

BOARD OF ADJUSTMENT, PANEL A  
TUESDAY, AUGUST 16, 2011  
AGENDA

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BRIEFING	5/E/S	11:00 A.M.
LUNCH		
PUBLIC HEARING	COUNCIL CHAMBERS ,1500 MARILLA STREET	1:00 P.M.

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**David Cossum, Assistant Director**  
**Steve Long, Board Administrator**

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**MISCELLANEOUS ITEM**

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Approval of the <b>Tuesday, June 14, 2011</b> Board of Adjustment Public Hearing Minutes	M1
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**HOLDOVER CASES**

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<b>BDA 101-028</b>	707 N. Windomere Avenue <b>REQUEST:</b> Application of Ashley Ness for a special exception to the rear yard setback regulations for tree preservation and a variance to the rear yard setback regulations	1
<b>BDA 101-053</b>	2828 Lemmon Avenue East <b>REQUEST:</b> Application of Baldwin Associates for a variance to the front yard setback regulations and a special exception to the landscape regulations	2

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**REGULAR CASE**

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<b>BDA 101-060</b>	4909 Pacific Avenue (AKA 4907 S. Pacific Avenue) <b>REQUEST:</b> Application of Diane Ragsdale of the South Dallas/Fair Park Innnercity Community Development Corporation, represented by Lewis Rhone and Diane Ragsdale, to require compliance of a nonconforming 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 A June 14, 2011 public hearing minutes.

**FILE NUMBER:** BDA 101-028

**BUILDING OFFICIAL'S REPORT:**

Application of Ashley Ness for a variance to the rear yard setback regulations at 707 N. Windomere Avenue. This property is more fully described as Lot 2 in City Block 24/3475 and is zoned CD-1 which requires a rear yard setback of 3 feet. The applicant proposes to maintain a structure and provide a 0-foot rear yard setback which will require a variance of 3 feet.

**LOCATION:** 707 N. Windomere Avenue

**APPLICANT:** Ashley Ness

**REQUESTS:**

- The following appeals have been made in this application in conjunction with maintaining a one-story accessory structure, part of which is located in the site's 3' rear yard setback on a site that is developed with a single family home:
  - A special exception to the rear yard setback regulations of 3' for tree preservation; and/or
  - A variance to the rear yard setback regulations of 3'.

On May 17, 2011, the board conducted a public hearing and heard testimony at the public hearing regarding the posting of the notification sign on the site and delayed action on this application until June 14<sup>th</sup> to allow the applicant to post the notification sign on the site.

On June 14, 2011, the board determined at the public hearing that the applicant had not complied with the Dallas Development Code provision related to the posting of the notification sign on the subject site, and delayed action on the application until August 16, 2011.

**STAFF RECOMMENDATION (special exception):**

Denial

Rationale:

1. The City of Dallas arborist staff has investigated the trees on the property and has formed an opinion that the trees within proximity to the structure (that are the nature of this request) are not worthy of preservation for a building relocation from setback requirements.
2. In addition, the applicant had not substantiated how the requested special exception is compatible with the character of the neighborhood and that the value of the

surrounding properties will not be adversely affected by the granting of this special exception request.

**STAFF RECOMMENDATION (variance):**

Denial

Rationale:

- The applicant had not substantiated how either the restrictive area, shape, or slope of the site/lot preclude it from being developed in a manner commensurate with development found on other CD (Conservation District No 1) zoned lots.

**STANDARD FOR A SPECIAL TO THE REAR YARD REGULATIONS FOR TREE PRESERVATION:**

The Dallas Development Code specifies that the board may grant a special exception to the minimum rear yard requirements to preserve an existing tree. In determining whether to grant this special exception, the board shall consider the following factors:

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

**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.

**GENERAL FACTS (related to special exception):**

- Structures on lots zoned CD No. 1 are required to provide a minimum rear yard setback of 5'. However, the Code states that in a residential district, a person need not provide a full rear yard setback for a structure accessory to a residential use if the structure does not exceed 15' in height. Where the rear yard is adjacent to an

alley, a three-foot setback must be provided. Where the rear yard is not adjacent to an alley, no setback is required.

The submitted site plan denotes an accessory structure adjacent to an alley that is located on the rear property line (or as much as 3' into the 3' rear yard setback).

- According to calculations taken from the site plan by the Board Administrator, about 60 square feet (or 1/10) of the existing approximately 600 square foot accessory structure is located in the site's 3' rear yard setback.
- DCAD records indicate that the site is developed a single family home in "good" condition built in 1923 with 1,530 square feet of living area.
- The applicant submitted information beyond what was submitted with the original application (see Attachments A, B, D, and E).
- On March 7, 2011, the City of Dallas Chief Arborist submitted a memo to the Board Administrator pertaining to this request (see Attachment C). The memo stated the following:
  - The arborist staff has investigated the trees on the property and have formed an opinion that the trees within proximity to the structure (that are the nature of this request) are not worthy of preservation for a building relocation from setback requirements.
  - An Italian cypress and a plum tree appear to be within the influence of the probable building location if the structure was relocated within its current configuration but moved within the setback distance. Both trees are relatively young (approximately 3" caliper) and would be suitable for transplant to replacement. The trees are regarded as ornamental landscape trees of potential medium and small sizes, respectively.
  - The "preservation of large trees" is a fundamental purpose of the city's tree preservation ordinance that was established following an initial resolution by the City Council in 1990 to preserve large trees "which, once removed, can be replaced only after generations." Although the city arborists encourage citizens to protect all trees once planted in appropriate locations, the city arborists' opinion is that the preservation status is directed towards trees, if removed, that would no longer provide the significant financial value and environmental benefits to the owner *and the community* found in large established canopy trees native to, or adapted to, this region.
  - All trees on single family or duplex lots which are two acres or less in size with a residential use are not protected under city ordinance. Otherwise, only trees that are 8" in diameter or greater are protected. The city anticipates that some trees must be removed for construction purposes and allows for this with building permits for construction.
- On March 15, 2011, the Board of Adjustment heard testimony on this matter at the public hearing and delayed action on this matter until May 17<sup>th</sup> for the applicant to have the opportunity to file a companion case seeking a variance for the rear yard setback rather than or in addition to a special exception.
- On April 11, 2011, the applicant submitted a revised application adding a variance request of 3' to the rear yard setback regulations in addition to the previously requested special exception request of 3' to the rear yard setback regulations to preserve a tree.

- On May 17, 2011, the board conducted a public hearing and heard testimony at the public hearing regarding the posting of the notification sign on the site and delayed action on this application until June 14<sup>th</sup> to allow the applicant to post the notification sign on the site.
- On June 14, 2011, the board conducted a public hearing and determined at the public hearing that the applicant had not complied with the Dallas Development Code provision related to the posting of the notification sign on the subject site, and delayed action on the application until August 16, 2011.

**GENERAL FACTS (related to variance):**

- Structures on lots zoned CD No. 1 are required to provide a minimum rear yard setback of 5'. However, the Code states that in a residential district, a person need not provide a full rear yard setback for a structure accessory to a residential use if the structure does not exceed 15' in height. Where the rear yard is adjacent to an alley, a three-foot setback must be provided. Where the rear yard is not adjacent to an alley, no setback is required.  
The submitted site plan denotes an accessory structure adjacent to an alley that is located on the rear property line (or as much as 3' into the 3' rear yard setback).
- According to calculations taken from the site plan by the Board Administrator, about 60 square feet (or 1/10) of the existing approximately 600 square foot accessory structure is located in the site's 3' rear yard setback.
- DCAD records indicate that the site is developed a single family home in "good" condition built in 1923 with 1,530 square feet of living area.
- The subject site is flat, rectangular in shape (50' x 150'), and (according to the application) is 0.17 acres (or 7,405 square feet) in area. The site is zoned CD No. 1 where lots in this subarea of the zoning district had been zoned R-7.5(A) until the creation of the CD in 1988.
- The applicant submitted information beyond what was submitted with the original application (see Attachments A, B, D, and E).
- On May 17, 2011, the board conducted a public hearing and heard testimony at the public hearing regarding the posting of the notification sign on the site and delayed action on this application until June 14<sup>th</sup> to allow the applicant to post the notification sign on the site.
- On June 14, 2011, the board conducted a public hearing and determined at the public hearing that the applicant had not complied with the Dallas Development Code provision related to the posting of the notification sign on the subject site, and delayed action on the application until August 16, 2011.

**BACKGROUND INFORMATION:**

**Zoning:**

- Site: CD No 1 (Conservation district)
- North: CD No 1 (Conservation district)
- South: CD No 1 (Conservation district)
- East: CD No 1 (Conservation district)

West: CD No 1 (Conservation district)

**Land Use:**

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

**Zoning/BDA History:**

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

**Timeline:**

January 26, 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.

February 14, 2011: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

February 14 & 22, 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 February 28<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the March 4<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

The email also included a suggestion that the application possibly submit photographs of the mid-part of the site that the Board Administrator could not photograph, an amended site plan showing the location of the tree or trees that the applicant feels justifies the request since typically an applicant making this type of application shows the location, species, and caliper inch of the tree or trees that the applicant feels is worthy of preservation.

Feb. 24 & 28, 2011: The applicant submitted additional information to the Board Administrator (see Attachments A and B).

March 1, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for March 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, the City of Dallas Chief Arborist, and the Assistant City Attorney to the Board.

- March 3, 2011: The Sustainable Development Department Project Engineer submitted a review comment sheet marked "Recommends that this be denied" commenting "Deny – no permit, setback or standards. Tree preservation not relevant in this case. If approved, recommend indemnity for the City if damage occurs to the building."
- March 7, 2011: The Chief Arborist submitted a memo to the Board Administrator (see Attachment C). This memo stated among other things that the trees within proximity to the structure (that are the nature of this request) are not worthy of preservation for a building relocation from setback requirements.
- March 7, 2011: The applicant submitted additional information to the Board Administrator (see Attachment D). (Note that this particular information was submitted after the Chief Arborist had submitted to the Board Administrator and after staff had formed their recommendation of denial of this application).
- March 15, 2011: The Board of Adjustment Panel A conducted a public hearing on this request and delayed action until their May 17<sup>th</sup> public hearing in order for the applicant to have the opportunity to file a companion case seeking a variance for the rear yard setback rather than or in addition to a special exception.
- April 18, 2011: The Building Inspection Senior Plans Examiner/Development Code Specialist forwarded a revised application to the Board Administrator that added a request for a variance to the rear yard setback regulations of 3'.
- April 21, 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 May 2<sup>nd</sup> deadline to submit additional evidence for staff to factor into their analysis; and the May 6<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- May 3, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for May public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist,

the Sustainable Development and Construction Department Project Engineer, the City of Dallas Chief Arborist, and the Assistant City Attorney to the Board.

- May 5, 2011: The Sustainable Development Department Project Engineer submitted a review comment sheet marked "Recommends that this be denied" commenting "Deny – no permit, setback or standards. Tree preservation (not relevant in this case). If approved, recommend indemnity for the City if damage occurs to the building."
- May 17, 2011: The Board of Adjustment Panel A conducted a public hearing and heard testimony at the public hearing regarding the posting of the notification sign on the site and delayed action on this application until June 14<sup>th</sup> to allow the applicant to post the notification sign on the site.
- May 18, 2011: The Building Inspection Senior Plans Examiner/Development Code Specialist emailed the Board Administrator at 3:37 p.m. on May 18<sup>th</sup> the following: "Ashley Ness was just in and purchased her replacement notification sign at 3:27 pm. She acknowledged that she was late."
- May 23, 2011: The Board Administrator emailed the applicant the following information:
- The 2008 ordinance that established the code provision related to the posting of notification signs.
  - An account of how the board delayed action on her request in May until June 14<sup>th</sup> where they will determine at this June 14<sup>th</sup> public hearing whether she has complied with this provision; and that if the board determines that she has complied with this provision, they will be able to either grant, deny, or delay the special exception and variance requests; however, if the board determines that she has NOT complied with this provision, they will only be able to either deny or delay her special exception and variance requests.
  - A document that provided deadlines for submittal of any additional information to staff/the board.
- May 31, 2011: The applicant forwarded additional information to the Board Administrator (see Attachment E).
- May 31, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for June public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner, the Board Administrator, the Board of Adjustment Senior Planner, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorneys to the Board.

- June 2, 2011: The Sustainable Development Department Project Engineer submitted a review comment sheet marked “Recommends that this be denied” commenting “Deny – no permit, setback or standards. Tree preservation (not relevant in this case). If approved, recommend indemnity for the City if damage occurs to the building.”
- June 14, 2011: The Board of Adjustment Panel A conducted a public hearing and determined that the applicant had not complied with the Dallas Development Code provision related to the posting of the notification sign on the subject site, and delayed action on the application until August 16, 2011.
- June 22, 2011: The Board Administrator sent a letter to the applicant informing her of the public hearing date, the August 1<sup>st</sup> deadline to submit additional evidence to staff, and the August 5<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials.
- August 2, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the 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 (related to special exception):**

- The focus of this request is maintaining a one-story accessory structure, part of which is located in the site’s 3’ rear yard setback on a site that is developed with a single family home.
- The Dallas Development Code allows the Board of Adjustment to consider this (or any) proposed structure encroachment in a rear yard setback on CD No. 1 zoned lot either by an application for a variance to the rear yard setback regulations with a standard largely based on the demonstration of property hardship, or by an application for a special exception to the rear yard setback regulations to preserve an existing tree with a standard largely based on compatibility, property values, and whether a tree located on a site that is worthy of preservation - not property hardship. The applicant in this case had originally made only an application for a *special exception* to the rear yard setback regulations for tree preservation but added a variance to the rear yard setback regulations as a result of testimony at the public hearing in March.
- This special exception request is made to maintain an approximately 60 square foot portion of an approximately 600 square foot accessory structure in the site’s 3’ rear yard setback. (Although staff suggested that the applicant denote the location, size and species of the tree or trees that she feels is worthy of preservation and in turn

precludes her from locating an accessory structure in compliance with rear yard setbacks, no such denotation was made on any submitted plan). The site plan shows what is assumed to be the accessory structure on the property that is located on the rear property line or 3' into the required 3' setback – no tree is denoted on the site plan.

- The City's Chief Arborist has stated among other things that the trees that are the nature of this request (a relatively young Italian cypress and a plum tree approximately 3" caliper) within proximity to the structure in question are not worthy of preservation for a building relocation from setback requirements.
- The applicant has the burden of proof in establishing the following related to the front yard special exception request:
  1. Whether the requested special exception is compatible with the character of the neighborhood.
  2. Whether the value of the surrounding properties will be adversely affected.
  3. Whether the tree is worthy of preservation.
- If the Board were to grant the rear yard special exception request of 3', imposing a condition whereby the applicant must comply with the submitted site plan, the structure in the rear yard setback would be limited to that what is shown on this plan – which in this case is a portion of an accessory structure located on the rear property line (or as much as 3' into the site's 3' rear yard setback).
- If the Board chooses to grant this request, it should be noted that the submitted site plan does not denote the location, size or species of a tree (or trees) that the applicant contends is the tree (or trees) that is worthy of preservation, and in turn a tree that precludes her from relocating the accessory structure out of the required rear yard setback. If the Board feels that this type of documentation is relevant to the approval of this type of tree preservation application, they may request that the applicant amend the submitted site plan by adding this information on the site plan.

#### **STAFF ANALYSIS (related to variance):**

- The focus of this request is maintaining a one-story accessory structure, part of which is located in the site's 3' rear yard setback on a site that is developed with a single family home.
- The Dallas Development Code allows the Board of Adjustment to consider this (or any) proposed structure encroachment in a rear yard setback on CD No. 1 zoned lot either by an application for a variance to the rear yard setback regulations with a standard largely based on the demonstration of property hardship, or by an application for a special exception to the rear yard setback regulations to preserve an existing tree with a standard largely based on compatibility, property values, and whether a tree located on a site is worthy of preservation - not property hardship. The applicant in this case had originally only made an application for a *special exception* to the rear yard setback regulations for tree preservation but added a variance to the rear yard setback regulations as a result of testimony at the public hearing in March.
- This variance request is made to maintain an approximately 60 square foot portion of an approximately 600 square foot accessory structure in the site's 3' rear yard

- DCAD records indicate that the site is developed with a single family home in “good” condition built in 1923 with 1,530 square feet of living area.
- The subject site is flat, rectangular in shape (50’ x 150’), and (according to the application) is 0.17 acres (or 7,405 square feet) in area. The site is zoned CD No. 1 where lots in this subarea of the zoning district had been zoned R-7.5(A) until the creation of the CD in 1988.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the rear 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 CD No. 1 zoning classification.
  - The variances 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 CD No. 1 zoning classification.
- If the Board were to grant the variance request, subject to the submitted site plan, the structure in the rear yard setback would be limited to what is shown on this document– which in this case is a structure located on the rear property line or 3’ into the required 3’ rear yard setback

**BOARD OF ADJUSTMENT ACTION: MARCH 15, 2011**

APPEARING IN FAVOR: Ashley Ness, 707 N. Windomere Ave., Dallas, TX  
 Larry Ness, 2011 Cedar Springs Rd., Dallas, TX  
 Stephanie Wooley, 1701 N. Collins Blvd., Ste 1100, Dallas, TX

APPEARING IN OPPOSITION: No one

**MOTION #1: Harris**

I move that the Board of Adjustment, in Appeal No. **BDA 101-028**, on application Ashley Ness, **grant** the request of this applicant for a special exception of 3 feet to the rear yard setback regulation to preserve an existing tree, because our evaluation of the property, the testimony presented to us, and the facts that we have determined show that this special exception is compatible with the character of the surrounding neighborhood, the value of surrounding properties will not be adversely affected, and the tree is worthy of preservation. I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

- Compliance with the submitted site plan is required.

**SECONDED: Richmond**

AYES: 2 – Richmond, Harris  
NAYS: 3 - Schweitzer, Hounsel, Goins  
MOTION FAILED: 2– 3

MOTION #2: **Schweitzer**

I move that the Board of Adjustment in Appeal No. **BDA 101-028**, hold this matter under advisement until **April 19, 2011**.

SECONDED: **Richmond**  
AYES: 4 – Richmond, Schweitzer, Harris, Hounsel,  
NAYS: 1 - Goins  
MOTION PASSED: 4– 1

BOARD OF ADJUSTMENT ACTION: **MAY 17, 2011**

APPEARING IN FAVOR: Ashley Ness, 707 N. Windomere Ave., Dallas, TX

APPEARING IN OPPOSITION: No one

MOTION: **Hounsel**

Having fully reviewed the evidence in Appeal No. **BDA 101-028**, on application of Ashley Ness, and heard all the testimony and facts relating to the posting of the notification of the sign, I find that the required signs were not posted properly and I move that the Board of Adjustment in Appeal No. **BDA 101-028**, hold this matter under advisement until **June 14, 2011**.

SECONDED: **Schweitzer**  
AYES: 5 – Richmond, Schweitzer, Hounsel, Goins, Jackson  
NAYS: 0 -  
MOTION PASSED: 5– 0 (unanimously)

BOARD OF ADJUSTMENT ACTION: **JUNE 14, 2011**

APPEARING IN FAVOR: Craig Shields, 1701 N Collins Blvd., Dallas, TX

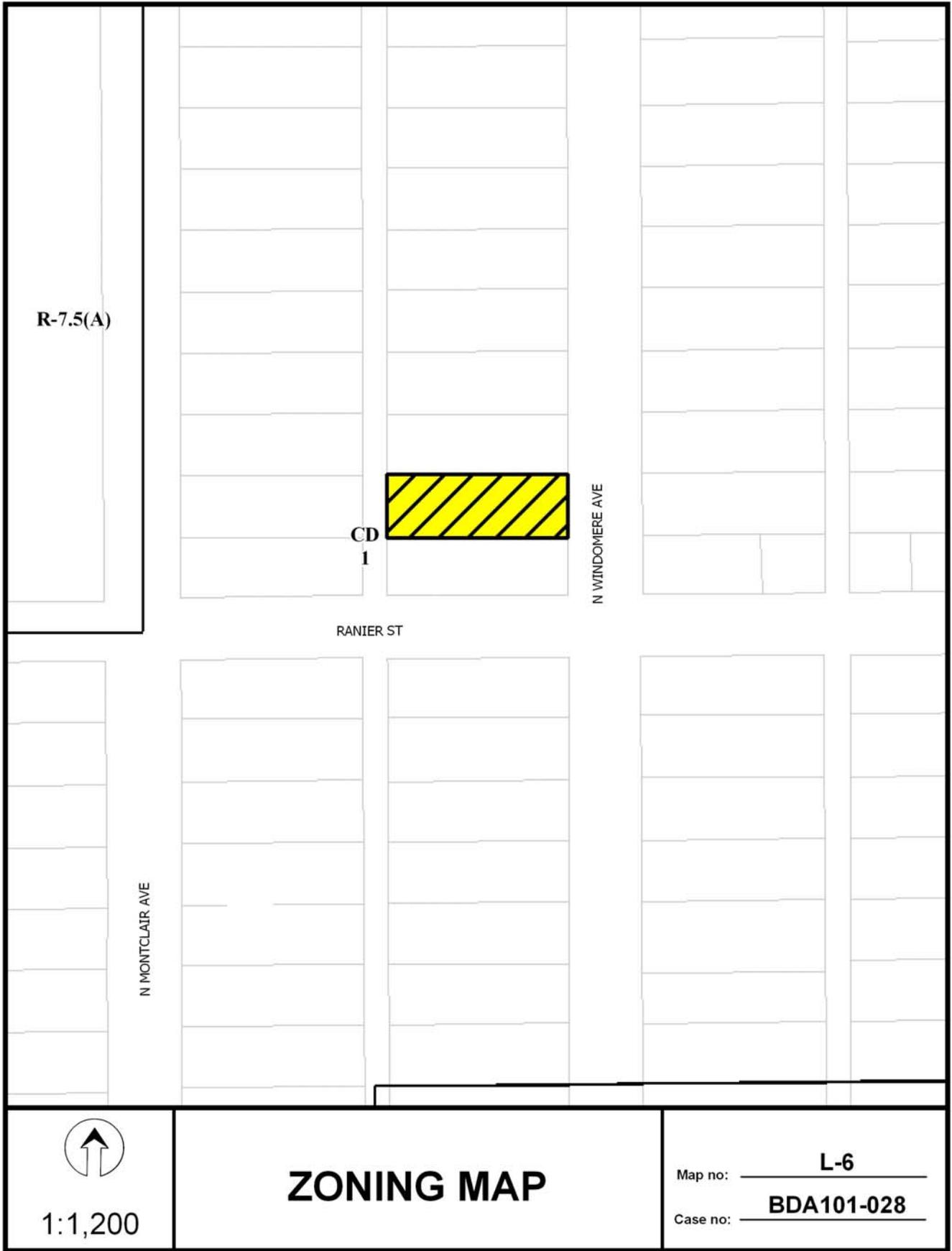
APPEARING IN OPPOSITION: No one

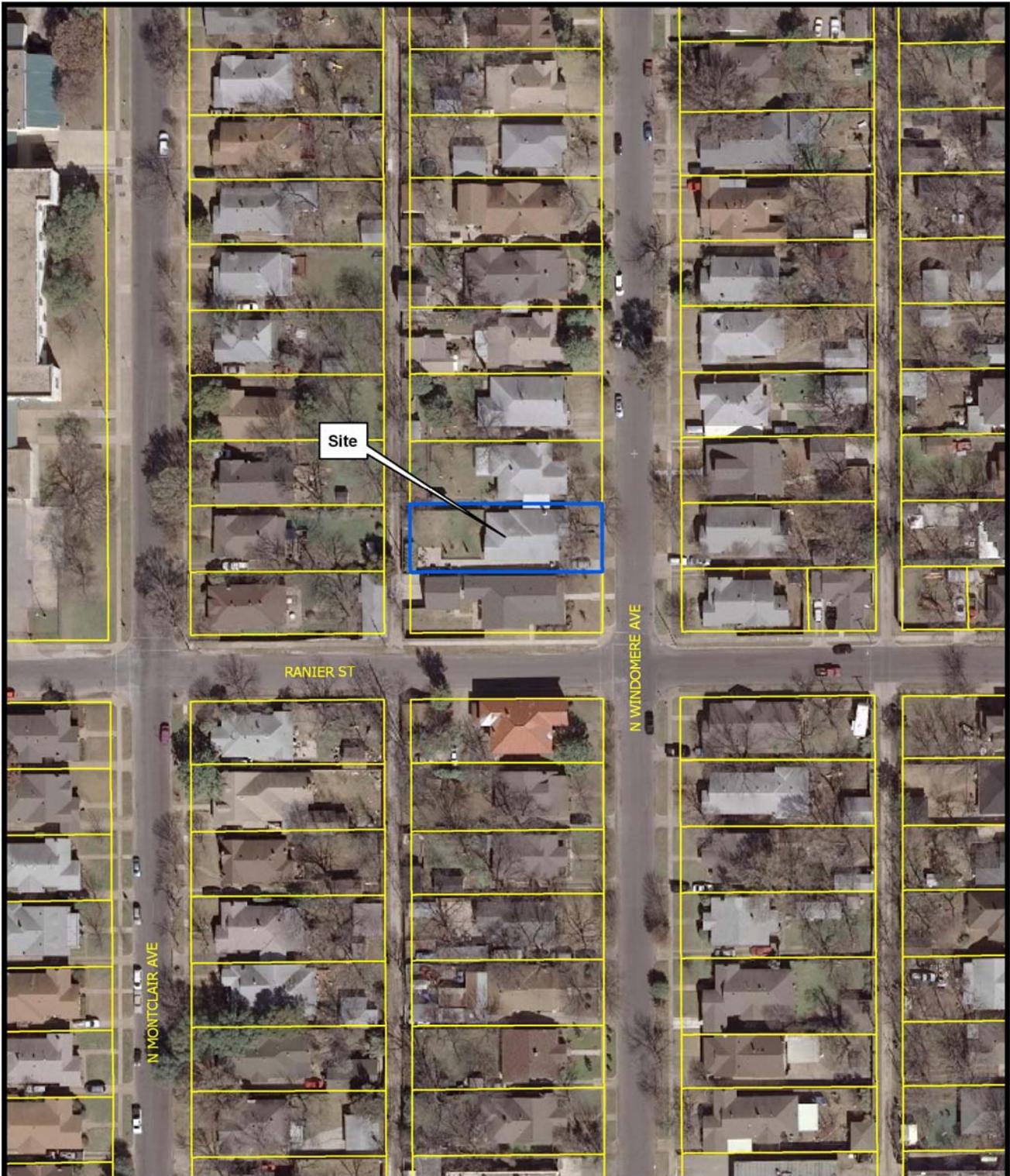
MOTION: **Schweitzer**

Having fully reviewed the evidence in Appeal No. **BDA 101-028**, on application of Ashley Ness, and heard all the testimony and facts relating to the posting of the notification of the sign, I find that the required signs were not posted properly and I move that the Board of Adjustment in Appeal No. **BDA 101-028**, hold this matter under advisement until **August 16, 2011**.

SECONDED: **Hounsel**

AYES: 5 – Richmond, Schweitzer, Hounsel, Goins, Jackson  
NAYS: 0 -  
MOTION PASSED: 5– 0 (unanimously)





1:1,200

# AERIAL MAP

Map no:           L-6          

Case no:           BDA101-028          

DATE: February 23, 2011

BDA 101-028  
Attach A  
p31





101-028  
A  
P32

BDA 101-028  
Attachment  
Pg 3





BDA 101-028  
Attch 4  
p 34



BDA 101-028  
Area 4  
195

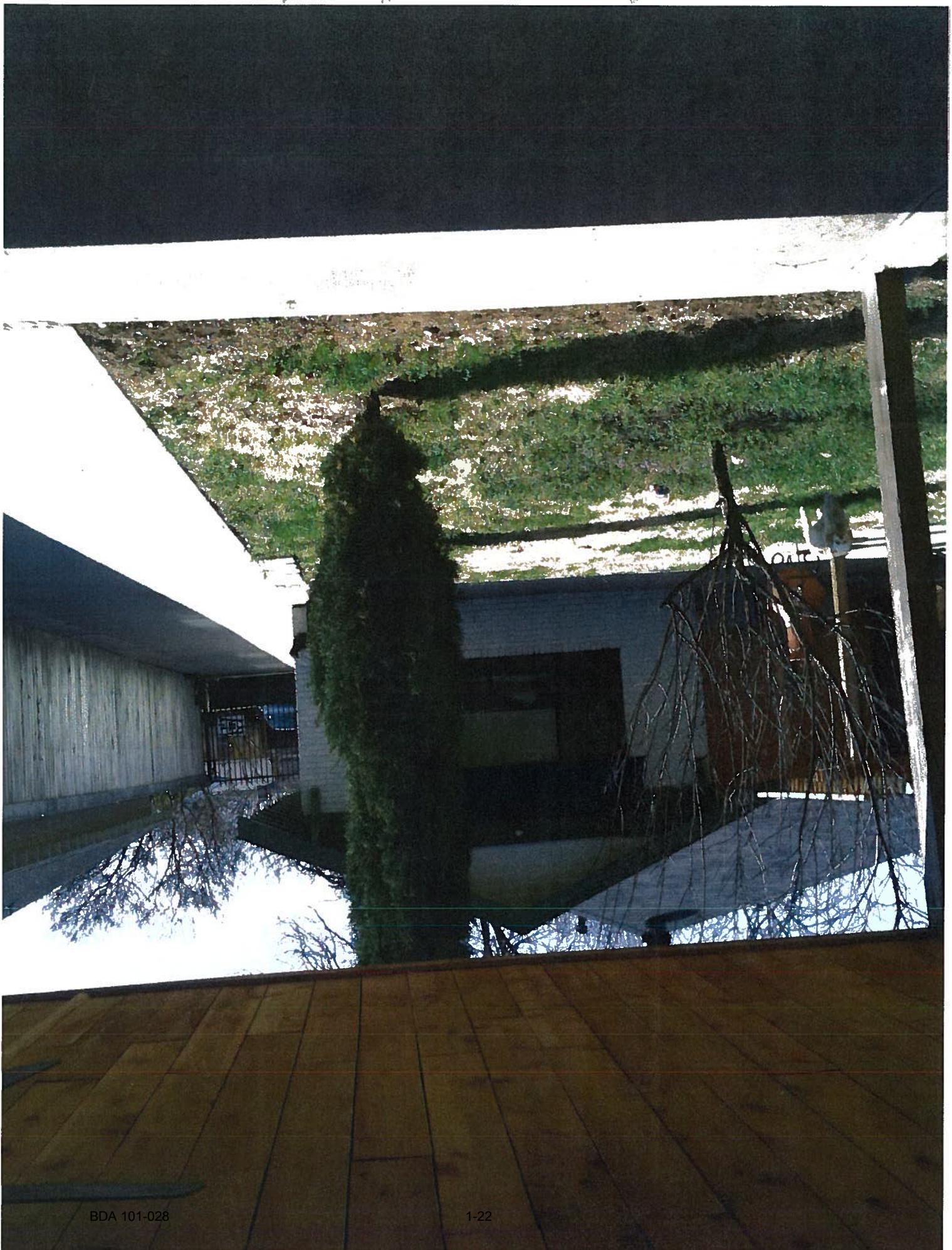
Rd 101-028  
Area A  
P. 5





BDA 101-028  
Area A  
P57

BDA 101-028 Attach A P 5 B



My fellow neighbors that are indeed aware of and approve of my carport/workshop that was constructed in the rear of my house have signed below stating that my structure in no way bothers them and in fact is a nice improvement to my home and does not impede on anyone as far as functionality.

NAME

ADDRESS

[Signature] 703 N Windomere Ave

[Signature] 711 N Windomere Ave

[Signature] 700 N Windomere Ave

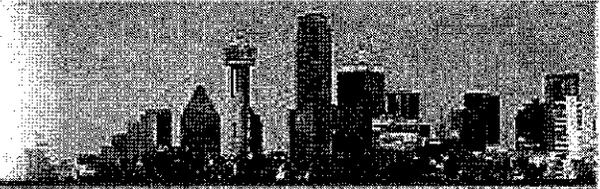
[Signature] 705 N Windomere Ave

[Signature] 707 N Windomere Ave

[Signature] N Windomere Ave  
701 N Edgefield Ave

\* Also the City of Dallas uses the front for trash pick up. The alley is not used for city traffic. Windomere has front trash pick up.

BDA 101-028  
Attach B pg 2



Home | All Info & Services | Community & Culture | Business | Government | Visitors | About Dallas

Sanitation

OneDAY

When is my Garbage Day?

When is my Brush/Bulky Week?

What is an Extra Cost Service?

Cart Options

Recycling In Dallas

Eliminating Junk Mail

Recycling Collection

Recycling Drop-off Sites

Recycling Electronics

Where to Take Home Chemicals

Give Graffiti the Brush

Where does my garbage go?

Environmental Management System

Calendars

Brush/Bulky Trash

FAQs

Garbage/Bulk Collection

Recycling

Disposal Operations

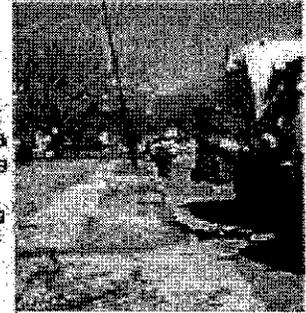
Email Us

To Request a City Service...  
**DIAL 311**  
OR  
Click Here for **311 Online**

### Sanitation Services - Residential Garbage Collection

To find your days of service for Residential Garbage, input your address here.

Residential garbage collection is provided once per week, usually in alleys. If there is no serviceable alley present, garbage should be set out for collection on the curb in front of your home. The City of Dallas provides residences with a 90-gallon polyethylene resin roll cart for automated garbage collection. Residents can keep their carts clean and odor free by periodically rinsing them with a little detergent and a garden hose.



N Windomere is  
curbside trash  
pick up

© 2011-2006 City of Dallas, Texas

Accessibility | Credits | Contact Us | Privacy Policy | City Technology Guide

# Memorandum



CITY OF DALLAS

Date March 7, 2011  
To Steve Long, Board of Adjustment Administrator  
Subject 707 N Windomere Avenue – Rear yard setback variance request for tree preservation

The arborist staff has investigated the trees on the property at 707 N Windomere. Our opinion is that the trees within proximity to the structure are not worthy of preservation for a building relocation from setback requirements.

An Italian cypress and a plum tree appear to be within the influence of the probable building location if the structure was relocated within its current configuration but moved within the setback distance. Both trees are relatively young (approximately 3" caliper) and would be suitable for transplant or replacement. The trees are regarded as ornamental landscape trees of potential medium and small sizes, respectively.

The 'preservation of large trees' is a fundamental purpose (51A-10.102) of the city's tree preservation ordinance that was established following an initial resolution by the City Council in 1990 to preserve large trees "which, once removed, can be replaced only after generations." Although we encourage citizens to protect all trees once planted in appropriate locations, our opinion is that the preservation status is directed toward trees, if removed, would no longer provide the significant financial value and environmental benefits to the owner *and the community* found in large established canopy trees native to, or adapted to, this region.

All trees on single family or duplex lots which are 2 acres or less in size with a residential use are not protected under city ordinance. Otherwise, only trees that are 8" in diameter or greater are protected. The city anticipates that some trees must be removed for construction purposes and allows for this with building permits for construction.

Philip Erwin  
Certified Arborist (TX-1284A)  
Chief Arborist  
Building Inspection



BDA101-028

Attach D

## Dallas Tree Surgeons

March 4th, 2011

Dallas Tree Surgeons  
5526 Dyer St.  
Suite 106  
Dallas, TX 75206  
[www.dallastreesurgeons.com](http://www.dallastreesurgeons.com)

Ms. Ness,

The trees located on your property, the two Italian Cypress and two plum trees at 707 N. Windomere Avenue, would more than likely suffer adversely from being transplanted. The after effects from a transplant can vary widely; often there is a recovery time of at least 2 years. When transplanting a tree, the severing of anchoring and absorbing roots is often unavoidable. This alone can be traumatic for a tree. The roots are how the trees absorb both water and nutrients and when this critical process is interrupted the damage can be potentially very intense.

Please feel free to call with any questions you may have, my cell is 214-548-1600.

**Sincerely,**

**Lindsey West**

**ISA Certified Arborist TX- 3729A**

BDA 101-028  
Attachment  
pg 1

**Long, Steve**

---

**From:** Ashley K. Ness [ashkness@nessgroup.com]  
**Sent:** Tuesday, May 31, 2011 2:05 PM  
**To:** Long, Steve  
**Cc:** T. Craig Sheils  
**Subject:** BDA 101-028  
**Attachments:** Fwd: Sign; Ness letter to BOA.pdf; boa sign.JPG

Good Afternoon Mr. Long

Attached is a letter requesting continuance for my hearing June 14, as I will be out of the country. Also attached is the email that I sent Todd Duerkson and a photo of the temporary sign I had posted.

I hope you had a pleasant holiday weekend☺

Thank You,  
Ashley Ness  
Ashley K. Ness  
Principle/PI/Private Protection Officer  
Ness Group International  
Utility/Energy Security Consultants  
Investigative Agency  
TX License #C11213  
707 N. Windomere Ave.  
Dallas TX,75208  
[www.nessgroup.com](http://www.nessgroup.com)  
[ashkness@nessgroup.com](mailto:ashkness@nessgroup.com)  
Office: 214.954.9997 Fax:214.954.9998  
Mobile: 469.834.9179

BDA 101-028  
Attach E  
p 2

Ashley K. Ness  
707 N. Windomere Ave.  
Dallas, Texas 75208

May 31, 2011

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

Re: *Board of Adjustment Hearing on Cause No. 101-028.*

Dear Mr. Long:

As you know, at the hearing on May 17, 2011, my case was taken under advisement by the Board of Adjustment to allow me time to post the required sign within 24 hours. My case was reset for hearing on June 14, 2011.

On May 18, 2011, I appeared at Dallas City Hall the following morning at 10:30 a.m. to have the sign issued so that it could be posted within the required 24-hour period. I was informed by Trena Law that Todd Duerksen was the only person that could issue the sign, and he would not be back in until that afternoon. To make sure I complied with the ordinance, I created a temporary sign, a picture of which is enclosed, using the previous sign I posted for the special exception request as a model. I posted that sign on my property within the 24-hour period. I then emailed Mr. Duerksen to let him know that I had come by the office while he was out and to find out when he would return so that I could get the sign. I also informed him that a temporary sign was posted to avoid any problems. A copy of my email to Mr. Duerksen is also enclosed. The sign was issued later that afternoon, and I immediately posted it.

When I returned to my office on May 17, 2011, I realized that I will be out of the country on June 14, 2011, and I am unable to reschedule that trip. I am therefore requesting that the hearing scheduled for June 14, 2011, be continued until the next Board of Adjustment hearing. My attorney, Craig Sheils, will appear and speak on my behalf at the hearing set on June 14, 2011.

I appreciate your courtesy and cooperation in this matter.

Sincerely,

Ashley K. Ness

BDA-101-028

Attach E

pg 3

**Long, Steve**

---

**From:** Ashley K. Ness [ashkness@nessgroup.com]  
**Sent:** Monday, May 23, 2011 11:36 AM  
**To:** steve.long@cityhall.com  
**Subject:** Fwd: Sign

Sent from my iPad

Begin forwarded message:

**From:** "Ashley K. Ness" <[ashkness@nessgroup.com](mailto:ashkness@nessgroup.com)>  
**Date:** May 18, 2011 2:11:04 PM CDT  
**To:** "[todd.duerksen@dallascityhall.com](mailto:todd.duerksen@dallascityhall.com)" <[todd.duerksen@dallascityhall.com](mailto:todd.duerksen@dallascityhall.com)>  
**Subject:** Sign

Are you back in the office yet Todd? I came in at 10:30...obviously you weren't there...lol..Trena said you'd be in in the morning. I will be there today again to get the sign. I do have a temporary one posted so that there are no problems. I had a picture of the last one so all info is on there & posted till I get to you...plz let me know if you are back yet. Thank you!!!!

Ashley K Ness  
Principle/PI/PPO/Security Consultant  
Ness Group International  
Utility/ Energy Security Consultants  
TX License# C11213  
Investigative Agency  
TX License# A11212  
[www.Nessgroup.com](http://www.Nessgroup.com)  
[Ashkness@Nessgroup.com](mailto:Ashkness@Nessgroup.com)  
Office:469-834-9179  
Fax:214-954-9998

BDA  
101-  
028  
Attach  
E  
Pg 4

# NOTICE

BOARD OF ADJUSTMENT APPEAL  
REQUEST 707N WindomERE  
REAR YD. Setback  
CASE NO BDA 101-028  
FOR MORE INFORMATION  
CALL  
214-670-4206   
CITY OF DALLAS





City of Dallas

A

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-028

Data Relative to Subject Property:

Date: 1/26/11

Location address: 707 N Windomere Ave Zoning District: CD1-Sub 1

Lot No.: 2 Block No.: 24/3475 Acreage: .17 Census Tract:

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

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Ashley Ness

Applicant: Ashley Ness Telephone: 469-834-9179

Mailing Address: 707 N Windomere Ave Dallas Tx Zip Code: 75208

Represented by: Telephone:

Mailing Address: Zip Code:

Affirm that a request has been made for a Variance or Special Exception of 3 feet to the rear yard setback for tree preservation

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:

In order to preserve at least two existing trees which are worthy of preservation. A special exception is compatible with the character of the neighborhood and the value of surrounding properties will be adversely affected.

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: Ashley Ness Applicant's name printed [Signature] Applicant's signature

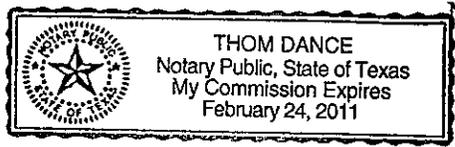
Affidavit

Before me the undersigned on this day personally appeared ASHLEY NESS 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 27 day of JANUARY, 2011

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



(Rev. 08-20-09)

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 Ashley Ness

did submit a request for a special exception to the rear yard setback regulation

at 707 N. Windomere Avenue

BDA101-028. Application of Ashley Ness for a special exception to the rear yard setback regulation at 707 N. Windomere Avenue. This property is more fully described as Lot 2 in city block 24/3475 and is zoned CD-1, which requires a rear yard setback of 3 feet. The applicant proposes to construct and maintain a single family residential accessory structure and provide a 0 foot rear yard setback which will require a 3 foot special exception to the rear yard setback regulation for tree preservation.

Hold to ~~April~~ May 17, 2011

Sincerely,

*Batsheba Antebi*  
Batsheba Antebi, Building Official



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-028

Data Relative to Subject Property:

Date: 4/11/11

Location address: 707 N Windomeer Ave Zoning District: CD1-Sub1

Lot No.: 2 Block No.: 24/3475 Acreage: .17 Census Tract:

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

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Ashley Ness

Applicant: Ashley Ness Telephone: (469) 834-9179

Mailing Address: 707 N Windomeer Ave Zip Code: 75208

Represented by: Telephone:

Mailing Address: Zip Code:

Affirm that a request has been made for a Variance X, or Special Exception of Three feet to the rear yard setback

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:

The structure in no way impedes on alley traffic or negatively affects my neighbors or neighborhood. The value of surrounding properties is not adversely affected.

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.

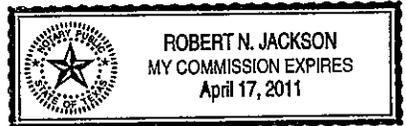
Respectfully submitted: Ashley Ness Applicant's name printed [Signature] Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared Ashley Ness 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 11th day of April, 2011



[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 \_\_\_\_\_



TO THE HONORABLE BOARD OF ADJUSTMENT  
CITY OF CHICAGO  
121 N. LAUREL STREET, CHICAGO, ILL. 60602  
TELEPHONE: (312) 744-3100  
FAX: (312) 744-3101  
WWW.CITYOFCHICAGO.IL.GOV

Chairman

**Building Official's Report**

**I hereby certify that** Ashley Ness

**did submit a request** for a variance to the rear yard setback regulations.

**at** 707 N. Windomere Avenue

BDA101-028, Application of Ashley Ness for a variance to the rear yard setback regulation at 707 N. Windomere Avenue. This property is more fully described as Lot 2 in city block 24/3475 and is zoned CD-1, which requires a rear yard setback of 3 feet. The applicant proposes to construct and maintain a single family residential accessory structure and provide a 0 foot rear yard setback which will require a 3 foot variance to the rear yard setback regulation.

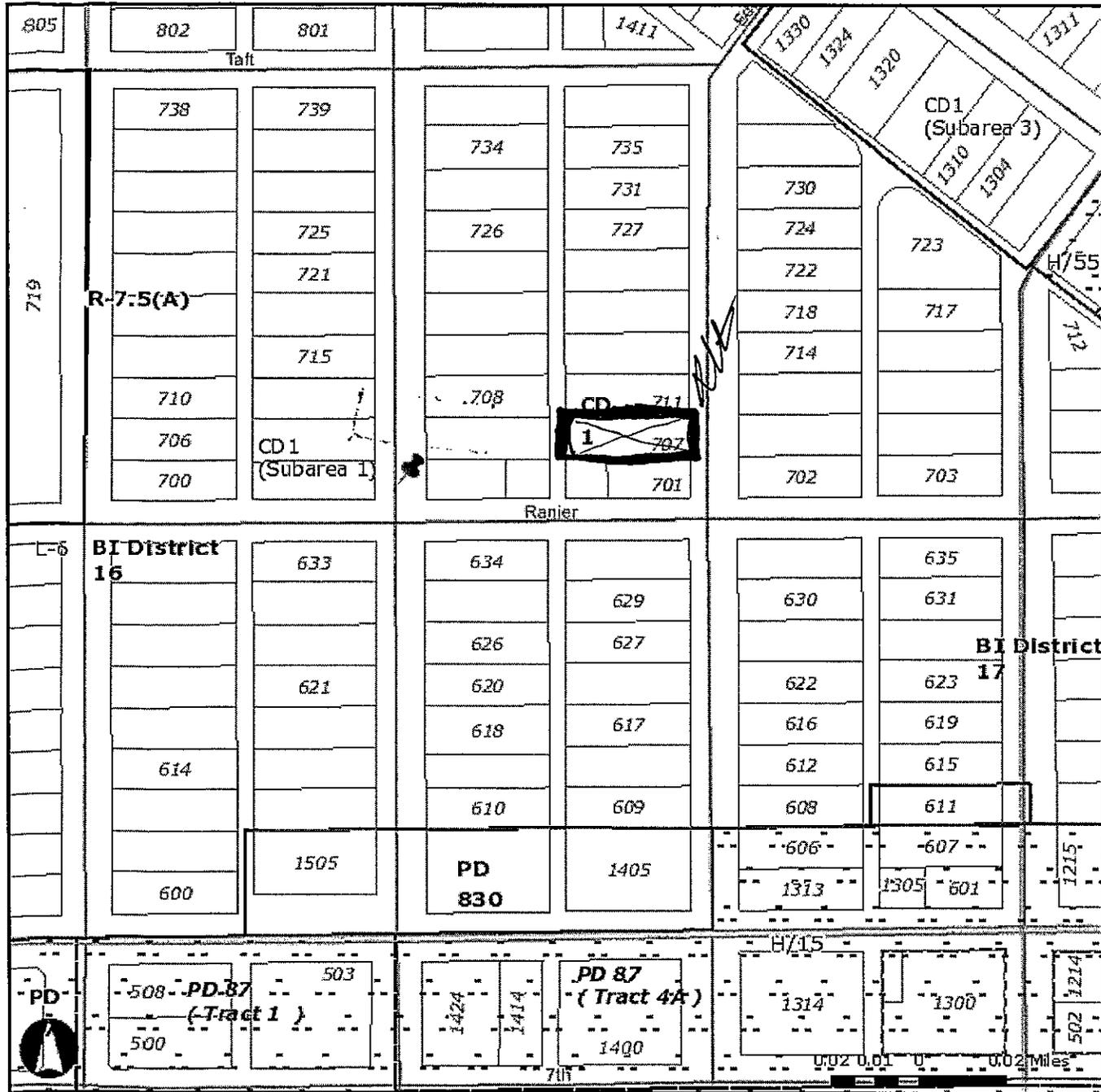
Respectfully,

Sincerely,

*Batsheba Antebi*  
Batsheba Antebi, Building Official

# City of Dallas Zoning

54 A  
L-6



Address Candidates



City Boundaries



BI Districts



County



Certified Parcels



Deed Restrictions



SUP



Dry Overlay



Historic Overlay



PDS Subdistricts



Base Zoning



Floodplain



50 TAFT 1500

58

50	150	20
50	11	
50	12	
50	13	
50	14	
50	15	
50	16	
50	17	
50	18	
50	19	
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150	50
10	50
9	50
8	50
7	50
6	50
5	50
4	50
3	50
2	50
1	50
150	50

3475/24

AVE. 700

700 AVE.

50 RANIER 1500

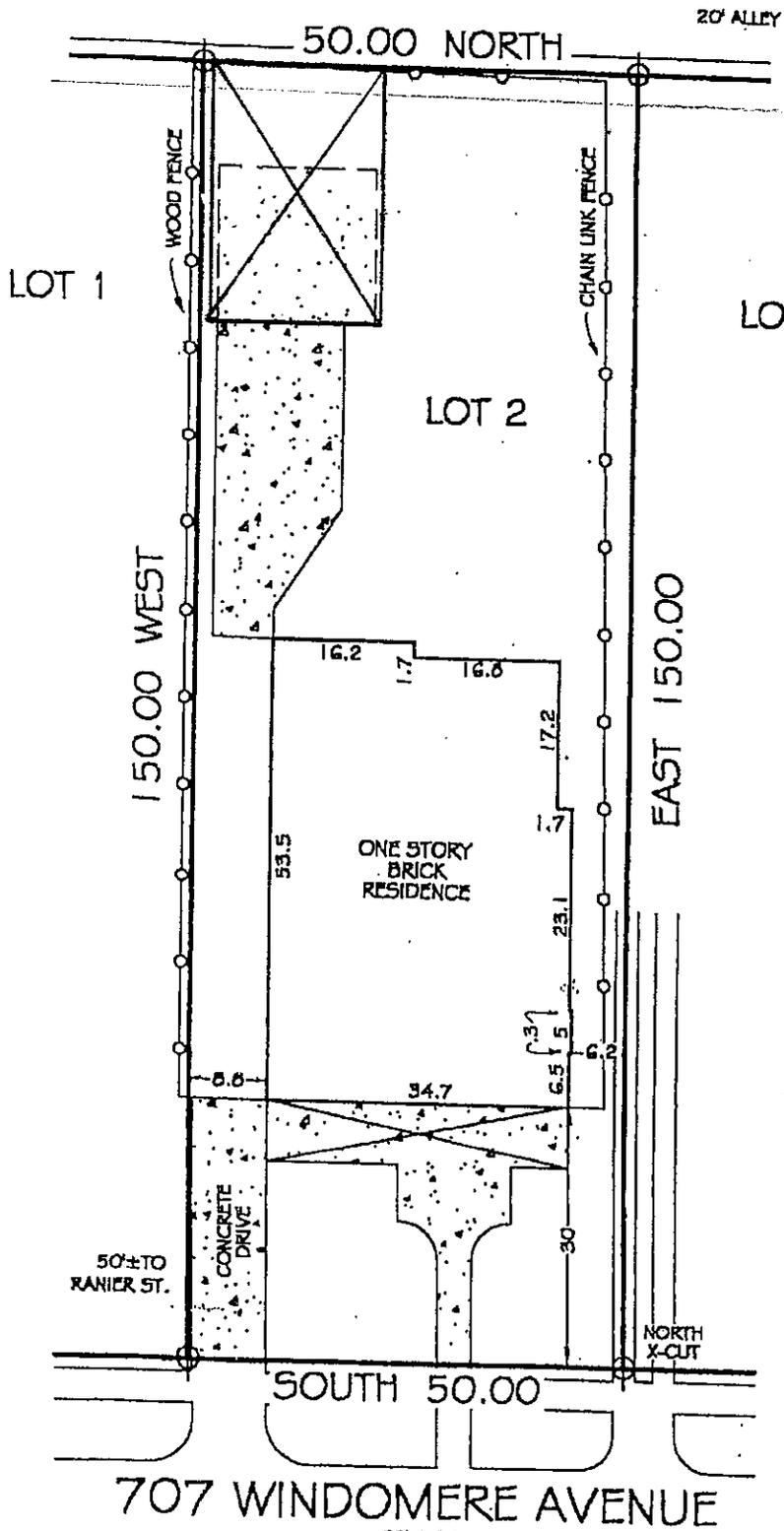
500

50	150	20
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50	11	
50	12	
50	13	

150	50
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8	50
7	50
6	50

3476/25

600

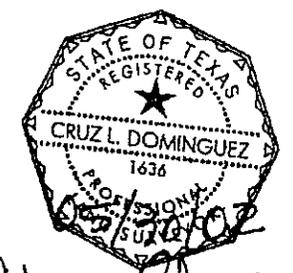


SURVEY EXAMINED AND ACCEPTED BY  
 PURCHASERS: \_\_\_\_\_  
 DATE: \_\_\_\_\_

707 WINDOMERE AVENUE  
 60' R.O.W.

TO: METROPLEX TITLE CO. + JORGE GONZALEZ AND ROCIO GONZALEZ

I, CRUZ L. DOMINGUEZ, CERTIFY THAT THIS SURVEY PLAT, IS A TRUE, CORRECT, AND ACCURATE REPRESENTATION OF THE PROPERTY AND IMPROVEMENTS, AS DETERMINED BY AN ON-THE-GROUND SURVEY. BEARINGS, DIMENSIONS, EASMENTS, AND SETBACK LINES, ARE AS SHOWN ON RECORDED PLAT, SCHEDULE A & D, AND/OR AS DETERMINED BY SURVEY, REFLECTING CONDITIONS, AS OF DATE SHOWN. THIS SURVEY PLAT WAS REQUESTED AND PERFORMED, EXCLUSIVELY FOR THE PARTIES INVOLVED WITH G. F. NUMBER SHOWN HEREON ONLY, BEING VALID, ONLY WITH ORIGINAL SIGNATURE AND DATE. UNAUTHORIZED USE IS NOT PERMITTED WITHOUT WRITTEN PERMISSION OF THE SURVEYOR. SURVEY IS PROTECTED BY UNITED STATES COPYRIGHT LAW. ALL RIGHTS RESERVED.

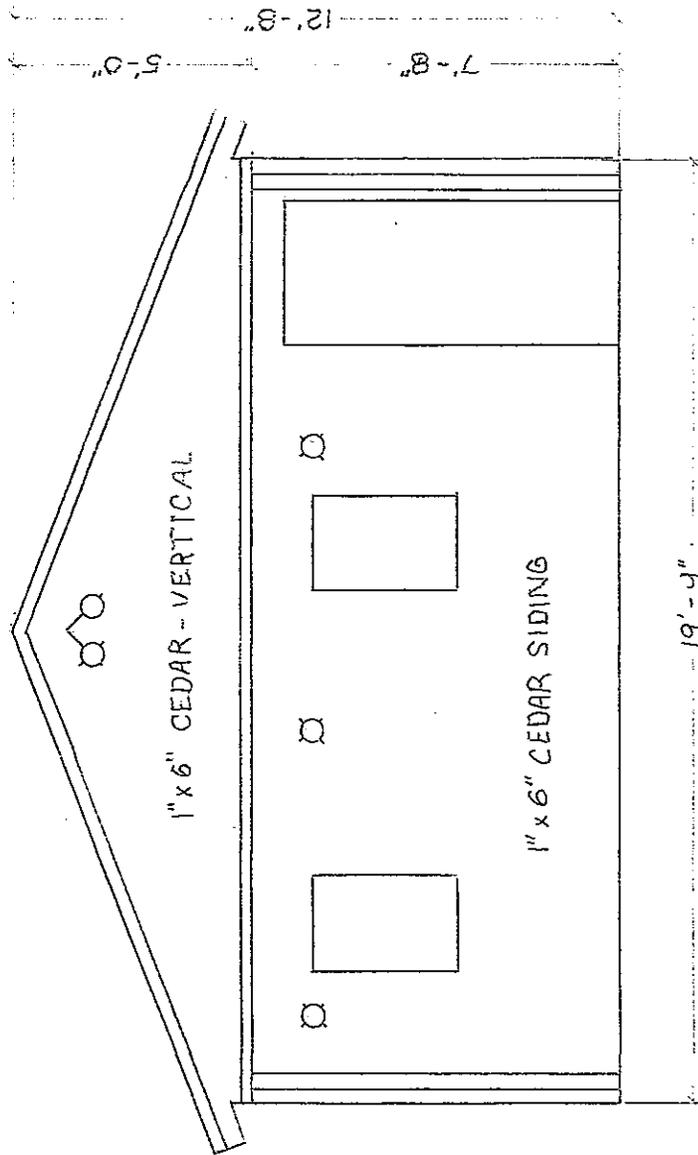


*Cruz L. Dominguez*  
 VEACH LAND SURVEYING CO.

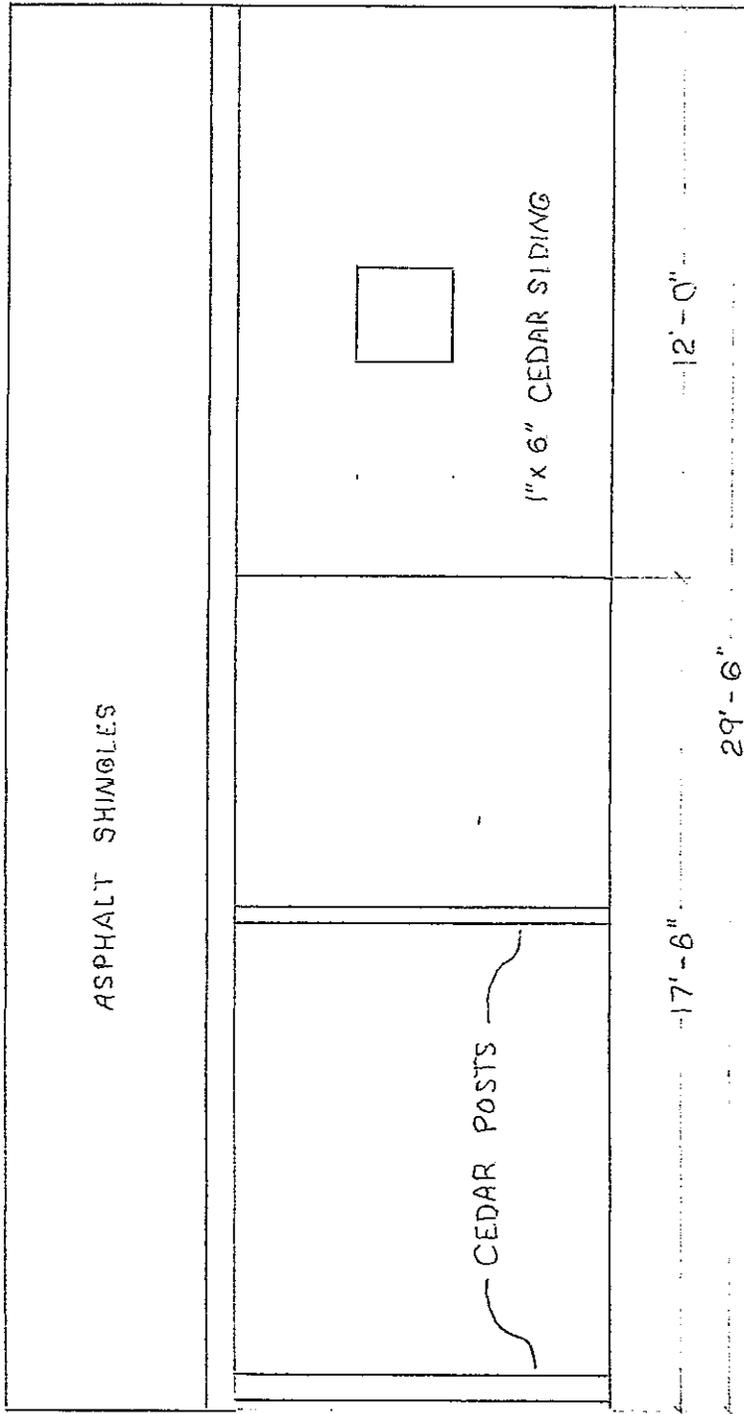
THIS PROPERTY APPEARS TO LIE WITHIN ZONE X  
 ACCORDING TO FLOOD INSURANCE RATE MAP FOR  
 DALLAS COUNTY, TEXAS, COMMUNITY PANEL NO. \_\_\_\_\_  
 48311C0340.1, DATED \_\_\_\_\_

SCALE: 1"=20'  
 DATE: 5/30/2002  
 G.F. NO. MC02-00906  
 JOB NO.: 56202

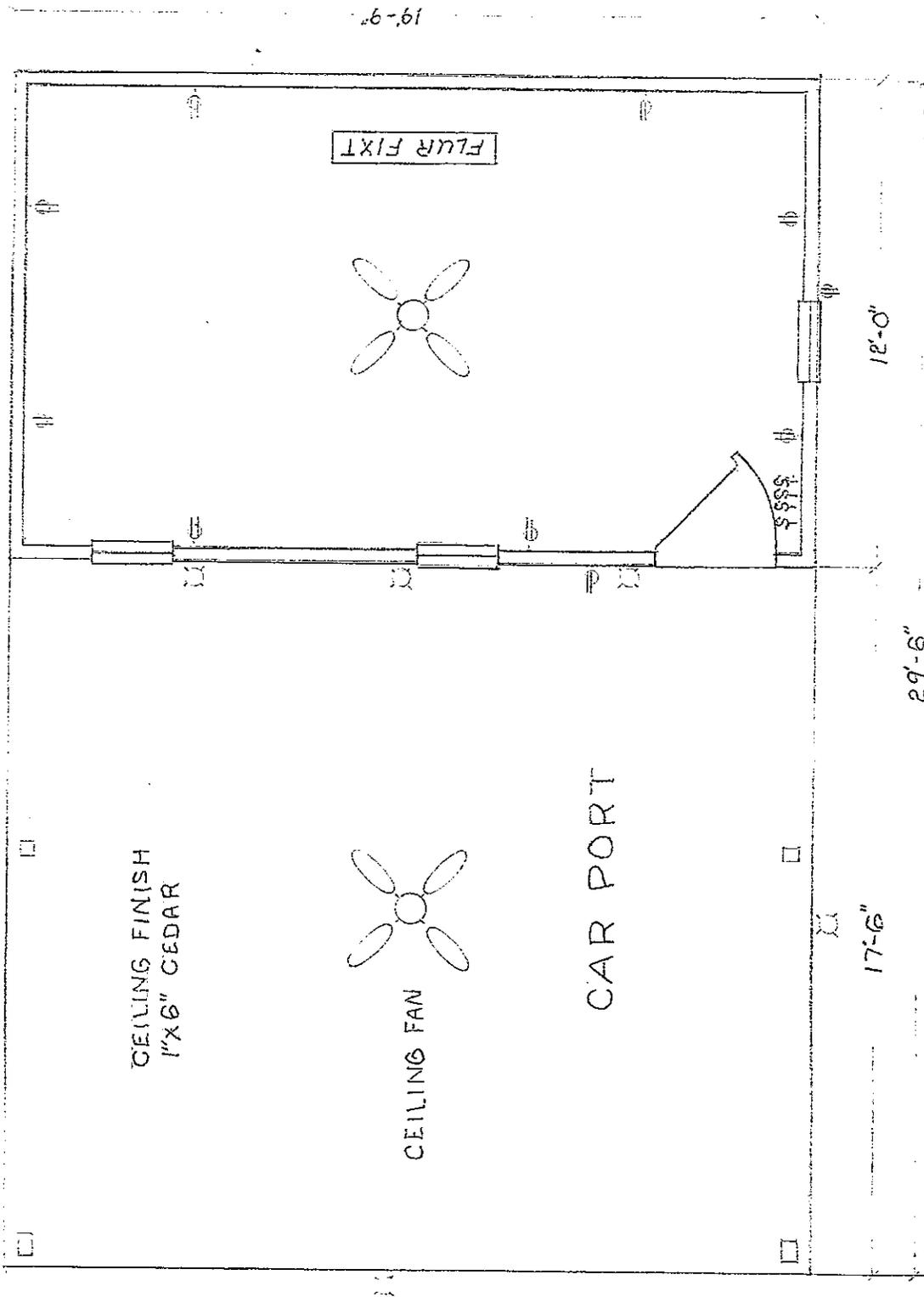
(972) 790-5581  
 FAX (972) 254-4268  
 944 W. AIRPORT FWY.



FRONT ELEVATION



RIGHT ELEVATION



SCALE 1/4" = 1'-0"



CITY OF DALLAS

March 23, 2011

Ashley Ness  
707 N. Windomere Avenue  
Dallas, TX 75208

Re: BDA 101-028, Property at 707 N. Windomere Avenue

Dear Ms. Ness:

The Board of Adjustment Panel A, at its public hearing held on Tuesday, March 15, 2011 held this matter under advisement until May 17, 2011 in order for you to have the opportunity to file a companion case seeking a variance for the rear yard setback rather than or in addition to a special exception.

If you choose to make an application for a variance to the rear yard setback regulations, please do so with Todd Duerksen in Building Inspection at 320 E. Jefferson, Room 105 by Friday, April 8<sup>th</sup>.

Please be aware of the May 2<sup>nd</sup> deadline to submit any additional information that you want staff to consider in making their recommendation to the board, and the May 6<sup>th</sup> deadline to submit any additional information that you want incorporated into the board's docket.

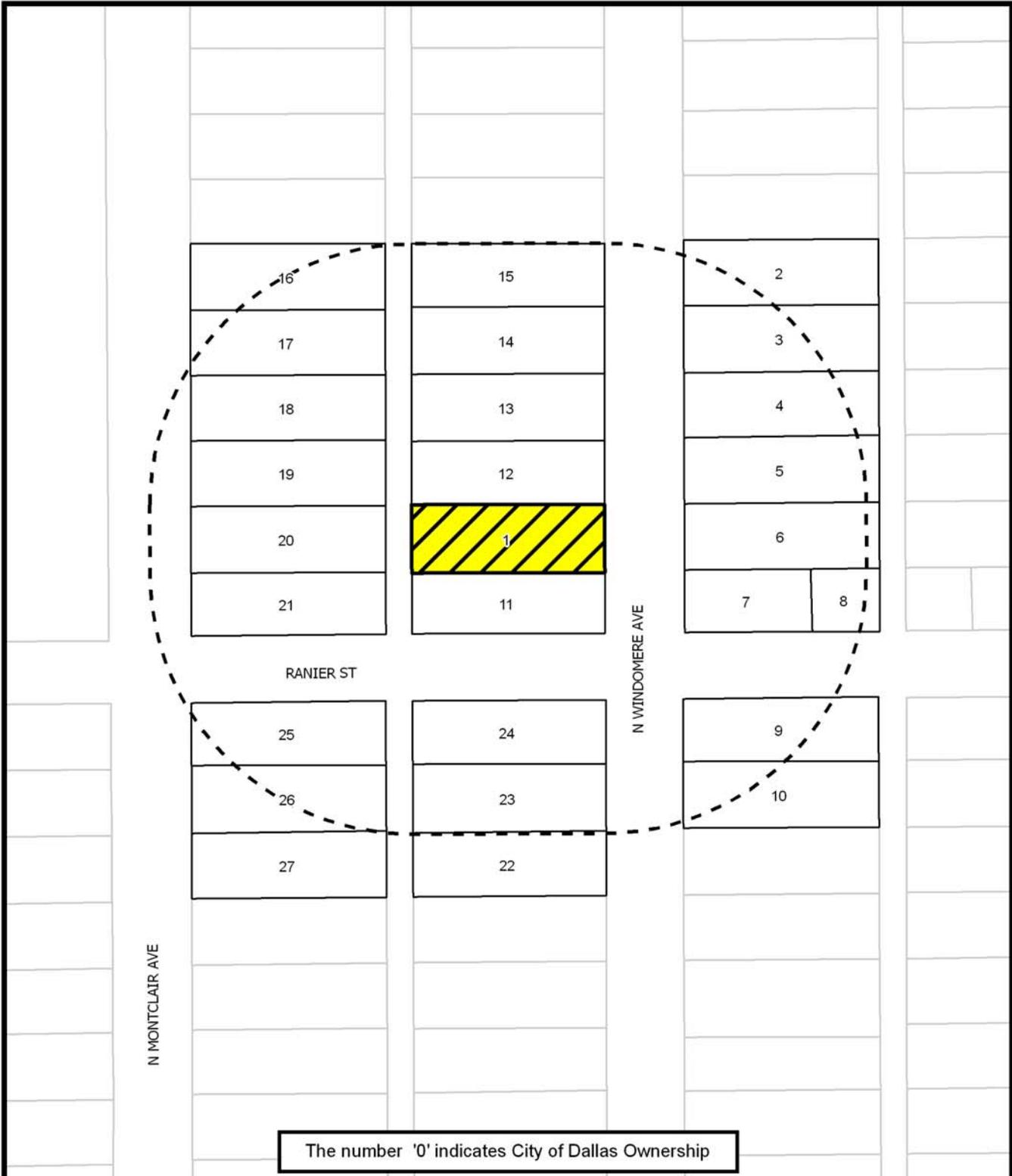
Should you have any further questions regarding the Board's action, please contact me at (214) 670-4666.

A handwritten signature in black ink that reads "Steve Long".

Steve Long, Board Administrator  
Board of Adjustment  
Sustainable Development and Construction

SL/tl

c: James Martin, Code Enforcement, 3112 Canton, Rm 100  
Todd Duerksen, Bldg. Inspection, 320 E. Jefferson #105  
File



The number '0' indicates City of Dallas Ownership



1:1,200

# NOTIFICATION

**200'**

AREA OF NOTIFICATION

**27**

NUMBER OF PROPERTY OWNERS NOTIFIED

Map no:           L-6          

Case no:           BDA101-028          

DATE: February 23, 2011

# **Notification List of Property Owners**

**BDA101-028**

## **27 Property Owners Notified**

<b>Label #</b>	<b>Address</b>	<b>Owner</b>
1	707 WINDOMERE	NESS ASHLEY
2	722 WINDOMERE	BROWN LONNIE B & LINDA M
3	718 WINDOMERE	FINLEY KYLE D
4	714 WINDOMERE	PRIETO ANGELICA & ANTONIO RAMIREZ
5	708 WINDOMERE	GROPPE JAY C & KATHLEEN A
6	706 WINDOMERE	MCKAY BRIAN A & MCKAY CANDICE
7	702 WINDOMERE	TAYLOR REBECCA
8	1417 RANIER	MARTINEZ SILVIA
9	634 WINDOMERE	JENSEN ANNETTE
10	630 WINDOMERE	PULIS JOEL T & LAURA E
11	703 WINDOMERE	CAIN CHRISTOPHER D
12	711 WINDOMERE	SYDNOR ERNEST M & NADINE
13	715 WINDOMERE	ESCOBAR JESUS & ROSA F
14	719 WINDOMERE	CAMACHO ARMANDO & GRACIELA
15	721 WINDOMERE	CRUZ JAVIER L & SOSA
16	722 MONTCLAIR	MARLIN ANGELA R
17	718 MONTCLAIR	COUCH PAT
18	714 MONTCLAIR	BERG SHERRY
19	710 MONTCLAIR	HARRISON KELLE ANNE
20	706 MONTCLAIR	KIENINGER DANIEL
21	700 MONTCLAIR	WEBER SHARON S
22	627 WINDOMERE	HOWARD HAMILTON
23	631 WINDOMERE	RAMIREZ JUANITA & ORTIZ MARIA
24	633 WINDOMERE	RAMIREZ TERESA
25	634 MONTCLAIR	ALONSO MARIA DE JESUS & KARINA M ROSS
26	630 MONTCLAIR	KENNEDY LISA ANN
27	626	MONTCLAIR LYTLE HEATHER M & ZACHARY J

**FILE NUMBER:** BDA 101-053(J)

**REVISED BUILDING OFFICIAL'S REPORT:**

Application of Baldwin Associates for a variance to the front yard setback regulations and a special exception to the landscape regulations at 2828 Lemmon Avenue East. This property is more fully described as Lot 4D in City Block 1/634 and is zoned PD-193, O-2 which requires a front yard setback of 20 feet, and requires landscaping to be provided. The applicant proposes to construct and maintain a structure and provide a 15 foot front yard setback which will require a variance of 5 feet, and an alternate landscape plan which will require a special exception to the landscape regulations.

**ORIGINAL BUILDING OFFICIAL'S REPORT:**

Application of Baldwin Associates for a variance to the front yard setback regulations at 2828 Lemmon Avenue East. This property is more fully described as Lot 4D in City Block 1/634 and is zoned PD-193, O-2, which requires a front yard setback of 20 feet. The applicant proposes to construct and maintain a structure and provide a 16-foot 10-inch front yard setback which will require a variance of 3 feet 2 inches.

**LOCATION:** 2828 Lemmon Avenue East

**APPLICANT:** Baldwin Associates

**REQUESTS:**

- The following appeals have been made in this application in conjunction with constructing multifamily structure, part of which is to be located in the site's Oak Grove Avenue 20' front yard setback, and where applicant proposes to not fully provide required landscaping:
  1. A variance to the front yard setback regulations of 5' (amended from an original request of 3' 2"); and
  2. A special exception to landscape regulations.

On June 14, 2011, the board conducted a public hearing and delayed action on this application until August 16<sup>th</sup> per the request of the applicant to allow the city to re-advertise and re-notify for a greater variance than what had been originally conveyed. Approximately one week later, the applicant amended his application (see Attachment B) by: 1) increasing his front yard variance from 3' 2" to 5'; and 2) adding a request for a special exception to the landscape regulations.

**STAFF RECOMMENDATION (variance):**

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- The applicant had substantiated how the variance is necessary to permit development of the site which is different from other lots by its irregular shape due to a partial street easement on Oak Grove Avenue.

**STAFF RECOMMENDATION (special exception):**

Denial

Rationale:

- The City’s Chief Arborist recommends denial of the request largely because the applicant has submitted an incomplete “conceptual” landscape plan that does not allow staff to present an adequate report of deficiencies on the site.
- The applicant had not substantiated how the special exception would not compromise the spirit and intent of the landscaping requirements of PD No. 193.

**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:

- (A) is 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) is 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) is not granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

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

Section 26(a)(4) of Ordinance No. 21859, which establishes PD No. 193, 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.

**GENERAL FACTS (variance):**

- The minimum front yard setback for other permitted structures (other than single family or residential development tracks) for lots zoned an O-2 Office Subdistrict within PD 193 is 20 feet.
- The subject site is a lot that has street frontage on four sides.
- A site plan had been submitted showing the proposed multifamily structure providing a 16'10" setback and encroaching 3'2" into the 20' required front yard setback on a portion of the Oak Grove Avenue site near the intersection with Lemmon Avenue West. However, on June 14, 2011, the board conducted a public hearing and delayed action on this application until August 16<sup>th</sup> per the request of the applicant to allow the city to re-advertise and re-notify for a greater variance than what had been originally conveyed- that being for a structure that was providing a 15' front yard setback requiring a variance of 5'.
- The subject site appears to be flat, irregular in shape, and is approximately 3.06 acres in area.
- The applicant forwarded additional information beyond what was submitted with the original application (see Attachment A).
- On June 14, 2011, the board conducted a public hearing and delayed action on this application until August 16<sup>th</sup> per the request of the applicant to allow the city to re-advertise and re-notify for a greater variance than what had been originally conveyed. Approximately one week later, the applicant amended his application (see Attachment B) by: 1) increasing his front yard variance from 3' 2" to 5'; and 2) adding a request for a special exception to the landscape regulations.
- A site plan had been submitted showing the proposed multifamily structure providing a 15' setback and encroaching 5' into the 20' required front yard setback on a portion of the Oak Grove Avenue site near the intersection with Lemmon Avenue West.
- The applicant submitted additional information regarding the request beyond what was submitted with the original application and at the June 14<sup>th</sup> public hearing (see Attachment C).

**GENERAL FACTS (special exception):**

- PD No. 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 applicant has submitted “conceptual” plans/exhibits (see Attachment C) that, according to the City of Dallas Chief Arborist, addresses requirements of 51P-193.126(b)(3), Off-street parking and screening requirements that are a part of Section 26 of PD No. 193 – “Landscape, Streetscape, Screening, and Fencing Standards.”
- On August 8, 2011, the City of Dallas Chief Arborist submitted a memo to the Board Administrator pertaining to the landscape special exception request (see Attachment D). The memo stated the following:
  - Trigger: Proposed new construction.
  - Deficiencies:  
The proposed plans for the loading areas do not present a complete picture of the landscape for the entire property. The submitted plans demonstrate only the specific proposed off-street loading areas. The summaries provided in the exhibits demonstrate additional items that may need to be considered. These would require special exceptions for more than just a screening element for the loading areas described in the applicant’s letter.
  - Factors:
    - No full plans for construction have been submitted for review.
    - As indicated in the summary for the two loading zones, the plans submitted are “conceptual” in nature and subject to revision by engineering review.
    - As stated in 51P-193.126(a)(4), “when feasible, the Board shall require that the applicant submit and that property comply with a landscape plan as a condition to granting a special exception.”
    - The summaries and drawings in exhibit suggest the PD No. 193 requirements for street trees, garage buffer and landscape site areas may be restricted elsewhere on the property. This will not be known without a complete site landscape submittal.
  - Recommendation:
    - Denial of the submitted incomplete “conceptual” landscape plan. To present an adequate report of deficiencies, all of the deficiencies indicated by the applicant in the summaries should be factored into a completed (not conceptual) landscape plan. If approved, the Board should allow discretion to the Building Official for inspections based on the conceptual nature of the plans.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: PD No. 193 O-2 (Planned Development – Office subdistrict)  
North: PD No. 201, PD No. 305, and PD No. 375 (Planned Development)  
South: PD No. 193 O-2 (Planned Development – Office subdistrict) and PD No. 193 MF-2 (Planned Development – Multifamily subdistrict)  
East: PD No. 375 (Planned Development)  
West: PD No. 193 O-2 (Planned Development – Office subdistrict) and PD No. 193 PDS 6 (Planned Development)

**Land Use:**

The subject site is currently developed with a parking lot and a vacant hospital. The areas to the north and west appear to be developed with commercial/office uses; and the area to the south is developed with a hospital use. The area to the east is under construction. The area to the northeast is developed with mixed uses (commercial and residential).

**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.

**Timeline:**

April 21, 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.

May 18, 2011: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

May 25, 2011: The Board Senior Planner contacted the applicant and discussed the following information:

- the public hearing date and panel that will consider the application; and the June 3<sup>rd</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

May 31, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for June public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner, the Board Senior Planner, the Board of Adjustment Senior Planner, the

Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorneys to the Board.

- June 2, 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."
- June 3, 2011: The applicant submitted additional information (Attachment A).
- June 14, 2011: The Board of Adjustment Panel A conducted a public hearing on this request and delayed action until their August 16<sup>th</sup> public hearing.
- June 22, 2011: The applicant submitted a revised application and additional information (Attachment B).
- June 22, 2011: The Board of Adjustment Senior Planner sent a letter to the applicant informing him of the public hearing date, the August 1<sup>st</sup> deadline to submit additional evidence to staff, and the August 5<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials.
- July 29, 2011: The applicant submitted additional information (Attachment C).
- August 2, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the 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.
- August 4, 2011: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Has no objections if certain conditions are met" with the following comments: "Need to comply with all C.O.D visibility requirements."
- August 8, 2011: The City of Dallas Chief Arborist submitted a memo that provided his comments regarding the request for a special exception to the landscape regulations (see Attachment D).

**STAFF ANALYSIS (variance):**

- The request focuses on constructing a multifamily structure and providing a 15' front yard setback along Oak Grove Avenue where a 20' front yard setback is required.
- The subject site appears to be flat, irregular in shape, and is approximately 3.06 acres in area.
- A 5' street easement exists on a portion of the request site on the Oak Grove Avenue frontage, near Lemmon Avenue West. Front yard setbacks are measured from the property line or right-of-way, whichever creates the greater setback. In the case of the request site, the setback line ranges from 20' from the property line and 25' from the property line where the street easement exists.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the Oak Grove Avenue front yard setback regulation 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 PD 193 O-2 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 PD 193 O-2 zoning classification.
- If the Board were to have granted the variance request, subject to the submitted site plan, the structure in the front yard setback would have been limited to what was shown on this document.

**STAFF ANALYSIS (special exception) :**

- This landscape special exception request is triggered with the construction and maintenance of a multifamily structure on the site.
- The applicant seeks exception from the landscape requirements of PD No. 193, specifically the applicant has submitted a plan that addresses the requirements of the off-street parking and screening requirements of this ordinance.
- The City of Dallas Chief Arborist recommends denial of the request because of reasons that are provided in his August 8<sup>th</sup> memo to staff (see Attachment D) and described in the "General Facts" section of this case report.
- The applicant has the burden of proof in establishing the following:

- The special exception will not compromise the spirit and intent of the section of the ordinance (Section 26: Landscape, streetscape, screening, and fencing standards).
- If the Board were to grant this request and impose the submitted “conceptual plans” as a condition, the site would be “excepted” from compliance to the landscape, streetscape, screening, and fencing requirements of the Oak Lawn PD District – plans that according to the Chief Arborist are so “conceptual” in scope that staff is unable to provide a complete account of how the site may be deficient to these regulations – areas/ways that appear to be beyond what the applicant has specifically requested.

**BOARD OF ADJUSTMENT ACTION: JUNE 14, 2011**

APPEARING IN FAVOR: No one

APPEARING IN OPPOSITION: No one

MOTION: **Schweitzer**

I move that the Board of Adjustment, in Appeal No. **BDA 101-053**, hold this matter under advisement until **August 16, 2011**.

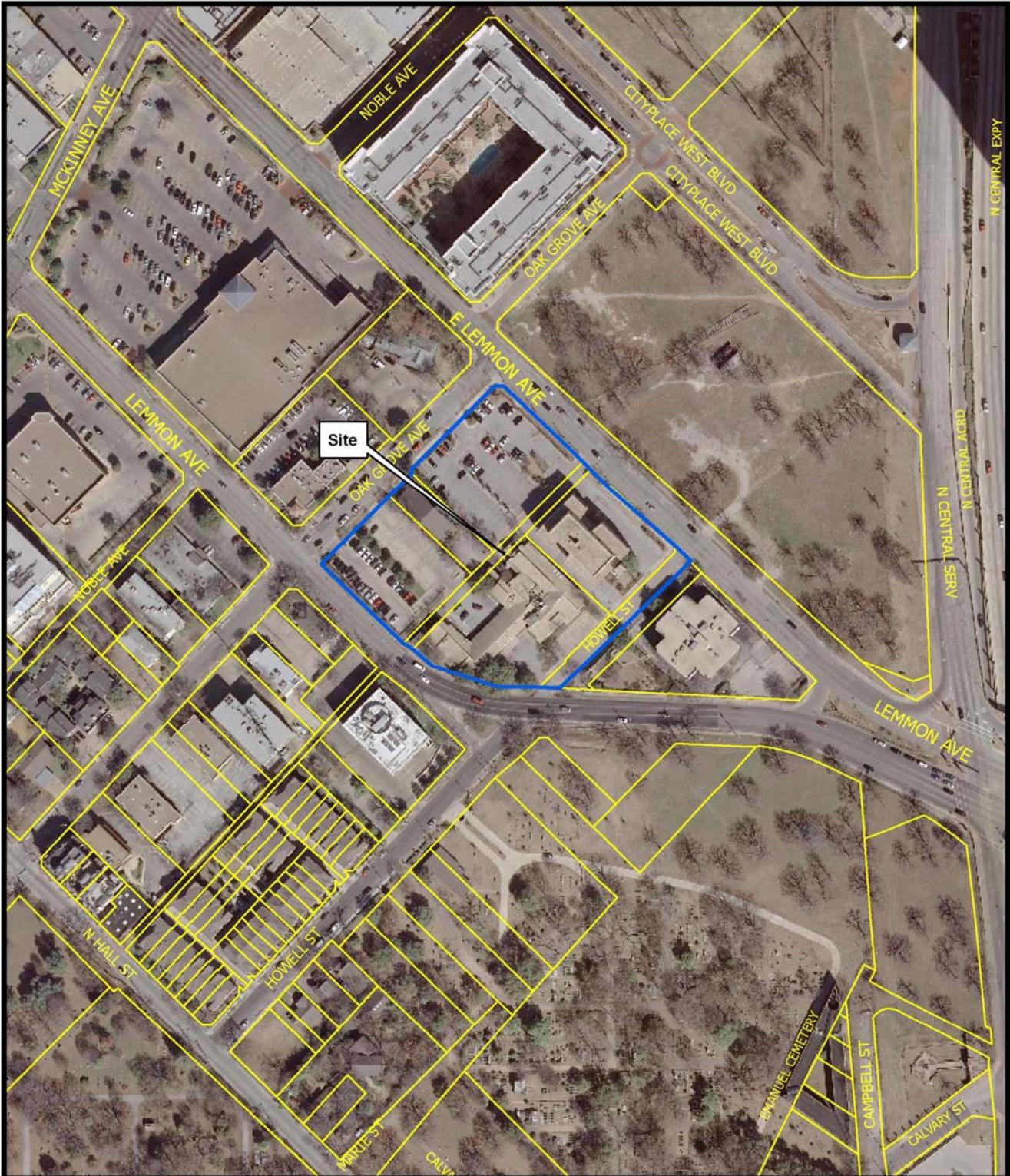
SECONDED: **Hounsel**

AYES: 5 – Richmond, Schweitzer, Hounsel, Goins, Jackson

NAYS: 0 -

MOTION PASSED: 5– 0 (unanimously)





1:2,400

# AERIAL MAP

Map no:           I-7          

Case no:           BDA101-053          

DATE: May 25, 2011

June 2, 2011

Ms. Jennifer Hiromoto  
Senior Planner  
City of Dallas Department of Sustainable Development  
1500 Marilla  
Dallas, Texas 75201

Re: BDA 101-053

Dear Jennifer,

This firm represents CWS Lemmon Resources L.P. in their efforts to seek a variance to allow an encroachment into a required front yard setback for their new apartment project on Lemmon Avenue. This letter will detail the request that will go before the Board of Adjustment.

### **The Property**

The property is an irregularly shaped parcel of land that is located on Lemmon Avenue, just west of Central Expressway. The property is bounded by Lemmon Avenue on the north, Oak Grove Avenue on the west, Lemmon Avenue on the south and the abandoned Howell Street on the east. The property contains 3.06 acres of land.

### **The Proposed Use for the Property**

The owner is processing plans to build a multi-story apartment project on the property. This use is consistent with the current zoning on the property and with other development in the area. The plans call for two floors of parking, one of those being underground, and five floors of apartments on top of the parking garage.

### **The Issue**

The property is encumbered by three (3) front yards. The south and eastern sides of the property has an awkward shaped due to the curvature of Lemmon Avenue as it connects to Central Expressway. Due to this curvature, it is imperative that the other three edges of the property be used efficiently. This is especially true due to the underground parking structure which uses very specific dimensions for laying out the parking bays.

The western edge of the property is bounded by Oak Grove Avenue. On the southern stretch of this frontage, an easement for street purposes was placed on the property in 1966. This street easement only encumbers the southern portion of the western property line. The street easement is no longer necessary. The Oak Lawn

Special Purpose District (PD-193) establishes right-of-way widths for streets. In Section 51P-193.131, the right-of-way for nonresidential streets is set at 50-feet. Oak Grove Avenue already meets this requirement without the easement for street purposes, so the easement is not necessary any longer.

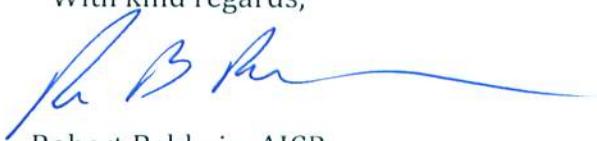
The *Dallas Development Code* establishes that front yard setbacks are measured from the property line. However, in cases where there is a street easement, the setback line is measured from the edge of the street easement. In this case, the street easement causes an additional front yard setback that results in a staggered building line along our western property boundary which has a negative impact to the underground parking garage layout. The northern half of the western property line has a 20-foot front yard setback while the southern half of the western property line has a 25-foot setback due to the street easement. This jog in the front yard setback along Oak Grove causes great inefficiencies within the underground parking garage.

This request is seeking permission to have the front yard setback along Oak Grove measured consistently along our western property line, which would result in an encroachment of approximately three feet and two inches (3'-2") into the additional front yard setback along the southern half of the western property line.

This variance is necessary due to the irregular shape of the property and to allow it to be developed commensurate with the northern portion of the property and all other property in PD-193.

Thank you for your assistance with this matter. If I can be of any assistance, please do not hesitate to contact me.

With kind regards,

A handwritten signature in blue ink, appearing to read 'R. Baldwin', with a long horizontal flourish extending to the right.

Robert Baldwin, AICP



City of Dallas

BDA 101-053  
Attach B  
PS1

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-053

Data Relative to Subject Property:

Date: April 20, 2011

Location address: 2828 Lemmon & 3514 Oak Grove Zoning District: PD 193 O-2

Lot No.: 4D Block No.: 1/634 Acreage: 3.061ac Census Tract: 7.01

Street Frontage (in Feet): 1) 392 2) 332 3) 335 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property/or Principal: CWS Lemmon Resources L.P.

Applicant: Robert Baldwin Telephone: \_\_\_\_\_

Mailing Address: 3904 Elm Suite B Zip Code: 75226

Represented by: Robert Baldwin Telephone: 214-824-7949

Mailing Address: 3904 Elm suite B - Dallas TX Zip Code: 75226

Affirm that a request has been made for a Variance X, or Special Exception \_\_\_\_\_, of Three feet two inches (~~3'2"~~) to the twenty Foot (20) required front yard setback & a Special Exception

VR To the screening requirement to the loading zone.

5-foot (23B)

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 granting the request will not adversely impact the surrounding properties.

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:

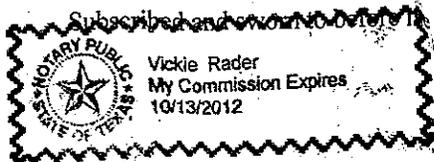
Rob Baldwin  
Applicant's name printed

[Signature]  
Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared Rob Baldwin 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 on this 20<sup>th</sup> day of April 2011  
Vickie Rader  
Notary Public in and for Dallas County, Texas

BDA 101-053

Attachment B  
2

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 BALDWIN ASSOCIATES

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

at 2828 Lemmon Avenue

BDA101-053. Application of Baldwin Associates for a variance to the front yard setback regulations and a special exception to the landscape regulations at 2828 Lemmon Avenue East. This property is more fully described as Lot 4D in city block 1/634 and is zoned PD-193, O-2, which requires a front yard setback of 20 feet and landscaping to be provided. The applicant proposes to construct and maintain a structure and provide a 15 foot front yard setback, which will require a 5 foot variance to the front yard setback regulation and provide an alternate landscape plan which will require a special exception to the landscape regulation.

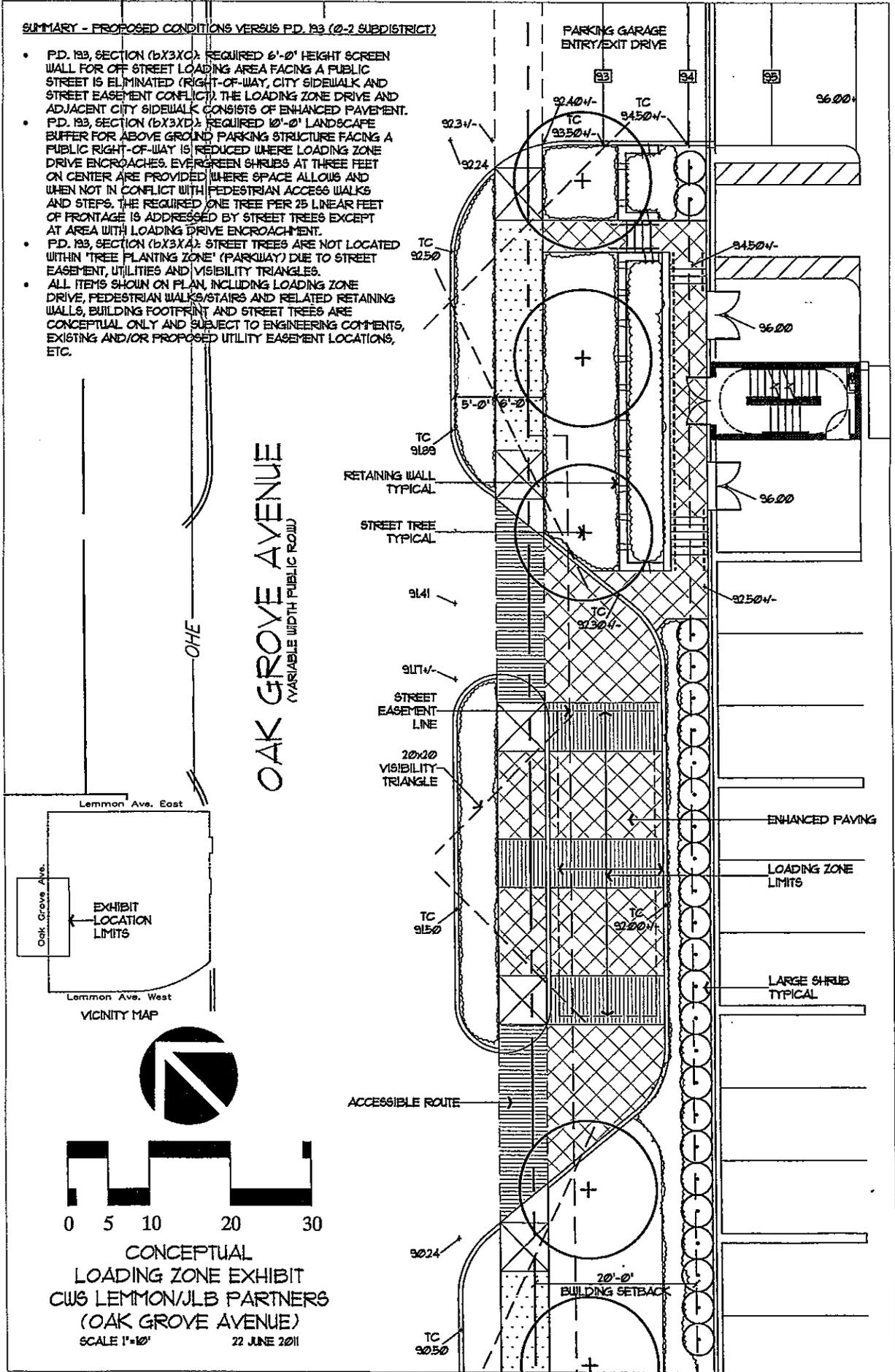
Sincerely,

*Batsheba Antebi*  
Batsheba Antebi, Building Official

BDA 101-053  
 Attach B  
 P 2 3

**SUMMARY - PROPOSED CONDITIONS VERSUS P.D. 193 (0-2 SUBDISTRICT)**

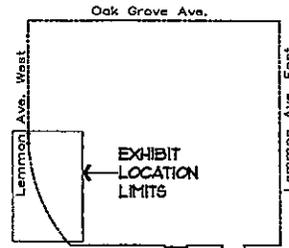
- P.D. 193, SECTION (bX3XC) REQUIRED 6'-0" HEIGHT SCREEN WALL FOR OFF STREET LOADING AREA FACING A PUBLIC STREET IS ELIMINATED (RIGHT-OF-WAY, CITY SIDEWALK AND STREET EASEMENT CONFLICT). THE LOADING ZONE DRIVE AND ADJACENT CITY SIDEWALK CONSISTS OF ENHANCED PAVEMENT.
- P.D. 193, SECTION (bX3XD) REQUIRED 10'-0" LANDSCAPE BUFFER FOR ABOVE GROUND PARKING STRUCTURE FACING A PUBLIC RIGHT-OF-WAY IS REDUCED WHERE LOADING ZONE DRIVE ENCLOSES. EVERGREEN SHRUBS AT THREE FEET ON CENTER ARE PROVIDED WHERE SPACE ALLOWS AND WHEN NOT IN CONFLICT WITH PEDESTRIAN ACCESS WALKS AND STEPS. THE REQUIRED ONE TREE PER 25 LINEAR FEET OF FRONTAGE IS ADDRESSED BY STREET TREES EXCEPT AT AREA WITH LOADING DRIVE ENCROACHMENT.
- P.D. 193, SECTION (bX3XA) STREET TREES ARE NOT LOCATED WITHIN 'TREE PLANTING ZONE' (PARKWAY) DUE TO STREET EASEMENT, UTILITIES AND VISIBILITY TRIANGLES.
- ALL ITEMS SHOWN ON PLAN, INCLUDING LOADING ZONE DRIVE, PEDESTRIAN WALKS/STAIRS AND RELATED RETAINING WALLS, BUILDING FOOTPRINT AND STREET TREES ARE CONCEPTUAL ONLY AND SUBJECT TO ENGINEERING COMMENTS, EXISTING AND/OR PROPOSED UTILITY EASEMENT LOCATIONS, ETC.



**CONCEPTUAL LOADING ZONE EXHIBIT**  
 CWS LEMMON/JLB PARTNERS  
 (OAK GROVE AVENUE)  
 SCALE 1"=10' 22 JUNE 2011

**SUMMARY - PROPOSED CONDITIONS VERSUS P.D. 193 (0-2 SUBDISTRICT)**

- P.D. 193, SECTION (b)(3)(C): REQUIRED 6'-0" HEIGHT SCREEN WALL FOR OFF STREET LOADING AREA FACING A PUBLIC STREET IS ELIMINATED AND REPLACED WITH A PLAZA AREA COMPRISED OF ENHANCED PAVEMENT FROM BUILDING FACE TO SIDEWALK, STREET TREES IN TREE GRATES AND DECORATIVE BOLLARDS TO DELINEATE LOADING ZONE LIMITS.
- P.D. 193, SECTION (b)(3)(D): REQUIRED 10'-0" LANDSCAPE BUFFER FOR ABOVE GROUND PARKING STRUCTURE FACING A PUBLIC RIGHT-OF-WAY IS ELIMINATED, INCLUDING EVERGREEN SHRUBS AT 3' ON CENTER. THE REQUIRED ONE TREE PER 25 LINEAR FEET OF FRONTAGE IS ADDRESSED BY STREET TREES IN 5x5 TREE GRATES.
- P.D. 193, SECTION (b)(4)(B): REQUIRED 5'-0" PARKWAY IS REDUCED AND/OR ELIMINATED DUE TO PROPOSED DECELERATION LANE ENCROACHMENT. THE 6'-0" WIDTH REQUIRED SIDEWALK IS MAINTAINED.
- P.D. 193, SECTION (b)(5)(A): STREET TREES ARE NOT LOCATED WITHIN "TREE PLANTING ZONE" (PARKWAY) DUE TO STREET EASEMENT AND EXISTING UTILITIES.
- ALL ITEMS SHOWN ON PLAN, INCLUDING DECELERATION LANE, STREET TREES, TREE GRATES, BOLLARDS, BUILDING FOOTPRINT, SIDEWALKS AND PLAZA PAVING LIMITS ARE CONCEPTUAL ONLY AND SUBJECT TO ENGINEERING COMMENTS, EXISTING AND/OR PROPOSED UTILITY EASEMENT LOCATIONS, ETC.

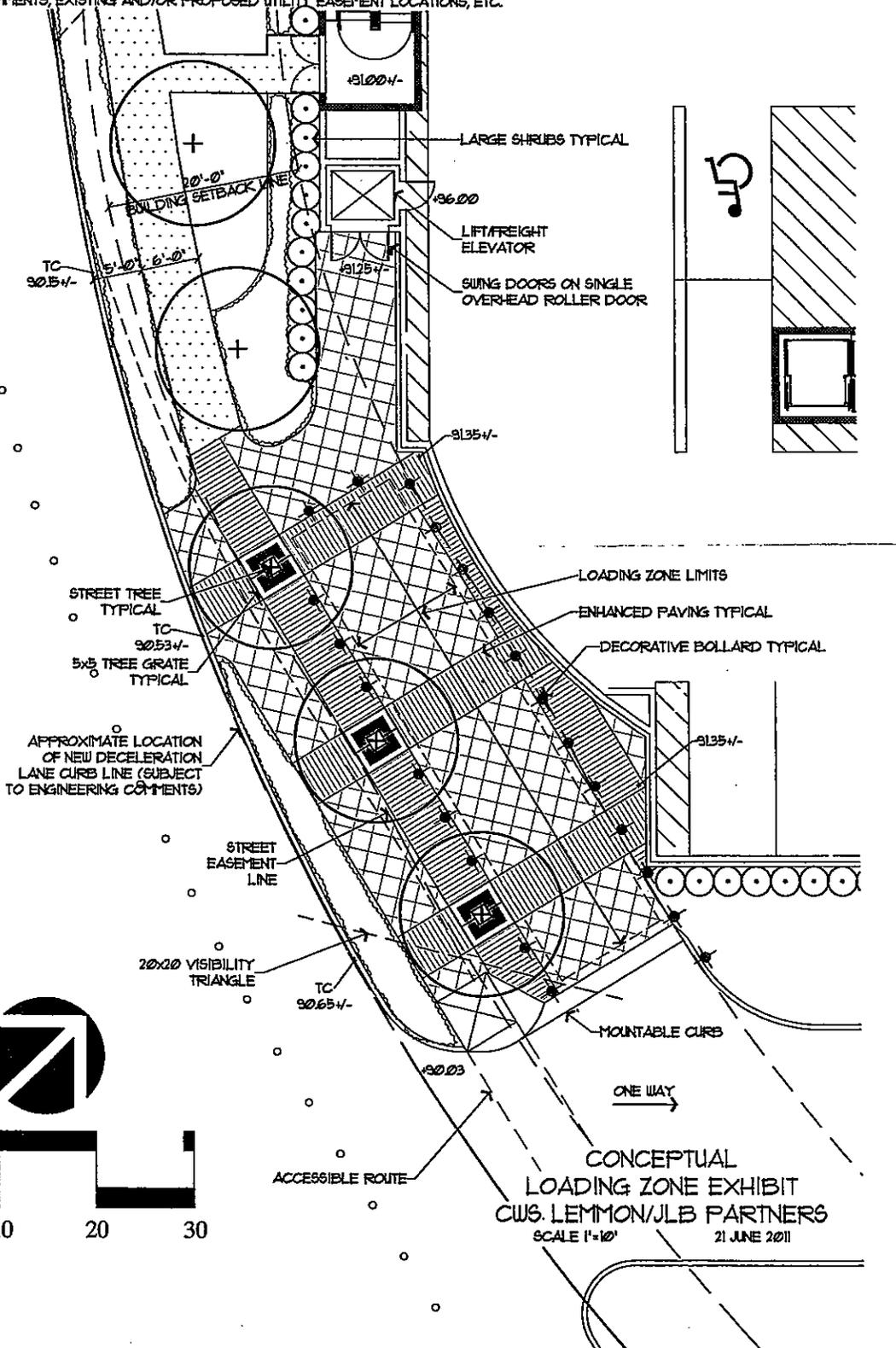


VICINITY MAP

BDA 101-053  
 Attach B  
 PG 4

LEMMON AVENUE WEST  
 (VARIABLE WIDTH PUBLIC ROW)

ONE WAY



CONCEPTUAL  
 LOADING ZONE EXHIBIT  
 CWS, LEMMON/JLB PARTNERS  
 SCALE 1"=10'  
 21 JUNE 2011

**Baldwin**  
**Associates**

July 29, 2011 ✓

Mr. Steve Long  
Board of Adjustment Administrator  
City of Dallas Department of Sustainable Development  
1500 Marilla  
Dallas, Texas 75201

Re: BDA 101-053

Dear Steve,

This firm represents CWS Lemmon Resources L.P. in their efforts to seek a variance to allow an encroachment into a required front yard setback and to allow an alternate landscape plan for the screening of loading docks for their new apartment project on Lemmon Avenue. This letter will detail the requests that will go before the Board of Adjustment.

**The Property**

The property is an irregularly shaped parcel of land that is located on Lemmon Avenue, just west of Central Expressway. The property is bounded by Lemmon Avenue on the north, Oak Grove Avenue on the west, Lemmon Avenue on the south and the abandoned Howell Street on the east. The property contains 3.06 acres of land.

**The Proposed Use for the Property**

The owner is processing plans to build a multi-story apartment project on the property. This use is consistent with the current zoning on the property and with other development in the area. The plans call for two floors of parking, one of those being underground, and five floors of apartments on top of the parking garage.

**The Issues**

Encroachment into a Required Front Yard

The property is encumbered by three (3) front yards. The south and eastern sides of the property has an awkward shaped due to the curvature of Lemmon Avenue as it connects to Central Expressway. Due to this curvature, it is imperative that the other three edges of the property be used efficiently. This is especially true due to the underground parking structure which uses very specific dimensions for laying out the parking bays.

The western edge of the property is bounded by Oak Grove Avenue. On the southern stretch of this frontage, an easement for street purposes was placed on the

property in 1966. This street easement only encumbers the southern portion of the western property line. The street easement is no longer necessary. The Oak Lawn Special Purpose District (PD-193) establishes right-of-way widths for streets. In Section 51P-193.131, the right-of-way for nonresidential streets is set at 50-feet. Oak Grove Avenue already meets this requirement without the easement for street purposes, so the easement is not necessary any longer.

The *Dallas Development Code* establishes that front yard setbacks are measured from the property line. However, in cases where there is a street easement, the setback line is measured from the edge of the street easement. In this case, the street easement causes an additional front yard setback that results in a staggered building line along our western property boundary that has a negative impact to the underground parking garage layout. The northern half of the western property line has a 20-foot front yard setback while the southern half of the western property line has a 25-foot setback.

This request is seeking permission to have the front yard setback along Oak Grove measured consistently along our western property line, which would result in an encroachment of up to five (5) feet into the additional front yard setback along the southern half of the western property line. This will allow for a consistent 20-foot wide front yard setback along Oak Grove when measured from the property line.

This variance is necessary due to the irregular shape of the property and to allow it to be developed commensurate with the northern portion of the property and all other property in PD-193.

#### Screening of Loading Zones

The Oak Lawn Special Purpose District requires this project to provide two (2) loading zones. The design of the project provides for one of the zones on Oak Grove on the west side of the property and the other one along Lemmon Avenue West on the south side of the property. Section 51P-193.126 establishes that all loading zones must be screen from a public street by a wall, fence, berm or hedge at least six (6) feet in height. We are asking for approval of an alternate design as we believe that our design is more appropriate for this location and the design of the building.

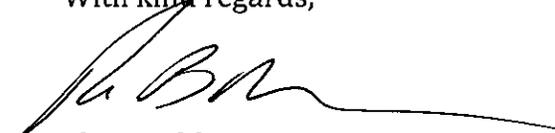
The proposed loading areas will not be used very often once the apartment project is initially leased up. Our experience is that after the property is fully leased, each loading zone will be used less than two hours per month. Therefore, we do not think it is appropriate to have a screening wall or hedge along the street frontage. Our design uses a combination of trees, shrubs and enhanced pavement to make a more welcoming design, while keeping the spaces efficient and accessible. This is an urban portion of Oak Lawn and the way a project addresses a street is very important and we believe that it would be a shame to have a great designed marred by a fence or wall that is not needed. We hope that you will agree. We would like to

BDA101-053  
Attach C  
Pg 3

be held to the design that we have attached to this letter that clearly shows the design of the landscaping treatment for our loading areas.

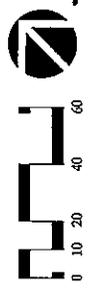
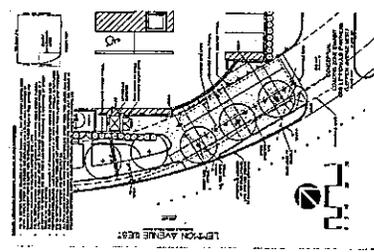
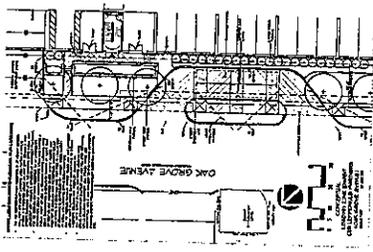
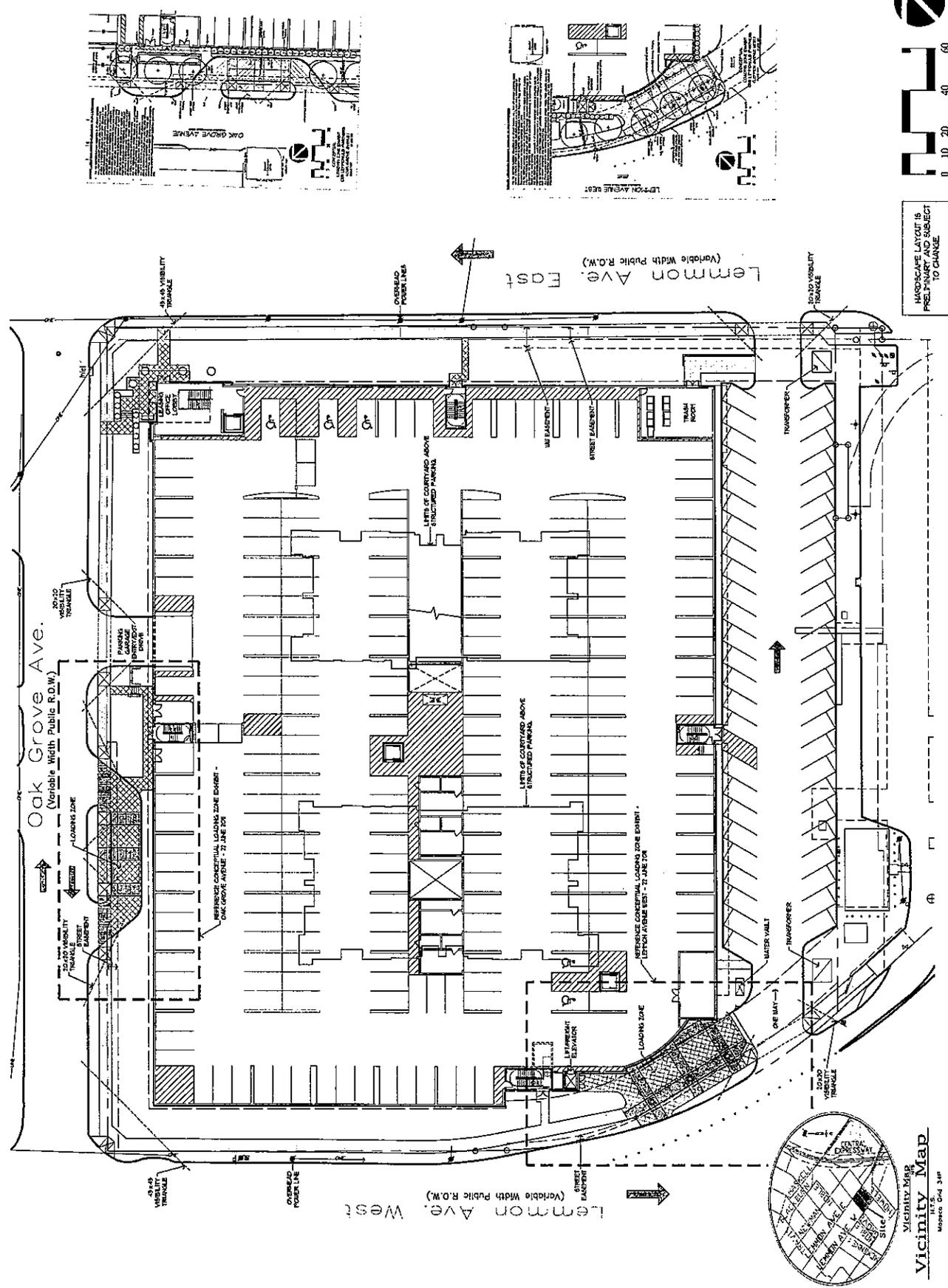
Thank you for your assistance with this matter. If I can be of any assistance, please do not hesitate to contact me.

With kind regards,

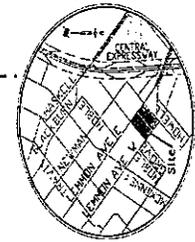


Robert Baldwin, AICP

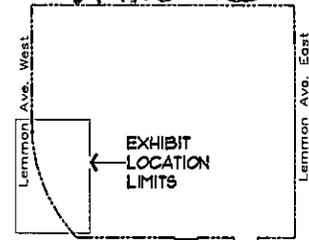
BDA 101-053 Attach C pg 4



MASSING LAYOUT IS PRELIMINARY AND SUBJECT TO CHANGE

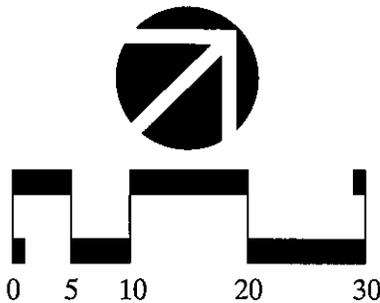
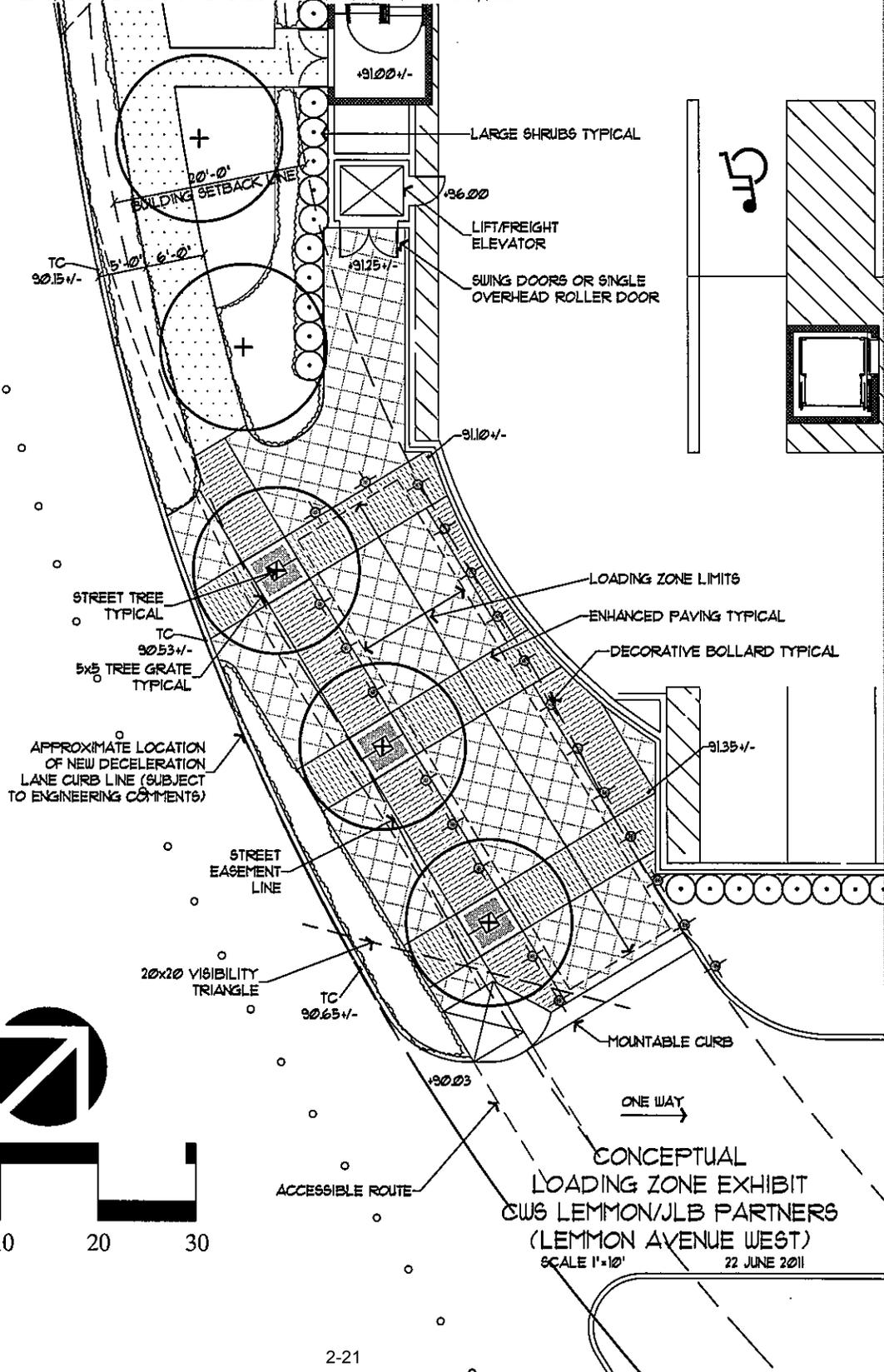


- P.D. 193, SECTION (b)(3)(C) REQUIRED 6'-0" HEIGHT SCREEN WALL FOR OFF STREET LOADING AREA FACING A PUBLIC STREET IS ELIMINATED AND REPLACED WITH A PLAZA AREA COMPRISED OF ENHANCED PAVEMENT FROM BUILDING FACE TO SIDEWALK, STREET TREES IN TREE GRATES AND DECORATIVE BOLLARDS TO DELINEATE LOADING ZONE LIMITS.
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LEMMON AVENUE WEST  
(VARIABLE WIDTH PUBLIC ROAD)

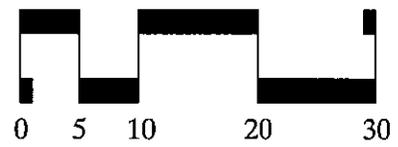
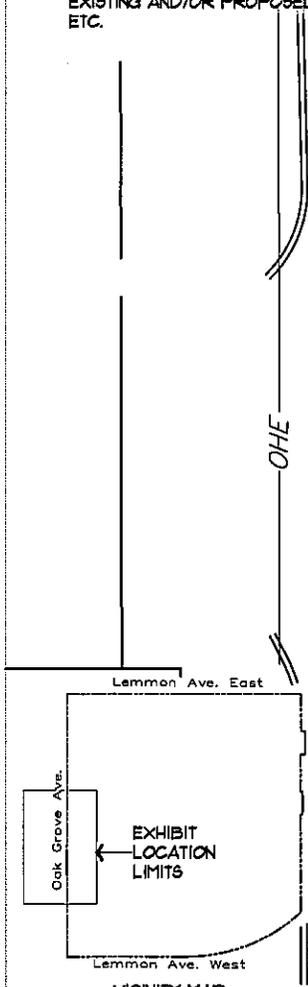
ONE WAY



BDA 101-053 Attach C  
PS 6

**SUMMARY - PROPOSED CONDITIONS VERSUS P.D. 193 (0-2 SUBDISTRICT)**

- P.D. 193, SECTION (b)(3)(C): REQUIRED 6'-0" HEIGHT SCREEN WALL FOR OFF STREET LOADING AREA FACING A PUBLIC STREET IS ELIMINATED (RIGHT-OF-WAY, CITY SIDEWALK AND STREET EASEMENT CONFLICT). THE LOADING ZONE DRIVE AND ADJACENT CITY SIDEWALK CONSISTS OF ENHANCED PAVEMENT.
- P.D. 193, SECTION (b)(3)(D): REQUIRED 10'-0" LANDSCAPE BUFFER FOR ABOVE GROUND PARKING STRUCTURE FACING A PUBLIC RIGHT-OF-WAY IS REDUCED WHERE LOADING ZONE DRIVE ENCRACHES. EVERGREEN SHRUBS AT THREE FEET ON CENTER ARE PROVIDED WHERE SPACE ALLOWS AND WHEN NOT IN CONFLICT WITH PEDESTRIAN ACCESS WALKS AND STEPS. THE REQUIRED ONE TREE PER 25 LINEAR FEET OF FRONTAGE IS ADDRESSED BY STREET TREES EXCEPT AT AREA WITH LOADING DRIVE ENCRACHMENT.
- P.D. 193, SECTION (b)(3)(4): STREET TREES ARE NOT LOCATED WITHIN 'TREE PLANTING ZONE' (PARKWAY) DUE TO STREET EASEMENT, UTILITIES AND VISIBILITY TRIANGLES.
- ALL ITEMS SHOWN ON PLAN, INCLUDING LOADING ZONE DRIVE, PEDESTRIAN WALKS/STAIRS AND RELATED RETAINING WALLS, BUILDING FOOTPRINT AND STREET TREES ARE CONCEPTUAL ONLY AND SUBJECT TO ENGINEERING COMMENTS, EXISTING AND/OR PROPOSED UTILITY EASEMENT LOCATIONS, ETC.

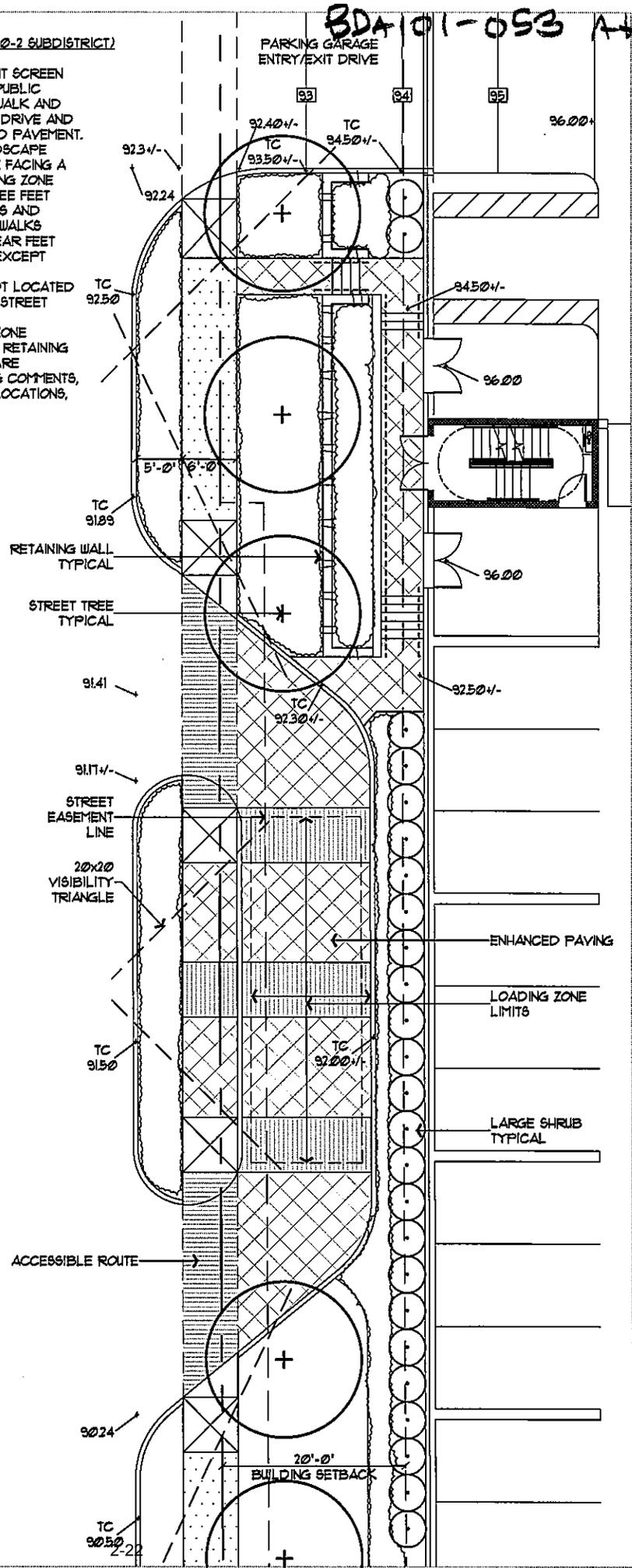


**CONCEPTUAL  
LOADING ZONE EXHIBIT  
CWS LEMMON/JLB PARTNERS  
(OAK GROVE AVENUE)**

SCALE 1"=10' 22 JUNE 2011

BDA 101-053

**OAK GROVE AVENUE  
(VARIABLE WIDTH PUBLIC ROW)**



# Memorandum



CITY OF DALLAS

DATE August 8, 2011  
TO Steve Long, Board of Adjustment Administrator  
SUBJECT # BDA 101 - 053                      2828 Lemmon Avenue

The applicant is requesting a special exception to the landscape requirements of PD 193 (O-2). More specifically, the plan addresses the requirements of 51P-193.126(b)(3), Off-street parking and screening requirements.

### Trigger

Proposed new construction.

### Deficiencies

The proposed plans for the loading areas do not present a complete picture of the landscape for the entire property. They demonstrate only the specific proposed off-street loading areas. The summaries provided in the exhibits demonstrate additional items that may need to be considered. These would require special exceptions for more than just a screening element for the loading areas described in the letter from the applicant.

### Factors

No full plans for construction have been submitted for review.

As indicated in the summary for the two loading zones, the plans submitted are 'conceptual' in nature and subject to revision by engineering review.

As stated in 51P-193.126(a)(4), 'when feasible, the Board shall require that the applicant submit and that property will comply with a landscape plan as a condition to granting a special exception.'

The summaries and drawings in exhibit suggest the PD 193 requirements for street trees, garage buffer and landscape site areas may be restricted elsewhere on the property. This will not be known without a complete site landscape submittal.

### Recommendation

Denial of the submitted incomplete 'conceptual' landscape plan. In order for me to present an adequate report of deficiencies, all of the deficiencies indicated by the applicant in their summaries should be factored in to a completed (not conceptual) landscape plan. If approved, the Board should allow discretion to the Building Official for inspections based on the conceptual nature of the plans.

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



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-053

Data Relative to Subject Property:

Date: April 20, 2011

Location address: 2828 Lemmon & 3514 Oak Grove Zoning District: PD 193 O-2

Lot No.: 4D Block No.: 1/634 Acreage: 3.061ac Census Tract: 7.01

Street Frontage (in Feet): 1) 392 2) 332 3) 335 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property/or Principal: CWS Lemmon Resources L.P.

Applicant: Robert Baldwin Telephone: \_\_\_\_\_

Mailing Address: 3904 Elm Suite B Zip Code: 75226

Represented by: Robert Baldwin Telephone: 214-824-7949

Mailing Address: 3904 Elm suite B - Dallas TX Zip Code: 75226

Affirm that a request has been made for a Variance X, or Special Exception   , of Three feet two inches (3' 2") to the twenty Foot (20) required front yard setback

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 granting the request will not adversely impact the surrounding properties.

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: Rob Baldwin  
Applicant's name printed

[Signature]  
Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared Rob Baldwin 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 20<sup>th</sup> day of April 2011

[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**

BALDWIN ASSOCIATES

**did submit a request**

for a variance to the front yard setback regulations

**at**

2828 Lemmon Avenue

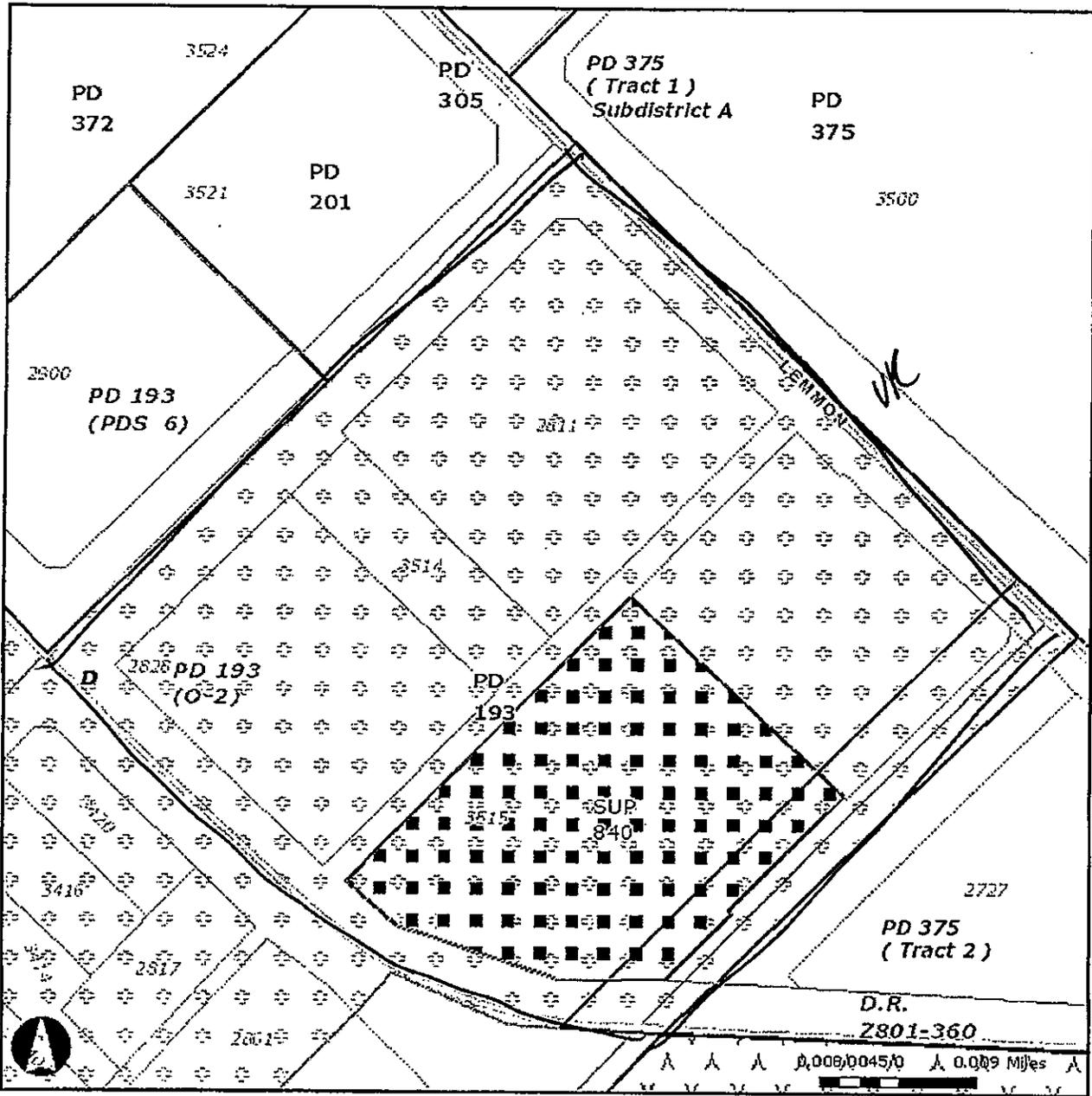
BDA101-053. Application of Baldwin Associates for a variance to the front yard setback regulations at 2828 Lemmon Avenue East. This property is more fully described as Lot 4D in city block 1/634 and is zoned PD-193, O-2, which requires a front yard setback of 20 feet. The applicant proposes to construct and maintain a structure and provide a 16 foot 10 inch front yard setback, which will require a 3 foot 2 inch variance to the front yard setback regulation.

Sincerely,

*Batsheba Antebi*  
Batsheba Antebi, Building Official



# City of Dallas Zoning



<p>City Boundaries</p> <p>County</p> <p>Certified Parcels</p> <p>DISD Sites</p> <p>Council Districts</p>	<p>Dry Overlay</p> <p>Historic Overlay</p> <p>Historic Subdistricts</p> <p>NSO Overlay</p>	<p>Base Zoning</p> <p>Floodplain</p> <p>100 Flood Zone</p> <p>Mill's Creek</p> <p>Peak's Branch</p> <p>PROTECTED BY LEVEE</p> <p>Pedestrian Overlay</p>
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City of Dallas

A

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-053

Data Relative to Subject Property:

Date: April 20, 2011

Location address: 2828 Lemmon & ~~3514 Oak Grove~~ Zoning District: PD 193 O-2

Lot No.: 4D Block No.: 1/634 Acreage: 3.061ac Census Tract: 7.01

Street Frontage (in Feet): 1) 392 2) 332 3) 335 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property/or Principal: CWS Lemmon Resources L.P.

Applicant: Robert Baldwin Telephone: \_\_\_\_\_

Mailing Address: 3904 Elm Suite B Zip Code: 75226

Represented by: Robert Baldwin Telephone: 214-824-7949

Mailing Address: 3904 Elm suite B - Dallas TX Zip Code: 75226

Affirm that a request has been made for a Variance X, or Special Exception \_\_\_\_\_, of 5-foot <sup>(213B)</sup> ~~Three feet two inches (3'-2")~~ to the twenty Foot (20) required front yard setback & a Special Exception to the screening requirement to the loading zone.

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 granting the request will not adversely impact the surrounding properties.

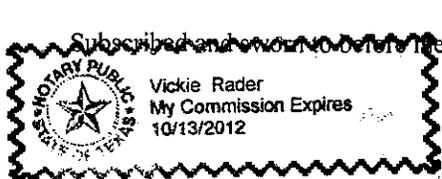
Note to Applicant: If the relief requested in this application is granted by the Board of Adjustment, said permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Respectfully submitted: Rob Baldwin Applicant's name printed [Signature] Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared Rob Baldwin 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 20<sup>th</sup> day of April, 2011  
Vickie Rader  
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 BALDWIN ASSOCIATES

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

at 2828 Lemmon Avenue

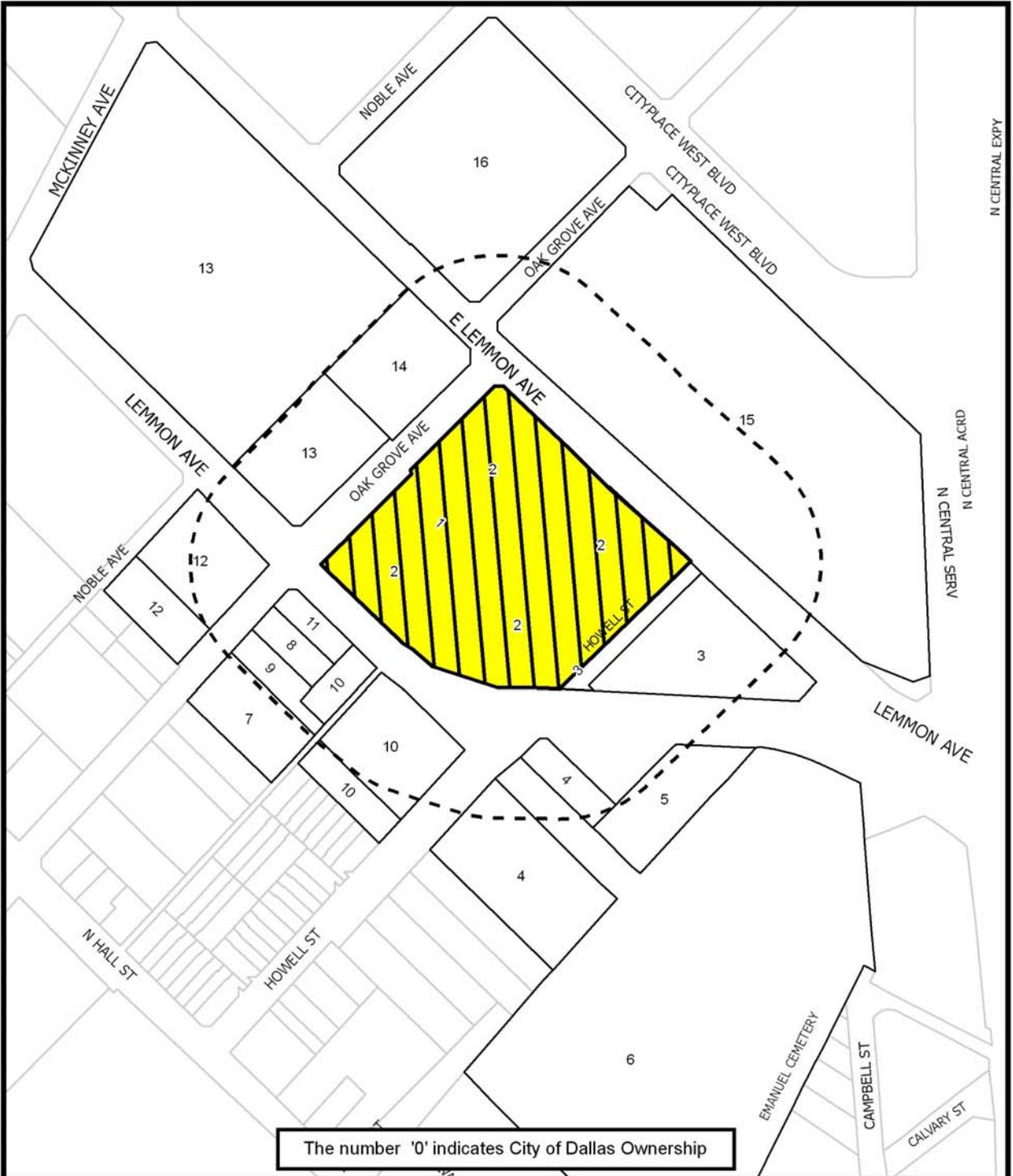
BDA101-053. Application of Baldwin Associates for a variance to the front yard setback regulations and a special exception to the landscape regulations at 2828 Lemmon Avenue East. This property is more fully described as Lot 4D in city block 1/634 and is zoned PD-193, O-2, which requires a front yard setback of 20 feet and landscaping to be provided. The applicant proposes to construct and maintain a structure and provide a 15 foot front yard setback, which will require a 5 foot variance to the front yard setback regulation and provide an alternate landscape plan which will require a special exception to the landscape regulation.

Sincerely,

*Batsheba Antebi*  
Batsheba Antebi, Building Official







 <b>1:2,400</b>	<h2>NOTIFICATION</h2> <table border="1"> <tr> <td><b>200'</b></td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td><b>16</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>16</b>	NUMBER OF PROPERTY OWNERS NOTIFIED	<p>Map no: <u>          I-7          </u></p> <p>Case no: <u>          BDA101-053          </u></p>
<b>200'</b>	AREA OF NOTIFICATION					
<b>16</b>	NUMBER OF PROPERTY OWNERS NOTIFIED					

DATE: May 25, 2011

# **Notification List of Property Owners**

## **BDA101-053**

### **16 Property Owners Notified**

<b>Label #</b>	<b>Address</b>	<b>Owner</b>
1	3514 OAK GROVE	CWS LEMMON LP SUITE 400
2	3515 LEMMON EAST	CWS LEMMON LP
3	2731 LEMMON	BREMNERDUKE MARY SHIELS DEVELOPMENT LP
4	3502 HOWELL	CONGREGATION EMANU EL
5	2700 LEMMON	TEMPLE EMANU EL
6	2700 LEMMON	HEBREW CEMETARY ASSN
7	3402 OAK GROVE	GRW BUILDING CORP LLC
8	3416 OAK GROVE	TWS & K REALTY LLP
9	3414 OAK GROVE	TWS&K REALTY LLP
10	3433 LEMMON	2801 INVESTMENTS LTD STE A306
11	3420 OAK GROVE	ANTONETTI & VEGA LTD LP
12	3409 OAK GROVE	2909 LEMMON LP STE 200
13	3524 MCKINNEY	PAN COASTAL LIMITED PS % SOUTHSTATE MGMT CORP
14	3521 OAK GROVE	MESSINA MARIO L LOCK BOX 64 STE 913
15	3500 CENTRAL	BLACKBURN CENTRAL HOLDINGS LP
16	2901 CITY PLACE	LB 12 BRYSON AT CITY PLACE LP

**FILE NUMBER:** BDA 101-060

**BUILDING OFFICIAL'S REPORT:**

Application of Diane Ragsdale of the South Dallas/Fair Park Inner City Community Development Corporation, represented by Lewis Rhone and Diane Ragsdale, to require compliance of a nonconforming use at 4909 Pacific Avenue (AKA 4907 S. Pacific Avenue). This property is more fully described as Lot 3 in City Block G/2425 and is zoned PD-595 (R-5(A)) which limits the legal uses in a zoning district. The applicant proposes to request that the Board establish a compliance date for a nonconforming commercial amusement (inside) use.

**LOCATION:** 4909 Pacific Avenue (AKA 4907 S. Pacific Avenue)

**APPLICANT:** Diane Ragsdale of the South Dallas/Fair Park Innercity Community Development Corporation  
Represented by Lewis Rhone and Diane Ragsdale

**REQUEST:**

- A request is made for the Board of Adjustment to establish a compliance date for a nonconforming "commercial amusement (inside)" use (Ollie's Place) on the subject site.

**COMPLIANCE REGULATIONS FOR NONCONFORMING USES:** SEC. 51A-4.704. NONCONFORMING USES AND STRUCTURES of the Dallas Development Code provides the following provisions:

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

(1) Amortization of nonconforming uses.

(A) Request to establish compliance date. The city council may request that the board of adjustment consider establishing a compliance date for a nonconforming use. In addition, any person who resides or owns real property in the city may request that the board consider establishing a compliance date for a nonconforming use. Upon receiving such a request, the board shall hold a public hearing to determine whether continued operation of the nonconforming use will have an adverse effect on nearby properties. If, based on the evidence presented at the public hearing, the board determines that continued operation of the use will have an adverse effect on nearby properties, it

shall proceed to establish a compliance date for the nonconforming use; otherwise, it shall not.

- (B) Factors to be considered. The board shall consider the following factors when determining whether continued operation of the nonconforming use will have an adverse effect on nearby properties:
- (i) The character of the surrounding neighborhood.
  - (ii) The degree of incompatibility of the use with the zoning district in which it is located.
  - (iii) The manner in which the use is being conducted.
  - (iv) The hours of operation of the use.
  - (v) The extent to which continued operation of the use may threaten public health or safety.
  - (vi) The environmental impacts of the use's operation, including but not limited to the impacts of noise, glare, dust, and odor.
  - (vii) The extent to which public disturbances may be created or perpetuated by continued operation of the use.
  - (viii) The extent to which traffic or parking problems may be created or perpetuated by continued operation of the use.
  - (ix) Any other factors relevant to the issue of whether continued operation of the use will adversely affect nearby properties.
- (C) Finality of decision. A decision by the board to grant a request to establish a compliance date is not a final decision and cannot be immediately appealed. A decision by the board to deny a request to establish a compliance date is final unless appealed to state court within 10 days in accordance with Chapter 211 of the Local Government Code.
- (D) Determination of amortization period.
- (i) If the board determines that continued operation of the nonconforming use will have an adverse effect on nearby properties, it shall, in accordance with the law, provide a compliance date for the nonconforming use under a plan whereby the owner's actual investment in the use before the time that the use became nonconforming can be amortized within a definite time period.
  - (ii) The following factors must be considered by the board in determining a reasonable amortization period:
    - (aa) The owner's capital investment in structures, fixed equipment, and other assets (excluding inventory and other assets that may be feasibly transferred to another site) on the property before the time the use became nonconforming.
    - (bb) Any costs that are directly attributable to the establishment of a compliance date, including demolition expenses, relocation expenses, termination of leases, and discharge of mortgages.
    - (cc) Any return on investment since inception of the use, including net income and depreciation.

- (dd) The anticipated annual recovery of investment, including net income and depreciation.
- (E) Compliance requirement. If the board establishes a compliance date for a nonconforming use, the use must cease operations on that date and it may not operate thereafter unless it becomes a conforming use.
- (F) For purposes of this paragraph, "owner" means the owner of the nonconforming use at the time of the board's determination of a compliance date for the nonconforming use.

**GENERAL FACTS:**

- City records indicate the following:
  - The nonconforming use being appealed at 4909 Pacific Avenue: commercial amusement (inside) use.
  - Reason the use is classified as nonconforming: change in zoning.
  - Date that the nonconforming use became nonconforming: March 29, 1965 when the property zoned M-1 became MF-2; and September 26, 2001 when the property zoned MF-2 became PD 595 (R-5(A)) zoning.
  - Current zoning of the property on which the use is located: PD 595 (R-5(A)).
- City records indicate the following:
  - A Certificate of Occupancy was issued on 5-5-64 for property at 4909 S. Pacific to owner Noble Anthony for a restaurant use with what appears to be additional notations made on 5-3-65.
- City records indicate the following:
  - The Certificate of Occupancy was updated on 08-17-2009 for property at 4909 Pacific to owner Ollie Mamie Gillens; DBA: Ollies Place; Land Use: Commercial Amusement (Inside); C.O. #: 0905271033; including remarks: non-conforming use billiard hall.
- The Dallas Development Code states that “nonconforming use” means “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 subject site is zoned PD No. 595 (R-5(A)) that does not permits a “commercial amusement (inside)” use.
- The record owner of the property with the nonconforming commercial amusement (inside) use or the record owner of the nonconforming commercial amusement (inside) use could eliminate the nonconforming use status by obtaining a change in zoning from City Council.
- The record owner of the property could transition the use on the site from “commercial amusement (inside)” use to any use that is permitted by right in the site’s existing PD No. 595 (R-5(A)) zoning classification.
- On July 29, 2011, the applicant submitted information to the Board Administrator on this application beyond what was submitted with the original application (see Attachment A). This information included “a spreadsheet that

shows the crime that has occurred at and around Ollie's Place since Jan. 1, 2007."

**BACKGROUND INFORMATION:**

**Zoning:**

Site: PD No. 595 (R-5(A)) (Planned Development, Single Family)  
North: CS and R-5(A) (Commercial Service and Single Family)  
South: PD No. 595 (R-5(A)) (Planned Development, Single Family)  
East: PD No. 595 (R-5(A)) (Planned Development, Single Family)  
West: PD No. 595 (R-5(A)) (Planned Development, Single Family)

**Land Use:**

The site is currently developed with a "commercial amusement (inside)" use (Ollie's Place). The area to the immediate north is a railroad; the areas to the south and west appear to be developed with mostly single family residential uses; and the area to the east is a combination of undeveloped land and office 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.

**Timeline:**

- April 27, 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.
- June 17, 2011: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- June 21, 2011: The Board Administrator wrote/sent the record owner of the property (Needom Martin, Jr.) and the record owner of the nonconforming use (Ollie Mamie Gillens) a letter (with a copy to the applicant- Diane Ragsdale and Lewis Rhone) that informed them that a Board of Adjustment case had been filed against the nonconforming commercial amusement (inside) use on the property. The letter included following enclosures:
1. A copy of the Board of Adjustment application and related materials that has been submitted in conjunction with the application by the applicant.
  2. A copy of the section of the Dallas Development Code

that describes the Board of Adjustment (Section 51A-3.102).

3. A copy of the section of the Dallas Development Code that provides the definition of “nonconforming use” (Section 51A-2.102 (90)).
4. A copy of the sections of PD No. 595 “Use Regulations and Development Standards In The R-5(A) Single Family Subdistrict” and the Dallas Development Code that provides the purpose and main uses permitted set forth for “R-5(A)” zoning district (Section 51A-4.112 (g)).
5. A copy of the section of the Dallas Development Code that provides provisions for “nonconforming uses and structures” (Section 51A-4.704).
6. A copy of the section of the Dallas Development Code that describes the Board of Adjustment hearing procedures (51A-4.703).
7. A copy of the City of Dallas Board of Adjustment Working Rules of Procedures.
8. A copy of the hearing procedures for board of adjustment amortization of a nonconforming use.

The letter also informed Martin and Gillens of the date, time, and location of the public hearing, and provided a deadline of August 5<sup>th</sup> to submit any information that would be incorporated into the board’s docket.

August 2, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the 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.

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

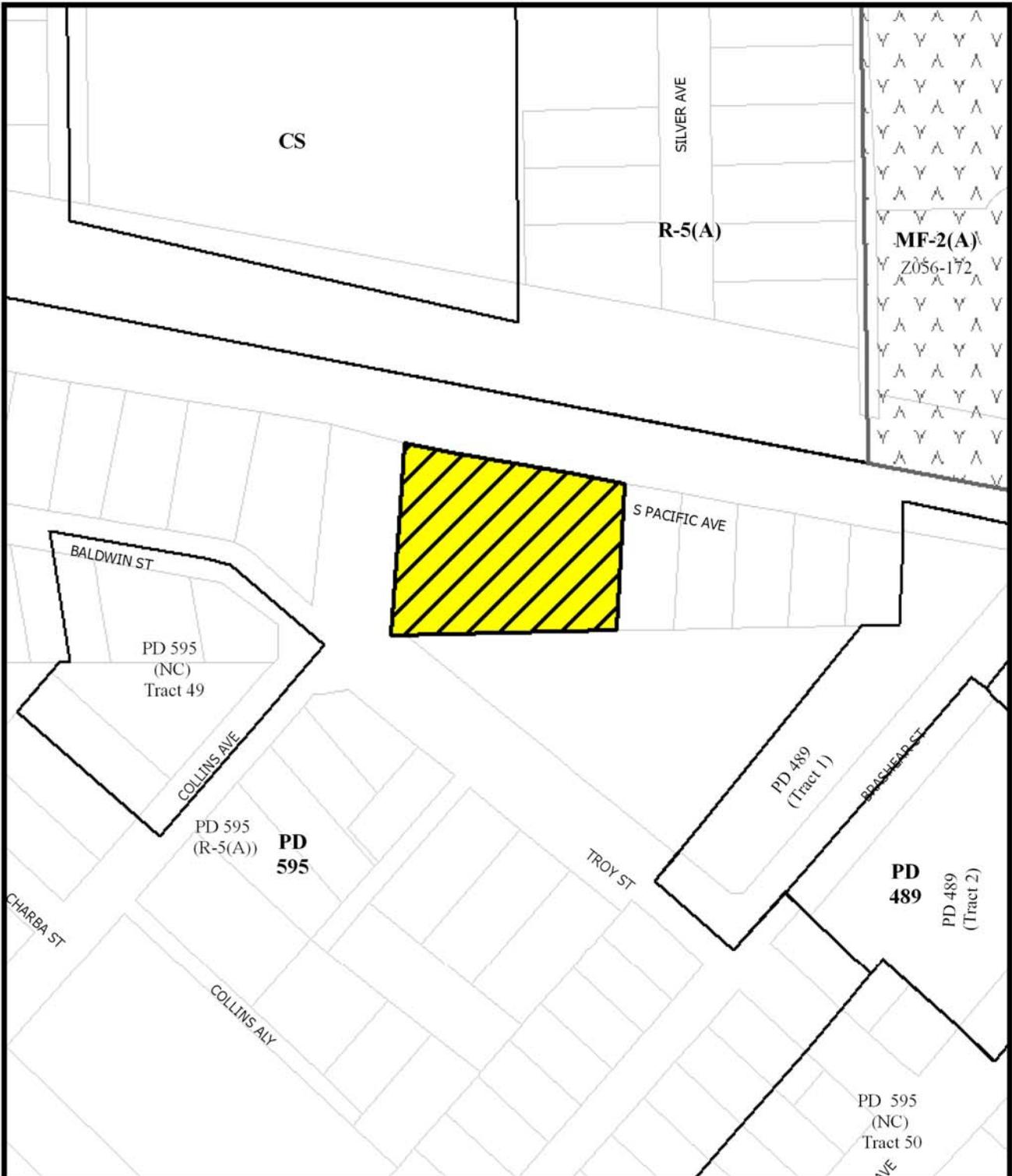
July 29, 2011: The applicant submitted additional information to the Board Administrator beyond what was submitted with the original application (see Attachment A).

### **STAFF ANALYSIS:**

- The “commercial amusement (inside)” use (Ollie’s Place) on the subject site is a nonconforming use. According to city records, the use became nonconforming on March 29, 1965 when the property zoned M-1 became MF-2; and September 26, 2001 when the property zoned MF-2 became PD 595

(R-5(A)) zoning subject site is zoned PD No. 595 (R-5(A)) that does not permits a “commercial amusement (inside)” use.

- The Dallas Development Code states that it is the declared purpose of this subsection (Sec. 51A-4.704. Nonconforming Uses and Structures) 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 record owner of the property with the nonconforming commercial amusement (inside) use or the record owner of the nonconforming commercial amusement (inside) use could eliminate the nonconforming use status by obtaining a change in zoning from City Council.
- The record owner of the property could transition the use on the site from “commercial amusement (inside)” use to any use that is permitted by right in the site’s existing PD No. 595 (R-5(A)) zoning classification.
- The applicant has the burden of proof in establishing the following:
  - Continued operation of the nonconforming “commercial amusement (inside)” use will have an adverse effect on nearby properties.
- The purpose of the Board of Adjustment’s August 16<sup>th</sup> public hearing shall be to determine whether continued operation of the nonconforming “commercial amusement (inside)” use will have an adverse effect on nearby properties. The Dallas Development Code states that if, based on the evidence presented at the public hearing, the board determines that continued operation of this use will have an adverse effect on nearby properties, it shall proceed to establish a compliance date for the nonconforming use (at a subsequent public hearing); otherwise, it shall not.

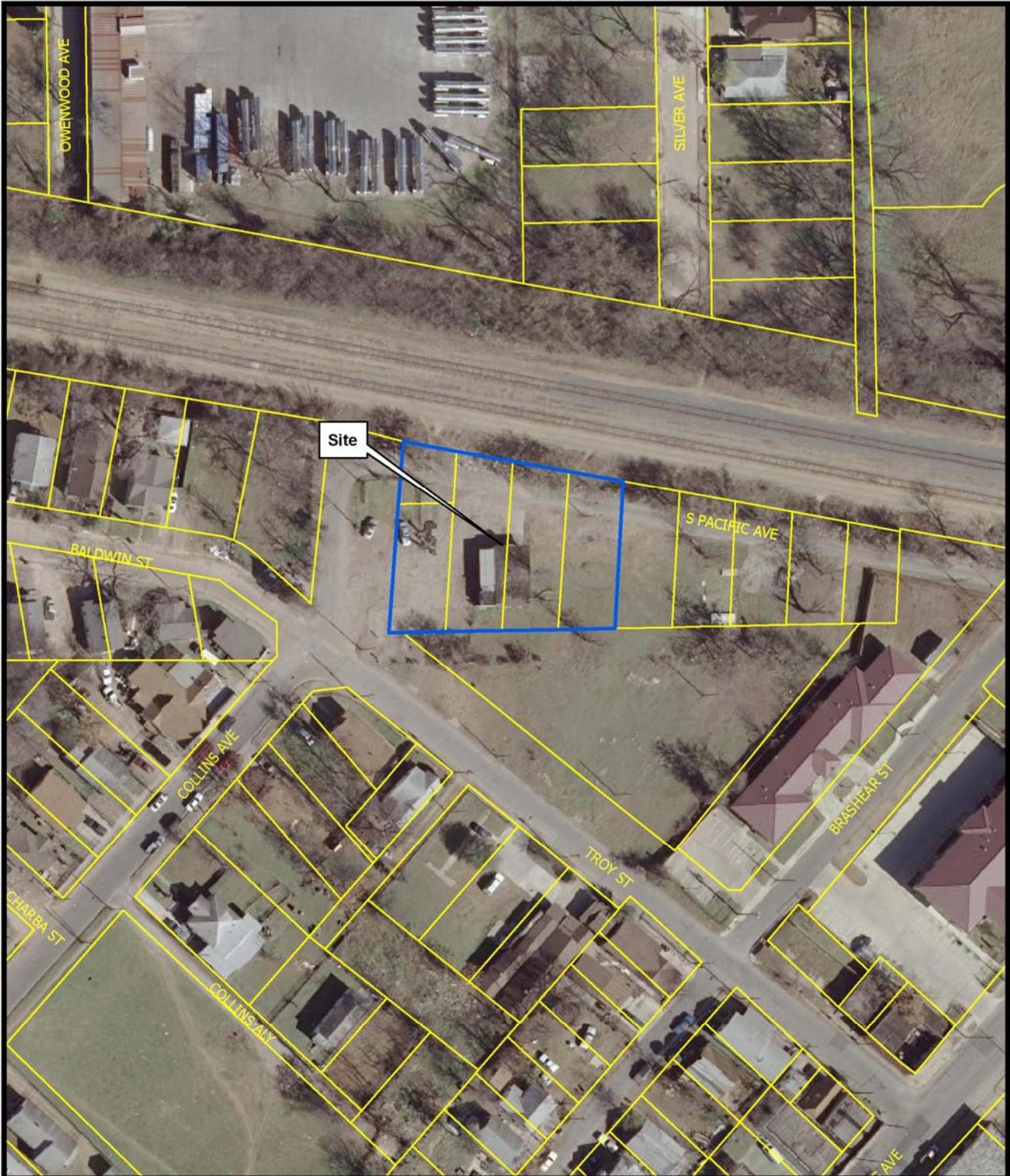


  
 1:1,200

# ZONING MAP

Map no:           **J-9**            
 Case no:           **BDA101-060**          

DATE: July 27, 2011



1:1,200

# AERIAL MAP

Map no:           J-9          

Case no:           BDA101-060          

DATE: July 19, 2011

Long, Steve

ATTACH A

**From:** Diane Ragsdale  
**Sent:** Friday, July 29, 2011 2:41 PM  
**To:** Long, Steve  
**Subject:** FW: Ollie's Place Crime Report  
**Attachments:** Ollie's Place Crime Report.xlsx

PS 1

---

**From:** Milligan, Maureen  
**Sent:** Friday, July 29, 2011 2:11 PM  
**To:** Diane Ragsdale  
**Subject:** Ollie's Place Crime Report

Ms. Ragsdale—Attached is a spreadsheet that shows the crime that has occurred at and around Ollie's Place since Jan. 1, 2007.

There are 4 sheets in the spreadsheet:

Sheet 1: A listing of all Part I crime in the 4900 Block of S. Pacific, sorted by year  
Sheet 2: A listing of all Part II crime in the 4900 Block of S. Pacific, sorted by year  
Sheet 3: A listing of all Part 1 crime in the 4800 Block of Collins, sorted by year  
Sheet 4: A listing of all Part 1 crime in the 4800 Block of Brashear, sorted by year

Please let me know if you have any questions or if you need more information.

Maureen Milligan  
Asst. City Attorney & Jubilee Park Community Prosecutor  
Dallas City Attorney's Office  
City Hall Office: 1500 Marilla, Rm 7DN, Dallas, TX 75201  
Jubilee Park Office: 907 S. Carroll, Dallas, TX 75223  
p. 214-957-1100 f. 214-670-0622

Service Number	Offense Date	Offense Description	Offense Direction	Offense Street
0106543-V	4/11/2008	AGGRAVATED ASSAULT DW	S	PACIFCAVE
0207059-V	6/14/2008	AGG ASSAULT	S	PACIFCAVE
0019942-W	1/18/2009	BURGLARY BUSINESS	S	PACIFCAVE
0145347-W	5/21/2009	AGGRAVATED ASSAULT	S	PACIFCAVE
0329624-W	11/6/2009	AGG ASSAULT	S	PACIFCAVE
0113876-X	4/25/2010	AGG ASSAULT///ASSAULT M/A	S	PACIFCAVE
0263685-X	9/20/2010	AGGRAVATED ROBBERY	S	PACIFCAVE
0307177-X	11/6/2010	AGG ASSAULT W/ DEADLY WEAPON	S	PACIFCAVE
0046737-Y	2/23/2011	BURGLARY BUSINESS	S	PACIFCAVE
0063169-Y	3/13/2011	BURGLARY	S	PACIFCAVE
0143091-Y	4/30/2011	BURGLARY OF A BUILDING	S	PACIFCAVE

P32

Service Number	Offense Date	Offense Description	Offense Direction	Offense Street	Offense Address
0364002-T	5/18/2007	DUTY ON STRIKE FIXED VEHICLE	S	PACIFICAVE	04900
0684194-T	10/10/2007	CRIMINAL MISCHIEF	S	PACIFICAVE	04909
0001459-V	1/1/2008	ASSAULT M/C	S	PACIFICAVE	04909
0037928-W	2/9/2008	INJURED PERSON	S	PACIFICAVE	04909
0072759-V	3/11/2008	CRIMINAL TRESPASS WARNING/MIR	S	PACIFICAVE	04909
0079929-V	3/18/2008	CRIMINAL TRESPASS WARNING	S	PACIFICAVE	04909
0083811-V	3/21/2008	PUBLIC INTOX	S	PACIFICAVE	04909
0106543-V	4/11/2008	AGGRAVATED ASSAULT DW	S	PACIFICAVE	04909
0179118-V	6/13/2008	ASSAULT M/A	S	PACIFICAVE	04909
0207059-V	6/14/2008	AGG ASSAULT	S	PACIFICAVE	04909
0235340-V	7/29/2008	ASSAULT M/C	S	PACIFICAVE	04909
0323520-V	9/18/2008	MIR/ FIELD RELEASE	S	PACIFICAVE	04900
0323533-V	10/19/2008	ASSAULT M/A	S	PACIFICAVE	04900
0370491-V	12/5/2008	FOUND PROPERTY	S	PACIFICAVE	04900
0019942-W	1/18/2009	BURGLARY BUSINESS	S	PACIFICAVE	04909
0045311-W	2/16/2009	CRIMINAL TRESPASS WARNING	S	PACIFICAVE	04909
0057171-W	2/28/2009	CRIMINAL TRESPASS WARNING	S	PACIFICAVE	04909
0108627-W	4/18/2009	INV OF (CRIMINAL MISCHIEF)	S	PACIFICAVE	04909
0130232-W	5/7/2009	FOUND PROPERTY	S	PACIFICAVE	04909
0145347-W	5/21/2009	AGGRAVATED ASSAULT	S	PACIFICAVE	04900
0171119-W	6/13/2009	FIELD RELEASE	S	PACIFICAVE	04900
0183397-W	8/4/2009	CTA ON FILE	S	PACIFICAVE	04909
0329624-W	11/6/2009	AGG ASSAULT	S	PACIFICAVE	04900
0329683-W	11/6/2009	ASSAULT M/C	S	PACIFICAVE	04909
0048948-X	2/20/2010	ASSAULT M/C F/V	S	PACIFICAVE	04900
0058896-X	3/2/2010	ASSAULT M/C	S	PACIFICAVE	04909
0091205-X	4/2/2010	CRIMINAL MISCHIEF	S	PACIFICAVE	04909
0109222-X	4/20/2010	ASSAULT M/A	S	PACIFICAVE	04909
0113860-X	4/25/2010	ASSAULT	S	PACIFICAVE	04909
0113876-X	4/25/2010	AGG ASSAULT///ASSAULT M/A	S	PACIFICAVE	04909
0200968-X	7/17/2010	ASSAULT M/C	S	PACIFICAVE	04909
0234524-X	8/20/2010	CRIMINAL TRESPASS WARNING	S	PACIFICAVE	04909
0263685-X	9/20/2010	AGGRAVATED ROBBERY	S	PACIFICAVE	04909
0307177-X	11/6/2010	AGG ASSAULT W/ DEADLY WEAPON	S	PACIFICAVE	04909
0316983-X	11/16/2010	ASSAULT M/A	S	PACIFICAVE	04909
0335199-X	12/10/2010	CTA ON FILE	S	PACIFICAVE	04907
0344801-X	12/17/2010	CRIMINAL TRESPASS WARNING	S	PACIFICAVE	04907
0344802-X	12/17/2010	CRIMINAL TRESPASS WARNING	S	PACIFICAVE	04907
0000844-Y	1/1/2011	CRIMINAL TRESPASS WARNING	S	PACIFICAVE	04909
0005029-Y	1/6/2011	MIR-CTA ON FILE	S	PACIFICAVE	04909
0046737-Y	2/23/2011	BURGLARY BUSINESS	S	PACIFICAVE	04909
0048300-Y	2/26/2011	ASSAULT M/C	S	PACIFICAVE	04909
0048301-Y	2/26/2011	ASSAULT M/C	S	PACIFICAVE	04909
0058264-Y	3/8/2011	ASSAULT M/C	S	PACIFICAVE	04909
0063169-Y	3/13/2011	BURGLARY	S	PACIFICAVE	04909

0098073-Y	4/18/2011 CRIMINAL TRESPASS WARNING	S	PACIFICAVE	04909
0100958-Y	4/21/2011 CRIMINAL TRESPASS WARNING	S	PACIFICAVE	04909
0143091-Y	4/30/2011 BURGLARY OF A BUILDING	S	PACIFICAVE	04909

Service Number	Offense Date	Offense Description	Offense Street	Offense Address	Day of the Week
0274122-T	4/18/2007	THEFT	COLLINS AVE	04815	Wed
0334947-T	5/9/2007	AGG. ASSAULT	COLLINS AVE	04800	Wed
0536853-T	7/18/2007	UUMV	COLLINS AVE	04815	Wed
0569879-T	7/30/2007	UUMV RECOVERED	COLLINS AVE	04803	Mon
0628987-T	8/21/2007	BURGLARY OF BUSINESS	COLLINS AVE	04800	Tue
0657848-T	9/15/2007	AGG ASSAULT W/ DEADLY WE	COLLINS AVE	04800	Sat
0072164-V	3/10/2008	BMV	COLLINS AVE	04822	Mon
0114526-V	4/18/2008	THEFT	COLLINS AVE	04805	Fri
0206305-V	7/2/2008	BURGLARY OF RESIDENCE	COLLINS AVE	04805	Wed
0382247-V	12/16/2008	THEFT	COLLINS AVE	04822	Tue
0149534-W	5/25/2009	ROBBERY	COLLINS AVE	04800	Mon
0358548-W	12/4/2009	AGG ROBBERY	COLLINS AVE	04800	Fri
0043986-X	2/15/2010	THEFT	COLLINS AVE	04900	Mon
0292824-X	10/21/2010	AGGRAVATED ASSAULT	COLLINS AVE	04822	Thu
0157978-Y	6/17/2011	BMV	COLLINS AVE	04822	Fri

Service Number	Offense Date	Offense Description	Offense Street	Offense Address	Day of the Week
0479324-T	6/27/2007	AGG ASSAULT	BRASHEARST	04800	Wed
0545758-T	7/21/2007	ROBBERY	BRASHEARST	04831	Sat
0590135-T	8/6/2007	DEADLY CONDUCT	BRASHEARST	04800	Mon
0106598-V	4/12/2008	AGGRAVATED ASSAULT	BRASHEARST	04835	Sat
0141228-V	5/6/2008	BURGLARY	BRASHEARST	04847	Tue
0150034-V	5/20/2008	THEFT AUTO ACCESSORY	BRASHEARST	04834	Tue
0206534-V	7/3/2008	BURGLARY	BRASHEARST	04834	Thu
0206447-V	7/3/2008	DEADLY CONDUCT	BRASHEARST	04834	Thu
0370877-V	12/5/2008	AGG ASSAULT W/DW F/V	BRASHEARST	04835	Fri
0173415-W	6/15/2009	AGG ASSAULT	BRASHEARST	04800	Mon
0173419-W	6/15/2009	AGG ASSAULT	BRASHEARST	04800	Mon
0244463-W	8/17/2009	DEADLY CONDUCT	BRASHEARST	04835	Mon
0311068-W	10/18/2009	BURGLARY OF RESIDENCE	BRASHEARST	04846	Sun
0217106-X	8/2/2010	BURGLARY OF BUSINESS	BRASHEARST	04807	Mon
0243365-X	8/30/2010	UUMV/RECOVERED	BRASHEARST	04807	Mon



APPLICATION TO THE BOARD OF ADJUSTMENT  
TO SET A COMPLIANCE DATE FOR A NONCONFORMING USE

CASE NO.: 101-060

DATE: April 27, 2011

Data Relevant to Subject Property:

Location address: 4909 Pacific Ave. Zoning District: <sup>PD 595</sup> (R-5(A))

Name of Property Owner: Needom Martin Jr.

Lot No.: 3 Block No.: G/2425 Acreage: .50 Census Tract: 27.01

Street Frontage (in Feet): (1) 171' (2) 147' (3) \_\_\_\_\_ (4) \_\_\_\_\_ (5) \_\_\_\_\_

SE 26 A

To the Honorable Board of Adjustment:  
Diane Ragsdale

Applicant: South Dallas/Fair Park Innerscity Community Development Corp. Telephone: (214) 915-9900

Mailing Address: 4907 Spring Ave. Dallas, Texas Zip Code: 75210

Represented By: Lewis Rhone and Diane Ragsdale Telephone: (214) 915-9904

Mailing Address: Same as Above Zip Code: \_\_\_\_\_

Affirm that a request has been made to establish a compliance date for the property described above for the following reason(s): Ollie's Place is a bar operating in a residential neighborhood. It is an incompatible use that allows people to congregate outside at all hours day and night which leads to all kinds of unsavory behavior.

Respectfully submitted: Diane Ragsdale  
Print name

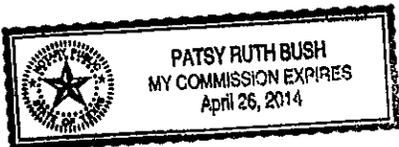
Diane Ragsdale  
Signature

Before me the undersigned on this day personally appeared Diane Ragsdale who on his or her oath certifies that the above statements are true and correct to his or her best knowledge and belief and that he or she resides or owns property in the City of Dallas.

Diane Ragsdale  
Affiant (Applicant's Signature)

Subscribed and sworn before me this 27 day of April, 20 11

Patsy Ruth Bush  
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**

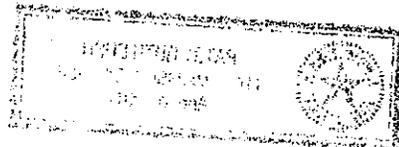
**I hereby certify that** Diane Ragsdale

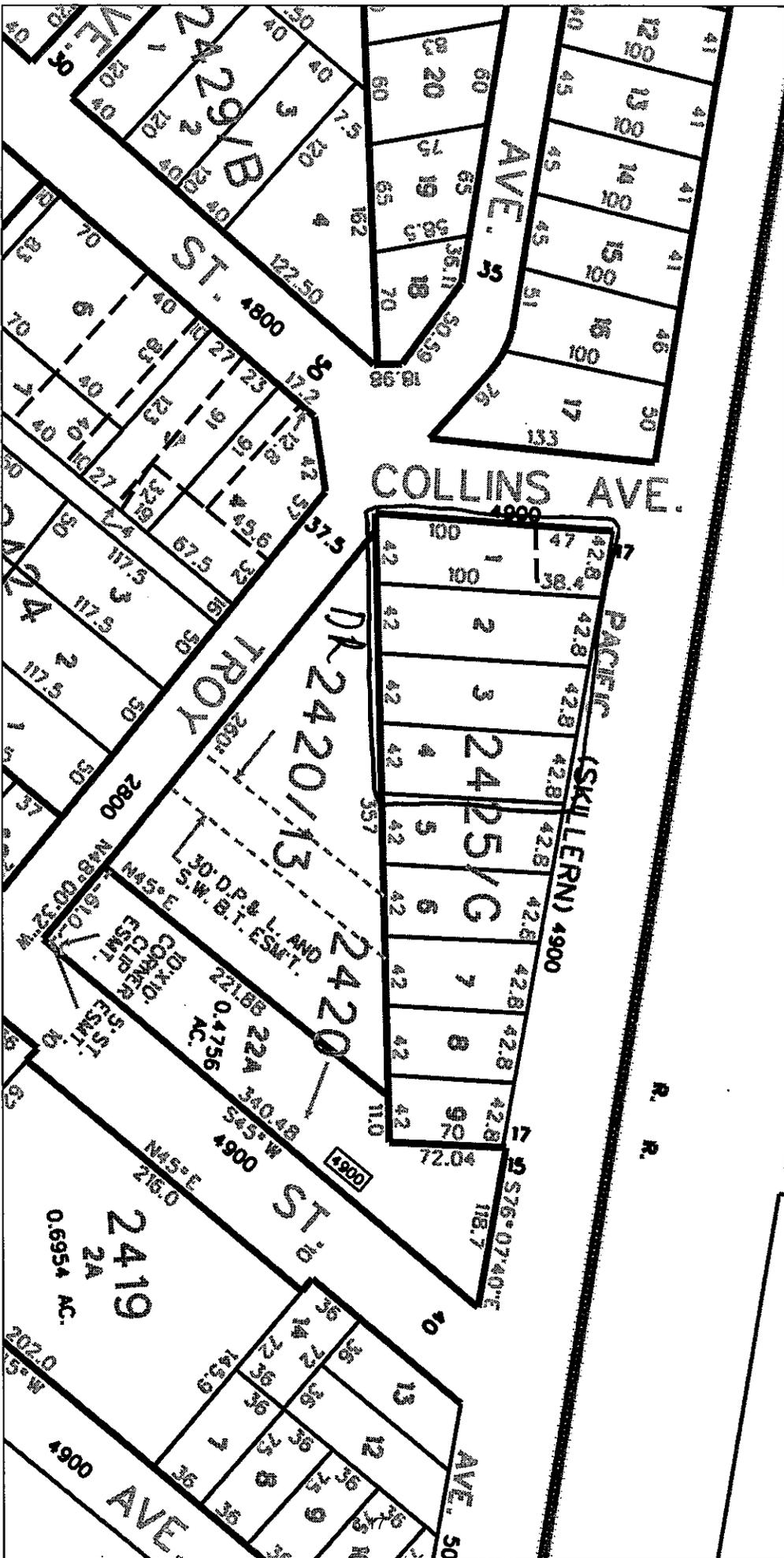
**did submit a request** to require compliance of a nonconforming use  
**at** 4909 Pacific Avenue

BDA101-060. Application of Diane Ragsdale to require compliance of a nonconforming use at 4909 Pacific Avenue. This property is more fully described as Lot 3 in city block G/2425 and is zoned PD-595, which limits the legal uses in a zoning district. The applicant proposes to request that the Board establish a compliance date for a nonconforming Commercial Amusement (inside) use.

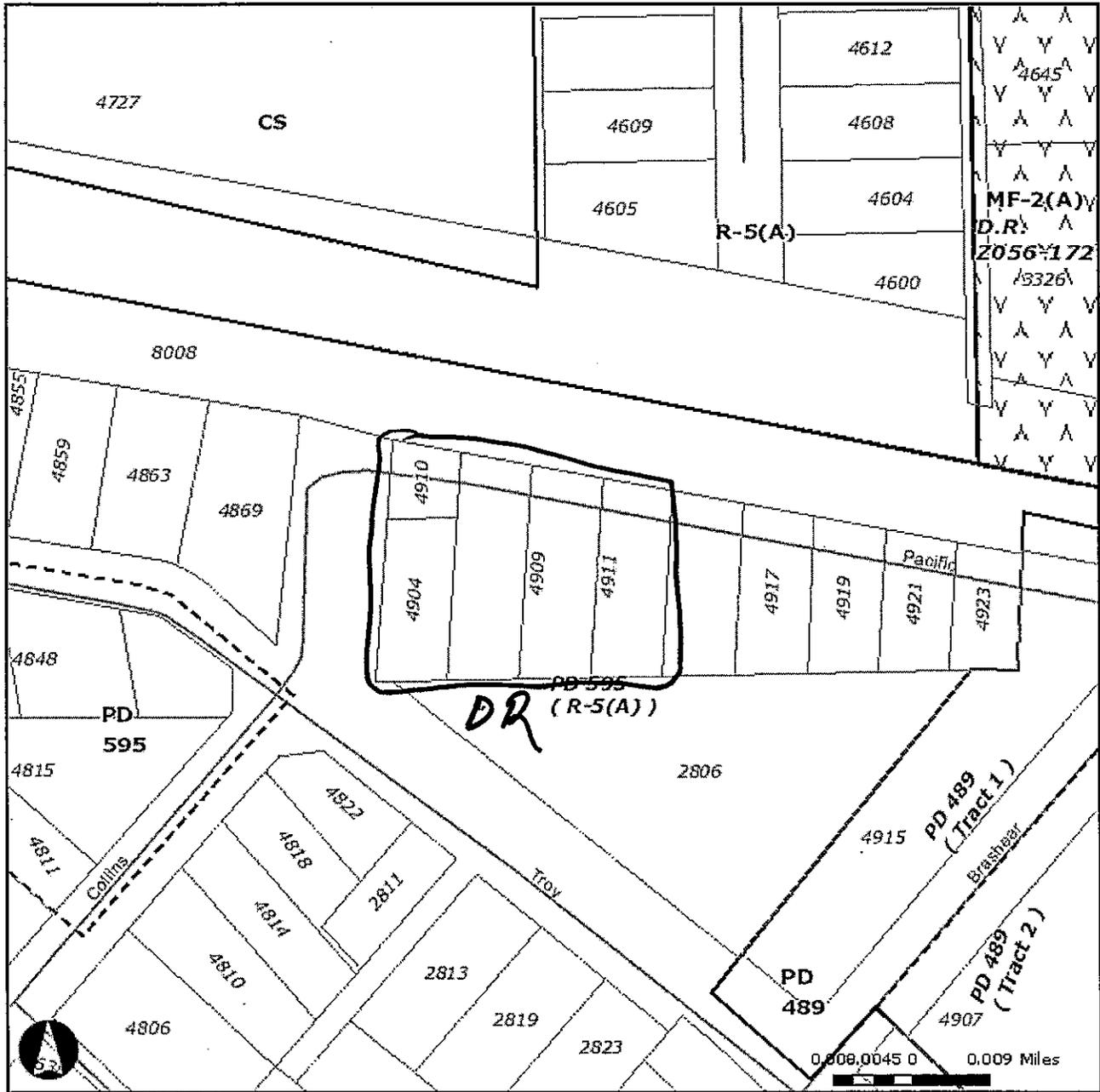
Sincerely,

*Batsheba Antebi*  
Batsheba Antebi, Building Official





# City of Dallas Zoning



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



April 25, 2011

To the Honorable Board of Adjustment:

As a community of neighborhood organizations, CDC's, residents and religious institutions, we are writing in support of the Innerscity Community Development Corporation's (ICDC's) Non-Conforming Use Application on the property located at 4908 Pacific, known as Ollie's Place.

Ollie's Place is a dilapidated, decaying and incompatible facility that negatively impacts our quality of life. This use which is non-conforming encourages offensive behavior such as public drinking, lewdness, drug sales and use, the perception of prostitution, loitering, littering and over utilization of police resources.

Our beloved community of young families and elders deserve to feel safe, secure and have a vision of a hope filled life. Our children cannot continue to the walk to Juanita Craft Recreation Center or Dunbar Elementary School and encounter this kind of horror and inappropriate behavior. We must change the physical and cultural landscape of our neighborhood along with eliminating obnoxious behavior of those who refuse to live by decent human standards.

We desire and deserve a neighborhood where we can raise a child, provide security, sustain our health, secure our income and care for our vulnerable. We cannot continue our task of community building with Ollie's Place operating in non-compliance in our neighborhood. We respectfully ask that you support ICDC's application. Thank you.

Sincerely,

Lewis Rhone, Chairperson, Board of Directors  
Innerscity Community Development Corp.

Tosha Prince, Homeowner  
Habitat Homeowner

Mula Fenta  
Habitat Homeowner

Gerald Carlton, Executive Director  
East Dallas Community Organization

Roslind Nunnery, Homeowner  
Habitat Homeowners

Marilyn Clark, Member  
South Dallas/Fair Park Connectional Alliance

Anna Hill, President  
Dolphin Heights N.A. Inc.

4907 Spring Avenue \* Dallas, Texas 75210 \* 214.915-9900 \* Facsimile 214.915.9909

[www.icdc.biz](http://www.icdc.biz)



# Certificate of Occupancy

City of Dallas

**Address:**

4909 PACIFIC AVE 75210

**Issued Date:**

08/17/2009

**Owner:**

OLLIE MAMIE GILLENS  
4514 ROBERTS DALLAS TX 75215

**DBA:**

OLLIES PLACE

**Land Use:**

(7396) COMMERCIAL AMUSEMENT (INSIDE)

**CO#:**

0905271033

Lot:	3	Block:	G/2425	Zoning:	PD-595	PDD:	595	SUP:	
Historic Dist:		Consrv Dist:		Pro Park:	0	Req Park:	0	Park Agrmt:	N
Dwlg Units:		Stories:		Occ Code:	B	Lot Area:	5292	Total Area:	
Type Const:	UNK	Sprinkler:		Occ Load:	29	Alcohol:	Y	Dance Floor:	N

Remarks: NON-CONFORMING USE BILLIARD HALL(one pool table) coin/ w Food Sale is allow under this use( a Health Permit is required for food sales) based on BDA#71-148/2446 on file. Alcohol sales is permitted under this use.

Zaida Basora, Building Official

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

Development Services Department | Building Inspection Division | 214/948-4480 | www.dallascityhall.com

ADDRESS 4909 So Pacific <sup>G-2425</sup> ZONING (M-1)  
 CO-Lic. Date 5-5-64 To MOBILE ANTHONY MF-R  
 DBA C.O. R.E.A Use RESTAURANT  
 Remarks APPROVED FOR 50'X37'X25' STORY BLDG.  
~~CO-Lic.~~ ~~Date~~ To joining old for one city  
~~DBA~~ Cafe bldg. under the prior M-1 zoning per  
 Remarks Council reso. #65-2405 on 5-3-65 according  
 CO-Lic. Date to the provision for  
~~DBA~~ Making appl. within 30 days after adoption  
 Remarks of the new zoning ord. on 3-29-65  
 CO-Lic. Date \_\_\_\_\_ to \_\_\_\_\_  
 DBA \_\_\_\_\_ Use \_\_\_\_\_  
 Remarks 21

#1

Address 4909 South Pacific MF-2  
 Block G-2425 Lot 3 Type Construction \_\_\_\_\_  
 Sq Ft \_\_\_\_\_ Fire Zone 3 District \_\_\_\_\_ Zoning MF-2

Occupancy \_\_\_\_\_ Use BILLIARD PARLOR (2-COIN OP)  
 Name PEARL P. ANTHONY HA-8-019 Owner HA-8-9890  
 Date Issued \_\_\_\_\_ CO-Lic \_\_\_\_\_ Date Vacated \_\_\_\_\_  
 Remarks Adding ANOTHER USE TO AN EXISTING  
DENIED NON-CONFORMING USE - KURZ

Occupancy \_\_\_\_\_ Use \_\_\_\_\_  
 Name \_\_\_\_\_ Owner \_\_\_\_\_  
 Date Issued \_\_\_\_\_ CO-Lic \_\_\_\_\_ Date Vacated \_\_\_\_\_  
 Remarks \_\_\_\_\_

#2

**BDA 71-148/2446 (7.11.71)** Reversed the above Denial and allowed pool tables to be added

4909 S. PACIFIC 26 A MF-2 (NEW)  
 PEARL'S PLACE BILLIARD HALL  
 PEARL ANTHONY - 4514 ROBERTS ST - 428-0190  
 CO # 38015 - APPROV BY ZONING TO INSP - 8/9/76  
 APPROV BY INSP - TO POLICE - 8/20/76  
 RENEWAL - CO # 38015 - APPROV BY ZONING TO INSP - 7/19/77  
 APPROV BY INSP - TO POLICE - 7/26/77  
 RENEWAL - CO # 38015 - APPROV BY ZONING TO INSP - 8/11/78  
 APPROV BY INSP - TO POLICE - 8/16/78

#3

ADDRESS: 4909S PACIFIC  
 USE: CAFE, BILLIARDS  
 PROPERTY OWNER: PEARL ANTHONY  
 TENANT: OLLIE MAMIE GILLENS

---

Office use only:  
 Zoning: MFPZ(NCR) Block: G/2425  
 District: 26A Lot: 3  
 Remarks: N/A  
317 CO# 78944  
212 7-17-83

PLA-01798 Form 05-1170

#4

#5



City of Dallas

# Certificate of Occupancy

Address: 4909 PACIFIC AVE 75210 Issued Date: 08/17/2009

Owner: OLLIE MAMIE GILLENS  
4514 ROBERTS DALLAS TX 75215

DBA: OLLIES PLACE

Land Use: (7396) COMMERCIAL AMUSEMENT (INSIDE)

C.O.#: 0905271033

Lot:	3	Block:	G/2425	Zoning:	PD-595	PDD:	595	SUP:	
Historic Dist:		Consrv Dist:		Pro Park:	0	Req Park:	0	Park Agrmt:	N
Dwlg Units:		Stories:		Occ Code:	B	Lot Area:	5292	Total Area:	
Type Const:	UNK	Sprinkler:		Occ Load:	29	Alcohol:	Y	Dance Floor:	N

Remarks: NON-CONFORMING USE BILLIARD HALL(one pool table) coin/ w Food Sale is allow under this use( a Health Permit is required for food sales) based on BDA#71-148/2446 on file. Alcohol sales is permitted under this use.

Zaida Basora, Building Official

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



City of Dallas

**Zoning Board of Adjustment appeal to establish a compliance date for 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.

(1) Amortization of nonconforming uses.

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

Property address: 4909 Pacific Ave. (BDA101-060)

1. The nonconforming use being appealed: Commercial Amusement (inside)  
(The use as stated on the current valid Certificate of Occupancy. Attach copy of C.O.)

2. Reason the use is classified as nonconforming: Change in zoning  
(Was there a change in zoning of the property or in the use requirements. Be specific.)

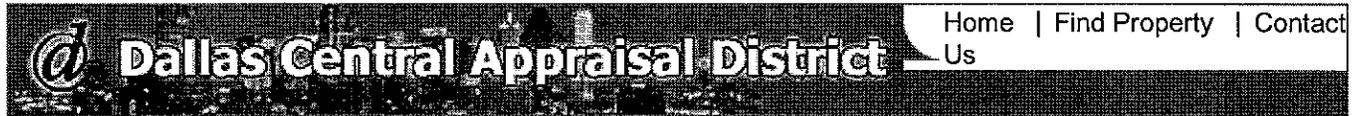
3. Date that the nonconforming use became nonconforming: Sept. 26, 2001, 3-29-65  
(Date the property zoning or use requirements changed.)

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: MF-2, M-1  
(Applies if a zoning district change caused the use to become nonconforming.)

*M-1 zoning became MF-2 zoning on 3-29-65 (see #1)  
MF-2 zoning became PD zoning on 9-26-01*

(Rev. 04/29/11)



## Commercial Account #0000021604000000

Location Owner Legal Desc Value Improvements Land Exemptions Estimated Taxes Building History

**Address:** 4909 PACIFIC AVE  
**Market Area:** 2DSK16  
**Mapsc0:** 47-N (DALLAS)

### DCAD Property Map

[View Photo](#)

**2011 Current Appraisal Notice**  
**uFile Online Protest**

**Print Homestead Exemption Form**

**Print/Mail Account Protest Form**

### Legal Desc

- 1: WHITE ROCK HEIGHTS
  - 2: BLK G/2425 LT 3
  - 3:
  - 4: VOL99010/5815 DD011599 CO-DC
  - 5: 2425 00G 00300 1002425 00G
- Deed Transfer Date:** 1/15/1999

### Value

2011 Proposed Values	
<b>Improvement:</b>	\$26,15
<b>Land:</b>	+ \$5,29
<b>Market Value:</b>	= \$31,44
<b>Revaluation Year:</b>	2010
<b>Previous Revaluation Year:</b>	2008

### Owner

MARTIN NEEDOM JR  
 3530 MEYERS ST  
 DALLAS, TEXAS 752153050

### Multi-Owner

Not Applicable (N/A)

### Improvements

#	Desc: FREE STANDING RETAIL STORE	Total Area: 1,176 sqft	Year Built:
1	<b>Construction</b>	<b>Depreciation</b>	<b>Appraisal</b>
	<b>Construction:</b> D-WOOD FRAME <b>Foundation (Area):</b> CONCRETE BEAM (1,176 sqft ) <b>Net Lease Area :</b> 1,176 sqft <b># Stories:</b> 1 <b># Units:</b> 0	<b>Physical:</b> 60% <b>Functional:</b> + 0% <b>External:</b> + 0% <b>Total:</b> = 60%  <b>Quality:</b> AVERAGE <b>Condition:</b> AVERAGE	COS

<b>Basement (Area): UNASSIGNED</b> <b>Heat: HEATERS</b> <b>A/C: UNASSIGNED</b>	
--	--

Land									
#	State Code	Zoning	Frontage (ft)	Depth (ft)	Area	Pricing Method	Unit Price	Market Adjustment	Adj P
1	COMMERCIAL IMPROVEMENTS	SINGLE FAMILY DISTRICT 5,000 S	42	0	5,292.0000 SQUARE FEET	STANDARD	\$1.00	0%	\$5

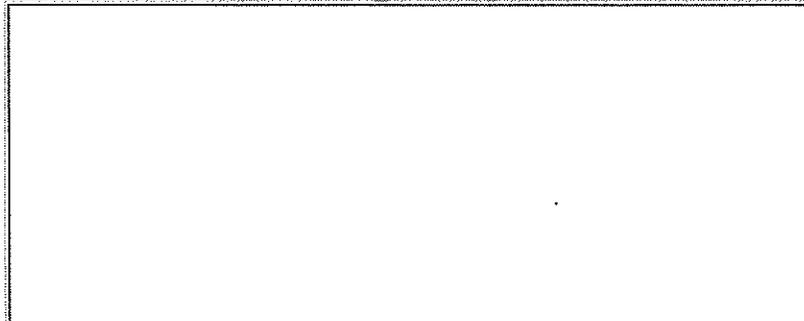
**Exemptions**  
No Exemptions

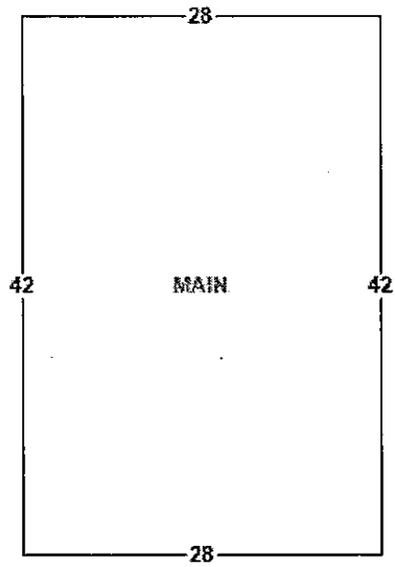
Estimated Taxes						
	City	School	County and School Equalization	College	Hospital	
<b>Taxing Jurisdiction</b>	DALLAS	DALLAS ISD	DALLAS COUNTY	DALLAS CO COMMUNITY COLLEGE	PARKLAND HOSPITAL	UT
<b>Tax Rate per \$100</b>	\$0.797	\$1.237811	\$0.2531	\$0.09923	\$0.271	
<b>Taxable Value</b>	\$31,440	\$31,440	\$31,440	\$31,440	\$31,440	
<b>Estimated Taxes</b>	\$250.58	\$389.17	\$79.57	\$31.20	\$85.20	
<b>Tax Ceiling</b>					N/A	
<b>Total Estimated Taxes:</b>						

**DO NOT PAY TAXES BASED ON THESE ESTIMATED TAXES.** You will receive **tax bill** from the appropriate agency when they are prepared. Taxes are collected by the appropriate agency sending you the **official** tax bill. To see a listing of agencies that collect taxes on your property. [Click Here](#)

The estimated taxes are provided as a courtesy and should not be relied upon in making financial decisions. The Dallas Central Appraisal District (DCAD) does not control the tax rate nor the amount of taxes, as that is the responsibility of each Taxing Jurisdiction. Questions about your taxes should be directed to the appropriate taxing jurisdiction. We cannot assist you in these matters. These taxes are calculated by using the most current certified taxable value multiplied by the most current tax rate. **not take into account other special or unique tax scenarios.** If you wish to calculate taxes on your property, you may use the TaxEstimator to assist you.

**Building Footprint**

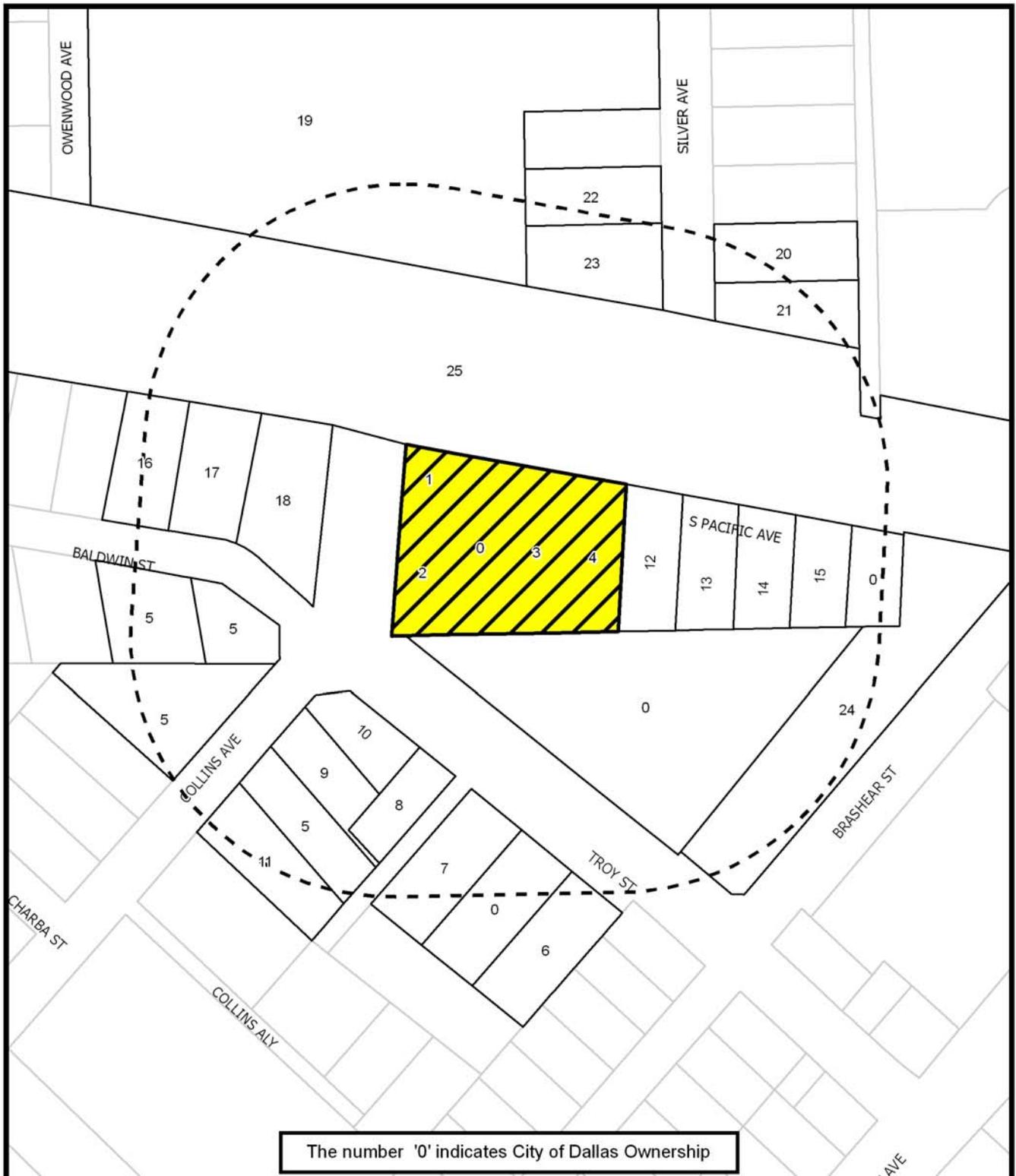




**History**

**History**

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1:1,200

# NOTIFICATION

**200'**

AREA OF NOTIFICATION

**25**

NUMBER OF PROPERTY OWNERS NOTIFIED

Map no:           **J-9**          

Case no:           **BDA101-060**          

DATE: July 19, 2011

# **Notification List of Property Owners**

**BDA101-060**

## **25 Property Owners Notified**

<b>Label #</b>	<b>Address</b>	<b>Owner</b>
1	4910 COLLINS	MBOGO DEDAN H
2	4904 COLLINS	ANTHONY NOBLE COREY ET AL
3	4909 PACIFIC	MARTIN NEEDOM JR
4	4911 PACIFIC	HURDLE JULIA % ANNIE M B HIGH
5	4858 COLLINS	TAREKEGN ASNAKE
6	2823 TROY	INDIAN HARBOR LLC
7	2813 TROY	MORRIS LEACH
8	2811 TROY	HERVEY MARY ANN EST OF
9	4818 COLLINS	ROSS JOHN L
10	4822 COLLINS	SILAS JUANNETTE
11	4810 COLLINS	LITTMON CELESTINE
12	4915 PACIFIC	INNERCITY COMMUNITY DEVELOPMENT CORPORATION
13	4917 PACIFIC	INNERCITY COMMUNITY DEVELOPMENT CORP
14	4919 PACIFIC	ZEPHER GEORGETTA
15	4921 PACIFIC	GOMEZ MARIA V & JACQUELYN N GOMEZ
16	4859 BALDWIN	DAVIS RAYMOND
17	4863 BALDWIN	DALLAS HOUSING ACQUISITION & DEVELOPMENT CORP
18	4869 BALDWIN	DALLAS HOUSING ACQUISITION & DEV CORP CITY HALL
19	4727 SAPPHIRE	SOUTHERN FOODS GROUP LP
20	4604 SILVER	JONES CARTIE B
21	4600 SILVER	DALLAS HOUSING ACQUISITION & DEV CORP
22	4609 SILVER	YOUNG MARY
23	4605 SILVER	YOUNG MARY % IRENE NICKERSON
24	4915 BRASHEAR	SOUTH DALLAS FAIR PARK INNERCITY COMM DEV CORP
25	8008 ELAM DART	