

ZONING BOARD OF ADJUSTMENT, PANEL A
TUESDAY, APRIL 19, 2016
AGENDA

BRIEFING	L1FN CONFERENCE CENTER AUDITORIUM 1500 MARILLA STREET DALLAS CITY HALL	11:00 A.M.
PUBLIC HEARING	L1FN CONFERENCE CENTER AUDITORIUM 1500 MARILLA STREET DALLAS CITY HALL	1:00 P.M.

Donna Moorman, Chief Planner
Steve Long, Board Administrator

MISCELLANEOUS ITEM

Approval of the March 22, 2016 Panel A Public Hearing Minutes	M1
--	----

UNCONTESTED CASES

BDA156-029(SL)	7710 Olusta Drive REQUEST: Application of Dennie K. Thompson for a special exception to the fence height regulations	1
BDA156-037(SL)	1302 E. Canterbury Court REQUEST: Application of Jeffrey Woodward and Lori Ann Ott, represented by Coy Fite, for variances to the front yard setback regulations and a special exception to the off-street parking regulations and	2
BDA156-041(SL)	4111 Dallas Athletic Club Drive REQUEST: Application of David Martin to enlarge a nonconforming use	3

REGULAR CASES

BDA156-033(SL)	5941 Averill Way REQUEST: Application of Ann Barbier-Mueller, represented by Tara Stevenson, for a special exception to the visual obstruction regulations	4
BDA156-034(SL)	5942 Averill Way REQUEST: Application of Ann Barbier-Mueller, represented by Tara Stevenson, for a special exception to the visual obstruction regulations	5

EXECUTIVE SESSION NOTICE

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

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

(Rev. 6-24-02)

FILE NUMBER: BDA156-029(SL)

BUILDING OFFICIAL'S REPORT: Application of Dennie K. Thompson for a special exception to the fence height regulations at 7710 Olusta Drive. This property is more fully described as Lot 2, Block G/6265, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and maintain a 9 foot 6 inch high fence, which will require a 5 foot 6 inch special exception to the fence height regulations.

LOCATION: 7710 Olusta Drive

APPLICANT: Dennie K. Thompson

REQUEST:

A request for a special exception to the fence height regulations of 5' 6" is made to acquire a permit to make what has already been constructed without the benefit of any permit into a legal fence – an 8' high plywood and 9' 6" high CMU fence in the site's front yard setback on a site that is developed with a single family structure.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on acquiring a permit to make what has already been constructed without the benefit of any permit into a legal fence – an 8’ high plywood and 9’ 6” high CMU fence in the site’s front yard setback on a site that developed as a single family structure.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4’ above grade when located in the required front yard.
- The subject site is zoned R-7.5(A) and has a 25’ front yard setback.
- The applicant has submitted a site plan/elevation of the proposal with notations indicating that the proposal reaches a maximum height of approximately 9’ 6”.
- The following additional information was gleaned from the submitted site plan:
 - The proposal is represented as being approximately 42’ in length parallel to the street, and approximately 7’ in length perpendicular to the street on the east and west sides of the site in the 25’ front yard setback.
 - The proposal is represented as being located approximately 17’ from the front property line, or approximately 23’ from the pavement line.
- Two single family lots developed with single family homes front the proposal, neither with fences that appear to be higher than 4’ in their front yards.
- The Board Administrator conducted a field visit of the site and surrounding area (properties along Olusta Drive from Longbranch Lane on the west to Whitestar Lane on the east) and noted no other fences higher than 4’ in front yard setbacks.
- As April 8, 2016, no letters have been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 5’ 6” will not adversely affect neighboring property.
- Granting this special exception of 5’ 6” with a condition imposed that the applicant complies with the submitted site plan/elevation would require the proposal exceeding 4’ in height in the front yard setback to be modified and maintained in the location and of the heights and materials as shown on this document.

Timeline:

January 3, 2016: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

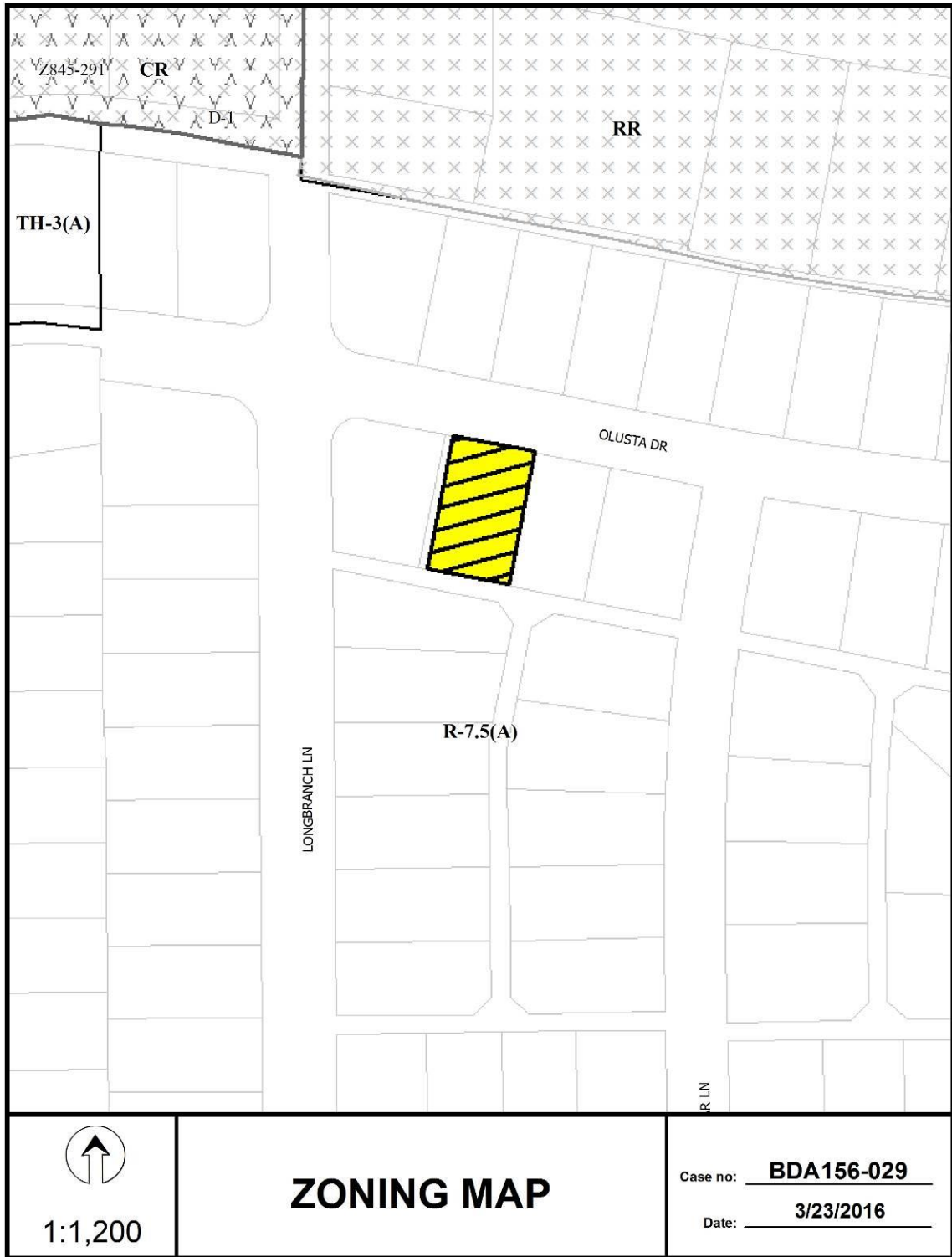
March 15, 2016: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

March 15, 2016: 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 30th deadline to submit additional evidence for staff to factor into their analysis; and the April 8th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

April 5, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for April public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Sustainable Development and Construction Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Sustainable Development and Construction Project Engineers, the City of Dallas Chief Arborist, the Sustainable Development and Construction Board of Adjustment Senior Planner, and the Assistant City Attorneys to the Board.

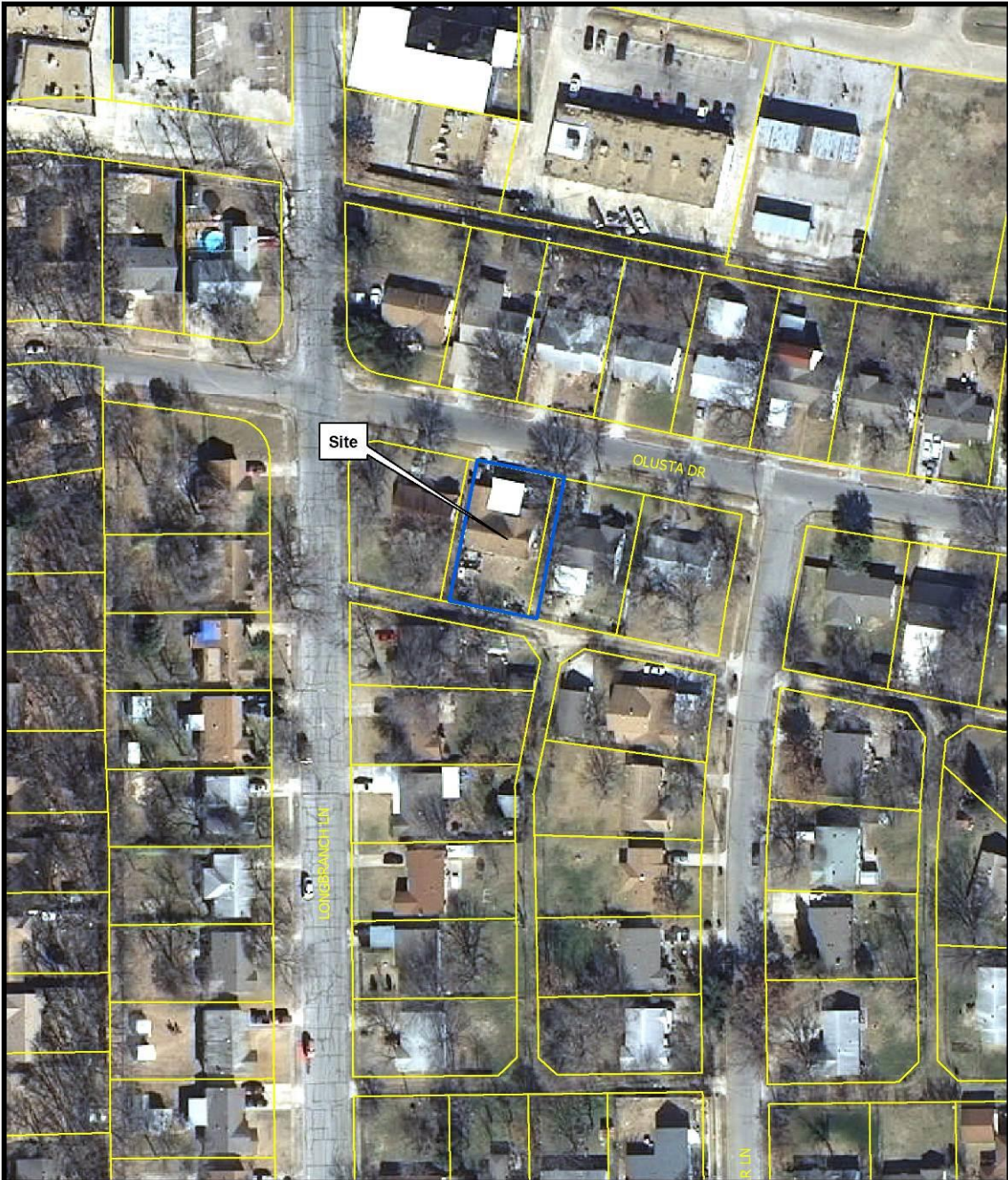
No review comment sheets were submitted in conjunction with this application.




 1:1,200

ZONING MAP

Case no: BDA156-029
 Date: 3/23/2016



1:1,200

AERIAL MAP

Case no: BDA156-029

Date: 3/23/2016



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-029

Data Relative to Subject Property:

Date: 1-3-2012

Location address: 7710 OLUSTA DR, DIS, TX 75217 Zoning District: R-7.5(A)

Lot No.: 2 Block No.: 616265 Acreage: .16 Census Tract: 116.01

Street Frontage (in Feet): 1) 68 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

5010

Owner of Property (per Warranty Deed): Dennie K Thompson

Applicant: Dennie K Thompson Telephone: 214 398-6153

Mailing Address: 7710 OLUSTA DR, DALLAS, TX 75217 Zip Code: 75217

E-mail Address: perfectimages@yahoo.com

Represented by: Dennie K Thompson Telephone: 214 398-6153

Mailing Address: 7710 OLUSTA DR, DALLAS, TX Zip Code: 75217

E-mail Address: perfectimages@yahoo.com

Affirm that an appeal has been made for a Variance , or Special Exception , of 5'6" fence in front yard.

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

This fence will not have an adverse effect and it beautifies the house.

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 Dennie K Thompson (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: Dennie K Thompson (Affiant/Applicant's signature)

Subscribed and sworn to before me this 3 day of January, 2012



Jenni Cerutti
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 Dennie Thompson

did submit a request for a special exception to the fence height regulations
at 7710 Olusta Drive

BDA156-029. Application of Dennie Thompson for a special exception to the fence height regulations at 7710 Olusta Drive. This property is more fully described as Lot 2, Block G/6265, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 9 foot 6 inch high fence in a required front yard, which will require a 5 foot 6 inch special exception to the fence regulation.

Sincerely,

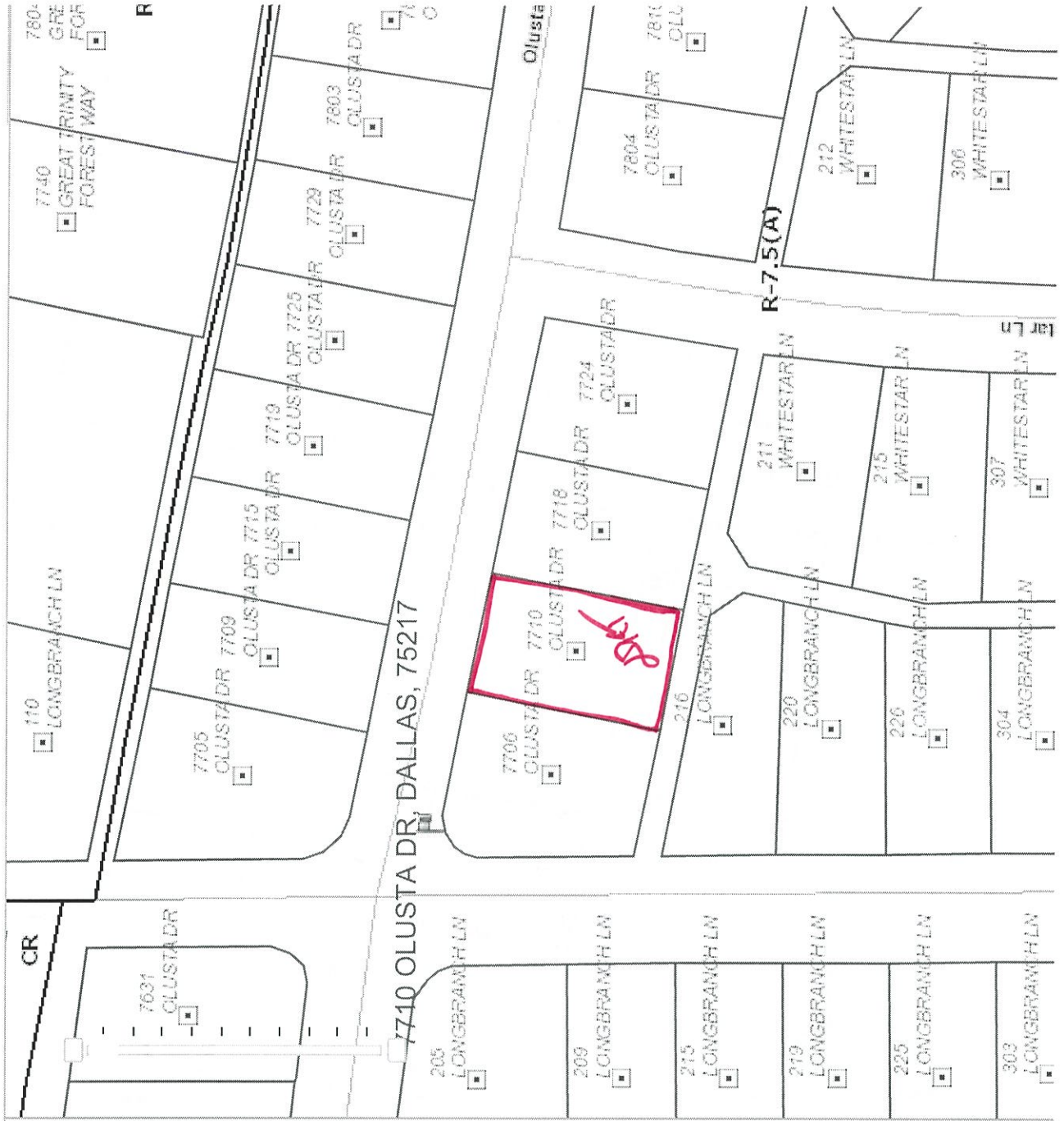
Philip Sikes
Philip Sikes, Building Official

City of Dallas

Internal Development Research Site

Legend

Locate Property



7710 Olusta Drive
Dallas, TX

INTERIOR REVIEW ONLY
THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION
UNLESS IT IS APPROVED BY THE ARCHITECT
DATE: 08/08/12

REVISED

REVISION

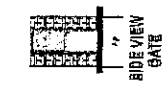
0000

DATE: AUGUST 8, 2012

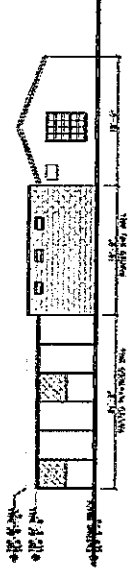
0000

PROJECT TITLE
VARIANCE PLAN AND
ELEVATION DIAGRAM

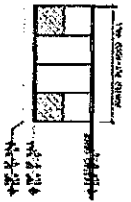
PROJECT NO.
A0.00



SIDE VIEW GATE

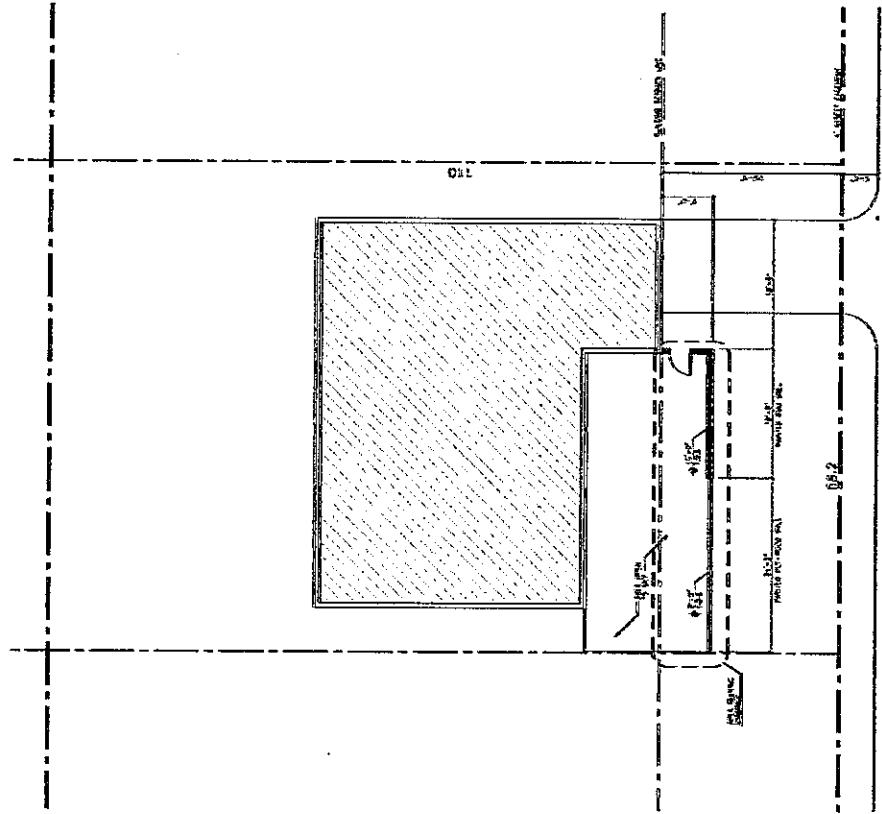


02 ELEVATION
1/8" = 1'-0"



SIDE ELEVATION

NOTE: SAME PAINTED PLYWOOD WALLS FRONT



OLUSTA DRIVE

01 SITE PLAN
1/8" = 1'-0"



 1:1,200	NOTIFICATION		Case no: BDA156-029
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">27</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 3/23/2016

Notification List of Property Owners

BDA156-029

27 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	7710 OLUSTA DR	THOMPSON DENNIE
2	7718 OLUSTA DR	SIERRA ROBERT F
3	205 LONGBRANCH LN	NORTH BUCKNER PLAZA INC
4	209 LONGBRANCH LN	EGIEBOR SHARON E
5	215 LONGBRANCH LN	HUNTERKELSEY OF TEXAS LLC
6	219 LONGBRANCH LN	WHITE DAVID J
7	225 LONGBRANCH LN	WILLIAMS JOHN W
8	7706 OLUSTA DR	SHIELDS O B &
9	7724 OLUSTA DR	LENOVITZ J MARSHALL
10	211 WHITESTAR LN	ESPINOZA FELIPE
11	215 WHITESTAR LN	BASS BJ & PEGGY
12	307 WHITESTAR LN	CARTER GLORIA
13	304 LONGBRANCH LN	TYSON JESSIE
14	226 LONGBRANCH LN	BANKS IVORY JAMES &
15	220 LONGBRANCH LN	CURLEE WILLIAM S & JOYCE
16	216 LONGBRANCH LN	AUBREY GEORGE H
17	7804 OLUSTA DR	CHAVEZ LUZ PATRICIA
18	212 WHITESTAR LN	MENDEZ MARIA
19	7705 OLUSTA DR	CORTEZ ALEJANDRO &
20	7709 OLUSTA DR	GARCIA MARCELINO
21	7715 OLUSTA DR	SANCHEZ LUIS MIGUEL &
22	7719 OLUSTA DR	MEDINA JOHN E &
23	7725 OLUSTA DR	FAGAN LEONARD SR
24	7729 OLUSTA DR	MEDINA JESSE
25	7631 OLUSTA DR	DAVILA MARY ANN
26	7728 GREAT TRINITY FOREST WAY	REEVES GROUP LTD

03/23/2016

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	110 LONGBRANCH LN	REISBERG FRED INV LTD

FILE NUMBER: BDA156-037(SL)

BUILDING OFFICIAL'S REPORT: Application of Jeffrey Woodward and Lori Ann Ott, represented by Coy Fite, for a variance to the front yard setback regulations and a special exception to the off-street parking regulations at 1302 E. Canterbury Court. This property is more fully described as Lot 11, Block 16/3803, and is zoned CD-13 (Subarea 1), which requires a front yard setback of 29 feet, and off-street parking to be provided. The applicant proposes to construct and maintain a structure and provide a 19 foot front yard setback which will require a 10 foot variance to the front yard setback regulations, and provide none of the required 1 parking spaces which will require a 1 space special exception to the off-street parking regulations.

LOCATION: 1302 E. Canterbury Court

APPLICANT: Jeffrey Woodward and Lori Ann Ott
Represented by Coy Fite

REQUESTS:

The following requests are made on a site that is developed with an existing single family use/structure:

1. A variance to the front yard setback regulations of up to 10' is made to construct and maintain an addition, part of which would be located as close as 22' from the site's front property line or 7' into the site's 29' front yard setback;
2. A variance to the front yard setback regulations of up to 10' is made to maintain a recently added 2nd floor, part of which is located as close as 19' from the front property line or 10' into in the site's 29' front yard setback;
3. A variance to the front yard setback regulations of up to 10' is made to remedy/maintain the nonconforming structure constructed in the 30's, part of which is located as close as 19' from the front property line or 10' into in the site's 29' front yard setback created in 2005; and
4. A special exception to the off-street parking regulations of 1 space is made to maintain the existing nonconforming single family use/structure where its existing garage was recently transitioned to living space, and not provide the 1 required parking space for the single family use on a site.

STANDARD FOR A VARIANCE:

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

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

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

- 1) The Board of Adjustment may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets. The maximum reduction authorized by this section is 25 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(A). For the commercial amusement (inside) use and the industrial (inside) use, the maximum reduction authorized by this section is 75 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). For the office use, the maximum reduction authorized by this section is 35 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). Applicants may seek a special exception to the parking requirements under this section and an administrative parking reduction under Section 51A-4.313. The greater reduction will apply, but the reduction may not be combined.
- 2) In determining whether to grant a special exception, the board shall consider the following factors:
 - (A) The extent to which the parking spaces provided will be remote, shared, or packed parking.
 - (B) The parking demand and trip generation characteristics of all uses for which the special exception is requested.
 - (C) Whether or not the subject property or any property in the general area is part of a modified delta overlay district.
 - (D) The current and probable future capacities of adjacent and nearby streets based on the city's thoroughfare plan.
 - (E) The availability of public transit and the likelihood of its use.
 - (F) The feasibility of parking mitigation measures and the likelihood of their effectiveness.

- 3) In granting a special exception, the board shall specify the uses to which the special exception applies. A special exception granted by the board for a particular use automatically and immediately terminates if and when that use is changed or discontinued.
- 4) In granting a special exception, the board may:
 - (A) Establish a termination date for the special exception or; otherwise provide for the reassessment of conditions after a specified period of time;
 - (B) Impose restrictions on access to or from the subject property; or
 - (C) Impose any other reasonable conditions that would have the effect of improving traffic safety or lessening congestion on the streets.
- 5) The board shall not grant a special exception to reduce the number of off-street parking spaces required in an ordinance granting or amending a specific use permit.
- 6) The board shall not grant a special exception to reduce the number of off-street parking spaces expressly required in the text or development plan of an ordinance establishing or amending regulations governing a specific planned development district. This prohibition does not apply when:
 - (A) the ordinance does not expressly specify a minimum number of spaces, but instead simply makes references to the existing off-street parking regulations in Chapter 51 or this chapter; or
 - (B) the regulations governing that specific district expressly authorize the board to grant the special exception.

STAFF RECOMMENDATION (variances):

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that the subject site is unique and different from most lots zoned CD 13 given its irregular shape. The atypical lot with this irregular shape/physical site constraint precludes the applicant from developing it in a manner commensurate with development (in this case with a single family home with approximately 2,800 square feet of total living area) found on other similarly zoned CD 13 properties that are rectangular in shape, flat and without floodplain.
- The applicant had submitted a document that represented that the house on the property with the addition, at approximately 2,800 square feet of total living area, is over 1,000 square feet less than the average of a sampling of 15 other CD 13 zoned properties that have approximately 3,900 square feet of living area, and that if the site were regular in shape there would be no need for the variance requests.

STAFF RECOMMENDATION (parking special exception):

Approval, subject to the following condition:

- The special exception shall automatically and immediately terminate if and when the single family use on the property is changed or discontinued

Rationale:

- The Sustainable Development and Construction Department Project Engineer had no objections to this request.
- The applicant had substantiated how the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets. This parking “reduction” request of 1 space is only made on the fact that the City does not recognize the location of two parking spaces denoted on the submitted site plan as spaces to fulfill the required off-street parking requirement because of their location in the required front yard setback.

BACKGROUND INFORMATION:

Zoning:

Site: CD 13 (Conservation District)
North: CD 13 (Conservation District)
South: CD 13 (Conservation District)
East: CD 13 (Conservation District)
West: CD 13 (Conservation District)

Land Use:

The subject site is developed with a single family home structure/use. The areas to the north, south, and west are developed with single family uses; and the area to the east is developed with open/park space.

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 (variances):

- The requests for variances of up to 10’ on the site developed with an existing approximately 2,300 square foot single family use/structure focus on the following:
 1. constructing and maintaining an approximately 300 square foot addition that would be located approximately 22’ from the site’s front property line or approximately 7’ into the 29’ front yard setback;
 2. maintaining a recently added, approximately 600, square foot 2nd floor located approximately 19’ from the site’s front property line or approximately 10’ into the 29’ front yard setback; and
 3. remedying/maintaining the nonconforming structure located approximately 19’ from the site’s front property line or approximately 10’ into the 29’ front yard setback.

- CD 13 states that the minimum front yard must equal the average of the front yards of the houses on contiguous lots.
- The application states that “we ask for a 19 foot setback” and the Building Official’s report states that that the property at this address requires a front yard setback of 29 feet.
- Prior to the creation of CD 13 in 2005, the subject site and surrounding properties had been zoned R-7.5(A) where the front yard setback is 25 feet.
- According to DCAD records, the “main improvement” at 1302 Canterbury Court is a structure built in 1939 with 2,363 square feet of living/total area; and with “additional improvements” listed as 176 square foot storage building.
- The applicant requested a variance to the front yard setback regulations to, among other things, remedy/address the nonconforming aspect of the existing nonconforming structure that is located in the site’s front yard setback.
- The code defines nonconforming structure as a structure that does not conform to the regulations of the code, but which was lawfully constructed under the regulations in force at the time of construction.
- The code states that the right to rebuild a nonconforming structure ceases if the structure is destroyed by the intentional act of the owner or the owner’s agent.
- The applicant has submitted a document that represents that the house on the property with the addition at approximately 2,800 square feet of total living area is over 1,000 square feet less than the average of a sampling of 15 other CD 13 zoned properties with an approximately 3,900 square feet of living area.
- The site is relatively flat, irregular in shape, and according to the application is 0.22 acres (or approximately 9,600 square feet) in area.
- The applicant has the burden of proof in establishing the following:
 - That granting the variances to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variances to front yard setback regulations are necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same CD 13 zoning classification.
 - The variances to front yard setback regulations would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same CD 13 zoning classification.
- If the Board were to grant the front yard variance requests, imposing a condition whereby the applicant must comply with the submitted site plan, the structure in the front yard setback would be limited to that what is shown on the submitted plan – a structure that is located as close as 19’ from the front property or as much as 10’ into the 29’ front yard setback.

GENERAL FACTS/STAFF ANALYSIS (parking special exception):

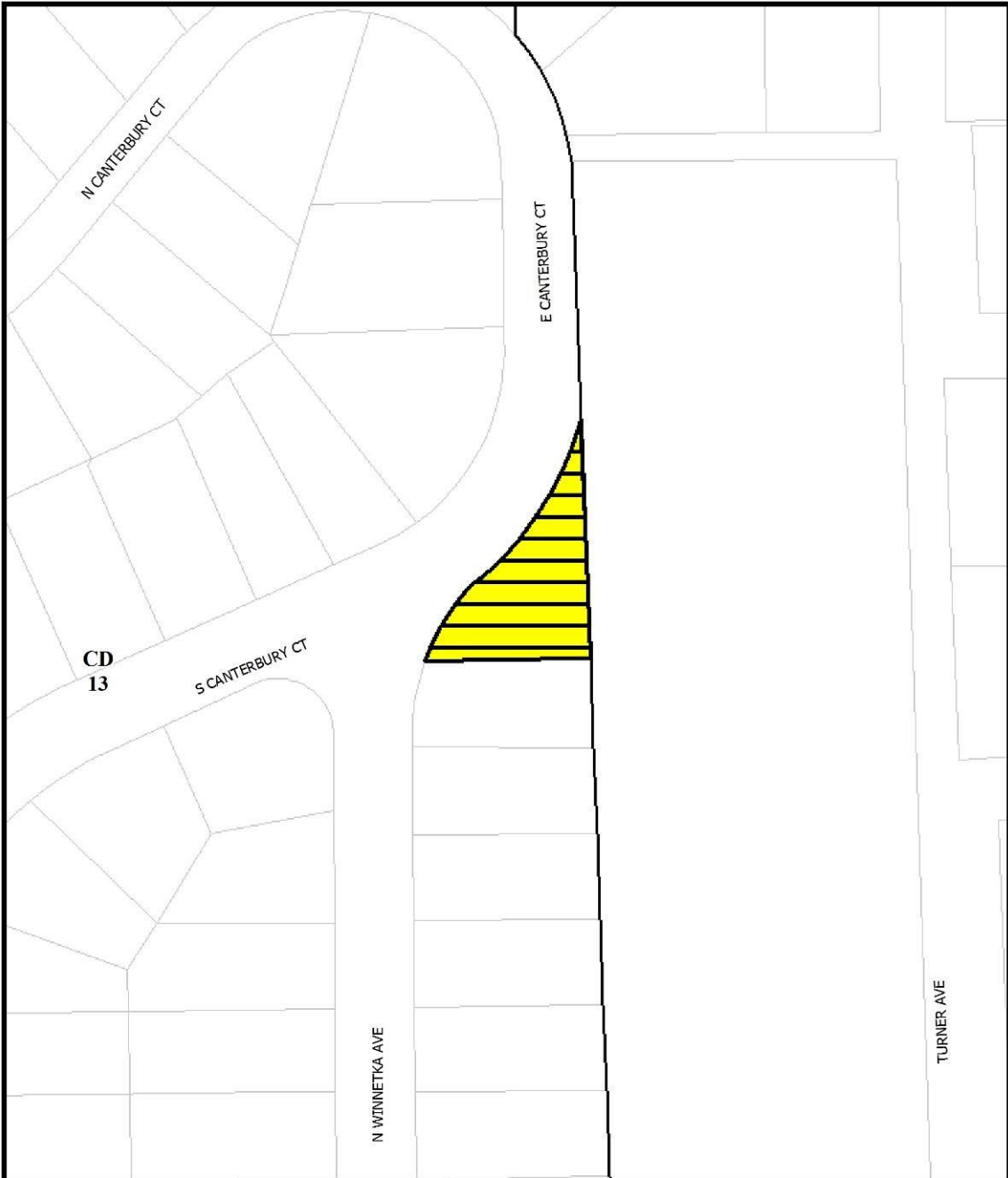
- This request focuses on maintaining an existing nonconforming single family use/structure where its existing garage was recently transitioned to living space, and not providing the 1 required parking space for the single family use on a site.
- The Dallas Development Code requires the following off-street parking requirement:
 - Single family use: one space in R-7.5(A), R-5(A), and TH districts; two spaces in all other districts. No handicapped parking is required.
- The subject site is zoned CD 13 (Conservation District) that states that in general, except as otherwise provided in the ordinance, the development standards of the R-7.5(A) Single Family District apply. Because CD 13 does not provide any specific provision to off-street parking requirements, the single family use on this site requires 1 space.
- The off-street parking provisions of the Dallas Development Code states that “in residential districts except an MF-3(A) or MF-4(A) district, required off-street parking for residential uses must be located behind a required front building line.”
- The submitted site plan represents no area on the site behind the required front building line in which a parking space is located. The site plan does represent an area on the site that would accommodate an area where two vehicles could park on the site. However, the location of this area in which these vehicles could park is located in the 29’ front yard setback. As a result, the City does not recognize these spaces as spaces to fulfill the required off-street parking requirement because of their location in the required front yard setback.
- The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked “Has no objections.”
- The applicant has the burden of proof in establishing the following:
 - The parking demand generated single family use on the site does not warrant the number of off-street parking spaces required, and
 - The special exception of 1 space would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.
- If the Board were to grant this request, and impose the condition that the special exception of 1 space shall automatically and immediately terminate if and when the single family use is changed or discontinued, the applicant would be allowed to maintain the single family use/structure on the site, and provide 0 of the 1 code required off-street parking spaces.

Timeline:

February 24, 2016: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

March 15, 2016: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

- March 15, 2016: 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 30th deadline to submit additional evidence for staff to factor into their analysis; and the April 8th deadline to submit additional evidence to be incorporated into the Board's docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."
- March 29, 2016: The applicant submitted additional documentation on this application beyond what was submitted with the original application (see Attachment A).
- April 5, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for April public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Sustainable Development and Construction Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Sustainable Development and Construction Project Engineers, the City of Dallas Chief Arborist, the Sustainable Development and Construction Board of Adjustment Senior Planner, and the Assistant City Attorneys to the Board.
- April 7, 2016: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Has no objections."

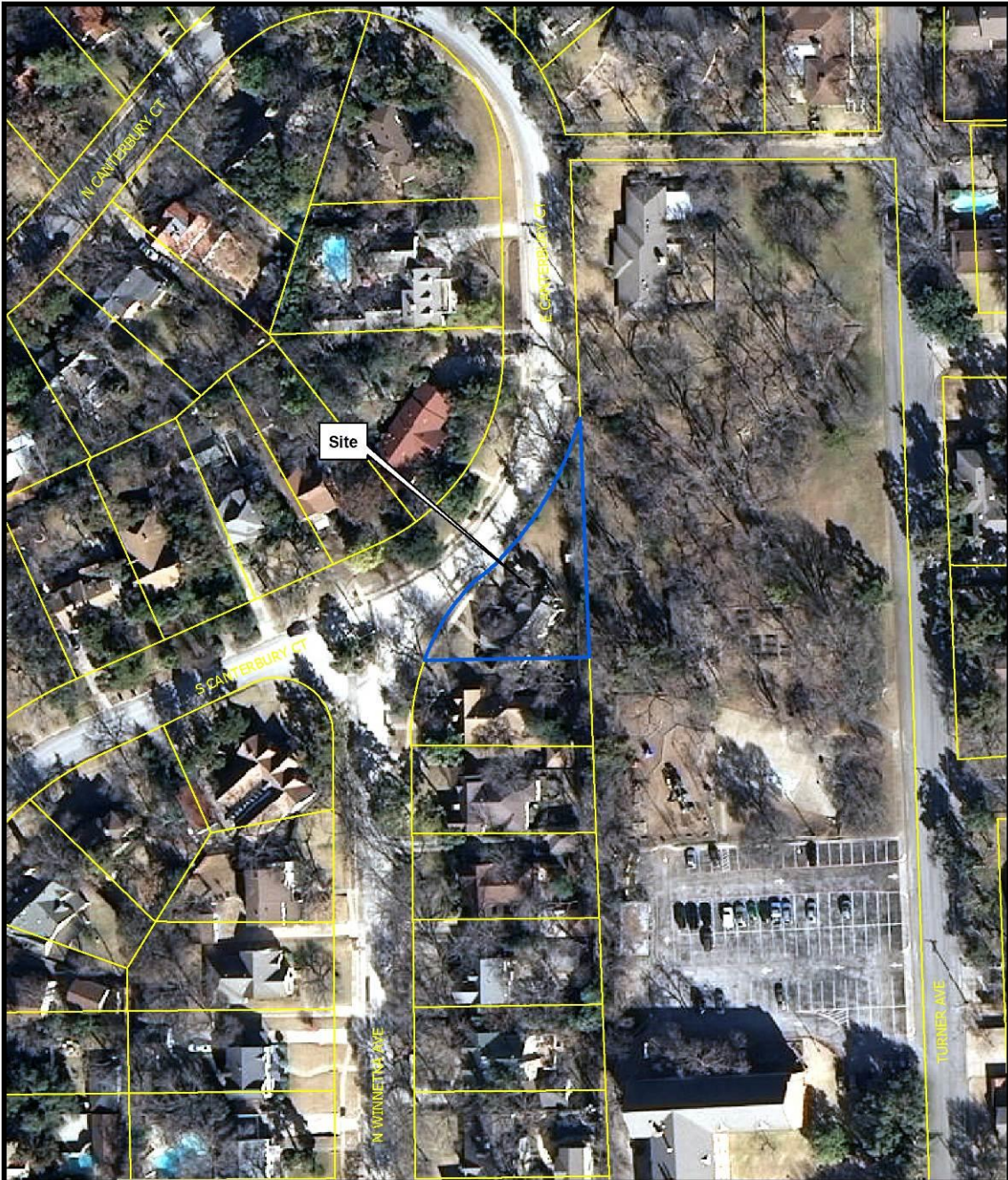


1:1,200

ZONING MAP

Case no: BDA156-037

Date: 3/23/2016



1:1,200

AERIAL MAP

Case no: BDA156-037

Date: 3/23/2016

*Lori Ott and Jeffrey Woodward
1302 E. Canterbury Court
Dallas, TX 75208
315-751-5704*

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

March 29, 2016

Dear Mr. Long,

We have submitted an application (BDA 156-037) requesting a variance to the required 29 foot setback in Conservation District 13, and an exception to the requirement that we provide one parking space behind the 29 foot setback, for our property at 1302 East Canterbury Court in Kessler Park. This letter and the attached documents provide a rationale for our requests.

29 Foot Setback

We are requesting a variance of the front yard setback line from the required 29 feet to 19 feet for three purposes:

1. Construction of a new 300 square foot (approximate) addition
2. Vary the nonconforming setback of the existing second floor addition, constructed in 2008
3. Vary the nonconforming setback of the original structure built in 1939

As you can see on the site map, our lot is irregularly shaped (a triangular lot, as opposed to a rectangular lot), which restricts our building area, creating a unique hardship toward our ability to construct a modest addition that is commensurate with other homes in CD 13. In other words, without a variance, it is impossible to construct a reasonably sized addition on an unreasonably shaped lot. It might be argued that if we owned a standard, rectangular shaped lot, we would not need the request for the variance.

I have attached a table that compares the square footage of the proposed living area of our home (with the addition) with the square footage of the living area of other homes in CD13. You can see that our house, with the proposed addition, is over 1,000 square feet less than the average of a sampling of CD13 homes, many on Canterbury Court. This table supports the rationale that



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-037

Date: 2-24-16

Data Relative to Subject Property:

Location address: 1302 E. CANTERBURY CT. Zoning District: CD 13 (Suba 1)

Lot No.: 11 Block No.: 3803 Acreage: 0.22 Census Tract: 44.00

Street Frontage (in Feet): 1) 201 2) 3) 4) 5) SW 17

To the Honorable Board of Adjustment: LORI ANN OTT +

Owner of Property (per Warranty Deed): JEFFREY JAMES WOODWARD

Applicant: JEFFREY WOODWARD Telephone: 315-251-5704

Mailing Address: 1302 E. CANTERBURY Zip Code: 75208

E-mail Address: JEFF.WOODWARD@DALLASTHEATERCENTER.ORG

Represented by: COY FITE Telephone: 214-926-5282

Mailing Address: 1925 MAYFLOWER DR. Zip Code: 75208

E-mail Address: COYFITE@SBCGLOBAL.NET

Affirm that an appeal has been made for a Variance or Special Exception of 1 PARKING SPACE FROM THE 1 REQUIRED SPACE FOR A SINGLE FAMILY USE, A VARIANCE OF 10' TO THE

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas F.Y.S.B. Development Code, to grant the described appeal for the following reason: THE REDUCTION OF THIS 1 SPACE WILL NOT ADVERSELY EFFECT THE NEIGHBORING PROPERTIES BECAUSE 2 PARKING SPACES ARE AVAILABLE FOR THE HOME OWNER. THE SHAPE OF THIS ODD LOT WITH A 29 FOOT SETBACK CREATES A HARDSHIP TO ADD ON. WE ASK FOR A 19 FOOT SETBACK.

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 LORI OTT

(Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 3rd day of March, 2016



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

(Rev. 08-01-11)

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

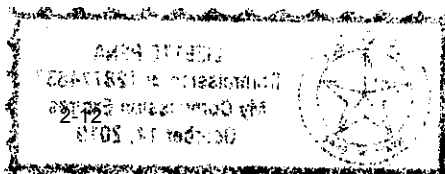
Building Official's Report

I hereby certify that Lori Ann Ott
represented by Coy Fite
did submit a request for a special exception to the parking regulations, and for a variance to the
front yard setback regulations
at 1302 E. Canterbury Court

BDA156-037. Application of Lori Ann Ott represented by Coy Fite for a special exception to the parking regulations and a variance to the front yard setback regulations at 1302 E. Canterbury Court. This property is more fully described as Lot 11, Block 16/3803, and is zoned CD-13 (Subarea 1), which requires parking to be provided and requires a front yard setback of 29 feet. The applicant proposes to construct and maintain a single family residential structure and provide 0 of the required 1 parking spaces which will require a 1 space special exception to the parking regulation and provide a 19 foot front yard setback which will require a 10 foot variance to the front yard setback.

Sincerely,

Philip Sikes
Philip Sikes, Building Official

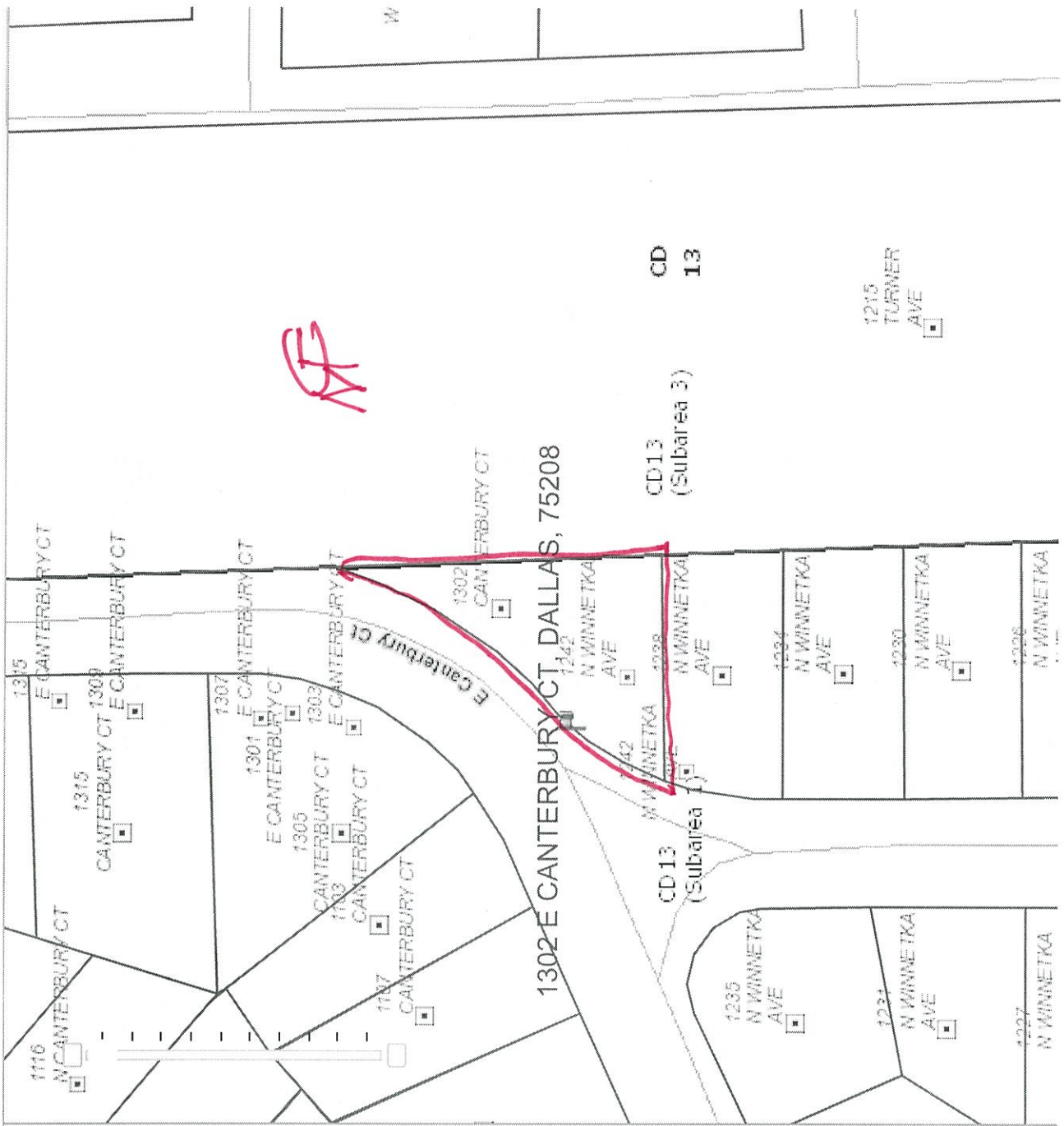


City of Dallas

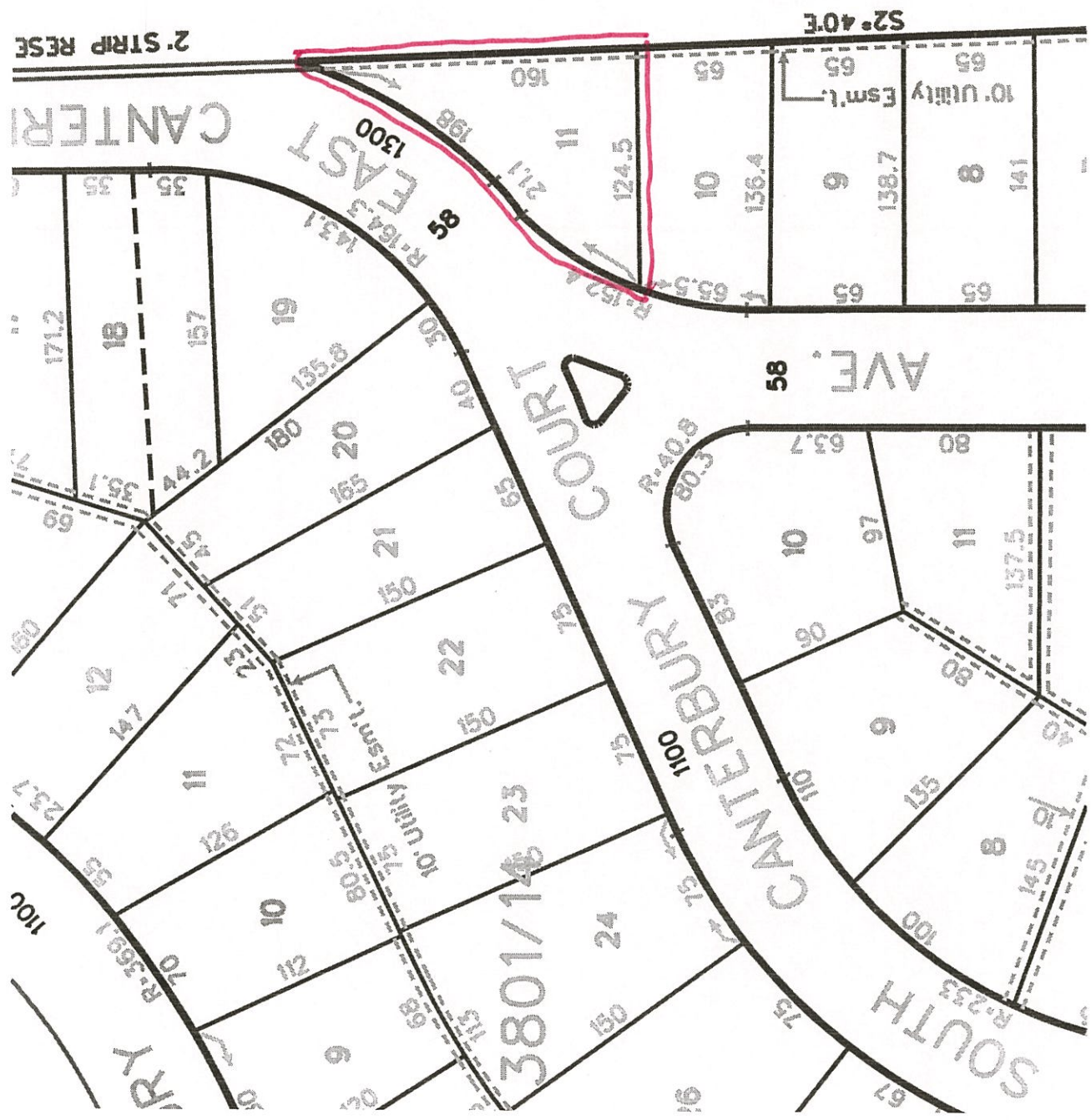
Internal Development Research Site

Legend

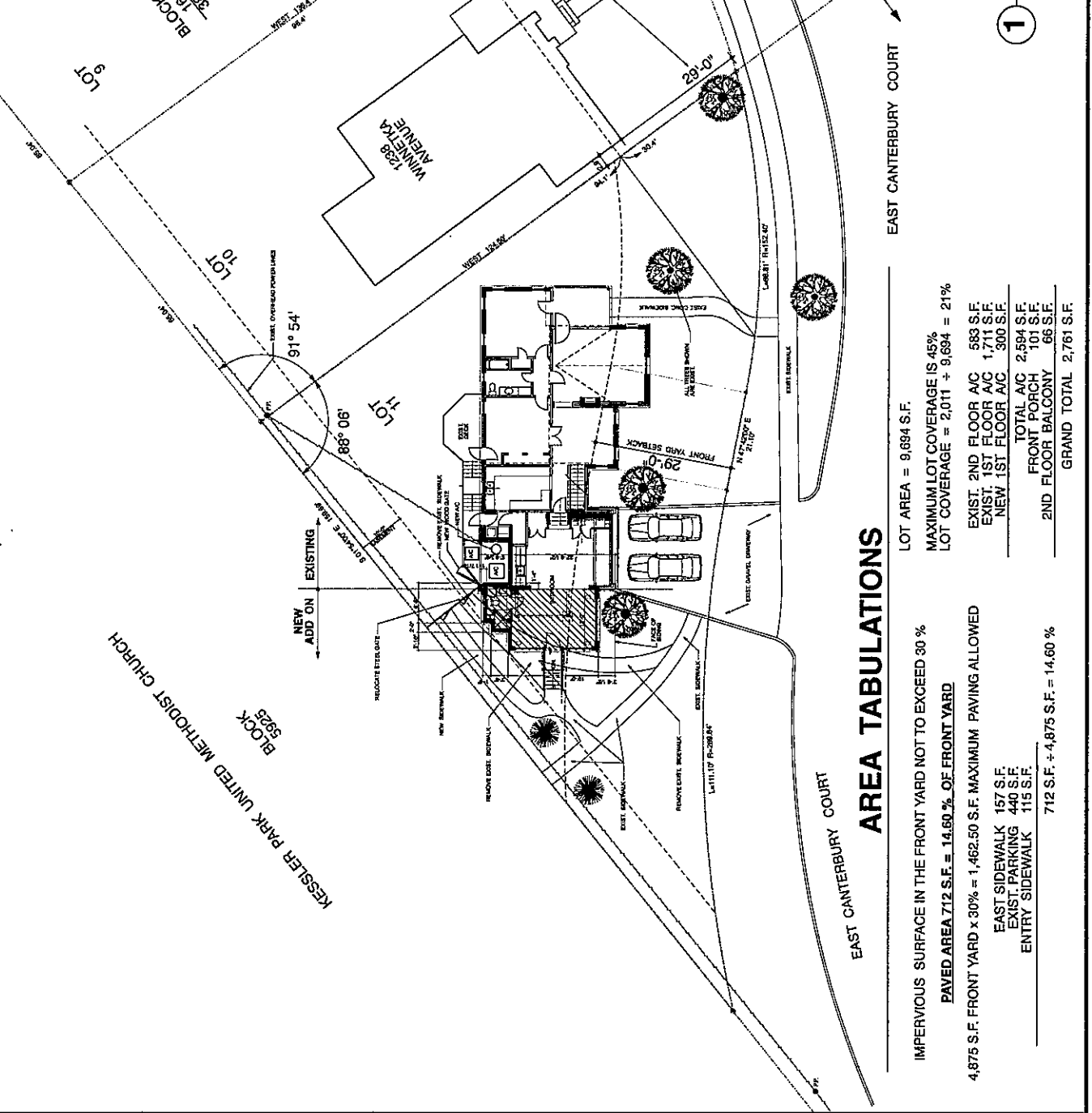
Locate Property



5925

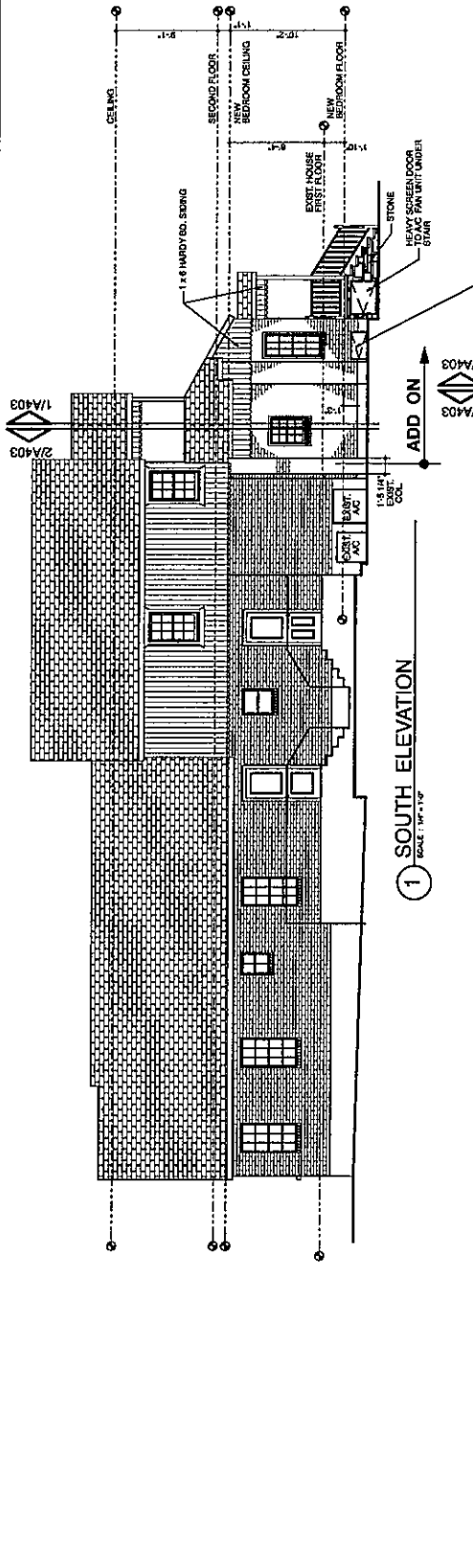


KESSLER PARK CONSERVATION DISTRICT
 CITY OF DALLAS ORDINANCE NO. 25984
 APPROVED MAY 25, 2005
 THIS HOUSE IS IN KESSLER PARK SUBAREA 1

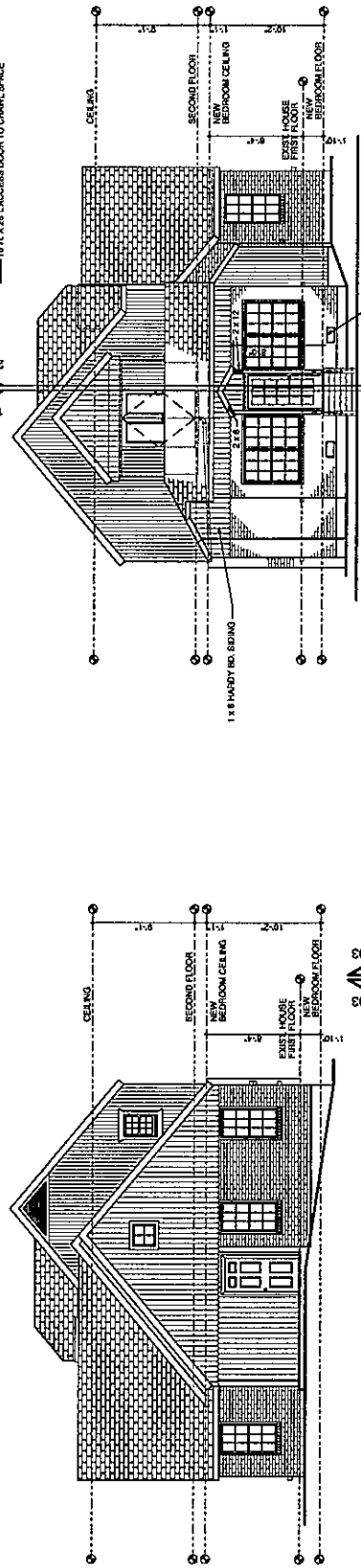


AREA TABULATIONS

IMPERVIOUS SURFACE IN THE FRONT YARD NOT TO EXCEED 30 % PAVED AREA 712 S.F. = 14.60% OF FRONT YARD 4,875 S.F. FRONT YARD x 30% = 1,462.50 S.F. MAXIMUM PAVING ALLOWED EAST SIDEWALK 157 S.F. EXIST. PARKING 440 S.F. ENTRY SIDEWALK 115 S.F. 712 S.F. + 4,875 S.F. = 14.60 %	LOT AREA = 9,694 S.F. MAXIMUM LOT COVERAGE IS 45% LOT COVERAGE = 2,011 + 9,694 = 21% EXIST. 2ND FLOOR A/C 583 S.F. EXIST. 1ST FLOOR A/C 1,711 S.F. NEW 1ST FLOOR A/C 300 S.F. TOTAL A/C 2,594 S.F. FRONT PORCH 101 S.F. 2ND FLOOR BALCONY 66 S.F. GRAND TOTAL 2,761 S.F.
---	---

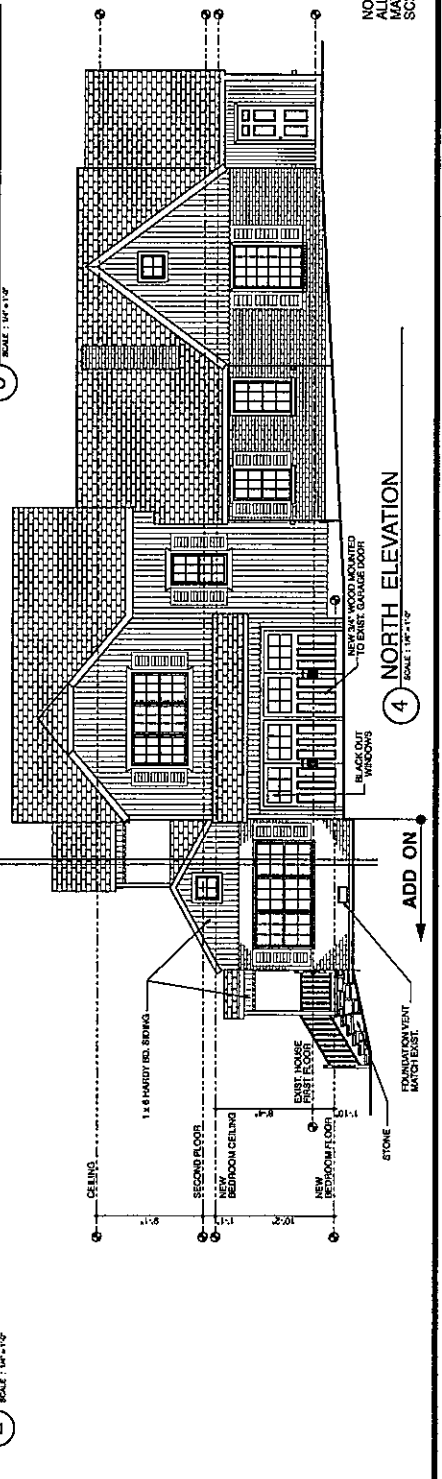


1 SOUTH ELEVATION
 SCALE: 1/4" = 1'-0"



2 WEST ELEVATION
 SCALE: 1/4" = 1'-0"

3 EAST ELEVATION
 SCALE: 1/4" = 1'-0"



4 NORTH ELEVATION
 SCALE: 1/4" = 1'-0"

NOTE: ALL PAINT COLORS TO MATCH EXISTING COLOR SCHEME

our lot shape - without the variance - prevents us from constructing a home that is commensurate with other homes in CD13.

Parking Exception

Existing regulations require us to provide one off street parking space on our property. For the City to recognize the parking space, it must be behind the front building setback, which in our case is 29 feet. Currently, we have an existing parking area located on our property that easily accommodates two vehicles, but is not behind the 29 foot setback. This driveway has been in existence since construction of the house in 1939. The site plan shows the parking area.

The City can grant an exception to the parking requirement when demand generated by use does not warrant the number of spaces required by code. As we are currently providing parking for 2 vehicles on our property, we are meeting the usage demands. Unfortunately, these parking spaces are not behind the 29 foot setback. In other words, our property will not be short parking spaces, but it will be short parking spaces behind the required set back. We hope the Board of Adjustment will agree that the demand for parking on our property does not necessitate the additional space required by the code, and grant an exception.

Though not directly impacting parking supply and demand, there are other factors related to the construction of a parking space:

- The irregular shape of our property makes compliance a challenge, as we are forced to wedge in a new parking space into a very small space.
- Existing green space (including most likely an existing, mature tree) will be destroyed with the construction of the parking space.
- Our neighbors will be negatively impacted, as the parking space will be very close to their property line and house.

Thank you very much for your help throughout this process. We look forward to talking with the Board of Adjustment about our proposal on April 19th, and we are hopeful for a favorable consideration.

Sincerely,

Lori Ott and Jeffrey Woodward

Comparison of Square Footage

1302 E. Canterbury Court vs. existing homes in Dallas CD 13

Homeowners: Jeffrey Woodward and Lori Ott

Application BDA156-037

Proposed total living area square footage for 1302 E. Canterbury Court after addition (no additional improvements are existing or proposed)	2,761 sq. feet
Comparable average living area square footage in CD 13*	3,875 sq. feet
Comparable average living area square footage <i>plus</i> additional improvements square footage in CD 13*	4,521 sq. feet

*** Based on attached table derived from Dallas CAD**

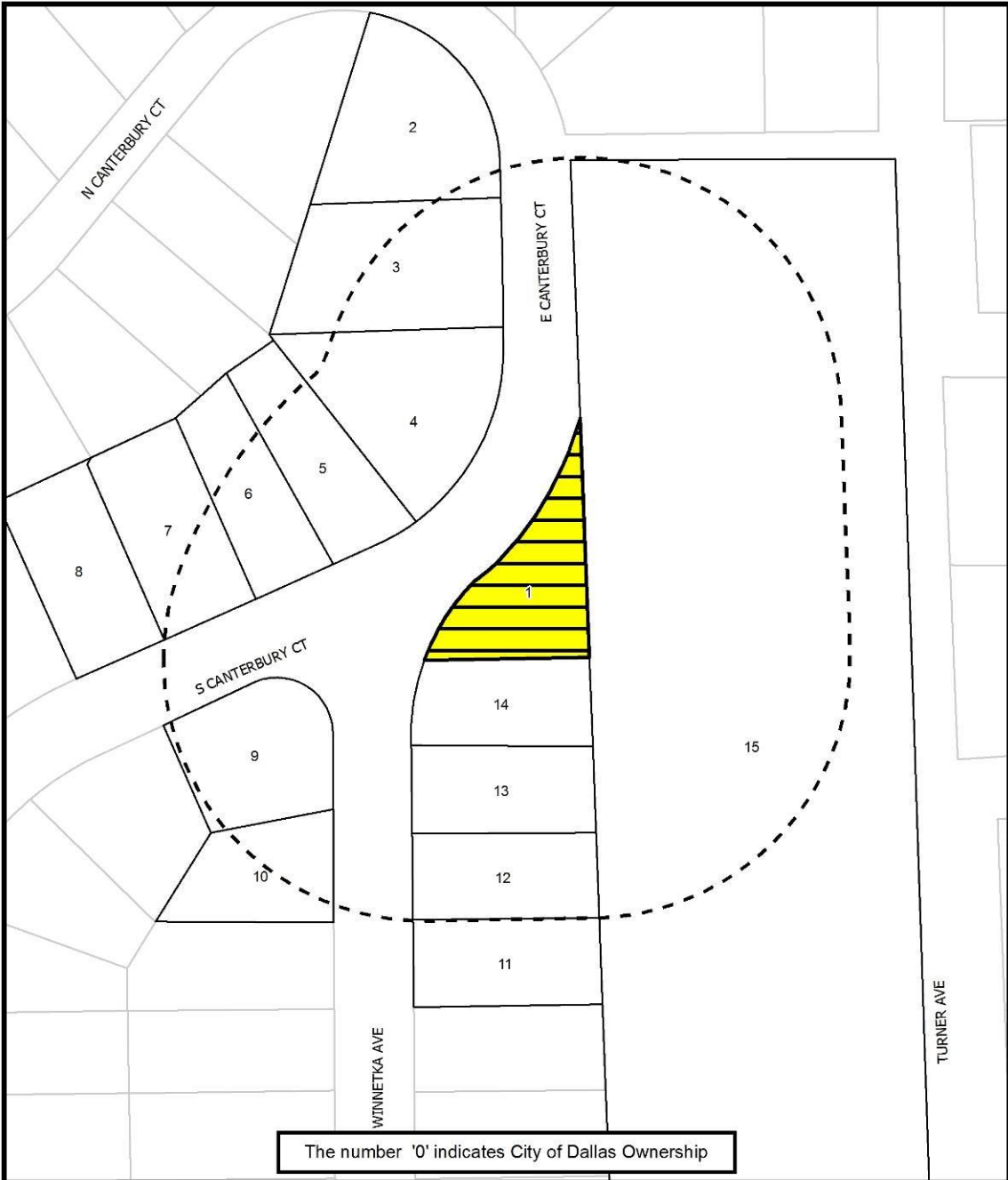
Comparison of Square Footage

1302 E. Canterbury Court vs. existing homes in Dallas CD 13

Homeowners: Jeffrey Woodward and Lori Ott

Application BDA156-037

	Address	Main Improvement Living Area Square Footage	Additional Improve- ments Square Footage	Total Square Footage
1	1123 Canterbury Court	4,266	714 apartment	4,980
2	1315 E Canterbury Court	3,778	400 garage	4,178
3	1100 N Canterbury Court	3,665	432 garage	4,097
4	1117 N Canterbury Court	3,413	264 garage	3,677
5	1323 W Canterbury Court	3,112	400 garage	3,512
6	1333 W Canterbury Court	3,196	950 garage	4,146
7	1006 Lausanne	3,160	616 detached quarters	3,776
8	1009 Lausanne	5,398	626 garage	6,024
9	1018 Lausanne	4,319	374 garage	4,693
10	1019 Lausanne	3,563	744 carport 300 garage	4,607
11	1022 Montclair	4,084	624 carport	4,708
12	1111 Montclair	3,000	440 garage	3,440
13	1122 Montclair	3,700	400 garage 423 basement	4,523
14	1123 Kensington	5,446	867 garage 716 cabana	7,029
15	1113 Kensington	4,028	400 garage	4,428



 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="0"> <tr> <td style="border: 1px solid black; padding: 2px;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="border: 1px solid black; padding: 2px;">15</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	15	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA156-037</u> Date: <u>3/23/2016</u>
200'	AREA OF NOTIFICATION					
15	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA156-037

15 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1302 CANTERBURY CT	HOUSE DYAN & ROBBIE
2	1321 CANTERBURY CT	JOHNSON MICHAEL G
3	1315 CANTERBURY CT	BARTHLOW HEATHER S & DARIN W
4	1305 CANTERBURY CT	YOUNG ROBERT M & VICTORIA
5	1103 CANTERBURY CT	PERKINS MARY E
6	1107 CANTERBURY CT	KRAMER STUART &
7	1111 S CANTERBURY CT	COMMUNITY DIGS LLC
8	1115 CANTERBURY CT	BURCHELL IAIN D &
9	1235 N WINNETKA AVE	JARVIS KIRK S & FELIZ P
10	1231 N WINNETKA AVE	EVETTS GREGORY A &
11	1226 N WINNETKA AVE	VEECH RONNIE L &
12	1230 N WINNETKA AVE	MOODY MARTHA E
13	1234 N WINNETKA AVE	GOSSARD WAYNE H SR
14	1238 N WINNETKA AVE	LOPEZ DANIEL P
15	1215 TURNER AVE	KESSLER PARK METHODIST CH

FILE NUMBER: BDA156-041(SL)

BUILDING OFFICIAL'S REPORT: Application of David Martin to enlarge a nonconforming use at 4111 Dallas Athletic Club Drive. This property is more fully described as a 310.19 acre tract of land, Tract 5, Block 8579, and is zoned A(A), which limits the legal uses in a zoning district. The applicant proposes to enlarge a nonconforming country club with private membership use, which will require a request to enlarge a nonconforming use.

LOCATION: 4111 Dallas Athletic Club Drive

APPLICANT: David Martin

REQUEST:

A request is made to enlarge a nonconforming "country club with private membership" use (Dallas Athletic Club), specifically constructing and maintaining two additions to the existing approximately 40,000 square foot clubhouse structure on the approximately 310 acre subject site: an approximately 1,800 square foot addition on the east, and an approximately 1,000 square foot addition on the west.

STANDARD FOR ENLARGING A NONCONFORMING USE:

The board may allow the enlargement of a nonconforming use when, in the opinion of the Board, the enlargement: 1) does not prolong the life of the nonconforming use; 2) would have been permitted under the zoning regulations that existed when the nonconforming use was originally established by right; and 3) will not have an adverse effect on the surrounding area.

STAFF RECOMMENDATION:

No staff recommendation is made on a request to enlarge a nonconforming use since the basis for this type of appeal is based on when, *in the opinion of the Board*, the enlargement: 1) does not prolong the life of the nonconforming use; 2) would have been permitted under the zoning regulations that existed when the nonconforming use was originally established by right; and 3) will not have an adverse effect on the surrounding area.

BACKGROUND INFORMATION:

Zoning:

Site: A (A)

North: MF-2 (A)
South: R-16 (A), R-7.5 (A), and City of Mesquite
East: MF-2 (A), R-7.5 (A), and City of Mesquite
West: R-16 (A) and R-10 (A)

Land Use:

The 310 acre subject site is developed as a “country club with private membership” use (Dallas Athletic Club). The nonconforming “country club with private membership” use contains an approximately 40,000 square foot clubhouse, two 18-hole golf courses, swimming pool, and 8 tennis courts. The areas to the north and east are developed with single family and multifamily uses; and the areas to the south and west are developed with single-family uses.

Zoning/BDA History:

1. BDA123-066, Property at 4111 LaPrada Drive (the subject site)

On June 18, 2013, the Board of Adjustment Panel A granted a request to enlarge a nonconforming “country club with private membership” use (Dallas Athletic Club). The board imposed the following conditions: compliance with the submitted site plan is required.

The case report stated that the request was made to construct and maintain an approximately 1,500 square foot hitting bay structure to be located in the virtual center of the approximately 310 acre subject site.

2. BDA 034-101, Property at 4111 LaPrada Drive (the subject site)

On December 9, 2003, the Board of Adjustment Panel A granted a request to enlarge a nonconforming “country club with private membership” use (Dallas Athletic Club). The board imposed the following conditions: Any and all investment in the nonconforming use and/or structure housing the nonconforming use shall not be taken into consideration if and when the nonconforming use is amortized; and compliance with the submitted site plan is required.

The case report stated that the 316+ acre subject site was developed as approximately 40,000 square foot clubhouse, two 18-hole golf courses, swimming pool, and 8 tennis

courts); and that the proposal involved only enlarging the clubhouse component of this non-conforming use, specifically with a 1,548 square foot (or 3.5% of the total building footprint) dining room expansion, and a 3,712 square foot (or 8.5% of the total building footprint) fitness room expansion.

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on the enlargement of a nonconforming “country club with private membership” use (Dallas Athletic Club) on the subject site, which in this particular case, involves the construction and maintenance of two additions to the existing approximately 40,000 square foot clubhouse structure on the approximately 310 acre subject site: an approximately 1,800 square foot addition on the east, and an approximately 1,000 square foot addition on the west.
- The subject site is zoned A(A) (Agricultural).
- A “country club with private membership” use is not permitted in A(A) Agricultural zoning districts with an SUP (Specific Use Permit).
- A “country club with private membership” use in an A (A) Agricultural zoning district is a *conforming* use once it has obtained an SUP (Specific Use Permit) from the City Council through a public hearing process.
- The Dallas Development Code defines a nonconforming use as “a use that does not conform to the use regulations of this chapter, but was lawfully established under regulations in force at the beginning of operation and has been in regular use since that time.”
- The Dallas Development Code states that enlargement of a nonconforming use means any enlargement of the physical aspects of a nonconforming use, including any increase in height, floor area, number of dwelling units, or the area in which the nonconforming use operates.
- The applicant has submitted an overall site plan, and floor plans and elevations of the two proposed additions to the existing clubhouse structure on the 310 acre site that is technically the nonconforming use.
- This application is made to enlarge a nonconforming *use*. The application is *not* made to enlarge a nonconforming *structure*. The proposed hitting bay structure would be in compliance with development code standards such as setbacks, coverage requirements, height requirements, parking requirements, etc. Therefore, the proposed hitting bay structure would be a conforming structure as it relates to development code requirements, located within a broader land use classification (country club with private membership) that can only be deemed a conforming *use* once and if the zoning is changed/or an SUP is obtained.
- Records from Building Inspection Department indicate that the “country club with private membership” use has been identified by Building Inspection as a nonconforming use.

- The applicant has been informed of the Dallas Development Code provisions pertaining to “Nonconforming Uses and Structures,” and how nonconforming uses can be brought to the Board of Adjustment for amortization where if 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 that nonconforming use - a compliance date that is provided under a plan whereby the owner’s actual investment in the use before the time that the use became nonconforming can be amortized within a definite time period.
- The applicant has the burden of proof to establish that the enlargement of the non-conforming use:
 1. does not prolong the life of the nonconforming use;
 2. would have been permitted under the zoning regulations that existed when the nonconforming use was originally established by right; and
 3. will not have an adverse effect on the surrounding area.
- If the Board were to grant this request, with a condition imposed that the applicant comply with the submitted site plan, the enlargement of the nonconforming use would be limited to what is shown on this document.

Timeline:

February 25, 2016: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

March 15, 2016: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, “If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case.”

March 15, 2016: The Board Administrator emailed the applicant the following information:

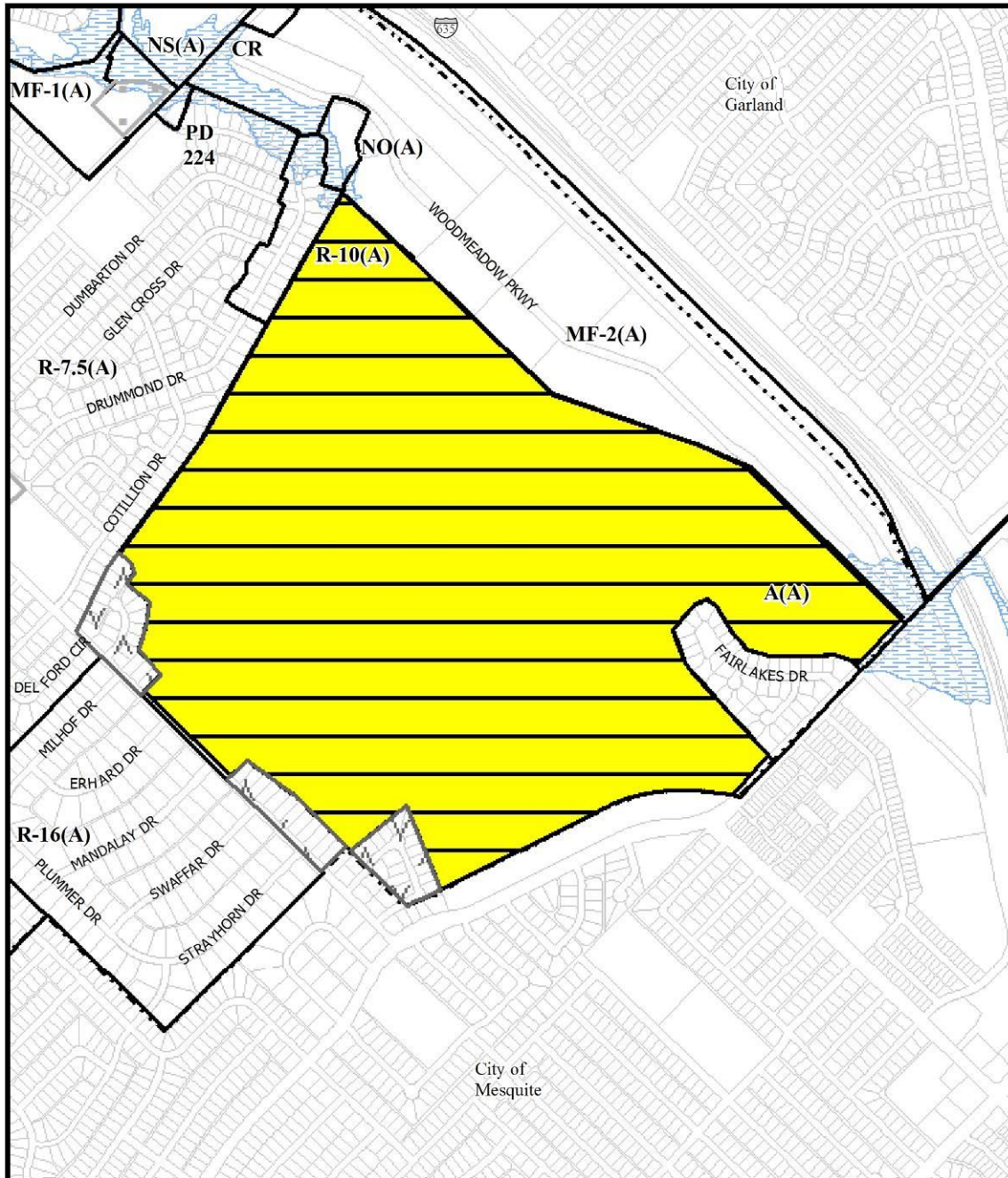
- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the March 30th deadline to submit additional evidence for staff to factor into their analysis; and the April 8th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

March 29, 2016: The applicant submitted additional documentation on this application beyond what was submitted with the original application (see Attachments A and B).

April 5, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for April public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Sustainable Development and Construction Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Sustainable Development and Construction Project Engineers, the City of Dallas Chief Arborist, the Sustainable Development and Construction Board of Adjustment Senior Planner, and the Assistant City Attorneys to the Board.

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

April 6, 2016: The Building Inspection Senior Plans Examiners/Development Code Specialist forwarded additional documentation on this application to the Board Administrator (see Attachment C).



1:10,800

ZONING MAP

Case no: BDA156-041

Date: 3/23/2016



1:10,800

AERIAL MAP

Case no: BDA156-041

Date: 3/23/2016

Long, Steve

From: Martin, Dave <dmartin@winstead.com>
Sent: Tuesday, March 29, 2016 2:57 PM
To: Duerksen, Todd; Long, Steve
Subject: BDA 156-041 - Floor Plans Supplement
Attachments: Floor Plan - Dallas Athletic Club Fitness Expansion (revised).pdf; Floor Plan - Dallas Athletic Club Kid's Club (revised).pdf

Hello Todd and Steve-

If helpful, we would like to submit the attached revised floor plans to be included in our application for Board Case No. 156-041. The change merely lists the amount of floor area:

- (1) in the "Entry" and "Covered Entry" sections on the Fitness Expansion floor Plan, and
- (2) in the "covered patio" areas on the Kid's Club floor plan.

The revised plans do not reflect any increase in floor area from the previously submitted plans, they simply provide a more complete picture of total floor area on the sites.

We can provide 24 x 26 copies of the revised plans if you like.

Thank you,

David Martin, Attorney

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

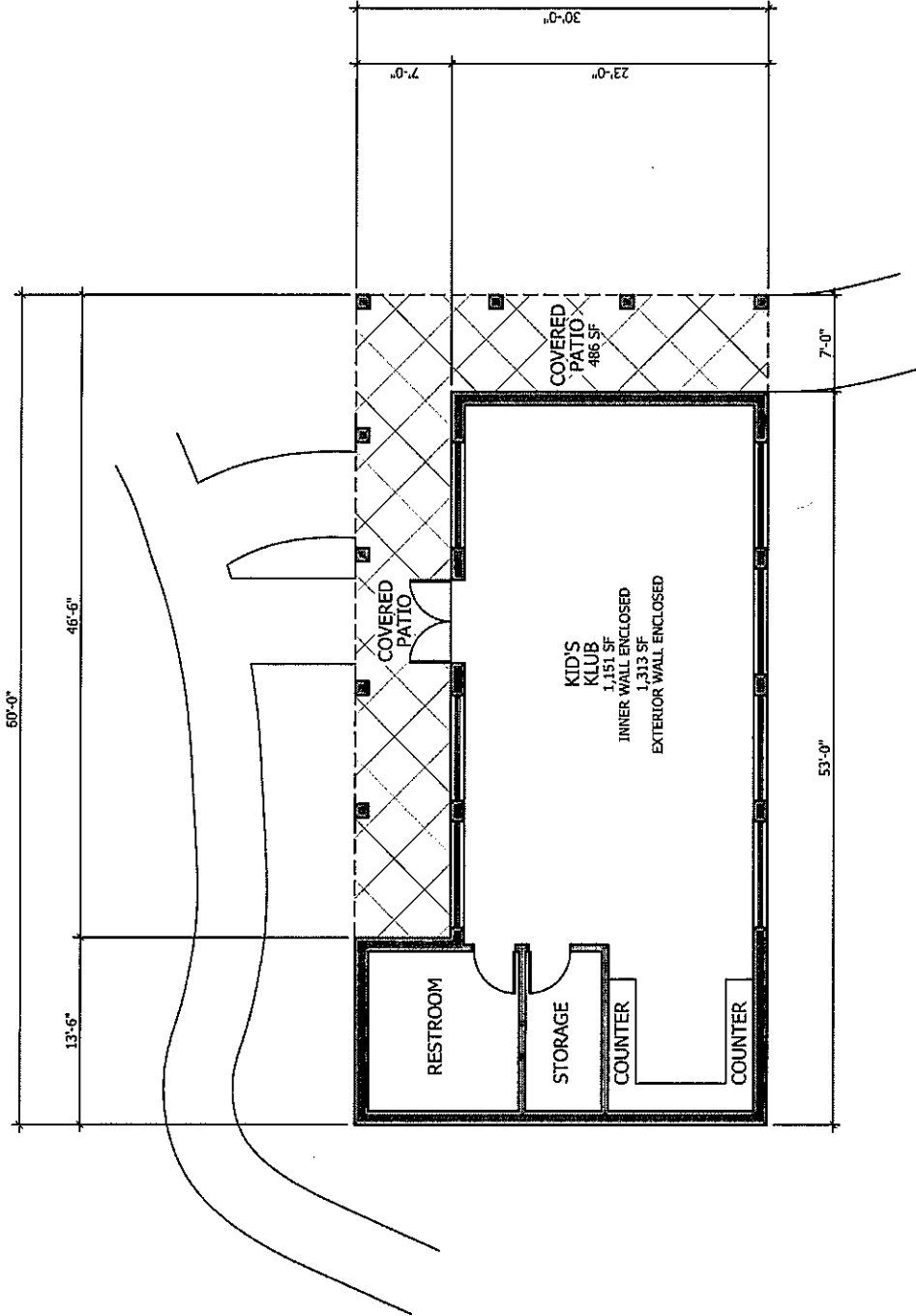


 Please consider the environment before printing.

Information contained in this transmission is attorney privileged and confidential. It is intended for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone.

--

BDA156-041
 Attach A PS 2



Addition to
Dallas Athletic Club
 Dallas, Texas

KID'S KLUB FLOOR PLAN

MARCH 4, 2016

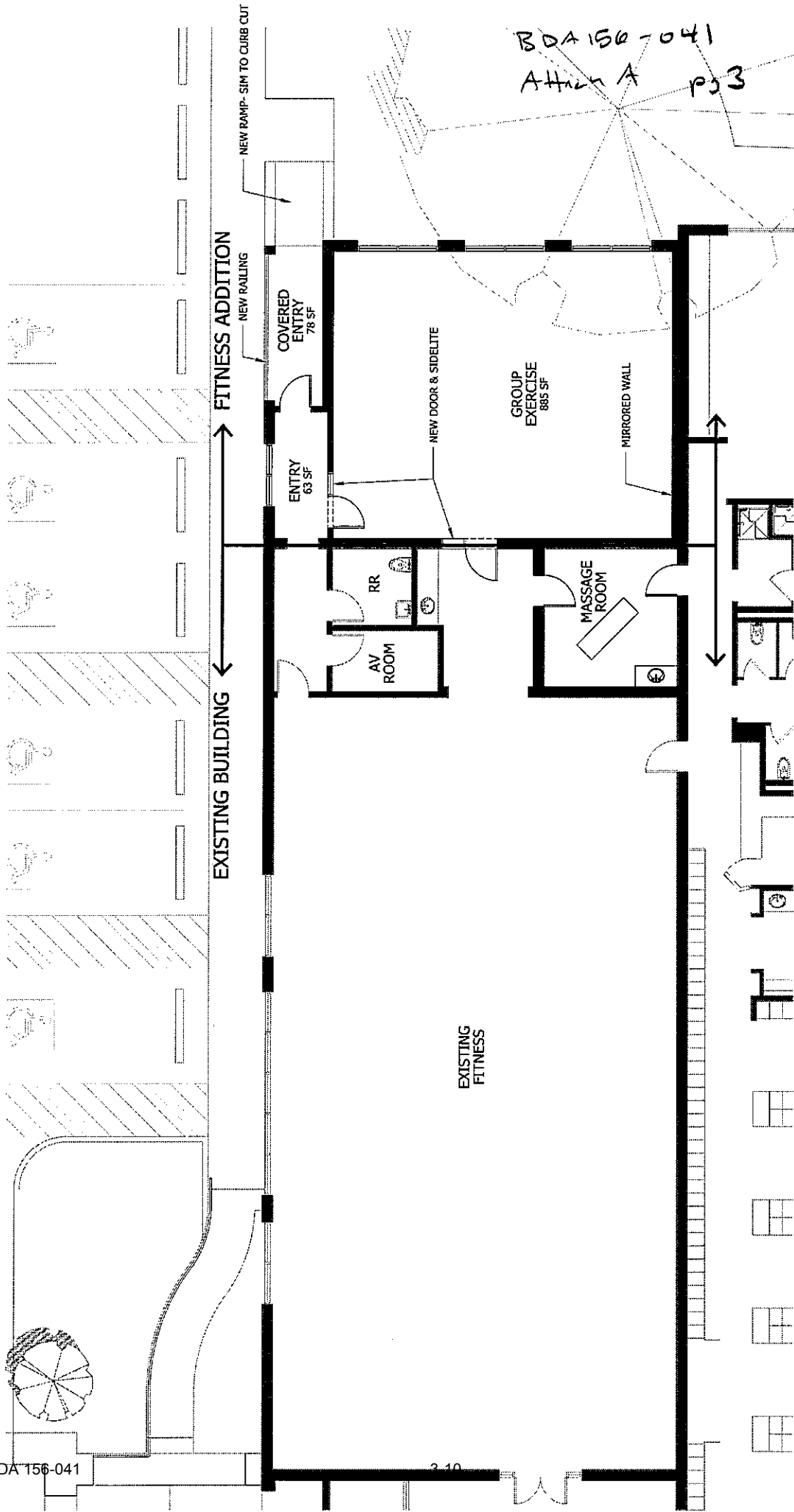
SCALE: 1/4"=1'-0"

EXCEPTIONAL DESIGN | TIMELESS ELEGANCE | LEGENDARY STYLE

100 TEXASER DRIVE
 SUITE 100
 IRVING, TEXAS 75038
 TEL: (972) 431-3383
 FAX: (972) 431-3664
 WWW.CCPARCHITECT.COM

PLANNING
 ARCHITECTURE
 INTERIOR DESIGN
 PURCHASING





EXCEPTIONAL DESIGN | TIMELESS ELEGANCE | LEGENDARY STYLE

PLANNING
ARCHITECTURE
INTERIOR DESIGN
PURCHASING

100 DICKER DRIVE
RYVING, TEXAS 75082
TEL: (972) 233-3381
FAX: (972) 239-9061
WWW.ELECTRIFORMERDESIGN.COM

SCALE: 1/4"=1'-0"

FITNESS EXPANSION FLOOR PLAN

MARCH 4, 2016

Addition to
Dallas Athletic Club
Dallas, Texas





BDA 156-041
Attach B Pg 1

March 29, 2016

500 Winstead Building 214.745.5400 OFFICE
2728 N. Harwood Street 214.745.5390 FAX
Dallas, Texas 75201 winstead.com

direct dial: 214.745.5440
dmartin@winstead.com

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

Re: BDA Case No. 156-041; 4111 Dallas Athletic Club Drive; Dallas Athletic Club

Dear Steve:

Our Firm represents the Dallas Athletic Club ("Club") in the above-referenced Board of Adjustment ("Board") case. We are submitting this letter for the Board's review of the Club's request to expand the non-conforming private country club use on the above-referenced property ("Property"). Specifically, this request is to expand the Fitness Room and to add a "Kid's Club" for its existing members (collectively, "Request"). The Club has continuously operated in the same fashion since the mid-1950s. The Property is currently zoned A(A) Agricultural District.

As you informed us, the Board may allow the enlargement of a nonconforming use when the enlargement: (1) "does not prolong the life of the nonconforming use; (2) "would have been permitted under the zoning regulations that existed when the nonconforming use was originally established by right;" and (3) "does not have an adverse effect on the surrounding area." (City Code Section 51A-4.704(b)(5)). As further discussed below, this Request: (1) will not prolong the life of the Club as the Club currently enjoys healthy membership numbers; (2) would have been permitted when the Club was established by right since the Property was not subject to zoning at the time; and (3) will have no impact on the surrounding area due to its interior location within the vast Property and due to it the provision of services only to existing members.

History of the Club

The Dallas Athletic Club dates back to 1919 when it was initially formed as a downtown athletic facility through the \$100 pledges of a small group of Dallas businessmen. The Club earned its charter on January 9, 1920, underwent construction, and opened its doors on May 10, 1935. The Club's original site was located downtown on a lot bounded by Elm, St. Paul, and Live Oak Streets. The Club won acclaim for outstanding dining and athletic facilities.

The growing popularity of golf led the Club to lease the Glen Lakes Country Club in 1944. In 1954, City expansion and the construction of Central Expressway forced the Club to relocate to its present site, where it developed two 18-hole golf courses (The Blue Course and

Steve Long
March 29, 2016
Page 2

Gold Course), a 40,000+ square-foot clubhouse, a pool area, and eight (8) tennis courts with a separate detached tennis shop. At the time the Club moved to its present site, the Property was located outside of the Dallas City limits. Since that time, the City of Dallas has annexed the majority of the 316+ acres of Club Property. A small portion of the Property, along the southern boundary, is located in the City of Mesquite.

The Club is rich in golf tradition. In July of 1963, the Club hosted the 45th PGA Championship, one of the four major professional golf tournaments held each year. Jack Nicklaus won the tournament and returned to the Club in 1984 to redesign the Blue Course, which was completed in 1986. In 1989, Mr. Nicklaus again returned to redesign the Gold Course. Since the redesign of both courses, the Club has hosted several national golf tournaments, including the 1997 USGA Mid-Amateur Championship and the 2000 American Junior Golf Association Boys Championships. Both courses offer natural waterfalls, rolling hills, extensive trees, and stone bridges that enhance the surrounding properties.

The Club currently has approximately 1,100 members. While the Club has and will likely continue to enjoy robust membership over time, this Request will not have an impact on the membership total and is merely intended as an update of the Club's facilities for its existing members. Thus, the Request will not extend the life of the nonconforming use.

Club's Prior Appeals to the Board of Adjustment

The Club appealed to the Board on two prior occasions. On December 9, 2003, the Board of Adjustment ("BDA") approved a 1,548-foot dining room expansion and construction of a 3,712-foot fitness center addition on the Property. (Case No. 034-101). On June 18, 2013, the Board approved construction of golf hitting bays comprising 1,500 square feet. (Case No. 123-066). To date, the Board has approved 6,860 sq. ft. of Club expansion (1,548 + 3,712 + 1,500).

Section 51A-4.601(a)(6) provides that a building site exists on an unplatted lot where, among other things, the proposed addition does not exceed 10,000 square feet of floor area. Accordingly, 3,240 sq. ft. of potential expansion currently remain on the Property before the Club is required to plat the Property. (10,000 – 6,860). This 2,825 sq. ft. of new floor area that is the subject of this current request is within the allowable limit.

The Clubhouse

The clubhouse structure is essentially hidden within the interior of the Property's +/- 316 acres from the vast majority of the adjacent properties, and is at best only partially visible from a few of the surrounding properties.

Upon entering the grounds from LaPrada Drive, members and guests are greeted at a secured entry gatehouse. Beyond the gatehouse, members and guests travel down a private drive to the clubhouse, fitness, and parking area.

Steve Long
March 29, 2016
Page 3

The existing fitness room adjoins the clubhouse at the northwest end of the clubhouse. The prospective Kid's Club would be added at the southern end of the clubhouse.

Fitness Room Request

The requested expansion of the fitness room will extend the footprint on the northwestern portion of the existing fitness center, which adjoins the clubhouse. The requested expansion is 1,799 square feet and will accommodate a group exercise room. This proposed addition is screened from the adjacent properties by extensive tree cover and rolling hills. At one-story and located near the center of the expansive Property, the fitness expansion will be virtually invisible. Furthermore, the Fitness Room expansion is for the benefit of the Club's existing members, and therefore will not increase traffic in the surrounding area. The expansion of the Fitness Room will not impact golf course activity, but rather will contain people in the hidden center of the Property.

Kid's Club Request

The requested Kid's Club addition is located on the south end of the clubhouse. The addition is 1,026 square feet and will provide a one-story recreational play area for kids. Like the Fitness Room Request, the Kid's Club will be virtually invisible from surrounding properties. The addition is more than 500 feet away from adjacent properties and is nestled in between tennis courts, hills, fencing, and trees. Also like the Fitness Room, the Kid's Club will serve only the needs of the existing members rather than the public at large. Accordingly, the addition will not generate any new traffic in the surrounding area.

Zoning

Although no zoning existed on the Property when the club came into existence, it is worth noting that the Request complies with the A(A) Agricultural Zoning District building restrictions. Due to the interior location of the clubhouse, the Request meets setback requirements (50 ft. front yard; 20 ft. side yard; and 10 ft. rear yard), maximum height requirements (24 feet), permitted floor area ratio requirements (no maximum floor area ratio), maximum lot coverage (25%), and maximum number of stories (none). Further, the Club provides ample parking. Lastly, the landscaping far exceeds any City requirements (the Club even has its own tree farm on site for internal use).

Conclusion

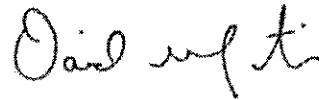
The Club respectfully requests the Board to approve the expansion of the Fitness Room and Kid's Club. As discussed above, this Request: (1) will not prolong the nonconforming country club use as the club already enjoys strong membership and facilities; (2) would have been allowed under the lack of zoning when the country club was established by right; and (3) will not adversely impact surrounding property as the expansions are not visible from the

Steve Long
March 29, 2016
Page 4

surrounding neighborhoods and will service the existing members. The enhancements will allow the Dallas Athletic Club to continue its rich tradition of providing the highest quality fitness and leisure for its members.

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

Very truly yours,



David Martin

cc: Tommy Mann (*of the Firm*)

4837-0735-9791v.2
41766-1 3/29/2016

Board of Adjustment Appeal BDA 156-041

Property address: 4111 Dallas Athletic Club Drive

The use in the above appeal,

COUNTRY CLUB WITH PRIVATE MEMBERSHIP

has been identified by Building Inspection to be a nonconforming use.

Appeal for a special exception to enlarge a nonconforming use per Sec. 51A-4.704(b)(5)

Section 51A-4.704, Nonconforming uses and structures.

(b) Changes to nonconforming uses.

(5) Enlargement of a nonconforming use.

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

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

- (i) does not prolong the life of the nonconforming use;
- (ii) would have been permitted under the zoning regulations that existed when the nonconforming use was originally established by right; and
- (iii) will not have an adverse effect on the surrounding area.

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

Appeal to reinstate a nonconforming use per Sec. 51A-4.704(a)(2)

SECTION 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.



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-041

Date: 02-25-16

Data Relative to Subject Property:

Location address: Dallas 4111 Athletic Club Drive Zoning District: A(A)
Lot No.: N/A Block No.: 8579 Acreage: 310.19 Census Tract: 0126.04
Street Frontage (in Feet): 1) 1469.79 2) 830.47 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Dallas Athletic Club, Inc.

Applicant: David Martin/Tommy Mann Telephone: 214-745-5440

Mailing Address: 500 Winstead Building, 2728 N. Harwood St., Dallas, TX Zip Code: 75201

E-mail Address: dmartin@winstead.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

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

To allow for enlargement of a nonconforming use pursuant to Sec. 51A-4.704(5).

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

The club was developed prior to annexation and as such, these improvements would have been allowed. There will be no adverse effect on surrounding properties.

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

Affidavit

Before me the undersigned on this day personally appeared David Martin

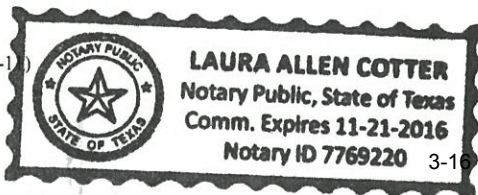
(Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 22nd day of February, 2016

(Rev. 08-01-1)



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

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

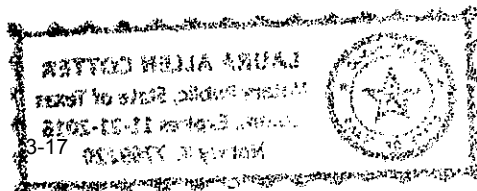
I hereby certify that David Martin

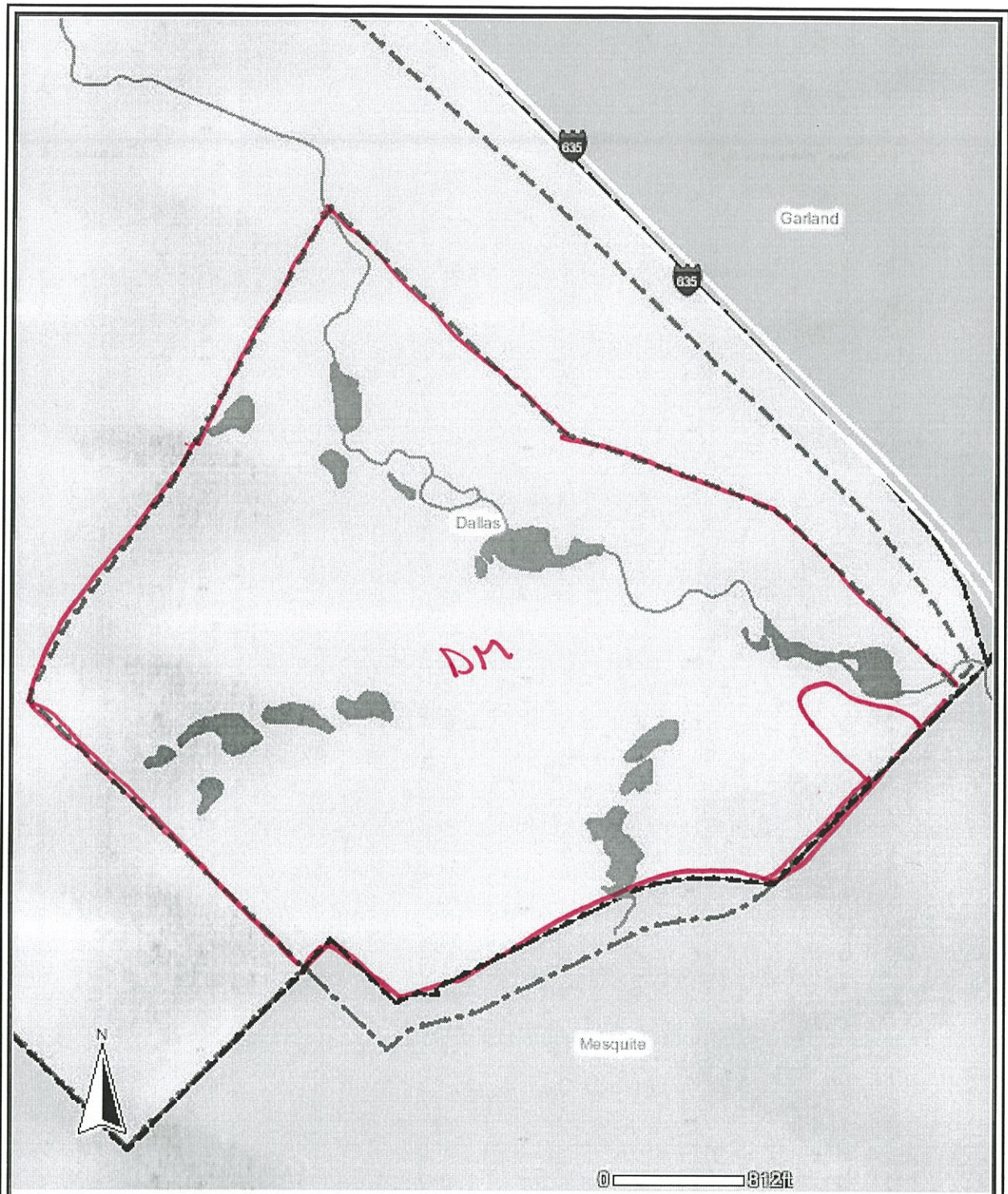
did submit a request to enlarge a nonconforming use
at 4111 Dallas Athletic Club Drive

BDA156-041. Application of David Martin to enlarge a nonconforming use at 4111 Dallas Athletic Club Drive. This property is more fully described as a 310.19 acre tract of land, Tract 5, Block 8579, and is zoned A(A), which limits the legal uses in a zoning district. The applicant proposes to enlarge a nonconforming country club with private membership use, which will require a special exception to the nonconforming use regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official





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

DISCLAIMER

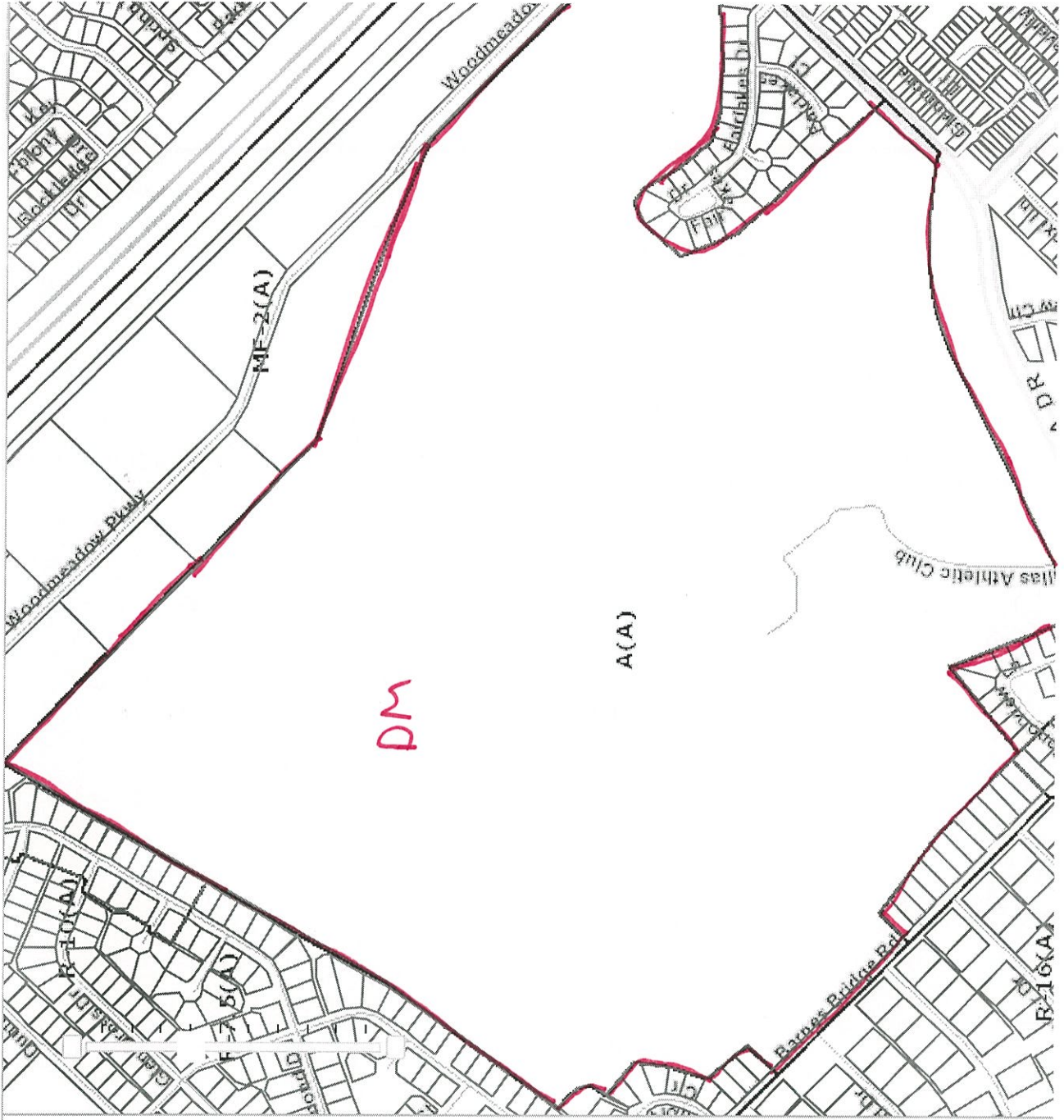
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

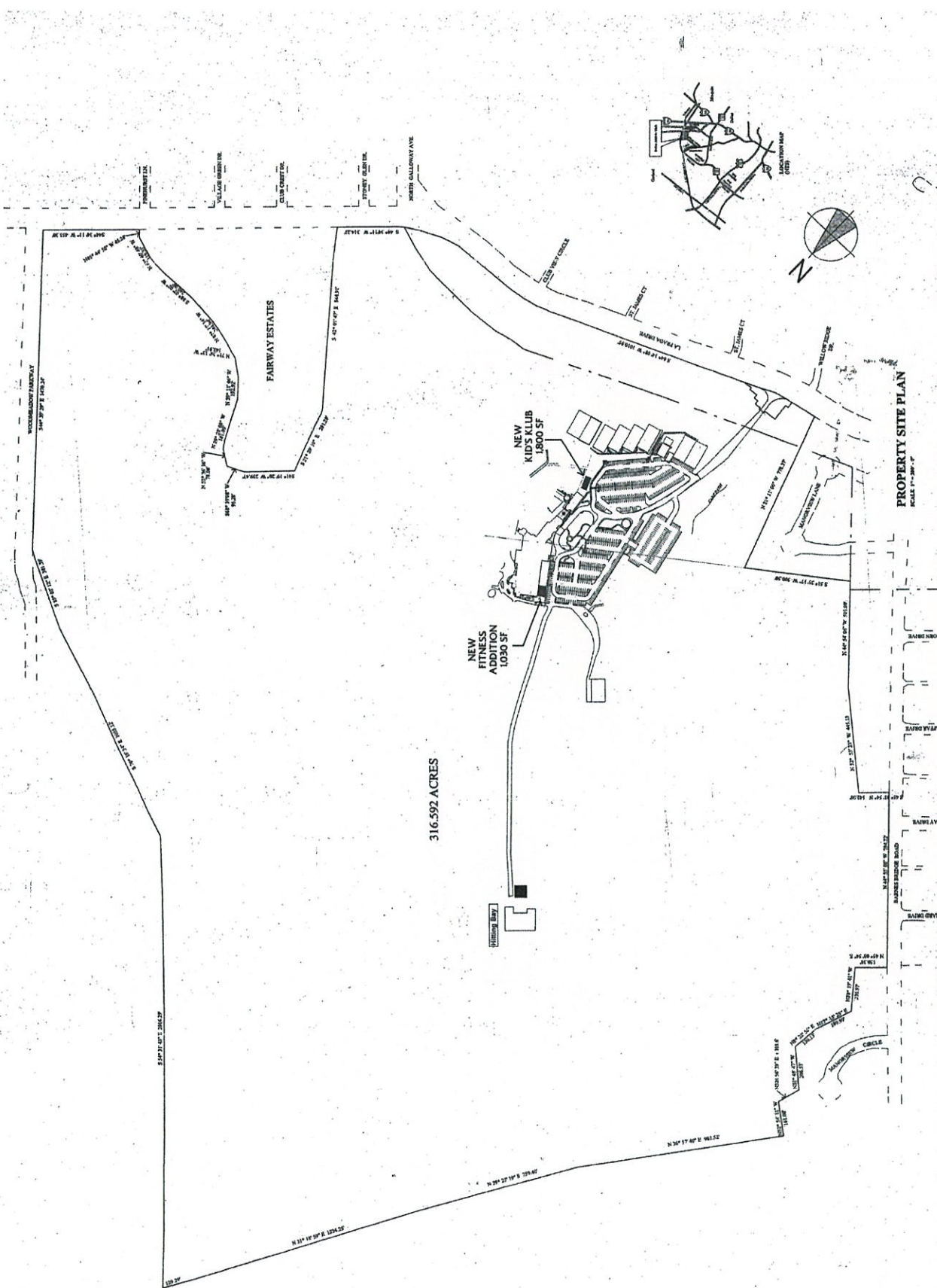
City of Dallas

Internal Development Research Site

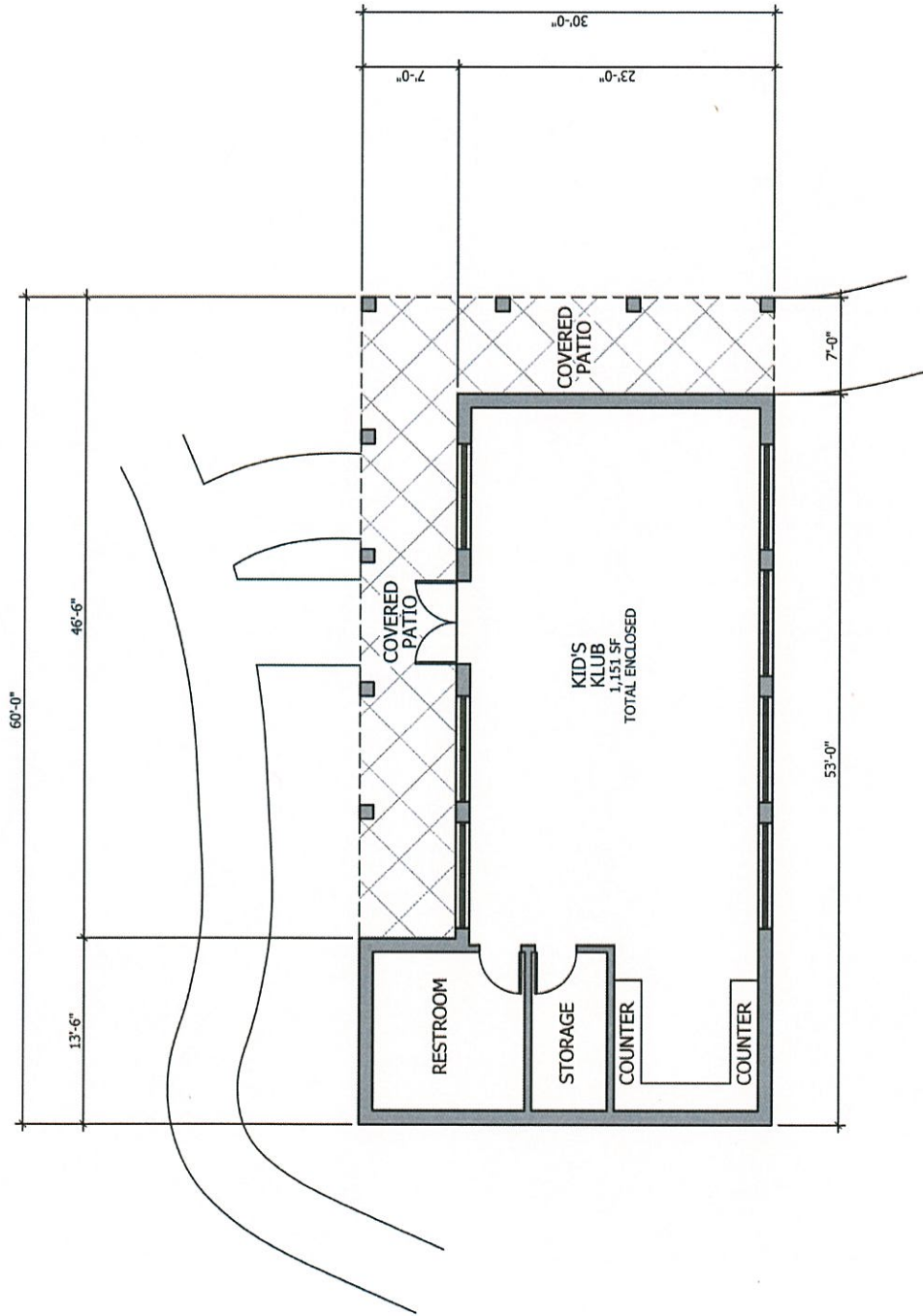
Legend

Locate Property





<p>A1.01</p>	<p>Site Plan</p>		<p>ADDITIONS AND ALTERATIONS TO</p> <p>DALLAS ATHLETIC CLUB</p>		<p>CHAMBERS/CCI</p> <p>EXCEPTIONAL DESIGN THOMAS HILF/DAVE LISE HUNTER/STYL</p> <p>100 DECKER DRIVE SUITE 140 IRVING, TEXAS 75062 WWW.CHAMBERSUSA.COM</p> <p>PHONE: (972) 259-5665 FAX: (972) 259-5664</p>		<p><small>FOR YOUR INFORMATION: The information shown on this site plan is based on the information provided by the client. It is not intended to be a final plan. The client is responsible for providing accurate information. The City of Dallas is not responsible for the accuracy of the information provided. The City of Dallas is not responsible for the accuracy of the information provided. The City of Dallas is not responsible for the accuracy of the information provided.</small></p>
---------------------	------------------	---	--	--	---	---	--

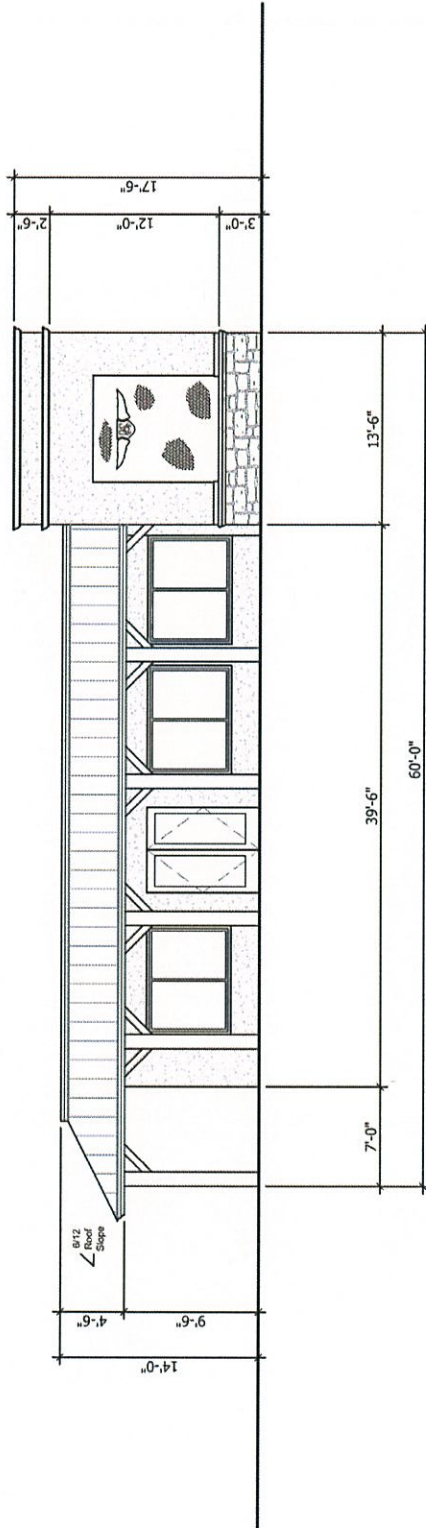


KID'S KLUB FLOOR PLAN

MARCH 4, 2016

Addition to
Dallas Athletic Club
 Dallas, Texas





EXCEPTIONAL DESIGN | TIMELESS ELEGANCE | LEGENDARY STYLE
PLANNING
ARCHITECTURE
INTERIOR DESIGN
PURCHASING

100 DECKER DRIVE
IRVING, TEXAS 75063
TEL: (972) 253-3883
WWW.CCCLUBSHERK.COM

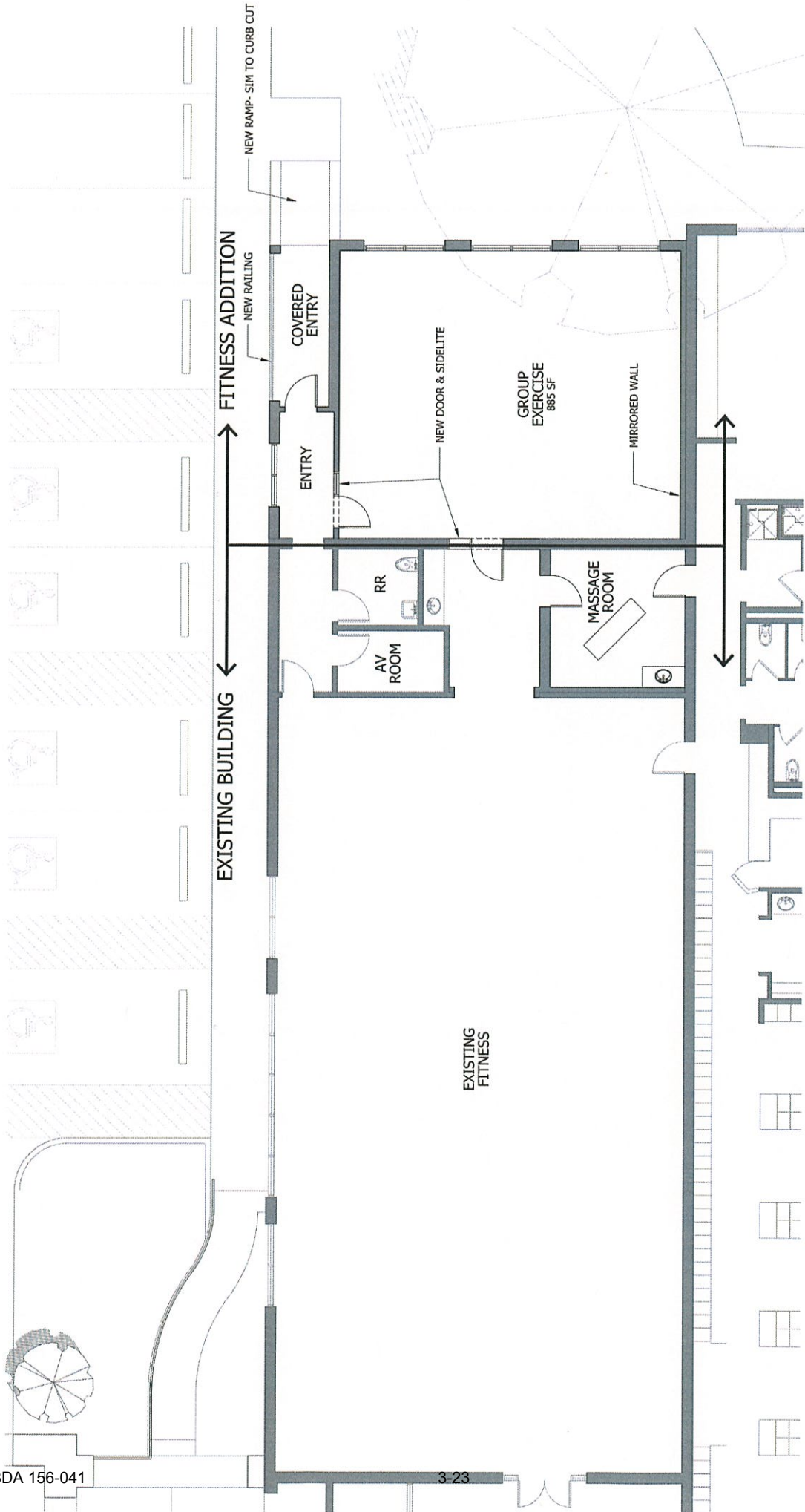
SCALE: 1/4"=1'-0"

KID'S KLUB ELEVATION

MARCH 4, 2016

Addition to
Dallas Athletic Club
Dallas, Texas





EXCEPTIONAL DESIGN | TIMELESS ELEGANCE | LEGENDARY STYLE

100 DECKER DRIVE
 IRVING, TEXAS 75062
 TEL: (972) 255-2883
 WWW.CCCLUBDESIGN.COM

PLANNING
 ARCHITECTURE
 INTERIOR DESIGN
 PURCHASING

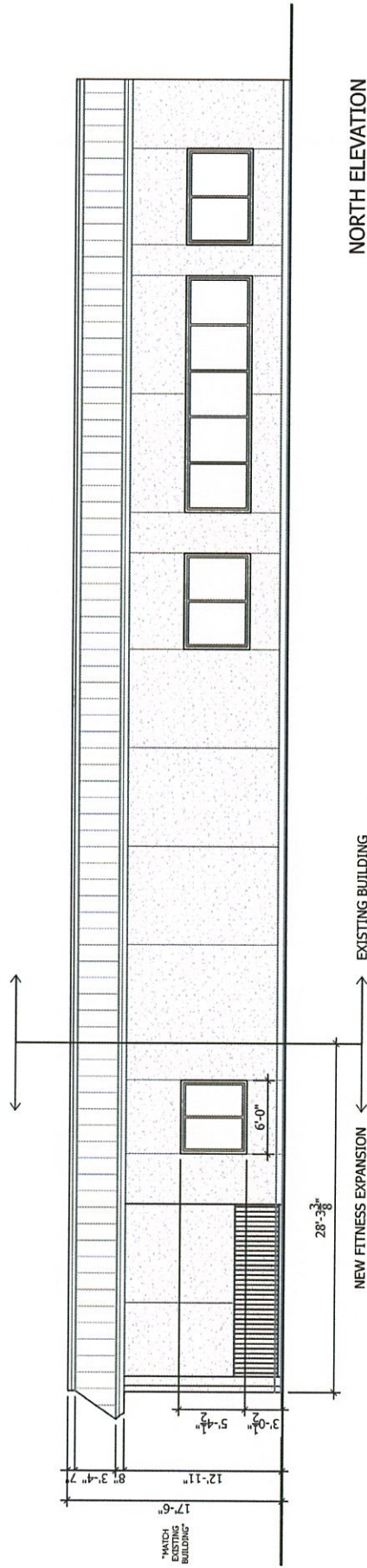
ADDITION TO
Dallas Athletic Club
 Dallas, Texas

FITNESS EXPANSION FLOOR PLAN

MARCH 4, 2016

SCALE: 1/4"=1'-0"





NORTH ELEVATION

EXCEPTIONAL DESIGN | TIMELESS ELEGANCE | LEGENDARY STYLE
 PLANNING
 ARCHITECTURE
 INTERIOR DESIGN
 PURCHASING

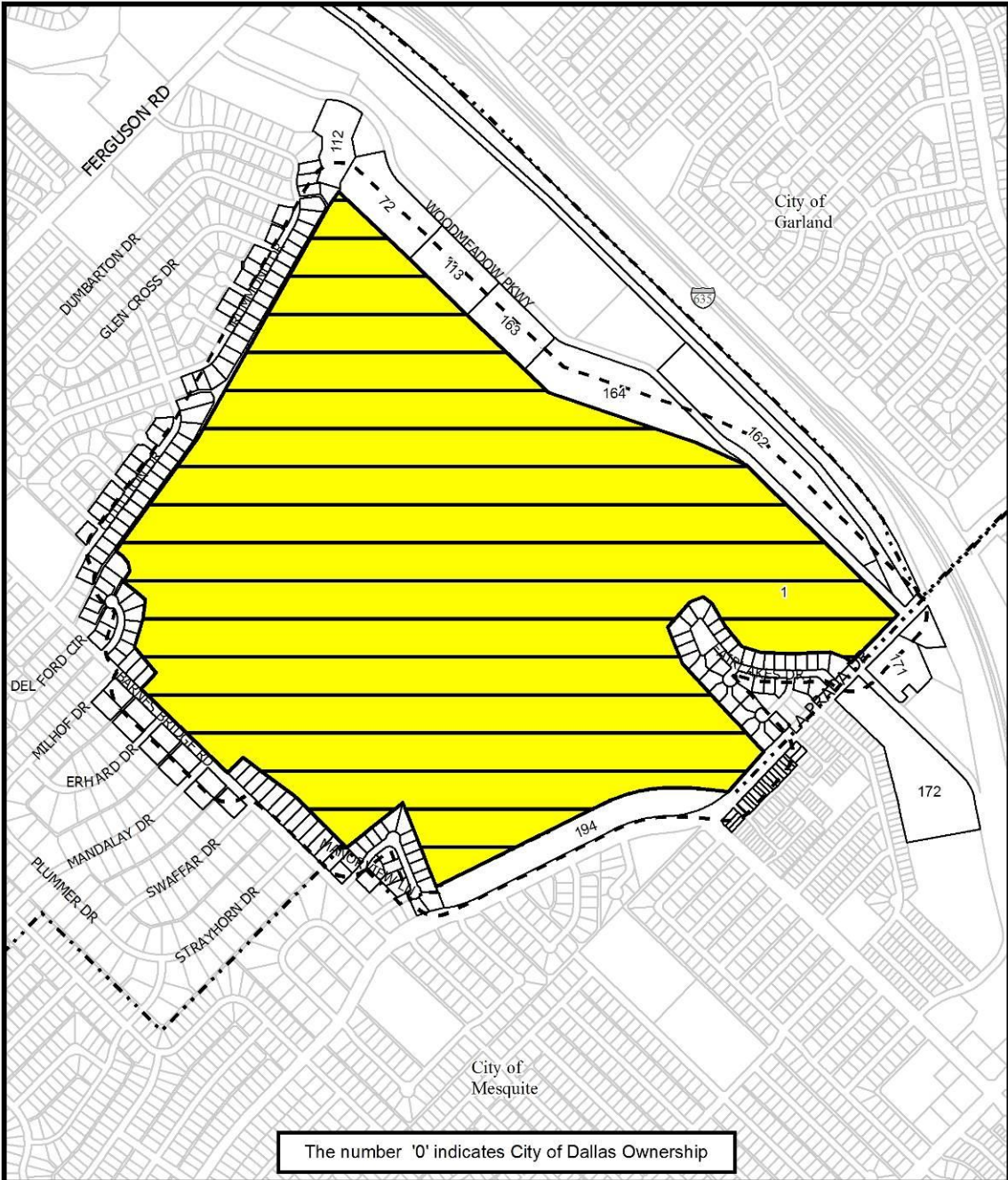
SCALE: 1/4"=1'-0"

FITNESS EXPANSION ELEVATION

MARCH 4, 2016

Addition to
Dallas Athletic Club
 Dallas, Texas





 1:10,800	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">194</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	194	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA156-041</u> Date: <u>3/23/2016</u>
200'	AREA OF NOTIFICATION					
194	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA156-041

194 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4111 ATHLETIC CLUB DR	DALLAS ATHLETIC CLUB
2	11074 MILHOF DR	KENNIMER BOBBIE JO
3	11080 MILHOF DR	WOOD TERRY D &
4	11083 ERHARD DR	21ST MORTGAGE CORPORATION
5	11075 ERHARD DR	HEBERT LOUIS G JR &
6	11076 ERHARD DR	WRIGHT HARRY J
7	11084 ERHARD DR	ANDERSON DAVID D
8	11081 MANDALAY DR	DILLON DENNIS & DEBORAH
9	11073 MANDALAY DR	WHITE ROBERT GARY
10	11072 MANDALAY DR	DONALD PAUL & MARTHANNA
11	11080 MANDALAY DR	MURILLO NICOLASA A &
12	11077 SWAFFAR DR	BUSH JANIS C
13	11225 COTILLION DR	BLACK MARVIN T &
14	11221 COTILLION DR	SCHLACHTER THOMAS P &
15	11209 COTILLION DR	MAYES ROBERT H
16	11205 COTILLION DR	FRANCO MARINA M
17	11201 COTILLION DR	COLONIAL SAVINGS F A
18	3602 BON PARK CT	OSTLUND DONALD LEE &
19	11463 DRUMMOND DR	ARCE ELEAZIN
20	11469 DRUMMOND DR	KELLOGG TERRI
21	11499 DRUMMOND PL	VIDAL ERIC VINCENT
22	11517 DRUMMOND DR	SLATER ROY S &
23	11527 DRUMMOND DR	YOUNG HEATHER D
24	11410 DRUMMOND DR	HOES RICHARD JR
25	11416 DRUMMOND DR	JORDAN EDWIN E &
26	11420 DRUMMOND DR	CHESHIRE CHARLES I

Label #	Address	Owner
27	11426 DRUMMOND DR	LANE SUZANNE
28	11430 DRUMMOND DR	BENSON CARL R
29	11440 DRUMMOND DR	BELL LOUIS JOSEPH JR
30	11450 DRUMMOND DR	KAY CHARLES W & FRANCES E
31	11460 DRUMMOND DR	GONZALEZ JOSEPH &
32	11468 DRUMMOND DR	COLGIN MICHAEL T & ELLEN LIFE EST
33	11506 DRUMMOND DR	MORENO ANA E
34	11512 DRUMMOND DR	WALKER FALISHIA
35	11518 DRUMMOND DR	PEREZ RODOLFO V
36	11524 DRUMMOND DR	MARIETTI BERT J REVOCABLE LIVING TRUST
37	11530 DRUMMOND DR	WYNN TOM S SR
38	11536 DRUMMOND DR	HIBBS CHRISTOPHER GERARD
39	11542 DRUMMOND DR	THE DRUMMOND TRUST NO 13074503
40	11548 DRUMMOND DR	CASTRO LUIS A
41	11554 DRUMMOND DR	PURSUR ROBERT W & CHERI Z
42	11560 DRUMMOND DR	MCCUNE H RALPH
43	11568 DRUMMOND DR	FRIERSON MELBA L
44	11570 DRUMMOND DR	DORFMAN DEV CO
45	11574 DRUMMOND DR	LUNA EVANGELINA
46	11580 DRUMMOND DR	BYRNE DARREN
47	11139 COTILLION DR	MOORE JOHN DAVID JR
48	11137 COTILLION DR	GOMEZ SANDRA G
49	11133 COTILLION DR	DIAZCASTANEDA JUAN CARLOS &
50	11114 COTILLION DR	HALL BERGEN B &
51	11118 COTILLION DR	STRICKLER MARK
52	11122 COTILLION DR	NORRIS JEFF C
53	11126 COTILLION DR	GONZALES JOSEPHINE M
54	11130 COTILLION DR	BOONE MARTHA
55	11134 COTILLION DR	AGUILAR JESUS & IRMA
56	11138 COTILLION DR	MONTEMAYOR HOMERO &
57	11140 COTILLION DR	GARZA PETE & MARIA R

Label #	Address	Owner
58	11202 COTILLION DR	SANCHEZ MIGUEL & ROCIO L
59	11204 COTILLION DR	CELIS ELLIE MAY &
60	11206 COTILLION DR	PADILLA JOSE
61	11210 COTILLION DR	WARD ANGELA R &
62	11214 COTILLION DR	PRESLEY CONNIE M
63	11220 COTILLION DR	ROBINSON DANA
64	11224 COTILLION DR	LOHRENGEL JOHN A
65	11226 COTILLION DR	RAESNER MATTHEW LINDLEY
66	11228 COTILLION DR	ALANIZ FILIBERTO &
67	11230 COTILLION DR	COALSON JAMES C
68	11554 DUMBARTON DR	SNIDER ANGELA
69	11543 GLEN CROSS DR	KIMBRELL J LON
70	10800 LBJ FWY	TEXAS UTILITIES ELEC CO
71	11200 LBJ FWY	TEXAS UTILITIES ELECTRIC CO
72	11201 WOODMEADOW PKWY	ND XIV LLC
73	4035 FAIRLAKES DR	BELK GEORGE J & CYNTHIA K
74	4031 FAIRLAKES DR	HUNT THOMAS ROBERT SR
75	4027 FAIRLAKES DR	HICKEY JO FRANCES
76	4023 FAIRLAKES DR	DAVIS LARRY K &
77	4019 FAIRLAKES DR	FLOWERS JOHN L JR
78	4015 FAIRLAKES DR	HAYDEN BILLY D
79	4011 FAIRLAKES DR	JAMESON ROBERT E
80	4007 FAIRLAKES DR	DRINKWATER HENRY &
81	4003 FAIRLAKES DR	STEM HERB L & VIRGINIA D
82	3927 FAIRLAKES DR	OLDHAM ARCHIE R &
83	3923 FAIRLAKES DR	HATHAWAY CHARLES R
84	3919 FAIRLAKES DR	GREVE WALTER W &
85	3915 FAIRLAKES DR	HOPPER BENNY D
86	3911 FAIRLAKES DR	SMITH MATTIE LOU
87	3907 FAIRLAKES DR	GIBSON H R JR
88	3903 FAIRLAKES DR	DOANE ROBERT F & TRACI L

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
89	3904 FAIRLAKES DR	LEVONYAK MARK A
90	3908 FAIRLAKES DR	MAY SHELBA &
91	3912 FAIRLAKES DR	ADAMS LANCE K & LAURA M
92	3916 FAIRLAKES DR	HAAS STEVEN M & DEBBIE
93	3920 FAIRLAKES DR	WALKER SIDNEY R
94	3922 FAIRLAKES DR	PEREZ NAHIN S
95	3924 FAIRLAKES CIR	BENNETT GARY E
96	3928 FAIRLAKES CIR	CASEY JACK
97	3932 FAIRLAKES CIR	JOUVENAT JAMES W & GAIL C
98	3936 FAIRLAKES CIR	LEE K BLAINE &
99	3940 FAIRLAKES CIR	FULLINGTON GARY & CYNTHIA
100	3944 FAIRLAKES CIR	PARADOWSKI CHARLES E JR &
101	4008 FAIRLAKES DR	WEST COY G &
102	4012 FAIRLAKES DR	GUERRERO BEN H &
103	4016 FAIRLAKES DR	WETSEL KENNETH B & LINDA
104	4121 FAIRLAKES CT	BROS FRED L
105	4125 FAIRLAKES CT	PINNER RICHARD L
106	4128 FAIRLAKES CT	GONZALEZ ANGEL NOE &
107	4124 FAIRLAKES CT	BROWN KEITH P &
108	4122 FAIRLAKES CT	LEINART WILLIAM E &
109	4120 FAIRLAKES CT	WISENER ATTICUS D & JENNIFER A
110	4024 FAIRLAKES DR	RITTER JAMES T & LYNDA T
111	4028 FAIRLAKES DR	WELLS DANIEL E
112	11323 WOODMEADOW PKWY	CCP & J TRUST
113	11111 WOODMEADOW PKWY	GABLEPOINT APTS LTD
114	11132 MANORVIEW CIR	LEACH CARL MICHAEL &
115	11111 MANORVIEW CIR	JOUBRAN MICHAEL &
116	11107 MANORVIEW CIR	ESTES ELIZABETH A
117	11103 MANORVIEW CIR	THURSTLIC DAVID M &
118	11119 MANORVIEW CIR	RACE DAVID & LINDA
119	11123 MANORVIEW CIR	POPE THERESA A

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
120	11127 MANORVIEW CIR	BURCHFIELD JOHN J II & FELIPA AVILA
121	11140 MANORVIEW CIR	TURNHAM DAVID &
122	11136 MANORVIEW CIR	BIESEL JERRY W &
123	11128 MANORVIEW CIR	CLARK DOUG
124	11124 MANORVIEW CIR	FRANK LENORE
125	11120 MANORVIEW CIR	LAWLER WILLIAM R &
126	11116 MANORVIEW CIR	BAIRD BONNIE EST OF
127	11112 MANORVIEW CIR	WALL FREDA MAE
128	11108 MANORVIEW CIR	HEBERT GERALD E & DANA R
129	11104 MANORVIEW CIR	HOLLAND DENTON R &
130	3808 BARNES BRIDGE RD	PAYNE CLARENCE F LF EST &
131	3812 BARNES BRIDGE RD	BOYLE NICHOLAS H &
132	3816 BARNES BRIDGE RD	PRINE BRUCE W & BRENDA K
133	3908 BARNES BRIDGE RD	HAWKINS FAMILY TRUST
134	3912 BARNES BRIDGE RD	HOPKINS JOY
135	3916 BARNES BRIDGE RD	HESTON STAN & SUSAN
136	3920 BARNES BRIDGE RD	JONES RICHARD S & E ANITHA JONES
137	3924 BARNES BRIDGE RD	HERBERT ANDREW J & JUDITH A
138	3928 BARNES BRIDGE RD	BRORSON LEROY H
139	3932 BARNES BRIDGE RD	PRECISE HUEY ETAL
140	3936 BARNES BRIDGE RD	CAMPBELL WANDA J
141	3940 BARNES BRIDGE RD	CLAYBROOK JOEL E
142	4004 BARNES BRIDGE RD	BOWMAN JOHN R II
143	4008 BARNES BRIDGE RD	BARZ WALTER & DELORES
144	4012 BARNES BRIDGE RD	ECKARDT JOHN R & JULIA E
145	4112 MANORVIEW LN	SPRINGFIELD WILLIAM R
146	4140 MANORVIEW LN	FOWLER RANDY KENT &
147	4144 MANORVIEW LN	SHERK WILLIAM CHARLES &
148	4148 MANORVIEW LN	WAGES RONALD E & CONNIE J
149	4152 MANORVIEW LN	SOPIANAC IVANA STEGNAR
150	4155 MANORVIEW LN	MURPHY FRED P & BRENDA M

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
151	4151 MANORVIEW LN	WISENER RANDOLPH N &
152	4147 MANORVIEW LN	IDOM RONALD & AVA A
153	4143 MANORVIEW LN	REED DONALD & VIRGINIA
154	4139 MANORVIEW LN	TRAN NHIEN D &
155	4135 MANORVIEW LN	CHUBB GARY & JANET
156	4131 MANORVIEW LN	RUBY LEN & PEGGY
157	4127 MANORVIEW LN	GRAHAM PAMELA GAIL
158	4123 MANORVIEW LN	HECKMANN DON C
159	4119 MANORVIEW LN	MANN DAVID K & MARY K
160	4115 MANORVIEW LN	BEANE JERRY L &
161	4111 MANORVIEW LN	QUILLIN T A
162	10700 WOODMEADOW PKWY	GC APARTMENTS LLC
163	11011 WOODMEADOW PKWY	ROSE FAIRWAY GREENS LP
164	10911 WOODMEADOW PKWY	BIRCHMONT HAMPTON GREENS
165	4103 MANORVIEW LN	WATSON MARILLA & LAWRENCE
166	4107 MANORVIEW LN	SCHWEERS RONALD G
167	4016 BARNES BRIDGE RD	HOLT THOMAS R & JULIE A
168	4108 MANORVIEW LN	CARROLL MICHAEL L
169	4163 MANORVIEW LN	CASHWELL BARBARA
170	4159 MANORVIEW LN	SELLARS KEITH L & DONNA ANN
171	2200 LA PRADA DR	CROSSROADS CHURCH OF THE
172	1901 PINEHURST LN	2012 WESCO GATEWAY II COUNTRY CLUB LP
173	5545 STONEY GLEN DR	COOPER REBECCA
174	5541 STONEY GLEN DR	JOANNA L FARRAR
175	5537 STONEY GLEN DR	LIND CAROLYN A EST OF
176	2645 GLENMORE DR	OLSON JOHN &
177	2641 GLENMORE DR	COX FRED G & JAN
178	2637 GLENMORE DR	CORTEZ ROMAN &
179	2633 GLENMORE DR	KENNEDY GARY G
180	2629 GLENMORE DR	FLETCHER ADA J
181	2625 GLENMORE DR	BAKER JEREMY ZANE &

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
182	2621 GLENMORE DR	SMITH THELMA T
183	2617 GLENMORE DR	MASSEY MIKEL JOSEPH
184	2613 GLENMORE DR	KAUITZSCH KELLIE NELSON
185	2609 GLENMORE DR	KIRKPATRICK BETTY
186	2605 GLENMORE DR	MCDANIEL MARY ETTA
187	2601 GLENMORE DR	TARVER DONALD A &
188	9002 GLENMORE DR	BRISTOL ON THE PARK H O
189	9002 GLENMORE DR	BRISTOL ON THE PARK H O
190	9002 GLENMORE DR	BRISTOL ON THE PARK H O
191	5545 CLUB CREST DR	CADENA ANTHONY D
192	5541 CLUB CREST DR	SAINT CLAIR GLENN EST OF
193	1751 OATES DR	TEXAS STATE OF
194	2700 LA PRADA DR	DALLAS ATHLETIC CLUB

FILE NUMBER: BDA156-033(SL)

BUILDING OFFICIAL'S REPORT: Application of Ann Barbier-Mueller, represented by Tara Stevenson, for a special exception to the visual obstruction regulations at 5941 Averill Way. This property is more fully described as Lot 1, Block 5619, and is zoned R-1ac(A), which requires a 45 foot visibility triangle at street intersections. The applicant proposes to locate and maintain items in a required visibility triangle, which will require a special exception to the visual obstruction regulations.

LOCATION: 5941 Averill Way

APPLICANT: Ann Barbier-Mueller
Represented by Tara Stevenson

REQUEST:

A request for a special exception to the visual obstruction regulations is made to maintain a number of unspecified plant materials in the 45' visibility triangle where Averill Way intersects with Preston Road on a site developed with a single family use.

(Note that this application is immediately north of a property where the same applicant and owner seeks a similar visual obstruction special exception from the Board of Adjustment Panel A on April 19th: BDA156-034).

STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:

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:

Denial

Rationale:

- The Sustainable Development and Construction Department Project Engineer had recommended that this request be denied commenting "The shrubbery encroaching into the 45' x 45' visibility triangle is detrimental to the safety of the public."
- The applicant had not substantiated how the location of unspecified plant materials in the 45' visibility triangle where Averill Way intersects with Preston Road does not constitute a traffic hazard.

Zoning:

Site: R-1ac (A) (Single family district 1 acre)

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

Land Use:

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

Zoning/BDA History:

- | | |
|---|---|
| 1. BDA156-034, Property at 5942 Averill Way (the property to the south of the subject site) | On April 19, 2016, the Board of Adjustment Panel A will consider a request for a special exception to the visual obstruction made to maintain a number of unspecified plant materials in the 45' visibility triangle where Averill Way intersects with Preston Road on a site developed with a single family use. |
|---|---|

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on a number of unspecified plant materials in the 45' visibility triangle where Averill Way intersects with Preston Road on a site developed with a single family use.
- 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).
- A site plan and an elevation have been submitted indicating what appears to be a number of unspecified plant materials located in the 45' visibility triangle where Averill Way intersects with Preston Road.
- The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Recommends that this be denied" commenting: "The shrubbery encroaching into the 45' x 45' visibility triangle is detrimental to the safety of the public."
- The applicant has the burden of proof in establishing how granting this request for a special exception to the visual obstruction regulations to maintain portions of unspecified plant materials in the 45' visibility triangle at where Averill Way intersects with Preston Road does 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 located in the 45' visibility

triangle where Averill Way intersects with Preston Road to that what is shown on these documents – unspecified plant materials.

Timeline:

February 15, 2016: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

March 15, 2016: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

March 15, 2016: The Board Administrator emailed the applicant the following information:

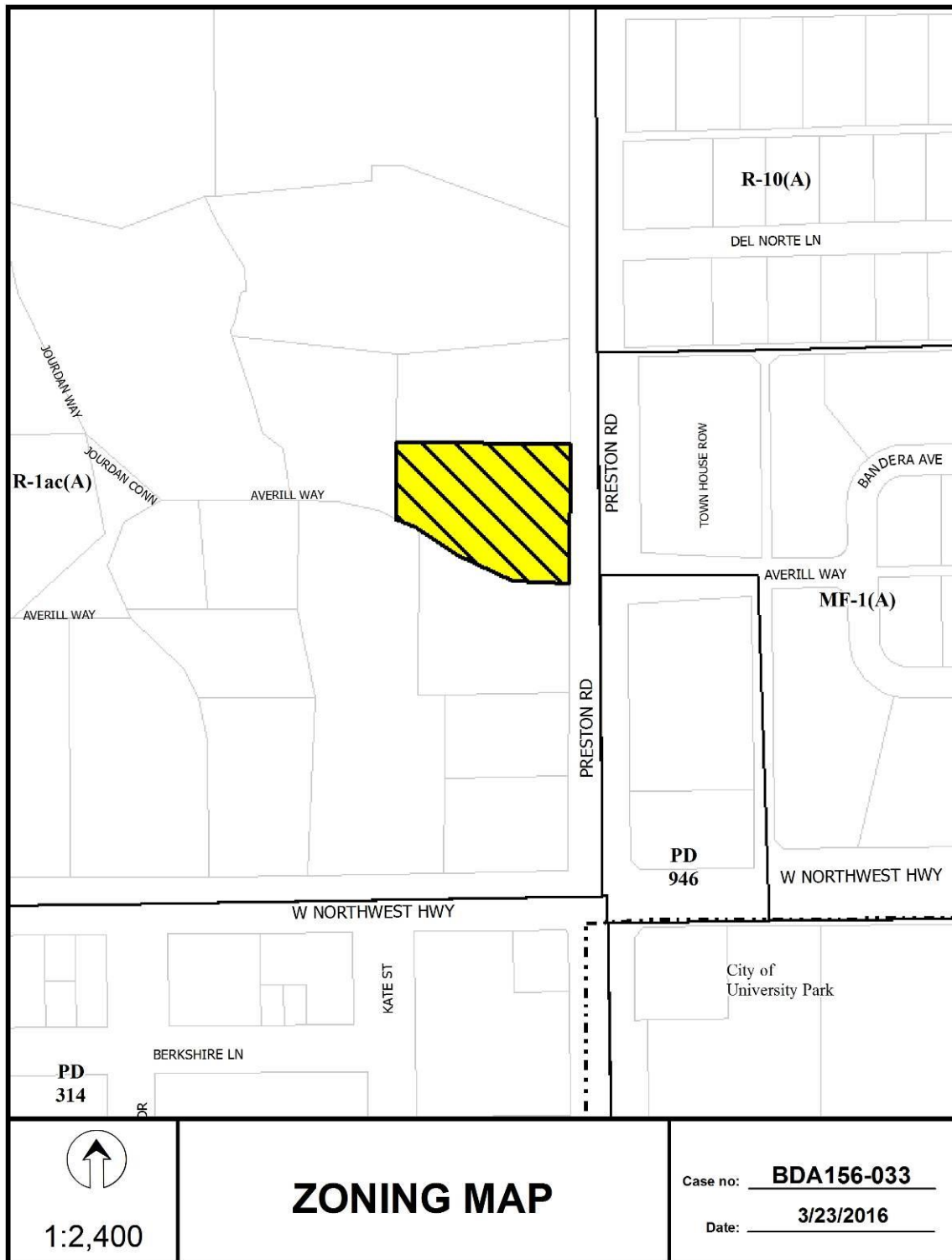
- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the March 30th deadline to submit additional evidence for staff to factor into their analysis; and the April 8th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

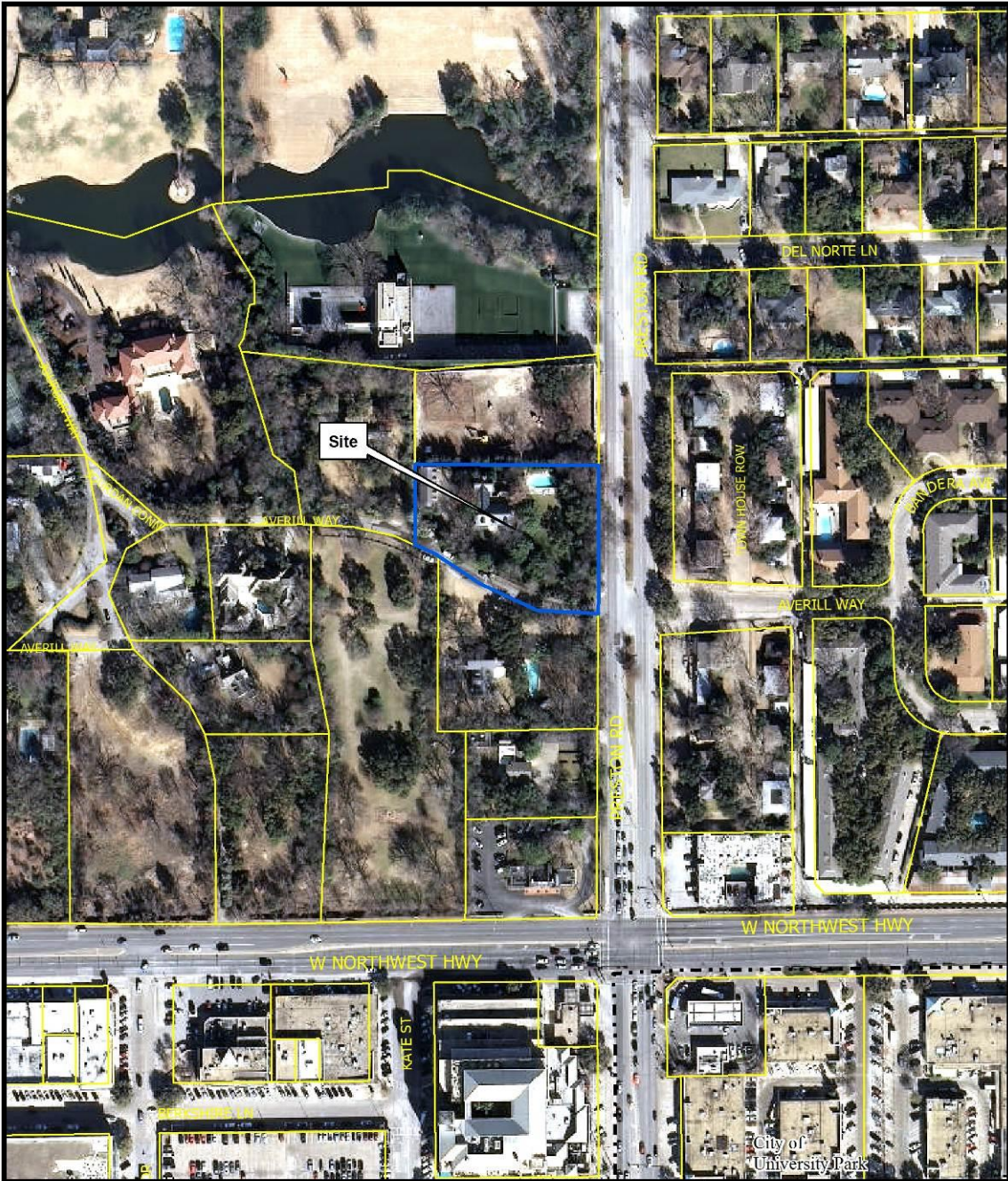
March 28 & 30, 2016: The applicant’s representative submitted additional documentation on this application beyond what was submitted with the original application (see Attachments A and B).

April 5, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for April public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Sustainable Development and Construction Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Sustainable Development and Construction Project Engineers, the City of Dallas Chief Arborist, the Sustainable Development and Construction Board of Adjustment Senior Planner, and the Assistant City Attorneys to the Board.

April 7, 2016: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked “Recommends that this be denied” commenting: “The shrubbery

encroaching into the 45' x 45' visibility triangle is detrimental to the safety of the public.”





1:2,400

AERIAL MAP

Case no: **BDA156-033**

Date: **3/23/2016**

Long, Steve

BDA156-033 & 034

Attach A

Pg 1

From: Tara Stevenson <tstevenson@harwoodinc.com>
Sent: Monday, March 28, 2016 5:49 PM
To: Long, Steve
Cc: Melody Paradise
Subject: RE: Revised - BDA156-033 and 034, Properites at 5941 and 5942 Averill Way
Attachments: Averill Way Estate deed.pdf

Dear Steve,

Please see the attached deed for the Averill Way Estates where Ann and Gabriel's house is located. Ms. Melody Paradise has researched at The City of Dallas – Subdivision Department and confirmed Averill Way to be a private drive designated on subdivision plat/survey. The deed attached is the legal documentation to support. I wanted you to have this document since you're working on the appeal for Ann and Gabriel Barbier-Mueller. As noted in the appeal, they would like for it to be recognized this is **not a public street**. It is a private drive for the land owners. And that is the basis of their argument that they should not be required to remove anything, nor should have been written a ticket since it is not a public road. Please email me with any questions etc. I'm happy to help how I can.

Thank you again for all your time on this project! It's much appreciated.

Kind regards,
Tara

From: Long, Steve [<mailto:steve.long@dallascityhall.com>]
Sent: Friday, March 18, 2016 12:44 PM
To: Tara Stevenson <tstevenson@harwoodinc.com>
Subject: Revised - BDA156-033 and 034, Properites at 5941 and 5942 Averill Way

Dear Ms. Stevenson,

Attached are revised application materials regarding BDA156-033 – revised in that the page that we spoke about yesterday that was missing has been added.

Thank you,

Steve

From: Long, Steve
Sent: Tuesday, March 15, 2016 12:25 PM
To: 'tstevenson@harwoodinc.com'
Cc: Duerksen, Todd; Buehrle, Clayton
Subject: BDA156-033 and 034, Properites at 5941 and 5942 Averill Way

Dear Ms. Stevenson,

Here is information regarding the applications to the board of adjustment referenced above the Pg 2 representing for Ann-Barbier-Mueller:

1. Your application materials - all of which will be emailed to you, city staff, and the board of adjustment members in a docket about a week ahead of your tentatively scheduled April 19th Board of Adjustment Panel A public hearing.
2. The provision from the Dallas Development Code related to the visual obstruction regulations including the standard as to how the board is able to consider/grant a special exception to these regulations (51A-4.602(d)(3)).
3. A document that provides deadlines for submittal of additional information to staff/the board.
4. The board's rule pertaining to documentary evidence.

Please carefully review the attached application materials to make sure they are complete, and within these materials, the Building Official's Report/second page of the application (page 2 of 16 and 2 of 15 in these attached materials). Please contact Todd Duerksen at 214/948-4475 no later than noon, Wednesday, March 30th with regard to any amendment that you feel is necessary to address the issues at hand, specifically if for any reason you feel any statement in his reports is incorrect. (Note that the discovery of any additional appeal needed beyond your requested special exceptions to the visual obstruction regulations will result in postponement of the appeal until the panel's next regularly scheduled public hearing).

Please be advised that you may want to contact Clayton Buehrle, City of Dallas Sustainable Development Department Project Engineer at 214/948-4565 or at clayton.buehrle@dallascityhall.com to determine if there is any additional information that may be needed from you in making a favorable recommendation to the board on these requests.

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

Thank you,

Steve

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

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

BLOCKS NOS. 3619-3620-3621-3622

THE JOHN HOWELL SURVEYS, ACRES NOS. 380-384

VOLUME 1989, PAGE 425
IRA P. DeLOACHE, ET AL
TO: AGREEMENT OF INDICATION FOR THE
USE OF PRIVATE ROADS IN PRESTON DOWNS
STATE OF TEXAS
COUNTY OF DALLAS

WHEREAS, we, the undersigned, are the owners of property located within the boundaries of "Preston Downs", a subdivision, being part of 56 acres of land owned by the undersigned, in the John Howell Survey in Dallas County, Texas, and,

WHEREAS, there are certain streets or private roads open through said property for the use and convenience of owners of all the property in said subdivision known as "JORDAN WAY" and "AVERILL WAY", the property line being the center of said roads or driveways, it being understood by all the owners of property abutting upon said driveways that said driveways are to remain open for the use and convenience of such owners;

NOW, THEREFORE, in consideration of the promises and the further consideration of the benefits derived by us, and to be derived by us, by the keeping of said driveways open for use as such, we, the undersigned, being the owners of all property abutting upon said driveways, located in said subdivision, do hereby covenant and agree that such driveways shall never be closed or obstructed by the undersigned, but shall be kept open for the use of owners of property in said subdivision as driveways and ways of ingress and egress to and from our respective properties, this stipulation to be construed as a covenant running with the land.

Witness our hands this the 21 day of November, AD 1935.

IRA P. DeLOACHE	CORA HOLMES MONROE
I. F. MONROE	EUGENE McDERMOTT
ARTHUR G. SCHOCH	DAN BRANNIN
MARI W. REEVES	W. E. KINGSBURY
FRANKLIN I. BRINER	R. H. TETLEY
MORTON BIGGER	MORTON H. SANDER
R. S. McFARLAND	E. J. SOLOW
MONCK & COZZO	By: J. B. COZZO, Partner
RAYMOND P. LOCKE	DAN BRANNIN
THEODORE COPELAND, JR.	SHERMAN L. BROWN

Acknowledgments taken for Arthur G. Schoch, Eugene McDermott, I. F. Monroe and Cora Holmes Monroe, his wife, Ira P. DeLoache, Dan Brannin, and Mari W. Reeves, November 22, 1935, and for W. E. Kingsbury, Franklin I. Bringer, on the 23 day of November 1935, and for Morton Bigger, on the 3rd day of August, 1936, all by N. G. Fribe, NPDCT
15

Acknowledgment taken for R.H. Tetley, March 14, 1936 by Lanham Croley, NPDCT
15

Acknowledgment taken for R. S. McFarland, October 30, 1936, and E. J. Solow, November 7, 1936, and J. B. Cozzo, and Raymond P. Locke, Dan Brannin, Theodore Copeland, Jr., November 9, 1936, and for S. L. Brown, Jan 13, 1937 by T. B. Timbs, NPDCT
15

Filed for records January 13, 1937
6-21-62
LOT

Long, Steve

From: Tara Stevenson <tstevenson@harwoodinc.com>
Sent: Wednesday, March 30, 2016 1:35 PM
To: Long, Steve; Moorman, Donna; Duerksen, Todd; Buehrle, Clayton; Lam, David; McCullough, Mary
Cc: Melody Paradise
Subject: RE: BDA156-033 and 034, Properites at 5941 and 5942 Averill Way
Attachments: Averill Way and Jourdan Way_Steve Long.pdf

Hello Steve,

One more thing, please include the attached easement document from Republic Title in our report. Thks!

Also, in reading through the application materials and the Building Official's Report, it states that the applicant proposes to construct and maintain an obstruction in a required visibility obstruction triangle... - you mentioned to you and brought it up that we're not constructing anything and it's only landscaping, etc., but could this report be reworded to clarify our request, i.e. that we're not proposing to "construct", only requesting to maintain the landscaping within this area that has existed for decades. Thank you. And please don't hesitate to call me if you any questions.

Kind regards,
Tara

From: Long, Steve [mailto:steve.long@dallascityhall.com]
Sent: Tuesday, March 29, 2016 6:41 AM
To: Moorman, Donna <donna.moorman@dallascityhall.com>; Duerksen, Todd <todd.duerksen@dallascityhall.com>; Buehrle, Clayton <clayton.buehrle@dallascityhall.com>; Lam, David <david.lam@dallascityhall.com>; McCullough, Mary <mary.mccullough@dallascityhall.com>
Cc: Tara Stevenson <tstevenson@harwoodinc.com>
Subject: FW: BDA156-033 and 034, Properites at 5941 and 5942 Averill Way

Attached is additional information from the applicant's representative (Tara Stevenson) regarding the applications referenced above that I have labeled as Attachment A. This information will become part of what is discussed at the April 5th staff review team meeting, and included in the docket that is assembled and emailed to you, the applicant, and the board members the week of April 11th.

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

Thank you,

Steve

From: Tara Stevenson [mailto:tstevenson@harwoodinc.com]
Sent: Monday, March 28, 2016 5:49 PM
To: Long, Steve
Cc: Melody Paradise
Subject: RE: Revised - BDA156-033 and 034, Properites at 5941 and 5942 Averill Way

Dear Steve,

BDA-156-033
034
Attach B
Pg 2

STATE OF TEXAS,
COUNTY OF DALLAS.

BEFORE ME, the undersigned authority, on this day personally appeared Dan Brannin, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL, This 2 day of Nov. A.D. 1936.

L. S. T. B. TIMBES
Notary Public in and for Dallas County, Tex.

STATE OF TEXAS,
COUNTY OF DALLAS.

BEFORE ME, the undersigned authority, on this day personally appeared Theodore Copeland, Jr., known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he signed the same for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL, This 2 day of Nov., A.D. 1936.

L. S. T. B. TIMBES
Notary Public in and for Dallas County, Texas.

STATE OF TEXAS,
COUNTY OF DALLAS.

BEFORE ME, the undersigned authority, on this day personally appeared S. L. Brown, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he signed the same for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL, This 13 day of Jan. A.D. 1937.

L. S. T. B. TIMBES
Notary Public in and for Dallas County, Texas.

FILED FOR RECORD JANUARY 13th A.D. 1937 at 3:30 o'clock P.M. ED. H. STEGER, COUNTY CLERK.

BY: SAM HESBIT, DEPUTY

RECORDED JANUARY 28th A.D. 1937. ED. H. STEGER, COUNTY CLERK. BY *Margaret Fly* Deputy

4809-----\$1.00
THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY |
TO:.....RELEASE |
TERMINAL BUILDING CORPORATION OF DALLAS. |

WHEREAS, Terminal Building Corporation of Dallas, a corporation duly organized and existing under the laws of the State of Texas, heretofore made, executed and delivered to Security Trust Company, of Galveston, Texas, a corporation duly organized and existing under the laws of the State of Texas, as Trustee, a certain trust deed dated March 1st, 1935, securing an issue of One Million Two Hundred and Fifty Thousand Dollars (\$1,250,000) Ten Year Second Mortgage 7 Per Cent Real Estate Gold Bonds, which trust deed is duly recorded in Vol. 615, page 310, et. seq., of the Deed of Trust Records of Dallas County, Texas, to which reference is hereby made, which created a lien upon certain real property and appurtenances thereto situated in the City and County of Dallas, Texas, particularly described in said trust deed; and

WHEREAS, under the provisions of Section 1, of Article XIII of said trust deed,

BDA 156-033
034
A Hach B P 53

423

Purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This 14th day of March, A.D. 1936.

L. S.

LANNAN CROLEY

Notary Public in and for Dallas County, Texas.

STATE OF TEXAS, |
COUNTY OF DALLAS. |

BEFORE ME, R. C. Fribe, a Notary Public in and for Dallas County, Texas, on this day personally appeared Morton Bigger, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This 3rd day of Aug., A.D. 1936.

L. S.

R. C. PRIEB

Notary Public in and for Dallas County, Texas.

THE STATE OF TEXAS, |
COUNTY OF DALLAS. |

BEFORE ME, the undersigned authority, on this day personally appeared R. S. McFarland, known to me to be the person whose name is subscribed on the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This the 30 day of Oct., A.D. 1936.

L. S.

T. B. TIMBES

Notary Public in and for Dallas County, Texas.

THE STATE OF TEXAS, |
COUNTY OF DALLAS |

BEFORE ME, the undersigned authority, on this day personally appeared E. J. Solch, known to me to be the person whose name is subscribed on the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This the 7 day of Nov. A.D. 1936.

L. S.

T. B. TIMBES

Notary Public in and for Dallas County, Texas.

THE STATE OF TEXAS, |
COUNTY OF DALLAS. |

BEFORE ME, the undersigned authority, on this day personally appeared J. E. Coxie, known to me to be the person whose name is subscribed on the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed, and capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This the 9 day of Nov., A.D. 1936.

L. S.

T. B. TIMBES

Notary Public in and for Dallas County, Texas.

THE STATE OF TEXAS, |
COUNTY OF DALLAS |

BEFORE ME, the undersigned authority, on this day personally appeared Raymond P. Locke, known to me to be the person whose name is subscribed on the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This the 9 day of Nov. A.D. 1936.

L. S.

H. B. ROBINS

Notary Public in and for Dallas County, Texas.

BEFORE ME, R. G. Fribe, a Notary Public in and for Dallas County, Texas, on this day personally appeared Dan Brennan, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE This 22nd day of November, A.D. 1935.
L. S. R. G. PRIBE
Notary Public in and for Dallas County, Texas.

STATE OF TEXAS,
COUNTY OF DALLAS.

BEFORE ME, R. G. Fribe, a Notary Public in and for Dallas County, Texas, on this day personally appeared Mart W. Reeves, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This 22nd day of November, A.D. 1935.
L. S. R. G. PRIBE
Notary Public in and for Dallas County, Texas.

STATE OF TEXAS,
COUNTY OF DALLAS.

BEFORE ME, R. G. Fribe, a Notary Public in and for Dallas County, Texas, on this day personally appeared W. E. Kingsbury, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This 23rd day of November, A. D. 1935.
L. S. R. G. PRIBE
Notary Public in and for Dallas County, Texas.

STATE OF TEXAS,
COUNTY OF DALLAS.

BEFORE ME, R. G. Fribe, a Notary Public in and for Dallas County, Texas, on this day personally appeared Franklin I. Brinegar, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This 23rd day of November, A.D. 1935.
L. S. R. G. PRIBE
Notary Public in and for Dallas County, Texas.

STATE OF TEXAS,
COUNTY OF DALLAS.

BEFORE ME, E. M. Tobolowsky, a Notary Public in and for Dallas County, Texas, on this day personally appeared M. E. Banger, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This 3rd day of Aug., A.D. 1936.
L. S. E. M. TOBOLOWSKY
Notary Public in and for Dallas County, Texas.

STATE OF TEXAS,
COUNTY OF DALLAS.

BEFORE ME, Lenas Creley, a Notary Public in and for Dallas County, Texas, on this day personally appeared R. H. Tetley, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the

Attachment 99 S

426

RAYMOND F. LOCKE
DAN BRANNIN
THEODORE COPELAND, JR.
SHERMAN L. BROWN

STATE OF TEXAS,
COUNTY OF DALLAS.

BEFORE ME, R. G. Fribe, a Notary Public in and for Dallas County, Texas, on this day personally appeared Ira P. DeLoeche, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This 22nd day of November, A.D. 1935.
L. S. R. G. FRIBE
Notary Public in and for Dallas County, Texas.

STATE OF TEXAS,
COUNTY OF DALLAS.

BEFORE ME, R. G. Fribe, a Notary Public in and for Dallas County, Texas, on this day personally appeared T. F. Monroe and Core Holmes Monroe, his wife, both known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they each executed the same for the purposes and consideration therein expressed, and the said Core Holmes Monroe, wife of the said T. F. Monroe having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said Core Holmes Monroe acknowledged such instrument to be her act and deed, and she declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This 22nd day of November, A.D. 1935.
L. S. R. G. FRIBE
Notary Public in and for Dallas County, Texas.

STATE OF TEXAS,
COUNTY OF DALLAS.

BEFORE ME, R. G. Fribe, a Notary Public in and for Dallas County, Texas, on this day personally appeared Eugene McDermott, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This 22nd day of November, A.D. 1935.
L. S. R. G. FRIBE
Notary Public in and for Dallas County, Texas.

STATE OF TEXAS,
COUNTY OF DALLAS.

BEFORE ME, R. G. Fribe, a Notary Public in and for Dallas County, Texas, on this day personally appeared Arthur C. Schoch, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This 22nd day of November, A.D. 1935.
L. S. R. G. FRIBE
Notary Public in and for Dallas County, Texas.

STATE OF TEXAS,
COUNTY OF DALLAS.

name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated, and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This 31st day of December, 1936.

L. S.

WILLIE MAE CHENMORE

Notary Public in and for Harris County, Texas.

FILED FOR RECORD JANUARY 13th A.D. 1937 at 2:30 o'clock P.M. ED. H. STEGER, COUNTY CLERK.

BY: A. K. CRAIGETT, DEPUTY

RECORDED JANUARY, 27th A.D. 1937. ED. H. STEGER, COUNTY CLERK. BY

Margaret Fy
Deputy

.....

4862-----32.25

IRA P. DeLOACHÉ ET AL

TO: AGREEMENT OF DEDICATION FOR THE USE OF PRIVATE ROADS IN PRESTON LONNS

WHEREAS, we, the undersigned, are the owners of property located within the boundaries of "Preston Downs", a subdivision, being part of 56 acres of land owned by the undersigned, in the John Howell Survey in Dallas, County, Texas; and

WHEREAS, there are certain streets or private roads opened through said property for the use and convenience of owners of all the property in said subdivision known as "Jourdan Way" and "Faverill Way", the property line being the center of said roads or driveways, it being understood by all the owners of property abutting upon said driveways that said driveways are to remain open for the use and convenience of such owners;

NOW, THEREFORE, in consideration of the premises and the further consideration of the benefits derived by us, and to be derived by us, by the keeping of said driveways open for use as such, we, the undersigned, being the owners of all property abutting upon said driveways, located in said subdivision, do hereby covenant and agree that such driveways shall never be closed or obstructed by the undersigned, but shall be kept open for the use of owners of property in said subdivision as driveways and ways of ingress and egress to and from our respective properties, this stipulation to be construed as a covenant running with the land.

WITNESS OUR HANDS, This the 31st day of November, A.D. 1936.

IRA P. DeLOACHÉ

CORA SULMIS MONROE

T. F. MONROE

EUGENE MADERGATT

ARTHUR G. SCHUCH

DAN BRANNIN

MART W. REEVES

W. E. KINGSBURY

FRANKLIN I. BRINDEGAR

H. H. TITLEY

MORTON BIGGER

MORTON H. LANGER

H. J. McFARLAND

E. J. SCLON

WOLACK & COZZO

BY: J. B. COZZO, Partner



A

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-033

Data Relative to Subject Property:

Date: 2/15/16

Location address: 5941 Averill Way Zoning District: R-1ac(A)

Lot No.: 1 Block No.: 5619 Acreage: 1.2389 Census Tract: 206.00

Street Frontage (in Feet): 1) _____ 2) _____ 3) _____ 4) _____ 5) _____ NE2S

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): ~~Ann Barbier-Mueller~~ J. Gabriel Barbier-Mueller

Applicant: Ann Barbier-Mueller Telephone: 214-363-4164

Mailing Address: 5941 Averill Way, Dallas TX Zip Code: 75225

E-mail Address: abm@harwoodinc.com

Represented by: Tara Stevenson Telephone: 469-662-3548

Mailing Address: 2501 N. Hamwood St., #1400 Zip Code: 75201

E-mail Address: tstevenson@harwoodinc.com

Affirm that an appeal has been made for a Variance , or Special Exception , of visibility triangle obstruction at street intersection

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: We are proposing to provide a 20ft. visibility triangle street intersection at Averill Way & Preston Rd, but it functions as a private drive, not a public street. Driveways & Allen intersections are only required to provide a 20ft. visibility triangle, not the standard 45ft. visibility triangle. The intersection at Averill Way & Preston Rd is a private drive, & since it functions as a private drive, not a public street to only be homeowners on limited basis, it should require
Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a 20ft. visibility triangle 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.

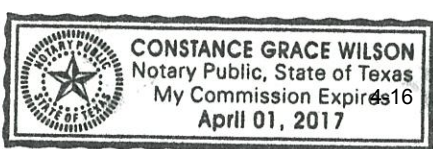
Affidavit

Before me the undersigned on this day personally appeared Ann Barbier-Mueller
(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: Ann Barbier Mueller
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 15th day of February, 2016



Constance Wilson
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

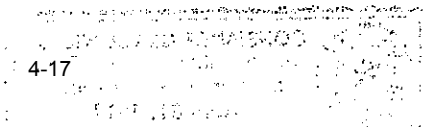
Building Official's Report

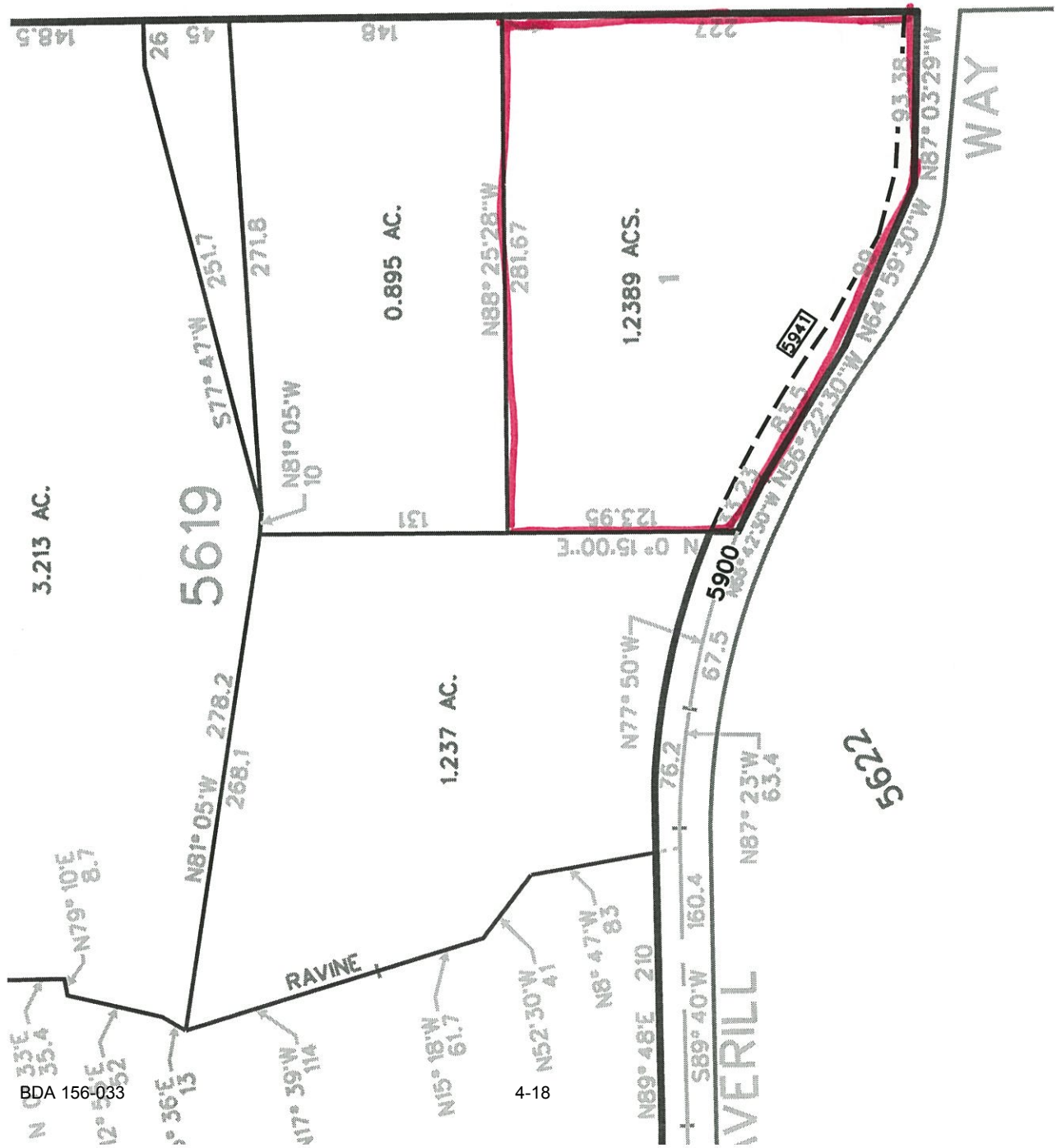
I hereby certify that Ann Barbier-Mueller
 represented by Tara Stevenson
 did submit a request for a special exception to the visibility obstruction regulations
 at 5941 Averill Way

BDA156-033. Application of Ann Barbier-Mueller represented by Tara Stevenson for a special exception to the visibility obstruction regulations at 5941 Averill Way. This property is more fully described as Lot 1, Block 5619, and is zoned R-1ac(A), which requires a 45 foot visibility triangle at street intersections. The applicant proposes to construct and maintain an obstruction in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation.

Sincerely,

Philip Sikes
 Philip Sikes, Building Official





BDA 156-033

4-18

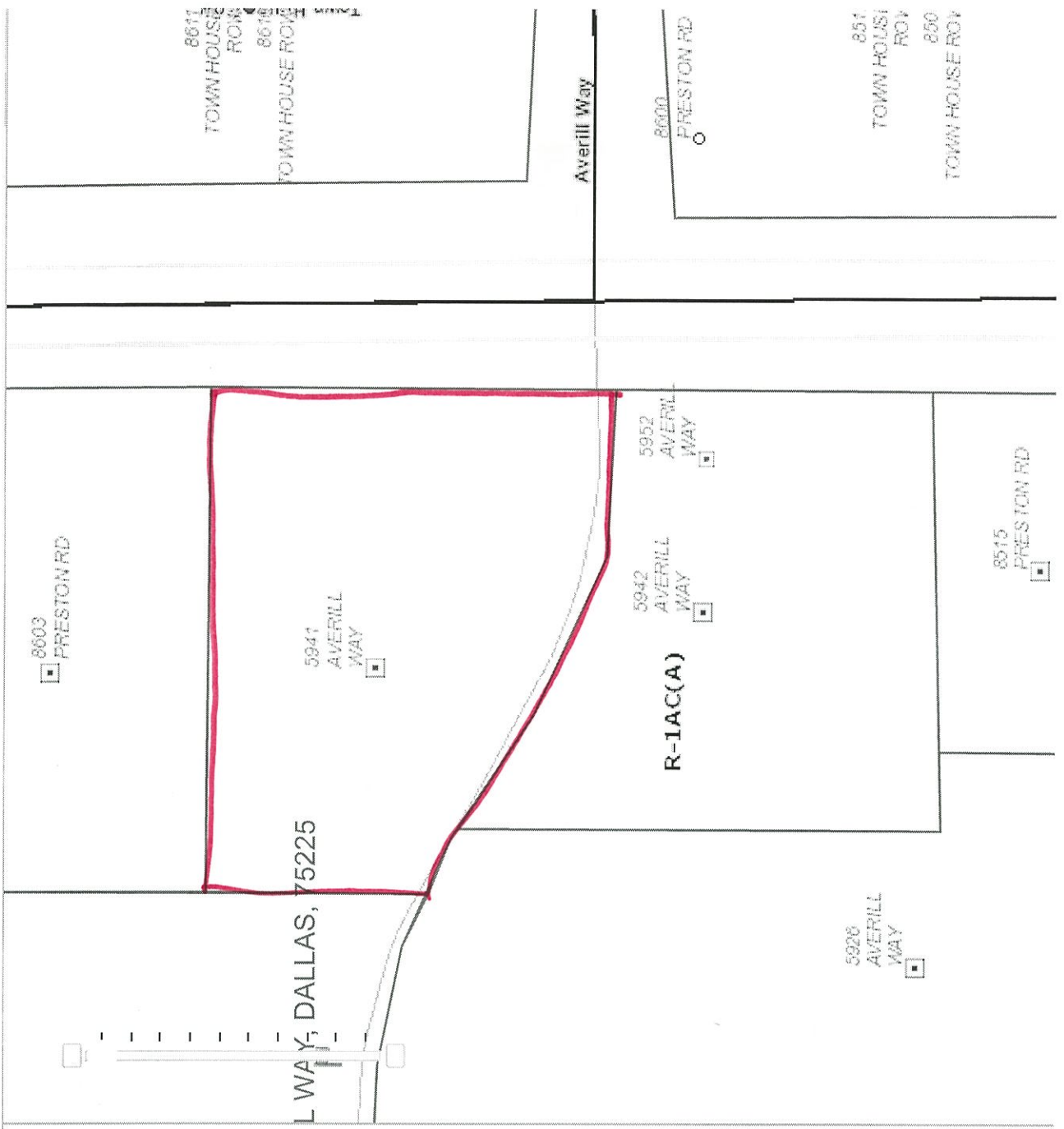
TS

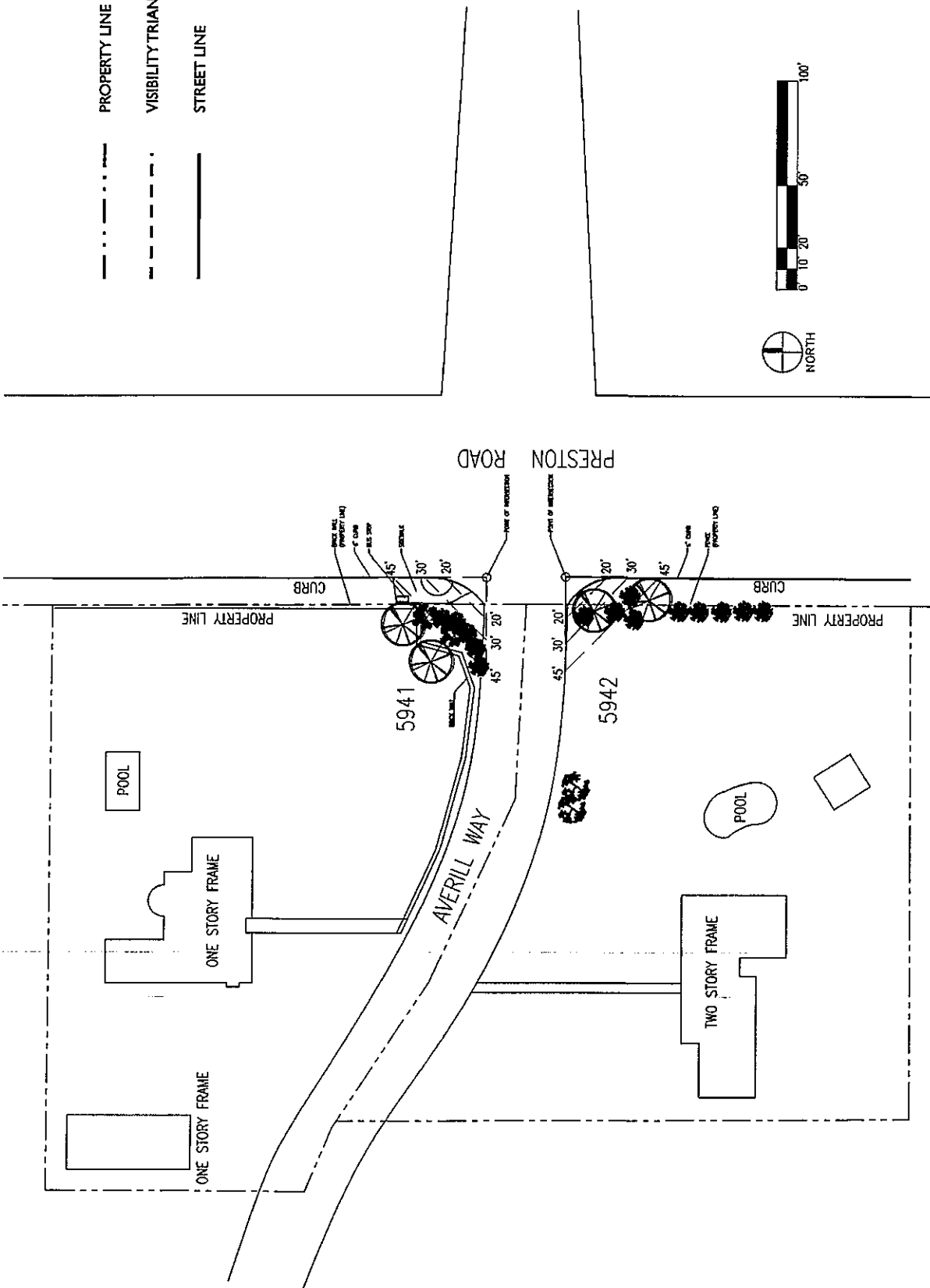
City of Dallas

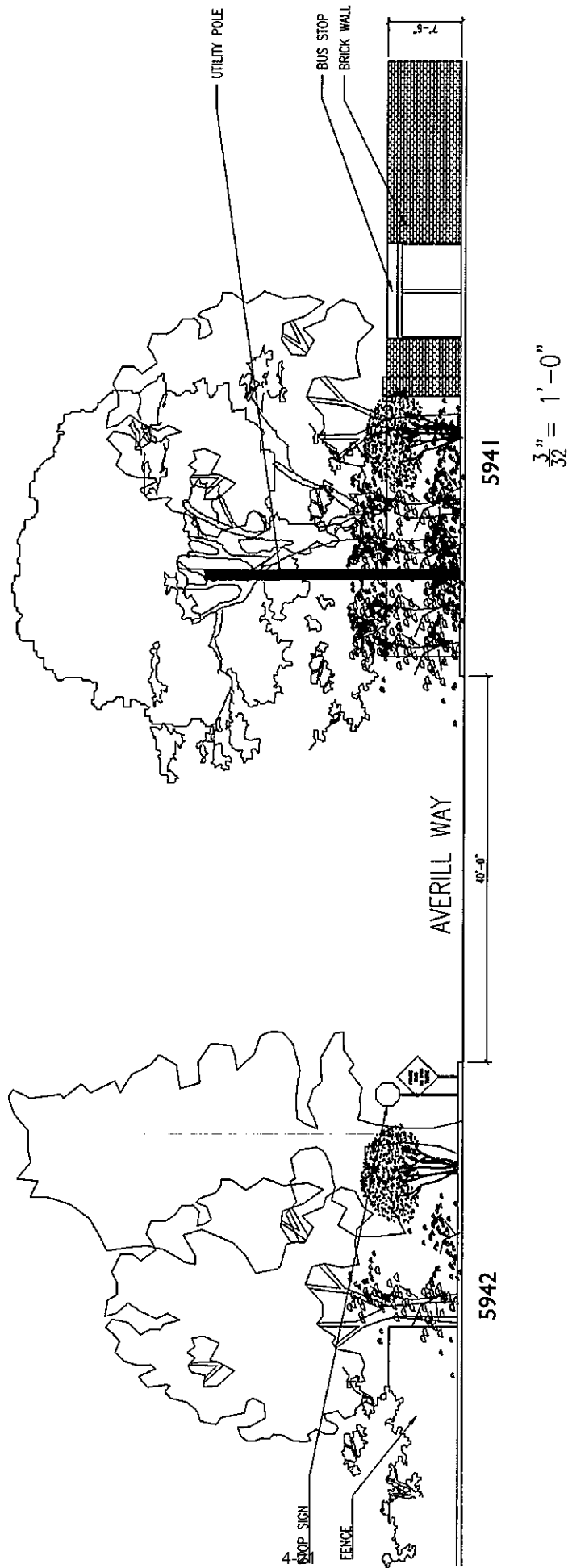
Internal Development Research Site

Legend

Locate Property

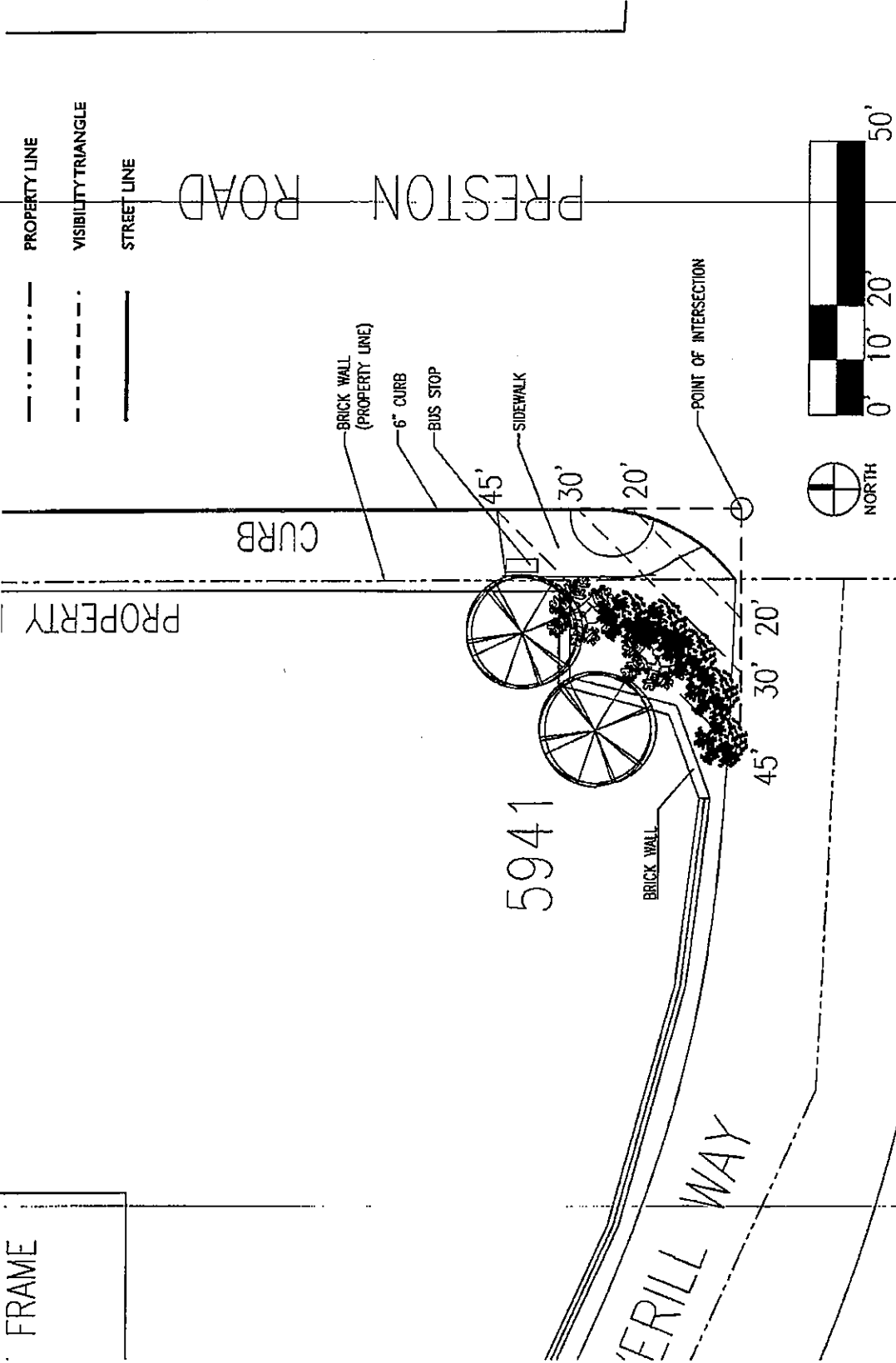




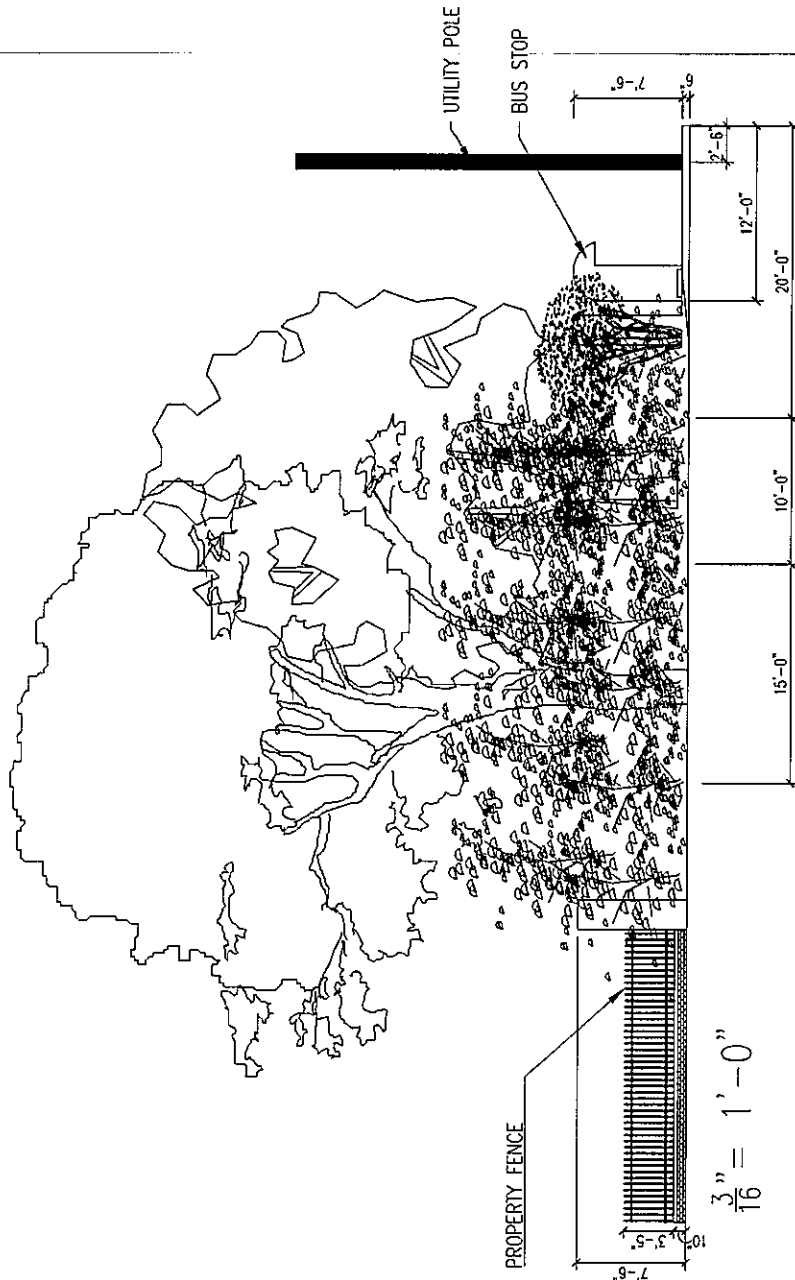


FULL STREET ELEVATION LOOKING WEST FROM PRESTON, TOWARD AVERILL WAY

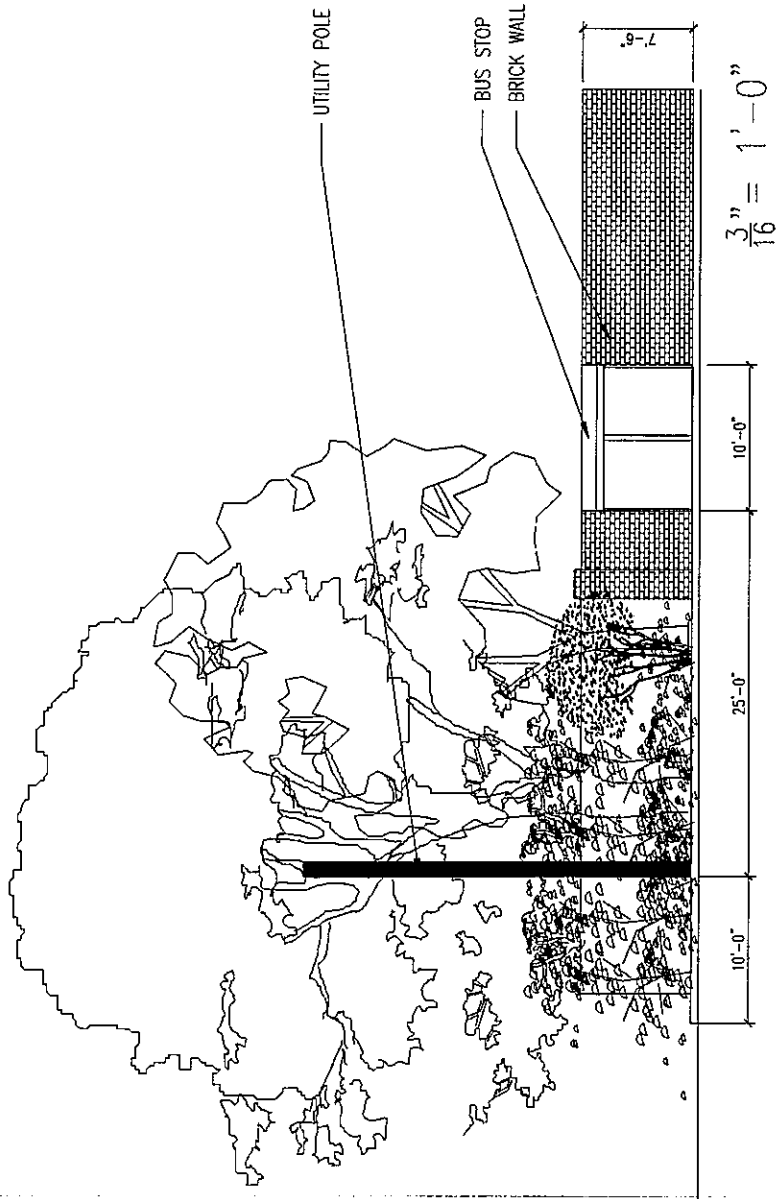
FRAME



SITE PLAN - ENLARGED



ENLARGED ELEVATION – LOOKING NORTH FROM AVERALL WAY, DOWN PRESTON



ENLARGED ELEVATION – LOOKING WEST FROM AVERILL WAY, DOWN PRESTON ROAD

EVERILL WAY | JANUARY 2016



45' VISIBILITY



30' VISIBILITY

AVERRILL WAY | JANUARY 2016



20' VISIBILITY



5491 PROPERTY

AVERILL WAY | JANUARY 2016



VIEW FROM PRESTON

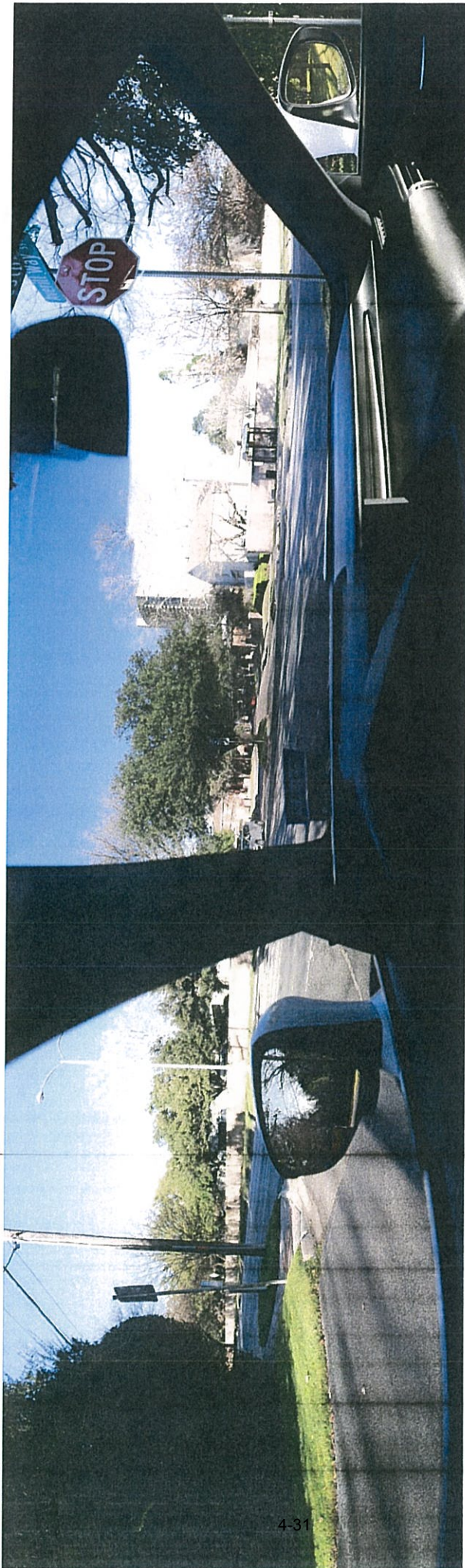
AVERILL WAY | JANUARY 2016

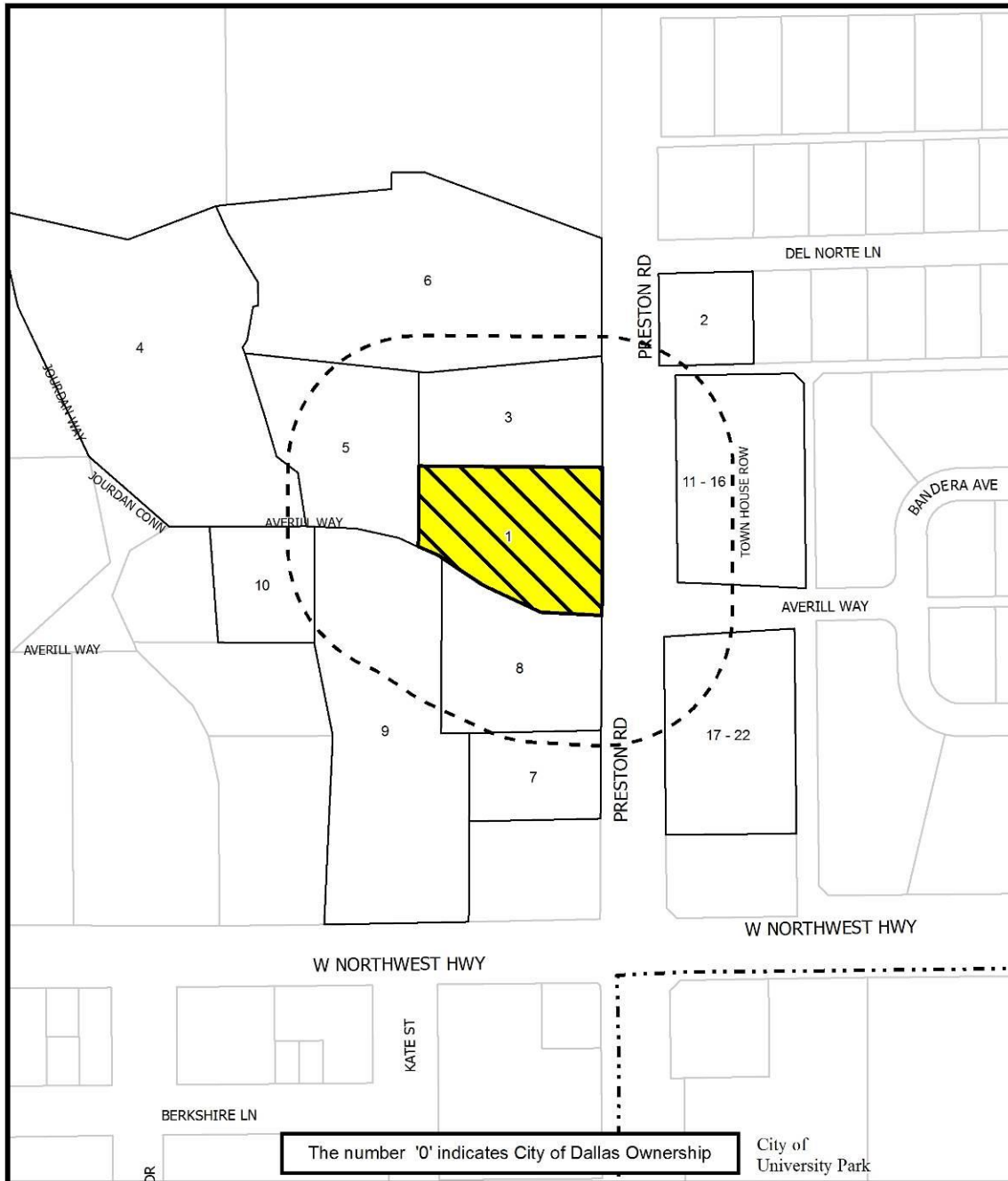


5491 PROPERTY FROM AVERILL WAY



5491 PROPERTY FROM PRESTON





 1:2,400	NOTIFICATION		Case no: BDA156-033
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">22</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 3/23/2016	

Notification List of Property Owners

BDA156-033

22 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5941 AVERILL WAY	BARBIERMULLER J GABRIEL &
2	6008 DEL NORTE LN	PARKS JAMES B III &
3	8603 PRESTON RD	MUELLER MARY ANN SMITH B
4	8602 JOURDAN WAY	BRINKMANN LAKEVIEW
5	5923 AVERILL WAY	BRINKMANN LAKEVIEW
6	8605 PRESTON RD	RACHOFSKY HOWARD EARL
7	8515 PRESTON RD	EBBY HALLIDAY PPTIES INC
8	5942 AVERILL WAY	BARBIER-MUELLER J GABRIEL & MARY ANN SMITH
9	5926 AVERILL WAY	CUBAN MARK
10	5912 AVERILL WAY	BRINKMANN J BAXTER
11	8603 TOWN HOUSE ROW	SHIVER ELAINE F
12	8606 TOWN HOUSE ROW	BOX WILLIAM G & LESLIE G
13	8607 TOWN HOUSE ROW	PUCKETT LAWRENCE V &
14	8610 TOWN HOUSE ROW	RIGAS KELLY &
15	8611 TOWN HOUSE ROW	SMITH PAMELA
16	8614 TOWN HOUSE ROW	TAYLOR STERLING BURKS TR
17	8504 TOWN HOUSE ROW	BRADFORD BRENDA R
18	8505 TOWN HOUSE ROW	COX FRANCES Y
19	8508 TOWN HOUSE ROW	LUBBOCK NATIONAL BANK CUSTODIAN FOR
20	8509 TOWN HOUSE ROW	PRICE SAMUEL H &
21	8512 TOWN HOUSE ROW	BRADY JOHN L JR
22	8515 TOWN HOUSE ROW	HALE PATRICK R & NANCY H

FILE NUMBER: BDA156-034(SL)

BUILDING OFFICIAL'S REPORT: Application of Ann Barbier-Mueller, represented by Tara Stevenson, for a special exception to the visual obstruction regulations at 5942 Averill Way. This property is more fully described as a 1.077 acre parcel in Block 5622, and is zoned R-1ac(A), which requires a 45 foot visibility triangle at street intersections. The applicant proposes to locate and maintain items in a required visibility triangle, which will require a special exception to the visual obstruction regulations.

LOCATION: 5942 Averill Way

APPLICANT: Ann Barbier-Mueller
Represented by Tara Stevenson

REQUEST:

A request for a special exception to the visual obstruction regulations is made to maintain a number of unspecified plant materials in the 45' visibility triangle where Averill Way intersects with Preston Road on a site developed with a single family use.

(Note that this application is immediately south of a property where the same applicant and owner seeks a similar visual obstruction special exception from the Board of Adjustment Panel A on April 19th: BDA156-033).

STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:

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:

Denial

Rationale:

- The Sustainable Development and Construction Department Project Engineer had recommended that this request be denied commenting "The shrubbery encroaching into the 45' x 45' visibility triangle is detrimental to the safety of the public."
- The applicant had not substantiated how the location of unspecified plant materials in the 45' visibility triangle where Averill Way intersects with Preston Road does not constitute a traffic hazard.

Zoning:

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

Land Use:

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

Zoning/BDA History:

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. BDA156-033, Property at 5941 Averill Way (the property to the north of the subject site) | <p>On April 19, 2016, the Board of Adjustment Panel A will consider a request for a special exception to the visual obstruction made to maintain a number of unspecified plant materials in the 45’ visibility triangle where Averill Way intersects with Preston Road on a site developed with a single family use.</p> |
|---|--|

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on a number of unspecified plant materials in the 45’ visibility triangle where Averill Way intersects with Preston Road on a site developed with a single family use.
- 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).
- A site plan and an elevation have been submitted indicating what appears to be a number of unspecified plant materials located in the 45’ visibility triangle where Averill Way intersects with Preston Road.
- The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked “Recommends that this be denied” commenting: “The shrubbery encroaching into the 45’ x 45’ visibility triangle is detrimental to the safety of the public.”
- The applicant has the burden of proof in establishing how granting this request for a special exception to the visual obstruction regulations to maintain portions of

unspecified plant materials in the 45' visibility triangle where Averill Way intersects with Preston Road does 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 located in the 45' visibility triangle where Averill Way intersects with Preston Road to that what is shown on these documents – unspecified plant materials.

Timeline:

February 15, 2016: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

March 15, 2016: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

March 15, 2016: 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 30th deadline to submit additional evidence for staff to factor into their analysis; and the April 8th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

March 28 & 30, 2016: The applicant’s representative submitted additional documentation on this application beyond what was submitted with the original application (see Attachments A and B).

April 5, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for April public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Sustainable Development and Construction Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Sustainable Development and Construction Project Engineers, the City of Dallas Chief Arborist, the Sustainable Development and Construction Board of Adjustment Senior Planner, and the Assistant City Attorneys to the Board.

April 7, 2016: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Recommends that this be denied" commenting: "The shrubbery encroaching into the 45' x 45' visibility triangle is detrimental to the safety of the public."

Long, Steve

BDA156-033 & 034

Attach A

Pg 1

From: Tara Stevenson <tstevenson@harwoodinc.com>
Sent: Monday, March 28, 2016 5:49 PM
To: Long, Steve
Cc: Melody Paradise
Subject: RE: Revised - BDA156-033 and 034, Properites at 5941 and 5942 Averill Way
Attachments: Averill Way Estate deed.pdf

Dear Steve,

Please see the attached deed for the Averill Way Estates where Ann and Gabriel's house is located. Ms. Melody Paradise has researched at The City of Dallas – Subdivision Department and confirmed Averill Way to be a private drive designated on subdivision plat/survey. The deed attached is the legal documentation to support. I wanted you to have this document since you're working on the appeal for Ann and Gabriel Barbier-Mueller. As noted in the appeal, they would like for it to be recognized this is **not a public street**. It is a private drive for the land owners. And that is the basis of their argument that they should not be required to remove anything, nor should have been written a ticket since it is not a public road. Please email me with any questions etc. I'm happy to help how I can.

Thank you again for all your time on this project! It's much appreciated.

Kind regards,
Tara

From: Long, Steve [<mailto:steve.long@dallascityhall.com>]
Sent: Friday, March 18, 2016 12:44 PM
To: Tara Stevenson <tstevenson@harwoodinc.com>
Subject: Revised - BDA156-033 and 034, Properites at 5941 and 5942 Averill Way

Dear Ms. Stevenson,

Attached are revised application materials regarding BDA156-033 – revised in that the page that we spoke about yesterday that was missing has been added.

Thank you,

Steve

From: Long, Steve
Sent: Tuesday, March 15, 2016 12:25 PM
To: 'tstevenson@harwoodinc.com'
Cc: Duerksen, Todd; Buehrle, Clayton
Subject: BDA156-033 and 034, Properites at 5941 and 5942 Averill Way

Dear Ms. Stevenson,

Here is information regarding the applications to the board of adjustment referenced above the Pg 2 representing for Ann-Barbier-Mueller:

1. Your application materials - all of which will be emailed to you, city staff, and the board of adjustment members in a docket about a week ahead of your tentatively scheduled April 19th Board of Adjustment Panel A public hearing.
2. The provision from the Dallas Development Code related to the visual obstruction regulations including the standard as to how the board is able to consider/grant a special exception to these regulations (51A-4.602(d)(3)).
3. A document that provides deadlines for submittal of additional information to staff/the board.
4. The board's rule pertaining to documentary evidence.

Please carefully review the attached application materials to make sure they are complete, and within these materials, the Building Official's Report/second page of the application (page 2 of 16 and 2 of 15 in these attached materials). Please contact Todd Duerksen at 214/948-4475 no later than noon, Wednesday, March 30th with regard to any amendment that you feel is necessary to address the issues at hand, specifically if for any reason you feel any statement in his reports is incorrect. (Note that the discovery of any additional appeal needed beyond your requested special exceptions to the visual obstruction regulations will result in postponement of the appeal until the panel's next regularly scheduled public hearing).

Please be advised that you may want to contact Clayton Buehrle, City of Dallas Sustainable Development Department Project Engineer at 214/948-4565 or at clayton.buehrle@dallascityhall.com to determine if there is any additional information that may be needed from you in making a favorable recommendation to the board on these requests.

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

Thank you,

Steve

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

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

BLOCKS NOS. 3619-3620-3621-3622

THE JOHN HOWELL SURVEYS, ACRES NOS. 380-384

VOLUME 1989, PAGE 425
IRA P. DeLOACHE, ET AL
TO: AGREEMENT OF INDICATION FOR THE
USE OF PRIVATE ROADS IN PRESTON DOWNES
STATE OF TEXAS
COUNTY OF DALLAS

WHEREAS, we, the undersigned, are the owners of property located within the boundaries of "Preston Downes", a subdivision, being part of 56 acres of land owned by the undersigned, in the John Howell Survey in Dallas County, Texas, and,

WHEREAS, there are certain streets or private roads open through said property for the use and convenience of owners of all the property in said subdivision known as "JORDAN WAY" and "AVERILL WAY", the property line being the center of said roads or driveways, it being understood by all the owners of property abutting upon said driveways that said driveways are to remain open for the use and convenience of such owners;

NOW, THEREFORE, in consideration of the premises and the further consideration of the benefits derived by us, and to be derived by us, by the keeping of said driveways open for use as such, we, the undersigned, being the owners of all property abutting upon said driveways, located in said subdivision, do hereby covenant and agree that such driveways shall never be closed or obstructed by the undersigned, but shall be kept open for the use of owners of property in said subdivision as driveways and ways of ingress and egress to and from our respective properties, this stipulation to be construed as a covenant running with the land.

Witness our hands this the 21 day of November, AD 1935.

IRA P. DeLOACHE	CORA HOLMES MONROE
I. F. MONROE	EUGENE McDERMOTT
ARTHUR G. SCHOCH	DAN BRANNIN
MARI W. REEVES	W. E. KINGSBURY
FRANKLIN I. BRINEGAR	R. H. TETLEY
MORTON BIGGER	MORTON H. SANDER
R. S. McFARLAND	E. J. SOLOW
MONCK & COZZO	By: J. B. COZZO, Partner
RAYMOND P. LOCKE	DAN BRANNIN
THEODORE COPELAND, JR.	SHERMAN L. BROWN

Acknowledgments taken for Arthur G. Schoch, Eugene McDermott, I. F. Monroe and Cora Holmes Monroe, his wife, Ira P. DeLoache, Dan Brannin, and Mari W. Reeves, November 22, 1935, and for W. E. Kingsbury, Franklin I. Brinegar, on the 23 day of November 1935, and for Morton Bigger, on the 3rd day of August, 1936, all by N. G. Fribe, NPDCT
15

Acknowledgment taken for R.H. Tetley, March 14, 1936 by Lanham Croley, NPDCT
15

Acknowledgment taken for R. S. McFarland, October 30, 1936, and E. J. Solow, November 7, 1936, and J. B. Cozzo, and Raymond P. Locke, Dan Brannin, Theodore Copeland, Jr., November 9, 1936, and for S. L. Brown, Jan 13, 1937 by T. B. Timbs, NPDCT
15

Filed for records January 13, 1937
6-21-62
LOT

Long, Steve

From: Tara Stevenson <tstevenson@harwoodinc.com>
Sent: Wednesday, March 30, 2016 1:35 PM
To: Long, Steve; Moorman, Donna; Duerksen, Todd; Buehrle, Clayton; Lam, David; McCullough, Mary
Cc: Melody Paradise
Subject: RE: BDA156-033 and 034, Properites at 5941 and 5942 Averill Way
Attachments: Averill Way and Jourdan Way_Steve Long.pdf

Hello Steve,

One more thing, please include the attached easement document from Republic Title in our report. Thks!

Also, in reading through the application materials and the Building Official's Report, it states that the applicant proposes to construct and maintain an obstruction in a required visibility obstruction triangle... - you mentioned to you and brought it up that we're not constructing anything and it's only landscaping, etc., but could this report be reworded to clarify our request, i.e. that we're not proposing to "construct", only requesting to maintain the landscaping within this area that has existed for decades. Thank you. And please don't hesitate to call me if you any questions.

Kind regards,
Tara

From: Long, Steve [mailto:steve.long@dallascityhall.com]
Sent: Tuesday, March 29, 2016 6:41 AM
To: Moorman, Donna <donna.moorman@dallascityhall.com>; Duerksen, Todd <todd.duerksen@dallascityhall.com>; Buehrle, Clayton <clayton.buehrle@dallascityhall.com>; Lam, David <david.lam@dallascityhall.com>; McCullough, Mary <mary.mccullough@dallascityhall.com>
Cc: Tara Stevenson <tstevenson@harwoodinc.com>
Subject: FW: BDA156-033 and 034, Properites at 5941 and 5942 Averill Way

Attached is additional information from the applicant's representative (Tara Stevenson) regarding the applications referenced above that I have labeled as Attachment A. This information will become part of what is discussed at the April 5th staff review team meeting, and included in the docket that is assembled and emailed to you, the applicant, and the board members the week of April 11th.

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

Thank you,

Steve

From: Tara Stevenson [mailto:tstevenson@harwoodinc.com]
Sent: Monday, March 28, 2016 5:49 PM
To: Long, Steve
Cc: Melody Paradise
Subject: RE: Revised - BDA156-033 and 034, Properites at 5941 and 5942 Averill Way

Dear Steve,

BDA-156-033
034
Attach B
Pg 2

STATE OF TEXAS,
COUNTY OF DALLAS.

BEFORE ME, the undersigned authority, on this day personally appeared Dan Brannin, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL, This 2 day of Nov. A.D. 1936.

L. S. T. B. TIMBES
Notary Public in and for Dallas County, Tex.

STATE OF TEXAS,
COUNTY OF DALLAS.

BEFORE ME, the undersigned authority, on this day personally appeared Theodore Copeland, Jr., known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he signed the same for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL, This 2 day of Nov., A.D. 1936.

L. S. T. B. TIMBES
Notary Public in and for Dallas County, Texas.

STATE OF TEXAS,
COUNTY OF DALLAS.

BEFORE ME, the undersigned authority, on this day personally appeared S. L. Brown, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he signed the same for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL, This 13 day of Jan. A.D. 1937.

L. S. T. B. TIMBES
Notary Public in and for Dallas County, Texas.

FILED FOR RECORD JANUARY 13th A.D. 1937 at 3:30 o'clock P.M. ED. H. STEGER, COUNTY CLERK.

BY: SAM HESBIT, DEPUTY
RECORDED JANUARY 20th A.D. 1937. ED. H. STEGER, COUNTY CLERK. BY *Margaret Fly*
Deputy

\$1.00
THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY |
TO:.....RELEASE |
TERMINAL BUILDING CORPORATION OF DALLAS. |

WHEREAS, Terminal Building Corporation of Dallas, a corporation duly organized and existing under the laws of the State of Texas, heretofore made, executed and delivered to Security Trust Company, of Galveston, Texas, a corporation duly organized and existing under the laws of the State of Texas, as Trustee, a certain trust deed dated March 1st, 1935, securing an issue of One Million Two Hundred and Fifty Thousand Dollars (\$1,250,000) Ten Year Second Mortgage 7 Per Cent Real Estate Gold Bonds, which trust deed is duly recorded in Vol. 615, page 310, et. seq., of the Deed of Trust Records of Dallas County, Texas, to which reference is hereby made, which created a lien upon certain real property and appurtenances thereto situated in the City and County of Dallas, Texas, particularly described in said trust deed; and

WHEREAS, under the provisions of Section 1, of Article XIII of said trust deed,

BDA 156-033
034
A Hach B P 53

423

Purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This 14th day of March, A.D. 1936.

L. S.

LANNAN CROLEY

Notary Public in and for Dallas County, Texas.

STATE OF TEXAS, |
COUNTY OF DALLAS. |

BEFORE ME, R. C. Fribe, a Notary Public in and for Dallas County, Texas, on this day personally appeared Morton Bigger, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This 3rd day of Aug., A.D. 1936.

L. S.

R. C. PRIEBE

Notary Public in and for Dallas County, Texas.

THE STATE OF TEXAS, |
COUNTY OF DALLAS. |

BEFORE ME, the undersigned authority, on this day personally appeared R. S. McFarland, known to me to be the person whose name is subscribed on the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This the 30 day of Oct., A.D. 1936.

L. S.

T. B. TIMBES

Notary Public in and for Dallas County, Texas.

THE STATE OF TEXAS, |
COUNTY OF DALLAS |

BEFORE ME, the undersigned authority, on this day personally appeared E. J. Solch, known to me to be the person whose name is subscribed on the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This the 7 day of Nov. A.D. 1936.

L. S.

T. B. TIMBES

Notary Public in and for Dallas County, Texas.

THE STATE OF TEXAS, |
COUNTY OF DALLAS. |

BEFORE ME, the undersigned authority, on this day personally appeared J. E. Coxie, known to me to be the person whose name is subscribed on the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed, and capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This the 9 day of Nov., A.D. 1936.

L. S.

T. B. TIMBES

Notary Public in and for Dallas County, Texas.

THE STATE OF TEXAS, |
COUNTY OF DALLAS |

BEFORE ME, the undersigned authority, on this day personally appeared Raymond P. Locke, known to me to be the person whose name is subscribed on the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This the 9 day of Nov. A.D. 1936.

L. S.

H. B. ROBINS

Notary Public in and for Dallas County, Texas.

BEFORE ME, R. G. Fribe, a Notary Public in and for Dallas County, Texas, on this day personally appeared Dan Brennan, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE This 22nd day of November, A.D. 1935.
L. S. R. G. PRIBE
Notary Public in and for Dallas County, Texas.

STATE OF TEXAS,
COUNTY OF DALLAS.

BEFORE ME, R. G. Fribe, a Notary Public in and for Dallas County, Texas, on this day personally appeared Mart W. Reeves, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This 22nd day of November, A.D. 1935.
L. S. R. G. PRIBE
Notary Public in and for Dallas County, Texas.

STATE OF TEXAS,
COUNTY OF DALLAS.

BEFORE ME, R. G. Fribe, a Notary Public in and for Dallas County, Texas, on this day personally appeared W. E. Kingsbury, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This 23rd day of November, A. D. 1935.
L. S. R. G. PRIBE
Notary Public in and for Dallas County, Texas.

STATE OF TEXAS,
COUNTY OF DALLAS.

BEFORE ME, R. G. Fribe, a Notary Public in and for Dallas County, Texas, on this day personally appeared Franklin I. Brinegar, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This 23rd day of November, A.D. 1935.
L. S. R. G. PRIBE
Notary Public in and for Dallas County, Texas.

STATE OF TEXAS,
COUNTY OF DALLAS.

BEFORE ME, E. M. Tobolowsky, a Notary Public in and for Dallas County, Texas, on this day personally appeared M. E. Banger, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This 3rd day of Aug., A.D. 1936.
L. S. E. M. TOBOLOWSKY
Notary Public in and for Dallas County, Texas.

STATE OF TEXAS,
COUNTY OF DALLAS.

BEFORE ME, Lenbas Creley, a Notary Public in and for Dallas County, Texas, on this day personally appeared R. H. Tetley, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the

Attachment 99 S

426

RAYMOND F. LOCKE
DAN BRANNIN
THEODORE COPELAND, JR.
SHERMAN L. BROWN

STATE OF TEXAS,
COUNTY OF DALLAS.

BEFORE ME, R. G. Fribe, a Notary Public in and for Dallas County, Texas, on this day personally appeared Ira P. DeLoeche, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This 22nd day of November, A.D. 1935.
L. S. R. G. FRIBE
Notary Public in and for Dallas County, Texas.

STATE OF TEXAS,
COUNTY OF DALLAS.

BEFORE ME, R. G. Fribe, a Notary Public in and for Dallas County, Texas, on this day personally appeared T. F. Monroe and Core Holmes Monroe, his wife, both known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they each executed the same for the purposes and consideration therein expressed, and the said Core Holmes Monroe, wife of the said T. F. Monroe having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said Core Holmes Monroe acknowledged such instrument to be her act and deed, and she declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This 22nd day of November, A.D. 1935.
L. S. R. G. FRIBE
Notary Public in and for Dallas County, Texas.

STATE OF TEXAS,
COUNTY OF DALLAS.

BEFORE ME, R. G. Fribe, a Notary Public in and for Dallas County, Texas, on this day personally appeared Eugene McDermott, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This 22nd day of November, A.D. 1935.
L. S. R. G. FRIBE
Notary Public in and for Dallas County, Texas.

STATE OF TEXAS,
COUNTY OF DALLAS.

BEFORE ME, R. G. Fribe, a Notary Public in and for Dallas County, Texas, on this day personally appeared Arthur C. Schoch, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This 22nd day of November, A.D. 1935.
L. S. R. G. FRIBE
Notary Public in and for Dallas County, Texas.

STATE OF TEXAS,
COUNTY OF DALLAS.

name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated, and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This 31st day of December, 1936.

L. S.

WILLIE MAE CHENKMORE

Notary Public in and for Harris County, Texas.

FILED FOR RECORD JANUARY 13th A.D. 1937 at 2:30 o'clock P.M. ED. H. STEGER, COUNTY CLERK.

BY: A. K. CRAIGETT, DEPUTY

RECORDED JANUARY, 27th A.D. 1937. ED. H. STEGER, COUNTY CLERK. BY *Margaret Fy*

Deputy

.....

4862-----32.25

IRA P. DeLOACHÉ ET AL

TO: AGREEMENT OF DEDICATION FOR THE USE OF PRIVATE ROADS IN PRESTON LONNS

WHEREAS, we, the undersigned, are the owners of property located within the boundaries of "Preston Downs", a subdivision, being part of 56 acres of land owned by the undersigned, in the John Howell Survey in Dallas, County, Texas; and

WHEREAS, there are certain streets or private roads opened through said property for the use and convenience of owners of all the property in said subdivision known as "Jourdan Way" and "Faverill Way", the property line being the center of said roads or driveways, it being understood by all the owners of property abutting upon said driveways that said driveways are to remain open for the use and convenience of such owners;

NOW, THEREFORE, in consideration of the premises and the further consideration of the benefits derived by us, and to be derived by us, by the keeping of said driveways open for use as such, we, the undersigned, being the owners of all property abutting upon said driveways, located in said subdivision, do hereby covenant and agree that such driveways shall never be closed or obstructed by the undersigned, but shall be kept open for the use of owners of property in said subdivision as driveways and ways of ingress and egress to and from our respective properties, this stipulation to be construed as a covenant running with the land.

WITNESS OUR HANDS, This the 31st day of November, A.D. 1936.

IRA P. DeLOACHÉ

CORA SULMIS MONROE

T. F. MONROE

EUGENE MADERGATT

ARTHUR G. SCHUCH

DAN BRANNIN

MART W. REEVES

W. E. KINGSBURY

FRANKLIN I. BRINDEGAR

H. H. TITLEY

MORTON BIGGER

MORTON H. LANGER

H. J. McFARLAND

E. J. SCLON

WOLACK & COZZO

BY: J. B. COZZO, Partner



City of Dallas

A

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-034

Data Relative to Subject Property:

Date: 2/15/16

Location address: 5942 Averill Way Zoning District: R-12c(A)

Lot No.: _____ Block No.: 5622 Acreage: 1.0774 Census Tract: 206.00

Street Frontage (in Feet): 1) 165 2) 165 3) _____ 4) _____ 5) _____ NE25

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): J. Gabriel Barbier-Mueller and Mary Ann Smith
Ann Barbier-Mueller Barbier-Mueller

Applicant: Ann Barbier-Mueller Telephone: 214-363-4164

Mailing Address: 5941 Averill Way, Dallas TX Zip Code: 75225

E-mail Address: abm@harmoodinc.com

Represented by: Tara Stevenson Telephone: 469-662-3548

Mailing Address: 2501 N. Harmood St. #1400 Zip Code: 75201

E-mail Address: tstevenson@harmoodinc.com

Affirm that an appeal has been made for a Variance __, or Special Exception , of visibility triangle obstruction at street intersection.

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: We are proposing to provide a 20ft. visibility triangle street intersection at Averill Way + Preston Rd, b/c it functions as a private drive not a public street. Driveway + Alley intersections are only required to provide a 20ft. visibility triangle, not the standard 45ft. visibility triangle. The intersection at Averill Way + Preston Rd is a private drive, + since it functions as a private drive, not a public street to only six homeowners on limited basis, it should require a

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. 20ft. visibility triangle.

Affidavit

Before me the undersigned on this day personally appeared Ann Barbier-Mueller
(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: Ann Barbier Mueller
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 15 day of February, 2016



Diana Conejo-Ortega
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

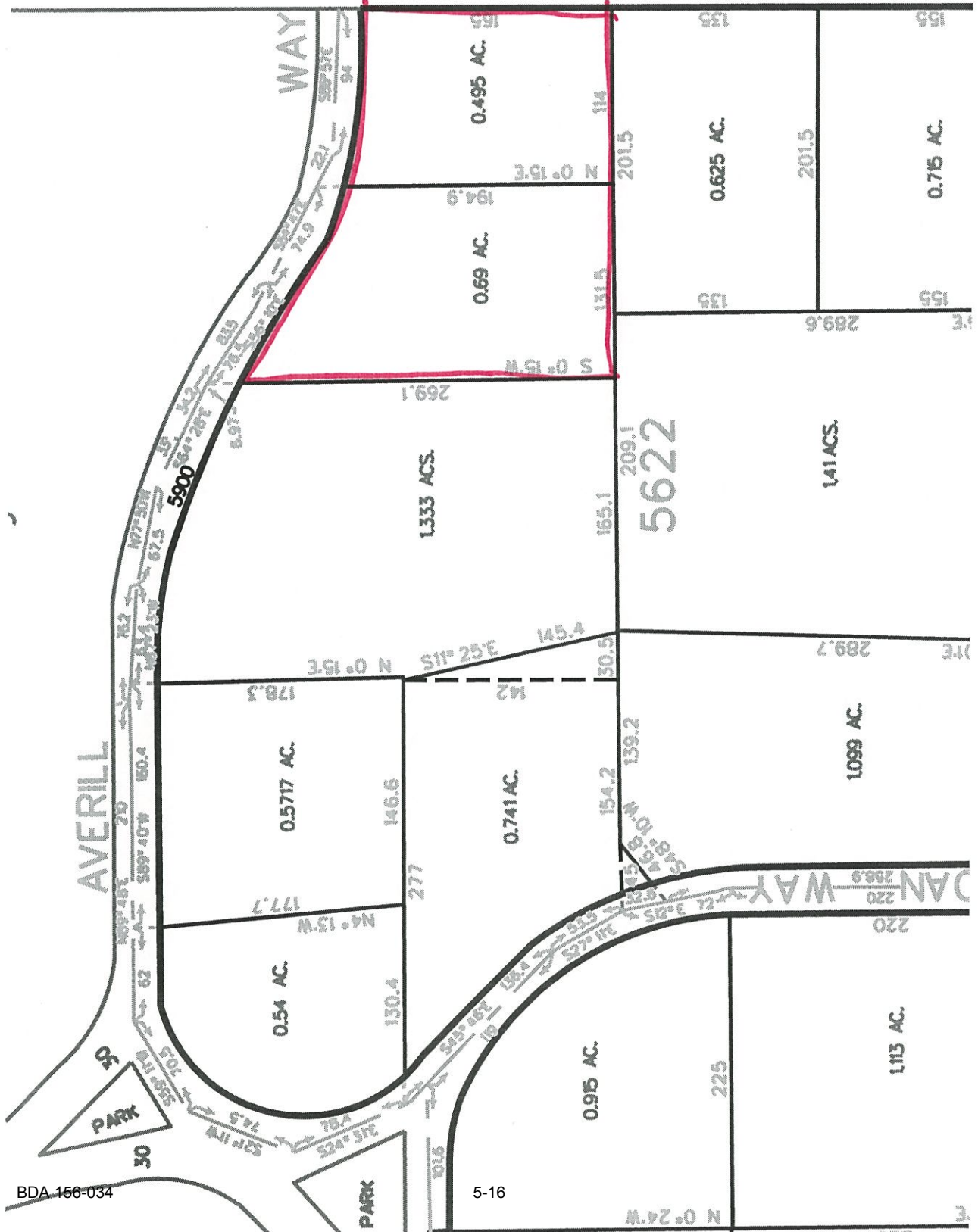
I hereby certify that Ann Barbier-Mueller
represented by Tara Stevenson
did submit a request for a special exception to the visibility obstruction regulations
at 5942 Averill Way

BDA156-034. Application of Ann Barbier-Mueller represented by Tara Stevenson for a special exception to the visibility obstruction regulations at 5942 Averill Way. This property is more fully described as a 1.077 acre parcel in Block 5622, and is zoned R-1ac(A), which requires a 45 foot visibility triangle at street intersections. The applicant proposes to construct and maintain an obstruction in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official

PRESTON ROAD 8500



TS

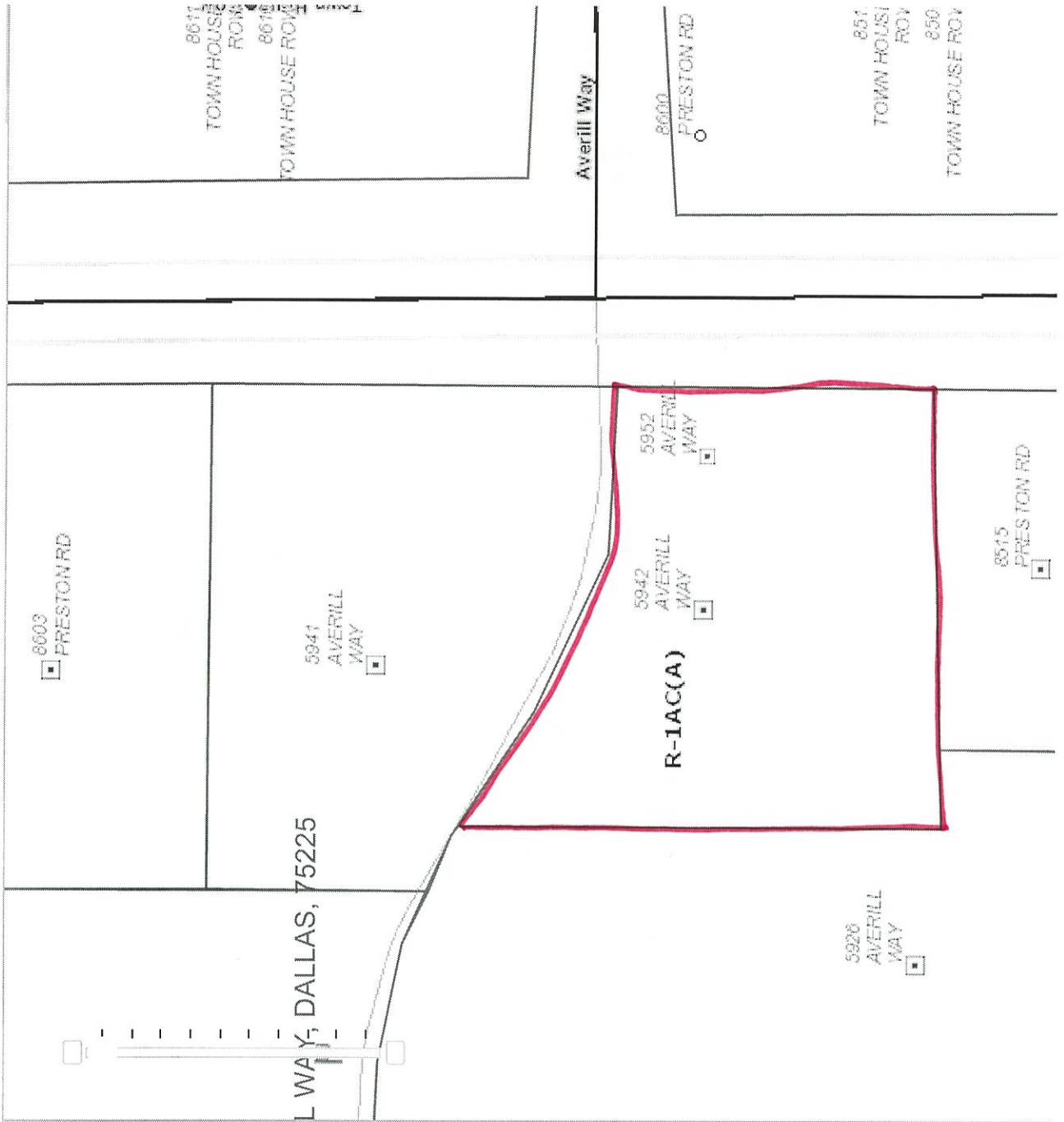
546

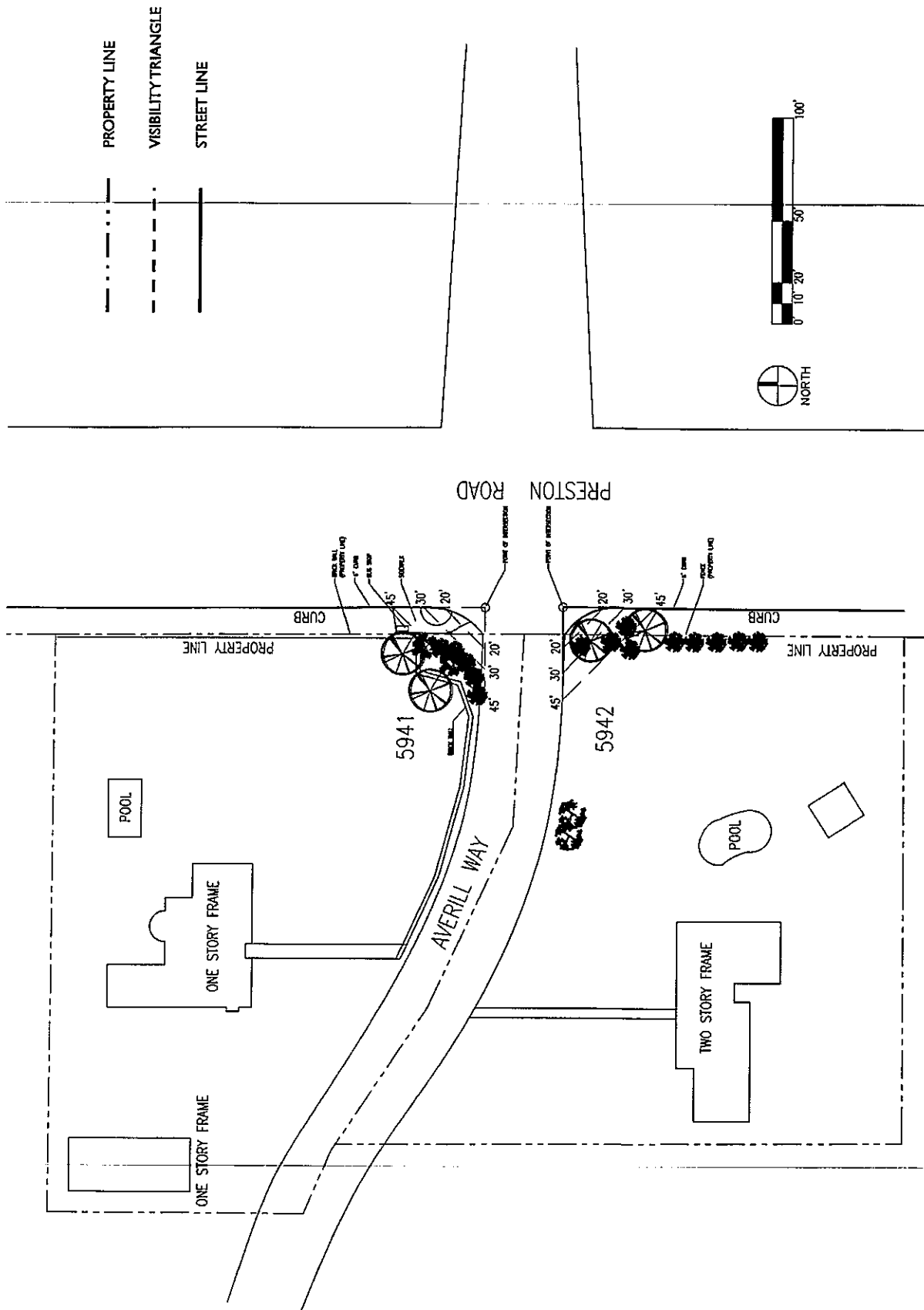
City of Dallas

Internal Development Research Site

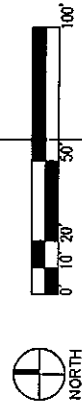
Legend

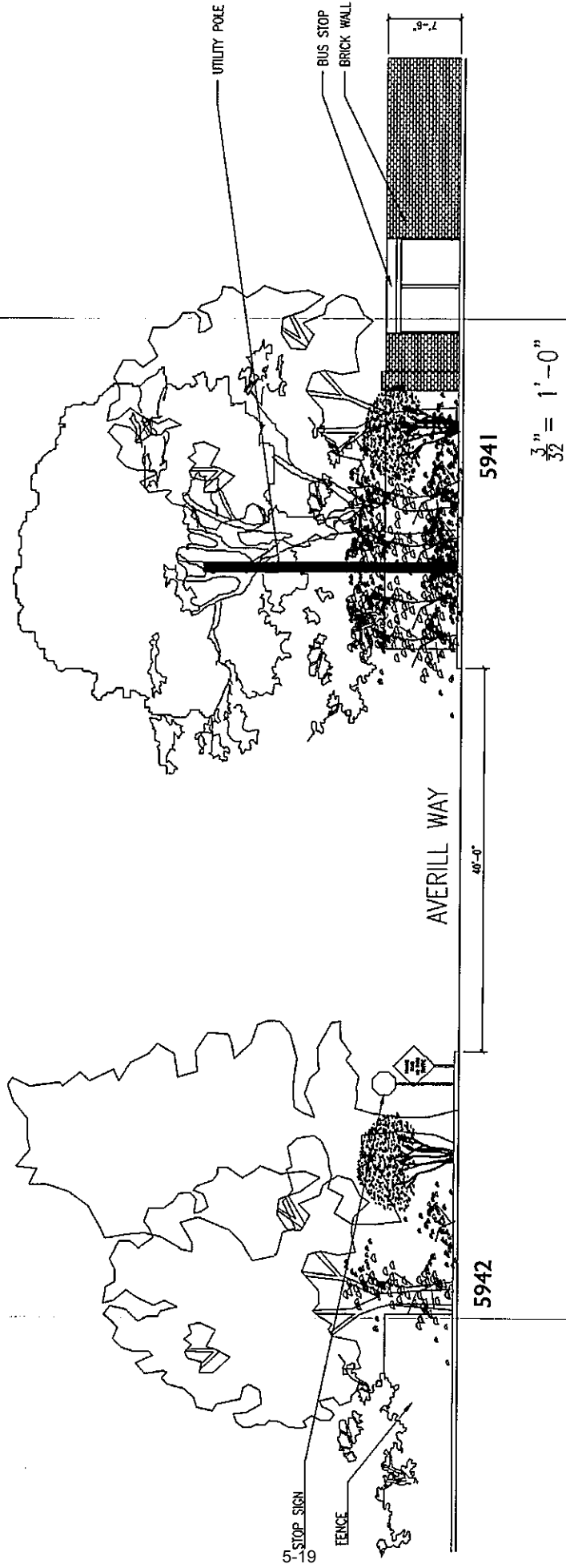
Locate Property



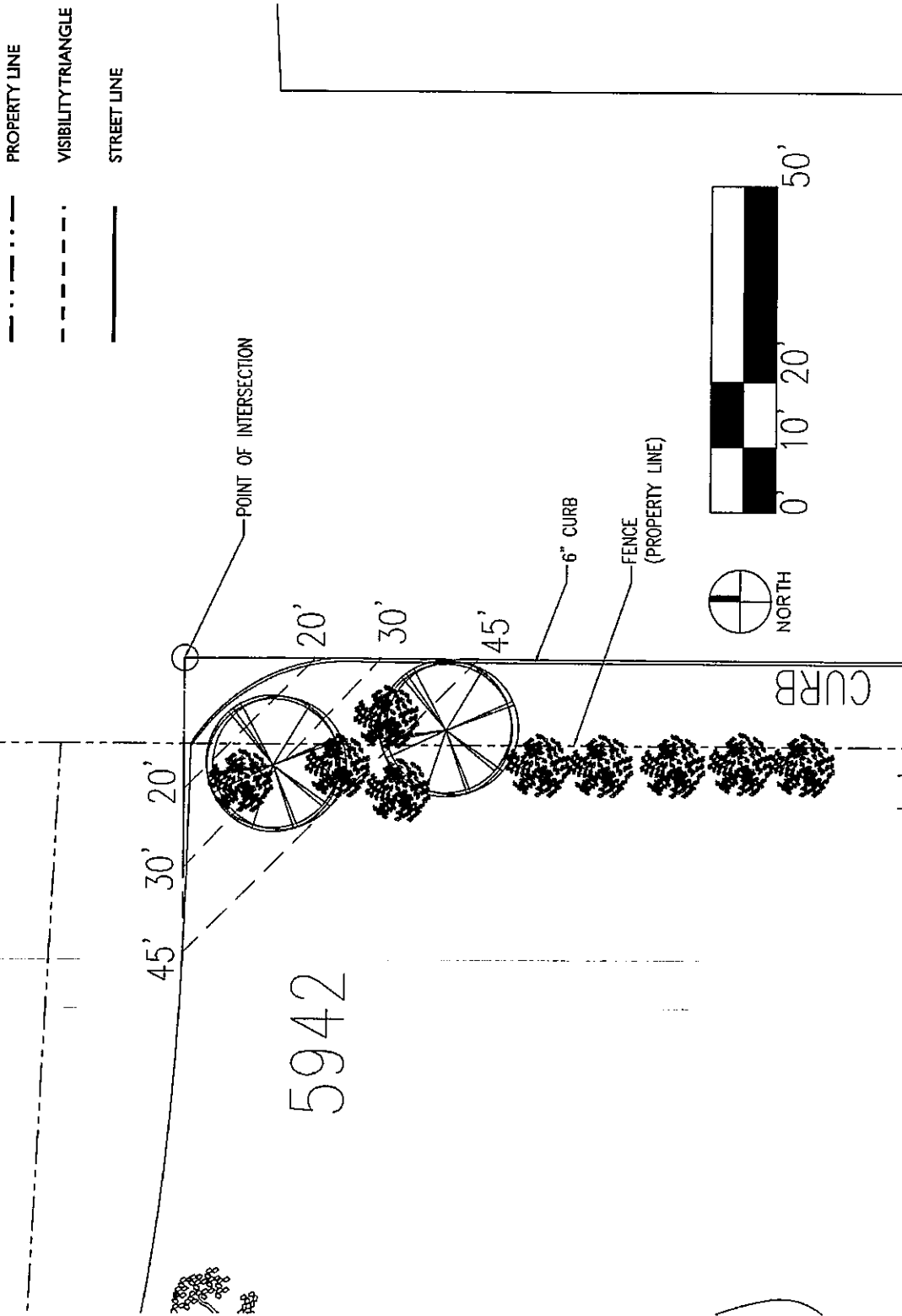


PROPERTY LINE
 VISIBILITY TRIANGLE
 STREET LINE



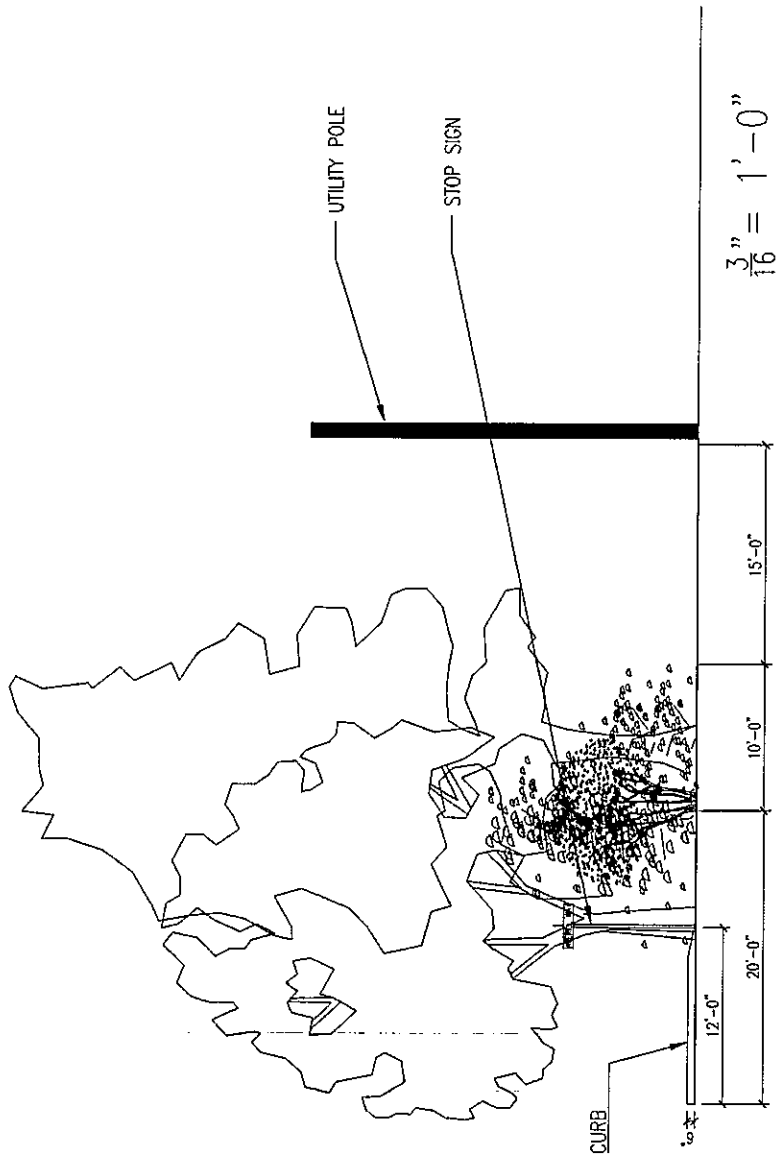


FULL STREET ELEVATION LOOKING WEST FROM PRESTON, TOWARD AVERILL WAY



SITE PLAN - ENLARGED

AVERRILL WAY | JANUARY 2016



ENLARGED ELEVATION – LOOKING NORTH FROM AVERILL WAY, DOWN PRESTON

AVERILL WAY | JANUARY 2016



ENLARGED ELEVATION – LOOKING WEST FROM AVERILL WAY, DOWN PRESTON ROAD

EVERILL WAY | JANUARY 2016



45' VISIBILITY



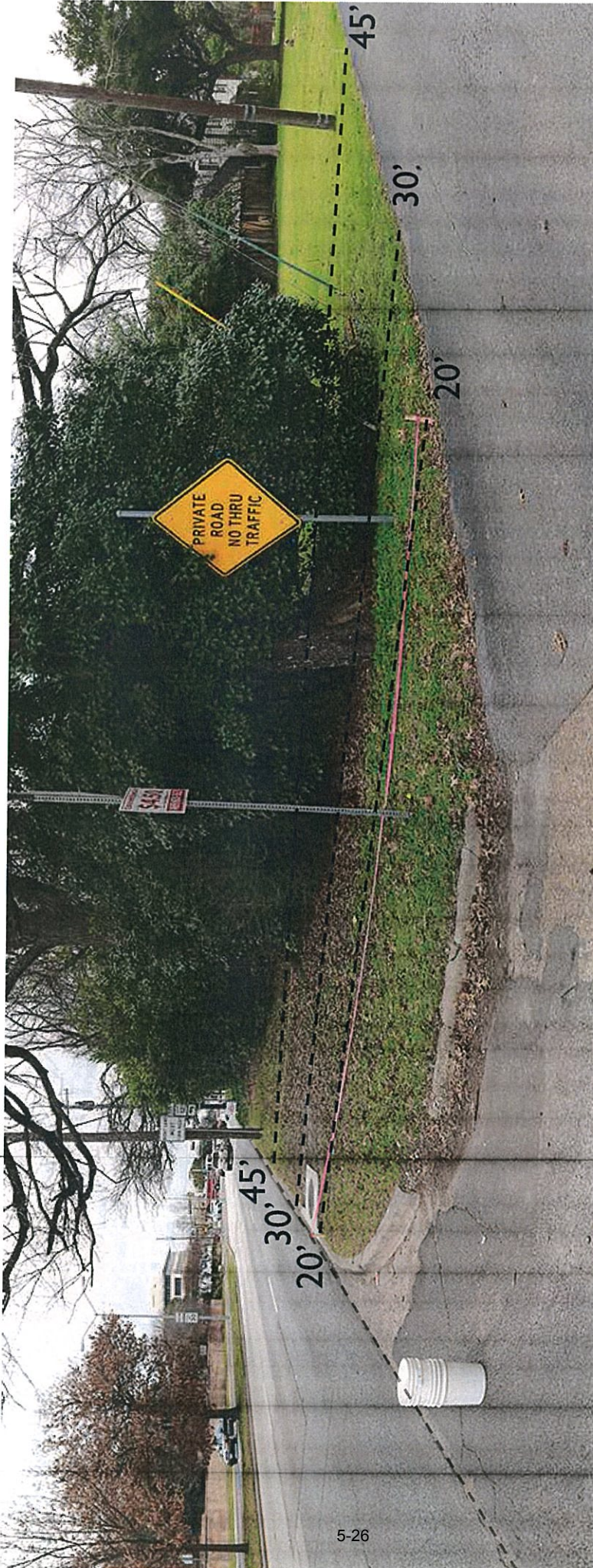
30' VISIBILITY

AVERILL WAY | JANUARY 2016



20' VISIBILITY

AVERILL WAY | JANUARY 2016



5492 PROPERTY

AVERRILL WAY | JANUARY 2016



VIEW FROM PRESTON

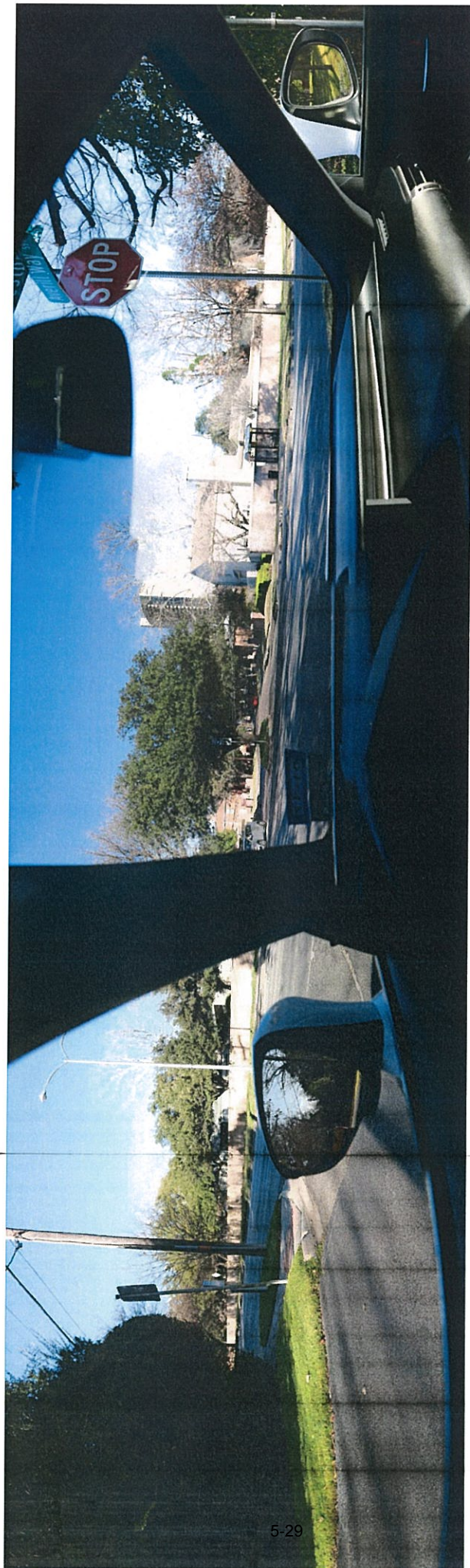
AVERRILL WAY | JANUARY 2016

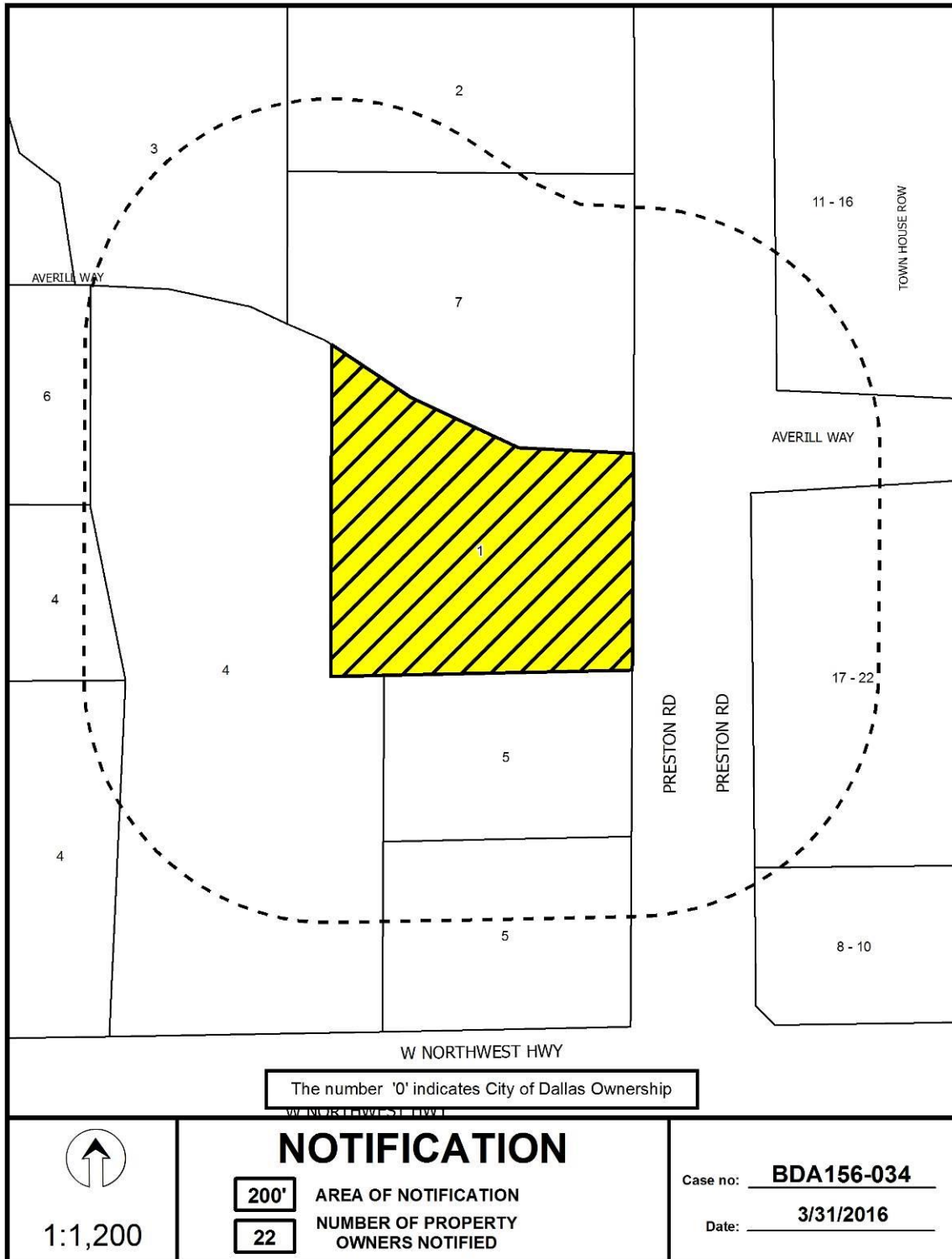


5492 PROPERTY FROM PRESTON



5492 PROPERTY FROM AVERILL WAY





Notification List of Property Owners

BDA156-034

15 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	8530 JOURDAN WAY	CUBAN MARK
2	8603 PRESTON RD	MUELLER MARY ANN SMITH B
3	8602 JOURDAN WAY	BRINKMANN LAKEVIEW
4	5923 AVERILL WAY	BRINKMANN LAKEVIEW
5	8531 JOURDAN WAY	JAUCHEN REALTY LLC
6	8515 PRESTON RD	EBBY HALLIDAY PPTIES INC
7	5942 AVERILL WAY	BARBIER-MUELLER J GABRIEL & MARY ANN SMITH
8	5902 AVERILL WAY	HOUSTON JOHN THOMAS & MEREDITH P
9	5912 AVERILL WAY	BRINKMANN J BAXTER
10	8411 PRESTON RD	DALLAS BERKSHIRE PARTNERS LTD
11	8421 PRESTON RD	MC PRESTON LP
12	8400 WESTCHESTER DR	SEARS DIANA COX &
13	5960 W NORTHWEST HWY	CURRIN LAND JOINT VENTURE
14	6117 BERKSHIRE LN	K & B COMM TEXAS LTD ETAL
15	5941 AVERILL WAY	BARBIERMULLER J GABRIEL &