

ZONING BOARD OF ADJUSTMENT, PANEL B  
WEDNESDAY, MAY 22, 2019  
AGENDA

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BRIEFING	L1FN AUDITORIUM 1500 MARILLA STREET DALLAS CITY HALL	11:00 A.M.
PUBLIC HEARING	L1FN AUDITORIUM 1500 MARILLA STREET DALLAS CITY HALL	1:00 P.M.

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**Neva Dean, Assistant Director**  
**Steve Long, Board Administrator/Chief Planner**  
**Oscar Aguilera, Senior Planner**

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**MISCELLANEOUS ITEM**

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Approval of the April 17, 2019 Board of Adjustment Panel B Public Hearing Minutes	M1
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**UNCONTESTED CASES**

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<b>BDA189-054(OA)</b>	6700 Overlook Drive <b>REQUEST:</b> Application of Diana Martinez for special exceptions to the fence standards and visual obstruction regulations	1
<b>BDA189-057(OA)</b>	5947 Mercedes Avenue <b>REQUEST:</b> Application of William R. Crowell, Sr., represented by Daniel Dodds, for special exceptions to the visual obstruction regulations	2
<b>BDA189-062(OA)</b>	8258 San Fernando Way <b>REQUEST:</b> Application of Robert Baldwin of Baldwin and Associates for a special exception to the fence standards regulations	3
<b>BDA189-063(OA)</b>	9727 Audubon Place <b>REQUEST:</b> Application of Enoch Correa for a special exception to the fence standards regulations	4

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**REGULAR CASE**

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**BDA189-055(SL)**

1906 Greenville Avenue

**REQUEST:** Application of Michael Farah, represented by Dallas Cothrum, to appeal the decision of the administrative official

5

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## 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:** BDA189-054(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Diana Martinez for special exceptions to the fence standards and visual obstruction regulations at 6700 Overlook Drive. This property is more fully described as Lot 1, Block 14/5814, and is zoned R-7.5(A), which prohibits the use of certain materials for a fence, and requires a 20 foot visibility triangle at driveway approaches. The applicant proposes to construct and/or maintain a fence of a prohibited material, which will require a special exception to the fence standards regulations, and to locate and maintain items in a required visibility triangle, which will require a special exception to the visual obstruction regulations.

**LOCATION:** 6700 Overlook Drive

**APPLICANT:** Diana Martinez

**REQUESTS:**

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

1. A request for a special exception to the fence standard regulations is made to maintain a fence and a rolling gate of a prohibited fence material (corrugated metal) on the property;
2. A request for a special exception to the visual obstruction regulations is made to maintain portions of a 6' high corrugated metal fence and portions of a rolling metal 6' gate in the two 20' visibility triangles on both sides of the driveway into the site from Donna Drive.

**STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:**

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

**STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:**

Section 51A-4.602(d) (3) of the Dallas Development Code states that the board shall grant a special exception to the requirements of the visual obstruction regulations when, in the opinion of the Board, the item will not constitute a traffic hazard.

**STAFF RECOMMENDATION (fence standards):**

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

**STAFF RECOMMENDATION (visual obstruction special exceptions):**

Approval, subject to the following condition:

- Compliance with the submitted site plan and elevation is required.

Rationale:

- The Sustainable Development Department Senior Engineer has no objection to the request.
- Staff concluded that request for a special exception to the visual obstruction regulations should be granted (with the suggested conditions imposed) because the items located in the visibility triangles does not constitute a traffic hazard.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: R-7.5(A) (Single family residential 7,500 square feet)  
North: R-7.5(A) (Single family residential 7,500 square feet)  
South: R-7.5(A) (Single family residential 7,500 square feet)  
East: R-7.5(A) (Single family residential 7,500 square feet)  
West: R-7.5(A) (Single family residential 7,500 square feet)

**Land Use:**

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

**Zoning/BDA History:**

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

**GENERAL FACTS/STAFF ANALYSIS (fence standards):**

- The request for a special exception to the fence standards is made to maintain a fence of a prohibited fence material (corrugated metal) on a site developed with a single-family home.
- Section 51A-4.602(a)(9) of the Dallas Development Code states that except as provided in this subsection, the following fence materials are prohibited:
  - Sheet metal;
  - Corrugated metal;
  - Fiberglass panels;

- Plywood;
  - Plastic materials other than preformed fence pickets and fence panels with a minimum thickness of seven-eighths of an inch;
  - Barbed wire and razor ribbon (concertina wire) in residential districts other than an A(A) Agricultural District; and
  - Barbed wire razor ribbon (concertina wire) in nonresidential districts unless the barbed wire or razor ribbon (concertina wire) is six feet or more above grade and does not project beyond the property line.
- The applicant has submitted a site plan and elevation of the existing corrugated metal fence located on the property.
  - The submitted elevation included a 6' high corrugated metal fence.
  - The submitted site plan represents a site that is approximately 7,600 square feet in area where approximately 131 linear feet of prohibited fence material (corrugated metal) is located on the property.
  - The Sustainable Development and Construction Department Senior Planner conducted a field visit of the site and the surrounding area. Two other fences that appear to be of prohibited material were noted to the south and northeast of the subject site. These existing fences have no recorded BDA history.
  - As of May 8, 2019, no letters have been submitted in support of or in opposition to the request.
  - The applicant has the burden of proof in establishing that the special exception to the fence standards regulations related to a prohibited fence material (corrugated metal) will not adversely affect neighboring property.
  - If the Board were to grant the special exception and impose the submitted site plan and elevation as a condition, the location of the metal panel fence would be limited to what is shown on these documents.

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

- The requests for special exceptions to the visual obstruction regulations focus on maintaining portions of a 6' high corrugated metal fence and portions of a rolling metal 6' gate in the two 20' visibility triangles on both sides of the driveway into the site from Donna Drive.
- The Dallas Development Code states the following: A person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
  - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections and 20-foot visibility triangles at drive approaches and at alleys on properties zoned single family); and
  - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).
- The property is located in R-7.5(A) zoning district which requires the portion of a lot with a triangular area formed by connecting together the point of intersection of the edge of a driveway or alley and the adjacent street curb line (or, if there is no street curb, what would be the normal street curb line) and points on the driveway or alley edge end the street curb line 20 feet from the intersection.

- A site plan and elevation have been submitted indicating portions of a 6' high corrugated metal fence and portions of a rolling metal 6' gate in the two 20' visibility triangles on both sides of the driveway into the site from Donna Drive.
- The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked "Has no objections".
- The applicant has the burden of proof in establishing how granting the request for a special exception to the visual obstruction regulations to maintain portions of a 6' high corrugated metal fence and portions of a rolling metal 6' gate in the two 20' visibility triangles on both sides of driveway into the site from Donna Drive does not constitute a traffic hazard.
- Granting this request with a condition imposed that the applicant complies with the submitted site plan and elevation would limit the items to be maintained in the two 20' visibility triangles on both sides of driveway into the site from Donna Drive to that what is shown on these documents – a 6' high corrugated metal fence and rolling metal gate.

**Timeline:**

- March 4, 2019: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- April 8, 2019: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B.
- April 10, 2019: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the May 1<sup>st</sup> deadline to submit additional evidence for staff to factor into their analysis; and the May 10<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
  - the criteria/standards that the board will use in their decision to approve or deny the requests; and
  - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- May 7, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the May public hearings. Review team members in attendance included the Sustainable Development and Construction Assistant Director, the Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Chief Planner, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

May 9, 2019:

The Sustainable Development Department Senior Engineer submitted a review comment sheet marked "Has no objections".



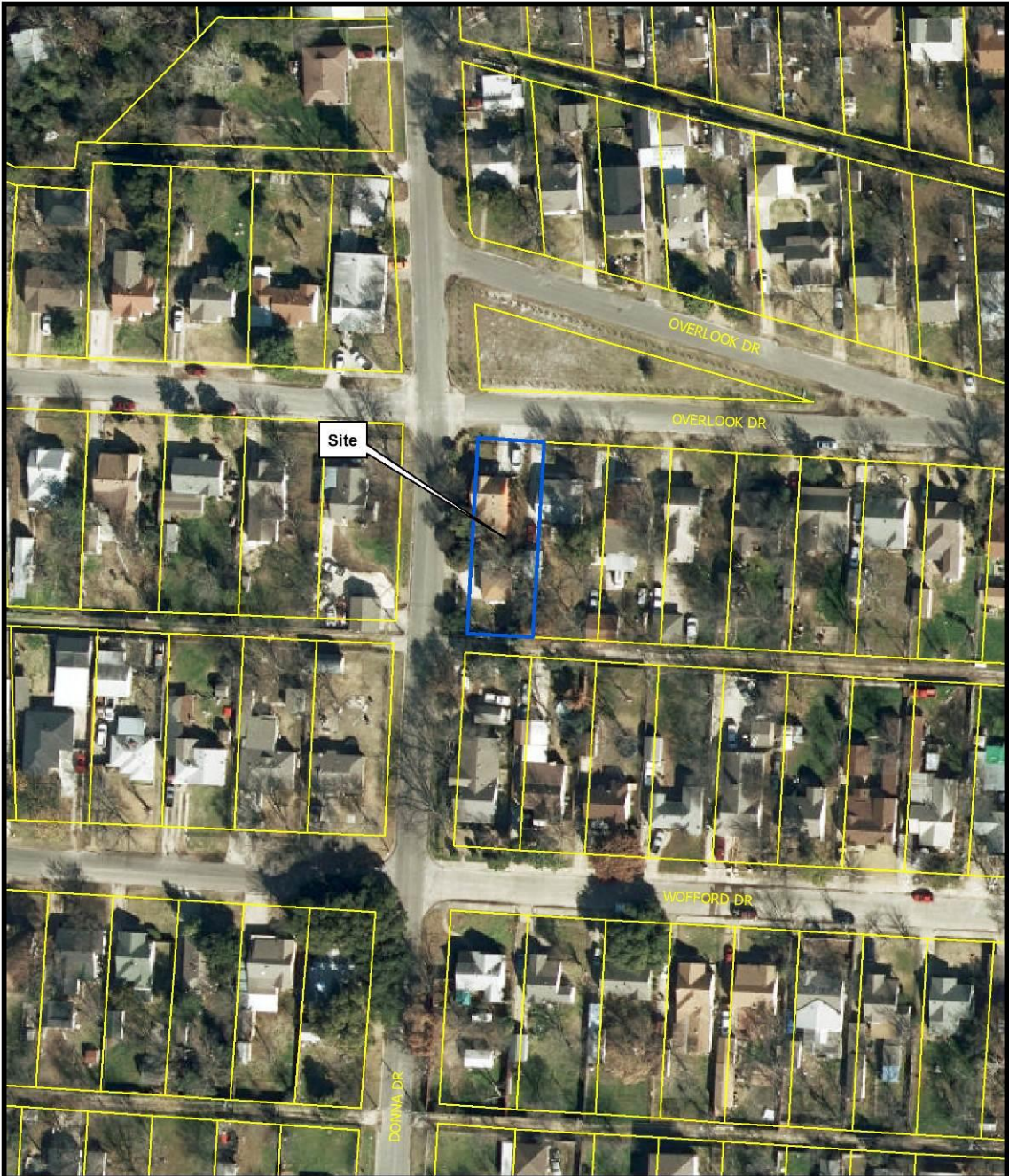


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# ZONING MAP

Case no: BDA189-054

Date: 4/11/2019



1:1,200

# AERIAL MAP

Case no: BDA189-054

Date: 4/11/2019



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-0541

Data Relative to Subject Property:

Date: 3-4-19

Location address: 6700 Overlook DR Zoning District: R-7-5(A)

Lot No.: 1 Block No.: 14/5814 Acreage: .174 Census Tract: 84.00

Street Frontage (in Feet): 1) 50 2) 150 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Jose Lazalde + Maria Triston

Applicant: Diana Martinez Telephone: 214229-3783

Mailing Address: 3808 Woodbury Rd Zip Code: 75180

E-mail Address: diana.martinez46@yahoo.com

Represented by: f Telephone:

Mailing Address: Zip Code:

E-mail Address:

Affirm that an appeal has been made for a Variance, or Special Exception of prohibited Material w/ Metal Fence, And 20'x20' visibility triangle At Driveway - D.M

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: My customer have a metal fence is just like the one is cross from her neighborhood they do have same metal fence material

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

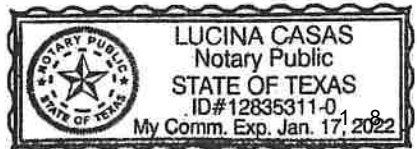
Before me the undersigned on this day personally appeared Martinez, Diana Gonzales (Affiant/Applicant's name printed)

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: Diana Martinez (Affiant/Applicant's signature)

Subscribed and sworn to before me this 4 day of March, 2019

(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 DIANA MARTINEZ

did submit a request for a special exception to the fence standards regulations, and for a special exception to the visibility obstruction regulations  
at 6700 Overlook Drive

BDA189-054. Application of DIANA MARTINEZ for a special exception to the fence standards regulations, and for a special exception to the visibility obstruction regulations a 6700 OVERLOOK DR. This property is more fully described as Lot 1, Block 14/5814, and is zoned R-7.5(A), which prohibits the use of certain materials for a fence, and requires a 20 foot visibility triangle at driveway approaches. The applicant proposes to construct a fence using a prohibited material, which will require a special exception to the fence regulations, and to construct a fence in a required visibility triangle, which will require a special exception to the visibility obstruction regulations.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official





### 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      | Skip 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)

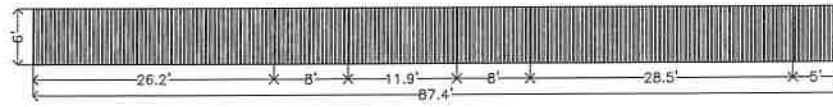




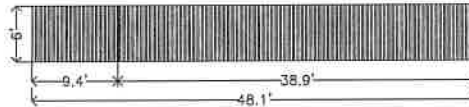
# Fenceline Elevations Drawings

Scale: 1" = 10'

West-facing Fenceline (Donna Drive)  
(Metal Panels 3' x 6')

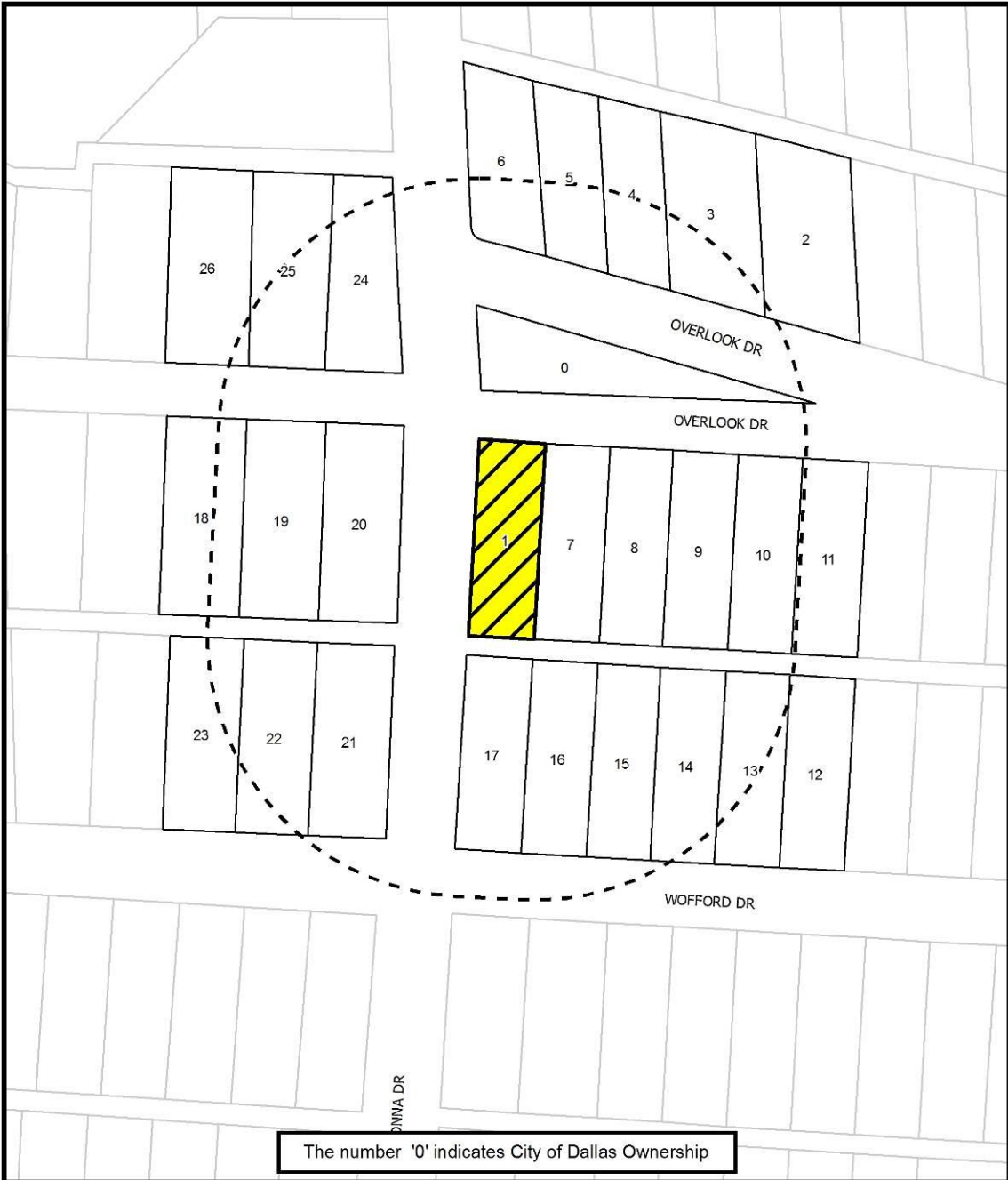


South-facing Fenceline (Alley)  
(Metal Panels 3' x 6')



6' Metal Panel





 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;"><b>200'</b></td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;"><b>26</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>26</b>	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u><b>BDA189-054</b></u> Date: <u><b>4/11/2019</b></u>
<b>200'</b>	AREA OF NOTIFICATION					
<b>26</b>	NUMBER OF PROPERTY OWNERS NOTIFIED					

## *Notification List of Property Owners*

***BDA189-054***

### *26 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6700 OVERLOOK DR	LAZALDE JOSE G &
2	6721 OVERLOOK DR	GARCIA MARIA C
3	6713 OVERLOOK DR	WHATLEY JERRY LIONEL
4	6709 OVERLOOK DR	BOWERS SHERRY S
5	6705 OVERLOOK DR	COPELAND MARY
6	6701 OVERLOOK DR	PACHECO LORENA PATRICIA
7	6704 OVERLOOK DR	LASALDE JOSE &
8	6708 OVERLOOK DR	MEDINA ABEL LARA &
9	6712 OVERLOOK DR	CABRERA JOSE S &
10	6716 OVERLOOK DR	ERWIN JOHN THOMAS &
11	6720 OVERLOOK DR	RODRIGUEZ RIGOBERTO
12	6721 WOFFORD DR	ROBINSON DELORES
13	6717 WOFFORD DR	FLORES JOSE COSME
14	6713 WOFFORD DR	DAVID ROBERT MAURICE &
15	6709 WOFFORD DR	ORTIZ LEONARDO ESCOBEDO
16	6705 WOFFORD DR	SANTIAGO VICTOR J
17	6701 WOFFORD DR	VALENCIANA ELISA
18	6626 OVERLOOK DR	FERNANDEZ BENITA
19	6630 OVERLOOK DR	COLE MELANIE
20	6636 OVERLOOK DR	PINA VERONICA &
21	6635 WOFFORD DR	HERNANDEZ JUAN & OLGA
22	6631 WOFFORD DR	SALINAS JUAN
23	6627 WOFFORD DR	GARCIA ALFREDO &
24	6637 OVERLOOK DR	STATSER FINETTA SUSAN
25	6633 OVERLOOK DR	GONZALEZ OLIVERIO &
26	6629 OVERLOOK DR	CAVINESS HORACE T & SARA

04/11/2019

*Label # Address*

*Owner*

**FILE NUMBER:** BDA189-057(OA)

**BUILDING OFFICIAL'S REPORT:** Application of William R. Crowell, Sr., represented by Daniel Dodds, for special exceptions to the visual obstruction regulations at 5947 Mercedes Avenue. This property is more fully described as Lot 12, Block H/2861, and is zoned CD 11, which requires a 20 foot visibility triangle at driveway and alley approaches. The applicant proposes to locate and maintain items in required visibility triangles, which will require special exceptions to the visual obstruction regulations.

**LOCATION:** 5947 Mercedes Avenue

**APPLICANT:** William R. Crowell, Sr.  
Represented by Daniel Dodds

**REQUESTS:**

The following requests for special exceptions to the visual obstruction regulations have been made on a site that is developed with a single-family home:

1. A request is made to maintain portions of an 8' high solid wood fence and portions of an 8' high rolling solid wood gate in the two 20' visibility triangles on both sides of the driveway into the site from Concho Street; and
2. A request is made to maintain portions of an 8' high solid wood fence in the 20' visibility triangle at where the alley meets Concho Street.

**STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:**

Section 51A-4.602(d) (3) of the Dallas Development Code states that the Board shall grant a special exception to the requirements of the visual obstruction regulations when, in the opinion of the Board, the item will not constitute a traffic hazard.

**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- Compliance with the submitted site plan and elevation is required.

Rationale:

- The Sustainable Development Department Senior Engineer has no objections to the requests.
- Staff concluded that requests for special exceptions to the visual obstruction regulations should be granted (with the suggested conditions imposed) because the items to be maintained in the visibility triangles do not constitute a traffic hazard.

## **BACKGROUND INFORMATION:**

### **Zoning:**

<u>Site:</u>	CD 11 (Conservation District)
<u>North:</u>	CD 11 (Conservation District)
<u>South:</u>	CD 11 (Conservation District)
<u>East:</u>	CD 11 (Conservation District)
<u>West:</u>	CD 11 (Conservation District)

### **Land Use:**

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

### **Zoning/BDA History:**

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

## **GENERAL FACTS/STAFF ANALYSIS:**

- The requests for special exceptions to the visual obstruction regulations on a site developed with a single-family home focus on:
  1. maintaining portions of an 8' high rolling solid wood gate in the two 20' visibility triangles on both sides of the driveway into the site from Concho Street; and
  2. maintaining portions of an 8' high solid wood fence in the 20' visibility triangle at where the alley meets Concho Street.
- Section 51A-4.602(d) of the Dallas Development Code states the following: a person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
  - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections and 20-foot visibility triangles at drive approaches and at alleys on properties zoned single family); and
  - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).
- The property is located in CD 11 zoning district which requires the portion of a lot with a triangular area formed by connecting together the point of intersection of the edge of a driveway or alley and the adjacent street curb line (or, if there is no street curb, what would be the normal street curb line) and points on the driveway or alley edge end the street curb line 20 feet from the intersection.
- A site plan and elevation have been submitted indicating portions of an 8' high solid wood fence and portions of an 8' high rolling wood gate located in the two 20' visibility triangles on both sides of the driveway into the site from Concho Street, and

indicating portions of an 8' high solid wood fence located in the 20' visibility triangle at where the alley meets Concho Street.

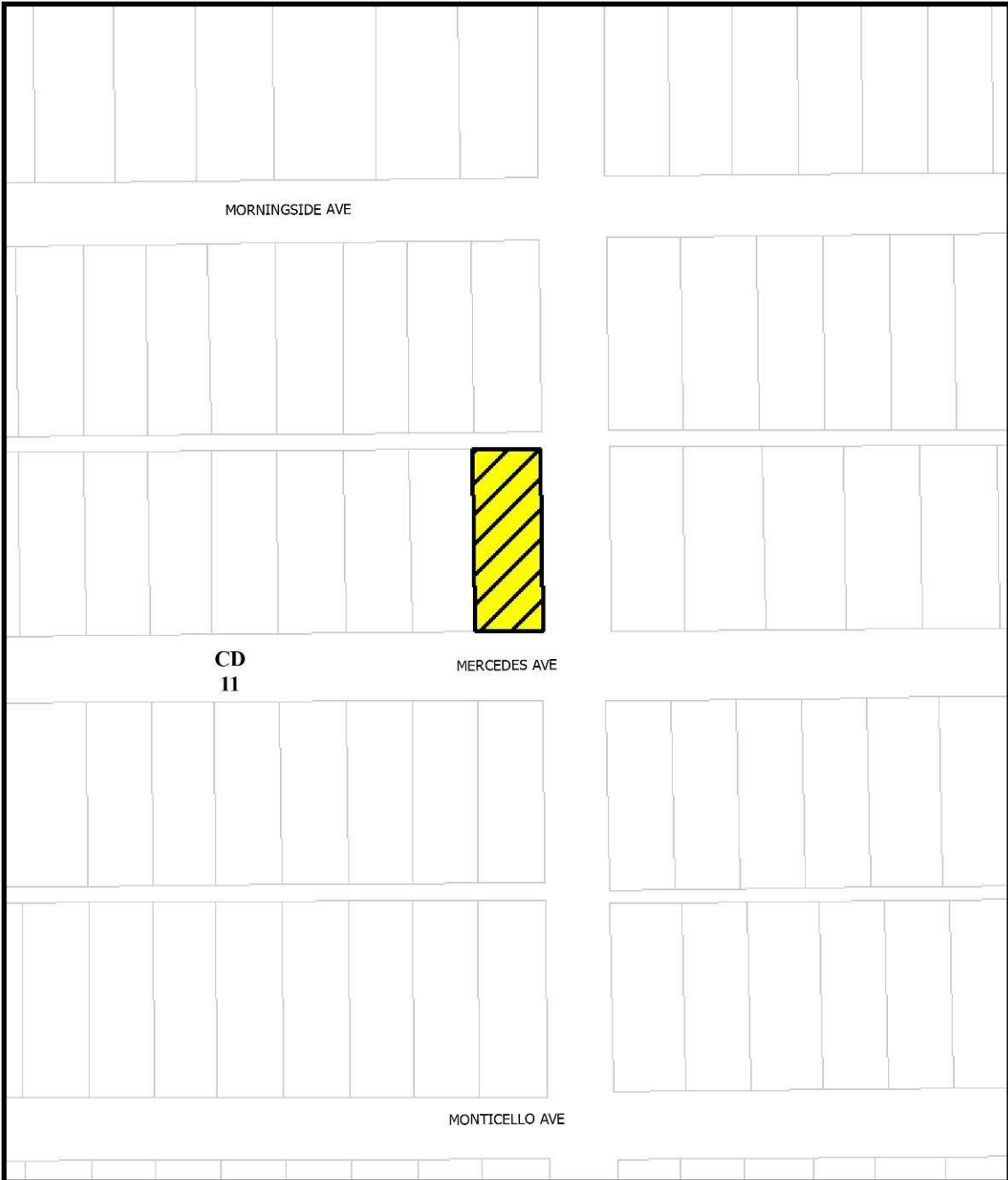
- The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked "Has no objections."
- The applicant has the burden of proof in establishing how granting these requests to maintain portions of an 8' high solid wood fence and portions of an 8' high rolling solid wood gate in the two 20' visibility triangles on both sides of the driveway into the site from Concho Street, and indicating portions of an 8' high solid wood fence located in the 20' visibility triangle at where the alley meets Concho Street, do not constitute a traffic hazard.
- Granting these requests with a condition imposed that the applicant complies with the submitted site plan and elevation would limit the items to be maintained in the 20' drive approach visibility triangles into the site from Concho Street and in the 20' visibility triangle where the alley meets Concho Street, to that what is shown on these documents – portions of an 8' high solid wood fence and portions of an 8' high rolling solid wood gate.

### **Timeline:**

- March 21, 2019: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- April 8, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- April 10, 2019: The Sustainable Development and Construction Department Senior Planner emailed the applicant's representative the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the May 1<sup>st</sup> deadline to submit additional evidence for staff to factor into their analysis; and the May 10<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
  - the criteria/standards that the board will use in their decision to approve or deny the requests; and
  - The Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- May 7, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the May public hearings. Review team members in attendance included the Sustainable Development and Construction Assistant Director, the Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Chief Planner, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, the Sustainable Development and Construction

Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

May 9, 2019: The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked "Has no objections".



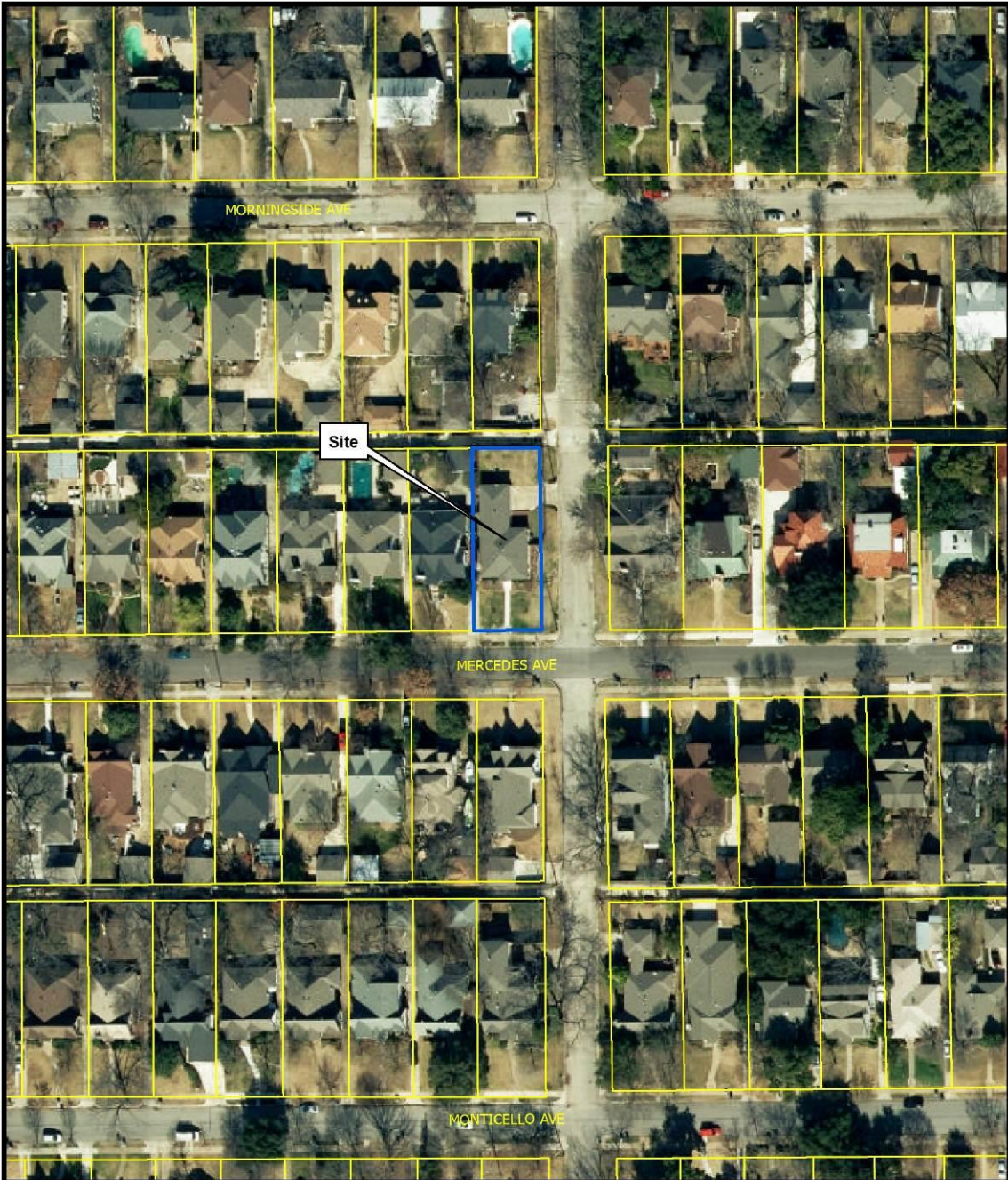
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# ZONING MAP

Case no: BDA189-057

Date: 4/15/2019





1:1,200

# AERIAL MAP

Case no: BDA189-057

Date: 4/15/2019



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-057

Data Relative to Subject Property:

Date: 3-21-19

Location address: 5947 Mercedes Ave. Zoning District: CD11 ~~GREENVILLE CREST No. 2~~

Lot No.: 12 Block No.: H/2861 Acreage: 7.68 Census Tract: 2.02

Street Frontage (in Feet): 1) 50' 2) 141.35' 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): William R Crowell SR + Patricia F Crowell

Applicant: William R Crowell SR Telephone: 602.549.9942

Mailing Address: 5947 MERCEDES AVE. DALLAS, TX Zip Code: 75206

E-mail Address: WR.CROWELL.SR@GMAIL.COM

Represented by: Daniel Dodds Telephone: 214-673-4272

Mailing Address: 1331 E. Highway 80, Mesquite, TX Zip Code: 75150

E-mail Address: Dannyboi7@AOL.COM

Affirm that an appeal has been made for a Variance, or Special Exception  of ENCROACHMENT TO THE 20x20 VISIBILITY TRIANGLE AT DRIVEWAY AND ALLEY

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:  
MY FENCE IS IN THE SAME LIKE LOCATION ON LOT AS MOST FENCES ARE WITHIN MY NEIGHBORHOOD, AND CONCHO IS NOT A HEAVILY TRAVELED ROAD.

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.

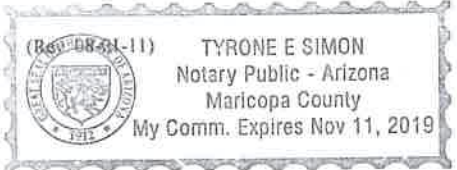
Affidavit

Before me the undersigned on this day personally appeared WILLIAM R CROWELL (Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 11 day of March, 2019



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

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

Date of Hearing \_\_\_\_\_

Appeal was---Granted OR Denied

Remarks \_\_\_\_\_

Chairman

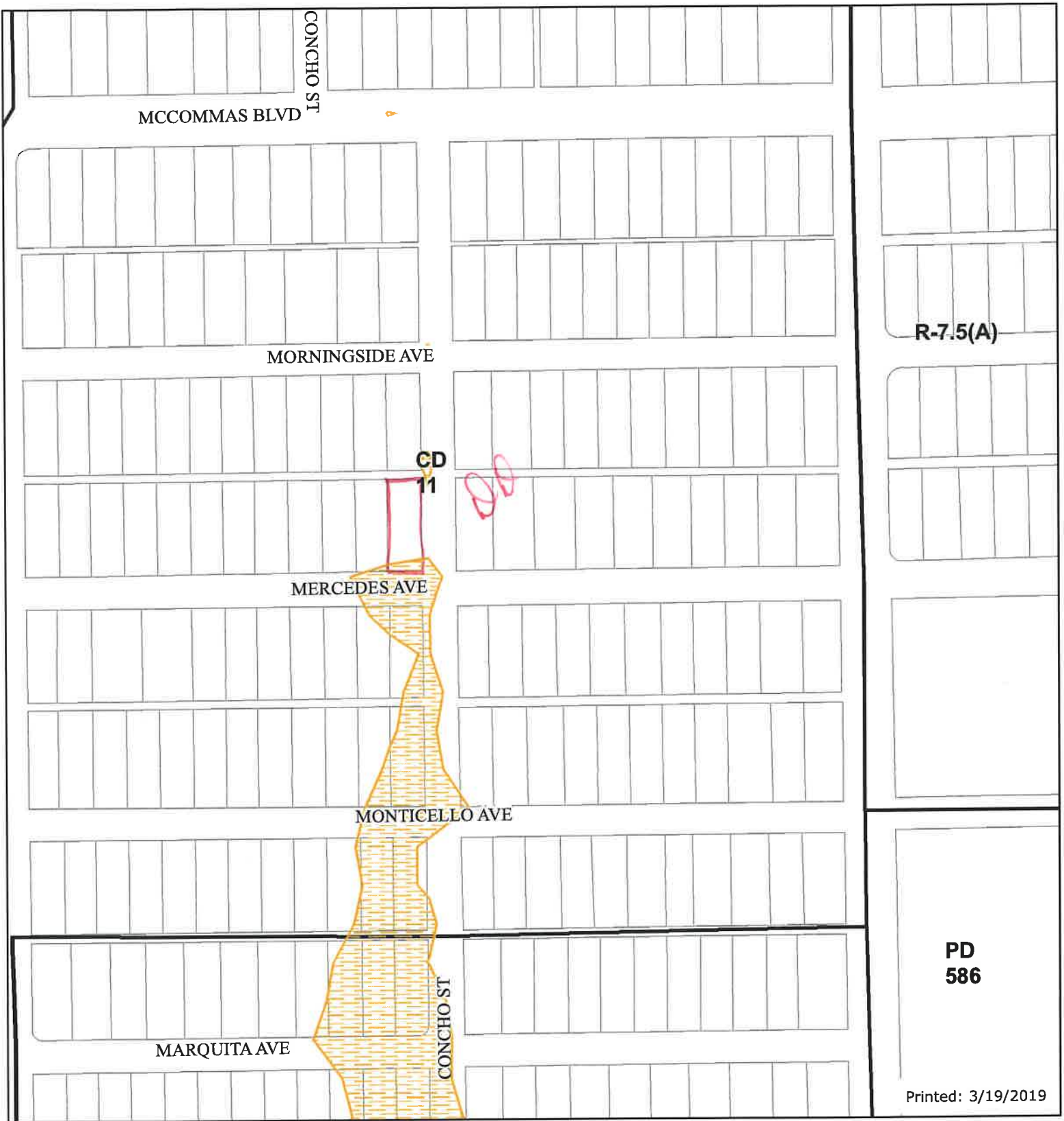
**Building Official's Report**

I hereby certify that William Crowell  
represented by DANIEL DODDS  
did submit a request for a special exception to the visibility obstruction regulations  
at 5947 Mercedes Avenue

BDA189-057. Application of William Crowell represented by DANIEL DODDS for a special exception to the visibility obstruction regulations at 5947 MERCEDES AVE. This property is more fully described as Lot 12, Block H/2861, and is zoned CD-11, which requires a 20 foot visibility triangle at driveway and alley approaches. The applicant proposes to construct a single family residential fence structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official

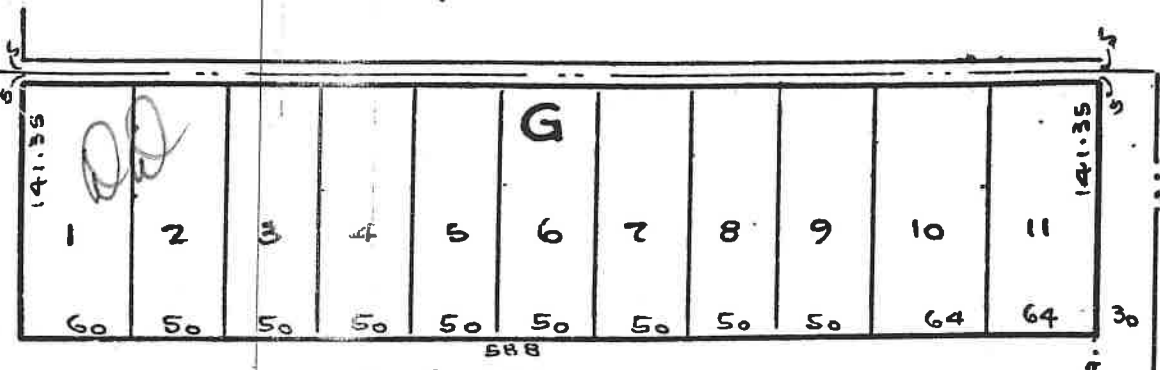
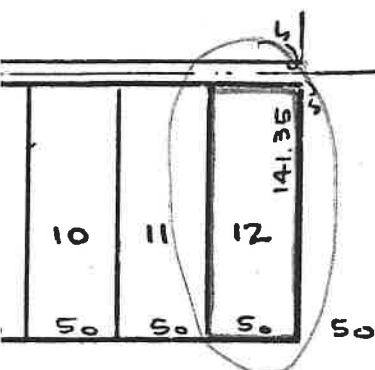


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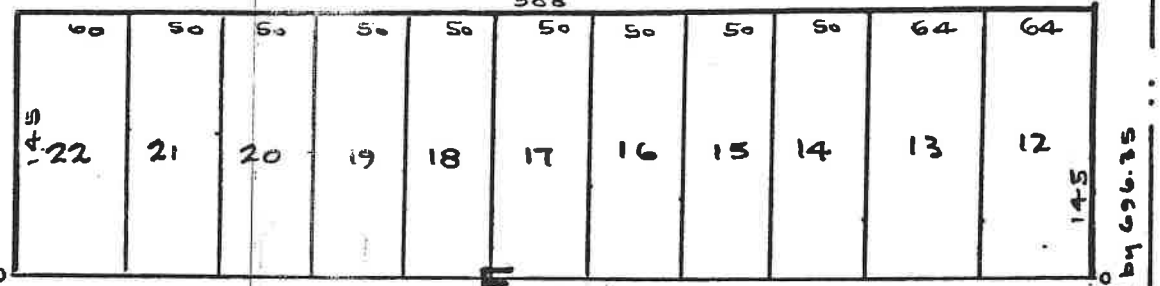
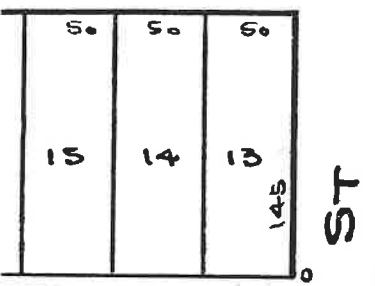
- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | railroad                       | <b>Dry Overlay</b>    | CD Subdistricts            |
| School               | Certified Parcels              | D                     | PD Subdistricts            |
| <b>Floodplain</b>    | 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      | 2009 Front Overlay         |
|                      |                                | Height Map Overlay    |                            |

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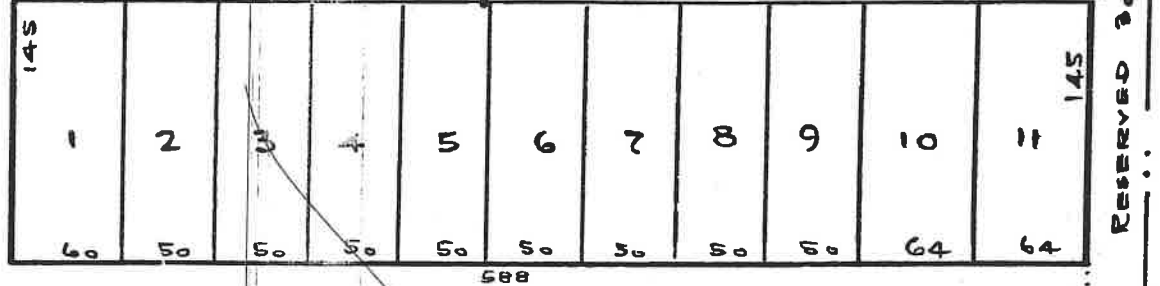
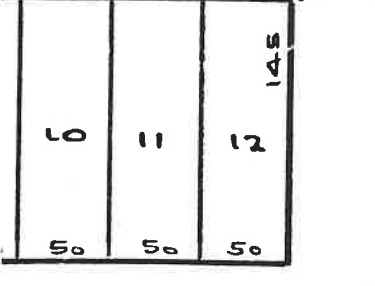




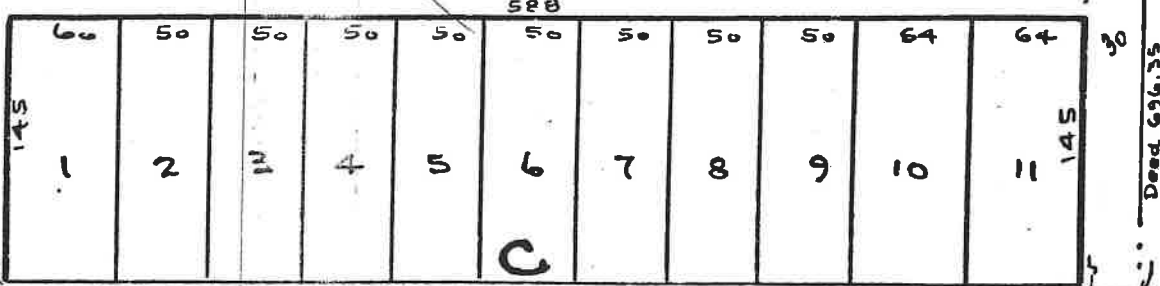
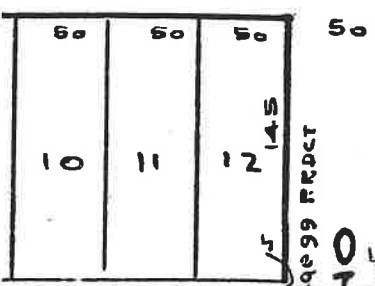
588  
AVENUE



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NOT PLATTED

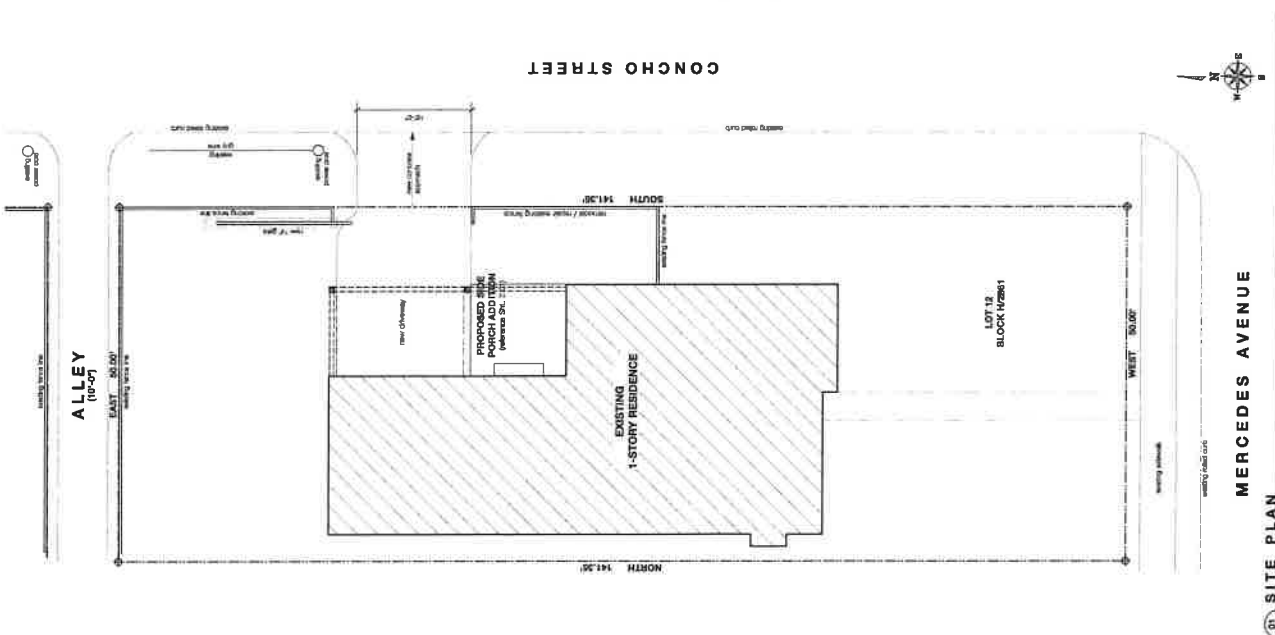
the Street See Vol. 3 Page 99 Project

CONCHO ST

RESERVED 30 by 696.35

Deed 696.35  
E.O.L. A McComas Sur  
W.D.L. McComas Sur

AVENUE



# CROWELL RESIDENCE

DALLAS TEXAS

## 5947 MERCEDES AVE.

### GENERAL NOTES

- The foundation subcontractor and the framing subcontractor shall verify all dimensions in the field prior to starting any work and notify Bella Vista of any discrepancies between the drawings and the actual field conditions before proceeding with the work.
- The dimensions shown on the drawings are to face of stud, face of masonry, or centerline of column, as indicated on the drawings.
- Each subcontractor on this project shall perform his/her work as prescribed in these drawings and in complete compliance with all applicable Codes and Ordinances and according to the levels of good practice.
- These drawings and any accompanying written documents, provided by Bella Vista Company, are to be considered as one, whatever is called for by all. Where the drawings and the written documents disagree the better quality or greater quantity of the work or materials shall be estimated upon, and unless ordered by Bella Vista in writing, shall be performed or furnished. Should discrepancies or doubt occur, the subcontractor shall not proceed with the work without written clarification from Bella Vista.
- These drawings and any accompanying written material, the intellectual property contained therein, and any and all reproductions of these documents are the sole property of Bella Vista Company. No reproductions of any kind may be made or transmitted without the express permission of Bella Vista Company.

**ZONING**  
 Conservation District: M-Sheets East  
 Single Family District: 7.5 (A)

- SCOPE OF WORK**
- Construct new side porch
  - Remove and replace South East portion of existing porch
  - Remove and replace street approach
  - Remove and replace driveway
  - Reconnect riprap drainage pipe

**AREA CALCULATIONS**  
 existing first floor a/c = 2,048 sq.ft.  
 proposed side porch = 428 sq.ft.

**COVER AGE CALCULATIONS**  
 site area : 50'x141.35' = 7,067 sq.ft.  
 allowable coverage : 40% = 2,826 sq.ft.  
 coverage area: new + porch = 2,478 sq.ft.  
 coverage provided : 2,478 / 7,067 = 35.0%

**SHEET INDEX**  
 1.00 cover, project area calculations, general notes, and site plan  
 2.01 floor plan - existing & proposed side porch  
 3.01 exterior elevations, roof plan & lighting plan

By: Bella Vista Construction, L.L.C. the General Partner  
 Bella Vista Company Construction Services, L.P.  
 Bella Vista Company  
 By: David Brodbeck or Lance Tye  
 its Managing Member

**BELLAVISTA**  
COMPANY

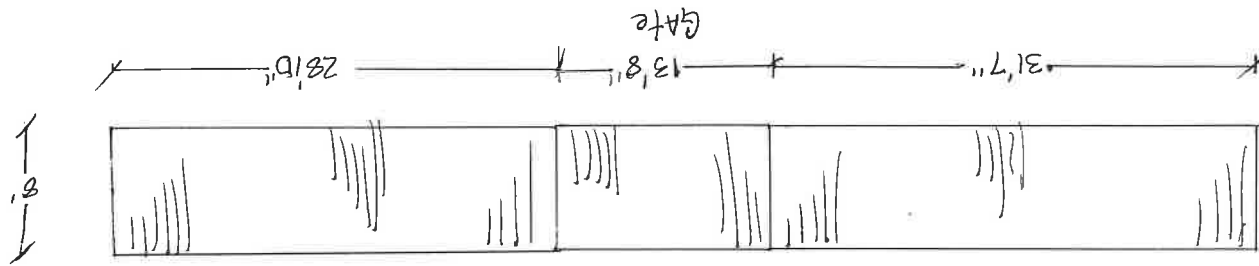
--- design drawings for a new addition to be built for ---  
**Crowell Residence**  
 5947 Mercedes Ave.  
 Dallas, Texas

**SITE PLAN**

**1.00**

looking WEST

$\frac{1}{8} = 1'$

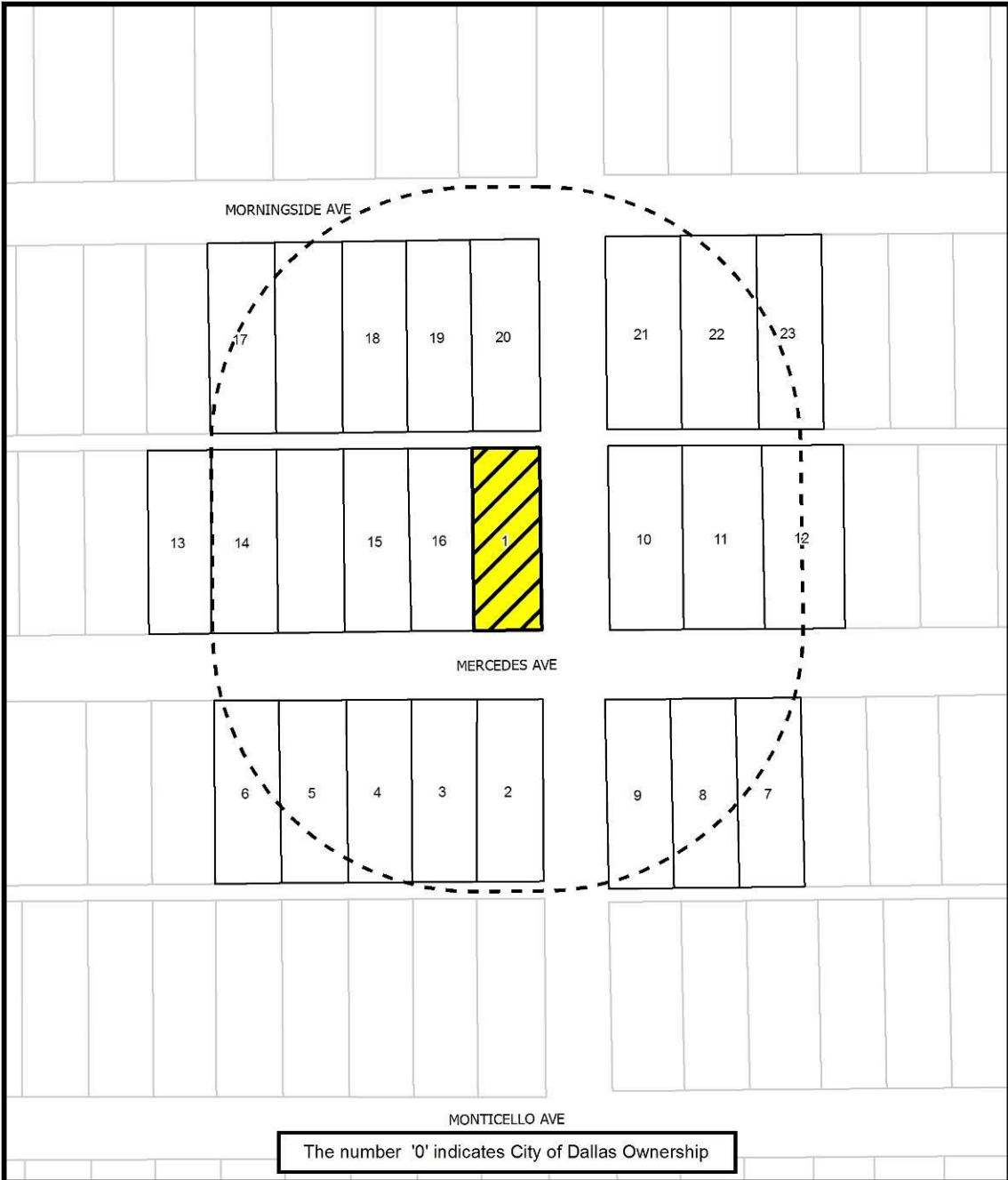


	Date	Name	Address	Phone #	
	3/19	Marjorie Shaw	5938 Morningside Lot 10	214-823-6784	7762
x	3/19	Laura Beasley	5940 Morningside Lot 11		Attempted 3/19 ~6:00pm
x	3/19	Bill Ohland	5941 Morningside Lot 11		Attempted 3/19 ~6:05pm
<	3/19	Taylor/Angela Robinson	5944 Morningside Lot 12		Attempted 3/19 ~6:00pm
x	3/19	Kim/Steven Chambers	5947 Morningside Lot 12		Attempted 3/19 ~6:10
	3/20	Steven Cowan	6001 Morningside Lot 1		Attempted 3/20 ~1:30 pm
v	3/19	David Eubanks/Sailaja	6002 Morningside Lot 1		Attempted 3/19 ~6:15 pm
	3/19	NCRS LLC	6006 Morningside Lot 2	(414) 293 7303	MPM
	3/20	Richard Clements	6007 Morningside Lot 2		Attempted 3/20 ~1:10
	3/20	Ashley Sutton/Aaron Hoffmar	6010 Morningside Lot 3		Attempted 3/20 ~1:15
	3/20	Bill Ohland	6013 Morningside Lot 4		Attempted 3/20 ~1:20
	3/20	Mathew Nunley	6014 Morningside Lot 4		Attempted 3/20 ~1:25



	Date	Name	Address	Phone #	
Attempted	3/20 <sup>3:20</sup>	Thomas/Natalie Wolf	5931 Mercedes Lot 8		
Attempted	3/20 <sup>3:25</sup>	Sherry Dowell	5935 Mercedes Lot 9		
Attempted	3/20 <sup>3:47</sup>	Krisen/Connie Mallory	5936 Mercedes Lot 16		
Attempted	3/20 <sup>3:49</sup>	Josef Campos	5938 Mercedes Lot 15		
Attempted	3/20 <sup>3:52</sup>	Stacy & Chris Caneflakes	5939 Mercedes Lot 10		
Attempted	3/20 <sup>3:55</sup>	Daniel Thacker	5942 Mercedes Lot 14		
Attempted	3/20 <sup>3:57</sup>	Susan Wilson	5943 Mercedes Lot 11		
Attempted	3/20 <sup>3:41</sup>	Sabrina Bramlett	5946 Mercedes Lot 13		
	3/20 <sup>1:30pm</sup>	John/Virgina Sumners	6001 Mercedes Lot 1	210-289-9897	<i>W</i>
Attempted	3/20 <sup>2pm</sup>	Danielson Trust	6002 Mercedes Lot 22		
Attempted	3/20 <sup>2pm</sup>	Jeffrey/Julie Goodwin	6006 Mercedes Lot 21		
Attempted	3/20 <sup>1:30pm</sup>	Paul Carper	6007 Mercedes Lot 2		
Attempted	3/20 <sup>2pm</sup>	Jeffre /Jenny Gruber	6010 Mercedes Lot 20		
Attempted	3/20 <sup>1:30pm</sup>	Tim/Amy Lobner	6011 Mercedes Lot 3		
Attempted	3/20	Kris/Jennifer Sweckart	6014 Mercedes Lot 19		
Attempted	3/20 <sup>1:45pm</sup>	Sylvia Meridith	6017 Mercedes Lot 4&5		
Attempted	3/20 <sup>1:40pm</sup>	Bryan/Isobel Betzer	6018 Mercedes Lot 18		
	3/20 <sup>1:45pm</sup>	Jacob Price/Mrianne Lhotsky	6021 Mercedes Lot 6	<i>Morgan</i>	972-369-6798

	Date	Name	Address	Phone #	Attempted
✓	3/19	Cathleen Johnson/Peter smith	5935 Monticello Lot 9		3/19 Approx 5:30 pm
x	3/19	MelanyMarc Chartrand	5939 Monticello Lot 10		3/19
x	3/19	Thomas/Carla Davis	5943 Monticello Lot 11		3/19
x	3/19	Andrew/Natalie Brownfield	5947 Monticello Lot 12		3/19 Approx 5:40 pm
	3/19	Christine Russell	6001 Monticello Lot 1	214-564-6668	



 1:1,200	<h2>NOTIFICATION</h2>	Case no: <b>BDA189-057</b>
	<div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">200'</div> <div>AREA OF NOTIFICATION</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">23</div> <div>NUMBER OF PROPERTY OWNERS NOTIFIED</div> </div>	Date: <b>4/15/2019</b>

## *Notification List of Property Owners*

***BDA189-057***

### ***23 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	5947 MERCEDES AVE	CROWELL WILLIAM R SR &
2	5946 MERCEDES AVE	BRAMLETT SABINA
3	5942 MERCEDES AVE	THACKER DANIEL C
4	5938 MERCEDES AVE	CAMPOS JOSEF
5	5936 MERCEDES AVE	MALLORY KRISTIN & CONNIE
6	5932 MERCEDES AVE	GARCIA HOPE ESTATE
7	6010 MERCEDES AVE	GRUBER JENNY L & JEFFREY D
8	6006 MERCEDES AVE	GOODWIN JEFFREY A & JULIE A
9	6002 MERCEDES AVE	DANIELSON ZACK & MARNIE
10	6001 MERCEDES AVE	SUMMERS JOHN & VIRGINIA
11	6007 MERCEDES AVE	CARPER PAUL GOODWIN
12	6011 MERCEDES AVE	LOBNER TIMOTHY J & AMY
13	5929 MERCEDES AVE	EMORY AND JOANN MURRAY
14	5931 MERCEDES AVE	WOLF THOMAS & NATALIE P
15	5939 MERCEDES AVE	STACY BONNIE JEAN &
16	5943 MERCEDES AVE	WILLISON SUSAN G
17	5928 MORNINGSIDE AVE	O B A INC
18	5938 MORNINGSIDE AVE	SHAW MARJORIE
19	5940 MORNINGSIDE AVE	BEAZLEY LAURA
20	5944 MORNINGSIDE AVE	ROBERTSON TAYLOR &
21	6002 MORNINGSIDE AVE	HOWARD MARTIN P
22	6006 MORNINGSIDE AVE	NCRS LLC
23	6010 MORNINGSIDE AVE	SUTTON ASHLEY &

**FILE NUMBER:** BDA189-062(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Robert Baldwin of Baldwin and Associates for a special exception to the fence standards regulations at 8258 San Fernando Way. This property is more fully described as Lot 14, Block 9/5260, and is zoned PD 575 (Subdistrict 1), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and/or maintain an 11 foot 8 inch high fence in a required front yard, which will require a 7 foot 8 inch special exception to the fence standards regulations.

**LOCATION:** 8258 San Fernando Way

**APPLICANT:** Robert Baldwin of Baldwin and Associates

**REQUEST:**

A request for a special exception to the fence standards regulations related to height of 7' 8" is made to remodel, construct and maintain a 4' rail medal fence with 7' 2" stone fence columns with decorative lighting, 4' 6" metal posts and an 11' 8" arbor in the required front yard on a site developed with a single-family home.

**STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS REGULATIONS:**

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

**STAFF RECOMMENDATION:**

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

**Zoning:**

Site: PD 575 (Subdistrict I) (Planned Development)  
North: PD 575 (Subdistrict I) (Planned Development)  
South: PD 575 (Subdistrict C) (Planned Development)  
East: PD 575 (Subdistrict E) (Planned Development)  
West: PD 575 (Subdistrict I) (Planned Development)

**Land Use:**

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

**Zoning/BDA History:**

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

**GENERAL FACTS/STAFF ANALYSIS:**

- This request for a special exception to the fence standards regulations related to height of 7' 8" focuses on constructing and maintaining a 4' rail medal fence with 6' 5" stone fence columns with decorative lighting, 4'6" metal posts and an 11' 8" arbor in the required front yard on a site developed with a single-family home.
- The property is located in PD 575 (Subdistrict I) zoning district which requires a minimum front yard setback of 80 feet.
- The subject site is located at the southwest corner of San Fernando Way and Breezewood Drive. This site has one front yard setback on San Fernando Way.
- Section 51A-4.602(a) (2) of the Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The applicant submitted a site plan/elevation of the proposal in the front yard setbacks with notations indicating that the proposal reaches a maximum height of 11' 8".
- The following additional information was gleaned from the submitted site plan/elevation:
  - The proposal is represented as being approximately 150' in length parallel to San Fernando Way and approximately 80' perpendicular to San Fernando Way on the northwest and the northeast sides of the site in this front yard setback.
  - The proposal is represented as being located approximately at the front property line or approximately 22' from the pavement line.
- The Sustainable Development and Construction Department Senior Planner conducted a field visit of the site and surrounding area (approximately 400 feet north, south, east, and west of the subject site) and noted no other fences that appear to be above 4' in height located in a front yard setback.
- As of May 10, 2019, no letters have been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exceptions to the fence standards related to the height of 7' 8" will not adversely affect neighboring property.
- Granting this special exception with a condition imposed that the applicant complies with the submitted site plan/elevation would require the proposal exceeding 7' 8" in height to be located in the front yard setback to be constructed and maintained in the location and of the heights and materials as shown on this document.

**Timeline:**

March 22, 2019: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

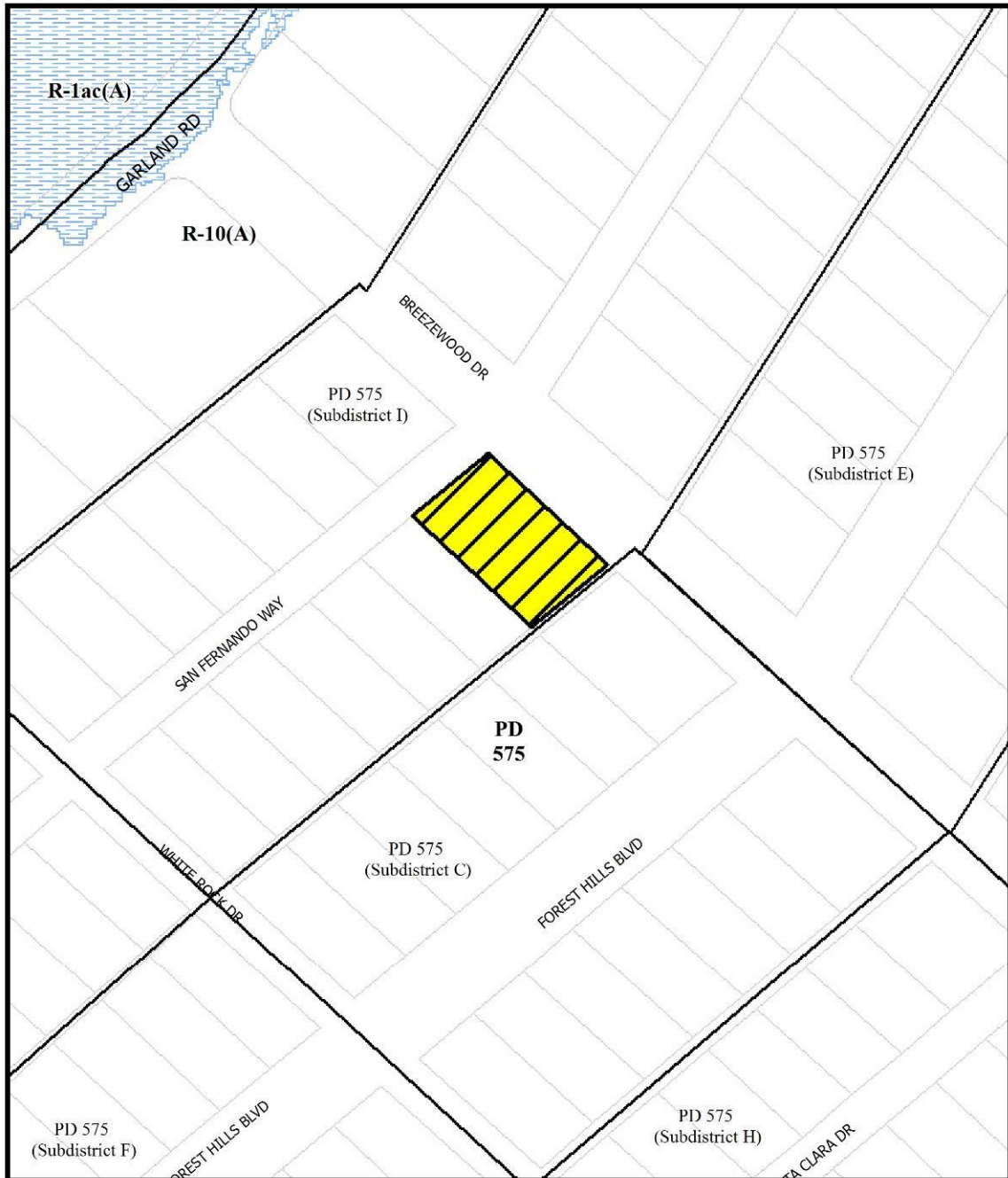
April 8, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

April 10, 2019: The Board Administrator emailed the applicant the following information:

- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the May 1<sup>st</sup> deadline to submit additional evidence for staff to factor into their analysis; and the May 10<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

May 7, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the May public hearings. Review team members in attendance included the Sustainable Development and Construction Assistant Director, the Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Chief Planner, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

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



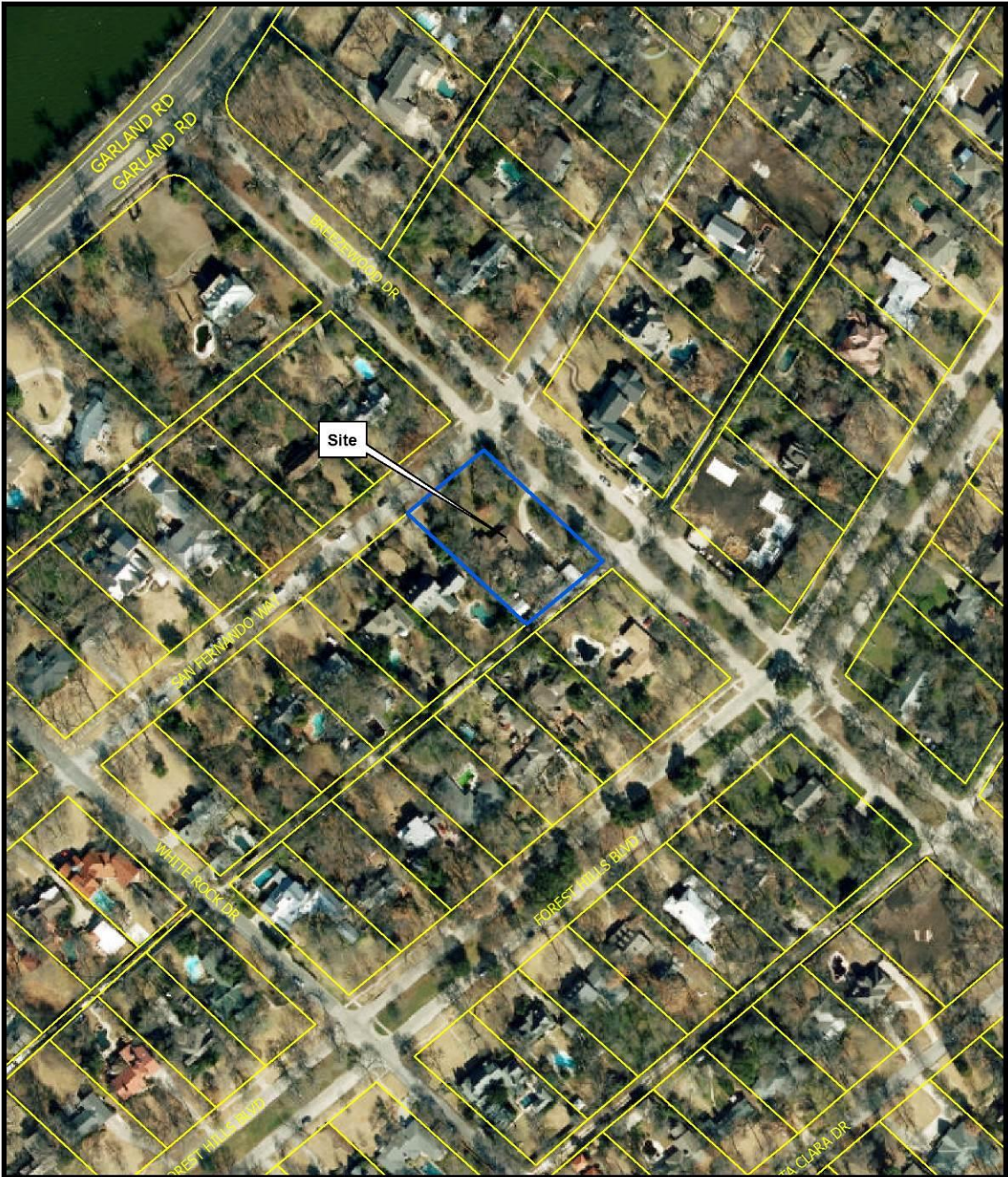
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# ZONING MAP

Case no: BDA189-062

Date: 4/12/2019





1:2,400

# AERIAL MAP

Case no: BDA189-062

Date: 4/12/2019



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-062

Date: March 27, 2019

Data Relative to Subject Property:

Location address: 8258 San Fernando Way Zoning District: PD 575 Sub. I

Lot No.: 14 Block No.: 9/5260 Acreage: 0.86 acres Census Tract: 81.00

Street Frontage (in Feet): 1) 150 ft 2) 250 ft 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Marshall and Lee Ann Hunt

Applicant: Rob Baldwin, Baldwin Associates Telephone: 214-824-7949

Mailing Address: 3904 Elm Street Suite B Dallas TX Zip Code: 75226

E-mail Address: rob@baldwinplanning.com

Represented by: Rob Baldwin, Baldwin Associates Telephone: 214-824-7949

Mailing Address: 3904 Elm Street Suite B Dallas TX Zip Code: 75226

E-mail Address: rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance \_\_, or Special Exception X, of fence height

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

The property has an existing fence along both street frontages that is 4' tall. The proposed decorative lighting, wing wall, and arbor will exceed 4'. The proposed arbor on the San Fernando frontage is approximately 11'8". The proposed decorative lighting will be on 4 of the stone fence columns and make the overall height of the columns up to 6.5' tall. The proposed additions to the fencing will not have an adverse impact on neighboring properties, as some other homes also have similar decorative fencing.

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

Affidavit

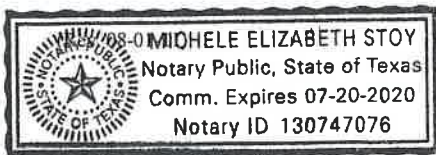
Before me the undersigned on this day personally appeared Robert Baldwin (Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 4 day of March, 2019

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



MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

Date of Hearing \_\_\_\_\_

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

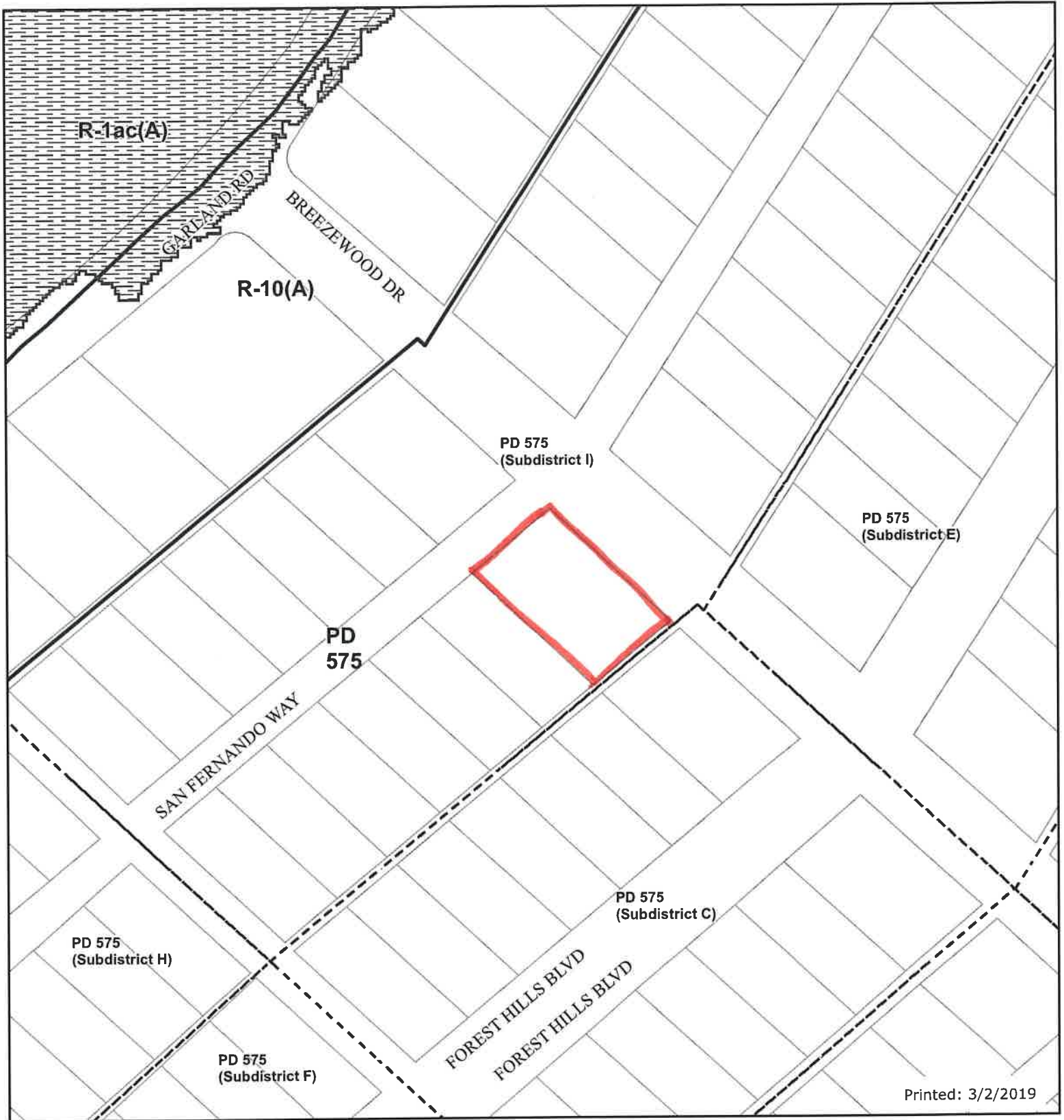
I hereby certify that ROBERT BALDWIN  
did submit a request for a special exception to the fence height regulations  
at 8258 San Fernando Way

BDA189-062. Application of ROBERT BALDWIN for a special exception to the fence height regulations at 8258 SAN FERNANDO WAY. This property is more fully described as Lot 14, Block 9/5260, and is zoned PD-575 (Sub-district 1), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct an 11 foot 8 inch high fence in a required front yard, which will require a 7 foot 8 inch special exception to the fence regulations.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official





Printed: 3/2/2019

### 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    |                            |

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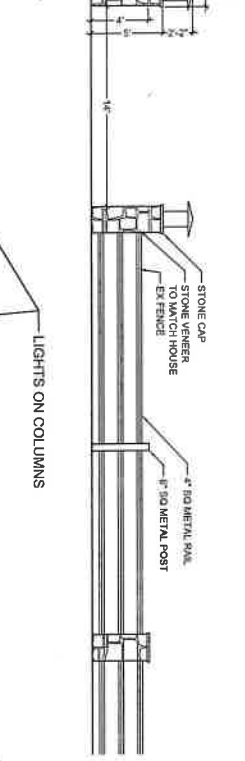
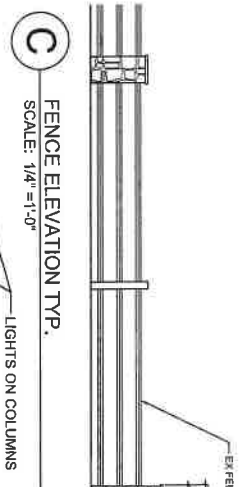
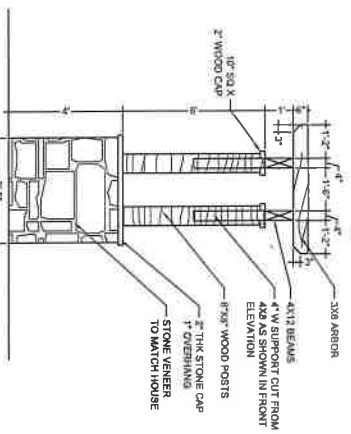
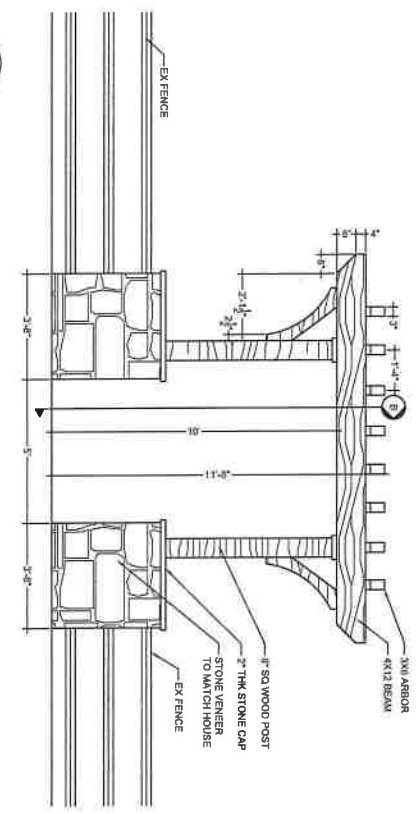
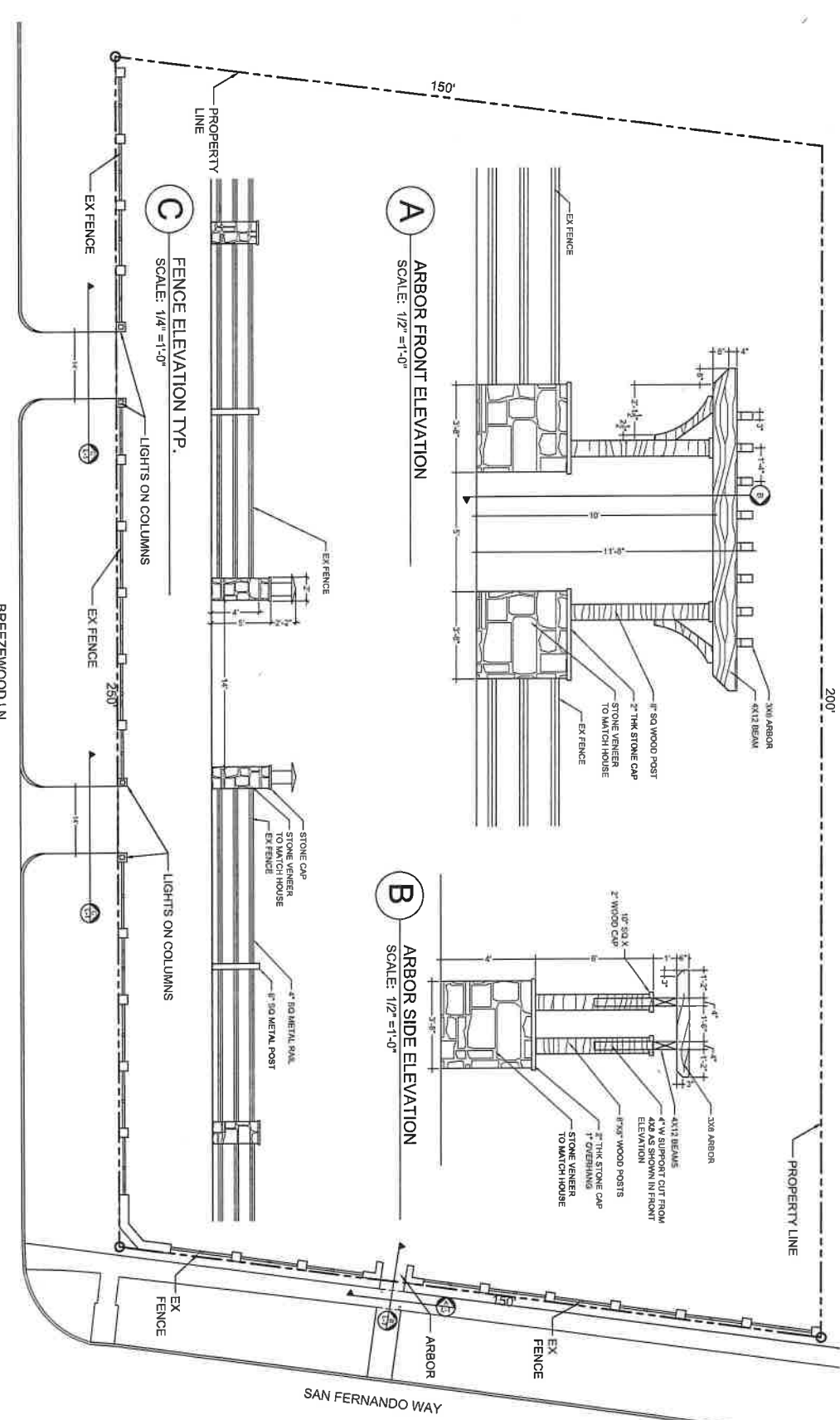
207

# Forest ALONG THE SHORES LAKE

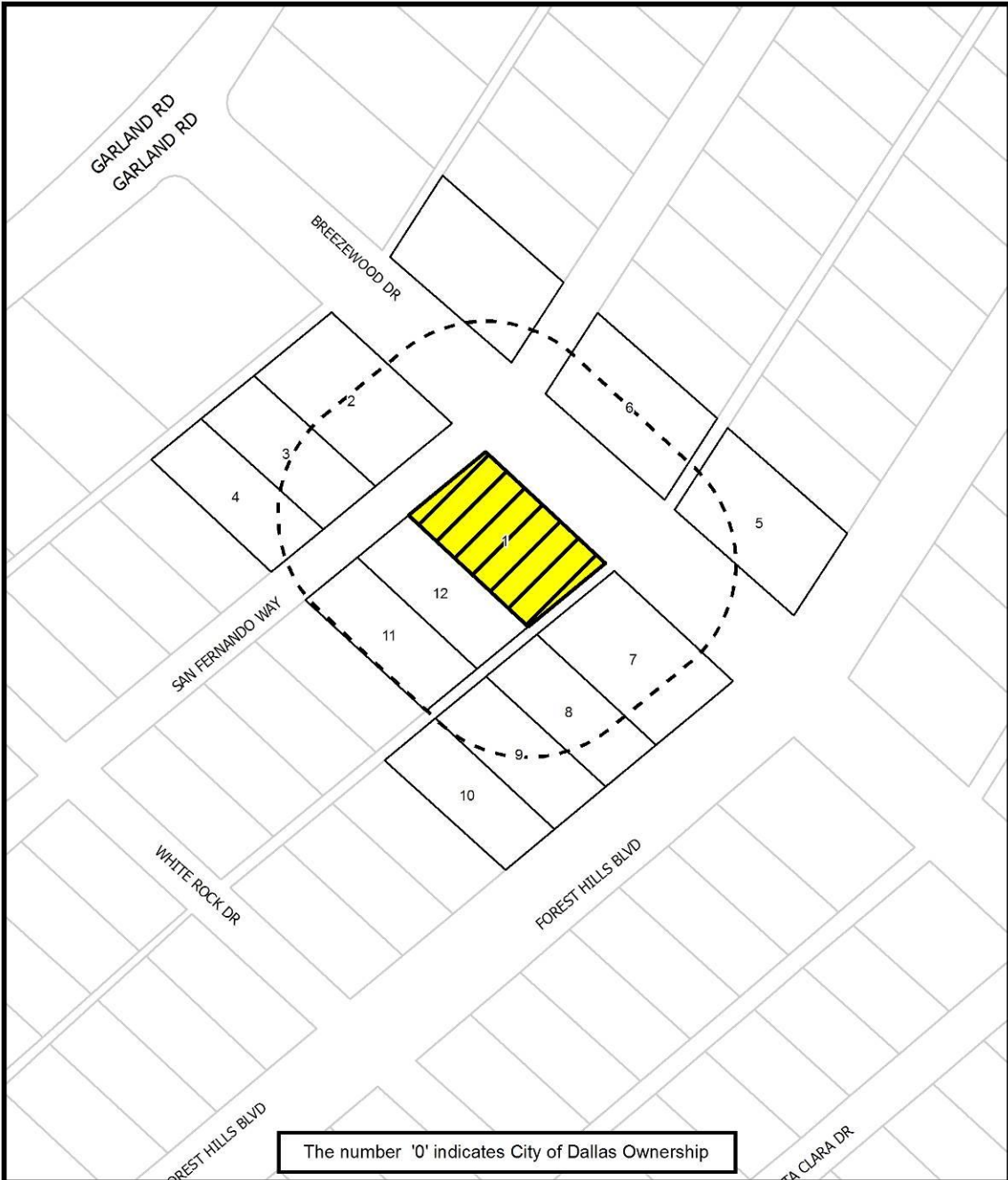
20



DATE	BY	REVISION
21 OCT, 2018	EM	PERMITS
21 MAR, 2019	EM	REVISED



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 1:2,400	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;"><b>200'</b></td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;"><b>12</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>12</b>	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <b>BDA189-062</b> Date: <b>4/12/2019</b>
<b>200'</b>	AREA OF NOTIFICATION					
<b>12</b>	NUMBER OF PROPERTY OWNERS NOTIFIED					

## *Notification List of Property Owners*

***BDA189-062***

### *12 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	8258 SAN FERNANDO WAY	HUNT MARSHALL & LEE ANN
2	8255 SAN FERNANDO WAY	BRUNING KAREN H & EDWIN J
3	8247 SAN FERNANDO WAY	BALENTINE RONALD G
4	8239 SAN FERNANDO WAY	REEVES RICHARD H &
5	8311 FOREST HILLS BLVD	WESTERBERG ROBERT J & LINDA R
6	8310 SAN FERNANDO WAY	FAULK ROBERT & MELINDA
7	8249 FOREST HILLS BLVD	EDWARDS DAVID N & BRIDGET D STUART
8	8247 FOREST HILLS BLVD	BEVERS JOSEPH III
9	8239 FOREST HILLS BLVD	ALLEGRO JERRY A & NANCY H
10	8231 FOREST HILLS BLVD	ZELLMER PETER D
11	8238 SAN FERNANDO WAY	BELZ JEFFREY DWAIN
12	8246 SAN FERNANDO WAY	KLEMBARA DENNIS L &



**FILE NUMBER:** BDA189-063(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Enoch Correa for a special exception to the fence standards regulations at 9727 Audubon Place. This property is more fully described as Lot 11A, Block 14/5587, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 10 foot high fence in a required front yard, which will require a 6 foot special exception to the fence standards regulations.

**LOCATION:** 9727 Audubon Place

**APPLICANT:** Enoch Correa

**REQUEST:**

A request for a special exception to the fence standards regulations related to height of 6' is made to replace an existing approximately 4' high open iron fence that spans approximately 1/3 the length of the subject site located in the site's two required front yards (Audubon Place) and to construct and maintain an 8' high iron fence with masonry columns and a 10' high open iron gate that would span approximately 1/3 the length of the site's two required front yards (Audubon Place) on a site developed with a single family home.

**STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:**

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

**STAFF RECOMMENDATION:**

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

**BACKGROUND INFORMATION:**

**Zoning:**

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

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

**Land Use:**

The subject site is developed with a single family home. The areas to the north, south, and west are developed with single-family uses; and the area to the east is developed with public school use.

**Zoning/BDA History:**

1. BDA 123-053, Property at 9727 Audubon Place (the subject site)

On June 19, 2013, the Board of Adjustment Panel B denied the requests for a fence height special exception of 6' without prejudice. The case report stated that a special exception to the fence height regulations of 6' was requested to replace an existing 4' high open iron fence that spans approximately half the length of the subject site located in the site's 40' Audubon Place front yard setback with an 8' high open iron fence and columns with 10' high open iron gate/ entry columns that would span across the entire length of the site's Audubon Place front yard setback and to construct and maintain an 8' high open iron fence in the site's Park Lane frontage where there is currently no fence.
  
2. BDA 089-116, Property at 9727 Audubon Place (the subject site)

On October 21, 2009, the Board of Adjustment Panel B denied the requests for an additional dwelling unit on the property and a fence height special exception of 4' without prejudice. The case report stated that a special exception to the fence height regulations of 4' was requested in conjunction with replacing an existing approximately 4' high open iron fence that spans approximately half the length of the subject site and located in the site's 40' Audubon Place front yard setback with a 6' high open iron fence with an 8' high open iron gate/stone entry columns flanked by 4' long, 6' – 7' 6" high stone wing walls that would span across the entire length of the site and be located in the site's two 40'

Audubon Place and Park Lane front yard setbacks; and a special exception to the single-family regulations was requested in conjunction with constructing and maintaining two-story, additional dwelling unit/"guesthouse/pool house" structure that would have (according to submitted plans) approximately 2,300 square feet "under roof" that would attach to the existing two-story single family home on the site that has (according to DCAD) 13,002 square feet of living area. The minutes of this hearing stated that the Board Administrator circulated an October 21<sup>st</sup> email from the applicant to the board members at the morning briefing – an email where the applicant requested that the board deny his requests without prejudice.

3. BDA 012-237, Property at 9727 Audubon Place (the subject site)

On September 9, 2002, the applicant withdrew a request for a fence height special exception of 2' 6" that had been randomly assigned to Board of Adjustment Panel B.

4. BDA 956-163, Property at 9769 Audubon Place (the lot immediately north of the subject site)

On March 26, 1996, the Board of Adjustment Panel A granted a request for special exception to the fence height to maintain a maximum 6.5 foot high open metal fence with 7.5 foot high columns, and a special exception to maintain an additional dwelling unit on the property, subject to deed restricting the property to prevent the additional unit as rental accommodations.

5. BDA 967-313, Property at 9762 Audubon Place (three lots northeast of the subject site)

On October 28, 1997, the Board of Adjustment Panel A granted a request for special exception to the fence height regulations to maintain a 6 foot 6 inch high fence with 6 foot 10 inch high columns, and a 9 foot 6 inch high entry gate/columns, and imposed the following conditions: Compliance with the submitted site/landscape/elevation plan is required. The case report stated that the request was made in conjunction with constructing and maintaining a 6.6' open iron fence and 10 9.5' high solid iron columns (including decorative lights) in the Audubon Place front yard setback.

6. BDA 023-084, Property at 4800 Park Lane (the lot immediately south of the subject site)

On June 16, 2003, the Board of Adjustment Panel C granted a request for a special exception to the fence height regulations of 2' 10" and imposed the following conditions: Compliance with the submitted site/landscape plan and fence elevation is required. The case report stated that the request was made in conjunction with constructing and maintaining a maximum 6' 10" high cast iron fence with "brick underpinning;" maximum 6' 10" brick columns; and two maximum 6' 10" high cast iron gates at the two ingress/egress points on the eastern and western ends of the estate.

#### **GENERAL FACTS/STAFF ANALYSIS:**

- This request for a special exception to the fence height of 6' focuses on replacing an existing approximately 4' high open iron fence that spans approximately 1/3 the length of the subject site located in the site's two required front yards (Audubon Place) and constructing and maintaining an 8' high iron fence with masonry columns and a 10' high open iron gate that would span approximately 1/3 the length of the site's two required front yards (Audubon Place) on a site developed with a single family home.
- The subject site is located at the north corner of Park Lane and Audubon Place. Regardless of how the existing single-family structure is oriented to Audubon Place, the subject site has 40' front yard setbacks along both streets. The site has a 40' front yard setback along Park Lane, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in a single-family zoning district. The site also has a 40' front yard setback along Audubon Place, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where only a 9' fence can be constructed and maintained by right. But the site's Audubon Place frontage is deemed a front yard setback nonetheless to maintain the continuity of the established front yard setback established by the lots developed with single family homes northeast of the site that front/are oriented southeastward onto Audubon Place.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- No part of the application is made to address any fence in the site's Park Lane required front yard.
- The applicant has submitted a site plan and elevation indicating a fence/column/gate proposal that would be located in the site's two 40' front yard setbacks along Audubon Place and would reach a maximum height of 10'.
- The following additional information was gleaned from the submitted site plan:

- The proposal is represented as being approximately 120' in length parallel to Audubon Place and approximately 40' perpendicular to Audubon Place on the east and west sides of the site in this front yard setback.
- The proposed fence is shown to be located at approximate distances of 5' – 25' from the front property lines or at approximate distances of about 25'- 40' from the “street edge.”
- The proposed gate is shown to be located at an approximate distance of 20' – 25' from the front property lines or at approximate distances of about 35' – 40' from the “street edge.”
- The Sustainable Development and Construction Department Senior Planner conducted a field visit of the site and surrounding area and noted several other fences that appeared to be above 4' in height along Audubon Drive and Park Lane located in the front yard setbacks, some of which have recorded BDA history (see the Zoning/BDA History section of this case report for details).
- As of May 10, 2019, no letters have been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exceptions to the fence standards regulations related to height over 6' in the front yard setback will not adversely affect neighboring property.
- Granting this special exception of 6' with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding 4' in height to be constructed and maintained in the location and of the heights as shown on these documents.

**Timeline:**

- March 25, 2019: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- April 8, 2019: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, “If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case.”
- April 9, 2019: The Sustainable Development and Construction Department Senior Planner, emailed the applicant the following information:
- a copy of the application materials including the Building Official’s report on the application;
  - an attachment that provided the public hearing date and panel that will consider the application; the May 1<sup>st</sup> deadline to submit additional evidence for staff to factor into their analysis; and the May 10<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;

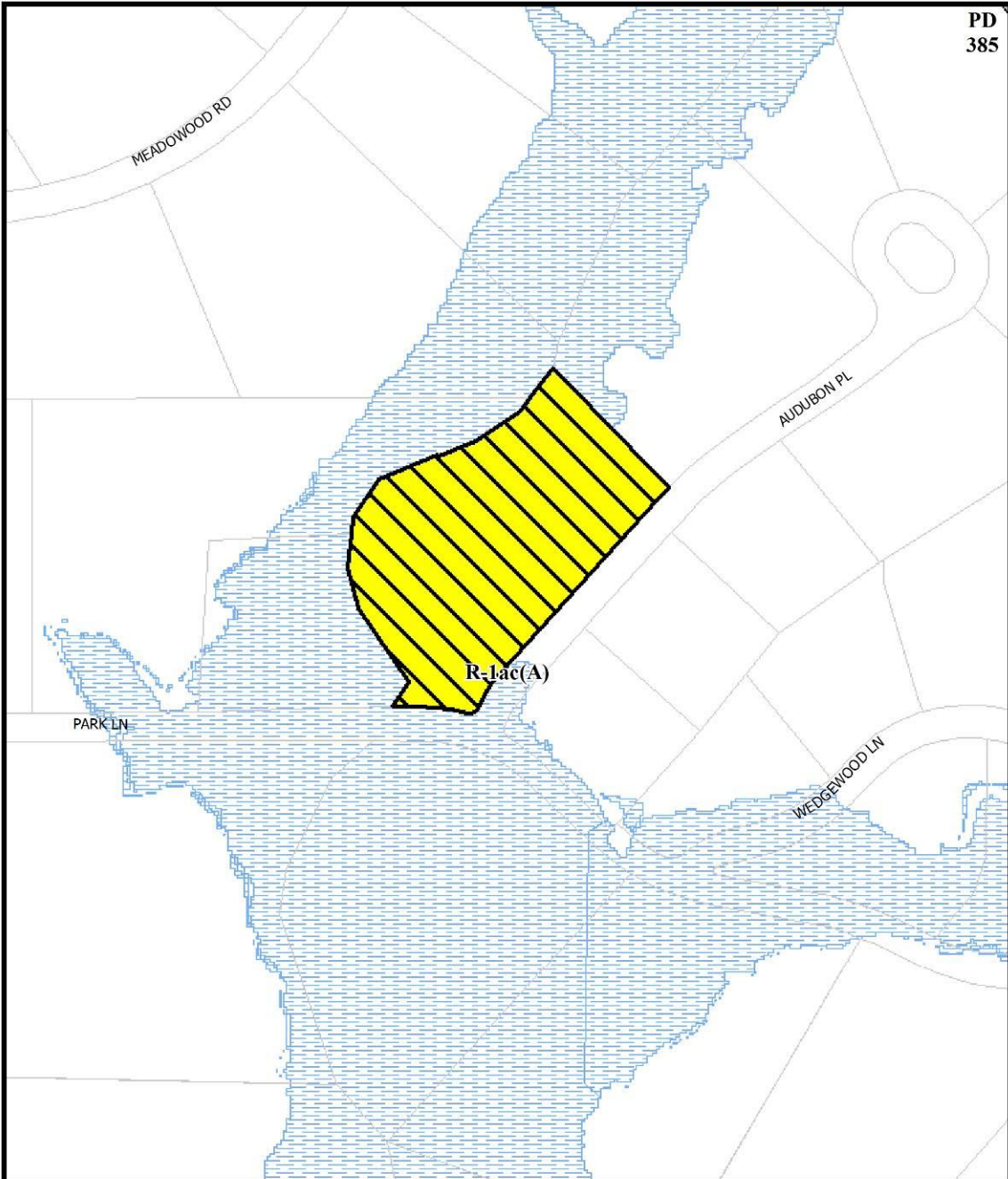
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

May 7, 2019:

The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the May public hearings. Review team members in attendance included the Sustainable Development and Construction Assistant Director, the Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Chief Planner, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

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

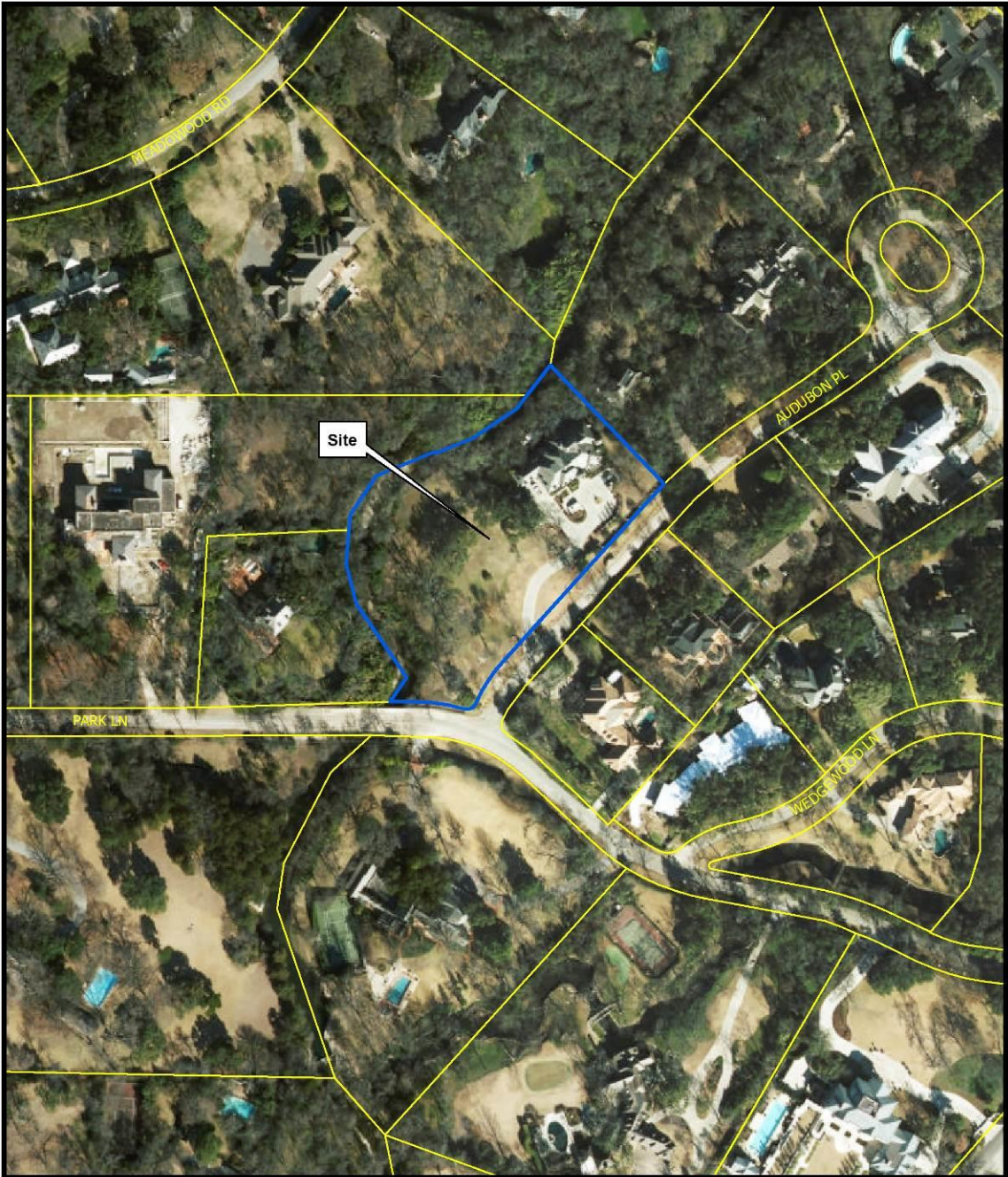
PD  
385



1:2,400

# ZONING MAP

Case no: BDA189-063  
Date: 4/12/2019



1:2,400

# AERIAL MAP

Case no: BDA189-063

Date: 4/12/2019





City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-063

Data Relative to Subject Property:

Date: 3/25/19

Location address: 9727 Audubon PL. Zoning District: R-1A

Lot No.: 11A Block No.: 14/5587 Acreage: 3.194 Census Tract: 0206.00

Street Frontage (in Feet): 1) 203 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Audubon Holdings Inc.

Applicant: ENOCH Correa Telephone: 469-767-4965

Mailing Address: 2649 Brenner Dr DALLAS, TX Zip Code: 75220

E-mail Address: econstruction-tx@yahoo.com

Represented by: \_\_\_\_\_ Telephone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Affirm that an appeal has been made for a Variance \_\_, or Special Exception , of front yard fence height

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:

Special exception to fence height 4ft to 8ft. Height to match neighborhood, gates to 10 ft Height

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.

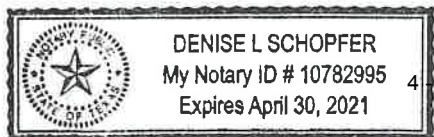
Affidavit

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

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

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

Subscribed and sworn to before me this 15th day of March, 2019



Denise Schopfer  
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 Enoch Correa

did submit a request for a special exception to the fence height regulations

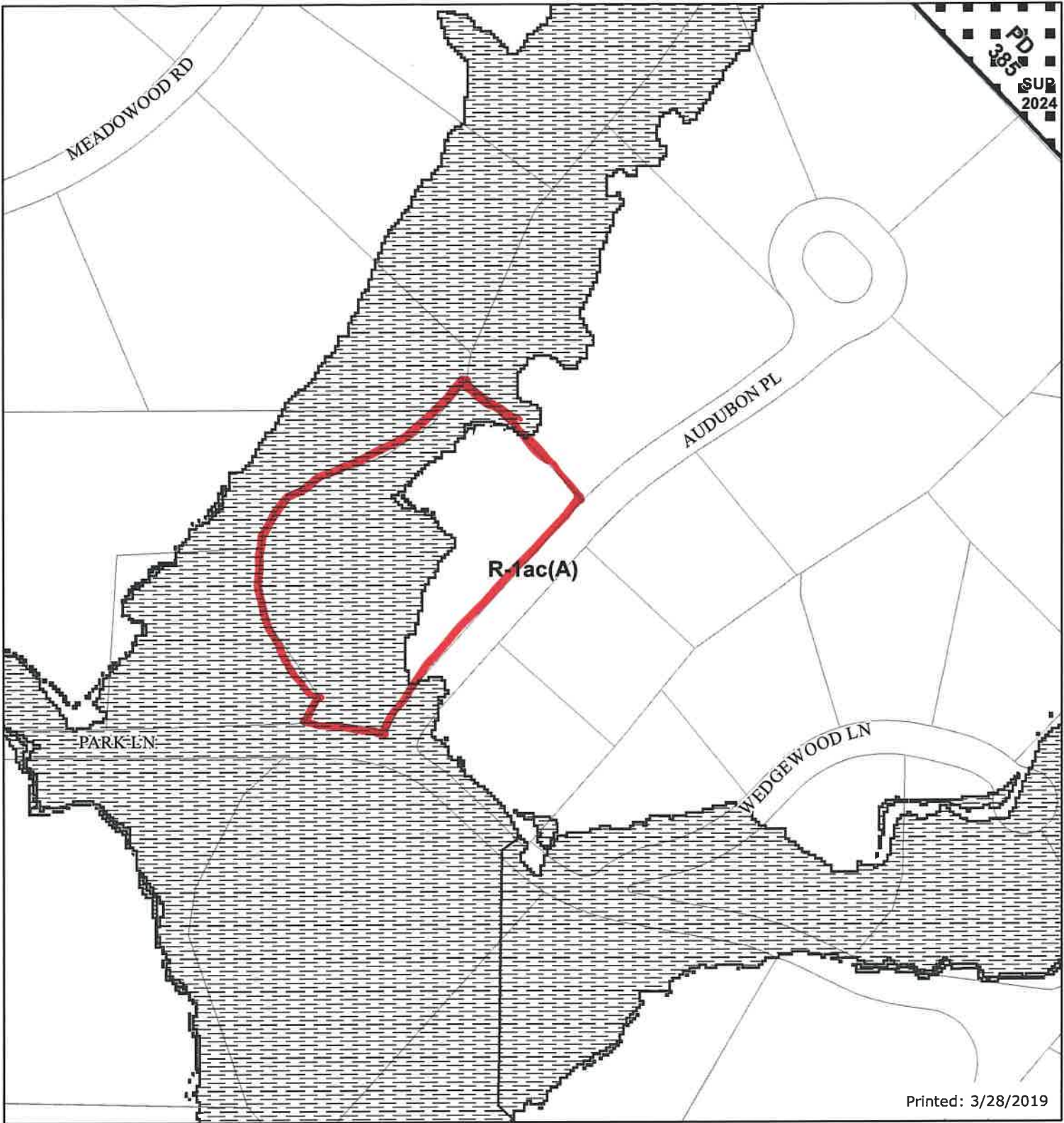
at 9727 Auduborn Pl

BDA189-063. Application of Enoch Correa for a special exception to the fence height regulations at 9727 AUDUBON PL. This property is more fully described as Lot 11A, Block 14/5587, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 10 foot high fence in a required front yard, which will require a 6 foot special exception to the fence regulations.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official





Printed: 3/28/2019

### 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    |                            |

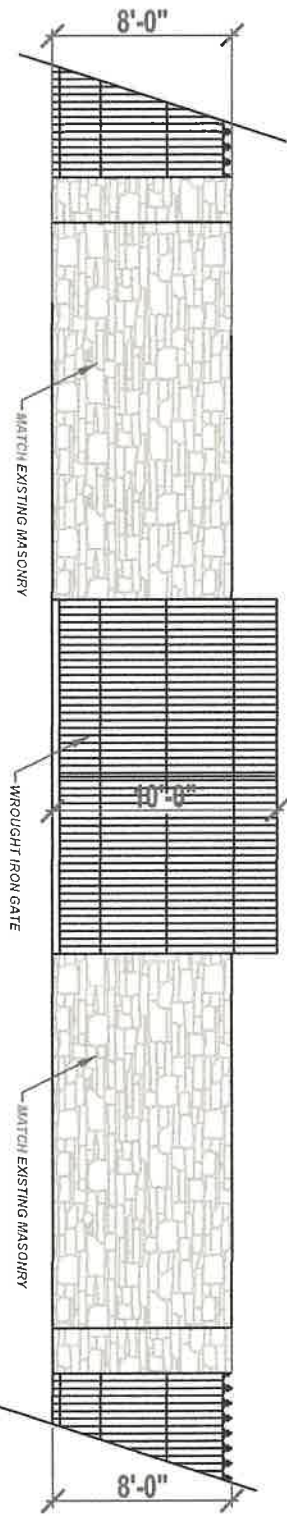
This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. 'This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, 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)



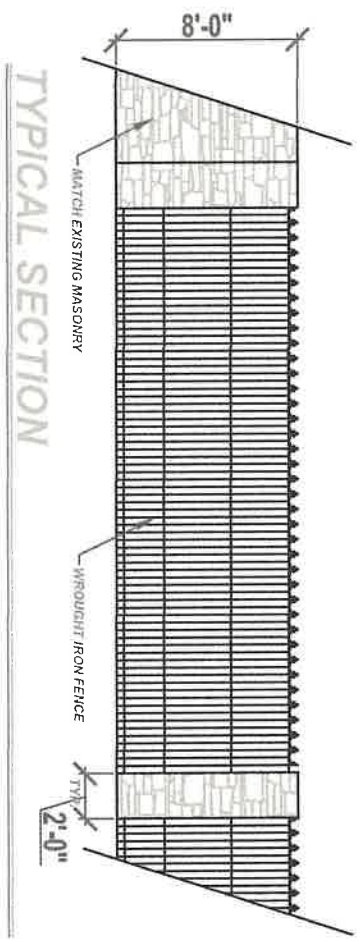
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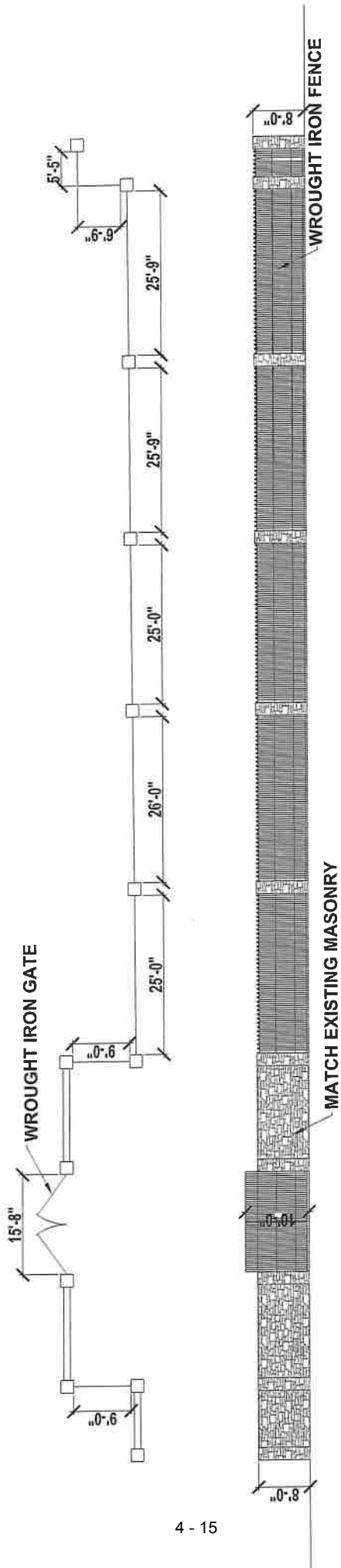


GATE SECTION



TYPICAL SECTION

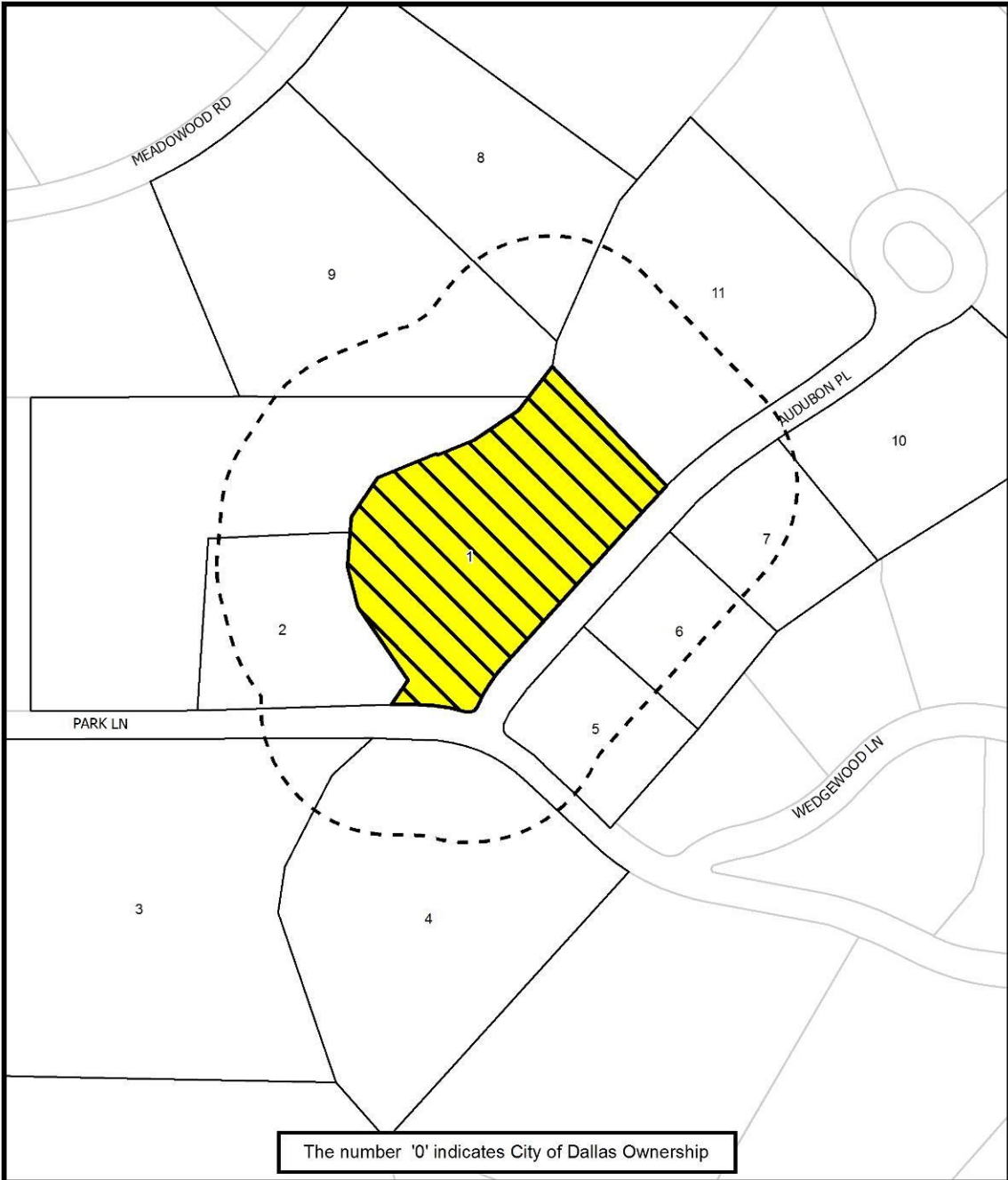
DATE	3/25/18
PRICE ELEVATION	
SHEET NUMBER	



**FENCE ELEVATION**

scale: 1/8" = 1'-0"

9727 Audubon.  
Dallas TX. 75220



 1:2,400	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="0"> <tr> <td style="border: 1px solid black; padding: 2px;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="border: 1px solid black; padding: 2px;">11</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	11	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA189-063</u> Date: <u>4/12/2019</u>
200'	AREA OF NOTIFICATION					
11	NUMBER OF PROPERTY OWNERS NOTIFIED					



## *Notification List of Property Owners*

***BDA189-063***

### ***11 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	9727 AUDUBON PL	NAROSOV SEMYON
2	4717 PARK LN	CROW HOWARD D 1999
3	4644 PARK LN	HAEMISEGGER DAVID J & NANCY A NASHER
4	4800 PARK LN	CARSON ROYAL W & DEBORAH D
5	9700 AUDUBON PL	WOOLEY ROBERT E &
6	9720 AUDUBON PL	PARSONS LARRY DALE & AMAL MALOUF
7	9746 AUDUBON PL	PEACOCK ROBERT B TR ET AL
8	4642 MEADOWOOD RD	RAYMOND LEE R &
9	4636 MEADOWOOD RD	MCCUTCHIN RONALD &
10	9762 AUDUBON PL	BEST RANDY & NANCY K
11	9769 AUDUBON PL	MITCHELL LEE ROY &

**FILE NUMBER:** BDA189-055(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Michael Farah, represented by Dallas Cothrum, to appeal the decision of the administrative official at 1906 Greenville Avenue. This property is more fully described as Lot 3 & 4, Block 1907, and is zoned PD 842, which requires that the building official shall revoke a certificate of occupancy if the building official determines that the certificate of occupancy was issued on the basis of false, incomplete, or incorrect information; the use is being operated in violation of the Dallas Development Code, other city ordinances, rules, or regulations, or any county, state, or federal laws or regulations. The applicant proposes to appeal the decision of an administrative official in the revocation of a certificate of occupancy.

**LOCATION:** 1906 Greenville Avenue

**APPLICANT:** Dallas Cothrum

**REQUEST:**

A request is made to appeal the decision of the administrative official, more specifically, the Assistant Building Official's February 28, 2019 revocation of Certificate of Occupancy No. 1704261114 for a commercial amusement (inside) use at 1906 Greenville Avenue.

**STANDARD FOR APPEAL FROM DECISION OF AN ADMINISTRATIVE OFFICIAL:**

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

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

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

**BACKGROUND INFORMATION:**

**Zoning:**

Site: PD 842, MD-1 (Planned Development, Modified Delta Overlay)  
North: PD 842, MD-1 (Planned Development, Modified Delta Overlay)  
South: PD 842, MD-1 (Planned Development, Modified Delta Overlay)  
East: PD 842, MD-1 (Planned Development, Modified Delta Overlay)

West: PD 842, MD-1 (Planned Development, Modified Delta Overlay)

**Land Use:**

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

**Zoning/BDA History:**

1. Z189-167, Property at 1906 Greenville Avenue (the subject site) A request for a Specific Use Permit (SUP) for late hours establishment in conjunction with a restaurant without drive-in or drive-through service use has been filed but has not been scheduled for a City Plan Commission hearing.

**GENERAL FACTS/STAFF ANALYSIS:**

- The board shall have all the powers of the administrative official on the action appealed. The board may in whole or in part affirm, reverse, or amend the decision of the official.

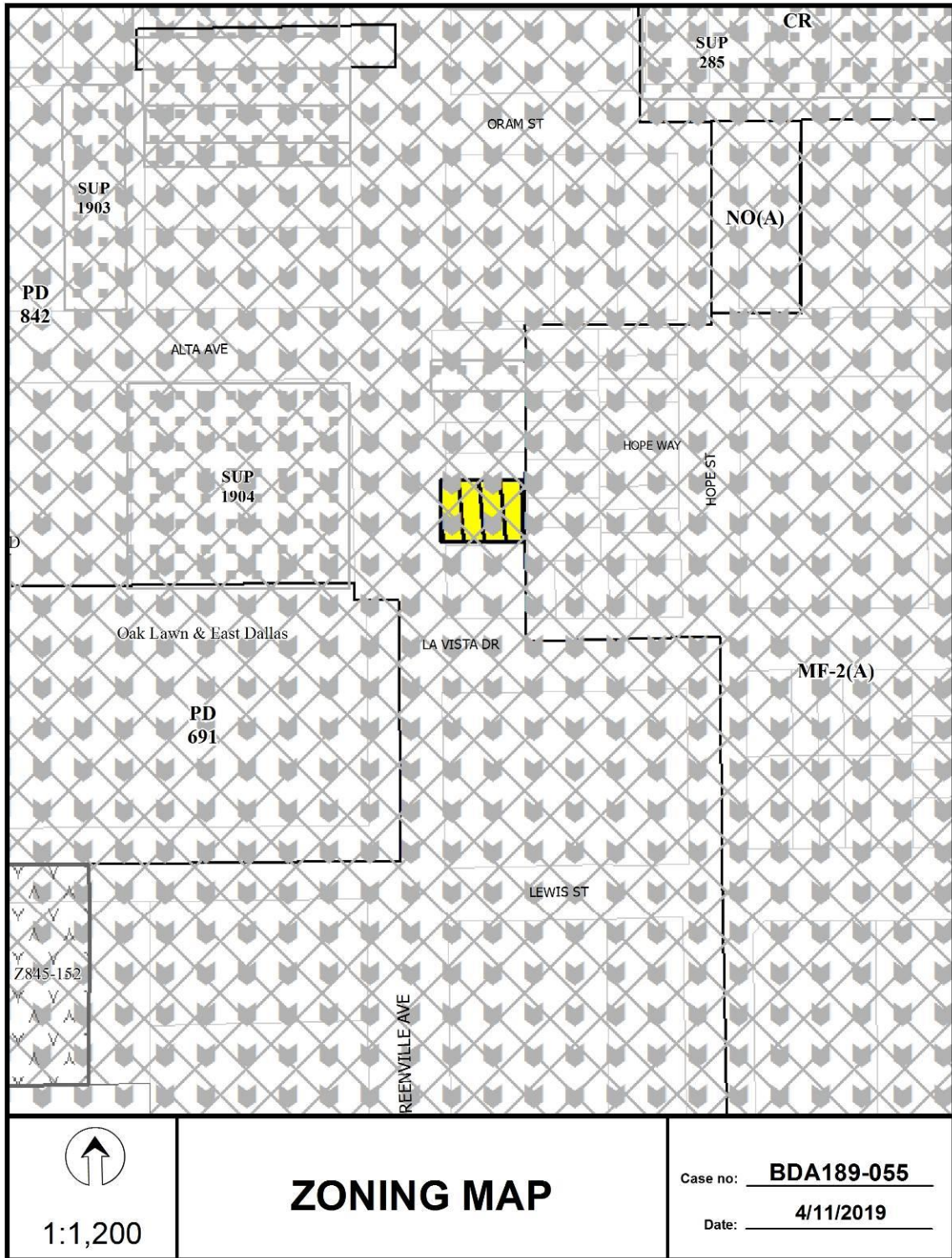
**Timeline:**

- March 14, 2019: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- April 8, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- April 8, 2019: The Board Administrator emailed the applicant’s representative the following information:
- an attachment that provided the appeal date and panel that will consider the appeal; the May 1<sup>st</sup> deadline to submit additional evidence for staff to factor into their analysis (with a notation that staff does not form a recommendation on this type of appeal); and the May 10<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
  - the outline of procedure for appeals from decisions of the building official to the board of adjustment; and
  - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

May 7, 2019:

The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the May public hearings. Review team members in attendance included the Sustainable Development and Construction Assistant Director, the Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Chief Planner, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

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



1:1,200

# ZONING MAP

Case no: BDA189-055

Date: 4/11/2019



1:1,200

# AERIAL MAP

Case no: BDA189-055

Date: 4/11/2019



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-055

Data Relative to Subject Property:

Date: March 14th, 2019

Location address: 1906 Greenville Avenue Zoning District: PD842

Lot No.: 3+4 Block No.: 1907 Acreage: 0.079 Census Tract: 4811300101

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

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Greenville Parks, L.P.

Applicant: Michael Farah Telephone: (877) 467-1889

Mailing Address: P.O. Box 181811 Arlington, TX Zip Code: 76096

E-mail Address: M.farah@farahlegal.com

Represented by: Dallas Cathrum Telephone: (214) 761-9197

Mailing Address: 700 Jackson Street #640 DALLAS, TX Zip Code: 75202

E-mail Address: Dallas@maskerplan.texas.com

Affirm that an appeal has been made for a Variance \_\_, or Special Exception \_\_, of The decision of the building official's decision to revoke the current certificate of occupancy and subsequent delta credits.

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

The building official revoked the current certificate of occupancy therefore eliminating standing delta credits for the site. It is our belief the certificate of occupancy and delta credits were revoked in error and should be restored.

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 Michael Farah (Affiant/Applicant's name printed)

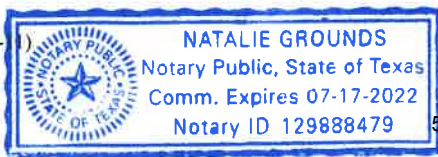
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

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

Subscribed and sworn to before me this 14th day of March 2019

Natalie S  
Notary Public in and for Dallas County, Texas

(Rev. 08-01- )



Tarrant

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 Michael Farah  
represented by Dallas Cothrum  
did submit a request to appeal the decision of the administrative official  
at 1906 Greenville Avenue

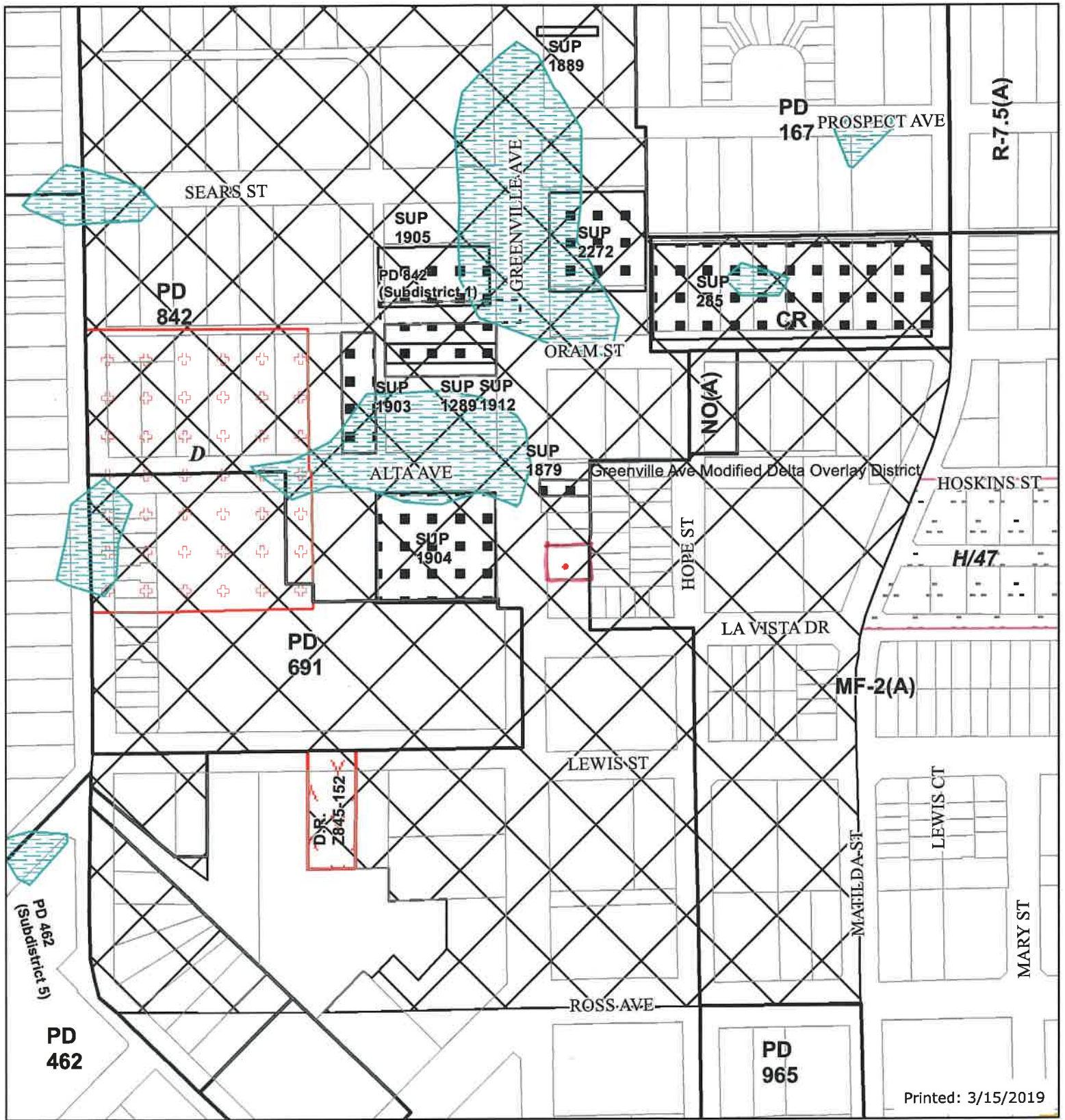
BDA189-055. Application of Michael Farah represented by Dallas Cothrum to appeal the decision of the administrative official at 1906 GREENVILLE AVE. This property is more fully described as Lot 3&4, Block 1907, and is zoned PD-842, which requires that the building official shall revoke a certificate of occupancy if the building official determines that the certificate of occupancy was issued on the basis of false, incomplete, or incorrect information; the use is being operated in violation of the Dallas Development Code, other city ordinances, rules, or regulations, or any county, state, or federal laws or regulations. The applicant proposes to appeal the decision of an administrative official in the revocation of a certificate of occupancy.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official







Printed: 3/15/2019

Legend *W.U.*

- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| 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)





EXED \_\_\_\_\_  
 /EY R. RAY \_\_\_\_\_  
 ABST. \_\_\_\_\_

ORD. NO. \_\_\_\_\_



CITY OF DALLAS

February 28, 2019

CERTIFIED MAIL NO. 7017 1000 0000 9418 8925

Greenville Parks, LP  
2170 Matlock Road #110  
Mansfield, TX 76063

**RE: Revocation of Certificate of Occupancy No. 1704261114 for a commercial amusement (inside) use at 1906 Greenville Avenue ("the Property")**

Dear Greenville Parks, LP:

This letter is to inform you that the above-referenced certificate of occupancy, issued on June 26, 2017, is hereby revoked.

The building official is required to revoke a certificate of occupancy if the use or occupancy authorized by the certificate of occupancy has been discontinued for six months or more.<sup>1</sup> Furthermore, 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.<sup>2</sup>

It has been brought to our attention and confirmed through research, including invoices obtained from Dallas Water Utilities for account number 100820110, that the Property has remained vacant for 12 months or more. Therefore, **Certificate of Occupancy No. 1704261114 for a commercial amusement (inside) use is hereby revoked and the right to carry forward the 33 delta credits that were reinstated by special exception (BDA 156-010) has terminated.** Any use operating on the Property without a certificate of occupancy is an illegal land use that must immediately cease operating.<sup>3</sup> The commercial amusement (inside) use may not operate until a new certificate of occupancy is issued that complies with all city codes.

This decision is final unless appealed to the Board of Adjustment within fifteen days after the date of this letter.<sup>4</sup> If you have any questions, please contact me at 214-948-4501.

Sincerely,

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

cc: Kris Sweckard, Director, Sustainable Development and Construction  
Lynetta Kidd, Director, Code Compliance  
Phil Sikes, CBO, Building Official  
Kiesha Kay, Chief Planner  
Tammy Palomino, Executive Assistant City Attorney  
Casey Burgess, Executive Assistant City Attorney

- <sup>1</sup> Paragraph (7) 306.13, "Revocation of Certificate of Occupancy," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code.
- <sup>2</sup> Section 5 of Ordinance No. 19726 which established the Modified Delta Overlay District No. 1 (the Greenville Avenue Modified Delta Overlay District).
- <sup>3</sup> Section 51A-1.104, "Certificate of Occupancy," of Chapter 51A of the Dallas Development Code; Subsection 306.1, "Use or Occupancy," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code.
- <sup>4</sup> Paragraph (2) of Section 306.15, "Appeals of Actions and Determinations," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code; and Section 51A-4.703(a)(2), "Board of Adjustment Hearing Procedures," of Chapter 51A of the Dallas Development Code.



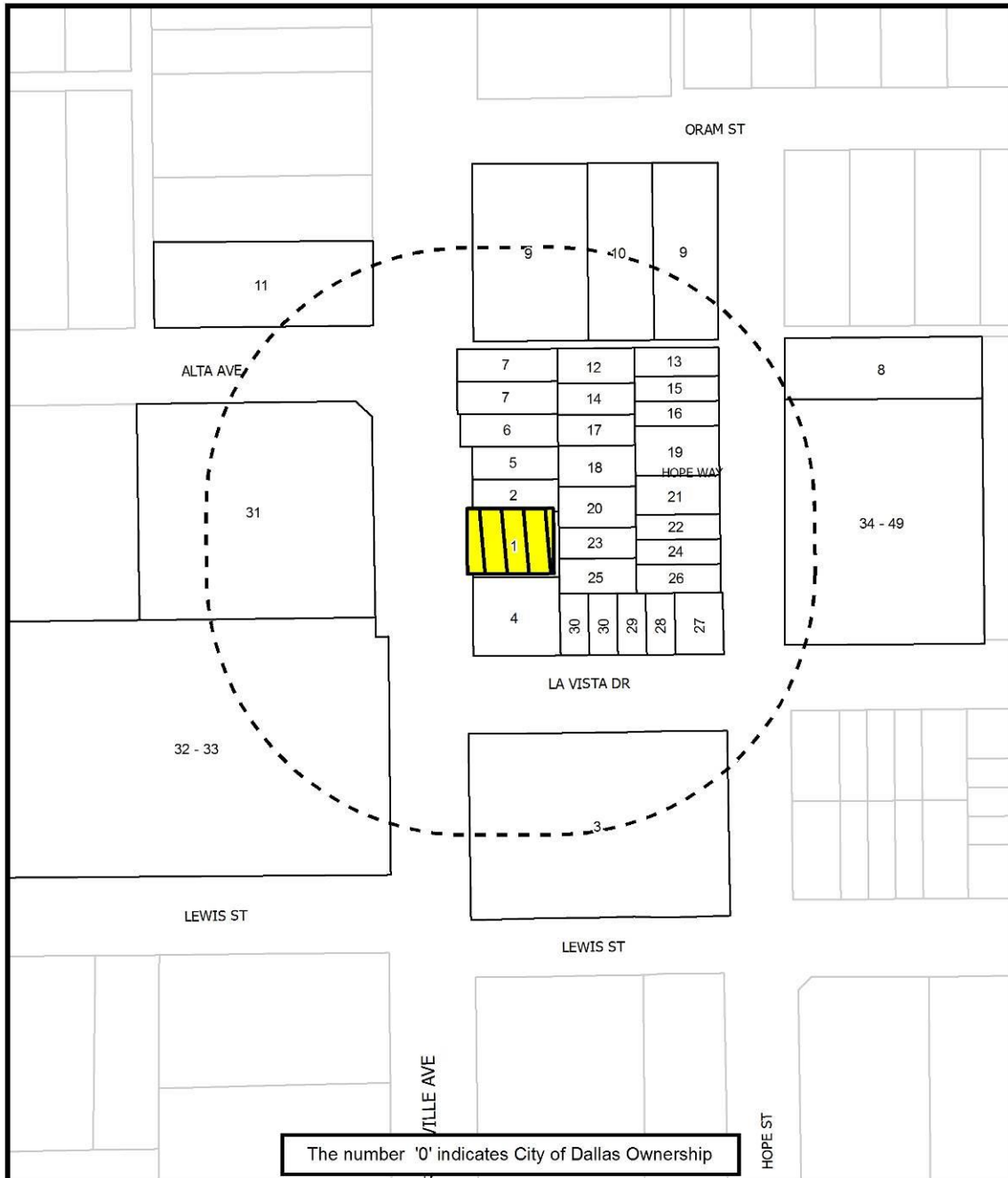
## CITY OF DALLAS

### **Outline of Procedure for Appeals from Decisions of an Administrative Official**

An appeal of an administrative official's decision may have very structured procedures that resemble a court hearing, or it may have more informal procedures that resemble a typical case brought before the Board of Adjustment. The parties can decide how they want to present their case. This document accounts for both scenarios. Please note that although there are time limits listed in this outline, the presiding officer reserves the right to alter these time limitations to promote fairness and efficiency.

- I. Explanation of the procedures by the presiding officer
- II. Swearing in of all persons who will testify in the case
- III. Applicant's case: 20 minute limit
  - a. This may resemble a typical Board case where the applicant merely presents his argument to the Board. It may also resemble a court hearing where the applicant gives an opening statement, calls witnesses, and offers evidence.
  - b. If the applicant calls a witness, the administrative official is able to cross examine the witness.
  - c. The applicant may conduct a redirect of his witness.
  - d. The applicant may submit documents to the Board Secretary as long as they comply with the documentary evidence rules set forth in the Board's Rules of Procedures.
  - e. The Board may ask questions at any time. Board member questions will not count towards the time limitation.
- IV. The Administrative Official's case: 20 minute limit
  - a. This may resemble a typical Board case where the administrative official presents his argument to the Board. It may also resemble a court hearing where the administrative official gives an opening statement, calls witnesses, and offers evidence.

- b. If the administrative official calls a witness, the applicant is able to cross examine the witness.
  - c. The administrative official may conduct a redirect of his witness.
  - d. The administrative official may submit documents to the Board Secretary as long as they comply with the documentary evidence rules set forth in the Board's Rules of Procedures.
  - e. The Board may ask questions at any time. Board member questions will not count towards the time limitation.
- V. Rebuttal by the applicant (optional): 3 minutes
- VI. Closing Statements
- a. Applicant's closing statement (optional): 3 minutes
  - b. The administrative official's closing statement (optional): 3 minutes
- VII. Move and second to either affirm, reverse, or amend the administrative official's decision.
- VIII. Open discussion of the case by Board members
- IX. Voting: Four concurring votes are required to reverse or amend the administrative official's decision.



 1:1,200	<b>NOTIFICATION</b>		Case no: <b>BDA189-055</b>
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">49</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <b>4/11/2019</b>	

## *Notification List of Property Owners*

**BDA189-055**

### *49 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1904 GREENVILLE AVE	GREENVILLE PARKS LP
2	1908 GREENVILLE AVE	GREENVILLE PARKS LP
3	1802 GREENVILLE AVE	1800 GREENVILLE PARTNERS LLC
4	1900 GREENVILLE AVE	TRUST REAL ESTATE
5	1910 GREENVILLE AVE	MORENO RICHARD
6	1912 GREENVILLE AVE	CAMPBELL OLIVER
7	1914 GREENVILLE AVE	LOWGREEN PS LTD
8	1916 HOPE ST	1916 HOPE LLC
9	5712 ORAM ST	LOWGREEN PS
10	5710 ORAM ST	SOURIS GEORGIA REVOCABLE TRUST
11	1903 GREENVILLE AVE	LOWGREEN PS
12	1919 HOPE WAY	NGUYEN NGOC DIEP
13	1922 HOPE WAY	ELGUEA CARLOS &
14	1917 HOPE WAY	MCFALL JAMES
15	1920 HOPE WAY	ISAACSON CHRISTOPHER M
16	1918 HOPE WAY	MARCH SEAN
17	1915 HOPE WAY	ALARCON WALDO & YAZMIN R
18	1913 HOPE WAY	HERNDON LINDSEY
19	1916 HOPE WAY	OTOOLE TIMOTHY
20	1911 HOPE WAY	NIEHUUS MICHAEL
21	1912 HOPE WAY	SHUCH MATTHEW T &
22	1910 HOPE WAY	DANISH DAVID
23	1909 HOPE WAY	JOHNSON RONALD L
24	1908 HOPE WAY	GANDHI ANUPAMA K
25	1907 HOPE WAY	WEINER ERIC DAVID
26	1906 HOPE WAY	ABOUJAOUDE DORY

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	5715 LA VISTA DR	CATHCART DAVID
28	5713 LA VISTA DR	JACOBSON TYLER B &
29	5711 LA VISTA DR	WHITE JULIUS
30	5709 LA VISTA DR	SHANE MARIO M & RACHELLE
31	1827 GREENVILLE AVE	LOWGREEN PS
32	1811 GREENVILLE AVE	EGW GREENVILLE INVESTMENTS LP
33	1811 GREENVILLE AVE	GREENWAY GREENVILLE LP
34	1910 HOPE ST	MOJICA EDWARD
35	1910 HOPE ST	KEELING THOMAS
36	1910 HOPE ST	CALVERT DAVID
37	1910 HOPE ST	KUPERMAN YELENA
38	1910 HOPE ST	CROUCH EDIE D
39	1910 HOPE ST	HANLON WILLIAM R &
40	1910 HOPE ST	BEAHM CYNTHIA DIANE
41	1910 HOPE ST	RADIGAN MEGAN M
42	1910 HOPE ST	UTKOV GARY S & CAROL C
43	1910 HOPE ST	KOBAYASHI AARON S &
44	1910 HOPE ST	MERZ RYAN E
45	1910 HOPE ST	HOPE STREET RENTAL COMPANY LLC
46	1910 HOPE ST	ANKERSEN KRISTEN A
47	1910 HOPE ST	DROUILLARD SUZETTE M
48	1910 HOPE ST	VITALE JOSEPH K & ANNE
49	1910 HOPE ST	BREWSTER LLOYD R & DANA L