

ZONING BOARD OF ADJUSTMENT, PANEL C  
MONDAY, APRIL 16, 2018  
AGENDA

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BRIEFING	5ES 1500 MARILLA STREET DALLAS CITY HALL	11:00 A.M.
PUBLIC HEARING	COUNCIL CHAMBERS 1500 MARILLA STREET DALLAS CITY HALL	1:00 P.M.

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

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**MISCELLANEOUS ITEM**

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Approval of the March 19, 2018 Board of Adjustment Panel C Public Hearing Minutes	M1
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**UNCONTESTED CASE**

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<b>BDA178-044(OA)</b> 5947 Morningside Avenue <b>REQUEST:</b> Application of Steve Chambers for special exceptions to the visual obstruction regulations	1
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**REGULAR CASES**

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<b>BDA178-046(SL)</b> 4513 Gaston Avenue <b>REQUEST:</b> Application of Jonathan Vinson to appeal the decision of the administrative official	2
<b>BDA178-039(SL)</b> 4513 Gaston Avenue <b>REQUEST:</b> Application of Jonathan Vinson for a special exception to the nonconforming use regulations to restore a nonconforming group residential facility use	3

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## EXECUTIVE SESSION NOTICE

A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

1. seeking the advice of its attorney about pending or contemplated litigation, settlement offers, or any matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. [Tex. Govt. Code §551.071]
2. deliberating the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.072]
3. deliberating a negotiated contract for a prospective gift or donation to the city if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.073]
4. deliberating the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing. [Tex. Govt. Code §551.074]
5. deliberating the deployment, or specific occasions for implementation, of security personnel or devices. [Tex. Govt. Code §551.076]
6. discussing or deliberating commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay or expand in or near the city and with which the city is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect. [Tex Govt. Code §551.087]
7. deliberating security assessments or deployments relating to information resources technology, network security information, or the deployment or specific occasions for implementations of security personnel, critical infrastructure, or security devices. [Tex. Govt. Code §551.089]

**FILE NUMBER:** BDA178-044(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Steve Chambers for special exceptions to the visual obstruction regulations at 5947 Morningside Avenue. This property is more fully described as Lot 12, Block D/2865, and is zoned CD 11, which requires a 20 foot visibility triangle at alleys and at driveway approaches. The applicant proposes to maintain items in required visibility triangles, which will require special exceptions to the visual obstruction regulations.

**LOCATION:** 5947 Morningside Avenue

**APPLICANT:** Steve Chambers

**REQUESTS:**

Requests for special exceptions to the visual obstruction regulations are made to maintain a 6' 2" high solid wood fence with a 6' high swing wood gate in the two 20' visibility triangles on both sides of the driveway into the site from Concho Street, and in the 20' visibility triangle at where the alley meets Concho Street on a site developed with a single family home.

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

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

**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

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

Rationale:

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

## **BACKGROUND INFORMATION:**

### **Zoning:**

Site: CD 11 (Conservation District)  
North: CD 11 (Conservation District)  
South: CD 11 (Conservation District)  
East: CD 11 (Conservation District)  
West: CD 11 (Conservation District)

### **Land Use:**

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

### **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:**

- These requests for special exceptions to the visual obstruction regulations focus on maintaining a 6' 2" high solid wood fence with a 6' high swing wood gate in the two 20' visibility triangles on both sides of the driveway into the site from Concho Street, and in the 20' visibility triangle at where the alley meets Concho Street on a site developed with a single family home.
- Section 51A-4.602(d) of the Dallas Development Code states the following: a person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
  - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections, and 20 foot visibility triangles at drive approaches and at alleys on properties zoned single family); and
  - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).
- The property is located in Conservation District 11 which requires the portion of a lot with a triangular area formed by connecting together the point of intersection of the edge of a driveway or alley and the adjacent street curb line (or, if there is no street curb, what would be the normal street curb line) and points on the driveway or alley edge end the street curb line 20 feet from the intersection.



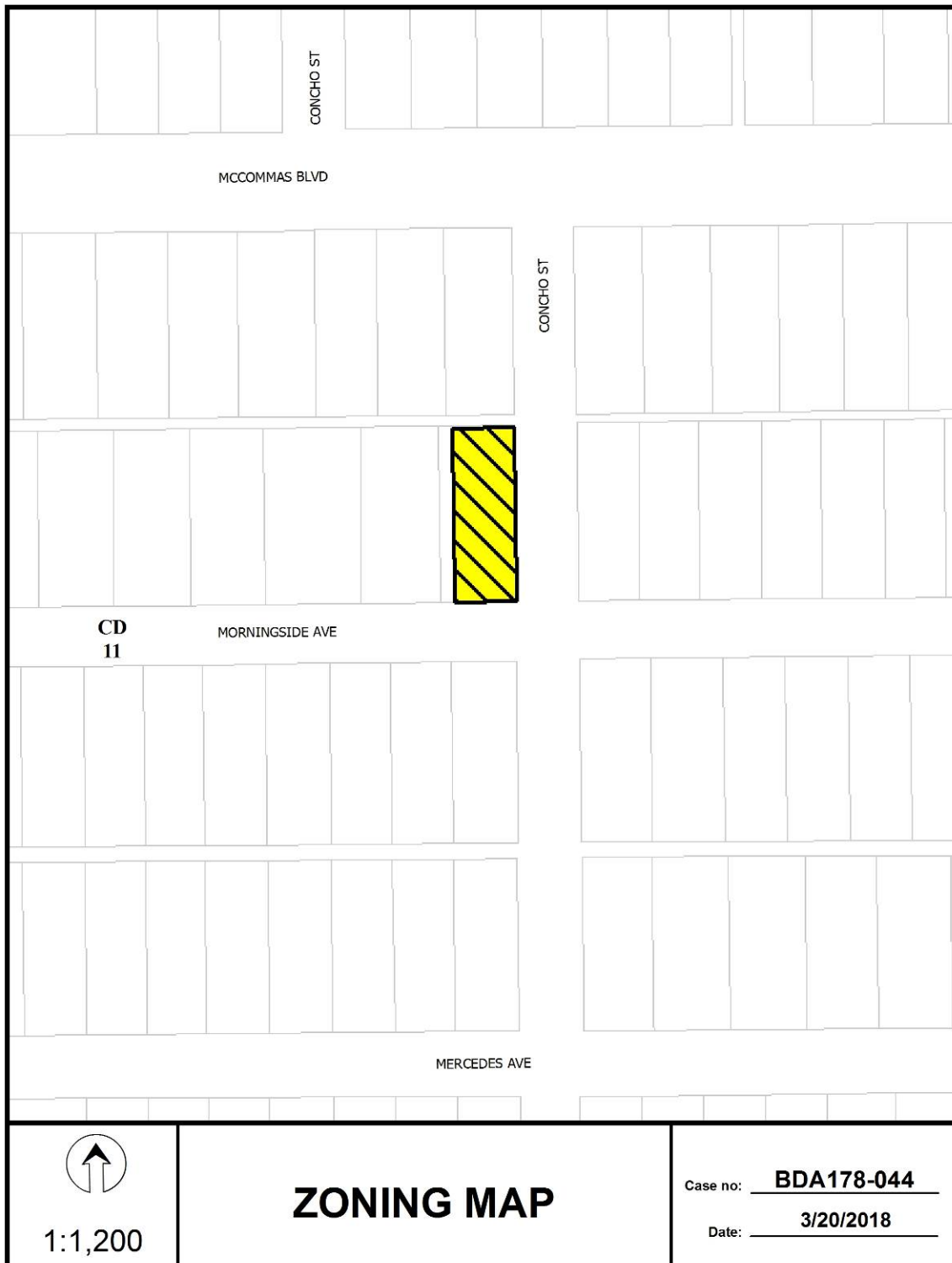
- A site plan and site plan/elevation have been submitted indicating portions of a 6'2" high solid wood fence with a 6' high swing wood gate in the two 20' visibility triangles on both sides of the driveway into the site from Concho Street, and indicating portions of a 6'2" high solid wood fence with a 6' high swing wood gate located in the 20' visibility triangle at where the alley meets Concho Street.
- The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked "Has no objections".
- The applicant has the burden of proof in establishing how granting the requests for special exceptions, to the visual obstruction regulations, to maintain a 6' 2" high solid wood fence with a 6' high swing wood gate in the two 20' visibility triangles on both sides of the driveway into the site from Concho Street, and in the 20' visibility triangle at where the alley meets Concho Street, do not constitute a traffic hazard.
- Granting these requests with a condition imposed that the applicant complies with the submitted site plan and elevation would limit the items to be maintained in the 20' drive approach visibility triangles into the site from Concho Street and in the 20' visibility triangle where the alley meets Concho Street, to that what is shown on these documents – a 6' 2" high solid wood fence and a 6' high wood swing gate.

**Timeline:**

- February 22, 2018: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- March 13, 2018: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- March 14, 2017: The Sustainable Development and Construction Department Senior Planner emailed the applicant/owner the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the March 28<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the April 6<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
  - the criteria/standards that the board will use in their decision to approve or deny the requests; and
  - The Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

April 3, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the April public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Project Engineer, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

April 4, 2018: The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked "Has no objections".





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# AERIAL MAP

Case no: BDA178-044

Date: 3/20/2018





City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-044

Data Relative to Subject Property:

Date: 2/22/18

Location address: 5947 Morningside Avenue Zoning District: CD11  
12 and ten feet off the entire east side of lot 11  
Lot No.: 1 Block No.: D/2865 Acreage: .19 Census Tract: 2.02

Street Frontage (in Feet): 1) 67' 2) no alley 3) 141' 4) \_\_\_\_\_ 5) \_\_\_\_\_  
condo

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Kimberly Hansen and Steve Chambers

Applicant: Kimberly Hansen and Steve Chambers Telephone: Kim) 214-415-3054

Mailing Address: 5947 Morningside Avenue APT B Zip Code: 75206

E-mail Address: kim-hansen@tpnretail.com

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

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

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

Affirm that an appeal has been made for a Variance \_\_\_\_\_, or Special Exception , of the 20'x20' visibility triangle located at the alley and driveway

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:

New cedar pickets were attached to the existing 18 year old metal posts before this code existed? or was enforced. The neighbors love the fence, have thanked us and complimented that it improves the look of the street and neighborhood overall. The fence is aligned to the aesthetics of the neighborhood and on the same sight lines as other fences on the street. Many have asked for contractor to build similar.

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 Kim Hansen Steve Chambers  
(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: Kim Hansen Steve Chambers  
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 22 day of FEBRUARY, 2018  
PHILIP BONA KELTON JR  
My Commission Expires July 11, 2019

Philip Bona Kelton Jr  
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 Steve Chambers

did submit a request for a special exception to the visibility obstruction regulations  
at 5947 Morningside Avenue

BDA178-044. Application of Steve Chambers for a special exception to the visibility obstruction regulations at 5947 Morningside Avenue. This property is more fully described as Lot 12, Block D/2865, and is zoned CD-11, which requires a 20 foot visibility triangle at driveway approaches. The applicant proposes to construct a single family residential fence structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official



SKILLMAN ST

R-7.5(A)

MCCOMMAS BLVD

CONCHO ST

CONCHO ST

D(A)

REVERE PL

CD  
11

MORNINGSIDE AVE

MERCEDES AVE

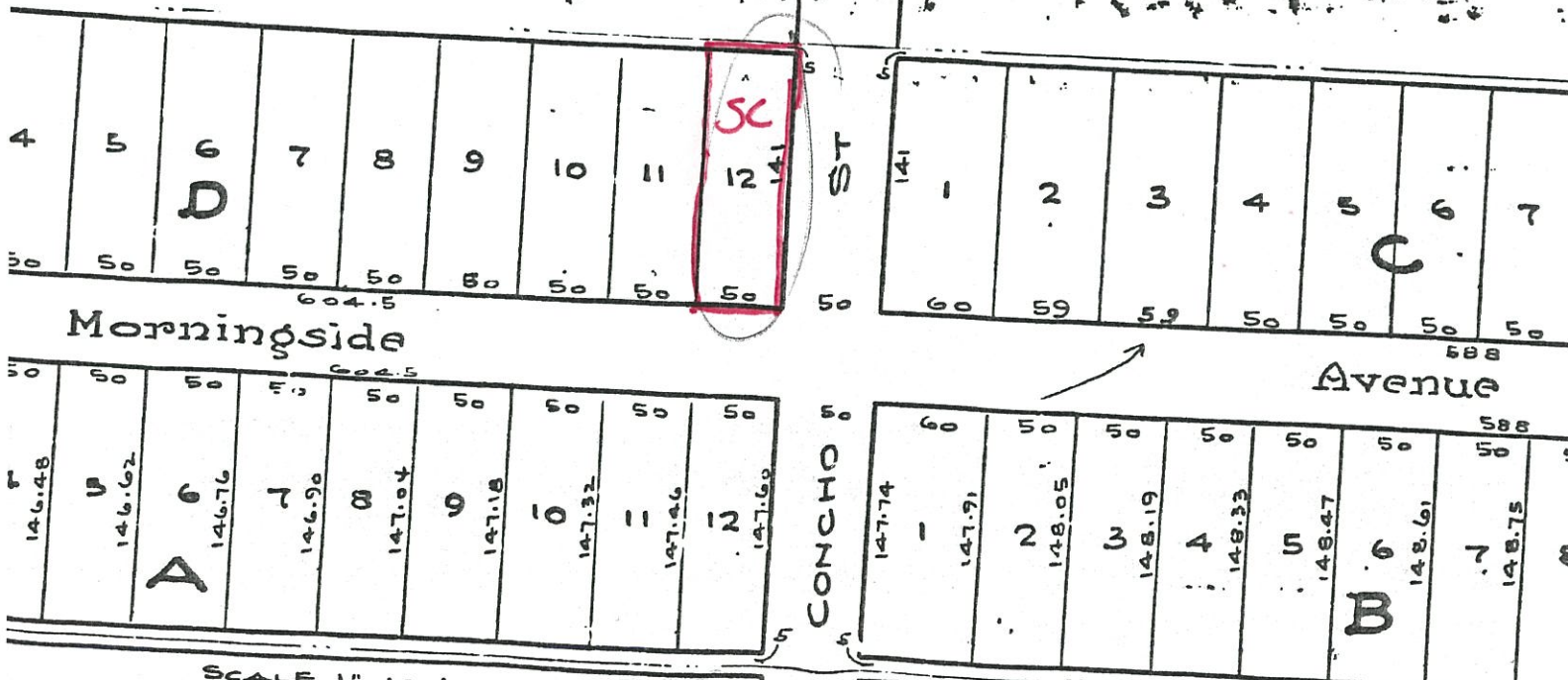
DELMAR AVE

DELMAR AVE

MARTEL AVE



# Greenville Crest Number Three



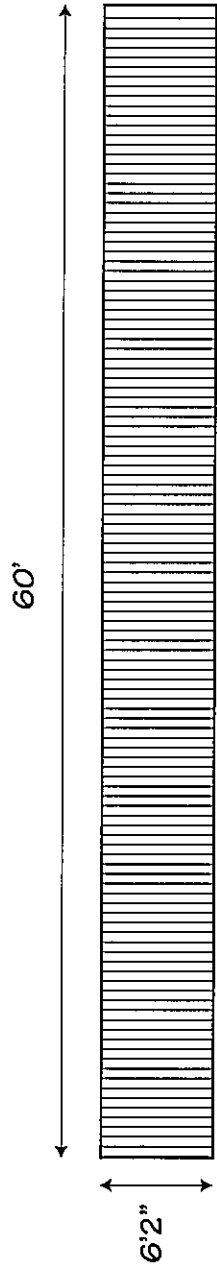
SCALE 1" = 100'  
JAN. 15, 1925

The error of ~~the map~~ in the recording of this  
has been corrected pursuant to Law of the State  
Noted upon this record this 2<sup>nd</sup> day of Oct  
1925, County Clerk, By *Ed. McCall*

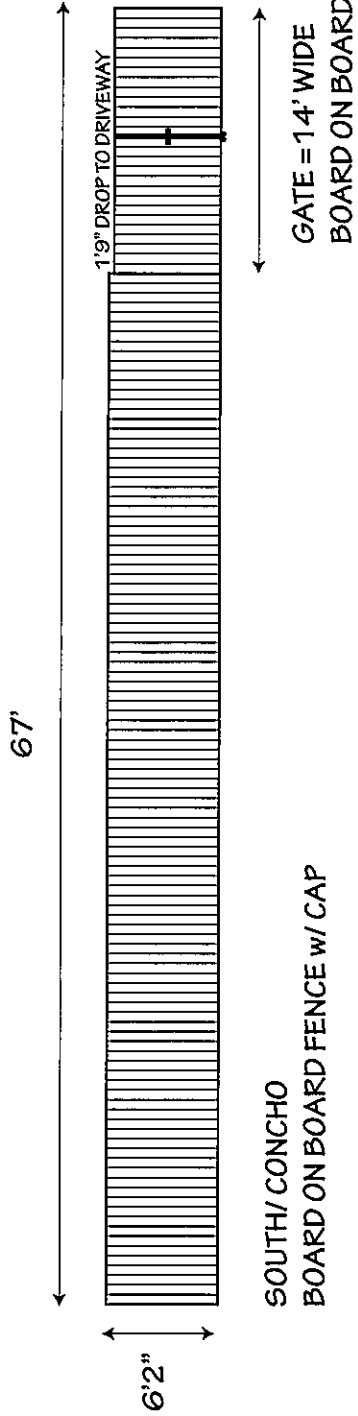




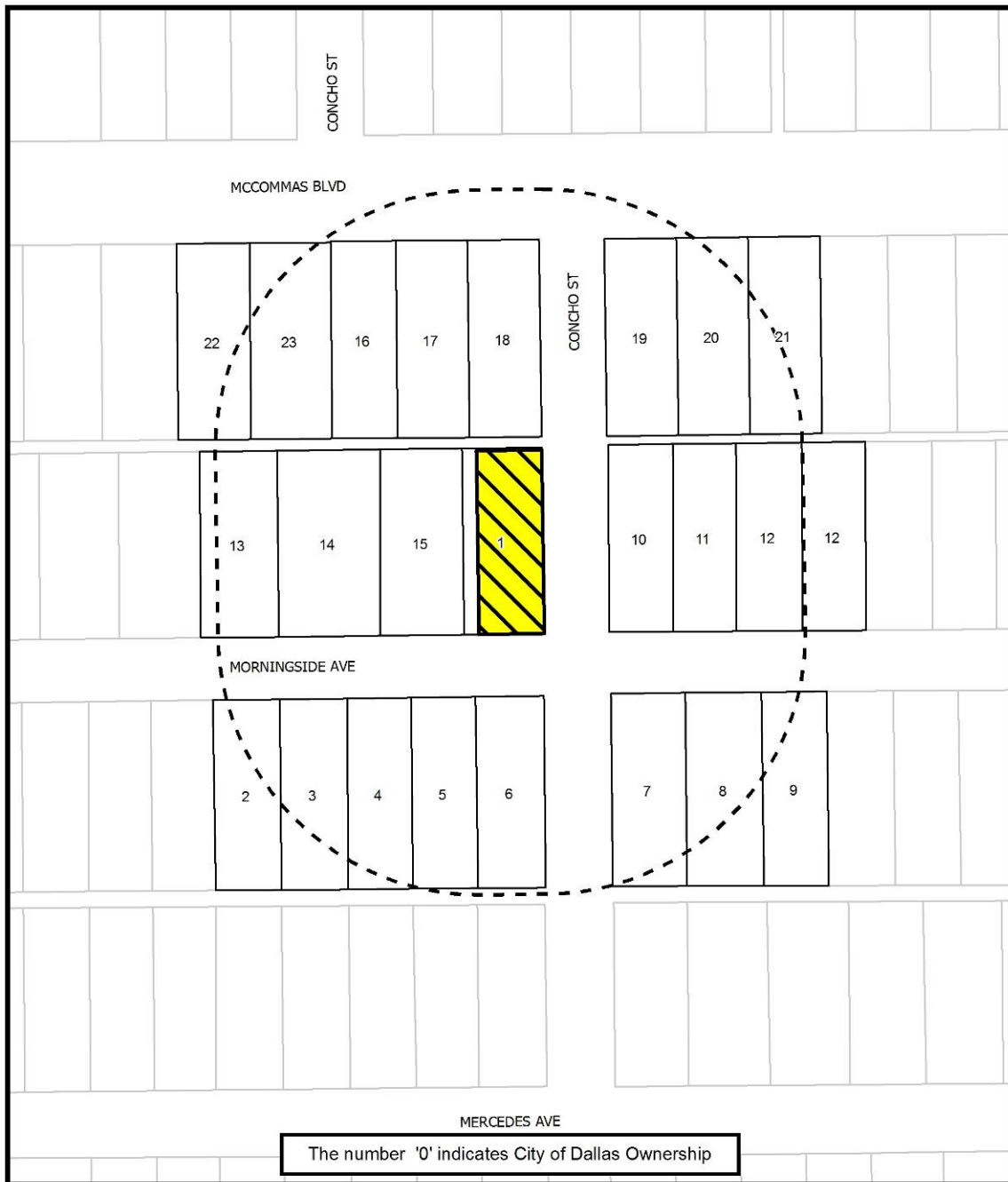
5947 MORNINGSIDE AVE.  
SCALE: 1" = 10'



EAST / ALLEY  
BOARD ON BOARD FENCE w/ CAP



SOUTH/ CONCHO  
BOARD ON BOARD FENCE w/ CAP



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# NOTIFICATION

**200'** AREA OF NOTIFICATION  
**23** NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA178-044**

Date: **3/20/2018**

## *Notification List of Property Owners*

***BDA178-044***

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

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	5947 MORNINGSIDE AVE	HANSEN KIMBERLY &
2	5928 MORNINGSIDE AVE	O B A INC
3	5932 MORNINGSIDE AVE	PAYNE ROBERT B
4	5938 MORNINGSIDE AVE	SHAW MARJORIE
5	5940 MORNINGSIDE AVE	BEAZLEY LAURA
6	5944 MORNINGSIDE AVE	ROBERTSON TAYLOR &
7	6002 MORNINGSIDE AVE	HOWARD MARTIN P
8	6006 MORNINGSIDE AVE	NCRS LLC
9	6010 MORNINGSIDE AVE	SUTTON ASHLEY &
10	6001 MORNINGSIDE AVE	COWAN J STEPHEN JR
11	6007 MORNINGSIDE AVE	CLEMENTS RICHARD L
12	6011 MORNINGSIDE AVE	OHLAND BILL M
13	5929 MORNINGSIDE AVE	BROUILLETTE MARY A
14	5935 MORNINGSIDE AVE	HICKS PAUL JASON
15	5941 MORNINGSIDE AVE	OHLAND BILL
16	5938 MCCOMMAS BLVD	GIEBLER KEVIN & SUE ANN
17	5942 MCCOMMAS BLVD	MORGAN NEAL & LINDSEY
18	5946 MCCOMMAS BLVD	LAU TONY T & YINBO XU
19	6000 MCCOMMAS BLVD	CARNES KEVIN &
20	6006 MCCOMMAS BLVD	THOMAS NANCY A
21	6010 MCCOMMAS BLVD	MUNRO ROBERT D &
22	5930 MCCOMMAS BLVD	ZINN MICHAEL WILLIAM
23	5934 MCCOMMAS BLVD	HOOFARD RONALD LEE &

**FILE NUMBER:** BDA178-046(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Jackson Walker, represented by Jonathan G. Vinson, to appeal the decision of the administrative official at 4513 Gaston Avenue. This property is more fully described as Lot 2, Block 1/769, and is zoned PD 362 (Subarea 3A), (H/72), which requires that the building official shall revoke a certificate of occupancy if the building official determines that the certificate of occupancy was issued on the basis of false, incomplete, or incorrect information; the use is being operated in violation of the Dallas Development Code, other city ordinances, rules, or regulations, or any county, state, or federal laws or regulations. The applicant proposes to appeal the decision of an administrative official in the revocation of a certificate of occupancy.

**LOCATION:** 4513 Gaston Avenue

**APPLICANT:** Jackson Walker  
Represented by Jonathan G. Vinson

**REQUEST:**

A request is made "to appeal the decision of the Building Official per letter dated February 2, 2018, to reverse a November 28, 2017, determination letter (copy attached) confirming legal nonconforming rights for the use".

Note that another application is made on this property where the same applicant is requesting a special exception to restore/reinstate nonconforming use rights for a "group residential facility" use on the subject site that was discontinued for a period of six months or more is made to obtain a Certificate of Occupancy (CO) from Board of Adjustment Panel C on April 16, 2018: BDA178-039.

The applicant is aware of the fact that if the Board grants this request (BDA178-046) and reverses the decision of the Building Official that the request for a special exception to restore/reinstate nonconforming use rights for a "group residential facility" use on the subject site (BDA178-039) will not be necessary.

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

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

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

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

**Zoning:**

Site: PD 362 (Subarea 3A)(H/72) (Planned Development)(Historic)  
North: R-7.5(A)(H/72) (Single family residential 7,500 square feet)(Historic)  
South: PD 362 (Subarea 3)(H/72) (Planned Development)(Historic)  
East: PD 362 (Subarea 3)(H/72) (Planned Development)(Historic)  
West: PD 362 (Subarea 3)(H/72) (Planned Development)(Historic)

**Land Use:**

The subject site is developed with, according to DCAD, an apartment built in 1910. The areas to the north and east are developed with single family uses, the area to the south is developed with multifamily uses, and the area to the west is developed with a vacant retail use.

**Zoning/BDA History:**

1. BDA178-039, Property at 4513 Gaston Avenue (the subject site) On April 16, 2018, the Board of Adjustment Panel C will hold a public hearing to consider a request for a special exception to restore/reinstate nonconforming use rights for a “group residential facility” use on the subject site that was discontinued for a period of six months or more is made to obtain a Certificate of Occupancy (CO) for this use.

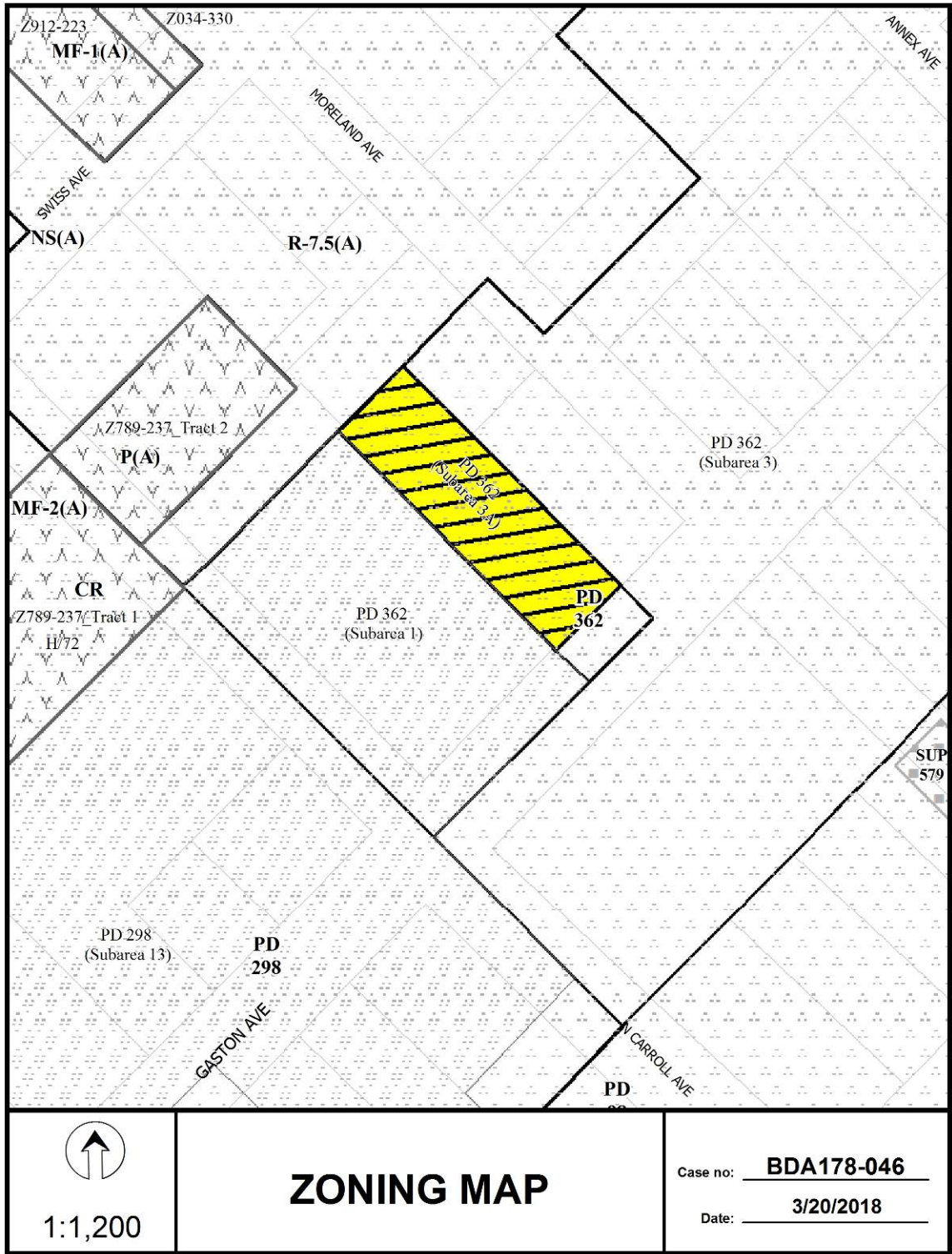
**GENERAL FACTS/STAFF ANALYSIS:**

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

**Timeline:**

- March 1, 2018: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- March 13, 2018: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

- March 13, 2018: The Board Administrator emailed the applicant the following information:
- an attachment that provided the appeal date and panel that will consider the appeal; the March 28<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis (with a notation that staff does not form a recommendation on this type of appeal); and the April 6<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
  - the outline of procedure for appeals from decisions of the building official to the board of adjustment; and
  - the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."
- March 26, 2018: The Sustainable Development and Construction Department Chief Planner Historic Preservation emailed the Board Administrator/Chief Planner the following: "BDA178-039 and BDA178-046 for 4513 Gaston Avenue, the Applicant has been working with the Landmark Commission on proposed renovations to the exterior of the existing structure and additions to the rear".
- March 28, 2018: The applicant submitted additional documentation on this appeal to the Board Administrator beyond what was submitted with the original application (see Attachment A).
- April 3, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the April public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Project Engineer, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.
- No review comment sheets were submitted in conjunction with this application.
- April 6, 2018: The applicant submitted additional documentation on this appeal to the Board Administrator beyond what was submitted with the original application (see Attachment B).
- April 6, 2018: The assistant city attorney assisting the administrative official submitted documentation on this appeal to the Board Administrator (see Attachment C).



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# ZONING MAP

Case no: BDA178-046

Date: 3/20/2018





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# AERIAL MAP

Case no: BDA178-046

Date: 3/20/2018

March 28, 2018

Via Scan/Email

Mr. David Cossum, Director, and City Staff  
Department of Sustainable Development and Construction  
City of Dallas  
1500 Marilla Street, Room 5BN  
Dallas, Texas 75201

Re: BDA 178-039 and BDA 178-046; 4513 Gaston Avenue.

Dear Members of the City Staff:

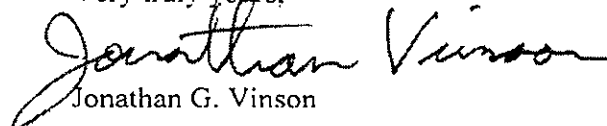
We are sending you this letter with regard to our two pending Board of Adjustment appeals, both for property located at 4513 Gaston Avenue, these being BDA 178-046, an appeal of a decision of an administrative official, and BDA 178-039, a special exception to reinstate or restore a nonconforming use that allegedly, although we disagree with that premise, had been discontinued for six months or more.

Normally, as you know, it is my practice to provide additional information to the City Staff in preparation for the Staff team meeting on Board of Adjustment requests, including an outline of our position, how we need the relevant standards, relevant exhibits and attachments, and other items. However, in this instance, I understand from Mr. Steve Long's March 13, 2018, emails to me on both of these cases that the Current Planning Staff does not form or make recommendations on either of these requests.

In light of Staff not forming recommendations on either of these items, I will certainly provide those materials to Mr. Long in time to be included in the Panel C packet by the Friday, April 6 deadline as provided to us. I can, however, assure you that we are confident in our position on both of our requests, and we look forward to presenting our evidence to the Board that we meet the applicable standards and that our requests should be approved.

The purpose of this letter is simply to inform Staff that we are continuing to assemble significant evidence in support of both of our requests, and that we will be presenting those in written form for the Board packet, as well as at the public hearing on April 16. As always, we appreciate your attention and consideration. Thank you very much.

Very truly yours,

  
Jonathan G. Vinson

BDA178-046

Attach A

ps 2

cc: Mary Shuford  
Lisa Kroencke  
Walt Mountford  
Hector Patino





Jonathan G. Vinson  
(214) 953-5941 (Direct Dial)  
(214) 661-6809 (Direct Fax)  
jvinson@jw.com

April 6, 2018

Via Scan/Email

Hon. Chair and members, Board of Adjustment Panel C  
c/o Mr. David Cossum, Director, and City Staff  
Department of Sustainable Development and Construction  
City of Dallas  
1500 Marilla Street, Room 5BN  
Dallas, Texas 75201

**Re: BDA 178-046 (Appeal of Decision of Administrative Official); and  
BDA 178-039 (Special Exception to Reinstate or Restore a Nonconforming  
Use); 4513 Gaston Avenue.**

Dear Members of Panel C:

**I. Introduction.** We are sending this letter through the City Staff for inclusion in your Board packet to explain the background of our requests, which are factually related and thus, both covered in this one letter: how we meet the required standard for each request; and to respectfully ask for your *approval* of our requests, first of our appeal under BDA 178-046, and secondarily of our special exception requested under BDA 178-039. I will describe for you below the chronology of events leading up to our current situation. Following this letter is a List of Attachments, with the referenced attachments following.

**A. The Magdalen House.** The Magdalen House is a supportive and educational environment in a home-like setting for the purpose of helping women achieve sobriety and sustain recovery from addiction at no cost. This is very clearly a much-needed program and is a tremendous benefit to our community. *Attachment 1* is the "About Us" page from the Magdalen House website. *Attachment 2* is a February 1, 2009 article from the *Lakewood Advocate*, describing the Magdalen House program and the positive impact it has on people's lives. *Attachment 3* is a copy of the recent Capital Campaign presentation, explaining the critical need for the Magdalen House to be able to move from its current location on Redwood Drive in East Dallas, where it has been an excellent neighbor since 1987. I would refer you to all these materials, as well as the Magdalene house website at [www.magdalenhouse.org](http://www.magdalenhouse.org).

**B. Outreach to Neighbors.** A Zoning Map excerpt showing the 4513 Gaston site is attached as *Attachment 4*. You should also be aware that the Magdalen House has done considerable outreach, both individually and collectively, to our neighbors, including numerous contacts with the immediate neighbors who raised various questions, which were immediately addressed. Our architects at OmniPlan also have been pursuing a Certificate of Appropriateness for the planned extensive improvements to the property through the required public process, including meeting with the Peak's Suburban Addition Task Force, which recommended approval, and then going to the Landmark Commission, which approved our Certificate of Appropriateness.

Hon. Chair and members, Board of Adjustment Panel C  
 c/o Mr. David Cossum, Director, and City Staff  
 April 6, 2018

Every time one of our neighbors has raised a question, the Magdalen House team has immediately addressed it. In fact, one neighbor responded so positively to our response that she emailed back and said *"Thank you for your response and addressing each of our concerns. The road to recovery is a difficult one. We fully support and working as a show that is helping women with that journey"*. The Magdalen House staff will also be at the hearing and can address in detail the various conversations that have taken place, but it is safe to say that we have been very proactive in reaching out to and responding to our neighbors, and they are fully aware of the Magdalen House presence.

II. **BDA 178-046 (Appeal of Decision of Administrative Official)**. Our request in BDA 178-046 is to appeal a decision of the Building Official, as stated in a letter dated February 2, 2018, to revoke a Certificate of Occupancy for a Group Residential Facility for property owned by the Magdalen House at 4513 Gaston Avenue. We strongly believe that the Magdalen House should receive a Certificate of Occupancy for their use as a legal nonconforming use at this location.

The Magdalen House is currently located at 1402 Redwood Circle in East Dallas, and has been located there and by all accounts has been an excellent neighbor for many years. However, that house is badly in need of repair, which repairs would not be cost-effective for a nonprofit. Thus, Magdalen House located and placed 4513 Gaston under contract. The P.D. 362 (*Attachment 5*) zoning refers back to Sec. 51A-4.209(2)(B) of the Development Code (*Attachment 6*), which requires an S.U.P. for a Group Residential Facility if within 1,000 feet of another Group Residential Facility (or "GRF") or Handicapped Group Dwelling Unit.

In order to be sure we knew what our entitlements were, we inquired of Building Inspection on October 18, 2017, if an S.U.P. would be required (*Attachment 7*). That review was carried out by the Staff and we received a letter dated October 26, 2017, stating that there was another GRF at 4707 Gaston, within 1,000 feet of 4513 Gaston (*Attachment 8*).

However, we were able to determine from the City's records (*Attachment 9*) that the use at 4707 Gaston had only had a C.O. for the GRF since October 5, 2012, while the two at 4513 Gaston were C.O.d on October 17, 2001, and October 21, 2005, so prior in time to the one at 4707 Gaston. Since C.O.s don't expire unless they are affirmatively terminated, this would simply be *a continuation of the same use*, with simply a change in ownership. Therefore, the C.O. for a GRF at 4513 Gaston should benefit from having been issued prior to the one at 4707 Gaston, within 1,000 of 4513 Gaston Avenue.

In other words, the GRF use at 4513 Gaston had been C.O.d long before the GRF at 4707 Gaston. What this means, in turn, is that the GRF use at 4513 Gaston was, and is, a legal nonconforming use, that is, "grandfathered", since it was there prior to the GRF at 4707 Gaston. We requested confirmation of that, providing information from the City's online records as well as other information. Note that under Sec. 51A-4.702(a)(2) (*Attachment 10*), the right to operate a nonconforming use ceases if the use is discontinued for six months or more, but we provided information showing that the use had not been discontinued. The Staff considered our position and on November 28, 2017, issued a letter confirming that the use at 4513 Gaston had maintained its legal nonconforming status (*Attachment 11*).

Hon. Chair and members, Board of Adjustment Panel C  
c/o Mr. David Cossum, Director, and City Staff  
April 6, 2018

Based on that determination, Magdalen House proceeded to close on the 4513 Gaston property on December 15, 2017. Magdalen House applied for a new Certificate of Occupancy, based on change of ownership as required by the City Code. Magdalen House subsequently received a letter dated February 2, 2018, stating that the C.O. was revoked because it was "issued in error", apparently because Staff changed its view of the continuity of the operation of the previous GRF use on the property (*Attachment 12*).

The Building Official's decision was based on a supposition that the use had gone vacant for more than six months, thus losing its legal nonconforming rights. We have testimony from the previous owner and users of the facility, included with this letter, stating that the use was, in fact, being used continuously and had not gone vacant for six months prior to the application for a new Certificate of Occupancy. Therefore, the decision of the building official should be reversed based on our appeal to you.

The items we had provided to Staff included an AT&T bill from June and a bus pass invoice, but I also stated in a November 28, 2017, email to Ms. Kay that the current owner/operator had confirmed for us that he and his organization had continued to use the property for a number of functions of the Group Residential Facility use, including recreational activities for program participants, and had no intention at all to cease all functions there and vacate until the property was sold.

In other words, the property continued to operate as a Group Residential Facility use into August and September, even though the utilities were not on. Since there are not specific factual criteria in the Development Code as to what constitutes an intention to vacate a use, the prior owner/operator's stated intent, and continued use for certain functions being part of the use, should be dispositive.

We have also included for your consideration additional evidence of that continued use, including letters from Robert Rowling (the previous owner and operator (*Attachment 13*)), Caleb Parrette, the COO of the previous operator (*Attachment 14*), and Billy Kane (*Attachment 15*), a former resident, all confirming that the house was in continued use by them into September of 2017. We also have a letter of intent from the Ed Jarrett Company, dated February 15, 2017, to Mr. Robert Rowling (*Attachment 16*), outlining a construction project of approximately up to almost two years in total duration – not an undertaking which any owner would make had he not intended to stay and operate the use, that is, until Magdalen House appeared and offered to purchase it.

Finally, we have a copy of a Dallas Police Report from August 25, 2017 (*Attachment 17*), which was a result of a call from a neighbor who heard noise on the property – which turned out to be Billy Kane and another client using the gym on the property. In fact, the highlighted note on the report states that "Owner of property, Rawling, Robert, spoke to RO [*responding officer*] over phone and stated Kane, William was allowed on the property to work out".

Last, I have attached a copy of the previous GRF operator's Staff webpage, printed from the Internet on November 22, 2017, and still showing the 4513 Gaston Avenue address

BDA 178-039  
046

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P54

Hon. Chair and members, Board of Adjustment Panel C  
c/o Mr. David Cossum, Director, and City Staff  
April 6, 2018

(Attachment 18). The upshot of all of this, simply put, is that the previous GRF use at 4513 Gaston *did not* vacate the property for more than six months, thus Magdalen House should maintain its status as a legal nonconforming use and its Certificate of Occupancy should be restored.

**III. BDA 178-039 (Special Exception to Reinstate or Restore a Nonconforming Use).** Pursuant to Sec. 51A-4.704(a)(2) of the Development Code, "The right to operate a nonconforming use ceases if the nonconforming use is discontinued for six months or more. *The board may grant a special exception to this provision only if the owner can show that there was a clear intent not to abandon the use even though the use was discontinued for six months or more.*"

Even if you were to not grant our appeal in BDA 178-046, as discussed in great detail above, a position with which we would respectfully but strongly disagree in that we maintain that the property was still in use well within the six month window, you should still grant the above-described special exception upon demonstration of a "clear intent not to abandon the use".

I would reiterate for you all of the information provided above as regards the prior owner's continued use of the property, including use of the facilities for exercise; the February letter of intent; and the short close when Magdalen House contracted to purchase the property. This all shows clearly that the previous owner and operator had every intention of continuing to use the property, but was presented with an opportunity to sell it and agreed to do so. The owner intended to continue the use of the property until such time as it sold and was transferred to new ownership.

As stated above, we are also providing all of the attachments referred to above for your review. I would ask that you review those materials for detailed information on the reason for our appeal and how we meet all of the required standards for the granting of our requested appeal.

**IV. Conclusion.** Thank you very much for your consideration of our points. We will respectfully be asking at our April 16 public hearing that you approve our requests. Thank you very much.

Very truly yours,

  
Jonathan G. Vinson

cc: Mary Shuford  
Lisa Kroencke  
Walt Mountford  
Hector Patino



**List of Attachments**

1. The Magdalen House "About Us"
2. February 1, 2009, *Lakewood Advocate* article
3. Capital Campaign presentation
4. Location/Zoning map
5. P.D. 362 Excerpt (regarding GRF use)
6. Sec. 51A-4.209 (spacing; S.U.P.)
7. October 18, 2017, inquiry to Staff
8. October 26, 2017, Staff letter
9. C.O. records; 4707 Gaston and 4513 Gaston
10. Sec. 51A-4.702 (a)(2) (nonconforming use)
11. November 28, 2017, Staff letter
12. February 2, 2018, Staff letter
13. Robert Rowling letter
14. Caleb Parette letter
15. Billy Kane letter
16. Ed Jarrett Co. Letter of Intent
17. August 28, 2017, DPD Report
18. Copy of Gaston House Transitions Staff web page –  
printed from Internet on November 22, 2017



### 1. The Magdalen House "About Us"

Home About Us Get Help Get Involved  Donate Contact Our Team Blog



*No-Cost Treatment for Alcoholic Women*  
HELPING WOMEN FIND HOPE IN SOBRIETY



### Our Mission

To mission of The Magdalen House is to help women achieve sobriety and sustain recovery from alcoholism at no cost and based on 12-Step spiritual principles

### Our Vision

The vision of The Magdalen House is to build a community of recovered women and their families – one woman at a time

BDA 178-039  
046

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## About Us

The Magdalen House is a national not-for-profit organization that provides a safe, confidential, and supportive environment for women who are struggling with substance use. Our mission is to help women achieve long-term recovery through a combination of peer support, evidence-based programming, and comprehensive services. We are currently seeking qualified individuals to join our team as Peer Support Specialists. For more information, please contact us at [info@magdalenhouse.org](mailto:info@magdalenhouse.org) or call us at 1-800-451-7434.

## History

The Magdalen House was founded in 1984 in Madison, Wisconsin. It was the first national organization dedicated to providing a safe and supportive environment for women who are struggling with substance use. Over the years, we have grown to become a national leader in the field of women's substance use recovery. Our commitment to providing a safe and supportive environment for women who are struggling with substance use has led to the development of our comprehensive programming, which includes peer support, evidence-based programming, and comprehensive services.

### 1 Women Only

Our programming is specifically designed for women who are struggling with substance use. This ensures that our members can receive the support and care they need in a safe and supportive environment.

### 2 No-Cost Treatment

Our programming is provided at no cost to our members. This ensures that all women who are struggling with substance use have access to the support and care they need.

### 3 Peer Implemented Programming

Our programming is implemented by our members, who are trained and supported to provide peer support. This ensures that our members can receive the support and care they need from someone who has been through the same experience.

### 4 Comprehensive Programming

Our programming is comprehensive, including peer support, evidence-based programming, and comprehensive services. This ensures that our members can receive the support and care they need to achieve long-term recovery.

*We believe that it is possible to provide no-cost programming and still, and support our members, access information about the problem solution, and build bridges to recovery through helping others, a process all recover.*

LISA BROENCKE

BDA178-039  
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Page 3 of 3

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About Us | The Magdalen House | No-Cost Treatment



About Us



No-Cost Treatment



Recovery Support Programs



Community Programs

MAKE A DONATION >



The Magdalen House

A RECOVERY COMMUNITY FOR WOMEN



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# ADVOCATE

LAKWOOD/EAST DALLAS

February 1, 2009

## The Magdalen House

The women speak candidly about lies told, people hurt, laws broken and things destroyed — they understand all too well that what they have done is in many cases shameful.

**Linda W., 51 and a grandmother of eight**, has been to jail three times in the past three years on charges of prostitution.

Ashleigh G., a tall blonde 29-year-old and self-described “beer-loving country girl” drove her car into a house during a binge last spring, only to resume drinking days after she arrived home from county jail.

And 44-year-old Lada P., once a successful physician, is now on parole and on the verge of returning to prison because she can’t stop drinking for any significant period of time.

The women speak candidly about lies told, people hurt, laws broken and things destroyed — they understand all too well that what they have done is in many cases shameful. But here at the Magdalen House, a large red bricked two-story in the middle of a White Rock area neighborhood, volunteers and staffers assure the women that while they “have done bad stuff, they are not bad people.” Executive director Michele Derrington explains to them that they have an illness, alcoholism, for which there is a treatment.

For some of the women, it is the first time anyone has told them that help is possible, or that they are worth saving.

### **Drying out**

Magdalen House deals primarily with women suffering from alcohol addiction, though many of those seeking help have been using other drugs, too. New residents often require hospitalization during the initial 48 or so hours.



"We are not a medical facility. Someone going through severe alcohol withdrawal needs medical care that we can't offer here," Derrington says. "It can get messy. We've had to call 911 a few times. Fortunately, Doctors [Hospital] is right up the road."

Jackie L., a 33-year-old mother, says she is glad to be at Maggie's. She fought the physical withdrawals sans medical treatment, and is now eager to change her life. "I've finally realized I have to get sober not just for my family — even my kids — but for me. I am so thankful to have this opportunity and that these people are here for me."

Julie Harvey, who was working when Lester arrived, chimes in, "she wasn't thanking us yesterday.

"Because we have no medical treatment, they feel every bit of the pain, but that also makes it special," says Harvey, a Magdalen House board member and administrator. "Within a few days, you see the light come on."

It can take several days for the head to clear, but usually following 24 to 48 hours rest, new residents are ready to launch into the real work.

#### **12 steps**

The 14-day program at Magdalen House is based on the Twelve Steps of Alcoholics Anonymous. The steps involve admitting the problem, asking help from a "higher power", confessing and making up for wrongdoings, and helping others.

With a comfortable bed, newfound support and a clear-cut plan for the future, some of the women start feeling better and stronger quickly.

"It feels good to have other women to talk to. I haven't had sober communication in a lot of years," says Linda, a grandmother who wound up on the street after she started using drugs at the age of 28. "The day I got here was the best day of my life. I heard the birds singing."

She attended her first AA meeting her second day in the house, and says she is eager to understand the program. "I think it is about learning to be happy, like them birds out there."

The Magdalen House AA meeting room is open to all recovering alcoholics. People from all walks of life meet, discuss their common problem, and learn how to live life sober. Many with long-term sobriety attend meetings there in order to reach out to women like Linda.

Connie D., for instance, sobered up at Magdalen House almost 21 years ago. Today she and her husband, whom she met in AA, remain heavily involved with Magdalen House, and he serves on the board of directors.

"He was so impressed by what they had done for me," she says, "that he wanted to be a part of it — and it's a big commitment." Connie says she wouldn't be alive today if not for the unconditional love, and the 12-step principles she found at Magdalen House.

“They understand the ins and outs of dealing with female alcoholics ... and are completely [ingrained in] and supported by the AA community, which is why they are so successful.” During her stay, each Magdalen House resident will attend daily meetings, and ideally find another woman in recovery, a sponsor, who will guide her through the steps of AA.

### **Does it work?**

East Dallas resident Judge John Creuzot, who has dealt extensively with societal problems surrounding substance abuse, says he has witnessed first-hand the effectiveness of the 12-step program in treating addiction problems.

In 1998 Creuzot, who presides over Dallas Criminal District Court 4, established DIVERT (Dallas Initiative for Diversion and Expedited Rehabilitation and Treatment) court as a way of helping drug offenders address the root causes of their problems. Like the residents at Magdalen House, DIVERT participants are instructed to work through the 12-step program — that means attending regular AA meetings and working with a sponsor.

“The process of the steps requires looking inward to the cause of the problem. It includes looking at self and those harmed ... it is an ongoing process that doesn’t come to an end. I have seen a lot of people have success with [the 12-step program],” Creuzot says.

A former doctor, Lada slid rapidly into alcoholism after she began drinking at age 36.

“I saw patients dying from the disease, but I thought I was unique,” she says.

Though she started drinking relatively late in life, the addiction quickly took hold of her — she lost her career, her home, her family and her freedom within a few years. Following incarceration due to DWI convictions, she is on parole and facing a return to prison because of her latest relapse into drinking.

Magdalen House could be her last shot at freedom.

“I’ve lost everything,” Lada says. “Family has given up on me ... I am homeless. I have a complicated fatal disease [alcoholism] ... but here, I feel safe. I have hope.” She may not be able to practice medicine again, but Lada could conceivably recover and someday help others.

Creuzot says that it is very common for those who are in recovery to eventually make the best counselors — that the people who have suffered and overcome addiction can best help those who are still suffering.

That’s exactly how it works at Magdalen House.

### **Giving back**

Derrington and Harvey, both mentors to the women at Magdalen House, have a personal history

of drinking problems. Today, a key component of their personal healing involves helping others. In fact, it is the recovery community sustains Maggie's House, says Harvey.

"A lot of people who care about this place are the reason why this place survives," she says. A small group of recovering alcoholics founded Magdalen House in 1986. Back then it was located in a small home on Lovers Lane that could accommodate about six people. In 1996, funding from the Dallas Women's foundation allowed the non-profit group to purchase the large fixer-upper that they turned into the current facility — most call it simply "Maggie's".

About 250 women come to Maggie's annually, says Derrington; in its first 10 years, more than 3,000 women passed through.

Maggie's small paid staff includes a house manager, a day supervisor, night supervisor and a weekend supervisor, but volunteers do much of the work around Maggie's, and donors supply all of the necessary items including toiletries, clothing and food.

In theory, the women getting strong at Maggie's today will be the mentors and healers of tomorrow. Ashleigh, who is dealing with a lengthy list of alcohol-related legal and health problems, knows the road ahead will be tough. But she believes Magdalen House will set her on the road to recovery.

"This is the hardest thing I have ever done in my life, but you get so strong in this house ... there is so much love here," she says, smiling through tears. "No matter who we are, we all share a common story ... we are working together to get what we need to walk out of here and live our lives. No more hiding. I want to be one of those miracle stories."

To learn more about The Magdalen House, visit [magdalenhouse.org](http://magdalenhouse.org).

3. Capital Campaign presentation



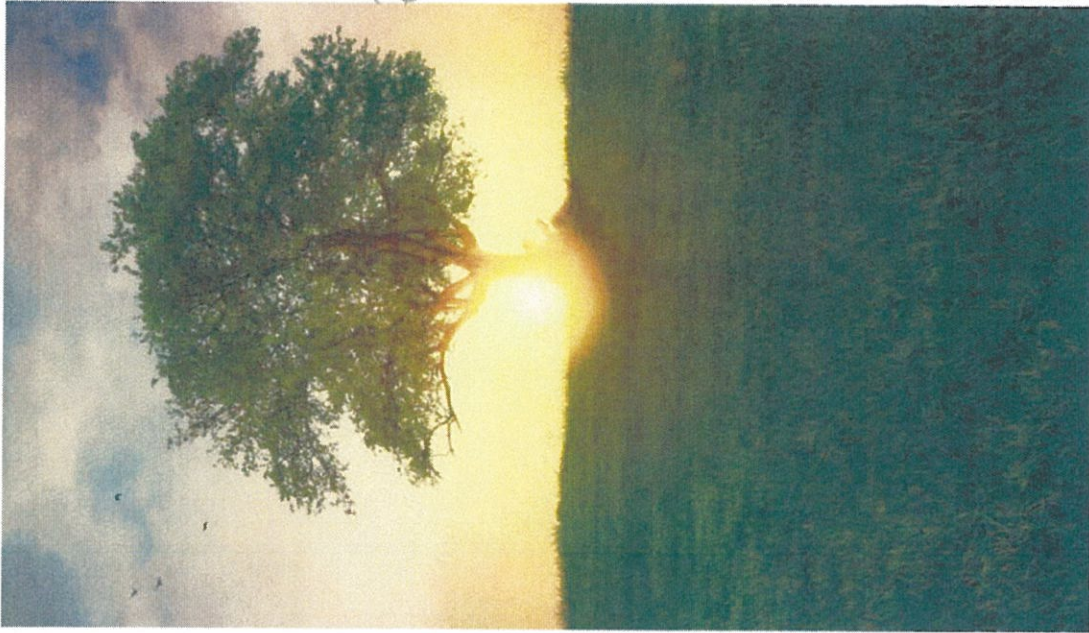
The Magdalen House

A RECOVERY COMMUNITY FOR WOMEN

LEGACY OF HOPE

Capital Campaign





## Who we are

### *Our mission and vision*

The mission of The Magdalen House is to provide a safe place where women may detox from alcohol abuse at no cost.

The vision of The Magdalen House is to create and build a community of recovered women and their families – one woman at a time.

# What we do

Our programming



## Social Detox

14 day in-house stay

Education, Introduction to 12-Steps, Support Programming

**220** female clients annually

**82%** completion rate (industry average 47%)\*

**100%** of women were transitioned to a safe environment

**44%** of clients were immediately reunited with their families

## Programming

## Results



## Peer to Peer Recovery

Recovery Enrichment Programming

Family Support Programming

Life Skills Workshops

**6,400+** women attend recovery meetings annually

**15,500+** hours of time donated annually

**48%** of alumni return as volunteers within the first 6 weeks of sobriety



## Community Collaboration

80 Community Collaborations

Trader Joe's partnership provides **\$8,000** of food per month to detox clients

Court Mandated Volunteers through Volunteer Now has provided **440** hours of service since 2014

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# How we do it

*Our points of difference*



## Women Only

Unique programming focused solely on women in recovery, facing different obstacles than men



## No cost

We are 100% privately funded and accept no government funding



## Peer implemented programming

We believe in the "recovered" helping the "recovering" to their mutual benefit.



## Comprehensive programming

All women have ongoing access to supportive and transitional programs unique to The Magdalen House.

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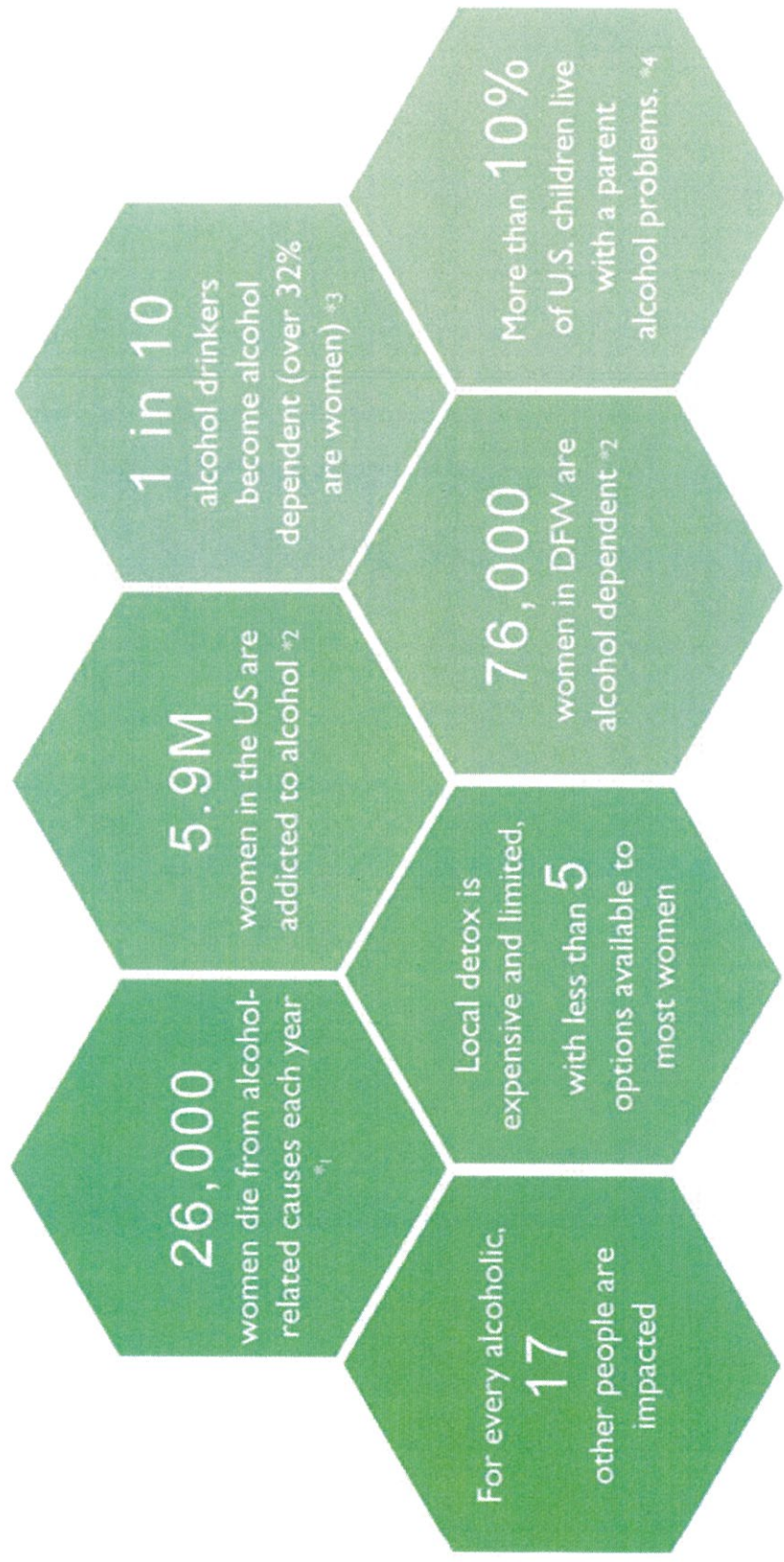
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# Why we do it

Our importance

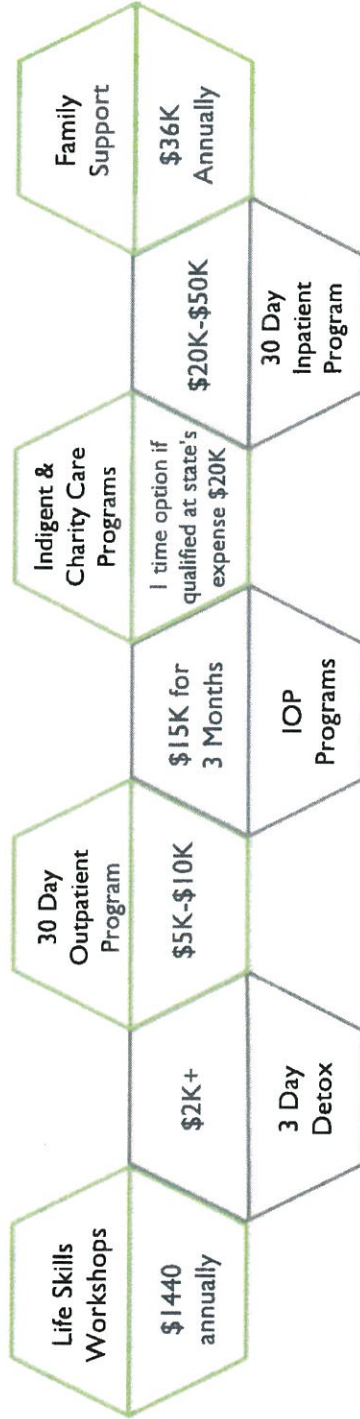


1 National Institute of Alcohol Abuse and Alcoholism  
 2 SAMHSA 2009  
 3 UT Addiction Science Research/Education Center, June 2015  
 4 SAMHSA 2012

# Our financial benefit

Alcoholism's Drain on Resources

## Costs of Recovery



## The Magdalen House Annual Savings



Family Support Annual Savings  
\$396,000

Social Detox Annual Savings  
\$554,400

Alumni Annual Savings  
\$1,604,400

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PS 18

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Pg 19

**A New House**  
**"Legacy of Hope" Capital Campaign**

# Why now?



## Current Home

- Outgrowing the space – not enough room
- \$100,000 in foundation repairs needed
- \$90K structural value of the house
- Constant repairs = \$60k+ since 2013
- Zoning will be prohibitive in the next few years



## Benefits of a new property

- Increase capacity to accommodate growing demand
- Appropriate zoning for our use
- Avoid suspension of services
- Improved access to public transportation
- Ample parking for volunteers and meeting attendees

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# Where we're going

*Our vision of our new house*



## Residential

- Open concept two-story home
- Commercial grade dining room Family style living area
- 5 bedrooms, increase to at least 20 beds
- 6 restrooms



## Community

- Space for 80+ people
- Public parking
- Private family visitation rooms
- Community areas for recovery support

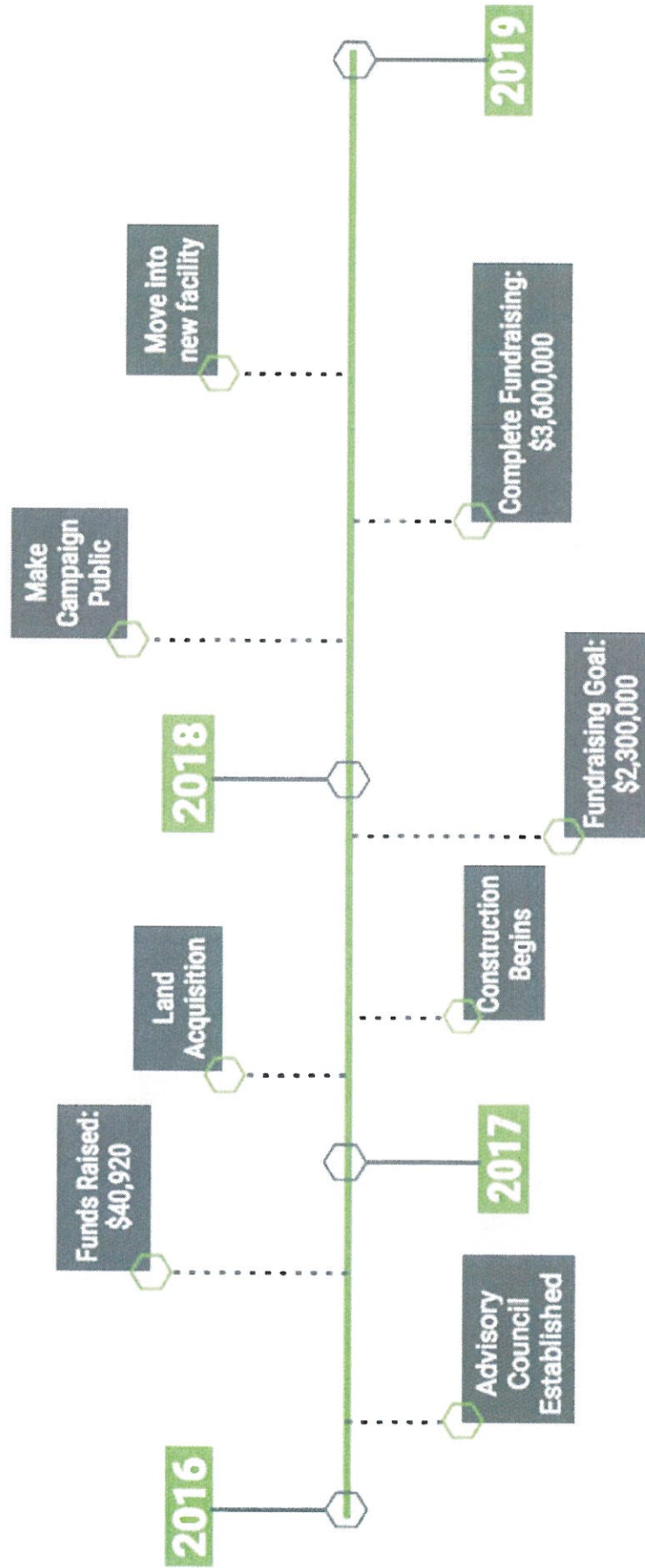


## Administration

- Client intake office
- Business offices
- Staff living area



# When Our timeline



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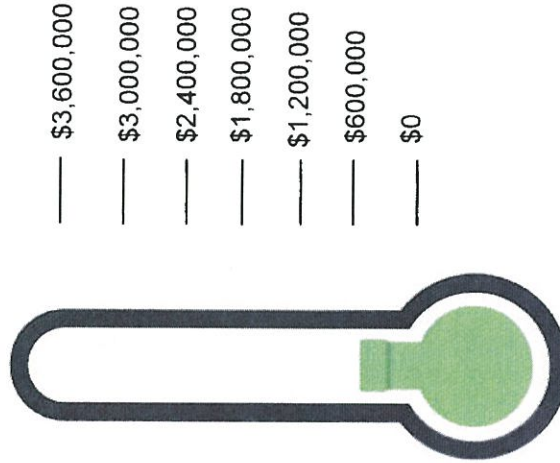
# Where we are now

Our progress

## Supporters

- David M. Crowley Foundation
- The Epperson Family Foundation
- The Heglund Foundation
- The Harold Simmons Foundation
- The Rowling Foundation
- Robin and Norm Bagwell
- William and Susan Ragland Fund/  
McElroy Family
- The Magdalen House Board of Directors

## Money Pledged or Collected



BDA178-039  
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Pg 23

# Our advocates

*The Magdalen House Leadership*

## Board of Directors

- Kay Colbert, President
- Sarah Beahan, Vice President-Elect
- Jeff Ault
- Patrick Fly
- James Dollins
- Tina Shuey
- Kelly Grindinger
- Jamie Hill-Walters
- Harriet Shaw
- Susan Larkin

Lisa Kroencke, Executive Director

## Capital Campaign Advisory Council

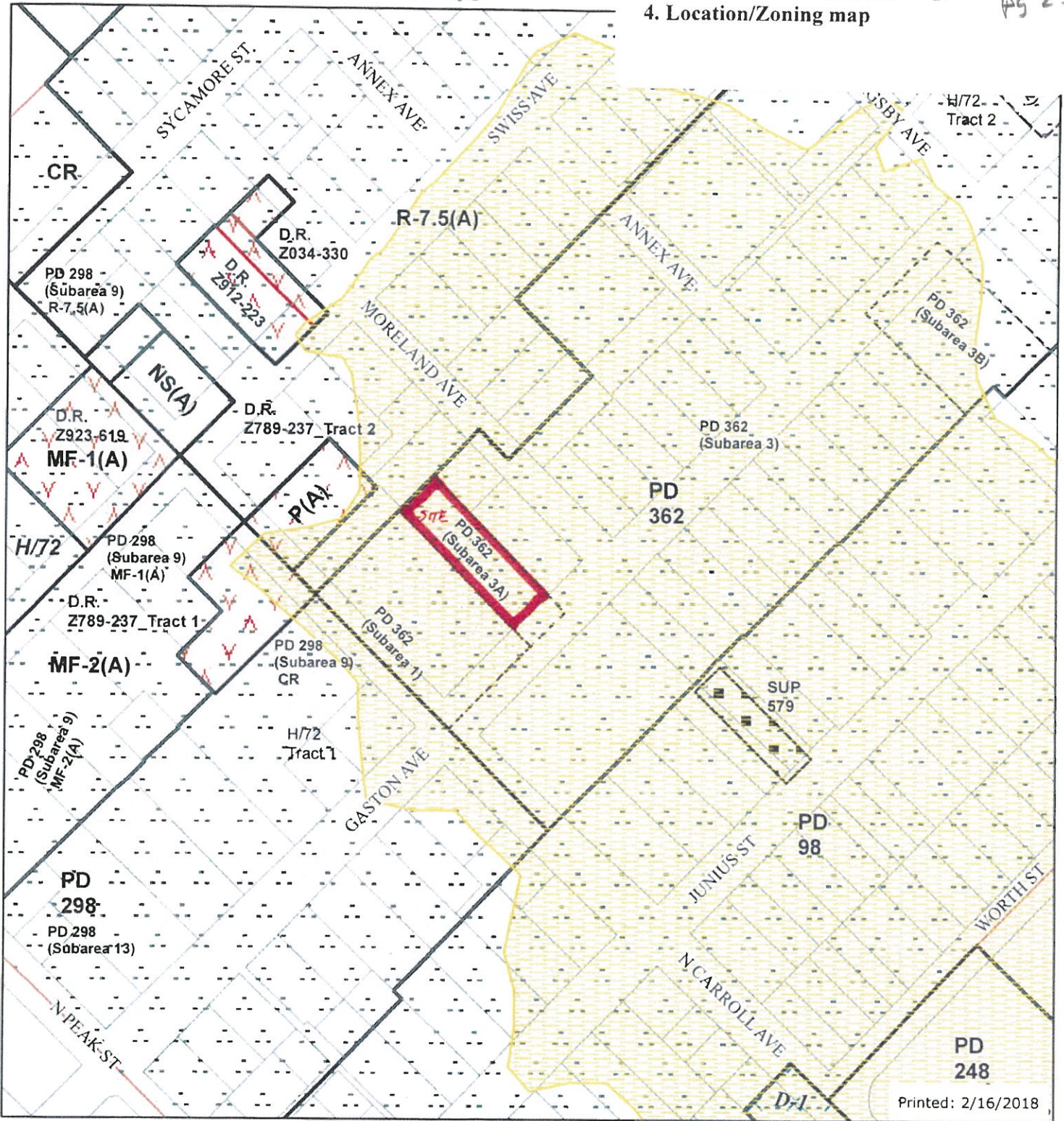
- Jamie Hill-Walters, Co-Chair
- Dave Kroencke, Co-Chair
- Robin Bagwell
- Lindsay Billingsley
- Cindy Brewer
- Jim Epperson
- Nancy Gottsacker
- Alyson Griffith
- Beverly Levy
- Tom McElroy
- Lindsey Miller
- Nancy T. Montgomery
- Kathleen Powell
- Myers Raymer
- Kristy Hoglund Robinson
- Robert Rowling Jr.
- Kathi Shuford

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4. Location/Zoning map



Legend

- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | railroad                       | Dry Overlay           | CD Subdistricts            |
| School               | Certified Parcels              | D                     | PD Subdistricts            |
| Floodplain           | Base Zoning                    | D-1                   | PDS Subdistricts           |
| 100 Year Flood Zone  | PD193 Oak Lawn                 | CP                    | NSO Subdistricts           |
| Mill's Creek         | Dallas Environmental Corridors | SP                    | NSO Overlay                |
| Peak's Branch        | SPSD Overlay                   | MD Overlay            | Escarpment Overlay         |
| X Protected by Levee | Deed Restrictions              | Historic Subdistricts | Parking Management Overlay |
| Parks                | SUP                            | Historic Overlay      | Shop Front Overlay 2-32    |
|                      |                                | 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)





**5. P.D. 362 Excerpt (regarding GRF use)**

regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

- (e) Environmental performance standards. See Article VI.
- (f) Sign regulations. The provisions for non-business zoning districts contained in Division 51A-7.400 apply in this subarea.
- (g) Landscape regulations. Article X applies to this subarea.
- (h) Nonconforming uses and structures. Section 51A-4.704 applies to this subarea.
- (i) Architectural guidelines. The architectural provisions set forth in Section 51P-362.105(i) governing Subarea I apply to this subarea.
- (j) Screening from adjacent residential uses. On the north and south perimeter of the subarea, any new construction must be screened from adjacent residential uses by an eight-foot-high brick or masonry screening wall. (Ord. Nos. 21177; 25850)

**SEC. 51P-362.107. USE REGULATIONS AND DEVELOPMENT STANDARDS FOR SUBAREA III.**

- (a) Main use permitted.
  - (1) Institutional and community service uses.
    - Child-care facility. [SUP]
  - (2) Lodging. [In structures that face Gaston Avenue only.]
    - Bed and breakfast. [SUP]
  - (3) Office uses. [In structures that face Gaston Avenue only.]
    - Medical clinic or ambulatory surgical center. [This use may only be conducted between 7 a.m. through 7 p.m., six days a week. This use is limited to office space for no more than three doctors.]
    - Office.
  - (4) Residential uses.
    - Duplex.
    - Group residential facility. [In Subareas IIIA and IIIB only. SUP may be required. The requirements for this use in Section 51A-4.209 apply.]
    - Handicapped group dwelling unit.
    - Multifamily.
    - Single family.
  - (5) Transportation uses.
    - Transit passenger shelter.



6. Sec. 51A-4.209 (spacing; S.U.P.)

**SEC. 51A-4.209. RESIDENTIAL USES.**

(a) **General provisions.** Notwithstanding any other provision in this chapter, a facility that meets all of the requirements of Article 1011n, V.T.C.A., may locate in any residential zone or district in the city as a matter of right. Unless otherwise directed by the city attorney, the building official and any other city officer or employee charged with enforcement of this chapter shall construe Article 1011n by substituting Congress' definition of a handicapped person in the Fair Housing Amendments Act of 1988, as amended, for the state's definition of "disabled person" in that article.

(b) **Specific uses.**

(3) **Group residential facility.**

(A) Definition: An interim or permanent residential facility (as opposed to a lodging or medical treatment facility) that provides room and board to a group of persons who are not a "family" as that term is defined in this chapter, whether or not the facility is operated for profit or charges for the services it offers. This use does not include:

- (i) facilities that negotiate sleeping arrangements on a daily basis;
- (ii) dwelling units occupied exclusively by families (Note: Dwelling units occupied exclusively by families are considered to be single family, duplex, or multifamily uses, as the case may be); or
- (iii) any other use specifically defined in this chapter.

(B) Districts permitted: When located at least 1,000 feet from all other group residential facilities and licensed handicapped group dwelling units (as defined in this chapter), by right in CH, multifamily, central area, and mixed use districts; otherwise, by SUP only in the same districts. For purposes of this provision, the term "licensed" means licensed by the Texas Department of Human Services, or its successor, and the distance between uses is measured in a straight line, without regard to intervening structures or objects, between the nearest boundaries of the building sites on which the uses are located. (Note: The spacing component of these use regulations is based, not on the handicapped status of the residents, but on the non-family status of the groups. [See Section 51A-1.102(b)(2).]) By SUP only in urban corridor districts.

(C) Required off-street parking: 0.25 spaces per bed, plus one space per 200 square feet of office area; a minimum of four spaces is required. No handicapped parking is required. If an SUP is required for this use, the off-street parking requirement may be established in the ordinance granting the SUP. In determining this requirement, the city council shall consider the nature of the proposed use and the degree to which the use would create traffic hazards or congestion given the capacity of nearby streets, the trip generation characteristics of the use, the availability of public transit and the likelihood of its use, and the feasibility of traffic mitigation measures.

(D) Required off-street loading: None.

(E) Additional provisions:

- (i) This use is subject to the following density restrictions:

ZONING CLASSIFICATION	DISTRICT	MAXIMUM NO. OF DWELLING UNITS OR SUITES* PER NET ACRE	MAXIMUM NO. OF BEDS* PER NET ACRE
TH-1(A) and RTN		35	70

BDA178-039  
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Attachment B

PS 28

TH-2(A) and TH-3(A)	40	80
CH	45	90
MF-1(A) and MF-1(SAH)	50	100
MF-2(A) and MF-2(SAH)	60	120
MF-3(A)	90	180
MF-4(A)	160	320

\*For purposes of this subparagraph, the term "suite" means one or more rooms designed to accommodate one family, containing living, sanitary, and sleeping facilities, but not containing a kitchen; and the term "bed" means a piece of furniture, mat, cushion, or other device on or in which one may lie and sleep.

- (ii) This use must comply with statutory licensing requirements, if any.
- (iii) This use may include dwelling units or suites that are exclusively restricted to visitors or members of the staff.

7. October 18, 2017, inquiry to Staff

**Vinson, Jonathan**

---

**From:** Vinson, Jonathan  
**Sent:** Wednesday, October 18, 2017 11:58 AM  
**To:** Kay, Kiesha  
**Cc:** Mary Shuford  
**Subject:** RE: 4513 Gaston SUP

Kiesha, yes, that would be very helpful, thank you.

**From:** Kay, Kiesha [mailto:kiesha.kay@dallascityhall.com]  
**Sent:** Wednesday, October 18, 2017 10:47 AM  
**To:** Vinson, Jonathan <jvinson@jw.com>  
**Cc:** mary@magdlenhouse.org  
**Subject:** 4513 Gaston SUP

Jonathan,

An SUP will only be required for this development if it is within 1,000 feet of another group residential facility. Please notify me if you would like a zoning determination letter to determine if there are any group residential facilities within 1,000 feet of 4513 Gaston.

Thank you,



**Kiesha Kay**  
*Chief Planner*  
City of Dallas | [www.dallascityhall.com](http://www.dallascityhall.com)  
Sustainable Development and Construction  
320 E. Jefferson Boulevard, Room 118  
Dallas, TX 75203  
O: 214-948-4476  
[kiesha.kay@dallascityhall.com](mailto:kiesha.kay@dallascityhall.com)



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



8. October 26, 2017, Staff letter

CITY OF DALLAS

October 26, 2017

Jonathan Vinson  
Jackson Walker, LLC  
2323 Ross Ave., Suite 600  
Dallas, TX 75201

**RE: Zoning Determination Request; 4513 Gaston Avenue, Part of Lot 2 and Block 1/769**

Dear Mr. Vinson:

As detailed in your email dated October 18, 2017 and attached, you have requested a written determination pertaining to proximity of other Group Residential Facilities within 1,000 feet of 4513 Gaston Avenue.

4707 Gaston Avenue has an active Certificate of Occupancy for a Group Residential Facility, reference CO#1209051021. This property is 528 feet away from 4513 Gaston. Per Sec.51A4-209(3)(B), 4513 Gaston Avenue will have to obtain a Specific Use Permit, SUP, due to the proposed use being located within 1,000 feet from another group residential facility. The SUP process can be applied for at our Current Planning office located at 1500 Marilla, 5BN.

This letter does not constitute a building permit or certificate of occupancy, nor does it imply that a building permit or certificate of occupancy will be approved without complying with all applicable rules and regulations. The City of Dallas does not provide letters certifying that a property or development complies with all applicable rules and regulations.

If you have any further questions, please contact me at 214-948-4476 or [kiesha.kay@dallascityhall.com](mailto:kiesha.kay@dallascityhall.com).

Respectfully,

Kiesha Kay  
Chief Planner  
Building Inspection Division

cc: Megan Wimer, Assistant Building Official



BDA178-039  
046

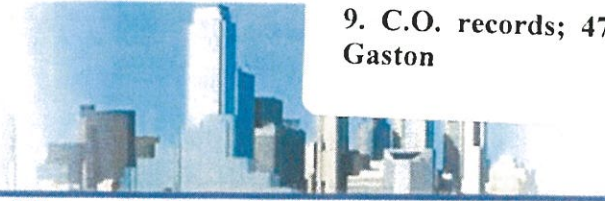
Attch B PS 31

Dallas Contractor Utility - Address

Page 1 of 1

4707 GASTON AVE.

9. C.O. records; 4707 Gaston and 4513 Gaston



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Address

**Details** **Hold** **Applications**

	Type	Project #	Status	Description	Issue Date	Trades
<a href="#">View</a>	Certificate of Appropriateness	CA123-089 (MD)	Issuing Certificate			
<a href="#">View</a>	Certificate of Appropriateness	CA156-494 (JKA)	Complete	Foundation repair	May 4, 2016	
<a href="#">View</a>	Certificate of Occupancy	1209051021	Issued	Certificate of Occupancy (CO) DBA: KID NET FOUNDATION	Oct 5, 2012	
<a href="#">View</a>	Master Permit	0108024009	Complete	Building (BU) 4707 GASTON AVE	Aug 2, 2001	
<a href="#">View</a>	Master Permit	0401202004	Complete	Building (BU) 4707 GASTON AVE	Jan 20, 2004	
<a href="#">View</a>	Master Permit	1209051017	Complete	Building (BU) ZO, PL CONVERTING SFD TO GROUP RESIDENTIAL FACILITY	Oct 5, 2012	PL, ZO
<a href="#">View</a>	Master Permit	1605051062	Complete	Building (BU) ZO 1005-FOUNDATION REPAIR	May 5, 2016	ZO
<a href="#">View</a>	Master Permit	9212091034	Complete	Building (BU) 4707 GASTON AVE	Dec 21, 1992	
<a href="#">View</a>	Master Permit	9212141011	Complete	Building (BU) 4707 GASTON AVE	Dec 14, 1992	
<a href="#">View</a>	Master Permit	9302115017	Complete	Electrical (EL) T-POLE	Feb 11, 1993	
<a href="#">View</a>	Master Permit	9303046053	Complete	Plumbing (PL) 1111-CONSTRUCT NEW SFD 4707 GASTON AVE	Mar 4, 1993	
<a href="#">View</a>	Master Permit	9303116032	Complete	Mechanical (ME) 1111-CONSTRUCT NEW SFD	Mar 11, 1993	
<a href="#">View</a>	Master Permit	9306141068	Complete	Fire Sprinkler (Minor Work) (FS) 1111-CONSTRUCT NEW SFD 4707 GASTON AVE	Jul 15, 1993	
<a href="#">View</a>	Master Permit	9309292011	Complete	Electrical (EL) 4707 GASTON AVE	Sep 29, 1993	
<a href="#">View</a>	Master Permit	9406302015	Complete	Plumbing (PL)	Jun 30, 1994	
<a href="#">View</a>	Master Permit	9407012004	Complete	Mechanical (ME)	Jul 1, 1994	
<a href="#">View</a>	Master Permit	9409021118	Complete	Paving (Sidewalk, Drive Approaches) (PV) 4707 GASTON AVE	Sep 2, 1994	
<a href="#">View</a>	Master Permit	9412091028	Complete	Fence (FE) 4707 GASTON AVE	Dec 9, 1994	

[Main Menu](#)



BDA178-039  
046

Attach B Pg 32



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Certificate of Occupancy - 1209051021

**Details** **Holds** **Documents** **Zoning Info**

Property

Street Address

[View](#) 4707 GASTON AVE

Status: CO Issued      - Application Date: Sep 05, 2012  
Issue Date: Oct 5, 2012  
Completed Date: Dec 11, 2012

Applicant: SAM POLLINZI

Owner Category

PRIVATE

Land Use Description: GROUP RESIDENTIAL FACILITY

Temporary Address

Project

Doing business as: KID NET FOUNDATION

Certificate Type: CO

Health Permit Number

Use of Property: GROUP RESIDENTIAL FACILITY

Occupancy: R2      Selling Alcohol:       Dwelling Units  
Constr Type: VA      Dance Floor:       Stones: 2  
Sq Footage: 4,800      Occupancy Load  
Sprinkler: All  
Required Parking: 5  
Proposed Parking: 5

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[Main Menu](#)

BDA 178-039  
046

AH 4 B P 33

4513 GASTON AVE



Dallas Home Building Inspection Home Offices Records Newsletter Government

Address

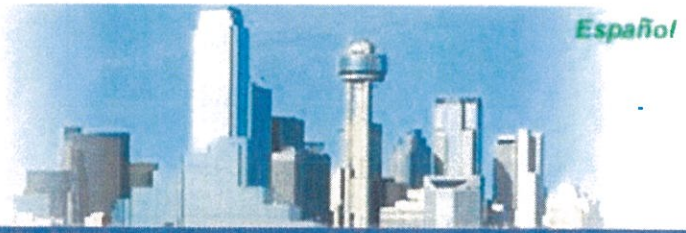
Details Holds Applications

	Type	Project #	Status	Description	Issue Date	Trades
<a href="#">View</a>	Certificate of Appropriateness	CA045-365 (MF)	Complete		Jun 6, 2005	
<a href="#">View</a>	Certificate of Appropriateness	CA045-397 (MF)	Complete		Jul 7, 2005	
<a href="#">View</a>	Certificate of Appropriateness	CA134-531 (JKA)	Complete		Aug 8, 2014	
<a href="#">View</a>	Certificate of Appropriateness	CA145-463 (JKA)	Complete		Jun 8, 2015	
<a href="#">View</a>	Certificate of Appropriateness	CA145-518 (JKA)	Cancelled		Jul 14, 2015	
<a href="#">View</a>	Certificate of Appropriateness	CA145-536 (JKA)	Complete		Jul 9, 2015	
<a href="#">View</a>	Certificate of Appropriateness	CA145-593 (JKA)	Complete		Sep 14, 2015	
<a href="#">View</a>	Certificate of Appropriateness	CA145-626 (JKA)	Complete		Aug 20, 2015	
<a href="#">View</a>	Certificate of Appropriateness	CA156-015 (JKA)	Complete		Oct 6, 2015	
<a href="#">View</a>	Certificate of Appropriateness	CA156-056 (JKA)	Complete		Oct 26, 2015	
<a href="#">View</a>	Certificate of Appropriateness	CA156-230 (JKA)	Complete	Window pane	Jan 11, 2016	
<a href="#">View</a>	Certificate of Appropriateness	CA156-407 (JKA)	Complete	Porch paint	Apr 5, 2016	
<a href="#">View</a>	Certificate of Appropriateness	CA178-321 (MLP)	Complete		Feb 7, 2018	
<a href="#">View</a>	Certificate of Appropriateness	CR178-009 (MLP)	Staff Review			
<a href="#">View</a>	Certificate of Occupancy	0110171002	Issued	DBA. HERRIN HOUSE	Oct 17, 2001	
<a href="#">View</a>	Certificate of Occupancy	0509091126	Issued	Certificate of Occupancy (CO) DBA. GASTON HOUSE	Oct 21, 2005	
<a href="#">View</a>	Certificate of Occupancy	1711301071	Revoked	Certificate of Occupancy (CO) DBA. THE MAGDALEN HOUSE	Nov 30, 2017	
<a href="#">View</a>	Certificate of Occupancy	9006151142	Issued	DBA	Sep 11, 1990	
<a href="#">View</a>	Demolition Permit	9007161145	Complete		Aug 6, 1990	
<a href="#">View</a>	Master Permit	7200205731	Complete	Building (BU)	Jun 15, 1972	
<a href="#">View</a>	Master Permit	7400195778	Complete	4513 GASTON AVE Electrical (EL)	Feb 5, 1974	
<a href="#">View</a>	Master Permit	8200077838	Complete	4513 GASTON AVE Building (BU)	Jan 8, 1982	
<a href="#">View</a>	Master Permit	8908235012	Complete	4513 GASTON AVE Plumbing (PL)	Aug 25, 1989	
<a href="#">View</a>	Master Permit	9006151140	Complete	4513 GASTON AVE Building (BU)	Aug 8, 1990	
<a href="#">View</a>	Master Permit	9006271039	Complete	4513 GASTON AVE Landscape (LA)	Aug 8, 1990	
<a href="#">View</a>	Master Permit	9007201033	Complete	4513 GASTON AVE Plumbing (PL)	Jul 24, 1990	
<a href="#">View</a>	Master Permit	9007264002	Complete	4513 GASTON AVE Electrical (EL)	Jul 26, 1990	
<a href="#">View</a>	Master Permit	9008155011	Complete	4513 GASTON AVE Mechanical (ME)	Sep 6, 1990	
<a href="#">View</a>	Master Permit	9209181043	Complete	4513 GASTON AVE Building (BU)	Sep 18, 1992	
<a href="#">View</a>	Master Permit	9212045017	Complete	4513 GASTON AVE Plumbing (PL)	Dec 4, 1992	
<a href="#">View</a>	Master Permit	9212071002	Complete	4513 GASTON AVE Electrical (EL) INSTALL WIRING & SERVICE FOR STUDIO	Dec 7, 1992	
<a href="#">View</a>	Master Permit	9212085010	Complete	4513 GASTON AVE Mechanical (ME)	Dec 8, 1992	

Main Menu

BDA178-039  
046

AH24 B PS 34



[Dallas Home](#) [Building Inspection Home](#) [Offices](#) [Records](#) [Newsletter](#) [Government](#)

Certificate of Occupancy - 0110171002

**Details** Holds Documents Zoning Info

Property

Street Address

View 4513 GASTON AVE

Status: CO Issued      Application Date: Oct 17, 2001  
Issue Date: Oct 17, 2001  
Completed Date: Oct 18, 2001

Applicant: TURTLE CREEK MANOR, INC

Owner Category

PRIVATE

Land Use Description: GROUP RESIDENTIAL FACILITY

Temporary Address

Project

Doing business as: HERRIN HOUSE

Certificate Type

Health Permit Number

Use of Property

Occupancy	R1	Selling Alcohol	<input type="checkbox"/>	Dwelling Units	0
Constr Type	(None)	Dance Floor	<input type="checkbox"/>	Stones	2
Sq Footage	0	Occupancy Load		Sprinkler	(None)
		Required Parking		Proposed Parking	0

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Main Menu





[Dallas Home](#) [Building Inspection Home](#) [Offices](#) [Records](#) [Newsletter](#) [Government](#)

[Certificate of Occupancy - 0509091126](#)

**Details** **Holds** **Documents** **Zoning Info**

Property

Street Address

[View](#) 4513 GASTON AVE

Status: CO Issued      Application Date: Sep 09, 2005  
Issue Date: Oct 21, 2005  
Completed Date: Oct 21, 2005

Applicant: DONALD FIELDING

Owner Category

PRIVATE

Land Use Description: GROUP RESIDENTIAL FACILITY

Temporary Address

Project

Doing GASTON HOUSE  
business as

Certificate Type: CO

Health Permit Number:

Use of Property: GROUP RESIDENTIAL FACILITY

Occupancy: R1      Selling Alcohol:       Dwelling Units: 1  
Constr. Type: UNK      Dance Floor:       Stones: 2  
Sq Footage: 7,000      Occupancy Load  
Sprinkler: None  
Required Parking  
Proposed Parking

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[Main Menu](#)

BDA178-039  
046

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[Dallas Home](#) [Building Inspection Home](#) [Offices](#) [Records](#) [Newsletter](#) [Government](#)

Certificate of Occupancy - 1711301071

**Details** Holds Documents Zoning Info

Property

Street Address

[View](#) 4513 GASTON AVE

Status

Application Date Nov 30, 2017

Issue Date: Nov 30, 2017

Completed Date Feb 08, 2018

Applicant: RACHEL ZADNIK

Owner Category

PRIVATE

Land Use Description: GROUP RESIDENTIAL FACILITY

Temporary Address:

Project

Doing business as THE MAGDALEN HOUSE

Certificate Type: CO

Health Permit Number:

Use of Property: GROUP RESIDENTIAL FACILITY

Occupancy	R1	Selling Alcohol:	<input type="checkbox"/>	Dwelling Units:
Constr. Type:	UNK	Dance Floor:	<input type="checkbox"/>	Stones
Sq. Footage	7,000			Occupancy Load
				Sprinkler (None)
				Required Parking
				Proposed Parking

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[Main Menu](#)





[Dallas Home](#) [Building Inspection Home](#) [Offices](#) [Records](#) [Newsletter](#) [Government](#)

Certificate of Appropriateness

**Details** **Documents**

Property

Street Address

View

4513 GASTON AVE

DCAD Info

Go

Historic District Name: Peak's Suburban Addition Neighborhood Historic District

Status: Complete Date Filed: Feb 7, 2018

Date Completed: Feb 7, 2018

Meetings

Date and Time Type of Meeting Location

No meeting information is available

Planner Name: Melissa Parent

Standard of Demolition: (None)

Application Type: Routine

Structure Type:  Contributing  Noncontributing

Applicant: HECTOR PATINO

Representative

Tax Parcel Legal: 0769 001 00200 1DA0769 001

Block: Lot 2

Owner

Owner: WEST FIELDING LLC  
STE B  
5115 MCKINNEY AVE STE B

DALLAS TEXAS 752053334

Owner Is Applicant  Owner Is Representative

Additional Information

CA Number: CA178-321(MLP)

Requests

Background/History

Base Zoning: PD-362.R-7 5(A)

Council District: 2

MAPSCO

For other inquires call (214) 670- 4209

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Main Menu

10. Sec. 51A-4.702 (a)(2) (nonconforming use)

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

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

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

11. November 28, 2017, Staff letter



CITY OF DALLAS

November 28, 2017

Jonathan Vinson  
Jackson Walker, L.L.C.  
2323 Ross Ave., Suite 600  
Dallas, TX 75201

**RE: Zoning Determination Request; 4513 Gaston Avenue, Part of Lot 2 and Block 1/769**

Dear Mr. Vinson:

As detailed in your email dated November 15, 2017 and attached, you have requested a written determination pertaining to the nonconforming land use of group residential facility located at 4513 Gaston Avenue.

Based on the documentation provided and attached, the property has maintained it's nonconforming land use status and will not be required to obtain a specific use permit, per Section 51A-4.209.3(B) of the Dallas Development Code.

Pursuant to Section 51A-4.704(a)(2) of the Dallas Development Code, the right to operate a nonconforming use ceases if the nonconforming use is discontinued for six months or more. The board may grant a special exception to this provision only if the owner can show that there was a clear intent not to abandon the use even though the use was discontinued for six months or more.

This letter does not constitute a building permit or certificate of occupancy, nor does it imply that a building permit or certificate of occupancy will be approved without complying with all applicable rules and regulations. The City of Dallas does not provide letters certifying that a property or development complies with all applicable rules and regulations.

If you have any further questions, please contact me at 214-948-4476 or [kiesha.kay@dallascityhall.com](mailto:kiesha.kay@dallascityhall.com).

Respectfully,

Kiesha Kay  
Chief Planner  
Building Inspection Division

cc: Megan Wimer, Assistant Building Official

BDA178-039  
046

AHUB

PS 40

To Whom It May Concern:

Regarding the occupancy and use of 4513 Gaston Avenue:

Gaston House has continuously operated out of 4513 Gaston Avenue from 2008 through June of 2017. While tenants were moved out in May, Gaston House continued to operate our gym, staff offices, storage and sleep quarters out of the 4513 Gaston Avenue property into August of 2017.

Originally Gaston House Transitions planned to renovate and continue to operate out of the 4513 Gaston Avenue location but was presented with an opportunity to sell the property to The Magdalen House. The first contract was set to close November 17<sup>th</sup>, 2017, however zoning concerns delayed the closing until December 15<sup>th</sup>, 2017.

Gaston House Transitions is pleased to sell the property to a partnering non-profit so that the property can continue to be used to serve the DFW community.

Thank you,

  
Robert Rowling

Owner- 4513 Gaston Avenue

Owner- Gaston House

Robert@gastonhouse.com

BDA178-046  
046

ATTN B PG 41



att.com

ALBERT WEST  
4001 MAPLE AVE STE 600  
DALLAS TX 75219-3241

Page 1 of 2  
Account Number 214515 3053 340 2  
Billing Date May 21 2017  
Web Site att.com

# Monthly Statement

## Bill-At-A-Glance

Previous Bill	40.92
Payment Received 5-15 Thank you!	40.92DR
Adjustments	00
Balance	00
Current Charges	40.90
<b>Amount to be Debited</b>	<b>\$40.90</b>
Your Credit Card will be Debited by	Jun 15, 2017

## Billing Summary

Online att.com/myatt

<b>Plans and Services</b>	<b>40.90</b>
1 800 288-2020	
Payment Arrangements	
1 800 288-2020	
Service Charges	
1 800 288-2620	
Repair Services	
1 800 246-8464	
<b>Total Current Charges</b>	<b>40.90</b>

## Plans and Services

### Monthly Service May 21 thru Jun 20

1 Basic Local Service Residence	27.00
2 Touchtone	.19
<b>Total Monthly Service</b>	<b>27.19</b>

### Surcharges and Other Fees

3 Federal Subscribe Line Charge	5.40
4 S11 Fee	.68
5 State Cost Recovery Fee	.13
6 Federal Universal Service Fee	.93
7 Texas Universal Service	.90
8 Municipal Right-of-Way Fee	1.64
<b>Total Surcharges and Other Fees</b>	<b>9.68</b>

### Taxes

9 Federal Excise Tax	1.06
10 Federal Non-regulated & Toll Charges	.00
11 State and Local Local Charges	2.87
12 State and Local Non-regulated & Toll Charges	.01
<b>Total Taxes</b>	<b>4.04</b>

### Total Plans and Services

Amount Subject to Service Tax: \$38.19

**40.90**

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### PREVENT DISCONNECT

Thank you for being a valued customer. Please be aware that all charges must be paid each month to keep your account current and prevent collection activities. We are required to inform you that certain charges such as your telephone line fees and surcharges, and any feature package, if applicable, MUST be paid in order to prevent interruption of basic local service. These charges are already included in the Total Amount Due and are \$40.90. As such, neglecting to pay for other charges on this bill will result in a disconnect. Please call 1-800-288-2620 for more information.

1543 14.619 109005 1 AV 0 373 75



ALBERT WEST  
4001 MAPLE AVE STE 600  
DALLAS TX 75219-3241

Paying by check authorizes AT&T to use the information from your check to make a one-time electronic fund transfer from your account. Funds may be withdrawn from your account as soon as the same day your payment is received. If we cannot process the transaction electronically, you authorize AT&T to present an image copy of your check for payment. Your original check will be destroyed once processed. If your check is returned unpaid you agree to pay such fees as identified in the terms and conditions of your AT&T Service Agreement. Returned checks may be presented electronically. If you want to save time and stamps, sign up for auto payment at www.att.com/stoppaper using your checking account. It's easy, secure, and convenient!



BDA179-039  
046

AHL B  
PS YZ

 **Gaston House**  
Transitions  
www.gastonhouse.com

Bill To:  
[Redacted]

Invoice # **INV2181**  
 Client Name [Redacted]  
 House Location **Gaston**  
 Invoice Date **04-17-2017**  
 Service Dates **05-01-2017 - 05-31-2017**  
 Payment Due **05-01 2017**

#	Dates	Description	Special Note	Amount
1		Monthly Service Fee		[Redacted]
2		One Time Fee	Bus Pass	\$80.00

Sub Total [Redacted]  
 Adjustments 0.00  
**Amount Due** [Redacted]  
 Invoice Status **Paid**

09-06  
DALLAS TX 75219 0646

Bank of America  
ACH R/T 011500010

2638  
57-1715 88  
03

4/15/2017

PAY TO THE ORDER OF **Gaston House Transitions, LLC**

[Redacted] and 00/100

TRT Holdings, Inc  
Attn: Gaston House Accounting Dept  
4001 Maple Ave., Suite 600  
Dallas, TX 75219

MEMO  
Inv. # 2181 Joe Worsham III

[Redacted Signature] AUTHORIZED SIGNATURE

00 26 38 1:0 [Redacted]

DOLLARS

Details on Back  
Security Features Included

BDA178-039  
046

Altan B

ps 43

**Vinson, Jonathan**

---

**From:** Vinson, Jonathan  
**Sent:** Tuesday, November 28, 2017 2:58 PM  
**To:** Kay, Kiesha; Wimer, Megan  
**Cc:** Hamilton, Ann; Mary Shuford; Jamie Hill (jhill@healthcarepayment.com); lisakroencke; dave\_kroencke@richards.com; Holsinger, Mark (mholsinger@omniplan.com)  
**Subject:** RE: 4513 Gaston Non-Conformity  
**Attachments:** ATT Gaston.pdf; GastonHouseInvoice.pdf

Hi, Kiesha – the most recent utility bill is an AT&T bill from June (attached), and I have also attached a bus pass invoice, but **the current owner/operator has confirmed for us that he and his organization have continued to use the property for a number of functions of the group residential facility use, including recreational activities, and had no intention at all to cease all functions there and vacate until the property was sold.** In other words, the property continues to operate as a group residential facility use into August and September, even though the utilities were not on. **Since there are not specific factual criteria in the Development Code as to what constitutes an intention to vacate a use, I would suggest that the current owner's stated intent, and continued use for certain functions being part of the use, should be dispositive.** Please let me know if you think it would be beneficial to meet again to discuss further, but due to their funding circumstances, the Magdalen House team really needs to be able to get a confirmation of legal non-conforming status this week. Thanks very much, Kiesha.

**From:** Kay, Kiesha [mailto:kiesha.kay@dallascityhall.com]  
**Sent:** Monday, November 27, 2017 10:51 AM  
**To:** Vinson, Jonathan <jvinson@jw.com>  
**Cc:** Hamilton, Ann <ann.hamilton@dallascityhall.com>  
**Subject:** RE: 4513 Gaston Non-Conformity

Jonathan,

Please provide additional information other than a letter stating that the use was in operation. Examples can be electric or utility bills.

Thank you,



**Kiesha Kay**  
Chief Planner  
City of Dallas | [www.dallascityhall.com](http://www.dallascityhall.com)  
Sustainable Development and Construction  
320 E. Jefferson Boulevard, Room 118  
Dallas, TX 75203  
O: 214-948-4476  
[kiesha.kay@dallascityhall.com](mailto:kiesha.kay@dallascityhall.com)



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BDA178-039  
044

Attu B  
PS 44

**From:** Vinson, Jonathan [<mailto:jvinson@jw.com>]  
**Sent:** Wednesday, November 22, 2017 5:41 PM  
**To:** Kay, Kiesha <[kiesha.kay@dallascityhall.com](mailto:kiesha.kay@dallascityhall.com)>; Wimer, Megan <[megan.wimer@dallascityhall.com](mailto:megan.wimer@dallascityhall.com)>  
**Cc:** Hamilton, Ann <[ann.hamilton@dallascityhall.com](mailto:ann.hamilton@dallascityhall.com)>; Mary Shuford <[Mary@magdalenhouse.org](mailto:Mary@magdalenhouse.org)>; Jamie Hill ([jhill@healthcarepayment.com](mailto:jhill@healthcarepayment.com)) <[jhill@healthcarepayment.com](mailto:jhill@healthcarepayment.com)>; lisakroencke <[lisa@magdalenhouse.org](mailto:lisa@magdalenhouse.org)>; [dave\\_kroencke@richards.com](mailto:dave_kroencke@richards.com); Holsinger, Mark ([mholsinger@omniplan.com](mailto:mholsinger@omniplan.com)) <[mholsinger@omniplan.com](mailto:mholsinger@omniplan.com)>; Rachel Zadnik ([rachel@magdalenhouse.org](mailto:rachel@magdalenhouse.org)) <[rachel@magdalenhouse.org](mailto:rachel@magdalenhouse.org)>  
**Subject:** RE: 4513 Gaston Non-Conformity

Hi, Kiesha, I am attaching a letter we obtained from the current owner of the 4513 Gaston property affirming that the previous group residential facility user, Gaston House Transitions, used the property for that use through August of 2017, therefore keeping the use current within the six month window per the Development Code, as you reference below. I note that the owner of the property is West Fielding, LLC, which is in turn owned by West Rowling Holdings, LLC, which in turn is owned and managed by Mr. Robert Rowling, who also owns and operates Gaston House Transitions, information on which is also attached, so this is all consistent.

I thought that this would be helpful to you in Staff's consideration of this matter. If possible, we would really like to try to get a determination the first part of next week as to legal nonconforming status, as we are starting to bump up against funding deadlines, as well as closing on the property. Thanks for all of your help with this, Kiesha, and I hope you have a great Thanksgiving.

*Jonathan G. Vinson*  
*Partner, Land Use Group*



2323 Ross Avenue, Suite 600  
Dallas, Texas 75201  
**Office:** (214) 953-5941  
**Fax:** (214) 661-6809  
**Mobile:** (214) 770-4636  
**Email:** [jvinson@jw.com](mailto:jvinson@jw.com)  
**Website:** [www.jw.com](http://www.jw.com)

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**From:** Kay, Kiesha [<mailto:kiesha.kay@dallascityhall.com>]  
**Sent:** Wednesday, November 15, 2017 10:51 AM  
**To:** Vinson, Jonathan <[jvinson@jw.com](mailto:jvinson@jw.com)>  
**Cc:** Hamilton, Ann <[ann.hamilton@dallascityhall.com](mailto:ann.hamilton@dallascityhall.com)>  
**Subject:** 4513 Gaston Non-Conformity

Jonathan,

Please see the research below that was completed.

BDA178-039  
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P 45

**4513 Gaston Avenue: zoning PD 362, subarea 3A**

10/4/90: CO#9006151142 issued for Herin House; Other medical and health services  
1/16/92: PD 362 was established. The use of Group Residential Facility was an approved land use, if located in subarea 3A and 3B (SUP may be required. The requirements for this use in Section 51A-4.209 apply)  
3/29/93: SUP 1143 was obtained 3/29/93 for a Group Residential Facility. This SUP was good for 5 years.  
6/1/98, SUP 1143 was issued for a Group Residential Facility. This SUP was good for 5 years  
10/18/01: CO#0110171002 issued for Herrin House; Group Residential Facility  
5/16/03, RE: SUP 1143, a letter was sent to the owners stating their application for an automatic renewal of SUP #1143 for a Group Residential Facility has been approved for an additional 5 year time period and is eligible for automatic renewal for additional 5-year periods. The letter also states that it is the property owners responsibility to file and complete application for automatic renewal before the expiration of this current period.  
10/21/05: CO#0509091126 issued for Gaston House; Group Residential Facility

The Code Compliance Multi-family program only has records going back to 2009. They show that this property has registered every year with them. They performed licensing inspections in 2013 and 2015.

**4707 Gaston Avenue**

Applied for BU permit #1209051017 to convert a single family dwelling to a Group Residential Facility. CO#1209051021 was issued 12/11/12. They have never registered with the City of Dallas Multi-family program or been inspected by them.

Per this information non-conformity still needs to be proved by Sec.51A-4.704(a)(2)

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

The last inspection completed by code compliance was October of 2015, we are going to honor that inspection and confirm that the use was still operating at that time. We need information from that date to today.

Please let me know if you have any questions.

Thank you,



Kiesha Kay  
Chief Planner  
City of Dallas | [www.dallascityhall.com](http://www.dallascityhall.com)  
Sustainable Development and Construction  
320 E. Jefferson Boulevard, Room 118  
Dallas, TX 75203  
O: 214-948-4476  
[kiesha.kay@dallascityhall.com](mailto:kiesha.kay@dallascityhall.com)



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



12. February 2, 2018, Staff letter



CITY OF DALLAS

February 2, 2018

CERTIFIED MAIL NO. 7006 2150 0002 1365 5845

Rachel Zadnik  
1302 Redwood Circle  
Dallas, TX 75218

**RE: Revocation of Certificate of Occupancy No. 1711301071 for a group residential facility use at 4513 Gaston Avenue ("the Property")**

Dear Ms. Zadnik:

A zoning determination letter was created for the Property on November 20, 2017. The determination that the use on the Property had maintained its nonconforming status was based on incomplete information. This action lead to a Certificate of Occupancy being issued in error. Pursuant to Section 51A-4.704(a)(2) of the Dallas Development Code, the right to operate a nonconforming use ceases if the nonconforming use is discontinued for six months or more. The Board of Adjustment may grant a special exception to this provision only if the owner can show that there was a clear intent not to abandon the use even though the use was discontinued for six months or more.

The building official is required to revoke a certificate of occupancy if the building official determines that the certificate of occupancy was issued in error or on the basis of false, incomplete, or incorrect information supplied. Therefore, **Certificate of Occupancy No. 1711301071 for a group residential facility use is hereby revoked.** Any use operating on the Property without a certificate of occupancy is an illegal land use that must immediately cease operating. The group residential facility use may not operate until a new certificate of occupancy is issued that complies with all city codes.

This decision is final unless appealed to the Board of Adjustment within fifteen days after the date of this letter. If you have any questions, please contact Kiesha Kay, Chief Planner in Building Inspection at 214-948-4476.

Sincerely,

Philip Siles, CBO  
Building Official  
Building Inspection Division

- cc: David Cossam, Director, Sustainable Development and Construction
- Kris Sweckard, Director, Code Compliance
- Megan Wimer, AICP, Assistant Building Official
- Kiesha Kay, Chief Planner
- Tammy Palomino, Senior Executive Assistant City Attorney
- Melissa Miles, Executive Assistant City Attorney
- Casey Burgess, Executive Assistant City Attorney

1 Paragraphs (1) and (2) of Section 306.13, "Revocation of Certificate of Occupancy," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code.

2 Section 51A 1.104, "Certificate of Occupancy," of Chapter 51A of the Dallas Development Code, Subsection 306.1, "Use or Occupancy," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code.

3 Paragraph 2 of Section 306.15, "Appeals of Actions and Determinations," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code; and Section 51A-4.703(a)(2), "Board of Adjustment Hearing Procedures," of Chapter 51A of the Dallas Development Code.



BDA178-039  
046

Alan B

PS 47

13. Robert Rowling letter



**Gaston House Transitional Living Center**

Ms. Kiesha Kay, Chief Planner  
Department of Sustainable Development and Construction  
City of Dallas  
320 East Jefferson Boulevard, Room 118  
Dallas, Texas 75203

Regarding the occupancy and use of 4513 Gaston Avenue:

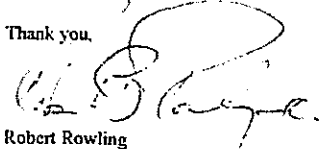
Dear Ms. Kay:

Gaston House Transitions has continuously operated out of 4513 Gaston Avenue from 2008 through at least the end of August of 2017. While tenants were completely moved out in April, Gaston House Transitions continued to operate our gym, staff offices, and storage out of the 4513 Gaston Avenue property through August of 2017. The property was being used even after all the utilities were turned off in April of 2017 as the activities taking place after this date did not require utilities. In May of 2017 we held a basketball tournament there for the men in our program. A photo of this tournament is attached. In addition to this event, Gaston House clients continued to use the gym in the Carriage House on the property well through the end of August of 2017.

Originally Gaston House Transitions planned to renovate and continue to operate out of the 4513 Gaston Avenue location but was presented with an opportunity to sell the property to The Magdalen House. There was never intent to discontinue the use of the property as a Group Residential Facility, as we always planned to move back into that location after renovations. As soon as it was decided that we would sell the property, we approached The Magdalen House. The first contract was set to close November 17<sup>th</sup>, 2017, however zoning concerns delayed the closing until December 15<sup>th</sup>, 2017.

The Magdalen House closed on 4513 Gaston Avenue on December 15<sup>th</sup>, 2017 after receiving a Zoning Determination Letter from the City of Dallas on November 28<sup>th</sup>, 2017 confirming there was not a need to obtain a Specific Use Permit. The contract was delayed from its original closing date due to the importance of receiving this confirmation from the City. Upon receipt of the Zoning Determination Letter Gaston House Transitions fully executed the contract with The Magdalen House with the understanding that Certificate of Occupancy would transfer to their name.

Thank you,



Robert Rowling  
Owner- 4513 Gaston Avenue  
Owner- Gaston House Transitions  
Robert@gastonhouse.com

## Gaston House Transitional Living Center

Ms. Kiesha Kay, Chief Planner  
Department of Sustainable Development and Construction  
City of Dallas  
320 East Jefferson Boulevard, Room 118  
Dallas, Texas 75203

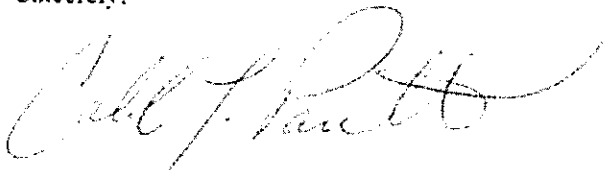
Regarding the occupancy and use of 4513 Gaston Avenue:

Dear Ms. Kay:

I am writing to confirm that I operated out of 4513 Gaston Avenue in September of 2017. I worked on a project on the property as the Chief Operating Officer of Gaston House Transitions. I have worked for Gaston House Transitions since July of 2013 and can confirm that there was never an intent to discontinue the use of the property as a Group Residential Facility.

Residents were moved out of the facility in order to renovate in April of 2017 but continued to use the property for group activities well after that time. While the utilities were turned off the gym was still being used.

Sincerely,



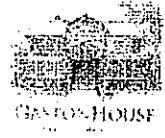
Caleb Parette  
COO, Gaston House  
caleb@gastonhouse.com

BDA 178-039  
046

Attch B

15. Billy Kane letter

P 49




## Gaston House Transitional Living Center

Ms. Kiesha Kay, Chief Planner  
Department of Sustainable Development and Construction  
City of Dallas  
320 East Jefferson Boulevard, Room 118  
Dallas, Texas 75203

Regarding the occupancy and use of 4513 Gaston Avenue:

Dear Ms. Kay:

My name is Billy Kane and I am a former client of Gaston House. I am writing to confirm that I used the gym at 4513 Gaston Avenue as late as August 27<sup>th</sup>, 2017.

Sincerely, 

Billy Kane

Billy@ironhorsefarmsal.com



February 15<sup>th</sup>, 2017

Robert Rowling

4513 Gaston Ave.  
Dallas, Texas 75246

Re: Letter of Intent

Dear Robert,

We are honored and privileged to be selected as your contractor for the work on your properties. We will endeavor to make this a positive experience and a lasting relationship.

The following outline is a description of the services to be provided and a general time frame.

**Conceptual / Feasibility Phase: 7 – 8 wks.**

1. Code/historical research, programming meetings, as-built drawings & conceptual drawings **5-6 wks.**
2. Initial Construction Estimate based on concept drawings **2 wks.**

After the **Conceptual / Feasibility** phase you will be able to make a financial business decision to move forward or not with this project. Should you elect to proceed with the project the following phases will commence.

**Design Phase: 12 – 14 wks.**

1. Design Development **4-5 wks.**
2. Construction Documents **4wks.**
3. Engineering **2-3 wks.**
4. Final onsite bid meeting and Construction Estimate **2 wks.**

**Pre-Construction**

1. We will facilitate and provide input to you and Eddie Maestri during the **Design phase** and be available for input and or meetings to discuss options for the various program items and feasibility.
2. We will also be available to coordinate with the engineer for foundation and structural design.



3. We will coordinate architectural and engineering drawings with the city and represent you before the City of Dallas building department & Landmark Commission for permitting and historical compliance.
4. We will issue construction plans to bidders for final pricing and host onsite bid meetings.
5. We will prepare all contract and construction documents for your review and execution.
6. You will be responsible for any interim construction financing if applicable.

#### Construction -

1. Construction will be executed in 2 phases. **Phase I:** to be the renovation of the Kitchen and main living area along with four units on the rear of the Junius house. **Phase II:** to be the complete gut and renovation of the Gaston House main structure. This will include window replacement and a new meeting/office/gym accessory building on the back yard.
2. We will coordinate and manage all construction, as well as order materials in a timely manner in order for the project to move smoothly.
3. We will host/coordinate regular meetings with you and Eddie Maestri, if you need his input, in order to provide effective communication and input for the phases throughout the job.
4. We will do the work based on a cost of work plus a contractor fee of 17%.
5. We expect the duration of the project to fall within the following timeframes. **Phase I: 4 - 5 months & Phase II: 10-12 months.** We will endeavor to shorten the time frame as possible.
6. We will manage cost on a regular basis as well as provide you with a monthly payment request schedule that will reflect cost status and change orders so you can make timely decisions that might affect cost.
7. We will coordinate with any of your contractors or vendors, for efficient and cost effective delivery of their services.
8. We will provide daily onsite supervision and quality control of all work and provide you with advance scheduling of the various trades.
9. We will manage construction debris and keep a clean tight ship.

#### Post construction -

1. We will be available to help you adapt to your new facility along with the various new systems and operations.
2. We will provide a warranty for your home consistent with the current Texas property code.



BDA 178-039  
046

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p 52



We are requesting the following retainer of \$16,250 for Architectural and \$6,500 for General Contractor services totaling \$22,750 at this time which will be applied toward preconstruction costs and will take you through the **Conceptual / Feasibility** Phase of the project. It will also secure your job and place in our schedule.

In the pages below you will find the architectural proposal from Eddie Maestri and some information about their team and firm. The \$16,250 architectural retainer is 25% of the total architectural fees listed. He has also included hourly options for Full Furnishings as well as contract administration should you elect to use these services.

We look forward to getting things moving and please don't hesitate to call me at any time with questions or clarifications.

Sincerely,

*John*

John Jarrett

214-533-6239

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17. August 28, 2017, DPD Report

P 53

Inform Browser : 5.740.34.0 - Reports - Incident Report

Page 1 of 3

### Incident Detail Report

Data Source: Data Warehouse  
Incident Status: Closed  
Incident number: 17-1624366  
Case Number:  
Incident Date: 8/28/2017 20:38:00  
Report Generated: 2/21/2018 16:58:31

#### Incident Information

Incident Type:	2Man	Alarm Level:	
Priority:	1 - Emergency	Problem:	41/11R - Burg Res in Progress
Determinant:		Agency:	Police
Base Response#:	06252017-0154801	Jurisdiction:	Dallas Police
Confirmation#:		Division:	Central
Taken By:	Crabtree, Lela D	Battalion:	150
Response Area:	156	Response Plan:	CH1 - 2MAN
Disposition:	NP - No Police Action	Command Ch:	
Cancel Reason:		Primary TAC:	
Incident Status:	Closed	Secondary TAC:	
Certification:	P-Patrol	Delay Reason (if any):	
Longitude:	95773413	Latitude:	32796778

#### Incident Location

Location Name:		County:	DALLAS
Address:	4513 Gaston Ave	Location Type:	
Apartment:		Cross Street:	N CARROLL AVE/MORELAND AVE
Building:		Map Reference:	46-E
City, State, Zip:	Dallas TX 75246		

#### Call Receipt

Caller Name:	collins, kyle	Call Back Phone:	[REDACTED]
Method Received:		Caller Location:	
Caller Type:			

#### Time Stamps

Description	Date	Time	User	Elapsed Times	Description	Time
Phone Pickup	8/25/2017	20:38:00				
1st Key Stroke	8/25/2017	20:38:00				
In Waiting Queue	8/25/2017	20:41:02		Received to In Queue		00:03:02
Call Taking Complete	8/25/2017	20:41:55	Crabtree, Lela D	Call Taking		00:03:55
1st Unit Assigned	8/25/2017	20:47:34		In Queue to 1st Assign		00:06:32
1st Unit Enroute	8/25/2017	20:47:37		Call Received to 1st Assign		00:09:34
1st Unit Arrived	8/25/2017	20:51:56		Assigned to 1st Enroute		00:00:03 1
Closed	8/25/2017	21:33:33	Mobile1	Enroute to 1st Arrived		00:04:19
				Incident Duration		

#### Resources Assigned

Unit	Flag	Assigned	Disposition	Enroute	Staged	Arrived	At Patient Avail	Complete	Odm. Enroute	Odm. Arrived	Cancel Reason
C115	Y	20:47:34	NP - No Police Action	20:47:37		20:51:56		21:33:33			

#### Personnel Assigned

Unit	Name
C115	Lopez, Moises (11041), Nguyen, Tu M (10740)

#### Pre-Scheduled Information

No Pre-Scheduled Information

#### Transports

No Transports Information

#### Transport Legs

No Transports Information

#### Comments

Date	Time	User	Type	Conf.	Comments
8/25/2017	20:38:03	SYS	Response		[1] Multiple Response Areas found. Response Area Choices: 155, 156
8/25/2017	20:41:02	122039	Response		[2] comp states that he saws a f wm, ball cap wht shirt, white or khaki shorts, unk wpns go in the back of a vacant house, now he see flashlights in the garage apt at the back of the house
8/25/2017	20:41:21	119997	Response		[3] ANNOUNCED
8/25/2017	20:41:36	122039	Response		[4] [Notification] [Police]-comp lives next door at 4519 gaston ave if ro's need to talk to him
8/25/2017	20:43:04	119987	Response		[5] ANNOUNCED
8/25/2017	21:24:57	Lopez, Moises	Response		[8] OWNER OF PROPERTY, RAWLING, ROBERT (2142838500) SPOKE TO RO OVER PHONE AND STATED KANE, WILLIAM (REDACTED) WAS ALLOWED ON THE PROPERTY TO WORKOUT. NO OFFENSE AT THIS TIME.NFI.

#### Address Changes

No Address Changes

#### Priority Changes

Date	Time	Changed from Priority	Reason	User
8/25/2017	20:38:11	3 - General Service	Priority Change	LDC

#### Alarm Level Changes

No Alarm Level Changes

BDA178-039  
046

ALL B  
P. 54

Inform Browser : 5.740.34.0 - Reports - Incident Report

Activity Log Date	Time	Radio	Activity	Location	Log Entry	User
8/25/2017	20:38:03		Sector Change		From Sector No Sector to Sector 911OPER	122039
8/25/2017	20:38:09		Sector Change		From Sector No Sector to Sector 911OPER	122039
8/25/2017	20:38:17		Sector Change		From Sector No Sector to Sector CH1	122039
8/25/2017	20:38:17		Sector Change		From Sector No Sector to Sector CH1	122039
8/25/2017	20:38:17		Incident Priority Change		Incident priority changed from <none> to 3 - General Service	122039
8/25/2017	20:38:11		Incident Priority Change		Incident priority changed from 3 - General Service to 1 - Emergency due to Priority Change	122039
8/25/2017	20:41:02		Incident In Waiting Queue		INT Insert:Aug 25 2017 20:38:01 / INT	122039
8/25/2017	20:41:02		ANUAL Statistics		SendNP:Aug 25 2017 20:38:00 / WS RecvNP:Aug 25 2017 20:37:59 / WS Process:Aug 25 2017 20:41:02	
8/25/2017	20:41:03		Waiting Pending Incident Time Warning		Waiting Pending Incident Time Warning timer expired	
8/25/2017	20:41:05		Read Incident		Incident 905 was Marked as Read.	119997
8/25/2017	20:41:05		Read Comment		Comment for Incident 905 was Marked as Read.	119997
8/25/2017	20:41:07		Remove Waiting Pending Incident Warning		Removing Waiting Pending Incident Time Warning timer expired	
8/25/2017	20:41:08		Incident In Waiting Queue Timer Clear			
8/25/2017	20:41:36		Notify Comment		(Response Viewer)	
8/25/2017	20:41:37		Read Comment		Comment for Incident 905 was Marked as Read.	119997
8/25/2017	20:41:55		UserAction		User clicked Exit/Save	122039
8/25/2017	20:42:02		Pending Incident Time Warning		Pending Incident Time Warning timer expired	
8/25/2017	20:42:02		Incident Late			
8/25/2017	20:45:23		UserAction		User clicked Exit/Save	119997
8/25/2017	20:45:45		Read Comment		Comment for Incident 905 was Marked as Read.	119997
8/25/2017	20:45:53		UserAction		User clicked Exit/Save	119997
8/25/2017	20:46:32		UserAction		User clicked Exit/Save	119997
8/25/2017	20:47:34	C115	Assign	4513 Gaston Ave	Response Number (08252017-0154801)	119997
8/25/2017	20:47:34		Incident Timer Clear		Incident Timer Cleared	
8/25/2017	20:47:37	C115	Enr	4513 Gaston Ave	Responding From = UNNAMED STREETW HASKELL AVE	C115
8/25/2017	20:49:08		UserAction		User clicked Exit/Save	119997
8/25/2017	20:51:56	C115	At Scene	4513 Gaston Ave		VisiNET
8/25/2017	21:07:32	C115	Interface:mcl/mdv/mst		C115: Record check query data: Query Type: Person Check. Query Criteria: IncidentId 29475905, lastname kane, firstname william, dob [REDACTED], sex M, race W, state [REDACTED]	INT
8/25/2017	21:33:33	C115	Response Closed	4513 Gaston Ave	Response Disposition: NP - No Police Action	C115
8/25/2017	21:33:33	C115	Disposition	4513 Gaston Ave	NP - No Police Action	C115
8/25/2017	21:33:33	C115	MA	4513 Gaston Ave		C115
8/25/2017	22:09:48		UserAction		User clicked Exit/Save	113540

Edt Log Data	Time	Field	Changed From	Changed To	Reason	Table	Workstation	User
8/25/2017	20:38:00	Address	(Blank)	4400-4499 BRYAN ST	New Entry	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:00	Call_Back_Phone		[REDACTED]	(Response Viewer)	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:03	Longitude	0	96778032	Entry Verified	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:03	Latitude	0	32800080	Entry Verified	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:03	Address	4400-4499 BRYAN ST	4400-4499 BRYAN ST	Entry Verified	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:03	ResponsePlanType	0	0	(Response Viewer)	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:03	Response_Area		155	(Response Viewer)	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:03	Battalion		911	(Response Viewer)	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:03	Division		911	(Response Viewer)	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:03	Jurisdiction		911	(Response Viewer)	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:09	Longitude	96778032	96773413	Entry Verified	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:09	Latitude	32800080	32796778	Entry Verified	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:09	Address	4513 gaston	4513 GASTON AVE	Entry Verified	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:09	ResponsePlanType	0	0	(Response Viewer)	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:09	Response_Area		155	(Response Viewer)	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:09	Battalion		911	(Response Viewer)	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:09	Division		911	(Response Viewer)	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:09	Jurisdiction		911	(Response Viewer)	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:09	Address	(Blank)	4513 gaston	New Entry	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:17	Certification_Level		P-Patrol	(Response Viewer)	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:17	Incident_Type		1Man	(Response Viewer)	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:17	Priority_Number	0	3	(Response Viewer)	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:17	Priority_Description		3 - General Service	(Response Viewer)	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:17	ResponsePlanType	0	1	(Response Viewer)	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:17	DispatchLevel		Default	(Response Viewer)	Response_Master_Incident	CAD911CT349	122039

BDA178-029  
046

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P 55

Inform Browser : 5.740.34.0 - Reports - Incident Report

8/25/2017	20:38:17	Response_Plan		CH1 - 1MAN	(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:38:17	Problem		11R - Burg of Res	(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:38:17	ResponsePlanType0		0	(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:38:17	Response_Area		156	(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:38:17	Battalion		150	(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:38:17	Division		Central	(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:38:17	Jurisdiction		Dallas Police	(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:38:17	ResponsePlanType0		0	(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:38:17	Response_Area		156	(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:38:17	Battalion		150	(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:38:17	Division		Central	(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:38:17	Jurisdiction		Dallas Police	(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:38:22	Caller_Name		WIRELESS-AT&T MOBILITY	(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:38:27	Cross_Street		N CARROLL AVE/MORELAND AVE	(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:38:58	Caller_Name	WIRELESS-AT&T MOBILITY		(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:39:11	Incident_Type		2Man	(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:39:11	Priority_Number	3	1	Priority Change	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:39:11	Priority_Description	3 - General Service	1 - Emergency	Priority Change	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:39:11	ResponsePlanType0		1	(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:39:11	Response_Plan		CH1 - 2MAN	(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:39:11	Problem	11R - Burg of Res-P	41/11R - Burg Res In Progress	(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:39:22	Caller_Name		collins, kyle	(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:41:03	Map_Info		46-E		Response_Master_Incident CAD911CT349 122039
8/25/2017	20:41:03	Pickup_Map_Info		46-E		Response_Transports CAD911CT349 122039
8/25/2017	20:41:03	Caller_Building		2029	Polygon Lockup	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:41:05	Read Comment	False	True	(Response Viewer)	Response_Master_Incident CADDPDPCH0 119997
8/25/2017	20:41:05	Read Call	False	True	(Response Viewer)	Response_Master_Incident CADDPDPCH0 119997
8/25/2017	20:41:37	Read Comment	False	True	(Comment Notification Window)	Response_Master_Incident CADDPDPCH0 119997
8/25/2017	20:45:45	Read Comment	False	True	(Response Viewer)	Response_Master_Incident CADDPDPCH0 119997

Custom Time Stamps  
No Custom Time Stamps


Custom Data Fields  
No Custom Data Fields

Attachments  
No Attachment



18. Copy of Gaston House Transitions  
Staff web page – printed from Internet on  
November 22, 2017

[Home](#) [About](#) [Program](#) [Media](#) [Gaston News](#) [Admissions](#)

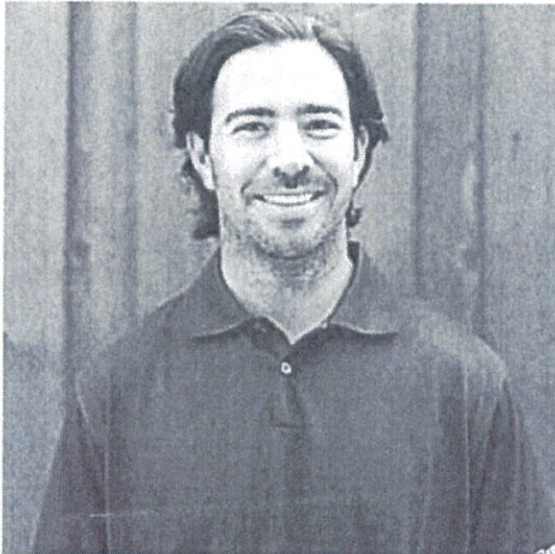
[Contact Us](#) 

# Our Team





Gaston House offers a diverse staff ranging from masters level counselors to graduates of the program. Gaston sober living staff is committed to giving young men in drug and alcohol recovery a winning chance of long term sobriety.



Robert Rowling  
Owner



Lynn Sheehan  
Parent Advocate, MA - LPC

^



Caleb Parrette  
Chief Operating Officer



Travis Herbert  
Clinical Director, MA - LPC

Nathaniel Blackburn  
Director of Admissions and  
Marketing

Josh Burnett  
Program Director



George Pyzik  
Property Manager

Robert Klotz  
Recovery Advocate, Apartment  
Manager

LINKS

- > [Gaston House Transitions](#)
- > [Our Team](#)
- > [Media](#)
- > [Contact Us](#)

CONTACT INFORMATION

GastonHouse

Southaven  
Blossomville 7206  
434 E 8007  
Crest Parkette  
12101 40th 79114





BDA 178-046

Attach C

pg 1

April 6, 2018

*Via Email to BDA Secretary*

Board of Adjustment, Panel C  
1500 Marilla St., 5BN  
Dallas, Texas 75201

Re: City Staff's Letter Brief in the Appeal of Building Official's Revocation of Certificate of Occupancy at 4513 Gaston Avenue – BDA 178-046

Dear Board Members:

Below is a summary of the key points that will be addressed by City staff in response to Jonathan Vinson's appeal of the Building Official's revocation of Certificate of Occupancy for a group residential facility use at 4513 Gaston Avenue (the "Property").

#### **1. Background**

A zoning determination letter was issued by City staff in regard to the Property on November 28, 2017. According to a letter submitted to City staff with the request for a zoning determination, the current owner of the Property, The Magdalen House, purchased the Property from its previous owner, Gaston House, sometime in November or December of 2017. *See Exhibit A.* To maintain rights to a nonconforming use as a group residential facility at the Property, the current owner had to show that the nonconforming use was not discontinued at the Property for six months or more pursuant to Dallas City Code Chapter 51A-4.704(a)(2). The only information provided to City staff for the zoning determination was an unsworn letter from Robert Rowling, purportedly the previous owner of the Property and Gaston House. That letter is attached as Exhibit A. From the letter, it appeared that the nonconforming use of the Property by the previous owner ceased in August of 2017. Based on this letter, City staff issued the November 28, 2017 zoning determination letter stating that based on the documentation provided the Property had maintained its nonconforming use rights. Based on this determination, a Certificate of Occupancy was issued for the Property on November 30, 2017.

However, in January of 2018, it was brought to the attention of City staff by neighbors of the Property that the nonconforming use at the Property may have been discontinued for longer than six months in 2017. City staff conducted further research, checking with Oncor and City of Dallas Department of Water Utilities to determine dates of service termination under the previous owner of the Property. It was discovered that, despite the fact that the letter from Robert Rowling submitted to City staff stated use of the property continued through August 2017, both electric and water service to the Property ended and was formally terminated in April 2017. *See Exhibit B.* From this, City staff determined that the nonconforming use at the Property had been discontinued for more than six months, and thus, the zoning determination letter and Certificate of Occupancy had been issued in error.

The Certificate of Occupancy for group residential use at the Property was formally revoked on February 2, 2018.

## 2. Argument

Under Dallas City Code Chapter 51A-4.704(a)(2), the right to operate a nonconforming use ceases if the nonconforming use is discontinued for six months or more. Initially, it was believed by City staff that the previous owner of the Property, Gaston House, had discontinued its nonconforming group residential facility use in August 2017. Thus, as of November 2017, the nonconforming group residential facility use had been discontinued for only three months. Therefore, the right to operate a nonconforming group residential facility use was believed to still be in place for the Property.

However, when it was brought to the attention of City staff that Gaston House may have discontinued use prior to August 2017, it was discovered that electric and water service to the property ended in April 2017. Presumably, the nonconforming group residential facility use had to be discontinued in April 2017 because the Property no longer had electricity or water. Thus, as of November 2017, the nonconforming group residential facility use had to have been discontinued for more than six months. Therefore, rights in a nonconforming group residential facility use had ceased and a Certificate of Occupancy for such use should not have been issued to the Property in November 2017.

The building official is required to revoke a certificate of occupancy if the building official determines that the certificate of occupancy was issued on the basis of false, incomplete, or incorrect information. Dallas City Code 52-306.13(1) & (2). Thus, once it was discovered that rights to a nonconforming group residential facility use had ceased for the Property, the building official was correct in revoking the certificate of occupancy issued for such use on November 30, 2017 because it was issued on the basis of false, incomplete, or incorrect information.

## 3. Relief Requested

The Building Official's revocation of the Certificate of Occupancy for the Property was proper. Accordingly, the City requests that the Board of Adjustment affirm the Building Official's decision.

Very truly yours,

/s/ Sonia Syed  
Assistant City Attorney  
[sonia.syed@dallascityhall.com](mailto:sonia.syed@dallascityhall.com)  
(214) 670-3519



BDA178-046  
Attach C  
P33

Exhibit A

To Whom It May Concern:

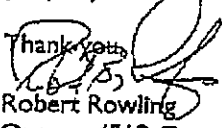
Regarding the occupancy and use of 4513 Gaston Avenue:

Gaston House has continuously operated out of 4513 Gaston Avenue from 2008 through June of 2017. While tenants were moved out in May, Gaston House continued to operate our gym, staff offices, storage and sleep quarters out of the 4513 Gaston Avenue property into August of 2017.

Originally Gaston House Transitions planned to renovate and continue to operate out of the 4513 Gaston Avenue location but was presented with an opportunity to sell the property to The Magdalen House. The first contract was set to close November 17<sup>th</sup>, 2017, however zoning concerns delayed the closing until December 15<sup>th</sup>, 2017.

Gaston House Transitions is pleased to sell the property to a partnering non-profit so that the property can continue to be used to serve the DFW community.

Thank you,

  
Robert Rowling  
Owner- 4513 Gaston Avenue  
Owner- Gaston House  
Robert@gastonhouse.com

BDA178-046  
Attch C  
PS 4

Exhibit B



City of Dallas

**VERIFICATION OF WATER/WASTEWATER**

January 30, 2018

WEST FIELDING LLC  
4001 MAPLE AVE STE 600  
DALLAS TX 75219-3241

DALLAS WATER UTILITIES PROVIDES SERVICE TO THE FOLLOWING LOCATION(S):

4513 GASTON AVE  
DALLAS, TX 75246-1007

DATE SERVICE:	STARTED	ENDED
	X	
	<u>01/10/2008</u>	<u>04/10/2017</u>

CLASS	
RESIDENTIAL	_____
COMMERCIAL	_____

TYPE	NUMBER OF SERVICES
WASTEWATER	<u>1</u>
WATER	<u>1</u>
FIRE SERVICE	_____

BDA178-044

A Hrch C  
P S

Exhibit B



Utilities  
And  
Services

City of Dallas

**Final Amount Due**  
**(Payable upon receipt)**

**\$439.92**

Customer Name: **WEST FIELDING LLC**  
c/o **GASTON HOUSE ACCOUNTING**  
Account Number: **100387030**  
Service Address: **4513 GASTON AVE**

Invoice 051250887067 Issued 4/14/17 Page: 1 of 2

**INVOICE SUMMARY**

Previous Balance	\$377.59
Payment(s)	(\$377.59)
Balance Forward	\$0.00
<b>Current Charges (See back page(s) for details)</b>	
Water Charges	\$114.31
Sewer Charges	\$120.33
Sanitation Charges	\$184.28
Storm Water Charges	\$21.00
<b>Total Current Charges</b>	<b>\$439.92</b>
<b>Total Amount Due</b>	<b>\$439.92</b>

**SPECIAL MESSAGES**

The City of Dallas 2016 Water Quality Report is now available for review online at [www.DallasWQR.com](http://www.DallasWQR.com). Please call 311 for a copy if you don't have an internet connection.

Defend Your Drains by taking old and unused medications to the drug take-back on April 29. Protect our water and keep everyone safe! Find a location at [MedicineTakeBack.com](http://MedicineTakeBack.com)

Call 311 to request or report an emergency water turn-off, a water main break, a water meter leak, a fire hydrant leak, or a clogged or overflowing wastewater main.

**WATER CONSERVATION TIP**

Remember, it's not a good idea to water between 10 am and 6 pm when lots of water is lost to evaporation and wind. It's also prohibited in Dallas from April 1 to October 31. For more information and watering tips, visit [SaveDallasWater.com](http://SaveDallasWater.com).

**BE A GOOD NEIGHBOR!**

**Operation WaterShare:** Helps pay water bills for customers facing temporary financial setbacks.

**Teen Program:** Dallas Public Library Teen Centers offer special programs to help teens achieve success in life and school. Programs are as diverse, ranging from digital photography to information on college entry, but all work to develop life skills.

**CONTACT US?**

Phone: (214) 651-1441  
Email: [WaterSpecialtyUnit@dallascityhall.com](mailto:WaterSpecialtyUnit@dallascityhall.com)  
Mail: 1500 Marilla, 3ANorth, Dallas, TX 75201

Keep this portion for your records

Please return this portion with your payment 16399 06-000 0



City of Dallas

Dallas Water Utilities  
PO Box 660025  
Dallas TX 75266-0025

**ACCOUNT NUMBER:**  
100387030

**Final Amount Due**  
**(payable upon receipt)**

**\$439.92**

Operation WaterShare \_\_\_\_\_

Teen Library Programs \_\_\_\_\_

**Total Amount Enclosed**

\$ \_\_\_\_\_

**MAIL PAYMENT TO:**  
City of Dallas  
City Hall, 2D South  
Dallas TX 75277

Check here for change of address on back

Seq# EPAY-000409  
WEST FIELDING LLC  
c/o GASTON HOUSE ACCOUNTING  
4001 MAPLE AVE STE 600  
DALLAS TX 75219-3241



1003870303 00000439928 00000461227 00000000001 101 42 20171214

BDA17B-046  
Attach C  
pg 4

Exhibit B

Invoice 051250887067 Issued 4/14/17 Page: 2 of 2

**UTILITY**

Service from 3/13/17 to 4/10/17 for 29 days

Service Provided	Meter Number	Read Previous	Read 4/10/17	Usage in 100.GALS	Usage Charge	Base Charge	Total
Water	513137	90,989	91,261	272	103.75	10.56	\$114.31
Sewer	513137	90,989	91,261	272	110.98	9.35	\$120.33
Sanitation (APT/Condo/MH/Mixed Use x units)							\$170.24
Sanitation Tax							\$14.04
<b>Sanitation Charges</b>							<b>\$184.28</b>
Storm Water Charges							\$21.00
<b>Utility Charges</b>							<b>\$439.92</b>

**Storm Water Fee:** This fee funds the City's storm water utility, formed in 1991, to meet requirements of a federal mandate to control storm water pollution. It also pays for other routine maintenance activities that affect storm water quality.

Address Change

City of Dallas  
In Person Payment Location  
Dallas City Hall 2D South  
1500 Marilla Street  
8 a.m. - 5 p.m. Monday - Friday

As provided in Section 182.052 of the Texas Utilities Code, you are hereby informed of your right to request confidentiality of your address, telephone number, social security number, and information relating to volume or units of utility usage and amounts billed to or collected from you for utility usage. To elect confidentiality, please visit [www.dwuconfidentiality.com](http://www.dwuconfidentiality.com)

Payments may be made by phone or automatically drafted monthly from your bank or credit card. For details, contact Customer Service at (214) 651-1441 or on-line at [www.dallascityhall.com](http://www.dallascityhall.com).

For a Fidelity Express location near you, please contact Customer Service at (214) 651-1441 or visit [www.dallascityhall.com](http://www.dallascityhall.com). If scheduled for disconnection, payment must be made the business day before the due date to avert this action.

In the event your check is returned for insufficient funds or uncollected funds, we may re-present your check electronically. {En el caso que su cheque sea devuelto por falta de fondos o fondos no cobrados, nosotros podemos procesar su cheque electrónicamente otra vez.}

For feedback on Inserts/Onserts, please call 311 or e-mail us at [dallas311@dallascityhall.com](mailto:dallas311@dallascityhall.com)



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-046

Data Relative to Subject Property:

Date: 3-1-18

Location address: 4513 Gaston Avenue Zoning District: P.D. 362, Subarea 3A; H/72

Lot No.: SE Pt. Lot 2 Block No.: 1/769 Acreage: 0.43 acres Census Tract: 0015.04

Street Frontage (in Feet): 1) 70 FT 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property/or Principal: The Magdalen House

Applicant: Jackson Walker L.L.P. / Jonathan G. Vinson Telephone: 214-953-5941

Mailing Address: 2323 Ross Avenue, Suite 600 Zip Code: 75201

E-mail Address: jvinson@jw.com

Represented by: Jackson Walker L.L.P. / Jonathan G. Vinson Telephone: 214-953-5941

Mailing Address: 2323 Ross Avenue, Suite 600 Zip Code: 75201

Affirm that an appeal has been made for a Variance \_\_, or Special Exception \_\_\_\_, \_\_\_\_, (other) \_\_\_\_  
To appeal the decision of the Building Official per letter dated February 2, 2018, to reverse a November 28, 2017, determination letter (copy attached) confirming legal nonconforming rights for the use.

Application is now made to the Honorable Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described request for the following reason:  
The previous owner can demonstrate with factual evidence that the use on the property was active at least through August, 2017, with a clear intent not to abandon the use, and the current owner applied for a Certificate of Occupancy in December, 2017. Therefore, the February 2 determination should be reversed, as the November 28, 2017, determination was correct. This will be supported by additional evidence to be submitted.

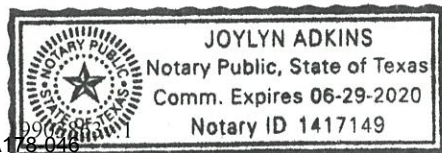
Note to Applicant: If the relief requested in this application is granted by the Board of Adjustment, said permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Respectfully submitted: Jackson Walker L.L.P.  
By: Jonathan G. Vinson Applicant's name printed  
Jonathan G. Vinson Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared Jonathan G. Vinson 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.

Subscribed and sworn to before me this 27<sup>th</sup> day of February, 2018  
Jonathan G. Vinson Affiant (Applicant's signature)



Joylyn Adkins  
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**

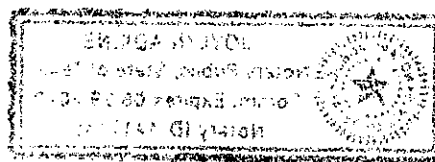
I hereby certify that Jonathan Vinson

did submit a request to appeal the decision of the administrative official  
at 4513 Gaston Avenue

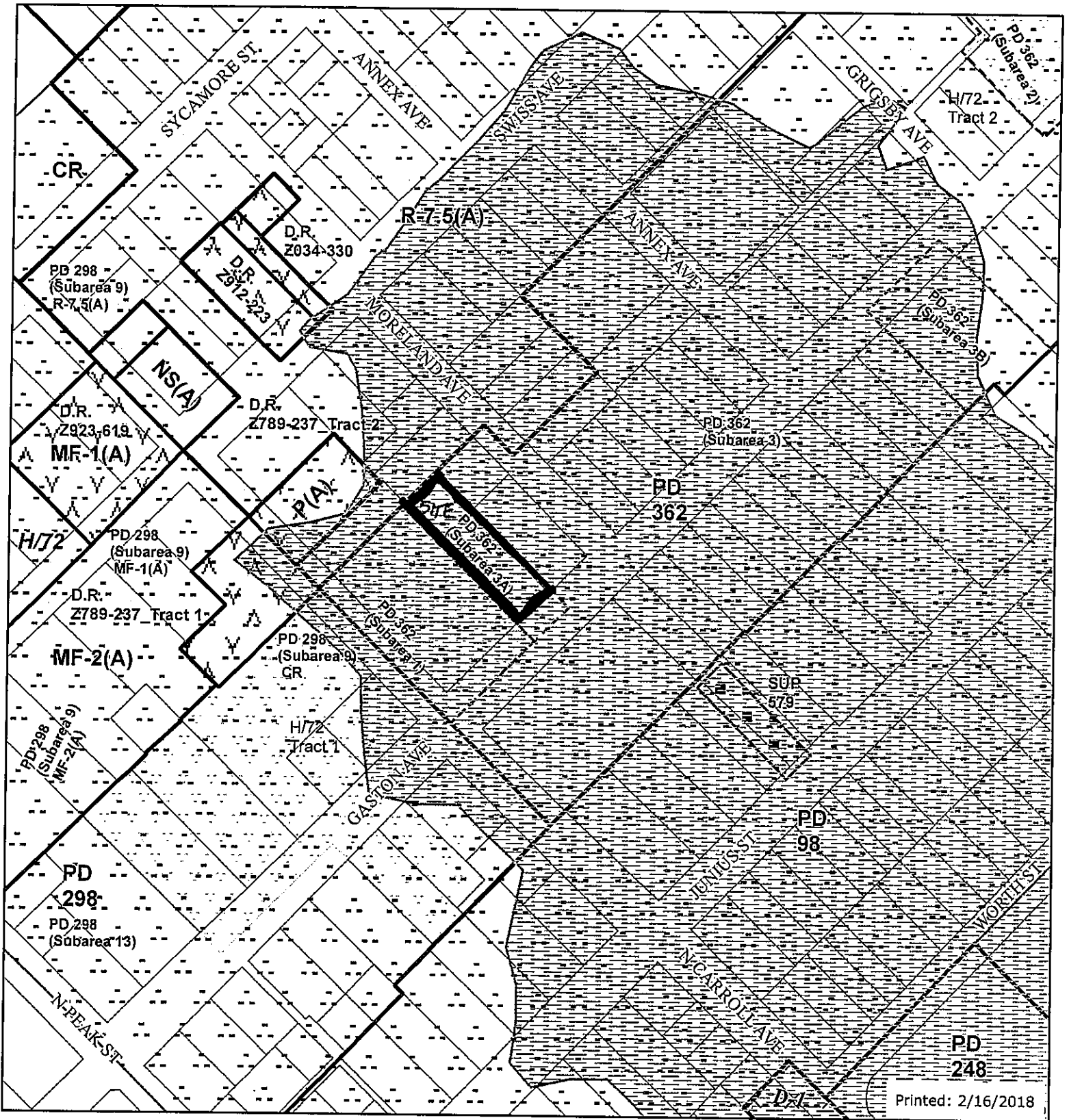
BDA178-046. Application of Jonathan Vinson to appeal the decision of the administrative official at 4513 Gaston Avenue. This property is more fully described as Lot 2, Block 1/766 and is zoned PD-362 (Subarea 3A), H/72, which requires that the building official shall revoke a certificate of occupancy if the building official determines that the certificate of occupancy was issued on the basis of false, incomplete, or incorrect information; the use is being operated in violation of the Dallas Development Code, other city ordinances, rules or regulations, or any county, state, or federal laws or regulations. The applicant proposes to appeal the decision of an administrative official in the revocation of a certificate of occupancy.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official







Printed: 2/16/2018

**Legend**

- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | railroad                       | Dry Overlay           | CD Subdistricts            |
| School               | Certified Parcels              | D                     | PD Subdistricts            |
| Floodplain           | Base Zoning                    | D-1                   | PDS Subdistricts           |
| 100 Year Flood Zone  | PD193 Oak Lawn                 | CP                    | NSO Subdistricts           |
| Mill's Creek         | Dallas Environmental Corridors | SP                    | NSO_Overlay                |
| Peak's Branch        | SPSP Overlay                   | MD Overlay            | Escarpment Overlay         |
| X Protected by Levee | BDA176-045                     | Historic Subdistricts | Parking Management Overlay |
| Parks                | BDA176-045                     | Historic Overlay      | Shop Front Overlay         |
|                      | BDA176-045                     | Height Map Overlay    |                            |

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





City of Dallas

AFFIDAVIT

BDA Case # 178-046

I, MARY SHUFORD PROJECT MANAGER

of The Magdalen House the Owner of the subject property at:

4513 Gaston Avenue

Authorize (applicant) Jonathan G. Vinson/Jackson Walker L.L.P.

To pursue an appeal to the City of Dallas Board of Adjustment for the following request (s)

Variance (please specify)

Special Exception (please specify)

X Other (please specify) to appeal the decision of the Building Official, per letter dated February 2, 2018, to reverse a zoning determination letter dated November 20, 2017, confirming legal nonconforming rights for the use on the subject property.

The Magdalen House By: MARY SHUFORD February 26, 2018  
Print name of property owner Its: [Signature] Signature of property owner Date

Before me the undersigned on the day of personally appeared Mary Shuford

Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 26<sup>th</sup> day of February, 2018.



Beth S. Hansen  
Notary Public in and for  
Dallas County, Texas 2/21  
Commission expires on 2021



CITY OF DALLAS

February 2, 2018

CERTIFIED MAIL NO. 7006 2150 0002 1365 5845

Rachel Zadnik  
1302 Redwood Circle  
Dallas, TX 75218

**RE: Revocation of Certificate of Occupancy No. 1711301071 for a group residential facility use at 4513 Gaston Avenue ("the Property")**

Dear Ms. Zadnik:

A zoning determination letter was created for the Property on November 20, 2017. The determination that the use on the Property had maintained its nonconforming status was based on incomplete information. This action led to a Certificate of Occupancy being issued in error. Pursuant to Section 51A-4.704(a)(2) of the Dallas Development Code, the right to operate a nonconforming use ceases if the nonconforming use is discontinued for six months or more. The Board of Adjustment may grant a special exception to this provision only if the owner can show that there was a clear intent not to abandon the use even though the use was discontinued for six months or more.

The building official is required to revoke a certificate of occupancy if the building official determines that the certificate of occupancy was issued in error or on the basis of false, incomplete, or incorrect information supplied. Therefore, **Certificate of Occupancy No. 1711301071 for a group residential facility use is hereby revoked.** Any use operating on the Property without a certificate of occupancy is an illegal land use that must immediately cease operating.<sup>1</sup> The group residential facility use may not operate until a new certificate of occupancy is issued that complies with all city codes.

This decision is final unless appealed to the Board of Adjustment within fifteen days after the date of this letter.<sup>2</sup> If you have any questions, please contact Kiesha Kay, Chief Planner in Building Inspection at 214-948-4476.

Sincerely,

Philip Sikes, CBO  
Building Official  
Building Inspection Division

cc: David Cossum, Director, Sustainable Development and Construction  
Kris Sweckard, Director, Code Compliance  
Megan Wimer, AICP, Assistant Building Official  
Kiesha Kay, Chief Planner  
Tammy Palomino, Senior Executive Assistant City Attorney  
Melissa Miles, Executive Assistant City Attorney  
Cassy Burgess, Executive Assistant City Attorney

<sup>1</sup> Paragraphs (1) and (2) of Section 306.13, "Revocation of Certificate of Occupancy," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code.

<sup>2</sup> Section 51A-4.104, "Certificate of Occupancy," of Chapter 51A of the Dallas Development Code; Subsection 306.1, "Use or Occupancy," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code.

<sup>3</sup> Paragraph 2 of Section 306.15, "Appeals of Actions and Determinations," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code; and Section 51A-4.703(a)(2), "Board of Adjustment Hearing Procedures," of Chapter 51A of the Dallas Development Code.





CITY OF DALLAS

November 28, 2017

Jonathan Vinson  
Jackson Walker, LLC  
2323 Ross Ave., Suite 600  
Dallas, TX 75201

**RE: Zoning Determination Request; 4513 Gaston Avenue, Part of Lot 2 and Block 1/769**

Dear Mr. Vinson:

As detailed in your email dated November 15, 2017 and attached, you have requested a written determination pertaining to the nonconforming land use of group residential facility located at 4513 Gaston Avenue.

Based on the documentation provided and attached, the property has maintained its nonconforming land use status and will not be required to obtain a specific use permit, per Section 51A-4.209(3)(B) of the Dallas Development Code.

Pursuant to Section 51A-4.704(a)(2) of the Dallas Development Code, the right to operate a nonconforming use ceases if the nonconforming use is discontinued for six months or more. The board may grant a special exception to this provision only if the owner can show that there was a clear intent not to abandon the use even though the use was discontinued for six months or more.

This letter does not constitute a building permit or certificate of occupancy, nor does it imply that a building permit or certificate of occupancy will be approved without complying with all applicable rules and regulations. The City of Dallas does not provide letters certifying that a property or development complies with all applicable rules and regulations.

If you have any further questions, please contact me at 214-948-4476 or [kiesha.kay@dallascityhall.com](mailto:kiesha.kay@dallascityhall.com).

Respectfully,

Kiesha Kay  
Chief Planner  
Building Inspection Division

cc: Megan Wimer, Assistant Building Official

To Whom It May Concern:

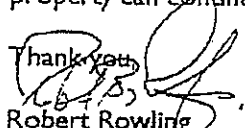
Regarding the occupancy and use of 4513 Gaston Avenue:

Gaston House has continuously operated out of 4513 Gaston Avenue from 2008 through June of 2017. While tenants were moved out in May, Gaston House continued to operate our gym, staff offices, storage and sleep quarters out of the 4513 Gaston Avenue property into August of 2017.

Originally Gaston House Transitions planned to renovate and continue to operate out of the 4513 Gaston Avenue location but was presented with an opportunity to sell the property to The Magdalen House. The first contract was set to close November 17<sup>th</sup>, 2017, however zoning concerns delayed the closing until December 15<sup>th</sup>, 2017.

Gaston House Transitions is pleased to sell the property to a partnering non-profit so that the property can continue to be used to serve the DFW community.

Thank you,



Robert Rowling  
Owner- 4513 Gaston Avenue  
Owner- Gaston House  
Robert@gastonhouse.com



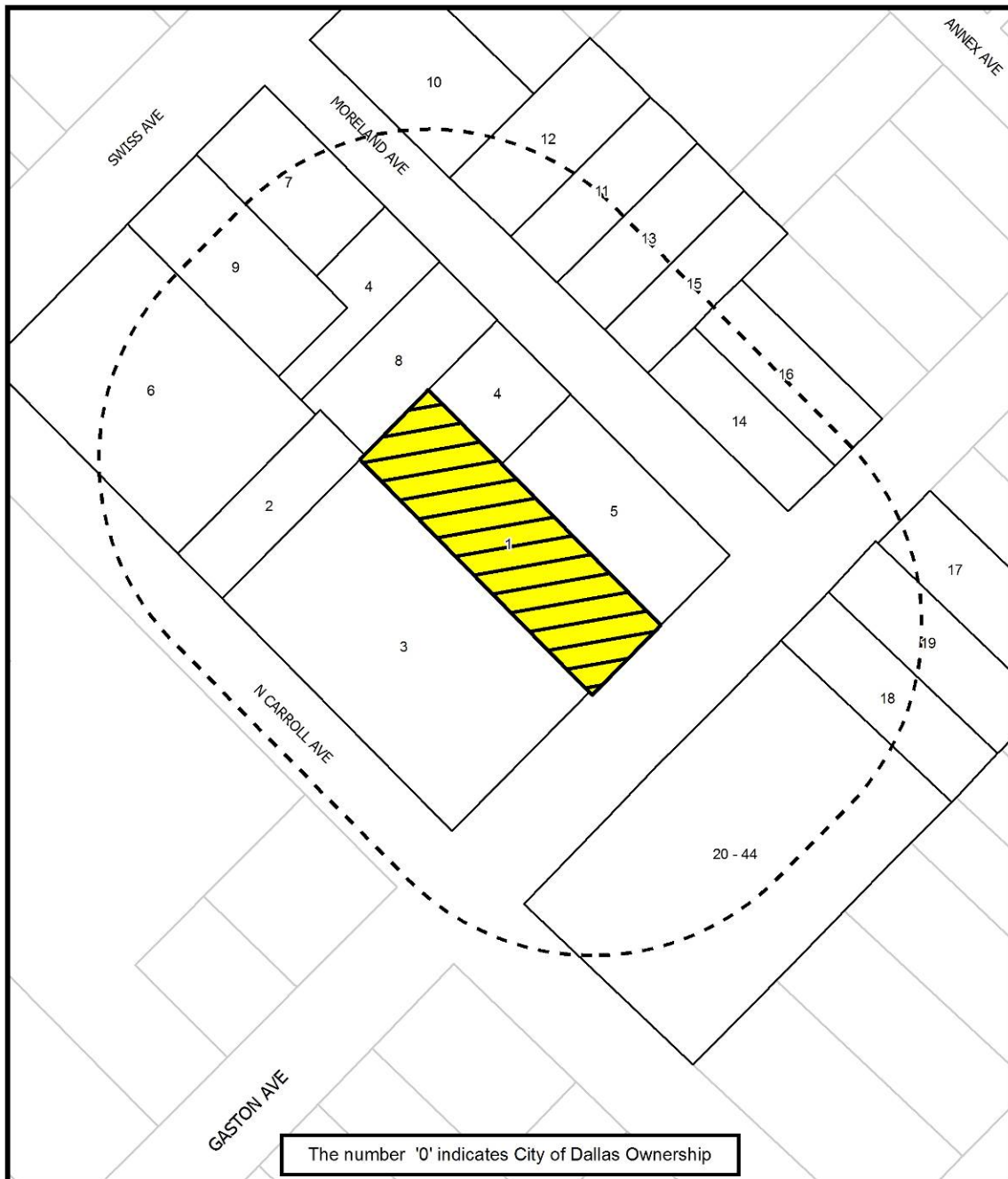
## CITY OF DALLAS

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

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

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

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



 1:1,200	<h2>NOTIFICATION</h2>	Case no: <b>BDA178-046</b>			
	<table border="1"> <tr> <td style="text-align: center;"><b>200'</b></td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;"><b>44</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>44</b>	NUMBER OF PROPERTY OWNERS NOTIFIED
<b>200'</b>	AREA OF NOTIFICATION				
<b>44</b>	NUMBER OF PROPERTY OWNERS NOTIFIED				



## *Notification List of Property Owners*

***BDA178-046***

### ***44 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	4513 GASTON AVE	WEST FIELDING LLC
2	1000 N CARROLL AVE	STANLEY MABLE &
3	4505 GASTON AVE	GP 4505 GASTON LLC
4	917 MORELAND AVE	SIMCOE LLC
5	4519 GASTON AVE	COLLINS KYLE & PATRICIA SIMON
6	4500 SWISS AVE	TUA LP
7	4520 SWISS AVE	BIGGS JOE G & SANDRA KAY
8	1003 MORELAND AVE	MCGEE JAMES R & FRANCES O
9	4512 SWISS AVE	BUONO DAVID D & ALINA A
10	4602 SWISS AVE	MAKS PROPERTY SWISS AVE LLC
11	920 MORELAND AVE	MORGAN PATRICK T
12	1004 MORELAND AVE	MONTELLANO ALMA LIDIA &
13	916 MORELAND AVE	CEDILLO ELIAS &
14	4601 GASTON AVE	SIMCOE LLC
15	912 MORELAND AVE	BURKE JUSTIN M
16	4607 GASTON AVE	LONG CHRISTOPHER
17	4600 GASTON AVE	LUNA BLUE LLC
18	4522 GASTON AVE	ARG CAPITAL CORP
19	4524 GASTON AVE	STEVENSON BETTY
20	4502 GASTON AVE	NAKASHIMA SHINOBU
21	4502 GASTON AVE	FUJIMIYA HIROSHI
22	4502 GASTON AVE	REAVANS GASTONIAN LLC
23	4502 GASTON AVE	KAZAMA GEN
24	4502 GASTON AVE	KYUMON KAZUHIRO
25	4502 GASTON AVE	NAKANO TAKAKO
26	4502 GASTON AVE	MATSUDA TOMOYA

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	4502 GASTON AVE	TANAKA NOBUYOSHI
28	4502 GASTON AVE	KONDO NOBUHIRO
29	4502 GASTON AVE	YAMAMOTO TAKUMA
30	4502 GASTON AVE	MORII KAZUHIRO
31	4502 GASTON AVE	TANI RYUICHIRO
32	4502 GASTON AVE	MOTOKAWA KATSUHIKO
33	4502 GASTON AVE	SUAREZ JOSE J
34	4502 GASTON AVE	AOKI YOSHIAKI
35	4502 GASTON AVE	ASANO KASUMI
36	4502 GASTON AVE	COMSUDI NICHOLAS C ETAL
37	4502 GASTON AVE	INADA TAKYUKI
38	4502 GASTON AVE	STEINWAY ESTATES
39	4502 GASTON AVE	SHIBUYA NAOTO
40	4502 GASTON AVE	MAKINOUCHAIN CO LTD
41	4502 GASTON AVE	MEDICAL PROGRESS
42	4502 GASTON AVE	SAKAI CHIKAKO
43	4502 GASTON AVE	IGARASHI KOICHI
44	4502 GASTON AVE	SUGIHARA KEIJI

**FILE NUMBER:** BDA178-039(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Jackson Walker, represented by Jonathan G. Vinson, for a special exception to restore a nonconforming use at 4513 Gaston Avenue. This property is more fully described as Lot 2, Block 1/769, and is zoned PD 362 (Subarea 3A)(H/72), which limits the legal uses in a zoning district. The applicant proposes to restore a nonconforming group residential facility use, which will require a special exception to the nonconforming use regulations.

**LOCATION:** 4513 Gaston Avenue

**APPLICANT:** Jackson Walker  
Represented by Jonathan G. Vinson

**REQUEST:**

A request for a special exception to restore/reinstate nonconforming use rights for a "group residential facility" use on the subject site that was discontinued for a period of six months or more is made to obtain a Certificate of Occupancy (CO) for this use.

Note that another application is made on this property where the same applicant is requesting "to appeal the decision of the Building Official per letter dated February 2, 2018, to reverse a November 28, 2017, determination letter (copy attached) confirming legal nonconforming rights for the use" from Board of Adjustment Panel C on April 16, 2018: BDA178-046.

The applicant is aware of the fact that this request (BDA178-039) will not be necessary if the Board grants the other appeal filed on this property (BDA178-046) and reverses the decision of the Building Official.

**STANDARD FOR A SPECIAL EXCEPTION TO OPERATE A NONCONFORMING USE IF THAT USE IS DISCONTINUED FOR SIX MONTHS OR MORE:** Section 51A-4.704(a)(2) of the Dallas Development Code states that the right to operate a nonconforming use ceases if the nonconforming use is discontinued for six months or more, and that the board of adjustment may grant a special exception to this provision only if the owner can show that there was a clear intent not to abandon the use even though the use was discontinued for six months or more.

**STAFF RECOMMENDATION:**

No staff recommendation is made on this or any request for a special exception to operate a nonconforming use if that use is discontinued for six months or more since the basis for this type of appeal is based on whether the board determines that there was a clear intent not to abandon the nonconforming use even though the use was discontinued for six months or more.

**Zoning:**

Site: PD 362 (Subarea 3A)(H/72) (Planned Development)(Historic)  
North: R-7.5(A)(H/72) (Single family residential 7,500 square feet)(Historic)  
South: PD 362 (Subarea 3)(H/72) (Planned Development)(Historic)  
East: PD 362 (Subarea 3)(H/72) (Planned Development)(Historic)  
West: PD 362 (Subarea 3)(H/72) (Planned Development)(Historic)

**Land Use:**

The subject site is developed with, according to DCAD, an apartment built in 1910. The areas to the north and east are developed with single family uses, the area to the south is developed with multifamily uses, and the area to the west is developed with a vacant retail use.

**Zoning/BDA History:**

- |  |  |
|--|--|
| 1. BDA178-046, Property at 4513 Gaston Avenue (the subject site) | On April 16, 2018, the Board of Adjustment Panel C will hold a hearing to consider an appeal of an administrative official, more specifically the Building Official’s revocation of a certificate of occupancy for a group residential facility on the subject site. |
|--|--|

**GENERAL FACTS/STAFF ANALYSIS:**

- This request focuses on restoring/reinstating nonconforming use rights for a “group residential facility” use on the subject site that was discontinued for a period of six months or more in order for the applicant to obtain a Certificate of Occupancy (CO) for this use.
- The Dallas Development Code defines “nonconforming use” as “a use that does not conform to the use regulations of this chapter, but was lawfully established under the regulations in force at the beginning of operation and has been in regular use since that time”.
- The nonconforming use regulations state it is the declared purpose of the nonconforming use section of the code that nonconforming uses be eliminated and

be required to comply with the regulations of the Dallas Development Code, having due regard for the property rights of the persons affected, the public welfare, and the character of the surrounding area.

- The nonconforming use regulations also state that the right to operate a nonconforming use ceases if the nonconforming use is discontinued for six months or more, and that the board of adjustment may grant a special exception to operate a nonconforming use that has been discontinued for six months or more if the owner can show that there was a clear intent not to abandon the nonconforming use even though the use was discontinued for six months or more.
- The site is zoned PD 362 (Subarea A)(H/72) that permits a “group residential facility” use only with a Specific Use Permit (SUP).
- Within this case file is a November 28, 2017 letter from the Chief Planner with Building Inspection to a person who is now the applicant stating among other things that the group residential facility use on the property was a nonconforming use, and based on documentation provided, the property “has maintained its nonconforming land use status and will not be required to obtain a specific use permit”.
- According to DCAD records, the “improvements” for the property addressed at 4513 Gaston Avenue is a 7,004 square foot “apartment” constructed in 1910.
- Building Inspection has stated that these types of special exception requests originate from when an owner/officer related to the property applies for a CO and Building Inspection sees that the use is a nonconforming use. Before a CO can be issued, the City requires the owner/officer related to the property to submit affidavits stating that the use was not abandoned for any period in excess of six months since the issuance of the last valid CO. The owners/officers must submit documents and records indicating continuous uninterrupted use of the nonconforming use, which in this case, they could not.
- The applicant has the burden of proof in establishing the following related to the special exception request:
  - There was a clear intent not to abandon the nonconforming “group residential facility” use on the subject site even though the use was discontinued for six months or more.
- Granting this request would reinstate/restore the nonconforming “group residential facility” use rights that were lost when the use was abandoned for a period of six months or more.
- If restored/reinstated, the nonconforming use would be subject to compliance with use regulations of the Dallas Development Code as any other nonconforming use in the city. (The applicant has been advised by staff of Section 51A-4.704 which is the provision in the Dallas Development Code pertaining to “Nonconforming Uses and Structures”).
- The applicant could make an application for an SUP that, if approved by the City Council, would make the “group residential facility” use on the property a conforming use.

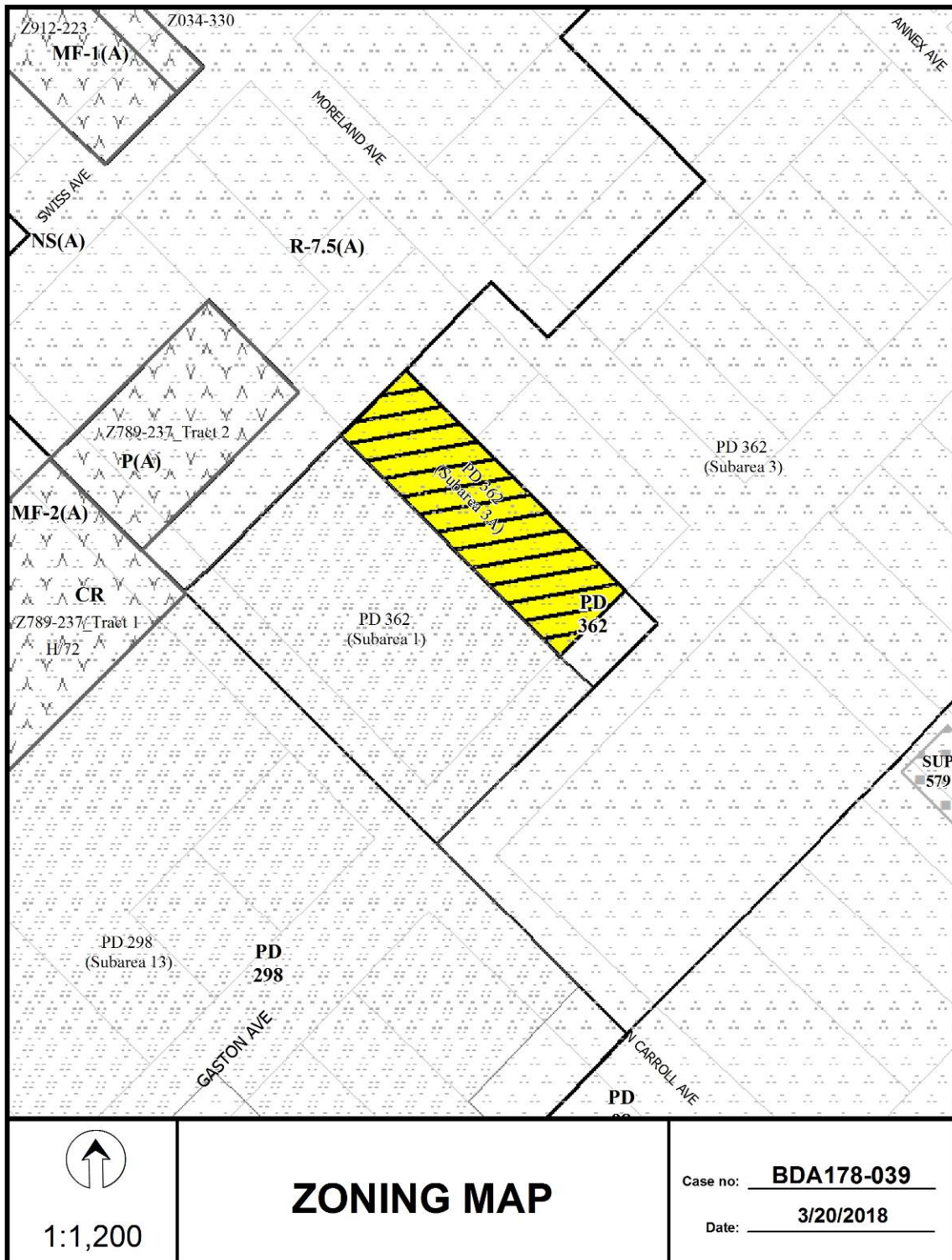


## **Timeline:**

- February 16, 2018: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- March 13, 2018: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.
- March 13, 2018: The Board Administrator emailed the applicant the following information:
- a copy of the application materials including the Building Official’s report on the application;
  - an attachment that provided the public hearing date and panel that will consider the application; the March 28<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the April 6<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;
  - the section from the Dallas Development Code pertaining to nonconforming uses and structures; and
  - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”
- March 26, 2018: The Sustainable Development and Construction Department Chief Planner Historic Preservation emailed the Board Administrator/Chief Planner the following: “BDA178-039 and BDA178-046 for 4513 Gaston Avenue, the Applicant has been working with the Landmark Commission on proposed renovations to the exterior of the existing structure and additions to the rear”.
- March 28, 2018: The applicant submitted additional documentation on this appeal to the Board Administrator beyond what was submitted with the original application (see Attachment A).
- April 3, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the April public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Project Engineer, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

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

April 6, 2018: The applicant submitted additional documentation on this appeal to the Board Administrator beyond what was submitted with the original application (see Attachment B).



  
 1:1,200

# ZONING MAP

Case no: BDA178-039  
 Date: 3/20/2018





1:1,200

## AERIAL MAP

Case no: BDA178-039

Date: 3/20/2018

March 28, 2018

Via Scan/Email

Mr. David Cossum, Director, and City Staff  
Department of Sustainable Development and Construction  
City of Dallas  
1500 Marilla Street, Room 5BN  
Dallas, Texas 75201

Re: BDA 178-039 and BDA 178-046; 4513 Gaston Avenue.

Dear Members of the City Staff:

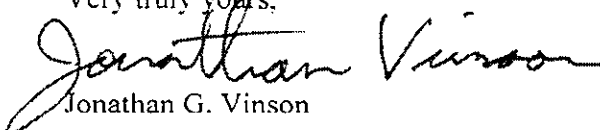
We are sending you this letter with regard to our two pending Board of Adjustment appeals, both for property located at 4513 Gaston Avenue, these being BDA 178-046, an appeal of a decision of an administrative official, and BDA 178-039, a special exception to reinstate or restore a nonconforming use that allegedly, although we disagree with that premise, had been discontinued for six months or more.

Normally, as you know, it is my practice to provide additional information to the City Staff in preparation for the Staff team meeting on Board of Adjustment requests, including an outline of our position, how we need the relevant standards, relevant exhibits and attachments, and other items. However, in this instance, I understand from Mr. Steve Long's March 13, 2018, emails to me on both of these cases that the Current Planning Staff does not form or make recommendations on either of these requests.

In light of Staff not forming recommendations on either of these items, I will certainly provide those materials to Mr. Long in time to be included in the Panel C packet by the Friday, April 6 deadline as provided to us. I can, however, assure you that we are confident in our position on both of our requests, and we look forward to presenting our evidence to the Board that we meet the applicable standards and that our requests should be approved.

The purpose of this letter is simply to inform Staff that we are continuing to assemble significant evidence in support of both of our requests, and that we will be presenting those in written form for the Board packet, as well as at the public hearing on April 16. As always, we appreciate your attention and consideration. Thank you very much.

Very truly yours,

  
Jonathan G. Vinson



BDA178-039  
Attch A  
PS 2

cc: Mary Shuford  
Lisa Kroencke  
Walt Mountford  
Hector Patino



Jonathan G. Vinson  
(214) 953-5941 (Direct Dial)  
(214) 661-6809 (Direct Fax)  
jvinson@jw.com

April 6, 2018

Via Scan/Email

Hon. Chair and members, Board of Adjustment Panel C  
c/o Mr. David Cossum, Director, and City Staff  
Department of Sustainable Development and Construction  
City of Dallas  
1500 Marilla Street, Room 5BN  
Dallas, Texas 75201

**Re: BDA 178-046 (Appeal of Decision of Administrative Official); and  
BDA 178-039 (Special Exception to Reinstate or Restore a Nonconforming  
Use); 4513 Gaston Avenue.**

Dear Members of Panel C:

**I. Introduction.** We are sending this letter through the City Staff for inclusion in your Board packet to explain the background of our requests, which are factually related and thus, both covered in this one letter: how we meet the required standard for each request; and to respectfully ask for your *approval* of our requests, first of our appeal under BDA 178-046, and secondarily of our special exception requested under BDA 178-039. I will describe for you below the chronology of events leading up to our current situation. Following this letter is a List of Attachments, with the referenced attachments following.

**A. The Magdalen House.** The Magdalen House is a supportive and educational environment in a home-like setting for the purpose of helping women achieve sobriety and sustain recovery from addiction at no cost. This is very clearly a much-needed program and is a tremendous benefit to our community. *Attachment 1* is the "About Us" page from the Magdalen House website. *Attachment 2* is a February 1, 2009 article from the *Lakewood Advocate*, describing the Magdalen House program and the positive impact it has on people's lives. *Attachment 3* is a copy of the recent Capital Campaign presentation, explaining the critical need for the Magdalen House to be able to move from its current location on Redwood Drive in East Dallas, where it has been an excellent neighbor since 1987. I would refer you to all these materials, as well as the Magdalene house website at [www.magdalenhouse.org](http://www.magdalenhouse.org).

**B. Outreach to Neighbors.** A Zoning Map excerpt showing the 4513 Gaston site is attached as *Attachment 4*. You should also be aware that the Magdalen House has done considerable outreach, both individually and collectively, to our neighbors, including numerous contacts with the immediate neighbors who raised various questions, which were immediately addressed. Our architects at OmniPlan also have been pursuing a Certificate of Appropriateness for the planned extensive improvements to the property through the required public process, including meeting with the Peak's Suburban Addition Task Force, which recommended approval, and then going to the Landmark Commission, which approved our Certificate of Appropriateness.

Hon. Chair and members, Board of Adjustment Panel C  
 c/o Mr. David Cossum, Director, and City Staff  
 April 6, 2018

Every time one of our neighbors has raised a question, the Magdalen House team has immediately addressed it. In fact, one neighbor responded so positively to our response that she emailed back and said *"Thank you for your response and addressing each of our concerns. The road to recovery is a difficult one. We fully support and working as a show that is helping women with that journey"*. The Magdalen House staff will also be at the hearing and can address in detail the various conversations that have taken place, but it is safe to say that we have been very proactive in reaching out to and responding to our neighbors, and they are fully aware of the Magdalen House presence.

II. **BDA 178-046 (Appeal of Decision of Administrative Official)**. Our request in BDA 178-046 is to appeal a decision of the Building Official, as stated in a letter dated February 2, 2018, to revoke a Certificate of Occupancy for a Group Residential Facility for property owned by the Magdalen House at 4513 Gaston Avenue. We strongly believe that the Magdalen House should receive a Certificate of Occupancy for their use as a legal nonconforming use at this location.

The Magdalen House is currently located at 1402 Redwood Circle in East Dallas, and has been located there and by all accounts has been an excellent neighbor for many years. However, that house is badly in need of repair, which repairs would not be cost-effective for a nonprofit. Thus, Magdalen House located and placed 4513 Gaston under contract. The P.D. 362 (*Attachment 5*) zoning refers back to Sec. 51A-4.209(2)(B) of the Development Code (*Attachment 6*), which requires an S.U.P. for a Group Residential Facility if within 1,000 feet of another Group Residential Facility (or "GRF") or Handicapped Group Dwelling Unit.

In order to be sure we knew what our entitlements were, we inquired of Building Inspection on October 18, 2017, if an S.U.P. would be required (*Attachment 7*). That review was carried out by the Staff and we received a letter dated October 26, 2017, stating that there was another GRF at 4707 Gaston, within 1,000 feet of 4513 Gaston (*Attachment 8*).

However, we were able to determine from the City's records (*Attachment 9*) that the use at 4707 Gaston had only had a C.O. for the GRF since October 5, 2012, while the two at 4513 Gaston were C.O.d on October 17, 2001, and October 21, 2005, so prior in time to the one at 4707 Gaston. Since C.O.s don't expire unless they are affirmatively terminated, this would simply be *a continuation of the same use*, with simply a change in ownership. Therefore, the C.O. for a GRF at 4513 Gaston should benefit from having been issued prior to the one at 4707 Gaston, within 1,000 of 4513 Gaston Avenue.

In other words, the GRF use at 4513 Gaston had been C.O.d long before the GRF at 4707 Gaston. What this means, in turn, is that the GRF use at 4513 Gaston was, and is, a legal nonconforming use, that is, "grandfathered", since it was there prior to the GRF at 4707 Gaston. We requested confirmation of that, providing information from the City's online records as well as other information. Note that under Sec. 51A-4.702(a)(2) (*Attachment 10*), the right to operate a nonconforming use ceases if the use is discontinued for six months or more, but we provided information showing that the use had not been discontinued. The Staff considered our position and on November 28, 2017, issued a letter confirming that the use at 4513 Gaston had maintained its legal nonconforming status (*Attachment 11*).

Hon. Chair and members, Board of Adjustment Panel C  
c/o Mr. David Cossum, Director, and City Staff  
April 6, 2018

Based on that determination, Magdalen House proceeded to close on the 4513 Gaston property on December 15, 2017. Magdalen House applied for a new Certificate of Occupancy, based on change of ownership as required by the City Code. Magdalen House subsequently received a letter dated February 2, 2018, stating that the C.O. was revoked because it was "issued in error", apparently because Staff changed its view of the continuity of the operation of the previous GRF use on the property (*Attachment 12*).

The Building Official's decision was based on a supposition that the use had gone vacant for more than six months, thus losing its legal nonconforming rights. We have testimony from the previous owner and users of the facility, included with this letter, stating that the use was, in fact, being used continuously and had not gone vacant for six months prior to the application for a new Certificate of Occupancy. Therefore, the decision of the building official should be reversed based on our appeal to you.

The items we had provided to Staff included an AT&T bill from June and a bus pass invoice, but I also stated in a November 28, 2017, email to Ms. Kay that the current owner/operator had confirmed for us that he and his organization had continued to use the property for a number of functions of the Group Residential Facility use, including recreational activities for program participants, and had no intention at all to cease all functions there and vacate until the property was sold.

In other words, the property continued to operate as a Group Residential Facility use into August and September, even though the utilities were not on. Since there are not specific factual criteria in the Development Code as to what constitutes an intention to vacate a use, the prior owner/operator's stated intent, and continued use for certain functions being part of the use, should be dispositive.

We have also included for your consideration additional evidence of that continued use, including letters from Robert Rowling (the previous owner and operator (*Attachment 13*)), Caleb Parrette, the COO of the previous operator (*Attachment 14*), and Billy Kane (*Attachment 15*), a former resident, all confirming that the house was in continued use by them into September of 2017. We also have a letter of intent from the Ed Jarrett Company, dated February 15, 2017, to Mr. Robert Rowling (*Attachment 16*), outlining a construction project of approximately up to almost two years in total duration – not an undertaking which any owner would make had he not intended to stay and operate the use, that is, until Magdalen House appeared and offered to purchase it.

Finally, we have a copy of a Dallas Police Report from August 25, 2017 (*Attachment 17*), which was a result of a call from a neighbor who heard noise on the property – which turned out to be Billy Kane and another client using the gym on the property. In fact, the highlighted note on the report states that "Owner of property, Rawling, Robert, spoke to RO [*responding officer*] over phone and stated Kane, William was allowed on the property to work out".

Last, I have attached a copy of the previous GRF operator's Staff webpage, printed from the Internet on November 22, 2017, and still showing the 4513 Gaston Avenue address

BDA 178-039  
046

Attch E

P54

Hon. Chair and members, Board of Adjustment Panel C  
c/o Mr. David Cossum, Director, and City Staff  
April 6, 2018

(Attachment 18). The upshot of all of this, simply put, is that the previous GRF use at 4513 Gaston *did not* vacate the property for more than six months, thus Magdalen House should maintain its status as a legal nonconforming use and its Certificate of Occupancy should be restored.

**III. BDA 178-039 (Special Exception to Reinstate or Restore a Nonconforming Use).** Pursuant to Sec. 51A-4.704(a)(2) of the Development Code, "The right to operate a nonconforming use ceases if the nonconforming use is discontinued for six months or more. *The board may grant a special exception to this provision only if the owner can show that there was a clear intent not to abandon the use even though the use was discontinued for six months or more.*"

Even if you were to not grant our appeal in BDA 178-046, as discussed in great detail above, a position with which we would respectfully but strongly disagree in that we maintain that the property was still in use well within the six month window, you should still grant the above-described special exception upon demonstration of a "clear intent not to abandon the use".

I would reiterate for you all of the information provided above as regards the prior owner's continued use of the property, including use of the facilities for exercise; the February letter of intent; and the short close when Magdalen House contracted to purchase the property. This all shows clearly that the previous owner and operator had every intention of continuing to use the property, but was presented with an opportunity to sell it and agreed to do so. The owner intended to continue the use of the property until such time as it sold and was transferred to new ownership.

As stated above, we are also providing all of the attachments referred to above for your review. I would ask that you review those materials for detailed information on the reason for our appeal and how we meet all of the required standards for the granting of our requested appeal.

**IV. Conclusion.** Thank you very much for your consideration of our points. We will respectfully be asking at our April 16 public hearing that you approve our requests. Thank you very much.

Very truly yours,

  
Jonathan G. Vinson

cc: Mary Shuford  
Lisa Kroencke  
Walt Mountford  
Hector Patino



**List of Attachments**

1. The Magdalen House "About Us"
2. February 1, 2009, *Lakewood Advocate* article
3. Capital Campaign presentation
4. Location/Zoning map
5. P.D. 362 Excerpt (regarding GRF use)
6. Sec. 51A-4.209 (spacing; S.U.P.)
7. October 18, 2017, inquiry to Staff
8. October 26, 2017, Staff letter
9. C.O. records; 4707 Gaston and 4513 Gaston
10. Sec. 51A-4.702 (a)(2) (nonconforming use)
11. November 28, 2017, Staff letter
12. February 2, 2018, Staff letter
13. Robert Rowling letter
14. Caleb Parette letter
15. Billy Kane letter
16. Ed Jarrett Co. Letter of Intent
17. August 28, 2017, DPD Report
18. Copy of Gaston House Transitions Staff web page –  
printed from Internet on November 22, 2017

### 1. The Magdalen House "About Us"

Home About Us Get Help Get Involved  Donate Contact Our Team Blog



*No-Cost Treatment for Alcoholic Women*  
HELPING WOMEN FIND HOPE IN SOBRIETY

WELCOME VIDEO >

### Our Mission

To mission of The Magdalen House is to help women achieve sobriety and sustain recovery from alcoholism at no cost and based on 12-Step spiritual principles

### Our Vision

The vision of The Magdalen House is to build a community of recovered women and their families – one woman at a time

PS 7

## About Us

The Magdalen House is a national not-for-profit organization that provides a safe, confidential, and supportive environment for women who are struggling with substance use. Our mission is to help women achieve lasting recovery through evidence-based programming and peer support. We are currently seeking qualified individuals to join our team as Peer Implementers. For more information, please contact us at [info@magdalenhouse.org](mailto:info@magdalenhouse.org) or call us at 1-800-451-7437.

## History

The Magdalen House was founded in 1982 in Washington, DC, by a group of women who were struggling with substance use. Over the years, we have grown into a national organization with a focus on providing evidence-based programming and peer support to women who are struggling with substance use. Our mission is to help women achieve lasting recovery through evidence-based programming and peer support.

### 1 Women Only

Our programming is specifically designed for women who are struggling with substance use. This ensures that our programming is safe, supportive, and relevant to the needs of women.

### 2 No-Cost Treatment

All of our programming is provided at no cost to the individual. This ensures that our programming is accessible to all women who are struggling with substance use.

### 3 Peer Implemented Programming

Our programming is implemented by women who have lived experience with substance use. This ensures that our programming is relatable, supportive, and effective.

### 4 Comprehensive Programming

Our programming includes a variety of evidence-based interventions, including individual counseling, group therapy, and peer support. This ensures that our programming is comprehensive and addresses the needs of all women who are struggling with substance use.

*We believe that it is possible to provide no-cost programming and still, and support every woman, access information about the problem solution, and build bridges to recovery through helping others, a process that never ends.*

LISA BROENCKE

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046

Att 4 B

About Us | The Magdalen House | No-Cost Treatment

PS B



About Us



No-Cost Treatment



Recovery Support  
Programs



Community Programs

MAKE A DONATION >



The Magdalen House

A RECOVERY COMMUNITY FOR WOMEN



# ADVOCATE

LAKWOOD/EAST DALLAS

February 1, 2009

## The Magdalen House

The women speak candidly about lies told, people hurt, laws broken and things destroyed — they understand all too well that what they have done is in many cases shameful.

**Linda W., 51 and a grandmother of eight**, has been to jail three times in the past three years on charges of prostitution.

Ashleigh G., a tall blonde 29-year-old and self-described “beer-loving country girl” drove her car into a house during a binge last spring, only to resume drinking days after she arrived home from county jail.

And 44-year-old Lada P., once a successful physician, is now on parole and on the verge of returning to prison because she can’t stop drinking for any significant period of time.

The women speak candidly about lies told, people hurt, laws broken and things destroyed — they understand all too well that what they have done is in many cases shameful. But here at the Magdalen House, a large red bricked two-story in the middle of a White Rock area neighborhood, volunteers and staffers assure the women that while they “have done bad stuff, they are not bad people.” Executive director Michele Derrington explains to them that they have an illness, alcoholism, for which there is a treatment.

For some of the women, it is the first time anyone has told them that help is possible, or that they are worth saving.

### Drying out

Magdalen House deals primarily with women suffering from alcohol addiction, though many of those seeking help have been using other drugs, too. New residents often require hospitalization during the initial 48 or so hours.



"We are not a medical facility. Someone going through severe alcohol withdrawal needs medical care that we can't offer here," Derrington says. "It can get messy. We've had to call 911 a few times. Fortunately, Doctors [Hospital] is right up the road."

Jackie L., a 33-year-old mother, says she is glad to be at Maggie's. She fought the physical withdrawals sans medical treatment, and is now eager to change her life. "I've finally realized I have to get sober not just for my family — even my kids — but for me. I am so thankful to have this opportunity and that these people are here for me."

Julie Harvey, who was working when Lester arrived, chimes in, "she wasn't thanking us yesterday.

"Because we have no medical treatment, they feel every bit of the pain, but that also makes it special," says Harvey, a Magdalen House board member and administrator. "Within a few days, you see the light come on."

It can take several days for the head to clear, but usually following 24 to 48 hours rest, new residents are ready to launch into the real work.

### **12 steps**

The 14-day program at Magdalen House is based on the Twelve Steps of Alcoholics Anonymous. The steps involve admitting the problem, asking help from a "higher power", confessing and making up for wrongdoings, and helping others.

With a comfortable bed, newfound support and a clear-cut plan for the future, some of the women start feeling better and stronger quickly.

"It feels good to have other women to talk to. I haven't had sober communication in a lot of years," says Linda, a grandmother who wound up on the street after she started using drugs at the age of 28. "The day I got here was the best day of my life. I heard the birds singing."

She attended her first AA meeting her second day in the house, and says she is eager to understand the program. "I think it is about learning to be happy, like them birds out there."

The Magdalen House AA meeting room is open to all recovering alcoholics. People from all walks of life meet, discuss their common problem, and learn how to live life sober. Many with long-term sobriety attend meetings there in order to reach out to women like Linda.

Connie D., for instance, sobered up at Magdalen House almost 21 years ago. Today she and her husband, whom she met in AA, remain heavily involved with Magdalen House, and he serves on the board of directors.

"He was so impressed by what they had done for me," she says, "that he wanted to be a part of it — and it's a big commitment." Connie says she wouldn't be alive today if not for the unconditional love, and the 12-step principles she found at Magdalen House.

“They understand the ins and outs of dealing with female alcoholics ... and are completely [ingrained in] and supported by the AA community, which is why they are so successful.” During her stay, each Magdalen House resident will attend daily meetings, and ideally find another woman in recovery, a sponsor, who will guide her through the steps of AA.

### **Does it work?**

East Dallas resident Judge John Creuzot, who has dealt extensively with societal problems surrounding substance abuse, says he has witnessed first-hand the effectiveness of the 12-step program in treating addiction problems.

In 1998 Creuzot, who presides over Dallas Criminal District Court 4, established DIVERT (Dallas Initiative for Diversion and Expedited Rehabilitation and Treatment) court as a way of helping drug offenders address the root causes of their problems. Like the residents at Magdalen House, DIVERT participants are instructed to work through the 12-step program — that means attending regular AA meetings and working with a sponsor.

“The process of the steps requires looking inward to the cause of the problem. It includes looking at self and those harmed ... it is an ongoing process that doesn’t come to an end. I have seen a lot of people have success with [the 12-step program],” Creuzot says.

A former doctor, Lada slid rapidly into alcoholism after she began drinking at age 36.

“I saw patients dying from the disease, but I thought I was unique,” she says.

Though she started drinking relatively late in life, the addiction quickly took hold of her — she lost her career, her home, her family and her freedom within a few years. Following incarceration due to DWI convictions, she is on parole and facing a return to prison because of her latest relapse into drinking.

Magdalen House could be her last shot at freedom.

“I’ve lost everything,” Lada says. “Family has given up on me ... I am homeless. I have a complicated fatal disease [alcoholism] ... but here, I feel safe. I have hope.” She may not be able to practice medicine again, but Lada could conceivably recover and someday help others.

Creuzot says that it is very common for those who are in recovery to eventually make the best counselors — that the people who have suffered and overcome addiction can best help those who are still suffering.

That’s exactly how it works at Magdalen House.

### **Giving back**

Derrington and Harvey, both mentors to the women at Magdalen House, have a personal history

of drinking problems. Today, a key component of their personal healing involves helping others. In fact, it is the recovery community sustains Maggie's House, says Harvey.

"A lot of people who care about this place are the reason why this place survives," she says. A small group of recovering alcoholics founded Magdalen House in 1986. Back then it was located in a small home on Lovers Lane that could accommodate about six people. In 1996, funding from the Dallas Women's foundation allowed the non-profit group to purchase the large fixer-upper that they turned into the current facility — most call it simply "Maggie's".

About 250 women come to Maggie's annually, says Derrington; in its first 10 years, more than 3,000 women passed through.

Maggie's small paid staff includes a house manager, a day supervisor, night supervisor and a weekend supervisor, but volunteers do much of the work around Maggie's, and donors supply all of the necessary items including toiletries, clothing and food.

In theory, the women getting strong at Maggie's today will be the mentors and healers of tomorrow. Ashleigh, who is dealing with a lengthy list of alcohol-related legal and health problems, knows the road ahead will be tough. But she believes Magdalen House will set her on the road to recovery.

"This is the hardest thing I have ever done in my life, but you get so strong in this house ... there is so much love here," she says, smiling through tears. "No matter who we are, we all share a common story ... we are working together to get what we need to walk out of here and live our lives. No more hiding. I want to be one of those miracle stories."

To learn more about The Magdalen House, visit [magdalenhouse.org](http://magdalenhouse.org).

3. Capital Campaign presentation



The Magdalen House

A RECOVERY COMMUNITY FOR WOMEN

LEGACY OF HOPE

Capital Campaign



## Who we are

### *Our mission and vision*

The mission of The Magdalen House is to provide a safe place where women may detox from alcohol abuse at no cost.

The vision of The Magdalen House is to create and build a community of recovered women and their families – one woman at a time.



# What we do

Our programming



## Social Detox

14 day in-house stay

Education, Introduction to 12-Steps, Support Programming

**220** female clients annually

**82%** completion rate (industry average 47%)\*

**100%** of women were transitioned to a safe environment

**44%** of clients were immediately reunited with their families

Programming

Results



## Peer to Peer Recovery

Recovery Enrichment Programming

Family Support Programming

Life Skills Workshops

**6,400+** women attend recovery meetings annually

**15,500+** hours of time donated annually

**48%** of alumni return as volunteers within the first 6 weeks of sobriety



## Community Collaboration

80 Community Collaborations

Trader Joe's partnership provides **\$8,000** of food per month to detox clients

Court Mandated Volunteers through Volunteer Now has provided **440** hours of service since 2014

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PS 5

# How we do it

*Our points of difference*



## Women Only

Unique programming focused solely on women in recovery, facing different obstacles than men



## No cost

We are 100% privately funded and accept no government funding



## Peer implemented programming

We believe in the "recovered" helping the "recovering" to their mutual benefit.

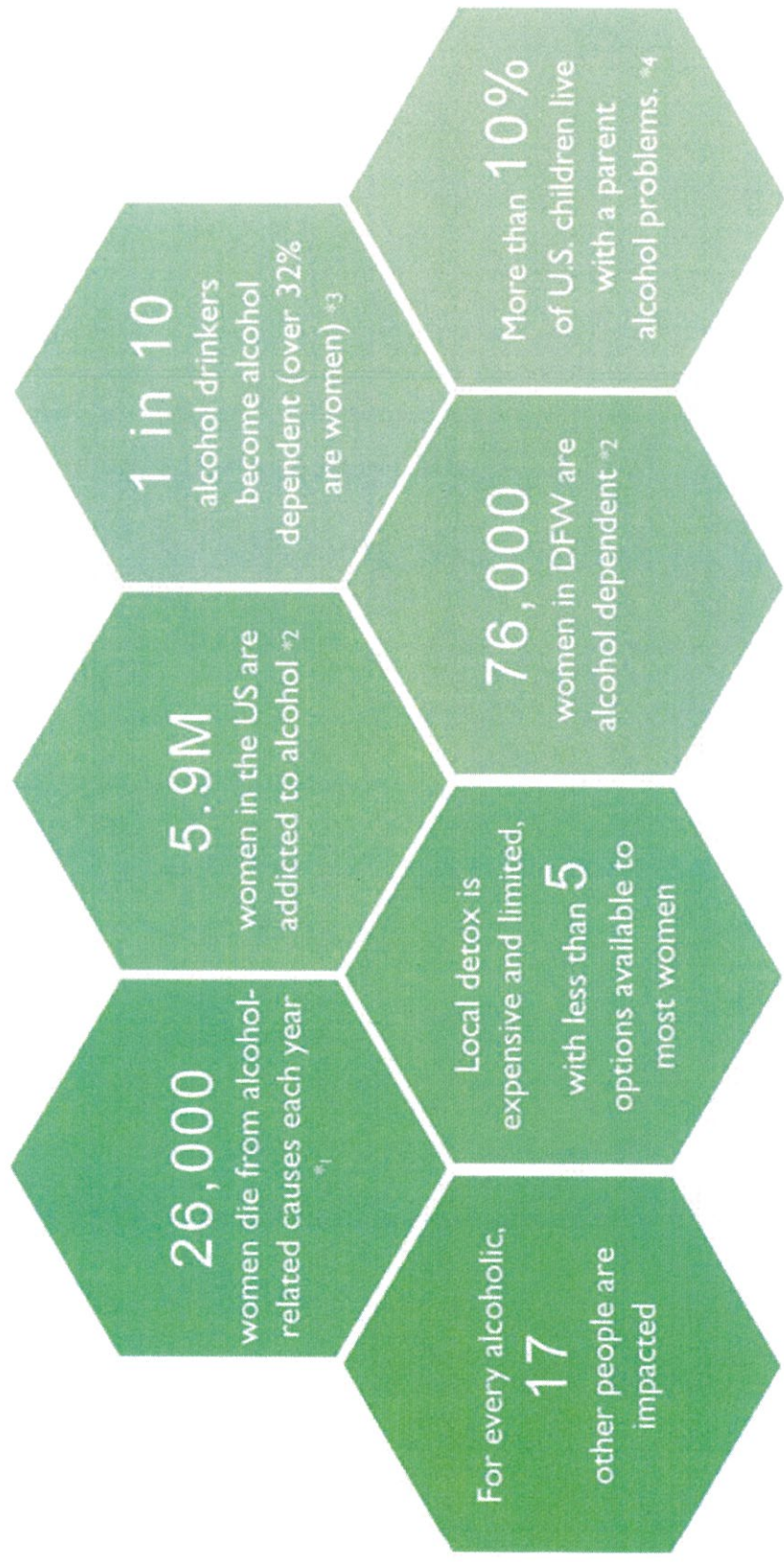


## Comprehensive programming

All women have ongoing access to supportive and transitional programs unique to The Magdalen House.

# Why we do it

Our importance

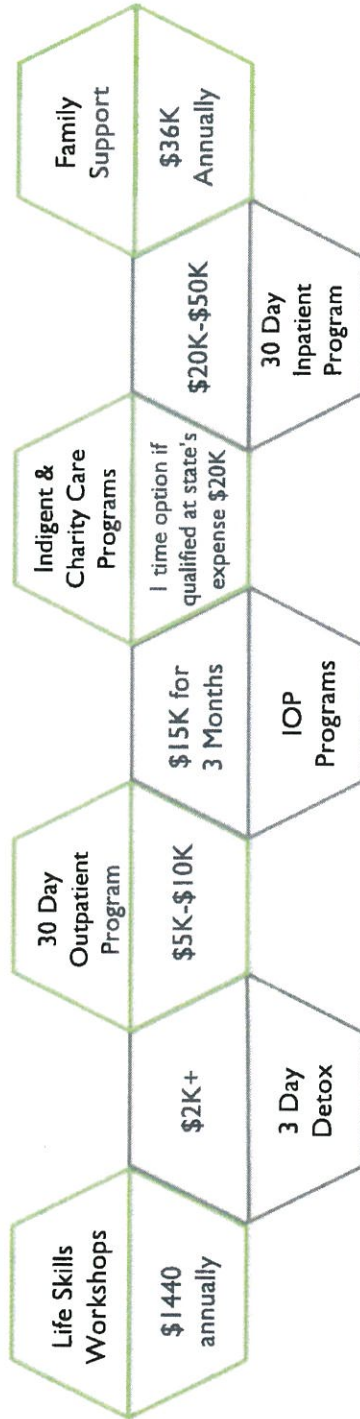


1 National Institute of Alcohol Abuse and Alcoholism  
 2 SAMHSA 2009  
 3 UT Addiction Science Research/Education Center, June 2015  
 4 SAMHSA 2012

# Our financial benefit

Alcoholism's Drain on Resources

## Costs of Recovery



## The Magdalen House Annual Savings



Family Support Annual Savings  
\$396,000

Social Detox Annual Savings  
\$554,400

Alumni Annual Savings  
\$1,604,400

BDA178-039  
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PS 18

BDA178-039  
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Pg 19

**A New House**  
**"Legacy of Hope" Capital Campaign**



# Why now?



## Current Home

- Outgrowing the space – not enough room
- \$100,000 in foundation repairs needed
- \$90K structural value of the house
- Constant repairs = \$60k+ since 2013
- Zoning will be prohibitive in the next few years



## Benefits of a new property

- Increase capacity to accommodate growing demand
- Appropriate zoning for our use
- Avoid suspension of services
- Improved access to public transportation
- Ample parking for volunteers and meeting attendees

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Ps 20

# Where we're going

*Our vision of our new house*

BDA 178-039  
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PS 21



## Residential

- Open concept two-story home
- Commercial grade dining room Family style living area
- 5 bedrooms, increase to at least 20 beds
- 6 restrooms



## Community

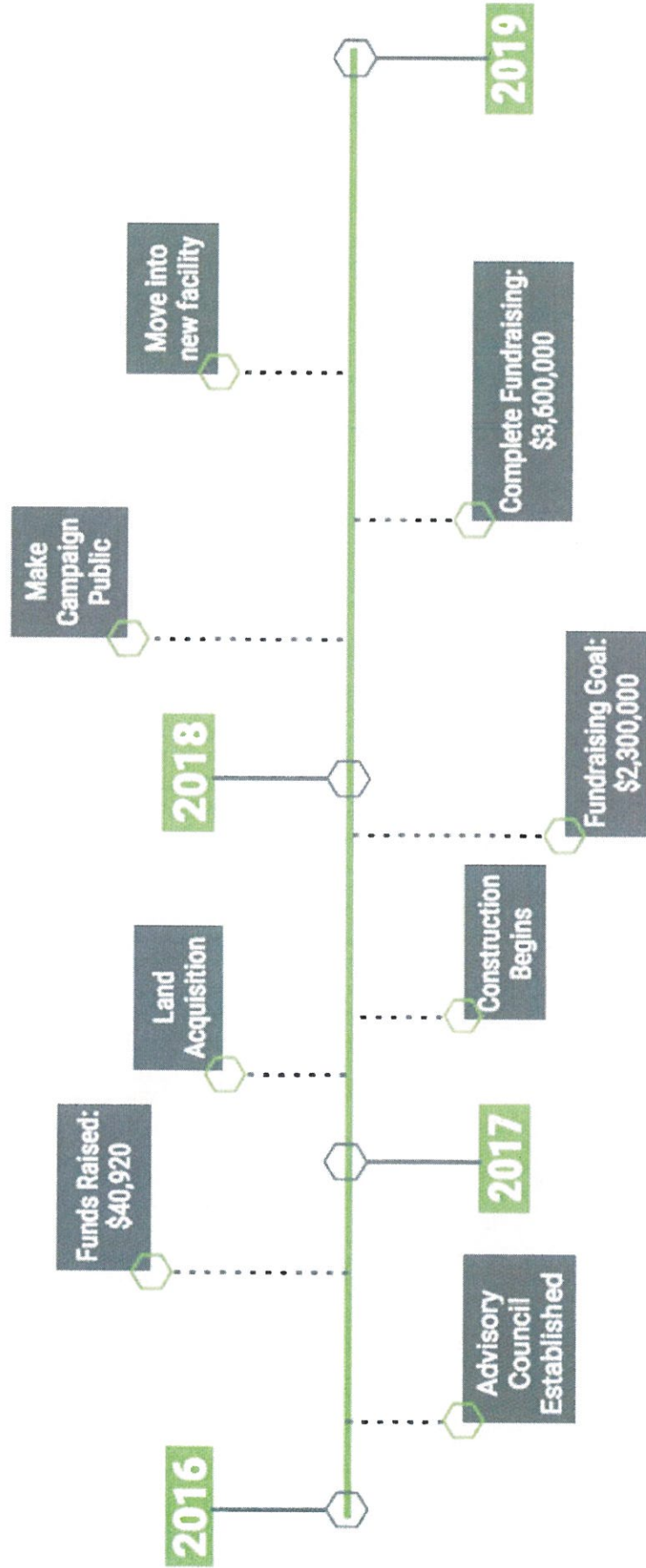
- Space for 80+ people
- Public parking
- Private family visitation rooms
- Community areas for recovery support



## Administration

- Client intake office
- Business offices
- Staff living area

# When Our timeline



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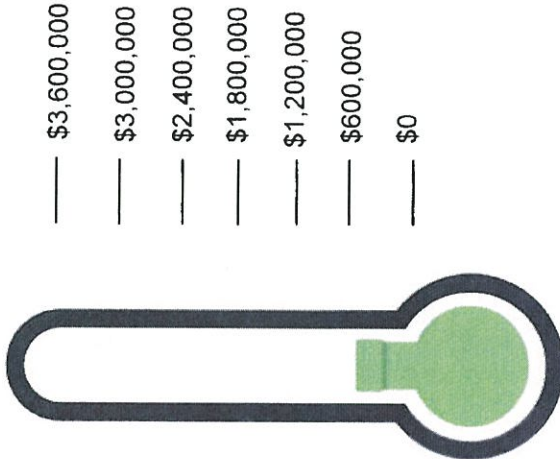
# Where we are now

Our progress

## Supporters

- David M. Crowley Foundation
- The Epperson Family Foundation
- The Heglund Foundation
- The Harold Simmons Foundation
- The Rowling Foundation
- Robin and Norm Bagwell
- William and Susan Ragland Fund/  
McElroy Family
- The Magdalen House Board of Directors

## Money Pledged or Collected



BDA178-039  
046

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Pg 23

# Our advocates

*The Magdalen House Leadership*

## Board of Directors

- Kay Colbert, President
- Sarah Beahan, Vice President-Elect
- Jeff Ault
- Patrick Fly
- James Dollins
- Tina Shuey
- Kelly Grindinger
- Jamie Hill-Walters
- Harriet Shaw
- Susan Larkin

Lisa Kroencke, Executive Director

## Capital Campaign Advisory Council

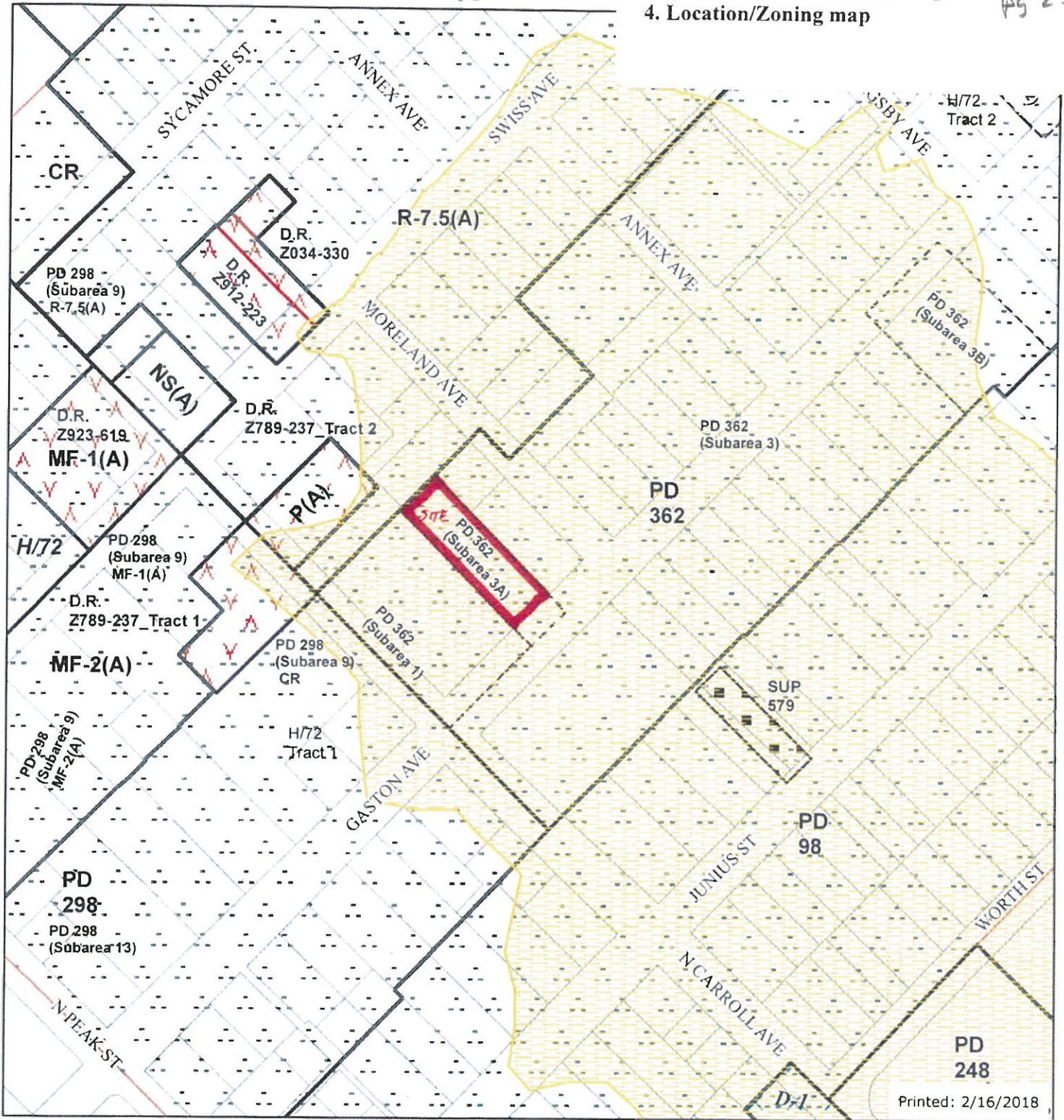
- Jamie Hill-Walters, Co-Chair
- Dave Kroencke, Co-Chair
- Robin Bagwell
- Lindsay Billingsley
- Cindy Brewer
- Jim Epperson
- Nancy Gottsacker
- Alyson Griffith
- Beverly Levy
- Tom McElroy
- Lindsey Miller
- Nancy T. Montgomery
- Kathleen Powell
- Myers Raymer
- Kristy Hoglund Robinson
- Robert Rowling Jr.
- Kathi Shuford

BDA178-039  
046

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4. Location/Zoning map



Legend

- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | railroad                       | Dry Overlay           | CD Subdistricts            |
| School               | Certified Parcels              | D                     | PD Subdistricts            |
| Floodplain           | Base Zoning                    | D-1                   | PDS Subdistricts           |
| 100 Year Flood Zone  | PD193 Oak Lawn                 | CP                    | NSO Subdistricts           |
| Mill's Creek         | Dallas Environmental Corridors | SP                    | NSO Overlay                |
| Peak's Branch        | SPSD Overlay                   | MD Overlay            | Escarpment Overlay         |
| X Protected by Levee | Deed Restrictions              | Historic Subdistricts | Parking Management Overlay |
| Parks                | SUP                            | Historic Overlay      | Shop Front Overlay 3-34    |
|                      |                                | 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)





**5. P.D. 362 Excerpt (regarding GRF use)**

regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

- (e) Environmental performance standards. See Article VI.
- (f) Sign regulations. The provisions for non-business zoning districts contained in Division 51A-7.400 apply in this subarea.
- (g) Landscape regulations. Article X applies to this subarea.
- (h) Nonconforming uses and structures. Section 51A-4.704 applies to this subarea.
- (i) Architectural guidelines. The architectural provisions set forth in Section 51P-362.105(i) governing Subarea I apply to this subarea.
- (j) Screening from adjacent residential uses. On the north and south perimeter of the subarea, any new construction must be screened from adjacent residential uses by an eight-foot-high brick or masonry screening wall. (Ord. Nos. 21177; 25850)

**SEC. 51P-362.107. USE REGULATIONS AND DEVELOPMENT STANDARDS FOR SUBAREA III.**

- (a) Main use permitted.
  - (1) Institutional and community service uses.
    - Child-care facility. [SUP]
  - (2) Lodging. [In structures that face Gaston Avenue only.]
    - Bed and breakfast. [SUP]
  - (3) Office uses. [In structures that face Gaston Avenue only.]
    - Medical clinic or ambulatory surgical center. [This use may only be conducted between 7 a.m. through 7 p.m., six days a week. This use is limited to office space for no more than three doctors.]
    - Office.
  - (4) Residential uses.
    - Duplex.
    - Group residential facility. [In Subareas IIIA and IIIB only. SUP may be required. The requirements for this use in Section 51A-4.209 apply.]
    - Handicapped group dwelling unit.
    - Multifamily.
    - Single family.
  - (5) Transportation uses.
    - Transit passenger shelter.

6. Sec. 51A-4.209 (spacing; S.U.P.)

**SEC. 51A-4.209. RESIDENTIAL USES.**

(a) **General provisions.** Notwithstanding any other provision in this chapter, a facility that meets all of the requirements of Article 1011n, V.T.C.A., may locate in any residential zone or district in the city as a matter of right. Unless otherwise directed by the city attorney, the building official and any other city officer or employee charged with enforcement of this chapter shall construe Article 1011n by substituting Congress' definition of a handicapped person in the Fair Housing Amendments Act of 1988, as amended, for the state's definition of "disabled person" in that article.

(b) **Specific uses.**

(3) **Group residential facility.**

(A) Definition: An interim or permanent residential facility (as opposed to a lodging or medical treatment facility) that provides room and board to a group of persons who are not a "family" as that term is defined in this chapter, whether or not the facility is operated for profit or charges for the services it offers. This use does not include:

- (i) facilities that negotiate sleeping arrangements on a daily basis;
- (ii) dwelling units occupied exclusively by families (Note: Dwelling units occupied exclusively by families are considered to be single family, duplex, or multifamily uses, as the case may be); or
- (iii) any other use specifically defined in this chapter.

(B) Districts permitted: When located at least 1,000 feet from all other group residential facilities and licensed handicapped group dwelling units (as defined in this chapter), by right in CH, multifamily, central area, and mixed use districts; otherwise, by SUP only in the same districts. For purposes of this provision, the term "licensed" means licensed by the Texas Department of Human Services, or its successor, and the distance between uses is measured in a straight line, without regard to intervening structures or objects, between the nearest boundaries of the building sites on which the uses are located. (Note: The spacing component of these use regulations is based, not on the handicapped status of the residents, but on the non-family status of the groups. [See Section 51A-1.102(b)(2).]) By SUP only in urban corridor districts.

(C) Required off-street parking: 0.25 spaces per bed, plus one space per 200 square feet of office area; a minimum of four spaces is required. No handicapped parking is required. If an SUP is required for this use, the off-street parking requirement may be established in the ordinance granting the SUP. In determining this requirement, the city council shall consider the nature of the proposed use and the degree to which the use would create traffic hazards or congestion given the capacity of nearby streets, the trip generation characteristics of the use, the availability of public transit and the likelihood of its use, and the feasibility of traffic mitigation measures.

(D) Required off-street loading: None.

(E) Additional provisions:

- (i) This use is subject to the following density restrictions:

ZONING CLASSIFICATION	DISTRICT	MAXIMUM NO. OF DWELLING UNITS OR SUITES* PER NET ACRE	MAXIMUM NO. OF BEDS* PER NET ACRE
TH-1(A) and RTN		35	70

BDA 178-039  
046

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PS 28

TH-2(A) and TH-3(A)	40	80
CH	45	90
MF-1(A) and MF-1(SAH)	50	100
MF-2(A) and MF-2(SAH)	60	120
MF-3(A)	90	180
MF-4(A)	160	320

\*For purposes of this subparagraph, the term "suite" means one or more rooms designed to accommodate one family, containing living, sanitary, and sleeping facilities, but not containing a kitchen; and the term "bed" means a piece of furniture, mat, cushion, or other device on or in which one may lie and sleep.

- (ii) This use must comply with statutory licensing requirements, if any.
- (iii) This use may include dwelling units or suites that are exclusively restricted to visitors or members of the staff.

7. October 18, 2017, inquiry to Staff

**Vinson, Jonathan**

---

**From:** Vinson, Jonathan  
**Sent:** Wednesday, October 18, 2017 11:58 AM  
**To:** Kay, Kiesha  
**Cc:** Mary Shuford  
**Subject:** RE: 4513 Gaston SUP

Kiesha, yes, that would be very helpful, thank you.

**From:** Kay, Kiesha [mailto:kiesha.kay@dallascityhall.com]  
**Sent:** Wednesday, October 18, 2017 10:47 AM  
**To:** Vinson, Jonathan <jvinson@jw.com>  
**Cc:** mary@magdlenhouse.org  
**Subject:** 4513 Gaston SUP

Jonathan,

An SUP will only be required for this development if it is within 1,000 feet of another group residential facility. Please notify me if you would like a zoning determination letter to determine if there are any group residential facilities within 1,000 feet of 4513 Gaston.

Thank you,



**Kiesha Kay**  
*Chief Planner*  
City of Dallas | [www.dallascityhall.com](http://www.dallascityhall.com)  
Sustainable Development and Construction  
320 E. Jefferson Boulevard, Room 118  
Dallas, TX 75203  
O: 214-948-4476  
[kiesha.kay@dallascityhall.com](mailto:kiesha.kay@dallascityhall.com)



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





8. October 26, 2017, Staff letter

CITY OF DALLAS

October 26, 2017

Jonathan Vinson  
Jackson Walker, LLC  
2323 Ross Ave., Suite 600  
Dallas, TX 75201

**RE: Zoning Determination Request; 4513 Gaston Avenue, Part of Lot 2 and Block 1/769**

Dear Mr. Vinson:

As detailed in your email dated October 18, 2017 and attached, you have requested a written determination pertaining to proximity of other Group Residential Facilities within 1,000 feet of 4513 Gaston Avenue.

4707 Gaston Avenue has an active Certificate of Occupancy for a Group Residential Facility, reference CO#1209051021. This property is 528 feet away from 4513 Gaston. Per Sec.51A4-209(3)(B), 4513 Gaston Avenue will have to obtain a Specific Use Permit, SUP, due to the proposed use being located within 1,000 feet from another group residential facility. The SUP process can be applied for at our Current Planning office located at 1500 Marilla, 5BN.

This letter does not constitute a building permit or certificate of occupancy, nor does it imply that a building permit or certificate of occupancy will be approved without complying with all applicable rules and regulations. The City of Dallas does not provide letters certifying that a property or development complies with all applicable rules and regulations.

If you have any further questions, please contact me at 214-948-4476 or [kiesha.kay@dallascityhall.com](mailto:kiesha.kay@dallascityhall.com).

Respectfully,

Kiesha Kay  
Chief Planner  
Building Inspection Division

cc: Megan Wimer, Assistant Building Official

BDA178-039  
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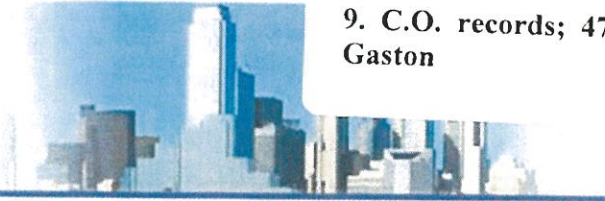
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Dallas Contractor Utility - Address

Page 1 of 1

4707 GASTON AVE.

9. C.O. records; 4707 Gaston and 4513 Gaston



Dallas Home Building Inspection Home Offices Records Newsletter Government

Address

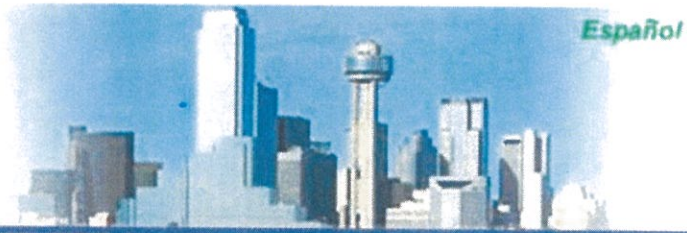
Details Holds Applications

	Type	Project #	Status	Description	Issue Date	Trades
<a href="#">View</a>	Certificate of Appropriateness	CA123-089 (MD)	Issuing Certificate			
<a href="#">View</a>	Certificate of Appropriateness	CA156-494 (JKA)	Complete	Foundation repair	May 4, 2016	
<a href="#">View</a>	Certificate of Occupancy	1209051021	Issued	Certificate of Occupancy (CO) DBA: KID NET FOUNDATION	Oct 5, 2012	
<a href="#">View</a>	Master Permit	0108024009	Complete	Building (BU) 4707 GASTON AVE	Aug 2, 2001	
<a href="#">View</a>	Master Permit	0401202004	Complete	Building (BU) 4707 GASTON AVE	Jan 20, 2004	
<a href="#">View</a>	Master Permit	1209051017	Complete	Building (BU) ZO, PL CONVERTING SFD TO GROUP RESIDENTIAL FACILITY	Oct 5, 2012	PL, ZO
<a href="#">View</a>	Master Permit	1605051062	Complete	Building (BU) ZO 1005-FOUNDATION REPAIR	May 5, 2016	ZO
<a href="#">View</a>	Master Permit	9212091034	Complete	Building (BU) 4707 GASTON AVE	Dec 21, 1992	
<a href="#">View</a>	Master Permit	9212141011	Complete	Building (BU) 4707 GASTON AVE	Dec 14, 1992	
<a href="#">View</a>	Master Permit	9302115017	Complete	Electrical (EL) T-POLE	Feb 11, 1993	
<a href="#">View</a>	Master Permit	9303046053	Complete	Plumbing (PL) 1111-CONSTRUCT NEW SFD 4707 GASTON AVE	Mar 4, 1993	
<a href="#">View</a>	Master Permit	9303116032	Complete	Mechanical (ME) 1111-CONSTRUCT NEW SFD	Mar 11, 1993	
<a href="#">View</a>	Master Permit	9306141068	Complete	Fire Sprinkler (Minor Work) (FS) 1111-CONSTRUCT NEW SFD 4707 GASTON AVE	Jul 15, 1993	
<a href="#">View</a>	Master Permit	9309292011	Complete	Electrical (EL) 4707 GASTON AVE	Sep 29, 1993	
<a href="#">View</a>	Master Permit	9406302015	Complete	Plumbing (PL)	Jun 30, 1994	
<a href="#">View</a>	Master Permit	9407012004	Complete	Mechanical (ME)	Jul 1, 1994	
<a href="#">View</a>	Master Permit	9409021118	Complete	Paving (Sidewalk, Drive Approaches) (PV) 4707 GASTON AVE	Sep 2, 1994	
<a href="#">View</a>	Master Permit	9412091028	Complete	Fence (FE) 4707 GASTON AVE	Dec 9, 1994	

Main Menu

BDA178-039  
046

Attach B Pg 32



[Dallas Home](#) [Building Inspection Home](#) [Offices](#) [Records](#) [Newsletter](#) [Government](#)

Certificate of Occupancy - 1209051021

**Details** **Holds** **Documents** **Zoning Info**

Property

Street Address

View

4707 GASTON AVE

Status: CO Issued

- Application Date: Sep 05, 2012

Issue Date: Oct 5, 2012

Completed Date: Dec 11, 2012

Applicant: SAM POLLINZI

Owner Category

PRIVATE

Land Use Description: GROUP RESIDENTIAL FACILITY

Temporary Address

Project

Doing business as: KID NET FOUNDATION

Certificate Type: CO

Health Permit Number

Use of Property: GROUP RESIDENTIAL FACILITY

Occupancy	R2	Selling Alcohol.	<input type="checkbox"/>	Dwelling Units	
Constr. Type	VA	Dance Floor.	<input type="checkbox"/>	Stones	2
Sq. Footage	4,800			Occupancy Load	
				Sprinkler.	All
				Required Parking	5
				Proposed Parking	5

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Save Changes

Main Menu



BDA 178-039  
046

AH 4 B P 33

4513 GASTON AVE



Dallas Home Building Inspection Home Offices Records Newsletter Government

Address

Details Holds Applications

	Type	Project #	Status	Description	Issue Date	Trades
<a href="#">View</a>	Certificate of Appropriateness	CA045-365 (MF)	Complete		Jun 6, 2005	
<a href="#">View</a>	Certificate of Appropriateness	CA045-397 (MF)	Complete		Jul 7, 2005	
<a href="#">View</a>	Certificate of Appropriateness	CA134-531 (JKA)	Complete		Aug 8, 2014	
<a href="#">View</a>	Certificate of Appropriateness	CA145-463 (JKA)	Complete		Jun 8, 2015	
<a href="#">View</a>	Certificate of Appropriateness	CA145-518 (JKA)	Cancelled		Jul 14, 2015	
<a href="#">View</a>	Certificate of Appropriateness	CA145-536 (JKA)	Complete		Jul 9, 2015	
<a href="#">View</a>	Certificate of Appropriateness	CA145-593 (JKA)	Complete		Sep 14, 2015	
<a href="#">View</a>	Certificate of Appropriateness	CA145-626 (JKA)	Complete		Aug 20, 2015	
<a href="#">View</a>	Certificate of Appropriateness	CA156-015 (JKA)	Complete		Oct 6, 2015	
<a href="#">View</a>	Certificate of Appropriateness	CA156-056 (JKA)	Complete		Oct 26, 2015	
<a href="#">View</a>	Certificate of Appropriateness	CA156-230 (JKA)	Complete	Window pane	Jan 11, 2016	
<a href="#">View</a>	Certificate of Appropriateness	CA156-407 (JKA)	Complete	Porch paint	Apr 5, 2016	
<a href="#">View</a>	Certificate of Appropriateness	CA178-321 (MLP)	Complete		Feb 7, 2018	
<a href="#">View</a>	Certificate of Appropriateness	CR178-009 (MLP)	Staff Review			
<a href="#">View</a>	Certificate of Occupancy	0110171002	Issued	DBA. HERRIN HOUSE	Oct 17, 2001	
<a href="#">View</a>	Certificate of Occupancy	0509091126	Issued	Certificate of Occupancy (CO) DBA. GASTON HOUSE	Oct 21, 2005	
<a href="#">View</a>	Certificate of Occupancy	1711301071	Revoked	Certificate of Occupancy (CO) DBA. THE MAGDALEN HOUSE	Nov 30, 2017	
<a href="#">View</a>	Certificate of Occupancy	9006151142	Issued	DBA	Sep 11, 1990	
<a href="#">View</a>	Demolition Permit	9007161145	Complete		Aug 6, 1990	
<a href="#">View</a>	Master Permit	7200205731	Complete	Building (BU)	Jun 15, 1972	
<a href="#">View</a>	Master Permit	7400195778	Complete	4513 GASTON AVE Electrical (EL)	Feb 5, 1974	
<a href="#">View</a>	Master Permit	8200077838	Complete	4513 GASTON AVE Building (BU)	Jan 8, 1982	
<a href="#">View</a>	Master Permit	8908235012	Complete	4513 GASTON AVE Plumbing (PL)	Aug 25, 1989	
<a href="#">View</a>	Master Permit	9006151140	Complete	4513 GASTON AVE Building (BU)	Aug 8, 1990	
<a href="#">View</a>	Master Permit	9006271039	Complete	4513 GASTON AVE Landscape (LA)	Aug 8, 1990	
<a href="#">View</a>	Master Permit	9007201033	Complete	4513 GASTON AVE Plumbing (PL)	Jul 24, 1990	
<a href="#">View</a>	Master Permit	9007264002	Complete	4513 GASTON AVE Electrical (EL)	Jul 26, 1990	
<a href="#">View</a>	Master Permit	9008155011	Complete	4513 GASTON AVE Mechanical (ME)	Sep 6, 1990	
<a href="#">View</a>	Master Permit	9209181043	Complete	4513 GASTON AVE Building (BU)	Sep 18, 1992	
<a href="#">View</a>	Master Permit	9212045017	Complete	4513 GASTON AVE Plumbing (PL)	Dec 4, 1992	
<a href="#">View</a>	Master Permit	9212071002	Complete	4513 GASTON AVE Electrical (EL) INSTALL WIRING & SERVICE FOR STUDIO	Dec 7, 1992	
<a href="#">View</a>	Master Permit	9212085010	Complete	4513 GASTON AVE Mechanical (ME)	Dec 8, 1992	

Main Menu

BDA178-039  
046

AH24 B PS 34



[Dallas Home](#) [Building Inspection Home](#) [Offices](#) [Records](#) [Newsletter](#) [Government](#)

Certificate of Occupancy - 0110171002

**Details** Holds Documents Zoning Info

Property

Street Address

View 4513 GASTON AVE

Status: CO Issued      Application Date: Oct 17, 2001  
Issue Date: Oct 17, 2001  
Completed Date: Oct 18, 2001

Applicant: TURTLE CREEK MANOR, INC

Owner Category

PRIVATE

Land Use Description: GROUP RESIDENTIAL FACILITY

Temporary Address

Project

Doing business as: HERRIN HOUSE

Certificate Type

Health Permit Number

Use of Property

Occupancy	R1	Selling Alcohol	<input type="checkbox"/>	Dwelling Units	0
Constr Type	(None)	Dance Floor	<input type="checkbox"/>	Stones	2
Sq Footage	0	Occupancy Load		Sprinkler	(None)
		Required Parking		Proposed Parking	0

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Save Changes

Main Menu





[Dallas Home](#) [Building Inspection Home](#) [Offices](#) [Records](#) [Newsletter](#) [Government](#)

[Certificate of Occupancy - 0509091126](#)

**Details** **Holds** **Documents** **Zoning Info**

Property

Street Address

[View](#) 4513 GASTON AVE

Status: CO Issued

Application Date: Sep 09, 2005

Issue Date: Oct 21, 2005

Completed Date: Oct 21, 2005

Applicant: DONALD FIELDING

Owner Category

PRIVATE

Land Use Description: GROUP RESIDENTIAL FACILITY

Temporary Address

Project

Doing business as: GASTON HOUSE

Certificate Type: CO

Health Permit Number:

Use of Property: GROUP RESIDENTIAL FACILITY

Occupancy	R1	Selling Alcohol	<input type="checkbox"/>	Dwelling Units	1
Constr. Type	UNK	Dance Floor	<input type="checkbox"/>	Stones	2
Sq Footage	7,000	Occupancy Load		Sprinkler	None
		Required Parking		Proposed Parking	

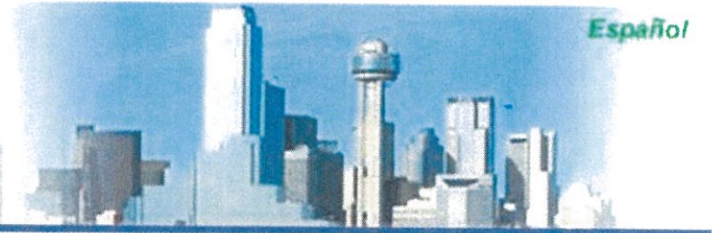
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[Main Menu](#)

BDA178-039  
046

Attn B ps 34



[Dallas Home](#) [Building Inspection Home](#) [Offices](#) [Records](#) [Newsletter](#) [Government](#)

Certificate of Occupancy - 1711301071

**Details** Holds Documents Zoning Info

Property

Street Address

View 4513 GASTON AVE

Status

Application Date Nov 30, 2017

Issue Date: Nov 30, 2017

Completed Date Feb 08, 2018

Applicant: RACHEL ZADNIK

Owner Category

PRIVATE

Land Use Description: GROUP RESIDENTIAL FACILITY

Temporary Address:

Project

Doing business as THE MAGDALEN HOUSE

Certificate Type: CO

Health Permit Number:

Use of Property: GROUP RESIDENTIAL FACILITY

Occupancy	R1	Selling Alcohol:	<input type="checkbox"/>	Dwelling Units:
Constr Type:	UNK	Dance Floor:	<input type="checkbox"/>	Stones
Sq Footage	7,000			Occupancy Load
				Sprinkler (None)
				Required Parking
				Proposed Parking

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Save Changes

Main Menu



[Dallas Home](#) [Building Inspection Home](#) [Offices](#) [Records](#) [Newsletter](#) [Government](#)

[Certificate of Appropriateness](#)

**Details** **Documents**

Property

Street Address

[View](#) 4513 GASTON AVE

DCAD Info

[Go](#)

Historic District Name: Peak's Suburban Addition Neighborhood Historic District

Status: Complete Date Filed: Feb 7, 2018

Date Completed: Feb 7, 2018

Meetings

Date and Time Type of Meeting Location

No meeting information is available

Planner Name: Melissa Parent

Standard of Demolition: (None)

Application Type: Routine

Structure Type:  Contributing  Noncontributing

Applicant: HECTOR PATINO

Representative

Tax Parcel Legal: 0769 001 00200 1DA0769 001

Block: Lot 2

Owner

Owner: WEST FIELDING LLC  
STE B  
5115 MCKINNEY AVE STE B

DALLAS TEXAS 752053334

Owner Is Applicant  Owner Is Representative

Additional Information

CA Number: CA178-321(MLP)

Requests

Background/History

Base Zoning: PD-362.R-7 5(A)

Council District: 2

MAPSCO

For other inquires call (214) 670- 4209

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[Main Menu](#)

10. Sec. 51A-4.702 (a)(2) (nonconforming use)

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

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

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



11. November 28, 2017, Staff letter



CITY OF DALLAS

November 28, 2017

Jonathan Vinson  
Jackson Walker, L.L.C  
2323 Ross Ave., Suite 600  
Dallas, TX 75201

**RE: Zoning Determination Request; 4513 Gaston Avenue, Part of Lot 2 and Block 1/769**

Dear Mr. Vinson:

As detailed in your email dated November 15, 2017 and attached, you have requested a written determination pertaining to the nonconforming land use of group residential facility located at 4513 Gaston Avenue.

Based on the documentation provided and attached, the property has maintained it's nonconforming land use status and will not be required to obtain a specific use permit, per Section 51A-4.209.3(B) of the Dallas Development Code.

Pursuant to Section 51A-4.704(a)(2) of the Dallas Development Code, the right to operate a nonconforming use ceases if the nonconforming use is discontinued for six months or more. The board may grant a special exception to this provision only if the owner can show that there was a clear intent not to abandon the use even though the use was discontinued for six months or more.

This letter does not constitute a building permit or certificate of occupancy, nor does it imply that a building permit or certificate of occupancy will be approved without complying with all applicable rules and regulations. The City of Dallas does not provide letters certifying that a property or development complies with all applicable rules and regulations.

If you have any further questions, please contact me at 214-948-4476 or [kiesha.kay@dallascityhall.com](mailto:kiesha.kay@dallascityhall.com).

Respectfully,

Kiesha Kay  
Chief Planner  
Building Inspection Division

cc: Megan Wimer, Assistant Building Official



BDA178-039  
046

AHUB

PS 40

To Whom It May Concern:

Regarding the occupancy and use of 4513 Gaston Avenue:

Gaston House has continuously operated out of 4513 Gaston Avenue from 2008 through June of 2017. While tenants were moved out in May, Gaston House continued to operate our gym, staff offices, storage and sleep quarters out of the 4513 Gaston Avenue property into August of 2017.

Originally Gaston House Transitions planned to renovate and continue to operate out of the 4513 Gaston Avenue location but was presented with an opportunity to sell the property to The Magdalen House. The first contract was set to close November 17<sup>th</sup>, 2017, however zoning concerns delayed the closing until December 15<sup>th</sup>, 2017.

Gaston House Transitions is pleased to sell the property to a partnering non-profit so that the property can continue to be used to serve the DFW community.

Thank you,

  
Robert Rowling

Owner- 4513 Gaston Avenue

Owner- Gaston House

Robert@gastonhouse.com

BDA178-039  
046

ATTN B PG 41



att.com

ALBERT WEST  
4001 MAPLE AVE STE 600  
DALLAS TX 75219-3241

Page 1 of 2  
Account Number 214515 3053 340 2  
Billing Date May 21 2017  
Web Site att.com

# Monthly Statement

## Bill-At-A-Glance

Previous Bill	40.92
Payment Received 5-15 Thank you!	40.92DR
Adjustments	00
Balance	00
Current Charges	40.90
<b>Amount to be Debited</b>	<b>\$40.90</b>
Your Credit Card will be Debited by	Jun 15, 2017

## Billing Summary

Online att.com/myatt

<b>Plans and Services</b>	<b>40.90</b>
1 800 288-2020	
Payment Arrangements	
1 800 288-2020	
Service Charges	
1 800 288-2620	
Repair Services	
1 800 246-8464	
<b>Total Current Charges</b>	<b>40.90</b>

## Plans and Services

### Monthly Service May 21 thru Jun 20

1 Basic Local Service-Residence	27.00
2 Touchtone	.19
<b>Total Monthly Service</b>	<b>27.19</b>

### Surcharges and Other Fees

3 Federal Subscribe Line Charge	5.40
4 S11 Fee	.68
5 State Cost Recovery Fee	.13
6 Federal Universal Service Fee	.93
7 Texas Universal Service	.90
8 Municipal Right-of-Way Fee	1.64
<b>Total Surcharges and Other Fees</b>	<b>9.68</b>

### Taxes

9 Federal Excise Tax	1.06
10 Federal Non-regulated & Toll Charges	.00
11 State and Local Local Charges	2.87
12 State and Local Non-regulated & Toll Charges	.01
<b>Total Taxes</b>	<b>4.04</b>

### Total Plans and Services

Amount Subject to Service Tax: \$38.19

**40.90**

## News You Can Use

### PREVENT DISCONNECT

Thank you for being a valued customer. Please be aware that all charges must be paid each month to keep your account current and prevent collection activities. We are required to inform you that certain charges such as your telephone line fees and surcharges, and any feature package, if applicable, MUST be paid in order to prevent interruption of basic local service. These charges are already included in the Total Amount Due and are \$40.90. As such, neglecting to pay for other charges on this bill will result in a disconnect. Please call 1-800-288-2620 for more information.

1543 14.619 109005 1 AV 0 373 75



ALBERT WEST  
4001 MAPLE AVE STE 600  
DALLAS TX 75219-3241

Paying by check authorizes AT&T to use the information from your check to make a one-time electronic fund transfer from your account. Funds may be withdrawn from your account as soon as the same day your payment is received. If we cannot process the transaction electronically, you authorize AT&T to present an image copy of your check for payment. Your original check will be destroyed once processed. If your check is returned unpaid you agree to pay such fees as identified in the terms and conditions of your AT&T Service Agreement. Returned checks may be presented electronically. If you want to save time and stamps, sign up for auto payment at www.att.com/stoppaper using your checking account. It's easy, secure, and convenient!

BDA178-039  
046

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PS YZ



Bill To:  
[Redacted]

Invoice # INV2181  
Client Name [Redacted]  
House Location Gaston  
Invoice Date 04-17-2017  
Service Dates 05-01-2017 - 05-31-2017  
Payment Due 05-01 2017

#	Dates	Description	Special Note	Amount
1		Monthly Service Fee		[Redacted]
2		One Time Fee	Bus Pass	\$80.00

Sub Total [Redacted]  
Adjustments 0.00  
**Amount Due** [Redacted]  
Invoice Status Paid

Bank of America 2638  
ACH R/T 011500010 57-11715 03

09-06  
DALLAS TX 75219 0646

4/15/2017

PAY TO THE ORDER OF Gaston House Transitions, LLC

[Redacted] and 00/100

TRT Holdings, Inc.  
Attn: Gaston House Accounting Dept  
4001 Maple Ave., Suite 600  
Dallas, TX 75219

MEMO  
Inv. # 2181 Joe Worsham III

[Redacted Signature] AUTHORIZED SIGNATURE

00 26 38 1:0 [Redacted]

DOLLARS

BDA178-039  
046

Altman B

ps 43

**Vinson, Jonathan**

---

**From:** Vinson, Jonathan  
**Sent:** Tuesday, November 28, 2017 2:58 PM  
**To:** Kay, Kiesha; Wimer, Megan  
**Cc:** Hamilton, Ann; Mary Shuford; Jamie Hill (jhill@healthcarepayment.com); lisakroencke; dave\_kroencke@richards.com; Holsinger, Mark (mholsinger@omniplan.com)  
**Subject:** RE: 4513 Gaston Non-Conformity  
**Attachments:** ATT Gaston.pdf; GastonHouseInvoice.pdf

Hi, Kiesha – the most recent utility bill is an AT&T bill from June (attached), and I have also attached a bus pass invoice, but **the current owner/operator has confirmed for us that he and his organization have continued to use the property for a number of functions of the group residential facility use, including recreational activities, and had no intention at all to cease all functions there and vacate until the property was sold.** In other words, the property continues to operate as a group residential facility use into August and September, even though the utilities were not on. **Since there are not specific factual criteria in the Development Code as to what constitutes an intention to vacate a use, I would suggest that the current owner's stated intent, and continued use for certain functions being part of the use, should be dispositive.** Please let me know if you think it would be beneficial to meet again to discuss further, but due to their funding circumstances, the Magdalen House team really needs to be able to get a confirmation of legal non-conforming status this week. Thanks very much, Kiesha.

**From:** Kay, Kiesha [mailto:kiesha.kay@dallascityhall.com]  
**Sent:** Monday, November 27, 2017 10:51 AM  
**To:** Vinson, Jonathan <jvinson@jw.com>  
**Cc:** Hamilton, Ann <ann.hamilton@dallascityhall.com>  
**Subject:** RE: 4513 Gaston Non-Conformity

Jonathan,

Please provide additional information other than a letter stating that the use was in operation. Examples can be electric or utility bills.

Thank you,



**Kiesha Kay**  
Chief Planner  
City of Dallas | [www.dallascityhall.com](http://www.dallascityhall.com)  
Sustainable Development and Construction  
320 E. Jefferson Boulevard, Room 118  
Dallas, TX 75203  
O: 214-948-4476  
[kiesha.kay@dallascityhall.com](mailto:kiesha.kay@dallascityhall.com)



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

BDA178-039  
044

Attu B  
PS 44

**From:** Vinson, Jonathan [<mailto:jvinson@jw.com>]  
**Sent:** Wednesday, November 22, 2017 5:41 PM  
**To:** Kay, Kiesha <[kiesha.kay@dallascityhall.com](mailto:kiesha.kay@dallascityhall.com)>; Wimer, Megan <[megan.wimer@dallascityhall.com](mailto:megan.wimer@dallascityhall.com)>  
**Cc:** Hamilton, Ann <[ann.hamilton@dallascityhall.com](mailto:ann.hamilton@dallascityhall.com)>; Mary Shuford <[Mary@magdalenhouse.org](mailto:Mary@magdalenhouse.org)>; Jamie Hill ([jhill@healthcarepayment.com](mailto:jhill@healthcarepayment.com)) <[jhill@healthcarepayment.com](mailto:jhill@healthcarepayment.com)>; lisakroencke <[lisa@magdalenhouse.org](mailto:lisa@magdalenhouse.org)>; dave\_kroencke@richards.com; Holsinger, Mark ([mholsinger@omniplan.com](mailto:mholsinger@omniplan.com)) <[mholsinger@omniplan.com](mailto:mholsinger@omniplan.com)>; Rachel Zadnik ([rachel@magdalenhouse.org](mailto:rachel@magdalenhouse.org)) <[rachel@magdalenhouse.org](mailto:rachel@magdalenhouse.org)>  
**Subject:** RE: 4513 Gaston Non-Conformity

Hi, Kiesha, I am attaching a letter we obtained from the current owner of the 4513 Gaston property affirming that the previous group residential facility user, Gaston House Transitions, used the property for that use through August of 2017, therefore keeping the use current within the six month window per the Development Code, as you reference below. I note that the owner of the property is West Fielding, LLC, which is in turn owned by West Rowling Holdings, LLC, which in turn is owned and managed by Mr. Robert Rowling, who also owns and operates Gaston House Transitions, information on which is also attached, so this is all consistent.

I thought that this would be helpful to you in Staff's consideration of this matter. If possible, we would really like to try to get a determination the first part of next week as to legal nonconforming status, as we are starting to bump up against funding deadlines, as well as closing on the property. Thanks for all of your help with this, Kiesha, and I hope you have a great Thanksgiving.

*Jonathan G. Vinson*  
*Partner, Land Use Group*



2323 Ross Avenue, Suite 600  
Dallas, Texas 75201  
Office: (214) 953-5941  
Fax: (214) 661-6809  
Mobile: (214) 770-4636  
Email: [jvinson@jw.com](mailto:jvinson@jw.com)  
Website: [www.jw.com](http://www.jw.com)

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**From:** Kay, Kiesha [<mailto:kiesha.kay@dallascityhall.com>]  
**Sent:** Wednesday, November 15, 2017 10:51 AM  
**To:** Vinson, Jonathan <[jvinson@jw.com](mailto:jvinson@jw.com)>  
**Cc:** Hamilton, Ann <[ann.hamilton@dallascityhall.com](mailto:ann.hamilton@dallascityhall.com)>  
**Subject:** 4513 Gaston Non-Conformity

Jonathan,

Please see the research below that was completed.



BDA178-039  
046

AH21 B  
P 45

**4513 Gaston Avenue: zoning PD 362, subarea 3A**

10/4/90: CO#9006151142 issued for Herin House; Other medical and health services  
1/16/92: PD 362 was established. The use of Group Residential Facility was an approved land use, if located in subarea 3A and 3B (SUP may be required. The requirements for this use in Section 51A-4.209 apply)  
3/29/93: SUP 1143 was obtained 3/29/93 for a Group Residential Facility. This SUP was good for 5 years.  
6/1/98, SUP 1143 was issued for a Group Residential Facility. This SUP was good for 5 years  
10/18/01: CO#0110171002 issued for Herrin House; Group Residential Facility  
5/16/03, RE: SUP 1143, a letter was sent to the owners stating their application for an automatic renewal of SUP #1143 for a Group Residential Facility has been approved for an additional 5 year time period and is eligible for automatic renewal for additional 5-year periods. The letter also states that it is the property owners responsibility to file and complete application for automatic renewal before the expiration of this current period.  
10/21/05: CO#0509091126 issued for Gaston House; Group Residential Facility

The Code Compliance Multi-family program only has records going back to 2009. They show that this property has registered every year with them. They performed licensing inspections in 2013 and 2015.

**4707 Gaston Avenue**

Applied for BU permit #1209051017 to convert a single family dwelling to a Group Residential Facility. CO#1209051021 was issued 12/11/12. They have never registered with the City of Dallas Multi-family program or been inspected by them.

Per this information non-conformity still needs to be proved by Sec.51A-4.704(a)(2)

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

The last inspection completed by code compliance was October of 2015, we are going to honor that inspection and confirm that the use was still operating at that time. We need information from that date to today.

Please let me know if you have any questions.

Thank you,



**Kiesha Kay**  
Chief Planner  
City of Dallas | [www.dallascityhall.com](http://www.dallascityhall.com)  
Sustainable Development and Construction  
320 E. Jefferson Boulevard, Room 118  
Dallas, TX 75203  
O: 214-948-4476  
[kiesha.kay@dallascityhall.com](mailto:kiesha.kay@dallascityhall.com)



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

12. February 2, 2018, Staff letter



CITY OF DALLAS

February 2, 2018

CERTIFIED MAIL NO. 7006 2150 0002 1365 5845

Rachel Zadnik  
1302 Redwood Circle  
Dallas, TX 75218

**RE: Revocation of Certificate of Occupancy No. 1711301071 for a group residential facility use at 4513 Gaston Avenue ("the Property")**

Dear Ms. Zadnik:

A zoning determination letter was created for the Property on November 20, 2017. The determination that the use on the Property had maintained its nonconforming status was based on incomplete information. This action led to a Certificate of Occupancy being issued in error. Pursuant to Section 51A-4.704(a)(2) of the Dallas Development Code, the right to operate a nonconforming use ceases if the nonconforming use is discontinued for six months or more. The Board of Adjustment may grant a special exception to this provision only if the owner can show that there was a clear intent not to abandon the use even though the use was discontinued for six months or more.

The building official is required to revoke a certificate of occupancy if the building official determines that the certificate of occupancy was issued in error or on the basis of false, incomplete, or incorrect information supplied. Therefore, **Certificate of Occupancy No. 1711301071 for a group residential facility use is hereby revoked.** Any use operating on the Property without a certificate of occupancy is an illegal land use that must immediately cease operating. The group residential facility use may not operate until a new certificate of occupancy is issued that complies with all city codes.

This decision is final unless appealed to the Board of Adjustment within fifteen days after the date of this letter. If you have any questions, please contact Kiesha Kay, Chief Planner in Building Inspection at 214-948-4476.

Sincerely,

Philip Siles, CBO  
Building Official  
Building Inspection Division

- cc: David Cossam, Director, Sustainable Development and Construction
- Kris Sweckard, Director, Code Compliance
- Megan Wimer, AICP, Assistant Building Official
- Kiesha Kay, Chief Planner
- Tammy Palomino, Senior Executive Assistant City Attorney
- Melissa Miles, Executive Assistant City Attorney
- Casey Burgess, Executive Assistant City Attorney

1 Paragraphs (1) and (2) of Section 306.13, "Revocation of Certificate of Occupancy," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code.

2 Section 51A 1.104, "Certificate of Occupancy," of Chapter 51A of the Dallas Development Code, Subsection 306.1, "Use or Occupancy," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code.

3 Paragraph 2 of Section 306.15, "Appeals of Actions and Determinations," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code; and Section 51A-4.703(a)(2), "Board of Adjustment Hearing Procedures," of Chapter 51A of the Dallas Development Code.

13. Robert Rowling letter



**Gaston House Transitional Living Center**

Ms. Kiesha Kay, Chief Planner  
Department of Sustainable Development and Construction  
City of Dallas  
320 East Jefferson Boulevard, Room 118  
Dallas, Texas 75203

Regarding the occupancy and use of 4513 Gaston Avenue:

Dear Ms. Kay:

Gaston House Transitions has continuously operated out of 4513 Gaston Avenue from 2008 through at least the end of August of 2017. While tenants were completely moved out in April, Gaston House Transitions continued to operate our gym, staff offices, and storage out of the 4513 Gaston Avenue property through August of 2017. The property was being used even after all the utilities were turned off in April of 2017 as the activities taking place after this date did not require utilities. In May of 2017 we held a basketball tournament there for the men in our program. A photo of this tournament is attached. In addition to this event, Gaston House clients continued to use the gym in the Carriage House on the property well through the end of August of 2017.

Originally Gaston House Transitions planned to renovate and continue to operate out of the 4513 Gaston Avenue location but was presented with an opportunity to sell the property to The Magdalen House. There was never intent to discontinue the use of the property as a Group Residential Facility, as we always planned to move back into that location after renovations. As soon as it was decided that we would sell the property, we approached The Magdalen House. The first contract was set to close November 17<sup>th</sup>, 2017, however zoning concerns delayed the closing until December 15<sup>th</sup>, 2017.

The Magdalen House closed on 4513 Gaston Avenue on December 15<sup>th</sup>, 2017 after receiving a Zoning Determination Letter from the City of Dallas on November 28<sup>th</sup>, 2017 confirming there was not a need to obtain a Specific Use Permit. The contract was delayed from its original closing date due to the importance of receiving this confirmation from the City. Upon receipt of the Zoning Determination Letter Gaston House Transitions fully executed the contract with The Magdalen House with the understanding that Certificate of Occupancy would transfer to their name.

Thank you,

Robert Rowling  
Owner- 4513 Gaston Avenue  
Owner- Gaston House Transitions  
Robert@gastonhouse.com

## Gaston House Transitional Living Center

Ms. Kiesha Kay, Chief Planner  
Department of Sustainable Development and Construction  
City of Dallas  
320 East Jefferson Boulevard, Room 118  
Dallas, Texas 75203

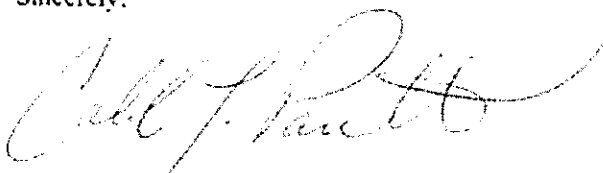
Regarding the occupancy and use of 4513 Gaston Avenue:

Dear Ms. Kay:

I am writing to confirm that I operated out of 4513 Gaston Avenue in September of 2017. I worked on a project on the property as the Chief Operating Officer of Gaston House Transitions. I have worked for Gaston House Transitions since July of 2013 and can confirm that there was never an intent to discontinue the use of the property as a Group Residential Facility.

Residents were moved out of the facility in order to renovate in April of 2017 but continued to use the property for group activities well after that time. While the utilities were turned off the gym was still being used.

Sincerely,



Caleb Parette  
COO, Gaston House  
caleb@gastonhouse.com

BDA 178-039  
046

15. Billy Kane letter

Attch B

P 49



## Gaston House Transitional Living Center

Ms. Kiesha Kay, Chief Planner  
Department of Sustainable Development and Construction  
City of Dallas  
320 East Jefferson Boulevard, Room 118  
Dallas, Texas 75203

Regarding the occupancy and use of 4513 Gaston Avenue:

Dear Ms. Kay:

My name is Billy Kane and I am a former client of Gaston House. I am writing to confirm that I used the gym at 4513 Gaston Avenue as late as August 27<sup>th</sup>, 2017.

Sincerely,

Billy Kane

Billy@ironhorsefarmsal.com





February 15<sup>th</sup>, 2017

Robert Rowling

4513 Gaston Ave.  
Dallas, Texas 75246

Re: Letter of Intent

Dear Robert,

We are honored and privileged to be selected as your contractor for the work on your properties. We will endeavor to make this a positive experience and a lasting relationship.

The following outline is a description of the services to be provided and a general time frame.

**Conceptual / Feasibility Phase: 7 – 8 wks.**

1. Code/historical research, programming meetings, as-built drawings & conceptual drawings **5-6 wks.**
2. Initial Construction Estimate based on concept drawings **2 wks.**

After the **Conceptual / Feasibility** phase you will be able to make a financial business decision to move forward or not with this project. Should you elect to proceed with the project the following phases will commence.

**Design Phase: 12 – 14 wks.**

1. Design Development **4-5 wks.**
2. Construction Documents **4wks.**
3. Engineering **2-3 wks.**
4. Final onsite bid meeting and Construction Estimate **2 wks.**

**Pre-Construction**

1. We will facilitate and provide input to you and Eddie Maestri during the **Design phase** and be available for input and or meetings to discuss options for the various program items and feasibility.
2. We will also be available to coordinate with the engineer for foundation and structural design.



3. We will coordinate architectural and engineering drawings with the city and represent you before the City of Dallas building department & Landmark Commission for permitting and historical compliance.
4. We will issue construction plans to bidders for final pricing and host onsite bid meetings.
5. We will prepare all contract and construction documents for your review and execution.
6. You will be responsible for any interim construction financing if applicable.

#### Construction -

1. Construction will be executed in 2 phases. **Phase I:** to be the renovation of the Kitchen and main living area along with four units on the rear of the Junius house. **Phase II:** to be the complete gut and renovation of the Gaston House main structure. This will include window replacement and a new meeting/office/gym accessory building on the back yard.
2. We will coordinate and manage all construction, as well as order materials in a timely manner in order for the project to move smoothly.
3. We will host/coordinate regular meetings with you and Eddie Maestri, if you need his input, in order to provide effective communication and input for the phases throughout the job.
4. We will do the work based on a cost of work plus a contractor fee of 17%.
5. We expect the duration of the project to fall within the following timeframes. **Phase I: 4 - 5 months & Phase II: 10-12 months.** We will endeavor to shorten the time frame as possible.
6. We will manage cost on a regular basis as well as provide you with a monthly payment request schedule that will reflect cost status and change orders so you can make timely decisions that might affect cost.
7. We will coordinate with any of your contractors or vendors, for efficient and cost effective delivery of their services.
8. We will provide daily onsite supervision and quality control of all work and provide you with advance scheduling of the various trades.
9. We will manage construction debris and keep a clean tight ship.

#### Post construction -

1. We will be available to help you adapt to your new facility along with the various new systems and operations.
2. We will provide a warranty for your home consistent with the current Texas property code.

BDA 178-039  
046

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p 52



We are requesting the following retainer of \$16,250 for Architectural and \$6,500 for General Contractor services totaling \$22,750 at this time which will be applied toward preconstruction costs and will take you through the **Conceptual / Feasibility** Phase of the project. It will also secure your job and place in our schedule.

In the pages below you will find the architectural proposal from Eddie Maestri and some information about their team and firm. The \$16,250 architectural retainer is 25% of the total architectural fees listed. He has also included hourly options for Full Furnishings as well as contract administration should you elect to use these services.

We look forward to getting things moving and please don't hesitate to call me at any time with questions or clarifications.

Sincerely,

*John*

John Jarrett

214-533-6239



BDA/39-089  
046

ALL B

17. August 28, 2017, DPD Report

P 53

Inform Browser : 5.740.34.0 - Reports - Incident Report

Page 1 of 3

### Incident Detail Report

Data Source: Data Warehouse  
Incident Status: Closed  
Incident number: 17-1624366  
Case Numbers:  
Incident Date: 8/28/2017 20:38:00  
Report Generated: 2/21/2018 16:58:31

#### Incident Information

Incident Type:	2Man	Alarm Level:	
Priority:	1 - Emergency	Problem:	41/11R - Burg Res in Progress
Determinant:		Agency:	Police
Base Response#:	06252017-0154801	Jurisdiction:	Dallas Police
Confirmation#:		Division:	Central
Taken By:	Crabtree, Leia D	Battalion:	150
Response Area:	156	Response Plan:	CH1 - 2MAN
Disposition:	NP - No Police Action	Command Ch:	
Cancel Reason:		Primary TAC:	
Incident Status:	Closed	Secondary TAC:	
Certification:	P-Patrol	Delay Reason (if any):	
Longitude:	95773413	Latitude:	32796778

#### Incident Location

Location Name:		County:	DALLAS
Address:	4513 Gaston Ave	Location Type:	
Apartment:		Cross Street:	N CARROLL AVE/MORELAND AVE
Building:		Map Reference:	46-E
City, State, Zip:	Dallas TX 75246		

#### Call Receipt

Caller Name:	collins, kyle	Call Back Phone:	[REDACTED]
Method Received:		Caller Location:	
Caller Type:			

#### Time Stamps

Description	Date	Time	User	Elapsed Times	Description	Time
Phone Pickup	8/25/2017	20:38:00				
1st Key Stroke	8/25/2017	20:38:00				
In Waiting Queue	8/25/2017	20:41:02		Received to In Queue		00:03:02
Call Taking Complete	8/25/2017	20:41:55	Crabtree, Leia D	Call Taking		00:03:55
1st Unit Assigned	8/25/2017	20:47:34		In Queue to 1st Assign		00:06:32
1st Unit Enroute	8/25/2017	20:47:37		Call Received to 1st Assign		00:09:34
1st Unit Arrived	8/25/2017	20:51:56		Assigned to 1st Enroute		00:00:03 1
Closed	8/25/2017	21:33:33	Mobile1	Enroute to 1st Arrived		00:04:19
				Incident Duration		

#### Resources Assigned

Unit	Flag	Assigned	Disposition	Enroute	Staged	Arrived	At Patient Avail	Complete	Odm. Enroute	Odm. Arrived	Cancel Reason
C115	Y	20:47:34	NP - No Police Action	20:47:37		20:51:56		21:33:33			

#### Personnel Assigned

Unit	Name
C115	Lopez, Moises (11041), Nguyen, Tu M (10740)

#### Pre-Scheduled Information

No Pre-Scheduled Information

#### Transports

No Transports Information

#### Transport Legs

No Transports Information

#### Comments

Date	Time	User	Type	Conf.	Comments
8/25/2017	20:38:03	SYS	Response		[1] Multiple Response Areas found. Response Area Choices: 155, 156
8/25/2017	20:41:02	122039	Response		[2] comp states that he saws a f wm, ball cap wht shirt, white or khaki shorts, unk wpns go in the back of a vacant house, now he see flashlights in the garage apt at the back of the house
8/25/2017	20:41:21	119997	Response		[3] ANNOUNCED
8/25/2017	20:41:36	122039	Response		[4] [Notification] [Police]-comp lives next door at 4519 gaston ave if ro's need to talk to him
8/25/2017	20:43:04	119987	Response		[5] ANNOUNCED
8/25/2017	21:24:57	Lopez, Moises	Response		[8] OWNER OF PROPERTY, RAWLING, ROBERT (2142838500) SPOKE TO RO OVER PHONE AND STATED KANE, WILLIAM (REDACTED) WAS ALLOWED ON THE PROPERTY TO WORKOUT. NO OFFENSE AT THIS TIME.NFI.

#### Address Changes

No Address Changes

#### Priority Changes

Date	Time	Changed from Priority	Reason	User
8/25/2017	20:38:11	3 - General Service	Priority Change	LDC

#### Alarm Level Changes

No Alarm Level Changes

BDA178-039  
046

ALL B  
P. 54

Inform Browser : 5.740.34.0 - Reports - Incident Report

Activity Log Date	Time	Radio	Activity	Location	Log Entry	User
8/25/2017	20:38:03		Sector Change		From Sector No Sector to Sector 911OPER	122039
8/25/2017	20:38:09		Sector Change		From Sector No Sector to Sector 911OPER	122039
8/25/2017	20:38:17		Sector Change		From Sector No Sector to Sector CH1	122039
8/25/2017	20:38:17		Sector Change		From Sector No Sector to Sector CH1	122039
8/25/2017	20:38:17		Incident Priority Change		Incident priority changed from <none> to 3 - General Service	122039
8/25/2017	20:38:11		Incident Priority Change		Incident priority changed from 3 - General Service to 1 - Emergency due to Priority Change	122039
8/25/2017	20:41:02		Incident In Waiting Queue		INT Insert:Aug 25 2017 20:38:01 / INT	122039
8/25/2017	20:41:02		ANUAL Statistics		SendNP:Aug 25 2017 20:38:00 / WS RecvNP:Aug 25 2017 20:37:59 / WS Process:Aug 25 2017 20:41:02	
8/25/2017	20:41:03		Waiting Pending Incident Time Warning		Waiting Pending Incident Time Warning timer expired	
8/25/2017	20:41:05		Read Incident		Incident 905 was Marked as Read.	119997
8/25/2017	20:41:05		Read Comment		Comment for Incident 905 was Marked as Read.	119997
8/25/2017	20:41:07		Remove Waiting Pending Incident Warning		Removing Waiting Pending Incident Time Warning timer expired	
8/25/2017	20:41:08		Incident In Waiting Queue Timer Clear			
8/25/2017	20:41:36		Notify Comment		(Response Viewer)	
8/25/2017	20:41:37		Read Comment		Comment for Incident 905 was Marked as Read.	119997
8/25/2017	20:41:55		UserAction		User clicked Exit/Save	122039
8/25/2017	20:42:02		Pending Incident Time Warning		Pending Incident Time Warning timer expired	
8/25/2017	20:42:02		Incident Late			
8/25/2017	20:45:23		UserAction		User clicked Exit/Save	119997
8/25/2017	20:45:45		Read Comment		Comment for Incident 905 was Marked as Read.	119997
8/25/2017	20:45:53		UserAction		User clicked Exit/Save	119997
8/25/2017	20:46:32		UserAction		User clicked Exit/Save	119997
8/25/2017	20:47:34	C115	Assign	4513 Gaston Ave	Response Number (08252017-0154801)	119997
8/25/2017	20:47:34		Incident Timer Clear		Incident Timer Cleared	
8/25/2017	20:47:37	C115	Enr	4513 Gaston Ave	Responding From = UNNAMED STREETW HASKELL AVE	C115
8/25/2017	20:49:08		UserAction		User clicked Exit/Save	119997
8/25/2017	20:51:56	C115	At Scene	4513 Gaston Ave		VisiNET
8/25/2017	21:07:32	C115	Interface:mcl/mdv/mst		C115: Record check query data: Query Type: Person Check. Query Criteria: Incidentid 29475905, lastname kane, firstame william, dob [REDACTED], sex M, race W, state [REDACTED]	INT
8/25/2017	21:33:33	C115	Response Closed	4513 Gaston Ave	Response Disposition: NP - No Police Action	C115
8/25/2017	21:33:33	C115	Disposition	4513 Gaston Ave	NP - No Police Action	C115
8/25/2017	21:33:33	C115	MA	4513 Gaston Ave		C115
8/25/2017	22:09:48		UserAction		User clicked Exit/Save	113540

Edt Log Date	Time	Field	Changed From	Changed To	Reason	Table	Workstation	User
8/25/2017	20:38:00	Address	(Blank)	4400-4499 BRYAN ST	New Entry	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:00	Call_Back_Phone		[REDACTED]	(Response Viewer)	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:03	Longitude	0	96778032	Entry Verified	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:03	Latitude	0	32800080	Entry Verified	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:03	Address	4400-4499 BRYAN ST	4400-4499 BRYAN ST	Entry Verified	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:03	ResponsePlanType	0	0	(Response Viewer)	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:03	Response_Area		155	(Response Viewer)	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:03	Battalion		911	(Response Viewer)	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:03	Division		911	(Response Viewer)	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:03	Jurisdiction		911	(Response Viewer)	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:09	Longitude	96778032	96773413	Entry Verified	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:09	Latitude	32800080	32796778	Entry Verified	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:09	Address	4513 gaston	4513 GASTON AVE	Entry Verified	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:09	ResponsePlanType	0	0	(Response Viewer)	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:09	Response_Area		155	(Response Viewer)	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:09	Battalion		911	(Response Viewer)	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:09	Division		911	(Response Viewer)	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:09	Jurisdiction		911	(Response Viewer)	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:09	Address	(Blank)	4513 gaston	New Entry	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:17	Certification_Level		P-Patrol	(Response Viewer)	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:17	Incident_Type		1Man	(Response Viewer)	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:17	Priority_Number	0	3	(Response Viewer)	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:17	Priority_Description		3 - General Service	(Response Viewer)	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:17	ResponsePlanType	0	1	(Response Viewer)	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:17	DispatchLevel		Default	(Response Viewer)	Response_Master_Incident	CAD911CT349	122039



BDA178-039  
046

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P 55

Inform Browser : 5.740.34.0 - Reports - Incident Report

8/25/2017	20:38:17	Response_Plan		CH1 - 1MAN	(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:38:17	Problem		11R - Burg of Res	(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:38:17	ResponsePlanType	0	0	(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:38:17	Response_Area		156	(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:38:17	Battalion		150	(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:38:17	Division		Central	(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:38:17	Jurisdiction		Dallas Police	(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:38:17	ResponsePlanType	0	0	(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:38:17	Response_Area		156	(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:38:17	Battalion		150	(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:38:17	Division		Central	(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:38:17	Jurisdiction		Dallas Police	(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:38:22	Caller_Name		WIRELESS-AT&T MOBILITY	(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:38:27	Cross_Street		N CARROLL AVE/MORELAND AVE	(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:38:58	Caller_Name	WIRELESS-AT&T MOBILITY		(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:39:11	Incident_Type		2Man	(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:39:11	Priority_Number	3	1	Priority Change	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:39:11	Priority_Description	3 - General Service	1 - Emergency	Priority Change	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:39:11	ResponsePlanType	0	1	(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:39:11	Response_Plan		CH1 - 2MAN	(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:39:11	Problem	11R - Burg of Res-P	41/11R - Burg Res In Progress	(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:39:22	Caller_Name		collins, kyle	(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:41:03	Map_Info		46-E		Response_Master_Incident CAD911CT349 122039
8/25/2017	20:41:03	Pickup_Map_Info		46-E		Response_Transports CAD911CT349 122039
8/25/2017	20:41:03	Caller_Building		2029	Polygon Lockup	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:41:05	Read Comment	False	True	(Response Viewer)	Response_Master_Incident CADDPPDPC0 119997
8/25/2017	20:41:05	Read Call	False	True	(Response Viewer)	Response_Master_Incident CADDPPDPC0 119997
8/25/2017	20:41:37	Read Comment	False	True	(Comment Notification Window)	Response_Master_Incident CADDPPDPC0 119997
8/25/2017	20:45:45	Read Comment	False	True	(Response Viewer)	Response_Master_Incident CADDPPDPC0 119997

Custom Time Stamps  
No Custom Time Stamps


Custom Data Fields  
No Custom Data Fields

Attachments  
No Attachment



18. Copy of Gaston House Transitions  
Staff web page – printed from Internet on  
November 22, 2017

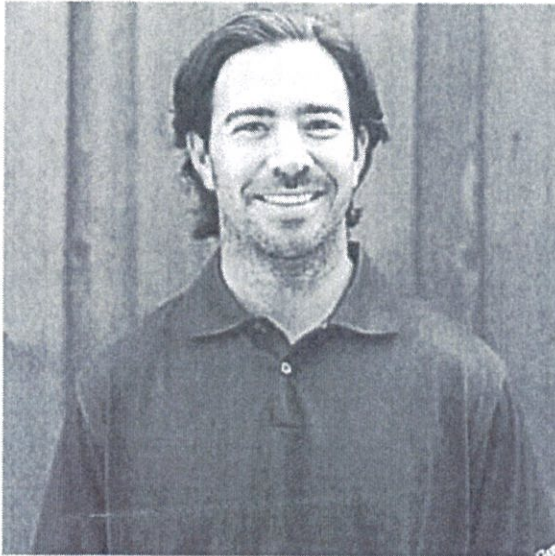
[Home](#) [About](#) [Program](#) [Media](#) [Gaston News](#) [Admissions](#)

[Contact Us](#) 

# Our Team



Gaston House offers a diverse staff ranging from masters level counselors to graduates of the program. Gaston sober living staff is committed to giving young men in drug and alcohol recovery a winning chance of long term sobriety.



Robert Rowling  
Owner



Lynn Sheehan  
Parent Advocate, MA - LPC

^



Caleb Parrette  
Chief Operating Officer



Travis Herbert  
Clinical Director, MA - LPC

Nathaniel Blackburn  
Director of Admissions and  
Marketing

Josh Burnett  
Program Director

George Pyzik  
Property Manager

Robert Klotz  
Recovery Advocate, Apartment  
Manager

LINKS

- > [Gaston House Transitions](#)
- > [Our Team](#)
- > [Media](#)
- > [Contact Us](#)

CONTACT INFORMATION

GastonHouse

Southaven  
Blairmont 7206  
434 E 8007  
Cotton Plant  
214-401-7914







City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-039

Date: 2-16-18

Data Relative to Subject Property:

Location address: 4513 Gaston Avenue Zoning District: P.D. 362, Subarea 3A; H/72

Lot No.: SE Pt. Lot 2 Block No.: 1/769 Acreage: 0.43 acres Census Tract: 0015.04

Street Frontage (in Feet): 1) 70 FT 2) 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property/or Principal: The Magdalen House

Applicant: Jackson Walker L.L.P. / Jonathan G. Vinson Telephone: 214-953-5941

Mailing Address: 2323 Ross Avenue, Suite 600 Zip Code: 75201

E-mail Address: jvinson@jw.com

Represented by: Jackson Walker L.L.P. / Jonathan G. Vinson Telephone: 214-953-5941

Mailing Address: 2323 Ross Avenue, Suite 600 Zip Code: 75201

Affirm that an appeal has been made for a Variance \_\_, or Special Exception \_\_X, \_\_, \_\_, \_\_ Under Sec. 51A-4.704(a)(2) to show that there was a clear intent by the owner not to abandon the use; and to appeal the decision of the Building Official per letter dated February 2, 2018, to reverse a November 28, 2017, determination letter (copy attached) confirming legal nonconforming rights for the use.

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

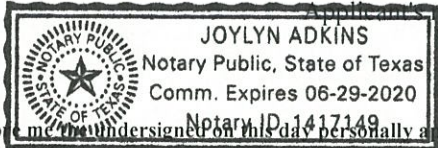
The previous owner can demonstrate with factual evidence that the use on the property was active at least through August, 2017, with a clear intent not to abandon the use, and the current owner applied for a Certificate of Occupancy in December, 2017. Therefore, the February 2 determination should be reversed, as the November 28, 2017, determination was correct. This will be supported by additional evidence to be submitted.

Note to Applicant: If the relief requested in this application is granted by the Board of Adjustment, said 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.

Jackson Walker L.L.P.

Respectfully submitted: By: Jonathan G. Vinson

Jonathan G. Vinson Applicant's signature



Affidavit

Before me the undersigned on this day personally appeared Jonathan G. Vinson 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.

Jonathan G. Vinson Affiant (Applicant's signature)

Subscribed and sworn to before me this 16th day of February, 2018

Joylyn Adkins

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

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

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

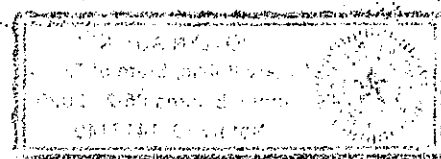
Chairman

**Building Official's Report**

I hereby certify that JONATHAN VINSON

did submit a request to restore a nonconforming use  
at 4513 Gaston Avenue

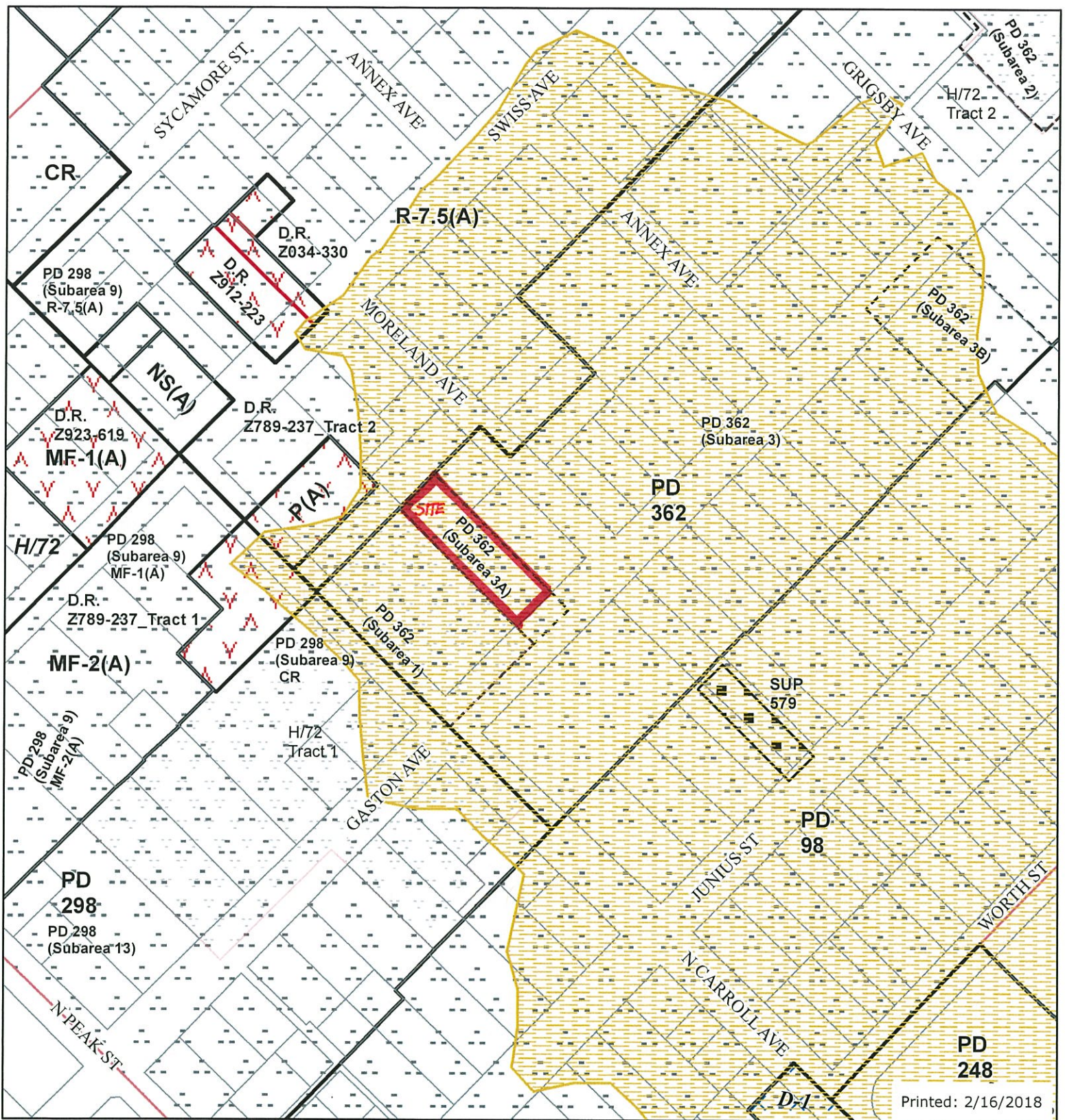
BDA178-039. Application of JONATHAN VINSON to restore a nonconforming group residential facility use, which will require a special exception to the nonconforming use regulations at 4513 Gaston Ave. This property is more fully described as Lot 2, Block 1/769, and is zoned PD-362 (Subarea 3A)(H/72), The applicant proposes to restore a nonconforming residential use, which will require a special exception to the nonconforming use regulations.



Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official





Printed: 2/16/2018

### Legend

- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | railroad                       | Dry Overlay           | CD Subdistricts            |
| School               | Certified Parcels              | D                     | PD Subdistricts            |
| Floodplain           | Base Zoning                    | D-1                   | PDS Subdistricts           |
| 100 Year Flood Zone  | PD193 Oak Lawn                 | CP                    | NSO Subdistricts           |
| Mill's Creek         | Dallas Environmental Corridors | SP                    | NSO_Overlay                |
| Peak's Branch        | SPSD Overlay                   | MD Overlay            | Escarpment Overlay         |
| X Protected by Levee | Deed Restrictions              | Historic Subdistricts | Parking Management Overlay |
| Parks                | BDA178039 SUP                  | Historic Overlay      | 3-71 End Front Overlay     |
|                      |                                | Height Map Overlay    |                            |

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







**Board of Adjustment**

**Appeal to establish a compliance date for a nonconforming use.  
Sec. 51A-4.704(a)(1)(A)**

or

**Appeal to restore a nonconforming use. Sec. 51A-4.704(a)(2)**

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

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

(1) Amortization of nonconforming uses.

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

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

Property address: 4513 GASTON AVENUE

1. The nonconforming use being appealed/restored: GROUP RESIDENTIAL FACILITY  
(The land use as stated on the Certificate of Occupancy. Attach a copy of the C.O.)
2. Reason the use is classified as nonconforming: The City alleges that the use was vacant for six months or more. We disagree, it was not.  
(Was there a change in the zoning or in the use requirements?)
3. Current zoning of the property on which the use is located: PD 362/Subarea 3A
4. Date the nonconforming use was discontinued: It was not discontinued.
5. Date that the nonconforming use became nonconforming: Unknown  
(Date the property zoning or use requirements changed.)
6. Previous zoning of the property on which the use is located: Unknown  
(Applies if a zoning district change caused the use to become nonconforming.)

(Rev. 04/04/14)





CITY OF DALLAS

November 28, 2017

Jonathan Vinson  
Jackson Walker, LLC  
2323 Ross Ave., Suite 600  
Dallas, TX 75201

**RE: Zoning Determination Request; 4513 Gaston Avenue, Part of Lot 2 and Block 1/769**

Dear Mr. Vinson:

As detailed in your email dated November 15, 2017 and attached, you have requested a written determination pertaining to the nonconforming land use of group residential facility located at 4513 Gaston Avenue.

Based on the documentation provided and attached, the property has maintained its nonconforming land use status and will not be required to obtain a specific use permit, per Section 51A-4.209(3)(B) of the Dallas Development Code.

Pursuant to Section 51A-4.704(a)(2) of the Dallas Development Code, the right to operate a nonconforming use ceases if the nonconforming use is discontinued for six months or more. The board may grant a special exception to this provision only if the owner can show that there was a clear intent not to abandon the use even though the use was discontinued for six months or more.

This letter does not constitute a building permit or certificate of occupancy, nor does it imply that a building permit or certificate of occupancy will be approved without complying with all applicable rules and regulations. The City of Dallas does not provide letters certifying that a property or development complies with all applicable rules and regulations.

If you have any further questions, please contact me at 214-948-4476 or [kiesha.kay@dallascityhall.com](mailto:kiesha.kay@dallascityhall.com).

Respectfully,

Kiesha Kay  
Chief Planner  
Building Inspection Division

cc: Megan Wimer, Assistant Building Official

To Whom It May Concern:

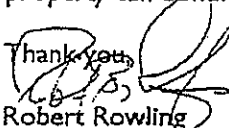
Regarding the occupancy and use of 4513 Gaston Avenue:

Gaston House has continuously operated out of 4513 Gaston Avenue from 2008 through June of 2017. While tenants were moved out in May, Gaston House continued to operate our gym, staff offices, storage and sleep quarters out of the 4513 Gaston Avenue property into August of 2017.

Originally Gaston House Transitions planned to renovate and continue to operate out of the 4513 Gaston Avenue location but was presented with an opportunity to sell the property to The Magdalen House. The first contract was set to close November 17<sup>th</sup>, 2017, however zoning concerns delayed the closing until December 15<sup>th</sup>, 2017.

Gaston House Transitions is pleased to sell the property to a partnering non-profit so that the property can continue to be used to serve the DFW community.

Thank you,

  
Robert Rowling

Owner- 4513 Gaston Avenue

Owner- Gaston House

Robert@gastonhouse.com



ALBERT WEST  
4001 MAPLE AVE STE 600  
DALLAS TX 75219-3241

Page 1 of 2  
Account Number 214 515-9053 340 2  
Billing Date May 21, 2017  
Web Site att.com

# Monthly Statement



## Bill-At-A-Glance

Previous Bill	40.92
Payment Received 5-15 Thank you!	40.92CR
Adjustments	.00
Balance	.00
Current Charges	40.90
<b>Amount to be Debited</b>	<b>\$40.90</b>
Your Credit Card will be Debited by	Jun 15, 2017

## Plans and Services

<b>Monthly Service - May 21 thru Jun 20</b>	
1. Basic Local Service-Residence	27.00
2. Touchtone	.18
<b>Total Monthly Service</b>	<b>27.18</b>

### Surcharges and Other Fees

3. Federal Subscriber Line Charge	5.40
4. 911 Fee	.88
5. State Cost-Recovery Fee	.13
6. Federal Universal Service Fee	.83
7. Texas Universal Service	.80
8. Municipal right-of-way Fee	1.64
<b>Total Surcharges and Other Fees</b>	<b>9.68</b>

### Taxes

9. Federal Excise Tax	1.06
10. Federal (Non-regulated & Toll Charges)	.00
11. State and Local (Local Charges)	2.87
12. State and Local (Non-regulated & Toll Charges)	.01
<b>Total Taxes</b>	<b>4.04</b>

**Total Plans and Services** 40.90

Amount Subject to Sales Tax: 36.18

## Billing Summary

Online: att.com/myatt

<b>Plans and Services</b>	<b>40.90</b>
1 800 288-2020	
<b>Payment Arrangements:</b>	
1 800 288-2020	
<b>Service Changes:</b>	
1 800 288-2020	
<b>Repair Services:</b>	
1 800 246-8464	
<b>Total Current Charges</b>	<b>40.90</b>

## News You Can Use

### PREVENT DISCONNECT

Thank you for being a valued customer. Please be aware that all charges must be paid each month to keep your account current and prevent collection activities. We are required to inform you that certain charges such as your telephone line, fees and surcharges, and any feature package, if applicable, MUST be paid in order to prevent interruption of basic local service. These charges are already included in the Total Amount Due and are \$40.90. Also, neglecting to pay for other charges such as long distance, voice mail, telnet, wireless, and internet may result in these

1543.14.619.109005 1 AV 0.373 ho



ALBERT WEST  
4001 MAPLE AVE STE 600  
DALLAS TX 75219-3241

Paying by check authorizes AT&T to use the information from your check to make a one-time electronic fund transfer from your account. Funds may be withdrawn from your account as soon as the same day your payment is received. If we cannot process the transaction electronically, you authorize AT&T to present an image copy of your check for payment. Your original check will be destroyed once processed. If your check is returned unpaid you agree to pay such fees as identified in the terms and conditions of your AT&T Service Agreement. Returned checks may be presented electronically. If you want to save time and stamps, sign up for auto payment at [www.att.com/stoppaper](http://www.att.com/stoppaper) using your checking account. It's easy, secure, and convenient!



www.gastonhouse.com

Bill To:

[Redacted]

Invoice # INV2181  
 Client Name [Redacted]  
 House Location Gaston  
 Invoice Date 04-17-2017  
 Service Dates 05-01-2017 - 05-31-2017  
 Payment Due 05-01-2017

#	Date	Description	Special Notes	Amount
1		Monthly Service Fee		[Redacted]
2		One Time Fee	Bus Pass	\$80.00

Sub Total [Redacted]  
 Adjustments 0.00  
 Amount Due [Redacted]  
 Invoice Status Paid

[Redacted] 09-05  
 DALLAS TX, TX 75208-0646

Bank of America  
 ACH R/T 011500010  
 2638  
 57-1715 N  
 003

4/15/2017

PAY TO THE ORDER OF Gaston House Transitions, LLC

[Redacted] and 00/100

TRT Holdings, Inc.  
 Attn: Gaston House Accounting Dept.  
 4001 Maple Ave., Suite 600  
 Dallas, TX 75219

MEMO  
 Inv. # 2181 Joe Worsham III

[Redacted] AUTHORIZED SIGNATURE

DOLLARS

#002638#

Details on Back. Security Features Included

## Kay, Kiesha

---

**From:** Vinson, Jonathan <jvinson@jw.com>  
**Sent:** Tuesday, November 14, 2017 5:53 PM  
**To:** Kay, Kiesha; Wimer, Megan  
**Cc:** Mary Shuford; kay@kaycolbert.com; Jamie Hill (jhill@healthcarepayment.com); dave\_kroencke@richards.com; lisakroencke; Holsinger, Mark (mholsinger@omniplan.com)  
**Subject:** RE: 4513 Gaston  
**Attachments:** [Untitled].pdf

Hi, Kiesha and Megan, I'm just following up with you on this request. Magdalen House is under a tight deadline on their contract – do you think we will be able to get a letter this week? Thanks very much.

**From:** Vinson, Jonathan  
**Sent:** Friday, November 3, 2017 11:52 AM  
**To:** 'Kay, Kiesha' <kiesha.kay@dallascityhall.com>; 'Wimer, Megan' <megan.wimer@dallascityhall.com>  
**Cc:** 'Mary Shuford' <Mary@magdalenhouse.org>; 'kay@kaycolbert.com' <kay@kaycolbert.com>; 'Jamie Hill (jhill@healthcarepayment.com)' <jhill@healthcarepayment.com>; 'dave\_kroencke@richards.com' <dave\_kroencke@richards.com>; 'lisakroencke' <lisa@magdalenhouse.org>; 'Holsinger, Mark (mholsinger@omniplan.com)' <mholsinger@omniplan.com>  
**Subject:** RE: 4513 Gaston

Good morning, Kiesha, I have attached the October 26 letter from you stating that there is an active C.O. at 4717 Gaston Avenue for a Group Residential Facility (GRF), closer than 1,000 feet to the property at 4513 Gaston Avenue. I have also attached information from the City's online permit and C.O. records showing C.O.s for GRF uses at 4513 Gaston dated October 18, 2001, and October 21, 2005, as well as for the C.O. for the GRF use at 4707 Gaston, which was issued on Oct. 5, 2012, and completed on Dec. 11, 2012.

Based on that, I would take the position that the GRF use(s) C.O.d at 4513 Gaston were there prior in time to the use at 4707 Gaston and therefore should benefit by being a legal nonconforming use, and therefore would not need to apply for a Specific Use Permit to be able to continue the GRF use at 4513 Gaston, albeit with a different owner and operator. There is no record of any termination of those C.O.s.

Can I ask you all to issue a determination letter confirming that position? That would be very helpful, especially given our short closing time frame on the property and this being an extremely important factor in our evaluation of the suitability of the 4513 Gaston property,. Thank you very much.

*Jonathan G. Vinson*  
*Partner, Land Use Group*



2323 Ross Avenue, Suite 600  
Dallas, Texas 75201  
Office: (214) 953-5941  
Fax: (214) 661-6809  
Mobile: (214) 770-4636



To: Kay, Kiesha <kiesha.kay@dallascityhall.com>; Wimer, Megan <megan.wimer@dallascityhall.com>  
Cc: Mary Shuford <Mary@magdalenhouse.org>; kay@kaycolbert.com; Jamie Hill (jhill@healthcarepayment.com) <jhill@healthcarepayment.com>; dave kroencke@richards.com; lisakroencke <lisa@magdalenhouse.org>; Holsinger, Mark (mholsinger@omniplan.com) <mholsinger@omniplan.com>  
Subject: RE: 4513 Gaston

Thanks, Kiesha. Given our short close, I would like to ask if there is a way to request that Building Inspection make a determination on the non-conformity issue now. I can certainly work with you all to discuss the C.O.s at both addresses and the apparent chronology. Whether they need to apply for an SUP or not will be an extremely important factor in their decision process on the property. Thanks very much.

From: Kay, Kiesha [mailto:kiesha.kay@dallascityhall.com]  
Sent: Monday, October 30, 2017 8:48 AM  
To: Vinson, Jonathan <jvinson@jw.com>; Wimer, Megan <megan.wimer@dallascityhall.com>  
Cc: Mary Shuford <Mary@magdalenhouse.org>; kay@kaycolbert.com; Jamie Hill (jhill@healthcarepayment.com) <jhill@healthcarepayment.com>; dave kroencke@richards.com; lisakroencke <lisa@magdalenhouse.org>; Holsinger, Mark (mholsinger@omniplan.com) <mholsinger@omniplan.com>  
Subject: RE: 4513 Gaston

Jonathan,

The zoning determination letter was for distance compliance. The tenant has the option to prove non-conformity of the use when they apply for a Certificate of Occupancy.

Thank you,



Kiesha Kay  
Chief Planner  
City of Dallas | [www.dallascityhall.com](http://www.dallascityhall.com)  
Sustainable Development and Construction  
320 E. Jefferson Boulevard, Room 118  
Dallas, TX 75203  
O: 214-948-4476  
[kiesha.kay@dallascityhall.com](mailto:kiesha.kay@dallascityhall.com)



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

From: Vinson, Jonathan [mailto:jvinson@jw.com]  
Sent: Friday, October 27, 2017 4:45 PM  
To: Kay, Kiesha <kiesha.kay@dallascityhall.com>; Wimer, Megan <megan.wimer@dallascityhall.com>  
Cc: Mary Shuford <Mary@magdalenhouse.org>; kay@kaycolbert.com; Jamie Hill (jhill@healthcarepayment.com) <jhill@healthcarepayment.com>; dave kroencke@richards.com; lisakroencke <lisa@magdalenhouse.org>; Holsinger, Mark (mholsinger@omniplan.com) <mholsinger@omniplan.com>  
Subject: 4513 Gaston

Good afternoon, Kiesha and Megan – attached is the City's determination letter on 4513 Gaston, stating that there is an active C.O. for a group residential facility at 4707 Gaston, within 1,000 feet of 4513 Gaston, so an SUP would be required for a group residential facility use at 4513 Gaston.



## Gaston House Transitional Living Center

Ms. Kiesha Kay, Chief Planner  
Department of Sustainable Development and Construction  
City of Dallas  
320 East Jefferson Boulevard, Room 118  
Dallas, Texas 75203

Regarding the occupancy and use of 4513 Gaston Avenue:

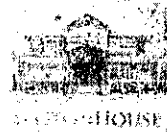
Dear Ms. Kay:

My name is Billy Kane and I am a former client of Gaston House. I am writing to confirm that I used the gym at 4513 Gaston Avenue as late as August 27<sup>th</sup>, 2017.

Sincerely,

Billy Kane

Billy@ironhorsefarmsal.com



## Gaston House Transitional Living Center

Ms. Kiesha Kay, Chief Planner  
Department of Sustainable Development and Construction  
City of Dallas  
320 East Jefferson Boulevard, Room 118  
Dallas, Texas 75203

Regarding the occupancy and use of 4513 Gaston Avenue:

Dear Ms. Kay:

I am writing to confirm that I operated out of 4513 Gaston Avenue in September of 2017. I worked on a project on the property as the Chief Operating Officer of Gaston House Transitions. I have worked for Gaston House Transitions since July of 2013 and can confirm that there was never an intent to discontinue the use of the property as a Group Residential Facility.

Residents were moved out of the facility in order to renovate in April of 2017 but continued to use the property for group activities well after that time. While the utilities were turned off the gym was still being used.

Sincerely,

Caleb Parette  
COO, Gaston House  
caleb@gastonhouse.com



City of Dallas

AFFIDAVIT

BDA Case # 178-039

I, MARY SHUFORD, PROJECT MANAGER

of The Magdalen House the Owner of the subject property at:

4513 Gaston Avenue

Authorize (applicant) Jonathan G. Vinson/Jackson Walker L.L.P.

To pursue an appeal to the City of Dallas Board of Adjustment for the following request (s)

Variance (please specify)

Special Exception (please specify) under Sec. 51A-4.704(a)(2) upon a showing by the owner that there was a clear intent not to abandon the use even if, arguably, the use was discontinued for six months or more.

Other {please specify} to appeal the decision of the Building Official, per letter dated February 2, 2018, to reverse a zoning determination letter dated November 20, 2017, confirming legal nonconforming rights for the use on the subject property.

The Magdalen House By: Mary Shuford February 15, 2018

Print name of property owner

Its: [Signature]

Signature of property owner

Date

Before me the undersigned on the day of personally appeared Mary Shuford

Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

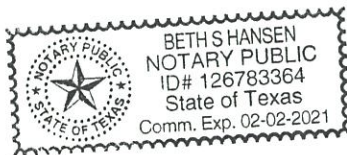
Subscribed and sworn to before me this 15 day of February, 2018.

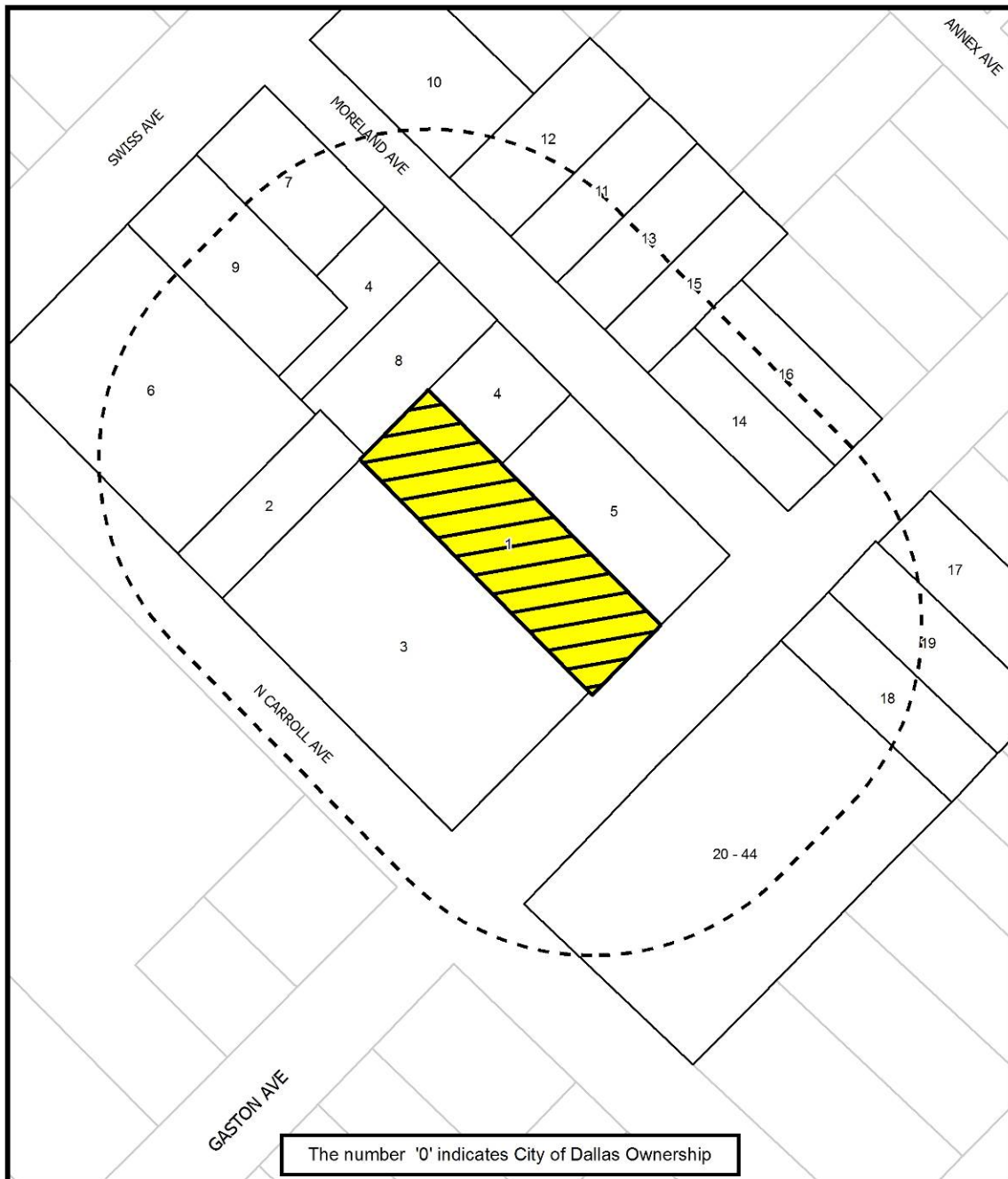
[Signature]

Notary Public in and for

Dallas County, Texas

Commission expires on 2/2/21





 1:1,200	<h2>NOTIFICATION</h2>	Case no: <b>BDA178-039</b>			
	<table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">44</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	44	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
44	NUMBER OF PROPERTY OWNERS NOTIFIED				



## *Notification List of Property Owners*

***BDA178-039***

### ***44 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	4513 GASTON AVE	WEST FIELDING LLC
2	1000 N CARROLL AVE	STANLEY MABLE &
3	4505 GASTON AVE	GP 4505 GASTON LLC
4	917 MORELAND AVE	SIMCOE LLC
5	4519 GASTON AVE	COLLINS KYLE & PATRICIA SIMON
6	4500 SWISS AVE	TUA LP
7	4520 SWISS AVE	BIGGS JOE G & SANDRA KAY
8	1003 MORELAND AVE	MCGEE JAMES R & FRANCES O
9	4512 SWISS AVE	BUONO DAVID D & ALINA A
10	4602 SWISS AVE	MAKS PROPERTY SWISS AVE LLC
11	920 MORELAND AVE	MORGAN PATRICK T
12	1004 MORELAND AVE	MONTELLANO ALMA LIDIA &
13	916 MORELAND AVE	CEDILLO ELIAS &
14	4601 GASTON AVE	SIMCOE LLC
15	912 MORELAND AVE	BURKE JUSTIN M
16	4607 GASTON AVE	LONG CHRISTOPHER
17	4600 GASTON AVE	LUNA BLUE LLC
18	4522 GASTON AVE	ARG CAPITAL CORP
19	4524 GASTON AVE	STEVENSON BETTY
20	4502 GASTON AVE	NAKASHIMA SHINOBU
21	4502 GASTON AVE	FUJIMIYA HIROSHI
22	4502 GASTON AVE	REAVANS GASTONIAN LLC
23	4502 GASTON AVE	KAZAMA GEN
24	4502 GASTON AVE	KYUMON KAZUHIRO
25	4502 GASTON AVE	NAKANO TAKAKO
26	4502 GASTON AVE	MATSUDA TOMOYA

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	4502 GASTON AVE	TANAKA NOBUYOSHI
28	4502 GASTON AVE	KONDO NOBUHIRO
29	4502 GASTON AVE	YAMAMOTO TAKUMA
30	4502 GASTON AVE	MORII KAZUHIRO
31	4502 GASTON AVE	TANI RYUICHIRO
32	4502 GASTON AVE	MOTOKAWA KATSUHIKO
33	4502 GASTON AVE	SUAREZ JOSE J
34	4502 GASTON AVE	AOKI YOSHIAKI
35	4502 GASTON AVE	ASANO KASUMI
36	4502 GASTON AVE	COMSUDI NICHOLAS C ETAL
37	4502 GASTON AVE	INADA TAKYUKI
38	4502 GASTON AVE	STEINWAY ESTATES
39	4502 GASTON AVE	SHIBUYA NAOTO
40	4502 GASTON AVE	MAKINOUCHAIN CO LTD
41	4502 GASTON AVE	MEDICAL PROGRESS
42	4502 GASTON AVE	SAKAI CHIKAKO
43	4502 GASTON AVE	IGARASHI KOICHI
44	4502 GASTON AVE	SUGIHARA KEIJI