

ZONING BOARD OF ADJUSTMENT, PANEL A  
TUESDAY, MARCH 22, 2016  
AGENDA

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BRIEFING	L1FN CONFERENCE CENTER AUDITORIUM 1500 MARILLA STREET DALLAS CITY HALL	11:00 A.M.
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**

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**MISCELLANEOUS ITEM**

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Approval of the February 16, 2016 Panel A Public Hearing Minutes	M1
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**UNCONTESTED CASES**

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<b>BDA156-019(SL)</b>	2740 Cedardale Road <b>REQUEST:</b> Application of David Harrison, represented by Kori Haug of Bella Firma, Inc., for a special exception to the landscape regulations	1
<b>BDA156-022(SL)</b>	5215 Lobello Drive <b>REQUEST:</b> Application of Robert Baldwin of Baldwin Associates for a special exception to the fence height regulations	2
<b>BDA156-023(SL)</b>	9401 Meadowbrook Drive <b>REQUEST:</b> Application of Ryan Johnson for a special exception to the fence height regulations	3

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**HOLDOVER CASE**

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**BDA156-010(SL)**

1904 Greenville Avenue

**REQUEST:** Application of Maxwell Fisher for a special exception to the Modified Delta Overlay District No. 1 regulations

4

## 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]

**(Rev. 6-24-02)**

**FILE NUMBER:** BDA156-019(SL)

**BUILDING OFFICIAL'S REPORT:** Application of David Harrison, represented by Kori Haug of Bella Firma, Inc., for a special exception to the landscape regulations at 2740 Cedardale Road. This property is more fully described as Lot 1A, Block A/8299, and is zoned LI, which requires mandatory landscaping. The applicant proposes to construct and maintain a structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

**LOCATION:** 2740 Cedardale Road

**APPLICANT:** David Harrison  
Represented by Kori Haug of Bella Firma, Inc.

**REQUEST:**

A special exception to the landscape regulations is made to construct and maintain an office/warehouse use/structure on a site currently under development, and not fully meet the landscape regulations.

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

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

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

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

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

**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- Compliance with the submitted alternate landscape plan is required.

Rationale:

- The Chief Arborist recommends approval of the proposed landscape plan because strict compliance with the site tree requirements for this particular building site will unreasonably burden the use of the property, and the plan does not adversely affect neighboring properties which will have similar or industrial uses.
- Staff also concluded that strict compliance with the requirements of the landscape regulations (planting the required number of site trees on the site) will unreasonably burden the use of the property since:
  - 1) the land area will be mostly developed with a large-scale distribution-style structure, and supporting impervious surfaces for parking, large vehicle maneuvering, trailer storage, and drainage infrastructure and basin;
  - 2) the relationship of available open, passive landscape area to more active site uses, and the supportive drainage facilities, is restrictive to planting large canopy trees at the required number of site trees for healthy development over time; and
  - 3) some open soil land area is also not compatible with planting due to necessary utility uses and easements.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: LI (Light industrial)  
North: A(A) (Agricultural)  
South: LI (Light industrial)  
East: LI (Light industrial)  
West: City of Lancaster

**Land Use:**

The subject site is under development. The areas to the north and south are undeveloped, and the areas to the east and west appear to be under development.

**Zoning/BDA History:**

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

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

- This request focuses on developing the site with an office/warehouse use/structure and not fully meeting the landscape regulations, more specifically not providing the required number of site trees.
- The Dallas Development Code requires full compliance with the landscape regulations when nonpermeable coverage on a lot or tract is increased by more than 2,000 square feet, or when work on an application is made for a building permit for construction work that increases the number of stories in a building on the lot, or increases by more than 35 percent or 10,000 square feet, whichever is less, the combined floor areas of all buildings on the lot within a 24-month period.
- The City of Dallas Chief Arborist submitted a memo regarding the applicant's request (see Attachment A). The memo states how this request is triggered by a new construction of an office/warehouse use.
- With regard to how the proposal is deficient to the landscape regulations, the Chief Arborist stated that site trees are required for office/warehouse showroom uses at a ratio of one tree for every 4,000 square feet of lot area, or 482 trees; and that the proposed plan provides 321 trees for the approximately 44 acre lot, being generally at a rate of one tree for every 6,000 square feet of lot area. This is a deficiency of 161 site trees, but the planting level is standard for industrial uses.
- The Chief Arborist's memo lists the following factors for consideration:
  1. Section 51A-10.125(b)(3) states all lots, other than single family or duplex uses, must have one tree per 4,000 square feet, except for industrial uses in IM and IR districts where one tree per 6,000 square feet of lot area must be provided.
  2. Site trees may be provided with large or small (ornamental) trees, provided that all other requirements for Article X are met.
  3. The property is generally a rectangular shape but is adjusted along the western boundary which fronts with private property in the City of Lancaster, and along the alignment with Balmorhea Drive to the south. The land area will be mostly developed with a large-scale distribution-style structure, and supporting impervious surfaces for parking, large vehicle maneuvering, trailer storage, and drainage infrastructure and basin. The relationship of available open, passive landscape area to more active site uses, and the supportive drainage facilities, is restrictive to planting large canopy trees at the required number of site trees for healthy development over time. Some open soil land area is also not compatible with planting due to necessary utility uses and easements.
  4. The property is surrounded by more land area developed (to the east) or zoned for more industrial and warehouse uses. The new streets and site platting comply with city and state regulations for development. Available planting areas for providing a suitable scale of landscaping for industrial-style development are oriented toward the perimeters and general parking areas, which are also shared with supportive infrastructure.
  5. The proposed plan has no other Article X deficiencies. No trees are required for tree mitigation purposes.

- The City of Dallas Chief Arborist recommends approval of the proposed landscape plan because strict compliance with the site tree requirements for this particular building site will unreasonably burden the use of the property, and the plan does not adversely affect neighboring properties which will have similar or industrial uses.
- The applicant has the burden of proof in establishing the following:
  - Strict compliance with the requirements of the landscape regulations of the Dallas Development Code will unreasonably burden the use of the property; and the special exception will not adversely affect neighboring property.
- If the Board were to grant this request and impose the submitted landscape plan as a condition to the request, the site would be provided exception from full compliance with the required number of site trees on the subject site.

**Timeline:**

November 2, 2015: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

February 9, 2016: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

February 9, 2016: The Board Administrator emailed the applicant’s representative the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the March 2<sup>nd</sup> deadline to submit additional evidence for staff to factor into their analysis; and the March 11<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

March 8, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for March public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Interim Building Official, the Sustainable Development and Construction Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, and the Assistant City Attorneys to the Board.

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

March 14, 2016: The City of Dallas Chief Arborist submitted a memo regarding this request (see Attachment A).



1:4,800

# ZONING MAP

Case no: BDA156-019

Date: 2/17/2016





Site

City of Lancaster

ALAMOORE DR

VAN HORN DR

BALMORHEA DR



1:4,800

# AERIAL MAP

Case no: BDA156-019

Date: 2/17/2016

# Memorandum



CITY OF DALLAS

DATE March 14, 2016  
TO Steve Long, Board of Adjustment Administrator  
SUBJECT # BDA 156 · 019                      2740 Cedardale Road

The applicant is requesting a special exception to the landscape requirements of Article X.

### Trigger

New construction of an office/warehouse use in an LI (Light Industrial) zoning district.

### Deficiencies

Site trees are required for office/warehouse showroom uses at a ratio of one tree for every 4,000 square feet of lot area, or 482 trees. The proposed plan would provide 321 trees for the 44.27 acre lot, being generally at a rate of one tree for every 6,000 square feet of lot area. This is a deficiency of 161 site trees, but the planting level is standard for industrial uses in industrial districts.

### Factors

Section 51A-10.125(b)(3) states all lots, other than single family or duplex uses, must have one site tree per 4,000 square feet, except for within industrial uses in IM and IR districts where one tree per 6,000 square feet of lot area must be provided.

Site trees may be provided with large or small (ornamental) trees, provided that all other requirements for Article X landscape regulations are met.

The property is generally a rectangular shape but is adjusted along the western boundary which fronts with private property in the City of Lancaster, and along the alignment with Balmorhea Drive to the south. The land area will be mostly developed with a large-scale distribution-style structure, and supporting impervious surfaces for parking, large vehicle maneuvering, trailer storage, and drainage infrastructure and basin. The relationship of available open, passive landscape area to more active site uses, and the supportive drainage facilities, is restrictive to planting large canopy trees at the required number of site trees for healthy development over time. Some open soil land area is also not compatible with planting due to necessary utility uses and easements.

The property is surrounded by more land area developed (to the east) or zoned for more industrial and warehouse uses. The new streets and site platting comply with city and state regulations for development. Available planting areas for providing a

suitable scale of landscaping for industrial-style development are oriented toward the perimeters and general parking areas, which are also shared with supportive infrastructure.

The proposed plan has no other Article X deficiencies. No trees are required for tree mitigation purposes.

#### Recommendation

The chief arborist recommends approval of the proposed landscape plan because strict compliance with the site tree requirements for this particular building site will unreasonably burden the use of the property, and the plan does not adversely affect neighboring properties which will have similar or industrial uses.

Philip Erwin, ISA certified arborist #TX-1284(A)  
Chief Arborist



City of Dallas

A

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: 156-019

Data Relative to Subject Property:

Date: 11/02/2015

Location address: 2740 Cedardale Blvd Road Zoning District: LI

Lot No.: Lot 1A Block No.: A/8299 Acreage: 44.27 Census Tract: 167.03

Street Frontage (in Feet): 1) 932 lf 2) 1,112 lf 3) 4) 5) 5011

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): DalParc I-20 Logistics, LLC

Applicant: Dave Harrison Telephone: 214.888.3030

Mailing Address: 4900 Main Street, Suite 400, Kansas City, MO Zip Code: 64112

E-mail Address: dave.harrison@vantrustre.com

Represented by: Kori Haug of Belle Firma, Inc. Telephone: 214.865.7192

Mailing Address: 4245 N. Central Expy, Suite 501 Dallas, Texas Zip Code: 75205

E-mail Address: khaug@bellefirma.com

Affirm that an appeal has been made for a Variance \_\_, or Special Exception X, of the landscape regulations, Article X. Specifically, the request is for a reduction for the total amount of site trees on the property which deviates from the requirements of Section 51A-10.125(b)(3).

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

The applicant requests to plant site trees at a stated ratio of 1 tree per 6,000 s.f. (321 trees) of cumulative lot area, which is the equivalent of an industrial use in an IM or IR district under Article X. The true amount of trees to be planted is actually 1 tree per 6,000 s.f. of lot area (321) trees of 44.27 acres. Office/warehouse uses require trees at 1 tree per 4,000 s.f. (482) trees. This would be a deficiency of 161 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 David Harrison (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 18th day of December, 2015

(Rev. 08-01-11) Notary Public in and for Dallas County, Texas Cynthia Aitken Jackson Missouri Commission # 151780929 My Commission Expires April 26, 2019

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 David Harrison  
represented by Kori Haug  
did submit a request for a special exception to the landscaping regulations  
at 2740 Cedardale Road

BDA156-019. Application of David Harrison represented by Kori Haug for a special exception to the landscaping regulations at 2740 Cedardale Road. This property is more fully described as Lot 1A, Block A/8299, and is zoned LI, which requires mandatory landscaping. The applicant proposes to construct a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulation

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official

# City of Dallas

Internal Development Research Site

Legend

Locate Property

BDA 156-019

1-11



OWNER'S DEMANDATION  
NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT DALPARC 120 LOGISTICS, LLC, setting and through its duly authorized agent, does hereby submit this plat, designating the basic furnished property as VANTRUST 120 LOGISTICS ADDITION, in addition to the City of Dallas, Dallas County, Texas, and do hereby dedicate, in fee simple, to the public use forever, all and singularly the following described property, to-wit: ...

THESE ARE THE TERMS AND CONDITIONS OF THE SALE OF THE PROPERTY DESCRIBED ABOVE, and the same shall be binding upon the purchaser and his heirs and assigns forever. ...

STATE OF TEXAS  
COUNTY OF DALLAS  
I, \_\_\_\_\_, County Clerk of Dallas County, Texas, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the public records of Dallas County, Texas.

THESE ARE THE TERMS AND CONDITIONS OF THE SALE OF THE PROPERTY DESCRIBED ABOVE, and the same shall be binding upon the purchaser and his heirs and assigns forever. ...

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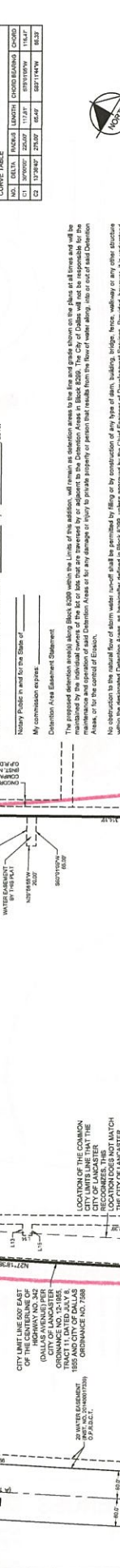
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LINE TABLE with columns: NO., BEARING, LENGTH, NO. BEARING, LENGTH, NO. BEARING, LENGTH

CURVE TABLE with columns: NO., BEARING, LENGTH, CHORD BEARING, CHORD LENGTH



GENERAL NOTE: THE PURPOSE OF THIS PLAT IS TO REVERT TWO LOTS INTO ONE LOT. ...

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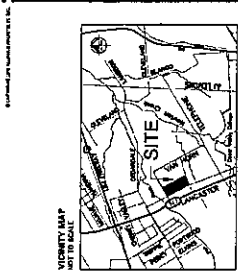
GENERAL NOTE: THE PURPOSE OF THIS PLAT IS TO REVERT TWO LOTS INTO ONE LOT. ...

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Kimley»Horn logo and contact information for Dallas, Texas. Includes phone number 972.243.2000 and website kimleyhorn.com.

DRAWING RECORD table with columns for Date, Description, and Drawn/Checked/Designed/Reviewed.



LANDSCAPE TABULATIONS table listing various plant species and quantities for different areas of the site.

GENERAL LAWN NOTES

- 1. CONTRACTOR SHALL... 2. CONTRACTOR SHALL... 3. CONTRACTOR SHALL... 4. CONTRACTOR SHALL... 5. CONTRACTOR SHALL...

LANDSCAPE NOTES

- 1. CONTRACTOR SHALL... 2. CONTRACTOR SHALL... 3. CONTRACTOR SHALL... 4. CONTRACTOR SHALL... 5. CONTRACTOR SHALL...

SOLID BOD NOTES

- 1. PLANT BEDS... 2. WATER BOD... 3. CONTRACTOR SHALL... 4. CONTRACTOR SHALL...

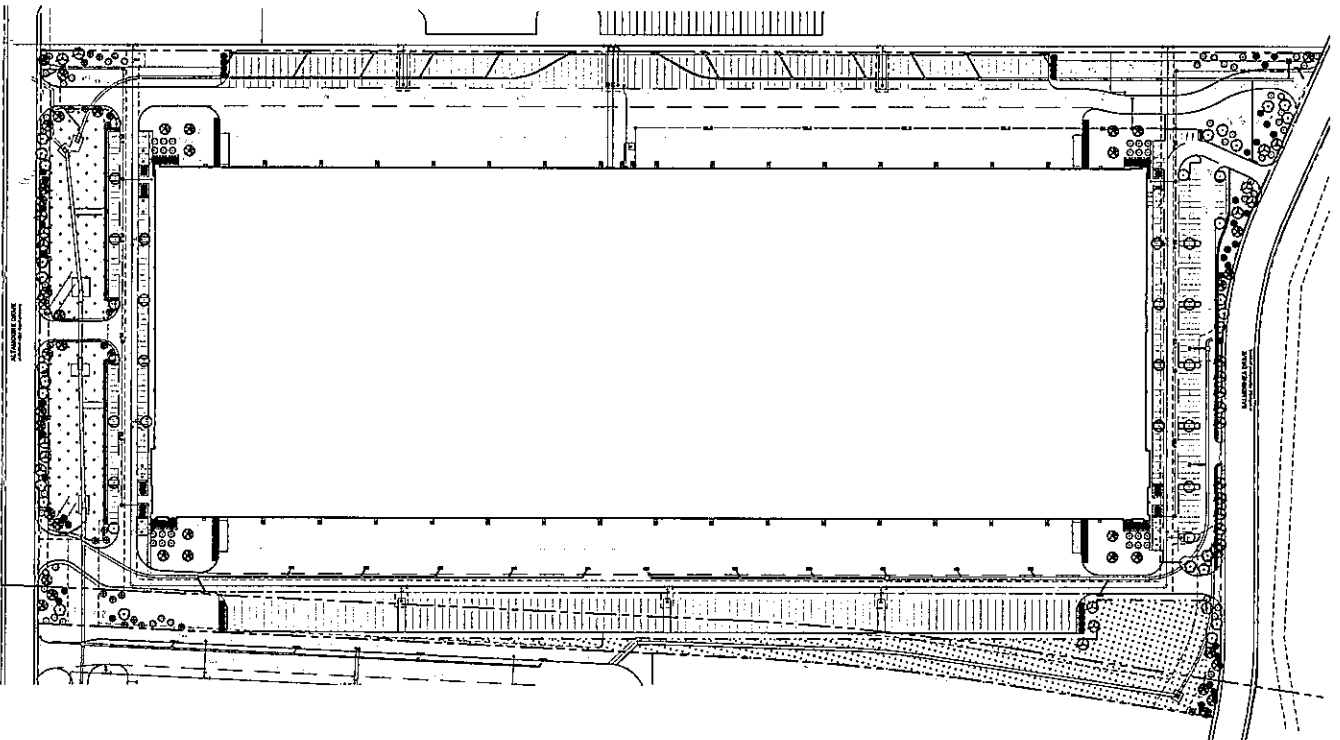
HYDRANT/IRRIGATION NOTES

- 1. CONTRACTOR SHALL... 2. CONTRACTOR SHALL... 3. CONTRACTOR SHALL... 4. CONTRACTOR SHALL...

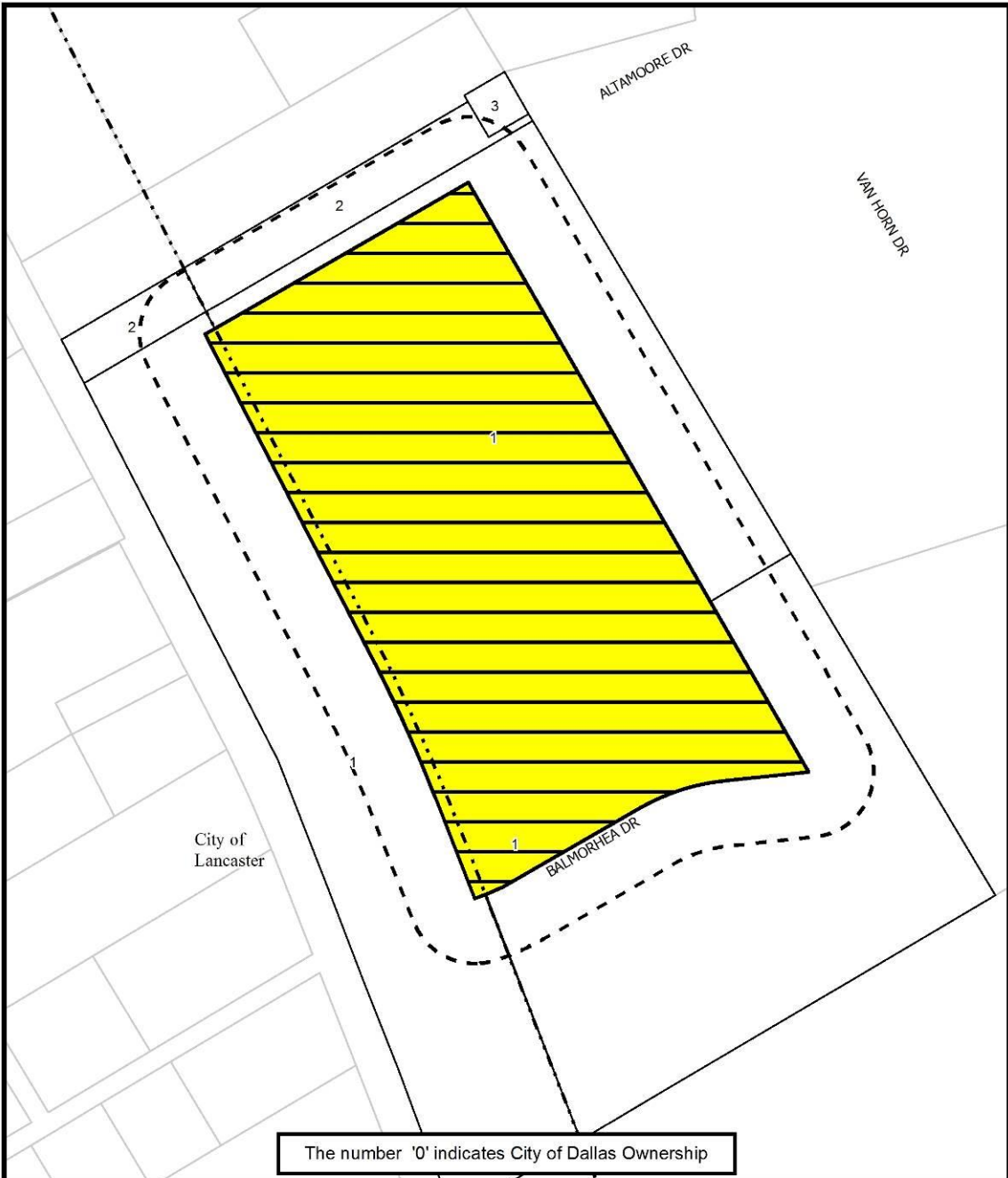
PLANT LIST

Table listing plant species, quantities, and notes for various plant types including trees, shrubs, and groundcover.

NOTE: ALL TREES SHALL BE PLANTED WITHIN 6 MONTHS... CONTRACTOR SHALL VERIFY ALL QUANTITIES ON PLAN...







 1:4,800	<h2>NOTIFICATION</h2> <table border="1"> <tr> <td style="padding: 2px;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="padding: 2px;">3</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	3	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA156-019</u> Date: <u>2/17/2016</u>
200'	AREA OF NOTIFICATION					
3	NUMBER OF PROPERTY OWNERS NOTIFIED					

# *Notification List of Property Owners*

## *BDA156-019*

### *3 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2740 CEDARDALE RD	RIDGE SOUTH DALLAS I
2	2750 CEDARDALE RD	ENSERCH CORP
3	2740 CEDARDALE RD	CEMETERY

**FILE NUMBER:** BDA156-022(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Robert Baldwin of Baldwin Associates for a special exception to the fence height regulations at 5215 Lobello Drive. This property is more fully described as Lot 14B, Block A/5518, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and maintain an 8 foot 3 inch high fence, which will require a 4 foot 3 inch special exception to the fence height regulations.

**LOCATION:** 5215 Lobello Drive

**APPLICANT:** Robert Baldwin of Baldwin Associates

**REQUEST:**

A request for a special exception to the fence height regulations of 4' 3" is made to construct and maintain the following fence proposal in the front yard setback on a site being developed with a single family home:

- a 6' high open wrought iron fence with 6' 6" high stone columns; and
- an 8' 3" high open wrought iron arched vehicular entry gate with 7' 3" high columns flanked by 5' 6" – 6' 6" high, approximately 9' long curved solid stone wing walls.

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

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

**STAFF RECOMMENDATION:**

No staff recommendation is made on this or any request for a special exception to the fence height regulations 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. BDA989-289, Property at 5100 Lobello Drive (the property west of the subject site) On November 15, 1999, the Board of Adjustment Panel C granted a request for a special exception to the fence height regulations of 2.5' and imposed the following condition: compliance with the revised site plan/elevation showing a 6.5 foot open wrought iron fence as depicted on page 1-23 of today's briefing handout on this case, dated November 10, 1999 is required. The case report stated that the applicant's representative submitted a letter and a revised site plan/elevation indicating a maximum 6.5' high open iron fence setback from the property line a varying distances between 9-12' (see Attachment D); and that the fence would have an "undulating" appearance so that a number of large existing trees on the site will remain on the street side of the fence.

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

- This request focuses on constructing and maintaining a 6' high open wrought iron fence with 6' 6" high stone columns; and an 8' 3" high open wrought iron arched vehicular entry gate with 7' 3" high columns flanked by 5' 6" – 6' 6" high, approximately 9' long curved solid stone wing walls on a site being developed with a single family home.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The subject site is zoned R-1ac(A) and has a 40' front yard setback.
- The applicant has submitted two documents – a partial site plan and a full fence elevation. The elevation indicates the proposal reaches a maximum height of 8' 3" for the arched open wrought iron vehicular gate.
- The following additional information was gleaned from the submitted site plan:
  - The proposal is represented as being approximately 230' in length parallel to the street, and approximately 40' in length perpendicular to the street on the east and west sides of the site in the front yard setback.

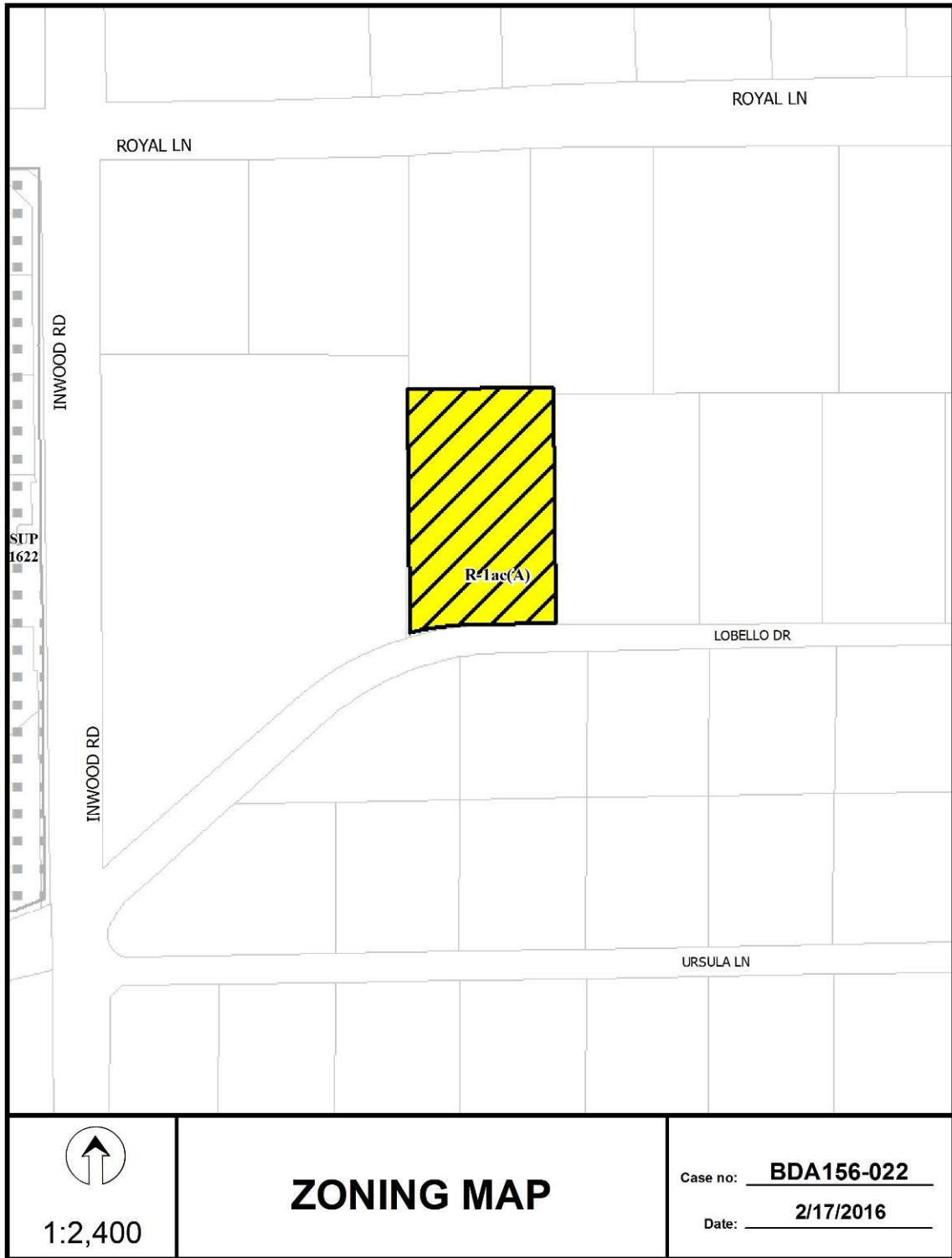
- The proposed fence/gate is represented as being located approximately 0' - 7' from the front property line, or approximately 13' – 32' from the pavement line.
- Two single family lots developed with single family structures front the proposed fence, neither with fences in the front yard.
- The Board Administrator conducted a field visit of the site and surrounding area (properties along Lobello Drive from Inwood Road on the west to approximately 300 feet to the east of the site) and noted one other fence over 4' in height and in front yard setback. The only fence noted in this area was an approximately 6.5' high open metal fence located immediately west that appears to be a result of fence height special exception request granted in 1999: BDA989-289. (See the “Zoning/BDA History” section of this case report for additional details).
- As of March 11, 2016, no letters have been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 4' 3” will not adversely affect neighboring property.
- Granting this special exception of 4' 3” with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding 4' in height in the front yard setback to be constructed and maintained in the location and of the heights and materials as shown on these documents.

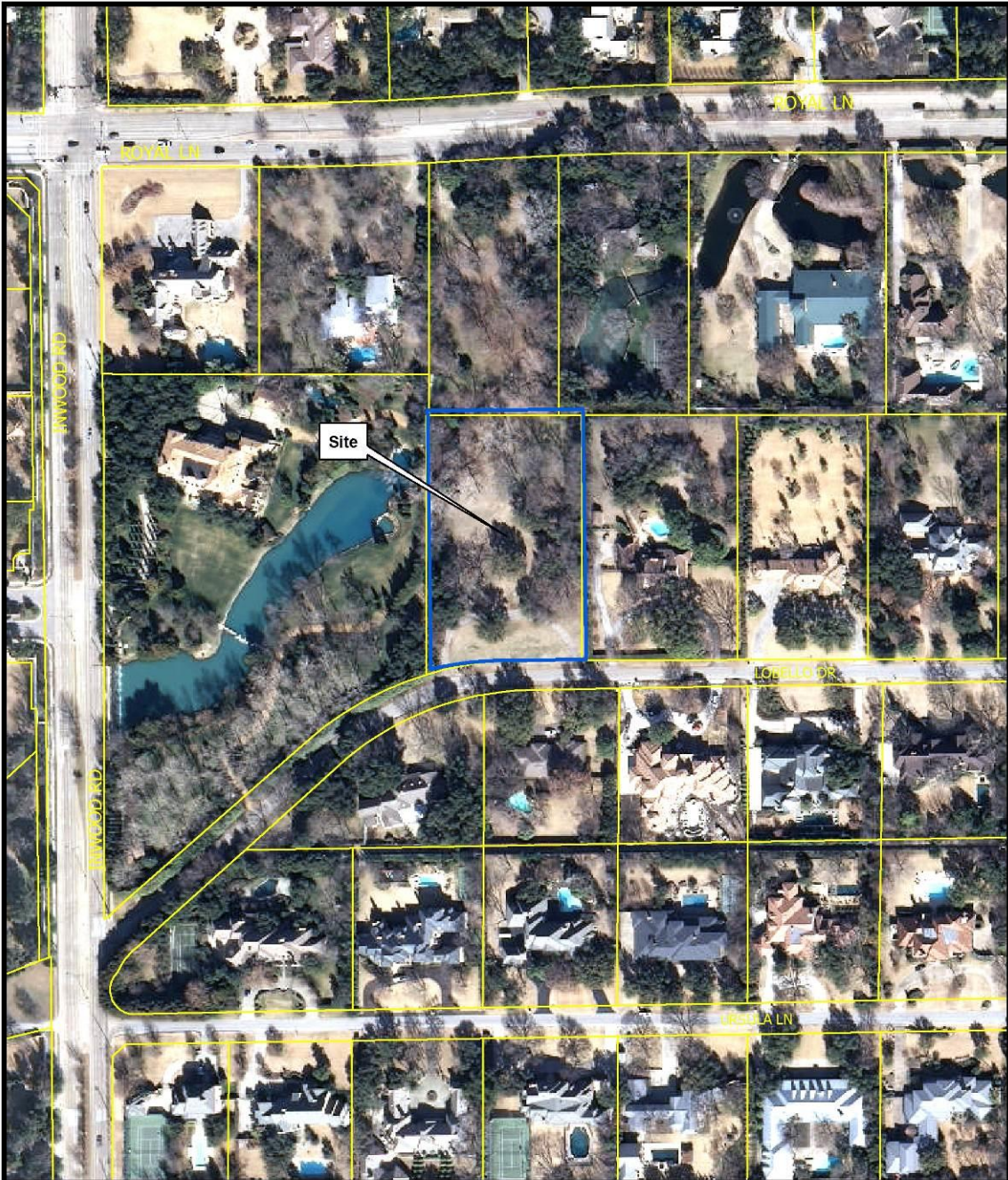
**Timeline:**

- January 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.
- February 9, 2016: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- February 9, 2016: The Board Administrator contacted the applicant and emailed him the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the March 2<sup>nd</sup> deadline to submit additional evidence for staff to factor into their analysis; and the March 11<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”
- March 8, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for March public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Interim Building Official, the Sustainable Development and Construction Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans

Examiners/Development Code Specialist, the City of Dallas Chief Arborist, and the Assistant City Attorneys to the Board.

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





1:2,400

# AERIAL MAP

Case no: BDA156-022

Date: 2/17/2016





City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-022

Data Relative to Subject Property:

Date: January 11, 2016

Location address: 5215 Lobello Drive Zoning District: R-1AC(A)

Lot No.: 14B Block No.: A/5518 Acreage: 2.12 acres Census Tract: 76.05

Street Frontage (in Feet): 1) 243 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) Not 25

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Jianhua Wang and Xu Wu

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

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

E-mail Address: rob@baldwinplanning.com

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

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

E-mail Address: rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance \_\_, or Special Exception X, of \_\_\_\_\_ fence height of 4'3" for a fence in a required front yard

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:  
The proposed fence will replace dense, tall shrubs that currently obscure the property from the street, which will be more similar to surrounding properties. The appearance of the fence will be softened by shrubs and landscaping. The fence is proposed to be 6'6" and constructed of wrought iron with stone columns. The proposed driveway gate will be wrought iron and 8'3" at its highest point.

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

Affidavit

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

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

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

Subscribed and sworn to before me this 11 day of January, 2016

(Rev. 08-01-11)



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

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

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

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

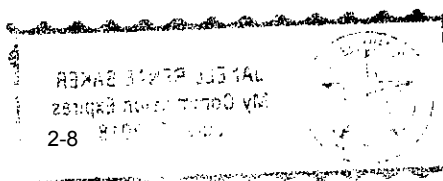
I hereby certify that Robert Baldwin

did submit a request for a special exception to the fence height regulations  
at 5215 Lobello Drive

BDA156-022. Application of Robert Baldwin for a special exception to the fence height regulations at 5215 Lobello Drive. This property is more fully described as Lot 14B, Block A/5518, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct an 8 foot 3 inch high fence in a required front yard, which will require a 4 foot 3 inch special exception to the fence regulation.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official



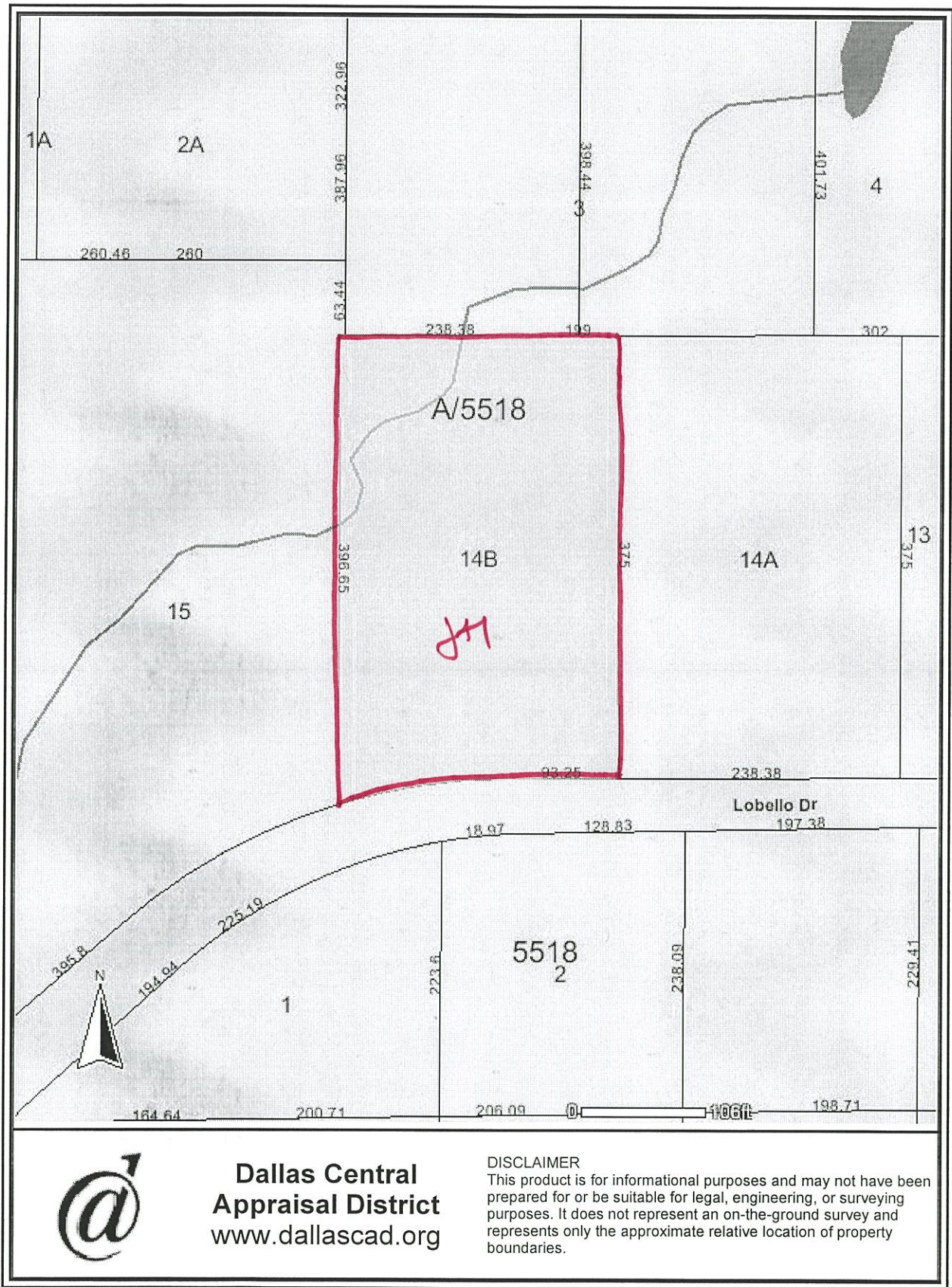


### Legend

- |                      |                                |                       |                                |
|----------------------|--------------------------------|-----------------------|--------------------------------|
| City Limits          | railroad                       | Dry Overlay           | CD Subdistricts                |
| School               | Certified Parcels              | D                     | PD Subdistricts                |
| Floodplain           | Base Zoning                    | D-1                   | PDS Subdistricts               |
| 100 Year Flood Zone  | PD193 Oak Lawn                 | CP                    | NSO Subdistricts               |
| Mill's Creek         | Dallas Environmental Corridors | SP                    | NSO_Overlay                    |
| Peak's Branch        | SPSD Overlay                   | MD Overlay            | Escarpment Overlay             |
| X Protected by Levee | Deed Restrictions              | Historic Subdistricts | Parking Management Overlay 2-9 |
| Parks                | BDA 156-022                    | Historic Overlay      | Shop Front Overlay             |
|                      | SUP                            | Height Map Overlay    |                                |

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





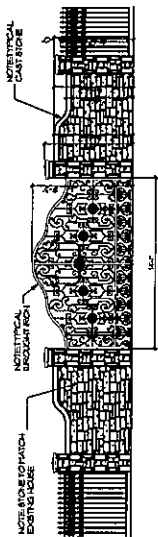
**Dallas Central  
Appraisal District**  
www.dallascad.org

**DISCLAIMER**

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

<b>SmartMunir</b> UNUSUAL CUSTOM HOMES 6002 BELT, NE RD, SUITE 100 DALLAS, TX 75248 PH: 972-704-9111 FAX: 972-704-8533 • SLLRHH@GMAIL.COM	5215 LOBELLO DRIVE LOT 14B BLOCK A LOBELLO ESTABLISHMENT CITY OF DALLAS DALLAS COUNTY, TEXAS	5215 LOBELLO DRIVE DALLAS, TX 76229, USA	SHEET NO. DATE DRAWN BY CHECKED BY APPROVED BY	ART. NO. DATE SCALE ELEVATION	AI2V 10/06/14
	9061 10/06/14 7:26:13				

OCTOBER 6, 2014



③ GATE/WALL DETAIL  
SCALE: 1/4" = 1'-0"



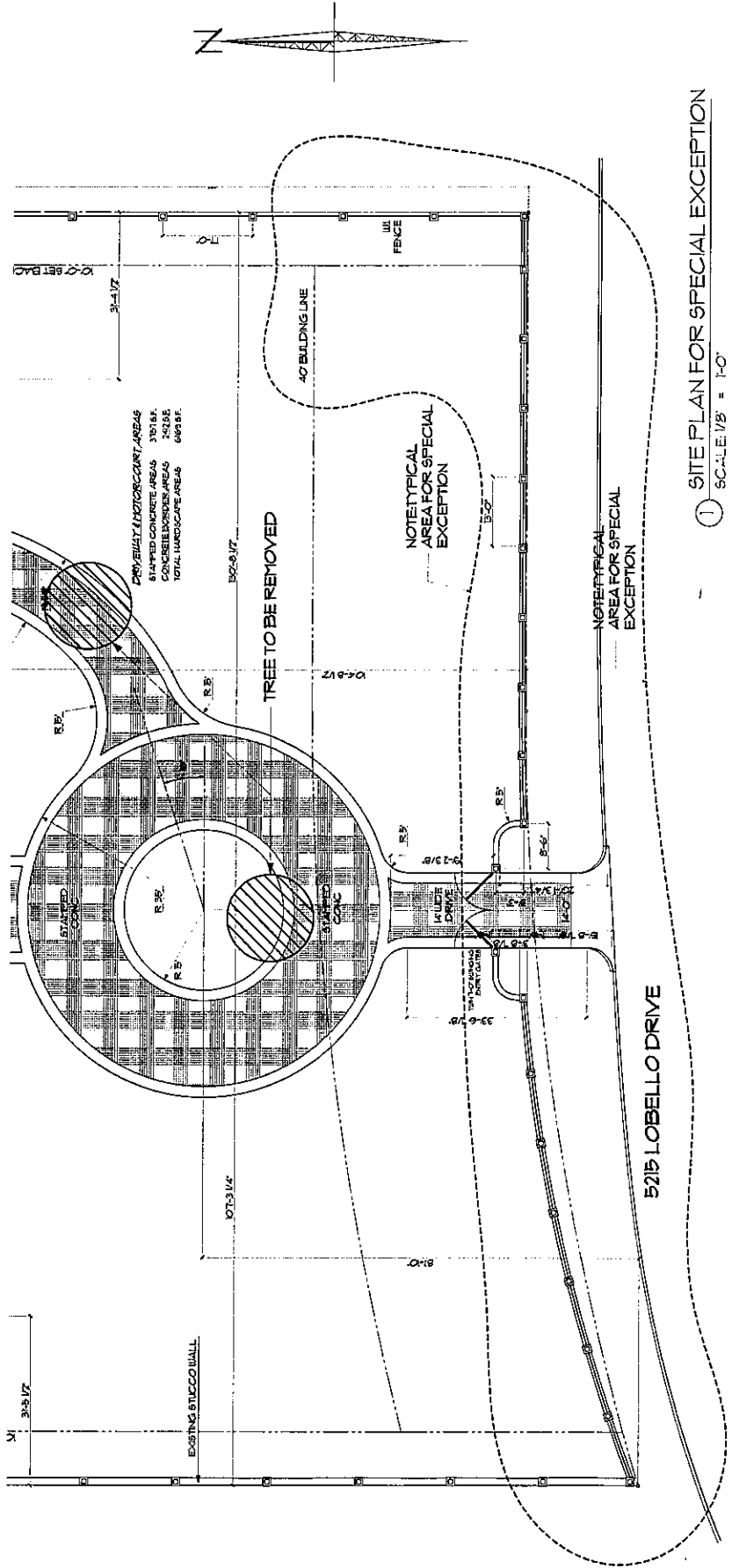
② LOBELLO SIDE WALL ELEVATION  
SCALE: 1/8" = 1'-0"



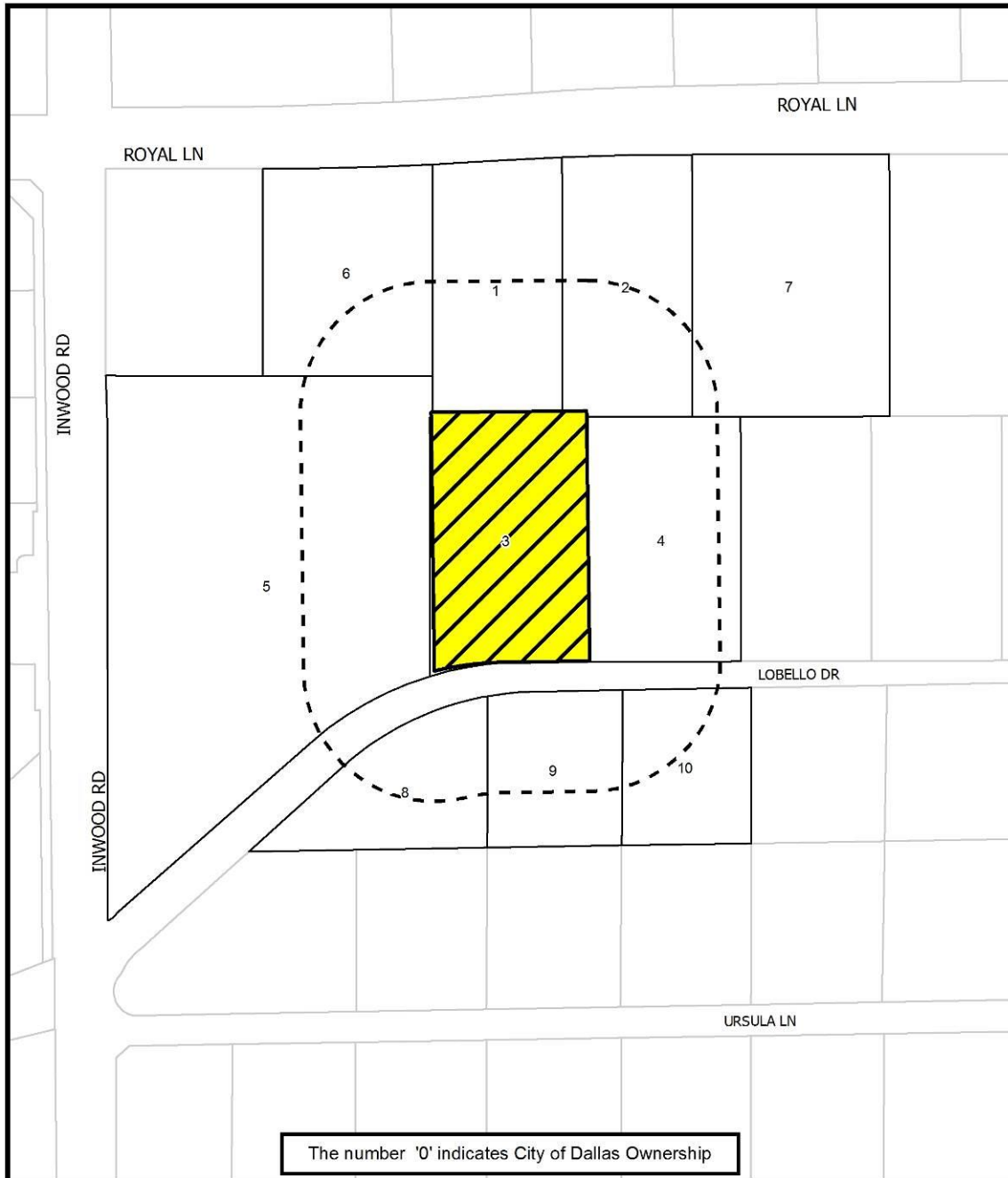
① LOBELLO FRONT WALL ELEVATION  
SCALE: 1/8" = 1'-0"

OCTOBER 6, 2014

<p>5215 LOBELLO DRIVE LOT 18 BLOCK A LOBELLO ESTATES CITY OF DALLAS DALLAS COUNTY, TEXAS</p>	<p>5215 LOBELLO DRIVE DALLAS, TX 76229, USA</p>	<p>SHARIF WMUNIR UNCUSTOMARY CUSTOM HOMES 6009 BELLAIR BLVD. SUITE 200 DALLAS, TX 75214 PH: 972-382-1171 FAX: 972-382-8533 EMAIL: WMUNIR@SHARIFWMUNIR.COM</p>	<p>9001</p>
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① SITE PLAN FOR SPECIAL EXCEPTION  
SCALE: 1/8" = 1'-0"



 1:2,400	<b>NOTIFICATION</b>		Case no: <b>BDA156-022</b>
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">10</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: <b>2/17/2016</b>

## *Notification List of Property Owners*

### *BDA156-022*

#### *10 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5214 ROYAL LN	MUNSON SHARRON
2	5230 ROYAL LN	MENTER MARTIN ALAN &
3	5215 LOBELLO DR	WANG JIANHUA &
4	5233 LOBELLO DR	JONES JERRY & ELLEN
5	10710 INWOOD RD	JAIN VINAY DR &
6	5150 ROYAL LN	AMMON IRENE
7	5300 ROYAL LN	VARIA HITEN & SHERNAZ H
8	5138 LOBELLO DR	GOLDABER KENNETH G &
9	5214 LOBELLO DR	TAYLOR STEPHEN COX
10	5230 LOBELLO DR	COGGINS PAUL E & REGINA MONTOYA



**FILE NUMBER:** BDA156-023(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Ryan Johnson for a special exception to the fence height regulations at 9401 Meadowbrook Drive. This property is more fully described as Lot 17, Block 5/5595, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and maintain an 8 foot 8 inch high fence, which will require a 4 foot 8 inch special exception to the fence height regulations.

**LOCATION:** 9401 Meadowbrook Drive

**APPLICANT:** Ryan Johnson

**REQUEST:**

A request for a special exception to the fence height regulations of 4' 8" is made to construct and maintain the following fence proposal in the front yard setback on a site being developed with a single family home:

- Primarily a 6' 8" high fence\* ( 4' 8" open tube fence atop a 2' high stucco wall) with 7' 2" high stucco columns;
- One 6' 8" high open tube pedestrian gate;
- Two 6' 8" high open tube vehicular gates flanked by 7' 2" high solid stucco, approximately 12' long wing walls.

\* The submitted site plan/elevation indicates that the fence on the far southern edge of the subject site reaches a height of 8' 7 ½", hence the special exception request of 4' 8".

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

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

**STAFF RECOMMENDATION:**

No staff recommendation is made on this or any request for a special exception to the fence height regulations 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. BDA023-109, Property located at 9400 Meadowbrook Drive (the property east of the subject site)

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

The case report stated that request for a fence height special exception was made to construct and maintain a 6.5' high open iron fence, an approximately 7' high iron posts; four, 8.5' high brick entry columns with approximately 2.5' high decorative lights atop; and two, 8.5 - 12' high wood and iron arched entry gates (one located on DeLoache, the other on Meadowbrook); and that the front yard variance request was made to maintain two air conditioning units in the Meadowbrook Drive front yard setback.

2. BDA012-145, Property located at 5231 DeLoache Avenue (the property immediately southwest of the site)

On March 26, 2003, the Board of Adjustment Panel A granted a request for special exception to the fence height regulations to maintain a 5' fence (except for the driveway in which case the fence can rise to a maximum of 6.5'). The board further conditioned that "the support pillars must be at least 18 feet apart and not wider than 24 inches and not taller than 5.5 feet. Within 5 feet of the driveway, the pillars can rise to 6.5 feet. This height limitation should include the pillars and any fixtures on top of them. No part of the fence on the front of the property should have a stone wall as part of the fence. The fence should be built with vertical iron sections that are at least four inches apart."
  
3. BDA990-238, Property located at 5238 DeLoache Avenue (the property south of the site)

On March 28, 2000, the Board of Adjustment Panel A granted a request for a variance to the front yard setback regulations requested in conjunction with constructing and maintaining an HVAC and pool equipment mechanical pad in the front yard setback, and a special exception to the fence regulations of 8' 2" with conditions, requested in conjunction with constructing and maintaining an 8' high open wrought iron fence with 9' 3" high masonry columns, a 12' 2" high open wrought iron entry gates with 10' 11" high masonry columns along DeLoache Avenue and 9' 3" columns along Meadowbrook Drive.
  
4. BDA989-132, Property at 9436 Meadowbrook Drive (the property two lots northeast of the site)

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

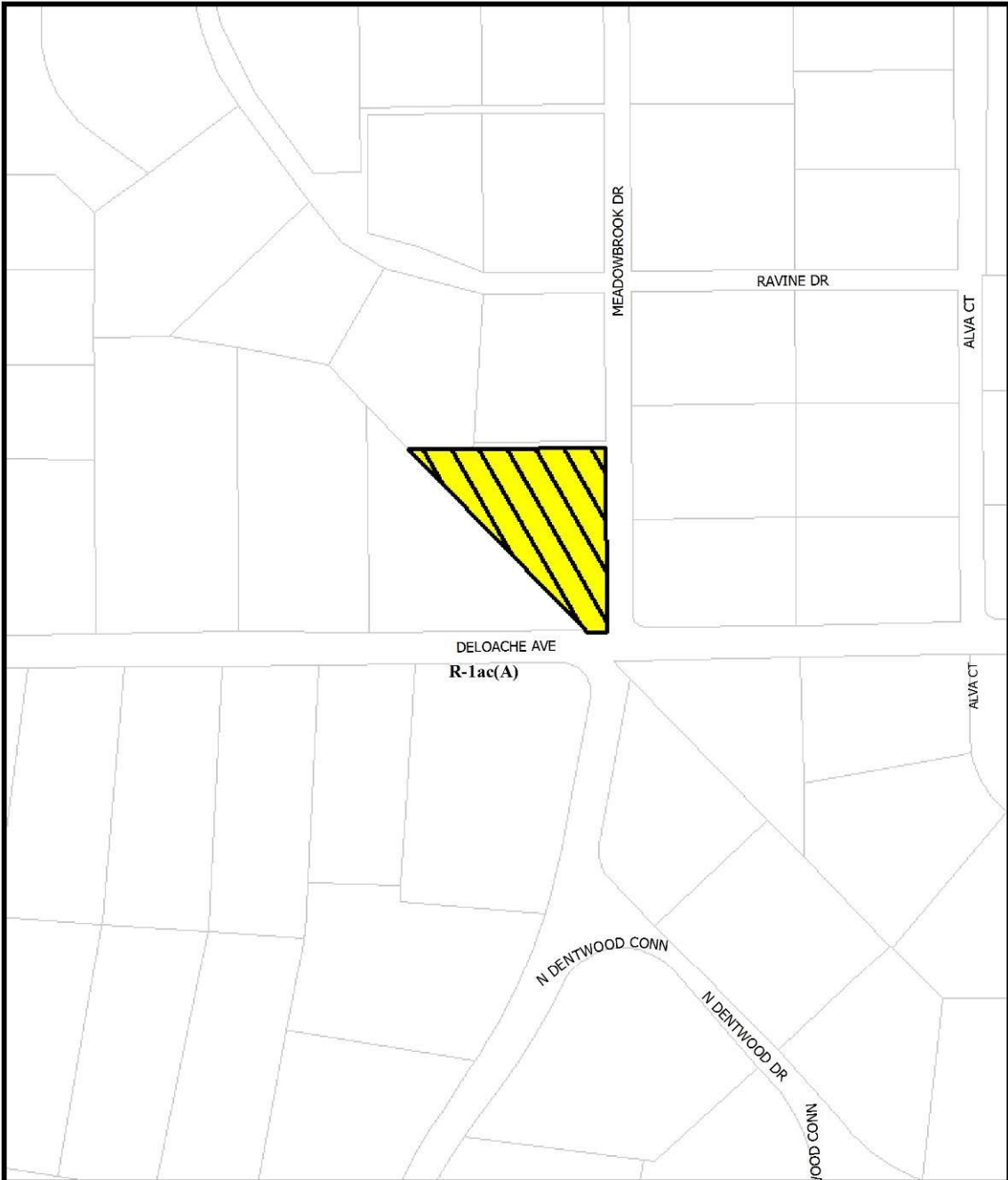
The case report stated the request was made to construct and maintain an approximately 5' 8" high predominantly open metal fence, 6' 9" high brick columns, 7' 6" high open metal entry gate, and 8' high brick entry columns in the front yard setback along Meadowbrook Drive.

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

- This request focuses on constructing and maintaining primarily a 6' 8" high fence ( 4' 8" open tube fence atop a 2' high stucco wall) with 7' 2" high stucco columns; one 6' 8" high open tube pedestrian gate; two 6' 8" high open tube vehicular gates flanked by 7' 2" high solid stucco, approximately 12' long wing walls on a site being developed with a single family home.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The subject site is zoned R-1ac(A) and has a 40' front yard setback.
- The applicant has submitted a site plan/elevation that indicates the proposal reaches a maximum height of 8' 7 1/2" for a portion of the fence at the far southern edge of the subject site.
- The following additional information was gleaned from the submitted site plan:
  - The proposal is represented as being approximately 270' in length generally parallel to the street.
  - The proposed fence is located approximately on the front property line or approximately 12' from the pavement line.
  - The proposed vehicular gates are represented as being located approximately 12' from the front property line, or approximately 24' from the pavement line.
- Two single family lots one of which is developed with a single family structure front the proposed fence, one with a fence in the front yard, the other without. The property at the northeast corner of Meadowbrook Drive and Deloache Avenue has an approximately 6.5' high open metal fence with significant screening that appears to be a result of fence height special exception request granted in 2003: BDA023-109. (See the "Zoning/BDA History" section of this case report for additional details).
- The Board Administrator conducted a field visit of the site and surrounding area (properties along Meadowbrook Lane approximately 300 to the north and noted a number of other fence over 4' in height and in front yard setbacks. Two approximately 6' – 8' high open metal fences were located immediately south of the subject site (one with recorded BDA history: BDA990-238; the other with no recorded BDA history); and two approximately 6' high fences were noted to the north: a brick fence immediately north with no recorded BDA history, and an open iron fence two lots to the northeast that appears to be a result of fence height special exception request granted in 1998: BDA989-132. (See the "Zoning/BDA History" section of this case report for additional details).
- As of March 11, 2016, two letters have been submitted in support of the request and no letters have been submitted in opposition.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 4' 8" will not adversely affect neighboring property.
- Granting this special exception of 4' 8" with a condition imposed that the applicant complies with the submitted site plan/elevation would require the proposal exceeding 4' in height in the front yard setback to be constructed and maintained in the location and of the heights and materials as shown on this document.

## **Timeline:**

- January 19, 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.
- February 9, 2016: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- February 9, 2016: The Board Administrator contacted the applicant and emailed him the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the March 2<sup>nd</sup> deadline to submit additional evidence for staff to factor into their analysis; and the March 11<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”
- March 8, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for March public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Interim Building Official, the Sustainable Development and Construction Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, and the Assistant City Attorneys to the Board.
- No review comment sheets were submitted in conjunction with this application.
- March 10, 2016: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

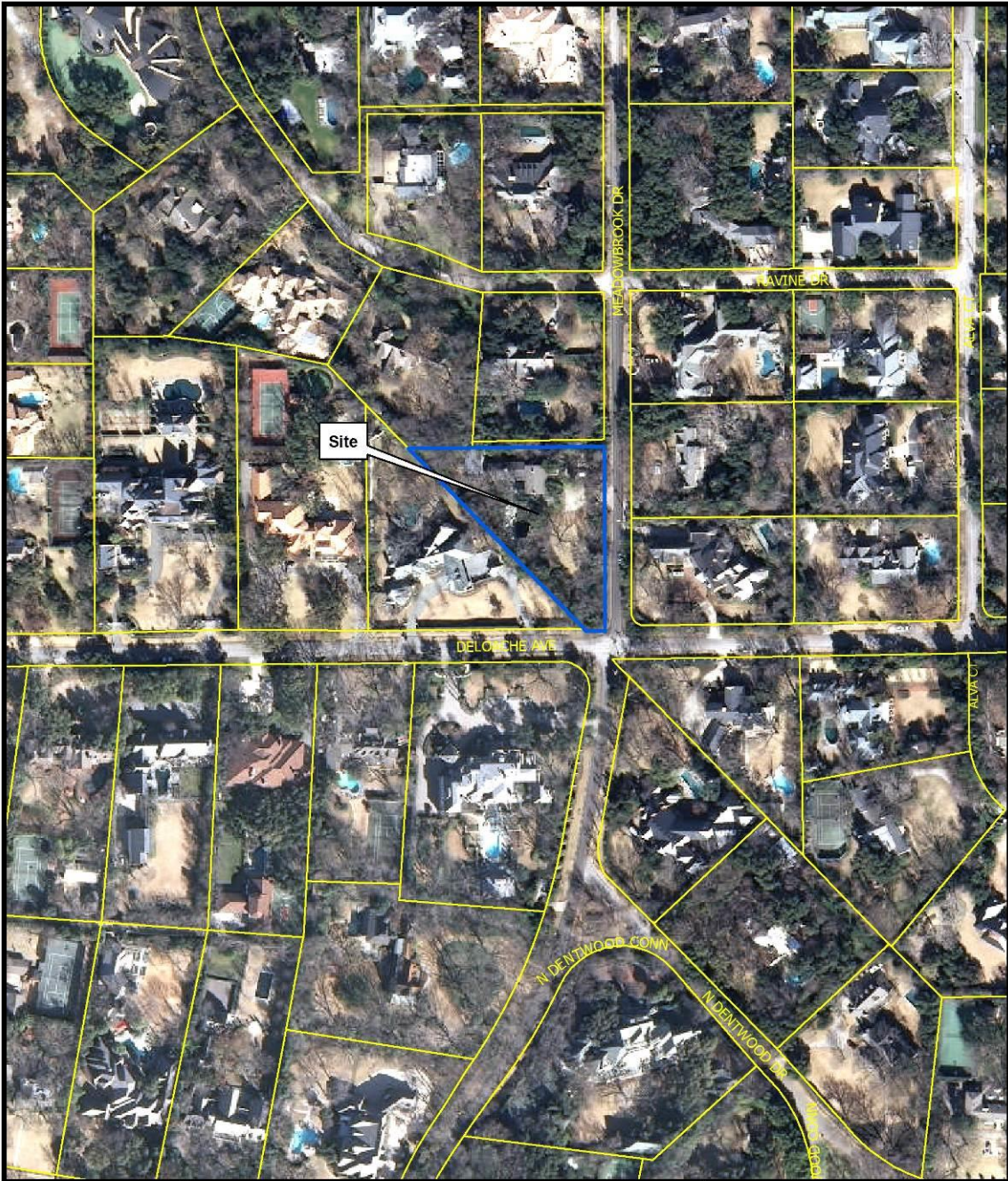


1:2,400

# ZONING MAP

Case no: BDA156-023

Date: 2/17/2016



1:2,400

# AERIAL MAP

Case no: BDA156-023

Date: 2/17/2016

**Long, Steve**

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BDA156-023  
Attach A  
Pg 1

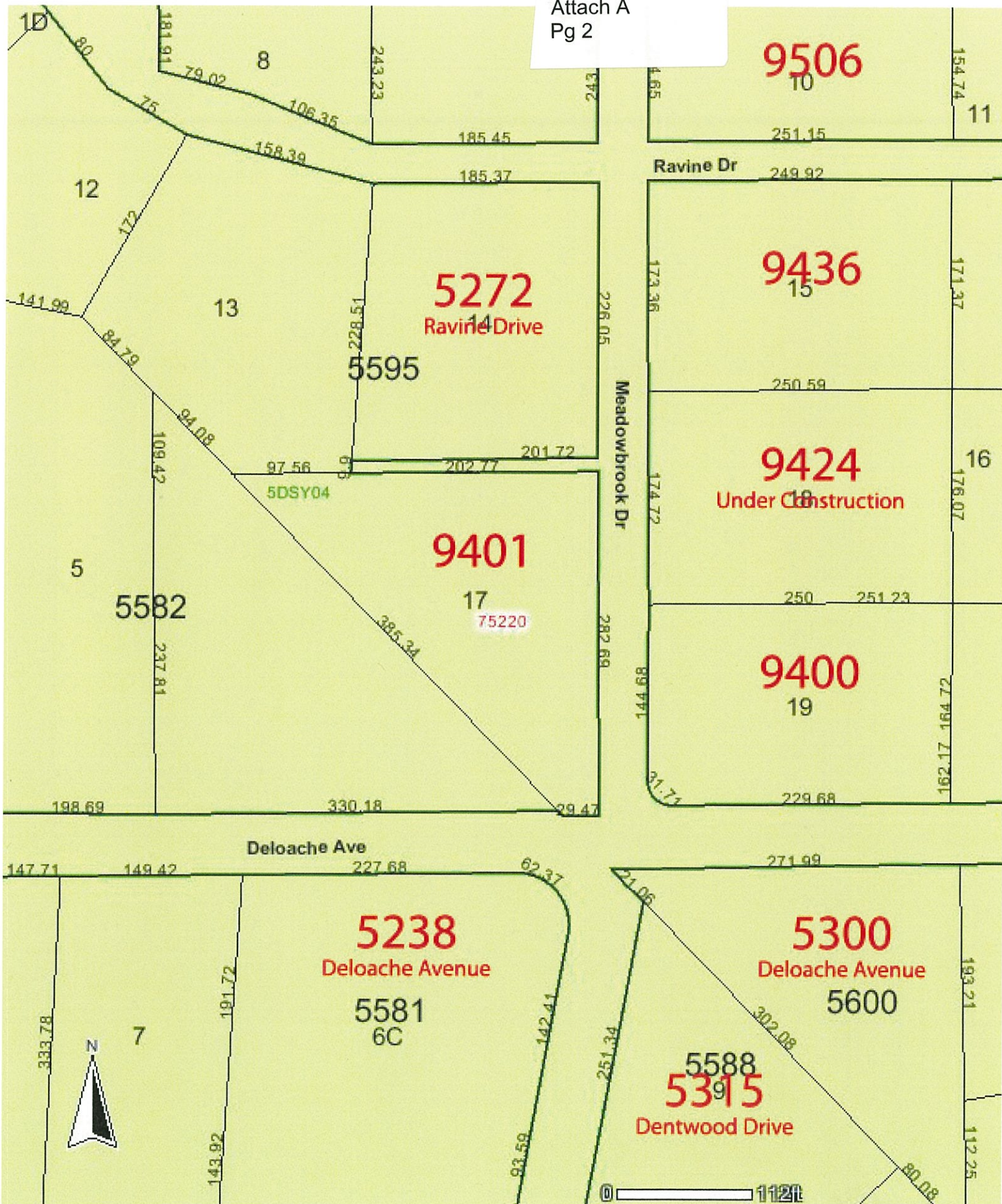
**From:** Ryan Johnson <ryan@mmm-construction.com>  
**Sent:** Thursday, March 10, 2016 1:18 PM  
**To:** Long, Steve  
**Cc:** Richard Moore  
**Subject:** 9401 Meadowbrook Support Letters and Fence Photos  
**Attachments:** 9401Meadowbrook\_FencePhotos.pdf; 9401Meadowbrook\_SupportLetters.pdf

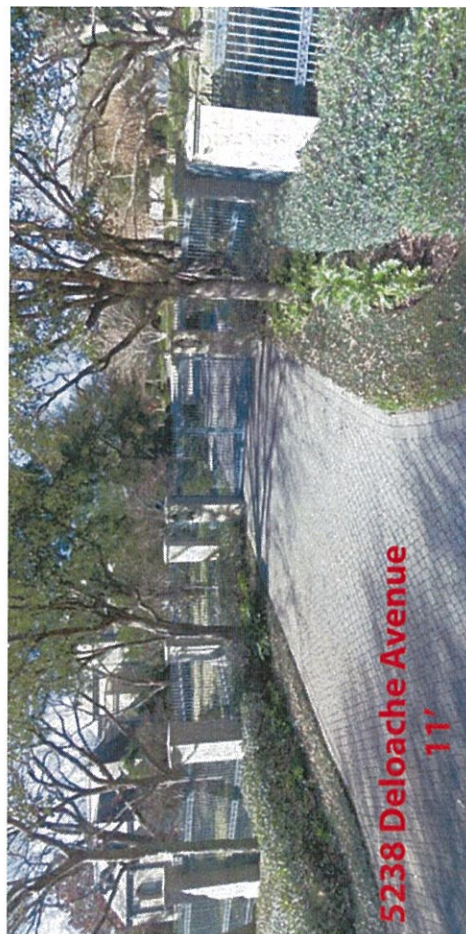
Steve,

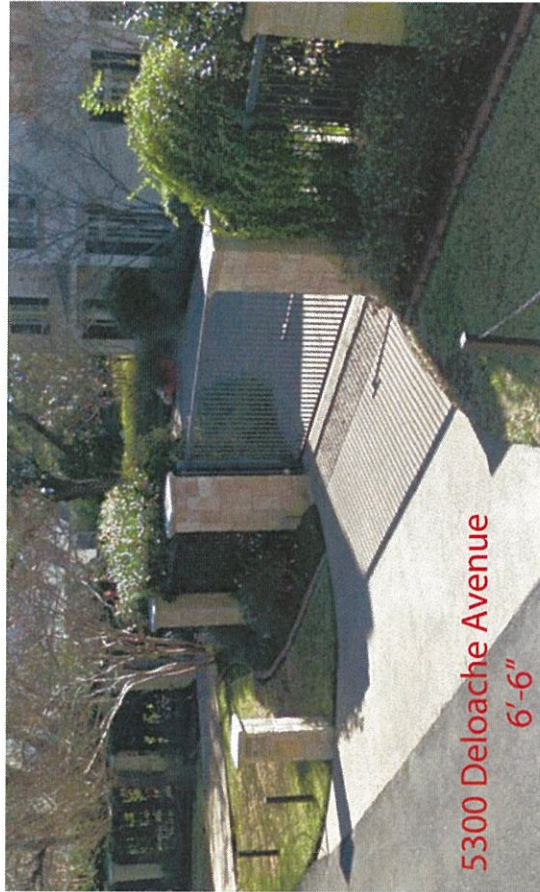
I have attached the letters of support I have received as of now for our fence height special exception. In addition, I have attached a document that shows photos of other fences in the neighborhood.

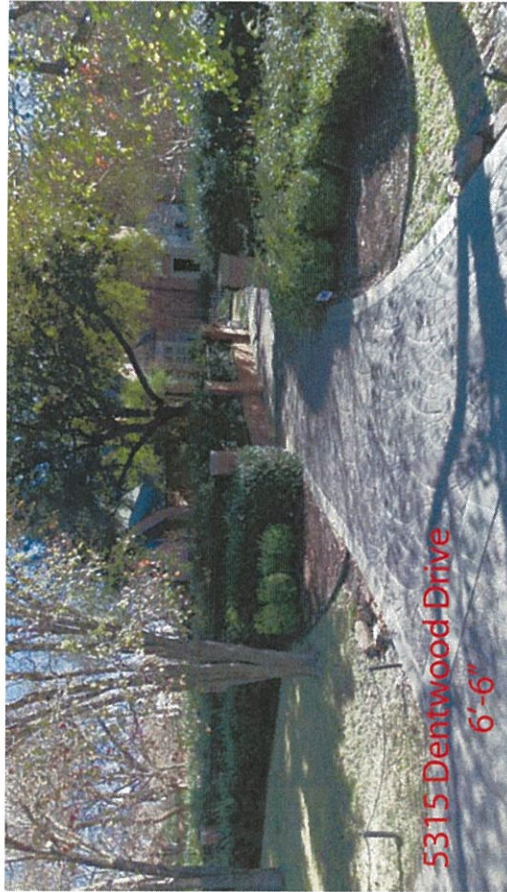
Thanks,  
Ryan





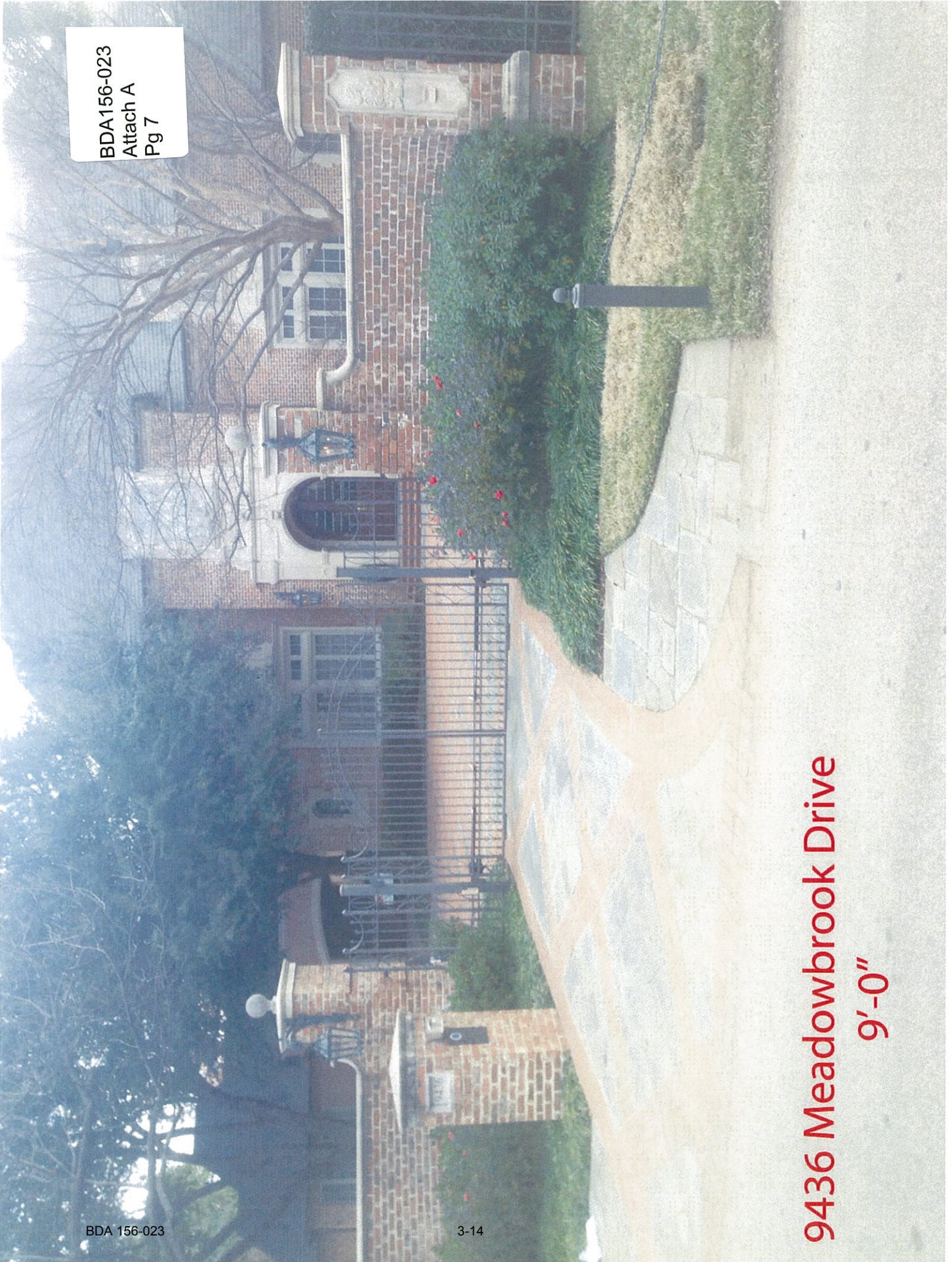






9400 Meadowbrook Drive  
9'-6"

BDA156-023  
Attach A  
Pg 7



9436 Meadowbrook Drive  
9'-0"

BDA156-023  
Attach A  
Pg 8

9506 Meadowbrook Drive  
7'-5"



5272 Ravine Drive  
7'-3"





M. M. MOORE  
CONSTRUCTION  
COMPANY, INC.

BDA156-023  
Attach A  
Pg 10

www.mmm-construction.com

February 29, 2016

Thomas May Jr  
5252 Ravine Drive  
Dallas, TX 75220-2260

Dear Neighbor,

My contractor, Richard Moore, is currently pursuing a special exception to Dallas Development Code (51A-4.602(a)(6)0, that restricts fence heights. Our architect has designed a fence that is in keeping with the existing fence heights along our street, but requires a "special exception" of 4'-8" to the front yard fence height. As required by the code, we must present our case before the city's Board of Adjustment seeking approval for this additional height. I would greatly appreciate your willingness to review the documents we've enclosed to see that what we're requesting is a beautiful and appropriate addition to the neighboring properties. If you're interested in seeing a full-scale sample of the wrought iron detail, please feel free to drive by and see the sample we've temporarily setup in the front of the property.

It would be very helpful to have your positive feedback and support. To do so, would you consider filling out and signing the bottom portion of this letter? We're providing a stamped and addressed envelope to easily enable you to return it to us.

If you have further questions, Richard Moore, would be glad to take a phone call or respond to an email.

Kind Regards,

Jack Lafield (Homeowner)  
9401 Meadowbrook Drive  
Dallas, Texas 75220

Richard Moore (President)  
M. M. Moore Construction Company, Inc.  
972.824.2434 – mobile  
richard@mmm-construction.com

I, L. THOMAS MAY JR, current resident at 5252 Ravine Drive, support the 4'-8" special exception to Dallas Development Code (51A-4.602(a)(6)0 being requested at 9401 Meadowbrook Drive, case number (BDA-156-023).

L. Thomas May Jr  
signature

5 March 2016  
date



February 29, 2016

James & Kay Preddy  
5231 Deloache Avenue  
Dallas, TX 75220-2213

Dear Neighbor,

My contractor, Richard Moore, is currently pursuing a special exception to Dallas Development Code (51A-4.602(a)(6)0, that restricts fence heights. Our architect has designed a fence that is in keeping with the existing fence heights along our street, but requires a "special exception" of 4'-8" to the front yard fence height. As required by the code, we must present our case before the city's Board of Adjustment seeking approval for this additional height. I would greatly appreciate your willingness to review the documents we've enclosed to see that what we're requesting is a beautiful and appropriate addition to the neighboring properties. If you're interested in seeing a full-scale sample of the wrought iron detail, please feel free to drive by and see the sample we've temporarily setup in the front of the property.

It would be very helpful to have your positive feedback and support. To do so, would you consider filling out and signing the bottom portion of this letter? We're providing a stamped and addressed envelope to easily enable you to return it to us.

If you have further questions, Richard Moore, would be glad to take a phone call or respond to an email.

Kind Regards,

Jack Lafield (Homeowner)  
9401 Meadowbrook Drive  
Dallas, Texas 75220

Richard Moore (President)  
M. M. Moore Construction Company, Inc.  
972.824.2434 – mobile  
richard@mmm-construction.com

I, JAMES PREDDY, current resident at 5231 Deloache Avenue, support the 4'-8" special exception to Dallas Development Code (51A-4.602(a)(6)0 being requested at 9401 Meadowbrook Drive, case number (BDA-156-023).

James Preddy  
signature

3-8-16  
date



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-023

Data Relative to Subject Property:

Date: 01-19-15

Location address: 9401 MEADOWBROOK DRIVE Zoning District: R-12c(A)

Lot No.: 17 Block No.: 5/5595 Acreage: .9780 Census Tract: 206.00

Street Frontage (in Feet): 1) 282.69' 2) 29.5' 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

NE28

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): JACK & MICHELE LAFIELD

Applicant: RYAN JOHNSON Telephone: (972) 824-2432

Mailing Address: 4399 WESTGROVE DRIVE, ADDISON, TX Zip Code: 75001

E-mail Address: RYAN @ MMM-CONSTRUCTION.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 4'-8" TO THE 4' FRONT FENCE HEIGHT RESTRICTION

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

IT WILL NOT ADVERSELY AFFECT THE AESTHETICS OF THE NEIGHBORHOOD BECAUSE THE PROPOSED FENCE IS AESTHETICALLY PLEASING, AND IS COHESIVE WITH OTHER ADJOINING PROPERTIES

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

Affidavit

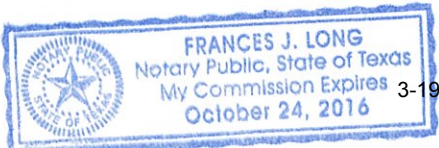
Before me the undersigned on this day personally appeared RYAN JOHNSON (Affiant/Applicant's name printed)

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 19 day of January, 2016

Frances J Long  
Notary Public in and for Dallas County, Texas



MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

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

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

I hereby certify that Ryan Johnson

did submit a request for a special exception to the fence height regulations  
at 9401 Meadowbrook Drive

BDA156-023. Application of Ryan Johnson for a special exception to the fence height regulations at 9401 Meadowbrook Drive. This property is more fully described as Lot 17, Block 5/5595, and is zoned R-1ac(A), which limits the height of a fence in the front yard to feet. The applicant proposes to construct an 8 foot 8 inch high fence in a required front yard, which will require a 4 foot 8 inch special exception to the fence regulation.

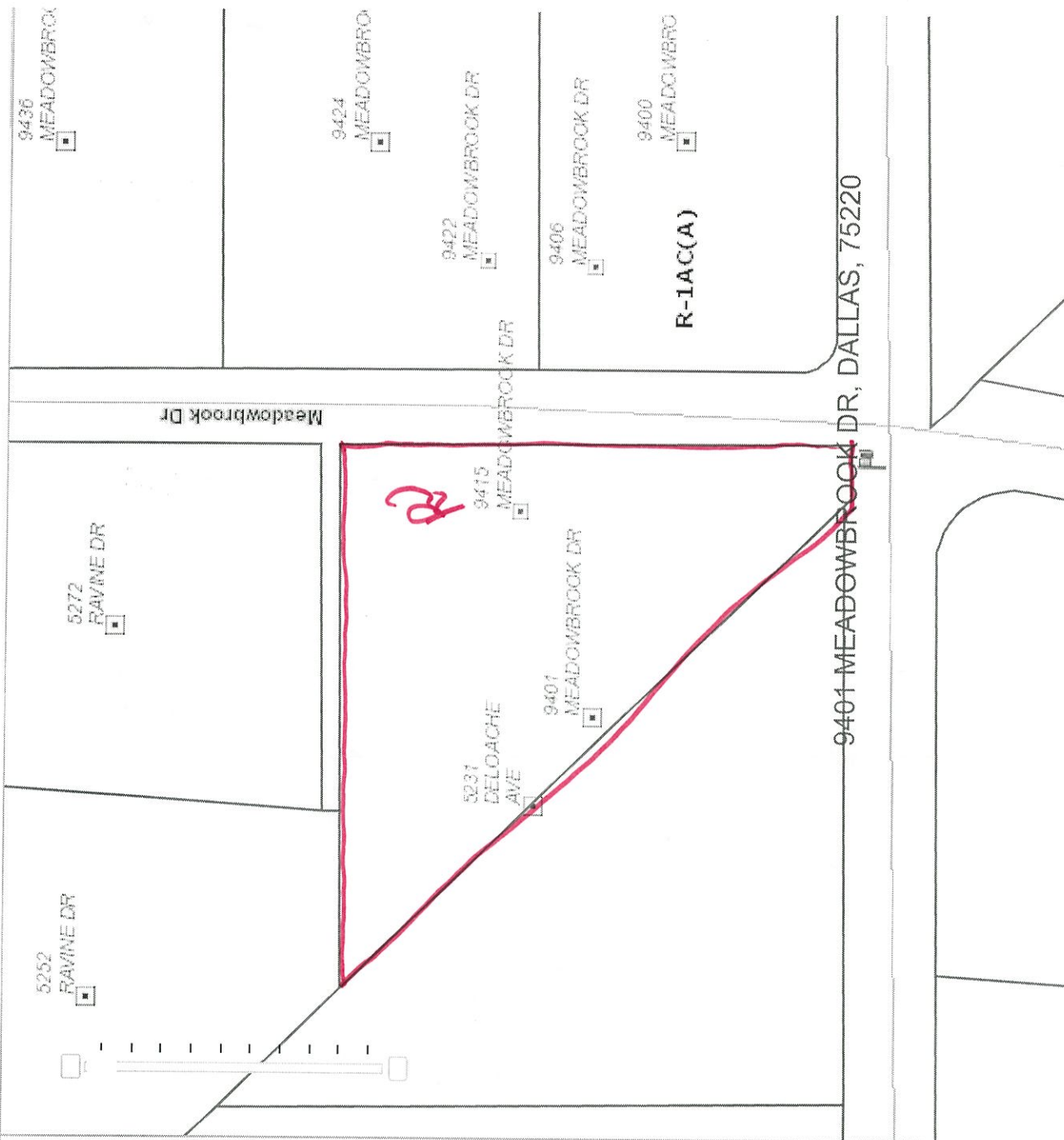
Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official

# City of Dallas

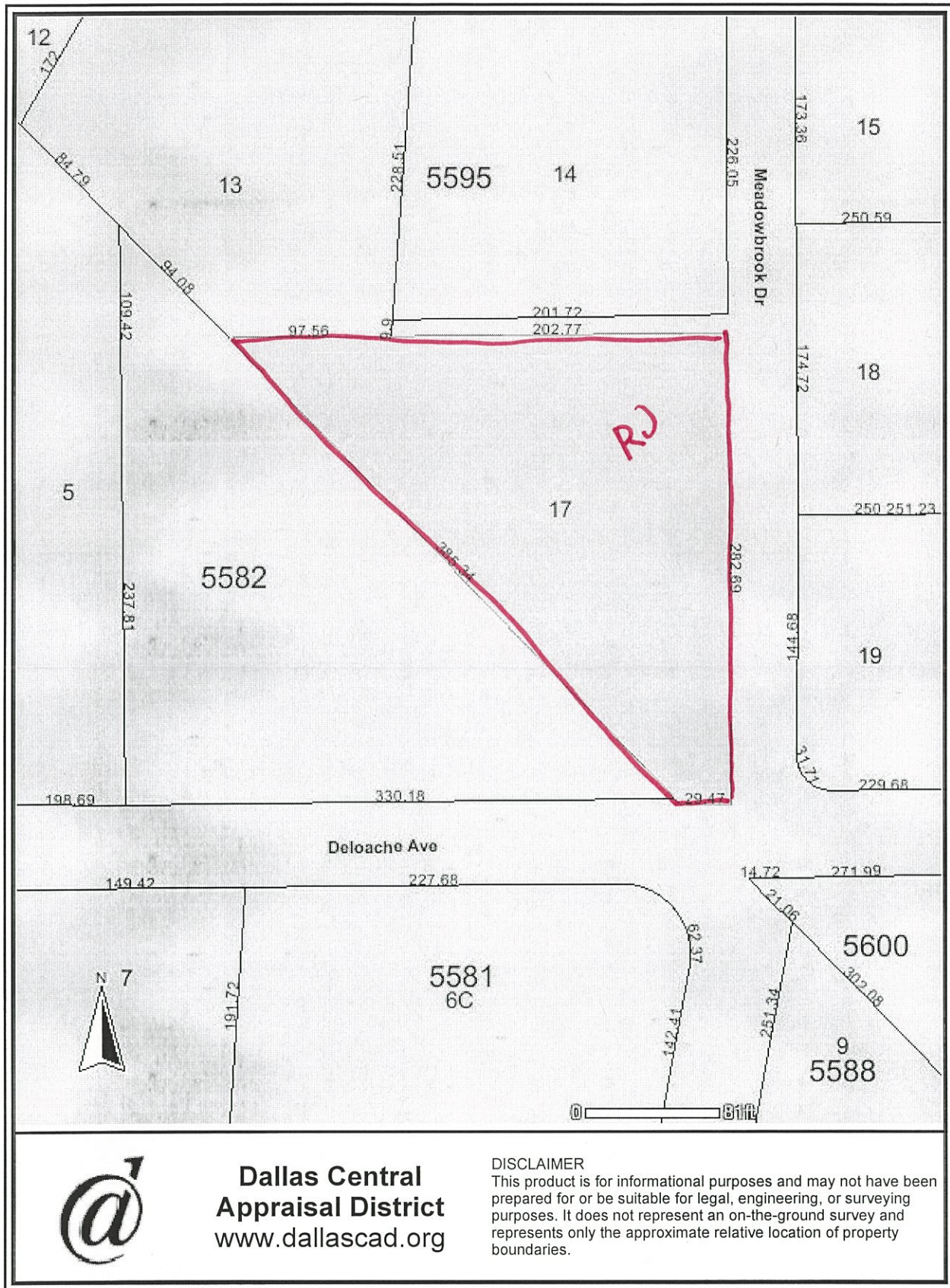
## Internal Development Research Site

### Legend



R-1AC(A)

9401 MEADOWBROOK DR, DALLAS, 75220



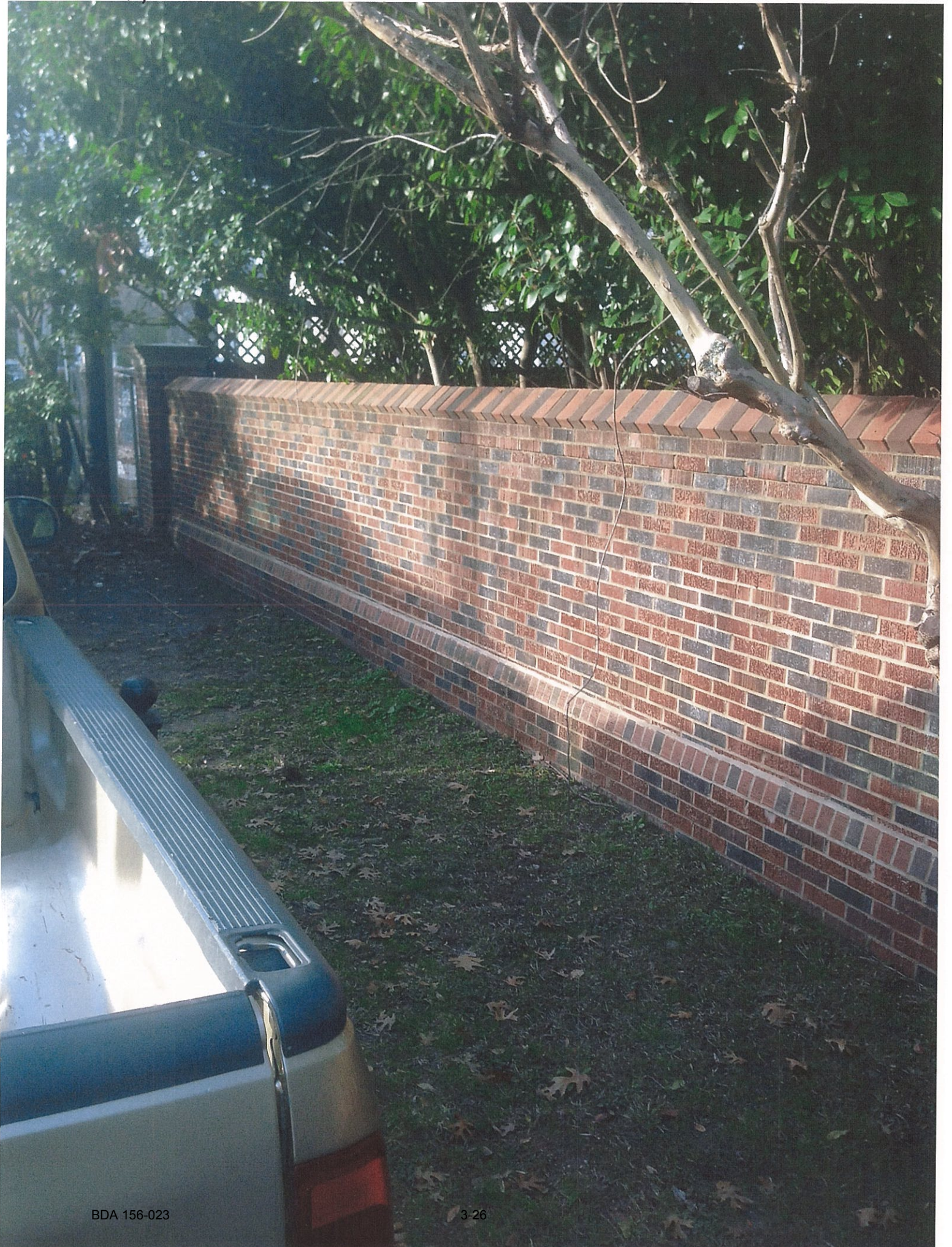






5595 15







 1:2,400	<b>NOTIFICATION</b>		Case no: <b>BDA156-023</b>
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">12</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <b>2/17/2016</b>	

## *Notification List of Property Owners*

### *BDA156-023*

#### *12 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	9401 MEADOWBROOK DR	LAFIELD JACK & MICHELLE
2	5231 DELOACHE AVE	PREDDY JAMES M & KAY H
3	5215 DELOACHE AVE	ENTHOVEN RICHARD &
4	5242 RAVINE DR	STAUBACH ROGER T &
5	5252 RAVINE DR	MAY C THOMAS JR
6	5272 RAVINE DR	SCARDINO FRANK & CHRISTINE
7	9436 MEADOWBROOK DR	JUNKINS MARILYN J &
8	9424 MEADOWBROOK DR	DAVIS BARRY E & ANTONIETTE M
9	9400 MEADOWBROOK DR	ACKERMAN EDWARD M
10	5300 DELOACHE AVE	GOVER HERBERT C &
11	5238 DELOACHE AVE	MOORE JAMES A TR &
12	5315 N DENTWOOD DR	ALLEN CAROL

**FILE NUMBER:** BDA156-010(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Maxwell Fisher for a special exception to the Modified Delta Overlay District No. 1 regulations at 1904 Greenville Avenue. This property is more fully described as Lot 3 & 4, Block 1907, and is zoned PD-842 (MD-1), which states that the right to nonconforming delta parking credits are lost if the use is vacant for twelve months or more. The applicant proposes to carry forward nonconforming parking spaces under the delta theory that were lost because of a use that was discontinued or vacant for 12 months or more, which will require a special exception to the Modified Delta Overlay District No. 1 regulations.

**LOCATION:** 1904 Greenville Avenue

**APPLICANT:** Maxwell Fisher

**REQUEST:**

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

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

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

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

**STAFF RECOMMENDATION:**

Approval

Rationale:

- Staff concluded that the applicant had demonstrated that there was not an intent to abandon the use even though the use was discontinued or remained vacant for 12 months or more by proving the occurrence of the following extreme circumstances:
  1. An unusual increase in the vacancy rates for the area which has affected the rental market. (The applicant had documented how the adjacent business is also vacant and in poor condition; and that there are several vacant stores in the block to the north).
  2. Obsolescence of the subject property, including environmental hazards, extensive renovation or remodeling, and extreme deterioration of adjacent properties affecting the marketability of property. (The applicant had documented: 1) how an experienced brokerage group cannot lease the space because of the outmoded nature of the streetscape, more specifically, the unimproved streetscape in front of the subject site rendering this area obsolete until the construction and streetscape improvements have been completed; and 2) how a report conducted by a licensed environmental professional maintains that there is a “likely presence of a hazardous substance” related to a dry cleaners operated directly adjacent to the site for decades, and as such a “high environmental risk connected with the subject site at this time.”)
  3. Prolonged construction adjacent to the subject site. (The applicant had documented how construction in the area has had a profound negative impact on the area with business revenues declining; that business had declined since the street improvements began in what appears to be 2011; and that while the future improvements are welcome, the subject site has suffered from an extreme hardship compared to others until the construction in front of the subject site is completed).

**BACKGROUND INFORMATION:**

**Zoning:**

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

**Land Use:**

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

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

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

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

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

- In 1987, the City Council established Modified Overlay District No. 1 (the Greenville Avenue Modified Delta Overlay District) which stated among other things:
  - That no nonconforming parking spaces may be carried forward by a use under the delta theory when a use in this district is expanded.
- In 1995, the City Council amended Modified Overlay District No. 1 (the Greenville Avenue Modified Delta Overlay District) which stated among other things:
  - The right to carry forward nonconforming parking and loading spaces under the delta theory terminates when a use is discontinued or remains vacant for 12 months or more. The board of adjustment may grant a special exception to this provision only if the owner can demonstrate that there was not an intent to abandon the use even though the use was discontinued or remained vacant for 12 months or more by proving the occurrence of an extreme circumstance, which shall include but not be limited to the following:
    1. A decline in the rental rates for the area which has affected the rental market.
    2. An unusual increase in the vacancy rates for the area which has affected the rental market.
    3. Obsolescence of the subject property, including environmental hazards, extensive renovation or remodeling, and extreme deterioration of adjacent properties affecting the marketability of property.
- According to DCAD, the property at 1904 Greenville Avenue is developed with a “retail strip” with 3,450 square feet built in 1922.
- The application states that “re-establishing parking delta credits would allow the building to be re-occupied with a non-residential use. The property owner and broker have continually sought to lease the property with no intent of abandonment.”

**Timeline:**

- December 16, 2015: 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, 2016: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- January 6, 2016: The Board Administrator contacted the applicant and emailed him the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the January 27<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the February 5<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”



January 22 &

February 1, 2016: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachments A and B).

February 2, 2016: 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 Board of Adjustment Chief Planner, the Sustainable Development and Construction Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Project Engineers, and the Assistant City Attorneys to the Board.

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

February 16, 2016: The Board of Adjustment Panel A conducted a public hearing on this application. The Board delayed action on this application until their next public hearing to be held on March 22, 2016.

February 22, 2016: The Board Administrator wrote the applicant a letter that provided the board's action; and the March 2<sup>nd</sup> deadline to submit additional evidence for staff to factor into their analysis; and the March 11<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials.

February 18, 2016: The applicant submitted additional documentation on this application beyond what was submitted with the original application and beyond what was submitted at the February 16<sup>th</sup> public hearing (see Attachment C).

March 8, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for March public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Interim Building Official, the Sustainable Development and Construction Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, and the Assistant City Attorneys to the Board.

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

**BOARD OF ADJUSTMENT ACTION: FEBRUARY 16, 2016**

APPEARING IN FAVOR: Dallas Cothrum, 900 Jackson St., Dallas, TX

APPEARING IN OPPOSITION: No one

MOTION: **Nolen**

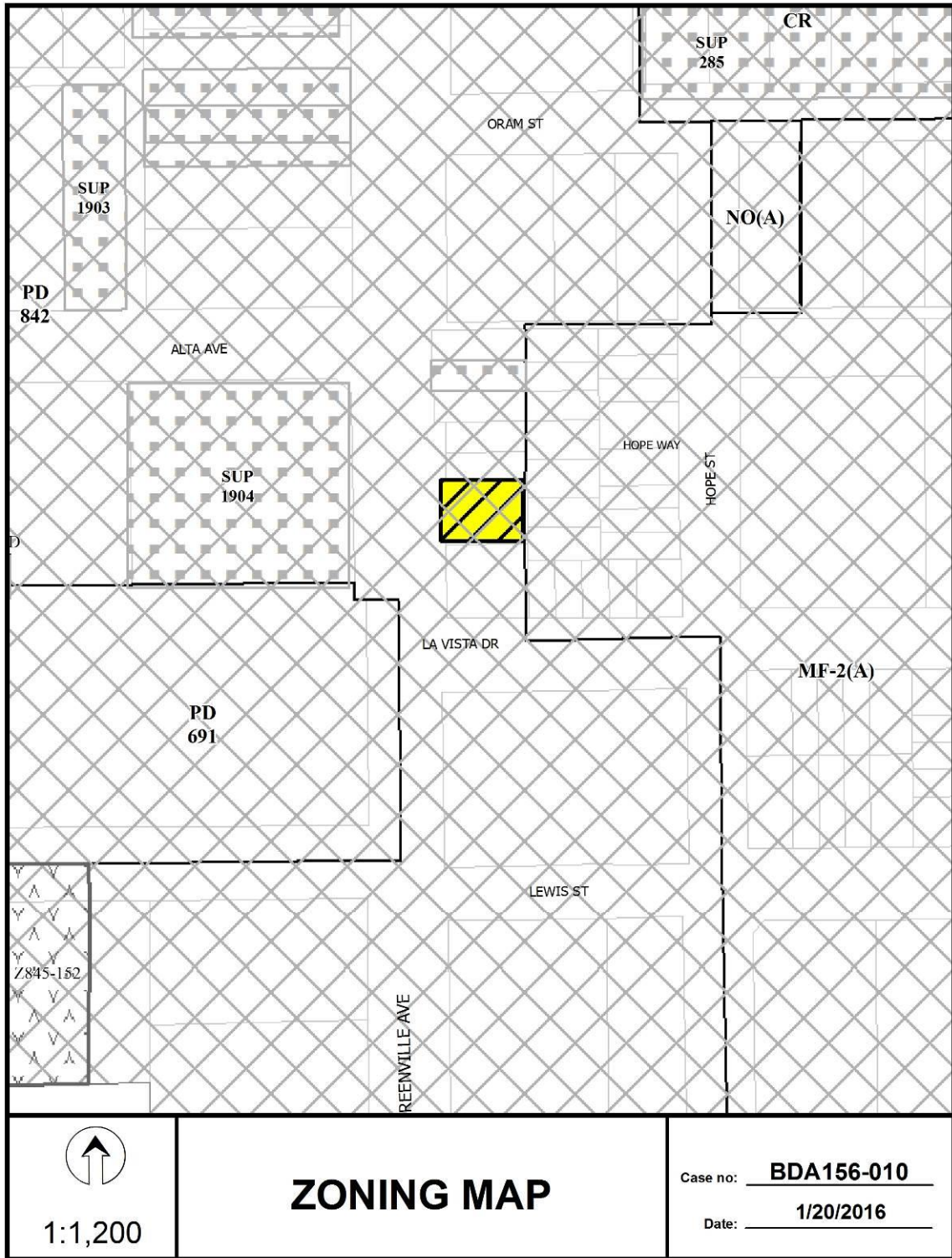
I move that the Board of Adjustment in Appeal No. **BDA156-010**, hold this matter under advisement until **March 22, 2016**.

SECONDED: **Agnich**

AYES: 4 – Nolen, Rieves, Gibson, Agnich

NAYS: 0 -

MOTION PASSED: 4 – 0





1:1,200

# AERIAL MAP

Case no: BDA156-010

Date: 1/20/2016

January 22, 2016

Board of Adjustments  
1500 Marilla Street  
5DN  
Dallas, TX 75201

RE: *1904 & 1906 Leasing and Marketing Efforts*

To Whom It May Concern,

Myself and another sales associate teamed up and were the leasing agents responsible for the marketing and procuring of a tenant for the 1904 / 1906 Greenville Ave property from approximately Jan 2014 through the beginning of 2015. At the time we were working at the Weitzman Group which is a professionally known and recognized real-estate service provider here in the Dallas area and has been for years.

Our objective in leasing the property begins with an in depth research and understanding of the demographics in a standard 1, 3, and 5 mile radius. Because of the destination draw of Lower Greenville, we extended this research to 7, 10, 15 miles. We run a void analysis on the trade area and that helps us create a prospective target marketing list to contact and cold call who we believe to be logical prospects to successfully operate at the location.

After a full year of exposing the property to the market, soliciting Tenants, meeting on site, touring with users, broadcasting marketing materials to our local, regional and national database, highlighting the listing at national trade shows, and exhausting all our known efforts, we finally returned the property back to the owner and recused our self from the listing.

It was our experience the property is of great interest to users in the market, however because it does not have any associated parking, the users are not able to obtain a Certificate of Occupancy and are not able to actually occupy the building. We believe if becomes eligible for having a Certificate of Occupancy, the property will attract a new user and the building can then become a constructive contribution to serving the community.

Respectfully,

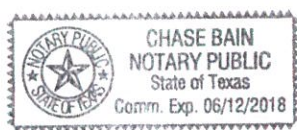
Kade Pittman  
Retail Real Estate Specialist

(notary attached)

STATE OF TEXAS           §  
  §  
COUNTY OF DALLAS       §

BEFORE ME, the undersigned Notary Public, on this day personally appeared  
Kade Lynn Pittman, known to me to be the  
person whose name is subscribed to the foregoing instrument, and acknowledged to me  
that he executed the same for the purposes and consideration therein expressed, and in the  
capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 25 day of January,  
2016.



Chase Bain  
Notary Public in and for the State of Texas

RESTAURANT	CONTACT	PHONE	EMAIL	COMMENTS
Rice Bowl	In Contacts	In Contacts	In Contacts	Passed on site due to not able to get a CO.
Fish City Grill	In Contacts	In Contacts	In Contacts	Had location on Knox and shut it down.
San Francisco Oven	In Contacts	In Contacts	In Contacts	Passed on site due to no parking.
Chaufey's Grilled Subs	In Contacts	In Contacts	In Contacts	Passed on site due to not able to get a CO.
Master Grill	Transaction Complete	Transaction Complete	Transaction Complete	A bit large for location, not sure if doing deals currently.
Gloria's	In Contacts	In Contacts	In Contacts	Existing in market and won't consider relocation due to not having supporting parking.
Houlihan's	In Contacts	In Contacts	In Contacts	Spoke with. Not actively pursuing many sites at the moment. May consider if had ability to get CO
Esteban's Tex Mex	In Contacts	In Contacts	In Contacts	Won't consider due to lack of parking and not able to get a CO.
Cheagris Grill	In Contacts	In Contacts	In Contacts	Original location was in this market. Would need parking to consider.
European Wax Center	Maury Levy	(214) 526-6262	mlevy@UCR.COM	Active in trade area.
Dance Studio	Local User	In Contacts	In Contacts	Typically can't pay too much in rent and will need parking and Certificate Of Occupancy
Applebee's	James Kirkpatrick	In Contacts	In Contacts	Franchisee - won't consider due to lack of parking.
BJ's Brew House	Doug Spoil	In Contacts	In Contacts	Won't consider due to lack of parking.
BJ's Rest. & Brewhouse	Greg Lynds Brian Glaser	714.846.3747 214.954.0600	bglaser@welzimgroup.com	Tenant not really pursuing sites at this time.
Café De France	Allen Gaiante	(214) 298-1723 / (972) 733-3400	allen@cafedefrancerestaurant.com	Spoke with. Won't consider due to lack of parking.
Champp's	Jeff Hennon	In Contacts	In Contacts	Not interested
Charleston's	David Breuckmann	405.321.2600	TBD	1 store in FW, always looking. Package sent 8/8/15 Met at site. They have passed on the trade area.
Cheeseburger in Paradise	Denny Rouse	813.282.1225	TBD	LM 4/16
Cotton Patch Café	Steve Ewing	In Contacts	In Contacts	Won't consider due to lack of parking.
Flying Saucer	Don Miller	In Contacts	In Contacts	Will need parking in order to consider
Humpert's	Jeff Iverson, Jr.	In Contacts	In Contacts	Decision maker on vacation this week. Follow up to get plans for Texas market.
J. Alexander's	Rick Carson Brian Glaser	In Contacts	In Contacts	Will need CO in order to consider
Mimi's Café	Dani Meyer (she) Keith Moore	In Contacts	In Contacts	Will need CO in order to consider
Old Chicago	Liz Parker	303.664.4000	In Contacts	They franchise this concept, but have no-one at this time.
Sherlock's Baker St. Pub	Dennis Leibovitz	303.664.4189	In Contacts	Will need parking in order to consider
Snookies	Gene St. Jr.	214.572.0777	TBD	Looks like they are closing down locations at this time.
Sweet Tomatoes	San Diego	In Contacts	In Contacts	Had a location on upper greenville
The Melling Pot	Mark T. Johnston	813.881.0055 x102	In Contacts	Franchisee-driven, pursuing Sundance Square. Will take a look. Package sent, follow up. May be more of an inline use. No response after repeated attempts.
TJ Hartfords	Geoff Hamton	In Contacts	In Contacts	Follow up
Twin Peaks	Randy DeWitt	214.466.7222	In Contacts	Not
Two Rows	Scott Gordon Craig Johnson	214.887.9400 Broker for Two Rows	In Contacts In Contacts	Purchasing pad in front of Civic Center.
Yardhouse	Paul Makens	214.526.6262	In Contacts	They are pursuing a smaller footprint than their existing stores, but this still probably does not fit their immediate plans for Dallas area.
York Street	Sharon Hege	214.826.0968	sharon@yorkstreetdallas.com	Put in a call to reach out to again.
Pour House	Claudia Hutchinson	In contacts	In contacts	Have a call into. Follow up.
Clam Jumper	Sarah Tillman / Carter Wilson	In contacts	In contacts	Have a call into. Follow up.
Local	Tracy Miller	(214) 914-0343	carterwilson@cambridgecos.com	sent email & left voicemail
The Woodland's	Dennis Leibovitz	214.752.7600	tracy@localdallas.com	Prospect raising funds.
Fluekers	Ross Gorman	214-572-8420	dliebovitz@meritallconnection.net	Out of town but will track him down next week.
Todd English Concept	Giina	214-577-0777	rgorman@toddenglish.com	Have existing location on upper Greenville. Probably too close.
Benthana of Tokyo	Joel Schwartz	617-242-9715	ginsag@toddenglish.com	Willing to hear back to see if interested. Will follow up.
Kobe Steakhouse	Michelle Armstrong	612.288.2382 972.792.9888	In Contacts	Not expanding at this time.
Kona Grill	Chris Hung	972.342.1089	In Contacts	Will need certificate of occupancy in order to consider
Kabuki	Daniel Walsh Jason Merit	480-922-8100 / (866) 328-5662	realestate@konagrill.com	Spoke with. North Park location is too close.
Green Papaya	Bob Chais	310-726-1139	robertchais@aol.com	Would need Certificate of Occupancy in order to consider.
		626-282-1291		Would need Certificate of Occupancy in order to consider.

RESTAURANT	CONTACT	PHONE	EMAIL	COMMENTS
ICE CREAM/ YOGURT				
I Heart Yogurt	Vicki Sawyer	2142521162	vsawyer@creality.com	Franchisee active in the market. May consider with CO.
Pink Bear	Jay Caitlin	2145728459	jcaitlin@theretailconnection.net	Need to follow up.
	Rand Horowitz / Bill Chen	(214) 252-1193	rhorowitz@tucuban.com	Need to follow up to see what the latest activity level is with operator.
Red Merigo (franchisee)	Albert Hernandez	214-415-8358	ahernandez@ncvc.com	Under tenant review.
Berry Berry	Jonathan Tobolowsky	214-211-1247	Jonathan.Tobolowsky@colliers.com	Not interested.
Galazzi			info@pockyos.com	Perhaps they would consider this market?
Pockey O's	Ashley Allen	214.987.1200	ashallen@tucuban.com	Not expanding.
Yogurt By Me	Lee Loftis	214526262		Not expanding.
Yogurt Land	Keith	In contacts	In contacts	Met with, Toured, Passed on site.
Bent Blu	Paul Nettick	In Contacts	In contacts	Would consider but need certificate of occupancy
Organic Yogurt Concept				
BAKERY/BREADS				
Empire Baking Co.	Robert Ozarow	In Contacts	In contacts	will need parking in order to consider doing another location.
Rise & Shine Bakery	Michelle	512-346-2253	michelle@riseandshinebakery.com	can't obtain certificate of occupancy
Jackie Spratt Cakes	Jackie Spratt	(214) 780-0404 (p)	jsprattcakes@yahoo.com	can't obtain certificate of occupancy
Magnolia Bakery	TBD	TBD	TBD	can't obtain certificate of occupancy
Hey Cupcake	Wes Hurt	512-476-CAKE	wes@heycupcakeus.in.com	can't obtain certificate of occupancy
Local Bakery	Deborah	8174604697		can't obtain certificate of occupancy
Patt Fours Cakes Gourmet	Carolyn Keel / Mary Jane Moreau	2145592253	tkramer@pous.com	can't obtain certificate of occupancy
Le Pain Quotidien	Tami Kraemer	In Contacts		can't obtain certificate of occupancy
CABE/SANDWICHES				
Cosmic Café	Priaveen	In Contacts	In contacts	Possibly interested but need the ability to get a CO
Triumph Café		512-343-1875	triumphcafe@yahoo.com	Tracking down RE contact.
Magnolia Café		512-445-0000	info@magnoliacafe.com	Tracking down RE contact.
Wink	Mark Paul	512-482-8888	mpaul@winkrestaurant.com	Have left several vm's and emails. Still tracking.
Kerby Lane Café	Stewart Scruggs	512-447-3767	stewart@winkrestaurant.com	Tracking down RE contact.
David Ayers	David Ayers	409-298-1291	devi@kaybiyamacafe.com	Under tenant review.
Serino's			serinos@sobogobal.net	Looking for franchise in area, will need a Certificate of Occupancy.
Firehouse Subs	Paul Nettick	817-903-6877	paul@quester.com	Looking for franchise in area, will need a Certificate of Occupancy.
Rise & Dine	Paul Nettick	817-903-6877	paul@quester.com	Under tenant review.
Great Outdoors	Jeremy Grey	214-499-3141	jgray@centocorealitycorp.com	Under tenant review.
Buzz Brew's	Omar Zuniga / Marcello Rosen	In contacts	In contacts	May be a neat use if they would consider?
Jimmy John's	Julie Chumley	972-361-5127	julie.chumley@staubach.com	
GENERAL				
Bragdon Restaurants	Emil Bragdon	(214) 842-9257	emil@maniusdallas.com	Presented. Seeing if concept will compliment street.
Los Cucos	Vanessa Canas	(281) 378-4077	vanessa@losucos.com	Pulled out of market.
liza	Grant Cooper	7135240004	info@bezarfoodandwinebar.com	Spoke with owner. Touring.
Has interested party.	Dennis Leibovitz	(214) 572-9420	dleibovitz@theretailconnection.net	Spoke with. Has someone interested.
Shufflers	Greg Peirce	In contacts	In contacts	Existing in market and not interested in relocating at this time.
The Woodland's	Dennis Leibovitz	(214) 572-9420	dleibovitz@theretailconnection.net	Called and forwarded marketing materials.
TBD	Tim Hughes	In contacts	In contacts	Spoke with. May have someone interested.
Local	Corey Duron	In contacts	In contacts	Listing pawn shop.
Vesta Dipping Grill	Tracy Miller	214.762.7500	tacy@localdallas.com	Spoke with. Not interested in 2nd location.
Pastis	In contacts	In contacts	In contacts	Denver
Taco Milagro	Lomie Schiller	(713) 377 1922	In contacts	Emailled Follow Up and Submit L.O.I
Joe T. Garcia's	In contacts	In contacts	In contacts	Spoke With Mail Package So Reese
Monica's	In contacts	In contacts	In contacts	
Mike Deyer	In contacts	In contacts	In contacts	
Bue Plate	Tony Mandola	(713) 438-1537	In contacts	Left Message/Follow Up and Submit L.O.I
Emerald Plannet	Gly Walker	Rockefeller Ctr	In contacts	To Be Phoned To Be Determined
Star	PA	Elm St bass	In contacts	
Rondy's Pizza	In Contacts	In contacts	In contacts	
Al Fraedo's	Jim Beigu	Aero-214-497-9005	In contacts	
Maudie's Café	In Contacts	In contacts	In contacts	210 803 2642
Tus Hamburgers	In Contacts	In contacts	In contacts	reach out to see if will consider



RESTAURANT	CONTACT	PHONE	EMAIL	COMMENTS
Steve Patis	In Contacts	In contacts	In contacts	concept for lower greenville? Will need Certificate of Occupancy
Beattlena	In Contacts	In contacts	In contacts	
Mi Cecilia	In Contacts	In contacts	In contacts	will need to be able to obtain a Certificate of Occupancy
Chris Mispind's	In Contacts	In contacts	In contacts	San Antonio - see if will go store in Dallas
010				

RESTAURANT	CONTACT	PHONE	EMAIL	COMMENTS
BDA 156-010				
NOT PROSPECTS	David Copeland	214-979-5631	Copeland, David @ Dallas (David.Copeland@cbre.com)	considering Cybertown Pizza space; Brandon is trying to set up a meeting on site;
Prince Bistro	Monte Hough	In Contacts	In Contacts	Passed for bringing Kirby's back to market. Haven't developed new concept yet.
Kirby's Steakhouse	David Shelton	In Contacts	In Contacts	Won't consider due to lack of parking.
Kirkland's	Robin Barrow	In Contacts	In Contacts	Won't consider due to lack of parking.
Kuhlman's	Brenda Fisher	In Contacts	In Contacts	Won't consider due to lack of parking.
Bert's	Krista Dabney	In Contacts	In Contacts	Won't consider due to lack of parking.

1904 - 6 Greenville Ave Call Log 1904 & 1906 Greenville Ave Received Call(s) Log

BDA156-010  
Attach A  
Pg 7

Date	Name	Company	Phone	Email	Use	Documentation
12-Jan-16	Anthony Brown		972-589-8937			Phone only
8-Jan-16	Sam Lepow	ANA Brokers	972-726-6000	<a href="mailto:Slepow@anabrokers.com">Slepow@anabrokers.com</a>		SamLepow.pdf
4-Jan-16	Matthew Pennock	ANA Brokers	972-726-6000	<a href="mailto:mpennock@anabrokers.com">mpennock@anabrokers.com</a>		MatthewPenneck.pdf
30-Dec-15	Crystal Finley		469-516-7359			Phone only
29-Dec-15	Burhani		469-487-8082			Phone only
18-Dec-15	Cassie Brown		512-554-1497			Phone only
14-Dec-15	Kimberly Sun		214-526-5800		Has possible client	Phone only
8-Dec-15	Trey Neville	Transwestern	817-966-1513	<a href="mailto:Trey.Neville@transwestern.com">Trey.Neville@transwestern.com</a>		TreyNeville.pdf
7-Dec-15	Vee Early	Klein & Associates	214-566-6611		Looking for 2000 sq ft	Phone only
23-Nov-15	Seth Mitchell	ReedMitchell Agency	214-455-7739	<a href="mailto:seth@reedmitchell.com">seth@reedmitchell.com</a>	Art gallery	SethMitchell.pdf
16-Nov-15	Anna		972-281-9422			Phone only
5-Nov-15	Chong Lee		512-925-2351			Phone only
29-Oct-15	Rhonda Martin		214-552-8494			Phone only
20-Oct-15	Ernesto Valdez		214-289-1311		Restaurant use?	ErnestoValdes.pdf
12-Oct-15	Bo Reese	JGG Holding				BoReese.pdf
12-Oct-15	Matthew Scow	Trivanta	214-675-0175	<a href="mailto:mscow@trivanta.com">mscow@trivanta.com</a>		MatthewScow.pdf / MatthewScow2.pdf / MatthewScow3.pdf
18-Sep-15	Brian Adams	Big Ink Real Estate	214-485-7300	<a href="mailto:brian@biginkre.com">brian@biginkre.com</a>	Restaurant	BrianAdams.pdf
16-Sep-15	Kevie Beard	Venture Commercial	214-378-1212 x409		Restaurant	KevieBeard.pdf
10-Sep-15	Kathleen Nash	The Retail Connection	214-572-8409	<a href="mailto:knash@theretailconnection.net">knash@theretailconnection.net</a>	Furniture accessories	KathleenNash.pdf
25-Aug-15	Eric Anderson	Coldwell	817-436-1062			Phone only
24-Aug-15	No Name		817-986-5813			Phone only
24-Aug-15	Jeremy Gray	Gray & Co. Realtors	214-220-0101	<a href="mailto:jgray@grayandcorealtors.com">jgray@grayandcorealtors.com</a>	Restaurant	JeremyGray.pdf
5-Aug-15	Makenzie Ford			<a href="mailto:mford@streamreality.com">mford@streamreality.com</a>		MakenzieFord.pdf
2-Aug-15	Josh Bryan	Tenantre Advisors	972-571-2009	<a href="mailto:josh@tenantreadvisors.com">josh@tenantreadvisors.com</a>	Restaurant	JoshBryan.pdf
10-Jul-15	Bill Teague	Circle-T Concepts	214-533-2990	<a href="mailto:bill@circleconcepts.com">bill@circleconcepts.com</a>	Restaurant	BillTeague.pdf
1-Jul-15	Jeff			<a href="mailto:_tabakapwo@yahoo.com">_tabakapwo@yahoo.com</a>		Jeff.pdf
29-Jun-15	Brandon Harris	CBRE	214 252 1175	<a href="mailto:Brandon.Harris@cbre.com">Brandon.Harris@cbre.com</a>		BrandonHarris.pdf
29-Jun-15	Brian Waxler	Edge	214-545-6914	<a href="mailto:bwaxler@edge-re.com">bwaxler@edge-re.com</a>	Restaurant	BrianWaxler.pdf
18-Jun-15	Alex Johnson	The Retail Connection	214-572-8467	<a href="mailto:aljohnson@theretailconnection.net">aljohnson@theretailconnection.net</a>	Restaurant	AlexJohnson2.pdf
28-May-15	Kornel Romada	NAI Retail	817-872-3904	<a href="mailto:kromada@nairetail.com">kromada@nairetail.com</a>		KornelRomada.pdf
21-May-15	Mauri Levy	CBRE	214-252-1128	<a href="mailto:Mauri.Levy@cbre.com">Mauri.Levy@cbre.com</a>	Restaurant	MauriLevy.pdf
27-Apr-15	Jeff Coleman	World Cup Management	214.554.0170	<a href="mailto:jeff@worldcupmanagement.com">jeff@worldcupmanagement.com</a>	Guitar shop	JeffColeman.pdf
24-Apr-15	Robert Bell	Stablemade Retail Group	214-736-1060	<a href="mailto:robert@stablemadegroup.com">robert@stablemadegroup.com</a>		RobertBell.pdf
27-Mar-15	Alex Johnson	The Retail Connection	214-572-8467	<a href="mailto:aljohnson@theretailconnection.net">aljohnson@theretailconnection.net</a>		AlexJohnson.pdf

BDA156-010  
Attach A  
Pg 8

**Fwd: 1904-1906 Greenville Ave**

Hank Wright

**Sent:** Friday, January 08, 2016 3:07 PM  
**To:** Ryan B. Tinch  
**Attachments:** image001.jpg (7 KB)

See below

Thanks,

Hank Wright

Begin forwarded message:

**From:** Sam Lepow <[SLepow@anabrokers.com](mailto:SLepow@anabrokers.com)>  
**Date:** January 8, 2016 at 9:30:41 AM CST  
**To:** "[Hank@hollisbloom.com](mailto:Hank@hollisbloom.com)" <[Hank@hollisbloom.com](mailto:Hank@hollisbloom.com)>  
**Subject:** 1904-1906 Greenville Ave

Hank,

I was wondering if you could give me any additional information for this property on Greenville Ave.

Thanks,

Sam Lepow | Commercial Real Estate Agent / Business Broker

**ANA Brokers**

12740 Hillcrest Rd, Ste 265, Dallas, TX 75230

**C :** 318-469-3451

**O :** 972-726-6000

**F :** 972-726-6001

[slepow@anabrokers.com](mailto:slepow@anabrokers.com) | [www.anabrokers.com](http://www.anabrokers.com)

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**Fwd: 1904-1906 Greenville Ave.**

Hank Wright

**Sent:** Thursday, January 14, 2016 9:46 PM

**To:** Ryan B. Tinch

This was hung up in my outbox don't know if it ever made it to you.

Thanks,

Hank Wright

Begin forwarded message:

**From:** Matthew Pennock <[mpennock@anabrokers.com](mailto:mpennock@anabrokers.com)>  
**Date:** January 4, 2016 at 4:04:09 PM CST  
**To:** "Hank@hollisbloom.com" <[Hank@hollisbloom.com](mailto:Hank@hollisbloom.com)>  
**Subject:** 1904-1906 Greenville Ave.

Hank,

What are you quoting on the restaurant and bar space located at 1904-1906 Greenville Ave?

Best regards,

Matthew Pennock | Real Estate Director



**ANA Commercial**  
Real Estate Brokerage

12740 Hillcrest Rd, Ste 265, Dallas, TX 75230

**C:** 972-992-8399

**O:** 972-726-6000

**F:** 972-726-6001

[mpennock@anabrokers.com](mailto:mpennock@anabrokers.com) | [www.ANACommericalRealty.com](http://www.ANACommericalRealty.com)

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1/14/2016

Re: 1904-1906 Greenville

BDA156-010

Attach A

Pg 10

**Re: 1904-1906 Greenville**

Trey Neville [Trey.Neville@transwestern.com]

**Sent:** Friday, January 08, 2016 9:32 AM

**To:** Ryan B. Tinch

What are the terms on this deal? Parking?

All best wishes,

Trey Neville  
817-966-1513

[trey.neville@transwestern.com](mailto:trey.neville@transwestern.com)

**From:** Trey Neville [<mailto:Trey.Neville@transwestern.com>]

**Sent:** Tuesday, December 08, 2015 2:33 PM

**To:** Ryan B. Tinch <[ryan@hollisbloom.com](mailto:ryan@hollisbloom.com)>

**Subject:** Re: 1904-1906 Greenville

can u do restaurant?

All best wishes,

Trey Neville  
817-966-1513

[trey.neville@transwestern.com](mailto:trey.neville@transwestern.com)

On Dec 8, 2015, at 2:29 PM, Ryan B. Tinch <[ryan@hollisbloom.com](mailto:ryan@hollisbloom.com)> wrote:

possibly pending on use

On Dec 8, 2015, at 2:20 PM, Trey Neville <[Trey.Neville@transwestern.com](mailto:Trey.Neville@transwestern.com)> wrote:

Is this property still on the market? I have group that might be interested.

All best wishes,

Trey Neville  
817-966-1513

[trey.neville@transwestern.com](mailto:trey.neville@transwestern.com)

---

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No virus found in this message.  
Checked by AVG - [www.avg.com](http://www.avg.com)  
Version: 2016.0.7227 / Virus Database: 4477/11099 - Release Date: 12/01/15  
Internal Virus Database is out of date.

---

No virus found in this message.  
Checked by AVG - [www.avg.com](http://www.avg.com)  
Version: 2016.0.7227 / Virus Database: 4477/11099 - Release Date: 12/01/15  
Internal Virus Database is out of date.

---

No virus found in this message.  
Checked by AVG - [www.avg.com](http://www.avg.com)  
Version: 2016.0.7294 / Virus Database: 4489/11342 - Release Date: 01/07/16

**Greenville Call**

Hank Wright

**Sent:** Tuesday, October 20, 2015 3:42 PM  
**To:** Ryan B. Tinch  
**Attachments:**rcvm264\_2015102015402100.wav (158 KB)

Voicemail expressing  
interest in leasing property

Thank you,

Hank Wright  
Hollis Bloom  
214-265-1555  
hank@hollisbloom.com

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-----Original Message-----  
From: vmail [<mailto:vmail@metro-net.net>]  
Sent: Tuesday, October 20, 2015 3:41 PM  
To: Hank Wright <hank@hollisbloom.com>  
Subject: Message Notification from VPS

A voice message was left from 2142891311 at 3:40 PM on October 20, of 40 seconds length.  
New:5, Old:0.

-----  
No virus found in this message.  
Checked by AVG - [www.avg.com](http://www.avg.com)  
Version: 2015.0.6140 / Virus Database: 4447/10818 - Release Date: 10/14/15

-----  
No virus found in this message.  
Checked by AVG - [www.avg.com](http://www.avg.com)  
Version: 2015.0.6172 / Virus Database: 4447/10851 - Release Date: 10/19/15



## Greenville Office Space

Ryan B. Tinch

**Sent:** Monday, October 12, 2015 2:58 PM

**To:** Bo Reese [lr@jggholding.com]

thank you again for lunch today!

here's the package on Lower Greenville

we can do a 10 year deal and get fair on rental rates and some free rent, etc.

thank you for considering

[http://www.hollisbloom.com/mktpkg/1904-6\\_Greenville\\_MKP\\_03-24-15.pdf](http://www.hollisbloom.com/mktpkg/1904-6_Greenville_MKP_03-24-15.pdf)

**Re: LOI | Japanese BBQ | 1906 Greenville Ave**

Brian Adams [brian@biginkRE.com]

**Sent:** Monday, September 21, 2015 3:19 PM**To:** Hank Wright**Cc:** Ryan B. Tinch

Ah, bummer. No chance at all for new restaurant use?

I suppose I should preface the above question by saying that the terms conveyed in the LOI were simply an attempt to open a negotiable dialogue, and were by no means "hard".

If it is indeed a no-go, does the ownership have any similar properties in its portfolio (in the area or elsewhere) that may accommodate such a use?

Best & talk soon,  
Brian

Brian M. Adams  
Senior Vice President – Hospitality  
United Country Real Estate:  
**bigInk** Real Estate & Auction Services  
1409 South Lamar Loft 214  
Dallas, TX 75215  
P: 214.485.7300  
F: 214.382.9300  
www.**bigInk**RE.com

<http://www.linkedin.com/pub/brian-adams/13/b07/944>  
<http://www.loopnet.com/Profile/7860386980/Brian-Adams/>

*"Lots of people have great ideas, but you only hear about the ones who act on them and make them work."* - Andrew Vest

<http://www.trec.state.tx.us/pdf/contracts/op-k.pdf>

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---

**From:** Hank Wright  
**Date:** Monday, September 21, 2015 at 3:10 PM  
**To:** Brian Adams  
**Cc:** "Ryan B. Tinch"  
**Subject:** RE: LOI | Japanese BBQ | 1906 Greenville Ave

Brian,

Thanks for sending. The owner doesnt have parking in order to get a CO with the property at this time.

Respectfully,

**Hank Wright**  
Hollis Bloom

1/14/2016

Re: LOI | Japanese BBQ | 1906 Greenville Ave

BDA156-010

Attach A

Pg 15

214-265-1555

[hank@hollisbloom.com](mailto:hank@hollisbloom.com)

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**From:** Brian Adams [<mailto:brian@biginkRE.com>]  
**Sent:** Monday, September 21, 2015 2:58 PM  
**To:** Hank Wright <[hank@hollisbloom.com](mailto:hank@hollisbloom.com)>  
**Subject:** Re: LOI | Japanese BBQ | 1906 Greenville Ave  
**Importance:** High

Hey Hank,

Just circling back to ensure receipt of the Japanese BBQ LOI I had sent your way early Friday before I headed to South Texas for the weekend.

I'm now back in the saddle here in Dallas and we look forward to your response.

Thanks!

Brian

Brian M. Adams  
Senior Vice President – Hospitality  
United Country Real Estate:  
**bigInk** Real Estate & Auction Services  
1409 South Lamar Loft 214  
Dallas, TX 75215  
P: 214.485.7300  
F: 214.382.9300  
[www.bigInkRE.com](http://www.bigInkRE.com)

<http://www.linkedin.com/pub/brian-adams/13/b07/944>

<http://www.loopnet.com/Profile/7860386980/Brian-Adams/>

*"Lots of people have great ideas, but you only hear about the ones who act on them and make them work." - Andrew Vest*

<http://www.trec.state.tx.us/pdf/contracts/op-k.pdf>

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BDA 156-010

4-23

<https://webmail04.sherweb2010.com/owa/?ae=Item&t=IPM.Note&id=RgAAAABUtwdM0W0IQJJcedj2Mwf4BwDMamGm9%2bpIQ5JpT0QtohNcAAAAb...> 2/3

**From:** Brian Adams  
**Date:** Friday, September 18, 2015 at 4:40 AM  
**To:** "[hank@hollisbloom.com](mailto:hank@hollisbloom.com)"  
**Subject:** LOI | Japanese BBQ | 1906 Greenville Ave

Hank,

Attached to this email you will find a Letter of Intent from Mr. Jimmy Niwa for his proposed use of restaurant space on Greenville Ave for a Japanese BBQ concept. His group runs tightly honed concepts, are good operators (and would be gracious tenants), and their use will certainly resonate well with the neighborhood.

I do hope his offer is considered in a most positive light, and please don't hesitate to call me should there be any questions pertinent to the terms therein, etc. I am leaving town for the weekend in just a few hours to do a bit of dove hunting in South Texas, but I will be back in the saddle and reachable on my cell phone [573-268-9930] on Monday.

Have a great weekend in the meantime,  
Brian

Brian M. Adams  
Senior Vice President – Hospitality  
United Country Real Estate:  
**bigInk** Real Estate & Auction Services  
1409 South Lamar Loft 214  
Dallas, TX 75215  
P: 214.485.7300  
F: 214.382.9300  
[www.bigInkRE.com](http://www.bigInkRE.com)

<http://www.linkedin.com/pub/brian-adams/13/b07/944>

<http://www.loopnet.com/Profile/7860386980/Brian-Adams/>

*"Lots of people have great ideas, but you only hear about the ones who act on them and make them work."* - Andrew Vest

<http://www.trec.state.tx.us/pdf/contracts/op-k.pdf>

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No virus found in this message.

Checked by AVG - [www.avg.com](http://www.avg.com)

Version: 2015.0.6140 / Virus Database: 4419/10652 - Release Date: 09/16/15

BDA156-010  
Attach A  
Pg 17

**RE: 1904 - 1906 Greenville Avenue**

Kevie Beard [kbeard@venturedfw.com]

Sent: Thursday, July 30, 2015 5:43 PM

To: Hank Wright

Restaurant.

On Jul 30, 2015 5:42 PM, "Hank Wright" <[hank@hollisbloom.com](mailto:hank@hollisbloom.com)> wrote:  
\$25 plus approx. \$7NNN. What kind of use?

Thank you,

**Hank Wright**

Hollis Bloom

[214-265-1555](tel:214-265-1555)

[hank@hollisbloom.com](mailto:hank@hollisbloom.com)

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**From:** Kevie Beard [mailto:[kbeard@venturedfw.com](mailto:kbeard@venturedfw.com)]

**Sent:** Thursday, July 30, 2015 5:07 PM

**To:** Hank Wright <[hank@hollisbloom.com](mailto:hank@hollisbloom.com)>

**Subject:** 1904 - 1906 Greenville Avenue

Good afternoon Hank. My apologies for asking again but what is the rent quote and NNN estimates for this location?

Thanks,  
Kevie



**Kevie Beard** | Senior Vice President

**Venture Commercial Real Estate, LLC**

8235 Douglas Avenue | Suite 720 | Dallas, Texas 75225

p [214.378.1212](tel:214.378.1212) | f [214.378.1213](tel:214.378.1213) | [venturedfw.com](http://venturedfw.com)



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**FW: 1904-1906 Greenville Ave.**

Hank Wright

**Sent:** Thursday, September 10, 2015 1:14 PM

**To:** Ryan B. Tinch

See below. She called an lvm too

Thank you,

**Hank Wright**

Hollis Bloom

214-265-1555

[hank@hollisbloom.com](mailto:hank@hollisbloom.com)

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**From:** Kathleen Nash [mailto:[knash@theretailconnection.net](mailto:knash@theretailconnection.net)]

**Sent:** Thursday, September 10, 2015 1:11 PM

**To:** Hank Wright <[hank@hollisbloom.com](mailto:hank@hollisbloom.com)>

**Subject:** 1904-1906 Greenville Ave.

Hi Hank,

I hope all is well. Would it be possible for the 3,350 SF freestanding restaurant at 1904 Greenville Ave. to be split? I have a client that is looking for 1,500 SF to 2,000 SF for their furniture accessories store. Is there any possibility this space could be a fit for them? If not, feel free to send me any other sites you have that might work.

Thanks so much!

**Kathleen Nash**

Associate | Brokerage

214-572-8409 | direct

214-572-0009 | fax

214-766-1591 | cell

2525 McKinnon Street

Suite 700

Dallas, TX 75201

[knash@theretailconnection.net](mailto:knash@theretailconnection.net)

[www.theretailconnection.net](http://www.theretailconnection.net)



1/14/2016

RE: Greenville

BDA156-010  
Attach A  
Pg 19

**RE: Greenville**

Jeremy Gray [jgray@grayandcorealtors.com]

Sent: Monday, August 24, 2015 10:54 AM

To: Ryan B. Tinch

Gotcha.

Is \$25sf about what everything's going for around there?

Jeremy A. Gray  
Gray & Company Realtors, Inc.  
4305 MacArthur Avenue  
Dallas, TX 75209  
Office: 214.220.0101 Ext. 23  
Fax: 214.220.0596  
Cell: 214.498.2979  
jgray@grayandcorealtors.com | [www.grayandcorealtors.com](http://www.grayandcorealtors.com)

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

From: Ryan B. Tinch [<mailto:ryan@hollisbloom.com>]

Sent: Monday, August 24, 2015 10:47 AM

To: Jeremy Gray

Subject: RE: Greenville

3350 sf \$25 psf

Thank you

Ryan B. Tinch  
214.751.8255  
[www.hollisbloom.com](http://www.hollisbloom.com)

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

From: Jeremy Gray [<mailto:jgray@grayandcorealtors.com>]

Sent: Monday, August 24, 2015 10:46 AM

To: Ryan B. Tinch <[ryan@hollisbloom.com](mailto:ryan@hollisbloom.com)>

Subject: RE: Greenville

Not sure its great yet.  
Startup indian food/bar concept. Friend of a friend.  
Just need a rent price and size.

BDA 156-010

4-27

Jeremy A. Gray  
Gray & Company Realtors, Inc.  
4305 MacArthur Avenue  
Dallas, TX 75209  
Office: 214.220.0101 Ext. 23  
Fax: 214.220.0596  
Cell: 214.498.2979  
jgray@grayandcorealtors.com | [www.grayandcorealtors.com](http://www.grayandcorealtors.com)

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

From: Ryan B. Tinch [<mailto:ryan@hollisbloom.com>]  
Sent: Monday, August 24, 2015 10:23 AM  
To: Jeremy Gray  
Subject: RE: Greenville

Hey man!  
Possibly - you got something great?

Thank you

Ryan B. Tinch  
214.751.8255  
[www.hollisbloom.com](http://www.hollisbloom.com)

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

From: Jeremy Gray [<mailto:jgray@grayandcorealtors.com>]  
Sent: Monday, August 24, 2015 10:19 AM  
To: Ryan B. Tinch <[ryan@hollisbloom.com](mailto:ryan@hollisbloom.com)>  
Subject: Greenville

Hey buddy,  
What's the story with that building in lower Greenville you've got?  
Can it be restaurant?

Jeremy A. Gray  
Gray & Co. Realtors, Inc.  
4305 MacArthur Ave.  
Dallas, TX 75209  
214.220.0101 Office  
214.498.2979 Cell  
[www.grayandcorealtors.com](http://www.grayandcorealtors.com)



**1904 Greenville Ave.**

Hank Wright

**Sent:** Wednesday, August 05, 2015 5:56 PM

**To:** mford@streamrealty.com

**Cc:** Ryan B. Tinch

**Attachments:** Greenville 6-29-15.pdf (4 MB)

Makenzie,

It was great talking with you this afternoon. Please see the attached Marketing Package for our site on Greenville.

Rate: \$25psf

NNN: \$7.95psf

Offsite parking

Thank you,

**Hank Wright**

Hollis Bloom

214-265-1555

[hank@hollisbloom.com](mailto:hank@hollisbloom.com)

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BDA156-010

Attach A

Pg 22

## Greenville Avenue Site | Dallas, Texas

Josh Bryan [josh@tenantreadvisors.com]

**Sent:** Sunday, August 02, 2015 11:47 PM

**To:** Hank Wright

Hank,

Good evening. I hope this email finds you well. Our client, Russo's Pizzeria and Russo's Coal Fired Italian Kitchen, is aggressively seeking restaurant sites for expansion in DFW. They are particularly interested in the Lower Greenville market. Is your site at 1904-1906 Greenville Ave. still available? Please let us know as soon as you can.

Thanks,

*Josh Bryan*

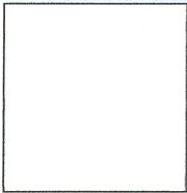
**Vice President**

**Ph: 972-571-2009**

**Fx: 972-578-0607**

**[www.TenantAdvisors.com](http://www.TenantAdvisors.com)**

[LinkedIn Profile](#)



---

No virus found in this message.

Checked by AVG - [www.avg.com](http://www.avg.com)

Version: 2015.0.6081 / Virus Database: 4392/10330 - Release Date: 07/29/15

BDA156-010

Attach A

Pg 23

**Re: 1904-1906 Greenville Ave.**

bill@circletconcepts.com

**Sent:** Sunday, July 12, 2015 7:24 PM

**To:** Hank Wright

**Attachments:**ER Pics.doc (2 MB) ; ER Doc.doc (156 KB)

Hank,

Thanks for your response. I have attached a brief description of the proposed concept. If acceptable, please let me know when I can tour the space.

Thanks,  
Bill Teague

Sent from Windows Mail

**From:** [hank@hollisbloom.com](mailto:hank@hollisbloom.com)

**Sent:** Sunday, July 12, 2015 10:43 AM

**To:** [bill@circletconcepts.com](mailto:bill@circletconcepts.com)

Bill,

We 3350sf 2nd gen restaurant available. What kind of concept?

Thanks,

Hank Wright  
Hollis Bloom

On Jul 10, 2015, at 9:52 AM, "[bill@circletconcepts.com](mailto:bill@circletconcepts.com)" <[bill@circletconcepts.com](mailto:bill@circletconcepts.com)> wrote:

Hank,

Is your listing on Greenville Avenue still available for lease?

Thanks,  
Bill Teague  
Circle-T Concepts  
214-533-2990

Sent from Windows Mail

---

No virus found in this message.

Checked by AVG - [www.avg.com](http://www.avg.com)

Version: 2015.0.6030 / Virus Database: 4365/10145 - Release Date: 07/02/15

Internal Virus Database is out of date.

BDA156-010

Attach A

Pg 24

## 1904 Greenville Ave.

Hank Wright

**Sent:** Wednesday, July 01, 2015 5:11 PM

**To:** tabakapwo@yahoo.com

**Attachments:** Greenville 6-29-15.pdf (4 MB)

Jeff,

Please see the attached marketing package for 1904 Greenville Ave.

Let me know if you have any questions.

Thank you,

**Hank Wright**

Hollis Bloom

214-265-1555

[hank@hollisbloom.com](mailto:hank@hollisbloom.com)

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**RE: Greenville - Dallas, TX**

Ryan B. Tinch

**Sent:** Monday, June 29, 2015 4:25 PM

**To:** Brandon Harris [bharris@ucr.com]

**Cc:** Hank Wright

Quoting around \$25 psf with \$9.95 in NNN

Thank you

**Ryan B. Tinch**

**214.751.8255**

[www.hollisbloom.com](http://www.hollisbloom.com)

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**From:** Brandon Harris [mailto:bharris@ucr.com]

**Sent:** Monday, June 29, 2015 4:22 PM

**To:** Ryan B. Tinch

**Cc:** Hank Wright

**Subject:** RE: Greenville - Dallas, TX

Thanks Ryan. What are you quoting on rent? NNN? TI?

Brandon Harris | First Vice President

Brokerage Services | Retail / Urban

CBRE | UCR

8080 Park Lane, Suite 800 | Dallas, TX 75231

T +1 214 252 1175 | F +1 214 523 0800 | C +1 214 577 1520

[Brandon.Harris@cbre.com](mailto:Brandon.Harris@cbre.com) | [www.ucr.com](http://www.ucr.com)

Connect with me on [LinkedIn](#)

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Follow CBRE: [Facebook](#) | [@cbre](#) | [Google+](#)

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**From:** Ryan B. Tinch [<mailto:ryan@hollisbloom.com>]

**Sent:** Monday, June 29, 2015 4:19 PM

**To:** Brandon Harris

**Cc:** Hank Wright

**Subject:** Greenville - Dallas, TX

Attach A

Pg 26

Brandon – please find the attached

Thank you

**Ryan B. Tinch**

**214.751.8255**

[www.hollisbloom.com](http://www.hollisbloom.com)

issuing marketing  
package to interested  
prospect who wasn't  
able to move forward  
because cant get a  
CO

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BDA156-010  
Attach A  
Pg 27

**RE: Lower Greenville**

Hank Wright

Sent: Tuesday, July 28, 2015 3:32 PM

To: Brian Waxler [bwaxler@edge-re.com]; Ryan B. Tinch

Cc: Matt Brooks [mbrooks@edge-re.com]

We are in the office now. Today would be great

Thank you,

Hank Wright  
Hollis Bloom  
214-265-1555  
hank@hollisbloom.com

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

From: Brian Waxler [mailto:bwaxler@edge-re.com]

Sent: Tuesday, July 28, 2015 3:29 PM

To: Ryan B. Tinch

Cc: Hank Wright; Matt Brooks

Subject: RE: Lower Greenville

When will you guys be around for Matt to return the key?

Brian Waxler  
Vice President

5950 Berkshire Lane, Suite 700  
Dallas, Texas 75225  
214.545.6914 Direct  
214.335.1661 Mobile  
bwaxler@edge-re.com  
edge-re.com

vCard

EDGE IS MOVING ON UP!  
PLEASE NOTE OUR NEW ADDRESS

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

From: Brian Waxler

Sent: Wednesday, July 22, 2015 5:02 PM

To: 'Ryan B. Tinch' <ryan@hollisbloom.com>

BDA156-010  
Attach A  
Pg 28

Cc: Hank Wright <hank@hollisbloom.com>; Matt Brooks <mbrooks@edge-re.com>  
Subject: RE: Lower Greenville

Hank-

Matt Brooks is en route to grab the key now.

Thanks,

Brian Waxler  
Vice President

5950 Berkshire Lane, Suite 700  
Dallas, Texas 75225  
214.545.6914 Direct  
214.335.1661 Mobile  
bwaxler@edge-re.com  
edge-re.com

vCard

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

From: Ryan B. Tinch [<mailto:ryan@hollisbloom.com>]  
Sent: Wednesday, July 22, 2015 4:08 PM  
To: Brian Waxler  
Cc: Hank Wright  
Subject: Re: Lower Greenville

12400 Coit Road  
Suite 860  
Dallas TX 75251

> On Jul 22, 2015, at 3:32 PM, Brian Waxler <bwaxler@edge-re.com> wrote:  
>  
> Where's yall's office? **Going to swing by this afternoon.**  
>  
> Thanks,  
>  
> Brian Waxler  
> Vice President  
>  
>  
> 5950 Berkshire Lane, Suite 700  
> Dallas, Texas 75225  
> 214.545.6914 Direct  
> 214.335.1661 Mobile  
> bwaxler@edge-re.com



BDA156-010

Attach A

Pg 29

>>>>> On Jun 29, 2015, at 8:31 PM, Ryan B. Tinch <ryan@hollisbloom.com> wrote:  
 >>>>>  
 >>>>> We can if we had parking  
 >>>>>  
 >>>>>  
 >>>>>

>>>>>> On Jun 29, 2015, at 8:30 PM, Brian Waxler <bwxler@edge-re.com> wrote:  
 >>>>>>  
 >>>>>> I'm scared to ask....but can you do restaurant?  
 >>>>>>

>>>>>>> Brian Waxler  
 >>>>>>> Vice President  
 >>>>>>> 214-545-6914  
 >>>>>>>

>>>>>>> Sent from my iPhone  
 >>>>>>>

>>>>>>>> On Jun 29, 2015, at 8:29 PM, Ryan B. Tinch <ryan@hollisbloom.com> wrote:  
 >>>>>>>>  
 >>>>>>>> Ready to lease! Got anybody good?  
 >>>>>>>>  
 >>>>>>>>

>>>>>>>>> On Jun 29, 2015, at 7:17 PM, Brian Waxler <bwxler@edge-re.com> wrote:  
 >>>>>>>>>

>>>>>>>>> RT-

>>>>>>>>>

>>>>>>>>>> What's the story on your Lower Greenville space?  
 >>>>>>>>>>

>>>>>>>>>>> Brian Waxler  
 >>>>>>>>>>> Vice President  
 >>>>>>>>>>> 214-545-6914  
 >>>>>>>>>>>

>>>>>>>>>>> Sent from my iPhone

-----  
 No virus found in this message.  
 Checked by AVG - [www.avg.com](http://www.avg.com)  
 Version: 2015.0.6081 / Virus Database: 4392/10279 - Release Date: 07/21/15 Internal  
 Virus Database is out of date.

**1904 - 1906 Greenville Avenue - Dallas, TX**

Alex Johnson [AJohnson@theretailconnection.net]

Sent: Thursday, June 18, 2015 11:26 AM

To: Hank Wright

Hank,

I hope all is well. I've got a client with interest in your Greenville Avenue site. Can you send me some details/flyer/etc? It's a restaurant/bar concept with 2 DFW locations interested in opening 2 more and they like your site. Is your site 2<sup>nd</sup> gen? Any equipment usable?

What're the economics?

Let me know. These guys have outstanding credit and are ready to move quickly.

Thanks,

---

**Alex Johnson**

Associate | Brokerage

214-572-8467 | direct

214-642-4692 | cell

2525 McKinnon Street

Suite 700

Dallas, TX 75201

[ajohnson@theretailconnection.net](mailto:ajohnson@theretailconnection.net)

[www.theretailconnection.net](http://www.theretailconnection.net)



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---

No virus found in this message.

Checked by AVG - [www.avg.com](http://www.avg.com)

Version: 2015.0.5961 / Virus Database: 4365/10037 - Release Date: 06/17/15

Cell: (817) Fort Worth, Texas 76102  
422-3000 [kromada@nairlretail.com](mailto:kromada@nairlretail.com) [www.nairlretail.com](http://www.nairlretail.com)

---

**From:** Hank Wright [<mailto:hank@hollisbloom.com>]  
**Sent:** Thursday, May 28, 2015 5:33 PM  
**To:** Kornel Romada  
**Cc:** Ryan B. Tinch  
**Subject:** 1904-1906 Greenville Ave.

Kernel,

It was great talking with you this afternoon, please see the attached Marketing Package for the restaurant space on Greenville.

Thank you,

**Hank Wright**  
Hollis Bloom  
214-265-1555  
[hank@hollisbloom.com](mailto:hank@hollisbloom.com)

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---

No virus found in this message.  
Checked by AVG - [www.avg.com](http://www.avg.com)  
Version: 2015.0.5863 / Virus Database: 4342/9769 - Release Date: 05/13/15  
Internal Virus Database is out of date.

---

No virus found in this message.  
Checked by AVG - [www.avg.com](http://www.avg.com)  
Version: 2015.0.5863 / Virus Database: 4342/9769 - Release Date: 05/13/15  
Internal Virus Database is out of date.

**FW: 1904-1906 Greenville Ave**

Maury Levy [mlevy@ucr.com]

**Sent:** Thursday, May 28, 2015 12:22 PM**To:** Hank Wright

Hank,

We were looking at the Greenville Ave. restaurant deal and wanted to know the about the questions below.

It was to Ryan who asked me about the note to you.

I did not hear from him either.

Thanks,

Maury

---

**From:** Maury Levy**Sent:** Thursday, May 21, 2015 7:14 PM**To:** Ryan B. Tinch**Subject:** Re: 1904-1906 Greenville Ave

Doing fine, thanks.

Nothing was attached and I did not get it from Hank.

Price? Nets? What's left in the space? Grease trap size? Vent a hood? Coolers/Freezer?

Call me in the AM on Friday.

Maury

Sent from my Verizon Wireless 4G LTE Tablet

----- Original message -----

From: "Ryan B. Tinch" <[ryan@hollisbloom.com](mailto:ryan@hollisbloom.com)>

Date: 05/21/2015 5:59 PM (GMT-06:00)

To: Hank Wright <[hank@hollisbloom.com](mailto:hank@hollisbloom.com)>Cc: Maury Levy <[mlevy@ucr.com](mailto:mlevy@ucr.com)>

Subject: Re: 1904-1906 Greenville Ave

Hey Maury!

Hope you are well sir

> On May 21, 2015, at 5:42 PM, Hank Wright <[hank@hollisbloom.com](mailto:hank@hollisbloom.com)> wrote:

&gt;

&gt; Maury,

&gt;

> See attached.

>

> Thank you,

>

> Hank Wright

> Hollis Bloom

> 214-265-1555

> [hank@hollisbloom.com](mailto:hank@hollisbloom.com)

>

>

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>

> From: Maury Levy [<mailto:mlevy@ucr.com>]

> Sent: Thursday, May 21, 2015 9:38 AM

> To: Hank Wright

> Subject: 1904-1906 Greenville Ave

>

> Hank,

> If your back, give me a call about 1904-1906 Greenville Ave. for one of my clients.

> Thanks,

> Maury

>

>

>

> Maury Levy | Vice President

> Brokerage Services | Retail / Suburban

> CBRE | UCR

> 8080 Park Lane, Suite 800 | Dallas, TX 75231

> T +1 214 252 1128 | F +1 214 523 0800 | C +1 214 213 8833

> [Maury.Levy@cbre.com](mailto:Maury.Levy@cbre.com) <<mailto:mlevy@ucr.com>> | [www.ucr.com](http://www.ucr.com)

>

> Connect with me on LinkedIn <<https://www.linkedin.com/pub/maury-levy/87/6b3/47>>

>

> Follow CBRE | UCR: Facebook <<https://www.facebook.com/ucrrealty>> | @cbreucr <<https://twitter.com/cbreucr>>

> Follow CBRE: Facebook <<https://www.facebook.com/pages/CBRE/85277065893>> | @cbre <<https://twitter.com/cbre>> | Google+ <<https://plus.google.com/110640413332542089478>>

>

> \_\_\_\_\_

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> \_\_\_\_\_

> No virus found in this message.

**RE: greenville ave.**

Jeff Coleman [jeff@worldcupmanagement.com]

**Sent:** Monday, April 27, 2015 12:23 PM**To:** Ryan B. Tinch

Hiw does the space look ?

Jeff Coleman.  
214.554.0170

Sent via the Samsung Galaxy Note® 4

----- Original message -----

**From:** "Ryan B. Tinch" <ryan@hollisbloom.com>**Date:** 04/27/2015 12:12 PM (GMT-06:00)**To:** Jeff Coleman <jeff@worldcupmanagement.com>**Subject:** RE: greenville ave.

We can sure look into that

Rents are somewhere in the early to mid \$20's pending on TI, term, etc

Great to hear from you!

**Ryan B. Tinch****214.751.8255**[www.hollisbloom.com](http://www.hollisbloom.com)

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**From:** Jeff Coleman [mailto:jeff@worldcupmanagement.com]**Sent:** Monday, April 27, 2015 10:53 AM**To:** Ryan B. Tinch**Subject:** greenville ave.

Ryan how are you mate!!

that space you have on greenville can we do a vintage guitar shop in there . I have a tenant. what are the rates for those old bldgs.?

Jeff

BDA156-010  
Attach A  
Pg 35

**RE: Greenville location**

Robert Bell [robert@stablemadegroup.com]

Sent: Thursday, April 30, 2015 11:47 AM

To: Hank Wright; Michael Miller [Michael@stablemadegroup.com]

Cc: Ryan B. Tinch

Sounds great, we will be here.

6440 north central expressway, site 605.

Turley law center

Sent from my Windows Phone

---

**From:** [Hank Wright](#)

**Sent:** 4/30/2015 11:39 AM

**To:** [Michael Miller](#)

**Cc:** [Robert Bell](#); [Ryan B. Tinch](#)

**Subject:** RE: Greenville location

I'll bring it by your office this afternoon.

Thank you,

**Hank Wright**

Hollis Bloom

214-265-1555

[hank@hollisbloom.com](mailto:hank@hollisbloom.com)

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**From:** Michael Miller [mailto:Michael@stablemadegroup.com]

**Sent:** Thursday, April 30, 2015 11:12 AM

**To:** Hank Wright

**Cc:** Robert Bell; Ryan B. Tinch

**Subject:** Re: Greenville location

Absolutely...when/where can we pick up a key? Thanks Hank.

Regards,

Michael Miller

Managing Partner

Stablemade Retail Group

[www.stablemadegroup.com](http://www.stablemadegroup.com)

m 214-606-0084

Sent from my iPad

On Apr 30, 2015, at 11:09 AM, Hank Wright <[hank@hollisbloom.com](mailto:hank@hollisbloom.com)> wrote:

Robert,

I have a busy morning tomorrow. Would it be possible to get you a key for your tour?

Thank you,

**Hank Wright**

---

**From:** Alex Johnson [<mailto:AJohnson@theretailconnection.net>]  
**Sent:** Friday, March 27, 2015 9:21 AM  
**To:** Hank Wright  
**Subject:** 1904-1906 Greenville Ave

Hank,

I hope all is well.

What's the story on 1904-1906 Greenville Ave? What're you quoting for rent/NNN?  
No parking tied to the space, correct? I've got a user with interest.

Thanks,

---

**Alex Johnson**

Associate | Brokerage

214-572-8467 | direct

214-642-4692 | cell

2525 McKinnon Street

Suite 700

Dallas, TX 75201

[ajohnson@theretailconnection.net](mailto:ajohnson@theretailconnection.net)

[www.theretailconnection.net](http://www.theretailconnection.net)

<image001.png>

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**Customer Name:** VICTOR GALANIS  
**Account Number:** 100023862207  
**Invoice Number:** 055901506040  
**Invoice Date:** 01/03/2016

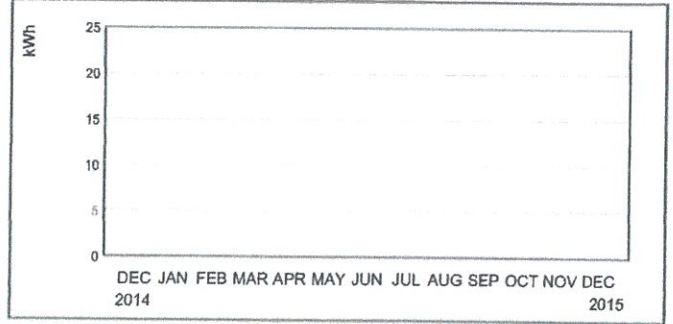
BDA156-010  
 Attach A  
 Pg 39

**ESI ID Detail:**

**Service Address:** 0190608 GREENVILLE AVE  
 DALLAS, TX 75206-7439

**ESI ID** 10443720001086033

**Product:** Business Flex<sup>SM</sup>



The average price you paid for electric service this month was 0.00 cents per kWh excluding taxes and non-recurring charges or credits.

Meter ID	Days	Read Type	Previous Read Date	Previous Meter Read	Current Read Date	Current Meter Read	Multiplier	Usage (kWh)	Actual kW/kVA	Billed kW/kVA
106089368LG	30	Actual	12/01/2015	71,231	12/30/2015	71,231	1.00	0	0	0
<b>TOTAL</b>								0	0	0

**Electric Service Commercial**

**TXU Energy Business Flex<sup>SM</sup>**

Base Charge	\$	7.90
Gross Receipts Reimb	\$	0.16
<b>Sales Tax</b>	<b>\$</b>	<b>0.66</b>

**Electric Service Distribution**

**Service Period: 12/01/2015 to 12/30/2015**

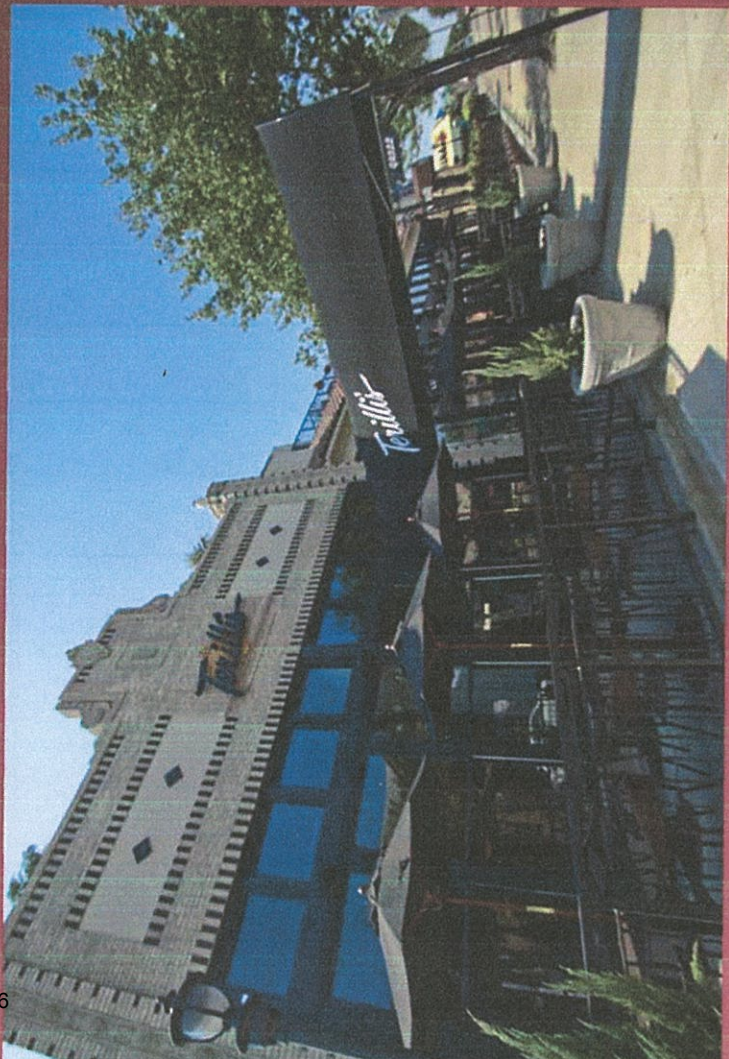
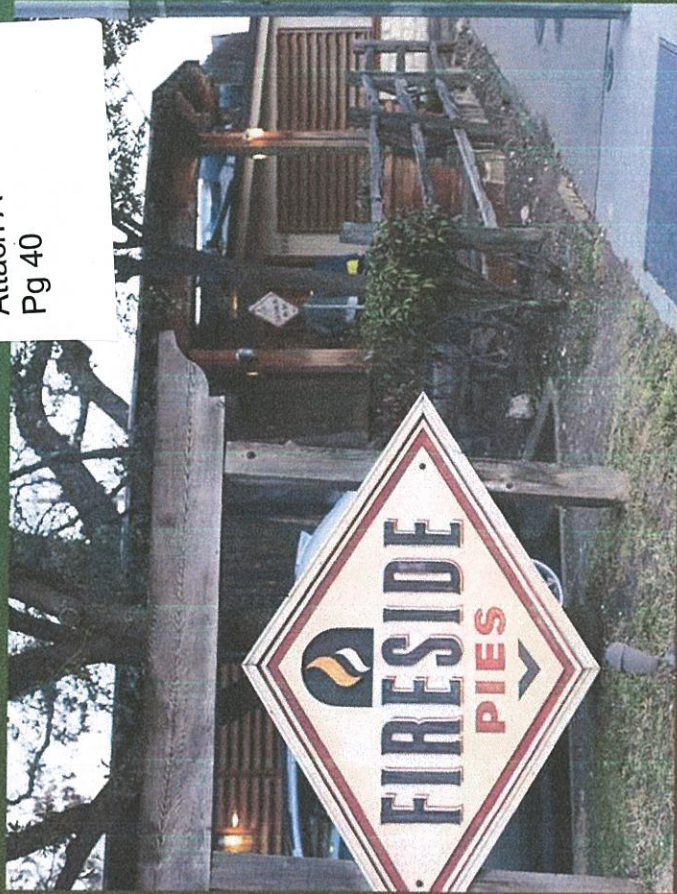
TDU Delivery Charges	\$	9.29
Gross Receipts Reimb	\$	0.19
<b>Subtotal</b>	<b>\$</b>	<b>9.48</b>
<b>Sales Tax</b>	<b>\$</b>	<b>0.78</b>

<b>Commercial Charges for Period</b>	<b>\$</b>	<b>8.72</b>
--------------------------------------	-----------	-------------

<b>Distribution Charges for Period</b>	<b>\$</b>	<b>10.26</b>
--	-----------	--------------

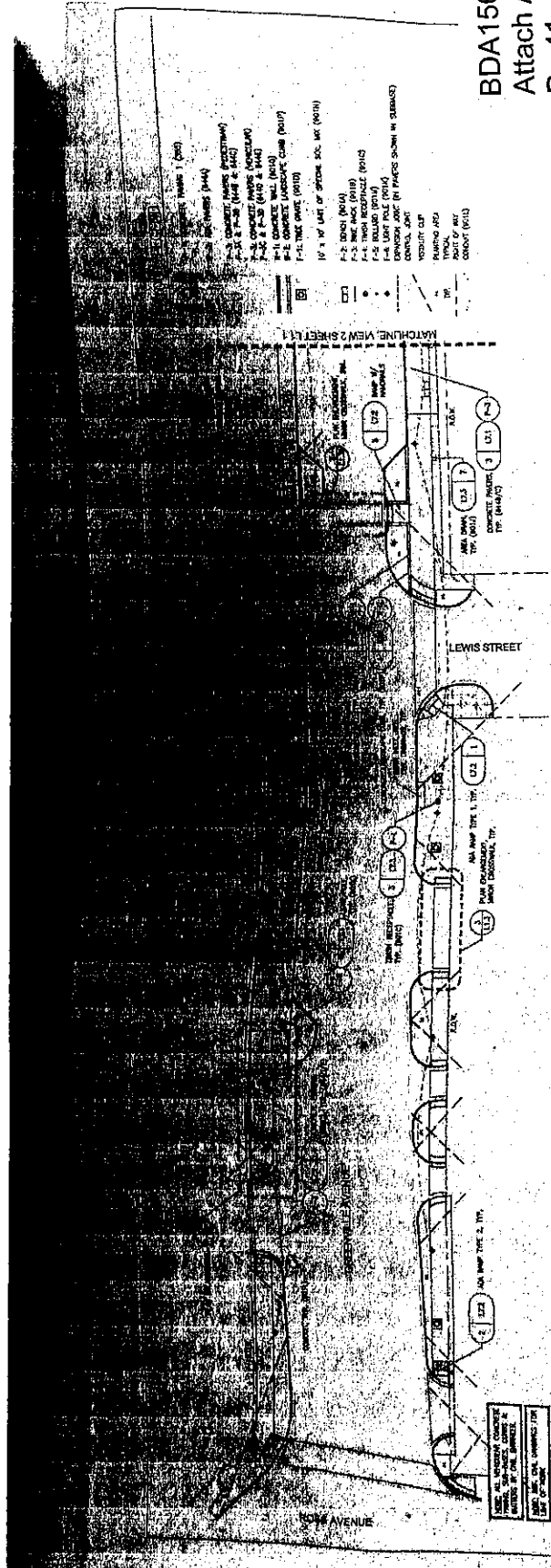
<b>Current Charges</b>	<b>\$</b>	<b>18.98</b>
------------------------	-----------	--------------

BDA156-010  
Attach A  
Pg 40

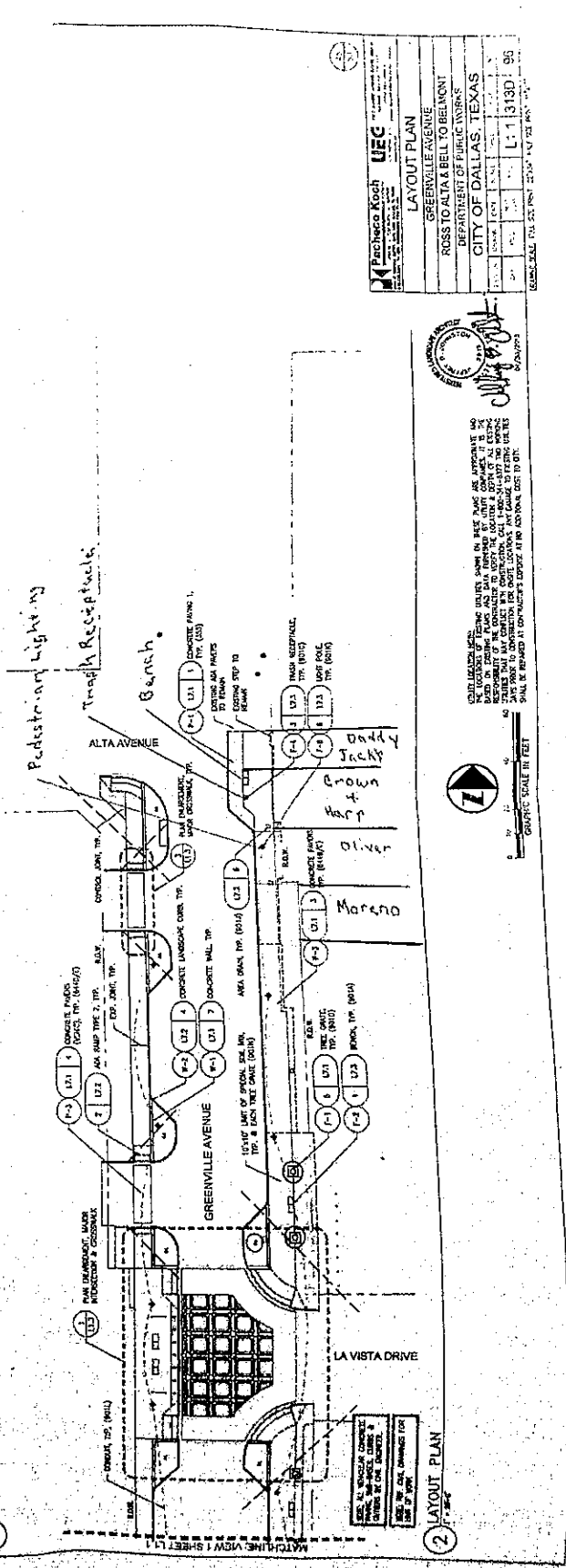


BDA156-010  
 Attach A  
 Pg 41

- 1-1 CONCRETE WALL (10/10)
- 1-2 CONCRETE WALL (10/10)
- 1-3 CONCRETE WALL (10/10)
- 1-4 CONCRETE WALL (10/10)
- 1-5 CONCRETE WALL (10/10)
- 1-6 CONCRETE WALL (10/10)
- 1-7 CONCRETE WALL (10/10)
- 1-8 CONCRETE WALL (10/10)
- 1-9 CONCRETE WALL (10/10)
- 1-10 CONCRETE WALL (10/10)
- 1-11 CONCRETE WALL (10/10)
- 1-12 CONCRETE WALL (10/10)
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- 1-14 CONCRETE WALL (10/10)
- 1-15 CONCRETE WALL (10/10)
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- 1-19 CONCRETE WALL (10/10)
- 1-20 CONCRETE WALL (10/10)
- 1-21 CONCRETE WALL (10/10)
- 1-22 CONCRETE WALL (10/10)
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- 1-31 CONCRETE WALL (10/10)
- 1-32 CONCRETE WALL (10/10)
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1. LAYOUT PLAN



2. LAYOUT PLAN

<b>Richard Keach UEG</b> ARCHITECTS 1100 N. GILBERT ST. SUITE 200 DALLAS, TEXAS 75201-2000 TEL: 214.750.1000 FAX: 214.750.1001 WWW: RICHARDKEACH.COM	
LAYOUT PLAN GREENVILLE AVENUE CROSS TO ALTA & BELL TO BELMONT DEPARTMENT OF PUBLIC WORKS CITY OF DALLAS, TEXAS	
SHEET NO. 156-010-010 SHEET TITLE DATE DRAWN BY CHECKED BY SCALE PROJECT NO.	156-010-010 LAYOUT PLAN 10/10/10 RKE JKL 1:1 156-010

CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF DALLAS AND THE STATE OF TEXAS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF DALLAS AND THE STATE OF TEXAS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF DALLAS AND THE STATE OF TEXAS.



TO: Steve Long, BDA Administrator  
FROM: Dallas Cothrum, Ph. D.  
Re: Executive Summary for BDA No. 156-010

1 Feb 2016

## **BACKGROUND**

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

## **APPLICANT JUSTIFICATION**

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

*"The board of adjustment may grant a special exception to this provision only if the owner can demonstrate that there was not an intent to abandon the use even though the use was discontinued or remained vacant for 12 months or more by proving the occurrence of an extreme circumstance, which shall include but not be limited to the following: (a) A decline in the rental rates for the area which has affected the rental market. (b) An unusual increase in the vacancy rates for the area which has affected the rental market. (c) Obsolescence of the subject property, including environmental hazards, extensive renovation or remodeling, and extreme deterioration of adjacent properties affecting the marketability of property."; and (E) the code provision that pertains to "modified delta overlay district."*

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

**No Intent to Abandon:** First, the applicant's submittal materials make clear that the owner never had intent to abandon the subject property. Webster's defines "intent" as having formulated or planned to do something. The owner actually formulated and planned to rent the property—not have it be vacant. The very fact that the applicant was able to file this BDA action demonstrates that there were no past due taxes or liens placed on the property. The applicant might not have paid taxes or liens had their

“intent” been to abandon the property. Further, previously submitted supporting evidence also reveals that utilities remained working for the subject property. Likewise, the subject property was continually offered for lease. Supporting evidence from the listing broker demonstrates significant efforts to lease the property over a prolonged period for a variety of uses. The owner hired The Weitzman Group, one of the largest, oldest, and most experienced real estate companies that has experience in leasing, development, and property management. The firm bills itself as “the retail specialists” for a reason: they own or operate or lease more space in Texas than anyone else. Clearly, this demonstrates intent to lease the property, not neglect it.

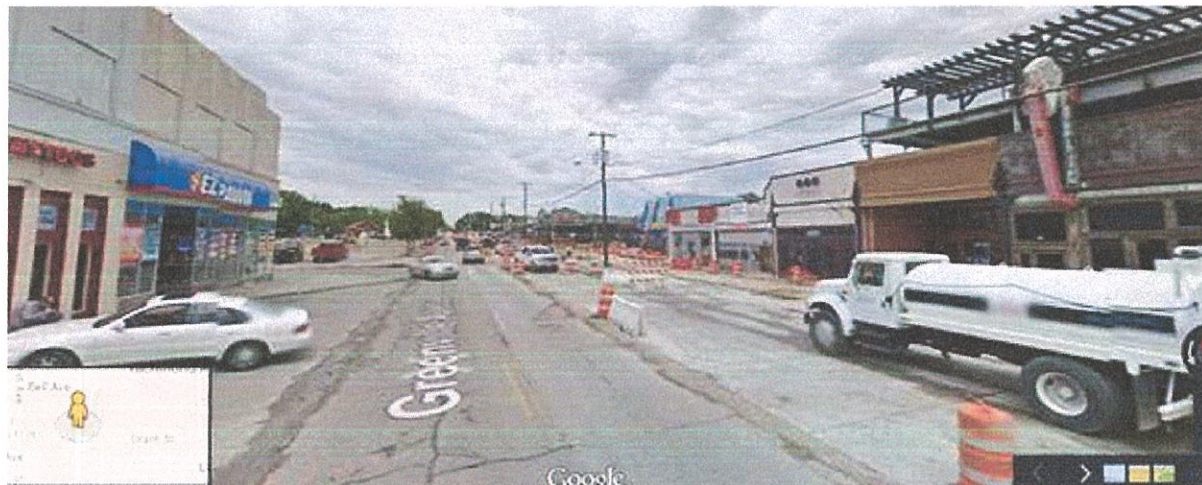
**Extreme Circumstance—Outside Initial Area of Improvement:** Next, the applicant must demonstrate that some “extreme circumstance” occurred. Greenville Avenue has experienced recent City Council driven action that has created an “extreme” condition that severely and negatively impacts the ability to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

“We’ve got a two-prong approach to transforming Lower Greenville, block by block. First, we’re going to require Lower Greenville businesses open after midnight to get a specific use permit from the city. That’ll help weed out some of the late-night, problem businesses that have brought crime, noise, traffic, and vandalism to the area. Second, we’re going to improve the streetscape, making it more pedestrian-friendly with wider sidewalks, a narrowed street, street lamps, trees, enhanced crosswalks, and street furniture. This will make the area more inviting for residents and visitors, and help lure back daytime businesses, retailers and restaurants. Instead of waiting years to get this done, we’re going to start construction on part of this project — from Bell Street to Alta — NEXT SUMMER.”

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

**Extreme Circumstance—Prolonged Construction:** Subsequent journalism stories detail Greenville Avenue merchants suffered. A CBS News story, “Lowest Greenville Construction Gives Businesses A Bumpy Ride,” further noted that that construction was having a profoundly negative impact on the area. One merchant complained revenue had dropped from \$90,000 monthly to only \$20,000, “making it nearly impossible to cover expenses and pay the rent.” The operator grumbled that the construction was “killing business. There’s no business here anymore since they started construction.” News stories confirm businesses suffered because customers could not drive south on Lowest Greenville because of road closures. Pedestrian suffer, according the new stories, from meandering among construction cones and blockades that close some sidewalks.

The future improvements are welcome, but the property still suffers an extreme hardship compared to others. No tenant is likely to lease space until after construction has concluded. The photos below shows that traffic is difficult and that sidewalks are unusable during construction.



The ordinance provides remedy for properties that suffer from obsolescence. One of the standards is “extensive remodeling and extreme deterioration of adjacent properties.” The extensive construction amounted to an entire street remodel and cause an extreme deterioration for the entire street.

**Obsolescence of the Subject Property:** One of the oldest and most experienced brokerage groups in the state simply could not lease the space because of the outmoded nature of the streetscape. A prospective tenant could easily determine that the space would suffer from all the problems without receiving the benefits. This before and after scenario explains why the sidewalk and street improvements have assisted leasing in the completed portions of Greenville Avenue and rendered the unimproved areas obsolete.

Prospective tenants of the request site have, instead, this unattractive and now obsolete streetscape:

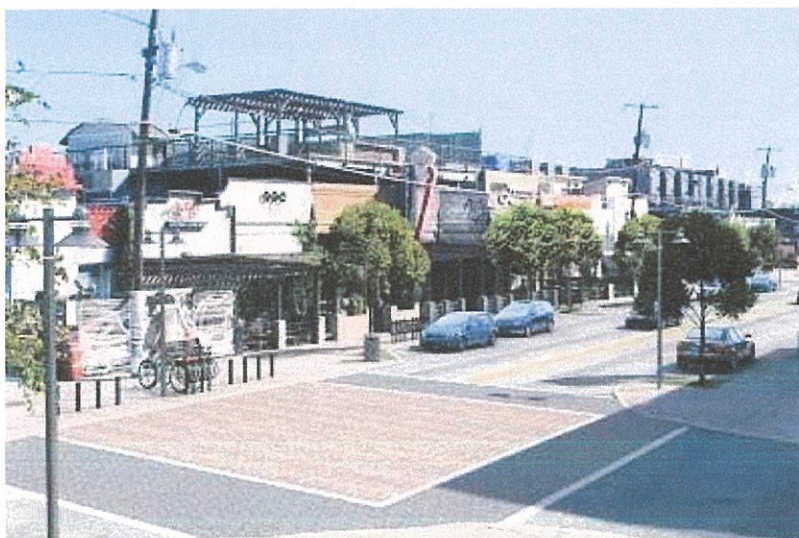


Photos taken from the Greenville Avenue and Alta intersection show the extreme juxtaposition from the completed section to north and the dated southern portion.





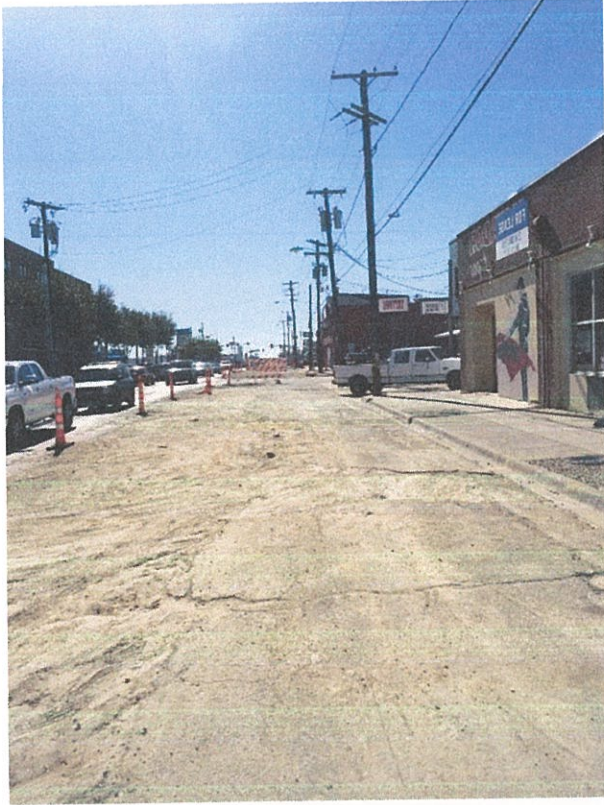
One story maintained that the operators of Dude, Sweet Chocolate attributes their success “to the completed construction” and the improved streetscape:







**Extreme Circumstance: Construction Continues:** Hope is on the way for the area. A Dallas Morning News story from the fall of last year reported that the street improvements for this area will begin soon. While welcome, the news story, according to brokers, simply makes prospective tenants rule the site out, since it will not be available until later in the year. The article notes that two way traffic will “mostly” continue. The article also maintains that certain detours will be necessary. The following photos shows the state of construction that has the area in front of the subject site closed.



Photos taken 31 January 2016

Extreme Deterioration of Adjacent Properties: The ordinance provides that the Board should consider that the condition of adjacent properties may affect the marketability of the subject site. In addition to

also being for rent, the property next door is in a state of disrepair and the appearance would be a



negative for anyone visiting the site.





*Photos taken 31 January 2016*

**Increase in Vacancy Rates in Area:** The ordinance provides that the Board may determine that vacancy rates in the area that impact the market may be considered. The applicant is handicapped by the fact that the adjacent business is also vacant and is in extremely poor condition. Even more worrisome is the fact that there are several vacant stores in the block immediately to the north where there are sidewalk improvements, pedestrian amenities, and street trees.





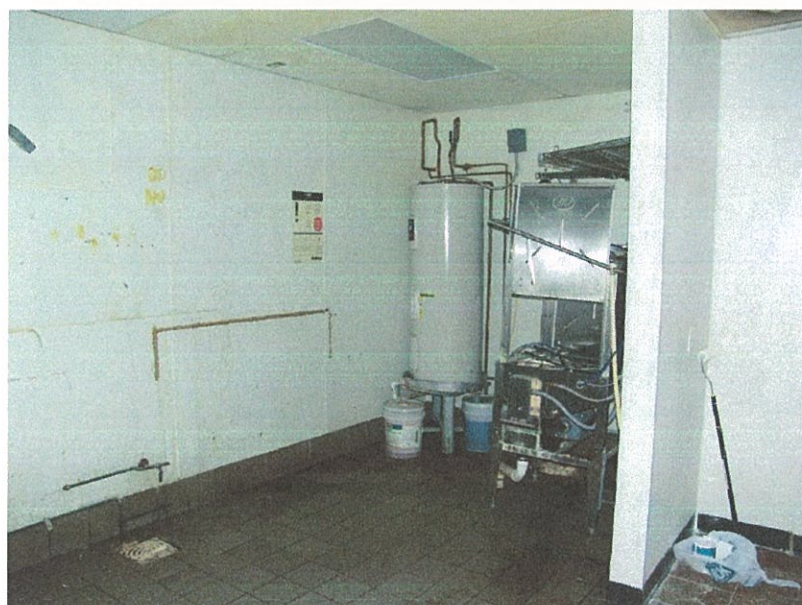
**Extreme Circumstance: Unprecedented Zoning Change:** Another highly unusual factor may have impacted the ability to lease the property. For the first time in city history, a location would be required to have an SUP to stay open after operators midnight. The Lakewood Advocate reported that longtime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

**Obsolescence of the Subject Property: Including Extensive Renovation or Remodeling:**

The building has serious internal problems making it necessary to make substantial tenant improvements. As Greenville Avenue has improved to the north, so too have demands and expectations of tenants. Unfortunately, the subject property is in fair to poor condition and needs major mechanical upgrades. Work is needed on the exterior of the building and the interior needs a complete kitchen. The existing HVAC system is aged. Additionally, depending on the land use and occupancy the building

may need upgrades to fire and life safety systems. In essence, the building is a shell and needs significant tenant improvements. Further, prospective tenants have expressed concerns about upgrading the building only to have a vacant and neglected building immediately adjacent.







*Photo taken 31 January 2016*

This progress began in 2010 and continues to the present and through this year. Ultimately, Greenville Avenue will be remade and every indication is that the entire area will be improved. The subject site, however, has not enjoyed these benefits and remains at a distinct disadvantage. These extreme circumstances have thwarted every good faith effort to occupy the building. Failure to award the delta credits would doom the facility to a near impossibility of use.

The applicant hopes that the Board recognizes the following considerations:

- The applicant never intentionally abandoned the property. Utilities remained on and the Weitzman Group attempted to lease the building the entire time.
- Angela Hunt's effort to provide a "complete street" left the subject property within the construction zone without receiving any improvements. Further, the construction was and remains highly impactful to both vehicles and pedestrians.
- At best the improvements will not be completed until this year.
- The existing streetscape is obsolete.
- The building directly adjacent is neglected and in poor repair.
- There are numerous buildings for rent nearby that are within the improved area and in better condition.





## Masterplan

TO: Steve Long, BDA Administrator  
FROM: Dallas Cothrum, Ph. D.  
Re: Executive Summary for BDA No. 156-010

18 February 2016

Please allow this memorandum to supplement my rather lengthy correspondence from 1 February. The applicant has learned that an additional consideration relating to the standards set forth by the 1987 ordinance is now relevant. Specifically, one of the standard maintains that Delta Credits may be reinstated by the Board if there is a finding based on "obsolescence of the subject property, including environmental hazards."

The assessment was conducted by a licensed Environmental Professional. The report was signed and sealed indicating its professional veracity and accuracy. The report noted that maintains that there is a "likely presence of a hazardous substance." This results from the fact that National Dry Cleaners operated directly adjacent to the site for "+/- 65 years". The report found that the dry cleaners was operating in 150, 1952, 1965 and 1970, according to Sanborn maps. As such "a high environmental risk connected with the subject site at this time."

This is further evidence that extreme circumstances exist and that the applicant has met numerous examples of provided in the ordinance. Importantly, there is not a requirement that an applicant meet every condition—only one. In this instance, I am hopeful that the Board recognize that there was never any intention to abandon the property and that the owner will take careful scrutiny of the fact that the owner has suffered from:

- The extreme circumstance of suffering from all the construction, detours, and pedestrian impediments, while not receiving any of the street improvements.
- Construction has taken place largely from 2011 to the present and will continue this year.
- The subject property is obsolete in many ways. (Though the owner has made improvements to the property in an effort to attract a tenant.)
- The adjacent property is in an extreme state of disrepair.
- There are numerous vacant properties near the site. Some of these are in the area that already has been improved.



# EnviroScreen® (RSRA): Environmental Risk Review

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

**EP RISK RATING:**

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

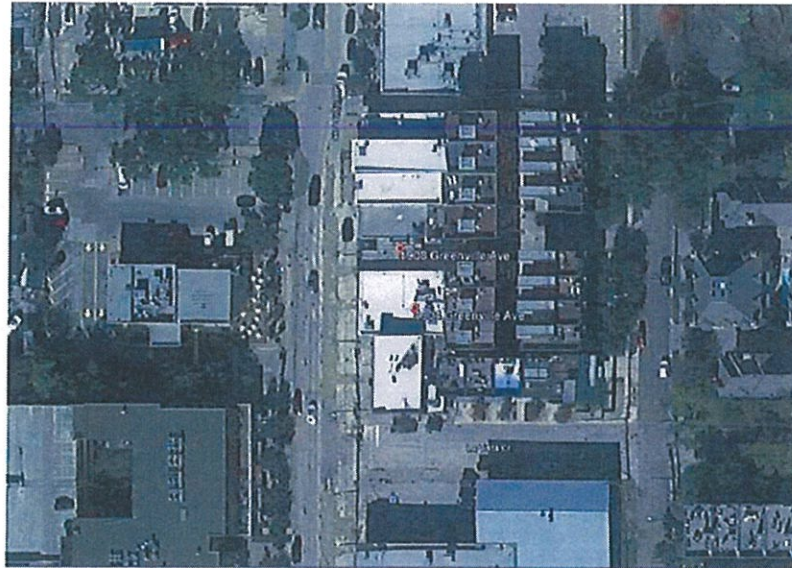
**RECOMMENDATIONS:**

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

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



EnviroScreen® Report – Project #-5831  
Commercial Property  
1904 1908 Greenville Ave ~ Dallas, TX 75206  
February 11, 2016



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

### Environmental Professionals:



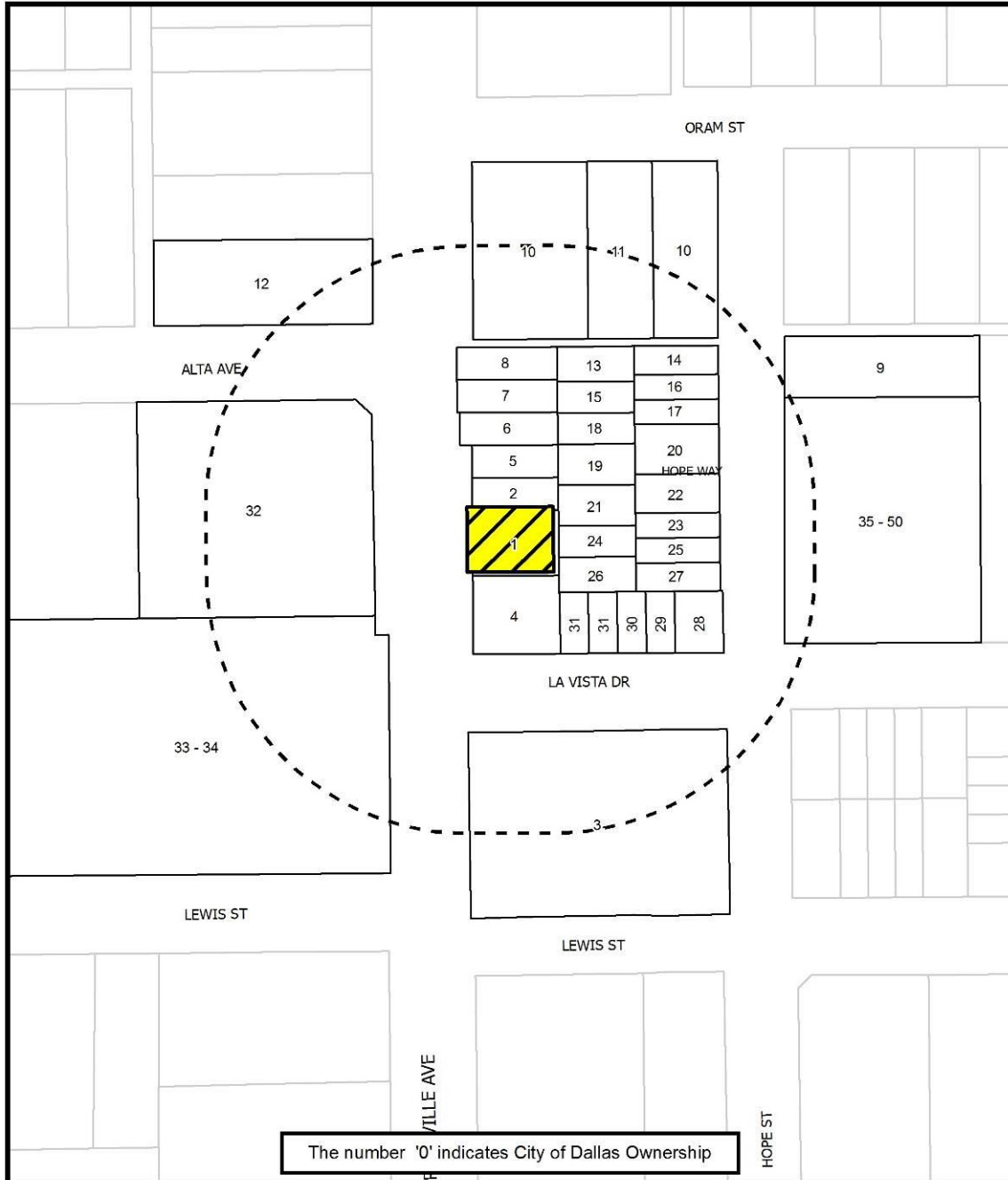
Chris Johnson, CHMM  
Senior Project Manager/Principal

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

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## *Notification List of Property Owners*

**BDA156-010**

**50 Property Owners Notified**

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1904 GREENVILLE AVE	GALANIS CHRIS V ETAL
2	1908 GREENVILLE AVE	BATM PROPERTIES LP
3	1802 GREENVILLE AVE	1800 GREENVILLE PARTNERS LLC
4	1900 GREENVILLE AVE	TRUST REAL ESTATE
5	1910 GREENVILLE AVE	MORENO RICHARD
6	1912 GREENVILLE AVE	CAMPBELL OLIVER
7	1914 GREENVILLE AVE	CHAPLIN JACK ET AL
8	1916 GREENVILLE AVE	SHORT STACK LLC
9	1916 HOPE ST	LANDE GREENVILLE AVE LLC
10	5712 ORAM ST	LOWGREEN PS
11	5710 ORAM ST	SOURIS GEORGIA REVOCABLE TRUST
12	1903 GREENVILLE AVE	LOWGREEN PS
13	1919 HOPE WAY	NGUYEN NGOC DIEP
14	1922 HOPE WAY	PLUMP JONATHAN R
15	1917 HOPE WAY	SPIEGEL ROSS ADAM
16	1920 HOPE WAY	ISAACSON CHRISTOPHER M
17	1918 HOPE WAY	MARCH SEAN
18	1915 HOPE WAY	ALARCON WALDO & YAZMIN R
19	1913 HOPE WAY	HERNDON LINDSEY
20	1916 HOPE WAY	VALLOPILLIL SURESH J
21	1911 HOPE WAY	NIEHUUS MICHAEL
22	1912 HOPE WAY	CRAVENS KIMBERLY A
23	1910 HOPE WAY	DANISH DAVID
24	1909 HOPE WAY	KEEPMAN MATTHEW
25	1908 HOPE WAY	GANDHI ANUPAMA K
26	1907 HOPE WAY	BAILEY TERRENCE V

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	1906 HOPE WAY	ROSS MICHELLE M
28	5715 LA VISTA DR	CATHCART DAVID
29	5713 LA VISTA DR	CHIANG THOMAS S &
30	5711 LA VISTA DR	WHITE JULIUS
31	5709 LA VISTA DR	SHANE MARIO M & RACHELLE
32	1827 GREENVILLE AVE	LOWGREEN PS
33	1811 GREENVILLE AVE	WRPV XI VUE GV DALLAS LP
34	1811 GREENVILLE AVE	GREENWAY GREENVILLE LP
35	1910 HOPE ST	MOJICA EDWARD
36	1910 HOPE ST	SNAVELY CAROLINE M
37	1910 HOPE ST	YOUSEY AARON M & KATHLEEN P
38	1910 HOPE ST	KUPERMAN YELENA
39	1910 HOPE ST	CROUCH EDIE D
40	1910 HOPE ST	DE LA CERDA PEDRO &
41	1910 HOPE ST	BEAHM CYNTHIA DIANE
42	1910 HOPE ST	RADIGAN MEGAN M
43	1910 HOPE ST	UTKOV GARY S & CAROL C
44	1910 HOPE ST	KOBAYASHI AARON S &
45	1910 HOPE ST	MERZ RYAN E
46	1910 HOPE ST	HOPE STREET RENTAL COMPANY LLC
47	1910 HOPE ST	ANKERSEN KRISTEN A
48	1910 HOPE ST	FONT JORGE & MARY
49	1910 HOPE ST	VITALE JOSEPH K & ANNE
50	1910 HOPE ST	BREWSTER LLOYD R & DANA L