

ZONING BOARD OF ADJUSTMENT, PANEL C
MONDAY, DECEMBER 10, 2018
AGENDA

BRIEFING	5ES 1500 MARILLA STREET DALLAS CITY HALL	10:30 A.M.
PUBLIC HEARING	COUNCIL CHAMBERS 1500 MARILLA STREET DALLAS CITY HALL	1:00 P.M.

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

MISCELLANEOUS ITEM

Approval of the November 12, 2018 Board of Adjustment M1
Panel C Public Hearing Minutes

UNCONTESTED CASES

BDA178-129(OA)	1820 Browder Street REQUEST: Application of Brad Friedman for a special exception to the visual obstruction regulations	1
BDA178-132(OA)	6143 Royalton Drive REQUEST: Application of John Craig for special exceptions to the fence standards regulations	2
BDA178-133(OA)	343 S. Nachita Drive REQUEST: Application of Rogelio E. Varela-Castor for special exceptions to the fence standards regulations	3
BDA178-134(OA)	9030 Lake June Road REQUEST: Application of Blake Brickhouse of Reeves Group, Ltd., represented by Myron Brown, for a special exception to the fence standards regulations	4

BDA178-135(OA)	9424 Meadowbrook Drive REQUEST: Application of Karen Roussos, represented by Rowdy Winter, for special exceptions to the fence standards regulations	5
BDA178-136(SL)	4701 W. Lovers Lane REQUEST: Application of Steven Wood for a special exception to the off-street parking regulations	6
BDA178-137(SL)	1908 Greenville Avenue REQUEST: Application of Ryan Tinch, represented by Michael Farah, for a special exception to the Modified Delta Overlay District No. 1 regulations	7
BDA178-138(OA)	8533 Stults Road REQUEST: Application of Paul E. Turner, represented by Paula Lane, for a special exception to the single-family use regulations	8
BDA178-141(SL)	3136 E. Illinois Avenue REQUEST: Application of John C. Hunt for a special exception to the minimum rear yard requirements to preserve an existing tree	9
BDA178-142(OA)	5020 Park Lane REQUEST: Application of Saad Chehabi for a special exception to the fence standards regulations	10

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: BDA178-129(OA)

BUILDING OFFICIAL'S REPORT: Application of Brad Friedman for a special exception to the visual obstruction regulations at 1820 Browder Street. This property is more fully described as PT of Lots 21 & 22, Block B/914, and is zoned PD 317, which requires a 45-foot visibility triangle at street intersections. The applicant proposes to construct and maintain items in a required visibility triangle, which will require a special exception to the visual obstruction regulations.

LOCATION: 1820 Browder Street

APPLICANT: Brad Friedman

REQUEST:

A request for a special exception to the visual obstruction regulations is made to construct and maintain a portion of a single-family residential structure in the 45' visibility triangle at the intersection of Browder Street and Hickory Street on a site that is currently undeveloped.

STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- The Sustainable Development Department Senior Engineer has no objections to the request.
- Staff concluded that request for special exception to the visual obstruction regulations should be granted (with the suggested conditions imposed) because the item to be located in the visibility triangle does constitute a traffic hazard.

BACKGROUND INFORMATION:

Zoning:

Site: PD 317 (Planned Development)
North: PD 317 (Planned Development)
South: PD 317 (Planned Development)
East: PD 317 (Planned Development)
West: PD 317 (Planned Development)

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- The request for special exception to the visual obstruction regulations focuses on constructing and maintaining a portion of a single-family residential structure in the 45' visibility triangle at the intersection of Browder Street and Hickory Street on a site that is currently undeveloped.
- Section 51A-4.602(d) of the Dallas Development Code states the following: a person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
 - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections and 20-foot visibility triangles at drive approaches and at alleys on properties zoned single family); and
 - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).
- The property is located in PD 317 which requires a 45-foot visibility triangle at the intersection of two streets.
- The submitted site plan represents that a portion of the proposed single-family home would be located in the 45' visibility triangle at the intersection of Browder Street and Hickory Street.
- The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked "Has no objections".
- The applicant has the burden of proof in establishing how granting this request to construct and maintain a portion of a single-family structure in the 45' visibility triangle at the intersection of Browder Street and Hickory Street does not constitute a traffic hazard.
- Granting this request with a condition imposed that the applicant complies with the submitted site plan would limit the items located in the 45' visibility triangle at the

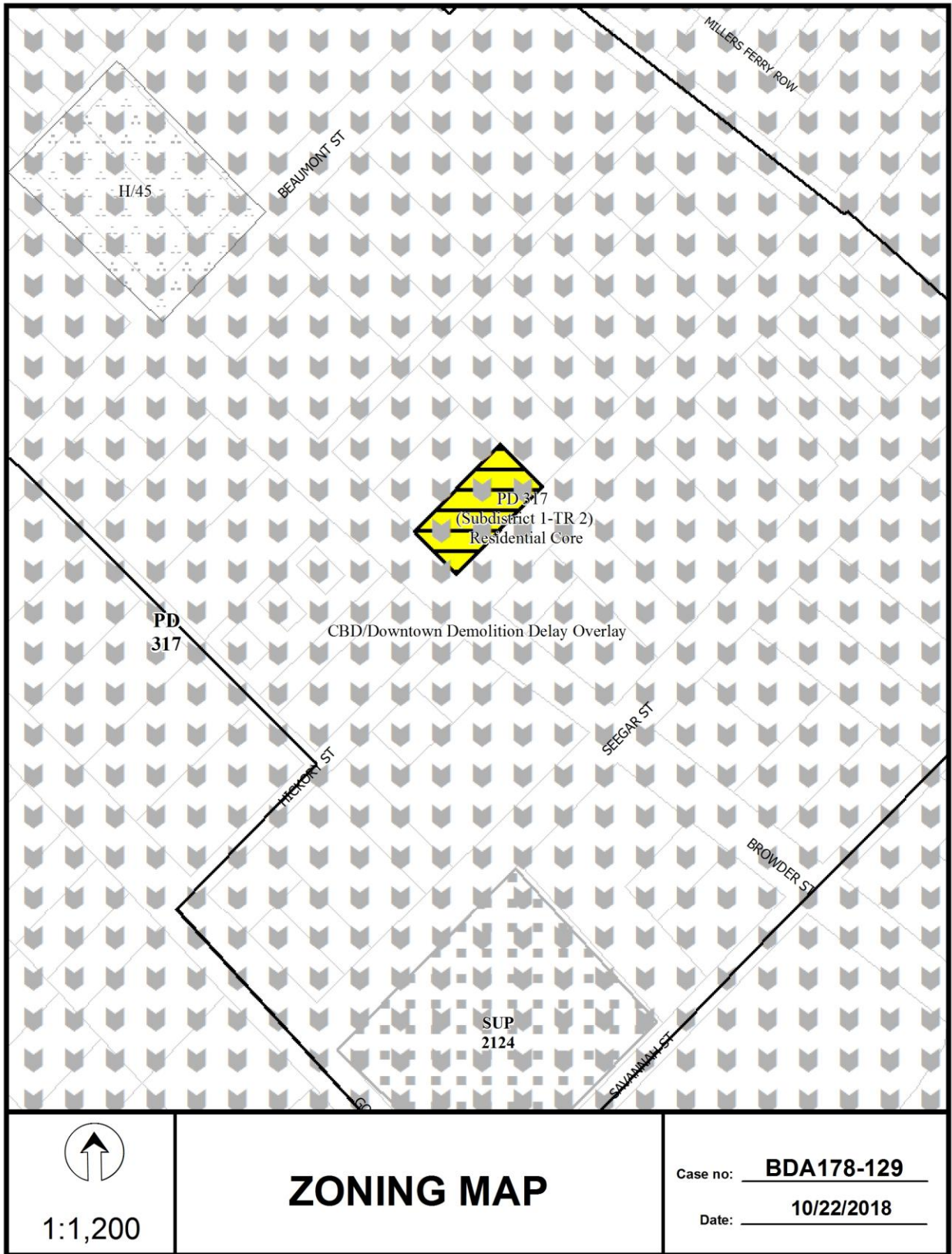
intersection of Browder Street and Hickory Street to that what is shown on this document – Portion of a single family home.

Timeline:

- September 5, 2018: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- October 9, 2018: The Board of Adjustment Secretary randomly assigned this case to the Board of Adjustment Panel C.
- October 10, 2018: 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 October 24th deadline to submit additional evidence for staff to factor into their analysis; and the November 2nd 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.
- October 30, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October 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 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.
- October 30, 2018: The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked “Has no objections”.
- November 12, 2018: The Board of Adjustment Panel A was unable to hear this case due to a posting error. This application was rescheduled for the December 10th Board of Adjustment Panel C public hearing.
- November 14, 2018: The Sustainable Development and Construction Department Senior Planner emailed the applicant the November 21st deadline to submit additional evidence for staff to factor into their analysis; and the November 30th deadline to submit additional evidence to be incorporated into the Board’s docket materials.

November 27, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the December public hearing. 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 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.

November 28, 2018: The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked "Has no objections".





1:1,200

AERIAL MAP

Case no: **BDA178-129**

Date: **10/22/2018**



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-129

Data Relative to Subject Property:

Date: 9/5/18

Location address: 1820 Browder St Zoning District: PD 317

Lot No.: 21/22 Block No.: B914 Acreage: .111 Acre Census Tract: Dallas 19000

Street Frontage (in Feet): 1) 48' 2) 100' 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Jeffrey Brooks + Belinda Anne Thomas

Applicant: Brad Friedman Telephone: 214 244 3409

Mailing Address: 1505 Seegar St Dallas Zip Code: 75215

E-mail Address: BRAD@DIGIT HOMES.COM

Represented by: SAME Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance _____, or Special Exception X, of 45' visibility triangle for new construction home to be built at 1820 Browder

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:

WE HAVE DESIGNED A UNIQUE HOME FOR A LONGTIME CEDARS RESIDENT, WHO OWNS 1820 BROWDER. DUE TO MEDICAL CONCERNS, WE DESIGNED A ONE-STORY HOME. WE CAN NOT GET THEM THE REQUESTED SQUARE FOOTAGE WITH A 45' VISIBILITY TRIANGLE. WE CAN WITH A 30' TRIANGLE.

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

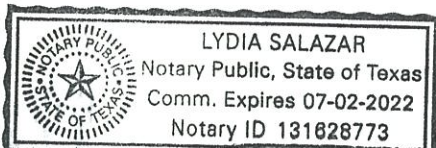
Before me the undersigned on this day personally appeared Brad Friedman (Affiant/Applicant's name printed)

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 5th day of September, 2018

[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 BRAD FRIEDMAN

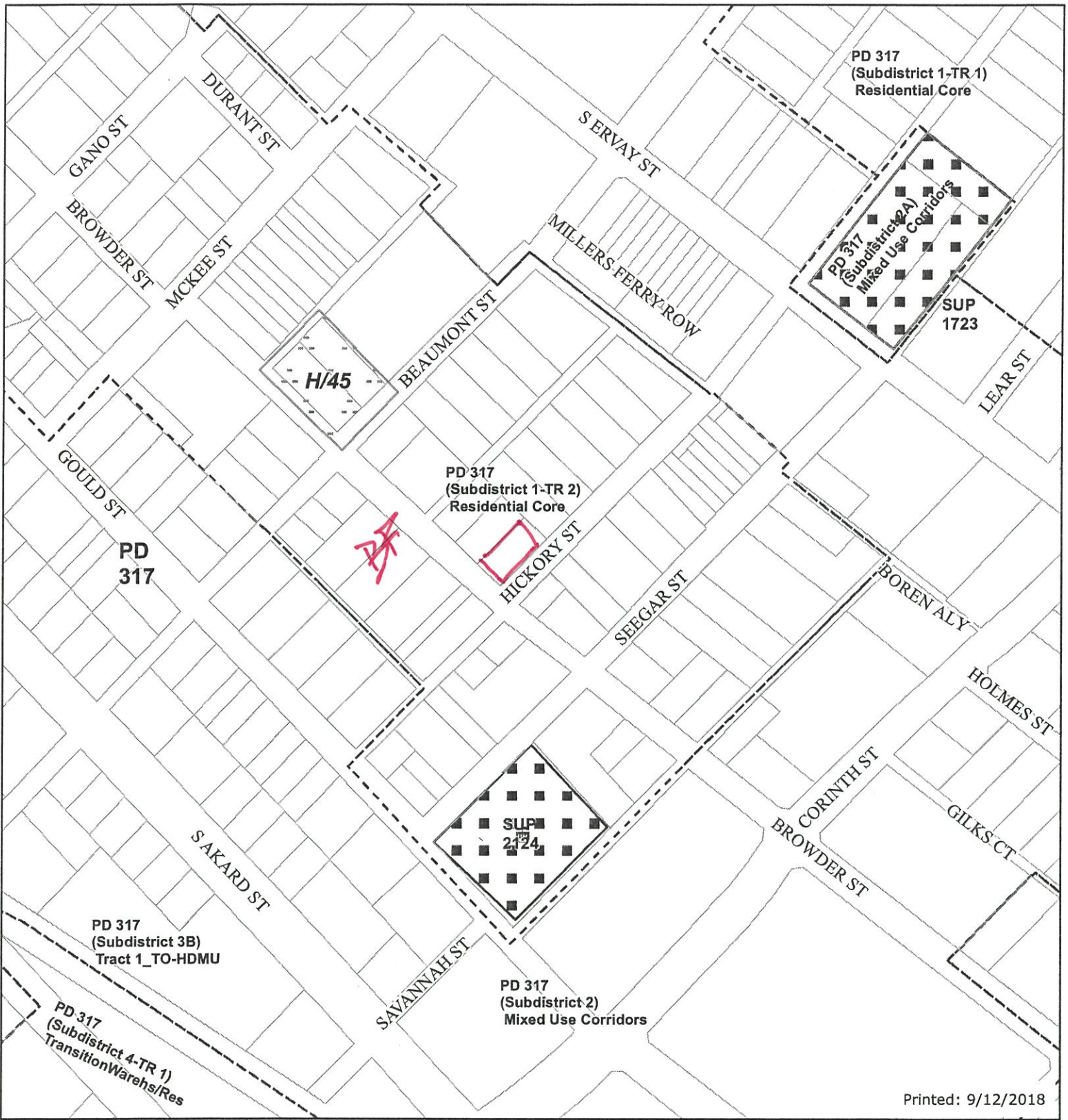
did submit a request for a special exception to the visibility obstruction regulations

at 1820 Browder Street

BDA178-129. Application of BRAD FRIEDMAN for a special exception to the visibility obstruction regulations at 1820 Browder Street. This property is more fully described as PT Of Lots 21 & 22, Block B/914, and is zoned PD 317, which requires a 45 foot visibility triangle at street intersections. The applicant proposes to construct a single family residential structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



Printed: 9/12/2018

Legend

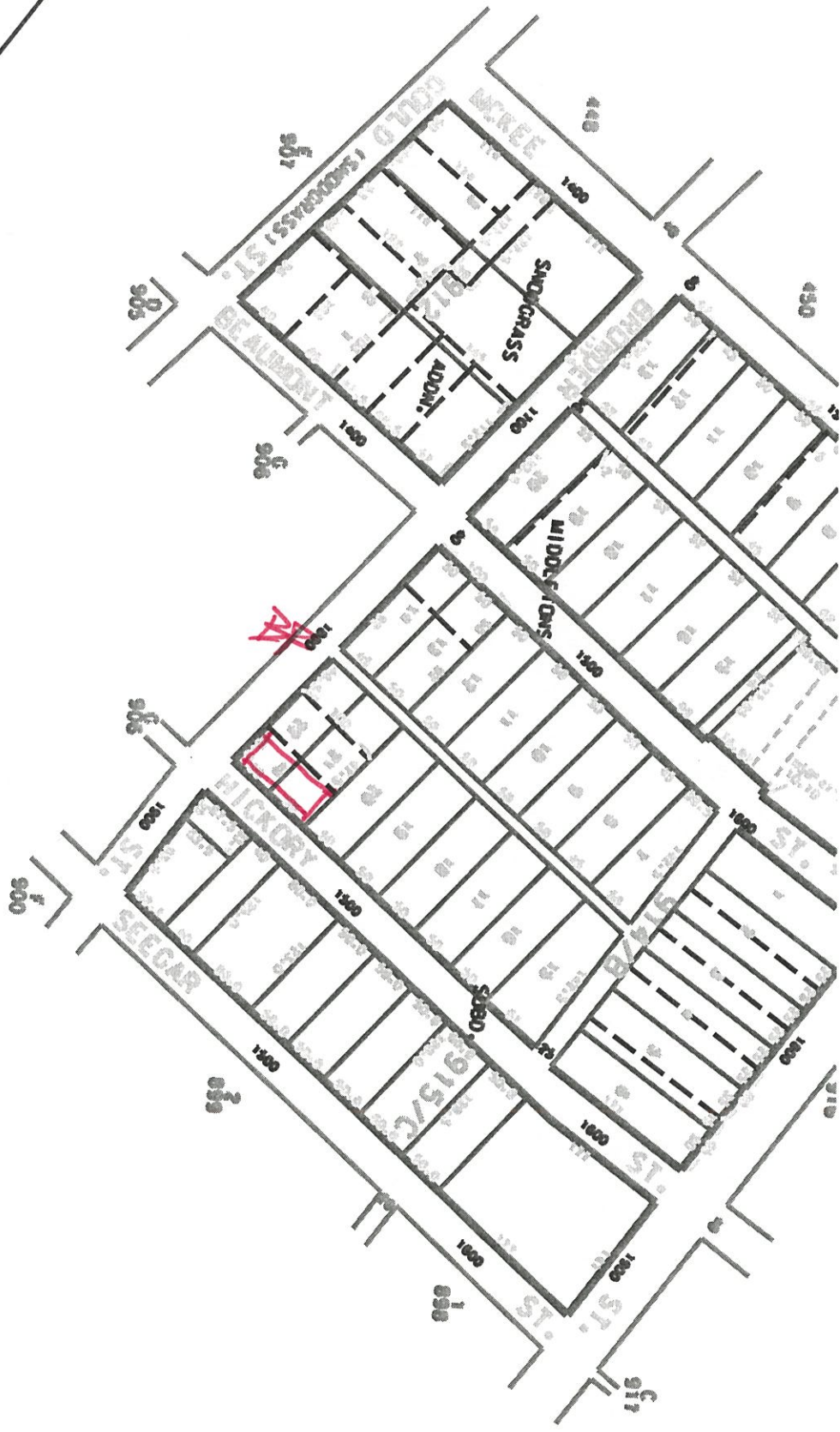
- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
| Mill's Creek | Dallas Environmental Corridors | SP | NSO_Overlay |
| Peak's Branch | SPSP Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | SUP | Historic Overlay | 1-9 Shop Front Overlay |
| | | Height Map Overlay | |

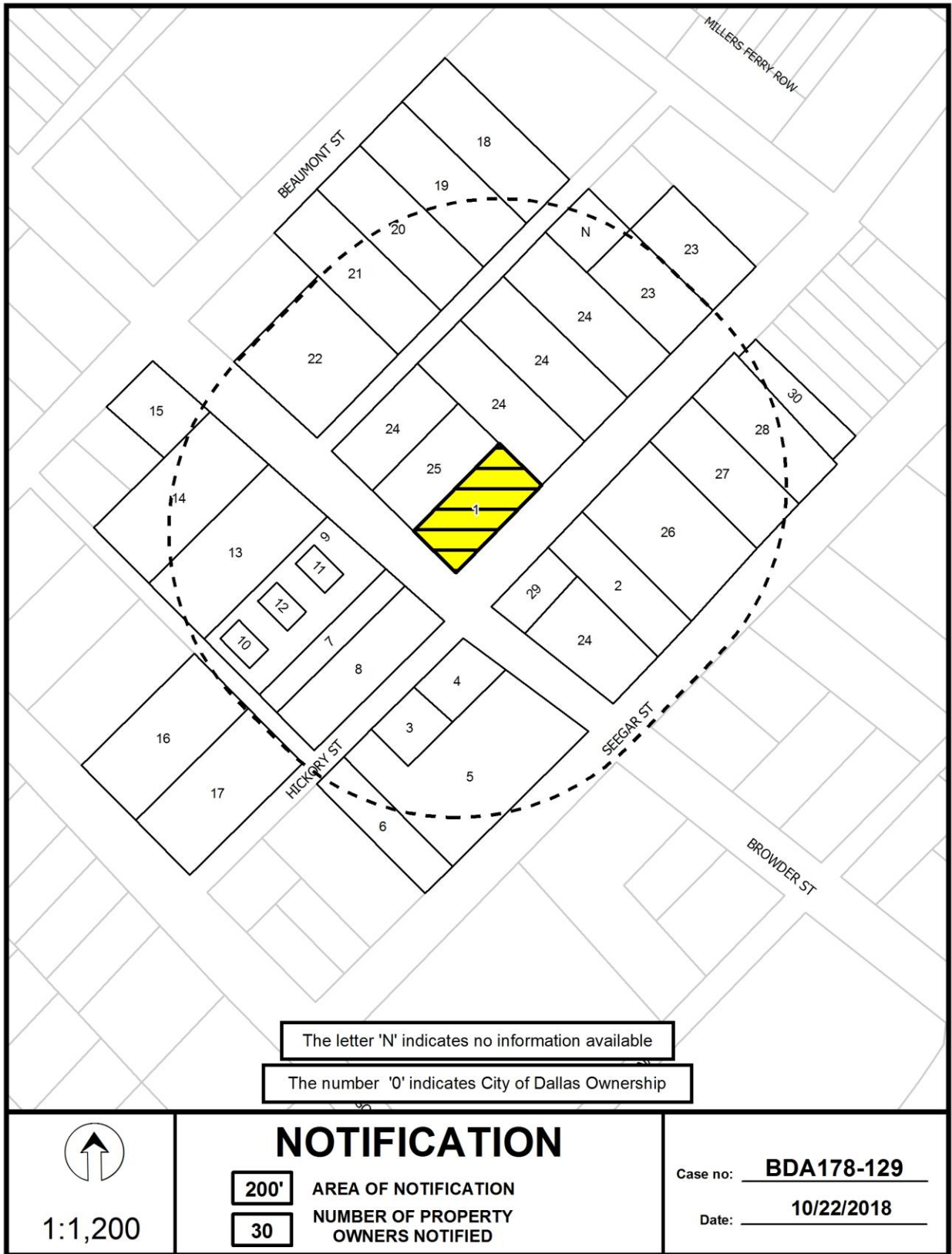
This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. 'This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering,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



Panel C

1:2,400





Notification List of Property Owners

BDA178-129

30 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1820 BROWDER ST	THOMAS JEFFREY BROOKS &
2	1505 SEEGAR ST	FRIEDMAN BRADLEY H
3	1414 HICKORY ST	LUNA SALVADOR LEPE &
4	1416 HICKORY ST	JAMES TERRY A
5	1909 BROWDER ST	DEVNATH INVESTMENTS LLC
6	1409 SEEGAR ST	CEDARS HOLDINGS 18 LLC
7	1817 BROWDER ST	WATKINS GREGORY
8	1819 BROWDER ST	WEISFELD RONALD &
9	1815 BROWDER ST	BROWDER PARK PLACE
10	1815 BROWDER ST	NACN LLC
11	1815 BROWDER ST	GLASGOW ROANLD ALLEN II
12	1815 BROWDER ST	GOLLIDAY DANIEL T &
13	1811 BROWDER ST	KVALE J NOEL &
14	1805 BROWDER ST	STEPHANIE REID COMPANY LLC &
15	1420 BEAUMONT ST	HENDERSON WILLIAM L
16	1816 GOULD ST	FOSTER ROY
17	1820 GOULD ST	DANIEL CRUZ
18	1518 BEAUMONT ST	WAYSIDE MISSIONARY BAPTIST CHURCH
19	1514 BEAUMONT ST	LOVELADY ENTERPRISES INC
20	1510 BEAUMONT ST	SALINAS SERVANDO B EST OF
21	1508 BEAUMONT ST	DELAFUENTE LUIS EST OF
22	1804 BROWDER ST	MATAMORAS ESTABAN
23	1527 HICKORY ST	1525 HICKORY LLC
24	1517 HICKORY ST	GALLERIES ON HICKORY LLC
25	1818 BROWDER ST	MCBRIDE JOHN &
26	1509 SEEGAR ST	GARTNER MANAGEMENT TRUST THE

10/19/2018

Label #	Address	Owner
27	1515 SEEGAR ST	GARTNER MANAGEMENT TRUST THE
28	1519 SEEGAR ST	MAHBOUBI ARIA A
29	1900 BROWDER ST	HUERTA ESTANISLAO
30	1525 SEEGAR ST	AMATE STEPHANIE

FILE NUMBER: BDA178-132(OA)

BUILDING OFFICIAL'S REPORT: Application of John Craig for special exceptions to the fence standards regulations at 6143 Royalton Drive. This property is more fully described as Lot 8, Block 3/55001/2, and is zoned R-16(A), which limits the height of a fence in the front yard to 4 feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. 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, and to construct and/or maintain a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence standards regulations.

LOCATION: 6143 Royalton Drive

APPLICANT: John Craig

REQUESTS:

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

1. A request for a special exception to the fence standards regulations related to fence height of 4' is made to modify and maintain an 8' high board on board wood fence in one of the site's two required front yards (Azalea Lane); and,
2. A request for a special exception to the fence standards related to fence materials with panels with surface areas that are less than 50 percent open less than 5' from the front lot line is made to modify and maintain the aforementioned 8' high board on board wood fence along Azalea Lane located less than 5' from this front lot line.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

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

STAFF RECOMMENDATION:

No staff recommendations are made on these or any requests for a special exception to the fence standards since the basis for this type of appeals are when in the opinion of the board, the special exceptions will not adversely affect neighboring property.

BACKGROUND INFORMATION:

Zoning:

- Site: R-16(A) (Single-family district 16,000 sq. ft.)
- North: R-16(A) (Single-family district 16,000 sq. ft.)
- South: R-16(A) (Single-family district 16,000 sq. ft.)
- East: R-16(A) (Single-family district 16,000 sq. ft.)
- West: R-16(A) (Single-family district 16,000 sq. ft.)

Land Use:

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

Zoning/BDA History:

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. BDA 178-023, Property at 6143 Royalton Drive (the subject site) | <p>On February 21, 2018, the Board of Adjustment Panel C denied a request for a variance to the front yard setback regulations to construct and maintain a single-family structure located 14’ from the site’s front property line or 14’ into the 35’ front yard setback along Azalea Lane with a single-family home without prejudice.</p> |
|--|--|

GENERAL FACTS/STAFF ANALYSIS:

- The requests for special exceptions to the fence standards focus on:
 1. Modifying and maintaining an 8’ high board on board wood fence in one of the site’s two required front yards (Azalea Lane).
 2. Modifying and maintaining the aforementioned 8’ high board on board wood fence along Azalea Lane located less than 5’ from this front lot line.
- The subject site is zoned R-16(A).
- 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 site is located at the northwest corner of Royalton Drive and Azalea Lane. Regardless of how the lot is oriented, the site has two front yard setbacks. The site has a 35’ required front yard along Royalton Drive, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in a single-family zoning district, and a 35’ required front yard along Azalea Lane, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where an 8’ high board on board wood fence would be allowed by right. However, the site’s Azalea Lane frontage is a side yard treated as a front yard setback nonetheless to maintain the continuity of the established front yard setback established by the lots

developed with single-family homes north of the site that are oriented southwest towards Azalea Lane.

- The applicant has submitted a site plan and elevation of the proposal Azalea Lane with a fence that reaches up to 8' in height and with fence panels having a surface area that is less than 50 percent open and located less than 5' from this front lot line.
- No part of the application is made to address any fence in the site's Royalton Drive required front yard.
- The following additional information was gleaned from the submitted site plan:
 - The proposal is represented as being approximately 65' in length parallel to Azalea Lane, and approximately 35' perpendicular to Azalea Lane on the southwest and southeast sides of the site in this front yard setback.
 - The proposal is represented as being located approximately on the Azalea Lane front property line. (The distance between the fence and the pavement line is approximately 12').
- The Sustainable Development and Construction Department Senior Planner conducted a field visit of the site and surrounding area. Staff noted several solid board-on-board wood fences that appeared to be above over 6' in height located along Azalea Lane. None of these existing fences have recorded BDA history.
- As of November 30, 2018, no letters have been submitted in support of or in opposition to these requests.
- The applicant has the burden of proof in establishing that the special exceptions to the fence standards regulations related to height over 4' in the front yard setback and related to a fence with panels with surface areas less than 50 percent open less than 5' from the front lot line will not adversely affect neighboring property.
- Granting these special exceptions with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding 4' in height in one of the site's two required front yards (Azalea Lane) and with fence panels with surface areas less than 50 percent open located less than 5' from the front lot line to be maintained in the location and of the heights and materials as shown on these documents.

Timeline:

September 20, 2018: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

November 5, 2018: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

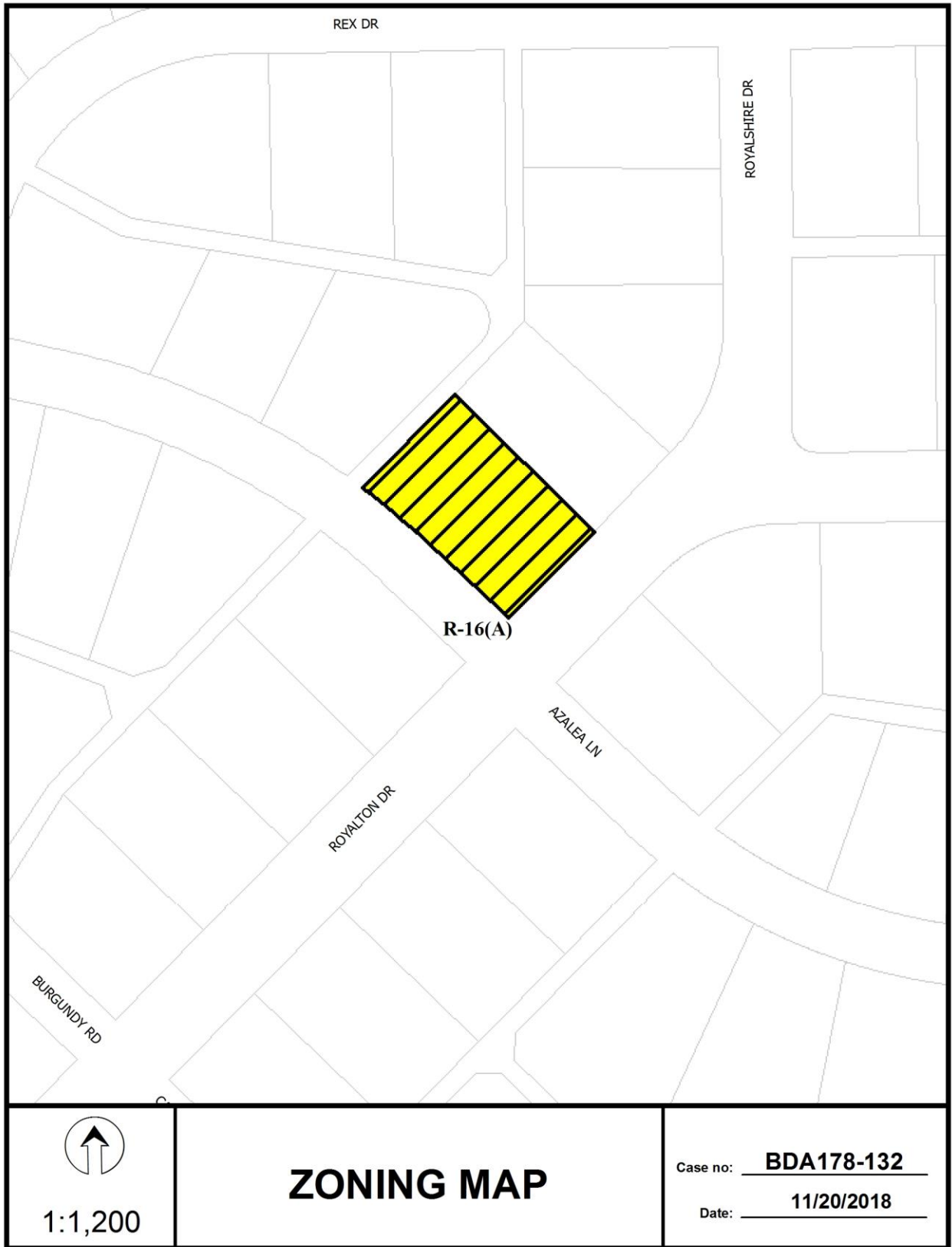
November 6, 2018: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the November 21st deadline to submit additional evidence for staff to factor into their analysis; and the November 30th 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.

November 27, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the December public hearing. 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 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.

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






1:1,200

AERIAL MAP

Case no: BDA178-132
Date: 11/20/2018

TO: THE CITY OF DALLAS

11/30/18

For the property located at 6143 Royalton and the fence variance requested by Cason Construction.

We had Treeland Nursery plant 30 Eagleston Holly trees. Each tree is 6 to 7 feet tall and will continue to grow together to provide a lush foliage screen. These trees will remain in place regardless of the type of fence that is installed.

Sincerely,

Colby Craig



BDA178-132
Attach B (pg 1/7)
BDA178-132

6131 Royaltan
Panel C

Royalton Dr 6100
Azalea Ln 6200

6131
6131
6131

6131
6131
6131

6131 Royalton

DA178-132
Attach B (pg 2/7)



6131 Royalton

DA178-132
Attach B (pg 3/7)

6143 Royalton



6142 Royalton



6143 Royalton



6142 Royalton

6143 Royalton

DA178-132
Attach B (pg 5/7)

6143 Royalton
Cann Construction 214-697-9293
Plan "A"

REPORT VIOLATIONS TO THE CITY OF DALLAS BY
CALLING 311. 24 HOURS. IF THERE IS A PUBLIC
CONSTRUCTION VIOLATION TO A JOB UNTIL 7 PM
MONDAY THROUGH FRIDAY AND 8 A.M. UNTIL 7
PM ON SATURDAY WHEN WORK IS ON OR
ADJACENT TO A RESIDENTIAL USE AS DEFINED IN
THE DALLAS DEVELOPMENT CODE.

City of Dallas
City Manager
City Clerk
City Engineer
City Attorney
City Auditor
City Treasurer
City Controller
City Director of Public Works
City Director of Transportation
City Director of Planning and Economic Development
City Director of Community Development
City Director of Parks and Recreation
City Director of Public Safety
City Director of Information Technology
City Director of Human Resources
City Director of Administration
City Director of Finance
City Director of Legal Services
City Director of Information Services
City Director of Intergovernmental Affairs
City Director of Office of the City Clerk
City Director of Office of the City Engineer
City Director of Office of the City Attorney
City Director of Office of the City Auditor
City Director of Office of the City Treasurer
City Director of Office of the City Controller
City Director of Office of the City Director of Public Works
City Director of Office of the City Director of Transportation
City Director of Office of the City Director of Planning and Economic Development
City Director of Office of the City Director of Community Development
City Director of Office of the City Director of Parks and Recreation
City Director of Office of the City Director of Public Safety
City Director of Office of the City Director of Information Technology
City Director of Office of the City Director of Human Resources
City Director of Office of the City Director of Administration
City Director of Office of the City Director of Finance
City Director of Office of the City Director of Legal Services
City Director of Office of the City Director of Information Services
City Director of Office of the City Director of Intergovernmental Affairs
City Director of Office of the City Clerk
City Director of Office of the City Engineer
City Director of Office of the City Attorney
City Director of Office of the City Auditor
City Director of Office of the City Treasurer
City Director of Office of the City Controller
City Director of Office of the City Director of Public Works
City Director of Office of the City Director of Transportation
City Director of Office of the City Director of Planning and Economic Development
City Director of Office of the City Director of Community Development
City Director of Office of the City Director of Parks and Recreation
City Director of Office of the City Director of Public Safety
City Director of Office of the City Director of Information Technology
City Director of Office of the City Director of Human Resources
City Director of Office of the City Director of Administration
City Director of Office of the City Director of Finance
City Director of Office of the City Director of Legal Services
City Director of Office of the City Director of Information Services
City Director of Office of the City Director of Intergovernmental Affairs

DA178-132
Attach B (pg 6/7)



DA178-132
Attach B (pg 7/7)





APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-132

Date: 9-20-18

Data Relative to Subject Property:

Location address: 6143 Roylton DR. Zoning District: R-16(A)

Lot No.: 8 Block No.: 3/5500 1/2 Acreage: .367 Census Tract: 133.00

Street Frontage (in Feet): 1) 100 2) 160 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Colmat 6143 Roylton LLC

Applicant: John Craig Telephone: 972 948 7888

Mailing Address: 4433 Bordeaux Ave Zip Code: 75205

E-mail Address: J. Colby Craig@yahoo.com

Represented by: John Craig Telephone: 972 948 7888

Mailing Address: 4433 Bordeaux Ave Zip Code: 75205

E-mail Address: J. Colby Craig@yahoo.com

Affirm that an appeal has been made for a Variance __, or Special Exception , of Fence standards for front yard height and openness, 4' to the required 4' front yard fence standard and provide total fence height of 8'.

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: property has 2 front yard setbacks. Application is to be granted special exception on fence height and openness for 1 of the front yards, as it will serve as the backyard or "primary" space and the fence will conceal personal items providing a cleaner look for neighbors, and privacy for homeowners

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

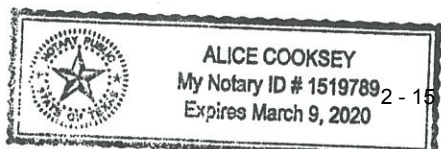
Before me the undersigned on this day personally appeared _____ (Affiant/Applicant's name printed)

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: _____ (Affiant/Applicant's signature)

Subscribed and sworn to before me this 20th day of September, 2018

Alice Cooksey
Notary Public in and for Dallas County, Texas



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that John Craig

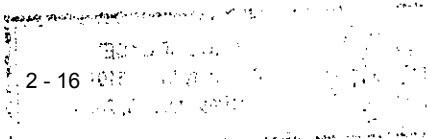
did submit a request for a special exception to the fence height regulations, and for a special exception to the fence standards regulations

at 6143 Royalton Drive

BDA178-132. Application of John Craig for a special exception to the fence height regulations, and for a special exception to the fence standards regulations at 6143 Royalton Drive. This property is more fully described as Lot 8, Block 3/55001/2, and is zoned R-16(A), which limits the height of a fence in the front yard to 4 feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. 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, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official





Printed: 9/20/2018

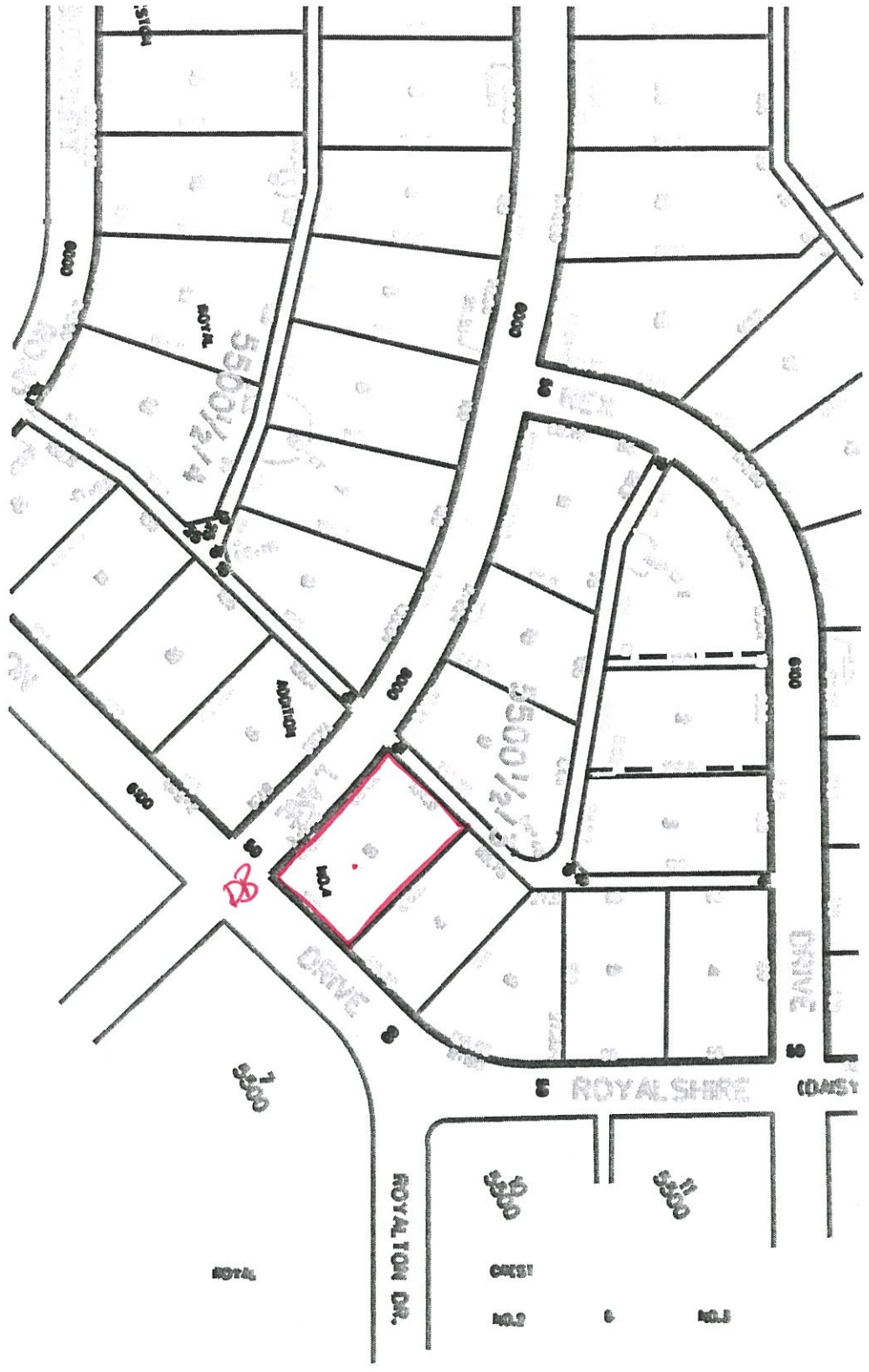
Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|-----------------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
| Mill's Creek | Dallas Environmental Corridors | SP | NSO_Overlay |
| Peak's Branch | SPSP Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay 2 - 17 |
| Parks | SUP | Historic Overlay | Shop Front Overlay |
| | | Height Map Overlay | |

BDA178-132

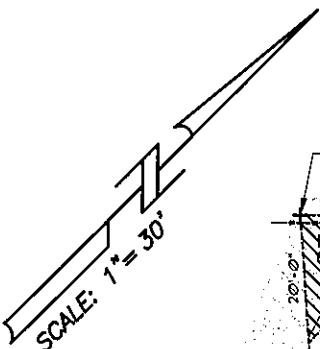
This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. 'This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering,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



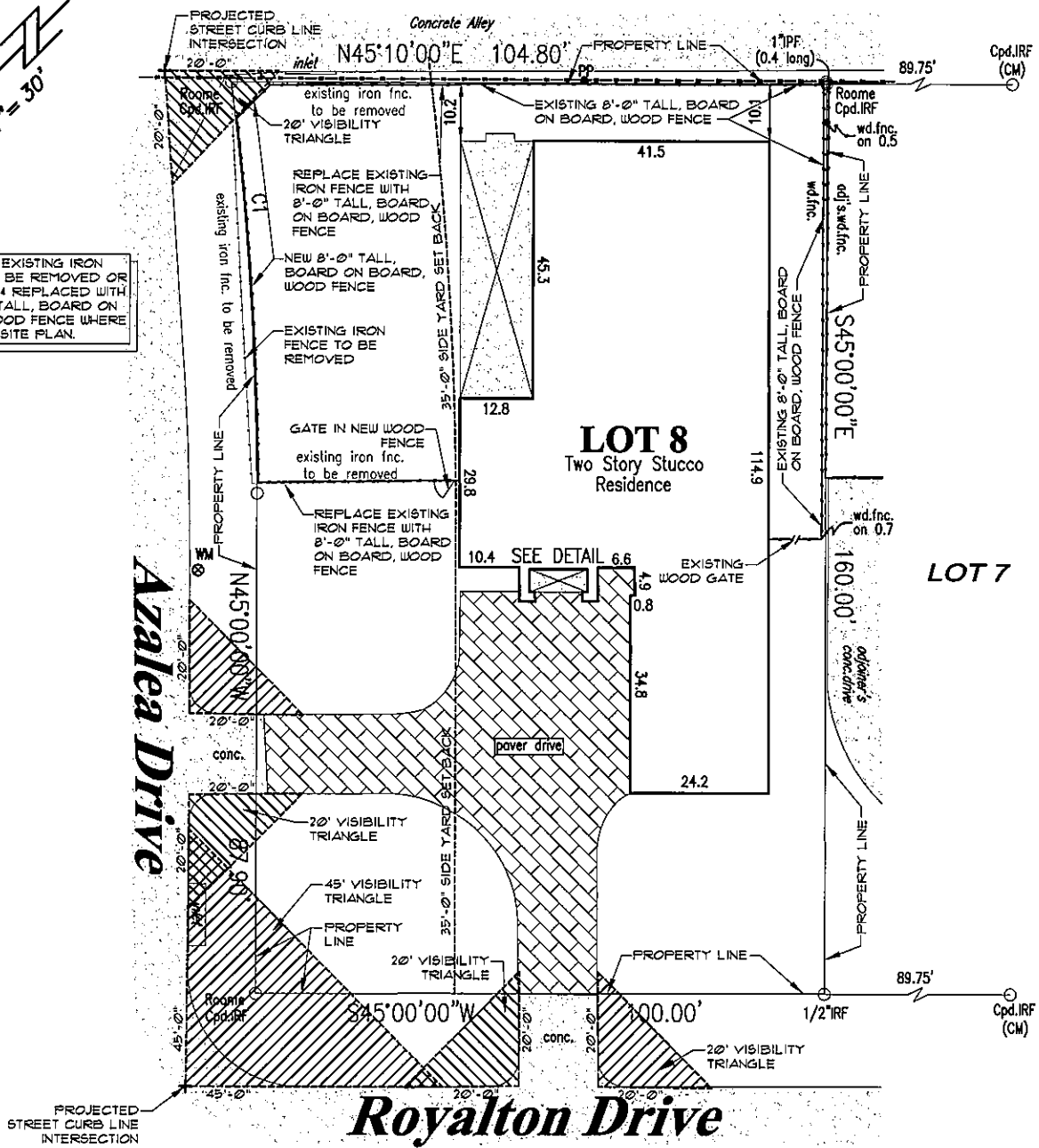


SITE PLAN

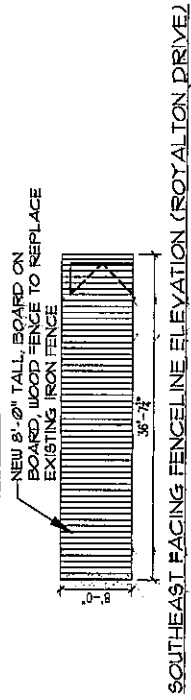
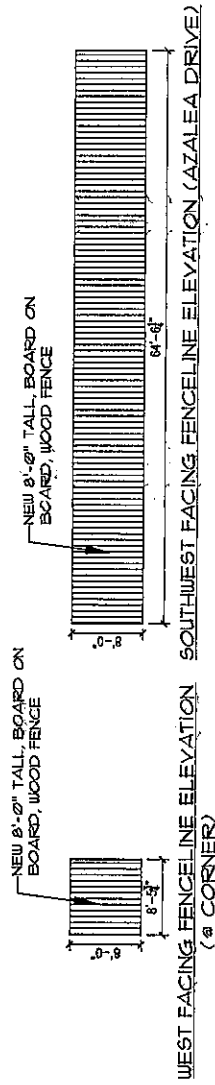
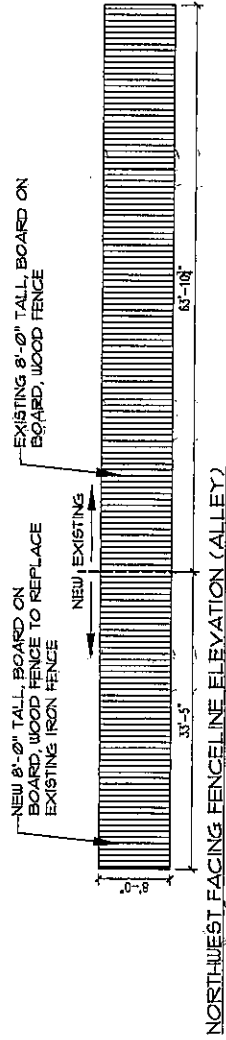
SCALE: 1"=30'

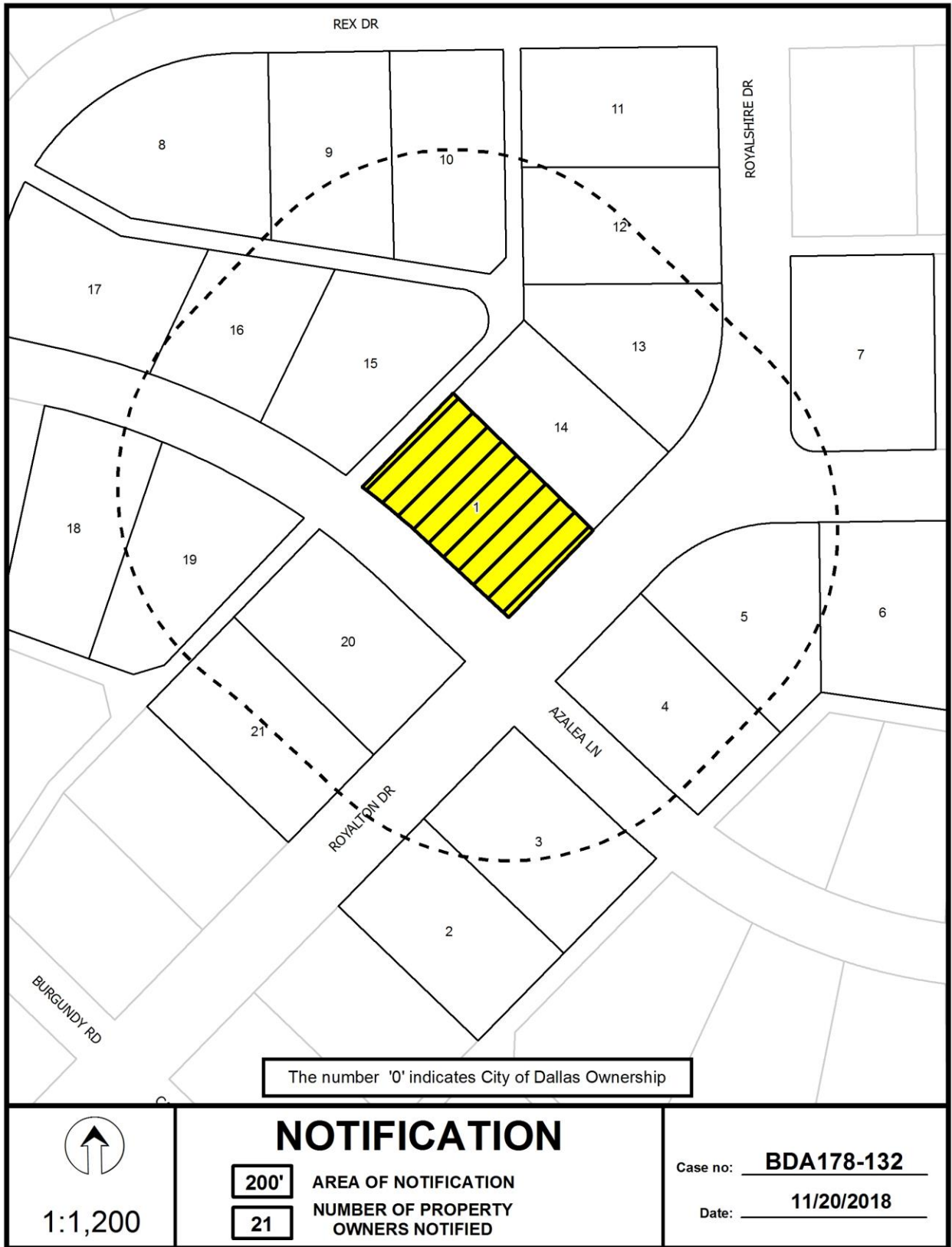


NOTE: ALL EXISTING IRON FENCES TO BE REMOVED OR REPLACED & REPLACED WITH NEW 8'-0" TALL, BOARD ON BOARD, WOOD FENCE WHERE NOTED ON SITE PLAN.



FENCELINE ELEVATION DRAWINGS SCALE: 1" = 20'





The number '0' indicates City of Dallas Ownership



1:1,200

NOTIFICATION

200'

AREA OF NOTIFICATION

21

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA178-132**

Date: **11/20/2018**

Notification List of Property Owners

BDA178-132

21 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6143 ROYALTON DR	COLMAT 6143 ROYALTON LLC
2	6122 ROYALTON DR	ZIDE JACOB R & KARINA S
3	6130 ROYALTON DR	BAKER ROBERT H & LESLIE
4	6142 ROYALTON DR	KUMAR SUNEEL & GRACE
5	6150 ROYALTON DR	VASEK ROBERT B JR
6	6210 ROYALTON DR	SCOTT JOHN THOMAS &
7	11000 ROYALSHIRE DR	BAUER KATHERINE
8	6126 REX DR	WEITMAN DAVID & MARLENE
9	6132 REX DR	STOLER ROBERT C
10	6142 REX DR	COBEN CHAD E & AMBER M
11	11021 ROYALSHIRE DR	MESSER HOLDINGS SERIES LLC
12	11015 ROYALSHIRE DR	DUNN JOSHUA JETT
13	6155 ROYALTON DR	WEINSTEIN GREG M
14	6151 ROYALTON DR	GOLDSMITH REGINALD M &
15	6069 AZALEA LN	WEINREB KAREN S
16	6063 AZALEA LN	HEXT GREGORY & KIMBERLY
17	6055 AZALEA LN	SAYAH JON & JULIE
18	6054 AZALEA LN	BRENNER JULES S & JACQUELINE S
19	6066 AZALEA LN	CHANG ROGER
20	6131 ROYALTON DR	WAY PETER & JANET
21	6123 ROYALTON DR	HOBBS DAVID R & ROBYN N

FILE NUMBER: BDA178-133(OA)

BUILDING OFFICIAL'S REPORT: Application of Rogelio E. Varela-Castor for special exceptions to the fence standards regulations at 343 S. Nachita Drive. This property is more fully described as Lot 9, Block E/7876, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet, requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line and prohibits the use of certain materials for a fence. The applicant proposes to construct and/or maintain a 10 foot 6 inch high fence in a required front yard, which will require a 6 foot 6 inch special exception to the fence regulations, to construct and/or maintain fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence standards regulations, and to construct and/or maintain a fence of a prohibited material, which will require a special exception to the fence standards regulations.

LOCATION: 343 S Nachita Drive

APPLICANT: Rogelio E. Varela-Castor

REQUESTS:

The following requests have been made on a site with two front yard setbacks developed with a single-family home:

1. A special exception related to the height of 6' 6" focuses on maintaining an 8' high sheet metal fence wherein place given grade sits atop a 2' 6" retaining wall located in one of the site's two front yard setbacks (Prairie Creek Road);
2. A special exception to the fence standards related to fence panel materials/location from the front lot line is made to maintain the aforementioned existing 8' high sheet metal fence wherein place given grade sits atop a 2' 6" retaining wall with panels with surface areas that are less than 50 percent open located along Prairie Creek Road located less than 5' from this front lot line; and,
3. A request for a special exception to the fence standards regulations is made to maintain a fence of a prohibited fence material (sheet metal).

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 recommendations are made on these or any requests for a special exception to the fence standards since the basis for this type of appeals are when in the opinion of the board, the special exceptions will not adversely affect neighboring property.

Zoning:

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

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- The requests for special exceptions to the fence standards regulations on a site with two front yard setbacks developed with a single-family home focus on:
 - 1) maintaining an 8' high sheet metal fence wherein place given grade sits atop a 2' 6" retaining wall located in one of the site's two front yard setbacks (Prairie Creek Road);
 - 2) maintaining the aforementioned existing 8' high sheet metal fence wherein place given grade sits atop a 2' 6" retaining wall with panels with surface areas that are less than 50 percent open located along Prairie Creek Road located less than 5' from this front lot line; and,
 - 3) maintaining the existing fence made of a prohibited fence material (sheet metal).
- The property is located in an R-7.5(A) zoning district which requires a minimum front yard setback of 25 feet.
- Given the single-family zoning and location of the double frontage lot, this site has two required front yards. The site has a 30' required front yard caused by a platted building line along Nachita Drive and a 25' required zoning front yard along Prairie Creek Road.
- 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 Dallas Development Code states that in single-family districts, a fence panel with a surface area that is less than 50 percent open may not be located less than 5' from the front lot line.
- Section 51A-4.602(a)(9) of the Dallas Development Code states that except as provided in this subsection, the following fence materials are prohibited:
 - Sheet metal;
 - Corrugated metal;
 - Fiberglass panels;
 - Plywood;
 - Plastic materials other than preformed fence pickets and fence panels with a minimum thickness of seven-eighths of an inch;
 - Barbed wire and razor ribbon (concertina wire) in residential districts other than an A(A) Agricultural District; and
 - Barbed wire razor ribbon (concertina wire) in nonresidential districts unless the barbed wire or razor ribbon (concertina wire) is six feet or more above grade and does not project beyond the property line.
- On November 28 & 30, 2018, the applicant submitted revised elevations (attachments A & B) representing the revised elevation for the proposed fence in the front yard setback along Prairie Creek Road.
- The submitted site plan and elevation denote an 8' high sheet metal fence wherein place given grade sits atop a 2' 6" retaining wall in the Prairie Creek Road front yard setback and on this front lot line.
- The fence is represented as being 69' in length parallel to Prairie Creek Road, approximately 25' in length perpendicular to this front lot line on the north and south sides of the site in this front yard setback, and on this front lot line and approximately 5' from this pavement line.
- The submitted site plan represents a site that is approximately 9,200 square feet in area where approximately 210 linear feet of prohibited fence material (sheet metal fence) is located on this property.
- The Sustainable Development and Construction Department Senior Planner conducted a field visit of the site and surrounding area along Prairie Creek Road approximately 500' north and south of the subject site and noted a number of other fences that appeared to be above 4' in height and in a front yard setback. None of these existing fences have recorded BDA history. In addition, staff did not observe any other sheet metal fences within the area.
- As of November 30, 2018, no letters have been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exceptions to the fence standards regulations related to height over 6' 6" in the front yard setback, related to a fence with panels with surface areas less than 50 percent open less than 5' from the front lot line and related to a prohibited fence material (sheet metal) will not adversely affect neighboring property.
- Granting one and/or all of these special exceptions with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding 4' in height in the front yard setback and with fence panels with surface areas less than 50 percent open located less than 5' from the front lot line,

and the location of prohibited material to be maintained in the location and of the heights and materials as shown on these documents – 8’ high sheet metal fence wherein place given grade sits atop a 2’ 6” retaining wall in the site’s Prairie Creek Road front yard setback over 4’ in height with fence panels less than 50 percent open located on this front lot line and the prohibited material on the property would be limited to what is shown on these documents.

Timeline:

September 20, 2018: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

November 5, 2108: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

November 6, 2018: The Board Administrator emailed the applicant the following information:

- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the November 21st deadline to submit additional evidence for staff to factor into their analysis; and the November 30th 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.”

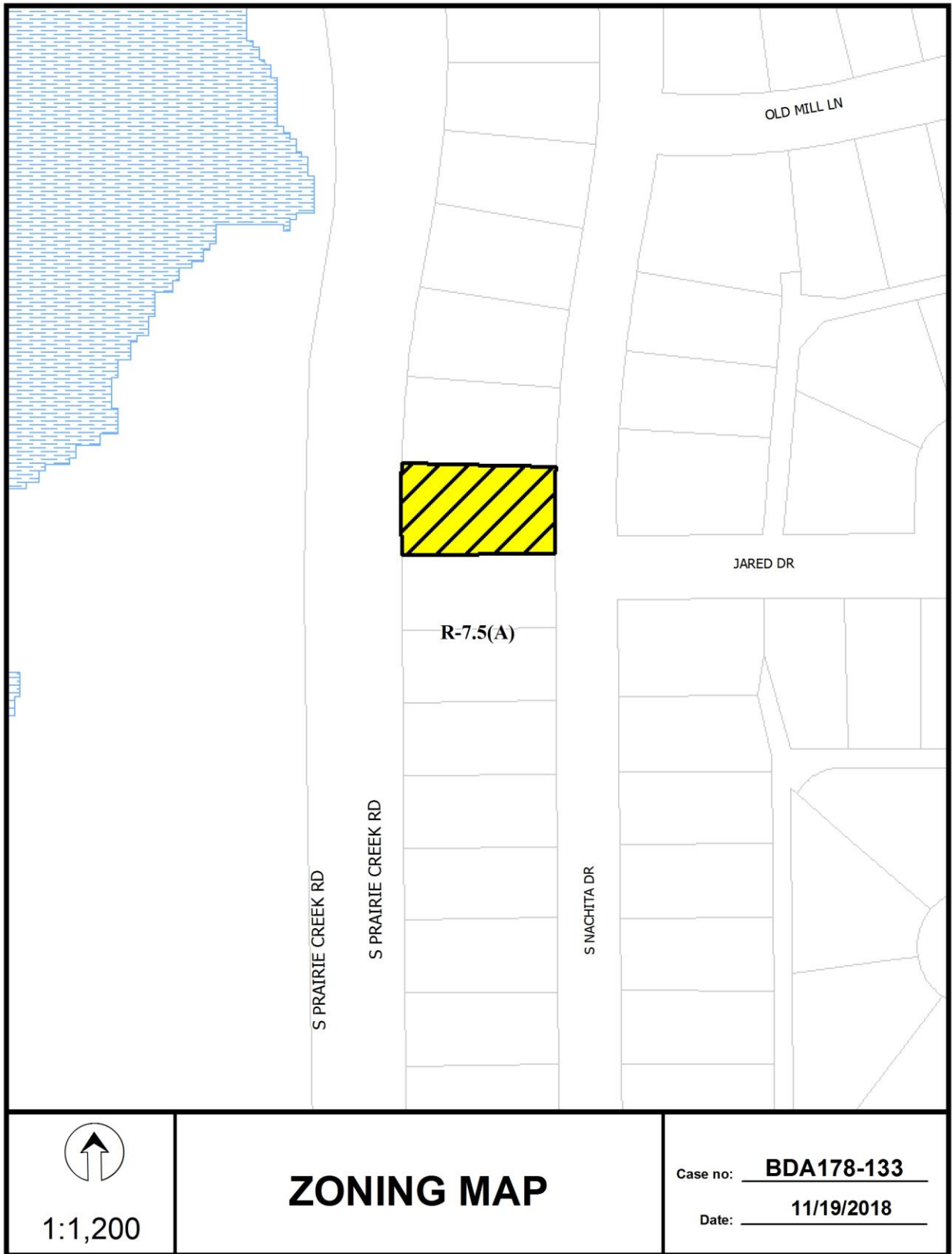
November 27, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the December public hearing. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the 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.

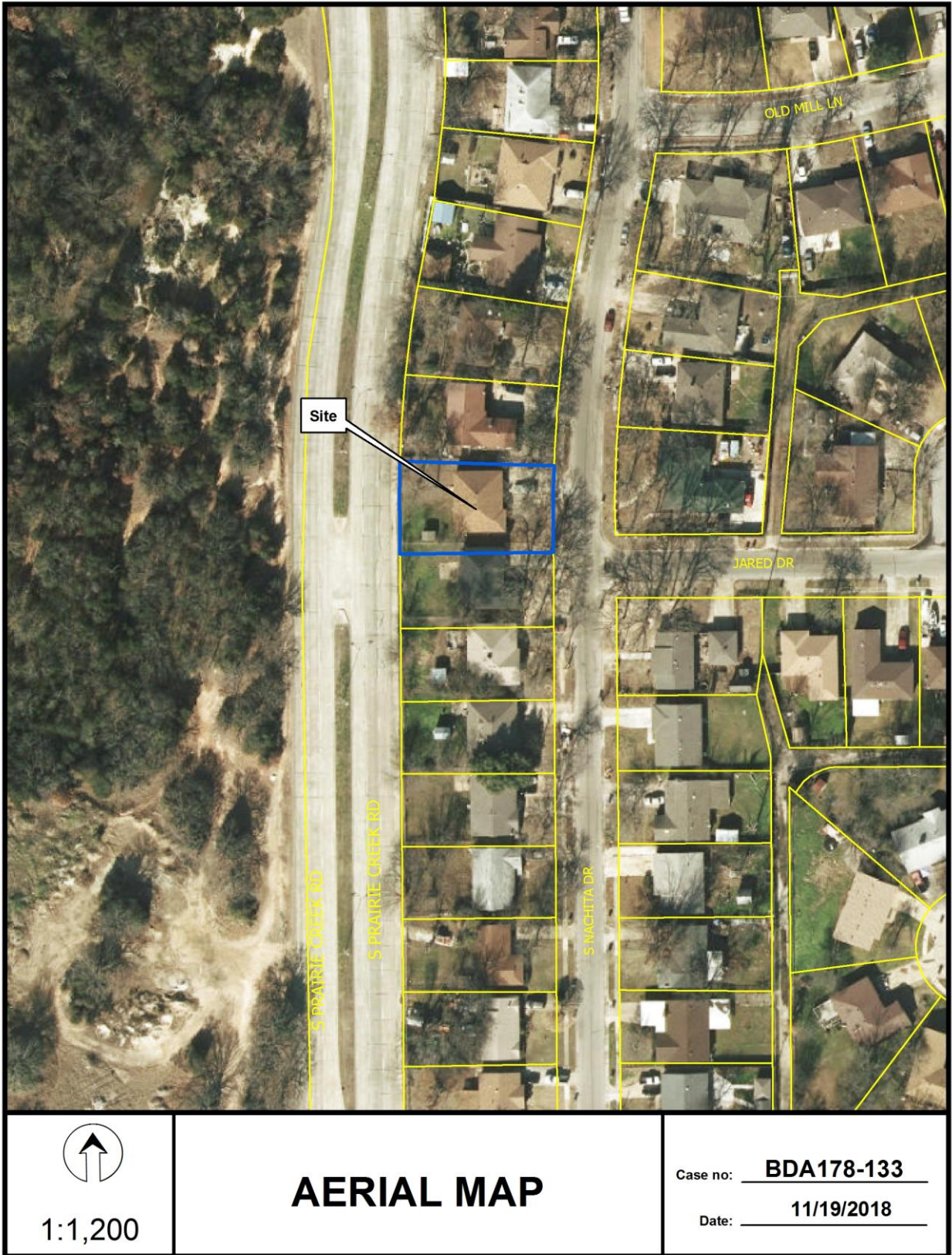
No review comment sheets were submitted in conjunction with this application.

November 28, 2018: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachments A).

November 29, 2018: The Building Inspection Senior Plans Examiners/Development Code Specialist forwarded a revised Building Official's report on this application to the Board Administrator (see Attachment B).

November 30, 2018: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachments B).





1:1,200

AERIAL MAP

Case no: **BDA178-133**

Date: **11/19/2018**

From: rogelio varela <varelare2012@gmail.com>
Sent: Wednesday, November 28, 2018 8:01 AM
To: Aguilera, Oscar E
Subject: Re: BDA178-133, Property at 343 S. Nachita Drive
Attachments: image001.png

Good morning Oscar. That is correct, the total hight I wish to submit is 10 feet, 6 inches(8ft fence panel and 2ft. 6in. of retaining wall), for the north west corner of property. I will submit new drawing(s) to Charles by friday, with the details concerning the matter.

On Tue, Nov 27, 2018, 4:37 PM Aguilera, Oscar E <oscar.aguilera@dallascityhall.com> wrote:

Dear Rogelio Varela,

It was a pleasure talking to you this afternoon. Per our phone conversation I understand that you would like to modify the application referenced above regarding the special exception to the fence height regulations. My understanding is that you will provide me with new measurements that will include the retaining wall as part of the total height for your fence request by tomorrow morning before 8:00 am. I also understand that you will give Charles Trammell a revised elevation drawings that will include the new measurements for the retaining wall/fence total height by Friday November 30th before 10:00 am.

In addition, attached, please find the fence regulations. Please contact me if you have any additional questions.

Sincerely,



Oscar Aguilera
Senior Planner
City of Dallas | www.dallascityhall.com
 Current Planning Division

Sustainable Development and Construction

1500 Marilla Street, 5BN

Dallas, TX 75201
 O: 214-671-5099
oscar.aguilera@dallascityhall.com



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 ROGELIO E VARELA

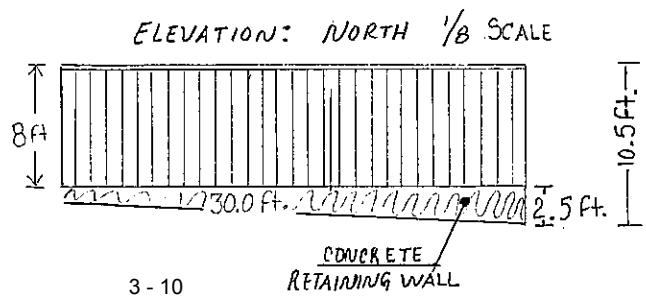
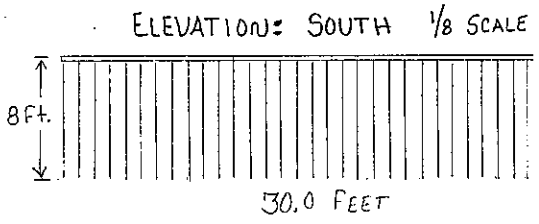
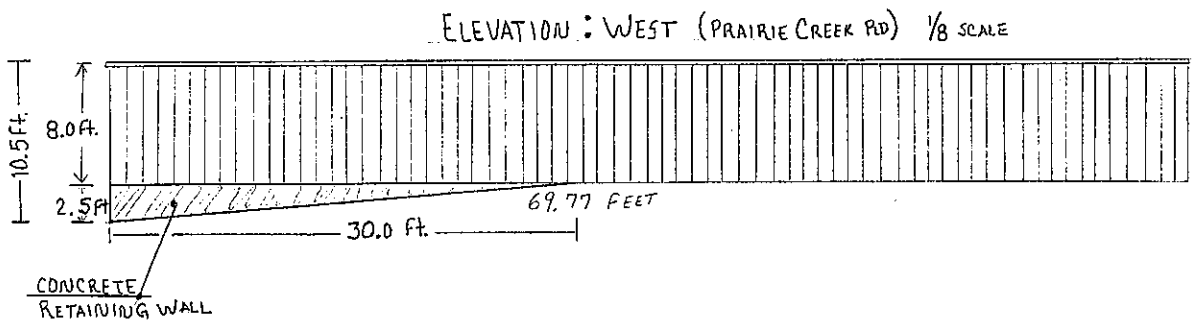
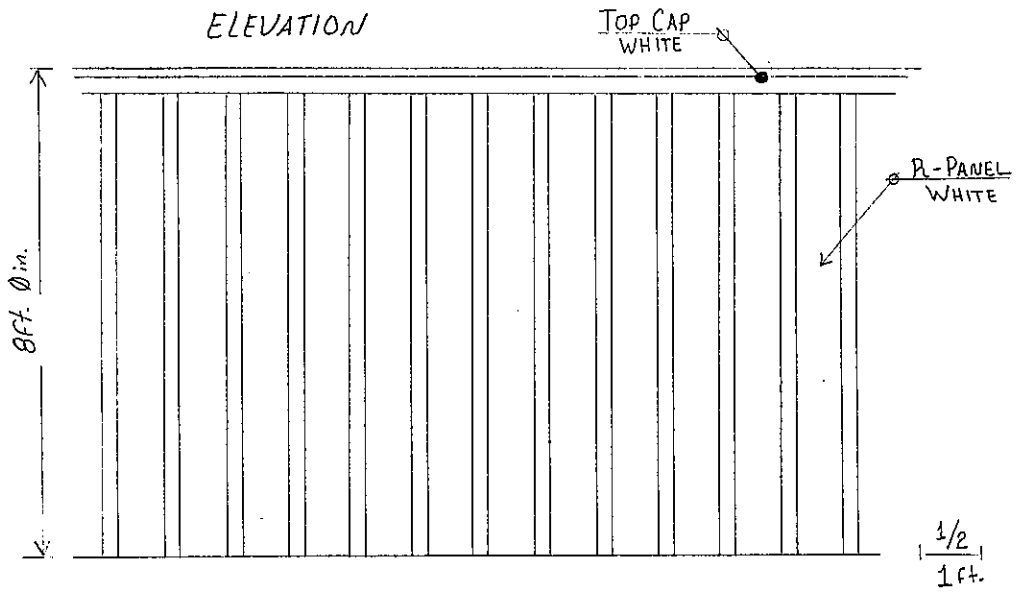
did submit a request for a special exception to the fence height regulations, and for a special exception to the fence standards regulations, and for a special exception to the fence standards regulations

at 343 S. Nachita Drive

BDA178-133. Application of ROGELIO E VARELA for a special exception to the fence height regulations, and for a special exception to the fence standards regulations, and for special exception to the fence standards regulations at 343 S NACHITA DR. This property is more fully described as Lot 9, Block E/7876, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet and prohibits the use of certain materials for a fence and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct an 10 foot 6 inch high fence in a required front yard, which will require a 6 foot 6 inch special exception to the fence regulations, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence regulations, and to construct a fence using a prohibited material, which will require a special exception to the fence regulations.

Sincerely,

Philip Sikes, Building Official



ROGELIO E. VARE.
11-28-2018
469 358 1297



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-133

Data Relative to Subject Property:

Date: 9-20-18

Location address: 343 S. NACHITA DR. Zoning District: R 7.5(A)

Lot No.: 9 Block No.: E/7876 Acreage: .211 Census Tract: 117.01

Street Frontage (in Feet): 1) 65' 2) 69' 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): ROGELIO E. VARELA - CASTOR

Applicant: ROGELIO E. VARELA-CASTOR Telephone: 469 358 1297

Mailing Address: 305 VISTA CT. Zip Code: 75217

E-mail Address: varelare2012@gmail.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance __, or Special Exception , of 4' to the required 4' front yard fence regulation, and provide a total fence height of 8', and less than 50% open panel, a prohibited fence material.

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:

HEIGHT AND MATERIALS COMPARABLE TO OTHERS IN NEIGHBORHOOD.

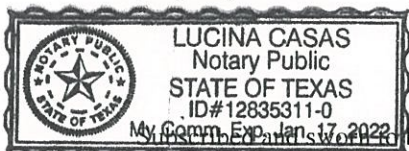
Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared Rogelio E Varela-Castor (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: Rogelio E. Varela (Affiant/Applicant's signature)



My Comm. Exp. Jan 17, 2022 before me this 20 day of September, 2018

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 **ROGELIO E VARELA**

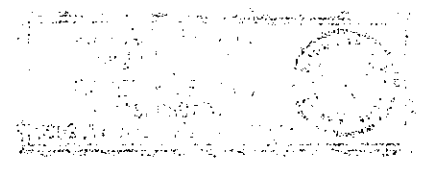
did submit a request for a special exception to the fence height regulations, and for a special exception to the fence standards regulations, and for a special exception to the fence standards regulations

at **343 S. Nachita Drive**

BDA178-133. Application of ROGELIO E VARELA for a special exception to the fence height regulations, and for a special exception to the fence standards regulations, and for special exception to the fence standards regulations at 343 S NACHITA DR. This property is more fully described as Lot 9, Block E/7876, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet and prohibits the use of certain materials for a fence and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. 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, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence regulations, and to construct a fence using a prohibited material, which will require a special exception to the fence regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official

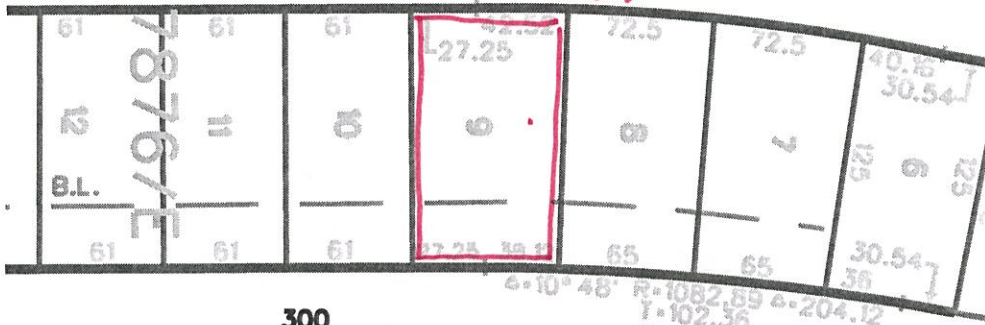


CITY
PARK
6356

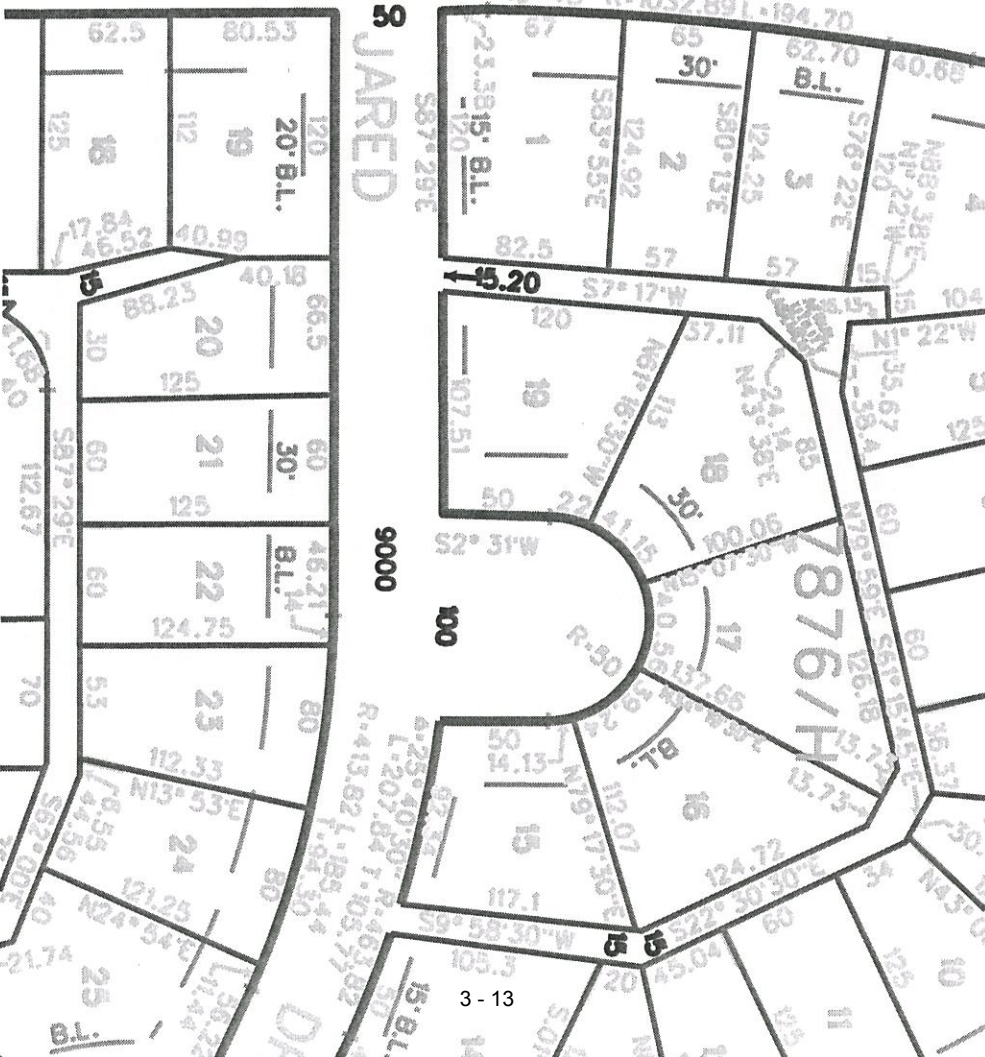
ABST. 1164
ABST. 583

N1°15'23"E
200.89

CREEK RD. *REV.*



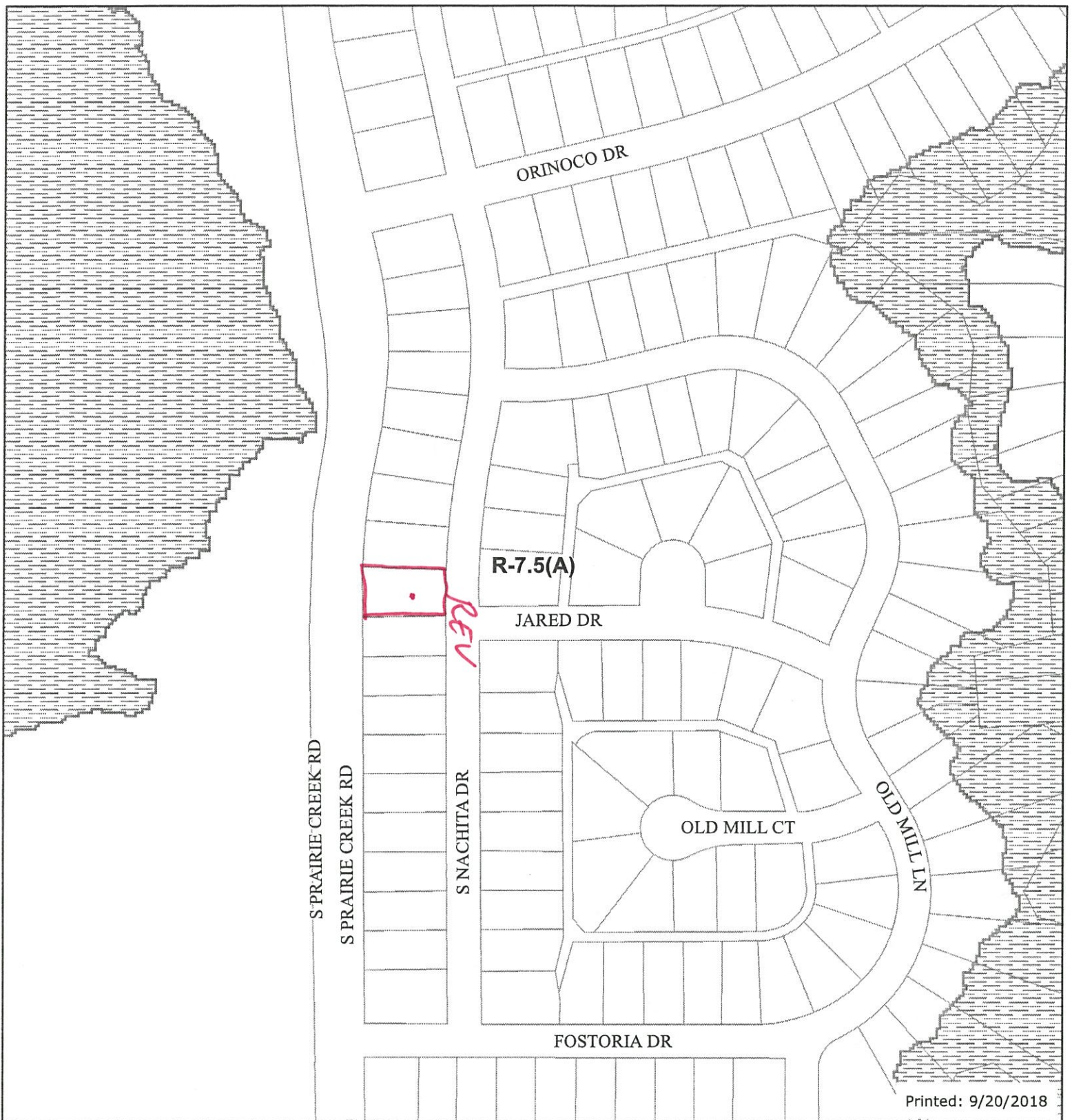
300



50
JARED

9000

100



Printed: 9/20/2018

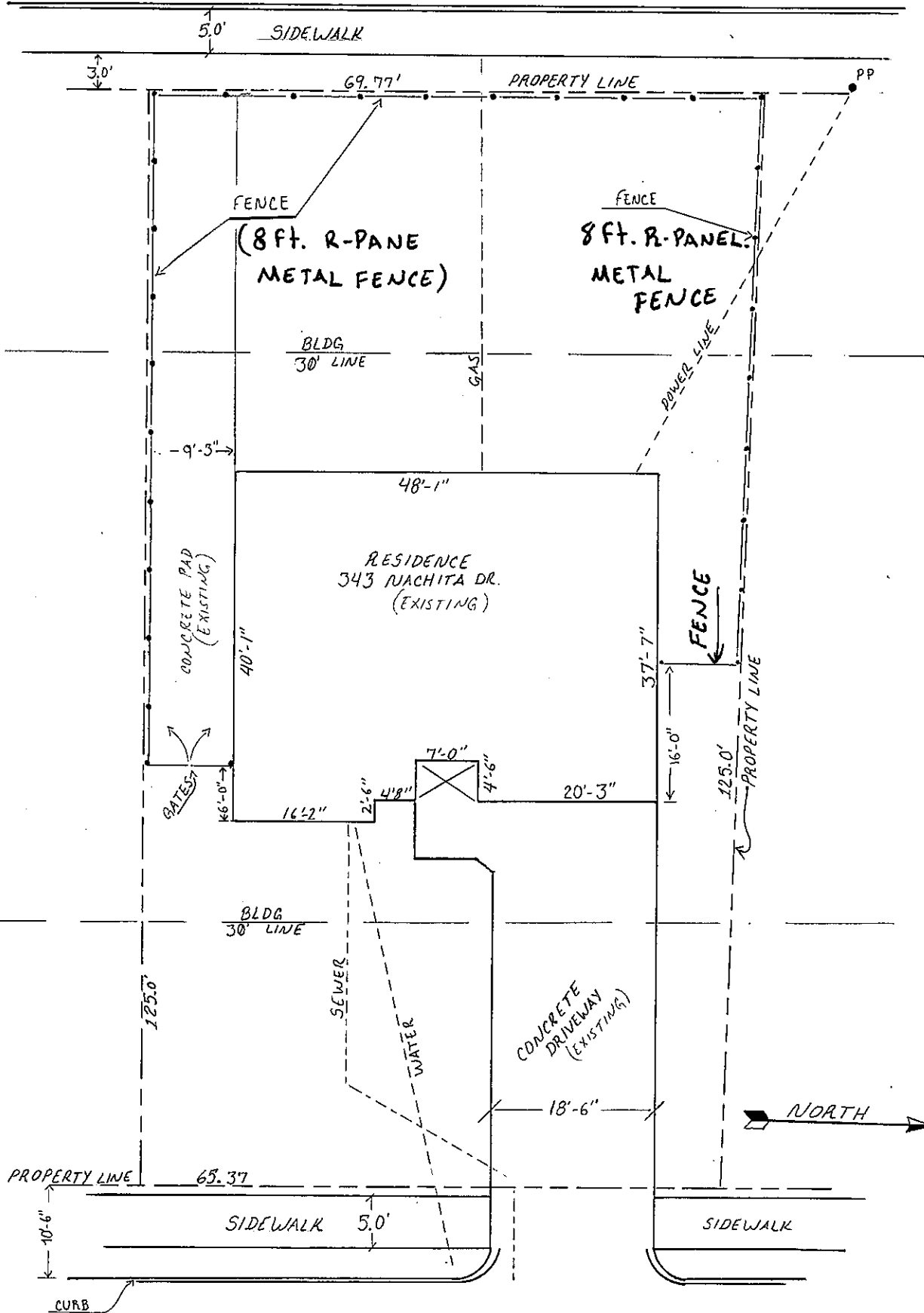
Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
| Mill's Creek | Dallas Environmental Corridors | SP | NSO_Overlay |
| Peak's Branch | SPSP Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | BDA178-133 SUP | Historic Overlay | 3-14 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) Panel C



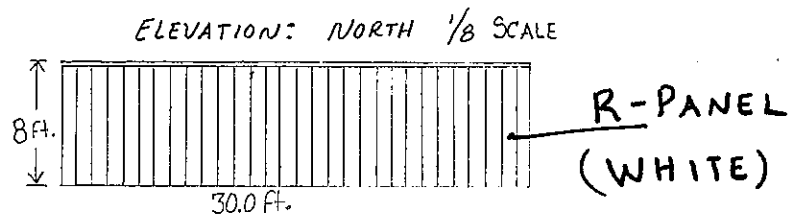
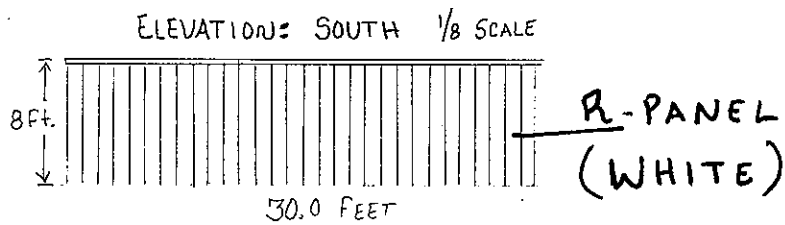
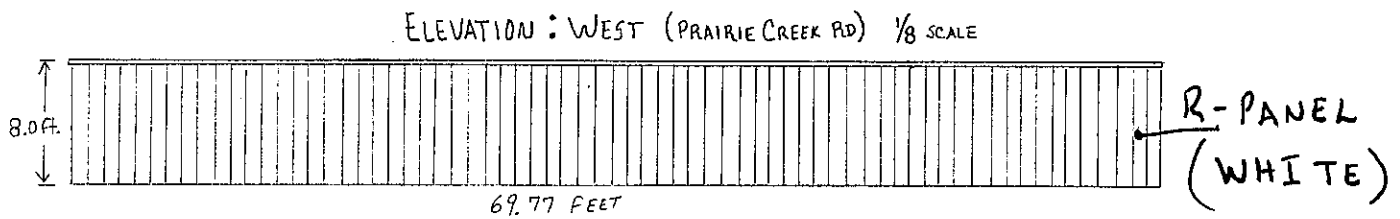
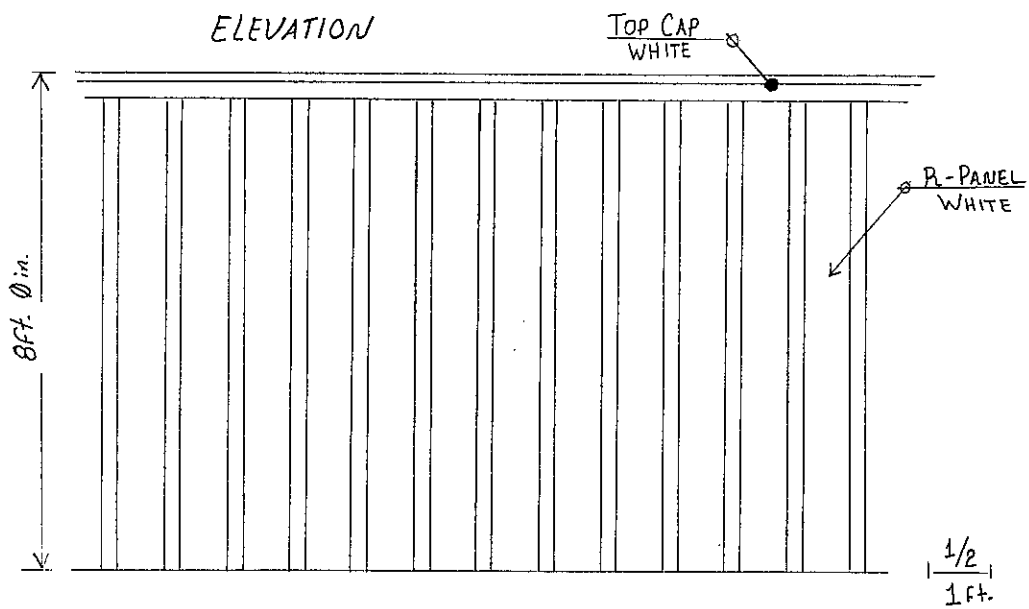
N. PRAIRIE CREEK RD.

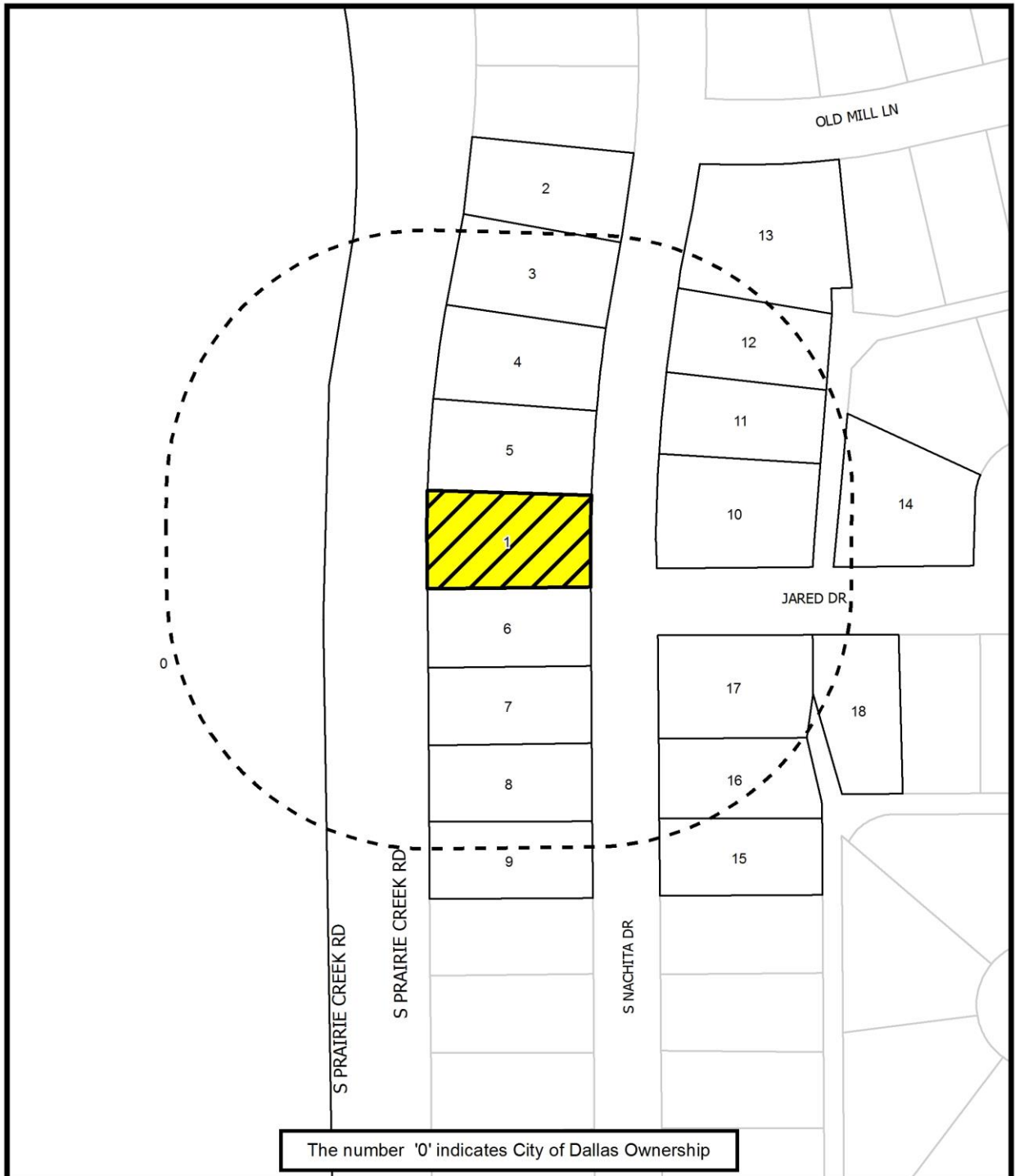


S. NACHITA DR.

SCALE : 3/32

SEP 13, 2018





The number '0' indicates City of Dallas Ownership

 1:1,200	<h2>NOTIFICATION</h2> <table border="1"> <tr> <td style="padding: 2px;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="padding: 2px;">18</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	18	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA178-133 Date: 11/19/2018
200'	AREA OF NOTIFICATION					
18	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA178-133

18 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	343 S NACHITA DR	VARELACASTOR ROGELIO E
2	323 S NACHITA DR	ALLEN CONTRELL JAMES &
3	329 S NACHITA DR	GORDEN MARGARET LOUISE
4	333 S NACHITA DR	FEDERAL NATIONAL MORTGAGE ASSN
5	339 S NACHITA DR	WILLIAM L CARR JR
6	349 S NACHITA DR	CURTIS BETTY
7	353 S NACHITA DR	GUTIERREZ ELIZABETH
8	359 S NACHITA DR	BENITEZ MELITON & AYDE DIAZ
9	363 S NACHITA DR	CHARLES CHERHARA
10	340 S NACHITA DR	RIOS RAYMOND
11	334 S NACHITA DR	HERNANDEZ MARGARITA B
12	330 S NACHITA DR	CASTOR JUANA
13	205 OLD MILL LN	MORALES RAYMUNDO &
14	9035 JARED DR	GUTIERREZ ANGEL
15	362 S NACHITA DR	DELGADO JOSE R &
16	358 S NACHITA DR	PADILLA ABDIAS JR
17	350 S NACHITA DR	BENITEZ RUFINA &
18	9028 JARED DR	TERRY KATHELENE

FILE NUMBER: BDA178-134(OA)

BUILDING OFFICIAL'S REPORT: Application of Blake Brickhouse of Reeves Group, Ltd., represented by Myron Brown, for a special exception to the fence standards regulations at 9030 Lake June Road. This property is more fully described as Block B/6661 and is zoned CR, which prohibits the use of certain materials for a fence. The applicant proposes to construct and/or maintain a fence of a prohibited material, which will require a special exception to the fence standards regulations.

LOCATION: 9030 Lake June Road

APPLICANT: Blake Brickhouse of Reeves Group, Ltd.
Represented by Myron Brown

REQUEST:

A request for a special exception to the fence standards regulations is made to maintain a fence of a prohibited fence material (sheet metal) on a site developed with a retail structure.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

Site: CR (Community retail district)
North: CR (Community retail district) & R-7.5(A) (Single family residential 7,500 square feet)
South: MF-2(A) (Multifamily district 2)
East: NO (A) (Neighborhood office district)
West: CR (Community retail district)

Land Use:

The subject site is developed with retail uses. The area to the north is developed with retail and single-family uses; the area to the south is developed with apartment units; the area to the west is developed with retail use; and the area to the east is developed with office uses.

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- The request for a special exception to the fence standards regulations related to fence materials focuses on maintaining a fence of a prohibited fence material (sheet metal) on a site developed with a retail structure.
- Section 51A-4.602(a)(9) of the Dallas Development Code states that except as provided in this subsection, the following fence materials are prohibited:
 - Sheet metal;
 - Corrugated metal;
 - Fiberglass panels;
 - Plywood;
 - Plastic materials other than preformed fence pickets and fence panels with a minimum thickness of seven-eighths of an inch;
 - Barbed wire and razor ribbon (concertina wire) in residential districts other than an A(A) Agricultural District; and
 - Barbed wire razor ribbon (concertina wire) in nonresidential districts unless the barbed wire or razor ribbon (concertina wire) is six feet or more above grade and does not project beyond the property line.
- The applicant has submitted a site plan and elevation that represents the location of the existing sheet metal fence on the property.
- The submitted elevation represents a 6' high sheet metal fence.
- The submitted site plan represents a site that is approximately 106,300 square feet in area where approximately 330 linear feet of prohibited fence material (sheet metal fence) is located on this property.
- The Sustainable Development and Construction Department Senior Planner conducted a field visit of the site and surrounding area. Another corrugated metal fence was noted within the area. This existing sheet metal fence has no recorded BDA history.
- As of November 30, 2018, no letters have been submitted in support or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence standards regulations related to a prohibited fence material (sheet metal) will not adversely affect neighboring property.

- If the Board were to grant the special exception and impose the submitted site plan and elevation as a condition, the fence of prohibited material on the property would be limited to what is shown on these documents.

Timeline:

September 20, 2018: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

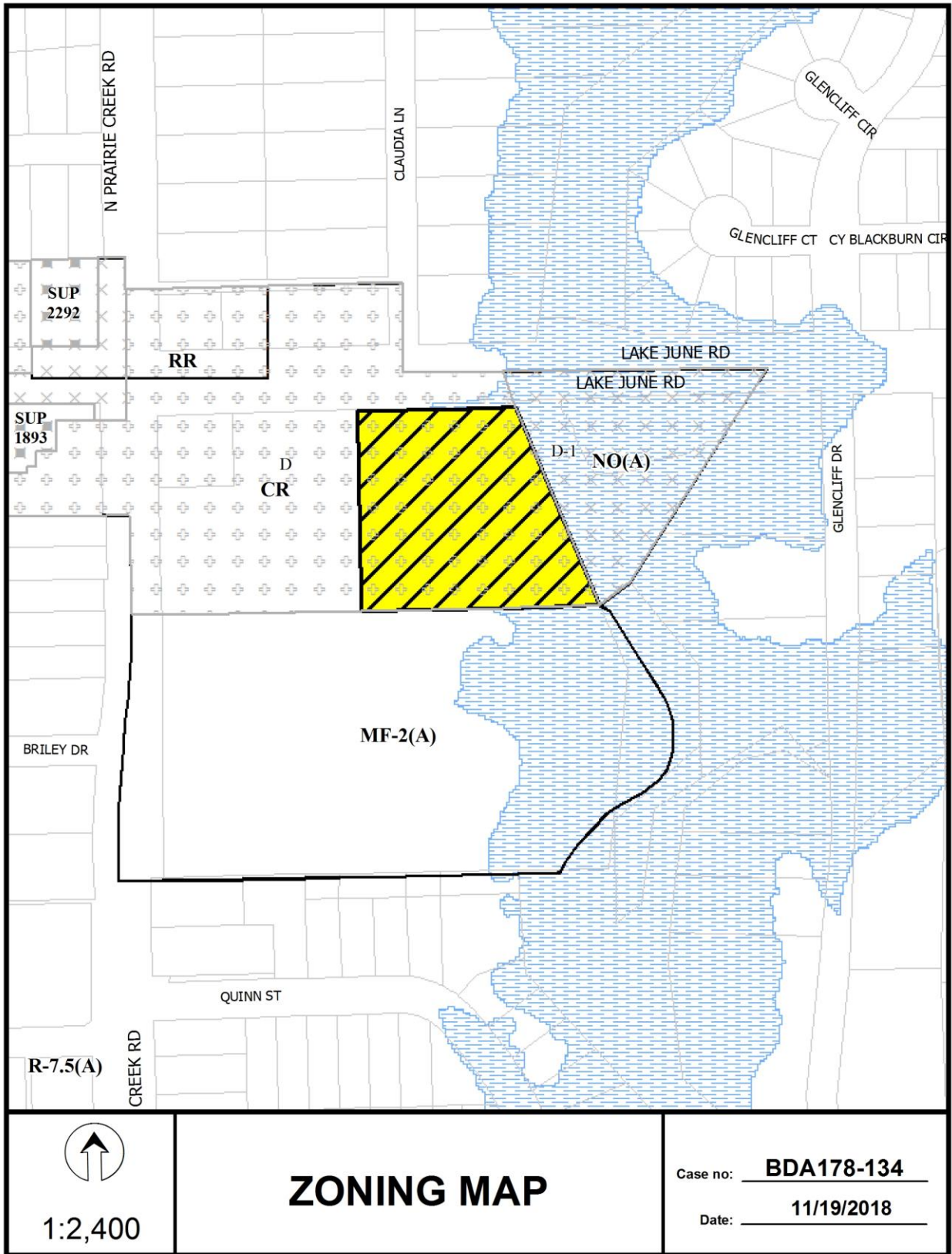
November 5, 2018: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

November 6, 2018: The Sustainable Development and Construction Department 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 November 21st deadline to submit additional evidence for staff to factor into their analysis; and the November 30th 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.”

November 27, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the December public hearing. 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 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.

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






1:2,400

AERIAL MAP

Case no: **BDA178-134**
Date: **11/19/2018**



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-134

Date: 9-20-18

Data Relative to Subject Property:

Location address: 9030 LAKE JUNE Rd Zoning District: CR

Lot No.: _____ Block No.: B/6661 Acreage: 2.44 Census Tract: 92.02

Street Frontage (in Feet): 1) 261' 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): REEVES Group, Ltd

Applicant: Blake Brickhouse/Reeves Group, Ltd Telephone: _____

Mailing Address: 2601 W. Carroll Ave. Dallas, Tx Zip Code: 75204

E-mail Address: george.reeves@reevesgroup.com

Represented by: Myron Brown Telephone: 214-779-1846

Mailing Address: 2906 CYPRESS AVE Zip Code: 75227

E-mail Address: _____

Affirm that an appeal has been made for a Variance or Special Exception of prohibited materials CR-panel Metal 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:

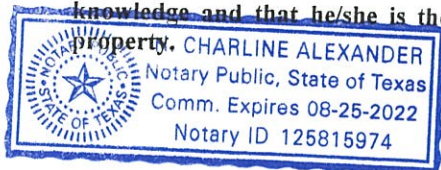
To keep trash & debris from the creek bed from blowing into our parking lot area to keep the homeless people off our property for vandalism purposes.

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 Blake Brickhouse (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 20 day of Sept, 2018

[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 _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that BLAKE BRICKHOUSE
represented by MYRON BROWN
did submit a request for a special exception to the fence standards regulations
at 9030 Lake June Road

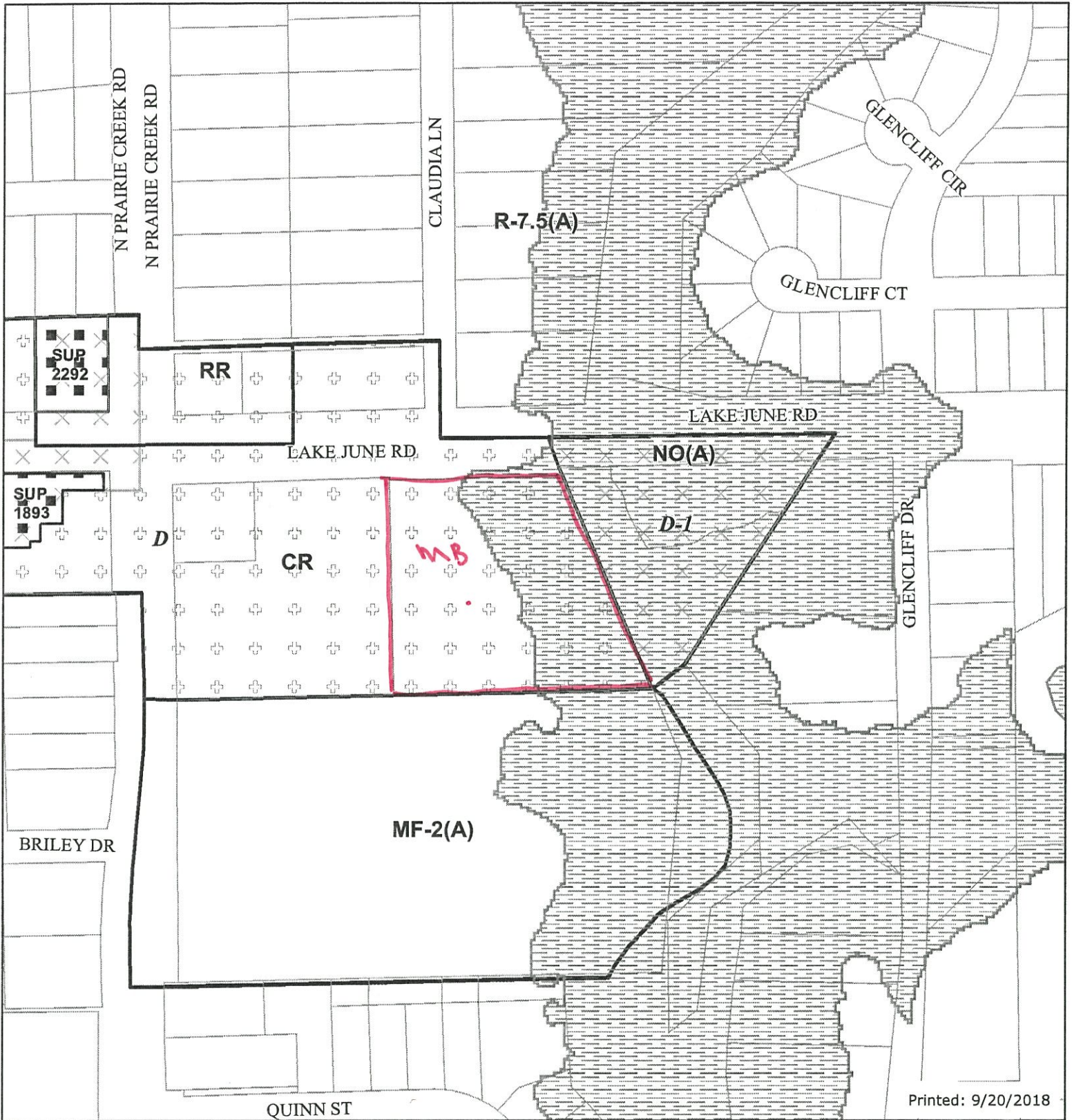
BDA178-134. Application of BLAKE BRICKHOUSE represented by MYRON BROWN for a special exception to the fence standards regulations at 9030 LAKE JUNE RD. This property is more fully described as BlockB/6661, and is zoned CR, which prohibits the use of certain materials for a fence. The applicant proposes to construct a fence using a prohibited material, which will require a special exception to the fence regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official







Printed: 9/20/2018

Legend

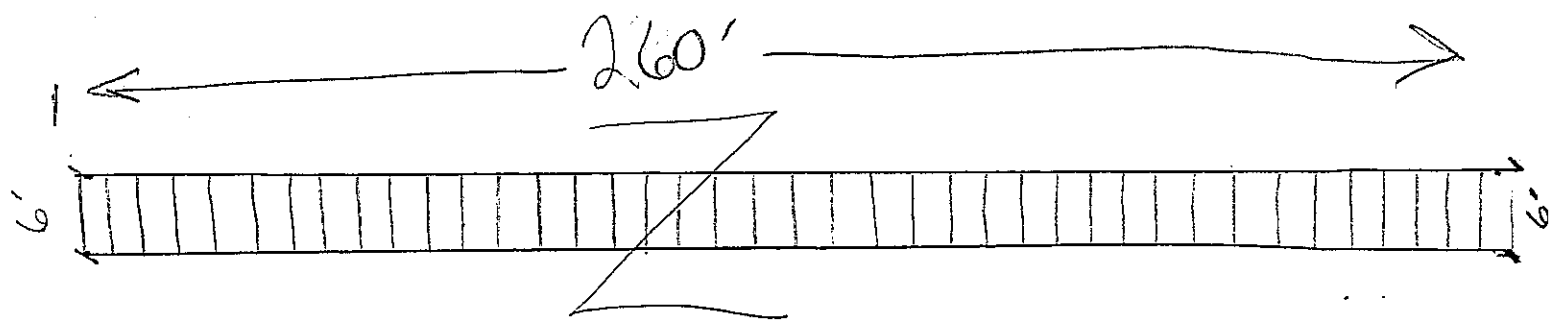
- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 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 4 - 9 |
| Parks | SUP | Historic Overlay | Shop Front Overlay |
| | | Height Map Overlay | |

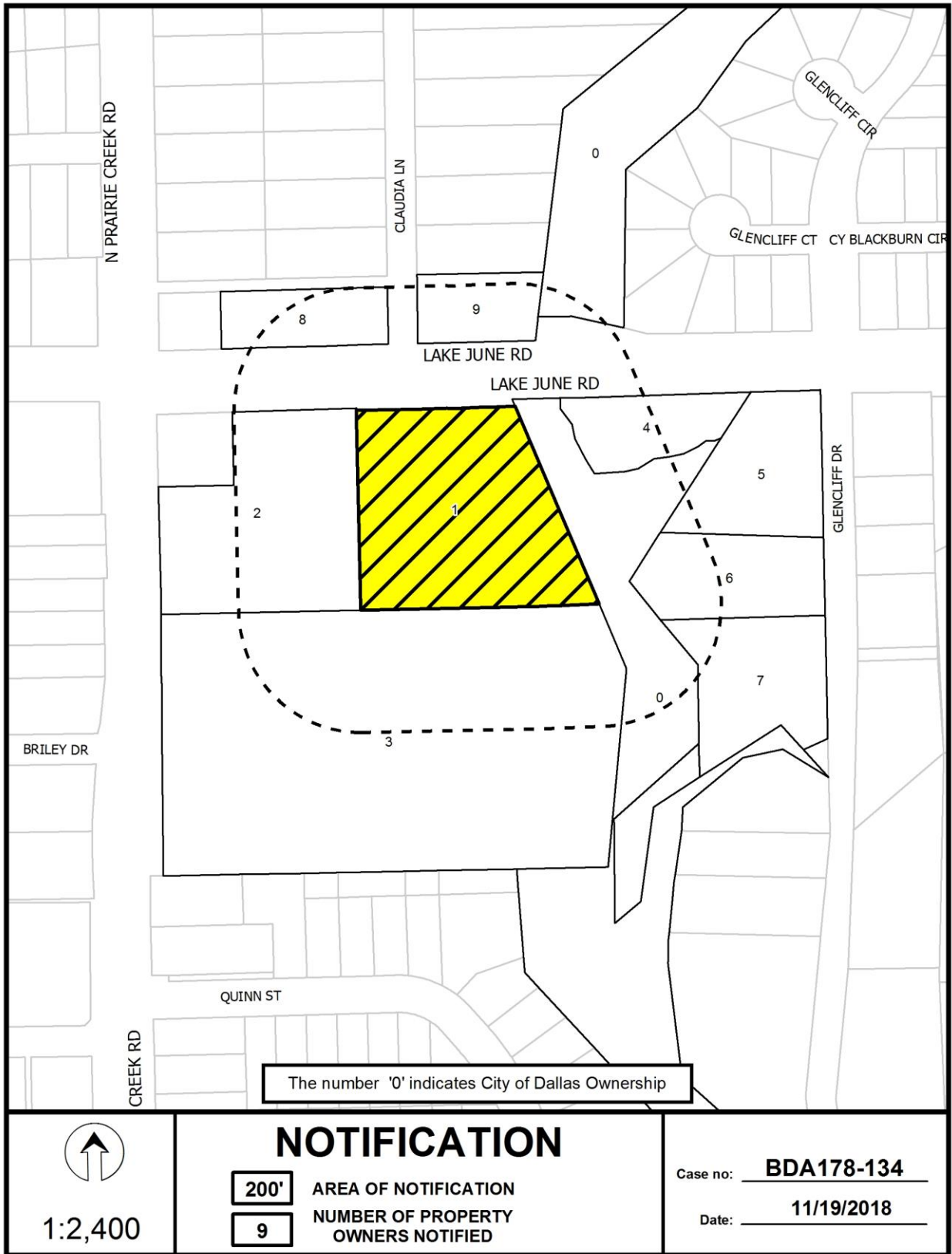
This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. 'This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering,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



1" x 17" 1" = 10'

ENGINEER SCALE





Notification List of Property Owners

BDA178-134

9 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	9030 LAKE JUNE RD	REEVES GROUP LTD
2	9020 LAKE JUNE RD	GULF REALTY INC
3	1140 N PRAIRIE CREEK RD	LACKLAND RIO LTD
4	9130 LAKE JUNE RD	PEREZ ELIZABETH ABREU
5	1231 GLENCLIFF DR	MENDOZA MARCO A
6	1207 GLENCLIFF DR	WHITLEY ROBERT L & BRENDA
7	1141 GLENCLIFF DR	VALDEZ HOMER P JR ETAL
8	9015 LAKE JUNE RD	TESSA INVESTMENTS INC
9	1306 CLAUDIA LN	PENDLETON GUSSIE &

FILE NUMBER: BDA178-135(OA)

BUILDING OFFICIAL'S REPORT: Application of Karen Roussos, represented by Rowdy Winter, for special exceptions to the fence standards regulations at 9424 Meadowbrook Drive. This property is more fully described as Lot 18, Block 5/5595, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet, and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct and/or maintain a 7 foot 6 inch high fence in a required front yard, which will require a 3 foot 6 inch special exception to the fence standards regulations, and to construct and/or maintain a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence standards regulations.

LOCATION: 9424 Meadowbrook Drive

APPLICANT: Karen Roussos
Represented by Rowdy Winter

REQUESTS:

The following requests for special exceptions to the fence standards regulations have been made on a site being developed with a single-family home:

1. A special exception related to fence height of 3' 6" is made to construct and maintain a fence higher than 4' in height in the front yard setback (a 6' 6" to 7' 6" high solid plaster fence with 7' 3" high steel fence panels, a 5' 6" pivot pedestrian steel gate and 5' 9 steel auto gate parallel to the street, and a 7' 6" high solid plaster fence and 6' 6" high steel panels perpendicular to the street); and,
2. A special exception related to fence materials is made to construct and maintain a fence with panels with surface areas that are less than 50 percent open (the aforementioned 6' 6" to 7' 6" high solid plaster fence with 7' 3" high steel fence panels, a 5' 6" pivot pedestrian steel gate parallel to the street, and 6' 6" high steel panels perpendicular to the street) located on the front lot line (or less than 5' from this front lot line).

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

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

STAFF RECOMMENDATION:

No staff recommendations are made on these or any requests for a special exception to the fence standards since the basis for this type of appeals are when in the opinion of the board, the special exceptions will not adversely affect neighboring property.

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

The subject site is being 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. BDA156-023, Property at 9401 Meadowbrook Drive (the lot west of the subject site)

On March 22, 2016, Board of Adjustment Panel A granted a request for a special exception to fence height regulations of 4' 8" and imposed the submitted elevation/site plan as a condition to the request.

The case report stated the request was made to construct and maintain an 8-foot 8-inch-high fence in the property's front yard.

- BDA023-109, Property located at 9400 Meadowbrook Drive (the property south of the subject site)

On August 26, 2003, the Board of Adjustment Panel A granted a request for a special exception to the fence height regulations of 8' and imposed the following condition: compliance with the submitted site/landscape plan and revised elevation is required; granted a request for a variance to the front yard setback regulations of 3' and imposed the following condition: Compliance with the submitted site/landscape plan is required.

BDA989-132, Property at 9436 Meadowbrook Drive (the property north of the subject site)

On December 15, 1998, the Board of Adjustment Panel A granted a request for a special exception to the fence regulations of 4' and imposed the following condition:
Compliance with the submitted site/elevation plan is required.

GENERAL FACTS/STAFF ANALYSIS:

- The focus of the requests for special exceptions to the fence standard regulations are twofold:
 1. A special exception related to the height of 3' 6" focuses on constructing and maintaining a 6' 6" to 7' 6" high solid plaster fence with 7' 3" high steel fence panels, a 5' 6" pivot pedestrian steel gate and 5' 9 steel auto gate parallel to the street, and a 7' 6" high solid plaster fence and 6' 6" high steel panels perpendicular to the street located in this front yard setback.
 2. A special exception related to a fence with panels with surface areas less than 50 percent open focuses on constructing and maintaining the aforementioned 7' 3" high steel fence panels, a 5' 6" pivot pedestrian steel gate parallel to the street, and 6' 6" high steel panels perpendicular to the street located less than 5' from this front lot line.
- 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 no fence panel having less than 50 percent open surface area may be located less than five feet from the front lot line.
- The subject site is zoned R-1ac(A) and has a 40' front yard setback.
- The applicant has submitted a site plan and elevation of the proposal with a fence that reaches up to 7' 6" in height and with fence panels having a surface area that is less than 50 percent open and located less than 5' from this front lot line.
- The following additional information was gleaned from the submitted site plan:
 - The proposal is represented as being approximately 185' in length parallel to Meadowbrook Drive and between 10' to 38' in length perpendicular to the street along this site in the front yard setback.
 - The proposal is represented as a portion (95' in length) of the fence being located on the front property line and the rest of the fence being located between 9' to 38' from the front property line. (The distance between the fence and the pavement line is approximately between 11' to 52').
- The Sustainable Development and Construction Department Board of Adjustment Senior Planner conducted a field visit of the site and surrounding area and noted several other fences that appeared to be above 4' in height along Park Lane located in the front yard setbacks, some of which have recorded BDA history (see the Zoning/BDA History section of this case report for details).
- As of November 30, 2018, no letters have been submitted in support or in opposition to these requests.

- The applicant has the burden of proof in establishing that the special exceptions to the fence standards regulations related to height over 4' in the front yard setback and related to a fence with panels with surface areas less than 50 percent open less than 5' from the front lot line will not adversely affect neighboring property.
- Granting these special exceptions with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding 4' in height in the front yard setback and with fence panels less than 50 percent open to be constructed and maintained in the location and of the heights and materials as shown on these documents.

Timeline:

September 20, 2018: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

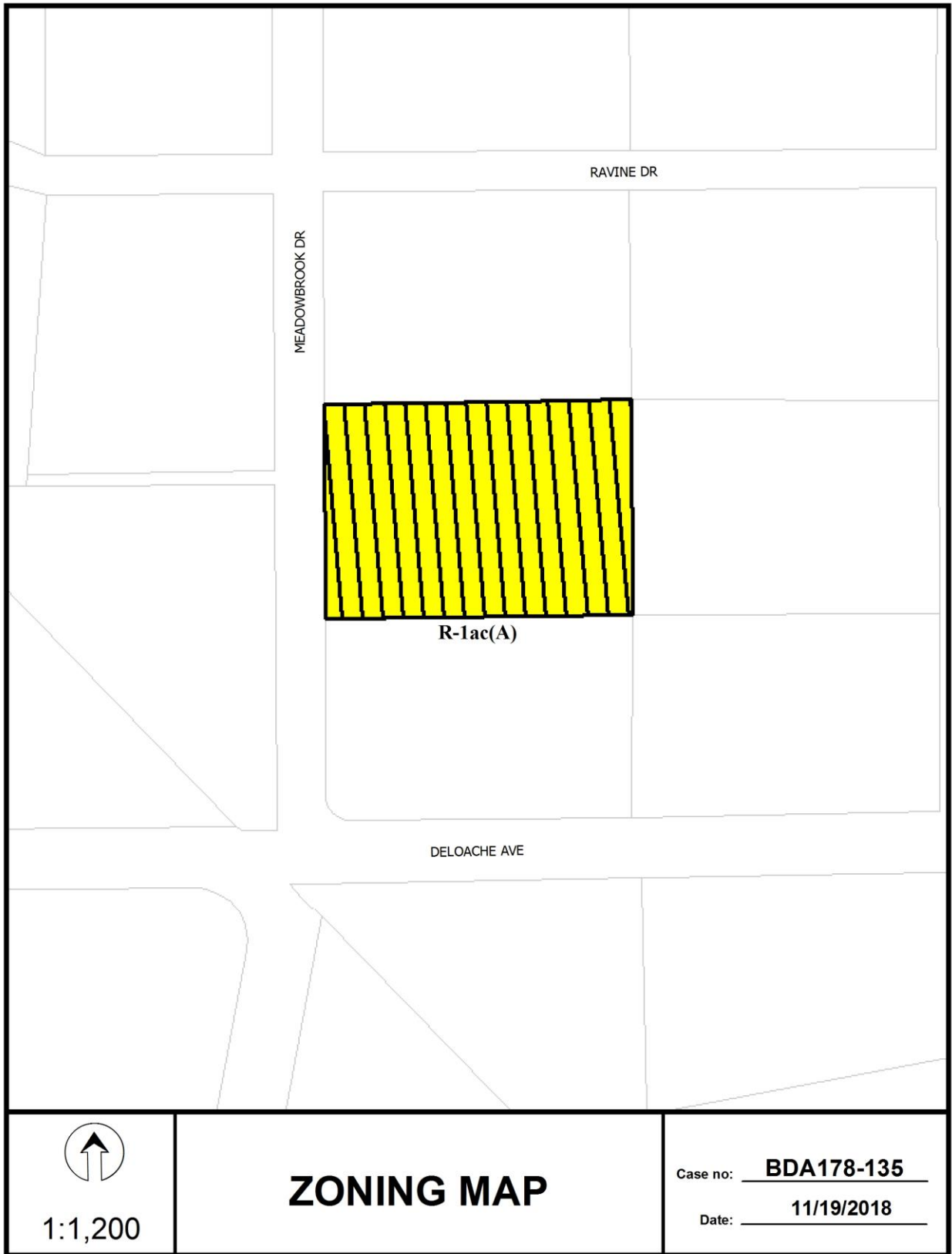
November 5, 2018: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

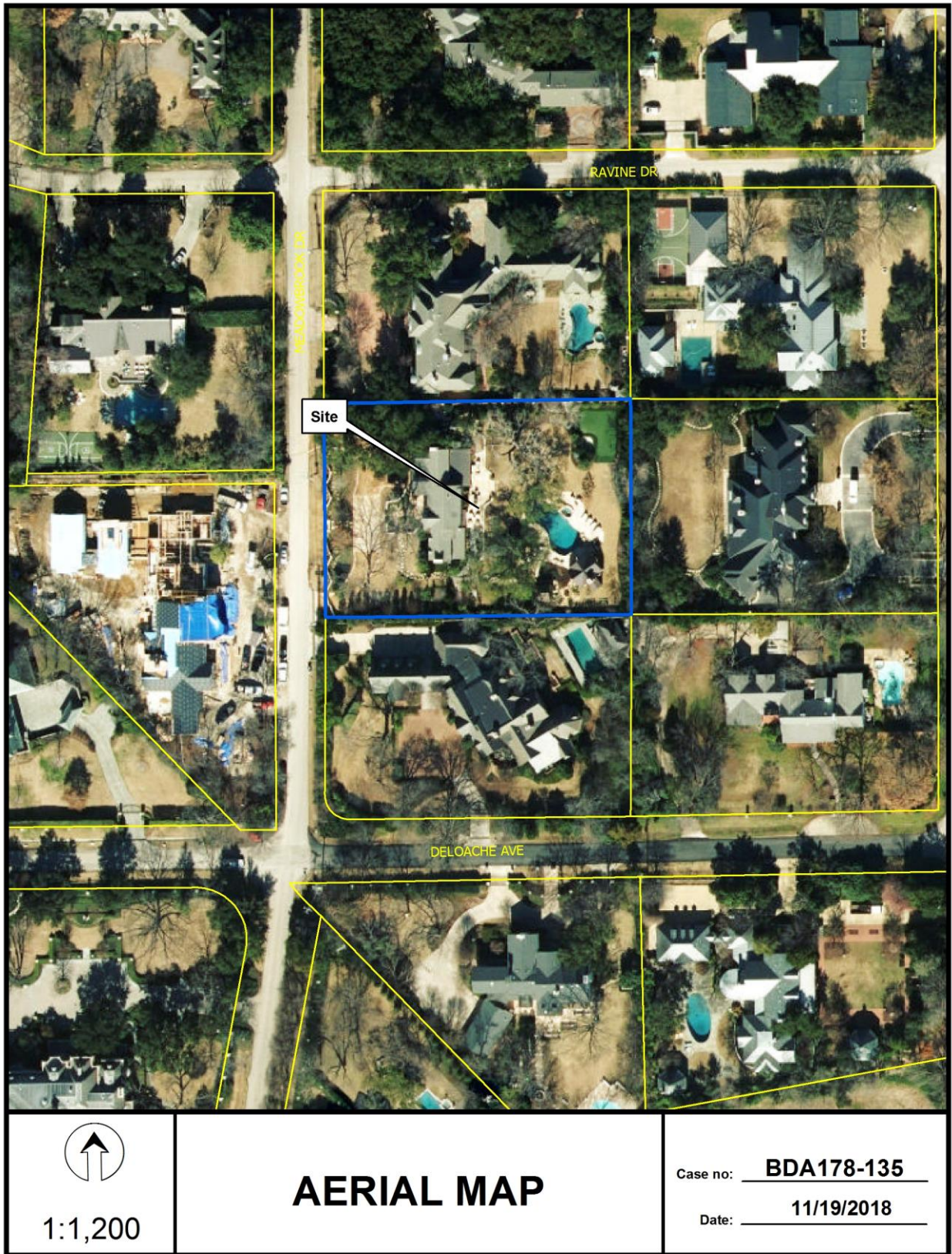
November 6, 2018: The Sustainable Development and Construction Department Senior Planner, emailed the applicant’s representative the following information:

- 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 November 21st deadline to submit additional evidence for staff to factor into their analysis; and the November 30th 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.”

November 27, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the December public hearing. 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 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.

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







City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-135

Data Relative to Subject Property:

Date: 9-20-18

Location address: 9424 Meadowbrook Dr. Zoning District: R-1(A)

Lot No.: 18 Block No.: 5/5595 Acreage: 1 Census Tract: 206.00

Street Frontage (in Feet): 1) 174' 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Christopher W. Roussos & Karen M. Roussos

Applicant: Karen M. Roussos Telephone: 817-879-2219

Mailing Address: 6715 Brookshire Zip Code: 75230

E-mail Address: roussoskaren@gmail.com

Represented by: Rowdy Winter Telephone: 469-704-6332

Mailing Address: 8333 Douglas Ave., Ste. 1650 Zip Code: 75225

E-mail Address: rwinter@bobthompsonhomes.com

Affirm that an appeal has been made for a Variance __, or Special Exception , of 3 1/2' to the required 4' front yard fence height, and provide a total fence height of 7'-6", and special exception to the 50% open panel fence standards.

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:

We believe our fence is of similar architectural fence design in the neighborhood, therefore we don't feel that it will have any adverse affect on the neighborhood.

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.

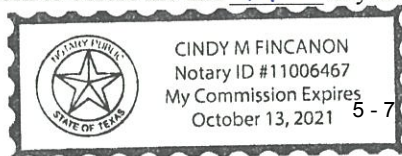
Affidavit

Before me the undersigned on this day personally appeared Karen M. Roussos
(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: Karen M. Roussos
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 14th day of September, 2018



Cindy M Fincanon
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

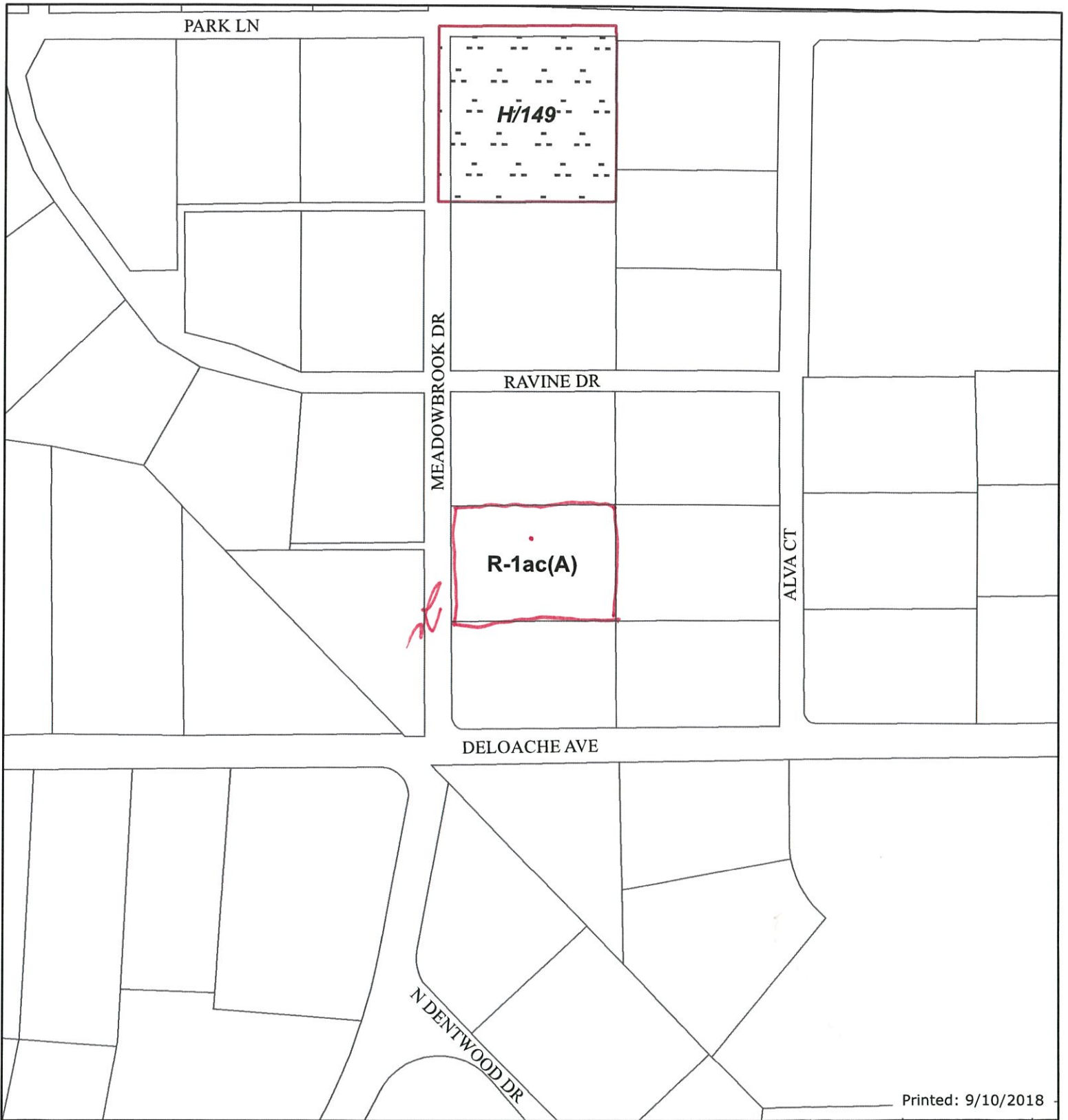
Building Official's Report

I hereby certify that Karen Roussos
represented by ROWDY WINTER
did submit a request for a special exception to the fence height regulations, and for a special
exception to the fence standards regulations
at 9424 Meadowbrook Drive

BDA178-135. Application of Karen Roussos represented by ROWDY WINTER for a special exception to the fence height regulations, and for for a special exception to the fence standards regulations at 9424 MEADOWBROOK DR. This property is more fully described as Lot 18, Block 5/5595, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet, and for a special exception to the fence standards regulations. The applicant proposes to construct an 7 foot 6 inch high fence in a required front yard, which will require a 3 foot 6 inch special exception to the fence regulations, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence standards regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



Printed: 9/10/2018

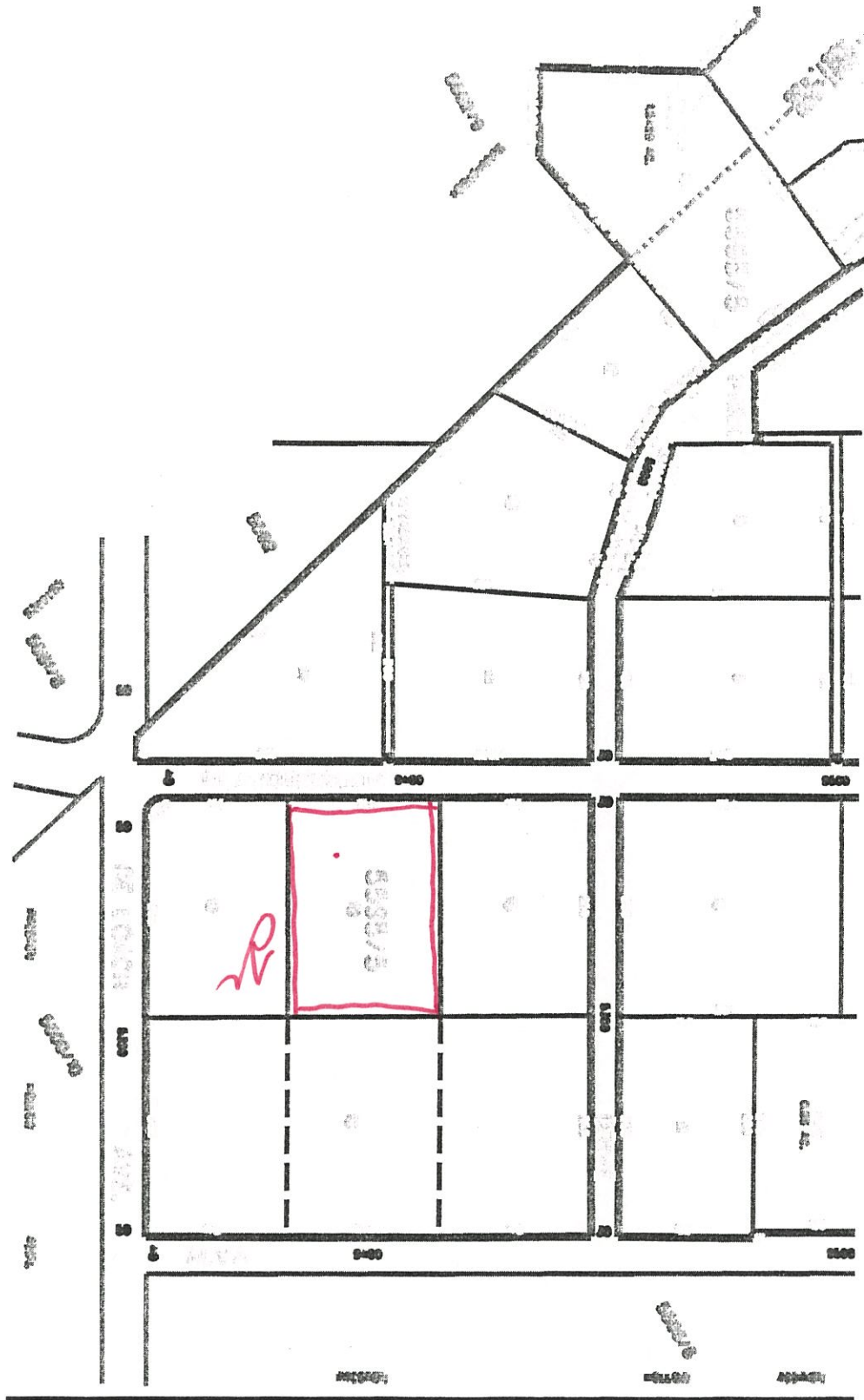
Legend

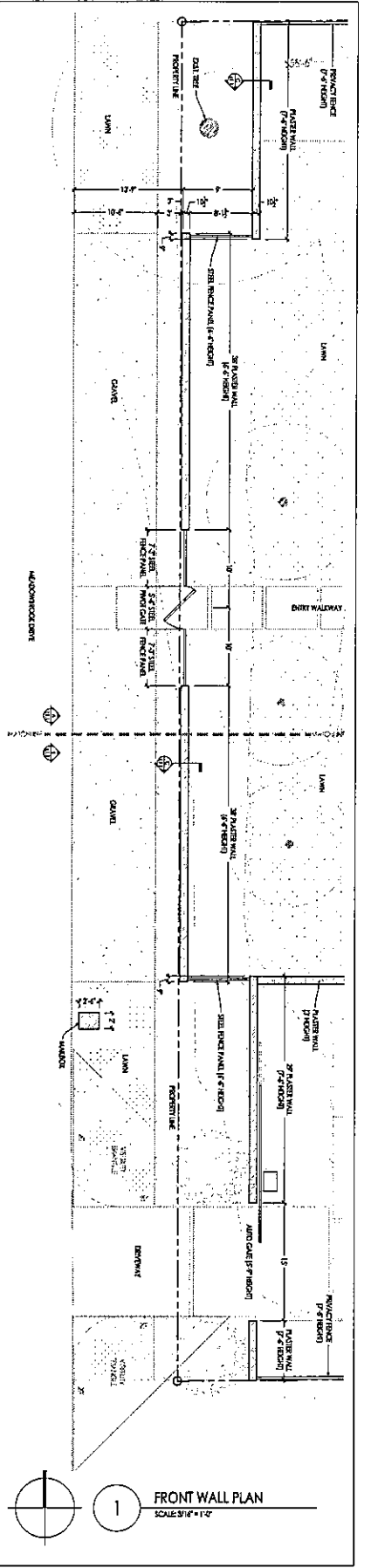
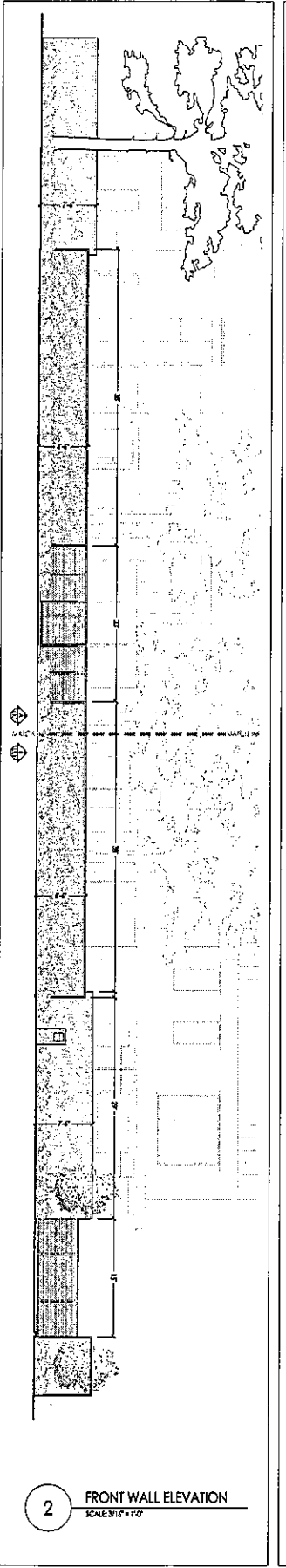
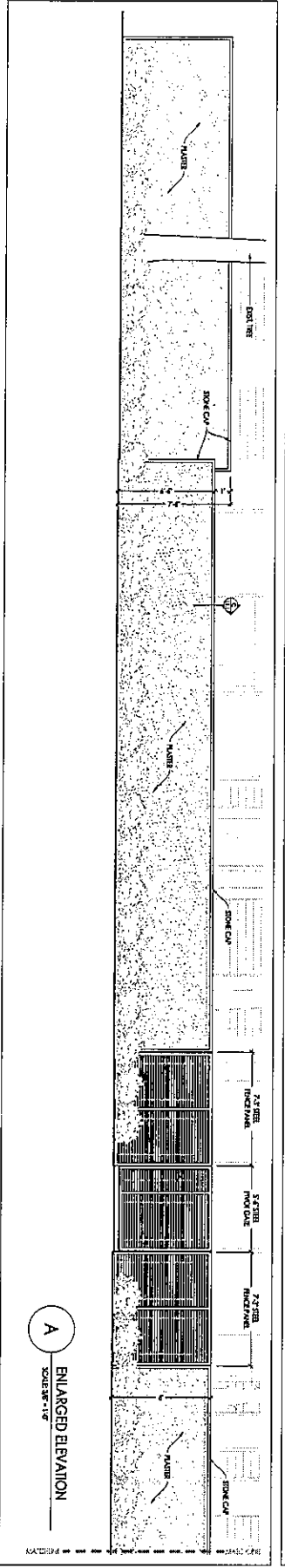
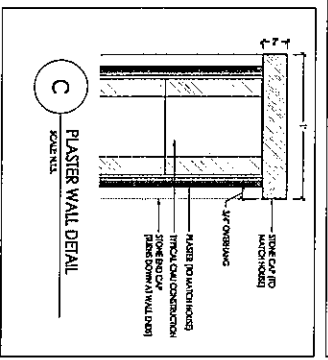
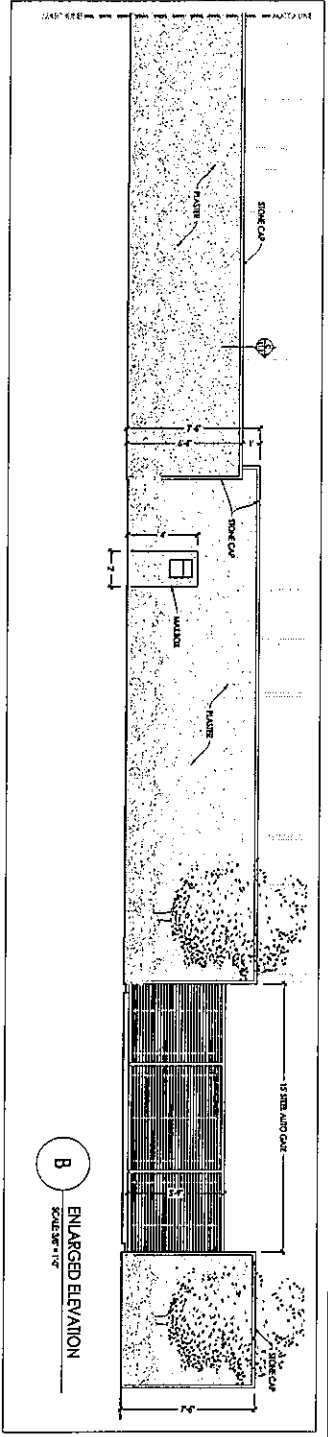
- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
| Mill's Creek | Dallas Environmental Corridors | SP | NSO_Overlay |
| Peak's Branch | SPSP Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay 5 - 9 |
| Parks | SUP | Historic Overlay | Shop Front Overlay |
| | | Height Map Overlay | |

BDA178-135

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) Panel C





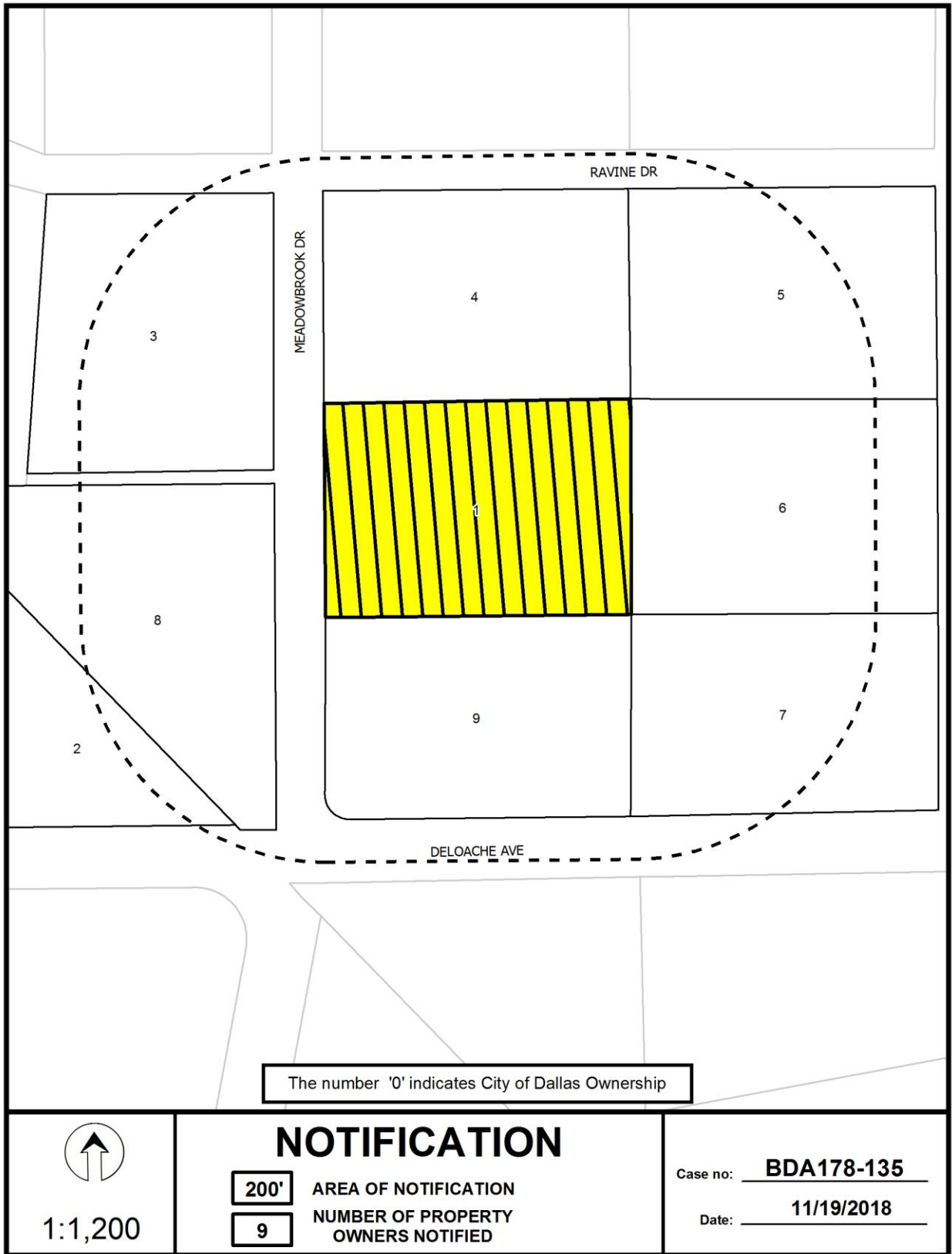


FRONT YARD
WALLS
L1.1
BDA178-135

REVISED 02/2025
12/15/2024
02/17/2025

ROUSSOS RESIDENCE
9424 MEADOWBROOK DRIVE; DALLAS, TX 75220
5-12

THE GARDEN DESIGN STUDIO
Landscape Architecture
Interior Design
Project Management



Notification List of Property Owners

BDA178-135

9 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	9424 MEADOWBROOK DR	ROUSSOS CHRISTOPHER W &
2	5231 DELOACHE AVE	PREDDY JAMES M & KAY H
3	5272 RAVINE DR	SCARDINO FRANK & CHRISTINE
4	9436 MEADOWBROOK DR	LOBDELL KAREN JUNKINS RES TRUST &
5	5332 RAVINE DR	SAVOLDELLI FAMILY TRUST THE
6	9423 ALVA CT	LEDBETTER TERRY LEE &
7	5333 DELOACHE AVE	KUMAR PANKAJ &
8	9401 MEADOWBROOK DR	LAFIELD FAMILY TRUST THE
9	9400 MEADOWBROOK DR	KATAVE BARBARA & ILAN

FILE NUMBER: BDA178-136(SL)

BUILDING OFFICIAL'S REPORT: Application of Steven Wood for a special exception to the off-street parking regulations at 4701 W. Lovers Lane. This property is more fully described as Lot 17A, Block K/5125 and is zoned PD 326, which requires off-street parking to be provided. The applicant proposes to construct and/or maintain a structure for an office use, and provide 9 of the required 12 parking spaces, which will require a 3 space special exception to the off-street parking regulations.

LOCATION: 4701 W. Lovers Lane

APPLICANT: Steven Wood

REQUEST:

A request for a special exception to the off-street parking regulations of 3 spaces is made to obtain a final Certificate of Occupancy for an "office" use on the subject site that is approximately 4,000 square feet in area, and provide 9 (or 75 percent) of the 12 required off-street parking spaces.

STANDARD FOR A SPECIAL EXCEPTION TO THE OFF-STREET PARKING REGULATIONS:

- 1) The Board of Adjustment may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets. The maximum reduction authorized by this section is 25 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(A). For the commercial amusement (inside) use and the industrial (inside) use, the maximum reduction authorized by this section is 75 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). For the office use, the maximum reduction authorized by this section is 35 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). Applicants may seek a special exception to the parking requirements under this section and an administrative parking reduction under Section 51A-4.313. The greater reduction will apply, but the reduction may not be combined.
- 2) In determining whether to grant a special exception, the board shall consider the following factors:

- (A) The extent to which the parking spaces provided will be remote, shared, or packed parking.
 - (B) The parking demand and trip generation characteristics of all uses for which the special exception is requested.
 - (C) Whether or not the subject property or any property in the general area is part of a modified delta overlay district.
 - (D) The current and probable future capacities of adjacent and nearby streets based on the city's thoroughfare plan.
 - (E) The availability of public transit and the likelihood of its use.
 - (F) The feasibility of parking mitigation measures and the likelihood of their effectiveness.
- 3) In granting a special exception, the board shall specify the uses to which the special exception applies. A special exception granted by the board for a particular use automatically and immediately terminates if and when that use is changed or discontinued.
 - 4) In granting a special exception, the board may:
 - (A) Establish a termination date for the special exception or; otherwise provide for the reassessment of conditions after a specified period of time;
 - (B) Impose restrictions on access to or from the subject property; or
 - (C) Impose any other reasonable conditions that would have the effect of improving traffic safety or lessening congestion on the streets.
 - 5) The board shall not grant a special exception to reduce the number of off-street parking spaces required in an ordinance granting or amending a specific use permit.
 - 6) The board shall not grant a special exception to reduce the number of off-street parking spaces expressly required in the text or development plan of an ordinance establishing or amending regulations governing a specific planned development district. This prohibition does not apply when:
 - (A) the ordinance does not expressly specify a minimum number of spaces, but instead simply makes references to the existing off-street parking regulations in Chapter 51 or this chapter; or
 - (B) the regulations governing that specific district expressly authorize the board to grant the special exception.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- The special exception of 3 spaces shall automatically and immediately terminate if and when the "office" use is changed or discontinued.

Rationale:

- The Sustainable Development and Construction Senior Engineer indicated that he has no objections to the applicant's request.

BACKGROUND INFORMATION:

Zoning:

Site: PD 326 (Planned Development)
North: R-7.5(A) (Single family residential 7,500 square feet)
South: PD 326 (Planned Development)
East: PD 326 (Planned Development)
West: PD 326 (Planned Development)

Land Use:

The subject site is developed with a structure that according to the applicant is an office use. The area to the north is developed with single family uses; and the areas to the east, south, and west are developed with what appears to be retail or office uses.

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- This request for a special exception to the off-street parking regulations of 3 spaces focuses on obtaining a final Certificate of Occupancy for an “office” use on the subject site that is approximately 4,000 square feet in area, and providing 9 (or 75 percent) of the 12 required off-street parking spaces.
- The Dallas Development Code requires the following off-street parking requirement:
 - Office use: 1 space per 333 square feet of floor area. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided.
- The applicant has submitted a document that states among other things that the office use on the site is a private office which is not open to the public with one partner and one employee, and that the office will typically have a total of five to six people thus a need for only five to six parking spaces.
- The Sustainable Development and Construction Senior Engineer has submitted a review comment sheet marked “Has no objections” with additional comments (see Attachment B).
- The applicant has the burden of proof in establishing the following:
 - The parking demand generated by the “office” use on the site does not warrant the number of off-street parking spaces required, and
 - The special exception of 3 spaces (or a 25 percent reduction of the required off-street parking) would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.

- If the Board were to grant this request, and impose the condition that the special exception of 3 spaces shall automatically and immediately terminate if and when the medical clinic use is changed or discontinued, the applicant could obtain a Certificate of Occupancy for the existing “office” use on the subject site, and provide 9 of the 12 code required off-street parking spaces.

Timeline:

September 25, 2018: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

November 5, 2018: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

November 5, 2018: The Board Administrator emailed the applicant the following information:

- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the November 21st deadline to submit additional evidence for staff to factor into their analysis; and the December 2nd 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.”

November 27, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the December public hearing. 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 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.

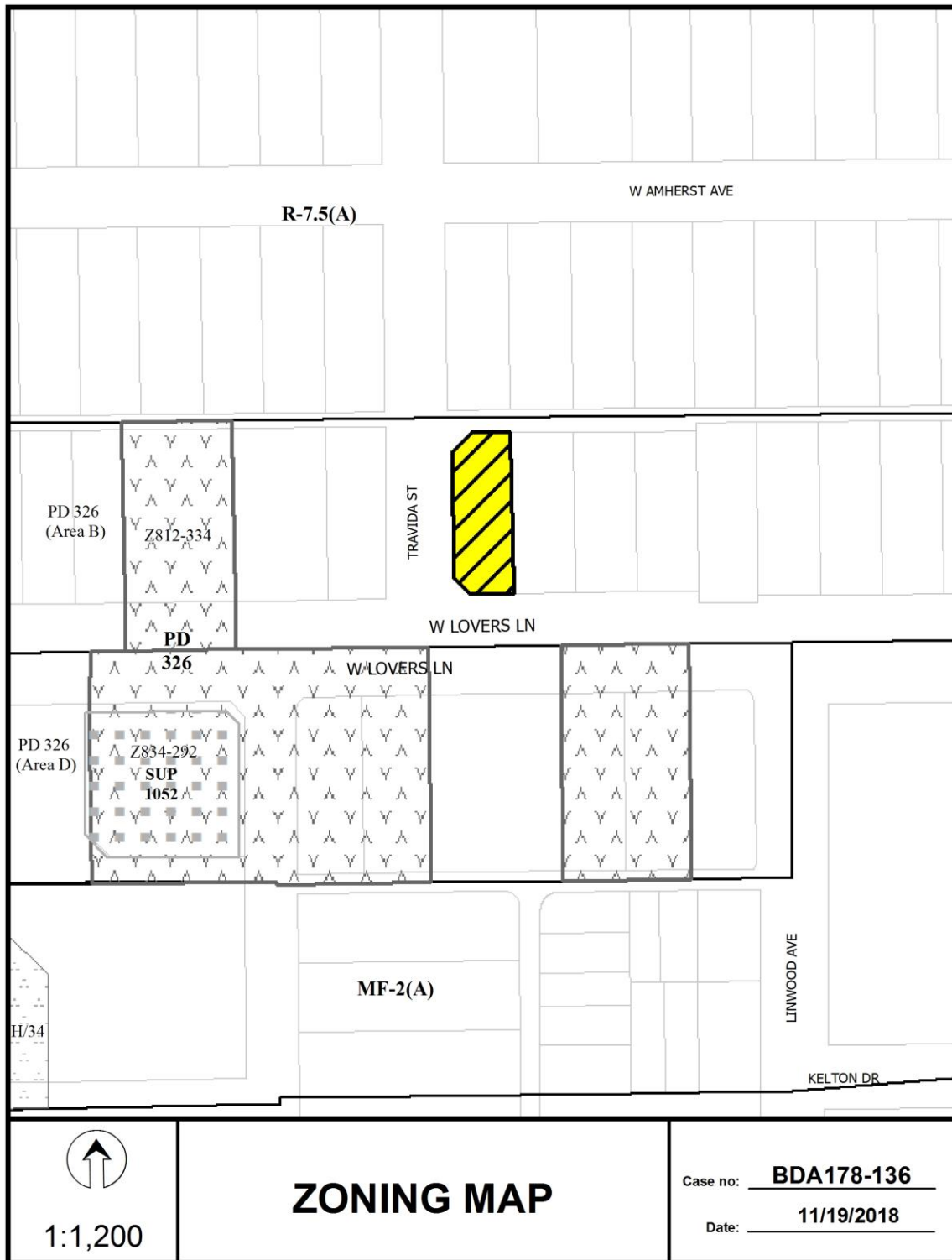
November 28, 2018: The Board Administrator emailed the applicant the following information regarding concerns that arose at the staff review team meeting:

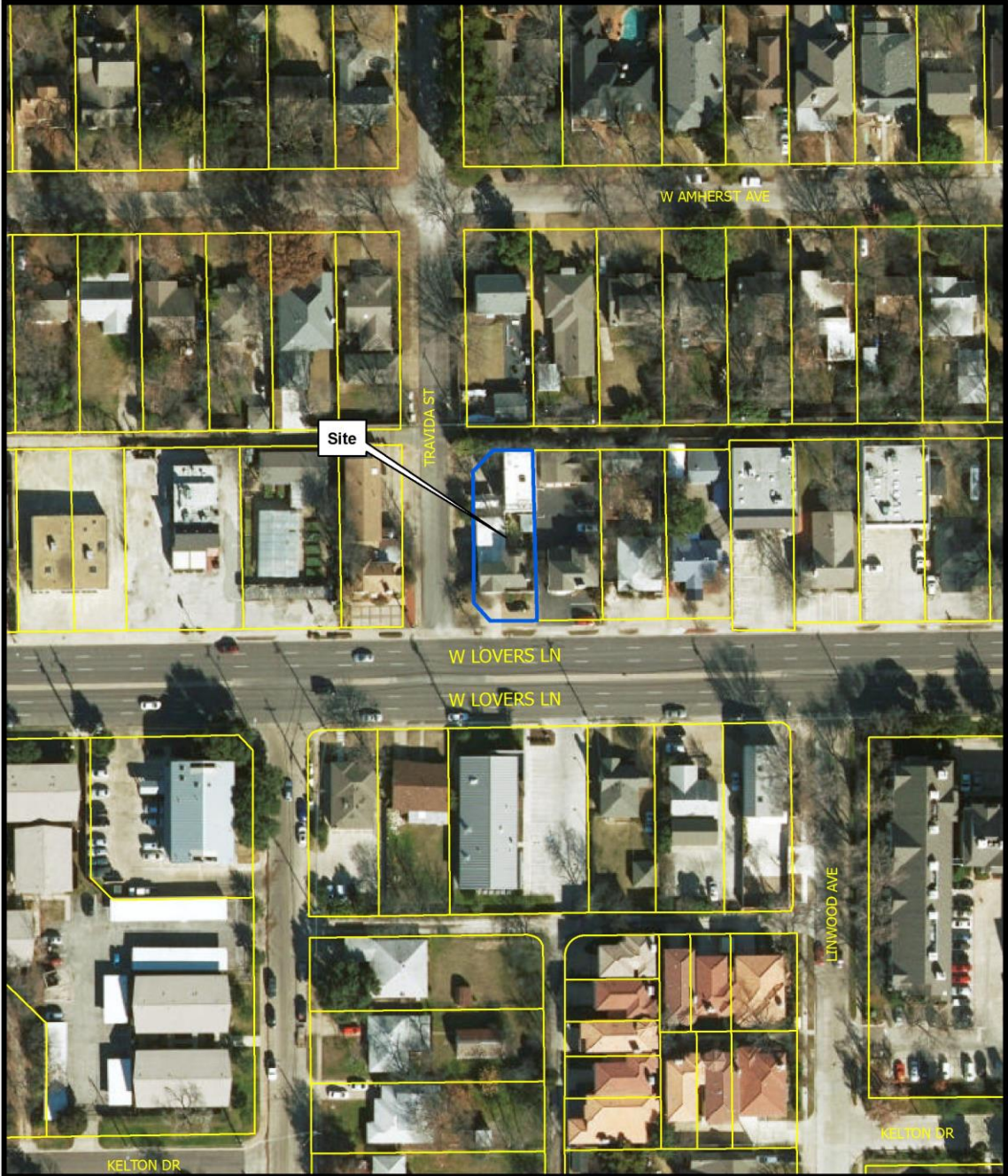
- Staff is preparing a case report based on what he submitted on his application: a request for special exception of 3 spaces or 25 percent of the required 12 spaces.

- Staff is preparing a case report that states that the applicant proposes to provide 9 off-street parking spaces.
- Staff is preparing a case report that states that staff has not/does not affirm how the applicant proposes to provide the off-street parking spaces in an application such as yours – in this case or similar requests for special exceptions to the off-street parking regulations, the off-street parking spaces the applicant states he will provide may be provided on the site; the off-street parking spaces the applicant states he will provide may be provided in a city-recognized remote parking agreement, or a combination of these.
- If the board were to grant his request as submitted, he would be required to provide 9 city-recognized off-street parking regulations for the approximately 4,010 square foot office use on the site that requires 12 off-street parking spaces.

November 28, 2018: The applicant submitted additional information to staff beyond what was submitted with the original application and beyond what was discussed at the November 27th staff review team meeting (see Attachment A).

November 28, 2018: The Sustainable Development and Construction Senior Engineer submitted a review comment sheet marked “Has no objections” with additional comments (see Attachment B).





1:1,200

AERIAL MAP

Case no: BDA178-136

Date: 11/19/2018

Long, Steve

PS1

From: Steven Wood <steven@txpermit.com>
Sent: Wednesday, November 28, 2018 1:10 PM
To: Long, Steve
Cc: Sikes, Phil; Wimer, Megan; Dean, Neva; Trammell, Charles; Nevarez, David; Aguilera, Oscar E; Pham, Theresa Y
Subject: Re: BDA178-136, Property at 4701 W. Lovers Lane

Steve,

I just dropped off a new site plan representing what was approved from city staff for permitting. Jefferson is recognizing 9 parking spaces that are legal spaces, Per previously approved site plans. Kiesha Kay and Precilla Cardenas both have dealt with this project and recognize the 9 spaces on site.

Thanks,
Steven Wood
Texas Permit and Development

Sent from my iPhone

On Nov 28, 2018, at 7:18 AM, Long, Steve <steve.long@dallascityhall.com> wrote:

Dear Steven,

Yesterday several concerns were raised at the staff review team meeting yesterday regarding this application.

Please be advised of the following:

1. City staff is preparing a case report based on what you submitted on your application: a request for special exception of 3 spaces or 25 percent of the required 12 spaces.
2. City staff is preparing a case report that states that the applicant proposes to provide 9 off-street parking spaces.
3. City staff is preparing a case report that states that staff has not/does not affirm how the applicant proposes to provide the off-street parking spaces in an application such as yours – in this case or similar requests for special exceptions to the off-street parking regulations, the off-street parking spaces the applicant states he will provide may be provided on the site; the off-street parking spaces the applicant states he will provide may be provided in a city-recognized remote parking agreement, or a combination of these.

Please be advised that if the board were to grant your request as submitted you would be required to provide 9 city-recognized off-street parking regulations for the approximately 4,010 square foot office use on the site that requires 12 off-street parking spaces.

Thank you,

Steve

<image001.png>

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
<image002.png>
<image003.png> <image004.png>

BDA-178-136

Attach A

P32

****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: Long, Steve

Sent: Monday, November 05, 2018 1:16 PM

To: 'steven@txpermit.com' <steven@txpermit.com>

Cc: Trammell, Charles <charles.trammell@dallascityhall.com>; Aguilera, Oscar E

<oscar.aguilera@dallascityhall.com>; Nevarez, David <david.nevarez@dallascityhall.com>

Subject: BDA178-136, Property at 4701 W. Lovers Lane

Dear Steven,

Here is information regarding your board of adjustment application referenced above:

1. Your submitted application materials - all of which will be emailed to you, city staff, and the board members in a docket report about a week ahead of your tentatively scheduled December 10th Board of Adjustment Panel C public hearing.
2. The provision from the Dallas Development Code allowing the board to grant a special exception to the off-street parking regulations (51A-4.311(a)).
3. A document that provides your public hearing date and other deadlines for submittal of additional information to staff/the board.
4. The board's rule pertaining to documentary evidence.

Please carefully review the attached application materials to make sure they are complete, and within these materials, the Building Official's Report/second page of the application (page 2 of 14 in these attached materials).

Please contact Charles Trammell at 214/948-4618 or charles.trammell@dallascityhall.com no later than 1 p.m., Wednesday, November 21st with regard to any information you feel is missing from your submittal or with regard to any amendment that you feel is necessary to address the issue at hand, specifically if for any reason you feel that the statement in his Building Official's report stating that the applicant proposes to construct/maintain a structure for an office use, and provide 9 of the required 12 off-street parking spaces which will require a 3 space special exception to the off-street parking regulations, or any other part of this report is incorrect. (Note that the discovery of any additional appeal needed beyond your requested off-street parking special exception will result in postponement of the appeal until the panel's next regularly scheduled public hearing).

Please be advised that you may want to contact David Nevarez, City of Dallas Sustainable Development Department Senior Engineering at 214/671-5115 or david.nevarez@dallascityhall.com to determine if there is any additional information that he may need from you in making a favorable recommendation to the board on your request.

Please write or call me at 214/670-4666 if I can be of any additional assistance to you on this application.

Thank you,

Steve

PS: If there is anything that you want to submit to the board beyond what you have included in your attached application materials, please feel free to email it to steve.long@dallascityhall.com or mail it to me at the following address by the deadlines attached in this email:



<image019.png>	<p>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 <image020.png> <image003.png> <image004.png></p>
----------------	---

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.

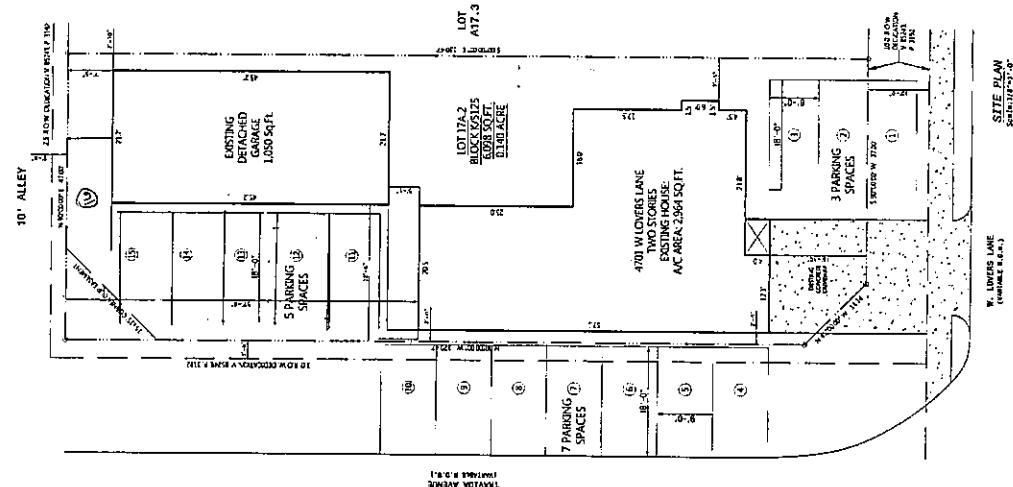
- <136 application materials.pdf>
- <parking sp ex standard.PDF>
- <documentary evidence.pdf>
- <Panel C hearing date and deadlines.doc>

BDA178-136
 Attach A
 P54

11-28

<p>GENERAL NOTE</p> <p>1. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF DALLAS AND THE STATE OF TEXAS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF DALLAS AND THE STATE OF TEXAS.</p> <p>2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE TEXAS CONSTRUCTION CODES AND THE CITY OF DALLAS ORDINANCES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF DALLAS AND THE STATE OF TEXAS.</p> <p>3. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE TEXAS CONSTRUCTION CODES AND THE CITY OF DALLAS ORDINANCES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF DALLAS AND THE STATE OF TEXAS.</p>	 <p>APAY'S DESIGN 146-872-3581/835 P.O. BOX 10000</p>	 <p>N</p>	<p>Contractor: (S) (Owner) (T)</p> <p>Drawn: Tucker</p>	<p>Legal Description: LAMWOOD PLACE BLOCK 65125 LOT 177A2</p>	<p>Project Address: 4701 W. LINDERS LN DALLAS TX 75209</p>	<p>Project Name: Existing Detached Garage</p>	<p>SITE PLAN</p> <table border="1"> <tr> <td>Scale:</td> <td>1" = 10'-0"</td> </tr> <tr> <td>Date:</td> <td>08-21-2018</td> </tr> <tr> <td>Sheet No.:</td> <td>1 of 3</td> </tr> </table>	Scale:	1" = 10'-0"	Date:	08-21-2018	Sheet No.:	1 of 3
Scale:	1" = 10'-0"												
Date:	08-21-2018												
Sheet No.:	1 of 3												

PROJECT DATA	
PROJECT NAME:	HOUSE REMOVAL
ADDRESS:	4701 W LINDERS LN DALLAS TX 75209
OWNER/CUSTOMER:	DAVE TUCKER
LEGAL DESCRIPTION OF LAND:	LAMWOOD PLACE BLOCK 65125 LOT 177A2
AREAS CALCULATIONS TABLE	
EXISTING HOUSE AC AREA:	2,854.0 SQ. FT.
EXISTING IMPV. AREA:	24.0 SQ. FT.
EXISTING GARAGE AREA:	1,050.0 SQ. FT.
TOTAL LOT AREA:	6,098.0 SQ. FT.
TOTAL ACRES AREA:	0.140 ACRES



BDA 178-136
Attachment B

REVIEW COMMENT SHEET
BOARD OF ADJUSTMENT
HEARING OF December 10, 2018 (C)

Has no objections

Has no objections if certain conditions are met (see comments below or attached)

Recommends denial (see comments below or attached)

No comments

BDA 178-129 (OA)

BDA 178-131 (OA)

BDA 178-132 (OA)

BDA 178-133 (OA)

BDA 178-134 (OA)

BDA 178-135 (OA)

BDA 178-136 (SL)

BDA 178-137 (SL)

BDA 178-138 (OA)

BDA 178-141 (SL)

BDA 178-142 (OA)

BDA 178-143 (OA)

COMMENTS:

Engineering staff has no objection to the special exception of three parking spaces for the subject property given that the site has the ability to accommodate up to eleven (11) indented parking spaces on Travida Ave.

NOTE: Only one (1) parking space shown on site plan submitted for staff review (dated 02-01-2018) complies with City of Dallas off-street parking requirements. However, up to eleven (11) additional indented parking spaces may be able to operate on Travida, pending review and approval.

A total functional parking supply of twelve (12) parking spaces would meet the parking demand needs of a fully-occupied 4,000-SF office building.

David Nevarez, P.E., PTOE, SDC-Engineering
Name/Title/Department

November 28, 2018
Date

Please respond to each case and provide comments that justify or elaborate on your response. Dockets distributed to the Board will indicate those who have attended the review team meeting and who have responded in writing with comments.



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-136

Data Relative to Subject Property:

Date: 9/25/18

Location address: 4701 W Lovers Lane Zoning District: PD 326

Lot No.: 17A Block No.: K/S125 Acreage: .140 Census Tract: 73.02

Street Frontage (in Feet): 1) 47' 2) 130' 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Lovers Lane Development Group LLC

Applicant: Steven Wood Telephone: 8176827218

Mailing Address: PO Box 3293 Forney Tx Zip Code: 75126

E-mail Address: Steven@txpermit.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance , or Special Exception of 3 parking spaces or 25% of the required 12 spaces.

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:

With this reduction the parking will not affect the neighboring properties because onsite we have enough parking spaces available for staff and customers

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 Steven Wood
(Affiant/Applicant's name printed)

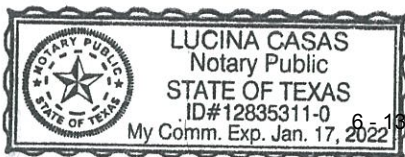
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

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

Subscribed and sworn to before me this 25 day of September, 2018

[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 _____

Appeal was---Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that Steve Wood

did submit a request for a special exception to the parking regulations
at 4701 W Lovers Lane

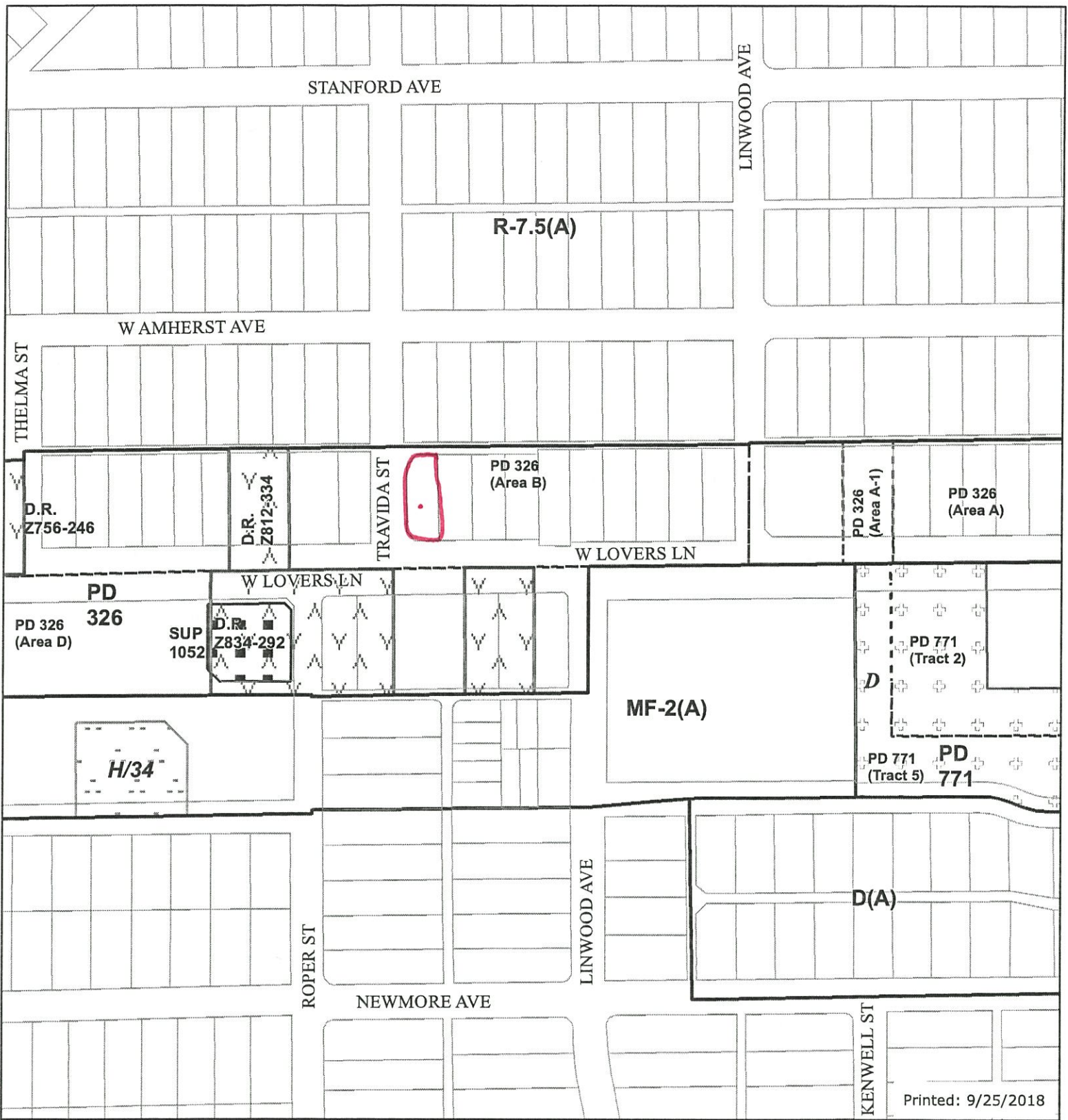
BDA178-136. Application of Steve Wood for a special exception to the parking regulations at 4701 W LOVERS LN. This property is more fully described as Lot 17A, Block K/5125 and is zoned PD-326, which requires parking to be provided. The applicant proposes to construct and maintain a nonresidential structure for an office use, and provide 9 of the required 12 parking spaces, which will require a 3 space special exception or a (25% reduction) to the parking regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official

2/15





Printed: 9/25/2018

Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
| Mill's Creek | Dallas Environmental Corridors | SP | NSO_Overlay |
| Peak's Branch | SPSP Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | BDA178-136 SUP | Historic Overlay | 60p 160t 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)

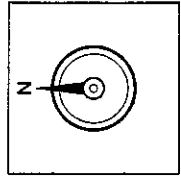
Panel C

22
9/25



GENERAL NOTES:
 1. THE GENERAL CONTRACTOR/OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF DALLAS AND THE DALLAS COUNTY HEALTH DEPARTMENT. THE CONTRACTOR/OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF DALLAS AND THE DALLAS COUNTY HEALTH DEPARTMENT.
 2. THE GENERAL CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF DALLAS AND THE DALLAS COUNTY HEALTH DEPARTMENT.
 3. ALL WORK PERFORMED ON THE PROJECT SHALL BE IN ACCORDANCE WITH THE CITY OF DALLAS AND THE DALLAS COUNTY HEALTH DEPARTMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF DALLAS AND THE DALLAS COUNTY HEALTH DEPARTMENT.
 4. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF DALLAS AND THE DALLAS COUNTY HEALTH DEPARTMENT.
 5. ALL UTILITIES SHALL BE MAINTAINED AND PROTECTED AT ALL TIMES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF DALLAS AND THE DALLAS COUNTY HEALTH DEPARTMENT.
 6. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF DALLAS AND THE DALLAS COUNTY HEALTH DEPARTMENT.
 7. ALL UTILITIES SHALL BE MAINTAINED AND PROTECTED AT ALL TIMES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF DALLAS AND THE DALLAS COUNTY HEALTH DEPARTMENT.
 8. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF DALLAS AND THE DALLAS COUNTY HEALTH DEPARTMENT.
 9. ALL UTILITIES SHALL BE MAINTAINED AND PROTECTED AT ALL TIMES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF DALLAS AND THE DALLAS COUNTY HEALTH DEPARTMENT.
 10. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF DALLAS AND THE DALLAS COUNTY HEALTH DEPARTMENT.

AD
 AMAYA'S DESIGN
 Tel: 872.352.1545
 ps.gis@amayasdesign.com



CUSTOMER: (0) DOWNTOWN
 Dave Tucker

LEGAL: 04/11/2013
 LANDSCAPE ARCHITECT
 LOT 17A2

PROJECT ADDRESS:
 4701 W LOVERS LN
 DALLAS TX 75209

Project Name:
 Existing Detached Garage

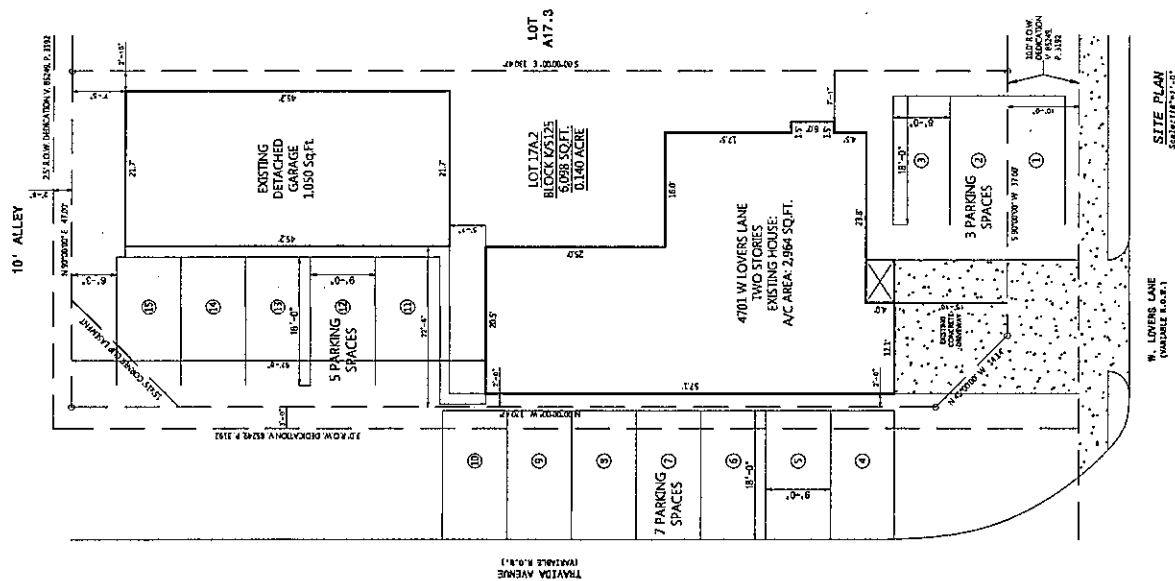
Plan Sheet:
SITE PLAN

PROJECT #:	Drawn By:
SAFETY-1300-17A	PSA
SHEET:	EXAM:
02-01-2018	11/8/17-01

Page: **1** of **3**

PROJECT DATA

PROJECT NAME:	HOUSE REMODEL
ADDRESS:	4701 W LOVERS LN DALLAS TX 75209
OWNER/CUSTOMER:	DAVE TUCKER
LEGAL DESCRIPTION OF LAND:	BLOCK 45325 LOT 17A2
AREAS CALCULATIONS TABLE	
EXISTING HOUSE A/C AREA:	2,984.0 SQ. FT.
EXISTING DRIVE PORCH:	24.0 SQ. FT.
EXISTING GARAGE AREA:	1,050.0 SQ. FT.
TOTAL LOT AREA:	6,008.0 SQ. FT.
TOTAL ACRES AREA:	0.140 ACRES





MC ELHENNY SHEFFIELD

CAPITAL MANAGEMENT

October 22, 2018

Board of Adjustments
Dallas City Hall
1500 Marilla Street
Dallas, TX 75201

To Whom It May Concern,

McElhenny Sheffield Capital Management (MSCM) is an investment management firm dealing with trading and asset management of investments in the stock market. As such, most of our work simply involves interacting with computer screens.

The company maintains a private office at 4701 W. Lovers Lane, which is not open to the public. MSCM has one Managing Partner and one W2 employee. Separately, MSCM also utilizes a handful of independent contractors as needed. Typically, the office will have a total of five to six people on site, thus a need for only five to six parking spaces.

It is extremely rare for MSCM to have vendors or customers physically come to our office since we are not a retail business. Thus, our only real parking need is for the MSCM team.

Sincerely,

Bruce M. Fraser, Jr.
Managing Partner
McElhenny Sheffield Capital Management
4701 W. Lovers Lane
Dallas, TX 75209

Dear Board of Adjustment Members,

I am the owner of a property neighboring 4701 W Lovers Lane. I would like to acknowledge that we are in favor of the parking reduction for office use that is being proposed for this property. I do not see this reduction adversely affecting any other property in the neighborhood. Also, I agree with the owner of the property that 4701 W. Lovers Lane already has sufficient parking for its employees and clients.

4609 W. Lovers Lane, Dallas TX 75209

NEIGHBORING PROPERTY ADDRESS OWNED

Charles A Vose III for Cabana Lifestyle LP

PRINTED NAME



SIGNATURE

9/10/2018

DATE

Dear Board of Adjustment Members,

I am the owner of a property neighboring 4701 W Lovers Lane. I would like to acknowledge that we are in favor of the parking reduction for office use that is being proposed for this property. I do not see this reduction adversely affecting any other property in the neighborhood. Also, I agree with the owner of the property that 4701 W. Lovers Lane already has sufficient parking for its employees and clients.

4623 W. Lovers Lane

NEIGHBORING PROPERTY ADDRESS OWNED

John Cain Sargent

PRINTED NAME

John Cain Sargent

SIGNATURE

10/08/2018

DATE

Dear Board of Adjustment Members,

we are
I am the owner of a property neighboring 4701 W Lovers Lane. *we* I would like to acknowledge that we are in favor of the parking reduction for office use that is being proposed for this property. I do not see this reduction adversely affecting any other property in the neighborhood. Also, *we* I agree with the owner of the property that 4701 W. Lovers Lane already has sufficient parking for its employees and clients.

4709 W. Lovers Lane
NEIGHBORING PROPERTY ADDRESS OWNED

Jack C. Myers
PRINTED NAME

Jack C. Myers 10/22/2018
SIGNATURE DATE

Dear Board of Adjustment Members,

I am the owner of a property neighboring 4701 W Lovers Lane. I would like to acknowledge that we are in favor of the parking reduction for office use that is being proposed for this property. I do not see this reduction adversely affecting any other property in the neighborhood. Also, I agree with the owner of the property that 4701 W. Lovers Lane already has sufficient parking for its employees and clients.

4705 Lovers Lane

NEIGHBORING PROPERTY ADDRESS OWNED

Stewart Cohen

PRINTED NAME

SIGNATURE

DATE

10/15/18

Dear Board of Adjustment Members,

I am the owner of a property neighboring 4701 W Lovers Lane. I would like to acknowledge that we are in favor of the parking reduction for office use that is being proposed for this property. I do not see this reduction adversely affecting any other property in the neighborhood. Also, I agree with the owner of the property that 4701 W. Lovers Lane already has sufficient parking for its employees and clients.

4714 W. Amherst

NEIGHBORING PROPERTY ADDRESS OWNED

Karl Chih-Kao Chiao

PRINTED NAME



SIGNATURE

10/8/18

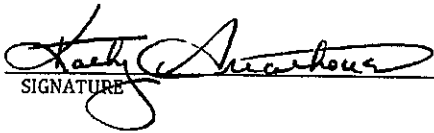
DATE

Dear Board of Adjustment Members,

I am the owner of a property neighboring 4701 W Lovers Lane. I would like to acknowledge that we are in favor of the parking reduction for office use that is being proposed for this property. I do not see this reduction adversely affecting any other property in the neighborhood. Also, I agree with the owner of the property that 4701 W. Lovers Lane already has sufficient parking for its employees and clients.

4702 W. Lovers Lane
NEIGHBORING PROPERTY ADDRESS OWNED

Kathy Greathouse
PRINTED NAME

 10/16/18
SIGNATURE DATE

Dear Board of Adjustment Members,

I am the owner of a property neighboring 4701 W Lovers Lane. I would like to acknowledge that we are in favor of the parking reduction for office use that is being proposed for this property. I do not see this reduction adversely affecting any other property in the neighborhood. Also, I agree with the owner of the property that 4701 W. Lovers Lane already has sufficient parking for its employees and clients.

4710 W. Lovers Lane, Dallas, 75209

NEIGHBORING PROPERTY ADDRESS OWNED

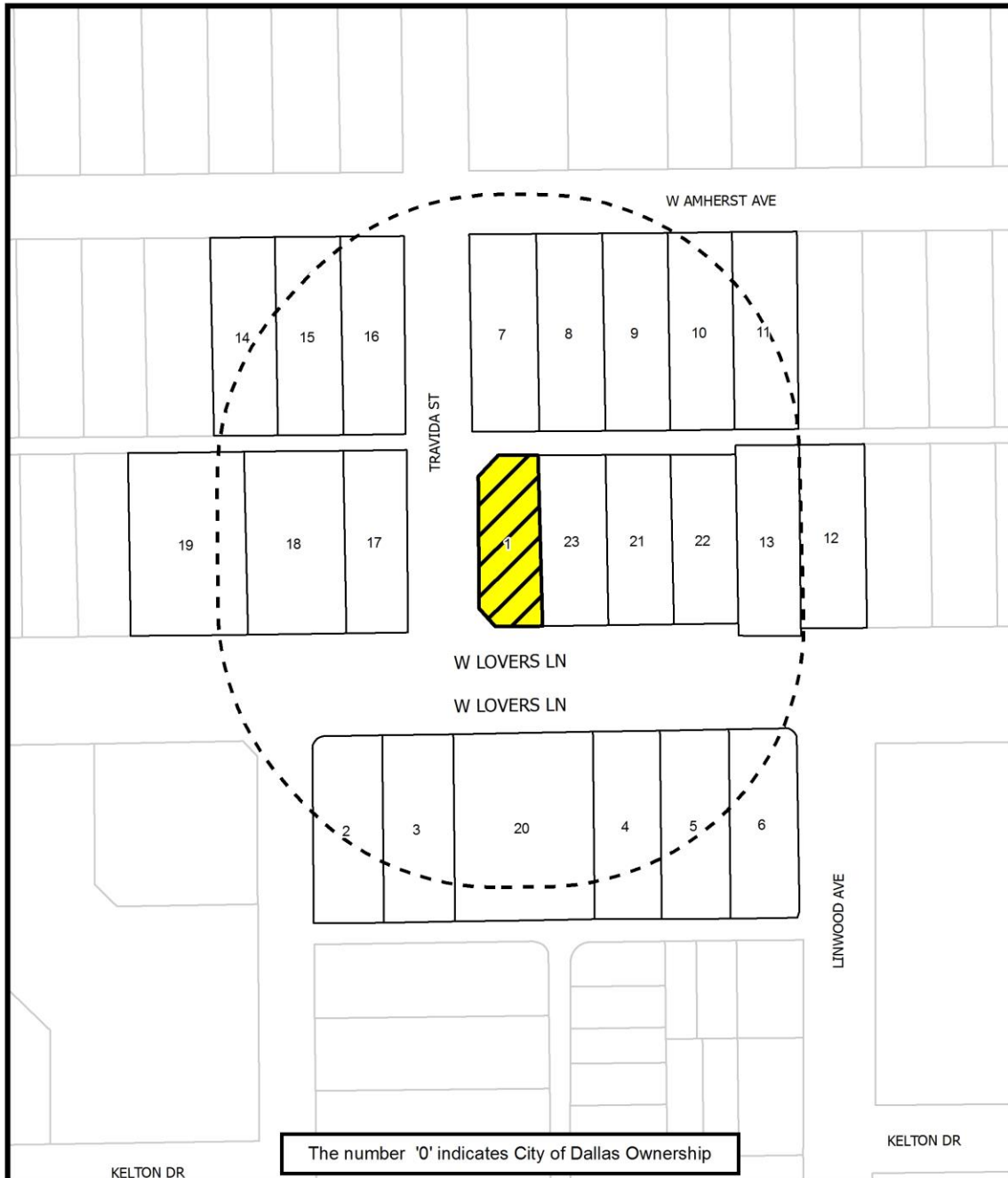
Gary Kvsin

PRINTED NAME

Gary Kvsin 10/12/18

SIGNATURE

DATE



 1:1,200	NOTIFICATION		Case no: BDA178-136
	<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;">23</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 11/19/2018	

Notification List of Property Owners

BDA178-136

23 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4701 W LOVERS LN	LOVERS DEVELOPMENT GROUP LLC
2	4702 W LOVERS LN	GREATHOUSE KATHY
3	4706 W LOVERS LN	LOVERS LANE PPTES LLC
4	4720 W LOVERS LN	STEFANIAK GLORIA
5	4724 W LOVERS LN	4724 W LOVERS LANE INVESTMENT
6	4728 W LOVERS LN	CATMAC WORKS LLC
7	4700 W AMHERST AVE	WHEELER ADDISON &
8	4704 W AMHERST AVE	CONROY KATHRYN ELIZABETH SHUFORD & BRIAN CONROY
9	4710 W AMHERST AVE	KELLAR DUSTIN
10	4714 W AMHERST AVE	CHIAO HOWARD CHIHHAO
11	4718 W AMHERST AVE	MILLER SCOTT D
12	4711 W LOVERS LN	GARCIA JUAN D
13	4709 W LOVERS LN	MYERS JACK C &
14	4630 W AMHERST AVE	BEARD MATTHEW S & OKSANNA K
15	4634 W AMHERST AVE	GREENBERG DANIEL ALAN &
16	4638 W AMHERST AVE	EFFENDI LESLIE FORREST EL
17	4623 W LOVERS LN	4623 W LOVERS LANE LLC
18	4617 W LOVERS LN	MAZZOLA ANTOINETTE
19	4615 W LOVERS LN	MOHAMMADI SAID HOMADI &
20	4710 W LOVERS LN	GMK WILDWOOD INVESTMENTS LLC
21	4705 W LOVERS LN	TBB CAPITAL PARTNERS LLC
22	4707 W LOVERS LN	LOVERS LANE PROPERTIES LLC
23	4703 W LOVERS LN	LUXURY ON LOVERS LLC

FILE NUMBER: BDA178-137(SL)

BUILDING OFFICIAL'S REPORT: Application of Ryan Tinch, represented by Michael Farah, for a special exception to the Modified Delta Overlay District No. 1 regulations at **1908 Greenville Avenue**. This property is more fully described as PT Lot 5, Block 1907, and is zoned PD 842, MD1 overlay, which states that the right to nonconforming delta parking credits are lost if the use is vacant for twelve months or more. The applicant proposes to carry forward nonconforming parking spaces under the delta theory lost because of a use that was discontinued or vacant for 12 months or more, which will require a special exception to the Modified Delta Overlay District No. 1 regulations.

LOCATION: 1908 Greenville Avenue

APPLICANT: Ryan Tinch
Represented by Michael Farah

REQUEST:

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

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

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

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

STAFF RECOMMENDATION:

Approval

Rationale:

- Staff concluded that the applicant had demonstrated that there was not an intent to abandon the use even though the use was discontinued or remained vacant for 12 months or more by proving the occurrence of the following extreme circumstances:
 1. Obsolescence of the subject property, including environmental hazards, extensive renovation or remodeling, and extreme deterioration of adjacent properties affecting the marketability of property. (The applicant had documented how: a) the structure on the site is in poor condition and is in need of major mechanical upgrades; and b) there is a “likely presence of a hazardous substance” related to a dry cleaners operated directly adjacent to the site for decades, and as such a “high environmental risk connected with the subject site at this time.”) according to a report conducted by a licensed environmental professional.
 2. Prolonged construction adjacent to the subject site. (The applicant had documented how construction in the area has had a negative impact on the area; that business had declined since the street improvements began in what appears to be 2010/2011; and that the subject site is located on the last block to be under construction for the street and sidewalk improvements).

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:

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. BDA156-010, Property at 1904 Greenville Avenue (the property south of the subject site) | <p>On March 22, 2016, the Board of Adjustment Panel A granted a request for a special exception to the Modified Delta Overlay District No. 1 regulations to carry</p> |
|--|---|

forward nonconforming parking spaces under the delta theory that were terminated since the use on part of the site was discontinued or remained vacant for 12 months or more is made in order for the applicant to obtain a Certificate of Occupancy for a retail use on a site that was developed with a vacant structure.

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on carrying forward nonconforming parking spaces under the delta theory terminated because a part of the structure/use on the site was discontinued or remained vacant for 12 months or more made in order for the applicant to obtain a Certificate of Occupancy for a retail use for the vacant commercial structure on the site.
- The subject site is zoned PD 842, Modified Delta Overlay District 1.
- The Dallas Development Code provides the following with regard to “nonconformity as to parking or loading”:
 - Increased requirements. A person shall not change a use that is nonconforming as to parking or loading to another use requiring more off-street parking or loading unless the additional off-street parking and loading spaces are provided.
 - Delta theory. In calculating required off-street parking or loading, the number of nonconforming parking or loading spaces may be carried forward when the use is converted or expanded. Nonconforming rights as to parking or loading are defined in the following manner: required parking or loading spaces for existing use minus the number of existing parking or loading spaces for existing use equals nonconforming rights as to parking or loading.
 - Decreased requirements. When a use is converted to a new use having less parking or loading requirement, the rights to any portion of the nonconforming parking or loading that are not needed to meet the new requirements are lost.
- In 1987, the City Council created “Modified Delta Overlay Districts” in those areas where it has determined that a continued operation of the delta theory is not justified because there is no longer a need to encourage redevelopment and adaptive reuse of existing structures, or a continued application of the delta theory will create traffic congestion and public safety problems and would not be in the public interest.
- In a modified delta overlay district, the city council may limit the number of percentage of nonconforming parking or loading spaces that may be carried forward by a use under the delta theory. An ordinance establishing a modified delta overlay district may not increase the number of nonconforming parking or loading spaces that may be carried forward under the delta theory when a use is converted or expanded.
- An ordinance establishing a modified delta overlay district must provide that when a use located in the district is converted to a new use having less parking or loading requirements, the rights to any portion of the nonconforming parking or loading not needed to meet the new requirements are lost.

- An ordinance establishing a modified delta overlay district may provide that rights under the delta theory terminate when a use for which the delta theory has been applied is discontinued.
- In 1987, the City Council established Modified Overlay District No. 1 (the Greenville Avenue Modified Delta Overlay District) which stated among other things:
 - That no nonconforming parking spaces may be carried forward by a use under the delta theory when a use in this district is expanded.
- In 1995, the City Council amended Modified Overlay District No. 1 (the Greenville Avenue Modified Delta Overlay District) which stated among other things:
 - The right to carry forward nonconforming parking and loading spaces under the delta theory terminates when a use is discontinued or remains vacant for 12 months or more. The board of adjustment may grant a special exception to this provision only if the owner can demonstrate that there was not an intent to abandon the use even though the use was discontinued or remained vacant for 12 months or more by proving the occurrence of an extreme circumstance, which shall include but not be limited to the following:
 1. A decline in the rental rates for the area which has affected the rental market.
 2. An unusual increase in the vacancy rates for the area which has affected the rental market.
 3. Obsolescence of the subject property, including environmental hazards, extensive renovation or remodeling, and extreme deterioration of adjacent properties affecting the marketability of property.
- According to DCAD, the property at 19080 Greenville Avenue is developed with a “free standing retail store” with 890 square feet built in 1920.

Timeline:

September 24, 2018: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

November 5, 2018: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

November 5, 2018: The Board Administrator emailed the applicant the following information:

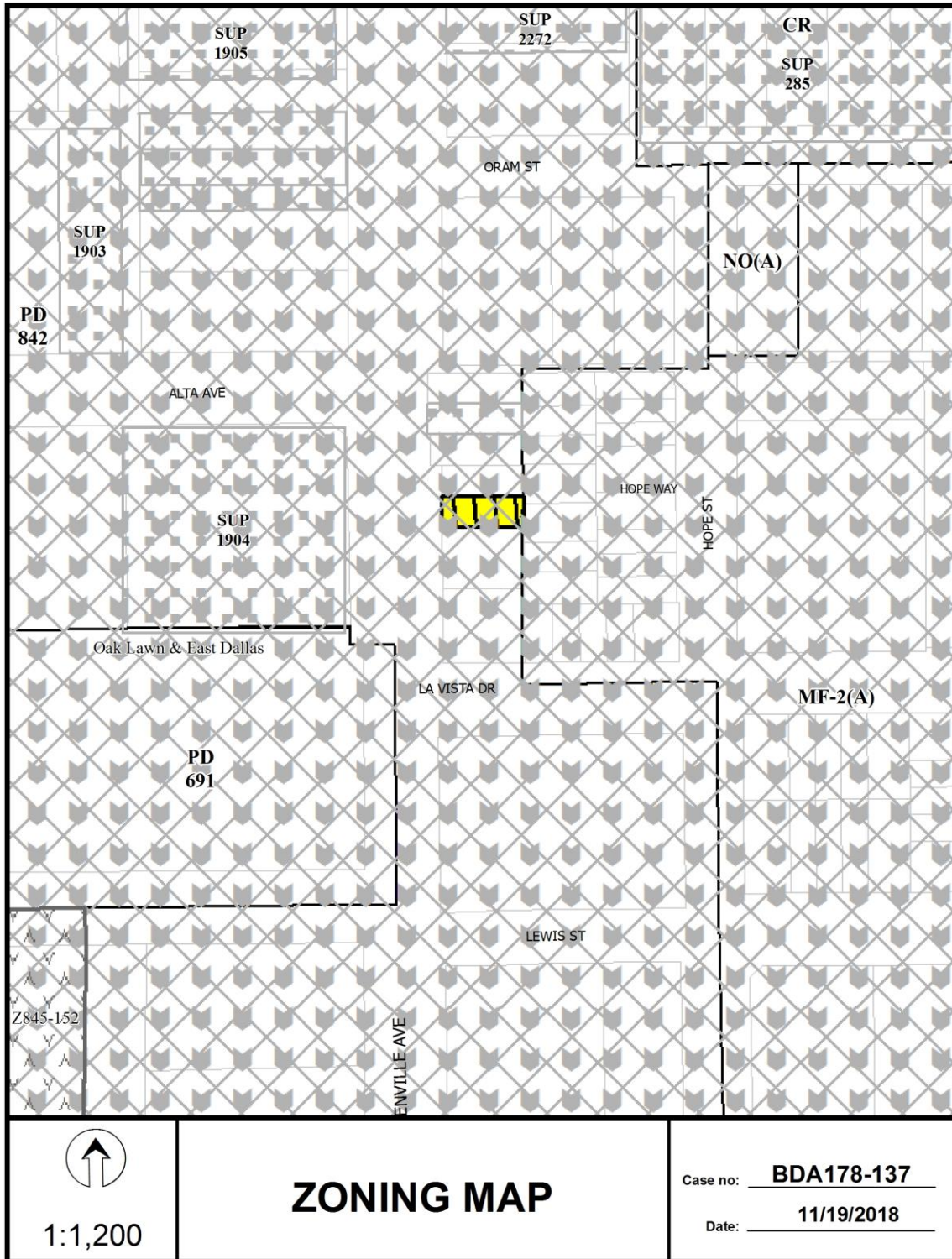
- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the November 21st deadline to submit additional evidence for staff to factor into their analysis; and the December 2nd 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.”

November 21, 26
and 27, 2018:

The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachments A, B, C, and D).

November 27, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the December public hearing. 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 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.

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





1:1,200

AERIAL MAP

Case no: BDA178-137

Date: 11/19/2018

November 14, 2018

Charles Trammell & Steve Long
Board of Adjustments
City of Dallas, Dallas County, Texas

Via Email

Charles Trammell, Steve Long & Board of Adjustments,

Thank you for your time and availability to review the following content we are submitting in efforts to substantiate there was no intent to abandon 1908 Greenville Ave. We are the current owner and are working to better the quality and standard of this property towards being more complimentary to the overall area as well as the substantial infrastructure and streetscape improvements made by the City of Dallas along this block. As a part of this process we are requesting the Board of Adjustments reinstate the existing Delta Credits for this property.

We hope to obtain Staff support on this matter and are available to discuss in further detail. We are also willing to provide any additional items that can be helpful. I can be reached at (214) 265-1555 office or (214) 718-7926 mobile and open to meet at your convenience.

My partner and I are working diligently to make long term decisions that positively intergrade with the Lower Greenville area.

Your support and consideration are appreciated.

Sincerely,

A handwritten signature in blue ink that reads "Ryan B. Tinch". The signature is stylized with a large, sweeping initial "R" and "T".

Ryan B. Tinch
Partner
Skylight Partners, LLC in its capacity as GP of Greenville Parks, LP

Greenville Parks LP
CITY OF DALLAS STAFF
Board of Adjustments
NOVEMBER 2018

1908 Greenville Ave

TABLE OF CONTENTS

Section 1.	Timeline
Section 2.	No Intent to Abandon
Section 3.	Environmental
Section 4.	Leasing Marketing Package
Section 5.	Interested Prospects in Area
Section 6.	LOI with Tea Operator
Section 7.	Previous Owner Utilities
Section 8.	Death Verification
Section 9.	Streetscape Plan

Timeline

- Fall 2012: Last tenant vacated the premises per Feb 3rd 2014 City of Dallas Letter.
- Winter 2012: BATM Properties LP acquires the property, turn on utilities, and Delphi Group begins marketing the property for lease.
- Early 2013: BATM Properties LP pays property taxes.
- Spring 2013: Delphi Group continues to market the property for lease. City street construction is active.
- Summer 2013: City street construction on blocks north of subject property.
- Fall 2013: Delphi Group continues marketing efforts. City construction occurring on Greenville.
- Early 2014: BATM Properties LP pays property taxes. BATM Properties LP reaches out to city regarding zoning determination.
- Spring 2014: City responds to BATM Properties LP with Zoning Determination letter. The subject property no longer qualified for active Delta status.
- Summer 2014: Delphi Group continues marketing efforts on the property. City construction continues.
- Fall 2014: No tenants were willing to enter a lease agreement as street closure directly in front of the subject property was eminent and street was under construction.
- Early 2015: BATM Properties LP pays property taxes. Utilities remain on.
- Spring 2015: Delphi Group continues marketing property. City starts construction on subject property block. Limited to no access to subject property.
- Early 2016: BATM Properties LP pays property taxes. Utilities remain on.
- Spring 2016: Property owner not in good health and not motivated to invest time and resources to make an effort in communicating with the Board of Adjustments for a possibility of reinstating parking credits. Property owner becomes willing to sell.
- Summer 2016: Greenville Parks LP (applicant) purchases property. Hollis Bloom commences leasing efforts and does void analysis on market generating a list of qualified potential prospects to solicit and contact proactively in efforts to lease the property.
- Fall 2016: A number of uses that could be considered obnoxious express interest in property, however ownership discourages.
- Winter 2016: City completes street construction (sidewalks to be completed) limited to no access to building remains.

- Early 2017: Greenville Parks LP begins paying property taxes, paints exterior & continues marketing.
- Spring 2017: City completes sidewalks in front of subject property. Utilities company do some work but does not complete. SHOP Companies contacted to lease property
- Summer 2017: Greenville Parks LP hire SHOP Companies for leasing and signs exclusive Listing Agreement with SHOP Companies. The Hollis Bloom property marketing sign came down and was replaced with SHOP Companies marketing sign. Jake Sherrington and Thomas Glendening only focus on project leasing and have a long-standing success record in leasing on Lower Greenville.
- Fall 2017: SHOP Company solicits interest from concepts. By this time, the vacancy term had surpassed the city's requirement of having a Certificate of Occupancy on the property, which triggers new requirements for a user to obtain a CO. One of which relates to parking. The property did not meet the municipal requirements in order to maintain Delta Credit status.
- Winter 2017: SHOP Companies continue leasing efforts.
- Early 2018: Greenville Parks LP pays property taxes and SHOP Co continues leasing efforts.
- Spring 2018: SHOP Companies obtains additional interest in property.
- Summer 2018: Greenville Parks LP begins communicating with City regarding Deltas
- Fall 2018: Greenville Parks LP submits application for Deltas reinstatement

To: Charles Trammell, Steve Long, and Board of Adjustments
From: Michael Farah & Ryan B. Tinch on behalf of Greenville Parks,
LP Re: Executive Summary for BDA No. 178-137

November 14, 2018

BACKGROUND

In 1987 the Dallas City Council acted upon an ordinance creating a modified Delta Overlay District. At the same time, the city was beset by an extremely serious economic recession that resulted from the Savings and Loan crisis, over building of office properties, and a decline in the oil industry. The economy of the city was ruined. The city acted on the overly district in part to salvage a burgeoning rejuvenation effort centered on the "M Street" neighborhood. The overlay was designed to ensure that parking problems did not harm the residential renaissance. That same council action, however, provided remedies for property owners to safeguard their investment and the ability to use delta credits for required parking.

APPLICANT JUSTIFICATION

The ordinance provided relief for property owners if they could demonstrate that special circumstances existed. The applicant believes that it has demonstrated that there are some extreme circumstances that have placed the subject property at a severe market disadvantage. The purpose of this document is to more clearly demonstrate the evidence in context of the ordinance. The ordinance provides:

"The board of adjustment may grant a special exception to this provision only if the owner can demonstrate that there was not an intent to abandon the use even though the use was discontinued or remained vacant for 12 months or more by proving the occurrence of an extreme circumstance, which shall include but not be limited to the following: (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."; and (E) the code provision that pertains to "modified delta overlay district".

The following reasons indicate that the property owner acted within the justifications set forth by the ordinance.

No Intent to Abandon: First, the applicant's submittal materials make clear that the owner never had intent to abandon the subject property. Webster's defines "intent" as having formulated or planned to do something. The owner actually formulated and planned to rent the property-not have it be vacant. The very fact that the applicant was able to file this BDA action demonstrates that there were no past due taxes or liens placed on the property. The applicant might not have paid taxes or liens had their, "intent" been to abandon the property. Furthermore, the utilities remained working for the subject property through the duration of the previous ownership. The actual bills of these utilities are not available to be sourced due to the unfortunate death of the managing partner in the previous ownership who handled these matters. This package provides validation the subject property was continually offered for lease to the open market. Supporting evidence from the listing broker demonstrates significant efforts to lease the property over a prolonged period for a variety of uses. The owner hired SHOP Companies, one of the most experienced real estate companies on Lower Greenville who has been instrumental in its transition. Clearly, this demonstrates intent to lease the property, not abandon it.

Extreme Circumstance - Outside Initial Area of Improvement: Next, the applicant must demonstrate that some "extreme circumstance" occurred. Greenville Avenue has experienced City Council driven action that has created an "extreme" condition that severely and negatively impacted the ability to lease the subject property. In 2010 the City Council member for the district, Angela Hunt, enthusiastically announced by her blog:

"We've got a two-prong approach to transforming Lower Greenville, block by block. First, we're going to require Lower Greenville businesses open after midnight to get a specific use permit from the city. That'll help weed out some of the late-night, problem businesses that have brought crime, noise, traffic, and vandalism to the area. Second, we're going

to improve the streetscape, making it more pedestrian-friendly with wider sidewalks, a narrowed street, street lamps, trees, enhanced crosswalks, and street furniture. This will make the area more inviting for residents and visitors, and help lure back daytime businesses, retailers and restaurants. Instead of waiting years to get this done, we're going to start construction on part of this project - from Bell Street to Alta - NEXT SUMMER".

This "carrot and stick" approach has proven successful-for the areas where improvements have occurred. Hunt's statement, however, immediately rendered the subject property outside the area of improvement and placed it at a significant disadvantage from other Lower Greenville properties. By being one block too far south, the Council action and subsequent construction decision made the building location undesirable. The property would be only a block from the construction, causing increased traffic problems and normal construction headaches, while receiving none of the subsequent benefit- all pain, no gain.

Extreme Circumstance-Prolonged Construction: Subsequent Journalism stories detail Greenville Avenue merchants suffered. A CBS News story, "Lowest Greenville Construction Gives Businesses A Bumpy Ride," further noted that that construction was having a profoundly negative impact on the area. One merchant complained revenue had dropped from \$90,000 monthly to only \$20,000, "making it nearly impossible to cover expenses and pay the rent." The operator grumbled that the construction was, "killing business. There's no business here anymore since they started construction". News stories confirm businesses suffered because customers could not drive south on Lowest Greenville because of road closures. Pedestrian traffic suffered, according the new stories, from meandering among construction cones and blockades that closed some sidewalks. The extensive construction amounted to an entire street remodel and caused extreme deterioration for the entire street. The subject property is located on the last block that was under construction and most recently completed. The now completed improvements are welcome, but these blocks suffered extreme hardship compared to others.



Obsolescence of the Subject Property: One of the most prominent and experienced brokerage companies who specializes in leasing on Lower Greenville simply cannot lease the space because of the outmoded condition of the building. A prospective tenant cannot obtain a certificate of occupancy without receiving the Deltas reinstatement. This before and after scenario explains why the property improvements lining Greenville Ave are important to compliment the significant investment the City of Dallas has made in this trade area. Sidewalk and street improvements have assisted leasing in the completed portions of Greenville Avenue however has rendered the subject property obsolete.



Above is a photo taken northbound on Greenville at Alta showing the completed streetscape improvements with complimenting remodeled storefronts.

Below is a photo taken southbound on Greenville at Alta showing the recently completed streetscape improvements. These blocks remain in transition for extensive remodeling.

The juxtaposition between the north and south will diminish over time as property owners invest and improve accordingly.



Increase in Vacancy Rates in Area: The ordinance provides the Board may grant a special exception to reinstate Deltas when the owner demonstrates an unusual increase in vacancy has affected the rental market. The subject property is challenged by the adjacent properties being in transition. One being marketed as available and the other, vacant and in need of extensive remodeling. Even more worrisome is substantial property construction in the block immediately to the south which affects pedestrian, roadway traffic, and aesthetics. These blocks encompass the final phase of the city's extensive improvement project designed to give an overall more appealing environment to Greenville Avenue. Some new tenants now occupy vacated spaces upon construction completion, however tenant turnover continues and spaces remain unoccupied in the area. This existing vacancy is a direct negative impact to rental rates and a measure of increased vacancy. Photos taken 11/2018



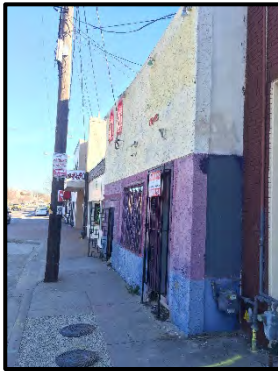
Increase in Vacancy - Continued



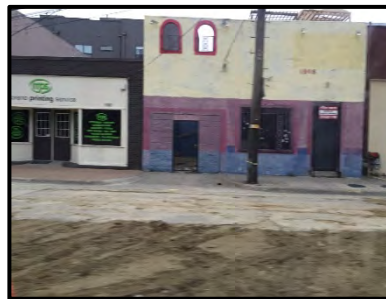
Extreme Circumstance - Unprecedented Zoning Change: Another highly unusual factor has impacted and continues to impact the ability to lease the property. A first in city history, a location is required to have an SUP for the operator to stay open after midnight. The Lakewood Advocate reported that longtime resident and owner of the Corner Market on Greenville Avenue, Chuck Cole, noted, "The SUP is running off really good tenants". The change pertains to all land uses and is certainly a consideration for a tenant.



Extreme Circumstance – Death of Previous Owner: Throughout the duration of the previous ownership, the building remained publicly marketed, utilities remained on, and a clean & show permit was active demonstrating no intent to abandon. Previous ownership acquired the property with the intent to renovate & remodel as evidence of letters between owners and City, however the street construction timing made remodeling prohibitive. Tenants were not willing to lease the property with street shut down being eminent and access to the building being limited. Tragically the managing partner with the previous ownership battled terminal cancer and passed away. This was a direct impact on what he could accomplish with the property and an unfortunate extreme circumstance. We miss you Mr. Barry Annino.



Marketing sign on property



No street in front of building



Clean & Show permit



Permit for electrical

Obsolescence of the Subject Property - Including Extensive Renovation or Remodeling: The building has costly internal problems making it necessary to make substantial tenant improvements. As Greenville Avenue has improved, so too have demands and expectations of tenants. Unfortunately, the subject property is in poor condition and needs major mechanical upgrades. Work is needed on the exterior and interior of the building.



Obsolescence of the Subject Property - Including Environmental Hazards: An additional consideration relating to the standards set forth by the 1987 ordinance is also relevant. Specifically, one of the standards maintains that Delta Credits may be reinstated by the Board if there is a finding based on "obsolescence of the subject property, including environmental hazards."

The assessment was conducted by a licensed Environmental Professional. The report was signed and sealed indicating its professional veracity and accuracy. The report noted that maintains that there is a "likely presence of a hazardous substance." This results from the fact that National Dry Cleaners operated adjacent to the site for "+/- 65 years". The report found that the dry cleaners was operating in 1950, 1952, 1965 and 1970, according to Sanborn maps. As such, "a high environmental risk connected with the subject site at this time."

EnviroScreen® (RSRA): Environmental Risk Review

Property:
 Commercial Property
 1904 1908 Greenville Ave ~ Dallas, TX 75206
(Herein after referred to as "Subject site")

EP RISK RATING:

HIGH RISK: The eScreenLogic's opinion that the subject site has a "HIGH" Risk Rating. Based on the information referenced in Section - 4 Radius Map Report and Section - 7 Sanborn/Fire Insurance Maps as follows:

LOW RISK:

SITE ID: 1
REFERENCE GENERATOR: A) FMS/SPRS: B) GIS
SITE NAME: National Dry Cleaners
ADDRESS: 2900 Greenleaf Ave
PROXIMITY TO SUBJECT SITE: According to Google Earth, SITE ID 1 appears to reside adjacent to the south from the subject site.

USE'S EP OPERATION, RISK RATING, & SUMMARY: Based on following criteria at the site of the subject of this report. An eScreenLogic's Opinion that the above referenced generator appears to represent the following:

- **Dist. Distance from subject site:** SITE ID 1 appears to reside adjacent to the south from the subject site.
- **Reference:** Regulatory Data identifying SITE ID 1 as a regulated hazardous material/waste generator with a closure date of 12/17/2000 and update date of 1/8/2014; also SITE ID 1 was identified in the review of the 1970, 1965, 1952, 1950 Sanborn/Fire Insurance Maps (SITE ID 1), which are known to use hazardous materials in their dry operations (i.e. chlorinated solvents) which have been known to release hazardous materials into the soil and/or groundwater media. Was it documented that SITE ID 1 possibly used hazardous materials in their operations dating back to 1950 (+/- 65 years). Therefore, based on the possibly period of time that hazardous materials have been used in SITE ID 1's operations (+/- 65 years), relative close proximity of SITE ID 1 in relation to the subject site, and lack of documentation concerning SITE ID 1's usage, storage, and/or disposal of hazardous materials associated with the Dry Cleaners operations, the eScreenLogic's opinion that this information appears to represent a "HIGH" environmental risk in connection with the subject site at this time.

RECOMMENDATIONS:

Based on the "HIGH" Risk Rating, eScreenLogic has the following Recommendations:

- **Option 1: Environmental Transaction Screen (ETS)** - Limited scope assessment, an alternative approach to full scale Phase I Environmental Site Assessment, per ASTM 1528 and **Enhanced Regulatory File Review**
- **Option 2: Phase I EPA All Appropriate Inquiry (AAI)** - Full scope assessment, per ASTM 1527-15.

EnviroScreen® (RSRA): Environmental Risk Review

Property:
 Commercial Property
 1904 1908 Greenville Ave ~ Dallas, TX 75206
(Herein after referred to as "Subject site")

RECOMMENDATIONS:

Based on the "HIGH" Risk Rating, eScreenLogic has the following Recommendations:

- **Option 1: Environmental Transaction Screen (ETS)** - Limited scope assessment, an alternative approach to full scale Phase I Environmental Site Assessment, per ASTM 1528 and **Enhanced Regulatory File Review**
- **Option 2: Phase I EPA All Appropriate Inquiry (AAI)** - Full scope assessment, per ASTM 1527-15.

EnviroScreen® (RSRA): Environmental Risk Review

Property:
 Commercial Property
 1904 1908 Greenville Ave ~ Dallas, TX 75206
(Herein after referred to as "Subject site")

Report Reliance and Statement of Qualification:

This EnviroScreen® report has been prepared for the exclusive use and reliance of the Client. Use or reliance by any other party is strictly prohibited without the written authorization of eScreenLogic. Reliance on this EnviroScreen® report by the Client will be subject to the terms, conditions, and limitations stated below. For Services executed by the Client and in general accordance with purpose, Reliance, and limitations of liability. This EnviroScreen® report is valid for one-hundred and eighty (180) days from the date of completion.

I declare that, to the best of my professional knowledge and belief, I meet the definition of an Environmental Professional (EP) as defined in §312.10 of 40 Code of Federal Regulations (CFR) Part 312 and I have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the subject site. I have developed and performed this EnviroScreen® report in general accordance the guidelines set forth by SBA, SBA 50.10, (5) standard, Standard Practices for Records Search with Risk Assessment (RSRA).

Environmental Professionals:

Chal Calabrese, C.F.I.M.S.
 Senior Project Manager/Principal

Chal Calabrese, P.C. 11471422, CATM (LIC#008854)
 CEBCO (Lic# 259667426)
 Project Manager

Copyright and Trademark Notices:

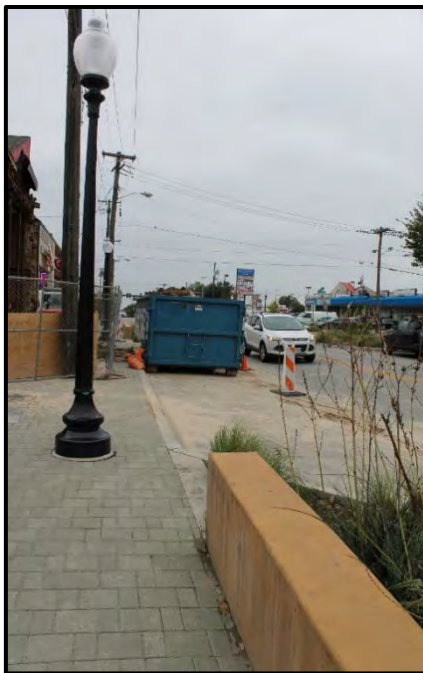
EnviroScreen® is a trademark of eScreenLogic and its affiliates. This report is provided on an as is basis. The information contained herein is for the express use of the client and is not to be copied, transferred or altered in any way. Please see our Terms and Conditions for additional information.

Extreme Deterioration of Adjacent Properties: The ordinance provides that the Board should consider the condition of the adjacent properties effect on the marketability of the subject site.

In addition to the adjoining buildings being available, it has been suggested by EnviroScreen (RSRA) in their Environmental Risk Review, that this neighboring property has been identified as the sole source for potential hazardous contamination of ground water, which the TCEQ has the right to render the property as obsolete. The assessment above includes further reference to this neighboring property. Its current exterior remains in disrepair.



Tenants are less likely to lease space until construction has concluded. The photo below shows that traffic is impacted by the result of surrounding deteriorating properties. The sidewalks are unusable during construction.



The ordinance provides remedy for properties that suffer from obsolescence. One of the standards is, "extensive remodeling and extreme deterioration of adjacent properties".

The City construction progress began in 2010 and utility companies' obligations to remove the existing power poles remains. Today the city construction on Greenville Avenue is completed however some consequences remain. Every indication is that the overall area will be ultimately be improved. In a 2017 article published by The Lakewood/East Dallas Advocate, business owners hosted a daylong event designed to bring visitors back to the area. Greenville Avenue Pizza company owner, Sammy Mandell said, "We wanted to put Greenville Avenue back on the map because people have forgotten about it during the construction." This speaks volumes about the effect the prolonged construction had on the entire area. The subject site, however, has not yet enjoyed the expected benefits and remains at a distinct disadvantage. These extreme circumstances have thwarted every good faith effort to occupy the building. Failure to award the delta credits would doom the facility to a near impossibility of use.

The applicant hopes the Board recognizes the following considerations:

- The applicant never intentionally abandoned the property. Utilities remained on and the Delphi Group and SHOP Companies have attempted to lease the building the entire time during ownership.
- Angela Hunt's effort to provide a "complete street" left the subject property within a construction zone without completion of improvements until 2017. Further, the construction was highly impactful to both vehicles and pedestrians which is an extreme circumstance.
- Nearby buildings are obsolete, in disrepair and under construction along with an unusual increase in vacancy.
- Multiple buildings on this block are in poor condition and in need of extensive remodeling in addition to the subject property being in obsolescence.
- There are numerous buildings for rent nearby that are within the improved area and in better condition.

This evidence is prudent in the instance of the subject property as there was never any intention to abandon the property. A set of extreme circumstances exist here and the applicant has met numerous examples as provided by the ordinance for the Board to grant a special exception.



EnviroScreen® (RSRA): Environmental Risk Review

Property:
 Commercial Property
1904 1908 Greenville Ave ~ Dallas, TX 75206
(Herein after referred to as "subject site")

EP RISK RATING:

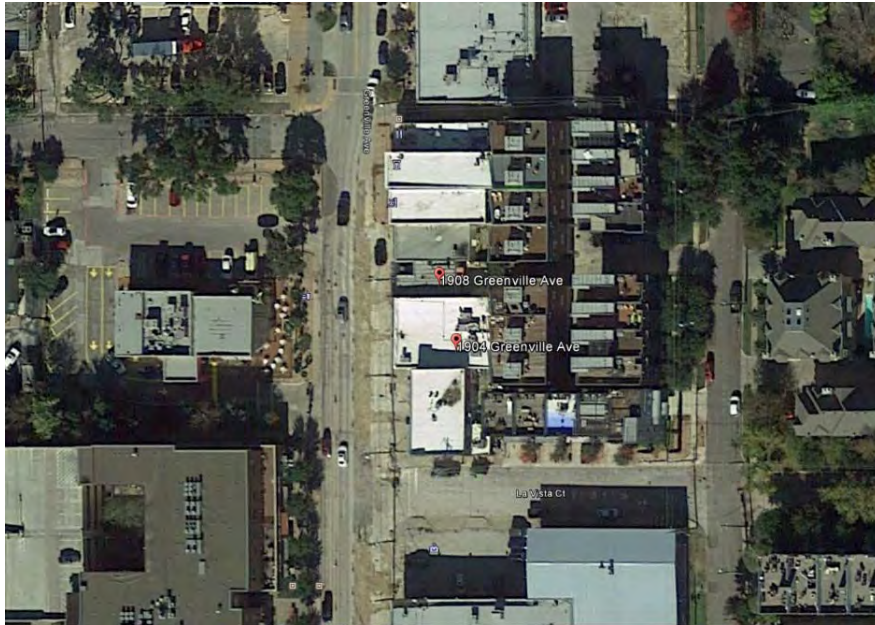
<input checked="" type="checkbox"/>	HIGH Risk	Its eScreenLogic's opinion that the subject site has a "HIGH" Risk Rating Based on the information referenced in Section – 4 Radius Map Report and Section – 7 Sanborn/Fire Insurance Maps as follows: SITE ID: 1 REFERENCED GENERATOR: A) FINDS/FRS: B) ICIS SITE NAME: National Dry Cleaners ADDRESS: 1900 Greenville Ave PROXIMITY TO SUBJECT SITE: According to Google Earth, SITE ID 1 appears to reside adjacent to the south from the subject site ESL'S EP OPINION, RISK RATING, & SUMMARY: Based on following criteria at the time of the writing of this report – its eScreenLogic's Opinion that the above referenced generator appears to represent the following: <ul style="list-style-type: none"> • Est. Distance from subject site: SITE ID 1 appears to reside adjacent to the south from the subject site; • Referenced Regulatory Data identifying SITE ID 1 as a registered hazardous material/waste generator with a create date of 3/1/2000 and update date of 1/9/2015; also SITE ID 1 was identified in the review of the 1970, 1965, 1952, 1950 Sanborn/Fire Insurance Maps (SITE ID B), which are known to use hazardous materials in their daily operations (i.e. chlorinated solvents) which have been known to release hazardous materials into the soil and/or groundwater media, thus it is assumed that SITE ID 1 possibly used hazardous materials in their operations dating back to 1950 (+/-65-years). Therefore, based on the possibly period of time that hazardous materials have been used in SITE ID 1's operations (+/-65-years), relative close proximity of SITE ID 1 in relation to the subject site, and lack of documentation concerning SITE ID 1's usage, storage, and/or disposal of hazardous materials associated with the Dry Cleaners operations; its eScreenLogic's opinion that this information appears to represent a "HIGH" environmental risk in connection with the subject site at this time.
<input type="checkbox"/>	LOW Risk	

RECOMMENDATIONS:

Based on the **"HIGH"** Risk Rating, eScreenLogic has the following Recommendations:

- **Option 1: Environmental Transaction Screen (ETS)** – Limited scope assessment, an alternative approach to full scale Phase I Environmental Site Assessment, per ASTM E1528 and **Enhanced Regulatory File Review**
- **Option 2: Phase I EPA All Appropriate Inquiry (AAI)** – Full scope assessment, per ASTM E1527-13.





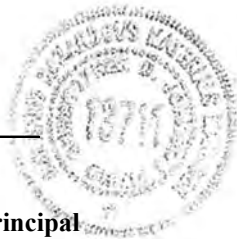


Report Reliance and Statement of Qualifications

This EnviroScreen® report has been prepared for the exclusive use and reliance of the Client. Use or reliance by any other party is strictly prohibited without the written authorization of eScreenLogic. Reliance on this EnviroScreen® report by the Client will be subject to the terms, conditions, and limitations stated below. For Services executed by the Client and in general accordance with Purpose, Reliance, and Limitations & Liability. This EnviroScreen® report is valid for one-hundred and eighty (180) days from the date of completion.

I declare that, to the best of my professional knowledge and belief, I meet the definition of an Environmental Professional (EP) as defined in §312.10 of 40 Code of Federal Regulations (CFR) Part 312 and I have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the subject site. I have developed and performed this EnviroScreen® report in general accordance the guidelines set forth by SBA SOP 50 10 (5) standard, Standard Practices for Records Search with Risk Assessment(RSRA).

Environmental Professionals:



Chris Johnson, CHMM
Senior Project Manager/Principal

Chad Cadenhead, P.G. (Lic #11462), CAPM (Lic #0000553),
CESCO (Cert #356667150)
Project Manager

Copyright and Trademark Notice

EnviroScreen® is a trademark of eScreenLogic and its affiliates. This report is provided on an as-is basis. The information contained herein is for the express use of the client and is not to be copied, transferred or altered in any way. Please see our Terms and Conditions for additional information.



1904 & 1908 GREENVILLE

GREENVILLE & ALTA, DALLAS, TX 75206

BDA178-137

Attach A

Pg. (18/32)

SHOP^{CO.}



Thomas Glendinning / **THOMAS@SHOPCOMPANIES.COM** / **214-960-4528**

Jake Sherrington / **JAKE@SHOPCOMPANIES.COM** / **214-960-4623** 7-25

The information contained herein was obtained from sources deemed reliable; however, no guarantees, warranties or representations as to the completeness or accuracy thereof. The presentation of this real estate information is subject to errors; omissions; change of price; prior sale or lease withdrawal without notice.

Panel C



Thomas Glendinning / THOMAS@SHOPCOMPANIES.COM / 214-960-4528

Jake Skovron / JAKE@SHOPCOMPANIES.COM / 214-960-4623 7-26

The information contained herein was obtained from sources deemed reliable; however, no guarantees, warranties or representations as to the completeness or accuracy thereof. The presentation of this real estate information is subject to errors; omissions; change of price; prior sale or withdrawal without notice.

1904 & 1908 GREENVILLE

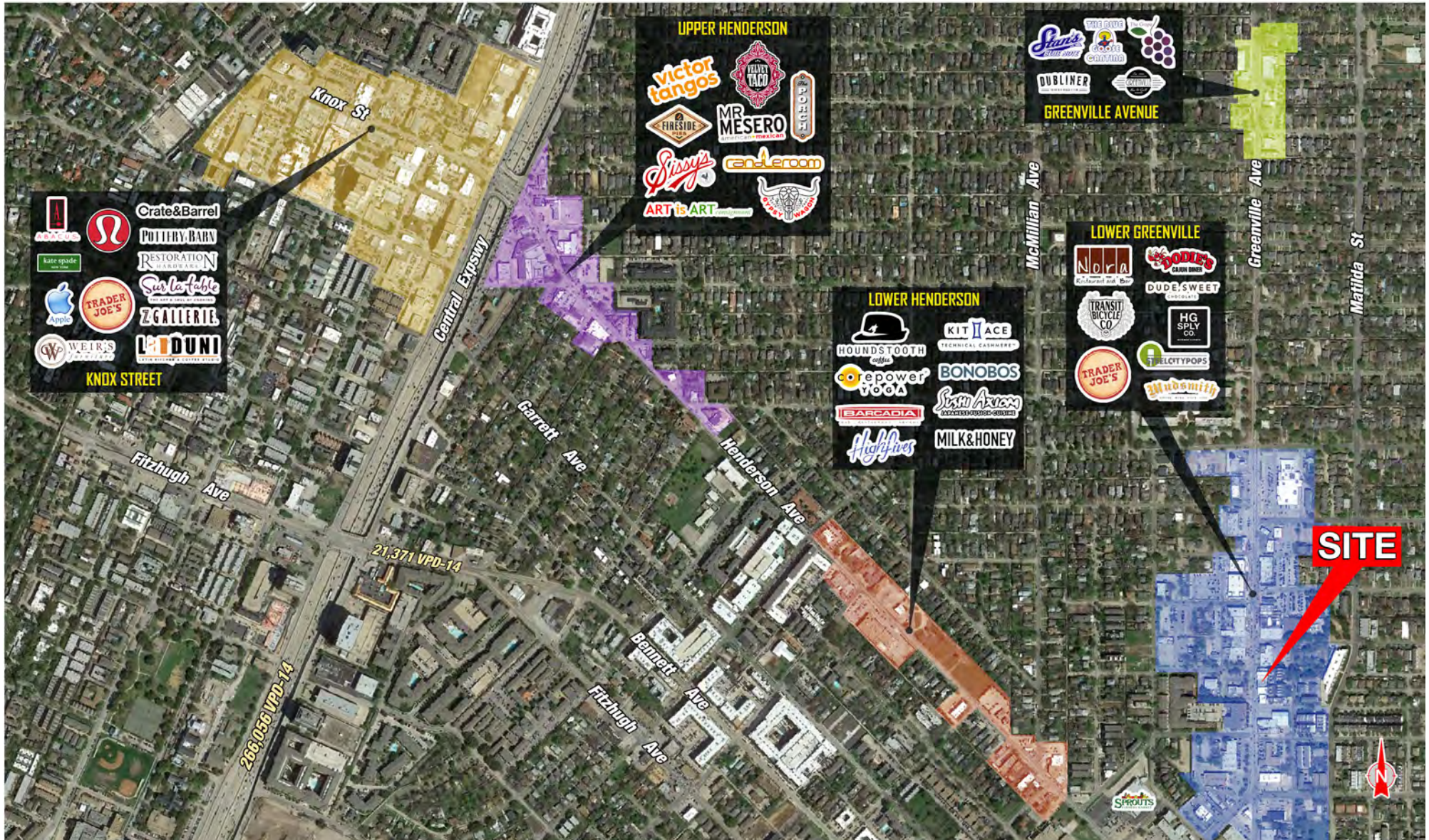
GREENVILLE & ALTA, DALLAS, TX 75206

BDA178-137

Attach A

Pg. (20/32)

SHOP COS.



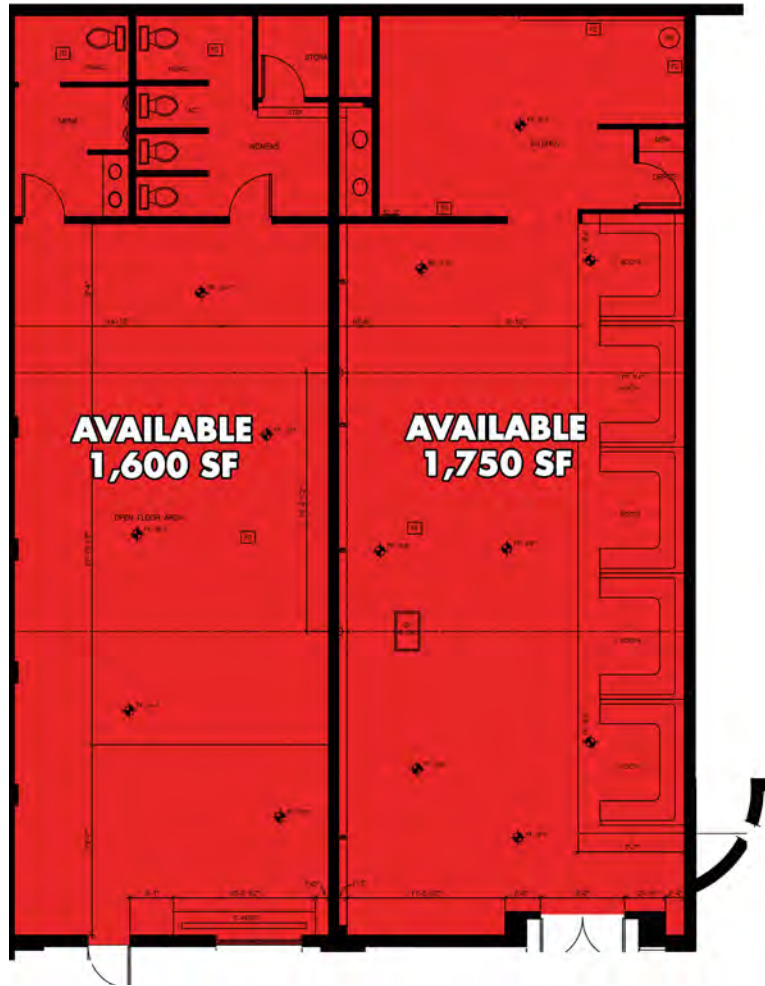
Thomas Glendinning / THOMAS@SHOPCOMPANIES.COM / 214-960-4528

Jake Skovrington / JAKE@SHOPCOMPANIES.COM / 214-960-4623 7-27

The information contained herein was obtained from sources deemed reliable; however, no guarantees, warranties or representations as to the completeness or accuracy thereof. The presentation of this real estate information is subject to errors; omissions; change of price; prior sale or lease; withdrawal without notice.

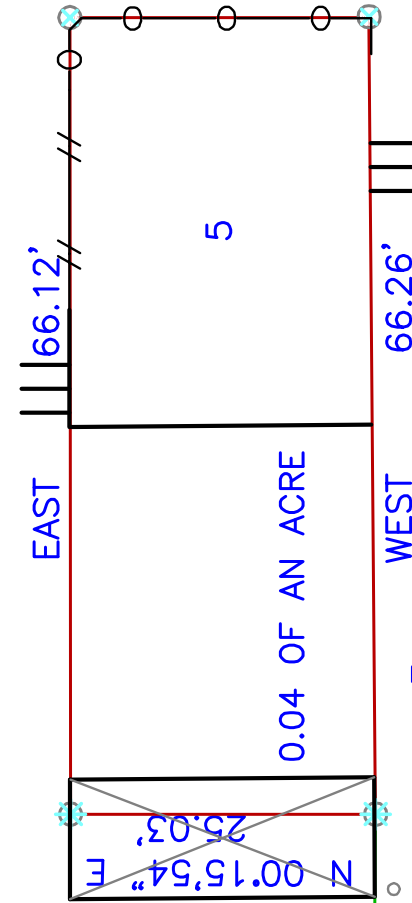
Panel C

Potential Demising 1904 Greenville



Greenville Ave.

1908 Greenville



1904 & 1908 GREENVILLE

GREENVILLE & ALTA, DALLAS, TX 75206

BDA 178 - 137

Attach A

Pg. (22 / 32)

SHOP COS.



Thomas Glendinning / THOMAS@SHOPCOMPANIES.COM / 214-960-4528

Jake Skarvington / JAKE@SHOPCOMPANIES.COM / 214-960-4623 7-29

The information contained herein was obtained from sources deemed reliable; however, no guarantees, warranties or representations as to the completeness or accuracy thereof. The presentation of this real estate information is subject to errors; omissions; change of price; prior sale or withdrawal without notice.

Panel C



INFORMATION ABOUT BROKERAGE SERVICES

BDA178-137
Attach A
Pg. (23/32)



TEXAS LAW REQUIRES ALL REAL ESTATE LICENSE HOLDERS TO GIVE THE FOLLOWING INFORMATION ABOUT BROKERAGE SERVICES TO PROSPECTIVE BUYERS, TENANTS, SELLERS AND LANDLORDS.

TYPES OF REAL ESTATE LICENSE HOLDERS:

- **A BROKER** is responsible for all brokerage activities, including acts performed by sales agents sponsored by the broker.
- **A SALES AGENT** must be sponsored by a broker and works with clients on behalf of the broker.

A BROKER'S MINIMUM DUTIES REQUIRED BY LAW (A client is the person or party that the broker represents):

- Put the interests of the client above all others, including the broker's own interests;
- Inform the client of any material information about the property or transaction received by the broker;
- Answer the client's questions and present any offer to or counter-offer from the client; and
- Treat all parties to a real estate transaction honestly and fairly.

A LICENSE HOLDER CAN REPRESENT A PARTY IN A REAL ESTATE TRANSACTION:

AS AGENT FOR OWNER (SELLER/LANDLORD): The broker becomes the property owner's agent through an agreement with the owner, usually in a written listing to sell or property management agreement. An owner's agent must perform the broker's minimum duties above and must inform the owner of any material information about the property or transaction known by the agent, including information disclosed to the agent or subagent by the buyer or buyer's agent.

AS AGENT FOR BUYER/TENANT: The broker becomes the buyer/tenant's agent by agreeing to represent the buyer, usually through a written representation agreement. A buyer's agent must perform the broker's minimum duties above and must inform the buyer of any material information about the property or transaction known by the agent, including information disclosed to the agent by the seller or seller's agent.

AS AGENT FOR BOTH - INTERMEDIARY: To act as an intermediary between the parties the broker must first obtain the written agreement of each party to the transaction. The written agreement must state who will pay the broker and, in conspicuous bold or underlined print, set forth the broker's obligations as an intermediary. A broker who acts as an intermediary:

- Must treat all parties to the transaction impartially and fairly;
- May, with the parties' written consent, appoint a different license holder associated with the broker to each party (owner and buyer) to communicate with, provide opinions and advice to, and carry out the instructions of each party to the transaction.
- Must not, unless specifically authorized in writing to do so by the party, disclose:
 - o that the owner will accept a price less than the written asking price;
 - o that the buyer/tenant will pay a price greater than the price submitted in a written offer; and
 - o any confidential information or any other information that a party specifically instructs the broker in writing not to disclose, unless required to do so by law.

AS SUBAGENT: A license holder acts as a subagent when aiding a buyer in a transaction without an agreement to represent the buyer. A subagent can assist the buyer but does not represent the buyer and must place the interests of the owner first.

TO AVOID DISPUTES, ALL AGREEMENTS BETWEEN YOU AND A BROKER SHOULD BE IN WRITING AND CLEARLY ESTABLISH:

- The broker's duties and responsibilities to you, and your obligations under the representation agreement.
- Who will pay the broker for services provided to you, when payment will be made and how the payment will be calculated.

LICENSE HOLDER CONTACT INFORMATION: This notice is being provided for information purposes. It does not create an obligation for you to use the broker's services. Please acknowledge receipt of this notice below and retain a copy for your records.

SHOP COMPANIES

Licensed Broker/Broker Firm Name

9002835

License No.

shop@shopcompanies.com

Email

214.960.4545

Phone

RAND HOROWITZ

Designated Broker of Firm

513705

License No.

rand@shopcompanies.com

Email

214.242.5444

Phone

From: Jake Sherrington
To: Ryan B. Tinch
Cc:
Subject: 1908 Greenville
Date: Thursday, November 15, 2018 22:11:55
Attachments: [image001.png](#)

BDA178-137
Attach A
Pg. (24/32)

Hey Ryan,

Sorry for the delay. I wanted to send you a list of Tenant's we've been in discussions with that want a space around 1,000sf on Lowest Greenville. I'm confident that there are more but wanted to get this over to you.

- Insomnia Cookies
- Binh & Jeffrey's Boba Tea
- Juiceland
- State Street Coffee
- Brewed & Pressed
- Juice Concept
- Juice concept out of Santa Monica
- Nekter
- Blenders & Bowls
- Tiny Victories
- Lash Studio
- Poke group
- Roro's Baking Company
- Wine Bar
- Daisy Cakes
- Cathy's Gourmet Ice Cream
- Allstate
- Airfit Now
- Coffee Concept
- Ice Cream Concept out of NYC
- Eco Cleaner
- The Laboratory (Landed on Greenville)

Give me a shout in the morning and I'm happy to discuss further.

Thanks,

Jake

SHOP cos.

JAKE SHERRINGTON / O: 214-960-4623 / M: 214-934-5904
4809 Cole Ave Suite 330 / Dallas, TX 75205



June 15, 2018

Jake Sherrington
Shop Companies

RE: Letter of Intent – Binh and Jeffrey’s Boba Tea

Dear Jake,

My client, Binh and Jeffrey’s hereinafter referred to as “Tenant”, desires to lease space at the above referenced property under the following terms and conditions.

- Tenant:** Provide actual LLC entity – dba Binh and Jeffrey’s
- Guarantor:** Pre-Paid base Rent for 3 years. Tenant to pay NNN’s monthly
- Landlord:** Skylight Parks, LLC
- Term:** 5 years
- Option to Extend:** Tenant shall have the right to extend the term of the lease for one five (5) year term. Tenant to provide 6 months prior written notice.
- Premises:** Approx. 890 – 1,820 SF Attached hereto as Exhibit “A” (but with adjusted size)
Tenant shall only be obligated for Rent and NNN’s up to 1,000 s.f.
- Base Rental Rate:**
- | | |
|--------|-------------|
| Year 1 | \$34.00 psf |
| Year 2 | \$34.50 psf |
| Year 3 | \$35.00 psf |
| Year 4 | \$35.50 psf |
| Year 5 | \$36.00 psf |
- At market, not less than 5% previous year’s base rent
- Option Rent:**
- NNN Fees:** Tenant will pay its pro rata share of the Real Estate Taxes, Common Area Maintenance, and Insurance (“Net Charges”). All taxes and expenses are estimated at \$8.00 per square foot. Tenant will pay the estimates and there will be a year-end adjustment based on the actual costs. Controllable CAM Charges (exclusive of real estate taxes and insurance) will not increase by more than ten (10%) cumulative per year and include trash removal.
- Rent Commencement:** Earlier of (a) 120 days following the Delivery of Premises
- Delivery of Premises:** Upon completion of Landlord Work, if any.
- Tenant Improvements:** Landlord shall contribute up to \$25.00 per square foot of the Demised Premises, as a reimbursement for Tenant’s bona fide (and verified) construction expenses paid to parties not related to Tenant. Such payment will be due only upon (i) completion of all improvements according to Landlord’s pre-approved plans and specifications; (ii) Tenant’s delivery to Landlord of a true copy of its Certificate of Occupancy (or similar governmental occupancy permit); (iii) Landlord’s satisfaction that all bills have been paid to Tenant’s contractors, subcontractors and professionals; (iv) payment of first month’s rent; and (v) Tenant’s commencement of business in the Demised Premises. Tenant agrees to accept the space “AS-IS”.

June 15, 2018

Landlord's Work: Exhibit "A-1"

Use: Binh and Jeffrey's will offer beverages in the form of boba, coffee, teas, smoothies, and juices.

Exclusivity: Provided Tenant is open, operating, and not in material default under any of the terms and conditions of this Lease beyond any applicable notice and cure period, and provided there has been no change in the Permitted Use, Landlord agrees that it shall not lease space in the Shopping Center to any tenant whose primary sales are derived from the sale of tea, coffee, juices or smoothies.

Security Deposit: Equal to last month's rent plus NNNs

Pre-Paid Rent: Equal to first month's rent plus NNNs

Zoning/Permitting: Site must be zoned to allow the Permitted Use and meet all local code requirements including Fire Suppression, bathrooms, exits, health requirements. Tenant shall endeavor to conduct all necessary due diligence at Tenant's cost simultaneous with prior to lease preparation. If, despite all customary due diligence, neither Tenant nor Landlord (on Tenant's behalf and at Tenant's cost) are able to obtain permits necessary to open for the Permitted Use, parties shall have the option to terminate lease.

Utilities to be separately metered to Premises at Tenant expense; thereafter all costs for use to be paid for by Tenant.

Utilities:

Space Planning/Design: Tenant will provide Landlord in a timely manner the tenant improvement plan and retains the right to competitively bid its space planning needs and to select its own space planner/architect and contractor. To be further defined in the Lease.

Assignment or Subletting: Tenant shall have a limited right to assign or sublease the Premises to a parent company, affiliated company, or to a successor by merger or reorganization affecting all of Tenant's restaurants in the state where the Premises is located (to be detailed further in the Lease) with written approval from Landlord. All other assignments or subleases shall require Landlord's prior written approval, which shall not be unreasonably withheld. To be further defined in the Lease.

Signage: Upon Landlord's reasonable consent, Tenant, at Tenant's expense, shall have the right to install building signage on all available points approved by Landlord. All signage is subject to the city and local government agency approval and Landlord's approval prior to installation.

Additionally, Tenant shall have the right to display a "Coming Soon" banner on the façade until the permanent signage is installed. Tenant shall also have the right to display "grand opening" banner for 30 days. All signage is subject to the city and local government agency approval and Landlord's approval prior to installation and after completion of Landlord's work

Landlord shall be responsible for all costs related to compliance with all applicable current and future building codes as it relates to the exterior of the building to be in compliance with the most recent version of the Americans with Disabilities act in regards to its shopping center/shell. These costs shall not be passed on to the tenant as an operating expense.

June 15, 2018

Landlord, to the best of its knowledge, represents to Tenant that no toxic, explosive or other dangerous materials or hazardous substances are present in the building or on the property or have been concealed within, buried beneath, released on or from, or removed from and stored off-site of the property. Landlord warrants that Landlord will at Tenants request prior to lease execution fully disclose any and all reports, analyses, studies or other documents, including environmental and air quality studies, that would identify contaminants on the property. Landlord shall fully indemnify and hold harmless Tenant from all costs and expenses, including attorneys' fees, that Tenant may incur as a result of the presence of, release of or threatened release of hazardous substances on the property, (1) prior to the effective date of the tenancy, and further (2) if caused by the Landlord during the lease term or extensions thereof.

Commission: Tenant is represented by SRS Real Estate Partners and shall be paid a commission in accordance with the terms and conditions of separate commission agreement.

Financial Contingency: Lease is subject to Landlord's review and approval of Tenant's financial information.

Proposal Only: This Letter of Intent is non-binding, but is meant to arrive at an agreement in principle. Any obligation on the part of Tenant to proceed with a lease transaction is dependent on the execution of the appropriate lease agreement. Notwithstanding the foregoing, upon signing the Letter of Intent, Landlord agrees to negotiate exclusively with Tenant regarding the Premises until such negotiations are terminated by either Landlord or Tenant.

Sincerely,

Daniel Poku
Associate
SRS Real Estate Partners

Cc:

AGREED & ACCEPTED
By LANDLORD: _____

By: _____

Its: _____

Date: _____

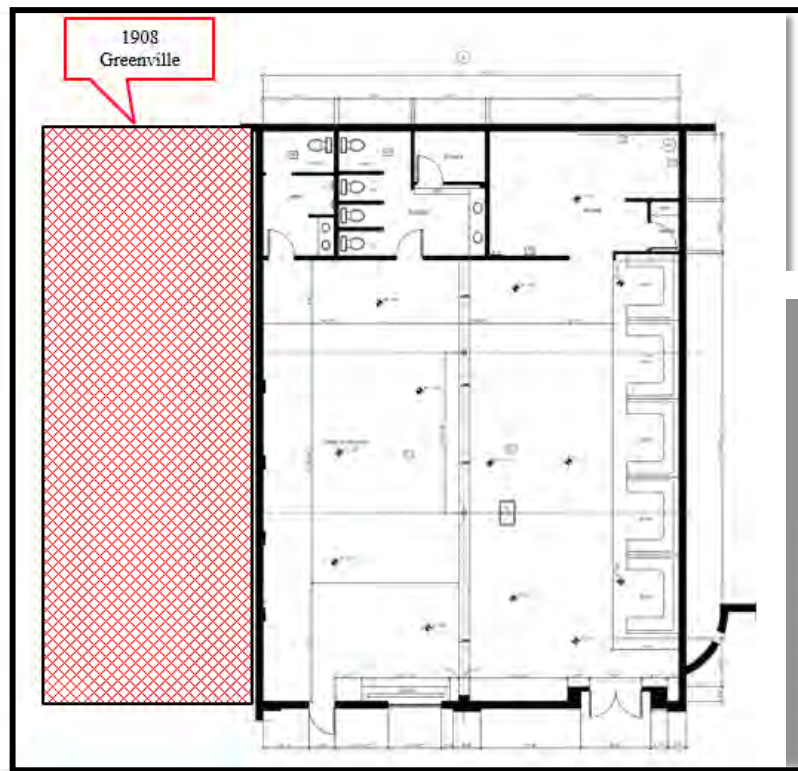
AGREED & ACCEPTED
By TENANT: _____

By: _____

Its: _____

Date: _____

EXHIBIT "A-1" – Site Plan Marked



June 15, 2018

EXHIBIT "A-1"

**LANDLORD WORK CRITERIA
"GREY BOX SHELL" SPECIFICATION**

-
-

DESCRIPTION OF LANDLORD'S WORK:

The following is a description of the construction, and limitations of same, which will be provided by Landlord and are referred to as "Landlord's Work."

1. Utilities:

Landlord shall provide all utility mains and building service laterals sized as 3/4" Water lines, 3-4" Sanitary Sewer lines, gas service piped up to premises and 250 Amp electric service.

2. Doors and Windows and Roof

A front and rear man-door is required. Landlord shall install new roof trusses and ceilings providing at least 10' of clear interior head space from floor.

3. Heating and Air-Conditioning Equipment:

Landlord shall provide a unitary packaged, roof-top, gas fired heating and electric cooling HVAC with a 5 Ton capacity. Landlord shall install curbs, patch roof and install units. Landlord shall make sure the units are set per Tenant's drawings providing clearance and room on roof for Binh and Jeffrey's exhaust fans and make up air units as required by city code. Landlord shall make sure that the roof structure is to code to hold all HVAC & hood equipment. In the event of existing HVAC units, Landlord shall warrant that the units have a working useful life for the initial 90 days of the Lease.

4. Electrical:

Landlord shall provide power, disconnect, meter base and associated fuses, conduit and wiring with a main 250 amp electrical panel to be located on the back or front wall of the leased Premises. Electrical service provided shall be 115/208 volts 3-phase for Binh and Jeffrey's use only.

Ryan B. Tinch

From: Tom Motlow <t.mot@sbcglobal.net>
Sent: Wednesday, September 5, 2018 8:39 PM
To: Ryan B. Tinch
Subject: Re: 1908 Greenville

Ryan, My partner, Barry Annino , had all that and he died 6 months ago , so I think it has all been trashed .

Sorry , Tom

On Sep 5, 2018, at 12:26 PM, Ryan B. Tinch <ryan@hollisbloom.com> wrote:

Do you have any copies of any utility bills you can forward my way for 1908
Anything would be of great help

Working towards getting the building back in service!

Thank you

Ryan B. Tinch | President
Tel: 214.265.1555 | Mobile: 214.718.7926
hollisbloom.com

This email, including any attached items, is for the sole use of the intended recipient, and may contain information that is proprietary, privileged or otherwise confidential. Use or distribution by an unintended recipient is strictly prohibited. If you received this email in error, please do not read it or any attached items. Please notify the sender immediately, and delete the email and all attached items from your computer.



Bureau of Vital Statistics

1515 Young St.
Dallas, Texas 75201
(214) 670-3092

DEATH VERIFICATION

NAME AND ADDRESS OF PERSON REQUESTING THIS INFORMATION:

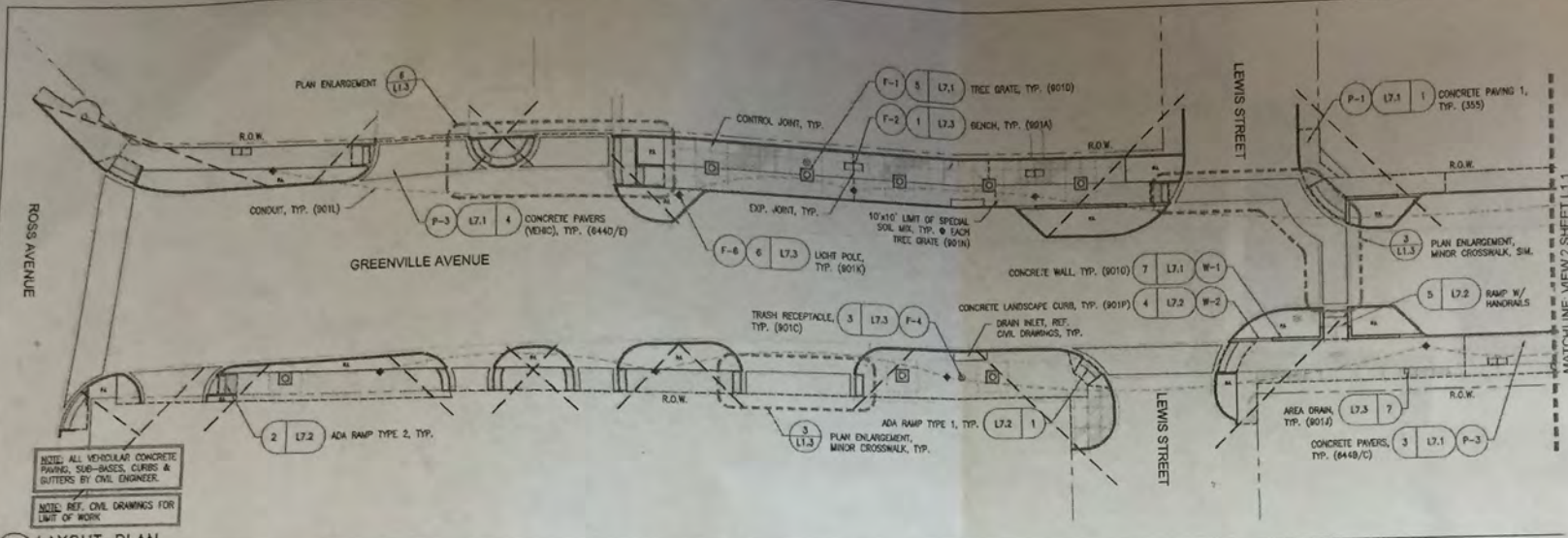
NAME: MARK C. LOWE
ADDRESS: 6125 LUTHER LN. #230
DALLAS, TX 75225

We have searched our records and can verify the following information:

Name of Registrant: JOE BARRY ANNINO
Date of Event: FEBRUARY 27, 2018
Place of Event: DALLAS, TX
Local / State File #: 02- 02314
No Record Located: <input type="checkbox"/>
Date of Verification: SEPTEMBER 4, 2018

Margarita A. Carrasco, Local Registrar

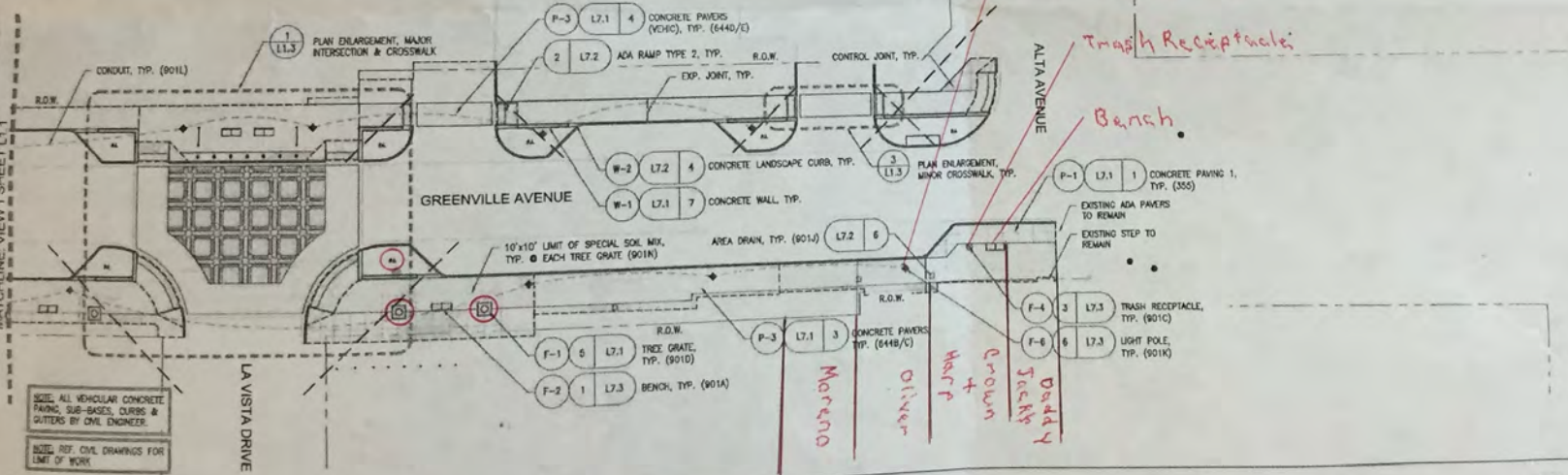
Document #: OCC-FRM-009-VS
Approved By: Division Manager
Effective Date: 10/01/2017
Description of Change: Initial Change
Document Title: Death Verification Form



1 LAYOUT PLAN
1" = 20'-0"

LAYOUT LEGEND

- P-1: CONCRETE PAVING 1 (355)
- P-2: ADA PAVERS (644A)
- P-3: CONCRETE PAVERS (PEDESTRIAN)
P-3A & P-3B (644B & 644C)
- P-3C: CONCRETE PAVERS (VEHICULAR)
P-3C & P-3D (644D & 644E)
- W-1: CONCRETE WALL (9010)
- W-2: CONCRETE LANDSCAPE CURB (901P)
- F-1: TREE GRATE (9010)
- 10' x 10' LIMIT OF SPECIAL SOL. MIX (901N)
- F-2: BENCH (901A)
- F-3: BIKE RACK (901B)
- F-4: TRASH RECEPTACLE (901C)
- F-5: BOLLARD (901M)
- F-6: LIGHT POLE (901K)
- EXPANSION JOINT (IN PAVERS SHOWN IN SUBBASE)
- CONTROL JOINT
- VISIBILITY CUP
- PLANTING AREA
- TYPICAL
- RIGHT OF WAY
- CONDUIT (901L)



2 LAYOUT PLAN
1" = 20'-0"

Pacheco Koch		UEG	
LAYOUT PLAN			
GREENVILLE AVENUE			
ROSS TO ALTA & BELL TO BELMONT			
DEPARTMENT OF PUBLIC WORKS			
CITY OF DALLAS, TEXAS			
DESIGN	DRAWN	DATE	SCALE
JBL	MCC	06/23/15	1"=20'
SHEET	FILE	NO	
L1.1	313D	96	

GRAPHIC SCALE: FULL SIZE PRINT: 22"x34", HALF SIZE PRINT: 11"x17"

1908 Greenville Ave Summary

This summary is in addition to the previous submitted materials in reference to BDA178-137.

The following are being addressed to demonstrate no intent to abandon.

Increase in vacancy rates in area: An unusual increase in the vacancy for the area has directly affected the rental market. The market has experienced a recent spike in vacancy in spite of a well-known experienced leasing agency actively marketing the property. This is further demonstrated in the submitted materials.

Obsolescence of the subject property: The applicant identifies and includes circumstances of environmental hazards, extensive renovation, remodeling, and extreme deterioration of adjacent properties affecting the marketability of property as further defined in supporting materials.

Prolonged construction adjacent to the subject site: The applicant documents how construction in the area has had a profound negative impact on the area with business revenues declining and notes that business has declined since the street improvements began in 2010 / 2011. As further demonstrated in supporting materials.

In this case, the applicant's submitted materials address all three instances of extreme circumstance.

1908 Greenville Ave

BDA178-137

The following is being submitted as additional evidence for no intent to abandon by showing, "an unusual increase in the vacancy rates for the area which has affected the rental market." This is one of the provisions the Board of Adjustments may grant a special exception for:

Vacancy Rates take multiple factors into account, "the percentage of all rentable units or space remaining unoccupied" as defined by BusinessDictionary.com whereby vacancy and rent influence each other.

Investopedia's adds, "High vacancy rates indicate that a property (or area of properties) is not renting well while low vacancy rates can point to strong rental sales (rental rates.) Many firms servicing the commercial real estate space gauge the strength of the overall industry using metrics such as vacancy rates, rental rates and construction activity."

When there is an increase in vacancy rates, there is most often a decrease in rental rates. With an ample supply of available properties, demand shifts, negatively impacting rental rates, as property owners compete for occupants.

Decrease in Rental Rates in Area: An unusual increase in vacancy for the area has directly impacted the rental rates of available properties, lowering them.

<u>Property</u>	<u>Historic Rental Rate</u>	<u>Current Rental Rate</u>
1904 Greenville Ave	\$35 psf + NNN	\$25 psf + NNN
1910 Greenville Ave	\$38 psf + NNN	\$20 psf + NNN
5434 Ross Ave	\$50 psf + NNN	\$38 psf + NNN
2004 Greenville Ave	\$32 psf + NNN	\$15 psf + NNN
1917 Greenville Ave	\$40 psf + NNN	\$25 psf + NNN

"While vacancy rates are commonly used to assess an individual property's performance, such as a hotel monitoring its nightly vacancy rate, aggregate vacancy rates are also used as economic indicators of a real estate market's overall health."

Investopedia

This submission shows how the current marketing rental rates are diminished by the current increase of vacancy.

1908 Greenville Ave Summary

This summary is in addition to the previous submitted materials in reference to BDA178-137.

The following are the applicant's focal points to demonstrate no intent to abandon.

Increase in Vacancy Rates in Area: An unusual increase in the vacancy for the area has directly affected the rental market. The market has experienced a recent spike in vacancy rates in spite of well-known experienced leasing agency actively marketing the property. The current surplus of available properties directly diminishes area rental rates as property owners work towards stabilizing assets. Further demonstration of this scenario is included the submitted materials.

Obsolescence of the subject property: The applicant identifies and includes circumstances of environmental hazards, extensive renovation, remodeling, and extreme deterioration of adjacent properties affecting the marketability of the property. A certified and verified environmental risk review is included in the submission materials rating the subject property as, "high risk." The review recognizes the subject site as having been exposed to a neighboring dry cleaners since 1950 whose use is known to include hazardous materials in their daily operation.

Prolonged construction adjacent to the subject site: The applicant documents how construction in the area has had a profound negative impact on the area with business revenues declining and notes that business has declined since the street improvements began in 2010 / 2011. The subject property is located on the last block to be under construction for the street and sidewalk improvements. Photos, streetscape plans, and additional information are included in the submission.

The applicant is submitting materials that address instances of extreme circumstances.



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-137

Data Relative to Subject Property:

Date: 09.24.18

Location address: 1908 GREENVILLE AVE Zoning District: PD842

Lot No.: PT II 5 Block No.: 1907 Acreage: .04 Census Tract: 001101

Street Frontage (in Feet): 1) 25.03' 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): GREENVILLE PARKS, LP

Applicant: RYAN TINCH Telephone: (214) 265-1555

Mailing Address: 6125 WITHER LN STE 230 DALLAS TX Zip Code: 75225

E-mail Address: RYAN@HOLLISBLOOM.COM

Represented by: MICHAEL FARAH Telephone: (817) 467-1889

Mailing Address: 6125 WITHER LN STE 230 DALLAS TX Zip Code: 75225

E-mail Address: MFARAH@FARAHLEGAL.COM

Affirm that an appeal has been made for a Variance __, or Special Exception , of REINSTATEMENT OF DELTA'S (P) LOADING SPACES IN MODIFIED DELTA OVERLAY (MO1) FOR 1908 GREENVILLE AVE.

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:

IT WAS NOT OUR INTENT TO ABANDON THE USE PURSUANT TO EXTREME CIRCUMSTANCES AS IDENTIFIED IN SECTION 5 OF ORDINANCE # 22472.

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.

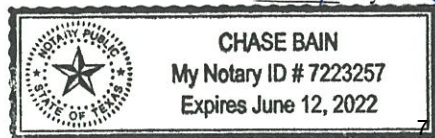
Affidavit

Before me the undersigned on this day personally appeared Ryan Tinch (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 24 day of September, 2018



Chase Bain
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

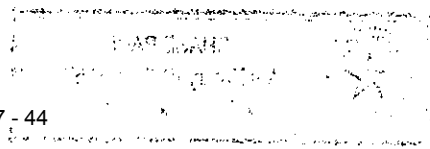
Building Official's Report

I hereby certify that Ryan Tinch
represented by Michael Farah
did submit a request to restore a nonconforming use
at 1908 Greenville Avenue

BDA178-137. Application of Ryan Tinch represented by Michael Farah to restore a nonconforming use at 1908 Greenville Avenue. This property is more fully described as P Lot 5, Block 1907, and is zoned PD842, MD1 overlay; which the right to operate a nonconforming use ceases if the nonconforming use is discontinued for 12 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 12 months or more. The applicant proposes to restore a nonconforming use, which will require a special exception to the nonconforming use regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



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.

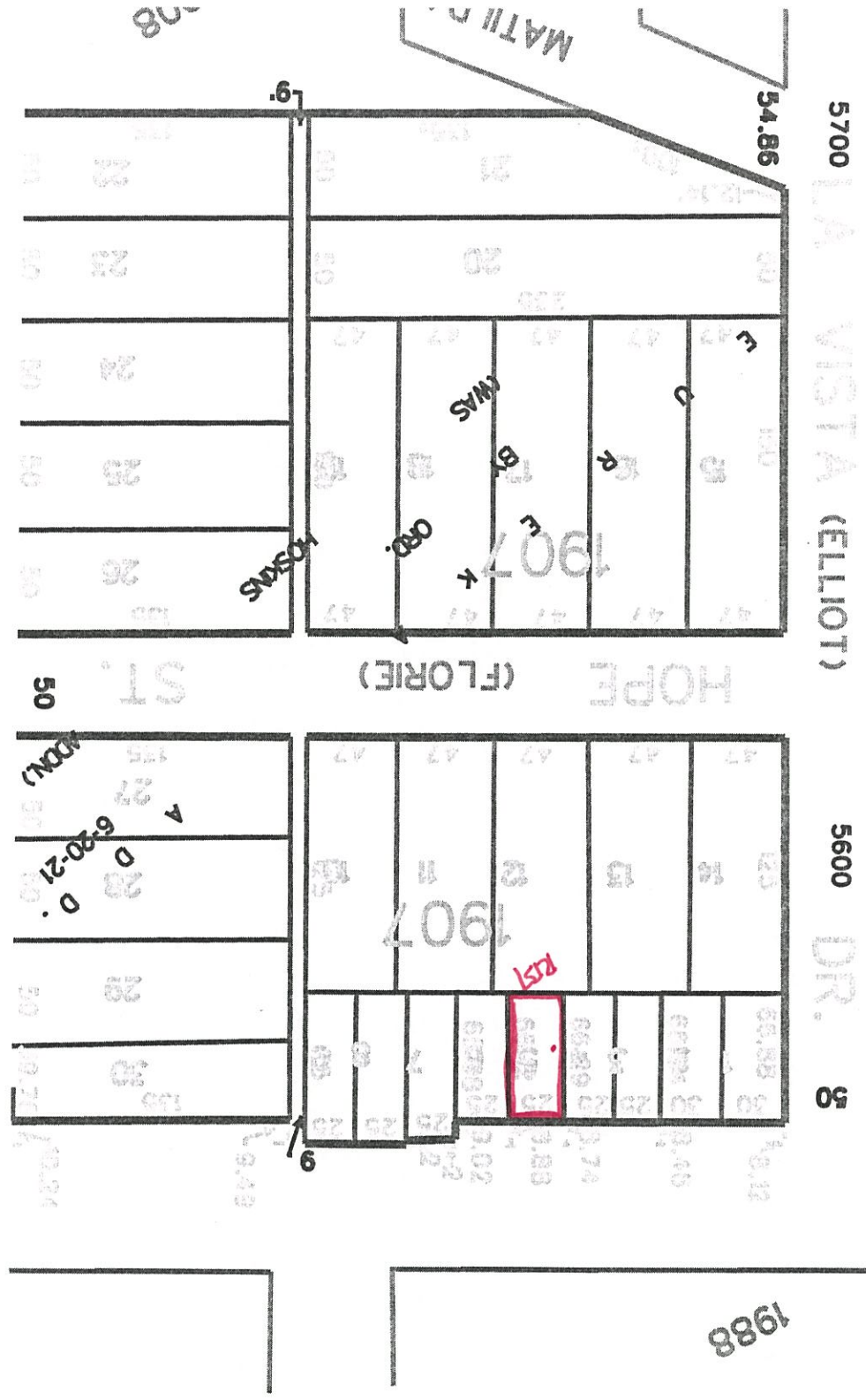
(2) The right to operate a nonconforming use ceases if the nonconforming use is discontinued for six months or more. The board may grant a special exception to this provision only if the owner can show that there was a clear intent not to abandon the use even though the use was discontinued for six months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

Property address: 1908 GREENVILLE AVE

- 1. The nonconforming use being appealed/restored: REINSTATEMENT OF DECKS & LOADING SPACES.
(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: CARRYING FORWARD NONCONFORMING PARKING & LOADING SPACES TERMINATES WHEN A USE IS DISCONTINUED OR VACANT FOR 12 MONTHS OR MORE.
(Was there a change in the zoning or in the use requirements?)
- 3. Current zoning of the property on which the use is located: PD842
- 4. Date the nonconforming use was discontinued: MARCH 12, 2013
- 5. Date that the nonconforming use became nonconforming: JUNE 28, 1995
(Date the property zoning or use requirements changed.)
- 6. Previous zoning of the property on which the use is located: CR
(Applies if a zoning district change caused the use to become nonconforming.)

(Rev. 04/04/14)

Regina Lim
09.25.17



RAY

ABST. 12

ORD. NO.



Notification List of Property Owners

BDA178-137

50 Property Owners Notified

Label #	Address	Owner
1	1908 GREENVILLE AVE	GREENVILLE PARKS LP
2	1802 GREENVILLE AVE	1800 GREENVILLE PARTNERS LLC
3	1900 GREENVILLE AVE	TRUST REAL ESTATE
4	1904 GREENVILLE AVE	GREENVILLE PARKS LP
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	1909 GREENVILLE AVE	WORLDWIDE FOOD INC
12	1903 GREENVILLE AVE	LOWGREEN PS
13	1919 HOPE WAY	NGUYEN NGOC DIEP
14	1922 HOPE WAY	ELGUEA CARLOS &
15	1917 HOPE WAY	MCFALL JAMES
16	1920 HOPE WAY	ISAACSON CHRISTOPHER M
17	1918 HOPE WAY	MARCH SEAN
18	1915 HOPE WAY	ALARCON WALDO & YAZMIN R
19	1913 HOPE WAY	HERNDON LINDSEY
20	1916 HOPE WAY	OTOOLE TIMOTHY
21	1911 HOPE WAY	NIEHUUS MICHAEL
22	1912 HOPE WAY	SHUCH MATTHEW T &
23	1910 HOPE WAY	DANISH DAVID
24	1909 HOPE WAY	JOHNSON RONALD L
25	1908 HOPE WAY	GANDHI ANUPAMA K
26	1907 HOPE WAY	WEINER ERIC DAVID

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	1906 HOPE WAY	ABOUJAOUDE DORY
28	5715 LA VISTA DR	CATHCART DAVID
29	5713 LA VISTA DR	JACOBSON TYLER B &
30	5711 LA VISTA DR	WHITE JULIUS
31	5709 LA VISTA DR	SHANE MARIO M & RACHELLE
32	1827 GREENVILLE AVE	LOWGREEN PS
33	1811 GREENVILLE AVE	EGW GREENVILLE INVESTMENTS LP
34	1811 GREENVILLE AVE	GREENWAY GREENVILLE LP
35	1910 HOPE ST	MOJICA EDWARD
36	1910 HOPE ST	KEELING THOMAS
37	1910 HOPE ST	CALVERT DAVID
38	1910 HOPE ST	KUPERMAN YELENA
39	1910 HOPE ST	CROUCH EDIE D
40	1910 HOPE ST	HANLON WILLIAM R &
41	1910 HOPE ST	BEAHM CYNTHIA DIANE
42	1910 HOPE ST	RADIGAN MEGAN M
43	1910 HOPE ST	UTKOV GARY S & CAROL C
44	1910 HOPE ST	KOBAYASHI AARON S &
45	1910 HOPE ST	MERZ RYAN E
46	1910 HOPE ST	HOPE STREET RENTAL COMPANY LLC
47	1910 HOPE ST	ANKERSEN KRISTEN A
48	1910 HOPE ST	DROUILLARD SUZETTE M
49	1910 HOPE ST	VITALE JOSEPH K & ANNE
50	1910 HOPE ST	BREWSTER LLOYD R & DANA L

FILE NUMBER: BDA 178-138(OA)

BUILDING OFFICIAL'S REPORT: Application of Paul E. Turner, represented by Paula Lane, for a special exception to the single-family use regulations to authorize more than one electrical utility service or more than one electrical meter at 8533 Stults Road. This property is more fully described as Lot 3, Block 7506, and is zoned R-10(A), which requires that a single-family dwelling use in a single family, duplex, or townhouse district may be supplied by not more than one electrical utility service and metered by not more than one electrical meter. The applicant proposes to construct a single-family dwelling in a single family, duplex, or townhouse district and have more than one electrical utility service, or more than one electrical meter, which will require a special exception to the single-family zoning use regulations.

LOCATION: 8533 Stults Road

APPLICANT: Paul E. Turner
Represented by Paula Lane

REQUEST:

A special exception to the single-family use regulations is requested in conjunction with installing and maintaining an additional electrical utility service and electrical meter on a site that is currently developed with a single-family use.

STANDARD FOR A SPECIAL EXCEPTION TO THE SINGLE-FAMILY USE REGULATIONS TO AUTHORIZE MORE THAN ONE ELECTRICAL UTILITY SERVICE OR MORE THAN ONE ELECTRICAL METER:

The board may grant a special exception to authorize more than one electrical utility service or more than one electrical meter for a single family use on a lot in a single family zoning, duplex, or townhouse district when, in the opinion of the board, the special exception will: 1) not be contrary to the public interest; 2) not adversely affect neighboring properties; and 3) not be used to conduct a use not permitted in the zoning district.

STAFF RECOMMENDATION:

No staff recommendation is made on this or any request for a special exception to authorize more than one electrical utility service or more than one electrical meter for a single family use on a lot in a single family zoning district since the basis for this type of appeal is when in the opinion of the board, the special exception will: 1) not be contrary to the public interest; 2) not adversely affect neighboring properties; and 3) not be used to conduct a use not permitted in the zoning district.

BACKGROUND INFORMATION:

Zoning:

Site: R-10(A) (Single-family district 10,000 square feet)
North: R-10(A) (Single-family district 10,000 square feet)
South: R-10(A) (Single-family district 10,000 square feet)
East: PD 456 (Planned Development)
West: R-10(A) (Single-family district 10,000 square feet)

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. BDA 117-102, Property at 8533 Stults Road (the subject site)

On September 17, 2018, the Board of Adjustment Panel C granted a request for a special exception to the single-family use development standard regulations made to construct and maintain a one-story additional “dwelling unit” structure on a site developed with a one-story main single-family home/dwelling unit structure. The Board imposed the following condition to this request: The applicant must deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on installing and maintaining a second additional electrical utility service and electrical meter on a site developed with a single-family home/use.
- The site is zoned R-10(A) where the Dallas Development Code permits one dwelling unit per lot.
- The Dallas Development Code states that in a single family, duplex, or townhouse district, a lot for a single family use may be supplied by not more than one electrical service, and metered by not more than one electrical meter; and that the board of adjustment may grant a special exception to authorize more than one electrical utility service or more than one electrical meter for a single family use on a lot in a single

family zoning district when in the opinion of the board, the special exception will: 1) not be contrary to the public interest; 2) not adversely affect neighboring properties; and 3) not be used to conduct a use not permitted in the zoning district

- The applicant has submitted a site plan that does not indicate the location of the two electrical meters on the subject site. However, the applicant advised the Sustainable Development and Construction Department Senior Planner that the additional electrical meter will be located on the east side of the proposed “one story home”.
- The application states that the applicant is seeking an additional electrical meter to serve the additional dwelling unit granted by this Board on September 17, 2018.
- The applicant has the burden of proof in establishing that the additional electrical meter to be installed and/or maintained on the site will: 1) not be contrary to the public interest; 2) not adversely affect neighboring properties; and 3) not be used to conduct a use not permitted in the zoning district.

Timeline:

September 10, 2018: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

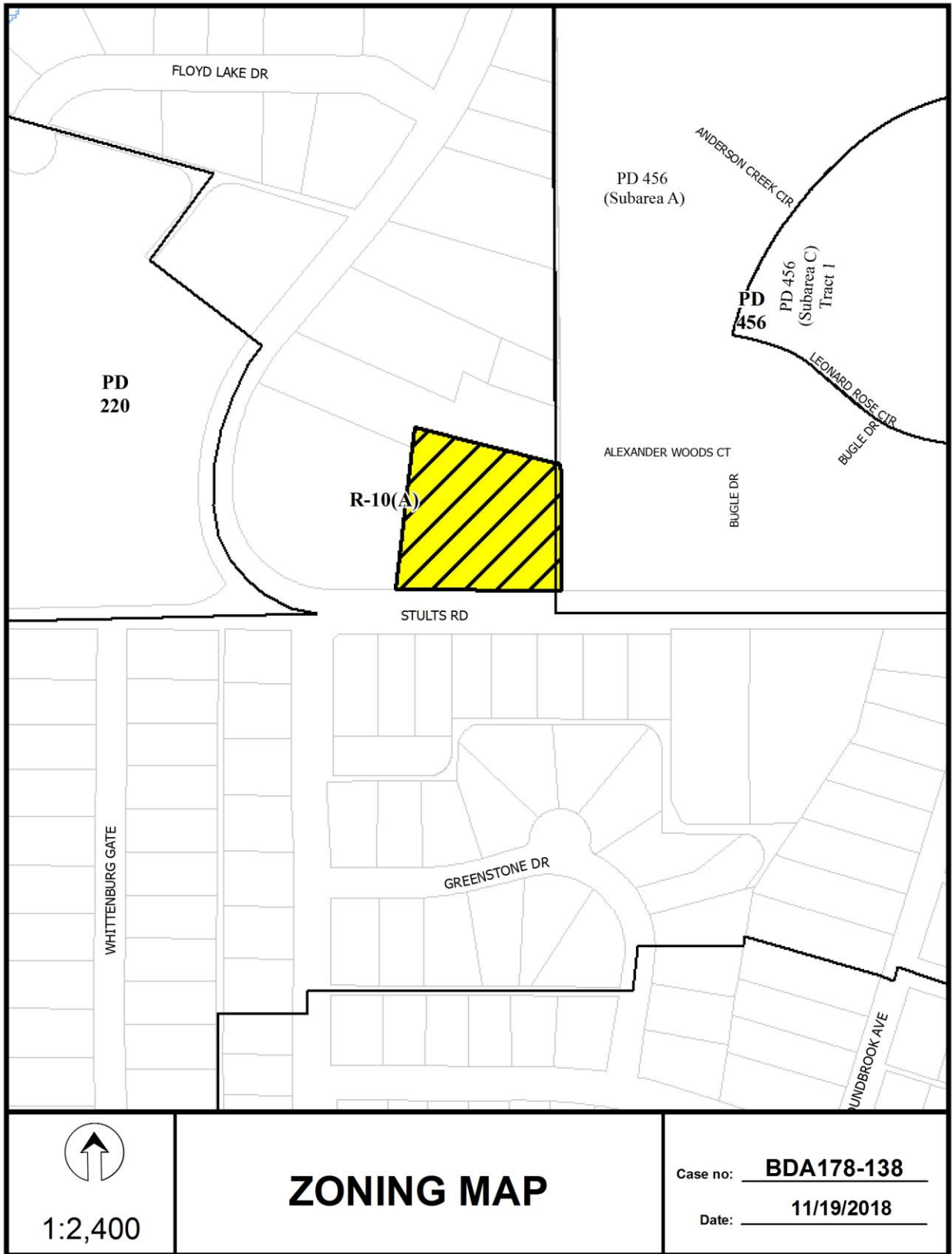
November 5, 2018: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

November 6, 2018: The Board 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 November 21st deadline to submit additional evidence for staff to factor into their analysis; and the November 30th 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.”

November 27, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the December public hearing. 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 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.

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







APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-138

Data Relative to Subject Property:

Date: 9-10-2018

Location address: 8533 STULTS RD., DALLAS, 75243 Zoning District: R-10 (A)

Lot No.: 3 Block No.: 7506 Acreage: 1.34 Census Tract: 7805

Street Frontage (in Feet): 1) 270 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): PAUL E TURNER 2ND EMMA S. TURNER

Applicant: PAUL E. TURNER Telephone: 214-503-0046

Mailing Address: 8533 STULTS ROAD, DALLAS, TX Zip Code: 75243

E-mail Address: Laneep2001@me.com

Represented by: PAULA LANE Telephone: 214-679-6266

Mailing Address: 920 HAWTHORNE DR., LEWISVILLE, TX Zip Code: 75077

E-mail Address: Laneep2001@me.com

Affirm that an appeal has been made for a Variance __, or Special Exception X, of an additional electric meter to be placed on the property

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:

TO SERVE ADDITIONAL DWELLING UNIT GRANTED BY THE BOARD ON SEPTEMBER 17, 2018.

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

Paul E. Turner

(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:

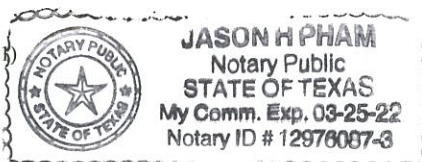
Paul E. Turner

(Affiant/Applicant's signature)

Subscribed and sworn to before me this 10th day of September, 2018

Jason H Pham
Notary Public in and for Dallas County, Texas

(Rev. 08-01-15)



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

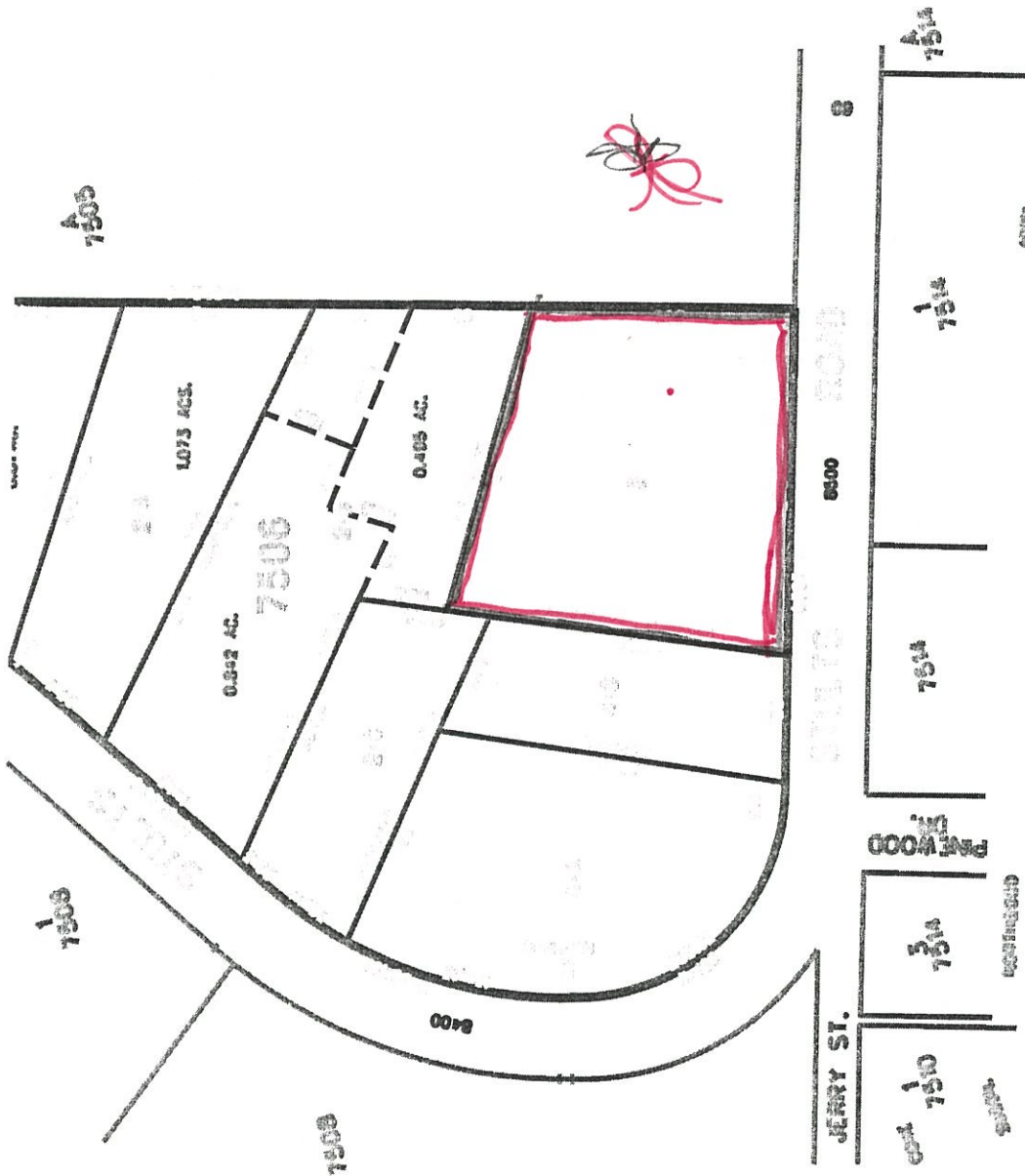
Building Official's Report

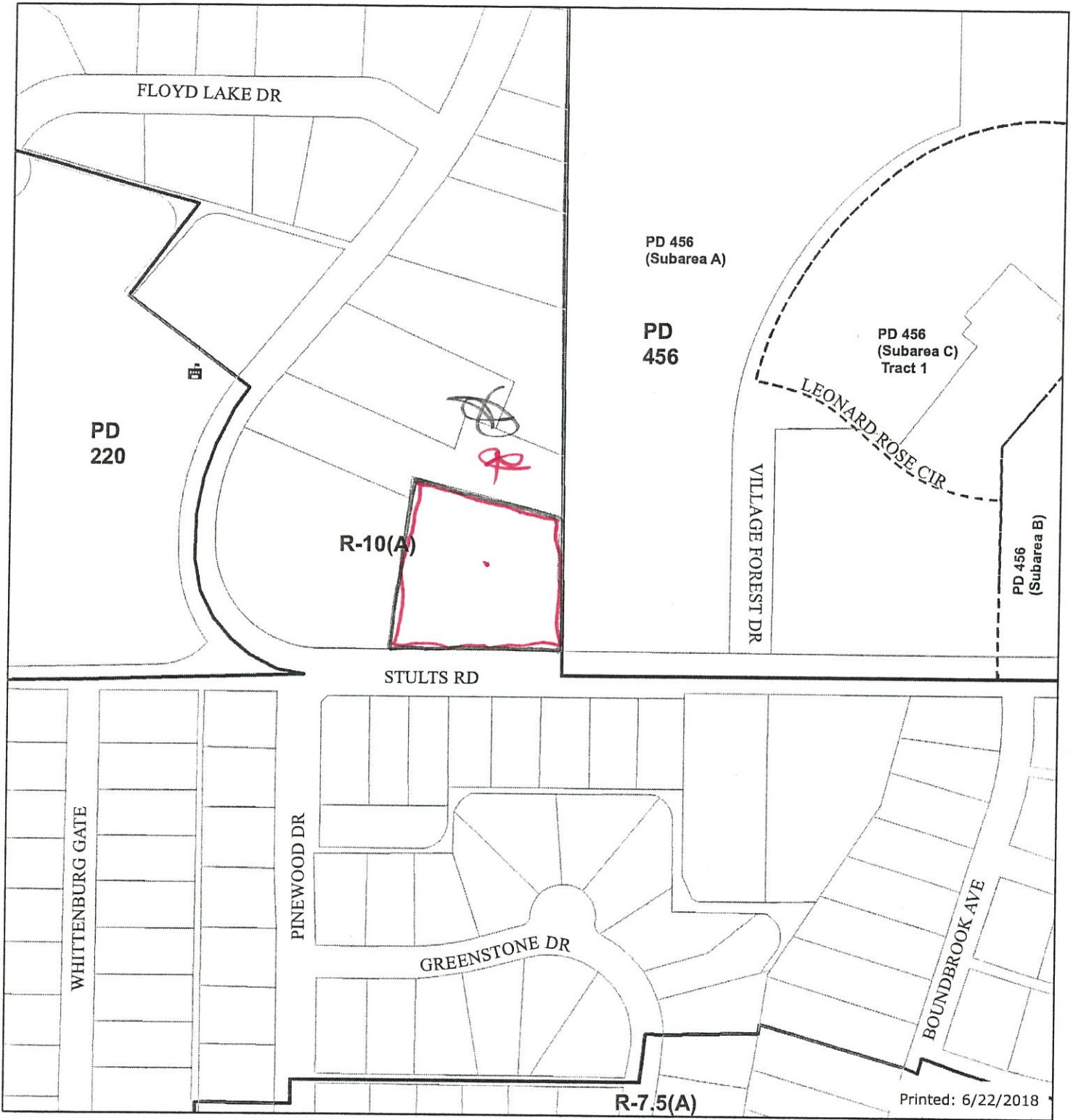
I hereby certify that Paul E Turner
represented by PAULA LANE
did submit a request provide an additional electrical meter
at 8533 Stults Road

BDA178-138. Application of Paul E Turner represented by PAULA LANE provide an additional electrical meter at 8533 STULTS RD. This property is more fully described as Lot 3, Block 7506, and is zoned R-10(A), which requires that a single family dwelling use in a single family, duplex, or townhouse district may be supplied by not more than one electrical utility service, and metered by not more than one electrical meter. The applicant proposes to construct a single family dwelling in a single family, duplex, or townhouse district and have more than one electrical utility service, or more than one electrical meter, which will require a special exception to the single family zoning use regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official





Printed: 6/22/2018

Legend

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

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

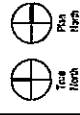


Lane
Residence

633 SUNS ROAD
DALLAS, TX 75213

**Thomas
Briggs AIA**
Architect
499 Forest Lane
Dallas, TX 75224
972.971.4111
tbriggs@aia.com

**Christman
Fifer**
Builder/Remodeler
710 Presbiterian
Richardson, Texas 75081
214.277.7075
cfifer@christmanfifer.com



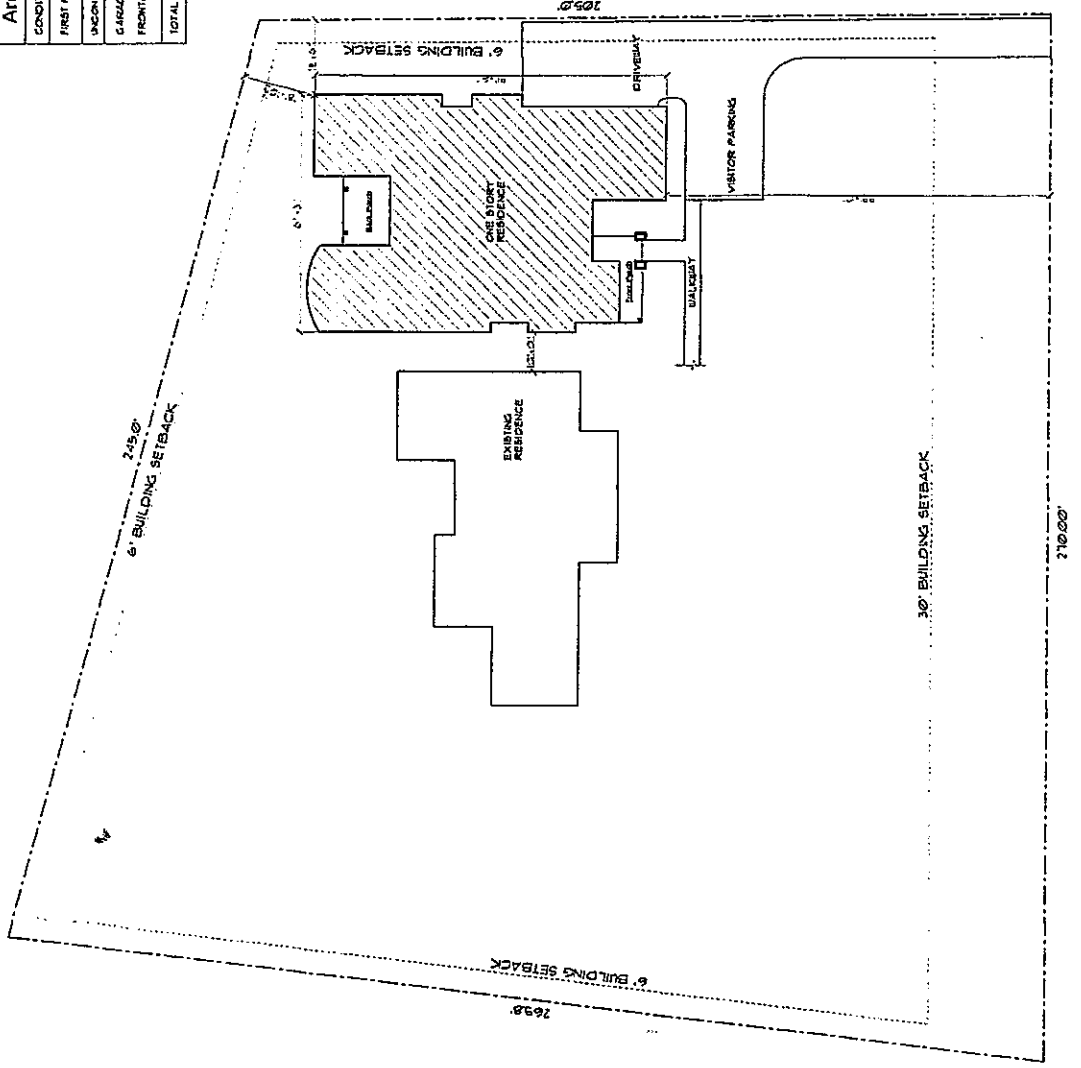
DATE	11/11/2010
BY	THB
REVISION	
DATE	
BY	
REVISION	
DATE	
BY	
REVISION	

DATE	11/11/2010
BY	THB
REVISION	
DATE	
BY	
REVISION	
DATE	
BY	
REVISION	

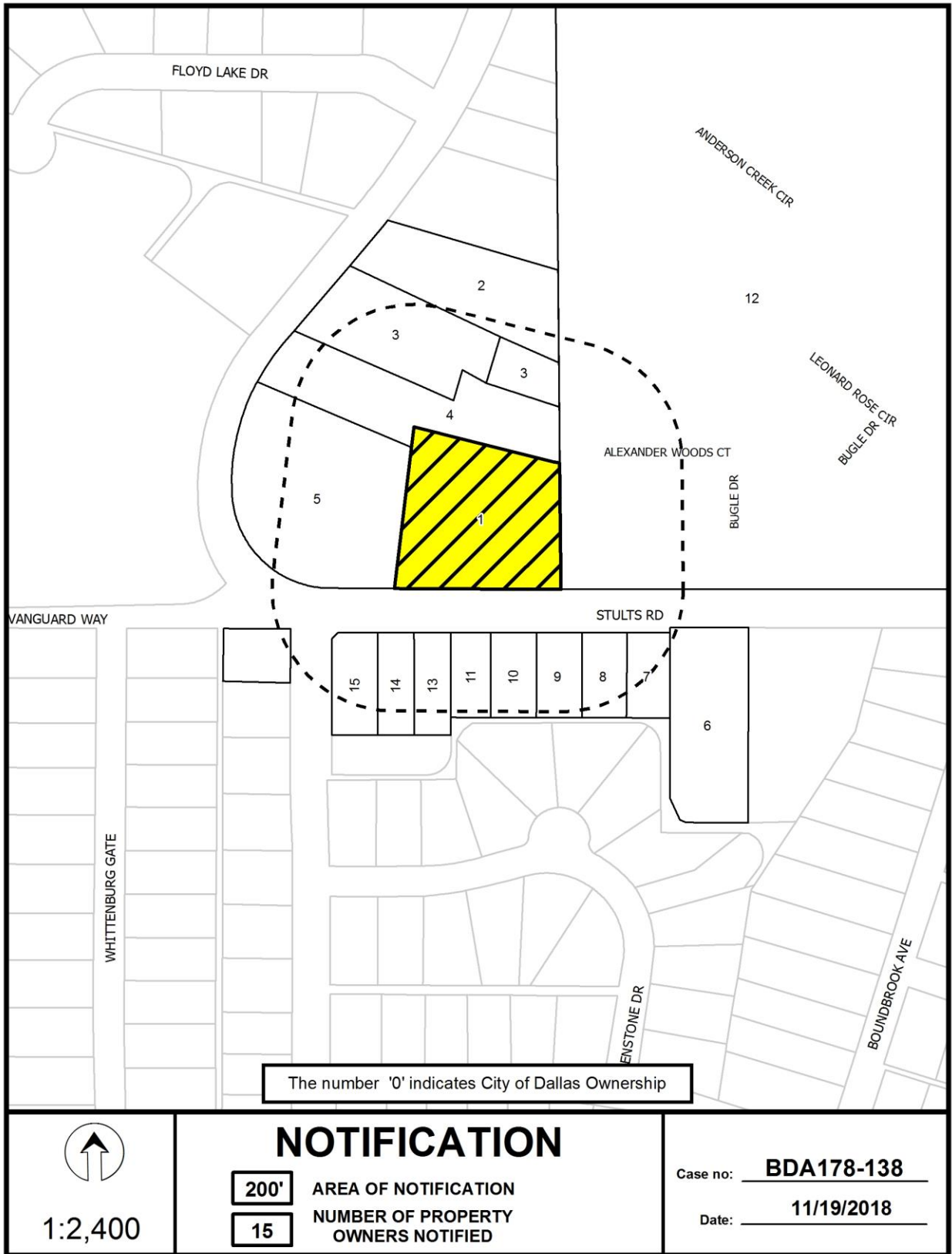
SITE PLAN

A1

Area Tab (Sq.ft.)	
CONDITIONED SPACE	• 3115
UNCONDITIONED SPACE	
GARAGE	• 750
FRONTBACK PORCH	• 400
TOTAL NON-ACC	• 1150



Site Plan
SCALE: 1/8" = 1'-0"



Notification List of Property Owners

BDA178-138

15 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	8533 STULTS RD	TURNER PAUL E &
2	8473 STULTS RD	CARVAJAL MARY ELLEN
3	8483 STULTS RD	HOWELL THOMAS A & PAULA R
4	8487 STULTS RD	SINGH JATINDER
5	8499 STULTS RD	BAKER JAY KEITH &
6	8566 STULTS RD	YOUTH BELIEVING IN CHANGE INC
7	8550 STULTS RD	RUTCOMM LLC
8	8546 STULTS RD	TRATTER ANGELICA
9	8542 STULTS RD	PEUGH BRANDON R & COURTNEY B
10	8538 STULTS RD	BROWN DAVID
11	8534 STULTS RD	JOHNSON JOHN P ETAL
12	8600 SKYLINE DR	PRESBYTERIAN VILLAGE NORTH
13	8530 STULTS RD	OSHMAN LINDA
14	8526 STULTS RD	BHATIA GITA &
15	8522 STULTS RD	HIPPMAN THOMAS PETER &

FILE NUMBER: BDA178-141(SL)

BUILDING OFFICIAL'S REPORT: Application of John C. Hunt for a special exception to the minimum rear yard requirements to preserve an existing tree at 3136 E. Illinois Avenue. This property is more fully described as Lot 42 & 43, Block A/6088, and is zoned CS, which requires a rear yard setback of 20 feet. The applicant proposes to construct and/or maintain a structure and provide a 7 foot 2 inch rear yard setback, which will require a 12 foot 10 inch special exception to the minimum rear yard requirements to preserve an existing tree.

LOCATION: 3136 E. Illinois Avenue

APPLICANT: John Hunt

REQUEST:

A request for a special exception to the minimum rear yard requirements to preserve an existing tree of 12' 10" is made to maintain an approximately 320 square foot "container" structure which is located 7' 2" from the rear property line or 12' 10" into the 20' rear yard setback on a site that is developed with an "outside storage" use.

STANDARD FOR A SPECIAL EXCEPTION TO THE MINIMUM REAR YARD REQUIREMENTS TO PRESERVE AN EXISTING TREE:

Section 51(A)-4.403(d) of the Dallas Development Code specifies that the board may a special exception to the minimum rear yard requirements in this section to preserve an existing tree. In determining whether to grant this special exception, the board shall consider the following factors:

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that requested special exception was compatible with the character of the neighborhood; the value of surrounding properties will not be adversely affected; and that, according to the City of Dallas Chief Arborist, the tree denoted on the submitted site plan, is worthy of preservation.

BACKGROUND INFORMATION:

Zoning:

Site: CS (Commercial service)
North: CS (Commercial service)
South: R-7.5(A) (Single family district 7,500 square-feet)
East: CS (Commercial service)
West: CS (Commercial service)

Land Use:

The subject site is developed with an “outside storage” use. The areas to the north, east, and west are developed with commercial uses, and the area to the south is 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 a special exception to the minimum rear yard requirements to preserve an existing tree of 12’ 10” focuses on maintaining an approximately 320 square foot “container” structure which is located 7’ 2” from the rear property line or 12’ 10” into the 20’ rear yard setback on a site that is developed with an “outside storage” use.
- The property is located in a CS (Commercial service) zoning district where the minimum side and rear yard is 20’ where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district, and no minimum in all other cases.
- The subject site is bounded by R-7.5(A) zoning on the south, therefore a 20’ rear yard setback is required.
- The submitted site plan indicates a “container” structure located 7’ 2” from the rear property line or 12’ 10” into this 20’ rear yard setback, and a tree in the rear yard setback that is 36” from the “container” structure and 51” from the fence an 8’ wood fence.
- The submitted site plan denotes the location of a tree in the rear yard setback with the following note: “Tree is 36” from container and 51” from fence that is located between the site and the single family-zoned property to the south.
- The City of Dallas Chief Arborist has stated the following in a November 28th email: “Regarding the large cottonwood tree at 3136 E Illinois Avenue, our assessment of the tree is that it is a tree worthy of preservation. I support any effort to retain the tree in a healthy growing condition”.

- The applicant has the burden of proof in establishing the following:
 - Whether the requested special exception is compatible with the character of the neighborhood.
 - Whether the value of surrounding properties will be adversely affected.
 - Whether the tree is worthy of preservation.
- If the Board were to grant the special exception request, and impose the submitted site plan as a condition, the structure in the rear yard setback would be limited to what is shown on this document – which in this case is a structure that is located 7’ 2” from the site’s rear property line (or 12’ 10” into this 20’ rear yard setback).

Timeline:

October 1, 2018: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

November 5, 2018: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

November 5, 2018: The Board Administrator emailed the applicant the following information:

- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the November 21st deadline to submit additional evidence for staff to factor into their analysis; and the December 2nd 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.”

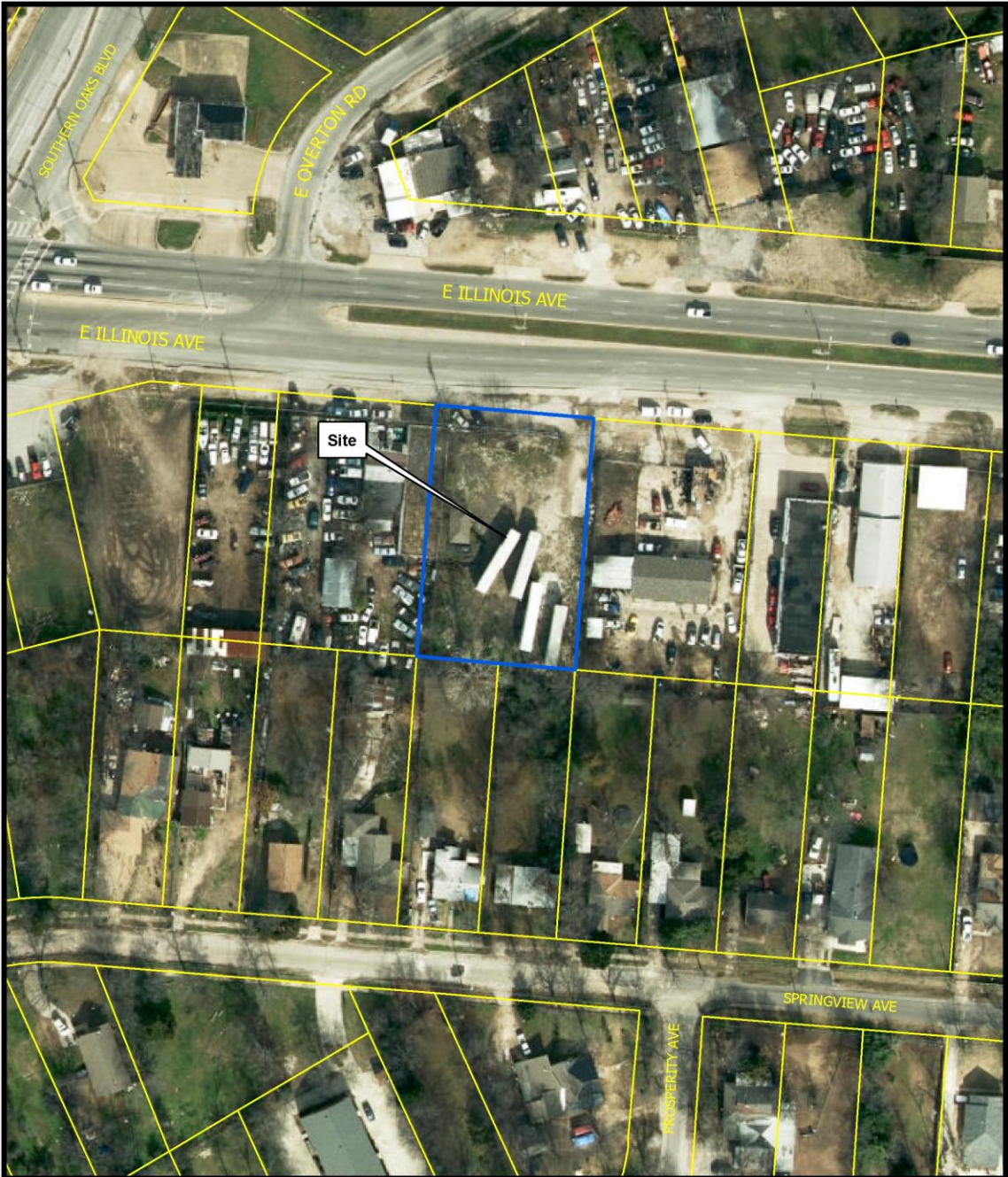
November 19, 2018: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

November 27, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the December public hearing. 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 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.

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

November 28, 2018: The City of Dallas Chief Arborist emailed the Board Administrator information regarding this application (see Attachment B).





 1:1,200	<h1>AERIAL MAP</h1>	Case no: <u>BDA178-141</u> Date: <u>11/19/2018</u>
--	---------------------	---

Long, Steve

From: BTD North East Dallas <dallasne@bintheredumpthat.com>
Sent: Monday, November 19, 2018 1:36 PM
To: Long, Steve
Subject: Re: FW: BDA178-141, Property at 3136 E. Illinois Avenue
Attachments: Abandoned house behind property.JPG; Measurement of tree to container.JPG; Container with tree.JPG; Current street view 3136 E Illinois Ave.JPG; Street view at time of purchase 3136 E Illinois Ave.JPG; View of neighbor's property.JPG; Tree on property-1.JPG

P21

Hi Steve,

Thank you for providing these guidelines. Here are my comments for the three factors for special exception consideration by the board.

2 A - The neighborhood consists of mostly light industrial/commercial properties (mostly auto repair). I am attaching before and after photos of our property. The subject container is in very good condition and the color is primer brown/red. I have received no complaints from any of my neighbors regarding the location of the container.

2 B - I believe the placement of the container does not affect the surrounding property values. The container allows us to keep our tools, supplies and equipment in an organized, out-of-sight location. Thus keeping the property cleaner and safer.

2 C - After speaking with the city's chief arborist Mr Erwin on Nov 7, 2018 and after he reviewed photos provided to him, Mr Erwin has determined the tree is worthy of saving. He will provide you his evaluation for submission to the board. The tree provides shade to both our property and our neighbor's property which is helpful in keeping the temperature down in the container during the hot Texas summer. Keeping the temperature lower maintains a save environment for our tools, supplies and equipment.

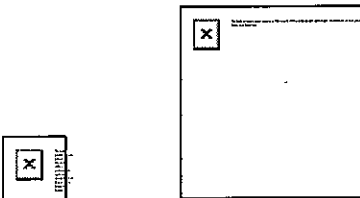
Please let me know if there is any additional information you feel is needed to submit to the board.

Thank you again and have a Happy Thanksgiving!

Respectfully,

John Hunt

John & Laura Hunt
Bin There Dump That Dallas North East
972-345-2722



On Tue, 6 Nov 2018 at 07:56, Long, Steve <steve.long@dallascityhall.com> wrote:

Per your request.

BDA178-141
Attach A
Pg 2

S.

From: Long, Steve
Sent: Monday, November 05, 2018 1:16 PM
To: 'dallasne@bintheredumpthat.com' <dallasne@bintheredumpthat.com>
Cc: Aguilera, Oscar E <oscar.aguilera@dallascityhall.com>; Trammell, Charles <charles.trammell@dallascityhall.com>; Erwin, Philip <philip.erwin@dallascityhall.com>
Subject: BDA178-141, Property at 3136 E. Illinois Avenue

Dear Mr. Hunt,

Here is information regarding your board of adjustment application referenced above, some of which we just discussed on the phone last Friday:

1. Your submitted application materials - all of which will be emailed to you, city staff, and the board members in a docket report about a week ahead of your tentatively scheduled December 10th Board of Adjustment Panel C public hearing.
2. The provision from the Dallas Development Code allowing the board to grant a special exception to the rear yard setback requirements to preserve an existing tree (51A-4.403(d)).
3. A document that provides your public hearing date and other deadlines for submittal of additional information to staff/the board.
4. The board's rule pertaining to documentary evidence.

Please carefully review the attached application materials to make sure they are complete, and within these materials, the Building Official's Report/second page of the application (page 2 of 5 in these attached materials).

Please contact Charles Trammell at 214/948-4618 or charles.trammell@dallascityhall.com no later than 1 p.m., Wednesday, November 21st with regard to any information you feel is missing from your submittal or with regard to any amendment that you feel is necessary to address the issue at hand, specifically if for any reason you feel that the statement in his Building Official's report stating that the applicant proposes to construct/maintain a structure and provide a 7 foot 2 inch rear yard setback which will require a 12 foot 10 inch special exception to the rear yard setback requirements to preserve an existing tree, or any other part of this report is incorrect. (Note that the discovery of any additional appeal needed beyond your requested rear yard special exception will result in postponement of the appeal until the panel's next regularly scheduled public hearing).

You may want to contact to City of Dallas Chief Arborist, Phil Erwin, at 214/948-4117 or at philip.erwin@dallascityhall.com to determine if he will establish on the record if he feels that, in his opinion, whether tree that is part of your application is worthy of preservation.

Please write or call me at 214/670-4666 if I can be of any additional assistance to you on your application.

Thank you,

Steve

PS: If there is anything that you want to submit to the board beyond what you have included in your attached application materials, please feel free to email it to steve.long@dallascityhall.com or mail it to me at the following address by the deadlines attached in this email:

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.

BDA178-141 Attach A pg. 4







BDA178-141 A Hook A B 7





BDA178-141 Attach A P59



BDA178-141 ALLEN A PS 10



BDA178-141
Attach B

Long, Steve

From: Long, Steve
Sent: Wednesday, November 28, 2018 1:20 PM
To: Erwin, Philip
Subject: RE: FW: BDA178-141, Property at 3136 E. Illinois Avenue

P 51

Thank you very much, Phil. No review comment sheet is needed given your response to my question in the email below.

Sincerely,

Steve

From: Erwin, Philip
Sent: Wednesday, November 28, 2018 12:51 PM
To: Long, Steve <steve.long@dallascityhall.com>
Subject: RE: FW: BDA178-141, Property at 3136 E. Illinois Avenue

Steve,

Regarding the large cottonwood tree at 3136 E Illinois Avenue, our assessment of the tree is that it is a tree worthy of preservation. I support any effort to retain the tree in a healthy growing condition.



Philip Erwin
Chief Arborist
City of Dallas | DallasCityNews.net
Sustainable Development and
Construction
Building Inspection
320 E Jefferson Boulevard, Room 105
Dallas, TX 75203
O: 214-948-4117
philip.erwin@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: Long, Steve
Sent: Wednesday, November 28, 2018 12:47 PM
To: Erwin, Philip <philip.erwin@dallascityhall.com>
Subject: FW: FW: BDA178-141, Property at 3136 E. Illinois Avenue

Dear Phil,

Is the tree on this site worthy of preservation?

BDA178-141

A.H.H B

PJZ

Steve

From: Long, Steve
Sent: Monday, November 19, 2018 2:31 PM
To: Aguilera, Oscar E <oscar.aguilera@dallascityhall.com>; Trammell, Charles <charles.trammell@dallascityhall.com>; Erwin, Philip <philip.erwin@dallascityhall.com>
Cc: BTDT North East Dallas <dallasne@bintheredumpthat.com>
Subject: FW: FW: BDA178-141, Property at 3136 E. Illinois Avenue

Attached is additional information from the applicant (John Hunt) regarding the application referenced above that I have labeled Attachment A. This information will become part of what is discussed at the November 27th staff review team meeting, and what is included in the docket that is assembled and emailed to you, the applicant, and the board members the week of December 3rd.

Please write or call me if you have questions or concerns.

Sincerely,

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: BTDT North East Dallas <dallasne@bintheredumpthat.com>
Sent: Monday, November 19, 2018 1:36 PM
To: Long, Steve <steve.long@dallascityhall.com>
Subject: Re: FW: BDA178-141, Property at 3136 E. Illinois Avenue

Hi Steve,

Thank you for providing these guidelines. Here are my comments for the three factors for special exception consideration by the board.

2 A - The neighborhood consists of mostly light industrial/commercial properties (mostly auto repair). I am attaching before and after photos of our property. The subject container is in very good condition and the color is primer brown/red. I have received no complaints from any of my neighbors regarding the location of the container.

BDA 178 141
ATTN B B3

2 B - I believe the placement of the container does not affect the surrounding property values. The container allows us to keep our tools, supplies and equipment in an organized, out-of-sight location. Thus keeping the property cleaner and safer.

2 C - After speaking with the city's chief arborist Mr Erwin on Nov 7, 2018 and after he reviewed photos provided to him, Mr Erwin has determined the tree is worthy of saving. He will provide you his evaluation for submission to the board. The tree provides shade to both our property and our neighbor's property which is helpful in keeping the temperature down in the container during the hot Texas summer. Keeping the temperature lower maintains a save environment for our tools, supplies and equipment.

Please let me know if there is any additional information you feel is needed to submit to the board.

Thank you again and have a Happy Thanksgiving!

Respectfully,

John Hunt

John & Laura Hunt
Bin There Dump That Dallas North East
972-345-2722



On Tue, 6 Nov 2018 at 07:56, Long, Steve <steve.long@dallascityhall.com> wrote:

Per your request.

S.

From: Long, Steve
Sent: Monday, November 05, 2018 1:16 PM
To: 'dallasne@bintheredumpthat.com' <dallasne@bintheredumpthat.com>
Cc: Aguilera, Oscar E <oscar.aguilera@dallascityhall.com>; Trammell, Charles <charles.trammell@dallascityhall.com>; Erwin, Philip <philip.erwin@dallascityhall.com>
Subject: BDA178-141, Property at 3136 E. Illinois Avenue

BDA 178-141
Attachment B pg 4

Dear Mr. Hunt,

Here is information regarding your board of adjustment application referenced above, some of which we just discussed on the phone last Friday:

1. Your submitted application materials - all of which will be emailed to you, city staff, and the board members in a docket report about a week ahead of your tentatively scheduled December 10th Board of Adjustment Panel C public hearing.
2. The provision from the Dallas Development Code allowing the board to grant a special exception to the rear yard setback requirements to preserve an existing tree (51A-4.403(d)).
3. A document that provides your public hearing date and other deadlines for submittal of additional information to staff/the board.
4. The board's rule pertaining to documentary evidence.

Please carefully review the attached application materials to make sure they are complete, and within these materials, the Building Official's Report/second page of the application (page 2 of 5 in these attached materials).

Please contact Charles Trammell at 214/948-4618 or charles.trammell@dallascityhall.com no later than 1 p.m., Wednesday, November 21st with regard to any information you feel is missing from your submittal or with regard to any amendment that you feel is necessary to address the issue at hand, specifically if for any reason you feel that the statement in his Building Official's report stating that the applicant proposes to construct/maintain a structure and provide a 7 foot 2 inch rear yard setback which will require a 12 foot 10 inch special exception to the rear yard setback requirements to preserve an existing tree, or any other part of this report is incorrect. (Note that the discovery of any additional appeal needed beyond your requested rear yard special exception will result in postponement of the appeal until the panel's next regularly scheduled public hearing).

You may want to contact to City of Dallas Chief Arborist, Phil Erwin, at 214/948-4117 or at philip.erwin@dallascityhall.com to determine if he will establish on the record if he feels that, in his opinion, whether tree that is part of your application is worthy of preservation.

Please write or call me at 214/670-4666 if I can be of any additional assistance to you on your application.

Thank you,

Steve

PS: If there is anything that you want to submit to the board beyond what you have included in your attached application materials, please feel free to email it to steve.long@dallascityhall.com or mail it to me at the following address by the deadlines attached in this email:

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

BDA178-141
A Hook B
PS

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.



 1:1,200	NOTIFICATION		Case no: BDA178-141
	<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;">20</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 11/19/2018

Notification List of Property Owners

BDA178-141

20 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3136 E ILLINOIS AVE	JLH REMOVAL LLC
2	3107 SPRINGVIEW AVE	BECERRA EUSEBIA
3	3111 SPRINGVIEW AVE	MARTINEZ ERMILO &
4	3117 SPRINGVIEW AVE	HARRISON ARDIS L
5	3123 SPRINGVIEW AVE	HARRISON ARDIS LYNN
6	3127 SPRINGVIEW AVE	OLVERA FELIX &
7	3133 SPRINGVIEW AVE	LEMONS WALTER
8	3137 SPRINGVIEW AVE	ESTRADA RUBEN & ANA
9	3143 SPRINGVIEW AVE	GREGORY PEARLIE W
10	3203 SPRINGVIEW AVE	DEZHAM HOSSAIN
11	3207 SPRINGVIEW AVE	HERNANDEZ BEATRIZ
12	3206 E ILLINOIS AVE	DESHAZER EARL R
13	3202 E ILLINOIS AVE	ELIZONDO NANCY RUTH
14	3142 E ILLINOIS AVE	MCCARTY CURTIS
15	3132 E ILLINOIS AVE	MCCARTY CURTIS
16	3124 E ILLINOIS AVE	MARILYN ENTERPRISES LLC
17	3116 E ILLINOIS AVE	CARRILLO CESAR
18	3103 E ILLINOIS AVE	ALTOBIH BASEL &
19	3111 E ILLINOIS AVE	ADKINS WILLIAMS H
20	3123 E ILLINOIS AVE	MCCARTY CURTIS L

FILE NUMBER: BDA178-142(OA)

BUILDING OFFICIAL'S REPORT: Application of Saad Chehabi for a special exception to the fence standards regulations at 5020 Park Lane. This property is more fully described as PT LT 6 & 7, Block 10/5583, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and/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: 5020 Park Lane

APPLICANT: Saad Chehabi

REQUEST:

A request for a special exception to the fence standards regulations related to fence height of 4' is made to construct and maintain a 6' high iron fence with 7' high stucco columns and a 7' high iron gate with 8' high stucco columns in the required front yard on a site developed with a single-family home.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

1. BDA067-033, Property at 5030 Park Lane (the lot northeast of the subject site) On March 20, 2007, the Board of Adjustment Panel A granted a request for a special exception to the fence height regulations of 6 Feet. The board imposed the submitted revised site plan/elevation dated 1/19/07 as a condition to this request. The case report stated that the request was made in conjunction with constructing and maintaining the following in the site's 40' front yard setback on Park Lane on a site that was being developed with a single-family home:
 - An 8' high masonry wall with 9' 1 1/2" high columns;
 - Two approximately 5' – 8' high gates (of unspecified materials) flanked by entry gate columns ranging in height from 10' – 11' 1/4".

1. BDA 956-246, Property at 9621 Inwood Road (two lots northeast of the subject site) On October 21, 1996, the Board of Adjustment Panel C granted a request for a special exception to the fence height regulations of 4 Feet 11 inches. The board imposed the submitted site plan/elevation as a condition to this request:
 - A maximum 7', 9" high solid brick wall/fence with 8', 11" high columns located on the property line (or approximately 10-12 feet from the pavement line) along Inwood Road.

2. BDA94-094, Property at 5001 Park Lane (the lot northwest of the subject site) On August 09, 1994, the Board of Adjustment Panel A granted a request for a special exception to the fence height regulations of 4 Feet 6 inches. The board imposed the submitted elevation, site plan, and landscape plan as a condition to this request:
 - An eight (8) feet, six (6) inches open metal fence with brick columns approximately 18.5 feet on center. The fence is located

approximately 10 feet from the back of the pavement line of Park Lane.

GENERAL FACTS/STAFF ANALYSIS:

- This request for a special exception to the fence height of 4' focuses on constructing and maintaining a 6' high iron fence with 7' high stucco columns and a 7' high iron gate with 8' high stucco columns on a site developed with a single-family home.
- 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 subject site is zoned R-1ac (A) which requires a 40' front yard setback.
- On November 20, 2018, the applicant submitted a revised site plan (attachment A) representing the revised location of the proposed fence in the front yard setback.
- The submitted a revised site plan and elevation shows the proposal in the front yard setback reaches a maximum height of 8'.
- The following additional information was gleaned from the submitted revised site plan:
 - The proposal is represented as being approximately 190' in length parallel to Park Lane and 5' to 23' perpendicular to Park Lane on the north and south sides of the site in this front yard setback.
 - The proposal is represented as being located approximately 5' to 23' from the front property line. (The distance between the fence and the pavement line is approximately 10' to 28').
- The Sustainable Development and Construction Department Board of Adjustment Senior Planner conducted a field visit of the site and surrounding area and noted several other fences that appeared to be above 4' in height along Meadowbrook Drive located in front yard setback, some of which have recorded BDA history (see the Zoning/BDA History section of this case report for details).
- As of November 30th, no letters have been submitted in support or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations (whereby the proposal that would reach 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 revised site plan and elevation would require the proposal exceeding 4' in height to be maintained in the location and of the heights and materials as shown on these documents.

Timeline:

October 2, 2018: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

November 5, 2018: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

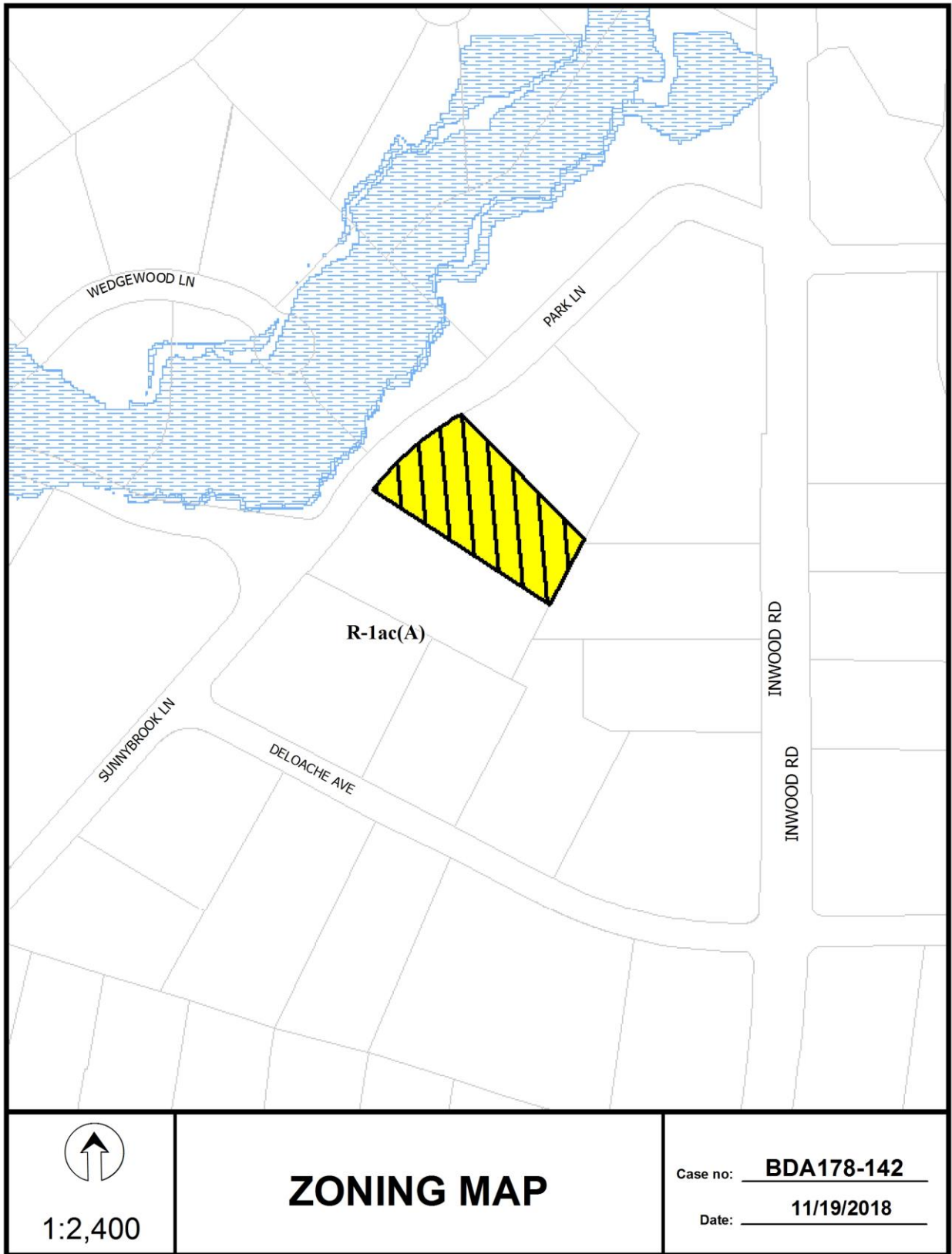
November 20, 2018: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

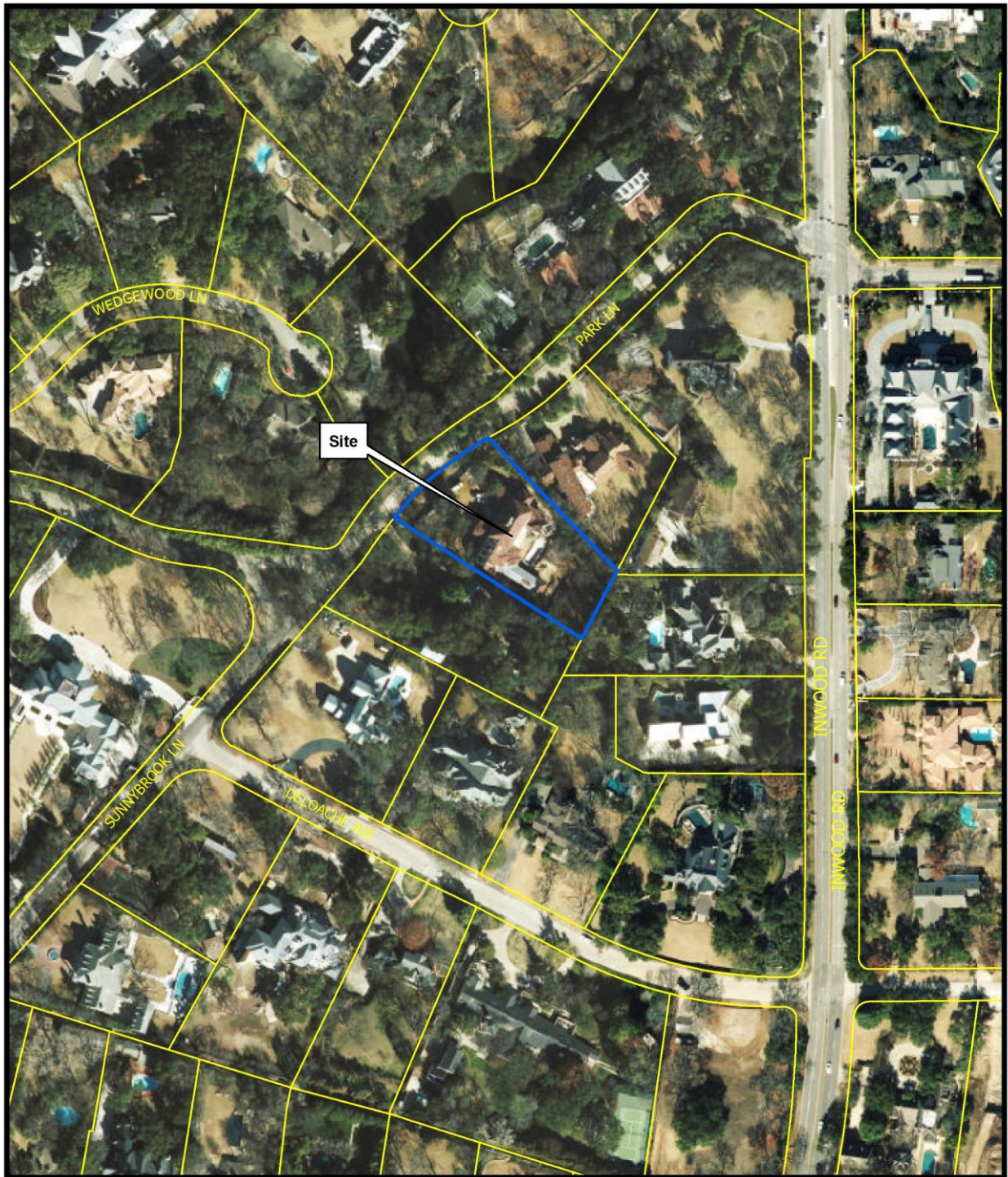
November 6, 2018: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the November 21st deadline to submit additional evidence for staff to factor into their analysis; and the November 30th 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.

November 27, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the December public hearing. 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 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..

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





1:2,400

AERIAL MAP

Case no: **BDA178-142**

Date: **11/19/2018**



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-142

Data Relative to Subject Property:

Date: 10-2-18

Location address: 5020 Park Lane Zoning District: R-1(A)

Lot No.: PT 6,7 Block No.: 10/5583 Acreage: .890 Census Tract: 206.00

Street Frontage (in Feet): 1) 188 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): RANA ; SAAD CHEHABI

Applicant: SAAD CHEHABI Telephone: 214 505-7777

Mailing Address: 5020 Park Lane Zip Code: 75220

E-mail Address: SRCHEHABI@YAHOO.COM

Represented by: SELF Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance __, or Special Exception , of CONSTRUCTING A 4' EXTRA HEIGHT TO FRONT FENCE FOR A TOTAL HEIGHT OF 8'

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:
TO INSTALL PRIVACY FENCE AT THE FRONT SIMILAR TO OTHER FENCES IN BLOCK. MADE OF STEEL, STUCCO AND STONE CAP

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 SAAD CHEHABI
(Affiant/Applicant's name printed)

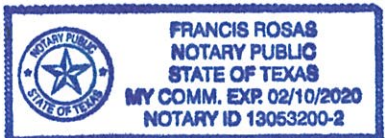
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

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

Subscribed and sworn to before me this 2 day of October, 2018

[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 _____

Appeal was---Granted OR Denied

Remarks _____

Chairman

Building Official's Report

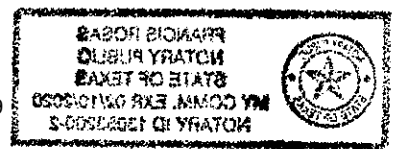
I hereby certify that Saad Chehabi

did submit a request for a special exception to the fence height regulations
at 5020 Park Lane

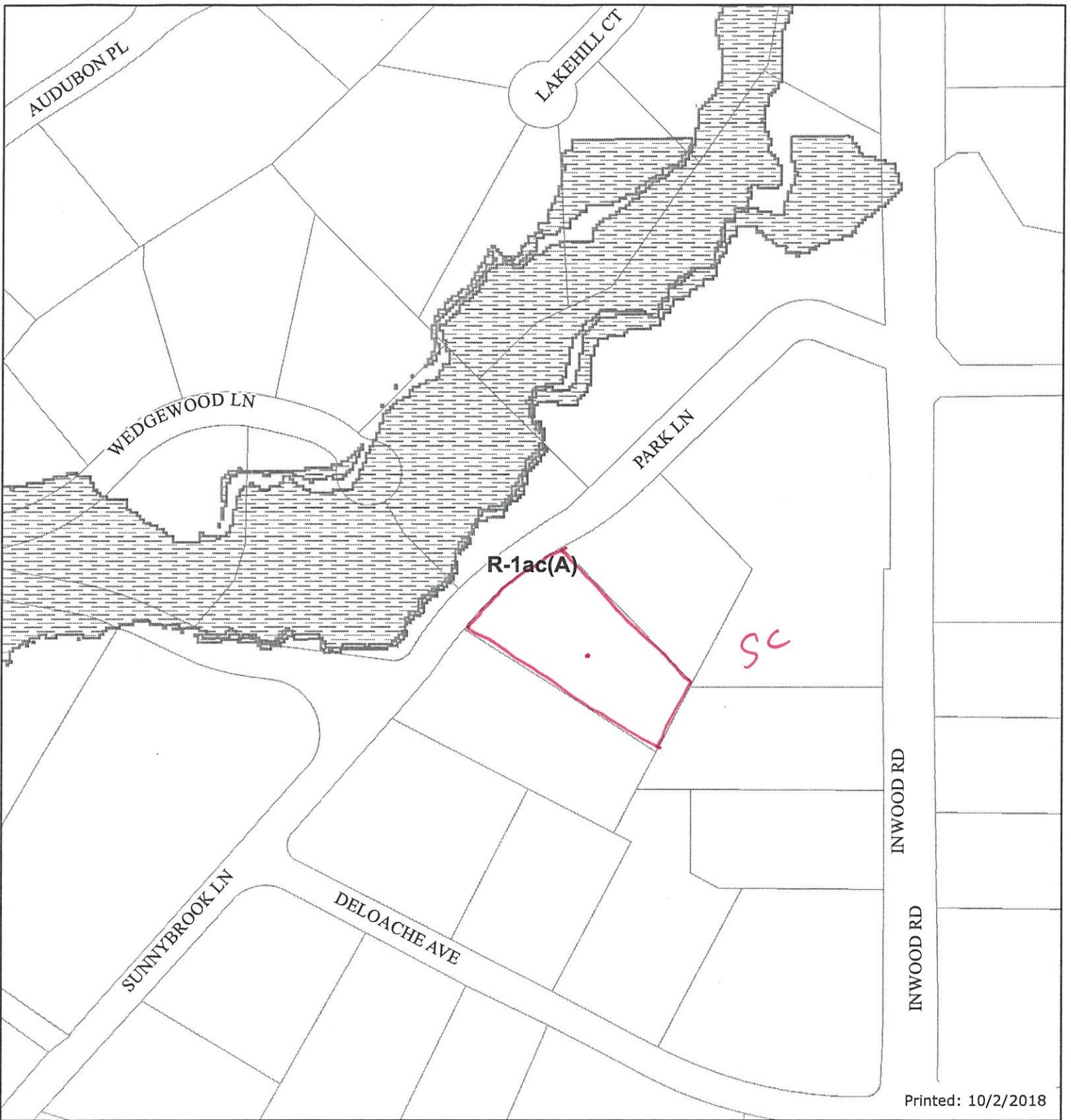
BDA178-142. Application of Saad Chehabi for a special exception to the fence height regulations at 5020 PARK LN. This property is more fully described as PT LT 6 & 7, Block 10/5583, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct 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: 10/2/2018

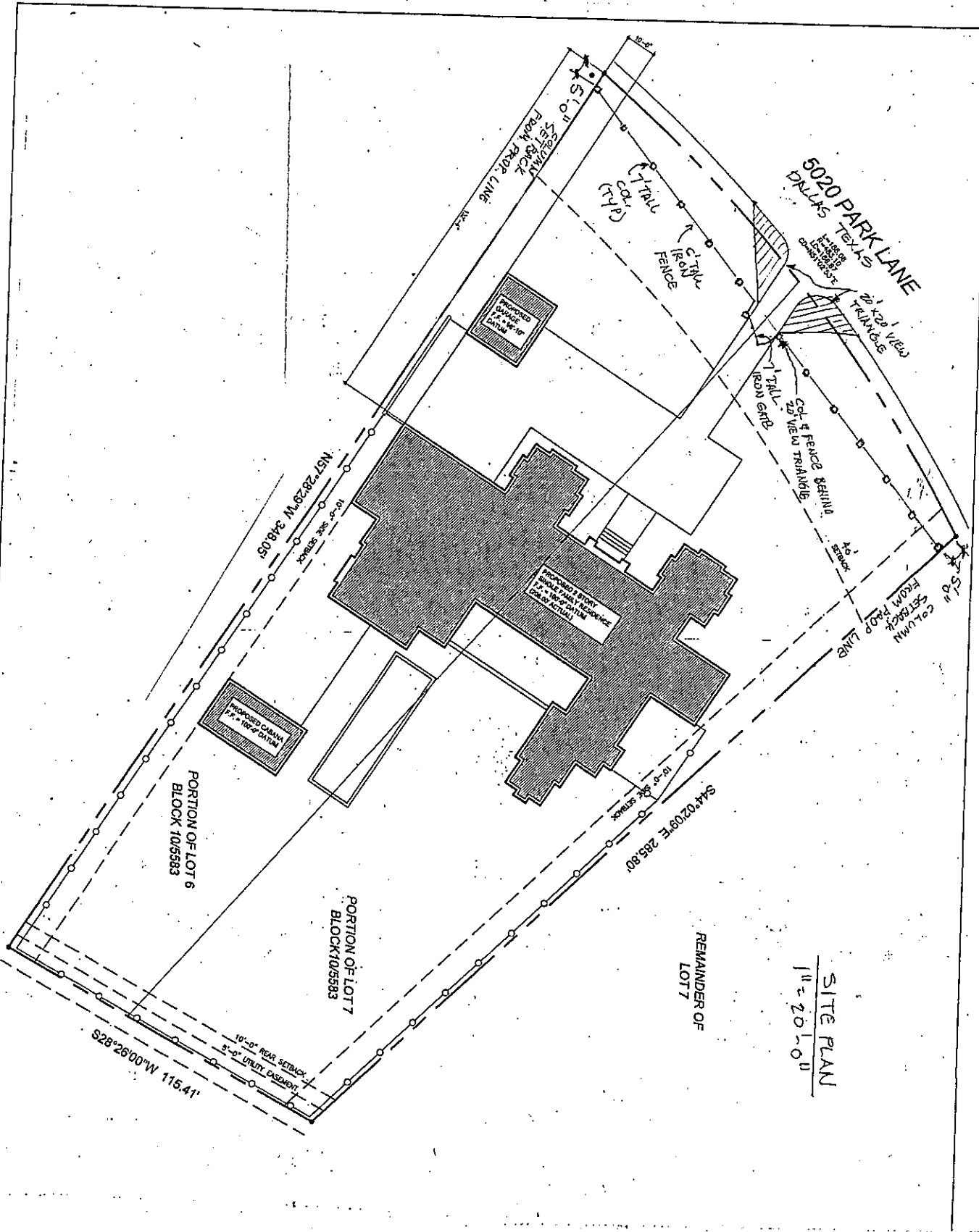
Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| 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 | BDA178 142 SUP | Historic Overlay | 10-11 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)

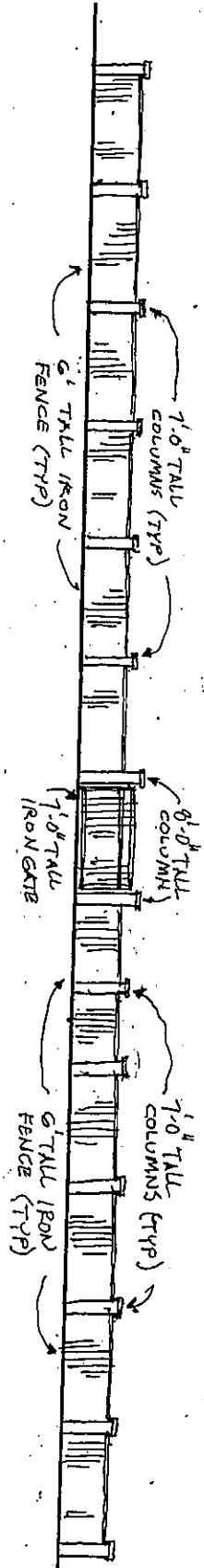
Panel C



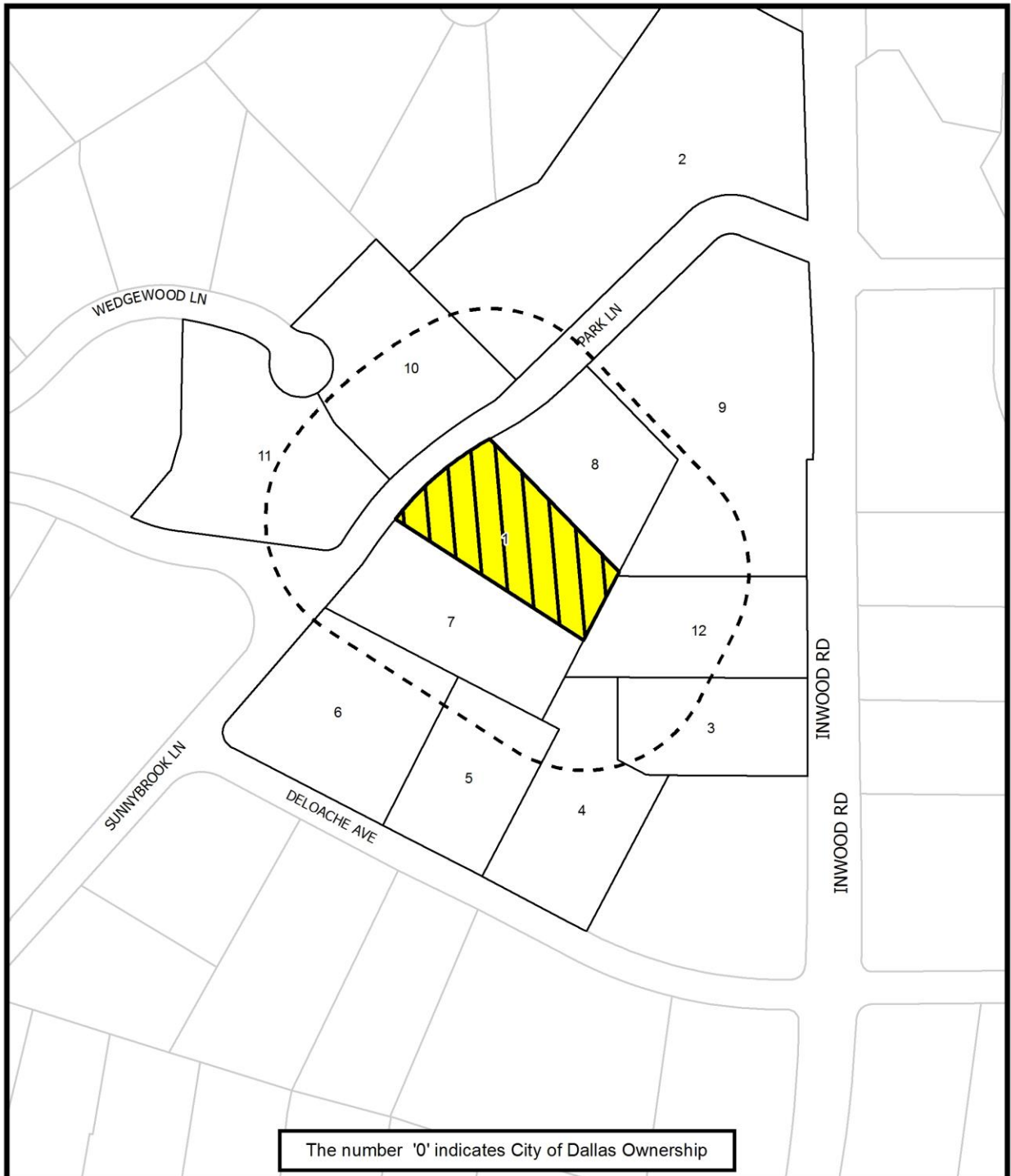


5020 PARK LANE
DALLAS
TEXAS

SITE PLAN
1" = 20'-0"



FENCE DETAIL
 1" = 10'-0"



The number '0' indicates City of Dallas Ownership

 1:2,400	<h2>NOTIFICATION</h2> <table border="1"> <tr> <td style="padding: 2px;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="padding: 2px;">12</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	12	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA178-142 Date: 11/19/2018
200'	AREA OF NOTIFICATION					
12	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA178-142

12 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5020 PARK LN	CHEHABI SAAD & RANA
2	5055 PARK LN	PRATT AILEEN MEJIA &
3	9435 INWOOD RD	ROME RICHARD L & NANCY
4	5007 DELOACHE AVE	KIRK JAMES C & MIRJAM
5	4923 DELOACHE AVE	GREENSTONE DAVID C & JOANNA
6	4907 DELOACHE AVE	PORTER J REID &
7	9426 SUNNY BROOK LN	ENGSTROM KATHARINE
8	5030 PARK LN	BARNETT BARRY C & NANCY M
9	9511 INWOOD RD	MARR RAY H
10	4965 WEDGEWOOD LN	FLOYD BONNIE L
11	4950 WEDGEWOOD LN	PANCERZ TED F LIFE EST &
12	9505 INWOOD RD	VERGNEMARINI PEDRO &