

NOTICE FOR POSTING
MEETING OF
BOARD OF ADJUSTMENT, PANEL A
TUESDAY, OCTOBER 20, 2020

Briefing*: **11:00 A.M.** **Video Conference**

Public Hearing*: **1:00 P.M.** **Video Conference**

***The Board of Adjustment hearing will be held by videoconference. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure should contact the Sustainable Development and Construction Department at 214-670-4209 by the close of business Monday October 19, 2020. Only registered speakers will be allowed to address the Board during the public hearing. The following videoconference link is available to the public to listen to the meeting and Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 95 or 96 and the WebEx link:**

<https://dallascityhall.webex.com/dallascityhall/onstage/g.php?MTID=e6f0dad67ff9c45841f0ba871cf59c622>

Purpose: To take action on the attached agenda, which contains the following:

1. Board of Adjustment appeals of cases the Building Official has denied.
2. And any other business which may come before this body and is listed on the agenda.

Handgun Prohibition Notice for Meetings of Governmental Entities

"Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun."

"De acuerdo con la sección 30.06 del código penal (ingreso sin autorización de un titular de una licencia con una pistola oculta), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola oculta."

"Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly."

"De acuerdo con la sección 30.07 del código penal (ingreso sin autorización de un titular de una licencia con una pistola a la vista), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola a la vista."



CITY OF DALLAS

**BOARD OF ADJUSTMENT, PANEL A
TUESDAY, OCTOBER 20, 2020
AGENDA**

BRIEFING	Video Conference	11:00 A.M.
PUBLIC HEARING	Video Conference	1:00 P.M.

**Neva Dean, Assistant Director
Jennifer Muñoz, Chief Planner/Board Administrator
Oscar Aguilera, Senior Planner
LaTonia Jackson, Board Secretary**

PUBLIC TESTIMONY

Minutes

Approval of the Board of Adjustment Public Hearing Calendar

MISCELLANEOUS ITEM

Approval of the September 22, 2020 Board of Adjustment Panel A Public Hearing Minutes	M1
Approval of the Board of Adjustment Public Hearing Calendar	M2

UNCONTESTED CASES

BDA190-094(OA)	5218 Vickery Blvd. REQUEST: Application of Matthew Miller for a variance to the front yard setback regulations	1
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BDA190-096(OA) 6828 Avalon Ave. 2
REQUEST: Application of Rob Baldwin for a special exception to the side yard setback regulations for tree preservation

BDA190-098(OA) 3609A Greenville Ave. 3
REQUEST: Application of Santos Martinez, La Sierra Planning Group, for a special exception to the Modified Delta Overlay District No. 1 regulations

REGULAR CASES

None

HOLDOVER CASES

BDA190-084(OA) 5535 W. Lovers Ln. 4
REQUEST: Application of Rob Baldwin of Baldwin Associates for a special exception to the sign regulations

EXECUTIVE SESSION NOTICE

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

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

FILE NUMBER: BDA190-094(OA)

BUILDING OFFICIAL'S REPORT: Application of Matthew Miller for a variance to the front yard setback regulations at 5218 Vickery Boulevard. This property is more fully described as Lot 10, Block 4/1952, and is zoned Conservation District No.15, which requires a front yard setback of 27 feet. The applicant proposes to construct and maintain a single-family residential structure and provide a 17-foot front yard setback, which will require a 10-foot variance to the front yard setback regulations.

LOCATION: 5218 Vickery Boulevard

APPLICANT: Matthew Miller

REQUEST:

A request for variance to the front yard setback regulations of 10 feet is made to remove, construct and maintain two brick buttresses at each side of the front porch steps which will be located approximately 17 feet from the front property line or 10 feet into the 27-foot front yard setback.

STANDARD FOR A VARIANCE:

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

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

STAFF RECOMMENDATION:

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 in Conservation District No. 15 by its restrictive area and having a slope that reduces a portion of the developable area so that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning district. Therefore, staff concluded that the request is not contrary to public interest and that it was not a self-created hardship.

The applicant submitted a document (Attachment A) indicating, among other things, that the proposed structure on the subject site is commensurate to eight other lots located within the same subdivision and in the same Conservation District No. 15.

BACKGROUND INFORMATION:

Zoning:

Site: Conservation District No. 15
North: Conservation District No. 15
South: Conservation District No. 15
East: Conservation District No. 15
West: Conservation District No. 15

Land Use:

The subject site and surrounding properties are developed with single family uses.

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

The request for a variance to the front yard setback regulations of 10 feet focuses on removing, constructing, and maintaining two brick buttresses next to the front porch steps which will be located approximately 17 feet from the front property line or 10 feet into the 27-foot front yard setback.

The site is zoned Conservation District No. 15 which states that the minimum front yard setback is the average of the front yard setback of the contributing main buildings on the block face as listed in Exhibit C of the CD ordinance.

The submitted site plan indicates two four-foot 2-inch brick buttresses at each side of the front porch steps which will be located 17 feet from the front property line.

According to DCAD records, the “main improvement” for the property addressed at 5218 Vickery Boulevard is a structure built in 1924 with 4,240 square feet of living/total area, and “additional improvements” including a 462 square-foot detached garage and a 110 square-foot porte-cochere.

The site is flat, rectangular in shape and 8,500 square feet in area. The site is zoned CD No. 15, where lots are typically 8,500 square feet.

- The applicant has the burden of proof in establishing the following:
 - That granting the variance 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 variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same Conservation District No. 15 zoning classification.
 - If the board were to grant the variance, it would not be 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 Conservation District No. 15 zoning classification.

If the board were to grant the variance request, and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document which in this case two brick buttresses at each side of the front porch steps which will be located approximately 17 feet from the front property line or 10 feet into the 27-foot front yard setback

Granting the front yard variance request will not provide any relief to architectural requirements of CD No. 15.

Timeline:

August 19, 2020: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

September 18, 2020: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

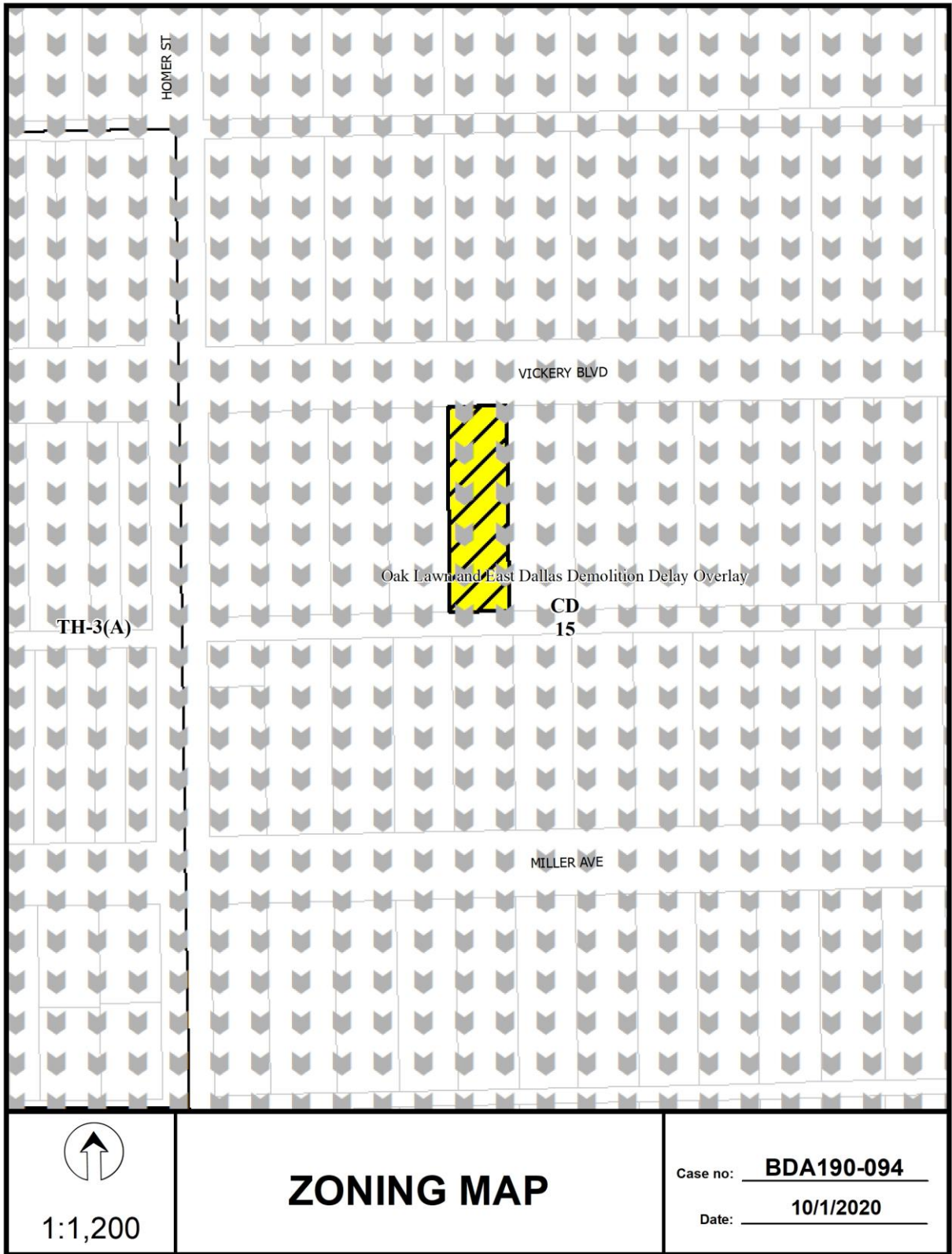
September 18, 2020 The Board Administrator emailed the applicant's representative the public hearing date and panel that will consider the application; the September 30, 2020 deadline to submit additional evidence for staff to factor into their analysis; and the October 9, 2020 deadline to submit additional evidence to be incorporated into the board's docket materials and the following information:

- a copy of the application materials including the Building Official's report on the application;
- 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."

September 30: The applicant submitted additional documentation on this appeal to the Board Administrator beyond what was submitted with the original application and at the October public hearing (**Attachment A**).

October 2, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearings. The review team members in attendance included the Sustainable Development and Construction: Assistant Director, Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Building Inspection Senior Plans Examiner/Development Sign Code Specialist, Senior Engineer, the Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

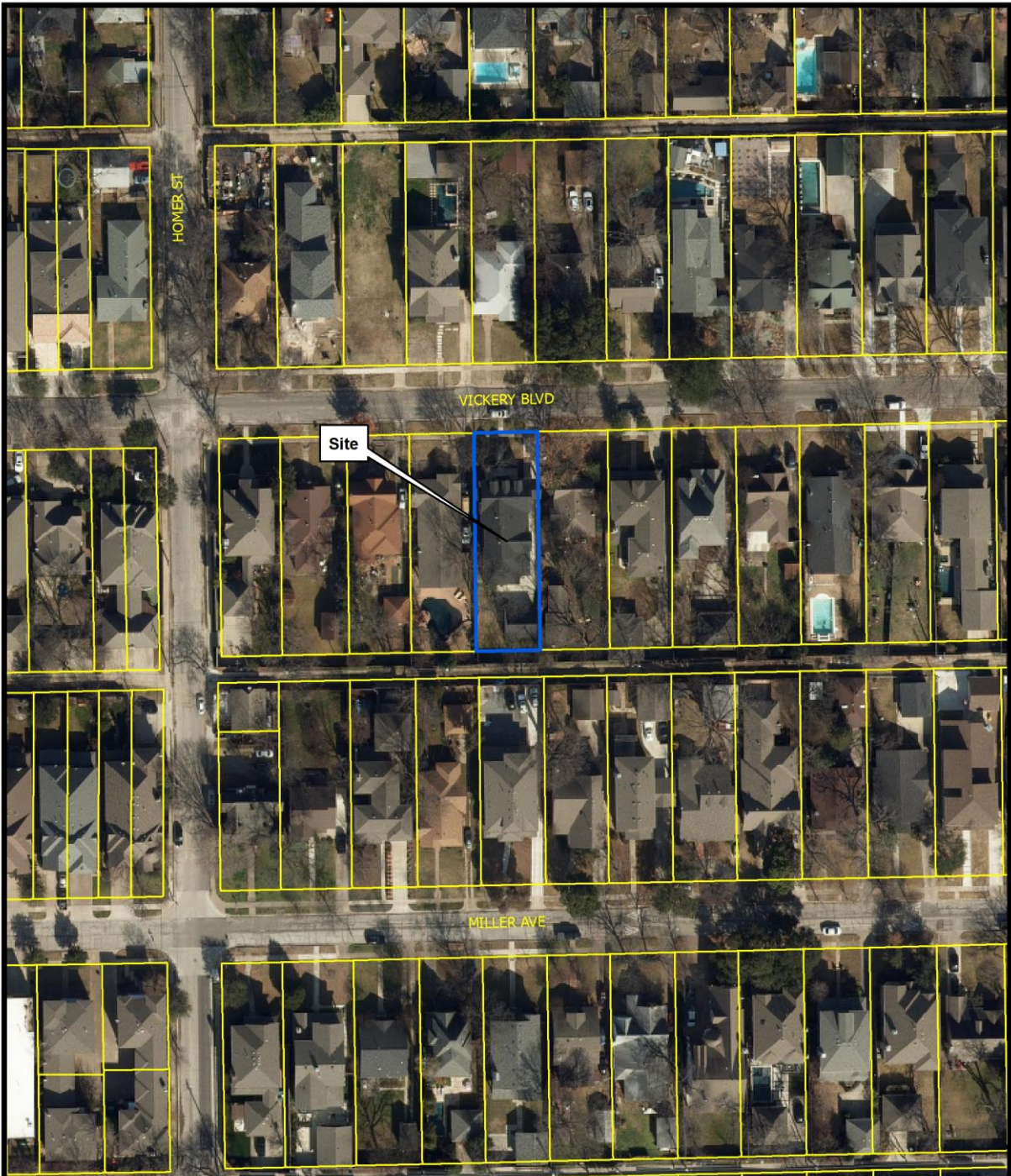
No review comment sheets were submitted in conjunction with this application.



1:1,200

ZONING MAP

Case no: BDA190-094
 Date: 10/1/2020



1:1,200

AERIAL MAP

Case no: BDA190-094

Date: 10/1/2020



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-094

Data Relative to Subject Property:

Date: 08/19/2020

Location address: 5218 Vickery Blvd Zoning District: CD-15

Lot No.: 10 Block No.: 4/1952 Acreage: .195 Census Tract: 10.01

Street Frontage (in Feet): 1) 50' 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Matthew Reade Miller

Applicant: Matt Miller Telephone: 404-805-5166

Mailing Address: 5218 Vickery Blvd Dallas, TX Zip Code: 75206

E-mail Address: mattmiller1984@gmail.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance X, or Special Exception _____, of installing brick buttresses next to front porch steps which extend 3 feet into front yard set back requirement.

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 addition of the brick buttresses will benefit the structure of the home and improve upon the surrounding area
- Brick buttresses are a common element in the Vickery Place Conservation District on both historic and new construction
- ~~Removing the concrete patio would place an undue cost and burden on me as a homeowner; the patio was there at the time I purchased the home~~

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 MATTHEW READE MILLER (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 19th day of August, 2020

(Rev. 08-01-11)



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

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that Matthew Miller

did submit a request for a variance to the front yard setback regulations
at 5218 Vickery Blvd.

BDA190-094. Application of Matthew Miller for a variance to the front yard setback regulations at 5218 VICKERY BLVD. This property is more fully described as Lot 10, Block 4/1952, and is zoned CD-15, which requires a front yard setback of 27 feet. The applicant proposes to construct and maintain a single family residential structure and provide a 17 foot front yard setback, which will require a 10 foot variance to the front yard setback regulations.

Sincerely,


David Session, Building Official



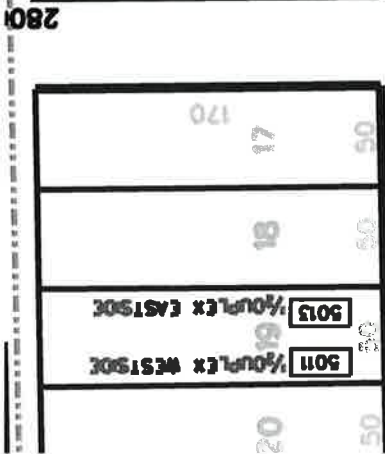
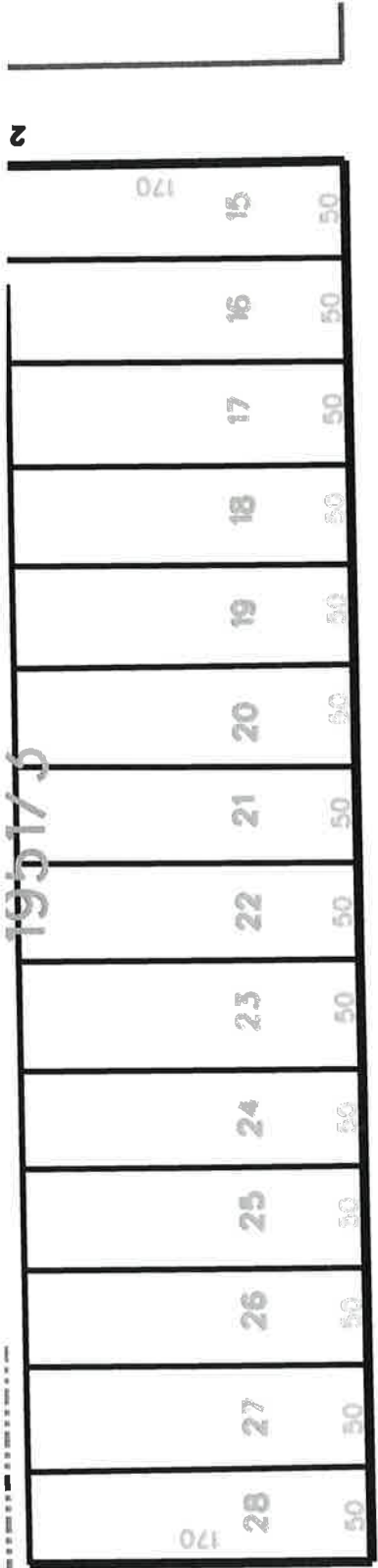
Printed: 8/20/2020

Legend

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

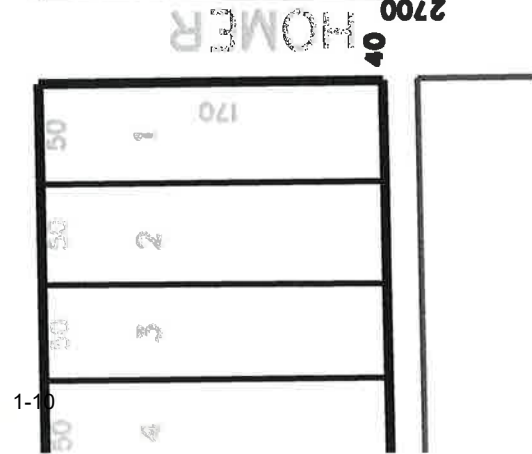
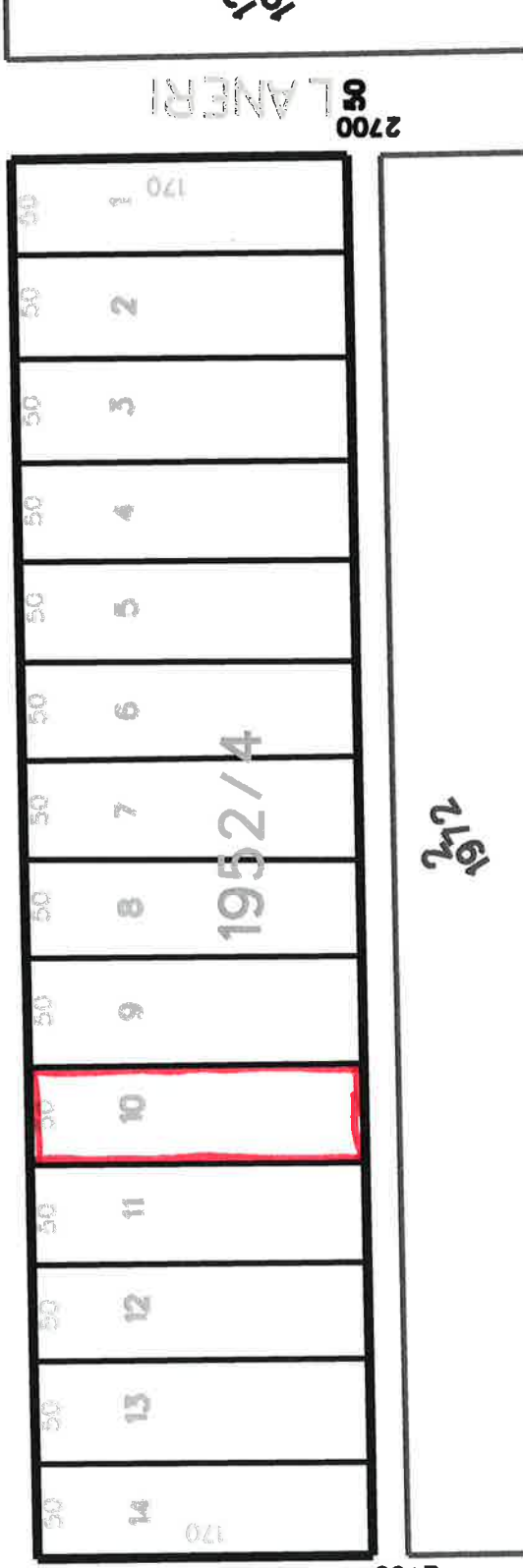
This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. 'This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering,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





BLVD. S

5200



2700
LANERI

2700
HOMER

1952

195

Goodwin	Vickery	Miller	Willis	Richard	Bonita
5134	5643	5206	5627	5206	5458
5146	5635	5219	5611	5223	5443
5230	5623	5223	5542	5307	
5247	5616	5238	5539	5326	
5251	5609	5301	5527	5341	
5327	5605	5306	5438	5407	
5341	5534	5318	5434	5411	
5410	5529	5322	5430	5415	
5430	5509	5326	5427	5417	
5502	5457	5401	5420	5433	
5623	5443	5404	5401	5455	
	5435	5405	5355	5457	
	5424	5411	5349	5610	
	5419	5419	5339	5618	
	5407	5425	5329	5620	
	5410	5427		5639	
	5400	5429			
	5357	5432			
	5325	5459			
	5318	5509			
	5255	5528			
	5251	5533			
	5238	5537			
	5235	5544			
	5226	5547			
	5214	5605			
		5608			
		5620			
		5624			
		5632			
		5646			

5643 Vickery



5509 Vickery



5325 Vickery



5357 Vickery



5318 Vickery



5226 Vickery



5328 Miller Ave



5427 Willis



5307 Richard



5458 Bonita



Applicant: Matt Miller

Subject Site: 5128 Vickery Blvd, Dallas, Texas 75206

Legal Description: Lot 10, Block 4/1952

Zoning Classification: CD-15

Census Tract: 10.01

Lot Size: 0.195 acres / 8,500 sq ft

Appeal Request: Variance to the current front yard setback on Vickery Blvd, establishing a setback of 17'.

Appeal Reasoning: Granting the variance in this case:

- will not be contrary to the public interest. Proximate neighbors have provided their support in improving the lot and neighborhood. There is no known opposition.
- will be necessary to permit development of this parcel of land commensurate with the development upon other parcels of land in the neighborhood. There are homes of the same or larger lot size within the Vickery Place Conservation District ("VPCD") which have larger living square footages. See Appendix A – example VPCD Homes with Larger Lots and Larger Livable Square Footages
- will not relieve a self-created or personal hardship. A self-created or personal hardship does not exist. We are a growing family aiming to improve the appearance of our home that we will live in for years to come.

The Board of Adjustment may grant this appeal request for a variance to the front yard setback, given three standards are met. Firstly, that granting:

- (A) *“the variance would not be contrary to the public interest when, owing to special conditions, a literal enforcement would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done”*

Application

“Unnecessary hardship”

- Removing the current patio to enforce a literal 27’ front yard setback would create an unnecessary hardship: our lot naturally slopes downward, so stairs and a patio are necessary to access the front door. The brick wing walls are a *de minimis* addition to the current existing front patio steps and significantly improve the impression of the home which enhances home values in the VPCD.

“not contrary to the public interest”

- The proposed development of the property has been shared with proximate homeowners. Several have shared their support. None have expressed opposition.
- Proximate homeowners have expressed to us that they are hopeful the development of the lot will increase appeal and property values in the neighborhood. They “can’t wait to see it when all done.”
- Our proposed home would be commensurate with over 100 homes already existing in the VPCD. The brick wing walls are a *de minimis* addition to the current existing front patio steps and significantly improve the impression of the home which enhances home values in the VPCD. See APPENDIX B – Table of VPCD Homes with Wing Walls next to Front Steps

Secondly, that granting:

- (B) *“the variance is 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”*

Application

“necessary to permit development”

- The setback variance is necessary. When we purchased the house in 2018, the patio and steps were existing structures. We are trying to add brick wing walls / planter boxes to the side of the existing steps as a beautification of the steps.
- Granting a 10’ variance to provide a 17’ set back is necessary for installing the brick planter boxes.

“cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning”

- Our lot is smaller than many lots in the VPCD. Further, these lots have homes which occupy greater square footage. The natural slope of our lot requires steps and a patio to enter our front door. See Appendix A – example VPCD Homes with Larger Lots and Larger Livable Square Footages
- Without this variance, it cannot be developed commensurate with other homes in the VPCD in the same zoning. Over 100 homes in the VPCD have wing walls/planter boxes next to their front patio steps. See APPENDIX B – Table of VPCD Homes with Wing Walls next to Front Steps

Thirdly, that granting:

- (C) *“the variance is 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.”*

Application

“not granted to relieve a self-created or personal hardship”

- A self-created or personal hardship does not exist.

“nor for financial reasons only”

- Financial motivations do not exist.

“nor to permit any person a privilege in developing a parcel of land”

- Variance to the setback on Vickery Blvd in order to develop the proposed home would not constitute any privileges in development.

- Variance to the setback on Vickery Blvd would permit development of a home that is commensurate with existing homes in the neighborhood in terms of buildable area, livable square footage, and block face continuity.

Appendix A: VPCD Homes with Larger Lots and Larger Livable SF

Address Number	Street Name	Living Area	Lot SF
5311	Vickery Blvd	4,792	8,500
5425	Vickery Blvd	4,465	8,500
5443	Vickery Blvd	4,348	11,900
5643	Vickery Blvd	5,351	8,500
5630	Vickery Blvd	4,516	8,500
5516	Vickery Blvd	4,316	8,500
5506	Vickery Blvd	4,306	8,500
5218	Vickery Blvd (subject home)	4,240	8,500
5347	Miller Ave	4,414	9,600

Appendix B: Table of VPCD Homes with Wing Walls Next to Front Steps

Goodwin	Vickery	Miller	Willis	Richard	Bonita
5134	5643	5206	5627	5206	5458
5146	5635	5219	5611	5223	5443
5230	5623	5223	5542	5307	
5247	5616	5238	5539	5326	
5251	5609	5301	5527	5341	
5327	5605	5306	5438	5407	
5341	5534	5318	5434	5411	
5410	5529	5322	5430	5415	
5430	5509	5326	5427	5417	
5502	5457	5401	5420	5433	
5623	5443	5404	5401	5455	
	5435	5405	5355	5457	
	5424	5411	5349	5610	
	5419	5419	5339	5618	
	5407	5425	5329	5620	
	5410	5427		5639	
	5400	5429			
	5357	5432			
	5325	5459			
	5318	5509			
	5255	5528			
	5251	5533			
	5238	5537			
	5235	5544			
	5226	5547			
	5214	5605			
		5608			
		5620			
		5624			
		5632			
		5646			

5643 Vickery



5509 Vickery



5325 Vickery



5357 Vickery



5318 Vickery



5226 Vickery



5328 Miller Ave



5427 Willis

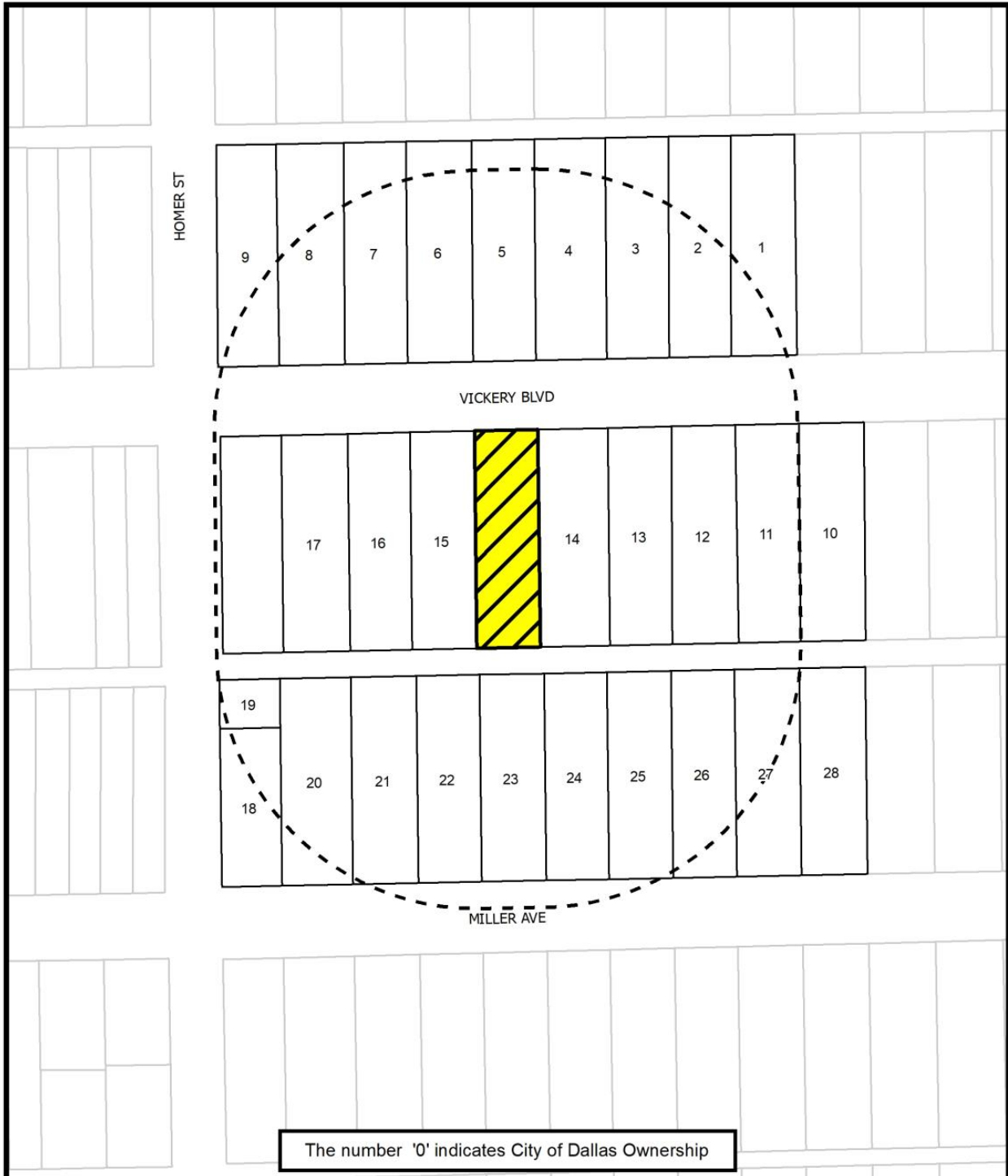


5307 Richard



5458 Bonita






 1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
28 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: BDA190-094
 Date: 10/1/2020

10/01/2020

Notification List of Property Owners

BDA190-094

28 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5235 VICKERY BLVD	BERG ROBERT R
2	5231 VICKERY BLVD	SIMONS JODI L W
3	5225 VICKERY BLVD	PODHRASKY DAVID & ROBERT
4	5221 VICKERY BLVD	BROWN JASON & ERIN
5	5219 VICKERY BLVD	5480 INVESTMENTS LLC
6	5215 VICKERY BLVD	LACUES NICOLE &
7	5209 VICKERY BLVD	SUBDIVISIONS REALTY 6 LLC
8	5207 VICKERY BLVD	THIRTY FOUR FORTY TWO
9	5201 VICKERY BLVD	WORLDALLAS PPTIES INC
10	5238 VICKERY BLVD	OSULLIVAN TREVOR &
11	5234 VICKERY BLVD	HEDGCOCK BART & MARA
12	5230 VICKERY BLVD	BOURGEOIS MICHAEL JARROD
13	5226 VICKERY BLVD	EUDALY K AUSTIN
14	5222 VICKERY BLVD	COLLINS PAMELA J
15	5214 VICKERY BLVD	REED LAURA A
16	5210 VICKERY BLVD	MERCER JO ANN TRUSTEE
17	5204 VICKERY BLVD	HORTON JIMMY GLEN
18	5201 MILLER AVE	CARANAS EDYTHE B TRUST
19	2710 HOMER ST	J C BAXAVANIS
20	5207 MILLER AVE	POWELL ROBERT
21	5211 MILLER AVE	DISTEFANO RICHARD H &
22	5213 MILLER AVE	TRUJILLO FAUSTINO R
23	5219 MILLER AVE	GREEN EARTH INVESTMENTS LLC
24	5223 MILLER AVE	ROSENBAUM DANIEL MARK & ERYN K
25	5227 MILLER AVE	LANDRUM S & L FAMILY TRUST &
26	5231 MILLER AVE	ARISTA JOHNNY J &
27	5235 MILLER AVE	LIBRERA JAMES L JR
28	5239 MILLER AVE	MULCAHEY MICHAEL & GILLIAM JODY

FILE NUMBER: BDA190-096(OA)

BUILDING OFFICIAL'S REPORT: Application of Rob Baldwin for a special exception to the side yard setback regulations for tree preservation at 6828 Avalon Avenue. This property is more fully described as Tract 15, Block 2805, and is zoned an R-10(A) Single Family District, which requires side yard setback of six feet. The applicant proposes to construct and maintain a residential accessory structure and provide a one-foot four-inch side yard setback, which will require a four-foot eight-inch special exception to the side yard setback regulations.

LOCATION: 6828 Avalon Avenue

APPLICANT: Rob Baldwin, Baldwin and Associates

REQUEST:

A request for a special exception to the minimum side yard requirements to preserve existing trees including a pecan tree with a caliper of 25.31 inches and a cedar tree with a caliper of 17.83 inches is made to construct an approximately 675-square-foot second floor atop of an existing detached garage structure which will be located one foot four-inches from the east side property line or four-feet eight-inches into the six-foot east side yard setback on a property currently developed with a single family home.

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

Section 51(A)-4.402(d) of the Dallas Development Code specifies that the board may grant a special exception to the minimum side yard requirements in this section to preserve an existing tree. In determining whether to grant this special exception, the board shall consider the following factors:

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

STAFF RECOMMENDATION (Tree Preservation):

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

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

BACKGROUND INFORMATION:

Zoning:

- Site: R-10(A) Single Family District
- North: R-10(A) Single Family District
- East: R-10(A) Single Family District
- South: R-10(A) Single Family District
- West: R-10(A) Single Family District

Land Use:

The subject site and surrounding properties are developed with single family uses.

Zoning/BDA History:

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

GENERAL FACTS /STAFF ANALYSIS:

This request for a special exception to the minimum side yard requirements to preserve two existing trees including a pecan tree with a caliper of 25.31 inches and a cedar tree with a caliper of 17.83 inches. The applicant proposes to construct an approximately 675-square-foot second floor atop of an existing detached garage structure, which will be located one-foot four-inches from the east side property line or four-feet eight-inches into the six-foot east side yard setback.

The property is located in an R-10(A) Single Family District which requires a minimum side yard setback of six feet.

The submitted site plan indicates an approximately 675-square-foot second floor atop of an existing detached garage structure which will be located one-foot four-inches from the east side property line or four-feet eight-inches into the six-foot side yard setback.

The site plan also indicates a pecan tree with a caliper of 25.31 inches and a cedar tree with a caliper of 17.83 inches in addition to six other trees within the site. Note that the existing accessory structure complied with section 51A-402(b)(3) since the applicant was not required to provide a side yard setback for a structure accessory to a residential use because the structure did not exceed 15 feet-in-height; and it was located in the rear 30 percent of the lot. However, of the new proposal, the accessory structure no longer complies with this section of the code.

The applicant submitted a letter from a certified arborist indicating that the trees are worthy of preservation.

The chief arborist has determined that the trees designated on the building site plan for the property are worthy of preservation and agrees with the independent arborist's assessments of the trees.

The applicant has the burden of proof in establishing the following:

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

If the board were to grant the special exception request and impose the submitted site plan as a condition, the structure in the side yard setback would be limited to what is shown on this document – which in this case is an accessory structure that is located one foot four-inches from the east side property line or four-feet eight-inches into the six-foot east side yard setback.

Timeline:

August 21, 2020: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

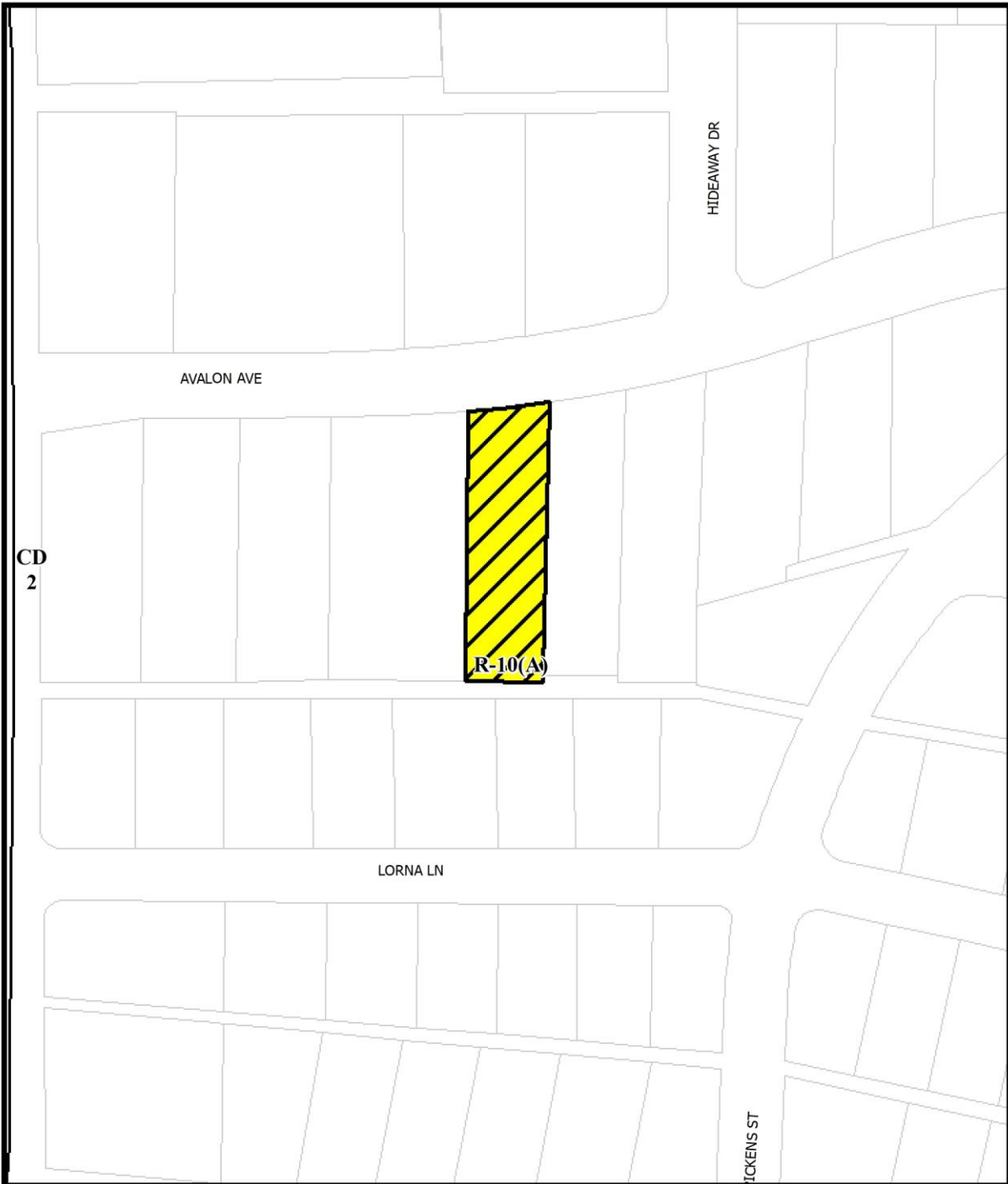
September 18, 2020: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

September 18, 2020 The Board Administrator emailed the applicant’s representative the public hearing date and panel that will consider the application; the September 30, 2020 deadline to submit additional evidence for staff to factor into their analysis; and the October 9, 2020 deadline to submit additional evidence to be incorporated into the board’s docket materials and the following information:

- a copy of the application materials including the Building Official's report on the application.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

October 2,2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearings. The review team members in attendance included the Sustainable Development and Construction: Assistant Director, Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Building Inspection Senior Plans Examiner/Development Sign Code Specialist, Senior Engineer, the Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

October 5, 2020: The City of Dallas Chief Arborist submitted an assessment regarding the preservation of the trees on the subject site.

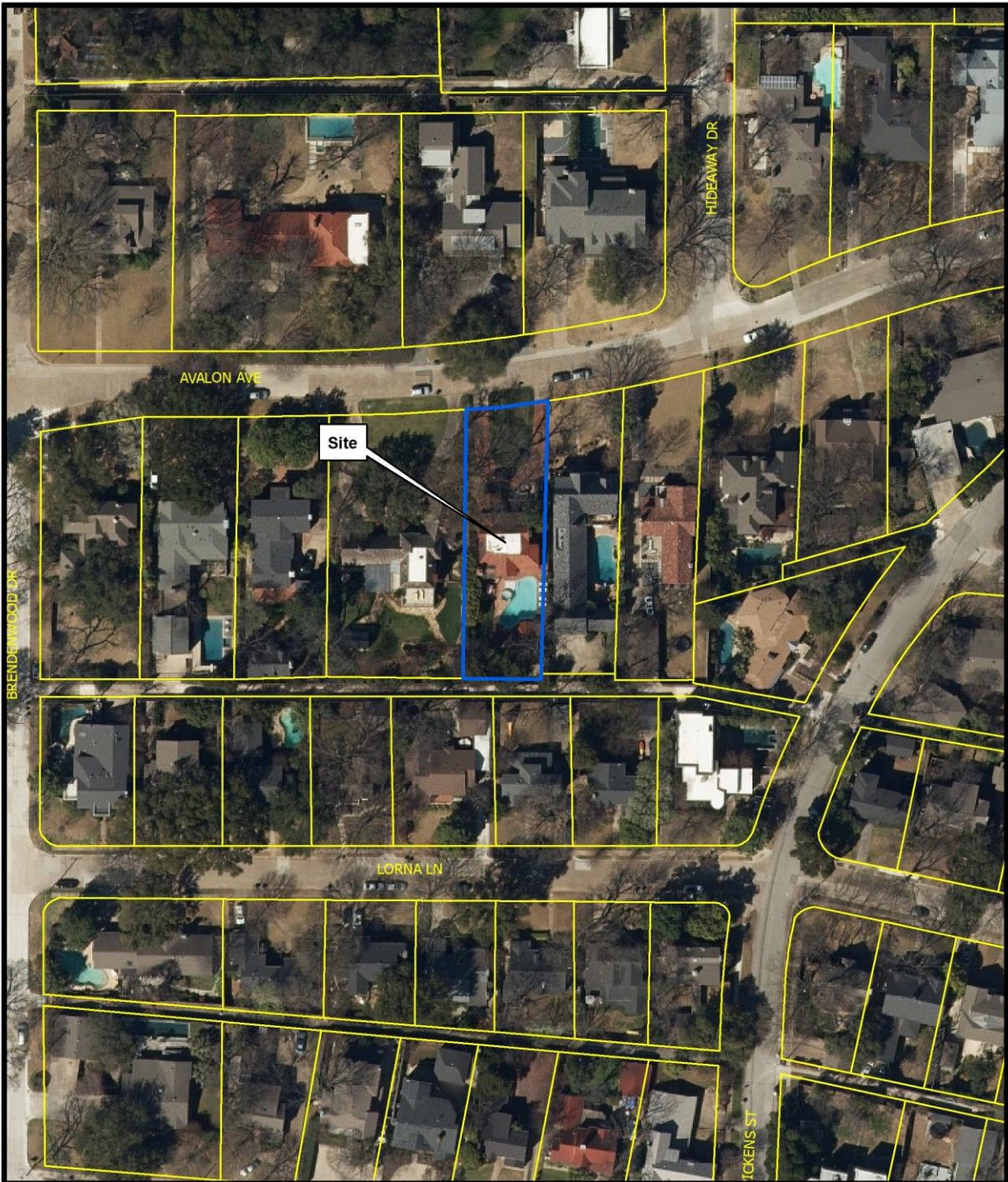


1:1,200

ZONING MAP

Case no: BDA190-096

Date: 10/1/2020



1:1,200

AERIAL MAP

Case no: BDA190-096

Date: 10/1/2020



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-096

Date: 8-21-20

Data Relative to Subject Property:

Location address: 6828 Avalon Ave Zoning District: R-10(A)

Lot No.: Tr 15 Block No.: 2805 Acreage: 0.289 acres Census Tract: 1.00

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

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Matthew Sherstad

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

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

E-mail Address: rob@baldwinplanning.com

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

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

E-mail Address: rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance __, or Special Exception X, of side yard setback for tree preservation

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 property has an existing detached garage and the request is to add a 2nd floor to the existing structure. This structure provides a 1'4" side yard setback on the east. The property also has existing trees and a swimming pool that will remain, leaving no option for expanding the structure without adding a 2nd floor. By adding a 2nd floor instead of expanding out, the four existing trees will be preserved and maintained.

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

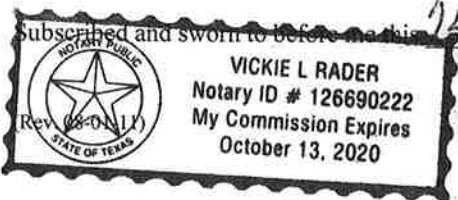
Affidavit

Before me the undersigned on this day personally appeared Robert Baldwin

(Affiant/Applicant's name printed)

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

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



Subscribed and sworn to before me this 21st day of August, 2020

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 Rob Baldwin

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

at 6828 Avalon Avenue

BDA190-096. Application of Rob Baldwin for a special exception to the side yard setback regulations for tree preservation at 6828 AVALON AVE. This property is more fully described as Tract 15, Block 2805, and is zoned R-10(A), which requires side yard setback of 6 feet. The applicant proposes to construct and maintain a residential accessory structure and provide a 1 foot 4 inch side yard setback, which will require a 4 foot 8 inch special exception to the side yard setback regulations.

Sincerely,

David Session
David Session, Building Official





CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 190-096

I, Matthew Sherstad, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 6828 Avalon Ave
(Address of property as stated on application)

Authorize: Rob Baldwin, Baldwin Associates
(Applicant's name as stated on application)

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

- Variance (specify below)
- Special Exception (specify below)
- Other Appeal (specify below)

Specify: Setbacks for garage

MATTHEW SHERSTAD
Print name of property owner or registered agent

[Signature]
Signature of property owner or registered agent

Date July 28, 2020

Before me, the undersigned, on this day personally appeared Matthew Sherstad

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

Subscribed and sworn to before me this 28 day of July, 2020

MEGAN BRENNAN KATZMAN
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20164029219
MY COMMISSION EXPIRES AUGUST 2, 2020

[Signature]
Notary Public for Dallas County, Texas - Colorado
Summit

Commission expires on 08-02-2020



Printed: 7/26/2020

Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
| Mill's Creek | Dallas Environmental Corridors | SP | NSO_Overlay |
| Peak's Branch | SPSPD Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | SUP | Historic Overlay | Shop Front Overlay 2-10 |
| | | Height Map Overlay | |

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





Memorandum



Date October 4, 2020

To Oscar Aguilera, Sr. Planner
 Jennifer Munoz, Board Administrator

Subject BDA #190-096 6828 Avalon Avenue Arborist report

In my opinion, the trees designated on the building site plan for 6828 Avalon are worthy of preservation. I agree with the independent arborist's assessments of the trees.

Philip Erwin
Chief Arborist
Building Inspection



1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
23 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA190-096**

Date: **10/1/2020**

10/01/2020

Notification List of Property Owners

BDA190-096

23 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6828 AVALON AVE	SHERSTAD MATTHEW
2	6827 AVALON AVE	FENLAW JAY A & EMILY M
3	6820 AVALON AVE	BARBER ELIZABETH A &
4	6808 AVALON AVE	BARTON MICHAEL
5	6819 AVALON AVE	KESSLER GARY S & JOAN C
6	6814 AVALON AVE	FITZSIMMONS A GERALDINE REV TRUST
7	6837 AVALON AVE	CARLTON BRIAN
8	6840 LORNA LN	SNELLGROVE SIMON
9	6834 LORNA LN	BARFIELD BLAKE D & JESSICA M
10	6830 LORNA LN	MEYER DANIEL J &
11	6826 LORNA LN	EVERT ELISABETH A
12	6818 LORNA LN	LEAKE SAM S & ASHLEY
13	6811 LORNA LN	BARNICOAT SUSAN B
14	6815 LORNA LN	SKIPWORTH LIVING TRUST
15	6827 LORNA LN	GARD JOHN &
16	6831 LORNA LN	WITMEYER ROBERT JOHN &
17	6835 LORNA LN	BERNSTEIN KENNETH R &
18	6843 LORNA LN	DAVIS SIMON
19	2343 PICKENS ST	M & H SMITH FAMILY TRUST
20	6850 AVALON AVE	COX BARTON & MEGAN
21	6844 AVALON AVE	REGAN JOHN D &
22	6832 AVALON AVE	PIZZA JOHN & ANDREA HECKEL
23	6847 AVALON AVE	HAWKINS DANIELLE MARIE TRUST

FILE NUMBER: BDA190-098(OA)

BUILDING OFFICIAL'S REPORT: Application of Santos Martinez, La Sierra Planning Group, for a special exception to the Modified Delta Overlay District No. 1 regulations at 3609A Greenville Avenue. This property is more fully described as Lots 10-13, Block B/2909, and is zoned a CR Community Retail District with an MD Overlay District No. 1, which states that the right to nonconforming delta parking credits are lost if the use is vacant for twelve months or more. The applicant proposes to restore the lost delta parking credits, which will require a special exception to the Modified Delta Overlay-1 regulation.

LOCATION: 3609A Greenville Avenue

APPLICANT: Santos Martinez, La Sierra Planning Group

REQUEST:

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

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

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

1. A decline in the rental rates for the area which has affected the rental market.
2. An unusual increase in the vacancy rates for the area which has affected the rental market.

3. Obsolescence of the subject property, including environmental hazards, extensive renovation or remodeling, and extreme deterioration of adjacent properties affecting the marketability of property.

STAFF RECOMMENDATION:

Approval

Rationale:

Staff concluded that the applicant had demonstrated that there was not an intent to abandon the use even though the use was discontinued or remained vacant for 12 months or more by proving the occurrence of the following extreme circumstances:

1. A decline in the rental rates for the area which has affected the rental market:
 - a) The property owner for 3609 Greenville has been attempting to secure a new certificate of occupancy for a tenant in suite A. The property owner secured and executed a lease with a potential tenant once in 2018 and once in 2019. The applicant provided copies of these agreements. In addition, the applicant provided a CO Certificate of Occupancy dated January 18 and an application for a CO dated January 2020 (Exhibit A).
 - b) The above documents demonstrate that the property owner has made all required steps to occupy this space to satisfy the standard of retaining its delta credits. Applying for a new CO is the necessary step in occupying the tenant space with the City of Dallas.

BACKGROUND INFORMATION:

Zoning:

- Site: Community Retail District with an MD Overlay District No. 1
North: Community Retail District with an MD Overlay District No. 1
South: Community Retail District with an MD Overlay District No. 1
East: Community Retail District with an MD Overlay District No. 1
West: Community Retail District with an MD Overlay District No. 1

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

This request focuses on carrying forward nonconforming parking spaces under the delta theory that according to Building Inspections were terminated since the use on the site was discontinued or remained vacant for 12 months or more is made in order for the applicant to obtain a Certificate of Occupancy for a retail use for the vacant commercial structure on the subject site.

The Dallas Development Code provides the following relating to nonconformity of parking or loading:

- Increased requirements. A person shall not change a use that is nonconforming as to parking or loading to another use requiring more off-street parking or loading unless the additional off-street parking and loading spaces are provided.
- Delta theory. In calculating required off-street parking or loading, the number of nonconforming parking or loading spaces may be carried forward when the use is converted or expanded. Nonconforming rights as to parking or loading are defined in the following manner: required parking or loading spaces for existing use minus the number of existing parking or loading spaces for existing use equals nonconforming rights as to parking or loading.
- Decreased requirements. When a use is converted to a new use having less parking or loading requirement, the rights to any portion of the nonconforming parking or loading that are not needed to meet the new requirements are lost.

In 1987, the City Council created “Modified Delta Overlay Districts” in those areas where it has determined that a continued operation of the delta theory is not justified because there is no longer a need to encourage redevelopment and adaptive reuse of existing structures, or a continued application of the delta theory will create traffic congestion and public safety problems and would not be in the public interest.

In a modified delta overlay district, the city council may limit the number of percentages of nonconforming parking or loading spaces that may be carried forward by a use under the delta theory. An ordinance establishing a modified delta overlay district may not increase the number of nonconforming parking or loading spaces that may be carried forward under the delta theory when a use is converted or expanded.

An ordinance establishing a modified delta overlay district must provide that when a use located in the district is converted to a new use having less parking or loading requirements, the rights to **any portion** of the nonconforming parking or loading **not needed** to meet the new requirements **are lost**.

An ordinance establishing a modified delta overlay district may provide that rights under the delta theory terminate when a use for which the delta theory has been applied is discontinued.

In 1987, the City Council established Modified Overlay District No. 1 (the Greenville Avenue Modified Delta Overlay District) which stated among other things:

- That no nonconforming parking spaces may be carried forward by a use under the delta theory when a use in the Community Retail District with an MD Overlay District No. 1a is expanded.

In 1995, the City Council amended Modified Overlay District No. 1 (the Greenville Avenue Modified Delta Overlay District) which stated among other things:

- The right to carry forward nonconforming parking and loading spaces under the delta theory terminates when a use is discontinued or remains vacant for 12 months or more. The board of adjustment may grant a special exception to this provision only if the owner can demonstrate that there was not an intent to abandon the use even though the use was discontinued or remained vacant for 12 months or more by proving the occurrence of an extreme circumstance, which shall include but not be limited to the following:
 1. A decline in the rental rates for the area which has affected the rental market.
 2. An unusual increase in the vacancy rates for the area which has affected the rental market.
 3. Obsolescence of the subject property, including environmental hazards, extensive renovation or remodeling, and extreme deterioration of adjacent properties affecting the marketability of property.

According to DCAD, the property at 3609A Greenville Avenue is developed as part of a with a 7,028 square feet shopping mall structure with an unknown square feet of floor area built in 1940.

Timeline:

August 24, 2020 The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

September 18, 2020: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

September 18, 2020 The Board Administrator emailed the applicant’s representative the public hearing date and panel that will consider the application; the September 30, 2020 deadline to submit additional evidence for staff to factor into their analysis; and the October 9, 2020 deadline to

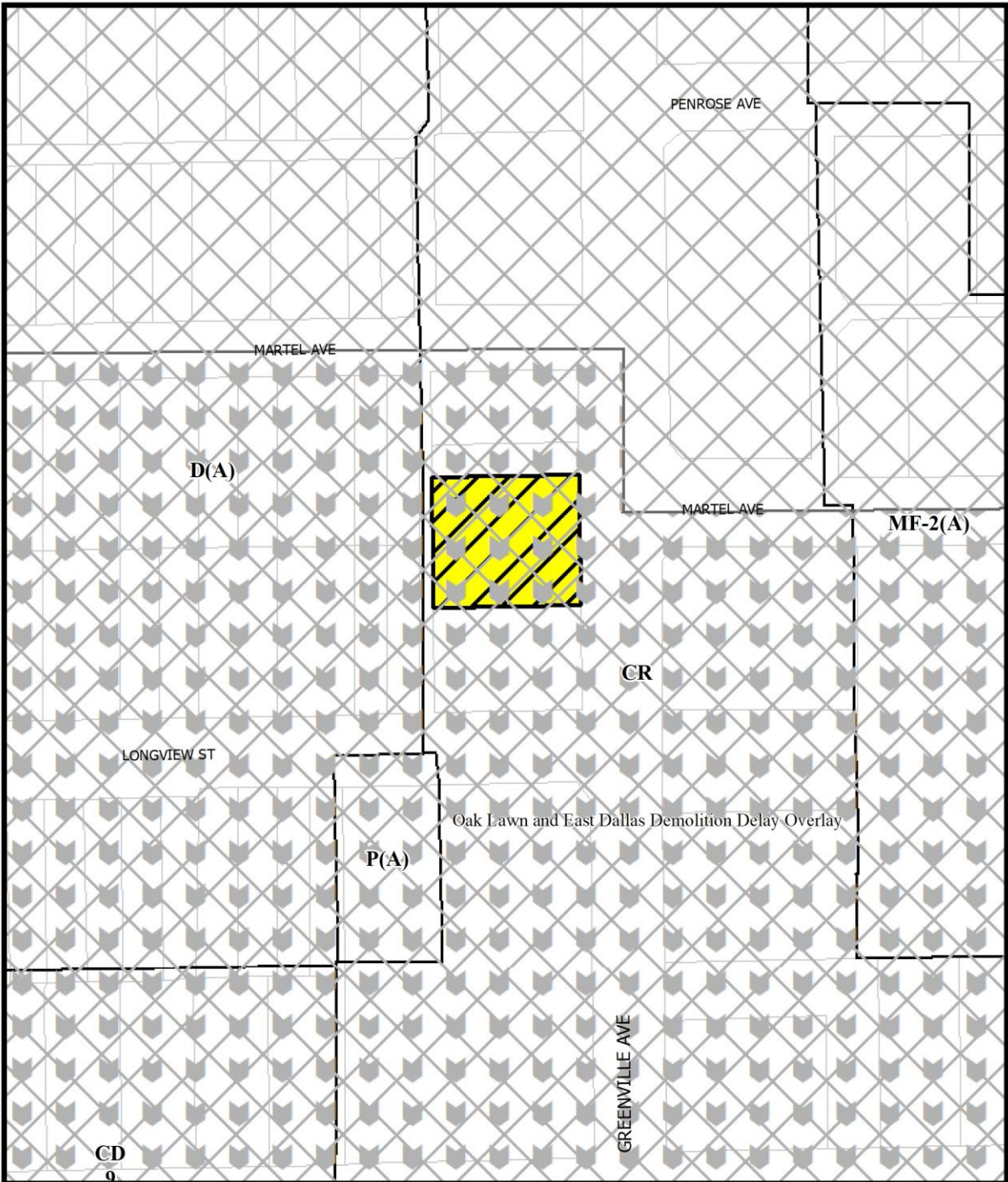
submit additional evidence to be incorporated into the board's docket materials and the following information:

- a copy of the application materials including the Building Official's report on the application.
- 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."

September 29, 2020: The applicant submitted additional information to staff beyond what was submitted with the original application (**Attachment A**).

October 2, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearings. The review team members in attendance included the Sustainable Development and Construction: Assistant Director, Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Building Inspection Senior Plans Examiner/Development Sign Code Specialist, Senior Engineer, the Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

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



1:1,200

ZONING MAP

Case no: **BDA190-098**
 Date: **10/1/2020**



1:1,200

AERIAL MAP

Case no: BDA190-098

Date: 10/1/2020



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-098

Date: 8-24-2020

Data Relative to Subject Property:

Location address: 3609 A Greenville Avenue Zoning District: CR (MD)

Lot No.: 10-13 Block No.: B/2909 Acreage: .25 Census Tract: 3.00

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

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): McCreary 544 Shopping Center LLC

Applicant: La Sierra Planning Group Santos T. Martinez Telephone:

Mailing Address: 1264 Spring Valley Road Richardson, TX Zip Code: 75080

E-mail Address:

Represented by: La Sierra Planning Group Telephone: 214 684 2775

Mailing Address: P.O. Box 1275 Angel Fire, NM Zip Code: 87710

E-mail Address: santos@lasierrapg.com

Affirm that an appeal has been made for a Variance, or Special Exception X, of a special exception to re-instate 4 parking delta credits

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: Applicant did not intentionally seek to vacate this tenant space. They have actively marketed the space and have pending lease agreement. Applicant seeks to have parking delta credits re-instated so that new tenant can obtain certificate of occupancy

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.

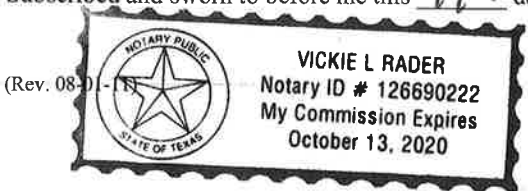
Affidavit

Before me the undersigned on this day personally appeared Kendra Larach - La Sierra Planning Group (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: Kendra Larach (Affiant/Applicant's signature)

Subscribed and sworn to before me this 17th day of August, 2020



Vickie L. Rader 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 Santos Martinez

did submit a request to restore lost delta credits
at 3609A Greenville Avenue

BDA190-098. Application of Santos Martinez to restore lost delta credits at 3609A GREENVILLE AVE. This property is more fully described as Lots 10,11,12,13, Block B/2909, and is zoned CR (MD-1), which states the right to nonconforming delta parking credits are lost if the use is vacant for twelve months or more. The Board may grant a special exception to this provision only if the owner can demonstrate there was not an intent to abandon the use. The applicant proposes to restore the lost delta credits, which will require a special exception to the Modified Delta Overlay-1 regulation.

Sincerely,

David Session
David Session, Building Official



AFFIDAVIT

Appeal number: BDA 190-098

I, Farhad Nayeb, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 3609 Greenville Suite A
(Address of property as stated on application)

Authorize: Santos T. Martinez (La Sierra Planning Group)
(Applicant's name as stated on application)

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

- Variance (specify below)
- Special Exception (specify below)
- Other Appeal (specify below)

Specify: reinstatement of 4 delta credits

Farhad Nayeb
Print name of property owner or registered agent

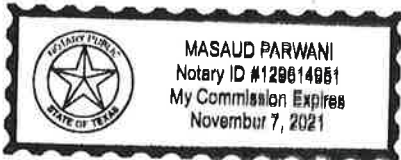
[Signature]
Signature of property owner or registered agent

Date 8/10/20

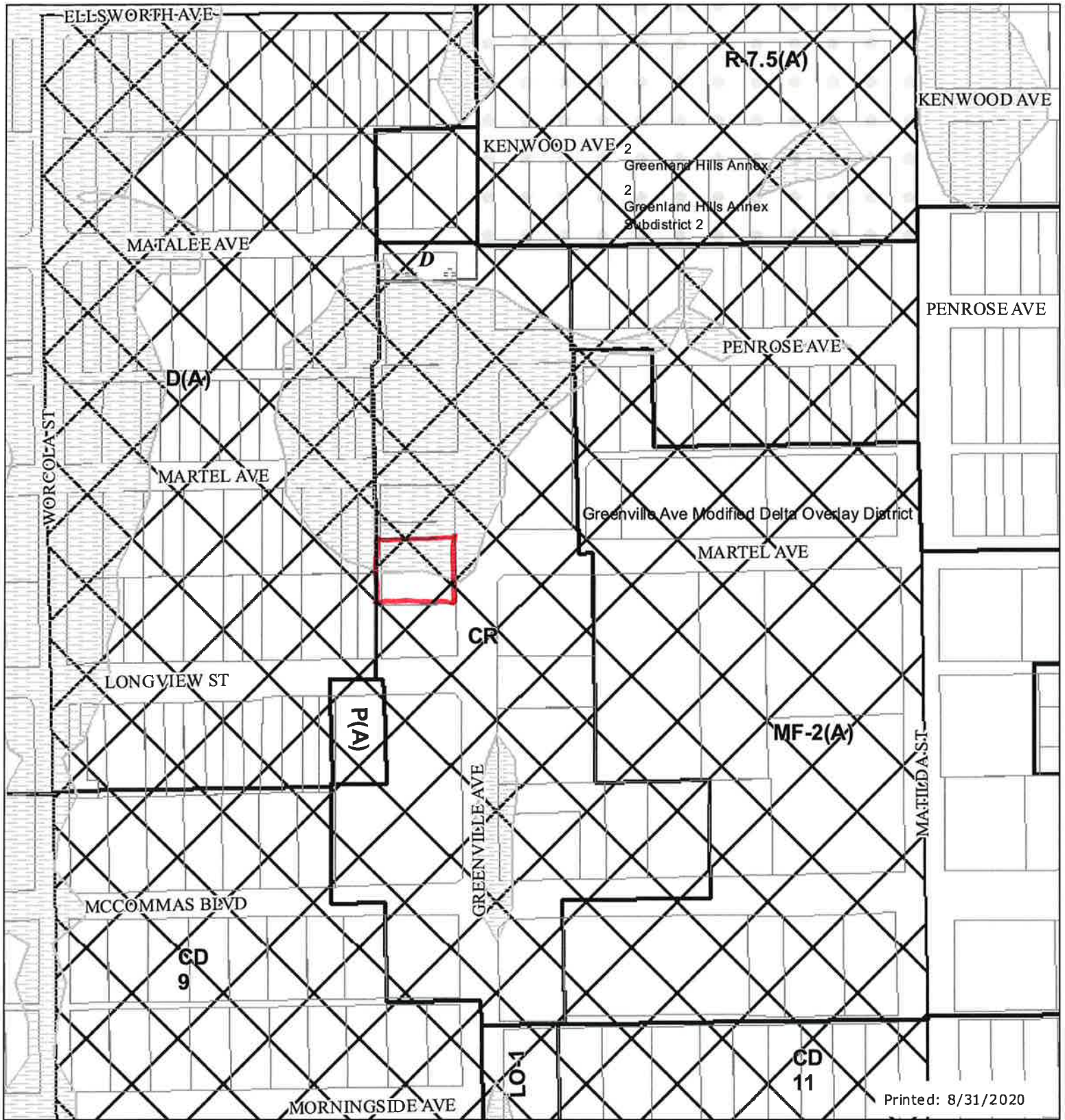
Before me, the undersigned, on this day personally appeared Farhad Nayeb

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

Subscribed and sworn to before me this 10 day of August, 2020



[Signature]
Notary Public for Dallas County, Texas
Commission expires on 11/7/2021



Printed: 8/31/2020

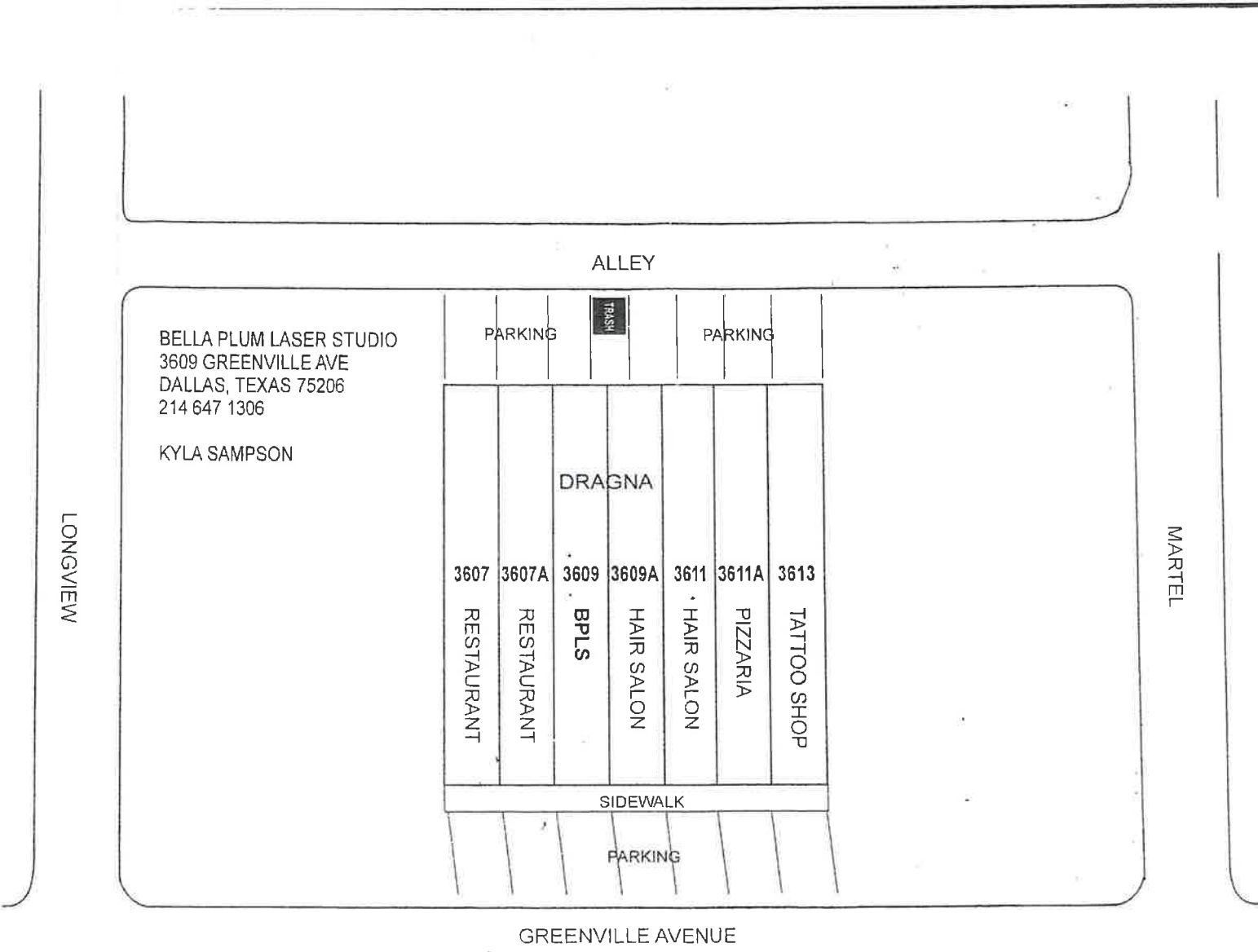
Legend

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

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Reference only



September 28, 2020

Mr. Oscar Aguilera
City of Dallas
1500 Marilla, 5BN
Dallas, Tx. 75201

RE: BDA 190-098

Dear Mr. Aguilera,

The property owner for 3609 Greenville has been attempting to secure a new certificate of occupancy for a tenant in suite A. They secured and executed a lease with a potential tenant (Exhibit A). The tenant made application (Exhibit B). I have attached copies of the lease agreement the property owner maintained with the previous tenant and the City record of the previous tenant (Exhibit C and D).

These actions demonstrate that the property owner has made all required steps to occupy this space to satisfy the standard of retaining its delta credits. Submitting an application for a new certificate of occupancy is the necessary step in occupying the tenant space with the City of Dallas. This certificate is still listed in review but the property owner should not be penalized for this review time to retain their allocated parking delta credits.

Please let me know if you may have any questions with this study or need any other items clarified regarding this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Santos T. Martinez", with a long horizontal flourish extending to the right.

Santos T. Martinez
Authorized representative for
Property owner

EXHIBIT A

LEASE AGREEMENT

BETWEEN

MCCREARY 544 SHOPPING CENTER, LLC,
AS LANDLORD,

AND

TOPLINE BOUTIQUE, LLC
AS TENANT

DATED: 7/03, 2019

DRAGNA CENTER
DALLAS, TEXAS

DRAGNA CENTER
DALLAS, TEXAS

SIL

BASIC LEASE INFORMATION

Lease Date: _____, 2019
 Landlord: MCCREARY 544 SHOPPING CENTER, LLC, a Texas limited liability company
 Tenant: **Topline Boutique LLC**
 Guarantor: Stephanie Ruiz, an individual ("Guarantor") as mentioned in Exhibit G

Premises: The area known as suite number 3609A Greenville Ave containing approximately 906 rentable square feet described on the plan attached as Exhibit A, being part of the shopping center commonly known as Dragna Center (the "Shopping Center"), which is situated on the property described in Exhibit B. The term "Shopping Center" includes the property described in Exhibit B, together with the improvements thereon, including the building in which the Premises are located (the "Building"), and such additions and other changes as Landlord may, from time to time, designate as being included within the Shopping Center. Exhibit A is attached hereto solely for the purpose of locating the Premises within the Shopping Center and depicting the general layout of the Shopping Center and shall not be deemed to be a representation, warranty or agreement by Landlord as to any information shown thereon or that the Shopping Center or stores be exactly as indicated thereon.

Term: The initial term of this Lease shall commence on the Lease Date and shall expire on the last day of the 60th full calendar month following the Commencement Date, subject to adjustment and earlier termination as provided in the Lease, together with all exercised Option Terms.

Commencement Date: 150 days after the date on which Landlord delivers premises to tenant

Option Terms: Provided no Event of Default exists and Tenant is open and occupying the entire Premises at the time of such election and at the expiration of the then current term, Tenant may renew this Lease for one (1) additional period(s) of five (5) years each ("Option Term(s)"), by delivering written notice of the exercise thereof to Landlord not later than six (6) months before the expiration of the previous Term. If Tenant timely notifies Landlord that Tenant exercises the Option Terms granted herein, then the Term of this Lease shall be extended on the same terms provided in this Lease, except the Minimum Rent payable for each month during each Option Term shall be as shown below, and Landlord shall lease to Tenant the Premises in their then-current condition.

Minimum Rent: Minimum Rent shall be the following amounts for the following periods of time:

Lease Months	Annual Minimum Rent Rate Per Rentable Square Foot	Monthly Minimum Rent
1 – 60	██████████	██████████

One (1) Five (5) Options
 Option 1 – Years 6-10: Fair market value

As used herein, the term "Lease Month" means each calendar month following the Commencement Date (and if the Commencement Date does not occur on the first day of a calendar month, the period from the Commencement Date to the first day of the next calendar month shall be included in the first Lease Month for purposes of determining the duration of the Term and the monthly Minimum Rent rate applicable for

Certificate of Occupancy - 2001281125

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

Property

Street Address

[View](#) 3609 GREENVILLE AVE Ste:A

Status: CO Pending Application Date: Jan 28, 2020
Issue Date: mmm dd, yyyy
Completed Date:

Applicant: DAVID TEUMA

Owner Category:

PRIVATE

Land Use Description: GEN MERCHANDISE OR FOOD STORE < 3500 SQ. FT.

Temporary Address:

Project

Doing TOPLINE BOUTIQUE
business as:

Certificate Type: CO

Health Permit Number:

Use of Property: GEN MERCHANDISE

Occupancy: B	Selling Alcohol: <input type="checkbox"/>	Dwelling Units:
Constr. Type: IIIB	Dance Floor: <input type="checkbox"/>	Stories:
Sq. Footage: 908		Occupancy Load:
		Sprinkler: None
		Required Parking:
		Proposed Parking:



City of Dallas

Certificate of Occupancy

Address: 3609 GREENVILLE AVE Ste:A 75206 **Issued:** 01/23/2018

Owner: WASHOUSE LAUNDRY CO. LLC
3609 A GREENVILLE AVE DALLAS TX

DBA: WASHOUSE LAUNDRY

Land Use: (5999) GEN MERCHANDISE OR FOOD STORE < 3500 SQ. FT.

Occupied Portion:

C.O.#: 1801101004

Lot: 10	Block: B/2909	Zoning: CR	PDD:	SUP:
Historic Dist:	Consv Dist:	Pro Park: 0	Req Park: 0	Park Agrmt: N
Dwlg Units:	Stories:	Occ Code: M	Lot Area: 11250	Total Area: 1618
Type Const: IIIB	Sprinkler: None	Occ Load:	Alcohol: N	Dance Floor:N

Remarks: ALL WORK SUBJECT TO FIELD INSPECTOR APPROVAL

Philip Sikes, Building Official

This certificate shall be displayed on the above premise at all times.

EXHIBIT D

LEASE AGREEMENT

BETWEEN

MCCREARY 544 SHOPPING CENTER, LLC,

AS LANDLORD,

AND

THE WASHOUSE LAUNDRY CO., A TEXAS LIMITED LIABILITY COMPANY, DBA THE
WASHOUSE LAUNDRY CO. GREENVILLE

AS TENANT

DATED: January, 2nd, 2018

DRAGNA CENTER

DALLAS, TEXAS

DRAGNA CENTER
DALLAS, TEXAS

FR



BASIC LEASE INFORMATION

Lease Date: January 2nd, 2018

Landlord: MCCREARY 544 SHOPPING CENTER, LLC, a Texas limited liability company

Tenant: **The Washhouse Laundry Co., A Texas Limited Liability Company DBA The Washhouse Laundry Co. Greenville**

Guarantor: The Washhouse Laundry Co., A Texas Limited Liability Company ("Guarantor")

Premises: The area known as suite number 3609A Greenville Ave containing approximately 906 rentable square feet described on the plan attached as Exhibit A, being part of the shopping center commonly known as Dragna Center (the "**Shopping Center**"), which is situated on the property described in Exhibit B. The term "Shopping Center" includes the property described in Exhibit B, together with the improvements thereon, including the building in which the Premises are located (the "**Building**"), and such additions and other changes as Landlord may, from time to time, designate as being included within the Shopping Center. Exhibit A is attached hereto solely for the purpose of locating the Premises within the Shopping Center and depicting the general layout of the Shopping Center and shall not be deemed to be a representation, warranty or agreement by Landlord as to any information shown thereon or that the Shopping Center or stores be exactly as indicated thereon.

Term: The initial term of this Lease shall commence on the date the lease has been executed by both parties and shall expire on the last day of the 60TH full calendar month following the Commencement Date, subject to adjustment and earlier termination as provided in the Lease, together with all exercised Option Terms.

Commencement Date: The earlier of the following dates:
 (A) 90 days after the date on which Landlord delivers premises to tenant; dry-wall to split space must be erected.

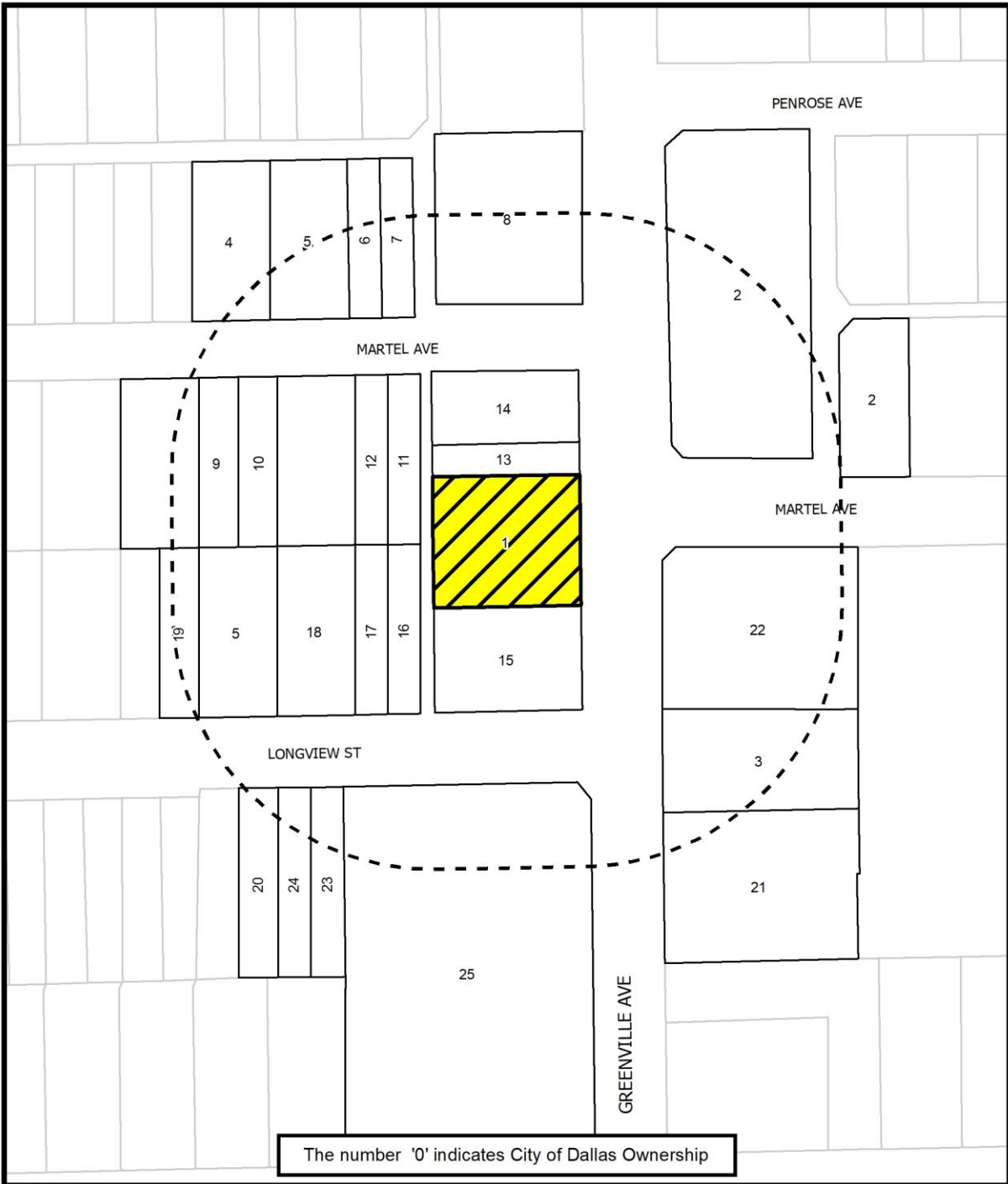
Option Terms: Provided no Event of Default exists and Tenant is open and occupying the entire Premises at the time of such election and at the expiration of the then current term, Tenant may renew this Lease for One (1) additional period(s) of five (5) years each ("**Option Term(s)**"), by delivering written notice of the exercise thereof to Landlord not later than six (6) months before the expiration of the previous Term. If Tenant timely notifies Landlord that Tenant exercises the Option Terms granted herein, then the Term of this Lease shall be extended on the same terms provided in this Lease, except the Minimum Rent payable for each month during each Option Term shall be as shown below, and Landlord shall lease to Tenant the Premises in their then-current condition.

Minimum Rent: Minimum Rent shall be the following amounts for the following periods of time:

Lease Months	Annual Minimum Rent Rate Per Rentable Square Foot	Monthly Minimum Rent
1 – 60	[REDACTED]	[REDACTED]
61– 120 Option Term 1	MARKET	MARKET

As used herein, the term "**Lease Month**" means each calendar month following the Commencement Date

[Handwritten initials]



The number '0' indicates City of Dallas Ownership

 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <p> 200' AREA OF NOTIFICATION 25 NUMBER OF PROPERTY OWNERS NOTIFIED </p>	<p>Case no: <u>BDA190-098</u></p> <p>Date: <u>10/1/2020</u></p>
--	---	---

10/01/2020

Notification List of Property Owners

BDA190-098

25 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3607 GREENVILLE AVE	MCCREARY 544 SHOPPING CENTER LLC
2	3606 GREENVILLE AVE	UPTOWN VENTURES LLC &
3	3524 GREENVILLE AVE	GREENVILLE HARMONY LP
4	5621 MARTEL AVE	SOTIROPOULOS ANASTASIOS
5	5625 MARTEL AVE	O B A INC
6	5629 MARTEL AVE	LOWE DAVID H & TENA M
7	5631 MARTEL AVE	STOVALL SINDHU
8	3707 GREENVILLE AVE	GREENVILLE MARTEL LP
9	5622 MARTEL AVE	CHAMBERS NANCY JOAN &
10	5622 MARTEL AVE	NICHTER DANIEL C & JONELL
11	5630 MARTEL AVE	HEGDE ANITA A
12	5628 MARTEL AVE	SMITH DAVID B &
13	3615 GREENVILLE AVE	BILLINGSLY L B INVESTMENT
14	3619 GREENVILLE AVE	POLISHUK FAMILY LIMITED PARTNERSHIP
15	3601 GREENVILLE AVE	JANMAR LLC
16	5631 LONGVIEW ST	FEFFER STEVEN E
17	5629 LONGVIEW ST	BINFORD OSWARD &
18	5625 LONGVIEW ST	JG RESIDENTIAL PROPERTIES LLC
19	5619 LONGVIEW ST	HAGGERTY RYAN M &
20	5622 LONGVIEW ST	PARISH STEPHEN R & JYME CANONE
21	3520 GREENVILLE AVE	SUNDOWN HOLDINGS LLC
22	3526 GREENVILLE AVE	TRITON GREENVILLE LLC
23	5624 LONGVIEW ST	MUSTIQUE DEVELOPMENT LLC
24	5624 LONGVIEW ST	MOREDOCK JEFFREY LAURENCE JR &
25	3519 GREENVILLE AVE	ABIDE VINE LLC

FILE NUMBER: BDA190-084

BUILDING OFFICIAL'S REPORT: Application of Rob Baldwin of Baldwin Associates for a special exception to the sign regulations at 5535 W. Lovers Lane. This property is more fully described as Lot 4, Block1/5012, and is zoned a CR Community Retail District, which prohibits non-monument signs within 250 feet of either private property in a non-business zoning district or a public park of more than one acre. The applicant proposes to construct a detached premises non-monument sign on a nonresidential premise within 250 feet of either private property in a non-business zoning district or a public park of more than one acre, which will require a special exception to the sign regulation.

LOCATION: 5535 W. Lovers Lane

APPLICANT: Rob Baldwin of Baldwin Associates

REQUEST: A request for a special exception to the sign regulations is made to place and maintain a non-monument sign within the 250-foot distance requirement from a residential property on a site developed with retail uses (two prospective tenants).

STANDARD FOR A SPECIAL EXCEPTION TO THE SIGN REGULATIONS FOR A NON-MONUMENT SIGN WITHIN 250 FEET OF PRIVATE PROPERTY IN A NON-BUSINESS ZONING DISTRICT:

Section 51A-7.304(b)(3) states that the Board of Adjustment may grant a special exception to allow a non-monument sign within 250 feet of private property in a non-business zoning district 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 sign regulations to allow a non-monument sign within 250 feet of private property in a non-business zoning district since the basis for this type of appeal is when, in the opinion of the board, the special exception will not adversely affect neighboring property.

BACKGROUND INFORMATION:

Zoning:

Site: CR (Community Retail District)
North: R-7.5(A) (Single Family Residential District)
South: CR (Community Retail District)
East: CR (Community Retail District)
West: CR (Community Retail District)

Land Use:

The site is being developed with retail uses. The areas to the north are developed with single family uses; the areas to the south, east and west are developed with retail uses.

Zoning/BDA History:

1. BDA190-063, Property located at 5535 W. Lovers Lane (subject property)

On June 23, 2020, the Board of Adjustment Panel A denied a request for a special exception to the sign regulations without prejudice.

The request was to place and maintain a non-monument sign within the 250-foot distance requirement from a residential property on a site developed with retail uses (two prospective tenants).

2. BDA190-006, Property located at 5555 W. Lovers Lane (property located east of the subject site)

On January 21, 2020, the Board of Adjustment Panel A granted your request for a special exception to the sign regulations, subject to compliance with the submitted plan.

The request was to place and maintain a non-monument sign within the 250-foot distance requirement from a residential property on a site developed with retail uses.

GENERAL FACTS/STAFF ANALYSIS:

The request focuses on placing and maintaining a non-monument sign within 250 feet from residential property on a site being developed with retail uses (two prospective tenants).

The Dallas Development Code states non-monument signs are not allowed within 250 feet of either private property in a non-business zoning district or a public park of more than one acre.

The applicant has submitted a site plan and sign elevation. The site plan notes that the signboard of the proposed sign would be oriented to face east and west. The sign is not visible to the non-business zoning district immediately north of the subject site. The site location was moved to the east side of the lot. Previously, the sign was proposed to be on the west side of the lot.

The subject sign is located approximately 200 feet from the nearest residential lot located north of the subject site. The applicant is placing a new two-tenant sign on a steel pipe (pole) in order to advertise these new retail tenants.

In October of 2004, the sign regulations were amended in ways that added the provision the applicant is seeking an exception from – non-monument signs are not allowed within 250 feet of either private property in a non-business zoning district or a public park more than one acre.

The applicant submitted a revised site plan and elevation document stating, among other things, that the proposed two-tenant sign will be a 64-square-foot flag mount illuminated LED cabinet.

No changes were made to this application since the Board of Adjustment held this application on September 22, 2020.

The applicant has the burden of proof in establishing the following:

- That allowing a non-monument sign within 250 feet of private property in a non-business zoning district when, in the opinion of the board, the special exception will not adversely affect neighboring property.

If the board were to grant this request and impose the submitted site plan as a condition to the request, the sign would be held to the location as shown on this plan

- a site plan that notes that the signboard of the proposed replacement sign would be oriented to face east and west, and not to the non-business zoning district immediately north of the subject site.

Staff does not recommend imposing any sign elevation as a condition to this request since granting this special exception would not provide any relief to the sign regulations of the Dallas Development Code (i.e. height, effective area, or setback requirements)

other than allowing a non-monument sign within 250 feet of private property in a non-business zoning district.

TIMELINE:

July 28, 2020: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.

August 18, 2020: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A.

August 19, 2020: The Board Senior Planner emailed the applicant the following information:

- a copy of the application materials including the Building Official’s report on the application.
- an attachment that provided the public hearing date and panel that will consider the application; the September 2, 2020 deadline to submit additional evidence for staff to factor into their analysis; and the September 11, 2020 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.”

September 4, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the September public hearing. The review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Sing Specialist, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Assistant City Attorney to the Board.

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

September 22, 2020: The Board of Adjustment Panel A conducted a public hearing on this application and delayed action on this application per the applicant's request until the next public hearing to be held on October 20, 2020

September 28, 2020: The Board Administrator wrote the applicant a letter of the board's action; the September 30, 2020 deadline to submit additional evidence for staff to factor into their analysis; and the October 9, 2020 deadline to submit additional evidence to be incorporated into the Board's docket materials.

October 2, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearings. The review team members in attendance included the Sustainable Development and Construction: Assistant Director, Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Building Inspection Senior Plans Examiner/Development Sign Code Specialist, Senior Engineer, the Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

BOARD OF ADJUSTMENT ACTION: September 22, 2020

APPEARING IN FAVOR: Rob Baldwin 3904 Elm St. Ste. B, Dallas, TX

APPEARING IN OPPOSITION: None

MOTION: **Lamb**

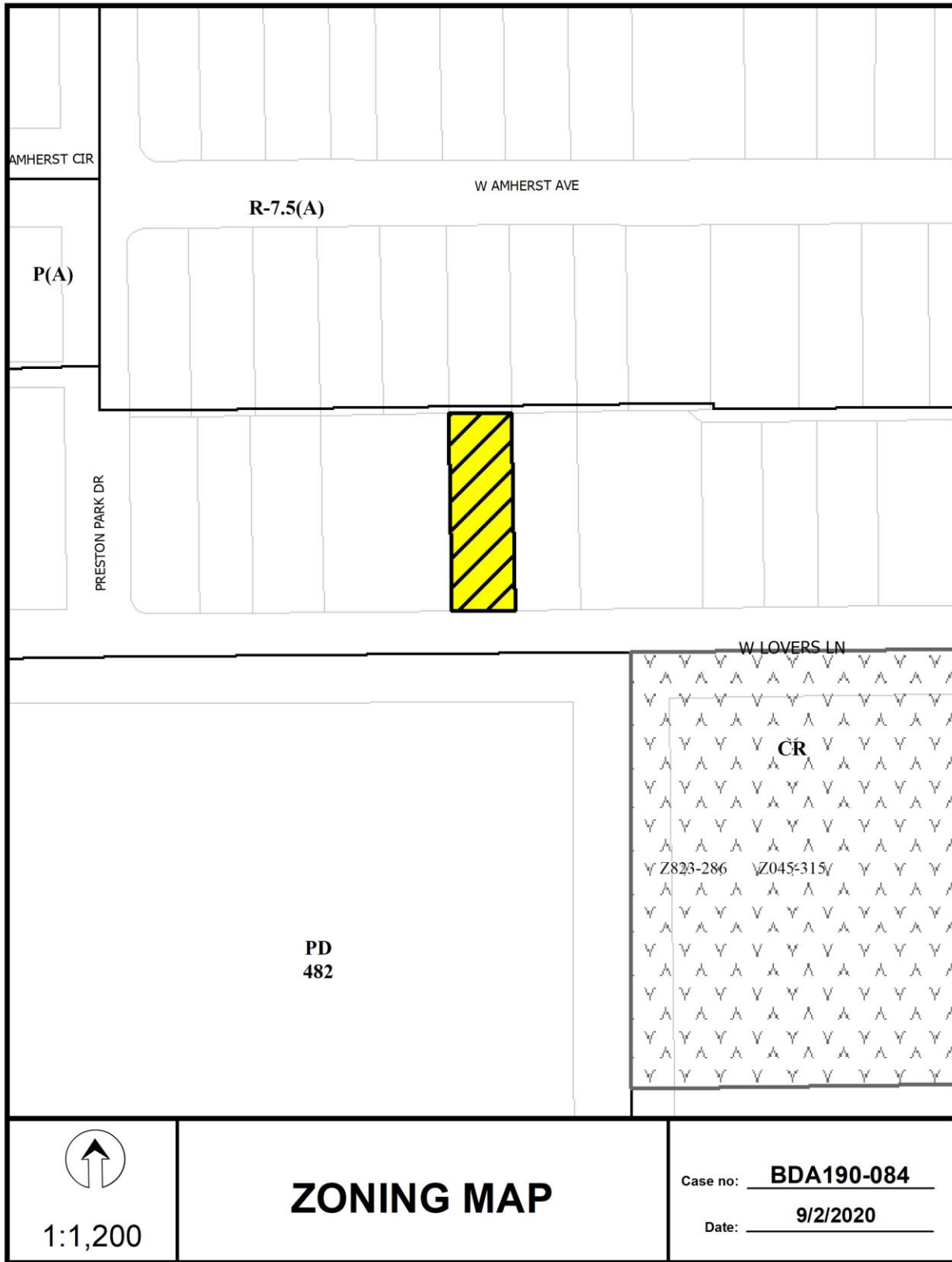
I move that the Board of Adjustment in request No. BDA 190-084, **hold** this matter under advisement until **October 20, 2020**

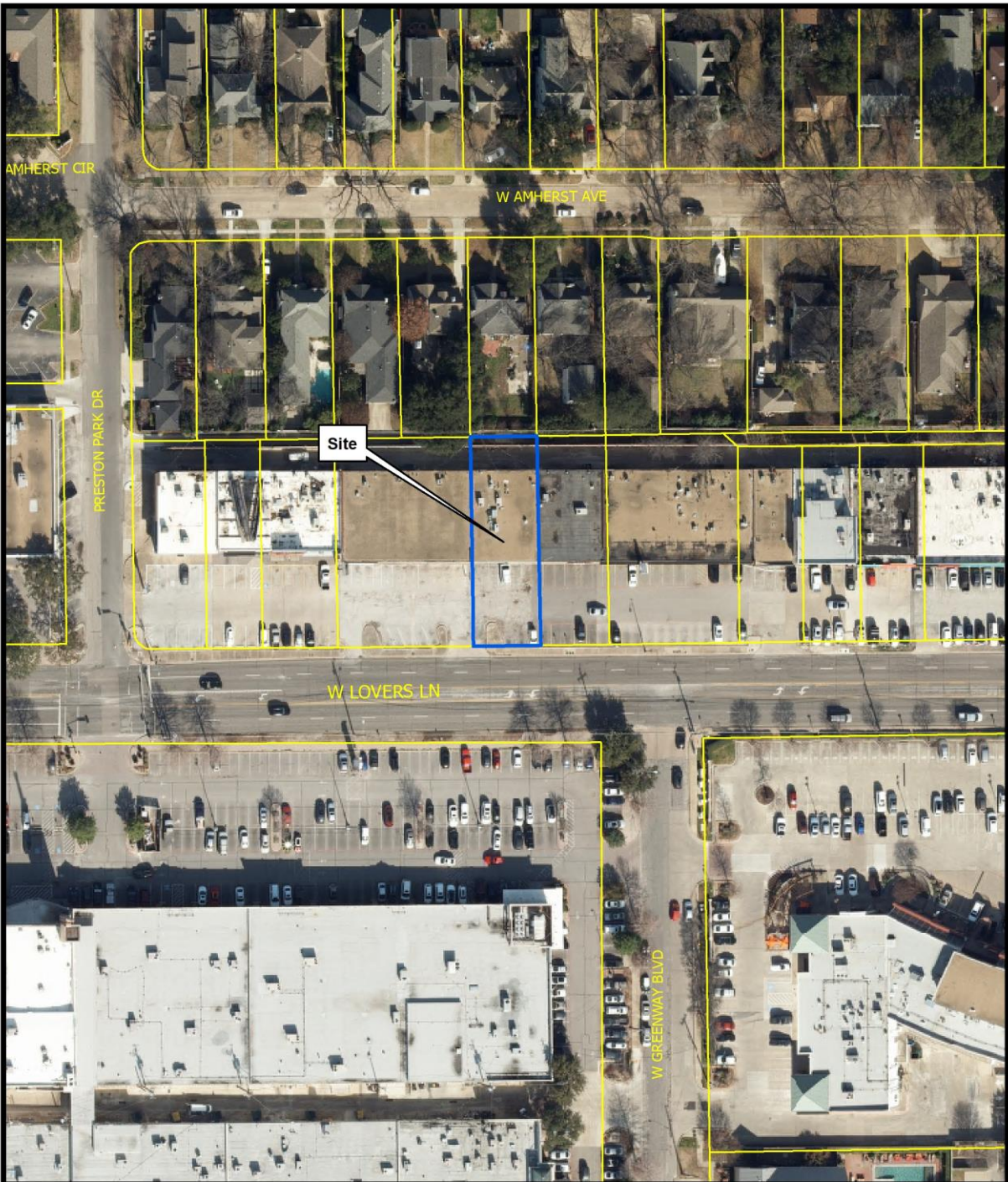
SECONDED: **Adams**

AYES: 5 – Gambow, Adams, Lamb, Halcomb, Narey

NAYS: 0

MOTION PASSED: 5 – 0 (unanimously)





1:1,200

AERIAL MAP

Case no: BDA190-084

Date: 9/2/2020



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-084

Date: 7-28-20

Data Relative to Subject Property:

Location address: 5535 W. Lovers Lane Zoning District: CR

Lot No.: 4 Block No.: 1/5012 Acreage: 0.18 acres Census Tract: 73.01

Street Frontage (in Feet): 1) 50 ft 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Concord-Lovers Lane, LP

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

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

E-mail Address: rob@baldwinplanning.com

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

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

E-mail Address: rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance __, or Special Exception X, of sign regulations to allow a pole sign on a property within 250 feet of a non-business sign district (51A-7.304(b)(3)).

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: The proposed sign will not adversely affect neighboring property. The proposed sign will be located spaced apart from other existing pole signs within the retail shopping center.

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

Affidavit

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

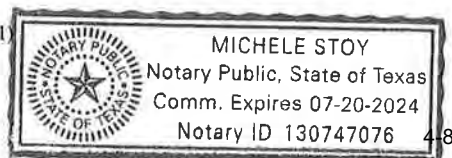
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

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

Subscribed and sworn to before me this 20 day of July, 2020

[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 BALDWIN ASSOCIATES

did submit a request for a special exception to the sign regulations
at 5535 W Lovers Lane

BDA190-084. Application of BALDWIN ASSOCIATES for a special exception to the sign regulations at 5535 W LOVERS LN. This property is more fully described as Lot 4, Block 1/5012, and is zoned CR, which prohibits non-monument signs within 250 feet of either private property in a non-business zoning district or a public park of more than one acre. The applicant proposes to construct a detached premises non-monument sign on a nonresidential premises within 250 feet of either private property in a non-business zoning district or a public park of more than one acre, which will require a special exception to the sign regulation.

Sincerely,


David Session, Building Official



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 190-084

I, Concord-Lovers Lane, LP, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 5535 West Lovers Lane
(Address of property as stated on application)

Authorize: Rob Baldwin, Baldwin Associates
(Applicant's name as stated on application)

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

- Variance (specify below)
- Special Exception (specify below)
- Other Appeal (specify below)

Specify: Allow for a pole sign within 250 feet of non-business sign district

Concord-Lovers Lane, LP
D. Carter Fournier, Jr
Print name of property owner or registered agent

[Signature]
Signature of property owner or registered agent

Date July 20, 20

Before me, the undersigned, on this day personally appeared Carter Fournier

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

Subscribed and sworn to before me this 20 day of July, 2020



Donna Anderson
Notary Public for Dallas County, Texas
Commission expires on 1-3-2023



Printed: 2/19/2020

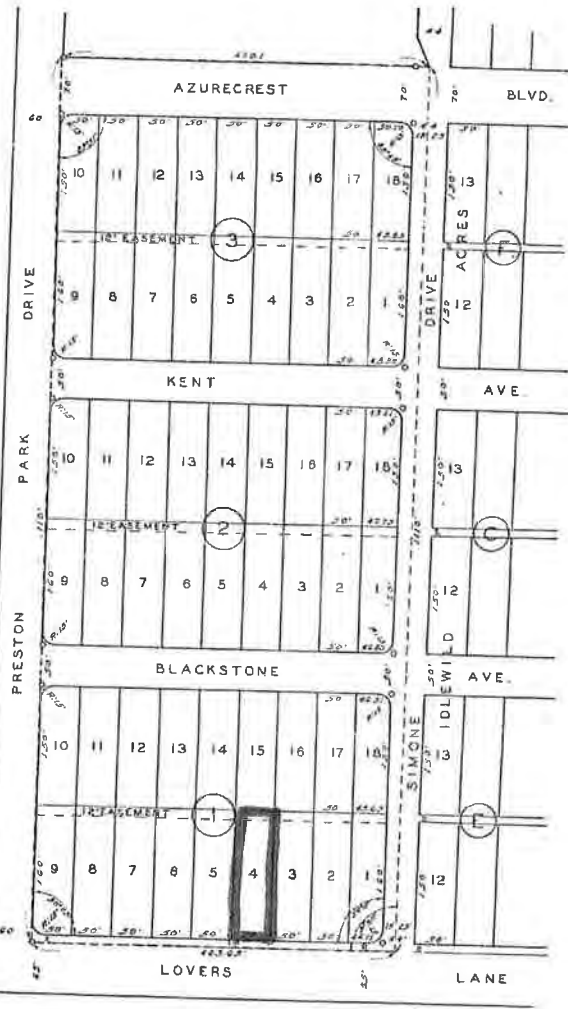
Legend

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

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



FILING PLAT
PRESTON PARK
 OUT OF A.J. MANNIN SUR.
 SIMONS - GRAHAM CORPORATION - OWNER
 KOCH & FOWLER ENGINEERS
 SCALE: 1"=100' FEB. 5, 1938



1938 -----Plat \$3.50
Feb. 1, 1938 \$3.00

SIMONS GRAHAM CORPORATION

TO.... Dedication

STATE OF TEXAS

PRESTON PARK ADDITION

COUNTY OF DALLAS

WHEREAS, the SIMONS-GRAHAM CORPORATION are the owners of a tract of land situated in the A. J. Mannin Survey, County of Dallas and more particularly described as follows:

BEGINNING at a point in the North line of LOVENS LANE 663.85 East of the East property line of INWOOD ROAD; said point being in the East line of a road 60 feet wide previously dedicated to the County;

THENCE in a North ealy direction 90 - 09 to the left from the North line of LOVENS LANE and along the East line of said 60 foot road a distance of 1110 feet to an iron pipe;

THENCE 90 - 09 to the right from the prolongation of the last described line a distance of 470.1 feet to a point in the West line of IDLEWILD ACRES Addition;

THENCE 90 - 11 to the right from the prolongation of the last described line and along the West line of IDLEWILD ACRES a distance of 1110 feet to the North line of LOVENS LANE;

THENCE 90 - 49 to the right from the prolongation of the last described line and along the North line of LOVENS LANE a distance of 463.85 feet TO THE POINT OF BEGINNING.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That, we, SIMONS-GRAHAM CORPORATION do hereby adopt this plat designating the hereinabove described property as

PRESTON PARK ADDITION

to the city of Dallas, Texas, and, we do hereby dedicate to the PUBLIC USE FOREVER the streets and easements shown thereon.

WITNESS our hands at Dallas, Texas this the 5th day of Feb, 1938.

ATTEST: (J. S.)

SIMONS - GRAHAM CORPORATION.

E. ALLAN GRAHAM, Secretary.

A. P. SIMONS, President.

THE STATE OF TEXAS

COUNTY OF DALLAS

BEFORE ME, the undersigned, a Notary Public in and for the said County and State, on this day personally appeared A. P. SIMONS, as President of Simons-Graham Corporation known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated and as the act and deed of said Corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 5th day of Feb., 1938.

M. E. MOEHRTEN,

I. S.

Notary Public in and for Dallas County, Texas.

SURVEYOR'S CERTIFICATE.

KNOW ALL MEN BY THESE PRESENTS:

That we, KOCH AND FOWLER, do hereby certify that we prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under our personal supervision, in accordance with the Platting Rules and Regulations of the City Plan Commission of the City of Dallas, Texas.

KOCH AND FOWLER.
BY: J. D. Sandker,

THE STATE OF TEXAS

COUNTY OF DALLAS

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared J. D. SANDKER 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 the 5th day of Feb, 1938.

M. E. MOEHRTEN,

L. S.

Notary Public in and for Dallas County, Texas.

CERTIFICATE OF APPROVAL.

I, GEO. T. BURGESS, CHAIRMAN of the City Plan Commission of the City of Dallas, State of Texas, hereby certify that the attached plat was duly filed for approval with the City Plan Commission of the City of Dallas, on the 2nd day of February, A.D. 1938 and same was duly approved on the 3rd day of February A. D. 1938 by said Commission.

ATTEST: RUTH JORNING, Secretary.

GEO. T. BURGESS, Chairman.
CITY PLAN COMMISSION, Dallas, Texas.

FILED FOR APPROVAL this 2nd day of February 1938 at 9:30 o'clock A.M. CITY PLAN COMMISSION, Dallas, Texas. By: R. E. McVEY, City Plan Engineer.

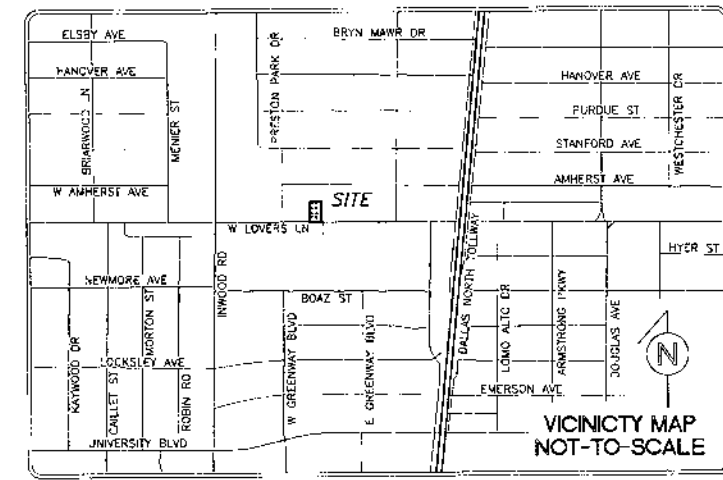
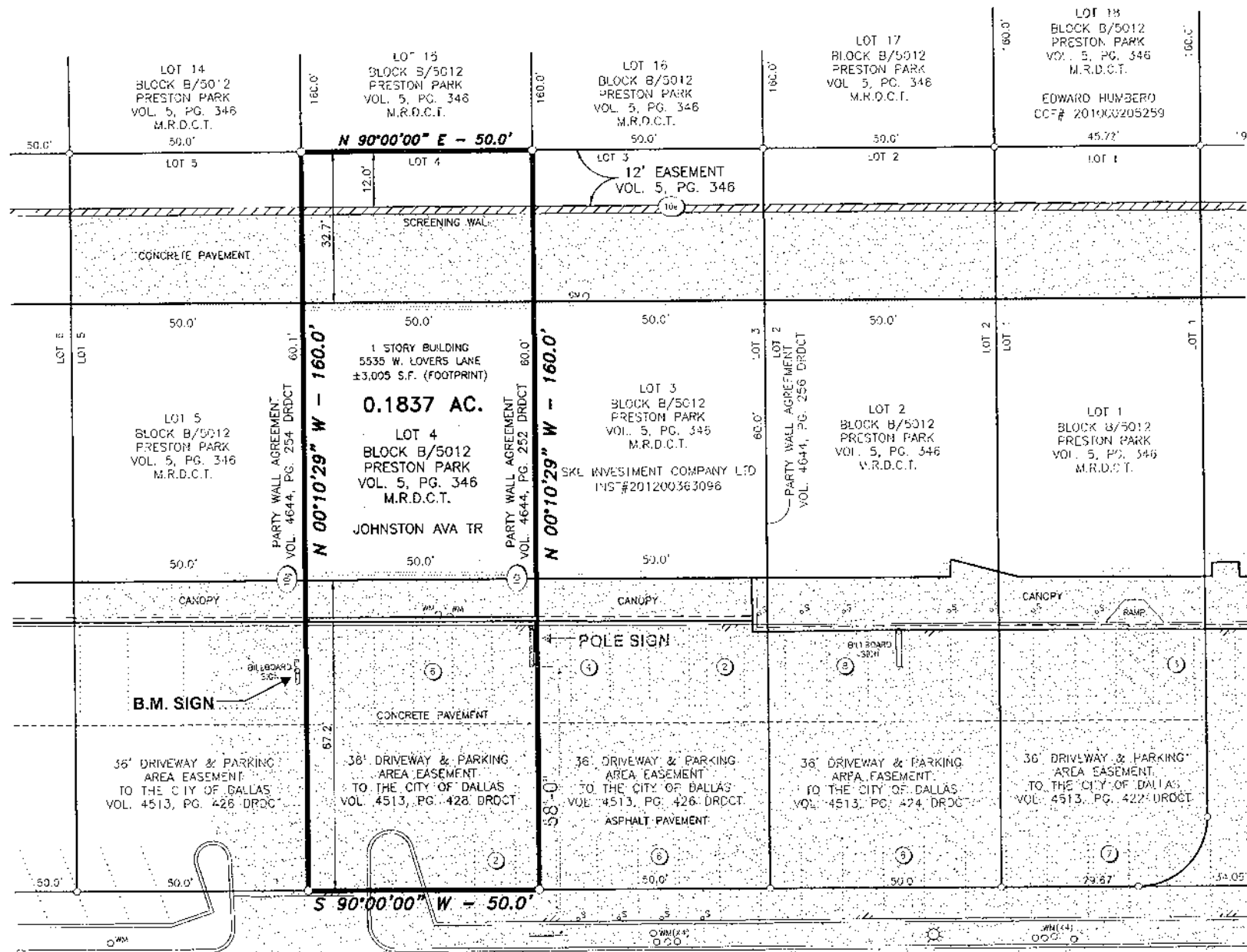
FILED FOR RECORD FEBRUARY 5th, A.D. 1938 at 3:00 o'clock P.M. ED. H. STEIN, COUNTY CLERK,

BY: A. L. GIBBETT, DEPUTY,

RECORDED FEBRUARY 15th, A.D. 1938. ED. H. STEIN, COUNTY CLERK.

BY: Anne H. Whyte, Deputy.





LEGEND

- F.H. FIRE HYDRANT
- X SET CHISELED "X" SET
- X FND CHISELED "X" FOUND
- IRF IRON ROD FOUND (SIZE AS NOTED)
- IRS IRON ROD SET (SIZE AS NOTED)
- OP OVERHEAD UTILITY POLE W/ GUY
- SSWH SANITARY SEWER MANHOLE
- SSMH STORM SEWER MANHOLE
- WMH WATER MANHOLE
- CD SAN. SWR. CLEAN CUT
- GV GAS VALVE
- WV WATER VALVE
- WM WATER METER
- GM GAS METER
- EM ELECTRIC METER
- B BOLLARD
- SP SIGNAL POLE
- SB SIGNAL BOX
- SV SIGNAL VAULT
- EB ELECTRIC BOX
- EV ELECTRIC VALVE
- SS STREET SIGN
- CM CABLE MARKER
- CB CABLE BOX
- S SIGN
- CAS AUTO SPRINKLER
- TPAD TRANSFORMER PAD
- LIGHT POLE
- ① TITLE NO. REFERENCE
- ② PARKING COUNT

0 10' 20' 40' SCALE: 1/32" = 1'-0"

DATE	REVISIONS	NAME
2/14/20	REVISE POLE LOCATION & ADDED SITE PLAN	KD
4/7/20	REVISE RENDERING CLARITY CONCERNING POLE HEIGHT	KD
5/6/20	REVISE POLE HEIGHT TO 19FT - BOTTOM OF SIGN	KD
5/6/20	REVISE POLE HEIGHT TO 18FT 4IN - BOTTOM OF SIGN	KD
5/19/20	REVISE POLE TO SHOW FULL LENGTH	KD
7/01/20	REVISE POLE LOCATION TO RIGHT END OF SUITE	KD
7/07/20	REVISE POLE HEIGHT TO 19FT - BOTTOM OF SIGN	KD
7/15/20	PG 1 REVISE PEIR HOLE SIZE, PG 4 ADD ENGINEERING	KD

AUTHORIZATION	
CLIENT	DATE
ACCOUNT EXECUTIVE	DATE
LANDLORD	DATE
ALL CHANGES MUST BE INITIALED BY CLIENT AND ACCOUNT EXECUTIVE ON FINAL APPROVED PRINT.	

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CLIENT CONCORD CAPITOL STORE # _____

INSTALLATION ADDRESS 5535 W. LOVERS LN. DALLAS, TX 75209

DESIGNER KD ACCOUNT EXECUTIVE J. MULDOON

DATE 1-23-2020 SHEET 3 OF 4 DESIGN # 20-125 REV-9

Gerber FILE = 1-2020-Jobs\X\X\X\Production\Jobs\X
Corel FILE = 1-2020-Jobs\X\X\X\Drawings\20-

accent SIGNS graphics

COMPLETE SIGN SERVICE & FABRICATION

523 E. ROCK ISLAND GRAND PRAIRIE, TX 75050

TOLL FREE (800) 810-3044
METRO (972) 399-0333
FAX (972) 986-4456
TOLL FREE (800) 810-3045

EMAIL j.muldoon@accentgraphicsinc.com
WEBSITE www.accentgraphicsinc.com

* MANUFACTURE & INSTALL QTY: (1) 12" DEEP
D/F FLAG MOUNTED ILLUMINATED POLE SIGN



STOREFRONT ELEVATION W/ D/F POLE SIGN

Scale: 1/8" = 1'-0"

EXISTING CONDITION



EXISTING CONDITION



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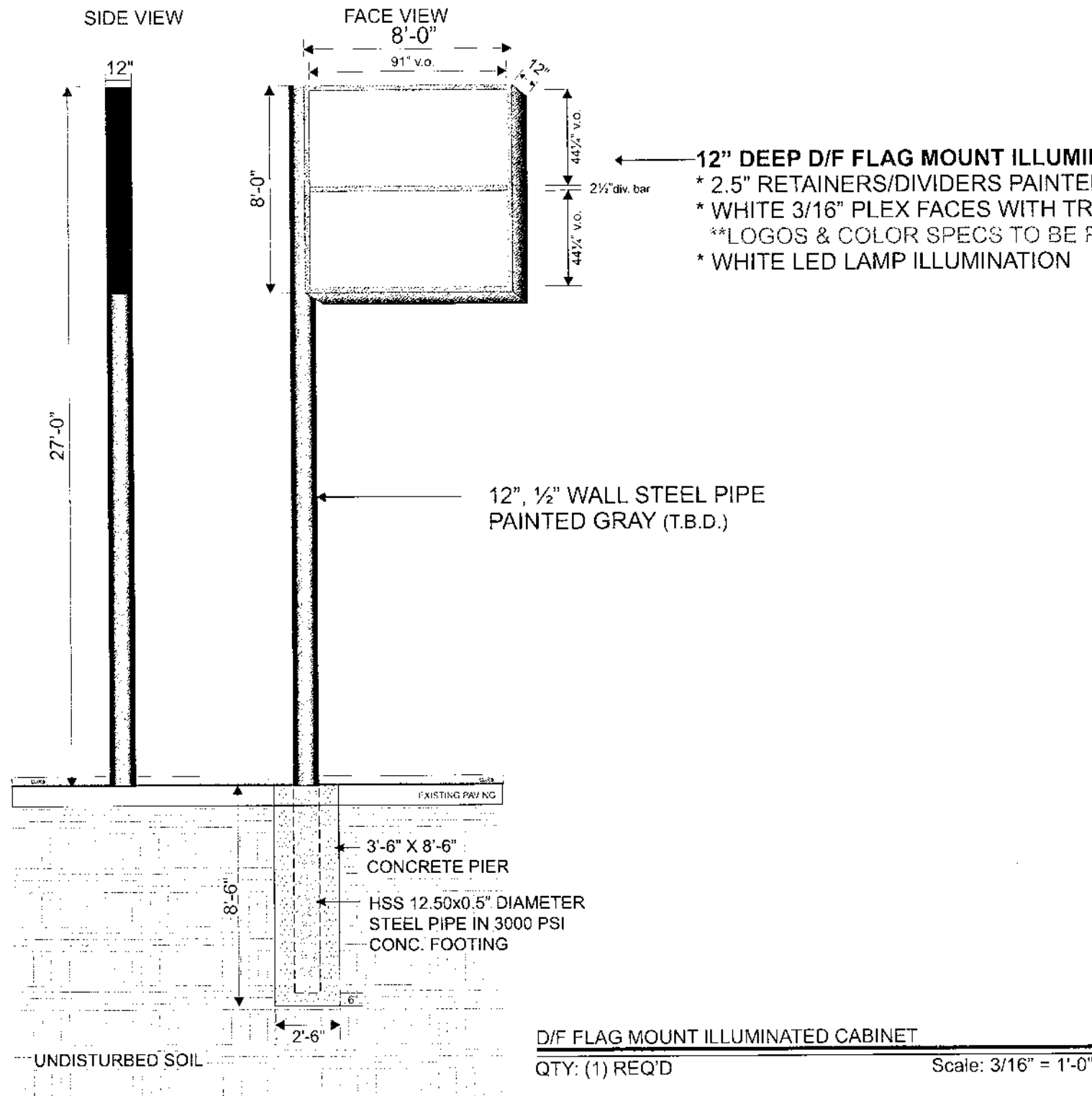
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- * 2.5" RETAINERS/DIVIDERS PAINTED GRAY (T.B.D.)
- * WHITE 3/16" PLEX FACES WITH TRANSL. VINTYL OVERLAYS
- **LOGOS & COLOR SPECS TO BE PROVIDED
- * WHITE LED LAMP ILLUMINATION

LOCATION VIEWS



NTS



NTS

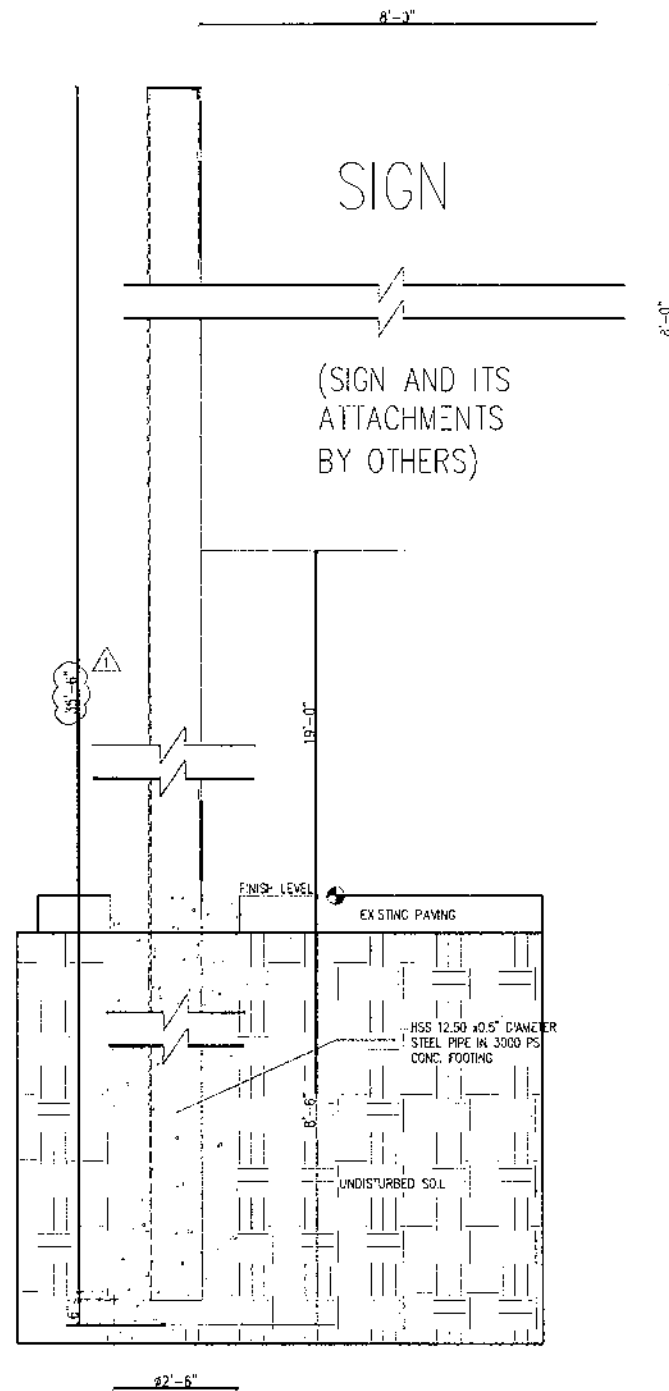
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1 SIGN FOOTING DETAIL
3/4" = 1'-0"

DESIGN POLE FOOTING (IBC 2015 1807.3.2.1)

$$d = \begin{cases} \frac{A}{2} \left[1 + \sqrt{1 + \frac{4.36h}{A}} \right] & \text{for nonconstrained} \\ \sqrt{\frac{4.25Ph}{bS_y}} & \text{for constrained} \end{cases} = 8.163 \text{ ft}$$

Where $P = V_{max} = 1.82 \text{ kips}$
 $A = 2.34P / (b S_y) = 2.08$
 $h = M_{max} / V_{max} = 21.87 \text{ ft}$



DESIGN

- A. INTERNATIONAL BUILDING CODE 2015
- B. WIND LOAD DESIGN CRITERIA:
 BASIC WIND SPEED, V_{3S} 115 MPH (3 SEC. GUST)
 WIND EXPOSURE CATEGORY C
 RISK CATEGORY II

STRUCTURAL STEEL

- A. ALL STRUCTURAL STEEL SHALL BE DESIGNED, FABRICATED AND ERECTED IN ACCORDANCE WITH THE LATEST SPECIFICATIONS OF THE AMERICAN INSTITUTE OF STEEL CONSTRUCTION.
- B. STRUCTURAL STEEL SHALL CONFORM TO:
 HOLLOW STRUCTURAL SECTION - PIPE (HSS)..... ASTM A53, GRADE B
- C. FIELD CONNECTIONS MAY BE WELDED OR BOLTED AT THE CONTRACTOR'S OPTION UNLESS NOTED OTHERWISE. BOLTS SHALL CONFORM TO ASTM A325/F1852. ALL WELDING SHALL BE IN ACCORDANCE WITH AWS D1.1-77. WELDING ELECTRODES SHALL BE EXACT UNLESS OTHERWISE NOTED.
- D. ALL EXPOSED STRUCTURAL STEEL SHALL BE WATERED, WELDED WITH WATERPROOF CONNECTIONS AND GROUND SMOOTH. USE GALVANIZED METAL OR A THICK COAT OF RED OXIDE PRIMER AND A THICK COAT OF MATTHEWS INDUSTRIAL BLACK PAINT ON ALL EXPOSED SURFACES.

CONCRETE:

- A. CONCRETE WORK SHALL BE EXECUTED IN STRICT ACCORDANCE WITH THE LATEST AMERICAN CONCRETE INSTITUTE (ACI 318).
- B. CONCRETE SPECIFICATIONS SHALL BE AS FOLLOWS:

28 DAY STRENGTH	AGGREGATE	SLUMP
3,000 PSI	H.R.	3" - 5"

PORLAND CEMENT SHALL CONFORM TO ASTM C 150.
 AGGREGATE SHALL CONFORM TO ASTM C-33 (H.R.). ALL CONCRETE SHALL BE PROPORTIONED TO HAVE A MAXIMUM WATER/CEMENT RATIO 0.55.
- C. SEE ARCHITECTURAL AND MECHANICAL PLANS FOR VERIFICATION OF ALL DEPRESSIONS, OPENINGS, CAST-IN-PLACE ACCESSORIES, ETC.
- D. JOB SITE CONDITIONS SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO THE FABRICATION OF MATERIALS.

HUDSON LOCKETT III, ARCHITECT
 6116 NORTH CENTRAL EXPRESSWAY SUITE 110
 DALLAS, TEXAS 75206-5101
 214-559-2095 hudson@hudsonlockett.com

PROPOSED RETAIL CENTER FACADE ALTERATION FOR:
LOVERS LANE CENTER
 5535 LOVERS LANE DALLAS, TEXAS



ISSUE DATES
 02/12/20 FOR PERMIT
 07/15/20 REVISION Δ

STRUCTURAL ENGINEERING & DETAILING, LLC
 1804 LAKESHORE CRT.
 IRVING, TEXAS

S-1

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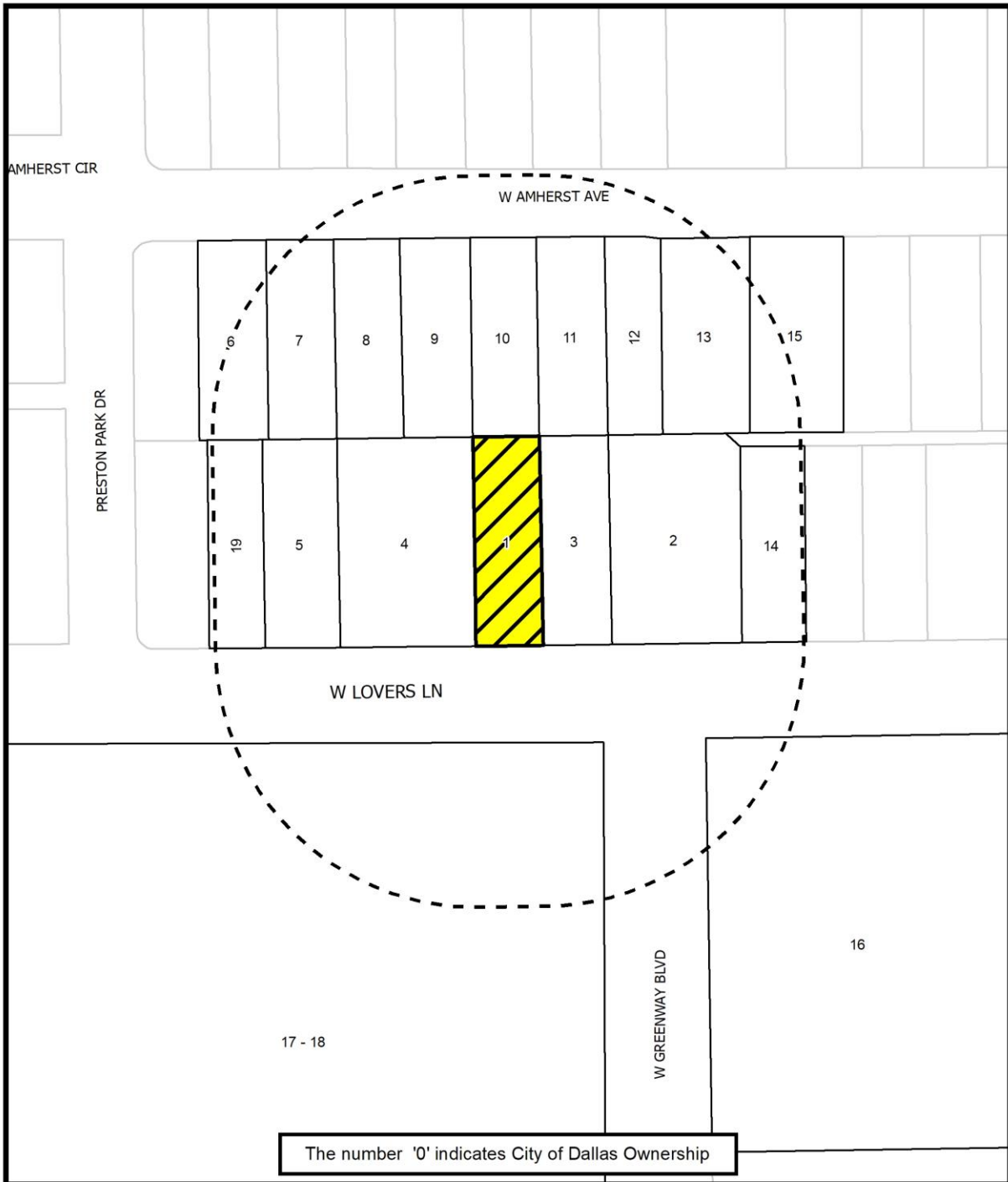
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ACCOUNT EXECUTIVE <td>J. MULDOON</td>	J. MULDOON
LANDLORD <td></td>	

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1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
19 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA190-084**
 Date: **9/2/2020**

09/02/2020

Notification List of Property Owners

BDA190-084

19 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5535 W LOVERS LN	JOHNSTON AVA TR
2	5555 W LOVERS LN	SHERRY LANE INV INC
3	5541 W LOVERS LN	SKL INVESTMENT COMPANY LTD
4	5525 W LOVERS LN	DORCO RLTY CO
5	5519 W LOVERS LN	JLE RICHARDSON HTS LTD
6	5506 W AMHERST AVE	ANDERSON JAMES CHRISTOPHER &
7	5510 W AMHERST AVE	TRAEGER JOHN W
8	5514 W AMHERST AVE	SHUFORD KATHI K & SCOTT H
9	5518 W AMHERST AVE	ALEXANDER RESIDENCE TRUST
10	5522 W AMHERST AVE	SCOGGINS JOHN &
11	5526 W AMHERST AVE	BOULAS H JAY
12	5530 W AMHERST AVE	CULBERTSON JUDY BROADFOOT
13	5534 W AMHERST AVE	ARRIETA EDWARD HUMBERTO
14	5567 W LOVERS LN	BOSWELL MARY U
15	5600 W AMHERST AVE	BUFKIN THOMAS D JR &
16	5600 W LOVERS LN	PAVILION ON LOVERS LN LP
17	5300 W LOVERS LN	L&B DEPP INWOOD VILLAGE
18	5458 W LOVERS LN	L&B DEPP INWOOD VILLAGE
19	5509 W LOVERS LN	5509 LOVERS LANE PROPERTIES LLC