

ZONING BOARD OF ADJUSTMENT, PANEL B
WEDNESDAY, APRIL 20, 2011
AGENDA

BRIEFING	L1FN CONFERENCE CENTER AUDITORIUM	11:00 A.M.
PUBLIC HEARING	L1FN CONFERENCE CENTER AUDITORIUM	1:00 P.M.

Donnie Moore, Chief Planner
Steve Long, Board Administrator

MISCELLANEOUS ITEMS

Approval of the Wednesday, March 16, 2011 Board of Adjustment Public Hearing Minutes	M1
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UNCONTESTED CASE

BDA 101-034	4723 Royal Lane REQUEST: Application of John Fazio, represented by Mark Arthur Shekter, for a special exception to the fence height regulations	1
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HOLDOVER CASES

BDA 101-012	2628 Pennsylvania Avenue REQUEST: Application of Angelos Kolobotos, represented by P. Michael Jung, to restore a nonconforming multifamily use	2
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BDA 101-013	2632 Pennsylvania Avenue REQUEST: Application of Angelos Kolobotos, represented by P. Michael Jung, to restore a nonconforming multifamily use	3
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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. 1

To approve the Board of Adjustment Panel B March 16, 2011 public hearing minutes.

FILE NUMBER: BDA 101-034

BUILDING OFFICIAL'S REPORT:

Application of John Fazio, represented by Mark Arthur Shekter, for a special exception to the fence height regulations at 4723 Royal Lane. This property is more fully described as Lot 4 in City Block 1/5503 and is zoned R-1ac(A) which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and maintain a 10-foot high which will require a special exception of 6 feet.

LOCATION: 4723 Royal Lane

APPLICANT: John Fazio
Represented by Mark Arthur Shekter

REQUEST:

- A special exception to the fence height regulations of 6' is requested in conjunction with constructing and maintaining the following in the site's 40' front yard setback on a lot being developed with a single family home:
 1. parallel to the street in the front yard setback: an 8' high open iron wrought fence with 9' high cast stone columns, and two 10' high arched open wrought iron entry gates with 9' 6" high cast stone columns;
 2. perpendicular to the street in the front yard setback: an 8' high combination solid cast stone/open wrought iron fence (open wrought iron fence atop a 2' 4" high solid cast stone base) with 9' 6" high cast stone columns.

STAFF RECOMMENDATION:

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

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:

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

GENERAL FACTS:

- The Dallas Development Code states that a person shall not erect or maintain a fence in a required yard more than 9’ above grade, and additionally 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 had submitted a site plan and elevation indicating that the proposal in the required front yard setback reaches a maximum height of 10’.
- The following additional information was gleaned from the submitted site plan:
 - The proposal is approximately 180’ in length parallel to the street and approximately 16’ - 28’ in length *perpendicular* to the street on the east and west sides of the site (respectively) in the front yard setback.
 - The fence proposal is shown to be located approximately 12’ – 24’ from the site’s front property line or about 22’ – 34’ from the curb line.
- The submitted site plan denotes a number of “trees” labeled as 13” – 26” located on either side of the proposed fence, and a “bermed landscape area” located between the proposed fence and the Royal Lane pavement line.
- Three single family homes “front” to the proposal on the subject site, one of which appears to have a fence higher than 4’ in height in its front yard setback. The lot immediately southwest of the site has an approximately 8’ high combination solid stucco/open wrought iron fence in its front yard setback that appears to be the result of an approved fence height special exception from 2006- BDA 056-225.
- The Board Administrator conducted a field visit of the site and surrounding area and noted two other fences above four (4) feet high in the immediate area which appeared to be located in a front yard setback beyond what was previously described:
 - an approximately 7’ high open metal fence immediately west of the site almost completely hidden by a tall hedge that appears to be a result of an approved fence height special exception from November of 1988- BDA 88-119; and
 - an approximately 7’ high solid stucco wall two lots southeast of the site that appears to be the result of an approved fence height special exception from April of 2003- BDA 023-067.

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

1. BDA 88-119, Property at 4707 Royal Lane (the lot immediately west of subject site) On November 8, 1988, the Board of Adjustment followed the staff recommendation and granted a request for a special exception to the fence height regulations to maintain a 6'10" open metal fence with brick columns, subject to a site plan and a landscape plan.
2. BDA 056-225, Property at 10770 Lennox Lane (the lot immediately southwest of subject site) On November 13, 2006, the Board of Adjustment Panel C granted a request for a special exception to the fence height regulations of 5' and imposed the following as a condition to the request: Compliance with the submitted revised site plan, Option B elevation, and landscape plan is required. The case report stated that the request was made in conjunction constructing and maintaining an 8' high solid stucco fence with 9' high stucco columns and a sliding gate to be located in the site's Lennox Lane and Royal Lane 40' front yard setback on a site developed with a single family home.
3. BDA 978-230, Property at 4720 Royal Lane (the lot immediately south of subject site) On September 22, 1998, the Board of Adjustment Panel A denied a request for a special exception to the fence height regulations of 4' without prejudice. The case report stated that the request was made in conjunction with requested in conjunction with constructing and maintaining an 8' high solid masonry wall.
4. BDA 023-067, Property at 10770 Strait Lane (two lots immediately southeast of subject site) On April 21, 2003, the Board of Adjustment Panel C granted a request for a special exception to the fence height regulations of 3' 8" along Royal Lane and imposed the following the submitted site plan, landscape plan, and fence elevations as a condition to the request. The case report stated that the request was made in conjunction with maintaining a 6' 5" high solid stucco wall with 7' 8" high stucco columns in the site's Royal

Lane front yard setback.

Timeline:

February 24, 2011: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

March 17, 2011: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

March 17, 2011: 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 April 4th deadline to submit additional evidence for staff to factor into their analysis; and the April 8th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

April 5, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for April public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

April 7, 2011: The Sustainable Development Department Project Engineer submitted a review comment sheet marked “Has no objections if certain conditions are met” with the following comments: “Comply with all C.O.D visibility requirements.” (Note that no item is represented on the submitted site plan as being located in a 20’ visibility triangle).

STAFF ANALYSIS:

- This request focuses on constructing and maintaining an 8’ high open iron wrought fence with 9’ high cast stone columns, and two 10’ high arched open wrought iron entry gates with 9’ 6” high cast stone columns on the site parallel to the street; and constructing and maintaining an 8’ high combination solid cast stone/open wrought iron fence (open wrought iron fence atop a 2’ 4” high solid cast stone base) with 9’ 6” high cast stone columns perpendicular to the

street on the two sides of the site in the front yard setback on a property being developed with a single family home.

- The submitted site plan and elevation documents the location, height, and materials of the fence over 4' in height in the required front yard setback. The site plan indicates that the proposal is about 180' in length parallel to the street and approximately 16' - 28' in length *perpendicular* to the street on the east and west sides of the site (respectively) in the front yard setback. The plan shows the fence to be located approximately 12' – 24' from the site's front property line or about 22' – 34' from the curb line.
- The submitted site plan denotes a number of "trees" labeled as 13" – 26" located on either side of the proposed fence, and a "bermed landscape area" located between the proposed fence and the Royal Lane pavement line.
- Three single family homes "front" to the proposal on the subject site, one of which appears to have a fence higher than 4' in height in its front yard setback. The lot immediately southwest of the site has an approximately 8' high combination solid stucco/open wrought iron fence in its front yard setback that appears to be the result of an approved fence height special exception from 2006- BDA 056-225.
- The Board Administrator conducted a field visit of the site and surrounding area and noted two other fences above four (4) feet high in the immediate area which appeared to be located in a front yard setback beyond what was previously described in the "General Facts" section of this case report.
- As of April 11, 2011, no letters had been submitted to staff in support or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 6' will not adversely affect neighboring property.
- Granting this special exception of 6' with a condition imposed that the applicant complies with the submitted site plan and elevation would provide assurance that the proposal exceeding 4' in height in the front yard setback would be maintained in the location and of the heights and materials as shown on these documents.





1:1,200

AERIAL MAP

Map no: E-6
Case no: BDA101-034

DATE: April 01, 2011



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-034

Date: 2-24-11

Data Relative to Subject Property:

Location address: 4723 ROYAL LANE Zoning District: 1 ACRE (1 AC)

Lot No.: 4 Block No.: 1/5502 Page: 1 Census Tract: 135.00

Street Frontage (in Feet): 1) 182 2) 3) 4) 5)

NE2A

To the Honorable Board of Adjustment :

Owner of Property/or Principal: JOHN FAZIO

Applicant: JOHN FAZIO Telephone: _____

Mailing Address: 5973 AZALEA LANE Zip Code: 75230

Represented by: MARK ARTHUR SHELTER

Mailing Address: 3624 OAK LAWN AVE Zip Code: 75219

214.000.8888 Affirm that a request has been made for a Variance or Special Exception of SIX FEET FOR A FENCE AND GATE IN THE FRONT YARD

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

THAT THE PROPOSED FENCE AND GATE FOR SECURITY IS IN KEEPING WITH SURROUNDING PROPERTIES AND WILL NOT ADVERSELY IMPACT NEIGHBORS

Note to Applicant: If the relief requested in this application is granted by the Board of Adjustment, said 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.

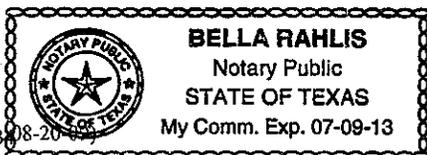
Respectfully submitted: JOHN FAZIO x [Signature] Applicant's name printed Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared _____ 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.

[Signature] Affiant (Applicant's signature)

Subscribed and sworn to before me this 24 day of feb, 2011



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

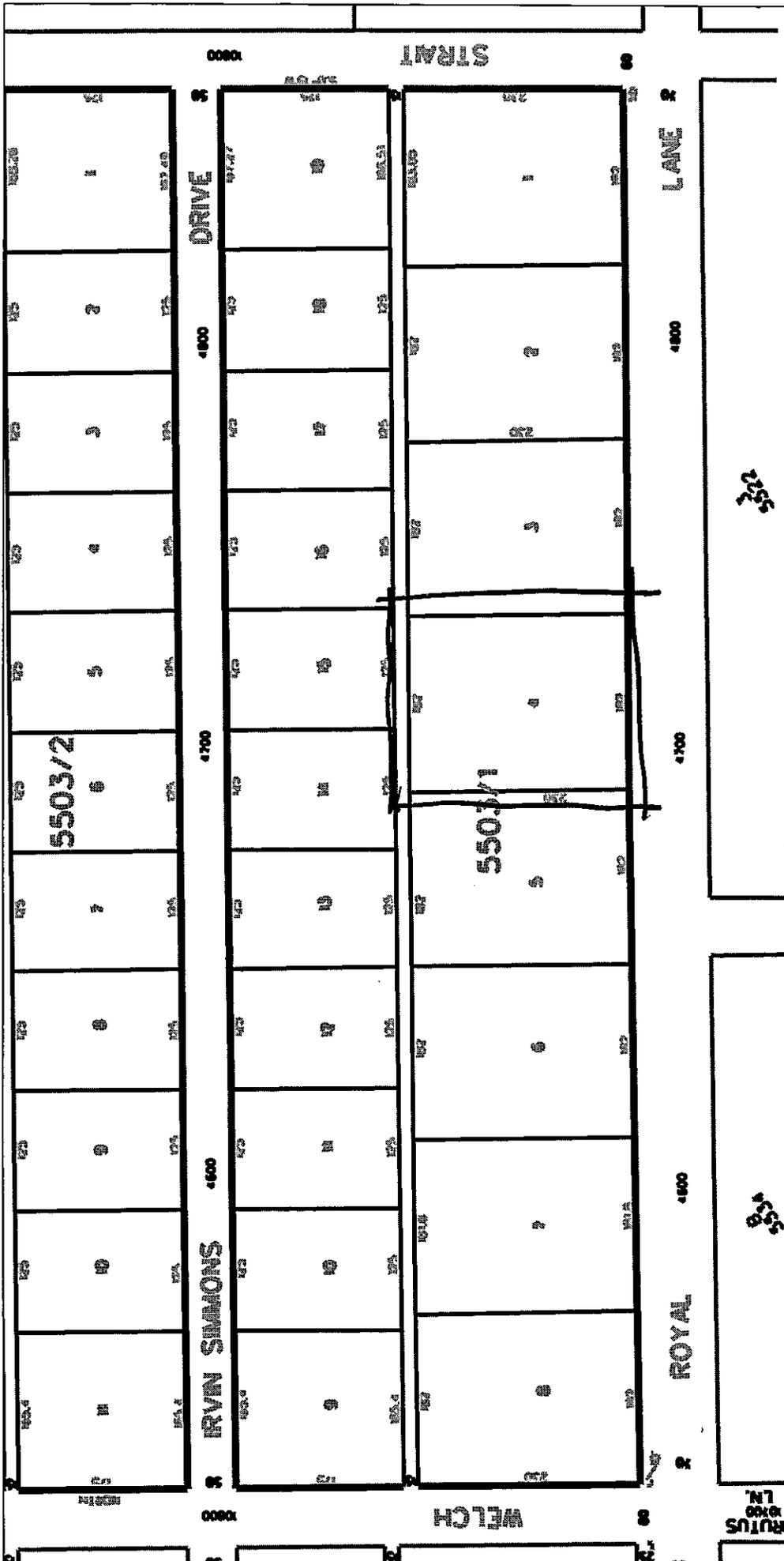
Building Official's Report

I hereby certify that John Fazio
represented by MARK A SHEKTER
did submit a request for a special exception to the fence height regulations
at 4723 Royal Lane

BDA101-034. Application of John Fazio represented by Mark A. Shekter for a special exception to the fence height regulations at 4723 Royal Lane. This property is more fully described as Lot 4 in city block 1/5503 and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 10 foot high fence in a required front yard setback, which will require a 6 foot special exception to the fence regulation.

Sincerely,

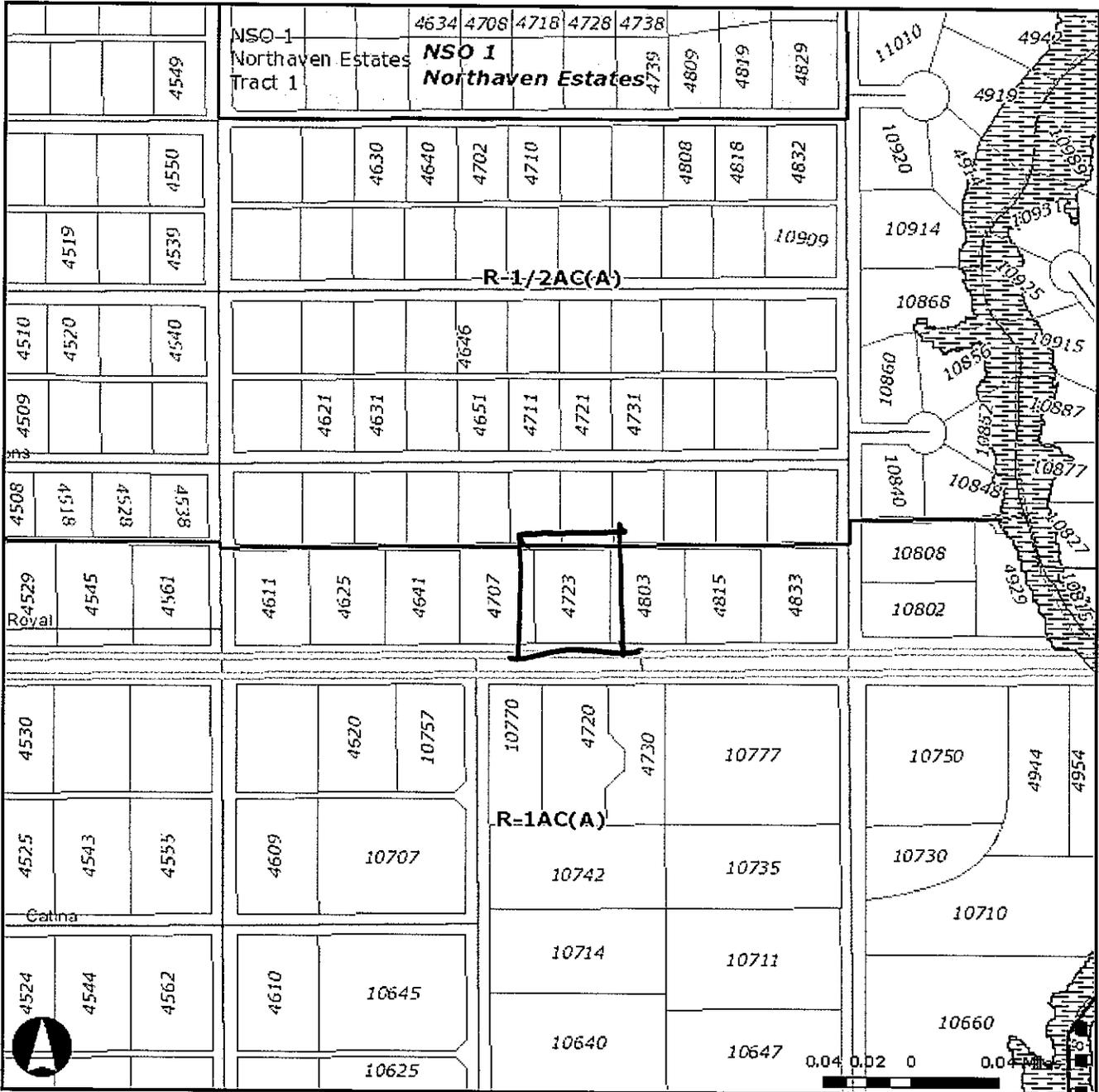
Batsheba Antebi
Batsheba Antebi, Building Official



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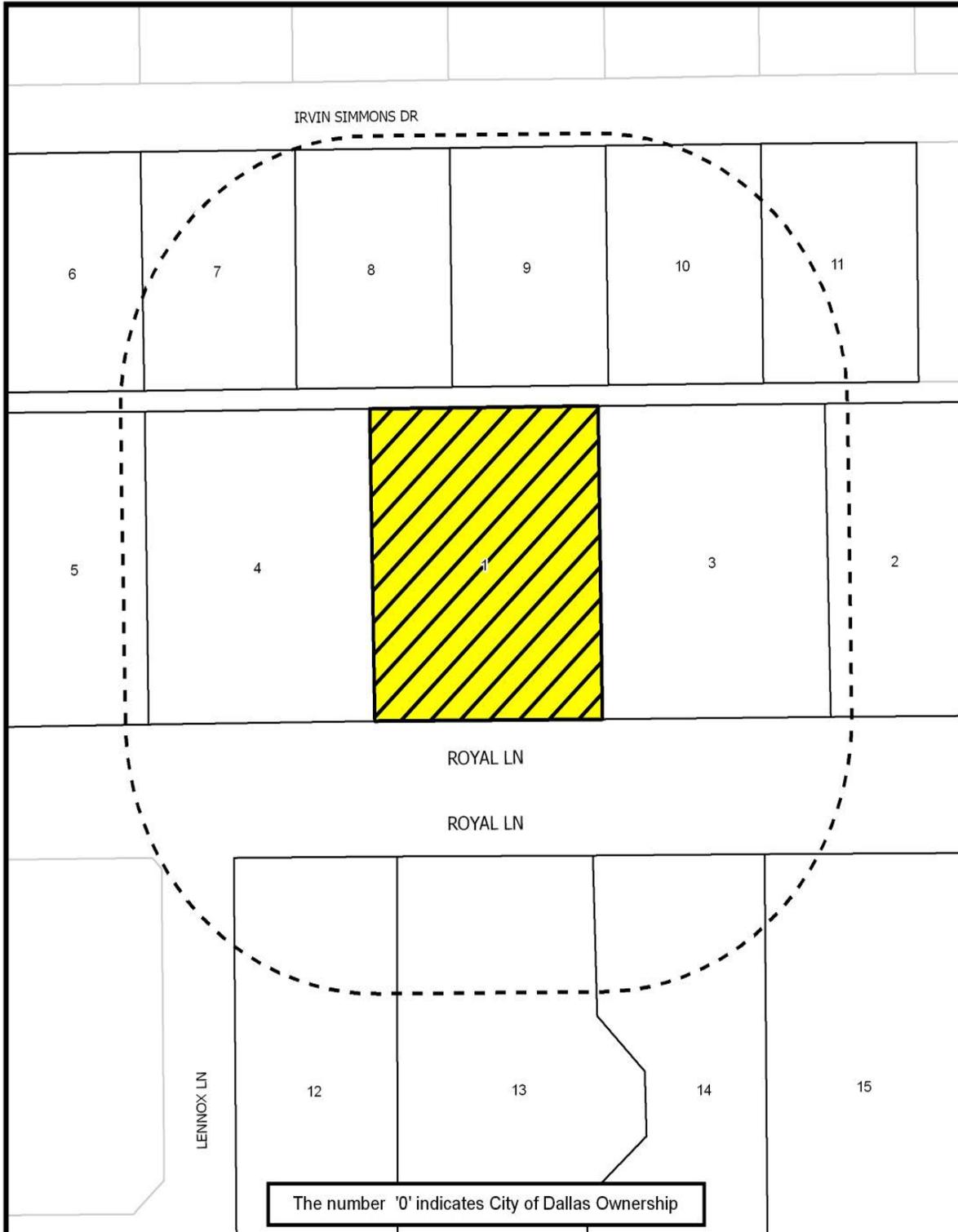
MAS

City of Dallas Zoning



- City Boundaries
- County
- Certified Parcels
- DISD Sites
- Council Districts
- Waterways
- Dry Overlay
- D
- D-1
- Historic Overlay
- Historic Subdistricts
- NSO Overlay
- NSO Subdistricts
- Base Zoning
- Floodplain
- 100 Flood Zone
- Mill's Creek
- Peak's Branch
- X PROTECTED BY LEVEE
- Pedestrian Overlay
- CP
- SP

WJF



1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
15 NUMBER OF PROPERTY OWNERS NOTIFIED

Map no: E-6
 Case no: BDA101-034

DATE: April 01, 2011

Notification List of Property Owners

BDA101-034

15 Property Owners Notified

Label #	Address	Owner
1	4723 ROYAL	FAZIO JOHN TRUSTEE
2	4815 ROYAL	JUSTER JEFFREY S & RITA S JUSTER
3	4803 ROYAL	FARRIS W A
4	4707 ROYAL	SHAH DHIREN & SUSHMA
5	4641 ROYAL	HERNANDEZ CATHY
6	4640 IRVIN SIMMONS	PRICE JAMES BOB JR & MARIA EUGENIA B
7	4646 IRVIN SIMMONS	EINSPANIER ROD & KATHLEEN
8	4710 IRVIN SIMMONS	WILLIS THOMAS DARDEN II & DEE ANNE
9	4720 IRVIN SIMMONS	STONER EUGENE C JR ETUX
10	4730 IRVIN SIMMONS	WEST MARK E & TAMMY S WEST
11	4808 IRVIN SIMMONS	TIPTON KIMELA H & PAUL W
12	10770 LENNOX	KROTTINGER KERRY
13	4720 ROYAL	LEE OLDEN C & CAROL S
14	4730 ROYAL	MOORE GERALD C & HEATHER E MOORE
15	10777 STRAIT	OATS RALPH T & CATHY L OATS

FILE NUMBER: BDA 101-012

BUILDING OFFICIAL'S REPORT:

Application of Angelos Kolobotos, represented by P. Michael Jung, to restore a nonconforming use at 2628 Pennsylvania Avenue. This property is more fully described as Lots 15 and 16 in City Block 32/1309 and is zoned PD-595, which limits the legal uses in a zoning district. The applicant proposes to restore a nonconforming multifamily use which will require a special exception.

LOCATION: 2628 Pennsylvania Avenue

APPLICANT: Angelos Kolobotos
Represented by P. Michael Jung

REQUEST:

- A special exception to reinstate nonconforming use rights is requested in conjunction with obtaining a Certificate of Occupancy (CO) for a "multifamily" use on the subject site even though this nonconforming use was discontinued for a period of six months or more.

STAFF RECOMMENDATION:

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

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

The Dallas Development Code specifies that the Board may grant a special exception to operate a nonconforming use that has been discontinued for six months or more if the owner can show that there was a clear intent not to abandon the nonconforming use even though the use was discontinued for six months or more.

GENERAL FACTS:

- The Dallas Development Code defines "nonconforming use" as "a use that does not conform to the use regulations of this chapter, but was lawfully

established under the regulations in force at the beginning of operation and has been in regular use since that time.

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

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

- The subject site is zoned PD No. 595 (R-5(A)) – a zoning district that does not permit a multifamily use.
- According to information from Dallas Central Appraisal District (DCAD), the property at 2628 Pennsylvania Avenue is developed with a structure with 2,888 square feet of living area that was constructed in 1966.
- Building Inspection has stated that these types of special exception request originate from when an owner/officer related to the property apply for a CO and Building Inspection sees that the use is a nonconforming use. Before a CO can be issued, the City requires the owner/officer related to the property to submit affidavits stating that the use was not abandoned for any period in excess of 6 months since the issuance of the last valid CO. The owners/officers need to submit documents and records indicating continuous uninterrupted use of the nonconforming use, which in this case, they could not.
- The nonconforming “multifamily” use on the site would be subject to the possibility of an application that may be brought to the Board of Adjustment requesting that the board establish a compliance date as is the case with any other nonconforming use in the city.
- Given provisions set forth in the Dallas Development Code, the multifamily use can obtain “conforming use” status upon attaining a change from the current zoning district from the City Council.
- The owner of the site could develop the site to any use that is permitted by right in the site’s existing PD No. 595 (R-5(A)) zoning classification.
- The Board Administrator has informed the applicant of the provisions set forth in the Dallas Development Code pertaining to nonconforming uses.
- Building Inspection has forwarded the following information about this request (see Attachment A):
 1. The nonconforming use to be reinstated: multifamily dwelling (the use as stated on the last valid Certificate of Occupancy).
 2. Reason the use is classified as nonconforming: Use not allowed under current zoning.

3. Date the nonconforming use was discontinued: Fall 2007.
4. Date that the use became nonconforming: September 26, 2001 (date current PD created)
5. Current zoning of the property on which the use is located: PD 595 (R-5(A)).
6. Previous zoning of the property on which the use is located: Unknown.

BACKGROUND INFORMATION:

Zoning:

Site: PD No. 595(R-5(A)) (Planned Development, Single family 5,000 square feet)
North: PD No. 595(R-5(A)) (Planned Development, Single family 5,000 square feet)
South: PD No. 595(R-5(A)) (Planned Development, Single family 5,000 square feet)
East: PD No. 595(R-5(A)) (Planned Development, Single family 5,000 square feet)
West: PD No. 595(R-5(A)) (Planned Development, Single family 5,000 square feet)

Land Use:

The subject site is developed with a multifamily structure this appears vacant. The area to the north is undeveloped, the area to the east is developed with a vacant multifamily structure (the property that is BDA101-013), and the areas to the south and west are developed with what appears to be single family uses.

Zoning/BDA History:

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. BDA101-013, Property at 2632 Pennsylvania Avenue (the lot immediately northeast of the subject site) | <p>On February 16, 2011, the Board of Adjustment Panel B delayed consideration on a request for a special exception to reinstate nonconforming use rights is requested in conjunction with obtaining a Certificate of Occupancy (CO) for a “multifamily” use on the subject site until April 20, 2011.</p> |
|---|--|

Timeline:

- December 14, 2010: 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 19, 2011: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

January 20, 2011: The Board Administrator contacted the applicant's representative and shared the following information via email:

- an attachment that provided the public hearing date and panel that will consider the application; the January 31st deadline to submit additional evidence for staff to factor into their analysis; and the February 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;
- the section from the Dallas Development Code pertaining to nonconforming uses and structures; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

February 3, 2011: 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 Board of Adjustment Chief Planner, the Board Administrator, and the Assistant City Attorney to the Board.

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

February 16, 2011: The Board of Adjustment Panel B conducted a public hearing on this request and delayed action until their April 20th public hearing per the request of the applicant's representative.

April 5, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for April public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

STAFF ANALYSIS:

- This special exception request is made to restore nonconforming use rights (and obtain a Certificate of Occupancy) for a nonconforming "multifamily" use that has been discontinued for six months or more.
- The applicant has the burden of proof in establishing the following related to the special exception request:

- There was a clear intent not to abandon the nonconforming “multifamily” use on the subject site even though the use was discontinued for six months or more.
- Granting this request would reinstate/restore the nonconforming use rights that were lost when the “multifamily” use was vacant for a period of six (6) months or more. Granting this request would restore the “multifamily” use as legal nonconforming use but not as a legal *conforming* use. The applicant would have to make application for a change in zoning and obtain approval from City Council in order to make the “multifamily” use on the site a legal conforming use.
- If restored/reinstated, the nonconforming use would be subject to compliance with use regulations of the Dallas Development Code by the Board of Adjustment as any other nonconforming use in the city. (The applicant’s representative has been advised by staff of Section 51A-4.704 which is the provision in the Dallas Development Code pertaining to “Nonconforming Uses and Structures”).

BOARD OF ADJUSTMENT ACTION: FEBRUARY 16, 2011

APPEARING IN FAVOR: P. Michael Jung, 901 Main Street, #4400, Dallas, TX

APPEARING IN OPPOSITION: No one

MOTION: Chernock

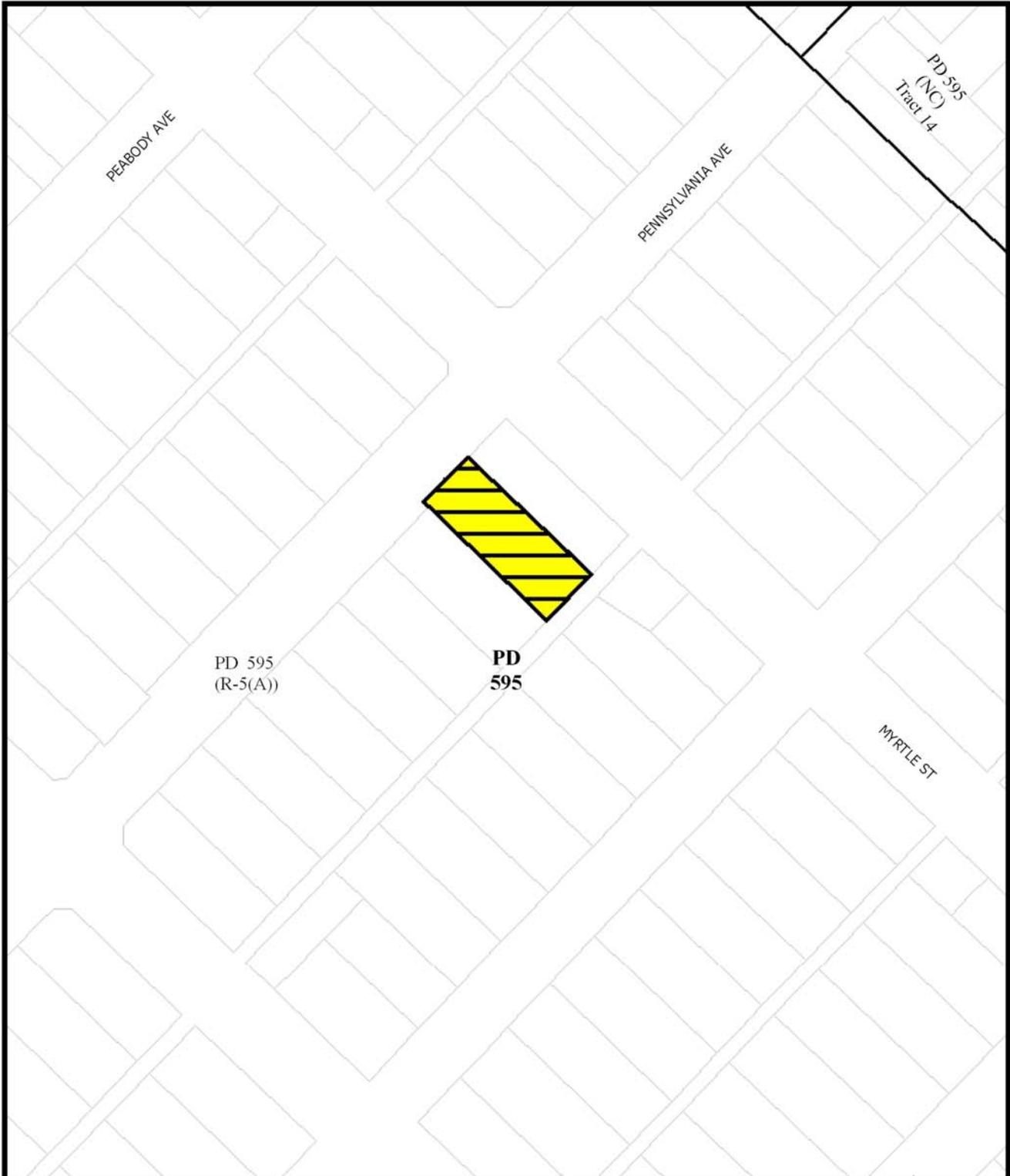
Having fully reviewed the evidence in Appeal No **BDA 101-012**, on application of Angela Kolobotos, represented by P. Michael Jung, and heard all testimony and facts relating to the posting of the notification signs, I find that the required signs were not posted properly and I move that the Board of Adjustment, hold this matter under advisement until **April 20, 2011**.

SECONDED: Wilson

AYES: 5– Reynolds, Gillespie, Chernock, Wilson, Agnich

NAYS: 0 –

MOTION PASSED 5 – 0 (unanimously)



1:1,200

ZONING MAP

Map no: K-8

Case no: BDA101-012



1:1,200

AERIAL MAP

Map no: K-8

Case no: BDA101-012

DATE: January 21, 2011

BDA101-012
Attach A

Zoning Board of Adjustment appeal to reinstate a nonconforming use.

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

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

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

Property address: 2628/32 Pennsylvania Ave. (BDA101-012/013)

1. The nonconforming use to be reinstated: Multifamily dwelling
(The use as stated on the last valid Certificate of Occupancy. Attach copy of C.O.)
2. Reason the use is classified as nonconforming: Use not allowed under current zoning.
(Was there a change in zoning of the property or in the use requirements. Be specific.)
3. Date the nonconforming use was discontinued: Fall 2007
4. Date that the use became nonconforming: September 26, 2001 (date current PD created)
(Date the property zoning or use requirements changed.)
5. Current zoning of the property on which the use is located: PD595 [R-5(A)]
6. Previous zoning of the property on which the use is located: Unknown
(Applies if a zoning district change caused the use to become nonconforming.)

(Rev. 01/21/11)

This email message and any attachments are confidential and may be privileged. If you are not the intended recipient, please notify Strasburger & Price, LLP immediately -- by replying to this message or by sending an email to postmaster@strasburger.com -- and destroy all copies of this message and any attachments. Thank you.



APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-012

Data Relative to Subject Property:

Date: 12-14-10

Location address: 2628 PENNSYLVANIA AVENUE Zoning District: PD 595 (R-5(A))

Lot No.: 15+16 Block No.: 32/1309 Acreage: 0.145 Census Tract: 35

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

To the Honorable Board of Adjustment :

Owner of Property/or Principal: ANGELOS KOLOBOTOS

Applicant: ANGELOS KOLOBOTOS Telephone: 214-701-4751

Mailing Address: 3824 CEDAR SPRINGS, UNIT 585 Zip Code: 75219

Represented By: P. MICHAEL JUNG Telephone: 214-651-4724

Mailing Address: 4400 BANK OF AMERICA PLAZA, DALLAS Zip Code: 75202

Affirm that a request has been made for a Variance, or Special Exception of NON-ABANDONMENT OF NONCONFORMING MULTIFAMILY USE (SECTION 51A-4.704(a)(2)) (reinstatement of non-conforming use)

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

SPE ATTACHED AFFIDAVIT

Note to applicant: If the relief requested in this application is granted by the Board of Adjustment, said 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.

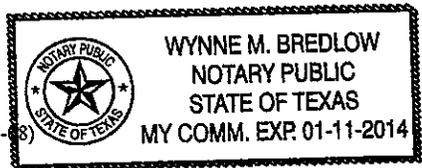
Respectfully submitted: ANGELOS KOLOBOTOS A. Kolobotos - Print name Signature

Affidavit

Before me the undersigned on this day personally appeared ANGELOS KOLOBOTOS 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.

A. Kolobotos - Affiant (Applicant's signature)

Subscribed and sworn to before me this 13th day of OCTOBER, 2010



Wynne M. Bredlow 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 ANGELOS KOLOBOTOS

did submit a request to restore a nonconforming use
at 2628 Pennsylvania Avenue

BDA101-012. Application of Angelos Kolobotos to restore a nonconforming use at 2628 Pennsylvania Avenue. This property is more fully described as Lot 15 and 16 in city block 32/1309 and is zoned PD-595, which limits the legal uses in a zoning district. The applicant proposes to restore a nonconforming multifamily use, which will require a special exception to the nonconforming use regulation.

Sincerely,

Batsheba Antebi
Batsheba Antebi, Building Official

AFFIDAVIT OF ANGELOS KOLOBOTOS

Angelos Kolobotos, being first duly sworn, deposes and says as follows:

My name is Angelos Kolobotos. I am over the age of eighteen years, of sound mind, have never been convicted of a felony, and am fully competent to make this affidavit. The matters set forth in this affidavit are within my personal knowledge and are true and correct.

I first became interested in investing in multifamily properties in Dallas while attending a conference here in 2005 or early 2006. I had owned a multifamily property in Florida about 15 years ago. Because multifamily investment opportunities were much better in the Dallas area than in California, where I was living at the time, I decided to purchase multifamily properties in Dallas. In the summer of 2006, I began to buy multifamily properties in Dallas.

In November of 2006, I purchased 2628 and 2632 Pennsylvania Avenue in Dallas, Texas, which I will call the "Pennsylvania properties." These are multifamily properties, with a two-story, four-unit apartment building on each lot. The properties are zoned for single-family use, but have nonconforming rights for multifamily use. At the time of my purchase, 2628 Pennsylvania had all four units occupied, and 2632 Pennsylvania had two of the four units occupied.

At the time of the purchase, I was still living in California. I therefore continued the employment of the existing property manager, Mrs. Hernandez. It was Mrs. Hernandez's job to rent the units and maintain the Pennsylvania properties.

In the summer of 2007, the situation at the Pennsylvania properties began to spiral out of control. Tenants at the properties were responsible for their own electric bills, and several tenants defaulted and their electricity was cut off. One tenant was arrested, and the rest were evicted for non-payment of rent. The properties began to be vandalized and to be frequented by drug dealers and other criminal elements.

By the fall of 2007, the City of Dallas had filed a suit against me with respect to the Pennsylvania properties under Texas Local Government Code chapter 54. The court ordered an injunction prohibiting me from renting the Pennsylvania properties; this injunction remained in effect until the case was resolved in October 2009. The court also issued a restraining order, prohibiting me from coming on the Pennsylvania properties; this restraining order was in effect for two to three months, but was dissolved near the end of 2007.

In approximately March of 2008, I decided that the problems with my rental properties in Dallas required my full-time attention, and relocated from California to Dallas. By this time, the Pennsylvania properties had been severely vandalized; all electrical wiring and fixtures, all plumbing and plumbing fixtures, and some of the doors and windows had been stolen.

Upon arriving in Dallas, I immediately began a program of repairs and rehabilitation of the Pennsylvania properties. At the Pennsylvania properties, all units have received new electrical wiring and fixtures, new plumbing and fixtures, new doors, and new sheetrock, walls, and ceilings; the broken windows have been repaired. The rehabilitation of the Pennsylvania properties was substantially completed in December 2009, and the properties are awaiting their final

inspections. I estimate that I have spent between \$80,000 and \$100,000 in the rehabilitation process for the Pennsylvania properties, not counting a large amount of my own "sweat equity."

The lawsuit against me with respect to the Pennsylvania properties and other properties came to trial in the fall of 2008. As part of the trial, the judge physically inspected the Pennsylvania properties. The judge ruled in my favor with respect to the Pennsylvania properties. The case was settled in October 2009. As part of the settlement, I agreed to pursue proceedings before the City of Dallas Board of Adjustment to reconfirm my nonconforming multifamily rights with respect to the Pennsylvania properties.

Before I could pursue proceedings before the Board of Adjustment, however, it was necessary for me to obtain a waiver from the City Council of the requirement that all taxes be paid and all liens be cleared before an application is filed with the Board. This was because I did not have sufficient cash to clear the taxes and liens without the rental income from the Pennsylvania properties – a "Catch-22" situation. On June 23, 2010, the City Council granted the requested waiver. Since that time, my attorneys and I have been preparing to file an application to the Board of Adjustment to reconfirm my nonconforming rights.

At present, my rental properties in Dallas represent my primary source of income. In addition to the Pennsylvania properties, I own two duplexes and several multifamily properties in West Dallas (some of which have been foreclosed upon), and a single-family residence in South Dallas. I have also owned multifamily properties in East Dallas and Southwest Dallas.

At no time has it been my intention to abandon multifamily uses at the Pennsylvania properties. I purchased the properties as a multifamily investment, and multifamily uses were active on the properties at the time of the purchase. The properties became vacant approximately one year later through circumstances not intended, desired, or intentionally brought about by me. From fall of 2007 until October 2009, I was under court order prohibiting me from renting the properties. Once the restraining order was lifted, however, and after I had relocated to Dallas and could devote my full attention to my rental properties, I proceeded diligently to resolve the physical and legal issues preventing rental of the Pennsylvania properties. It is my intention to resume rental of the Pennsylvania properties as soon as it becomes legal for me to do so, and to continue such rental indefinitely.

Further your affiant sayeth not.

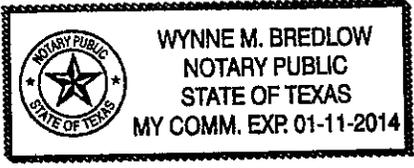


ANGELOS KOLOBOTOS

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

SUBSCRIBED AND SWORN TO before me, the undersigned authority, on this 13th
day of October, 2010, to certify which witness my hand and seal of office.

Wynne M. Bredlow
Notary Public in and for the State of Texas



AFFIDAVIT OF ANGELOS KOLOBOTOS

Angelos Kolobotos, being first duly sworn, deposes and says as follows:

My name is Angelos Kolobotos. I am over the age of eighteen years, of sound mind, have never been convicted of a felony, and am fully competent to make this affidavit. The matters set forth in this affidavit are within my personal knowledge and are true and correct.

Attached to this affidavit as Exhibit A are excerpts of the minutes of the meeting of the Dallas City Council on June 23, 2010. In Item 71, the City Council authorized a Board of Adjustment application on the properties at 2628 and 2632 Pennsylvania Avenue, subject to certain conditions:

- The parking lot be finished;
- All painting of the building is finished;
- Weatherization of all windows;
- All prepping work is finished inside the unit;
- Has secure doors on the front of the property.

The work described in these conditions has been completed.

Attached to this affidavit as Exhibit B is a copy of the resolution adopted by the City Council on June 23, 2010.

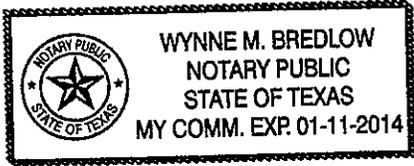
Further your affiant sayeth not.



ANGELOS KOLOBOTOS

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

SUBSCRIBED AND SWORN TO before me, the undersigned authority, on this 13th day of October, 2010, to certify which witness my hand and seal of office.



Wynne M. Bredlow

Notary Public in and for the State of Texas



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MINUTES OF THE DALLAS CITY COUNCIL

WEDNESDAY, JUNE 23, 2010

10-1576

VOTING AGENDA MEETING

CITY COUNCIL CHAMBER, CITY HALL

MAYOR TOM LEPPERT, PRESIDING

PRESENT: [15] Leppert, Caraway (*8:26 a.m.), Medrano, Jasso, Neumann, Hill, Salazar, Davis, Atkins, Kadane, Allen, Koop, Natinsky, Margolin, Hunt (*9:12 a.m.)

ABSENT: [0]

The meeting was called to order at 8:02 a.m.

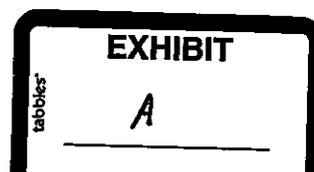
The city secretary announced that a quorum of the city council was present.

The invocation was given by Councilmember Kadane.

Councilmember Hill led the pledge of allegiance.

The meeting agenda, which was posted in accordance with Chapter 551, "OPEN MEETINGS," of the Texas Government Code, was presented.

After all business properly brought before the city council had been considered, the city council adjourned at 10:15 p.m.



Councilmember Kadane moved to appoint Ron Chapman, Chair of the Civil Service Board.

Motion seconded by Councilmember Salazar and unanimously adopted.

Councilmember Hill moved to appoint a nominee to an "individual appointment" position in the report who met all qualifications for service to the boards and commissions of the city for the term ending September 30, 2011.

Motion seconded by Councilmember Davis and unanimously adopted.

[Information on each newly-appointed member is located in the file shown next to the name of the board.]

10-5233	PAR	PARK AND RECREATION BOARD
10-5234	SDF	SOUTH DALLAS/FAIR PARK TRUST FUND BOARD
10-5235		BOARD OFFICER

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 23, 2010

10-1649

Item 71: Authorize a Board of Adjustment application on property with delinquent taxes located at 2628 and 2632 Pennsylvania Avenue - Financing: No cost consideration to the City

Theresa O'Donnell, director of development services, reminded the city council that in accordance with Section 51A-1.104.1 of the development code, city council approval of the waiver would require the favorable vote of two-thirds of all members of the city council.

Councilmember Davis moved to approve the item with the following requirements:

- The parking lot be finished;
- All painting of the building is finished;
- Weatherization of all windows;
- All prepping work is finished inside the unit;
- Has secure doors on the front of the property.

Motion seconded by Councilmember Jasso and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 23, 2010

10-1650

Item 72: Authorize an increase in the Over 65 and Disabled Persons Homestead Property Tax Exemption from \$64,000 to \$70,000 beginning with the ~~2009~~ 2010 tax year - Estimated Annual Revenue Loss: (\$2,600,000)

Councilmember Salazar moved to approve the item.

Motion seconded by Councilmember Atkins.

After discussion, Mayor Leppert called the vote on Councilmember Salazar's motion:

Voting Yes: [6] Caraway, Jasso, Hill, Salazar, Davis, Atkins

Voting No: [8] Leppert, Medrano, Neumann, Kadane, Allen, Koop, Natinsky, Margolin

Absent when vote taken: [1] Hunt

June 23, 2010

WHEREAS, Dallas Development Code Section 51A-1.104.1 prohibits the processing of a Board of Adjustment application for properties with delinquent taxes or other city fees, fines, or penalties; and

WHEREAS, a Board of Adjustment applicant must submit proof, such as a tax certificate, that property taxes and any city fees, fines or penalties are not delinquent on the subject property; and

WHEREAS, a waiver of the requirement may be granted by a two-thirds vote of the City Council if: (1) a waiver will facilitate urban redevelopment, historic conservation, or an important planning objective; (2) a pending sale of the property is contingent on the application, and the applicant can supply evidence, such as a contract of sale, that the taxes and any city fees, fines, or penalties will be paid at closing; or (3) the applicant can demonstrate financial hardship that makes payment of taxes impossible, and approval of a waiver will improve the applicant's ability to pay the taxes and any city fees, fines, or penalties; and

WHEREAS, application has been made for a waiver for properties located at 2628 and 2632 Pennsylvania Avenue; and

WHEREAS, the applicant has indicated that an approved Board of Adjustment action restoring the nonconforming multifamily use rights on the properties would facilitate the redevelopment of the properties and improve the applicant's ability to pay the taxes and any city fees, fines, or penalties; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. That, as the City Council finds that an approved Board of Adjustment action restoring the nonconforming multifamily use rights on the properties could facilitate the redevelopment of the properties and improve the applicant's ability to pay the taxes and any city fees, fines, or penalties and that the requirement that delinquent taxes and any city fees, fines, or penalties on properties located at 2628 and 2632 Pennsylvania Avenue be paid prior to processing the Board of Adjustment application is hereby waived and the Board of Adjustment application shall be allowed to be processed.

Section 2. That this resolution in no way relieves any party liable for payment of these taxes, fees, fines, or penalties from the obligation to pay.

Section 3. That the waiver granted by this resolution is not a consideration of the merits of the Board of Adjustment application, and does not imply that the application will be approved or disapproved when considered on its merits.

Section 4. That this resolution shall take effect from and after its passage in accordance with the Charter of the City of Dallas, and it is accordingly so resolved.



SURVEY PLAT

04R12615 LWS

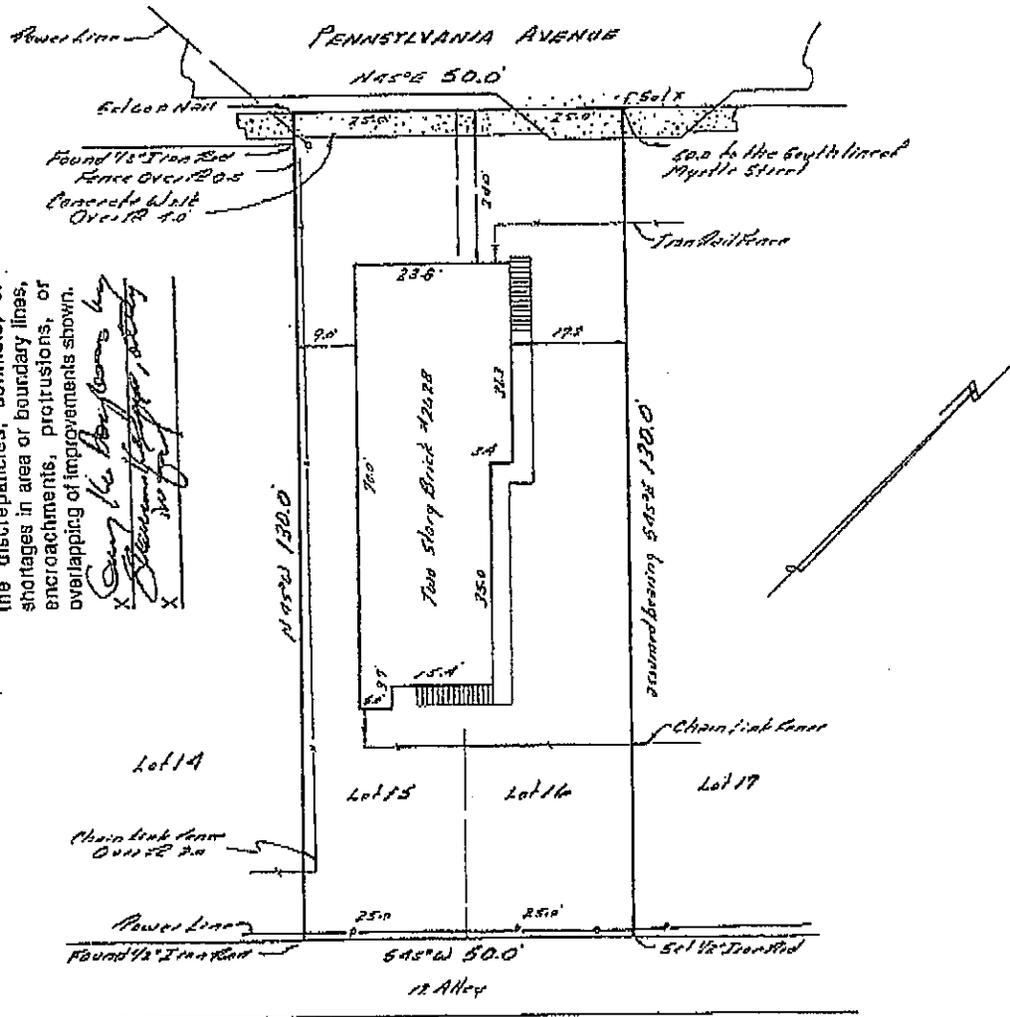
This is to certify that under my supervision, a careful survey was made on the ground of property located at

No. 2628 Pennsylvania Avenue in the city of Dallas Texas, described as follows:
Lot, No. 15 and 16 Block No. 32 City Block No. 1309
of SOUTH PARK ADDITION an addition to the City of Dallas, Dallas County

Texas, according to the map thereof recorded in Volume 99 at page 304 of the Map Records of Dallas County, Texas.

NOTE: According to the August 23, 2001 100 year Flood Insurance Rate Map of Dallas County, Texas, this lot is not in a Flood Plain Area. ZONE X PANEL # 48113C0345J.

The survey is hereby accepted with the discrepancies, conflicts, or shortages in area or boundary lines, encroachments, protrusions, or overlapping of improvements shown.
Ken Healy
Surveyor



This survey was performed in connection with the transaction described in GF No. 04R12615 of the Republic of Texas. USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR BY ANY OTHER PARTIES SHALL BE AT THEIR RISK AND THE SURVEYOR IS NOT RESPONSIBLE TO OTHERS FOR ANY LOSS RESULTING THEREFROM.

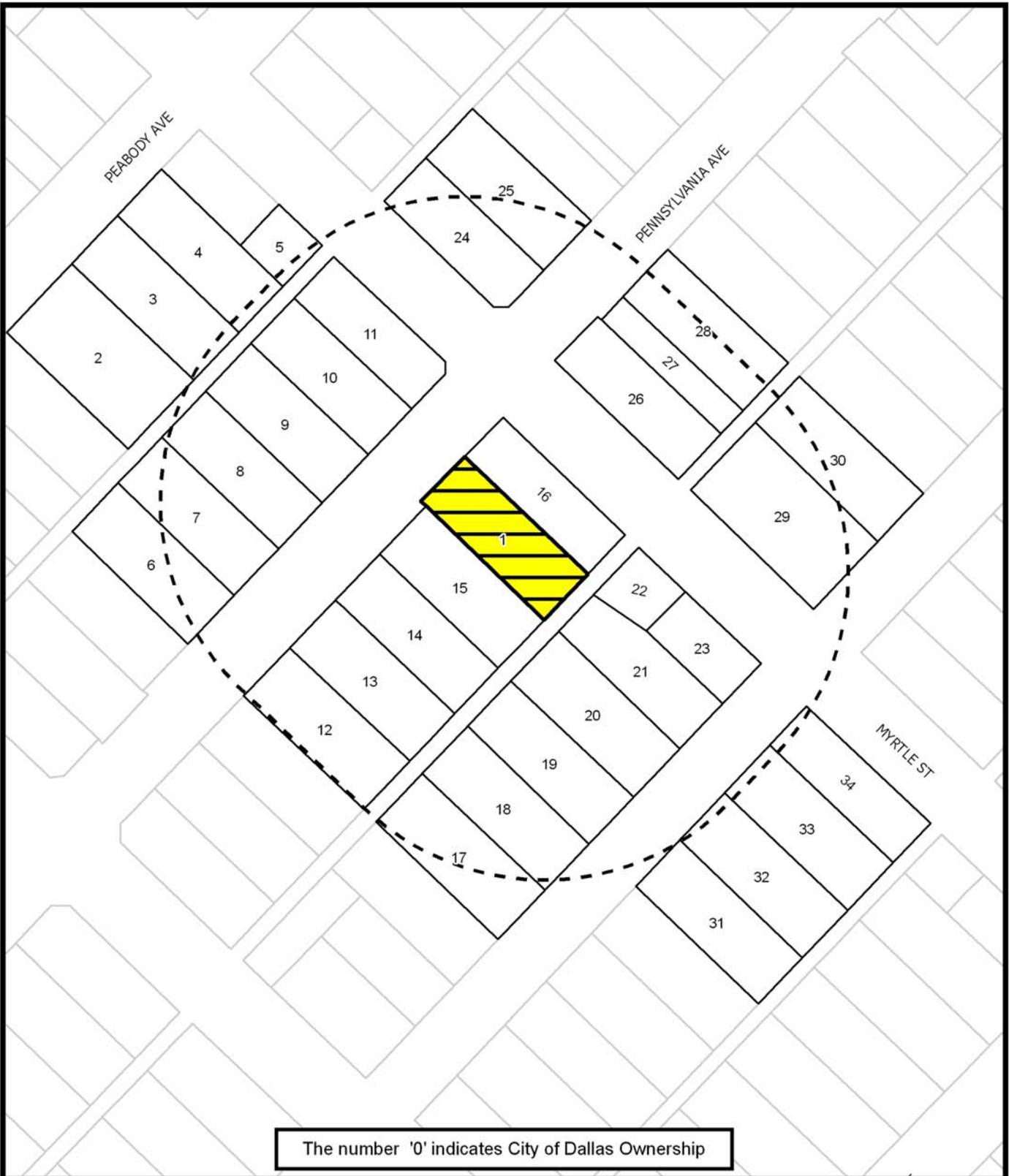
The plat herein is a correct representation of the subject property as determined by an on-the-ground survey, the lines and dimensions of said property being the same indicated by record, except when noted, location and type of buildings and improvements are as shown, and that the distance from the nearest intersecting street or road is as shown on said plat, EXCEPT AS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS OR PROTRUSIONS APPARENT ON THE GROUND.

Scale: 1" = 20'	W.D. No. 21289
Date: 7-6-04	Inv. No. 21289

By *Kenneth A. Fox*
KENNETH A. FOX
Registered Professional Land Surveyor, Dallas, Texas
LAND POINT SURVEYORS, INC.
10727 PLANO ROAD, SUITE 100 • DALLAS, TX 75238
(214) 348-6100



Received by Strasburger & Price, L.L.P., on 12/8/2010 11:30:54 AM [Central Standard Time]



The number '0' indicates City of Dallas Ownership



1:1,200

NOTIFICATION

200'

AREA OF NOTIFICATION

34

NUMBER OF PROPERTY OWNERS NOTIFIED

Map no: K-8

Case no: BDA101-012

DATE: January 21, 2011

Notification List of Property Owners

BDA101-012

34 Property Owners Notified

Label #	Address	Owner
1	2628 PENNSYLVANIA	KOLOPTOS ANGELOS
2	2618 PEABODY	SOUTH DALLAS FAIR PARK INNERCITY COMMUNITY DEV
3	2624 PEABODY	JBIII INVESTMENT INC
4	2630 PEABODY	CLAYTON ORA L & EZRA
5	3109 MYRTLE	JOHNSON ELLA JOHNSON APT #238
6	2613 PENNSYLVANIA	KHRAISH DEVELOPMENT GROUP LLC
7	2617 PENNSYLVANIA	HENDERSON KENNETH
8	2623 PENNSYLVANIA	DILLARD DORIS MARIE UNIT 392
9	2625 PENNSYLVANIA	SMITH KENNETH RAY & PATRICIA ANN DUNCAN
10	2629 PENNSYLVANIA	STIDHAM LEE G
11	2635 PENNSYLVANIA	FIRST CHRISTIAN METHODIST EVANGELISTIC CHURCH
12	2612 PENNSYLVANIA	JOHNSON LONNIE
13	2618 PENNSYLVANIA	GIPSON TRESSIE L EST OF
14	2622 PENNSYLVANIA	DILLARD DORIS MARIE UNIT 392
15	2624 PENNSYLVANIA	MCCLELLAN MICHAEL A
16	2632 PENNSYLVANIA	KOLOBOTOS ANGELOS
17	2613 BIRMINGHAM	EVANS PATRICIA BURLESON
18	2617 BIRMINGHAM	SHANG GARDEN
19	2621 BIRMINGHAM	WALKER CLYDIA
20	2625 BIRMINGHAM	BROWN QUITA P
21	2627 BIRMINGHAM	DEMISSEW SAMUEL
22	3215 MYRTLE	RICHARDSON CHEVALLI
23	2633 BIRMINGHAM	TARVER DONALD A
24	2701 PENNSYLVANIA	WATTS MRS LOUISE E
25	2705 PENNSYLVANIA	TOPLETZ DENNIS D
26	2700 PENNSYLVANIA	BEAVER WALTER LEE
27	2704 PENNSYLVANIA	TRIGG ELLEN D

28	2706	PENNSYLVANIA	CHILDRESS MARLON
29	2701	BIRMINGHAM	BEAVER WALTER
30	2707	BIRMINGHAM	SMITH SHARON
31	2620	BIRMINGHAM	WHITESIDE BARBARA J
32	2624	BIRMINGHAM	SCIDFW INC
33	2628	BIRMINGHAM	MOGES TADESSE
34	2632	BIRMINGHAM	COBB DONALD R & MELBA P

FILE NUMBER: BDA 101-013

BUILDING OFFICIAL'S REPORT:

Application of Angelos Kolobotos, represented by P. Michael Jung, to restore a nonconforming use at 2632 Pennsylvania Avenue. This property is more fully described as Lots 17 and 18 in City Block 32/1309 and is zoned PD-595, which limits the legal uses in a zoning district. The applicant proposes to restore a nonconforming multifamily use which will require a special exception.

LOCATION: 2632 Pennsylvania Avenue

APPLICANT: Angelos Kolobotos
Represented by P. Michael Jung

REQUEST:

- A special exception to reinstate nonconforming use rights is requested in conjunction with obtaining a Certificate of Occupancy (CO) for a "multifamily" use on the subject site even though this nonconforming use was discontinued for a period of six months or more.

STAFF RECOMMENDATION:

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

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

The Dallas Development Code specifies that the Board may grant a special exception to operate a nonconforming use that has been discontinued for six months or more if the owner can show that there was a clear intent not to abandon the nonconforming use even though the use was discontinued for six months or more.

GENERAL FACTS:

- The Dallas Development Code defines "nonconforming use" as "a use that does not conform to the use regulations of this chapter, but was lawfully

established under the regulations in force at the beginning of operation and has been in regular use since that time.

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

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

- The subject site is zoned PD No. 595 (R-5(A)) – a zoning district that does not permit a multifamily use.
- According to information from Dallas Central Appraisal District (DCAD), the property at 2632 Pennsylvania Avenue is developed with a structure with 2,820 square feet of living area that was constructed in 1966.
- Building Inspection has stated that these types of special exception request originate from when an owner/officer related to the property apply for a CO and Building Inspection sees that the use is a nonconforming use. Before a CO can be issued, the City requires the owner/officer related to the property to submit affidavits stating that the use was not abandoned for any period in excess of 6 months since the issuance of the last valid CO. The owners/officers need to submit documents and records indicating continuous uninterrupted use of the nonconforming use, which in this case, they could not.
- The nonconforming “multifamily” use on the site would be subject to the possibility of an application that may be brought to the Board of Adjustment requesting that the board establish a compliance date as is the case with any other nonconforming use in the city.
- Given provisions set forth in the Dallas Development Code, the multifamily use can obtain “conforming use” status upon attaining a change from the current zoning district from the City Council.
- The owner of the site could develop the site to any use that is permitted by right in the site’s existing PD No. 595 (R-5(A)) zoning classification.
- The Board Administrator has informed the applicant of the provisions set forth in the Dallas Development Code pertaining to nonconforming uses.
- Building Inspection has forwarded the following information about this request (see Attachment A):
 1. The nonconforming use to be reinstated: multifamily dwelling (the use as stated on the last valid Certificate of Occupancy).
 2. Reason the use is classified as nonconforming: Use not allowed under current zoning.

3. Date the nonconforming use was discontinued: Fall 2007.
4. Date that the use became nonconforming: September 26, 2001 (date current PD created)
5. Current zoning of the property on which the use is located: PD 595 (R-5(A)).
6. Previous zoning of the property on which the use is located: Unknown.

BACKGROUND INFORMATION:

Zoning:

Site: PD No. 595(R-5(A)) (Planned Development, Single family 5,000 square feet)
North: PD No. 595(R-5(A)) (Planned Development, Single family 5,000 square feet)
South: PD No. 595(R-5(A)) (Planned Development, Single family 5,000 square feet)
East: PD No. 595(R-5(A)) (Planned Development, Single family 5,000 square feet)
West: PD No. 595(R-5(A)) (Planned Development, Single family 5,000 square feet)

Land Use:

The subject site is developed with a multifamily structure this appears vacant. The area to the north is undeveloped, the areas to the east and west are developed with what appears to be single family uses, and the area to the southwest is developed with a vacant multifamily structure (the property that is BDA101-012).

Zoning/BDA History:

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. BDA101-012, Property at 2628 Pennsylvania Avenue (the lot immediately southwest of the subject site) | <p>On February 16, 2011, the Board of Adjustment Panel B delayed consideration on a request for a special exception to reinstate nonconforming use rights is requested in conjunction with obtaining a Certificate of Occupancy (CO) for a “multifamily” use on the subject site until April 20, 2011.</p> |
|---|--|

Timeline:

- December 14, 2010: 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 19, 2011: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

January 20, 2011: The Board Administrator contacted the applicant's representative and shared the following information via email:

- an attachment that provided the public hearing date and panel that will consider the application; the January 31st deadline to submit additional evidence for staff to factor into their analysis; and the February 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;
- the section from the Dallas Development Code pertaining to nonconforming uses and structures; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

February 3, 2011: 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 Board of Adjustment Chief Planner, the Board Administrator, and the Assistant City Attorney to the Board.

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

February 16, 2011: The Board of Adjustment Panel B conducted a public hearing on this request and delayed action until their April 20th public hearing per the request of the applicant's representative.

April 5, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for April public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

STAFF ANALYSIS:

- This special exception request is made to restore nonconforming use rights (and obtain a Certificate of Occupancy) for a nonconforming "multifamily" use that has been discontinued for six months or more.
- The applicant has the burden of proof in establishing the following related to the special exception request:

- There was a clear intent not to abandon the nonconforming “multifamily” use on the subject site even though the use was discontinued for six months or more.
- Granting this request would reinstate/restore the nonconforming use rights that were lost when the “multifamily” use was vacant for a period of six (6) months or more. Granting this request would restore the “multifamily” use as legal nonconforming use but not as a legal *conforming* use. The applicant would have to make application for a change in zoning and obtain approval from City Council in order to make the “multifamily” use on the site a legal conforming use.
- If restored/reinstated, the nonconforming use would be subject to compliance with use regulations of the Dallas Development Code by the Board of Adjustment as any other nonconforming use in the city. (The applicant’s representative has been advised by staff of Section 51A-4.704 which is the provision in the Dallas Development Code pertaining to “Nonconforming Uses and Structures”).

BOARD OF ADJUSTMENT ACTION: FEBRUARY 16, 2011

APPEARING IN FAVOR: P. Michael Jung, 901 Main Street, #4400, Dallas, TX

APPEARING IN OPPOSITION: No one

MOTION: **Chernock**

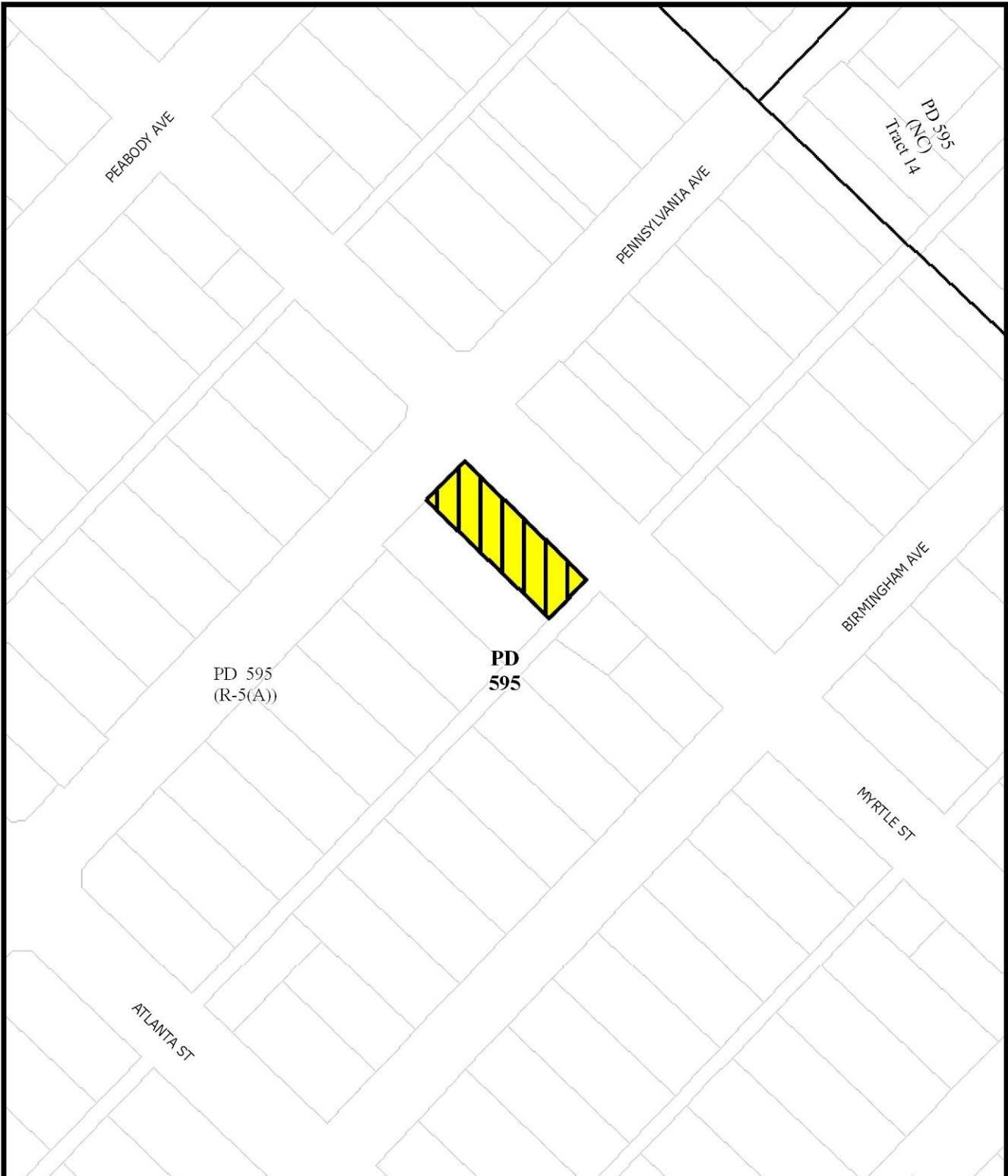
Having fully reviewed the evidence in Appeal No **BDA 101-013**, on application of Angela Kolobotos, represented by P. Michael Jung, and heard all testimony and facts relating to the posting of the notification signs, I find that the required signs were not posted properly and I move that the Board of Adjustment, hold this matter under advisement until **April 20, 2011**.

SECONDED: **Agnich**

AYES: 5– Reynolds, Gillespie, Chernock, Wilson, Agnich

NAYS: 0 –

MOTION PASSED 5 – 0 (unanimously)



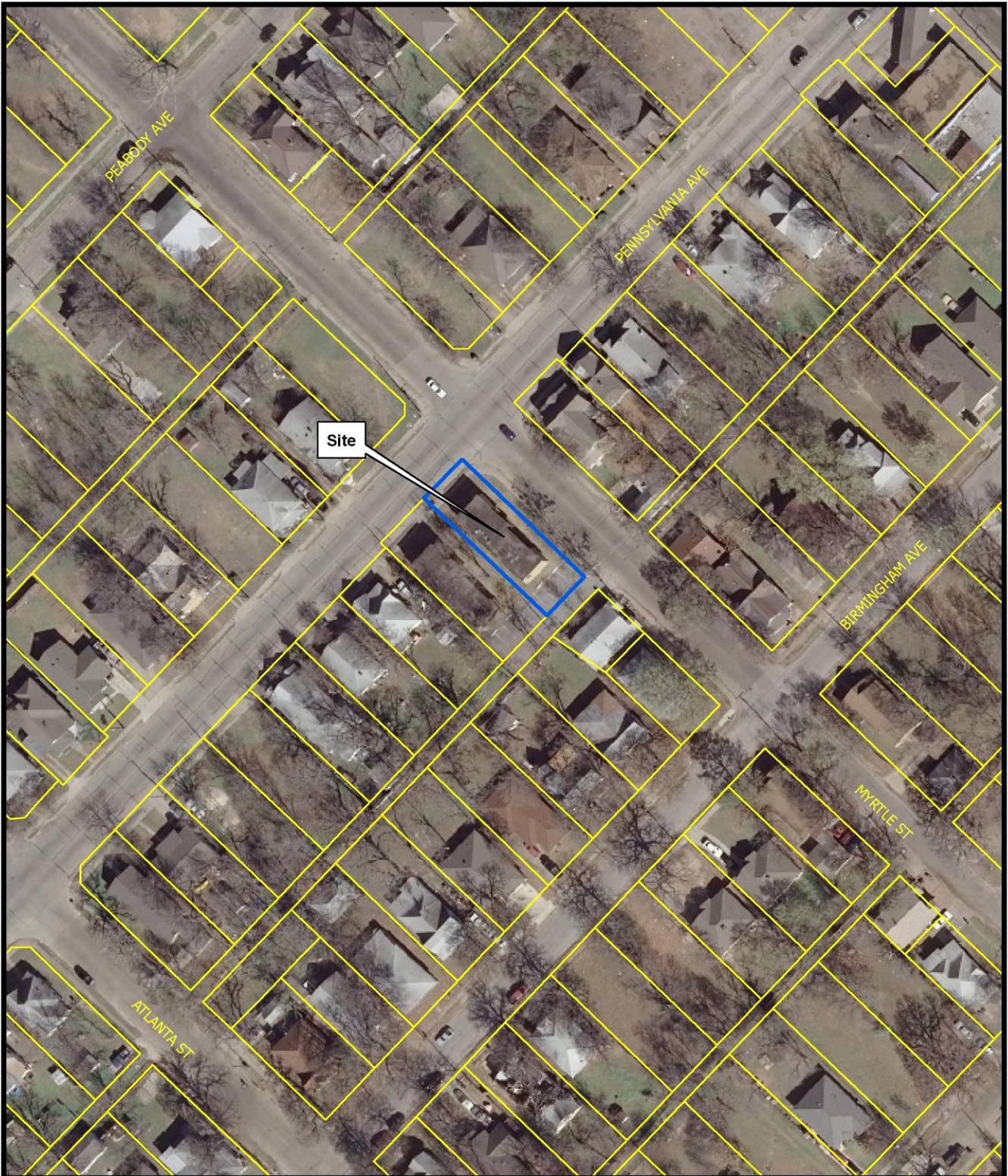
1:1,200

ZONING MAP

Map no: K-8

Case no: BDA101-013

DATE: January 21, 2011



1:1,200

AERIAL MAP

Map no: K-8

Case no: BDA101-013

DATE: January 21, 2011



BDA 101-013

Attach A

Zoning Board of Adjustment appeal to reinstate a nonconforming use.

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

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

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

Property address: 2628/32 Pennsylvania Ave. (BDA101-012/013)

1. The nonconforming use to be reinstated: Multifamily dwelling
(The use as stated on the last valid Certificate of Occupancy. Attach copy of C.O.)
2. Reason the use is classified as nonconforming: Use not allowed under current zoning.
(Was there a change in zoning of the property or in the use requirements. Be specific.)
3. Date the nonconforming use was discontinued: Fall 2007
4. Date that the use became nonconforming: September 26, 2001 (date current PD created)
(Date the property zoning or use requirements changed.)
5. Current zoning of the property on which the use is located: PD595 [R-5(A)]
6. Previous zoning of the property on which the use is located: Unknown
(Applies if a zoning district change caused the use to become nonconforming.)

(Rev. 01/21/11)

This email message and any attachments are confidential and may be privileged. If you are not the intended recipient, please notify Strasburger & Price, LLP immediately -- by replying to this message or by sending an email to postmaster@strasburger.com -- and destroy all copies of this message and any attachments. Thank you.



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-013

Data Relative to Subject Property:

Date: 12-14-10

Location address: 2632 PENNSYLVANIA AVENUE Zoning District: PD595 (R-5(A))

Lot No.: 17+18 Block No.: 32/1309 Acreage: 0.126 Census Tract: 35

Street Frontage (in Feet): 1) 50 2) 135 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property/or Principal: ANGELOS KOLOBOTOS

Applicant: ANGELOS KOLOBOTOS Telephone: 214-701-4751

Mailing Address: 3824 CEDAR SPRINGS, UNIT 585 Zip Code: 75219

Represented By: P. MICHAEL JUNG Telephone: 214-651-4724

Mailing Address: 4400 BANK OF AMERICA PLAZA, DALLAS Zip Code: 75202

Affirm that a request has been made for a Variance or Special Exception of NON-ABANDONMENT OF NONCONFORMING MULTIFAMILY USE (SECTION 51A-4.704(a)(2)) (reinstatement of non-conforming use)

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

SEE ATTACHED AFFIDAVIT

Note to applicant: If the relief requested in this application is granted by the Board of Adjustment, said 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.

Respectfully submitted: ANGELOS KOLOBOTOS
Print name

A. Kolobotos
Signature

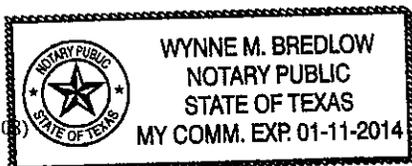
Affidavit

Before me the undersigned on this day personally appeared ANGELOS KOLOBOTOS 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.

A. Kolobotos
Affiant (Applicant's signature)

Subscribed and sworn to before me this 13th day of OCTOBER, 2010

Wynne M. Bredlow
Notary Public in and for Dallas County, Texas



(Rev. 03-27-03)

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

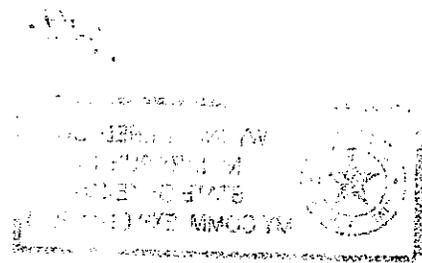
I hereby certify that ANGELOS KOLOBOTOS

did submit a request to restore a nonconforming use
at 2632 Pennsylvania Avenue

BDA101-013. Application of Angelos Kolobotos to restore a nonconforming use at 2632 Pennsylvania Avenue. This property is more fully described as Lot 17 and 18 in city block 32/1309 and is zoned PD-595, which limits the legal uses in a zoning district. The applicant proposes to restore a nonconforming multifamily use, which will require a special exception to the nonconforming use regulation.

Sincerely,

Batsheba Antebi
Batsheba Antebi, Building Official



AFFIDAVIT OF ANGELOS KOLOBOTOS

Angelos Kolobotos, being first duly sworn, deposes and says as follows:

My name is Angelos Kolobotos. I am over the age of eighteen years, of sound mind, have never been convicted of a felony, and am fully competent to make this affidavit. The matters set forth in this affidavit are within my personal knowledge and are true and correct.

I first became interested in investing in multifamily properties in Dallas while attending a conference here in 2005 or early 2006. I had owned a multifamily property in Florida about 15 years ago. Because multifamily investment opportunities were much better in the Dallas area than in California, where I was living at the time, I decided to purchase multifamily properties in Dallas. In the summer of 2006, I began to buy multifamily properties in Dallas.

In November of 2006, I purchased 2628 and 2632 Pennsylvania Avenue in Dallas, Texas, which I will call the "Pennsylvania properties." These are multifamily properties, with a two-story, four-unit apartment building on each lot. The properties are zoned for single-family use, but have nonconforming rights for multifamily use. At the time of my purchase, 2628 Pennsylvania had all four units occupied, and 2632 Pennsylvania had two of the four units occupied.

At the time of the purchase, I was still living in California. I therefore continued the employment of the existing property manager, Mrs. Hernandez. It was Mrs. Hernandez's job to rent the units and maintain the Pennsylvania properties.

In the summer of 2007, the situation at the Pennsylvania properties began to spiral out of control. Tenants at the properties were responsible for their own electric bills, and several tenants defaulted and their electricity was cut off. One tenant was arrested, and the rest were evicted for non-payment of rent. The properties began to be vandalized and to be frequented by drug dealers and other criminal elements.

By the fall of 2007, the City of Dallas had filed a suit against me with respect to the Pennsylvania properties under Texas Local Government Code chapter 54. The court ordered an injunction prohibiting me from renting the Pennsylvania properties; this injunction remained in effect until the case was resolved in October 2009. The court also issued a restraining order, prohibiting me from coming on the Pennsylvania properties; this restraining order was in effect for two to three months, but was dissolved near the end of 2007.

In approximately March of 2008, I decided that the problems with my rental properties in Dallas required my full-time attention, and relocated from California to Dallas. By this time, the Pennsylvania properties had been severely vandalized; all electrical wiring and fixtures, all plumbing and plumbing fixtures, and some of the doors and windows had been stolen.

Upon arriving in Dallas, I immediately began a program of repairs and rehabilitation of the Pennsylvania properties. At the Pennsylvania properties, all units have received new electrical wiring and fixtures, new plumbing and fixtures, new doors, and new sheetrock, walls, and ceilings; the broken windows have been repaired. The rehabilitation of the Pennsylvania properties was substantially completed in December 2009, and the properties are awaiting their final

inspections. I estimate that I have spent between \$80,000 and \$100,000 in the rehabilitation process for the Pennsylvania properties, not counting a large amount of my own "sweat equity."

The lawsuit against me with respect to the Pennsylvania properties and other properties came to trial in the fall of 2008. As part of the trial, the judge physically inspected the Pennsylvania properties. The judge ruled in my favor with respect to the Pennsylvania properties. The case was settled in October 2009. As part of the settlement, I agreed to pursue proceedings before the City of Dallas Board of Adjustment to reconfirm my nonconforming multifamily rights with respect to the Pennsylvania properties.

Before I could pursue proceedings before the Board of Adjustment, however, it was necessary for me to obtain a waiver from the City Council of the requirement that all taxes be paid and all liens be cleared before an application is filed with the Board. This was because I did not have sufficient cash to clear the taxes and liens without the rental income from the Pennsylvania properties -- a "Catch-22" situation. On June 23, 2010, the City Council granted the requested waiver. Since that time, my attorneys and I have been preparing to file an application to the Board of Adjustment to reconfirm my nonconforming rights.

At present, my rental properties in Dallas represent my primary source of income. In addition to the Pennsylvania properties, I own two duplexes and several multifamily properties in West Dallas (some of which have been foreclosed upon), and a single-family residence in South Dallas. I have also owned multifamily properties in East Dallas and Southwest Dallas.

At no time has it been my intention to abandon multifamily uses at the Pennsylvania properties. I purchased the properties as a multifamily investment, and multifamily uses were active on the properties at the time of the purchase. The properties became vacant approximately one year later through circumstances not intended, desired, or intentionally brought about by me. From fall of 2007 until October 2009, I was under court order prohibiting me from renting the properties. Once the restraining order was lifted, however, and after I had relocated to Dallas and could devote my full attention to my rental properties, I proceeded diligently to resolve the physical and legal issues preventing rental of the Pennsylvania properties. It is my intention to resume rental of the Pennsylvania properties as soon as it becomes legal for me to do so, and to continue such rental indefinitely.

Further your affiant sayeth not.

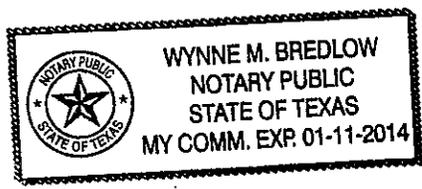


ANGELOS KOLOBOTOS

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

SUBSCRIBED AND SWORN TO before me, the undersigned authority, on this 13th
day of October, 2010, to certify which witness my hand and seal of office.

Wynne M. Bredlow
Notary Public in and for the State of Texas



AFFIDAVIT OF ANGELOS KOLOBOTOS

Angelos Kolobotos, being first duly sworn, deposes and says as follows:

My name is Angelos Kolobotos. I am over the age of eighteen years, of sound mind, have never been convicted of a felony, and am fully competent to make this affidavit. The matters set forth in this affidavit are within my personal knowledge and are true and correct.

Attached to this affidavit as Exhibit A are excerpts of the minutes of the meeting of the Dallas City Council on June 23, 2010. In Item 71, the City Council authorized a Board of Adjustment application on the properties at 2628 and 2632 Pennsylvania Avenue, subject to certain conditions:

- The parking lot be finished;
- All painting of the building is finished;
- Weatherization of all windows;
- All prepping work is finished inside the unit;
- Has secure doors on the front of the property.

The work described in these conditions has been completed.

Attached to this affidavit as Exhibit B is a copy of the resolution adopted by the City Council on June 23, 2010.

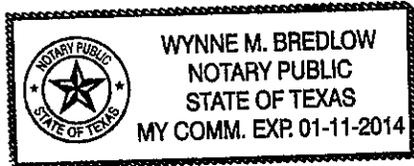
Further your affiant sayeth not.

A. Kolobotos. -

ANGELOS KOLOBOTOS

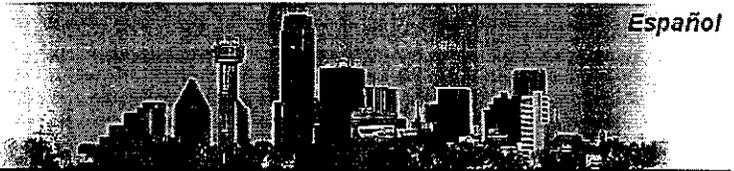
STATE OF TEXAS §
 §
COUNTY OF DALLAS §

SUBSCRIBED AND SWORN TO before me, the undersigned authority, on this 13th
day of October, 2010, to certify which witness my hand and seal of office.



Wynne M. Bredlow

Notary Public in and for the State of Texas



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MINUTES OF THE DALLAS CITY COUNCIL

WEDNESDAY, JUNE 23, 2010

10-1576

VOTING AGENDA MEETING

CITY COUNCIL CHAMBER, CITY HALL

MAYOR TOM LEPPERT, PRESIDING

PRESENT: [15] Leppert, Caraway (*8:26 a.m.), Medrano, Jasso, Neumann, Hill, Salazar, Davis, Atkins, Kadane, Allen, Koop, Natinsky, Margolin, Hunt (*9:12 a.m.)

ABSENT: [0]

The meeting was called to order at 8:02 a.m.

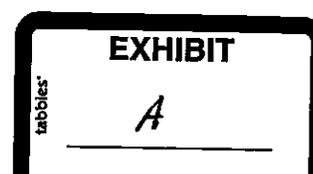
The city secretary announced that a quorum of the city council was present.

The invocation was given by Councilmember Kadane.

Councilmember Hill led the pledge of allegiance.

The meeting agenda, which was posted in accordance with Chapter 551, "OPEN MEETINGS," of the Texas Government Code, was presented.

After all business properly brought before the city council had been considered, the city council adjourned at 10:15 p.m.



Councilmember Kadane moved to appoint Ron Chapman, Chair of the Civil Service Board.

Motion seconded by Councilmember Salazar and unanimously adopted.

Councilmember Hill moved to appoint a nominee to an "individual appointment" position in the report who met all qualifications for service to the boards and commissions of the city for the term ending September 30, 2011.

Motion seconded by Councilmember Davis and unanimously adopted.

[Information on each newly-appointed member is located in the file shown next to the name of the board.]

10-5233	PAR	PARK AND RECREATION BOARD
10-5234	SDF	SOUTH DALLAS/FAIR PARK TRUST FUND BOARD
10-5235		BOARD OFFICER

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 23, 2010

10-1649

Item 71: Authorize a Board of Adjustment application on property with delinquent taxes located at 2628 and 2632 Pennsylvania Avenue - Financing: No cost consideration to the City

Theresa O'Donnell, director of development services, reminded the city council that in accordance with Section 51A-1.104.1 of the development code, city council approval of the waiver would require the favorable vote of two-thirds of all members of the city council.

Councilmember Davis moved to approve the item with the following requirements:

- The parking lot be finished;
- All painting of the building is finished;
- Weatherization of all windows;
- All prepping work is finished inside the unit;
- Has secure doors on the front of the property.

Motion seconded by Councilmember Jasso and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 23, 2010

10-1650

Item 72: Authorize an increase in the Over 65 and Disabled Persons Homestead Property Tax Exemption from \$64,000 to \$70,000 beginning with the ~~2009~~ 2010 tax year - Estimated Annual Revenue Loss: (\$2,600,000)

Councilmember Salazar moved to approve the item.

Motion seconded by Councilmember Atkins.

After discussion, Mayor Leppert called the vote on Councilmember Salazar's motion:

Voting Yes: [6] Caraway, Jasso, Hill, Salazar, Davis, Atkins

Voting No: [8] Leppert, Medrano, Neumann, Kadane, Allen, Koop, Natinsky, Margolin

Absent when vote taken: [1] Hunt

June 23, 2010

WHEREAS, Dallas Development Code Section 51A-1.104.1 prohibits the processing of a Board of Adjustment application for properties with delinquent taxes or other city fees, fines, or penalties; and

WHEREAS, a Board of Adjustment applicant must submit proof, such as a tax certificate, that property taxes and any city fees, fines or penalties are not delinquent on the subject property; and

WHEREAS, a waiver of the requirement may be granted by a two-thirds vote of the City Council if: (1) a waiver will facilitate urban redevelopment, historic conservation, or an important planning objective; (2) a pending sale of the property is contingent on the application, and the applicant can supply evidence, such as a contract of sale, that the taxes and any city fees, fines, or penalties will be paid at closing; or (3) the applicant can demonstrate financial hardship that makes payment of taxes impossible, and approval of a waiver will improve the applicant's ability to pay the taxes and any city fees, fines, or penalties; and

WHEREAS, application has been made for a waiver for properties located at 2628 and 2632 Pennsylvania Avenue; and

WHEREAS, the applicant has indicated that an approved Board of Adjustment action restoring the nonconforming multifamily use rights on the properties would facilitate the redevelopment of the properties and improve the applicant's ability to pay the taxes and any city fees, fines, or penalties; **Now, Therefore,**

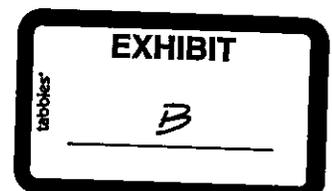
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. That, as the City Council finds that an approved Board of Adjustment action restoring the nonconforming multifamily use rights on the properties could facilitate the redevelopment of the properties and improve the applicant's ability to pay the taxes and any city fees, fines, or penalties and that the requirement that delinquent taxes and any city fees, fines, or penalties on properties located at 2628 and 2632 Pennsylvania Avenue be paid prior to processing the Board of Adjustment application is hereby waived and the Board of Adjustment application shall be allowed to be processed.

Section 2. That this resolution in no way relieves any party liable for payment of these taxes, fees, fines, or penalties from the obligation to pay.

Section 3. That the waiver granted by this resolution is not a consideration of the merits of the Board of Adjustment application, and does not imply that the application will be approved or disapproved when considered on its merits.

Section 4. That this resolution shall take effect from and after its passage in accordance with the Charter of the City of Dallas, and it is accordingly so resolved.



SURVEY PLAT

This is to certify that under my supervision, a careful survey was made on the ground of property located at

No. 2632 Pennsylvania Avenue, in the city of Dallas, Texas, described as follows: Lot No. 17 and 18 Block No. 32 City Block No. 1309

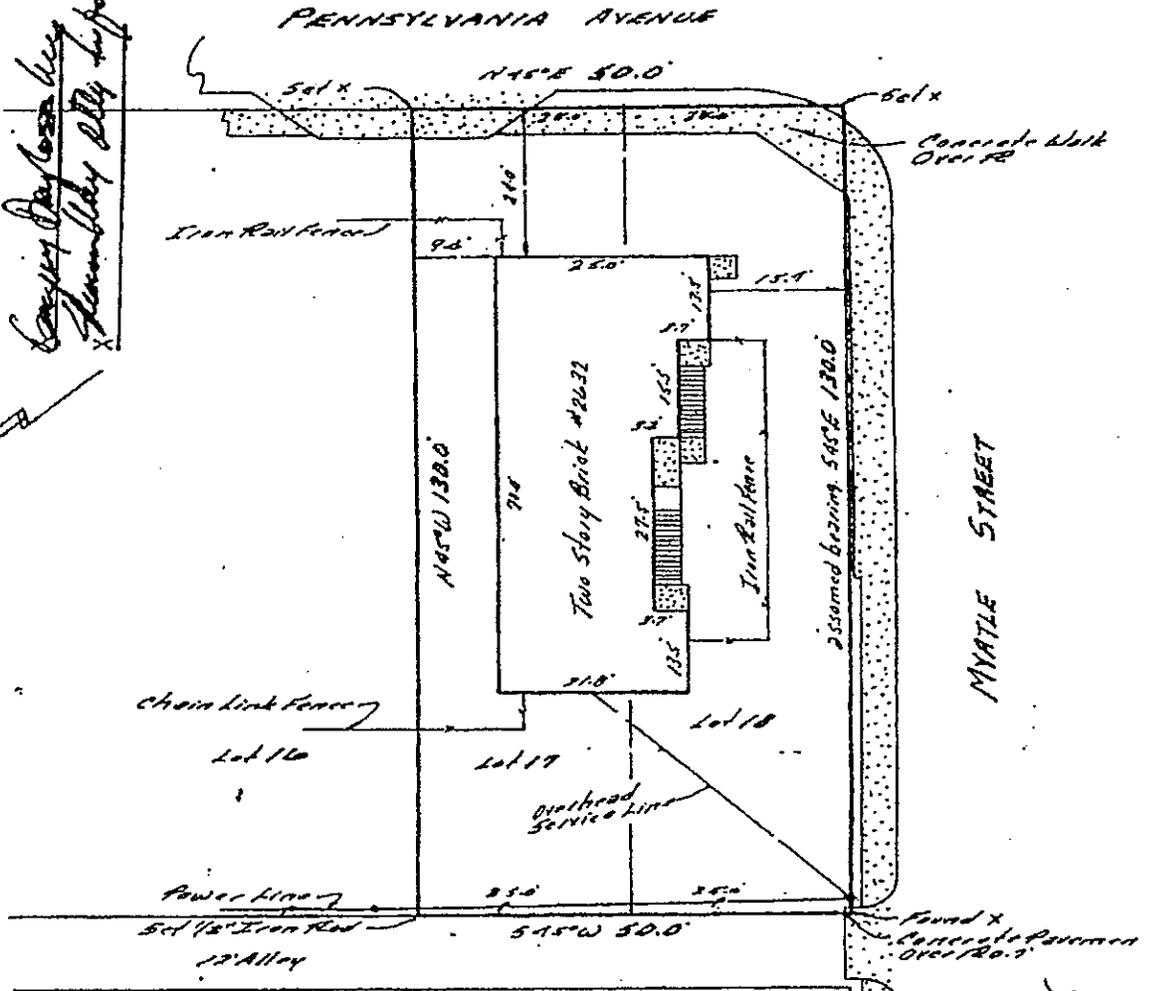
of SOUTH PARK ADDITION, on addition to the City of Dallas, Dallas County

Texas, according to the map thereof recorded in Volume 99 at page 304 of the Map Records of Dallas County, Texas.

NOTE: According to the August 23, 2001 100 year Flood Insurance Rate Map of Dallas County, Texas, this lot is not in a Flood Plain Area. ZONE X PANEL # 48113C0345J.

The survey is hereby accepted with the discrepancies, conflicts, or shortages in area or boundary lines, encroachments, projections, or overlapping of improvements shown.

*Survey by Kenneth A. Fox
 Summary of City Survey*



This survey was performed in connection with the transaction described in OP No. 04R12612 of Republic The Company. USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR BY ANY OTHER PARTIES SHALL BE AT THEIR RISK AND THE UNDERSIGNED IS NOT RESPONSIBLE TO OTHERS FOR ANY LOSS RESULTING THEREFROM.

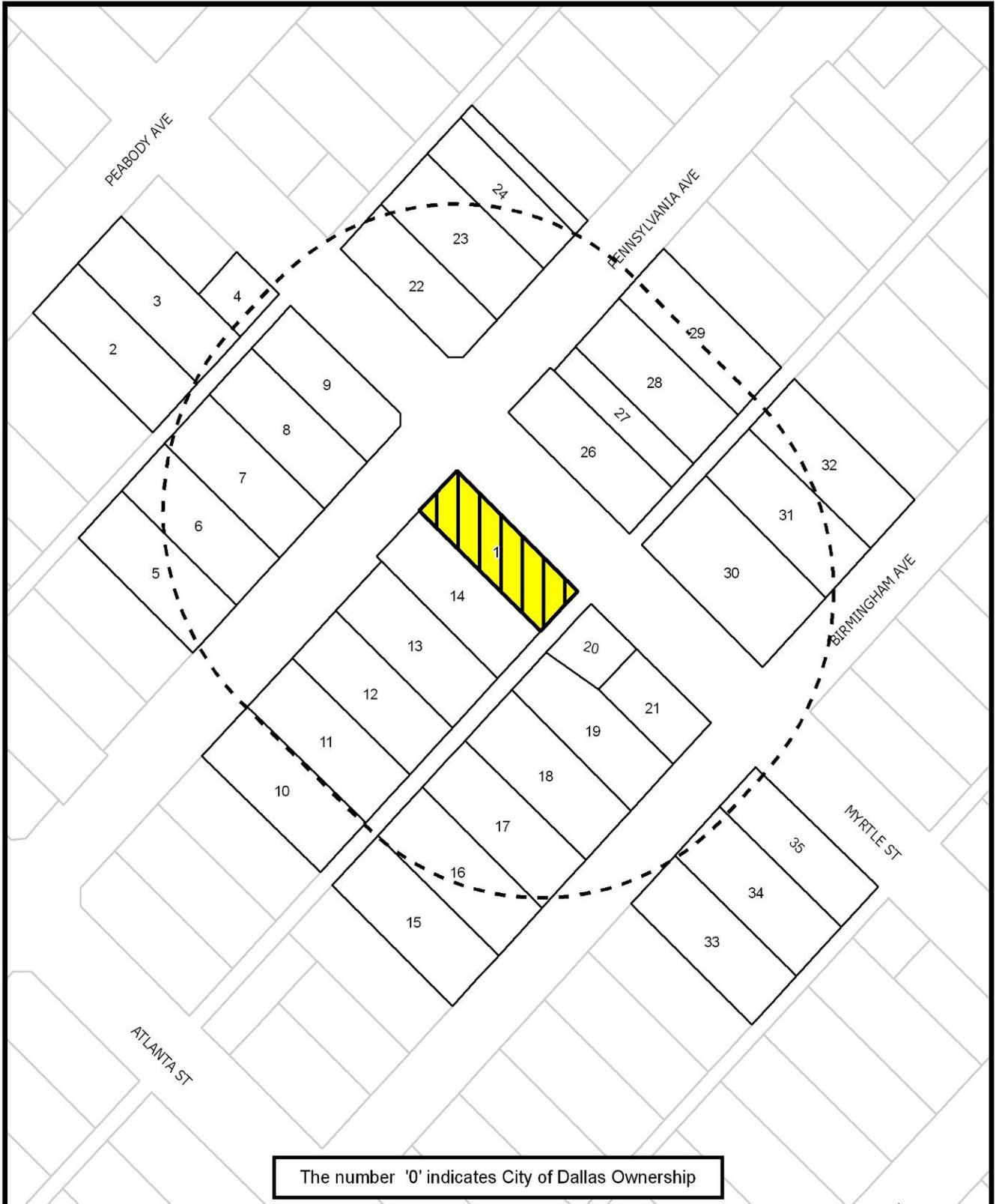
The plat hereon is a careful representation of the subject property as determined by an on-the-ground survey, the lines and dimensions of said property being the same indicated by record, except where noted, location and type of buildings and improvements are as shown, and that the distance from the nearest intersecting street or road is as shown on said plat. EXCEPT AS SHOWN THERE ARE NO VISIBLE INTRUSIONS OR PROTRUSIONS APPARENT ON THE GROUND.

Scale: 1" = 20'	W.O. No. 21287
Date 7-6-04	Inv. No. 21287

By Kenneth A. Fox
 KENNETH A. FOX
 Registered Professional Land Surveyor, Dallas, Texas
 LAND POINT SURVEYORS, INC.
 14227 W AND ROAD, SUITE 100 - DALLAS, TX 75238



10/09/2008 MON 18:09 [TX/RX NO 8338] @005



1:1,200

BDA 101-013

DATE: January 21, 2011

NOTIFICATION

200'

AREA OF NOTIFICATION

35

NUMBER OF PROPERTY OWNERS NOTIFIED

3-23

Map no: K-8

Case no: BDA101-013

Notification List of Property Owners

BDA101-013

35 Property Owners Notified

Label #	Address	Owner
1	2632 PENNSYLVANIA	KOLOBOTOS ANGELOS
2	2624 PEABODY	JBIII INVESTMENT INC
3	2630 PEABODY	CLAYTON ORA L & EZRA
4	3109 MYRTLE	JOHNSON ELLA JOHNSON APT #238
5	2617 PENNSYLVANIA	HENDERSON KENNETH
6	2623 PENNSYLVANIA	DILLARD DORIS MARIE UNIT 392
7	2625 PENNSYLVANIA	SMITH KENNETH RAY & PATRICIA ANN DUNCAN
8	2629 PENNSYLVANIA	STIDHAM LEE G
9	2635 PENNSYLVANIA	FIRST CHRISTIAN METHODIST EVANGELISTIC CHURCH
10	2612 PENNSYLVANIA	JOHNSON LONNIE
11	2618 PENNSYLVANIA	GIPSON TRESSIE L EST OF
12	2622 PENNSYLVANIA	DILLARD DORIS MARIE UNIT 392
13	2624 PENNSYLVANIA	MCCLELLAN MICHAEL A
14	2628 PENNSYLVANIA	KOLOPTOS ANGELOS
15	2613 BIRMINGHAM	EVANS PATRICIA BURLESON
16	2617 BIRMINGHAM	SHANG GARDEN
17	2621 BIRMINGHAM	WALKER CLYDIA
18	2625 BIRMINGHAM	BROWN QUITA P
19	2627 BIRMINGHAM	DEMISSEW SAMUEL
20	3215 MYRTLE	RICHARDSON CHEVALLI
21	2633 BIRMINGHAM	TARVER DONALD A
22	2701 PENNSYLVANIA	WATTS MRS LOUISE E
23	2705 PENNSYLVANIA	TOPLETZ DENNIS D
24	2709 PENNSYLVANIA	DUFFEY LURLETER
25	2709 PENNSYLVANIA	DUFFEY LURLETER
26	2700 PENNSYLVANIA	BEAVER WALTER LEE
27	2704 PENNSYLVANIA	TRIGG ELLEN D
28	2706 PENNSYLVANIA	CHILDRESS MARLON
29	2710 PENNSYLVANIA	BAYSE RAYMOND

30	2701	BIRMINGHAM	BEAVER WALTER
31	2707	BIRMINGHAM	SMITH SHARON
32	2711	BIRMINGHAM	CALLAWAY RICHARD ESTATE & TENNESSEE ESTATE
33	2624	BIRMINGHAM	SCIDFW INC
34	2628	BIRMINGHAM	MOGES TADESSE
35	2632	BIRMINGHAM	COBB DONALD R & MELBA P

