive

APPLICANT: David Diamond
Represented by John Alexander

REQUEST:

A request for a special exception to the single family use development standard regulations is made to construct and maintain a 2-story cabana/additional "dwelling unit" structure on a site being developed with a 2-story main single family home/dwelling unit structure.

STANDARD FOR A SPECIAL EXCEPTION TO THE SINGLE FAMILY USE DEVELOPMENT STANDARDS REGULATIONS TO AUTHORIZE AN ADDITIONAL DWELLING UNIT:

The board may grant a special exception to the single family use development standards 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.

STAFF RECOMMENDATION:

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.

BACKGROUND INFORMATION:

Zoning:

Site: R-16(A) (Single family district 16,000 square feet)
North: R-16(A) (Single family district 16,000 square feet)
South: R-16(A) (Single family district 16,000 square feet)
East: R-16(A) (Single family district 16,000 square feet)
West: R-16(A) (Single family district 16,000 square feet)

Land Use:

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

Zoning/BDA History:

There 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:

- This request focuses on constructing and maintaining a 2-story cabana/additional “dwelling unit” structure on a site being developed with a 2-story main single family home/dwelling unit structure.
- The site is zoned R-1ac (A) where the Dallas Development Code permits one dwelling unit per lot.
- The single family use regulations of the Dallas Development Code state that only one dwelling unit may be located on a lot, and that the board of adjustment may grant a special exception to this provision and authorize an additional dwelling unit on a lot when, in the opinion of the board, the special exception will not: 1) be contrary to the public interest; or 2) adversely affect neighboring properties.
- The Dallas Development Code defines “single family” use as “one dwelling unit located on a lot;” and a “dwelling unit” as “one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.”
- The Dallas Development Code defines “kitchen” as “any room or area used for cooking or preparing food and containing one or more ovens, stoves, hot plates, or microwave ovens; one or more refrigerators; and one or more sinks. This definition does not include outdoor cooking facilities.”
- The Dallas Development Code defines “bathroom” as “any room used for personal hygiene and containing a shower or bathtub, or containing a toilet and sink.”

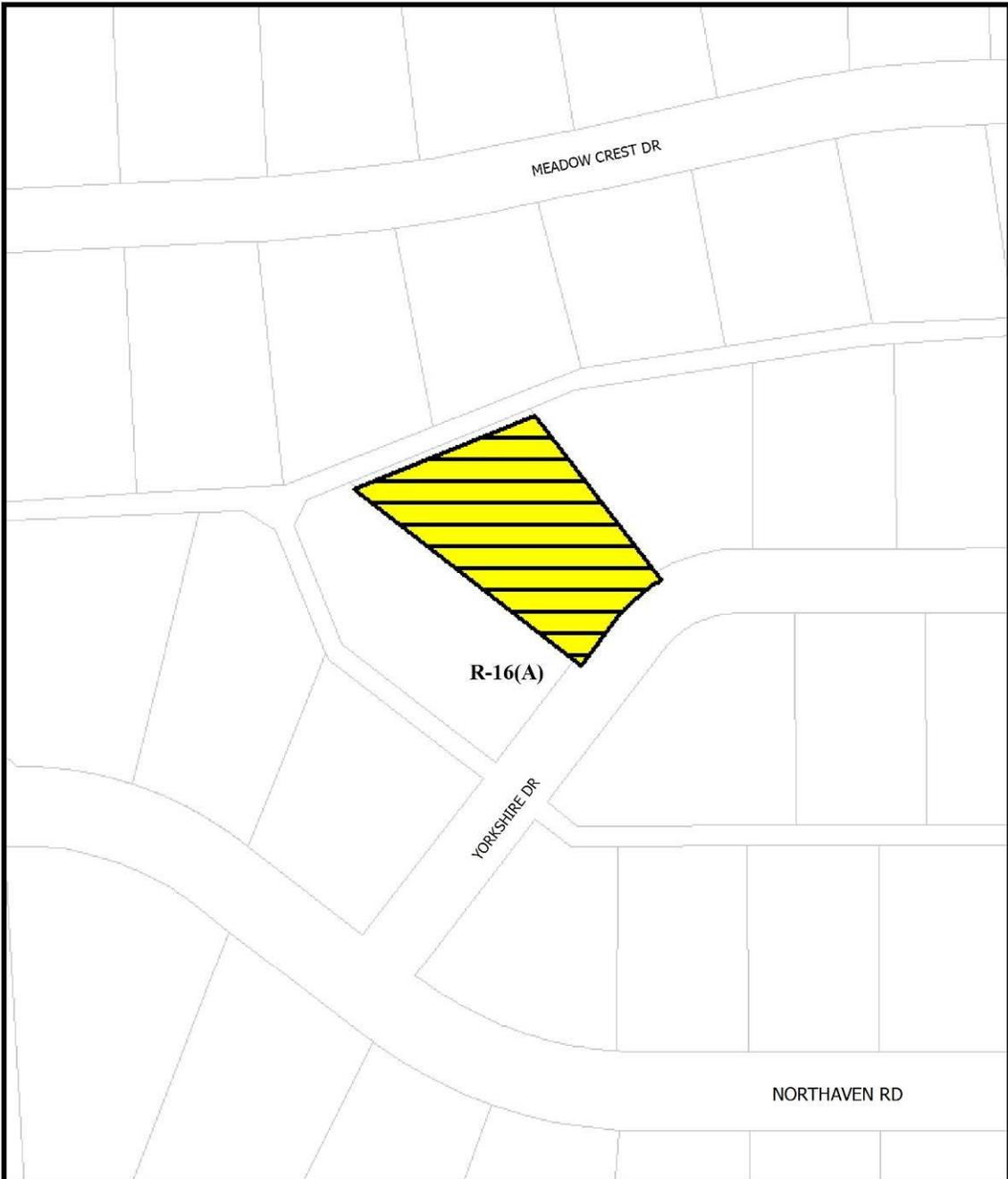
- The Dallas Development Code defines “bedroom” as “any room in a dwelling unit other than a kitchen, dining room, living room, bathroom, or closet. Additional dining rooms and living rooms, and all dens, game rooms, sun rooms, and other similar rooms are considered bedrooms.”
- The submitted site plan denotes the locations of two building footprints, the larger of the two denoted as “two story stone and brick” and the smaller of the two with denoted as “two story cabana 25% of main house”. The latter structure has been deemed by Building Inspection, given what is denoted on a submitted site plan as an additional dwelling unit - that is per Code definition: “one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.”
- The site plan represents the sizes and locations of the two building footprints relative to the entire lot.
- This request appears to center on the function of what is proposed to be inside the smaller structure on the site – the “two story cabana” structure. The applicant has written the following: “the cabana plan for 6127 Yorkshire complies with all requirements by the city of Dallas with the exception of the wall that reflects a refrigerator, stove, dishwasher which comprises a kitchen..... It complies with all other City of Dallas building specifications....size, height, percent of main dwelling and any other requirements have been met...”
- DCAD records indicate “main improvement” for the property at 6127 Yorkshire Drive to be a structure with 6,741 square feet of living area/total area built in 2015, and the “additional improvements” to be the following: a 323 square foot attached garage, a 528 square foot attached garage, and a 390 square foot outdoor living area.
- The applicant has the burden of proof in establishing that the additional dwelling unit will not be used as rental accommodations (by providing deed restrictions, if approved) and will not adversely affect neighboring properties.
- If the Board were to approve this request, the Board may choose to impose a condition that the applicant comply with the site plan if they feel it is necessary to ensure that the special exception will not adversely affect neighboring properties. But granting this special exception request will not provide any relief to the Dallas Development Code regulations other than allowing an additional dwelling unit on the site (i.e. development on the site must meet all required code requirements).
- 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.

Timeline:

- December 15, 2015: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- January 6, 2016: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

- January 6, 2016: The Board Administrator contacted the applicant and emailed him the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the January 27th deadline to submit additional evidence for staff to factor into their analysis; and the February 5th 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."
- January 25, 2016: The applicant's representative submitted additional information to staff beyond what was submitted with the original application (see Attachment A).
- February 2, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for February public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Sustainable Development and Construction Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Project Engineers, and the Assistant City Attorneys to the Board.

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

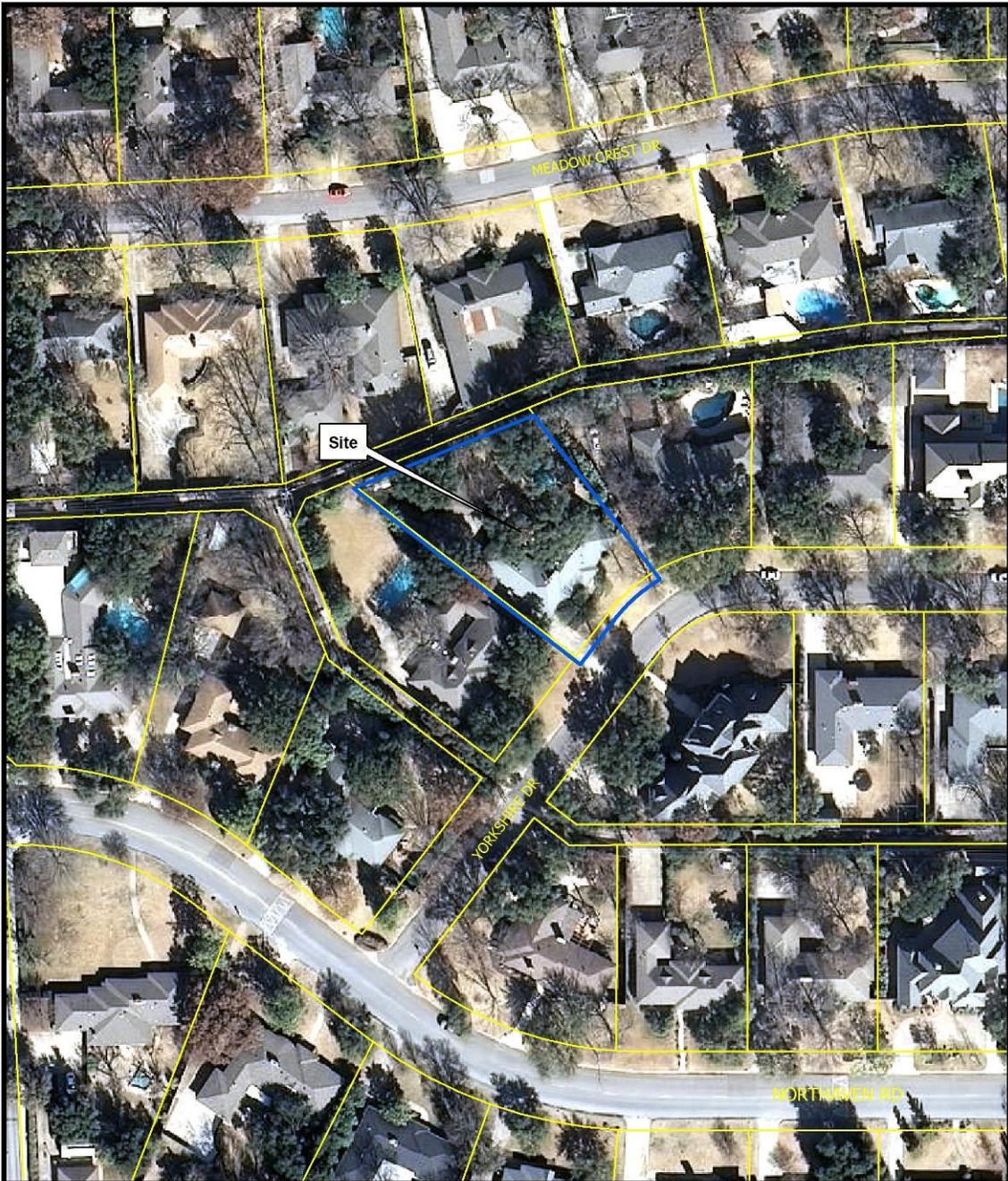


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ZONING MAP

Case no: BDA156-012

Date: 1/20/2016



1:1,200

AERIAL MAP

Case no: BDA156-012

Date: 1/20/2016

BDA156-012
A Hesh A
PS1

Long, Steve

From: Long, Steve
Sent: Tuesday, January 26, 2016 6:03 AM
To: 'John L Alexander'
Cc: Moorman, Donna; Duerksen, Todd; Morrison, Laura
Subject: RE: BDA156-012, Property at 6127 Yorkshire Drive

Thank you, Mr. Alexander.

I will print this email and add it to your file.

Steve

From: John L Alexander [<mailto:jla918@att.net>]
Sent: Monday, January 25, 2016 3:27 PM
To: Long, Steve
Subject: RE: BDA156-012, Property at 6127 Yorkshire Drive

Hello Steve,

As we discussed earlier the Cabana plan for 6127 Yorkshire complies with all requirements by the city of Dallas with the exception of the wall that reflects a refrigerator, stove, dishwasher which comprises a kitchen..... It complies with all other City of Dallas building specifications....size, height, percent of main dwelling and any other requirements have been met...

Thank you,

Larry Alexander
Archway Homes
214-507-7864

From: Long, Steve [<mailto:steve.long@dallascityhall.com>]
Sent: Monday, January 25, 2016 8:47 AM
To: jla918@att.net
Subject: FW: BDA156-012, Property at 6127 Yorkshire Drive

Dear Mr. Alexander,

Once again, I am wondering if you are able to represent to the board that if your special exception request were denied, that the "two story cabana" as shown on your submitted site plan could be modified and maintained with merely modifications to the function/use inside it (or to the floor plan) since the structure as it is represented on your submitted site plan complies with all other applicable zoning code development standards other than the single family use provisions in Chapter 51A since no application has been made for variance or special exception to any other zoning code provision.

Can you make this representation to the board?

Please write or call me at 214/670-4666 if you have any questions/concerns, or if I can be of any additional assistance to you on this application.

BDA 156-012
Attach A
PS 2

Thank you,

Steve

From: Long, Steve
Sent: Wednesday, January 06, 2016 12:47 PM
To: 'jla918@att.net'
Cc: Duerksen, Todd
Subject: BDA156-012, Property at 6127 Yorkshire Drive

Dear Mr. Alexander,

Here is information regarding the application to the board of adjustment at the address referenced above that you are representing for David Diamond most of which we just discussed on the phone:

1. The submitted application materials- all of which will be emailed to you, city staff, and the board of adjustment members in a docket report about a week ahead of your tentatively scheduled February 17th Board of Adjustment Panel B public hearing.
2. The single family use provisions from the Dallas Development Code that provides: a) the regulation from which you are seeking special exception from (51A-4.209(6)(A)); b) the standard as to how the board is able to grant a special exception to this regulations (51A-4.209(6)(E)(v)); and c) the accessory structure provisions (51A-4.209(6)(vii)).
3. A sample deed restriction template that you would be required to submit after your public hearing once and if your request is granted by the board.
4. A document that provides your public hearing date and other deadlines for submittal of additional information to staff/the board.
5. The board's rule pertaining to documentary evidence.

Please carefully review the attached application materials to make sure they are complete, and within these materials, the Building Official's Report/second page of the application (page 2 of 5 in these attached materials). Please contact Todd Duerksen at 214/948-4475 no later than noon, Wednesday, January 27th with regard to any amendment that you feel is necessary to address the issue at hand. (Note that the discovery of any additional appeal needed beyond the requested single family use development standards special exception will result in postponement of the appeal until the panel's next regularly scheduled public hearing).

Lastly, would you be able to represent to the board that if your special exception request were denied, that the "two story cabana" as shown on your submitted site plan could be modified and maintained with merely modifications to the function/use inside it (or to the floor plan) since the structure as it is represented on your submitted site plan complies with all other applicable zoning code development standards other than the single family use provisions in Chapter 51A since no application has been made for any other zoning code provision?

Please write or call me at 214/670-4666 if you have any questions/concerns, or if I can be of any additional assistance to you on this application.

Thank you,

Steve

PS: If there is anything that you want to submit to the board on this application beyond what you have included in your application materials, please feel free to email it to steve.long@dallascityhall.com or mail it to me at the following address:

Steve Long, Board of Adjustment Administrator
City of Dallas Sustainable Development and Construction
1500 Marilla Street, Room 5BN
Dallas, Texas

BDA 156-012
Attach A
Pg 3



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-012

Data Relative to Subject Property:

Date: 12/15/2015

Location address: 6127 Yorkshire Dr. Zoning District: R-16(A)

Lot No.: 16 Block No.: 5/6378 Acreage: .65 Census Tract: 133.00

Street Frontage (in Feet): 1) 89.3 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): David Diamond & Suzanne Diamond

Applicant: David Diamond & Suzanne Diamond Telephone: 775-313-5430

Mailing Address: 6127 Yorkshire Dallas, texas Zip Code: 75230

E-mail Address: daviddiamond@yahoo.com

Represented by: John L Alexander Telephone: 214-507-7864

Mailing Address: 4115 Bretton Bay Lane Dallas, Texas Zip Code: 75287

E-mail Address: jla918@att.net

Affirm that an appeal has been made for a Variance __, or Special Exception X, of a kitchen in a pool cabana which constitutes a second dwelling.

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:

This addition will not have any adverse affect on neighboring property. It is simply a structure for the children to use as opposed to coming in and out of the main house with their friends.

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 David Diamond & Suzanne Diamond (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 14th day of DECEMBER 2015

[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 David Diamond
represented by JOHN ALEXANDER
did submit a request for a special exception to the single family regulations
at 6127 Yorkshire Drive

BDA156-012. Application of David Diamond represented by John Alexander for a special exception to the single family regulations at 6127 Yorkshire Drive. This property is more fully described as Lot 16, Block 5/6378, and is zoned R-16(A), which limits the number of dwelling units to one. The applicant proposes to construct an additional dwelling unit, which will require a special exception to the single family zoning use regulations.

Sincerely,


Larry Holmes, Building Official

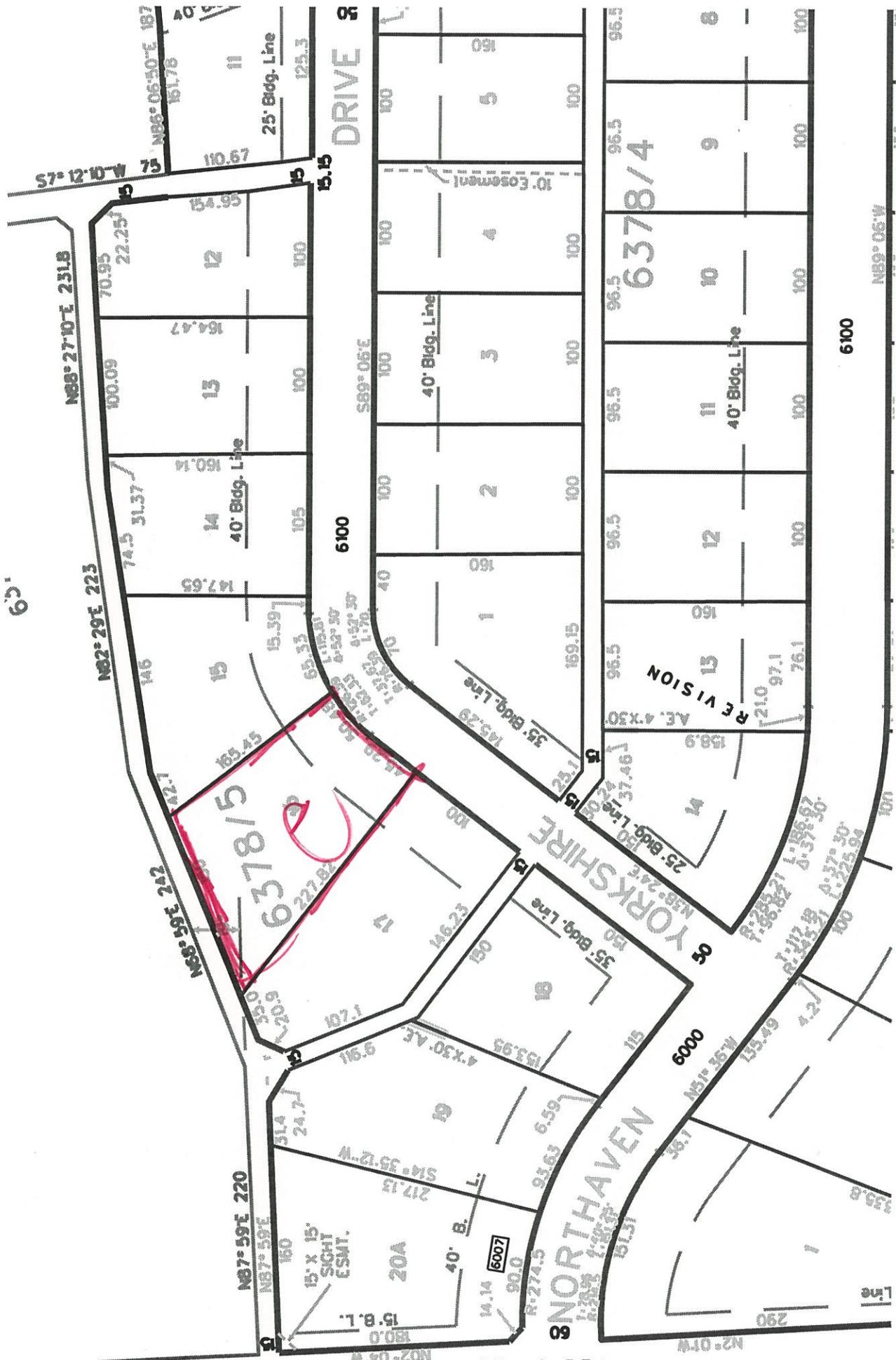
City of Dallas

Internal Development Research Site

Legend

Locate Property





63'

DRIVE

YORKSHIRE

NORTHAVEN

637814

637815

220

6000

6100

N89°06'W

N88°27'10"E 231.8

N82°29'E 223

N88°59'E 242

N87°59'E 220

N87°59'E

15' X 15' SIGHT TRIANGLE

40' B. L.

15.8 L.

14.14

90.0

15.14

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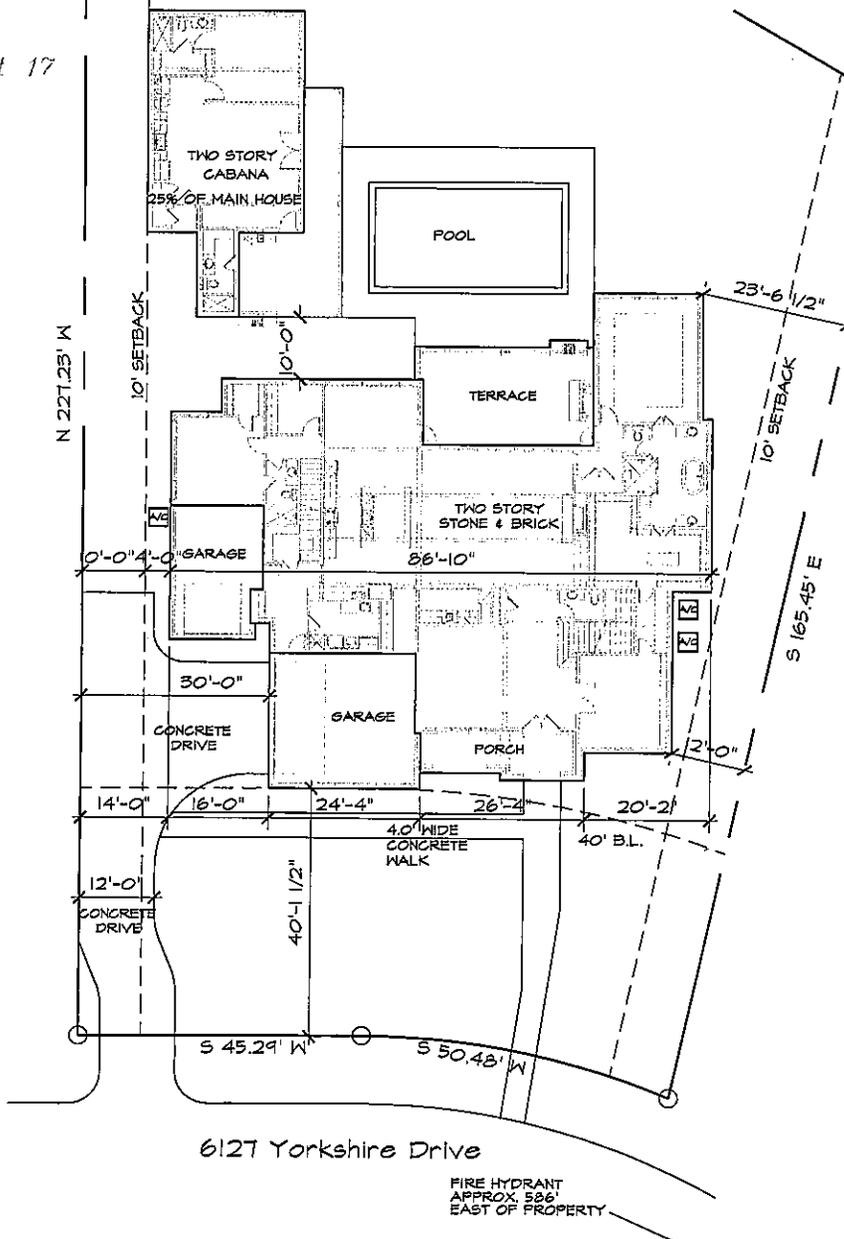
-14500

Lot 17

Lot 16
Block 5/6378

15' ALLEY
N 150.90° E

NO AIRDUCT OR HVAC
EQUIPMENT WILL BE
LOCATED IN GARAGE.



Lot 15

LOT AREA	= 22,215 SF
SLAB AREA	6,734 SF
COVERAGE	30%
NON-ROOFED AREA	16,903 S.F.
IMPERMEABLE COVERAGE	1756 S.F. OR 9.6%

ZONING: R-16 (A) per the City of Dallas Development Service and Zoning District.

6127 Yorkshire Drive

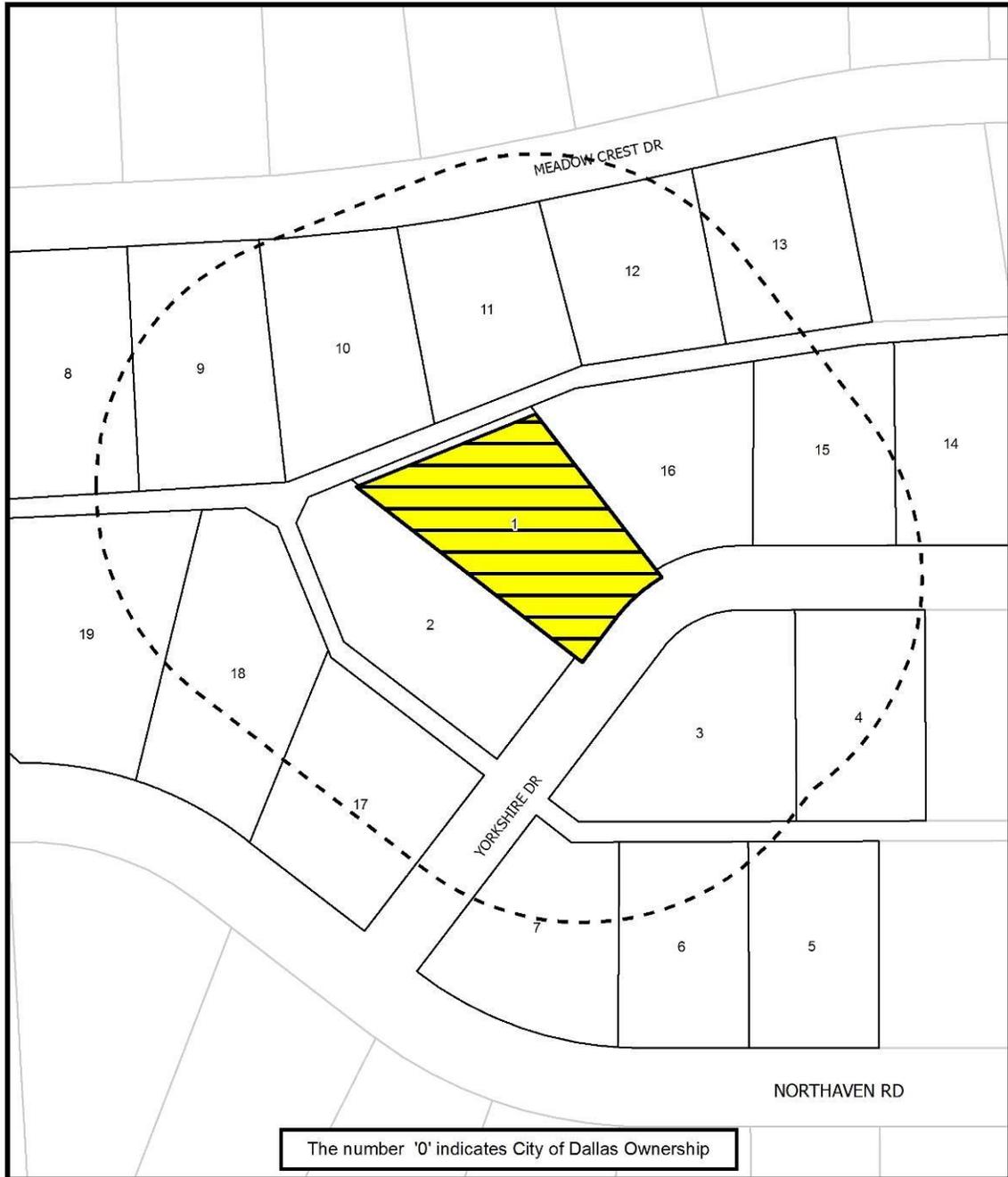
FIRE HYDRANT
APPROX. 526'
EAST OF PROPERTY

SITE PLAN

6127 Yorkshire Drive
Lot 16, Block 5/6378
Preston Haven - Dallas, Texas

SCALE: 1"=20'-0"
JOB 214038
DATE: 12/01/2014





 1:1,200	NOTIFICATION		Case no: BDA156-012
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">19</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 1/20/2016	

Notification List of Property Owners

BDA156-012

19 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6127 YORKSHIRE DR	DIAMOND DAVID & SUZANNE
2	6119 YORKSHIRE DR	FETT ROBERT A & BARBARA H
3	6130 YORKSHIRE DR	ABDO DANNY W &
4	6138 YORKSHIRE DR	BRYANS MARK A
5	6131 NORTHAVEN RD	FEINBERG PAULA MARIA
6	6123 NORTHAVEN RD	FIELDING DONALD B
7	6111 NORTHAVEN RD	BESSERA ROBERT & SOPHIA GONZALEZ
8	6006 MEADOW CREST DR	BOVARD JAMES W
9	6014 MEADOW CREST DR	JAYSON LOUISE LIVING TR
10	6022 MEADOW CREST DR	COLOCOUSIS JOHN S &
11	6030 MEADOW CREST DR	HOCKING MARGARET &
12	6040 MEADOW CREST DR	WALLINGFORD JOHN R III & BRENDA T LIVING TRUST
13	6106 MEADOW CREST DR	SINGHAL ANURADHA V
14	6149 YORKSHIRE DR	LUCE KENNETH W & NANCY P
15	6141 YORKSHIRE DR	PETERSON JOHN D & AUDREY L
16	6133 YORKSHIRE DR	BARNES GREGORY SCOTT & LORI S GOLDEN
17	6021 NORTHAVEN RD	SOLOMON GARY B & LISA B
18	6015 NORTHAVEN RD	DOUGHTY KYLE EDWARD & AMANDA C
19	6007 NORTHAVEN RD	GRIFFIN JACK D

FILE NUMBER: BDA156-013(SL)

BUILDING OFFICIAL'S REPORT: Application of Jonathan Stites, represented by Kori Haug of Bella Firma, Inc., for a special exception to the landscape regulations at 9209 Old Hickory Trail. This property is more fully described as Lot 22, Block A/7553, and is zoned IR, which requires mandatory landscaping. The applicant proposes to construct and maintain a structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

LOCATION: 9209 Old Hickory Trail

APPLICANT: Jonathan Stites
Represented by Kori Haug of Bella Firma, Inc.

REQUEST:

A special exception to the landscape regulations is made to construct and maintain an office/warehouse use/structure on a site currently under development, and not fully meet the landscape regulations.

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

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

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

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

- the extent to which there is residential adjacency;
- the topography of the site;
- the extent to which landscaping exists for which no credit is given under this article; and
- the extent to which other existing or proposed amenities will compensate for the reduction of landscaping.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted alternate landscape plan is required.

Rationale:

- The Chief Arborist recommends approval of the alternate landscape plan because the special exception will not adversely affect neighboring properties which have similar or industrial uses.
- Staff also concluded that strict compliance with the requirements of the landscape regulations (planting the required number of trees on the site) will unreasonably burden the use of the property because it is encumbered with a wide gas easement along the entire northern perimeter of the lot, large detention ponds to the east, and slope to a regional detention basin on the west.

BACKGROUND INFORMATION:

Zoning:

Site: IR (Industrial / research)
North: IR (Industrial / research)
South: City of Desoto
East: IR (Industrial / research)
West: City of Desoto

Land Use:

The subject site is under development. The areas to the north and east are developed with what appears to be office/warehouse uses; and the areas to the south and west in the City of Desoto are developed with multifamily 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:

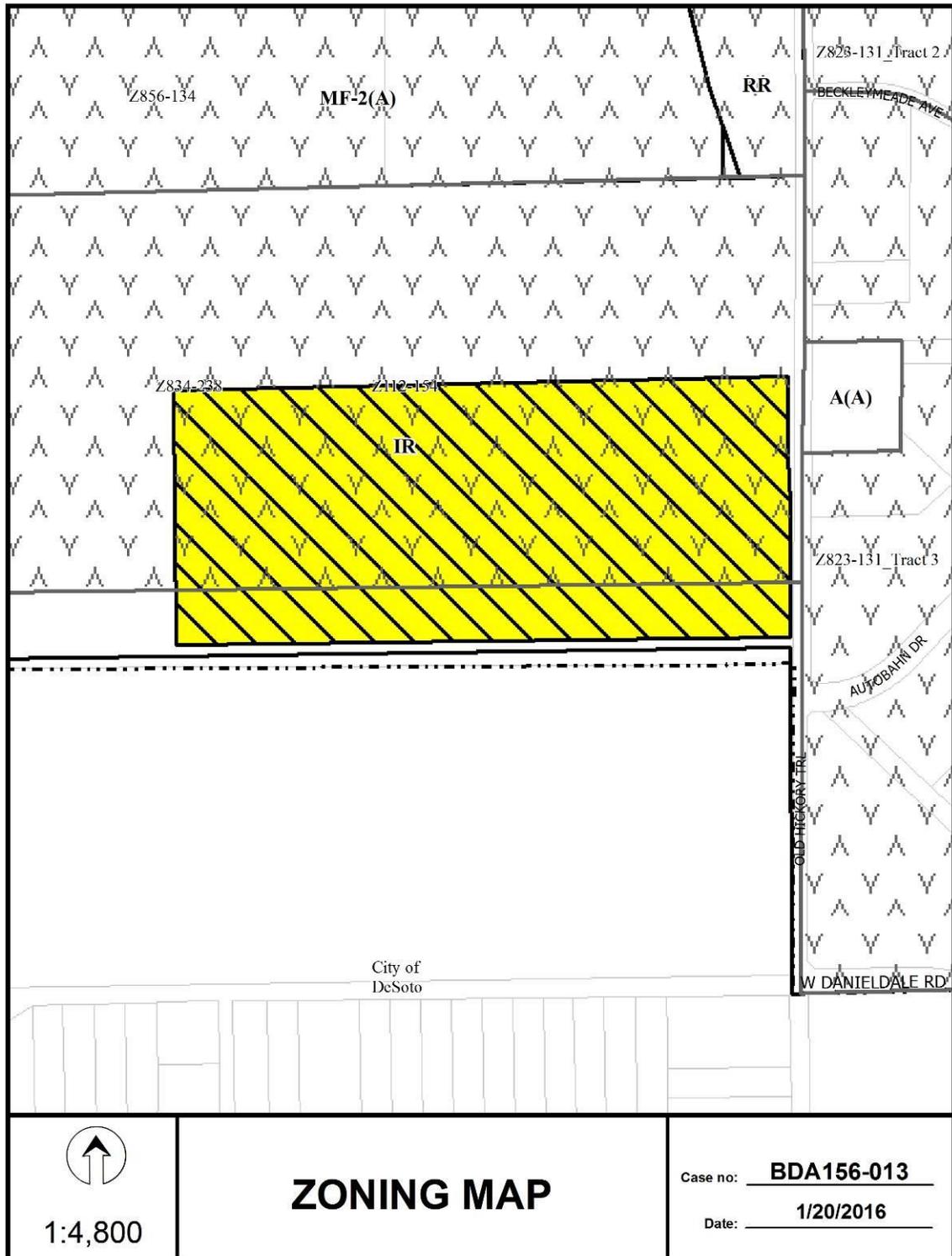
- This request focuses on developing the site with an office/warehouse use/structure and not fully meeting the landscape regulations, more specifically not providing the required number of trees.
- The Dallas Development Code requires full compliance with the landscape regulations when nonpermeable coverage on a lot or tract is increased by more than 2,000 square feet, or when work on an application is made for a building permit for

construction work that increases the number of stories in a building on the lot, or increases by more than 35 percent or 10,000 square feet, whichever is less, the combined floor areas of all buildings on the lot within a 24-month period.

- The City of Dallas Chief Arborist submitted a memo regarding the applicant's request (see Attachment A). The memo states how this request is triggered by a new construction of an office/warehouse use.
- With regard to how the proposal is deficient to the landscape regulations, the Chief Arborist stated that site trees are required for office/warehouse showroom uses at a ratio of one tree for every 4,000 square feet of lot area, or 419 trees; and that the proposed plan provides 280 trees for the approximately 38 acre lot, being generally at a rate of one tree for every 6,000 square feet of lot area. This is a deficiency of 139 site trees, but the planting level is standard for industrial uses.
- The Chief Arborist's memo lists the following factors for consideration:
 1. Section 51A-10.125(b)(3) states all lots, other than single family or duplex uses, must have one tree per 4,000 square feet, except for industrial uses in IM and IR districts where one tree per 6,000 square feet of lot area must be provided.
 2. Site trees may be provided with large or small (ornamental) trees, provided that all other requirements for Article X are met.
 3. The property is encumbered with a wide gas easement along the entire northern perimeter of the lot for 97,165 square feet, or 2.23 acres, and large detention ponds (143,200 square feet, or 3.28 acres) to the east. These areas are restrictive to planting trees and reducing for these areas would lower the requirement to 360 trees, being at a ratio of 1 tree per 4,657 square feet. The western perimeter also has a slope to a regional detention basin. The bulk of the site is paved for the structure and parking, and for the maneuvering of large vehicles to support its main use.
 4. The property is surrounded by more industrial and manufacturing uses, and is the middle tract of a 157 acre 'Master Planned Industrial Park' in Dallas and DeSoto. This particular property is currently under development as an office/showroom warehouse with a final use of the structure to be determined. The property to the north, which was recently constructed, is designated as an industrial use and is planted at 1:6,000 square feet for site trees.
 5. The proposed plan has no other Article X deficiencies. No trees are required for tree mitigation purposes.
- The City of Dallas Chief Arborist recommends approval of the submitted landscape because the special exception will not adversely affect neighboring properties which have similar or industrial uses.
- The applicant has the burden of proof in establishing the following:
 - Strict compliance with the requirements of the landscape regulations of the Dallas Development Code will unreasonably burden the use of the property; and the special exception will not adversely affect neighboring property.
- If the Board were to grant this request and impose the submitted landscape plan as a condition to the request, the site would be provided exception from full compliance with the required number of site trees on the subject site.

Timeline:

- December 10, 2015: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- January 6, 2016: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- January 6, 2016: The Board Administrator emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the January 27th deadline to submit additional evidence for staff to factor into their analysis; and the February 5th 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."
- The Board Administrator asked the applicant if she could represent that there are no publicly filed deed restrictions on the subject site, or if there are deed restrictions, that this request to the board of adjustment in no way violates any such deed restriction.
- January 14, 2016: The applicant emailed the Board Administrator stating that there are deed restrictions on the property but there are no restrictions that are related to, affect or regulate landscaping; and that the deed restrictions will not be impacted by this request of an alternate landscape plan
- February 2, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for February public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Sustainable Development and Construction Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Project Engineers, and the Assistant City Attorneys to the Board.
- No review comment sheets with comments were submitted in conjunction with this application.
- February 5, 2016: The City of Dallas Chief Arborist submitted a memo regarding this request (see Attachment A).



1:4,800

ZONING MAP

Case no: **BDA156-013**

Date: **1/20/2016**



Memorandum



CITY OF DALLAS

DATE February 5, 2016
TO Steve Long, Board of Adjustment Administrator
SUBJECT # BDA 156 · 013 9209 Old Hickory Trail

The applicant is requesting a special exception to the landscape requirements of Article X.

Trigger

New construction of an office/warehouse use in an IR zoning district.

Deficiencies

Site trees are required for office/warehouse showroom uses at a ratio of one tree for every 4,000 square feet of lot area, or 419 trees. The proposed plan provides 280 trees for the 38.49 acre lot, being generally at a rate of one tree for every 6,000 square feet of lot area. This is a deficiency of 139 site trees, but the planting level is standard for industrial uses.

Factors

Section 51A-10.125(b)(3) states all lots, other than single family or duplex uses, must have one tree per 4,000 square feet, except for industrial uses in IM and IR districts where one tree per 6,000 square feet of lot area must be provided.

Site trees may be provided with large or small (ornamental) trees, provided that all other requirements for Article X are met.

The property is encumbered with a wide gas easement along the entire northern perimeter of the lot for 97,165 sf, or 2.23 acres, and large detention ponds (143,200 sf, or 3.28 acres) to the east. These areas are restrictive to planting trees and reducing for these areas would lower the requirement to 360 trees, being at a ratio of 1 tree per 4,657 square feet. The western perimeter also has a slope to a regional detention basin. The bulk of the site is paved for the structure and parking, and for the maneuvering of large vehicles to support its main use.

The property is surrounded by more industrial and manufacturing uses, and is the middle tract of a 157 acre 'Master Planned Industrial Park' in Dallas and DeSoto. This particular property is currently under development as an office/showroom warehouse with a final use of the structure to be determined. The property to the north, which was recently constructed, is designated as an industrial use and is planted at 1:6,000 square feet for site trees.

BDA 156-013

Attach A

Pg 2

The proposed plan has no other Article X deficiencies. No trees are required for tree mitigation purposes.

Recommendation

The chief arborist recommends approval of the proposed landscape plan because the special exception will not adversely affect neighboring properties which have similar or industrial uses.

Philip Erwin, ISA certified arborist #TX-1284(A)
Chief Arborist



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-013

Data Relative to Subject Property:

Date: 12-10-15

Location address: 9209 Old Hickory Trail, Dallas 75237 Zoning District: IR

Lot No.: Lot 22 Block No.: A/7553 Acreage: 38.49 Census Tract: 166.05

Street Frontage (in Feet): 1) 849 2) 3) 4) 5) SWTA

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): US REAL ESTATE LIMITED PARTNERSHIP

Applicant: JONATHAN STITES, SECURED INDUSTRIAL PROPERTIES, INC. Telephone: 214-373-6066

Mailing Address: 3030 LBJ Freeway, Suite 1650, Dallas, TX 75234 Zip Code: 75234

E-mail Address: jstites@securedproperties.com

Represented by: Kori Haug of Belle Firma, Inc. Telephone: 214.865.7192

Mailing Address: 4245 N. Central Expy, Suite 501 Dallas, Texas Zip Code: 75205

E-mail Address: khaug@bellefirma.com

Affirm that an appeal has been made for a Variance __, or Special Exception X, of the landscape regulations, Article X. Specifically, the request is for a reduction for the total amount of site trees on the property which deviates from the requirements of Section 51A-10.125(b)(3).

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: The applicant requests to plant site trees at a stated ratio of 1 tree per 6,000 s.f. (280 trees) of cumulative lot area, which is the equivalent of an industrial use in an IM or IR district under Article X. The true amount of trees to be planted is actually 1 tree per 6,000 s.f. of lot area (280) trees of 38.49 acres. Office/warehouse uses require trees at 1 tree per 4,000 s.f. (419) trees. This would be a deficiency of 139 trees.

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 JONATHAN STITES (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 10th day of December, 2015

(Rev. 08-01-11)

Notary Public, Georgia DeKalb County, Texas My Commission Expires August 8, 2018 Molly West DeKalb County, Georgia

**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 Jonathan Stites
 represented by Kori Haug
 did submit a request for a special exception to the landscaping regulations
 at 9209 Old Hickory Trail

BDA156-013. Application of Jonathan Stites represented by Kori Haug for a special exception to the landscaping regulations at 9209 Old Hickory Trail. This property is more fully described as Lot 22, Block A/7553, and is zoned IR, which requires mandatory landscaping. The applicant proposes to construct a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulation

Sincerely,


 Larry Holmes, Building Official

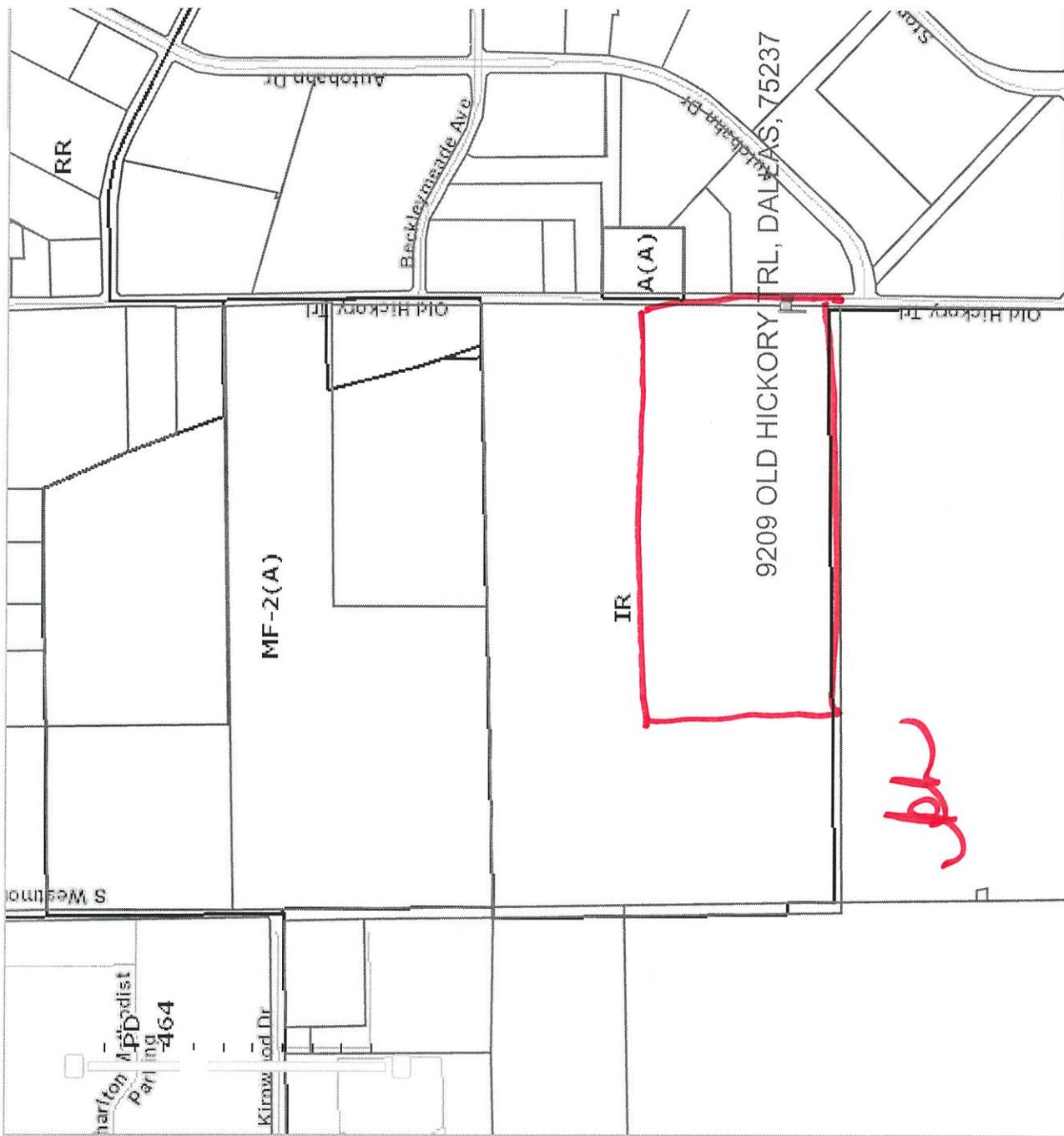
City of Dallas

Internal Development Research Site

Legend

BDA 145-013

3-12



OWNER'S DECLARATION

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That the property on SOUTHWEST 200th Street, Dallas, Texas, being more particularly described as follows: ...

By: _____ day of _____, 2010.

FINAL PLAT SOUTHFIELD 200 LOTS 21 AND 22, BLOCK A7553

BEING PART OF CITY BLOCK 7553 OFFICIAL AND BEING OUT OF THE ISAAC WILEY SURVEY, ABSTRACT NO. 1545, CITY OF DALLAS, DALLAS COUNTY, TEXAS. ENGINEERING PLAN NUMBER: 3117-

SHEET 2 OF 2

Pacheco Koch logo and contact information: PACHICO KOCH & ASSOCIATES, INC. 2500 N. CENTRAL EXPRESSWAY, SUITE 1000 DALLAS, TEXAS 75208

OWNER: PACHICO KOCH & ASSOCIATES, INC. 2500 N. CENTRAL EXPRESSWAY, SUITE 1000 DALLAS, TEXAS 75208 CONTACT: RICHARD OLIVER

OWNER: PACHICO KOCH & ASSOCIATES, INC. 2500 N. CENTRAL EXPRESSWAY, SUITE 1000 DALLAS, TEXAS 75208 CONTACT: RICHARD OLIVER

DEFLECTION AREA EASEMENT STATEMENT

The proposed deflection area easement shall be in the form of a right-of-way easement for the maintenance and repair of the water main and sewer lines within the Deflection Area...

The Deflection Area in Block A7553, as in the case of all Deflection Areas, is subject to Easement A7553, as in the case of all Deflection Areas, which shall be a permanent easement for the maintenance and repair of the water main and sewer lines within the Deflection Area...

OWNER'S CERTIFICATE

WHEREAS, US Real Estate Limited Partnership is the owner of a 50.967 acre tract of land situated in the State of Texas, being more particularly described as follows: ...

North 00 degrees, 10 minutes, 10 seconds East, a distance of 93.48 feet to 1/2-inch iron rod with "PACHICO KOCH" cap found for an angle point...

South 00 degrees, 24 minutes, 20 seconds East, a distance of 254.52 feet to a 3/4-inch aluminum disk stamped "PACHICO KOCH" set for the beginning of a tangent curve to the left...

Along said curve to the left, having a central angle of 98 degrees, 48 minutes, 48 seconds, a radius of 1,026.00 feet, a chord bearing S 20 degrees 20' 00" West of degree, 48 minutes, 02 seconds East, 112.80 feet, on one distance of 112.80 feet to a 3/4-inch aluminum disk stamped "PACHICO KOCH" set for the beginning of a reverse curve to the right...

South 00 degrees, 24 minutes, 20 seconds West, 61 feet to a 1/2-inch iron rod with a 3/4-inch aluminum disk stamped "PACHICO KOCH" set for the beginning of a tangent curve to the left...

SUBSCRIBER'S STATEMENT

I, MICHAEL C. OLIVER, a Registered Professional Land Surveyor, licensed by the State of Texas, certify that this plat was prepared under my direct supervision, from received measurements, evidence collected on the ground during field operations, and other reliable information, and that I am a duly licensed and qualified surveyor under the laws of the State of Texas...

PRELIMINARY

NO CORRECTIVE ACTION WAS REQUIRED FOR ANY OF THE ABOVE DESCRIBED DEFLECTION AREAS.

Michael C. Oliver, Registered Professional Land Surveyor, No. 3353

STATE OF TEXAS COUNTY OF DALLAS

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

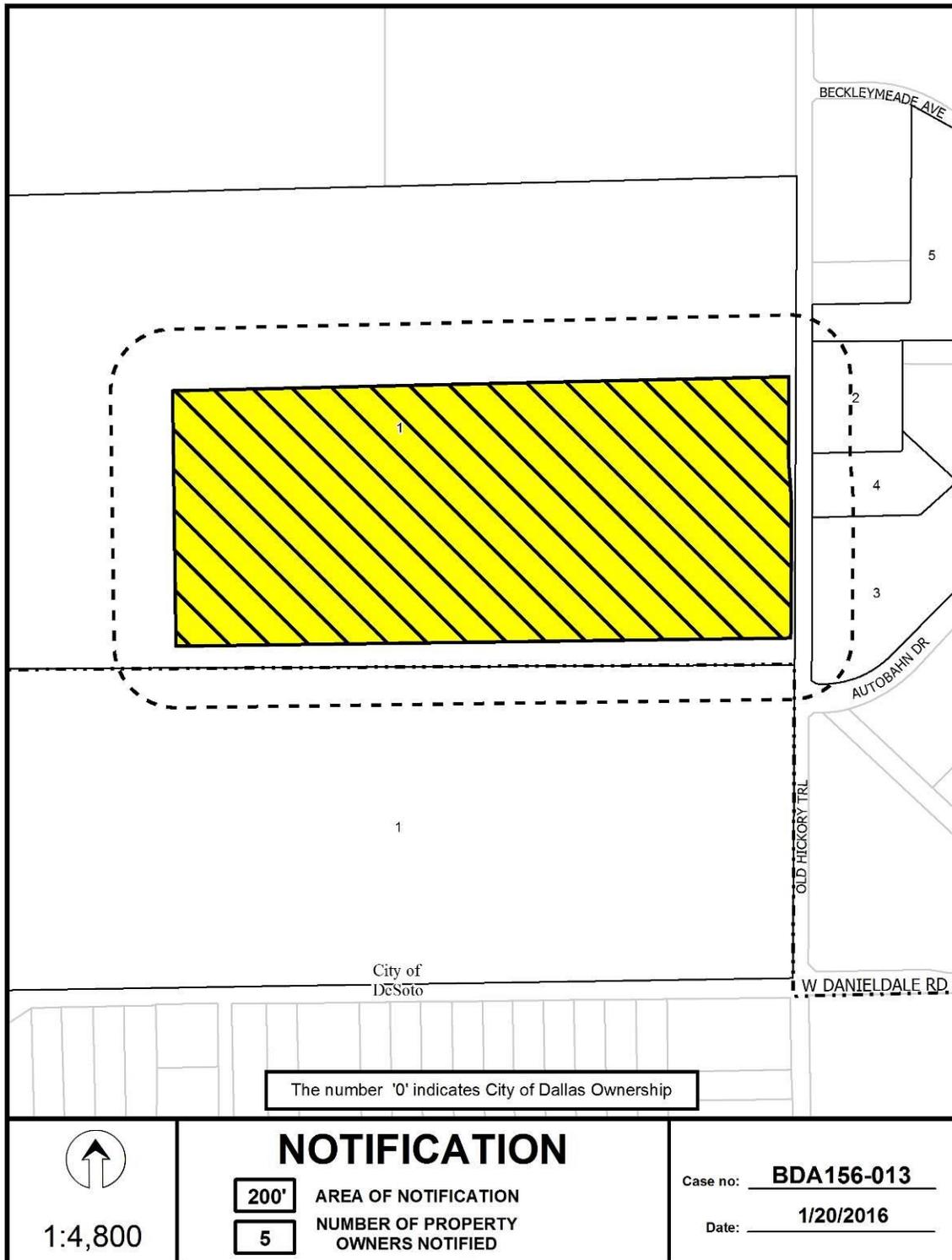
I, MICHAEL C. OLIVER, a Registered Professional Land Surveyor, licensed by the State of Texas, certify that this plat was prepared under my direct supervision, from received measurements, evidence collected on the ground during field operations, and other reliable information, and that I am a duly licensed and qualified surveyor under the laws of the State of Texas...

STATE OF TEXAS COUNTY OF DALLAS

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Michael C. Oliver, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2010.

Notary Public in and for the State of Texas



Notification List of Property Owners

BDA156-013

5 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	9201 OLD HICKORY TRL	US REAL ESTATE LP
2	9000 OLD HICKORY TRL	ENSERCH CORP
3	9031 AUTOBAHN DR	STONERIDGE I20 AT
4	9100 OLD HICKORY TRL	TEXAS UTILITIES ELEC CO
5	9005 AUTOBAHN DR	MM IND STONERIDGE I LP

FILE NUMBER: BDA156-017(SL)

BUILDING OFFICIAL'S REPORT: Application of Danny Sipes for a special exception to the landscape regulations at 5021 Bowser Avenue. This property is more fully described as Lot 13-17 & part of 12, Block 2/2457, and is zoned PD-193 (LC), which requires mandatory landscaping. The applicant proposes to increase nonpermeable coverage and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

LOCATION: 5021 Bowser Avenue

APPLICANT: Danny Sipes

REQUEST:

A request for a special exception to the landscape regulations is made to maintain nonpermeable coverage added to a lot currently developed with a vehicle display, sales, or service use, and not fully provide required landscaping.

STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPE REQUIREMENTS IN OAK LAWN:

Section 51P-193-126(a)(4) of the Dallas City Code specifies that the board may grant a special exception to the landscaping requirements of this section if, in the opinion of the Board, the special exception will not compromise the spirit and intent of this section. When feasible, the Board shall require that the applicant submit and that the property comply with a landscape plan as a condition to granting the special exception.

STAFF RECOMMENDATION:

Approval, subject to the following conditions:

1. Compliance with the submitted revised alternate landscape plan is required.
2. The landscape plant material specifications must conform to the minimum tree and screening requirements of Section 51P-193.126.

Rationale:

- The Chief Arborist recommends approval with the conditions listed above imposed because the special exception for sidewalk and tree planting dimensions will not compromise the spirit and intent of the of the landscape requirements of PD 193.

BACKGROUND INFORMATION:

Zoning:

Site: PD 193 (LC) (Planned Development District, Light Commercial)
North: PD 193 (LC) (Planned Development District, Light Commercial)
South: PD 193 (LC) (Planned Development District, Light Commercial)
East: PD 193 (LC) (Planned Development District, Light Commercial))
West: PD 193 (LC) (Planned Development District, Light Commercial)

Land Use:

The subject site is developed with a vehicle display, sales, or service use. The areas to the north and east are developed with multifamily use; and the areas to the south and west are developed with retail 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:

- This request focuses on maintaining nonpermeable coverage added to a lot currently developed with a vehicle display, sales, or service use, and not fully provide required landscaping. More specifically, according to the City of Dallas Chief Arborist, the features shown on the submitted revised alternate landscape plan would not conform to PD 193 landscape regulation standards related to the street trees and sidewalk location.
- PD 193 states that the landscape, streetscape, screening, and fencing standards shall become applicable to uses (other than to single family and duplex uses in detached structures) on an individual lot when work is performed on the lot that increases the existing building height, floor area ratio, or nonpermeable coverage of the lot unless the work is to restore a building that has been damaged or destroyed by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind.
- The City of Dallas Chief Arborist states in a memo (see Attachment B) that the request in this case is triggered by new construction of a surface parking lot on the property.
- The Chief Arborist notes that the submitted revised alternate landscape site plan is deficient in the following ways:
 1. Street Trees (193.126(b)(5)) are not planted between 2.5 to 5 feet from back of curb.
 2. The sidewalk (193.126(b)(4)) is not placed between 5 to 12 feet from back of curb.
- The Chief Arborist listed several factors for consideration:
 1. The required street trees are planted between 6' to 8' from back of curb.
 2. The 6' sidewalk is spaced greater than 14' from back of curb.

3. The proposed landscape plan complies with all other landscape requirements for the placement and number of plant materials. The proposed landscape plan does not specify the landscape materials or sizes installed.
- The Chief Arborist recommends approval of the proposed landscape plan, with condition, because the special exception for sidewalk and tree planting dimensions will not compromise the spirit and intent of the ordinance. (Condition: The landscape plant material specifications must conform to the minimum tree and screening requirements of Section 51P-193.126).
 - The applicant has the burden of proof in establishing the following:
 - The special exception (where a revised alternate landscape plan has been submitted that is deficient in meeting the street tree and sidewalk location requirements of the PD 193 landscape regulations) will not compromise the spirit and intent of Section 51P 193-126: “Landscape, streetscape, screening, and fencing standards”.
 - If the Board were to grant this request and impose the staff suggested conditions, the site would be granted exception from full compliance to the street tree and sidewalk location requirements of the PD 193 landscape regulations.

Timeline:

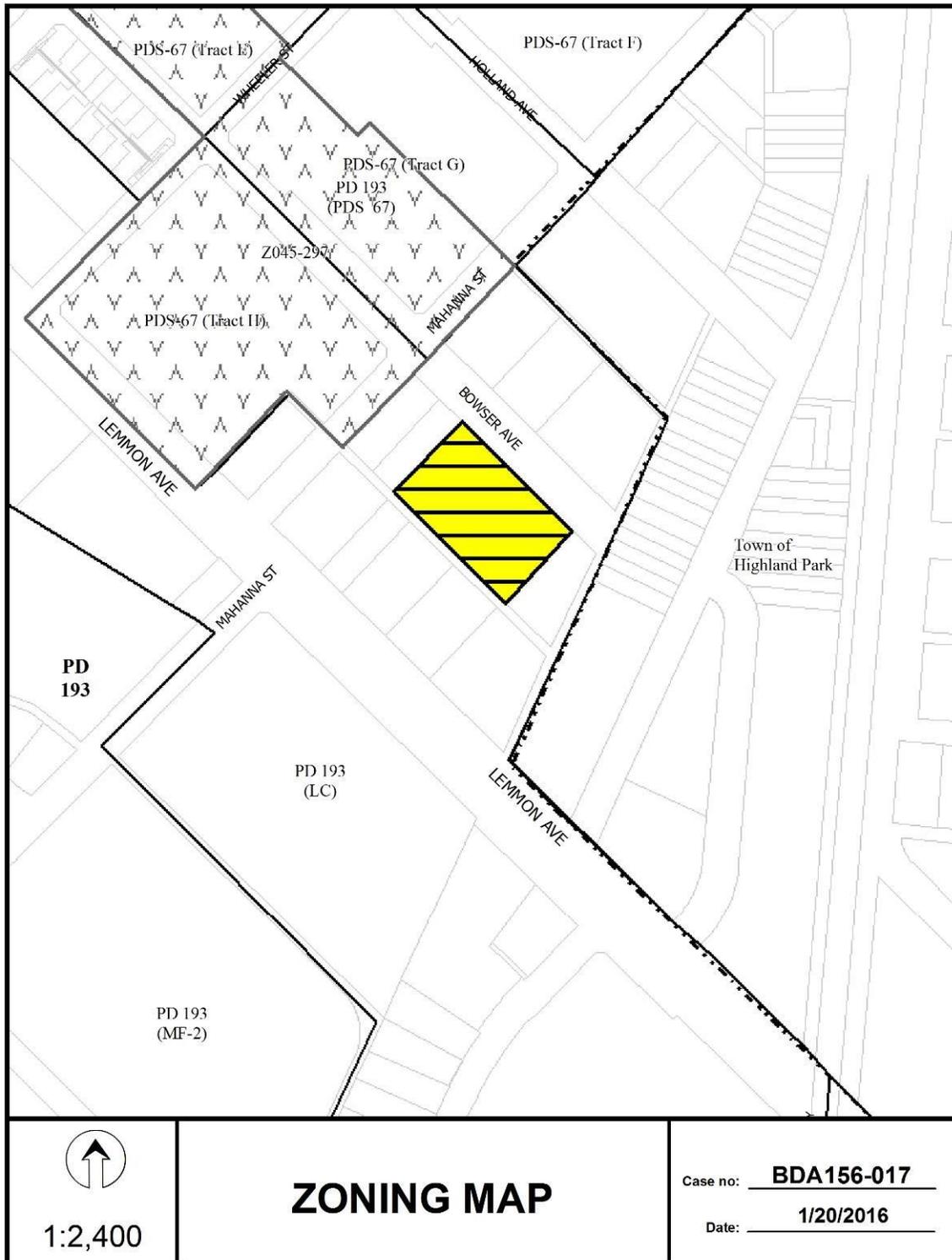
- December 18, 2015: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- January 6, 2016: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- January 6, 2016: The Board Administrator emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the January 27th deadline to submit additional evidence for staff to factor into their analysis; and the February 5th 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.”
- February 2, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for February public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Sustainable Development and Construction Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable

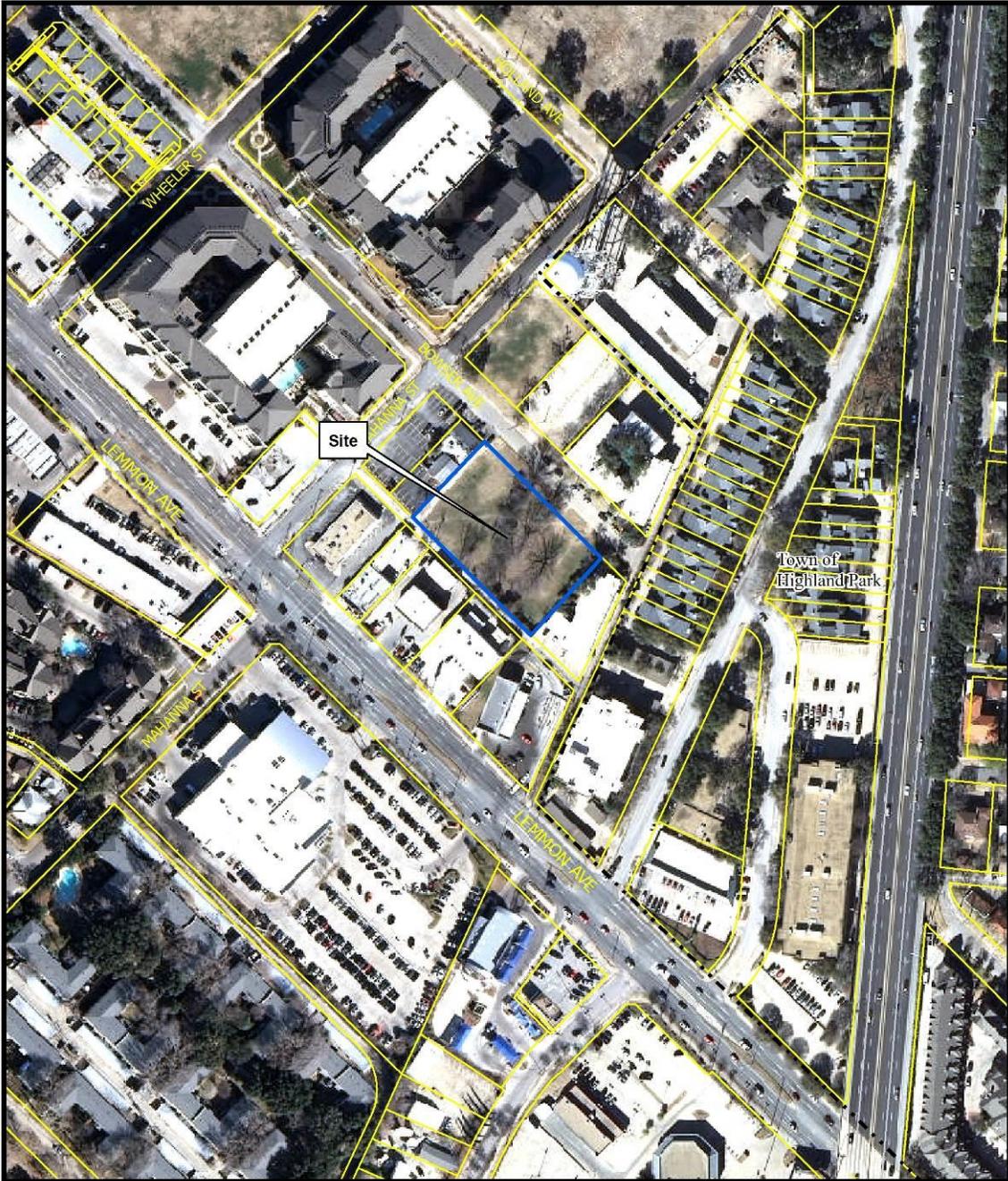
Development and Construction Department Project Engineers, and the Assistant City Attorneys to the Board.

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

February 4, 2016: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

February 5, 2016: The City of Dallas Chief Arborist submitted a memo regarding the request (see Attachment B).





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AERIAL MAP

Case no: BDA156-017

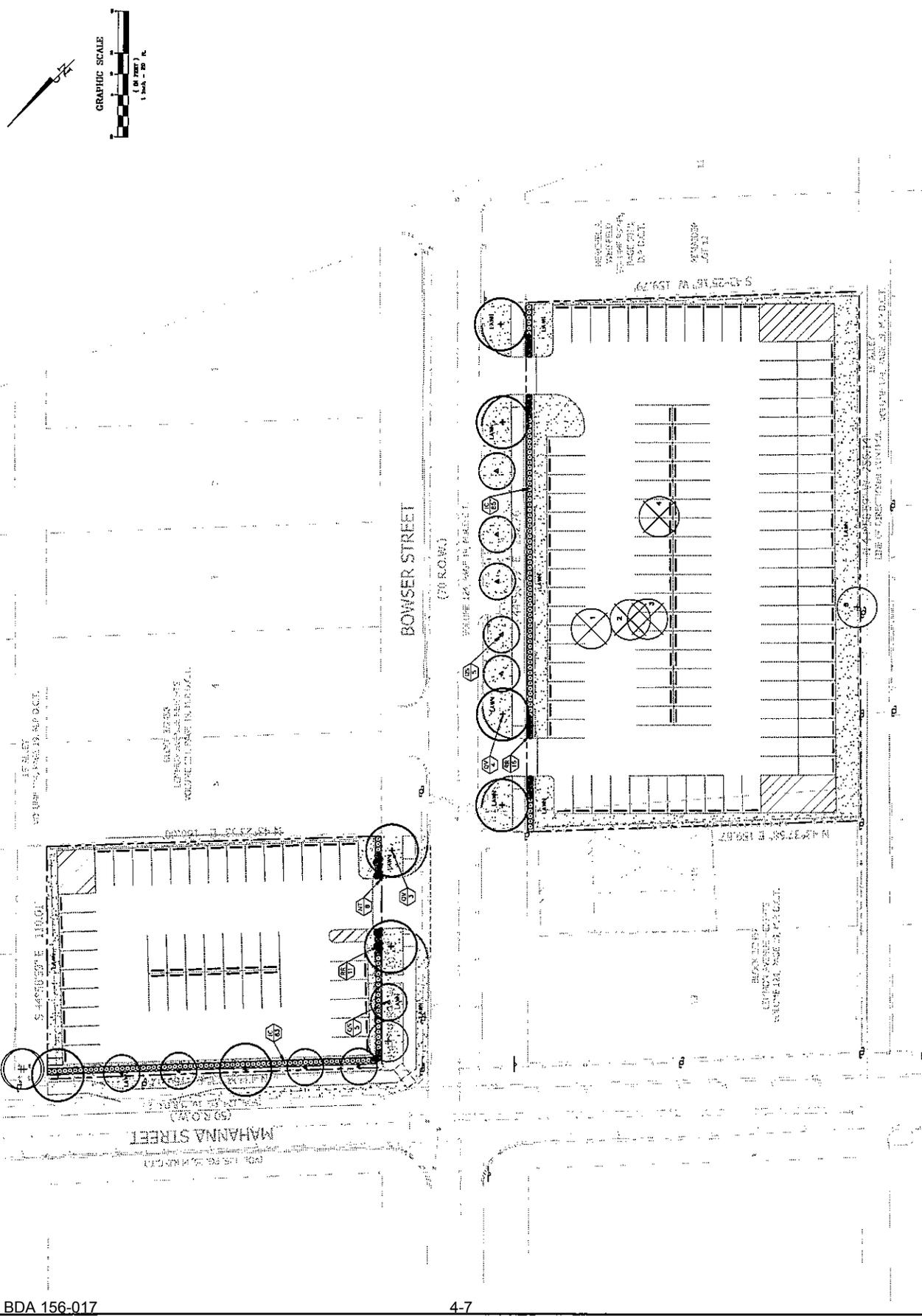
Date: 1/20/2016

BANNISTER ENGINEERING
 REGISTRATION # 1-15999 (TEXAS)
 1506 Country Club Drive | Fort Worth, TX 76102 | 817.342.2094 | 817.342.2095 fax

LANDSCAPE PLAN
 BOWSER STREET
 CITY OF DALLAS, TEXAS
BOWSER STREET PARKING LOTS

PROJECT NO.	156-1499
DATE	02/17/2017
DESIGNER	REVISION/DESCRIPTION
NO.	
DATE	
DESIGNER	

SHEET NO.
L-1.0



Memorandum



CITY OF DALLAS

DATE February 5, 2016
TO Steve Long, Board of Adjustment Administrator
SUBJECT # BDA 156 · 017 5021 Bowser

The applicant is requesting a special exception to the landscape requirements of PD 193 (LC).

Trigger

New construction of a surface parking lot.

Deficiencies

The proposed landscape plan is deficient in the following requirements:

Street Trees (193.126(b)(5)) are not planted between 2.5 to 5 feet from back of curb.

The sidewalk (193.126(b)(4)) is not placed between 5 to 12 feet from back of curb.

Factors

The required street trees are planted between 6' to 8' from back of curb.

The 6' sidewalk is spaced greater than 14' from back of curb.

The proposed landscape plan complies with all other landscape requirements for the placement and number of plant materials. The proposed landscape plan does not specify the landscape materials or sizes installed.

Recommendation

The chief arborist recommends approval of the proposed landscape plan, with condition, because the special exception for sidewalk and tree planting dimensions will not compromise the spirit and intent of the ordinance.

Condition: The landscape plant material specifications must conform to the minimum tree and screening requirements of Section 51P-193.126.

Philip Erwin, ISA certified arborist #TX-1284(A)
Chief Arborist



B

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-017

Data Relative to Subject Property:

Date: 12-18-15

Location address: 5021 BOWSER Zoning District: P.O. 193 (LC)

Lot No.: 13-17 Block No.: 2/2457 Acreage: .9324 Census Tract: 6.01

Street Frontage (in Feet): 1) 250' 2) 3) 4) 5) SW22

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): BOWSER ONE LLC

Applicant: DANNY SIPES Telephone: 214-794-0213

Mailing Address: P.O. Box 3293 Forney TX Zip Code: 75126

E-mail Address: danny@txpermits.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 P.O. 193 LANDSCAPE RESOLUTIONS

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:

Requesting A LANDSCAPE SPECIAL EXCEPTION FOR PLACEMENT OF SIDEWALK IN P.O. 193

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 18th day of December, 2015



[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 Danny Sipes

did submit a request for a special exception to the landscaping regulations
at 5021 Bowser Avenue

BDA156-017. Application of Danny Sipes for a special exception to the landscaping regulations at 5021 Bowser Avenue. This property is more fully described as Lot 13-17 & part of 12, Block 2/2457, and is zoned PD-193 (LC), which requires mandatory landscaping. The applicant proposes to construct a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

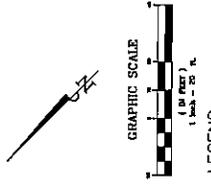
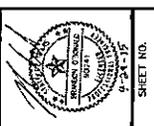
Sincerely,


Larry Holmes, Building Official





No.	Date	Revision Description



- LEGEND**
- 1. 1/2" CONC. RETAINING WALL FOR CITY DRIVE, 250'-1" (SEE DETAIL)
 - 2. 1/2" CONC. RETAINING WALL FOR CITY DRIVE, 250'-1" (SEE DETAIL)
 - 3. 1/2" CONC. RETAINING WALL FOR CITY DRIVE, 250'-1" (SEE DETAIL)
 - 4. 1/2" CONC. RETAINING WALL FOR CITY DRIVE, 250'-1" (SEE DETAIL)
 - 5. 1/2" CONC. RETAINING WALL FOR CITY DRIVE, 250'-1" (SEE DETAIL)
 - 6. 1/2" CONC. RETAINING WALL FOR CITY DRIVE, 250'-1" (SEE DETAIL)
 - 7. 1/2" CONC. RETAINING WALL FOR CITY DRIVE, 250'-1" (SEE DETAIL)
 - 8. 1/2" CONC. RETAINING WALL FOR CITY DRIVE, 250'-1" (SEE DETAIL)
 - 9. 1/2" CONC. RETAINING WALL FOR CITY DRIVE, 250'-1" (SEE DETAIL)
 - 10. 1/2" CONC. RETAINING WALL FOR CITY DRIVE, 250'-1" (SEE DETAIL)

NOTES

1. ALL DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE NOTED.
2. REFER TO SHEET C-1.1 FOR DETAILS.
3. THE PAVED DRIVEWAY SHALL BE 12' WIDE TO THE CENTERLINE OF THE DRIVEWAY. THE DRIVEWAY SHALL BE 1/2" CONC. ON A 4" COMPACT SUBGRADE. THE DRIVEWAY SHALL BE 1/2" CONC. ON A 4" COMPACT SUBGRADE. THE DRIVEWAY SHALL BE 1/2" CONC. ON A 4" COMPACT SUBGRADE.
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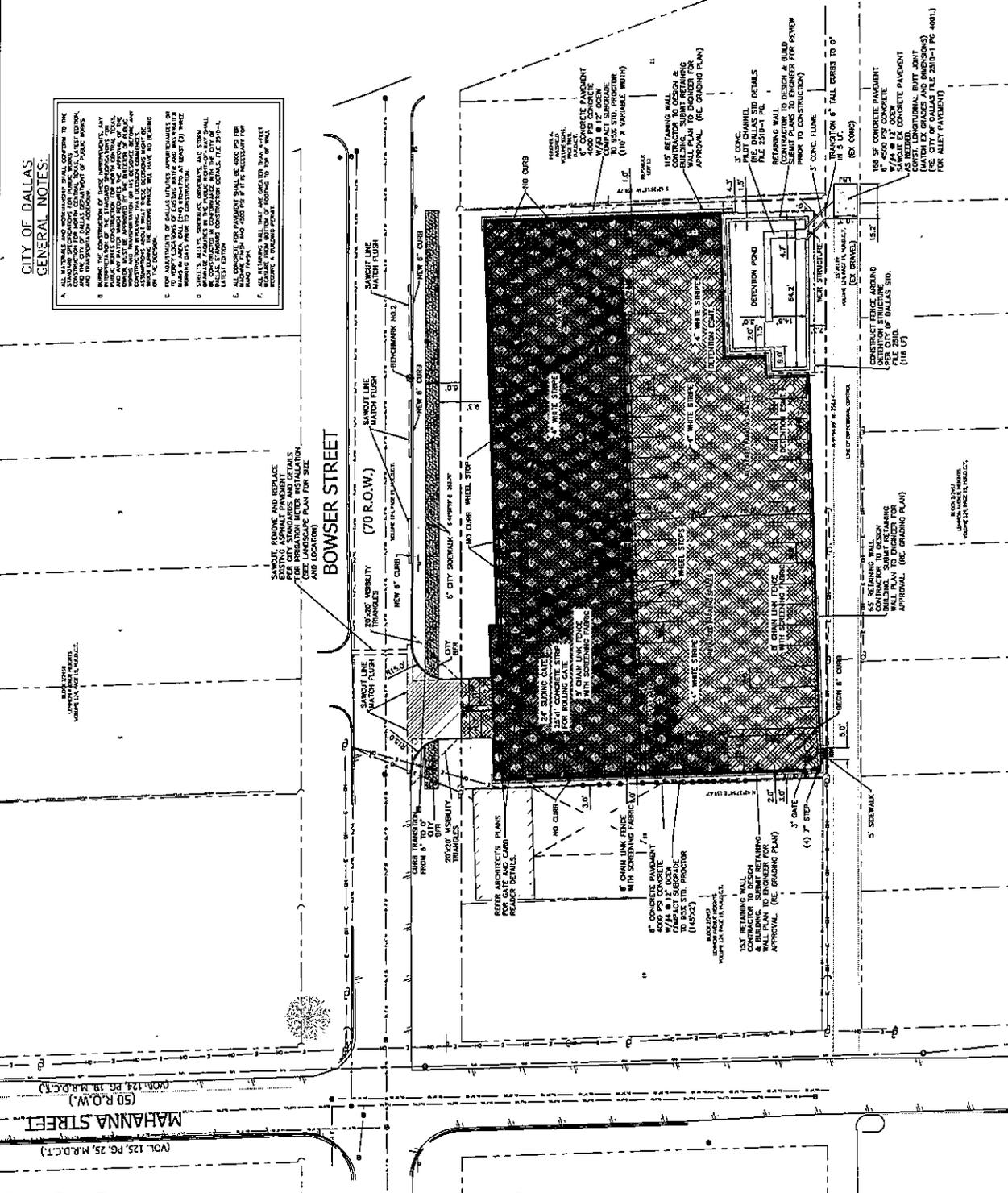
GENERAL NOTES:

1. ALL MATERIALS AND WORKMANSHIP SHALL CONFORM TO THE CITY SPECIFICATIONS FOR PUBLIC WORKS, LATEST EDITION, AND ANY SUPPLEMENTARY SPECIFICATIONS.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF DALLAS.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF DALLAS.
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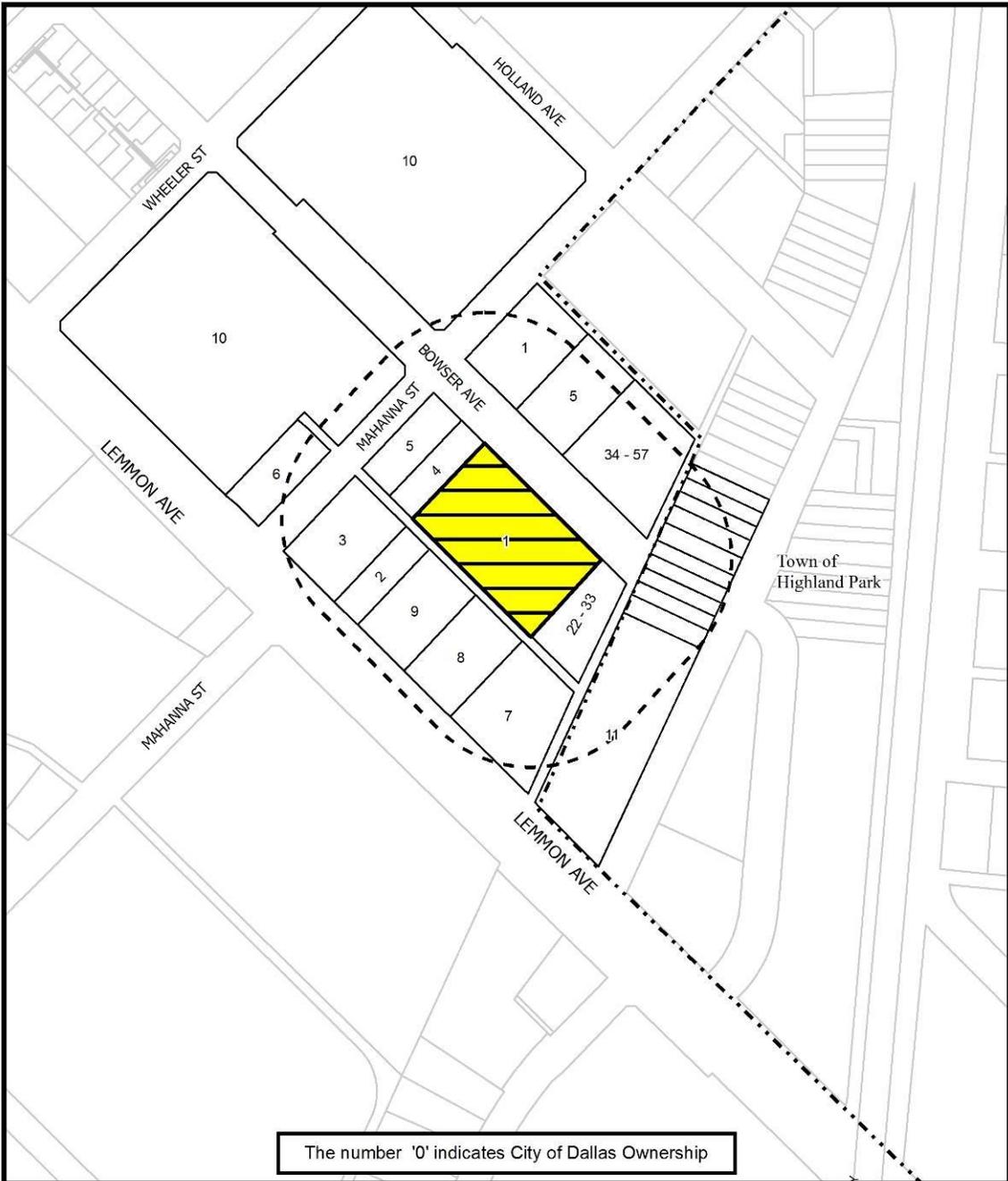
STOPI! CALL BEFORE YOU DIG
 TEXAS ONE CALL SYSTEM
 1-800-245-4545
 (@ least 48 hours prior to digging)

BENCHMARKS

BENCH	EL. (FEET)
BENCH 1	61.00
BENCH 2	61.00
BENCH 3	61.00
BENCH 4	61.00
BENCH 5	61.00



311T - 8551



 1:2,400	<h2>NOTIFICATION</h2> <table border="1"> <tr> <td>200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td>57</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	57	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA156-017</u> Date: <u>1/20/2016</u>
200'	AREA OF NOTIFICATION					
57	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA156-017

57 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5021 BOWSER AVE	BOWSER ONE LLC
2	5030 LEMMON AVE	KHALAF INC
3	5040 LEMMON AVE	CONSTANCE 5040 LEMMON LTD
4	5025 BOWSER AVE	OTHER DOOR INC THE
5	5029 BOWSER AVE	OTHER DOOR INC THE
6	5100 LEMMON AVE	CUNNINGHAM DIANA PINSON
7	5006 LEMMON AVE	5006 LEMMON AVE PARTNERS LLC
8	5016 LEMMON AVE	DAR PPTIES THREE LLC
9	5020 LEMMON AVE	RWK SERV LLC
10	5100 BOWSER AVE	GS CITYVILLE LP
11	4301 WESTSIDE DR	L & L REALTY CORPORATION
12	4327 WESTSIDE DR	BROWN ROSAMOND S 1998 TR
13	4329 WESTSIDE DR	AVILES MARGRETTA CLARK & JOSE
14	4331 WESTSIDE DR	ROSS MALCOLM
15	4333 WESTSIDE DR	PLANTATION SOUTH ROYALTIES LP
16	4335 WESTSIDE DR	ORR ELIZABETH H
17	4337 WESTSIDE DR	STROCK ANNE T
18	4339 WESTSIDE DR	PENLAND JOE L
19	4341 WESTSIDE DR	SHANNON SUSAN
20	4343 WESTSIDE DR	PATRICK KATHLEEN
21	4345 WESTSIDE DR	MCCRAE LUCY
22	5001 BOWSER AVE	WEISFELD HERSCHEL A
23	5001 BOWSER AVE	IPENEMA INVESTMENTS LTF
24	5001 BOWSER AVE	TAYLOR KENT L
25	5001 BOWSER AVE	S & C HOLDINGS LLC
26	5001 BOWSER AVE	BERGANZA JOSE

Label #	Address	Owner
27	5001 BOWSER AVE	MONTGOMERY DAVID
28	5001 BOWSER AVE	BARRIENTOS LORI
29	5001 BOWSER AVE	BOWSER 5001#128 LAND TRUST
30	5001 BOWSER AVE	FUNK JOSEPH M &
31	5001 BOWSER AVE	VAN GOOL ALFRED
32	5001 BOWSER AVE	WACC LLC
33	5001 BOWSER AVE	WEDGE REVOCABLE LIVING TRUST
34	5000 BOWSER AVE	MORGAN BRYAN E
35	5000 BOWSER AVE	WEISFELD HERSCHEL A
36	5000 BOWSER AVE	VANGOOL ALFRED &
37	5000 BOWSER AVE	LLAMAS SILVIA
38	5000 BOWSER AVE	TAYLOR KENT L
39	5000 BOWSER AVE	TUVENG JASON
40	5000 BOWSER AVE	WIGNALL PAUL G
41	5000 BOWSER AVE	ROBERTS FABIAN
42	5000 BOWSER AVE	PUTNAM JAMES PERLEY JR
43	5000 BOWSER AVE	NASTASI RAY
44	5000 BOWSER AVE	NGUYEN HAI
45	5010 BOWSER AVE	IPENEMA INVESTMENTS LTF
46	5010 BOWSER AVE	IBANEZ CARLOS
47	5010 BOWSER AVE	GRAVEMAN ANTHONY T
48	5010 BOWSER AVE	FORMBY LUCILLE M
49	5010 BOWSER AVE	GARCIA ROSA G TR &
50	5010 BOWSER AVE	MOSHINSKI KEVIN C
51	5010 BOWSER AVE	PATTERSON STEVE
52	5010 BOWSER AVE	FOOTE JERROD NATHAN
53	5010 BOWSER AVE	CASTILLO ALEJANDRO & MARIA
54	5010 BOWSER AVE	GOOL ALFRED V
55	5000 BOWSER AVE	MONTES LYDIA &
56	5000 BOWSER AVE	HARBORTH DANNY G &
57	5000 BOWSER AVE	JONES JERRY GLENN

01/20/2016

Label # Address

Owner