



CITY OF DALLAS
BOARD OF ADJUSTMENT, PANEL B
WEDNESDAY, OCTOBER 21, 2020
AGENDA

BRIEFING	Video Conference	11:00 A.M.
PUBLIC HEARING	Video Conference	1:00 P.M.

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

PUBLIC TESTIMONY

Minutes

Approval of the Board of Adjustment Public Hearing Calendar

MISCELLANEOUS ITEM

Approval of the September 23, 2020 Board of Adjustment Panel B Public Hearing Minutes	M1
Approval of the Board of Adjustment Public Hearing Calendar	M2

UNCONTESTED CASE(S)

BDA190-090(JM)

3016 Greenville Ave.

REQUEST: Application of Thomas Shields, represented by Steven Dimitt, for a special exception to the Modified Delta Overlay District No. 1 regulations

1

BDA190-091(JM)	3018 Greenville Ave. REQUEST: Application of Thomas Shields, represented by Steven Dimitt, for a special exception to the Modified Delta Overlay District No. 1 regulations	2
BDA190-093(JM)	3024 Greenville Ave. REQUEST: Application of Thomas Shields, represented by Steven Dimitt, for a special exception to the Modified Delta Overlay District No. 1 regulations	3
BDA190-099(OA)	3235 Bertrand Ave. REQUEST: Application of Paula Jones represented by William Howard for a for a special exception to the side yard setback regulations to afford a handicapped person equal opportunity to use and enjoy a dwelling, and a for a special exception to the floor area ratio regulations to afford a handicapped person equal opportunity to use and enjoy a dwelling, and a for a special exception to the height regulations to afford a handicapped person equal opportunity to use and enjoy a dwelling	4

REGULAR CASE(S)

None

HOLDOVER CASE(S)

None

EXECUTIVE SESSION NOTICE

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

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

FILE NUMBER: BDA190-090(JM)

BUILDING OFFICIAL'S REPORT: Application of Thomas Shields, represented by Steven Dimitt for a special exception to the Modified Delta Overlay District No. 1 regulations at 3016 Greenville Avenue. This property is more fully described as Lot 11, Block 2168, and is zoned Conservation District No. 11 with Modified Delta Overlay District No.1, which states that the rights to nonconforming delta parking credits are lost if the use is vacant for 12 months or more. The applicant proposes to restore the lost delta parking credits, which will require a special exception to the Modified Delta Overlay District No. 1 regulations.

LOCATION: 3016 Greenville Avenue

APPLICANT: Thomas Shields
Represented by Steven Dimitt

REQUEST:

A request for a special exception to the Modified Delta Overlay District No. 1 regulations to carry forward nonconforming parking spaces under the delta theory that were terminated since the use on the site was discontinued or remained vacant for 12 months or more is made in order for the applicant to obtain a Certificate of Occupancy for a retail use for the vacant commercial structure on the subject site.

STANDARD FOR SPECIAL EXCEPTION TO THE MODIFIED DELTA OVERLAY DISTRICT No. 1 REGULATIONS TO CARRY FORWARD NONCONFORMING PARKNG AND LOADING SPACES UNDER THE DELTA THEORY WHEN A USE IS DISCONTINUED OR REMAINS VACANT FOR 12 MONTHS OR MORE:

The Modified Delta Overlay District No. 1 states that the right to carry forward nonconforming parking and loading spaces under the delta theory terminates when a use is discontinued or remains vacant for 12 months or more. The board of adjustment may grant a special exception to this provision only if the owner can demonstrate that there was not an intent to abandon the use even though the use was discontinued or remained vacant for 12 months or more by proving the occurrence of an extreme circumstance, which shall include *but not be limited* to the following:

1. A decline in the rental rates for the area which has affected the rental market.
2. An unusual increase in the vacancy rates for the area which has affected the rental market.
3. Obsolescence of the subject property, including environmental hazards, extensive renovation or remodeling, and extreme deterioration of adjacent properties affecting the marketability of property.

STAFF RECOMMENDATION:

Approval

Rationale:

- Staff concluded that the applicant had demonstrated that there was not an intent to abandon the use even though the use was discontinued or remained vacant for 12 months or more by proving the occurrence of the following extreme circumstances:

The applicant documented how extensive renovation or remodeling was necessary because the structure on the site was in poor condition. Construction was ongoing from December 2018 through approximately February 2020.

BACKGROUND INFORMATION:

Zoning:

- Site: CD No. 11 with an MD Overlay District No. 1
- North: CD Nos. 9 and 11 with an MD Overlay District No. 1
- South: CD No. 11 with an MD Overlay District No. 1
- East: CD No. 11 with an MD Overlay District No. 1
- West: CD Nos. 9 with an MD Overlay District No. 1

Land Use:

The subject site is developed with a commercial structure. The areas to the north, south, and west are developed with residential uses; and the area to the east is developed with commercial uses.

Zoning/BDA History:

While there have been no zoning/BDA cases within the area in the last five years, there are two other BDA cases at the subject site currently.

GENERAL FACTS/STAFF ANALYSIS:

This request focuses on carrying forward nonconforming parking spaces under the delta theory terminated because a part of the structure/use on the site was discontinued or remained vacant for 12 months or more. Reinstating the delta credits would allow for the applicant to maintain a Certificate of Occupancy for a general merchandise or food store use [Uptown Dog] which is currently in question due to the period of vacancy discovered since the prior tenant.

The subject site is zoned Conservation District No. 11 with Modified Delta Overlay District No.1. According to DCAD, the property at 3016 Greenville Avenue is developed with a “retail strip” with over 12,210 square feet of floor area built in 1930.

The Dallas Development Code provides the following relating to nonconformity of parking or loading:

- Increased requirements. A person shall not change a use that is nonconforming as to parking or loading to another use requiring more off-street parking or loading unless the additional off-street parking and loading spaces are provided.
- Delta theory. In calculating required off-street parking or loading, the number of nonconforming parking or loading spaces may be carried forward when the use is converted or expanded. Nonconforming rights as to parking or loading are defined in the following manner: required parking or loading spaces for existing use minus the number of existing parking or loading spaces for existing use equals nonconforming rights as to parking or loading.
- Decreased requirements. When a use is converted to a new use having less parking or loading requirement, the rights to any portion of the nonconforming parking or loading that are not needed to meet the new requirements are lost.

In 1987, the City Council created “Modified Delta Overlay Districts” in those areas where it has determined that a continued operation of the delta theory is not justified because there is no longer a need to encourage redevelopment and adaptive reuse of existing structures, or a continued application of the delta theory will create traffic congestion and public safety problems and would not be in the public interest.

In a modified delta overlay district, the city council may limit the number of percentages of nonconforming parking or loading spaces that may be carried forward by a use under the delta theory. An ordinance establishing a modified delta overlay district may not increase the number of nonconforming parking or loading spaces that may be carried forward under the delta theory when a use is converted or expanded.

An ordinance establishing a modified delta overlay district must provide that when a use located in the district is converted to a new use having less parking or loading requirements, the rights to **any portion** of the nonconforming parking or loading **not needed** to meet the new requirements **are lost**.

An ordinance establishing a modified delta overlay district may provide that rights under the delta theory terminate when a use for which the delta theory has been applied is discontinued.

In 1987, the City Council established Modified Overlay District No. 1 (the Greenville Avenue Modified Delta Overlay District) which stated among other things:

- That no nonconforming parking spaces may be carried forward by a use under the delta theory when a use in the Community Retail District with an MD Overlay District No. 1a is expanded.

In 1995, the City Council amended Modified Overlay District No. 1 (the Greenville Avenue Modified Delta Overlay District) which stated among other things:

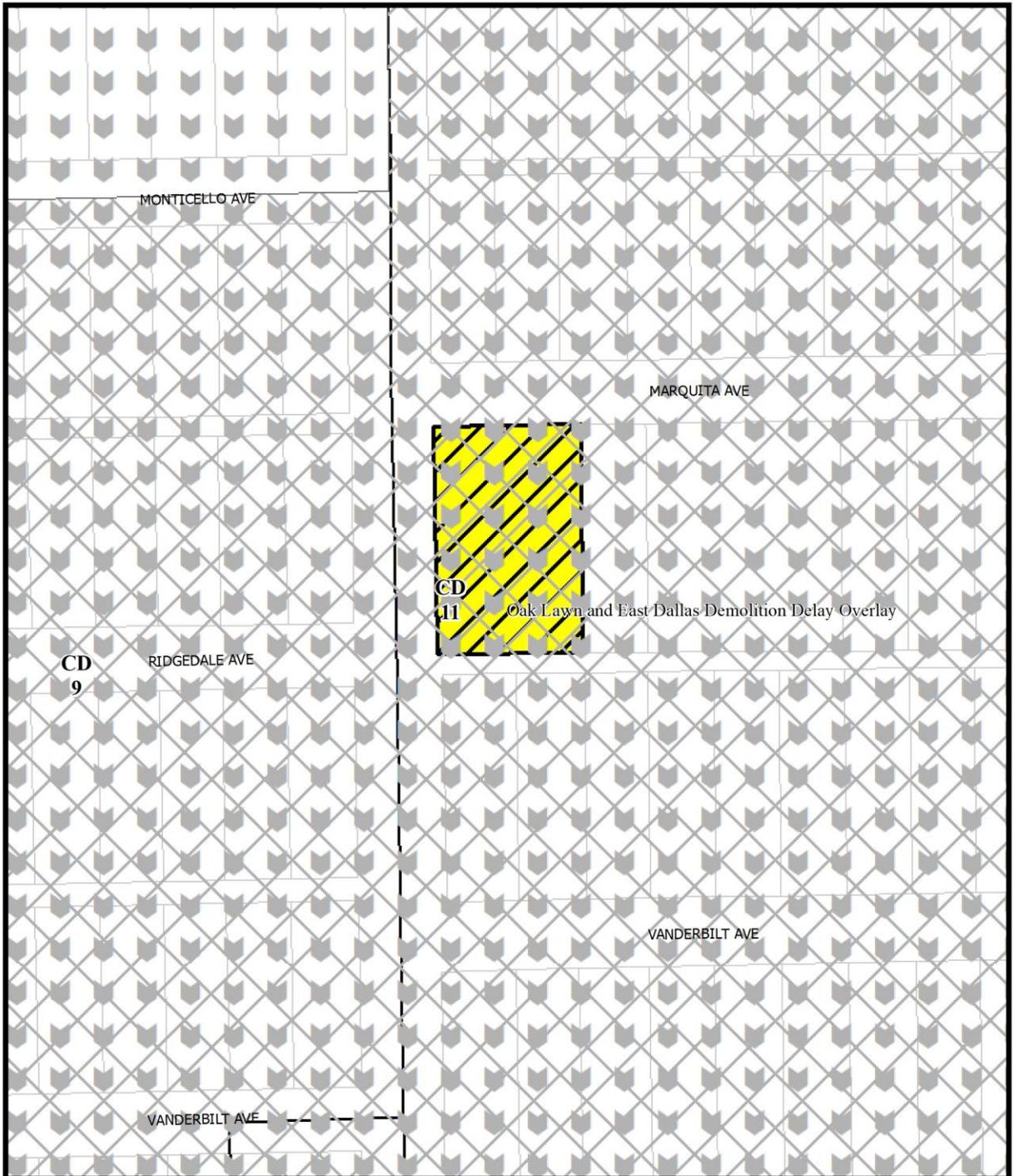
- The right to carry forward nonconforming parking and loading spaces under the delta theory terminates when a use is discontinued or remains vacant for 12 months or more. The board of adjustment may grant a special exception to this provision only if the owner can demonstrate that there was not an intent to abandon the use even though the use was discontinued or remained vacant for 12 months or more by proving the occurrence of an extreme circumstance, which shall include but not be limited to the following:
 1. A decline in the rental rates for the area which has affected the rental market.
 2. An unusual increase in the vacancy rates for the area which has affected the rental market.
 3. Obsolescence of the subject property, including environmental hazards, extensive renovation or remodeling, and extreme deterioration of adjacent properties affecting the marketability of property.

Timeline:

- August 4, 2020 The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- September 18, 2020: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- September 18, 2020 The Board Administrator emailed the applicant’s representative the public hearing date and panel that will consider the application; the September 30, 2020 deadline to submit additional evidence for staff to factor into their analysis; and the October 9, 2020 deadline to submit additional evidence to be incorporated into the board’s docket materials and the following information:
- a copy of the application materials including the Building Official’s report on the application.
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”
- September 30, 2020: The applicant submitted additional information to staff beyond what was submitted with the original application (**Attachment A**).
- October 2, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October

public hearings. The review team members in attendance included the Sustainable Development and Construction: Assistant Director, Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Building Inspection Senior Plans Examiner/Development Sign Code Specialist, Senior Engineer, the Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

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

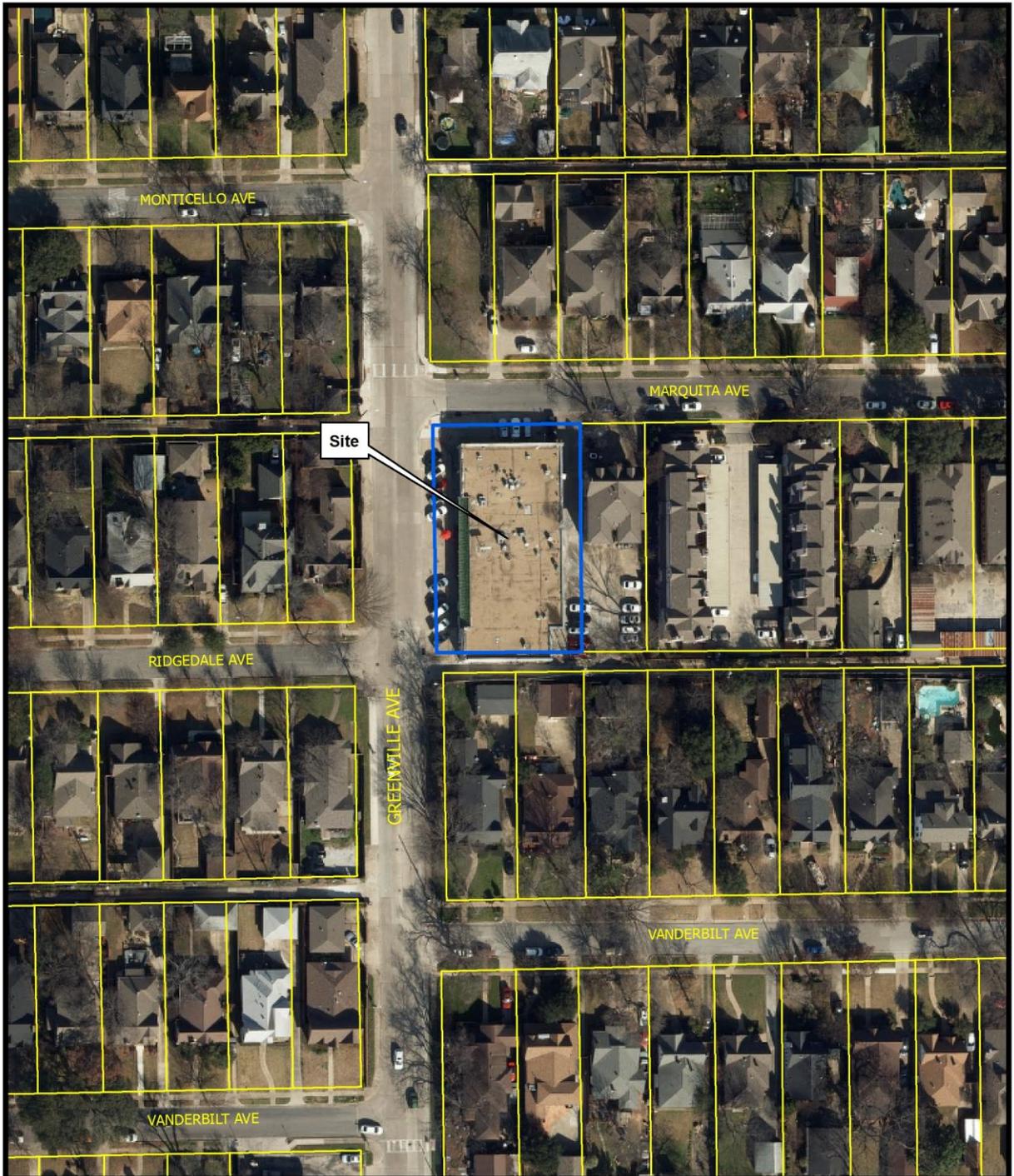


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ZONING MAP

Case no: BDA190-090

Date: 10/1/2020



1:1,200

AERIAL MAP

Case no: BDA190-090

Date: 10/1/2020



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-090

Data Relative to Subject Property:

Date: 8/4/2020

Location address: 3016 Greenville Avenue, Dallas, TX 75206 Zoning District: CD-11

Lot No.: 11 Block No.: 2168 Acreage: 0.51 Census Tract: 0002.02

Street Frontage (in Feet): 1) 179.16 2) 124.00 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Shields Limited Partnership

Applicant: Thomas Shields Telephone: _____ 281-635-4250

Mailing Address: 418 E. Shore Drive, Kemah, TX Zip Code: 77565

E-mail Address: tom.shields@shields-lagniappe.com

Represented by: Steven Dimitt/Rob Baldwin Telephone: 214-559-2700

Mailing Address: 1201 N. Riverfront Blvd., Suite 150, Dallas, TX Zip Code: 75207

E-mail Address: sdimitt@pcrfirm.com / rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance __, or Special Exception X, of Section 5 of Ordinance 19726 regarding the termination of delta credits for parking and loading spaces that are terminated because a use is discontinued or vacant for 12 months.

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: Owner can state an extreme circumstance that demonstrates that there was not an intent to abandon the use even though the use was discontinued or remained vacant for 12 months or more, including but not limited to, extensive renovations and remodeling of the property.

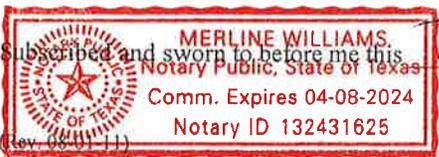
Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

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

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

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



3 day of August, 2020

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



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 190-090

I, Shields Limited Partnership, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 3016 Greenville Avenue, Dallas, Texas 75206
(Address of property as stated on application)

Authorize: Thomas Shields
(Applicant's name as stated on application)

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

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

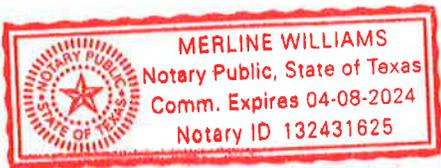
Special exception under Section 5 of Ordinance 19726 regarding the termination of delta credits for parking and loading spaces that are terminated because a use is discontinued or vacant for 12 months.

Shields Ltd. P.S./Thomas Shields Thomas Shields 8/3/2020
 Print name of property owner/agent Signature of property owner/agent Date

Before me, the undersigned, on this day personally appeared Thomas Shields

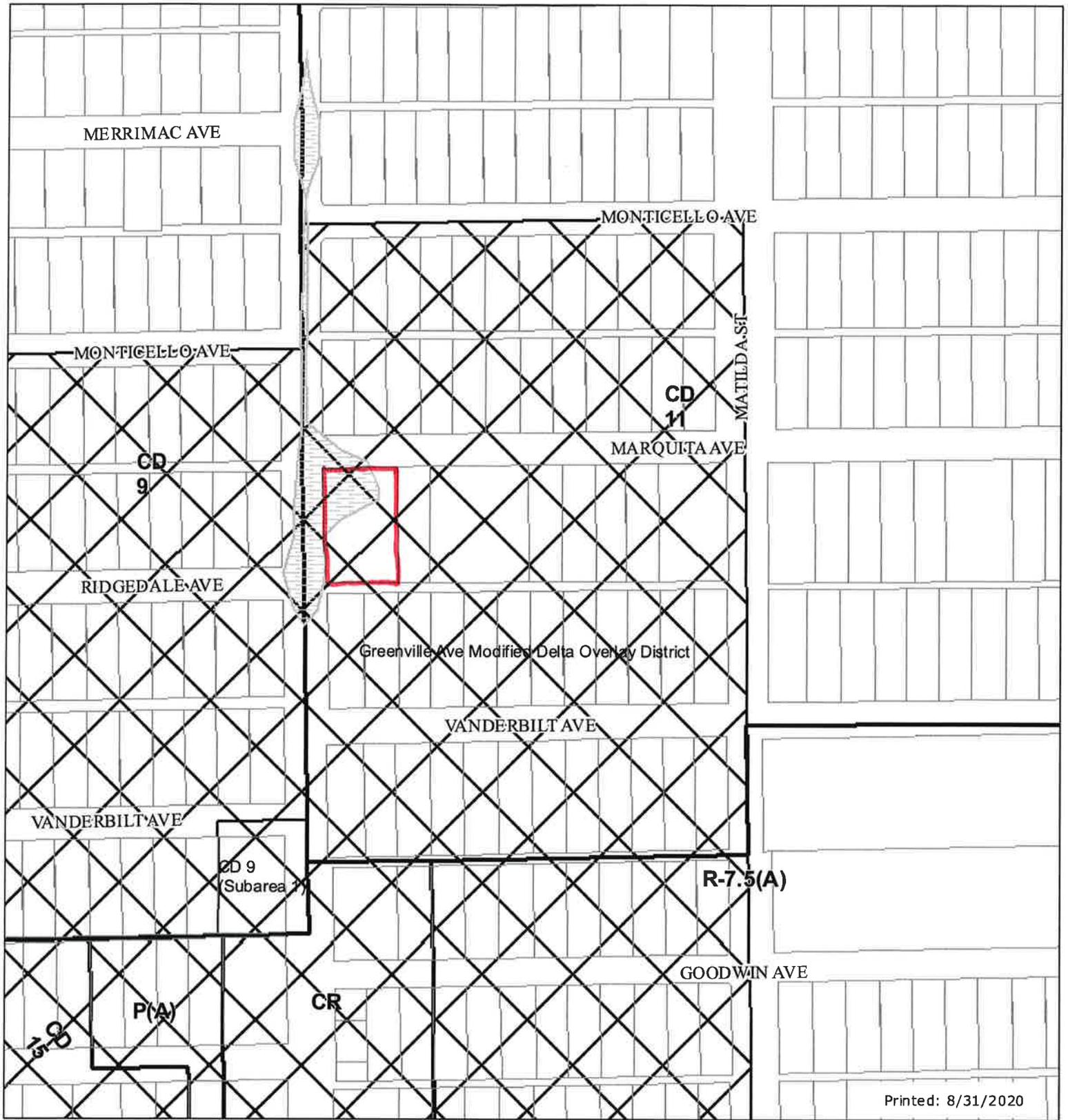
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 3 day of August, 2020



Merline Williams
Notary Public for Dallas County, Texas

Commission expires on 04-08-2024



Printed: 8/31/2020

Legend

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

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





City of Dallas

Certificate of Occupancy

Address: 3016 GREENVILLE AVE 75206

Issued: 02/13/2020

Owner: BRIAN ODZER
3014 GREENVILLE AVE
DALLAS, TX 75206

DBA: UPTOWN DOG

Land Use: (5999) GEN MERCHANDISE OR FOOD STORE < 3500 SQ. FT.

Occupied Portion:

C.O.#: 2002061080

Lot: 11	Block: 2168	Zoning: CD-11	PDD:	SUP:
Historic Dist:	Consv Dist: M Streets E	Pro Park: 8	Req Park: 8	Park Agrmt: N
Dwlg Units:	Stories:	Occ Code: M	Lot Area: 20620	Total Area: 1515
Type Const: UNK	Sprinkler:	Occ Load:	Alcohol: N	Dance Floor:N

Remarks: SUBJECT TO FIELD INSPECTORS APPROVAL. RETAIL ONLY

Philip Sikes, Building Official

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

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



CITY OF DALLAS

July 14, 2020

CERTIFIED MAIL No. 7019 1640 0001 6327 1299

Brian Odzer

Uptown Dog Grooming, LLC
5135 Ridgedale Ave
Dallas, TX 75206

CERTIFIED MAIL No. 7019 1640 0001 6327 1305

Tom Shields

Shields Ltd. P.S.
418 E Shore Dr
Kemah, Texas 77565-2525

RE: Warning of revocation of Certificate of Occupancy No. 2002061080 for *general merchandise or food store 3,500 square feet or less* use at 3016 Greenville Avenue, Dallas, Texas 75206

Dear Mr. Odzer and Mr. Shields:

The above-referenced certificate of occupancy was approved based, in part, on compliance with off-street parking requirements which had been presumed to be met, in part, with eight delta credits. However, based upon the attached notice to vacate (Exhibit A), the use discontinued and the suite became vacant on or by September 30, 2017. Since the previous occupancy had been discontinued for more than 12 months by the time the above-referenced certificate of occupancy application was submitted on June 10, 2020, nine delta credits had been lost pursuant to Section 1 in Ordinance No. 22472 for the Modified Delta Overlay No. 1 (Exhibit B). Fortunately, this ordinance allows the owner to make an appeal to the Board of Adjustment for a special exception to the provision that terminates delta credits as described in the attached ordinance.

The above-referenced certificate of occupancy will be revoked unless one of the two following items are submitted by August 21, 2020:

1. An application to the Board of Adjustment for a special exception to reinstate the lost delta credits. Questions about the Board of Adjustments should be directed to Charles Trammell at 214-948-4618
2. A compliant plan to the building official to provide nine parking spaces with a remote parking agreement for the above-referenced certificate of occupancy. Questions about this process should be directed to Kim Haynie at 214-948-4625.



CITY OF DALLAS

Any determination made by the building official is final unless appealed before the 15th day after written notice of the action or determination is given in accordance with Section 306.15 of Chapter 52, "Administrative Procedures for the Construction Codes," and Section 51A-4.703 of the Dallas Development Code. Questions about the appeal process should be directed to the building official at 214-948-4625.

Sincerely,

A handwritten signature in cursive script that reads "Sarah May".

Sarah May
Chief Planner
Building Inspection
Sustainable Development and Construction Department

cc: Kris Sweckard, Director, Sustainable Development and Construction
Carl Simpson, Director, Code Compliance
David Session, CBO, Interim Building Official
Megan Wimer, CBO, Assistant Building Official
Tammy Palomino, Executive Assistant City Attorney
Casey Burgess, Executive Assistant City Attorney
Charles Trammell, Board of Adjustment Development Code Specialist
Kim Haynie, Development Project Coordinator

9/12/17

Dallas Beast Fitness
3016 Greenville Ave.
Dallas, TX 75203
Attn: Sandra Pittman, Lavell Roberson, and Jason Benjamin
Via email & USPS 1st class

Re: September Rent Default and Final Inspection Requirements

Dear Sandra, Lavell and Jason;

Notwithstanding your intent to vacate the premises at the end of the month, September rent is still due. Therefore, please see the notice of default below.

In addition, we need to arrange a time for a final inspection. Per Section 20 of the lease; you are required, among many other things; to deliver the premises in broom clean condition with all improvements located therein in good repair and condition, surrender all keys to the premises, and remove any unattached trade fixtures, furniture, and personal property placed in the premises.

Please advise as to the date and time you would like to meet for the final inspection.

Sincerely,

Tom Shields
Shields Ltd / Lagniappe LLC
(c) 281-635-4250

cc: Scott Covington (S.E. Covington & Co.)
Dylan Russell - Hoover Slovacek

2926 Maple & 3014 Greenville Managed by:
Lagniappe LLC
418 E. Shore Dr.
Clear Lake Shores, TX 77565
email: lagniappellc@earthlink.net

Building emergencies & maintenance requests:
(214)-261-5561

Property leasing/general inquiries:
SE Covington & Co
Suite 800
Houston, TX 77027
(713)-974-7600

NOTICE TO TENANT OF RENT DEFAULT

Date: September 12th, 2017

To: **Dallas BEAST Fitness, LLC, Lavell Roberson, Sandra Pittman and Jason Benjamin**

RE: **Notice of Rent Default**

Dear Lavell, Sandra and Jason;

This notice is in reference to the following described lease:

Shields Limited Partnership lease of 1,579 rentable square feet of retail space commonly known as 3016 Greenville Avenue Dallas, Texas 75206 to Dallas BEAST Fitness, LLC, Lavell Roberson, Sandra Pittman and Jason Benjamin (jointly and severally), as executed on June 25th, 2012.

We received your notice of intent to vacate the premises on 9/30/2017, however, per the terms of the lease September rent must still be paid. Therefore, as of September 12th, 2017 you are in **DEFAULT IN YOUR PAYMENT OF RENT**. The total amount due is **\$4,073.56** which includes a 5% late fee. Past due balances are also subjected to a 12% interest rate from the date due until paid. Please see the breakdown below:

Monthly Rent	\$3,289.58
CAM	\$590.00
sub-total	\$3,879.58
Late Fee (5%)	\$193.98
Total	\$4,073.56

If this breach of lease is not corrected within five (5) days of this notice, we will take further action to protect our rights. This notice is made under all applicable laws. All of our rights are reserved under this notice.

2926 Maple & 3014 Greenville Managed by:
Lagniappe LLC
418 E. Shore Dr.
Clear Lake Shores, TX 77565
email: lagniappellc@earthlink.net

Building emergencies & maintenance requests:
(214)-261-5561

Property leasing/general inquiries:
SE Covington & Co
Suite 800
Houston, TX 77027
(713)-974-7600

6-21-95

ORDINANCE NO. 22472

An ordinance amending Ordinance No. 19726, which established Modified Delta Overlay District No. 1 (the Greenville Avenue Modified Delta Overlay District); amending Section 5 of that ordinance; providing that the board of adjustment may not grant a special exception for required parking; providing an extension of the walking distance for remote parking; providing that more than 50 percent of required parking may consist of special parking; providing that the modified delta overlay district regulations contained in Section 51A-4.506 of CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE," as amended, shall govern this district; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council of the City of Dallas, in accordance with the Charter of the City of Dallas, the state law, and the applicable ordinances of the city, have given the required notices and have held the required public hearings regarding this amendment to Ordinance No. 19726; and

WHEREAS, the city council finds that it is in the public interest to amend Modified Delta Overlay District No. 1 as specified in this ordinance; Now, Therefore,

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

SECTION 1. That Section 5 of Ordinance No. 19726 is amended to read as follows:

"SECTION 5. That the right to carry forward nonconforming parking and loading

spaces under the delta theory terminates when a use is discontinued or remains vacant for 12 months or more. The board of adjustment may grant a special exception to this provision only if the owner can ~~demonstrate~~~~state an extreme circumstance that demonstrates~~ that there was not an intent to abandon the use even though the use was discontinued or remained vacant for 12 months or more, by proving the occurrence of an extreme circumstance, which shall include but not be limited to the following:

(a) A decline in the rental rates for the area which has affected the rental market.

(b) An unusual increase in the vacancy rates for the area which has affected the rental market.

(c) Obsolescence of the subject property, including environmental hazards, extensive renovation or remodeling, and extreme deterioration of adjacent properties, affecting the marketability of property."

SECTION 2. That a new Section 5A is added to Ordinance No. 19726 to read as follows:

"SECTION 5A. That the board of adjustment may not grant a special exception for required off-street parking in this district."

SECTION 3. That a new Section 5B is added to Ordinance No. 19726 to read as follows:

"SECTION 5B. That the walking distances contained in Paragraphs (1) and (2)(A) of Section 51A-4.324(d) of CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, are extended to 600 and 900 feet, respectively, for remote parking in this district."

SECTION 4. That a new Section 5C is added to Ordinance No. 19726 to read as follows:

"SECTION 5C. That special parking, as defined in Section 51A-4.321 of CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE," as amended, may account for more than 50 percent of the off-street parking required for any use."

SECTION 5. That a new Section 5D is added to Ordinance No. 19726 to read

22472

952395

as follows:

"SECTION 5D. That the modified delta overlay district regulations contained in Section 51A-4.506 of CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, govern this district."

SECTION 6. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

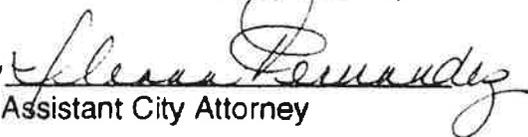
SECTION 7. That CHAPTERS 51 and 51A, "DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, and Ordinance No. 19726 shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 8. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of CHAPTER 1 of the Dallas City Code, as amended.

SECTION 9. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

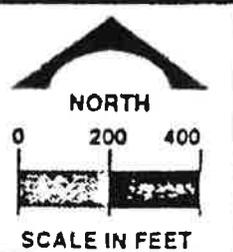
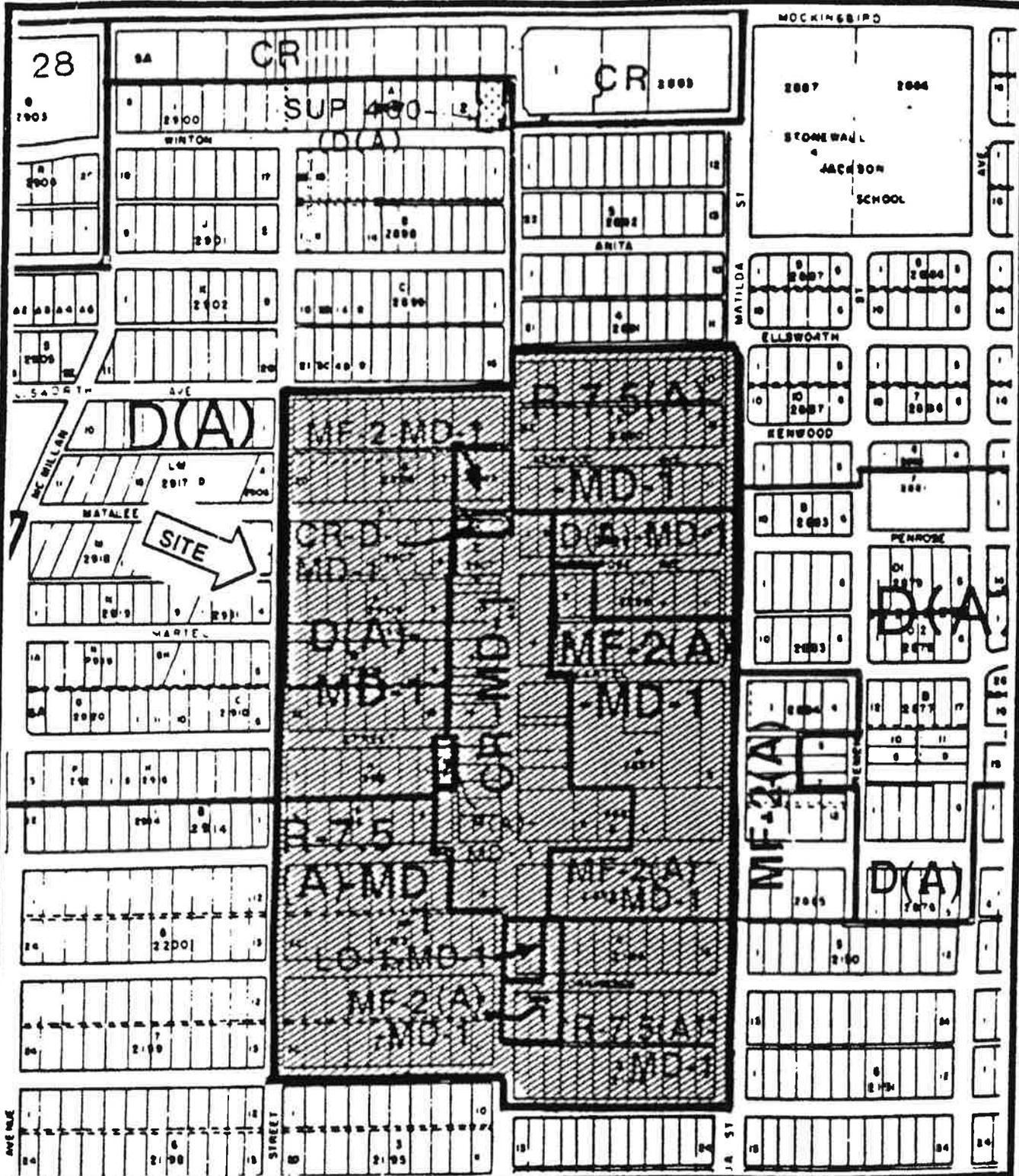
SAM A. LINDSAY, City Attorney

By 
Assistant City Attorney

JUN 28 1995

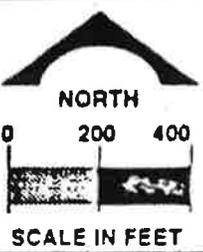
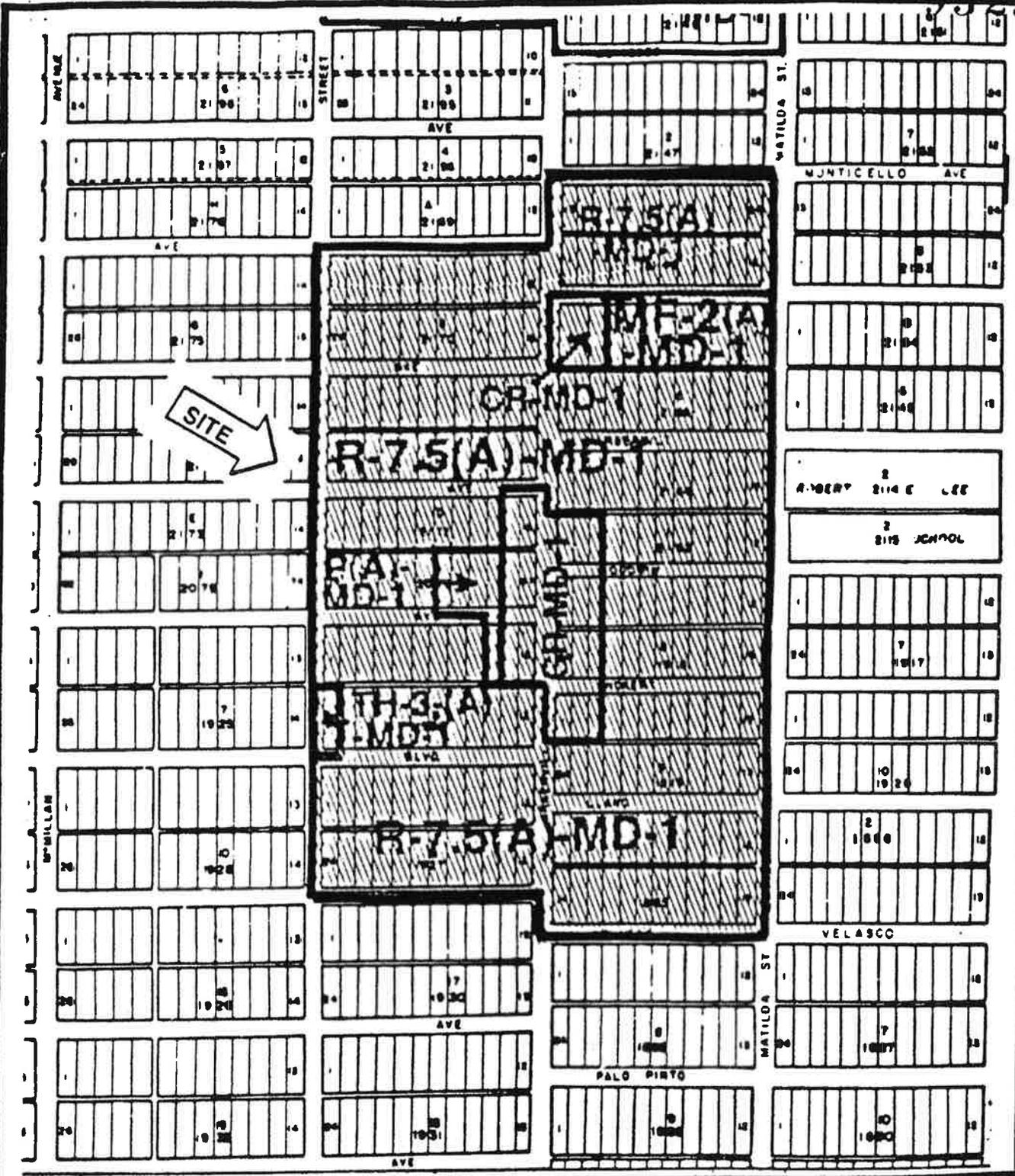
Passed _____

File No. Z945-206/6254-E



ZONING HISTORY
"AREA 1"

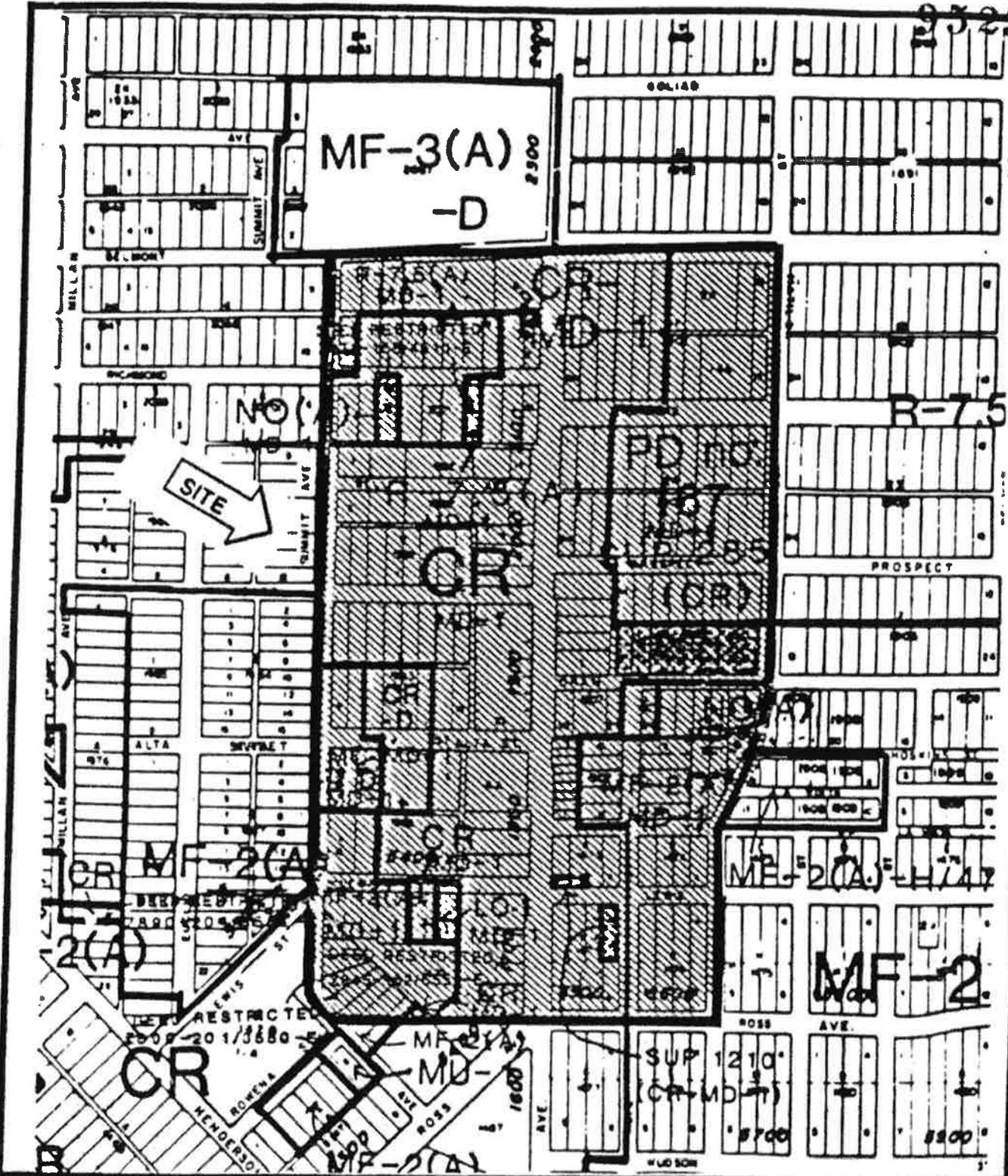
Map No. H-8, I-8
Case No. Z945-206/6254-E



ZONING HISTORY
"AREA 2"

Map No. H-8, I-8
Case No. Z945-206/6254-E

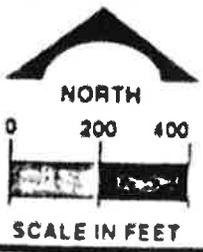
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ZONING HISTORY
"AREA 3"

Map No. H-8, I-8

Case No. Z945-206/6254-E

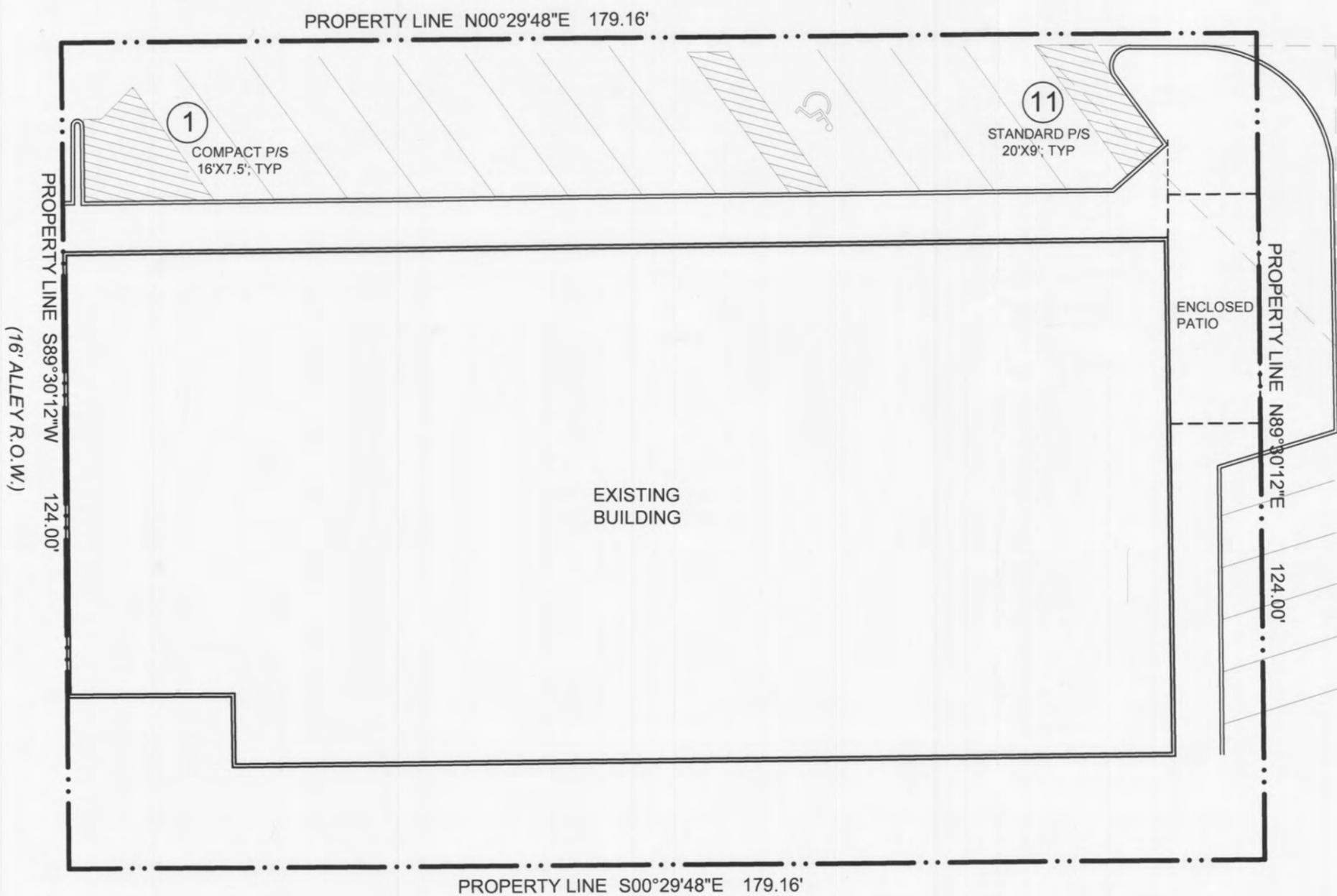


GREENVILLE AVENUE

(50' R.O.W.)



VICINITY MAP
NTS



MARQUITA AVENUE

(50' R.O.W.)

08/27/2020
PROJECT NUMBER
CASE NUMBER

BALDWIN ASSOCIATES
3904 Elm Street, Suite B
Dallas, Texas 75226
MOBILE: 214.729.7949
OFFICE: 214.824.7949
rob@baldwinplanning.com

Baldwin Associates

3016 GREENVILLE AVENUE DALLAS, TX

This plan shows all of Lot 11, the subject of three cases addressed 3016, 3018, and 3024 Greenville Ave.



1 SITE PLAN
SCALE: 1:20



ATTACHMENT A
BDA190-090

3016 Greenville Avenue

Summary:

Below is a summary of the activities which demonstrate that the property owner, Shields Limited Partnership, did not intend to abandon the use even if the use was discontinued or remained vacant for 12 months or more. The 3016 Greenville Avenue space was continuously occupied by Dallas Beast Fitness from June 6, 2012 through September 30, 2017. Lease renewal negotiations began in May 2016; however, the tenant declined to sign a renewal, and became a month-to-month tenant as of November 1, 2016. They continued to occupy the space through September 30, 2017. The property owner has continuously worked to improve and renovate the building and this specific space since that time, which is evidenced in the timeline below:

1. Lease dated 6/20/12 to 8/14/16.
2. Email dated 5/16/16 to tenant with the amended lease.
3. Letter dated 11/1/16 notifying the tenant that they would now be considered month-to-month effective 11/1/16.
4. Email dated 9/1/17 from tenant notifying the landlord of intent to vacate the premises as of 9/30/17.
5. Proposal signed with +One Design/Construction on 12/5/2017 for building renovation.
6. Confirmation from Texas Dept. of Licensing and Regulation for ADA ramp portion of building renovation - 3/12/2018.
7. First drawings received from +One Design/Construction for building renovation - 3/29/18.
8. Construction permit for building renovation applied for on 4/26/18 (#1804261024).
9. Drawings for building renovation submitted to CD-11 on 7/10/18 for review (#CD18071003).

10. Construction permit for electrical work applied for and issued on 9/27/18 (#1809276015).
11. CD-11 review completed on 9/12/18. (#CD18071003)
12. Construction permit for building renovation issued by the City of Dallas on 10/8/18 (#1804261024).
13. Contract signed with Highland Builders, Inc. on 11/15/18.
14. Building demolition work commences in December 2018.
15. Construction was ongoing from December 2018 through approximately February 2020.
16. Submitted building permit for interior construction on January 23, 2019.
17. Submitted Conservation District Work Review Form to relocate electrical meter on April 2, 2019.
18. Submitted Conservation District Work Review Form for improvements to paving and sidewalk on June 5, 2019.
19. Submitted building permit for the installation of drive approach and city walk on June 5, 2019 with completion date of December 13, 2019.
20. Submitted building permit for interior remodel on October 25, 2019 with completion date of February 6, 2020.
21. Certificate of Occupancy issued for tenant Uptown Dog on February 6, 2020.

From: Kay, Kiesha <kiesha.kay@dallascityhall.com>
Sent: Tuesday, September 11, 2018 12:05 PM
To: Rob Baldwin <rob@baldwinplanning.com>
Subject: Re: 3014 Greenville

Rob,

Yes, this is correct.

Thank you,

Kiesha Kay

Get [Outlook for Android](#)

From: Rob Baldwin <rob@baldwinplanning.com>
Sent: Tuesday, September 11, 2018 10:49:40 AM
To: Kay, Kiesha
Subject: 3014 Greenville

Good afternoon Kiesha

I am working with the owner of the property known as 3014 Greenville. We are processing building permits and a CA review to allow us to renovate this building. This building is in the Modified Delta District and we want to make sure that we do not lose our delta credits while we are going through the renovation process. Would you please confirm my understanding that if we have an active building permit in place and are regularly calling in our inspections, we will not lose our delta credits while we are under construction and while we are actively marketing the spaces for lease.

Thanks for your help.

Rob

Rob Baldwin
Baldwin Associates, LLC
(214) 729-7949
rob@baldwinplanning.com



CITY OF DALLAS

September 6, 2019

Michele Stoy
Baldwin Associates
3904 Elm Street, STE: B
Dallas, TX 75226

RE: Zoning Determination Request; 3014-3024 Greenville

Dear Ms. Stoy:

As detailed in your letter dated February 27, 2019 and attached, you have requested a written determination pertaining to the non-conforming rights, or "delta credits" for the property referenced above.

The above stated property is located within CD 11, the M Streets East Conservation District, and located within the MD-1 Overlay, Greenville Ave Modified Delta Overlay District (Tract 2). The MD-1 Overlay ordinance states that the right to carry forward nonconforming parking and loading spaces under the delta theory terminates when a use is discontinued or remains vacant for 12 months or more. Based on our research and the attached floor plan used to verify the floor area of each suite, information on the most recent certificate of occupancy and delta credits is provided for each address.

3014 Greenville Avenue - (5999) General merchandise, CO#1807251124, - 1,559 square feet - 8 delta credits.

3016 Greenville Avenue - (5999) General merchandise, CO#1207091020, - 1,707 square feet -9 delta credits.

3018 Greenville - (5999), General merchandise, CO#8111172414, - 1,526 square feet -8 delta credits.

3020 Greenville - (5811) Restaurant, CO#9702141024, - 3,913 square feet, 39 delta credits.

3024 Greenville - (5821) Alcohol Beverage Establishment, CO#1604221106, - 3,846 square, 9 spaces obtained via a parking agreement, 29 delta credits remaining.

Therefore, based on this research, the possible non-conforming parking rights afforded per Section 51A-4.704(b)(4)(A) of the Dallas Development code could be 93 delta credits.

The delta credits for this property need to be considered per tenant when located in the MD Overlay to verify if the deltas have been lost due to vacancy. Per the parking ordinance parking must be met for the entire site, but deltas may be allocated to a specific tenant due to an adjacent tenant losing their rights to delta credits.



CITY OF DALLAS

Please note that when a use is converted to a new use having lesser parking requirements, the rights to any portion of the nonconforming parking that is not needed to meet the new requirement are lost.

Also, per Sec.51A-4.704(b)(4)(A), a person shall not change a use that is nonconforming as to parking or loading to another use requiring more off-street parking or loading unless the additional required off-street parking and loading spaces are provided.

This letter does not constitute a building permit or certificate of occupancy, nor does it imply that a building permit or certificate of occupancy will be approved without complying with all applicable rules and regulations. The City of Dallas does not provide letters certifying that a property or development complies with all applicable rules and regulations.

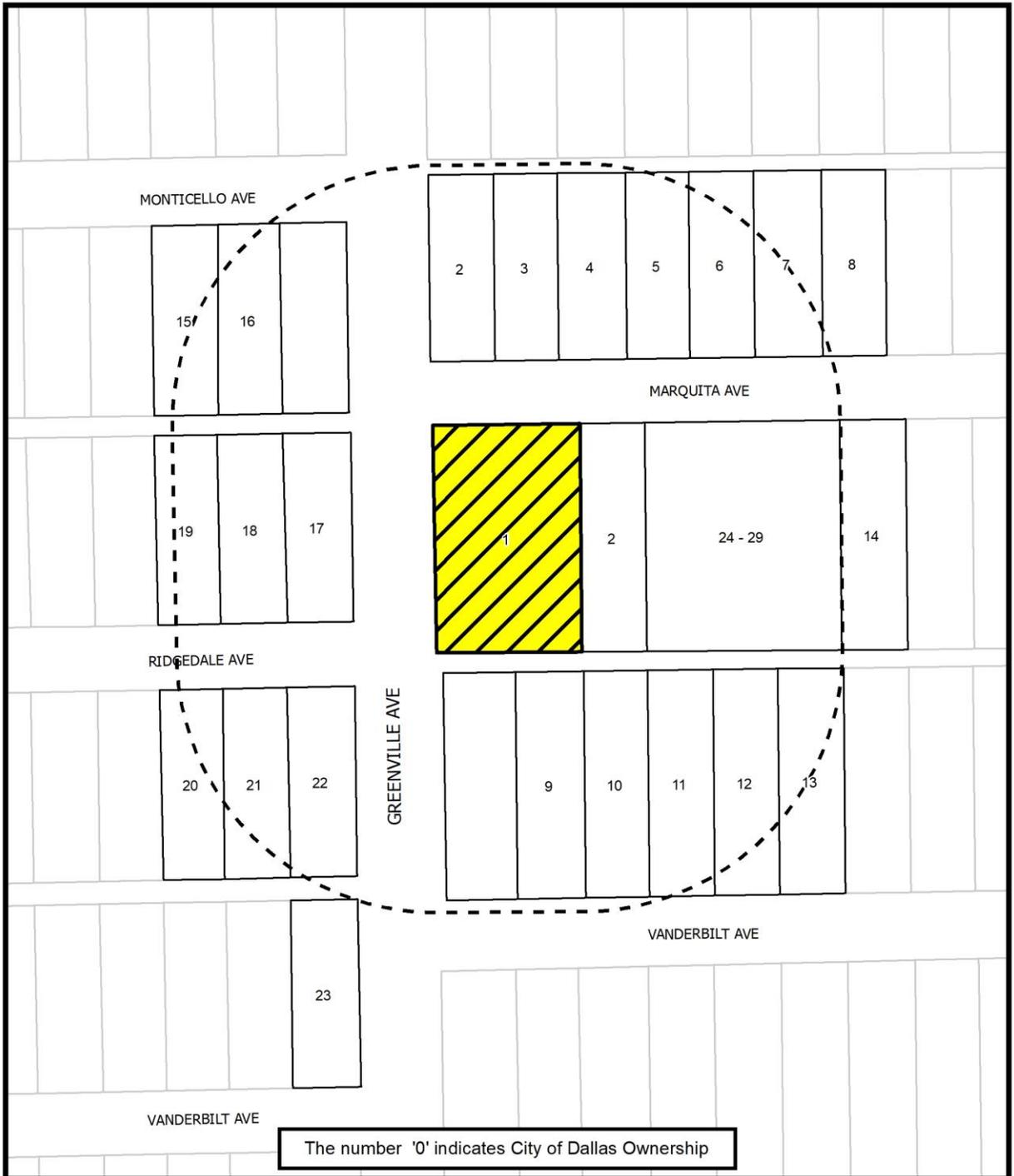
If you have any further questions, please contact me at 214-948-4501 or megan.wimer@dallascityhall.com.

Respectfully,

A handwritten signature in black ink that reads "megan wimer".

Megan Wimer, AICP, CBO
Assistant Building Official
Building Inspection Division

cc: Phil Sikes, CBO, Building Official



 1:1,200	<h2>NOTIFICATION</h2> <p>200' AREA OF NOTIFICATION</p> <p>29 NUMBER OF PROPERTY OWNERS NOTIFIED</p>	Case no: <u> BDA190-090 </u> Date: <u> 10/1/2020 </u>
--	---	--

09/30/2020

Notification List of Property Owners

BDA190-090

29 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3014 GREENVILLE AVE	SHIELDS LTD PS
2	5701 MARQUITA AVE	PASHA & SINA INC
3	5707 MARQUITA AVE	RENTZ BAILEY
4	5711 MARQUITA AVE	VAHDANI CHRISTOPHER &
5	5715 MARQUITA AVE	NUNNALLY HARVEY W III
6	5719 MARQUITA AVE	BOLGER DOROTHY E
7	5723 MARQUITA AVE	VELIS BILL D
8	5727 MARQUITA AVE	LAWSON CLIFFORD J & JANE G
9	5707 VANDERBILT AVE	OROZCO RICHARD & RUFINA
10	5711 VANDERBILT AVE	MOORE HARRY E & SAMMIE S
11	5715 VANDERBILT AVE	ANTHONY JOHN ROSS
12	5719 VANDERBILT AVE	MILLER EMILY
13	5723 VANDERBILT AVE	KALMBACH ERIC W
14	5726 MARQUITA AVE	O B A INC
15	5638 MONTICELLO AVE	BASU NEIL K
16	5642 MONTICELLO AVE	ASKEW ANTONINA M VENTURA
17	5647 RIDGEDALE AVE	BELL PHILIP
18	5643 RIDGEDALE AVE	KONKEL RICHARD ARTHUR
19	5639 RIDGEDALE AVE	BATTAGLIA SCOTT &
20	5640 RIDGEDALE AVE	BARNETT JAMES C
21	5642 RIDGEDALE AVE	PLATTS DOUGLAS &
22	5644 RIDGEDALE AVE	SCHUCK CORD BRITTON
23	5647 VANDERBILT AVE	SU STUART
24	5720 MARQUITA AVE	PATTON JEFF
25	5720 MARQUITA AVE	WILLINGHAM KIRK R
26	5720 MARQUITA AVE	BURKE GARY A

09/30/2020

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	5720 MARQUITA AVE	LOBO VINAY J
28	5720 MARQUITA AVE	BIRNBAUM MARC A &
29	5720 MARQUITA AVE	XOCHOTL LARA

FILE NUMBER: BDA190-091(JM)

BUILDING OFFICIAL'S REPORT: Application of Thomas Shields, represented by Steven Dimitt for a special exception to the Modified Delta Overlay District No. 1 regulations at 3018 Greenville Avenue. This property is more fully described as Lot 11, Block 2168, and is zoned Conservation District No. 11 with Modified Delta Overlay District No.1, which states that the rights to nonconforming delta parking credits are lost if the use is vacant for 12 months or more. The applicant proposes to restore the lost delta parking credits, which will require a special exception to the Modified Delta Overlay District No. 1 regulations.

LOCATION: 3018 Greenville Avenue

APPLICANT: Thomas Shields
Represented by Steven Dimitt

REQUEST:

A request for a special exception to the Modified Delta Overlay District No. 1 regulations to carry forward nonconforming parking spaces under the delta theory that were terminated since the use on the site was discontinued or remained vacant for 12 months or more is made in order for the applicant to obtain a Certificate of Occupancy for a retail use for the vacant commercial structure on the subject site.

STANDARD FOR SPECIAL EXCEPTION TO THE MODIFIED DELTA OVERLAY DISTRICT No. 1 REGULATIONS TO CARRY FORWARD NONCONFORMING PARKNG AND LOADING SPACES UNDER THE DELTA THEORY WHEN A USE IS DISCONTINUED OR REMAINS VACANT FOR 12 MONTHS OR MORE:

The Modified Delta Overlay District No. 1 states that the right to carry forward nonconforming parking and loading spaces under the delta theory terminates when a use is discontinued or remains vacant for 12 months or more. The board of adjustment may grant a special exception to this provision only if the owner can demonstrate that there was not an intent to abandon the use even though the use was discontinued or remained vacant for 12 months or more by proving the occurrence of an extreme circumstance, which shall include *but not be limited* to the following:

1. A decline in the rental rates for the area which has affected the rental market.
2. An unusual increase in the vacancy rates for the area which has affected the rental market.
3. Obsolescence of the subject property, including environmental hazards, extensive renovation or remodeling, and extreme deterioration of adjacent properties affecting the marketability of property.

STAFF RECOMMENDATION:

Approval

Rationale:

- Staff concluded that the applicant had demonstrated that there was not an intent to abandon the use even though the use was discontinued or remained vacant for 12 months or more by proving the occurrence of the following extreme circumstances:

The applicant documented how extensive renovation or remodeling was necessary because the structure on the site was in poor condition. Construction was ongoing from December 2018 through approximately February 2020.

BACKGROUND INFORMATION:

Zoning:

- Site: CD No. 11 with an MD Overlay District No. 1
- North: CD Nos. 9 and 11 with an MD Overlay District No. 1
- South: CD No. 11 with an MD Overlay District No. 1
- East: CD No. 11 with an MD Overlay District No. 1
- West: CD Nos. 9 with an MD Overlay District No. 1

Land Use:

The subject site is developed with a commercial structure. The areas to the north, south, and west are developed with residential uses; and the area to the east is developed with commercial uses.

Zoning/BDA History:

While there have been no zoning/BDA cases within the area in the last five years, there are two other BDA cases at the subject site currently.

GENERAL FACTS/STAFF ANALYSIS:

This request focuses on carrying forward nonconforming parking spaces under the delta theory terminated because a part of the structure/use on the site was discontinued or remained vacant for 12 months or more. Reinstating the delta credits would allow for the applicant to maintain a Certificate of Occupancy for a restaurant without drive-in service use [Window Seat] which is currently in question due to the period of vacancy discovered since the prior tenant.

The subject site is zoned Conservation District No. 11 with Modified Delta Overlay District No.1. According to DCAD, the property at 3016 Greenville Avenue is developed with a “retail strip” with over 12,210 square feet of floor area built in 1930.

The Dallas Development Code provides the following relating to nonconformity of parking or loading:

- Increased requirements. A person shall not change a use that is nonconforming as to parking or loading to another use requiring more off-street parking or loading unless the additional off-street parking and loading spaces are provided.
- Delta theory. In calculating required off-street parking or loading, the number of nonconforming parking or loading spaces may be carried forward when the use is converted or expanded. Nonconforming rights as to parking or loading are defined in the following manner: required parking or loading spaces for existing use minus the number of existing parking or loading spaces for existing use equals nonconforming rights as to parking or loading.
- Decreased requirements. When a use is converted to a new use having less parking or loading requirement, the rights to any portion of the nonconforming parking or loading that are not needed to meet the new requirements are lost.

In 1987, the City Council created “Modified Delta Overlay Districts” in those areas where it has determined that a continued operation of the delta theory is not justified because there is no longer a need to encourage redevelopment and adaptive reuse of existing structures, or a continued application of the delta theory will create traffic congestion and public safety problems and would not be in the public interest.

In a modified delta overlay district, the city council may limit the number of percentages of nonconforming parking or loading spaces that may be carried forward by a use under the delta theory. An ordinance establishing a modified delta overlay district may not increase the number of nonconforming parking or loading spaces that may be carried forward under the delta theory when a use is converted or expanded.

An ordinance establishing a modified delta overlay district must provide that when a use located in the district is converted to a new use having less parking or loading requirements, the rights to **any portion** of the nonconforming parking or loading **not needed** to meet the new requirements **are lost**.

An ordinance establishing a modified delta overlay district may provide that rights under the delta theory terminate when a use for which the delta theory has been applied is discontinued.

In 1987, the City Council established Modified Overlay District No. 1 (the Greenville Avenue Modified Delta Overlay District) which stated among other things:

- That no nonconforming parking spaces may be carried forward by a use under the delta theory when a use in the Community Retail District with an MD Overlay District No. 1a is expanded.

In 1995, the City Council amended Modified Overlay District No. 1 (the Greenville Avenue Modified Delta Overlay District) which stated among other things:

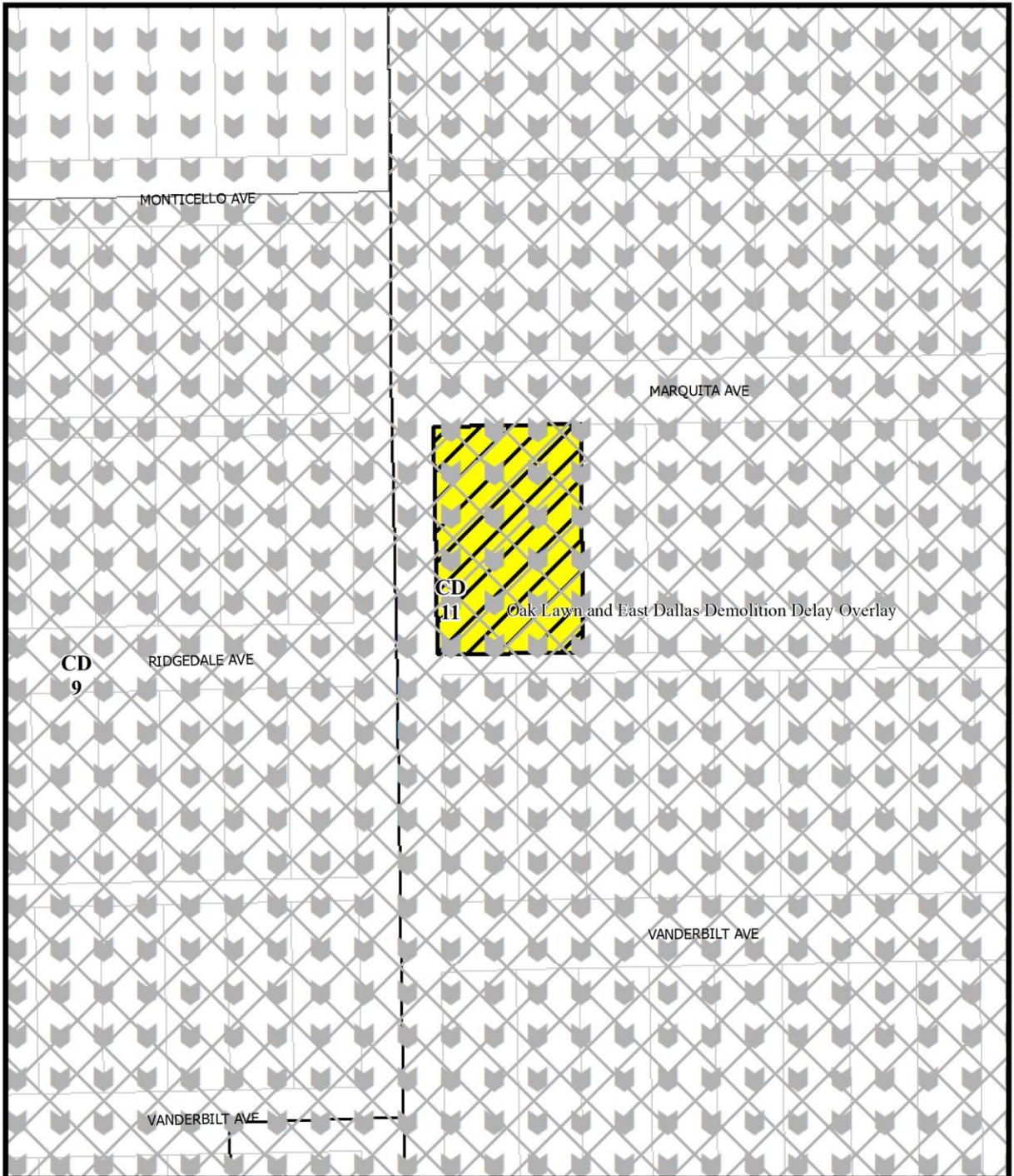
- The right to carry forward nonconforming parking and loading spaces under the delta theory terminates when a use is discontinued or remains vacant for 12 months or more. The board of adjustment may grant a special exception to this provision only if the owner can demonstrate that there was not an intent to abandon the use even though the use was discontinued or remained vacant for 12 months or more by proving the occurrence of an extreme circumstance, which shall include but not be limited to the following:
 1. A decline in the rental rates for the area which has affected the rental market.
 2. An unusual increase in the vacancy rates for the area which has affected the rental market.
 3. Obsolescence of the subject property, including environmental hazards, extensive renovation or remodeling, and extreme deterioration of adjacent properties affecting the marketability of property.

Timeline:

- August 4, 2020 The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- September 18, 2020: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- September 18, 2020 The Board Administrator emailed the applicant’s representative the public hearing date and panel that will consider the application; the September 30, 2020 deadline to submit additional evidence for staff to factor into their analysis; and the October 9, 2020 deadline to submit additional evidence to be incorporated into the board’s docket materials and the following information:
- a copy of the application materials including the Building Official’s report on the application.
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”
- September 30, 2020: The applicant submitted additional information to staff beyond what was submitted with the original application (**Attachment A**).
- October 2, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October

public hearings. The review team members in attendance included the Sustainable Development and Construction: Assistant Director, Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Building Inspection Senior Plans Examiner/Development Sign Code Specialist, Senior Engineer, the Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

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

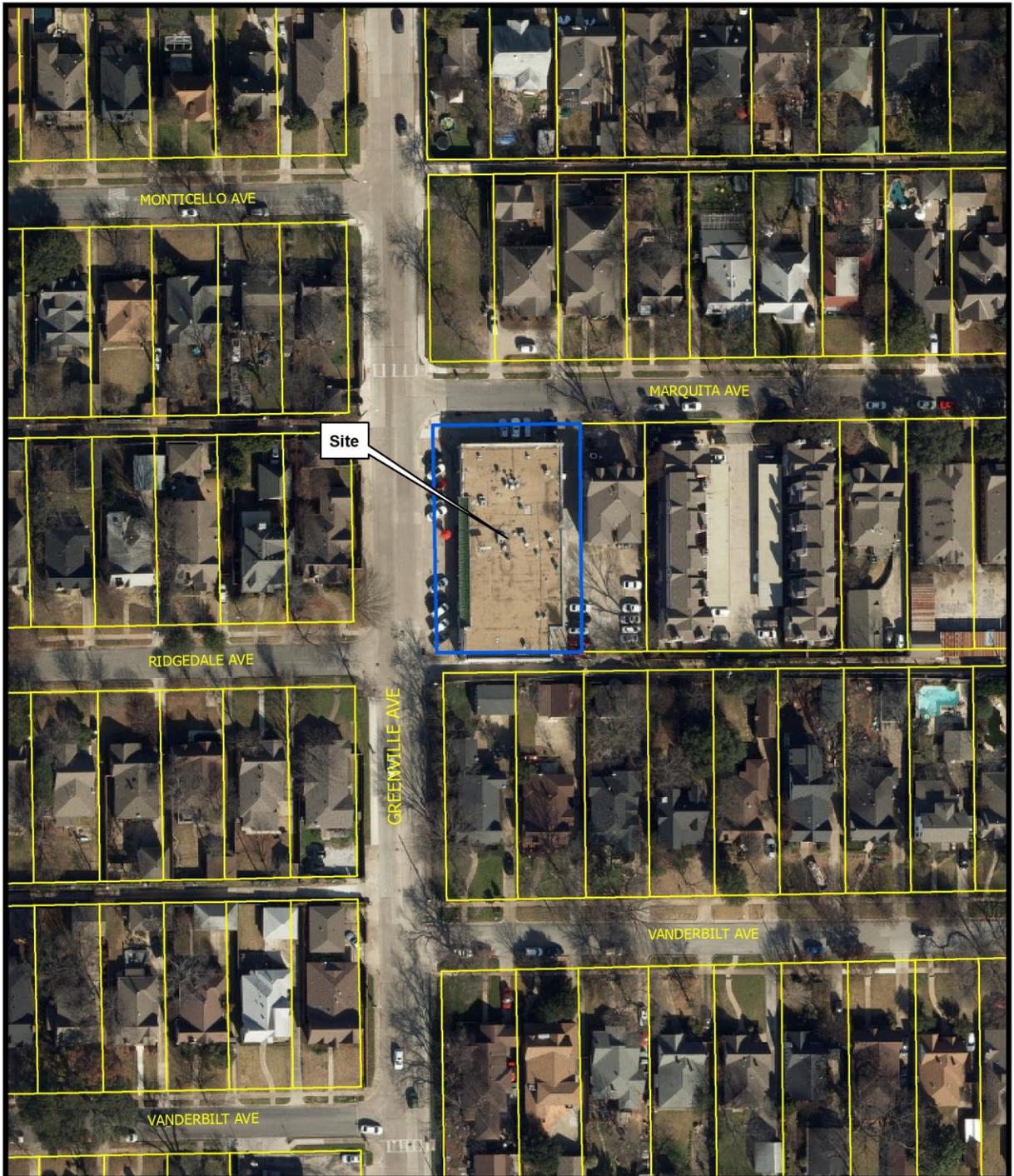


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ZONING MAP

Case no: BDA190-091

Date: 10/1/2020



1:1,200

AERIAL MAP

Case no: BDA190-091

Date: 10/1/2020



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-091

Data Relative to Subject Property:

Date: 8/4/2020

Location address: 3018 Greenville Avenue, Dallas, TX 75206 Zoning District: CD-11

Lot No.: 11 Block No.: 2168 Acreage: 0.51 Census Tract: 0002.02

Street Frontage (in Feet): 1) 179.16 2) 124.00 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Shields Limited Partnership

Applicant: Thomas Shields Telephone: 281-635-4250

Mailing Address: 418 E. Shore Drive, Kemah, TX Zip Code: 77565

E-mail Address: tom.shields@shields-lagniappe.com

Represented by: Steven Dimitt/Rob Baldwin Telephone: 214-559-2700

Mailing Address: 1201 N. Riverfront Blvd., Suite 150, Dallas, TX Zip Code: 75207

E-mail Address: sdimitt@pcrfirm.com / rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance __, or Special Exception X, of Section 5 of Ordinance 19726 regarding the termination of delta credits for parking and loading spaces that are terminated because a use is discontinued or vacant for 12 months.

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: Owner can state an extereme circumstance that demonstrates that there was not an intent to abandon the use even though the use was discontinued or remained vacant for 12 months or more, including but not limited to, extensive renovations and remodeling of the property.

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

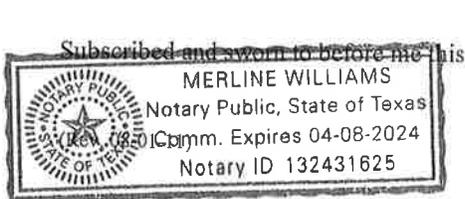
Affidavit

Before me the undersigned on this day personally appeared Thomas Shields

(Affiant/Applicant's name printed)

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

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



3 day of August, 2020

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

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that THOMAS SHIELDS
represented by Steven Dimitt
did submit a request to restore lost delta credits
at 3018 Greenville Avenue

BDA190-091. Application of THOMAS SHIELDS represented by Steven Dimitt to restore delta parking credits at 3018 GREENVILLE AVE. This property is more fully described as Lot 11, Block 2168, and is zoned CD-11(MD-1), which states that the right to nonconforming delta parking credits are lost if the use is vacant for twelve months or more. The board may grant a special exception to this provision only if the owner can demonstrate there was not an intent to abandon the use. The applicant proposes to restore the lost delta parking credits, which will require a special exception to the Modified Delta Overlay-1 regulation.

Sincerely,


David Session, Building Official



AFFIDAVIT

Appeal number: BDA 190-091

I, Shields Limited Partnership, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 3018 Greenville Avenue, Dallas, Texas 75206
(Address of property as stated on application)

Authorize: Thomas Shields
(Applicant's name as stated on application)

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

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

Special exception under Section 5 of Ordinance 19726 regarding the termination of delta credits for parking and loading spaces that are terminated because a use is discontinued or vacant for 12 months.

Shields Ltd. P.S./Thomas Shields *Thomas Shields* 8/3/2020
 Print name of property owner/agent Signature of property owner/agent Date

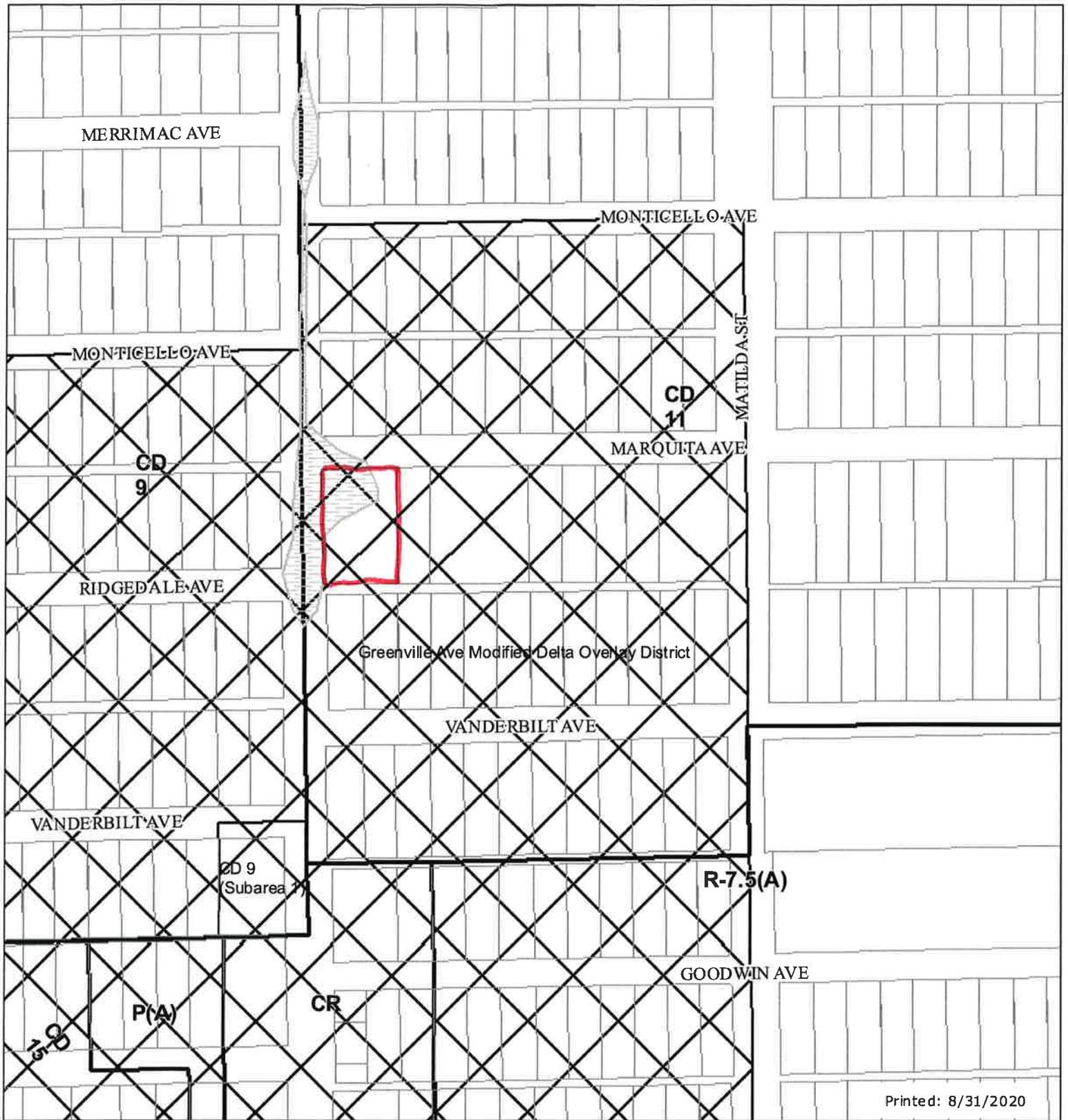
Before me, the undersigned, on this day personally appeared Thomas Shields

Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 3 day of August, 2020



Merline Williams
 Notary Public for Dallas County, Texas
 Commission expires on 04-08-2024



Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
| Mill's Creek | Dallas Environmental Corridors | SP | NSO_Overlay |
| Peak's Branch | SPSP Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | SUP | Historic Overlay | Shop Front Overlay |
| | | Height Map Overlay | 2-11 |

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





City of Dallas

Certificate of Occupancy

Address: 3018 GREENVILLE AVE 75206

Issued: 03/03/2020

Owner: SHIELDS LTD. P.S.
3040 GREENVILLE AVE
DALLAS, TX 75206

DBA: WINDOW SEAT

Land Use: (5811) RESTAURANT WITHOUT DRIVE-IN SERVICE

Occupied Portion:

C.O.#: 1906071094

Lot: 11	Block: 2168	Zoning: CD-11	PDD:	SUP:
Historic Dist:	Consv Dist: M Streets E	Pro Park: 109	Req Park: 109	Park Agrmt: Y
Dwlg Units:	Stories: 1	Occ Code: B	Lot Area: 20620	Total Area: 1435
Type Const: IIIB	Sprinkler: None	Occ Load:	Alcohol: N	Dance Floor:N

Remarks: ALL WORK SUBJECT TO FIELD INSPECTOR APPROVAL. PARKING IS FOR THE ENTIRE SITE. 2 DELTA CREDITS HAVE BEEN LOST. PARKING AGREEMENT EXCEED THE NUMBER OF PARKING REQUIRED BY TWO SPACES. 3018 GREENVILLE AVE ONLY RETAINS 6 DELTA CREDITS MOVING FORWARD.10/11/19 KH NO EXTERIOR HAS BEEN APPROVED.KH

Philip Sikes, Building Official

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

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



CITY OF DALLAS

July 14, 2020

CERTIFIED MAIL No. 7019 1640 0001 6327 1312

Drew M. Martin

PO Box 470007

Fort Worth, Texas 76147

CERTIFIED MAIL No. 7019 1640 0001 6327 1305

Tom Shields

Shields Ltd. P.S.

418 E Shore Dr

Kemah, Texas 77565-2525

RE: Revocation of Certificate of Occupancy No. 1906071094 for a *Restaurant Without Drive-In or Drive-Through Service* use at 3018 Greenville Avenue, Dallas, Texas 75206

Dear Mr. Martin and Mr. Shields:

The above-referenced certificate of occupancy was approved based, in part, on compliance with off-street parking requirements which had been presumed to be met, in part, with eight delta credits. However, because the above application was to convert from a *general merchandise or food store 3,500 square feet or less* use to a *restaurant without drive-in or drive-through service* use, which has a greater parking requirement, rights to any nonconforming parking cannot be used to meet parking requirements pursuant to Section 3 of Ordinance No. 19726 for the Modified Delta Overlay No. 1 (Exhibit A).

The building official is required to revoke a certificate of occupancy if the building official determines that the use or occupancy authorized by the certificate of occupancy has been issued in error.¹ Therefore, the above-referenced certificate of occupancy is hereby revoked.

Further, based upon the attached noticed to vacate (Exhibit B), the use discontinued and the suite became vacant on or by November 30, 2017. Since the previous use had been discontinued for more than 12 months by the time the above-referenced certificate of occupancy application was submitted on June 7, 2019, eight delta credits for the previous occupancy had been lost pursuant to Section 1 of Ordinance No. 22472 for the Modified Delta Overlay No. 1 (Exhibit C). Fortunately, this ordinance allows the owner to make an appeal to the Board of Adjustment for a special exception to the provision that terminates delta credits as described in the attached ordinance.

¹ Section 306.13(1) of Chapter 52, "Administrative Procedures for the Construction Codes."



CITY OF DALLAS

Any determination made by the building official is final unless appealed before the 15th day after written notice of the action or determination is given in accordance with Section 306.15 of Chapter 52 and Section 51A-4.703 of the Dallas Development Code. Questions about the appeal process should be directed to the building official at 214-948-4625 and questions about the Board of Adjustments should be directed to Charles Trammell at 214-948-4618.

Sincerely,

A handwritten signature in cursive script that reads "Sarah May".

Sarah May
Chief Planner
Building Inspection
Sustainable Development and Construction Department

cc: Kris Sweckard, Director, Sustainable Development and Construction
Carl Simpson, Director, Code Compliance
David Session, CBO, Interim Building Official
Megan Wimer, CBO, Assistant Building Official
Tammy Palomino, Executive Assistant City Attorney
Casey Burgess, Executive Assistant City Attorney
Charles Trammell, Board of Adjustment Development Code Specialist
Kim Haynie, Development Project Coordinator

10/21/87

ORDINANCE NO. 19726

An ordinance amending CHAPTER 51, "PART I OF THE DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended; establishing Modified Delta Overlay District No. 1 (the Greenville Avenue Modified Delta Overlay District) for the following described property, to wit:

Tract I is generally located south of Ellsworth Avenue, west of Matilda Street, north of Mercedes Avenue and east of Worcola Street.

Tract II is generally located south of Monticello Avenue, west of Matilda Street, north of Velasco Avenue and east of Worcola Street.

Tract III is generally located south of Belmont Avenue, west of Matilda Street, north of Ross Avenue and east of Summit Avenue;

providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the provisions of the Charter of the City of Dallas, the state law, and the applicable ordinances of the city, have given the required notices and have held the required public hearings regarding this amendment to Article IV, "Zoning Regulations," of CHAPTER 51, "DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended; Now Therefore,

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

1

CHECKED BY

JCX

19726

SECTION 1. That CHAPTER 51, "PART I OF THE DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, is amended by establishing Modified Delta Overlay District No. 1 ("this district") on the following described Property, to-wit:

Tract I: Being all of City Block B/2906 bounded by Ellsworth Avenue, Greenville Avenue, Matalee Street and Worcola Street; all of City Blocks C/2907, E/2907 and A/2908 bounded by Matalee Street, Greenville Avenue, Martel Avenue and Worcola Street; all of City Block B/2909 bounded by Martel Avenue, Greenville Avenue, Longview Street and Worcola Street; all of City Blocks H/2912 and A/2913 bounded by Longview Street, Greenville Avenue, McCommas Boulevard and Worcola Street; all of City Block 1/2193 bounded by McCommas Boulevard, Greenville Avenue, Morningside Avenue and Worcola Street; all of City Block 2/2194 bounded by Morningside Avenue, Greenville Avenue, Mercedes Avenue, and Worcola Street; all of City Block 3/2890 bounded by Ellsworth Avenue, Matilda Street, Kenwood Avenue and Greenville Avenue; all of City Block 2/2889 bounded by Kenwood Avenue, Matilda Street, Penrose Avenue and Greenville Avenue; all of City Block 1/2888 bounded by Penrose Avenue, Matilda Street, Martel Street and Greenville Avenue; all of City Blocks A/2894 and 2895 bounded by Martel Avenue, Matilda Street, McCommas Boulevard and Greenville Avenue; all of City Blocks 2896 and 4/2149 bounded by McCommas Boulevard, Matilda Street, Morningside Avenue and Greenville Avenue; and all of City Block 3/2148 bounded by Morningside Avenue, Matilda Street, Mercedes Avenue and Greenville Avenue.

Tract II: Being all of City Block B/2170 bounded by Monticello Avenue, Greenville Avenue, Ridgedale Avenue and Worcola Street; all of City Block C/2171 bounded by Ridgedale Avenue, Greenville Avenue, Vanderbilt Avenue and Worcola Street; all of City Blocks D/2172 and 1/2076 bounded by Vanderbilt Avenue, Greenville Avenue, Goodwin Avenue and Worcola Street; all of City Block 8/1926 bounded by Goodwin Avenue, Greenville Avenue, Vickery Boulevard and Worcola Street; all of City Block 9/1927 bounded by Vickery Boulevard, Greenville Avenue, Miller Avenue and Worcola Street; all of City Block 1/2146 bounded by Monticello Avenue, Matilda Street, Marquita Avenue, and Greenville Avenue; all of City Blocks 1/2168 and 5/2166 bounded by Marquita Avenue, Matilda Street, Vanderbilt Avenue and Greenville Avenue; all of City Blocks 1/2164 and 1/2162 bounded by Vanderbilt Avenue, Matilda Street, Goodwin Street and Greenville Avenue; all of City Block 8/1918 bounded by Goodwin

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Avenue, Matilda Street, Vickery Boulevard and Greenville Avenue; all of City Block 9/1919 bounded by Vickery Boulevard, Matilda Street, Llano Street and Greenville Avenue; and all of City Block 1/1885 bounded by Llano Street, Matilda Street, Velasco Avenue and Greenville Avenue.

Tract III:

Being all of City Block 8/2012 bounded by Belmont Avenue, Greenville Avenue, Richmond Avenue, and Summit Avenue; all of City Block 7/2071 and part of City Block 1982 bounded by Richmond Avenue, Greenville Avenue, Bell Avenue and Summit Avenue; part of City Block 1982 and all of City Block D/1982 bounded by Bell Avenue, Greenville Avenue, Sears Street and Summit Avenue; all of City Block C/1983 bounded by Sears Street, Greenville Avenue, Alta Street and Summit Avenue; all of City Block B/1988 bounded by Alta Street, Greenville Avenue, Lewis Street and Summit Avenue, part of City Block 1472 bounded by Lewis Street, Greenville Avenue, Ross Avenue and the westward prolongation of the centerline of Ross Avenue from Greenville Avenue to Summit Avenue, and Summit Avenue; all of City Block 17/1901 bounded by Belmont Avenue, Matilda Street, Richmond Street and Greenville Avenue; all of City Block 24/1904 bounded by Richmond Avenue, Matilda Street, Prospect Avenue and Greenville Avenue; all of City Block 1/1905 bounded by Prospect Avenue, Matilda Street, Oram Street and Greenville Avenue; all of City Block 1907 and part of City Block 1908 bounded by Oram Street, Matilda Street, LaVista Street and Greenville Avenue, all of City Blocks A/1473 and B/1474 bounded by LaVista Street, Matilda Street, Lewis Street and Greenville Avenue; and all of City Blocks F/1473 and G/1474 bounded by Lewis Street, Matilda Street, Ross Avenue and Greenville Avenue.

SECTION 2. That no nonconforming parking spaces may be carried forward by a use under the delta theory, as defined in Section 51-4.704 of CHAPTER 51, "PART I OF THE DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, when a use located in this district is expanded.

SECTION 3. That when a use located in this district is converted to a new use having greater parking or loading requirements, the rights to any nonconforming parking or

loading under the delta theory may not be used to meet the new parking requirements.

SECTION 4. That when a use located in this district is converted to a new use having lesser parking or loading requirements, the rights to any portion of the nonconforming parking or loading not needed to meet the new requirements are lost.

SECTION 5. That the right to carry forward nonconforming parking and loading spaces under the delta theory terminates when a use is discontinued or remains vacant for 12 months or more. The board of adjustment may grant a special exception to this provision only if the owner can state an extreme circumstance that demonstrates that there was not an intent to abandon the use even though the use was discontinued or remained vacant for 12 months or more.

SECTION 6. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 7. That CHAPTER 51 of the Dallas City Code, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 8. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of CHAPTER 1 of the Dallas City Code, as amended.

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SECTION 9. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

ANALES LIE MUNCY, City Attorney

BY *Agnes M. Alder Steiner*
Assistant City Attorney

Passed and correctly enrolled OCT 21 1987

Zoning File No. Z867-228/6254-E

5623I

HOOVER SLOVACEK LLP

A REGISTERED LIMITED LIABILITY PARTNERSHIP

JOSEPH O. SLOVACEK, P.C.
PARTNER

slovacek@hooverslovacek.com
www.hooverslovacek.com

ATTORNEYS AT LAW
GALLERIA TOWER II
5051 WESTHEIMER, SUITE 1200
HOUSTON, TEXAS 77056
(713) 977-8686
FAX (713) 977-5395

REPLY TO:
P.O. BOX 4547
HOUSTON, TEXAS 77210

October 3, 2017

**Via Certified Mail, Return Receipt Requested
and U.S. Mail**

H.D.'s, Inc.

Attn: Harry E. Demarco, its President and Registered Agent
3018 Greenville Avenue
Dallas, Texas 75206

**Via Certified Mail, Return Receipt Requested
and U.S. Mail**

H.D.'s, Inc. and any and all occupants
3018 Greenville Avenue
Dallas, Texas 75206

RE: Month-to-Month Tenancy related to a certain Lease Agreement dated April 28, 1992 (the "Lease"), by and between SHIELDS LIMITED PARTNERSHIP, as successor-in-interest to Bernard E. Shields, a Texas limited partnership (the "Landlord"), and H.D.'S, INC., a Texas corporation (the "Tenant"), covering certain premises as further described within the Lease and commonly known as 3018 Greenville Avenue, Dallas, Texas 75206 (the "Premises")

Dear H.D.'s, Inc. and Any and All Occupants of the Premises:

Please be advised that the undersigned attorney and law firm represent Landlord with respect to the above-referenced matter. Capitalized terms used, but not defined, herein shall have the same meaning as in the Lease. Effective immediately, all communications regarding the matters addressed herein should be directed to me.

As Tenant is aware, the Lease expired by its own terms and Tenant has been occupying the Premises on a month-to-month basis. The purpose of this letter is to notify Tenant that Landlord is exercising its right, under Texas law, to terminate Tenant's month-to-month tenancy and Tenant's right to occupy the Premises **effective November 30, 2017** (the "Termination Date"). Tenant is expected to fulfill all rental obligations for the months of both October and November 2017 as well as return the Premises to Landlord in a clean and rentable condition on or before the Termination Date. Tenant will be responsible for any and all damages done to the

Premises above and beyond normal wear and tear or as otherwise required under the Lease and Texas law.

Tenant and all occupants are hereby given written notice to vacate the Premises. Unless Tenant and all occupants have vacated the Premises **on or before November 30, 2017**, Landlord fully intends to file suit to evict any and all parties in possession of the Premises. In addition, the Landlord intends to file suit against Tenant and any other parties liable under the Lease, if any, for collection of all delinquent amounts, interest, late fees, attorneys' fees, and any other damages and amounts due under the Lease and in connection with the month-to-month tenancy.

Any delay or postponement of any of Landlord's actions shall not constitute a waiver. This letter should not be interpreted by Tenant as an election of remedies. Landlord reserves and preserves all rights and remedies available to it pursuant to the Lease and as otherwise granted by Texas law. Additionally, this letter shall not constitute a waiver of any other Tenant default that might exist at the present.

This letter is being sent to Tenant in accordance with the notice provisions of the Lease and the requirements of Texas law. No further communication will necessarily be sent to Tenant from Landlord or from this law firm prior to the time that suit is instituted in the event that Tenant and any and all occupants fail to vacate the Premises by the Termination Date indicated herein.

Sincerely yours,

HOOVER SLOVACEK LLP

Joseph O. Slovacek

JOS:AJB

bcc: client (via email)

6-21-95

ORDINANCE NO. 22472

An ordinance amending Ordinance No. 19726, which established Modified Delta Overlay District No. 1 (the Greenville Avenue Modified Delta Overlay District); amending Section 5 of that ordinance; providing that the board of adjustment may not grant a special exception for required parking; providing an extension of the walking distance for remote parking; providing that more than 50 percent of required parking may consist of special parking; providing that the modified delta overlay district regulations contained in Section 51A-4.506 of CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE," as amended, shall govern this district; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council of the City of Dallas, in accordance with the Charter of the City of Dallas, the state law, and the applicable ordinances of the city, have given the required notices and have held the required public hearings regarding this amendment to Ordinance No. 19726; and

WHEREAS, the city council finds that it is in the public interest to amend Modified Delta Overlay District No. 1 as specified in this ordinance; Now, Therefore,

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

SECTION 1. That Section 5 of Ordinance No. 19726 is amended to read as follows:

"SECTION 5. That the right to carry forward nonconforming parking and loading

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spaces under the delta theory terminates when a use is discontinued or remains vacant for 12 months or more. The board of adjustment may grant a special exception to this provision only if the owner can ~~demonstrate~~~~[state an extreme circumstance that demonstrates]~~ that there was not an intent to abandon the use even though the use was discontinued or remained vacant for 12 months or more, by proving the occurrence of an extreme circumstance, which shall include but not be limited to the following:

(a) A decline in the rental rates for the area which has affected the rental market.

(b) An unusual increase in the vacancy rates for the area which has affected the rental market.

(c) Obsolescence of the subject property, including environmental hazards, extensive renovation or remodeling, and extreme deterioration of adjacent properties, affecting the marketability of property."

SECTION 2. That a new Section 5A is added to Ordinance No. 19726 to read as follows:

"SECTION 5A. That the board of adjustment may not grant a special exception for required off-street parking in this district."

SECTION 3. That a new Section 5B is added to Ordinance No. 19726 to read as follows:

"SECTION 5B. That the walking distances contained in Paragraphs (1) and (2)(A) of Section 51A-4.324(d) of CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, are extended to 600 and 900 feet, respectively, for remote parking in this district."

SECTION 4. That a new Section 5C is added to Ordinance No. 19726 to read as follows:

"SECTION 5C. That special parking, as defined in Section 51A-4.321 of CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE," as amended, may account for more than 50 percent of the off-street parking required for any use."

SECTION 5. That a new Section 5D is added to Ordinance No. 19726 to read

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as follows:

"SECTION 5D. That the modified delta overlay district regulations contained in Section 51A-4.506 of CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, govern this district."

SECTION 6. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

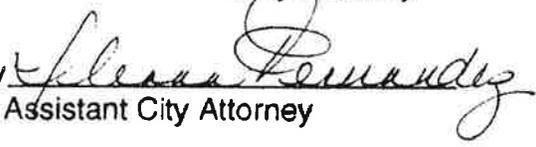
SECTION 7. That CHAPTERS 51 and 51A, "DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, and Ordinance No. 19726 shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 8. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of CHAPTER 1 of the Dallas City Code, as amended.

SECTION 9. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

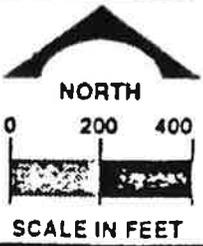
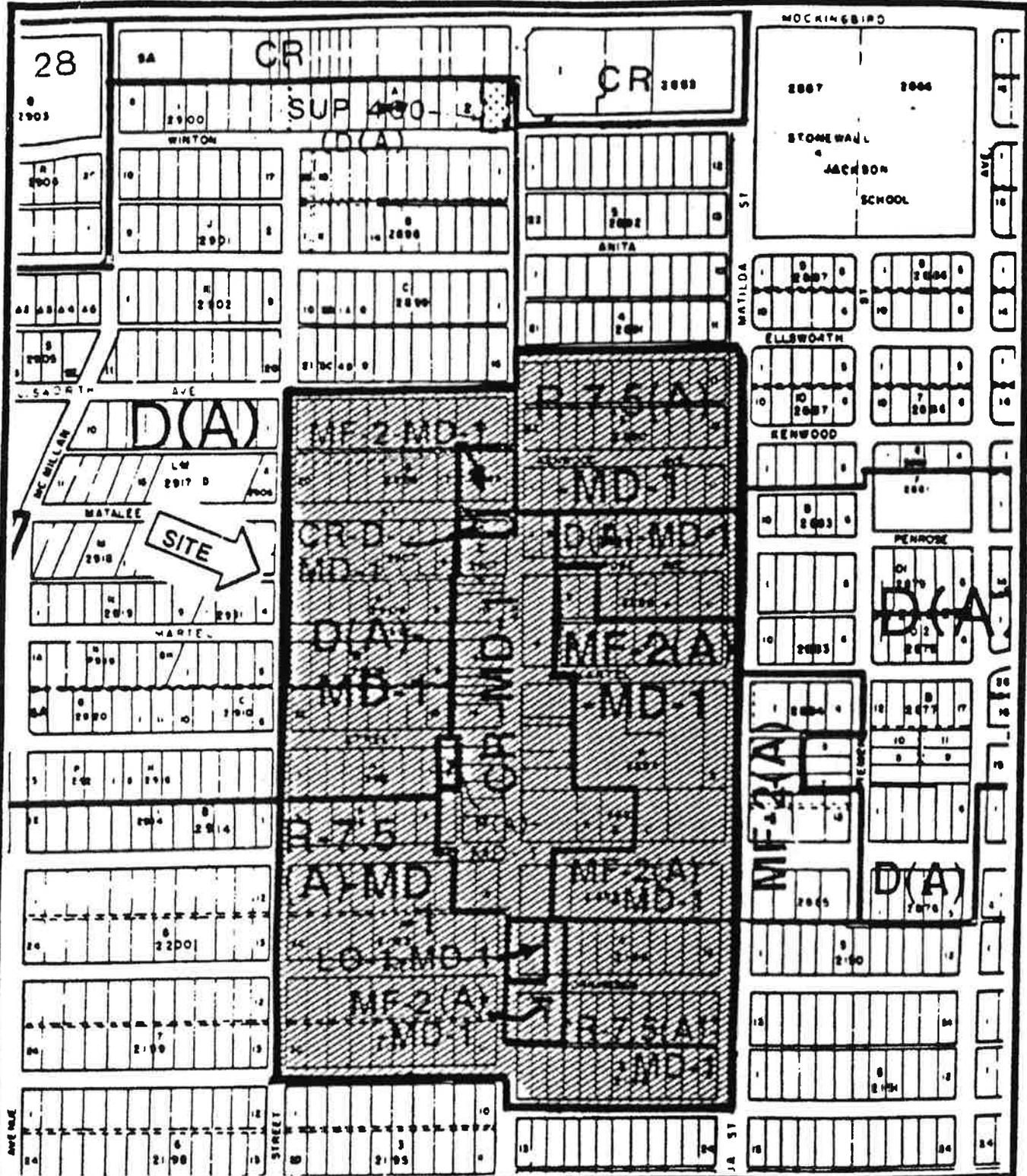
SAM A. LINDSAY, City Attorney

By 
Assistant City Attorney

JUN 28 1995

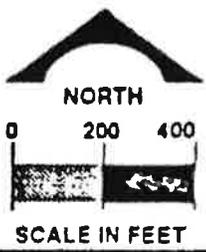
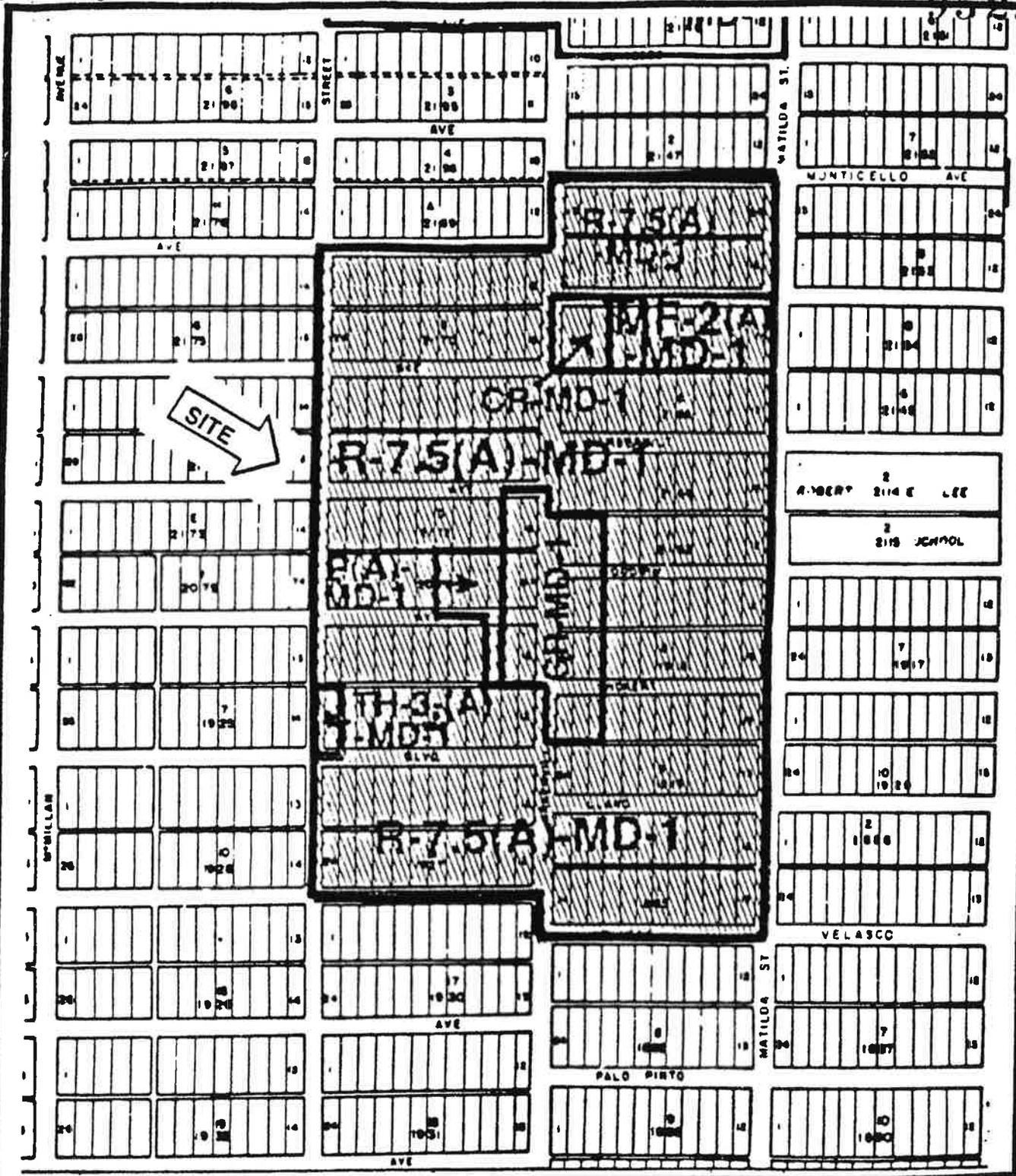
Passed _____

File No. Z945-206/6254-E



ZONING HISTORY
"AREA 1"

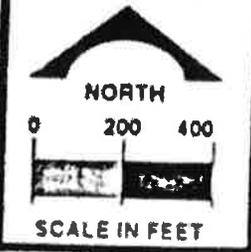
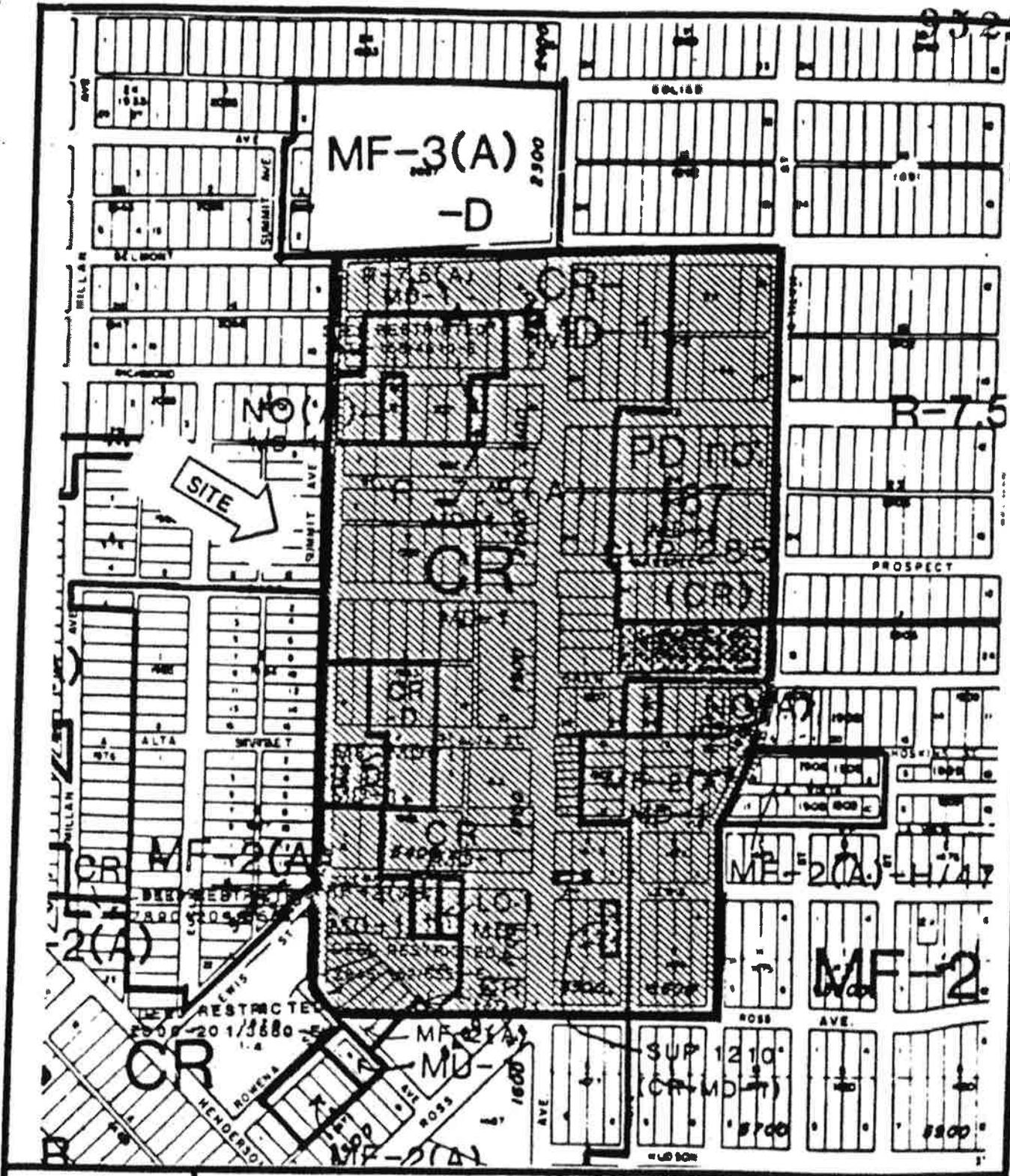
Map No. H-8, I-8
Case No. Z945-206/6254-E



ZONING HISTORY
"AREA 2"

Map No. H-8, I-8
Case No. Z945-206/6254-E

23295



ZONING HISTORY
"AREA 3"

Map No. H-8, I-8
Case No. Z945-206/6254-E

GREENVILLE AVENUE

(50' R.O.W.)

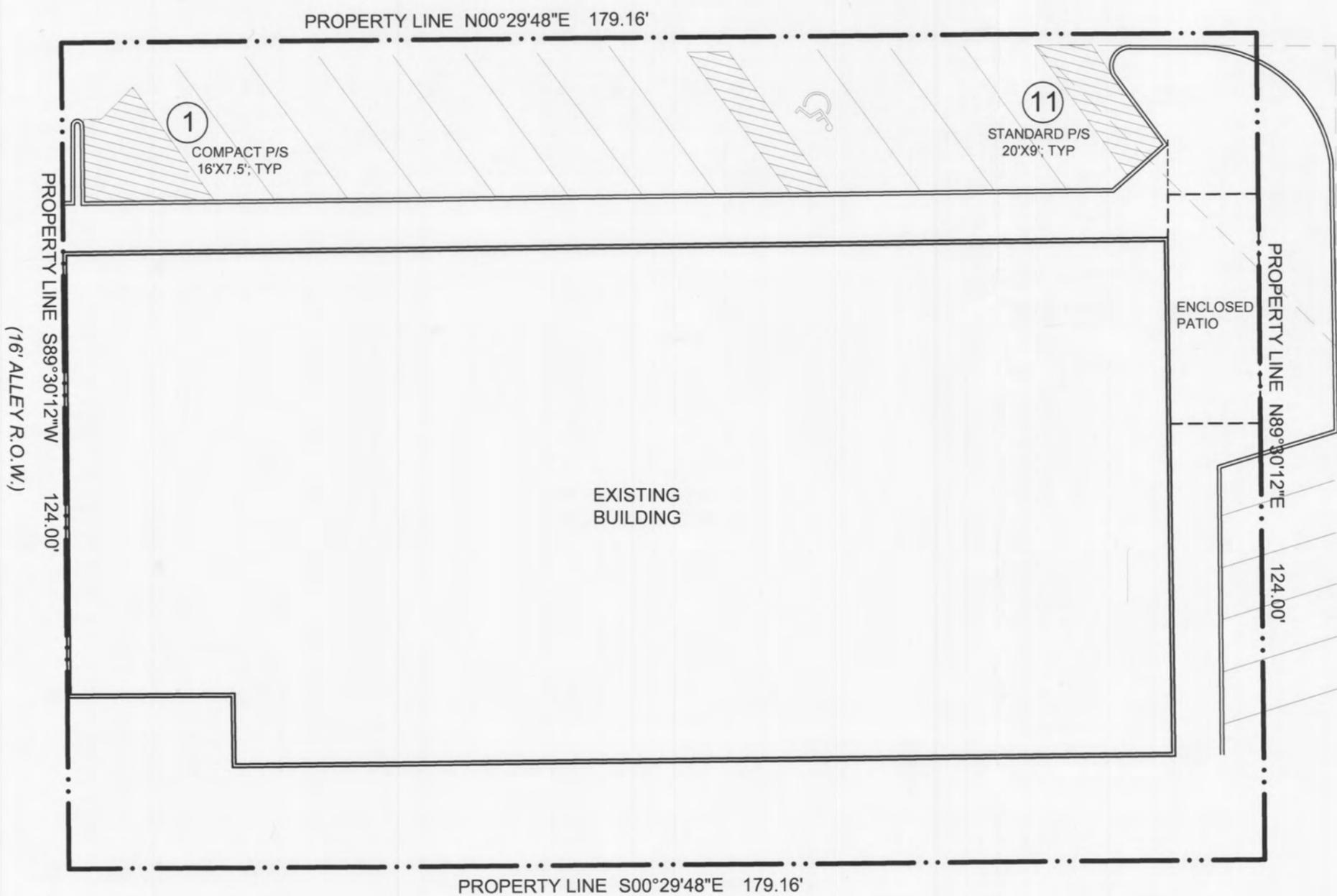


VICINITY MAP
NTS



MARQUITA AVENUE

(50' R.O.W.)



1 SITE PLAN
SCALE: 1:20



This plan shows all of Lot 11, the subject of three cases addressed 3016, 3018, and 3024 Greenville Ave.

08/27/2020
PROJECT NUMBER
CASE NUMBER

BALDWIN ASSOCIATES
3904 Elm Street, Suite B
Dallas, Texas 75226
MOBILE: 214.729.7949
OFFICE: 214.824.7949
rob@baldwinplanning.com

Baldwin Associates

3016 GREENVILLE AVENUE DALLAS, TX

3018 Greenville Avenue

Summary:

Below is a summary of the activities which demonstrate that the property owner, Shields Limited Partnership, did not intend to abandon the use even if the use was discontinued or remained vacant for 12 months or more. The 3018 Greenville Avenue space was continuously occupied by H.D. Men's Clothing from November 1981 to November 30, 2017. The lessees were Harry & Vicki Demarco. The lease expired on April 30, 1995 and the tenant continued to occupy the premises on a month-to-month basis and refused to negotiate a new lease. On October 30, 2017, the property owner exercised its right to terminate the month-to-month tenancy effective November 30, 2017, and a notice to vacate was sent to the tenant by the landlord's attorney. The tenant complied and vacated the space on or about November 30, 2017. The property owner has continuously worked to improve and renovate the building and this specific space since that time, which is evidenced in the timeline below:

1. Lease dated 5/1/1992 to 4/30/1995. The lease expired in 1995, and the tenant continued on a month-to-month basis until November 30th, 2017. We do not have any older documents as the business was operated by our father and managed by Bill Lindsley of J.W Lindsley Co., Inc., both now deceased.
2. Notice to vacate letter from landlord's attorney sent on 10/03/17.
3. Email sent to landlord on 11/24/17 by Vicki Demarco confirming they would be out by November 30th, 2017.
4. News article from the Lakewood Observer dated 11/15/2017 confirming "H.D.'s Clothing Company, a men's and women's boutique that occupied two of the spaces at the strip, is

moving after 37 years.” This demonstrates that this single tenant continuously occupied the space dating back to November 1981.

5. Proposal signed with +One Design/Construction on 12/5/2017 for building renovation.
6. Confirmation from Texas Dept. of Licensing and Regulation for ADA ramp portion of building renovation - 3/12/2018.
7. First drawings received from +One Design/Construction for building renovation - 3/29/18.
8. Construction permit for building renovation applied for on 4/26/18 (#1804261024).
9. Drawings for building renovation submitted to CD-11 on 7/10/18 for review (#CD18071003).
10. CD-11 review completed on 9/12/18. (#CD18071003)
11. Construction permit for building renovation issued by the City of Dallas on 10/8/18 (#1804261024).
12. Contract signed with Highland Builders, Inc. on 11/15/18.
13. Building demolition work commences in December 2018.
14. Construction was ongoing from December 2018 through March 3, 2020.
15. Entered into lease agreement with Dorky Lab LLC d/b/a Window Seat on February 12, 2019.
16. Submitted Conservation District Work Review Form to relocate electrical meter on April 2, 2019.
17. Submitted permit for interior finish out on June 7, 2019.
18. Submitted application for work on sewer relay on September 13, 2019.
19. Window Seat submits permit application for installation of signage on December 18, 2019.

20. Entered into First Amendment to Lease Agreement with Window Seat on January 18, 2020.
21. Submitted Conservation District Work Review Form for exterior signage on January 27, 2020.
22. Certificate of Occupancy obtained for Window Seat on March 3, 2020.

From: Kay, Kiesha <kiesha.kay@dallascityhall.com>
Sent: Tuesday, September 11, 2018 12:05 PM
To: Rob Baldwin <rob@baldwinplanning.com>
Subject: Re: 3014 Greenville

Rob,

Yes, this is correct.

Thank you,

Kiesha Kay

Get [Outlook for Android](#)

From: Rob Baldwin <rob@baldwinplanning.com>
Sent: Tuesday, September 11, 2018 10:49:40 AM
To: Kay, Kiesha
Subject: 3014 Greenville

Good afternoon Kiesha

I am working with the owner of the property known as 3014 Greenville. We are processing building permits and a CA review to allow us to renovate this building. This building is in the Modified Delta District and we want to make sure that we do not lose our delta credits while we are going through the renovation process. Would you please confirm my understanding that if we have an active building permit in place and are regularly calling in our inspections, we will not lose our delta credits while we are under construction and while we are actively marketing the spaces for lease.

Thanks for your help.

Rob

Rob Baldwin
Baldwin Associates, LLC
(214) 729-7949
rob@baldwinplanning.com



CITY OF DALLAS

September 6, 2019

Michele Stoy
Baldwin Associates
3904 Elm Street, STE: B
Dallas, TX 75226

RE: Zoning Determination Request; 3014-3024 Greenville

Dear Ms. Stoy:

As detailed in your letter dated February 27, 2019 and attached, you have requested a written determination pertaining to the non-conforming rights, or "delta credits" for the property referenced above.

The above stated property is located within CD 11, the M Streets East Conservation District, and located within the MD-1 Overlay, Greenville Ave Modified Delta Overlay District (Tract 2). The MD-1 Overlay ordinance states that the right to carry forward nonconforming parking and loading spaces under the delta theory terminates when a use is discontinued or remains vacant for 12 months or more. Based on our research and the attached floor plan used to verify the floor area of each suite, information on the most recent certificate of occupancy and delta credits is provided for each address.

3014 Greenville Avenue - (5999) General merchandise, CO#1807251124, - 1,559 square feet - 8 delta credits.

3016 Greenville Avenue - (5999) General merchandise, CO#1207091020, - 1,707 square feet -9 delta credits.

3018 Greenville - (5999), General merchandise, CO#8111172414, - 1,526 square feet -8 delta credits.

3020 Greenville - (5811) Restaurant, CO#9702141024, - 3,913 square feet, 39 delta credits.

3024 Greenville - (5821) Alcohol Beverage Establishment, CO#1604221106, - 3,846 square, 9 spaces obtained via a parking agreement, 29 delta credits remaining.

Therefore, based on this research, the possible non-conforming parking rights afforded per Section 51A-4.704(b)(4)(A) of the Dallas Development code could be 93 delta credits.

The delta credits for this property need to be considered per tenant when located in the MD Overlay to verify if the deltas have been lost due to vacancy. Per the parking ordinance parking must be met for the entire site, but deltas may be allocated to a specific tenant due to an adjacent tenant losing their rights to delta credits.



CITY OF DALLAS

Please note that when a use is converted to a new use having lesser parking requirements, the rights to any portion of the nonconforming parking that is not needed to meet the new requirement are lost.

Also, per Sec.51A-4.704(b)(4)(A), a person shall not change a use that is nonconforming as to parking or loading to another use requiring more off-street parking or loading unless the additional required off-street parking and loading spaces are provided.

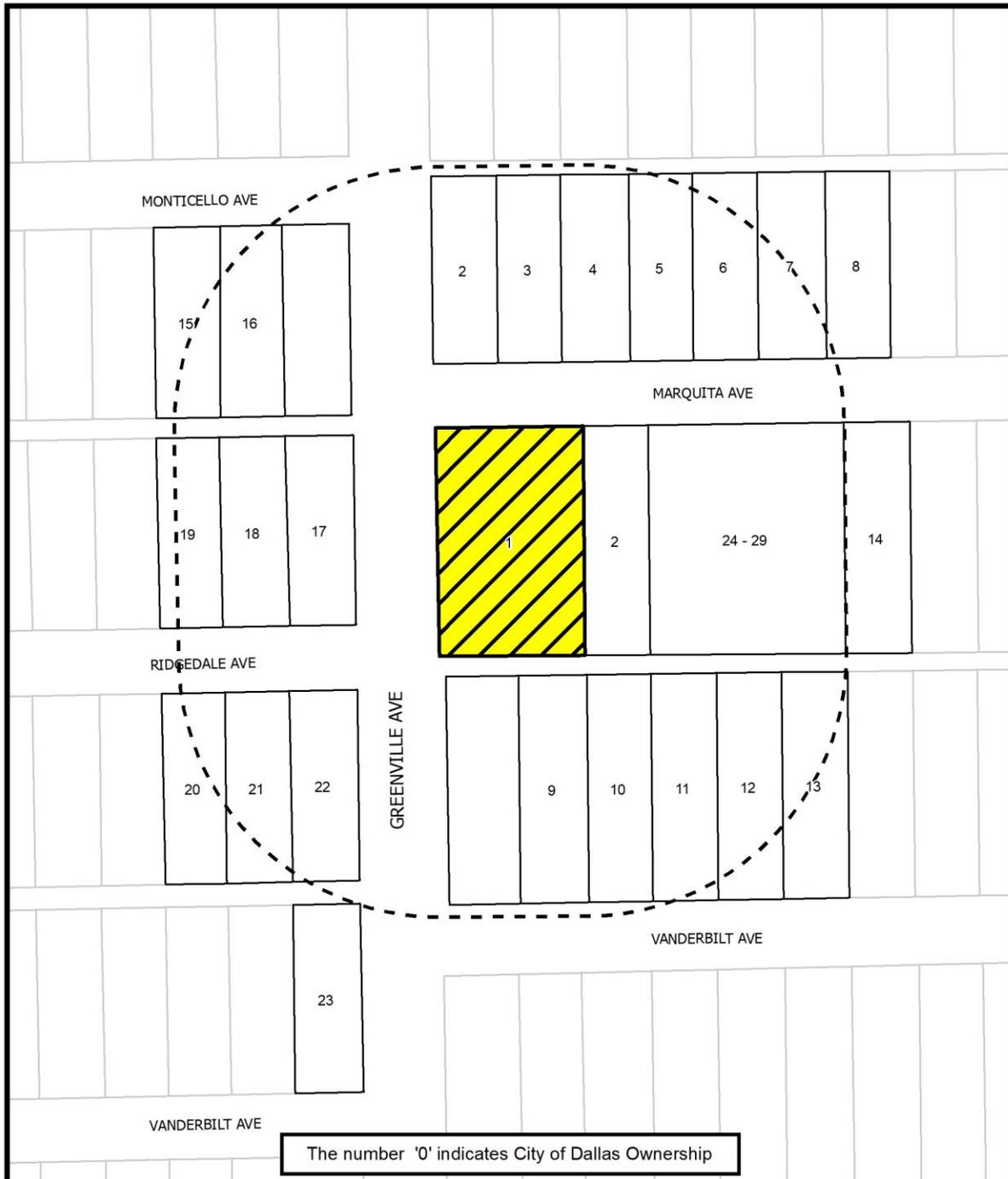
This letter does not constitute a building permit or certificate of occupancy, nor does it imply that a building permit or certificate of occupancy will be approved without complying with all applicable rules and regulations. The City of Dallas does not provide letters certifying that a property or development complies with all applicable rules and regulations.

If you have any further questions, please contact me at 214-948-4501 or megan.wimer@dallascityhall.com.

Respectfully,

Megan Wimer, AICP, CBO
Assistant Building Official
Building Inspection Division

cc: Phil Sikes, CBO, Building Official



1:1,200

NOTIFICATION

200'

AREA OF NOTIFICATION

29

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: BDA190-091

Date: 10/1/2020

09/30/2020

Notification List of Property Owners

BDA190-091

29 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3014 GREENVILLE AVE	SHIELDS LTD PS
2	5701 MARQUITA AVE	PASHA & SINA INC
3	5707 MARQUITA AVE	RENTZ BAILEY
4	5711 MARQUITA AVE	VAHDANI CHRISTOPHER &
5	5715 MARQUITA AVE	NUNNALLY HARVEY W III
6	5719 MARQUITA AVE	BOLGER DOROTHY E
7	5723 MARQUITA AVE	VELIS BILL D
8	5727 MARQUITA AVE	LAWSON CLIFFORD J & JANE G
9	5707 VANDERBILT AVE	OROZCO RICHARD & RUFINA
10	5711 VANDERBILT AVE	MOORE HARRY E & SAMMIE S
11	5715 VANDERBILT AVE	ANTHONY JOHN ROSS
12	5719 VANDERBILT AVE	MILLER EMILY
13	5723 VANDERBILT AVE	KALMBACH ERIC W
14	5726 MARQUITA AVE	O B A INC
15	5638 MONTICELLO AVE	BASU NEIL K
16	5642 MONTICELLO AVE	ASKEW ANTONINA M VENTURA
17	5647 RIDGEDALE AVE	BELL PHILIP
18	5643 RIDGEDALE AVE	KONKEL RICHARD ARTHUR
19	5639 RIDGEDALE AVE	BATTAGLIA SCOTT &
20	5640 RIDGEDALE AVE	BARNETT JAMES C
21	5642 RIDGEDALE AVE	PLATTS DOUGLAS &
22	5644 RIDGEDALE AVE	SCHUCK CORD BRITTON
23	5647 VANDERBILT AVE	SU STUART
24	5720 MARQUITA AVE	PATTON JEFF
25	5720 MARQUITA AVE	WILLINGHAM KIRK R
26	5720 MARQUITA AVE	BURKE GARY A

09/30/2020

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	5720 MARQUITA AVE	LOBO VINAY J
28	5720 MARQUITA AVE	BIRNBAUM MARC A &
29	5720 MARQUITA AVE	XOCHOTL LARA

FILE NUMBER: BDA190-093(JM)

BUILDING OFFICIAL'S REPORT: Application of Thomas Shields, represented by Steven Dimitt for a special exception to the Modified Delta Overlay District No. 1 regulations at 3024 Greenville Avenue. This property is more fully described as Lot 11, Block 2168, and is zoned Conservation District No. 11 with Modified Delta Overlay District No.1, which states that the rights to nonconforming delta parking credits are lost if the use is vacant for 12 months or more. The applicant proposes to restore the lost delta parking credits, which will require a special exception to the Modified Delta Overlay District No. 1 regulations.

LOCATION: 3024 Greenville Avenue

APPLICANT: Thomas Shields
Represented by Steven Dimitt

REQUEST:

A request for a special exception to the Modified Delta Overlay District No. 1 regulations to carry forward nonconforming parking spaces under the delta theory that were terminated since the use on the site was discontinued or remained vacant for 12 months or more is made in order for the applicant to obtain a Certificate of Occupancy for a retail use for the vacant commercial structure on the subject site.

STANDARD FOR SPECIAL EXCEPTION TO THE MODIFIED DELTA OVERLAY DISTRICT No. 1 REGULATIONS TO CARRY FORWARD NONCONFORMING PARKING AND LOADING SPACES UNDER THE DELTA THEORY WHEN A USE IS DISCONTINUED OR REMAINS VACANT FOR 12 MONTHS OR MORE:

The Modified Delta Overlay District No. 1 states that the right to carry forward nonconforming parking and loading spaces under the delta theory terminates when a use is discontinued or remains vacant for 12 months or more. The board of adjustment may grant a special exception to this provision only if the owner can demonstrate that there was not an intent to abandon the use even though the use was discontinued or remained vacant for 12 months or more by proving the occurrence of an extreme circumstance, which shall include *but not be limited* to the following:

1. A decline in the rental rates for the area which has affected the rental market.
2. An unusual increase in the vacancy rates for the area which has affected the rental market.
3. Obsolescence of the subject property, including environmental hazards, extensive renovation or remodeling, and extreme deterioration of adjacent properties affecting the marketability of property.

STAFF RECOMMENDATION:

Approval

Rationale:

- Staff concluded that the applicant had demonstrated that there was not an intent to abandon the use even though the use was discontinued or remained vacant for 12 months or more by proving the occurrence of the following extreme circumstances:

The applicant documented how extensive renovation or remodeling was necessary because the structure on the site was in poor condition. Construction was ongoing from December 2018 through approximately February 2020.

BACKGROUND INFORMATION:

Zoning:

- Site: CD No. 11 with an MD Overlay District No. 1
- North: CD Nos. 9 and 11 with an MD Overlay District No. 1
- South: CD No. 11 with an MD Overlay District No. 1
- East: CD No. 11 with an MD Overlay District No. 1
- West: CD Nos. 9 with an MD Overlay District No. 1

Land Use:

The subject site is developed with a commercial structure. The areas to the north, south, and west are developed with residential uses; and the area to the east is developed with commercial uses.

Zoning/BDA History:

While there have been no zoning/BDA cases within the area in the last five years, there are two other BDA cases at the subject site currently.

GENERAL FACTS/STAFF ANALYSIS:

This request focuses on carrying forward nonconforming parking spaces under the delta theory terminated because a part of the structure/use on the site was discontinued or remained vacant for 12 months or more. Reinstating the delta credits would allow for the applicant to obtain a Certificate of Occupancy for a proposed new tenant. The previous alcoholic beverage establishment use [San Francisco Rose] Certificate of Occupancy was revoked due to an extended period of vacancy.

The subject site is zoned Conservation District No. 11 with Modified Delta Overlay District No.1. According to DCAD, the property at 3016 Greenville Avenue is developed with a “retail strip” with over 12,210 square feet of floor area built in 1930.

The Dallas Development Code provides the following relating to nonconformity of parking or loading:

- Increased requirements. A person shall not change a use that is nonconforming as to parking or loading to another use requiring more off-street parking or loading unless the additional off-street parking and loading spaces are provided.
- Delta theory. In calculating required off-street parking or loading, the number of nonconforming parking or loading spaces may be carried forward when the use is converted or expanded. Nonconforming rights as to parking or loading are defined in the following manner: required parking or loading spaces for existing use minus the number of existing parking or loading spaces for existing use equals nonconforming rights as to parking or loading.
- Decreased requirements. When a use is converted to a new use having less parking or loading requirement, the rights to any portion of the nonconforming parking or loading that are not needed to meet the new requirements are lost.

In 1987, the City Council created “Modified Delta Overlay Districts” in those areas where it has determined that a continued operation of the delta theory is not justified because there is no longer a need to encourage redevelopment and adaptive reuse of existing structures, or a continued application of the delta theory will create traffic congestion and public safety problems and would not be in the public interest.

In a modified delta overlay district, the city council may limit the number of percentages of nonconforming parking or loading spaces that may be carried forward by a use under the delta theory. An ordinance establishing a modified delta overlay district may not increase the number of nonconforming parking or loading spaces that may be carried forward under the delta theory when a use is converted or expanded.

An ordinance establishing a modified delta overlay district must provide that when a use located in the district is converted to a new use having less parking or loading requirements, the rights to **any portion** of the nonconforming parking or loading **not needed** to meet the new requirements **are lost**.

An ordinance establishing a modified delta overlay district may provide that rights under the delta theory terminate when a use for which the delta theory has been applied is discontinued.

In 1987, the City Council established Modified Overlay District No. 1 (the Greenville Avenue Modified Delta Overlay District) which stated among other things:

- That no nonconforming parking spaces may be carried forward by a use under the delta theory when a use in the Community Retail District with an MD Overlay District No. 1a is expanded.

In 1995, the City Council amended Modified Overlay District No. 1 (the Greenville Avenue Modified Delta Overlay District) which stated among other things:

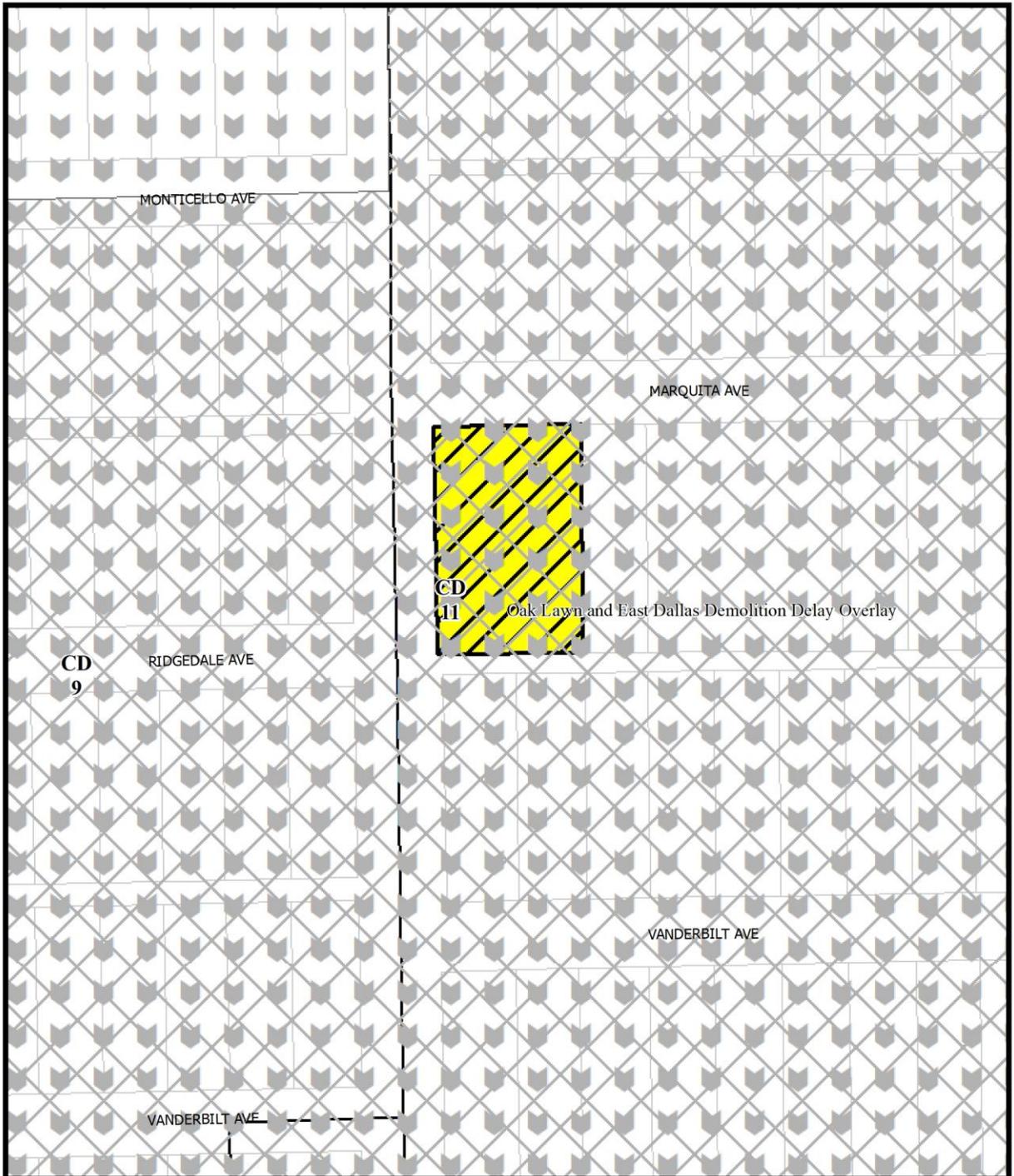
- The right to carry forward nonconforming parking and loading spaces under the delta theory terminates when a use is discontinued or remains vacant for 12 months or more. The board of adjustment may grant a special exception to this provision only if the owner can demonstrate that there was not an intent to abandon the use even though the use was discontinued or remained vacant for 12 months or more by proving the occurrence of an extreme circumstance, which shall include but not be limited to the following:
 1. A decline in the rental rates for the area which has affected the rental market.
 2. An unusual increase in the vacancy rates for the area which has affected the rental market.
 3. Obsolescence of the subject property, including environmental hazards, extensive renovation or remodeling, and extreme deterioration of adjacent properties affecting the marketability of property.

Timeline:

- August 4, 2020 The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- September 18, 2020: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- September 18, 2020 The Board Administrator emailed the applicant’s representative the public hearing date and panel that will consider the application; the September 30, 2020 deadline to submit additional evidence for staff to factor into their analysis; and the October 9, 2020 deadline to submit additional evidence to be incorporated into the board’s docket materials and the following information:
- a copy of the application materials including the Building Official’s report on the application.
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”
- September 30, 2020: The applicant submitted additional information to staff beyond what was submitted with the original application (**Attachment A**).
- October 2, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October

public hearings. The review team members in attendance included the Sustainable Development and Construction: Assistant Director, Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Building Inspection Senior Plans Examiner/Development Sign Code Specialist, Senior Engineer, the Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

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

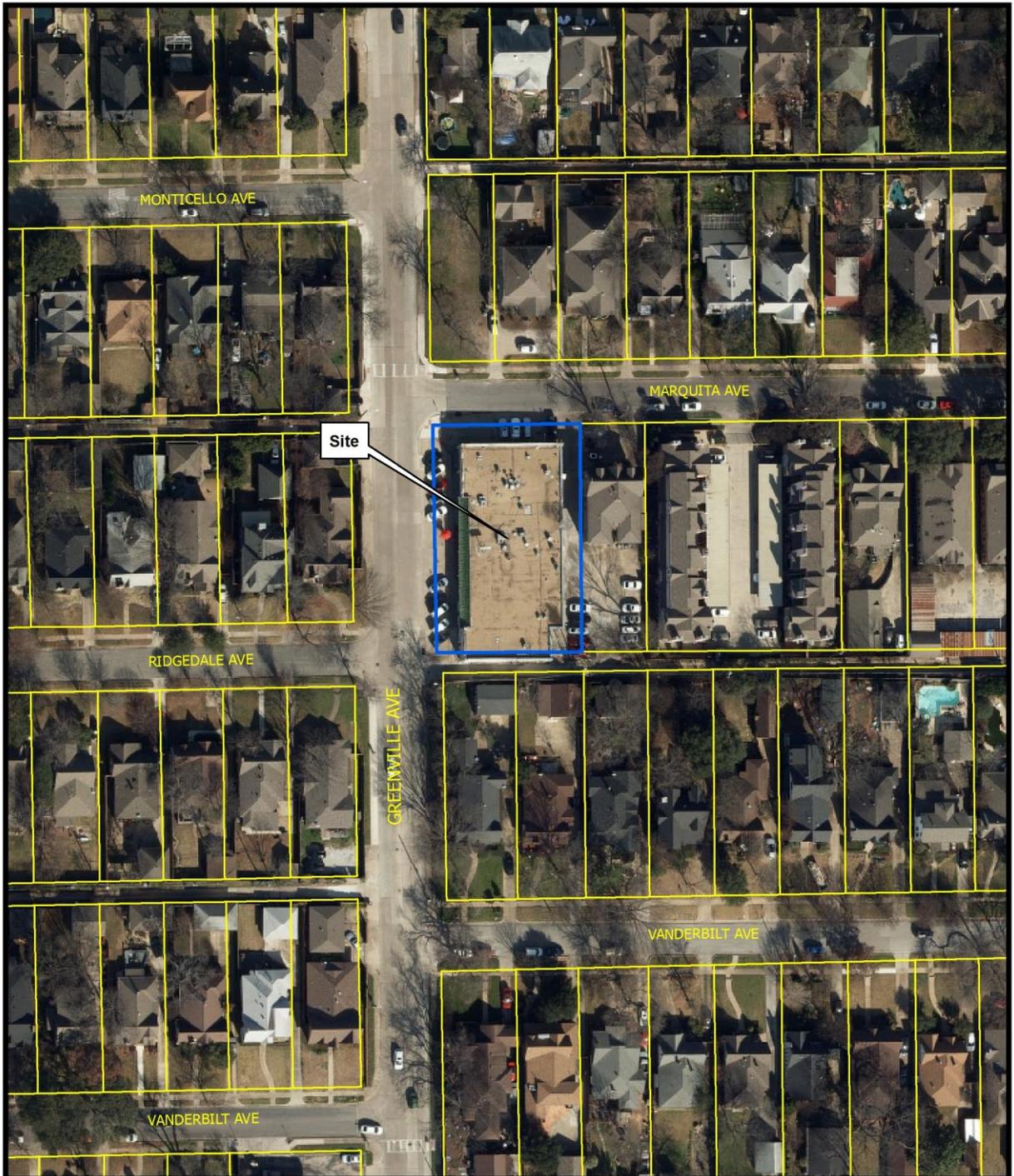


1:1,200

ZONING MAP

Case no: BDA190-093

Date: 10/1/2020



1:1,200

AERIAL MAP

Case no: BDA190-093

Date: 10/1/2020



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-093

Data Relative to Subject Property:

Date: 8/4/2020

Location address: 3024 Greenville Avenue, Dallas, TX 75206 Zoning District: CD-11

Lot No.: 11 Block No.: 2168 Acreage: 0.51 Census Tract: 0002.02

Street Frontage (in Feet): 1) 179.16 2) 124.00 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Shields Limited Partnership

Applicant: Thomas Shields Telephone: 281-635-4250

Mailing Address: 418 E. Shore Drive, Kemah, TX Zip Code: 77565

E-mail Address: tom.shields@shields-lagniappe.com

Represented by: Steven Dimitt/Rob Baldwin Telephone: 214-559-2700

Mailing Address: 1201 N. Riverfront Blvd., Suite 150, Dallas, TX Zip Code: 75207

E-mail Address: sdimitt@pcrfirm.com / rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance __, or Special Exception X, of Section 5 of Ordinance 19726 regarding the termination of delta credits for parking and loading spaces that are terminated because a use is discontinued or vacant for 12 months.

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: Owner can state an extreme circumstance that demonstrates that there was not an intent to abandon the use even though the use was discontinued or remained vacant for 12 months or more, including but not limited to, extensive renovations and remodeling of the property.

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

Affidavit

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

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

Respectfully submitted: Thomas Shields
(Affiant/Applicant's signature)



3 day of August, 2020
Notary Public in and for Dallas County, Texas

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was---Granted OR Denied

Remarks _____

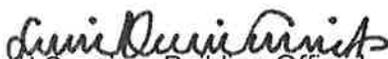
Chairman

Building Official's Report

I hereby certify that THOMAS SHIELDS
represented by Steven Dimitt
did submit a request to restore lost delta credits
at 3024 Greenville Avenue

BDA190-093. Application of THOMAS SHIELDS represented by Steven Dimitt to restore delta parking credits at 3024 GREENVILLE AVE. This property is more fully described as Lot 11, Block 2168, and is zoned CD-11(MD-1), which states that the right to nonconforming delta parking credits are lost if the use is vacant for twelve months or more. The board may grant a special exception to this provision only if the owner can demonstrate there was not an intent to abandon the use. The applicant proposes to restore the lost delta parking credits, which will require a special exception to the Modified Delta Overlay-1 regulation.

Sincerely,


David Session, Building Official



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 190-093

I, Shields Limited Partnership, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 3024 Greenville Avenue, Dallas, Texas 75206
(Address of property as stated on application)

Authorize: Thomas Shields
(Applicant's name as stated on application)

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

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

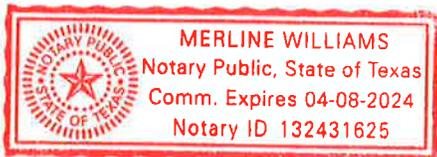
Special exception under Section 5 of Ordinance 19726 regarding the termination of delta credits for parking and loading spaces that are terminated because a use is discontinued or vacant for 12 months.

Shields Ltd. P.S./Thomas Shields Thomas Shields 8/3/2020
 Print name of property owner/agent Signature of property owner/agent Date

Before me, the undersigned, on this day personally appeared Thomas Shields

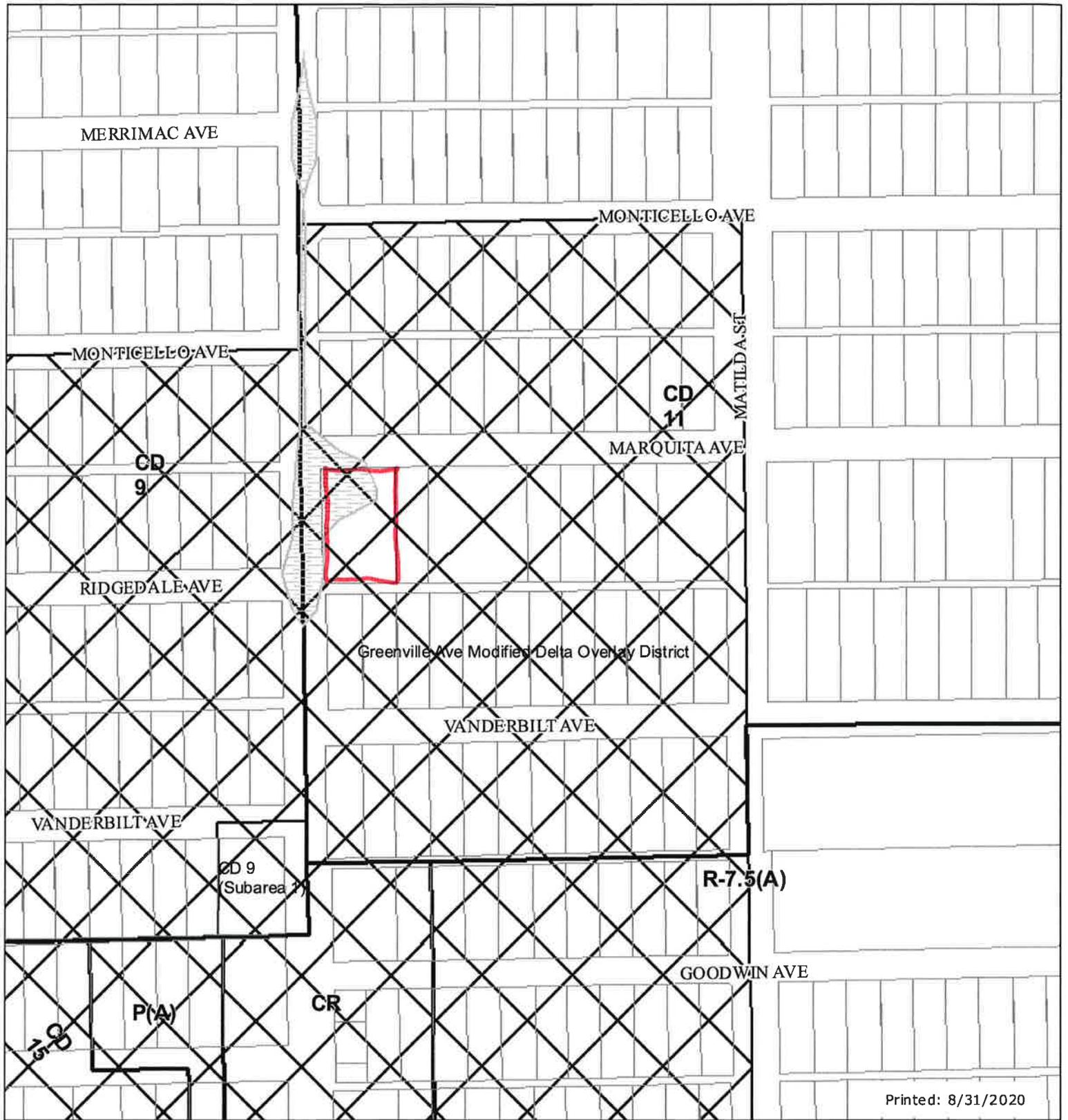
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 3 day of August, 2020



Merline Williams
Notary Public for Dallas County, Texas

Commission expires on 04-08-2024



Printed: 8/31/2020

Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
| Mill's Creek | Dallas Environmental Corridors | SP | NSO_Overlay |
| Peak's Branch | SPSD Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | SUP | Historic Overlay | Shop Front Overlay 3-11 |
| | | Height Map Overlay | |

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





City of Dallas

Certificate of Occupancy

Address: 3024 GREENVILLE AVE 75206

Issued: 01/09/2017

Owner: SHIELDS LTD PS
418 E SHORE DR , KEMAH TEXAS 775652525 UNITED STATES OF AMERICA

DBA: SAN FRANCISCO ROSE

Land Use: (5821) ALCOHOLIC BEVERAGE ESTABLISHMENT

Occupied Portion:

C.O.#: 1604221106

Lot: 11	Block: 2168	Zoning: CD-11	PDD:	SUP:
Historic Dist:	Consv Dist: M Streets E	Pro Park: 36	Req Park: 36	Park Agrmt: N
Dwlg Units:	Stories: 1	Occ Code: A2	Lot Area: 20620	Total Area: 3610
Type Const: IIB	Sprinkler: None	Occ Load: 87	Alcohol: N	Dance Floor:N

Remarks: SUBJECT TO FIELD INSPECTOR APPROVAL / MAX OCC'Y LOAD IN BUILDING = 87; IN OPEN PATIO=30 PERSONS/

Philip Sikes, Building Official

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

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



CITY OF DALLAS

July 14, 2020

CERTIFIED MAIL No. 7019 1640 0001 6327 1329

Boo Bradberry

40/40 Enterprises, Inc DBA San Francisco Rose
1009 Stoneport Lane
Allen, Texas 75002

CERTIFIED MAIL No. 7019 1640 0001 6327 1305

Tom Shields

Shields Ltd. P.S.
418 E Shore Dr
Kemah, Texas 77565-2525

RE: Revocation of Certificate of Occupancy No. 1604221106 for an *Alcoholic Beverage Establishment* use at 3024 Greenville Avenue, Dallas, Texas 75206

Dear Mr. Bradberry and Mr. Shields:

Based upon articles written in the *Dallas Observer* and the San Francisco Rose Facebook page (Exhibit A), the building official has determined that the above use was discontinued in late 2017, over two years ago. The building official is required to revoke a certificate of occupancy if the building official determines that the use or occupancy authorized by the certificate of occupancy has been discontinued for six months or more.¹ Therefore, the above-referenced certificate of occupancy is hereby revoked.

Additionally, the above-referenced certificate of occupancy was approved based, in part, on compliance with off-street parking requirements which had been met, in part, with delta credits. Since this location has been closed for more than twelve months, all delta credits for this occupancy have been lost pursuant to the provisions of Ordinance No. 22472 for the Modified Delta Overlay No. 1 (Exhibit B). Fortunately, this ordinance allows the owner to make an appeal to the Board of Adjustment for a special exception to the provision that terminates delta credits as described in the attached ordinance. Questions about the Board of Adjustments should be directed to Charles Trammell at 214-948-4618.

¹ Section 306.13(7) of Chapter 52, "Administrative Procedures for the Construction Codes."



CITY OF DALLAS

Finally, since the above-referenced certificate of occupancy was issued for a nonconforming *alcoholic beverage establishment* use, which has been discontinued for more than six months, nonconforming right to open another nonconforming *alcoholic beverage establishment* use has also been lost.²

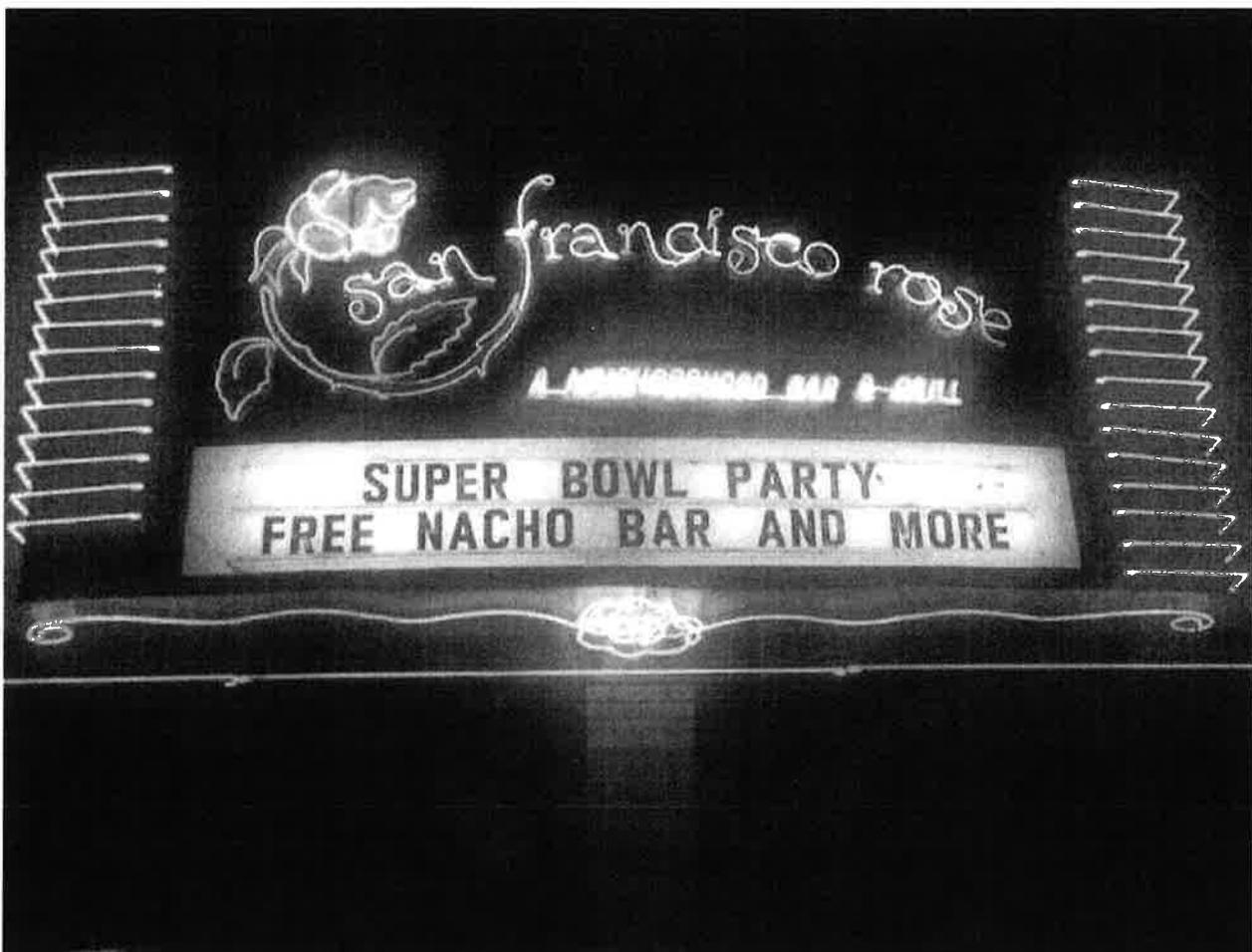
Any determination made by the building official is final unless appealed before the 15th day after written notice of the action or determination is given in accordance with Section 306.15 of Chapter 52, "Administrative Procedures for the Construction Codes." Questions about the appeal process should be directed to the building official at 214-948-4625.

Sincerely,

Sarah May
Chief Planner
Building Inspection
Sustainable Development and Construction Department

cc: Kris Sweckard, Director, Sustainable Development and Construction
Carl Simpson, Director, Code Compliance
David Session, CBO, Interim Building Official
Megan Wimer, CBO, Assistant Building Official
Tammy Palomino, Executive Assistant City Attorney
Casey Burgess, Executive Assistant City Attorney
Charles Trammell, Board of Adjustment Development Code Specialist
Kim Haynie, Development Project Coordinator

² Section 51A-4.704(a)(2) of the Dallas Development Code.



The San Francisco Rose, which opened in '77, is part of a tradition started by the original TGI Fridays in New York City. / [San Francisco Rose on Facebook](#)

Texas Supreme Court Intervention May Doom The San Francisco Rose on Greenville

NICHOLAS BOSTICK | OCTOBER 18, 2017 | 4:00AM

In 1977, Dallas welcomed its first “fern bar,” San Francisco Rose, and thus began the city’s love affair with trendy bars and kitschy cocktails. The fern bar concept was born in the mid-’60s, when the original TGI Fridays opened on 63rd Street in New York City. The only remaining bar of this kind in Dallas is likely to close in the next 90 days.

The venue began as an attraction for younger crowds to an area home to dark and smoky saloons. San Francisco Rose survived the inevitable shift in tastes through the ’80s and ’90s, transitioning into a neighborhood haunt with karaoke Wednesdays and pub quiz Thursdays.

But for the past five years, San Francisco Rose owner Boo Bradberry says he's been locked in a battle with his landlord. Bradberry declined to discuss details but referenced the court case Shields Limited Partnership v. Boo Bradberry 40/40 Enterprises Inc., argued March 23 in the Supreme Court of Texas.



The San Francisco Rose on Greenville Avenue is likely to close in the next 90 days. / Taryn Walker

The property owner, Shields Limited, claims Bradberry paid his rent late numerous times. But according to court documents, Shields Limited had been accepting late rent payments since 2012. Shields Limited would have a better case for eviction had the landlord levied late fees against Bradberry or accepted late payments "under protest."

Since the owner willingly accepted late payment, three courts declared that Shields Limited had no grounds to evict Bradberry. The Texas Court of Appeals affirmed the ruling.

But the Texas Supreme Court disagreed, awarding Shields Limited the right to evict Bradberry a month and a half before Bradberry says his lease was supposed to end. The length of the lease was also a point of contention during subsequent court cases.

Experts point out that the court's intervention is atypical and could signal more involvement, new contracts or laws governing commercial contracts.

"Our Supremes never get involved in eviction cases," Stuart Lantin, a real estate lawyer in Dallas, wrote in an online article for the North Texas Commercial Association of Realtors and Real Estate Professionals. "Certainly not in commercial evictions."

As for the San Francisco Rose, it is unknown whether Bradberry will try to keep his bar alive. The Texas Property Code does not allow for commercial evictions to be appealed past the county court level.

RELATED TOPICS: [MUSIC](#) [DFW MUSIC NEWS](#)

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San Francisco Rose

· November 14, 2017 ·

Turning the marquee off, one last time.

Thank you, EVERYONE. This place has been gutted of tables, chairs, coolers, tv's, lights, etc- but, the love & unity can't ever be taken away. We love you guys. Cheers

779 Views

Nicole Jensen Ivy, Hector Castellanos, Most Relevant Paul Nelson and 33 others like this.

1 Share

5 Comments



Cassandra Jenkins Thanks for the years of memories

2y



Anita Gaviria Torres Thanks for the memories!!!

2y



Shelby Guild Smith Very much so!

6-21-95

ORDINANCE NO. 22472

An ordinance amending Ordinance No. 19726, which established Modified Delta Overlay District No. 1 (the Greenville Avenue Modified Delta Overlay District); amending Section 5 of that ordinance; providing that the board of adjustment may not grant a special exception for required parking; providing an extension of the walking distance for remote parking; providing that more than 50 percent of required parking may consist of special parking; providing that the modified delta overlay district regulations contained in Section 51A-4.506 of CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE," as amended, shall govern this district; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council of the City of Dallas, in accordance with the Charter of the City of Dallas, the state law, and the applicable ordinances of the city, have given the required notices and have held the required public hearings regarding this amendment to Ordinance No. 19726; and

WHEREAS, the city council finds that it is in the public interest to amend Modified Delta Overlay District No. 1 as specified in this ordinance; Now, Therefore,

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

SECTION 1. That Section 5 of Ordinance No. 19726 is amended to read as follows:

"SECTION 5. That the right to carry forward nonconforming parking and loading

22472

952395

spaces under the delta theory terminates when a use is discontinued or remains vacant for 12 months or more. The board of adjustment may grant a special exception to this provision only if the owner can demonstrate~~[state an extreme circumstance that demonstrates]~~ that there was not an intent to abandon the use even though the use was discontinued or remained vacant for 12 months or more, by proving the occurrence of an extreme circumstance, which shall include but not be limited to the following:

(a) A decline in the rental rates for the area which has affected the rental market.

(b) An unusual increase in the vacancy rates for the area which has affected the rental market.

(c) Obsolescence of the subject property, including environmental hazards, extensive renovation or remodeling, and extreme deterioration of adjacent properties, affecting the marketability of property."

SECTION 2. That a new Section 5A is added to Ordinance No. 19726 to read as follows:

"SECTION 5A. That the board of adjustment may not grant a special exception for required off-street parking in this district."

SECTION 3. That a new Section 5B is added to Ordinance No. 19726 to read as follows:

"SECTION 5B. That the walking distances contained in Paragraphs (1) and (2)(A) of Section 51A-4.324(d) of CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, are extended to 600 and 900 feet, respectively, for remote parking in this district."

SECTION 4. That a new Section 5C is added to Ordinance No. 19726 to read as follows:

"SECTION 5C. That special parking, as defined in Section 51A-4.321 of CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE," as amended, may account for more than 50 percent of the off-street parking required for any use."

SECTION 5. That a new Section 5D is added to Ordinance No. 19726 to read

22472

952395

as follows:

"SECTION 5D. That the modified delta overlay district regulations contained in Section 51A-4.506 of CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, govern this district."

SECTION 6. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

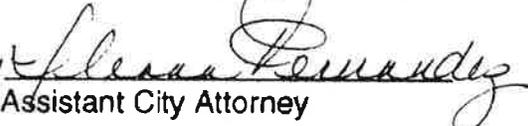
SECTION 7. That CHAPTERS 51 and 51A, "DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, and Ordinance No. 19726 shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 8. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of CHAPTER 1 of the Dallas City Code, as amended.

SECTION 9. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

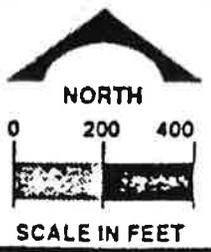
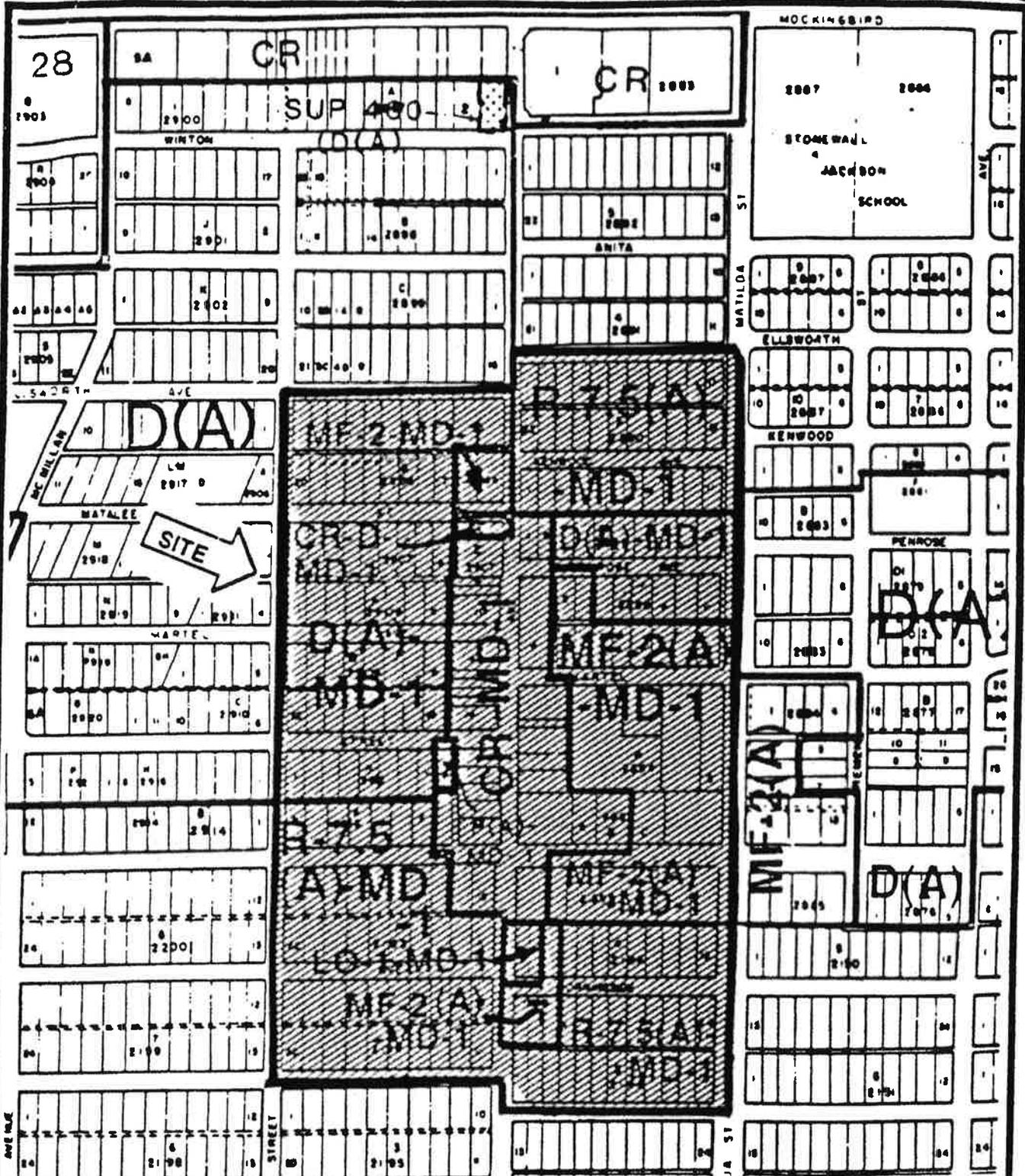
SAM A. LINDSAY, City Attorney

By 
Assistant City Attorney

JUN 28 1995

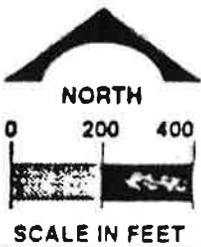
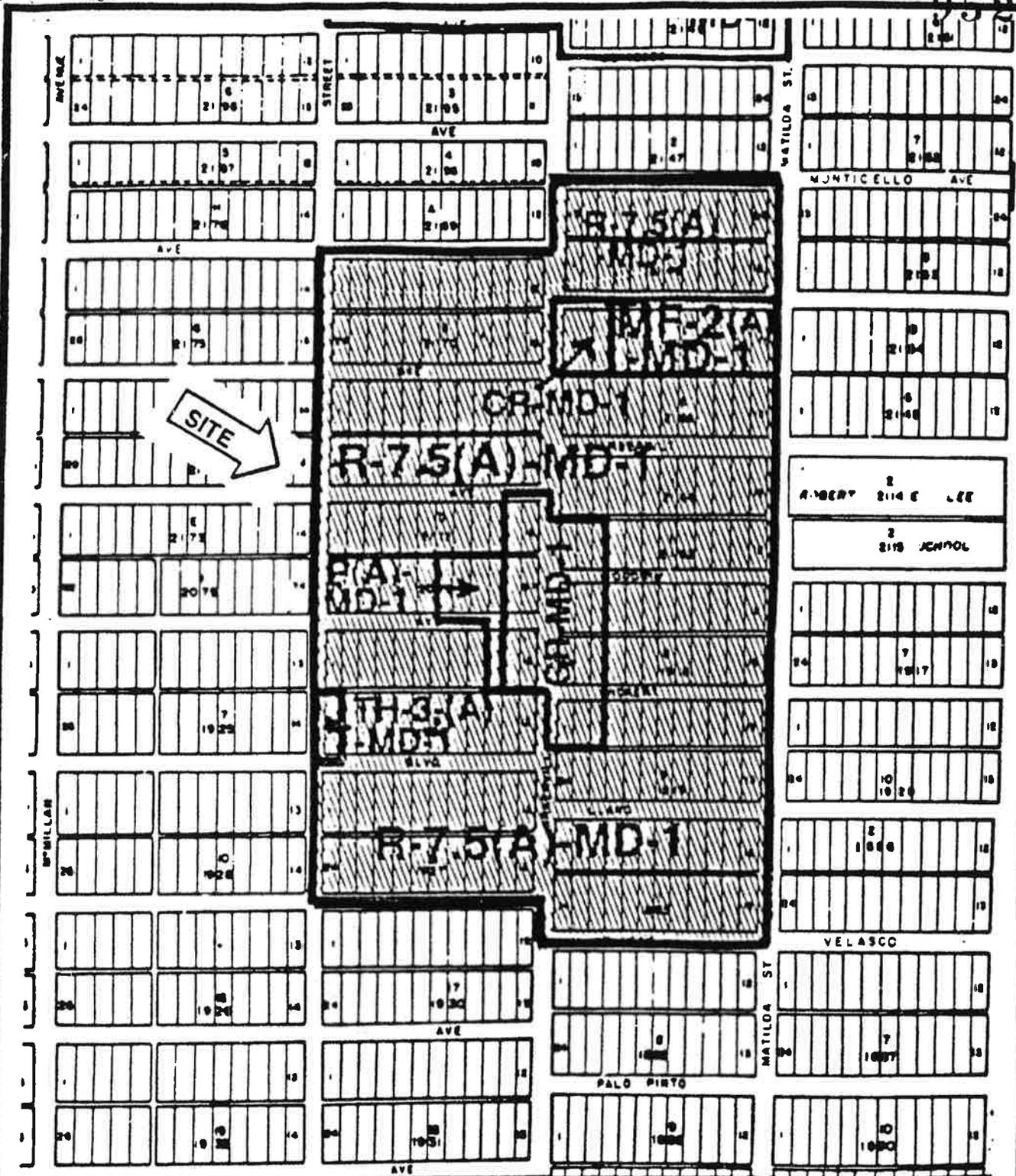
Passed _____

File No. Z945-206/6254-E



ZONING HISTORY
"AREA 1"

Map No. H-8, I-8
Case No. Z945-206/6254-E



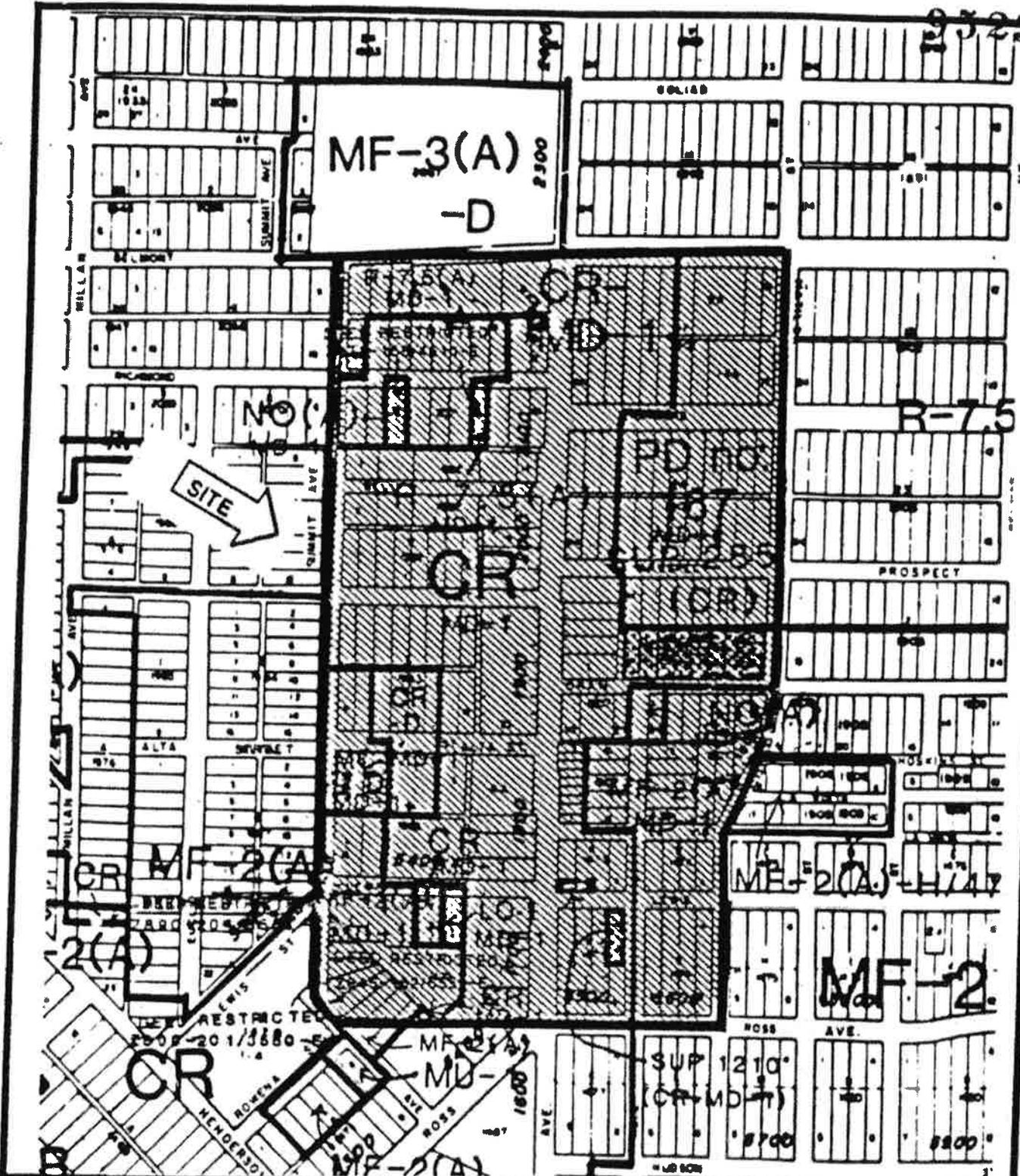
ZONING HISTORY

"AREA 2"

Map No. H-8, I-8

Case No. Z945-206/6254-E

932895



ZONING HISTORY
"AREA 3"

Map No. H-8, I-8
Case No. Z945-206/6254-E

GREENVILLE AVENUE

(50' R.O.W.)

PROPERTY LINE N00°29'48"E 179.16'

1

COMPACT P/S
16'X7.5'; TYP

11

STANDARD P/S
20'X9'; TYP

ENCLOSED
PATIO

PROPERTY LINE N89°30'12"E

124.00'

MARQUITA AVENUE

(50' R.O.W.)

EXISTING
BUILDING

PROPERTY LINE S00°29'48"E 179.16'

PROPERTY LINE S89°30'12"W

124.00'

(16' ALLEY R.O.W.)



VICINITY MAP

NTS



1

SITE PLAN

SCALE: 1:20



3-24

This plan shows all of Lot 11, the subject of three cases addressed 3016, 3018, and 3024 Greenville Ave.

08/27/2020
PROJECT NUMBER

CASE NUMBER

BALDWIN
ASSOCIATES

3904 Elm Street, Suite B
Dallas, Texas 75226
MOBILE: 214.729.7949
OFFICE: 214.824.7949
rob@baldwinplanning.com

Baldwin
Associates

3016 GREENVILLE AVENUE DALLAS, TX

3024 Greenville Avenue

Summary:

Below is a summary of the activities which demonstrate that the property owner, Shields Limited Partnership, did not intend to abandon the use even if the use was discontinued or remained vacant for 12 months or more. The 3024 Greenville space was continuously occupied by the San Francisco Rose from March 19, 1997 to November 14, 2017. The property owner has continuously worked to improve and renovate the building and this specific space since that time, which is evidenced in the timeline below:

1. Lease dated 3/19/97 to 5/31/12.
2. Amended Lease dated 6/1/12 to 5/31/22.
3. Order compelling debtor (SF Rose) to vacate no later than 11/14/17.
4. Proposal signed with +One Design/Construction on 12/5/2017 for building renovation.
5. San Francisco Rose – Certificate of Occupancy – 01/9/17.
6. Confirmation from Texas Dept. of Licensing and Regulation for ADA ramp portion of building renovation - 3/12/2018.
7. First drawings received from +One Design/Construction for building renovation - 3/29/18.
8. Construction permit for building renovation applied for on 4/26/18 (#1804261024).
9. Submitted building permit for remodel on May 31, 2018 with completion date of February 21, 2020.
10. Drawings for building renovation submitted to CD-11 on 7/10/18 for review (#CD18071003).
11. Construction permit to relocate electrical meter applied for 4/4/19 (#190404600).

12. CD-11 review completed on 9/12/18. (#CD18071003)
13. Construction permit for building renovation issued by the City of Dallas on 10/8/18 (#1804261024).
14. Submitted building permit for interior remodel on November 13, 2018 with completion date of January 25, 2019.
15. Contract signed with Highland Builders, Inc. on 11/15/18.
16. Construction permit to remodel to empty shell applied for on 5/31/18.
17. Submitted building permit for relocation of electrical meter on April 4, 2019.
18. Construction permit for Sewer Relay applied for on 9/13/19 with completion date of 12/23/19.
19. Construction has been ongoing from December 2018 through approximately February 2020.
20. Executed lease agreement with tenant, Meyboom Brasserie, LLC on June 22, 2020.
21. The property owner and Meyboom Brasserie, LLC have been actively working on plans and submittals for additional improvements and the continuation of the use at this location.

From: Kay, Kiesha <kiesha.kay@dallascityhall.com>
Sent: Tuesday, September 11, 2018 12:05 PM
To: Rob Baldwin <rob@baldwinplanning.com>
Subject: Re: 3014 Greenville

Rob,

Yes, this is correct.

Thank you,

Kiesha Kay

Get [Outlook for Android](#)

From: Rob Baldwin <rob@baldwinplanning.com>
Sent: Tuesday, September 11, 2018 10:49:40 AM
To: Kay, Kiesha
Subject: 3014 Greenville

Good afternoon Kiesha

I am working with the owner of the property known as 3014 Greenville. We are processing building permits and a CA review to allow us to renovate this building. This building is in the Modified Delta District and we want to make sure that we do not lose our delta credits while we are going through the renovation process. Would you please confirm my understanding that if we have an active building permit in place and are regularly calling in our inspections, we will not lose our delta credits while we are under construction and while we are actively marketing the spaces for lease.

Thanks for your help.

Rob

Rob Baldwin
Baldwin Associates, LLC
(214) 729-7949
rob@baldwinplanning.com



CITY OF DALLAS

September 6, 2019

Michele Stoy
Baldwin Associates
3904 Elm Street, STE: B
Dallas, TX 75226

RE: Zoning Determination Request; 3014-3024 Greenville

Dear Ms. Stoy:

As detailed in your letter dated February 27, 2019 and attached, you have requested a written determination pertaining to the non-conforming rights, or "delta credits" for the property referenced above.

The above stated property is located within CD 11, the M Streets East Conservation District, and located within the MD-1 Overlay, Greenville Ave Modified Delta Overlay District (Tract 2). The MD-1 Overlay ordinance states that the right to carry forward nonconforming parking and loading spaces under the delta theory terminates when a use is discontinued or remains vacant for 12 months or more. Based on our research and the attached floor plan used to verify the floor area of each suite, information on the most recent certificate of occupancy and delta credits is provided for each address.

3014 Greenville Avenue - (5999) General merchandise, CO#1807251124, - 1,559 square feet - 8 delta credits.

3016 Greenville Avenue - (5999) General merchandise, CO#1207091020, - 1,707 square feet - 9 delta credits.

3018 Greenville - (5999), General merchandise, CO#8111172414, - 1,526 square feet - 8 delta credits.

3020 Greenville - (5811) Restaurant, CO#9702141024, - 3,913 square feet, 39 delta credits.

3024 Greenville - (5821) Alcohol Beverage Establishment, CO#1604221106, - 3,846 square, 9 spaces obtained via a parking agreement, 29 delta credits remaining.

Therefore, based on this research, the possible non-conforming parking rights afforded per Section 51A-4.704(b)(4)(A) of the Dallas Development code could be 93 delta credits.

The delta credits for this property need to be considered per tenant when located in the MD Overlay to verify if the deltas have been lost due to vacancy. Per the parking ordinance parking must be met for the entire site, but deltas may be allocated to a specific tenant due to an adjacent tenant losing their rights to delta credits.



CITY OF DALLAS

Please note that when a use is converted to a new use having lesser parking requirements, the rights to any portion of the nonconforming parking that is not needed to meet the new requirement are lost.

Also, per Sec.51A-4.704(b)(4)(A), a person shall not change a use that is nonconforming as to parking or loading to another use requiring more off-street parking or loading unless the additional required off-street parking and loading spaces are provided.

This letter does not constitute a building permit or certificate of occupancy, nor does it imply that a building permit or certificate of occupancy will be approved without complying with all applicable rules and regulations. The City of Dallas does not provide letters certifying that a property or development complies with all applicable rules and regulations.

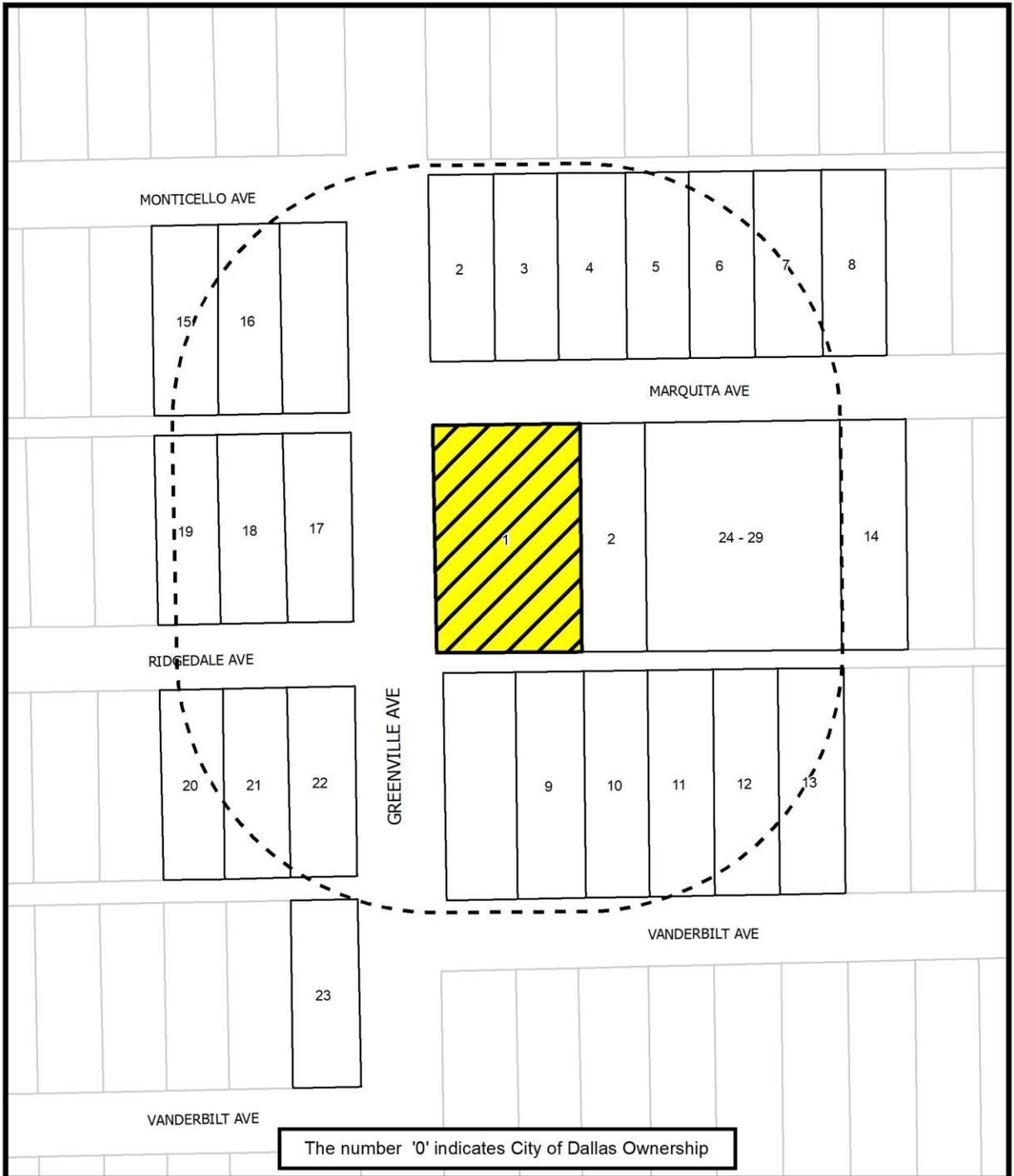
If you have any further questions, please contact me at 214-948-4501 or megan.wimer@dallascityhall.com.

Respectfully,

A handwritten signature in black ink that reads "megan wimer".

Megan Wimer, AICP, CBO
Assistant Building Official
Building Inspection Division

cc: Phil Sikes, CBO, Building Official



 1:1,200	<h1>NOTIFICATION</h1>	Case no: BDA190-093			
	<table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">29</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	29	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
29	NUMBER OF PROPERTY OWNERS NOTIFIED				

10/01/2020

Notification List of Property Owners

BDA190-093

29 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3014 GREENVILLE AVE	SHIELDS LTD PS
2	5701 MARQUITA AVE	PASHA & SINA INC
3	5707 MARQUITA AVE	RENTZ BAILEY
4	5711 MARQUITA AVE	VAHDANI CHRISTOPHER &
5	5715 MARQUITA AVE	NUNNALLY HARVEY W III
6	5719 MARQUITA AVE	BOLGER DOROTHY E
7	5723 MARQUITA AVE	VELIS BILL D
8	5727 MARQUITA AVE	LAWSON CLIFFORD J & JANE G
9	5707 VANDERBILT AVE	OROZCO RICHARD & RUFINA
10	5711 VANDERBILT AVE	MOORE HARRY E & SAMMIE S
11	5715 VANDERBILT AVE	ANTHONY JOHN ROSS
12	5719 VANDERBILT AVE	MILLER EMILY
13	5723 VANDERBILT AVE	KALMBACH ERIC W
14	5726 MARQUITA AVE	O B A INC
15	5638 MONTICELLO AVE	BASU NEIL K
16	5642 MONTICELLO AVE	ASKEW ANTONINA M VENTURA
17	5647 RIDGEDALE AVE	BELL PHILIP
18	5643 RIDGEDALE AVE	KONKEL RICHARD ARTHUR
19	5639 RIDGEDALE AVE	BATTAGLIA SCOTT &
20	5640 RIDGEDALE AVE	BARNETT JAMES C
21	5642 RIDGEDALE AVE	PLATTS DOUGLAS &
22	5644 RIDGEDALE AVE	SCHUCK CORD BRITTON
23	5647 VANDERBILT AVE	SU STUART
24	5720 MARQUITA AVE	PATTON JEFF
25	5720 MARQUITA AVE	WILLINGHAM KIRK R
26	5720 MARQUITA AVE	BURKE GARY A

10/01/2020

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	5720 MARQUITA AVE	LOBO VINAY J
28	5720 MARQUITA AVE	BIRNBAUM MARC A &
29	5720 MARQUITA AVE	XOCHOTL LARA

FILE NUMBER: BDA190-099(OA)

BUILDING OFFICIAL'S REPORT: Application of Paula Jones represented by William Howard for a for a special, exception to the side yard setback regulations to afford a handicapped person equal opportunity to use and enjoy a dwelling, and a for a special exception to the floor area ratio regulations to afford a handicapped person equal opportunity to use and enjoy a dwelling, and a for a special exception to the height regulations to afford a handicapped person equal opportunity to use and enjoy a dwelling at 3235 Bertrand Avenue. This property is more fully described as Lot 4, Block 1778, and is zoned an R-5(A) Single Family Subdistrict within Planned Development District No. 595, where an accessory structure may not exceed 25 percent of the floor area of the main structure and requires a five-foot side yard setback and the height of an accessory structure may not exceed the height of the main building. The applicant proposes to construct a single family residential accessory structure with 676 square feet of floor area (41.57 percent of the 1,626 square-foot floor area of the main structure), which will require a 269 square-foot special exception to the floor area ratio regulations, and to construct a single family residential accessory structure and provide a four-foot three-inch side yard setback, which will require a nine-inch special exception to the side yard setback regulations, and to construct a single family residential accessory structure with a building height of 13 feet two-inches, which will require a nine-inch special exception to the maximum building height regulations.

LOCATION: 3235 Bertrand Avenue

APPLICANT: Paula Jones
represented by William Howard

REQUESTS:

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

1. a request for a special exception for the handicapped equal opportunity to enjoy, remodel, and maintain a 676 square feet accessory structure (41.57 percent of the 1,626 square-foot floor area of the main structure) which will require a 269 square-foot special exception to the floor area ratio of the main structure.
2. a request for a special exception for the handicapped equal opportunity to enjoy, remodel, and maintain an existing accessory structure which will be located four-feet three-inches from the northwest side property line or nine inches into this northwest five-foot side yard setback.

3. a request for a special exception for the handicapped equal opportunity to enjoy, remodel, and maintain an existing accessory structure with a building height of 13-feet two-inches, which will require a nine-inch special exception to the height regulations.

STANDARD FOR A SPECIAL EXCEPTION FOR THE HANDICAPPED:

Section 51A-1.107.(b)(1) states that the Board of Adjustment shall grant a special exception to any regulation in this chapter, if, after a public hearing, the board finds that the exception is necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling. The term “handicapped person,” means a person with a “handicap,” as that term is defined in the Federal Fair Housing Amendments Act of 1988, as amended.

STAFF RECOMMENDATION:

No staff recommendation is made on this or any request for a special exception for the handicapped since the basis for this type of appeal is when the board finds that the exception is necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling.

Zoning:

Site: PD No. 595, R-5(A) Single Family Subdistrict

North: PD No. 595, R-5(A) Single Family Subdistrict

South: PD No. 595, R-5(A) Single Family Subdistrict

East: PD No. 595, R-5(A) Single Family Subdistrict

West: PD No. 595, R-5(A) Single Family Subdistrict

Land Use:

The subject site and surrounding areas are developed with single family uses.

Zoning/BDA History:

There have not been any recent related board or zoning cases recorded either on or near the subject site.

GENERAL FACTS/STAFF ANALYSIS:

The following requests for special exceptions for the handicapped focus on remodeling and maintaining an accessory structure with 676 square feet of floor area (41.57 percent of the 1,626 square-foot floor area of the main structure), located four-feet three-inches from the northwest side property line (nine inches into the five-foot side

yard setback), with a building height of 13-feet two-inches (nine inches taller than the main structure).

The site is zoned an R-5(A) Subdistrict within PD No. 595 and requires the floor area of any individual accessory structure may not exceed the height of the main building. Additionally, a five-foot side yard setback for single family structures. Finally, the height of an accessory structure may not exceed the height of the main building.

The submitted site plan (survey) denotes an existing accessory structure located five feet from the northwest side property line; however, this request is for an encroachment into the side yard of nine inches. The applicant submitted a floor plan of the proposed remodeled 676-square-foot accessory structure. According to the survey and proposed floor plan the main home is approximately 1,626 square feet in floor area and the proposed accessory structure is approximately 676 square feet. Finally, the submitted documents indicate that the elevation for the accessory is 17 feet one inch to the top of the roof and the elevation for the main structure is 13 feet eight inches. According to the measurements from Building Inspections the proposal exceeds the height by nine inches as stated in the Building Official Report.

Section 51A-1.107(b)(1) states that the Board of Adjustment shall grant a special exception to any regulation in this chapter, if, after a public hearing, the board finds that the exception is necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling. The term “handicapped person,” means a person with a “handicap,” as that term is defined in the Federal Fair Housing Amendments Act of 1988, as amended.

A copy of the “handicap” definition from this act was provided to the Board Administrator by the City Attorney’s Office. Section 3602 of this act states the following:

“(h) “Handicap” means, with respect to a person -

1. a physical or mental impairment which substantially limits one or more of such person’s major life activities,
2. a record of having such an impairment, or
3. being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance (as defined in section 802 of Title 21).”

Therefore, the board is to consider these special exceptions for the handicapped request solely on whether they conclude that the special exceptions are necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling.

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

- The special exceptions are necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling; and

- There is a person with a “handicap” (as that term is defined in the Federal Fair Housing Amendments Act of 1988, as amended) who resides and/or will reside on the site.

If the board were to grant the requests and impose conditions that compliance with the submitted site plan and elevation is required and that the special exceptions expire when a handicapped person no longer resides on the property.

Timeline:

August 24, 2020 The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

September 18, 2020 The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

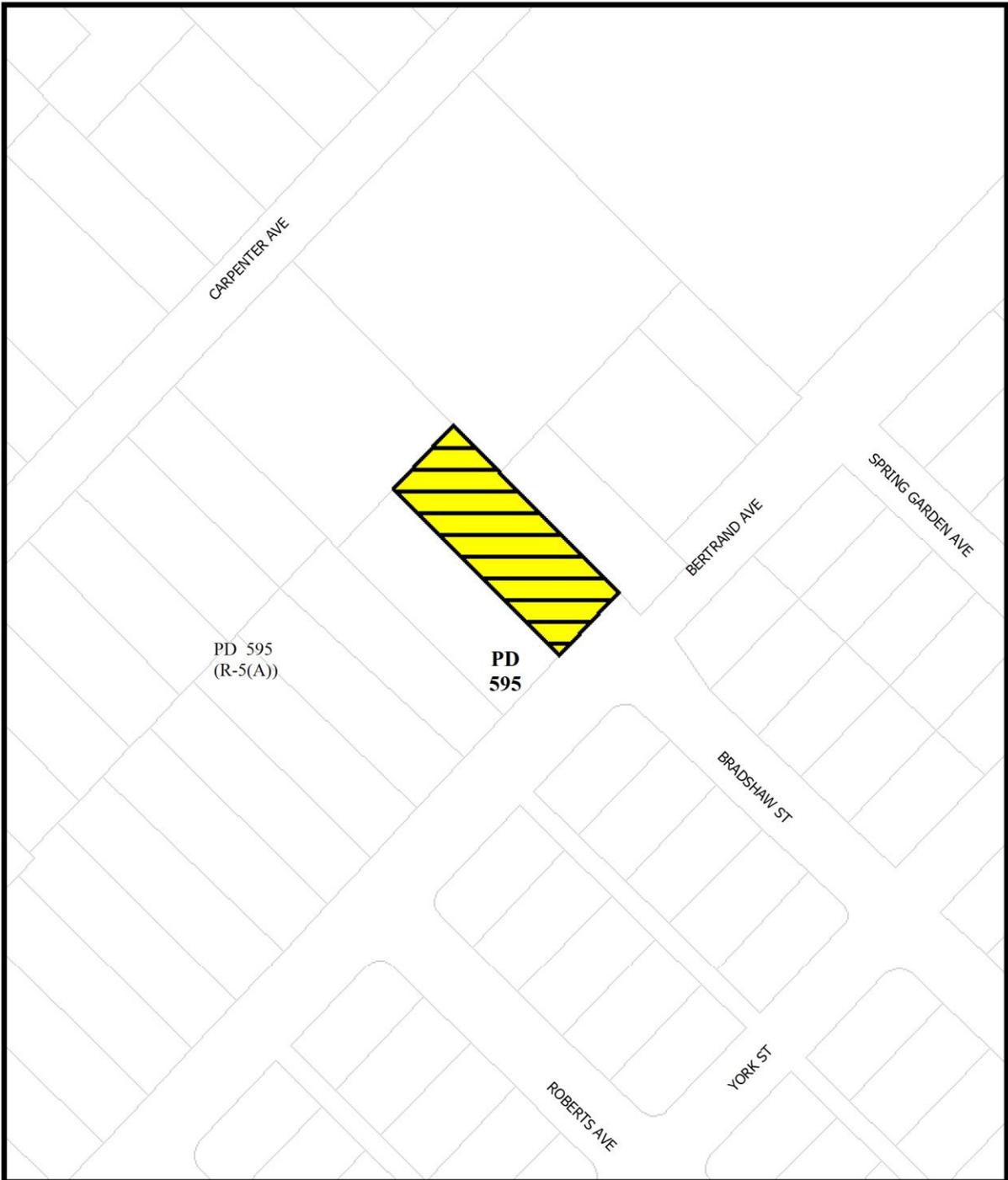
September 18, 2020 The Board Administrator emailed the applicant’s representative the public hearing date and panel that will consider the application; the September 30, 2020 deadline to submit additional evidence for staff to factor into their analysis; and the October 9, 2020 deadline to submit additional evidence to be incorporated into the board’s docket materials and the following information:

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

October 1, 2020: The applicant submitted additional information to staff beyond what was submitted with the original application (**Attachment A**).

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

October 12, 2020: The Building Inspection Senior Plans Examiners/Development Code Specialist forwarded a revised Building Official's report on this application to the Board Administrator (**Attachment B**).

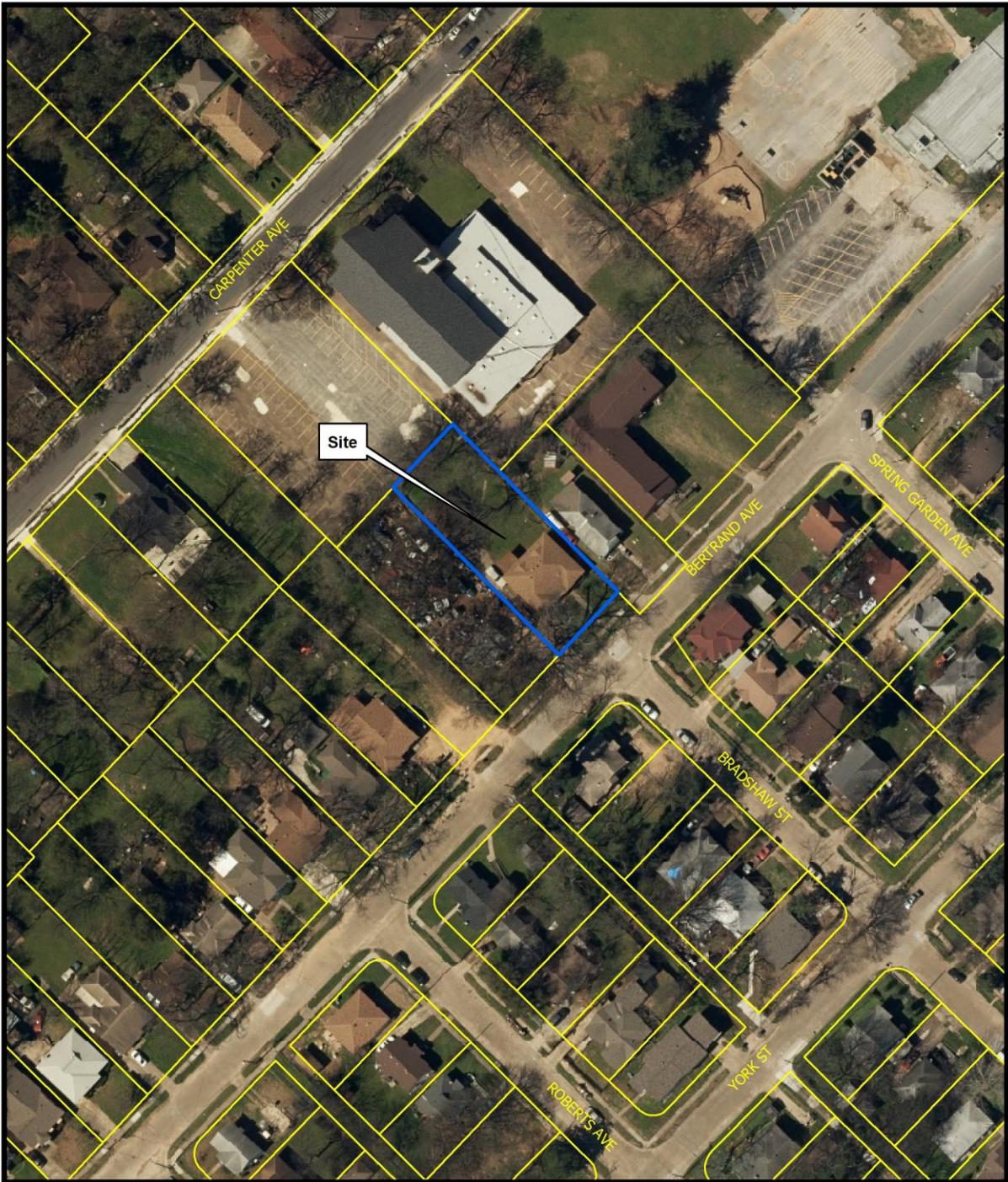


1:1,200

ZONING MAP

Case no: BDA190-099

Date: 10/1/2020



1:1,200

AERIAL MAP

Case no: BDA190-099

Date: 10/1/2020



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-099

Date: 19 August 2020

Data Relative to Subject Property:

Location address: 3235 Bertrand Ave

Zoning District: 4202 PD595 R(5A)

Lot No.: 4 Block No.: 1778 Acreage: .274

Census Tract: 38.00

Street Frontage (in Feet): 1) 65.5 2) 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Paula A. Jones

Applicant: Paula A. Jones Telephone: 469/964-2572

Mailing Address: 3235 Bertrand Ave Zip Code: 75215

E-mail Address: paulajammin@msn.com

Represented by: William Howard Telephone: 410/458-6628

Mailing Address: 7314 Flameleaf Place, Dallas, Tx Zip Code: 75249

E-mail Address: whhow987@aol.com

Affirm that an appeal has been made for a Variance __, or Special Exception y, of height of garage conversion exceeds height of main house, size of garage conversion exceeds 25% of square footage of main house, setback of conversion is 4ft 4inches due to use of existing foundation for buiding. for handicap

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: Property owner is handicap.

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

Affidavit

Before me the undersigned on this day personally appeared Paula A. Jones

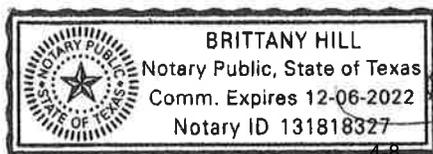
(Affiant/Applicant's name printed)

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

Respectfully submitted: Paula A. Jones (Affiant/Applicant's signature)

Subscribed and sworn to before me this 19th day of August 2020

(Rev. 08-01-11)



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

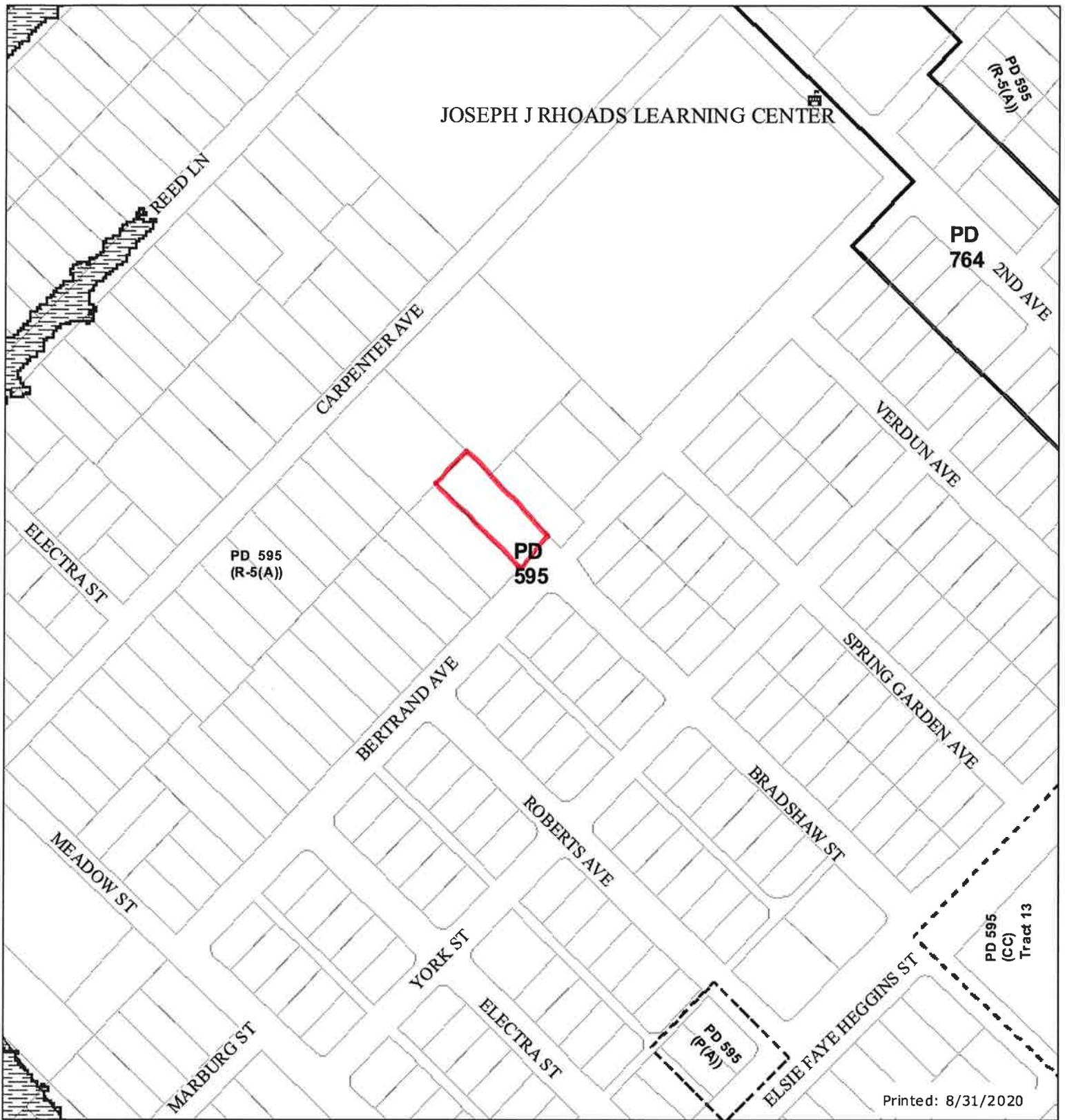
Building Official's Report

I hereby certify that Paula Jones
represented by William Howard
did submit a request for a special exception to the floor area ratio regulations to afford a handicapped person equal opportunity to use and enjoy a dwelling, and for a special exception to the side yard setback regulations to afford a handicapped person equal opportunity to use and enjoy a dwelling
at 3235 Bertrand Avenue

BDA190-099. Application of Paula Jones represented by William Howard for a for a special exception to the side yard setback regulations to afford a handicapped person equal opportunity to use and enjoy a dwelling, and a for a special exception to the floor area ratio regulations to afford a handicapped person equal opportunity to use and enjoy a dwelling, at 3235 BERTRAND AVE. This property is more fully described as Lot 4, Block 1778, and is zoned PD-595 (R5-A), which an accessory structure may not exceed 25% of the floor area of the main structure and requires a 5 foot side yard setback. The applicant proposes to construct a single family residential accessory structure with 1,234 square feet of floor area (41.2% of the 3,000 square foot floor area of the main structure), which will require a 484 square foot special exception to the floor area ratio regulations, and to construct a single family residential accessory structure and provide a 4 foot 3 inch side yard setback, which will require a 9 inch special exception to the side yard setback regulations.

Sincerely,


 David Session, Building Official



Printed: 8/31/2020

Legend

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

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



1:2,400





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OWNER:
JONES PAULA ANN

9304 Forest Ln
Suite N274
Dallas, TEXAS.
75243
TEL.+1(214) 462 0683
www.jdrivero.com

Address:
9000 VANTAGE POINT
DR APT 310 DALLAS,
TEXAS 752430521

THESE PLANS ARE INTENDED TO PROVIDE BASIC CONSTRUCTION INFORMATION NECESSARY TO SUBSTANTIALLY BUILD THIS STRUCTURE. THESE PLANS MUST BE VERIFIED AND CHECKED BY THE BUILDER, HOMEOWNER, AND ALL CONTRACTORS OF THIS JOB PRIOR TO CONSTRUCTION. BUILDER SHOULD OBTAIN COMPLETE ENGINEERING SERVICES, HVAC, AND STRUCTURAL BEFORE BEGINNING CONSTRUCTION OF ANY KIND. NOTE: ALL FEDERAL, STATE, AND LOCAL CODES AND RESTRICTIONS TAKE PRECEDENCE OVER ANY PART OF THESE PLANS.

GREAT CARE AND EFFORT HAVE GONE INTO THE CREATION OF THESE BLUEPRINTS. HOWEVER, BECAUSE OF THE VARIANCE IN GEOGRAPHIC LOCATIONS, JD RIVERO INC. WILL NOT ASSUME LIABILITY FOR ANY DAMAGES DUE TO ERRORS, OMISSIONS, OR DEFICIENCIES ON THESE PLANS. OWNER/BUILDER MUST COMPLY WITH LOCAL BUILDING CODES PRIOR TO COMMENCEMENT OF CONSTRUCTION. THE PURCHASE OF THESE PLANS ENTITLES THE BUYER TO CONSTRUCT THIS HOUSE ONLY ONCE. ANY COPYING, TRACING, OR ALTERING OF THESE PLANS IS NOT PERMITTED. VIOLATORS WILL BE SUBJECT TO PROSECUTION UNDER COPYRIGHT LAWS.

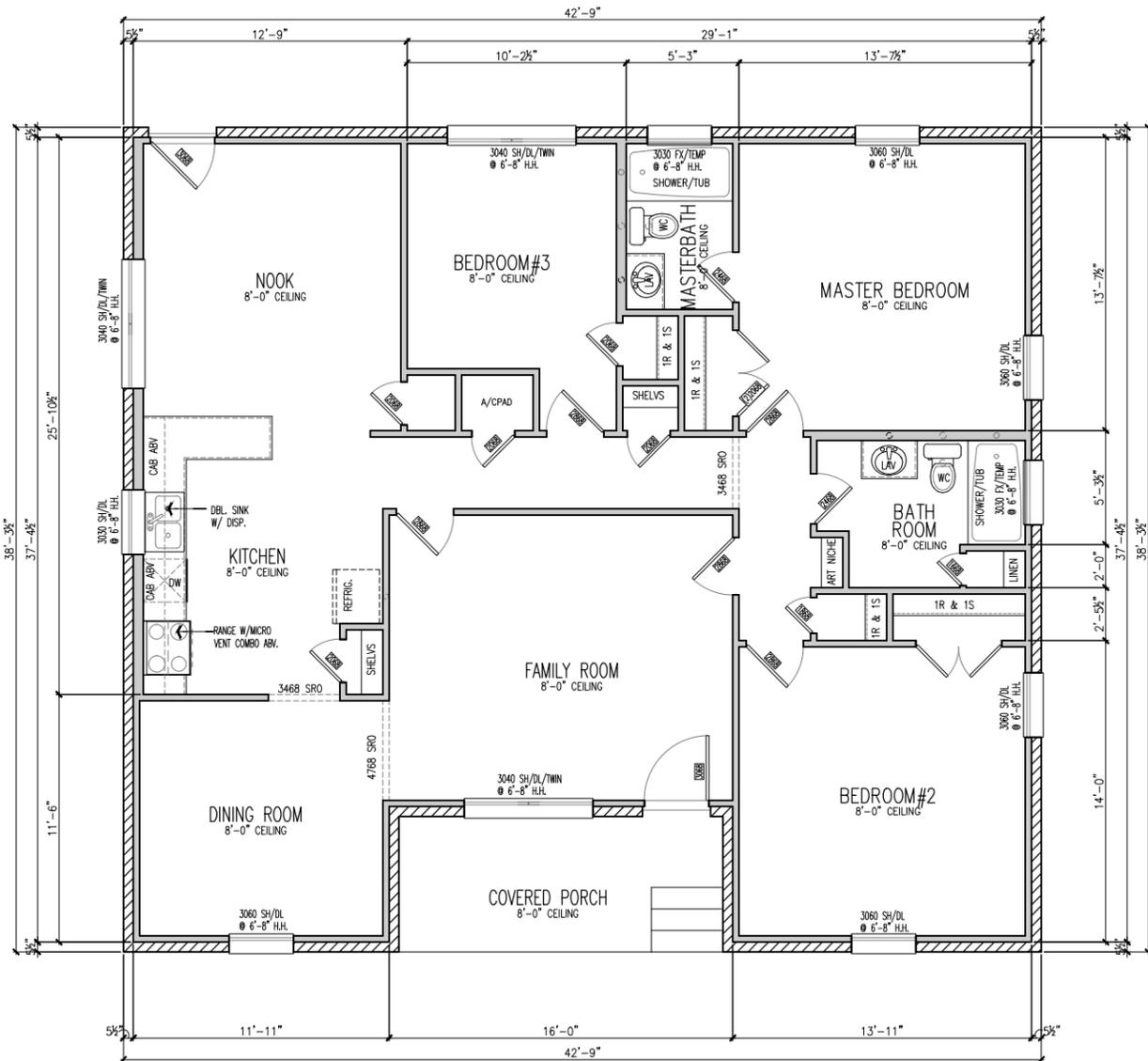
NAME SHEET:

FLOOR PLAN

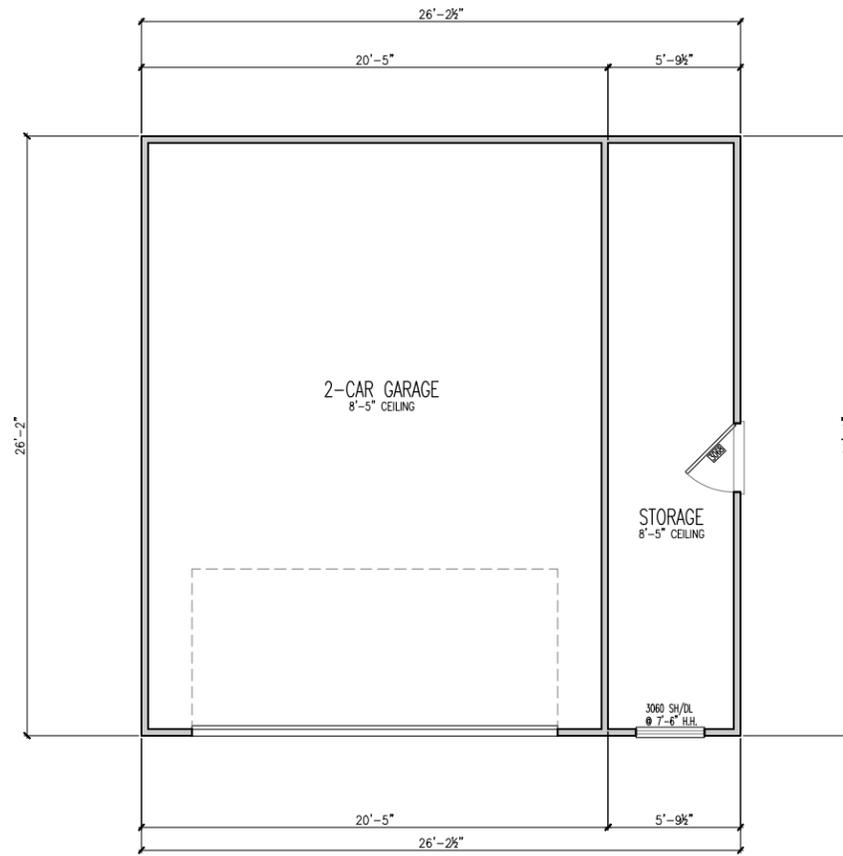
ADDRESS:
3235 Bertran Ave
Dallas Tx 75215

PROJECT:
INTERIOR REMODELING

DATE:	SCALE:	SHEET:
10/05/2019	1/8" = 1'-0"	A1



1
A1 EXISTING FLOOR PLAN (HOME)
SCALE: 1/8" = 1'-0"



2
A1 EXISTING FLOOR PLAN (GARAGE/STORAGE)
SCALE: 1/8" = 1'-0"



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OWNER:
JONES PAULA ANN

9304 Forest Ln
Suite N274
Dallas, TEXAS.
75243

Address:
9000 VANTAGE POINT
DR APT 310 DALLAS,
TEXAS 752430521

TEL.+1(214) 462 0683
www.jdrivero.com

THESE PLANS ARE INTENDED TO PROVIDE BASIC CONSTRUCTION INFORMATION NECESSARY TO SUBSTANTIALLY BUILD THIS STRUCTURE. THESE PLANS MUST BE VERIFIED AND CHECKED BY THE BUILDER, HOMEOWNER, AND ALL CONTRACTORS OF THIS JOB PRIOR TO CONSTRUCTION. BUILDER SHOULD OBTAIN COMPLETE ENGINEERING SERVICES, H V A C , A N D STRUCTURAL BEFORE BEGINNING CONSTRUCTION OF ANY KIND. NOTE: ALL FEDERAL, STATE, AND LOCAL CODES AND RESTRICTIONS TAKE PRECEDENCE OVER ANY PART OF THESE PLANS.

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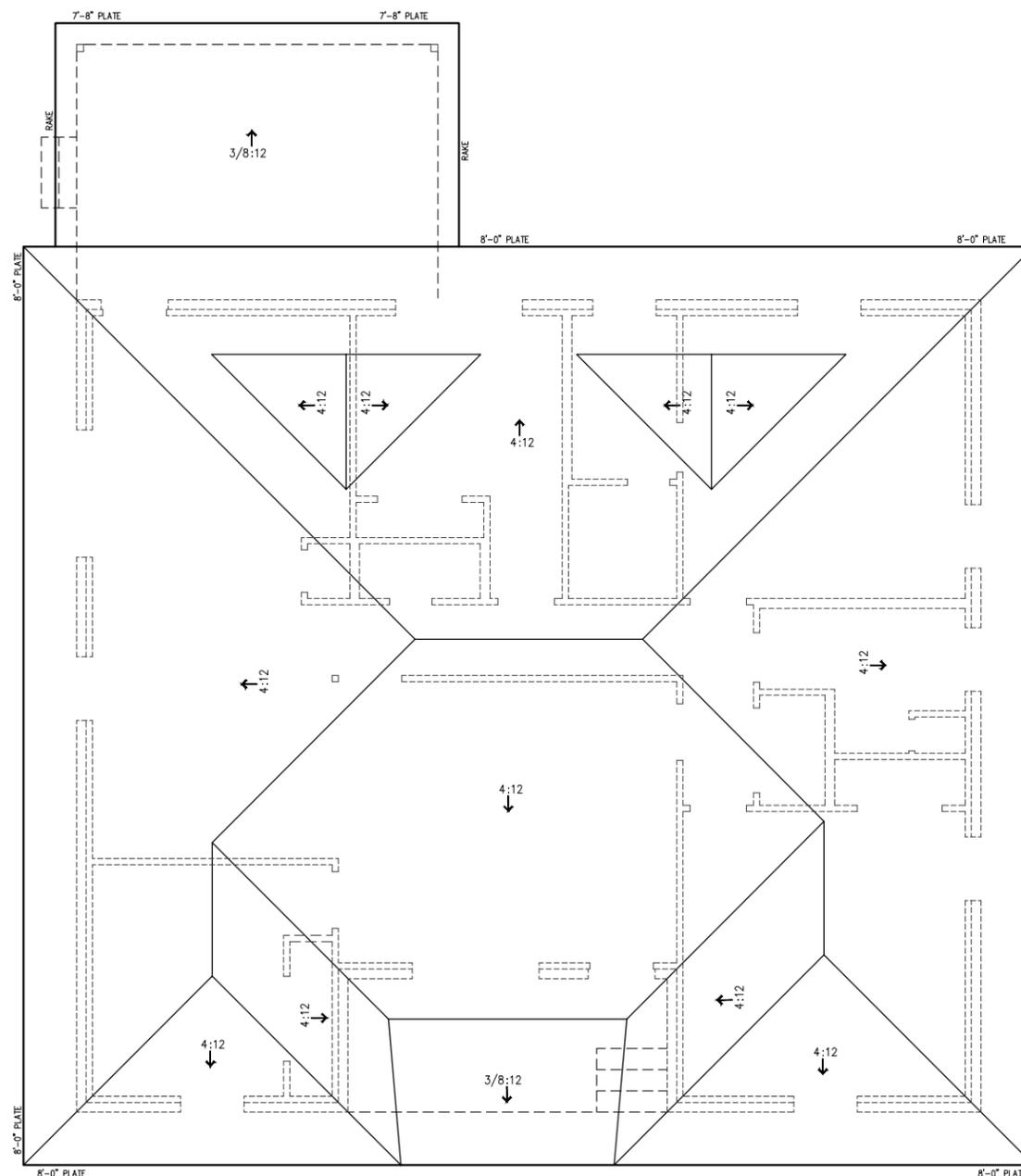
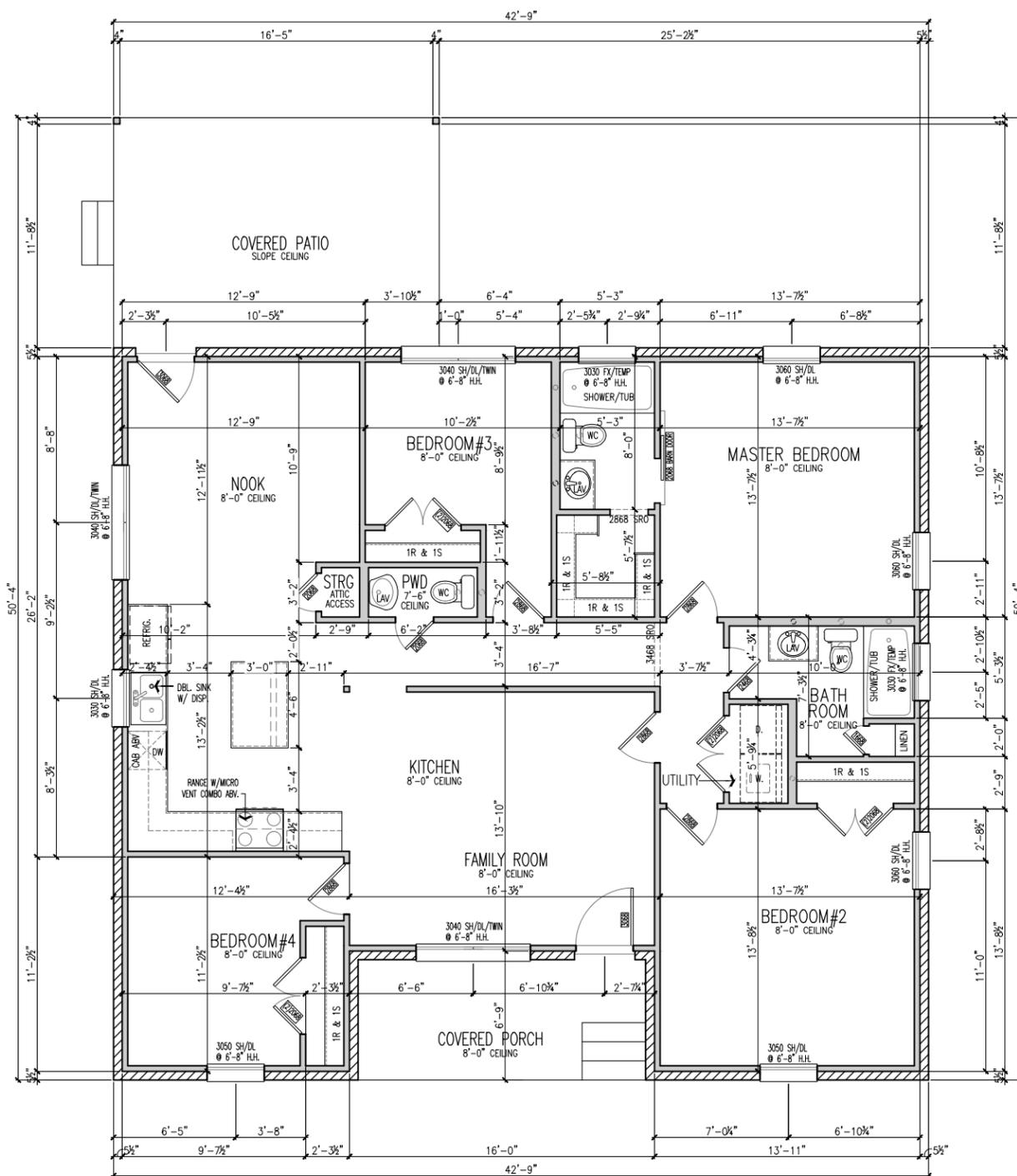
NAME SHEET:

FLOOR PLAN/ROOF PLAN

ADDRESS:
3235 Bertran Ave
Dallas Tx 75215

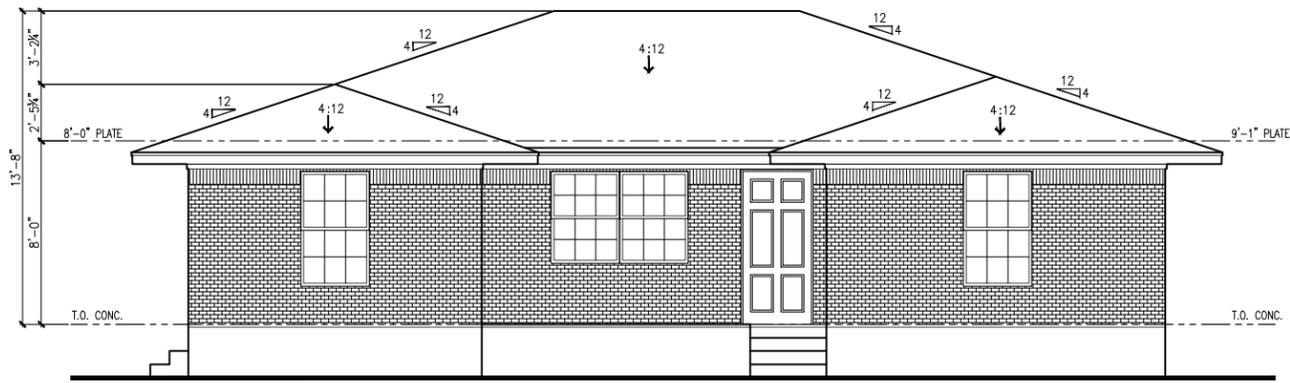
PROJECT:
INTERIOR REMODELING

DATE:	SCALE:	SHEET:
10/05/2019	1/8" = 1'-0"	A2

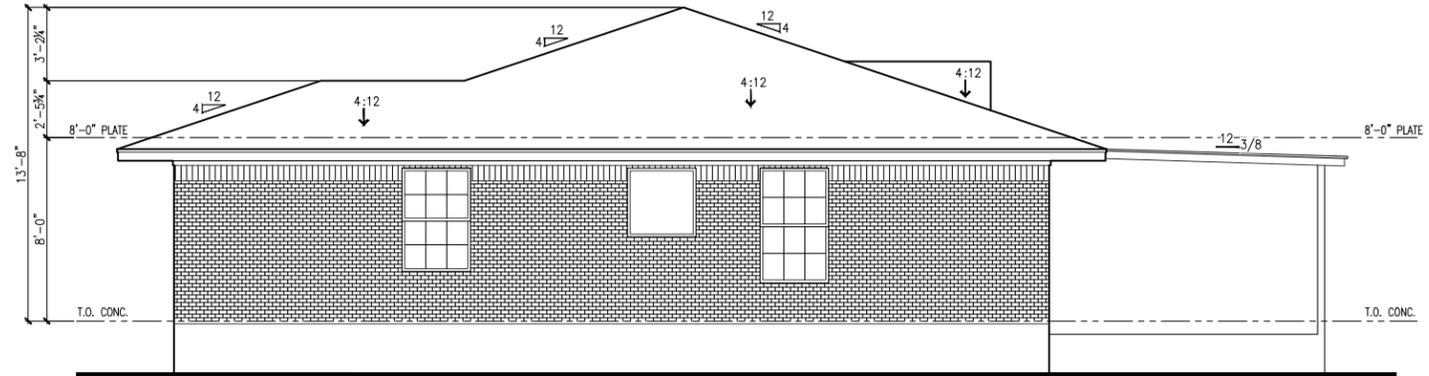


1 MODIFIED FLOOR PLAN (HOME)
A2 SCALE: 1/8" = 1'-0"

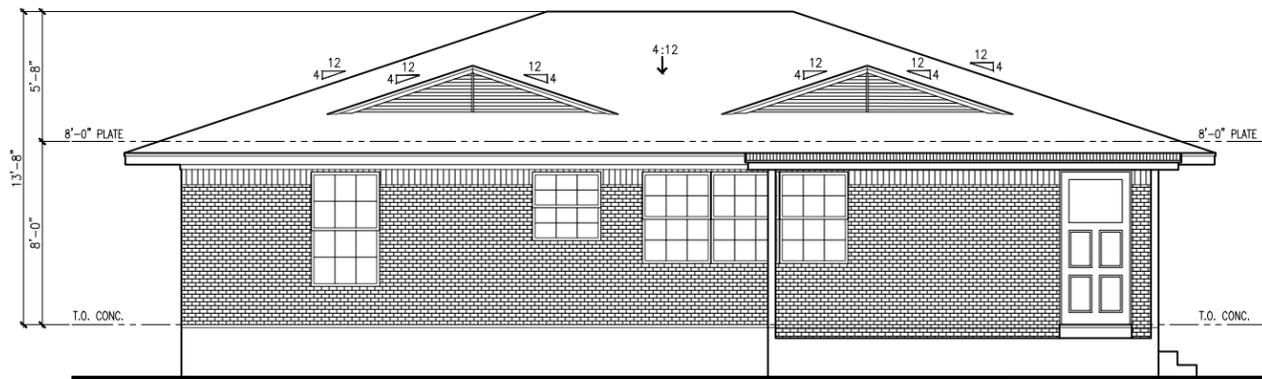
2 ROOF PLAN (HOME)
A2 SCALE: 1/8" = 1'-0"



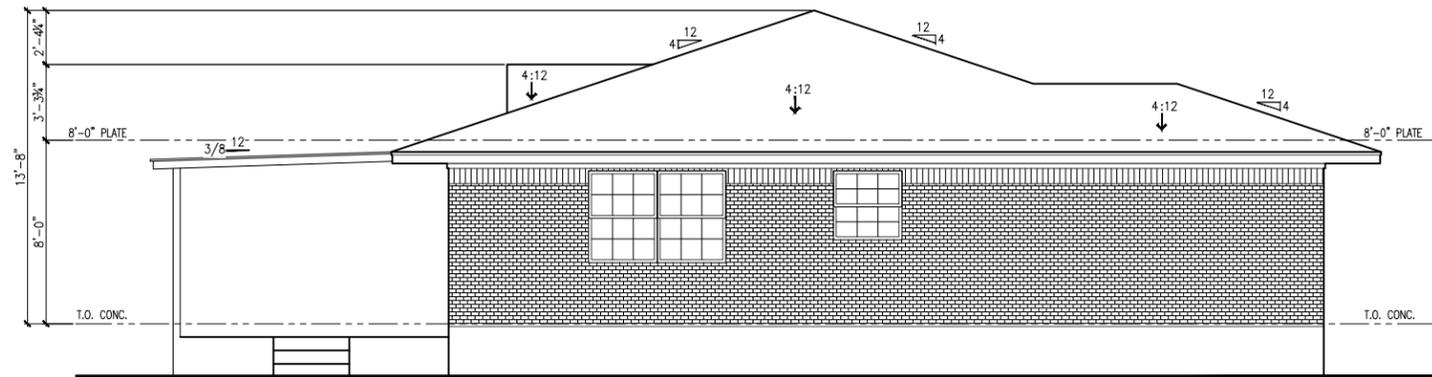
1
A3 FRONT ELEVATION
SCALE: 1/8" = 1'-0"



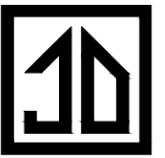
2
A3 RIGHT SIDE ELEVATION
SCALE: 1/8" = 1'-0"



3
A3 REAR ELEVATION
SCALE: 1/8" = 1'-0"



4
A3 REAR ELEVATION
SCALE: 1/8" = 1'-0"



JD RIVERO INC.
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Blueprint - Permit - Constructions

OWNER:
JONES PAULA ANN

9304 Forest Ln
Suite N274
Dallas, TEXAS.
75243

Address:
9000 VANTAGE POINT
DR APT 310 DALLAS,
TEXAS 752430521

TEL.+1(214) 462 0683
www.jdrivero.com

THESE PLANS ARE INTENDED TO PROVIDE BASIC CONSTRUCTION INFORMATION NECESSARY TO SUBSTANTIALLY BUILD THIS STRUCTURE. THESE PLANS MUST BE VERIFIED AND CHECKED BY THE BUILDER, HOMEOWNER, AND ALL CONTRACTORS OF THIS JOB PRIOR TO CONSTRUCTION. BUILDER SHOULD OBTAIN COMPLETE ENGINEERING SERVICES, H V A C , A N D STRUCTURAL BEFORE BEGINNING CONSTRUCTION OF ANY KIND. NOTE: ALL FEDERAL, STATE, AND LOCAL CODES AND RESTRICTIONS TAKE PRECEDENCE OVER ANY PART OF THESE PLANS.

GREAT CARE AND EFFORT HAVE GONE INTO THE CREATION OF THESE BLUEPRINTS. HOWEVER, BECAUSE OF THE VARIANCE IN GEOGRAPHIC LOCATIONS, JD RIVERO INC. WILL NOT ASSUME LIABILITY FOR ANY DAMAGES DUE TO ERRORS, OMISSIONS, OR DEFICIENCIES ON THESE PLANS. OWNER/BUILDER MUST COMPLY WITH LOCAL BUILDING CODES PRIOR TO COMMENCEMENT OF CONSTRUCTION. THE PURCHASE OF THESE PLANS ENTITLES THE BUYER TO CONSTRUCT THIS HOUSE ONLY ONCE. ANY COPYING, TRACING, OR ALTERING OF THESE PLANS IS NOT PERMITTED. VIOLATORS WILL BE SUBJECT TO PROSECUTION UNDER COPYRIGHT LAWS.

NAME SHEET:

ELECTRICAL PLAN

ADDRESS:

3235 Bertran Ave
Dallas Tx 75215

PROJECT:

INTERIOR REMODELING

DATE:

10/05/2019

SCALE:

1/8" = 1'-0"

SHEET:

A3

**MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT**

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

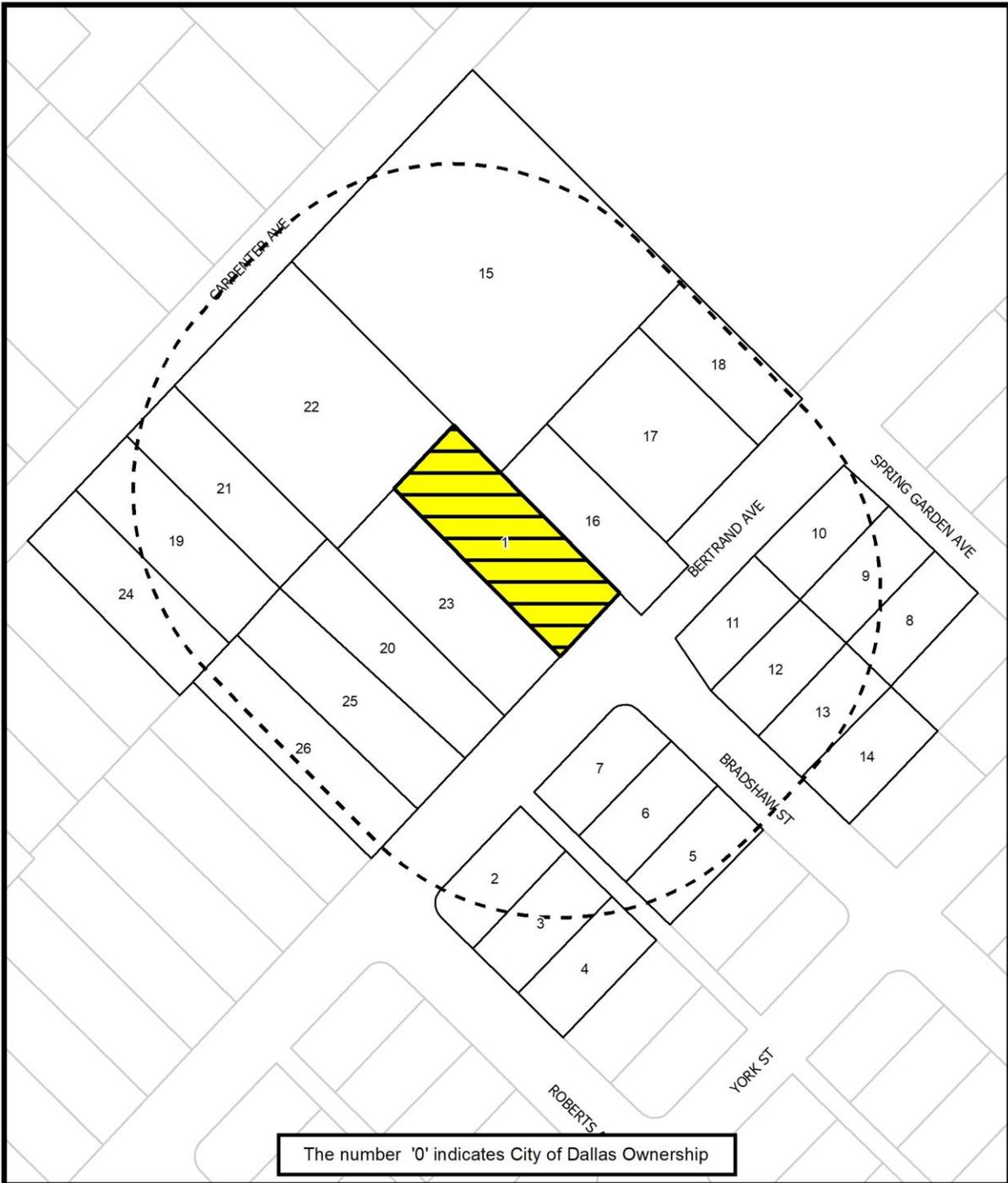
Building Official's Report

I hereby certify that Paula Jones
represented by William Howard
did submit a request for a special exception to the floor area ratio regulations to afford a handicapped person equal opportunity to use and enjoy a dwelling, and for a special exception to the side yard setback regulations to afford a handicapped person equal opportunity to use and enjoy a dwelling, and for a special exception to the height regulations to afford a handicapped person equal opportunity to use and enjoy a dwelling
at 3235 Bertrand Avenue

BDA190-099. Application of Paula Jones represented by William Howard for a for a special exception to the side yard setback regulations to afford a handicapped person equal opportunity to use and enjoy a dwelling, and a for a special exception to the floor area ratio regulations to afford a handicapped person equal opportunity to use and enjoy a dwelling, and a for a special exception to the height regulations to afford a handicapped person equal opportunity to use and enjoy a dwelling at 3235 BERTRAND AVE. This property is more fully described as Lot 4, Block 1778, and is zoned PD-595 (R5-A), which an accessory structure may not exceed 25% of the floor area of the main structure and requires a 5 foot side yard setback and the height of an accessory structure may not exceed the height of the main building. The applicant proposes to construct a single family residential accessory structure with 676 square feet of floor area (41.57% of the 1626 square foot floor area of the main structure), which will require a 269.5 square foot special exception to the floor area ratio regulations, and to construct a single family residential accessory structure and provide a 4 foot 3 inch side yard setback, which will require a 9 inch special exception to the side yard setback regulations, and to construct a single family residential accessory structure with a building height of 13 feet 2 inches, which will require a 9 inch special exception to the maximum building height regulations.

Sincerely,


 David Session, Building Official



 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">26</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	26	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA190-099 Date: 10/1/2020
200'	AREA OF NOTIFICATION					
26	NUMBER OF PROPERTY OWNERS NOTIFIED					

10/01/2020

Notification List of Property Owners

BDA190-099

26 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3235 BERTRAND AVE	BUFORD LEVADO EST OF
2	4502 ROBERTS AVE	GARY BERTHA L
3	4506 ROBERTS AVE	JACKSON CANDI L
4	4510 ROBERTS AVE	GOODMAN THOMAS & ODELIA
5	4511 BRADSHAW ST	NEWSON INVESTMENTS
6	4507 BRADSHAW ST	YEH JIANG MING
7	4503 BRADSHAW ST	LIN LINDA YUN YING
8	4511 SPRING GARDEN RD	LOPEZ ROLANDO G
9	4507 SPRING GARDEN RD	NINO FELICIANO HERNANDEZ &
10	4501 SPRING GARDEN RD	MOCK AGGIE L
11	4502 BRADSHAW ST	MICHAEL DAVID
12	4506 BRADSHAW ST	LINDSEY LEVONE
13	4510 BRADSHAW ST	DELEON MARIA & ROOSEVELT
14	4514 BRADSHAW ST	ZAAATREH KHALED
15	3306 CARPENTER AVE	MOUNT HOREB BAPTIST CH
16	3307 BERTRAND AVE	RUTLEDGE THOMAS REX
17	3311 BERTRAND AVE	ZION CHAPEL BAPTIST CHURCH
18	3317 BERTRAND AVE	HUNTER KELVIN W
19	3220 CARPENTER AVE	PATTERSON ALBERT JAMES
20	3227 BERTRAND AVE	DAVIS DENISE ELAINE
21	3224 CARPENTER AVE	THOMPSON RICKEY C
22	3226 CARPENTER AVE	MT HOREB MISSIONARY
23	3229 BERTRAND AVE	STAFFORD DONALD A
24	3214 CARPENTER AVE	PATTERSON ALBERT
25	3219 BERTRAND AVE	ZOLARA LLC
26	3215 BERTRAND AVE	TODD CYNTHIA K