

ZONING BOARD OF ADJUSTMENT, PANEL B
WEDNESDAY, JUNE 19, 2019
AGENDA

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.

Neva Dean, Assistant Director
Steve Long, Board Administrator/Chief Planner

MISCELLANEOUS ITEM

Approval of the May 22, 2019 Board of Adjustment Panel B Public Hearing Minutes	M1
--	----

UNCONTESTED CASE

BDA189-069(SL) 1403 Montague Avenue REQUEST: Application of Jose Marrugarra, represented by Jose Robledo, for a variance to the front yard setback regulations	1
---	---

HOLDOVER CASE

BDA189-062(SL) 8258 San Fernando Way REQUEST: Application of Robert Baldwin of Baldwin and Associates for a special exception to the fence standards regulations	2
---	---

REGULAR CASES

BDA189-031(SL)	2702 Martin Luther King Jr. Boulevard REQUEST: Application of the Dallas City Council, represented by Ed Voss, Jr., to require compliance of a nonconforming use	3
BDA189-055(SL)	1906 Greenville Avenue REQUEST: Application of Michael Farah to appeal the decision of the administrative official	4
BDA189-072(SL)	4622 Belmont Avenue REQUEST: Application of Bart Reeder for a special exception to the fence standards regulations	5
BDA189-073(SL)	4626 Belmont Avenue REQUEST: Application of Bart Reeder for a special exception to the fence standards regulations	6
BDA189-074(SL)	4625 Weldon Street REQUEST: Application of Bart Reeder for a special exception to the fence standards regulations	7

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: BDA189-069(SL)

BUILDING OFFICIAL'S REPORT: Application of Jose Marrugarra, represented by Jose Robledo, for a variance to the front yard setback regulations at 1403 Montague Avenue. This property is more fully described as Lot 1, Block 6/4347, and is zoned R-7.5(A), which requires a front yard setback of 25 feet. The applicant proposes to construct and/or maintain a structure and provide a 5 foot front yard setback, which will require a 20 foot variance to the front yard setback regulations.

LOCATION: 1403 Montague Avenue

APPLICANT: Jose Marrugarra
Represented by Jose Robledo

REQUEST:

A request for a variance to the front yard setback regulations of 20' is made to construct and maintain a one-story single family home structure with an approximately 2,000 square foot building footprint, part of which is to be located 5' from one of the site's two front property lines (Yewpon Avenue) or 20' into this 25' front yard setback on a site that is undeveloped.

STANDARD FOR A VARIANCE:

Section 51(A)-3.102(d)(10) of the Dallas Development Code specifies that the board has the power to grant variances from the front yard, side yard, rear yard, lot width, lot depth, lot coverage, floor area for structures accessory to single family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

- (A) not contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done;
- (B) necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
- (C) not granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that the subject site is unique and different from most lots in the R-7.5(A) zoning district in that it is restrictive in area due to having two, 25' front yard setbacks when most lots in this zoning district have one 25' front yard setback. The 50' wide subject site that is slightly over 7,500 square feet in area has 20' of developable width available once a 25' front yard setback is accounted for on the west and a 5' side yard setback is accounted for on the east. If the lot were more typical to others in the zoning district with only one front yard setback, the 50' wide site would have 40' of developable width.
- Staff concluded that the applicant has shown by submitting a document indicating among other things that that the square footage of the proposed home on the subject site at approximately 2,000 square feet is commensurate to 10 other homes in the same R-7.5(A) zoning district that have average home size of approximately 2,300 square feet.

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	R-7.5(A) (Single family district 7,500 square-feet)
<u>North:</u>	R-7.5(A) (Single family district 7,500 square-feet)
<u>South:</u>	R-7.5(A) (Single family district 7,500 square-feet)
<u>East:</u>	R-7.5(A) (Single family district 7,500 square-feet)
<u>West:</u>	R-7.5(A) (Single family district 7,500 square-feet)

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS /STAFF ANALYSIS:

- This request for variance to the front yard setback regulations of 20' focuses on constructing and maintaining a one-story single family home structure with an approximately 2,000 square foot building footprint, part of which is to be located 5' from one of the site's two front property lines (Yewpon Avenue) or 20' into this 25' front yard setback on an undeveloped site.
- The property is located in an R-7.5(A) zoning district which requires a minimum front yard setback of 25 feet.

- The subject site is located at the northeast corner of Montague Avenue and Yewpon Avenue. Regardless of how the structure is proposed to be oriented to front Montague Avenue, the subject site has 25' front yard setbacks along both street frontages. The site has a 25' front yard setback along Montague Avenue, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in this zoning district. The site also has a 25' front yard setback along Yewpon Avenue, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where a 5' side yard setback is required. However, the site's Yewpon Avenue frontage that would function as a side yard on the property is treated as a front yard setback nonetheless, to maintain the continuity of the established front yard setback established by the one lot to the north that fronts/is oriented west towards Yewpon Avenue.
- The submitted site plan indicates that the proposed structure is located 5' from the Yewpon Avenue front property line or 20' into this 25' front yard setback.
- According to DCAD records there are no improvements listed for property addressed at 1403 Montague Avenue.
- The subject site is flat, rectangular in shape (approximately 151' x 50'), and approximately 7,500 square feet in area. The site is zoned R-7.5(A) where lots are typically 7,500 square feet in area.
- The site plan represents that approximately 1/2 of the structure is located in the 25' Yewpon Avenue front yard setback.
- The 50' wide subject site has 20' of developable width available once a 25' front yard setback is accounted for on the west and a 5' side yard setback is accounted for on the east. If the lot were more typical to others in the zoning district with only one front yard setback, the 50' wide site would have 40' of developable width.
- No variance would be necessary if the Yewpon Avenue frontage were a side yard since the site plan represents that the proposed home is 5' from the Yewpon Avenue property line and the side yard setback for properties zoned R-7.5(A) is 5'.
- The site plan represents that the footprint of the proposed home is about 2,000 square feet. The applicant has submitted a document indicating that the average of square footage of 10 other homes in R-7.5(A) is approximately 2,300 square feet.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5(A) zoning classification.
 - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5(A) zoning classification.

- If the Board were to grant the variance request, and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document– which in this case is a structure that would be located 5’ from the site’s Yewpon Avenue front property line (or 20’ into this 25’ front yard setback).

Timeline:

April 15, 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.

May 13, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

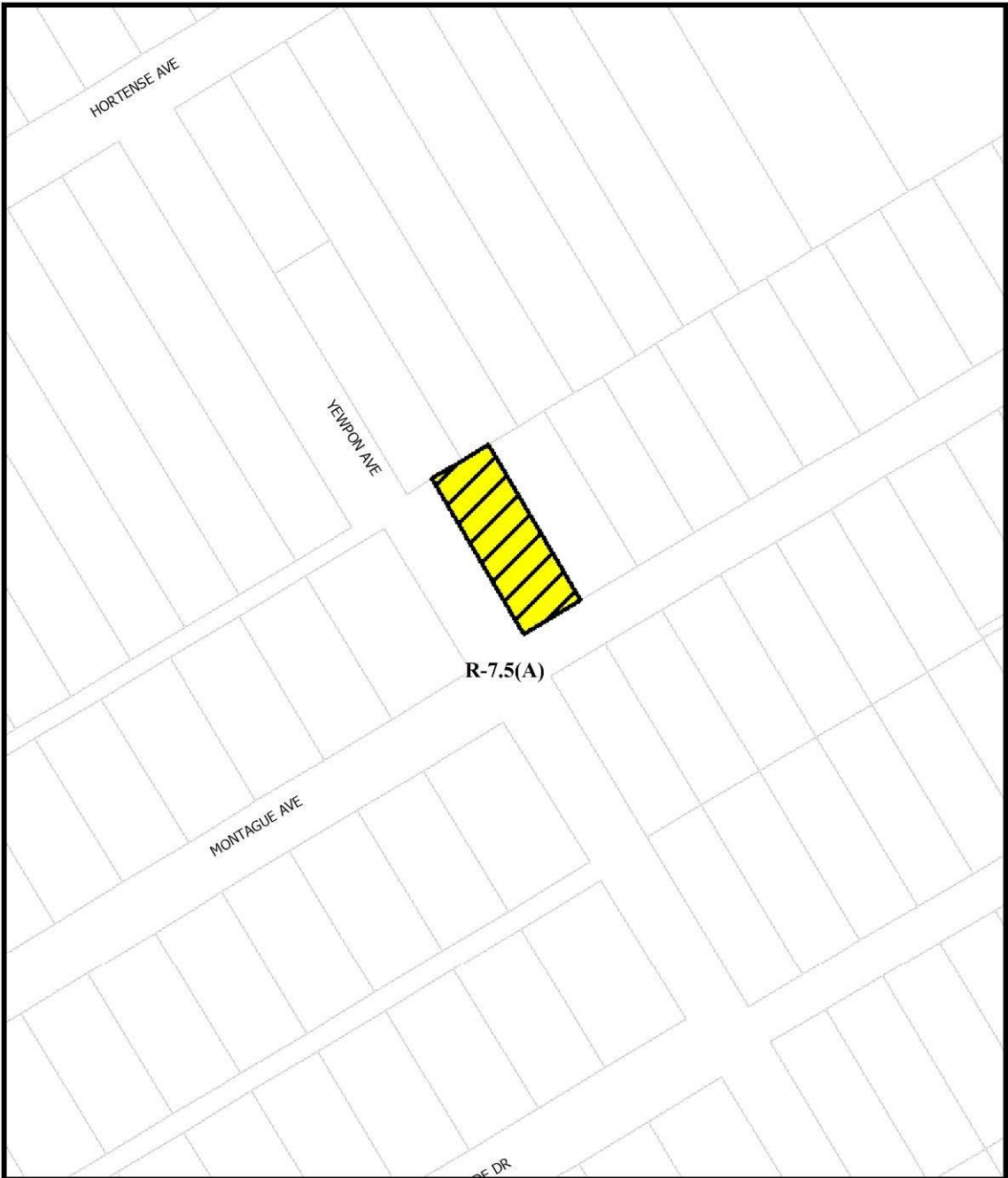
May 14, 2019: The Sustainable Development and Construction Department Board of Adjustment Senior Planner emailed the applicant’s representative the following information:

- 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 29th deadline to submit additional evidence for staff to factor into their analysis; and the June 7th 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.”

June 3, 2019: The applicant’s representative submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

June 4, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the June public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Sustainable Development and Construction Department Conservation District Chief Planner, the Building Inspection Senior Plans Examiner/Development Code Specialist, and the Assistant City Attorney to the Board.

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

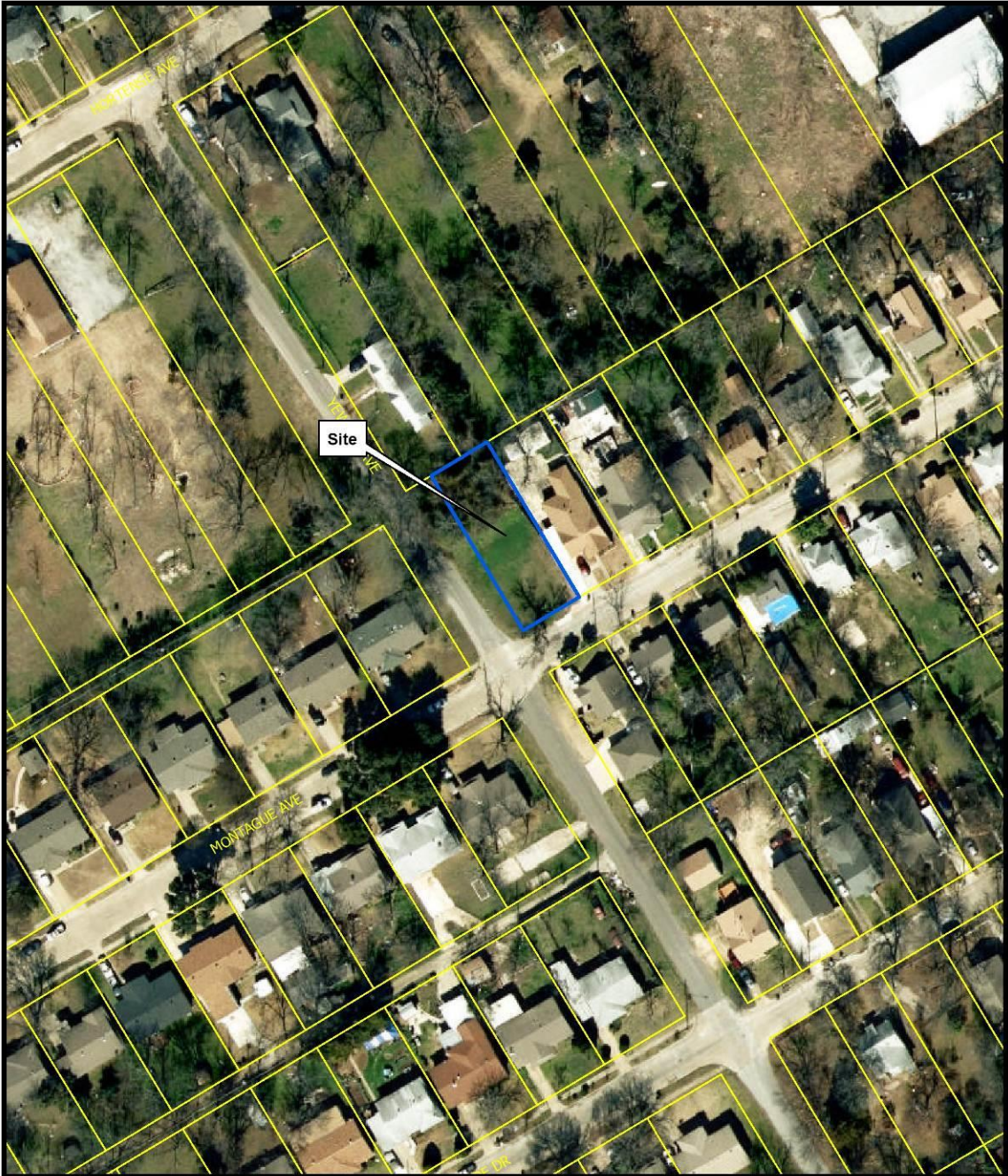


1:1,200

ZONING MAP

Case no: BDA189-069

Date: 5/15/2019



1:1,200

AERIAL MAP

Case no: BDA189-069

Date: 5/15/2019

THE AVERAGE SQFT HOME ZONED R7.5

5 MILE RADIUS ADDRESS

1.	1407 MONTAGUE AVE.	2,042 SQFT
2.	1335 E. PENTAGON PKWY	2,070 SQFT
3.	4541 MALDEN LN.	2,443 SQFT
4.	4521 MALDEN LN.	2,601 SQFT
5.	4625 KUSHLA AVE.	2,082 SQFT
6.	1231 ASPERMONT AVE.	2,923 SQFT
7.	4008 KUSHLA AVE.	2,177 SQFT
8.	5103 MARYLAND AVE.	2,657 SQFT
9.	5115 MARSALIS AVE.	2,552 SQFT
10.	708 WOODACRE DR.	2,001 SQFT
	AVERAGE	2,355 SQFT

BDA189-069

Attach A



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-069

Data Relative to Subject Property:

Date: 4-15-19

Location address: 1403 MONTAGUE AVE Zoning District: R.75

Lot No.: 1 Block No.: 6/4347 Acreage: .17 Census Tract: 59.01

Street Frontage (in Feet): 1) 50' 2) 151' 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): JOSE MURRUGARRA

Applicant: JOSE MURRUGARRA Telephone: 214-809-3388

Mailing Address: 427 BONNIE VIEW LN. Zip Code: 75203

E-mail Address: JOSEMURRUGARRA2034@ICLOUD.COM

Represented by: JOSE ROBLEDO Telephone: 214-577-7459

Mailing Address: 1157 N MOROCCO AVE Zip Code: 75711

E-mail Address: FINELINE219@GMAIL.COM

Affirm that an appeal has been made for a Variance or Special Exception of BUILDING SET BACKS ON FRONT YARD SET BACK ON YEWPON AVE - 20' FRONT YARD VARIANCE

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:

HOME ON 4617 YEWPON AVE IS CAUSING MY LOT TO HAVE A 25' FRONT YARD SET BACK NARROWING MY LOT, RATHER THAN HAVING A 5' SIDE YARD SET BACK.

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.

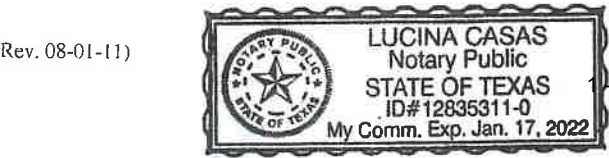
Affidavit

Before me the undersigned on this day personally appeared Jose Demetrio Murrugarra Medina (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: JOSE MURRUGARRA (Affiant/Applicant's signature)

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



Lucina Casas
Notary Public in and for Dallas County, Texas

(Rev. 08-01-11)

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that Jose Marrugarra
represented by JOSE ROBLEDO
did submit a request for a variance to the front yard setback regulations
at 1403 Montague Ave.

BDA189-069. Application of Jose Marrugarra represented by JOSE ROBLEDO for a variance to the front yard setback regulations at 1403 MONTAGUE AVE. This property is more fully described as Lot 1, Block 6/4347, and is zoned R-7.5(A), which requires a front yard setback of 25 feet. The applicant proposes to construct a single family residential structure and provide a 5 foot front yard setback, which will require a 20 foot variance to the front yard setback regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official





Printed: 5/2/2019

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 | SPSD Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | SUP | Historic Overlay | Shaded 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)





YEWPON AVE.

151.0'

1 STORY BRICK
GLENDALE PARK
BLK 6/4347 LT 1
1,964 SQFT

151.0'

5'-0"

25'-0"

5'-0"

50.0'

63'-0"

50.0'

1-12

MONTAGUE AVE.



Site Plan/ Fnc Plan

SCALE: 1"=10' (SHEET 11'X17')

LEGAL DESCRIPTION
GLENDALE PARK
BLK 6/4347 LT 1

JARS
DRAWING & CONSTRUCTION
WWW.JARSCONSTRUCTORS.COM
214-337-7429

sheet
1 OF 1

Project No.	11-12-12
Drawn by	JARS
Checked by	JARS
Project No.	11-12-12
Date	8-1-2013
Sheet No.	1 OF 1

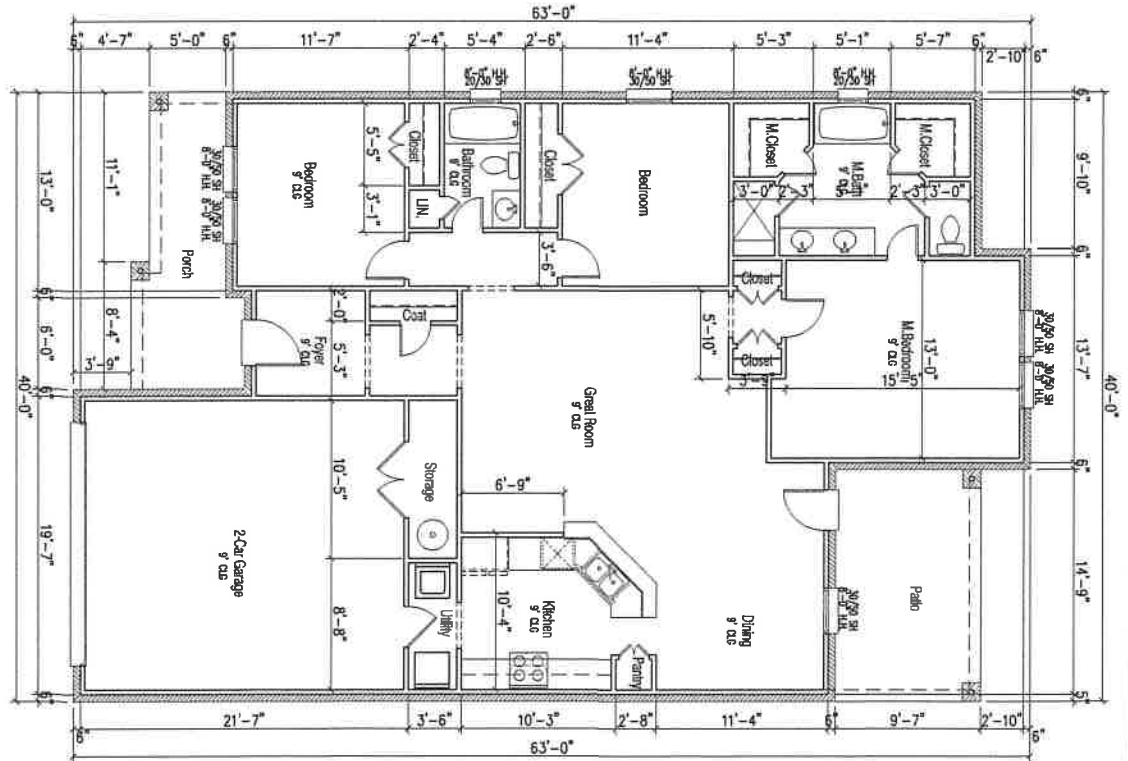
- 1 22"x30" ATTIC ACCESS
- 2 WATER HEATER PLATFORM TO BE 3/4" OSB ON 2x6 LEDGER 18" A.F.F. WITH AUX. CATCH PAN DRAINED TO OUTSIDE IF APPLICABLE. OPT. #126 DOOR TO BE 20/50 @ 6'-10" HH.
- 3 ELECTRICAL SUB. PANEL & METER (LOCATION MAY VARY PER CITY CODE)
- 4 36"x36" OR 36"x72" A/C PAD
- 5 MECHANICAL PLATFORM TO BE 3/4" T.G. OSB ON 2x6 LEDGER 28" A.F.F. DOOR TO BE @ 7'-4" HH
- 6 5/8" TYPE X GYPSUM BOARD STAGGER & TAPE JOINTS
- 7 4" DIA. DRYER VENT TO OUTSIDE AIR
- 8 SOLID CORE DOOR TO BE SELF-CLOSING & WEATHERSTRIPPED
- 9 2x6 WALL
- 10 FURR CEILING TO +/- 8'-0"
- 11 H.V.A.C. DUCT CHASE
- 12 MIN. 2'-0" BETWEEN DOOR & WINDOW TO AVOID TEMPERED GLASS.
- 13 CONTINUOUS WOOD HANDRAIL @ 36" ABOVE TREAD NOSING
- 14 FIRST SHELF 36" HGT. W/ADD'NL SHELVES SPACED @ 12" O.C. ABOVE
- 15 CENTERLINES OF 2x4 BLOCKING @ 36", 54", & 84" HGT. @ KITCHEN CAB. AND @ 30" HGT. FOR BATHROOM VANITY CAB. S
- 16 CENTERLINE OF 2x4 BLOCKING @ 24" HGT. FOR PAPER HOLDERS
- 17 CENTERLINE OF 2x4 BLOCKING @ 52" HGT. FOR TOWEL BARS.
- 18 1R & 1S = 1 ROD W/ SHELF @ 60" A.F.F. 2R & 1S = 1 ROD W/ SHELF @ 80" A.F.F. & 2ND ROD @ 40" A.F.F.
- 19 ALL SKEWED WALLS TO BE CONSTRUCTED @ 45 DEGREE ANGLES. U.N.O.
- 20 THIS WINDOW MEETS F.G.R.E.S.S. REQUIREMENTS PER I.R.C. 2000 CODE.
- 21 DOUBLE 2x4 WALL

WINDOW SCHEDULE

QTY	TYPE	COMMENTS	EGRESS
0	EQ343	FIXED	0
0	EQ343	SINGLE LIVING	12
0	EQ306	E6 TRANSOM (FIXED)	0
0	EQ306	SINGLE HUNG	0
13	EQ300	E.B. SINGLE HUNG	30
	TOTAL		102

SQUARE FOOTAGES

LIVING AREA	1,500 S.F.
GARAGE	464 S.F.
TOTAL AC	1,500 S.F.



NOTE:
CONTRACTOR TO VERIFY ALL DIMENSIONS
PRIOR TO FOUNDATION CONSTRUCTION.

SCALE:
1/4" = 1'-0" (1 1/2" X 17" SHEET)
1/8" = 1'-0" (1 1/2" X 17" SHEET)

Proposed Floor Plan

<p>LEGAL DESCRIPTION</p> <p>GLENDALE PARK BLK 6/4347 LT 1</p>	<p>1403 MONTAGUE AVE DALLAS, TEXAS</p>	<p style="text-align: center;">JARS DRAFTING & CONSTRUCTION WWW.JARSCONSTRUCTORS.COM</p>
<p>1 - 14</p>		<p>2 OF 8</p>



 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">28</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	28	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA189-069</u> Date: <u>5/15/2019</u>
200'	AREA OF NOTIFICATION					
28	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA189-031

24 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2702 MARTIN LUTHER KING JR BLVD	DAVENPORT FREDDY
2	2707 MARTIN LUTHER KING JR BLVD	BYRD INVESTMENT PROPERTIES LLC
3	2727 MARTIN LUTHER KING JR BLVD	DALLAS BLACK CHAMBER
4	2714 MARTIN LUTHER KING JR BLVD	DALLAS SKYFALL LLC SERIES
5	2716 MARTIN LUTHER KING JR BLVD	JEANETTE INV II LTD
6	2720 MARTIN LUTHER KING JR BLVD	RUDBERG JOYCE A &
7	2728 MARTIN LUTHER KING JR BLVD	JEANETTE INV IV LTD
8	2703 PEABODY AVE	CONTAIN YOUR GREEN HOME LLC
9	3016 MYRTLE ST	HUNTER KEVIN
10	2709 PEABODY AVE	CROSTIMBERS CAPITAL INC
11	2715 PEABODY AVE	MOORE KATHRYN L MCELWEE
12	2717 PEABODY AVE	ALVARADOHERNANDEZ SANDRA S
13	2725 PEABODY AVE	JARVIS FAMILY INVESTMENTS LLC
14	2727 PEABODY AVE	CHURCH LORD JESUS CHRIST
15	2733 PEABODY AVE	CHURCH OF THE LORD JESUS
16	2627 MARTIN LUTHER KING JR BLVD	COVERALL MANAGEMENT & ASSOCIATES INC
17	2629 MARTIN LUTHER KING JR BLVD	PAMPERING PALACE SALON & SPA CO
18	2633 MARTIN LUTHER KING JR BLVD	GAINES GENE
19	2622 MARTIN LUTHER KING JR BLVD	WALKER ANGELA BEDFORD
20	3011 MYRTLE ST	JOHNSON JOE W
21	2623 PEABODY AVE	JONES TERRACE & JANICE Y
22	2633 PEABODY AVE	BARRY GLENN
23	3015 MYRTLE ST	BRYANY JANET M
24	2717 MARTIN LUTHER KING JR BLVD	CAMPBELL ELAINE

FILE NUMBER: BDA189-062(SL)

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.
- The Board conducted a public hearing on this application on May 22nd and delayed action until June 19th. As of June 7, 2019, the applicant had not submitted any new materials on this application.
- As of June 7, 2019, four letters have been submitted in support of the request, one letter has been submitted requesting delay of the request until June, and no letters have been submitted in opposition.
- 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 Sustainable Development and Construction Department Board of Adjustment 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 1st deadline to submit additional evidence for staff to factor into their analysis; and the May 10th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

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.

May 22, 2019: The Board of Adjustment Panel B conducted a public hearing on this application and delayed action on it per the applicant’s request until June 19, 2019. As of June 7, 2019, the applicant had not submitted any new materials on this application.

May 23, 2019: The Sustainable Development and Construction Department Board of Adjustment Senior Planner wrote the applicant a letter that

informed him that the application was delayed until June 19th, and that the deadline to submit additional evidence for staff to factor into their analysis was May 29th; and the deadline to submit additional evidence to be incorporated into the Board's docket materials was June 7th.

June 4, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the June public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Sustainable Development and Construction Department Conservation District Chief Planner, the Building Inspection Senior Plans Examiner/Development Code Specialist, and the Assistant City Attorney to the Board.

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

BOARD OF ADJUSTMENT ACTION: May 22, 2019

APPEARING IN FAVOR: Rob Baldwin, 3904 Elm St. #B, Dallas, TX

APPEARING IN OPPOSITION: No one

MOTION: Hampton

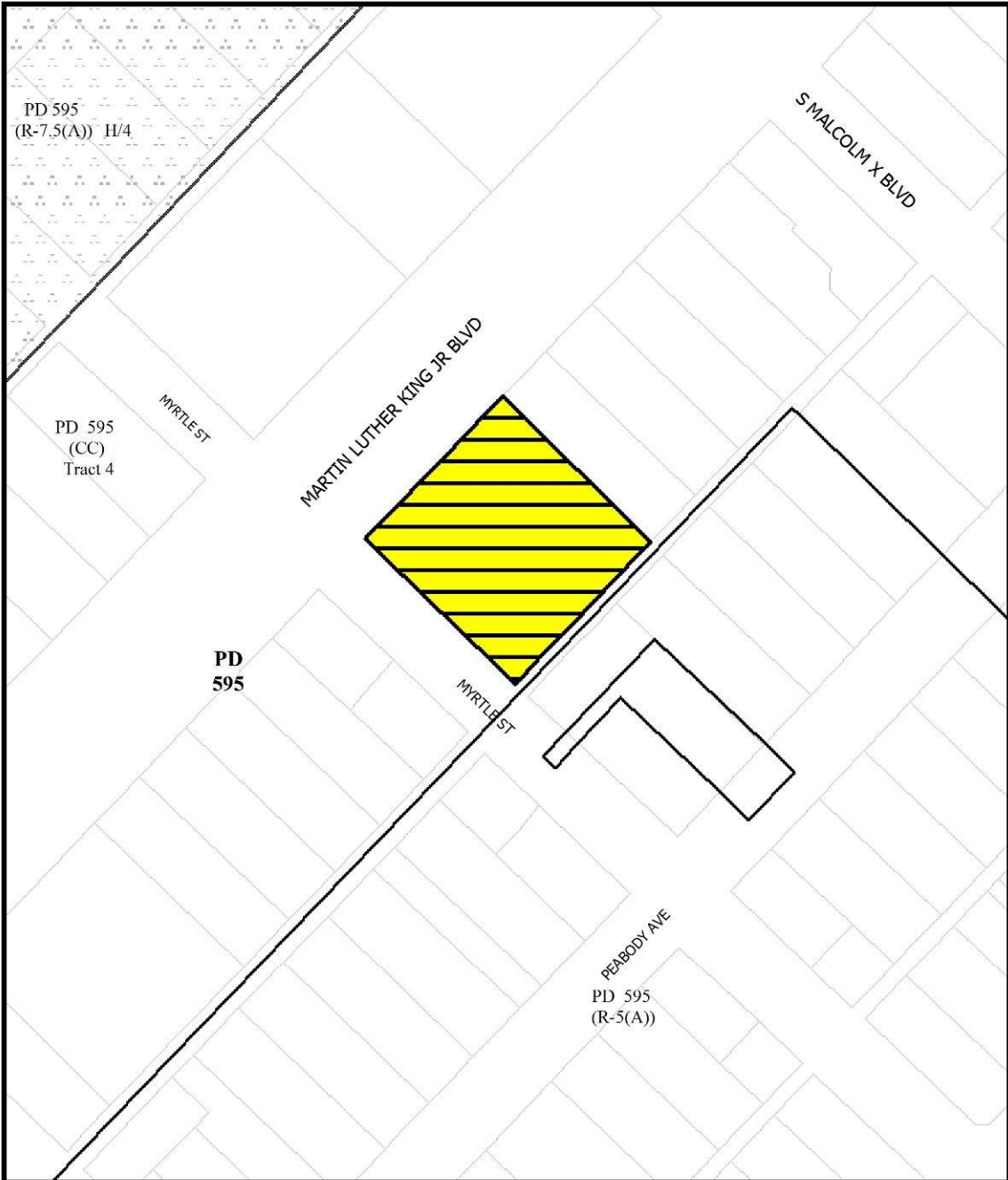
I move that the Board of Adjustment in Appeal No. BDA 189-062 hold this matter under advisement until June 19, 2019.

SECONDED: Beikman

AYES: 5 - Hounsel, Beikman, Hampton, Milliken, Williams

NAYS: 0

MOTION PASSED: 5 – 0 (unanimously)

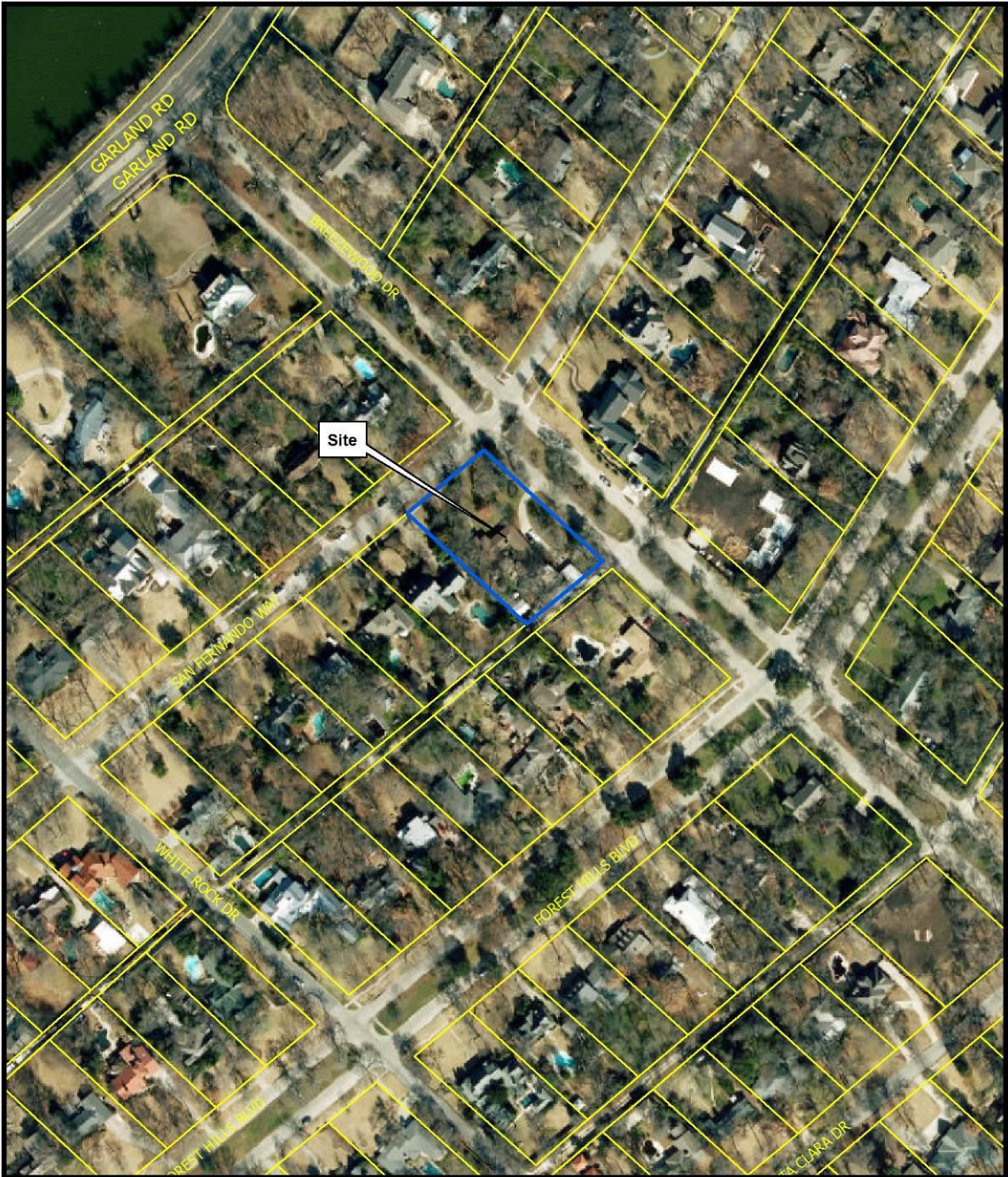


1:1,200

ZONING MAP

Case no: BDA189-031

Date: 2/13/2019



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

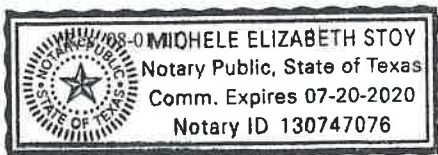
Before me the undersigned on this day personally appeared Robert Baldwin
(Affiant/Applicant's name printed)

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

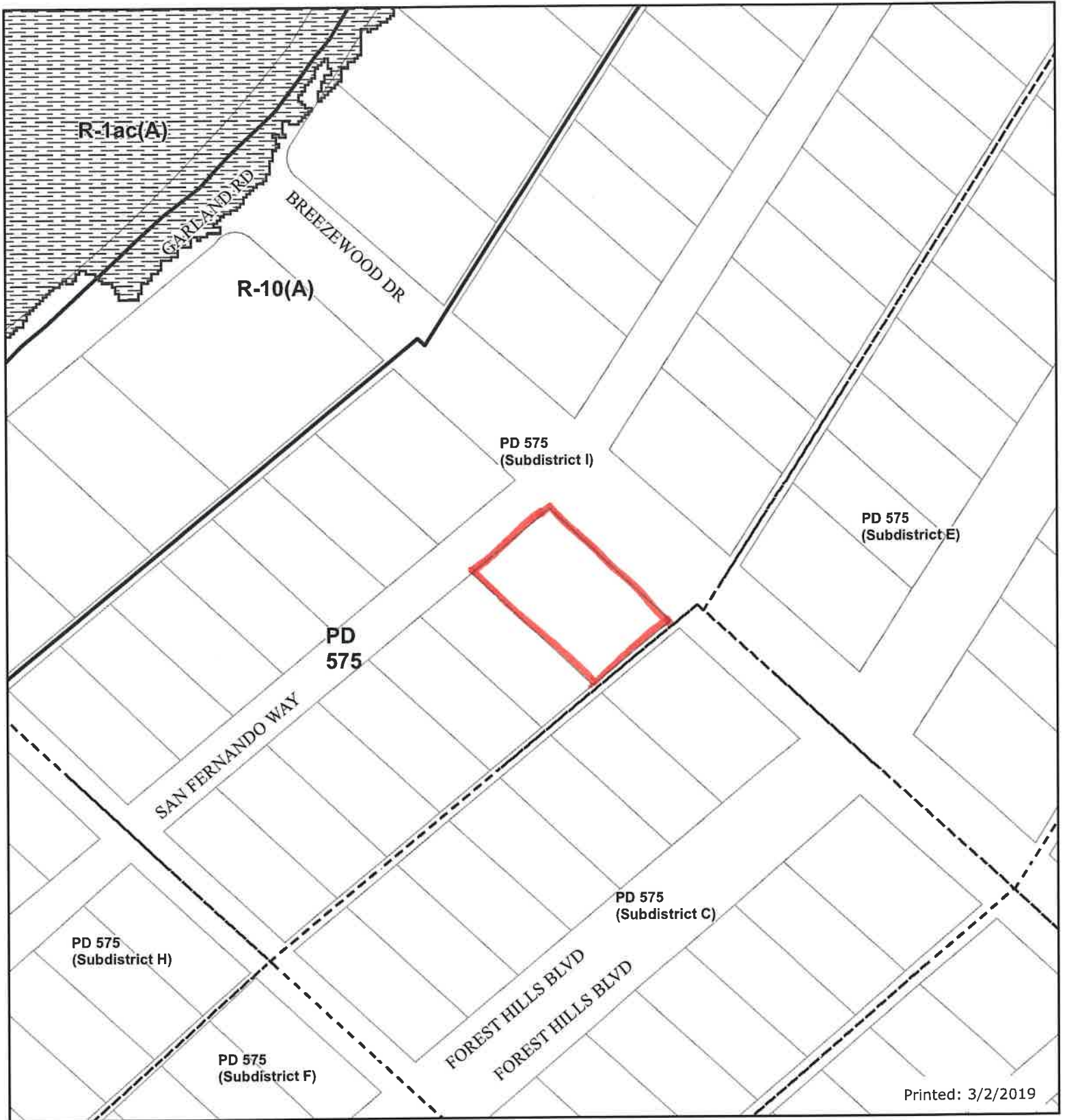
did submit a request for a special exception to the fence height regulations
at 8258 San Fernando Way

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





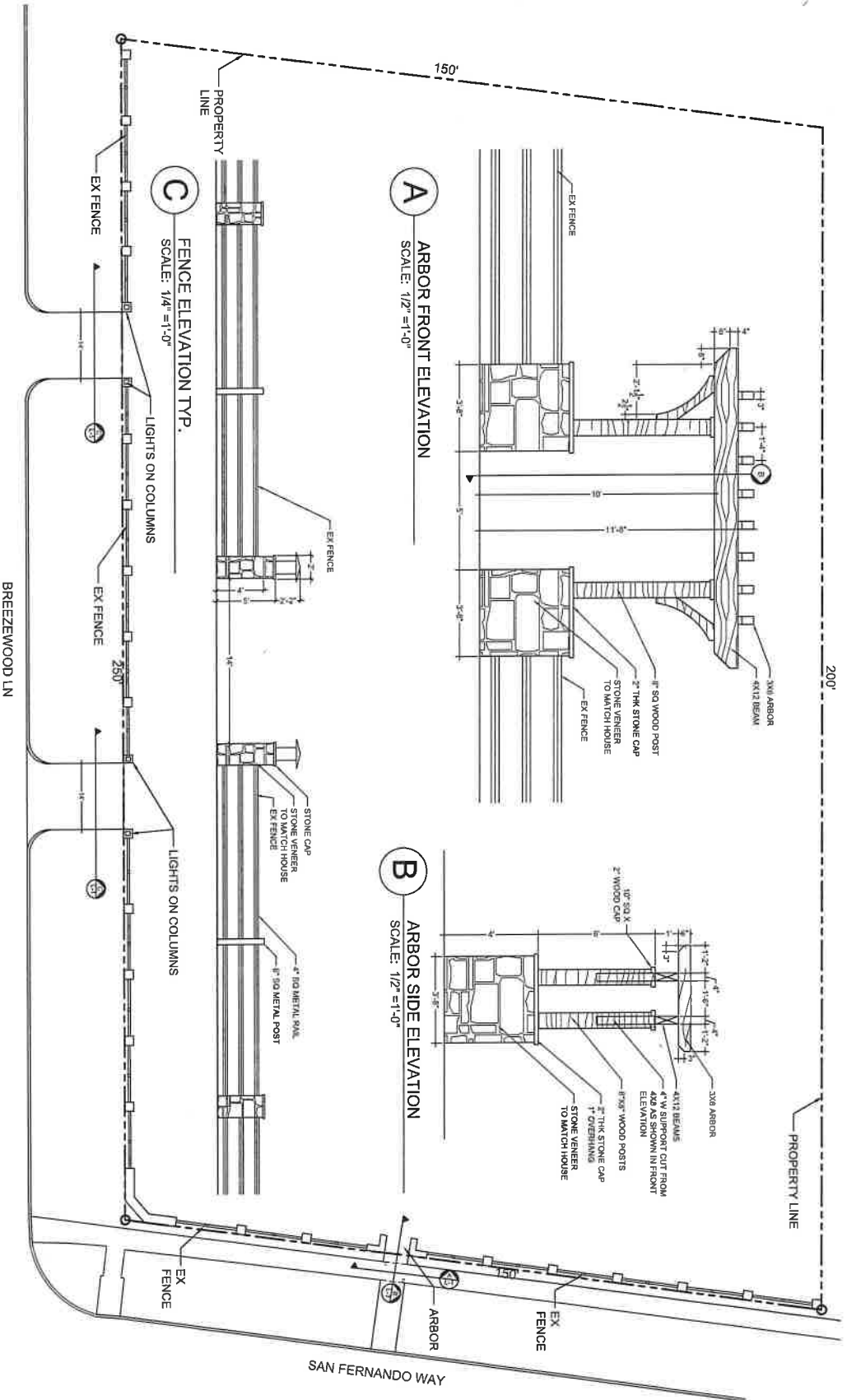
Printed: 3/2/2019

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 | SPSD 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)





A ARBOR FRONT ELEVATION
SCALE: 1/2" = 1'-0"

B ARBOR SIDE ELEVATION
SCALE: 1/2" = 1'-0"

C FENCE ELEVATION TYP.
SCALE: 1/4" = 1'-0"



SCALE: 1" = 10'-0"
DRAWN BY: [Redacted]
CHECKED BY: [Redacted]



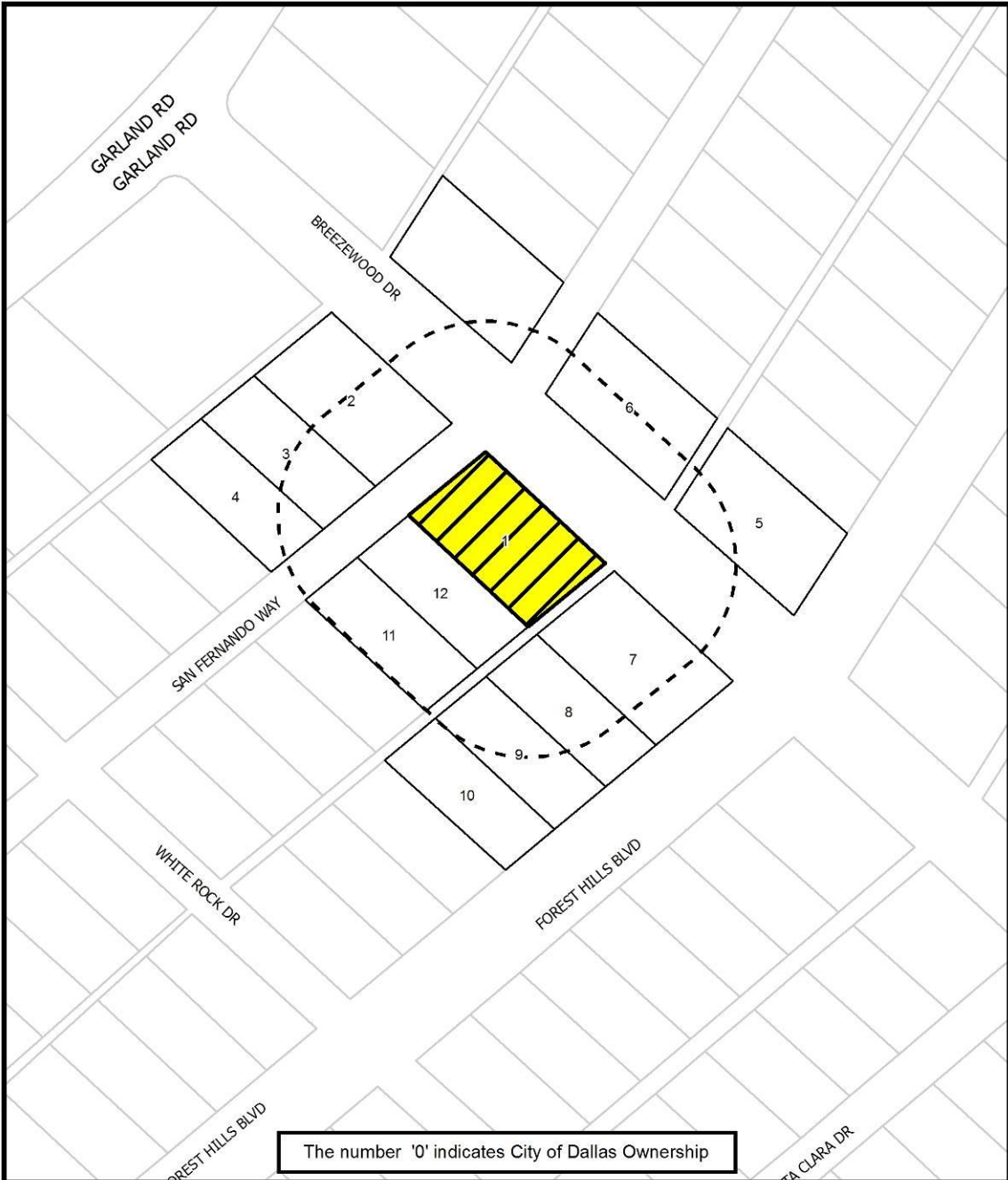
DATE	DESCRIPTION
21 OCT. 2018	PERMITS
21 MAR. 2019	REVISION

ISSUE TITLE: ARBOR/LIGHTS VARIANCE

LANDSCAPE ARCHITECTURAL DRAWINGS FOR:
THE HUNT RESIDENCE
8258 San Fernando Way, Dallas, TX 75218
2 - 11

PROJECT NAME: [Redacted]
ARCHITECT: [Redacted]
LANDSCAPE ARCHITECTURE: [Redacted]
0115 South El Street, Dallas, Texas 75201
714.424.4444
www.arslan.com

SHEET NUMBER: L-1



 1:2,400	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">12</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	12	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA189-062 Date: 4/12/2019
200'	AREA OF NOTIFICATION					
12	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: BDA189-031SL)

BUILDING OFFICIAL'S REPORT: Application of the Dallas City Council, pursuant to Resolution 18-1529, represented by Ed Voss, Jr., to require compliance of a nonconforming use at 2702 Martin Luther King Jr. Boulevard. This property is more fully described as Lots 1-6, Block 21/1290, and is zoned PD 595 (CC) (Tract 4), which limits the legal uses in a zoning district. The applicant proposes to request that the Board establish a compliance date for a nonconforming retail car wash use.

LOCATION: 2702 Martin Luther King Jr. Boulevard

APPLICANT: Dallas City Council
Represented by Edwin P. Voss, Jr.

REQUEST:

- A request is made for the Board of Adjustment to establish a compliance date for a nonconforming car wash use (Jim's Car Wash) on the subject site.

FACTORS TO CONSIDER IN DETERMINING A REASONABLE AMORITIZATION PERIOD:

The following factors must be considered by the board in determining a reasonable amortization period:

- (aa) The owner's capital investment in structures, fixed equipment, and other assets (excluding inventory and other assets that may be feasibly transferred to another site) on the property before the time the use became nonconforming.
- (bb) Any costs that are directly attributable to the establishment of a compliance date, including demolition expenses, relocation expenses, termination of leases, and discharge of mortgages.
- (cc) Any return on investment since inception of the use, including net income and depreciation.
- (dd) The anticipated annual recovery of investment, including net income and depreciation.

BACKGROUND INFORMATION:

Zoning:

Site: PD 595 (CC) (Tract 4) (Planned Development, Community Commercial)
North: PD 595 (CC) (Planned Development, Community Commercial)
South: PD 595 (CC) (Planned Development, Community Commercial)
East: PD 595 (R-5(A)) (Planned Development, Single family residential)

- All information submitted by the applicant and the owner of the nonconforming use related to whether continued operation of the nonconforming “car wash” use would have an adverse effect on nearby properties has been retained in the case file and is available for review upon request.
- On April 2, 2019, a subpoena duces tecum and interrogatories was delivered to the attorney who agreed to accept service on behalf of the property owner on this matter (Freddy Davenport). The subpoena provided notice of the Board of Adjustment Panel B June 19, 2019 hearing, and the May 10, 2019 day in which to supply answers to the interrogatories to the Board of Adjustment Administrator.
- The purpose of the June 19, 2019 hearing on this matter will be to provide a compliance date for the nonconforming use under a plan whereby the owner's actual investment in the use before the time that the use became nonconforming can be amortized within a definite time period.
- The following factors must be considered by the board in determining a reasonable amortization period:
 - (aa) The owner's capital investment in structures, fixed equipment, and other assets (excluding inventory and other assets that may be feasibly transferred to another site) on the property before the time the use became nonconforming.
 - (bb) Any costs that are directly attributable to the establishment of a compliance date, including demolition expenses, relocation expenses, termination of leases, and discharge of mortgages.
 - (cc) Any return on investment since inception of the use, including net income and depreciation.
 - (dd) The anticipated annual recovery of investment, including net income and depreciation.
- The Dallas Development Code provides the following:
 - (E) Compliance requirement. If the board establishes a compliance date for a nonconforming use, the use must cease operations on that date and it may not operate thereafter unless it becomes a conforming use.
 - (F) For purposes of this paragraph, "owner" means the owner of the nonconforming use at the time of the board's determination of a compliance date for the nonconforming use.
- On June 10, 2019, the applicant’s representative submitted additional materials electronically (“Applicant’s Materials for Compliance Date Hearing on June 19, 2019”) to the Board Administrator and to the attorney representing the record owner of the nonconforming use that are included as part of this case report.

DALLAS DEVELOPMENT CODE SECTION 51A-4.704 - COMPLIANCE REGULATIONS FOR NONCONFORMING USES:

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

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

(B) Factors to be considered. The board shall consider the following factors when determining whether continued operation of the nonconforming use will have an adverse effect on nearby properties:

- (i) The character of the surrounding neighborhood.
- (ii) The degree of incompatibility of the use with the zoning district in which it is located.
- (iii) The manner in which the use is being conducted.
- (iv) The hours of operation of the use.
- (v) The extent to which continued operation of the use may threaten public health or safety.
- (vi) The environmental impacts of the use's operation, including but not limited to the impacts of noise, glare, dust, and odor.
- (vii) The extent to which public disturbances may be created or perpetuated by continued operation of the use.
- (viii) The extent to which traffic or parking problems may be created or perpetuated by continued operation of the use.
- (ix) Any other factors relevant to the issue of whether continued operation of the use will adversely affect nearby properties.

(C) Finality of decision. A decision by the board to grant a request to establish a compliance date is not a final decision and cannot be immediately appealed. A decision by the board to deny a request to establish a compliance date is final unless appealed to state court within 10 days in accordance with Chapter 211 of the Local Government Code.

(D) Determination of amortization period.

(i) If the board determines that continued operation of the nonconforming use will have an adverse effect on nearby properties, it shall, in accordance with the law, provide a compliance date for the nonconforming use under a plan whereby the owner's actual investment in the use before the time that the use became nonconforming can be amortized within a definite time period.

(ii) The following factors must be considered by the board in determining a reasonable amortization period:

(aa) The owner's capital investment in structures, fixed equipment, and other assets (excluding inventory and other assets that may be feasibly transferred to another site) on the property before the time the use became nonconforming.

(bb) Any costs that are directly attributable to the establishment of a compliance date, including demolition expenses, relocation expenses, termination of leases, and discharge of mortgages.

(cc) Any return on investment since inception of the use, including net income and depreciation.

(dd) The anticipated annual recovery of investment, including net income and depreciation.

(E) Compliance requirement. If the board establishes a compliance date for a nonconforming use, the use must cease operations on that date and it may not operate thereafter unless it becomes a conforming use.

(F) For purposes of this paragraph, "owner" means the owner of the nonconforming use at the time of the board's determination of a compliance date for the nonconforming use.

Timeline:

January 11, 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.

January 17, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

January 17, 2019: The Board Administrator wrote/sent the record owner of the property (Freddy Davenport) a letter (with a copy to the applicant's representative, Edwin P. Voss) that informed him that a Board of Adjustment case had been filed against the nonconforming "outside sales" use on the property. The letter included following enclosures:

1. A copy of the Board of Adjustment application and related materials submitted in conjunction with the application by the applicant or by the city staff.
2. A copy of the section of the Dallas Development Code that describes the Board of Adjustment (Section 51A-3.102).
3. A copy of the section of the Dallas Development Code that provides the definition of "nonconforming use" (Section 51A-2.102 (90)).
4. A copy of the section of the Dallas Development Code that provides provisions for "nonconforming uses and structures" (Section 51A-4.704).
5. A copy of the section of the Dallas Development Code that describes the Board of Adjustment hearing procedures (Section 51A-4.703).
6. A copy of the City of Dallas Board of Adjustment Working Rules of Procedures.
7. A copy of the hearing procedures for board of adjustment amortization of a nonconforming use.

The letter noted that the request was scheduled to be heard by Board of Adjustment Panel B at a public hearing on Wednesday, March 20, 2019, Dallas City Hall, L1 Conference Center Auditorium, 1500 Marilla Street, 1:00 p.m., that staff will brief the board on this matter prior to the public hearing on the morning of the same day, in the same room of Dallas City Hall, that the briefing was an open meeting which he/she was welcome to attend; that his attendance at this briefing/public hearing was strongly encouraged; and that notification signs posted by the City should remain on the property in the approximate locations posted by the director; and that if there was any information that he/she would like to have incorporated into the board's docket, please submit this information to him at steve.long@dallascityhall.com, no later than 1 p.m., Friday, March 8th.

January 17, 2019: The Board Administrator emailed the applicant's representative the following information:

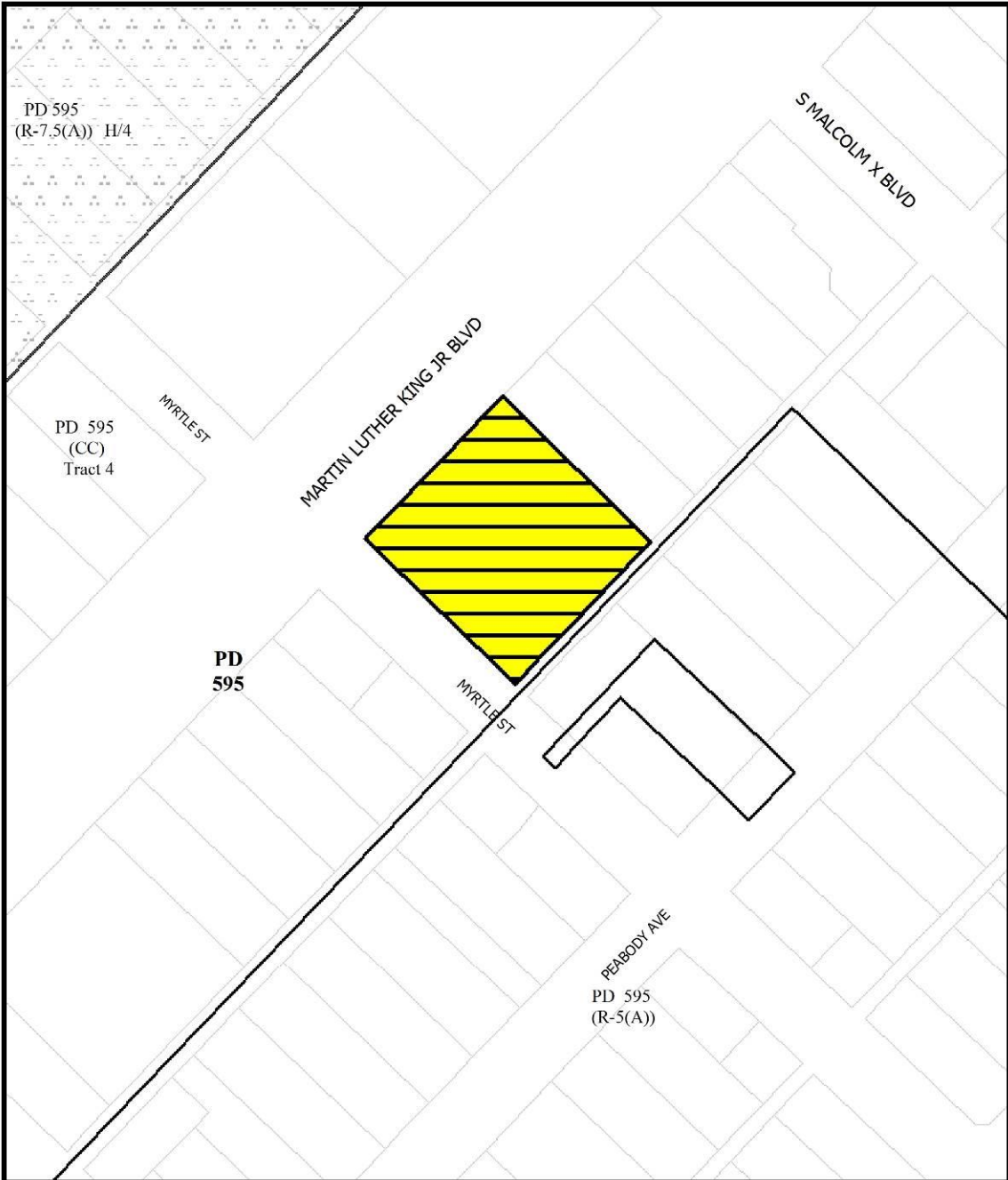
1. The submitted application materials.
2. A copy of the section from the Dallas Development Code that describes the Board of Adjustment (Section 51A-3.102).
3. A copy of the City of Dallas Board of Adjustment Working Rules of Procedure.
4. A copy of the section of the Dallas Development Code that provides the definition of "nonconforming use" (Section 51A-2.102 (90)).
5. A copy of the section of the Dallas Development Code that describes the Board of Adjustment hearing procedures (Section 51A-4.703).
6. The standard as to how the board is able to consider/grant a request to establish a compliance date for a nonconforming use (Section 51A-4.703(a)(1)(A)).
7. A copy of the procedure for board of adjustment amortization of a nonconforming use.
8. A document that provides the public hearing date and other deadlines for submittal of additional information to staff/the board beyond what is included in the attached application materials, noting that no staff recommendation will be made on your application to the board.
9. The board's rule pertaining to documentary evidence.

The Board Administrator requested that the applicant's representative review the attached application materials to make sure they were complete and the Building Official's Report/second page of the application; and that he contact the Building Inspection Senior Plans Examiners/Development Code Specialist at 214/948-4618 no later than noon, Wednesday, February 27th with regard to any amendment to the Building Official's report that he felt was necessary to address the issue at hand.

- January 30, 2019: The Board Administrator emailed the applicant's representative one additional piece of information that he had intended to include in his January 17th email that being the board's rule pertaining to documentary evidence.
- March 5, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the March public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.
- March 8, 2019: The applicant's representative submitted "Applicant's Additional Materials" concerning BDA189-031 electronically and in paper form, which notebooks included a computer disk and flash-drive of videos referenced in Tab 12.
- March 11, 2019: The attorney representing the record owner of the nonconforming use on the subject site submitted a "response" and "some documentation that we will discuss at the March 20, 2019 hearing".
- March 20, 2019: The Board of Adjustment Panel B conducted a public hearing on this application and determined that based on the evidence and testimony presented to them, that continued operation of the nonconforming use would have an adverse effect on nearby properties.
- April 2, 2019: A subpoena duces tecum and interrogatories to the was delivered to the attorney who agreed to accept service on behalf of the property owner on this matter (Freddy Davenport). The subpoena provided notice of the Board of Adjustment Panel B June 19, 2019 hearing, and the May 10, 2019 day in which to supply answers to the interrogatories to the Board of Adjustment Administrator).
- June 4, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the June public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Sustainable Development and Construction Department Conservation District Chief Planner, the Building Inspection Senior Plans Examiner/Development Code Specialist, and the Assistant City Attorney to the Board.

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

June 10, 2019: The applicant's representative submitted additional materials electronically ("Applicant's Materials for Compliance Date Hearing on June 19, 2019") to the Board Administrator and to the attorney representing the record owner of the nonconforming use that are included as part of this case report.

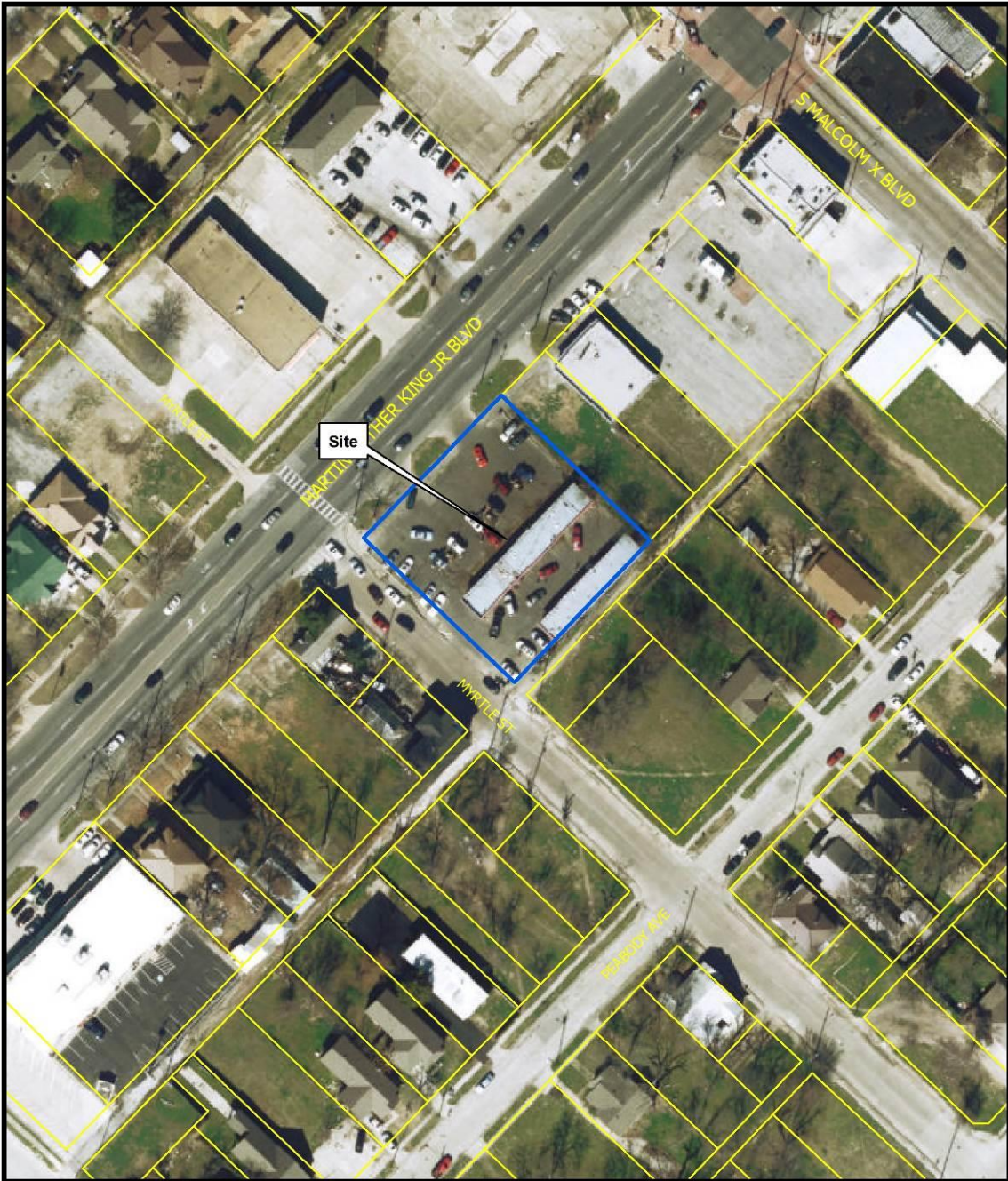


1:1,200

ZONING MAP

Case no: BDA189-031

Date: 2/13/2019



1:1,200

AERIAL MAP

Case no: BDA189-031

Date: 2/13/2019

EDWIN P. VOSS, JR.
Board Certified,
Civil Appellate Law
Texas Board of Legal Specialization
(214) 747-6135
evoss@bhlaw.net

Telephone: (214) 747-6100
Telecopier: (214) 747-6111
www.bhlaw.net

June 10, 2019

Mr. Steve Long, Chief Planner
City of Dallas, Current Planning Division
Sustainable Development and Construction
1500 Marilla Street, 5BN
Dallas, Texas 75201

Via Electronic Mail to
steve.long@dallascityhall.com

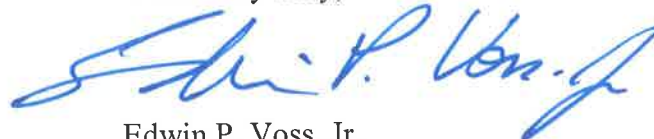
Re: BDA189-031, Property at 2702 Martin Luther King Jr., Blvd., Dallas, Texas
Applicant's Materials for Compliance Date Hearing on June 19, 2019

Dear Mr. Long:

Enclosed please find the Applicant's Additional Materials concerning the above-referenced matter. I will be providing you ten (10) notebooks of these materials in paper form. The documents have been marked CITY 336 thru CITY 552.

Thank you for your attention to this matter.

Yours very truly,



Edwin P. Voss, Jr.
Attorney for the Dallas City Council and
City of Dallas

EPV:/nr
Enclosures

BDA 189-31
Compliance Proceedings for Nonconforming Use

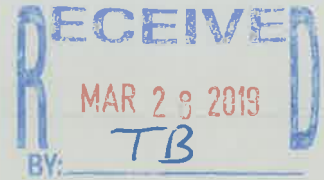
Dallas Zoning Board of Adjustment, Panel B

Jim's Car Wash, 2702 Martin Luther King Jr., Blvd., Dallas, Texas 75215

**INDEX OF APPLICANT'S MATERIALS FOR
JUNE 19, 2019, COMPLIANCE DATE HEARING**

- TAB 1: Correspondence dated March 25, 2019 from Steve Long to Edwin P. Voss, Jr., Esq. regarding Report of Board's Decision, with attachments
- TAB 2: Board of Adjustment, Panel B, Public Hearing Minutes for Compliance Proceedings held March 20, 2019
- TAB 3: Affidavit of Debbie Lynch and transcription of Board of Adjustment's Compliance Public Hearing held March 20, 2019
- TAB 4: April 2, 2019 Letter to Warren V. Norred, Esq. serving Subpoena Duces Tecum and Interrogatories directed to owner, Freddy Davenport, d/b/a Jim's Car Wash, requiring sworn responses
- TAB 5: May 11, 2019 Email from Warren V. Norred, Esq., attaching Norred's letter dated May 10, 2019 to Steve Long, serving unsworn responses of Freddy Davenport, and follow-up emails
- TAB 6: April 11, 2019 Email from Steve Long to Warren V. Norred, Esq., scheduling hearing to establish a compliance date for the nonconforming property on June 19, 2019
- TAB 7: Ordinance Requirements
- TAB 8: Memorandum to Honorable Chair and Members of the Dallas Zoning Board of Adjustment, Panel B, by Edwin P. Voss, Jr., Esq., dated June 10, 2019
- TAB 9: Expert Report regarding Jim's Car Wash by Scott D. Hakala, Ph.D.
- TAB 10: DCAD Response to Public Record Information Request for 2702 Martin Luther King, Jr. Blvd. property tax records for years 1994 through 2012
- TAB 11: Proposed motion for Board's consideration

TAB #1



March 25, 2019

Edwin P. Voss, Jr.
740 E. Campbell, Suite 800
Richardson, TX 75081

Re: BDA189-031(SL), Property at 2702 Martin Luther King Jr. Boulevard

Dear Mr. Voss:

The Board of Adjustment Panel B, at its public hearing held on Wednesday, March 20, 2019, granted the request to establish a compliance date for the nonconforming use located at 2702 Martin Luther King Jr. Boulevard.

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

A handwritten signature in blue ink that reads 'Steve Long'.

Steve Long, Chief Planner
Board of Adjustment
Sustainable Development and Construction

c: Ben Collins, Code Enforcement, 3112 Canton, Room 100
Charles Trammell, Bldg. Inspection, 320 E. Jefferson #105



City of Dallas

B

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-031

Data Relative to Subject Property:

Date: 1-11-19
PD 595 (cc)

Location address: 2702 Martin Luther King, Jr. Blvd. Zoning District: Tract 4

Lot No.: 1-6 Block No.: 21/1290 Acreage: 0.539 (Approx.) Census Tract: 203.00
South Park Addition

Street Frontage (in Feet): 1) 150' 2) 156.75' 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Freddy Davenport, Rt. 2, Box 2519, Naples, TX

Applicant: Dallas City Council Telephone: 214-75568
670-4050

Mailing Address: 1500 Marilla Street, Dallas, Texas Zip Code: 75201

E-mail Address: _____

Represented by: Edwin P. Voss, Jr. Telephone: 214-747-6100

Mailing Address: 740 E. Campbell, Ste. 800, Richardson, TX Zip Code: 75081

E-mail Address: evoss@bhlaw.net

Affirm that an appeal has been made for a Variance __, or Special Exception __, of _____

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:

Appeal to establish a compliance date for a nonconforming use under Section SIA 4.704(a)(1)(A) because the nonconforming use will have an adverse effect on nearby properties.

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 Edwin P. Voss, Jr.
(Affiant/Applicant's name printed)

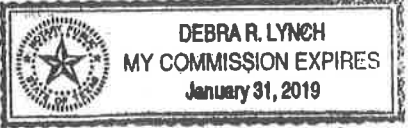
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

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

Subscribed and sworn to before me this 10th day of January, 2019

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

(Rev. 08-01-11)



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing 3-20-19

Appeal was--Granted OR Denied

Remarks The Board found that the continued operation of the non-conforming use will have an adverse effect on nearby properties.

Chairman

Building Official's Report

I hereby certify that Dallas City Council Resolution 18-1529
represented by ED VOSS
did submit a request to require compliance of a nonconforming use
at 2702 Martin Luther King Jr. Blvd

BDA189-031. Application of Dallas City Council Resolution 18-1529 represented by ED VOSS to require compliance of a nonconforming use at 2702 Martin Luther King Jr. Blvd. This property is more fully described as Lots 1-6, Block 21/1290, and is zoned PD 595 (CC) (Tract 4), which limits the legal uses in a zoning district. The applicant proposes to request that the Board establish a compliance date for a nonconforming retail car wash use.

Sincerely,

Philip Sikes
Philip Sikes, Building Official

TAB #2

**BOARD OF ADJUSTMENT, PANEL B
PUBLIC HEARING MINUTES
DALLAS CITY HALL COUNCIL CHAMBERS
WEDNESDAY, March 20, 2019**

MEMBERS PRESENT AT BRIEFING: Scott Hounsel, Chair, Marla Beikman, regular member, Rodney Milliken, regular member, Joanna Hampton, regular member and Philip Sahuc, alternate member

MEMBERS ABSENT FROM BRIEFING: No one

MEMBERS PRESENT AT HEARING: Scott Hounsel, Chair, Marla Beikman, regular member, Rodney Milliken, regular member, Joanna Hampton, regular member and Philip Sahuc, alternate member

MEMBERS ABSENT FROM HEARING: No one

STAFF PRESENT AT BRIEFING: Steve Long, Chief Planner/Board Administrator, Theresa Pham, Asst. City Attorney, Charles Trammell, Development Code Specialist, Oscar Aguilera, Senior Planner, Elaine Hill, Board Secretary, and Phil Erwin, Chief Arborist

STAFF PRESENT AT HEARING: Steve Long, Chief Planner/Board Administrator, Theresa Pham, Asst. City Attorney, Charles Trammell, Development Code Specialist, Oscar Aguilera, Senior Planner, Elaine Hill, Board Secretary, and Phil Erwin, Chief Arborist

11:00 A.M. The Board of Adjustment staff conducted a briefing on the Board of Adjustment's **March 20, 2019 docket.**

BOARD OF ADJUSTMENT ACTION March 20, 2019

1:06 P.M.

The Chairperson stated that no action of the Board of Adjustment shall set a precedent. Each case must be decided upon its own merits and circumstances, unless otherwise indicated, each use is presumed to be a legal use. Each appeal must necessarily stand upon the facts and testimony presented before the Board of Adjustment at this public hearing, as well as the Board's inspection of the property.

MISCELLANEOUS ITEM NO. 1

To approve the Board of Adjustment Panel B February 20, 2019 public hearing minutes.

BOARD OF ADJUSTMENT ACTION: March 20, 2019

MOTION: None

The minutes were approved.

FILE NUMBER: BDA189-028(OA)

BUILDING OFFICIAL'S REPORT: Application of Jim Moll, represented by Kori Haug, for a special exception to the landscape regulations at 2328 W. Illinois Avenue. This property is more fully described as Tract 29, Block 21/6026, and is zoned CR, which requires mandatory landscaping. The applicant proposes to construct and/or maintain a structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

LOCATION: 2328 W. Illinois Avenue.

APPLICANT: Jim Moll
Represented by Kori Haug

REQUEST:

A request for a special exception to the landscape regulations is made to replace the existing restaurant with drive-in or drive-through structure on the site, and not fully meet the landscape regulations, more specifically, to not meet the required street buffer zone or interior zone requirements.

STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPE AND TREE PRESERVATION REGULATIONS:

The board may grant a special exception to the landscape and tree preservation regulations of this article upon making a special finding from the evidence presented that:

- (1) strict compliance with the requirements of this article will unreasonably burden the use of the property;
- (2) the special exception will not adversely affect neighboring property; and
- (3) the requirements are not imposed by a site-specific landscape plan approved by the city plan commission or city council.

In determining whether to grant a special exception, the Board shall consider the following factors:

- the extent to which there is residential adjacency;
- the topography of the site;
- the extent to which landscaping exists for which no credit is given under this article; and
- the extent to which other existing or proposed amenities will compensate for the reduction of landscaping.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted alternate landscape plan is required.

Rationale:

- The Chief Arborist recommends approval of the alternative landscape plan on the basis that full compliance with the requirements of Article X will unreasonably burden the use of the property and that the special exception would not have a negative effect on neighboring properties.

BACKGROUND INFORMATION:

Zoning:

Site: CR (Community retail)
North: CR (Community retail)
South: CR (Community retail)
East: CR (Community retail)
West: CR (Community retail)

Land Use:

The subject site is currently developed with a restaurant with drive-in or drive-through service. The areas to the north, south, east, and west are developed with and retail uses.

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- This request for a special exception to the landscape regulations focuses on replacing the restaurant with drive-in or drive-through structure on the site, and not fully meeting the landscape regulations, more specifically, not providing the required site trees, street trees and landscape design requirements.

- The Dallas Development Code requires full compliance with the landscape regulations when nonpermeable coverage on a lot or tract is increased by more than 2,000 square feet, or when work on an application is made for a building permit for construction work that increases the number of stories in a building on the lot, or increases by more than 35 percent or 10,000 square feet, whichever is less, the combined floor areas of all buildings on the lot within a 24-month period.
- The City of Dallas Chief Arborist submitted a memo regarding the applicant's request (see Attachment A).
- The Chief Arborist's memo states the following with regard to "request":
 - The applicant is requesting a special exception to the landscaping regulations of Article X (2018). The alternative landscape plan is for new construction of a restaurant to replace the original structure existing from before 1986 landscape regulations. The project is an upgrade from the original structure with a renovation of the same lot area to continue its initial use.
- The Chief Arborist's memo states the following with regard to "provision":
 - The new construction of new floor area on the commercial lot requires the site to be in compliance with current landscape regulations. However, the conditions for parking and maneuvering are changing minimally and the floor area of the new structure is somewhat reduced from the original dimensions. The alternative landscape plan provides landscaping in the scarce space made available under the specific limited conditions for available landscape area and due to conflicts with visibility triangles and existing utilities. The existing public right-of-way will be retained in its current function except the drive entry on Illinois Avenue will be closed and a screening hedge will be provided across the north frontage. The overall landscape conditions will be upgraded from their current provision.
- The Chief Arborist's memo states the following with regard to "deficiencies":
 - The plan does not comply with any of the minimum requirements of Article X for street buffer zone or the interior zone. It does provide for foundation planting as a landscape design option. No screening is provided along Hampton Road due to restricted space. A screening fence is not recommended due to the limited public walk space which could create a pedestrian public safety concern from the bus stop to the street corner.
- The Chief Arborist recommends approval of the alternative landscape plan on the basis that full compliance with the requirements of Article X will unreasonably burden the use of the property and that the special exception would not have a negative effect on neighboring properties.
- The applicant has the burden of proof in establishing the following:
 - Strict compliance with the requirements of the landscape regulations of the Dallas Development Code will unreasonably burden the use of the property and the special exception will not adversely affect neighboring property.
- If the Board were to grant this request and impose the submitted alternate landscape plan as a condition to the request, the applicant would be provided exception from fully meeting the street buffer zone or interior zone requirements on the subject site.

Timeline:

January 8, 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.

February 12, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

February 13, 2019: The Development and Construction Department Board of Adjustment Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the February 27th deadline to submit additional evidence for staff to factor into their analysis; and the March 8th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

March 5, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the March public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

March 7, 2019 The City of Dallas Chief Arborist submitted a memo regarding the applicant's revised landscape plan (see Attachment A).

BOARD OF ADJUSTMENT ACTION: March 20, 2019

APPEARING IN FAVOR: No one

APPEARING IN OPPOSITION: No one

MOTION: **Beikman**

I move that the Board of Adjustment, in Appeal No. BDA 189-028, on application of Jim Moll, represented by Kori Haug, **grant** the request of this applicant for a special exception to the landscape regulations contained in the Dallas Development Code, as amended, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property.

I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

- Compliance with the submitted alternate landscape plan is required.

SECONDED: Hampton

AYES: 5 - Hounsel, Beikman, Sahuc, Hampton, Milliken

NAYS: 0

MOTION PASSED: 5 – 0 (unanimously)

FILE NUMBER: BDA189-029(SL)

BUILDING OFFICIAL'S REPORT: Application of Kathryn Rodgers, represented by Pedro Tucker, for a variance to the front yard setback regulations at 810 N. Clinton Avenue. This property is more fully described as Lot C, block 6/3460, and is zoned CD 1 (Subarea 1), which requires a front yard setback of 25 feet. The applicant proposes to construct and/or maintain a structure and provide a 7-foot 4 inch front yard setback, which will require a 17 foot 8 inch variance to the front yard setback regulations.

LOCATION: 810 N. Clinton Avenue

APPLICANT: Kathryn Rodgers
Represented by Pedro Tucker

REQUEST:

A request for a variance to the front yard setback regulations of 17' 8" is made to construct and maintain a porch addition structure to a 1920's single family home/nonconforming structure, to be located 7' 4" from the site's front property line or 17' 8" into the 25 front yard setback.

STANDARD FOR A VARIANCE:

Section 51(A)-3.102(d)(10) of the Dallas Development Code specifies that the board has the power to grant variances from the front yard, side yard, rear yard, lot width, lot depth, lot coverage, floor area for structures accessory to single family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

- (A) not contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done;
- (B) necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that the variance should be granted because of the irregular shape and restrictive area of the subject site. Furthermore, the applicant had substantiated how these features preclude the lot from being developed in a manner commensurate with the development upon other parcels of land with the same CD 1 zoning by submitting a list of 10 other properties in the zoning district where the average total area is approximately 1,850 square feet – slightly larger than that was proposed to be on the total square footage on site at approximately 1,700 square feet.
- Granting the variance would not be contrary to public interest given that the structure that the applicant seeks variance is an approximately 90 square foot porch addition structure that would align with the existing nonconforming structure on the site built in the 1920's.

BACKGROUND INFORMATION:

Zoning:

Site: CD 1 (Subarea 1) (Conservation District)
North: CD 1 (Subarea 1) (Conservation District)
South: CD 1 (Subarea 3) (Conservation District)
East: CD 1 (Subarea 1) (Conservation District)
West: CD 1 (Subarea 1) (Conservation District)

Land Use:

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

Zoning/BDA History:

1. BDA167-119, Property 810 N. Clinton Avenue (the subject site)

On November 15, 2017, the Board of Adjustment Panel B granted a request for a variance to the front yard setback regulations of 17' 2" and imposed the submitted site plan as a condition to the request.

The case report stated that the request was made to construct and maintain a porch addition structure to a 1920's single family home/nonconforming structure, to be located 7' 10" from the site's front property line or 17' 2" into the 25' front yard setback.

(On November 14, 2018, the Board of Adjustment Panel B granted the applicant's request to waive the two-year limitation on a final decision reached on this application which allowed him to re-file a new application for a variance to the front yard setback regulations on this site.

GENERAL FACTS/STAFF ANALYSIS:

- The request for a variance to the front yard setback regulations of 17' 8" focuses on constructing and maintaining an approximately 90 square foot porch addition structure to a one-story single family home structure constructed (according to DCAD) in 1921, to be located 7' 4" from the site's front property line or 17' 8" into the 25' front yard setback.
- This request is essentially made for the same request granted by the Board in 2017 but to increase the variance by merely 6". In November of 2017, the Board of Adjustment Panel B granted a request for a variance to the front yard setback regulations of 17' 2" for a similar porch structure, however the applicant is returning because the porch that was never added to the home is 6" closer to the front property line that what was shown on the applicant's proposal in 2017. BDA167-119 was an application made and granted for a porch addition structure that was to be located 7' 10" from the site's front property line or 17' 2" into the 25' front yard setback.
- The subject site is zoned CD 1 (Subarea 1) which requires a minimum 25' front yard setback and minimum 5' side and rear yard setbacks for residential uses.
- The subject site is an irregular-shaped property that has a 25' front yard setback and a 5' side yard setback.
- The submitted site plan denotes the footprint of a "one story frame" and garage structures along with a representation of the footprint of the proposed porch structure that are located within the 25' front yard setback.

- According to DCAD records, the “main improvement” for property addressed at 810 N. Clinton Avenue is structure built in 1921 with 1,554 square feet of living/total area, and that “additional improvements” is a 432 square foot detached garage.
- While the existing single family home and garage structures are located in the 25’ front yard setback, it is assumed that these structures are nonconforming structures because records show that the main improvement/structures on this site were built in the 1920’s.
- The code defines nonconforming structure as a structure that does not conform to the regulations of the code, but which was lawfully constructed under the regulations in force at the time of construction.
- The code states that the right to rebuild a nonconforming structure ceases if the structure is destroyed by the intentional act of the owner or the owner’s agent.
- The code states that a person may renovate, remodel, repair, rebuild, or enlarge a nonconforming structure if the work does not cause the structure to become more nonconforming as to the yard, lot, and space regulations.
- The owner has informed staff that she has chosen to seek variance to the front yard setback regulations for only the proposed addition, and not to remedy/address the nonconforming aspect of the existing nonconforming structures in the front yard setback.
- All of the proposed approximately 90 square foot porch addition structure would be located in the 25’ front yard setback.
- The subject site is flat, irregular in shape, and according to the submitted application is 0.1768 acres (or approximately 7,400 square feet) in area. The site had been zoned R-7.5(A) before the zoning changed to CD 1 in 1988 where lots are typically 7,500 square feet in area.
- The applicant’s representative submitted a document representing that the proposed improvement will increase the total home area from approximately 1,550 square feet to approximately 1,650 square feet, and that the average total area of 10 other properties in CD 1 is 1,850 square feet.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
 - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same CD 1 (Subarea 1) zoning classification.
 - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same CD 1 (Subarea 1) zoning classification.
- If the Board were to grant the request, and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document– which in this case is a porch addition structure to be located 7’ 4” from the front property line or 17’ 8” into the 25’ front yard setback.

- Note that the applicant is aware that granting the request for a variance to the front yard setback regulations will not provide any relief to the existing nonconforming structures in this setback since the applicant did not request that the Board consider this aspect as part of this application, nor to any existing noncompliance on the property with regard to fence standard regulations.

Timeline:

January 8, 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.

February 12, 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".

February 12, 2019: The Board Administrator emailed the applicant's representative the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the February 27th deadline to submit additional evidence for staff to factor into their analysis; and the March 8th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

March 5, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the March public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

While no review comment sheets with comments were submitted in conjunction with this application, the Sustainable Development and Construction Conservation District Chief Planner emailed the Board Administrator on February 27, 2019 that he has "no issue" with what is proposed.

BOARD OF ADJUSTMENT ACTION: March 20, 2019

APPEARING IN FAVOR: No one

APPEARING IN OPPOSITION: No one

MOTION: Beikman

I move that the Board of Adjustment, in Appeal No. BDA 189-029, on application of Kathryn Rodgers, represented by Pedro Tucker, **grant** the request of this applicant for a variance to the front yard setback regulations contained in the Dallas Development Code, as amended, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property.

I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

- Compliance with the submitted site plan is required.

SECONDED: Hampton

AYES: 5 - Hounsel, Beikman, Sahuc, Hampton, Milliken

NAYS: 0

MOTION PASSED: 5 – 0 (Unanimously)

FILE NUMBER: BDA189-031(SL)

BUILDING OFFICIAL'S REPORT: Application of the Dallas City Council, represented by Edwin P. Voss, Jr., to require compliance of a nonconforming use at 2702 Martin Luther King Jr. Boulevard. This property is more fully described as Lots 1-6, Block 21/1290, and is zoned PD 595 (CC) (Tract 4), which limits the legal uses in a zoning district. The applicant proposes to request that the Board establish a compliance date for a nonconforming retail car wash use.

LOCATION: 2702 Martin Luther King Jr. Boulevard

APPLICANT: Dallas City Council
Represented by Edwin P. Voss, Jr.

REQUEST:

- A request is made for the Board of Adjustment to establish a compliance date for a nonconforming car wash use (Jim's Car Wash) on the subject site.

BACKGROUND INFORMATION:

Zoning:

- On March 20, 2019, the board of adjustment shall hold a public hearing to determine whether continued operation of the nonconforming car wash use will have an adverse effect on nearby properties. The Dallas Development Code states that if, based on the evidence presented at the public hearing, the board determines that continued operation of this use will have an adverse effect on nearby properties, it shall proceed to establish a compliance date for the nonconforming use (at a subsequent public hearing); otherwise, it shall not.

DALLAS DEVELOPMENT CODE SECTION 51A-4.704 - COMPLIANCE REGULATIONS FOR NONCONFORMING USES:

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

(1) Amortization of nonconforming uses.

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

(B) Factors to be considered. The board shall consider the following factors when determining whether continued operation of the nonconforming use will have an adverse effect on nearby properties:

- (i) The character of the surrounding neighborhood.
- (ii) The degree of incompatibility of the use with the zoning district in which it is located.
- (iii) The manner in which the use is being conducted.
- (iv) The hours of operation of the use.
- (v) The extent to which continued operation of the use may threaten public health or safety.
- (vi) The environmental impacts of the use's operation, including but not limited to the impacts of noise, glare, dust, and odor.
- (vii) The extent to which public disturbances may be created or perpetuated by continued operation of the use.
- (viii) The extent to which traffic or parking problems may be created or perpetuated by continued operation of the use.
- (ix) Any other factors relevant to the issue of whether continued operation of the use will adversely affect nearby properties.

(C) Finality of decision. A decision by the board to grant a request to establish a compliance date is not a final decision and cannot be immediately appealed. A decision by the board to deny a request to establish a compliance date is

final unless appealed to state court within 10 days in accordance with Chapter 211 of the Local Government Code.

(D) Determination of amortization period.

(i) If the board determines that continued operation of the nonconforming use will have an adverse effect on nearby properties, it shall, in accordance with the law, provide a compliance date for the nonconforming use under a plan whereby the owner's actual investment in the use before the time that the use became nonconforming can be amortized within a definite time period.

(ii) The following factors must be considered by the board in determining a reasonable amortization period:

(aa) The owner's capital investment in structures, fixed equipment, and other assets (excluding inventory and other assets that may be feasibly transferred to another site) on the property before the time the use became nonconforming.

(bb) Any costs that are directly attributable to the establishment of a compliance date, including demolition expenses, relocation expenses, termination of leases, and discharge of mortgages.

(cc) Any return on investment since inception of the use, including net income and depreciation.

(dd) The anticipated annual recovery of investment, including net income and depreciation.

(E) Compliance requirement. If the board establishes a compliance date for a nonconforming use, the use must cease operations on that date and it may not operate thereafter unless it becomes a conforming use.

(F) For purposes of this paragraph, "owner" means the owner of the nonconforming use at the time of the board's determination of a compliance date for the nonconforming use.

Timeline:

January 11, 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.

January 17, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

January 17, 2019: The Board Administrator wrote/sent the record owner of the property (Freddy Davenport) a letter (with a copy to the applicant's representative, Edwin P. Voss) that informed him that a Board of Adjustment case had been filed against the nonconforming "outside sales" use on the property. The letter included following enclosures:

1. A copy of the Board of Adjustment application and related materials submitted in conjunction with the application by the applicant or by the city staff.
2. A copy of the section of the Dallas Development Code that describes the Board of Adjustment (Section 51A-3.102).

3. A copy of the section of the Dallas Development Code that provides the definition of "nonconforming use" (Section 51A-2.102 (90)).
4. A copy of the section of the Dallas Development Code that provides provisions for "nonconforming uses and structures" (Section 51A-4.704).
5. A copy of the section of the Dallas Development Code that describes the Board of Adjustment hearing procedures (Section 51A-4.703).
6. A copy of the City of Dallas Board of Adjustment Working Rules of Procedures.
7. A copy of the hearing procedures for board of adjustment amortization of a nonconforming use.

The letter noted that the request was scheduled to be heard by Board of Adjustment Panel B at a public hearing on Wednesday, March 20, 2019, Dallas City Hall, L1 Conference Center Auditorium, 1500 Marilla Street, 1:00 p.m., that staff will brief the board on this matter prior to the public hearing on the morning of the same day, in the same room of Dallas City Hall, that the briefing was an open meeting which he/she was welcome to attend; that his attendance at this briefing/public hearing was strongly encouraged; and that notification signs posted by the City should remain on the property in the approximate locations posted by the director; and that if there was any information that he/she would like to have incorporated into the board's docket, please submit this information to him at steve.long@dallascityhall.com, no later than 1 p.m., Friday, March 8th.

January 17, 2019: The Board Administrator emailed the applicant's representative the following information:

1. The submitted application materials.
2. A copy of the section from the Dallas Development Code that describes the Board of Adjustment (Section 51A-3.102).
3. A copy of the City of Dallas Board of Adjustment Working Rules of Procedure.
4. A copy of the section of the Dallas Development Code that provides the definition of "nonconforming use" (Section 51A-2.102 (90)).
5. A copy of the section of the Dallas Development Code that describes the Board of Adjustment hearing procedures (Section 51A-4.703).
6. The standard as to how the board is able to consider/grant a request to establish a compliance date for a nonconforming use (Section 51A-4.703(a)(1)(A)).
7. A copy of the procedure for board of adjustment amortization of a nonconforming use.
8. A document that provides the public hearing date and other deadlines for submittal of additional information to staff/the board beyond what is included in the attached application materials, noting that no staff recommendation will be made on your application to the board.

9. The board's rule pertaining to documentary evidence. The Board Administrator requested that the applicant's representative review the attached application materials to make sure they were complete and the Building Official's Report/second page of the application; and that he contact the Building Inspection Senior Plans Examiners/Development Code Specialist at 214/948-4618 no later than noon, Wednesday, February 27th with regard to any amendment to the Building Official's report that he felt was necessary to address the issue at hand.

January 30, 2019: The Board Administrator emailed the applicant's representative one additional piece of information that he had intended to include in his January 17th email that being the board's rule pertaining to documentary evidence.

March 5, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the March public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

March 8, 2019: The applicant's representative submitted "Applicant's Additional Materials" concerning BDA189-031 electronically and in paper form, which notebooks included a computer disk and flash-drive of videos referenced in Tab 12.

March 11, 2019: The attorney representing the record owner of the nonconforming use on the subject site submitted a "response" and "some documentation that we will discuss at the March 20, 2019 hearing".

BOARD OF ADJUSTMENT ACTION: March 20, 2019

APPEARING IN FAVOR:

Ken Smith, 4615 Bradshaw, Dallas, TX
Edwin P. Voss, Jr., 9627 Hillview Dr., Dallas, TX
Council Member Kevin D. Felder, 1500 Marilla St., Dallas, TX
Diane Ragsdale, 3611 Dunbar St., Dallas, TX
Hank Lawson, 2402 Park Row, Dallas, TX
Traswell C. Livingston, III, 2700 BLK South Blvd., Dallas, TX
Kedric McKnight, 1600 Pennsylvania Ave., Dallas, TX,
Dorothy Hopkins, 4716 Elsie Faye Higgins, Dallas, TX

APPEARING IN OPPOSITION:

Sky Miller, 2424 Swiss Ave., Dallas, TX,

Warren Norred, 515 E. Bender, Arlington, TX
Dale Davenport, 805 Autumn Hill, Wylie, TX
Marshall Cornelius, 2706 Peabody Ave., Dallas,
TX,
Patti Priesing, 9147 Bretshire Dr., Dallas, TX

MOTION: **Hounsel**

I move that the Board of Adjustment, in Appeal No. BDA 189-031, based on the evidence presented at the public hearing, find that continued operation of this nonconforming use will have an adverse effect on nearby properties, based on the following factors:

1. The character of the surrounding neighborhood.

With the finding of fact, the neighborhood being the immediate area on MLK Blvd. zoned CC. There are a series of undeveloped and underdeveloped properties none of which on this area are a similar car use.

2. The degree of incompatibility of the use with the zoning district in which it is located.

With the finding of fact, this has been established through the through the representation of the applicant in the CC district there's high degree of incompatible with these related usage on the property.

3. The manner in which the use is being conducted.

With the finding of fact, there are 24/7 operations going on all the time with a limited amount of employee time spent at the property.

4. The hours of operation of the use.

24/7 operations being impactful on the property.

5. The extent to which continued operation of the use may threaten public health of safety.

With the finding of fact, there were crime operations on the property possibly and likely drawn by the use itself to that property.

6. The environmental impacts of the use's operation, including but not limited to the impacts of noise, glare, dust and odor.

With the finding of fact, noise, glare and trash impacted on the property were witnessed.

7. The extent to which public disturbances may be created or perpetuated by continued operation of the use.

With the finding of fact, shown through additional crime incidents which may or may not be reported.

8. The extent to which traffic or parking problems may be created or perpetuated by continued operation of the use.

With the finding of fact, there were testimony related to the traffic blockages that were noted from time to time on the property which were impactful here again as well.

SECONDED: **Sahuc**

AYES: 5 - Hounsel, Beikman, Sahuc, Hampton, Milliken

NAYS: 0

MOTION PASSED: 5 – 0 (Unanimously)

FILE NUMBER: BDA189-034(SL)

BUILDING OFFICIAL'S REPORT: Application of Brandon Zuniga, represented by Michelle Zuniga, for a special exception to allow the reconstruction of a structure in an FP (Flood Plain) area at 7610 Goforth Road. This property is more fully described as Lot 7, Block C/5446, and is zoned R-7.5(A), which limits construction within a flood plain. The applicant proposes to reconstruct a structure within an FP (Flood Plain) area, which would require a special exception to the flood plain regulations.

LOCATION: 7610 Goforth Road

APPLICANT: Brandon Zuniga
Represented by Michelle Zuniga

REQUEST:

A request for a special exception to the flood plain regulations is made in conjunction with (according to the application) "constructing a new house within the existing structure's footprint" on a site developed with a single family home.

STANDARD FOR A SPECIAL EXCEPTION TO ALLOW THE RECONSTRUCTION OF A STRUCTURE IN AN (FP) FLOOD PLAIN AREA:

Section 51A-5.104 states that the board of adjustment may grant a special exception to allow the reconstruction of a structure in an FP area upon a showing of good and sufficient cause, a determination that failure to allow the reconstruction would result in exceptional hardship to the property owner, and a determination that the reconstruction will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with other laws. The board may not grant a special exception to authorize reconstruction within any designated floodway if any increase in flood levels during the base flood discharge would result. Any special exception granted must be the minimum necessary, considering the flood hazard, to afford relief. The reconstruction of a structure in an FP area may not increase the lot coverage of the structure.

(A) The director of water utilities shall notify in writing the owner of a structure in an FP area that:

(i) the granting of a special exception to reconstruct the structure below the base flood level will result in increased premium rates for flood insurance that will commensurate with the increased risk; and

(ii) the construction below the base flood level increases risks to life and property. The notification letter must be maintained with the record of the board's action.

(B) The FP administrator shall maintain a record of all actions involving applications for special exceptions and shall report special exceptions to FEMA upon request.

STAFF RECOMMENDATION:

Denial

Rationale:

- Staff concluded based on the information submitted by the application at the time of the March 5th staff review team meeting that the special exception should be denied because of the City of Dallas Water Utilities Senior Engineer’s objections to this request. The Dallas Water Utilities Senior Engineer did not support the request based on the facts submitted by the applicant at this time, because, if granted, the reconstruction of the structure in the FP area would result in extraordinary public expense, and cause fraud on or victimization of the public.

BACKGROUND INFORMATION:

Zoning:

Site: R-7.5(A)(FP) (Single family district 7,500 square feet, flood plain)
North: R-7.5(A)(FP) (Single family district 7,500 square feet, flood plain)
South: R-7.5(A)(FP) (Single family district 7,500 square feet, flood plain)
East: R-7.5(A)(FP) (Single family district 7,500 square feet, flood plain))
West: R-7.5(A)(FP) (Single family district 7,500 square feet, flood plain))

Land Use:

The subject site is developed with a single family structure. The areas to the north, south, and east are developed with single family uses, and the area to the west is developed with a park (Olive Shapiro Park).

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- This request for a special exception to the flood plain regulations focuses on constructing a new house within the existing structure’s footprint” on a site developed with a single family home.
- The Dallas Development Code defines FLOOD PLAIN (FP) as “any land area susceptible to inundation by the design flood.”
- The Dallas Development Code states that the owner of a structure in an FP area shall not make any improvements to the structure without first obtaining approval from the director of water utilities. The director of water utilities may approve proposed improvements if the cumulative value of all improvements for the previous ten years is less than 50 percent of the market or tax appraisal value of improvements on the property, whichever is greater. No substantial improvements

are permitted. Any improvement must comply with the requirements of Section 51A-5.105(g).

- The Dallas Development Code requires that the director of water utilities shall notify in writing the owner of a structure in an FP area that:
 - 1) the granting of a special exception to reconstruct the structure below the base flood level will result in increased premium rates for flood insurance that will commensurate with the increased risk; and
 - 2) the construction below the base flood level increases risks to life and property.
The notification letter must be maintained with the record of the board's action.
- According to DCAD records, the “main improvement” for property addressed at 7610 Goforth Road is a structure built in 1965 with 2,380 square feet of living/total area with the following “additional improvement”: a pool.
- On March 1st and 5th, the City of Dallas Water Utilities Senior Engineer submitted documents with objections to the request. These documents provided details as to why Dallas Water Utilities concluded that, if granted, the reconstruction of the structure in the FP area would result in extraordinary public expense, and cause fraud on or victimization of the public (see Attachments C and D).
- The applicant has the burden of proof in establishing the following:
 - The board of adjustment may grant a special exception to allow the reconstruction of a structure in an FP area upon a showing of good and sufficient cause, a determination that failure to allow the reconstruction would result in exceptional hardship to the property owner, and a determination that the reconstruction will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with other laws. The board may not grant a special exception to authorize reconstruction within any designated floodway if any increase in flood levels during the base flood discharge would result. Any special exception granted must be the minimum necessary, considering the flood hazard, to afford relief. The reconstruction of a structure in an FP area may not increase the lot coverage of the structure
- Granting this special exception with the condition imposed that the applicant comply with the submitted site plan would allow the construction of a new house within the existing structure’s footprint on a site developed with a single family home.

Timeline:

January 24, 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.

February 11, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

February 12, 2019: The Board Administrator emailed the applicant’s representative the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the February 27th deadline to submit additional evidence for staff to factor into their analysis;

and the March 8th deadline to submit additional evidence to be incorporated into the Board's docket materials;

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

February 26 &
March 2, 2019:

The applicant's representative submitted additional information to staff beyond what was submitted with the original application (see Attachments A and B).

March 1 & 5, 2019: The City of Dallas Water Utilities Senior Engineer submitted documents to staff that provides a record of objections to the request (see Attachments C and D).

March 5, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the March public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

March 7, 2019: The applicant's representative submitted additional information to staff beyond what was submitted with the original application and beyond what was discussed and review at the March 5th staff review team meeting (see Attachment E). As a result, this information was not factored into the staff recommendation.

March 8, 2019: The City of Dallas Water Utilities Senior Engineer submitted additional information to staff beyond what was submitted with the original application and beyond what was discussed and review at the March 5th staff review team meeting (see Attachment F). As a result, this information was not factored into the staff recommendation.

March 8, 2019: The applicant's representative submitted additional information to staff beyond what was submitted with the original application and beyond what was discussed and review at the March 5th staff review team meeting (see Attachment G). As a result, this information was not factored into the staff recommendation.

BOARD OF ADJUSTMENT ACTION: March 20, 2019

APPEARING IN FAVOR:

Michelle Zuniga, 7610 Goforth Rd., Dallas, TX

Brandon Zuniga, 7610 Goforth Rd., Dallas, TX
Loren Schiele, 8733 Fawn Dr., Dallas, TX
Victor Moreland, 8723 Fawn Dr., Dallas, TX

APPEARING IN OPPOSITION: No one

MOTION: **Hampton**

I move that the Board of Adjustment, in Appeal No. BDA 189-034, on application of Brandon Zuniga, represented by Michelle Zuniga, **grant** the request of this applicant to reconstruct and maintain a structure in the flood plain as a special exception to the flood plain regulations contained in the Dallas Development Code, because our evaluation of the property and the testimony shows there is good and sufficient cause to grant the special exception, failure to allow the reconstruction would result in exceptional hardship to the property owner, and the reconstruction will not result in increased flood heights, additional threats to the public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with other laws.

I further move that the following conditions be imposed to further the purpose and intent of the Dallas Development Code:

- Compliance with the submitted revised site plan is required.
- Raising the living level above the BFE by a minimum of 3 feet is required.

SECONDED: **Sahuc**

AYES: 4 - Beikman, Sahuc, Hampton, Milliken

NAYS: 1 - Hounsel

MOTION PASSED: 4 – 1

5:29 P.M. Board Meeting adjourned for **March 20, 2019**

CHAIRPERSON

BOARD ADMINISTRATOR

BOARD SECRETARY

Note: For detailed information on testimony, refer to the tape retained on file in the Department of Planning and Development.

TAB #3

**BDA 189-31
Compliance Proceedings for
Nonconforming Use Hearing on June 19, 2019**

Dallas Zoning Board of Adjustment, Panel B

Jim's Car Wash, 2702 Martin Luther King Jr., Blvd., Dallas, Texas 75215

AFFIDAVIT OF DEBRA LYNCH

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

BEFORE ME, the undersigned authority, on this day personally appeared Debra Lynch, who, being of lawful age and duly sworn upon her oath, deposed and stated as follows:

1. My name is Debra Lynch. I am over 18 years of age, I have never been convicted of any felony or other crime involving dishonesty or moral turpitude, and I am fully competent to testify regarding the matters stated herein. I have personal knowledge of the facts stated herein.

2. I have been provided the audio and video recording of the March 20, 2019, public hearing of the Board of Adjustment of the City of Dallas, Texas. I listened to the portion of that hearing that discussed compliance proceedings for Jim's Car Wash, located at 2702 Martin Luther King, Jr. Boulevard, Dallas, Texas, and the persons who spoke on that item. I then transcribed what was said during that portion of the public hearing.

3. Attached to this Affidavit is a true and correct copy of the transcription of what was said during that portion of the public hearing on March 20, 2019, regarding Jim's Car Wash. The attached transcription is the written record of what I heard of the audio recording of that portion of said Board of Adjustment meeting.

4. The copy of the above-listed document that is attached to this Affidavit is a true and correct copy of this document as it is on file in my office.

5. Further, Affiant sayeth not.

Debra Lynch

Debra Lynch

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned notary public in and for Dallas County, Texas, on the 6th day of June, 2019, to certify which witness my hand and official seal of office.



Terrie Benoit

Notary Public in and for Dallas County, Texas

My Commission Expires:

1.25.23

<p>Scott Hounsel</p>	<p>Good afternoon. My name is Scott Hounsel. I'm the Chair of the Board of Adjustment today. This is Panel B. Today's date is March 20, 2019. The time is now 1:06 p.m. I'd like to welcome everyone here today to the Board of Adjustment Public Hearing. Before we begin I'd like to make a few general comments about the Board of Adjustment and the manner in which today's hearings will be conducted. Members of the Board are appointed by the City Council. We give our time freely and receive no financial compensation for that time. No action or decision on a case sets a precedent. Each case is decided upon its own merits and circumstances, unless otherwise indicated, each use is presumed to be a legal use.</p> <p>We have been fully briefed by staff prior to this hearing and have also reviewed a detailed docket which explains the points of each case. Any evidence you wish to submit to the Board for consideration on, on the cases with, with, with some qualification as to the hearing on MLK, uh, should be submitted to the Board's Secretary when your case is called. This evidence must be retained in the Board's office as part of the public record for each case. Letters of the Board's action today will be mailed to the Applicants shortly after today's hearing and will become part of the public record for each case.</p> <p>Lastly, any person wishing to speak to, uh, the cases, again with a caveat related to the MLK case, uh, is required to complete a sign in sheet either now with the Board Secretary, Ms. Elaine Hill, or upon reaching the po-podium. Uh, as to the members of the Panel, starting on my right, are members Marla Beikman, Joanna Hampton, Rodney Milliken and Philip Sahuc. Uh, welcome to Mr. Milliken. This is your first meeting. Congratulations. Alright, also, here to assist the Board are members of the City staff Elaine Hill, the Board Secretary, on her left Charles Trammell, the Development Code Specialist, as well as Phil Erwin, the Chief Arborist, Oscar Aguilera, the Senior Plan-Planner, Steve Long, the Chief Planner, and to my left, uh, Theresa Pham, the Assistant City Attorney. And behind me, it would be Casey Pur-Burgess, fellow Assistant City Attorney. Alright, let's begin with the agenda.</p>
<p>Steve Long</p>	<p>[Misc. Item No. 1 - approval of 02/20/19 minutes]</p>
<p>Steve Long</p>	<p>[Two additional support letters regarding Go Forth Road case BDA189-034]</p>
<p>Steve Long</p>	<p>[Two uncontested cases: BDA189-028; BDA189-029 - both approved]</p>
<p>Steve Long Starts at 6:33</p>	<p>Alright, the next application I'm going to call is BDA189-031. 2702 Martin Luther King Jr. Boulevard. It's an application of the Dallas City Council represented by Edwin P. Voss, Jr. to require compliance of a nonconforming use. Everyone in the audience wanting to speak to this application BDA189-031, 2702 Martin Luther King Jr. Boulevard, please</p>

	stand and raise your right hand. Well, and actually there may be a clarification, Mr., Mrs. Attorney can you help me? Counselor?
Steve Hounsel	Yeah, let's, let's get this.
Theresa Pham Asst. City Attorney	Because this is, this is an administrative hearing, there will be no um, opportunity for public input unless the applicant or the property owner calls you as one of their witnesses to their case. So, if you are one of their witnesses, um, remain standing so you can be sworn in.
Long	So, what, you may want to go ahead and stand and be sworn in, um, in, on an assumption that you may be able to speak. If either side wants you into their 20 minutes, you're sworn in. Ok? Do you swear or affirm to tell the truth in your testimony to the Board? Please answer, I do.
Multiple	I do (multiple).
Long	Thank you.
Scott Hounsel Chair	<p>I certainly want to thank everyone for, for coming out. Uh, we do many different kinds of hearings, uh, at the Board of Adjustment, and so this hearing, this is a, we are sort of a quasi-judicial body. Uh, this is a, a true administrative hearing which makes it closer to, uh, more of a trial setting. So that's why the attorneys are sort of in charge of the presentations to be made. So, I appreciate that everyone that came down certainly uh the, the attorneys can have you speak. Um, at a minimum, I'd hope they'd recognize your presence today uh just so that we did know who came down. Again, again, I thank everyone for coming, but let me make a couple of additional uh administrative remarks here before the uh presentations get started. Um, Agenda Item No. 3 uh BDA189-031 is an application to require a compliance date for a non-conforming car wash, located at 2702 MLK Jr. Boulevard.</p> <p>The Board was briefed this morning by the Board Administrator who pre, presented a PowerPoint presentation which provided the Board with a summary of the issues, legal standards and other information relevant to this case. No testimony was received by the Board during briefing. This is the portion of the hearing where the Board will hear testimony from the Applicant, also the Property Owner and other members who wish to speak as part of the presentations of the two sides.</p> <p>Here's how the procedure for today will go forward. The Board Administrator will, will call the case and, and as we've already done, swear in the individuals who wo-, who could testify. All attorneys who wish to speak must also be sworn in, I believe that we've done that as well. The Assistant City Attorney will then ask if there are any objections regarding the exhibits, and we will do that when I'm done. Uh, objections regarding the exhibits or documents that were submitted prior to the hearing. The Chair will, me, will rule, will rule on the objections. If no objection is made, the exhibits or documents become part of the Board's official record. Each side will receive 20 minutes to make their presentation. The Board Secretary will keep the time. Uh, documents submitted during the hearing should be given, also</p>

	<p>given to the Board Administrator, and I heard we, we've already got some of those. Uh, where possible, three copies of the evidence should be presented so that one copy may be retained by the Board, one copy may be given to the Applicant and one copy given to the Property Owner. I'm not sure we did that, did that yet. Uh, any document you enter into evidence will become part of the official record and not be returned.</p> <p>The Applicant will present their case first. The Applicant's representative will speak first followed by members of the public who wish to speak in favor of establishing an expedited compliance date for this nonconforming use. Board members may ask questions of the Applicant's representatives or members of the public, and this will not count against the Applicant's 20 minutes.</p> <p>The Property Owner will then present the case, their case. The Property Owner's representative will speak first followed by members of the public who wish to speak against establishing an expedited compliance date for the nonconforming use. Board members again may ask questions of the Property Owner's representatives or members of the public and this will not count against the Property Owner's 20 minutes. Um, upon conclusion of the presentation of the Property Owner and members of the public against establishing a completion date, the Applicant will receive five minutes of rebuttal time.</p> <p>The Board will then deliberate on the evidence presented by both sides and the Chair will call for a motion. If the Board finds that there is not a need for an expedited compliance, a, the decision would be final. A motion to deny the requested, the request requires the affirmative vote of a majority of the Board. If a request is denied with prejudice, no new request may be considered for two years.</p> <p>If the Board finds there is a need for expedited compliance, a second hearing will be set. A motion to grant the request for expedited compliance requires four votes. If this is the decision of the Board, the City will schedule a second hearing where this Board will determine a compliance date. If the Board fails to achieve a successful vote, in other words, uh no one, neither side fails to get the requisite vote on a motion for or against expedited compliance, the request will be deemed denied with prejudice.</p> <p>The Board can also choose to delay action on this request indefinitely or to a date specific. Alright, those are the sort of the introductory remarks which will govern how we go forward. I believe the next thing we need to do is to deal with any uh motions related to um evidence. Shall we deal first with the additional evidence as it was presented?</p>
Pham	First, we'll go with what was submitted.
Hounsel	Ok.

Pham	I'm going to ask are there any object, objections from either side regarding the exhibits or documents that were submitted prior to this hearing?
EPV	<p>Well my name is Ed Voss. I'm here on behalf of the Applicant, the City Council, and uh I do have some objections to uh some of the evidence that was submitted by Respondent. Um, I think the, the way I, I've got it laid out here is to let the Board know what items I don't object to first, and then I'll explain the other items that I do object to. Um, so that, I think it, I hope it streamlines the whole process, rather than going through each numbered item back and forth, back and forth. So, um the Applicant, I don't have any objection to, um and I'm using the numbers of the items that were submitted by the Respondents, so I'll refer to them by number, um and I'll even, I'll, I'll refer to the title as well for the Board's convenience to know what I'm talking about.</p> <p>Um, I don't object to No. 1, Declaration of Dale Davenport; No. 2, Declarations in Support of Jim's Car Wash; No. 3, Fred, Freddy Davenport Commercial Account; No. 9, December 12, 2012 Annotated Agenda of the Dallas City Council; No. 10, December 12, 2012 Minutes of the Dallas City Council; No. 11, Ordinance No. 28860; No. 15, the October 24, 2018 Minutes of the Dallas City Council; No. 16, the Letter and application from the Board of Adjustment; No. 22, Dallas News Article; No. 23, NBC 5 DFW Article. Now those are the exhibits that Respondent has submitted that I do not object to.</p>
Hounsel	Okay.
EPV	Um, I do have an objection uh to several of the other exhibits, and I'll state my reasons uh for those objections. Um, No. 4, the Report on Joint Interim Study Charge to the 80th Texas Legislature, I object to that as not relevant to these proceedings. That's a document dated March in 2006 and it has no bearing on what's before the Board today. Um, Mr. Chairman, do you want to rule individually or do you want to go through?
Hounsel	Ah, let's, I guess we'll go through them individually.
EPV	Okay.
Hounsel	Alright, let's, so and I'm sorry, I, I have an electric copy of the Respondent's.
Long	I do, I do have one paper copy of the Norred submittal. I also, you also have the paper copy of the Applicant's papers.
Hounsel	Well we're doing the Respondent's first.
Long	Okay.
Hounsel	So, the big stack.
Long	Do, do you want me to bring it over? (Long carries Respondent's papers over and hands them to Counsel)
Hounsel	Bring it over. That's, yeah.

Norred	If you can look at the bookmarks ...
Hounsel	Ok, well.
Norred	Should take care of it.
Hounsel	Bring it over just in case. Let me, let's see what, so you mean the, so you mean the three dash number? When I look at the electronic, everything's been sort of Bates-stamped or, or do you mean the big, like the 70 or the three dash number or a different?
Pham	(Response inaudible)
Hounsel	He means those numbers you think, okay. Let me -
Long	There should be a page number at the bottom right, bottom left.
Hounsel	Bottom Left. Okay.
EPV	And I can refer to those page numbers for the Chair's convenience.
Hounsel	Okay Well I have to, these uh pdfs don't paginate or at least I almost have to literally scroll through every page so this is going to take ... alright, now I have, so, this is No. 4, I'm almost there.
EPV	It's page 53 on the bottom left.
Hounsel	Alright as to, I'm getting there, but I already know, I'm going to rule, I'm going to overrule that objection on the report.
Norred	Would the, would the panel want to hear a response as the objection is being made?
Hounsel	He did.
EPV	Well, I gave the objection, and I didn't understand what the Chair just said. Overruled?
Hounsel	I overruled.
EPV	Oh, okay.
Norred	So, are you overruling it without having any response from the person who is providing it?
Hounsel	I'm overruling the objection, so it's -
Norred	Alright, thank you.
Hounsel	Okay? Okay.
EPV	The next item that the Applicant is objecting to is found at Tab No. 5 which is, uh begins on page 92. That appears to be a copy of uh the PD 595 provisions that existed prior to the change in zoning that was affected by Ordinance No. 28860. Um, since those matters are what existed prior to the zoning change, I'm objecting to those as not relevant.
Hounsel	Sustained.

EPV	The next item that I'm objecting to is Item 6, this begins on page 117. These are the Proposed Amendments to a, Planned Development No. 595. Again, these are documents that were dated prior to the zoning change that occurred on December 12, 2012. I'm objecting to them as not relevant.
Hounsel	Sustained.
EPV	The next item is Item 7, the November 1, 20, 2012 Agenda of the Dallas City Council uh that begins on page 140 of the uh Respondent's materials. I'm objecting to those because they concern matters that existed prior to the zoning change that occurred on December 12 th , 2012.
Hounsel	But, this does relate to the, to the passage of the current zoning, as well, correct?
EPV	Well, it's the month prior. It's not the actual uh December. The, the zoning change occurred in December, and I didn't object to those, Items 9 and 10, I didn't object to those. I am objecting to the November documents as not being relevant.
Hounsel	Oh, Planning Commission. But this is the Planning Commission's recommendation that led to the Council's vote, correct?
EPV	That's correct.
Hounsel	I'm going to overrule that then.
EPV	The, I'll go ahead and make my objection to Item 8, but it is the Minutes of that same meeting from the Planning Commission, as not being relevant.
Hounsel	Overruled.
EPV	Next, I'm objecting to Tab 12. Twelve is Ordinance No. 28861. Uh that ordinance, although it was passed in, close in time to Ordinance No. 28860, um, it doesn't affect the subject property and therefore is not relevant.
Hounsel	I'll sustain that. Is there a comment from other counsel?
Norred	[Waves and shakes head no]
Hounsel	Okay.
EPV	The next item that the Applicant's objecting to is Item No. 13 that begins on page 535. It's Ordinance No. 28862. Again, that was an ordinance that was enacted sh-close in time to 28860, but it doesn't concern the subject property. Therefore, I'm objecting because it's not relevant.
Hounsel	Sustained.
EPV	Moving down to Tab No. 17, 17 begins on page 890 of the Respondent's materials. That is a letter from Lou Jones to Freddy Davenport um dated, wait -
Hounsel	Davenport [can't hear].

EPV	Sorry.
Hounsel	Page 941.
EPV	Strike that, I meant to miss, say 18.
Hounsel	18.
EPV	No 17 is the letter I'm thinking of. Sixteen is the letter from the City to Mr. Davenport; 17 is a letter that is dated in November of 2013. Um it's irrelevant to compliance proceedings. It has something to do with a totally irrelevant matter concerning, apparently at one time an expressed desire to perhaps purchase a property. That's not why we're here today.
Hounsel	I'm going to overrule that.
EPV	The next item I'm objecting to is uh at Tab 18, that begins on 942, the Certificate of Amendment for Hip Hop Government, Inc. Uh, that Certificate of Amendment is corporate information. Um there is no relationship that, that I can see with Hip Hop Government, Inc. to um the compliance proceedings that we're here today, and I object as being irrelevant.
Hounsel	Counsel, you have a comment on that?
Norred	Not at this time.
Hounsel	Okay, it's sustained.
EPV	Uh the same on, um the next is Tab 19 which is an additional document concerning Hip Hop Government, Inc., the Texas Franchise Tax Public Information Report that begins on page 945. I object to that document as being irrelevant to today's proceedings.
Hounsel	Sustained.
EPV	The next item I'm objecting to is at Tab 20 and the page number, for the record, is 946. It appears to be a text or an email of some kind, uh concerning uh Southeast Patrol Division offering overtime. Uh so, I um, don't see the relevance of that to these proceedings today and object to them, to that document.
Hounsel	Counsel?
Norred	We'd like to keep those ... and we talked about this as relevant, but here, our case is (inadudible).
Pham	I'm sorry, can you please speak in the microphone?
Norred	As will become evident as I go forward, we feel as though this is a prosecution of a, of a, of a business based on political motivations. A lot of the background concerns that and so this is just one piece of that in that we feel like we've been unfairly targeted by police efforts.
Hounsel	Counsel, you have a reply to that?

EPV	Well, I will, and I think that the, the standards that are set forth in the a, Code of Ordinances for you to follow, the factors that have already been explained as part of this proceeding today, uh really don't include what I just heard as, as being the kind of thing that the Board should consider. So, I would object to this as not being relevant.
Hounsel	I'm going to overrule the objection.
EPV	I object to, uh the next document, set of documents in Tab 21, the Dallas Observer Articles. There's a lot of articles that are included there that predate December 12, 2012 when the zoning was changed and then there a couple of articles that are post-dated that but they include information about events and, and reporting of things that occurred prior to 2012, so I object to those as being irrelevant.
Hounsel	I'm going to overrule that. Um it, it's, as presented, it's all or nothing. Um, parts, although I might share that sentiment on some of those points, I think as a whole, I, I think it's best that they are left in.
EPV	Then lastly, I object to uh Tab 14 and it's unusual because it's titled the October 24 th 2018 Agenda of the Dallas City Council. Normally I wouldn't object to that because that was the agenda that the Dallas City Council ne- uh when they met to pass the resolution that asked the Board to consider this. However, when I reviewed the documents in Tab 14, Item No. 57 on the Council's Agenda, which was the resolution item, is not included. And so, what is listed, or what is, the pages that are included there, to me are not relevant to Item No. 57.
Hounsel	Although it makes sense, I'd let counsel respond to that.
Norred	[Waves to pass on making any response.]
Hounsel	That's fine. I mean do you not feel that your materials already cover the exact same thing and would be -
EPV	Well, they do.
Hounsel	They do.
EPV	They do, and I, I included the Item 57 materials.
Hounsel	Then, I'll sustain the objection. Okay that's, do we now switch to change roles here? Do you have objections to the Applicant's evidence?
Norred	Yes.
Hounsel	Alright. Ok, now I, now I've got Tabs, so I feel much more powerful. Okay.
Norred	Chairman. Thank you for having us. Uh, Tab 3 includes opinions in the declaration on page uh, I'm just referring to the CITY-, it's uh 074.
Hounsel	74, yes.

Norred	Paragraph two has opinion information in it. I don't know that, I'm not necessarily asking for the Chair to strike the entire declaration, but that paragraph two shouldn't be allowed.
Hounsel	I'm sorry, which, which, could you tell me, I mean I'm looking at page 74 right now, what, what do you mean?
Norred	Paragraph two.
Hounsel	Ok, numerous photos, dates and times copied.
Norred	And it talks about what's going on there and to the extent that some, some of these photos have um have discussions on it, have, have, have descriptions of what's going on that are not merited. Um
Hounsel	Well, that's, and that would be what, what would be with the photo, not the paragraph number two.
Norred	Well, it's the, we can do it that way if you like. Um
Hounsel	Um, okay.
Norred	So.
Hounsel	Yeah I, I'd prefer, because I think most don't have commentary, but, but I'll, I'd rather hear it from you.
Norred	[Looking at computer]
Long	Mr. Norred, could we, could I ask you please to use, yeah, speak more into the microphone for the recording purposes. Thank you.
Norred	Um, on page CITY-090, and this is pretty common on this, "Several Loitering Individuals."
Hounsel	Sustained, I mean that, th-those words.
Norred	Uh, I mean, I --
Hounsel	Counsel? I'm prepared to sustain the objection to these three, and if you have comment.
EPV	As I understand the objection, it is to the top photograph on page 90 and the words "several loitering individuals?" Um, I have my assistant, Natasha Rinehart, here who can testify about these ph-photographs that she took that I think is relevant to her observations.
Hounsel	I'm going to sustain the objection.
Norred	The top of page 93, same objection. It says "individual soliciting business and loitering."
Hounsel	Again, I'll sustain. I mean the pictures are still in the record. They uh provide something for the, for the panel to interpret so I'm prepared to sustain the objection. Moving on.

Norred	On 94, there's a statement that "where the homeless reside." Besides being self-contradictory -
Pham	Sir I'm sorry. Can you please speak in the microphone?
Norred	Sorry. At the bottom of page 94, there's a statement that says "Jim's Car Wash where homeless reside."
Hounsel	Again, sustained.
Norred	Opinion at Tab 4,
Hounsel	Tab 4,
Norred	CITY 1, CITY page 112.
Hounsel	112. Okay.
Norred	There's a, this is part of a transcript and there's a number of statements here. It's not sworn. It's not testimony. It's not even a declaration. It's unsubstantiated hearsay should be stricken.
Hounsel	I'm going to object. It's, it is what it is.
Norred	Well, Mr. Chairman, if, if Mr. Felder had a statement here that says, I'm saying this under penalty of perjury, it'd be one thing. But, this is not testimony, this is just an added statement, it's just, it's pure hearsay.
Hounsel	That would be true for everything else in this document, um, and I think the panel can discri-discriminate as to what it is.
Norred	The photos that we have, the photos that we have, have a declaration that make them valid, make them admissible. Um, if, if the, if the Chair's usual operating procedures, and to be frank, I'm not sure what the Rules of Evidence are here, that, if we're just letting things in.
Hounsel	Well, I mean, we don't do this very often I must say. This is, Item 4, is the Minutes of that so it is a, a record of what was said, not intended necessarily to be statements of sworn testimony. I mean they may have been sworn as part of every meeting, but we don't, we don't do that. So, I don't feel that, whereas, the other materials that were prepared for this hearing if there were sort of these, what I might call editorial comments to the photos that I, I would view that differently than something that was said for that hearing and now is being presented to us only as part of that past meeting. That is part of that actual record back then.
Norred	If the committee is just taking this as a political statement that Mr. Felder stated and understands it to be that, then I'm, then I'm, I have no objection to that. I just, I have an objection to it being provided as a fact that, it's just a fact that this is what Mr. Felder said.
Hounsel	I can't, I won't speak for the others, but that would be my impression.

Norred	Okay. Tab, uh I believe you have a rule that says specifically, I believe you have a rule that specifically says Petitions are not admissible.
Hounsel	Which tab are we on for that? Petition? I think I'd remember that. This is a thousand pages.
Norred	Um, well this, this is the City's.
Hounsel	I'm sorry, okay well, you're right, the City's was less than a thousand pages.
Norred	The City's Board's Rules and Procedures, Section 10 at 3 says petitions are not evidence. The CITY's 274-276 is exactly that.
Hounsel	CITY 274. Okay.
Norred	It should be Tab 10.
Hounsel	Right, right. Okay. I will defer to counsel, my counsel on this. What?
EPV	May I respond too?
Hounsel	Go ahead.
EPV	Excuse me, sir. Um, I understood the rule that counsel is referring to, to be a petition that would be for a matter, per se, for today's event. This is a copy of the petition as part of the history of how this became before the Dallas City Council back in October, and so it is submitted as such to show the background and concerns of the neighbors that have initiated this action to bring it before you today.
Hounsel	(Inaudible discussion between Pham and Counsel.) That's what I did before. Okay, I'm, I'm going to overrule the objection um basically for what the counsel said, this is a historical document.
Norred	I'm sorry. I, I didn't see any place in the rule that says unless it's a historical document.
Pham	The Rules of Evidence aren't strictly applied in this type of hearing um so generally evidence will be accepted unless it's irrelevant or falsified, and the Chair has the authority to either overrule or sustain your objection.
Norred	If you could turn to 254, 254.
Hounsel	Number 3?
Norred	I'm sorry, look at 253, on pa-, the last paragraph.
Hounsel	Number 2.
Norred	Um, well, apparently. So, I just want to understand what, from the counsel or somebody, uh on the, on the, on 254 where it says -
Hounsel	On number 3?
Norred	Number 3 "signed petition shall not be considered documentary evidence," what does that mean?

Hounsel	That's where um, if something was prepared or, well, if something was prepared for this hearing and said, you know, uh the sky is blue and a bunch of people signed it, that, that doesn't, that doesn't make it documentary evidence. It could still be admissible.
Pham	Right, this, this rule regards at the, at the time of the hearing, if the Applicant wants to provide five or more documentary evidence um then the Board can accept it if they suspend their rules. We're saying that here, the petitions aren't considered documentary evidence so those could be submitted and that won't count against the five pages.
Norred	Okay. Under Tab 6, page 202. Mr. DeVoss [sic] has given a succinct summary of his evid - of his position which he is here to do today I'm assuming. But this statement is just an unverified opinion of his, it shouldn't be considered evidence.
Hounsel	[Hounsel and Pham conferring - inaudible] Can I accept it as ... but not consider it evidence ... well, attorney's opinion ...
Hounsel	I mean I think you're on point. Um, I'm going to admit it, um, but I do agree with the way you characterize it. Counsel?
EPV	Um if he's, I'm not, I didn't get the page number but if he's referring to the one page -
Hounsel	The one page, yes.
EPV	That I submitted along with the Application, it was part of the Application process to explain the position of the Applicant.
Hounsel	Right, so he kind, are you saying then you had to sort of do this then?
EPV	Yes.
Hounsel	Alright, good. I, I admit it, I'll admit it, but, you know, I think we've heard your comment and, and I think it, the memorandum would be considered as, as you described it, the opinion of the Applicant's counsel.
Norred	Is that going to be the same, will that be the same response for Tab 9 that this is just, all of Tab 9 is a, is just a documentary?
Hounsel	Yes.
Norred	Um historical documents?
Hounsel	That would be my view, yes.
Norred	And it's not being offered as actual evidence?
Hounsel	Agreed.
Norred	Thank you.
Hounsel	Okay. Okay, evidence is out of the way. Um, we will then begin the uh the Applicant's case. Again 20 minutes. If there are witnesses, cross-examination of the witnesses is not part of the 20 minutes and questions from

	<p>the Board, the Panelists, also would not be part of the 20 minutes. And, uh if, again if you've been called as a witness, we'll need your yellow sheet.</p> <p>Alright.</p> <p>Ms. Hill are, you are ready as far as our timekeeper, that will be her. Um, can you give us a five-minute sign just for everybody, just hold up five? Uh, otherwise, I, I trust the attorneys can, can read a clock.</p>
EPV	<p>Hi, good afternoon. Again, my name is Ed Voss. I'm here on behalf of the Applicant, the City Council of the City of Dallas, regarding this, these compliance proceedings at 2702 Martin Luther King, Jr. Boulevard, the Jim's Car Wash nonconforming use. Um, I'm going to uh go through my presentation as a quickly as I can. A lot of it is going to be some repeat that which you've already got before you. I do have several speakers I would like to call up after me so I will proceed that way. Um, again, the first thing I want to emphasize is that in the City Code at 51-4.704 concerning non-conforming uses, the City has declared it as a purpose of this subsection that non-conforming uses be eliminated, and be required to comply with the regulations of the Dallas Develop, Development Code, having due regard for the property rights of the persons affected, the public welfare, and the character of the surrounding area.</p> <p>So, that is the stated purpose that the City adopted years ago about how to deal with non-conforming uses. The purpose is that they eventually be eliminated. Uh, you've already seen this definition earlier today about what constitutes a nonconforming use. It's a use that does not conform to the use regulations of the chapter, but was lawfully established under the regulations that were in force when it began.</p> <p>Here, the nonconforming use is, was established in Ordinance No. 28860 that was passed by the City Council on December 12th 2012. As the paperwork before you shows the zoning for this property is PD 595, it's in the Community Commercial Subdistrict. Ordinance 28860 modified various provisions in PD 595, and one of those provisions directly affected the Com-Community Commercial Subdistrict where the car wash used, use was eliminated. And, you can see that uh on page 19 of the City's documents.</p> <p>Uh, the car wash use was also eliminated in the Neighborhood Commercial Subdistrict. You can see that at CITY page 17. So, it was not a situation where this particular property was being singled out. This was a comprehensive, sometimes what they call an Omnibus Change, to various provisions in PD 595. So, the nonconforming use process you already heard a little bit about today and that is that the amortization of nonconforming uses is how they are eliminated under the law. And to get the ball rolling, there is a request to establish a compliance date. At CITY pages 156 and 159, I've provided a copy of the City Council Resolution No. 18-1529 that requested the Board of Adjustment to consider this and to establish a compliance date. So, the question today, as you've already heard, is that uh whether if the continued operation of the nonconforming use will have an adverse effect on</p>

nearby properties. That is a determination that you as the Board, determine and, and decide based on the evidence before you.

There are a couple of things I want to mention that what today's hearing is not about. And I think you already understand this but, we're not here to establish the actual compliance date. Uh, that's the second step. Today's the first step to move forward uh if you decide that. Um, the second step will include receiving financial information and evaluate that and that will come at the second hearing to establish the actual compliance date.

We're also not here to determine what I've heard about in various circles about that we have to today decide that this is some sort of nuisance under the law, per se. The standard doesn't require that as far as the Board's decision is concerned today. I will get to the factors again that you saw mentioned earlier. But, this is not a decision today that this is somehow a criminal nuisance. That is not the focus.

So, um there's an aerial shot that's in the materials of Jim's Car Wash there at the corner of Martin Luther King and Myrtle. Um, you can see the buildings there from this aerial view from up above, and the focus is on how this may adversely affect nearby properties. So, what do we have by nearby properties? These are photos that are in the materials, without the words, that, um, and not all of them so I can get through these, uh, but that was the uh MLK Center. Here we have uh some church, school, uh some church properties, the Islamic Center. We have a couple of Senior Day Care, Adult Day Care Centers, uh Senior Care. There's the uh Suites across the street. There's a residential area nearby, and that's in your materials as well, it, to the east of this property there are residences. There's some businesses, right there at the corner, and the strip center, psychologist, uh Elaine's Restaurant, law offices. But then we have the car wash, and I'm not putting all of the pictures in the materials for today uh necessarily, but this is a representative sample to show how the car wash uh fits, or doesn't fit, within this neighborhood. There's a picture of the notice that was posted, pursuant to City ordinance, for today's proceedings and then pictures of the car wash, and these are actually dated in the materials, of typical, what it looks like, um what is kind of happening there at night. Uh, all the lights are on. This is from behind it with, I think, a picture that I would submit reflects the light glare emitting from the property. Um, these are other photos from the property from different angles uh that show the situation and the condition of the property.

Now, I also submitted some videos. I will not show those videos at this time. I don't have time for that. But um, the videos uh display and show, uh they are publicly available, um the kinds of things that are recorded happening at Jim's Car Wash from time-to-time. Uh, the first video is only a minute and 33 seconds long. At 51 seconds, the person is taking a video that it looks like is offering some crack. Uh, the second video is a crack pipe song by a fellow who is uh singing um and goes on and on about his routine, about smoking his crack pipe. The cruising video is one that is not very long but shows

	<p>what's going on in front of Jim's Car Wash with cruising and cars. Um, the Easter Sunday video is uh several minutes long and its uh from a vi-standpoint of the videographer showing what um is going on, on the road in front of Jim's Car Wash, and then shooting starts. This was a couple of years ago. And so everyone, the rest of the video is showing people running and scrambling. Uh, the Singing Fool video, I've also attached uh videos of the City Council meeting where people spoke about this matter in Item No. 57 and also what we referred to and mentioned earlier is at the Public Safety Committee meeting, I've attached that video as well. And the portion that discusses Jim's Car Wash starts at uh marker 15.30 minutes.</p> <p>At Tab 10 I've provided some documents um from uh the City and over 50 neighbors and interested citizens who expressed serious concerns about the car wash. At Tab 11 there's some City information, 311 calls in to complain about what's going on at the car wash, and, the, um, I've got speakers today that I'm going to call up. It's my understanding that a couple of documents have been submitted last week by other interested persons, and I think they're going to be part of the record. Uh. one was from Connie Roth uh who manages the Contain Your Green Home uh over there. And then also from uh Linda McMann, who's the President and CEO of the Real Estate Council, discussing in her correspondence from last week the effect of Jim's Car Wash on the real estate area, in that area. Ok, I'm going to reserve my last two slides for my rebuttal, and at this point in time, I would like to call some speakers and the first speaker would be Kevin Felder.</p>
Hounsel	Elaine, how much time do we have left?
Elaine	Fourteen minutes.
Hounsel	Ok.
Long	And we do have another microphone, a working microphone for you to cross-examine, or I mean, yeah.
Kevin Felder	<p>Good afternoon. I am Dallas City Councilman Kevin Felder, and I represent District 7 which is where the car wash resides. Um, I've been aware of this car wash for over 25 years, and I've heard and seen so many things that have happened that have not been good for the community, in South Dallas. There's a lot of change that is in the wind and that is currently going on, on MLK.</p> <p>The City of Dallas has, has put in place a planned development district, PD 595, and PD 595 does not allow a car wash to be part of it. And so, the owner has been notified many years ago that he, if he wanted to continue as a car wash, he needed to apply for a special use permit. That has not happened. To the extent that I represent the surrounding community, the surrounding community has made it clear to me, that they want this car wash gone. They are tired of the loud music. They're tired of the gun fire. They're tired of the drinking, the drugs and all of the miscreant behavior at the car wash. Many of them are here today, and you'll hear directly from them.</p>

	<p>There's a number of businesses that, that are locating in and investing their money on MLK, and they're afraid of their investment not being able to recapitalize the money that they're going to invest.</p> <p>There is a, a clinic that is going in on MLK with Dr. Michelle Morgan. She testified October 24th. She's spending 5 million dollars to put in a clinic, and others will testify as to what they're doing. This part of the City does not need to be stranglehold any longer. We're asking that this Board do the right thing, follow the ordinance and make this business comply by shutting down. I thank you for your time today. Thank you.</p>
Hounsel	We can do uh cross-examination by witness, or we can save them all to the, to the end. I'm flexible.
Norred	I'm assuming Mr. Felder is a pretty busy man he'd probably like to answer the questions [inaudible because speaker is not using microphone].
EPV	That's fine.
Hounsel	Alright. If, uh, alright.
Long	There is a hand-held microphone. If you would hand it to Mr. Norred please? Yes. Thank you.
Norred	Outstanding, thank you. Good afternoon Mr. Felder. Have you ever spoken to Dale Davenport?
Felder	Not in many years.
Norred	I'll ask it again, have you ever spoken to Dale Davenport?
Felder	I believe I answered the question.
Norred	No, the answer is yes, no, or I don't remember.
EPV	I'll object to the argumentative nature. I think he answered the questions.
Norred	I'll try it one more time. Do you recall ever speaking to Mr. Davenport?
Felder	Many years ago. Not recently.
Norred	And what have you specific, what can you specifically say that you have seen at the car wash that you think is so heinous?
Felder	The hanging out, the after-hours activity, I've --
Norred	Like what?
Felder	Will you allow me to speak?
Norred	Well, you're just going to go on and I want to make sure that you answer fully.
Felder	When, when I've gone by there 11:00, 12:00, 1:00 at night, trunks open, loud music blaring, people drinking, you know just, why would a car wash be doing that, a self-service car wash, why would it be operating that long?

Norred	Mr. Felder, I'll just ask the questions and you can, it has, it goes faster if you just answer the questions. Um, if you saw, you saw drinking on the car wash?
Felder	I just said that, Sir.
Norred	Did you, did you call the police?
Felder	No, I did not. I was driving by.
Norred	So, you believe it was alcoholic?
Felder	I clearly saw the alcohol bottle being drunk.
Norred	Did you ever notify Mr. Davenport that he needed to get some sort of a permit?
Felder	That's not my responsibility.
Norred	Cause when you said a minute ago, when you testified that he was notified, you didn't really know that?
Felder	Yes, I did know it.
Norred	How do you know that?
Felder	Because the, the Planning and Zoning Commission has made it clear that they notified him.
Norred	Anything else for him? Thank you.
EPV	I would like to call the next witness, Traswell Livingston, please.
Traswell Livingston	Good afternoon. Uh, don't know how I necessarily got here, um but I do live adjacent to the property. I live in the neighborhood. I've been in the neighborhood, oh specifically, within walking, within, I guess, 300 feet since 2009. My wife and I --
Hounsel	Mr. Livingston, would you, could you give us your address, just --
Livingston	Sure, 2734 South Boulevard.
Hounsel	Okay.
Livingston	Uh so, I'll just be quick. You know, let me just say, a lot of my neighbor, neighborhood uh res- um we're, they're watching on the, on the video and, and, and chi-chiming in on our group meeting neighborhood. We have a lot of neighbors that are very, uh, we've thrown our hands up with this situation for years and have pleaded to the City, to the police, to anyone that would listen to us, about the nuisance business, about what's going on at that property. Um so, uh I guess in specific, yes, I've seen drug, drug use. Yes, I've seen alcohol use. Yes, the le-, the music plays all hours of the night. Yes, I've called 911. Yes, I've told my neighborhood association to call 911. Yes, I've been on the pictures, or taken pictures on the property. Yes, I've tweeted it out. Yes, I've bothered the City Council, current and previous to this one.

	<p>Again, we're, we're just residents and home owners um that pay property taxes and feel like the City has turned a blind eye to this, to, to what goes on and what's tolerated. I have a 6-year old and a 2-year old that go to school on Pennsylvania Avenue and we wouldn't dare walk through the car wash. Um, it's just not safe.</p> <p>So, let me just say this too, because again, I live there. So, I've seen, I've seen the positive things that I think I read in the article so- of Mr. Schutz when he talked about economic gener- benefit for the community. Again, I pay property taxes. So, that, that the cash car wash thing that's going on there is not generating any revenue that's staying in my community that I, far as I know of. So, maybe there, maybe there and again, I've had my car washed there. I've washed my car there. So, any aspect of the situation you want to ask me about I can tell you because I've chosen to live here, and I've chosen to fight against this, and I've chosen to be late for somebody who's waiting on me at 2 o'clock because, again, this was important to, to where I live and my family that I'm trying to raise. So, I mean, again, I don't know what this process is, is, is going to conclude but I just know that we're fed up and need help.</p>
EPV	Thank you.
Hounsel	Hold on, Mr. Livings-, Mr. Livingston. There would be a cross-examination from the Respondent.
Norred	Mr. Livingston, what do you do for a living?
Livingston	So, I am the Interim President and CEO of Aid Services of Dallas. We provide housing for uh and services for individuals that are HIV positive and homeless.
Norred	So, you're a realtor?
Livingston	I'm a real estate broker by trade.
Norred	Are you fr - personal friends with Mr. Felder?
Livingston	No.
Norred	You said you've called the police. If I were to say I have never seen your name on a crim-, on a criminal police report on these issues, would you say that was wrong?
Livingston	Um, I would say that was wrong, but I would also say that since this isn't a court of law, that I don't use my name when I call 911 for that same purpose. For that exact purpose, I don't use my name when I call 911 because just like you did it for this, other people are doing it and, again, I'm against the grain here. I'm asking it, I'm fighting against the crime that I live among. So, yeah, I call 911. Just, a matter of fact Saturday night, so.
Norred	Under?
Livingston	I use the name Mike.

Norred	Ok.
Livingston	So, if you want to be specific.
Norred	Ok. The um, as you know, that there are a lot of people in the neighborhood that support the, the car wash and think that it's a, a good economic developer. What would you say to those people?
Livingston	First, I would say to you, I don't know that because the neighborhood, the people that I talk to, the sororities, the fraternities, the business owners that live there and work there are not in support. And, the one, for the ones that said about the, the business, I guess, again like I said, for the business side of it maybe that works, again, if you go in there today and wash your car, it was a great experience, but it's the ongoing activities that are tolerated. The trash, the music, the drinking, the alcohol, the drugs that are tolerated on that same premise that you might wash your car on.
Norred	Are you aware that shootings have occurred on, throughout up and down ML-MLK?
Livingston	Yes, I'm aware of shootings in South Dallas because I call 911 when I hear them. But, I don't know exactly where they are um all the time, but yes, I'm aware of shootings several times.
Norred	Have, have any of those occurred at the car wash?
Livingston	Yes.
Norred	Really? You think there, there's been a shooting at the MLK car, Jim's Car Wash?
Livingston	A shooting is just someone firing their gun in the area, and yes, the answer is yes.
Norred	Did you see any record of that anywhere, have you ever seen that?
Livingston	Have I seen it? Yes.
Norred	You've seen somebody shoot a gun at M-, at, at the car wash?
Livingston	I've seen shooting in the air at MLK. Yes.
Norred	You didn't call the police?
Livingston	I didn't say I didn't call the police. You didn't ask me if I called the police. I've called the police several times. Again, that's how I learned not to use my name when I saw it on the crime stats when our neighborhood patrol officer came in and showed my name on all these 911 calls.
Norred	Thank you.
Livingston	You're welcome.
Hounsel	Elaine, how are we doing on time? [could not hear Elaine's response].

	I would, with the consent of both sides, I'm willing to extend the 20 to either 25 or 30, but it would have to be for both sides.
EPV	That's fine with me, Mr. Chairman. I do have a few more.
Hounsel	25?
EPV	I'll get through. Twenty-five is fine. I'll have a couple -
Hounsel	25 minutes?
Norred	Sure.
Hounsel	Okay, we're up to 25 minutes now. Add another 5 minutes onto your count please. Alright.
EPV	The next witness I'd like to call is Kedrick McKnight.
Kedrick McKnight	<p>Good afternoon. I'm Kedrick McKnight. I currently serve as the Chief Operating Officer at St. Phillips School and Community Center located at 1600 Pennsylvania Avenue, um little less than a mile away from Jim's Car Wash. The reason why I'm here today is an advocate of the promotion of doing away with this particular establishment. Um, whether it is labeled as non-conforming, I want to speak from the platform synonymously with it being non-compliant and one of which has been an albatross to the community for years.</p> <p>I stand in the shoes of someone who is a former federal agent. I can speak to um narcotics activity observed, and also working undercover with what was established in 2011 by the U.S. Attorney's Office uh and the Department of Justice as the HIDT Unit which stands for the High Intensity Drug Trafficking. Some of the areas that were targeted, some of the platforms that were set up, were specific to the locale of Jim's Car Wash.</p> <p>I have personally observed drug trafficking. I have personally purchased narcotics in buy bust scenarios. I've also witnessed the use of crack cocaine. I've also seen the solicitation of prostitution. I've seen people purchasing food stamps for monies and also the sale of other goods and contraband. This is not hearsay, I've witnessed it or either taking also the opportunity in a work capacity as a federal agent, once again.</p> <p>One of the things that I want to share with this Board is that this is not about uh trying to target a specific area uh just on general purpose. It is a specific attempt to clean up this particular area. The children in the area, the residents of the area deserve to have the opportunity to live in a clean, sanitary, enriched, law-abiding community in which many children and many people from across the region of a country as well, come to visit the Fair Park and also various fraternity and sorority houses. I am also in the fraternity that is located on that same street. I've witnessed behavior patterns such as what I've just described both in day time and night time um segments of, of a day.</p> <p>In 2003 and 04 and 2007 through 2011, if memory serves correctly, Texas was identified, Dallas specifically, as a high level of sex trafficking and</p>

	<p>human trafficking. Guess what. Some of the areas identified were on MLK. One of the areas specifically identified was in between the block where this car wash or what this nonconforming entity currently resides. As a result of that, it has been an enigma to myself, and those other areas that are specific to this particular entity.</p> <p>I am asking, imploring, beseeching you to, to choose to select to do what is legally within your power, not personally, but legally within your power and jurisdiction, and shut this car wash down, or this non-conforming entity or place it in the status where it conforms with what the City of Dallas will allow.</p>
Hounsel	Alright, thank you. Thank you. Cross-examination.
Norred	You said you're a federal agent?
McKnight	I'm a former federal agent.
Norred	FBI agent?
McKnight	I was part of the FBI Task Force, yes.
Norred	You work at St. Phillips?
McKnight	Yes, currently.
Norred	Is there a huge gambling shack across the street from St. Phillips?
McKnight	There are three that have been identified as specific areas um within the last three years, I believe.
Norred	And what have you done about that?
McKnight	Um, we have done all that we could to clean up that specific area under the leadership of Dr. Terry Flowers. We have transformed the community into something that it is now feasible and also faith-based in nature and also accommodating to the residents. We've turned former crack houses uh into areas that are now educational facilities uh so that they now reek the odor of not a blight on, on the community, but something that is a bright spot in the community.
Norred	You mentioned a, a stretch of MLK that's been identified as sex, as a sex offender or sex trafficking area is it?
McKnight	Correct.
Norred	Is, is every business equally, just they're all guilty because they're around there?
McKnight	No, I specifically, I believe, if the, if the records would show, identified the locale of the car wash.
Norred	That the, the car wash has been identified as a, as a sex trafficking area?
McKnight	In that specific locale, correct.

Norred	Ok, so it's in -
McKnight	Which would be in the perimeter of the particular car wash and I'm not speaking specifically from um a Dallas Morning News perspective or some - a journalist perspective, I'm speaking from someone who's observed it as an eyewitness.
Norred	And you called the cops?
McKnight	I was a cop.
Norred	And what did you do about it?
McKnight	And what we did was, we made sure that the investigations ensued, and uh certainly because that was not my specific area of expertise and assignment because I was on a Task Force, those individuals was alerted, and followed through with those particular areas were taken care of.
Norred	You said you've seen prostitution and drug use at the car wash?
McKnight	I've observed prostitution and also worked uh Dallas PD had a vice squad at one point, with southeast.
Norred	I'm not asking about everybody else, I'm just asking about your experience alright.
McKnight	Yes.
Norred	Ok. So, what did you do when you saw that?
McKnight	What did I do?
Norred	Right? What did you do? When you see somebody out offering sex, what did you do?
McKnight	In the capacity of operating in an undercover or a UC capacity, I did not interrupt, because I was undercover.
Norred	Question for the, for counsel. Are, are, are we under oath here?
Pham	Yeah, everyone was sworn in.
Norred	So, under oath you're saying that you're an undercover cop watching people solicit and, and have sex.
McKnight	No, I was an undercover federal agent uh participating in a buy-bust, not there for what, what I would believe would be prostitution, but observed what, in my expertise, and my training, was the solicitation of illegal prostitution.
Norred	And that happened on, on the car wash property?
McKnight	More than once.
Norred	And you watched it personally?
McKnight	I saw the solicitation, and I witnessed the exchange. Did I see the action? No.

Norred	What exchange, what do you mean?
McKnight	The exchange of dialogue and as I stayed in an obscure environment so that I would blend in because that is the true nature of working undercover. Um, those are things that I specifically was able to ascertain, and I do that, counselor, counsel, based specifically on experience not based upon the, having the ability to have telekinesis. I don't read minds nor uh do I have the ability to be in more than one place at one time. So, based on my experience is what I perceived.
Norred	Great, thanks.
McKnight	Thank you.
EPV	I'm gonna ask the secretary how much time I have left?
Elaine Hill	7 minutes and 20 seconds.
EPV	Alright. I'll have one more speaker then. Is Dorothy Hunt Hopkins here? Okay, instead of her, um, Hank Lawson. Oh, I'm sorry, you are here. Again, Dorothy Hopkins. She was here.
Dorothy Hopkins	Hi, my name is Dorothy Hopkins. Um, you know I do work in the South Dallas Fair Park area and uh sadly I cannot actually say that I've witnessed a lot of illegal crime or anything at the car wash because I just don't drive that way. So, I'm not real sure why I'm ...
Elaine Hill	Could you state your address please?
Hopkins	I work at 4716 Elsie Faye Heggins for Frazier Revitalization.
EPV	Thank you.
Hopkins	Thank you.
Hounsel	Thank you for coming, but uh, uh cross-examination.
Norred	Thank you. Uh, are you familiar with another car wash at 46, 4600, 4625?
Hopkins	Yes, I know where that is.
Norred	Is that well-lit at night?
Hopkins	I, I don't know. I don't know if it is.
Norred	Do you see a lot of cars at that, that, that car wash?
Hopkins	I do see a lot of cars there when I'm leaving my office, especially on sunny, nice, warm days.
Norred	So, do you want that car wash shut down too?
Hopkins	If there's illegal activity there, I certainly would.
Norred	So, is there illegal activity at, at, at Jim's Car Wash that you could talk about?

Hopkins	There is none that I can talk about because I'm not aware of that. I don't stop there. I don't, I'm not there on the weekends when apparently a lot of the activity happens. I'm not there late at night.
Norred	Let me just ask, but I'm sure the Board's asking too. If you don't know what's going on there, why are you here?
Hopkins	I'm here because I work in that neighborhood. I actually did not sign up to speak, so, I'm not sure why I'm speaking.
Norred	So, why are you against, so, you just heard that this car wash has crime going on it, so you're here to put them out of business?
Hopkins	I'm here to support the neighbors and the residents that live around there and the other businesses that live around there.
Norred	So, if I show a number of other businesses and residents that far outnumber the people who want it to, to go, would you change your mind?
Hopkins	Uh, I don't know. I would have to hear what they have to say, but, I do listen an awful lot to the individuals that I work with and they're residents that live around there.
Norred	Thank you.
Hopkins	Thanks.
EPV	Next is Hank Lawson.
Hank Lawson	I'm Hank Lawson. I live at 2402 Park Row around the corner from the car wash.
Hounsel	Did you, did you take the oath earlier? I'm sorry. I just want to make sure every speaker has taken, took the oath.
Lawson	Yes, I took it.
Hounsel	Thank you, Mr. Lawson. Go ahead.
Lawson	<p>I have a, go back a long ways with this car wash. I've been involved, uh we went down to the state legislator to uh testify against it, and we sat there for eight hours and the Republican Chair never save us a chance to speak. So, there were about eight or nine neighborhood loads that went to speak, so, our history of trying to work through the system to fight this thing has been a very difficult one.</p> <p>But, I, I want to say this to you, and I want I want to look directly at you. I park to go to the locksmith across the street there, and while I was parking there, a, one of the people came off the car wash to offer drugs to me. So, there was a drug transaction trying to transpire by someone coming straight off the car wash. Alright? I worked with the City and the police to report that to that car wash. I was the Executive Director of South Fair Community Development Corporation at the time, alright.</p>

	<p>But, let me say this about economic development. We have all these wonderful tools, the Tax Increment Financing District, the Opportunity Zone. All of these things are trying to happen to attract business to our neighborhood. But for years we can't get past that, because of the negative perception and the crime that occurs there. So, if we're to take advantage of all the stuff that's supposed to be happening from Fair Park, all that growth, the Opportunity Zone, the uh, the re, reinforcement of the TIF, then we have to comply with this here, and shut this thing down.</p> <p>It has not been an attractive, uh attraction for new investment or improvement. You can talk to all the numbers you want about people wanting it, but the people that live there, don't want it. Thank you.</p>
Norred	Are you saying the proper ... (picks up microphone). Good afternoon. Sir, are you saying that the property values are going down around the car wash?
Lawson	No. What I'm saying, they're not, there has been some growth in the property values. But, if you're going to think that those property values say a lot, all you have to do is look at the TIF and see the assessment of growth from those, those uh investments. They're not there.
Norred	Are you saying that the, that the crime happens because of the car wash or is it the car wash just in an area where the crime is.
Lawson	I'm saying the car wash contributed to the crime. I was a witness to it. I was victimized by it. I, I live there, I see the same stuff too. I know a lot of those folks.
Norred	Did you call the cops?
Lawson	I just told you, I worked with the cops.
Norred	I'm sorry. The question was, whenever you say you were approached by somebody who wanted to sell you drugs, did you call the cops?
Lawson	I sure did. Out of that, we went down to the State Capitol to a hearing for this property.
Norred	Ok, the hearing is, I'm sor-
Lawson	That's what I'm trying to tell you. You asked me about the cops, it led to that.
Norred	Ok, well whenever you told the cops, what happened?
Lawson	I would like to know too, because nothing really changed. I mean we've been say-saying the same fight for about 10 years.
Norred	So, is it a common problem that you call the cops and they don't do anything?
Lawson	No. What I'm saying to you is that what we have done as citizens has not changed things for the better and now we have all this opportunity for economic growth with the empowerment zone.

Norred	I'm sorry, I didn't ask you about the economic opportunity.
Lawson	I'm sorry, but we have to do that to have those things taken back.
Norred	What can you tell me about crime in Evanville, Evan Village?
Lawson	What?
Norred	What can you tell me about Evan Village? Is it Ebon, Ebon Village?
Lawson	Ebon Village. I can tell you that it's uh a property that was a tax project built around 2000.
Norred	But, how about the P, P, PIO, PIT? Oh, about the PID, wha-, PID, are you, do you know anything about the PID money that's supposed to be developed? The PID money for
Lawson	No, I have no, I know about the PID, but I have no idea about the expenditure of funds. I don't.
Norred	Thank you.
Hounsel	Almost close to the end of the time.
Elaine Hill	3 minutes and 58 seconds.
EPV	Is that three minutes for now, or three minutes my rebuttal?
Hounsel	None of this is affecting your rebuttal. There is four minutes left in the presentation.
EPV	Okay, okay.
Hounsel	Or what she said as to the rest of your presentation.
EPV	Thank you. I'd like to call Diane Ragsdale.
Diane Ragsdale	<p>Uh, good afternoon, my name is Diane Ragsdale. I live less than a mile from the area at 3611 Dunbar. Uh, I'm here today uh representing, in particular, the nonprofit for which I work, the South Dallas Fair Park Inner City Community Development Corporation. We do, we build homes uh within the neighborhood as well as promote revitalization of various retail businesses.</p> <p>Uh, ICDC uh has joined others over the years to resolve this problem related to the car wash. More years than I care to remember. Uh, as I said, I live there, I breathe there uh and we have attempted to resolve this issue many times. Uh, as a community, a builder, ICDC believes that the Jim's Car Wash is not safe. It has proven it is not safe. I've gone by the car wash many, many, many, many times on my way home, and at times the vehicles at the car wash are lined up to even blocking the street, even blocking Martin Luther King Boulevard, and yes, I did call the police.</p> <p>I was coming home from church one Sunday afternoon and drove by the car wash. And as I drove home from church, there was someone uh at the car wash, throwing beer cans at, at the cars driving by. He appeared to be drinking too much to say the least. And adding to the neighbors' problems,</p>

	<p>we are left with the trash and debris once, once uh some of the traffic is minimized. These are just a few examples. Code Enforcement and DPD have tried to help us uh to get this car wash under control. But as you, as you know, unless you sit there 24 hours a day, sometimes you cannot um a, address every issue.</p> <p>Believe me when I tell you, what we have, what we have done. We have spent years and years and years to try to address this issue. Jim's Car Wash does not benefit our community. It needs to be phased out. Thank you. Yes, sir?</p>
Norred	Have you taken your daughter to Jim's Car Wash?
Ragsdale	I don't have a daughter, Sir. I don't have any children, Sir. I do have nieces and nephews.
Norred	Any of the car wash, have you ever taken any of your minor friends to the car wash?
Ragsdale	Any of my minor friends?
Norred	Any, any friends? Have you ever been to the car wash?
Ragsdale	Well I've passed by it many times.
Norred	Have you ever stopped and had your car washed?
Ragsdale	No. I wouldn't dare.
Norred	Okay. Any other car washes on, uh the car wash at Malcolm X, how, how's it work?
Ragsdale	I don't use the car wash within South Dallas proper. I use my um driveway.
Norred	Uh, what, what business is it that you own or a part of?
Ragsdale	I am the director of a nonprofit called ICDC, Inner City Community Development Corporation.
Norred	And what do they do?
Ragsdale	We've built over 250 homes in South Dallas proper. Uh, we, uh, uh, uh we acquired and revitalized uh uh Grand Plaza uh Shopping Center uh on Al Lipscomb Way, and uh we've built uh various, we've built two office buildings.
Norred	You have any interest in this busi, in this property?
Ragsdale	Personal interest?
Norred	No, do you have any personal interest or business interest in, in this property?
Ragsdale	No. None whatsoever.
Norred	Thank you.
Ragsdale	Thank you.

EPV	I believe my time's up.
Elaine Hill	1 minute and 20 seconds.
EPV	Um, I will use up my last minute and 20 seconds with Ken Smith as a speaker.
Ken Smith	<p>Good afternoon. My name is Ken Smith. I live at 4615 Bradshaw Street in Dallas, Texas. I was born and raised in South Dallas and live in the house that I grew up in. Uh, today I want to, to just focus my comments on something a little bit different. I want to talk about a vision and what we will be and can be if we work collectively together.</p> <p>A couple of facts. During the 60's, 70's South Dallas had almost 70,000 people who lived in zip codes 75210 and 75215. Today it's 25,000. Back in the day in the 60's, 70's, maybe early 80's South Dallas was what people would call today, a sustainable community. We had millionaires, high income, middle income and low income which is what most of the people in today's uh timeframe say is sustainable. [timer goes off] Yes.</p>
EPV	I've got time?
Elaine Hill	Times up.
Hounsel	That's it. Ok. What was your address Mr. Smith? Just for the record. Your address?
Smith	I gave it, 4615 Bradshaw.
EPV	Mr. Smith. [EPV motions for Mr. Smith to return to podium]
Norred	Uh, who do you work for?
Smith	I work for myself.
Norred	And where, and where do you office?
Smith	At my home.
Norred	And what does City Square do?
Smith	City Square? I don't, I don't work for City Square.
Norred	What does City Square do?
Smith	My understanding of what City Square is, not that I work there, is that they are a nonprofit organization. They have a food pantry, um I think ... which does training for high tech, Operation Lift that teaches people to read and I think they have a culinary kitchen there. That's from what I've heard. I don't work there.
Norred	Thank you.
EPV	Mr. Chairman, I understand my time is up. Um, I was going to at least recognize for the Board's benefit other speakers that came to speak. If they wouldn't mind standing please so the Board could see them please, whoever

	has not been able to speak on behalf of the Applicant today. Alright thank you very much.
Hounsel	Thank you for coming down. Any questions? Okay, alright I, to be clear, the, the panelists have, have declined any questions of the witnesses.
Long	Do any of the speakers have a power cord with them? Or do you, are you needing our power? You don't need it do you, Sir? Are you plugged in to a ...
Norred	No, I, I've got my own power here.
Long	Okay. I'm going to take our, there's another division in our department that needs our power cord, Sir.
Norred	Oh, do you mean that?
Long	Yes, right.
Norred	I should be fine. Famous last words. Chair, uh we have some other things to talk about, but I have a witness that's going to be leaving soon, or needs to leave soon so, if I could have him go ahead and step up and just knock him out, yeah. What's your name?
Sky Miller	Sky Miller.
Norred	Sky Miller. I don't know if he was sworn in or not.
Sky Miller	No.
Norred	Come on up.
Long	And sir, uh I think we need to, uh I think we're having a difficulty hearing you. You can bend the -
Norred	I will make better effort.
Long	That's good. That's good. Just wave your arms.
Hounsel	You can use the mike, you can use the hand held if that's -
Norred	Well I, alright, either way. We'll figure it out.
Hounsel	Okay.
Norred	Thank you. Mr. Miller
Miller	Hi, I'm Sky Miller. I'm a, a, a broker here in the local area and I've worked downtown in South Dallas, and I uh, uh, I believe and know zoning is very important and as is conformity to those zoning rules, and I look forward to the day that South Dallas, Fair Park, etc. are again a bustling, vibrant community. I also believe in property rights. As you are all aware, the real estate market is quickly on the rise, and uh, I believe letting a bustling business that has been around for decades provide those services to its community. The community is using it. Uh, the proper way for this to work is through growth and market dynamics. There are

	<p>plenty of car washes in Dallas that serve their community, and this is the same.</p> <p>This, to me, seems more of an enforcement issue than a business not conforming to the neighborhood and can be dealt with in, in a better manner. I also believe that you are all aware that there are far worse issues happening right around the corners of this business that should be addressed: loitering, homelessness, prostitution, drug use, etc. Thank you.</p>
Hounsel	Mr. Voss?
EPV	No questions.
Norred	Alright, back to your regular scheduled program. Um, thank you for having us today. I'll try to be better about this. The um, you have a packet of seven uh pieces of paper that I've handed the secretary. I understand that the rule is five, and I would ask uh, I would ask --
Hounsel	I understand the seven pages are all photos, correct?
Norred	Say again?
Hounsel	They're all photos?
Norred	No, just the first one's photos.
Hounsel	Ok, I, just let me take a quick, quick peek at it.
Norred	So, I would ask that um the normal five limit be lifted to seven.
Hounsel	So, uh just let me see them.
Long	So, there are seven pages you're submitting, correct?
Norred	Correct.
Hounsel	Um, I'll share them. I, I move that we suspend the rules and accept uh the pages provided by the Respondent's counsel.
Beikman	Second.
Hounsel	Motion second by Ms. Beikman. All those in favor indicate by saying aye. Aye. Motion passed unanimously. Alright.
Norred	Thank you. I don't have a fancy presentation, I just have some of the facts here that we'll use as a skeleton to provide uh the testimony evidence. If I could have our uh property owner. Dale Davenport will explain that he is the son of Freddy Davenport who owns the property, and he's the manager and operator of the facility.
Dale Davenport	Okay Uh, Dad and I bought the property in 1993. My dad was retiring that year from Lone Star Steel. He'd worked there 40 years as an electrician, we took that summer. The car wash would've been for sale by the FDIC for over a year. It was a vacant piece of property. The walls had been knocked in. Uh, we totally rebuilt the business, uh bought all new equipment, refurbished it and uh the first day I was there working, I got robbed at gunpoint. That was

	uh '93 and so, the same property to my west is there, the same property to the east is there. Uh, there was a Union Steward shop across to the north. Uh, fast forward, uh the business uh --
Elaine Hill	Excuse me sir, I'm sorry
Davenport	Yes.
Elaine Hill	Would you please tell us your address?
Davenport	Yes, my name is Dale Davenport and I'm at 805 Autumn Hill in Wylie, Texas.
Elaine Hill	Thank you.
Davenport	<p>And I too serve on boards. I've been a member of the uh Construction Board. Pardon? I've been a member of the Construction Board for the City of Wylie for a number of years. I serve on two bank boards, and uh, uh have been own, I've owned car washes since I was 16 years old. So, I've had 'em for over 40 years. And um so, uh we got the car wash up and, and running. The uh business has been good. Uh, 2003, the City came to us and said there's crime on the property and so we a, put in new lights, we put up fences, we put up signs, we abated, we hired a security guard. Uh, the City told the security guards call, report crime, be more aggressive. We did.</p> <p>So, the City came back six months after that timeframe and they sued us. And, the City of Dallas sued me for reporting crime. The City of Dallas used my own 911 reports and said, are you saying that there's somebody drinking beer? Yes. Do you see somebody selling crack? Yes. And they used those 911 reports from my guards, and from me, and they, to deem the property a public nuisance.</p> <p>So, the judge said, well if you don't like the ruling, go get the law changed. So, I did. I went to Austin, and I got the law changed. And you would think that the other people here today would appreciate the fact that it's not against the law to call 911 in Dallas. Because the way the law, the law was interpreted by the City of Dallas, the City of Dallas could use your 911 number that you called to deem it a public nuisance. So, we got the law changed. It is not against the rule to call 911 and say there's drug dealing. So now. we can call and say, there's drug dealing, and the City doesn't hold it against you.</p> <p>And the City also was told by the City, by the State of Texas the City of Dallas ran amok. It was a cult-like atmosphere and they wanted their, the police wanted you to hire them, as off-duty guards, especially the lieutenants because they wanted the guard companies to be lieutenant grade or higher. And if I'm not incorrect, I believe along that time we had some City Councilmen that went to jail because they owned different uh guard companies and stuff. I think Mr. Fantroy was one of the councilmen that ended up going to jail or home arrest or something.</p>

	<p>But anyway, we fast forward. The City of Dallas came back after me later on and uh said uh imminent domain problems. Uh, we weathered the storm on that. We showed that we was not, you know, being used for imminent domain. We wasn't a public uh project that the City was going after. And so, this time they came after me and my councilman, Councilman Felder, he has never contacted me about this. He's never said, there's crime on the property, can you do this, can you do that? Cause we were willing to do it. You know, uh the police had a hearing, or had uh the Car Wash Association uh hearing and all the car wash owners in south and east Dallas came together. We had a meeting and they asked us is there, you know, some things that we can do to work together at car washes. And so, the car wash owners did these things.</p> <p>But what was so strange about it was, it was clear that it wasn't about solving crime, it was about taking property. And I said from day one, they're gonna come after my property. And so, I've got one little letter here I want to read. This is from the Southwest Car Wash Association. Dear Dallas Board of Adjustment. For several years the Southwest Car Wash Association has been working with the City of Dallas Police Department in the City's of, Attorney's office to create an enhanced working relationship for our small business owners in the Dallas area. We believe all business owners should have the opportunity to conduct their business in a fair and safe environment. We are assured by the City Attorney's office these off, these efforts were progressively favorable and everyone was working in the compliance of these goals.</p> <p>Now contrary to these assurances, the City of Dallas, led by Councilman Felder, have initiated efforts to close Jim's Car Wash, located at 2702 MLK. The effort by the City of Dallas to define Jim's Car Wash as non-conforming is unfair, unreasonable and legally questionable. Why are we having this at this kind of hearing? Things like imminent domain, we should be in an imminent domain court. But no, this new word is non-conforming.</p> <p>Jim's Car Wash is not adverse to the neighborhood. In fact, people want to be next to us because we draw business in there. In fact, my neighbor, we got so many neighbors here, we got over a thousand signatures that I got from my customers that uh lawyer here says I can't use 'em because we didn't get 'em right. But, I've got 50 signatures or declarations here from uh -</p>
Norred	<p>In your, in your packet uh, of seven pages, the last page is the car wash page that, that uh Mr. Davenport was just reading from. You'll find pages 2 through 51 um, are declarations. Just so you know, declarations are, are made under penalty of perjury. They are admissible in court, in a normal, everyday court (laughs), and certainly here. And, and many of them are from nearby neighbors. Two of the, two of the seven pages I just gave you a few minutes ago are from the owners or managers of, of directly adjacent restaurants.</p> <p>So, these are directly adjacent restaurants that are saying, we are not being damaged by Jim's, by, by the car wash. The car wash is good for our business. That's business owners that are right there all the time. Go ahead.</p>

Davenport	<p>Yeah uh, one of them's, not the one right next door, but Freedom Fashions been there 36 years, and they, they love us. And, people can park their car, get it washed, they go over there, they buy clothes. Elon's Village, Elon's, uh Elaine's Restaurant uh was on tv last night showing her support for the car wash. Uh, Blackjack Pizza, we order pizza from the car, at the car wash all the time down there. He has wrote sworn statements after sworn statements here and offered to come down today. We've got uh, you know, just so many letters of support it's unbelievable. And, the price of land around me has gone up, and uh, you know, it, the Independent Bankers of Texas have come and said to us, they spoke at the, at the City Council meeting, and they said, so somebody buys a business, they spend a million dollars to build a business, and then the City of Dallas comes along and changes zoning. Well how is the bank ever gonna get their money back? How are we ever going to grow south if uh, if you don't have banks?</p> <p>Because the City of Dallas is cutting their, you know, I mean they're just cutting their nose off to, to spite themselves to do a small business owner this way. And one more thing let me say this is very important, very important. (Yelling) In 26 years of business Kevin Felder, I have only had one ticket for trash, one violation, and I beat it in court because the City said I had a, uh some trash out there, and they wrote me a ticket. I took my cameras and I showed that when the guy wrote the ticket and put it on my door, there was no trash. It was civil dismissed is what they called it.</p> <p>How many business owners does Dallas have that's been in business in south Dallas for 26 years that does not have a ticket of some type? Especially in the cleaning business like we are. I feel like I've been a good neighbor, and I think this is politically motivated and my councilman didn't even call to tell me that they were coming after me in the same forum.</p> <p>And the people you've heard here, except with one gentleman that lives across the street, they live on the other side of Fair Park, different areas. They have to drive by three other car washes that aren't lit up at night like mine is. We've got pictures here that will show that. And uh, thank you for your time very much. Anybody want to ask any questions? Got any questions?</p>
EPV	Yes sir, Mr. Davenport. You and I have not met before today, is that right?
Davenport	No sir.
EPV	Alright. My name's Ed Voss.
Davenport	Yes, and I, I just wanna, uh
EPV	Wait, I'm going to ask you a question if you don't mind.
Davenport	Okay. Okay.
EPV	Alright. Um -
Davenport	I'm going to do an open records request and see how much you're charging the City of Dallas to be here because I know you're not a City of Dallas

	attorney. Cause you're a very specialized individual, one of few in the country that to do this.
EPV	Well, I'll, I'll take that as a, I'll take that as a compliment, but I do -
Davenport	It is a compliment.
EPV	But I do object because it's not relevant to today's proceedings. Um, Mr. Davenport, do you understand that the car wash use was uh changed as not allowed at the property in December and 2012?
Davenport	We did not know that until October of this year, and when you look at the paperwork on that, that was sent to my 85 plus year-old dad, at the time, the overlay did not show that the car wash was included in that or we would have complained. The fill notes was written where it did show that the zoning was. But, the overlay, which is what my 85-year-old dad looked at, did not show it. So, there is some flaw to what you sent him to change the zoning.
EPV	Alright sir, but you understand that now. That as of December 12, 2012, the use was -
Davenport	I know what the City of Dallas is saying that, that ya'll don't appreciate grandfather laws or businesses that helped build this uh part of town.
EPV	Alright. Did you understand my question?
Davenport	Yes, Sir.
EPV	Alright. Do you have, strike that. At least you understand as of now, that the car wash use was stricken as a use from your, from your property?
Davenport	In, in, in ya'll's opinion, yes sir.
EPV	Ok. Not your opinion?
Davenport	Not my opinion.
EPV	Alright. If that's true, have you considered asking for a zoning change to have the car wash use reinstated?
Davenport	Yes Sir. I have.
EPV	What have you done to pursue that?
Davenport	I'm trying to live through this first and go through all these procedures.
EPV	Have you considered -
Davenport	It's just a stacked deck.
EPV	Alright. Have you considered transforming the property to one of the listed uses that could be maybe more profitable?
Davenport	I don't have \$3 million to build a new Chili's restaurant.
EPV	Is that the only use you think is available there?

Davenport	That would probably be one of 'em that, that would be. I mean, there's a lot of things that I would, I would love to try down there, but I don't, I don't get the money, I don't get the backing. In fact, all my neighbors got new facia exteriors uh back in 2013. Why didn't Dale Davenport or Freddy Davenport get this just like all my other neighbors did?
EPV	Alright sir. Um,
Davenport	We've asked, we've asked in open records and we never got that information.
EPV	Alright, I don't know about that. That's not why we're here today.
Davenport	Okay.
EPV	But, you did mention that the car wash was very profitable for you here at this location?
Davenport	Yes, it's, it's, it's a for profit business, yes.
EPV	Alright sir.
Davenport	We believe in free enterprise and capital and, and hard-working people.
EPV	That's all the questions I have. Thank you, sir.
Davenport	Ok. Thank you.
Norred	I'm, calling ... Marshall Cornelius.
Sahuc	I have some questions for -
Hounsel	If the questions from the panelists we can do them at, at the end or per speaker uh.
Sahuc	How do you want to do that? Do you want to wait 'til the end?
Hounsel	In this case let's wait 'til the end. So, please if you're -
Norred	Whatever the panel wants to do.
Hounsel	I just, I brought it up now. We'll wait 'til the end. Thank you.
Norred	Marshall Corne-, Cornelius.
Marshall Cornelius	My name is Marshall Cornelius. I live at 2706 Peabody Avenue which is directly behind the car wash. I've been there over 26 years. Yes, they have shooting in the neighborhood and it's in every neighborhood. You can't stand here and tell me that you don't hear shooting anywhere you go. But, is it directly because of the car wash? No.
Norred	You've got to get right up on it. [speaking about the microphone]
Cornelius	I, I was in the military for 18 years. I retired as a staff sergeant. I love south Dallas. My kids live there in south Dallas. I have neighbors in south Dallas that will support the car wash. Businesses, like he said, supports the car wash. The car wash builds, everyone around there, is an asset. That car wash brings people in. It's, it's, it's a landmark. People come from all over the

	world to come to south Dallas car wash, and that's a fact. We have professional football players, basketball players, Erykah Badu come every year. Every year, Erykah Badu will come to that car wash and support it. To lose this car wash would be devastating to the community. Crime rate will go up, guaranteed. Because nowhere for, where they going to go? There's no place for them to go, but start breaking in robbing and stealing. You think you have problems now, you'll, you'll, you'll see. And that's a fact. Thank you very much.
EPV	Excuse me, Mr. Cornelius.
Cornelius	Yes, sir.
EPV	Um, are you retired?
Cornelius	Yes, I am.
EPV	Alright sir. Thank you.
Pham	Elaine, can you remind us of how much time is left?
Elaine Hill	10 minutes and 20 seconds.
Norred	Dale, if you could just, you've provided a number of pictures.
Davenport	Yes.
Norred	What were you intending to tell the Board by provision of this, of these pictures?
Davenport	Yes, this lady that spoke while ago uh said that uh she works on Elsie Faye Higgins Street. Who was that? [Lady raises her hand.] Okay. This is the car wash that you're, it's [Mr. Davenport left the podium to show her a picture, inaudible statements].
Elaine Hill	Sir, we're gonna need you to speak into the mike, please.
Norred	Just stay here.
Davenport	<p>This car wash at 4625 Elsie Faye Higgins Street, and it's got 30 cars or so in the front. And they talk about uh, Councilman Felder talk about cars at my car wash at night. Yes, we have cars at my car wash at night, and my car wash is lit up. I have \$30,000 brand, of brand new LED lights that we put in two years ago. It saved me on my electric bill. My electric bill went from about \$1,400 a month to about \$750 a month because we went with LED lights. They're 60 percent brighter, cleaner, whiter light.</p> <p>This car wash down the street from where she's at, that sometimes my car wash gets a bum rap from, does not have lighting in it, at night. But, yet you have, you've got 40 cars in the front in the parking lot. I took these pictures last night. Uh, this other car wash on Second Street, close to the Mildred Dunn Park Recreational Center, the picture there that we're looking there is, it shows, it's a six, it's a four or five bay car wash, but they've got a power washer out there washing cars. In other words, the water drains out into the</p>

	<p>parking lot and no money goes into the, to the meter boxes. So, that's my competition, and my car wash stays busy. We keep it working. We keep it clean. Do we have crime there? Yes, we have crime. But it's not because I'm not calling the police, I'm not reporting crime.</p> <p>And, I even led a uh, uh led a, Tiffany was our last City Councilperson before Mr. Felder, and we got a thing called the Public Improvement District, going. The uh, one of the judges, uh City of Dallas employee judge came to me and said, we need to do something about crime in our area. And if we open, if we get this PID, we can have more street lights on Lynn Way and Myrtle Street and Pennsylvania. And, it's not in the high dollar area where a lot of these other uh people have spoken. They have lights. But, a lot of these other uh streets in South Dallas, they don't have anything. They're not being taken care of, and these LED lights would be so much to that community down there. And so, my, my point is, I helped push for that, and we got that money, we got it passed, and they hired Hip Hop Management to, to operate it, and whether or not they did a good job or not, I don't know, I'm sure Mr. Felder can tell us all about that.</p> <p>But I can tell you, we've been taxed for several years and that money hadn't been spent and when I started asking questions, where's the money, that's when I started getting problems again, this summer from the City of Dallas. Ok. Follow me here. And, I notice where Carolyn Davis, my old City Council, I'm, I see where she's in trouble for bribery and she's admitted to it. She used to come down to the car wash and harass me too. And, so I'm not going to say when I talked to Kevin Felder last. As far as I know, he's probably a, his intentions are good, but I tell you what, if he'd just come to me and said, "Let's try to clean this up, let's work together," I would have bent over backwards to try to have done something for our community.</p> <p>And, this is a political witch hunt is what this is. My car wash brings business to the community. My neighbors to the east, north, south, Marshall lives right, he lives on Peabody. He's the Peabody Home Association right there. And uh Gary, he lives, I don't know, just west of there. And, we got a thousand signatures in three days and then, you know, he said I did it wrong, and he's right. And so um, we got, I got 50 signatures the last couple of days, declarations, not -</p>
Norred	Declarations.
Davenport	<p>Yeah, declarations, not signatures. And so uh, and I, I would like to do more down there. I would like to put some architectural change to the car wash. I would like to put some trim and some chrome and make it really look nice. But every time I get ready to do something, the City of Dallas hits me with something new.</p> <p>If, if the City of Dallas would, would try to build things up instead of tear 'em down, they spent more on attorneys than they have ever spent to try to help</p>

	me down there. And, I've never gotten a dime of grant money. I, I, I yield to my lawyer.
Norred	Thank you.
Elaine Hill	4 minutes and 43 seconds
EPV	I just was wondering if, if, do you have a copy of those materials for me?
Norred	I do.
Hounsel	Mr. Voss, you mean the seven pages?
EPV	Correct.
Hounsel	Okay. We've got extra copies up here I believe.
Patti Priesing	<p>Hi, my name's Patti Priesing. I live at 9-, at 9147 Bretshire Drive which is in Felder's District actually probably less than a mile from where he lives. Um, I have known Dale Davenport uh for 30 years, uh been friends with him. Um, and as far as the car wash goes, what I have seen is all over south Dallas there is homelessness. This is just all over Dallas in general.</p> <p>Everywhere you go you can find people loitering, laying down, sleeping. So, the pictures of them doing this at the car wash, he calls all the time about this uh to try and get some assistance with it, uh, to, with the homeless problem. Um, if you'd just, I just want to hold this up. This is not anything we've admitted, but I was able to pull the crime statistics for the Beat 345, which is that beat. It's a very small area. There is 142 pages of crime reports. When, I uh, yeah, ok, anyway. Um, he is not responsible for the crime in South Dallas. Every other car wash has people loitering and doing the same thing and nobody's going after them.</p>
Norred	<p>Thank you. Thank you, okay, I'll wrap it up here. I originally asked for a continuance on this matter uh because we couldn't get the, the crime um information. But I found out that there's a cool application we'll show you in just a second. Before we go there, I want to have everybody understand that, that this is not about whether or not there's even crime at the, at Jim's Car Wash. This is about whether we are of an adverse effect. And it is not, at, at the beginning of this Mr. Voss said it is the goal to get rid of non-conforming uses. Maybe that's true as a city, but this process does not include any part of that. That is not a factor here.</p> <p>The only thing that's a factor here, is whether or not Jim's Car Wash is an adverse effect on nearby properties. That's it. The burden is not shifted to us. The Applicant has to show that we have an adverse effect. We don't have to show that we don't have an adverse effect. Right? It's kind of like when a person is, is charged with a crime. They don't have to prove themselves innocent, the prosecutor has to prove that they're guilty. There's a very difference there. So, if it's a jump ball, the innocent person wins.</p> <p>I think we've established that, that we have a hard-working businessman trying to do a job. The only question is whether this is adverse. And so, I</p>

	was able to, you have this really interesting um, I'll um, process here, and this is, this is, this is from the, I'm going to ask that you take judicial notice of this, cause this is from the Dallas website. This is not something I cooked up.
Hounsel	It's the same as this, correct?
Norred	<p>Say again, it's the same as that I just wanted to show it in public, cause I didn't have it for everybody. This is the, this is all of the crime reports. So, people can talk smack all day long about well, I've seen crime here, I've seen crime there. This is the reports. This is what the police say. Okay. So that little red dot right there in the middle does that look like that's some sort of a den of sin? Nope, it's just part of south Dallas. In fact, if you blow it up, which I don't have time to do, you'll see that there's a good stretch of MLK right there that, including Jim's Car Wash, which is uh really well-behaved in comparison with many parts of the City.</p> <p>So, this is the, this is the real deal, this is the real data that you guys can go to and you can expand and play all kinds of games. You get to this from the Dallas City, Dallas City site. So that's real, and, and, I've got one page of that printed off I think in this resolution, this is uh, I forget what resolution that is. But anyway, that's all the crime.</p> <p>So, people can have opinions about this and that and the other. This is the real crime. The uh, so I, I just want to make sure that people understand that. I would, I would encourage you to watch some of those videos that Mr. DeVoss [sic] said, that's why I didn't object to them. You'll see the shoot-out, the shoot-out he wants to talk about. There are people lined up for blocks on MLK Boulevard, blocks, and so he wants to say, well this is Jim's Car Wash. No, it's MLK. Jim, Jim's Car Wash is on MLK. So, [timer goes off]. I'm happy to take any questions. Thank you for your time.</p>
Hounsel	With time up, I know Mr. Sahuc had questions. Is that still true? They were probably directed to Mr. Davenport? Or, okay.
Philip Sahuc	Ok, Mr. Davenport uh, what are your hours of operation?
Davenport	Twenty-four hours a day, seven days a week.
Sahuc	Um, Mr. Trammell or, is that, what is code on hours of operation or if not, can the Director answer that?
Charles Trammell	There is no time limit on the hours of operation for that use, Sir.
Sahuc	Ok.
Davenport	You can read a newspaper at any spot at that car wash, 24-hours a day. Well lit. If I turned the lights out down there, they'd have the place tore up.
Sahuc	Ok. Um, if um, the second time you got up you said uh, raised some questions about, or you raised the issue about improvements to the facility

	and making it nicer. Um, have you submitted any plans to the City to improve your property?
Davenport	No sir, I have not.
Sahuc	And why haven't you?
Davenport	Because I'm trying to survive there day to day right now. We spend our money right now on attorney's fees. But, I would like to, to do, to do more, be more part of the community.
Norred	It's money well spent. (Laughter)
Sahuc	Um, excuse me? Um, you say that um Mr. Felder has never come to you and asked you to clean up the property. As a business owner, if you see the activity and the trash on your property, why is, what are you as a business owner doing to clean up your property and maintain the integrity of the property?
Davenport	<p>I have people twice a day clean that car wash. The car wash is clean. And, the pictures that they showed where those uh shopping carts were, I couldn't, when I called the police to get the shopping carts off, they, they take it to the vacant lot behind my property. So, what I did, I called 311 and then they sent Code Compliance out there to go after that property owner to put up a no trespassing sign so then we would have the right, or the police would have the right, to get the trash off.</p> <p>Because as I would clean my property, they would move next door and then we would have, you know, have to deal with that. So, we got 311 on it, where we can keep the adjacent properties clean. I clean up the alleys. I clean up the fences. And like I told you, in 26 years I've gotten one ticket. And we beat that in court. We turned the film, my, my camera on and showed it was clean when I got the ticket. So, I went and talked uh to that uh person that wrote me the ticket, and they said it was a politically motivated ticket.</p>
Sahuc	Okay um, one of the declarations that you submitted is from uh, uh Mr. Ephraim, uh who is the owner of Freedom Fashions?
Davenport	Yes.
Sahuc	Um, I'm assuming he's not here?
Davenport	No, huh-uh, he's uh, he's working.
Sahuc	Okay. In here he says, "I don't have problems from people that operates business from Jim's Car Wash." What is he talking about? Are people operating businesses from your car wash?
Davenport	No. Uh, I guess it means what he says that he doesn't have any problem with the way I operate the car wash. I've known him for 36 years. I knew him before his son went to medical school and made a doctor.

Sahuc	Okay
Marla Beikman	Mr. Davenport?
Davenport	Yes, ma'am.
Beikman	How, how many times a week do you visit the property?
Davenport	I'm there about uh five days a week.
Beikman	And how long do you spend at the property?
Davenport	Two or three hours, usually late at night. Usually Monday and Tuesday I'm not there. Brian Wilson works for me on those two days and covers me, but I have people that are sweeping during the day too.
Beikman	I was going to say, how many employees do you have and what are their job responsibilities?
Davenport	To sweep, I got, I got two ladies that do nothing but sweep, and then Brian bags trash and hauls it off.
Beikman	And how many hours would you say they do that per day or per week?
Davenport	Uh, two hours in the morning, two hours in the afternoon, and uh then Brian probably works uh 15, 18 hours a week. Something like that.
Beikman	Uh, is there any effort to make, because I have driven down MLK, and I have seen cars backing up on MLK, and I've also witnessed lots and lots of litter around that property, so I'm just wondering how many hours are spent trying to keep it clean?
Davenport	We, we, we keep it clean. And, and my uh ticket book would show that if it wasn't. But, yes ma'am, we keep it clean.
Beikman	Um -
Davenport	You know during the day, you know, uh mid-day is probably its worst point, but, you know, mornings and late at night we keep it back, we clean it back up.
Beikman	And you have not um thought about any other ways or uses for that to get it into compliance with the current zoning uh that's allowed?
Davenport	I don't know of any other thing that I could put down there that would probably be as successful or as successful as this car wash has been. I mean I thought of other things you know, like at one time I wanted to, to look at doing a Sonic restaurant, you know a drive through Sonic and uh, uh the realtor that was here, the first person that spoke, uh he said the draw is the car wash. People want to be around the car wash. The car wash is what brings people in that area.

	And all the businesses around it, the pizza place, Blackjack Pizza, Elaine's Restaurant, uh the new washeteria across the street, they've all, you know, profited from the car wash.
Beikman	Do you really feel that it's necessary to have a car wash open 24-hours a day?
Davenport	If I'm going to be in business, I need to be open 24-hours a day.
Beikman	Do you have any kind of um -
Davenport	All my other car washes
Beikman	.. statistics that show what hours that it's used, especially during the night time?
Davenport	Uh, in the summer time, it's more busy at night than it is the day I'd say by two to one. Because it's cooler.
Beikman	Even after midnight, and before?
Davenport	Oh, yea, absolutely.
Beikman	Are you ever there then?
Davenport	Yes ma'am.
Beikman	At those hours?
Davenport	Yes, ma'am.
Beikman	How frequently?
Davenport	Oh, probably three or four nights a week. You can call the police anytime. I'm down there. I have no fear.
Beikman	Okay. Thank you.
Davenport	Uh-huh. Thank you.
Hounsel	Question was kind of raised before, but why do you consider the car wash successful?
Davenport	<p>Uh, I've got two daughters that have graduated from college this year, and this car wash has helped me to put them through college. Um, I've had heart surgery, uh I've kept my head above water. I've got perfect credit, and uh it's helped me make a, a living. Uh, you know, I've got other jobs. Um, I enjoy the car wash business.</p> <p>I bought my first car wash when I was 16 years old. My dad was a steelworker and a good electrician, and he helped me. And uh, when my mom died, um I had a lot of good solace with the people that worked there, and at the car wash and that customers and stuff like that. Um, I had a rough go uh when mom died because that was the same time the City of Dallas had sued us, and they were forcing my 70+ year old dad to come down there and be there at the property, and uh, uh, he was, my mom was dying of pancreatic</p>

	<p>cancer at the time on that year that the City of Dallas forced Dad to have to do a certain amount of things that just was crazy.</p> <p>And uh we've sent, we've sent films of people selling drugs to the Dallas Safe Team and nothing ever happened. You can call a policeman right now, they won't show up down there.</p>
Hounsel	Well, I, if, the question was if it's profitable and there's other -
Davenport	Uh-huh
Hounsel	... car washes -
Davenport	Uh-huh
Hounsel	In the general area?
Davenport	Yes.
Hounsel	I, you probably don't know if you're more successful or not, but, but why would people come to your car wash instead of others in the area?
Davenport	I'm sure that they uh, the other car washes, you know, are, are probably busy too, but I think mine's more busy. My water bill's more than anybody else's by two.
Hounsel	And, and, and why do you think that is?
Davenport	<p>Because I got, it's safe for one thing. Go to the car wash uh on Elsie Faye, and it's dark down there at night. You get, you know, uh the car wash on Haskell, they had a killing what, uh two or three months ago, Mr. Felder? They had a, they had a killing at that car wash.</p> <p>Uh, the one on Malcolm X, they've had two killings in the last five or six years. I've never had a murder at my uh business, thank goodness. And it's cause it's well-lit and it's clean, and there's, you know, there's activity there. There's people there. There's people that come in, you know, with money. Um, we've got, I mean, a, a lot of people come back and meet, see their grandmother on weekends. I've got a lot of long haul truckers, you know, when they get, get in from a run, they go, you know, uh bring their car in there, go see their mom, you know, that's down there.</p> <p>Um, our pressure's 1200 psi, we got good soap. The vacuum are still 50 cents, they work good. Uh, it's, you know, the car wash works. It's clean. I've got electronic sensors. You put your money in, it works. I mean I've been doing this a long time. I want the car wash to work.</p>
Hounsel	So, at one point in time, I read that you had hired security guards.
Davenport	Yes.
Hounsel	How long was that?
Davenport	We did that in '03, '04, again in uh '06. Uh, we spent about half of what we made or more on what the guards charged us because we didn't hire one

	<p>guard, we hired two at the time. And uh the guards were, um they kind of flushed things out, uh but the guards are a lot of problems too. Look at the strip club the other day. They had a, a guard that shot somebody for no reason, and uh the guards that we've had, some have been good, but a lot of them have been very questionable, even though we hired licensed guards and all that.</p> <p>Uh, I, I'm, they get security guards out of a, a job pool that is below what ya'll are having to hire Dallas policemen for now and ya'll are having trouble keeping policemen in, you know, ya'll are lowered ya'll's standards and lowered and lowered.</p>
Hounsel	<p>Ok, ok. Uh, did the, did the security guards change the number of cars coming in, number of washes? Did, did it help with --</p>
Davenport	<p>Ah the first, yeah probably the first week it showed down a little bit, people were apprehensive, you know. What's going on? You know, what happened? Why do we have guards? Actually, it scared some people because there were guards and then I put up these big signs that said, uh, uh no drug dealing, no prostitution, no this, no that, and the local neighborhood association, at that time, came to me and said, we don't like that sign. And I said, what do you mean? And they said, well it's like bars on a house, you got bars on a house it means there's crime. You got signs up, you're advertising that this is a bad area. And so, uh we had to keep the signs up for over a year. I mean, I had huge signs. You can see them in that pamphlet in there. I had these huge signs. Then we took them down because the local uh homeowner's association did not like the signs.</p>
Hounsel	<p>So, would you say that the better the business performs the more attractive it is to those who might want to commit cri, crimes?</p>
Davenport	<p>No. The better that car wash is, the busier the car wash is, the better people that I get at that car wash. The UPS drivers. I got a lot of UPS drivers. I got car clubs that wash there, uh you know, stuff like that. The, the, the uh car wash that is not lit, that is not a part of the Car Wash Association team, uh those are the ones that you have more crime and so forth. And that's why I have always wondered if this Safe Team at the City of Dallas has worked so hard to stop all this, why don't they go after the, why, they pass these, these, this Chapter 125 Public Nuisance law. It was supposed to go after drug houses and stuff like that, so why don't they use that law to go after the drug houses and stuff? So, why not go to a business and say, you need lights. The, the dope house that's just south of my car wash, uh I've asked, it was the Safe Team, and then after they went after me and the State went after them, they changed the name of the Safe Team to Public Nuisance Team or something like that. And my main question was, why can't we put a 911 sign on the door of the dope house so that the police would know where it is and uh the, the local neighbors would know where it is. And, it, it, for the life of me, I don't understand why the neighborhood association don't spend more time</p>

	going after the dope houses than they do me? But, it's more fun to go after me cause I'm a target for some reason.
Hounsel	So, if, many, many have said that, that crime happens all the time.
Davenport	Uh-huh.
Hounsel	In different places -
Davenport	Uh-huh.
Hounsel	Maybe more, maybe less here, I mean that's all up for debate.
Davenport	Uh-huh.
Hounsel	What time of day are we normally talking about then?
Davenport	<p>I can tell you at Sunday, at 5:08 last, this, this Sunday when uh Rochester Park closed, all the cars came up to Myrtle and MLK up in that area. I called the police and I said, they're blocking my entryway and they're going to be racing up and down MLK Boulevard, and the police said, we need to call more elements.</p> <p>So, there was two police, then four police, then six, so we had six policemen sitting there at Myrtle and MLK. They watched the cars race. They did not make, they didn't try to arrest anybody, they didn't try to write a ticket, they didn't try to do anything. And I asked them, why can't, why don't you do something? Well, this isn't as bad as, you know, them having a shootout over in Bon Town or, or, you know, doing something else.</p> <p>So uh, I say, arrest them. If they're dealing, if they're selling drugs, arrest them. Just like when I took the tape of somebody selling drugs and I handed it to the uh, uh, the policeman, Pres-, Sergeant, uh Preston Gilstrap, I handed him the tape when he worked for the Safe Team, and I said, there he is selling drugs, and they said well, we got to go get a court order or something to use this tape. And it ended up costing me about \$400 in attorney's fees for me to give a tape to the City of Dallas. You know, it's, there's, there's a disconnect here somewhere because I am the one that's fighting crime. I am the one that, my property taxes have gone up probably 400% since I bought the car wash. I mean, if I'm, uh I think my car wash has been successful. I'd like to do more to it. I'd like to make it a more cool design. I'd like to make it uh a more trendy look. But if you don't know if you're gonna be in business next year or next week or this afternoon, well uh, you know, there, there it is. So, here I am.</p>
Hounsel	No more questions for me.
Rodney Milliken	Mr. Davenport, I have a question for you.
Davenport	Yes, sir.

Milliken	You had mentioned that um there are patrons to your car wash that actually go do business across the street and when they come back -
Davenport	Yes.
Milliken	That their cars are washed.
Davenport	Yes.
Milliken	Do you have a staff that does that, or -
Davenport	No, they have people that wash their cars that they contact and they'll meet them at the car wash.
Milliken	If you had been approached by, let's say a fundraising team maybe like Girl Scouts, Boy Scouts --
Davenport	Sure.
Milliken	Would they be comfortable doing that fundraiser on your property?
Davenport	I would hope so. I would hope so. We have done that in the past.
Milliken	That's all, thank you.
Davenport	Uh-huh.
Beikman	Um, Mr. Davenport, when the City, uh when the City uh redid the ordinance in 2013, if I understand you, your father was notified of public meetings. Did he not pass that on to you or were you not involved at the business at that capacity?
Davenport	I was involved in the business and uh we were, we were told that as long as we owned the car wash, it would be a car wash.
Beikman	Who told you that?
Davenport	The City staff did. And then we, we looked at, and then in October when all this come down was when we found out why we didn't argue any more. Because I really didn't think for sure that we were involved in it because the overlay, and, and my Dad, even though he's old, he's pretty sharp. And uh, and when we got all the information back out, cause if we get something from the City of Dallas, uh it's a big deal around our house. And my Dad looked at it and the overlay was not showing the intersection of Myrtle and MLK. It was showing a property further to the west. So, we dismissed it. But the field notes, which dad didn't read, showed that we were now being moved. Cause I promise you if we had known, we would have, you know, been screaming.
Beikman	So you did not attend any of the public meetings ... (inaudible).
Davenport	Nor did we know about them, no ma'am, and I, I don't think many of the local people did. And it's, it's pretty blatant to us that the City probably hid it as best as they could from us.
Beikman	You did not get notification of those public meetings?

Davenport	<p>Uh, I don't know about that. I know that my Dad did get mail. They said that he got mail. And then we've gone back and looked at what the uh Jennifer Staubach Gates showed at the City Council meeting and it was an overlay, did not match where our car wash was. We would have certainly, if we had thought we were not going to be in compliance, we would have argued, argued and argued because the City of Dallas has been after us for about 14 years for one thing or another.</p> <p>And the, the more, I, I mean I have, you ask about trash, uh we have worked hard to keep that record clean and keep that car wash clean. And my, and my neighbors around me have been my neighbors for 26 years, and uh, you know, they, they back me. And if the car wash is closed, crime will go up, no doubt.</p>
Beikman	Okay. Thank you.
Davenport	Yes Ma'am.
Sahuc	I have a follow-up question. Uh, Mr. Davenport, earlier you told me that no one else was running a business on your property. Um, you just uh answered a question uh, uh about people leaving their car and --
Davenport	Uh-huh.
Sahuc	Going off, doing business and coming back.
Davenport	Uh-huh.
Sahuc	And the car is washed. Are these people washing the car for free or are they running a business within your business?
Davenport	Oh, I, I'm sure that, that they may have, you know, contracted with somebody. That's, that's their deal. I've seen people with their kids, their kids will wash the car or whatever, and they'll go across the street to uh, to eat or go to Freedom Fashion or whatever. And uh, uh, we've got a guy that sells barbeque out there at the corner of Myrtle and MLK. He's out there nearly every Saturday and Sunday. I have called --
Sahuc	On your property?
Davenport	No, on the street. And, for example, Sunday I called the police and the six officers were out there and I said, you know, there he is blocking my, blocking Myrtle Street. And the officer said, he's not on your property, as he sat there and ate his complimentary barbeque sandwich. So, you know, we --
Sahuc	Ok. That's, that's it.
Davenport	Uh-huh.
Hampton	I just had one follow-up question. Um, my colleague had asked if you um had considered any other uses. Have you uh given thought to applying for the SUP and becoming pliant, compliant with the current zoning?

Davenport	Well, the, from what I understand, uh if I did it I would not want to get a SUP. I'd want to go back to where I was because if you get an SUP, that means you have to coddle down to the City every year or whatever. And I know the people that have had the uh, uh, uh metal business, scrap metal dealers down there on Lamar Street, I know that they have to work very hard to get their SUDs or um, uh deals. I want to be fair. I wanted a level playing field and uh, uh Freddy Davenport and Dale Davenport -- we don't have a lot of money but we have honesty and we have integrity.
Hounsel	Alright then if there are no more questions of um the Respondent and their witnesses, then we can wrap up with the rebuttal from the Applicant.
Davenport	Okay. Thank you.
Hounsel	Five minutes.
EPV	Do I get any questions after this last speaker? [Inaudible conversation not on microphone.]
Hounsel	I'm sorry. Uh, yes.
EPV	Do I have any time left for cross?
Hounsel	Well, I'm, I know you'd asked some questions, so I, I wasn't sure. I
EPV	Mr. Davenport, if I could ask you a couple more questions, please sir, and they're gonna need you to talk into the microphone.
Davenport	Yes sir.
EPV	Ok. Um, the lawsuit you mentioned, was that back in 2005?
Davenport	I believe that's correct.
EPV	Alright. And the, the security guards you said were hired in 2003, 2004 and 2006, did I hear you right on that?
Davenport	I'm not for sure of the exact dates. Seemed like we hired some in 2003, then we hired some more in 2005. You'll have those records just as well as I would cause it was all uh through temporary restraining orders and all this and that. And then we hired one guard company, and then my City Councilman come down there and said, (yelling) "I hired the wrong guard company."
EPV	Alright but that was prior to 2012?
Davenport	That's correct.
EPV	Ok. Now, um you said you
Davenport	I hired the wrong guard company.
EPV	Alright I heard you. Um, the next question I have uh concerns your hours of operation, you said it's 24 hours a day,
Davenport	Yes Sir.

EPV	right? And do you know who Jill Haning is up in the City Attorney's office?
Davenport	I have a letter here I'd like to present.
EPV	Well I don't want to look at that, I want to ask you a question
Davenport	I'd be glad to show the letter to Jill. Yes, I know her.
EPV	Okay.
Davenport	Uh-huh.
EPV	Did she ask you about a no trespassing sign being put on your property?
Davenport	Yes, she sure did.
EPV	And you refused?
Davenport	No Sir I did not.
EPV	You did not refuse?
Davenport	I did not refuse. Because I have my letter here I'd like to present.
Hounsel	[Inaudible]
Davenport	Yeah, let me get the letter.
EPV	Hold on, hold on, I'm not done.
Hounsel	No, it's, that's not how it works.
Davenport	It takes two of us.
EPV	I'm going to object. We've already allowed him more pages.
Davenport	He asked a question, let me answer it.
Hounsel	The question does not require you to provide evidence.
EPV	You've answered my question, Mr. Davenport, thank you. Okay.
Hounsel	You've answer the question.
Davenport	[Laughing] Oh, ho, boy.
EPV	Now, I wasn't clear on your answer to the question, did you or did you not get notice of the zoning change that occurred in 2012?
Davenport	I never saw it.
EPV	Do you think your Dad saw it?
Davenport	He may have, he may not have.
EPV	Alright. That's all the questions I have. Thank you.
Hounsel	Alright then let us then move on to that rebuttal.
Davenport	My Jill letter. You've got the Jill letter [talking off microphone to Norred].

EPV	Alright Mr. Chairman. I'm uh, while I'm getting plugged in, a couple of clarification points. The seven pages that started with these extra pictures, did you already rule to allow them in?
Hounsel	[Inaudible]
EPV	I think the Board did that, didn't, ok.
Hounsel	Yes sir.
EPV	<p>Uh, one matter while I'm uh, I've got a couple more slides to um talk through. Um, so while that is trying to work, um the one matter I wanted to address is, is, is a legal matter and I don't want to usurp the City Attorney's office role here but I do want to address it. And that is the idea that's been presented here lately, a little, a few minutes ago, that they didn't get notice of the zoning change to try to, to undermine its effect.</p> <p>And what I will tell you and I will let, I will leave the City Attorney's office to follow up with this, if its necessary, but there's a statute called the uh Validation Act so that any action and enactment of an ordinance by a City is deemed valid after the passage of three years if there, if there's no lawsuit to challenge it within that three-year time period. Uh, I've found no lawsuit challenging Ordinance No. 28860. So, I wanted to mention that to try to put to rest any potential fears there may be about, about the notice uh question. Okay. um.</p>
Norred	While they're working that out, you heard a question I think that I think there's documentation that's been um called forth by the question of the no trespassing signs from Jill. This is a, a helpful letter in response I would like to provide to the, to the Board.
EPV	I would object.
Hounsel	I, I, I'm going to sustain the objection. I mean, the question was answered, and he didn't ask for it. We're not asking for it. Even if that was part, it was mentioned, but we don't, do not, do not require it as evidence.
Norred	As long as there's no negative inference that anybody's taken, that's fine.
Hounsel	The question was answered and he, he --
EPV	<p>Alright. Um, I will cover in my last couple of minutes briefly, um I want to uh remind the Board of the um decision today is whether um the case should proceed to the second hearing, and by determining that, the Ordinance provides a list of factors, uh the factors you can consider.</p> <p>Uh, the character of the surrounding neighborhood. The degree of incompatibility of the use with the zoning district. Uh, particular here, uh I showed pictures of the surrounding neighborhood and the character of it with the businesses and the residences. Um, um, I submit that the car wash doesn't fit with that neighborhood. Uh, the degree of incompatibility of the use with the zoning district, it's expressly prohibited now. Uh, the manner in which the use is being conducted, uh you've heard testimony and seen evidence on</p>

	<p>both sides of that. Uh, the hours of the operation of the use uh is admittedly 24-hours a day uh with lights at night. Um, public health and safety, there's a dispute about that. Um, as I mentioned earlier, this is not a determination that you have to make about whether this is a legal public nuisance, per se, under criminal law. That's not your burden. Uh, public disturbances created or perpetuated, I've provided the videos that help show that. Traffic and other parking problems. I believe that any one or more of those factors have been met today to justify uh your moving forward with this with an affirmative vote.</p> <p>So, to remind you of the non-conforming uses, the purpose in the City is that nonconforming uses should be eliminated in accordance with the law. Uh, I submit that, that the conclusion you should reach today is that the Board should find that continued operation of Jim's Car Wash, which is admittedly a non-conforming use at 2702 Martin Luther King Jr. Boulevard, will have an adverse effect on nearby properties, that expedited compliance is appropriate here, and that the Board should proceed to establish a compliance date for the non-conforming use at an upcoming Board meeting.</p> <p>Now I hope you don't find me too presumptuous, but I did provide a, some language for a suggested motion at page 307 of, of my notebook, but other than that, then based on the evidence, I submit that the Board should vote affirmatively today. Thank you.</p>
Hounsel	<p>Alright. Um, for the record, I think, we were provided motions from City Legal as well and I believe we would, we would want to use that. Now um part, ok, the time is now 3:35. We could take a quick five-minute break, not to discuss anything about that. But would, would, would people, would panelists like five minutes before we actually move forward? Alright. Then let's do that. I, I'm going to ask that we take a five-minute break.</p>
Long	<p>Before we break can I just ask that everyone and anyone that's shown a PowerPoint show today to give me a paper copy for the file. If you've shown a show, please one paper copy of it for the, for the record in the next 24 hours.</p>
	<p>[Meeting adjourns for five minute break.]</p>
Hounsel	<p>At this time, I'll, we're resuming, but we're going to go ahead and close the public hearing um and as we've been advised, it's most expedient and to keep a proper record to go ahead and start with the motion. And from that motion, the panelists uh can discuss and then, you know, eventually vote on this. So, with that in mind, let's go forward. Um, is there anyone wishing to make a motion at this time?</p> <p>I will proceed. Alright. Uh, alright. I move that the Board of Adjustment, in Appeal No. BDA 189-031, based on the evidence presented at the public hearing, find that continued operation of this non-conforming use will have an adverse effect on nearby properties, based on the following factors, including: uh, the character of the surrounding neighborhood. Uh, the neighborhood being the immediate area on MLK Boulevard that's zoned CC. Uh, there are</p>

	<p>a series of under-, under-, undeveloped and underdeveloped properties and none of which on this particular area are a similar car use, use.</p> <p>Uh, secondly, the incompatibility of the use with the zoning district. This has been established through the, through the representations of the Applicant. Uh, in the CC district there is a high degree of uh incompatible, the car wash being incompatible with those related uses on the property.</p> <p>The third being the manner of the use. Uh, we would support that, I would support that with the finding of fact that there are 24/7 operations going on all the time with a limited amount of employees being, uh employee time spent at the property.</p> <p>Uh, in addition to that I would indicate as far as the hours of the operation of the use again the 24/7 operations being uh, uh, uh, impactful on the property. Uh, continuing on, the extent to which continued operation of the use may threaten public health or safety. Uh, there were, with the finding of fact that there were crime operations on the property uh possibly and likely drawn by the use itself uh to that property. Um, moving on, uh the environmental impacts of the use operations are included including noise, uh glare and uh trash impacts on the property were, were, were witnessed on the property and we make that finding of fact here.</p> <p>Um, continuing, the extent to which public disturbances may be created or perpetuated by the continued operation of use. These were shown through additional crime incidents which may or may not be reported. Uh, also, another finding to the extent related to traffic or parking problems, there were uh testimony related to the uh traffic blockages that were noted from time to time on the property and uh those, those are, are impactful again here as well.</p> <p>And, uh based on the facts that I've mentioned before, uh motion's right now on the floor to uh find the adverse effect on neighboring properties.</p>
Sahuc	I'll second it.
Hounsel	Alright. Well, I said a mouthful there, and I would uh appreciate if my panelists would have additional thoughts on the motion.
Beikman	<p>Uh, Mr. Chair. One thing I noted in some of the written documentation we got from people who were supporting the car wash was that it was a place of social gathering. And my feeling is you go to a dentist, uh to have your teeth fixed, you go to a fitness center to exercise. And you go to a car wash to get your car washed. And our pictures that we had in our docket and some of the other testimony shows that people are there who are not washing their cars. They're, they're not there for the business that this was given a CO for. So, I feel that in itself is a negative. It's n-, a dentist office isn't supposed to be a social club and neither is a car wash. So, um, I don't think that substantiates um the cause at all.</p> <p>And as far as the lights are concerned, the pictures that I saw in our packet, if I lived around that area, I would consider that a negative, not a positive. In</p>

	<p>fact, in my area we just get, got through with a zoning case for a school that wanted to put large lights like that for their protection and the neighbors said no because for 24 hours a day that is not a positive, that's a negative. And if it's running 24 hours a day you're also going to have traffic noise. Um, to me that is not a positive influence on the neighborhood. So, thank you.</p>
Hampton	<p>I would, I would support everything uh just said. I'd also note that as you look back at the, um in the evidence we were given are the um materials provided. In 2012, this was identified as a concern to the community and stakeholders through their community meetings uh would, you know, most times these take a lot of uh public input and a, a very diligent process to consider what the community and the community's goals are and it seems like they have made the determination that as they want to see this area develop and continue to grow that uh this was not a use that was contributing that, to that. So, for that reason, I'll be supporting the motion.</p>
Sahuc	<p>And my only comment to add with uh, to everything that's been said, including the Chair's um, uh findings of facts in his motion, is, you know, for six years we've known, um six to seven years we've known that uh, this uh car wash was uh no longer allowed in this zoning district. Uh, yet the owner of the property has uh not gone to the City with another use or another proposal or even a proposal to clean up uh the property uh and uh perhaps make it uh more conducive to the zoning district, uh and for that reason, I'll be supporting the motion.</p>
Hounsels	<p>Good. I'd like to make a couple of extra comments. Um, the statements were made related to the City is after us. And the five panelists here, we serve in a quasi-judicial function. And we've been appointed by council members and we don't get to ever talk to them again. We've sat here, we do that job, we're not to be lobbied.</p> <p>And so, the fact that those other things are out there, they're argues, they're arguments, they're shadows, we, we, we are in no position to process that. There may be. Who knows? I, I, I, we just can't go there. This is a quasi-judicial body. We've heard those statements. I would give them some relevancy, but ultimately not enough relevancy. If those things are possibly true, that would be a counter complaint. This body cannot hear the counter complaint that the City has been unfair to you. We can't give that any weight. It could easily be things about that.</p> <p>We're here to determine is there, is there an adverse effect on neighboring property and I kind of gave the spiel earlier on that. But the legal process for getting rid of non-conforming uses is, is longstanding. There's state rules, City's had these rules, they've existed, they've existed for a very long time. I think the reason behind it, you know, the best example would be like a factory. If there was a factory in South Dallas and it was polluting or something like that, smoke, uh bad lights or discharge, all those things. Um, the factory could be operating completely legally and producing a great product that everybody loves, but for those nearest to it, and then of course</p>

	<p>there's, there's some near the car wash that actually like it too, but it would all, it would be a legal use that the City said, we don't want that factory anymore. And so even if the factory's producing a great product and, and it's abiding by all the laws, the City, like any city, home-rule city in Dallas can get rid of nonconforming uses. The City can take that action. The City's found that and kicked it to this body of five somewhat uh very smart people but not necessarily schooled in, in evidentiary and legal proceedings. We were here to answer that very one question.</p> <p>Um, there's a lot of talk about crime. I, I mean a lot of it was true. We're not here to solve crime. Uh, I mean I think there was some really good testimony uh by the Applicant about some things going on. And whether or not crime may or may not go down, we, we can't really opine on that.</p> <p>Um, a lot about, evidence about property values going up or down, can't really look at that. I mean it's been a good ten years in Dallas so maybe property values going up for that reason.</p> <p>Um, I'd like to add that I have a lot of respect for Mr. Davenport. He is not on trial here. He's done the best he could with the car wash, no doubt about that. Uh, but, technically it's the use that we've been looking at, and I feel that based on the testimony presented, that these things that are going on with this car wash they'd probably be true for the oth-other car washes. Just like there's lots of criminals and why do, why do only some get prosecuted and not others. That happens in that world. It's kind of, it appears to be happening here. And if there's other car wa-, car wash cases, we'll listen to them, uh and we would review them with the same critical eye I think that we've reviewed this, this case here.</p> <p>So, uh the car wash does seem to have this negative effect. It does seem to draw people, maybe even because it's been successful, it may have made, I think it may have made some situations worse. So, that's my personal opinion. Um, so, that's my two cents. Uh, the motion is on the floor. Are there any other comments? Hearing none, we'll take a vote.</p> <p>All those in favor of the motion on the floor finding the uh adverse effect, please indicate by saying aye.</p>
Panelists	Aye
Hounsel	Opposed indicate by saying nay.
Unidentified Female audience member	You're gonna lose your jobs. I'm coming after you. Bad decision. Each one, two, three, four, five. I'm coming, screw a campaign. I'm out of here.
Hounsel	We're not elected. Um, the motion passes unanimously. Thank you very much for your time. Thank you for everyone coming out. I know the people here care about Dallas and I do appreciate that. Thank you.

TAB #4

EDWIN P. VOSS, JR.
Board Certified,
Civil Appellate Law
Texas Board of Legal Specialization
(214) 747-6135
evoss@bhlaw.net

Telephone: (214) 747-6100
Telecopier: (214) 747-6111
www.bhlaw.net

April 2, 2019

Warren V. Norred, Esq.
Norredlaw PLLC
515 E. Border Street
Arlington, Texas 76010

Via Certified Mail
Return Receipt Requested

Re: Board of Adjustment Case BDA189-031, for property at
2702 Martin Luther King Jr. Blvd., Dallas, Texas, Jim's Car Wash

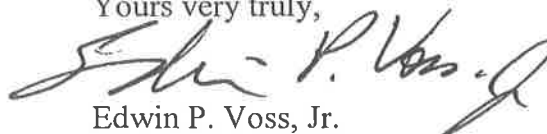
Dear Mr. Norred:

Pursuant to our telephone conversation this past Friday, specifically, in which you agreed to accept service on behalf of the property owner in this matter regarding the attached discovery requests, enclosed please find the Subpoena Duces Tecum and Interrogatories for BDA189-031 duly signed and issued by the City of Dallas Zoning Board of Adjustment, Panel B (the "Board"). Please note that the requested documents and the sworn answers to the Interrogatories must be returned to Steve Long, Board of Adjustment Administrator, City of Dallas Department of Development Services, 1500 Marilla Street, Room 5B North, Dallas, Texas 75201, **by no later than May 10, 2019**. I would like to request that you please notify me of the provision of those documents and answers to Mr. Long so that I can obtain a copy of them.

Please note that the Board's second hearing to establish a compliance date in this matter is scheduled for **Wednesday, June 19, 2019, in the L1FN Auditorium on the lower level of Dallas City Hall**, the same location where the hearing was held last week in this matter.

Thank you for your attention to this matter.

Yours very truly,


Edwin P. Voss, Jr.

EPV:dl
Enclosure

cc (w/ encl.):
Mr. Steve Long, Chief Planner/Board of Adjustment Administrator
Ms. Neva Dean, Sustainable Development Assistant Director
Ms. Patricia Medrano, Senior Executive Assistant City Attorney
Ms. Theresa Pham, Assistant City Attorney
Mr. Charles Trammell, Senior Plans Examiner

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT**

Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

DUPLICATE USE

7018 0680 0001 3322 1677

Certified Mail Fee \$ _____

Extra Services & Fees (check box, add dollar amount appropriate)

Return Receipt (hardcopy) \$ _____

Return Receipt (electronic) \$ _____

Certified Mail Restricted Delivery \$ _____

Adult Signature Required \$ _____

Adult Signature Restricted Delivery \$ _____

Postage \$ _____

Total Postage and Fees \$ _____

Sent To Warren V. Norred

Street and Apt. No., or PO Box No. _____

City, State, ZIP+4® _____ 67-49

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Postmark Here

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Warren V. Norred, Esq
Norredlaw PLLC
515 E. Border Street
Arlington TX 76010



9590 9402 3298 7196 7359 78

2. Article Number (Transfer from service label)
7018 0680 0001 3322 1677

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee
X Angela Hunt

B. Received by (Printed Name) _____

C. Date of Delivery _____

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below: _____

67-49

3. Service Type

Adult Signature

Adult Signature Restricted Delivery

Certified Mail®

Certified Mail Restricted Delivery

Collect on Delivery

Collect on Delivery Restricted Delivery

Priority Mail Express®

Registered Mail™

Registered Mail Restricted Delivery

Return Receipt for Merchandise

Signature Confirmation™

Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

SUBPOENA DUCES TECUM AND
INTERROGATORIES
BDA189-031

The State of Texas

§
§
§
§

City of Dallas

Dallas County

Board of Adjustment,
Panel B

To Any Peace Officer in the State of Texas,
You are Hereby Commanded to Summon:

Freddy Davenport
Who may be found at:
416 Texas Highway 338
Naples, Texas 75568-5694

To appear before the **Board of Adjustment, Panel B**, of the City of Dallas, Texas, at the location of Dallas City Hall, 1500 Marilla, L1FN Conference Center Auditorium, Dallas, Texas, on **June 19, 2019**, at 1:00 o'clock p.m., and testify as a witness in Compliance Hearing No. BDA 189-031, concerning the Nonconforming Use located at 2702 Martin Luther King Jr. Blvd., Dallas County, Dallas, Texas.

To the Person Summoned:

You are commanded to supply copies of the following requested documents. Do not supply originals because the documents cannot be returned to you. The requested documents and your sworn answers to the attached Interrogatories must be returned to Steve Long, Board of Adjustment Administrator, Department of Development Services, 1500 Marilla Street 5/B/N, Dallas, Texas 75201 no later than **May 10, 2019**.

The Board of Adjustment is required by law to set a compliance date for this Nonconforming Use. Failure to respond to this subpoena will not result in postponement or cancellation of the compliance hearing. Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt and offense of the Dallas City Code and related laws, rules, and regulations.

If you have questions, please call Steve Long, Board of Adjustment Administrator, at (214) 670-4666; Elaine Hill, Board of Adjustment Secretary, at (214) 670-4206, or Theresa Pham, Assistant City Attorney, at (214) 670-3519.

This subpoena is continuing in nature. The recipient is under an affirmative duty to supplement any response to this subpoena if additional documents responsive to these document requests or Interrogatories are found to exist. The recipient is also under an affirmative duty to amend any response if he obtains information that, in consideration of the response made, though correct

and complete when made, is no longer true and complete, and the circumstances are such that a failure to amend the response is in substance misleading.

DEFINITIONS

1. “**Business**” means the Jim’s Car Wash business operating as a Nonconforming Use at 2702 Martin Luther King Jr. Blvd., Dallas County, Dallas, Texas.
2. “**Owner**” means Freddy Davenport or any predecessor owner in the Nonconforming Use or Property, defined below, and any other persons or entities acting on its behalf in connection with this matter.
3. “**Identify**” means to state a person’s: (1) full name and present or last known address; (2) present or last known employer or business affiliation, if any, including the address thereof and occupation and business position therewith; and (3) present or last known telephone number.
4. “**Nonconforming Use**” or “**Nonconforming Business**” means the nonconforming car wash business, Jim’s Car Wash, located at 2702 Martin Luther King Jr. Blvd., Dallas, Dallas County, Texas, which is the subject of the compliance and amortization hearing before the Board of Adjustment in this case, No. BDA189-031.
5. “**Person**” or “**persons**” means any natural person, firm, governmental entity, or subdivision thereof, proprietorship, partnership, joint venture, corporation, or any other form of organization or association.
6. “**Property**” means the property located at 2702 Martin Luther King Jr. Blvd., Dallas, Dallas County, Texas, that is the subject of this matter before the Board of Adjustment.

I. DOCUMENTARY INFORMATION REQUESTED

Pursuant to the instructions and definitions, above, you are commanded to produce the following documents and tangible things.

A. Business Identification and Ownership Information:

1. Articles of incorporation or organization, partnership agreements, or any other document regarding or reflecting the existence or organization of the Property and/or the Nonconforming Use.
2. The Stock Certificate Register or any other document reflecting or evidencing all owners, past and current, of the Nonconforming Use, if any.
3. Documents relating to a Taxpayer Identification Number for the Nonconforming Use.

4. Documents identifying the name, address, and Taxpayer Identification Number (state and federal) of all entities or persons that own, operate, manage, or provide management services to the Nonconforming Use.
5. Documents relating to any city or state operating licenses, permits, or certificates, including, but not limited to, certificates of operation, use permits, certificates or authorities to conduct business, and certificates of good standing regarding the Nonconforming Use.
6. Any deed or other documents indicating, identifying, or evidencing ownership of the Property.
7. Documents relating to or evidencing the Owner's ownership interest in the Property and the Business engaged in the Nonconforming Use, including, but not limited to, contracts for sale, inventories, tax returns, appraisal reports, other documents showing any and all consideration (cash or otherwise) that the Owner gave for the transfer or acquisition of any interest in the Property, or the Nonconforming Use Business.
8. Property tax filings, including statements, invoices, protests, and otherwise, filed for and on behalf of the Property or the Business located on the Property.

B. Business and Financial Records

1. Documents relating to or evidencing the Owner's capital investment in structures, fixed equipment, and other assets (excluding inventory and other assets that may be feasibly transferred to another site) on the Property before the time the use became nonconforming.
2. Documents relating to or evidencing the Owner's structures, fixed equipment, and other assets on the Property before the time the use of the Business became nonconforming.
3. Documents relating to or evidencing the depreciation of any structure, fixed equipment, and other assets used for the Business before the Business use became nonconforming.
4. Documents relating to or evidencing the method or schedule used for depreciating any structure, fixed equipment, and other assets used for the Business before the Business use became nonconforming.
5. Documents relating to or evidencing costs or expenses that are directly attributable to the establishment of a compliance date.
6. Documents relating to or evidencing costs or expenses that the Owner will, or likely will, incur associated with any demolition on the Property or of the Business, if any, as a result of a compliance date.

7. Documents relating to or evidencing costs or expenses associated with any disposal fees, if any.
8. Documents relating to or evidencing any relocation costs or expenses that the Owner will incur, if any, associated with or as a result of a compliance date.
9. Documents relating to or evidencing costs or expenses that the Owner will, or likely will, incur associated with termination of lease(s), if any as a result of a compliance date.
10. Documents relating to or evidencing any costs or expenses that the Owner will incur, or likely will incur, associated with any discharge of any mortgage, if any, associated with or as a result of a compliance date.
11. Documents relating to or evidencing any return on investment since inception of the use, including net income and depreciation and the methods and schedules for such net income and depreciation, if any.
12. Documents relating to or evidencing any anticipated annual recovery of investment, including net income and depreciation and methods and schedules for such net income and depreciation, if any.
13. Documents relating to or evidencing any anticipated gross income, expenses, and depreciation for the Property or the Business, including, without limitation, any real estate appraisal or report, other valuation of the Property or the assets belonging to the Property or the Business, and communication or correspondence related to any prospective purchase, sale, or transfer of the Property or the Business.
14. Income statements for the Nonconforming Use for each year of operation.
15. Year-end balance sheets for the Nonconforming Use for each year of operation.
16. Audited or un-audited financial statements for the Nonconforming Use.
17. Documents relating to or evidencing the annual gross income of the Nonconforming Use for each year of operation from 1994 through 2012.
18. Documents relating to or evidencing the annual net income for the Nonconforming Use for each year of operation from 1994 through 2012.
19. Bank statements, signature cards, cancelled checks, deposit tickets, "ATM" withdrawal records, credit and debit memoranda, and wire transfer records related to the Nonconforming Use for each year of operation from 1994 through 2012.
20. Federal income tax returns or statements filed for the Nonconforming Use for each year of operation from 1994 through 2012.

21. Federal income tax returns or statements filed for any person or entity claiming income from the Nonconforming Use for each year of operation of the Nonconforming Use on which income from the Nonconforming Use was reported.
22. Documents filed with the Internal Revenue Service, including Form 1099, Form 941, Form W-2, or otherwise, related to or evidencing compensation provided for the management, services, construction, repair, or maintenance of the Nonconforming Use during the time for which the Owner owned the Property or Nonconforming Use.
23. Each lease for the Property currently pending for the Nonconforming Use.
24. Documents relating to or evidencing the present book value of all assets belonging to the Nonconforming Use.
25. Documents relating to or evidencing the present book value of inventory and fixtures on the Property or belonging to the Nonconforming Use.
26. Documents relating to any loan, mortgages, or debt secured by the Property or the Nonconforming Use, including appraisal reports or opinions and any valuation report or opinion regarding the Property or the Nonconforming Use, loan applications and supporting documents, loan ledger sheets, loan documents, loan repayment documents, loan correspondence files, collateral agreements, credit records and reports, notes and other instruments reflecting payment obligations, and interest payment statements.
27. Contracts and agreements for the construction, repair, maintenance, installation or other work on or of any capital improvement on the Property, including, without limitation, copies of all checks and other instruments constituting, directing, authorizing, or evidencing any and all down payments, deposits, and payments under each contract or agreement and including, without limitation, the last known name, address, and telephone number of each and every contractor and seller.
28. For all years in which the Nonconforming Business has been in operation, please provide all accounting journals, ledgers, and charts or tables, including, but not limited to, accounts receivable and accounts payable.

II. INTERROGATORIES

The Owner is directed to supply his sworn answers to the following Interrogatories. If the Owner needs additional space to respond, an answer may be continued on an attached sheet. The Owner must sign his answers and have them notarized.

These Interrogatories are continuing in nature. The Owner is under a affirmative duty to supplement his answers to the Interrogatories that are incomplete or incorrect when made. The Owner is also under an affirmative duty to amend his answers if he obtains information that, in consideration of the answer made, though correct and complete when made, is no longer true and complete, and the circumstances are such that a failure to amend the answer is in substance misleading.

DEFINITIONS

1. “**Business**” means the Jim’s Car Wash business operating as a Nonconforming Use at 2702 Martin Luther King Jr. Blvd., Dallas County, Dallas, Texas.
2. “**Owner**” means Freddy Davenport or any predecessor owner in the Nonconforming Use or Property, defined below, and any other persons or entities acting on its behalf in connection with this matter.
3. “**Identify**” means to state a person’s: (1) full name and present or last known address; (2) present or last known employer or business affiliation, if any, including the address thereof and occupation and business position therewith; and (3) present or last known telephone number.
4. “**Nonconforming Use**” or “**Nonconforming Business**” means the nonconforming car wash business, Jim’s Car Wash, located at 2702 Martin Luther King Jr. Blvd., Dallas, Dallas County, Texas, which is the subject of the compliance and amortization hearing before the Board of Adjustment in this case, No. BDA189-031.
5. “**Person**” or “**persons**” means any natural person, firm, governmental entity, or subdivision thereof, proprietorship, partnership, joint venture, corporation, or any other form of organization or association.
6. “**Property**” means the property located at 2702 Martin Luther King Jr. Blvd., Dallas, Dallas County, Texas, that is the subject of this matter before the Board of Adjustment.

INTERROGATORIES

1. State the name of the Nonconforming Business, including any other names by which the Business is now or has been known by, or has conducted business under.

Answer:

2. Describe the nature of the business form of the Nonconforming Business (corporation, partnership, limited liability company, etc.)

Answer:

3. On what date did this Nonconforming Use begin operating?

Answer:

4. On what date did the Owner acquire an ownership interest in the Property and/or the Business operating the Nonconforming Use?

Answer:

5. What is the nature of Owner's ownership interest in the Property and/or the Business operating the Nonconforming Use (e.g., owns the building, leases space, etc.)?

Answer:

6. Identify all persons, whether employed by the Owner, the Nonconforming Use Business, or by another person, who operate the Nonconforming Business, exercise management functions or provide management services, including each person's:

- a. full name,
- b. other names by which such person has been known or done business,
- b. job title,
- c. duties,
- d. contact information, and
- e. if not employed by Owner, the identity of the person who employs each such person.

Answer:

7. Describe the form of all entities which operate, manage or provide management services to the Nonconforming Business (corporation, partnership, etc.)

Answer:

8. Identify all persons having an ownership or security interest in or any lien against:

- a. the Nonconforming Use;
- b. the real property where the Nonconforming Use is located; or
- c. any fixture, whether owned or leased, located on the premises used by the Nonconforming Use.

Answer:

9. Identify and describe the nature of ownership or security interest or lien held by all persons identified in your answer to Interrogatory No. 8.

Answer:

10. What was the Owner's initial cost to purchase or establish the Nonconforming Use?

Answer:

11. Provide a detailed description of any investment in the Property and the Nonconforming Use, including:

- a. the type of investment (*e.g.*, fixture, inventory, renovation, equipment, etc.);
- b. the date the investment was made;
- c. the original cost of the investment; and
- d. the current book value of the investment, less depreciation.

Answer:

12. For each lease on the Property or part of the Nonconforming Use, provide the following:

- a. Date the lease was created;
- b. Date the lease terminates;
- c. Annual or monthly cost of lease;
- d. Does the lease allow for early termination;
- e. Describe any penalties for early termination of the lease; and
- f. Describe any provisions for renewal of the lease.

Answer:

13. Provide a detailed description of any estimated costs to terminate the Nonconforming Use.

Answer:

14. Provide a detailed description of any estimated costs to relocate the Nonconforming Use.

Answer:

15. State the Owner's net annual income for each year that the Nonconforming Use has been in operation.

Answer:

16. What is Owner's anticipated annual net income from the Nonconforming Use for the number of years which the Owner contends will be necessary to remain in operation to recoup Owner's investment in the Nonconforming Use?

Answer:

17. What length of time, if any, does the Owner contend will be required to recoup the amount of investment the Owner had in the Nonconforming Use at the time the use became nonconforming? Please explain in detail the basis for the Owner's contention.

Answer:

18. Provide any other information that the Owner contends the Board of Adjustment should consider in determining the amount of time needed for the Owner to recoup any actual investment in the Nonconforming Use prior to the time the use became nonconforming. In response to this Interrogatory, please state in detail the reason(s) that the Owner contends that the information provided merits consideration by the Board of Adjustment in determining a compliance date for the Owner's Nonconforming Use.

Answer:

20. State what information, if any, the Owner desires to be provided by or through the Board of Adjustment to enable the Owner to establish an appropriate compliance date for the Owner's Nonconforming Use. In response to this Interrogatory, please state in detail what information is desired, and of whom it should be requested, and why the Owner contends that the information is necessary.

Answer:

21. When was the initial cost to purchase or establish the Nonconforming Use incurred? If not a single expense, explain in detail what money was spent, when the money was spent, and for what purpose(s) the money was spent.

Answer:

VERIFICATION

Before me, the undersigned authority, on this day personally appeared _____ who, being by me duly sworn on oath deposed and stated that he/she has read the above answers to Interrogatories, and that every statement contained therein is within his/her personal knowledge and is true and correct.

Signature of Witness

Subscribed and sworn to before me on this ____ day of _____, 2019, to certify which witness my hand and official seal.

Notary Public in and for the State of Texas

My Commission Expires:

THIS SUBPOENA DUCES TECUM AND INTERROGATORIES DOCUMENT IS GIVEN UNDER MY HAND OFFICIALLY THIS 1st day of April, 2019.

ATTEST: Scott Hansel
Chairman, Board of Adjustment, Panel B, City of Dallas, Texas

BY: Steve Long
Steve Long, Administrator, Board of Adjustment, City of Dallas, Texas

TAB #5

Ed Voss

From: Warren Norred <wnorred@norredlaw.com>
Sent: Saturday, May 11, 2019 12:59 AM
To: Long, Steve; Ed Voss
Subject: BDA189-031, Jim's Car Wash, Responses to Discovery Requests
Attachments: 2019_05_10-JimsCarWash-DiscResponseAndExhibits.pdf

Gents,

Freddy Davenport has had medical issues lately, and we have not been able to obtain a lot of what we can provide, but have not yet. There are other documents that you seek which are irrelevant, and still others which cannot be constitutionally demanded without facts in dispute which are not present here. I am perfectly willing to allow the City to examine the documents, so long as no notes are taken, as I see no reason why your notes would not be subject to a FOIA/PIA request.

I've provided a set of P&Ls, and a promise to provide more as go forward. It is a very challenging thing for me to accept that this quasi-judicial administrative body is asking us to enter information to it which cannot be properly protected and is subject to public disclosure.

The short answer to this process is that Freddy Davenport is seeking to obtain a rezoning so his property will be conforming, and if he cannot, he'd ask that he be able to operate through the most profitable months in the fall before closing.

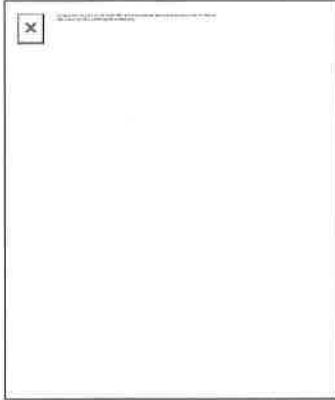
See attached.

Yours,
Warren V. Norred

Warren V. Norred, P.E.

NORRED LAW, PLLC
515 East Border Street
Arlington, Texas 76010
817.704.3984 office
817.524.6686 fax

Licensed to practice before the United States Patent and Trademark Office, all state and federal courts in Texas, the Federal Circuit, and the Supreme Court of the United States.



www.norredlaw.com

CONFIDENTIALITY NOTICE: This message and any attachments contain information that is confidential and/or legally privileged. The information is intended only for the use of the individual or entity to whom it is directed, regardless of the e-mail address. If you are not the intended recipient, you are notified that any examination, disclosure, copying, distribution or the taking of any action in reliance on, or with respect to, the contents of this information is strictly prohibited. If you have received this e-mail message in error, please immediately notify the person identified as the sending person by reply e-mail or notify the sender by phone at 817-704-3984.

P: 817.704.3984
F: 817.524.6686



515 E. Border St.
Arlington, TX 76010

May 10, 2019

Steve Long, Chief Planner, Board of Adjustment Administrator
By email: steve.long@dallascityhall.com
Cc: Ed Voss, evoss@bhlaw.net

Re: BDA189-031, Pending Board of Adj. Case 2702 MLK, Jr., Boulevard)

Dear Mr. Long and Mr. Voss,

Attached are responses to the requests you have made. We would ask additional time to respond to these. We have provided what we could from Mr. Davenport's bookkeeper, but Mr. Davenport is 86 years old and has experienced medical problems recently. I can provide medical information privately, but I am not releasing any more information in this public venue than I believe appropriate.

We are withholding some of the documents requested based on the right to privacy as guaranteed in the Constitution. Others we are willing to provide either *in camera* or by observation. The struggle here is that everything we give you appears to be public information, so the City is demanding that we strip ourselves bare to any FOIA/PIA request regarding irrelevant and private information. However, we have provided a set of P&Ls for 2018 and for recent months. We have not provided documents already in the City's possession. We are not aware of any owner, lien, or claim to the subject property that you do not already have.

Mr. Davenport has begun the attempt to ask the Board for a sub-district zone change. We hope to provide the full package by the end of May.

I have not been able to obtain Mr. Davenport's signature on his interrogatories, but I hope to have that by next week. By electronic signature below, I attest that the answers are the best that we have at this time.

Respectfully,

s/Warren V. Norred/
Warren V. Norred, wnorred@norredlaw.com

Attached: 1) Responses to the City's discovery; 2) P&Ls by Month; 3) 2018 P&L

BDA 189-031, Discovery Responses

I. DOCUMENTARY INFORMATION REQUESTED

A. Business Identification and Ownership Information:

1. Articles of incorporation or organization, partnership agreements, or any other document regarding or reflecting the existence or organization of the Property and/or the Nonconforming Use.
Nothing exists which is responsive.
2. The Stock Certificate Register or any other document reflecting or evidencing all owners, past and current, of the Nonconforming Use, if any.
Nothing exists which is responsive.
3. Documents relating to a Taxpayer Identification Number for the Nonconforming Use.
Objection: We are not disclosing private information in this response. You may make a time to examine this information in private, without notes taken, at Norred Law, PLLC.
4. Documents identifying the name, address, and Taxpayer Identification Number (state and federal) of all entities or persons that own, operate, manage, or provide management services to the Nonconforming Use.
Objection: We are not disclosing private information in this response. You may make a time to examine this information in private, without notes taken, at Norred Law, PLLC.
5. Documents relating to any city or state operating licenses, permits, or certificates, including, but not limited to, certificates of operation, use permits, certificates or authorities to conduct business, and certificates of good standing regarding the Nonconforming Use.

This information will be provided at Norred Law, PLLC, at a time convenient for the parties.

6. Any deed or other documents indicating, identifying, or evidencing ownership of the Property.
The City has this information. Freddy Davenport owns the property.
7. Documents relating to or evidencing the Owner's ownership interest in the Property and the Business engaged in the Nonconforming Use, including, but not limited to, contracts for sale, inventories, tax returns, appraisal reports, other documents showing any and all consideration (cash or otherwise) that the Owner gave for the transfer or acquisition of any interest in the Property, or the Nonconforming Use Business.

Objection: We are not disclosing private information in this response. You may make a time to examine this information in private, without notes taken, at Norred Law, PLLC.

8. Property tax filings, including statements, invoices, protests, and otherwise, filed for and on behalf of the Property or the Business located on the Property.

Objection: We are not disclosing private information in this response. You may make a time to examine this information in private, without notes taken, at Norred Law, PLLC. Some of this information is already public, and the City has access to it at the same level of effort as Davenport.

B. Business and Financial Records

1. Documents relating to or evidencing the Owner's capital investment in structures, fixed equipment, and other assets (excluding inventory and other assets that may be feasibly transferred to another site) on the Property before the time the use became non-conforming.

Objection: We are not disclosing private information in this response. You may make a time to examine this information in private, without notes taken, at Norred Law, PLLC.

2. Documents relating to or evidencing the Owner's structures, fixed equipment, and other assets on the Property before the time the use of the Business became nonconforming.

Objection: We are not disclosing private information in this response. You may make a time to examine this information in private, without notes taken, at Norred Law, PLLC.

3. Documents relating to or evidencing the depreciation of any structure, fixed equipment, and other assets used for the Business before the Business use became nonconforming.

Objection: We are not disclosing private information in this response. You may make a time to examine this information in private, without notes taken, at Norred Law, PLLC. Subject to this information, a list of P&Ls have been provided.

4. Documents relating to or evidencing the method or schedule used for depreciating any structure, fixed equipment, and other assets used for the Business before the Business use became nonconforming.

This information may be examined at the office of Norred Law, PLLC at a time convenient for the parties.

5. Documents relating to or evidencing costs or expenses that are directly attributable to the establishment of a compliance date.

This information may be examined at the office of Norred Law, PLLC at a time convenient for the parties. It is still being compiled.

6. Documents relating to or evidencing costs or expenses that the Owner will, or likely will, incur associated with any demolition on the Property or of the Business, if any, as a result of a compliance date.

This information may be examined at the office of Norred Law, PLLC at a time convenient for the parties. It is still being compiled.

7. Documents relating to or evidencing costs or expenses associated with any disposal fees, if any.

This information may be examined at the office of Norred Law, PLLC at a time convenient for the parties. It is still being compiled.

8. Documents relating to or evidencing any relocation costs or expenses that the Owner will incur, if any, associated with or as a result of a compliance date.

This information may be examined at the office of Norred Law, PLLC at a time convenient for the parties. It is still being compiled.

9. Documents relating to or evidencing costs or expenses that the Owner will, or likely will, incur associated with termination of lease(s), if any as a result of a compliance date.

This information may be examined at the office of Norred Law, PLLC at a time convenient for the parties. It is still being compiled.

10. Documents relating to or evidencing any costs or expenses that the Owner will incur, or likely will incur, associated with any discharge of any mortgage, if any, associated with or as a result of a compliance date.

This information may be examined at the office of Norred Law, PLLC at a time convenient for the parties. It is still being compiled.

11. Documents relating to or evidencing any return on investment since inception of the use, including net income and depreciation and the methods and schedules for such net income and depreciation, if any.

This information may be examined at the office of Norred Law, PLLC at a time convenient for the parties. It is still being compiled.

12. Documents relating to or evidencing any anticipated annual recovery of investment, including net income and depreciation and methods and schedules for such net income and depreciation, if any.

This information may be examined at the office of Norred Law, PLLC at a time convenient for the parties. It is still being compiled.

13. Documents relating to or evidencing any anticipated gross income, expenses, and depreciation for the Property or the Business, including, without limitation, any real estate appraisal or report, other valuation of the Property or the assets belonging to the Property or the Business, and communication or correspondence related to any prospective purchase, sale, or transfer of the Property or the Business.

This information may be examined at the office of Norred Law, PLLC at a time convenient for the parties. It is still being compiled. A set of P&Ls have been provided with this response. Tax return information will not be released.

14. Income statements for the Nonconforming Use for each year of operation.

See response to #13.

15. Year-end balance sheets for the Nonconforming Use for each year of operation.

See response to #13.

16. Audited or un-audited financial statements for the Nonconforming Use.

See response to #13.

17. Documents relating to or evidencing the annual gross income of the Nonconforming Use for each year of operation from 1994 through 2012.

See response to #13.

18. Documents relating to or evidencing the annual net income for the Nonconforming Use for each year of operation from 1994 through 2012.

See response to #13.

19. Bank statements, signature cards, cancelled checks, deposit tickets, "ATM" withdrawal records, credit and debit memoranda, and wire transfer records related to the Nonconforming Use for each year of operation from 1994 through 2012.

See response to #13.

20. Federal income tax returns or statements filed for the Nonconforming Use for each year of operation from 1994 through 2012.

Objection: This is privileged information and will not be released.

21. Federal income tax returns or statements filed for any person or entity claiming income from the Nonconforming Use for each year of operation of the Nonconforming Use on which income from the Nonconforming Use was reported.

Objection: This is privileged information and will not be released.

22. Documents filed with the Internal Revenue Service, including Form 1099, Form 941, Form W-2, or otherwise, related to or evidencing compensation provided for the management, services, construction, repair, or maintenance of the Nonconforming Use during the time for which the Owner owned the Property or Nonconforming Use.

Objection: This is privileged information and will not be released. P&Ls have been provided for the last year.

23. Each lease for the Property currently pending for the Nonconforming Use. Nothing responsive exists.
24. Documents relating to or evidencing the present book value of all assets belonging to the Nonconforming Use.
See response to #13.
25. Documents relating to or evidencing the present book value of inventory and fixtures on the Property or belonging to the Nonconforming Use.
See response to #13.
26. Documents relating to any loan, mortgages, or debt secured by the Property or the Nonconforming Use, including appraisal reports or opinions and any valuation report or opinion regarding the Property or the Nonconforming Use, loan applications and supporting documents, loan ledger sheets, loan documents, loan repayment documents, loan correspondence files, collateral agreements, credit records and reports, notes and other instruments reflecting payment obligations, and interest payment statements.
See response to #13.
27. Contracts and agreements for the construction, repair, maintenance, installation or other work on or of any capital improvement on the Property, including, without limitation, copies of all checks and other instruments constituting, directing, authorizing, or evidencing any and all down payments, deposits, and payments under each contract or agreement and including, without limitation, the last known name, address, and telephone number of each and every contractor and seller.
See response to #13.
28. For all years in which the Nonconforming Business has been in operation, please provide all accounting journals, ledgers, and charts or tables, including, but not limited to, accounts receivable and accounts payable.

See response to #13.

II. INTERROGATORIES

1. State the name of the Nonconforming Business, including any other names by which the Business is now or has been known by, or has conducted business under.

Answer: Jim's Car Wash

2. Describe the nature of the business form of the Nonconforming Business (corporation, partnership, limited liability company, etc.)

Answer: Jim's Car Wash is a sole proprietorship.

3. On what date did this Nonconforming Use begin operating?

Answer: We do not believe that it is properly can be called non-conforming. Your own documents claim 2012.

4. On what date did the Owner acquire an ownership interest in the Property and/or the Business operating the Nonconforming Use?

Answer: Long before 2012. You have this information.

5. What is the nature of Owner's ownership interest in the Property and/or the Business operating the Nonconforming Use (*e.g.*, owns the building, leases space, etc.)?

Answer: Freddy Davenport owns the land and the car wash equipment.

6. Identify all persons, whether employed by the Owner, the Nonconforming Use Business, or by another person, who operate the Nonconforming Business, exercise management functions or provide management services, including each person's:

- a. full name,
- b. other names by which such person has been known or done business,
- b. job title,
- c. duties,
- d. contact information, and
- e. if not employed by Owner, the identity of the person who employs each such person.

Answer: Freddy Davenport and Dale Davenport. You have their contact information. We are not releasing the names of our employees because those names are irrelevant to the issues at hand, and for fear of reprisal from the City

7. Describe the form of all entities which operate, manage or provide management services to the Nonconforming Business (corporation, partnership, etc.)

Answer: Freddy Davenport owns the business as a sole proprietorship.

8. Identify all persons having an ownership or security interest in or any lien against:
- the Nonconforming Use;
 - the real property where the Nonconforming Use is located; or
 - any fixture, whether owned or leased, located on the premises used by the Nonconforming Use.

Answer: No one has a lien against the property.

9. Identify and describe the nature of ownership or security interest or lien held by all persons identified in your answer to Interrogatory No. 8.

Answer: No one has a lien against the property.

10. What was the Owner's initial cost to purchase or establish the Nonconforming Use?

Answer: This information may be examined at the office of Norred Law, PLLC at a time convenient for the parties. It is still being compiled.

10. Provide a detailed description of any investment in the Property and the Nonconforming Use, including:

- the type of investment (*e.g.*, fixture, inventory, renovation, equipment, etc.);
- the date the investment was made;
- the original cost of the investment; and the current book value of the investment, less depreciation.

Answer: This information may be examined at the office of Norred Law, PLLC at a time convenient for the parties. It is still being compiled. A set of P&Ls have been provided with this response.

11. For each lease on the Property or part of the Nonconforming Use, provide the following:

- Date the lease was created;
- Date the lease terminates;
- Annual or monthly cost of lease;
- Does the lease allow for early termination;
- Describe any penalties for early termination of the lease; and
- Describe any provisions for renewal of the lease.

Answer: No lease exists.

12. Provide a detailed description of any estimated costs to terminate the Nonconforming Use.

Answer: This information may be examined at the office of Norred Law, PLLC at a time convenient for the parties. It is still being compiled. A set of P&Ls have been provided with this response.

NOTE: Davenport is seeking a change in zoning, and will ask that the Board allow him four months to obtain that change.

13. Provide a detailed description of any estimated costs to relocate the Nonconforming Use.

Answer: This information may be examined at the office of Norred Law, PLLC at a time convenient for the parties. It is still being compiled. A set of P&Ls have been provided with this response.

NOTE: Davenport is seeking a change in zoning, and will ask that the Board allow him four months to obtain that change.

14. State the Owner's net annual income for each year that the Nonconforming Use has been in operation.

Answer: Objection – the income of the owner is irrelevant; demand of such is a violation of right to privacy guaranteed under the Constitution and nothing in this case suggests a need for ALL income. P&Ls have been provided with this response for the last year.

15. What is Owner's anticipated annual net income from the Nonconforming Use for the number of years which the Owner contends will be necessary to remain in operation to recoup Owner's investment in the Nonconforming Use?

Answer: Objection – the income of the owner is irrelevant, and demand of such is a violation of right to privacy guaranteed under the Constitution and nothing in this case suggests a need for ALL income. However, P&Ls have been provided with this response. Davenport expects that he could make back what he needs to shut down the facility and break even over the last year if he can remain open for the remainder of 2019, as the more profitable months are in the fall.

16. What length of time, if any, does the Owner contend will be required to recoup the amount of investment the Owner had in the Nonconforming Use at the time the use became nonconforming? Please explain in detail the basis for the Owner's contention.

Answer: See response to No. 15.

17. Provide any other information that the Owner contends the Board of Adjustment should consider in determining the amount of time needed for the Owner to recoup any actual investment in the Nonconforming Use prior to the time the use became nonconforming. In response to this Interrogatory, please state in detail the reason(s) that the Owner contends that the information provided merits consideration by the Board of Adjustment in determining a compliance date for the Owner's Nonconforming Use.

Answer: This information may be examined at the office of Norred Law, PLLC at a time convenient for the parties. It is still being compiled. A set of P&Ls have been provided with this response.

NOTE: Davenport is seeking a change in zoning, and will ask that the Board allow him four months to obtain that change.

20. State what information, if any, the Owner desires to be provided by or through the Board of Adjustment to enable the Owner to establish an appropriate compliance date for the Owner's Nonconforming Use. In response to this Interrogatory, please state in detail what information is desired, and of whom it should be requested, and why the Owner contends that the information is necessary.

Answer: This information may be examined at the office of Norred Law, PLLC at a time convenient for the parties. It is still being compiled. We do need to know what expectations are from the City when we close the business, cease operations, and it is no longer brightly lighted at night.

NOTE: Davenport is seeking a change in zoning, and will ask that the Board allow him four months to obtain that change, and if it fails, to allow Jim's Car Wash to remain open for the duration of 2019 to capture the most profitable period of time to recoup his recent losses and costs to attempt to remain open.

21. When was the initial cost to purchase or establish the Nonconforming Use incurred? If not a single expense, explain in detail what money was spent, when the money was spent, and for what purpose(s) the money was spent.

Answer: The City has claimed the Car Wash is not a conforming use. We have not agreed that we have a conforming use. The Car Wash was a conforming use when it was created, and no notice of change was ever received by the Davenports.

CERTIFICATE OF SERVICE: I hereby certify that a true and correct copy of the foregoing document was served to Plaintiff's counsel of record on May 10, 2019 by the Court's ECF system, or during the evening of May 10, 2019.

s/Warren V. Norred/
Warren V. Norred, Esq.
wnorred@norredlaw.com
NORRED LAW, PLLC
515 E. Border
Arlington, Texas 76010

2:28 PM
 05/10/19
 Cash Basis

Dale Davenport
Profit & Loss by Class
 January 2018

	<u>Car Wash</u>	<u>TOTAL</u>
Ordinary Income/Expense		
Income		
Operating Income	3,907.00	3,907.00
Total Income	3,907.00	3,907.00
Expense		
Cleaning and Maintenance	1,025.00	1,025.00
Insurance (Non-Health) Expense	29.60	29.60
Supplies and Materials	495.15	495.15
Utilities		
Natural Gas	72.78	72.78
Water	129.78	129.78
Total Utilities	202.56	202.56
Total Expense	1,752.31	1,752.31
Net Ordinary Income	2,154.69	2,154.69
Net Income	2,154.69	2,154.69

2:28 PM
 05/10/19
 Cash Basis

Dale Davenport
Profit & Loss by Class
 February 2018

	<u>Car Wash</u>	<u>TOTAL</u>
Ordinary Income/Expense		
Income		
Operating Income	4,898.00	4,898.00
Total Income	4,898.00	4,898.00
Expense		
Cleaning and Maintenance	960.74	960.74
Insurance (Non-Health) Expense	29.60	29.60
Supplies and Materials	500.00	500.00
Utilities		
Electric	487.64	487.64
Natural Gas	73.02	73.02
Water	1,259.46	1,259.46
Total Utilities	1,820.12	1,820.12
Total Expense	3,310.46	3,310.46
Net Ordinary Income	1,587.54	1,587.54
Net Income	1,587.54	1,587.54

2:29 PM
 05/10/19
 Cash Basis

Dale Davenport
Profit & Loss by Class
 March 2018

	<u>Car Wash</u>	<u>TOTAL</u>
Ordinary Income/Expense		
Income		
Operating Income	4,583.00	4,583.00
Total Income	4,583.00	4,583.00
Expense		
Cleaning and Maintenance	700.00	700.00
Dues and Subscriptions	150.00	150.00
Equipment Related		
Repairs and Maintenance	182.36	182.36
Total Equipment Related	182.36	182.36
Insurance (Non-Health) Expense	817.11	817.11
Supplies and Materials	2,017.84	2,017.84
Utilities		
Electric	578.69	578.69
Natural Gas	57.30	57.30
Water	482.10	482.10
Total Utilities	1,118.09	1,118.09
Total Expense	4,985.40	4,985.40
Net Ordinary Income	-402.40	-402.40
Net Income	-402.40	-402.40

2:29 PM
 05/10/19
 Cash Basis

Dale Davenport
Profit & Loss by Class
 April 2018

	<u>Car Wash</u>	<u>TOTAL</u>
Ordinary Income/Expense		
Income		
Operating Income	3,744.00	3,744.00
Total Income	3,744.00	3,744.00
Expense		
Cleaning and Maintenance	725.00	725.00
Insurance (Non-Health) Expense	29.60	29.60
Rent Expense	5,000.00	5,000.00
Supplies and Materials	640.97	640.97
Utilities		
Electric	604.12	604.12
Water	730.21	730.21
Total Utilities	1,334.33	1,334.33
Total Expense	7,729.90	7,729.90
Net Ordinary Income	-3,985.90	-3,985.90
Net Income	-3,985.90	-3,985.90

2:30 PM
05/10/19
Cash Basis

Dale Davenport
Profit & Loss by Class
May 2018

	Car Wash	TOTAL
Ordinary Income/Expense		
Income		
Operating Income	4,986.00	4,986.00
Total Income	4,986.00	4,986.00
Expense		
Cleaning and Maintenance	400.00	400.00
Equipment Related		
Repairs and Maintenance	124.50	124.50
Total Equipment Related	124.50	124.50
Insurance (Non-Health) Expense	29.60	29.60
Supplies and Materials	546.80	546.80
Utilities		
Electric	607.17	607.17
Natural Gas	49.89	49.89
Water	577.99	577.99
Total Utilities	1,235.05	1,235.05
Total Expense	2,335.95	2,335.95
Net Ordinary Income	2,650.05	2,650.05
Net Income	2,650.05	2,650.05

2:30 PM
05/10/19
Cash Basis

Dale Davenport
Profit & Loss by Class
June 2018

	Car Wash	TOTAL
Ordinary Income/Expense		
Income		
Operating Income	2,147.00	2,147.00
Total Income	2,147.00	2,147.00
Expense		
Automobile Expense		
Registration	76.25	76.25
Total Automobile Expense	76.25	76.25
Contract Services	290.50	290.50
Equipment Related		
Repairs and Maintenance	148.14	148.14
Total Equipment Related	148.14	148.14
Insurance (Non-Health) Expense	29.60	29.60
Supplies and Materials	1,861.07	1,861.07
Utilities		
Electric	396.94	396.94
Natural Gas	48.31	48.31
Water	629.55	629.55
Total Utilities	1,074.80	1,074.80
Total Expense	3,480.36	3,480.36
Net Ordinary Income	-1,333.36	-1,333.36
Net Income	-1,333.36	-1,333.36

2:30 PM
 05/10/19
 Cash Basis

Dale Davenport
Profit & Loss by Class
 July 2018

	<u>Car Wash</u>	<u>TOTAL</u>
Ordinary Income/Expense		
Income		
Operating Income	5,056.25	5,056.25
Total Income	5,056.25	5,056.25
Expense		
Automobile Expense		
Repairs and Maintenance	125.00	125.00
Total Automobile Expense	125.00	125.00
Cleaning and Maintenance	800.00	800.00
Depreciation Expense	52.00	52.00
Equipment Related		
Repairs and Maintenance	550.00	550.00
Total Equipment Related	550.00	550.00
Insurance (Non-Health) Expense	29.60	29.60
Repairs	300.00	300.00
Supplies and Materials	234.22	234.22
Utilities		
Electric	401.68	401.68
Water	625.02	625.02
Total Utilities	1,026.70	1,026.70
Total Expense	3,117.52	3,117.52
Net Ordinary Income	1,938.73	1,938.73
Net Income	1,938.73	1,938.73

2:31 PM
 05/10/19
 Cash Basis

**Dale Davenport
 Profit & Loss by Class
 August 2018**

	Car Wash	TOTAL
Ordinary Income/Expense		
Income		
Operating Income	2,134.00	2,134.00
Total Income	2,134.00	2,134.00
Expense		
Cleaning and Maintenance	775.00	775.00
Equipment Related		
Repairs and Maintenance	120.00	120.00
Total Equipment Related	120.00	120.00
Insurance (Non-Health) Expense	29.60	29.60
Supplies and Materials	235.21	235.21
Utilities		
Electric	368.00	368.00
Natural Gas	242.18	242.18
Water	557.18	557.18
Total Utilities	1,167.36	1,167.36
Total Expense	2,327.17	2,327.17
Net Ordinary Income	-193.17	-193.17
Net Income	-193.17	-193.17

2:32 PM
 05/10/19
 Cash Basis

Dale Davenport
Profit & Loss by Class
 September 2018

	Car Wash	TOTAL
Ordinary Income/Expense		
Income		
Operating Income	760.00	760.00
Total Income	760.00	760.00
Expense		
Cleaning and Maintenance	1,000.00	1,000.00
Insurance (Non-Health) Expense	29.60	29.60
Supplies and Materials	167.10	167.10
Utilities		
Electric	382.53	382.53
Water	469.44	469.44
Total Utilities	851.97	851.97
Total Expense	2,048.67	2,048.67
Net Ordinary Income	-1,288.67	-1,288.67
Net Income	-1,288.67	-1,288.67

2:32 PM
 05/10/19
 Cash Basis

Dale Davenport
Profit & Loss by Class
 October 2018

	Car Wash	TOTAL
Ordinary Income/Expense		
Income		
Operating Income	1,981.50	1,981.50
Total Income	1,981.50	1,981.50
Expense		
Automobile Expense		
Repairs and Maintenance	123.00	123.00
Tolls	13.33	13.33
Total Automobile Expense	136.33	136.33
Cleaning and Maintenance	1,050.00	1,050.00
Contract Services	340.50	340.50
Insurance (Non-Health) Expense	29.60	29.60
Office Supplies	140.43	140.43
Supplies and Materials	763.37	763.37
Utilities		
Electric	367.19	367.19
Trash	91.85	91.85
Water	448.64	448.64
Total Utilities	907.68	907.68
Total Expense	3,367.91	3,367.91
Net Ordinary Income	-1,386.41	-1,386.41
Net Income	-1,386.41	-1,386.41

2:33 PM
 05/10/19
 Cash Basis

Dale Davenport
Profit & Loss by Class
 November 2018

	Car Wash	TOTAL
Ordinary Income/Expense		
Income		
Operating Income	2,849.00	2,849.00
Total Income	2,849.00	2,849.00
Expense		
Advertising and Promotion	2,000.00	2,000.00
Cleaning and Maintenance	700.00	700.00
Insurance (Non-Health) Expense	29.60	29.60
Legal and Professional Fees	5,000.00	5,000.00
Supplies and Materials	897.36	897.36
Utilities		
Electric	356.52	356.52
Water	480.24	480.24
Total Utilities	836.76	836.76
Total Expense	9,463.72	9,463.72
Net Ordinary Income	-6,614.72	-6,614.72
Net Income	-6,614.72	-6,614.72

2:33 PM
05/10/19
Cash Basis

Dale Davenport
Profit & Loss by Class
December 2018

	Car Wash	TOTAL
Ordinary Income/Expense		
Income		
Operating Income	1,280.00	1,280.00
Total Income	1,280.00	1,280.00
Expense		
Bank Service Charges	12.00	12.00
Cleaning and Maintenance	525.00	525.00
Depreciation Expense	2,219.00	2,219.00
Insurance (Non-Health) Expense	29.60	29.60
Utilities		
Electric	730.83	730.83
Natural Gas	151.47	151.47
Water	511.93	511.93
Total Utilities	1,394.23	1,394.23
Total Expense	4,179.83	4,179.83
Net Ordinary Income	-2,899.83	-2,899.83
Net Income	-2,899.83	-2,899.83

2:33 PM
 05/10/19
 Cash Basis

Dale Davenport
Profit & Loss by Class
 January 2019

	<u>Car Wash</u>	<u>TOTAL</u>
Ordinary Income/Expense		
Income		
Operating Income	2,838.00	2,838.00
Total Income	2,838.00	2,838.00
Expense		
Cleaning and Maintenance	375.00	375.00
Equipment Related		
Repairs and Maintenance	167.55	167.55
Total Equipment Related	167.55	167.55
Insurance (Non-Health) Expense	29.60	29.60
Supplies and Materials	884.39	884.39
Utilities		
Water	504.81	504.81
Total Utilities	504.81	504.81
Total Expense	1,961.35	1,961.35
Net Ordinary Income	876.65	876.65
Net Income	876.65	876.65

2:34 PM
 05/10/19
 Cash Basis

Dale Davenport
Profit & Loss by Class
 February 2019

	<u>Car Wash</u>	<u>TOTAL</u>
Ordinary Income/Expense		
Income		
Operating Income	4,057.00	4,057.00
Total Income	4,057.00	4,057.00
Expense		
Cleaning and Maintenance	700.00	700.00
Insurance (Non-Health) Expense	29.60	29.60
Supplies and Materials	582.12	582.12
Utilities		
Electric	382.04	382.04
Natural Gas	92.32	92.32
Water	860.80	860.80
Total Utilities	1,335.16	1,335.16
Total Expense	2,646.88	2,646.88
Net Ordinary Income	1,410.12	1,410.12
Net Income	1,410.12	1,410.12

2:34 PM
 05/10/19
 Cash Basis

**Dale Davenport
 Profit & Loss by Class
 March 2019**

	<u>Car Wash</u>	<u>TOTAL</u>
Ordinary Income/Expense		
Income		
Operating Income	3,875.00	3,875.00
Total Income	3,875.00	3,875.00
Expense		
Cleaning and Maintenance	700.00	700.00
Dues and Subscriptions	150.00	150.00
Insurance (Non-Health) Expense	792.95	792.95
Rent Expense	118.00	118.00
Utilities		
Electric	393.46	393.46
Natural Gas	54.64	54.64
Water	727.80	727.80
Total Utilities	1,175.90	1,175.90
Total Expense	2,936.85	2,936.85
Net Ordinary Income	938.15	938.15
Net Income	938.15	938.15

2:35 PM
 05/10/19
 Cash Basis

Dale Davenport
Profit & Loss by Class
 April 1 - 22, 2019

	Car Wash	TOTAL
Ordinary Income/Expense		
Income		
Operating Income	4,867.00	4,867.00
Total Income	4,867.00	4,867.00
Expense		
Bank Service Charges	12.00	12.00
Cleaning and Maintenance	525.00	525.00
Insurance (Non-Health) Expense	29.60	29.60
Legal and Professional Fees	7,425.00	7,425.00
Supplies and Materials	33.30	33.30
Utilities		
Electric	358.21	358.21
Water	528.60	528.60
Total Utilities	886.81	886.81
Total Expense	8,911.71	8,911.71
Net Ordinary Income	-4,044.71	-4,044.71
Net Income	-4,044.71	-4,044.71

Dale Davenport
Profit & Loss by Class
 January through December 2018

	<u>Car Wash</u>	<u>TOTAL</u>
Ordinary Income/Expense		
Income		
Operating Income	38,325.75	38,325.75
Total Income	38,325.75	38,325.75
Expense		
Advertising and Promotion	2,000.00	2,000.00
Automobile Expense		
Registration	76.25	76.25
Repairs and Maintenance	248.00	248.00
Tolls	13.33	13.33
Total Automobile Expense	337.58	337.58
Bank Service Charges	12.00	12.00
Cleaning and Maintenance	8,660.74	8,660.74
Contract Services	631.00	631.00
Depreciation Expense	2,271.00	2,271.00
Dues and Subscriptions	150.00	150.00
Equipment Related		
Repairs and Maintenance	1,125.00	1,125.00
Total Equipment Related	1,125.00	1,125.00
Insurance (Non-Health) Expense	1,142.71	1,142.71
Legal and Professional Fees	5,000.00	5,000.00
Office Supplies	140.43	140.43
Rent Expense	5,000.00	5,000.00
Repairs	300.00	300.00
Supplies and Materials	8,359.09	8,359.09
Utilities		
Electric	5,281.31	5,281.31
Natural Gas	694.95	694.95
Trash	91.85	91.85
Water	6,901.54	6,901.54
Total Utilities	12,969.65	12,969.65
Total Expense	48,099.20	48,099.20
Net Ordinary Income	-9,773.45	-9,773.45
Net Income	-9,773.45	-9,773.45

Ed Voss

From: Ed Voss
Sent: Monday, June 10, 2019 8:49 AM
To: Warren Norred
Cc: Long, Steve
Subject: RE: BDA189-031, Jim's Car Wash, Responses to Discovery Requests

Warren,
No, I cannot agree to a date beyond June 19, 2019.
Ed

Edwin P. Voss, Jr.
Brown & Hofmeister, L.L.P.
740 East Campbell Road, Suite 800
Richardson, Texas 75081
(214) 747-6135 (direct office)
(214) 747-6111 (fax)
evoss@bhlaw.net

From: Warren Norred <wnorred@norredlaw.com>
Sent: Saturday, June 8, 2019 2:45 PM
To: Ed Voss <evoss@bhlaw.net>
Cc: Long, Steve <steve.long@dallascityhall.com>
Subject: Re: BDA189-031, Jim's Car Wash, Responses to Discovery Requests

As you may have seen, we've had a lot going on.

Give me two more days for info. What I had hoped to have is a finalized zoning request and then ask for six months to get it to finality, and if not granted, then closed two weeks after that failed.

However, based on recent events, I'm not sure that my client can afford to pay the zoning process at this point. Do you have authority to agree to a date certain beyond June 19th to either be in compliance or consider investments recouped?

W

On Tue, Jun 4, 2019, 11:00 AM Ed Voss <evoss@bhlaw.net> wrote:

Warren,

By way of follow-up to your message, below, do you have any additional documents to provide in this matter?

Regards,

Ed

Edwin P. Voss, Jr.

Brown & Hofmeister, L.L.P.

740 East Campbell Road, Suite 800

Richardson, Texas 75081

(214) 747-6135 (direct office)

(214) 747-6111 (fax)

evoss@bhlaw.net

From: Warren Norred <wnorred@norredlaw.com>

Sent: Saturday, May 11, 2019 12:59 AM

To: Long, Steve <steve.long@dallascityhall.com>; Ed Voss <evoss@bhlaw.net>

Subject: BDA189-031, Jim's Car Wash, Responses to Discovery Requests

Gents,

Freddy Davenport has had medical issues lately, and we have not been able to obtain a lot of what we can provide, but have not yet. There are other documents that you seek which are irrelevant, and still others which cannot be constitutionally demanded without facts in dispute which are not present here. I am perfectly willing to allow the City to examine the documents, so long as no notes are taken, as I see no reason why your notes would not be subject to a FOIA/PIA request.

I've provided a set of P&Ls, and a promise to provide more as go forward. It is a very challenging thing for me to accept that this quasi-judicial administrative body is asking us to enter information to it which cannot be properly protected and is subject to public disclosure.

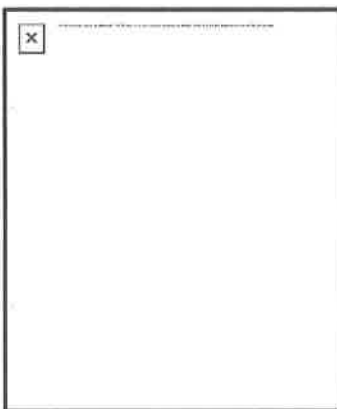
The short answer to this process is that Freddy Davenport is seeking to obtain a rezoning so his property will be conforming, and if he cannot, he'd ask that he be able to operate through the most profitable months in the fall before closing.

See attached.

Yours,
Warren V. Norred

Warren V. Norred, P.E.
NORRED LAW, PLLC
515 East Border Street
Arlington, Texas 76010
817.704.3984 office
817.524.6686 fax

Licensed to practice before the United States Patent and Trademark Office, all state and federal courts in Texas, the Federal Circuit, and the Supreme Court of the United States.



www.norredlaw.com

CONFIDENTIALITY NOTICE: This message and any attachments contain information that is confidential and/or legally privileged. The information is intended only for the use of the individual or entity to whom it is directed, regardless of the e-mail address. If you are not the intended recipient, you are notified that any

examination, disclosure, copying, distribution or the taking of any action in reliance on, or with respect to, the contents of this information is strictly prohibited. If you have received this e-mail message in error, please immediately notify the person identified as the sending person by reply e-mail or notify the sender by phone at 817-704-3984.

TAB #6

Ed Voss

From: Long, Steve <steve.long@dallascityhall.com>
Sent: Thursday, April 11, 2019 7:02 AM
To: Warren Norred
Cc: Ed Voss; Dean, Neva
Subject: RE: BDA189-031, Property at 2702 Martin Luther King Jr. Blvd.
Attachments: nonconforming uses and structures.pdf

Dear Mr. Norred,

Please be advised staff plans to schedule the board of adjustment application referenced above for the June 19, 2019 Board of Adjustment Panel B hearing where the board shall proceed to establish a compliance date for the nonconforming use on this property per provisions set forth in 51A-4.704 (a)(1) that I have attached.

Please let me know if I can assist you in any other way on this matter.

Thank you,

Steve



Steve Long
Chief Planner
City of Dallas | www.dallascityhall.com
Current Planning Division
Sustainable Development and Construction
1500 Marilla Street, 5BN
Dallas, TX 75201
O: 214-670-4666
steve.long@dallascityhall.com



OPEN RECORDS NOTICE: This email and responses may be subject to the Texas Open Records Act and may be disclosed to the public upon request. Please respond accordingly.

From: Warren Norred <wnorred@norredlaw.com>
Sent: Wednesday, April 10, 2019 8:07 PM
To: Long, Steve <steve.long@dallascityhall.com>
Cc: Ed Voss <evoss@bhlaw.net>
Subject: Re: BDA189-031, Jim's Car Wash

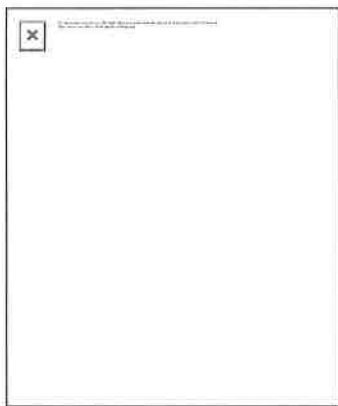
Steve,

Has there been a date set for the next hearing? Felder is out saying that the car wash will be shut down on June 19th.

Thanks,
Warren

Warren V. Norred, P.E.
NORRED LAW, PLLC
515 East Border Street
Arlington, Texas 76010
817.704.3984 office
817.524.6686 fax

Licensed to practice before the United States Patent and Trademark Office, all state and federal courts in Texas, the Federal Circuit, and the Supreme Court of the United States.



www.norredlaw.com

CONFIDENTIALITY NOTICE: This message and any attachments contain information that is confidential and/or legally privileged. The information is intended only for the use of the individual or entity to whom it is directed, regardless of the e-mail address. If you are not the intended recipient, you are notified that any examination, disclosure, copying, distribution or the taking of any action in reliance on, or with respect to, the contents of this information is strictly prohibited. If you have received this e-mail message in error, please immediately notify the person identified as the sending person by reply e-mail or notify the sender by phone at 817-704-3984.

On Fri, Mar 29, 2019 at 2:43 PM Long, Steve <steve.long@dallascityhall.com> wrote:

Per your request.

Steve

From: Warren Norred <wnorred@norredlaw.com>

Sent: Friday, March 29, 2019 2:38 PM

To: Ed Voss <evoss@bhlaw.net>; Long, Steve <steve.long@dallascityhall.com>

Cc: Solomon Norred <sgn@norredlaw.com>; Marie Anderson <marie@norredlaw.com>

Subject: Re: BDA189-031, Jim's Car Wash

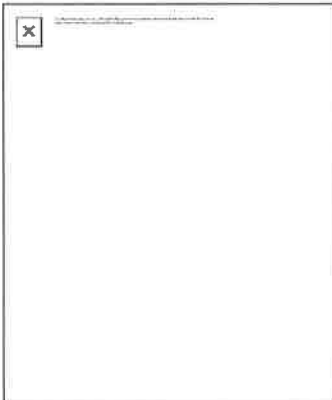
Ed and Steve,

Can someone send me the Board's decision letter?

Thanks,
Warren

Warren V. Norred, P.E.
NORRED LAW, PLLC
515 East Border Street
Arlington, Texas 76010
817.704.3984 office
817.524.6686 fax

Licensed to practice before the United States Patent and Trademark Office, all state and federal courts in Texas, the Federal Circuit, and the Supreme Court of the United States.



www.norredlaw.com

CONFIDENTIALITY NOTICE: This message and any attachments contain information that is confidential and/or legally privileged. The information is intended only for the use of the individual or entity to whom it is directed, regardless of the e-mail address. If you are not the intended recipient, you are notified that any examination, disclosure, copying, distribution or the taking of any action in reliance on, or with respect to, the contents of this information is strictly prohibited. If you have received this e-mail message in error, please immediately notify the person identified as the sending person by reply e-mail or notify the sender by phone at 817-704-3984.

On Wed, Mar 13, 2019 at 1:45 PM Ed Voss <evoss@bhlaw.net> wrote:

Warren,

Yes, I have received a soft copy of Respondent's documents. No, I will not agree to a continuance.

Regards,

Ed

Edwin P. Voss, Jr.

Brown & Hofmeister, L.L.P.

740 East Campbell Road, Suite 800

Richardson, Texas 75081

(214) 747-6135 (direct office)

(214) 747-6111 (fax)

evoss@bhlaw.net

From: Warren Norred <wnorred@norredlaw.com>

Sent: Wednesday, March 13, 2019 10:29 AM

To: Ed Voss <evoss@bhlaw.net>

Cc: Solomon Norred <sgn@norredlaw.com>; Marie Anderson <marie@norredlaw.com>; Long, Steve <steve.long@dallascityhall.com>

Subject: Re: BDA189-031, Jim's Car Wash

Ed,

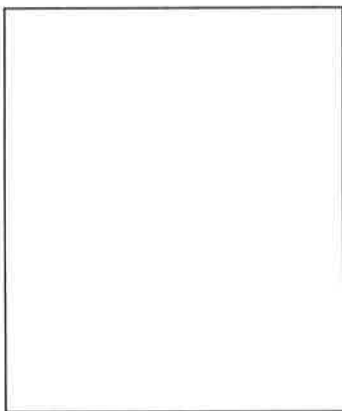
Thank you. Did you get a soft copy of our work?

Would you be agreeable to a continuance so we can chew on these things and get the rest of the criminal records to flesh out the case?

Thanks,
Warren

Warren V. Norred, P.E.
NORRED LAW, PLLC
515 East Border Street
Arlington, Texas 76010
817.704.3984 office
817.524.6686 fax

Licensed to practice before the United States Patent and Trademark Office, all state and federal courts in Texas, the Federal Circuit, and the Supreme Court of the United States.



www.norredlaw.com

CONFIDENTIALITY NOTICE: This message and any attachments contain information that is confidential and/or legally privileged. The information is intended only for the use of the individual or entity to whom it is directed, regardless of the e-mail address. If you are not the intended recipient, you are notified that any examination, disclosure, copying, distribution or the taking of any action in reliance on, or with respect to, the contents of this information is strictly prohibited. If you have received this e-mail message in error, please immediately notify the person identified as the sending person by reply e-mail or notify the sender by phone at 817-704-3984.

On Wed, Mar 13, 2019 at 8:52 AM Ed Voss <evoss@bhlaw.net> wrote:

Mr. Norred,

Yesterday I learned that you represent Jim's Car Wash in this matter. In response to your request, and as a courtesy, attached please find the electronic version of the Applicant's submittal, dated March 8, 2019. It is my understanding that Steve Long will be forwarding to you a notebook of the paper copy of these materials that I provided to his office. I have copied Mr. Long on this message.

Regards,

Edwin P. Voss, Jr.

Brown & Hofmeister, L.L.P.

740 East Campbell Road, Suite 800

Richardson, Texas 75081

(214) 747-6135 (direct office)

(214) 747-6111 (fax)

evoss@bhlaw.net

From: Warren Norred <wnorred@norredlaw.com>

Sent: Monday, March 11, 2019 8:49 PM

To: Ed Voss <evoss@bhlaw.net>

Cc: Solomon Norred <sgn@norredlaw.com>; Marie Anderson <marie@norredlaw.com>

Subject: BDA189-031, Jim's Car Wash

Mr. Voss, I am out of the country at the moment, but I'm told a box of docs were sent re: the above case. Do you have these documents in soft copy?

Thanks,

Warren V. Norred

notice must be written in English and Spanish if the area of request is located wholly or partly within a census tract in which 50 percent or more of the inhabitants are persons of Spanish origin or descent according to the most recent federal decennial census.

(3) The director shall give notice of the time and place of the public hearing in the official newspaper of the city at least 10 days before the hearing.

(d) Board action.

(1) The applicant has the burden of proof to establish the necessary facts to warrant favorable action of the board.

(2) Cases must be heard by a minimum of 75 percent of the members of a board panel. The concurring vote of 75 percent of the members of a panel is necessary to:

(A) reverse an order, requirement, decision, or determination of an administrative official involving the interpretation or enforcement of the zoning ordinance;

(B) decide in favor of an applicant on a matter on which the board is required to pass under state law, the city charter, or city ordinances; or

(C) grant a variance.

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

(4) The board may impose reasonable conditions in its order to be complied with by the applicant in order to further the purpose and intent of this chapter.

(5) The decision of the board does not set a precedent. The decision of the board must be made on the particular facts of each case.

(6) The applicant shall file an application for a building permit or certificate of occupancy within 180 days from the date of the favorable action of the board,

unless the applicant files for and is granted an extended time period prior to the expiration of the 180 days. The filing of a request for an extended time period does not toll the 180 day time period. If the applicant fails to file an application within the time period, the request is automatically denied without prejudice, and the applicant must begin the process to have his request heard again.

(e) Two year limitation.

(1) Except as provided below, after a final decision is reached by the board, no further request on the same or related issues may be considered for that property for two years from the date of the final decision.

(2) If the board renders a final decision of denial without prejudice, the two year limitation is waived.

(3) The applicant may apply for a waiver of the two year limitation in the following manner:

(A) The applicant shall submit his request in writing to the director. The director shall inform the applicant of the date on which the board will consider the request and shall advise the applicant of his right to appear before the board.

(B) The board may waive the two year time limitation if there are changed circumstances regarding the property sufficient to warrant a new hearing. A simple majority vote by the board is required to grant the waiver. If a rehearing is granted, the applicant shall follow the process outlined in this section. (Ord. Nos. 19455; 20926; 22254; 22389; 22605; 25047; 27892; 28073)

SEC. 51A-4.704.

NONCONFORMING
USES AND STRUCTURES.

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

(1) Amortization of nonconforming uses.

(A) Request to establish compliance date.

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

(B) Factors to be considered. The board shall consider the following factors when determining whether continued operation of the nonconforming use will have an adverse effect on nearby properties:

- (i) The character of the surrounding neighborhood.
- (ii) The degree of incompatibility of the use with the zoning district in which it is located.
- (iii) The manner in which the use is being conducted.
- (iv) The hours of operation of the use.
- (v) The extent to which continued operation of the use may threaten public health or safety.
- (vi) The environmental impacts of the use's operation, including but not limited to the impacts of noise, glare, dust, and odor.
- (vii) The extent to which public disturbances may be created or perpetuated by continued operation of the use.

(viii) The extent to which traffic or parking problems may be created or perpetuated by continued operation of the use.

(ix) Any other factors relevant to the issue of whether continued operation of the use will adversely affect nearby properties.

(C) Finality of decision. A decision by the board to grant a request to establish a compliance date is not a final decision and cannot be immediately appealed. A decision by the board to deny a request to establish a compliance date is final unless appealed to state court within 10 days in accordance with Chapter 211 of the Local Government Code.

(D) Determination of amortization period.

(i) If the board determines that continued operation of the nonconforming use will have an adverse effect on nearby properties, it shall, in accordance with the law, provide a compliance date for the nonconforming use under a plan whereby the owner's actual investment in the use before the time that the use became nonconforming can be amortized within a definite time period.

(ii) The following factors must be considered by the board in determining a reasonable amortization period:

(aa) The owner's capital investment in structures, fixed equipment, and other assets (excluding inventory and other assets that may be feasibly transferred to another site) on the property before the time the use became nonconforming.

(bb) Any costs that are directly attributable to the establishment of a compliance date, including demolition expenses, relocation expenses, termination of leases, and discharge of mortgages.

(cc) Any return on investment since inception of the use, including net income and depreciation.

(dd) The anticipated annual recovery of investment, including net income and depreciation.

(E) Compliance requirement. If the board establishes a compliance date for a nonconforming use, the use must cease operations on that date and it may not operate thereafter unless it becomes a conforming use.

(F) For purposes of this paragraph, "owner" means the owner of the nonconforming use at the time of the board's determination of a compliance date for the nonconforming use.

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

(3) Reserved.

(4) The right to operate a nonconforming use ceases when the use becomes a conforming use. The issuance of an SUP does not confer any nonconforming rights. No use authorized by the issuance of an SUP may operate after the SUP expires.

(5) The right to operate a nonconforming use ceases when the structure housing the use is destroyed by the intentional act of the owner or his agent. If a structure housing a nonconforming use is damaged or destroyed other than by the intentional act of the owner or his agent, a person may restore or reconstruct the structure without board approval. The structure must be restored or reconstructed so as to have the same approximate height, floor area, and location that it had immediately prior to the damage or destruction. A restoration or reconstruction in violation of this paragraph immediately terminates the right to operate the nonconforming use.

(6) The nonconformity of a use as to parking, loading, or an "additional provision" (except for a requirement that a use be located a minimum distance from a structure, use, or zoning district) in Division 51A-4.200 does not render that use subject to the regulations in this subsection.

(b) Changes to nonconforming uses.

(1) Changing from one nonconforming use to another. The board may allow a change from one nonconforming use to another nonconforming use when, in the opinion of the board, the change is to a new use that:

(A) does not prolong the life of the nonconforming use;

(B) would have been permitted under the zoning regulations that existed when the current use was originally established by right;

(C) is similar in nature to the current use; and

(D) will not have an adverse effect on the surrounding area.

(2) Remodeling a structure housing a nonconforming use. A person may renovate, remodel, or repair a structure housing a nonconforming use if the work does not enlarge the nonconforming use. A person may renovate, remodel, or repair a structure housing a nonconforming tower/antenna for cellular communication use if the modification does not substantially change the physical dimensions of the structure housing the nonconforming tower/antenna for cellular communication use. A modification substantially changes the physical dimensions if it meets the criteria listed in 47 C.F.R. §1.40001(b)(7), as amended.

(3) Accessory structure for a nonconforming residential use. An accessory structure for a nonconforming residential use may be constructed, enlarged, or remodeled in accordance with the requirements of Sections 51A-4.209(b)(6)(E)(vii) and 51A-4.217(a) without board approval.

(4) Nonconformity as to parking or loading.

(A) Increased requirements. A person shall not change a use that is nonconforming as to parking or loading to another use requiring more off-street parking or loading unless the additional required off-street parking and loading spaces are provided.

(B) Delta theory. In calculating required off-street parking or loading, the number of nonconforming parking or loading spaces for a use may be carried forward when the use is converted or expanded. Nonconforming rights as to parking or loading are defined in the following manner:

Required parking or loading for existing use
 - Number of existing parking or loading spaces for existing use
 Nonconforming rights as to parking or loading.

(C) Decreased requirements. When a use is converted to a new use having a lesser parking or loading requirement, the rights to any portion of the nonconforming parking or loading that are not needed to meet the new requirements are lost.

(5) Enlargement of a nonconforming use.

(A) In this subsection, enlargement of a nonconforming use means any enlargement of the physical aspects of a nonconforming use, including any increase in height, floor area, number of dwelling units, or the area in which the nonconforming use operates.

(B) The board may allow the enlargement of a nonconforming use when, in the opinion of the board, the enlargement:

(i) does not prolong the life of the nonconforming use;

(ii) would have been permitted under the zoning regulations that existed when the nonconforming use was originally established by right; and

(iii) will not have an adverse effect on the surrounding area.

(C) Structures housing a nonconforming single family or duplex use may be enlarged without board approval.

(D) A nonconforming tower/antenna for cellular communication use may be enlarged without board approval if the modification enlarging the nonconforming tower/antenna for cellular communication does not substantially change the physical dimensions of the nonconforming tower/antenna for cellular communication use. A modification

substantially changes the physical dimensions if it meets the criteria listed in 47 C.F.R. §1.40001(b)(7), as amended.

(c) Nonconforming structures.

(1) Except as provided in Subsection (c)(2), a person may renovate, remodel, repair, rebuild, or enlarge a nonconforming structure if the work does not cause the structure to become more nonconforming as to the yard, lot, and space regulations.

(2) The right to rebuild a nonconforming structure ceases if the structure is destroyed by the intentional act of the owner or the owner's agent.

(3) A person may, without board approval, cause a structure to become nonconforming as to the yard, lot, and space regulations by converting the use of the structure, except that no person may convert its use to a residential use or to one of the nonresidential uses listed below:

- Airport or landing field.
- Animal production.
- Commercial amusement (inside).
- Commercial amusement (outside).
- Country club with private membership.
- Crop production.
- Drive-in theater.
- Dry cleaning or laundry store.
- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store greater than 3,500 square feet.
- Helicopter base.
- Heliport.
- Helistop.
- Nursery, garden shop, or plant sales.
- Personal service use.
- Private recreation center, club, or area.
- Public park, playground, or golf course.
- Restaurant without drive-in or drive-through service.

- Restaurant with drive-in or drive-through service.
- Sand, gravel, or earth sales and storage.
- Sanitary landfill.
- STOL (short takeoff or landing) port.
- Stone, sand, or gravel mining.
- Temporary construction or sales office.
- Theater.
- Transit passenger shelter.

The board may grant a special exception to this provision if the board finds that the conversion would not adversely affect the surrounding properties.

(4) A person may renovate, remodel, repair, rebuild, or enlarge that portion of a nonconforming structure supporting a tower/antenna for cellular communication without board approval if the modification does not substantially change the physical dimensions of the tower or base station. A modification substantially changes the physical dimensions if it meets the criteria listed in 47 C.F.R. §1.40001(b)(7), as amended. (Ord. Nos. 19455; 19786; 20307; 20412; 21553; 22412; 25092; 26511; 29984)

SEC. 51A-4.705. ANNEXED TERRITORY TEMPORARILY ZONED.

(a) All territory annexed to the city is temporarily classified as an agricultural district until permanent zoning district designations are given to the area by the city council.

(b) The procedure for establishing the permanent zoning for annexed territory is the same as provided for zoning amendments.

(c) In an area temporarily classified as an agricultural district, the building official may issue building permits and certificate of occupancy for any use permitted in an agricultural district.

(d) Before permanent zoning is adopted, the building official may issue a building permit and certificate of occupancy for a use other than those permitted in the agricultural district in annexed territory upon approval of the city council in accordance with the following procedure:

(1) The applicant must submit to the building official an application including:

(A) a statement of the use contemplated;

(B) a plat showing the location and size of the lot or tract of land proposed to be used; and

(C) a description of the location, size, and type of buildings proposed to be constructed.

(2) The building official shall forward this application to the city plan commission.

(3) The city plan commission shall make its recommendation concerning the application to the city council after considering the land use plan for the area in question. The recommendation of the commission is advisory only, and the city council may grant or deny the application as the facts may justify.

(4) Upon approving an application for a use other than permitted in an agricultural district, the city council shall by ordinance instruct the building official to issue building permits and certificates of occupancy for those uses authorized. (Ord. 19455)

SEC. 51A-4.706. RESERVED. (Ord. 19455)

TAB #7

**City of Dallas, Texas, Code of Ordinances
Chapter 51A, Dallas Development Code**

**Article IV.
Zoning Regulations**

Division 51A-4.700. Zoning Procedures.

* * *

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

* * *

(D) Determination of amortization period.

(i) If the board determines that continued operation of the nonconforming use will have an adverse effect on nearby properties, it shall, in accordance with the law, provide a compliance date for the nonconforming use under a plan whereby the owner's actual investment in the use before the time that the use became nonconforming can be amortized within a definite time period.

(ii) The following factors must be considered by the board in determining a reasonable amortization period:

(aa) The owner's capital investment in structures, fixed equipment, and other assets (excluding inventory and other assets that may be feasibly transferred to another site) on the property before the time the use became nonconforming.

(bb) Any costs that are directly attributable to the establishment of a compliance date, including demolition expenses, relocation expenses, termination of leases, and discharge of mortgages.

(cc) Any return on investment since inception of the use, including net income and depreciation.

(dd) The anticipated annual recovery of investment, including net income and depreciation.


(E) Compliance requirement. If the board establishes a compliance date for a nonconforming use, the use must cease operations on that date and it may not operate thereafter unless it becomes a conforming use.

* * *

TAB #8

MEMORANDUM

TO: Honorable Chair and Members of the Dallas Zoning Board of Adjustment,
Panel B

FROM: Edwin P. Voss, Jr. 
Retained Outside Attorney

DATE: June 10, 2019

RE: BDA 189-031
Compliance Proceedings for Nonconforming Use
Jim's Car Wash, 2702 Martin Luther King Jr. Boulevard, Dallas, Texas

After the Dallas Zoning Board of Adjustment (the "Board") determined, on March 20, 2019, that there is a need for expedited compliance, by determining that continued operation of Jim's Car Wash as a nonconforming use will have an adverse effect on nearby properties,¹ the next step is a public hearing, scheduled for June 19, 2019, at 1:00 p.m., for the Board to provide a compliance date for the nonconforming use, that is, the date by which the nonconforming use must cease to operate.² I respectfully submit this Memorandum to you as part of the Applicant's evidence and testimony for your consideration in this matter.

Question: What is the purpose of the public hearing on June 19, 2019?

Answer: The purpose is for the Board to conduct the second step in the City's process regarding elimination of a nonconforming use, that is, to establish a compliance date by which the nonconforming use must cease to operate, under a plan "whereby the owner's actual investment in the use before the time that the use became nonconforming can be amortized within a definite time period."³

Question: Are there any criteria or factors for the Board to consider in making this determination?

Answer: Yes, the Board must consider the following factors when determining a reasonable amortization period:

(aa) The owner's capital investment in structures, fixed equipment, and other assets (excluding inventory and other assets that may be feasibly transferred to another site) on the property before the time the use became nonconforming.

¹ See documents provided in Notebook accompanying this Memorandum, at Tabs 1, 2 and 3.

² Dallas City Code Section 51A-4.704(a)(1)(D).

³ Dallas City Code Section 51A-4.704(a)(1)(D)(i).

(bb) Any costs that are directly attributable to the establishment of a compliance date, including demolition expenses, relocation expenses, termination of leases, and discharge of mortgages.

(cc) Any return on investment since inception of the use, including net income and depreciation.

(dd) The anticipated annual recovery of investment, including net income and depreciation.⁴

Question: When did Jim's Car Wash become a nonconforming use?

Answer: The zoning regulations changed in 2012 so that a car wash is no longer an allowed use on the property. Jim's Car Wash is located in PD 595, the South Dallas/Fair Park Special Purpose District. The specific zoning is PD 595 (CC) Tract 4. The "CC" designation specifies that this location is in the Community Commercial Subdistrict.⁵ The Use Regulations and Development Standards in the CC Community Commercial Subdistrict are found in Dallas City Code Section 51P-595.113. PD 595 and relevant uses were first created by Ordinance No. 24726, dated September 26, 2001.⁶ The car wash use was an allowed use in the CC Community Commercial Subdistrict at that time, with approval of a "development impact review" ("DIR"), in Dallas City Code Section 51P-595.113(a)(10). On December 12, 2012, the Dallas City Council amended PD 595's provisions, in several respects, by Ordinance No. 28860. One of those amendments was to remove the car wash use from the list of allowed uses in the CC Community Commercial Subdistrict. As of December 12, 2012, therefore, Jim's Car Wash became a nonconforming use as a result of that zoning change.⁷

Question: When did Jim's Car Wash begin operating?

Answer: The exact date is not known, but it is believed that the car wash was operating when the property was purchased in 1994 by the current owner, Mr. Freddy Davenport.

Question: Why does the City's ordinance specify use of the amortization technique to terminate a nonconforming use?

⁴ Dallas City Code Section 51A-4.704(a)(1)(D)(ii).

⁵ Dallas City Code Section 51P-595.103(2)(B).

⁶ Dallas City Code Section 51P-595.101.

⁷ Dallas City Code Section 51P-595.113(a)(10); City Ordinance No. 28860.

Answer: The courts in Texas and numerous other states have found that “the amortization technique stems from the requirement that the public good outweighs the private loss and is based on the theory that in order to be reasonable, a regulation terminating a use at the time of the zoning change must minimize the private loss by allowing the nonconforming use to continue after a zoning change for the normal expected life of the nonconforming structure without replacements or improvements so as to give the owner a reasonable opportunity to recoup his investment in the nonconforming use.”⁸

Question: What evidence is there to inform the Board’s decision on setting a compliance date for Jim’s Car Wash?

Answer: See evidence and testimony in the Applicant’s submission of documents in conjunction with the provision of this Memorandum to the Board, at Notebook Tabs 4, 5, 8, 9 and 10, and provided at the public hearing on June 19, 2019. To summarize, the evidence establishes a compliance date under any of the factors from Section 51A-4.704(a)(1)(D)(ii):

(aa) The owner’s capital investment in structures, fixed equipment, and other assets (excluding inventory and other assets that may be feasibly transferred to another site) on the property before the time the use became nonconforming has been recouped by the property owner “many times over.” Tabs 9 and 10.

(bb) Any costs that are directly attributable to the establishment of a compliance date, including demolition expenses, relocation expenses, termination of leases, and discharge of mortgages are costs that “would have been recovered long ago.” Tab 9.

(cc) Any return on investment since inception of the use, including net income and depreciation have been satisfactory for the property owner to have already recouped his investment. Tab 9.

(dd) The anticipated annual recovery of investment, including net income and depreciation are the same as historical returns on investment, as explained in Tab 9.

Question: The evidence provided by Jim’s Car Wash in response to the Board’s request for information is minimal—does that prohibit the Board from making a determination of a compliance date?

Answer: No. At a hearing before the Board, the burden rests with the Board and other interested parties, such as the property owner, to present substantial evidence to support any fact

⁸ *Murmur Corp. v. Board of Adjustment, City of Dallas*, 718 S.W.2d 790, 798 (Tex.App.-Dallas 1986, writ ref’d n.r.e.) (citing *City of University Park v. Benners*, 485 S.W.2d 773, 777-78 (Tex. 1972), and other cases).

finding necessary to sustain the Board's order to terminate a nonconforming use.⁹ Information relevant to the necessary fact findings may lie in the landowner's sole possession.¹⁰ In order to discharge its burden of proof, therefore, the Board possesses the power of subpoena.¹¹ The Board issued a subpoena duces tecum, and other discovery requests, to the property owner in this case on April 2, 2019. *See* Tab 4. The property owner's response provided some materials, but objected to most of the Board's requests. *See* Tab 5. The Board has, therefore, discharged its burden to obtain information and to prove the facts supporting its decision when it used its power of subpoena in an effort to obtain any information from the property owner that would establish a particular fact, even though the Board received little or no such information from the property owner.¹² The Applicant is presenting evidence to the Board concerning the amortization issues. *See* Tabs 5, 8, 9 and 10, and testimony at the June 19, 2019, hearing. As a result, the Board is justified in making its factual determinations, and relying on the Applicant's evidence, even though that determination may not be as requested by the property owner.¹³ If the property owner does not provide evidence to the Board to support the property owner's position, that is the property owner's choice.¹⁴

Question: Is the property owner's verbal estimate or opinion of costs, standing alone, enough to establish evidence of costs?

Answer: No. A bare, unsupported estimate, opinion or conclusion does not constitute evidence of probative force, and will not support a finding of fact even when admitted without objection.¹⁵

⁹ *Board of Adjustment v. Winkles*, 832 S.W.2d 803, 805 (Tex.App.-Dallas 1992, writ denied); *Neighborhood Comm. on Lead Pollution v. Board of Adjustment*, 728 S.W.2d 64, 67 (Tex.App.-Dallas 1987, writ ref'd n.r.e.); *Murmur Corp. v. Board of Adjustment*, 718 S.W.2d 790, 799 (Tex.App.-Dallas 1986, writ ref'd n.r.e.).

¹⁰ *Neighborhood Comm. on Lead Pollution v. Board of Adjustment*, 728 S.W.2d 64, 67 (Tex.App.-Dallas 1987, writ ref'd n.r.e.).

¹¹ *Neighborhood Comm. on Lead Pollution v. Board of Adjustment*, 728 S.W.2d 64, 67 (Tex.App.-Dallas 1987, writ ref'd n.r.e.).

¹² *Dyer v. Board of Adjustment*, 1995 WL 437433, *1 (Tex.App.-Dallas 1995, no writ) (citing *Neighborhood Comm. on Lead Pollution v. Board of Adjustment*, 728 S.W.2d 64, 67 (Tex.App.-Dallas 1987, writ ref'd n.r.e.)).

¹³ *Dyer v. Board of Adjustment*, 1995 WL 437433, *1 (Tex.App.-Dallas 1995, no writ) (citing *Neighborhood Comm. on Lead Pollution v. Board of Adjustment*, 728 S.W.2d 64, 67 (Tex.App.-Dallas 1987, writ ref'd n.r.e.)).

¹⁴ *Dyer v. Board of Adjustment*, 1995 WL 437433, *1 (Tex.App.-Dallas 1995, no writ) (citing *Neighborhood Comm. on Lead Pollution v. Board of Adjustment*, 728 S.W.2d 64, 67 (Tex.App.-Dallas 1987, writ ref'd n.r.e.)).

¹⁵ *Dyer v. Bd. of Adjustment*, 1995 WL 141620, *1 (Tex.App.-Dallas 1995, no writ) (citing *Dallas Ry. and Terminal Co. v. Gossett*, 294 S.W.2d 377, 380 (Tex. 1956)).

Question: Is the cost of the land or value of the land something the Board must consider in determining the compliance date?

Answer: No, the cost of the real estate is not to be considered. The City Code provisions do not include the cost of the land in the amortization analysis.¹⁶ Court cases confirm that the cost of land and its appreciation in value are not appropriate to consider in determining a compliance date.¹⁷

Question: Are capital investments in the structures and nonconforming use that are made after the zoning change occurred to be included in the Board's amortization determination?

Answer: No, the courts have consistently held that any investments made into a nonconforming use after the zoning change are not innocent and thus are not entitled to protection or recognition.¹⁸ In other words, investments in the nonconforming use made after the zoning change must not be amortized because such investments could extend the nonconforming use indefinitely.¹⁹

¹⁶ Dallas City Code Section 51A-4.704(a)(1)(D)(ii).

¹⁷ *Coyel v. City of Kennedale*, 2006 WL 19604, **4-6 (Tex.App.-Fort Worth 2006, pet. denied) (giving the ordinance's language its ordinary meaning, board was to consider the investment in the nonconforming building or nonconforming use, but not the cost of the land); *Bd. of Adjustment v. Patel*, 882 S.W.2d 87, 89-90 (Tex.App.-Amarillo 1994, writ denied) (it was improper to include the value of the land in calculating the amortization period because land is nonstructural property); *Bd. of Adjustment v. Winkles*, 832 S.W.2d 803, 806 (Tex.App.-Dallas 1992, writ denied) (property owner can only recoup the "full value" of the nonconforming structure or the nonconforming use, meaning the actual dollars invested in the nonconforming structure, and the costs associated with the removal of the nonconforming structure and establishing the business in another location); *Neighborhood Comm. on Lead Pollution v. Bd. of Adjustment*, 728 S.W.2d 64, 72 (Tex.App.-Dallas 1987, writ. ref'd n.r.e.) (the value of the land in determining whether the landowner recouped the investment in the nonconforming use was specifically excluded); *Murmur Corp. v. Bd. of Adjustment*, 718 S.W.2d 790, 794 (Tex.App.-Dallas 1986, writ ref'd n.r.e.) (the reasonable recoupment standard requires a reasonable opportunity to recover the owner's actual investment in the nonconforming structure).

¹⁸ *Neighborhood Comm. on Lead Pollution v. Bd. of Adjustment*, 728 S.W.2d 64, 70 (Tex.App.-Dallas 1987, writ ref'd n.r.e.); *City of Garland v. Valley Oil*, 482 S.W.2d 342, 346 (Tex.App.-Dallas 1972, writ ref'd n.r.e.), *cert. denied*, 411 U.S. 933 (1973) (additional investment in a nonconforming use cannot extend the period of amortization or otherwise restrict the city's police power). *See also City of University Park v. Benners*, 485 S.W.2d 773, 775-79 (Tex. 1972) (reasonableness of opportunity for recoupment measured by conditions at the time use becomes nonconforming).

¹⁹ *City of Garland v. Valley Oil*, 482 S.W.2d 342, 346 (Tex.App.-Dallas 1972, writ ref'd n.r.e.), *cert. denied*, 411 U.S. 933 (1973).

TAB #9

EXPERT REPORT OF SCOTT D. HAKALA

**Regarding; File Number BDA189-031(SL)
Non-Conforming Use at 2702 Martin Luther King Jr. Blvd.**

1. I have been contracted by the City of Dallas to analyze Jim's Cash Wash operating at 2702 Martin Luther King Jr. Boulevard, Dallas, Texas. My analyses were prepared to provide guidance to the Dallas Board of Adjustment, Panel B, regarding the revenues and likely earnings and recovery of capital since the use of the subject property as a car wash had been declared a non-conforming use on December 12, 2012.
2. The information produced to date was deficient relative to the amounts requested from Fred and Dale Davenport, the owners/operators of Jim's Car Wash. Additionally, as is common with cash-based and coin-operated businesses, it is evident from my research, site visits, and industry information that the revenues reported in 2018 and from January 2018 through April 22, 2019 were substantially understated.¹
3. However, using the utility expense and supplies expenses information, I was able to estimate that Jim's Cash Wash produced revenue in excess of \$100,000 in 2018 and provided a cash flow to the owner of at least \$62,000 in 2018 and a cash flow of \$78,000 between January 2018 and April 22, 2019. (This can be seen on page 3 of Schedule B.)
4. Given the tax records, limited depreciation, and age of the structure, the historical cost was likely in the range of \$50,000 to \$60,000 at the end of 2012 and certainly no more than \$100,000 based on replacement cost estimates and tax appraisal information provided for the property improvements. The historical appraised tax values of the subject property from 1994 through 2018 are summarized in Schedule A.

¹ An updated version of the IRS, "Cash Intensive Business Audit Techniques Guide," revised as of April 2010 can be found online with Chapter 11 covering Car Washes as an example. This issue is well-known in the car wash industry and often leads to underreporting of revenues and profits for car wash operations in industry surveys.

5. Most equipment and maintenance associated with the car wash facility was expensed (not capitalized) with the costs recovered immediately in the year such amounts were expended on such equipment and maintenance.

6. Given the foregoing, the operation of the subject property as a self-service car wash (and non-conforming) use likely produced cash flows in excess of the historical cost remaining in each year from 2013 through 2018. The historical cost was recovered with room for a significant cash profit within a two-year cycle.

7. I was not able to estimate demolition costs but they are typically a fraction of the costs to construct and value. The subject property has two basic open concrete structures with bays and pavement which may be suitable for conversion to alternative uses.² Any such cost would have been recovered long ago given the operations observed and the data provided.

8. Alternatively, if it is asserted that the financial information is reliable and correct, then the current use of the subject property for self-service car wash operations is not the highest and best use of the property and would be considered not worthwhile. Given the amounts expended on legal fees and other information and the long-standing use of the property for self-service car wash operations, it is not reasonable to conclude that the operations are not substantially profitable.

² ProMatcher-Demolition (online) estimates a cost of \$6.77 per square foot for house demolition and \$4.72 per square foot for concrete slabs with a range of \$3.77 to \$5.66. There are typically economies associated with larger and more open structures. The large structure is 2,640 square feet and the smaller structure is 1,760 square feet. Demolition, including removal of the vacuums and equipment and small room should not exceed \$20,000 to \$25,000 in order to make the site suitable for sale for alternative uses and may cost far less. This is probably greater than actual given the simple structures and facilities involved.

A mini-warehouse structure with 4,000 square feet would cost about \$0.57 per square foot to demolish, a one-story factory of 4,000 square feet would cost \$0.88 per square foot to demolish, and an auto sales location with 4,000 square feet would cost \$0.72 per square too to demolish according to BuildingJournal.com. These would suggest nominal costs for the subject structures of less than \$5,000 per square foot.

Historical Cost and Value of the Subject Property

9. Information on the acquisition price and historical costs information and any improvements has not been provided, despite requests by subpoena. Similarly, only income statements for the months January 2018 through April 22, 2019, were produced and no associated balance sheets, historical cost information, or tax returns were produced for the subject business, despite subpoenas for such information.

10. The subject property includes pavement covering most of the surface and two concrete structures. One structure is 120 feet wide and 22 feet deep with seven bays for washing vehicles and a small locked structure, potentially used as a pump and storage room. The other structure is 80 feet wide and 22 feet deep and used for vacuums and other detail work. Other stands for vacuums are in front of the structures and uncovered. The concrete structures appear to be dated and minimally maintained but sufficient for the required purpose as a self-service car wash. There is extensive plumbing and wiring for use of the structures as a self-service car wash. The structures are largely open on the front and back with walls creating separate spaces (bays) for vehicles to drive through or to be covered within while being washed or worked on.

11. Equipment on site is limited to a number of coin-operated vacuums and coin-operated bays for washing vehicles with limited equipment for spraying and washing vehicles within each bay. The typical cost per bay for new equipment is \$8,000 to \$10,000. It appears that equipment replacement and repairs are expensed on a current basis as they occur over time and not capitalized. Total equipment purchases between January 1, 2018, and April 22, 2019 were only \$1,293. However, maintenance expenses were \$10,691 during the same period, consistent with an older self-service car wash facility.

12. The depreciation in 2018 was only \$2,271 according to the income statements produced. Certain land improvements might be depreciated at a 20-year life. Others may be depreciated assuming a longer life. Even assuming a relative long life for the structures, that would imply a limited remaining (undepreciated) historical cost.

13. City records indicate that a certificate of occupancy number 0308291071 was issued on September 8, 2003 for a "(6412) car wash", DBA: Jim's Car Wash, at 2702 Martin Luther King Jr Boulevard to owner Freddy K Davanport (sic; Davenport). However, the subject property and its use according to the Dallas Central Appraisal District (response to subpoena dated May 29, 2019) dates back to at least 1994 when Mr. Davenport apparently acquired the existing property from the FDIC (Federal Deposit Insurance Corporation) associated with its liquidation of Continental Bank. The stated value of the property at that time in 1994 was approximately \$31,000, with the land appraised at \$23,510 and the structures valued at only \$7,490. After the acquisition of the property, the appraised value was increased to \$49,350, with \$47,020 allocated to the land and \$2,330 to the improvements.

14. By 2012, the tax appraised value of the subject property was only \$109,740, a decrease of almost \$10,000 from the prior year. The appraised value was allocated \$56,430 to the land and \$53,310 to improvements. As shown in Schedule A, the appraised value was held constant in many years. My review indicated that the appraisals were somewhat limited in information and reliability. However, estimates of the replacement cost and condition of the structures and depreciable assets indicated an estimated cost to replace (as relatively new) the structures and real property improvements of \$253,880³ and a remaining value of only \$53,315. Based on the change

³ This is consistent with or greater than industry estimates. This is for the modern and upscale self-service facilities. The subject property did not appear to be as well-equipped and was in inferior condition in terms of sign-age, vending

in appraised value in 2012 from 2011 and from 2012 to 2013 and the decline in appraised value in 2012 from 2011 it is likely more attention to value was given that year and/or the appraised value was disputed by the owner in that year.

Analyses of Revenue and Expenses and Likely Time to Recover Value

15. I visited the subject property in the afternoon on May 31, 2019 and spoke with two persons familiar with the operation and offering to wash vehicles. I also visited the subject property on June 1, 2019, in the late afternoon with two separate observations. Additionally, I read articles and a Facebook page associated with the subject property.

16. Individuals on site offer to perform a range of car washing services for patrons. For a fee amount ranging from \$5.00 to over \$15.00 (quoted to me) one can obtain services for a limited external wash through a full wash and detailing of the exterior and vacuuming of the interior of the vehicle. Coin operations charge \$1.50 per cycle for washing and \$0.50 per cycle for use of the vacuums. At all times, the self-service car wash was relatively busy with cars in 5 or 6 of the 7 bays being washed and a number of additional cars being vacuumed or otherwise being worked on by other persons. The interview suggested that the self-service car wash is extremely busy at times on the weekend with an extended line of cars waiting for service and sufficient volume on a regular basis to provide significant earning opportunities for persons offering services on site. This suggests a substantially greater volume and use than the typical self-service car wash in general with greater and more persistent traffic throughout each day.

options, and other features. Car washes with automatic car wash bays, tunnels, credit card payment options, staffing, and more attractive build-outs cost substantially more to complete relative to self-service car washes. The estimated average cost per bay for structure and site development (including electrical, water, and sewage) was \$17,000 according to JBS Industries, "Starting a Car Wash," December 19, 2016, online article with additional equipment costs of \$8,000 to \$10,000 per bay.

17. In the evening and on weekends especially, the site is used as a place for gathering and the covered portions are reportedly used by homeless persons later at night as shelter.

18. While volumes at older self-service car washes of this type have generally declined as more and more persons have preferred to pay more for the “in-bay” automated car washes and the tunnel-style car washes (which are both faster and more secure), in lower income areas and in smaller towns, these self-service car washes have continued to attract good volumes and revenues. Surveys indicate a range of monthly wash revenues of \$1,000 per bay per month to well over \$2,000 per bay per month, depending on the rates charged, location, and competition nearby.⁴ Vacuum revenues are typically a fraction of wash revenues. Most vehicles will often require a total of 2 wash cycles (at \$1.50 per cycle) and one or two vacuum cycles (at \$0.50 each). This means a total of \$3.50 to \$4.00 per vehicle at the high end on average and at least \$2.00 per vehicle for certain vehicles at the low end (quick wash and vacuum).⁵ Given the bays and volumes, at least 70,000 to 150,000 vehicles must have visited the facility in 2018, consistent with at least industry average volumes. Even assuming only 12 hours on average, 3 vehicles per bay, and at least 310 effective days of operation (likely low for Dallas), that would translate into somewhere

⁴ Many of the newer and more active self-service facilities generate greater than \$2,000 per month of revenue per bay. However, older and less well sited facilities with less activity may struggle to realize \$1,000 per month per bay in volume due to lower prices per cycle and less vehicle traffic. Easy-Kleen Pressure Systems, Ltd. cited industry surveys producing a range of \$1,200 to \$1,500 of revenue per bay per month.

Peter Siegel of BizBen in “Buying a Car Wash: How Much Can I Make from a Self Service Car Wash,” quoted a range of \$1,200 to \$1,600 per bay per month.

In “Self Serve Car Wash Investment Information” published by Dultmeier Sales the quoted national average range was \$1,000 to \$1,500 in revenue per wash bay and an additional \$200 to \$300 per month per vacuum, with more vacuums than wash bays. That suggests a range of \$1,200 on the low end to more than \$1,800 per wash bay on the high end for a self-service only facility. In more advanced facilities, there are additional vending products (towels, treatments, etc.) that produce another \$350 to \$400 per month in revenue.

⁵ The prices charged were at the lower end of the range in the industry. Wash cycles average 4 minutes and range from \$1.00 to as much as \$10.00, with an average of \$2.82 for coin-operated or vended self-service bays. The minimum vacuum cycle costs \$1.38 on average with a minimum of \$0.50 per cycle. These figures are from 2017 Professional Carwashing Industry Report published online by Professional Carwashing & Detailing, p. 21.

between \$150,000 and \$270,000 per year in annual revenue, consistent with a healthy, 7 or 8-bay self-service car wash operation.⁶

19. By contrast the reported revenues for 2018 were only \$38,326, as shown in Schedule B, page 3. This is not surprising. Cash and coin-operated businesses are well-known for substantially under-reporting revenues and earnings for tax purposes. In fact, an Internal Revenue Service guide was published showing multiple examples of how to derive and estimate revenues for such facilities.⁷

20. The most common methods involve examining water usage or the usage of other items (such as chemicals) and estimating the amount of water used per vehicle.⁸ Self-service car washes have been surveyed and found to range from 12 to 17 gallons per vehicle, with a mean of 15.⁹ This usage typically is associated with washes involving one and a half to two cycles.

⁶ A 2017 Professional Carwashing Industry Report published online by Professional Carwashing & Detailing, p. 6, stated that the average self-service car wash produced \$223,000 in revenue, although many self-service car wash facilities have at least one in-bay automatic wash and/or some detailing and other services that they offer with greater labor costs associated with the detailing services. This car wash facility has more bays and vacuums than many and has more activity and volumes associated with it during operations. The average revenue per self-service bay varies from \$1,000 to well over \$2,000 per bay per month. Facilities with automatic bays have less revenue per bay from the self-service bays due to the automatic bay drawing volumes off the self-service bays.

⁷ See, for example, "Cash Intensive Businesses Audit Techniques Guide – Chapter 11 – Car Wash," Internal Revenue Service, in the April 2010 revision. This document has a disclaimer with respect to not being a legally binding position on the IRS. However, the methods of using water consumption, utilities expenses, and chemicals and supply usage to estimate the revenues are presented. In my experience working with and against the IRS, these are common methods used for this type of business when revenue is clearly underreported or unreported. An updated version of the IRS, "Cash Intensive Business Audit Techniques Guide," revised as of April 2010 can be found online with Chapter 11.

Some industry sources recommend cash counts and monitoring as part of due diligence and note a widespread tendency for smaller car wash operators and coin-operated businesses of this type to substantially underreport revenues for tax purposes and in industry surveys.

⁸ Ibid.

⁹ See, for example: "Water Use in the Professional Car Wash Industry," A Report for the International Carwash Association, 2002. Subsequent reports find lower water usage and means of reducing sewage rates as well. See, also, "Water Conservation" by the Southwest Car Wash Association; "Water Conservation in the Professional Car Wash Industry," A Report for the International Carwash Association (range of 13 to 17 gallons per vehicle for self-service bays).

21. In this instance, detailed amounts for water bills have not been produced, but the utilities amounts paid was available on a monthly basis. Considering rates in Dallas for general services (\$6.16 for water per 1,000 gallons at high volume and \$4.15 per 1,000 gallons for sewage with 80% or less of water contributing to sewer volume due to evaporation and spilling),¹⁰ the water and sewage cost would be only \$0.1422 per vehicle. Electricity and gas rates would represent only a fraction of water and sewage expenses. Reports of typical utilities expenses as percentage of revenues, adjusted for pricing would suggest a range of 10% utilities to revenue to 12% utilities expenses to revenues.¹¹ That would imply a total revenue of \$108,080 in 2018 and \$140,603 for the entire period from January 2018 through April 22, 2019. Given other information, this is likely low and overstates the correct ratio.

22. Additionally, other factors consider the use of chemicals and soaps with utilities constitute at no more than approximately 20% to 22% of such expenses to revenues. At such ratios (22%), that would imply revenues of \$107,346 in 2018 and \$134,358 during the January 2018 to April 22, 2019 time period.¹²

¹⁰ Dallas Water Utilities published rates for general services volumes in excess of 10,000 gallons per month. See the prior footnotes studies on the proportion of water usage that ends up in sewage volume.

¹¹ The subject operation charges less than average but also has significantly fewer of the additional features and characteristics. In a sample financial plan at www.bplans.com entitled car wash self-service business plan fc, the direct costs were estimated at only 11.1% of revenue. Automatic bays have substantially greater use of chemicals (soaps, wax, and salts) and water, sewage, and electricity (8.6% of revenues for chemicals/supplies and 13.9% of revenues for utilities) due to less specific and more general application of water and chemicals and the use of water and pressure and absence of hand brushes and other features in automatic as compared with self-service car washes. An online "Super Suds Car Wash Business Plan" prepared in 2015 estimated that direct costs for the self-service wash bays would be \$15,998 on revenues of \$144,000 or 11.1%.

Electricity and utilities expenses tend to be lower in Dallas, Texas relative to many other locations in the United States and the typical sample business plan located in another part of the country. However, the subject facility also may charge less per wash cycle than many other self-service car washes as well.

¹² Chemicals and supplies should be no more than 8.0% of revenues in a self-service only facility.

Easy-Kleen Pressure Systems, Ltd. estimates variable costs including all utilities, supplies, repairs & maintenance, insurance, and labor at 35% of revenues on average. The subject facility has minimal labor. These vary by state and location.

Another source is an online pdf entitled "Investing in the Car Wash Business" Section #3-Today's Car Wash Business & Self-Serve Investment Model" on page three estimated variable costs at 30% of revenues. In that business plan (for a Rocky Mountain area facility), a 6-bay operation in a modest location would average, \$13,200 per month of revenue

23. Typically, variable expenses and expenses excluding labor amount to 30% to 35% of total revenues for a self-service car wash. Most of the expenses reported were variable expenses.

24. The income statements from January 2018 through April 22, 2019, were insufficient to provide much information. However, before legal expenses and depreciation, the business reported operating at a slight loss for the calendar year 2018, but operated at a slight profit for the 16 months from January 2018 through April 22, 2019. Restated for actual revenues, it is more likely that the business earned at least \$62,000 in cash flow in 2018 and \$78,000 in cash flow from January 2018 through April 22, 2019.

25. In other words, the business likely has recovered its historical cost many times over. Assuming even a value of \$100,000 for improvements as of the end of 2012, the business would have recovered its costs within two years of operation. Even for a relatively new, but well-placed self-service car wash, the typical recovery of the initial investment is 4 to 7 years on average.¹³ Given the substantial depreciation and use of the facility from 1994 onward, the business would have recovered its historical costs many times over by 2012 and at least few times again between 2013 and 2018.

(\$2,200 per bay) and produce revenue of \$158,400 per year. The facility cost would be \$214,500, equipment for advanced operations would be \$25,000 per bay (very high by industry standards), and the cost per vacuum would be \$2,200 each. Even with the relatively high equipment costs and facilities costs, the business would produce a cash margin before debt service of 60% of revenues.

¹³ The Car Wash Business-The Fastlane Entrepreneur Forum. A 4-bay self-service facility should produce cash flow of \$55,000 to \$100,000 per year. A 5-bay facility with 4 self-service bays and 1 automatic bay was estimated to cost \$500,000 to \$600,000 to startup. The in-bay automatic unit can produce as much as \$75,000 to \$125,000 in additional cash flow per year. Thus, pay-back periods can be closer to 4 years or less for well-sited and active self-service car washes with one automatic bay.

26. I am independent of the parties in this matter. To the extent additional discovery or testimony would alter the facts, assumptions, or analyses, I may update or substantially revise these opinions upon the receipt of such additional discovery and information.

Executed this 7th day June 2019, in Southlake, Texas.

VALUESCOPE, INC.

A handwritten signature in blue ink, appearing to read "Scott D. Hakala".

Scott Hakala, Ph.D., CFA
Principal

Year	Dallas Central Appraisal District			
	Land Value	Improve Value	Market Value	Taxable Value
2018	\$56,430	\$62,160	\$118,590	\$118,590
2017	\$56,430	\$62,160	\$118,590	\$118,590
2016	\$56,430	\$62,160	\$118,590	\$118,590
2015	\$56,430	\$62,160	\$118,590	\$118,590
2014	\$56,430	\$62,160	\$118,590	\$118,590
2013	\$56,430	\$62,160	\$118,590	\$118,590
2012	\$56,430	\$53,310	\$109,740	\$109,740
2011	\$56,430	\$63,270	\$119,700	\$119,700
2010	\$75,240	\$44,460	\$119,700	\$119,700
2009	\$112,850	\$6,850	\$119,700	\$119,700
2008	\$112,850	\$6,850	\$119,700	\$119,700
2007	\$112,850	\$6,850	\$119,700	\$119,700
2006	\$112,850	\$6,850	\$119,700	\$119,700
2005	\$47,020	\$10,110	\$57,130	\$57,130
2004	\$47,020	\$10,110	\$57,130	\$57,130
2003	\$47,020	\$10,110	\$57,130	\$57,130
2002	\$47,020	\$10,110	\$57,130	\$57,130
2001	\$47,020	\$10,110	\$57,130	\$57,130
2000	NA	NA	\$57,130	\$57,130
1999	\$47,020	\$7,470	\$54,490	\$54,490
1998	\$47,020	\$7,470	\$54,490	\$54,490
1997	\$47,020	\$7,470	\$54,490	\$54,490
1996	\$47,020	\$7,470	\$54,490	\$54,490
1995	\$47,020	\$2,330	\$49,350	\$49,350
1994	\$23,510	\$7,490	\$31,000	\$31,000

	For the Month Ended:											
	31-Jan-18		28-Feb-18		31-Mar-18		30-Apr-18		31-May-18		30-Jun-18	
	Actual	%	Actual	%	Actual	%	Actual	%	Actual	%	Actual	%
Revenue	\$3,907	100.0%	\$4,898	100.0%	\$4,583	100.0%	\$3,744	100.0%	\$4,986	100.0%	\$2,147	100.0%
Min. Est. Revenue-1	\$ 1,688		\$ 15,168		\$ 9,317		\$ 11,119		\$ 10,292		\$ 8,957	
Min. Est. Revenue-2												
Expenses												
Advertising	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Automotive	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	76	3.6%
Bank Service	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Contract Services	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	291	13.5%
Maintenance	1,025	26.2%	961	19.6%	700	15.3%	725	19.4%	400	8.0%	0	0.0%
Dues	0	0.0%	0	0.0%	150	3.3%	0	0.0%	0	0.0%	0	0.0%
Equipment	0	0.0%	0	0.0%	182	4.0%	0	0.0%	125	2.5%	148	6.9%
Rent	0	0.0%	0	0.0%	0	0.0%	5,000	133.5%	0	0.0%	0	0.0%
Insurance	30	0.8%	30	0.6%	817	17.8%	30	0.8%	30	0.6%	30	1.4%
Legal	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Repairs	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Supplies	495	12.7%	500	10.2%	2,018	44.0%	641	17.1%	547	11.0%	1,861	86.7%
Utilities	203	5.2%	1,820	37.2%	1,118	24.4%	1,334	35.6%	1,235	24.8%	1,075	50.1%
Total Expenses	\$1,752	44.9%	\$3,310	67.6%	\$4,985	108.8%	\$7,730	206.5%	\$2,336	46.9%	\$3,480	162.1%
EBITDA	\$2,155	55.1%	\$1,588	32.4%	-\$402	-8.8%	-\$3,986	-106.5%	\$2,650	53.1%	-\$1,333	-62.1%
Depreciation	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Net Income	\$2,155	55.1%	\$1,588	32.4%	-\$402	-8.8%	-\$3,986	-106.5%	\$2,650	53.1%	-\$1,333	-62.1%
Revised Min. EBITDA	-\$64		\$11,857		\$4,332		\$3,390		\$7,956		\$5,476	

Notes:

1- 12% utilities

2- 22% of utilities + supplies

	For the Month Ended:											
	31-Jul-18		31-Aug-18		30-Sep-18		31-Oct-18		30-Nov-18		31-Dec-18	
	Actual	%	Actual	%	Actual	%	Actual	%	Actual	%	Actual	%
Revenue	\$5,056	100.0%	\$2,134	100.0%	\$760	100.0%	\$1,982	100.0%	\$2,849	100.0%	\$1,280	100.0%
Min. Est. Revenue-1	\$ 8,556		\$ 9,728		\$ 7,100		\$ 7,564		\$ 6,973		\$ 11,619	
Min. Est. Revenue-2												
Expenses												
Advertising	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2,000	70.2%	0	0.0%
Automotive	125	2.5%	0	0.0%	0	0.0%	136	6.9%	0	0.0%	0	0.0%
Bank Service	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	12	0.9%
Contract Services	0	0.0%	0	0.0%	0	0.0%	341	17.2%	0	0.0%	0	0.0%
Maintenance	800	15.8%	775	36.3%	1,000	131.6%	1,050	53.0%	700	24.6%	525	41.0%
Dues	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Equipment	550	10.9%	120	5.6%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Rent	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Insurance	30	0.6%	30	1.4%	30	3.9%	30	1.5%	30	1.0%	30	2.3%
Legal	0	0.0%	0	0.0%	0	0.0%	0	0.0%	5,000	175.5%	0	0.0%
Repairs	300	5.9%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Supplies	234	4.6%	235	11.0%	167	22.0%	904	45.6%	897	31.5%	0	0.0%
Utilities	1,027	20.3%	1,167	54.7%	852	112.1%	908	45.8%	837	29.4%	1,394	108.9%
Total Expenses	\$3,066	60.6%	\$2,327	109.1%	\$2,049	269.6%	\$3,368	170.0%	\$9,464	332.2%	\$1,961	153.2%
EBITDA	\$1,991	39.4%	-\$193	-9.1%	-\$1,289	-169.6%	-\$1,386	-70.0%	-\$6,615	-232.2%	-\$681	-53.2%
Depreciation	52	1.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2,219	173.4%
Net Income	\$1,939	38.3%	-\$193	-9.1%	-\$1,289	-169.6%	-\$1,386	-70.0%	-\$6,615	-232.2%	-\$2,900	-226.5%
Revised Min. EBITDA	\$5,490		\$7,401		\$5,051		\$4,196		-\$2,491		\$9,658	

Notes:

1- 12% utilities

2- 22% of utilities + supplies

	For the Month Ended:								Entire Period & 2018			
	31-Jan-19		28-Feb-19		31-Mar-19		22-Apr-19		Estimate		2018 Est.	
	Actual	%	Actual	%	Actual	%	Actual	%	Estimate	%	2018 Est.	%
Revenue	\$2,838	100.0%	\$4,057	100.0%	\$3,875	100.0%	\$4,867	100.0%	\$53,963	100.0%	\$38,326	100.0%
Min. Est. Revenue-1	\$ 4,207		\$ 11,126		\$ 9,799		\$ 7,390		\$ 140,603		\$ 108,080	
Min. Est. Revenue-2									\$ 134,358		\$ 107,346	
Expenses												
Advertising	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2,000	3.7%	2,000	5.2%
Automotive	0	0.0%	0	0.0%	0	0.0%	0	0.0%	338	0.6%	338	0.9%
Bank Service	0	0.0%	0	0.0%	0	0.0%	12	0.2%	24	0.0%	12	0.0%
Contract Services	0	0.0%	0	0.0%	0	0.0%	0	0.0%	631	1.2%	631	1.6%
Maintenance	375	13.2%	700	17.3%	700	18.1%	525	10.8%	10,961	20.3%	8,661	22.6%
Dues	0	0.0%	0	0.0%	150	3.9%	0	0.0%	300	0.6%	150	0.4%
Equipment	168	5.9%	0	0.0%	0	0.0%	0	0.0%	1,293	2.4%	1,125	2.9%
Rent	0	0.0%	0	0.0%	118	3.0%	0	0.0%	5,118	9.5%	5,000	13.0%
Insurance	30	1.0%	30	0.7%	793	20.5%	30	0.6%	2,024	3.8%	1,143	3.0%
Legal	0	0.0%	0	0.0%	0	0.0%	7,425	152.6%	12,425	23.0%	5,000	13.0%
Repairs	0	0.0%	0	0.0%	0	0.0%	0	0.0%	300	0.6%	300	0.8%
Supplies	884	31.2%	582	14.3%	0	0.0%	33	0.7%	9,999	18.5%	8,500	22.2%
Utilities	505	17.8%	1,335	32.9%	1,176	30.3%	887	18.2%	16,872	31.3%	12,970	33.8%
Total Expenses	\$1,961	69.1%	\$2,647	65.2%	\$2,937	75.8%	\$8,912	183.1%	\$62,285	115.4%	\$45,828	119.6%
EBITDA	\$877	30.9%	\$1,410	34.8%	\$938	24.2%	-\$4,045	-83.1%	-\$8,322	-15.4%	-\$7,502	-19.6%
Depreciation	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2,271	4.2%	2,271	5.9%
Net Income	\$877	30.9%	\$1,410	34.8%	\$938	24.2%	-\$4,045	-83.1%	-\$10,593	-19.6%	-\$9,773	-25.5%
Revised Min. EBITDA	\$2,245		\$8,479		\$6,862		-\$1,522		\$78,318	55.7%	\$62,252	57.6%

Notes:

1- 12% utilities

2- 22% of utilities + supplies

Appendix A: Curriculum Vitae of Dr. Hakala

CURRICULUM VITAE OF SCOTT D. HAKALA, PH.D., CFA

SCOTT D. HAKALA, PH.D., CFA
VALUESCOPE, INC. *PRINCIPAL*
shakala@valuescopeinc.com, 817-481-6347

Dr. Hakala has more than 25 years of business consulting and business valuation experience, concentrating on complex financial analyses. He provides business valuation and financial consulting services to companies in a broad range of industries. Working with domestic and international clients, Dr. Hakala has performed more than a thousand business valuations involving closely held common stock, preferred stock, options, intellectual property and other tangible and intangible assets. His work has involved advising numerous clients on prospective transactions involving business and business related assets, including providing fairness opinions, solvency opinions and financial accounting analysis. As an expert witness, Dr. Hakala has provided deposition and courtroom testimony in matters relating to shareholder values, tax valuations, bankruptcy and economic damages.

FINANCIAL AND TAX REPORTING AND TRANSACTION ADVISORY SERVICES

Dr. Hakala has performed a substantial amount of business valuation work for clients with a focus on companies in the middle market (\$5 million to \$500 million market value), private equity backed companies, venture capital and development stage companies, asset holding entities and asset-backed securitizations, and smaller capitalization public companies (including valuations and advice for companies preparing or considering public offerings or sale). Valuation services include:

- Determining fair market value appraisals of debt, preferred equity and common equity (including LLC, LP and partnership) determinations and discount studies for tax, financial planning, and advisory purposes
- Valuation/appraisals of Derivative Securities and Embedded Derivatives for tax and financial reporting and advisory (including fairness) purposes (incentive compensation awards; officer, director and employee stock options; commodity and currency options and swaps; interest rate options and swaps; warrants; convertible securities; carried interest valuations)
- Advisory valuations (fairness opinions, solvency opinions, prospective private placement or investment purposes, possible sale of business interests, securities held in private and public fund portfolios and holding entities)
- Gift and estate valuations for tax purposes
- Valuations of asset holding companies, partnerships and asset-backed securitizations (receivables, debt securities, mortgage securities, real estate trusts, credit card portfolios, subprime portfolios)
- Reasonable compensation studies including reasonable return to investor analyses for advisory, tax and fairness purposes
- Officer, director, and employee stock and incentive compensation for tax (IRC Section 83(b), IRC 409A), financial accounting, and advisory/fairness purposes
- Transfer pricing analyses for tax, financial reporting, and advisory (fairness) purposes (IRC Section 482)
- Allocation of Purchase Price and related Asset Impairment Studies
- Valuations and Discounts associated with Built-in Capital Gains and Deferred Taxes for tax, financial reporting, and advisory purposes (including S Corporation conversions)

Appendix A: Curriculum Vitae of Dr. Hakala

- Valuation of Employee Stock Ownership Plans (ESOPs) for tax, financial reporting, and advisory purposes

INTELLECTUAL PROPERTY AND INTANGIBLE ASSET VALUATION

Dr. Hakala has extensive experience in valuing intellectual property and other types of intangible assets in business appraisals. Having analyzed and overseen the valuation of hundreds of businesses, Dr. Hakala has gained the technical background necessary to analyze complex intellectual property valuations including:

- Contract-related (e.g., favorable supplier or other product/service contracts)
- Customer-related (e.g., customer lists and customer relationships)
- Data processing-related (e.g., computer software, databases)
- Intellectual property-related (e.g., patents, trade secrets, copyrights, Internet domain names, and trademarks)
- Goodwill-related (e.g., going-concern value, tradename value)
- Human capital-related (e.g., employment agreements, a trained and assembled workforce, non-competition and non-solicitation agreements)
- Location-related (e.g., leasehold interests, certificates of need)

LITIGATION SUPPORT

A significant portion of Dr. Hakala's practice has involved expert testimony or consulting in litigation. This includes matters relating to general measures of economic loss. The areas Dr. Hakala has testified in include:

- Intellectual property (patent and copyright infringement damages)
- Breach of contract damages and breach of warranty claims (defective equipment)
- Investment and securities litigation (fraud in the inducement damages, restitution damages, market manipulation, loss causation and economic damages involving both unregistered and registered securities, ERISA and investment management damages relating to unsuitable investments and investment advice) including providing advisory services for administering claims and recoveries of funds by the SEC and FINRA
- Fraudulent conveyance (fairness opinions, solvency opinions, reasonably equivalent value opinions)
- Lost economic income (wrongful termination, personal injury; discrimination)
- Breach of fiduciary duties and related claims (shareholder oppression, fairness in merger and acquisition transactions, fairness involving related party transactions)
- Marital dissolution (valuation of business interests, valuation of pension benefits, valuation of personal goodwill, valuation of private investments) including work as a court appointed expert or jointly hired by the parties to determine values

Dr. Hakala has served as an expert in many of the most prominent securities fraud cases, including: Enron, Dynegy, Williams Companies, AOL Time Warner, Computer Associates, Mortgage-Backed Securities litigation, NYU v Ezra Merkin (Madoff-related litigation), and Parmalat. In connection with that work, Dr. Hakala co-authored a law review article in 2006 on the economics of loss causation which has been cited in significant court cases and in briefs before the US Supreme Court. In the vast majority of cases, courts have adopted, relied upon or otherwise given significant weight to Dr. Hakala's opinions.

Appendix A: Curriculum Vitae of Dr. Hakala

EMPLOYMENT HISTORY

November 2014 to Current

ValueScope, Inc.Principal

As a financial economist and financial analyst, Dr. Hakala brings to the firm extensive practical knowledge of finance, economics and statistics. His expertise includes: the valuation or appraisal of securities and business interests (transactions, mergers, acquisitions, fairness opinions, business appraisal); the valuation of intangible assets (patents, trademarks); analysis of publicly traded securities (insider trading studies, trading analyses, event analyses, materiality, damages in securities litigation); economic loss analyses (commercial litigation); wage and compensation determination (reasonable compensation studies, lost personal income, wrongful termination); transfer pricing; valuation of derivative securities (options pricing and valuation); and antitrust and industry structure, strategic pricing, marketing and cost allocation analyses.

May 1992 to October 2014

CBIZ Valuation Group, LLC (f/k/a Business Valuation Services, Inc.).....
Managing Director (Senior Consultant 1992 to 1994; Dir./Principal 1995 to 2009)

Dr. Hakala managed engagements and advised clients on a large number of business valuation, economic and financial consulting, and litigation projects. His work included: the valuation of securities and business interests; the valuation of intangible assets; analysis of publicly traded securities; economic loss analyses; wage and compensation determination; intercompany and related party transfer pricing; analyses and valuation of derivative securities; and antitrust and industry structure, strategic pricing, marketing and cost allocation analyses. He frequently reviewed valuation reports for CBIZ's accounting affiliate and assisted in audits involving valuation and related issues.

Jan 1998 – March 1998

Laser BioTherapy, Inc. Consultant/Interim CEO

Dr. Hakala initially served as a consultant to the company. As interim CEO, his decision-making authority involved issues of marketing, employment, negotiating with investors, pricing, product planning, financial planning and all other corporate decisions related to a development stage company involved in seeking approval for a patented medical device with a variety of non-invasive therapeutic benefits.

1988 – 1992

Dept. of Economics, Southern Methodist University.....Assistant Professor

Dr. Hakala taught graduate and undergraduate courses in macroeconomics, monetary/financial economics, financial institution regulation and international financial management. He supervised dissertations on international money, commodity options and forward markets, and foreign exchange rates. His research interests included monetary policy, the causes of fluctuations in employment and output, capital stock estimation, aggregate production theory, foreign currency movements (futures, options and forward contracts), inflation, interest rate movements and the term structure of interest rates, asset pricing and consumption.

Appendix A: Curriculum Vitae of Dr. Hakala

1983 – 1988

Dept. of Economics, University of Minnesota Lecturer

Dr. Hakala designed course materials and taught large classes in macroeconomics and international economics. He served on hiring committees and evaluated other instructors.

FORMAL EDUCATION

Doctor of Philosophy, Economics - 1989
University of Minnesota, Minneapolis, Minnesota
Graduate School Fellowship
(Graduate/dissertation advisor Edward Prescott was awarded the Nobel Prize in Economics in 2004.)

Bachelor of Arts, Economics - 1983
Minor in Business Administration and Pre-Law Emphasis
University of Minnesota, Duluth, Minnesota
Graduated Summa Cum Laude Whiteside Scholarship, full tuition and expenses

ACADEMIC HONORS

Distinguished Instructor, Department of Economics, University of Minnesota, 1987-1988

Earhart Foundation Award, Department of Economics, University of Minnesota, 1985

Graduate School Fellowship, 1983 and 1984

Cecil H. Meyers Outstanding Economics Student Award, 1982

Perfect Scores on Quantitative Analysis and Verbal Analysis sections of Graduate Record Examination (GRE), 1982

Alice Touhy Tweed Award, High School Valedictorian, 1979

Lee Krough Award (outstanding character), American Legion's Minnesota Boy's State, 1978, elected Lt. Governor and invited to represent state at other events

Centrum Award, 1979 (for outstanding character and contributions)

ORGANIZATIONS AND PROFESSIONAL ASSOCIATIONS

CFA Charter, The Institute of Chartered Financial Analysts, completed all tests and requirements for a CFA designation, 1998

American Society of Appraisers (ASA), Uniform Standards of Professional Appraisal Practice, Certification Course, December 2017, Member

Appendix A: Curriculum Vitae of Dr. Hakala

PUBLICATIONS

"Lessons from Single-Company Event Studies: The Importance of Controlling for Company-Specific Events" (December 4, 2017). Available at SSRN: <https://ssrn.com/abstract=3083495>

"Valuing Complex Derivatives," ValueScope White Paper, March 2016, updated version December 14, 2017 at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3087998 (pending release)

"Lessons from Single Company Event Studies," Working Paper publicly available via BE Press, August 2, 2010.

"The Other Side of Kohler: IRS Expert Offers Insights," Business Valuation Update, January 2007.

Thorsen, Kaplan and Hakala, "Rediscovering the Economics of Loss Causation," Journal of Business and Security Law Acceptance, Vol. 6, No. 1 and 2, April 2006, pp. 93-125.

"Estimating and Applying Economic Value Added," Chapter 13E - Financial Valuation: Businesses and Business Interests - 1998 Update. Publisher: Warren, Gorham & Lamont

"Valuation for Smaller Capitalization Companies" (with Dr. Mukesh Bajaj), Chapter 12A - Financial Valuation: Businesses and Business Interests - 1998 Update. Publisher: Warren, Gorham & Lamont.

"Analysis and Valuation of Distressed Equity Securities" (with Mr. M. Travis Keath), Chapter 13F - Financial Valuation: Businesses and Business Interests - 1999 Update. Publisher: Warren, Gorham & Lamont.

"Analysis and Valuation of Distressed Equity Securities" (with Mr. M. Travis Keath), Valuation Strategies, September/October 1999, pp. 24-34. Publisher: Warren, Gorham & Lamont.

Contributing author in The Art of M&A Integration: A Guide to Merging Resources, Processes and Responsibilities. October 1997. Publisher: McGraw-Hill. Contributed on valuation of tangible and intangible assets (patents, trade secrets, customers, goodwill, employment agreements, non-competes, etc.), allocation of purchase price issues, accounting treatment of acquisitions, international valuation and transfer pricing and general valuation and due diligence issues. Assisted editor in commenting on and editing first half of text.

Provided live and taped interviews pertaining to economic issues for television, including lengthy interviews for CNN (July 1990), WFAA-TV (July 1990; July 1991; March 1992), and radio (Internet radio on November 9, 1999, discussing Microsoft anti-trust issues).

SELECTED LECTURES AND APPEARANCES

Reasonable Compensation –presentation to the Dallas CPA Society Member Appreciation CPE Series, September 23, 2014

The Knowledge Foundation, Brand Valuation of Intangible Assets: Hot Topics for 2014 and Beyond, Webinar Presentation February 12, 2014

Appendix A: Curriculum Vitae of Dr. Hakala

New York City Bar Association, Securities Litigation Meeting– Discussion with Marcia Mayer Kramer regarding: “View from the trenches: How has Dura changed the way you analyze damages” – May 14, 2008

PLUS D&O Symposium – New York-Panel Discussion-Written presentation entitled “Current Economic Issues in Securities Litigation” and Panel Discussion - February 2, 2006

“Valuation of Options for Litigation Purposes” – New York University CLE Presentation-October 2000

“Valuation Issues-Family Limited Partnerships” – Professional Financial Service, LP’s Family Limited Partnership Alert and Update; Dallas/Fort Worth - February 2000

“PPOs for Sale: the Valuation of Managed Care Entities” - Caesars Palace; Las Vegas, Nevada - September 1992

“Equilibria in Continuous-Time Models of Money” - refereed paper presented to the Sixth World Congress of the Econometric Society; Barcelona, Spain - August 1990

“The Use and Holding of Currency” - Feature Presentation - Western Economic Association Meeting; San Diego, California - July 1990

“Values and Economics” - Dallas Philosophical Forum; Dallas, Texas - March 1990

“Ethics and the Role of Government” - ARCO Oil and Gas Research Center; Plano, Texas – October 1989

“Continuous-Time Models of Money: Policy Implications” - paper presented to the Division of Research and Statistics of the Board of Governors of the Federal Reserve; Washington DC – January 1988

Appendix A: Curriculum Vitae of Dr. Hakala

LITIGATION SUPPORT / EXPERT WITNESS TESTIMONY

Beacon Point Capital, LLC vs. Philips Lighting North America Corporation; American Arbitration Association (Case No. 50-20-0700-0029); Deposition Testimony May 14, 2019; testified as to issues of relating to breach of contract, reasonable royalties, calculation of interest, commercially reasonable interest, and other matters relating to a royalty agreement. (Confidential).

ROY ARTERBURY, INDIVIDUALLY, DELWIN COBB, INDIVIDUALLY, CAVINS CORPORATION v. ODESSA SEPARATOR, INC., (Civil Action No. 5:16-CV-00183); In the United States District Court for the Eastern District of Texas, Texarkana Division; trial testimony February 28, 2019; testified as to lost profits and reasonable royalty relating to oilfield tools for filtering sand in the wellbore.

IMH Special Asset NT 168, LLC v. Aperion Communities, LLLP, et al.; IMH Special; Asset NT 161, LLC v. Eladio Properties, LLLP, et al. (Case Nos. CV2010-010943 and CV2010-010990); In the Superior Court for the State of Arizona, County of Maricopa; deposition testimony September 6 and October 30, 2018; hearing testimony September 21 and 28 and November 2 and 9, 2018; testified as to the costs of collection, required rates of return, and damages associated with defaults on loans secured by undeveloped real estate (Confidential). Testified in the later deposition and hearing as to the values of certain recoveries realized by the Plaintiffs on assets received during collection efforts.

Symetra Life Insurance Company and Symetra Assigned Benefits Company v. RSL-3B-IL, Ltd.; RSL-2012-1, LP; Liquidating Marketing Ltd.; Stewart Feldman; Marla Matz Feldman; IberiaBank, Rapid Management Corp.; RSL-3B-IL Management Corp.; and RSL-2012-1 Management Corp., (Civil Actions No. 4:16-CV-00791); In the United States District Court for the Southern District of Texas, Houston Division; deposition testimony May 31, 2018; testified as to issues of insolvency, non-arm's-length transfers and transactions, adequacy of collateral, and comingling of assets, revenues, collateral, expenses, and liabilities. (Highly Confidential).

Transamerica Annuity Service Corporation v. Symetra Life Insurance Company, A.M.Y. Property & Casualty Insurance Company, FinServ Casualty Corp., and Liquidated Marketing, Ltd. f/k/a Rapid Settlements, Ltd. (Civil Actions No. 4:16-CV-01426); In the United States District Court for the Southern District of Texas, Houston Division; deposition testimony February 1, 2018; testified as to issues of insolvency, non-arm's-length transfers and transactions, adequacy of collateral, and comingling of assets, revenues, collateral, expenses, and liabilities. (Highly Confidential).

Consulting Services, LLC and Roger W. Smith. vs. Solera Holdings, Inc., Mobile Productivity, LLC d/b/a AutoPoint, et al.; (JAMS Ref. No. 1310022879); JAMS, Dallas Division; deposition testimony November 3, 2017; arbitration testimony August testified as the value of a specialty software (SaasS) company specializing in software and related services for auto dealerships.

David M. Clapper, Atlantic Midwest L.L.C., and Atlantic XIII, L.L.C. v. American Realty Investors, Inc., et al. (Case No. 3:14-cv-02970-D); In the United States District Court for the Northern District of Texas, Dallas Division; deposition testimony October 12, 2017; testified as to the valuation of certain commercial real estate development companies and other investments (Highly Confidential).

Appendix A: Curriculum Vitae of Dr. Hakala

Swiftair, LLC v. Row 44, Inc.; Southwest Airlines Co., et al. (Case NoSC122964); Superior Court of California, County of Los Angeles-West District, Santa Monica Courthouse; deposition testimony July 12, 2017, and September 7, 2017; testified as to breach of contract damages (losses incurred in reliance and lost prospective future profits) associated with agreements to provide advertising and promotional content and on airline flights.

MCM Investment Management, et al. vs. Commissioner of Internal Revenue (Docket No. 13550-15); United States Tax Court; deposition testimony May 24, 2017; testified as to the valuation of certain preferred and equity interests and range of potential future value associated with the real estate development company.

Oyokey, Inc., v. Naya Ventures, LLC, et al. (Cause No. DC-15-04746); 44th Judicial District Court, Dallas County, Texas; deposition testimony December 14, 2016; testified in rebuttal to valuation analyses, adequacy of compensation, measures of damages, and speculative damages related to a development stage company.

Regions Bank, et al., v. Nexbank Securities, et al. (Cause No. DC-13-14628); 101st Judicial District Court, Dallas County, Texas; deposition testimony November 1 and 2, 2016; testified in rebuttal to various assertions of loss causation, damages, and claims of losses related to the financing and subsequent bankruptcy of a wholesale greenhouse nursery business focused on decorative plants.

MEI Investments, LP vs. Comerica Bank, Blackbriar Advisors, and Harold J. Kessler; (Cause No. DC-15-04024); 68th Judicial District Court, Dallas County, Texas; deposition testimony October 11, 2016; testified as to damages and the valuation of a subprime used auto dealership related to allegations of tortious interference and fraud.

John D. Spicer, as Chapter 7 Trustee for Bankruptcy Estate of Primcogent Solutions LLC. vs. Erchonia Corporation and Santa Barbara Medical Innovations, LLC.; (File No. 14 193 Y 00243 11); JAMS, Dallas Division; deposition testimony October 4, 2016; arbitration testimony November 10, 2016; testified as to specific misrepresentations in connection with an asset purchase agreement and resulting out-of-pocket and benefit of the bargain damages resulting from such misrepresentations.

Erwin Cruz and the Erwin A. Cruz Family Limited Partnership vs. Mehrdad Ghani, Michael Taba, Ghani Medical Investments Inc., and Plano AMI LP; (Case No. 10-16274); 101st Judicial District Court, Dallas County, Texas; trial testimony July 19 and 21, 2016; testified as to the valuation of certain partnership interests in imaging centers, the fairness of certain offers to purchase the imaging center, and certain financial transactions involving those imaging centers.

Mirna Reyes, et al., v. North Texas Tollway Authority; (Civil Action No. 3:10-CV-00868-G); In the United States District Court for the Northern District of Texas, Dallas Division; deposition testimony January 19, 2016; testified as to the amount administrative fees for costs of collecting tolls and measures of damages for persons charged fees in excess of costs (Highly Confidential).

EVM Systems, LLC, vs. Rex Medical, L.P., et al.; (Civil Action No. 6:13-CV-184); In the United States District Court for the Eastern District of Texas, Tyler Division; trial testimony August 19, 2015; testified as to the reasonable royalty and allocated profitability associated with patent infringement allegations involving the manufacturer and sale of certain endovascular medical devices.

Appendix A: Curriculum Vitae of Dr. Hakala

Kimberly Garcia v. Corinthian Wellness Spa, LLC.; (Case No. 4:14-CV-00799-Y); In the United States District Court for the Northern District of Texas, Fort Worth Division; deposition testimony May 12, 2015; testified as to lost income associated with alleged discriminatory rescission of an offer of employment.

H. Jonathan Cooke et al., vs. Robert C. Karlseng; et al. (Cause No. Dc-06-02783-L); 193rd Judicial District, Dallas County, Texas; deposition testimony January 19, 2015; testified as a rebuttal expert on the valuation of a set of title closing businesses subject to material regulatory and legal risks; issues with the opposing expert's valuation and damages analyses; and the absences of measurable damages associated with alleged claims of conversion, shareholder oppression, fraud, and breach of contract in light of the legal and operational issues surrounding the businesses.

AD Global 2000 Fund, LLC, et al. v. Commissioner of Internal Revenue, and AD Investment 2000 Fund, LLC, et al. v. Commissioner of Internal Revenue (Jointly tried; Docket Nos. 9177-08 and 9178-08.); United States Tax Court; trial testimony June 3 and 4, 2014; testified as to the fairness, reasonableness and terms of certain digital foreign currency options.

Axcess International, Inc. v. Baker Botts L.L.P.; County Court at Law Number Five, Dallas County, Texas; trial testimony May 8, 2014; testified as to the value and reasonable royalty rate for certain intellectual property, patents, and priority dates involving active RFID technologies as of 2002 and 2003 and resulting damages associated with the failure to disclose conflicts of interest, failure to properly prosecute certain patents, wrongful prosecution of patents of an infringer that conflicted with and infringed the plaintiffs patents and intellectual property, and failure to notify a client of possible interference actions and claims against an infringer (also, represented by the defendant).

In the Matter of the Marriage of Nalini Prabhakar and Meenakshi Prabhakar; 254th Judicial District, Dallas County, Texas; deposition testimony April 22, 2014, hearing testimony April 28, 2014; first trial testimony October 27 & 30, November 6 & 7, and December 1 & 2, 2014; second deposition November 15, 2015; second testimony trial testimony November 20, 23, 25, & 30, 2015 and December 10 & 11, 2015; testified as to personal goodwill and business valuation of a large infectious disease and infusion therapy group medical practice; testified in a hearing regarding information deficiencies and valuation issues in valuing the practice.

Endotach LLC. vs. Cook Medical Inc.; (Civil Action No. 1:13-CV-01135-LJM-DKL); In the United States District Court For the Southern District of Indiana, Indianapolis Division; deposition testimony February 27, 2014; testified as to reasonable royalties associated with patent infringement claims relating to stent graft patents.

Coats, Rose, Yale, Ryman & Lee, P.C. vs. Print Fulfillment Services, LLC; (Cause No. DC-12-02377- F); 14th Judicial District Court, Dallas County, Texas; deposition testimony November 25, 2013; testified as a "fact witness" to the content and analyses in a prior expert report and related damage issues arising from allegedly defective printers in a prior matter.

Thomas L. Weintraut, Transferee, et al. v. Commissioner of Internal Revenue (Docket Nos. 6505-12, 6715-12, and 6751-12); United States Tax Court; trial testimony June 11, 2013; testified as to solvency and business purpose as of and subsequent to the of all the common shares of a company with built-in-capital gains and no business operations at the time of sale.

Appendix A: Curriculum Vitae of Dr. Hakala

BUTTONWOOD TREE VALUE PARTNERS, LP and JOHN SORRELLS on Behalf of Themselves and all Others Similarly Situated, vs. JACK A. SWEENEY, STEVEN J. SWEENEY, MARILYN J., SWEENEY, GARY M. HORGAN, H. ANTHONY GARSHORE, ELIZABETH THOMPSON, FRED M. EDWARDS, THOMAS E. McCULLOUGH, RICHARD SCHREIBER, and LAWRENCE J. HERMAN, (Case No. 8:10-cv-00537 CJC (MLGx)); In the United States District Court For the Central District of California, Southern Division; deposition testimony May 24, 2013; testified as to market efficiency and damages related to class certification motion involving allegations of securities fraud in First Regional Bancorp litigation.

Axcess International Inc. vs. Savi Technology Inc.; (Case No. 3:10-CV-01033-F); In the United States District Court for the Northern District of Texas, Dallas Division; deposition testimony September 14, 2012; testified as to reasonable royalties associated with patent infringement claims relating to active RFID technologies.

Erwin Cruz and the Erwin A. Cruz Family Limited Partnership vs. Mehrdad Ghani, Michael Taba, Ghani Medical Investments Inc., and Plano AMI LP; (Case No. 10-16274); 101st Judicial District Court, Dallas County, Texas; deposition testimony October 3, 2011; trial testimony May 7 and 8, 2012; testified as to the valuation of certain partnership interests in imaging centers, the fairness of certain offers to purchase the imaging center, and certain financial transactions involving those imaging centers.

BOILERMAKERS NATIONAL ANNUITY TRUST FUND, on Behalf of Itself and All Others Similarly Situated, vs. WAMU MORTGAGE PASS-THROUGH CERTIFICATES, SERIES AR1, et al.; (Master Case No.: C09-0037 (MJP)); In the United States District Court For the Western District of Washington; deposition testimony May 12, 2011; testimony regarding class certification issues including loss causation for Section 11 claims; deposition testimony June 8, 2012, testimony regarding Section 11(e) measures of damages, values of the certificates at issue at the time of suit, and in rebuttal to opposing expert reports.

John K. Agamalian et al. v. Wedbush Morgan Securities, Inc. and Michael Farah; Financial Industry Regulatory Authority Arbitration; hearing testimony February 16 and 17, 2011 and November 22, 2011; testified as to the standards for appropriate diversification of assets and suitability of assets in various individual and trust accounts, representations regarding the securities invested in the accounts, and losses realized both in absolute terms and relative to appropriate benchmark funds between 2000 and 2004 resulting from investments inconsistent with the individuals' and trusts' needs and objectives and violations of the principle of diversification of risk. In particular, the testimony focused on excessive losses associated with investments and concentrations of holdings in more volatile equity securities and in mezzanine and subordinated tranches of non-agency mortgage-backed securities (often representing less-than-prime mortgages).

David Greenberg et al. v. Commissioner of Internal Revenue, (Docket No. 1143-05 et al.); United States Tax Court; trial testimony February 8 and 9, 2011; testified as to the fairness, reasonableness and terms of certain digital foreign currency options.

Appendix A: Curriculum Vitae of Dr. Hakala

PATTY BEALL, MATTHEW MAXWELL, TALINA MCELHANY, KELLY HAMPTON, CASEY BROWN, JAWSON BONNER, KEVIN TULLOS, ANTHONY DODD, ILENE MEYERS, TOM O'HAVER, JOY BIBLES, DON LOCCHI AND MELISSA PASTOR, individually and on behalf of all other similarly situated; vs. TYLER TECHNOLOGIES, INC. AND EDP ENTERPRISES, INC; (Case No. 2:08-CV-422 TJW); In the United States District Court For the Eastern District of Texas; deposition testimony October 25, 2010; testimony regarding the imputed hourly pay rate, overtime pay rate, and pay scales relative to technical, managerial, and significant administrative personnel for the type and nature of the business relating to claims of unpaid overtime in violation of the Fair Labor Standards Act.

Jayhawk Capital Management, LLC et al. vs. LSB Industries, Inc., et al.; (Case No. 08-CV-2561 EFM/JPO); In the United States District Court For the District of Kansas at Kansas City; deposition testimony October 7, 2010; trial testimony September 13, 2011; testimony regarding the payment of preferred dividends, the ability of the company to pay dividends, the economic payment of dividends, and the damages associated with omission of accrued cumulative dividends and denial of the ability to participate equally in certain exchanges of preferred shares into common shares.

EDUARDO PURICELLI, on behalf of itself and all others similarly situated, vs. THE REPUBLIC OF ARGENTINA; (Civil Action No. 04-CV-02117 (TPG)) and related cases; In the United States District Court for the Southern District of New York; deposition testimony October 4, 2010; testimony regarding the amount of interest, principal and default interest due and owing to date on eight debt securities issued by and defaulted on by the Republic of Argentina on or before December 31, 2001.

Six & Mango Equipment, L.L.P., et al. v. Adair, Morris & Osborn, P.C., et al; (Cause No. 296-00453-2009); In the 296th District Court, Collin County, Texas; deposition testimony July 29, 2010; testimony regarding economic damages (loss of business value, additional expenses and lost profits) resulting from undisclosed restrictions on use and delays in development of commercial real estate for an operating commercial equipment dealership.

WILLIAM MOUNTANOS, PETER MOUNTANOS, JAMES RYE, and TYRONE REMINGA, vs. DENDREON CORPORATION, et al.; (Case No. C 09-426-MJP); In the United States District Court for the Western District of Washington at Seattle; deposition testimony June 15, 2010; testimony regarding market efficiency, materiality, loss causation, and damages.

MIDDLECOUNTY RETIREMENT SYSTEM, on behalf of itself and all others similarly situated, vs. SEMTECH CORP., JOHN D. POE, JASON L. CARLSON, MOHAN R. MAHESWARAN, DAVID G. FRANZ JR., and JOHN M. BAUMAN; (Civil Action No. 07-CV-7183); In the United States District Court for the Southern District of New York; deposition testimony March 30, 2010; testimony regarding market efficiency, materiality, and loss causation relating to issues of class certification.

James I. Jaconette, in his capacity as Trustee of the James I. Jaconette Separate Property Trust Dated January 14, 2004 vs. EMERALD BAY FINANCIAL, INC., a California corporation; BOB SYREK, an individual; AND DOES 1-50, inclusive; (Case No. 37-2008-00071642 CU-FR-SC); In the Superior Court for the State of California, County of San Diego, South County Division; trial testimony March 23, 2010; testified as to losses and measures of losses associated with allegations of fraud and negligent misrepresentation in connection with the sale of a mortgage loan to the plaintiff.

Appendix A: Curriculum Vitae of Dr. Hakala

In re: Cobalis Corp., a Nevada Corporation; COBLAIS CORP., A NEVADA CORPORATION, and CORNELL CAPITAL PARTNERS, LP, YORKVILLE ADVISORS, LLC AND, YA GLOBAL INVESTMENTS, LP; (CASE NO. 8:07:12347-TA; ADVERSARY NO. 09:09-AP); In the United States Bankruptcy Court For the Central District of California-Santa Ana Division; deposition testimony February 16, 2010; hearing testimony March 10, 2010; testimony regarding gains from short sales and avoided losses from sales of shares by defendants and damage to market value of debtor/plaintiff.

Harvey Lapin vs. Goldman Sachs Group, Inc. et al.; (No. 1:04-CV-02236-KMK); In the United States District Court for the Southern District of New York; deposition testimony February 11, 2010; testimony regarding market efficiency, materiality, loss causation, inflation per share, and damages.

In re: Northfield Laboratories, Inc. Securities Litigation; (Master File No. 06 C 1493); In the United States District Court for the Northern District of Illinois; deposition testimony February 8, 2010; testimony regarding market efficiency, materiality, and loss causation relating to issues of class certification.

In re: Gary Vanier (MDL No. 06-0784); 48th Judicial District Court, Tarrant County, Texas; deposition testimony February 3, 2010; hearing testimony June 17 and 18, 2010; testified as to the absence of any stock price impact (and no damages) associated with various critical Yahoo! Bulletin Board posts regarding a publicly-traded company.

ROBERT LEVITT for himself and as custodian for Richard Levitt and Monica Levitt, ROBERT RICE, STEPHEN G. SIBEN, STEPHEN STROBEHN, STANLEY VELTKAMP, PHILIP C. VITANZA for himself and Elizabeth Vitanza and Luke Vitanza, JOHN T. WHITE, GUY V. WOOD, CARL ZANDER, JR., and TED M. and KATHRYN N. JONES, as Trustees, vs. J.P. MORGAN SECURITIES INC., and J.P. MORGAN CLEARING CORP. (Civil Action No. 99 Civ. 2789 MDL 1208 (ADS) (MLO)); In the United States District Court for the Eastern District of New York; deposition testimony November 20, 2009; testimony related to a motion for class certification in a class action alleging market manipulation and non-disclosure in connection with an initial public offering regarding issues of loss causation and common measures of damages.

Between: ED J. MCKENNA and GAMMON GOLD, INC., RUSSELL BARWICK, COLIN P. SUTHERLAND, DALE M. HENRICK, FRED GEORGE, FRANK CONTE, KENT NOSEWORTHY, CANEK RANGEL, BRADLEY LANGILLE, ALEJANDRO CARAVEO, BMO NESBITT BURNS INC., SCOTIA CAPITAL INC., and TD SECURITIES INC. Proceeding under the *Class Proceedings Act, 1992* (Court File No. 56862); Ontario Superior Court of Justice; deposition testimony October 27, 2009; testimony, including rebuttal testimony, regarding marketing efficiency, materiality, and loss causation for class certification purposes.

Douglas Fletcher v. Pivot International, American Arbitration Association (Arbitration Case No. 57-180-Y-00070-08); deposition testimony October 14, 2009; direct and rebuttal arbitration testimony February 23 and 25, 2010; testified as to various transfer pricing and fair market valuation issues relating to the valuation of Pivot International in connection with a buy-sell agreement for a departing employee.

In re Herley Industries Inc. Securities Litigation. (Civil Action No. 06-2596 (JRS)); In the United States District Court for the Eastern District of Pennsylvania; deposition testimony October 9, 2009; testimony, including regarding loss causation and damages issues associated with failure to disclose issues with government contracts.

Appendix A: Curriculum Vitae of Dr. Hakala

Between: ROMAN PYSZNYJ and ORSU METALS CORPORATION (f/k/a EUROPEAN MINERALS CORPORATION) WILLIAM G. KENNEDY and JAMES COLE Proceeding under the *Class Proceedings Act*, 1992 (Court File No.: 59650CP); Ontario Superior Court of Justice; deposition testimony August 26, 2009; testimony, including rebuttal testimony, regarding marketing efficiency, materiality, and loss causation for class certification purposes.

In re Merix Corporation Securities Litigation. (Lead Case No. CV-04-826-MO); In the United States District Court for the District of Oregon; deposition testimony August 21, 2009; testimony, including rebuttal testimony, regarding loss causation issues and market and industry forces in a Section 11 case at class certification.

United States v. Charles Cathcart et al. (Civil Case No. 07-4762-PJH (JCS)); In the United States District Court for the Northern District of California- San Francisco Division; deposition testimony July 20, 2009; testimony regarding hedging strategies for common equity shares with built-in capital gain and the materiality of various alternatives with respect to constructive sale guidelines.

In re Scientific-Atlanta, Inc. Securities Litigation (Case No. 1:01- CV- 1950- RWS); In the United States District Court for the Northern District of Georgia- Atlanta Division; deposition testimony March 6, 2009; testimony regarding market efficiency and reliance, inflation per share, loss causation and damages relating to a relating to securities fraud claims involving “channel-stuffing” and premature revenue recognition.

In re MIVA Inc. Securities Litigation (Civil Action No. 2:05-cv-00201-FtM-29DNF); In the United States District Court for the Middle District of Florida- Fort Myers Division; deposition testimony February 18, 2009; testimony regarding market efficiency and reliance, inflation per share, loss causation and damages relating to a relating to securities fraud claims involving revenues based on unethical Internet activity (including “click-fraud”).

Brenholb, Inc. d/b/a Brenner Printing, v. Komori America Corporation (Cause No. 51 181 Y 00365 08); American Arbitration Association; deposition testimony January 15, 2009; testified as to issues related to lost profits resulting from and impairment of the value of a defective printing press.

Capital One Financial Corporation and Subsidiaries. v. Commissioner of Internal Revenue (Docket Nos. 24260-05 and 19519-05); United States Tax Court; trial testimony December 17, 2008; testified as to calculation of OID accruals related to certain fees and revenues generated by credit card portfolios based on analyses of account and balance turnover by type.

JOHN CARFAGNO, derivatively on behalf of CENTERLINE HOLDING COMPANY, vs. MARC D. SCHNITZER, STEPHEN M. ROSS, JEFF T. BLAU, LEONARD W. COTTON, ROBERT J. DOLAN, NATHAN GANTCHER, JEROME Y. HALPERIN, ROBERT L. LOVERD, ROBERT A. MEISTER, JANICE COOK ROBERTS, and THOMAS W. WHITE, and CENTERLINE HOLDING COMPANY (Case No. 1:08-cv-00912-SAS-JCF); In the United States District Court for the Southern District of New York; deposition testimony November 18, 2008; testimony regarding the fairness of a preferred equity investment by an affiliate and related fiduciary issues and damages.

Appendix A: Curriculum Vitae of Dr. Hakala

BENJAMIN SHIRK and RONALD JAUSS, individually and on behalf of all others similarly situated, vs. FIFTH THIRD BANCORP, et al., (Civil Action No. 05-cv-00049); In the United States District Court for the Southern District of Ohio, Western Division; deposition testimony November 13, 2008; testimony regarding lost profits and economic losses associated with alleged breaches of fiduciary duties and other acts related to investments in company stock in retirement plans.

AIR MEASUREMENT TECHNOLOGIES, INC. et al. v. AKIN GUMP STRAUSS HAUER & FELD, L.L.P. (Civil Action No. SA 03 CA 0541 RF); In the United States District Court for the Western District of Texas, San Antonio Division; deposition testimony October 16, 2008; trial testimony April 20 and 21, 2009; testimony regarding reasonable royalty rates and lost royalties associated with a portfolio of patents.

Cyberdyne Systems Inc. v. BGI, Inc. (Case No. 06-2954-PHX-ROS); In the United States District Court for the District of Arizona; deposition testimony August 18, 2008; testimony regarding preliminary analyses of claims of damages in a case involving claims of copyright infringement and breach of contract relating to an exclusive distribution agreement.

In re Credit Suisse-AOL Securities Litigation (Civ. Action No. 02-15146-NG); In the United States District Court for the District of Massachusetts; deposition testimony August 11, 2008; hearing testimony December 20, 2011; testimony regarding the impact of analyst reports on the share price of AOL, event studies, damages, and in rebuttal to opposing expert.

In re Stone Energy Securities Litigation (Civil Action No. 6:05CV2088p, 6:05CV2109, and 6:05CV2220); In the United States District Court for the Western District of Louisiana- Lafayette-Opelousas Division; deposition testimony June 18, 2008; testimony regarding market efficiency and reliance and loss causation relating to a motion for class certification relating to securities fraud claims involving overstated petroleum reserves.

Asher, et al. v. Baxter International, Inc. (Case No. CV 02-CV-5608, 5742, 5807, 6085, 6175, and 62567); In the United States District Court for the Northern District of Illinois; deposition testimony May 12, 2008; testimony regarding market efficiency and reliance, loss causation, and damages relating to securities fraud claims involving common stock.

Charles Moon and AIsoft, Inc. v. Infoglide Software Corporation (Cause No. D-1-GN-07-000747); 353rd Judicial District Court, Travis County, Texas; deposition testimony May 9, 2007; testified as to lost income due to severance and termination associated with allegations of wrongful termination.

Gordon Roundtree Motors, Ltd. v. Mazda Motor of America Inc. et al.; (Case No. WA:06-CV--00251); In the United States District Court for the Western District of Texas, Waco Division; deposition testimony April 10, 2008; testimony regarding capitalization and capitalization ratios involving an application for the purchase of an automotive franchise; testimony in hearing before Texas Motor Vehicle Division August 29, 2008, regarding the financial condition and proposed capitalization of the subject dealership relative to manufacturer requirements.

In re Retek Inc. Securities Litigation (Case No. CV 02-4209 JRT/AJB); In the United States District Court for the District of Minnesota; deposition testimony March 25, 2008; testimony regarding market efficiency and reliance, loss causation, and damages relating to securities fraud claims involving common stock.

Appendix A: Curriculum Vitae of Dr. Hakala

In re Accredo Health Inc. Securities Litigation (Civil Action No. 03-2216-BP); In the United States District Court for the Western District of Tennessee; deposition testimony March 10, 2008; testimony regarding market efficiency and reliance, loss causation, and damages relating to securities fraud claims involving common stock.

Planview, Inc. vs. Computer Associates International, Inc. et al.; (Cause No. D-1-GN-06-001382); 345th Judicial District Court, Travis County, Texas; deposition testimony March 4, 2008; testified as to lost revenues and profits, unjust enrichment, and other issues relating to allegations of theft of trade secrets, tortious interference with contractual relationships (including confidentiality, non-solicitation and non-competition agreements with employees of Planview), unfair competition, and other related causes of action.

In re Petco Corporation Securities Litigation (Master File No. 05-CV-0823-H(RBB)); In the United States District Court for the Southern District of California; deposition testimony February 29, 2008; testimony regarding market efficiency and reliance, loss causation, and damages relating to securities fraud claims involving common stock.

In re Faro Technologies Securities Litigation (Lead Case No. 6:05-cv-1810-Orl-22DAB); In the United States District Court for the Middle District of Florida, Orlando Division; deposition testimony February 1, 2008; testimony regarding market efficiency and reliance and loss causation relating to securities fraud claims involving common stock.

James Morton as Trustee for the James E. Morton Living Trust, vs. Merrill Lynch Pierce Fenner & Smith, Inc. and Presidio Capital Advisors, LLC, (Case No. 2:06cv00236 DB); United States District Court, District of Utah, Central Division; deposition testimony February 12, 2008; testimony regarding damages and measures of damages relating to certain block sales of common shares in alleged violation of plaintiff's instructions.

New Phoenix Sunrise Corporation and Subsidiaries v. Commissioner of Internal Revenue, (Docket No. 23096-05); United States Tax Court; trial testimony January 22, 2007; testified as to the fairness, reasonableness and terms of certain foreign currency swaps.

MS Perry Company, Inc.; Michael Perry; Starr Perry; and Anisa International, Inc. vs. Mary Kay, Inc. et al.; (Cause No. 05-00857); 68th Judicial District Court, Dallas County, Texas; deposition testimony December 3, 2007; testified as to revenues, unjust enrichment, lost profits and other issues relating to allegations of theft of trade secrets, breach of confidentiality agreements, and other related causes of action.

Premier Ambulatory Surgery of Austin, L.L.P. vs. Brown McCarroll, L.L.P., Hilgers & Watkins, P.C. and David Hilgers (Cause No. D-1-GN-06-003926); 200th Judicial District Court, Travis County, Texas; deposition testimony October 24, 2007; testified as to lost profits and lost purchase price consideration resulting from the loss of certain prospective partners associated with a surgical center.

In re Tower Automotive Securities Litigation (Civil Action No. 1:05-CV-01926-RWS); United States District Court Southern District of New York; deposition testimony November 14, 2007; testimony regarding market efficiency and loss causation.

Appendix A: Curriculum Vitae of Dr. Hakala

In re Forest Laboratories Securities Litigation (Civil Action No. 05-CV-2827 (RMB)); In the United States District Court for the Southern District of New York; deposition testimony October 19, 2007; testimony regarding market efficiency and reliance, loss causation, and damages relating to securities fraud claims involving common stock.

Taffazzoli Family Limited Partnership, PMA Corp., Zum Tobel Holdings, Inc. v. Ralph L. Cruz, RLCFI 1997 Limited Partnership, William R. Cruz, WRCF-I 1997 Limited Partnership, Marc J. Stone, Charles F. Wright, David H. Fleischman and Tradestation Group, Inc.; In the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida (Case No. 03-19815-CA40); deposition testimony September 24, 2007; testified as to materiality of alleged omissions, false and/or misleading statements relating to the sales of common shares by the plaintiffs in Tradestation Group and the losses or damages arising from those sales based on rescission and out-of-pocket damages.

Hubert Fu v. Baptist/ St. Anthony's Health System; Deborah McCollum; and, Amarillo Anesthesia Consultants, P.A.; U.S. District Court for the Northern District of Texas, Amarillo Division (Civil Action No. 2-07CV-028-J); deposition testimony September 20, 2007; testified as to lost income and incremental expenses incurred as a result of defamation and other claims involving anesthesiologist.

CHASE MEDICAL, LP v. CHF TECHNOLOGIES, INC. and ENDOSCOPIC TECHNOLOGIES, INC.; U.S. District Court for the Northern District of Texas, Dallas Division (Civil Action No. 304 CV 2570 M); trial testimony September 12, 2007; testified as to the reasonable royalty and lost profits in a patent infringement and trademark infringement case involving a cardiovascular surgical procedure and device.

In re: CDX CORPORATION: CDX LIQUIDATING TRUST by the CDX LIQUIDATING TRUSTEE, vs. VENROCK ASSOCIATES, et al.; U.S. Bankruptcy Court, Northern District of Illinois, Eastern Division (Case No. 02-23467; Adversary Case No. 04A03018); deposition testimony August 30, 2007; testified as to the fairness of various non-arm's-length transactions and bridge loans involving the debtor corporation.

In re Parmalat Securities Litigation (Master Docket No. 04-MD-1653 (LAK)); In the United States District Court for the Southern District of New York; deposition testimony August 16 and 17, 2007; testimony regarding market efficiency and reliance, loss causation, and damages relating to securities fraud claims involving common stock, preferred stock and bonds.

In re. Xcelera.Com Securities Litigation.; United States District Court, District of Massachusetts, Boston, Massachusetts (Civil Action No. 00- CV-11649(RWZ)); deposition testimony August 9, 2007; hearing testimony April 25, 2008; testified as to loss causation and damages in a securities fraud case.

iValue Group, Inc. a/k/a Explore, Inc. v. M&A Technology, Inc. et al.; v. Julian Ross (Cause No. 02- 09794-B); In the 44th Judicial District Court, Dallas County, Texas; trial testimony August 2, 2007; testimony regarding errors in opposing expert's valuation analysis and speculative value of a failing dot.com enterprise.

Appendix A: Curriculum Vitae of Dr. Hakala

Peter Kaltman, et al.; vs. Key Energy Services, Inc., et al.; (Case No. MO-04-CV-082); In the United States District Court for the Western District of Texas, Midland-Odessa Division; deposition testimony August 6, 2007; testimony regarding market efficiency, reliance, and loss causation relating to a motion for class certification in securities fraud case.

Thomas G. Ong for Thomas G. Ong IRA and Thomas G. Ong, Individually and on behalf of all others similarly situated, v. Sears, Roebuck & Co., Sears Roebuck Acceptance Corp., et al.; (Case No. 03 C 4142); In the United States District Court for the Northern District of Illinois, Eastern Division; deposition testimony July 26, 2007; testimony regarding market efficiency and reliance relating to a motion for class certification involving debt and preferred securities.

In re Credit Suisse-AOL Securities Litigation (Civ. Action No. 02-15146-NG); In the United States District Court for the District of Massachusetts; deposition testimony July 10, 2007; testimony regarding market efficiency and reliance relating to a motion for class certification.

RICHARD WAGNER, MURIEL P. ENGELMAN, PHILIP SCHECHTER, IRA GAINES, and C.H. SMITH, Individually and on Behalf of all Other Similarly Situated vs. BARRICK GOLD CORP., RANDALL OLIPHANT, JOHN K. CARRINGTON, and JAMIE C. SOKALSKY, (Case Nos. 1:03CV4302; 1:03CV5059; 1:03CV5104; 1:03CV5856;1:03CV6089); In the United States District Court For the Southern District of New York; deposition testimony June 27, 2007, testimony regarding market efficiency and loss causation related to a motion for class certification in a class action securities case; deposition testimony November 20, 2008, regarding market efficiency, loss causation and damages.

Suzanne Coates and 2055 Incorporated vs. Robert Coates, 101st Judicial District Court, Dallas Texas (Cause No. 05-02456); trial testimony October 2007; testified as a fact witness on June 13, 2007, regarding a preliminary valuation analysis prepared for a company owned by a couple preparing for a divorce in 2002.

In re Worldcom, Inc., et al.; (Abbott Litigation Claims) (Chapter 11 Case No.02-13533 (AJG)); In the United States Bankruptcy Court for the Southern District of New York; deposition testimony May 24, 2007; testimony regarding damages and insolvency associated with the merger of WorldxChange with World Access, Inc. in 2000.

Matt Brody, On Behalf of Himself and All Others Similarly Situated, vs. Zix Corporation, et al.; (Civ. Action No. 3:04-CV-1931-K ECF); In the United States District Court for the Northern District of Texas-Dallas Division; deposition testimony May 17, 2007 and October 30, 2007; testimony regarding market efficiency and loss causation related to a motion for class certification in a class action securities case.

Oscar Munoz, et al.; vs. AT&T Corp. (Civil Action No. 06-cv-01205-PSF-MJW); In the United States District Court for the District of Colorado; deposition testimony May 7, 2007; testimony regarding the valuation of AT&T Wireless stock options vested and held by the Plaintiff, Oscar Munoz.

In re Flag Telecom Holdings, Ltd. Securities Litigation (Case No. 02-Civ. 3400 (WCC)); In the United States District Court for the Southern District of New York; deposition testimony May 2, 2007; testimony regarding market efficiency, tracing of shares to an offering and loss causation related to a motion for class certification in a class action securities case.

Appendix A: Curriculum Vitae of Dr. Hakala

156 Alliance Partners, Ltd. V. Susan Bonner Mead, Amy Col Griffin, and Don Cole, as Trustees for the M.T. Cole Trust No. 2, and M.T. Cole Trust No. 3 (Cause No. 2003-10038-16); 16th Judicial District, Denton County, Texas; deposition testimony April 18, 2007; hearing testimony May 8, 2008; testimony regarding the calculation of damages associated with claims of breach of contract and fraud involving a real estate transaction.

Harvey Lapin vs. Goldman Sachs Group, Inc. et al.; (No. 1:04-CV-02236-KMK); In the United States District Court for the Southern District of New York; deposition testimony April 5, 2007; testimony regarding market efficiency, materiality, and loss causation.

ESTATE OF MARJORIE deGREEFF LITCHFIELD, DECEASED, GEORGE B. SNELL AND PETER deGREEFF JACOBI, CO-EXECUTORS, v. COMMISSIONER TO INTERNAL REVENUE (Docket No. 15882-05); United States Tax Court; trial testimony April 12 and 13, 2007; testified as to the discounts for built-in capital gains, lack of control and lack of marketability of two corporations (with equity investments and agricultural real estate and operations representing the primary assets of the corporations).

In re JDS Uniphase Corporation Securities Litigation (Master File No. C-02-1486 CW (EDL)); In the United States District Court for the Northern District of California, Oakland Division; deposition testimony March 12 and 13, 2007; additional deposition testimony regarding supplemental report October 20, 2007; trial testimony November 1, 2 and 16, 2007; testimony regarding materiality, loss causation, and damages in a class action securities case.

In re Enron Corporation Securities, Derivative and "ERISA" Litigation; LAMKIN et al.; vs. UBS PAINE WEBBER, INC., and UBS WARBURG LLC, and, GIANCARLO vs. UBS FINANCIAL SERVICES, INC., UBS SECURITIES, L.L.C., and UBS AG (MDL Docket No. 1446; Civil Action Nos. H-02-CV- 0851 & H-03-4359, respectively); In the United States District Court For the Southern District of Texas, Houston Division; deposition testimony October 26, 2006; testimony regarding materiality, loss causation, solvency and damages in two class action securities cases involving customers and counter-parties of the defendants and Enron employees awarded stock options.

F. L. Motheral Company d/b/a Motheral Printing Company vs. MLP, U.S.A., Incorporated, Mitsubishi & Company, (U.S.A.), Incorporated; American Arbitration Association, Fort Worth, Texas (Arbitration No. 71 181 Y 00094 05); deposition testimony August 25 and September 20, 2006; testified regarding economic losses relating to allegedly defective printing equipment.

In re Rhythms Securities Litigation; (Case No. 02-K-35); In the United States District Court for the District of Colorado; deposition testimony July 21, 2006; testimony regarding materiality, loss causation, inflation per share and damages in a class action securities case.

Rose Johnson, Individually and as Personal Representative of the Estate of Jay Johnson, and Thelma Johnson, Jason Johnson and Kindra Johnson, Individually v. Journeyman Construction, L.P.; Austex Concrete Construction, et al.; (Cause No. GN-303431) 126th Judicial District, Travis County, Texas; deposition testimony July 11, 2006; testified as to the lost income associated with the death of Jay Johnson.

Appendix A: Curriculum Vitae of Dr. Hakala

In re Enron Corporation Securities Litigation; Mark Newby, et al.; vs. Enron Corp., et al.; (MDL Docket No. 1446; Civil Action No. H-01-3624); In the United States District Court For the Southern District of Texas, Houston Division; deposition testimony May 8 and 9, 2006; testimony regarding materiality, loss causation, solvency and damages in a class action securities case in rebuttal to a number of expert reports for defendants.

Thomas J. O'Neil, et al.; (Plaintiffs) v. Texas American Communications Network, Inc., et al.; (Defendants); (Cause No. 67-210728-05) 17th Judicial District, Tarrant County, Texas; trial testimony May 3, 2006; testified as to the fair value of a small Internet service provider in a case involving breach of fiduciary duty, wrongful termination and destruction of business.

Jeffrey H. Winokur, Individually and on Behalf of all Other Similarly Situated, vs. Direct General Corporation, et al.; (Civil Action No. 3:05-0077); In the United States District Court, Middle District of Tennessee; deposition testimony April 7, 2006; testimony regarding materiality, loss causation and damages in a class action securities case.

WRS Group, Ltd. And SJS Partnership v. United States (Civil Action WA:05-CV-166); In the United States District Court, Western District of Texas, Waco Division; deposition testimony April 4, 2006; testified in rebuttal to and regarding the valuation of equity interests of a medical education company and relating allocation issues in an income tax dispute.

Jules Adrian Carmack vs. John Dee Carmack II, Kevin Wayne Cloud and Id Software, Inc.; 134th Judicial District, Dallas County, Texas; deposition testimony March 31, 2006; testified as to valuation of a computer game design company and related issues in a shareholder dispute regarding a buy-sell agreement, allegations of oppression and issues of fair value.

In re Williams Sec. Litig. (Case No. 02-CV-75-H(M)); In the United States District Court, Northeastern District of Oklahoma; deposition testimony March 22, 2006; testimony regarding materiality, loss causation and damages in a class action securities case.

James Kelsoe, et al.; v. Texas United Excavators, L.L.C. and Leslie Lynn Cox; (Cause No. 67-209655-05) Judicial District, Tarrant County, Texas; deposition March 9, 2006; testified as to lost household income and other support in a wrongful death case.

In re Cigna Corporation Sec. Lit. (Master File No. 2:02CV8088); In the United States District Court, Eastern District of Pennsylvania; deposition testimony March 7, 2006; testified as to issues of loss causation and damages.

Windscape Holdings, Ltd. And Live Oak Holdings, Ltd. v. Wes Lochridge & Associates General Contractors, Inc. (Cause No. 04-8259); 101st Judicial District, Dallas County, Texas; deposition February 27, 2006; testified in rebuttal to and regarding claims of lost rental income in apartments as result of alleged paint peeling.

Joseph D. Martinec, Chapter 11 Trustee of WSNET Holdings, Inc. v. Ceberus Capital Management L.P., et al.; 200th Judicial District, Travis County, Texas; deposition testimony December 15, 2005; testified as to valuation of a digital cable/satellite television provider.

Appendix A: Curriculum Vitae of Dr. Hakala

Vitamin Village, Inc. v. Commissioner of Internal Revenue (Docket No. 8745-02) and *Universal Marketing, Inc. v. Commissioner of Internal Revenue* (Docket No. 8744-02); United States Tax Court; trial testimony December 9, 2005; testified as to issues related to reasonable compensation of two affiliated companies.

Estate of Frederic C. Kohler v. Commissioner of Internal Revenue; (Docket No. 4646-03); United States Tax Court; trial testimony December 7, 2005; valuation of minority shares of Kohler Inc.

In the Matter of the Marriage of Pamela Elaine White and Jeffrey Alan White; 401st Judicial District, Collin County, Texas; deposition testimony November 8, 2005, trial testimony November 17, 2005; testified as to personal goodwill and business valuation.

In re Calpine Corporation Securities Litigation; In the United States District Court, Northern District of California (N.D. Cal. Case No. C-02-1200 SBA (WDB)); deposition testimony October 6 and 7, 2005; testified as to Section 11 damages involving issued debt securities related to allegations of omissions regarding manipulation of the California energy markets in 2000 and 2001.

In re Omnicom Group Inc. Securities Litigation; In the United States District Court, Southern District of New York (Case No. 02 Civ. 4483); deposition testimony September 14, 2005; and April 25, 2007; testified as market efficiency in relation to a motion for class certification in the first deposition and testified as to materiality, loss causation and damages in the second deposition.

In re: Metris Companies Inc. Securities Litigation; In the United States District Court, District of Minnesota (Civil Action No. 02-CV-3677 JMR/FLN); deposition testimony August 15, 2005; testified as to materiality, inflation per share and aggregate damages in a class action securities case involving a subprime credit card lender.

Federal Home Loan Mortgage Corp. v. Commissioner, United States Tax Court (Docket Nos. 3941-99, 15626-99 and 5829-02); trial testimony June 8 and 9, 2005; testified as to allocation of purchase price, valuation of intangible assets and favorable financing.

David Graben and Frank Strickler v. Western Reserve Life Assurance Company of Ohio; Intersecurities, Inc. and Timothy Hutton; State District Court, 271st Judicial District, Wise County, Texas; deposition testimony March 29, 2005; trial testimony May 18, 2005; testified as to economic losses and prudent investment management involving the management of investment portfolios for two retired individuals.

Wechsler & Co., Inc. v. Commissioner of Internal Revenue, United States Tax Court (Docket No. 9667-04); trial testimony March 24, 2005; prepared a written report and rebuttal report as testimony in a matter involving the determination of the reasonable compensation of a Chief Executive Officer of a broker-dealer specializing in trading convertible debt securities as a dealer and on its own account.

Stephen T. Davis, Individually and as Owner of Lone Star Phones v. Dobson Cellular Systems Inc. d/b/a CellularOne and Dobson Communications Corporation and Kelly Lane; In the United States District Court for the Northern District of Texas, Dallas Division (Case No. 3-04-CV-0465 B); deposition testimony February 25, 2005; testified as to lost income associated with allegations of a breach of contract and wrongful termination of a dealership agreement.

Appendix A: Curriculum Vitae of Dr. Hakala

In re: PE Corporation Securities Litigation; In the United States District Court, District of Connecticut (Master File No. 3:00CV705(CFD)); deposition testimony February 23, 2005; testified as to materiality, inflation per share and aggregate damages in a class action securities case involving allegations of inadequate and misleading disclosures relating to a secondary offering of tracking shares.

Alpine International Corp. v. Texas Health Resources; State District Court, 101st Judicial District, Dallas County, Texas; deposition testimony February 21, 2005; supplemental deposition October 3, 2005; trial testimony November 23, 2005; testified as to lost profits associated with a breach of a non-solicitation provision in a contract.

Michael Gloster and Victoria Gloster, t/a Gloster Marketing v. Relios, Inc., H. William Pollack, III, and Carolyn Pollack; In the United States District Court, Eastern District of Pennsylvania (Cause No. 02-CV-7140); deposition testimony February 11, 2005; testified as to issues of valuation and profits involving claims of trademark and copyright infringement.

In re: Clarent Corporation Securities Litigation; In the United States District Court, Northern District of California, San Francisco Division (Master File No. C-0103361CRB(JCS)); deposition testimony January 11, 2005; trial testimony January 31 and February 9, 2005; testified as to materiality, inflation per share and aggregate damages in a class action securities case involving allegations of accounting fraud against former officers of the company and the accounting firm for its audit.

In re: DQE, Inc. Securities Litigation; In the United States District Court, Western District of Pennsylvania (Master File No. 01-1851); deposition testimony November 23, 2004; testified as to materiality, inflation per share and aggregate damages in a class action securities case.

In re: Worldcom, Inc. ERISA Securities Litigation; In the United States District Court, Southern District of New York (Master File No. 02 Civ. 4816 (DLC)); deposition testimony November 15, 2004; testified as to discounts related to block size and information effects associated with the possible sale of shares of Worldcom and MCI tracking stock in the first half of the 2002.

Adele Brody, et al.; on behalf of themselves and all others similarly situated, vs. Peter S. Hellman, et al.; District Court, City and County of Denver, State of Colorado; deposition testimony September 3, 2004, and May 27, 2005; hearing testimony November 30, 2004; testified as to the ability to measure damages to a class of shareholders via a plan of allocation.

In re: Broadcom Corp. Securities Litigation; In the United States District Court, Central District of California, Southern Division (No. SACV 01-275 GLT (MLGx)); deposition testimony August 27 and 29, September 10, December 1 and 2, 2004, and January 21, 2005; testimony during hearings April 21 and May 25, 2005; testified as to materiality, valuation of customer contracts, valuation, inflation per share and aggregate damages in a securities class action and damages in a related private action.

Burt L. Schmidt, Individually and d/b/a Diamond S Trucking vs. Navistar Financial Corporation; State District Court, Hamilton County, Texas; deposition testimony July 28, 2004; trial testimony August 30, 2004; testified in rebuttal as to claims of lost profits associated with the repossession of tractor trucks by the defendant in 2001.

Appendix A: Curriculum Vitae of Dr. Hakala

Basic Management Inc, et al.; vs. United States of America, et al.; In the United States District Court, District of Nevada (No. CV-S-02-0884-RCJ-(RJJ)); deposition testimony July 22 and 23, 2004; testified in rebuttal as to appropriate assumptions and methods (including discount rates and appreciation rates) for a real estate development company in Nevada.

In re. JTS Corporation, Suzanne L. Decker, Trustee, vs. Roger W. Johnson, et al.; In the United States Bankruptcy Court, Northern District of California, (No. 98-59752 MM; A.P. No. 00-5423); deposition testimony July 15, 2004; trial testimony April 11, 2005; testified in rebuttal to trustee's expert as to economic losses to creditors and reasonable value associated with certain business decisions.

Randy S. Myers, Individually and on Behalf of all others Similarly Situated, vs. Progressive Concepts, Inc. d/b/a Hawk Electronics; 352nd Judicial District, Tarrant County, Texas (Cause No. 352-201156-03); deposition testimony July 2, 2004; testified as to the appropriate measure of damages involving allegations of improper billing involving cell phone services.

OnSite Technology LLC vs. Duratherm, Inc. et al.; In the United States District Court for the Southern District of Texas (Civil Action No. H-02-2624); trial testimony June 10, 2004; testified as to lost profits and reasonable royalties as a result of allegations of patent infringement.

ATS Telecommunications Systems, Inc. and ATS Liquidating, Inc. f/k/a Advanced Telecommunications Systems, Inc., by and through its Plan Agent H. Malcolm Lovett, Jr. vs. Philip R. Lacerte and Four LC Trust vs. Stan M. Gorman, Sr., and D. Scott Pool; 113th Judicial District, Harris County, Texas (Cause No. 2001-00997); deposition testimony May 25, 2004; testified as to reasonable and customary terms and consideration for the provision of performance guarantees, reasonable start-up and operating expenses, and issues of fraud and breach of fiduciary duty.

ISG State Operations, Inc. vs. National Heritage Insurance Company, Inc.; 250th Judicial District, Travis County, Texas (Cause No. 95-11014); deposition testimony May 11, 2004; trial testimony April 25, 2005; testified as to appropriate measures for calculation lost profits in a breach of contract claim involving data processing.

Xperex Corporation, et al.; vs. Viasystems Technologies Corp., LLC; Court of Chancery, New Castle County, State of Delaware (Civil No. 20582-NC); deposition testimony April 23, 2004; testified as to the valuation of intangible assets and business related to allegations of fraudulent conveyance and breach of fiduciary duty to creditors

Richard Marcoux, on behalf of himself and all others similarly situated, v. Billy D. Prim, Andrew J. Filipowski, et al.; County of Forsyth, State of North Carolina (No. 04 CvS 920); deposition testimony April 12, 2004; testified as to errors in a fairness opinion issued in a proposed acquisition of a public company.

Houston Saba, L.P. vs. Nick Hernandez and Boyd Page Inc. d/b/a Boyd Page & Associates; 280th Judicial District, Harris County, Texas (Cause No. 2003-07457); deposition testimony March 31, 2004; testified as lost profits associated with disruption of a restaurant due to street repairs and construction.

Appendix A: Curriculum Vitae of Dr. Hakala

Autoland of New Jersey, Inc., et al.; v. Commissioner of Internal Revenue; U.S. Tax Court (Docket number 12639-02); testified in trial February 19, 2004; testified as to issues related to the reasonable compensation of executives in the auto retail business.

Soils Control International, Inc. vs. Martin Marietta Magnesia Specialties, L.L.C. and Midwest Industrial Supply, Inc.; United States Court, District of Massachusetts (Civil Action No. A-03-CA-531 H); deposition testimony January 30, 2004; testified as to lost profits in a dispute relating to allegations of deceptive trade practices.

In re Raytheon Company Securities Litigation; United States Court, District of Massachusetts (Civil Action No. 99-12142 (PBS)); deposition testimony January 27, 2004; testimony in hearings May 3 and 7, 2004; testified as to materiality, causation, inflation per share and aggregate damages.

In re: AT&T Corp Securities Litigation; United States District Court of New Jersey (MDL No. 1399, Civil Action No. 01-1883 (GEB)); Consolidation Class Action on Behalf of the Purchasers of AT&T Wireless Tracking Stock Shares between April 27 and May 1, 2000; deposition testimony January 16, 2004; testified as to materiality, causation, inflation per share and aggregate damages.

Robert Rodgers vs. Johnson Health Tech. Co., Ltd., Epix, Inc. d/b/a Vision Fitness, et al.; United States District Court for the Western District of Texas, Austin Division (Civil Action No. A 02 CA 731 SS); deposition testimony January 7, 2004; testified as to reasonable royalties and damages for alleged patent infringement.

In re. Xcelera.Com Securities Litigation.; United States District Court, District of Massachusetts, Boston, Massachusetts (Civil Action No. 00- CV-11649(RWZ)); hearing testimony November 20 and 21, 2003; testified as to materiality, reliance and market efficiency in a hearing on class certification.

C. F. Jordan, L.P. v. Argosy Gaming Company, Laneco Construction Systems, and Louisiana Glass, AAA Arbitration (Case Number 71 110 01059 01); deposition testimony November 18, 2003; testified in rebuttal to allegations of lost income from hotel construction and remediation activities.

ELIZABETH M. KURECKA, Individually and as Representative of the estate of Edward Kurecka, Deceased, MICHAEL KURECKA, TIM KURECKA, and MELANIE KURECKA POWELL v. DAVID H. AMMONS, M.D., GARY R. GODSIN, M.D., and MICHAEL PETTIBON, M.D.; 342nd Judicial District, Tarrant County, Texas; deposition testimony September 2003; testified as to the loss of income to the survivors in a wrongful death case.

Betsy Gross v. David Halbert and AdvancePCS; 352nd Judicial District, Tarrant County, Texas (Cause No. 352-196123-02); deposition testimony August 26, 2003; testified at trial November 10 and 11, 2004; testified as to the valuation of executive stock options.

Michael Aldridge, Individually and on Behalf of All Other Similarly Situated, vs. A. T. Cross Corporation; Bradford R. Boss; Russell A. Boss; et al.; United States District Court, District of Rhode Island (C.A. No. 00-203 (ML)); deposition testimony August 19, 2003; testified as to materiality, causation and damages in a securities class action.

Appendix A: Curriculum Vitae of Dr. Hakala

In Re Broadcom Corp. Securities Litigation; United States District Court, Central District of California, Southern Division (Master File No. SACV 01-275 GLT (Eex)); deposition testimony July 29 and 30, 2003; testified as to the market efficiency of the trading of Broadcom shares and aggregate damages calculations relating to class certification.

J. Bryan Pickens vs. John T. Pickens, J. Michael Tiner, Michael K. Pickens, C. Robert Milner, Jr., Pickens Financial Group, L.L.C., Pickens Resource Corp., and Pickens, Ltd.; 298th Judicial District, Dallas County, Texas (Cause No. 02-01105); deposition testimony July 11, 2003; testified as to the overall financial performance of certain companies and the fairness (or benefits to the plaintiff) of certain transactions involving the defendant companies and affiliated trusts.

In re Arthur Franklin Tyler, Jr., Debtor; Arthur Franklin Tyler, Jr., v. Tywell Manufacturing Corporation; U.S. Bankruptcy Court, Northern District of Texas, Dallas Division (Case No. 01-80343-SAF-13; Adversary No. 02-3530); trial testimony July 1, 2003; testified as to net asset value under various assumptions in an involuntary shareholder foreclosure/shareholder oppression dispute.

FFP Partners, L.P. v. Jack J. Ceccarelli, Restructure Petroleum Marketing Services, Inc. f/k/a E-Z Serve Petroleum Marketing Company and Environmental Corporation of America, Inc.; American Arbitration Association (Case No. 71-Y-198-00167-02); hearing testimony May 19, 2003; testified as to the value of gas-only operations related to allegations of breach of contract, breach of fiduciary duty and theft of business opportunities.

RadioShack Corporation, and TE Electronics, L.P. vs. Fried, Frank, Harris, Shriver & Jacobson and Harvey Pitt; United States District Court, Northern District of Texas, Ft. Worth Division (Civil Action No. 4:02-CV-0639-TV); deposition testimony May 9, 2003; testified as to causation and damages as a result of allegations of legal malpractice.

Printwrap, Inc. v. Printwrap Sales, Inc. and Maxine Ammon; 134th Judicial District, Dallas County, Texas (Cause No. 02-5064-G); deposition testimony May 6, 2003; testified as to the valuation and economic losses of a purchase of a specialty printing business as a result of allegations of material misrepresentations on the part of the seller.

In re Theragenics Corp. Securities Litigation; United States District Court, Northern District of Georgia, Atlanta Division (Civil Action No. 1:99-CV-141-TWT); deposition testimony April 2, 2003, and August 14, 2003; testified as to materiality, causation, inflation per share and damages as a result of allegations of securities fraud (violations of the Securities Exchange Act of 1934, Rule 10b-5).

Teleplus, Inc., v. Avantel, S.A.; United States District Court, Western District of Texas, San Antonio Division (Civil No. SA-98-CA-0849 FB); deposition testimony March 26, 2003; trial testimony September 25, 26 and 29, 2003; testified as to the valuation of a reseller and marketer of long-distance telephone services (primarily for domestic and international service in Mexico).

Russell Grigsby vs. ProTrader Group Management, L.L.C., et al.; American Arbitration Association (Cause No. 70-180-00648-02); deposition testimony March 7, 2003; arbitration hearing testimony October 17 and November 3, 2003; testified in a fraud and shareholder oppression case as to the fair value of a brokerage firm with specialization in day trading.

Appendix A: Curriculum Vitae of Dr. Hakala

Donald P. Williams vs. Peter O. Holliday, III, MD, and Open MRI of Decatur; Circuit Court of Morgan County, Alabama (Case Number: CV-00-974); testified at trial March 4, 2003; testified as to the value of loan guarantees and the value of a business operating an MRI in a shareholder oppression lawsuit.

Menard, Inc. v. Commissioner of Internal Revenue; U.S. Tax Court; testified in trial February 27, 2003; testified as to the compensation of executives in comparable and guideline companies and the proper valuation of incentive compensation benefits.

Richard Strauss, Sovereign Texas Homes, Ltd., et al.; vs. Wallace Sanders & Company, et al.; 191st Judicial District, Dallas County, Texas (Cause No. 02-2562-J); deposition testimony February 14 and 20, 2003; testified as to materiality, causation, and damages as a result of allegations of improper accounting.

Paul Dzera, Philip J. Gund and Stephen Marotta v. Zolfo Cooper, L.L.C.; American Arbitration Association (Arbitration no. 18Y180143301), Newark, New Jersey; hearing testimony February 11, 2003; testified as to measures of economic loss associated with claims brought by defendant.

In re VISIONAMERICA, INC. SECURITIES LITIGATION; United States District Court, Middle District of Tennessee, Nashville Division (Master File No. 3-00-0279); deposition testimony December 12, 2002; testified as to materiality, causation, inflation per share and damages as a result of allegations of securities fraud involving accounting misstatements (violations of the Securities Exchange Act of 1934, Rule 10b-5).

In re National Golf Properties, Inc. Shareholder Litigation; (Masseo Investment Partners, Ltd., Anne Marie Rouleau, Thomas Feiman, IRA and Robert Lewis, On Behalf of Themselves and All Others Similarly Situated, vs. James M. Stanich, et al.); Superior Court of the State of California, County of Los Angeles (Lead Case No. BC268215); deposition testimony November 22, 2002; testified as to fairness and problems with a fairness opinion involving a proposed acquisition of the public REIT, including process, disclosure and allocations of proceeds problems.

Ralph R. Unstead, Jr., On behalf of Himself and All Other Similarly Situated, v. Intellect Communications, Inc., et al.; U.S. District Court for the Northern District of Texas, Dallas Division (No. 3:99-CV-2604-M); deposition testimony October 31, 2002; testified as to materiality, causation and damages in a class action securities case.

Physicians Resource Group, Inc. and EyeCorp, Inc., vs. Dr. David Meyer, et al.; U.S. Bankruptcy Court, Northern District of Texas, Dallas Division; deposition testimony October 22, 2002; trial testimony February 7, 2002; testified as to issues of solvency and reasonably equivalent damages as a result of certain transactions between the defendants and the plaintiffs prior to bankruptcy.

Maximicer, L.L.C., vs. PepsiCo, Inc.; U.S. District Court for the Eastern District of Texas, Marshall Division (No. 2-01-CV-132(tjw)); deposition testimony October 21, 2002; trial testimony December 10, 2002; testified as to damages arising from claims of commercial defamation and other causes.

Appendix A: Curriculum Vitae of Dr. Hakala

HALCYON INVESTMENTS INC., f/k/a B.A.S.S., Inc., et al.; vs. B.A.S.S., LLC, f/k/a LIVEWELL ACQUISITION, LLC, B.A.S.S. (IP), et al.; AAA Arbitration (File No. 30 E 181 00434 02); deposition testimony October 10, 2002; testified as to due diligence, disclosures and economic damages estimates involving an agreement to sell a business between the parties (subject to confidentiality agreement).

Jerry Krim, et al.; v. pcOrder.com, Inc., et al.; U.S. District Court for the Western District of Texas, Austin Division (Master File No. A:00-CA-776-SS); hearing testimony September 20, 2002; testified in a class certification hearing on the trading of shares and source of shares purchased by proposed lead plaintiffs.

APA EXCELSIOR III L.P., APA EXCELSIOR III OFFSHORE, L.P., APA/FOSTIN PENNSYLVANIA VENTURE CAPITAL FUND, CIN VENTURE NOMINEES LIMITED, STUART A. EPSTEIN and DAVID EPSTEIN, v. PREMIERE TECHNOLOGIES, INC., BOLAND T. JONES, PATRICK G. JONES, GEORGE W. BAKER, SR., and RAYMOND H. PIRTLE, JR.; U.S. District Court for the Northern District of Georgia (Civil Action No. 1:99-CV-1377-JOF); deposition testimony September 4, 2002; testified as to the materiality of certain representations and damages related to claims of securities fraud.

Microtune, L.P. v. Broadcom Corporation; U.S. District Court for the Eastern District of Texas, Sherman Division (Civil Action No. 4:01-CV-023); deposition testimony August 29, 2002; testified as to the reasonable royalty in a patent infringement case.

John F. Havens, On Behalf of Himself and All Others Similarly Situated, vs. James L. Pate, et al.; and Howard Lasker, On Behalf of Himself and All Others Similarly Situated, vs. James L. Pate, et al.; 295th Judicial District, Harris County, Texas (Cause No. 2002-16085); deposition testimony July 15, 2002; hearing testimony July 18, 2002; testified as to the materiality of certain information omitted from a proxy to Pennzoil-Quaker State shareholders, issues with respect to the fairness opinion analysis by Pennzoil's financial advisor, the determination of fairness and issues with respect to mergers and acquisitions.

Lawrence D. Poliner, M.D. v. Texas Health Systems, et al.; U.S. District Court, Northern District of Texas, Dallas Division (Civil Action No. 3:00CV1007-P); deposition testimony May 20, 2002; testified as to certain anti-competitive issues involving a specialist medical practice.

In re: Chartwell Health Care, Inc.; John H. Litzler, Chapter 7 Trustee, vs. Irving D. Boyes, et al.; U.S. Bankruptcy Court, Northern District of Texas, Dallas Division (Case No. 398-38546-SAF-7); deposition testimony April 25, 2002; testified as to solvency and economic losses of a nursing home operator.

Leonard Sauls, Jr., v. The Estate of William Lee Hatch, Jr., Deceased, et al.; In the Probate Court Number One, Travis County, Texas (Cause No. 75278-A); deposition testimony March 22, 2002; testified as to the measurement of lost future earning capacity, case settled before issuance of deposition transcript.

Leland Stenovich, et al., vs. Spencer F. Eccles, et al.; Third Judicial District Court, Salt Lake County, State of Utah (Class Action, Case No. 000907870); deposition testimony February 5 and 6, 2002; testified as to standards of practice, fairness and adequacy of consideration in a class action lawsuit relating to the acquisition of First Security Corporation by Wells Fargo.

Appendix A: Curriculum Vitae of Dr. Hakala

In re Computer Associates Class Action Securities Litigation; U.S. District Court for the Eastern District of New York (Master File No. 98-CV-4839); deposition testimony January 23 and 24, 2002; testified as to materiality, causation and damages in a securities fraud lawsuit.

Pamela Graham Reeves vs. VJJ, Inc. d/b/a National Utilities Co./NUCO and Greer Industries, Inc.; U.S. District Court for the Northern District of Texas-Fort Worth Division (Case No. 400=CV-1671- BE); trial testimony January 9, 2002; testified as to market wages, current job market and likelihood of employment for an individual alleged to have been wrongfully terminated.

Patricia E. Vincent and James R. Vincent v. Bank of America Texas, N.A.; In the 68th Judicial District Court, Dallas County, Texas (Cause No. DV99-00745); testimony in hearing in December 2000 and trial testimony December 18, 2001; testified as to the proper calculation of interest on a home mortgage and common standards and practices for calculating mortgage interest.

Joan C. Howard and Charles A. Anderson, on behalf of themselves and all others similarly situated vs. Everex Systems, Inc., and Steven L.W. Hui, et al.; U.S. District Court for the Northern District of California (Case No. C 92 3742 CAL); deposition testimony November 19 and 20 and December 17, 2001; testified as to materiality, causation and damages in a securities fraud lawsuit.

Reinsurance International Services Company, L.L.C. v. Lambert Fenchurch Group Limited, et al.; In the 98th Judicial District Court, Travis County Texas (Civil Action No. 99-00745); deposition testimony September 20, 2001; testified as to lost profits and lost business value experienced by a reinsurance broker relating to allegations of misrepresentations and breach of duty.

Robert Alpert, James Ventures, L.P., Markus Investments, Inc. and James Investments, Inc. vs. Innovative Valve Technologies, Inc., et al.; U.S. District Court for the Southern District of Texas, Houston Division (Civil Action No. H-01-076); deposition testimony September 19, 2001; testified as to materiality, causation and damages in a securities fraud lawsuit.

Premier Lifestyles International Corporation vs. Electronic Clearing House, Inc.; XpresscheX, Inc., et al.; Superior Court for the State of California, County of Los Angeles (Case No. BC230691); deposition testimony September 17 and 27, 2001; trial testimony November 27 and 28, 2001; testified as to lost business opportunities and damages arising from various causes of action.

In re Phycor Corporation Securities Litigation; U.S. District Court for the Middle District of Tennessee, Nashville Division (Civil Action No. 3-98-0834); deposition testimony August 9 and November 6, 2001; testified as to materiality, causation and damages in a securities class action lawsuit.

Ben Higbee and Bridgestone Healthcare Management, Inc., vs. Bridgestone Healthcare Management, Inc., and David E. Sones; 101st Judicial District, Dallas County, Texas (Cause No. 00-7365-3); deposition testimony June 21, 2001; testified as to preliminary findings as to fairness of certain transactions involving a workers' compensation and rehabilitation business.

Auto Wax Co., Inc. v. Mark V Products, Inc.; U.S. District Court for the Northern District of Texas, Dallas Division (Civil Action No. 3-99 CV 0982-T); deposition testimony April 25, 2001; trial testimony June 29, 2001; testified as to the reasonable royalty and lost profits in a patent infringement and trademark infringement case.

Documents Reviewed and Considered

File Name

03-20-19-B_Minutes.pdf
 031 application materials.pdf
 031 application materialsx.pdf
 2019_05_10-jimsCarWash-DiscResponseAndExhibits.pdf
 BDA189-031 action letter with attachment-032519.pdf
 compliance case hearing procedure outline.pdf
 Dallas City Code-BOA & Nonconforming Uses.docx
 DCAD Records - 2702 MLK Blvd_.pdf
 documentary evidence.pdf
 Ltr Norred 031119.pdf
 nonconforming uses and structures.pdf
 Photos from Application Docs.pdf
 PowerPoint 032019.pdf
 Signed subpoena duces tecum BDA189-031.pdf
 (1) South Dallas Car Wash on MLK.pdf
 (11) 6 Reasons To own your own Self-Serve Car Wash _ LinkedIn.pdf
 10195-Article Text-37524-1-10-20180726.pdf
 1750_Flier.pdf
 263669_general_planning_guidelines_multi-bay_car_wash.pdf
 2702 Martin Luther King Jr Blvd - Google Maps.pdf
 4 shot, 1 killed at car wash on Martin Luther King Jr. Boulevard in South Dallas, police say _ wfaa.com.pdf
 Investment proforma 1.pdf
 Investment proforma 2.pdf
 811192 Car Washes RMAU Database.xlsx
 81119A Car Wash - Auto Detailing in the US Industry Report.pdf
 BFA_DWU-CommercialWaterRateStructure_120213.pdf
 Breaking Into the Car-Wash Business _ Inside Self-Storage.pdf
 Brown, C. (2000) Water Conservation in the Professional Car Wash Industry.pdf
 Buying A Car Wash_ How Much Money Can I Make From a Self Serve Car Wash_ Car Wash Experts Weigh In _ BizBen.com
 Buying A Car Wash_ How Much Money Can I Make From a Self Serve Car Wash_ Car Wash Experts Weigh In _ BizBen.com
 Calculating Cash Flow for Your Car Wash Business _ Pit Crew.pdf
 Car Wash Business Plan - 7.0 Financial Plan-Soapy Rides.pdf
 Car Wash Franchise (WHAT'S THE BEST CAR WASH FRANCHISE_).pdf
 Car Wash Owner Fights City Leaders to K...pdf
 Car Wash Self-service Business Plan Sample - Financial Plan _ Bplans.pdf
 car-wash-business-plan-sample-free-download.pdf
 Commercial Account Details-2702 Martin Luther King Jr-2.pdf
 Commercial Account Details-2702 Martin Luther King Jr-3.pdf
 Commercial Account Details-2702 Martin Luther King Jr..pdf
 Common IRS Audit Areas For A Car Wash Business _ FASt Blogs.pdf
 CW_3_Self-ServeModel (1).pdf
 CW_3_Self-ServeModel (2).pdf
 CW_3_Self-ServeModel.pdf
 Demolition Cost Calculator _ Demolition Estimates _ Demolition services-1 story factory.pdf
 Demolition Cost Calculator _ Demolition Estimates _ Demolition services-Warehouse.pdf
 Demolition Costs & Prices - ProMatcher Cost Report.pdf
 Everything You Need to Know About Starting A Car Wash From Your Chemical Experts.pdf
 exhibit_99-2-Clean Freak.pdf

Documents Reviewed and Considered

File Name

Financial Statements-Hot Suds.xls
 Finish-Line-2nd-Qtr.-2017.pdf
 Flyer-Clearwater-Car-Wash.pdf
 Feasibility of Car Wash.pdf
 gpfm_4_water-and-wastewater-retail-cost-of-service-rate-study_combined_020518 (1).pdf
 gpfm_4_water-and-wastewater-retail-cost-of-service-rate-study_combined_020518.pdf
 Harvey Miller - Car Wash Consultants.pdf
 How Much Money Does a Hand Car Wash Owner Make a Year_ _ Bizfluent.pdf
 How to Open a Car Wash Business_ 14 Steps (with Pictures).pdf
 howtovalueacarwash (1).pdf
 howtovalueacarwash.pdf
 ICA-PRESENTATION-WPMA-2011.pdf
 In historic South Dallas neighborhood, residents are tired of being terrorized by a car wash _ Commentary _ Dallas New:
 income-statement-projection.xls
 Industry Statistics Portal_ NAICS.pdf
 Invest planning guide.pdf
 IRS-Cash Intensive Businesses Audit Techniques Guide-Chapter 11 Car Wash -cashchapter11_211031.pdf
 Jim's Car Wash is a stain on Dallas, an...pdf
 Missoula car wash owners and their accountant charged with tax fraud _ Crime & Courts _ missoulia.com.pdf
 No. 1 place you'd never go unarmed...this carwash - TexasCHLforum.pdf
 p946 - How to depreciate property.pdf
 Passive Income With a Car Wash - Cash Cow or Money Pit_.pdf
 Passive Income With a Car Wash - Cash Cow or Money Pit_x.pdf
 PCD_ReportDownload_Final (1).pdf
 PCD_ReportDownload_Final (2).pdf
 PCD_ReportDownload_Final.pdf
 Proforma_Cash_Flow_Analysis_for_Car_Wash_to_be_Purchased_or_Refinanced.xls
 Purchasing a self-serve car wash.pdf
 Q&A_ Can a Car Wash Be a Profitable Extra Service_ _ American Coin-Op.pdf
 Self Serve Car Wash Equipment, Parts and Accessories - Kleen-Rite Corp_.pdf
 Self-Serve Car Wash - Starting and Investment Information.pdf
 Self_Service_Survey_2014.pdf
 Steal It! City Hall Goes After Car Wash Guy Again.pdf
 Talkcarwash_ Discussions - Self Serve Car Wash - average income per self serve bay.pdf
 The Car Wash Business Profit You Should Expect - Nulook Car Care Inc_.pdf
 The Car Wash Business _ The Fastlane Entrepreneur Forum-2.pdf
 The Car Wash Business _ The Fastlane Entrepreneur Forum.pdf
 The new self-service carwash model _ Professional Carwashing & Detailing.pdf
 There Are Thugs at Jim's Car Wash in South Dallas.They Work for the City.pdf
 Water Conservation - Southwest Carwash Association.pdf
 water-use-in-the-professional-car-wash-industry.pdf
 What's The Average Cost to Build a Car Wash_ _ DetailXPerts Franchise.pdf
 Special Warranty Deed and Bill of Sale-1994

TAB #10



**Dallas Central
Appraisal District**
Notification Sent Via Email: nrinehart@bhllaw.net

May 29, 2019

Ms. Natasha Rinehart, Paralegal
Brown & Hofmeister LLP
740 East Campbell Road, Ste. 800
Richardson TX 75081

Documents made available for pick up in DCAD Customer Service Department 05-29-19

OR#2019-05-27

**RE: INFORMATION UNDER THE PUBLIC INFORMATION ACT
ACCOUNT #: C 0000014749300000, 2702 MARTIN LUTHER KING JR BLVD**

Dear Ms. Rinehart:

The Dallas Central Appraisal District (DCAD) received your attached facsimile request for information under the Public Information Act in the Office of Administration on **May 16, 2019**, for processing.

You requested the following documents:
necessary.

Acct.#: 0000014749300000
Property Address and/or Account Number(s): 2702 MARTIN LUTHER KING JR. BLVD.
Appraisal Year (s) Subject to Your Request: 1994 thru 2012
Detailed Description of the Records Seeking (be specific): DCAD APPRAISAL AND/OR APPRAISAL NOTICES FOR YEARS 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011 and 2012

The documents responsive to your request have been completed and are enclosed. Please find attached the *Itemized List of Charges* for the production of these documents.

If you need any further information, please advise.

Sincerely,

Randy Scott
Director of Administration

Enclosure(s)

Public Information Request
Natasha Rinehart (BHLaw)
May 829, 2019 (rcvd 05-16-19)
OR#2019-05-27
Itemized List of Charges



ITEMIZED LIST OF CHARGES:

Itemized List of Charges:

Description	Qty x Price	Total
Standard Copy	32 x \$.10	\$3.20
Postage		\$--pick up--
TOTAL COST:		\$3.20*

***Please find enclosed the documents responsive to your request and remit payment after receipt by check or money order made out to:**

**Dallas Central Appraisal District
Open Records
2949 N. Stemmons Fwy
Dallas, Texas 75247**



Dallas Central Appraisal District

Request for Information under Texas Public Information Act

PLEASE PRINT:

Requestor's Name: PRINT NATASHA RINEHART

Mailing Address: 740 E. CAMPBELL RD., SUITE 800

City: RICHARDSON State: TEXAS Zip Code: 75081

E-mail Address: nrinehart@bhlaw.net Phone Number: (214) 747-6114

NOTE: All information that you submit with a public information request is subject to public disclosure as allowed under the Texas Public Information Act.

Describe in detail the information you are requesting. Please include enough description of the information you are requesting so that the governing body may accurately identify and locate those items requested. If your request cannot be determined, it will be returned to you for clarification. Attach a separate sheet to this form if necessary.

Acct.#: 0000014749300000

Property Address and/or Account Number(s): 2702 MARTIN LUTHER KING JR. BLVD.

Appraisal Year (s) Subject to Your Request: 1994 thru 2012

Detailed Description of the Records Sought (be specific): DCAD APPRAISAL AND/OR APPRAISAL NOTICES FOR YEARS 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011 and 2012.

I understand that I must pay all applicable charges as allowed by the Texas Administrative Code. For more information on charges you may access the Texas Attorney General's website link: <https://texasattorneygeneral.gov/oa/charges-for-public-information> or visit the FAQs page on the DCAD Open Records webpage link.

Common Charges:

Standard size page, 8.5 x 11	\$0.10/pg
Over 50 pgs	\$0.10/pg + \$15/hr Labor + 20% Overhead
CID	\$1.00/ea
Programming	\$28.50/hr + 20% Overhead
Postage	Actual Charges

Note: Visit the DCAD Data Products page for DCAD data that is available free of charge

- I wish to pick documents up
- I wish documents to be mailed to address listed
- I wish to inspect documents. You will be notified to secure a mutual date and time for inspection at the DCAD.

RESPONSIVE DOCUMENTS WILL NOT BE FAXED OR EMAILED

Submit this form by mail, email, fax, or in person to:

Public Information Officer
Mailing Address: Dallas Central Appraisal District
2949 N. Stemmons
Freeway Dallas,
Texas 75247

Return in person: to the above address, Customer Service Division

E-mail: openrecords@dcad.org Fax: 214-634-2518

REQUESTOR'S SIGNATURE: Natasha G. Rinehart Date: May 16, 2019

Records, Open DCAD

From: ADM-C454e-230@dcad.org
Sent: Thursday, May 16, 2019 2:53 PM
To: Admin Fax Receive
Subject: OR#2019-05-27 Rinehart (BHLaw) FWD:[]:FAX image from[214 747 6111]
Attachments: RADM-C454e-190516145204.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

PAGE 4175			
TAX CEILING AMT	LAND VALUE	IMPROVE VALUE	TOTAL VALUE
AGRIC USE CODE	MARKET VALUE	MARKET VALUE	MARKET VALUE
AG LAND NET VALUE	TAXABLE VALUE	TAXABLE VALUE	TAXABLE VALUE
16.98	7,230	42,350	49,580
	0	0	0
15.00	7,230	38,420	45,650
	0	0	0
	118,720	127,140	245,860
	32,720		
	115,712		
	42,720		
	12,530		
	12,530		
	12,530		

REPORT: JADP8600 DALLAS CENTRAL APPRAISAL DISTRICT PAGE 4180											
DATE 07/16/95 REAL PROPERTY TAX ROLL FOR DALLAS COUNTY											
DEAD ACCOUNT NUMBER	SPTS CODE	LOCATION OF PROPERTY	ENTITY CODE	EXEMPTION	TAX CEILING AMT	LAND VALUE	IMPROVE VALUE	TOTAL VALUE	JURISDICTION	ACCT NUM	TAXPAYER NAME/ADDRESS
JURISDICTION	ACCT NUM	LEGAL DESCRIPTION OF PROPERTY	CITY	TYPE	AG LAND NET VALUE	MARKET VALUE	MARKET VALUE	MARKET VALUE			
0000014748400000		2702 MARTIN LUTHER KING JR BLVD	DA	00		47,030	4,550	51,580	000001477251		
DAVENPORT FREDOT	F10 411	SOUTH PARK	DC	PH		4,550	49,530	54,080	00012901201		
1700 012 00100	TX	BLK 217720 ALL LOTS 1-4	DS						00012901201		
75568		1200 012 00100							2400 SOUTH I		
		1801290 012							DALLAS		751
0000014750000000		2714 MARTIN LUTHER KING JR BLVD	DA	00		39,190	3,420	42,610	000001477251		
000129002100900	F10 411	SOUTH PARK	DC	PH		3,420	35,790	39,210	00012901201		
KNIGHTS OF PYTHIAS OF TX	TX	BLK 217720 LOTS 7 & 8	DS						00012901201		
PO BOX 182854		1200 021 007							00012901201		
DALLAS		1801290 021							2412 SOUTH I		
75315-2654									DALLAS		751
0000014750500000		2716 MARTIN LUTHER KING JR BLVD	DA	00		39,190	3,420	42,610	000001477251		
000129002100900	F10 411	SOUTH PARK	DC	PH		3,420	35,790	39,210	00012901201		
SCHWARTZ MYRIE TRUST &	TX	BLK 217720 LOTS 9 & 10	DS						00012901201		
JENNETTE SCHWARTZ TRUST		FOREST							00012901201		
5422 GLEN LAKES DR 205		VOL 98104/1522-1562 EX052000 CO-DA							00012901201		
DALLAS		1200 021 000							2416 SOUTH I		
75231		1801290 021							DALLAS		751
0000014750000000		2720 MARTIN LUTHER KING JR BLVD	DA	00		39,190	3,420	42,610	000001477251		
000129002100900	C12 410	SOUTH PARK	DC	PH		3,420	35,790	39,210	00012901201		
BURNERS JOYCE A &	TX	LOTS 11 & 12 FOREST	DS						00012901201		
JOE A & MICHAEL B		VOL 98104/1522-1562 EX051000 CO-DALLAS							00012901201		
P O BOX 25405		1200 021 011							2420 SOUTH I		
DALLAS		1801290 021							DALLAS		751
75225											
0000014751000000		2724 MARTIN LUTHER KING JR BLVD	DA	00		39,190	3,420	42,610	000001477251		
000129002101500	F10 411	SOUTH PARK	DC	PH		3,420	35,790	39,210	00012901201		
SCHWARTZ MYRIE TRUST &	TX	BLK 217720 LOTS 15 & 16	DS						00012901201		
JENNETTE SCHWARTZ TRUST		MARTIN LUTHER KING JR BLVD							00012901201		
5422 GLEN LAKES DR 205		VOL 98104/1522-1562 EX055170 CO-DA							00012901201		
DALLAS		1200 021 015							2424 SOUTH I		
75231		1801290 021							DALLAS		751
0000014751400000		2728 MARTIN LUTHER KING JR BLVD	DA	00		36,320	3,320	39,640	000001477251		
000129002101500	C12 410	SOUTH PARK	DC	PH		3,320	33,000	36,320	00012901201		
SCHWARTZ MYRIE TRUST &	TX	LOTS 17 & 18	DS						00012901201		
JENNETTE SCHWARTZ TRUST		VOL 98104/1522-1562 EX055170 CO-DA							00012901201		
5422 GLEN LAKES DR 205		1200 021 015							2434 SOUTH I		
DALLAS		1801290 021							DALLAS		751
75231											

PAGE 4176			
TAX CEILING AMT	LAND VALUE	IMPROVE VALUE	TOTAL VALUE
AGRIC USE CODE	MARKET VALUE	MARKET VALUE	MARKET VALUE
AG LAND NET VALUE	TAXABLE VALUE	TAXABLE VALUE	TAXABLE VALUE

REPORT: JADP8600 DALLAS CENTRAL APPRAISAL DISTRICT PAGE 4180											
DATE 07/16/95 REAL PROPERTY TAX ROLL FOR DALLAS COUNTY											
DEAD ACCOUNT NUMBER	SPTS CODE	LOCATION OF PROPERTY	ENTITY CODE	EXEMPTION	TAX CEILING AMT	LAND VALUE	IMPROVE VALUE	TOTAL VALUE	JURISDICTION	ACCT NUM	TAXPAYER NAME/ADDRESS
JURISDICTION	ACCT NUM	LEGAL DESCRIPTION OF PROPERTY	CITY	TYPE	AG LAND NET VALUE	MARKET VALUE	MARKET VALUE	MARKET VALUE			

CEILING AMT AG USE CODE OF ADJ VALUE OF NKT VALUE	LAND VALUE INPV VALUE NKT VALUE TXBL VALUE
24 39	8,250
	139,420
0	82,840
0	91,090
0	3,872

DCAD ACCOUNT NUMBER
JURIS ACCOUNT NUMBER
TAXPAYER NAME/ADDRESS

00000147489900000
000128901501200
JORDAN WALL COVERINGS CO
SUITE 203
7130 CAMPBELL RD
DALLAS
75248

SPTB CODE
ACREAGE

C12 410 50000

LOCATION OF PROPERTY
LEGAL DESCRIPTION OF PROPERTY

2711 MARTIN LUTHER KING JR BLVD
EDGEWOOD BLK 15/1289
LOT 12 S 20FT LOT 13
FOREST AVE
VOL91182/4579 EX091791 CO-DALLAS
1289 015 01200 1001289 015

--ENTITY CODES--
CITY COLL
CNTY HOSP
ISD SPOS

EXEMPTIONS
TYPE AMOUNT
SPLIT PCT

TAX CEILING AMT
AG USE CODE
AG ADJ VALUE
AG LAND NKT VALUE

LAND VALUE
INPV VALUE
NKT VALUE
TXBL VALUE

DCAD ACCOUNT
JURIS ACCOUNT
TAXPAYER NAME

0000014781400
0001296018029
LEWIS F L
2424 PEABODY
DALLAS
75215-2838

00 00	8,250
0	141,670
0	113,336

00000147490000000
000128901501600
GOODSTEIN BARNETT H TR
5022 DELAWARE AVE
DALLAS
75220-2004

2727 MARTIN LUTHER KING JR BLVD
EDGEWOOD
LOTS 16-17-18 S N 37FT 15
FOREST S OAKLAND
1289 015 016 1001289 015

DA DO DC PH DS

0 0 0 0

175,600 0 175,600 175,600

0000014781700
0001296018031
WILLIAMS DON L
2427 PEABODY
DALLAS
75215-2838

00 00	8,250
0	61,890
0	62,340
0	59,472

00000147490000100
CHEVRON USA INC
PO BOX 285
HOUSTON
77001-0285

2727 MARTIN LUTHER KING JR BLVD
EDGEWOOD
LTS 16 17 18 S N 37' LT 15
INPS ONLY
1289 015 016 1001289 015

DA DO DC PH DS

0 0 0 0

77,880 0 77,880 77,880

0000014782000
0001296018033
JACKSON MARY
2431 PEABODY
DALLAS
75215-2838

00 00	8,250
0	104,880
0	113,130
0	90,504

00000147493000000
DAVENPORT FREDDY
RR 2 BOX 2519
MAPLES
DALLAS
75268-9802

2702 MARTIN LUTHER KING JR BLVD
SOUTH PARK
BLK 21/1290 ALL LOTS 1-6
VOL94117/2350 00052694 CO-DALLAS
1290 012 00100 1001290 012

DA DO DC PH DS

0 0 0 0

47,020 0 54,490 54,490

0000014782300
0001296018035
LOTT FRANK JR
2434 FOREST I
DALLAS
75215

00 00	8,250
0	51,650
0	60,000
0	60,000

00000147503000000
000129002100700
EMIGENTS OF PYTHIAS OF TX
GRAND LODGE
PO BOX 152654
DALLAS
75215-2654

2714 MARTIN LUTHER KING JR BLVD
SOUTH PARK
BLK 21/1290 LTS 7 & 8
1290 021 007 1001290 021

DA DO DC PH DS

0 0 0 0

39,198 0 67,510 67,510

0000014782600
0001296018037
DAKE BILLIE I
2406 SOUTH B
DALLAS
75215-2336

00 00	8,250
0	8,250
0	8,250
0	9,250

00000147505000000
000129002100900
SCHWARTZ WYNIE TRUST S
JEANETTE SCHWARTZ TRUST
5452 GLEN LAKES DR 203
DALLAS
75231

2716 MARTIN LUTHER KING JR BLVD
SOUTH PARK
BLK 21/1290 LOTS 9 & 10
FOREST AVE
VOL90104/1532-1562 EX053090 CO-DA
1290 021 009 1001290 021

DA DO DC PH DS

0 0 0 0

39,198 0 52,980 52,980

0000014782900
0001297011000
SILEY STEVE
2308 SOUTH B
DALLAS
75215-2330

00 00	8,250
0	8,250
0	8,250
0	8,250

00000147508000000
RUBBERS JOYCE A S
JOE A S MICHAEL N
PO BOX 25405
DALLAS
75225-1405

2720 MARTIN LUTHER KING JR BLVD
SOUTH PARK
LOTS 11 S 12 FOREST
VOL8810/2318 EX081888 CO-DALLAS
1290 021 011 1001290 021

DA DO DC PH DS

0 0 0 0

39,190 0 39,190 39,190

0000014783500
0001297011008
JONESON ROOS
JUANITA
2509 SOUTH B
DALLAS
75215-2335

00 00	8,250
0	8,250
0	8,250
0	8,250

00000147511000000
000129002101300
SCHWARTZ WYNIE TRUST S
JEANETTE SCHWARTZ TRUST
5452 GLEN LAKES DR 203
DALLAS
75231

2724 MARTIN LUTHER KING JR BLVD
SOUTH PARK
BLK 21/1290 LOTS 13 & 14
MARTIN LUTHER KING JR BLVD
VOL90104/1532-1562 EX053198 CO-DA
1290 021 013 1001290 021

DA DO DC PH DS

0 0 0 0

39,190 0 45,820 45,820

0000014783800
0001297011010
JONESON ROOS
JUANITA
2509 SOUTH B
DALLAS
75215-2335

AG USE CODE OF ADJ VALUE OF NKT VALUE	LAND VALUE INPV VALUE NKT VALUE TXBL VALUE
---	---

DCAD ACCOUNT NUMBER
JURIS ACCOUNT NUMBER

SPTB CODE
ACREAGE

LOCATION OF PROPERTY
LEGAL DESCRIPTION OF PROPERTY

--ENTITY CODES--
CITY COLL
CNTY HOSP
ISD SPOS

EXEMPTIONS
TYPE AMOUNT
SPLIT PCT

TAX CEILING AMT
AG USE CODE
AG ADJ VALUE
AG LAND NKT VALUE

LAND VALUE
INPV VALUE
NKT VALUE
TXBL VALUE

DCAD ACCO
JURIS ACCO
TAXPAYER N
0000014784

Table with columns: DCAD ACCOUNT NUMBER, JURIS ACCOUNT NUMBER, TAXPAYER NAME/ADDRESS, SPTS CODE, ACREAGE, LOCATION OF PROPERTY, LEGAL DESCRIPTION OF PROPERTY, ENTITY CODES, MULTI OWNER, DATE, TAX CEILING, LAND VALUE, IMPV VALUE, NET VALUE, TXBL VALUE. Includes entries for properties at 2702, 2714, 2716, 2720, 2724, 2728, and 2732.

Table with columns: DCAD ACCOUNT NUMBER, JURIS ACCOUNT NUMBER, TAXPAYER NAME/ADDRESS, SPTS CODE, ACREAGE, LOCATION OF PROPERTY, LEGAL DESCRIPTION OF PROPERTY, ENTITY CODES, MULTI OWNER, DATE, TAX CEILING, LAND VALUE, IMPV VALUE, NET VALUE, TXBL VALUE. Includes entry for property at 2703.

Table with columns: DCAD ACCOUNT NUMBER, JURIS ACCOUNT NUMBER, TAXPAYER NAME/ADDRESS, SPTS CODE, ACREAGE, LOCATION OF PROPERTY, LEGAL DESCRIPTION OF PROPERTY, ENTITY CODES, MULTI OWNER, DATE, TAX CEILING, LAND VALUE, IMPV VALUE, NET VALUE, TXBL VALUE. Includes entries for properties at 2404, 2408, 2412, 2416, 2422, 2401, and 2405.

Table with columns: DCAD ACCOUNT NUMBER, JURIS ACCOUNT NUMBER, TAXPAYER NAME/ADDRESS, SPTS CODE, ACREAGE, LOCATION OF PROPERTY, LEGAL DESCRIPTION OF PROPERTY, ENTITY CODES, MULTI OWNER, DATE, TAX CEILING, LAND VALUE, IMPV VALUE, NET VALUE, TXBL VALUE. Includes entry for property at 2411.

CITY 542

REPORT NO JASPS400-001
 REPORT DATE 07/18/98

DALLAS CENTRAL APPRAISAL DISTRICT
 REAL PROPERTY TAX ROLL FOR 1998 DALLAS COUNTY

PAGE 3,443

CDAD ACCOUNT NUMBER	JURIS ACCOUNT NUMBER	TAXPAYER NAME	TAXPAYER ADDRESS	LOCATION OF PROPERTY	LEGAL DESCRIPTION OF PROPERTY	SP7S CODE	PROP CLASS	ACREAGE	REVAL YR	PR REVAL YR	SPLIT PCT	MULTI OWNER EXEMPTIONS	TYPE	AMOUNT	OWNER PCT	TAX CEIL DATE	TAX CEIL DATE AG USE CODE	TAX CEIL DATE AG ADJ VAL	TAX CEIL DATE AG LND MKT VAL	TAX CEIL AMT	DEPRD CAP AMT	CAP VAL LOSS	LAND VALUE	IMPV VALUE	TOT VALUE	CPD MS VAL	TOTL VALUE
00000147493000000	000120901501500	JORDAN WALL COVERINGS	2707 R L KING JR BLVD DALLAS 75215	2711 MARTIN LUTHER KING JR BLVD DA DO	EDGEWOOD BLK 15/1289 LOT 12 S JOYF LOT 13 FOREST AVE	CO			1289	015	01200			1001289 015	100					00	00	00	65.730	0	65.730	0	65.730
00000147493000000	000120901501500	GOODSTEIN BARNETT H TI	4427 FOREST CREEK DR DALLAS 75230-2814	2727 MARTIN LUTHER KING JR BLVD DA DO	EDGEWOOD BLK 15/1289 LTS 14-18 S H37PT LT 15	TX			1289	015	015			CO-DALLAS 1001289 015	100				00	00	00	175.600	0	176.918	0	176.918	
00000147493000000	000120901501500	DAVENPORT FREDDY JR	RR 2 BOX 2519 WAPLES 75548-9740	2702 MARTIN LUTHER KING JR BLVD DA DO	SOUTH PARK BLK 21/1290 ALL LOTS 1-4	TX			1290	012	00100			CO-DALLAS 1001290 012 DS	100				00	00	00	47.030	0	54.490	0	54.490	
00000147503000000	000129002100700	CHRISTE OF PYTHIAS	GRAND LODGE PO BOX 152454 DALLAS 75315-2454	2714 MARTIN LUTHER KING JR BLVD DA DO	SOUTH PARK BLK 21/1290 LTS 7 S B	TX			1290	021	007			1001290 021 DS	100				00	00	00	39.190	0	67.510	0	67.510	
00000147505000000	000129002100900	SCHWARTZ MYRIE TRUST S	JEANETTE SCHWARTZ TRUST 5-222 SLEN LAKES DR DALLAS 75231	2715 MARTIN LUTHER KING JR BLVD DA DO	SOUTH PARK BLK 21/1290 LOTS 9 S 10 FOREST	TX			1290	021	009			EX052090 CO-DA DS 1001290 021	100				00	00	00	39.190	0	52.980	0	52.980	
00000147308000000	000129002101300	RUDBERG JOYCE A S	JOE A S MICHAEL H PO BOX 25405 DALLAS 75225-1405	2720 MARTIN LUTHER KING JR BLVD DA DO	SOUTH PARK LOTS 11 S 12 FOREST VOL98210/2318 EX081988	TX			1290	021	011			CO-DALLAS 1001290 021 DS	100				00	00	00	39.190	0	39.190	0	39.190	
00000147511000000	000129002101300	SCHWARTZ MYRIE TRUST S	JEANETTE SCHWARTZ TRUST 5-222 SLEN LAKES DR DALLAS 75231	2724 MARTIN LUTHER KING JR BLVD DA DO	SOUTH PARK BLK 21/1290 LOTS 13 S 14 MARTIN LUTHER KING JR BLVD	TX			1290	021	013			EX053190 CO-DA DS 1001290 021	100				00	00	00	39.190	0	49.310	0	49.310	

3 11

REPORT NO JASPS400-001
 REPORT DATE 07/18/98

DALLAS

CDAD ACCOUNT NUMBER	JURIS ACCOUNT NUMBER	TAXPAYER NAME	TAXPAYER ADDRESS	LOCATION OF PROPERTY	LEGAL DESCRIPTION OF PROPERTY	SP7S CODE	PROP CLASS	ACREAGE	REVAL YR	PR REVAL YR	SPLIT PCT	MULTI OWNER EXEMPTIONS	TYPE	AMOUNT	OWNER PCT	TAX CEIL DATE	TAX CEIL DATE AG USE CODE	TAX CEIL DATE AG ADJ VAL	TAX CEIL DATE AG LND MKT VAL	TAX CEIL AMT	DEPRD CAP AMT	CAP VAL LOSS	LAND VALUE	IMPV VALUE	TOT VALUE	CPD MS VAL	TOTL VALUE
00000147770000000	000120901501500	LACT ELEKZHE	2433 R L KING JR BLVD DALLAS 75215	2433 MARTIN LUTHER KING JR BLVD	EDGEWOOD LOT 16 S PT 15 FOREST T WING W	TX			1295	012	016									00	00	00	65.730	0	65.730	0	65.730
00000147770000000	000120901501500	TAYLOR ERMA TRUSTEE	8625 FAIRHAVEN LN DALLAS 75227-8217	2400 MARTIN LUTHER KING JR BLVD	BLK 18/1296 LTS 26-25 FAIRHAVEN LN	TX			1296	019	001			1001296 019 DS	100				00	00	00	176.918	0	176.918	0	176.918	
00000147784000000	000120901501500	TAYLOR ERMA TRUSTEE	8625 FAIRHAVEN LN DALLAS 75227-8317	2404 MARTIN LUTHER KING JR BLVD	BLK 18/1296 LTS 26-25 FAIRHAVEN LN	TX			1296	019	003			1001296 019 DS	100				00	00	00	47.030	0	54.490	0	54.490	
00000147787000000	000129002100700	SHARP T H	7236 ALEXANDER DR DALLAS 75214-3215	2408 MARTIN LUTHER KING JR BLVD	SOUTH PARK LOTS 3 S 4 FOREST	TX			1296	019	005			1001296 019 DS	100				00	00	00	39.190	0	67.510	0	67.510	
00000147790000000	000129002100900	NAYNES ABNER ETAL	2434 SOUTH BLVD DALLAS 75215-2332	2412 MARTIN LUTHER KING JR BLVD	BLK 18/1296 LOTS 7 S B S 15 FOREST	TX			1296	019	007			1001296 019 DS	100				00	00	00	39.190	0	52.980	0	52.980	
00000147793000000	000129002101300	CAUSEY CHRISTIE ET AL	100 N CENTER ST MENTOR FALLS 44444-1321	2416 MARTIN LUTHER KING JR BLVD	SOUTH PARK BLK 18/1296 LTS 26-25 FAIRHAVEN LN	TX			1296	019	010			1001296 019 DS	100				00	00	00	39.190	0	39.190	0	39.190	
00000147794000000	000129002101300	CAREY CHRISTIE ET AL	2422 R L KING JR BLVD DALLAS 75215	2422 MARTIN LUTHER KING JR BLVD	BLK 18/1296 LOT 26-25 FAIRHAVEN LN	TX			1296	019	010			1001296 019 DS	100				00	00	00	39.190	0	49.310	0	49.310	

3 12

REPORT NO JASPS400-001
 REPORT DATE 07/18/98

DALLAS CENTRAL APPRAISAL DISTRICT
 REAL PROPERTY TAX ROLL FOR 1998 DALLAS COUNTY

PAGE 3,444

CDAD ACCOUNT NUMBER	JURIS ACCOUNT NUMBER	TAXPAYER NAME	TAXPAYER ADDRESS	LOCATION OF PROPERTY	LEGAL DESCRIPTION OF PROPERTY	SP7S CODE	PROP CLASS	ACREAGE	REVAL YR	PR REVAL YR	SPLIT PCT	MULTI OWNER EXEMPTIONS	TYPE	AMOUNT	OWNER PCT	TAX CEIL DATE	TAX CEIL DATE AG USE CODE	TAX CEIL DATE AG ADJ VAL	TAX CEIL DATE AG LND MKT VAL	TAX CEIL AMT	DEPRD CAP AMT	CAP VAL LOSS	LAND VALUE	IMPV VALUE	TOT VALUE	CPD MS VAL	TOTL VALUE
00000147511000000	000129002101300	SCHWARTZ MYRIE TRUST S	JEANETTE SCHWARTZ TRUST 5-222 SLEN LAKES DR DALLAS 75231	2728 MARTIN LUTHER KING JR BLVD DA DO	SOUTH PARK LT 19PT16S17 20 S156 75231302	TX			1290	021	013			1001290 021 DS	100				00	00	00	36.320	0	36.320	0	36.320	

3-220

REPORT NO JASPS400-001
 REPORT DATE 07/18/98

DALLAS

CDAD ACCOUNT NUMBER	JURIS ACCOUNT NUMBER	TAXPAYER NAME	TAXPAYER ADDRESS	LOCATION OF PROPERTY	LEGAL DESCRIPTION OF PROPERTY	SP7S CODE	PROP CLASS	ACREAGE	REVAL YR	PR REVAL YR	SPLIT PCT	MULTI OWNER EXEMPTIONS	TYPE	AMOUNT	OWNER PCT	TAX CEIL DATE	TAX CEIL DATE AG USE CODE	TAX CEIL DATE AG ADJ VAL	TAX CEIL DATE AG LND MKT VAL	TAX CEIL AMT	DEPRD CAP AMT	CAP VAL LOSS	LAND VALUE	IMPV VALUE	TOT VALUE	CPD MS VAL	TOTL VALUE
00000147794000000	000129002101300	TAYLOR ERMA TRUSTEE	8625 FAIRHAVEN LN DALLAS 75227-8317	2404 MARTIN LUTHER KING JR BLVD	BLK 18/1296 LTS 26-25 FAIRHAVEN LN	TX			1296	019	003			1001296 019 DS	100				00	00	00	47.030	0	54.490	0	54.490	

CITY 543

A 09

0000014749000000

A 10

0000014778100000

REP RT NO JABP8600-001
 REPORT DATE 07/22/1999

DALLAS CENTRAL APPRAISAL DISTRICT
 REAL PROPERTY TAX ROLL FOR DALLAS COUNTY 1999

PAGE 3.430

DCAD ACCOUNT NUMBER
 JURIS ACCOUNT NUMBER
 TAXPAYER NAME
 TAXPAYER ADDRESS

0000014749000000 2727 MARTIN LUTHER KING JR BLVD DA DO
 000128901501600 DALLAS BLACK CHAMBER OF COMMERCE
 2838 M L KING JR BLVD DALLAS TX 75215-2314
 1998 411

0000014749000000 2702 MARTIN LUTHER KING JR BLVD DA DO
 DAVENPORT FREDDY SR 2 BOX 2519 MAPLES TX 75568-9740
 F10 1998 411

000001475030000000 2714 MARTIN LUTHER KING JR BLVD DA DO
 000129002100700 KNIGHTS OF PYTHIANS OF TX GRAND LODGE
 PO BOX 152654 DALLAS TX 75315-2654
 F10 1998 411

000001475050000000 2716 MARTIN LUTHER KING JR BLVD DA DO
 000129002100900 SCHWARTZ MYRIE TRUST & JEANETTE SCHWARTZ TRUST
 5452 GLEN LAKES DR 203 DALLAS TX 75231
 F10 1998 411

000001475080000000 2720 MARTIN LUTHER KING JR BLVD DA DO
 RUBBERG JOYCE A & JOE A & MICHAEL M PO BOX 254C5 DALLAS TX 75225-1405
 C12 1998 410

000001475110000000 2724 MARTIN LUTHER KING JR BLVD DA DO
 000129002101200 SCHWARTZ MYRIE TRUST & JEANETTE SCHWARTZ TRUST
 5452 GLEN LAKES DR 203 DALLAS TX 75231
 F10 1998 411

000001475140000000 2728 MARTIN LUTHER KING JR BLVD DA DO
 000129002101500 SCHWARTZ MYRIE TRUST & JEANETTE SCHWARTZ TRUST
 5452 GLEN LAKES DR 203 DALLAS TX 75231
 C12 1998 410

DCAD ACCOUNT NUMBER	JURIS ACCOUNT NUMBER	TAXPAYER NAME	TAXPAYER ADDRESS	LEGAL DESCRIPTION OF PROPERTY	SPTE CODE	PROP CLASS	ACREAGE	REVAL YR	PP REVAL YR	SPLIT PCT	MULTI OWNER EXEMPTIONS TYPE AMOUNT	OWNER PCT	TAX CEIL DATE	AG USE CODE	AG ADJ VAL	AG LND RKT VAL	TAX CEIL ART	DEFER CAP AMT	CAP VAL LOSS	LAND VALUE	TRPU VALUE	RKT VALUE	CPD HS VAL	TXBL VALUE
0000014749000000	000128901501600	DALLAS BLACK CHAMBER OF COMMERCE	2838 M L KING JR BLVD DALLAS TX 75215-2314	BLK 15 1288 LTS 16-18 & 19	DC PH			1998	411		1	100					00.00	00.00	00.00	175,600	1,310	176,910		
0000014749000000	000129002100700	DAVENPORT FREDDY SR	2 BOX 2519 MAPLES TX 75568-9740	BLK 21 1290 ALL LOTS 1-6	DC PH			1998	411		1	100					00.00	00.00	00.00	47,020	7,476	54,496		
000001475030000000	000129002100700	KNIGHTS OF PYTHIANS OF TX GRAND LODGE	PO BOX 152654 DALLAS TX 75315-2654	BLK 21 1290 LTS 7 & 8	DC PH			1998	411		1	100					00.00	00.00	00.00	39,190	28,360	67,550		
000001475050000000	000129002100900	SCHWARTZ MYRIE TRUST & JEANETTE SCHWARTZ TRUST	5452 GLEN LAKES DR 203 DALLAS TX 75231	BLK 21 1290 LOTS 9 & 10	DC PH			1998	411		1	100					00.00	00.00	00.00	39,190	13,790	52,980		
000001475080000000	000129002101200	RUBBERG JOYCE A & JOE A & MICHAEL M	PO BOX 254C5 DALLAS TX 75225-1405	LOTS 11 & 12 FOREST	DC PH			1998	410		1	100					00.00	00.00	00.00	39,190	0	39,190		
000001475110000000	000129002101200	SCHWARTZ MYRIE TRUST & JEANETTE SCHWARTZ TRUST	5452 GLEN LAKES DR 203 DALLAS TX 75231	BLK 21 1290 LOTS 13 & 14	DC PH			1998	411		1	100					00.00	00.00	00.00	39,190	49,310	87,500		
000001475140000000	000129002101500	SCHWARTZ MYRIE TRUST & JEANETTE SCHWARTZ TRUST	5452 GLEN LAKES DR 203 DALLAS TX 75231	17 AND 18 LESS .5X73 AND EPT16	DC PH			1998	410		1	100					00.00	00.00	00.00	36,320	0	36,320		

B 09

00000147517000000

B 10

0000014780200000

REP RT NO JABP8600-001
 REPORT DATE 07/22/1999

DALLAS CENTRAL APPRAISAL DISTRICT
 REAL PROPERTY TAX ROLL FOR DALLAS COUNTY 1999

PAGE 3.431

DCAD ACCOUNT NUMBER
 JURIS ACCOUNT NUMBER
 TAXPAYER NAME
 TAXPAYER ADDRESS

00000147517000000 2732 MARTIN LUTHER KING JR BLVD DA DO
 000129002101700 WILLIAMS MILBUR
 1506 ACAPULCO DR DALLAS TX 75227-3317
 C12 1998 410

DCAD ACCOUNT NUMBER	JURIS ACCOUNT NUMBER	TAXPAYER NAME	TAXPAYER ADDRESS	LEGAL DESCRIPTION OF PROPERTY	SPTE CODE	PROP CLASS	ACREAGE	REVAL YR	PP REVAL YR	SPLIT PCT	MULTI OWNER EXEMPTIONS TYPE AMOUNT	OWNER PCT	TAX CEIL DATE	AG USE CODE	AG ADJ VAL	AG LND RKT VAL	TAX CEIL ART	DEFER CAP AMT	CAP VAL LOSS	LAND VALUE	TRPU VALUE	RKT VALUE	CPD HS VAL	TXBL VALUE
00000147517000000	000129002101700	WILLIAMS MILBUR	1506 ACAPULCO DR DALLAS TX 75227-3317	17 AND 18 LESS .5X73 AND EPT16	DC PH			1998	410		1	100					00.00	00.00	00.00	41,630	14,940	56,570		

REP RT NO JABP8600-001
 REPORT DATE 07/22/1999

DALLAS CENTRAL APPRAISAL DISTRICT
 REAL PROPERTY TAX ROLL FOR DALLAS COUNTY 1999

PAGE 3.432

DCAD ACCOUNT NUMBER
 JURIS ACCOUNT NUMBER
 TAXPAYER NAME
 TAXPAYER ADDRESS

0000014778100000 2400 TAYLOR EMMA TRUSTEE
 3625 FAIRHAVEN LN DALLAS TX 75227-3317
 C12 1998 410

0000014778000000 2403 SHARP T H
 7236 ALEXANDER DR DALLAS TX 75215-2315
 C12 1998 410

0000014779000000 2412 HAYNES ABNER ETAL
 2424 SOUTH BLVD DALLAS TX 75215-2332
 C12 1998 410

0000014779300000 2416 CABLEROCK PARTIES JV LP
 ATTN: TME CABLE COMPANY
 100 W CENTER ST NEITON FALLS TX 44444-1321
 C12 1998 410

0000014779600000 2423 CAREY CHESTER ET AL
 2422 M L KING JR BLVD DALLAS TX 75215
 C12 1998 410

0000014780200000 2405 TAYLOR EMMA TRUSTEE
 3625 FAIRHAVEN LN DALLAS TX 75227-3317
 C12 1998 410

CITY 544

Address 2702 MARTIN LUTHER KING JR BLVD Account # 00000147493000000 Tax Obj ID 00000147493000000 1 of 1

Value \$57,130 Method INCOME Reval Year 2000 BPP

Cost	Market	Income
Land	Land	Land
Excess Land	Excess Land	Excess Land
Total Land	Total Land	Total Land
Total Improve	Total Improve	Total Improve
Total Value	Total Value	Total Value
Value PSF	Value PSF	Value PSF
Value PSF w/o Excess	Value PSF w/o Excess	Value PSF w/o Excess
Value Per Unit	Value Per Unit	Value Per Unit
Value Per Unit w/o Excess	Value Per Unit w/o Excess	Value Per Unit w/o Excess

LB. 0

Re-Calculate Detail

Calculation
00000147422200000

Calculation

Address 2702 MARTIN LUTHER KING JR BLVD ... Account # 00000147493000000 Tax Obj ID 00000147493000000 1 of 1

Value \$57,130 Method INCOME Reval Year 2001 ... BPP

Cost	Market	Income
Land	Land	Land \$47,020
Excess Land	Excess Land	Excess Land \$0
Total Land	Total Land	Total Land \$47,020
Total Improve	Total Improve	Total Improve \$10,110
Total Value	Total Value	Total Value \$57,130
Value PSF	Value PSF	Value PSF
Value PSF w/o Excess	Value PSF w/o Excess	Value PSF w/o Excess
Value Per Unit	Value Per Unit	Value Per Unit
Value Per Unit w/o Excess	Value Per Unit w/o Excess	Value Per Unit w/o Excess

LB. 52

Re-Calculate Detail

Calculation
00000147493000000

Calculation

Address Account # Tax Obj ID 1 of 1

Value Method Reval Year BPP

Cost	Market	Income
Land	Land	Land \$47,020
Excess Land	Excess Land	Excess Land \$0
Total Land	Total Land	Total Land \$47,020
Total Improve	Total Improve	Total Improve \$10,110
Total Value	Total Value	Total Value \$57,130
Value PSF	Value PSF	Value PSF
Value PSF w/o Excess	Value PSF w/o Excess	Value PSF w/o Excess
Value Per Unit	Value Per Unit	Value Per Unit
Value Per Unit w/o Excess	Value Per Unit w/o Excess	Value Per Unit w/o Excess

LB.

Re-Calculate

Detail

Calculation

Calculation

000001474224000000

CITY 547

Address: 2702 MARTIN LUTHER KING JR BLVD Account #: 00000147493000000 Tax Obj ID: 00000147493000000 1 of 1

Value: \$57,130 Method: INCOME Reval Year: 2001 BPP

Cost	Market	Income
Land: \$0	Land	Land: \$47,020
Excess Land: \$0	Excess Land	Excess Land: \$0
Total Land: \$0	Total Land	Total Land: \$47,020
Total Improve: \$0	Total Improve	Total Improve: \$10,110
Total Value: \$0	Total Value	Total Value: \$57,130
Value PSF: \$0.00	Value PSF	Value PSF: \$12.64
Value PSF w/o Excess: \$0.00	Value PSF w/o Excess	Value PSF w/o Excess: \$12.64
Value Per Unit	Value Per Unit	Value Per Unit
Value Per Unit w/o Excess	Value Per Unit w/o Excess	Value Per Unit w/o Excess

LB. 5.2

Re-Calculate

Detail

Calculation
00000147493000000

Calculation

Address: 2702 MARTIN LUTHER KING JR BLVD Account #: 0000147493000000 Tax Obj ID: 0000147493000000 1 of 1
 Value: \$57,130 Method: INCOME Reval Year: 2001 BPP

Actual & Model Proforma Lease Up Cost Value Summary Proforma Offer

Tax Year: IMA: 660600 Comp Code: C CLASS NLA: 4.520 Units: 7

Desc	NLA	Rent	Adj	Adj Rent	PGI	Vacancy %	
	4,520	3.00	0.00	3.00	13,560	0	Add
							Delete

Show Monthly Rent Wtd. Avg Rent: \$3.00 Avg Mo Rent/Unit: \$161.43 Average Vacancy %: 0.00

PGI	13,560	Proforma Offer	
Plus Electric	0 \$/SF	0.00	
Vacancy \$	2,034 Market %	15	Actual % 0
Other Income	0 \$/SF	0.00 \$/Unit	0.00
E.G.I.	11,526		
Expenses	5,242 \$/SF	1.16 \$/Unit	748.86 % EGI 45
N.O.I.	6,284		

Cap	11	Use Cap Rate	
Loaded Cap	13,830.6	Use Loaded Cap	
Value	57,130	12.64 \$/SF	8,161.43 \$/Unit
Lease Up	0		
Del. Maint	0		
Final Value	57,130	12.64 \$/SF	8,161.43 \$/Unit

Aggregate:	Excess Land	\$0.00	Price	\$0.00	Excess Land	0	Land	47,020 LB	5.2
					Associated Value	0	Improvements	10,110	
					Total Value	57,130			

Loaded Cap not up to date

Address 2702 MARTIN LUTHER KING JR BLVD Account # 00000147493000000 Tax Obj ID 00000147493000000 1 of 1

Value \$57,130 Method INCOME Reval Year 2004 BPP

Cost		Market		Income	
Land	\$47,020	Land		Land	\$47,020
Excess Land	\$0	Excess Land		Excess Land	\$0
Total Land	\$47,020	Total Land		Total Land	\$47,020
Total Improve	\$169,520	Total Improve		Total Improve	\$10,110
Total Value	\$216,540	Total Value		Total Value	\$57,130
Value PSF	\$47.91	Value PSF		Value PSF	\$12.64
Value PSF w/o Excess	\$47.91	Value PSF w/o Excess		Value PSF w/o Excess	\$12.64
Value Per Unit	\$30,934.29	Value Per Unit		Value Per Unit	\$8,161.43
Value Per Unit w/o Excess	\$30,934.29	Value Per Unit w/o Excess		Value Per Unit w/o Excess	\$8,161.43

LB. 5.2

Re-Calculate

Detail

Calculation

Calculation

00000347227000000

CITY 550

Address: 2702 MARTIN LUTHER KING JR BLVD Account #: 00000147493000000 Tax Obj ID: 00000147493000000 1 of 1
 Value: \$57,130 Method: INCOME Reval Year: 2004 3PP

Actual & Model Proforma Lease Up Cost Value Summary Proforma Offer

Tax Year: LMA: 660600 Comp Code: C CLASS NLA: 4,520 Units: 7

Desc	NLA	Rent	Adj	Adj Rent	PGI	Vacancy %
	4,520	3.00	0.00	3.00	13,560	0
Add						
Delete						

Show Monthly Rent Wtd. Avg Rent \$3.00 Avg Mo Rent/Unit \$161.43 Average Vacancy % 0.00

PGI	13,560	Proforma Offer	
Plus Electric	0 \$/SF	0.00	
Vacancy \$	2,034 Market %	15	Actual % 0
Other Income	0 \$/SF	0.00 \$/Unit	0.00
E.G.I.	11,526		
Expenses	5,242 \$/SF	1.16 \$/Unit	749.96 % EGI 45
N.O.I.	6,284		
Cap	11	Use Cap Rate	
Loaded Cap	11,000	Use Loaded Cap	
Value	57,130	12.64 \$/SF	8,161.43 \$/Unit
Lease Up	0		
Def, Maint	0		
Final Value	57,130	12.64 \$/SF	8,161.43 \$/Unit

Aggregate:	Excess Land	\$0.00	Price	\$0.00	Excess Land	0	Land	47,020 LB	5.2
					Associated Value	0	Improvements	10,110	
					Total Value	57,130			

Address **2702 MARTIN LUTHER KING JR BLVD** Account # **00000147493000000** Tax Obj ID **00000147493000000** 1 of 1
 Value **\$57,130** Method **INCOME** Reval Year **2004** BPP

Cost	Market	Income
Land \$47,020	Land	Land \$47,020
Excess Land \$0	Excess Land	Excess Land \$0
Total Land \$47,020	Total Land	Total Land \$47,020
Total Improve \$169,520	Total Improve	Total Improve \$10,110
Total Value \$216,540	Total Value	Total Value \$57,130
Value PSF \$47.91	Value PSF	Value PSF \$12.64
Value PSF w/o Excess \$47.91	Value PSF w/o Excess	Value PSF w/o Excess \$12.64
Value Per Unit \$30,934.29	Value Per Unit	Value Per Unit \$8,161.43
Value Per Unit w/o Excess \$30,934.29	Value Per Unit w/o Excess	Value Per Unit w/o Excess \$8,161.43

LB. 5.2

Re-Calculate Detail Calculation Calculation

00000147493000000

CITY 552

Address: 2702 MARTIN LUTHER KING JR BLVD Account #: 0000014749300000 Tax Obj ID: 0000014749300000 1 of 1
 Value: \$57,130 Method: INCOME Reval Year: 2004 BPP

Actual & Model Proforma Lease Up Cost Value Summary Proforma Offer

Tax Year: IMA: 660600 Comp Code: C CLASS NLA: 4,520 Units: 7

Desc	NLA	Rent	Adj	Adj Rent	PGI	Vacancy %
	4,520	3.00	0.00	3.00	13,560	0

Add Delete

Show Monthly Rent Wtd. Avg Rent: \$3.00 Avg Mo Rent/Unit: \$161.43 Average Vacancy %: 0.00

	PGI	Plus Electric	Vacancy \$	Other Income	E.G.I.	Expenses	N.O.I.
	13,560	0 \$/SF	2,034 Market %	0 \$/SF	11,526	5,242 \$/SF	6,284

	Cap	Loaded Cap	Value	Lease Up	Del, Maint	Final Value
	11	11,000	57,130	0	0	57,130

Use Cap Rate Use Loaded Cap \$/SF \$Unit

Aggregate:	Excess Land	Price	Excess Land	Land	Improvements
	\$0.00	\$0.00	0	47,020 LB	10,110
			0		
			57,130		

Loaded Cap not up to date

Address 2702 MARTIN LUTHER KING JR BLVD Account # 00000147493000000 Tax Obj ID 00000147493000000 1 of 1

Value \$119,700 Method INCOME Reval Year 2006 BPP

Cost		Market		Income	
Land	\$112,850	Land		Land	\$112,850
Excess Land	\$0	Excess Land		Excess Land	\$0
Total Land	\$112,850	Total Land		Total Land	\$112,850
Total Improve	\$169,520	Total Improve		Total Improve	\$6,850
Total Value	\$282,370	Total Value		Total Value	\$119,700
Value PSF	\$62.47	Value PSF		Value PSF	\$26.48
Value PSF w/o Excess	\$62.47	Value PSF w/o Excess		Value PSF w/o Excess	\$26.48
Value Per Unit	\$40,338.57	Value Per Unit		Value Per Unit	\$17,100.00
Value Per Unit w/o Excess	\$40,338.57	Value Per Unit w/o Excess		Value Per Unit w/o Excess	\$17,100.00

LB. 5.2

Re-Calculate

Detail

Calculation

Calculation

00000147493000000
3 - 231

Address: 2702 MARTIN LUTHER KING JR BLVD Account #: 00000147493000000 Tax Obj ID: 00000147493000000 1 of 1
 Value: \$119,700 Method: INCOME Reval Year: 2006 BPP

Actual & Model Proforma Lease Up Cost Value Summary Proforma Offer

Tax Year: IMA: 660600 Comp Code: C CLASS NLA: 4.520 Units: 7

Desc	NLA	Rent	Adj	Adj Rent	PBI	Vacancy %
	4,520	8.00	0.00	8.00	36,160	0

Wtd. Avg Rent: \$8.00 Avg Mo Rent/Unit: \$430.48 Average Vacancy %: 0.00

PGI	36,160	Proforma Offer	
Plus Electric	0 \$/SF	0.00	
Vacancy \$	5,424 Market %	15	Actual % 0
Other Income	0 \$/SF	0.00 \$/Unit	0.00
E.G.I.	30,736		
Expenses	17,569 \$/SF	3.89 \$/Unit	2,509.86 % EGI 57
N.O.I.	13,167		

Cap	11	Use Cap Rate	
Loaded Cap	11.0000	Use Loaded Cap	
Value	119,700	26.48 \$/SF	17,100.00 \$/Unit
Lease Up	0		
Def, Maint	0		
Final Value	119,700	26.48 \$/SF	17,100.00 \$/Unit

Aggregate:	Excess Land	\$0.00	Price	\$0.00	Excess Land	0	Land	112,850 LB	5.2
					Associated Value	0	Improvements	6,850	
					Total Value	119,700			

* Loaded Cap not up to date

Final Value Flat Priced

Property Name: JIMS CARWASH

00000147493000000
3 - 232

Avg Unit Size 646

Address 2702 MARTIN LUTHER KING JR BLVD Account # 00000147493000000 Tax Obj ID 00000147493000000 1 of 1

Value \$119,700 Method INCOME Reval Year 2006 BPP

Cost	Market	Income
Land \$112,850	Land	Land \$112,850
Excess Land \$0	Excess Land	Excess Land \$0
Total Land \$112,850	Total Land	Total Land \$112,850
Total Improve \$195,950	Total Improve	Total Improve \$6,850
Total Value \$308,800	Total Value	Total Value \$119,700
Value PSF \$68.32	Value PSF	Value PSF \$26.48
Value PSF w/o Excess \$68.32	Value PSF w/o Excess	Value PSF w/o Excess \$26.48
Value Per Unit \$44,114.29	Value Per Unit	Value Per Unit \$17,100.00
Value Per Unit w/o Excess \$44,114.29	Value Per Unit w/o Excess	Value Per Unit w/o Excess \$17,100.00

LB. 5.2

Re-Calculate Detail

Calculation
00000147493000000

Calculation

Address: 2702 MARTIN LUTHER KING JR BLVD Account: 0000014749300000 Tax Obj ID: 0000014749300000 1 of 1
 Value: \$119,700 Method: INCOME Reval Year: 2006 BPP

Actual & Model Proforma Lease Up Cost Value Summary Proforma Offer

Tax Year: IMA 660600 Comp Code: B CLASS NLA: 4.520 Units: 7

Desc	NLA	Rent	Adj	Adj Rent	PGI	Vacancy %	
	4.520	8.00	0.00	8.00	36,160	0	Add
							Delete

Show Monthly Rent Wtd. Avg Rent \$8.00 Avg Mo Rent/Unit \$430.48 Average Vacancy % 0.00

PGI	36,160	Proforma Offer		Cap	11	Use Cap Rate	
Plus Electric	0 \$/SF	0.00		Loaded Cap	11,000	Use Loaded Cap	
Vacancy \$	5,424 Market %	15	Actual %	0		\$/SF	\$/Unit
Other Income	0 \$/SF	0.00 \$/Unit	0.00	Value	119,700	26.48	17,100.00
E.G.I.	30,736			Lease Up	0		
Expenses	17,569 \$/SF	3.89 \$/Unit	2,509.86 % EGI	Def, Maint	0	\$/SF	\$/Unit
N.O.I.	13,167			Final Value	119,700	26.48	17,100.00

Aggregate:	Excess Land	\$0.00	Price	\$0.00	Excess Land	0	Land	112,850 LB	5.2
					Associated Value	0	Improvements	6,850	
					Total Value	119,700			

Loaded Cap not up to date

Final Value Flat Priced

Property Name: JIMS CARWASH

0000014749300000

Avg Unit Size 646

CITY 557

Address **2702 MARTIN LUTHER KING JR BLVD** Account # **00000147493000000** Tax Obj ID **00000147493000000** 1 of 1
 Value **\$119,700** Method **INCOME** Reval Year **2006** BPP

Cost	Market	Income
Land <input type="text" value="\$112,850"/>	Land <input type="text"/>	Land <input type="text" value="\$112,850"/>
Excess Land <input type="text" value="\$0"/>	Excess Land <input type="text"/>	Excess Land <input type="text" value="\$0"/>
Total Land <input type="text" value="\$112,850"/>	Total Land <input type="text"/>	Total Land <input type="text" value="\$112,850"/>
Total Improve <input type="text" value="\$212,520"/>	Total Improve <input type="text"/>	Total Improve <input type="text" value="\$6,850"/>
Total Value <input type="text" value="\$325,370"/>	Total Value <input type="text"/>	Total Value <input type="text" value="\$119,700"/>
Value PSF <input type="text" value="\$71.98"/>	Value PSF <input type="text"/>	Value PSF <input type="text" value="\$26.48"/>
Value PSF w/o Excess <input type="text" value="\$71.98"/>	Value PSF w/o Excess <input type="text"/>	Value PSF w/o Excess <input type="text" value="\$26.48"/>
Value Per Unit <input type="text" value="\$46,481.43"/>	Value Per Unit <input type="text"/>	Value Per Unit <input type="text" value="\$17,100.00"/>
Value Per Unit w/o Excess <input type="text" value="\$46,481.43"/>	Value Per Unit w/o Excess <input type="text"/>	Value Per Unit w/o Excess <input type="text" value="\$17,100.00"/>

LB.

Re-Calculate Detail Calculation Calculation

00000147493000000

CITY 558

Address: 2702 MARTIN LUTHER KING JR BLVD Account #: 00000147493000000 Tax Obj ID: 00000147493000000 1 of 1
 Value: \$119,700 Method: INCOME Reval Year: 2006 BPP

Actual & Model Proforma Lease Up Cost Value Summary Proforma Offer

Tax Year: I.M.A. 660600 Comp Code: B CLASS N.L.A. 4,520 Units: 7

Doc	NLA	Rent	Ad	Ad Rent	PSI	Vacancy %	
	4,520	8.00	0.00	8.00	36,160	0	Add
							Delete

Show Monthly Rent Wld. Avg Rent \$8.00 Avg Mo Rent/Unit \$430.48 Average Vacancy % 0.00

PGI	36,160	Proforma Offer	
Plus Electric	0 \$/SF	0.00	
Vacancy \$	5,424 Market %	15	Actual % 0
Other Income	0 \$/SF	0.00 \$/Unit	0.00
E.G.I.	30,736		
Expenses	17,569 \$/SF	3.89 \$/Unit	2,509.86 % EGI 57
N.O.I.	13,167		

Cap	11	Use Cap Rate	
Loaded Cap	11,000	Use Loaded Cap	
Value	119,700	26.48	\$/SF \$/Unit 17,100.00
Lease Up	0		
Def, Maint	0		\$/SF \$/Unit
Final Value	119,700	26.48	\$/SF \$/Unit 17,100.00

Aggregate:	Excess Land	\$0.00	Price	\$0.00	Excess Land	0	Land	112,850 LB	5.2
------------	-------------	--------	-------	--------	-------------	---	------	------------	-----

Associated Value	0	Improvements	6,850
Total Value	119,700		

Address 2702 MARTIN LUTHER KING JR BLVD ... Account # 00000147493000000 Tax Obj ID 00000147493000000 1 of 1

Value \$119,700 Method INCOME Reval Year 2009 ... BPP

Cost

Land	\$112,850
Excess Land	\$0
Total Land	\$112,850
Total Improve	\$212,520
Total Value	\$325,370
Value PSF	\$71.98
Value PSF w/o Excess	\$71.98
Value Per Unit	\$46,481.43
Value Per Unit w/o Excess	\$46,481.43

Market

Land	
Excess Land	
Total Land	
Total Improve	
Total Value	
Value PSF	
Value PSF w/o Excess	
Value Per Unit	
Value Per Unit w/o Excess	

Income

Land	\$112,850
Excess Land	\$0
Total Land	\$112,850
Total Improve	\$6,850
Total Value	\$119,700
Value PSF	\$26.48
Value PSF w/o Excess	\$26.48
Value Per Unit	\$17,100.00
Value Per Unit w/o Excess	\$17,100.00

LB. 5.2

Re-Calculate

Detail

Calculation
00000147493000000
3 - 237

Calculation

Address: 2702 MARTIN LUTHER KING JR BLVD Account #: 00000147493000000 Tax Obj ID: 00000147493000000 1 of 1
 Value: \$119,700 Method: INCOME Rental Year: 2009 BPP

Actual & Model Proforma Lease Up Cost Value Summary Proforma Offer

Tax Year: LMA: 660600 Comp Code: B CLASS N.L.A: 4.520 Units: 7

Desc	N.L.A	Rent	Adj	Adj Rent	PGI	Vacancy %
	4,520	8.00	0.00	8.00	36,160	0
Add						
Delete						

Show Monthly Rent Wld. Avg Rent: \$8.00 Avg Mo Rent/Unit: \$430.48 Average Vacancy %: 0.00

PGI	36,160	Proforma Offer		Cap	11	Use Cap Rate	
Plus Electric	0 \$/SF	0.00		Loaded Cap	11.0000	Use Loaded Cap	
Vacancy \$	5,424 Market %	15	Actual %	0		\$/SF	\$Unit
Other Income	0 \$/SF	0.00 \$/Unit	0.00	Value	119,700	26.48	17,100.00
E.G.I.	30,736			Lease Up	0		
Expenses	17,569 \$/SF	3.89 \$/Unit	2,509.86 % EGI	Def, Maint	0	\$/SF	\$Unit
N.O.I.	13,167			Final Value	119,700	26.48	17,100.00

Aggregate:	Excess Land	\$0.00	Price	\$0.00	Excess Land	0	Land	112,850 LB	5.2
				Associated Value	0	Improvements	6,850		
				Total Value	119,700				

Loaded Cap not up to date

Final Value Flat Priced Property Name: JIMS CARWASH Avg Unit Size 646

00000147493000000

Address 2702 MARTIN LUTHER KING JR BLVD Account # 00000147493000000 Tax Obj ID 00000147493000000 1 of 1

Value \$119,700 Method INCOME Reval Year 2010 BPP

Cost	
Land	\$75,240
Excess Land	\$0
Total Land	\$75,240
Total Improve	\$208,780
Total Value	\$284,020
Value PSF	\$62.84
Value PSF w/o Excess	\$62.84
Value Per Unit	\$40,574.29
Value Per Unit w/o Excess	\$40,574.29

Market	
Land	
Excess Land	
Total Land	
Total Improve	
Total Value	
Value PSF	
Value PSF w/o Excess	
Value Per Unit	
Value Per Unit w/o Excess	

Income	
Land	\$75,240
Excess Land	\$0
Total Land	\$75,240
Total Improve	\$44,460
Total Value	\$119,700
Value PSF	\$26.48
Value PSF w/o Excess	\$26.48
Value Per Unit	\$17,100.00
Value Per Unit w/o Excess	\$17,100.00

LB. 5.2

Re-Calculate

Detail

Calculation

Calculation

00000147493000000

CITY 562

Address: 2702 MARTIN LUTHER KING JR BLVD Account #: 0000014749300000 Tax Obj ID: 0000014749300000 1 of 1
 Value: \$119,700 Method: INCOME Reval Year: 2010 BPP

Actual & Model Proforma Lease Up Cost Value Summary Proforma Offer

Tax Year: LMA: 660600 Comp Code: B CLASS NLA: 4,520 Units: 7

Desc	NLA	Rent	Adj	Adj Rent	PGI	Vacancy %
	4,520	8.00	0.00	8.00	36,160	0

Show Monthly Rent Wtd. Avg Rent: \$8.00 Avg Mo Rent/Unit: \$430.48 Average Vacancy %: 0.00

PGI	36,160	Proforma Offer	
Plus Electric	0 \$/SF	0.00	
Vacancy \$	5,424 Market %	15	Actual % 0
Other Income	0 \$/SF	0.00 \$/Unit	0.00
E.G.I.	30,736		
Expenses	17,569 \$/SF	3.89 \$/Unit	2,509.86 % EGI 57
N.O.I.	13,167		

Cap	11	Use Cap Rate
Loaded Cap	11,000	Use Loaded Cap
Value	119,700	26.48 \$/SF \$/Unit 17,100.00
Lease Up	0	
Def. Maint	0	\$/SF \$/Unit
Final Value	119,700	26.48 \$/SF \$/Unit 17,100.00

Aggregate: Excess Land	\$0.00	Price	\$0.00	Excess Land	0	Land	75,240 LB	5.2
				Associated Value	0	Improvements	44,460	
				Total Value	119,700			

Loaded Cap not up to date

Address: 2702 MARTIN LUTHER KING JR BLVD ... Account #: 00000147493000000 Tax Obj ID: 00000147493000000 1 of 1

Value: \$119,700 Method: INCOME Reval Year: 2011 ... BPP

Cost	
Land	\$56,430
Excess Land	\$0
Total Land	\$56,430
Total Improve	\$208,780
Total Value	\$265,210
Value PSF	\$58.67
Value PSF w/o Excess	\$58.67
Value Per Unit	\$37,887.14
Value Per Unit w/o Excess	\$37,887.14

Market	
Land	
Excess Land	
Total Land	
Total Improve	
Total Value	
Value PSF	
Value PSF w/o Excess	
Value Per Unit	
Value Per Unit w/o Excess	

Income	
Land	\$56,430
Excess Land	\$0
Total Land	\$56,430
Total Improve	\$63,270
Total Value	\$119,700
Value PSF	\$26.48
Value PSF w/o Excess	\$26.48
Value Per Unit	\$17,100.00
Value Per Unit w/o Excess	\$17,100.00

LB. 52

Re-Calculate

Detail

Calculation

Calculation

00000147493000000

CITY 564

Address: 2702 MARTIN LUTHER KING JR BLVD Account #: 0000014749300000 Tax Obj ID: 0000014749300000 1 of 1
 Value: \$119,700 Method: INCOME Reval Year: 2011 BPP

Actual & Model Proforma Lease Up Cost Value Summary Proforma Offer

Tax Year: I.M.A. 660600 Comp Code: B CLASS NLA: 4,520 Units: 7

Desc	MLA	Rent	Adj	Adj Rent	PGI	Vacancy %
	4,520	8.00	0.00	8.00	36,160	0

Show Monthly Rent Wtd. Avg Rent: \$8.00 Avg Mo Rent/Unit: \$430.48 Average Vacancy %: 0.00

PGI	36,160	Proforma Offer		Cap	11	<input type="checkbox"/> Use Cap Rate
Plus Electric	0 \$/SF	0.00		Loaded Cap	11,000	<input type="checkbox"/> Use Loaded Cap
Vacancy \$	5,424 Market %	15	Actual %	0		\$/SF \$/Unit
Other Income	0 \$/SF	0.00 \$/Unit	0.00	Value	119,700	26.48 17,100.00
E.G.I.	30,736			Lease Up	0	
Expenses	17,569 \$/SF	3.89 \$/Unit	2,509.86 % EGI	Def. Maint	0	\$/SF \$/Unit
N.O.I.	13,167			Final Value	119,700	26.48 17,100.00

Aggregate: Excess Land \$0.00 Price \$0.00 Excess Land 0 Land 56,430 LB 5.2
 Associated Value 0 Improvements 68,270
 Total Value 119,700

Loaded Cap not up to date

Address **2702 MARTIN LUTHER KING JR BLVD** Account # **00000147493000000** Tax Obj ID **00000147493000000** 1 of 1

Value **\$109,740** Method **COST** Reval Year **2012** BPP

Cost	
Land	\$56,430
Excess Land	\$0
Total Land	\$56,430
Total Improve	\$53,310
Total Value	\$109,740
Value PSF	\$24.28
Value PSF w/o Excess	\$24.28
Value Per Unit	\$15,677.14
Value Per Unit w/o Excess	\$15,677.14

LB. **5.2**

Re-Calculate Detail

Market	
Land	
Excess Land	
Total Land	
Total Improve	
Total Value	
Value PSF	
Value PSF w/o Excess	
Value Per Unit	
Value Per Unit w/o Excess	

Income	
Land	\$56,430
Excess Land	\$0
Total Land	\$56,430
Total Improve	\$63,270
Total Value	\$119,700
Value PSF	\$26.48
Value PSF w/o Excess	\$26.48
Value Per Unit	\$17,100.00
Value Per Unit w/o Excess	\$17,100.00

Calculation **0000014749300000** Calculation

Address: 2702 MARTIN LUTHER KING JR BLVD Account #: 00000147493000000 Tax Obj ID: 00000147493000000 1 of 1
 Value: \$109,740 Method: COST Reval Year: 2012 BPP

Cost Calculation		Add Improvements		Special Features		Pct Complete	
Main Improvement Price / SF		Finish Out Area		Percent Complete		100%	
Price / SF	57.70	Main Area (SF)		4,400		F	
Story Height Modifier	x 1.000	Finish Out Percentage		x	0	Physical Depreciation + 79	
Nbr of Stories Modifier	x 1.000	Finish Out Area (SF)			0	Functional Depreciation + 0	
Size Modifier	x 1.000					External Depreciation + 0	
Dock High	+ 0.000					Total Depreciation 79%	
Adjusted Price / SF	57.70	Γ Override					

Improvement	Area (SF)	Unit Price	Replacement Cost New (RCN)	Percent Depreciation	RCN Less Depreciation	Value / SF
Main Improvement	4,400	57.70	253,880	79%	53,315	12.12
Finish Out	0	0.00	0	79%	0	0
Add Improvements (0)	0	---	0	---	0	0.00
Special Features (0)	N/A	N/A	0	N/A	0	N/A
Improvements (TO)	4,400		\$253,880		\$53,315	12.12
					53,315	Γ Override
Land Value (Acct)					\$56,430	
Improvements (Acct)	4,400				\$53,315	12.12
Account Value	4,400			Market Override	\$109,745	24.94

Address: 2702 MARTIN LUTHER KING JR BLVD Account #: 00000147493000000 Tax Obj ID: 00000147493000000 1 of 1
 Value: \$109,740 Method: COST Reval Year: 2012 BPP

Cost Calculation Add Improvements Special Features Pct Complete

Component	% Cost	% Complete	Total
EXCAVATION & SITE PREPARATION	1	100.00	1
FOUNDATION	3	100.00	3
FLOOR STRUCTURE	5	100.00	5
FRAME	10	100.00	10
ROOF STRUCTURE	15	100.00	15
ROOF COVER	3	100.00	3
EXTERIOR WALLS	22	100.00	22
ELECTRICAL & LIGHTING	8	100.00	8
PLUMBING	4	100.00	4
HEATING-COOLING	10	100.00	10
CEILING	2	100.00	2
INTERIOR PARTITIONS	12	100.00	12
FLOOR COVER	5	100.00	5

100% Complete

% Complete 100

TAB #11

PROPOSED MOTION ON
BDA189-031
For June 19, 2019

Mr. Chairman,

I move that the City's Application for setting a compliance date in this matter be granted, that this nonconforming use be terminated, and that the compliance date for Jim's Car Wash, located at 2702 Martin Luther King Jr. Boulevard, be set for: **Close of Business on Wednesday, June 19, 2019**, because the owner's actual investment in this nonconforming use, before the time that this use became nonconforming on December 12, 2012, has been fully recouped, in light of the evidence presented and considering the factors listed in Section 51A-4.704(a)(1)(D) of the Dallas City Code, because the evidence shows that [*state one or more of the following*]:

(aa) The owner's capital investment in structures, fixed equipment, and other assets (excluding inventory and other assets that may be feasibly transferred to another site) on the property before the time the use became nonconforming has been recouped by the owner.

(bb) Any costs that are directly attributable to the establishment of a compliance date, including demolition expenses, relocation expenses, termination of leases, and discharge of mortgages, have been sufficiently recouped for this compliance date.

(cc) Any return on investment since inception of the use, including net income and depreciation, has sufficiently allowed the owner to recoup his investment.

(dd) The anticipated annual recovery of investment, including net income and depreciation, is sufficiently realized using this compliance date.

A sufficient amortization period, therefore, has already occurred for this nonconforming use.



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-031

Date: 1-11-19

Data Relative to Subject Property:

Location address: 2702 Martin Luther King Jr. Blvd. Zoning District: PD 595 (cc) Tract 4

Lot No.: 1-6 Block No.: 21/1290 South Park Addition Acreage: 0.539 (Appx.) Census Tract: 203.00

Street Frontage (in Feet): 1) 150' 2) 156.75' 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Freddy Davenport, Rt. 2, Box 2519, Naples, TX

Applicant: Dallas City Council Telephone: 214-75568 670-4050

Mailing Address: 1500 Marilla Street, Dallas, Texas Zip Code: 75201

E-mail Address: _____

Represented by: Edwin P. Voss, Jr. Telephone: 214-747-6100

Mailing Address: 740 E. Campbell, Ste. 800, Richardson, TX Zip Code: 75081

E-mail Address: evoss@bhlaw.net

Affirm that an appeal has been made for a Variance __, or Special Exception __, of _____

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:

Appeal to establish a compliance date for a nonconforming use under section SIA-4.704(a)(1)(A) because the nonconforming use will have an adverse effect on nearby properties.

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 Edwin P. Voss, Jr. (Affiant/Applicant's name printed)

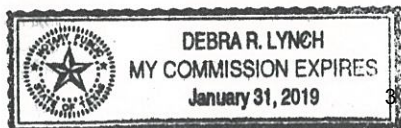
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Respectfully submitted: Edwin P. Voss, Jr. (Affiant/Applicant's signature)

Subscribed and sworn to before me this 10th day of January, 2019

Debra R. Lynch Notary Public in and for Dallas County, Texas

(Rev. 08-01-11)



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

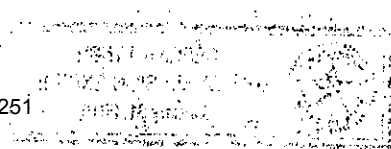
Building Official's Report

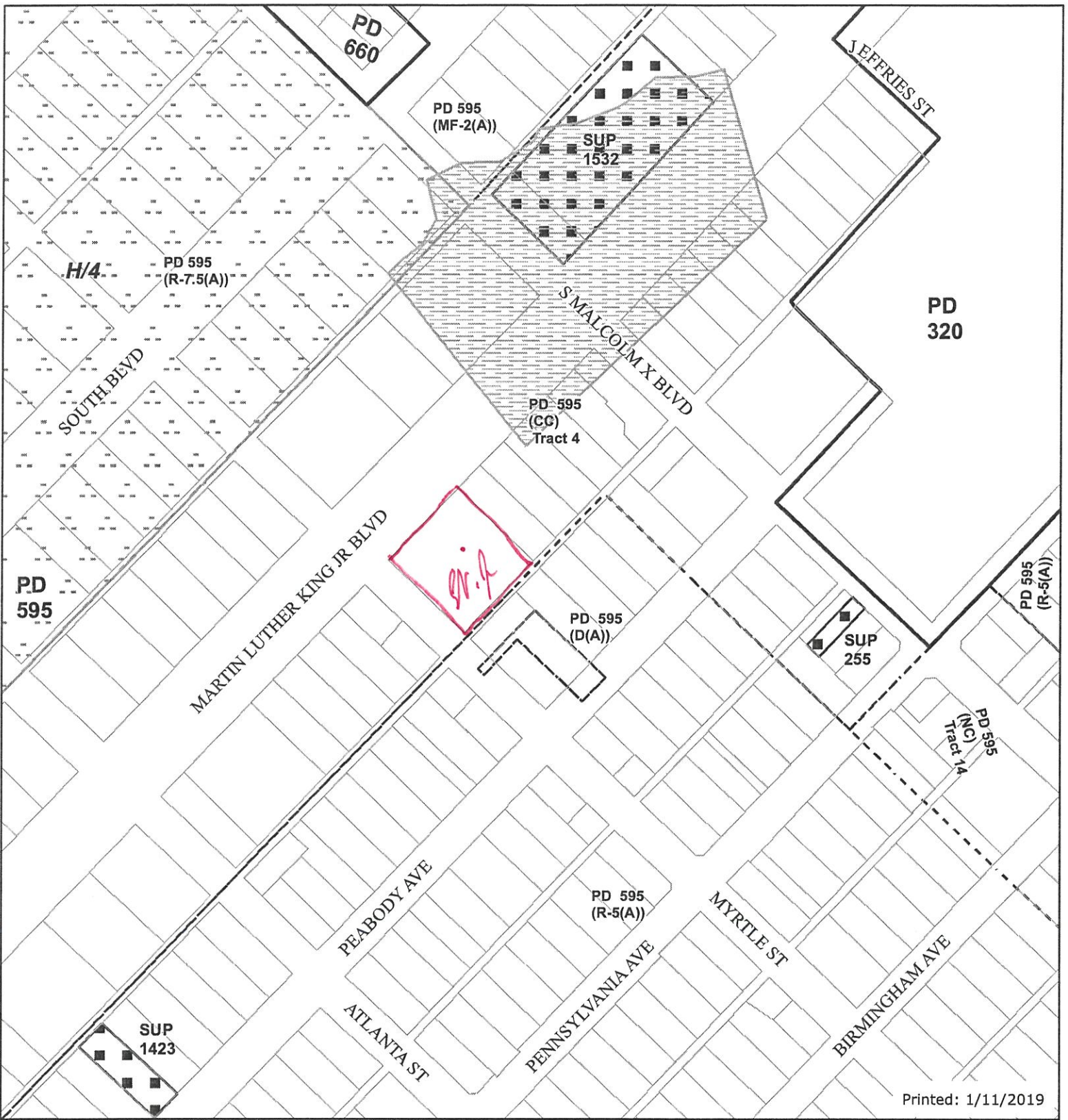
I hereby certify that Dallas City Council Resolution 18-1529
represented by ED VOSS
did submit a request to require compliance of a nonconforming use
at 2702 Martin Luther King Jr. Blvd

BDA189-031. Application of Dallas City Council Resolution 18-1529 represented by ED VOSS to require compliance of a nonconforming use at 2702 Martin Luther King Jr. Blvd. This property is more fully described as Lots 1-6, Block 21/1290, and is zoned PD 595 (CC) (Tract 4), which limits the legal uses in a zoning district. The applicant proposes to request that the Board establish a compliance date for a nonconforming retail car wash use.

Sincerely,

Philip Sikes
Philip Sikes, Building Official





Printed: 1/11/2019

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 | SPSD Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay 3 - 252 |
| 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)





Board of Adjustment

**Appeal to establish a compliance date for a nonconforming use.
Sec. 51A-4.704(a)(1)(A)**

or

Appeal to restore a nonconforming use. Sec. 51A-4.704(a)(2)

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

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

(1) Amortization of nonconforming uses.

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

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

Property address: 2702 Martin Luther King Jr. Blvd., Dallas, Texas 75215

1. The nonconforming use being appealed/restored: Car Wash
(The land use as stated on the Certificate of Occupancy. Attach a copy of the C.O.)

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

3. Current zoning of the property on which the use is located: PD 595 (CC) Tract 4

4. Date the nonconforming use was discontinued: N/A

5. Date that the nonconforming use became nonconforming: December 12, 2012 (Ordinance No. 28860 – car wash use not allowed)
(Date the property zoning or use requirements changed.)


6. Previous zoning of the property on which the use is located: PD 595 (CC) Tract 4 (car wash use was a previously allowed use)
(Applies if a zoning district change caused the use to become nonconforming.)

(Rev. 04/04/14)

Shirley P. Vaughn 1/11/19

MEMORANDUM

TO: Dallas Board of Adjustment

FROM: Edwin P. Voss, Jr. 

DATE: January 10, 2019

RE: Attachment to application to Board of Adjustment to establish a compliance date for the nonconforming use of the property at 2702 Martin Luther King Jr. Boulevard, Dallas, Texas (the "Property").

The above-referenced application is submitted to the Board of Adjustment on behalf of the Applicant, the Dallas City Council, pursuant to City Council Resolution No. 18-1529, dated October 24, 2018, to establish a compliance date for Jim's Car Wash located on the Property.

The Property is located in PD 595, the South Dallas/Fair Park Special Purpose District. The Property's specific zoning is PD 595 (CC) Tract 4. The "CC" designation specifies that the Property is located in the Community Commercial Subdistrict. See Dallas City Code, Section 51P-595.103(2)(B). The Use Regulations and Development Standards in the CC Community Commercial Subdistrict are found in Dallas City Code Section 51P-595.113. PD 595 and relevant uses were first created by Ordinance No. 24726, dated September 26, 2001. See Dallas City Code, Section 51P-595.101. The car wash use was an allowed use in the CC Community Commercial Subdistrict at that time, with approval of a "development impact review" ("DIR"), in Dallas City Code Section 51P-595.113(a)(10). On December 12, 2012, the Dallas City Council amended PD 595's provisions, in several respects, by Ordinance No. 28860. One of those amendments was to remove the car wash use from the list of allowed uses in the CC Community Commercial Subdistrict. As of December 12, 2012, the Jim's Car Wash use became a nonconforming use as a result of said zoning change. See current Dallas City Code Section 51P-595.113(a)(10).

Under Dallas City Code Section 51A-4.704(a)(1)(A), the Dallas City Council may request that the Board of Adjustment consider establishing a compliance date for a nonconforming use. It is the City Council's position that operation of the nonconforming car wash use at the Property has, and will have, an adverse effect on nearby properties. More specifically, the owner of the Property and operator of the nonconforming car wash use have repeatedly and egregiously allowed the Property to become a haven for crime, causing and/or allowing an increase in dangerous criminal activity to occur at or near the Property that has created a public nuisance that adversely affects nearby properties. Thus, this nonconforming use presents a continued threat to public health and safety.

Further, the criminal and related activities that are allowed and/or encouraged to occur at the Property at all hours are incompatible with the character of the surrounding neighborhood. The use of the property as a car wash is also incompatible with the City's vision for the neighborhood as set forth in the current zoning provisions for this area of the City.



City of Dallas

STATE OF TEXAS §
COUNTY OF DALLAS §
CITY OF DALLAS §

I, **BILIERAE JOHNSON**, City Secretary of the City of Dallas, Texas, do hereby certify that the attached is a true and correct copy of:

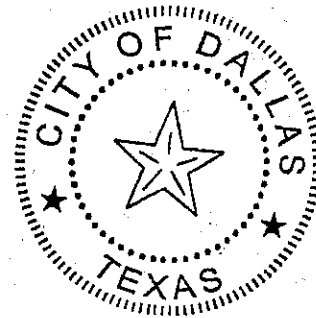
RESOLUTION NO. 18-1529

which was passed by the Dallas City Council on **October 24, 2018**.

WITNESS MY HAND AND THE SEAL OF THE CITY OF DALLAS, TEXAS, this the **3rd** day of **December, 2018**.

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

BILIERAE JOHNSON
CITY SECRETARY
CITY OF DALLAS, TEXAS



PREPARED BY: PB

181529

October 24, 2018

WHEREAS, Jim's Car Wash is located at 2702 Martin Luther King Jr. Boulevard, Dallas, Texas; and

WHEREAS, Jim's Car Wash operates under a certificate of occupancy for a car wash; and

WHEREAS, the property at 2702 Martin Luther King Jr. Boulevard is zoned as a CC Community Commercial Subdistrict within Planned Development District No. 595 (the South Dallas/Fair Park Special Purpose District); and

WHEREAS, a car wash is not a permitted use in a CC Community Commercial Subdistrict; and

WHEREAS, Jim's Car Wash is a nonconforming use as defined in the Dallas Development Code; and

WHEREAS, the Dallas Development Code authorizes the City Council to request that the Board of Adjustment consider establishing a compliance date for a nonconforming use.

Now, Therefore,

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

SECTION 1. That the Board of Adjustment is requested to authorize compliance proceedings for Jim's Car Wash located at 2702 Martin Luther King Jr. Boulevard, Dallas, Texas.

SECTION 2. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.



181529

Memorandum

RECEIVED

2018 SEP 17 AM 11:01



City of Dallas

DATE September 10, 2018

CITY SECRETARY
DALLAS, TEXAS

TO The Honorable Michael S. Rawlings

FROM Kevin Felder

SUBJECT Request for Placement of Agenda Item – Council Member(s)

ITEM/ISSUE PROPOSED FOR COUNCIL CONSIDERATION:

Pursuant to Section 6.2 of the City Council Rules of Procedure, please post the following item on the first **VOTING** agenda scheduled at least 30 calendar days after receipt of this request:

A resolution requesting the Board of Adjustment to authorize compliance proceedings for Jim's Car Wash located at 2702 Martin Luther King, Jr. Boulevard, Dallas, Texas – Financing: No cost consideration to the City

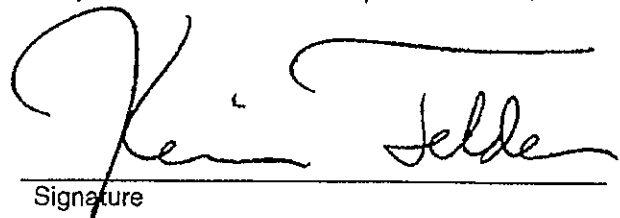
BRIEF BACKGROUND:

Jim's Car Wash is located at 2702 Martin Luther King Jr. Boulevard, Dallas Texas. Jim's Car Wash operates under a certificate of occupancy for a car wash. The property at 2702 Martin Luther King, Jr. Boulevard is zoned as a CC Community Commercial Subdistrict within Planned Development District No. 595 (the South Dallas/Fair Park Special Purpose District). A car wash is not an allowed use in the CC Community Commercial Subdistrict. Jim's Car Wash is operating as a nonconforming use. Section 51A-4.704(a)(1) allows City Council to request that the Board of Adjustment establish a compliance date for a nonconforming use.

Submitted for consideration by:

Kevin Felder, District 7


Printed Name, District #


Signature

Supporting Council Member Signatures (4 Signatures Only):

Mark Clayton Dist 9

Printed Name, District #


Signature

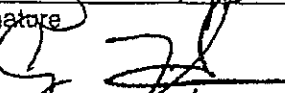
Sean Griggs, D1

Printed Name, District #


Signature

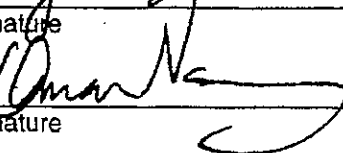
Casey Thomas D3

Printed Name, District #


Signature

Omar Narvaez D6

Printed Name, District #


Signature

Attachment: Draft Resolution or Ordinance

181529

c: Honorable Council Members
T.C. Broadnax, City Manager
Christopher J. Caso, Interim City Attorney
Craig D. Kinton, City Auditor
Billerae Johnson, City Secretary
Scott Goldstein, Chief of Policy and Communications, Office of the Mayor

COUNCIL CHAMBER

[DATE]

WHEREAS, Jim's Car Wash is located at 2702 Martin Luther King Jr. Boulevard, Dallas Texas; and

WHEREAS, Jim's Car Wash operates under a certificate of occupancy for a car wash; and

WHEREAS, the property at 2702 Martin Luther King Jr. Boulevard is zoned as a CC Community Commercial Subdistrict within Planned Development District No. 595 (the South Dallas/Fair Park Special Purpose District); and

WHEREAS, a car wash is not a permitted use in a CC Community Commercial Subdistrict; and

WHEREAS, Jim's Car Wash is a nonconforming use as defined in the Dallas Development Code; and

WHEREAS, the Dallas Development Code authorizes the City Council to request that the Board of Adjustment consider establishing a compliance date for a nonconforming use; Now, Therefore,

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

SECTION 1. That the Board of Adjustment is requested to authorize compliance proceedings for Jim's Car Wash located at 2702 Martin Luther King Jr. Boulevard, Dallas Texas.

SECTION 2. That this resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Dallas, and it is accordingly so resolved.

Each councilmember signing the five-person request to place an item on the agenda must review and confirm that they have read and agree with the draft resolution by dating, initialing, and placing their district number below.

<u>9/17/18</u>	<u>9/17/18</u>	<u>9/17/18</u>	<u>9/17/18</u>	<u>9/17/18</u>
DATE	DATE	DATE	DATE	DATE
<u>KF</u>	<u>MC</u>	<u>SS</u>	<u>CT</u>	<u>ON</u>
CM INITIAL	CM INITIAL	CM INITIAL	CM INITIAL	CM INITIAL
<u>7</u>	<u>9</u>	<u>1</u>	<u>3</u>	<u>6</u>
DIST. NO.	DIST. NO.	DIST. NO.	DIST. NO.	DIST. NO.

AFFIDAVIT

Appeal number: BDA 189-031

I, Majed Al-Ghafry, Assistant City Manager of the City of Dallas, Texas, 1500 Marilla Street, Room 4EN, Dallas, Texas 75201, hereby authorize Edwin P. Voss, Jr. to pursue an appeal to the City of Dallas Zoning Board of Adjustment for the following request(s):

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

Specify: Appeal to establish a compliance date for a nonconforming use at Jim's Car Wash, 2702 Martin Luther King, Jr. Boulevard, Dallas, Texas 75215, pursuant to Dallas City Council Resolution No. 18-1529, dated October 24, 2018.

Majed Al-Ghafry, Assistant City Manager
Printed Name

[Signature]
Signature

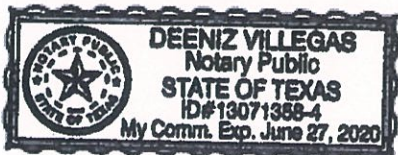
12/05/2018
Date

Before me, the undersigned, on this day personally appeared T.C. Broadnax, City Manager, who on his oath certifies that the above statements are true and correct to his best knowledge.

Subscribed and sworn to before me this 5th day of December, 2018.

Deeniz Villegas
Notary Public for Dallas County, Texas

Commission expires on June 27, 2020



Issued: 09/08/2003

Address: 2702 MARTIN LUTHER KING JR BLVD
75215

Owner: DAVANPORT FREDDY J
000466 TEXAS HWY 338 NAPLES TX 75568

DBA: JIM CAR WASH

Land Use: (6412) CAR WASH

Occupied Portion:

C.O.#: 0308291071

Lot:	1	Block:	12/1290	Zoning:	PD-595	PDD:	595	SUP:	
Historic Dist:		Consrv Dist:	South Dallas/	Pro Park:	0	Req Park:	0	Park Agrmt:	N
Dwlg Units:	0	Stories:	1	Occ Code:	B	Lot Area:	23511	Total Area:	0
Type Const:		Sprinkler:		Occ Load:		Alcohol:	N	Dance Floor:	N

Remarks: BASE ZONING CC-595

Philip Sikes

Philip Sikes, Building Official

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

Job Description: DBA: JIM CAR WASH

Job Type: Certificate of Occupancy Date Created: Aug 29, 2003

Status: Issued Created By: CONV

Issue Date: Aug 29, 2003 Date Completed: Sep 08, 2003

Parent Job:

Specific Location: 2702 MARTIN LUTHER KING BLVD
75215

- Details
- Processes
- Fees
- Related COs
- Holds
- Documents
- Approved Plans
- Notes
- Project
- GIS
- Ext Fees
- Audit

Applicant ...

DAVENPORT DALE
P.O. BOX 235
ROYSE CITY, TX 75189
(214) 801-4451

Related Information

Address: Tax Parcel
2702 MARTIN LUTHER KING JR BLVD

Applicant: DAVENPORT, DALE
. P.O. BOX 235

Contractor: SELF
. P.O. BOX 235

Parcel: Historical 2702 MARTIN LUTHER KING JR BLVD
00000147493000000

Property

Address... 2702 MARTIN LUTHER KING JR BLVD

Building/Floor/Suite: (None) (None)

Temporary Address:

Tax Parcel Legal: 1290 012 00100 1001290 012

Block: 12 1290 Lot: 1

Owner Name: DAVENPORT FREDDY

Address: 416 TEXAS HIGHWAY 338 , NAPLES TEXAS
75568-5694 UNITED STATES OF AMERICA

Owner/Tenant Name: DAVANPORT FREDDY J

Owner/Tenant Address: 000468 TEXAS HWY 338 NAPLES TX 75568

Email to send CO:

Owner Phone Number: (000) 000-0000

Owner Code: PRIVATE

Doing Business As: JIM CAR WASH

Project:

Use of Property:

Remarks (To Be Printed on CO): BASE ZONING CC-595

Certificate Type: (None)

TCO Reasons: Arborist: Health: Building:

CO Expiration Date:

Note: PCO's do not require an Expiration Date

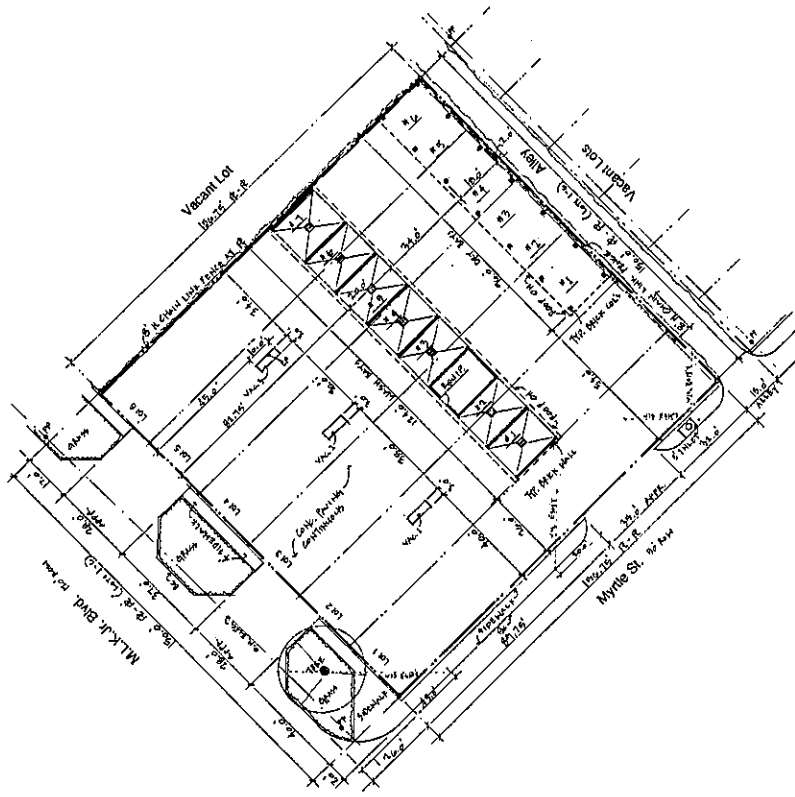
Occupied Portion:

Manager Approval:

Manager Name...:

Health Inspection Required: Health Applicaton #: :

Comments:



Site Plan - Existing Improvements SC-17-27



Owner: Freddy Dawson | Applicant: Dallas City Council

Project:	Jim's Car Wash - Site Plan Exhibit
Location:	202 North Leatherneck Dr., Bldg. 1015, Dallas, Texas
Map:	1015 North Leatherneck Dr., Bldg. 1015, Dallas, Texas
Scale:	1" = 10'
Sheet:	SP

BLOCK
12 15/289



MARTIN LUTHER KING JR. BOULEVARD

SOUTH PARK ADDITION
Volume 99, Page 304

JIM'S CAR WASH
2702 M.L.K. Jr. BLVD.
Lots 1 Through 6, Incl.

BLOCK
21/290

MYRTLE STREET

PEABODY AVENUE

BLOCK
20/292



City of Dallas
- v -
Jim's Car Wash

Prepared By:
DEPARTMENT OF PUBLIC WORKS
SURVEY DIVISION

OPER. NAME	DESIGN FILE PATH & NAME	DATE
SCOTT HOLT	N:\ENGR\SURVEY\HOLT\CONDEMNATIONS\Jims Car Wash	12/14/18
PARTY CHIEF	CALCULATIONS	SCALE
MAP NUMBER		
0000		500



Commercial Account #0000014749300000

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

Location (Current 2019)

Address: 2702 MARTIN LUTHER KING JR BLVD
Market Area: 0
Mapsco: 46-T (DALLAS)

DCAD Property Map

View Photo

2018 Appraisal Notice

Electronic Documents (ENS)



Print Homestead Exemption Form

Owner (Current 2019)

DAVENPORT FREDDY
 416 TEXAS HIGHWAY 338
 NAPLES, TEXAS 755685694

Multi-Owner (Current 2019)

Owner Name	Ownership %
DAVENPORT FREDDY	100%

Legal Desc (Current 2019)

- 1: SOUTH PARK
 - 2: BLK 21/1290 ALL LTS 1-6
 - 3:
 - 4: VOL94117/2350 DD052694 CO-DALLAS
 - 5: 1290 012 00100 1DA1290 012
- Deed Transfer Date:** 6/17/1994

Value

2018 Certified Values	
Improvement:	\$62,160
Land:	+ \$56,430
Market Value:	= \$118,590
Revaluation Year:	2016
Previous Revaluation Year:	2013

Improvements (Current 2019)

#	Desc: SELF SERVE CAR WASHES	Total Area: 4,400 sqft	Year Built: 1984
1	Construction Construction: C-MASONRY, BLOCK, TILT-WALL Foundation (Area): CONCRETE SLAB (4,400 sqft) Net Lease Area : 4,400 sqft # Stories: 1 # Units: 7 Basement (Area): NONE Heat: NONE A/C: NONE	Depreciation Physical: 60% Functional: + 0% External: + 0% Total: = 60% Quality: AVERAGE Condition: AVERAGE	Appraisal Method COST

Land (2018 Certified Values)

#	State Code	Zoning	Frontage (ft)	Depth (ft)	Area	Pricing Method	Unit Price	Market Adjustment	Adjusted Price	Ag Land
1	COMMERCIAL IMPROVEMENTS	COMMUNITY RETAIL DISTRICT	0	0	23,511.0000 SQUARE FEET	STANDARD	\$2.40	0%	\$56,426	N

* All Exemption information reflects 2018 Certified Values. *

Exemptions (2018 Certified Values)

No Exemptions

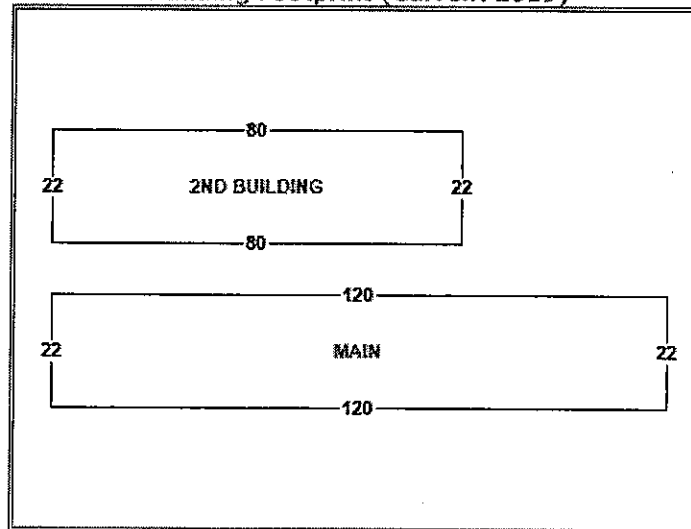
Estimated Taxes (2018 Certified Values)

	City	School	County and School Equalization	College	Hospital	Special District
Taxing Jurisdiction	DALLAS	DALLAS ISD	DALLAS COUNTY	DALLAS CO COMMUNITY COLLEGE	PARKLAND HOSPITAL	UNASSIGNED
Tax Rate per \$100	\$0.7767	\$1.412035	\$0.2531	\$0.124	\$0.2794	N/A
Taxable Value	\$118,590	\$118,590	\$118,590	\$118,590	\$118,590	\$0
Estimated Taxes	\$921.09	\$1,674.53	\$300.15	\$147.05	\$331.34	N/A
Tax Ceiling					N/A	N/A
Total Estimated Taxes:						\$3,374.16

DO NOT PAY TAXES BASED ON THESE ESTIMATED TAXES. You will receive an **official tax bill** from the appropriate agency when they are prepared. Please note that if there is an Over65 or Disabled Person **Tax Ceiling** displayed above, **it is NOT reflected** in the Total Estimated Taxes calculation provided. Taxes are collected by the agency sending you the **official tax bill**. To see a listing of agencies that collect taxes for your property. [Click Here](#)

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

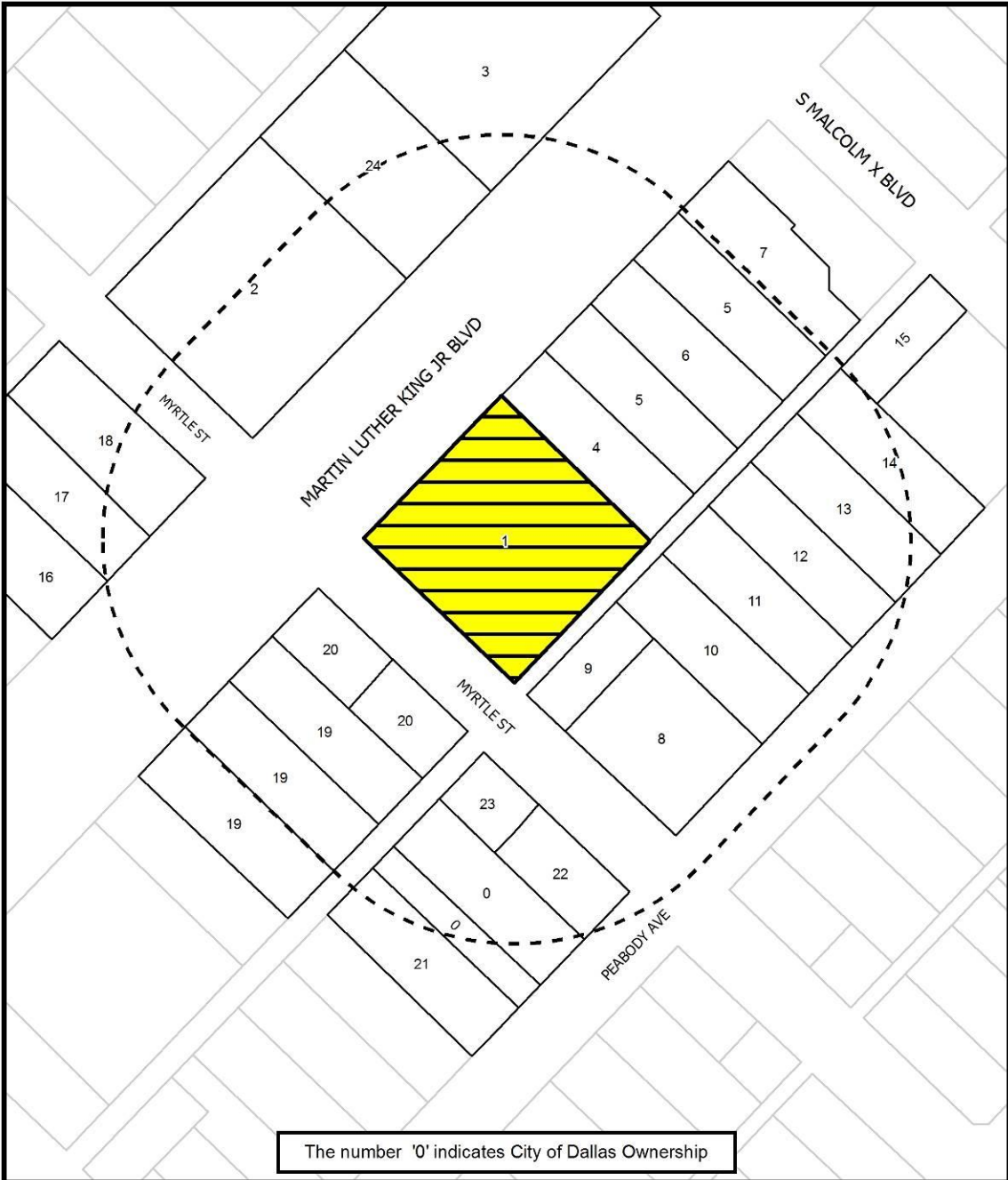
Building Footprint (Current 2019)



History

History

© 2019 Dallas Central Appraisal District.
All Rights Reserved.



 1:1,200	NOTIFICATION		Case no: BDA189-031
	<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;">24</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 2/13/2019	

Notification List of Property Owners

BDA189-031

24 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2702 MARTIN LUTHER KING JR BLVD	DAVENPORT FREDDY
2	2707 MARTIN LUTHER KING JR BLVD	BYRD INVESTMENT PROPERTIES LLC
3	2727 MARTIN LUTHER KING JR BLVD	DALLAS BLACK CHAMBER
4	2714 MARTIN LUTHER KING JR BLVD	DALLAS SKYFALL LLC SERIES
5	2716 MARTIN LUTHER KING JR BLVD	JEANETTE INV II LTD
6	2720 MARTIN LUTHER KING JR BLVD	RUDBERG JOYCE A &
7	2728 MARTIN LUTHER KING JR BLVD	JEANETTE INV IV LTD
8	2703 PEABODY AVE	CONTAIN YOUR GREEN HOME LLC
9	3016 MYRTLE ST	HUNTER KEVIN
10	2709 PEABODY AVE	CROSTIMBERS CAPITAL INC
11	2715 PEABODY AVE	MOORE KATHRYN L MCELWEE
12	2717 PEABODY AVE	ALVARADOHERNANDEZ SANDRA S
13	2725 PEABODY AVE	JARVIS FAMILY INVESTMENTS LLC
14	2727 PEABODY AVE	CHURCH LORD JESUS CHRIST
15	2733 PEABODY AVE	CHURCH OF THE LORD JESUS
16	2627 MARTIN LUTHER KING JR BLVD	COVERALL MANAGEMENT & ASSOCIATES INC
17	2629 MARTIN LUTHER KING JR BLVD	PAMPERING PALACE SALON & SPA CO
18	2633 MARTIN LUTHER KING JR BLVD	GAINES GENE
19	2622 MARTIN LUTHER KING JR BLVD	WALKER ANGELA BEDFORD
20	3011 MYRTLE ST	JOHNSON JOE W
21	2623 PEABODY AVE	JONES TERRACE & JANICE Y
22	2633 PEABODY AVE	BARRY GLENN
23	3015 MYRTLE ST	BRYANY JANET M
24	2717 MARTIN LUTHER KING JR BLVD	CAMPBELL ELAINE

FILE NUMBER: BDA189-055(SL)

BUILDING OFFICIAL'S REPORT: Application of Michael Farah 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 use or occupancy authorized by the certificate of occupancy has been discontinued for six months or more, per Paragraph (7) 306.13, Revocation of Certificate of Occupancy, of Chapter 52, Administrative Procedures for the Construction Codes, of the Dallas City Code.

LOCATION: 1906 Greenville Avenue

APPLICANT: Michael Farah

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:

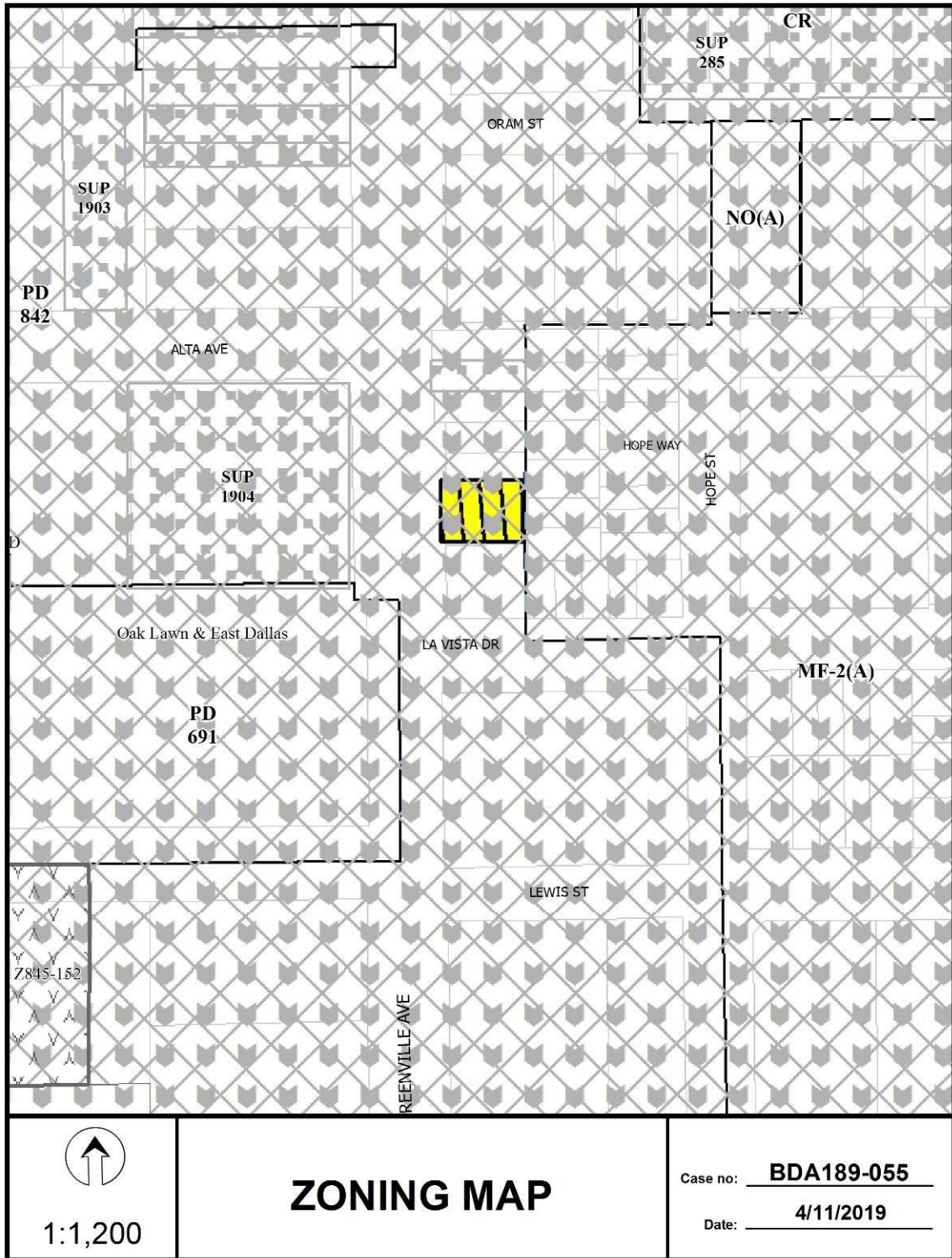
- The board shall have all the powers of the administrative official on the action appealed. The board may in whole or in part affirm, reverse, or amend the decision of the official.

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

- 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.
- May 22, 2019: Staff informed the Board of Adjustment at the May 22nd briefing/hearing that they could not consider this appeal given an error with the news advertisement and notice sent to property owners, and that this appeal would be re-advertised and re-noticed for the Board of Adjustment Panel B June 19th hearing.
- May 29, 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 29th 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 June 7th 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 31, 2019: The assistant city attorney assisting the administrative official submitted documentation on this appeal to the Board Administrator (see Attachment A).
- June 4, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the June public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Sustainable Development and Construction Department Conservation District Chief Planner, the Building Inspection Senior Plans Examiner/Development Code Specialist, and the Assistant City Attorney to the Board.

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





1:1,200

AERIAL MAP

Case no: BDA189-055

Date: 4/11/2019

BDA 189-055

*Hick A

1



City of Dallas

May 31, 2019

Via Email to BDA Secretary

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

Re: City Staff's Brief in Response to the Appeal of the Building Official's Decision as to 1906 Greenville, BDA 189-055

Dear Board Members:

Below is a summary the of key points that will be addressed by City staff in response to the appeal of the building official's decision in BDA 189-055.

I. Facts

A certificate of occupancy (No. 1704261114) (the "CO") was issued in June 2017 relating to the property located at 1906 Greenville Avenue, Dallas, Texas 75206 (legal description: lot 3 and 4 block 1907) (the "Property"). The CO was issued for a commercial amusement (inside) use. In the land use statement submitted by a representative of the Property owner to support the commercial amusement use, he stated, "Greenville Event Center is intended to utilize this property as an inside commercial amusement for corporate office meetings, wedding receptions, reunions, holiday gatherings, gala dinners for private events/ banquets." (Ex. A). The Property had 33 delta credits.

On February 28, 2019, Megan Wimer, Assistant Building Official, sent a letter to the Property owner, Greenville Parks, LP, stating that the CO was revoked and the right to carry

BDA189-055
attach A 2

Board of Adjustment, Panel B
May 31, 2019
Page 2

forward the 33 delta credits was terminated. (Ex. B). Megan Wimer based the decision on the fact that the use was discontinued and the Property remained vacant for a 12 months. (*Id.*)

The applicant has appealed the building official's decision to revoke the CO and terminate the right to carry 33 delta credits for the use on the Property.

II. Reason for Revocation and Termination

Under Chapter 52, Section 306.13 ("52-306.13") of the Dallas City Code, the building official is required to revoke a certificate of occupancy if he determines that "the use or occupancy authorized by the certificate of occupancy has been discontinued for six months or more." (Ex. C). The utility bills for the Property from February 2018 to February 2019 indicate that the bills were of such minimal amounts that use of the property as a commercial amusement would be unsustainable. (Ex. D).

Further, under Dallas City Ordinance 22472, which amended Dallas City Ordinance 19726, the ordinance that established the modified delta overlay district for the area where the Property is located, Section 5 states, "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." (Ex. E). The building official based her decision on evidence that the level of water usage at the Property demonstrated that use of the Property as a commercial amusement would be unsustainable, and accordingly, the use had been discontinued and the Property vacant for the required period of time. (Ex. D).

Board of Adjustment, Panel B
May 31, 2019
Page 3

IV. Relief Requested

The building official's decision was proper, and the City requests that the decision be affirmed. The panel should sustain the building official's decision to revoke the CO at the Property and terminate the right to carry 33 delta credits.

Respectfully,

Sonia T. Syed
Assistant City Attorney
214-670-3950
Sonia.syed@dallascityhall.com

On behalf of the building official

Greenville Parks, LP

May 10, 2017

City of Dallas
(Zoning Section)
320 E. Jefferson Room 115
Dallas, TX 75203

RE: Land Use Statement for 1906 Greenville Ave.

Greenville Event Center is intended to utilize this property as an inside commercial amusement for corporate office meetings, wedding receptions, reunions, holiday gatherings, gala dinners for private events/banquets.

There will be no alcohol nor food prep at the location, food will not be catered in for events, if any food is to be provided it will be provided by the person who rents the space. This location will have a refrigerator but will not have any cooking equipment. We will not be selling any products.

The location will be open for customers by appointment only 7 days a week, Monday thru Sunday, hours of operation varies base upon rental use. Hours are from 8:00 a.m. to 12:00 a.m. the building will have to be cleaned and everyone out by midnight.

Sincerely,

Ryan Brandon Tinch
Owner

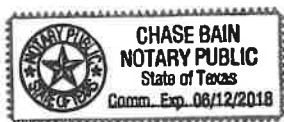
STATE OF TEXAS

COUNTY OF DALLAS

BEFORE ME, the undersigned Notary Public, on this day personally appeared

Ryan Brandon Tinch, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this is the 16th day of May, 2017.



Chase Bain
Notary Public in and for the State of Texas



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.¹ 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.²

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.³ 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.⁴ 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

- ¹ Paragraph (7) 306.13, "Revocation of Certificate of Occupancy," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code.
- ² Section 5 of Ordinance No. 19726 which established the Modified Delta Overlay District No. 1 (the Greenville Avenue Modified Delta Overlay District).
- ³ 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.
- ⁴ 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.

Sustainable Development and Construction Department - Building Inspection - 320 E. Jefferson Blvd., Rm. 204 - (214) 948-4320

306.12 Voiding of certificate of occupancy.

306.12.1 Void *ab initio*. A certificate of occupancy shall be void *ab initio* if the use or occupancy authorized by that certificate of occupancy is not commenced before the 120th day after the date of its issuance unless one or more extensions are granted under Subsection 306.12.2, in which case the certificate of occupancy shall be void *ab initio* if the use or occupancy is not commenced during the extended time period(s). (Ord. 26029; 26579)

306.12.2 Extensions of time. The building official may grant one or more extensions of time for periods not exceeding 120 days each if the building official finds that circumstances beyond the control of the holder of the certificate of occupancy have prevented the use or occupancy from being commenced. If a request for extension is made by the applicant or the applicant's agent, the request must be in writing and made within the time period sought to be extended. (Ord. 26029; 26579)

306.12.3 Void. A certificate of occupancy shall be void if:

1. A specific use permit required by the *Dallas Development Code* to operate the use or occupancy expires; or
2. A compliance date for the use or occupancy set by ordinance or the board of adjustment in accordance with the *Dallas Development Code* has passed. (Ord. 26579)

306.13 Revocation of certificate of occupancy. The building official shall revoke a certificate of occupancy if the building official determines that:

1. the certificate of occupancy is issued in error;
2. the certificate of occupancy is issued on the basis of false, incomplete, or incorrect information supplied;
3. a use or occupancy is being operated in a manner that is a substantial danger of injury or an adverse health impact to any person or property and is in violation of the codes, the *Dallas Development Code*, other city ordinances, rules, or regulations, or any county, state, or federal laws or regulations;
4. the structure or portion of the structure is a substantial danger of injury or an adverse health impact to any person or property and is in violation of the codes, the *Dallas Development Code*, other city ordinances, rules, or regulations, or any county, state, or federal laws or regulations;
5. a required city, county, state, or federal license, permit, or registration to operate the use or occupancy has not been issued, has been revoked, or has expired;

Ex. C

6. the holder of the certificate of occupancy has refused, upon request, to supply the building official with records needed to document the percentage of gross revenue on a quarterly (three-month) basis derived from the sale or service of alcoholic beverages within the required time period; or
7. the use or occupancy authorized by the certificate of occupancy has been discontinued for six months or more. (Ord. 26029; 26579)

306.14 Written notice. Written notice of any action taken or determination made by the building official under this section must be given to the owner of the structure and land and to the operator of the use or occupancy at the address shown on the certificate of occupancy by certified mail with a five-day return receipt requested or by hand-delivery. Except when a compliance date has been set in accordance with the *Dallas Development Code*, the notice must state that the action taken or determination made by the building official is final unless appealed. The fact that the notice is returned undelivered or that the return receipt is not signed by the addressee shall not affect the validity of the notice. (Ord. 26579)

306.15 Appeal of actions and determinations. Any action taken or determination made by the building official under this section shall be final unless appealed as follows:

1. If the action taken or determination made was pursuant to the codes, an appeal must be made to the building inspection advisory, examining, and appeals board in accordance with Section 208 before the 15th day after written notice of the action taken or determination made is given in accordance with Section 306.14; or
2. Except as provided in Paragraph 3, if the action taken or determination made was pursuant to the *Dallas Development Code*, an appeal must be made to the board of adjustment in accordance with the *Dallas Development Code*.
3. A certificate of occupancy that is void because a compliance date for the use or occupancy set by ordinance or the board of adjustment in accordance with the *Dallas Development Code* has passed may not be appealed under this subsection. (Ord. 26029; 26579)

306.16 Stay pending appeal. An appeal of an action taken or determination made by the building official under this section stays all proceedings in furtherance of the action taken or determination made that is appealed unless the building official certifies in writing to the appropriate board facts supporting the building official's opinion that a stay would cause imminent peril to life or property. Then, the proceedings may be stayed only by a restraining order granted by the district court, after notice to the building official, if due cause is shown. (Ord. 26579)

BDA: 89-055
Alec A

8

Amount Due by 02/28/2018.....\$0.85
Amount Due after 02/28/2018.....\$1.55



City of Dallas

Internet: www.dallascityhall.com
Call / Llame: (214)651-1441

Customer Name: FARAH REAL ESTATE NATALIE GROUND
Account Number: 100820110
Service Address: 1906 GREENVILLE AVE

Invoice: 051051322567 Issued: 02/13/2018 Page 1 of 1

INVOICE SUMMARY

Previous Balance	-\$13.10
Payment(s)	\$0.00
Other Transaction(s)	\$0.00
Balance Forward	-\$13.10
Current Charges	
Water Charges	\$5.33
Sewer Charges	\$4.78
Storm Water Charges	\$3.84
Total Current Charges	\$13.95
Total Amount Due	\$0.85

Utilities

Service from 01/14/2018 to 02/13/2018 for 31 days

Service Provided	Meter Number	Read Previous	Read 02/13/2018	Usage in 100 GALS	Usage Charge	Base Charge	Total
Water	882837	6	6	0		\$5.33	\$5.33
Sewer	882837	6	6	0		\$4.78	\$4.78
Surcharge Class 4 Average				0	0		\$0.00
Sewer Charges				0		\$4.78	\$4.78
Storm Water Charges							\$3.84
Utility Charges							\$13.95

06-000 Q



City of Dallas

Account Number:
100820110

Amount Due by 02/28/2018.....\$0.85
Amount Due after 02/28/2018.....\$1.55

FARAH REAL ESTATE NATALIE GROUNDS
2170 MATLOCK
MANSFIELD TX 76063

Ex. D
4-14

COD008

BDA 089-055
A Hutch A

9

Amount Due by 04/02/2018.....\$13.83
Amount Due after 04/02/2018.....\$14.57



City of Dallas

Internet: www.dallascityhall.com
Call / Liame: (214)651-1441

Customer Name: FARAH REAL ESTATE NATALIE GROUND
Account Number: 100820110
Service Address: 1906 GREENVILLE AVE

Invoice: 050752317357 Issued: 03/16/2018 Page 1 of 1

INVOICE SUMMARY

Previous Balance	\$0.85
Payment(s)	-\$1.85
Other Transaction(s)	\$0.04
Balance Forward	-\$0.96
Current Charges	
Water Charges	\$5.71
Sewer Charges	\$5.24
Storm Water Charges	\$3.84
Total Current Charges	\$14.79
Total Amount Due	\$13.83

Utilities

Service from 02/14/2018 to 03/15/2018 for 30 days

Service Provided	Meter Number	Read Previous	Read 03/15/2018	Usage in 100 GALS	Usage Charge	Base Charge	Total
Water	882837	6	7	1	\$0.38	\$5.33	\$5.71
Sewer	882837	6	7	1	\$0.42	\$4.78	\$5.20
Surchage Class 4 Average				1	\$0.04		\$0.04
Sewer Charges				1	\$0.46	\$4.78	\$5.24
Storm Water Charges							\$3.84
Utility Charges							\$14.79

06-000 Q



City of Dallas

Account Number:
100820110

Amount Due by 04/02/2018.....\$13.83
Amount Due after 04/02/2018.....\$14.57

FARAH REAL ESTATE NATALIE GROUNDS
2170 MATLOCK
MANSFIELD TX 76063

BDA184-055
 A Hill A 10

Amount Due by 04/27/2018.....\$13.95
 Amount Due after 04/27/2018.....\$14.65



City of Dallas

Internet: www.dallascityhall.com
 Call / Llame: (214)651-1441

Customer Name: FARAH REAL ESTATE NATALIE GROUND
 Account Number: 100820110
 Service Address: 1906 GREENVILLE AVE

Invoice: 051201088431 Issued: 04/12/2018 Page 1 of 1

INVOICE SUMMARY

Previous Balance	\$13.83
Payment(s)	-\$13.83
Other Transaction(s)	\$0.00
Balance Forward	\$0.00
Current Charges	
Water Charges	\$5.33
Sewer Charges	\$4.78
Storm Water Charges	\$3.84
Total Current Charges	\$13.95
Total Amount Due	\$13.95

Utilities

Service from 03/16/2018 to 04/12/2018 for 28 days

Service Provided	Meter Number	Read Previous	Read 04/12/2018	Usage in 100 GALS	Usage Charge	Base Charge	Total
Water	882837	7	7	0		\$5.33	\$5.33
Sewer	882837	7	7	0		\$4.78	\$4.78
Surcharge Class 4 Average				0	0		\$0.00
Sewer Charges				0		\$4.78	\$4.78
Storm Water Charges							\$3.84
Utility Charges							\$13.95

06-000 Q



City of Dallas

Account Number:
 100820110

Amount Due by 04/27/2018.....\$13.95
 Amount Due after 04/27/2018.....\$14.65

FARAH REAL ESTATE NATALIE GROUNDS
 2170 MATLOCK
 MANSFIELD TX 76063

PDA 189-055
Altin A 11

Amount Due by 05/30/2018.....\$13.95
Amount Due after 05/30/2018.....\$14.65



City of Dallas

Internet: www.dallascityhall.com
Call / Email: (214)651-1441

Customer Name: FARAH REAL ESTATE NATALIE GROUND
Account Number: 100820110
Service Address: 1906 GREENVILLE AVE

Invoice: 051001399897 Issued: 05/15/2018 Page 1 of 1

INVOICE SUMMARY	
Previous Balance	\$13.95
Payment(s)	-\$13.95
Other Transaction(s)	\$0.00
Balance Forward	\$0.00
Current Charges	
Water Charges	\$5.33
Sewer Charges	\$4.78
Storm Water Charges	\$3.84
Total Current Charges	\$13.95
Total Amount Due	\$13.95

Utilities							
Service from 04/13/2018 to 05/15/2018 for 33 days							
Service Provided	Meter Number	Read Previous	Read 05/15/2018	Usage in 100 GALS	Usage Charge	Base Charge	Total
Water	882837	7	7	0		\$5.33	\$5.33
Sewer	882837	7	7	0		\$4.78	\$4.78
Surcharge Class 4 Average				0	0		\$0.00
Sewer Charges				0		\$4.78	\$4.78
Storm Water Charges							\$3.84
Utility Charges							\$13.95

06-000 Q



City of Dallas

Account Number:
100820110

Amount Due by 05/30/2018.....\$13.95
Amount Due after 05/30/2018.....\$14.65

FARAH REAL ESTATE NATALIE GROUNDS
2170 MATLOCK
MANSFIELD TX 76063

P20A18A-055

Attach A 12

Amount Due by 06/29/2018.....\$0.70
Amount Due after 06/29/2018.....\$1.40



City of Dallas

Customer Name: FARAH REAL ESTATE NATALIE GROUND
Account Number: 100820110
Service Address: 1906 GREENVILLE AVE

Internet: www.dallascityhall.com
Call / Llame: (214)651-1441

Invoice: 050652767261 Issued: 06/14/2018 Page 1 of 1

INVOICE SUMMARY

Previous Balance	\$13.95
Payment(s)	-\$27.90
Other Transaction(s)	\$0.70
Balance Forward	-\$13.25
Current Charges	
Water Charges	\$5.33
Sewer Charges	\$4.78
Storm Water Charges	\$3.84
Total Current Charges	\$13.95
Total Amount Due	\$0.70

Utilities

Service from 05/16/2018 to 06/14/2018 for 30 days

Service Provided	Meter Number	Read Previous	Read 06/14/2018	Usage in 100 GALS	Usage Charge	Base Charge	Total
Water	882837	7	7	0		\$5.33	\$5.33
Sewer	882837	7	7	0		\$4.78	\$4.78
Surcharge Class 4 Average				0	0		\$0.00
Sewer Charges				0		\$4.78	\$4.78
Storm Water Charges							\$3.84
Utility Charges							\$13.95

06-000 Q



City of Dallas

Account Number:
100820110

FARAH REAL ESTATE NATALIE GROUNDS
2170 MATLOCK
MANSFIELD TX 76063

Amount Due by 06/29/2018.....\$0.70
Amount Due after 06/29/2018.....\$1.40

BODA 18A-055
 Matlock A 13

Amount Due by 07/27/2018.....\$14.69
 Amount Due after 07/27/2018.....\$15.39



City of Dallas

Internet: www.dallascityhall.com
 Call / Lline: (214)651-1441

Customer Name: FARAH REAL ESTATE NATALIE GROUND
 Account Number: 100820110
 Service Address: 1906 GREENVILLE AVE

Invoice: 050552880240 Issued: 07/12/2018 Page 1 of 1

INVOICE SUMMARY

Previous Balance	\$0.70
Payment(s)	\$0.00
Other Transaction(s)	\$0.04
Balance Forward	\$0.74
Current Charges	
Water Charges	\$5.33
Sewer Charges	\$4.78
Storm Water Charges	\$3.84
Total Current Charges	\$13.95
Total Amount Due	\$14.69

Utilities

Service from 06/15/2018 to 07/12/2018 for 28 days

Service Provided	Meter Number	Read Previous	Read 07/12/2018	Usage in 100 GALS	Usage Charge	Base Charge	Total
Water	882837	7	7	0		\$5.33	\$5.33
Sewer	882837	7	7	0		\$4.78	\$4.78
Surchage Class 4 Average				0	0		\$0.00
Sewer Charges				0		\$4.78	\$4.78
Storm Water Charges							\$3.84
Utility Charges							\$13.95

06-000 Q



City of Dallas

Account Number:
 100820110

Amount Due by 07/27/2018.....\$14.69
 Amount Due after 07/27/2018.....\$15.39

FARAH REAL ESTATE NATALIE GROUNDS
 2170 MATLOCK
 MANSFIELD TX 76063

BDA, PA - 055

AITAL A 14

Credit Balance - Do Not Pay.....-\$46.36



City of Dallas

Internet: www.dallascityhall.com

Call / Llame: (214)651-1441

Customer Name: FARAH REAL ESTATE NATALIE GROUND

Account Number: 100820110

Service Address: 1906 GREENVILLE AVE

Invoice: 050901621368 Issued: 08/13/2018 Page 1 of 1

INVOICE SUMMARY

Previous Balance	\$14.69
Payment(s)	-\$75.00
Other Transaction(s)	\$0.00
Balance Forward	-\$60.31
Current Charges	
Water Charges	\$5.33
Sewer Charges	\$4.78
Storm Water Charges	\$3.84
Total Current Charges	\$13.95
Total Amount Due	-\$46.36

Utilities

Service from 07/13/2018 to 08/13/2018 for 32 days

Service Provided	Meter Number	Read Previous	Read 08/13/2018	Usage in 100 GALS	Usage Charge	Base Charge	Total
Water	882837	7	7	0		\$5.33	\$5.33
Sewer	882837	7	7	0		\$4.78	\$4.78
Surchage Class 4 Average				0	0		\$0.00
Sewer Charges				0		\$4.78	\$4.78
Storm Water Charges							\$3.84
Utility Charges							\$13.95

06-000 Q



City of Dallas

Account Number:
100820110

No Payment Required.....-\$46.36

FARAH REAL ESTATE NATALIE GROUNDS
2170 MATLOCK
MANSFIELD TX 76063

BDA189-055

Alt A

15

Credit Balance - Do Not Pay.....\$32.41



City of Dallas

Internet: www.dallascityhall.com

Call / Llame: (214)651-1441

Customer Name: FARAH REAL ESTATE NATALIE GROUND

Account Number: 100820110

Service Address: 1906 GREENVILLE AVE

Invoice: 051201159307 Issued: 09/10/2018 Page 1 of 1

INVOICE SUMMARY

Previous Balance	-\$46.36
Payment(s)	\$0.00
Other Transaction(s)	\$0.00
Balance Forward	-\$46.36
Current Charges	
Water Charges	\$5.33
Sewer Charges	\$4.78
Storm Water Charges	\$3.84
Total Current Charges	\$13.95
Total Amount Due	-\$32.41

Utilities

Service from 08/14/2018 to 09/10/2018 for 28 days

Service Provided	Meter Number	Read Previous	Read 09/10/2018	Usage in 100 GALS	Usage Charge	Base Charge	Total
Water	882837	7	7	0		\$5.33	\$5.33
Sewer	882837	7	7	0		\$4.78	\$4.78
Surcharge Class 4 Average				0	0		\$0.00
Sewer Charges				0		\$4.78	\$4.78
Storm Water Charges							\$3.84
Utility Charges							\$13.95

06-008 Q



City of Dallas

Account Number:
100820110

No Payment Required.....\$32.41

FARAH REAL ESTATE NATALIE GROUNDS
2170 MATLOCK
MANSFIELD TX 76063


City of Dallas
Credit Balance - Do Not Pay.....-\$17.71

Customer Name: FARAH REAL ESTATE NATALIE GROUND
 Account Number: 100820110
 Service Address: 1906 GREENVILLE AVE

Internet: www.dallascityhall.com
 Call / Llame: (214)651-1441

Invoice: 051251132641 Issued: 10/15/2018 Page 1 of 1

INVOICE SUMMARY

Previous Balance	-\$32.41
Payment(s)	\$0.00
Other Transaction(s)	\$0.00
Balance Forward	-\$32.41
Current Charges	
Water Charges	\$5.70
Sewer Charges	\$5.23
Storm Water Charges	\$3.77
Total Current Charges	\$14.70
Total Amount Due	-\$17.71

Utilities

Service from 09/11/2018 to 10/12/2018 for 32 days

Service Provided	Meter Number	Read Previous	Read 10/12/2018	Usage in 100 GALS	Usage Charge	Base Charge	Total
Water	882837	7	8	1	\$0.37	\$5.33	\$5.70
Sewer	882837	7	8	1	\$0.41	\$4.78	\$5.19
Surcharge Class 4 Average				1	\$0.04		\$0.04
Sewer Charges				1	\$0.45	\$4.78	\$5.23
Storm Water Charges							\$3.77
Utility Charges							\$14.70

06-000 Q


City of Dallas

Account Number:
100820110

No Payment Required.....-\$17.71

FARAH REAL ESTATE NATALIE GROUNDS
 2170 MATLOCK
 MANSFIELD TX 76063

BDA189-055
 A.H.A
 17
 Credit Balance - Do Not Pay.....-\$2.76



City of Dallas

Internet: www.dallascityhall.com

Call / Llame: (214)651-1441

Customer Name: FARAH REAL ESTATE NATALIE GROUND

Account Number: 100820110

Service Address: 1906 GREENVILLE AVE

Invoice: 050851785841 Issued: 11/12/2018 Page 1 of 1

INVOICE SUMMARY	
Previous Balance	-\$17.71
Payment(s)	\$0.00
Other Transaction(s)	\$0.00
Balance Forward	-\$17.71
Current Charges	
Water Charges	\$5.70
Sewer Charges	\$5.23
Storm Water Charges	\$4.02
Total Current Charges	\$14.95
Total Amount Due	-\$2.76

Utilities							
Service from 10/13/2018 to 11/09/2018 for 28 days							
Service Provided	Meter Number	Read Previous	Read 11/09/2018	Usage in 100 GALS	Usage Charge	Base Charge	Total
Water	882837	8	9	1	\$0.37	\$5.33	\$5.70
Sewer	882837	8	9	1	\$0.41	\$4.78	\$5.19
Surcharge Class 4 Average				1	\$0.04		\$0.04
Sewer Charges				1	\$0.45	\$4.78	\$5.23
Storm Water Charges							\$4.02
Utility Charges							\$14.95

06-000 Q



City of Dallas

Account Number:
 100820110

No Payment Required.....-\$2.76

FARAH REAL ESTATE NATALIE GROUNDS
 2170 MATLOCK
 MANSFIELD TX 76063

BDA 189-055
A444 A

18



Utilities And Services

City of Dallas

Customer Name: **FARAH REAL ESTATE NATALIE
GROUNDS**

Account Number: **100820110**

Service Address: **1906 GREENVILLE AVE**

Amount Due by 12/28/18 \$12.19
Amount Due after 12/28/18 \$12.94

Invoice 050453058493 Issued 12/13/18 Page 1 of 2

INVOICE SUMMARY

Balance Forward	(\$2.76)
Current Charges (See back for details)	
Water Charges	\$5.70
Sewer Charges	\$5.23
Storm Water Charges	\$4.02
Total Current Charges	\$14.95
Total Amount Due	\$12.19

SPECIAL MESSAGES

Call 311 to request or report an emergency water turn-off, a water main break, a water meter leak, a fire hydrant leak, or a clogged or overflowing wastewater main.

United Way Dallas wants you to be prepared for the unexpected! Boost your emergency savings and earn \$60 in rewards. Go to SaverLife.org/Dallas to sign up today.

WATER CONSERVATION TIP

Did you know saving water during the winter saves you money all year? Dallas averages your water use from December thru March to determine your sewer fees every year. That's an incentive to save water! For more information, go to SaveDallasWater.com.

BE A GOOD NEIGHBOR!

Operation WaterShare: Helps pay water bills for customers facing temporary financial setbacks.

Born to Read Part of the Every Child Ready to Read program, Born to Read is centered in Parkland Hospital clinics. Librarians visit clinics, educate parents in the waiting rooms about brain development, share stories, give books to children.

CONTACT US?

Phone: (214) 651-1441
Email: WaterSpecialtyUnit@dallascityhall.com
Mail: 1500 Marilla, 3ANorth, Dallas, TX 75201

Keep this portion for your records.

ID-20181213INVOICE XML-859-000009497

Please return this portion with your payment Q



City of Dallas

Dallas Water Utilities
PO Box 660025
Dallas TX 75266-0025

ACCOUNT NUMBER:
100820110

MAIL PAYMENT TO:
City of Dallas
City Hall, 2D South
Dallas TX 75277

Amount Due by 12/28/18 \$12.19
Amount Due after 12/28/18 \$12.94
Operation WaterShare _____
Born to Read Family Literacy _____
Total Amount Enclosed \$ _____

Check here for change of address on back

000430 000009497



FARAH REAL ESTATE NATALIE GROUNDS
2170 MATLOCK
MANSFIELD TX 76063



2

1008201104 00000012190 00000012946 00000000001 101 41 20183621

UTILITY

Service from 11/10/18 to 12/12/18 for 33 days

<u>Service Provided</u>	<u>Meter Number</u>	<u>Previous Read</u>	<u>12/12/18 Read</u>	<u>Usage in 100 GALS</u>	<u>Usage Charge</u>	<u>Base Charge</u>	<u>Total</u>
Water	882837	9	10	1	\$0.37	\$5.33	\$5.70
Sewer	882837	9	10	1	\$0.41	\$4.78	\$5.19
Surcharge Class 4 Average				1	\$0.04		\$0.04
Sewer Charges				2	\$0.45	\$4.78	\$5.23
Storm Water Charges							\$4.02
Total Utility Charges							\$14.95

Storm Water Fee: This fee funds the City's storm water utility, formed in 1991, to meet requirements of a federal mandate to control storm water pollution. It also pays for other routine maintenance activities that affect storm water quality.

Surcharge: An additional charge to restaurants, bars, food processing plants, vehicle service facilities and certain industrial processors for treatment of above normal strength wastewater.

ID-20181213INVOICE XML-860-000009497

Address Change

City of Dallas
In Person Payment Location
 Dallas City Hall 2D South
 1500 Marilla Street
 8 a.m. - 5 p.m. Monday - Friday

As provided in Section 182.052 of the Texas Utilities Code, you are hereby informed of your right to request confidentiality of your address, telephone number, social security number, and information relating to volume or units of utility usage and amounts billed to or collected from you for utility usage. To elect confidentiality, please visit www.dwuconfidentiality.com.

Payments may be made by phone or automatically drafted monthly from your bank or credit card. For details, contact Customer Service at (214) 651-1441 or on-line at www.dallascityhall.com.

For a Fidelity Express location near you, please contact Customer Service at (214) 651-1441 or visit www.dallascityhall.com. If scheduled for disconnection, payment must be made the business day before the due date to avert this action.

In the event your check is returned for insufficient funds or uncollected funds, we may re-present your check electronically. {En el caso que su cheque sea devuelto por falta de fondos o fondos no cobrados, nosotros podemos procesar su cheque electrónicamente otra vez.}

For feedback on Inserts/Onserts, please call 311 or e-mail us at dallas311@dallascityhall.com

BDA189-055

20

Attach A

Credit Balance Do Not Pay

(\$13.68)



Utilities And Services

City of Dallas

Customer Name: FARAH REAL ESTATE NATALIE GROUNDS

Account Number: 100820110

Service Address: 1906 GREENVILLE AVE

Invoice 050801901449 Issued 1/14/19 Page 1 of 2

SPECIAL MESSAGES

Call 311 to request or report an emergency water turn-off, a water main break, a water meter leak, a fire hydrant leak, or a clogged or overflowing wastewater main.

United Way Dallas wants you to be prepared for the unexpected! Boost your emergency savings and earn \$60 in rewards. Go to SaverLife.org/Dallas to sign up today.

INVOICE SUMMARY

Table with 2 columns: Description and Amount. Rows include Previous Balance (\$12.19), Payment(s) (\$40.00), Balance Forward (\$27.81), Current Charges (See back for details), Water Charges (\$5.33), Sewer Charges (\$4.78), Storm Water Charges (\$4.02), Total Current Charges (\$14.13), and Total Amount Due (\$13.68).

WATER CONSERVATION TIP

In cool weather your landscape needs less water. Remember to switch automatic irrigation controllers to manual or the reduced seasonal setting. For more information about efficient outdoor watering, visit SaveDallasWater.com

BE A GOOD NEIGHBOR!

Operation WaterShare: Helps pay water bills for customers facing temporary financial setbacks.

CONTACT US?

Phone: (214) 651-1441
Email: WaterSpecialtyUnit@dallascityhall.com
Mail: 1500 Marilla, 3ANorth, Dallas, TX 75201

Keep this portion for your records.

ID-20190114INVOICE.XML-1235-000011290

Please return this portion with your payment Q



City of Dallas

Dallas Water Utilities
PO Box 660025
Dallas TX 75266-0025

ACCOUNT NUMBER: 100820110

No Payment Required (\$13.68)

Operation WaterShare

Total Amount Enclosed \$

MAIL PAYMENT TO:

City of Dallas
City Hall, 2D South
Dallas TX 75277

Check here for change of address on back

000618 000011290



FARAH REAL ESTATE NATALIE GROUNDS
2170 MATLOCK
MANSFIELD TX 76063



UTILITY

Service from 12/13/18 to 1/14/19 for 33 days

<u>Service Provided</u>	<u>Meter Number</u>	<u>Previous Read</u>	<u>1/14/19 Read</u>	<u>Usage in 100 GALS</u>	<u>Usage Charge</u>	<u>Base Charge</u>	<u>Total</u>
Water	882837	10	10	0	\$0.00	\$5.33	\$5.33
Sewer	882837	10	10	0	\$0.00	\$4.78	\$4.78
Surcharge Class 4 Average					\$0.00		
Sewer Charges						\$4.78	\$4.78
Storm Water Charges							\$4.02
Total Utility Charges							\$14.13

Storm Water Fee: This fee funds the City's storm water utility, formed in 1991, to meet requirements of a federal mandate to control storm water pollution. It also pays for other routine maintenance activities that affect storm water quality.

Surcharge: An additional charge to restaurants, bars, food processing plants, vehicle service facilities and certain industrial processors for treatment of above normal strength wastewater.

ID-20190114INVOICE.XML-1236-000011290

Address Change

City of Dallas
In Person Payment Location
 Dallas City Hall 2D South
 1500 Marilla Street
 8 a.m. - 5 p.m. Monday - Friday

As provided in Section 182.052 of the Texas Utilities Code, you are hereby informed of your right to request confidentiality of your address, telephone number, social security number, and information relating to volume or units of utility usage and amounts billed to or collected from you for utility usage. To elect confidentiality, please visit www.dwuconfidentiality.com.

Payments may be made by phone or automatically drafted monthly from your bank or credit card. For details, contact Customer Service at (214) 651-1441 or on-line at www.dallascityhall.com.

For a Fidelity Express location near you, please contact Customer Service at (214) 651-1441 or visit www.dallascityhall.com. If scheduled for disconnection, payment must be made the business day before the due date to avert this action.

In the event your check is returned for insufficient funds or uncollected funds, we may re-present your check electronically. {En el caso que su cheque sea devuelto por falta de fondos o fondos no cobrados, nosotros podemos procesar su cheque electrónicamente otra vez.}

For feedback on Inserts/Onserts, please call 311 or e-mail us at dallas311@dallascityhall.com

BDA-09-055
A 4 A 22



Utilities And Services

City of Dallas

Customer Name: **FARAH REAL ESTATE NATALIE
GROUNDS**

Account Number: **100820110**

Service Address: **1906 GREENVILLE AVE**

Amount Due by 3/1/19 \$1.27
Amount Due after 3/1/19 \$2.02

Invoice 051351048166 Issued 2/14/19 Page 1 of 2

INVOICE SUMMARY

Balance Forward	(\$13.68)
Current Charges (See back for details)	
Water Charges	\$5.70
Sewer Charges	\$5.23
Storm Water Charges	\$4.02
Total Current Charges	\$14.95
Total Amount Due	\$1.27

SPECIAL MESSAGES

All customers are invited to comment on the draft DWU Drought & Water Conservation Plans. Both plans are available until Feb. 28, 2019 at bit.ly/2HKaOld (case sensitive)

Be ready for cold weather. **Wrap** outside faucets and pipes in unheated areas of your home. Visit dwuwintertips.com for more information.

Pay your utility bill online. It's safe and hassle free! You'll have no checks to write, bills to mail or late fees to pay! Visit epay.dallascityhall.com to sign-up.

WATER CONSERVATION TIP

Have you checked your toilet for leaks? Toilet flapper valves commonly leak after a year or two, but are very easy to replace. Learn how to check for this leak at SaveDallasWater.com and save as much as 300 gallons of water a day!

BE A GOOD NEIGHBOR!

Operation WaterShare: Helps pay water bills for customers facing temporary financial setbacks.

AuthorSpeak AuthorSpeak is a program featuring presentations by prominent authors followed by a lively period of discussion. The series is presented cooperatively by the Dallas Public Library and the World Affairs Council of Dallas

CONTACT US?

Phone: (214) 651-1441
Email: WaterSpecialtyUnit@dallascityhall.com
Mail: 1500 Marilla, 3ANorth, Dallas, TX 75201

Keep this portion for your records.

ID-20190214\INVOICE.XML-903-000009557

Please return this portion with your payment Q



City of Dallas

Dallas Water Utilities
PO Box 660025
Dallas TX 75266-0025

ACCOUNT NUMBER:
100820110

MAIL PAYMENT TO:
City of Dallas
City Hall, 2D South
Dallas TX 75277

Amount Due by 3/1/19 \$1.27
Amount Due after 3/1/19 \$2.02
Operation WaterShare _____
AuthorSpeak _____
Total Amount Enclosed \$ _____

Check here for change of address on back

000452 000009557



FARAH REAL ESTATE NATALIE GROUNDS
2170 MATLOCK
MANSFIELD TX 76063



1008201104 00000001273 00000002022 00000000001 101 44 20190608

UTILITY

Service from 1/15/19 to 2/13/19 for 30 days

<u>Service Provided</u>	<u>Meter Number</u>	<u>Previous Read</u>	<u>2/13/19 Read</u>	<u>Usage in 100 GALS</u>	<u>Usage Charge</u>	<u>Base Charge</u>	<u>Total</u>
Water	882837	10	11	1	\$0.37	\$5.33	\$5.70
Sewer	882837	10	11	1	\$0.41	\$4.78	\$5.19
Surcharge Class 4 Average				1	\$0.04		\$0.04
Sewer Charges				2	\$0.45	\$4.78	\$5.23
Storm Water Charges							\$4.02
Total Utility Charges							\$14.95

Storm Water Fee: This fee funds the City's storm water utility, formed in 1991, to meet requirements of a federal mandate to control storm water pollution. It also pays for other routine maintenance activities that affect storm water quality.

Surcharge: An additional charge to restaurants, bars, food processing plants, vehicle service facilities and certain industrial processors for treatment of above normal strength wastewater.

ID-20190214INVOICE.XML-904-000009557

Address Change

City of Dallas
In Person Payment Location
Dallas City Hall 2D South
1500 Marilla Street
8 a.m. - 5 p.m. Monday - Friday

As provided in Section 182.052 of the Texas Utilities Code, you are hereby informed of your right to request confidentiality of your address, telephone number, social security number, and information relating to volume or units of utility usage and amounts billed to or collected from you for utility usage. To elect confidentiality, please visit www.dwuconfidentiality.com.

Payments may be made by phone or automatically drafted monthly from your bank or credit card. For details, contact Customer Service at (214) 651-1441 or on-line at www.dallascityhall.com.

For a Fidelity Express location near you, please contact Customer Service at (214) 651-1441 or visit www.dallascityhall.com. If scheduled for disconnection, payment must be made the business day before the due date to avert this action.

In the event your check is returned for insufficient funds or uncollected funds, we may re-present your check electronically. {En el caso que su cheque sea devuelto por falta de fondos o fondos no cobrados, nosotros podemos procesar su cheque electrónicamente otra vez.}

For feedback on Inserts/Onserts, please call 311 or e-mail us at dallas311@dallascityhall.com

with A



City of Dallas

STATE OF TEXAS §
 COUNTY OF DALLAS §
 CITY OF DALLAS §

I, **BILIERAE JOHNSON**, Assistant City Secretary, of the City of Dallas, Texas, do hereby certify that the attached is a true and correct copy of:

ORDINANCE NO. 19726

Which was passed by the Dallas City Council on **October 21, 1987**.

WITNESS MY HAND AND THE SEAL OF THE CITY OF DALLAS, TEXAS, this the **5th** day of **January, 2017**.

BILIERAE JOHNSON
ASSISTANT CITY SECRETARY
CITY OF DALLAS, TEXAS

Prepared By: CM

Ex. E

873376

19726

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

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

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

19726

873976

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

Tract III:

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

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

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

19726

873376

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

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

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

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

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

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

Attach A

19726

873376

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

APPROVED AS TO FORM:

ANAESLIE MUNCY, City Attorney

BY *Lyndine Alden Stinson*
Assistant City Attorney

Passed and correctly enrolled OCT 21 1967

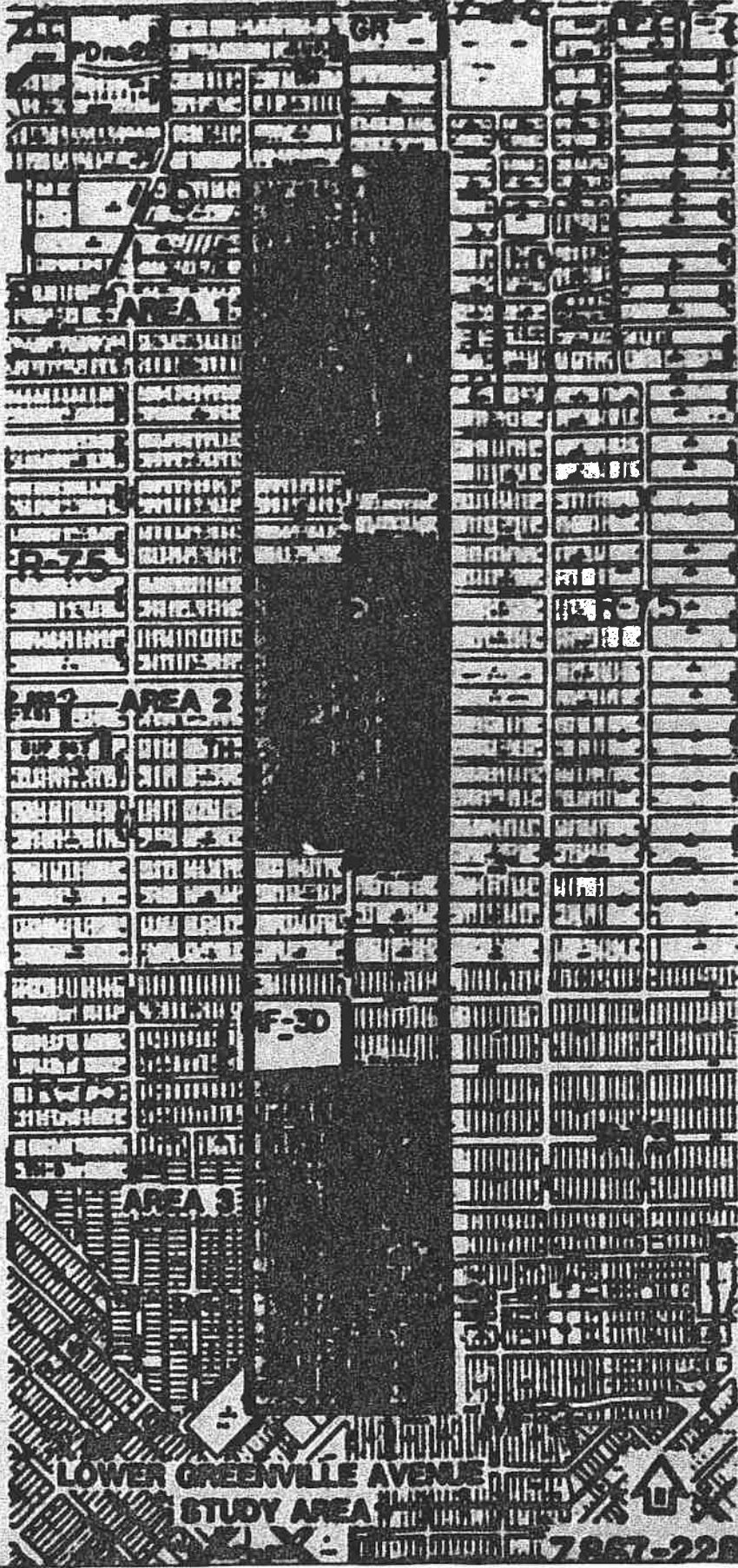
Zoning File No. 2867-228/6254-E

5623I

Attach A

10726

873376



LOWER GREENVILLE AVENUE
STUDY AREA

2G

7857-228 / 6254-E

Attch A

SEE ALSO

THE FOLLOWING FILES CONTAIN INFORMATION RELATING TO THIS FILE AND
MAY BE OF INTEREST. THE INFORMATION CONTAINED IN THESE FILES MAY
AMEND, REPEAL OR OTHERWISE AFFECT THE STATUS OF THIS FILE.

873235

<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>

THIS FILE IS:

873376

PSA 104-055

Att: A

31

**END
FILE NUMBER:**

87-3376

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 21, 1987

87-3376

Agenda item 27: Ordinance authorizing the placement of a Modified Delta Overlay District on three areas of land located along both sides of Greenville Avenue between Ellsworth Avenue and Ross Avenue - Z867-228/6254-E

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 19726.

873376

10/21/87

ORDINANCE NO. 19726

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

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

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

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

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

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

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

1

CHECKED BY

JCY

AH26A



City of Dallas


STATE OF TEXAS §
 COUNTY OF DALLAS §
 CITY OF DALLAS §

I, **BILIERAE JOHNSON**, Assistant City Secretary, of the City of Dallas, Texas, do hereby certify that the attached is a true and correct copy of:

ORDINANCE NO. 22472

Which was passed by the Dallas City Council on **October 21, 1987**.

WITNESS MY HAND AND THE SEAL OF THE CITY OF DALLAS, TEXAS, this the **5th** day of **January, 2017**.



BILIERAE JOHNSON
ASSISTANT CITY SECRETARY
CITY OF DALLAS, TEXAS

Prepared By: CM

ALAN A

952395

6-21-95

ORDINANCE NO 22472

An ordinance amending Ordinance No. 19726, which established Modified Delta Overlay District No. 1 (the Greenville Avenue Modified Delta Overlay District); amending Section 5 of that ordinance, providing that the board of adjustment may not grant a special exception for required parking; providing an extension of the walking distance for remote parking; providing that more than 50 percent of required parking may be provided in the modified delta overlay district; providing that the modified delta overlay district shall be governed by CHAPTER 51A, "PART II OF THE CITY OF DALLAS ORDINANCES," which shall govern this district; providing a penalty for violation of the provisions of this ordinance; providing a severability clause; providing that the city council of the City of Dallas, in accordance with the provisions of the City of Dallas Charter, the state law, and the applicable ordinance, has read and approved this ordinance and has given notice of its intent to adopt this ordinance and have held the required public hearings regarding this ordinance in accordance with Ordinance No. 19726; and



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

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

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

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

1

CHECKED BY

JCK

22472

952395

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

- (a) A decline in the rental rates for the area which has affected the rental market.
- (b) An unusual increase in the vacancy rates for the area which has affected the rental market.
- (c) Obsolescence of the subject property, including environmental hazards, extensive renovation or remodeling, and extreme deterioration of adjacent properties, affecting the marketability of property."

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

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

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

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

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

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

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

22472

952395

as follows:

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

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

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

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

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

APPROVED AS TO FORM:

SAM A. LINDSAY, City Attorney

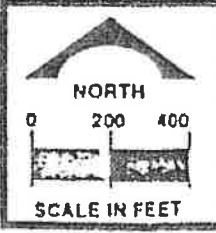
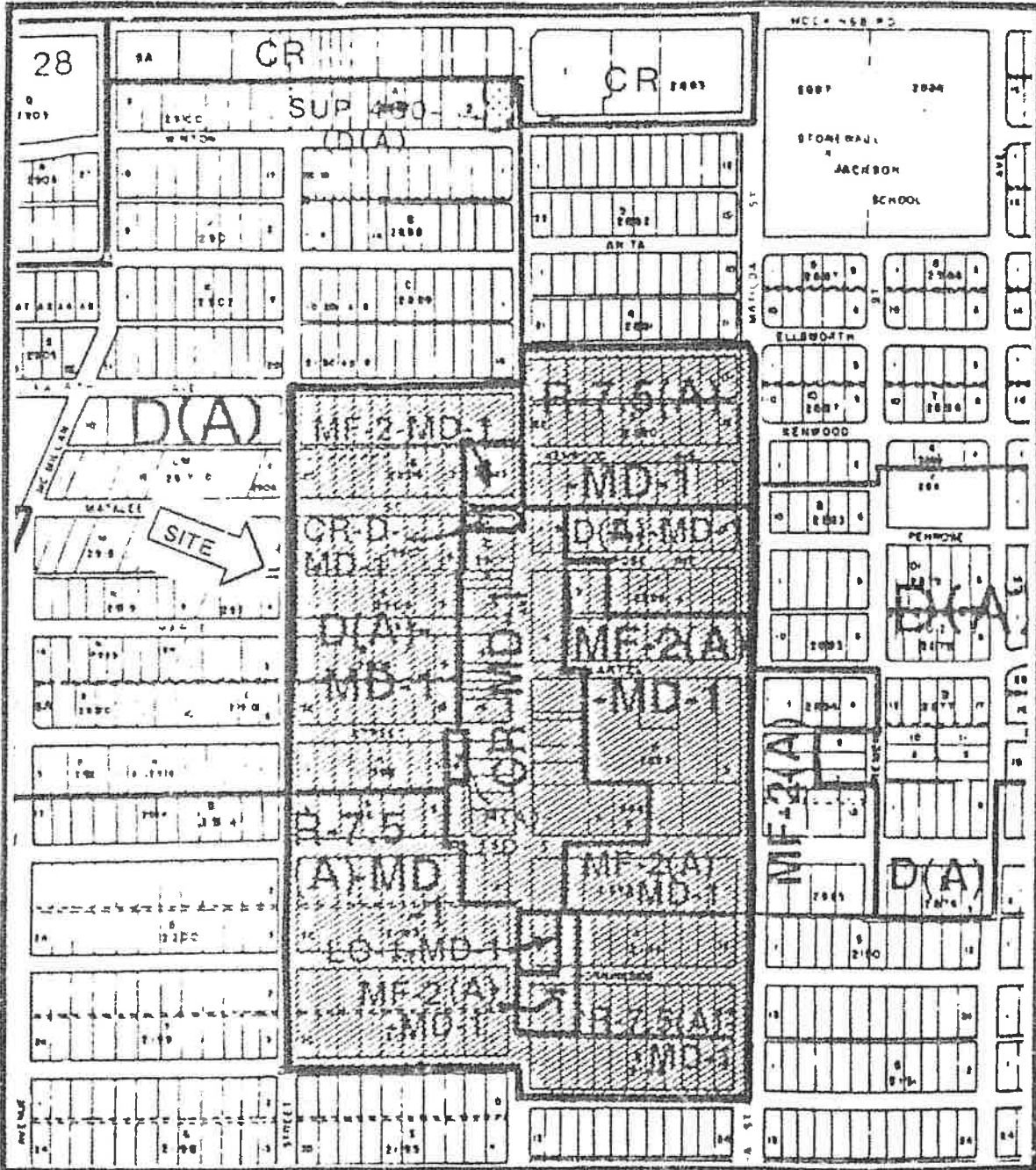
By *[Signature]*
Assistant City Attorney

JUN 25 1995

Passed _____

File No. Z945-206/6254-E

952395



ZONING HISTORY
"AREA 1"

Map No. H-8, I-8

Case No. Z945-206/6254-E



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: 48113001101

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: (817) 467-1889

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

E-mail Address: Mfarah@farahlegal.com

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

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

E-mail Address: Dallas@thekaplan.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)

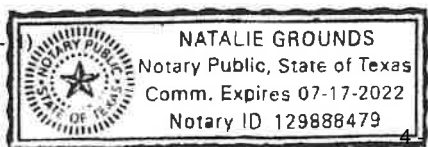
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

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-



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

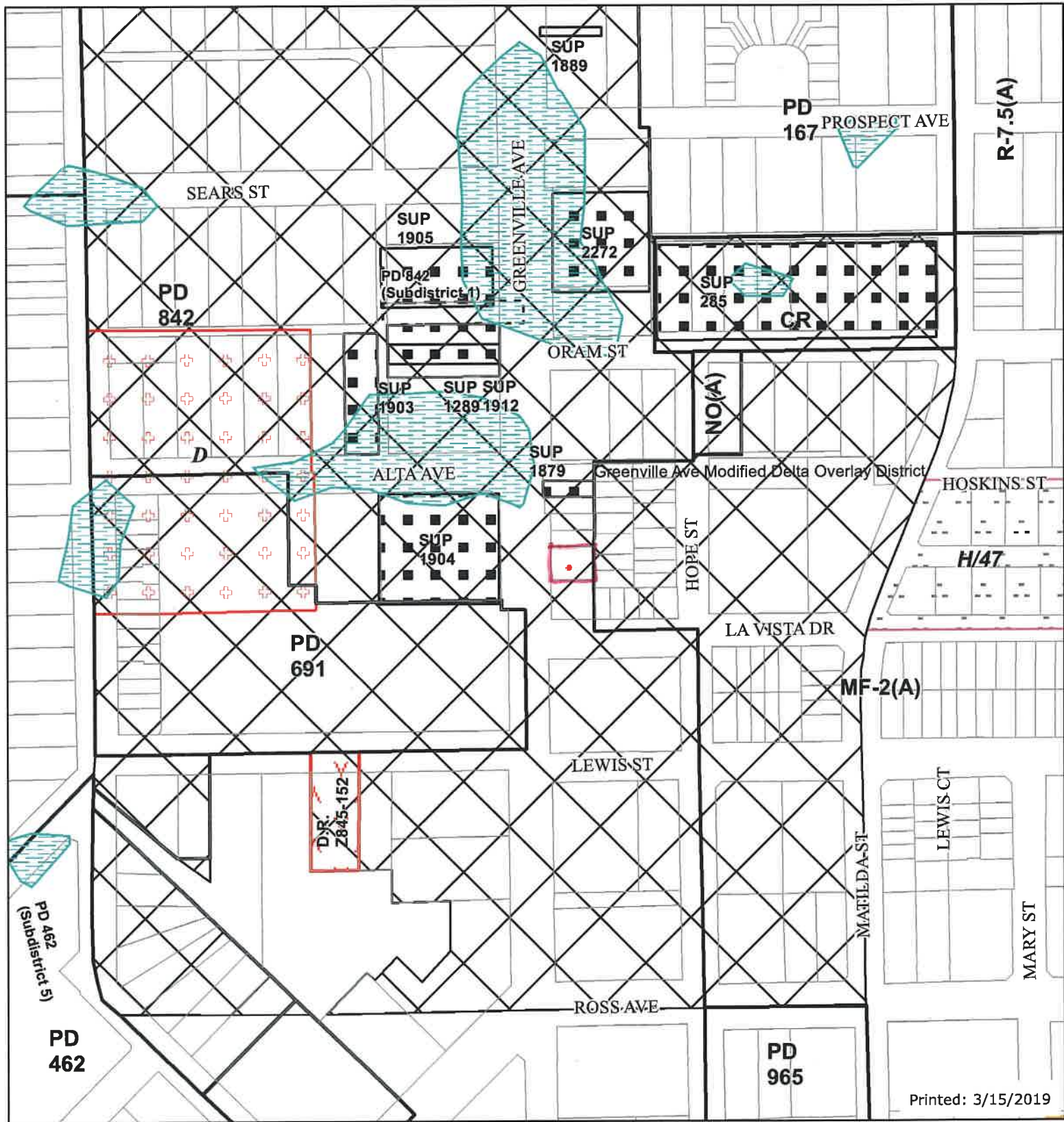
Building Official's Report

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 use or occupancy authorized by the certificate of occupancy has been discontinued for six months or more, per Paragraph (7) 306.13, Revocation of Certificate of Occupancy, of Chapter 52, Administrative Procedures for the Construction Codes, of the Dallas City Code.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



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 | SPSD Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | SUP | Historic Overlay | Front Overlay |
| | | Height Map Overlay | |

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





CITY OF DALLAS

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.¹ 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.²

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.³ 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.⁴ 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

¹ Paragraph (7) 306.13, "Revocation of Certificate of Occupancy," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code.

² Section 5 of Ordinance No. 19726 which established the Modified Delta Overlay District No. 1 (the Greenville Avenue Modified Delta Overlay District).

³ 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.

⁴ 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.



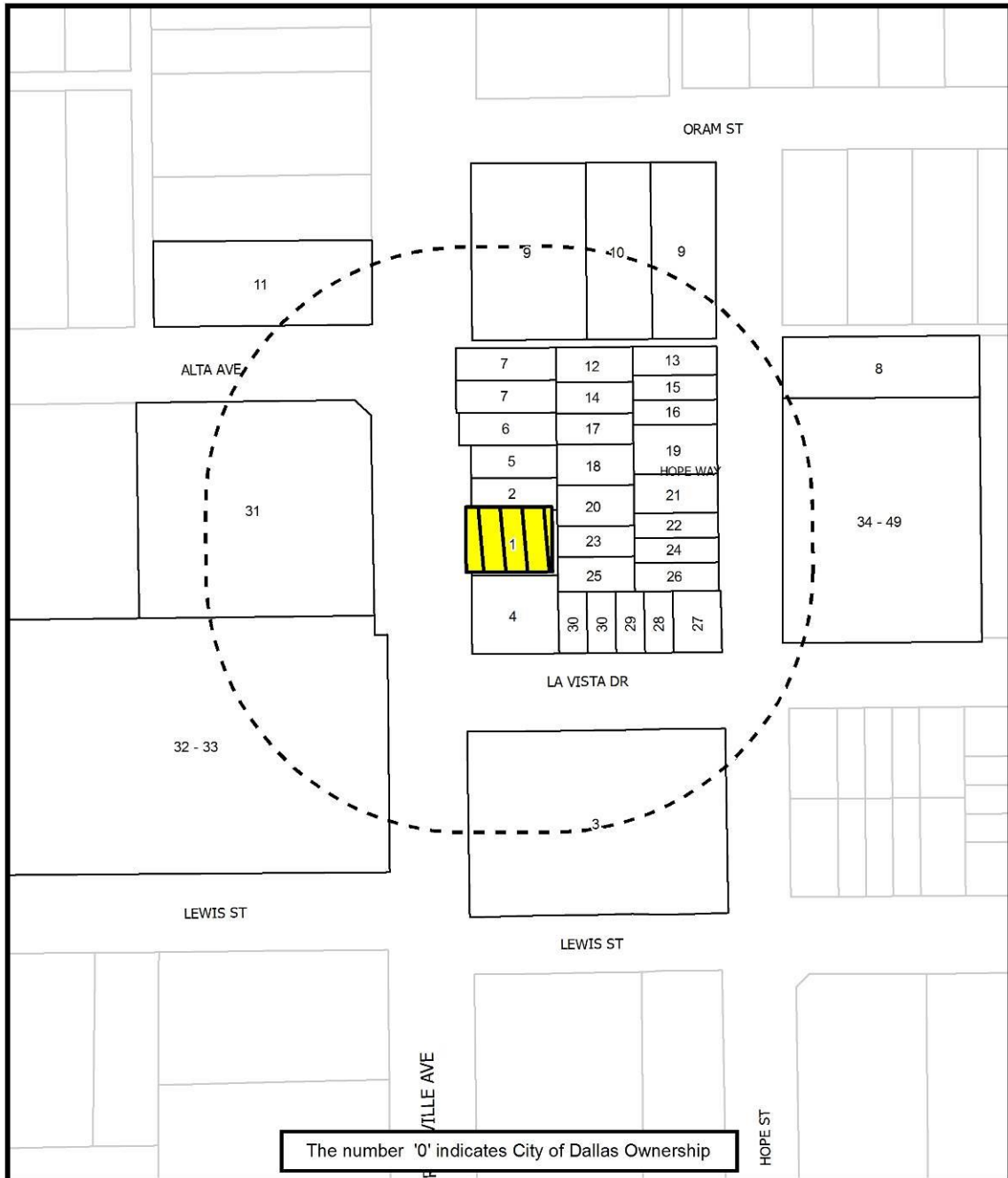
CITY OF DALLAS

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.



The number '0' indicates City of Dallas Ownership

 1:1,200	<h2 style="margin: 0;">NOTIFICATION</h2> <table style="margin: 5px auto; border-collapse: collapse;"> <tr> <td style="border: 1px solid black; padding: 2px 5px;">200'</td> <td style="padding: 2px 5px;">AREA OF NOTIFICATION</td> </tr> <tr> <td style="border: 1px solid black; padding: 2px 5px;">49</td> <td style="padding: 2px 5px;">NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	49	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA189-055 Date: 4/11/2019
200'	AREA OF NOTIFICATION					
49	NUMBER OF PROPERTY OWNERS NOTIFIED					

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

FILE NUMBER: BDA189-072(SL)

BUILDING OFFICIAL'S REPORT: Application of Bart Reeder for a special exception to the fence standards regulations at 4622 Belmont Avenue. This property is more fully described as Lot 10B, Block E/2002, and is zoned MF-2(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and/or maintain an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence standards regulations.

LOCATION: 4622 Belmont Avenue

APPLICANT: Bart Reeder

REQUEST:

A request for a special exception to the fence standards regulations related to height of 4' is made to maintain an 8' high solid wood fence in one of the site's two required front yards (Weldon Street) on a site developed with a single family home.

(Note that this application is similar to two others filed by the same applicant on properties adjacent to this site and scheduled to be heard by Board of Adjustment Panel B on June 19, 2019: BDA189-073 and 074).

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.

BACKGROUND INFORMATION:

Zoning:

Site: MF-2(A) (Multifamily residential)
North: MF-2(A) (Multifamily residential)
South: MF-2(A) (Multifamily residential)

East: MF-2(A) (Multifamily residential)
West: MF-2(A) (Multifamily residential)

Land Use:

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

Zoning/BDA History:

- | | |
|--|---|
| 1. BDA189-073, Property at 4626 Belmont Avenue (the property one lot east of the subject site) | On June 19 19, 2019, the Board of Adjustment Panel B will consider a special exception to the fence standards regulations of 4' made to maintain an 8' high solid wood fence in one of the site's two required front yards (Weldon Street) on a site developed with a single family home. |
| 2. BDA189-074, Property at 4625 Weldon Street (the property two lots east of the subject site) | On June 19 19, 2019, the Board of Adjustment Panel B will consider a special exception to the fence standards regulations of 4' made to maintain an 8' high solid wood fence in one of the site's two required front yards (Weldon Street) on a site developed with a single family home. |

GENERAL FACTS/STAFF ANALYSIS:

- This request for a special exception to the fence standards regulations related to height of 4' focuses on maintaining an 8' high solid wood fence in one of the site's two required front yards (Weldon Street) on a site developed with a single family home.
- The site is zoned MF-2(A) which requires a 15' front yard setback.
- The site has two front yard setbacks because the lot runs from one street to another – Belmont Avenue on the west and Wedlon Street on the east. The site has double frontage, and a required front yard must be provided on both streets.
- 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 Dallas Development Code states that in multifamily districts, a fence located in the required front yard may be built to a maximum height of six feet above grade if all conditions in the following subparagraphs are met:
 - (A) No lot in the blockface may be zoned as a single family or duplex district.
 - (B) No gates for vehicular traffic may be located less than 20 feet from the back of the street curb.

(C) No fence panel having less than 50 percent open surface area may be located less than five feet from the front lot line.

- The submitted site plan and elevation represents that an 8' high solid wood fence is located on the site's Weldon Street front lot line hence the request for a 4' exception to maintain the 8' high fence as opposed to a 2' exception to maintain the 8' high fence.
- The following additional information was gleaned from the submitted site plan:
 - The proposal is represented as being approximately 50' in length parallel to Weldon Street and 15' perpendicular on either side of the site in this front yard setback.
 - The proposal is represented as being located on the front property line. (The distance between the fence and the pavement line cannot be determined since the site plan does not denote a pavement line).
- The Sustainable Development and Construction Department Board of Adjustment Senior Planner conducted a field visit of the site and surrounding area and noted no other fences that appeared to be above 4' in height in the area in a front yard setback.
- As of June 7, 2019, no letters had been submitted in support of the request, and one letter had been submitted in opposition.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations (whereby the existing fence that reaches 8' in height) will not adversely affect neighboring property.
- Granting this special exception of 4' with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal/existing fence exceeding 4' in height to be maintained in the location and of the heights and materials as shown on these documents.

Timeline:

April 17, 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.

May 13, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

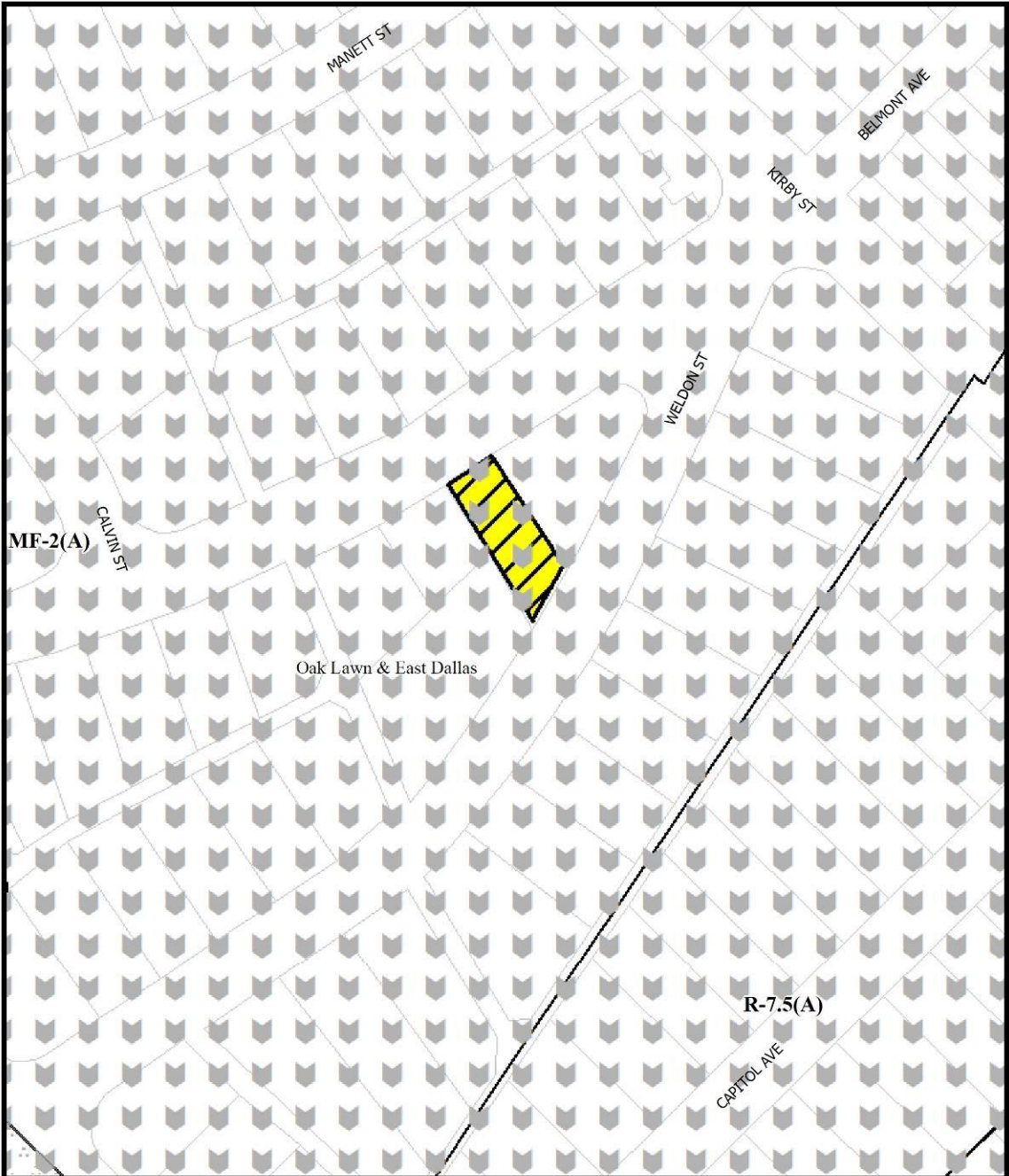
May 14, 2019: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the May 29th deadline to submit additional evidence for staff to factor into their analysis; and the June 7th 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.

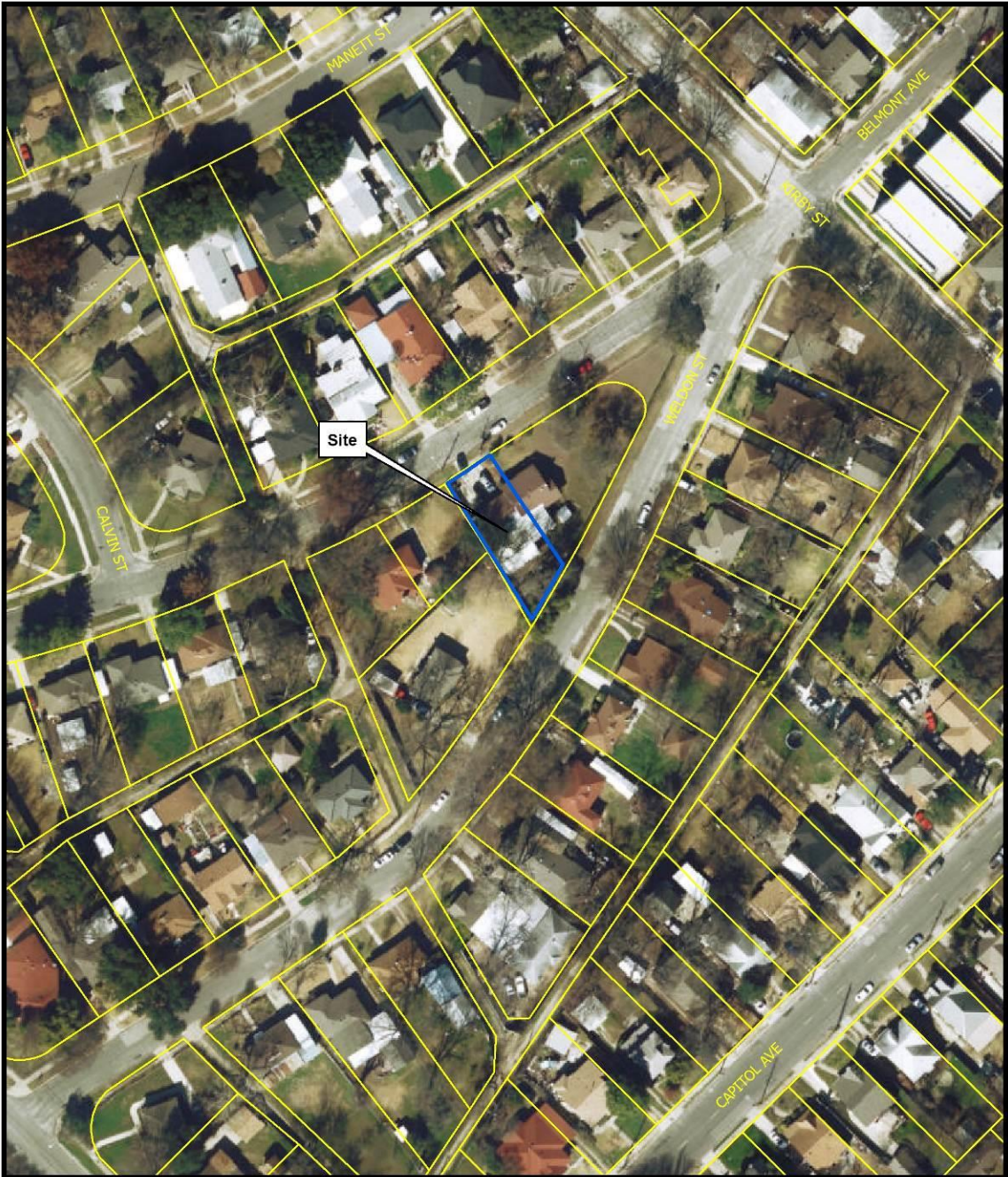
June 4, 2019:

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

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



 1:1,200	<h1>ZONING MAP</h1>	Case no: <u>BDA189-072</u> Date: <u>5/15/2019</u>
--	---------------------	--



1:1,200

AERIAL MAP

Case no: BDA189-072

Date: 5/15/2019



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-072

Data Relative to Subject Property:

Date: April 17, 2019

Location address: 4622 Belmont Ave.

Zoning District: MF-2

Lot No.: 10B Block No.: E/2002 Acreage: .115 Census Tract: 8.00

Street Frontage (in Feet): 1) 40 2) 49 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Ted Reeder

Applicant: Bart Reeder Telephone: 214-938-1823

Mailing Address: 6310 Windmill Cir, Dallas, TX Zip Code: 75252

E-mail Address: Bart@BartonReeder.com

Represented by: Bart Reeder Telephone: 214-938-1823

Mailing Address: 6310 Windmill Cir, Dallas, TX Zip Code: 75252

E-mail Address: Bart@BartonReeder.com

Affirm that an appeal has been made for a Variance _____, or Special Exception X, of the Fence height limitation - 4' to the required 4 ft Fence Standard & provide 8' TALL fence.

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:

Home has been constructed with front facing Belmont Ave., so the "backyard" faces Weldon St. We want to put a 8' privacy fence along Weldon St.

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.

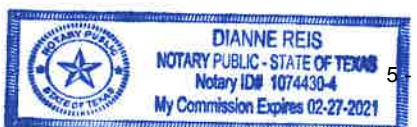
Affidavit

Before me the undersigned on this day personally appeared Ted Reeder (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 17th day of April, 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 BART REEDER

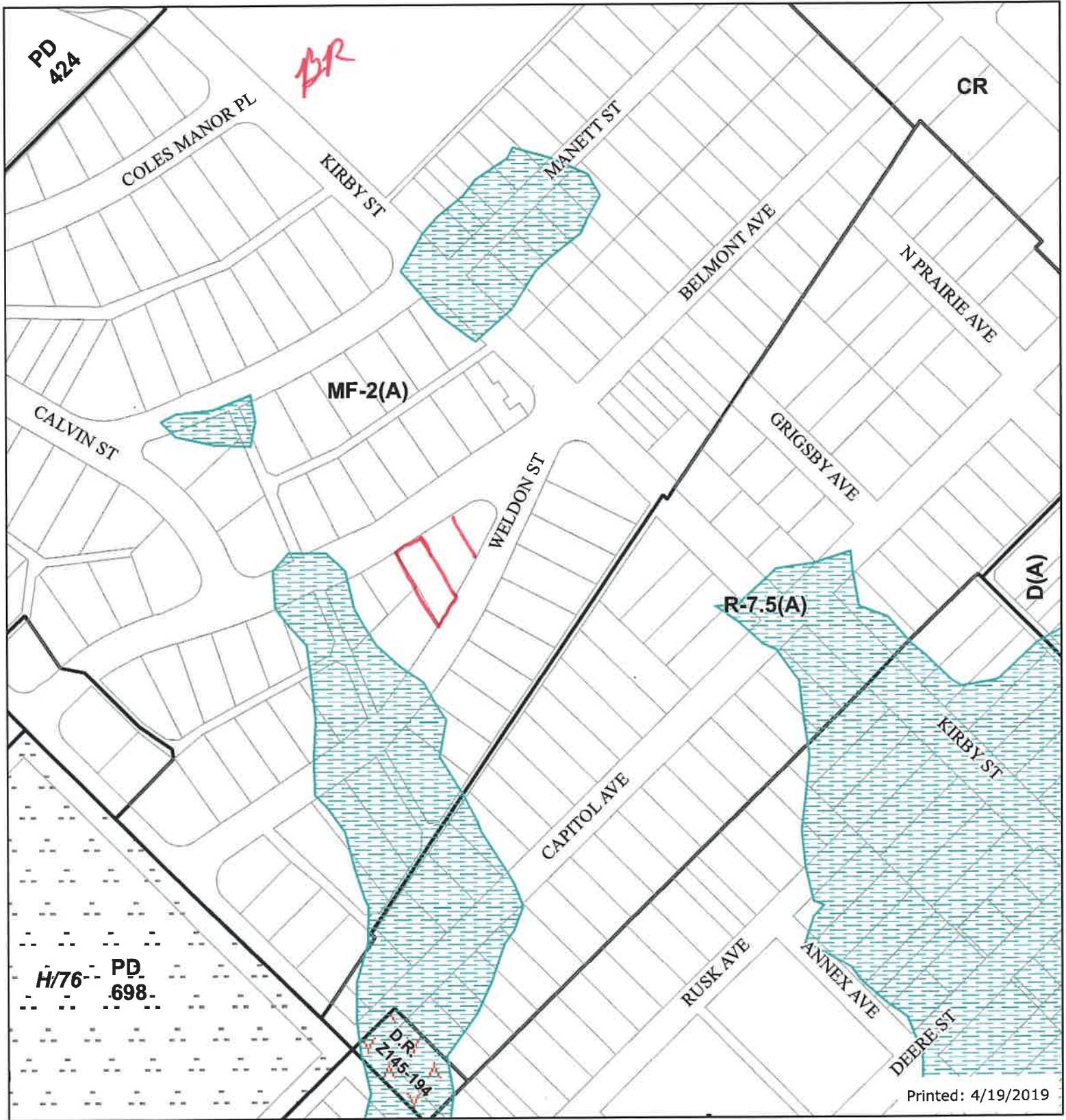
did submit a request for a special exception to the fence height regulations
at 4622 Belmont Avenue

BDA189-072. Application of BART REEDER for a special exception to the fence height regulations at 4622 BELMONT AVE. This property is more fully described as Lot 10B, Block E/2002, and is zoned MF-2(A), which limits the height of a fence in the front yard to feet. The applicant proposes to construct an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence 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 | SPSD Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | SUP | Historic Overlay | Sho Front Overlay |
| | | Height Map Overlay | |

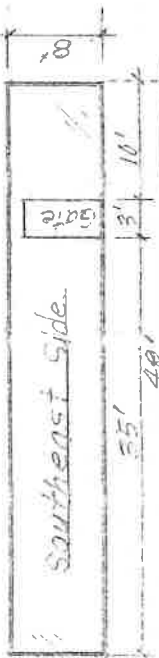
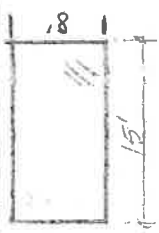
This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering,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



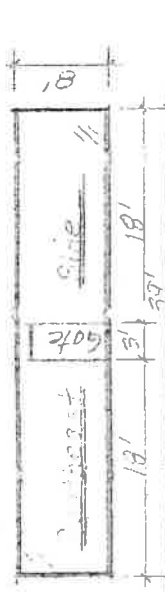
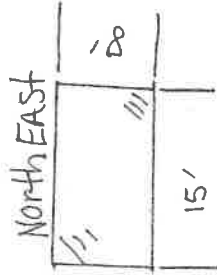
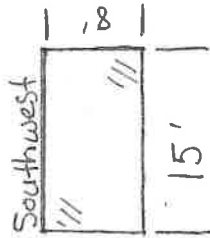


BR

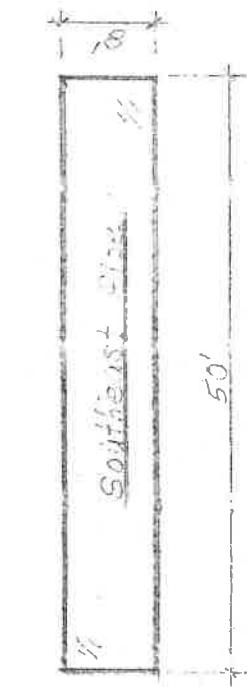
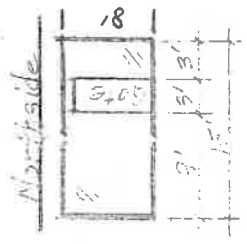
Southwest Side



4622 Belmont Ave - Lot 10B



4626 Belmont Ave - Lot 10C



4625 Weldon Street - Lot 10D

8' High-CEDAR FENCE ELEVATIONS

Location: Lots 10B-10D-10D
 Block E/2002 - Dallas County
 Dallas, Texas - 75201
 Owner: Ted Reeder
 1505 Tree Farm Dr. Ft. Worth, TX 76106
 Contact: Ted Reeder 972-333-2222
 Fax: Reeder 972-998-1933
 Date: 11/19/19



 1:1,200	NOTIFICATION		Case no: BDA189-072
	<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;">32</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 5/15/2019

Notification List of Property Owners

BDA189-072

32 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4626 BELMONT AVE	REEDER TED
2	4605 BELMONT AVE	CHAILLET BRIAN S
3	4616 MANETT ST	NEW MILLENNIAL LLC
4	4620 MANETT ST	SOTO SALVADOR M
5	4626 MANETT ST	LIM HOC KOUM &
6	4630 MANETT ST	FOLLETT KRISTIN
7	4635 BELMONT AVE	LIM HOURNG &
8	4631 BELMONT AVE	ROMERO ROBERT VINCENT
9	4625 BELMONT AVE	CONTRERAS PETRA
10	4621 BELMONT AVE	LIM HARRY & GOECHLANG K
11	4617 BELMONT AVE	MANZANARES PORFIRIA
12	4611 BELMONT AVE	SCIVALLY ROY JR
13	4528 WELDON ST	RODRIGUEZ ISABEL J
14	4532 WELDON ST	NAVA RAFAEL & CHRISTINA M
15	4602 WELDON ST	4602 WELDON ST BUILDINGS LLC
16	4606 WELDON ST	LIM SAMMIE &
17	4610 WELDON ST	LUCRUM ASSET HOLDINGS LLC
18	4616 WELDON ST	FLORESRAMOS ANNA MARIA
19	4620 WELDON ST	FUENTES ANGEL H &
20	4624 WELDON ST	MORRIS PAULINE
21	4628 WELDON ST	CORIA NEMORIA
22	4602 BELMONT AVE	ROJAS LUIS SAUCEDO
23	4606 BELMONT AVE	LATCHEM JACOB C &
24	4535 WELDON ST	TORRES JESUS &
25	4527 WELDON ST	ESTRADA MARIA &
26	4615 CAPITOL AVE	HERNANDEZ JULIO &

05/15/2019

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	4611 CAPITOL AVE	PEREZ EMMANUEL
28	4607 CAPITOL AVE	VALDEZ GREGORY
29	4603 CAPITOL AVE	TAMEZ JAIME A &
30	4539 CAPITOL AVE	OXNER CATHERINE
31	4614 BELMONT AVE	HOLDEN TOM
32	4616 BELMONT AVE	MOEN BRUCE L

FILE NUMBER: BDA189-073(SL)

BUILDING OFFICIAL'S REPORT: Application of Bart Reeder for a special exception to the fence standards regulations at 4626 Belmont Avenue. This property is more fully described as Lot 10C, Block E/2002, and is zoned MF-2(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and/or maintain an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence standards regulations.

LOCATION: 4626 Belmont Avenue

APPLICANT: Bart Reeder

REQUEST:

A request for a special exception to the fence standards regulations related to height of 4' is made to maintain an 8' high solid wood fence in one of the site's two required front yards (Weldon Street) on a site developed with a single family home.

(Note that this application is similar to two others filed by the same applicant on properties adjacent to this site and scheduled to be heard by Board of Adjustment Panel B on June 19, 2019: BDA189-072 and 074).

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.

BACKGROUND INFORMATION:

Zoning:

Site: MF-2(A) (Multifamily residential)
North: MF-2(A) (Multifamily residential)
South: MF-2(A) (Multifamily residential)

East: MF-2(A) (Multifamily residential)
West: MF-2(A) (Multifamily residential)

Land Use:

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

Zoning/BDA History:

- | | |
|---|---|
| 1. BDA189-072, Property at 4622 Belmont Avenue (the property to the west of the subject site) | On June 19 19, 2019, the Board of Adjustment Panel B will consider a special exception to the fence standards regulations of 4' made to maintain an 8' high solid wood fence in one of the site's two required front yards (Weldon Street) on a site developed with a single family home. |
| 2. BDA189-074, Property at 4625 Weldon Street (the property to the east of the subject site) | On June 19 19, 2019, the Board of Adjustment Panel B will consider a special exception to the fence standards regulations of 4' made to maintain an 8' high solid wood fence in one of the site's two required front yards (Weldon Street) on a site developed with a single family home. |

GENERAL FACTS/STAFF ANALYSIS:

- This request for a special exception to the fence standards regulations related to height of 4' focuses on maintaining an 8' high solid wood fence in one of the site's two required front yards (Weldon Street) on a site developed with a single family home.
- The site is zoned MF-2(A) which requires a 15' front yard setback.
- The site has two front yard setbacks because the lot runs from one street to another – Belmont Avenue on the west and Wedlon Street on the east. The site has double frontage, and a required front yard must be provided on both streets.
- 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 Dallas Development Code states that in multifamily districts, a fence located in the required front yard may be built to a maximum height of six feet above grade if all conditions in the following subparagraphs are met:
 - (A) No lot in the blockface may be zoned as a single family or duplex district.
 - (B) No gates for vehicular traffic may be located less than 20 feet from the back of the street curb.

(C) No fence panel having less than 50 percent open surface area may be located less than five feet from the front lot line.

- The submitted site plan and elevation represents that an 8' high solid wood fence is located on the site's Weldon Street front lot line hence the request for a 4' exception to maintain the 8' high fence as opposed to a 2' exception to maintain the 8' high fence.
- The following additional information was gleaned from the submitted site plan:
 - The proposal is represented as being approximately 38' in length parallel to Weldon Street and 15' perpendicular on either side of the site in this front yard setback.
 - The proposal is represented as being located on the front property line. (The distance between the fence and the pavement line cannot be determined since the site plan does not denote a pavement line).
- The Sustainable Development and Construction Department Board of Adjustment Senior Planner conducted a field visit of the site and surrounding area and noted no other fences that appeared to be above 4' in height in the area in a front yard setback.
- As of June 7, 2019, no letters had been submitted in support of the request, and one letter had been submitted in opposition.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations (whereby the existing fence that reaches 8' in height) will not adversely affect neighboring property.
- Granting this special exception of 4' with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal/existing fence exceeding 4' in height to be maintained in the location and of the heights and materials as shown on these documents.

Timeline:

April 17, 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.

May 13, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

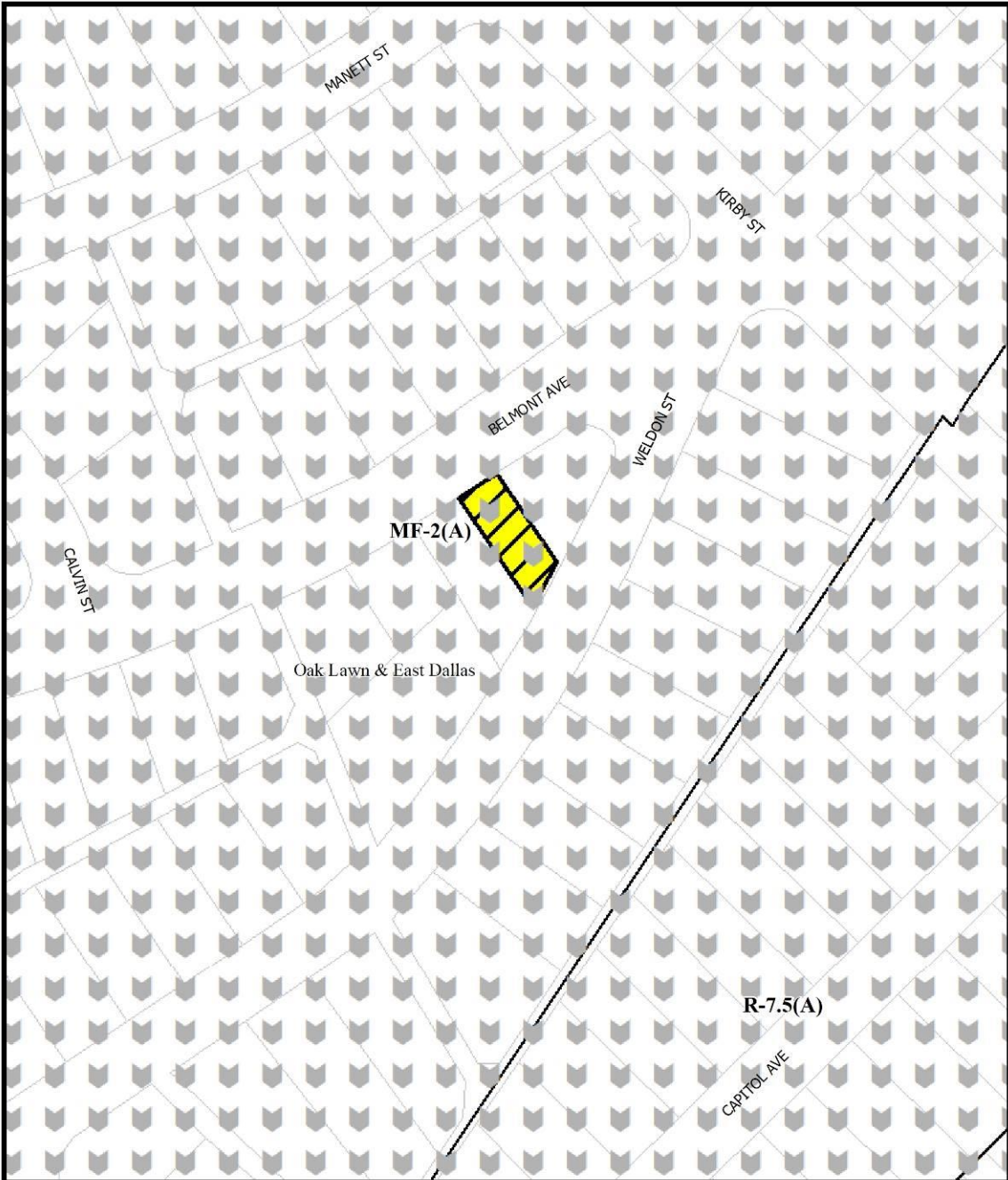
May 14, 2019: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the May 29th deadline to submit additional evidence for staff to factor into their analysis; and the June 7th 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.

June 4, 2019:

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

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

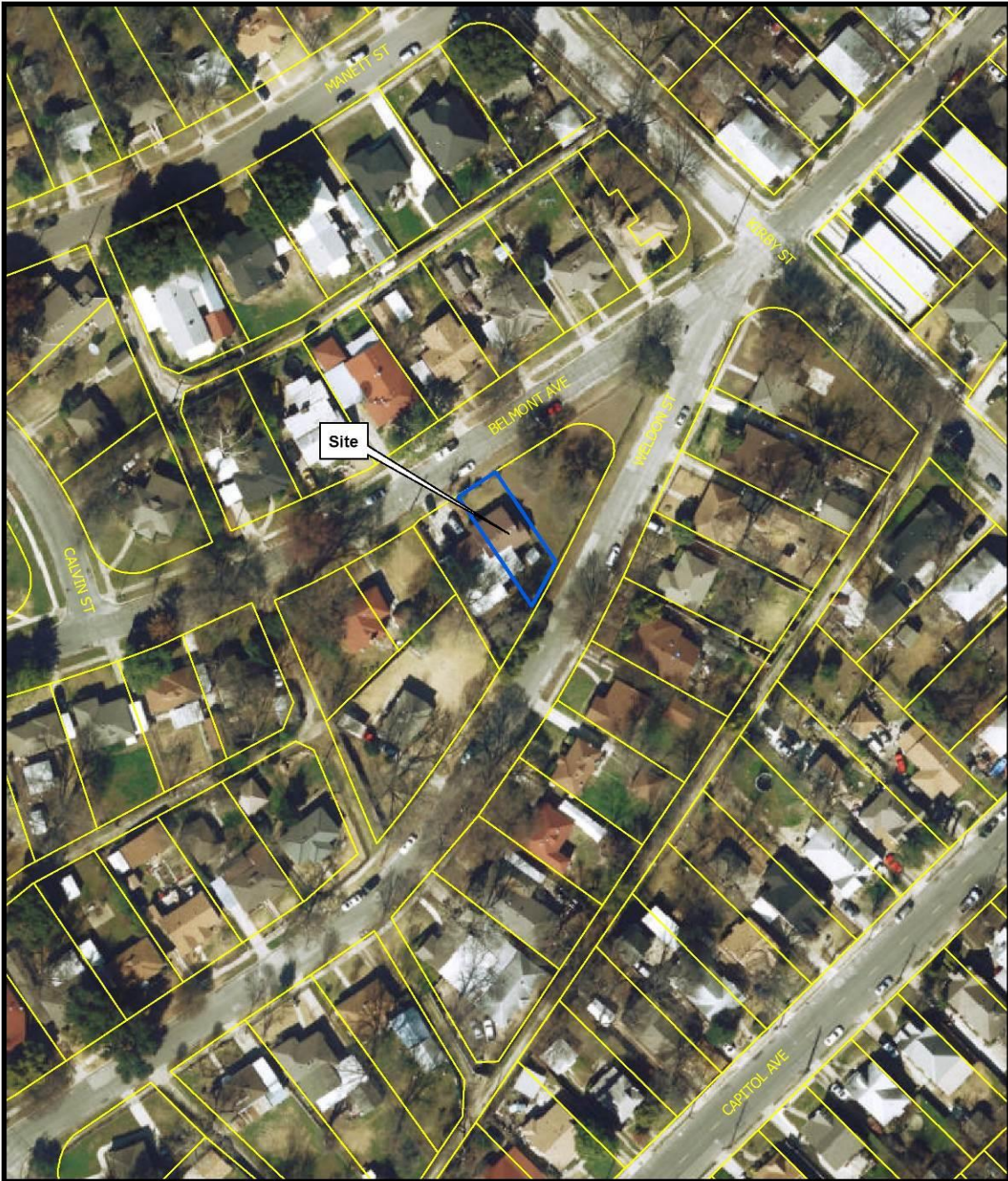


1:1,200

ZONING MAP

Case no: BDA189-073

Date: 5/15/2019



1:1,200

AERIAL MAP

Case no: BDA189-073

Date: 5/15/2019



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-073

Data Relative to Subject Property:

Date: April 17, 2019

Location address: 4626 Belmont Ave. Zoning District: MF-2

Lot No.: 10C Block No.: E/2002 Acreage: .073 Census Tract: 8.00

Street Frontage (in Feet): 1) 36 2) 50 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Ted Reeder

Applicant: Bart Reeder Telephone: 214-938-1823

Mailing Address: 6310 Windmill Cir, Dallas, TX Zip Code: 75252

E-mail Address: Bart@BartonReeder.com

Represented by: Bart Reeder Telephone: 214-938-1823

Mailing Address: 6310 Windmill Cir, Dallas, TX Zip Code: 75252

E-mail Address: Bart@BartonReeder.com

Affirm that an appeal has been made for a Variance, or Special Exception X, of the Fence height restriction - 4' to the required 4' Front Yard Fence Standard and provide 8' TALL Fence in Front yard.

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: Home has been constructed with the front facing Belmont Ave., so the "backyard" faces Weldon St. We want to put an 8' high privacy fence along 250 ft. of Weldon St. to create a private rear yard.

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 Ted Reeder (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 17th day of April, 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

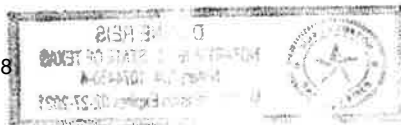
I hereby certify that BART REEDER

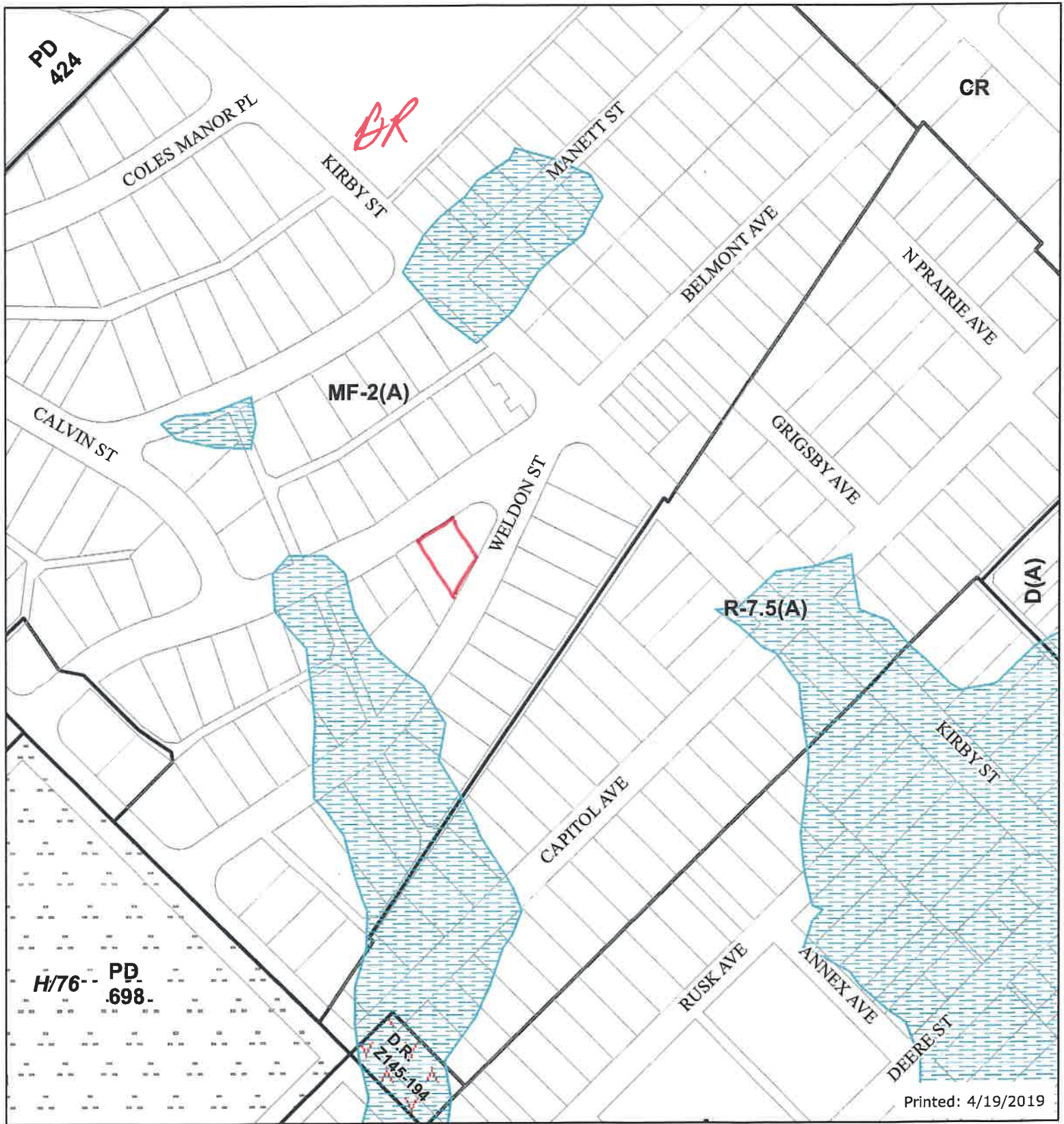
did submit a request for a special exception to the fence height regulations
at 4626 Belmont Avenue

BDA189-073. Application of BART REEDER for a special exception to the fence height regulations at 4626 BELMONT AVE. This property is more fully described as Lot 10C, Block E/2002, and is zoned MF-2(A), which limits the height of a fence in the front yard to feet. The applicant proposes to construct an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence 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 | SPSD Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | SUP | Historic Overlay | 6-9 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)





4622 & 4626 Belmont Avenue, 4625 Weldon Street
 5449 Lath 106, INC, 100, Block E/2022, Belmont-Rivier Addition, an Addition to the City of
 Dallas, Dallas County, Texas. (The Surveyor's name and address) (The name of the property)
 20180078035, Official Public Records, Dallas County, Texas.

LEGEND

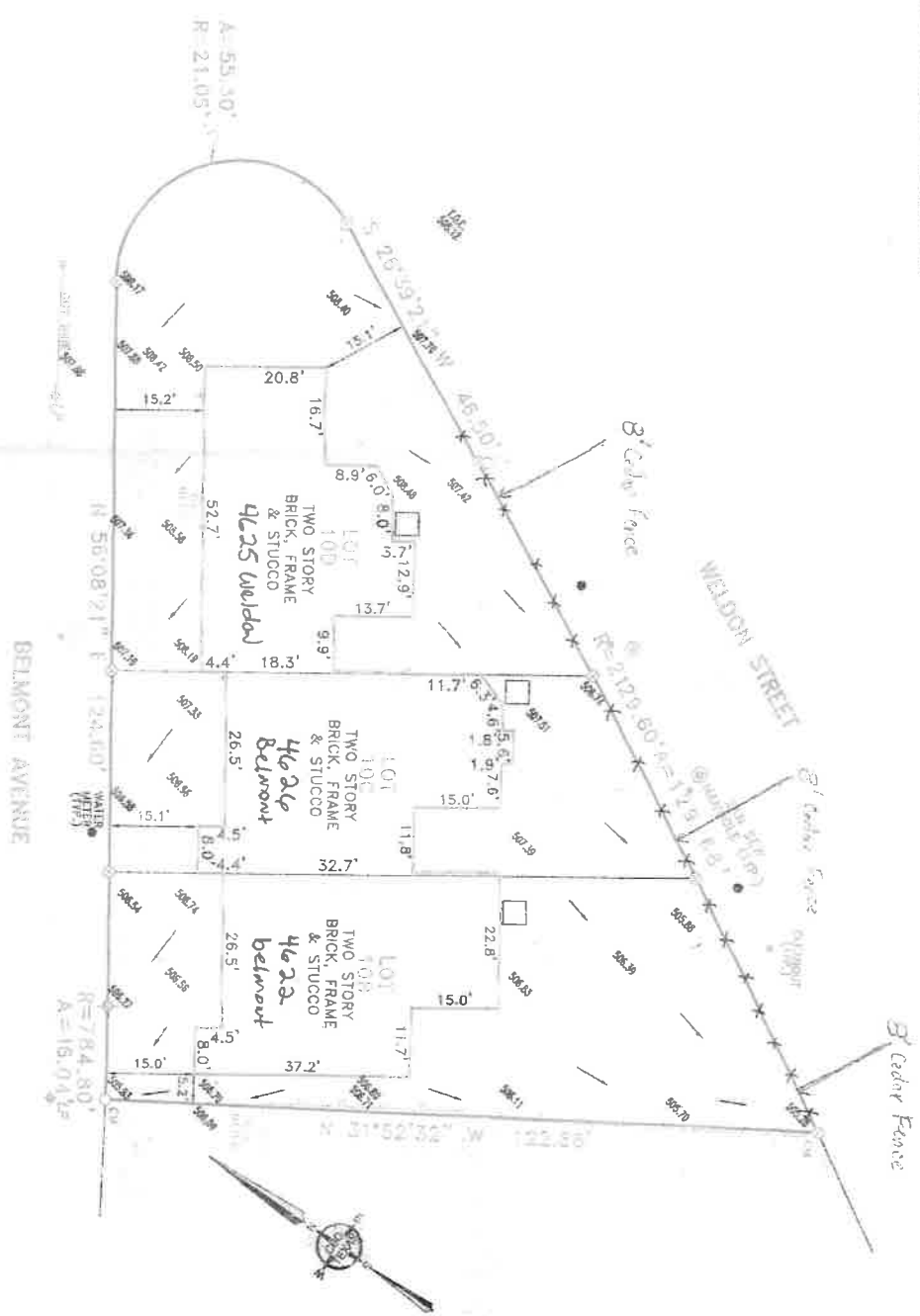
- 1/2" ROD FOUND
- 1/2" ROD SET STAMPED
- "CBG SURVEYING"
- 1" PIPE FOUND
- "X" FOUND/SET
- POINT FINE
- 3/8" ROD FOUND
- TRANSFORMER
- COULM
- UNDERGROUND
- ELECTRIC
- OVERHEAD ELECTRIC
- SERVICE
- OVERHEAD ELECTRIC SERVICE
- CHAIN LINK
- WOOD FENCE 0.5'
- WIDE TYPICAL
- QUAIL
- WOOD FENCE
- FENCE POST
- FOR CORNER
- CONTROL LINE
- CONTROL
- CONTOUR
- AC CONTOUR
- PE EQUIPMENT
- POWER POLE
- OVERHEAD ELECTRIC
- IRON FENCE
- BARBED WIRE
- EDGE OF ASPHALT
- EDGE OF GRAVEL
- CONCRETE
- CONCRETE AREA
- 3" ALUMINUM
- 3" ALUMINUM

EXCEPTIONS:

NOTES: This survey is made in conjunction with the information provided by the client. CIG Surveying Texas, LLC has not reviewed this line site records for the existence of easements, restrictive covenants or other encumbrances.

REVISION NOTE: 03/22/19 -JLA
 MOVED THE AN AC

NOTES:
 BEARINGS, EASEMENTS AND BUILDING LINES ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.
 FLOOD NOTE: According to the F.I.R.M. No. 48113003451, this property does lie in Zone X and DOES NOT lie within the 100 year flood zone.



This survey is made in conjunction with the information provided by the Client. Use of this survey by any other person and/or for other than the purpose for which it was prepared is at the user's own risk and the user shall not be held responsible for any errors or omissions. This is to certify that I have on this date made a careful and accurate survey of the land of the subject property. The plat hereon is a true and correct copy of the original survey. The plat hereon is a true and correct copy of the original survey. The plat hereon is a true and correct copy of the original survey. The plat hereon is a true and correct copy of the original survey.

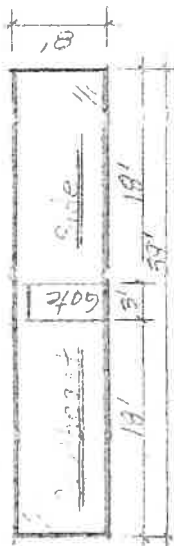
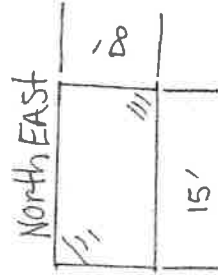
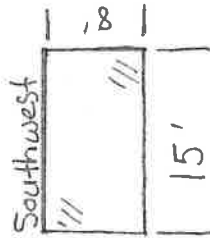
Date: _____
 Accepted by: _____
 Purchaser: _____

Drawn By: JLA
 Scale: 1" = 20'
 Date: 03/22/19
 Job No.: 1824587-07
 CF NO.: CFIL

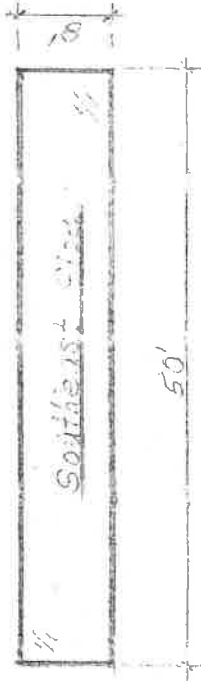
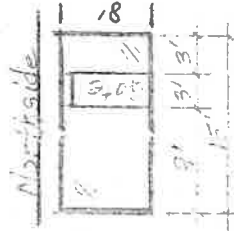
Jonathan M. Quill
 License No. 270
 State of Texas
 Surveyor



4622 Belmont Ave - Lot-108



4626 Belmont Ave - Lot-109



4625 Weldon Street - Lot-100

8' High-CEDAR FENCE ELEVATIONS

Location - Lots 100-105-100
 Block E/2002 - Dallas County
 Dallas, Texas - 75201
 Owner - Ted Reeder
 4625 Weldon Street Dr. Dallas TX 75209
 Contact Ted Reeder 214-938-1833
 Bart Reeder 214-938-1833
 9/19/2019



 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="width: 15%; text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">31</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	31	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA189-073</u> Date: <u>5/15/2019</u>
200'	AREA OF NOTIFICATION					
31	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA189-073

31 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4626 BELMONT AVE	REEDER TED
2	4605 BELMONT AVE	CHAILLET BRIAN S
3	4616 MANETT ST	NEW MILLENNIAL LLC
4	4620 MANETT ST	SOTO SALVADOR M
5	4626 MANETT ST	LIM HOC KOUM &
6	4630 MANETT ST	FOLLETT KRISTIN
7	4639 BELMONT AVE	SZTAMENITS GABRIEL A
8	4635 BELMONT AVE	LIM HOURNG &
9	4631 BELMONT AVE	ROMERO ROBERT VINCENT
10	4625 BELMONT AVE	CONTRERAS PETRA
11	4621 BELMONT AVE	LIM HARRY & GOECHLANG K
12	4617 BELMONT AVE	MANZANARES PORFIRIA
13	4611 BELMONT AVE	SCIVALLY ROY JR
14	4532 WELDON ST	NAVA RAFAEL & CHRISTINA M
15	4602 WELDON ST	4602 WELDON ST BUILDINGS LLC
16	4606 WELDON ST	LIM SAMMIE &
17	4610 WELDON ST	LUCRUM ASSET HOLDINGS LLC
18	4616 WELDON ST	FLORESRAMOS ANNA MARIA
19	4620 WELDON ST	FUENTES ANGEL H &
20	4624 WELDON ST	MORRIS PAULINE
21	4628 WELDON ST	CORIA NEMORIA
22	4632 WELDON ST	BOLTEX HOLDINGS LTD
23	4606 BELMONT AVE	LATCHEM JACOB C &
24	4535 WELDON ST	TORRES JESUS &
25	4527 WELDON ST	ESTRADA MARIA &
26	4615 CAPITOL AVE	HERNANDEZ JULIO &

05/15/2019

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	4611 CAPITOL AVE	PEREZ EMMANUEL
28	4607 CAPITOL AVE	VALDEZ GREGORY
29	4603 CAPITOL AVE	TAMEZ JAIME A &
30	4614 BELMONT AVE	HOLDEN TOM
31	4616 BELMONT AVE	MOEN BRUCE L

FILE NUMBER: BDA189-074(SL)

BUILDING OFFICIAL'S REPORT: Application of Bart Reeder for a special exception to the fence standards regulations at 4625 Weldon Street. This property is more fully described as Lot 10D, Block E/2002, and is zoned MF-2(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and/or maintain an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence standards regulations.

LOCATION: 4625 Weldon Street

APPLICANT: Bart Reeder

REQUEST:

A request for a special exception to the fence standards regulations related to height of 4' is made to maintain an 8' high solid wood fence in one of the site's two required front yards (Weldon Street) on a site developed with a single family home.

(Note that this application is similar to two others filed by the same applicant on properties adjacent to this site and scheduled to be heard by Board of Adjustment Panel B on June 19, 2019: BDA189-072 and 073).

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.

BACKGROUND INFORMATION:

Zoning:

Site: MF-2(A) (Multifamily residential)
North: MF-2(A) (Multifamily residential)
South: MF-2(A) (Multifamily residential)

East: MF-2(A) (Multifamily residential)
West: MF-2(A) (Multifamily residential)

Land Use:

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

Zoning/BDA History:

- | | |
|---|---|
| 1. BDA189-072, Property at 4622 Belmont Avenue (two properties to the west of the subject site) | On June 19 19, 2019, the Board of Adjustment Panel B will consider a special exception to the fence standards regulations of 4' made to maintain an 8' high solid wood fence in one of the site's two required front yards (Weldon Street) on a site developed with a single family home. |
| 2. BDA189-073, Property at 4626 Belmont Avenue (the property to the west of the subject site) | On June 19 19, 2019, the Board of Adjustment Panel B will consider a special exception to the fence standards regulations of 4' made to maintain an 8' high solid wood fence in one of the site's two required front yards (Weldon Street) on a site developed with a single family home. |

GENERAL FACTS/STAFF ANALYSIS:

- This request for a special exception to the fence standards regulations related to height of 4' focuses on maintaining an 8' high solid wood fence in one of the site's two required front yards (Weldon Street) on a site developed with a single family home.
- The site is zoned MF-2(A) which requires a 15' front yard setback.
- The site has two front yard setbacks because the lot runs from one street to another – Belmont Avenue on the west and Wedlon Street on the east. The site has double frontage, and a required front yard must be provided on both streets.
- 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 Dallas Development Code states that in multifamily districts, a fence located in the required front yard may be built to a maximum height of six feet above grade if all conditions in the following subparagraphs are met:
 - (A) No lot in the blockface may be zoned as a single family or duplex district.
 - (B) No gates for vehicular traffic may be located less than 20 feet from the back of the street curb.

(C) No fence panel having less than 50 percent open surface area may be located less than five feet from the front lot line.

- The submitted site plan and elevation represents that an 8' high solid wood fence is located on the site's Weldon Street front lot line hence the request for a 4' exception to maintain the 8' high fence as opposed to a 2' exception to maintain the 8' high fence.
- The following additional information was gleaned from the submitted site plan:
 - The proposal is represented as being approximately 68' in length parallel to Weldon Street and 15' perpendicular on either side of the site in this front yard setback.
 - The proposal is represented as being located on the front property line. (The distance between the fence and the pavement line cannot be determined since the site plan does not denote a pavement line).
- The Sustainable Development and Construction Department Board of Adjustment Senior Planner conducted a field visit of the site and surrounding area and noted no other fences that appeared to be above 4' in height in the area in a front yard setback.
- As of June 7, 2019, no letters had been submitted in support of the request, and one letter had been submitted in opposition.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations (whereby the existing fence that reaches 8' in height) will not adversely affect neighboring property.
- Granting this special exception of 4' with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal/existing fence exceeding 4' in height to be maintained in the location and of the heights and materials as shown on these documents.

Timeline:

April 17, 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.

May 13, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

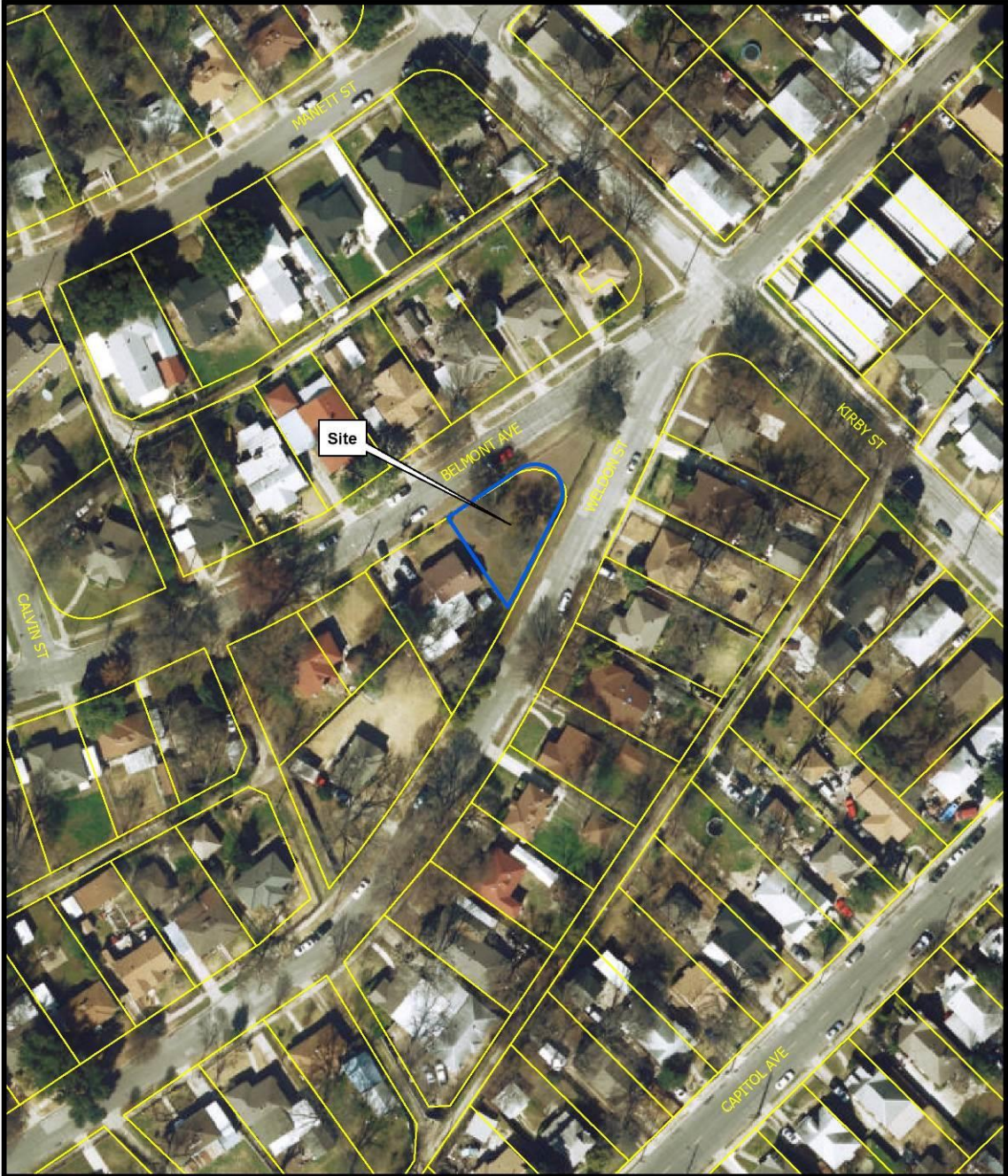
May 14, 2019: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the May 29th deadline to submit additional evidence for staff to factor into their analysis; and the June 7th 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.

June 4, 2019:

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

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



1:1,200

AERIAL MAP

Case no: BDA189-074

Date: 5/15/2019



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-074

Data Relative to Subject Property:

Date: April 17, 2019

Location address: 4625 Weldon St. Zoning District: MF-2

Lot No.: 10D Block No.: E/2002 Acreage: .115 Census Tract: 8.00

Street Frontage (in Feet): 1) 90 2) 80 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Ted Reeder

Applicant: Bart Reeder Telephone: 214-938-1823

Mailing Address: 6310 Windmill Cir, Dallas, TX Zip Code: 75252

E-mail Address: Bart@BartonReeder.com

Represented by: Bart Reeder Telephone: 214-938-1823

Mailing Address: 6310 Windmill Cir, Dallas, TX Zip Code: 75252

E-mail Address: Bart@BartonReeder.com

Affirm that an appeal has been made for a Variance, or Special Exception X, of Fence Height limitation

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:

Home has been constructed with the front facing toward Belmont Ave so the "backyard" faces Weldon St. We want to put an 8' high privacy fence along ~50' of Weldon St.

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 Ted Reeder (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 17th day of April, 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 BART REEDER

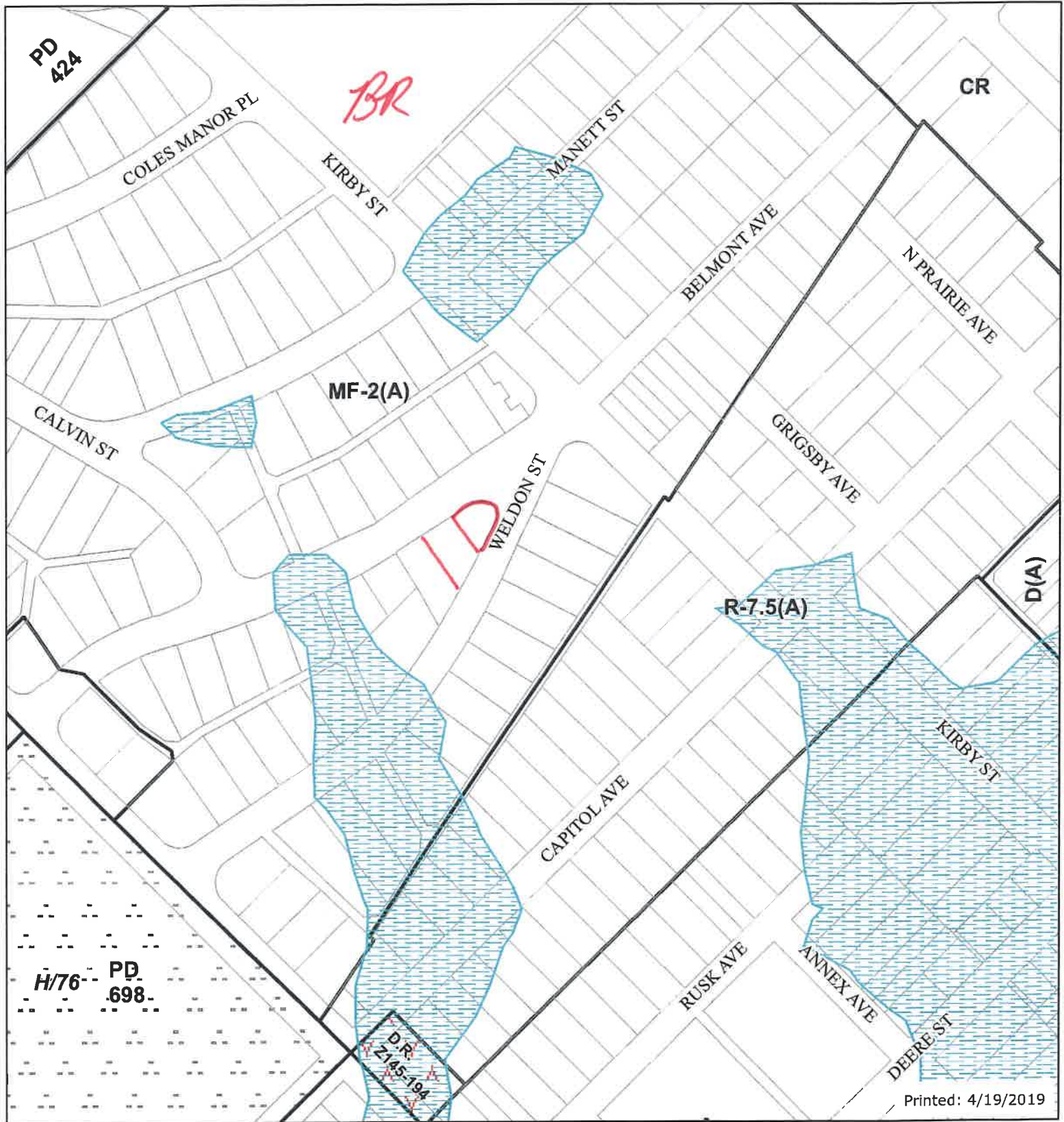
did submit a request for a special exception to the fence height regulations
at 4625 Weldon Street

BDA189-074. Application of BART REEDER for a special exception to the fence height regulations at 4625 Weldon St. This property is more fully described as Lot 10D, Block E/2002, and is zoned MF-2(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official





Printed: 4/19/2019

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 | SPSPD Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | SUP | Historic Overlay | 7-8 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)



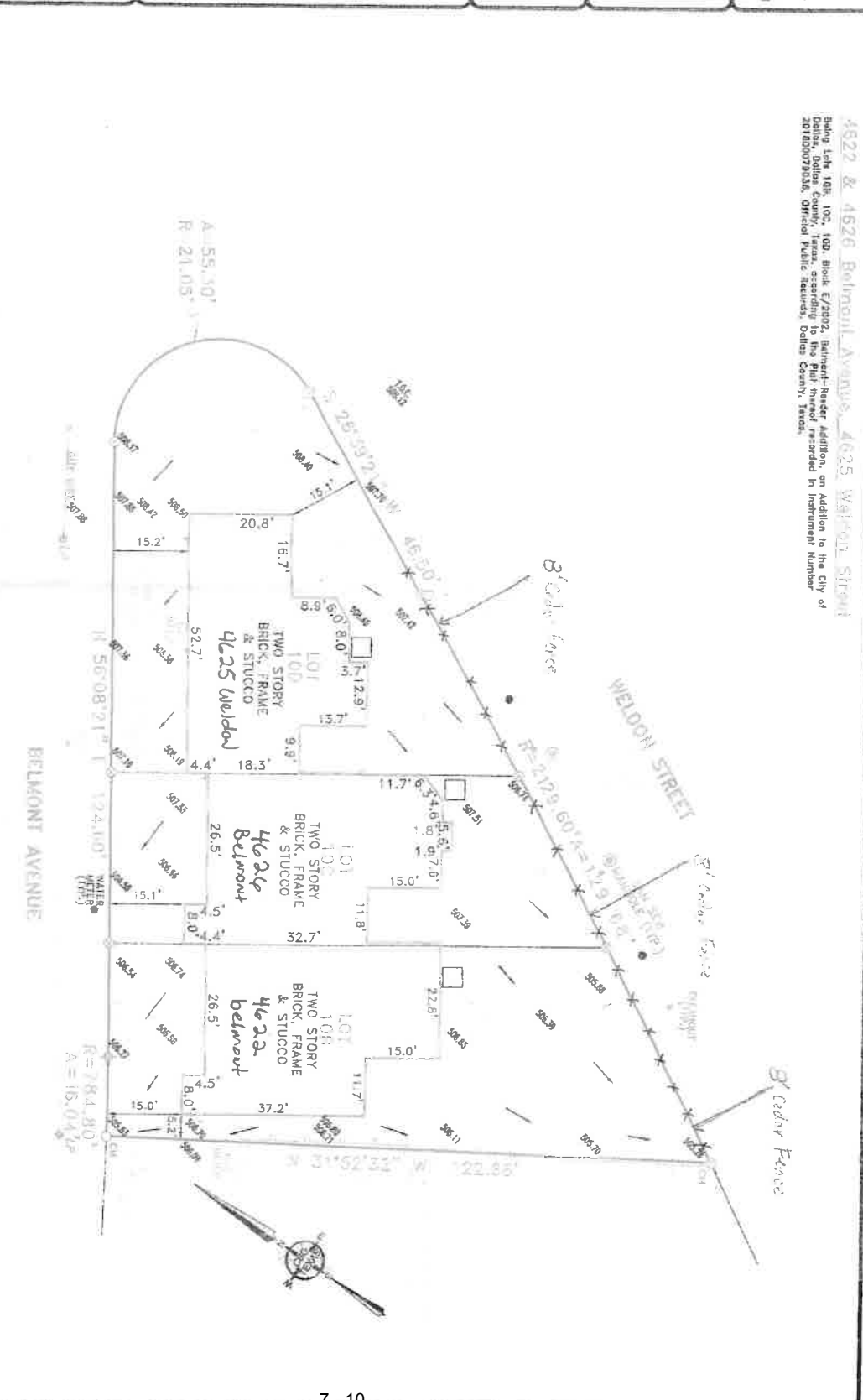


4522 & 4526 Belmont Avenue, 4625 Weldon Street
 Building Lots 105, 106, 107, Block E/2002, Belmont-Reder Addition, an addition to the City of
 Dallas, Dallas County, Texas, according to the plat hereon recorded in instrument Number
 201800079038, Official Public Records, Dallas County, Texas.

LEGEND

- 1/2" ROD ROUND
- ⊗ 1/2" ROD SET STAMPED
- FENCE POST
- FOR CORNER
- FOR CONTROL
- 1" PIPE ROUND
- 1" X' FOUND/SET
- 1/2" X' FOUND/SET
- 3/4" X' FOUND/SET
- 1" X' FOUND/SET
- 1/2" X' FOUND/SET
- 3/4" X' FOUND/SET
- 1" X' FOUND/SET
- 1/2" X' FOUND/SET
- 3/4" X' FOUND/SET
- 1" X' FOUND/SET
- 1/2" X' FOUND/SET
- 3/4" X' FOUND/SET
- 1" X' FOUND/SET
- 1/2" X' FOUND/SET
- 3/4" X' FOUND/SET
- 1" X' FOUND/SET
- 1/2" X' FOUND/SET
- 3/4" X' FOUND/SET
- 1" X' FOUND/SET
- 1/2" X' FOUND/SET
- 3/4" X' FOUND/SET
- 1" X' FOUND/SET
- 1/2" X' FOUND/SET
- 3/4" X' FOUND/SET
- 1" X' FOUND/SET
- 1/2" X' FOUND/SET
- 3/4" X' FOUND/SET
- 1" X' FOUND/SET
- 1/2" X' FOUND/SET
- 3/4" X' FOUND/SET
- 1" X' FOUND/SET
- 1/2" X' FOUND/SET
- 3/4" X' FOUND/SET
- 1" X' FOUND/SET
- 1/2" X' FOUND/SET
- 3/4" X' FOUND/SET
- 1" X' FOUND/SET
- 1/2" X' FOUND/SET
- 3/4" X' FOUND/SET
- 1" X' FOUND/SET
- 1/2" X' FOUND/SET
- 3/4" X' FOUND/SET
- 1" X' FOUND/SET
- 1/2" X' FOUND/SET
- 3/4" X' FOUND/SET
- 1" X' FOUND/SET
- 1/2" X' FOUND/SET
- 3/4" X' FOUND/SET
- 1" X' FOUND/SET
- 1/2" X' FOUND/SET
- 3/4" X' FOUND/SET
- 1" X' FOUND/SET
- 1/2" X' FOUND/SET
- 3/4" X' FOUND/SET
- 1" X' FOUND/SET
- 1/2" X' FOUND/SET
- 3/4" X' FOUND/SET
- 1" X' FOUND/SET
- 1/2" X' FOUND/SET
- 3/4" X' FOUND/SET
- 1" X' FOUND/SET
- 1/2" X' FOUND/SET
- 3/4" X' FOUND/SET

EXCEPTIONS:
 NOTE: This survey is made in conjunction with the information provided by the client, CIG Surveying Texas, LLC has not reviewed the land title records for the existence of easements, restrictive covenants or other encumbrances.
 REVISION NOTE: 03/22/19 -JLA
 MOVED THE AN AC



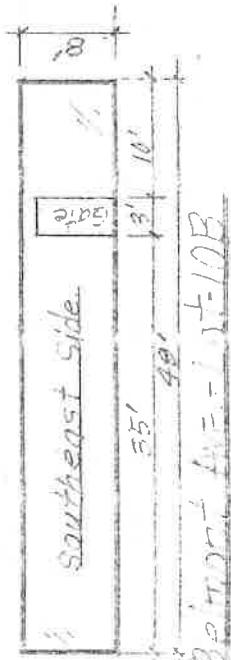
NOTES:
 BEARINGS, EASEMENTS AND BUILDING LINES ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.
 FLOOD NOTE: According to the F.I.R.M. No. 48113003451, this property does lie in Zone X and DOES NOT lie within the 100 year flood zone.

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

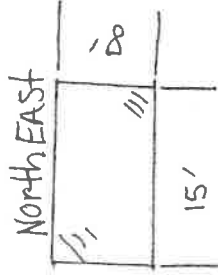
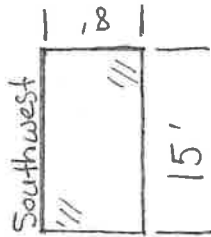
Accepted by: _____
 Purchaser: _____

Drawn By: JLA
 Scale: 1" = 20'
 Date: 03/12/19
 Job No.: 1925-907-07

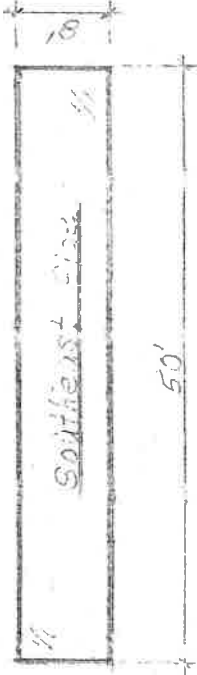
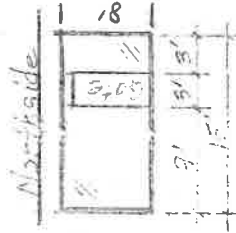
Surveying & Mapping, LLC
 10000 North Loop West, Suite 110
 Dallas, Texas 75243
 Phone: 214-252-8882
 Fax: 214-252-8882
 Email: info@cbgsurveying.com



4622 Belmont Ave - Lot 10B



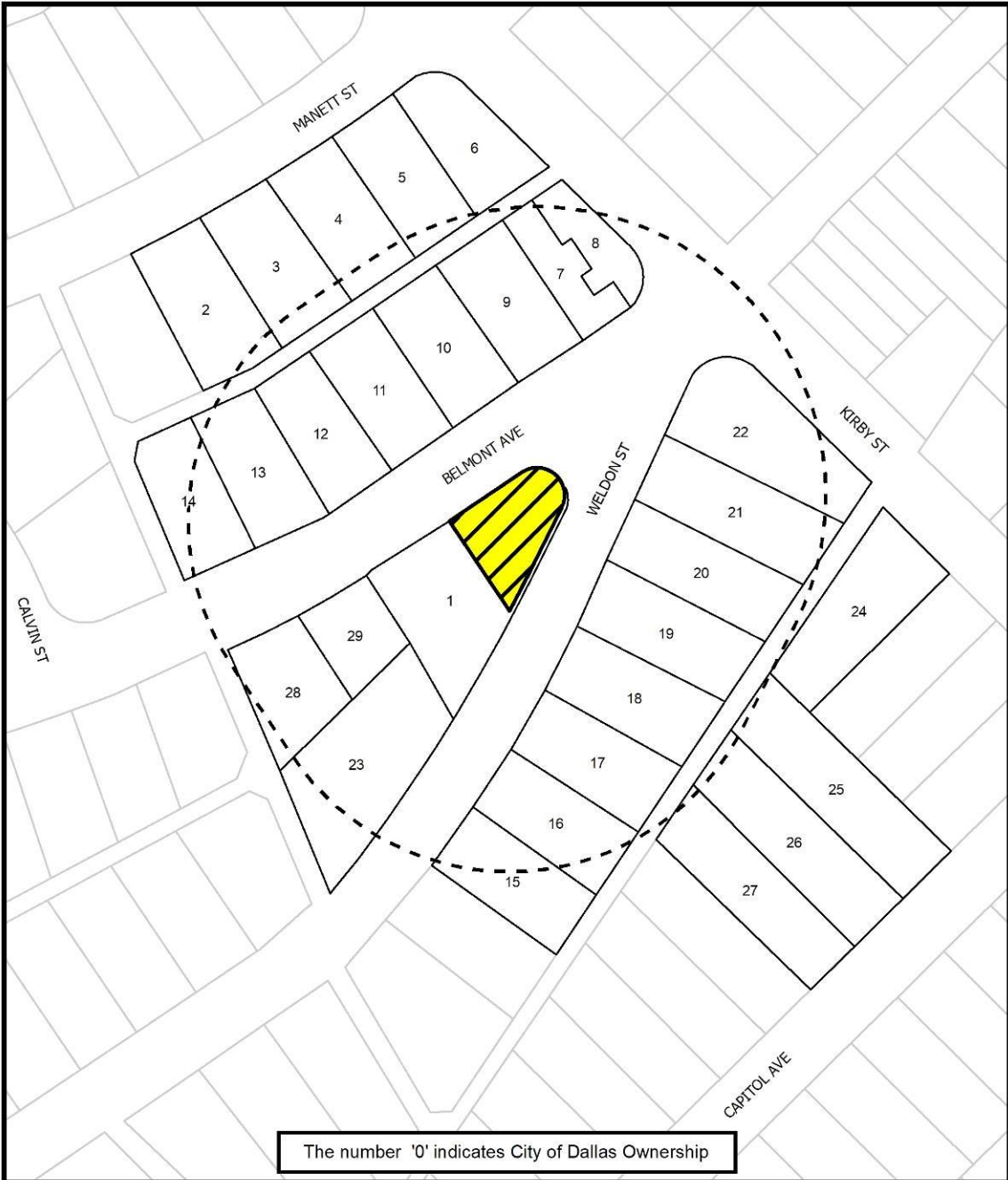
4626 Belmont Ave - Lot 10C



4625 Weldon Street - Lot 10D

8' High-CEDAR FENCE ELEVATIONS

Location - Lots 10B, 10C, 10D
 Block E 12002 - Dallas County
 Dallas, Texas - 75201
 Owner - Ted Reeder
 505 Tree Farm Dr. Ft. Worth, TX 75095
 Contact Ted Reeder 214-433-5587
 Fort Reeder 214-938-1935
 Scale 1/8" = 1'-0" Date 4-11-19



 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">29</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	29	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA189-074</u> Date: <u>5/15/2019</u>
200'	AREA OF NOTIFICATION					
29	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA189-074

29 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4626 BELMONT AVE	REEDER TED
2	4620 MANETT ST	SOTO SALVADOR M
3	4626 MANETT ST	LIM HOC KOUM &
4	4630 MANETT ST	FOLLETT KRISTIN
5	4634 MANETT ST	LUNA GERARDO JR
6	4640 MANETT ST	PARVEEN TAHZEEBA
7	4639 BELMONT AVE	SZTAMENITS GABRIEL A
8	4641 BELMONT AVE	ZHOU JOANNA YUAN
9	4635 BELMONT AVE	LIM HOURNG &
10	4631 BELMONT AVE	ROMERO ROBERT VINCENT
11	4625 BELMONT AVE	CONTRERAS PETRA
12	4621 BELMONT AVE	LIM HARRY & GOECHLANG K
13	4617 BELMONT AVE	MANZANARES PORFIRIA
14	4611 BELMONT AVE	SCIVALLY ROY JR
15	4602 WELDON ST	4602 WELDON ST BUILDINGS LLC
16	4606 WELDON ST	LIM SAMMIE &
17	4610 WELDON ST	LUCRUM ASSET HOLDINGS LLC
18	4616 WELDON ST	FLORESRAMOS ANNA MARIA
19	4620 WELDON ST	FUENTES ANGEL H &
20	4624 WELDON ST	MORRIS PAULINE
21	4628 WELDON ST	CORIA NEMORIA
22	4632 WELDON ST	BOLTEX HOLDINGS LTD
23	4535 WELDON ST	TORRES JESUS &
24	2415 KIRBY ST	LEE STEVE W
25	4615 CAPITOL AVE	HERNANDEZ JULIO &
26	4611 CAPITOL AVE	PEREZ EMMANUEL

05/15/2019

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	4607 CAPITOL AVE	VALDEZ GREGORY
28	4614 BELMONT AVE	HOLDEN TOM
29	4616 BELMONT AVE	MOEN BRUCE L