

ZONING BOARD OF ADJUSTMENT, PANEL B
WEDNESDAY, FEBRUARY 22, 2017
AGENDA

BRIEFING	L1FN CONFERENCE CENTER AUDITORIUM 1500 MARILLA STREET DALLAS CITY HALL	11:00 A.M.
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PUBLIC HEARING	L1FN CONFERENCE CENTER AUDITORIUM 1500 MARILLA STREET DALLAS CITY HALL	1:00 P.M.
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Donna Moorman, Chief Planner
Steve Long, Board Administrator
Jennifer Munoz, Senior Planner

MISCELLANEOUS ITEM

Approval of the January 18, 2017 Board of Adjustment Panel B Public Hearing Minutes	M1
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UNCONTESTED CASE

BDA167-012(SL) 5506 Deloache Avenue REQUEST: Application of Nancy Rodriguez/Mark Molthan Construction for special exceptions to the fence standards	1
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REGULAR CASES

BDA167-016(JM) 1549 El Campo Drive REQUEST: Application of Thaddeus Thigpen for a special exception to the front yard setback regulations to preserve an existing tree	2
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BDA167-017(SL) 2214 Routh Street REQUEST: Application of Chris Johnson for a variance to the off-street parking regulations	3
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BDA167-023(SL) 3403 N. Fitzhugh Avenue REQUEST: Application of Mike Backlund for a variance to the off-street parking regulations	4
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EXECUTIVE SESSION NOTICE

The Commission/Board may hold a closed executive session regarding any item on this agenda when:

1. seeking the advice of its attorney about pending or contemplated litigation, settlement offers, or any matter in which the duty of the attorney to the Commission/Board under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. [Tex. Govt. Code §551.071]
2. deliberating the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.072]
3. deliberating a negotiated contract for a prospective gift or donation to the city if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.073]
4. deliberating the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing. [Tex. Govt. Code §551.074]
5. deliberating the deployment, or specific occasions for implementation, of security personnel or devices. [Tex. Govt. Code §551.076]
6. discussing or deliberating commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay, or expand in or near the city and with which the city is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect. [Tex. Govt. Code §551.086]

FILE NUMBER: BDA167-012(SL)

BUILDING OFFICIAL'S REPORT: Application of Nancy Rodriguez/Mark Molthan Construction for special exceptions to the fence standards at 5506 Deloache Avenue. This property is more fully described as Lot 15, Block 7/5597, 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 maintain an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence standards, and to construct and 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.

LOCATION: 5506 Deloache Avenue

APPLICANT: Nancy Rodriguez/Mark Molthan Construction

REQUESTS:

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

- 1) A special exception is made to complete and maintain a fence higher than 4' in height in the Deloache Avenue front yard setback (a 7' 6" high open wrought iron fence and gate with 8' high stone columns) and in the Hollow Way Road front yard setback (a 7' 6" high open wrought iron fence and gate with 8' high stone columns, and a 7' 6" high board-on-board wood fence with 8' high stone columns); and
- 2) A special exception is made to complete and maintain fence panels with surface areas that are less than 50 percent open (a 7' 6" high board-on-board wood fence with 8' high stone columns) located on the Hollow Way Road 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 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 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. BDA989-150, Property located at 5506 Deloache Avenue (the subject site)
On January 19, 1999, the Board of Adjustment Panel B granted a request for a special exception to the fence height regulations of 3' 6" and imposed the submitted revised site plan, landscape plan, and elevation as a condition.
The case report stated that the request was made in conjunction with constructing and maintaining a 6' predominantly open metal fence, 6' 6" high brick columns, 7' 4" high brick entry columns, and a 7' high open metal entry gate in the front yard setback along Deloache Avenue and Hollow Way.
2. BDA156-053, Property located at 9362 Hollow Way Road (the lot south of the subject site)
On May 18, 2016, the Board of Adjustment Panel B granted a request for special exception to the fence height regulations of 6', and imposed the submitted site plan/elevation as a condition.
The case report stated that the request was made mostly a 6' – 6' 6" high "decorative wrought iron" fence with 8' high masonry columns parallel to the street; two entry features: on the north side, an 8' – 8' 6" high "secondary" entry gate with 8' high columns; on the south side, a 10' high "main" entry gate with 10' high columns flanked by two approximately 10' long, 8' high solid masonry wing walls; and a 6' high solid masonry fence with a 7' high stone column perpendicular to the street on the south side of the site in the

3. BDA95-131, Property located at 5505 Deloache Avenue (the lot north of the subject site)

40' front yard setback, and a 7' 9" high solid masonry fence with an 8' stone column perpendicular to the street on the north side of the site in the 40' front yard setback.

On November 14, 1995, the Board of Adjustment granted requests for special exceptions to the fence height and visual obstruction regulations, and imposed the following condition to the request: Compliance with a revised site/landscape plan and elevation to be submitted to staff by the applicant to comply with the spirit and intent of the foregoing portion of this motion (a maximum height of 6' for the fence, 6.5' for the columns, and 8' for the entrance gate/columns) is required.

4. BDA978-106, Property located at 5424 Deloache Avenue (the lot west of the subject site)

On December 16, 1997, the Board of Adjustment Panel C granted a request for special exception to the fence height regulations of 9', and imposed the following condition to the request: Compliance with the submitted site plan, elevation plans, and landscape plan is required.

The case report stated that the request was made in conjunction with constructing and maintaining generally an 8' high open wrought iron fence with 12' high gates/entry columns.

GENERAL FACTS/STAFF ANALYSIS:

- These requests for special exceptions to the fence standards of 4' focus on completing and maintaining a fence higher than 4' in height in the Deloache Avenue front yard setback (a 7' 6" high open wrought iron fence and gate with 8' high stone columns) and in the Hollow Way Road front yard setback (a 7' 6" high open wrought iron fence and gate with 8' high stone columns, and a 7' 6" high board-on-board wood fence with 8' high stone columns); and completing and maintaining fence panels with surface areas that are less than 50 percent open (a 7' 6" high board-on-board wood fence with 8' high stone columns) located on the Hollow Way Road front lot line (or less than 5' from this front lot line) on a site being developed with a single family home.
- The subject site is zoned R-1ac(A).
- Note the following with regard to the request for special exceptions to the fence standards pertaining to the **height** of the proposed fences in the front yard setbacks:

- 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 southeast corner of Deloache Avenue and Hollow Way Road.
- Given the single family zoning and location of the corner lot subject site, it has two 40' front yard setbacks – a front yard setback along Deloache Avenue (the shorter of the two frontages of the subject site which is always a front yard in this case) and a front yard setback along Hollow Way Road, (the longer of the two frontages which is typically considered a side yard where on this R-1ac(A) zoned property a 9' high fence could be erected by right). However the site has a front yard setback along Hollow Way Road in order to maintain continuity of the established front yard setback along this street frontage where homes/lots to the south of the subject site “front” on Hollow Way Road.
- The applicant has submitted a site plan and elevation of the proposal in the front yard setbacks with notations indicating that the proposal reaches a maximum height of 8'.
- The following additional information was gleaned from the submitted site plan:
 - Along Deloache Avenue: The proposal over 4' in height is represented as being approximately 210' in length parallel to the street, and approximately 40 in length perpendicular to the street on the east side of the site in the front yard setback.
 - Along Deloache Avenue: The fence proposal is represented as being located approximately on the front property line or approximately 10' from the pavement line. (The gate is represented as being located 10' from the front property line or approximately 20' from the pavement line).
 - Along Hollow Way Road: The proposal over 4' in height is represented as being approximately 260' in length parallel to the street (approximately 190' in length that is open wrought iron, approximately 70' in length that is solid board-on-board).
 - Along Hollow Way Road: The fence and gate proposal is represented as being located approximately on the front property line or approximately 22' from the pavement line.
- Note the following with regard to the request for special exception to the fence standards pertaining to the **location and materials** of the proposed fence in the Hollow Way Road front yard setback:
 - 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 five feet from the front lot line. (This does not apply to retaining walls).
 - With regard to the special exception to the fence standards pertaining to the location and materials of the proposed fence on Hollow Way Road, the applicant has submitted a site plan and elevation of the fence panels with surface areas that are less than 50 percent open (solid stone fences/wing walls) located approximately on the Hollow Way Road front lot lines (or less than 5' from this front lot line).
 - The following additional information was gleaned from the submitted site plan:

- The fence panel with a surface area that is less than 50 percent open located less than 5' from the Hollow Way front lot line is an approximately 7' 6" high board-on-board wood fence approximately 70' in length on this front lot line.
- One single family lot with a fence higher than 4' in its front yard fronts the proposed fence on Deloache Avenue (an approximately 6' high open fence behind significant landscape materials that appears to be the result of a fence height special exception granted by the Board in 1995: BDA95-131), and no single family lot fronts the proposed fence on Hollow Way Road.
- The Board Administrator conducted a field visit of the site and surrounding area and noted two other fences that appeared to be above 4' in height and located in a front yard setback. One is located immediately west and is an approximately 8' high open metal fence its front yard that appears to be a result of a granted fence height special exception in 1997 (BDA978-106); the other is located immediately south of the subject site and is an approximately 6' 6" high open wrought iron fence that appears to be a result of a granted fence special exception in 2016 (BDA156-053).
- As of February 10, 2017, no letters have been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exceptions to the fence standards related to height over 4' in the front yard setbacks and materials/height/location of the proposed fences 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 setbacks and with fence panels with surface areas less than 50 percent open located less than 5' from the front lot line of Hollow Way Road to be completed and maintained in the location and of the heights and materials as shown on these documents.

Timeline:

November 11, 2016: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

January 6, 2017: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, "If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case."

January 6, 2017: The Board Administrator emailed the following information to the applicant:

- 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 February 1st deadline to

submit additional evidence for staff to factor into their analysis; and the February 10th deadline to submit additional evidence to be incorporated into the Board's docket materials;

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

February 7, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for February public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Assistant Director, the Sustainable Development Department Assistant Director Engineering, the Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

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

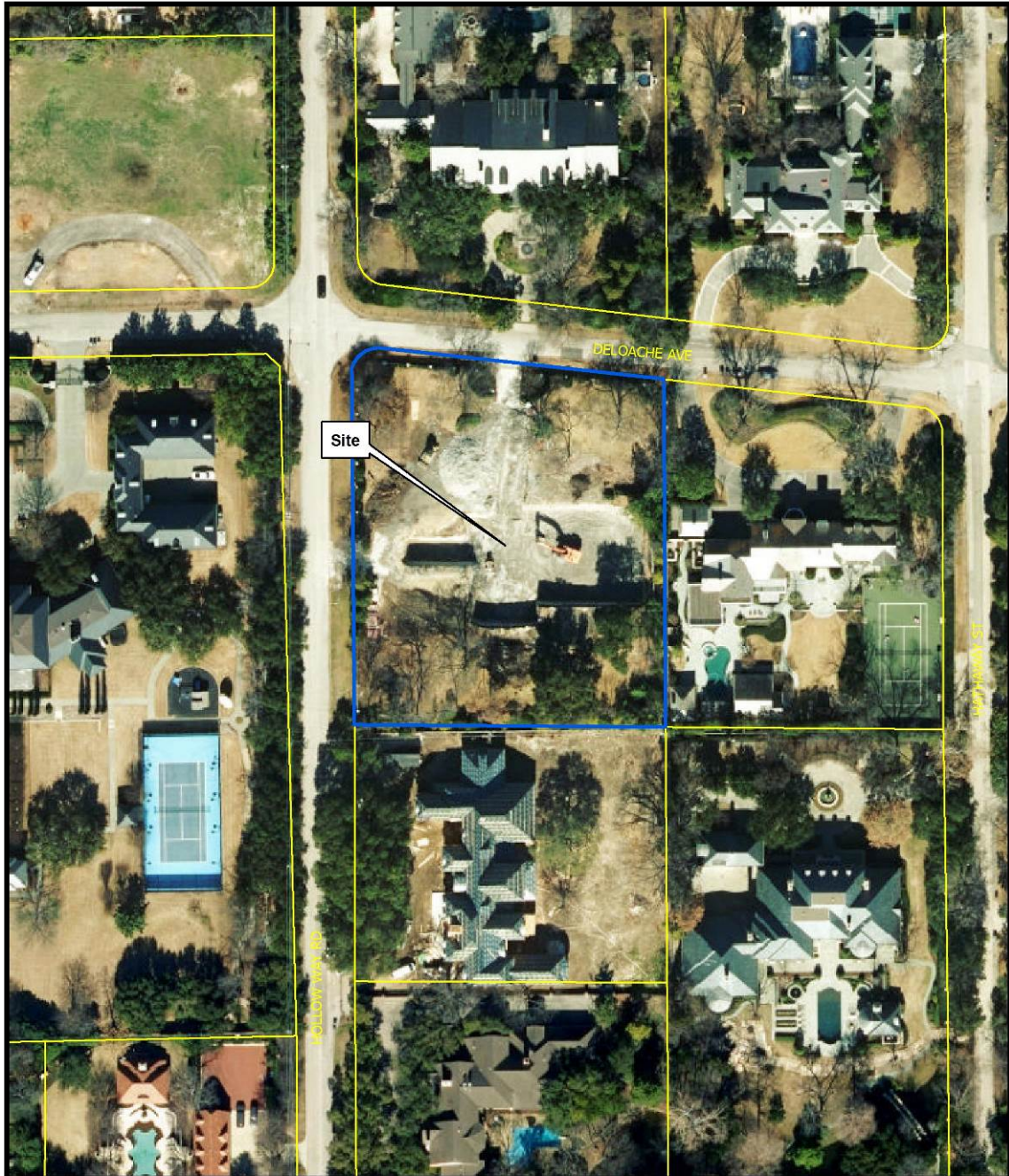


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ZONING MAP

Case no: BDA167-012

Date: 1/10/2017



1:1,200

AERIAL MAP

Case no: BDA167-012

Date: 1/10/2017



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-012

Data Relative to Subject Property:

Date: 11/11/2016

Location address: 5506 Deloache Ave.

Zoning District: R-1ac(A)

Lot No.: 15 Block No.: 7/5597 Acreage: 1.537

Census Tract: 206.00

Street Frontage (in Feet): 1) 240 2) 270 3) _____ 4) _____ 5) _____

NE2S

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Hiram Walker & Jennifer Anne Royall

Applicant: Nancy Rodriguez/Mark Molthan Const. Telephone: 214.280.1277

Mailing Address: 4347 W. Northwest Highway, Ste. 130-240 Zip Code: 75205

E-mail Address: nancy@mmchomes.net

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 a fence in the front yard & fence panels w/ less than 50% open area less than 5' from ppty line

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:

this does not have an adverse affect to the neighbors

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.

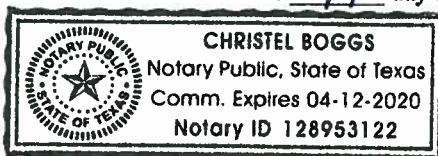
Affidavit

Before me the undersigned on this day personally appeared Nancy Rodriguez
(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: Nancy Rodriguez
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 17 day of November, 2016



Christel Boggs
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 Nancy Rodriguez

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

at 5506 DeLoache Avenue

BDA167-012. Application of Nancy Rodriguez for special exceptions to the fence regulations at 5506 DeLoache Avenue. This property is more fully described as Lot 15, Block 7/5597, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 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 : 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence regulation, and to construct a fence in a required front yard with a fence panel havin less than 50 percent open surface area located less than 5 feet from the front lot line, whic will require a special exception to the fence regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official

5598/8

ADDITION

5599/9

TOLLWAY

SECTION

5597/7

56 DELOACHE

5600

0.7834 ACS.

21 @

21 A

25 A

271.

RESUBDIVISION

MEMORY

56 STREET

9300

HOLLOW

5597/7

ANNA

5500

56 AVENUE

56

56 ROAD 8

9300

BATESONS SUBDIVISION

19-A

21A

5600/10

ADDITION

HOLLOW

SECTION

ADDITION

5600/A



KEVIN CLARK | NAUD BURNETT
 LANDSCAPE ARCHITECTS • CONSTRUCTION
 MANAGEMENT • SITE PLANNING
 2617 MCKINNEY AVENUE • DALLAS, TEXAS 75205
 214.741.1234 • www.kevinclarknaudburnett.com



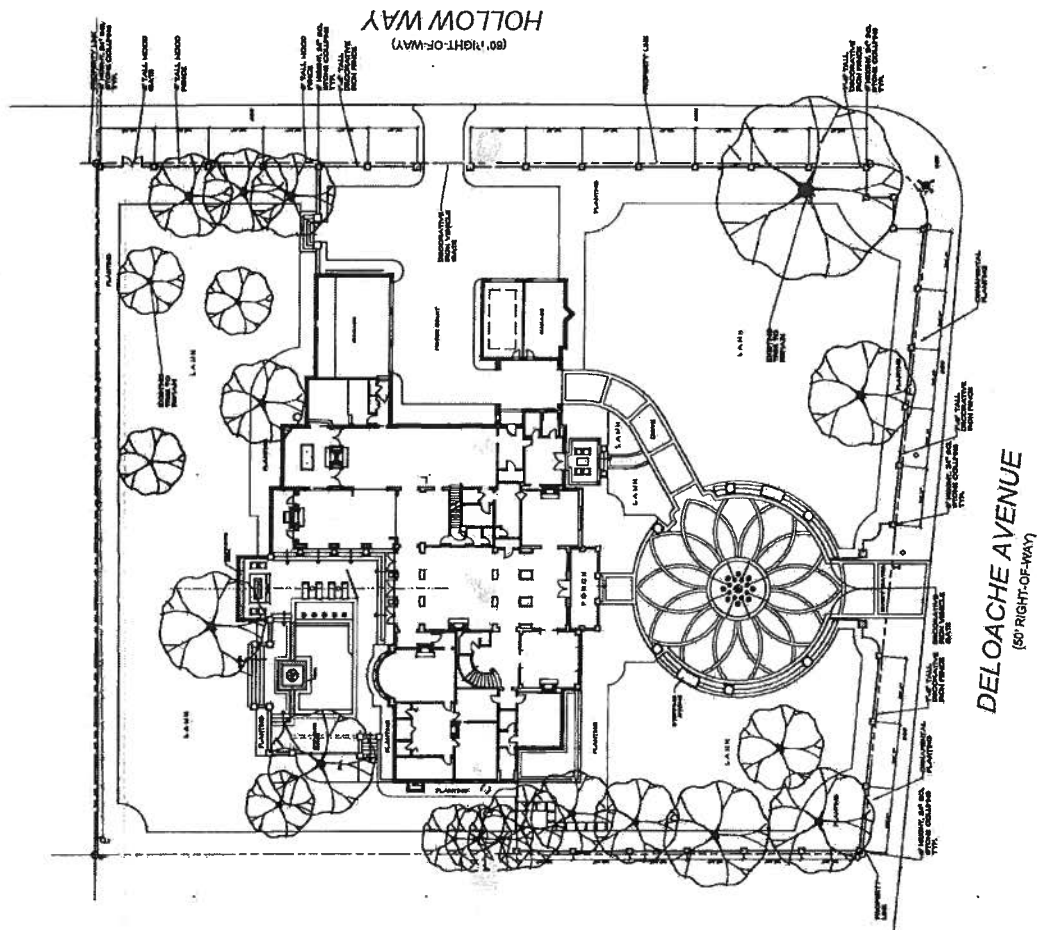
A LANDSCAPE DEVELOPMENT PLAN FOR
 THE ROYALL RESIDENCE
 5508 DELOACHE, DALLAS, TX 75220

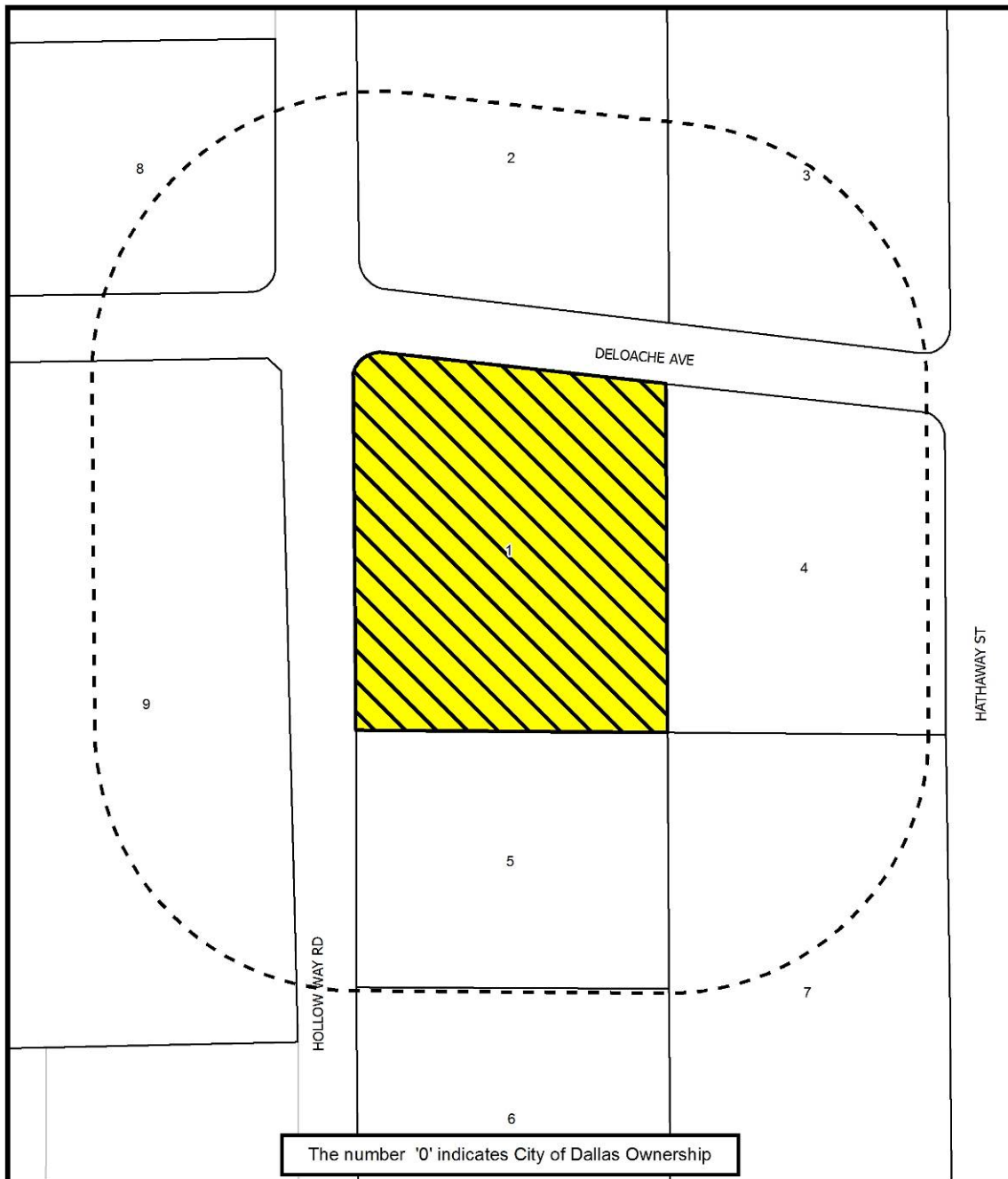
NO. 1	DATE

F-1



FENCE PLAN
 SCALE: 1/16" = 1'-0"





 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;">9</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	9	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA167-012</u> Date: <u>1/10/2017</u>
200'	AREA OF NOTIFICATION					
9	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA167-012

9 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5506 DELOACHE AVE	ROYALL HIRAM WALKER & JENNIFER ANNE
2	5505 DELOACHE AVE	TURNER JIM L & JULIE
3	5521 DELOACHE AVE	ESPING WILLIAM P &
4	5526 DELOACHE AVE	SMITH MARK CLAY &
5	9362 HOLLOW WAY RD	AFZALIPOUR ARASH &
6	9330 HOLLOW WAY RD	SNYDER ROBERT L
7	9339 HATHAWAY ST	ROUSE THOMAS M & SANDRA K
8	5433 DELOACHE AVE	DELOACHE LLC
9	5424 DELOACHE AVE	CUBAN MARK

FILE NUMBER: BDA167-016(JM)

BUILDING OFFICIAL'S REPORT: Application of Thaddeus Thigpen for a special exception to the front yard setback regulations for tree preservation at 1549 El Campo Drive. This property is more fully described as Lot 12, Block K/5318, and is zoned R-10(A), NSO 5, which requires a front yard setback of 50 feet. The applicant proposes to construct and maintain a single family residential structure and provide a 44 foot front yard setback, which will require a 6 foot special exception to the front yard setback regulations for tree preservation.

LOCATION: 1549 El Campo Drive

APPLICANT: Thaddeus Thigpen

REQUEST: A special exception to the front yard setback requirements of up to 6' to preserve up to three existing trees is made to construct and maintain a single family structure, which is proposed to be located as close as 44' from the site's El Campo Drive front property line or as much as 6' into the 50' front yard setback.

STANDARD FOR A SPECIAL TO THE FRONT YARD REQUIREMENTS TO PRESERVE AN EXISTING TREE:

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

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

STAFF RECOMMENDATION (special exception to the front yard requirements to preserve an existing tree):

Denial

Rationale:

- While the City of Dallas Chief Arborist has indicated that there are three trees on this site in close proximity to the proposed single family structure that are worthy of preservation, staff concluded that the applicant had not substantiated how the requested special exception is compatible with the character of the neighborhood, and how the value of the surrounding properties would not be adversely affected.

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	R-10(A) (Single family district 10,000 square feet)
<u>Northwest:</u>	R-10(A) (Single family district 10,000 square feet)
<u>Northeast:</u>	R-10(A) (Single family district 10,000 square feet)
<u>Southeast:</u>	R-10(A) (Single family district 10,000 square feet)
<u>Southwest:</u>	R-10(A) (Single family district 10,000 square feet)

Land Use:

The subject site is under construction with a single family home. All surrounding areas

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 (special exception to front yard requirements to preserve an existing tree):

- This request for a special exception to the front yard setback requirements of up to 6' to preserve up to three existing trees focuses on constructing and maintaining a single family structure, which is proposed to be located as close as 44' from the site's El Campo Drive front property line or as much as 6' into the 50' front yard setback.
- Structures on lots zoned R-10(A) are required to provide a minimum front yard setback of 30'; however, structures zoned R-10(A) NSO 5 are required to provide a minimum front yard setback of 50'.
- Prior to the creation of the NSO (Neighborhood Stabilization Overlay) district in 2007, the minimum front yard setback was 30'.
- The subject site is located on the west line of El Campo Drive, west of San Saba Drive.
- According to the submitted site, an attached wooden porch would be constructed 44' from the front property line or as much as 6' into the 50' front yard setback. The submitted site plan denotes a number of existing trees on the site. While the initial application states that the applicant is seeking a special exception to the front yard regulations for the preservation of two trees, three trees are noted as the trees for preservation on the submitted site plan.
- The Dallas Development Code allows the Board of Adjustment to consider this proposed structure encroachment in a front yard setback by an application for a special exception to the front yard requirements for tree preservation with a standard largely based on compatibility, property values, and whether the trees located on the site are worthy of preservation.

- According to calculations taken from the site plan, the 282 square foot covered front porch would account for about 5.64% of the required front yard (5,000 square feet).
- The City of Dallas Chief Arborist submitted an opinion via email regarding this request (see Attachment A). The email stated that staff had visited the site and found that there were three trees worthy of preservation. The arborist continued to describe the trees as very healthy, well pruned, with no mistletoe.
- The applicant has the burden of proof in establishing the following related to the front yard special exception request:
 - Whether the requested special exception is compatible with the character of the neighborhood.
 - Whether the value of the surrounding properties will be adversely affected.
 - Whether the tree is worthy of preservation.
- If the Board were to grant the request for a special exception to the front yard requirements of up to 6' to preserve the existing trees, imposing a condition whereby the applicant must comply with the submitted site plan, the structures in the front yard setback would be limited to that what is shown on this plan – which in this case consists of an attached wooden porch as part of a single family structure, which are proposed to be located as close as 44' from the site's El Campo Drive front property line or as much as 6' into this 50' front yard setback.

Timeline:

December 14, 2016: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

January 6, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

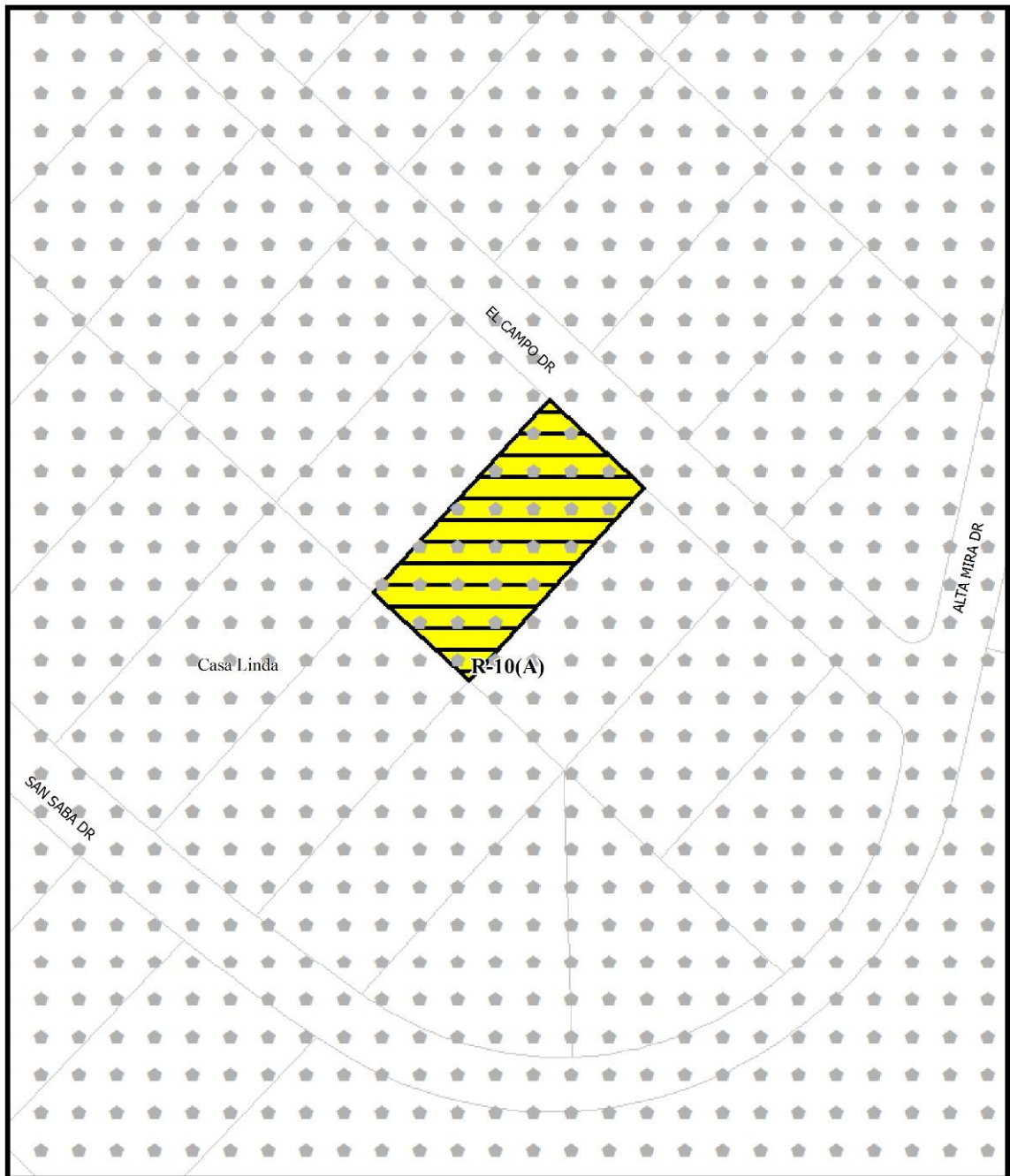
January 26, 2017: The Board Administrator emailed the applicant the following information:

- 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 February 1st deadline to submit additional evidence for staff to factor into their analysis; and the February 10th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the requests; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

January 27, 2017: The City of Dallas Chief Arborist submitted an opinion via email regarding the request for a special exception to the front yard setback regulations of up to 6' for tree preservation (see Attachment A).

February 7, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for February public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Assistant Director, the Sustainable Development Department Assistant Director Engineering, the Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

February 10, 2017: The applicant submitted additional information/evidence to support the request (see Attachment B). This information was not taken into consideration when staff opinion was formulated at the January 26th staff review meeting.

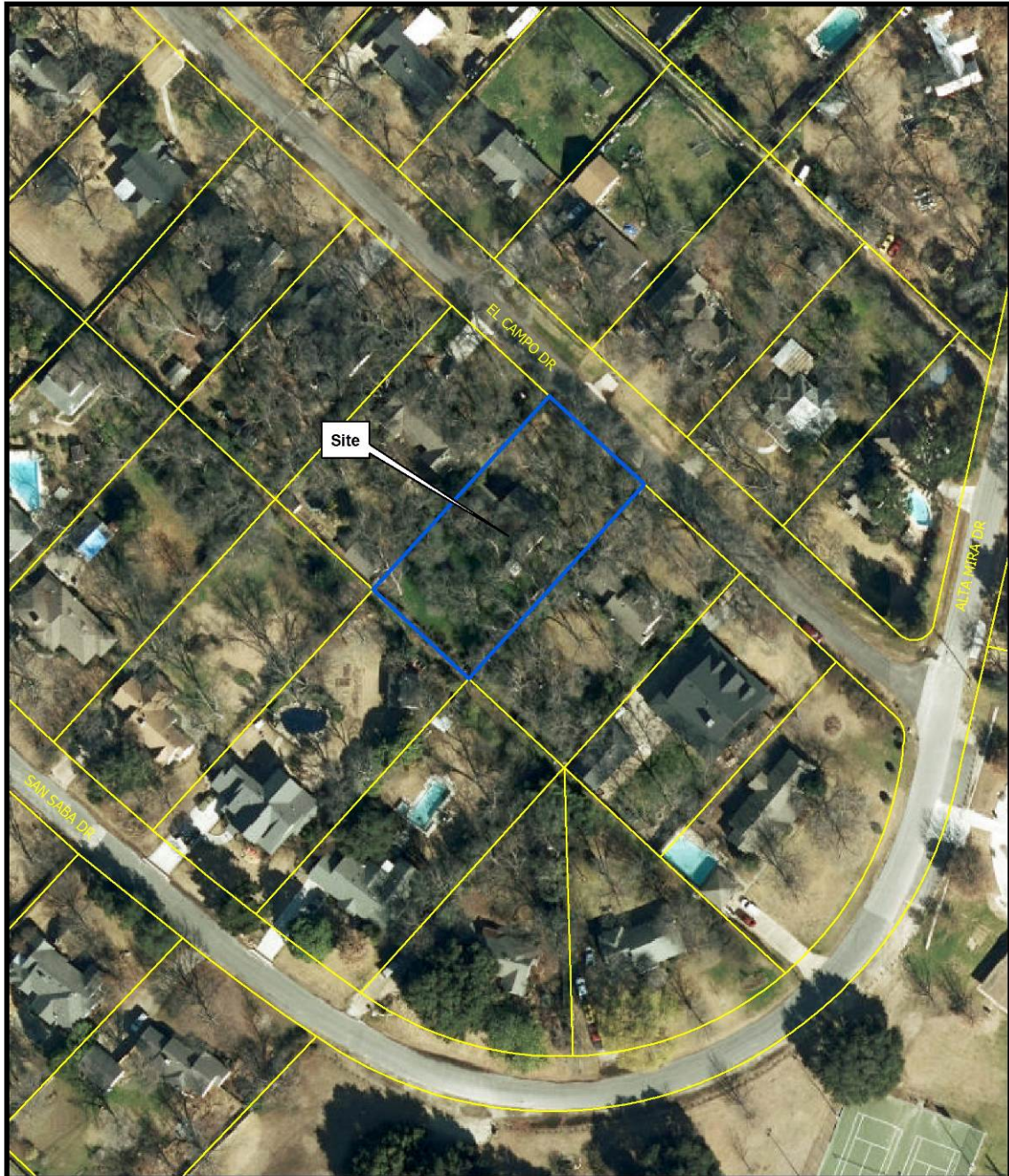


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ZONING MAP

Case no: BDA167-016

Date: 1/10/2017



1:1,200

AERIAL MAP

Case no: BDA167-016

Date: 1/10/2017

BDA167-016

"Attachment A"

Munoz, Jennifer

From: Erwin, Philip
Sent: Friday, January 27, 2017 6:51 AM
To: Munoz, Jennifer
Subject: FW: 1549 El Campo tree review for BDA case
Attachments: image1.JPG; ATT00001.txt

I believe three trees. This is Tina's report.

-----Original Message-----

From: Standeford, Tina
Sent: Tuesday, January 24, 2017 11:04 AM
To: Erwin, Philip
Subject: Re: 1549 El Campo tree review for BDA case

The trees are beauties. Very healthy, well pruned, and no mistletoe. Mature cedar elms that they are doing their best to preserve. Owner lives next door and seems to be actively involved on site. We spoke about the best methods for perservation.

Munoz, Jennifer

From: Erwin, Philip
Sent: Thursday, January 26, 2017 10:43 AM
To: Munoz, Jennifer; thadthig@gmail.com
Cc: Duerksen, Todd; Standeford, Tina
Subject: RE: BDA167-016; Property at 1549 El Campo Dr.

Jennifer,

Staff has visited the site and reviewed the trees with the owner. I can provide a formal statement on the matter for the staff review, but I can currently state we agree the trees on the property are worthy of preservation.

Phil Erwin

Special Exception Request

February 22, 2017

Summary/Background

- Homeowners, Thaddeus and Gretchen Thigpen, are requesting a special exception to the front yard setback.
- House/foundation was placed ~ 4 – 6' too far into the required front setback.
 - House was incorrectly sited by architect.
 - Foundation subcontractor deviated from plans in order to be further from two specific trees that he deemed 'too close'. The deviation was discovered when the form board survey was done and after piers had been poured.
- The lot has many large trees and the homeowners wish to keep as many as possible.

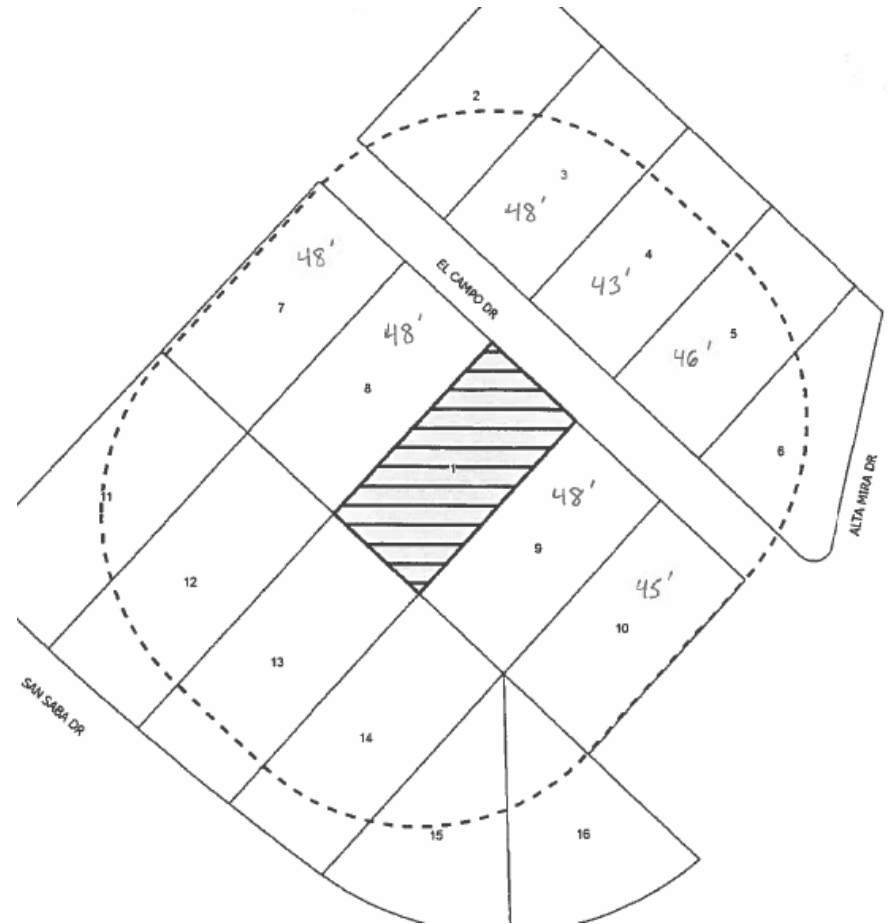
Is the request for special exception compatible with the character of the neighborhood?

- The main characteristics of the neighborhood are its large lots and large trees. The yards are full of Cedar Elm, Pecan and Oak trees.



Will the value of the surrounding properties be adversely affected?

- Received 26 signatures from neighbors to urge the Board of Adjustments to approve this appeal. They agreed this would not adversely affect neighboring houses.
- Took measurements of front setbacks of several surrounding homes and found all to have varying measurements and all were less than 50'.



Aerial view



Is the tree(s) worthy of preservation?

- The trees are healthy and in the summer will provide substantial shade to the home, substantially reducing the a/c cooling requirements.
- City of Dallas staff has visited the site and have agreed the trees are worthy of preservation.





City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-016

Data Relative to Subject Property:

Date: 12-14-16

Location address: 1549 El Campo Dr. Dallas, TX 75218 Zoning District: R-10(A) NSO 5

Lot No.: 12 Block No.: K/5318 Acreage: .46 Census Tract: 81.00

Street Frontage (in Feet): 1) 100' 2) 3) 4) 5) 567

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Gretchen Thigpen & Thaddeus Thigpen

Applicant: Thaddeus Thigpen Telephone: 469-688-8423

Mailing Address: 1545 El Campo Dr. Dallas, TX Zip Code: 75218

E-mail Address: thadthig@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 X, of 6 feet of the minimum front yard requirements to preserve three existing trees.

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 are requesting a special exception to the 50' minimum front setback of 6 feet to preserve two trees.

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 Thaddeus Thigpen (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 15 day of December, 2016

(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 Thaddeus Thigpen

did submit a request for a special exception to the front yard setback regulations for tree preservation

at 1549 El Campo Drive

BDA167-016. Application of Thaddeus Thigpen for a special exception to the front yard setback regulations for tree preservation at 1549 El Campo Drive. This property is more fully described as Lot 12, Block K/5318, and is zoned R-10(A), NSO 5, which requires a front yard setback of 50 feet. The applicant proposes to construct a single family residential structure and provide a 44 foot front yard setback, which will require a 6 foot special exception to the front yard setback regulations for tree preservation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official

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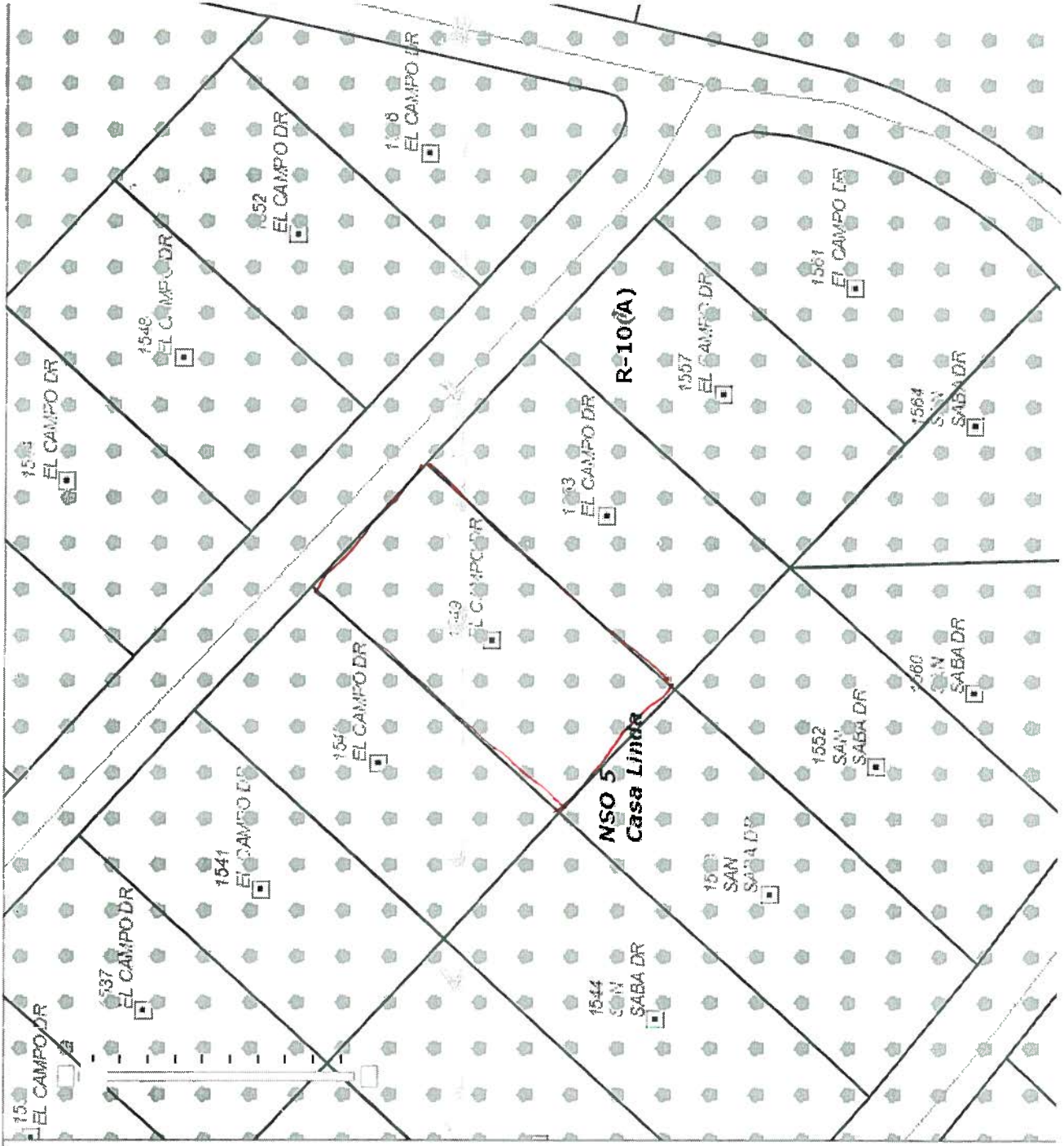


GABA

City of Dallas

Internal Development Research Site

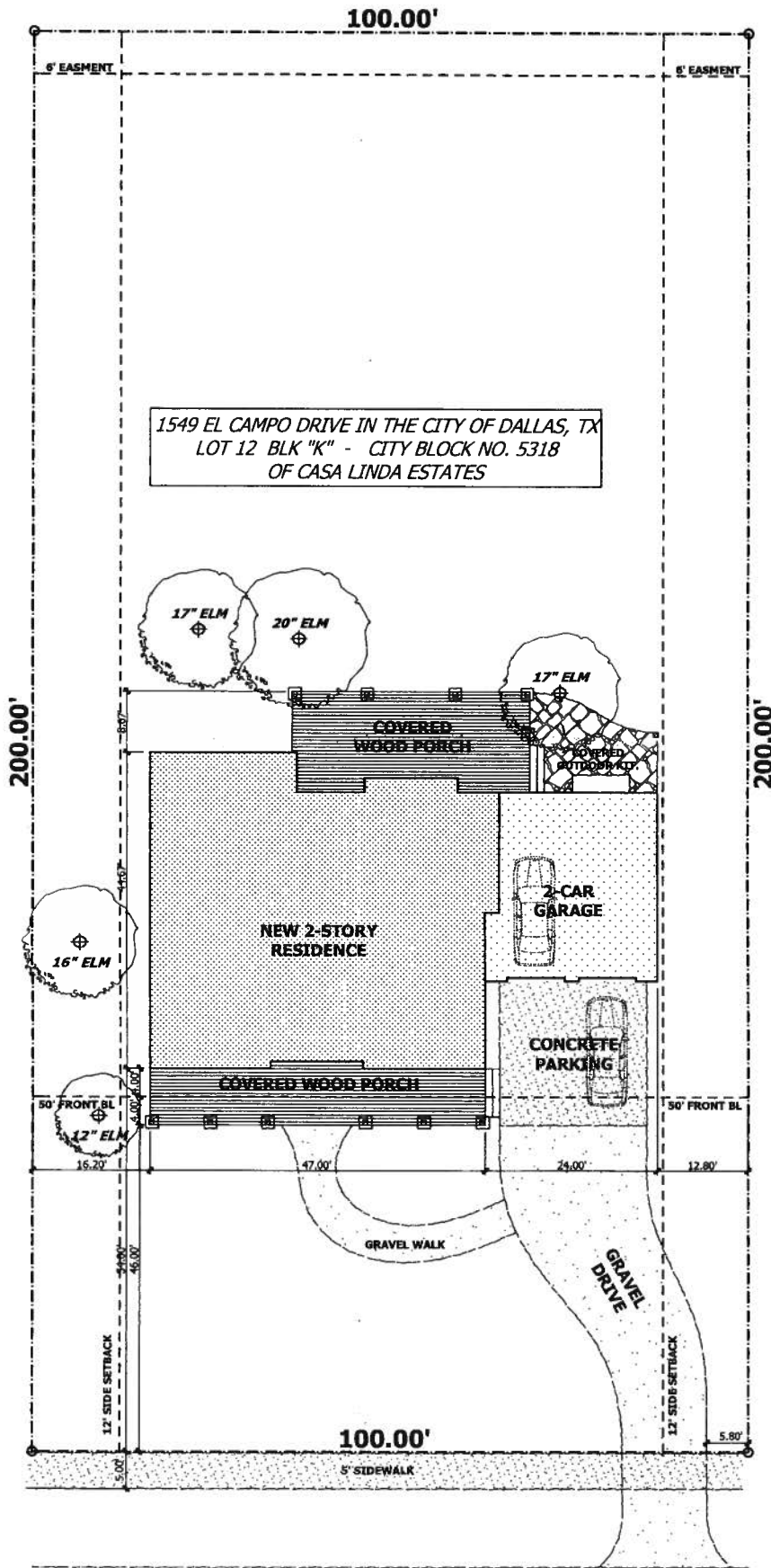
Legend



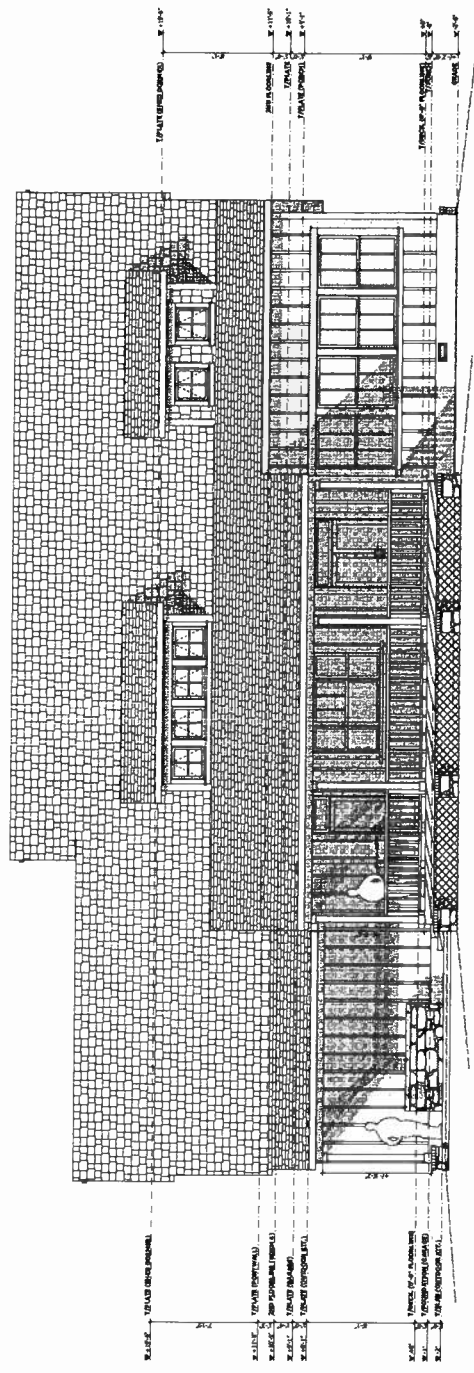
101

This Site Plan is not a survey. It is provided for building and site-work layout only. Prior to the start of construction the general contractor shall verify with the city and/or the appropriate utilities all grades, existing improvements, property lines, required building setbacks, easements, utilities, substructures, and any other existing site conditions that could present a hazard or interfere with construction. Any discrepancies between the Site Plan and actual on-site conditions shall be the responsibility of the general contractor to resolve. (DVC) shall be responsible only for the revision/correction of this document, and then only as the information as provided by the general contractor. These requirements apply from the time these documents are issued, and continue throughout the course of construction.

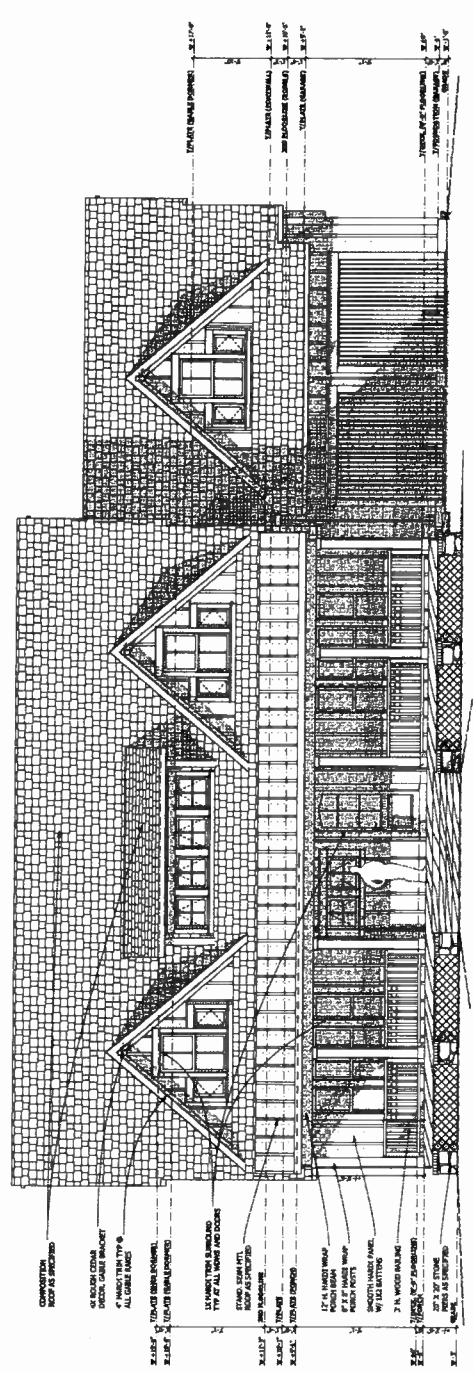
Finish grade shall provide positive drainage away from (all) structure(s) on this site, and shall furthermore be sensitive to adjacent sites, and shall meet all local requirements.



1549 EL CAMPO DRIVE IN THE CITY OF DALLAS, TX
 LOT 12 BLK "K" - CITY BLOCK NO. 5318
 OF CASA LINDA ESTATES

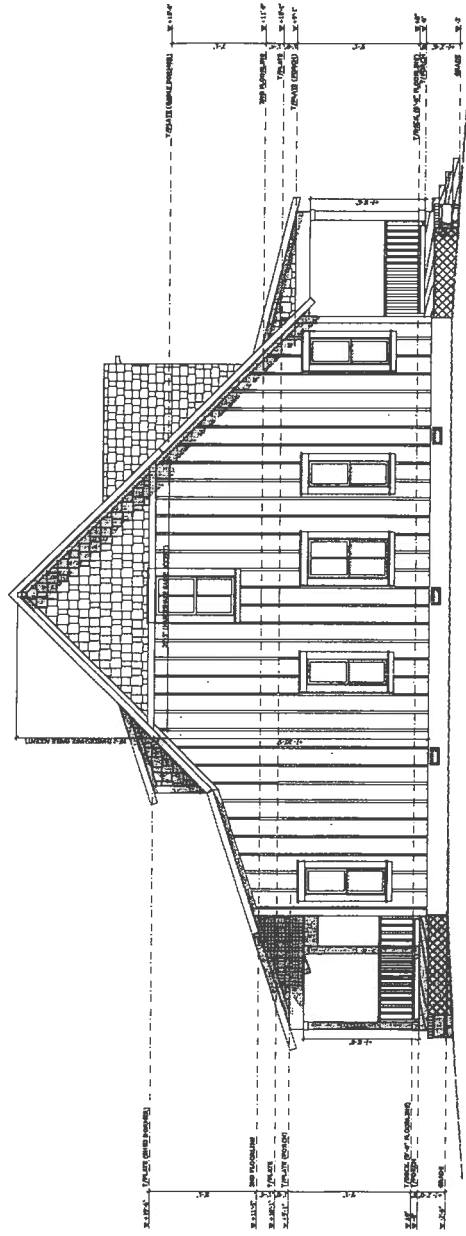


02 REAR ELEVATION
 SCALE: 1/8" = 1'-0"

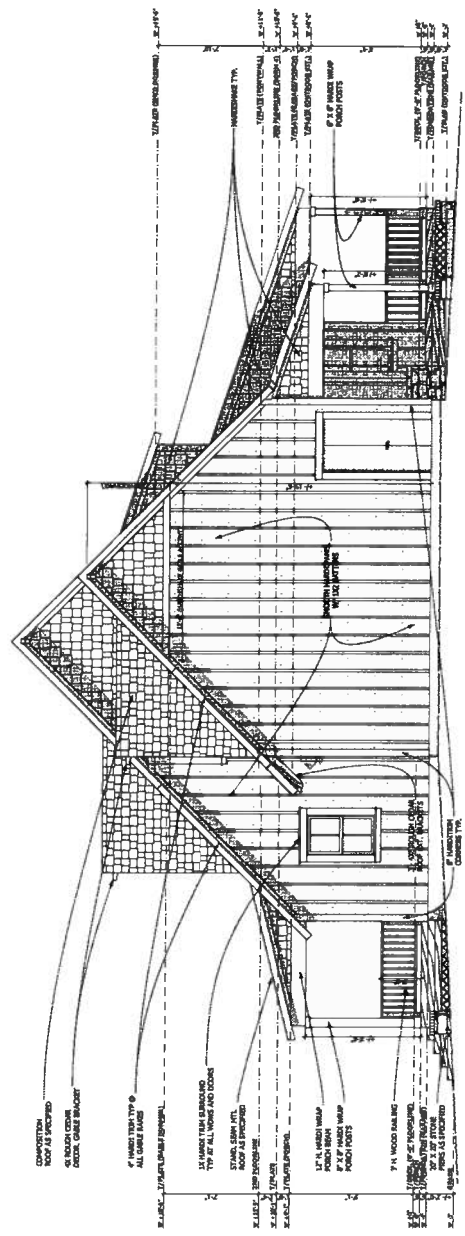


01 FRONT ELEVATION
 SCALE: 1/8" = 1'-0"

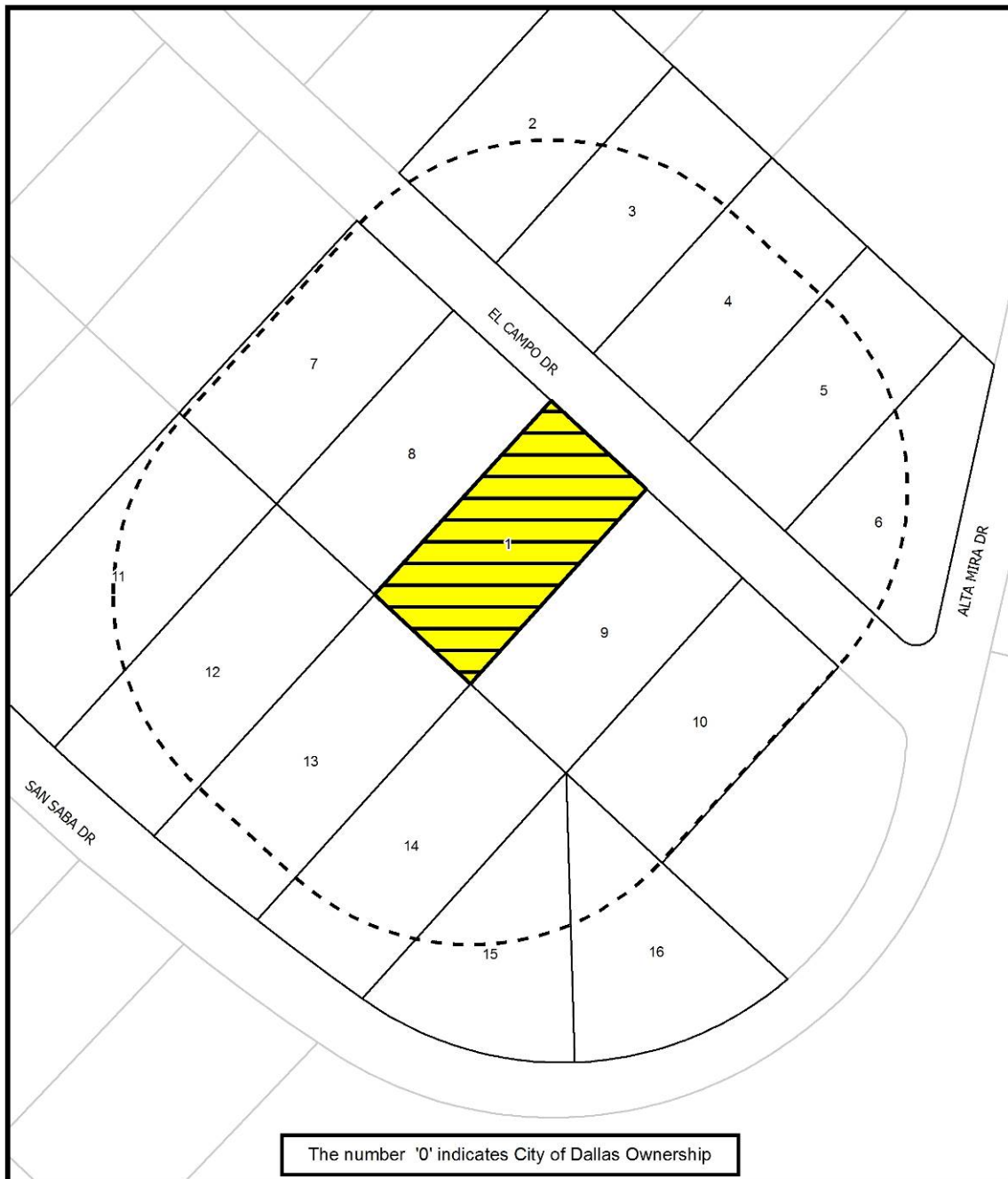
- COMPOSITION
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 DECOR GABLE BRACKET
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01 LEFT ELEVATION
SCALE: 1/4" = 1'-0"



02 RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



 1:1,200	<h2>NOTIFICATION</h2>	Case no: BDA167-016			
	<table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">16</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	16	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
16	NUMBER OF PROPERTY OWNERS NOTIFIED				

Notification List of Property Owners

BDA167-016

16 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1549 EL CAMPO DR	THIGPEN GRETCHEN & THADDEUS
2	1540 EL CAMPO DR	KNIGHT DENISE MARIE RUGEN
3	1544 EL CAMPO DR	RULE JILL D
4	1548 EL CAMPO DR	HUNTER MATTHEW P & ANDRA L
5	1552 EL CAMPO DR	CARLSON ERIC G & ALYSIA
6	1556 EL CAMPO DR	PEACOCK DAVID R
7	1541 EL CAMPO DR	SMITH KATHERINE &
8	1545 EL CAMPO DR	THIGPEN GRETCHEN A &
9	1553 EL CAMPO DR	BARSE R CLAY & LISA Q
10	1557 EL CAMPO DR	HOLTER MICHELE & MICHAEL
11	1540 SAN SABA DR	SEXTON CAREY &
12	1544 SAN SABA DR	RICH VERONICA
13	1548 SAN SABA DR	MORGAN ROBERT JESS
14	1552 SAN SABA DR	KUTAC GARY & ANGELA
15	1560 SAN SABA DR	WESCOTT MARVA L & DONALD JAMES WITTER JR
16	1564 SAN SABA DR	ROGERS GARTH W

FILE NUMBER: BDA167-017(SL)

BUILDING OFFICIAL'S REPORT: Application of Chris Johnson for a variance to the off-street parking regulations at 2214 Routh Street. This property is more fully described as Lot 1A, Block D/557, and is zoned PD 225 (H/25, Tr. 1), which requires a parking space to be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the street or alley. The applicant proposes to located and maintain parking spaces in an enclosed structure with a setback of 13 feet 6 inches, which will require a variance of 6 feet 6 inches to the off-street parking regulations.

LOCATION: 2214 Routh Street

APPLICANT: Chris Johnson

REQUEST:

A request for a variance to the off-street parking regulations of 6' 6" is made to locate and maintain parking spaces in enclosed structures (garages for a duplex structure use proposed on the undeveloped site) located 13' 6" from the Routh Street front property/right-of-way line or 6' 6" into the required 20' distance that parking spaces in enclosed structures must be from this street right-of-way.

STANDARD FOR A VARIANCE:

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

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

STAFF RECOMMENDATION:

Denial

Rationale:

- While staff has concluded that the subject site is unique and different from other lots in PD 225 by being of a restrictive area (only approximately 3,000 square feet), and that the applicant has provided documentation that shows how the proposed structure is commensurate with development found on other properties in PD 225 that are more typical in size, (more specifically, that the average structure in the same zoning district is approximately 5,700 square feet, and the proposed structure size is approximately 3,700 square feet; and that the proposed project has a FAR of 1.23:1 square feet, and that the maximum FAR for PD 225 Historical Core zoning district is 1.5:1), staff concludes that this request should be denied because the Sustainable Development Department Assistant Director Engineering has submitted a Review Comment Sheet marked “Recommends that this be denied” commenting “vehicles will park in front of the garage door and block the public sidewalk”.

BACKGROUND INFORMATION:

Zoning:

Site: PD 225, H/25 (Planned Development, Historic)
North: PD 225, H/25 (Planned Development, Historic)
South: PD 225, H/25 (Planned Development, Historic)
East: PD 225, H/25 (Planned Development, Historic)
West: PD 225, H/25 (Planned Development, Historic)

Land Use:

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

Zoning/BDA History:

1. BDA167-017, Property at 2214 Routh Street (the subject site)

On November 16, 2016, the Board of Adjustment Panel B denied a request for variance to the off-street parking regulations of 6’ 6” without prejudice.

The case report stated the request was made to locate and maintain enclosed parking spaces in garages for a duplex structure use proposed on the undeveloped site located 13’ 6” from the Routh Street front property/right-of-way line or 6’ 6” into the

required 20' distance that enclosed parking spaces must be from this street right-of-way.

GENERAL FACTS/STAFF ANALYSIS:

- The request for a variance to the off-street parking regulations of 6' 6" focuses on locating and maintaining parking spaces in enclosed structures (garages for a duplex structure use proposed on the undeveloped site) located 13' 6" from the Routh Street front property/right-of-way line or 6' 6" into the required 20' distance that parking spaces in enclosed structures must be from this street right-of-way.
- The site is zoned PD 225, H/25 Core where the minimum front yard for main buildings on an interior or corner lot must have a front yard setback that is within 5 percent of the average setback of all main buildings in the same blockface.
- The applicant has stated that he meets all setback requirements in PD 225 Historic Core District, and that "Routh Street is our block face and the average setback is 10' – 0".
- The Dallas Development Code states that a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in enclosed structure and if the space faces upon or can be entered directly from a street or alley.
- The applicant has submitted a site plan and floor plan denoting a duplex structure located between 10' – 13' 6" from the front property line with four parking spaces in two enclosed structures (garages) located 13' 6" from the Routh Street right-of-way line or approximately 20' from the Routh Street pavement line.
- The applicant has provided information that states that the average structure in the same zoning district is approximately 5,700 square feet, and the proposed structure size is approximately 3,700 square feet; and that the proposed project has a FAR of 1.23:1 square feet, and that the maximum FAR for PD 225 Historical Core zoning district is 1.5:1.
- The applicant has provided a letter stating that the owner will not be allowing cars to park in front of the garage doors or block the sidewalk.
- According to DCAD records, there are "no improvements" for the property addressed at 2214 Routh Street.
- The subject site is flat, rectangular in shape (60' x 50'), and according to the submitted application is 0.069 acres (or approximately 3,000 square feet) in area. The site is zoned PD 225, H/25.
- The Sustainable Development Department Assistant Director Engineering submitted a review comment sheet along with photos (see Attachment B). The review comment sheet was marked "Recommends that this be denied" with the following additional comment: "Vehicles will park in front of the garage door and block the sidewalk (see illustration photo)".
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the off-street parking regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.

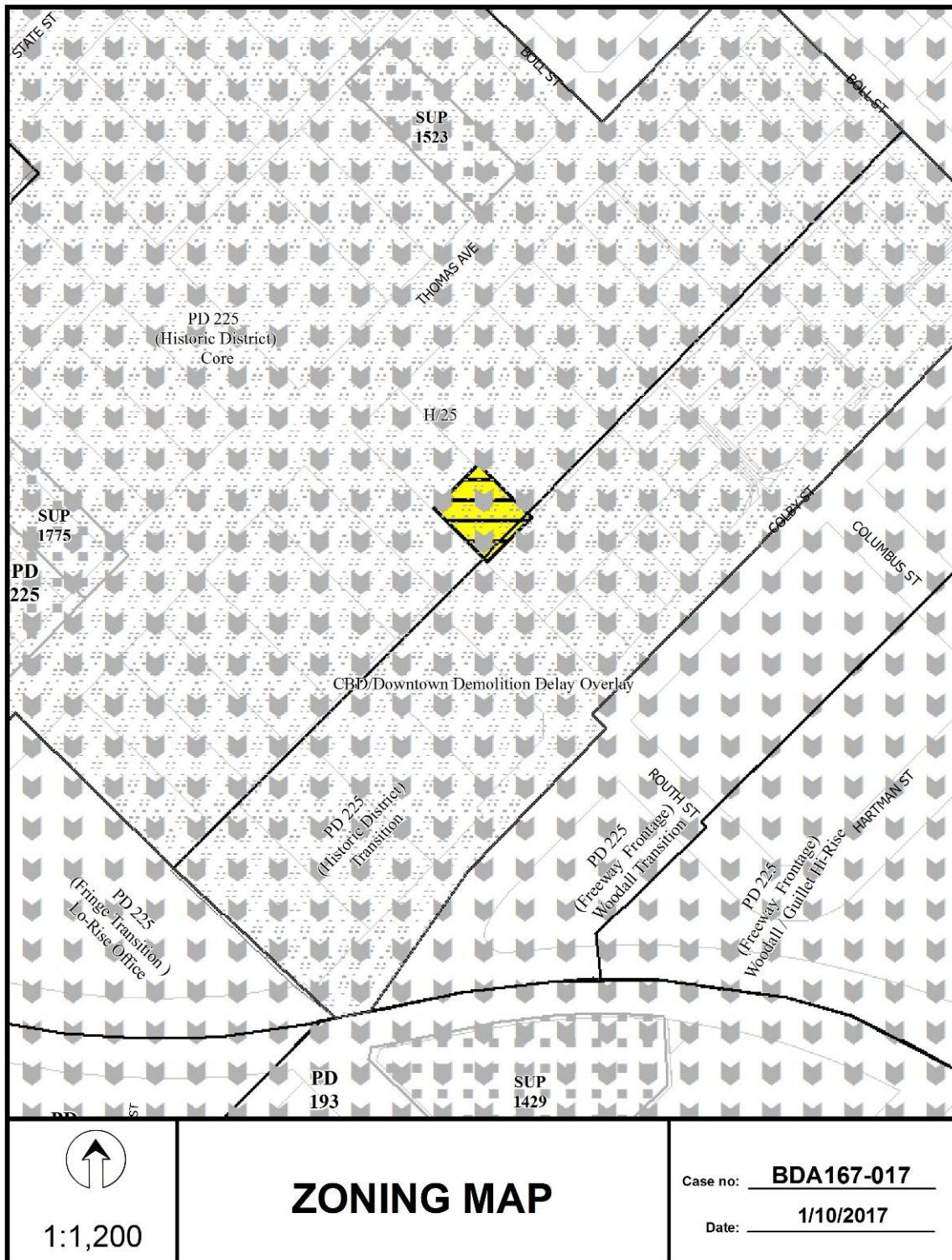
- The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD 225 zoning classification.
- The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same PD 225 zoning classification.
- If the Board were to grant the variance request, staff recommends imposing the following conditions:
 1. Compliance with the submitted site plan is required.
 2. Automatic garage doors must be installed and maintained in working order at all times.
 3. At no time may the areas in front of the garages be utilized for parking of vehicles.

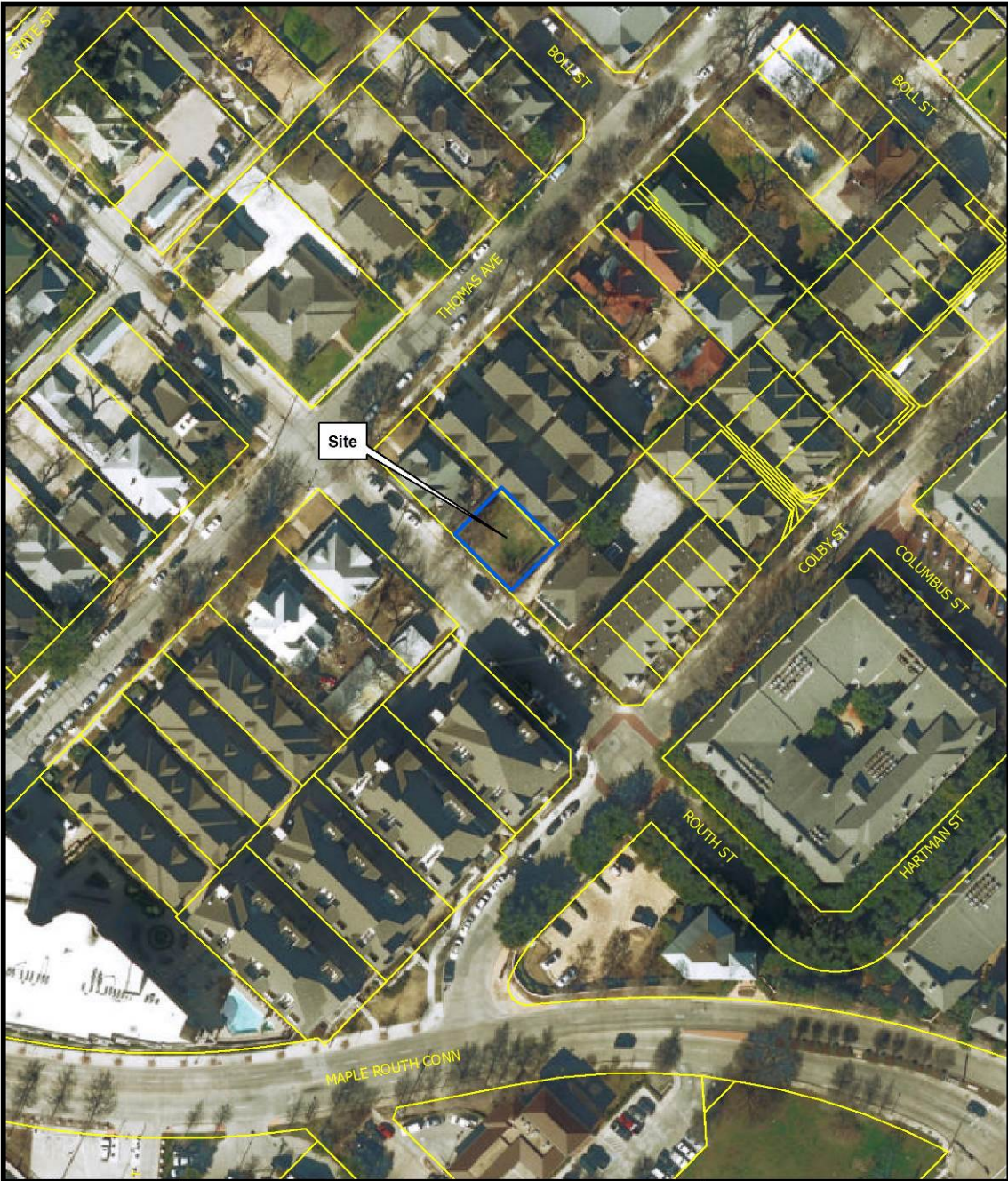
(These conditions are imposed to help assure that the variance will not be contrary to the public interest).

Timeline:

- December 16, 2016: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- January 6, 2017: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, “If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case.”
- January 6, 2017: The Board Administrator emailed the following information to the applicant:
- 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 February 1st deadline to submit additional evidence for staff to factor into their analysis; and the February 10th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

- January 27, 2017: The Sustainable Development and Construction Department Historic Preservation Chief Planner emailed the following comment to the Board Administrator: "BDA167-017 (2214 Routh Street) is located in the State-Thomas historic district. The Applicant has been working with both Staff and Landmark Commission on their conceptual plans for the structure, with the understanding that BOA approval is required to proceed with a final review from Landmark Commission".
- January 30, 2017: The Building Inspection Senior Plans Examiner/Development Code Specialist forwarded additional information to the Board Administrator beyond what was submitted with the original application (see Attachment A).
- February 7, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for February public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Assistant Director, the Sustainable Development Department Assistant Director Engineering, the Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.
- February 10, 2017: The Sustainable Development Department Assistant Director Engineering submitted a review comment sheet along with photos (see Attachment B). The review comment sheet was marked "Recommends that this be denied" with the following additional comment: "Vehicles will park in front of the garage door and block the sidewalk (see illustration photo)".





1:1,200

AERIAL MAP

Case no: BDA167-017

Date: 1/10/2017



CUMMINGS & ASSOCIATES
 ARCHITECTS, INC.
 ARCHITECTURE - GENERAL CONTRACTING - INTERIOR DESIGN

Project address:
 2214 Routh Street
 Dallas, TX 75201

Steve Long,

Amendment to zoning variance case BDA167-017

Dallas Board of Adjustment,

The project that will be located at 2214 Routh Street will meet all design aspects of the PD225 Historical Core District. We are asking for a variance for one specific reason; to allow this structure to be built in a manner commensurate with other similar structures in that same zoning classification. Lots in this district bordered by Thomas Street, Routh Street, Boll Street and Colby Street are the only lots that do not have alley access. 2214 Routh does not have any other means of egress onto the property other than Routh Street. The property is surrounded by a single-family home to the North, Townhomes to the East and a commercial property in the Historic Transition District to the South. The variance request is not contrary to public interest because the lot has two hardships.

- First would be the means of egress is limited to only Routh Street.
- Second is that the lot is smaller when compared to the average lot size in the same district, which is 6,580 square feet.

The above two hardships define that the majority of the lot would be covered with off street parking keeping a potential structure from being built in a manner commensurate with the developments upon other parcels of land with the same zoning classification if the variance is not granted.

Regardless of what type of structure that would be built; single-family, multi-family or commercial, the lot when compared to the others in the same zoning district is small, but the proposed building does not exceed the average size compared to the others in the same zoning district. The average structure in the same zoning district is 5,659 square feet. The proposed structure size for FAR calculation is 3,690 square feet. Below are FAR (Floor Area Ratio) calculations based on the first 21 items listed on Exhibit C in their respective categories:

- Single-Family – 0.43:1 FAR
- Single Family Condo – 1.57:1 FAR
- Multi-Family – 1.25:1 FAR
- Commercial – 0.50:1 FAR

The proposed project has a FAR of 1.23:1. PD225 Historical Core has a FAR of 1.5:1 max for residential structures.

Items to add to the submittal:

1. The attached Exhibits C, D, E and F are to provide additional project information. The Exhibits are described below:
 - a. Exhibit C - List of neighboring properties with detailed information for comparison.
 - b. Exhibit D - Key map for Exhibit C
 - c. Exhibit E - 3D rendering of proposed project for comparison to surrounding structures
 - d. Exhibit F - Additional 3D rendering

Sincerely,


 Chris Johnson
 Senior Designer

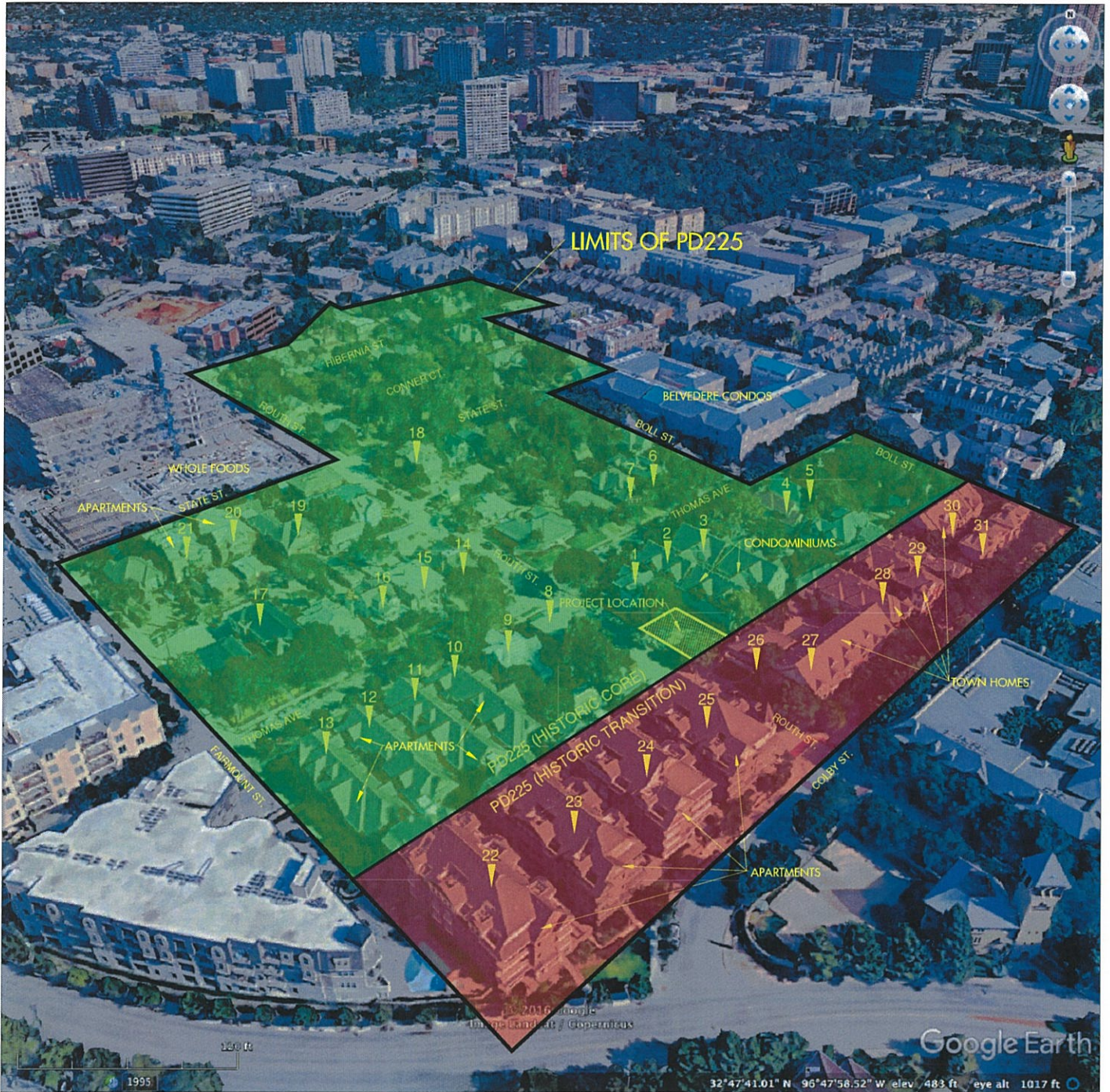
204 North Main, Suite 112 Duncanville, Texas 75116 972.572.2519 Fax 972.572.0178

Exhibit C
2214 Routh

BDA 167-017
 Attach A
 PS 2

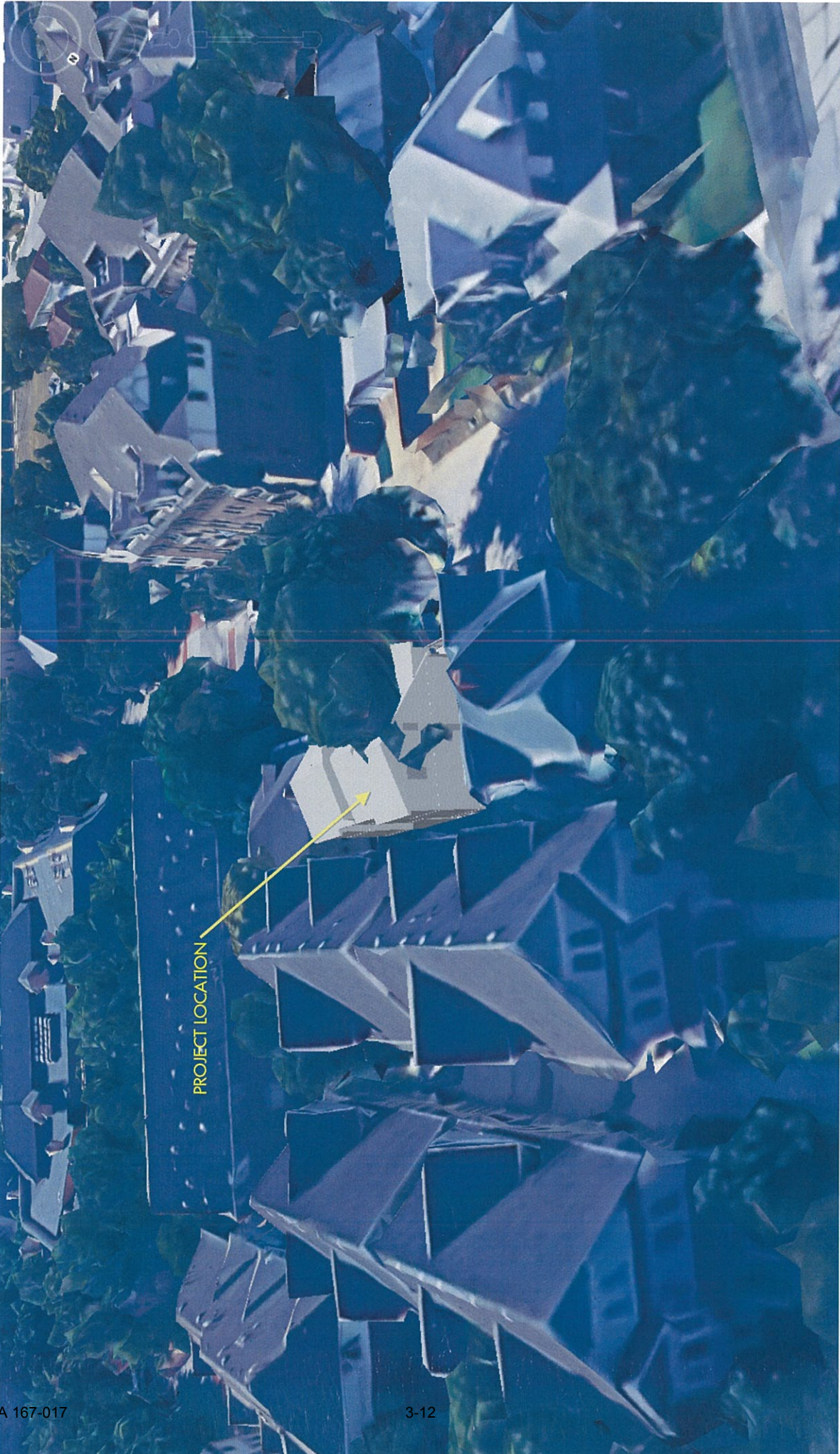
KEY							
#	Address	Owner	Lot Size	Building Sq Footage	Type	Notes	
						PD225 Historical Core District	
						PD225 Historical Transistion District	
1	2600 Thomas	Yolanda Larson	4500	2658	SFR	detached car port facing Routh, homes faces Thomas Ave	
2	2604 Thomas	4 Condo Owners	7500	11796	SFR - Condominiums	8 units between 2604/2608 Thomas with shared driveway. Faces Thomas Ave	
3	2608 Thomas	4 Condo Owners	7500	11796	SFR - Condominiums	8 units between 2604/2608 Thomas with shared driveway. Faces Thomas Ave	
4	2618 Thomas	Stone Fox Inv	3000	2550	SFR	There is another unit behind it that uses same driveway. Shares driveway with 2624 Thomas, 2620, and 2622 Thomas	
5	2624 Thomas	Greener City Corp	3000	2503	Commercial Improvements	There is another unit behind it that uses same driveway. Shares driveway with 2624 Thomas, 2620, and 2622 Thomas	
6	2617 Thomas	Barney & David LTD	7500	4173	Commercial Improvements	Has back alley access behind the building. Converted residence to Commercial	
7	2613 Thomas	6 owners shown	7500	2300	Commercial Improvements	Has back alley access behind the building. Converted residence to Commercial	
8	2516 Thomas	Otto Phyllis Elaine	7500	2936	SFR	Home faces Thomas, detached garage faces Routh (and right across from 2214 Routh). Home built in 1930	
9	2512 Thomas	Hearst Judith Smith	10500	2762	SFR	built in 1885. Desirability per DCAD is Very Poor	
10	2510 Thomas	State Thomas Apts	7510	9123	MFR - Apartments	built in 2008. Apt 9123 SF and Parking Garage is 5604 SF	
11	2508 Thomas	State Thomas Apts	6750	9453	MFR - Apartments	built in 2008. Apt 9453 SF and Parking Garage is 5604 SF	
12	2504 Thomas	State Thomas Apts	6750	9349	MFR - Apartments	built in 2008. Apt 9349 SF and Parking Garage is 5604 SF	
13	2502 Thomas	State Thomas Apts	6750	9517	MFR - Apartments	built in 2008. Apt 9517 SF and Parking Garage is 5604 SF	
14	2519 Thomas	JNW Holdings	7500	2203	Commercial Improvements	Converted residence, built in 1907. has back alley access off of Routh and large parking lot	
15	2517 Thomas	Bayless Alvin Kent	7500	3616	Commercial Improvements	Converted residence, built in 1930. has back alley access off of Routh and large parking lot	
16	2515 Thomas	Timeless Collectables	7500	2958	Commercial Improvements	Converted residence, built in 1930. has back alley access off of Routh and large parking lot	
17	2505 Thomas	5701 Main St LLC	7500	5635	Commercial Improvements	Hotel Zaza residences built in 2012	
18	2600 State St	Nicholas Douglas	6000	3594	Commercial Improvements		
19	2512 State	Pelletier George	7500	10764	MFR - Apartments	5 Apt units, office building, and parking garage on this lot per dekad. Apt built 1930, Office/Parking built in 2003, Alley access off of Routh between state & thomas	
20	2508 State	Pelletier George trustee	7500	7560	MFR - Apartments	3 story Apt with 6 units built in 1993, Alley access off of Routh between state & thomas	
21	2504 State	NEMEC Family Trust	3750	3592	MFR - Apartments	Built in 1994, 3 stories, Alley access off of Routh between state & thomas	
21	2504 State	Maison Des Cimes	3750	3666	MFR - Apartments	Built in 1994, 3 stories, Alley access off of Routh between state & thomas	
22	2503 Colby	State Thomas Apts	11321	27963	MFR - Apartments	Built in 2008, 32 units, 4 stories	
23	2509 Colby	State Thomas Apts	11124	28158	MFR - Apartments	Built in 2008, 32 units, 4 stories	
24	2515 Colby	State Thomas Apts	11257	28169	MFR - Apartments	Built in 2008, 28 units, 4 stories	
25	2521 Colby	State Thomas Apts	10655	25896	MFR - Apartments	Built in 2008, 24 units, 4 stories	
26	2208 Routh	Res Judicasa LLC	9932	3150	Commercial Improvements	Office building built in 1926. Multiple businesses and parking lot	
27	2601 Colby	Ramona Holdings	2352	2484	SFR - Townhouse	built in 1997, 2 story townhouses that are connected with shared walls/roof. There are 6 townhomes	
27	2603 Colby	Gallerano Lisa	1437	2484	SFR - Townhouse	built in 1997, 2 story townhouses that are connected with shared walls/roof. There are 6 townhomes	
27	2605 Colby	Bolen Joel	1394	2484	SFR - Townhouse	built in 1997, 2 story townhouses that are connected with shared walls/roof. There are 6 townhomes	
27	2607 Colby	Jean Stephen	1350	2484	SFR - Townhouse	built in 1997, 2 story townhouses that are connected with shared walls/roof. There are 6 townhomes	
27	2609 Colby	Cohn Craig	1307	2484	SFR - Townhouse	built in 1997, 2 story townhouses that are connected with shared walls/roof. There are 6 townhomes	
27	2611 Colby	Sarwin Peter	1612	2484	SFR - Townhouse	built in 1997, 2 story townhouses that are connected with shared walls/roof. There are 6 townhomes	
28	2615 Colby	Climchy Kenneth	1978	2481	SFR - Townhouse	Built in 2002. There are 8 townhomes with a shared driveway between the 8 units	
29	2619 Colby	Annino Barry	2091	2501	SFR - Townhouse	Built in 2002. There are 8 townhomes with a shared driveway between the 8 units	
30	2205 Boll, Apt A	Cortez Roger	3690	3480	SFR - Townhouse	Built in 1998, 3 stories, attached garage as well, shared driveway with other townhomes, access from boll	
30	2205 Boll, Apt B	Perry Ralph	2494	3252	SFR - Townhouse	Built in 1998, 3 stories, attached garage as well, shared driveway with other townhomes, access from boll	
31	2635 Colby	Szmuk Peter	2692	3376	SFR	Built in 2006, 3 stories, attached garage as well, shared driveway with other townhomes, access from boll	
	Source						
	https://maps.dekad.org/prd/tpm/						

EXHIBIT - D
2214 ROUTH ST





BDA 167-
017
Attach A
pg 4



BDA
167-
017

Attach A

PS S

BDA 167-017

Attch B

PS1

REVIEW COMMENT SHEET
BOARD OF ADJUSTMENT
HEARING OF FEBRUARY 22, 2016(B)

Has no objections

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

Recommends that this be denied
(see comments below or attached)

No comments

BDA 167-012(SL)

BDA 167-016(JM)

BDA 167-017 (SL)

BDA 167-023 (SL)

COMMENTS:

Vehicles will park
in front of the
garage door and
block the public
sidewalk.

(see illustration photo)

Royce Denman
Name/Title/Department

2-10-17
Date

Assistant Director Engineering

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.

BDA 167-017
Attachment B
Pg 2

Board of Adjustment – Blocked sidewalk illustration due to enclosed garage less than 20 feet



BDA167-017
Attachment
PS 3

2214 Routh

BDA 167-017



Note "open" garage next door that is less likely to become a "storage area."



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-017

Data Relative to Subject Property:

Date: 12/16/16

Location address: 2214 Routh Street

Zoning District: PD 225 (H/25)(Tr. 1)

Lot No.: 1A Block No.: D-557 Acreage: 0.069

Census Tract: 17.03

Street Frontage (in Feet): 1) 60 2) _____ 3) _____ 4) _____ 5) _____

5827

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Resi Property Interests, LLC

Applicant: Chris Johnson

Telephone: 972-572-2519

Mailing Address: 204 N Main St. Suite 112, Duncanville, TX

Zip Code: 75116

E-mail Address: chj_caa@sbcglobal.net

Represented by: _____

Telephone: _____

Mailing Address: _____

Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance X, or Special Exception _____, of 13'-6"
To reduce the minimum 20'-0" required garage door setback by 6'-6".

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:

Description: To allow adequate enclosed parking spaces for each home on the lot.

Reason: The lot size will not allow development for a residential structure to be built that is commensurate with the development upon other parcels of land in the same zoning district.

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 _____

CHRIS JOHNSON

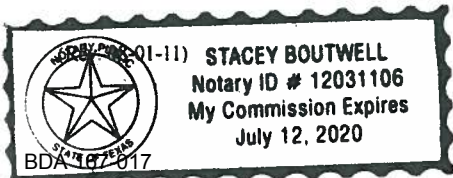
(Affiant/Applicant's name printed)

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 14 day of December, 2016



Stacey Boutwell
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

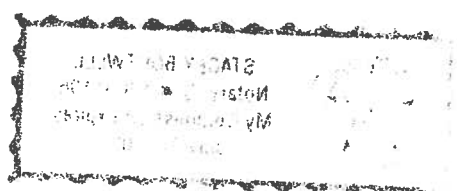
I hereby certify that Chris Johnson

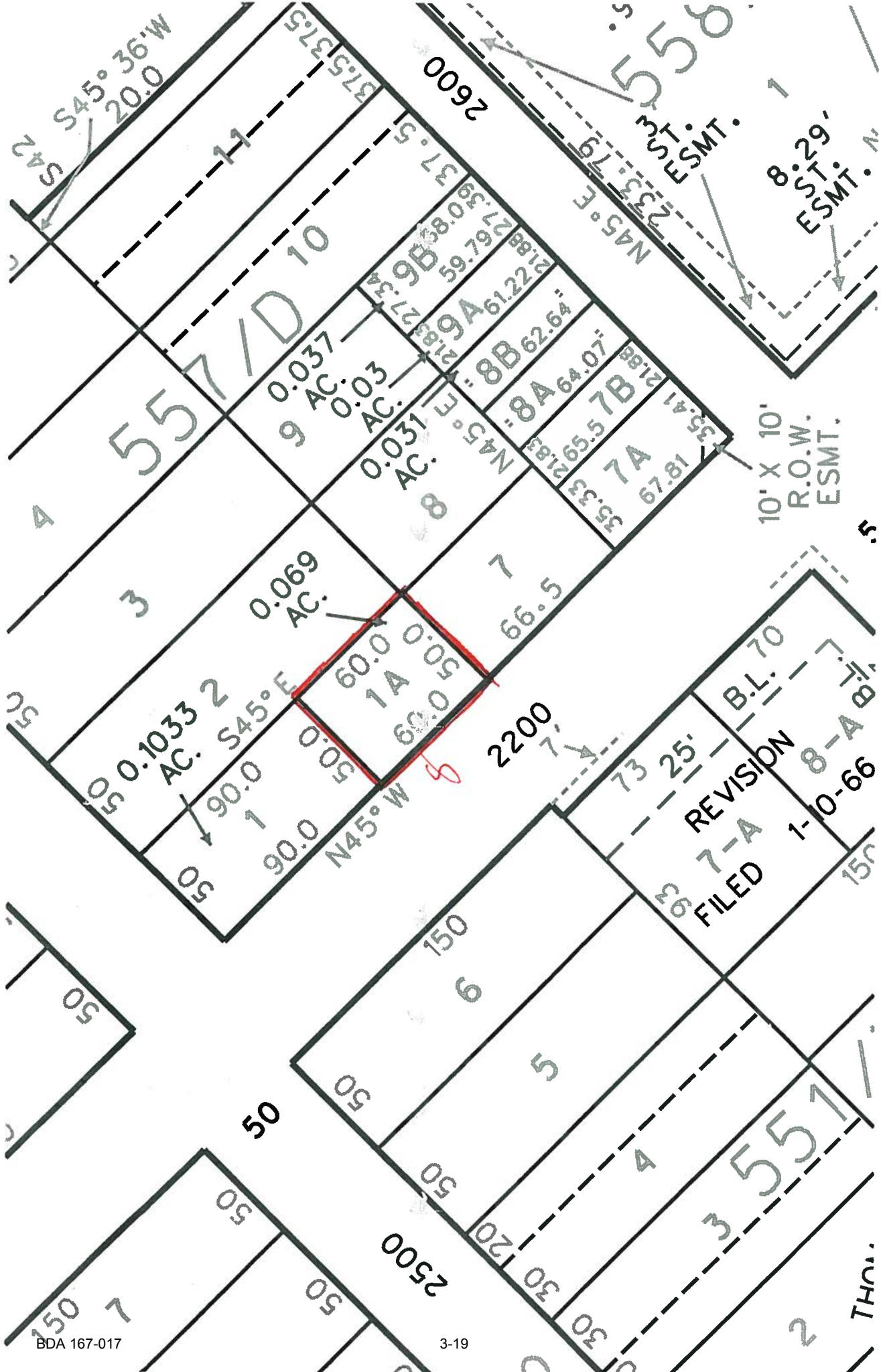
did submit a request for a variance to the off-street parking regulations
at 2214 Routh Street

BDA167-017. Application of Chris Johnson for a variance to the off-street parking regulations at 2214 Routh Street. This property is more fully described as Lot 1A, Block D/557, and is zoned PD 225 (H/25, Tr 1), which requires a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the street or alley. The applicant proposes to construct a duplex residential structure with a setback of feet 6 inches, which will require a variance of 6 feet 6 inches to the off-street parking regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official





REVISION
 FILED 7-A-8-A-B
 1-10-66

557/D 10

557

557

10' X 10'
 R.O.W.
 ESMT.

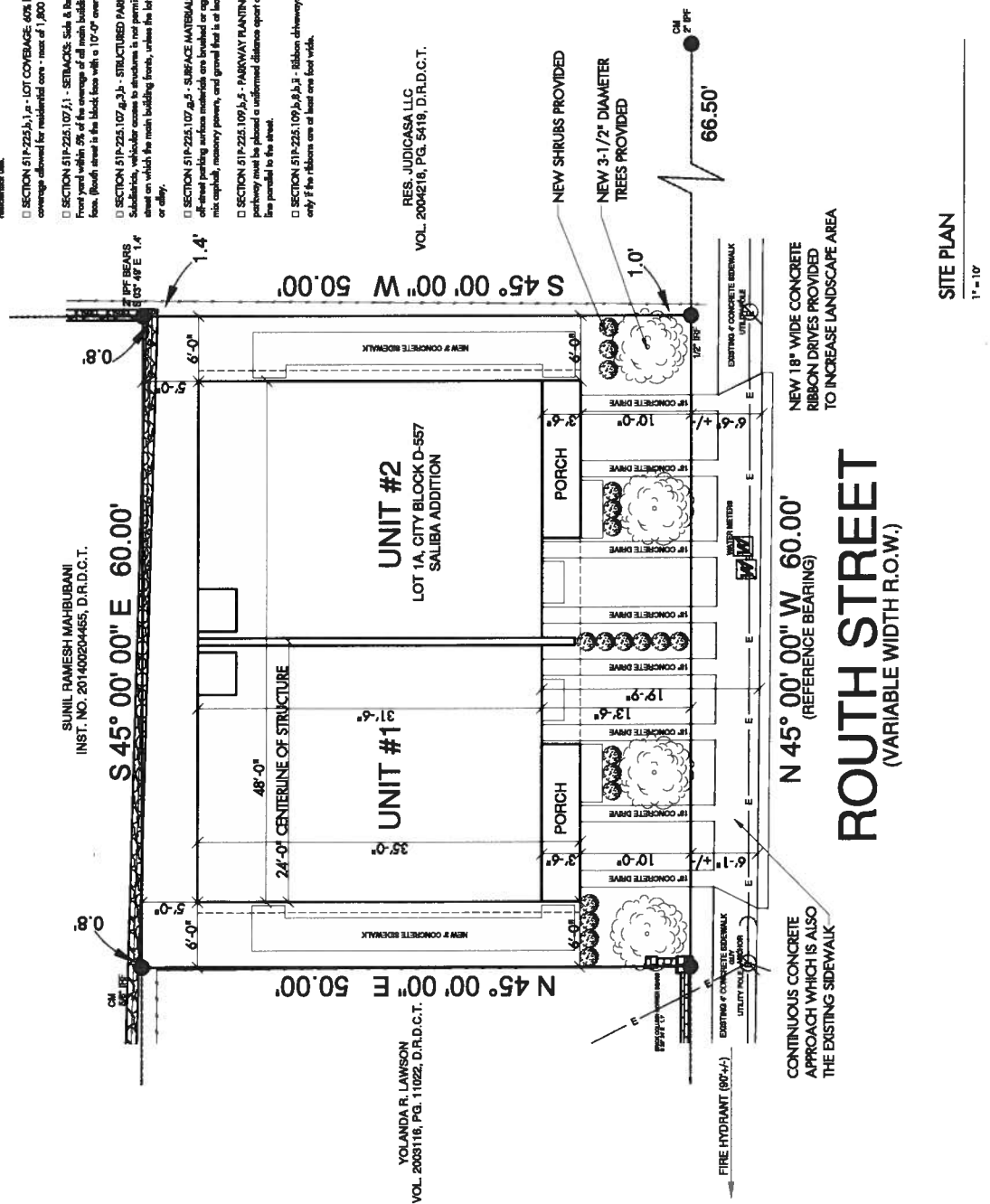


SQUARE FOOTAGE - UNIT 1	
1st FLOOR PLAN	327
2nd FLOOR PLAN	791
3rd FLOOR PLAN	727
TOTAL AIR CONDITIONED	1,845
FRONT PORCH	51
ONE CAR GARAGE #1	197
ONE CAR GARAGE #2	206
TOTAL UNDER ROOF	2,299
BALCONY	60
FIREWALL	22

HISTORICAL CORE
FLOOR AREA RATIO 1.5:1
 LOT: 4,500 · STRUCTURE: 4,496

SQ FT LOT CALCULATIONS	
TOTAL LOT AREA	3,000
TOTAL STRUCTURE FOOTPRINT	1,413
LOT COVERAGE %	47.1%
TOTAL SIDEWALK & DRIVE PAVING AREA	370
REMAINING LOT REMAINABLE SURFACE AREA	1,017
TOTAL FRONT YARD SURFACE AREA	600
TOTAL PAVED FRONT YARD SURFACE	142
PAVED FRONT YARD SURFACE %	24.0%

- STATE THOMAS CORE DISTRICT REGULATIONS
- SECTION 51P-225.107(a)(2)(ii) - FAR: limited to 1.5:1 for residential uses.
 - SECTION 51P-225.107(a)(1) - LOT COVERAGE: 40% lot coverage allowed for residential core - max of 1,800 sq ft floor print on site.
 - SECTION 51P-225.107(a)(3) - SETBACKS: Side & Rear yard is 5'-0"; Front yard within 5% of the coverage of all main buildings in the same block face. (Rough street is the block face with a 10'-0" coverage setback).
 - SECTION 51P-225.107(a)(3)(i) - STRUCTURED PARKING: In all Historic Subdivisions, all parking structures are not permitted to sit on the street on which the main building fronts, unless the lot abuts no other street or alley.
 - SECTION 51P-225.107(a)(5) - SURFACE MATERIALS: The only permitted off-street parking surface materials are levigated or aggregate concrete, hot mix asphalt, masonry pavers, and gravel that is at least three inches thick.
 - SECTION 51P-225.107(a)(5) - PARKWAY PLANTINGS: All trees in the parkway must be placed at a uniformed distance apart and planted along a line parallel to the street.
 - SECTION 51P-225.107(a)(5)(a) - Ribbon driveways are permitted, but only if the ribbons are at least one foot wide.

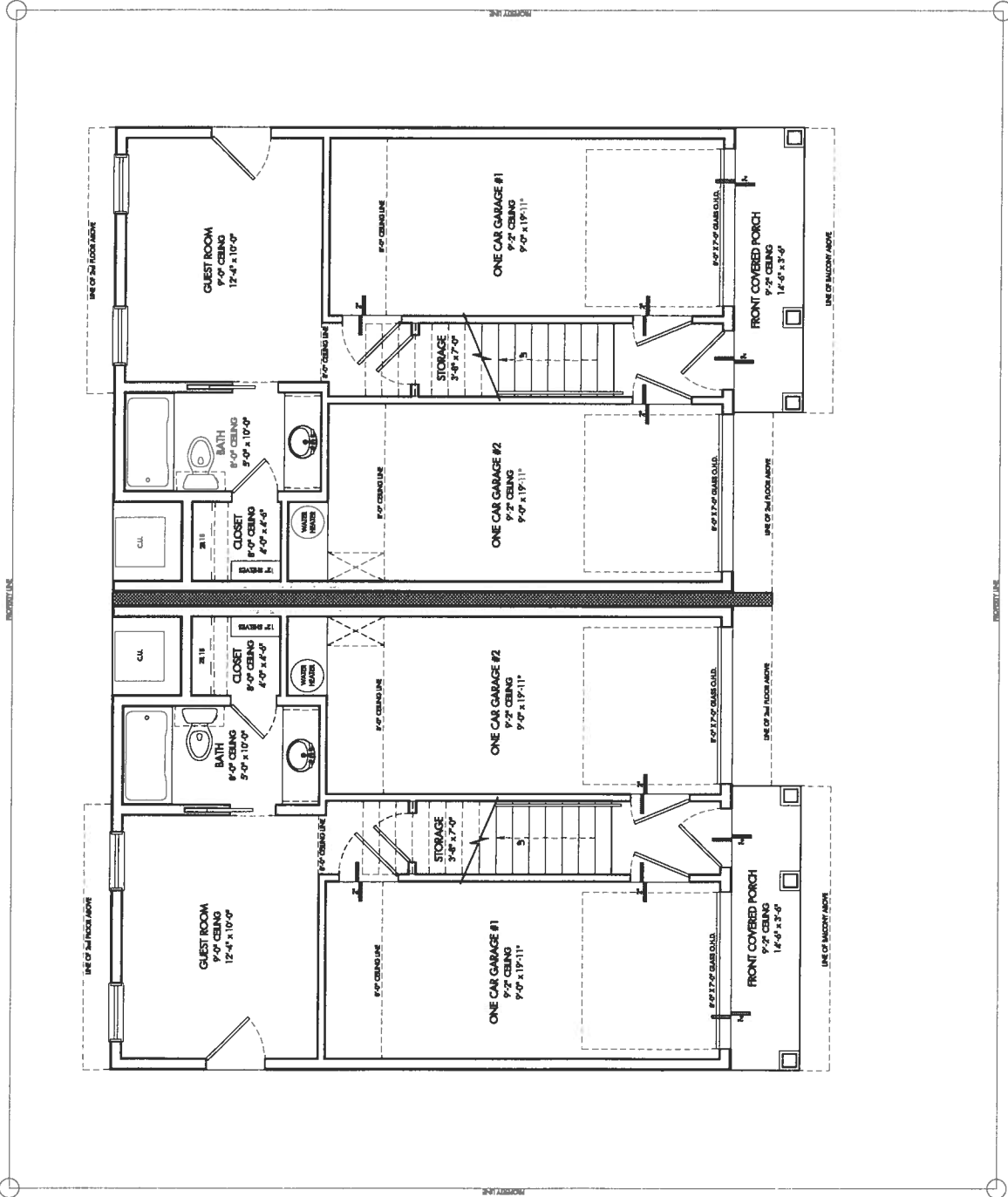


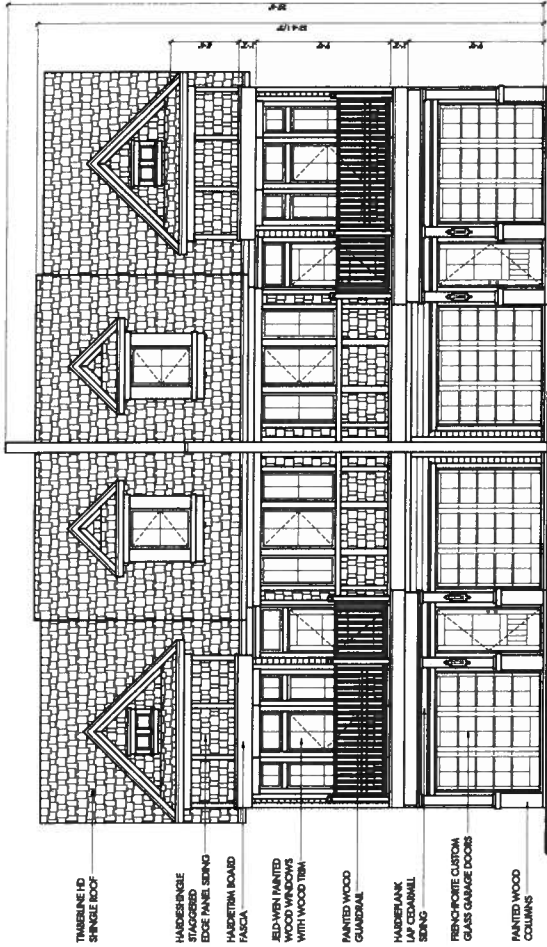
SHEET NO. A1	1st FLOOR PLAN	SHEET NAME	DRAWN BY: CHU	SCALE: 3/16" = 1'-0"	DATE: 11.11.16	 CUMMINGS & ASSOCIATES ARCHITECTS, INC. <small>ONE PARK DRIVE, SUITE 100, DALLAS, TEXAS 75201 PHONE: 214.741.1111 FAX: 214.741.1112</small>	PRELIMINARY NOT FOR REGULATORY APPROVAL OR PERMITTING OR CONSTRUCTION	2214 ROUTH STREET DALLAS, TX 75201		REVISION	BY



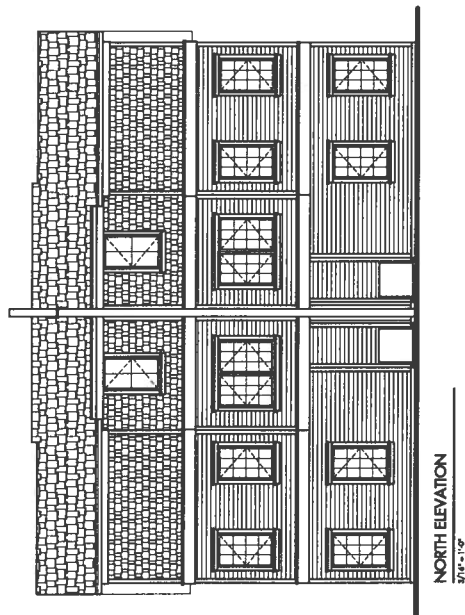
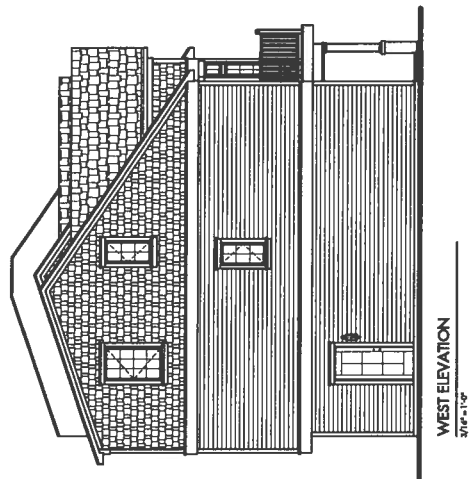
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FRONT PORCH	51
ONE CAR GARAGE #1	197
ONE CAR GARAGE #2	206
TOTAL UNDER ROOF	2,299
BALCONY	60
FIREWALL	22

1st FLOOR PLAN
3/16" = 1'-0"





- STATE THOMAS CORE DISTRICT REGULATIONS**
- SECTION 51P-225.107.a.1.a - HEIGHT: Max height of 36' main structure and 14' for accessory structure.
 - SECTION 51P-225.107.d.1 - MAX number of stories 2.5
 - SECTION 51P-225.109.a.11.a - FACADE MATERIALS: The only permitted materials are brick, wood siding and products that look like wood siding. All facade treatments and materials must be typical of the style and period of the main building.
 - SECTION 51P-225.109.a.12.a.i - Each main building must have a covered front porch that extends across at least 50 percent of the front facade.
 - SECTION 51P-225.109.a.14.a - MATERIALS AND COLORS: Roof materials and colors must complement the style and overall scheme of the building or structure. On residential structure, tar and gravel (built-up) is only permitted as a roof material on covered porches and porte cocheres with flat roofs. Carpet is not permitted as a roof material. Composition shingle, cedar shingle, and metal roofing materials may be permitted.
 - SECTION 51P-225.109.a.16.a.i - FRONT FACADE OPENINGS: The total number of window and door openings (combined) in the front facade of a main building must be equal to or greater than the total number of original window and door openings (combined) in that facade. The number of door openings in the front facade of a main building must not be increased. Each story of a front facade of a main building must contain at least two windows or one window with a door.





CUMMINGS & ASSOCIATES
ARCHITECTS, INC.
ARCHITECTURE - GENERAL CONTRACTING - INTERIOR DESIGN

Project address:
2214 Routh Street
Dallas, TX 75201

Steve Long,

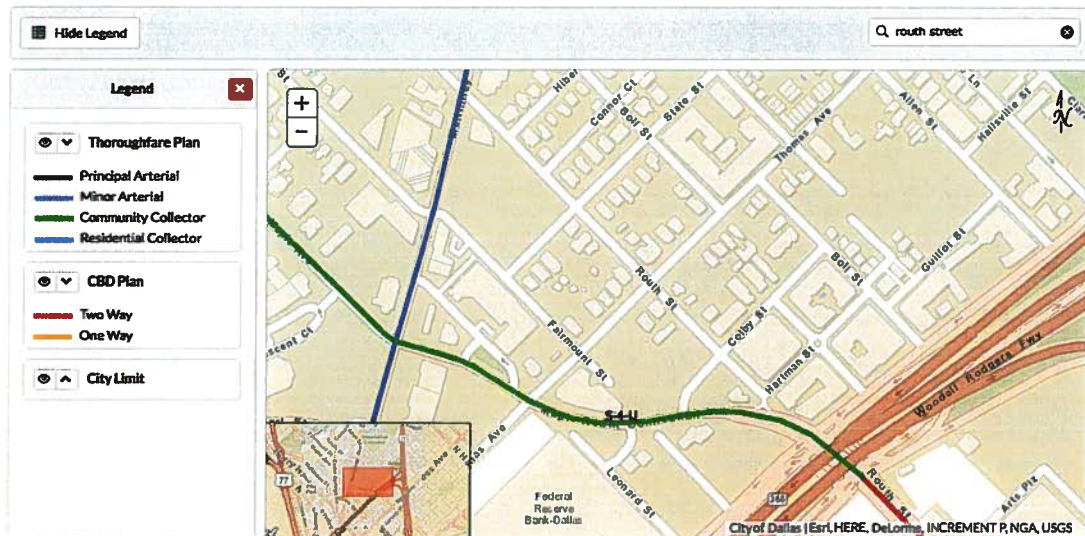
Amendment to zoning variance case BDA156-117

Items to add to the submittal:

1. The proposed lot does not have alley access and is not located on any arterial or collector street according to the City of Dallas Thoroughfare/CBD Plan.

Thoroughfare/CBD Plan

The Thoroughfare Plan is a long range plan to provide efficient flow of traffic throughout the City of Dallas. It provides both the dimensional and functional classification of roadways. The Central Business District Streets and Vehicular Circulation Plan (CBD Plan) provides travel direction, existing and proposed pavement and right-of-way widths for roadways in the Central Business District.



Information above was referenced from <https://gis.dallascityhall.com/>

2. The existing structures built at 2604 and 2608 Thomas Avenue are very similar to the proposed structure in design see attached Exhibit 'A'. In comparison, the new structure that is currently proposed at 2214 Routh Street will be smaller than the structures that are built behind said proposed property located on Thomas Avenue. 2604 and 2608 Thomas Avenue each have the same size buildings per lot. There are eight (8) 2,949 a/c square foot units per lot. Each lot is 14,997 sf. (.34 acres). If you divide the total lot square footage of 14,997 by the total number of units eight (8) you would get a 1,875 sf. footprint per unit. The actual air-conditioned square footage per unit is 2,974 sf.

Information for the calculations above where referenced from <http://www.dallascad.org/>




CUMMINGS & ASSOCIATES
ARCHITECTS, INC.
ARCHITECTURE - GENERAL CONTRACTING - INTERIOR DESIGN

3. The lot located at 2214 Routh is unusually small for that area, but has a allowable lot coverage of 60% according to Section 51P-225.107,b,1,a of PD225. The lot is allowed to have a 1,800 sf. max footprint. The structure that is currently designed has only a 1,685 sf. footprint, which is only 56.2% lot coverage. The proposed structure has 3.8% less lot coverage than allowed.
4. The proposed lot has a height restriction of 36' per Section 51P-225.107,c,1,a. The proposed structure has a height of only 33'-8". The proposed structure will be 2'-4" shorter than allowed. The structure will also be shorter than most others in the surrounding area. The lot grade is lower than the surrounding lots and is about 4'-0" lower than the property located behind it at 2604 Thomas Avenue. The structure will be comparable in size to a single-family multistory home and not a multifamily structure.
5. Please see attached letter Exhibit 'B' from owner stating that the front drive will NOT be used for parking at any time. The off street parking is provided in an enclosed manner behind the front build line.

Sincerely,

Chris Johnson
Senior Designer

REVISION	DATE	BY	DESCRIPTION

2214 SOUTH STREET DALLAS, TX 75201	
PRELIMINARY NOT FOR REGULATORY APPROVAL, PERMITTING OR CONSTRUCTION	
 CUMMINS & ASSOCIATES ARCHITECT, INC. 1000 WEST RIVER STREET, SUITE 100 DALLAS, TEXAS 75201	
DATE	11.22.16
SCALE	1" = 80'
DRAWN BY	CH
SHEET NAME	EXHIBIT 'A'
SHEET NO.	SPI

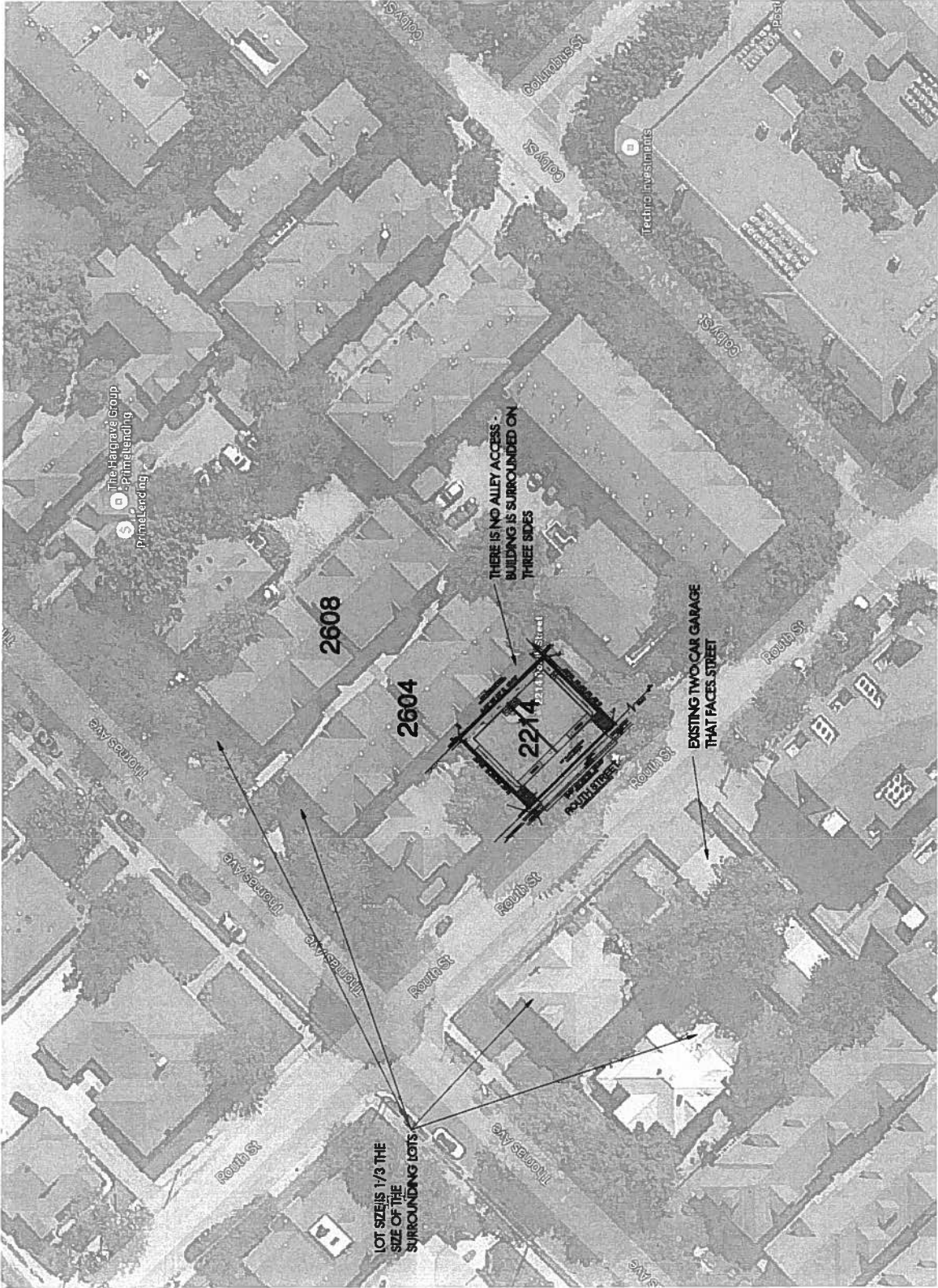


Exhibit B

Resi Property Interests, LLC
2608 Thomas Avenue, Unit 6
Dallas, TX, 75204

Dear City of Dallas Board of Adjustments,

The proposed structure at 2214 Routh, Dallas, TX will be providing Four (4) Off-Street parking spaces for the Two (2) condominiums that are being proposed. By providing Four (4) Off-Street parking spaces on the lot, no cars will be allowed to park in front of the garage doors or block the sidewalks.

Upon completion of construction, I will be moving into one of the two units as my primary residence and will be leasing out the second unit, therefore being able to control off-street parking regulations based on the variance.

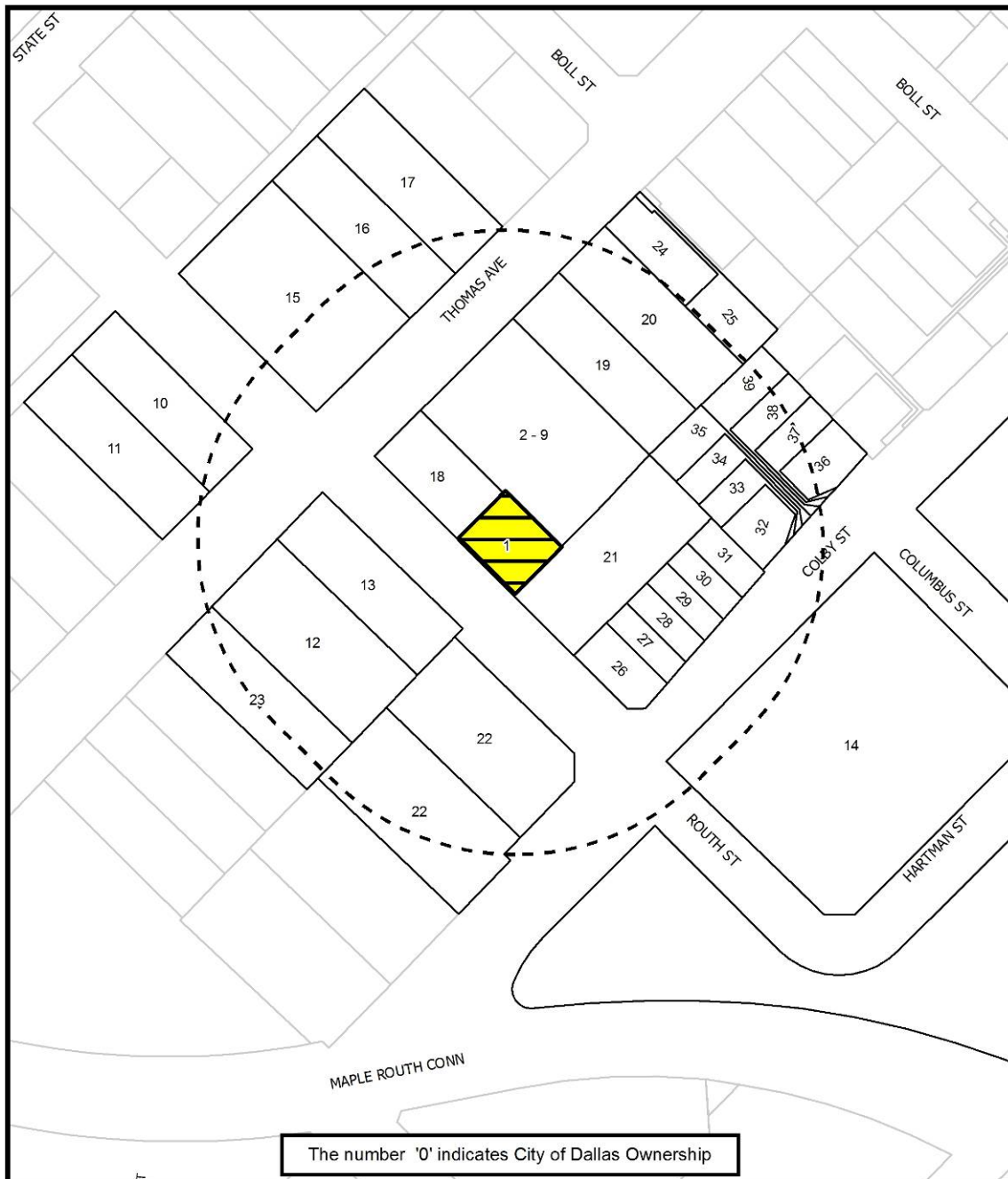
My current primary residence is located at 2608 Thomas Avenue, Dallas (Thomas & Routh), and I'm looking forward to continuing as a State-Thomas resident.

I can be reached at #972-310-1032 or pyazbeck@resipropertyinterests.com to further discuss at any time. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Paul Yazbeck', written in a cursive style.

Paul Yazbeck



The number '0' indicates City of Dallas Ownership

 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">39</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	39	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA167-017 Date: 1/10/2017
200'	AREA OF NOTIFICATION					
39	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA167-017

39 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2214 ROUTH ST	HOFFMAN SHEPARD A
2	2608 THOMAS AVE	MAHBUBANI SUNIL RAMESH
3	2608 THOMAS AVE	FETSKO URSULA PAIGE
4	2608 THOMAS AVE	CARELLE JANICE
5	2608 THOMAS AVE	VIERE JANE MARION
6	2608 THOMAS AVE	KHALEEL MOHAMMED A &
7	2608 THOMAS AVE	KOLBE FAMILY HOLDINGS LLC
8	2608 THOMAS AVE	DUNCAN MELANIE KIM
9	2608 THOMAS AVE	YAZBECK PAUL J
10	2519 THOMAS AVE	WALKER JOHN NEWTON
11	2517 THOMAS ST	BAYLESS ALVIN KENT &
12	2512 THOMAS AVE	HEARST JUDITH SMITH
13	2516 THOMAS ST	OTTO PHYLLIS ELAINE
14	2121 ROUTH ST	POST APARTMENT HOMES LP
15	2605 THOMAS AVE	RLP VENTURES II LLC
16	2609 THOMAS AVE	2609 THOMAS LLC
17	2613 THOMAS AVE	BOBUM III LLC
18	2600 THOMAS AVE	LAWSON YOLANDA R
19	2612 THOMAS AVE	HEWITT CHRISTOPHER M & SARA S
20	2616 THOMAS AVE	NHR DESIGN LP
21	2208 ROUTH ST	RES JUDICASA LLC
22	2521 COLBY ST	STATE THOMAS APARTMENTS &
23	2510 THOMAS AVE	STATE THOMAS APARTMENTS
24	2618 THOMAS AVE	STONE FOX INVESTMENTS LLC
25	2620 THOMAS AVE	PETERSON DAVID J &
26	2601 COLBY ST	REXFORD JOHN H

01/10/2017

Label #	Address	Owner
27	2603 COLBY ST	GALLERANO LISA STALER
28	2605 COLBY ST	BOLEN JOEL
29	2607 COLBY ST	JEANS STEPHEN D
30	2609 COLBY ST	COHN CRAIG
31	2611 COLBY ST	SARWIN PETER
32	2615 COLBY ST	CLINCHY KENNETH &
33	2615 COLBY ST	MUELLER BRITNEY DANIELLE &
34	2615 COLBY ST	WHITE SARAH POLLAN
35	2615 COLBY ST	THAMMASITHIBOON NITAYA &
36	2619 COLBY ST	ANNINO BARRY & DEBORA
37	2619 COLBY ST	CUMMINGS FRANCIS J &
38	2619 COLBY ST	FLYNN MICHAEL THOMAS
39	2619 COLBY ST	HUTSKO GREGORY B

FILE NUMBER: BDA167-023(SL)

BUILDING OFFICIAL'S REPORT: Application of Mike Backlund for a variance to the off-street parking regulations at 3403 N. Fitzhugh Avenue. This property is more fully described as Lot 14, Block 2/1521, and is zoned PD-193 (GR), which requires off-street parking to be provided. The applicant proposes to construct and maintain a structure for a restaurant without drive-in or drive-through service use and provide 21 of the required 37 parking spaces, which will require a 16 space variance to the off-street parking regulations.

LOCATION: 3403 N. Fitzhugh Avenue

APPLICANT: Mike Backlund

REQUEST:

A request for a variance to the off-street parking regulations of 16 parking spaces (or a 43 percent reduction of the 37 off-street parking spaces that are required) is made to lease and maintain an approximately 3,700 square foot structure (that is currently approximately 3,000 square feet) with a "restaurant without drive-in or drive through service" use, and provide 21 of the 37 required off-street parking spaces (3 off-street parking spaces provided on the site and 18 off-street parking spaces provided in recognized remote parking agreements).

STANDARD FOR A VARIANCE:

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

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

STAFF RECOMMENDATION:

Denial

Rationale:

- While the Sustainable Development Department Assistant Director Engineering has submitted a Review Comment Sheet marked “Has no objections”, staff has concluded that the features of the somewhat sloped, rectangular in shape, approximately 6,500 square foot subject site do not restrict the applicant from developing/leasing the existing structure and/or the site with uses permitted in this zoning where the number of off-street parking spaces could be provided without a variance, and that the variance is made in this application only to relieve a self created hardship.

BACKGROUND INFORMATION:

Zoning:

Site: PD 193 (GR) (Planned Development District, General Retail)
North: PD 193 (GR) (Planned Development District, General Retail)
South: PD 193 (GR) (Planned Development District, General Retail)
East: PD 193 (GR) (Planned Development District, General Retail)
West: PD 193 (R-7.5) (Planned Development District, Single family)

Land Use:

The subject site is developed with a vacant office structure. The areas to the north, east, and south are developed with nonresidential uses; and the area to the west is the Katy Trail.

Zoning/BDA History:

1. BDA145-090, Property at 3403 N. Fitzhugh Avenue (the subject site)

On September 23, 2015, the Board of Adjustment Panel B granted a request for a special exception to the landscape regulations and imposed the submitted revised landscape plan as a condition. The case report stated that the request was made to transition/enlarge an existing vacant 2-story medical office use/structure to a restaurant use, and not fully providing required landscaping.

GENERAL FACTS /STAFF ANALYSIS:

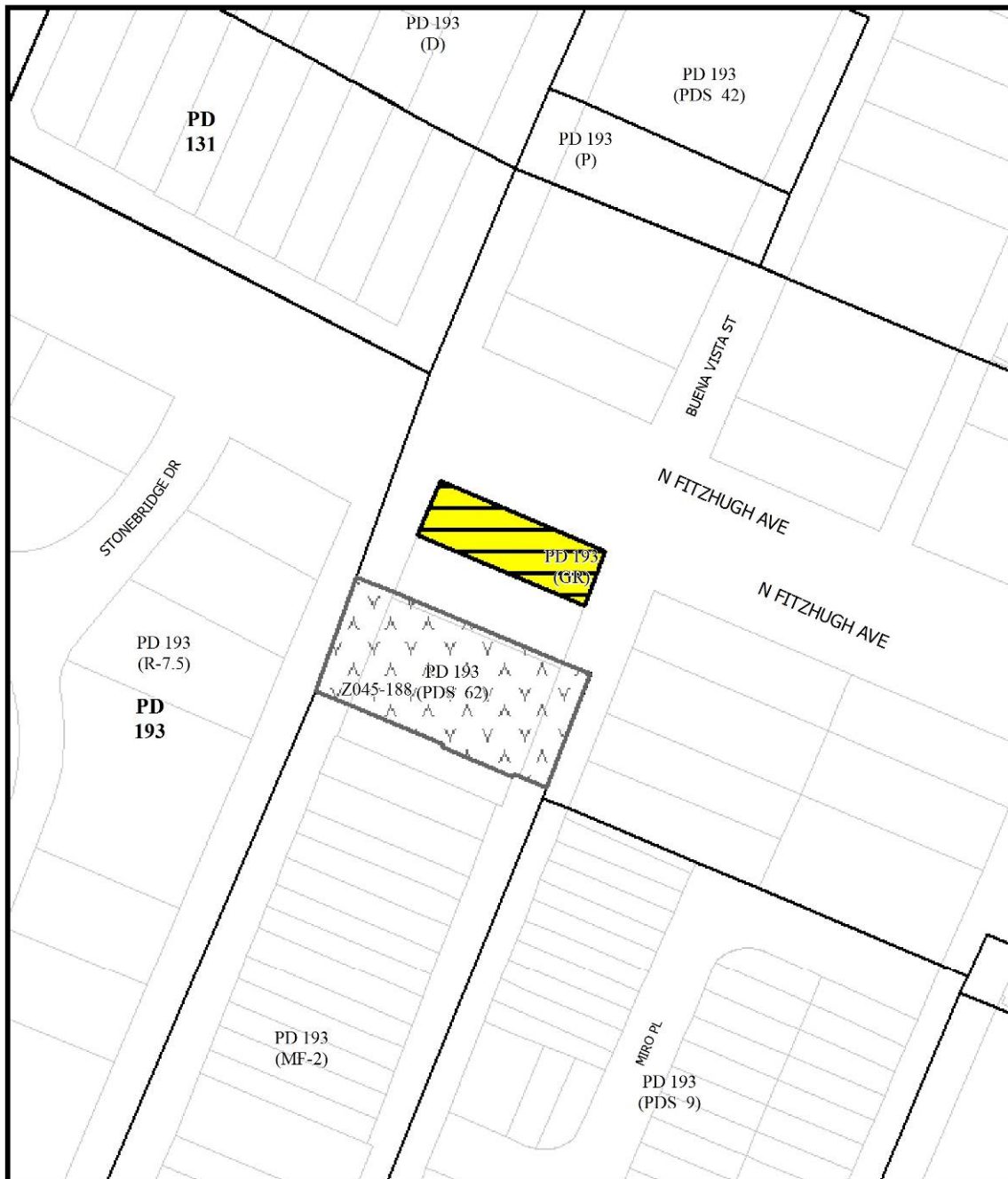
- The request for a variance to the off-street parking regulations of 16 spaces focuses on leasing and maintaining an approximately 3,700 square foot structure (that is currently approximately 3,000 square feet) with a “restaurant without drive-in or drive through service” use where the City only recognizes 21 of the 37 required off-street parking spaces for the proposed use at the proposed square footage (3 off-street parking spaces provided on the site and 18 off-street parking spaces provided in recognized remote parking agreements).
- The site is zoned PD 193 (GR Subdistrict).
- PD 193 requires an off-street parking requirement of 1 space per 100 square feet of “restaurant without drive-in or drive-through service” use.
- PD No. 193 additionally provides certain “special parking regulations” with a “general standard” stating: “At least 50 percent of the off-street parking required for any other main use must be located on the same lot as that use or on a lot directly adjacent to or across an alley from that use”.
- The application and Building Official’s report states that variance is sought for 16 spaces where the City recognizes the applicant providing 21 (or 56 percent) of the 37 off-street parking spaces required in conjunction leasing approximately 3,700 square feet of structure with “restaurant without drive-in or drive-through service” use.
- The parking provisions mentioned above allow the City to recognize only 21 (or 56 percent) of the 37 off-street parking spaces required for this sized structure leased with this specific use even though the applicant states he is providing all 37 spaces – 3 off-street parking spaces on the site, and the remaining 34 off-street parking spaces via 3 remote parking agreements with property across Buena Vista Street.
- The applicant states the request is to allow more than 50 percent of the required parking to be provided off the lot but all within 370 feet or less of the entrance to the proposed restaurant.
- The site is somewhat sloped, rectangular in shape, and according to the application, 6,533 square feet in area. The site is zoned PD 193 (GR).
- DCAD records indicate that the “improvements” at 3403 N. Fitzhugh Avenue is an “office building” with 3,050 square feet built in 1963.
- The Sustainable Development Department Assistant Director Engineering has submitted a Review Comment Sheet marked “Has no objections.”
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to off-street parking regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD No. 193 (GR) zoning classification.

- The variance would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same PD No. 193 (GR) zoning classification.
- If the Board were to grant this request, the applicant could lease and maintain an approximately 3,700 square foot structure (that is currently approximately 3,000 square feet) with a “restaurant without drive-in or drive through service” use, and provide 21 of the 37 required off-street parking spaces for the proposed use at the proposed square footage.

Timeline:

- December 28, 2016: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- January 6, 2017: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B.
- January 6, 2017: The Board Administrator emailed the following information to the applicant:
- 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 February 1st deadline to submit additional evidence for staff to factor into their analysis; and the February 10th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”
- February 1, 2017: Additional information was submitted on behalf of the applicant to staff beyond what was submitted with the original application (see Attachments A and B).
- February 7, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for February public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Assistant Director, the Sustainable Development Department Assistant Director Engineering, the Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

February 9, 2017: The Sustainable Development Department Assistant Director Engineering submitted a Review Comment Sheet marked "Has no objections."

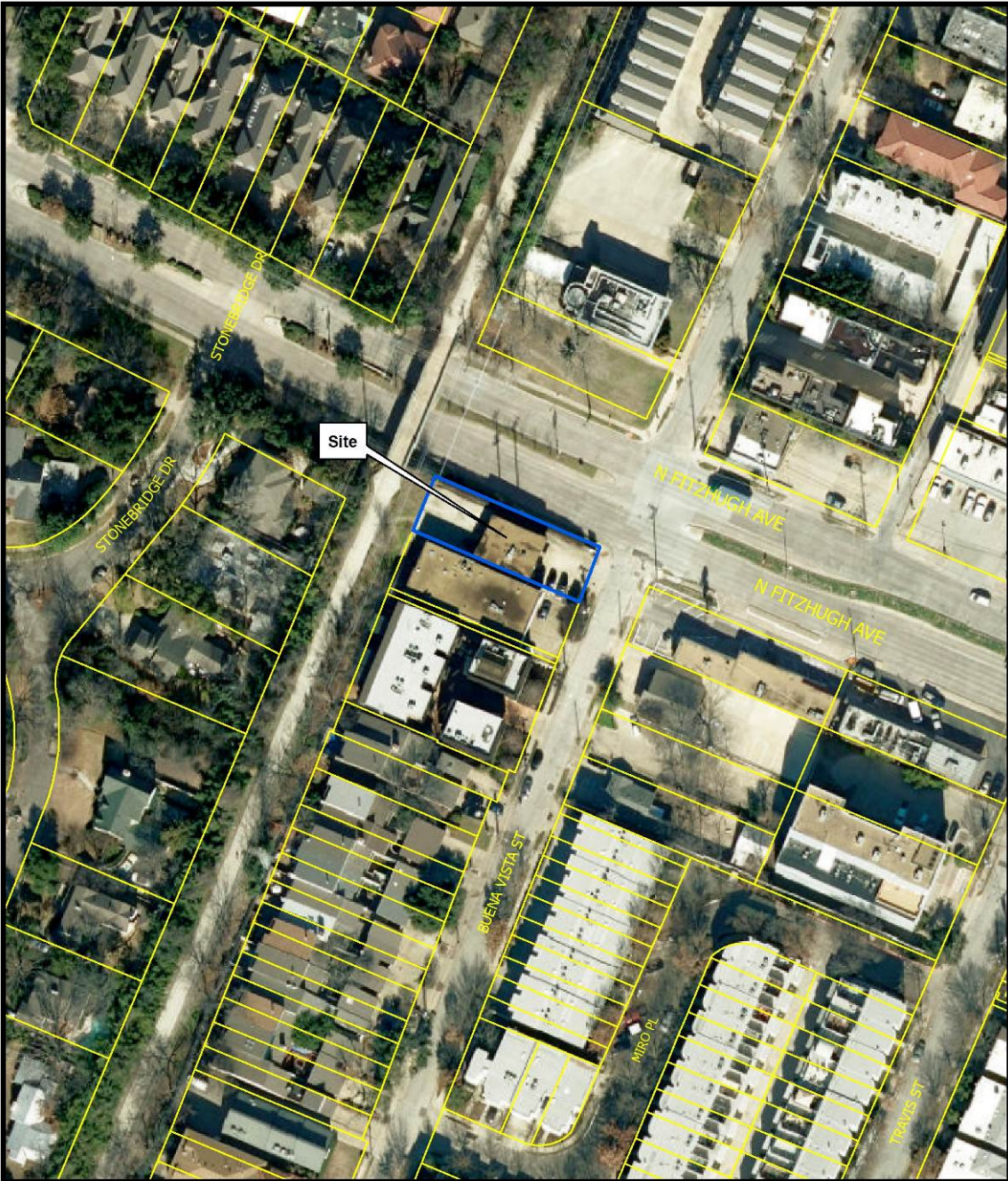


1:1,200

ZONING MAP

Case no: BDA167-023

Date: 1/10/2017



1:1,200

AERIAL MAP

Case no: BDA167-023

Date: 1/10/2017

BDA 167-023
Attach A
Pg 1

500 Winstead Building
2728 N. Harwood
Dallas, TX 75201

214.745.5400 OFFICE
214.745.5390 FAX
214.745.5724 DIRECT DIAL
tmann@winstead.com

February 1, 2017

Steve Long
Board Administrator
City of Dallas, Board of Adjustment
1500 Marilla, 5BN
Dallas, Texas 75201

Re: BDA Case No. 167-023; 3403 N. Fitzhugh

Dear Steve:

Our Firm represents Mike Backlund in the above-referenced Board of Adjustment ("**Board**") case concerning property at 3403 N. Fitzhugh ("**Property**"), on which he proposes to build a restaurant ("**Project**"). We are submitting this letter for the Board's review of Mr. Backlund's request for a variance from an off-street parking regulation set forth in Section 51P-193.117(d)(2) ("**Request**"), which provides that 50 percent of required parking be provided on the same lot as the use or on a lot "directly adjacent to or across an alley from that use" ("**Requirement**"). The Project provides the full number of required parking spaces. The Project is planned to be 3,693 sf., which requires 37 parking spaces. 34 spaces are to be provided via three (3) remote parking agreements with property across Buena Vista St. from the Property. The City has already approved the remote parking, and the agreements have been recorded in Dallas County Deed Records. This Request is simply to allow more than 50 percent of the required parking spaces to be provided off the lot, but all within 370 feet or less of the entrance to the restaurant. The Property is currently zoned PD-193-General Retail ("**PD-193-GR**").

The Board may grant a variance from off-street parking requirements where: (1) literal enforcement of the Code would result in unnecessary hardship, so that the spirit of the Code is met; (2) the variance is necessary to permit development of a parcel that is restricted by area, shape, or slope such that it cannot be developed in a manner commensurate with the development of other parcels of land with the same zoning; and (3) the variance is not granted to relieve a self-created hardship. (City Code, Section 51A-3.102(d)(10)).

Steve Long
February 1, 2017
Page 2

As further discussed below, this Request concerns a fact situation where: (1) literal enforcement of the code will render the Project non-conforming as to parking, despite the fact that it provides the number of required spaces in close vicinity of the Property; (2) the Property is a corner lot restricted to one adjacency and is small in size; and (3) Mr. Backlund has not created the hardship.

A. A Variance Will Grant Relief From Unnecessary Hardship and Observe the Spirit of the Code, Because the Project Provides the Number of Required Spaces in Close Proximity to the Property, and Patrons Will Only Be Required To Walk a Short Distance After They Park.

The Project provides all 37 required parking spaces: 3 spaces on the Property, and 34 spaces on property across Buena Vista Street ("Off-Site Spaces"). The City approved remote parking agreements for these Off-Site Spaces but subsequently ruled that the agreements were wrongfully approved. All of these Off-Site Spaces are located within approximately 370 feet of the entrance to the restaurant. An aerial of the Off-Site Spaces is attached as **Exhibit A**. Presumably, the policy behind the Requirement is to provide safety for patrons walking from the parking lot to the entrance of the building by ensuring they do not have to travel a long distance. Granting a variance to the Requirement will grant relief from unnecessary hardship and meet the spirit of the ordinance for the following reasons:

- 1. The distance between the Off-Site Spaces and the entrance to the restaurant is similar to the distance between parking spaces and the entrance to buildings that are located on the same lot for other properties in Dallas.**

Examples of other properties in Dallas for which required parking is located on the lot but at distances from the entrance similar to this case, include: (a) the Kroger on Cedar Springs, and (b) The Melrose Hotel on Oak Lawn. Aerial photos of those properties are attached as **Exhibit B** and **Exhibit C**, respectively. As shown on the aerials, the distances from the farthest parking space to the entrance are 301 and 343 feet, respectively. Here, Mr. Backlund will provide all parking spaces within approximately 370 feet.

- 2. The Project will provide valet parking which will limit the distance that a patron must walk between parking and the entrance.**

Furthermore, it is worth noting that the Project will provide valet parking located approximately 180 feet from the entrance; thus, patrons of the Project will only be required to walk 180 feet to enter the restaurant after they park. A Valet Routing Map and aerial showing the location are attached as **Exhibit D**. Moreover, patrons will only be required to cross Buena Vista

Steve Long
February 1, 2017
Page 3

Street: a small, sparse street that is not subject to significant vehicular traffic, when walking from the valet stand to the restaurant entrance.

It is worth noting that the Requirement to provide at least 50 percent of required parking on the same or adjacent lot in Chapter 51 of the City Code was not forwarded to the more recent zoning regulations in Chapter 51A. Section 51A-4.324 allows a tenant to satisfy required parking numbers through remote parking, and merely requires that the remote parking be provided within 300 feet of the main use, which can even be extended up to 600 feet upon the approval of the building official. The choice to omit the Requirement indicates no compelling public safety or welfare concern behind a requirement to provide 50% of parking on-site or adjacent.

B. The Property Cannot be Developed in a Manner Commensurate With the Development Upon Other Parcels of the Same Zoning, Because the Property is Restricted by Its Lack of Adjacencies and Size.

The Request is necessary to permit development of the Property, because its unique physical characteristics prevent it from being developed in a like manner to other properties zoned PD-193-GR. Firstly, the Property is limited by its size. The Property is a mere +/- 0.14 acres. City standard parking stalls are 180 sf. (9' x 20'), which would require 6,660 sf. (even without drive aisles) of area for surface parking, and the Property is only 6,090 sf. in size. Therefore, it is impossible for Mr. Backlund to provide enough surface parking on the Property, and the only adjacent property is similarly constrained. Therefore, in order to meet required parking, Mr. Backlund must provide spaces on other lots.

The Property is a corner lot, bounded by Fitzhugh Ave. on the north and Buena Vista St. to the east. The Property is also bounded by the Katy Trail to the west. Thus, unlike other corner lots, the Property is limited to one adjacency to the south on which to meet the Requirement, rather than the typical two adjacencies (or three for non-corner lots). This Request would allow Mr. Backlund to develop his property in a manner commensurate with similarly zoned property, despite its unique physical limitations.

C. Mr. Backlund Did Not Create the Hardship, Because He Has Not Altered the Physical Characteristics of the Property and Will Provide the Required Number of Spaces in a Manner That Provides Maximum Safety to Patrons.

Not only did Mr. Backlund not create this hardship, he obtained all necessary building permits and remote parking agreement approvals from the City, and the City later determined that it had done so in error.

Steve Long
February 1, 2017
Page 4

Conclusion

Mr. Backlund respectfully requests the Board to grant a variance to the Requirement that 50% of parking be provided on the same or adjacent lot. As discussed above, granting the Request: (1) will provide relief to unnecessary hardship and observe the spirit of the Code; (2) is necessary to permit development of the Property otherwise constrained by unique physical characteristics; and (3) is not to relieve a self-created hardship. Mr. Backlund is agreeable to conditions of approval including adherence to a site plan, provision of valet parking, and entering into City-prescribed parking agreements. The enhancements will allow Mr. Backlund to develop a sophisticated restaurant that will benefit the surrounding neighborhood.

Should you have any questions concerning this matter, please do not hesitate to contact me.

Very truly yours,



Tommy Mann

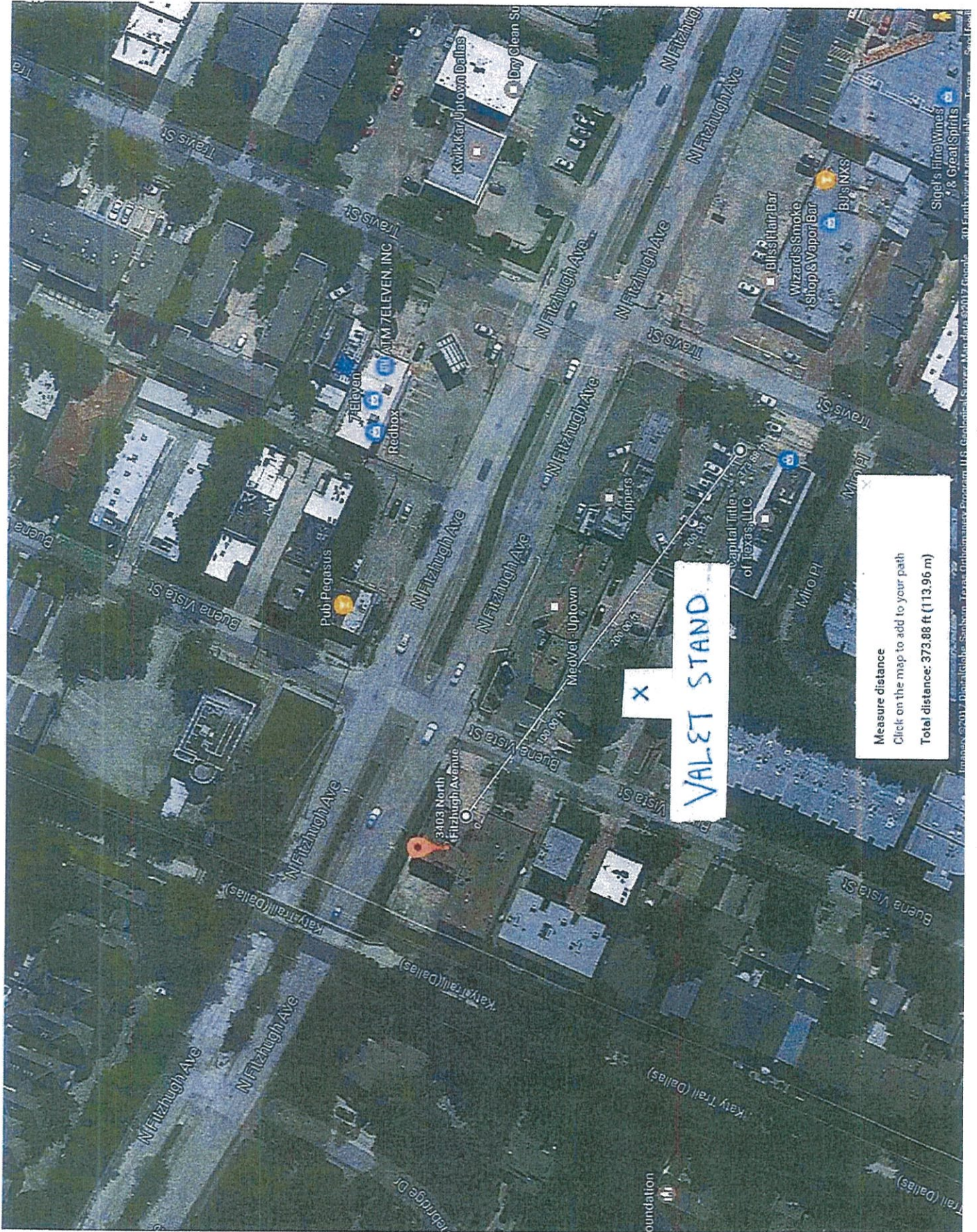
Steve Long
February 1, 2017
Page 5

BDA 167-023
Attachment A
AS S

Exhibit A

Aerial of Off-Site Spaces

BDA167-023
Attach A Pg 6

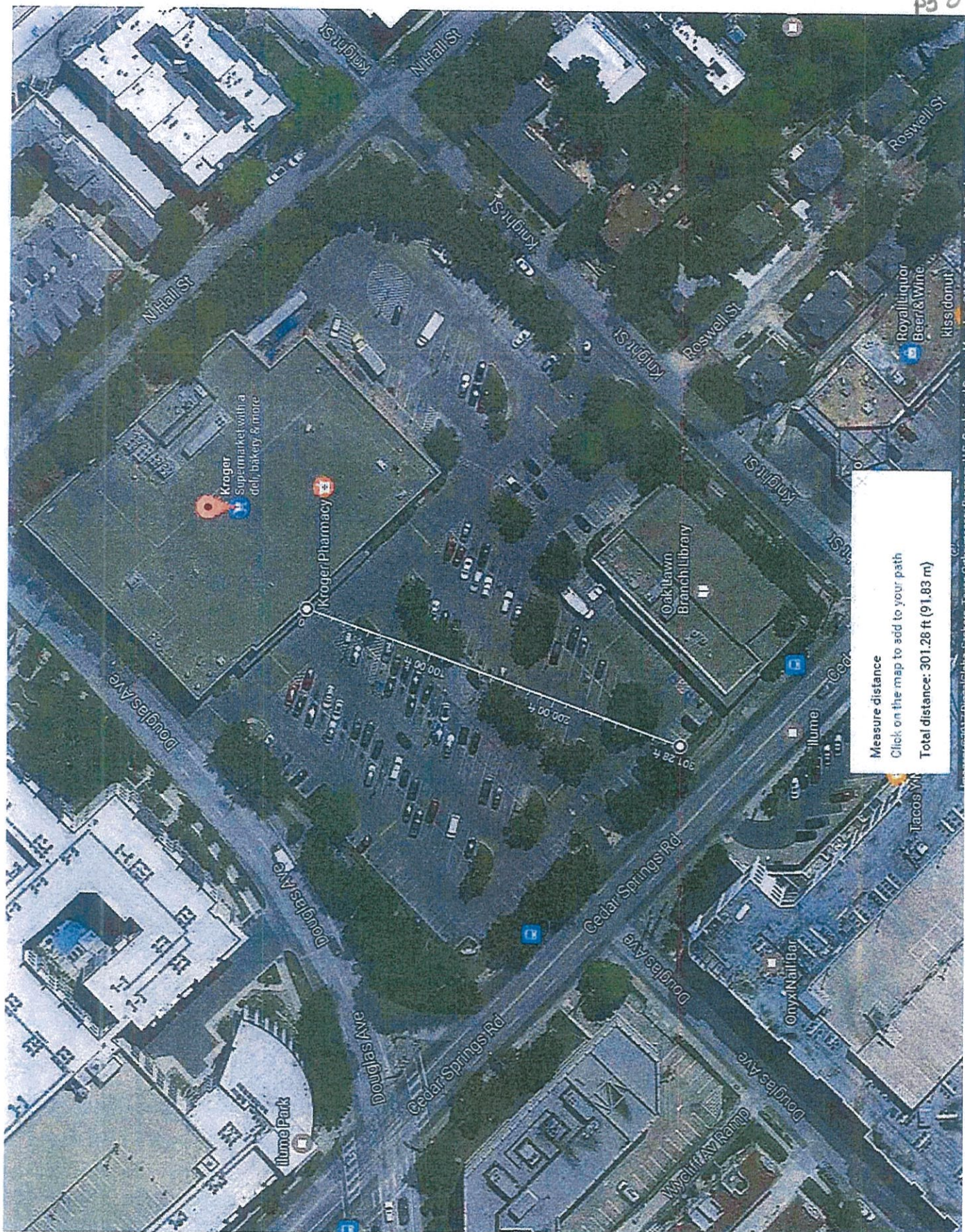


Steve Long
February 1, 2017
Page 6

BDA 167-023
Attach A
PJ 7

Exhibit B

Kroger Aerial



Steve Long
February 1, 2017
Page 7

BDA 167-023

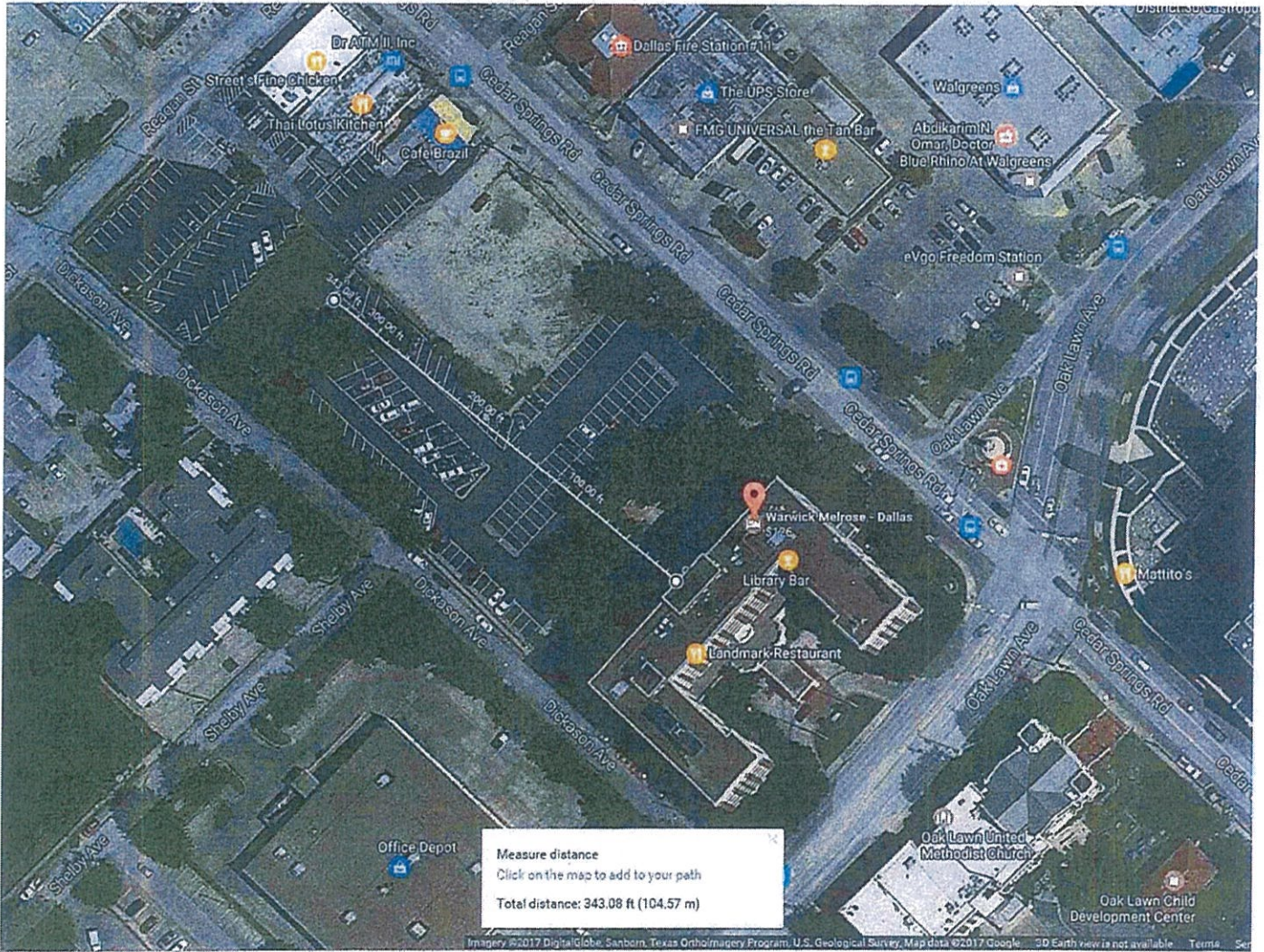
Attach A

PS 9

Exhibit C

Melrose Hotel Aerial

BDA167-023
Attachment
A
PO 10



BDA 167-023

ATTACH A

PS 11

Steve Long
February 1, 2017
Page 8

Exhibit D

Valet Routing Map and Aerial

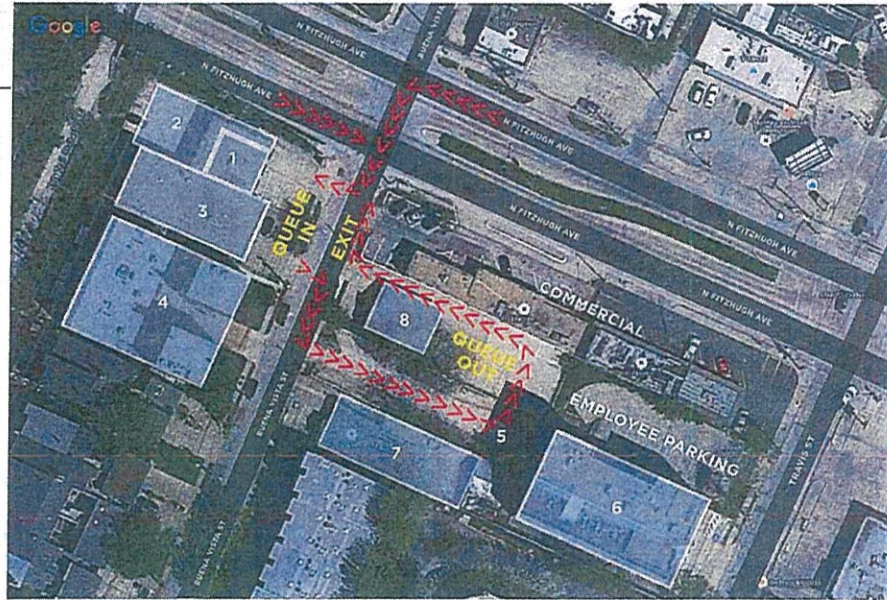
4827-6940-1921v.2
58662-1 2/1/2017

ROYAL 38

OCTOBER 2015
3403 N. FITZHUGH AVE DALLAS, TX 75204

VALET ROUTING

1. 3403 N. Fitzhugh
2. 3403 N. Fitzhugh Patio
3. 4155 Buena Vista
4. 4143 Buena Vista
5. Vacant Lot / Access
6. 4145 Travis
7. Dog House On The Trail
8. Dentist Office



Map data © 2015 Google



Measure distance
Click on the map to add to your path
Total distance: 180.91 ft (55.14 m)

Long, Steve

From: Martin, Dave <dmartin@winstead.com>
Sent: Wednesday, February 01, 2017 2:10 PM
To: Long, Steve
Cc: Mann, Tommy
Subject: RE: BDA167-023, Property at 3403 N. Fitzhugh Avenue
Attachments: Backlund - Traffic Study.pdf; Backlund- 2ndSoundStudy.pdf; Backlund - Judge's Order - TABC.pdf; Backlund - BuenaVistaTrafficCounts.pdf; Backlund - Proposal for Final Decision - TABC.pdf

Steve-

Mr. Backlund mentioned to us that you are agreeable to receiving supplemental information for Board Case # 167-023 through tomorrow. To that end, please find attached:

1. Buena Vista St. Traffic Counts
2. Traffic Study
3. TABC Proposal for Final Decision
4. TABC Judge's Final Order
5. Sound Study

We request that these be included in the case file, if possible. Thank you,

David Martin, Attorney

Winstead PC | 500 Winstead Building | 2728 N. Harwood Street | Dallas, Texas 75201
214.745.5440 *direct* | 214.745.5390 *fax* | dmartin@winstead.com | www.winstead.com



 Please consider the environment before printing.

From: Long, Steve [mailto:steve.long@dallascityhall.com]
Sent: Wednesday, February 01, 2017 1:25 PM
To: Moorman, Donna; Williams, Kanesia; Vandenberg, Bert; Duerksen, Todd; Wimer, Megan; Denman, Lloyd
Cc: Mike Backlund; Martin, Dave; Mann, Tommy
Subject: FW: BDA167-023, Property at 3403 N. Fitzhugh Avenue

Attached is additional information from the applicant (Mike Backlund) regarding the application referenced above that I have labeled as Attachment A. This information will become part of what is discussed at the staff review team next Tuesday the 7th, and will be included in the docket that is assembled and emailed to you, the applicant, and the board members the week of February 13th.

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

Thank you,

Steve

From: Long, Steve
Sent: Friday, January 06, 2017 1:58 PM
To: 'Mike Backlund'
Cc: Duerksen, Todd; Denman, Lloyd
Subject: BDA167-023, Property at 3403 N. Fitzhugh Avenue

Dear Mr. Backlund,

Here is information regarding your application to the board of adjustment at the address referenced above:

1. The 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 February 22nd Board of Adjustment Panel B public hearing.
2. The provision from the Dallas Development Code allowing the board to grant a variance to the off-street parking regulations (51A-3.102(d)(10)).
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 9 in these attached materials). Contact Todd Duerksen at 214/948-4475 or todd.duerksen@dallascityhall.com no later than 1 p.m., Wednesday, February 1st 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 restaurant use and provide 21 of the required 37 parking spaces which will require a 16 space variance 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 parking variance will result in postponement of the appeal until the panel's next regularly scheduled public hearing).

Lastly, you may want to contact: 1) Lloyd Denman, City of Dallas Sustainable Development Department Assistant Director Engineering at 214/948-4354 or at lloyd.denman@dallascityhall.com to determine if there is any additional information that may be needed from you in making a favorable recommendation to the board on your request, and 2) The Oak Lawn Committee prior to your board of adjustment public hearing given that this property is located in PD 193: The Oak Lawn Special Purpose District.

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:

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

have received this communication in error, please immediately notify us by telephone.

BDA167-023
Attach B
Pg 3

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Date: March 23, 2016
To: Texas Alcoholic Beverage Commission
From: Cameron Williams, PE, PTOE, PTP
Re: 3403 N. Fitzhugh Avenue – Proposed Restaurant



Introduction

Bucky’s Restaurant Group, LLC requested the services of Binkley & Barfield – C&P, Inc. (BBCPI) to evaluate the parking operations and traffic flow for its proposed restaurant operation at 3403 N. Fitzhugh Avenue in Dallas. I am employed by BBCPI as a professionally licensed engineer and I have eight years of experience in the traffic engineering industry. My background also includes both a Bachelor and Master of Science degree in Civil Engineering with an emphasis in traffic and transportation engineering. I conducted a site visit on December 17, 2015 in order to view and walk the site, discuss the proposed operation, and evaluate the proposed parking and traffic flow for the site. Additionally, traffic counts were collected on the evenings of January 8th, 9th, 15th, and 16th using video equipment in order to determine existing traffic volumes along N. Fitzhugh Avenue and Buena Vista Street.

Proposed Development

The site location at 3403 N. Fitzhugh Avenue in Dallas places this establishment at the southwest corner of N. Fitzhugh Avenue and Buena Vista Street. The development will be a shareable plates restaurant with a high end wine list and craft cocktail program. Reservations will be taken in the upstairs dining area and the food menu will be served throughout the establishment. The restaurant will also have an outdoor patio. The building will be approximately 3,700 gross square feet under roof with the patio consisting of approximately 1,600 square feet. Seating capacity, inside and outside combined, will be approximately 218 patrons

Study Area

Fitzhugh Avenue is classified as a minor arterial on the City of Dallas’ Master Thoroughfare Plan. It is a six-lane divided roadway with a posted speed limit of 30 mph.

Buena Vista Street is a local two-lane roadway with on-street parking. It is approximately 24 feet wide and has an assumed speed limit of 30 mph.

Traffic Counts

Intersection turning movement counts were collected at N. Fitzhugh Avenue and Buena Vista Street. Turning movement counts capture the movement of each approach to an intersection and how many vehicles turn left, turn right, or go straight. This data was collected on a Friday evening and on a Saturday evening. A restaurant’s peak hours of operation are expected to be between 7 PM and 10 PM. **Figure 1** provides a summary of the hourly volumes for Buena Vista Street on a Friday evening while **Figure 2** provides a summary of hourly volumes for Buena Vista Street on a Saturday evening. **Figure 3** and **Figure 4** illustrate the hourly volumes on N. Fitzhugh Avenue for a Friday and Saturday evening.

Trip Generation

Estimated vehicle trip ends to and from the site were calculated utilizing trip generation rates and characteristics collected and compiled by the Institute of Transportation Engineers (ITE) in the ninth edition of their Trip Generation Manual. The ITE Land Use Code 931, Quality Restaurant, and the variable seats (i.e. assumed 218 based on occupant capacity) were utilized in calculating the trip ends expected to be generated by the development. This approach was taken because the variable seats produces a higher trip volume than square footage therefore providing a higher, more conservative estimate of the number of trips to be generated by the site during peak volume hours. **Table 1** provides a summary of the estimated site trips.

Table 1. Peak Hour Volumes

Day of the Week	Total (vph)	Enter (vph)	Exit (vph)
Weekday	65	38	27
Saturday	72	42	30
Sunday	52	33	19

Note: vph – vehicles per hour

Queuing Analysis - Parking

A queuing analysis was completed for the valet operations to ensure that adequate off-street storage is provided, thereby avoiding queue spillback onto either Buena Vista Street or N. Fitzhugh Avenue.

As part of the queuing analysis it was assumed that valet personnel will be able to process one vehicle every 30 seconds. In all likelihood, valet personnel will process vehicles faster. Table 2 provides a summary of the queuing analysis for a Saturday peak hour of the restaurant since this is when the highest number of arrivals and departures are anticipated.

Table 2. Saturday Peak Hour Queuing Analysis – Parking

Description	Value	Units
Average Arrival Rate:	42	vehicles per hour
Average Service Rate:	120	vehicles per hour
Traffic Intensity:	0.35	-
Probability of No Vehicles Queued:	65.00%	-
Average Number Waiting to be Served:	0.19	vehicles
Average Number Waiting when Queue is Present:	1.54	vehicles

As seen in Table 2, there is a 65% probability that no vehicles will be queued at a given point in time based on these arrival and service rates. Additional queuing analysis indicates a 90% to 95% probability that there will be two or less vehicles arriving within a one minute time period at peak hours. As such, a valet drop-off location with a minimum of two queuing spaces should be more than adequate to keep vehicles off Buena Vista Street or N. Fitzhugh Avenue.

Site Circulation and Operations

Based on conversations with the applicant it is understood that the City of Dallas has approved parking agreements for the restaurant per City of Dallas parking ordinances. Bucky's Restaurant Group management has stated that all parking will be provided as free valet. The applicant's parking plan should queue inbound and stage outbound patrons off the street with entry and exit points away from the intersection of N. Fitzhugh Avenue and Buena Vista Street. Valet entry and exit points should be spaced at distances from the N. Fitzhugh Avenue and Buena Vista Street intersection which are at or above the City of Dallas' minimum requirements. Per the City of Dallas "Off-Street Parking and Driveways Handbook" that distance is 40 feet for these street classifications.

Trip and Parking Reductions

Given the proposed restaurant's densely populated urban location, it is reasonable to assume that a percentage of patrons will arrive at the establishment by walking or by using services such as Uber. These arrival types will reduce either the number of vehicles arriving at the site due to pedestrian traffic or reduce the number of vehicles parked due to services such as Uber. The degree to which this walking/public transportation will reduce parking demand is unknown and difficult to estimate; as a result, reductions of trips were left out of this analysis. In this way, the traffic analysis represents a "worst case" count of the number of cars arriving at the site and in the valet queue. Therefore anticipated queues should be less than calculated.

Summary

Provided below is a summary of the known information and steps taken to evaluate the proposed establishment's plan for the site located at 3403 N. Fitzhugh Avenue.

- The City of Dallas has approved the establishment's parking plan
- A site visit was conducted to review existing conditions around the site
- Traffic volumes were collected to understand existing travel patterns and operations
- The site circulation plan should move driveway traffic away from the intersection of N. Fitzhugh Avenue and Buena Vista Street the minimum distance per the City of Dallas guidelines
- The site circulation plan should queue and stage vehicles off-street
- Analysis indicate a minimum of two off-street valet queue spaces should be sufficient for this site's arriving traffic
- No reductions were made to queue calculations to account for likely pedestrian traffic and drop-off/pick-up traffic; therefore analyses should provide a conservative approach and analyses

In summary, a site circulation plan following these recommendations should improve efficiency along Buena Vista Street by keeping valet operations off-street with adequate queue storage and insure traffic operations along N. Fitzhugh Avenue are not obstructed due to arriving vehicular traffic.

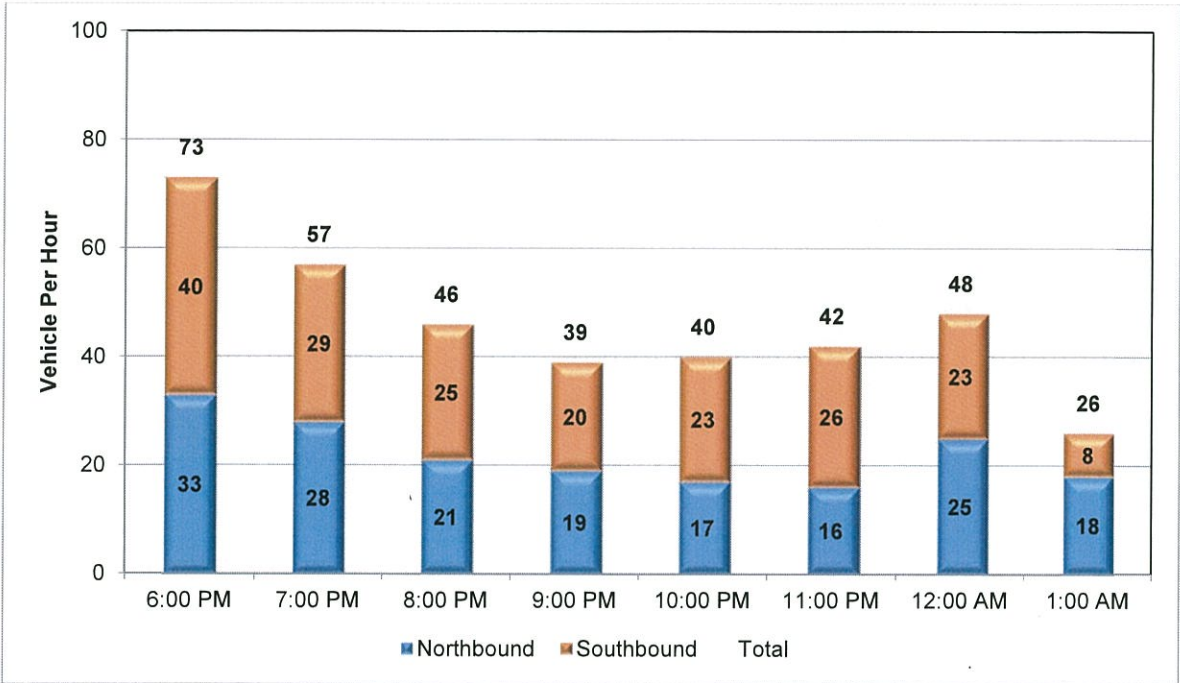


Figure 1. Buena Vista Street Hourly Volumes – Friday Evening

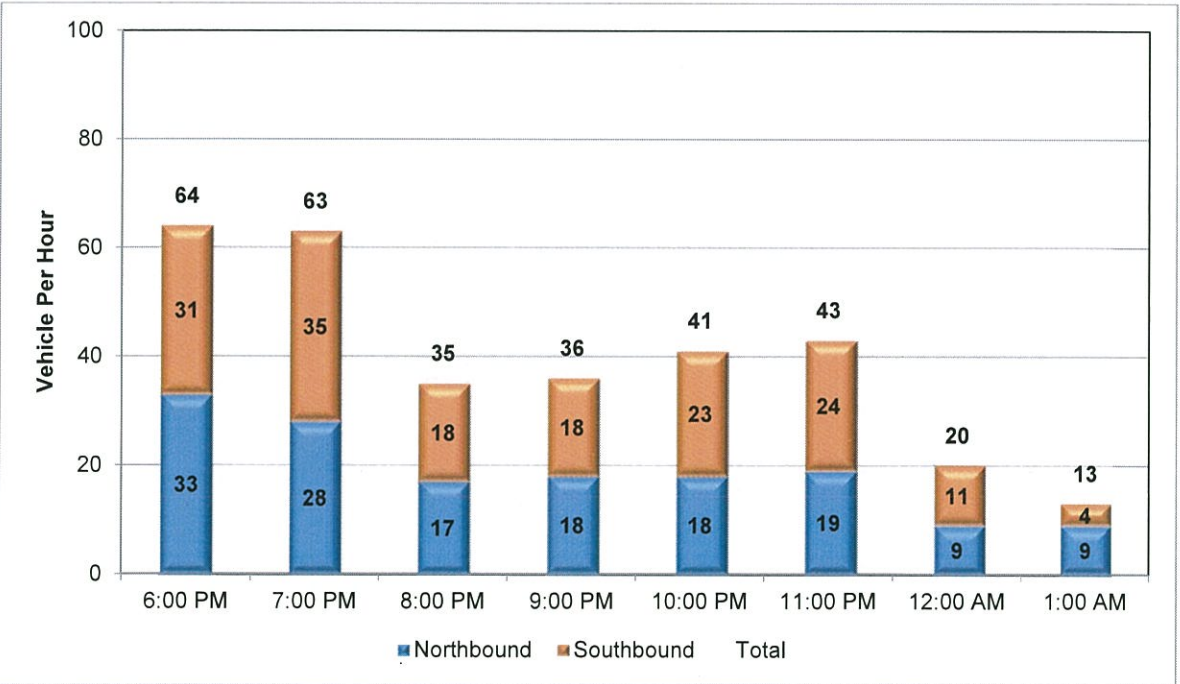


Figure 2. Buena Vista Street Hourly Volumes – Saturday Evening

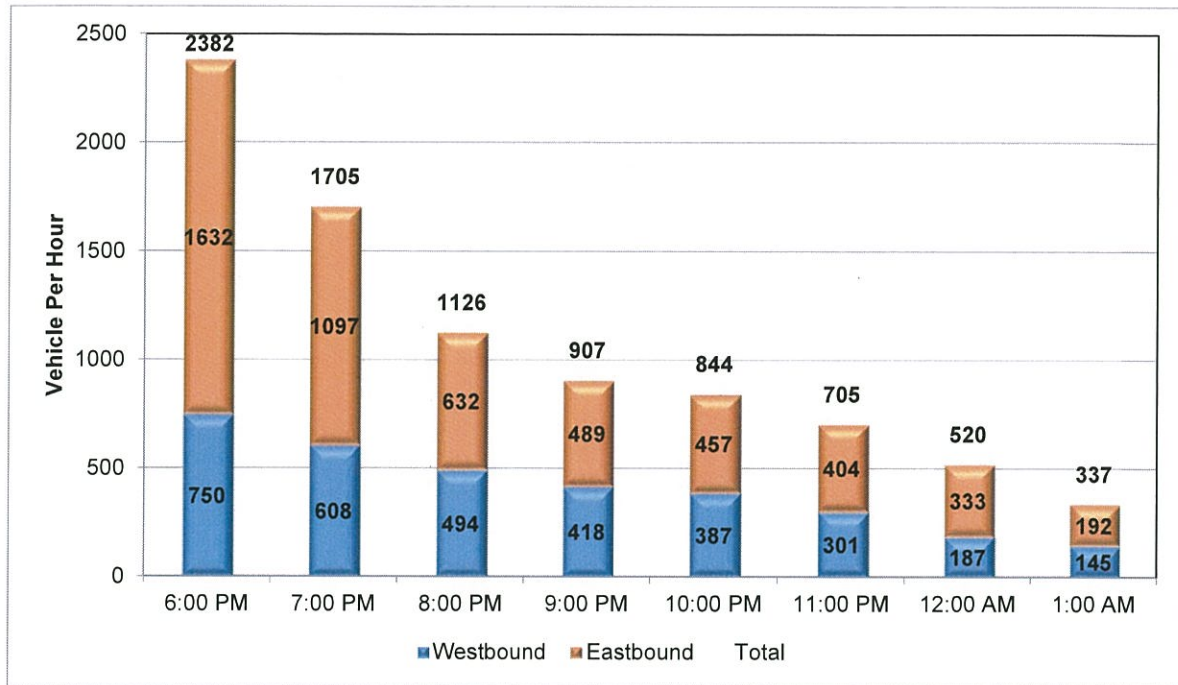


Figure 3. N. Fitzhugh Avenue Hourly Volumes – Friday Evening

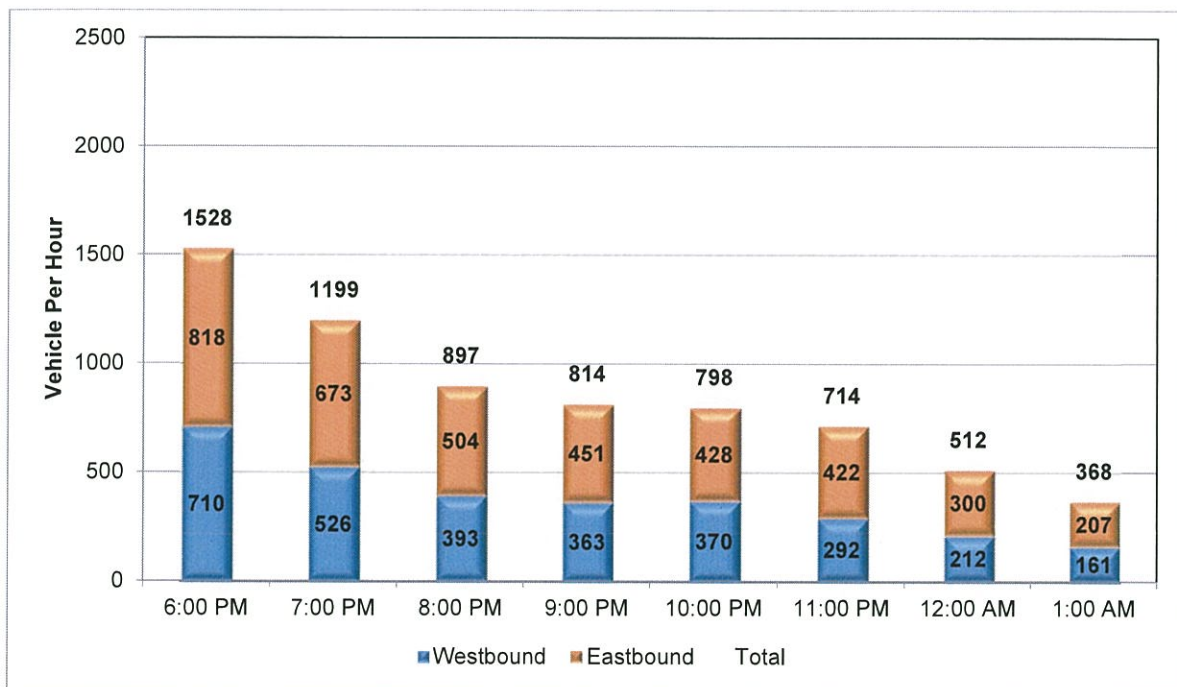


Figure 4. N. Fitzhugh Avenue Hourly Volumes – Saturday Evening



***Community Noise Assessment
for the Royal 38 Restaurant***



Prepared for: Mr. Mike Backlund
Bucky's Restaurant Group

Conducted & Phil Hipol, MSE, MSEM
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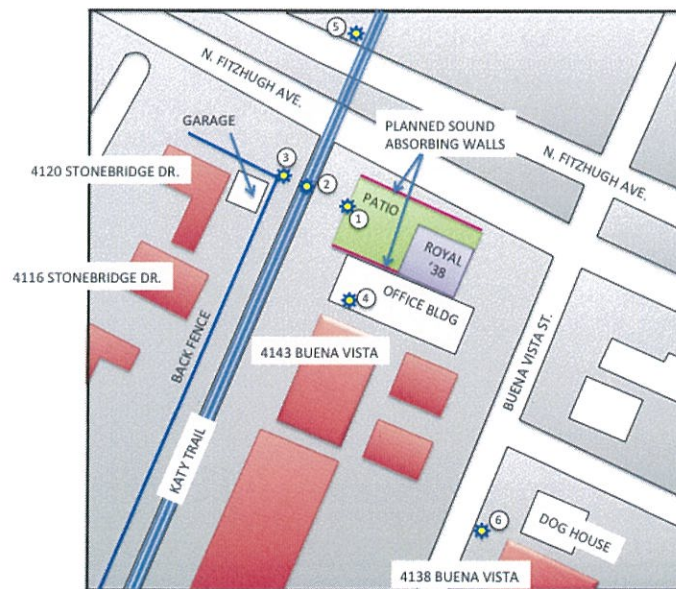
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Objective

Residents in the vicinity of the Royal '38 Restaurant, located at 3403 North Fitzhugh Avenue, Dallas TX, have filed complaints with the local and state governments concerning the possibility of excessive noise that may propagate from the restaurant during their normal business hours. It is believed that their primary concern will be noise from the planned outdoor patio, which is behind the building facing the Katy Trail (see Figure 1). Acoustical tests were therefore conducted in order to conclusively determine the extent to which noise from the Royal '38 patio propagates into the surrounding residential areas. If these noise levels were found to exceed acceptable levels, additional noise mitigation treatments for the restaurant and patio would be recommended.

Site Overview

Figure 1 shows an aerial view of the Royal '38 Lounge and the surrounding community. The Royal '38 Lounge is shown in purple with the patio shown in green. In a previous acoustic survey, it was determined that a sound absorbing wall was recommended on the patio adjacent to Fitzhugh Ave. to reduce the noise from traffic and absorb noise on the patio. An additional sound absorbing wall on the rear side of the patio was recommended in order to create a border between the patio and parking garage under the adjacent office building and to reduce potential acoustical reverberations on the patio.



Residential units are shown in red, and the residents who have expressed concern about noise levels from the patio are noted. These residents include the following:

- 4120 and 4116 Stonebridge Drive
- 4143 Buena Vista St. Unit A
- 4120-4138 Buena Vista St.
- 3502-3518 N. Fitzhugh Avenue (not shown on map)

Acoustical measurement locations are numbered in Figure 1 and include the following:

1. Edge of Royal '38 patio
2. Katy Trail at patio centerline
3. Back fence of residence at 4120 Stonebridge Drive
4. Roof of office building at 4155 Buena Vista St. adjacent to bedroom of 4142 Buena Vista St. Unit A
5. Across Katy Trail overpass adjacent to 3502-3518 N. Fitzhugh Avenue
6. At property line near Dog House on the Trail adjacent to 4138 Buena Vista St.

Measurements and Test Equipment

Acoustical measurements were obtained during the day on Thursday, October 1, 2015, at 10:30AM until 1:30PM, then again at night from 11:30PM until 1:00AM. During the day, the weather conditions were cloudy with occasional light precipitation and temperatures in the high 70s °F, with a light wind. At night, the weather conditions were clear, with no precipitation and temperatures in the low 70s °F, with no wind.

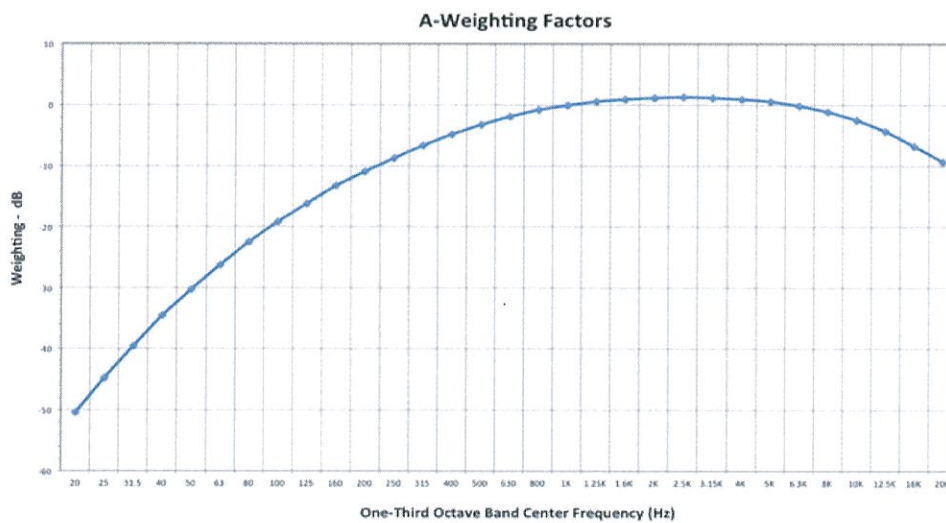
All acoustical measurements were made with a "Class 1" calibrated sound level meter (SLM), a Norsonic Nor150 Precision Sound & Vibration Analyzer, Serial #15030189. The calibration of the Nor150 SLM was verified with a Norsonic Type 1250 calibrator, Serial #31956, and found to be within 0.3 dB of calibration.

Acoustical measurements were converted to the standard A-Weighting scale (see Figure 2)1, which takes into account the fact that the human ear is less sensitive to low frequency and high frequency noise. Under A-Weighting, the measurements are reduced or

¹ http://www.engineeringtoolbox.com/decibel-d_59.html

attenuated according to the dBA “equal loudness curve” in Figure 1, to account for the lower hearing sensitivity for humans in the low and high frequency ranges.

Acoustical frequency spectra are provided in one-third octave bands, which have been standardized by ISO2. An octave band spans two frequencies in a 2:1 ratio (e.g., 500 Hz to 1000 Hz represent one octave), where the octave band center frequencies are proportional on a logarithmic scale. The one-third octave band convention further splits the octave bands into narrower proportional bands with a lower band, center band and higher band. In this report, the term “band” refers to one-third octave bands. The “overall” sound pressure level (OASPL or OA) is the total sound energy within the frequency spectrum, and is calculated through the logarithmic addition of the sound pressure levels in each one-third octave band.



Patio Noise Simulation

In order to determine the extent to which noise originating from the Royal '38 patio could propagate into the surrounding community, sound was artificially generated on the patio using a standard public address (PA) system, consisting of two speakers plus a subwoofer (Figure 3). According to a recent National Institutes of Health (NIH) study³, mathematical modeling and testing found that noise in Western restaurants ranged from 66.7 dBA in

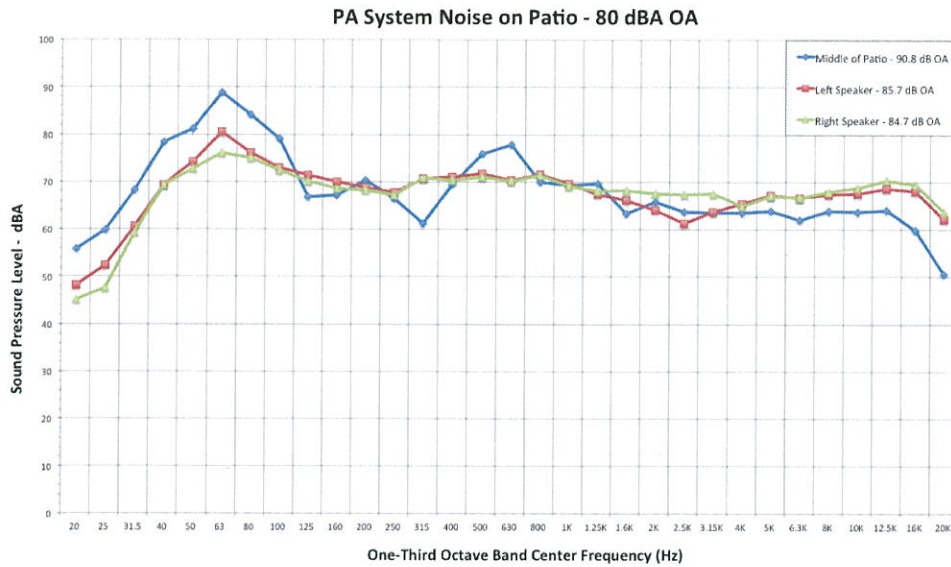
² http://www.iso.org/iso/iso_catalogue/catalogue_tc/catalogue_detail.htm?csnumber=52053

³ <http://www.ncbi.nlm.nih.gov/pubmed/25387532>

“quiet” restaurants to 82.6 dBA in “noisy” restaurants. It is important to note that these models and tests involved indoor restaurants that were completely enclosed with four walls, a floor and ceiling. Typical restaurants have acoustically “hard” surfaces that allow sound to reflect un-attenuated on these surfaces. Acoustical noise therefore reverberates, building in volume, requiring occupants to speak louder, resulting in greater noise. A sound level of 80 dBA was therefore chosen as a representative “worst case” noise level, since the Royal '38 patio does not have a ceiling that will reflect the noise back towards the floor, the walls behind the bar and facing Fitzhugh Avenue will be lined with sound absorption material, and the boundary of the Katy Trail will act like an earth berm, which will absorb sound. Noise on the patio would likely be lower than the 80 dBA used for simulation because of these noise attenuation treatments.



“Pink” noise was played through the PA system as it provides a uniform distribution of acoustical energy throughout the audible frequency range, and therefore is perceived to provide the same apparent loudness at all frequencies. Figure 4 shows the un-weighted frequency spectrum of the noise from the PA system, and verifies that the sound is broadband and has uniform amplitude across the audible frequency range. This results in an overall A-weighted sound level at the middle of the patio of 80 dBA.

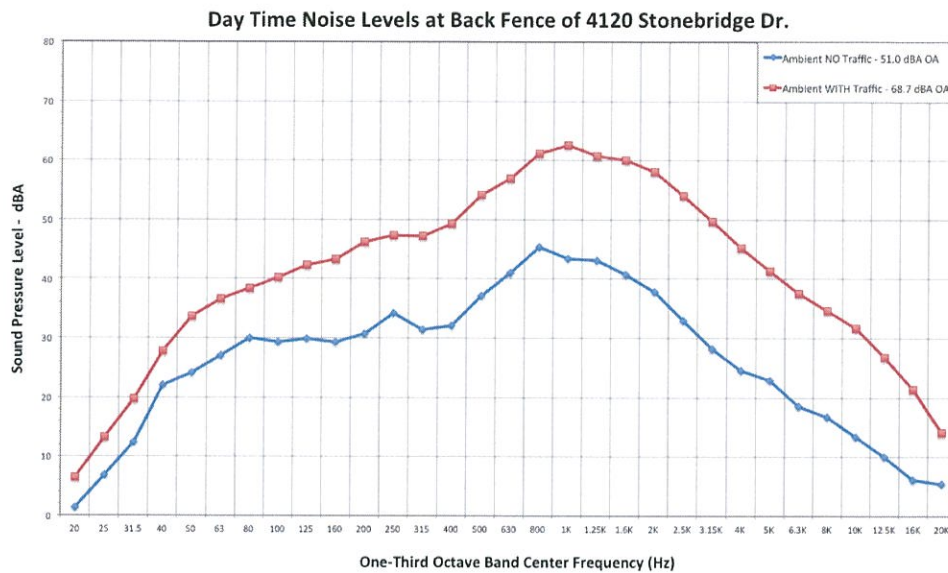


Test Results

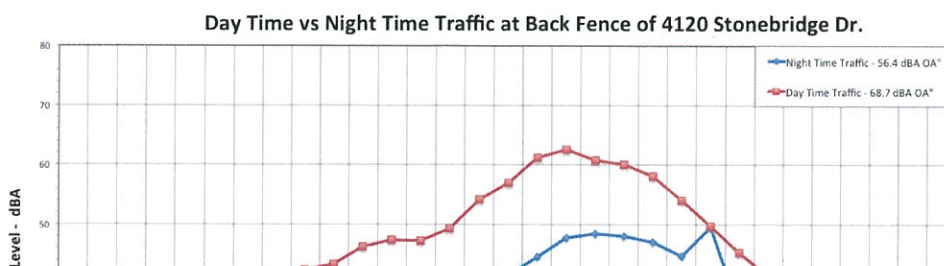
Initial testing involved measurement of the ambient “baseline” noise levels with no noise being generated on the Royal '38 Restaurant patio. During the day (around noon), traffic noise is the most predominant noise source affecting both the restaurant and nearby residents. This traffic consists of an almost steady stream of passenger cars and trucks, motorcycles, delivery vans, and construction vehicles traveling in both directions on N. Fitzhugh Avenue. It was also noted that there was considerable noise from overhead aircraft en route to the nearby airport. This noise was almost constant, with periods of less than 30 seconds when there was no traffic present.

As shown in Figure 5, noise measured during the day at the back fence of the residence at 4120 Stonebridge Dr. (Location #3 in Figure 1) reaches levels of almost 69 dBA overall, which is about 18 dB greater than the noise levels when no traffic was present (51 dBA overall). This represents an increase in perceived loudness of 350%.





Preliminary testing during the day with the PA system found that traffic noise far outweighed patio noise, even when the patio noise source exceeded 96 dBA. Since it was difficult to measure sound levels during the day without traffic, we decided to take acoustical measurements at night, when traffic noise was considerably less. Traffic at night consisted of 2-3 passenger cars at a time on N. Fitzhugh Ave. passing at a frequency of about once per minute. A comparison of traffic noise during the day verses night (around midnight) as measured at the back fence of 4120 Stonebridge Dr. (Location #3) is shown in Figure 6. This indicates that traffic noise is about 12 dB lower during the night than during the day, which is about a 230% increase in the perceived loudness level.



Acoustical testing involved the measurement of sound levels without the PA system operating, then with the PA system broadcasting the broadband 80 dBA pink noise. The difference in the overall sound pressure level measurements between these two conditions indicates the amount of noise that will propagate from the Royal '38 patio to the four residential locations of interest. An assessment of the potential impact at each residential location is provided below.

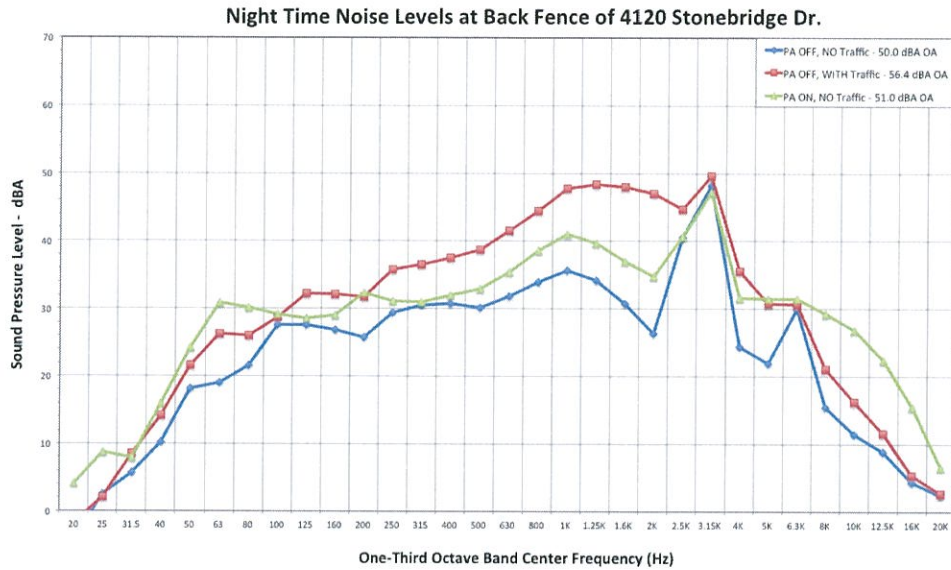
4120 and 4116 Stonebridge Drive

Figure 7 shows acoustical test results measured at the back fence of the residence at 4120 Stonebridge Drive with and without the PA system on and with and without traffic. Results for 4120 Stonebridge Dr. should be a “worst case” for 4116 Stonebridge, since 4120 has a direct line-of-site to the patio and is closer to the patio than 4116. These results indicate the following:

- With no traffic present, the difference in the overall sound levels with and without 80 dBA noise generated on the Royal '38 Restaurant patio is 1.0 dB (51.0 dBA green line verses 50.0 dBA blue line). A 1 dB difference in sound levels will not be perceptible to human hearing⁴.
- Traffic noise from N. Fitzhugh Ave. at night is still significantly higher than noise generated on the patio by as much as 5 dB (56.4 dBA red line vs 51.0 dBA green line). Traffic noise will therefore drown out any potential noise from the patio.
- The large peak in the noise spectrum in the 3.15 kHz band shown in all conditions is a result of the chirping of crickets. Subjectively, the cricket chirping noise is the

⁴ http://www.engineeringtoolbox.com/sound-pressure-d_939.html

predominant noise source when traffic is not passing, even when the PA system is operating.

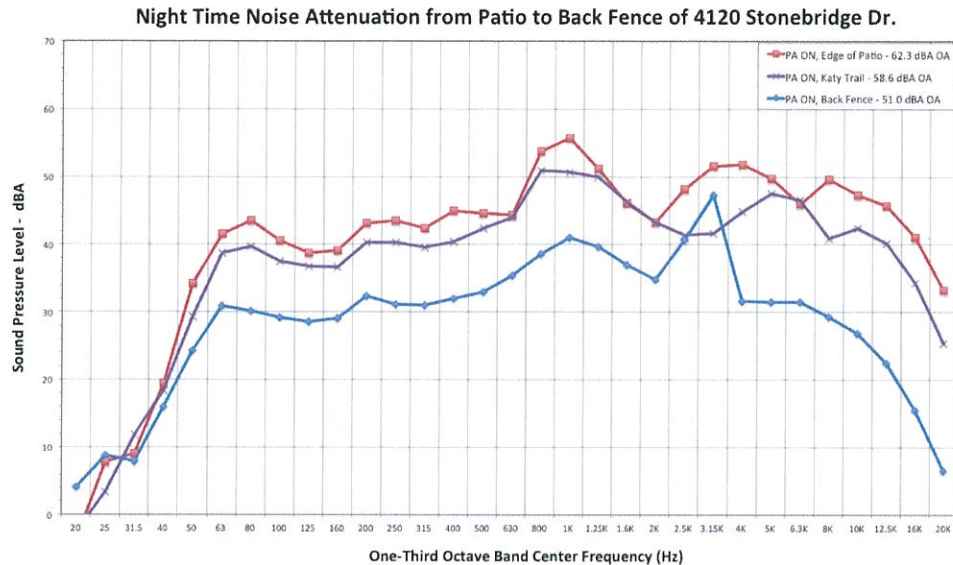


In order to examine how the sound propagates from the patio to the residence, additional noise measurements were made at the edge of the patio and on top of the Katy Trail, directly in line with the back fence of 4120 Stonebridge Drive. Test results (Figure 8) indicate the following:

- Since there is a direct line-of-sight from the Katy Trail to the Royal '38 Restaurant patio, there is only a 3.7 dB (overall) attenuation of noise between these two locations. Sound waves behave in a similar manner as light waves. It is necessary to have a direct line-of-sight to the source of the noise in order for the receiver to fully hear the noise.
- The 3.7 dB attenuation in sound amplitude is due to atmospheric attenuation effects of the sound waves⁵. Although atmospheric attenuation is a function of air temperature, relative humidity and barometric pressure, a good “rule of thumb” is reduce the sound pressure levels by 6 dB for doubling of the distance from the source location to the receiver location.
- There is a significant attenuation of patio noise at the back fence of the residence from the Katy Trail (7.6 dB) and edge of the patio (11.3 dB). This is due to the fact that the Katy Trail acts like an earth berm, which eliminates or blocks the direct line-of-sight that noise may propagate from the patio to the residence.

⁵ https://en.wikibooks.org/wiki/Engineering_Acoustics/Outdoor_Sound_Propagation

- We would expect a similar amount of attenuation of noise for all residences adjacent to the Katy Trail due to both atmospheric attenuation effects and elimination of the line-of-sight from the sound source to the receiver locations.



An examination of the aerial view in Figure 1 indicates that noise at the residence may further be ameliorated on account of the fact the residence is farther from the source of the noise than the back fence, resulting in additional atmospheric attenuation. Furthermore, the garage will act like an additional sound barrier by effectively blocking the line-of-sight from the patio to the residence.

For the above reasons, it is my professional opinion that sound generated on the patio of the Royal '38 Restaurant will not adversely affect the residence at 4120 Stonebridge Drive, or any other residences on this side of the Katy Trail.

4138 Buena Vista Street, Unit A

As shown in Figure 1, 4138 Buena Vista Street, Unit A is located behind the office building at 4155 Buena Vista, next to the Royal '38 Restaurant. Currently, there is a parking garage underneath the office building and a clear path to the location of the Royal '38 outdoor



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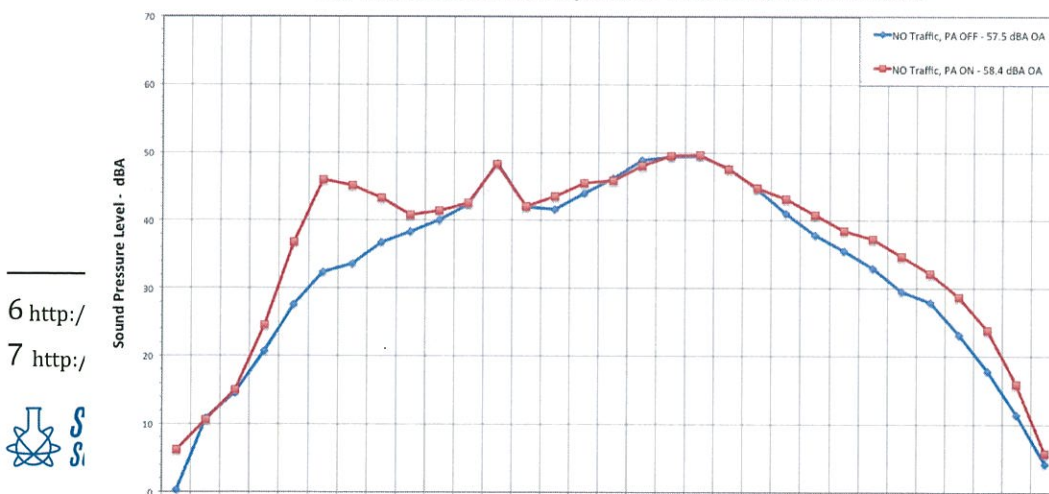
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patio. However, it is planned that a sound attenuating cinderblock wall will be constructed adjacent to the office building. According to the National Concrete Masonry Association⁶ a six inch thick hollow concrete masonry unit will have a sound transmission class (STC) of 42. This means that such a wall will be capable of reducing sound from one side of the wall to the other by 42 dB. Noise generated at a level of 80 dBA on the patio will therefore be attenuated to 38 dBA by the wall. Higher levels of STC can be obtained by filling the wall with sand (48 STC) and/or adding additional sound absorbing or barrier materials to the wall (>55 STC). Therefore, sound attenuation from the Royal '38 Restaurant patio on the ground floor of the residence should be adequately attenuated, and may even improve the acoustics of the residence by blocking traffic noise from N. Fitzhugh Ave.

The original test plan was to measure noise levels on the roof of the office building at 4155 Buena Vista St. directly outside of the upper floor bedroom of the residence. However, because of safety reasons, it was not possible to measure noise levels at night. Noise was therefore measured during the day at periods when no traffic was present on N. Fitzhugh Avenue, with and without the PA system operating. Since the upper story residence is at a higher elevation, it is subjected to more environmental noise, since it has a direct line-of-sight with a larger portion of N. Fitzhugh Ave. As shown in Figure 9, the overall sound levels due to noise generated on the Royal '38 patio are only about 1 dB greater than the ambient noise levels (58.4 dBA versus 57.5 dBA). As noted above, a 1 dB difference in sound pressure level is not perceptible to human hearing⁷. This is due to the fact that there is no line of sight from the Royal '38 Restaurant patio to the upper story residence.

For the above reasons, it is my professional opinion that sound generated on the patio of the Royal '38 Restaurant will not adversely affect the residence at 4138 Buena Vista Street, Unit A, or any other residences in this condominium complex.

Day Time Noise on Roof Adjacent to 4143 Buena Vista St. Unit A



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 7 <http://>



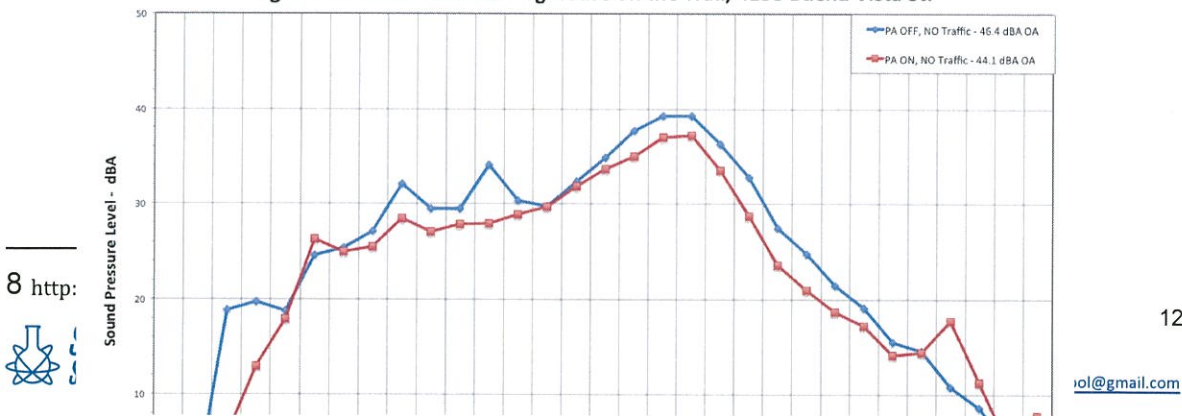
4120-4138 Buena Vista Street

As shown in Figure 1, 4120-4138 Buena Vista Street is located several feet down the street from the Royal '38 Restaurant patio, and is the direct sound transmission path from the patio to these residences will be blocked by the planned sound attenuation wall on the rear side of the patio and by several office and residential buildings. Night time sound measurements were therefore made on the sidewalk adjacent to the Dog House on the Trail, which is the closest to the Royal '38 Restaurant.

Test results (Figure 10) show that the measured noise levels without sound being generated on the patio to be 2.3 dB *higher* than when sound was generated on the patio (46.4 dBA vs 44.1 dBA). A difference in sound levels of 2.3 dB may not be perceptible to human hearing⁸, and the increase may be attributed to traffic on N. Fitzhugh Ave.

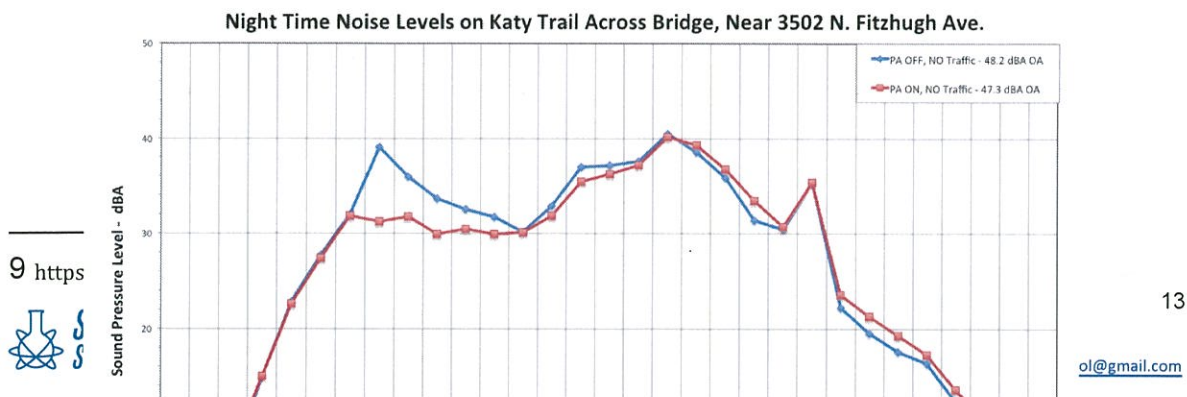
This result verifies that potential noise from the Royal '38 Restaurant patio to the residences at 4120-4138 Buena Vista St. will be reduced significantly due to atmospheric attenuation effects or the sound will be effectively blocked by the planned sound attenuating wall and the numerous building between the patio and the residences. For these reasons, it is my professional opinion that sound generated on the patio of the Royal '38 Restaurant will not adversely affect the residence at 4120-4138 Buena Vista St

Night Time Noise Levels at Dog House on the Trail, 4138 Buena Vista St.



3502-3518 N. Fitzhugh Avenue

The residences at 3502-3518 N. Fitzhugh Avenue are located down the street and several feet from the Royal '38 Restaurant. Consequently, noise from the patio will be obstructed by the Katy Trail overpass and the planned sound attenuation wall on the street side of the Royal '38 Restaurant patio. Because of the distance from the patio to these residences, sound will also be reduced through atmospheric attenuation⁹. Furthermore, due to the close proximity of these residences to N. Fitzhugh Ave., it is likely that any noise from the patio would be drowned out by traffic noise. Night time noise measurements were made at a point closest to the Royal '38 restaurant, across the overpass adjacent to the residences. Test results (Figure 11) show that the measured noise levels without sound being generated on the patio to be 0.9 dB *higher* than when sound was generated on the patio (48.2 dBA vs 47.3 dBA). As noted above, such a difference in sound levels is not perceptible or significant. This result verifies that potential noise from the Royal '38 Restaurant patio to the residences at 3502-3518 N. Fitzhugh Avenue will be reduced significantly due to atmospheric attenuation effects or the sound will be effectively blocked by Katy Trail overpass or the planned sound attenuating wall on the street side of the Royal '38 Restaurant patio. It is therefore my professional opinion that any potential noise from the patio will not adversely affect the residence at 3502-3518 N. Fitzhugh Avenue.



Summary

Acoustical tests were performed in order to address potential noise issues raised by residents in the vicinity of the Royal '38 Restaurant patio. These tests were performed during the day and night using broadband noise generated by a PA system set at a level of 80 dBA, which is representative of a loud restaurant. Since traffic noise during the day far exceeds noise levels that would be generated on the patio, the majority of acoustic tests were performed at night, when traffic was minimal and the noise generated on the patio would be more noticeable. These tests indicate the following:

1. Noise from the patio will not adversely affect the residences located at 4120 and 4116 Stonebridge Drive since the noise does not have a direct line-of-sight to the patio, as it is effectively blocked by the earth berm from the Katy Trail. Furthermore, noise that may propagate to 4120 Stonebridge Dr. from the patio will be effectively blocked by their garage, and noise that may propagate to 4116 Stonebridge Dr. will be blocked by the planned sound attenuating wall at the rear of the restaurant patio.
2. Noise from the patio will not adversely affect the residence located at 4138 Buena Vista St. Unit A, as sound that may propagate to the ground floor of the residence will be effectively blocked by the planned sound attenuating wall at the rear of the restaurant patio. Sound will also not propagate to the upper floor of the residence since there is no direct line-of-sight from the patio to the residence.
3. Noise from the patio will not adversely affect the residences located at 4120-4138 Buena Vista St., as there is no direct line-of-sight for sound to propagate from the patio due to the several buildings in between the residences and the patio. Furthermore, sound will be effectively blocked by the planned sound attenuating wall at the rear of the restaurant patio and atmospheric attenuation effects would reduce any potential noise from the patio to the ambient noise levels.
4. Noise from the patio will not adversely affect the residences located at 3502-3518 N. Fitzhugh Ave., as there is no direct line-of-sight for sound to propagate from the patio

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due to the Katy Trail overpass and the planned sound attenuating wall on the street side of the patio. Furthermore because of the distance between the restaurant patio and residences, atmospheric attenuation effects would reduce any potential noise from the patio to the ambient noise levels.

5. For all residences, the presence of day time or night time traffic and crickets chirping is significant, will be far greater than noise generated on the patio.

For the above reasons, it is my professional opinion that sound generated on the patio of the Royal '38 Restaurant will not adversely any of the residents in the direct vicinity of the restaurant.

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TABC

TEXAS ALCOHOLIC BEVERAGE COMMISSION

service ★ courtesy ★ integrity ★ accountability

José Cuevas, Jr.
Presiding Officer-Midland

Steven M. Weinberg, MD, JD
Member-Colleyville

Ida Clement Steen
Member-San Antonio

Sherry Cook
Executive Director

FACSIMILE TRANSMITTAL COVERLETTER SHEET

Date: December 1, 2016

Total Pages: 5

From: Martin Wilson, Assistant General Counsel
Office of the General Counsel
Direct: 512.206.3489 Fax: 512.206.3226

RE: Texas Alcoholic Beverage Commission, Petitioner, Philip T. Kingston, Council Member-Dist. 14, Fitzkaty Community Development Association, 4143 Buena Vista Homeowners Association Inc., 4058/60 Buena Vista Homeowners Association, Inc., Stonebridge Terrace Homeowners Association, The Oak Lawn Committee, Christopher Place HOA, Charleston Square Home Owners Association, Frank Miller, John and Sally Collins, and Other Concerned Citizens, et. al Protestants v. Original Application of Bucky's Beverage, LLC d/b/a Bucky's Beverages, TABC Docket No. 636085, SOAH Docket No. 458-16-2262

ORDER

To All in the Manner as Indicated:

John Beeler
ADMINISTRATIVE LAW JUDGE
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Shelia Lindsey
ATTORNEY FOR JURISDICTIONAL
PETITIONER
TABC Legal

Arthur Anderson
ATTORNEY FOR
RESPONDENT/APPLICANT
500 Winstead Building
2728 N. Harwood
Dallas, TX 75201
VIA FIRST CLASS MAIL, CMRRR
#70160340000080983021

DOCKET NO. 636085

**TEXAS ALCOHOLIC BEVERAGE
 COMMISSION, Petitioner**

BEFORE THE TEXAS

**PHILIP T. KINGSTON, COUNCIL
 MEMBER-DIST. 14, FITZKATY
 COMMUNITY DEVELOPMENT
 ASSOCIATION, 4143 BUENA VISTA
 HOMEOWNERS ASSOCIATION INC.,
 4058/60 BUENA VISTA HOMEOWNERS
 ASSOCIATION, INC. STONEBRIDGE
 TERRACE HOMEOWNERS
 ASSOCIATION, THE OAK LAWN
 COMMITTEE, CHRISTOPHER PLACE
 HOA, CHARLESTON SQUARE HOME
 OWNERS ASSOCIATION, FRANK
 MILLER, JOHN AND SALLY COLLINS,
 AND OTHER CONCERNED CITIZENS, ET.
 AL Protestants**

ALCOHOLIC

VS.

**ORIGINAL APPLICATION OF BUCKY'S
 BEVERAGE, LLC
 D/B/A BUCKY'S BEVERAGES,
 Applicant/Respondent**

PERMITS MB, LB, FB

**DALLAS COUNTY, TEXAS
 (SOAH DOCKET NO. 458-16-2262)**

BEVERAGE COMMISSION

ORDER

CAME ON FOR CONSIDERATION this 1st day of December, 2016, the above-styled and numbered cause.

After proper notice was given, this case was heard by the State Office of Administrative Hearings (SOAH), with Administrative Law Judge John H. Beeler presiding. The hearing was held on June 16 and 17, 2016 and the SOAH record closed June 27, 2016. The Administrative Law Judge made and filed a Proposal for Decision containing Findings of Fact and Conclusions

of Law on August 18, 2016. The Proposal for Decision was properly served on all parties, who were given an opportunity to file exceptions and replies as part of the record herein. No exceptions were filed.

After review and due consideration of the Proposal for Decision, and with the following modifications only to Finding of Fact No. 1 and Conclusion of Law No. 5, I adopt the Findings of Fact and Conclusions of Law of the Administrative Law Judge that are contained in the Proposal for Decision and incorporate those Findings of Fact and Conclusions of Law into this Order, as if such were fully set out and separately stated herein.

Finding of Fact No. 1 is modified to read:

Bucky's Beverages, LLC, d/b/a Bucky's Beverages (Applicant) applied to the Texas Alcoholic Beverage Commission (TABC) for a Mixed Beverage Permit, a Mixed Beverage Late Hours Permit, and a Food and Beverage Certificate for the premises located at 3403 N. Fitzhugh Avenue, Dallas, Dallas County, Texas.

Conclusion of Law No. 5 is modified to read:

Applicant's original application for a Mixed Beverage Permit, a Mixed Beverage Late Hours Permit, and a Food and Beverage Certificate should be granted.

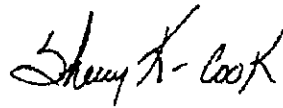
The modifications to Finding of Fact No. 1 and Conclusion of Law No. 5 are made pursuant to Government Code §2001.058(e)(3) to reflect that Applicant/Respondent did not apply for a Beverage Cartage Permit. See TABC Exhibit 1, the affidavit of TABC Exhibit 1A, and Respondent's Exhibit 1.

All motions, requests for entry of Proposed Findings of Fact and Conclusions of Law, and any other requests for general or specific relief submitted by any party are denied, unless specifically adopted herein.

IT IS THEREFORE ORDERED that Respondent's original application for the above permits be **GRANTED**.

This Order will become final and enforceable on the 28th day of December, 2016, unless a Motion for Rehearing is filed by the 27th day of December, 2016.

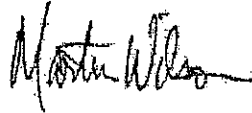
SIGNED this the 1st day of December, 2016, at Austin, Texas.



Sherry K-Cook, Executive Director
Texas Alcoholic Beverage Commission

CERTIFICATE OF SERVICE

I certify that the persons listed below were served with a copy of this Order in the manner indicated below on this the 1st day of December, 2016.



Martin Wilson, Assistant General Counsel
Texas Alcoholic Beverage Commission

John Beeler
ADMINISTRATIVE LAW JUDGE
State Office of Administrative Hearings
300 W. 15th Street, Suite 504
Austin, TX 78701
VIA FACSIMILE: (512) 322-2061

Bucky's Beverage LLC
d/b/a Bucky's Beverages
RESPONDENT
709 Edward Ct.
Southlake, TX 76092
VIA FIRST CLASS MAIL, CMRRR # 7016034000080983014

Arthur Anderson
ATTORNEY FOR RESPONDENT/APPLICANT
500 Winstead Building
2728 N. Harwood
Dallas, TX 75201
VIA FIRST CLASS MAIL, CMRRR# 7016034000080983021

Collin Meyer
ATTORNEY FOR PROTESTANTS
2723 Fairmount
Dallas, TX 75201
VIA FIRST CLASS MAIL, CMRRR# 7016034000080983236

Shelia Lindsey
ATTORNEY FOR PETITIONER
TABC Legal Division
VIA E-MAIL: Shelia.lindsey@tabc.texas.gov

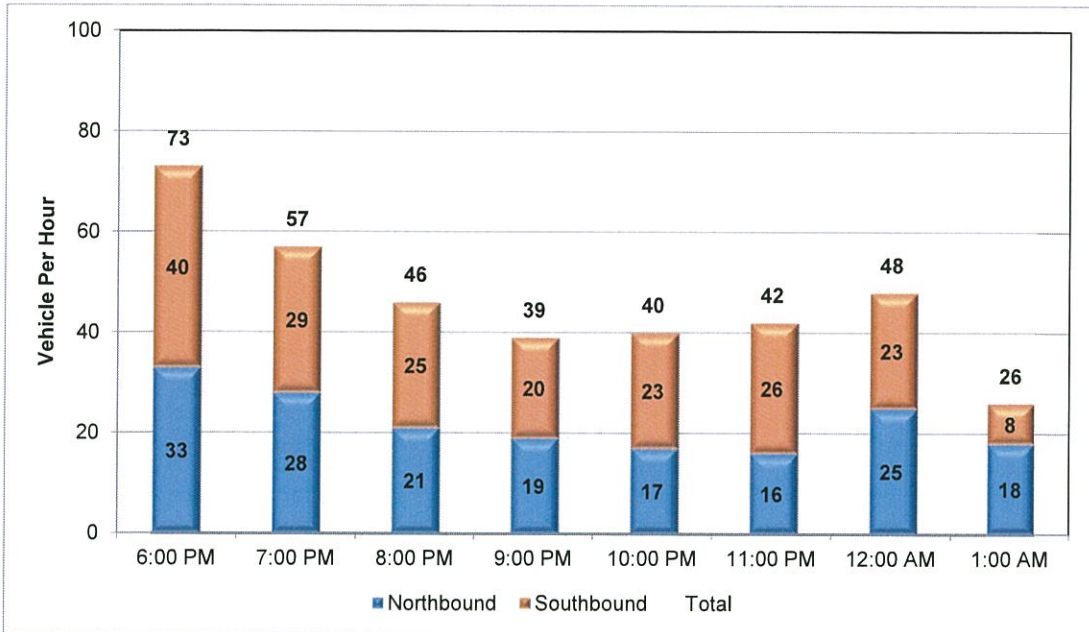


Figure 1. Buena Vista Street Hourly Volumes – Friday Evening

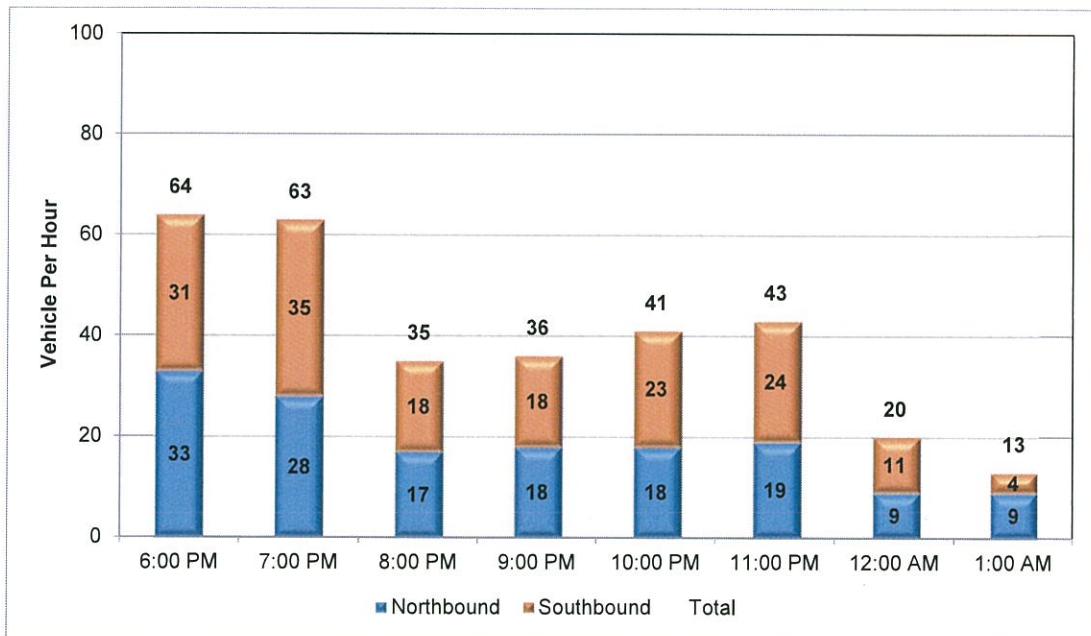


Figure 2. Buena Vista Street Hourly Volumes – Saturday Evening

State Office of Administrative Hearings

BDA167-023
Attach B
Pg 30



Lesli G. Ginn
Chief Administrative Law Judge

August 18, 2016

Sherry Cook, Administrator
Texas Alcoholic Beverage Commission
5806 Mesa Drive
Austin, Texas 78731

VIA INTERAGENCY MAIL

RE: SOAH Docket No. 458-16-2262; Texas Alcoholic Beverage Commission, Council Member Philip T. Kingston-District 14, Fitzkaty Community Development Association, 4143 Buena Vista Homeowners Association Inc., Stonebridge Terrace Homeowners Association, The Oak Lawn Committee, Christopher Place HOA, Charleston Square Home Owners Association, Frank Miller, John and Sally Collins, and Other Concerned Citizens, Et. Al. v Original Application of Bucky's Beverage, LLC D/B/A/ Bucky's Beverages Dallas County, Texas

Dear Ms. Cook:

Please find enclosed a Proposal for Decision in this case. It contains my recommendation and underlying rationale.

Exceptions and replies may be filed by any party in accordance with 1 Tex. Admin. Code § 155.507(c), a SOAH rule which may be found at www.soah.texas.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "John Beeler".

John Beeler
Administrative Law Judge

JB/dk

Enclosure

xc Shelia Lindsey-Sander, Texas Alcoholic Beverage Commission, 5806 Mesa Drive, Austin, TX 78731 - VIA INTERAGENCY MAIL
Emily Helm, General Counsel, Texas Alcoholic Beverage Commission, 5806 Mesa Drive, Austin, TX 78731- VIA INTERAGENCY MAIL
Judith Kennison, Senior Attorney, Texas Alcoholic Beverage Commission, 5806 Mesa Drive, Austin, TX 78731 - VIA INTERAGENCY MAIL
Collin R. Meyer, Law Offices of Van Shaw, 2723 Fairmount, Dallas, TX 75201 - VIA REGULAR MAIL
Arthur J. Anderson, 500 Winstead Bldg. 2728 N. Harwood, Dallas, TX 75201 - VIA REGULAR MAIL

300 W. 15th Street, Suite 504, Austin, Texas 78701/ P.O. Box 13025, Austin, Texas 78711-3025
512.475.4993 (Main) 512.475.3445 (Docketing) 512.475.4994 (Fax)
www.soah.texas.gov

SOAH DOCKET NO. 458-16-2262
(TABC CASE No. 636085)

TEXAS ALCOHOLIC BEVERAGE
COMMISSION,
Jurisdictional Petitioner

COUNCIL MEMBER PHILIP T.
KINGSTON-DISTRICT 14, FITZKATY
COMMUNITY DEVELOPMENT
ASSOCIATION, 4143 BUENA VISTA
HOMEOWNERS ASSOCIATION INC.,
4058/60 BUENA VISTA HOMEOWNERS
ASSOCIATION, INC., STONEBRIDGE
TERRACE HOMEOWNERS
ASSOCIATION, THE OAK LAWN
COMMITTEE, CHRISTOPHER PLACE
HOA, CHARLESTON SQUARE
HOME OWNERS ASSOCIATION,
FRANK MILLER, JOHN AND SALLY
COLLINS, AND OTHER CONCERNED
CITIZENS, ET. AL
Protestants

v.

ORIGINAL APPLICATION OF
BUCKY'S BEVERAGE, LLC
D/B/A BUCKY'S BEVERAGES
PERMIT NO(S). MB, LB, FB,
DALLAS COUNTY, TEXAS
Respondent

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

PROPOSAL FOR DECISION

Bucky's Beverages, LLC, d/b/a Bucky's Beverages (Applicant) has applied to the Texas Alcoholic Beverage Commission (TABC) for a Mixed Beverage Permit and Beverage Cartage Permit, a Mixed Beverage Late Hours Permit, and a Food and Beverage Certificate for the premises located at 3403 N. Fitzhugh Avenue, Dallas, Dallas County, Texas. The Protestants listed in the style of this Proposal for Decision oppose issuance of the permits, contending that the place or manner in which Applicant would operate the premises would be against the general welfare, health,

peace, morals, and safety of the community, and on the public sense of decency. After considering the arguments and evidence presented by the parties, the Administrative Law Judge (ALJ) finds that the evidence failed to establish that the manner or place in which Applicant would operate the premises will be contrary to the general welfare, health, peace, morals, or safety of the community, or on the public sense of decency. Therefore, the ALJ recommends that the permits be granted.

I. PROCEDURAL HISTORY, NOTICE, AND JURISDICTION

The hearing in this case was held on June 16 and 17, 2016, in Dallas, Texas, before ALJ John H. Beeler. Applicant appeared and was represented by attorney Arthur J. Anderson. TABC's staff (Staff) was represented by staff attorney Shelia Lindsey-Sander. Protestants appeared and were represented by attorney Collin R. Meyer. The hearing concluded on June 17, 2016, and the record closed on June 27, 2016, after the filing of written closing arguments. Issues of notice and jurisdiction are addressed in the proposed findings of fact and conclusions of law without further discussion here.

II. DISCUSSION AND ANALYSIS

A. Applicable Law

Protestants have the burden of proof to establish, by a preponderance of the evidence, that the permits should not be issued. 1 Tex. Admin. Code § 155.427. Texas Alcoholic Beverage Code § 11.46(a)(8) provides that an original permit may be denied if "the place or manner in which the applicant may conduct his business warrants the refusal of a permit based on the general welfare, health, peace, morals, and safety of the people and on the public sense of decency." Additionally, in order to deny a permit to a qualified applicant proposing to operate a lawful business in a wet area and in compliance with zoning laws, an unusual condition or situation must be shown. *Kermit Concerned Citizens Committee v. Colonial Food Stores, Inc.*, 650 S.W.2d 208, 209 (Tex. App. – El Paso [8th Dist.] 1983).

B. Arguments and Evidence

1. Staff

Staff did not take a position on the application and appeared solely as a jurisdictional petitioner. It produced its records relating to the application.

2. Protestants

Protestants contend that the place or manner in which Applicant would operate the premises would be against the general welfare, health, peace, morals, and safety of the community. The proposed business is to be located on N. Fitzhugh Avenue in Dallas, Texas, a "wet" area, meaning that alcohol may be legally bought and sold there. Specifically, Protestants contend that the area is in close proximity to a residential area and that licensing the premises would result in increased traffic, noise levels, and crime. Protestants offered the numerous exhibits and witnesses. The witness testimony is summarized as follows.

Public Testimony

Several unrepresented Protestants who reside in the neighborhoods near the proposed premises provided public testimony in opposition to the granting of the permits. They expressed concerns that granting the permits would disturb their enjoyment of the neighborhood because of increased noise, traffic, and crime. They expressed fear that a bar open until 2:00 a.m., and with an outdoor patio, would be disruptive.

Testimony of James Hughes

Mr. Hughes lives approximately 48 feet from the proposed premises. He is concerned about noise and crime if the permits are granted. Specifically, he doubts that Applicant has adequately planned for parking, and he fears that noise from the outdoor patio will keep him awake at night.

Testimony of Pame' La Ashford

Ms. Ashford is the program manager for parking services and enforcement for the Dallas Police Department. Her office enforces parking ordinances and parking related activity within the City of Dallas. She is familiar with the Applicant's plans for valet parking and had concerns with the initial plan; a revised plan has been submitted and it lessens her concerns. Some street parking would occur if the business opens.

Testimony of Michael Coker

Mr. Coker was hired by Protestants as a noise expert and was asked to assess the potential impacts of a new restaurant at Applicant's location. He has been hired in the past to perform sound assessments. He is not an engineer, has never taught courses on acoustics, and has not published any papers concerning noise issues. He attended a one-week course on noise in Colorado.

Mr. Coker drove his SUV onto the location where Applicant will have a patio and used the vehicle's speakers to assess the effect of noise issues on properties in close proximity. Using a decibel meter, he found the noise levels will be unacceptable.

Testimony of Vahe Dayian

Mr. Dayian lives in close proximity to the proposed premises and is concerned about noise issues. The Katy Trail hike and bike trail is located just behind the location. He knows of another licensed premises also located just off the Katy Trail and has stood on the trail when that bar is open at night. He believes the noise level from that bar is unacceptable.

Mr. Dayian is also concerned about intoxicated people causing problems in the neighborhood. He has experienced vandalism problems with patrons of other bars in the area and fears for the safety of his teenage daughters. Finally, he anticipates that the premises will produce an unacceptable amount of garbage and create traffic problems.

Testimony of Frances Estes

Ms. Estes is an assistant building official for the City of Dallas. She has reviewed the parking agreements filed by Applicant and believes there are problems with them. Applicant has filed two proposals. In Ms. Estes' opinion, the first did not comply with requirements concerning aisle width and the second violates the city requirement that 50 percent of parking spaces must be adjacent to the structure. The term "adjacent" can take on different meanings. Both of the proposals were reviewed and approved by the building official in her office.

Ms. Estes met with some of the Protestants, who pointed out problems with the initial proposal to her. She, in turn, discussed those concerns with the building official in her office. The initial proposal was withdrawn and a second proposal filed. Even though she believes the second parking proposal does not meet city requirements, the building officer approved it.

Testimony of Brenda Marks

Ms. Marks is the president the Oak Lawn Committee, a community group formed to address the problem of highways being built through neighborhoods in the 1970s. The group is concerned with protecting the quality of life in a large area that includes the neighborhood adjacent to the proposed premises. The group does not believe that a restaurant with a bar should be allowed near to the Katy Trail. Although the premises are supposed to be used for an upscale restaurant, she fears it could change into something else in a short time.

Testimony of David Nevarez

Mr. Nevarez was hired by Protestants as a traffic expert and asked to assess the potential impacts of a new restaurant at Applicant's location. He earned a bachelor's degree in civil engineering from the University of Texas at El Paso and received a civil engineering license in 2010. Mr. Nevarez reviewed the parking proposals for the premises and has some concerns. Although the city's requirement would be 37 parking spaces, he believes 96 spaces will be needed, but knows of

no upscale Dallas restaurants that have two-and-a-half times the city's required number of parking spaces. He is also concerned that the valet parking plan will cause traffic to be backed up down Buena Vista, one of the streets the premises abuts.

Testimony of Vedrana Cehajic

Ms. Cehajic lives with James Hughes in a condo close to the premises and is concerned about noise and safety if the permits are issued. She is also concerned that her guests will not be able to find parking.

Testimony of Frank Miller

Mr. Miller lives just across the Katy Trail from the premises. He is concerned about noise and believes the noise reductions planned by Applicant will funnel noise toward his home. He is also concerned about crime.

Testimony of Eric Bing

Mr. Bing lives next door to Frank Miller and is concerned about noise and traffic. He is a psychologist, and his work has focused on alcohol and drug abuse. His research shows that crime levels rise in areas where clusters of bars are located. The addition of a sole establishment selling alcohol would not mean crime would increase, but if Applicant's plan of operation is implemented, crime will increase.

Testimony of Matthew Hey

Mr. Hey has a degree in hotel/restaurant management and has worked in several restaurants. He is not in the restaurant business at this time and has never created a restaurant concept or designed a restaurant. He has reviewed Applicant's plans and does not believe they describe an upscale restaurant. Upscale restaurants do not stay open until 2:00 A.M.

Testimony of John Collins

Mr. Collins is an attorney practicing civil litigation. Previously, an application for a licensed premise in the same neighborhood was denied, after an administrative hearing, on the basis of its location. He believes Applicant's business will cause more problems than would the bar that was denied a permit.

3. Applicant

Applicant offered numerous exhibits and several witnesses. The witness testimony is summarized as follows.

Testimony of Nick Backlund

Mr. Backlund owns the entity that has applied for the permits and is the general manager of Smoke Restaurant, an upscale restaurant. If the permits are issued, he will be the general manager of Royal 38, the restaurant where the permit will be in effect. Entrées will cost approximately \$35 and drinks about \$12. The premises will hold a food and beverage certificate, which requires that at least 50 percent of its sales, in terms of dollars, be from food.

Mr. Backlund is hiring security guards to ensure everybody is safe. He will have valet and overflow parking, and 50 percent of the parking will be adjacent to the property.

Testimony of Matthew Aguilar

Mr. Aguilar is a CAD technician for a surveying and engineering firm and did some scan data showing the outline of the properties in question to be used in Applicant's exhibits.

Testimony of Ron Stanley

Mr. Stanley is one of the principal owners of 32 Degree Tech, Incorporated, a company that designs and installs sound and video systems for commercial clients, including high-end hotels and restaurants. His company designed the sound system for Applicant's premises. The system is designed to use multiple speakers so that no one speaker is required to put out a lot of energy.

A major concern in designing the system is to minimize reflections. Sound bounces, and the system is designed to keep the sound from going toward the Katy Trail. Also, the sound system includes a central processing unit designed so that the person operating the system cannot exceed a designated volume level. The patio is being designed using noise-mitigating materials, which also work to ensure unacceptable noise levels do not reach the Katy Trail.

Testimony of Phil Hipol

Mr. Hipol is an engineer working in product development with companies involved with sound absorption and sound-attenuation systems. He worked on the design and development of the acoustics for the space shuttle cargo bay and has taught college seminars in acoustics. He has published four papers concerning noise issues.

Mr. Hipol has worked with Applicant in designing sound absorption and sound reduction mechanisms. Given the measures Applicant is taking to control the amount of sound traveling away from the premises, he is confident that there will be no unacceptable levels on the surrounding properties. He guarantees that noise from the premises will not be disruptive to people living nearby.

Testimony of Michael Backland

Mr. Backland is the controlling owner of Bucky's Restaurant Group, which has an operating agreement with Bucky's Beverages, owned by his son. He has spent his entire professional life building and running businesses and owns a California restaurant that holds an alcoholic beverage

permit. No complaints have been filed about that restaurant. In fact, the restaurant won an award for beautifying the city.

The Dallas restaurant will be named Royal 38 and will feature \$35 entrées and \$12 drinks. The cocktail menu will be high-end and there will be an upscale wine list. He has tried to reach out the neighborhood to assure the residents that the restaurant will be a good neighbor. Although some people in the area have protested against him, he has also received quite bit of support from many others.

Testimony of Thomas Glendenning

Mr. Glendenning is a commercial real estate broker specializing in retail, landlord representation, and businesses in the urban core. He is involved in multiple properties in the area of the proposed premises and would like to see upscale properties such as Royal 38 in the area. There are two low-end bars in the vicinity, and he is involved in replacing one of them with a more upscale business.

Testimony of Scott Gilkey

Mr. Gilkey is the owner of a restaurant-consulting business in Seattle, Washington, and has a business degree. He has launched between 60 and 70 restaurants and designed over 100 restaurant kitchens. He understands that there is another licensed premises just off the Katy Trail and that it may be noisy. However, the concept for Royal 38 is very different. The other location is casual and is a bar. Royal 38 will be a high-end restaurant.

Testimony of Cameron Williams

Mr. Williams is a licensed professional engineer and works with traffic issues. He has a master's degree from Texas A & M University in civil engineering and prepares traffic studies as part of his work. He has looked at Applicant's valet parking plan finds that it sufficient and meets city requirements.

Testimony of Bradley Smith

Mr. Smith is a licensed investigator, security consultant, armed security officer, and personal protection officer. He has recommended Royal 38 have appropriate lighting in the valet parking area and controlled access. Applicant has gone above and beyond his recommendations. Security guards are not common for high-end restaurants, but having them at Royal 38 will deter criminals.

C. Analysis

After considering the evidence, the ALJ concludes that nothing in the record establishes that the place or manner in which Applicant may conduct its business warrants the denial of the permits. As set out above, to prevail in a protest of the granting of permits in a location where it is lawful to sell alcoholic beverages, Protestants must demonstrate an unusual condition or situation. Nothing in Protestant's evidence demonstrated either.

The location where Applicant proposes to operate Royal 38 is on N. Fitzhugh Avenue in Dallas, Texas. The testimony and exhibits make it clear that that section of N. Fitzhugh is a commercial area with several other businesses involved in the sale of alcoholic beverages. Although the area of the proposed premises is located close to residences, no regulations or zoning ordinances prohibit the operation of a business that sells alcohol. The ALJ understands that residents of the neighborhood may be concerned with additional noise and traffic. Such concerns, in this case, however, do not make denial of the application for permits proper.

Applicant demonstrated that more than adequate measures are being taken to ensure noise and traffic will not adversely effect the neighborhood. Changes were made to the valet parking proposal when it was suggested that the original plan might not be adequate, even though that plan was approved by the city. The patio is being designed and constructed to minimize any possible noise that might be heard beyond its borders.

The majority of Protestants' complaints and concerns appear to be those that might be associated with a bar, not with a high-end restaurant. The record does not establish that noise, traffic, or crime will unacceptably increase if a high-end restaurant opens at the location.

Accordingly, the ALJ finds that the place or manner in which Applicant will conduct its business does not warrant the refusal of the permits based on the general welfare, peace, morals, and safety of the people, and recommends that the permits be granted.

III. FINDINGS OF FACT

1. Bucky's Beverages, LLC, d/b/a Bucky's Beverages (Applicant) has applied to the Texas Alcoholic Beverage Commission (TABC) for a Mixed Beverage Permit and Beverage Cartage Permit, a Mixed Beverage Late Hours Permit, and a Food and Beverage Certificate for the premises located at 3403 N. Fitzhugh Avenue, Dallas, Dallas County, Texas.
2. Protests to the application were filed by numerous parties.
3. TABC Staff (Staff) issued a notice of hearing informing the parties of the time, date, and location of the hearing on the application; the applicable rules and statutes involved; and a short, plain statement of the factual matters asserted.
4. The hearing in this case was held on June 16 and 17, 2016, in Dallas, Texas, before Administrative Law Judge (ALJ) John H. Beeler. Applicant appeared and was represented by attorney Arthur J. Anderson. TABC's Staff was represented by staff attorney Shelia Lindsey-Sander. Protestants appeared and were represented by attorney Collin R. Meyer. The hearing concluded on June 17, 2016, and the record closed on June 27, 2016, after the filing of written closing arguments.
5. The proposed premises are to be located in a wet area at 3403 N. Fitzhugh Avenue, Dallas, Dallas County, Texas.
6. The premises will operate as a high-end restaurant that also serves alcohol.
7. No zoning or other restrictions prohibit Applicant from operating a restaurant that also serves alcohol at the proposed location.
8. Applicant has taken steps to ensure the premises will not cause noise, traffic, or crime to be a problem for the neighborhood.
9. No unusual condition or situation exists that would justify denial of the permits.

10. The evidence failed to establish that the manner or place in which Applicant would operate the premises will be contrary to the general welfare, health, peace, morals, and safety of the community.

IV. CONCLUSIONS OF LAW

1. Petitioner has jurisdiction over this case pursuant to Texas Alcoholic Beverage Code Chapters 1 and 5 and §§ 6.01, 11.46, and 28.01.
2. The State Office of Administrative Hearings has jurisdiction over matters related to the hearing in this proceeding, including the preparation of a proposal for decision with findings of fact and conclusions of law, pursuant to Texas Government Code chapter 2003.
3. Notice of the hearing was provided as required by the Administrative Procedure Act, Texas Government Code § 2001.051.-052.
4. Based on the proposed findings of fact, a preponderance of the evidence failed to show that the place or manner Applicant proposes to conduct its business warrants the refusal of a permit based on the general welfare, health, peace, morals, and safety of the people and on the public sense of decency. Texas Alcoholic Beverage Code § 11.46(a)(8).
5. Applicant's original application for a Mixed Beverage Permit and Beverage Cartage Permit, a Mixed Beverage Late Hours Permit, and a Food and Beverage Certificate should be granted.

SIGNED August 18, 2016.



JOHN H. BEELER
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-023

Data Relative to Subject Property:

Date: 12-28-16

Location address: 3403 N Fitzhugh Ave. Zoning District: PD193(GR)

Lot No.: 14 Block No.: 2/1521 Acreage: 6533 # Census Tract: 7.01

Street Frontage (in Feet): 1) 47 2) 139 3) _____ 4) _____ 5) _____ 5023

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Greenway Fitzhugh LP

Applicant: Mike Backlund Telephone: 4084998989

Mailing Address: 709 Edward ct Southlake tx Zip Code: 76092

E-mail Address: mikeabacklund@gmail.com

Represented by: Solt Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance X, or Special Exception _____, of PD193
on site and/or adjacent parking requirement. We need
a variance of 16 spaces for the required 37 spaces for
a restaurant w/o drive thru service use.

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:

Because of the restrictive area, shape and slope of the
property it cannot be developed in a manner commensurate with
the development upon other parcels of land in PD193(GR).
The lot is very narrow and bordered by a 20 ft retaining wall
on the left side. All parking and then some will be provided within 150ft.

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

Affidavit

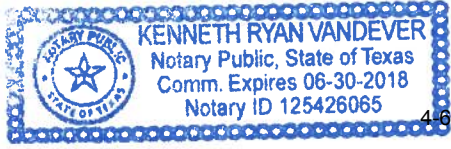
Before me the undersigned on this day personally appeared Michael Backlund
(Affiant/Applicant's name printed)

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: Mike Backlund
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 27 day of December, 2016

(Rev. 08-01-11)



Kenneth Ryan Vandever
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 Mike Backlund

did submit a request for a variance to the parking regulations
at 3403 N. Fitzhugh Avenue

BDA167-023. Application of Mike Backlund for a variance to the parking regulations at 3403 N. Fitzhugh Avenue. This property is more fully described as Lot 14, Block 2/1521, and is zoned PD-193 (GR), which requires parking to be provided. The applicant proposes to construct and maintain a nonresidential structure for a restaurant without drive-in or drive-through service use and provide 21 of the required 37 parking spaces, which will require a 16 space variance to the parking regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official

City of Dallas

Internal Development Research Site

Legend

Locate Property

Search by:

GIS Account #

Locate

OR

Street address.

3403 n fitzhugh

Locate

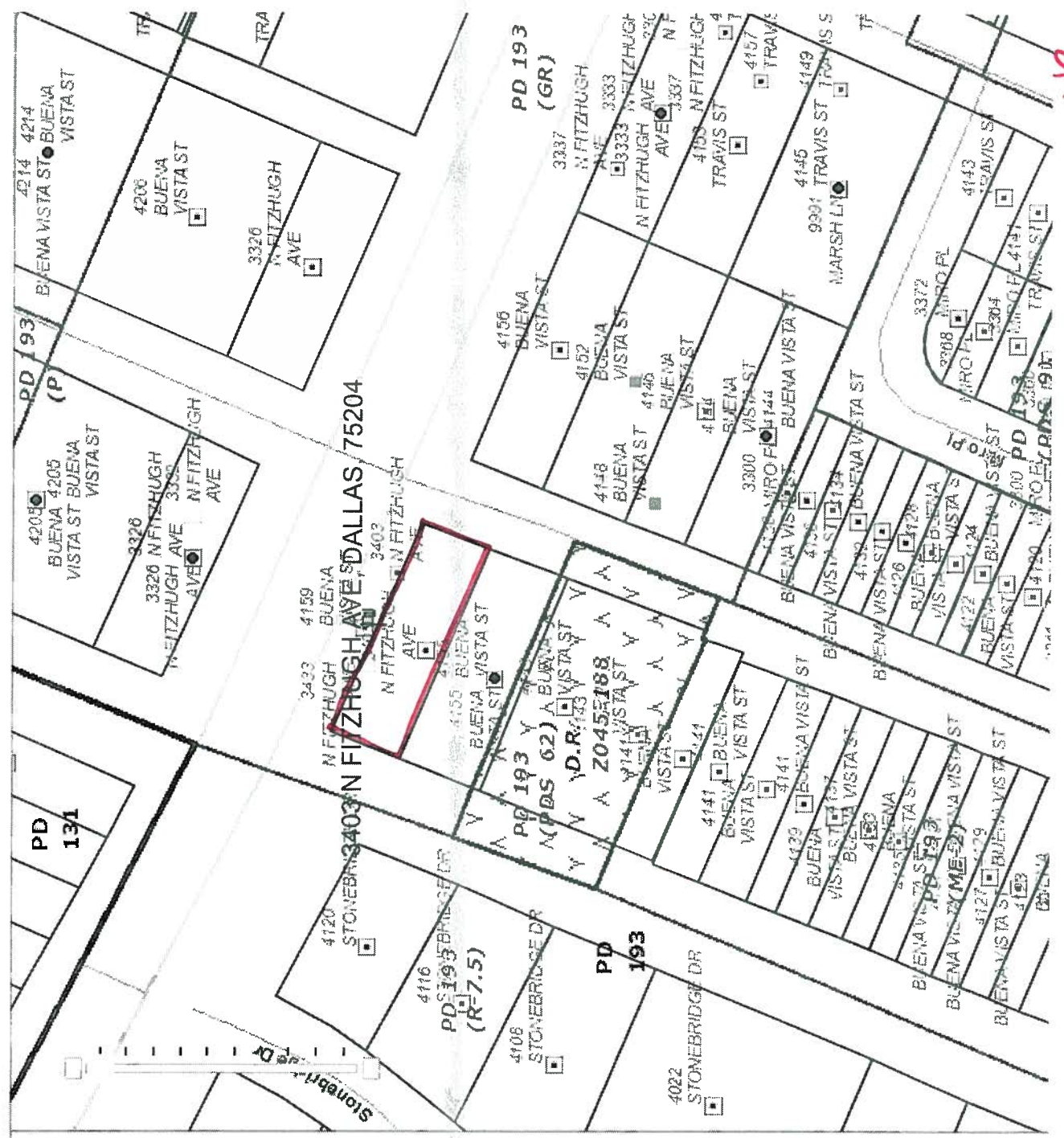
OR

Parcel address.

Use street type for better re

PD 193

Locate



5
2023

OUTSIDE, 1913

N22° 30' E

4° 14' 30" E

CORPORATION LINE
MISSOURI 1909

KANSAS
SAN. SE

8' 10" E

ACCESS ESMT.

Remaining PT. of 10-D
VILLA SUBDN. #3

AVE.

PLACE

1521

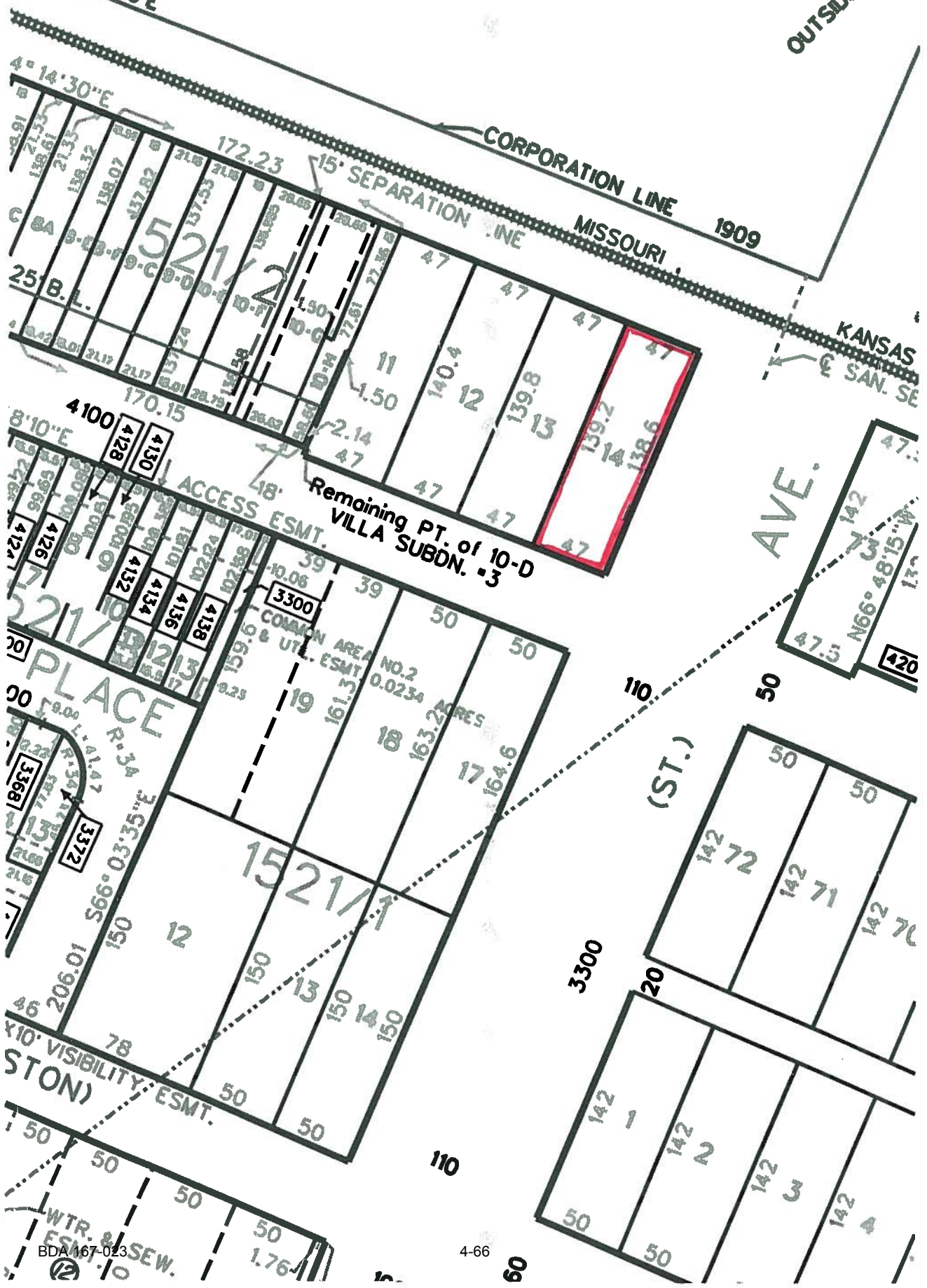
(ST.)

10' VISIBILITY ESMT.
STON)

WTR. & SEW.
ESMT.

4-66

60

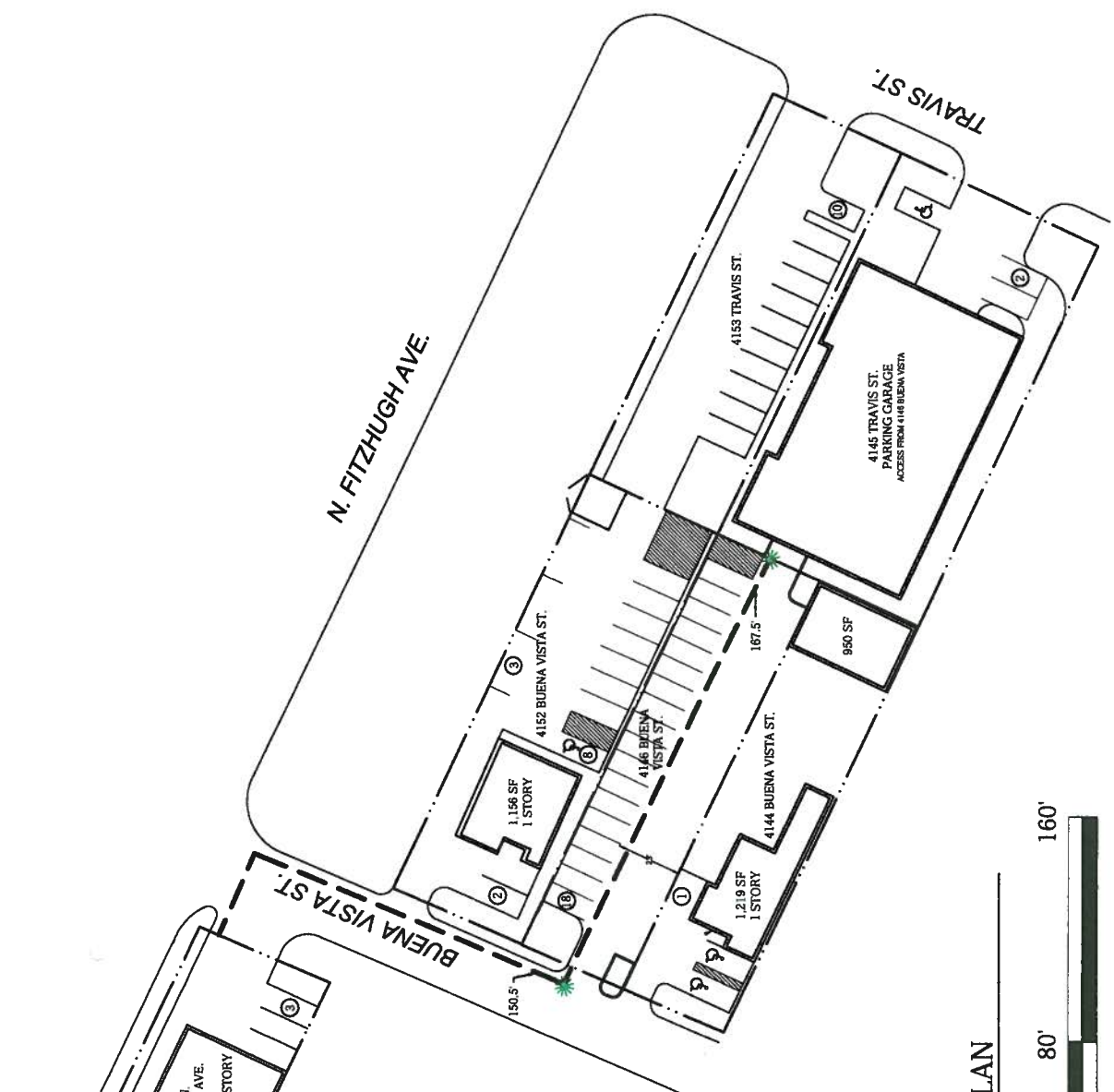


05/23/2016

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Baldwin Associates

BUENA VISTA ST/ TRAVIS ST/ FITZHUGH AVE
 CITY OF DALLAS, TEXAS



PARKING DATA TABLE:
 3403 N. FITZHUGH
 REQUIRES 37 P/S
 3 P/S PROVIDED ON-SITE
 11 PROVIDED BY 4146 BUENA VISTA
 19 PROVIDED BY 4145 TRAVIS PARKING GARAGE
 4 PROVIDED BY 4152 BUENA VISTA

OVERALL PARKING PLAN
 SCALE: 1" = 40'-0"



We want to build a restaurant at 3403 N. Fitzhugh, located in PD193. 3403 N. Fitzhugh is a small property of approximately 6533 square feet. The property is zoned GR and is home to an existing 3,000 square foot, 2 story building. If the existing building in its current configuration were converted to restaurant use, the property could not accommodate the total spaces needed per city code. Nor could the property meet the 50% of total parking requirement for onsite and/or adjacent spaces associated with PD193.

We received city approval of our building plans at the site which included adding 700 feet to the building. The required parking of 37 spaces was approved by the city in June of 2015. The building plan approval was received after the parking was approved. This build permit approval was given to us in October 2015.

In May of 2016, an assistant building official chose to review our building plans and our parking agreements. Updates to our building plans were requested as were some modifications to our parking plans and documents. We submitted the requested modification and our building plans were augmented and our parking was approved for a second time by the city. This parking is now on file with the county as well. Subsequent to this second approval, In June of 2016, this same building official chose to place our building permits “on hold” due to “incorrect parking”, citing the lack of 50% or more of total required parking being on site or adjacent to the property. So despite twice approved parking we find ourselves in front of the Board of Adjustment asking for a parking variance.

The 3403 property is on the corner of N. Fitzhugh and Buena Vista. As such it is bordered on two sides by public roads. It is also bordered on another side by the Katy Trail. So, only one

property exists as a potential source of adjacent parking. But, the property adjacent is not available to be used for city approved parking, as the owner is not willing to encumber his property. And, even if it were available, this property does not have sufficient capacity to allow us to meet the 50% on site and/or adjacent parking requirement.

To make sure that we can safely and effectively park all patrons, we have contracted for several parking lots that are very near the property. The primary entrance to our contracted parking is approximately 80 feet from the 3403 N. Fitzhugh property. We have sufficient parking to meet city requirements and that is borne out in the city approved parking documents included with this application. In fact, we have 60 parking spaces under contract, but not all are part of our city approved parking. This is far more than is required by city code. No cars will be manipulated on the street so no valet permit is required.

We are asking for a variance to allow us to count some of the spaces we have under contract that are approximately 80 feet from our site towards the 50% on site and/or adjacent requirement for PD 193.

We want to build a restaurant at 3403 N. Fitzhugh, located in PD193. 3403 N. Fitzhugh is a small property of approximately 6533 square feet. The property is zoned GR and is home to an existing 3,000 square foot, 2 story building. If the existing building in its current configuration were converted to restaurant use, the property could not accommodate the total spaces needed per city code. Nor could the property meet the 50% of total parking requirement for onsite and/or adjacent spaces associated with PD193.

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We are asking for a variance to allow us to count some of the spaces we have under contract that are approximately 80 feet from our site towards the 50% on site and/or adjacent requirement for PD 193.



 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">31</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	31	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA167-023 Date: 1/10/2017
200'	AREA OF NOTIFICATION					
31	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA167-023

31 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3403 N FITZHUGH AVE	GREENWAYFITZHUGH LP
2	3337 N FITZHUGH AVE	RENFRO PROP MGMT LLC
3	4152 BUENA VISTA ST	GREENWAY FITZHUGH LP
4	4146 BUENA VISTA ST	GREENWAY TRAVIS LP
5	4141 BUENA VISTA ST	HAYES PATRICK J
6	4141 BUENA VISTA ST	LAFERSOUSA LUIS
7	4141 BUENA VISTA ST	AUSTRY MICHAEL
8	4155 BUENA VISTA ST	WOLTER DALE ROBERT
9	3326 N FITZHUGH AVE	3326 NORTH FITZHUGH LP
10	4108 STONEBRIDGE DR	SHARMA AMIT &
11	4116 STONEBRIDGE DR	KENDER RANDALL F &
12	4120 STONEBRIDGE DR	MILLER FRANK H
13	3300 MIRO PL	PARKWOOD TOWNHOMES HOMEOWNERS ASSOCIATION
14	4134 BUENA VISTA ST	PATE PERRY G
15	4136 BUENA VISTA ST	RICH FAMILY LIVING TRUST THE
16	4138 BUENA VISTA ST	DO TUAN A & THUY LAM
17	4205 BUENA VISTA ST	WESTDALE BUENA VISTA LP
18	3502 N FITZHUGH AVE	BENNETT BENJAMIN J IV &
19	3504 N FITZHUGH AVE	MULLICAN MARY ANN
20	3506 N FITZHUGH AVE	LOWERY MARY SEWARD
21	4206 BUENA VISTA ST	LEACH GREG
22	4206 BUENA VISTA ST	MILLER ADRIAN & ASHLEY WILSON
23	4206 BUENA VISTA ST	LAPP MARCIAL
24	4206 BUENA VISTA ST	CARVALHO ALEXANDRE B & MARIA ELISA GALLO
25	4206 BUENA VISTA ST	KIA KEVIN F & NIDA
26	4206 BUENA VISTA ST	AMIN RAVI

01/10/2017

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	4143 BUENA VISTA ST	HUGHES JAMES RUSH
28	4143 BUENA VISTA ST	FRANCO MARIA A LIFE ESTATE
29	4143 BUENA VISTA ST	MCLAUGHLIN HOWARD MARK &
30	4143 BUENA VISTA ST	DAYIAN VAHE ROBERT & NORA ARPI
31	4143 BUENA VISTA ST	PARKS CHARLES DAVIS