

ZONING BOARD OF ADJUSTMENT, PANEL A
TUESDAY, FEBRUARY 21, 2017
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
Jennifer Munoz, Senior Planner

MISCELLANEOUS ITEMS

	Approval of the January 17, 2017 Panel A Public Hearing Minutes	M1
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BDA167-014(SL)	4217 Swiss Avenue REQUEST: Of Jim Anderson/Peak's Addition HOA to reimburse the filing fee submitted in conjunction with an appeal of the decision of an administrative official	M2
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HOLDOVER CASE

BDA156-109(JM)	13729 N. Central Expressway REQUEST: Application of Aaron W. Grieb, represented by John Vecchio of Greenberg Farrow, for a variance to the front yard setback regulations	1
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REGULAR CASES

BDA167-013(SL)	5314 Yolanda Lane REQUEST: - Application of Nathaniel Mangum for special exceptions to the fence standards and visual obstruction regulations	2
BDA167-014(SL)	4217 Swiss Avenue REQUEST: Application of Jim Anderson/Peak's Addition HOA to appeal the decision of an administrative official	3
BDA167-020(SL)	100 Crescent Court REQUEST: Application of Robert Reeves, represented by Robert Reeves and Associates, Inc., 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]

(Rev. 6-24-02)

MISCELLANEOUS ITEM NO. 2

FILE NUMBER: BDA167-014(SL)

REQUEST: To reimburse the filing fee submitted in conjunction with a request to appeal the decision of an administrative official.

LOCATION: 4217 Swiss Avenue

APPLICANT: Jim Anderson/Peak's Addition HOA

STANDARD FOR A FEE WAIVER OR A FEE REIMBURSEMENT:

The Dallas Development Code states that the board may waive the filing fee for a board of adjustment application if the board finds that payment of the fee would result in substantial financial hardship to the applicant.

The Dallas Development Code further states:

- The applicant may either pay the fee and request reimbursement at the hearing on the matter or request that the issue of financial hardship be placed on the board's miscellaneous docket for predetermination.
- In making this determination, the board may require the production of financial documents.

Timeline:

November 28, 2016: 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, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

January 6, 2017: 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 February 1st deadline to submit additional evidence for staff to factor into their analysis (with a notation that staff does not form a recommendation on this type of application); and the February 10th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the outline of procedure for appeals from decisions of the building official to the board of adjustment; and

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

February 2, 2017: The applicant emailed the Board Administrator requesting a waiver of the filing fee regarding this application (see Attachment A).

February 2, 2017: The Board Administrator forwarded the code provision as it relates to fee waivers/reimbursements (Sec 51A-1.105(b)(6)) to the applicant, and informed him that typically when this type of request is made, the applicant will submit documentation that shows how payment of the filing fee results in substantial financial hardship to the applicant (i.e. additional financial documents as in but not limited to copies of 1040's, W-4's, bank statements - *all with account numbers redacted*). The Board Administrator also resent the applicant that the deadline to submit information to be included in the Board's docket, and the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence”.

M2
Attach A
PA 1

Long, Steve

From: Long, Steve
Sent: Thursday, February 02, 2017 12:19 PM
To: 'James Anderson'
Cc: Moorman, Donna; Burgess, Casey; Williams, Kanesia; Law, Trena; Duerksen, Todd
Subject: RE: Fee Reimbursement request in conjunction with BDA167-014, Property at 4217 Swiss Avenue
Attachments: Panel A hearing date and deadlines.doc; documentary evidence.pdf; fee waiver and reimbursement.pdf

Dear Jim,

Please be advised that your request for a reimbursement of the filing fee made in conjunction with the application to the board of adjustment at the address referenced above will be put on the Tuesday, Board of Adjustment Panel A February 21st agenda per your request below.

Attached is the code provision as it relates to requests for the board of adjustment to consider reimbursements of filing fees made in conjunction with submitted board of adjustment applications: Sec 51A-1.105(b)(6).

Please be advised that typically when an applicant makes a request for the board to consider reimbursing the filing fee, the applicant will submit documentation that shows how payment of the filing fee results in substantial financial hardship to them (i.e. additional financial documents as in but not limited to copies of 1040's, W-4's, bank statements - *all with account numbers redacted*)).

I will call to your attention the attachments the I sent to you earlier in early January - a document that provides your public hearing date and other deadlines for submittal of additional information to staff/the board, and the board's rule on documentary evidence.

Please write or call me at 214/670-4666 if I can assist you in any other way on this fee reimbursement request.

Thank you,

Steve

PS: Please feel free to send any documents related to your fee reimbursement request 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 75201

From: James Anderson [<mailto:jimandersonpreservation@gmail.com>]
Sent: Thursday, February 02, 2017 11:11 AM
To: Long, Steve
Cc: Wendy Millsap; Dr. Patricia Simon
Subject: Fee Waiver

Steve,

As per our phone conversation this email will serve as the official request for a waiver of the filing fee for our application.

The Peak's Addition Homeowners, a non profit organization, filed a Board of Adjustment appeal of the decision of the Director of Sustainable Development and Construction pertaining to the proximity slope for the development proposed for 4217 Swiss.

Thank you,

Jim Anderson, President
Peak's Addition Homeowners Association

FILE NUMBER: BDA156-109(JM)

BUILDING OFFICIAL'S REPORT: Application of Aaron W. Grieb, represented by John Vecchio of Greenberg Farrow, for a variance to the front yard setback regulations at 13729 N. Central Expressway. This property is more fully described as Lot 1.1, Block B/7763, and is zoned MU-3, which requires a front yard setback of 15 feet. The applicant proposes to construct and/or maintain a structure and provide a 3 foot front yard setback, which will require a 12 foot variance to the front yard setback regulations.

LOCATION: 13729 N. Central Expressway

APPLICANT: Aaron W. Grieb
Represented by John Vecchio of Greenberg Farrow

REQUEST:

A request for a variance to the front yard setback regulations of 12' is made to construct and/or maintain structures for a general merchandise or food store 3,500 square feet or less and motor vehicle fueling station use, part of which would be located 3' from the site's front property line or 12' into the 15' front yard setback along Midpark Road.

STANDARD FOR A VARIANCE:

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, 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.

STAFF RECOMMENDATION:

Denial

Rationale:

- The applicant had not substantiated at the time of the February 7th staff review team meeting how the features of the flat, rectangular-shaped, and approximately 23,394 square foot lot precluded him from developing it in a manner commensurate with other developments found on similarly-zoned MU-3 Mixed Use District. There do not seem to be any restrictions hindering the applicant from developing/maintaining the lot with a commensurately-sized structure/use that can comply with setbacks.

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	MU-3 Mixed Use District
<u>North:</u>	MU-3 Mixed Use District; SUP No. 1818
<u>East:</u>	IR Industrial Research District
<u>South:</u>	IR Industrial Research District
<u>West:</u>	MU-3 Mixed Use District

Land Use:

The subject site is currently a motor vehicle fueling station. To the immediate north is a general merchandise or food store 100,000 square feet or more use. North Central Expressway lies to the east and south with an office use across the expressway. A restaurant without drive-in or drive-through service exists to the west.

Zoning/BDA History:

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. BDA156-108, Property located at 13729 N. Central Expressway (the subject site) | <p>On November 15, 2016, the Board of Adjustment Panel A granted 1) a special exception to the landscape regulations to construct and maintain a structure and provide an alternate landscape plan; and, 2) a special exception to the off-street parking regulations for 2 spaces.</p> <p>The case report stated that the request was made in conjunction with constructing and maintaining a 1,200 square foot building for a general merchandise or food store 3,500 square feet or less and a motor vehicle fueling station.</p> |
|---|--|

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on allowing associated structures for a proposed general merchandise or food store 3,500 square feet or less and motor vehicle fueling station use to encroach up to 12' into the 15' front yard setback along Midpark Road. The subject site has two front yards and is required to provide 15' of unobstructed

space from the front property line along both North Central Expressway, and Midpark Road.

- The request is to construct and maintain a 1,200 square foot structure for a proposed general merchandise or food store 3,500 square feet or less and motor vehicle fueling station uses on a site that is developed with a motor vehicle fueling station use. Associated structures including a dumpster and enclosure, and a light post are proposed to be located 3' and 4' from the front property line along Midpark Road, respectively or 12' (dumpster and enclosure) and 11' (light post) into the site's 15' front property line along Midpark Road. No encroachments are proposed within the North Central Expressway front yard.
- The subject site is located at the northeast intersection of Midpark Road and North Central Expressway.
- Lots zoned an MU-3 Mixed Use District are required to provide a minimum front yard setback of 15'.
- The subject property is currently in compliance.
- A site plan has been submitted identifying the total proposed square footage of the main building to be 1,200. The applicant has indicated that they are unable to provide for the two structures in question while accounting for other elements of the site design including safe vehicular traffic, loading/unloading of dumpsters and fuel tankers, and desired signage.
- According to calculations taken by the Board Senior Planner from the submitted site plan, the addition of a dumpster, enclosure, and light post within the Midpark Road front yard setback accounts for about 12 percent of the total square footage of the required front yard along Midpark Road, or 200 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-7.5(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-7.5(A) zoning classification.
- If the board were to grant the variance request, and impose the submitted site plan as a condition, the structures in the front yard setback would be limited to what is shown on this document– which in this case is a portion of a structure located as

close as 3' from the site's front property line along Midpark Road (or 12' into the 15' front yard setback).

TIMELINE:

August 25, 2016: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

October 10, 2016: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A.

October 14, 2016: The Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the October 26th deadline to submit additional evidence for staff to factor into their analysis; and the November 4th 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."

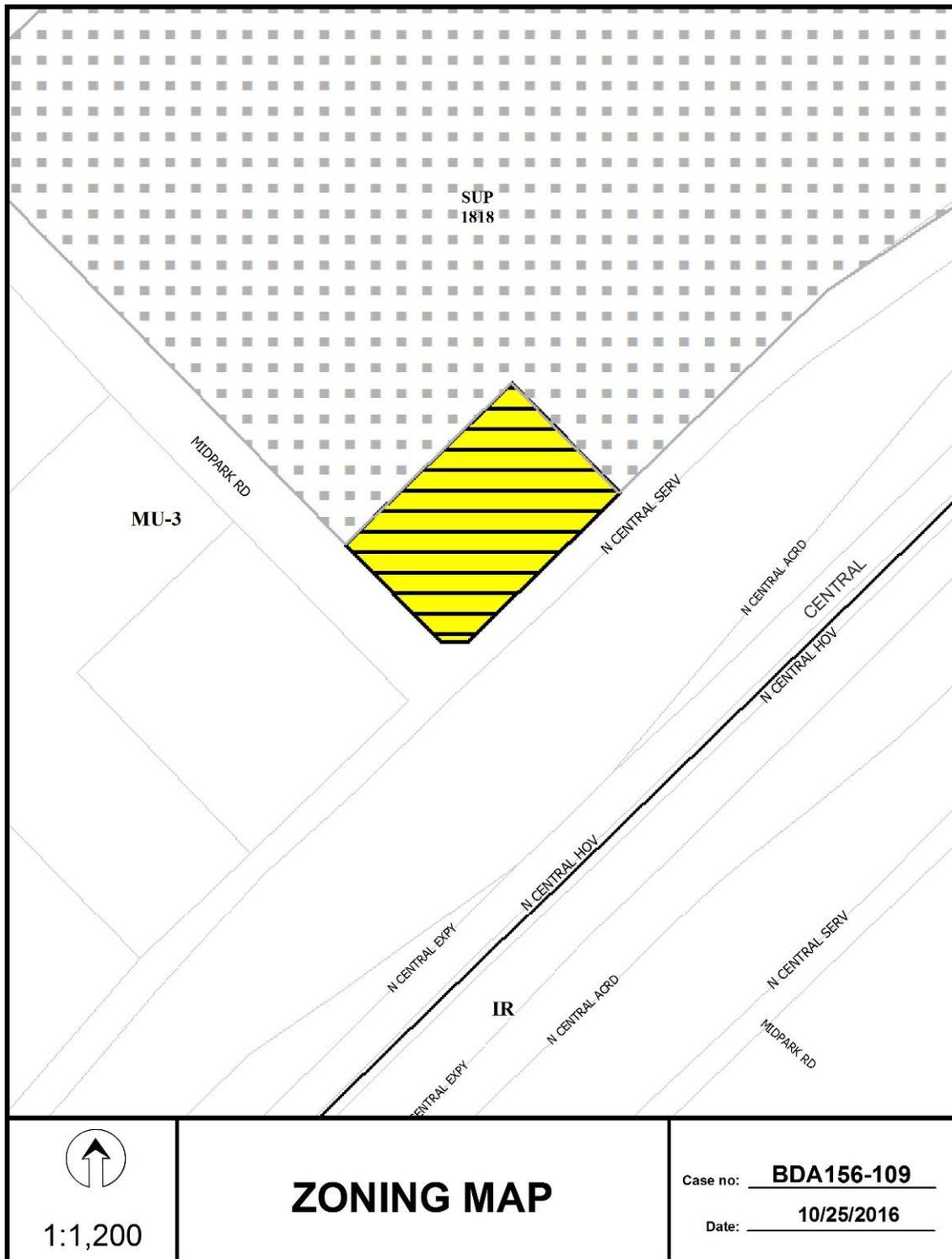
November 1, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for November public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

November 21, 2016: The Board of Adjustment Panel A voted unanimously to hold this case to February 21, 2017.

February 1, 2017: The applicant submitted new evidence, provided in "Attachment A."

February 7, 2017: 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 Department Assistant Director, the Sustainable Development Department Assistant Director Engineering, the Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

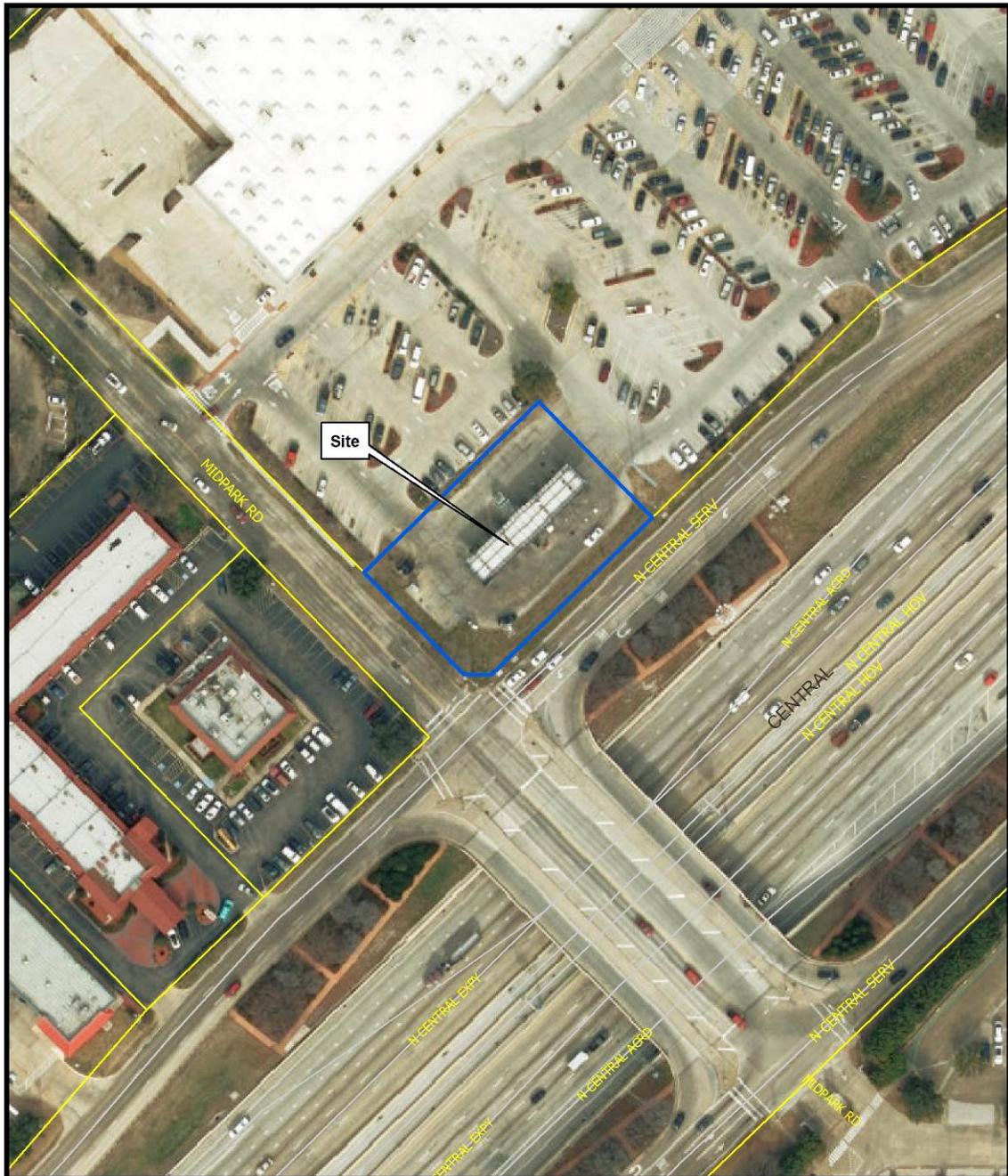
No review comment sheets with comments were submitted in conjunction with this application.




 1:1,200

ZONING MAP

Case no: BDA156-109
 Date: 10/25/2016



1:1,200

AERIAL MAP

Case no: BDA156-109

Date: 10/25/2016

BDA156-109
"Attachment A"

1430 West Peachtree Street, NW
Suite 200
Atlanta, GA 30309
t: 404 601 4000

GreenbergFarrow

ATLANTA
LOS ANGELES
NEW JERSEY
CHICAGO
NEW YORK
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BOSTON
COLUMBUS
WISCONSIN
BENTONVILLE
PHILADELPHIA
FRESNO
MEMPHIS
SHANGHAI
MEXICO CITY

January 31, 2017

Mr. Todd Duerksen
Sustainable Development & Construction Department
City of Dallas
320 E. Jefferson Blvd., Room 105
Dallas, TX 75203

Re Murphy USA (#6548) – Variance Request BDA156-109 to Allow the Dumpster within the Building Setback Area

Dear Mr. Duerksen:

At the Board of Adjustment meeting on November 15, 2016 it was requested that Murphy Oil provide examples showing a dumpster located within the building setback of properties in an MU-3 zoning district. Pursuant to that request, a survey was conducted and the results of the survey are presented below. Additionally, background information explaining the reason for wanting to maintain the location of the dumpster where it presently exists today is described below for consideration by the Board of Adjustment.

Dumpster

The enclosed rendering shows what the dumpster and its enclosure look like now, and what it would look like in the future. If the variance is approved, landscaping would be planted along Midpark Road with shrubbery planted along the face of the enclosure. The actual enclosure materials would match those of the building and provide a cleaner, more satisfying visual appearance than what presently exists. The existing fenced structure with slats would be removed and the dumpster itself would not be seen with the new enclosure and brick walls that would match the building's materials, providing a much cleaner and aesthetically pleasing view to customers and the public.

Regarding Murphy USA's need to keep the dumpster in its present location and in an effort to upgrade the site to the City of Dallas' development standards, meet customer demand and provide a site that is safe and maintains proper vehicle circulation for customers, emergency vehicles, the fuel tanker truck, delivery trucks and service vehicles, i.e., the "garbage truck," the dumpster must be placed within the

building setback, near where it presently exists. The proposed location would not obstruct sight distance for motorists and maintains a reasonable distance from Midpark Drive. A 15-foot setback is required, and Murphy proposes to place the dumpster approximately Three (3) feet from the property line, which represents an encroachment of 12 feet.

The enclosed site plan shows the proposed site layout. The site comprises 0.54 acres and has been carefully laid-out and designed with the following objectives in mind:

1. To provide for safe vehicular circulation and safe separation of activities to avoid congestion and conflicts between vehicles and pedestrians;
2. To allow cars to park near each respective activity. For example, while someone is vacuuming their car or filling their tires with air, a customer can park their car near the ice unit and have sufficient room to maneuver without having to double park;
3. To avoid conflicts between cars and customers, and
4. To avoid customers needing to double-park.

As can be seen on the site plan, starting near the dumpster in the upper left-hand corner and proceeding in a clockwise fashion, the various uses are separated from one another. Moving to the right of the dumpster is the loading zone (required by code), followed by the ice units, and then the air/vacuum unit. The ice unit and air/vacuum unit are separated approximately 30 feet, with adequate room west of the ice/air vacuum unit in the loading zone for a vehicle to park if someone is using the air/vacuum unit. Again, each of these items has been separated to allow customer parking and separation of activities.

Proceeding to the southeastern corner of the site, the propane tank exchange has been located south of the driveway and is approximately 50 feet from the ATM to the west, providing sufficient room for customers to park near the ATM and cage to load/unload a tank without conflicting with each other. In that same southeast corner, the planners and engineers working on the project considered moving the dumpster to this location at one time, only to discover that the dumpster would encroach within the truck route and prohibit the truck from circulating around the site (please refer to the "Truck Route Plan"). Therefore, this idea was never implemented and the dumpster was proposed to remain in its present location.

Proceeding clockwise to the left are the underground storage tanks. They are separated approximately 30 feet from the ATM to allow adequate separation between banking and refueling activities. Continuing clockwise is the parking followed by the dumpster, which is presently located approximately six (6) from the property line adjacent to Midpark Road.

Furthermore, regarding the required setbacks, the property fronts both Midpark Road and the frontage road of North Central Expressway, and a 15-foot front yard setback is required along each street frontage. This places a hardship on the property because it has two street frontages and reduces the developable area of the parcel. If Midpark Road did not exist, the dumpster would be adjacent to a side yard which would require a zero-foot setback in the MU-3 district, thus allowing the dumpster to be located as proposed.

Lastly, it should be noted that no hazardous or combustible materials are emptied in the dumpster or stored within the enclosure area, and that the dumpster backs up to Midpark Road and not a residential or commercial property. It is believed that there is not a potential risk or harm to the public and that public safety is not at risk by allowing the dumpster to remain where it presently exists.

Survey

As mentioned above, the City requested that Murphy identify gas stations and convenience store within similar MU-3 zoning districts with dumpsters in the front yard. A survey of approximately 45 gas stations and convenience stores in the City of Dallas was conducted using City of Dallas zoning maps and Google Earth. Of the stores surveyed, three were found to be in the MU-3 zoning district and no dumpsters were observed in the front setback similar to Murphy's dumpster along Midpark Road. However, dumpsters on eleven properties were observed to be very close to the street curb and either about the same distance from the street or closer to the street than Murphy's dumpster, including the following:

1. 7-11 at 5601 Lemmon Ave.
2. 1 C Store at 2880 Forest Lane
3. A Motion at 829 S. Corinth St.
4. Big Daddy Convenience Store
5. Exxon 7-11 at 750 N. Riverfront Blvd.
6. Motions Convenience Store
7. Murphy USA at 18041 Marsh Ln.
8. Shell at 2324 McKinney Ave.
9. Shell at 3128 McKinney Ave.
10. Shell 424 S R L Thornton Freeway
11. Shell at 4611 N. Central Expressway

Again, it should be noted that the dumpsters listed above are either as close as or closer to the street than Murphy's dumpster, regardless of the setback. Google images keyed to a spreadsheet summarizing the results of the survey are included in the enclosed submittal.

Conclusion

By proposing to redevelop its existing site as opposed to moving to another site nearby, Murphy Oil is embracing the concepts of sustainable development and meeting customer demand at the same time, a "win-win" for both the City of Dallas and Murphy Oil. By approving the requested variance to allow the dumpster in the front yard building setback, the building architecture would be significantly improved with a dumpster screen wall that matches the building and shown on the enclosed rendering, a significant amount of landscaping would be added in front of the dumpster and along the frontage road and Midpark Rd., thereby improving the urban forest as well as the appearance of the overall development with benefits to the natural environment that don't exist at the present time. Additionally, new lighting would be installed on the site. Therefore, we humbly request approval of the requested variance to enable the redevelopment of this site.

Thank you for your consideration. If you have any questions or need anything else, please do not hesitate to contact me at jvecchio@greenbergfarrow.com or 404-205-8426.

Sincerely,



John C. Vecchio, P.E.
Senior Project Manager
GreenbergFarrow



View from Midpark Road - Existing



View from Midpark Road - Proposed

MURPHY Oil USA, Inc.
13729 North Central Expressway
Board of Adjustment Case No. 156-109
Dumpster Variance

Spreadsheet Summary and Photos of a Survey of 45 Gas
Stations and Convenience Store Properties with Dumpsters

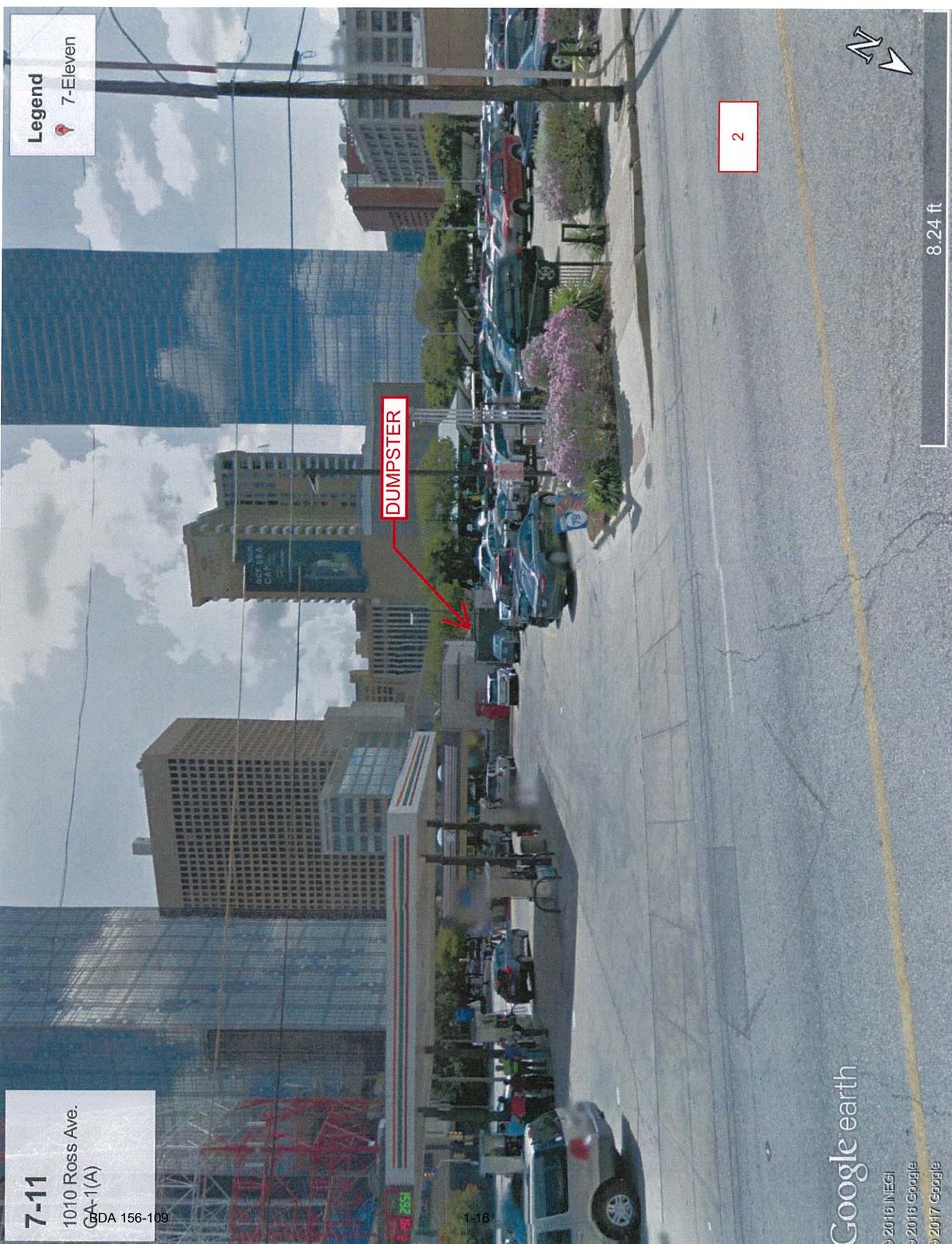
1/31/17

GREENBERGFARROW PROJECT NO: 20150461

A		B	C	D
1	Name of Business	Address	Zoning	Comments
2	7-11	1010 Ross Ave.	CA-1(A)	Dumpster adjacent to side property line next to commercial parking lot
3	7-11	2129 Abrams Road	PD 281 (Subdistrict Q)	Dumpster adjacent to side or rear property line, near commercial property.
4	7-11	5601 Lemmon Ave.	PD 193 (GR)	Dumpster adjacent to rear or side near residential and near Prescott Ave.
5	1 C Store	2882 Forest Lane	NS(A)	Dumpster adjacent to Dennis Road
6	A Motion	829 S. Corinth St.	CR	Dumpster adjacent to street
7	Big Daddy Convenience Store	4121 Colonial Ave	PD 595 (NC)	Dumpster adjacent to Pine Street
8	C Store	13207 Mahan Rd.	MU-3	Dumpster adjacent to rear property line but not in setback due to 0 ft. setback requirement
9	Exxon	1005 S. Riverfront Blvd.	PD 784	Dumpster adjacent to property line, probably not in setback
10	Exxon	2821 S. Walton	LI	Dumpster not in setback
11	Exxon	3716 Maple Ave	PD 193	Dumpster not in setback
12	Exxon	4239 Lemmon Ave.	PD 193 (GR)	Dumpster adjacent to rear or side property line
13	Exxon	8201 E R L Thornton Fwy	RR	Dumpster to rear or side and probably not in setback
14	Exxon	8302 Abrams Rd	CD	Dumpster near rear or side and probably not in setback
15	Exxon/7-11	1607 Inwood Rd.	CS	Dumpster in rear corner of property, possibly adjacent to property line, near creek
16	Exxon/7-11	2503 Lemmon Ave.	PD 305 (East Residential)	Unable to locate dumpster
17	Exxon/7-11	5910 Singleton Blvd.	CR	Dumpster along side or rear, near Walton Walker Boulevard, but probably not in setback
18	Exxon/7-11	750 N. Riverfront Blvd.	IM	Dumpster near street and may or may not be in setback
19	K's Convenience Store	4818 S. 2nd Ave.	PD 595 (CC)	Dumpster appears to be adjacent to rear property line next to single-family residential district
20	Motions Convenience Store	2995 S Westmoreland Rd.	LI	Dumpster adjacent to Burgoyne St. and multi-family to the rear. No min. front setback req'd, but is within 30' setback required adjacent to residential
21	Muphy USA	18041 Marsh Lane	CR	Dumpster adjacent to Marsh Lane, possibly in front setback

A		B		C		D	
1	Name of Business	Address	Zoning	Comments			
22	Murphy USA	1545 N. Cockrell Hill Rd	RR	Dumpster adjacent to rear property line next to Chick-fil-A			
23	Murphy USA	3102 W. Wheatland Rd.	RR	Dumpster adjacent to Walmart parking lot			
24	Shell	2324 McKinney Ave.	PD 193	Dumpster near Lenoard St. and may or may not be in setback			
25	Shell	3100 W. Mockingbird Ln.	IR	Dumpster adjacent to property line but probably not in setback			
26	Shell	3128 McKinney Ave.	PD 193 (LC)	Dumpster adjacent to Bowen St., may or may not be in setback			
27	Shell	3305 Grand Ave.	PD 595	Dumpster adjacent to property line but may not be in setback			
28	Shell	3439 Oak Lawn Ave.	PD 193 (GR)	Dumpster near side or rear property line, may or may not be in setback			
29	Shell	424 S R L Thornton Freeway	RR	Dumpster near Eads Ave., may or may not be in setback			
30	Shell	4455 Lover's Lane	?? Maybe not in city?	Dumpster adjacent to alley			
31	Shell	4611 N. Central Expressway	PD 193	Dumpster adjacent to street and may be in setback			
32	Shell	8390 N. Stemmons Fwy.	MU-3	Dumpster near side or rear property line, not in setback due to 0 ft. setback			
33	Stop 'n Save Food Market	3525 Sunnyvale St.	CR	Dumpster along side yard but probably not in side yard due to 0' setback requirement			
34	Texaco Dallas	11804 Inwood Rd.	CR	Dumpster near side or rear property line but not in setback because req'd setback is 0 ft.			
35	Texaco Dallas	2919 E. Illinois Ave.	CR	Dumpster near side or rear property line but not in setback because req'd setback is 0 ft.			
36	Texaco Dallas	3103 Inwood Rd.	CR	Dumpster behind building adjacent to rear or side property line but not in 0 ft. required setback			
37	Texaco Dallas	3802 Forest Lane	CR	Dumpster not found			
38	Texaco Dallas	5909 S. Hampton Rd.	CR	Dumpster near side or rear property line but not in setback because req'd setback is 0 ft.			
39	Texaco Dallas	9791 Ferguson Rd.	CR	Dumpster near side or rear property line, not in setback due to 0 ft. setback			
40	Texaco/Dallas	7205 Ferguson Rd.	RR	Dumpster not found			
41	Texaco/Exxon Dallas	8405 Stemmons Fwy.	MU-3	Dumpster adjacent to side or rear property line, not in front setback or in 0 ft. side or rear setback			

A		B		C		D	
1	Name of Business	Address	Zoning	Comments			
42	Tony's Neighborhood Food Store	820 N. Fitzhugh Ave.	PD 99 (Area 2)	Dumpster appears to be adjacent to rear property line and multi-family behind the site.			
43	Valero	19059 Marsh Ln.	CR	Dumpster adjacent to side or rear property line, not in 0 ft. setback			
44	Valero	7887 McCallum Rd.	Z823-223 East Tract	Dumpster adjacent to side or rear property line, near commercial property, probably not in setback			
45	Valero Corner Store	3434 Webb Chapel Rd.	CR	Dumpster adjacent to side or rear property line, not in 0 ft. setback			
46							



Legend
📍 7-Eleven

7-11
1010 Ross Ave.
CA-1(A)
BDA 156-109

DUMPSTER

2

8.24 ft

Google earth

© 2016 INEGI
© 2016 Google
© 2017 Google

7-11

2129 Abrams Rd.
RD 281 (Subdistrict Q)

BDA 156-109

Legend

 7-Eleven

DUMPSTER



Google earth

© 2016 INEGI

© 2016 Google

© 2017 Google

6.99 ft



7-11

5601 Lemmon Ave.
RD 193 (GR)

BDA 156-109

Legend

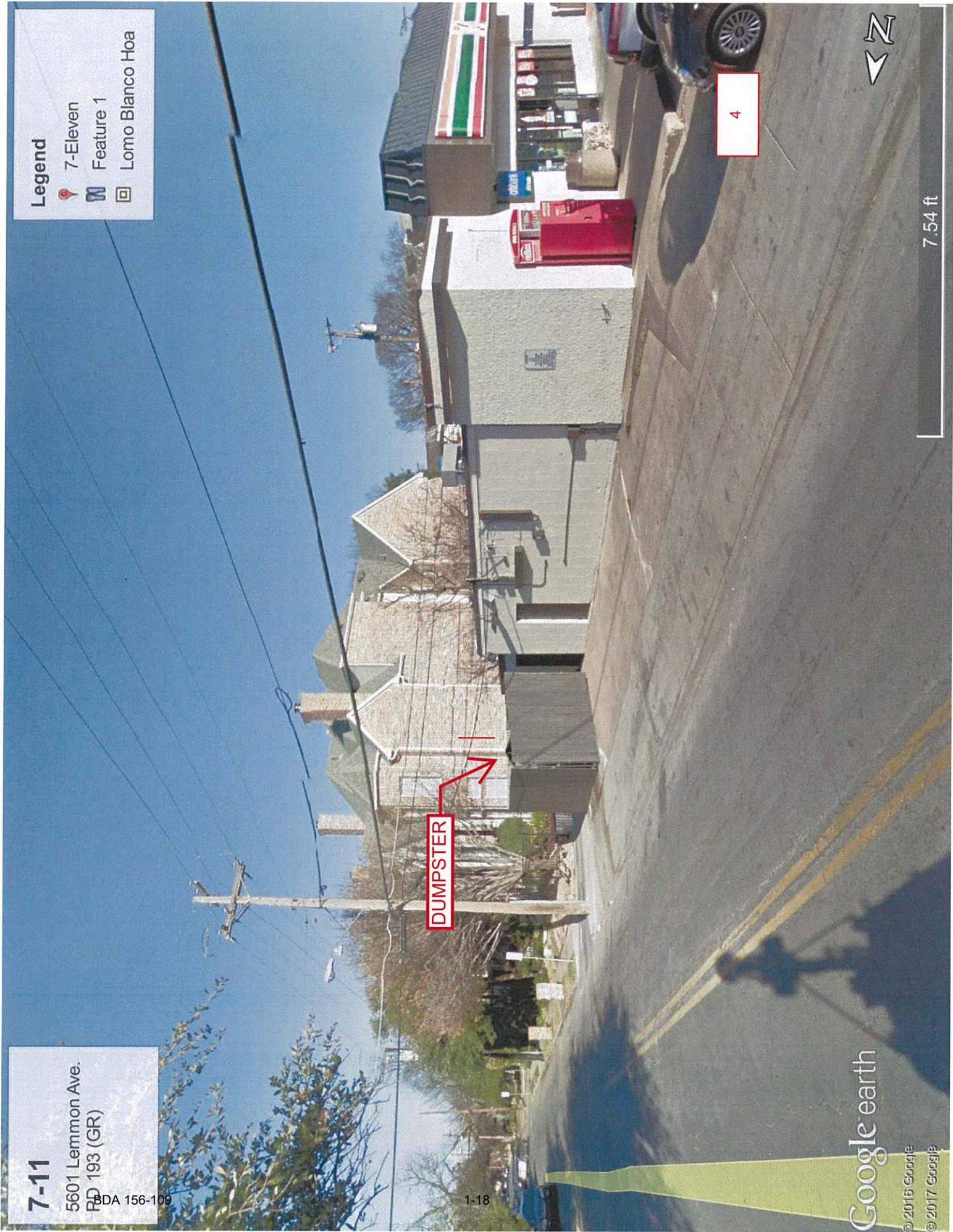
- 7-Eleven
- Feature 1
- Lomo Blanco Hoa

DUMPSTER

4

Google earth

© 2016 Google
© 2017 Google



1 C Store

2880 Forest Ln
NS(A)

BDA 156-109

1-19

Legend

DUMPSTER

DENNIS ROAD

5

6.85 ft

Google earth

© 2016 Google

© 2017 Google



A Motion

829 S. Corinth St. Rd
GR or D-1

BDA 156-109

1-20

Legend

 K's Convenience Store

DUMPSTER

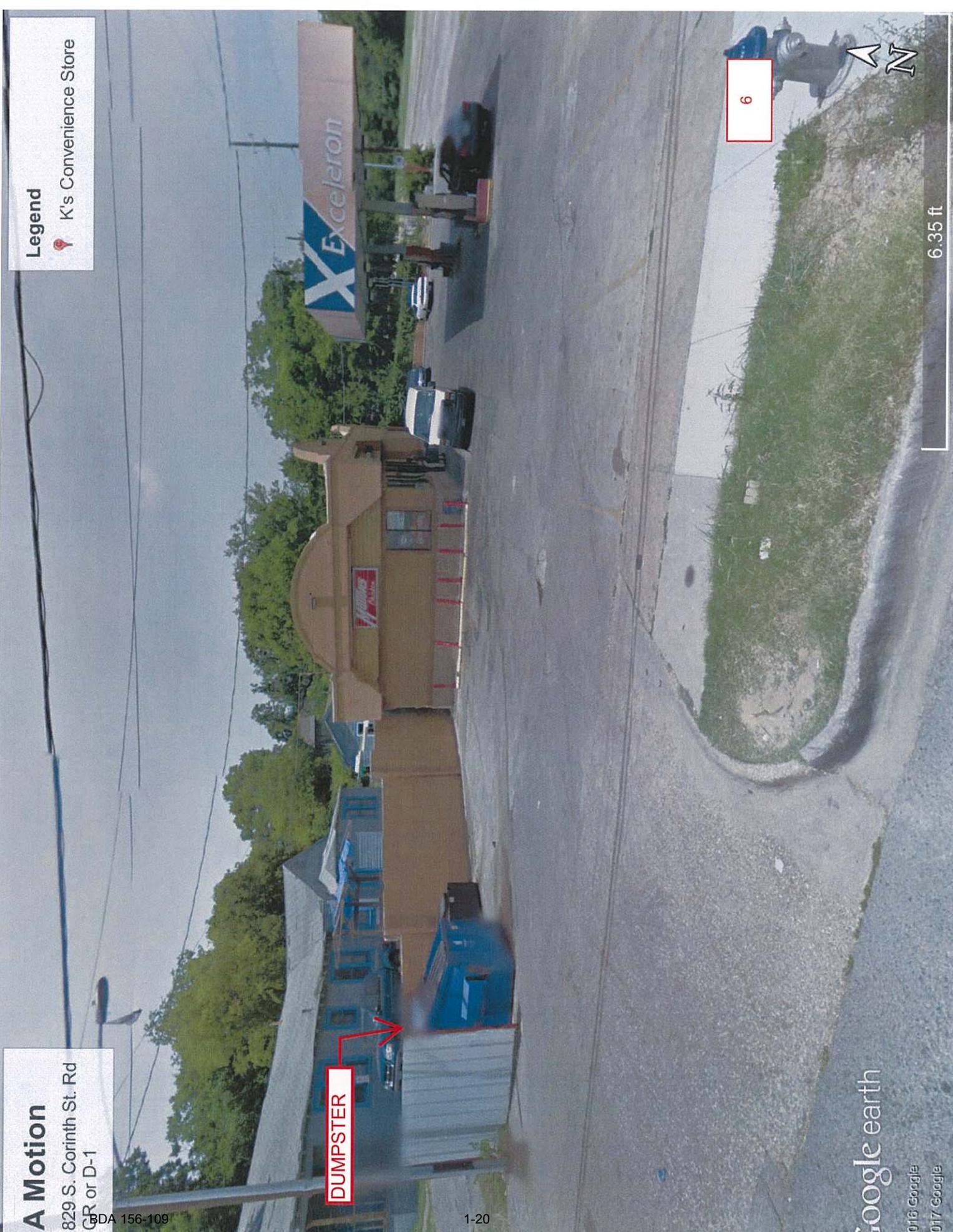
6

Google earth

© 2016 Google

© 2017 Google

6.35 ft



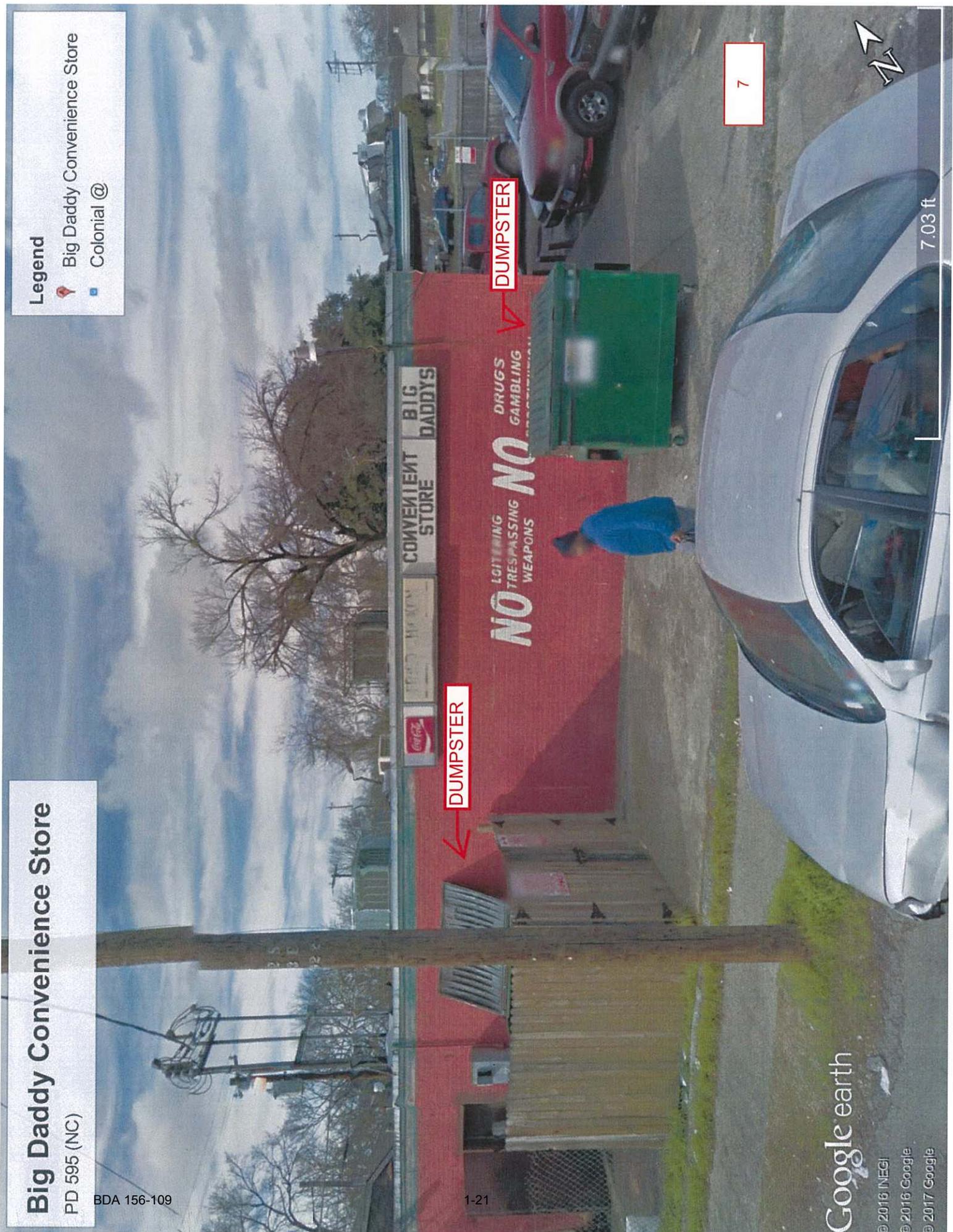
Big Daddy Convenience Store

PD 595 (NC)

BDA 156-109

Legend

-  Big Daddy Convenience Store
-  Colonial @



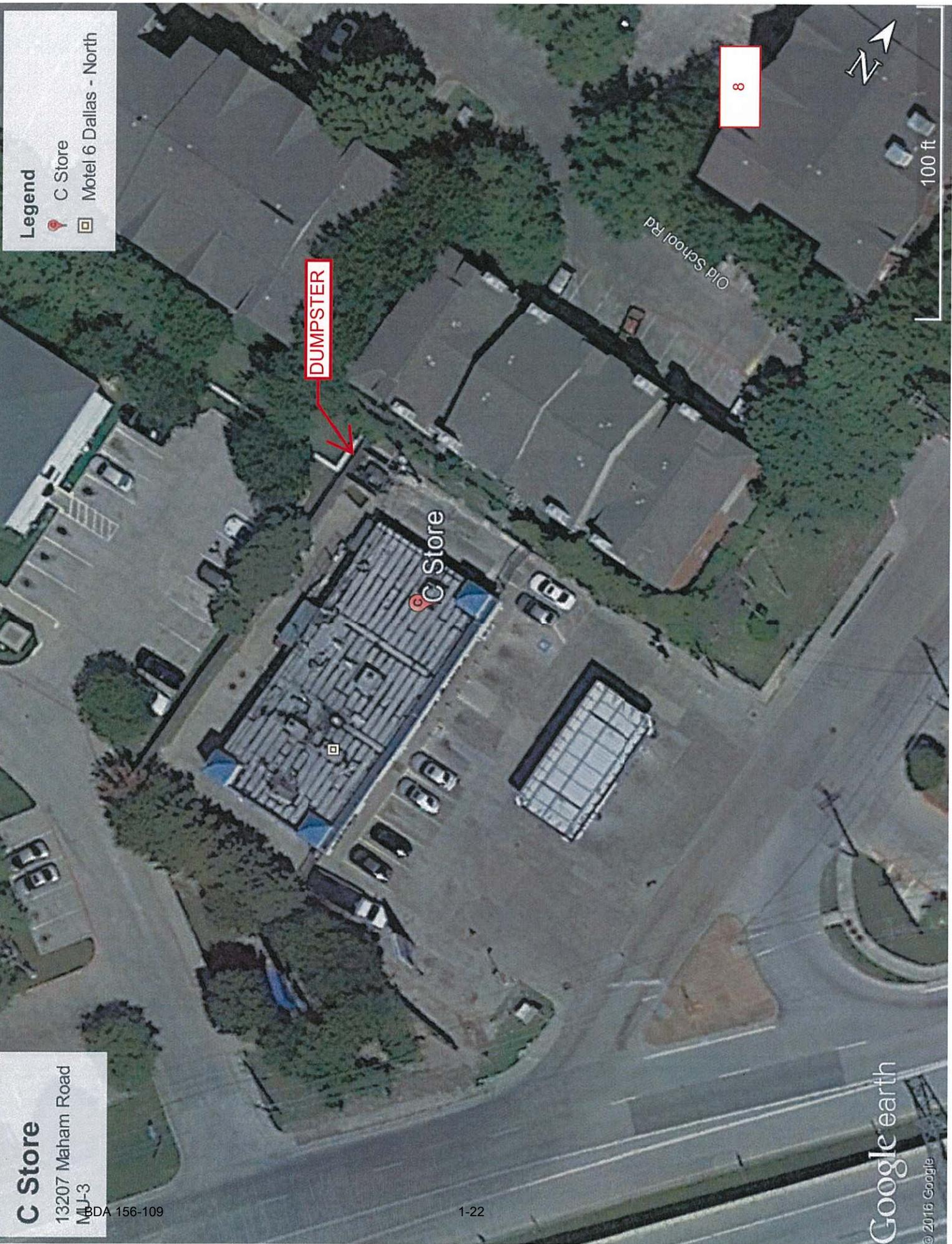
DUMPSTER

DUMPSTER

7

Google earth

© 2016 INEGI
© 2016 Google
© 2017 Google



Legend

- C Store
- Motel 6 Dallas - North

C Store
 13207 Maham Road
 MJ-3
 BDA 156-109

DUMPSTER

8



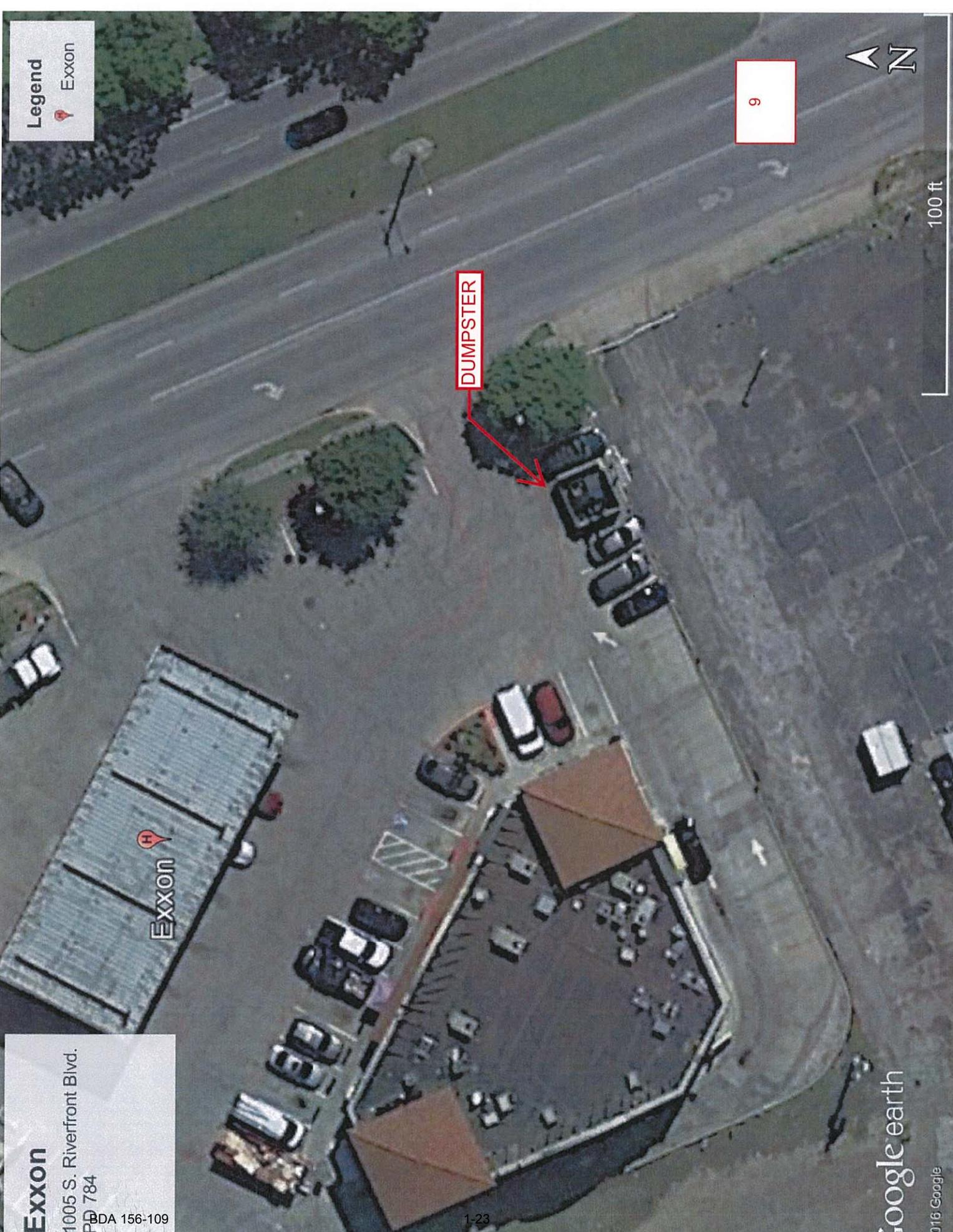
100 ft

Old School Rd

C Store

Google earth

© 2016 Google



Legend

Exxon

9

DUMPSTER

100 ft

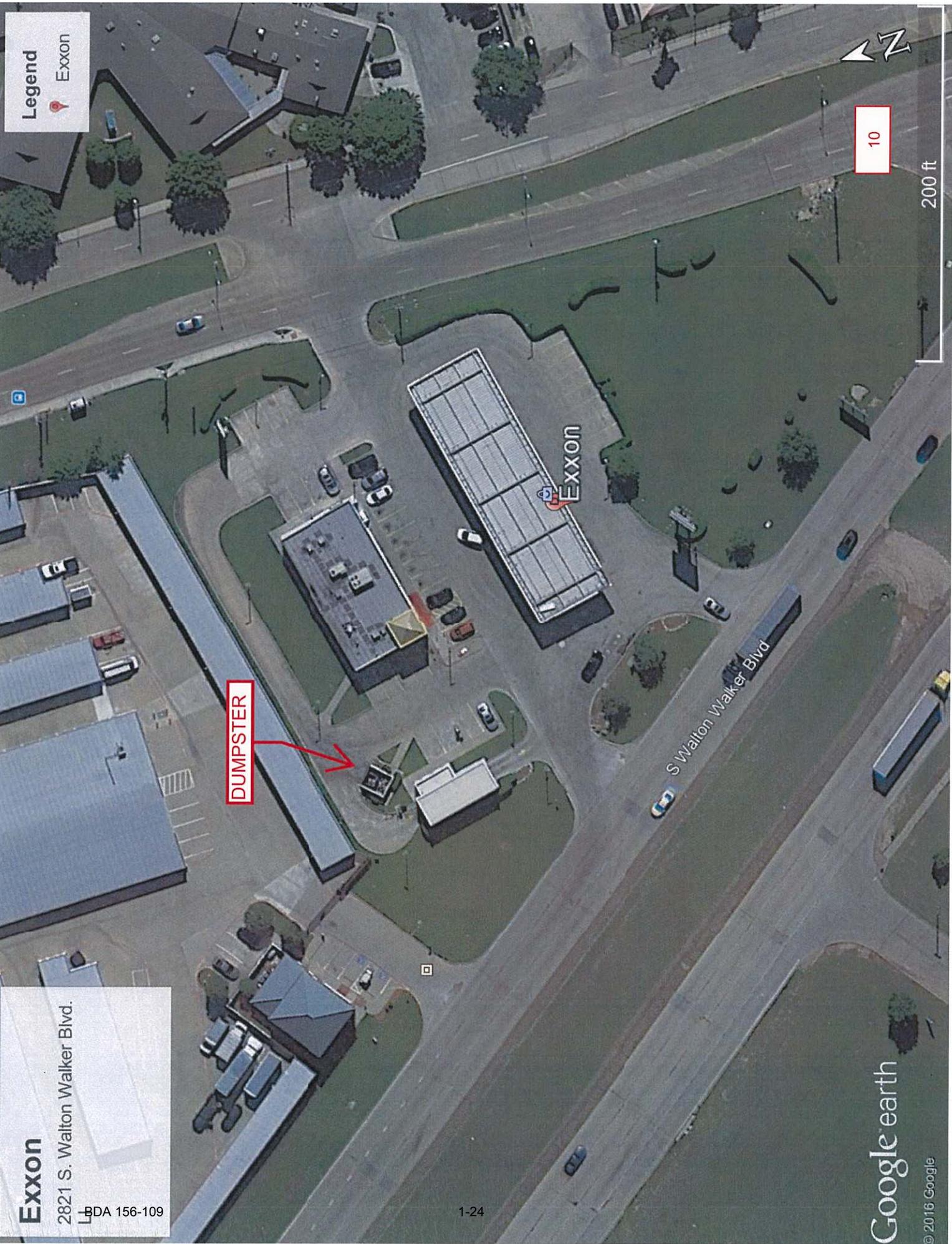
Exxon

Exxon

1005 S. Riverfront Blvd.

PD 784

PDA 156-109



Legend

Exxon

10

200 ft

DUMPSTER

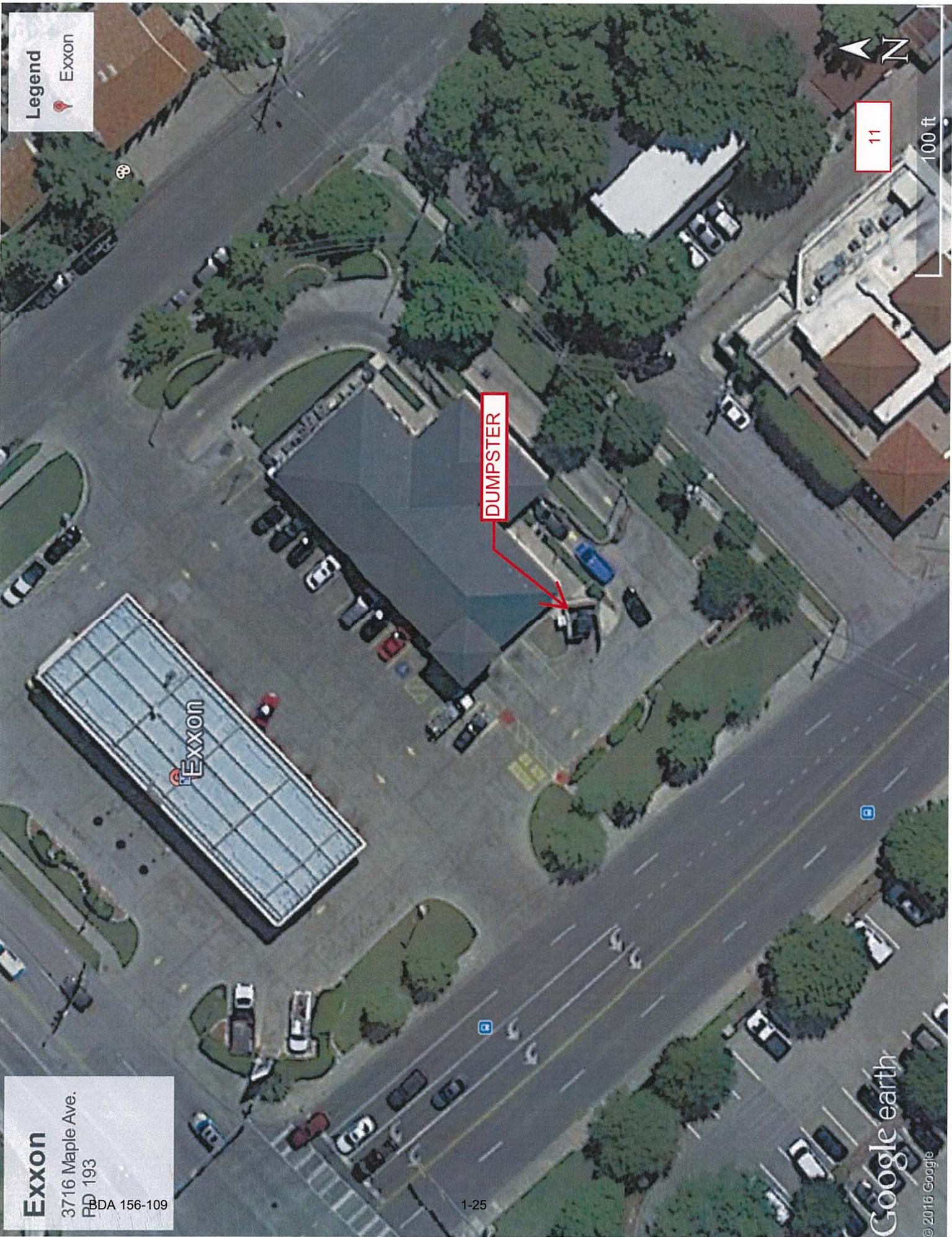
S Walton Walker Blvd

Exxon

Exxon

2821 S. Walton Walker Blvd.

BDA 156-109



Legend

- Exxon

11

100 ft

DUMPSTER

Exxon
 3716 Maple Ave.
 RD 193
 BDA 156-109

Legend
📍 Exxon



12

100 ft

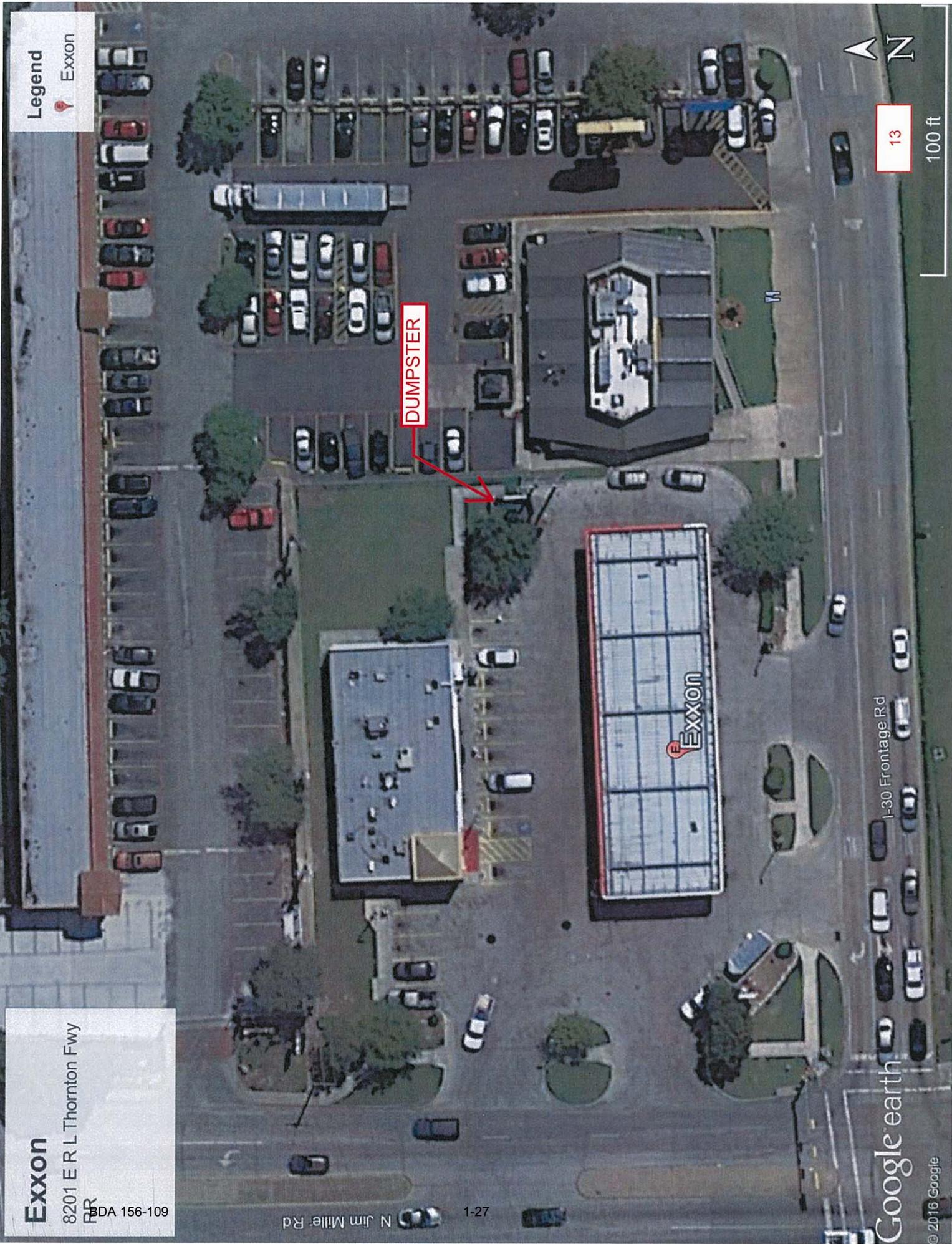
Lemmon Ave

Exxon

DUMPSTER

Wyckoff Ave

Exxon
4139 Lemmon Ave.
PD 193 (GR)
BDA 156-109



Exxon

8201 E R L Thornton Fwy

PR

BDA 156-109

N Jim Miller Rd

1-27

Legend

Exxon

DUMPSTER

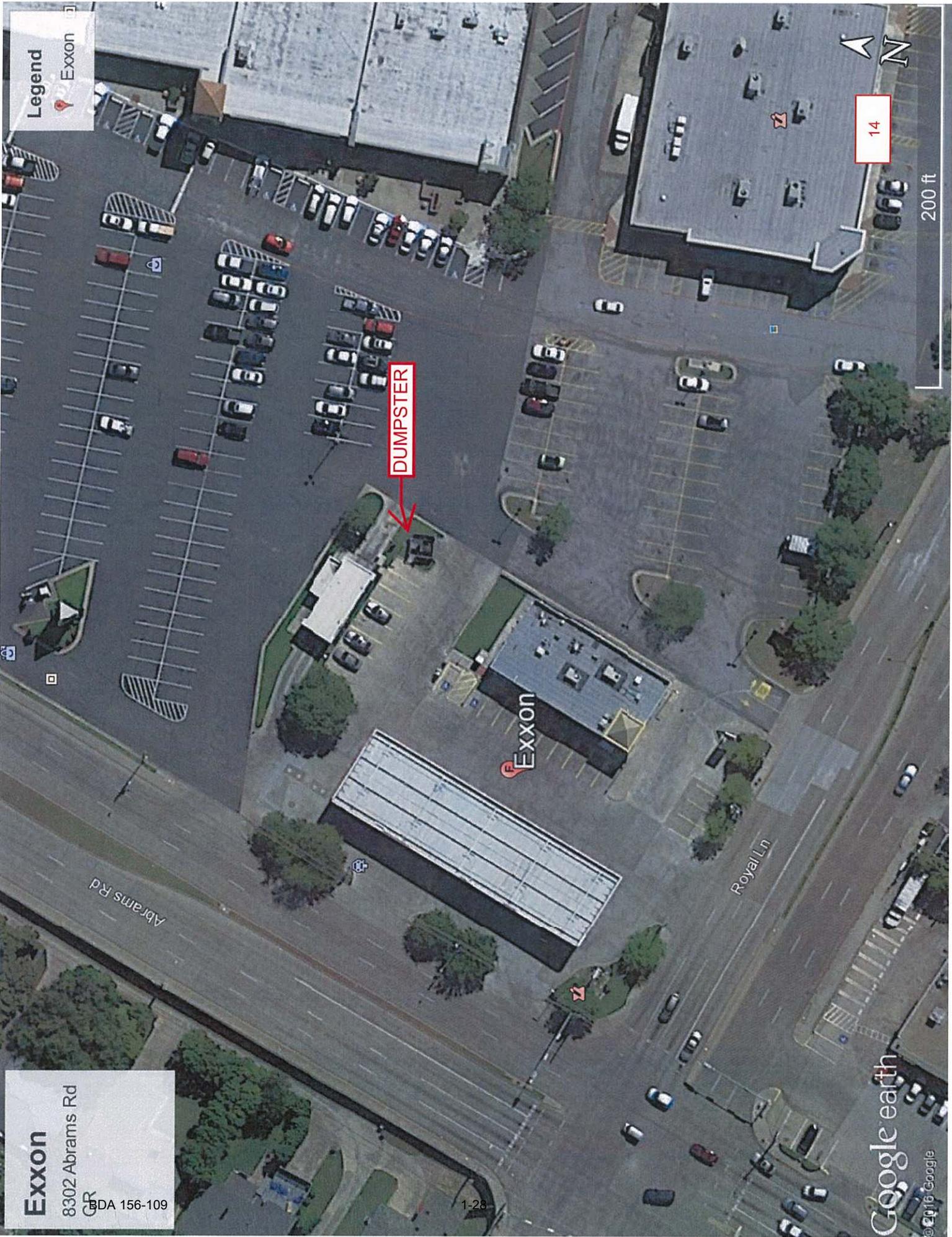
13

100 ft

I-30 Frontage Rd

Google earth

© 2016 Google



Legend
Exxon



14

200 ft

DUMPSTER

Exxon

Abrams Rd

Royal Ln

Exxon
8302 Abrams Rd
BDA 156-109

Legend
📍 Exxon

15

200 ft

DUMPSTER



Exxon 7-11
1607 Inwood Rd.
BDA 156-109



Legend

- Exxon
- Walton Walker @ Singleton - N - NS



17

90 ft

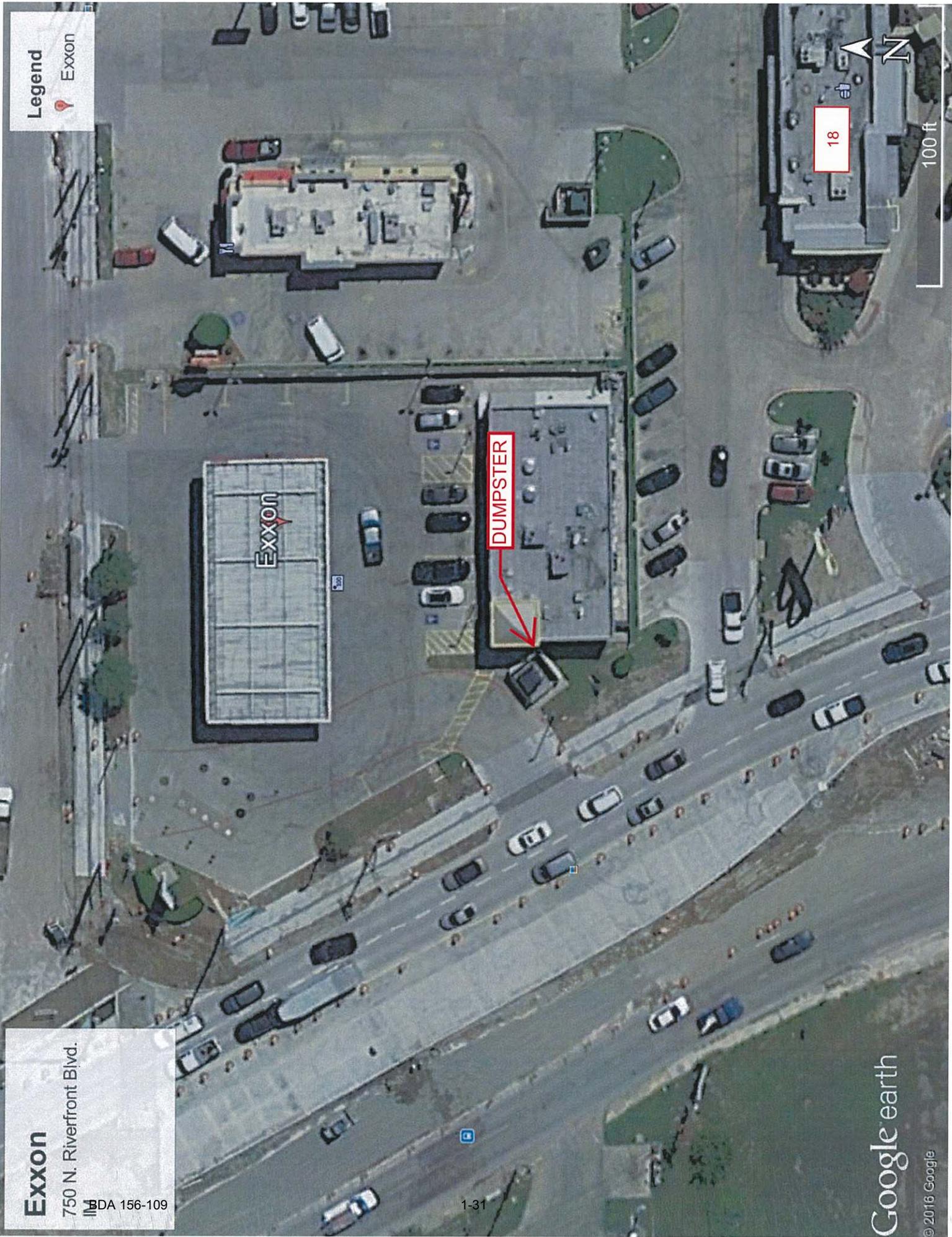
DUMPSTER

Exxon 7-11
 5910 Singleton Blvd.
 BDA 156-109

Walton Walker Blvd

Google earth

© 2016 Google



Legend

Exxon

18

100 ft

DUMPSTER

Exxon

Exxon

750 N. Riverfront Blvd.

IBDA 156-109

K's Convenience Store

4818 S. 2nd Ave.
PD 595 (CC)

PBDA 156-109

1-32

Legend

 K's Convenience Store

DUMPSTER



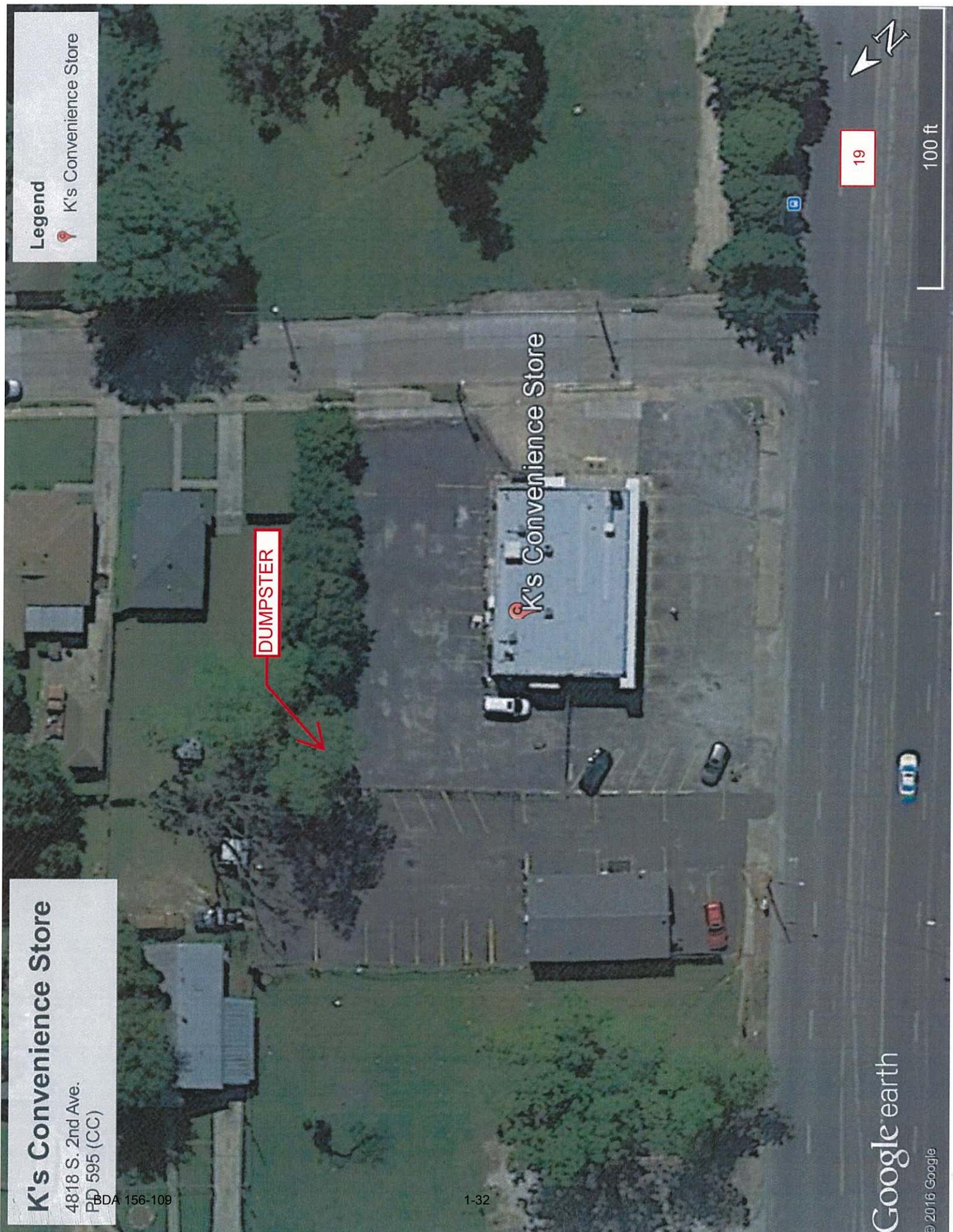
K's Convenience Store

19

100 ft

Google earth

© 2016 Google



K's Convenience Store

4818 S. 2nd Ave.
RD 595 (CC)

BDA 156-109

Legend

 K's Convenience Store

DUMPSTER

1-33

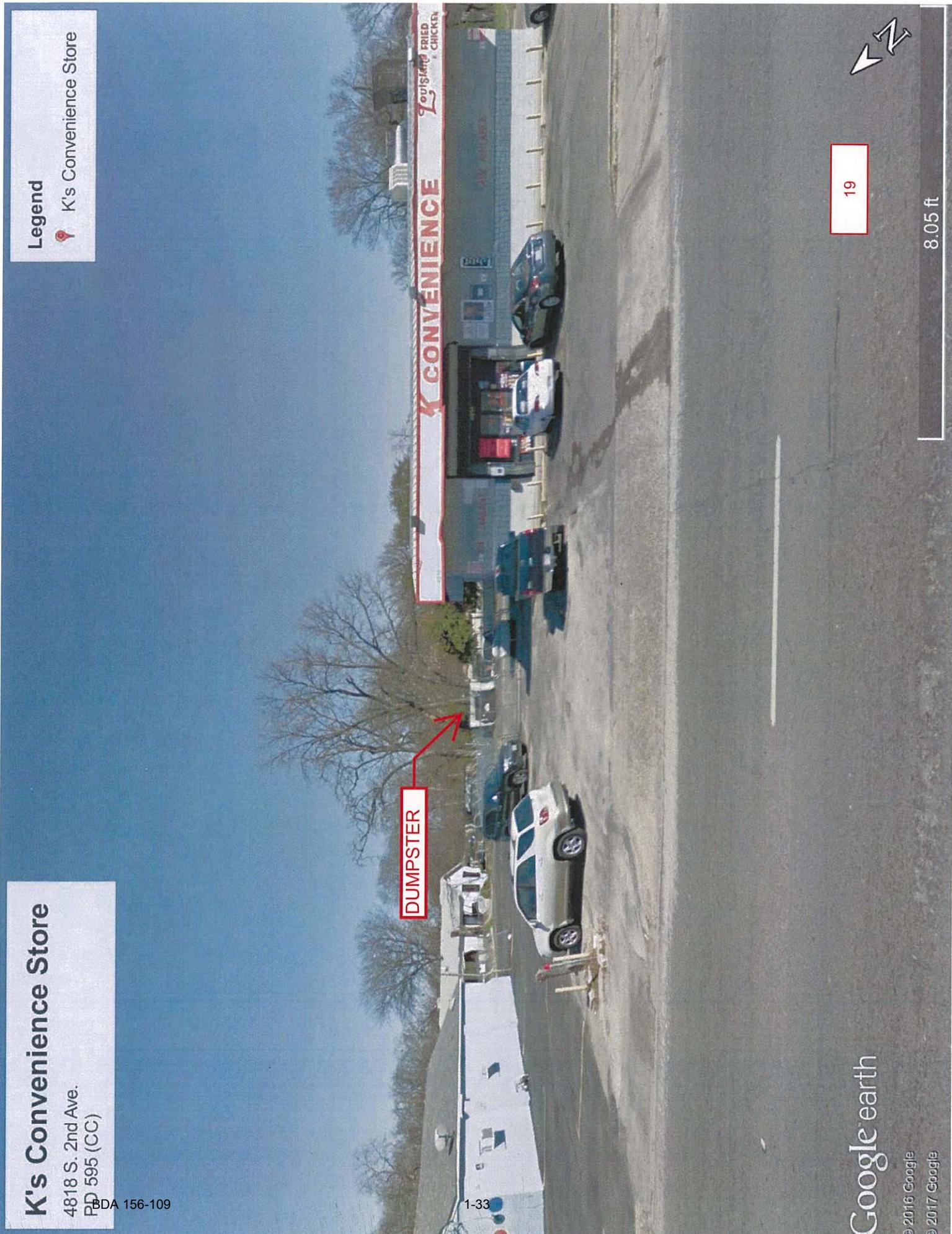
Google earth

© 2016 Google

© 2017 Google

19

8.05 ft



Motions Convenience Store

2995 S. Westmoreland Road

BDA 156-109

Legend

 Motions Convenience Store

DUMPSTER



Google earth

© 2016 NEGI

© 2016 Google

© 2017 Google

20



5.75 ft

Murphy USA

18041 Marsh Lane

CR

DA 156-109

Legend

-  Murphy USA
-  Murphy USA
-  Walmart Photo Center (inside Walmart)

DUMPSTER

Google earth

© 2017 Google

© 2016 Google

© 2016 INEGI

21

6.80 ft



7-11

1545 N. Cockrell Hill Rd.

RR

BDA 156-109

Legend

 Murphy USA

 Vision Center At Walmart

DUMPSTER

1-36

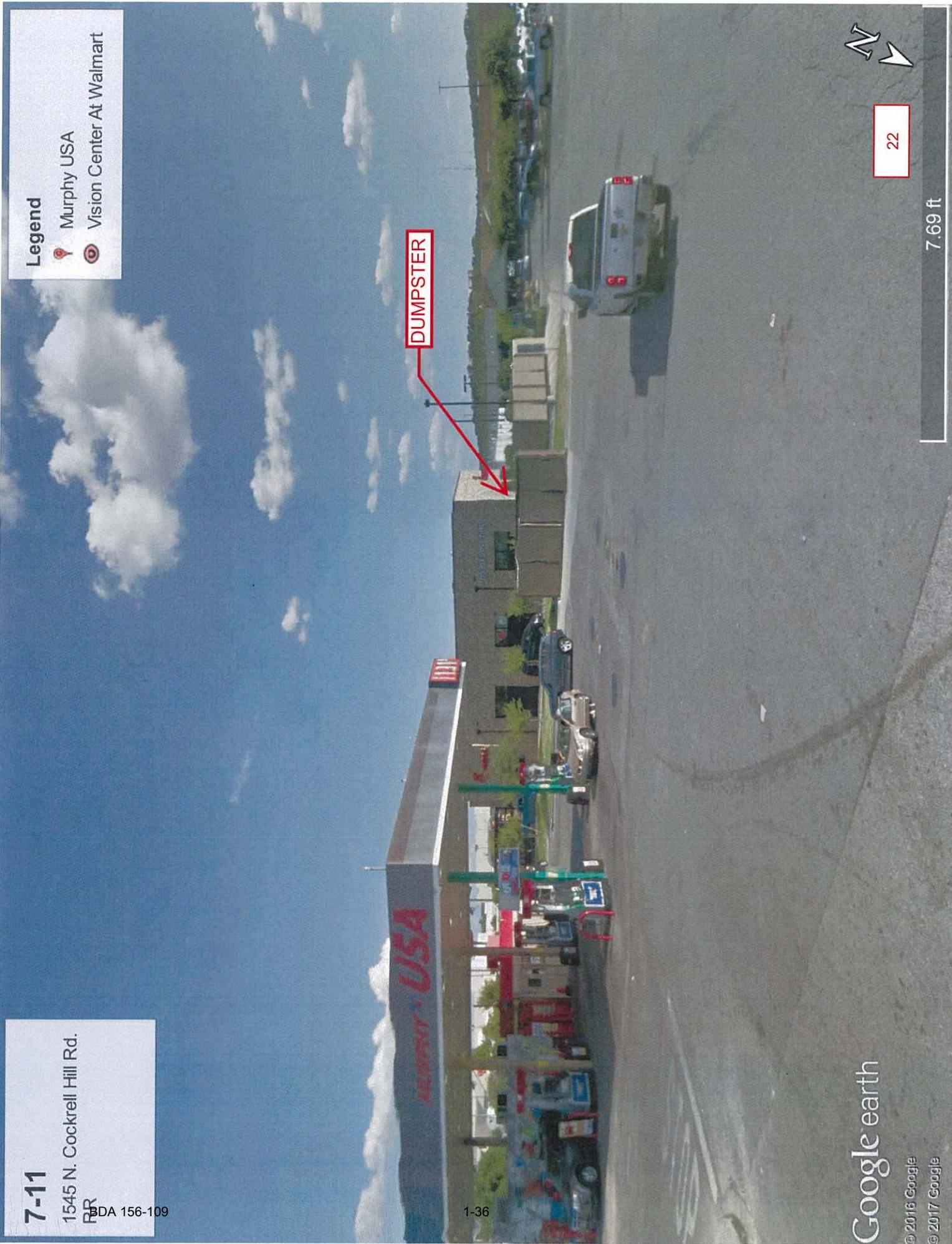
Google earth

© 2016 Google

© 2017 Google

22

7.69 ft



Murphy USA
3102 W. Wheatland Rd.
RR

BDA 156-109

DUMPSTER

1-37

Legend

Murphy USA

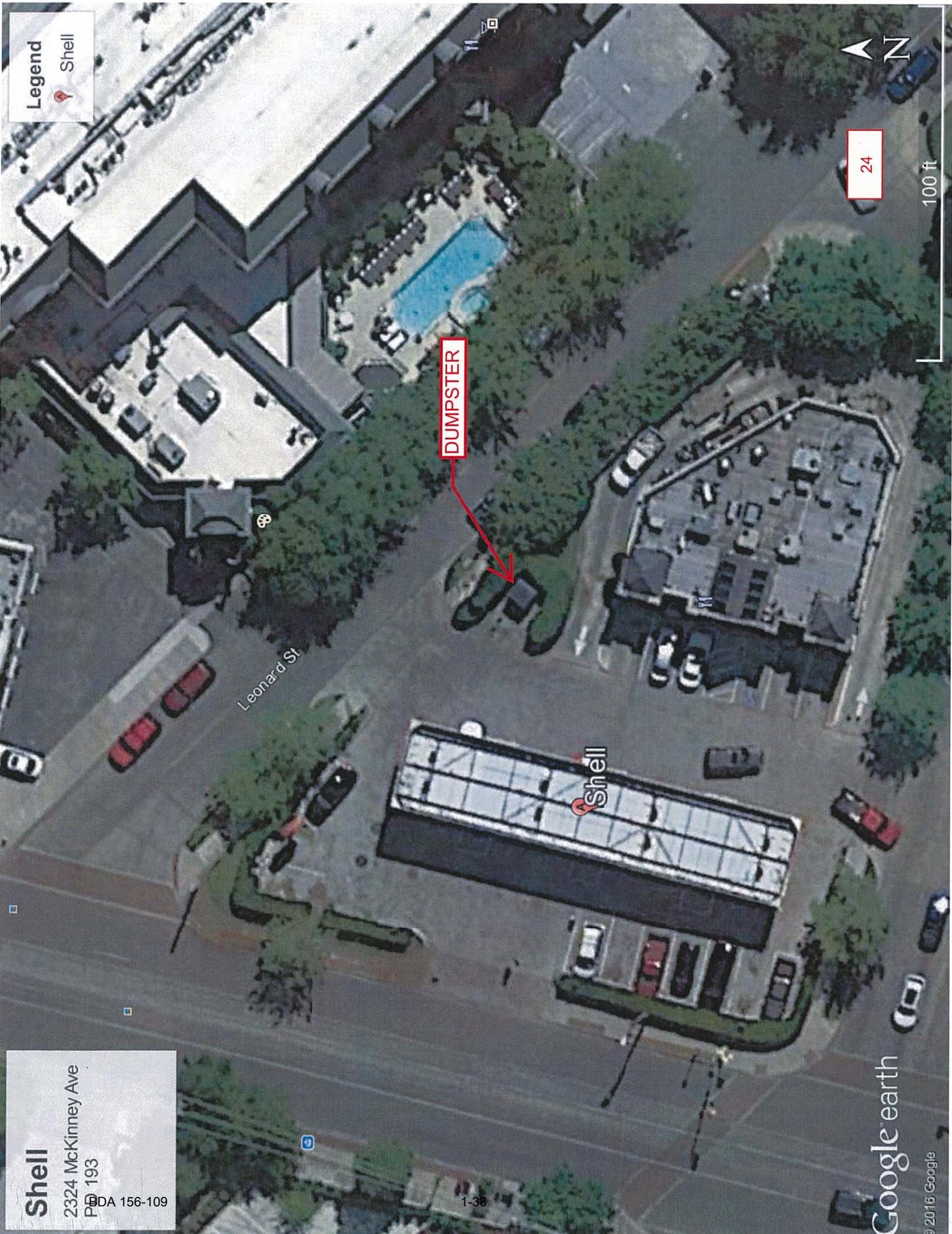
Google earth

© 2016 Google

23

100 ft





Legend

- Shell

24

100 ft

DUMPSTER

Leonard St

Shell

Shell
 2324 McKinney Ave
 PD 193
 PDA 156-109

Google earth

© 2016 Google

Legend
Shell



25

100 ft

DUMPSTER

Shell

Shell
3100 W. Mockingbird Ln.
IRBDA 156-109



Legend

26

7.82 ft

Google earth

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© 2016 Google
© 2017 Google

Shell
3128 McKinney Ave
RD 193 (LC)
BDA 156-109

Legend
Shell

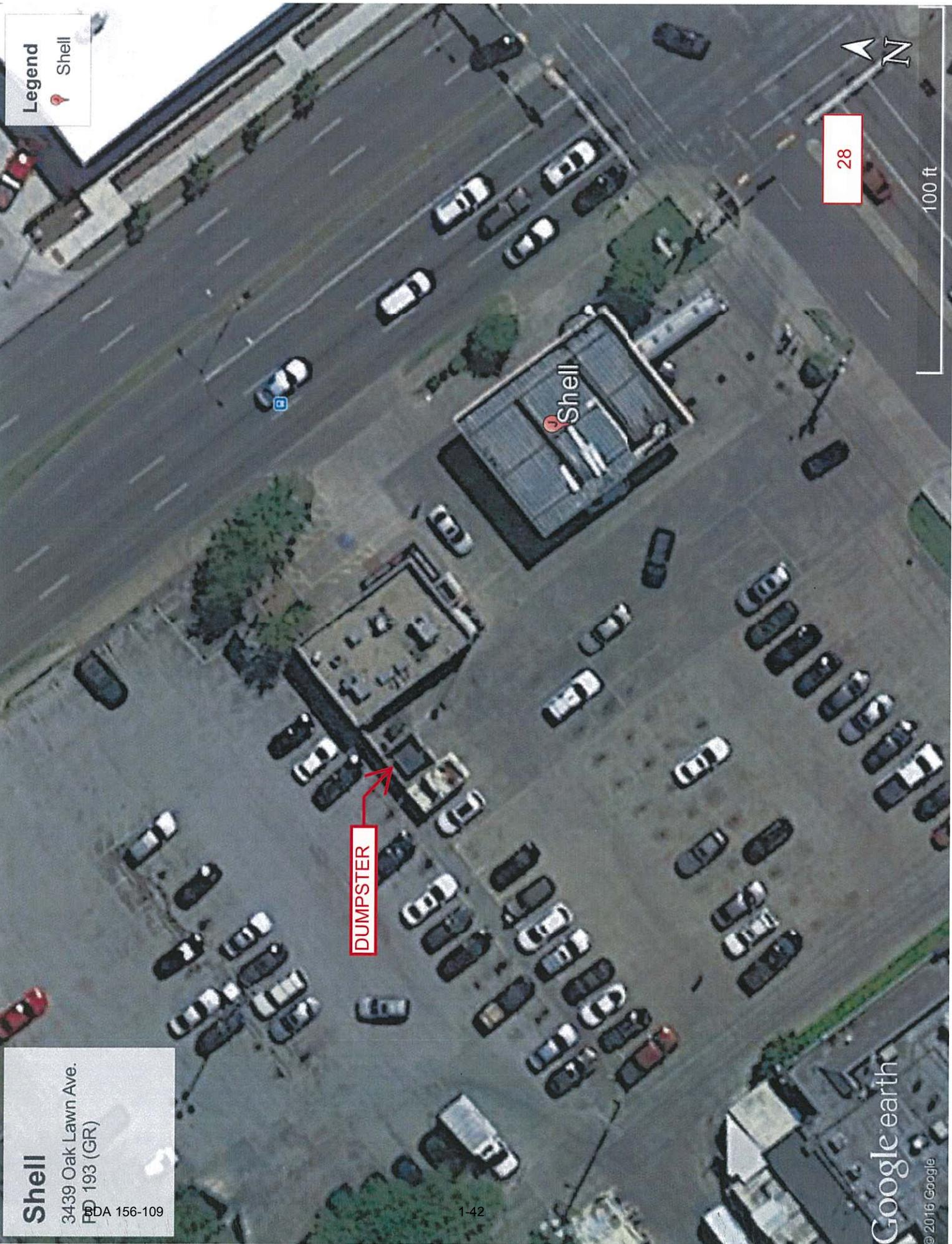


27

100 ft



Shell
3305 Grand Ave.
RR
BDA 156-109



Legend

Shell

28

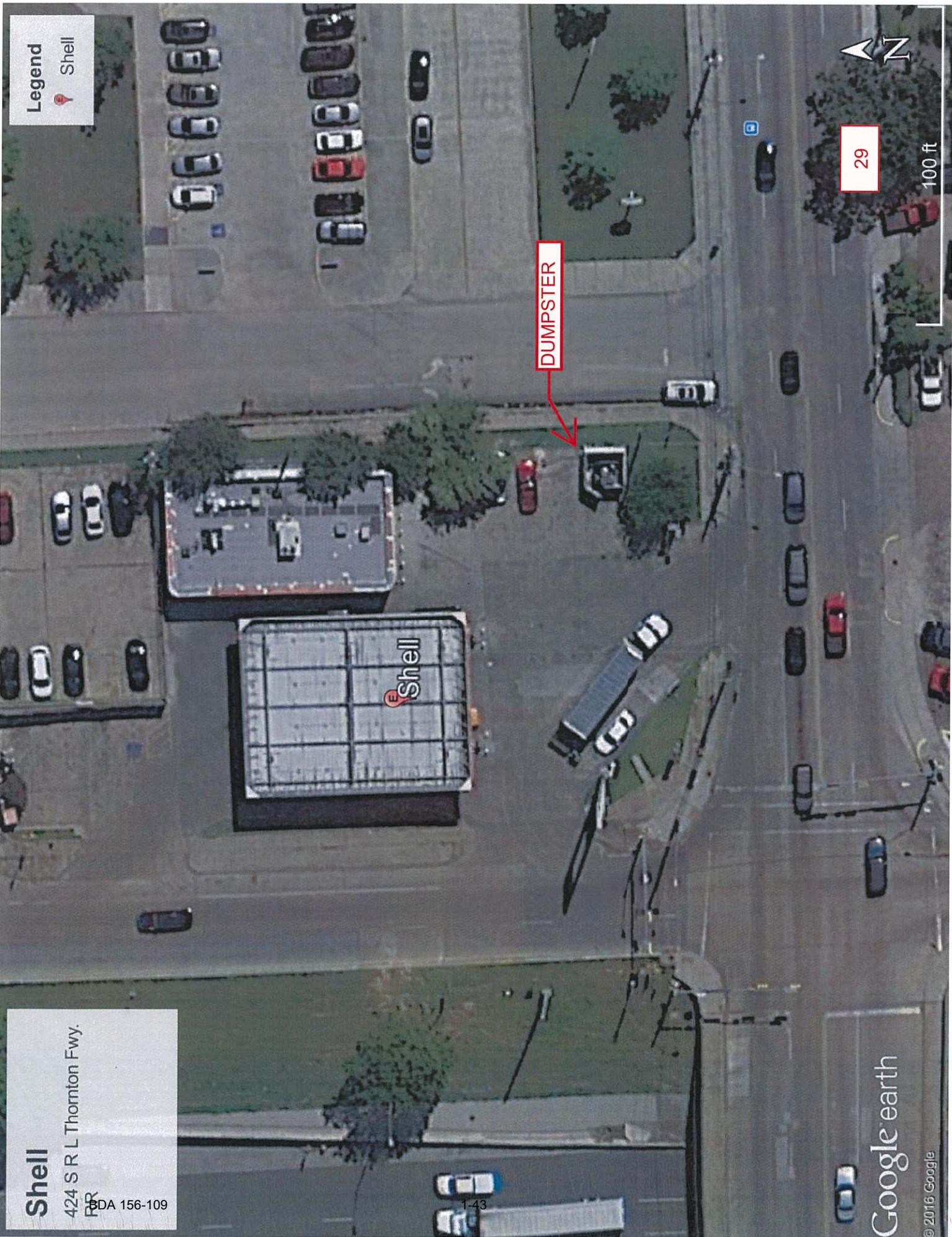
100 ft

Shell

3439 Oak Lawn Ave.

FD 193 (GR)

BDA 156-109



Shell

424 S R L Thornton Fwy.

PR

BDA 156-109

Legend

Shell

DUMPSTER

29

100 ft

Google earth

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Shell

4611 N. Central Expressway

PO 193

DA 156-109

Legend

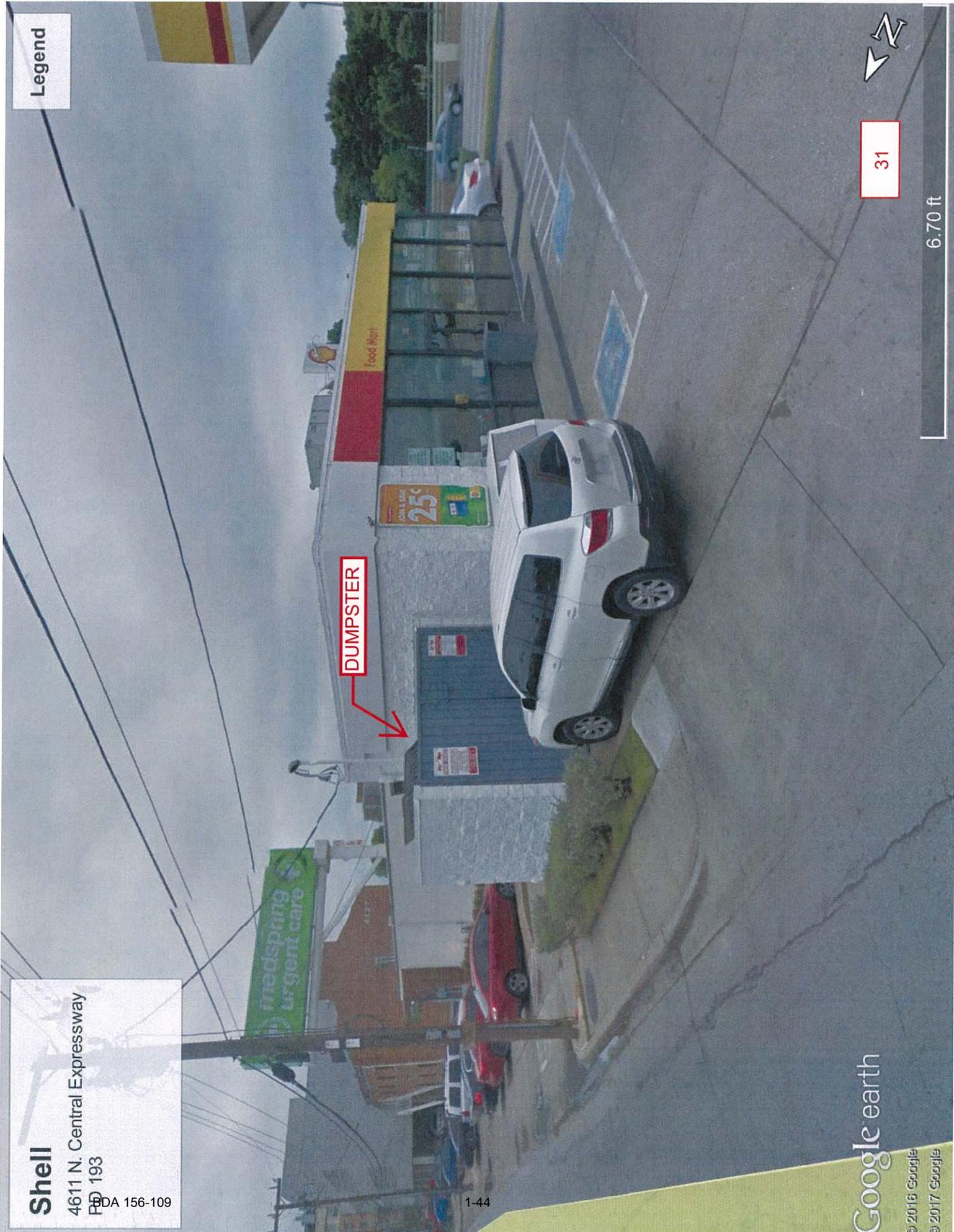
DUMPSTER

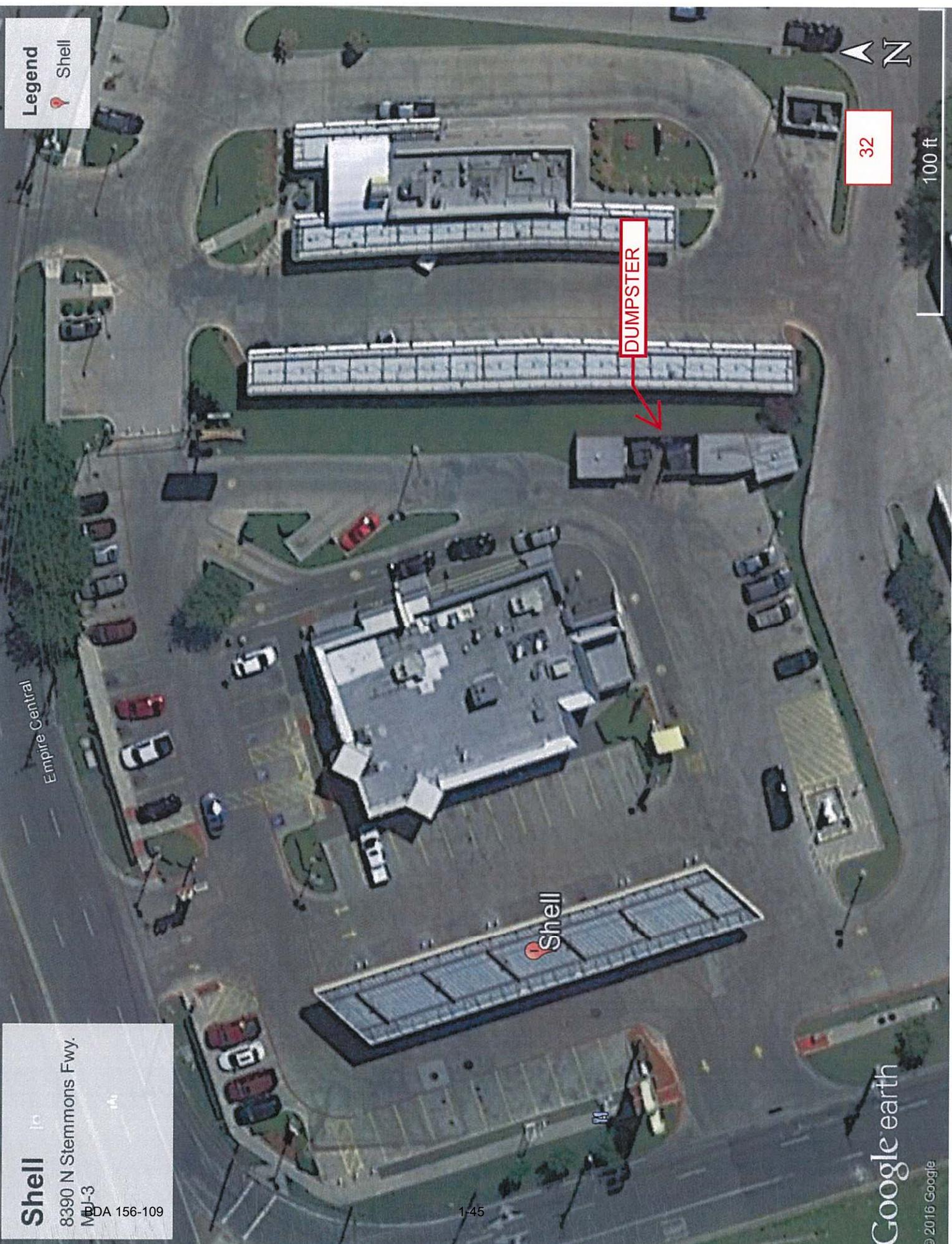
Google earth

© 2016 Google
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31

6.70 ft





Shell

8390 N Stemmons Fwy.

MDA 156-109

146

Empire Central

Legend

Shell

DUMPSTER

32

100 ft

Google earth

© 2016 Google

Stop 'n Save Food Market

3525 Sunnyvale St.

GR

BDA 156-109

DUMPSTER

Stop 'n Save Food Market

Legend

 K's Convenience Store



33

100 ft

Google earth

© 2016 Google

Texaco Dallas

11804 Inwood Rd.

CBDA 156-109

Legend

📍 11804 Inwood Rd

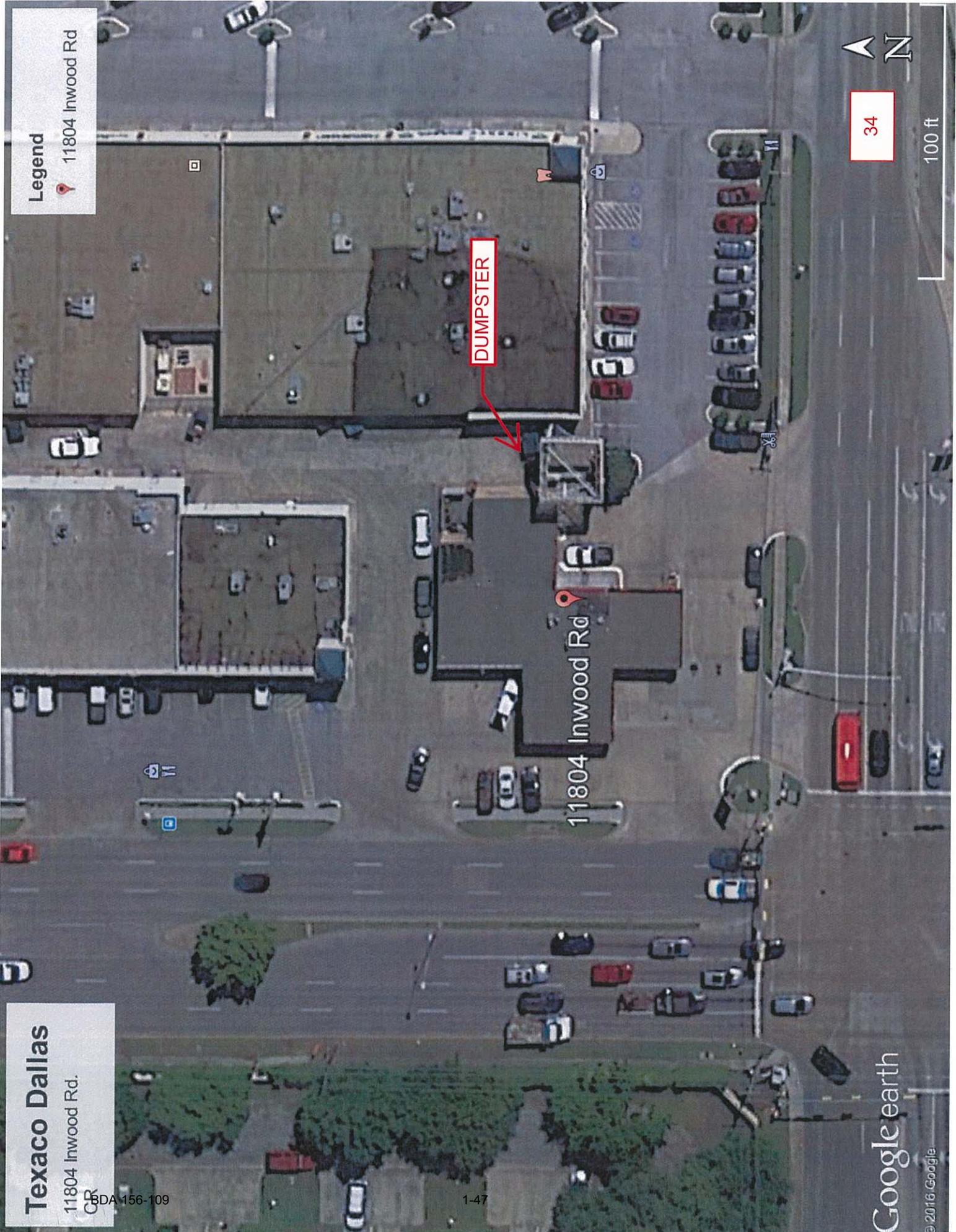
DUMPSTER

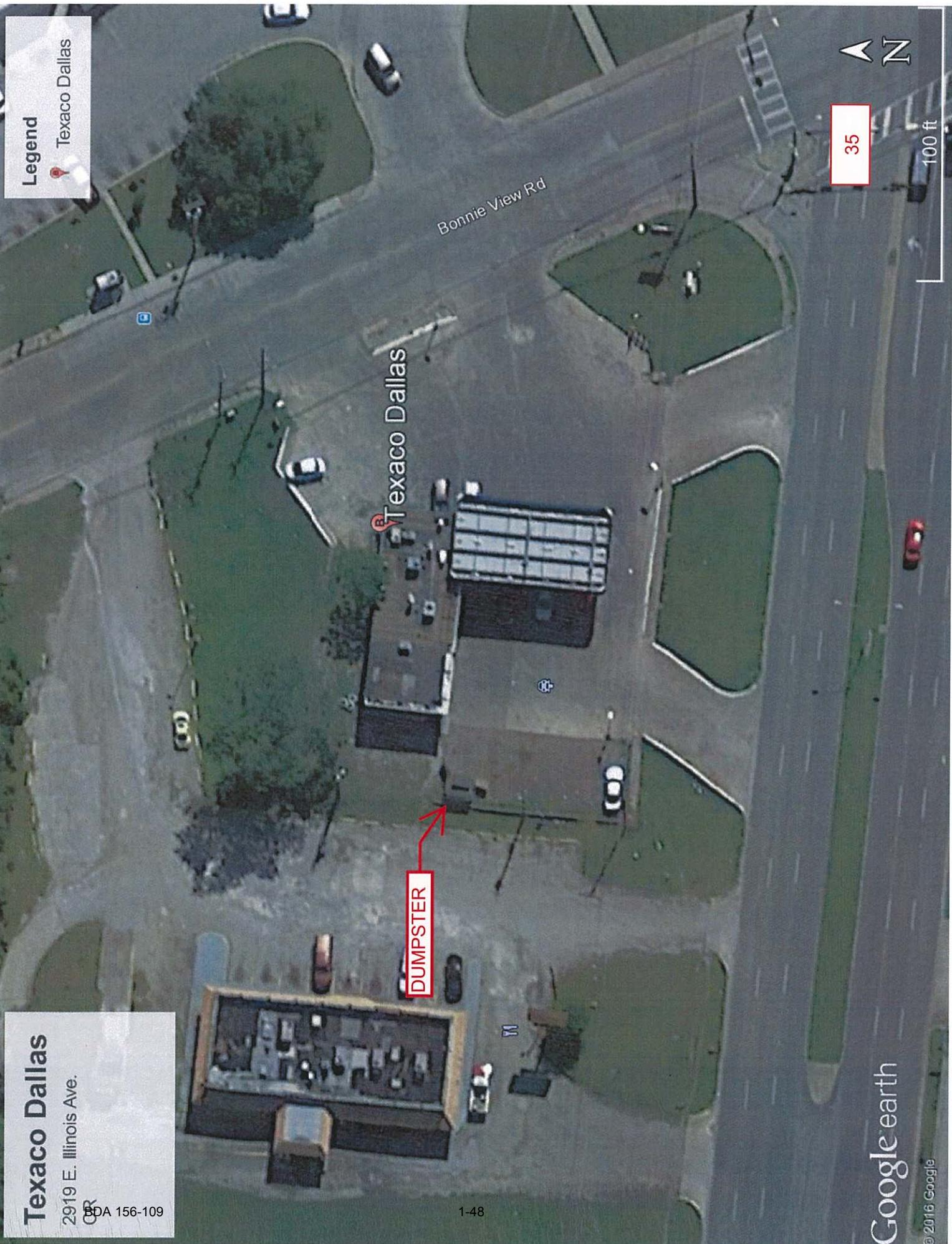
11804 Inwood Rd



34

100 ft





Legend

 Texaco Dallas



35

100 ft

Bonnie View Rd

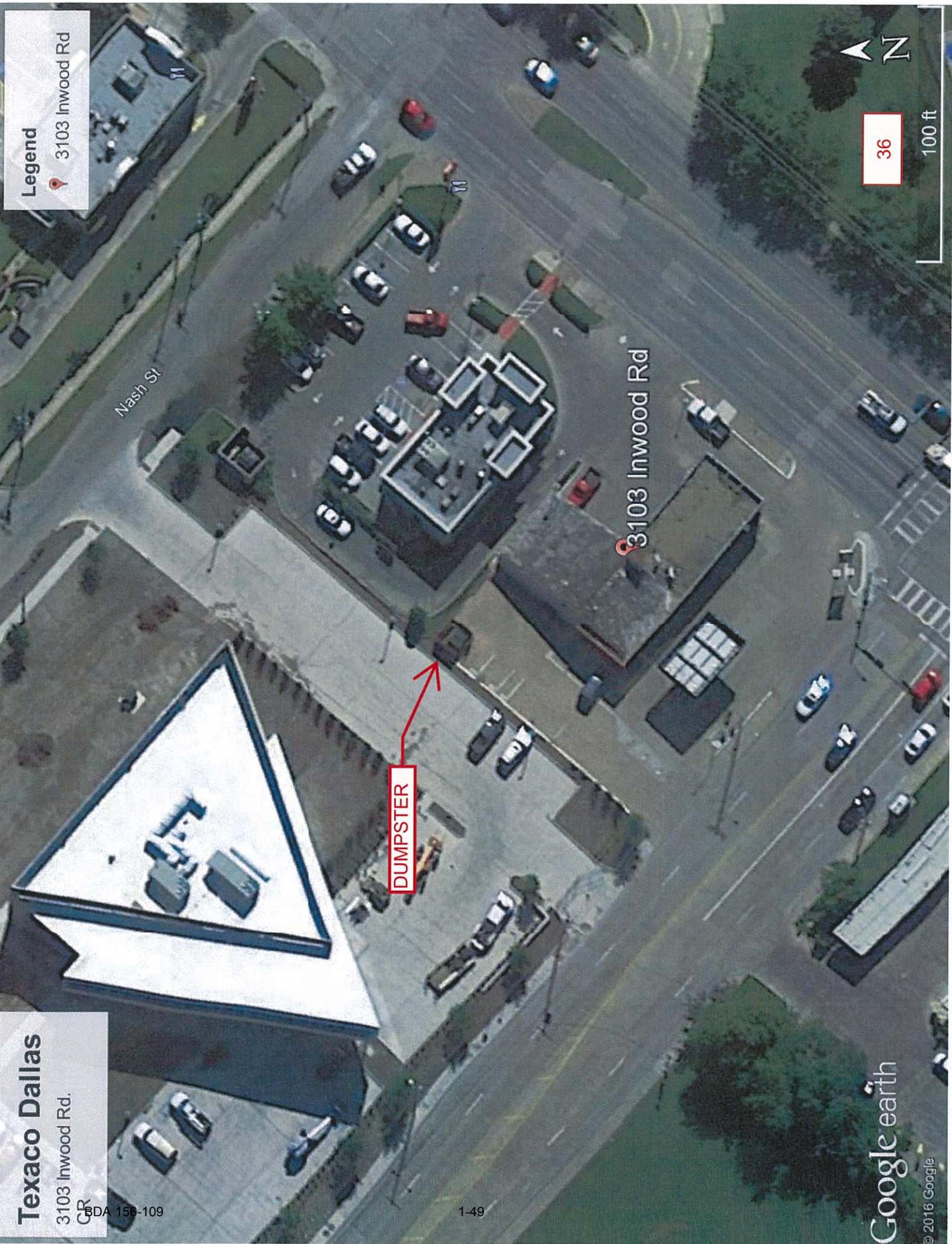
 Texaco Dallas


DUMPSTER

Texaco Dallas

2919 E. Illinois Ave.

BDA 156-109



Legend
📍 3103 Inwood Rd

36

100 ft



Nash St

3103 Inwood Rd

DUMPSTER

Texaco Dallas
3103 Inwood Rd.
GR

BDA 156-109

Texaco Dallas

5909 S. Hampton Rd.

CR

BDA 156-109

Legend



Texaco Dallas

DUMPSTER



Google earth

© 2017 Google

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© 2016 INEGI

38



7.87 ft



Texaco Dallas

9791 Ferguson Rd.

OR

BDA 156-109

Legend

 Texaco Dallas

Oates Dr

 Texaco Dallas

DUMPSTER

39

100 ft

Google earth

© 2016 Google

Texaco/Exxon Dallas

8405 Stemmons Fwy.

MJ-3

BDA 156-109

Legend



Texaco Dallas

DUMPSTER

41

9.03 ft

Google earth

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Tony's Neighborhood Food Store

820 N. Fitzhugh Ave.
PD 99 (Area 2)

DA 156-109

Legend



Apartments Oaklawn | Power Properties



Tony's Neighborhood Food Store

DUMPSTER

1-53

Google earth

© 2016 Google

© 2017 Google

42

8.23 ft





Legend

- Valero



43

100 ft

Marsh Ln

E Rosemeade Pkwy

Valero

DUMPSTER

Valero
 19059 Marsh Ln.
 CR

BDA 156-109

Valero

7887 McCallum Rd.
7823-223 East Tract

BDA 156-109

1-55

Legend



Valero

DUMPSTER

44



100 ft

Google earth

© 2016 Google

Valero Corner Store

3434 Webb Chapel Ext.

BDA 156-109

Legend

 Valero Corner Store

DUMPSTER

45

100 ft



Google earth

© 2016 Google



APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-109

Data Relative to Subject Property:

Date: 8-25-16

Location address: 13729 North Central Expressway Zoning District: MU-3

Lot No.: 1.1 Block No.: B/7763 Acreage: 0.537 ac. Census Tract: 192.13

Street Frontage (in Feet): 1) 173 FT 2) 110 FT 3) 4) 5) NEAR

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Murphy Oil USA, Inc.

Applicant: W. Aaron Grieb, Murphy Oil USA, Inc. Telephone: 870-875-7680

Mailing Address: 200 Peach St., El Dorado, AR Zip Code: 71730

E-mail Address: Aaron.Grieb@murphyusa.com

Represented by: John Vecchio, GreenbergFarrow Telephone: 404-205-8426

Mailing Address: 1430 W. Peachtree St., NW, Suite 200, Atlanta, GA Zip Code: 30309

E-mail Address: jvecchio@greenberfarrow.com

Affirm that an appeal has been made for a Variance X, or Special Exception, of (A) an encroachment of 12 feet of the 15-foot setback for dumpster placement, and (B) an encroachment of 11 feet of the 15-foot setback for light pole placement. Gen. Merch or food Store <3500 s.f. in FYSB General use of this site is a convenience store with food and fuel sales with motor vehicle access.

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: Due to the site being small and constrained, and in an effort to properly separate customer traffic and activities (fueling, vacuuming of cars, pick of LP tanks, and access to the ice machine) from each other, including servicing of the dumpster, the dumpster must be located where proposed, which is very close to where it presently exists. The proposed light pole has been located to provide safe and adequate lighting in that area of the property, and so that it does not conflict with trees and shrubs, both existing and proposed.

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

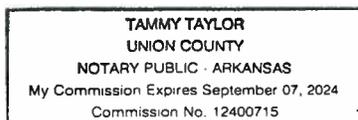
Before me the undersigned on this day personally appeared W. Aaron Grieb (Affiant/Applicant's name printed)

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 26th day of August, 2016

(Rev. 08-01-11)



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

**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 Aaron W. Grieb
represented by John Vecchio
did submit a request for a variance to the front yard setback regulations
at 13729 N. Central Expressway

BDA156-109. Application of Aaron W. Grieb represented by John Vecchio for a variance to the front yard setback regulations at 13729 N. Central Expressway. This property is more fully described as Lot 1.1, Block B/7763, and is zoned MU-3, which requires a front yard setback of 15 feet. The applicant proposes to construct a nonresidential structure and provide a 3 foot front yard setback, which will require a 12 foot variance to the front yard setback regulation.

Sincerely,

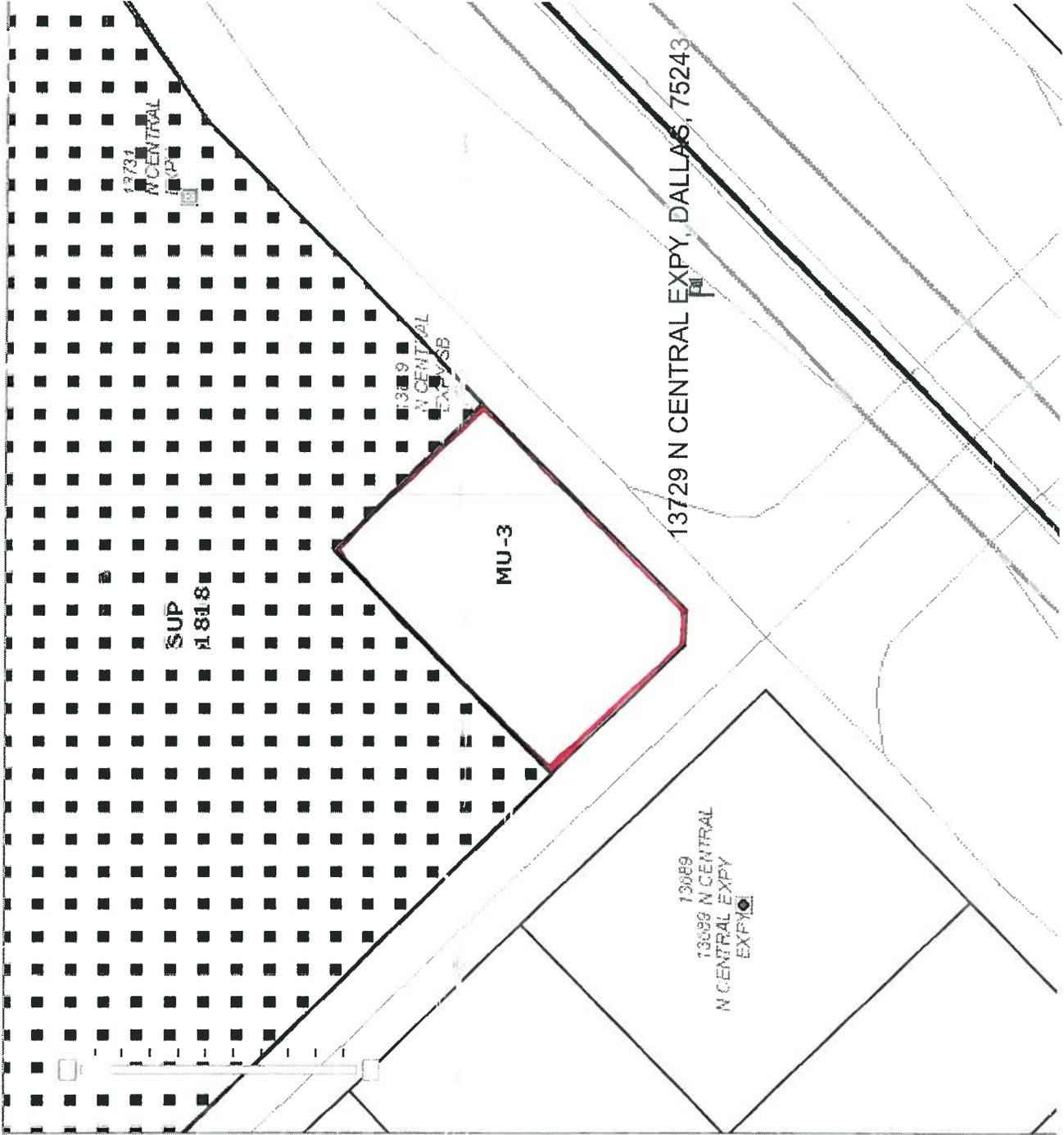
Philip Sikes
Philip Sikes, Building Official

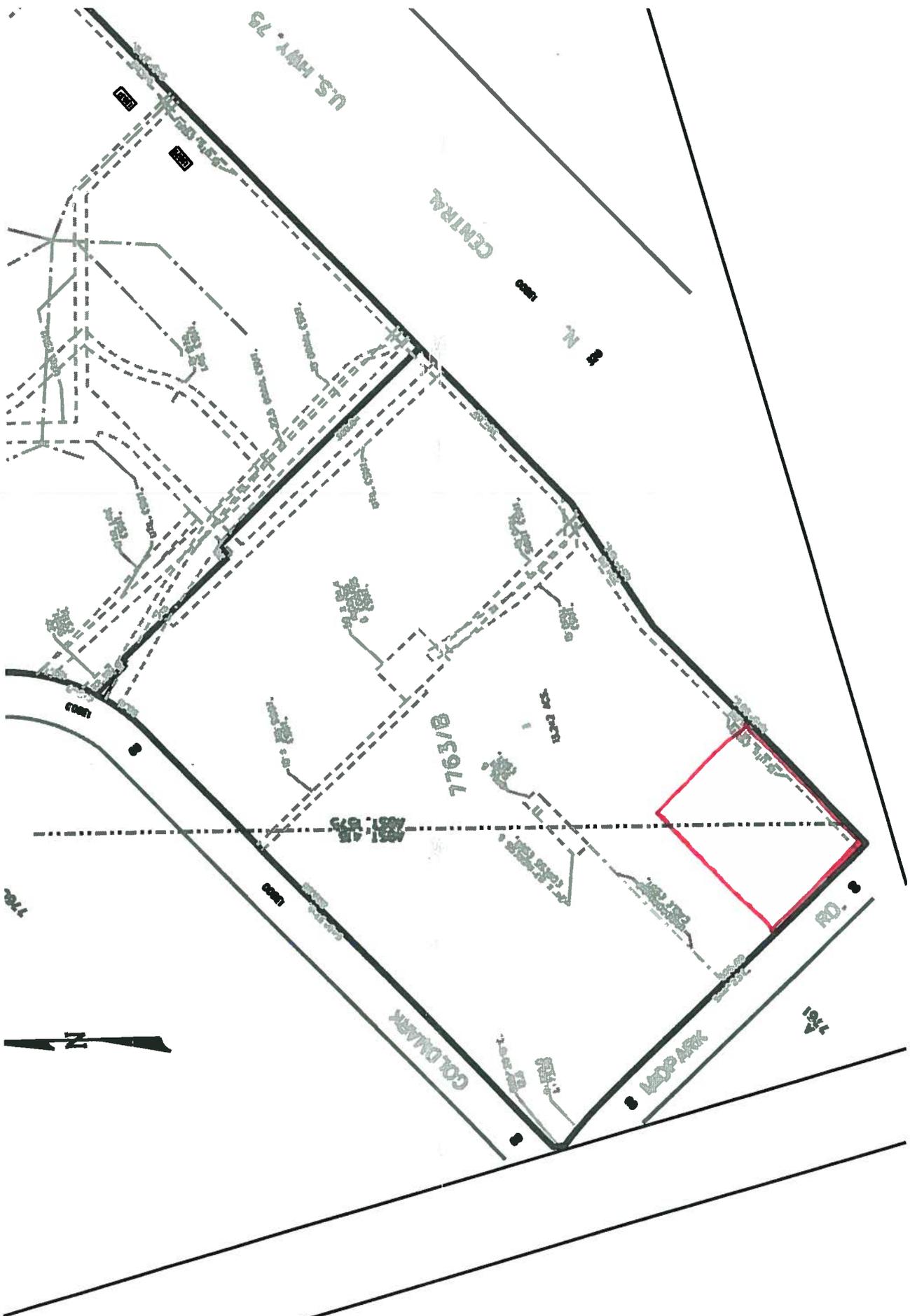
City of Dallas

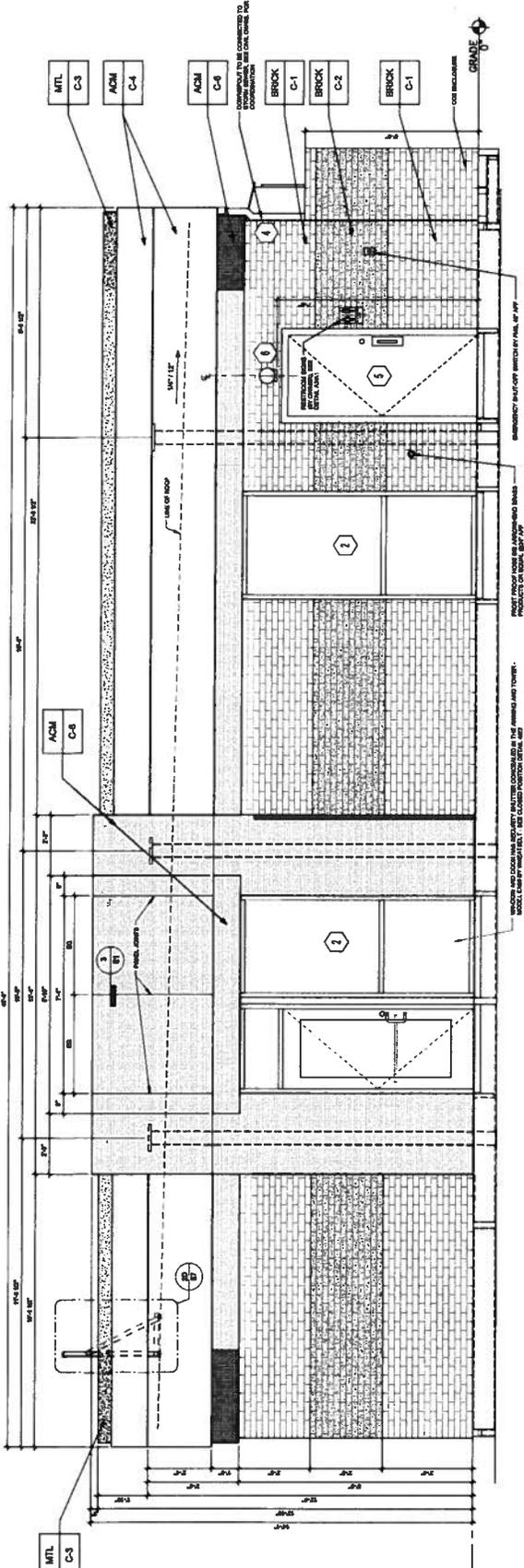
Internal Development Research Site

Legend

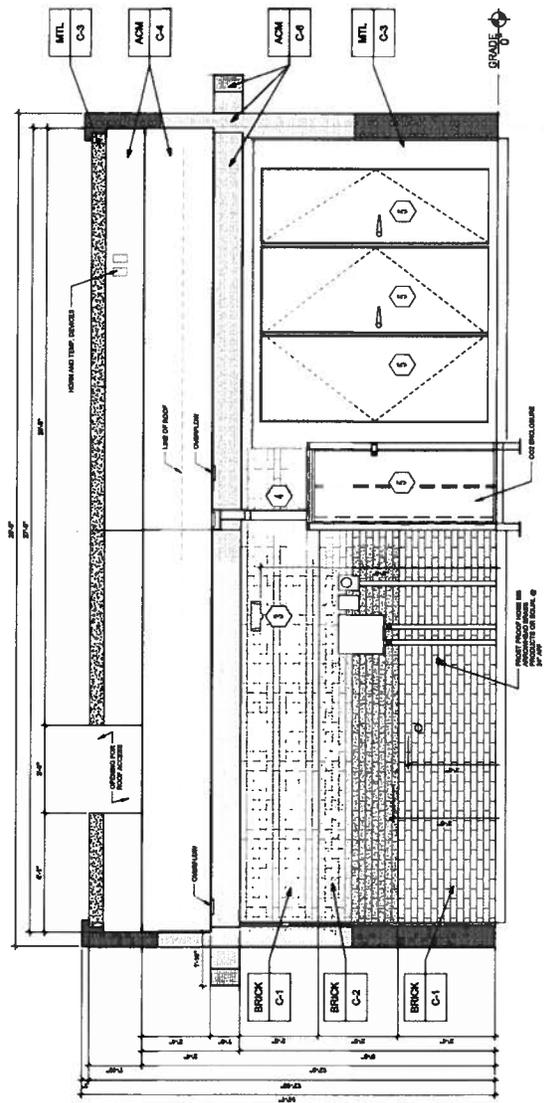
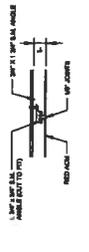
Locate Property







1 RIGHT ELEVATION (EAST)
 12' x 14'



2 REAR ELEVATION (NORTH)
 12' x 14'

4 SECURITY SHUTTER @ WINDOW
 12' x 14'

NOTED NOTES:

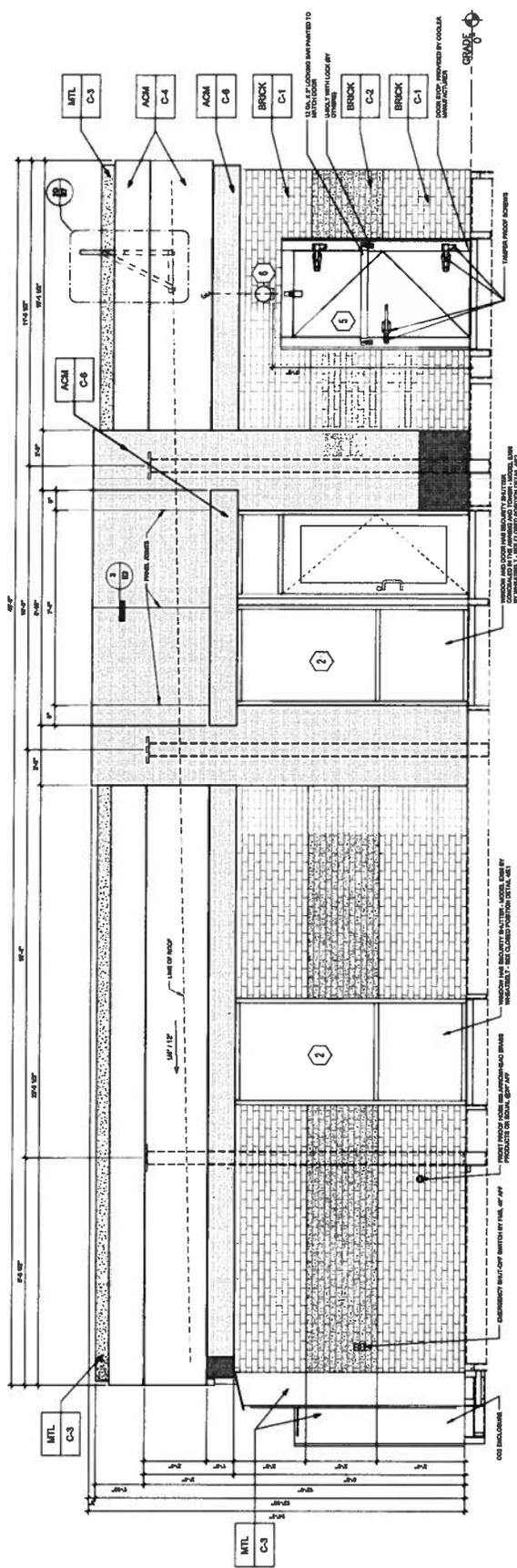
- 1 FINISH BY FINISHERS BY BRICK CONTRACTOR
- 2 SLASH HATCHED ALUMINUM EXTERIOR SYSTEM
- 3 EXTERIOR DOOR/SLIP, REFER TO LAYOUT PLAN
- 4 1/2" PAINTED METAL, CONVALENTED CORNER/CUTS
- 5 DOOR EXTERIOR BODY AND DOOR FRAME FINISHED
- 6 LIGHTING MOUNTS BARNUMBY FIELD REL.

EXTERIOR FINISHES:

ACM	ACM (SEE THICKNESS)	BY FIN
BRICK	THIS BRICK AS SHOWN	BY FIN
MTL	AS SHOWN (SEE FINISH NOTES/CONDITIONS)	BY FIN

EXTERIOR PARTI-FLOORS:

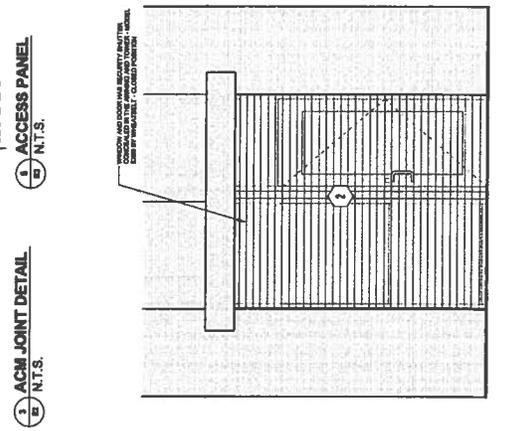
C-1	THIS BRICK VENEER, FINISHES AS NOTED BY CONTRACTOR	BY FIN
C-2	THIS BRICK VENEER, FINISHES AS NOTED BY CONTRACTOR	BY FIN
C-3	CONCRETE FINISH (SEE FINISH NOTES/CONDITIONS)	BY FIN
C-4	FINISHED AS NOTED (SEE FINISH NOTES/CONDITIONS)	BY FIN
C-8	FINISHED AS NOTED BY FIN	BY FIN
C-8	FINISHED AS NOTED BY FIN	BY FIN
C-7	SLASH HATCHED ALUMINUM EXTERIOR SYSTEM	BY FIN



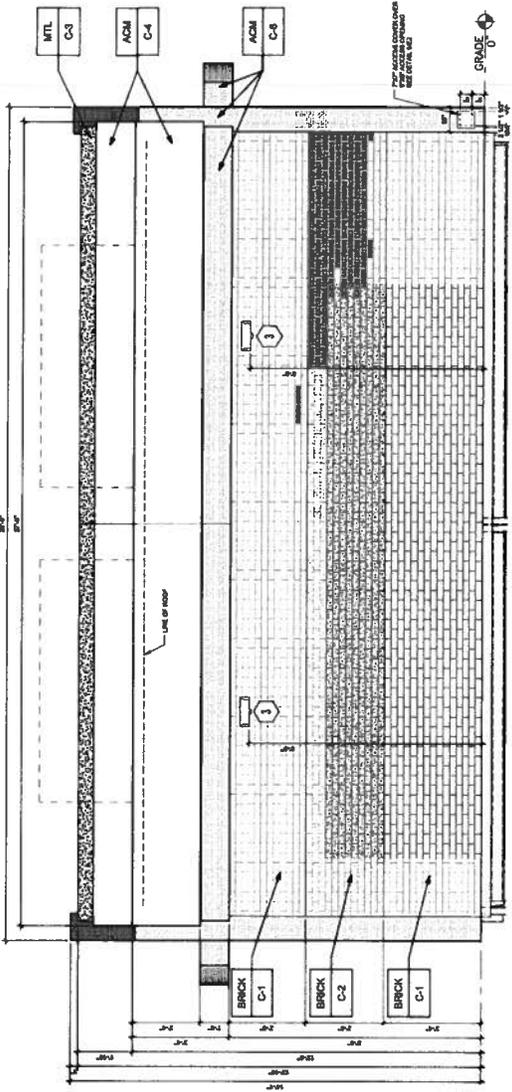
1 LEFT ELEVATION (WEST)
 1/2" = 1'-0"



3 ACM JOINT DETAIL
 1/2" = 1'-0"
4 ACCESS PANEL
 1/2" = 1'-0"

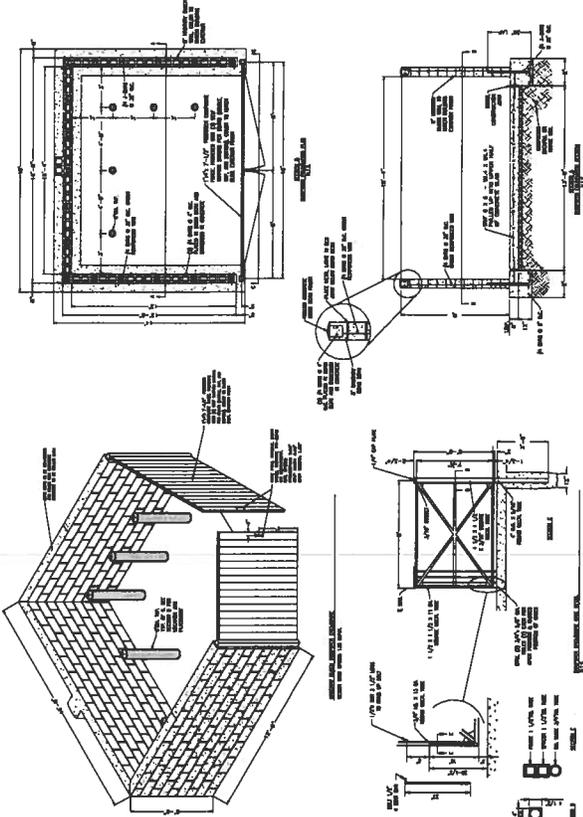


4 SECURITY SHUTTER @ ENTRY DOOR
 1/2" = 1'-0"



2 FRONT ELEVATION (SOUTH)
 1/2" = 1'-0"

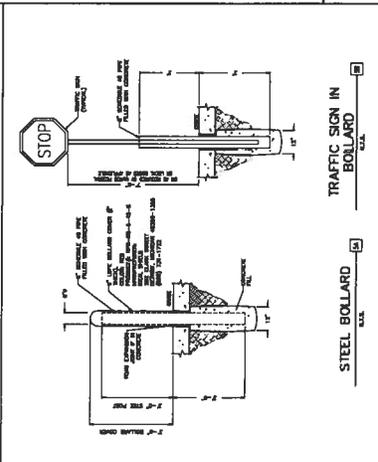
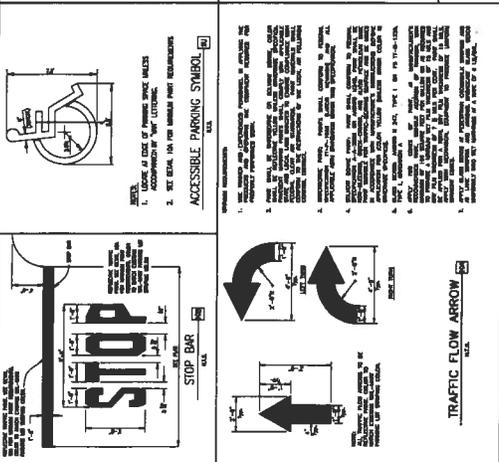
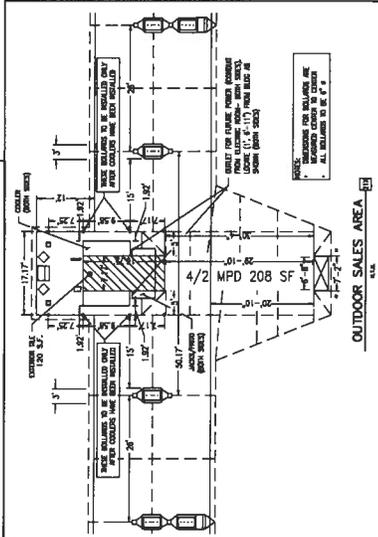
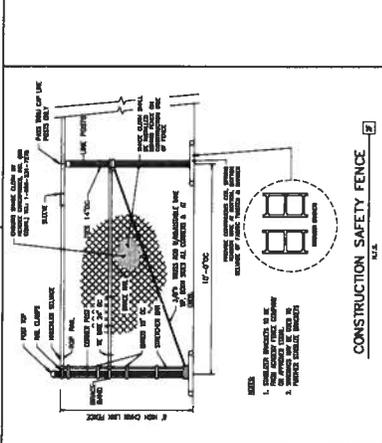
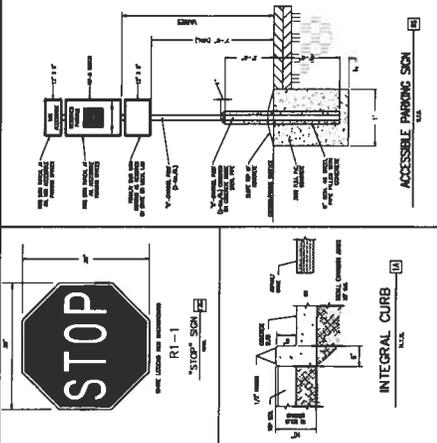
- NOTED NOTES:**
- 1 FINISHES OF MATERIALS: BY BOMA CONTRACTOR
 - 2 CLEAR ANODIZED ALUMINUM EXTRUSION SYSTEM: C-7
 - 3 EXTERIOR LIGHTING: REFER TO LIGHTING PLAN: REEVE ILL
 - 4 1/2" FINISHED METAL CORNICES AND COMPARTS: C-3
 - 5 DOORS FOR BRICK HEAD AND DOOR FINISHES PAINTED: C-3
 - 6 LUTHERS RESISTS IMPERMEABLE MESH: REEVE ILL
- EXTERIOR FINISHES:**
- ACM: ALUMINUM COMPOSITE: BY FMS
 - BRICK: THIS BRICK: BY FMS
 - MTL: METAL PANELS: BY FMS
- EXTERIOR PAINTS/COLORS:**
- C-1: BRICKWORK: MATCH SURROUNDING BRICK BY: BY FMS
 - C-2: WINDOW AND DOOR HEAD SECURITY SHUTTER BY: BY CALDWELL
 - C-3: CORNER BRICK: MATCH SURROUNDING BRICK BY: BY FMS
 - C-4: WINDOW AND DOOR HEAD SECURITY SHUTTER BY: BY CALDWELL
 - C-5: WINDOW AND DOOR HEAD SECURITY SHUTTER BY: BY CALDWELL
 - C-6: WINDOW AND DOOR HEAD SECURITY SHUTTER BY: BY CALDWELL
 - C-7: WINDOW AND DOOR HEAD SECURITY SHUTTER BY: BY CALDWELL
 - C-8: WINDOW AND DOOR HEAD SECURITY SHUTTER BY: BY CALDWELL
 - C-9: WINDOW AND DOOR HEAD SECURITY SHUTTER BY: BY CALDWELL



DUMPSTER ENCLOSURE - B
NOTE: THE TOP OF THE DUMPSTER WILL BE BELOW THE TOP OF THE DUMPSTER ENCLOSURE WALL



6 YARD DUMPSTER



GreenbergFarrow

August 23, 2016

Mr. Todd Duerksen
Building Inspection Division
Dept. of Sustainable Development & Construction
City of Dallas
320 E. Jefferson Boulevard
Room 105
Dallas, TX 75203

Re Murphy USA (#6548) – Variance Request to (A) Allow the Dumpster within the Building Setback and (B) Allow a Light Pole within the Building Setback

Dear Mr. Duerksen:

Introduction

Murphy Oil USA, Inc., owner and operator of the existing Murphy USA store at 13729 North Central Expressway, Dallas, proposes to demolish its existing kiosk and gas canopy and construct a new 1,200 SF convenience store with eight (8) fuel dispensers. The new store would be Murphy Oil's latest prototypical building which includes a brick veneer with natural colors. The dumpster enclosure materials would also match the building materials. The enclosed building rendering depicts the proposed building architecture, materials and colors. The building would be a significant upgrade compared to what presently exists. A significant number of trees and shrubs would be added to the site. Additionally, new underground storage tanks would be installed with the latest technology to the benefit of the customer as well as the natural environment.

The enclosed site plan shows the proposed site layout. The site comprises 0.54 acres and has been carefully laid-out and designed to provide safe vehicular circulation and separation of activities to avoid congestion and conflicts: the fueling operation is located in the middle of the site under the canopy, and the underground storage tanks, propane exchange, ice vending machine, dumpster and the air/vacuum unit are located around the perimeter of the site. This allows for safe circulation and avoids congestion on the site.

Dumpster

Presently, the dumpster is located approximately six (6) feet from the property line adjacent to Midpark Road. In an effort to upgrade the site to the City of Dallas' development standards, meet customer demand and provide a site that is safe and maintains proper vehicle circulation for customers, emergency vehicles, the fuel tanker truck, delivery trucks and service vehicles, i.e., the "garbage truck," the dumpster must be placed within the building setback, near where it presently exists. The proposed location would not obstruct sight distance for motorists and maintains a reasonable distance from Midpark Drive. A 15-foot setback is required, and Murphy proposes to place the dumpster approximately Three (3) feet from the property line, which represents an encroachment of 12 feet. Therefore, we are requesting a variance to the code to allow the dumpster to be placed within the setback.

Lighting

Presently, no light poles exist on Murphy Oil's site. As part of the proposed redevelopment of the site, Murphy Oil proposes to install five (5) lights around the perimeter of the property, as shown on the enclosed landscape plan. The lights would be equally spaced to provide suitable lighting for store operations and customer safety. Murphy Oil proposes to use LED technology, and a cut sheet has been included with this application. Due to site constraints, and in an effort to provide suitable lighting around the site, the light pole would encroach 11 feet into the required 15-foot building setback.

Benefits to the City of Dallas

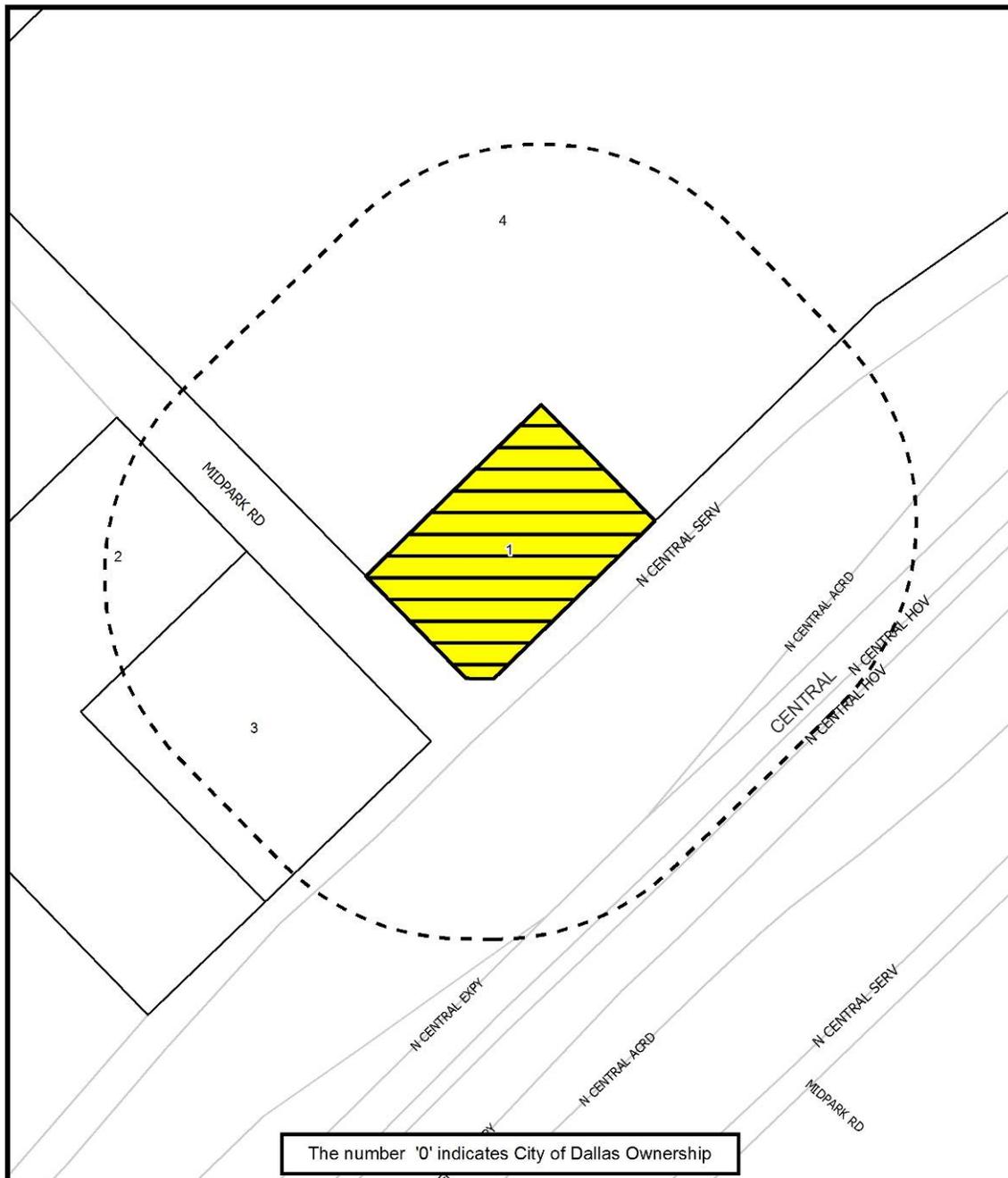
By proposing to redevelop its existing site as opposed to moving to another site nearby, Murphy Oil is embracing the concepts of sustainable development and meeting customer demand at the same time, a "win-win" for both the City of Dallas and Murphy Oil. By approving the requested variances, the building architecture would be significantly improved with a dumpster screen wall that matches the building, and a significant amount of landscaping would be added to the site, thereby improving the urban forest as well as the appearance of the overall development with benefits to the natural environment that don't exist at the present time. Additionally, new lighting would be installed on the site. Therefore, we humbly request approval of the requested variances to enable the redevelopment of this site.

Thank you for your consideration. If you have any questions for need anything else, please do not hesitate to contact me at jvecchio@greenbergfarrow.com or 404-205-8426

Sincerely,



John C. Vecchio, P.E.
Senior Project Manager



 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="0"> <tr> <td style="border: 1px solid black; padding: 2px; text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="border: 1px solid black; padding: 2px; text-align: center;">4</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	4	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA156-109 Date: 10/25/2016
200'	AREA OF NOTIFICATION					
4	NUMBER OF PROPERTY OWNERS NOTIFIED					

10/25/2016

Notification List of Property Owners

BDA156-109

4 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	13739 N CENTRAL EXPY	MURPHY OIL USA INC
2	13685 N CENTRAL EXPY	MPH GROUP LLC
3	13689 N CENTRAL EXPY	DMS DENNYS CENTRAL MIDPARK LLC
4	13739 N CENTRAL EXPY	WAL MART REAL ESTATE BUSINESS TRUST

FILE NUMBER: BDA167-013(SL)

BUILDING OFFICIAL'S REPORT: Application of Nathaniel Mangum for special exceptions to the fence standards and visual obstruction regulations at 5314 Yolanda Lane. This property is more fully described as Lot 7, Block E/5518, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet and requires a 20 foot visibility triangle at driveway approaches. The applicant proposes to construct and maintain a 7 foot 2 inch high fence in a required front yard, which will require a 3 foot 2 inch special exception to the fence standards, and to locate and maintain items in required visibility triangles, which will require special exceptions to the visual obstruction regulations.

LOCATION: 5314 Yolanda Lane

APPLICANT: Nathaniel Mangum

REQUESTS:

The following requests have been made on a site that is developed with a single family home:

1. A request for a special exception to the fence standards of up to 3' 2" is made to maintain a fence (a 5' 7" high open metal picket fence with 5' 7" high posts, and two arched open metal picket gates ranging in height from 5' 7" to 7' 2") higher than 4' in height in the site's required front yard.
2. Requests for special exceptions to the visual obstruction regulations are made to maintain portions of the aforementioned open metal picket fence in four 20' visibility triangles at the two driveways into the site.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

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

STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:

The Board shall grant a special exception to the requirements of the visual obstruction regulations when, in the opinion of the Board, the item will not constitute a traffic hazard.

STAFF RECOMMENDATION (fence standards):

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

STAFF RECOMMENDATION (visual obstruction special exceptions):

Denial

Rationale:

- Staff concurred with the Sustainable Development Department Assistant Director Engineering who recommends that these requests be denied.
- Staff concluded that requests for special exceptions to the visual obstruction regulations should be denied because the applicant had not substantiated how the existing 5' 7" high open metal picket fence with 5' 7" high posts in four 20' visibility triangles at the two driveways into the site from the street do not constitute a traffic hazard.

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

The subject site is developed with a single family home. The areas to the north, south, 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 (fence standards):

- This request for a special exception to the fence standards focuses on maintaining a 5' 7" high open metal picket fence with 5' 7" high posts, and two arched open metal picket gates ranging in height from 5' 7" to 7' 2" on a site developed with a single family home.
- The subject site is zoned R-1ac(A). While R-1ac(A) zoning requires a 40' front yard setback, the subject site has a 65' required front yard because of a platted building line.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.

- The applicant has submitted a site plan and an elevation of the proposal/existing fence in the front yard setback with notations indicating that the proposal reaches a maximum height of 7' 2".
- The following additional information was gleaned from the submitted site plan:
 - The proposal is represented as being approximately 200' in length parallel to the street and approximately 65' perpendicular to the street on the east and west sides of the site in the required front yard.
 - The fence proposal is represented as being located approximately on the front property line or approximately 15' from the pavement line.
- One single family lot fronts the existing fence, a lot that has no fence in the front yard setback.
- The Board Administrator conducted a field visit of the site and surrounding area approximately 300 feet east and west of the site and noted no other fences that appeared to be above 4' in height and located in a front yard setback.
- As of February 10, 2017 no letters have been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence standards of 3' 2" will not adversely affect neighboring property.
- Granting this special exception of 3' 2" with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal/existing fence exceeding 4' in height in the front yard setback to be maintained in the location and of the heights and materials as shown on these documents.

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

- The requests for special exceptions to the visual obstruction regulations focus on maintaining portions of a 5' 7" high open metal picket fence with 5' 7" high posts in four 20' visibility triangles at the two driveways into the site.
- The Dallas Development Code states the following: A person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
 - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections, and 20 foot visibility triangles at drive approaches and at alleys on properties zoned single family); and
 - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).
- The applicant submitted a site plan and an elevation representing a 5' 7" high open metal picket fence in the four, 20' visibility triangles at the two driveways into the site.
- The Sustainable Development Department Assistant Director Engineering submitted a review comment sheet along with a photo (see Attachment A). The review comment sheet was marked "Recommends that this be denied" with the following additional comment: "The fence and gate create a public traffic hazard".
- The applicant has the burden of proof in establishing how granting the requests for special exceptions to the visual obstruction regulations to maintain portions of a 5' 7"

high open metal picket fence located in four 20' visibility triangles at the two driveways into the site do not constitute a traffic hazard.

- Granting these requests with the condition that the applicant complies with the submitted site plan and elevation would require the items in the visibility triangles to be limited to and maintained in the locations, height and materials as shown on these documents.

Timeline:

November 22, 2016: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

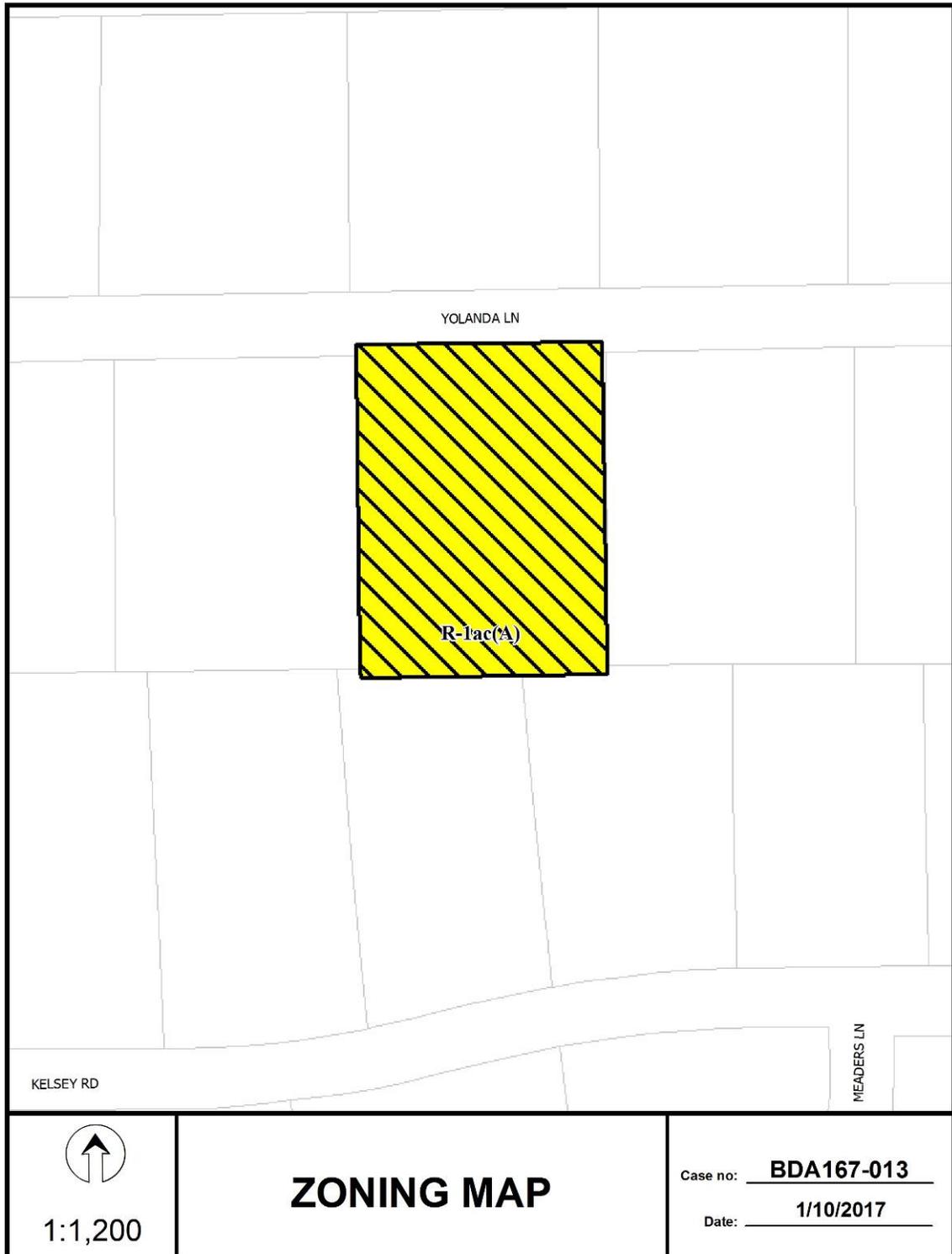
January 6, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

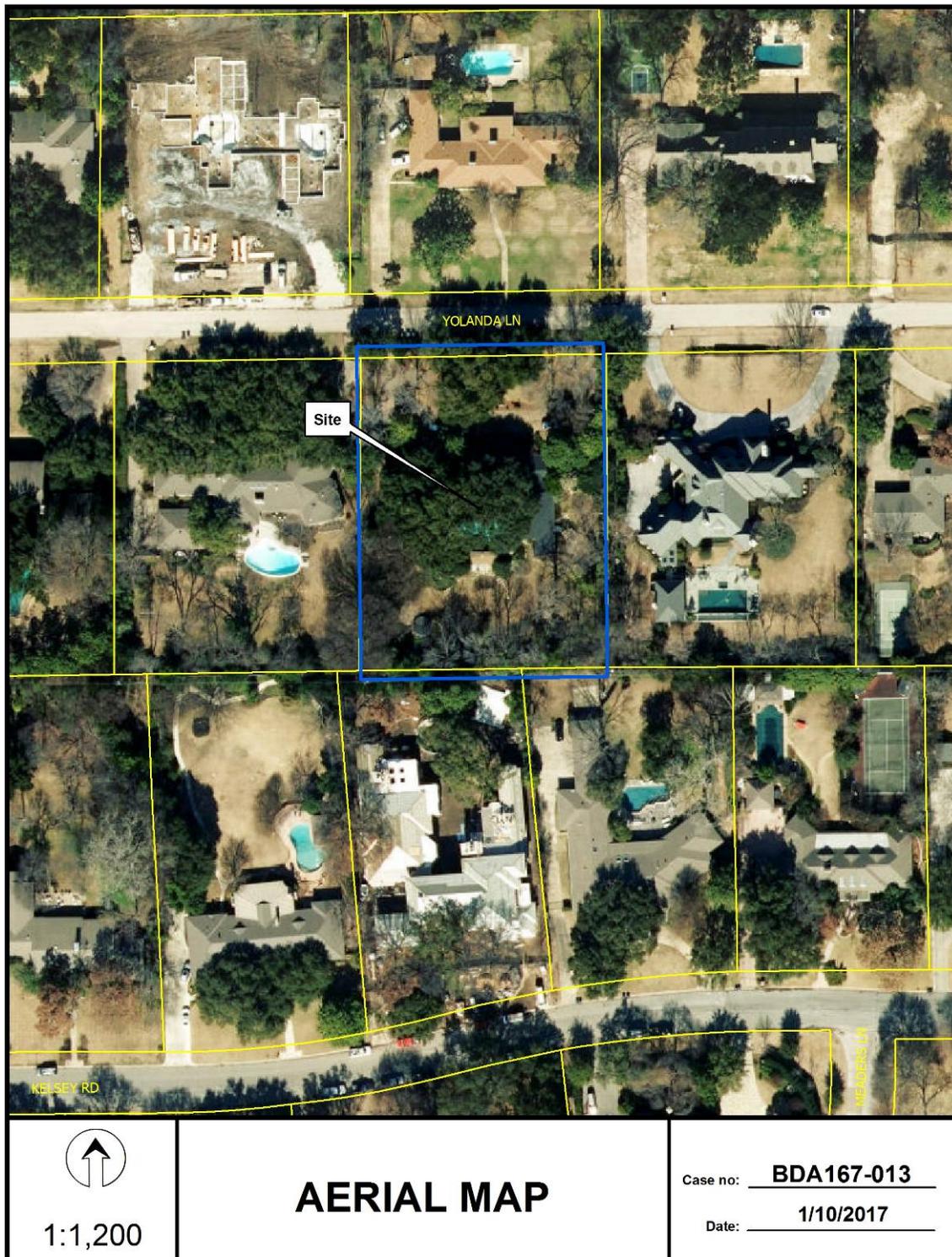
January 6, 2017: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the February 1st deadline to submit additional evidence for staff to factor into their analysis; and the February 10th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standards that the board will use in their decision to approve or deny the requests; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

February 7, 2017: 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 Department Assistant Director, the Sustainable Development Department Assistant Director Engineering, the Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

February 10, 2017: The Sustainable Development Department Assistant Director Engineering submitted a review comment sheet along with a photo (see Attachment A). The review comment sheet was marked "Recommends that this be denied" with the following additional comment: "The fence and gate create a public traffic hazard".





BDA 167-013

5314 Yolanda Lane



Note that the gate and fence cause the driver to block the entire roadway constituting a traffic hazard.

BDA167-013
Attach A
pg 2



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-013

Data Relative to Subject Property:

Date: 11-22-16

Location address: 5314 Yolanda Lane Zoning District: R-1ac(A)

Lot No.: 7 Block No.: E/5518 Acreage: 1.2 Census Tract: 76.05

Street Frontage (in Feet): 1) 199.93 2) 3) 4) 5) N625

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Nathaniel E. Mangum

Applicant: Nathaniel Mangum Telephone:

Mailing Address: 5314 Yolanda Ln. Dallas, TX Zip Code: 75229

E-mail Address: lindsaymangum@jfaconsulting.com

Represented by: self Telephone:

Mailing Address: same as above Zip Code:

E-mail Address: same

Affirm that an appeal has been made for a Variance, or Special Exception, of 3 feet 2 inches in front yard

and a special exception for a visibility triangle at driveway.

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:

Will not cause harm to neighbors. Fits neighborhood style. Houses on street and surrounding streets have heights well above 4 feet. Large dog can jump 4 foot 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 Nathaniel Mangum (Affiant/Applicant's name printed)

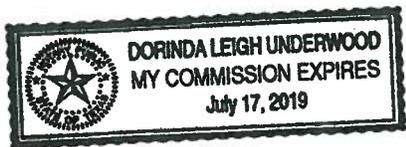
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

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

Subscribed and sworn to before me this 27th day of July, 2016

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

(Rev. 08-01-11)



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 Nathaniel Mangum

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

at 5314 Yolanda Lane

BDA167-013. Application of Nathaniel Mangum for a special exception to the fence height regulations and a special exception to the visibility obstruction regulations at 5314 Yolanda Lane. This property is more fully described as Lot 7, Block E/5518, and is zoned R-1ac(A) which limits the height of a fence in the front yard to 4 feet and requires a 20 foot visibility triangle at driveway approaches. The applicant proposes to construct a 7 foot 2-inch high fence in a required front yard, which will require a 3 foot 2 inch special exception to the fence regulation, and to construct and maintain a single family residential fence structure i required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official

City of Dallas

Internal Development Research Site

Legend

Locate Property





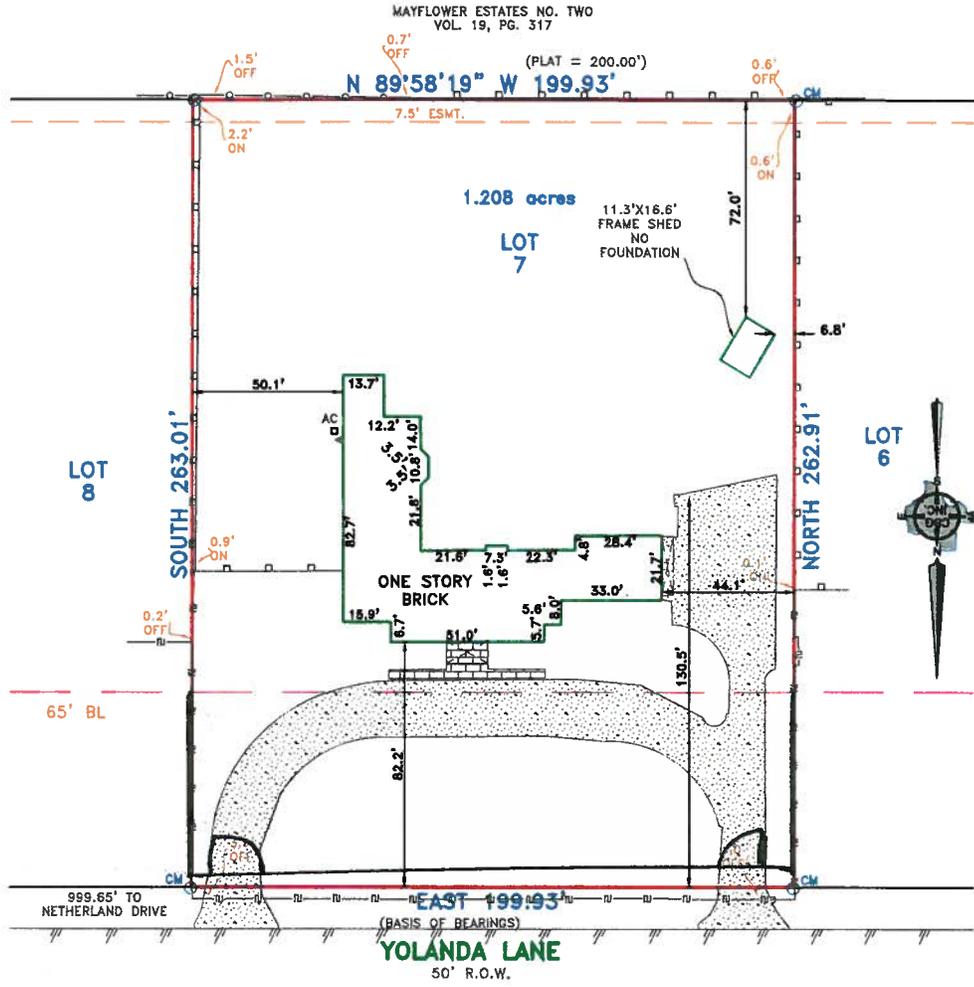
5314 Yolanda Lane

Being Lot 7, Block E/5518, of Lobelia Estates, an Addition to the City of Dallas, Dallas County, Texas, according to the map thereof recorded in Volume 9, Page 243, of the Map Records of Dallas County, Texas.



LEGEND

- 1/2" ROD FOUND
- ⊙ 1/2" ROD SET
- 1" PIPE FOUND
- ⊠ 1" PIPE FOUND/SET
- ◆ 60# NAIL FOUND
- FENCE POST FOR CORNER
- CM CONTROLLING MONUMENT
- AC AIR CONDITIONER
- PE POOL EQUIPMENT
- TE TRANSFORMER PAD
- BRICK COLUMN
- POWER POLE
- ▲ UNDERGROUND ELECTRIC
- △ OVERHEAD ELECTRIC
- OHP OVERHEAD ELECTRIC POWER
- OES OVERHEAD ELECTRIC SERVICE
- CHAIN LINK
- WOOD FENCE 0.5' WIDE TYPICAL
- IJ IRON FENCE
- X BARBED WIRE
- EDGE OF ASPHALT
- EDGE OF GRAVEL
- CONCRETE COVERED AREA



EXCEPTIONS:

NOTE: PROPERTY SUBJECT TO TERMS, CONDITIONS, AND EASEMENTS CONTAINED IN INSTRUMENT RECORDED IN VOL. 9, PG. 245

NOTES:

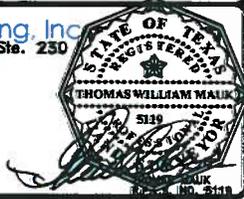
NOTE: BEARINGS, EASEMENTS AND BUILDING LINES ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.
FLOOD NOTE: According to the F.I.R.M. No. 48113C019D J, this property does lie in Zone X and does not lie within the 100 year flood-zone.

This survey is made in conjunction with the information provided by The Client. Use of this survey by any other parties and/or for other purposes shall be at user's own risk and any loss resulting from other use shall not be the responsibility of the undersigned. This is to certify that I have on this date made a careful and accurate survey on the ground of the subject property. The plat hereon is a correct and accurate representation of the property lines and dimensions as so indicated; location and type of buildings as so shown; and EXCEPT AS SHOWN, there are no visible and apparent encroachments or protrusions on the ground.

Date: _____ Accepted by: _____
Purchaser _____
Purchaser _____

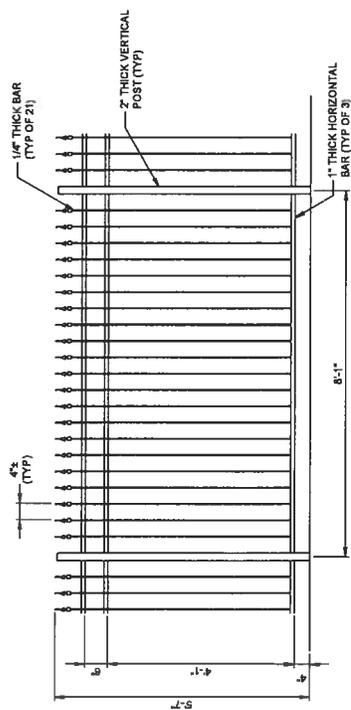
Drawn By: ATA
Scale: 1" = 40'
Date: 10/11/16
GF No.: 14156
Job No. 1403559-03

C.B.G. Surveying, Inc.
12025 Shiloh Road, Ste. 230
Dallas, TX 75228
P 214.349.9485
F 214.349.2216
Firm No. 10168800
www.cbgsurvey.com





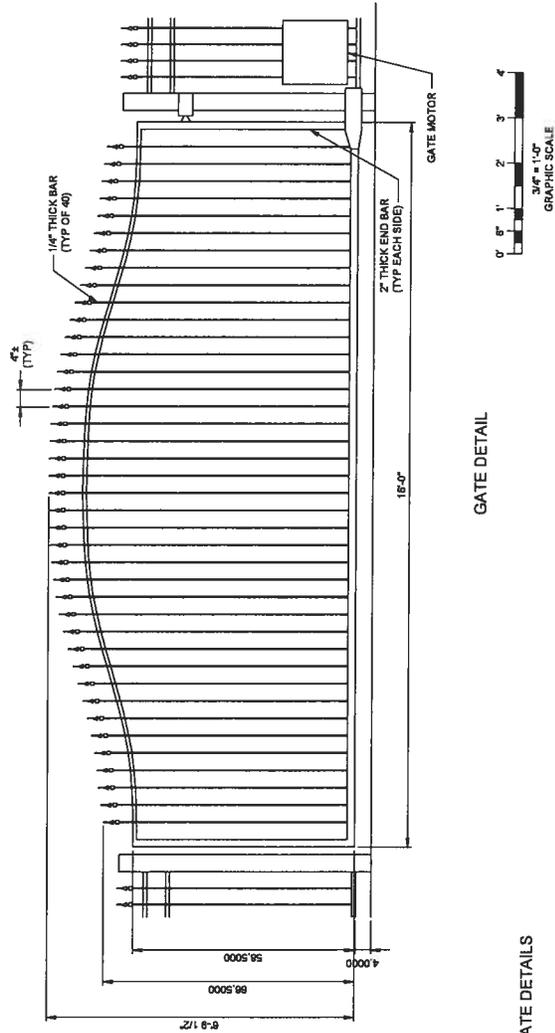
FENCE PHOTO



FENCE DETAIL

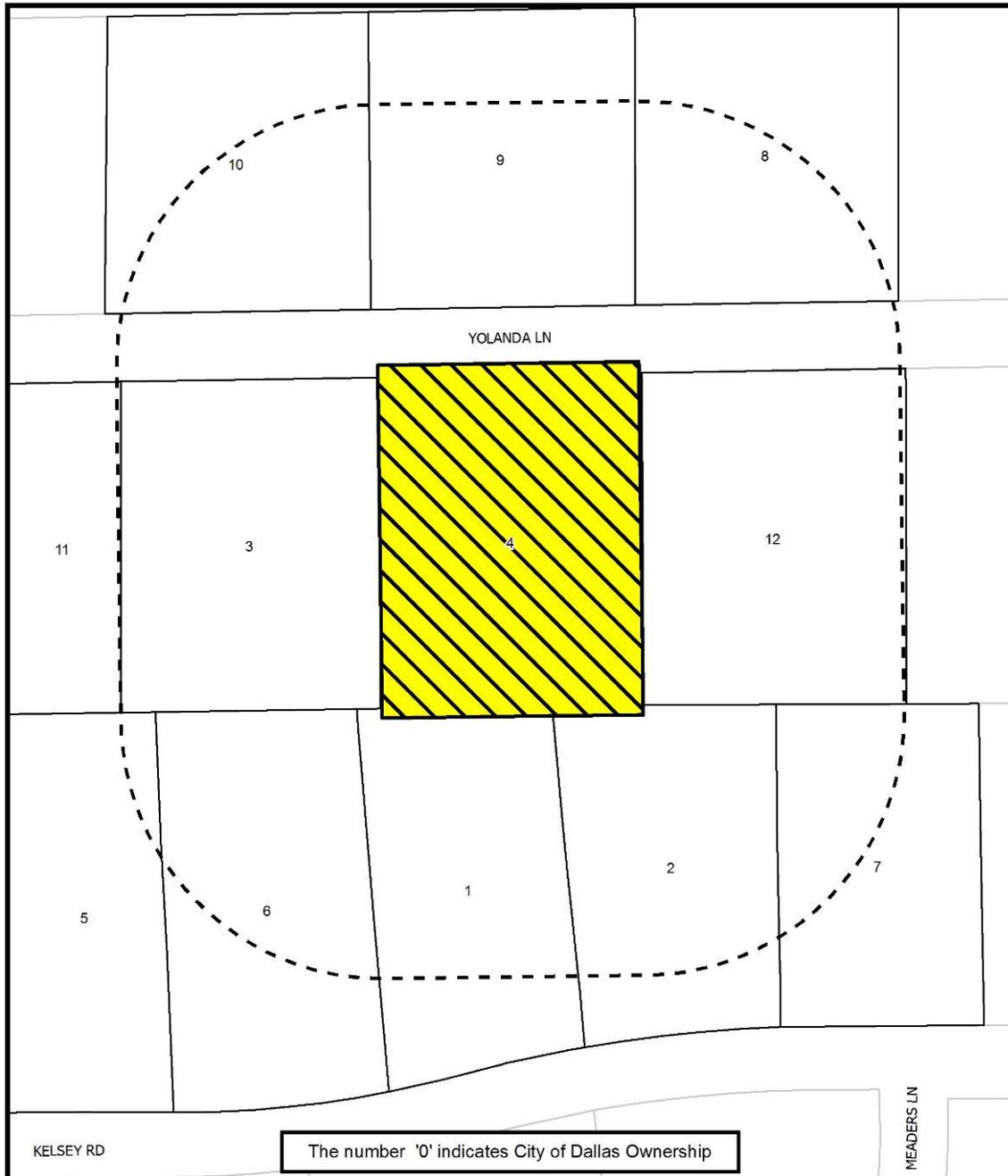


GATE PHOTO



GATE DETAIL

FENCE/ GATE DETAILS



 1:1,200	NOTIFICATION	Case no: BDA167-013			
	<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

BDA167-013

12 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5325 KELSEY RD	SPARKS MARC A
2	5337 KELSEY RD	ALLEN MICHAEL M &
3	5230 YOLANDA LN	HANIG JOSEPH A & DEBRA L
4	5314 YOLANDA LN	MANGUM NATHANIEL
5	5233 KELSEY RD	LERER RICHARD
6	5311 KELSEY RD	TRUMPOWER IAN N &
7	5351 KELSEY RD	ELMQUIST DAVID W & ALISON M
8	5331 YOLANDA LN	HAFERTEPE JOE & MAUREEN
9	5315 YOLANDA LN	PLATINUM SERIES DEV LLC
10	5233 YOLANDA LN	ZEIKUS PRIYA SWAMY & ERIC ANDREW
11	5214 YOLANDA LN	SACHS WILLIAM R &
12	5330 YOLANDA LN	BYRNE TIMOTHY W &

FILE NUMBER: BDA167-014(SL)

BUILDING OFFICIAL'S REPORT: Application of Jim Anderson/Peak's Addition HOA to appeal the decision of an administrative official at 4217 Swiss Avenue. This property is more fully described as Lot 1B, Block 10/740, and is zoned PD-298 (Subarea 10). The applicant proposes to appeal the decision of an administrative official in the issuance of a building permit.

LOCATION: 4217 Swiss Avenue

APPLICANT: Jim Anderson/Peak's Addition HOA

REQUEST:

The submitted application states "appeal decision of an administrative official in the issuance of a building permit" and "issuance of building permit was made in error by city official in that permits were granted which do not conform with residential proximity slope as established in PD 298 and Dallas Development Code".

STANDARD FOR APPEAL FROM DECISION OF AN ADMINISTRATIVE OFFICIAL:

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

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

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

BACKGROUND INFORMATION:

Zoning:

Site: PD 298 (Subarea 10) Tract 2, Planned Development District
North: PD 298 (Subareas 9 & 10) Planned Development District
South: PD 298 (Subarea 10) Tract 2, Planned Development District
East: PD 298 (Subareas 9 & 10) Planned Development District
West: PD 298 (Subareas 9 & 10) Planned Development District

Land Use:

The subject site is undeveloped. The areas to the north, south, east and west are developed with mix of uses.

Zoning/BDA History:

- | | |
|---|---|
| 1. Miscellaneous Item 2, BDA167-014, Property at 4802 4217 Swiss Avenue (the subject site) | On February 21, 2017, the Board of Adjustment Panel A will consider reimbursing the filing fee made in conjunction with this application. |
|---|---|

GENERAL FACTS/STAFF ANALYSIS:

- The board shall have all the powers of the administrative official on the action appealed. The board may in whole or in part affirm, reverse, or amend the decision of the official.
- The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment E). This information included Building Permit No.1512041028 – the permit the applicant identified for the appeal of the Director of Sustainable Development and Construction decision pertaining to 4217 Swiss Avenue.

Timeline:

November 28, 2016: 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, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

January 6, 2017: 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 February 1st deadline to submit additional evidence for staff to factor into their analysis (with a notation that staff does not form a recommendation on this type of application); and the February 10th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the outline of procedure for appeals from decisions of the building official to the board of adjustment; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

January 30, 2017: The Building Inspection Senior Plans Examiner/Development Code Specialist forwarded 20 building permits that had been issued for the development (see Attachment A).

February 1, 2017: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment B).

February 7, 2017: 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 Department Assistant Director, the Sustainable Development Department Assistant Director Engineering, the Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

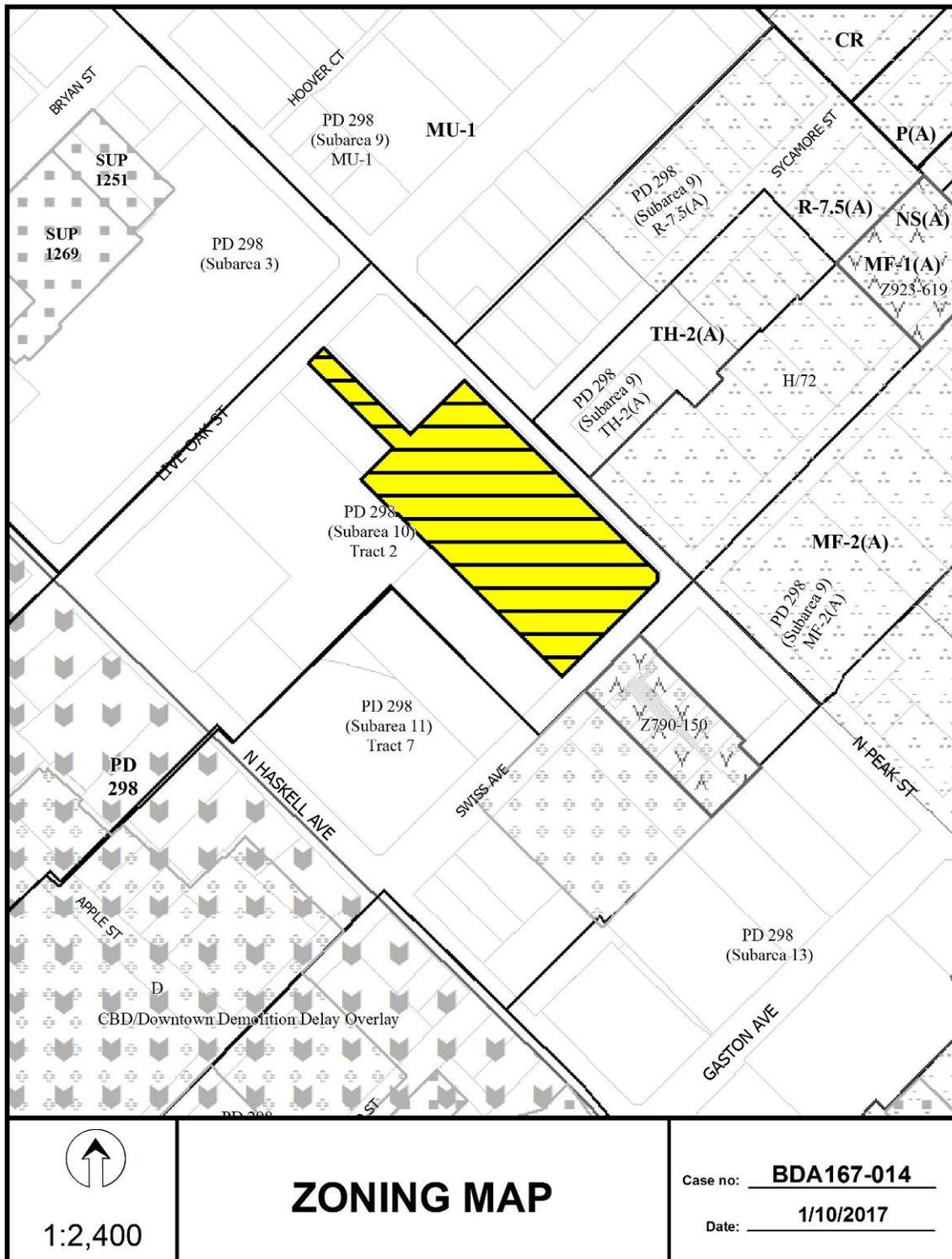
Staff determined at this meeting that one permit needed to be identified as the record upon which the appeal is based.

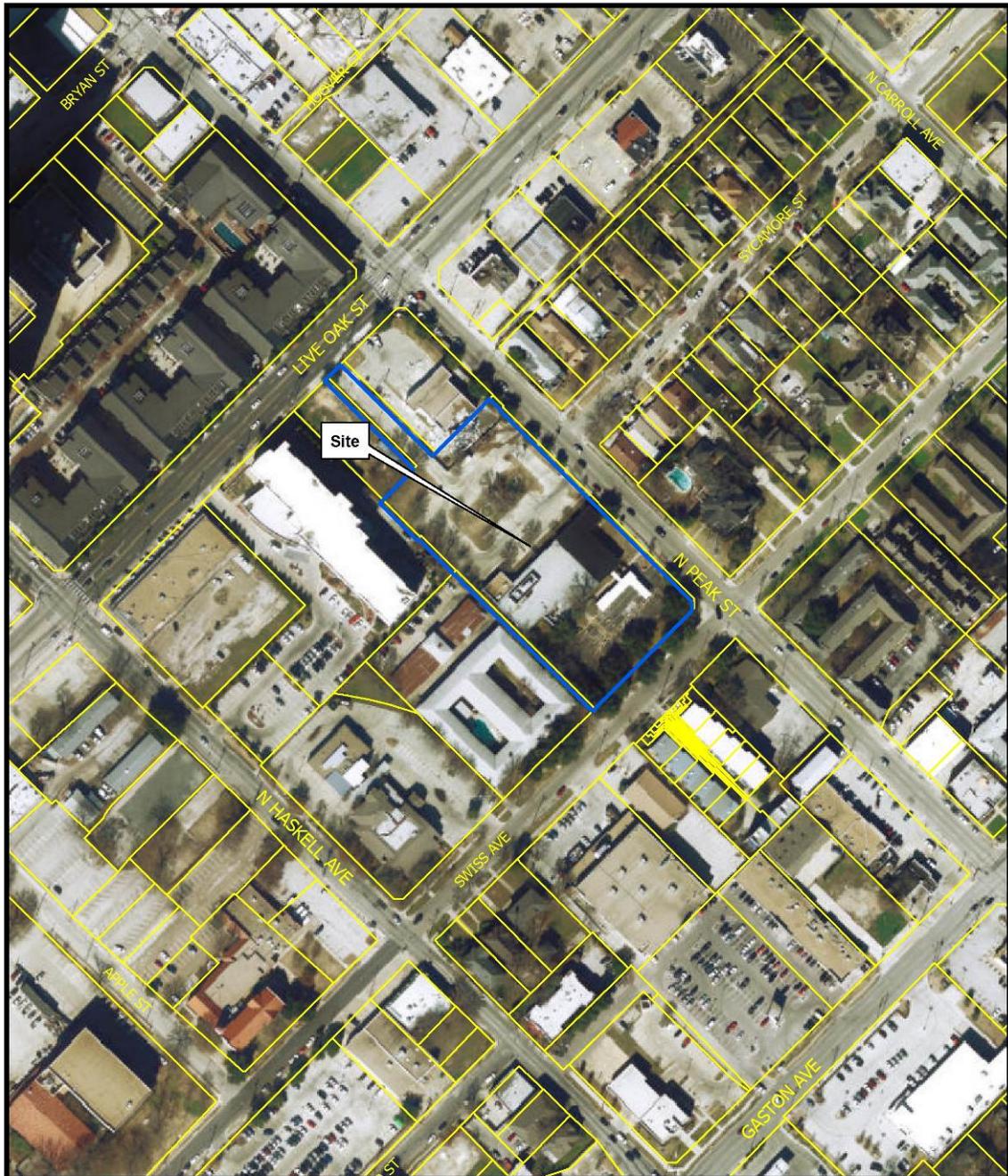
No review comment sheets were submitted in conjunction with this application.

February 10, 2017: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment C).

February 10, 2017: The Assistant City Attorney assisting the Building Official submitted additional information to staff beyond what was submitted with the original application (see Attachment D).

February 10, 2017: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment E). This information included Building Permit No.1512041028 – the permit the applicant identified for the appeal of the Director of Sustainable Development and Construction decision pertaining to 4217 Swiss Avenue.





1:2,400

AERIAL MAP

Case no: BDA167-014

Date: 1/10/2017

Long, Steve

From: Long, Steve
Sent: Monday, January 30, 2017 6:40 AM
To: Long, Steve
Subject: FW: BDA167-014, Property at 4217 Swiss Avenue

From: Long, Steve
Sent: Wednesday, January 25, 2017 11:00 AM
To: Duerksen, Todd
Cc: Moorman, Donna
Subject: RE: BDA167-014, Property at 4217 Swiss Avenue

Thank you, Todd.

Steve

From: Duerksen, Todd
Sent: Wednesday, January 25, 2017 10:57 AM
To: Long, Steve
Cc: Moorman, Donna
Subject: RE: BDA167-014, Property at 4217 Swiss Avenue

I printed the 20 building permits (ignore the "Contractor's Authorization" on the back side) and put them in the interoffice mail to you.

From: Long, Steve
Sent: Wednesday, January 25, 2017 9:39 AM
To: Duerksen, Todd
Cc: Moorman, Donna
Subject: FW: BDA167-014, Property at 4217 Swiss Avenue

Dear Todd,

Would you please email me the code required "record upon which the appeal is based" on the application referenced above by the end of the day Friday, January 27th?

Thank you,

Steve

From: Long, Steve
Sent: Friday, January 06, 2017 1:28 PM
To: **Cc:** Duerksen, Todd; Dean, Neva; Burgess, Casey; Moorman, Donna; Wimer, Megan
Subject: BDA167-014, Property at 4217 Swiss Avenue

Dear Jim,

Here is information regarding the application to the board of adjustment referenced above:

1. Your 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 21st Board of Adjustment Panel A public hearing.
2. The provision from the Dallas Development Code that allows the board to consider appeals of an administrative official (Section 51A-4.703(a)(2)).
3. The outline of procedure for appeals from decisions of an administrative official by the board of adjustment.
4. A document that lists dates including your public hearing date and other deadlines for submittal of additional information to staff/the board. (**Please note that staff does not form a recommendation on this type of application**).
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 4 in these attached materials). Please contact Todd Duerksen at 214/948-4475 no later than 1 p.m., Wednesday, February 1st with regard to anything you feel is missing from what you originally submitted to him, or with regard to any amendment that you feel is necessary to address the issue at hand, specifically if for any reason you feel that any statement in his Building Official's report is incorrect.

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 for me to include in their docket beyond what has been included in the attached application materials, please feel free to email it to steve.long@dallascityhall.com or mail it to me at the following address no later than 1 p.m., Friday, February 10th:

Steve Long, Board of Adjustment Administrator
City of Dallas Sustainable Development and Construction
1500 Marilla Street, Room 5BN
Dallas, Texas 75201



City of Dallas

Permit # 1512041016

BDA 167-014
Attach A
rs 3

Issue Date: 11/21/2016

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

Address: **4217 SWISS AVE, SITEWORK 75204**

Land Use Description: MULTI-FAMILY DWELLING

Work Description: NEW CONSTRUCTION MULTI-FAMILY DWELLING WITH PARKNG G/

Value Of Work: \$0.00

Owner Or Tenant: ENCORE ENTERPRISES
5005 LBJ # 1200
DALLAS TX 75244

Applicant: VICKI RADER

Contractor: MASTERPLAN CONSULTANTS

Business Address: 900 JACKSON ST, STE: #640, DALLAS, TX 75202

Telephone: 214/761-9197 Fax: 214/748-7448

Lot: 1A	Block: 10/740	Zoning: PD-298	PDD: 298	SUP:
Historic Dist:	Consv Dist: Bryan Place	Pro Park:	Req Park:	Park Agrmt: N
Dwlg Units: 0	Stories:	New Area: 0	Lot Area: 135036	Total Area: 0
Type Const: IA	Sprinkler: All	Occ Code: S2	Occ Load:	
Inches Of Removed Trees:				

ALL WORK SUBJECT TO FIELD INSPECTOR APPROVAL Parking is for entire project.

This document is issued on the basis of information furnished in the application and is subject to the provisions of all governing ordinances, which must be complied with, whether or not herein specified.

THIS DOCUMENT SHALL BE POSTED AT WORK SITE AND IS SUBJECT TO CANCELLATION UPON NOTICE.



City of Dallas

Permit # 1512041017

BDA167-014

Attach A

P 3 4

Issue Date: 11/21/2016

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

Address: **4217 SWISS AVE, Floor 1 GARAGE 75204**

Land Use Description: MULTI-FAMILY DWELLING

Work Description: NEW CONSTRUCTION MULTI-FAMILY DWELLING WITH PARKING GARAGE

Value Of Work: \$2,434,412.00

Owner Or Tenant: ENCORE ENTERPRISES
5005 LBJ # 1200
DALLAS TX 75244

Applicant: VICKI RADER

Contractor: MASTERPLAN CONSULTANTS

Business Address: 900 JACKSON ST, STE: #640, DALLAS, TX 75202

Telephone: 214/761-9197 Fax: 214/748-7448

Lot: 1A	Block: 10/740	Zoning: PD-298	PDD: 298	SUP:
Historic Dist:	Consrv Dist: Bryan Place	Pro Park:	Req Park:	Park Agrmt: N
Dwlg Units: 0	Stories:	New Area: 26461	Lot Area: 135036	Total Area: 26461
Type Const: IA	Sprinkler:	Occ Code: S2	Occ Load:	
Inches Of Removed Trees:				

ALL WORK SUBJECT TO FIELD INSPECTOR APPROVAL Parking is for entire project.

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THIS DOCUMENT SHALL BE POSTED AT WORK SITE AND IS SUBJECT TO CANCELLATION UPON NOTICE.



Permit # 1512041018

City of Dallas

Issue Date: 11/21/2016

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

Address: **4217 SWISS AVE, Floor 2 GARAGE 75204**

Land Use Description: **MULTI-FAMILY DWELLING**

Work Description: **NEW CONSTRUCTION MULTI-FAMILY DWELLING WITH PARKING GA**

Value Of Work: **\$2,261,728.00**

Owner Or Tenant: **ENCORE ENTERPRISES
5005 LBJ # 1200
DALLAS TX 75244**

Applicant: **VICKI RADER**

Contractor: **MASTERPLAN CONSULTANTS**

Business Address: **900 JACKSON ST, STE: #640, DALLAS, TX 75202**

Telephone: **214/761-9197 Fax: 214/748-7448**

Lot: 1A	Block: 10/740	Zoning: PD-298	PDD: 298	SUP:
Historic Dist:	Consrv Dist: Bryan Place	Pro Park:	Req Park:	Park Agrmt: N
Dwlg Units: 0	Stories:	New Area: 24584	Lot Area: 135036	Total Area: 24584
Type Const: IA	Sprinkler: All	Occ Code: S2	Occ Load:	
Inches Of Removed Trees:				

ALL WORK SUBJECT TO FIELD INSPECTOR APPROVAL Parking is for entire project.

This document is issued on the basis of information furnished in the application and is subject to the provisions of all governing ordinances, which must be complied with, whether or not herein specified.

THIS DOCUMENT SHALL BE POSTED AT WORK SITE AND IS SUBJECT TO CANCELLATION UPON NOTICE.



City of Dallas

Permit # 1512041019

BDA167-014
Attach A
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Issue Date: 11/21/2016

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

Address: **4217 SWISS AVE, Floor 3 GARAGE 75204**

Land Use Description: **MULTI-FAMILY DWELLING**

Work Description: **NEW CONSTRUCTION MULTI-FAMILY DWELLING WITH PARKNG G/**

Value Of Work: **\$2,261,728.00**

Owner Or Tenant: **ENCORE ENTERPRISES
5005 LBJ # 1200
DALLAS TX 75244**

Applicant: **VICKI RADER**

Contractor: **MASTERPLAN CONSULTANTS**

Business Address: **900 JACKSON ST, STE: #640, DALLAS, TX 75202**

Telephone: **214/761-9197** Fax: **214/748-7448**

Lot: 1A	Block: 10/740	Zoning: PD-298	PDD: 298	SUP:
Historic Dist:	Consrv Dist: Bryan Place	Pro Park:	Req Park:	Park Agrmt: N
Dwlg Units: 0	Stories:	New Area: 24584	Lot Area: 135036	Total Area: 24584
Type Const: IB	Sprinkler: All	Occ Code: S2	Occ Load:	
Inches Of Removed Trees:				

ALL WORK SUBJECT TO FIELD INSPECTOR APPROVAL Parking is for entire project.

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THIS DOCUMENT SHALL BE POSTED AT WORK SITE AND IS SUBJECT TO CANCELLATION UPON NOTICE.



City of Dallas

Permit # 1512041020

BDA167-014

Attach A

PS 7

Issue Date: 11/21/2016

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

Address: **4217 SWISS AVE, Floor 4 GARAGE 75204**

Land Use Description: **MULTI-FAMILY DWELLING**

Work Description: **NEW CONSTRUCTION MULTI-FAMILY DWELLING WITH PARKING GA**

Value Of Work: **\$2,261,728.00**

Owner Or Tenant: **ENCORE ENTERPRISES**
5005 LBJ # 1200
DALLAS TX 75244

Applicant: **VICKI RADER**

Contractor: **MASTERPLAN CONSULTANTS**

Business Address: **900 JACKSON ST, STE: #640, DALLAS, TX 75202**

Telephone: **214/761-9197** Fax: **214/748-7448**

Lot: 1A	Block: 10/740	Zoning: PD-298	PDD: 298	SUP:
Historic Dist:	Consv Dist: Bryan Place	Pro Park:	Req Park:	Park Agrmt: N
Dwlg Units: 0	Stories:	New Area: 24584	Lot Area: 135036	Total Area: 24584
Type Const: IB	Sprinkler: All	Occ Code: S2	Occ Load:	
Inches Of Removed Trees:				

ALL WORK SUBJECT TO FIELD INSPECTOR APPROVAL. Parking is for entire project.

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THIS DOCUMENT SHALL BE POSTED AT WORK SITE AND IS SUBJECT TO CANCELLATION UPON NOTICE.



City of Dallas

Permit # 1512041021

BDA167-014
Attach A
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Issue Date: 11/21/2016

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

Address: **4217 SWISS AVE, Floor 5 GARAGE 75204**

Land Use Description: **MULTI-FAMILY DWELLING**

Work Description: **NEW CONSTRUCTION MULTI-FAMILY DWELLING WITH PARKNG GA**

Value Of Work: **\$2,261,728.00**

Owner Or Tenant: **ENCORE ENTERPRISES
5005 LBJ # 1200
DALLAS TX 75244**

Applicant: **VICKI RADER**

Contractor: **MASTERPLAN CONSULTANTS**

Business Address: **900 JACKSON ST, STE: #640, DALLAS, TX 75202**

Telephone: **214/761-9197 Fax: 214/748-7448**

Lot: 1A	Block: 10/740	Zoning: PD-298	PDD: 298	SUP:
Historic Dist:	Consv Dist: Bryan Place	Pro Park:	Req Park:	Park Agrmt: N
Dwlg Units: 0	Stories:	New Area: 24584	Lot Area: 135036	Total Area: 24584
Type Const: IB	Sprinkler: All	Occ Code: S2	Occ Load:	
Inches Of Removed Trees:				

ALL WORK SUBJECT TO FIELD INSPECTOR APPROVAL. Parking is for entire project.

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City of Dallas

Permit # 1512041022

BDA167-014
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Issue Date: 11/21/2016

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

Address: **4217 SWISS AVE, Floor 6 GARAGE 75204**

Land Use Description: MULTI-FAMILY DWELLING

Work Description: NEW CONSTRUCTION MULTI-FAMILY DWELLING WITH PARKNG GA

Value Of Work: \$1,571,912.00

Owner Or Tenant: ENCORE ENTERPRISES
5005 LBJ # 1200
DALLAS TX 75244

Applicant: VICKI RADER

Contractor: MASTERPLAN CONSULTANTS

Business Address: 900 JACKSON ST, STE: #640, DALLAS, TX 75202

Telephone: 214/761-9197 Fax: 214/748-7448

Lot: 1A	Block: 10/740	Zoning: PD-298	PDD: 298	SUP:
Historic Dist:	Consv Dist: Bryan Place	Pro Park:	Req Park:	Park Agrmt: N
Dwlg Units: 0	Stories:	New Area: 17086	Lot Area: 135036	Total Area: 17086
Type Const: IB	Sprinkler: All	Occ Code: S2	Occ Load:	
Inches Of Removed Trees:				

ALL WORK SUBJECT TO FIELD INSPECTOR APPROVAL Parking is for entire project.

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THIS DOCUMENT SHALL BE POSTED AT WORK SITE AND IS SUBJECT TO CANCELLATION UPON NOTICE.



City of Dallas

Permit # 1512041023

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Issue Date: 11/21/2016

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

Address: **4217 SWISS AVE, Floor 7 GARAGE 75204**

Land Use Description: **MULTI-FAMILY DWELLING**

Work Description: **NEW CONSTRUCTION MULTI-FAMILY DWELLING WITH PARKNG GA**

Value Of Work: **\$939,688.00**

Owner Or Tenant: **ENCORE ENTERPRISES**
5005 LBJ # 1200
DALLAS TX 75244

Applicant: **VICKI RADER**

Contractor: **MASTERPLAN CONSULTANTS**

Business Address: **900 JACKSON ST, STE: #640, DALLAS, TX 75202**

Telephone: **214/761-9197** Fax: **214/748-7448**

Lot: 1A	Block: 10/740	Zoning: PD-298	PDD: 298	SUP:
Historic Dist:	Consrv Dist: Bryan Place	Pro Park:	Req Park:	Park Agrmt: N
Dwlg Units: 0	Stories:	New Area: 10214	Lot Area: 135036	Total Area: 10214
Type Const: UNK	Sprinkler:	Occ Code: NA	Occ Load:	
Inches Of Removed Trees:				

NOT IN SCOPE OF WORK

This document is issued on the basis of information furnished in the application and is subject to the provisions of all governing ordinances, which must be complied with, whether or not herein specified.

THIS DOCUMENT SHALL BE POSTED AT WORK SITE AND IS SUBJECT TO CANCELLATION UPON NOTICE.



City of Dallas

Permit # 1512041024

BDA167-014

ATTACH A

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Issue Date: 11/21/2016

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

Address: **4217 SWISS AVE, Floor 7 ROOF/CLUB 75204**

Land Use Description: MULTI-FAMILY DWELLING

Work Description: NEW CONSTRUCTION MULTI-FAMILY DWELLING WITH PARKNG GA

Value Of Work: \$137,724.00

Owner Or Tenant: ENCORE ENTERPRISES
5005 LBJ # 1200
DALLAS TX 75244

Applicant: VICKI RADER

Contractor: MASTERPLAN CONSULTANTS

Business Address: 900 JACKSON ST, STE: #640, DALLAS, TX 75202

Telephone: 214/761-9197 Fax: 214/748-7448

Lot: 1A	Block: 10/740	Zoning: PD-298	PDD: 298	SUP:
Historic Dist:	Consv Dist: Bryan Place	Pro Park:	Req Park:	Park Agrmt: N
Dwlg Units: 0	Stories:	New Area: 1497	Lot Area: 135036	Total Area: 1497
Type Const: UNK	Sprinkler:	Occ Code: NA	Occ Load:	
Inches Of Removed Trees:				

NOT IN SCOPE OF WORK.

This document is issued on the basis of information furnished in the application and is subject to the provisions of all governing ordinances, which must be complied with, whether or not herein specified.

THIS DOCUMENT SHALL BE POSTED AT WORK SITE AND IS SUBJECT TO CANCELLATION UPON NOTICE.



City of Dallas

Permit # 1512041025

BDA 167-014

Attach A

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Issue Date: 11/21/2016

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

Address: **4217 SWISS AVE, A1-FLOOR 1 75204**

Land Use Description: **MULTI-FAMILY DWELLING**

Work Description: **NEW CONSTRUCTION MULTI-FAMILY DWELLING WITH PARKNG GA**

Value Of Work: **\$1,609,700.00**

Owner Or Tenant: **ENCORE ENTERPRISES
5005 LBJ # 1200
DALLAS TX 75244**

Applicant: **VICKI RADER**

Contractor: **MASTERPLAN CONSULTANTS**

Business Address: **900 JACKSON ST, STE: #640, DALLAS, TX 75202**

Telephone: **214/761-9197** Fax: **214/748-7448**

Lot: 1A	Block: 10/740	Zoning: PD-298	PDD: 298	SUP:
Historic Dist:	Consv Dist: Bryan Place	Pro Park:	Req Park:	Park Agrmt: N
Dwlg Units: 18	Stories:	New Area: 16097	Lot Area: 135036	Total Area: 16097
Type Const: IIIA	Sprinkler: All	Occ Code: R2	Occ Load:	
Inches Of Removed Trees:				

ALL WORK SUBJECT TO FIELD INSPECTOR APPROVAL Parking is for entire project.

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THIS DOCUMENT SHALL BE POSTED AT WORK SITE AND IS SUBJECT TO CANCELLATION UPON NOTICE.



City of Dallas

Permit # 1512041026

BDA167-014

Sheet A

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Issue Date: 11/21/2016

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

Address: **4217 SWISS AVE, A1-FLOOR 1 LEASE/CLUB AREA 75204**

Land Use Description: **MULTI-FAMILY DWELLING**

Work Description: **NEW CONSTRUCTION MULTI-FAMILY DWELLING WITH PARKNG GA**

Value Of Work: **\$494,000.00**

Owner Or Tenant: **ENCORE ENTERPRISES
5005 LBJ # 1200
DALLAS TX 75244**

Applicant: **VICKI RADER**

Contractor: **MASTERPLAN CONSULTANTS**

Business Address: **900 JACKSON ST, STE: #640, DALLAS, TX 75202**

Telephone: **214/761-9197** Fax: **214/748-7448**

Lot: 1A	Block: 10/740	Zoning: PD-298	PDD: 298	SUP:
Historic Dist:	Consv Dist: Bryan Place	Pro Park:	Req Park:	Park Agrmt: N
Dwlg Units: 0	Stories:	New Area: 4940	Lot Area: 135036	Total Area: 4940
Type Const: IIIA	Sprinkler: All	Occ Code: B	Occ Load:	
Inches Of Removed Trees:				

ALL WORK SUBJECT TO FIELD INSPECTOR APPROVAL Parking is for entire project.

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THIS DOCUMENT SHALL BE POSTED AT WORK SITE AND IS SUBJECT TO CANCELLATION UPON NOTICE.



City of Dallas

Permit # 1512041027

BDA167-014

Attach A

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Issue Date: 11/21/2016

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

Address: **4217 SWISS AVE, A1-FLOOR 2 75204**

Land Use Description: **MULTI-FAMILY DWELLING**

Work Description: **NEW CONSTRUCTION MULTI-FAMILY DWELLING WITH PARKNG G/**

Value Of Work: **\$2,143,600.00**

Owner Or Tenant: **ENCORE ENTERPRISES
5005 LBJ # 1200
DALLAS TX 75244**

Applicant: **VICKI RADER**

Contractor: **MASTERPLAN CONSULTANTS**

Business Address: **900 JACKSON ST, STE: #640, DALLAS, TX 75202**

Telephone: **214/761-9197 Fax: 214/748-7448**

Lot: 1A	Block: 10/740	Zoning: PD-298	PDD: 298	SUP:
Historic Dist:	Consv Dist: Bryan Place	Pro Park:	Req Park:	Park Agrmt: N
Dwlg Units: 21	Stories:	New Area: 21436	Lot Area: 135036	Total Area: 21436
Type Const: IIIA	Sprinkler: All	Occ Code: R2	Occ Load:	
Inches Of Removed Trees:				

ALL WORK SUBJECT TO FIELD INSPECTOR APPROVAL Parking is for entire project.

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THIS DOCUMENT SHALL BE POSTED AT WORK SITE AND IS SUBJECT TO CANCELLATION UPON NOTICE.



City of Dallas

Permit # 1512041028

BDA167-014

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Issue Date: 11/21/2016

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

Address: **4217 SWISS AVE, A1- FLOOR 3 75204**

Land Use Description: **MULTI-FAMILY DWELLING**

Work Description: **NEW CONSTRUCTION MULTI-FAMILY DWELLING WITH PARKNG GA**

Value Of Work: **\$2,143,600.00**

Owner Or Tenant: **ENCORE ENTERPRISES
5005 LBJ # 1200
DALLAS TX 75244**

Applicant: **VICKI RADER**

Contractor: **MASTERPLAN CONSULTANTS**

Business Address: **900 JACKSON ST, STE: #640, DALLAS, TX 75202**

Telephone: **214/761-9197** Fax: **214/748-7448**

Lot: 1A	Block: 10/740	Zoning: PD-298	PDD: 298	SUP:
Historic Dist:	Consv Dist: Bryan Place	Pro Park:	Req Park:	Park Agrmt: N
Dwlg Units: 21	Stories:	New Area: 21436	Lot Area: 135036	Total Area: 21436
Type Const: IIIA	Sprinkler: All	Occ Code: R2	Occ Load:	
Inches Of Removed Trees:				

ALL WORK SUBJECT TO FIELD INSPECTOR APPROVAL Parking is for entire project.

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THIS DOCUMENT SHALL BE POSTED AT WORK SITE AND IS SUBJECT TO CANCELLATION UPON NOTICE.



City of Dallas

Permit # 1512041029

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Issue Date: 11/21/2016

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

Address: **4217 SWISS AVE, A1-FLOOR 4 75204**

Land Use Description: **MULTI-FAMILY DWELLING**

Work Description: **NEW CONSTRUCTION MULTI-FAMILY DWELLING WITH PARKNG GA**

Value Of Work: **\$2,149,500.00**

Owner Or Tenant: **ENCORE ENTERPRISES
5005 LBJ # 1200
DALLAS TX 75244**

Applicant: **VICKI RADER**

Contractor: **MASTERPLAN CONSULTANTS**

Business Address: **900 JACKSON ST, STE: #640, DALLAS, TX 75202**

Telephone: **214/761-9197** Fax: **214/748-7448**

Lot: 1A	Block: 10/740	Zoning: PD-298	PDD: 298	SUP:
Historic Dist:	Consv Dist: Bryan Place	Pro Park:	Req Park:	Park Agrmt: N
Dwlg Units: 21	Stories:	New Area: 21495	Lot Area: 135036	Total Area: 21495
Type Const: IIIA	Sprinkler: All	Occ Code: R2	Occ Load:	
Inches Of Removed Trees:				

ALL WORK SUBJECT TO FIELD INSPECTOR APPROVAL Parking is for entire project.

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THIS DOCUMENT SHALL BE POSTED AT WORK SITE AND IS SUBJECT TO CANCELLATION UPON NOTICE.



City of Dallas

Permit # 1512041030

BDA167-014

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Issue Date: 11/21/2016

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

Address: **4217 SWISS AVE, A1- FLOOR 5 75204**

Land Use Description: **MULTI-FAMILY DWELLING**

Work Description: **NEW CONSTRUCTION MULTI-FAMILY DWELLING WITH PARKNG GA**

Value Of Work: **\$2,134,500.00**

Owner Or Tenant: **ENCORE ENTERPRISES
5005 LBJ # 1200
DALLAS TX 75244**

Applicant: **VICKI RADER**

Contractor: **MASTERPLAN CONSULTANTS**

Business Address: **900 JACKSON ST, STE: #640, DALLAS, TX 75202**

Telephone: **214/761-9197** Fax: **214/748-7448**

Lot: 1A	Block: 10/740	Zoning: PD-298	PDD: 298	SUP:
Historic Dist:	Consv Dist: Bryan Place	Pro Park:	Req Park:	Park Agrmt: N
Dwlg Units: 21	Stories:	New Area: 21345	Lot Area: 135036	Total Area: 21345
Type Const: IIIA	Sprinkler: All	Occ Code: R2	Occ Load:	
Inches Of Removed Trees:				

ALL WORK SUBJECT TO FIELD INSPECTOR APPROVAL Parking is for entire project.

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THIS DOCUMENT SHALL BE POSTED AT WORK SITE AND IS SUBJECT TO CANCELLATION UPON NOTICE.



City of Dallas

Permit # 1512041031

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Attached
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Issue Date: 11/21/2016

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

Address: **4217 SWISS AVE, B1- FLOOR 1 75204**

Land Use Description: **MULTI-FAMILY DWELLING**

Work Description: **NEW CONSTRUCTION MULTI-FAMILY DWELLING WITH PARKING GARAGE**

Value Of Work: **\$3,248,900.00**

Owner Or Tenant: **ENCORE ENTERPRISES
5005 LBJ # 1200
DALLAS TX 75244**

Applicant: **VICKI RADER**

Contractor: **MASTERPLAN CONSULTANTS**

Business Address: **900 JACKSON ST, STE: #640, DALLAS, TX 75202**

Telephone: **214/761-9197** Fax: **214/748-7448**

Lot: 1A	Block: 10/740	Zoning: PD-298	PDD: 298	SUP:
Historic Dist:	Consv Dist: Bryan Place	Pro Park:	Req Park:	Park Agrmt: N
Dwlg Units: 20	Stories:	New Area: 32489	Lot Area: 135036	Total Area: 32489
Type Const: IIIA	Sprinkler: All	Occ Code: R2	Occ Load:	
Inches Of Removed Trees:				

ALL WORK SUBJECT TO FIELD INSPECTOR APPROVAL Parking is for entire project.

This document is issued on the basis of information furnished in the application and is subject to the provisions of all governing ordinances, which must be complied with, whether or not herein specified.

THIS DOCUMENT SHALL BE POSTED AT WORK SITE AND IS SUBJECT TO CANCELLATION UPON NOTICE.



City of Dallas

Permit # 1512041032

BDA167-014

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Issue Date: 11/21/2016

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

Address: **4217 SWISS AVE, B1- FLOOR 2 75204**

Land Use Description: **MULTI-FAMILY DWELLING**

Work Description: **NEW CONSTRUCTION MULTI-FAMILY DWELLING WITH PARKNG G/**

Value Of Work: **\$3,270,900.00**

Owner Or Tenant: **ENCORE ENTERPRISES
5005 LBJ # 1200
DALLAS TX 75244**

Applicant: **VICKI RADER**

Contractor: **MASTERPLAN CONSULTANTS**

Business Address: **900 JACKSON ST, STE: #640, DALLAS, TX 75202**

Telephone: **214/761-9197** Fax: **214/748-7448**

Lot: 1A	Block: 10/740	Zoning: PD-298	PDD: 298	SUP:
Historic Dist:	Consv Dist: Bryan Place	Pro Park:	Req Park:	Park Agrmt: N
Dwlg Units: 29	Stories:	New Area: 32709	Lot Area: 135036	Total Area: 32709
Type Const: IIIA	Sprinkler: All	Occ Code: R2	Occ Load:	
Inches Of Removed Trees:				

ALL WORK SUBJECT TO FIELD INSPECTOR APPROVAL Parking is for entire project.

This document is issued on the basis of information furnished in the application and is subject to the provisions of all governing ordinances, which must be complied with, whether or not herein specified.

THIS DOCUMENT SHALL BE POSTED AT WORK SITE AND IS SUBJECT TO CANCELLATION UPON NOTICE.



City of Dallas

Permit # 1512041033

BDA 167-014

Attach A

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Issue Date: 11/21/2016

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

Address: **4217 SWISS AVE, B1- FLOOR 3 75204**

Land Use Description: **MULTI-FAMILY DWELLING**

Work Description: **NEW CONSTRUCTION MULTI-FAMILY DWELLING WITH PARKNG GA**

Value Of Work: **\$3,270,900.00**

Owner Or Tenant: **ENCORE ENTERPRISES
5005 LBJ # 1200
DALLAS TX 75244**

Applicant: **VICKI RADER**

Contractor: **MASTERPLAN CONSULTANTS**

Business Address: **900 JACKSON ST, STE: #640, DALLAS, TX 75202**

Telephone: **214/761-9197** Fax: **214/748-7448**

Lot: 1A	Block: 10/740	Zoning: PD-298	PDD: 298	SUP:
Historic Dist:	Consv Dist: Bryan Place	Pro Park:	Req Park:	Park Agrmt: N
Dwlg Units: 34	Stories:	New Area: 32709	Lot Area: 135036	Total Area: 32709
Type Const: IIIA	Sprinkler: All	Occ Code: R2	Occ Load:	
Inches Of Removed Trees:				

ALL WORK SUBJECT TO FIELD INSPECTOR APPROVAL. Parking is for entire project.

This document is issued on the basis of information furnished in the application and is subject to the provisions of all governing ordinances, which must be complied with, whether or not herein specified.

THIS DOCUMENT SHALL BE POSTED AT WORK SITE AND IS SUBJECT TO CANCELLATION UPON NOTICE.



City of Dallas

Permit # 1512041034

BDA 167-014
Attach A
Pg 21

Issue Date: 11/21/2016

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

Address: **4217 SWISS AVE, B1- FLOOR 4 75204**

Land Use Description: **MULTI-FAMILY DWELLING**

Work Description: **NEW CONSTRUCTION MULTI-FAMILY DWELLING WITH PARKNG G/**

Value Of Work: **\$3,270,900.00**

Owner Or Tenant: **ENCORE ENTERPRISES
5005 LBJ # 1200
DALLAS TX 75244**

Applicant: **VICKI RADER**

Contractor: **MASTERPLAN CONSULTANTS**

Business Address: **900 JACKSON ST, STE: #640, DALLAS, TX 75202**

Telephone: **214/761-9197** Fax: **214/748-7448**

Lot: 1A	Block: 10/740	Zoning: PD-298	PDD: 298	SUP:
Historic Dist:	Consv Dist: Bryan Place	Pro Park:	Req Park:	Park Agrmt: N
Dwlg Units: 34	Stories:	New Area: 32709	Lot Area: 135036	Total Area: 32709
Type Const: IIIA	Sprinkler: All	Occ Code: R2	Occ Load:	
Inches Of Removed Trees:				

ALL WORK SUBJECT TO FIELD INSPECTOR APPROVAL Parking is for entire project.

This document is issued on the basis of information furnished in the application and is subject to the provisions of all governing ordinances, which must be complied with, whether or not herein specified.

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City of Dallas

Permit # 1512041035

BDA 167-014

Attach A

pg 22

Issue Date: 11/21/2016

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

Address: **4217 SWISS AVE, B1- FLOOR 5 75204**

Land Use Description: MULTI-FAMILY DWELLING

Work Description: NEW CONSTRUCTION MULTI-FAMILY DWELLING WITH PARKNG GA

Value Of Work: \$3,270,900.00

Owner Or Tenant: ENCORE ENTERPRISES
5005 LBJ # 1200
DALLAS TX 75244

Applicant: VICKI RADER

Contractor: MASTERPLAN CONSULTANTS

Business Address: 900 JACKSON ST, STE: #640, DALLAS, TX 75202

Telephone: 214/761-9197 Fax: 214/748-7448

Lot: 1A	Block: 10/740	Zoning: PD-298	PDD: 298	SUP:
Historic Dist:	Consv Dist: Bryan Place	Pro Park:	Req Park:	Park Agrmt: N
Dwlg Units: 34	Stories:	New Area: 32709	Lot Area: 135036	Total Area: 32709
Type Const: IIIA	Sprinkler: All	Occ Code: R2	Occ Load:	
Inches Of Removed Trees:				

ALL WORK SUBJECT TO FIELD INSPECTOR APPROVAL Parking is for entire project.

This document is issued on the basis of information furnished in the application and is subject to the provisions of all governing ordinances, which must be complied with, whether or not herein specified.

THIS DOCUMENT SHALL BE POSTED AT WORK SITE AND IS SUBJECT TO CANCELLATION UPON NOTICE.



Members of the Board of Adjustment,

The Peak's Addition Homeowner's Association has serious concerns over absence of the required residential proximity slope for the 5 story apartment building proposed at Swiss Avenue and Peak Streets. This development is directly across Peak Street from the single family homes on both Sycamore Street and Swiss Avenue.

In our initial meeting with Council member Medrano and the Assistant Building Official it was determined that the proximity slope is required in the Planned Development District and it will limit the structure to approximately 26 feet. This was in line with our 2 ½ story maximum building height in our neighborhood and on point with the neighborhood's PD interpretation.

A few weeks later we were informed that the Director of Sustainable Development and Construction, after talking to the developer's representative, reversed that decision. A new interpretation of the PD removed the requirement for the proximity slope resulting in the developer's original proposal for a dense, 5-story development directly across from our homes.

Peak's Addition now must appeal that decision of the Director to the Board of Adjustment to protect the integrity of our historic homes.

Proximity Slope is a zoning tool to create a buffer between low impact residential and high density apartments. The Encore development and its single family neighbors is the classic example of why the slope must be used; protection for existing homeowners against a solid 62 foot wall.

The Peak neighborhood welcomes large multifamily and mixed use development on the perimeters of our historic neighborhood. However we do expect development tools like the proximity slope, which we will demonstrate is required in the Planned Development District, must be in place for this otherwise intrusive development.

Thank You,

A handwritten signature in black ink, appearing to read 'Jim Anderson', written over a horizontal line.

Jim Anderson, President

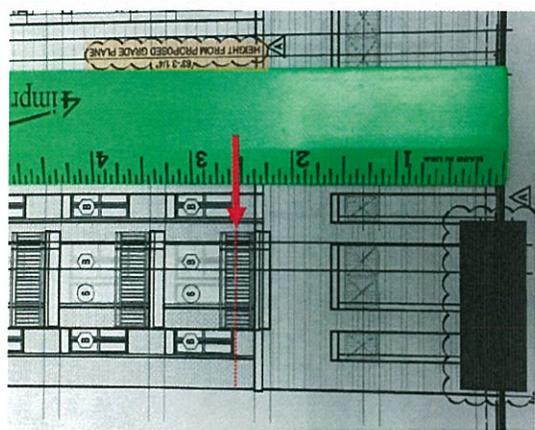
Peak's Addition Homeowner's Association

For the purpose correcting for scale on the plans provided to us by the city, the following calculations were made:

From the developer's plans, Sheet A4.30, Elevation 2, Peak Street, North Elevation has a reference plane denoting a height of 60' 3 1/4". This reference was measured out at 6" on the printed plan provided by the city.

- Therefore: 6" on plan = 60' 3 1/4" = 723.25"
- 6" = 723.25"
- 1" = 120.54"
- 1/8" = 15.1" = 1 1/4'
- 26' = 312"
- 312" / 120.54" = 2.59
- 2.59" on plan = 26'**

Elevation Review of 4217 Swiss



- 3:1 Proximity Slope
- - - Top of S.F. House
- Point of Accurate Measure = 26' restriction on Peak St. (70' from property line to set back)

4217 Swiss Ave

4303 Swiss Ave

4303 Swiss Ave
 5,536 sqft - 5 bedrooms - 4 baths - 7 fireplaces

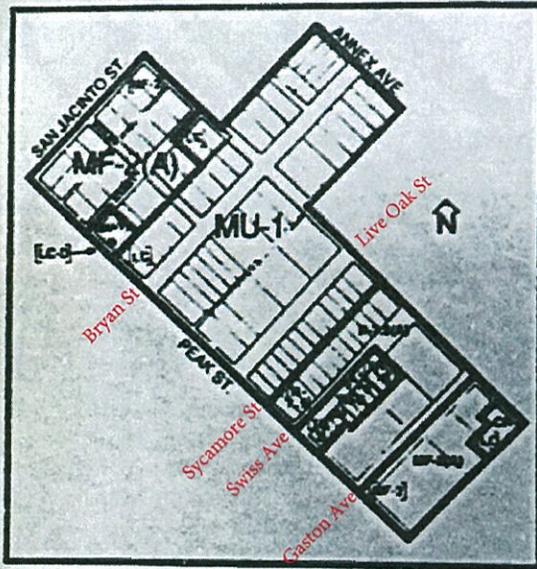


SEC. 51P-298.105. SUBAREA 9 CONDITIONS.

Subarea 9 is subject to the regulations governing the R-7.5(A), TH-2(A), MF-2(A), MU-1, MU-1-D, and CR districts of Chapter 51A. The zoning district category applicable to each tract in Subarea 9 is shown on Exhibit 298B. The conditions contained in Sections 298.103 and 298.106 through 298.117 do not apply to Subarea 9. (Ord. Nos. 20049; 24914)

20049

882705



SUBAREA NINE ZONING RULES				
RESIDENTIAL DISTRICTS RECOMMENDED				
DISTRICT	DENSITY	HEIGHT	LOT COVERAGE	USES
R - 7.5(A) Residential	1 DUJ 7,500 sq. ft.	30'	45%	Single family residential uses
TH - 2(A) Townhouse	8 DUJ 8000	30'	60%	Single family residential uses
MF - 2(A) Multifamily residential	Min lot 1,000 sq. ft. 800 sq. ft. E 1,000 sq. ft. 1 BR 1,200 sq. ft. 2 BR +150 sq. ft. @ min bedroom	30'	60%	Multifamily residential uses
NONRESIDENTIAL DISTRICTS RECOMMENDED				
DISTRICT	DENSITY	HEIGHT	LOT COVERAGE	USES
CR Community retail	0.75 overall 0.5 office	5 1/2' 4 stories	60%	Retail and personal services, office uses
MU - 1 Mixed use 1	0.8 base 1.0 max + bonus for residential	10' 7 stories 120' 9 stories with rules	60%	Office, retail and personal services, lodging, and residential

SUBAREA NINE:

Staff has recommended standard 51A zoning districts for subarea nine and has asked that the area be the subject of future study which will consider social concerns such as housing, crime and unemployment.

In the interim, the subarea must be rezoned to the new zoning districts in Chapter 51A. Staff has utilized the concepts and objectives established in the Bryan Area Special Study to recommend zoning districts for subarea nine, as shown on the above map. The development standards for each of the zoning districts for subarea nine are listed in the chart entitled, SUBAREA NINE ZONING RULES.

34

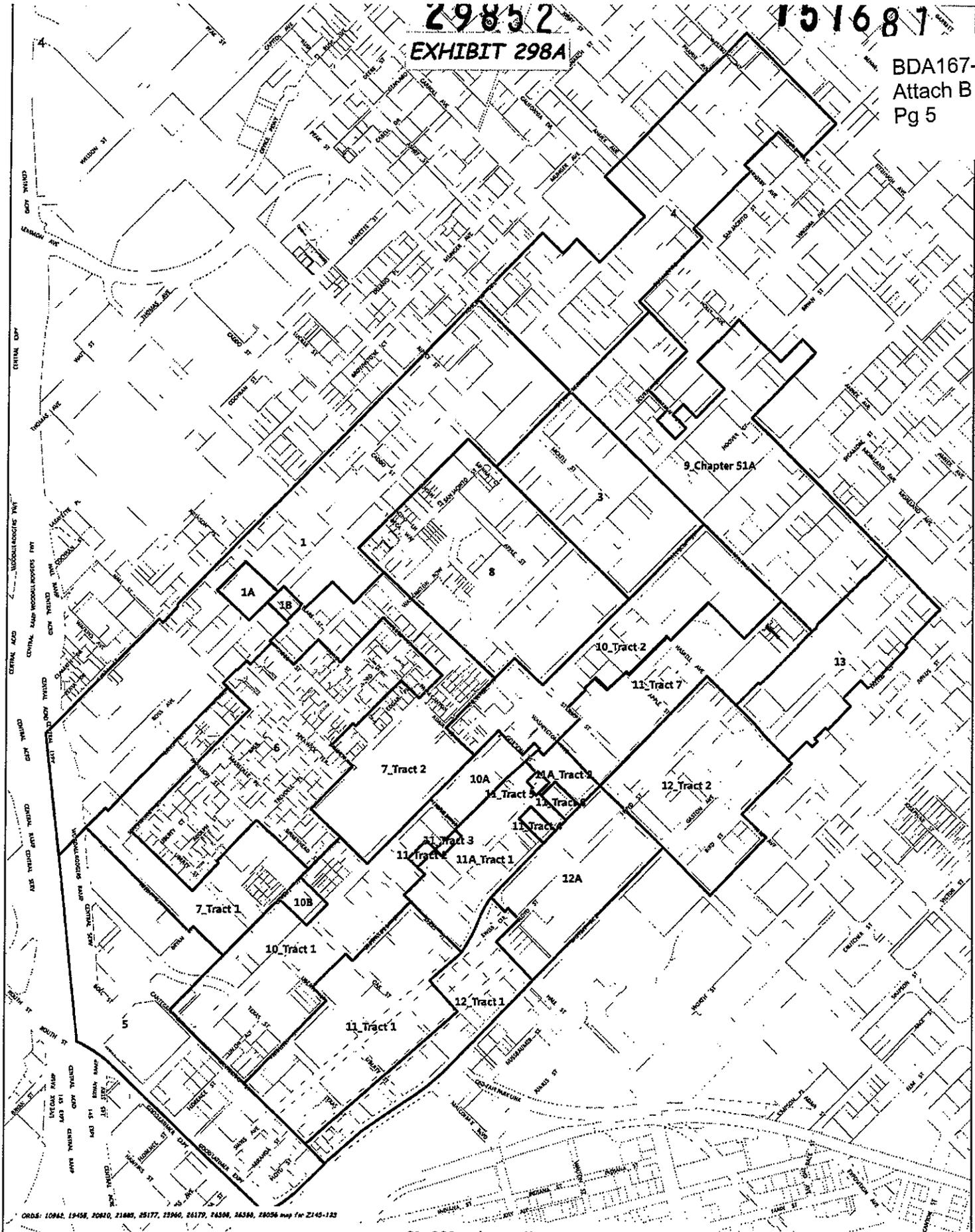
EMMETT #2

29852

151687

EXHIBIT 298A

BDA167-014
Attach B
Pg 5



ORDS: 10942, 19458, 20810, 21885, 25177, 22960, 26179, 74504, 86386, 28056 map for 2145-123

PD 298 Subarea Map
Contains 18 Subareas

1, 1A, 1B, 3, 4, 5, 6, 7, 8, 9, 10, 10A, 10B, 11, 11A, 12, 12A, 13
No longer contains 2a Subarea 2



1:4,400
2134-159

BDA 167-014

Ann S. Wallace

4409 Swiss Avenue
Dallas, TX 75204
214-823-2949
annswallace@aol.com

January 30, 2017

Dallas Board of Adjustment
Dallas City Hall
1500 Marilla St.
Dallas, TX 75201

To Whom it May Concern:

I am writing in opposition to the 253 unit apartment complex proposed by Encore Properties at the intersection of Swiss Avenue and Peak Street. I have lived in the fifth house from that corner for thirty-three years. I drive through that intersection every day.

As a retired DISD teacher, I want to present a little government lesson for you to think about. The basic philosophy behind the US Constitution and every other state and local government in America is the "social contract." Basically it says a group of people agree to band together to live under a system of rules. Those people agree to give the power to carry out those rules to a governmental entity that provides for the safety and welfare of the people. As a resident of Dallas, I promise to pay taxes and fees and abide by city ordinances and codes. In exchange I expect the city to provide police and fire services, infrastructure, and enforcement of city ordinances and codes.

As a resident of a Peak Addition Historic District, I agree to an additional set of restrictions. I cannot paint my house, build a fence, change my windows, or do anything to the exterior of my house without city approval. One of the reasons we made the investment in our home was the perceived protection we had for the neighborhood. With the Crow Foundation commitment to the Wilson Block area and the Dallas Theological Seminary on one end of our street and the Swiss Avenue Historic District on the other end, we felt our investment would be protected by the zoning and development code.

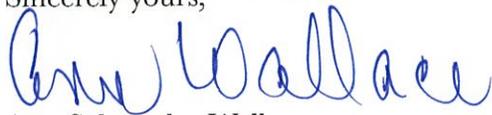
My husband and I have seen many changes since we moved in. We had drug houses on either side of us, hookers on the corners, homeless people with shopping carts, and gunshots every night. We saved Crockett school from demolition and worked with our neighbors to restore the beauty and diversity of our neighborhood.

Now we find out the rules mean nothing to the city. We are still fulfilling our side of the social contract, but the city wants to change the rules. I don't really have anyone to act as an advocate. I live in District 2, but I look at District 14 across the street. The property in question is also in District 14. I feel like I am on an island with no one to speak for me.

Gerrymandering has put me in conflict with my neighbors. Councilman Medrano has been a strong advocate for preservation, but Councilman Kingston is all about development. I am grateful that the neighborhood association has filed this objection. We value history and diversity. We want to preserve the best of Dallas. Putting an architectural monstrosity on the corner is breaking your part of our social contract. It is designed like a prison. Steep ugly walls with an exercise yard in the center for the inmates. All designed to be enclosed and separate from the greater community.

Remember, that while change is inevitable, all change is not progress. A balance is needed, and you have it in your power to make that happen.

Sincerely yours,



Ann Schuessler Wallace

28 January 2017

Dallas Board of Adjustment
City Hall
City of Dallas

Dear Dallas Board of Adjustment,

While I realize that making decisions in variations to Development Code regulations is a very serious and difficult decision, I ask that you consider quality of the life in the neighborhood as well as demographic and financial issues. This request is about a proposed apartment complex consisting of 253 unites to be constructed at the corner of Swiss Avenue and Peak Street.

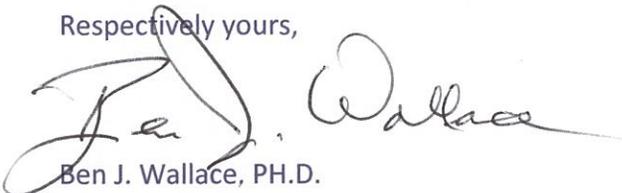
I request that the Board consider limiting the structure to two stories and that the structure have a variance significantly set back on both Swiss and Peak. The reasons for this request are simple and compelling: 1) traffic flow and 2) quality of the neighborhood.

Swiss Avenue has become an alternate traffic route for Skillman and Ross. Between 7 and 9 AM and 4 and 6 PM these two streets resemble Central Express way. With street parking on Swiss (which should not be allowed because all the old apartments have back parking), more auto accidents are waiting to happen. Swiss Avenue is also a very narrow street designed for the traffic of the early twentieth century. This is further complicated because Peak is a one-way street, the principal route to Central Expressway from East Dallas, and the primary access out of the neighborhood. A 200 unit plus apartment is located a block away at Skillman and Peak and because of a narrow variance has been struck at least three times by automobiles in the last year. I ask the Board to please limit the number of apartments at Swiss and Peak to ease the already congested traffic situation by reducing the apartment complex to two stories and insuring a significance variance from the street.

My second request pertains to the quality of the community and neighborhood. I have lived in my house for thirty-three years. I chose to be an urban pioneer (and encouraged many of my SMU colleagues to purchase and restore houses in the community) because many big cities took pride in their historic neighborhoods and I assumed Dallas would also protect its history. Bowing to the pressures of outside financial interest by allowing apartment complexes designed to be slums in fifteen to twenty years to be built does not protect the history of Dallas.

I and others would argue that the difference between Dallas and Fort Worth is that Fort Worth has a SOUL and Dallas does not. Fort Worth takes pride in and protects its history. I ask the Board to take pride in and show the SOUL of Dallas by limiting the uncontrolled structural development in the lower Swiss Avenue area.

Respectively yours,



Ben J. Wallace, PH.D.
Professor Emeritus SMU
4409 Swiss Avenue

January 30, 2017

BDA167-014
Attach B
Pg 9

Patricia A. Simon and Kyle Collins
4519 Gaston Avenue
Dallas, TX 75246

City of Dallas Board of Adjustments
c/o Steve Long
1500 Marilla Street, 5BN
Dallas, TX
75201

Dear Board of Adjustments:

When we moved to Dallas in the 1990's, the suburbs were booming with urban sprawl and we witnessed massive flight out of the city center. Dallas struggled to re-build its urban core, but little by little the city came back to life.

For those of us who never lived outside the urban core, there was an appealing notion of the existence of a "suburbia" within the city. We held on—we didn't move. And, while it was a somewhat dicey proposition, many of us bought homes in Old East Dallas, drawn by the charm of the once existing community we could read from the structures that were still remaining from years gone by--an enclave of single family homes so close to downtown; to our jobs; to our recreation; to our lives. One by one we fought to hold on to our vision of a community where people actually know each other, sit on porches together, and protect each other.

Clearly the City of Dallas also saw this potential, as this neighborhood we cherish is protected by PD's and by historic overlays. The individuals in this neighborhood have invested in their properties by restoring them, buoyed by the protection afforded by these regulations placed on the properties. Although often burdensome, we comply with decisions made by Task Forces and Landmark Committees regarding our homes, knowing that the regulations in place are there to protect the historic fabric of our single family community.

The sweat and grit of the individual neighbors has brought Old East Dallas back to life, making it more valuable and, thus, more enticing for developers. While we recognize that development is inevitable, and that greater density brings us better amenities, we demand thoughtful consideration of this development and adherence to the language intended by the PD. We request that proximity slope guidelines are adhered to in order to protect the integrity of our historic neighborhoods, and the privacy expected of single-family properties.

We feel that the development at 4217 Swiss Avenue will violate proximity slope language in the PD. A structure of that height in that location will rob the immediate neighbors of their privacy, and will additionally devalue their properties significantly. Additionally, the increased burden on the neighborhood with respect to parking and traffic on already busy streets must be considered.

Please consider these points when reviewing this case.

Sincerely,


Patricia A. Simon and Kyle Collins

January 31, 2017

Dear Board of Adjustments and City of Dallas:

The City of Dallas is currently experiencing a surge in dense development. I welcome development diversity throughout the city and appreciate the need for density to support the real estate demands. However, as permits are issued for development it is important city officials diligently review the language of all governing code documents.

Permits are not issued without the review of setbacks, lot coverage and basic height allowances – but proximity slope seems to be left to the turning winds and the hopeful attention of citizens. Proximity Slope is a language of height restriction which must be considered when development is adjacent to 51.A zoning. Proximity Slope serves a very vital purpose – to protect single family residences from being immediately overshadowed by multi-level structures on adjacent lots. This reasonable height restriction language was authored and adapted by the City of Dallas to ensure the vitality of single family structures while creating a development buffer zone with respectful height increases around less dense pockets.

There are plenty of lots to be developed which do not have height limitations bound by slope. As the aggressive development continues around the city it is imperative we make no exceptions to proximity slope requirements when applicable.

Per the language of PD 298, proximity slope does emanate from Subarea 9 and limits the height of the development at 4217 Swiss to 26' on the Peak St side. If not enforced, this development will overwhelm single family homes and have a negative impact on a historic district and its residents.

Regards,

Wendy Millsap
Peak's Addition Neighbor
District 2
Dallas 75246

James and Frances McGee
1003 Moreland Ave
Dallas, TX 75204

City of Dallas
Current Planning
Boards and Commissions - Board of Adjustment
1500 Marilla St. 5BN
Dallas, Texas 75201

Re: 4217 Swiss Avenue

Dear Board of Adjustment,

We are writing this letter because we do not support the five-story height of the proposed building at 4217 Swiss Avenue. We live in Peak's Suburban Addition Historic District. As a homeowner, we chose to live in our neighborhood due to its unique history and the responsibility to preserve historic structures as provided by City Code. We think that the five-story height is not compatible with our historic neighborhood and that it does not follow the proximity slope as specified by City Code since 4217 Swiss borders our historic district. Additionally, there are no five-story buildings within our historic district or neighboring our historic district. Therefore, a building this tall would have a negative impact on the character of our neighborhood and set precedence for the height of future development. Furthermore, the increased height causes shadows on neighboring properties, increased residents resulting in increased traffic, and wear and tear on our already poor streets.

Thank you for your consideration.

Sincerely,


James McGee and Frances McGee

January 31, 2017

City of Dallas Board of Adjustments
Steve Long
1500 Marilla St. 5BN
Dallas, TX 75201

To the Board of Adjustments,

As a member of the Peaks Addition Homeowners Association board I am familiar with the Zoning issue surrounding 4217 Swiss Avenue. I believe a mistaken interpretation of the confusing zoning for that parcel allowed inappropriate approval of its five-story height-right at the edge of the street. Please enforce the proximity slope regulations to prevent this structure from shading nearby single-family houses and setting a terrible precedent for the streets surrounding Peaks Addition.

A handwritten signature in black ink, appearing to read 'E. Montgomery', with a long horizontal flourish extending to the right.

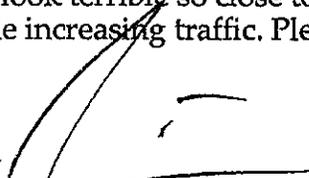
Evelyn Montgomery

4603 Swiss Ave

January 29, 2017

City of Dallas Board of Adjustments
C/o Steve Long
1500 Marilla St. 5BN
Dallas, TX 75201

I have owned a home on Swiss Avenue in Peaks Addition for 19 years, down the street from the new apartments at 4217 Swiss. I understand that these have somehow been allowed to be five stories tall in violation of the zoning rules. That will look terrible so close to our neighborhood, and lower our property values while increasing traffic. Please hold them to the strictest zoning rules.



John Painter
4603 Swiss Ave.

From : CJGresh
San Medina Ave.

District 9 – Casa View

January 30th, 2017

To: Councilman Adam Medrano – Dallas City Council District 2

Councilmen Clayton and Medrano,

I recognize and support the sustainable development efforts in your respective council districts. The City of Dallas is experiencing a period of aggressive redevelopment. Areas of town that have long lain fallow are now seeing density added in the form of townhome, condominium, and large mixed use rental developments. The thoughtful planning and consideration of appropriate and allowed land use during this growth period is of paramount importance.

Councilman Clayton has been extremely transparent, thus far, with respect to a proposed plat division and up-zoning in the Casa View neighborhood of far North East Dallas. This proposed project at Millmar and Lingo (adjacent to Bryan Adams High School) has realized positive changes in response to neighborhood interest. His continued communication and transparency on this matter is appreciated.

District 2 has an issue going to the Board of Adjustments on February 21st related to a Multi-family project in the area of Peak and Live Oak streets and Swiss Avenue. This multi-story block wide dense development borders Peak's Addition neighborhood, adjacent to a Historic Overlay District, and directly adjacent to historic homes subject to preservation. It's my understanding this project has been the subject of conflicting communication by City Staff and it's also my understanding that neighborhood interests and developer interests are not been given equal weight. The importance of defining land use prior to issuing building permits is critical and it's disappointing this case is unresolved while the builder is moving forward.

The development decisions made today have short term financial impact to the developer and long term impact to the immediate and surrounding neighborhood.

It's my hope that the Board of Adjustments considers the plain language of each controlling ordinance and the order in which their control is ranked. The redevelopment of properties adjacent to historic districts is a consideration included in these ordinances; the adjacency, proportion, and direct impact to historic properties requires the consideration of ALL controlling documents.

Sincerely,

CJGresh

January 29, 2017

To Whom It May Concern,

My name is Marcia Phillips, I live at 4940 Worth St, on the corner of Worth & Collett in Munger Place, Dallas. Upon viewing the architectural drawing and reading more about the scale of work Encore intends to install at 4217 Swiss Avenue, I am concerned that the city erred in judgment when granting a permit that does not seem to honor the current PD.

Additionally, as a lifelong resident of 4940 Worth, I do feel that the density of this project will push commuter traffic further east, and it will impact my quality of life for my family. Munger Place is thriving right now and full of families with children that cross these streets - including my own two sons. My concern is that Collett will become more congested and bear the burden of heavier traffic.

Thank you for your time,

Marcia Phillips
4940 Worth St
Dallas, Texas 75214
214-674-3664
marciaephillips@sbcglobal.net

January 29, 2017

Dear Members of the Board of Adjustment,

I am writing to you today to request that you rescind the permit that was issued in error for construction of the massive 253-unit apartment community at Swiss Avenue and Peak Street. My reason for this request is that the proposed build violates the regulations set forth in the PD-99 ordinance passed by the Dallas City Council.

Strict adherence to the covenants established in PD 99 is critical to maintaining and safeguarding the cultural and architectural integrity of Dallas' urban historic districts. In this instance, most specifically, the Peak's Addition Historic District.

While I am in resolute support of growth and development within the urban core, I also firmly believe that all proposed projects should be required to adhere to PD 99. If just one builder or developer is allowed to violate its restrictions and requirements, it would effectively void the entire ordinance by setting a precedent that other developers can cite in support of their own future violations.

For this reason, I urge you to rescind the permit in adherence to PD 99.

Respectfully,

Robert Cox, Homeowner

6119 Bryan Parkway

Swiss Avenue Historic District

January 31, 2017

City of Dallas Board of Adjustments
c/o Steve Long
1500 Marilla Street, 5BN
Dallas, TX
75201

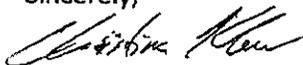
Dear Board of Adjustments:

Regarding the development at 4217 Swiss Avenue (corner of Swiss and Peak). It is my understandin that the City of Dallas has misinterpreted the existing zoning regulations and has approved plans for a five-story structure adjacent to Peak's Suburban Historic District. I live in this neighborhood and am opposed to this development for the following reasons:

- This development does not comply with the required proximity slope adjacent to our single family homes, robbing us of the integrity of our historic neighborhood.
- This type of development scale is in contrast to our neighborhood.
- Other developers may be encouraged to push this and other zoning limits.
- Adequate on site visitor and resident parking must be insured.
- The size and scale of this development sets a precedent along the border of our historic neighborhood.

Please consider these points when reviewing this case.

Sincerely,



Christina Klement
4715 Swiss Ave.
Dallas, Tx 75204

January 31, 2017

City of Dallas Board of Adjustments
c/o Steve Long
1500 Marilla Street, 5BN
Dallas, TX
75201

Dear Board of Adjustments:

I am writing this letter regarding the development at 4217 Swiss Avenue (corner of Swiss and Peak). It has come to my attention that the City of Dallas has misinterpreted the existing zoning regulations and has approved plans for a five-story structure adjacent to our oldest neighborhood in East Dallas, Peak's Suburban Historic District. I am a property owner in this neighborhood and am opposed to this development for the following reasons:

- This development does not comply with the required proximity slope adjacent to our single family homes, robbing us of the integrity of our historic properties.
- This property will rob adjacent properties of their privacy.
- The size and scale of this development will dump increased traffic onto our streets and into our neighborhood.
- Visitors to this development will park on our residential streets, denying the ability of homeowners or their guests to park in front of their homes.
- The size and scale of this development sets a precedent along the border of our historic neighborhood.

Please consider these points when reviewing this case.

Sincerely,

Tom & Leigh Martin
4805 Swiss Avenue

January 30, 2017

City of Dallas Board of Adjustments
c/o Steve Long
1500 Marilla Street, 5BN
Dallas, TX
75201

Dear Board of Adjustments:

I am writing this letter regarding the development at 4217 Swiss Avenue (corner of Swiss and Peak). It has come to my attention that the City of Dallas has misinterpreted the existing zoning regulations and has approved plans for a five-story structure adjacent to our oldest neighborhood in East Dallas, Peak's Suburban Historic District. I am a property owner in this neighborhood and am opposed to this development for the following reasons:

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- Visitors to this development will park on our residential streets, denying the ability of homeowners or their guests to park in front of their homes.
- The size and scale of this development sets a precedent along the border of our historic neighborhood.

Please consider these points when reviewing this case.

Sincerely,

Susan Harrison
1207 Annex Avenue
Dallas, 75204

January 31, 2017

City of Dallas Board of Adjustments
c/o Steve Long
1500 Marilla Street, 5BN
Dallas, TX
75201

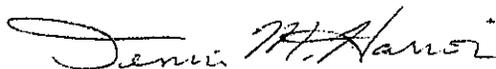
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- This development does not comply with the required proximity slope adjacent to our single family homes, robbing us of the integrity of our historic properties.
- This property will rob adjacent properties of their privacy.
- The size and scale of this development will dump increased traffic onto our streets and into our neighborhood.
- Visitors to this development will park on our residential streets, denying the ability of homeowners or their guests to park in front of their homes.
- The size and scale of this development sets a precedent along the border of our historic neighborhood.

Please consider these points when reviewing this case.

Sincerely,



Dennis M. Harrison, Ph.D.
1207 Annex Avenue
Dallas, TX 75204

January 29, 2017

City of Dallas Board of Adjustments
c/o Steve Long
1500 Marilla Street, 5BN
Dallas, TX
75201

Dear Board of Adjustments:

Regarding the development at 4217 Swiss Avenue (corner of Swiss and Peak), it has come to my attention that the City of Dallas has misinterpreted the existing zoning regulations and has approved plans for a five-story structure adjacent to Peak's Suburban Historic District. I am a multi-property owner in this neighborhood and am opposed to this development for the following reasons:

- This development does not comply with the required proximity slope adjacent to our single family homes, robbing us of the integrity of our historic properties.
- This property will rob adjacent properties of their privacy.
- The size and scale of this development will dump increased traffic onto our streets and into our neighborhood.
- Visitors to this development will park on our residential streets, denying the ability of homeowners or their guests to park in front of their homes.
- The size and scale of this development sets a precedent along the border of our historic neighborhood.

Please contemplate the above information and consider ALL of the residents in our neighborhood.

Thank you for your time and consideration.

Zelman Brounoff
4314 Trellis Court
Dallas, Tx. 75246



January 19, 2017

City of Dallas Board of Adjustments
c/o Steve Long
1500 Marilla Street, 5BN
Dallas, TX
75201

Dear Board of Adjustments:

I am writing this letter regarding the development at 4217 Swiss Avenue (corner of Swiss and Peak). It has come to my attention that the City of Dallas has misinterpreted the existing zoning regulations and has approved plans for a five-story structure adjacent to our oldest neighborhood in East Dallas, Peak's Suburban Historic District. I am a property owner in this neighborhood and am opposed to this development for the following reasons:

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- The size and scale of this development sets a precedent along the border of our historic neighborhood.

Please consider these points when reviewing this case.

Sincerely,

Your name 

Your address

4815 Swiss Ave
Dallas, TX 75204

January 19, 2017

City of Dallas Board of Adjustments
c/o Steve Long
1500 Marilla Street, 5BN
Dallas, TX
75201

Dear Board of Adjustments:

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- The size and scale of this development sets a precedent along the border of our historic neighborhood.

Please consider these points when reviewing this case.

Sincerely,

Your name

Rebecca Sparling

Your address

4315 SWISS AVE

Dallas, Texas 75204

January 19, 2017

City of Dallas Board of Adjustments
c/o Steve Long
1500 Marilla Street, 5BN
Dallas, TX
75201

Dear Board of Adjustments:

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Please consider these points when reviewing this case.

Sincerely,

Your name *Dotti Maling*
4403 Sycamore St
Your address *Dallas TX 75204*

January 19, 2017

City of Dallas Board of Adjustments
c/o Steve Long
1500 Marilla Street, 5BN
Dallas, TX
75201

Dear Board of Adjustments:

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Please consider these points when reviewing this case.

Sincerely,

Your name Enrique Guzman

Your address 407 N. FitzHugh Av
Dallas Texas 75246

January 19, 2017

City of Dallas Board of Adjustments
c/o Steve Long
1500 Marilla Street, 5BN
Dallas, TX
75201

Dear Board of Adjustments:

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Please consider these points when reviewing this case.

Sincerely,

Your name Evangeline T. Guzman

Your address 407 N. FITZHUGH AVE
Dallas tx 75246

January 19, 2017

City of Dallas Board of Adjustments
c/o Steve Long
1500 Marilla Street, 5BN
Dallas, TX
75201

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Please consider these points when reviewing this case.

Sincerely,

Your name *Maria del. Luz Gonzalez*

Your address *4405 Sycamore St
Dallas Texas 75204*

January 19, 2017

City of Dallas Board of Adjustments
c/o Steve Long
1500 Marilla Street, 5BN
Dallas, TX
75201

Dear Board of Adjustments:

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Please consider these points when reviewing this case.

Sincerely,



Your name *Ricardo Gonzalez S.*

Your address *4405 Sycamore St
Dallas, TX 75204*

January 19, 2017

City of Dallas Board of Adjustments
c/o Steve Long
1500 Marilla Street, 5BN
Dallas, TX
75201

Dear Board of Adjustments:

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Please consider these points when reviewing this case.

Sincerely



Your name *Mrs. Consuelo Salinas Gonzalez*

Your address *4405 Sycamore St
Dallas, TX ; 75204*

January 19, 2017

City of Dallas Board of Adjustments
c/o Steve Long
1500 Marilla Street, 5BN
Dallas, TX
75201

Dear Board of Adjustments:

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Please consider these points when reviewing this case.

Sincerely,



Your name *Israel González Salinas -*

Your address *4405 Sycamore ST
Dallas, TX 75204*

January 19, 2017

City of Dallas Board of Adjustments
c/o Steve Long
1500 Marilla Street, 5BN
Dallas, TX
75201

Dear Board of Adjustments:

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Please consider these points when reviewing this case.

Sincerely,

Your name *Samuel S Gonzalez*

Your address *4405 S Wmore ST
Dallas, TX 75204*

January 19, 2017

City of Dallas Board of Adjustments
c/o Steve Long
1500 Marilla Street, 5BN
Dallas, TX
75201

Dear Board of Adjustments:

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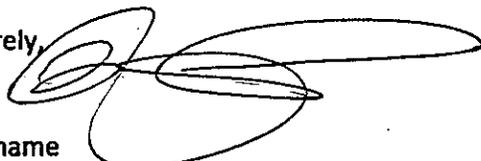
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Please consider these points when reviewing this case.

Sincerely,

Your name

Your address



Judith Gonzalez

4105 Syeamore ST
Dallas TX 75204

January 19, 2017

City of Dallas Board of Adjustments
c/o Steve Long
1500 Marilla Street, 5BN
Dallas, TX
75201

Dear Board of Adjustments:

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Please consider these points when reviewing this case.

Sincerely,

Your name *Adam Sierra*

Your address *4317 Sycamore*
Dallas TX 75204

January 19, 2017

City of Dallas Board of Adjustments
c/o Steve Long
1500 Marilla Street, 5BN
Dallas, TX
75201

Dear Board of Adjustments:

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Please consider these points when reviewing this case.

Sincerely,



Your name

Otilia Monrreal

Your address

4317 Sycamore
Dallas TX 75204

January 19, 2017

City of Dallas Board of Adjustments
c/o Steve Long
1500 Marilla Street, 5BN
Dallas, TX
75201

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Please consider these points when reviewing this case.

Sincerely,



Your name

Lway Cardoso

Your address

4405 Sycamore St.
Dallas, TX 75204

January 19, 2017

City of Dallas Board of Adjustments
c/o Steve Long
1500 Marilla Street, 5BN
Dallas, TX
75201

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Please consider these points when reviewing this case.

Sincerely,

Your name *Hollie Malinen*

Your address *4403 Sycamore street.*

January 27, 2017

City of Dallas Board of Adjustments
c/o Steve Long
1500 Marilla Street, 5BN
Dallas, TX
75201

Dear Board of Adjustments:

I am writing this letter regarding the development at 4217 Swiss Avenue (corner of Swiss and Peak). It has come to my attention that the City of Dallas has misinterpreted the existing zoning regulations and has approved plans for a five-story structure adjacent to our oldest neighborhood in East Dallas, Peak's Suburban Historic District. I am a property owner in this neighborhood and am opposed to this development for the following reasons:

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Please consider these points when reviewing this case.

Sincerely,

Anita Hirsch

4214 Swiss Avenue unit G
Dallas TX 75204

January 19, 2017

**City of Dallas Board of Adjustments
c/o Steve Long
1500 MariIla Street, 5BN
Dallas, TX
75201**

Dear Board of Adjustments:

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Please consider these points when reviewing this case.

Sincerely,

Dave and Larissa Wood

**4214 Swiss Ave., Unit F
Dallas, Texas, 75204**

*Dave A. Wood
Larissa Wood*

January 27, 2017

**City of Dallas Board of Adjustments
c/o Steve Long
1500 Marilla Street, 5BN
Dallas, TX
75201**

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Please consider these points when reviewing this case.

Sincerely,

Richard Catron



**4214 Swiss Avenue, Unit K
Dallas TX 75204**

Long, Steve

From: James Anderson <jimandersonpreservation@gmail.com>
Sent: Friday, February 10, 2017 10:54 AM
To: Long, Steve; Duerksen, Todd; Medrano, Adam; Dean, Neva; Wendy Millsap; Dr. Patricia Simon
Subject: Letter to be part of our record for the Board of Adjustment
Attachments: Board of Adjustment Appeal 4217 Swiss.docx

Steve,

Our neighborhood is outraged that the information pertaining to tying our appeal to one permit when there are 20 to choose from.

Particularity finding this out so close to our deadline of today at 1:00.

Attached is a letter that we want to be part of the record for this hearing.

Since the City of Dallas is unwilling to assist us with the determination of which permit to choose we have had to rearrange our schedule today and will go to Building Inspection check out the permits and hopefully will chose the correct permit.

Please see attached letter.

Jim Anderson, President
Peaks Addition Homeowners Association

Board of Adjustment Appeal 4217 Swiss

Chair and Members of the Board of Adjustment,

We believe that the one decision made by the Building Official, based on his belief that proximity slope does not apply, enabled the city to issue the collection of permits that support the current design of a five-story building. It is very frustrating to learn that the City is requiring us to put focus on one particular permit. If this is such an important, and now required, factor this should have been a requirement of our application prior to the city processing our payment. I am sure you can appreciate the position this puts us in, as we are not developers and therefore not versed in the methodology of why the Master Permit is ultimately issued under the title of "various permits".

We have to assume there is a wrong and right answer to the question being posed as it relates to our grievance with the BOA. Logically one could state if the first floor is not permitted then the floors planned above can't be built. However, the first floor does not violate RPS. With the requirement of RPS, the third floor gets sliced in half, so perhaps this is the floor and related permit of focus to support our application – but which Floor 3 permit: A-1 Floor 3 or B-1 Floor 3? Let's not forget RPS allows more height as the structure continues further away from 51A zoning so, the height allowed closest to Peak St. is different than the height allowed at the far end of Swiss Avenue, thereby affecting the legality of various permitted floors throughout the development.

We have been unable to find a reference between the plan and the permits to indicate how the series of A-1 or B-1 relate to the plans which are presented in subsections of A, B, C and D. How will the inspector reference the A-1 versus B-1 areas on site?

Please forward the language in the code which requires us to identify a single permit related to RPS which is an angled calculation of permissible height.

Please add this email to our official submissions as evidence to the Board of Adjustments.

Regards,

Jim Anderson, President
Peak's Addition Homeowners Association

Long, Steve

From: Law, Trena
Sent: Friday, February 10, 2017 11:49 AM
To: Long, Steve
Subject: FW: City's Brief on Appeal RE: 4217 Swiss Ave.
Attachments: City's Brief on Appeal.PDF; Exhibit A.PDF; Exhibit B.PDF

From: Villegas, Lilia
Sent: Friday, February 10, 2017 11:46 AM
To: Law, Trena
Cc: Wimer, Megan; Rushton, Daunte; Sikes, Phil; Ahmed, Sonia; Rodriguez, Stacy
Subject: City's Brief on Appeal RE: 4217 Swiss Ave.

Hello Trena,

Attached is City's brief on appeal of building permit issued to 4217 Swiss Avenue, including all exhibits referenced.

Please let me know if you require anything else. Thank you.

From: Villegas, Lilia
Sent: Friday, February 10, 2017 11:43 AM
To: Law, Trena <trena.law@dallascityhall.com>
Cc: Wimer, Megan <megan.wimer@dallascityhall.com>; Rushton, Daunte <daunte.rushton@dallascityhall.com>; Sikes, Phil <philip.sikes@dallascityhall.com>; Rodriguez, Stacy <stacy.rodriguez@dallascityhall.com>; Ahmed, Sonia <sonia.ahmed@dallascityhall.com>
Subject: City's Brief on Appeal RE: 4217 Swiss Ave.

Hello Trena,

Attached is City's brief on the 2237 Greenville Avenue appeal of building permit issued to 4217 Swiss Avenue, including all exhibits referenced.

Please let me know if you require anything else. Thank you.

Kind Regards,



Lilia Villegas, Paralegal

Dallas City Attorney's Office
1500 Marilla, 7th floor, 7DN
Dallas, Texas 75201
Telephone (214) 670-3519
Direct Line (214) 670-7801
Fax (214) 670-0622

BDA167-014 Attach D
Pg 2



Please consider the environment before printing this E-mail.

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**City of Dallas**

February 10, 2017

Via Email to BDA Secretary

Board of Adjustment, Panel A
1500 Marilla St., 5BN
Dallas, Texas 75201

Re: City Staff's Brief in the Appeal of building permit issued to 4217 Swiss Avenue

Dear Board Members:

Below is a summary the of key points that will be addressed by City staff in response to Peak's Addition Homeowner's Association's appeal of the issuance of a building permit for 4217 Swiss Avenue.

I. Facts

A building permit was issued, for 4217 Swiss Avenue, Dallas, Texas 75204 ("Site") on November 21, 2016. As part of the application, City staff analyzed the residential proximity slope ("RPS") under PD 298, Bryan Area Special Purpose District, (Exhibit A) and determined that the Site was not subject to the RPS requirements.

On November 28, 2016, Jim Anderson, representing the Peak's Addition Homeowner's Association, filed an application to appeal the issuance of the building permit for the Site. The reason provided for the appeal was the fact that the permit issued for the Site does not require the Site to conform with the RPS requirements of PD 298.

II. Reason for issuance of building permit

Under section 51P-298.109 of PD 298, a structure is limited in height due to the proximity of a residential district. This is the general rule applicable to all subareas within PD 298. In order to determine whether a structure will be limited in height under the RPS regulations, the RPS limitation emanates from the property or properties located either within subarea 6 or any R(A), D(A), or TH(A) districts adjacent to the Bryan Area SPD. This is referred to as the "origination site". Neither Subarea 6 nor any R(A), D(A) or TH(A) districts adjacent to the Bryan Area SPD are proximate to the Site in order to trigger the RPS regulations. However, subarea 9 is located across Peak Street, which is across the street from the Site.

BDA 167-014 Attach D
PS 4

Board of Adjustment, Panel A
February 10, 2017
Page 2

Under section 51P-298.105 of PD 298, subarea 9 is not subject to the RPS requirements under 51P-298.109. Subarea 9 is subject to the RPS requirements listed in 51A-4.412 (Exhibit B) because as 51P-298.105 states the RPS requirements of R-7.5(A), TH-2(A) and MF-2(A) would be applicable to subarea 9. Under 51A-4.412, the Code states that RPS emanates from properties within the R-7.5(A), TH-2(A) and MF-2(A), making the properties within these zoning categories as the "origination site". However, the RPS emanating from the origination sites from these zoning categories only affect other properties within subarea 9. This is because RPS regulations for subarea 9 are the exception to 51P-298.109, making any regulations for subarea 9 specific to any and all properties *within* subarea 9. Thus, the RPS emanation from subarea 9 would not affect the Site in question.

After understanding and interpreting the Code, the Director was able to make a determination and issue a building permit for the Site without implementing any RPS requirements.

III. Relief

The Director's issuance of a building permit for the Site was proper based on the Dallas City Code and the City requests the Board of Adjustment, Panel A affirm the Director's decision in this matter.

Very truly yours,



Sonia T. Ahmed
Assistant City Attorney
214-670-3950
sonia.ahmed@dallascityhall.com

ARTICLE 298.**PD 298.****Bryan Area Special Purpose District****SEC. 51P-298.101. LEGISLATIVE HISTORY.**

PD 298 was established by Ordinance No. 20049, passed by the Dallas City Council on August 24, 1988. Ordinance No. 20049 amended Ordinance Nos. 10962 and 19455, Chapters 51 and 51A of the Dallas City Code, as amended. Subsequently, Ordinance No. 20049 was amended by Ordinance No. 20820, passed by the Dallas City Council on November 28, 1990, and Ordinance No. 21885, passed by the Dallas City Council on November 10, 1993. (Ord. Nos. 10962; 19455; 20049; 20820; 21885; 24914)

SEC. 51P-298.102. PROPERTY LOCATION AND SIZE.

PD 298 is established on property generally bounded by North Central Expressway, Roseland Avenue and its northeastward prolongation, Fitzhugh Avenue, San Jacinto Street, Peak Street, Gaston Avenue, and Good-Latimer Expressway. The size of PD 298 is approximately 455.04 acres. (Ord. Nos. 20049; 24914; 27573)

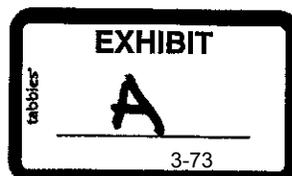
SEC. 51P-298.103. DEFINITIONS AND INTERPRETATIONS.**(a) Definitions.**

(1) **COMMERCIALLY COMPATIBLE SINGLE FAMILY USE** means a moderately dense single family use that is compatible with commercial development. The residential proximity slope does not emanate from commercially compatible single family uses.

(2) **GROUND COVER** means living plant material of species which generally reach a height of three inches or less upon maturity, installed in such a manner so as to form a continuous cover over the ground.

(3) **LABOR AGENCY** means an agency that offers or attempts to procure or procures employment for common workers, or that offers or attempts to procure or procures common workers for employers. For purposes of this definition, "common worker" means an individual who performs labor involving physical toil that does not require a particular skill, training in a particular occupation, craft, or trade, or practical or familiar knowledge of the principles or processes of an art, science, craft, or trade.

(4) **PARKWAY** means the portion of a right-of-way located between the street curb and the property line of an adjoining lot.



(5) **PEDESTRIAN LINKAGE STREETS** mean streets in the Bryan Area SPD that serve as linkages between major activity centers and that are designed to promote pedestrian use.

(6) **PROJECTED STREET CURB** means the future location of the street curb consistent with the city thoroughfare plan as determined by the director of public works and transportation.

(7) **TREE PLANTING ZONE** means the area parallel to and between two and one-half and ten feet from the back of the projected street curb.

(b) **Interpretations.** Unless otherwise stated, all references to code sections in this article refer to sections in Chapter 51A. In addition, the definitions, interpretations, and other provisions of Chapter 51A apply to the Bryan Area SPD unless expressly modified by these conditions. (Ord. Nos. 20049; 24914)

SEC. 51P-298.103.1. EXHIBITS.

The following exhibits are incorporated into this article:

- (1) Exhibit 298A: subarea boundary map.
- (2) Exhibit 298B: Subarea 9 requirements.
- (3) Exhibit 298C: major street and pedestrian linkage systems.
- (4) Exhibit 298D: standard construction details for barrier free ramps.
- (5) Exhibit 298E: use chart.
- (6) Exhibit 298F: property descriptions for portions of Subareas 1, 3, and 4.
- (7) Exhibit 298G: development plan for Subarea 5A.
- (8) Exhibit 298I: master parking and floor area plan for the Baylor Expanded District.
- (9) Exhibit 298I-1: master parking and floor area plan supplement for the Baylor Expanded District.
- (10) Exhibit 298I-2: total floor area tabulation form for the Baylor Expanded District.
- (11) Exhibit 298J: tabulation of total floor area in Subarea 12A.
- (12) Exhibit 298K: development plan for Subarea 10B. (Ord. Nos. 28056; 29390; 30159)

SEC. 51P-298.104. CREATION OF SUBAREAS.

A map showing the boundaries of the 18 subareas of the Bryan Area SPD is provided as Exhibit 298A. (Ord. Nos. 20049; 24914; 25177; 25960; 26179; 26308; 26388; 26707; 28056; 29099; 29390)

SEC. 51P-298.105. SUBAREA 9 CONDITIONS.

Subarea 9 is subject to the regulations governing the R-7.5(A), TH-2(A), MF-2(A), MU-1, MU-1-D, and CR districts of Chapter 51A. The zoning district category applicable to each tract in Subarea 9 is shown on Exhibit 298B. The conditions contained in Sections 298.103 and 298.106 through 298.117 do not apply to Subarea 9. (Ord. Nos. 20049; 24914)

SEC. 51P-298.105.1. DEVELOPMENT PLANS.

(a) Except as provided in this section, no development plan is required, and the provisions of Section 51A-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply.

(b) Development and use of Subarea 5A must comply with the development plan for Subarea 5A (Exhibit 298G). If there is a conflict between the text of this article and the development plan for Subarea 5A, the text of this article controls.

(c) Development and use of Subarea 10B must comply with the development plan for Subarea 10B (Exhibit 298K). If there is a conflict between the text of this article and the development plan for Subarea 10B, the text of this article controls. (Ord. Nos. 25177; 25960; 29390; 30159)

SEC. 51P-298.106. LANDSCAPING.

(a) General requirements. The landscaping provisions of Article X apply in the Bryan Area SPD. The following additional requirements apply in all subareas except Subareas 1A, 6, and 9. Compliance with previously approved landscape plans is not required.

(b) Street trees.

(1) Location, number, and type of trees required.

(A) Except as provided in this subsection, each building site must have at least one tree located within the tree planting zone. A tree is not considered located within the tree planting zone unless its trunk is entirely within the zone.

(B) The number of trees required is calculated by dividing the number of feet or lot frontage by 30 for property abutting pedestrian linkage streets and by 50 in all other

cases. Fractions are rounded to the nearest whole number, with .5 being rounded up to the next higher whole number.

(C) All required trees must be recommended for local area use by the director of parks and recreation and must be "canopy trees" and "large trees" as defined in Article X.

(D) In Subarea 10B, street trees are not required along Carmel Street.

(E) In Subarea 12A, street trees required in the tree planting zone may not be planted within a utility easement or within ten feet of an existing utility. If a street tree interferes with utilities in the tree planting zone, the building official may approve alternate landscape materials in the tree planting zone. If alternate landscape materials cannot be approved in the tree planting zone due to utility conflicts, the building official may allow street trees to be planted between the right-of-way and a building facade.

(F) In Subarea 5A, a total of 36 street trees are required. However, only nine street trees are required along Texas Street.

(2) Minimum tree height and trunk caliper. Required trees must have a minimum height of 15 feet, and a minimum trunk caliper of four inches.

(3) Tree spacing requirements. Required trees must be spaced as uniformly as practicable. The center of a trunk of a required tree, measured at grade, must be within the following distance of the center of the trunk of another required tree, measured at grade:

(A) Thirty feet along pedestrian linkage streets, as shown in Exhibit 298C.

(B) Fifty feet along all other streets.

(4) Tree grates required in sidewalks. Tree grates must be provided for all trees within a public sidewalk. These tree grates must:

(A) conform to city standards and specifications; and

(B) be large enough to permit healthy tree growth.

(5) Points for street trees. Each tree provided in accordance with Paragraph (3)(A) is awarded eight points. Each tree provided in accordance with Paragraph (3)(B) is awarded six points.

(c) Front yard landscaping and parkway landscaping.

(1) Three points will be awarded if, along pedestrian linkage streets, enhanced paving is provided in at least 50 percent of the area between the main structure and the curb, or if ground cover is provided in 25 percent of this area.

(2) Building sites along pedestrian linkage streets must achieve at least one-half of their landscaping credits in the area between the main structure and the curb.

(d) Sidewalks.

(1) Where the director of public works and transportation determines that sufficient right-of-way exists, sidewalks must be a minimum of eight feet in width for pedestrian linkage streets and, except as provided in this subsection, six feet in width in all other cases. If the director of public works and transportation determines that the foregoing standard cannot be satisfied within existing right-of-way, a sidewalk must be no less than four feet in width.

(2) Barrier free ramps, as shown on Drawing No. 1007 of the department of public works and transportation "Standard Construction Details" (Exhibit 298D), must be provided in the Bryan Area SPD.

(3) In Subarea 10B, sidewalks are not required along Carmel Street.

(e) Pedestrian amenities.

(1) Three points will be awarded for pedestrian scale lighting. To qualify as pedestrian scale lighting, lighting must:

(A) provide a minimum of 1.5 footcandles; and

(B) be mounted at a height no greater than 14 feet.

(2) A building site located in Subarea 3 must achieve at least two points in the parkway fronting the pedestrian linkage streets through the use of pedestrian scale lighting or pedestrian facilities as described in Section 51A-10.107(f)(2).

(3) In Subarea 10B, sidewalks are not required along Carmel Street.

(f) Parkway landscape permit.

(1) It is the responsibility of the property owner to apply for and obtain a parkway landscape permit before locating trees, landscaping, or pavement [other than for the sidewalk required under Paragraph (4) of this section] in the parkway. An application for a parkway landscape permit, if required, must be made to the director of public works and transportation before an application for a building permit is made for work on the lot. The application must be in writing on a form approved by the director and accompanied by plans or drawings showing the area of the parkway affected and the construction and planting proposed.

(2) Upon receipt of the application and any required fees, the director shall circulate it to all affected city departments and utilities for review and comment. If, after receiving comments from affected city departments and utilities, the director determines that the construction and planting proposed will not be inconsistent with and will not unreasonably impair the public use of the right-of-way, he shall issue a parkway landscape permit to the property owner; otherwise, he shall deny the permit.

(3) A property owner is not required to comply with any parkway landscaping requirement of this subsection if compliance is made impossible due to the director's denial of a parkway landscape permit.

(4) A parkway landscape permit issued by the director is subject to immediate revocation upon written notice if at any time the director determines that the use of the parkway authorized by the permit is inconsistent with or unreasonably impairs the public use of the right-of-way. The property owner is not required to comply with any parkway landscaping requirement of this section if compliance is made impossible due to the director's revocation of a parkway landscape permit.

(5) The issuance of a parkway landscape permit under this section does not excuse the property owner, his agents, or employees from liability in the installation or maintenance of trees, landscaping, or pavement in the public right-of way. (Ord. Nos. 20049; 24914; 25177; 25960; 28056; 29390; 29558; 29852; 30159)

SEC. 51P-298.107. USES.

(a) The use chart (Exhibit 298E) establishes for each subarea the permitted and limited uses, and those uses requiring a specific use permit.

(b) Commercially compatible single family uses must comply with the following requirements:

(1) This use is subject to the standards and definitions of Subparagraphs (A), (D), and (E) of Section 51A-4.209(6). Except in portions of Subareas 1, 3, and 4, as described in Exhibit 298F, this use is also subject to the off-street parking requirements of Subparagraph (C) of Section 51A-4.209(6).

(2) Except in portions of Subareas 1, 3, and 4, as described in Exhibit 298F, a minimum of 12 dwelling units per acre is required.

(3) No residential proximity slope emanates from building sites developed with this use.

(4) This use is permitted in all subareas except Subarea 9, as shown on Exhibit 298E.

(5) In portions of Subareas 1, 3, and 4, as described in Exhibit 298F, this use is subject to the following standards:

(A) Maximum dwelling unit density is 18 dwelling units per acre.

(B) Maximum structure height is 36 feet.

(C) Maximum number of stories is two.

(D) Maximum lot coverage is 60 percent.

(E) Minimum lot size is 2,000 square feet.

(F) One off-street parking space is required per lot.

(c) Labor agency uses must comply with the following requirements:

(1) This use is permitted by SUP only in the subareas indicated in Exhibit 298E.

(2) Operation of this use must be conducted wholly inside. A waiting area must be shown on the site plan which is large enough to accommodate all common worker candidates. The specific use permit ordinance may limit the number of common worker candidates permitted in the waiting area of the labor agency use.

(3) The site plan must show a separate area for pickup and drop-off of all persons using the facility. This area must not include the right-of-way area.

(4) This use is treated as an office use for purposes of calculating off street loading requirements.

(d) A governmental installation: inside vehicle service center use must comply with the following requirements:

(1) Definition: An installation owned or leased by a governmental entity or agency where vehicles are repaired, maintained, serviced, or stored in conjunction with the normal operation of the entity or agency. This use includes periodic vehicular inspection, maintenance, and repair, as well as modification of vehicles and their equipment to accomplish the particular purposes of the governmental entity or agency.

(2) Subareas permitted: Permitted by right in Subarea 5 only.

(3) Required off-street parking: One space per 500 square feet of floor area.

(4) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 60,000	1
Each additional 60,000 or fraction thereof	1

(5) Additional provisions:

(A) Except for permitted accessory uses, this use must be wholly contained inside of an enclosed structure.

(B) The sale of goods and services to the public is prohibited. (Ord. Nos. 20049; 20820; 21885; 24914; 25960; 26179; 26388; 26707; 26994; 27322)

SEC. 51P-298.108. NONCONFORMING USES.

(a) Except as provided in this section, the nonconforming use provisions in Chapter 51A apply.

(b) In Subarea 1, all nonconforming uses must be brought to conformance no later than April 26, 2008, except that those uses that became nonconforming as a result of city council action on April 27, 2005 must be brought to conformance no later than April 26, 2010. The owner of a nonconforming use in Subarea 1 may appeal to the board of adjustment for a later compliance date at any time up to the conformance date set forth in this subsection if the owner will not be able to recover his investment in the use (up to the date of nonconformance) by the conformance date set forth in this subsection. The fee for the appeal of the compliance date is the same as the fee for a nonresidential special exception before the board of adjustment as set forth in Chapter 51A. (Ord. Nos. 20049; 24914; 25960)

SEC. 51P-298.109. RESIDENTIAL PROXIMITY SLOPE.

A 1:3 residential proximity slope emanates from the property line of any property within Subarea 6 or any R(A), D(A), or TH(A) district adjacent to the Bryan Area SPD. A 1:1 residential proximity slope emanates for a distance of 50 feet from the property line of any MF(A) district or planned development district for multifamily uses adjacent to the Bryan Area SPD. If any portion of a structure is over 26 feet in height, that portion may not be located above the applicable residential proximity slope. Exceptions:

(1) The residential proximity slopes does not apply to limit the height of structures located in Subarea 7.

(2) Structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. (Ord. Nos. 20049; 24914)

SEC. 51P-298.110. MAXIMUM HEIGHTS.

(a) In general. Except as provided in this section and Sections 51P-298.107(b) and 51P-298.109, maximum structure heights for each subarea within the Bryan Area SPD are as follows:

<u>Subarea</u>	<u>Maximum Structure Height (in feet)</u>
1, 1A, and 1B	120
3	160
4	54

5	270
5A	180
6	36-40
7	39
8	100
10, 10A, and 10B	100
11 and 11A	100
12 and 12A	160
13	54

(b) Subarea 12A.

(1) The following structures may project a maximum of 12 feet above the maximum structure height, may not collectively exceed 1,000 square feet of footprint, and must be located a minimum of ten feet from a building edge:

- (i) Chimney and vent stacks.
- (ii) Communication towers.
- (iii) Elevator penthouse or bulkhead.
- (iv) Visual screens that surround roof mounted mechanical equipment.

(2) Stairs may project a maximum of 12 feet above the maximum structure height.

(3) A permeable roof deck covering not exceeding 900 square feet, including an arbor or a trellis, for a roof deck may project a maximum of 12 feet above the maximum structure height and must be located a minimum of ten feet from a building edge.

(4) Mechanical equipment, ducts, and cooling towers may project a maximum of four feet above the maximum structure height, may not exceed a footprint of 4,600 square feet, must be screened with a minimum four foot-high solid material, and must be located a minimum of ten feet from the edge of a building. (Ord. Nos. 21885; 24914; 25960; 26388; 28056; 29099; 29390; 29852; 30159)

SEC. 51P-298.111. STORIES IN SUBAREA 7.

Maximum number of stories permitted in Subarea 7 is:

- (1) four if at least one-half of the structure is occupied by residential uses; and
- (2) three in all other cases. (Ord. Nos. 20049; 24914; 26388)

SEC. 51P-298.112. SETBACKS.

(a) Front yard.

(1) Except as provided in this paragraph, the minimum front yard setback is five feet in all subareas.

(2) No minimum front yard setback is required in Subareas 1A and 1B for structures in existence on November 10, 2010.

(3) Except as provided in this paragraph, the maximum front yard setback is 15 feet in Subareas 1, 1A, 1B, 3, 4, 5, 8, 10, 10A, 12, and 13 in front yards fronting on Pedestrian Linkage Streets as shown on Exhibit 298C.

(4) No maximum front yard setback is required in Subareas 1A and 1B for structures in existence on November 10, 2010.

(5) Maximum front yard setback is 25 feet in Subareas 6 and 7.

(6) No maximum front yard setback is required in Subareas 11A and 12A.

(7) Minimum front yard setback is five feet in Subarea 5A. Encroachments of up to four feet into the required front yard are permitted at the following locations:

(A) along Cantegral Street from the curb of Live Oak Street to the residential parking entrance drive;

(B) along Live Oak Street in the area identified on the development plan for Subarea 5A as the translucent patio rail; and

(C) along Texas Street from Live Oak Street to the off-street loading dock.

(b) Side yard.

(1) Except as provided in this paragraph, no side yard setback is required in Subareas 1, 1A, 1B, 3, 4, 5, 5A, 7, 8, 10, 11, 12, and 13; however, if a side yard setback is provided, it must be a minimum of 10 feet.

(2) No side yard setback is required in Subarea 6; however, if a side yard setback is provided, it must be a minimum of five feet.

(3) No side yard setback is required in Subareas 10A, 10B, 11A, and 12A.

(4) No side yard setback is required in Subareas 1A and 1B for structures in existence on November 10, 2010.

(c) Rear yard. The minimum rear yard setback is five feet in all subareas. (Ord. Nos. 20049; 24914; 25960; 26388; 28056; 29099; 29390; 30159)

SEC. 51P-298.113. MAXIMUM COVERAGE.

Unless further restricted under Section 51P-298.107(b), maximum lot coverages in each subarea within the Bryan Area SPD are as follows:

<u>Subarea</u>	<u>Maximum Lot Coverage (percent)</u>
1, 1A, and 1B	90
3	70*
	80***
4	90
5 and 5A	90
6	80
7	70*
	90**
8	70*
	80***
10, 10A and 10B	90
11 and 11A	70*
	80***
12 and 12A	90
13	90

*Applies if less than one-half of the floor area of the structure is occupied by residential uses.

**Applies if at least one-half of the floor area of the structure is occupied by residential uses.

***Applies if at least 10 percent of the floor area of the structure is occupied by residential uses.

(Ord. Nos. 21885; 24914; 25960; 26388; 28056; 29099; 29390; 30159)

SEC. 51P-298.114. SIGNS.

(a) In general. Except as provided in this section, the sign provisions for business zoning districts in Division 51A-7.300 apply to all subareas except Subareas 6 and 9. The sign provisions for non-business zoning districts in Division 51A-7.400 apply in Subarea 6. Subarea 9 is subject to the definitions and provisions of either business signs or non-business signs in Chapter 51A, whichever apply in accordance with those provisions. The signage provisions of Division 51A-7.200 apply in all subareas except that no detached premise sign with an effective area greater than 200 square feet is permitted in any subarea.

(b) Subarea 5A.

(1) Definitions. In this subsection,

(A) **ARCADE SIGN** means any sign that is mounted under a canopy and is perpendicular to the building to which the canopy or awning is attached. This sign is intended to be read from the pedestrian walkway that the canopy or awning covers.

(B) **AWNING** means a fabric or vinyl surface supported by a metal structure that is applied to the facade of the building.

(C) **BLADE SIGN** means a sign projecting perpendicularly from a main building facade, visible from both sides, and made of rigid or soft materials.

(D) **CANOPY** means a permanent, non-fabric architectural element projecting from the face of a building.

(E) **CANOPY SIGN** means a sign attached to, applied on, or supported by a canopy.

(2) Word maximum. For a font greater than or equal to four inches in height, the maximum number of words allowed on any building is 12.

(3) Arcade signs.

(A) Arcade signs may not exceed 27 square feet in effective area.

(B) Arcade signs must provide a minimum clearance of 10 feet above grade.

(4) Canopy signs.

(A) Canopy signs may project up to six feet above a canopy.

(B) Canopy signs may not exceed 210 square feet in effective area.

(5) Blade signs.

(A) Each occupant with a separate certificate of occupancy may erect up to two blade signs projecting up to a maximum of 10 feet from a vertical building plane.

(B) Blade signs may not exceed 20 square feet in effective area.

(C) Each single face of a three-dimensional blade sign may not exceed 20 square feet.

(D) Blade signs may not project above the highest point of a facade.

(E) Blade signs must provide a minimum clearance of 10 feet above grade.

(F) Blade signs may not contain more than four words each. (Ord. Nos. 20049; 24914; 26388; 30159)

SEC. 51P-298.115. PARKING REQUIREMENTS.

(a) The parking provisions in Chapter 51A apply in the Bryan Area SPD, except as modified below:

(1) General merchandise establishments located in Subarea 3 are only required to provide one parking space per 250 square feet of floor area.

(2) In Subarea 5A, a minimum of 30 bicycle parking spaces are required. Bicycle parking must comply with Section 51A-4.332.

(3) In order to provide adequate off-street parking for large scale mixed use development projects, the following are excluded in the calculation of off-street parking requirements:

(A) Ten percent of the required parking for the office use when that use totals in excess of 150,000 square feet in floor area and is developed on the same lot with a use qualifying for an exception under Subparagraphs (B) or (C).

(B) Ten percent of the required parking for the hotel and motel use when that use totals in excess of 150 guest rooms and is developed on the same lot with a use qualifying for an exception under Subparagraphs (A) or (C).

(C) Ten percent of the required parking for the retail and personal service uses, when those uses total in excess of 15,000 square feet in floor area and are developed on the same lot with a use qualifying for an exception under Subparagraphs (A) or (B).

(D) Fifteen percent of the required parking for college, university, or seminary classrooms when developed on a campus providing at least 100 units of campus housing.

(E) Fifty percent of the required parking for the following uses when developed on the same lot with an office use with more than 15,000 square feet of floor area or a hotel or motel use with more than 125 guest rooms:

(i) Bar, lounge, or tavern;

(ii) Catering service;

(iii) Country club with private membership; or

(iv) Restaurant without drive-in or drive-through service.

(4) The college, university, or seminary use located at 3909 Swiss Avenue must provide the following required off-street parking:

(A) one space per 25 square feet of classroom; and

(B) that parking required in Section 51A-5.209 for all residential uses located in the campus area.

All required parking must be provided within the campus area generally bounded by North Washington Avenue, Floyd Street, Haskell Avenue, Swiss Avenue, Peak Street, and Live Oak Avenue.

(5) Office uses, other than medical office uses, in all subareas except Subarea 9 are only required to provide one parking space per 366 square feet of floor area. Medical office uses, and any office use located in Subarea 9, must provide parking in accordance with the requirements of Chapter 51A.

(6) A labor agency use must provide one parking space per 200 square feet of office floor area, and one parking space per 50 feet of lobby floor area.

(7) The city council shall consider the feasibility of reducing the parking requirements for any structure that is designated as a historic landmark in the Bryan Area SPD.

(b) Special parking provisions in Subareas 10A, 11A, and 12A. Except as provided in this subsection, the following special parking provisions apply to Subareas 10A, 11A, and 12A.

(1) In general. All uses within the Baylor expanded district must comply with the Master Parking and Floor Area requirements in Subsection (b)(8) of this section.

(2) Master Parking and Floor Area Plan purpose. Because off-street parking requirements for Baylor-related uses may be provided in remote locations throughout the Baylor expanded district, the Master Parking and Floor Area Plan (Exhibit 298I) identifies available off-street parking, determines the amount of required off-street parking, and ensures that each Baylor-related use within the Baylor expanded district meets the off-street parking requirements. To maintain adequate required off-street parking for all uses within the Baylor expanded district, the Master Parking and Floor Area Plan must be updated when floor area is added or removed from a building (Exhibit 298I-1).

(3) Definitions. In this section:

(A) BAYLOR EXPANDED DISTRICT means the property in Subareas 10A, 11A, and 12A of PD 298 and PD 749.

(B) BAYLOR-RELATED USE means any of the following uses within the Baylor expanded district:

- Adult day care facility.
- Ambulance service.
- Child-care facility.
- College, university, or seminary.
- Community service center.
- Convalescent and nursing homes, hospice care, and related institutions.
- Day home.
- Extended stay hotel or motel.
- Helistop.
- Hospital.

- Hotel or motel.
- Medical clinic or ambulatory surgical center.
- Medical or scientific laboratory.
- Office.
- Residential hotel.

(C) BAYLOR-RELATED USE SPECIAL PARKING means parking spaces located within the Baylor expanded district and available for use by Baylor-related uses.

(D) BAYLOR SHUTTLE means a private shuttle bus service that connects Baylor-related uses to Baylor-related use special parking spaces.

(E) MASTER PARKING AND FLOOR AREA PLAN means the Master Parking and Floor Area Plan shown on Exhibit 298I, and as revised and supplemented in accordance with this article.

(F) REQUIRED BAYLOR-RELATED USE SPECIAL PARKING means the total number of required parking spaces for all Baylor-related uses that satisfy their off-street parking requirements with Baylor-related use special parking.

(4) Application. Off-street parking requirements for Baylor-related uses may be satisfied with Baylor-related use special parking as shown on the Master Parking and Floor Area Plan and subject to the requirements in this subsection.

(5) Number of spaces available and required. The number of Baylor-related use special parking spaces existing on June 28, 2006, is 8,755. The number of required Baylor-related use special parking spaces existing on June 28, 2006, is 7,089. Reductions in floor area from the floor area existing on June 28, 2006, will result in adjustments to the number of Baylor-related use special parking spaces required as follows: one parking space per bed for hospital use, and one space per 200 square feet of floor area for any other use.

(6) Baylor shuttle.

(A) The Baylor shuttle service must be available for use from 5:30 am to 8 pm Monday through Friday with service to all stops at intervals of not more than 20 minutes for all occupants, employees, and guests of Baylor-related uses that satisfy their off-street parking requirements with Baylor-related use special parking.

(B) The Baylor shuttle service must stop within 300 feet of the nearest entrance to a Baylor-related use and within 300 feet of each parking lot providing Baylor-related use special parking.

(C) In this subsection, distance is measured from the shuttle stop to the nearest entrance of the main use or from the nearest pedestrian access to the parking lot to the shuttle stop, measured along the most convenient pedestrian walkway.

(D) The building official may extend the distance to a maximum of 600 feet unless the extension would:

- special parking,
 - (i) significantly discourage use of the Baylor-related use
 - (ii) unreasonably endanger the safety of persons or property, or
 - (iii) not otherwise be in the public interest.

(7) Agreement required.

(A) No written agreement is required if the fee simple owner of the real property on which the Baylor-related use is located is the same as the fee simple owner of the real property on which the Baylor-related use special parking is provided. Otherwise, a written agreement is required in accordance with this paragraph.

(B) The written agreement must comply with the special parking agreement requisites in Section 51A-4.328.

(C) A copy of the written agreement must be provided to the building official at the time application is made for a building permit or certificate of occupancy.

(8) Master Parking and Floor Area Plan supplements.

(A) A Master Parking and Floor Area Plan supplement must be submitted to and approved by the building official (see Exhibit 298I-1) if an application is made for:

(i) a building permit, demolition permit, or a certificate of occupancy that modifies the parking requirements for any use satisfying all or part its off-street parking requirement with Baylor-related use special parking;

(ii) approval of a parking agreement for any use or parking within the Baylor expanded district; or

(iii) a building permit, demolition permit, or certificate of occupancy that modifies the parking requirements in connection with additions to or reductions in floor area that have occurred since the last supplement that are not described in this paragraph, such as destruction of a building by fire or expiration or withdrawal of a building permit application.

(B) A Master Parking and Floor Area Plan supplement must include:

(i) the number assigned to each Baylor-related use special parking lot,

(ii) the boundaries of each Baylor-related use special parking lot,

(iii) any changes to the number of Baylor-related use special parking spaces since the last approved supplement,

- (iv) a corresponding table indicating:
 - (aa) the number of parking spaces available in each Baylor-related use special parking lot;
 - (bb) the number of parking spaces designated for Baylor-related use special parking;
 - (cc) the number of parking spaces designated as on-site required parking for each Baylor-related use;
 - (dd) the number of spaces designated as remote parking subject to a parking agreement (citing the recording information of the parking agreement and the location of the use); and
 - (ee) the number of spaces that are not available as Baylor-related use special parking.

(v) a revised floor area tabulation for the Baylor expanded district in the form shown on Exhibit 298I-2, and

- (vi) a revised Master Parking and Floor Area Plan that shows:
 - (aa) the floor area being added or removed; and
 - (bb) other changes to the Master Parking and Floor Area Plan since the last update, including changes to the floor area of existing buildings; new buildings; demolished buildings; changes to parking areas; and revisions to streets, alleys, or private drives.

(C) The building official shall maintain a copy of each approved Master Parking and Floor Area Plan supplement.

(D) A property owner may charge a fee to use required off-street parking for Baylor-related uses in the Baylor expanded district.

(c) Special parking provisions for Subarea 10B.

(1) Enclosed garages fronting Carmel Street may be located within five feet of the Property line, and must be equipped with automatic garage doors that are maintained in working order at all times.

(2) The visual obstruction regulations in Section 51A-4.602(d) do not apply to dwelling units fronting on Carmel Street.

(3) Dwelling units fronting on Carmel Street do not count toward any guest parking requirements.

(4) Along Carmel Street, at no time may the areas in front of the enclosed garages be used for parking of vehicles.

(5) Along Carmel Street, in front of the dwelling units shown on the development plan, no parking is allowed, and "No Parking" signs must be provided in accordance with the standard city specifications and completed to the satisfaction of the director of public works and transportation.

(6) A total of 10 guest parking spaces are required for Subarea 10B.

(i) The guest parking spaces must comply with the dimensional requirements of the Dallas Development Code.

(ii) Six guest parking spaces must be located on the Property.

(iii) Four guest parking spaces may be located in the Live Oak Street right-of-way, immediately adjacent to Subarea 10B. (Ord. Nos. 20049; 24914; 26388; 26707; 29390; 30159)

SEC. 51P-298.116. FLOOR AREA RATIO AND FLOOR AREA.

(a) Maximum floor area ratios in each subarea within the Bryan Area SPD are as follows:

<u>Subarea</u>	<u>Maximum Floor Area Ratio</u>
1, 1A, and 1B	4:1
3	4:1
4	2:1
5	4:1
5A	5.85:1
6	None
7	3:1*
	2:1**
8	2.5:1
10, 10A, and 10B	3:1
11 and 11A	2.5:1
12 and 12A	4:1
13	2:1

*Applies if at least one-half of the floor area of the structure is occupied by residential uses.

**Applies in all other cases.

(b) The maximum total floor area permitted in Subarea 12A is 1,334,848 square feet. (Ord. Nos. 20049; 24914; 25960; 26388; 28056; 29099; 29390; 30159)

SEC. 51P-298.117. RECONCILIATION OF REGULATIONS APPLICABLE TO SUBAREA 6.

The special development standards contained in Ordinance Nos. 16029, 16858, 17676, and 17966 apply to Subarea 6. In the event of a conflict between the provisions of this article and the special development standards, the more restrictive regulation applies. (Ord. Nos. 20049; 24914)

SEC. 51P-298.118. HIGHLY REFLECTIVE GLASS PROVISIONS.

Highly reflective glass may not be used as an exterior building material on any building or structure in the Bryan Area SPD. For the purposes of these restrictions, highly reflective glass means glass with exterior visible reflectance percentages in excess of 27 percent. Visible reflectance is the percentage of available visible light energy reflected away from the exterior surface of the glass. (The higher the percentage, the more visible light reflected and the more mirror-like the surface will appear.) (Ord. Nos. 20049; 24914)

SEC. 51P-298.119. FENCES.

(a) Fencing material for properties fronting on Ross Avenue, Live Oak Street, and Gaston Avenue must be wrought iron, tubular steel, or similar material, or a combination of these items, with up to a four-foot-high masonry base.

(b) Fencing material for all other properties must be wrought iron, tubular steel, chain link, wood, or similar materials or a combination of these items with up to a four-foot-high masonry base.

(c) Razor wire and barbed wire fencing are prohibited in this district within 50 feet of the back-of-curb on the following streets:

- (1) Gaston.
- (2) Good Latimer.
- (3) Haskell.
- (4) Live Oak.
- (5) Peak.
- (6) Ross.
- (7) Washington.

(d) Nonconforming razor wire and barbed wire fencing materials must be removed by April 26, 2008.

(e) Maximum fence height.

(1) Except as further limited in this subsection, maximum fence height is nine feet.

(2) For all residential uses, maximum fence height in the required front yard is four feet.

(f) Razor wire and barbed wire fencing are prohibited in Subarea 1A. (Ord. Nos. 25960; 28056)

SEC. 51P-298.120. SPECIAL PROVISIONS FOR SUBAREAS 5A, 10A, 11A, AND 12A.

(a) Definitions. In this section,

(1) BAYLOR EXPANDED DISTRICT means the property in Subareas 10A, 11A, and 12A of PD 298 and PD 749.

(2) PROPERTY OWNER means the Baylor University Medical Center or its successors.

(b) Traffic Management Plan (TMP) in general.

(1) Instead of requiring a TMP prior to the passage of this ordinance, the property owner must submit a TMP for review by the director by June 28, 2007.

(2) No building permit may be issued that will result in a total floor area in the Baylor expanded district exceeding 4,068,964 square feet until the property owner submits a revised TMP for review by the director. Thereafter, a revised TMP must be submitted with each additional 500,000 square feet in total floor area. The building official shall determine if a revised TMP is required by using the cumulative floor area calculation for the Baylor expanded district as shown on the last approved supplement to the Master Parking and Floor Area Plan.

(3) The preparation and submission of the TMP and its revisions are the responsibility of the property owner. The TMP and its revisions must be:

(A) prepared by a registered professional engineer skilled in transportation engineering; and

(B) approved by the director.

(c) Contents of the TMP. The TMP and its revisions must be in writing and must report on the following:

(1) The planned and actual operations of the street system within and in the immediate vicinity of the Baylor expanded district, describing traffic controls, lane operations, signal timing patterns, signage, dedicated lanes, crosswalks in the right-of-way, the impact of public transportation, and traffic control personnel including security personnel directing traffic.

(2) The planned and scheduled construction of the street system within and in the immediate vicinity of the Baylor expanded district during the construction of roadways and buildings.

(3) The planned and actual maintenance and management of traffic within and in the immediate vicinity of the Baylor expanded district during the construction of roadways and buildings.

(4) Development and occupancy levels within the Baylor expanded district.

(5) Vehicular congestion and pedestrian safety concerns at locations within and in the immediate vicinity of the Baylor expanded district together with an analysis of and recommendations for appropriate mitigation measures.

(d) Approval by the director. The director shall approve the TMP and its revisions following the procedures and standards in Subsection 51A-4.803(e) through (k) regarding site plan review.

(e) Subarea 12A. The building official shall not issue a building permit for new construction in Subarea 12A without a completed floor area tabulation form (Exhibit 298J). The applicant shall provide documentation of floor area reduction from demolition of structures or expiration or withdrawal of previous building permit applications for new construction. The applicant must file a copy of each completed floor area tabulation form with the building official at the time the application is made for the building permit.

(f) Subarea 5A. Once the multifamily portion of the project has reached 80 percent occupancy or within one year of issuance of the final certificate of occupancy for the retail section of the project, whichever occurs first, the Property owner or operator shall submit a developer report to the director in accordance with Section 51A-1.109(b). The director shall then determine what infrastructure improvements are needed, if any, following the procedure set forth in Section 51A-1.109. (Ord. Nos. 26388; 26707; 30159)

SEC. 51P-298.121. GENERAL REQUIREMENTS.

Development of the Property must comply with the requirements of all ordinances, rules, and regulations of the city. (Ord. Nos. 20049; 24914; 25960; 26102; 26388)

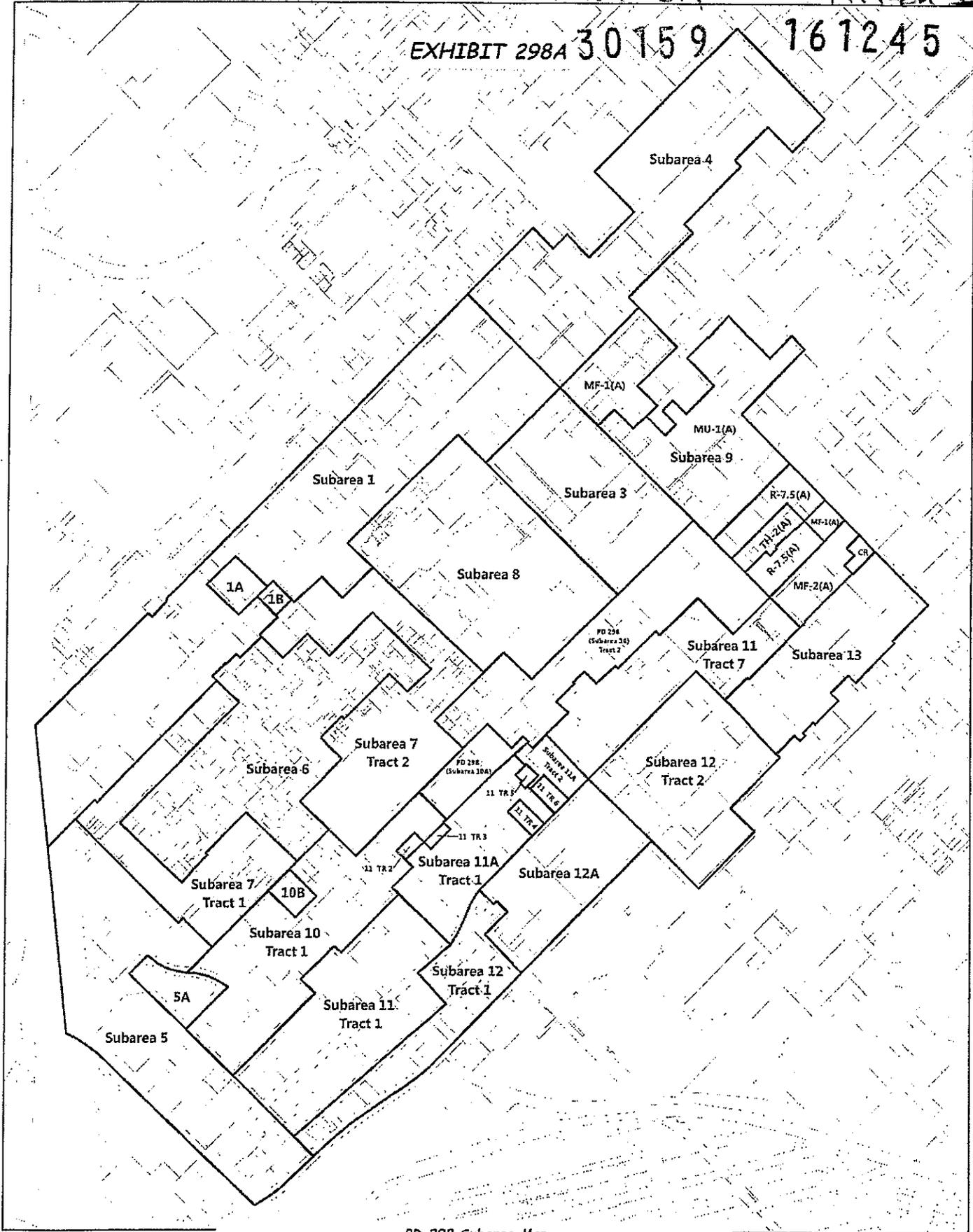
SEC. 51P-298.122. COMPLIANCE WITH CONDITIONS.

(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

(b) The building official shall not issue a building permit or certificate of occupancy for a use in this planned development district until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city. (Ord. Nos. 20049; 24914; 25960; 26102; 26388)

EXHIBIT 298A 30159 161245

Ps 26



PD 298 Subarea Map
Contains 19 Subareas

1, 1A, 1B, 3, 4, 5, 5A, 6, 7, 8, 9, 10, 10A, 10B, 11, 11A, 12, 12A, 13
No longer contains a Subarea 2

2116-011, www.Subarea.MI

Print Date: 5/20/19



1:4,400
2116-150

SEC. 51A-4.412. RESIDENTIAL PROXIMITY SLOPE.

(a) Definitions of general terms. In this section:

(1) PRIVATE PROPERTY means any property not dedicated to public use, except that "private property" does not include the following:

(A) A private street or alley.

(B) Property on which a utility and public service use listed in Section 51A-4.212 is being conducted as a main use.

(C) A railroad right-of-way.

(D) A cemetery or mausoleum.

(2) RESTRICTED BUILDING OR STRUCTURE means the building or structure whose height is restricted by a residential proximity slope.

(3) SITE OF ORIGINATION means any private property in:

(A) an R, R(A), D, D(A), TH, TH(A), CH, MF-1, MF-1(A), MF-1(SAH), MF-2, MF-2(A), or MF-2(SAH) district; or

(B) an identifiable portion of a planned development or conservation district, which portion is restricted to residential uses not exceeding 36 feet in height. See the sections in this chapter governing planned development and conservation districts for specific guidance as to how to treat identifiable portions of those districts.

(b) Residential proximity slope defined. The residential proximity slope is a plane projected upward and outward from every site of origination as defined in Subsection (a). Specifically, the slope is projected from the line formed by the intersection of:

(1) the vertical plane extending through the boundary line of the site of origination; and

(2) the grade of the restricted building or structure.

(c) Angle and extent of projection. The angle and extent of projection of the residential proximity slope depends on the zoning category of the site of origination as follows:

ZONING CATEGORY	ANGLE OF PROJECTION	EXTENT
R, R(A), D, D(A), TH, and TH(A)	18.4° (1 to 3 slope)	Infinite.
CH, MF-1, MF-1(A), MF-2, and MF-2(A)	45° (1 to 1 slope)	Terminates at a horizontal distance of 50 feet from the site of origination.



(d) Calculation of height restrictions. The horizontal distances used to calculate the height restrictions imposed by the residential proximity slope may be determined by using the lot, block, and right-of-way dimensions as shown on the official plat or zoning maps of the city, or by scale measurement of the distances on such official maps. All dimensions and methodology used in determining the distance measurement are subject to the approval of the building official.

(e) Exemption. Certain structures are exempt from the residential proximity slope. See Section 51A-4.408. (Ord. Nos. 19455; 19786; 20308; 21663; 26578)

BDA 167-014
Attach E pg 1

Long, Steve

From: James Anderson <jimandersonpreservation@gmail.com>
Sent: Friday, February 10, 2017 2:40 PM
To: Long, Steve; Duerksen, Todd; Dr. Patricia Simon; Wendy Millsap
Subject: Building Permit

Steve,

We will use building permit No.1512041028 for the appeal of the Director of Sustainable Development and Construction decision pertaining to 4217 Swiss Avenue.

Jim Anderson, President,
Peak's Addition Homeowner's Association



City of Dallas

Permit # 1512041028

Issue Date: 11/21/2016

BDA 167-014

Attach A

pg 15

Attach E

pg 2

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

Address: **4217 SWISS AVE, A1- FLOOR 3 75204**

Land Use Description: **MULTI-FAMILY DWELLING**

Work Description: **NEW CONSTRUCTION MULTI-FAMILY DWELLING WITH PARKNG GA**

Value Of Work: **\$2,143,600.00**

Owner Or Tenant: **ENCORE ENTERPRISES
5005 LBJ # 1200
DALLAS TX 75244**

Applicant: **VICKI RADER**

Contractor: **MASTERPLAN CONSULTANTS**

Business Address: **900 JACKSON ST, STE: #640, DALLAS, TX 75202**

Telephone: **214/761-9197** Fax: **214/748-7448**

Lot: 1A	Block: 10/740	Zoning: PD-298	PDD: 298	SUP:
Historic Dist:	Consv Dist: Bryan Place	Pro Park:	Req Park:	Park Agrmt: N
Dwlg Units: 21	Stories:	New Area: 21436	Lot Area: 135036	Total Area: 21436
Type Const: IIIA	Sprinkler: All	Occ Code: R2	Occ Load:	
Inches Of Removed Trees:				

ALL WORK SUBJECT TO FIELD INSPECTOR APPROVAL Parking is for entire project.

This document is issued on the basis of information furnished in the application and is subject to the provisions of all governing ordinances, which must be complied with, whether or not herein specified.

THIS DOCUMENT SHALL BE POSTED AT WORK SITE AND IS SUBJECT TO CANCELLATION UPON NOTICE.



City of Dallas

A

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-014

Data Relative to Subject Property:

Date: NOVEMBER 28, 2016

Location address: 4217 SWISS AVENUE

Zoning District: PD298 (Suba 10)

Lot No.: 1B Block No.: 101740 Acreage: 2.5361 Census Tract: 15.04

Street Frontage (in Feet): 1) 35' 2) 452' 3) 217.67 4) 5) SE27

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): BORDER PLEX SWISS AVE AVENUE, LLC

Applicant: JIM ANDERSON / PEAK'S ADDITION HOA Telephone: 214-620-7870

Mailing Address: 4706 SWISS AVENUE, Zip Code: 75204

E-mail Address: jimandersonpreservation@gmail.com

Represented by: N/A Telephone:

Mailing Address: Zip Code:

E-mail Address:

Affirm that an appeal has been made for a Variance, or Special Exception, of Appeal decision of an administrative official in the issuance of a building permit

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:

Issuance of building permit was made in error by city official in that permits were granted which do not conform with residential proximity slope as established in PD 298 and Dallas Development Code.

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.

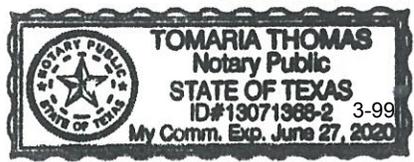
Affidavit

Before me the undersigned on this day personally appeared JIM ANDERSON (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 28 day of NOVEMBER, 2016



[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

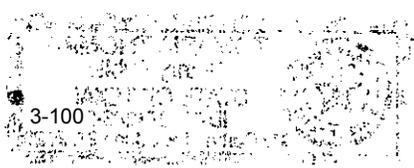
I hereby certify that Jim Anderson

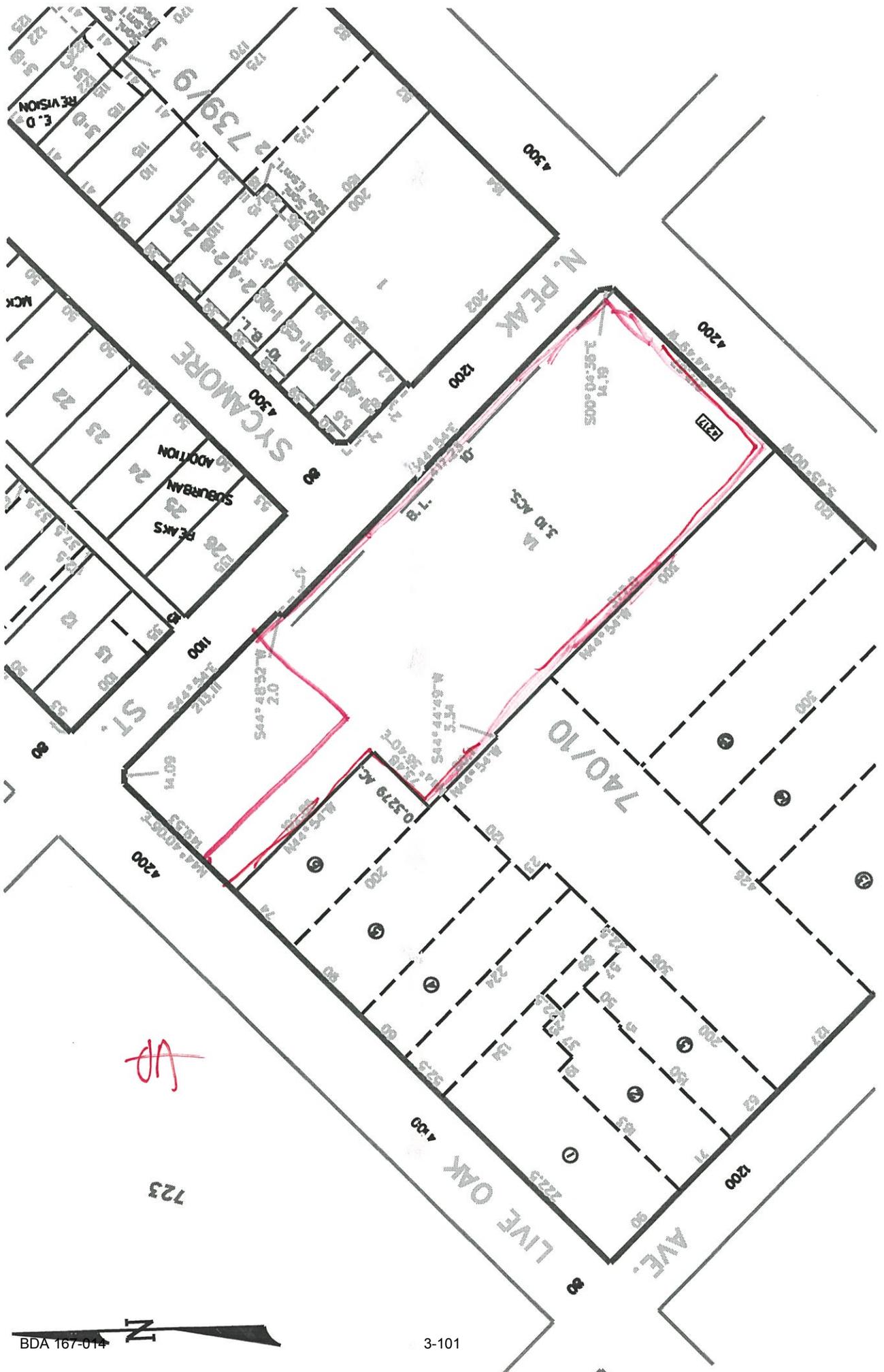
did submit a request to appeal the decision of an administrative official
at 4217 Swiss Avenue

BDA167-014. Application of Jim Anderson representing the Peak's Addition HOA to appeal the decision of an administrative official at 4217 Swiss Avenue. This property is more fully described as Lot 1B, Block 10/740, and is zoned PD-298 (Subarea 10). The applicant proposes to appeal the decision of an administrative official in the issuance of a building permit.

Sincerely,

Philip Sikes
Philip Sikes, Building Official





BDA 167-014

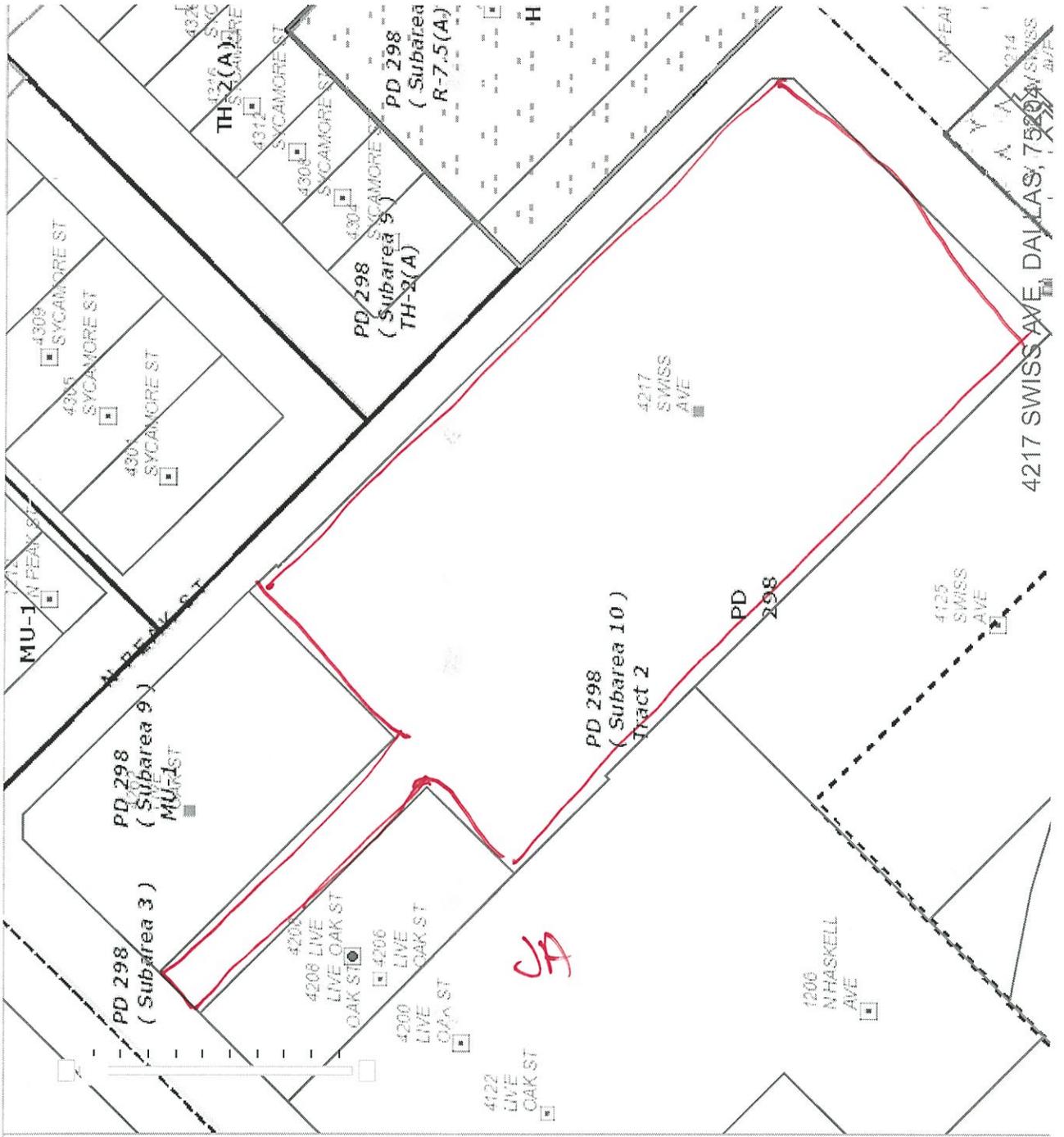
AA

City of Dallas

Internal Development Research Site

Legend

Locate Property





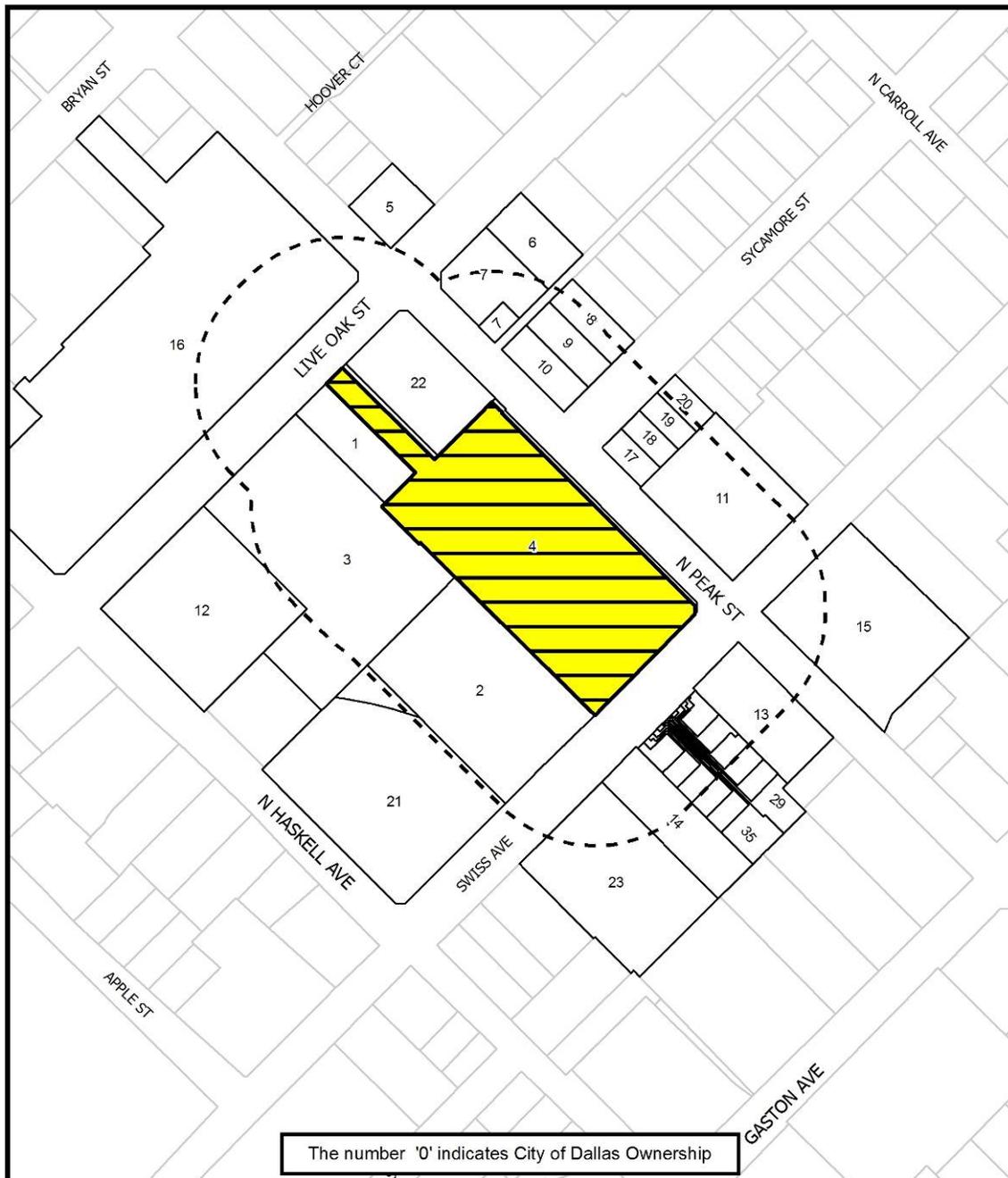
CITY OF DALLAS

Outline of Procedure for Appeals from Decisions of an Administrative Official

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

- I. Explanation of the procedures by the presiding officer
- II. Swearing in of all persons who will testify in the case
- III. Applicant's case: 20 minute limit
 - a. This may resemble a typical Board case where the applicant merely presents his argument to the Board. It may also resemble a court hearing where the applicant gives an opening statement, calls witnesses, and offers evidence.
 - b. If the applicant calls a witness, the administrative official is able to cross examine the witness.
 - c. The applicant may conduct a redirect of his witness.
 - d. The applicant may submit documents to the Board Secretary as long as they comply with the documentary evidence rules set forth in the Board's Rules of Procedures.
 - e. The Board may ask questions at any time. Board member questions will not count towards the time limitation.
- IV. The Administrative Official's case: 20 minute limit
 - a. This may resemble a typical Board case where the administrative official presents his argument to the Board. It may also resemble a court hearing where the administrative official gives an opening statement, calls witnesses, and offers evidence.

- b. If the administrative official calls a witness, the applicant is able to cross examine the witness.
 - c. The administrative official may conduct a redirect of his witness.
 - d. The administrative official may submit documents to the Board Secretary as long as they comply with the documentary evidence rules set forth in the Board's Rules of Procedures.
 - e. The Board may ask questions at any time. Board member questions will not count towards the time limitation.
- V. Rebuttal by the applicant (optional): 3 minutes
- VI. Closing Statements
- a. Applicant's closing statement (optional): 3 minutes
 - b. The administrative official's closing statement (optional): 3 minutes
- VII. Move and second to either affirm, reverse, or amend the administrative official's decision.
- VIII. Open discussion of the case by Board members
- IX. Voting: Four concurring votes are required to reverse or amend the administrative official's decision.



 1:2,400	NOTIFICATION	Case no: BDA167-014			
	<table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">35</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	35	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
35	NUMBER OF PROPERTY OWNERS NOTIFIED				

Notification List of Property Owners

BDA167-014

35 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4208 LIVE OAK ST	BILLINGSLY L B INVESTMENT
2	4125 SWISS AVE	4125 SWISS LLC
3	4200 LIVE OAK ST	ERETZ DALLAS PPTIES LLC
4	4217 SWISS AVE	BORDERPLEX SWISS AVENUE LLC
5	4311 LIVE OAK ST	LILLARD FRANK H &
6	4308 LIVE OAK ST	TAMEZ ALBERTO D TR &
7	4304 LIVE OAK ST	HASKELL LEMMON PTNRS LTD &
8	4309 SYCAMORE ST	MENDEZ MARIA CLARA & LUIS MANUEL
9	4305 SYCAMORE ST	BRANNON REVEREND LEONALD
10	4301 SYCAMORE ST	CANADY REVOCABLE TR
11	4303 SWISS AVE	SCHULLE D GENE &
12	4100 LIVE OAK ST	4100 LIVE OAK LLC
13	4224 SWISS AVE	SWISS MEDICAL BULDING LLC
14	4206 SWISS AVE	RIVERFRONT PPTIES LP
15	1000 N PEAK ST	HETRICK DENNIS W &
16	4207 LIVE OAK ST	EGW LIVE OAK INVESTMENT LP
17	4304 SYCAMORE ST	PHASOUNNABANE BOUANGEUN &
18	4308 SYCAMORE ST	XAYPANYA SOUVANH &
19	4312 SYCAMORE ST	ZAMORA EDUVIGUES
20	4316 SYCAMORE ST	WILLIAMMEE KELLY M
21	4103 SWISS AVE	RAINIER SWISS AVENUE INVESTORS LLC
22	4217 SWISS AVE	SWISS AVENUE BANK
23	4121 GASTON AVE	GASTON SHOPPING CENTER LLC
24	4214 SWISS AVE	MORGAN SCOTT
25	4214 SWISS AVE	CATRON RICHARD A
26	4214 SWISS AVE	WALTUCH ALEX E

01/10/2017

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	4214 SWISS AVE	KONERSMAN WILLIAM EDMUND
28	4214 SWISS AVE	BOYLES THOMAS A JR
29	4214 SWISS AVE	CUNNINGHAM ANITA R
30	4214 SWISS AVE	GIUSTA CAROLINA FABIANA
31	4214 SWISS AVE	PHILLIPS MATTHEW
32	4214 SWISS AVE	WATTS JEROME J &
33	4214 SWISS AVE	TATUM HEATHER
34	4214 SWISS AVE	ROWELL JAMES P
35	4214 SWISS AVE	WOOD DAVE H &

FILE NUMBER: BDA167-020(SL)

BUILDING OFFICIAL'S REPORT: Application of Robert Reeves, represented by Robert Reeves and Associates, Inc., for a special exception to the landscape regulations at 100 Crescent Court. This property is more fully described as Lot 1A, Block 2/948, and is zoned PD-193 (HC), which requires mandatory landscaping. The applicant proposes to construct and/or maintain a structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

LOCATION: 100 Crescent Court

APPLICANT: Robert Reeves
Represented by Robert Reeves and Associates, Inc.

REQUEST:

A special exception to the landscape regulations was originally made to amend certain features shown on an alternate landscape plan (including but not limited to constructing and maintaining an approximately 450 square foot outside pavilion to a restaurant use within the mixed use development) that was imposed as a condition in conjunction with a request for a special exception to the landscape regulations granted on the subject by Board of Adjustment Panel A on August 16, 2016: BDA156-076 on the site currently developed as an approximately 1,450,000 square foot mixed use development (The Crescent).

However, on February 9th, the applicant submitted a letter to staff (see Attachment B) requesting a delay of this request until the Board of Adjustment Panel A March 21st public hearing to allow additional time to create a revised alternate landscape plan that would represent a new patio for a restaurant use which may have an impact on trees proposed and conveyed on the revised alternate landscape plan that was submitted on February 1st.

**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:

Denial

Rationale:

- The applicant had not established at the time of the February 7th staff review team meeting how the special exception will not compromise the spirit and intent of the PD 193 landscape requirements.

BACKGROUND INFORMATION:

- Site: PD 193(HC) (Planned Development, Heavy Commercial)
- North: PD 193(HC) (Planned Development, Heavy Commercial)
- South: PD 193 (PDS 334) (Planned Development, Planned Development)
- East: PD 193(PDS 64) (Planned Development, Planned Development)
- West: PD 193(PDS 74) (Planned Development, Planned Development)

Land Use:

The subject site is developed with a mixed use development (The Crescent). The areas to the north, east, south, and west are developed with a mix of land uses.

Zoning/BDA History:

1. BDA156-076, Property at 100, Crescent Court (the subject site)

On August 16, 2016, the Board of Adjustment Panel A granted a request for special exception to the landscape regulations and imposed the following conditions: 1) compliance with the submitted alternate landscape plan is required; and 2) All landscape improvements in each landscape area on the property as shown on the submitted revised landscape plan must be completed within 18 months of Board action, and landscape improvements for areas B and D as shown on the submitted landscape plan must be completed before the final building inspections of each permit in areas B and D, respectively.

The case report stated the request was made to amend certain features shown on an alternate landscape plan that was imposed as a condition in conjunction with a request for a special exception to the landscape regulations granted on the subject by Board of Adjustment Panel A on March

17, 2015: BDA145-037. The subject site is currently developed as an approximately 1,450,000 square foot mixed use development (The Crescent). Note that the Board of Adjustment Panel A granted the applicant's request to waive the two year time limitation to refile a new application on this site on November 15, 2016).

2. BDA145-037, Property at 100, Crescent Court (the subject site)

On March 17, 2015, the Board of Adjustment Panel A granted a request for special exception to the landscape regulations and imposed the submitted alternate landscape plan as a condition.

The case report stated the request was made to replace an existing drive-through bank facility with an approximately 3,000 square foot restaurant, and not fully providing required landscaping on a site is currently developed as an approximately 1,450,000 square foot mixed use development (The Crescent) (Note that the Board of Adjustment Panel A granted the applicant's request to waive the two year time limitation to refile a new application on this site on June 28, 2016).

3. BDA 134-042, Property at 100, Crescent Court (the subject site)

On June 24, 2014, the Board of Adjustment Panel A granted a request for special exception to the landscape regulations and imposed the submitted revised landscape plan as a condition.

The case report stated the request was made to construct and maintain an approximately 1,400 square foot addition to an approximately 1,450,000 square foot mixed use development (The Crescent), and not fully providing required landscaping. (Note that the Board of Adjustment Panel A granted the applicant's request to waive the two year time limitation to refile a new application on this site on January 20, 2015).

- | | |
|---|--|
| 4. BDA 81-239A, Property at 100, 200, 300, 400, and 500 Crescent Court (the subject site) | On February 14, 1988, the Board of Adjustment granted a request for “a 599 parking space variance and eliminate the set-aside land provisions subject to a TMP program as per the memo from Ken Melston, Manager of Transportation Engineering Services. |
| 5. BDA 81-239, 239, Property at 2304 Cedar Springs Road (the subject site) | On October 13, 1981, the Board of Adjustment granted a 599 parking space variance, subject to a parking study to be conducted approximately one year after initial completion of the project |

GENERAL FACTS/ STAFF ANALYSIS:

- This request originally focused on amending certain features shown on an alternate landscape plan (including but not limited to constructing and maintaining an approximately 450 square foot outside pavilion to a restaurant use within the mixed use development) that was imposed as a condition in conjunction with a request for a special exception to the landscape regulations granted on the subject by Board of Adjustment Panel A on August 16, 2016: BDA156-076 on the site currently developed as an approximately 1,450,000 square foot mixed use development (The Crescent).
- However, on February 9th, the applicant submitted a letter to staff (see Attachment B) requesting a delay of this request until the Board of Adjustment Panel A March 21st public hearing to allow additional time to create a revised alternate landscape plan that would represent a new patio for a restaurant use which may have an impact on trees proposed and conveyed on the revised alternate landscape plan that was submitted on February 1st.
- 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 submitted a memo with regard to this application (see Attachment C). This memo stated the following:
 - The Chief Arborist supports the proposed revisions to the alternate landscape plan for 100 Crescent Court which was submitted for the February hearing. The revisions sustain a plan which does not violate the spirit and intent of the ordinance.

- However, based on the applicant's statement of February 9, there may yet be additional revisions to the alternate landscape plan based on proposed future additions on a building site which is undergoing a period of general modification. Any additional revisions to the landscape plan should be completed before permits are submitted for the future addition.
- The ordinance requires that any change to floor area, and net increase of impervious surfaces, will require future landscape compliance under this ordinance. The applicant has successfully attempted to report all new adjustments or errors to be updated on the revised alternate landscape plans to date. The arborist office only requests the most efficient means to have a complete landscape plan for the purpose of permitting.
- The Chief Arborist will support the applicant, staff, and the board to help achieve the appropriate outcome.
- The applicant has the burden of proof in establishing that the special exception will not compromise the spirit and intent of Section 51P-193-126: "Landscape, streetscape, screening, and fencing standards".
- The applicant has requested that action on this application be delayed until the Board of Adjustment Panel A March 21st public hearing to allow additional time to create a revised alternate landscape plan that would represent a new patio for a restaurant use which may have an impact on trees proposed and conveyed on the revised alternate landscape plan that was submitted on February 1st.

Timeline:

December 15, 2016: 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, 2017: 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."

January 6, 2017: The Board Administrator emailed the following information to the applicant:

- 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 February 1st deadline to submit additional evidence for staff to factor into their analysis; and the February 10th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

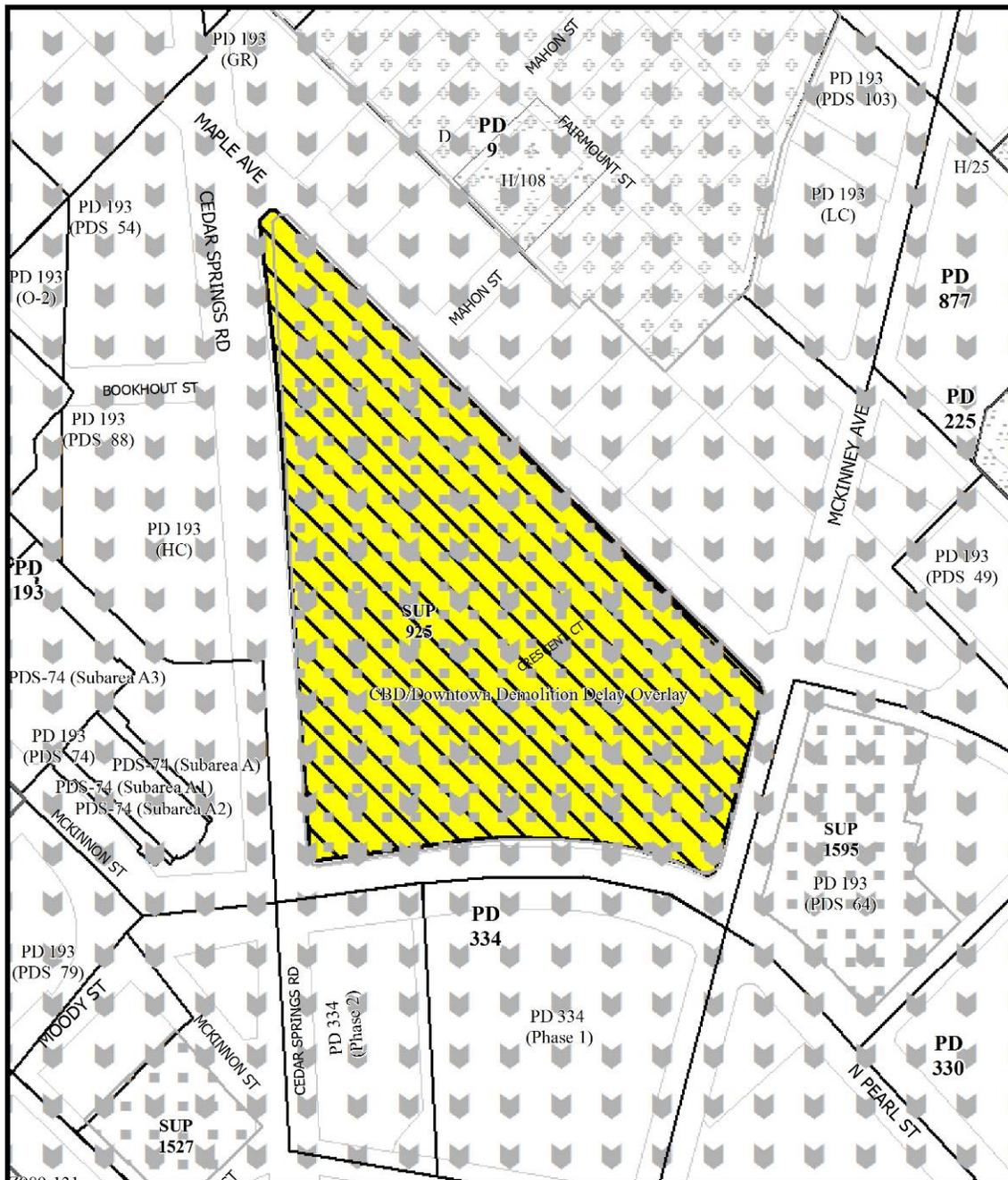
February 1, 2017: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment A).

February 7, 2017: 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 Department Assistant Director, the Sustainable Development Department Assistant Director Engineering, the Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

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

February 9, 2017: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment B).

February 10, 2017: The City of Dallas Chief Arborist submitted a memo regarding this application (see Attachment C).

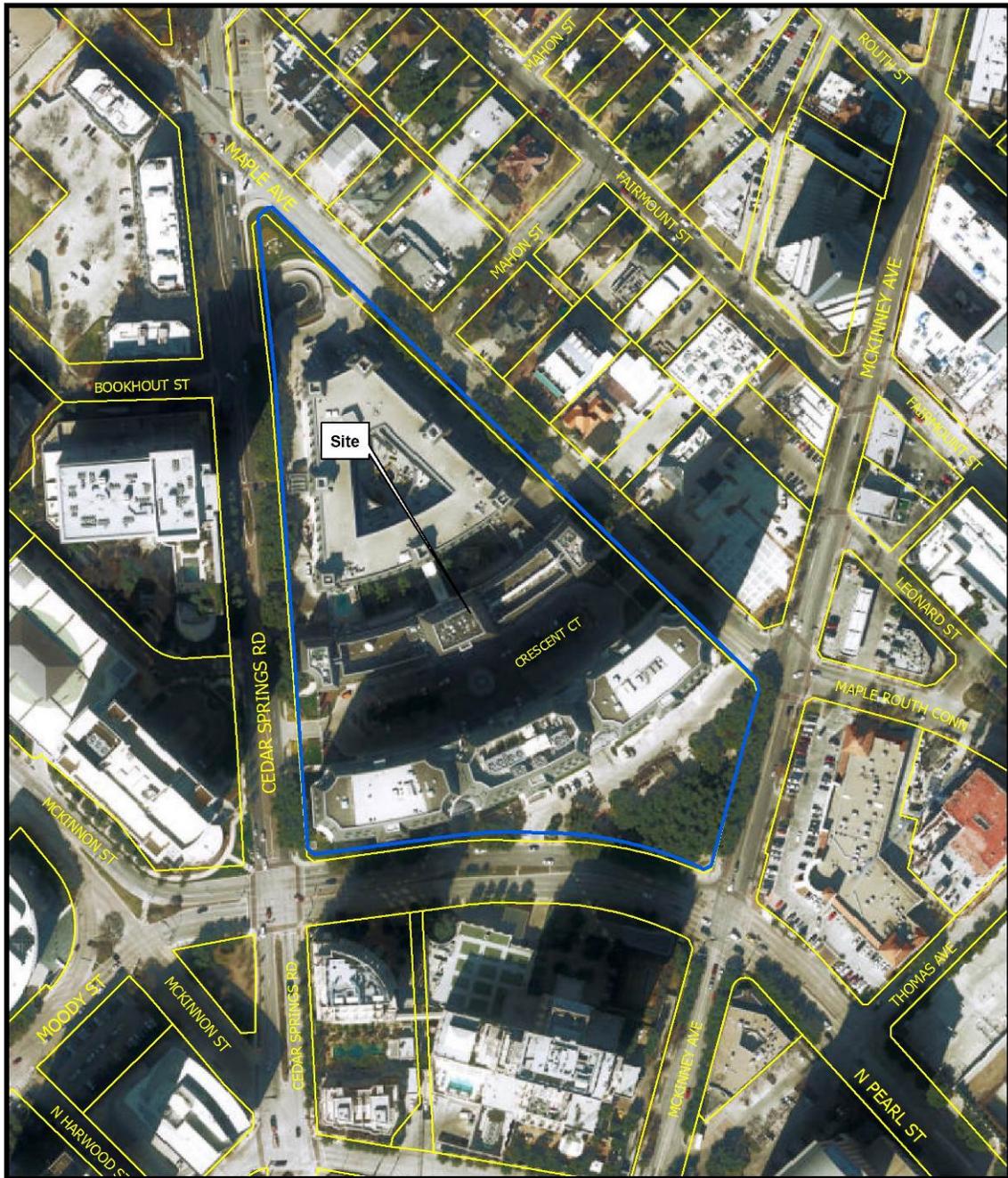


1:2,400

ZONING MAP

Case no: **BDA167-020**

Date: **1/10/2017**



1:2,400

AERIAL MAP

Case no: BDA167-020

Date: 1/10/2017

BDA 167-020
Attach A
B1

ROBERT REEVES
& Associates, Inc.

PLANNING AND ZONING CONSULTANTS

February 1, 2017

Steve Long, Board of Adjustment Administrator
Department of Sustainable Development & Construction
City of Dallas
1500 Marilla Street, Room 5BN
Dallas, Texas 75201

RE: BDA 167-020
The Crescent

Dear Mr. Long:

On August 16, 2016, the Board of Adjustment, Panel A approved an alternate landscape plan for The Crescent, BDA 156-076(SL). Enclosed is an updated amended landscape plan, which we are requesting board approval.

As you know, a couple of months ago we completed our landscape enhancement program and called for a final inspection by the City Arborist. However, after a site inspection, the Arborist determined that 22 proposed trees were missing, which were shown on the approved landscape plan. Obviously, this revelation was a complete surprise to us.

These missing trees were new trees proposed by the landscape architect and were mistakenly included in the landscape plan approved by the board last August. It was determined that these trees could not or should not be planted for several reasons. Many trees were proposed in areas with underground utility vaults or similar constraints. Other trees were proposed to be planted under the canopy of existing mature street trees and would not thrive or could damage the roots of the existing trees. Lastly, it was determined that planting several proposed River Birch trees at the intersection of Cedar Springs and Maple was excessive and would actually have a negative visual impact.

In addition, Sixty Vines restaurant is currently remodeling the former Palomino restaurant space and would like to construct an outside pavilion, which will cover a portion of the current outside deck. Since there may be a slight increase in the non-permeable surface (450 sq. ft.), the proposed building site has been added to the revised landscape plan.

The following is a summary of the changes:

No existing trees are affective and there have been 128 new trees planted on the site

	Board Approved Landscape Plan	Revised Landscape Plan
Street Trees:	133	132
Interior Trees:	<u>163</u>	<u>148</u>
Total Site Trees;	296	280
General Planting Area:	80,000 sq. ft.	75,550 sq. ft.

Mr. Long, we respectfully request approval of the revised landscape plan.

Sincerely:



Robert Reeves

SYMBOL LEGEND

SYM	TYPE	QTY
TR1	PROPOSED STREET TREE	14
TR2	PROPOSED INTERIOR TREE	13
TR3	PROPOSED INTERIOR TREE	13
TR4	PROPOSED INTERIOR TREE	13
TR5	PROPOSED INTERIOR TREE	13
TR6	PROPOSED INTERIOR TREE	13
TR7	PROPOSED INTERIOR TREE	13
TR8	PROPOSED INTERIOR TREE	13
TR9	PROPOSED INTERIOR TREE	13
TR10	PROPOSED INTERIOR TREE	13
TR11	PROPOSED INTERIOR TREE	13
TR12	PROPOSED INTERIOR TREE	13
TR13	PROPOSED INTERIOR TREE	13
TR14	PROPOSED INTERIOR TREE	13
TR15	PROPOSED INTERIOR TREE	13
TR16	PROPOSED INTERIOR TREE	13
TR17	PROPOSED INTERIOR TREE	13
TR18	PROPOSED INTERIOR TREE	13
TR19	PROPOSED INTERIOR TREE	13
TR20	PROPOSED INTERIOR TREE	13
TR21	PROPOSED INTERIOR TREE	13
TR22	PROPOSED INTERIOR TREE	13
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TR97	PROPOSED INTERIOR TREE	13
TR98	PROPOSED INTERIOR TREE	13
TR99	PROPOSED INTERIOR TREE	13
TR100	PROPOSED INTERIOR TREE	13



REV	DATE	DESCRIPTION
1	01/22/2016	ISSUED FOR PERMIT
2	01/22/2016	ISSUED FOR PERMIT
3	01/22/2016	ISSUED FOR PERMIT
4	01/22/2016	ISSUED FOR PERMIT
5	01/22/2016	ISSUED FOR PERMIT

LANDSCAPE PLAN
Drawing Title

1.02
Drawing Number

BDA
167-
020



Attach A
pg 4

TREE TOTALS		CALIPER TOTALS	
STREET TREES		STREET TREES	
Total existing street trees	120	Total existing inches of existing street trees	1,644"
Total existing interior trees removed	-2	Total existing inches of existing street trees removed	-34"
Total proposed street trees	+14	Total caliper inches of proposed street trees	+84"
INTERIOR TREES		INTERIOR TREES	
Total existing interior trees	57	Total existing inches of existing interior trees	638"
Total existing interior trees removed	-19	Total caliper inches of interior trees removed	-188"
Total proposed interior trees	+114	Total caliper inches of proposed interior trees	+877"
Total approved replacement trees	+79	Total caliper inches of approved replacement trees	+892"
TOTAL SITE TREES BEFORE IMPROVEMENTS	177	TOTAL SITE CALIPER INCHES BEFORE IMPROVEMENTS	2,822"
TOTAL SITE TREES AFTER IMPROVEMENTS	264	TOTAL SITE CALIPER INCHES AFTER IMPROVEMENTS	2,831"
NET TREES ADDED	+187	NET CALIPER INCHES ADDED	+489"
NET APPROVED REPLACEMENT TREES ADDED	+72	NET APPROVED REPLACEMENT TREE CALIPER INCHES ADDED	+374"

Revised Landscape Plan

- 152 Existing Trees
- 128 New Trees
- 280 Total Trees**

BDA167-020
Attach B
Pg 1

ROBERT REEVES
& Associates, Inc.

PLANNING AND ZONING CONSULTANTS

February 9, 2017

Steve Long, Board of Adjustment Administrator
Department of Sustainable Development & Construction
City of Dallas
1500 Marilla Street, Room 5BN
Dallas, Texas 75201

RE: BDA 167-020, The Crescent
Request for a Delay

Dear Mr. Long:

As you know the revised landscape plan for The Crescent will be considered by the Board of Adjustment, Panel A on February 21, 2017. Last Tuesday evening, we presented our proposed landscape revisions to the Oak Lawn Committee including the proposed Sixty Vines restaurant outside pavilion, which will be located on a portion of the existing deck used by the former Palomino Restaurant.

This morning I learned that a new Sandwich Shop restaurant would like to locate on the south side of Office Tower Two. The restaurant would like to have a new patio for outside dining, which will be located next to the loading dock area shown in red on the attached landscape plan. The patio will have an impact on the general planting area and may have an impact on the three new trees planted in this area.

Therefore, we need additional time to provide the staff with information on the patio, resubmit a revised landscape plan, and go back before the Oak Lawn Committee on March 7, 2017. Consequently, we respectfully request that the board delay this case until March 21, 2017.

Sincerely:



Robert Reeves

Memorandum



Date February 10, 2017
To Steve Long, Board Administrator
Subject BDA #167-020; 100 Crescent Court

The chief arborist does support the proposed revisions to the alternate landscape plan for 100 Crescent Court which was submitted for the February hearing. It is my belief the revisions sustain a plan which does not violate the spirit and intent of the ordinance. However, based on Mr. Reeves' statement of February 9, there may yet be additional revisions to the alternate landscape plan based on proposed future additions on a building site which is undergoing a period of general modification. Any additional revisions to the landscape plan should be completed before permits are submitted for the future addition.

As you are aware, any change to floor area, and net increase of impervious surfaces, will require future landscape compliance under this ordinance. Mr. Reeves has successfully attempted to report all new adjustments or errors to be updated on the revised alternate landscape plans to date. The arborist office only requests the most efficient means to have a complete landscape plan for the purpose of permitting.

We will support the applicant, staff, and the board to help achieve the appropriate outcome.

Philip Erwin
Chief Arborist
Building Inspection



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-020

Data Relative to Subject Property:

Date: 12/15/16

Location address: 100 Crescent Court Zoning District: PD193, SUP 925, HC Heavy Commercial Subdistrict

Lot No.: 1A Block No.: 2/948 Acreage: 9.9414 acres Census Tract: 18.00

Street Frontage (in Feet): (1) Cedar Spr. 958' (2) Maple 1,082' (3) Pearl 559' 4) McKinney 300'

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Crescent TC Investors LP

Applicant: Robert Reeves Telephone: (214) 749-0530

Mailing Address: 900 Jackson St., Suite 160, Dallas, Texas Zip Code: 75202

E-mail Address: rob.reeves@sbcglobal.net

Represented by: Robert Reeves & Associates, Inc. Telephone: (214) 749-0530

Mailing Address: 900 Jackson St., Suite 160 Dallas, Texas Zip Code: 75202

E-mail Address: rob.reeves@sbcglobal.net

Affirm that a request has been made for a Variance, or Special Exception X of An alternate landscape plan for 100 Crescent Ct.

Application is now made to the Honorable Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: The Crescent would like to revise the 8/16/16 board-approved alternative landscape plan, BDA156-076, to properly identify trees that were proposed, however were not planted per the approved plan. A waiver of the 2-year waiting period was board-approved on 11/15/2016.

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

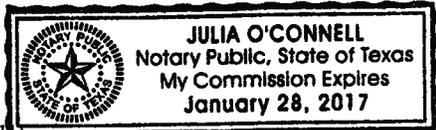
Affidavit

Before me the undersigned on this day personally appeared Robert Reeves (Affiant/Applicant's name)

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 15th day of December 2016.



[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 Robert Reeves

did submit a request for a special exception to the landscaping regulations
at 100 Crescent Court

BDA167-020. Application of Robert Reeves for a special exception to the landscaping regulations at 100 Crescent Court. This property is more fully described as Lot 1A, Block 2/948, and is zoned PD-193 (HC), 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,

Philip Sikes
Philip Sikes, Building Official

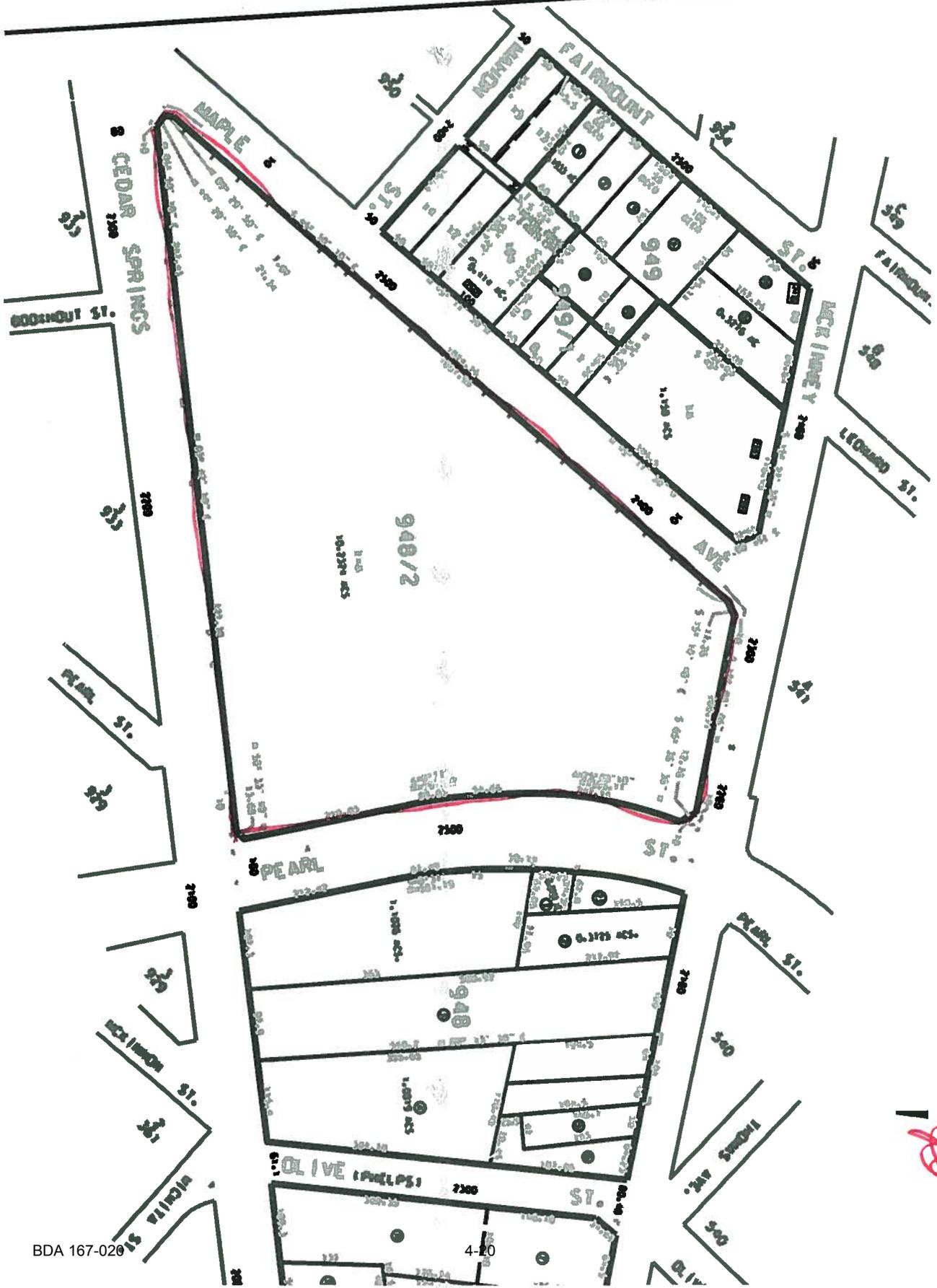
City of Dallas

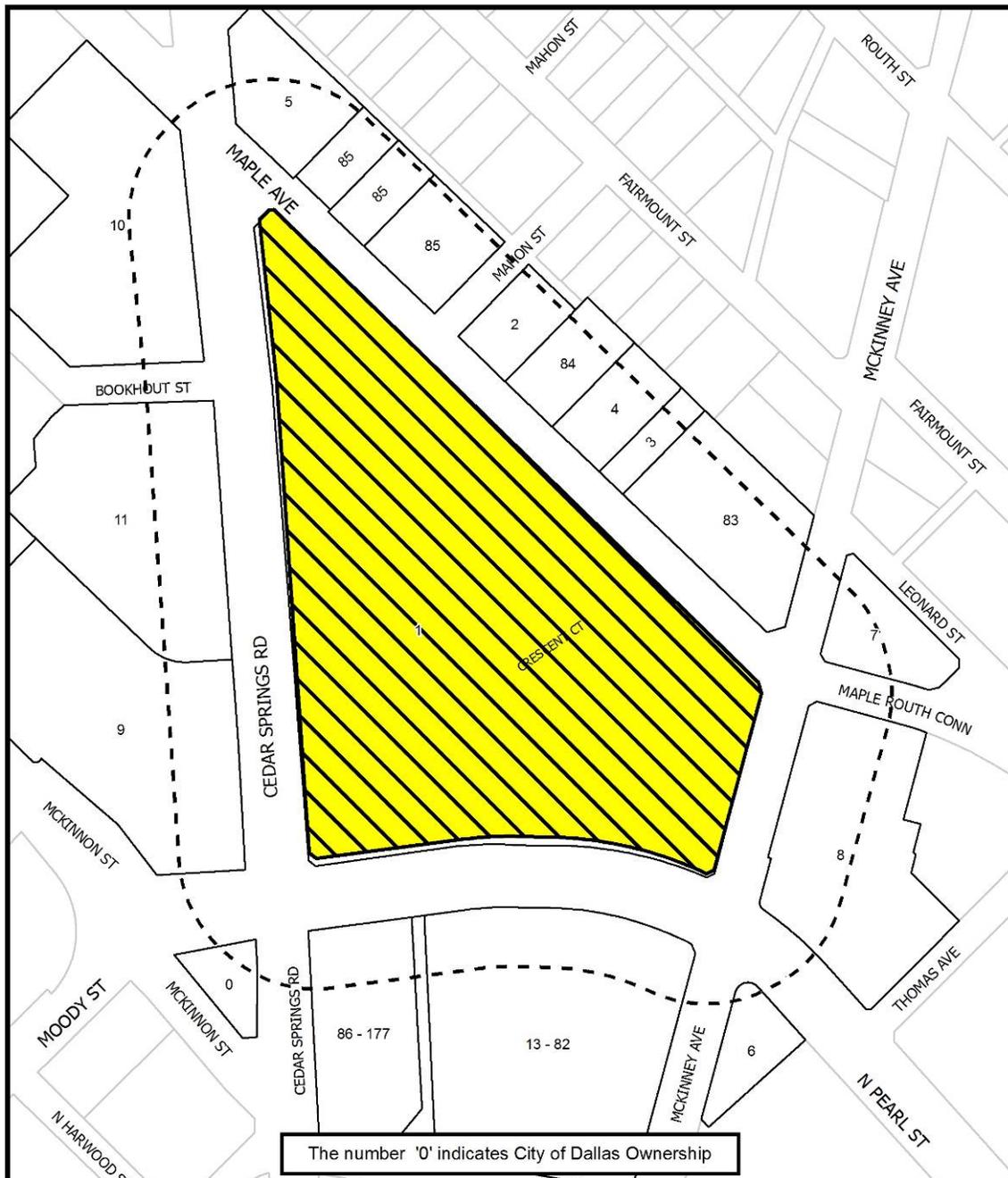
Internal Development Research Site

Legend

Locate Property







 1:2,400	<h2>NOTIFICATION</h2> <table border="1"> <tr> <td style="padding: 2px;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="padding: 2px;">177</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	177	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA167-020 Date: 1/10/2017
200'	AREA OF NOTIFICATION					
177	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA167-020

177 Property Owners Notified

Label #	Address	Owner
1	100 CRESCENT CT	CRESCENT TC INVESTORS LP
2	2516 MAPLE AVE	HEYMANN CLAIRE L
3	2504 MAPLE AVE	PASHA & SINA INC
4	2508 MAPLE AVE	PASHA & SINA INC
5	2628 MAPLE AVE	GREENWAY MAPLE LP
6	2120 MCKINNEY AVE	MCPP 2100 MCKINNEY LLC
7	2324 MCKINNEY AVE	MAPLE AND MCKINNEY L P
8	2222 MCKINNEY AVE	AMREIT UPTOWN DALLAS LP
9	2101 CEDAR SPRINGS RD	ROSEWOOD COURT LLC
10	2305 CEDAR SPRINGS RD	GPI CEDAR MAPLE LP
11	2215 CEDAR SPRINGS RD	ASHTON UPTOWN LP
12	2510 CEDAR SPRINGS RD	CRESCENT REAL ESTATE
13	2121 MCKINNEY AVE	CRESCENT PLZ HOTEL OWNER
14	2525 N PEARL ST	STRONG ASA & NANCY
15	2525 N PEARL ST	ADELGLASS JEFFREY &
16	2525 N PEARL ST	MCKENZIE ARETA B
17	2525 N PEARL ST	HIXSON ROBERT L JR &
18	2525 N PEARL ST	BADINTER SIMON M
19	2525 N PEARL ST	RAK PROPERTIES INC
20	2525 N PEARL ST	FRICKE MICHAEL T & ARLENE S
21	2525 N PEARL ST	COTTEL WILLIS I TRUSTEE
22	2525 N PEARL ST	SHINN LLOYD &
23	2525 N PEARL ST	BOSSE JEFFREY F & DONNA S
24	2525 N PEARL ST	QUIST SHARON S
25	2525 N PEARL ST	MOSER FAMILY TRUST
26	2525 N PEARL ST	PEJOVICH BRENDA FAMILY LIVING TRUST THE

Label #	Address	Owner
27	2525 N PEARL ST	STERN MATT D
28	2525 N PEARL ST	STONE EVAN
29	2525 N PEARL ST	OHRE DAVID E
30	2525 N PEARL ST	POWELL MARK W
31	2525 N PEARL ST	SAVAGE LIVING TRUST THE
32	2525 N PEARL ST	TOELLER GARY RICHARD & ANNE S TRUSTEES
33	2525 N PEARL ST	SONNENSCHNEIN INVESTMENTS LTD
34	2525 N PEARL ST	FONBERG PETER
35	2525 N PEARL ST	ELLINGTON SCOTT
36	2525 N PEARL ST	CARLOW CORP
37	2525 N PEARL ST	SMITH LINDA J
38	2525 N PEARL ST	DIXON GENE JR &
39	2525 N PEARL ST	ABOU QAMAR MAAMOUN Y
40	2525 N PEARL ST	MITCHELL F LANE
41	2525 N PEARL ST	GALLETTA NANCY J
42	2525 N PEARL ST	BAILEY CHARLES R & VIRGINIA H
43	2525 N PEARL ST	KLS INVESTMENTS LLC
44	2525 N PEARL ST	FDRE LLC
45	2525 N PEARL ST	WITRY MARY CAROL
46	2525 N PEARL ST	MANUEL GREGORY W &
47	2525 N PEARL ST	CUMMINGS KEVIN & GUINEVERE
48	2525 N PEARL ST	SANDLIN MARK R
49	2525 N PEARL ST	VAN CLEAVE ROBERT C &
50	2525 N PEARL ST	GUBA RAYMOND KERSHAW
51	2525 N PEARL ST	BROWER SHANNON
52	2525 N PEARL ST	KIM TAESEUNG BEN &
53	2525 N PEARL ST	YAMINI SARA M
54	2525 N PEARL ST	QUIST SHARON S
55	2525 N PEARL ST	1013 NW LOOP 410 VENTURE
56	2525 N PEARL ST	MCKNIGHT JAMES ROSS & BILLIE
57	2525 N PEARL ST	MITCHELL KEITH & LOIS TRUST THE

Label #	Address	Owner
58	2525 N PEARL ST	ALVARADO JOSEPH
59	2525 N PEARL ST	HAUSLEIN FERDINAND A JR
60	2525 N PEARL ST	WALKER ROBERT M & GUDRUN S
61	2525 N PEARL ST	LEE JAMES J & DORIS P
62	2525 N PEARL ST	TAYLOR BERNARD &
63	2525 N PEARL ST	ALBERTS DENNY & CYNTHIA COMPARIN
64	2525 N PEARL ST	DOUGLASS GREGORY
65	2525 N PEARL ST	NURENBERG PAMELA &
66	2525 N PEARL ST	PARKS JAMES LEE
67	2525 N PEARL ST	ROMAN FRANK
68	2525 N PEARL ST	CROWDER KEVIN & KAREN
69	2525 N PEARL ST	ROBINSON STEPHEN W & JEAN M
70	2525 N PEARL ST	ROSS STEPHANIE REVOCABLE TRUST
71	2525 N PEARL ST	SCHAKE ERIC
72	2525 N PEARL ST	TEL REAL ESTATE LLC
73	2525 N PEARL ST	CARTER DONALD J & LINDA JO
74	2525 N PEARL ST	MAYER TOM & SUSAN
75	2525 N PEARL ST	KARKOUTLY AMAN &
76	2525 N PEARL ST	WITZKE DAVID
77	2525 N PEARL ST	QUINN TERRENCE JEROME &
78	2525 N PEARL ST	WAGNER DUER III
79	2525 N PEARL ST	HADDOCK RON W &
80	2525 N PEARL ST	SOLOMON WILLIAM T & GAY F
81	2525 N PEARL ST	LARKIN JOHN G &
82	2525 N PEARL ST	ANDERSON CHARLES C JR & MOLLY R
83	2401 MCKINNEY AVE	ELK FINANCIAL INC
84	2512 MAPLE AVE	HEIDARI ALI
85	2610 MAPLE AVE	2620 MAPLE AVENUE LLC
86	2555 N PEARL ST	FOSS ERIC
87	2555 N PEARL ST	CRESCENT TOWER RESIDENCES LP
88	2555 N PEARL ST	TORRENCE FLP

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
89	2555 N PEARL ST	CHOTI CAROLE LAMPESIS & MICHAEL ANDREW
90	2555 N PEARL ST	CREWS KYLE W & ANNE C
91	2555 N PEARL ST	CREWS KYLE W & ANNE C CREWS
92	2555 N PEARL ST	BENTON HELEN RASPBERRY TRUST
93	2555 N PEARL ST	ALEXANDER GREG
94	2555 N PEARL ST	AMENDED AND RESTATED DAGNON REV TRUST
95	2555 N PEARL ST	WOEHR MICHELLE S & GUSTAVE
96	2555 N PEARL ST	STEPHANIAN EDIC
97	2555 N PEARL ST	MOROS HORACIO JAVIER
98	2555 N PEARL ST	THELIN THOMAS
99	2555 N PEARL ST	ZOYS GEORGE N
100	2555 N PEARL ST	VEERARAGHAVAN UMA & KRISHNA
101	2555 N PEARL ST	CHI WEIWEI &
102	2555 N PEARL ST	RITZ TOWER 405 LLC
103	2555 N PEARL ST	CLARKE DIEN S & FRED E III
104	2555 N PEARL ST	HENRY JAMES J & PATRICIA M
105	2555 N PEARL ST	ATTICUS PEARL STREET LLC
106	2555 N PEARL ST	HASHEM OMAR & MIASSAR
107	2555 N PEARL ST	FABER CAREY E
108	2555 N PEARL ST	SREERAMA RAVI KUMAR &
109	2555 N PEARL ST	WORTLEY MICHAEL D & PATRICIA
110	2555 N PEARL ST	LEVY MARLON &
111	2555 N PEARL ST	PERSONS MELISSA LEE &
112	2555 N PEARL ST	MUSSULMAN DANIEL G
113	2555 N PEARL ST	KERNSTINE KEMP & CASSANDRA
114	2555 N PEARL ST	CLAUSE CARL & ROSALIE
115	2555 N PEARL ST	CAMMACK BRUCE A & MICHELE G
116	2555 N PEARL ST	CLAUSE CARL & ROSALIE
117	2555 N PEARL ST	PESES IAN &
118	2555 N PEARL ST	UPTOWN DREAMS LLC
119	2555 N PEARL ST	HOLMES CHARLTON C

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
120	2555 N PEARL ST	MILLER PAMELA MARGARET
121	2555 N PEARL ST	STEVENS KRISTEN E
122	2555 N PEARL ST	YOUNGMAN STEPHEN A & DENISE A
123	2555 N PEARL ST	ROBERSON SHANNON G
124	2555 N PEARL ST	TWOMEY FAMILY TRUST AGREEMENT
125	2555 N PEARL ST	SMITH OPERATING AND MANAGEMENT CO
126	2555 N PEARL ST	PORTER ZACHARY & EMILY RAY
127	2555 N PEARL ST	HEEBE ADREA D
128	2555 N PEARL ST	KLAASSEN LIVING TRUST
129	2555 N PEARL ST	RODER RICHARD
130	2555 N PEARL ST	KRISHNAN SUMANT GOPAL
131	2555 N PEARL ST	BEREZINA VICTORIA
132	2555 N PEARL ST	ULLMAN MYRON EDWARD & CATHY EMMONS TRUSTEES
133	2555 N PEARL ST	HARGIS KENNETH & DARLENE LIVING TRUST
134	2555 N PEARL ST	FAURIA THOMAS J & RENEE
135	2555 N PEARL ST	HARASYM STEVEN MICHAEL
136	2555 N PEARL ST	SHORECREST FAMILY LP
137	2555 N PEARL ST	KEN CARLILE 2004 TRUST THE
138	2555 N PEARL ST	RIPPETO J DOUGLAS
139	2555 N PEARL ST	NICKERSON STEVEN CASH & EVELYN THOMAS
140	2555 N PEARL ST	NICKERSON STEVEN CASH & EVELYN THOMAS
141	2555 N PEARL ST	MUHL BRADLEY GILBERT & HOLLY BOWEN
142	2555 N PEARL ST	FRAZIER DEBBIE
143	2555 N PEARL ST	BLUE CRESCENT VENTURE LP
144	2555 N PEARL ST	FOX PATRICK K & CYNTHIA E
145	2555 N PEARL ST	FORD SCOTT T & JOAN D
146	2555 N PEARL ST	CRADICK CAROLINE CHARETTE TR
147	2555 N PEARL ST	SANTAGA GREGORY P & ANN M JOINT REVOCABLE TRUST
148	2555 N PEARL ST	AVANT HARRY L
149	2555 N PEARL ST	BARSACHS EDWIN HARRY JR &
150	2555 N PEARL ST	DORF ROGER & SANDRA DORF

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
151	2555 N PEARL ST	PARSELL SUSAN P
152	2555 N PEARL ST	GRANGER KIMBERLEY
153	2555 N PEARL ST	LAM SAMUEL M MD
154	2555 N PEARL ST	MD COMMONS COMMERCIAL
155	2555 N PEARL ST	LAZOF FAMILY TRUST
156	2555 N PEARL ST	MOTSENBOCKER ALAN K & ANNE B
157	2555 N PEARL ST	DUNN FREDRICK L & PRISCILLA A
158	2555 N PEARL ST	AKBARI HOMAIRA
159	2555 N PEARL ST	MUHL BRADLEY GILBERT & HOLLY
160	2555 N PEARL ST	SIKKEL MARK
161	2555 N PEARL ST	HOLT TEXAS PROPERTIES INC
162	2555 N PEARL ST	OLSON R CASEY & MARGARET L
163	2555 N PEARL ST	RC TRUST THE &
164	2555 N PEARL ST	GORES ALEC ELIAS REV LIVING TRUST THE
165	2555 N PEARL ST	ROGERS MARY MCDANIEL
166	2555 N PEARL ST	ROGERS ROBYN M REVOCABLE
167	2555 N PEARL ST	THE FRONT PORCH LLC
168	2555 N PEARL ST	FRONT PORCH LLC THE
169	2555 N PEARL ST	DARVISHSEFAT FARID YU
170	2555 N PEARL ST	DARVISHSEFAT FARID YU
171	2555 N PEARL ST	SHINN LLOYD &
172	2555 N PEARL ST	HEDGEHOG REAL ESTATE LLC
173	2555 N PEARL ST	CHILANGO LLC
174	2555 N PEARL ST	KAPLAN GABRIEL TR
175	2555 N PEARL ST	GRANGER KIMBERLEY
176	2555 N PEARL ST	REESJONES TREVOR
177	2555 N PEARL ST	VAN WOLFSWINKEL RANDALL