

ZONING BOARD OF ADJUSTMENT, PANEL B
WEDNESDAY, FEBRUARY 15, 2012
AGENDA

BRIEFING	L1FN CONFERENCE CENTER AUDITORIUM 1500 MARILLA STREET	11:30 A.M.
PUBLIC HEARING	L1FN CONFERENCE CENTER AUDITORIUM 1500 MARILLA STREET	1:00 P.M.

David Cossum, Assistant Director
Steve Long, Board Administrator

MISCELLANEOUS ITEM

Approval of the Wednesday, January 18, 2012 Board of Adjustment Public Hearing Minutes	M1
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UNCONTESTED CASES

BDA 112-017	6006 Azalea Lane REQUEST: Application of David Fandrich for special exceptions to the fence height and visual obstruction regulations	1
BDA 112-020	11575 E. Ricks Circle REQUEST: Application of Mark Hughston, represented by Peter Kavanagh, for a special exception to the single family use regulations	2

REGULAR CASE

BDA 112-022	3565 Frankford Road REQUEST: Application of Rob Farrington for special exceptions to the sign regulations	3
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EXECUTIVE SESSION NOTICE

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

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

MISCELLANEOUS ITEM NO. 1

To approve the Board of Adjustment Panel B January 18, 2012 public hearing minutes.

FILE NUMBER: BDA 112-017

BUILDING OFFICIAL'S REPORT:

Application of David Fandrich for special exceptions to the fence height and visual obstruction regulations at 6006 Azalea Lane. This property is more fully described as Lot 1 in City Block 4/5500-1/2 and is zoned R-16(A), which limits the height of a fence in the front yard to 4 feet and requires a 20 foot visibility triangle at alley approaches. The applicant proposes to construct and/or maintain an 8 foot 6 inch high fence in a required front yard, which will require a 4 foot 6 inch special exception to the fence height regulations, and to construct and/or maintain items in a required visibility triangle, which will require a special exception to the visual obstruction regulations.

LOCATION: 6006 Azalea Lane

APPLICANT: David Fandrich

REQUESTS:

- The following appeals have been made on a site that is currently developed with a single family home:
 1. A special exception to the fence height regulations of 4' 6" is requested in conjunction with maintaining an approximately 8' high solid board-on-board fence with 8' 6" high columns in the site's front yard setback on Azalea Lane; and
 2. a special exception to the visual obstruction regulations is requested in conjunction with maintaining an approximately 4' length of the solid 8' high board-on-board fence and one 8' 6" high column in the 20-foot visibility triangle at the intersection of the alley immediately south of the site at Preston Road.

STAFF RECOMMENDATION (fence height special exception):

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

STAFF RECOMMENDATION (visual obstruction special exceptions):

Approval of the request, subject to the following condition:

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

Rationale:

- The Sustainable Development and Construction Department Project Engineer has no objections to these requests.
- The applicant has substantiated how the location of the item (fence/column) in the alley/street intersection visibility triangle does not constitute a traffic hazard.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:

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

STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:

The Board shall grant a special exception to the requirements of the visual obstruction regulations when, in the opinion of the Board, the item will not constitute a traffic hazard.

GENERAL FACTS (fence height special exception):

- The subject site is located at the southeast corner of Azalea Lane and Preston Road. The site has one front yard setback on Azalea Lane.
- The Dallas Development Code states that a person shall not erect or maintain a fence in a required yard more than 9' above grade, and additionally states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The applicant has submitted a site plan and an elevation of the proposal/existing fence in the front yard setback that reaches a maximum height of 8' 6".
- The following additional information was gleaned from the submitted site plan:
 - The existing fence located in the required front yard over 4' in height is represented on the site plan as being approximately 24' in length perpendicular to Azalea Lane and/or parallel to Preston Road. No part of the existing fence in the front yard setback is oriented parallel to Azalea Lane.
 - The proposal is shown to be located 14' from the site's front property line or 26' from the curb line.

GENERAL FACTS (visual obstruction special exception):

- The Dallas Development Code states the following with regard to visibility triangles: A person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
 - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections, and 20 foot visibility triangles at drive approaches and at alleys on properties zoned single family); and
 - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).

A site plan and elevation has been submitted indicating an approximately 4' length of the solid 8' high board-on-board fence and one 8' 6" high column in the 20-foot visibility triangle at the intersection of the alley immediately south of the site at Preston Road.

BACKGROUND INFORMATION:

Zoning:

Site: R-16(A) (Single family district 16,000 square feet)
North: R-16(A) (Single family district 16,000 square feet)
South: R-16(A) (Single family district 16,000 square feet)
East: R-16(A) (Single family district 16,000 square feet)
West: R-1ac(A) (Single family district 1 acre)

Land Use:

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

Zoning/BDA History:

1. BDA 101-081, Property at 6007 Azalea Lane (the lot immediately north of subject site) On September 21, 2011, the Board of Adjustment Panel B granted a request for a special exception to fence height regulations of 4' 6" imposing the submitted site plan and elevation as a condition to the request. The case report stated that the request was made in conjunction with maintaining a solid cedar fence ranging from approximately 7' 3" – 8' in height with stone columns ranging from 7' 3" – 8' 6" in height in the site's front yard setback on a site developed with a single family home.

Timeline:

- November 30, 2011: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- January 12, 2012: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- January 12, 2012: The Board Administrator emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the January 25th deadline to submit additional evidence for staff to factor into their analysis; and the February 3rd deadline to submit additional evidence to be incorporated into the Board's docket materials;

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

January 31, 2012: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for February public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Sustainable Development and Construction Department Building Inspection Division Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, the Chief Arborist, and the Assistant City Attorney to the Board.

February 1, 2012: The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet marked “Has no objections.”

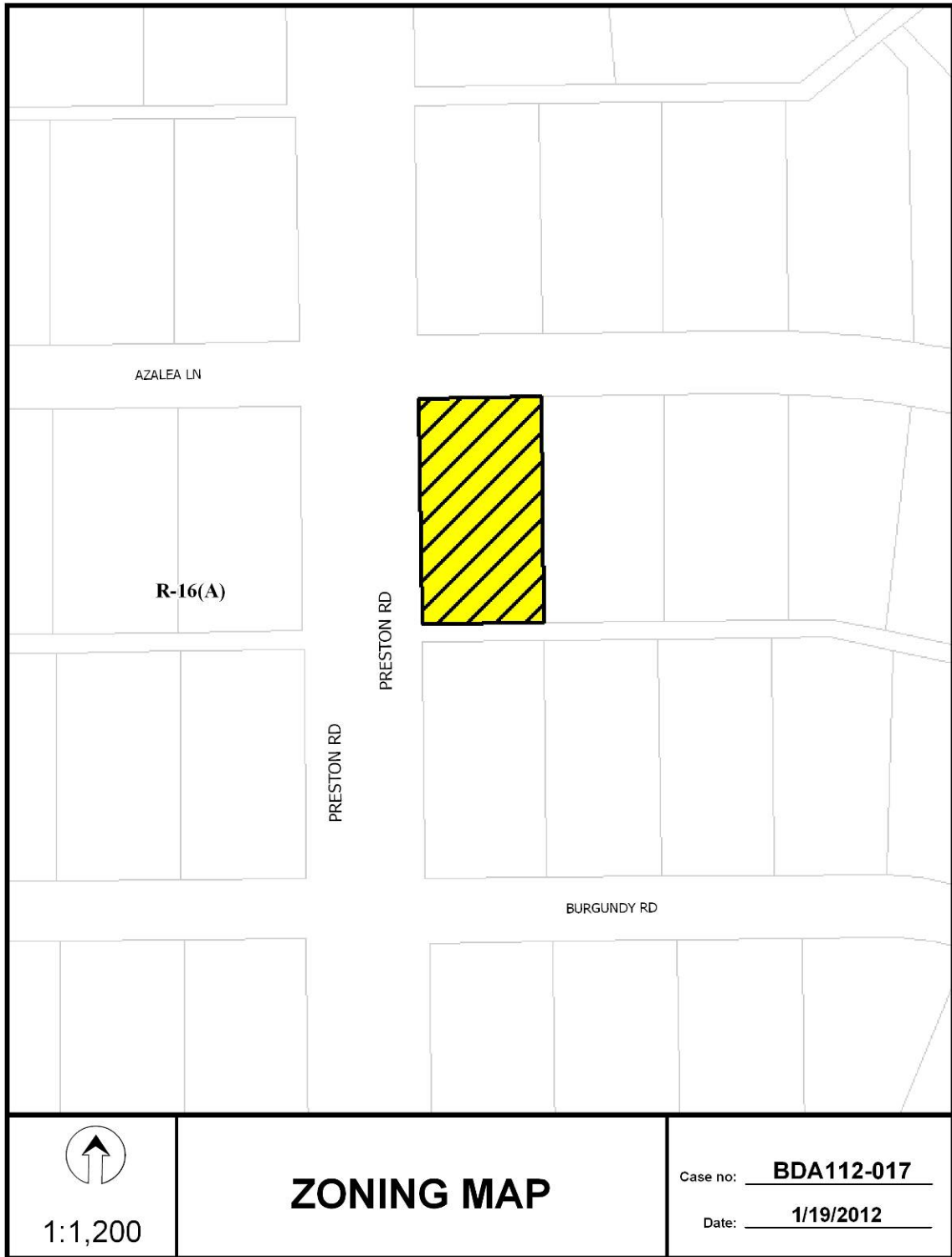
STAFF ANALYSIS (fence height special exception):

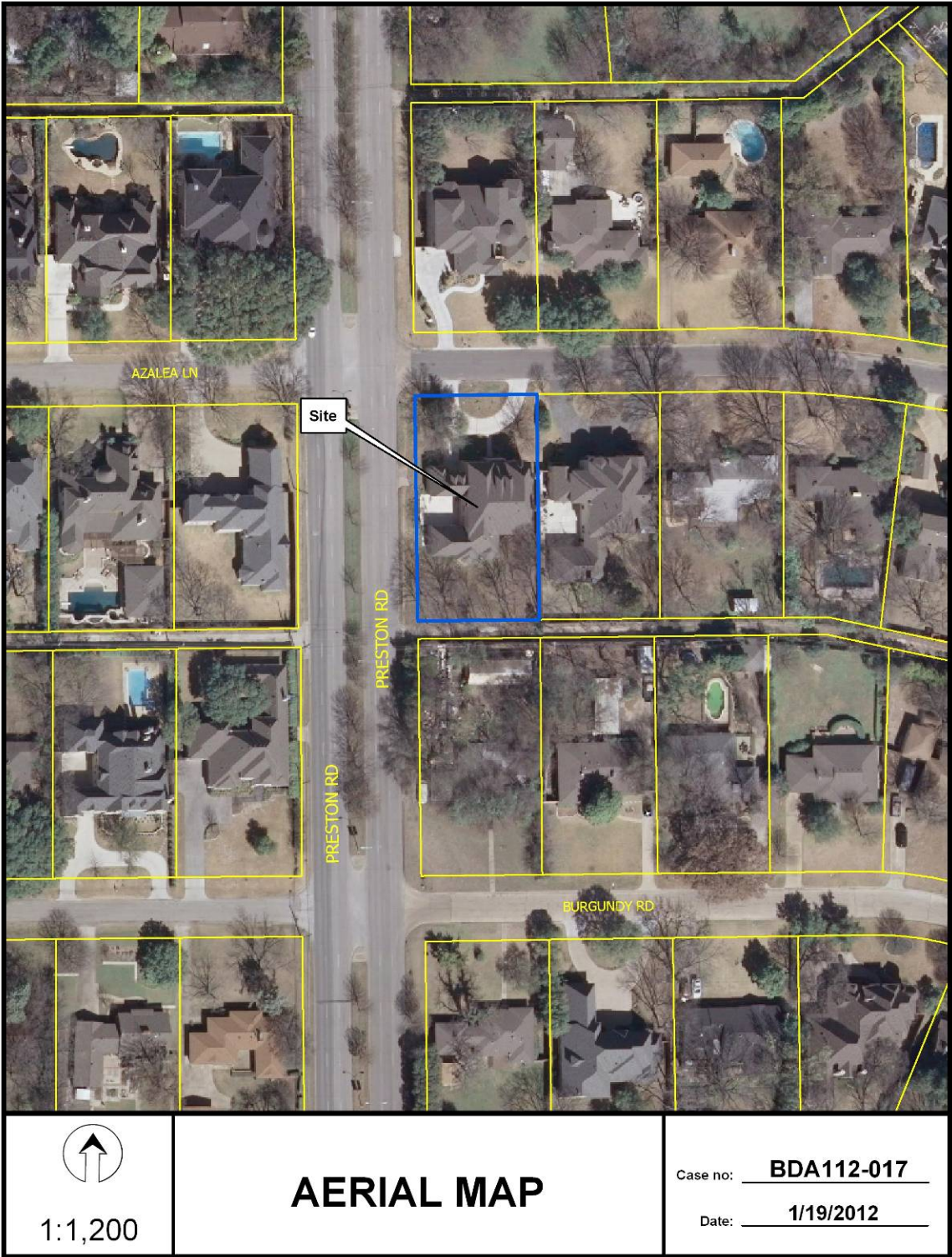
- This request focuses on maintaining an approximately 8’ high solid board-on-board fence with 8’ 6” high columns in the site’s front yard setback on Azalea Lane on a site developed with a single family home.
- The subject site is located at the northeast corner of Azalea Lane and Preston Road. The site has one front yard setback on Azalea Lane.
- The submitted site plan and elevation documents the location, height, and material of the fence over 4’ in height in the front yard setback. The site plan shows the existing fence located in the required front yard over 4’ in height is approximately 24’ in length perpendicular to Azalea Lane and/or parallel to Preston Road. No part of the existing fence in the front yard setback is oriented parallel to Azalea Lane. The fence is shown to be located 14’ from the site’s front property line or 26’ from the curb line.
- One single family home “fronts” to the existing fence on the subject site. This property has what appears to be virtually the same type of fence in terms of location and height as is on the subject site – a fence higher than 4’ in height in what appears to be in the front yard setback with recorded BDA history- BDA 101-081- an application that was approved by Board of Adjustment Panel B in September of 2011.
- The Board Administrator conducted a field visit of the site and surrounding area and noted no other fences above four feet high that appeared to be located in a front yard setback other than the one described above immediately north of the subject site at the northeast corner of Azalea Lane and Preston Road.
- As of February 6, 2012, no letters have been submitted in support or opposition to the request.

- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 4' 6" will not adversely affect neighboring property.
- Granting this special exception of 4' 6" with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding 4' in height in the front yard setback (in this case, an existing fence) to be maintained in the location and of the height and material as shown on these documents.

STAFF ANALYSIS (visual obstruction special exception):

- The request for a special exception to the visual obstruction regulations focus on maintaining an approximately 4' length of the solid 8' high board-on-board fence and one 8' 6" high column in the 20-foot visibility triangle at the intersection of the alley immediately south of the site at Preston Road.
- The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Has no objections."
- The applicant has the burden of proof in establishing how granting the request for a special exception to the visual obstruction regulations to maintain a relatively small length of a solid fence and column in the visibility triangle at where the alley on the south side of the site meets Preston Road does not constitute a traffic hazard.
- Granting this request with a condition imposed that the applicant complies with the submitted site plan and elevation would require that the items located in the visibility triangle at where the alley on the south side of the site meets Preston Road would be limited to the location, height and materials of those items as shown on these documents.







City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 112-017

Data Relative to Subject Property:

Date: 11-30-11

Location address: 6006 Azalea Ln 75230 Zoning District: R-16(A)

Lot No.: 1 Block No.: 4/5500 1/2 Acreage: 0.42 Census Tract: 133.00

Street Frontage (in Feet): 1) 100 2) 186 3) _____ 4) _____ 5) _____ NE 35

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Sonoko Nagumo and Asako FANDRICH

Applicant: David FANDRICH Telephone: 917-238-0153

Mailing Address: 6006 Azalea Lane Dallas Zip Code: 75230

E-mail Address: david@fandrigh.net

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance __, or Special Exception of 4'6" to the fence height, in a front yard, and visibility triangle obstruction at an alley.

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 city of Dallas expects a 4' fence that does not adversely affect the neighboring properties. However as my property is on Preston, there are no immediate neighbors. The visibility triangle won't affect traffic as Preston flows one-way divided by a median, furthermore, the alley is not used.

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

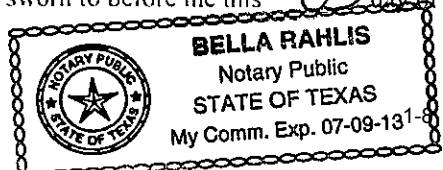
Affidavit

Before me the undersigned on this day personally appeared David FANDRICH
(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 3 day of NOV 2011



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

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was---Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that David Fandrich

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

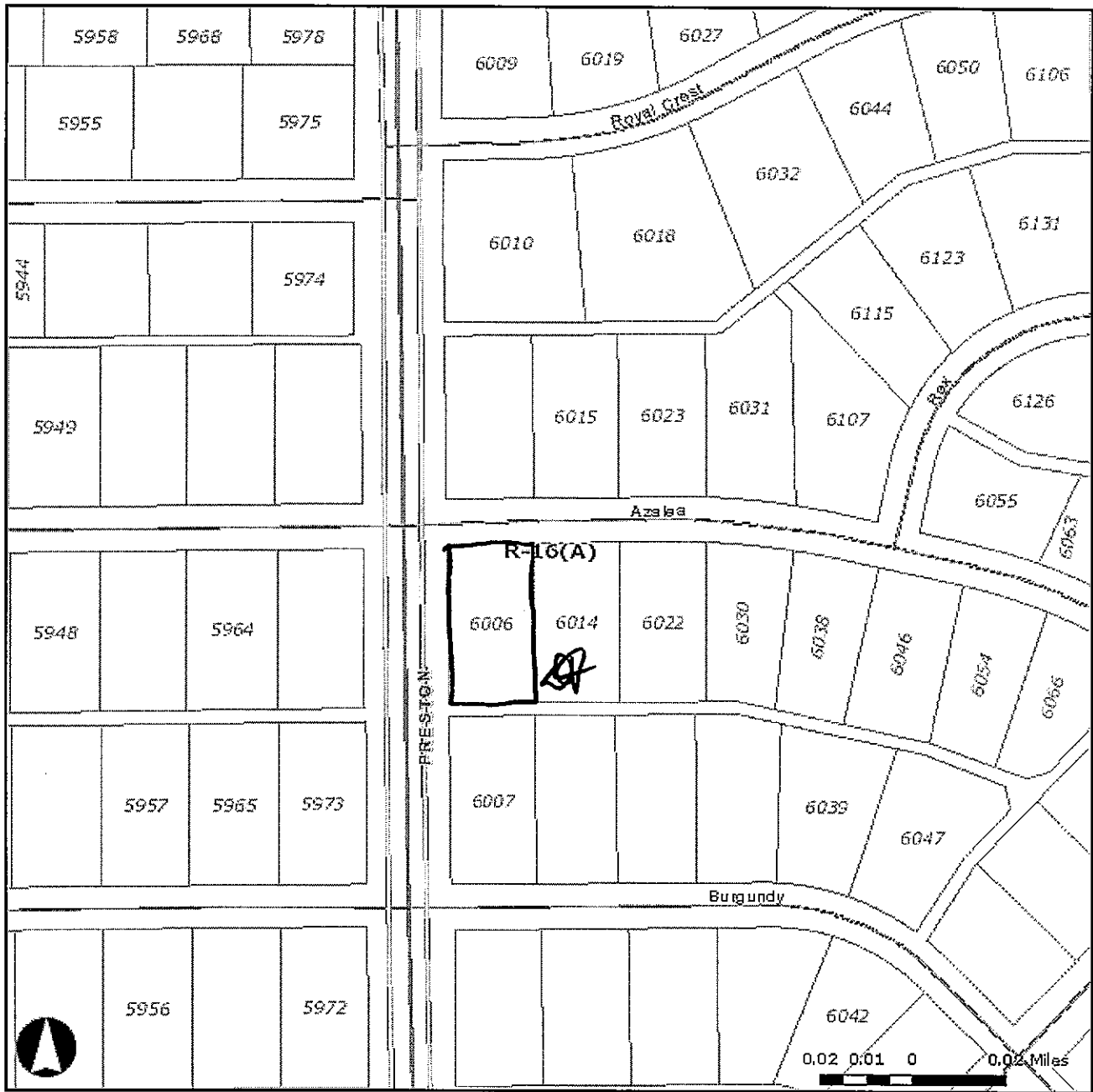
at 6006 Azalea lane

BDA112-017. Application of David Fandrich for a special exception to the fence height regulations and a special exception to the visibility obstruction regulations at 6006 Azalea Lane. This property is more fully described as lot 1 in city block 4/5500-1/2 and is zoned R-16(A), which limits the height of a fence in the front yard to 4 feet and requires a 20 foot visibility triangle at alley approaches. The applicant proposes to construct and maintain an 8 foot 6 inch high fence in a required front yard, which will require a 4 foot 6 inch special exception to the fence regulation, and to construct and maintain a residential fence in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation.

Sincerely,


Lloyd Denman, Building Official

City of Dallas Zoning



City Boundaries

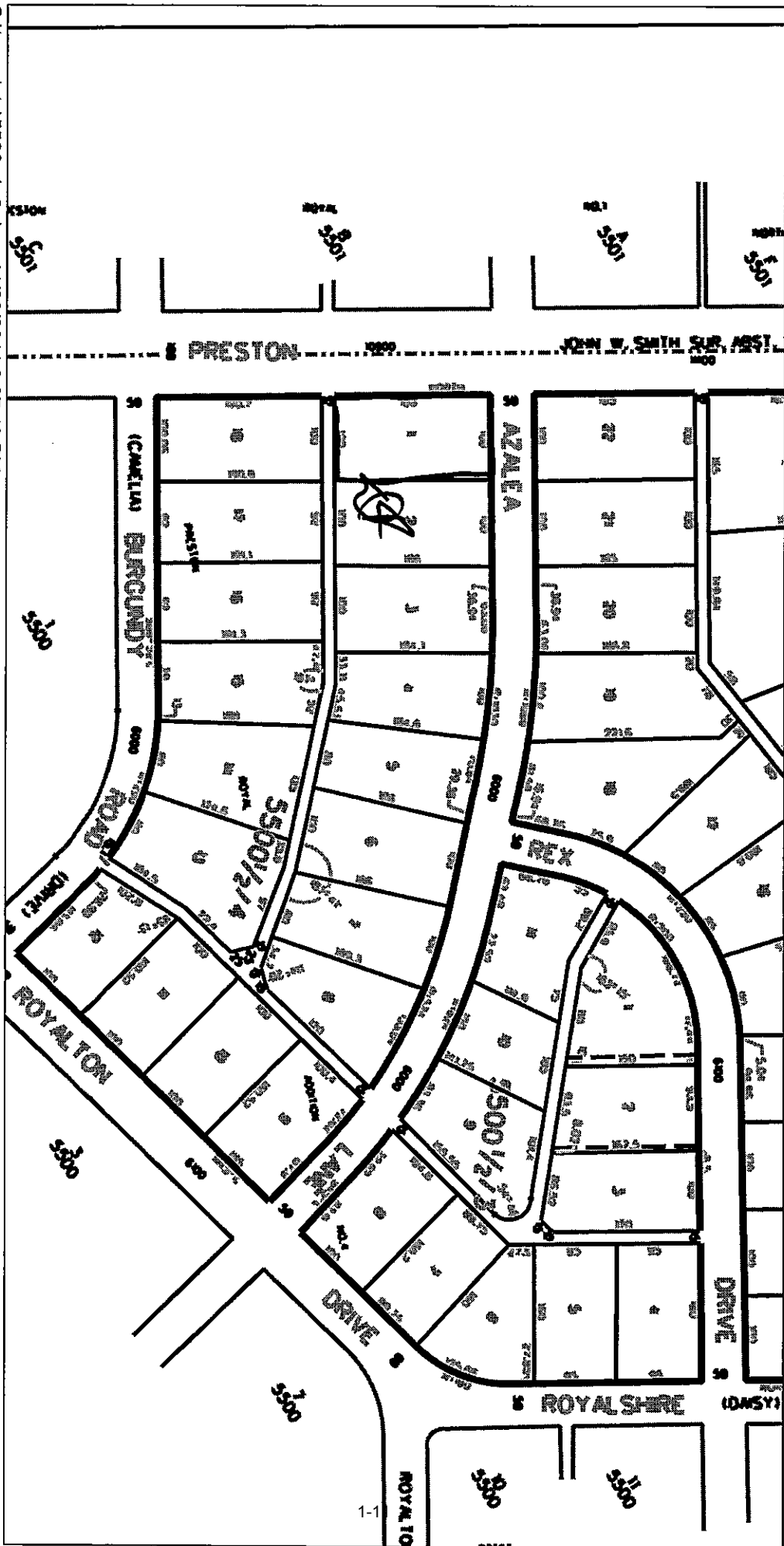
- City Boundaries
- County
- Certified Parcels
- DISD Sites
- Council Districts
- Waterways
- Parks

Dry Overlay

- Dry Overlay
- D
- D-1
- Historic Overlay
- Historic Subdistricts
- NSO Overlay
- NSO Subdistricts
- MD Overlay

PDS Subdistricts

- PDS Subdistricts
- Base Zoning
- Floodplain
- 100 Flood Zone
- Mill's Creek
- Peak's Branch
- X PROTECTED BY LEVEE
- Pedestrian Overlay
- CP



SITE PLAN

This is to certify that I have made a careful and accurate survey, on the ground, of property located at 6006 AZALEA LANE: Being Lot 1, in Block 4/5500 1/2, of RE-PLAT ROYAL CREST ADDITION, an Addition to the City of Dallas, Dallas County, Texas, according to the Map thereof recorded in Volume 11, Page 221, of the Map Records of Dallas County, Texas.

According to Community-Panel No. 48113C 0195J of the Federal Emergency Management Agency Flood Insurance Rate Map or Flood Hazard Boundary Map Dated August 23, 2001 the property shown hereon is not located in Zone "A" (Area of 100 Year Flood Plain). The property is in Zone "X".

This survey was performed exclusively for the parties in connection with the G.F. Number shown hereon and is licensed for a single use. This survey remains the property of the Surveyor. Unauthorized reuse is not permitted without the expressed written permission of the Surveyor. This survey is an original work protected by United States Copyright law and International treaties. All rights reserved. Do not make illegal copies.

KEEP 45 FT X 45 FT
VISIBILITY TRIANGLES CLEAR

(50' RIGHT-OF-WAY)

AZALEA LANE

S 87°22'37" E
299.8' TO 1/2" IRF

S 89°52'00" E 100.00' (PLAT)

HEIGHT EXCEPTION IS
FOR PORTION OF FENCE
IN FRONT OF THIS
LINE

8' FENCE

PRESTON ROAD

(100' RIGHT-OF-WAY)

NORTH 186.00' (PLAT)

SOUTH 186.00' (PLAT)

LOT 1
BLOCK 4/5500
BRICK RESIDENCE

LOT 2

ALLEY VISIBILITY
TRIANGLE

1/2" IRS
FROM WHICH
BEARS 1/2" IRF
(S 0.45' - E 0.05')

N 89°52'00" W 100.00' (PLAT)
(15' ALLEY RIGHT-OF-WAY)

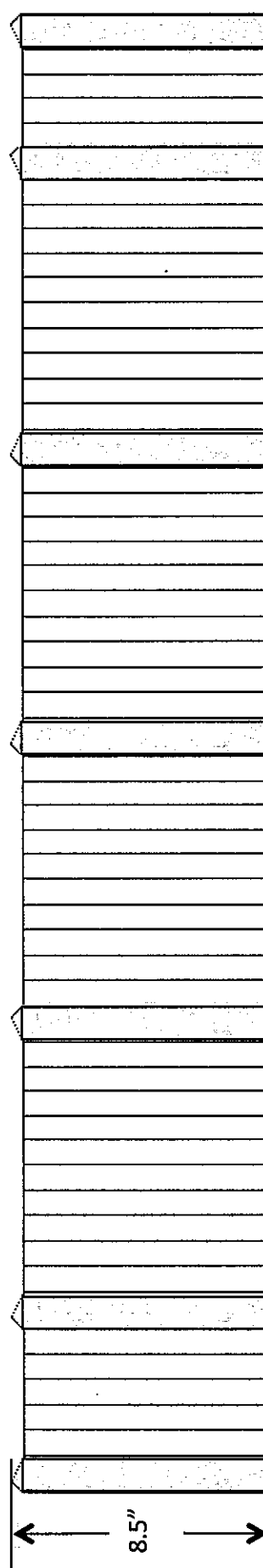
S 89°54'32" E
199.8' TO 1/2" IPF

* Modified November 23, 2011
BDA 112-017
to include 8' FENCE D.F.

NORTH

6006 AZALEA LANE
BLOCK 4/5500 1/2 BRICK RESIDENCE

Fence runs for 172' North-South along Preston Avenue



172' board-on-board fence
with 10 (2'x2') brick columns
with crown top (6 inches above 8' fence)



CITY OF DALLAS

AFFIDAVIT

Appeal # BDA 112-017

I, Asako FANDRICH, Owner of the subject property

at (address): 6006 Azalea Lane, Dallas Texas 75230

Authorize (Applicant's name) David FANDRICH

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)

Special Exception of 4'6" to the fence height, in a front yard, and
visibility triangle obstruction at an alley

Asako FANDRICH

[Signature]

11/23/2011

Print name of property owner

Signature of property owner

Date

Before me the undersigned on the day of personally appeared Asako Fandrich

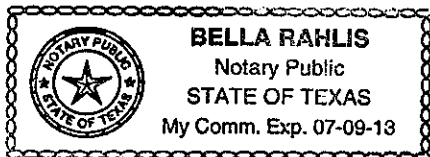
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

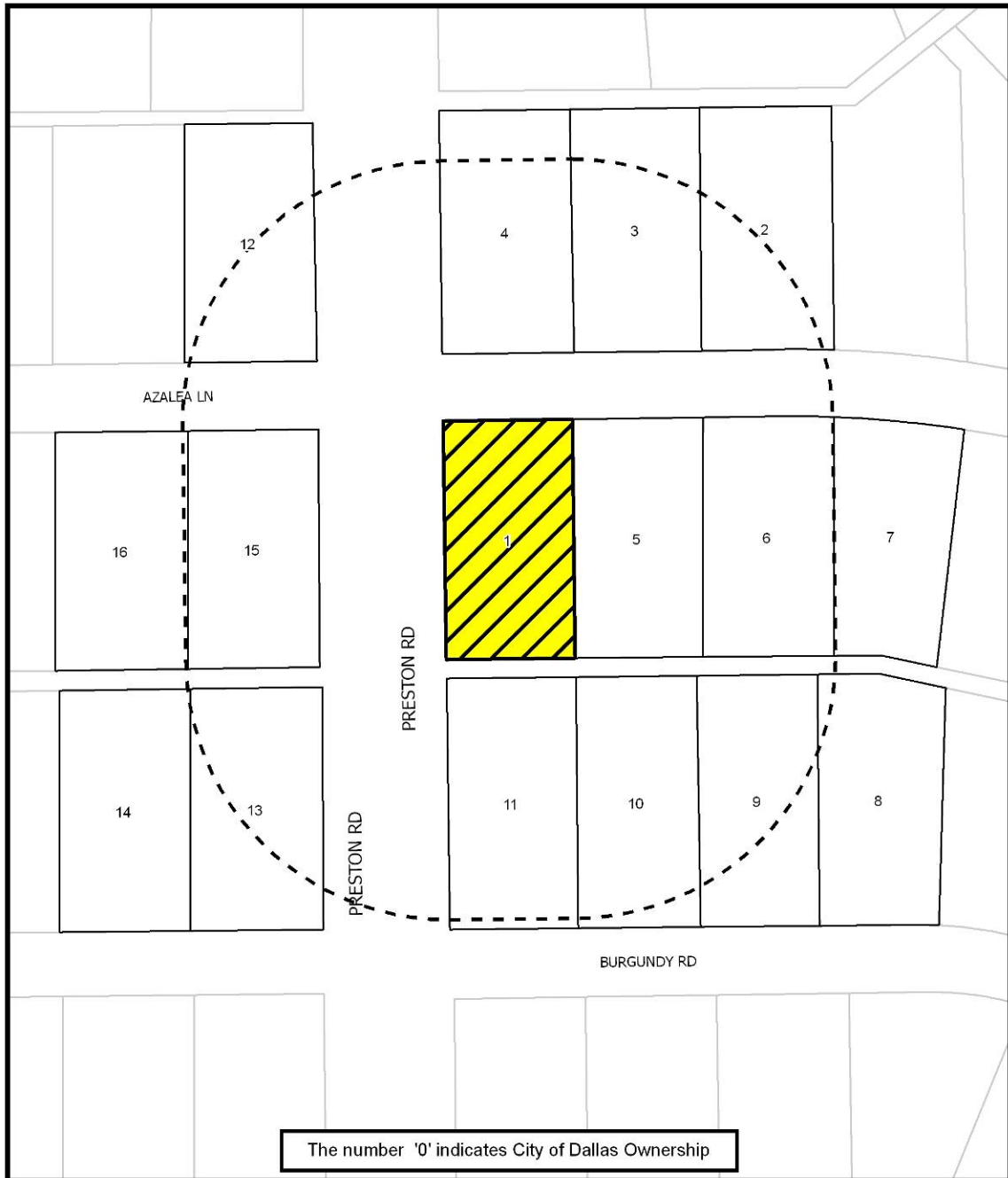
Subscribed and sworn to before me this 23 day of NOV 2011

[Signature]

Notary Public for Dallas County, Texas

Commission expires on 07/09/13





 1:1,200	NOTIFICATION		Case no: BDA112-017
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">16</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 1/19/2012	

Notification List of Property Owners

BDA112-017

16 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6006 AZALEA LN	NAGUMO SONOKO & ASAKO FANDRICH
2	6023 AZALEA LN	SCHAD DAVID C
3	6015 AZALEA LN	VAUGHAN GARY C & MARTHA S VAUGHAN
4	6007 AZALEA LN	SHER JAIMES & ELISE B
5	6014 AZALEA LN	INAGANTI SRINI & KASTURI
6	6022 AZALEA LN	WEISBROD CARL & JAMIE
7	6030 AZALEA LN	WOODS MARK L
8	6031 BURGUNDY RD	EVANS CATHERINE S
9	6023 BURGUNDY RD	LIPPER BYRON & JENNY
10	6015 BURGUNDY RD	DANIELS ROBIN
11	6007 BURGUNDY RD	ANDERSON DWAYNE P TR & MARTHA L ANDERSON
12	5973 AZALEA LN	FAZIO TERRENCE LAWLER REVCBLE TRUST & JO
13	5973 BURGUNDY RD	AGGARWAL PAUL A & NALINI K
14	5965 BURGUNDY RD	HORTON ROBERT B
15	5972 AZALEA LN	KEENE DANIEL WARD & BONNIE KAYE
16	5964 AZALEA LN	BUDAGHER MICHAEL & SHERIL

FILE NUMBER: BDA 112-020

BUILDING OFFICIAL'S REPORT:

Application of Mark Hughston, represented by Peter Kavanagh, for a special exception to the single family use regulations at 11575 E. Ricks Circle. This property is more fully described as Lot 5 in City Block 1/7490 and is zoned R-1ac(A), which limits the number of dwelling units to one. The applicant proposes to construct an additional dwelling unit, which will require a special exception to the single family use regulations.

LOCATION: 11575 E. Ricks Circle

APPLICANT: Mark Hughston
Represented by Peter Kavanagh

REQUEST:

- A request for a special exception to the single family use development standard regulations is requested in conjunction with constructing and maintaining an additional dwelling unit structure (a one-story, detached "cabana" structure) on a site currently developed with a one-story dwelling unit/single family home structure to be demolished and replaced with another dwelling unit/single family home structure.

STAFF RECOMMENDATION:

No staff recommendation is made on this or any request for a special exception to authorize an additional dwelling unit since the basis for this type of appeal is *when in the opinion of the board*, the additional dwelling unit will not: 1) be used as rental accommodations; or 2) adversely affect neighboring properties.

In granting a special exception, the board shall require the applicant to deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.

STANDARD FOR A SPECIAL EXCEPTION TO THE SINGLE FAMILY USE DEVELOPMENT STANDARDS REGULATIONS TO AUTHORIZE AN ADDITIONAL DWELLING UNIT:

The board may grant a special exception to the single family use development standards regulations of the Dallas Development Code to authorize an additional dwelling unit on a lot when, in the opinion of the board, the special exception will not: 1) be used as rental accommodations; or 2) adversely affect neighboring properties.

In granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent use of the additional dwelling unit as rental accommodations.

GENERAL FACTS:

- The single family use regulations of the Dallas Development Code state that only one dwelling unit may be located on a lot, and that the board of adjustment may grant a special exception to this provision and authorize an additional dwelling unit on a lot when, in the opinion of the board, the special exception will not: 1) be contrary to the public interest; or 2) adversely affect neighboring properties. The Dallas Development Code defines “single family” use as “one dwelling unit located on a lot;” and a “dwelling unit” as “one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.”
- A site plan has been submitted denoting the locations of the two building footprints, the larger of the two located closer to Rick Circle Drive but unlabeled and the other located near the back of the property labeled “cabana.” The site plan represents the sizes and locations of the two building footprints relative to the entire lot/property.
- An elevation has been submitted of the second/additional dwelling unit/ “cabana” structure denoting a one-story structure that is approximately 18’ in height. A floor plan has been submitted of the second/additional dwelling unit/ “cabana” structure denoting the following rooms/spaces: “family,” “bar,” “closet,” “bedroom,” “bath,” “pool stor.,” “ and “mechanical.”
- DCAD records indicate that the property at 11575 E. Ricks Circle has the following improvements:
 - “main improvement:” a structure built in 1953 with 3,064 square feet of living area; and
 - “additional improvement:” 483 square foot attached garage.

Zoning:

- Site: R-1ac(A) (Single family district 1 acre)
- North: R-1/2ac(A) (Single family district 1/2 acre)
- South: R-1ac(A) (Single family district 1 acre)
- East: R-1ac(A) (Single family district 1 acre)
- West: R-1ac(A) (Single family district 1 acre)

Land Use:

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

Zoning/BDA History:

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

Timeline:

December 13, 2011: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

January 12, 2012: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

January 12, 2012: The Board Administrator emailed the applicant’s representative the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the January 25th deadline to submit additional evidence for staff to factor into their analysis; and the February 3rd deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

January 31, 2012: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for February public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Sustainable Development and Construction Department Building Inspection Division Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, the Chief Arborist, and the Assistant City Attorney to the Board.

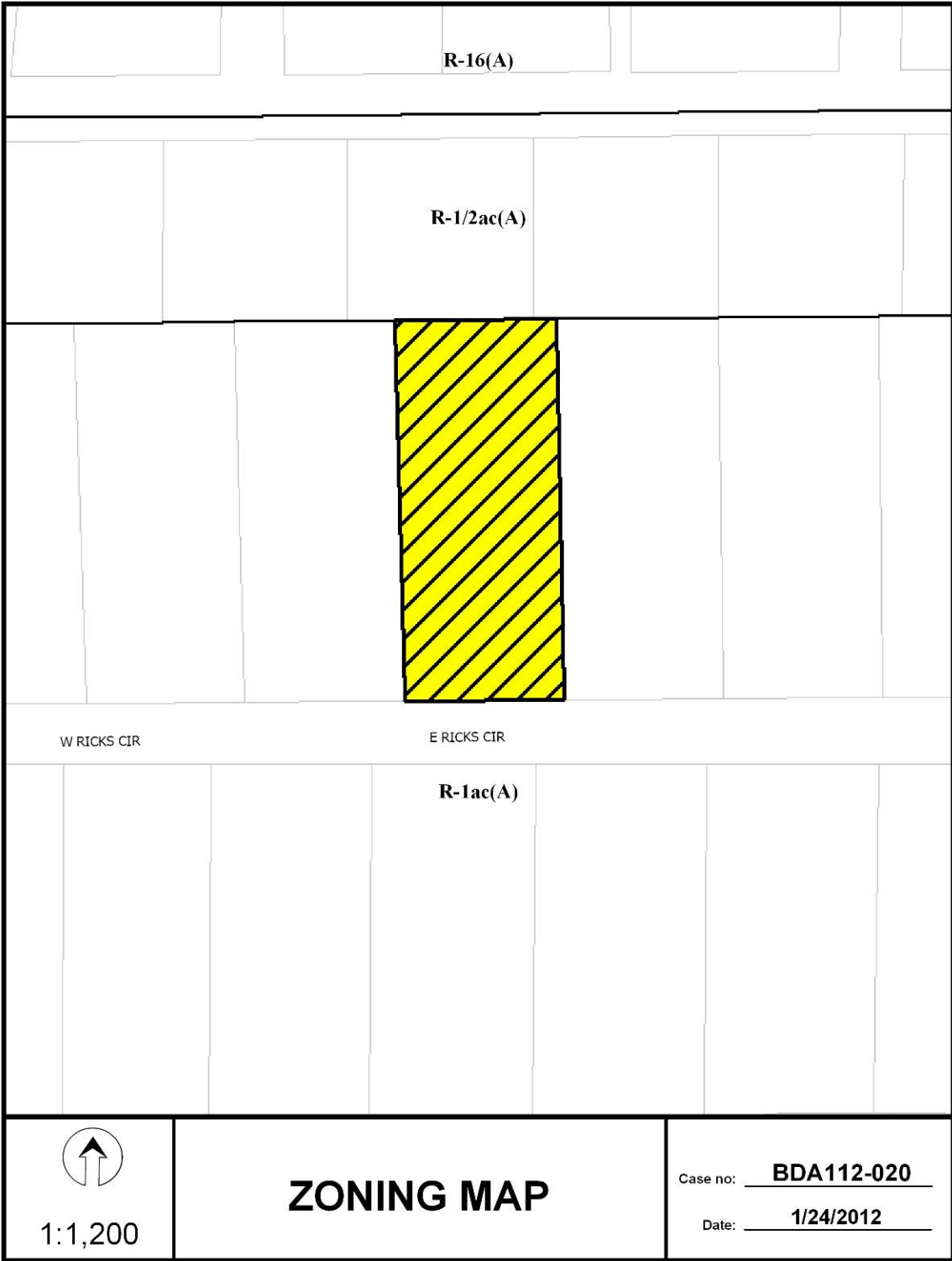
No additional review comment sheets with comments were submitted in conjunction with this application.

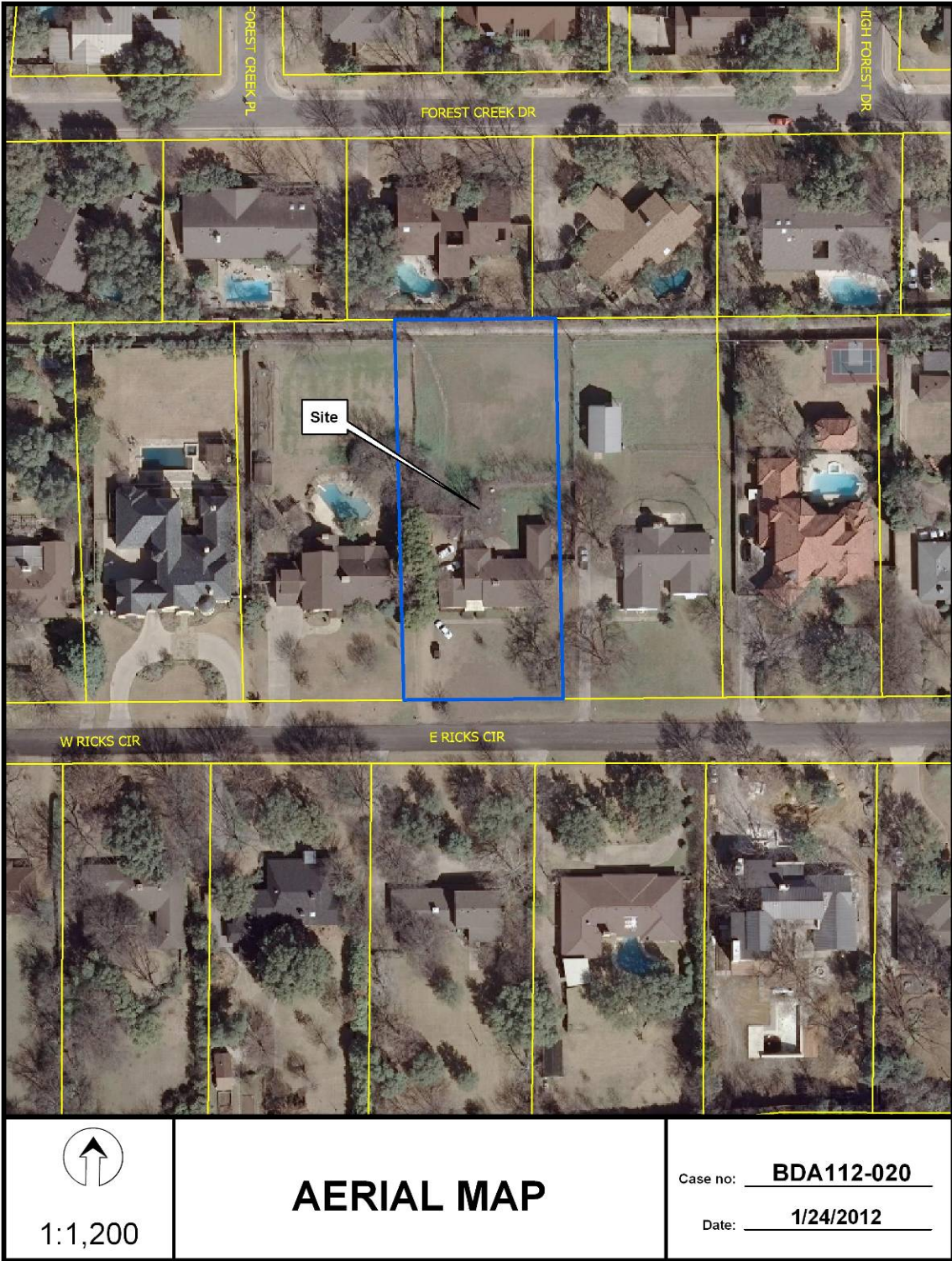
STAFF ANALYSIS:

- This request focuses on constructing and maintaining an additional dwelling unit structure (a one-story, detached “cabana” structure) on a site currently developed

with a one-story dwelling unit/single family home structure to be demolished and replaced with another dwelling unit/single family home structure.

- The site is zoned R-1ac(A) (Single family district 1 acre) where the Dallas Development Code permits one dwelling unit per lot. The site is proposed to be developed with a new single family home/dwelling unit and an additional dwelling unit/“cabana” structure on the site hence the special exception request.
- Building Inspection staff has reviewed the submitted floor plan of the proposed “cabana” structure and deemed it a “dwelling unit” - that is per Code definition: “one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.” The submitted floor plan denotes the following rooms/spaces: “family,” “bar,” “closet,” “bedroom,” “bath,” “pool stor.,” “ and “mechanical.”
- This request appears to center on the function of what is proposed to be located inside the proposed “cabana” structure. If the board were to deny this request, it appears that this structure could be constructed and maintained with merely modifications to the function/use inside it (or to the floor plan) since the proposed structure appears (and is represented by the applicant’s representative) to comply with the applicable zoning code development standards (i.e. no application has been made for variance to setbacks or any other zoning code provision). According to the applicant’s representative, the cabana could be built in its current configuration but “without the plumbing and/or appliances that make it a second dwelling unit.”
- As of February 6, 2012, no letters had been submitted to staff in support or in opposition to the application.
- The applicant has the burden of proof in establishing that the additional dwelling unit will not be used as rental accommodations (by providing deed restrictions, if approved) and will not adversely affect neighboring properties.
- If the Board were to approve the request for a special exception to the single family regulations, the Board may want to determine if they feel that imposing a condition that the applicant comply with the submitted site plan and/or floor plan are necessary in assuring that the special exception will not adversely affect neighboring properties. Note that granting this special exception request will not provide any relief to the Dallas Development Code regulations other than allowing an additional dwelling unit on the site (i.e. development on the site must meet all required code requirements including but not limited to setback and coverage requirements).
- The Dallas Development Code states that in granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.







City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 112-020

Data Relative to Subject Property:

Date: 12-13-11

Location address: 11575 E Ricks Circle

Zoning District: R-1 ac.

Lot No.: 5 Block No.: 1/7490 Acreage: .93

Census Tract: 133.00

Street Frontage (in Feet): 1) 129.89 2) _____ 3) _____ 4) _____ 5) _____

NESS

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Mark Hughston and Marla Hughston

Applicant: Mark Hughston Telephone: _____

Mailing Address: 6532 Willow Lane, Dallas, TX Zip Code: 75230

E-mail Address: _____

Represented by: Zone Systems, Inc., Peter Kavanagh Telephone: 214-941-4440

Mailing Address: 1620 Handley Drive, Suite A, Dallas, TX Zip Code: 75208

E-mail Address: peterk@zonesystems.com

Affirm that an appeal has been made for a Variance _____, or Special Exception X ~~or~~ per section 51A-4.209(6)(E)(i) for a second dwelling unit

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:

A new home is being constructed. Our property will include a pool with a cabana. The cabana is considered to be a second dwelling unit. We request that we be permitted to have a cabana that is considered a second dwelling unit.

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 Mark D. Hughston
(Affiant/Applicant's name printed)

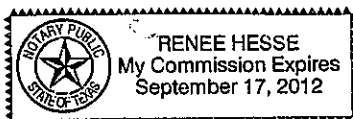
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

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

Subscribed and sworn to before me this 13th day of December, 2011

Renée Hesse
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

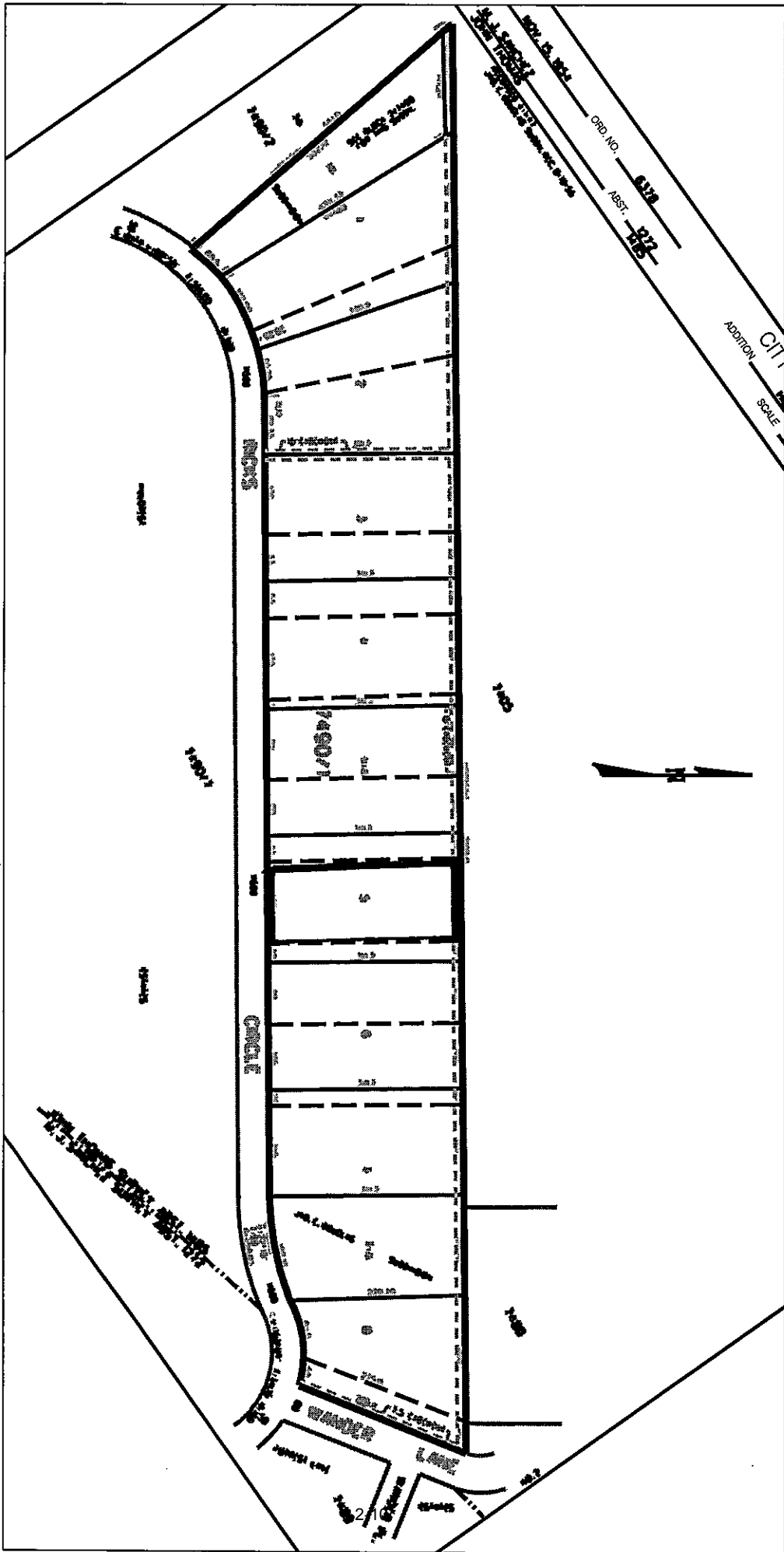
I hereby certify that Mark Hughston
represented by PETER KAVANAGH
did submit a request for a special exception to the single family regulations
at 11575 E. Ricks Circle

BDA112-020. Application of Mark Hughston represented by Peter Kavanagh for a special exception to the single family regulations at 11575 E. Ricks Circle. This property is more fully described as lot 5 in city block 1/7490 and is zoned R-1ac(A), which limits the number of dwelling units to one. The applicant proposes to construct an additional dwelling unit, which will require a special exception to the single family zoning use regulations.

Sincerely,


Lloyd Denman, Building Official



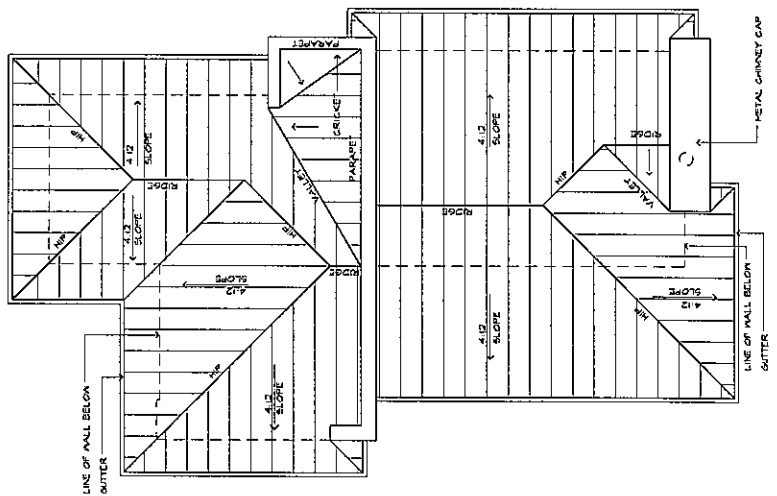
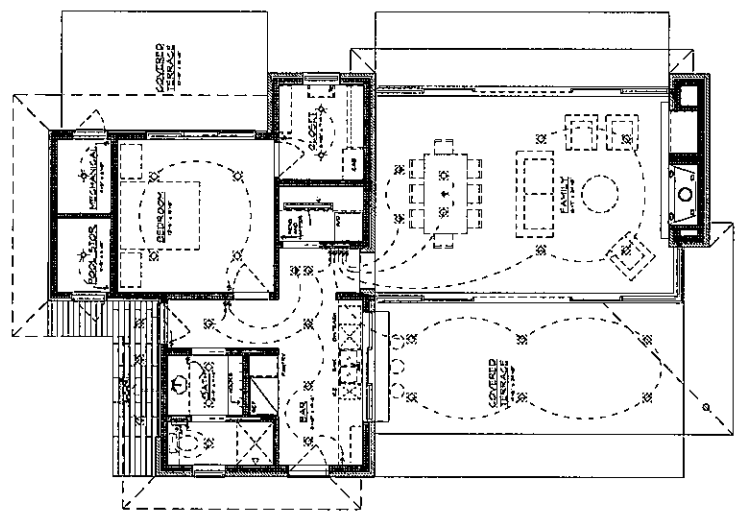
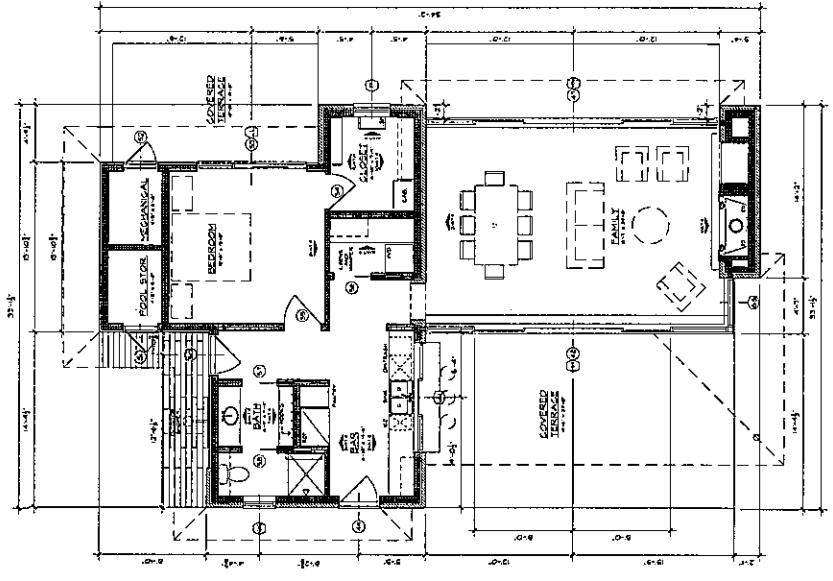


C:\tax_plats\7490_1.dgn 12/13/2011 3:36:54 PM

NOTE **
 ALL FINISHES TO BE
 AS SHOWN ON THE
 FINISH SCHEDULE
 UNLESS OTHERWISE
 NOTED

REVISION
 NO. DATE
 BY
 CHECKED
 DATE

PROJECT NO. 11029
 DATE 12/2/11
 SHEET NUMBER
A2.3
 OF 8



1 CABANA FLOOR PLAN
 SCALE: 1/8" = 1'-0"

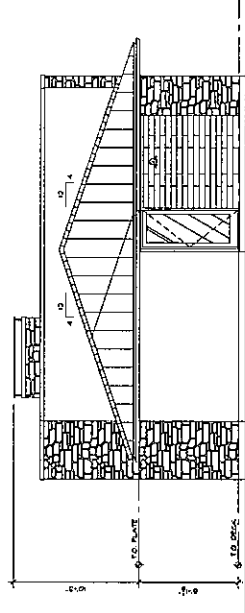
2 CABANA REFLECTED CEILING PLAN
 SCALE: 1/8" = 1'-0"

3 CABANA ROOF PLAN
 SCALE: 1/8" = 1'-0"

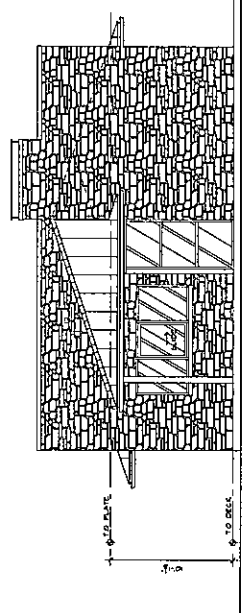
NOTE: ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

REVISIONS
 1. HENKELSON ARCHITECTS
 2. HENKELSON ARCHITECTS

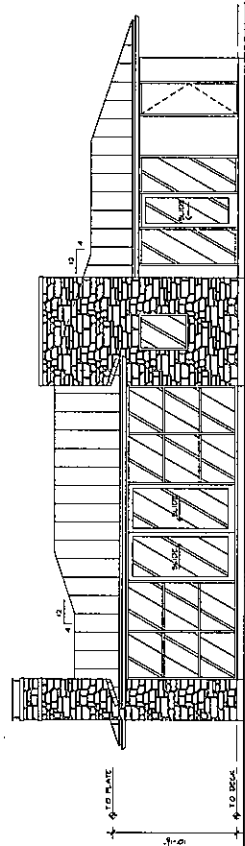
DATE: 11/20/08
 DRAWN BY: J. B. J. II
 CHECKED BY: J. B. J. II
 PROJECT NUMBER: A4.4
 SHEET NUMBER: K10X



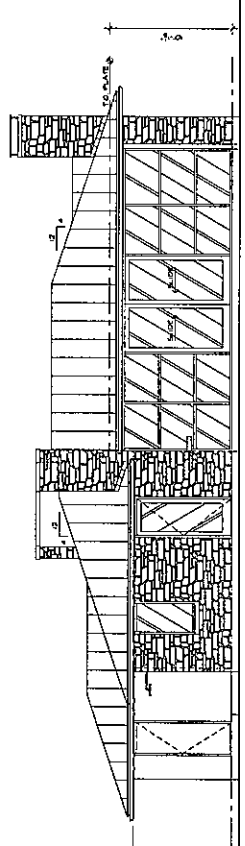
3 NORTH ELEVATION
 SCALE: 1/4" = 1'-0"



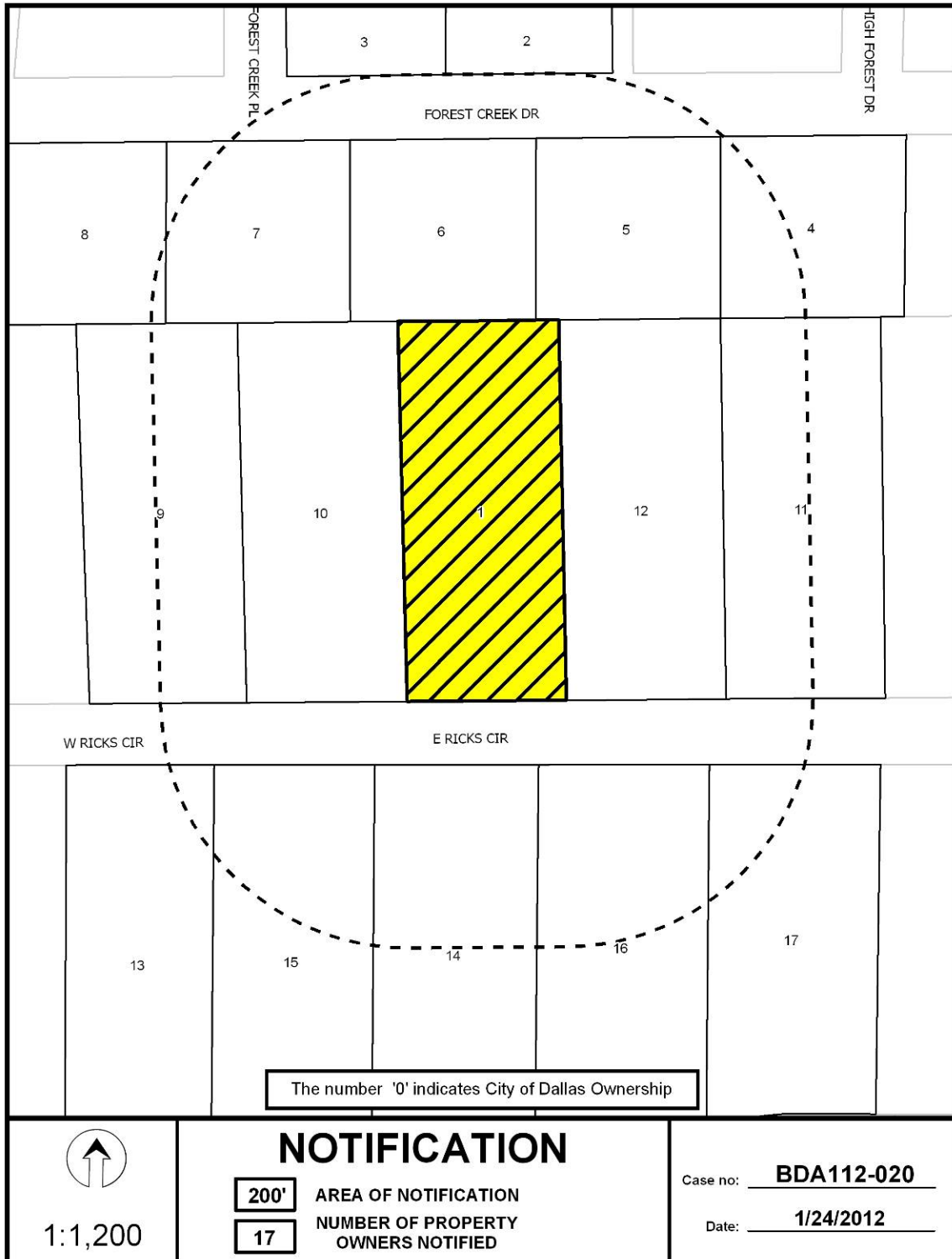
1 SOUTH ELEVATION
 SCALE: 1/4" = 1'-0"



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



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



Notification List of Property Owners

BDA112-020

17 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	11575 RICKS CIR	HUGHSTON MARK & MARLA
2	6535 FOREST CREEK DR	GOLDBERG NEIL A & LISA L
3	11651 FOREST CREEK CIR	LUCKS JASON
4	6540 FOREST CREEK DR	BARON JAMES D & ELIZABETH S
5	6534 FOREST CREEK DR	GUIMBELLOT RUTH WALTON
6	6528 FOREST CREEK DR	DAVIS JAMES K & HEIDI E WILLIAMS
7	6522 FOREST CREEK DR	LUTERMAN DAVID L
8	6516 FOREST CREEK DR	MARTIN CASEY N & CLAUDIA B
9	11595 RICKS CIR	OBRIEN KEVIN & CYNTHIA C
10	11585 RICKS CIR	SHOSID LARRY & NANCY
11	11553 RICKS CIR	SCHULTZ ANDREW H
12	11565 RICKS CIR	DOWNING DAVID M SR TR
13	11586 RICKS CIR	FOOTE MARY T
14	11566 RICKS CIR	METCALFE DONALD J
15	11576 RICKS CIR	BATES ROLLAND CURTIS III & SHELLY SCHMID
16	11554 RICKS CIR	SYED ASIF
17	11544 RICKS CIR	BAKER CORRINE V

FILE NUMBER: BDA 112-022

BUILDING OFFICIAL'S REPORT:

Application of Rob Farrington for special exceptions to the sign regulations at 3565 Frankford Road. This property is more fully described as Lot 2 in City Block A/8747 and is zoned CR, which limits the number of detached signs on a premises to one per street frontage other than expressways and limits the setback, effective area, and height. The applicant proposes to construct one additional detached premise sign on a nonresidential premise, and for this proposed sign to be up to 10 percent larger in effective area and 10 percent higher in height than permitted by code, which will require special exceptions to the sign regulations.

LOCATION: 3565 Frankford Road

APPLICANT: Rob Farrington

REQUESTS:

- The following appeals have been made in conjunction with erecting and maintaining a 38' 6" high, 220 square foot detached single tenant non-monument sign to advertise one of four retail uses on the subject site, specifically a sign to advertise an existing restaurant use on the subject site (Applebee's):
 1. A special exception to the sign regulations related to the number of signs allowed per street frontage is requested in conjunction with the sign mentioned above being located on the site in addition to the one existing sign permitted by right along the site's Frankford Road frontage (in this case, an existing single tenant non-monument sign for a bank use on the subject site);
 2. A special exception to the sign regulations of 20' related to the required effective area of 200 square feet is requested in conjunction with constructing and maintaining a detached single tenant non-monument sign with an effective area 10 percent larger than what is permitted by code; and
 3. A special exception to the sign regulations of 3' 6" related to the required height of 35' is requested in conjunction with constructing and maintaining a detached single tenant non-monument sign with a height 10 percent higher than what is permitted by code.

(Note that the applicant has informed the Board Administrator that he intends to remove an existing monument sign advertising the restaurant on the site if this sign has not gone through the necessary permitting with a proposed detached single tenant non-monument sign advertising the restaurant).

STAFF RECOMMENDATION:

Approval of the request for a special exception to the sign regulations for an additional sign

Denial of the requests for special exceptions to the sign regulations for a sign to be 10 percent larger in effective area and 10 percent higher than in height than what is permitted by code

Rationale:

- Staff has concluded that strict compliance with the code, which limits the subject site to one sign for its approximately 600 feet of frontage along Frankford Road, would result in an inequity to the applicant as each of the three pads within this site with frontage along Frankford Road would not be permitted to have a detached single tenant premise sign unless this special exception for an additional sign is approved.
- Staff has further concluded that the applicant has not substantiated how compliance with the code permitted effective area (200 square feet) and height (35 feet) would result in substantial financial hardship or inequity to the applicant without corresponding benefit to the city and citizens in accomplishing the objectives of this article.

STANDARD FOR A SPECIAL EXCEPTION TO THE SIGN REGULATIONS FOR ONE ADDITIONAL DETACHED PREMISE SIGN, AND FOR A DETACHED PREMISE SIGN WITH AN INCREASE OF 10 PERCENT IN THE EFFECTIVE AREA AND HEIGHT:

The Board of Adjustment may, in specific cases and subject to appropriate conditions, authorize a special exception to the sign regulations to permit one additional detached premise sign, and for a detached premise sign of up to 10 percent of the effective area and height requirements of this article when the board has made a special finding from the evidence presented that strict compliance with this article would result in substantial financial hardship or inequity to the applicant without corresponding benefit to the city and citizens in accomplishing the objectives of this article.

GENERAL FACTS:

- The Dallas Development Code states that only one detached sign is allowed per street frontage other than expressways; that the effective area of a single-tenant sign may not exceed 200 square feet; and that the height of a single-tenant sign may not exceed 35 feet.

A document has been submitted entitled “Alta/ACSM Land Title Survey” that represents the entire area encompassing the subject site. This document shows that the site is made up of a number of pad sites that includes the following with frontage along Frankford Road from the site’s western boundary on the President George Bush Highway to the site’s eastern boundary on Marsh Lane: a pad labeled “Steak & Shake” (now vacant); a pad that is unlabeled (but is the area on which the proposed additional/larger/higher sign is to be located - Applebee’s); and a pad labeled “Hybernia Bank” (now an existing Capital One bank). This plan shows the location of the one sign that the property is permitted to have on Frankford Road – a sign located on the pad labeled as “Hybernia Bank” on easternmost side of the subject site.

- A site plan and sign elevation has been submitted representing the pad on the subject site to which the proposed sign that is the nature of this request is to be located – the pad on which the existing restaurant (Applebee’s) is located. The site plan indicates the “location of large pylon” past the 55’ setback required for the sign from the Frankford Road property line. This proposed sign would be an additional sign to the one sign that the site’s Frankford Road frontage is permitted to have by right which is in this case is the existing detached sign advertising the existing bank use on the pad to the east. The elevation notes a detached single-tenant sign that is 38’ 6” high (or 10 percent higher than what is permitted by right) and that is 220 square feet in effective area (or 10 percent larger than what is permitted by right).

BACKGROUND INFORMATION:

Zoning:

- Site: CR (Community Retail)
- North: CR (Community Retail)
- South: CR (Community Retail)
- East: CR (Community Retail)
- West: CR (Community Retail)

Land Use:

The site is currently made up of a number of pad sites that includes the following with frontage along Frankford Road from the site’s western boundary on the President George Bush Highway to the site’s eastern boundary on Marsh Lane: a pad labeled “Steak & Shake” (now vacant); a pad that is unlabeled (but is the area on which the proposed sign is to be located (Applebee’s); and a pad labeled Hybernia Bank” (now an existing Capital One Bank). The areas to the north, east, and south are developed with retail uses; and the area to the west is developed as the George Bush Highway (SH 190).

Zoning/BDA History:

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. BDA 067-166, Property at 3010 Frankford Road (the property located south and west of the subject site) | <p>On November 13, 2007, the Board of Adjustment Panel A denied requests for special exceptions to the setback, effective area, and height regulations without prejudice. The case report stated that the requests were made to erect/maintain a 44’ high expressway sign with a 440 square foot effective area located 22.5’ from the site’s Bush Turnpike service road front property line for a property being developed at the time as an office use (American Mortgage Funds Office Building).</p> |
|---|---|

Timeline:

November 10, 2011: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

January 12, 2012: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

January 19, 2012: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the January 25th deadline to submit additional evidence for staff to factor into their analysis; and the February 3rd deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

January 31, 2012: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for February public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Sustainable Development and Construction Department Building Inspection Division Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, the Chief Arborist, and the Assistant City Attorney to the Board.

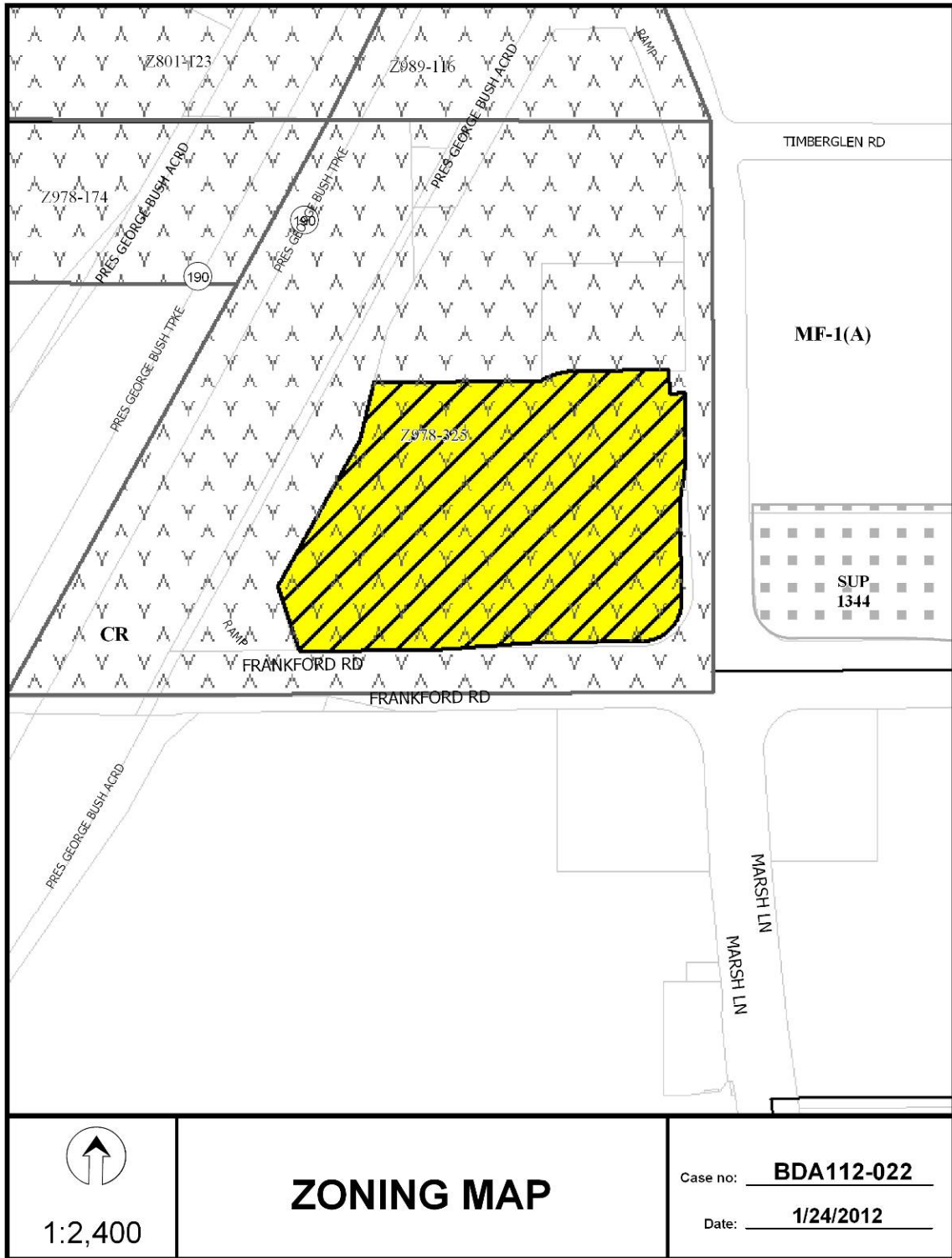
No review comment sheets with comments were submitted in conjunction with this application.

STAFF ANALYSIS:

- The focus of these requests is to erect and maintain a single tenant non-monument sign that would advertise an existing restaurant on the subject site (Applebee's) located on one of three existing pads fronting Frankford Road. This proposed sign would be an additional sign beyond the one sign that is permitted by right along the site's approximately 600 feet of Frankford Road street frontage, and is proposed to be 10 percent greater in effective area (220 square feet as opposed to 200 square feet permitted by code) and 10 percent higher in height (38' 6" as opposed to 35 feet permitted by code).
- The applicant has the burden of proof in establishing the following:
 - That strict compliance with the requirements of the sign regulations (related to the site being limited to one sign along its approximately 600 feet of Frankford Road street frontage with a maximum effective area of 200 square feet and with

a maximum height of 35 feet) will result in substantial financial hardship or inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of the sign regulations.

- Granting any or all of these special exceptions would allow an additional sign to be erected and maintained on the site with an effective area and height that is 10 percent larger and higher than what is permitted by code.



1:2,400

ZONING MAP

Case no: BDA112-022

Date: 1/24/2012



1:2,400

AERIAL MAP

Case no: BDA112-022

Date: 1/24/2012



City of Dallas

B

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 112-022

Data Relative to Subject Property:

Date: 11/10/11

Location address: 3565 Frankford Rd Zoning District: CR

Lot No.: 2 Block No.: A/8747 Acreage: 5.739 ~~4.5167~~ Census Tract: 216.17

Street Frontage (in Feet): 1) 420' 2) 495' 3) 450' 4) _____ 5) _____

NE 1R

To the Honorable Board of Adjustment :

Owner of Property/or Principal: MAR Marsh LP & Esping Properties

Applicant: Rob Farrington Telephone: 214-394-0034

Mailing Address: 1335 Noel Rd, #1645 Zip Code: 75240

Represented By: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

Affirm that a request has been made for a Variance , or Special Exception of height, setback and effective area for detached premise pylon sign (Full 10') and a special exception for one additional detached sign.

Application is now made to the Honorable Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described request for the following reason:
Increase restaurant visibility from PGBT/190.

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

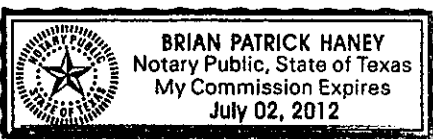
Respectfully submitted: Rob Farrington [Signature]
Print name Signature

Affidavit

Before me the undersigned on this day personally appeared Robert Farrington 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.

[Signature]
Affiant (Applicant's signature)

Subscribed and sworn to before me this 08 day of November, 2011



[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 ROB FARRINGTON

did submit a request for a special exception to the sign regulations, and for a special exception to the sign regulation

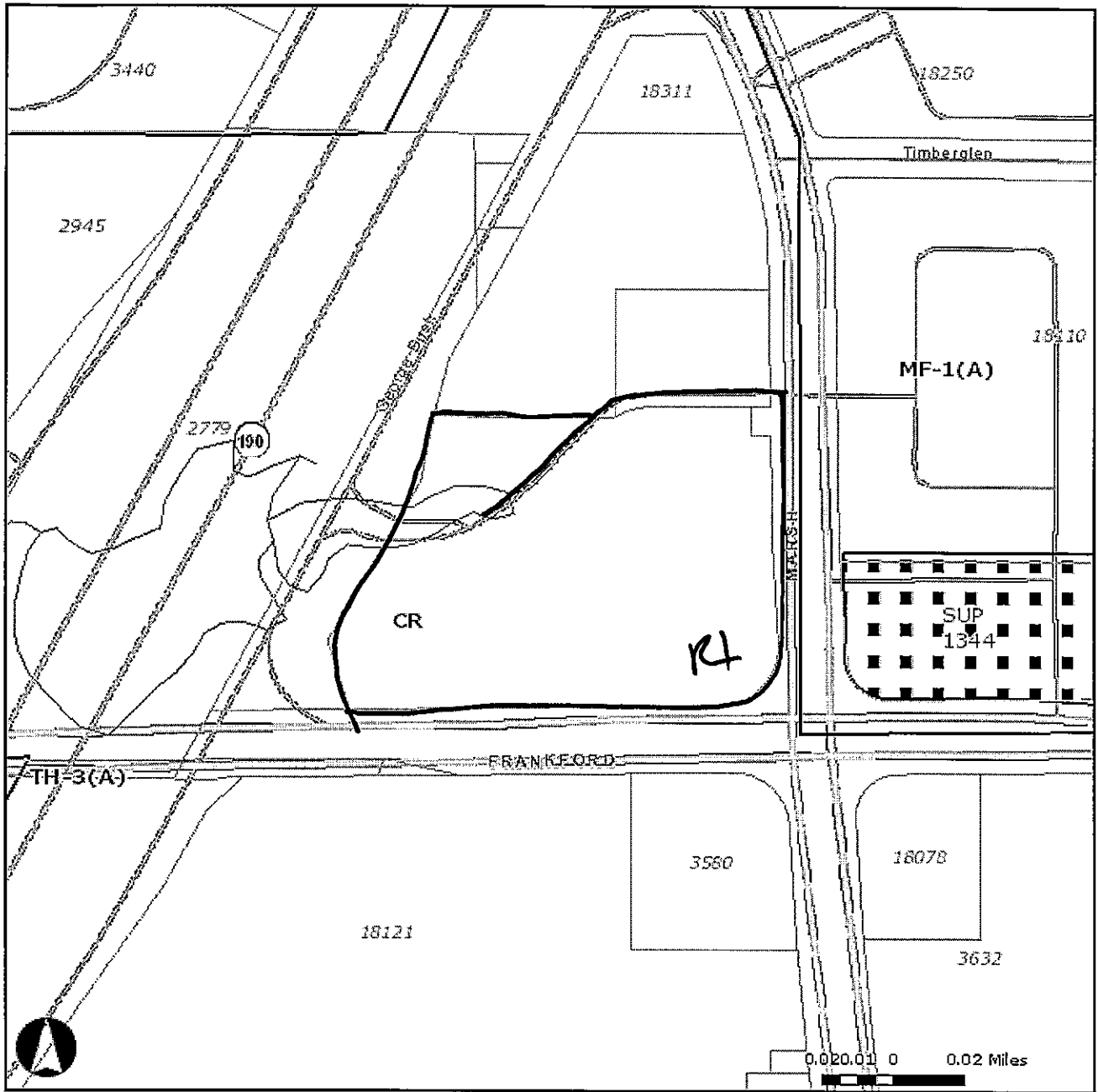
at 3565 Frankford Road

BDA112-022. Application of Rob Farrington for special exceptions to the sign regulations at 3565 Frankford Road. This property is more fully described as lot 2 in city block A/8747 and is zoned CR, which limits the number of detached signs on a premises to one per street frontage other than expressways and limits the setback, effective area, and height. The applicant proposes to construct one additional detached premise sign on a nonresidential premises, and be allowed to vary the required setback, effective area, and height up to 10% which will require a special exception to the sign regulation.

Sincerely,


Lloyd Denman, Building Official

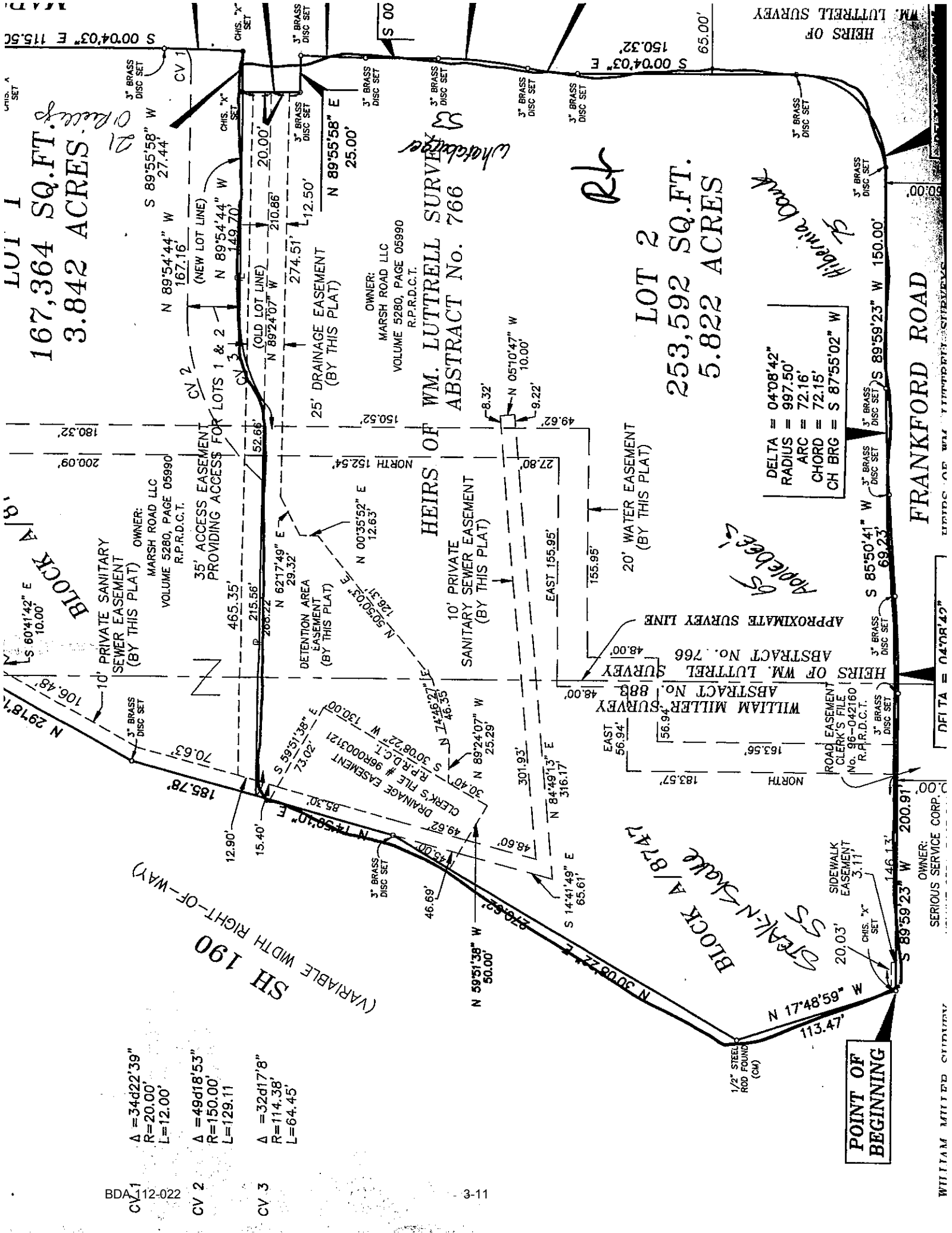
City of Dallas Zoning



- City Boundaries
- County
- Certified Parcels
- DISD Sites
- Council Districts
- Waterways
- Parks

- Dry Overlay
-
-
- Historic Overlay
- Historic Subdistricts
- NSO Overlay
- NSO Subdistricts
- MD Overlay

- Base Zoning
- Floodplain
-
-
-
-
- Pedestrian Overlay
-
-
- Environmental Corridors



LOT 1
 167,364 SQ. FT.
 3.842 ACRES

LOT 2
 253,592 SQ. FT.
 5.822 ACRES

BLOCK A/8717

FRANKFORD ROAD

$\Delta = 34d22'39"$
 $R = 20.00'$
 $L = 12.00'$

$\Delta = 49d18'53"$
 $R = 150.00'$
 $L = 129.11'$

$\Delta = 32d17'8"$
 $R = 114.38'$
 $L = 64.45'$

CV 1
 BDA 12-022

CV 2

CV 3

POINT OF
 BEGINNING

HEIRS OF WM. LUTRELL SURVEY
 ABSTRACT No. 888

HEIRS OF
 WM. LUTRELL SURVEY
 ABSTRACT No. 766

OWNER:
 MARSH ROAD LLC
 VOLUME 5280, PAGE 05990
 R.P.R.D.C.T.

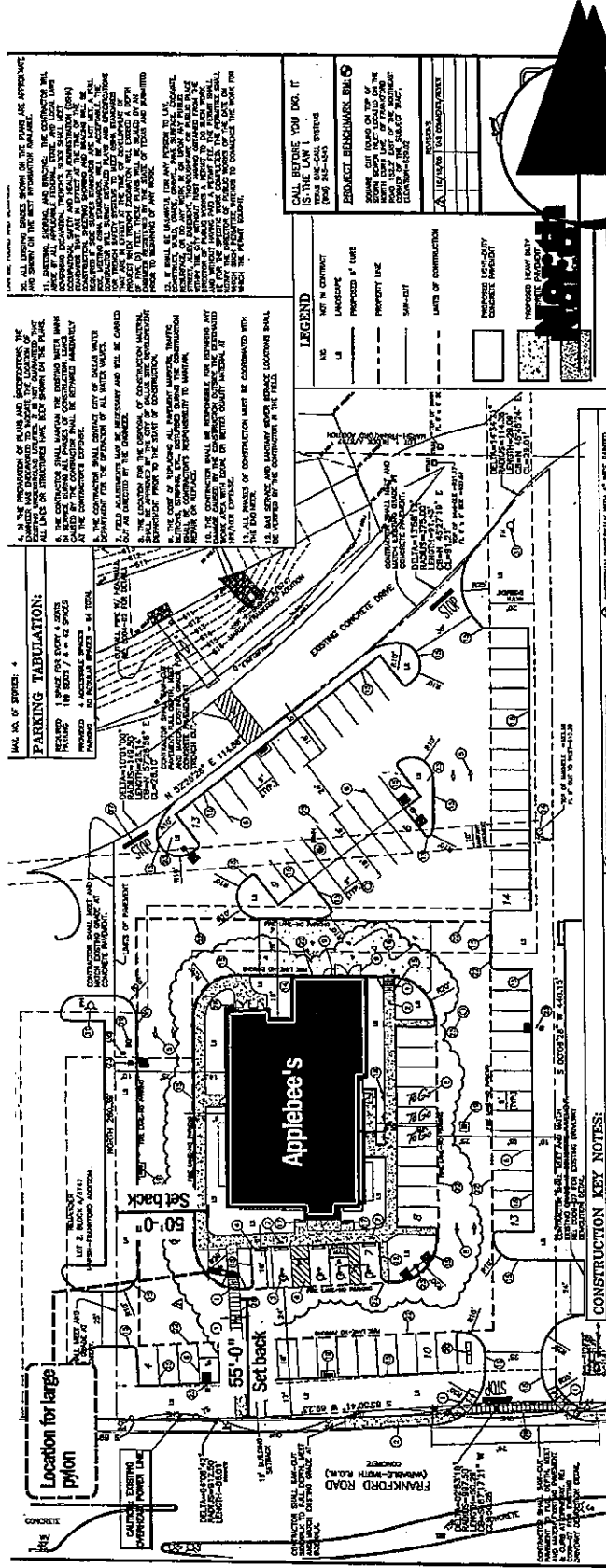
OWNER:
 MARSH ROAD LLC
 VOLUME 5280, PAGE 05990
 R.P.R.D.C.T.

OWNER:
 MARSH ROAD LLC
 VOLUME 5280, PAGE 05990
 R.P.R.D.C.T.

OWNER:
 MARSH ROAD LLC
 VOLUME 5280, PAGE 05990
 R.P.R.D.C.T.

DELTA = $04^{\circ}08'42"$
 RADIUS = $997.50'$
 ARC = $72.16'$
 CHORD = $72.15'$
 CH BRG = $S 87^{\circ}55'02" W$

OWNER:
 SERIOUS SERVICE CORP.



Site Plan

Scale: 1/64" = 1'-0"



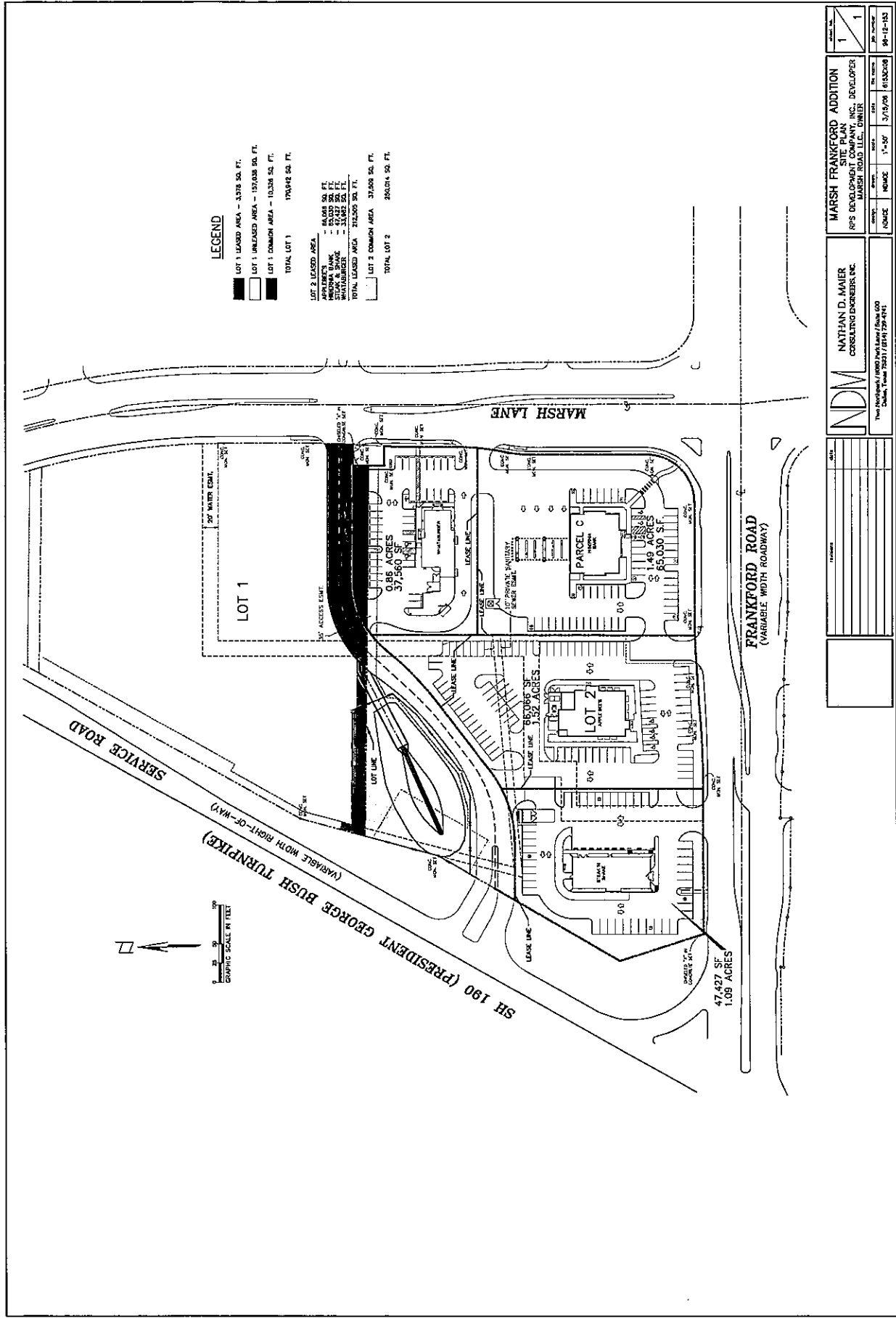
Design No.: 11-016773
Date: November 09, 2011
Sheet: 2 of 2
Location: Frankford
City/State: Dallas, TX

Contact Information:
Salesman: Todd Heifner
Designer: Trent Schultz
Phone: 817.625.4323
Website: www.awningandsign.com

Final electrical connection note:
 Customer is responsible for retaining a licensed electrician to complete final connection.
Printing Note: Illustration to be printed on 8 1/2" x 14" Legal paper.

The information contained in this Document and the Design work are the sole Property of National Awning & Sign, LLC and may not be copied distributed or made available to others without expressed written consent of National Awning & Sign, LLC.

Final Approvals
 Customer:
 Salesman:
 Project Manager:



LEGEND

	LOT 1 LEASED AREA - 3,978 SQ. FT.
	LOT 1 UNLEASED AREA - 15,038 SQ. FT.
	LOT 2 COMMON AREA - 10,336 SQ. FT.
	TOTAL LOT 1 170642 SQ. FT.
	LOT 2 LEASED AREA
	46,648 SQ. FT.
	UNLEASED AREA - 14,812 SQ. FT.
	COMMON AREA - 11,572 SQ. FT.
	TOTAL LOT 2 72,932 SQ. FT.
	LOT 2 COMMON AREA 37,600 SQ. FT.
	TOTAL LOT 2 284,014 SQ. FT.

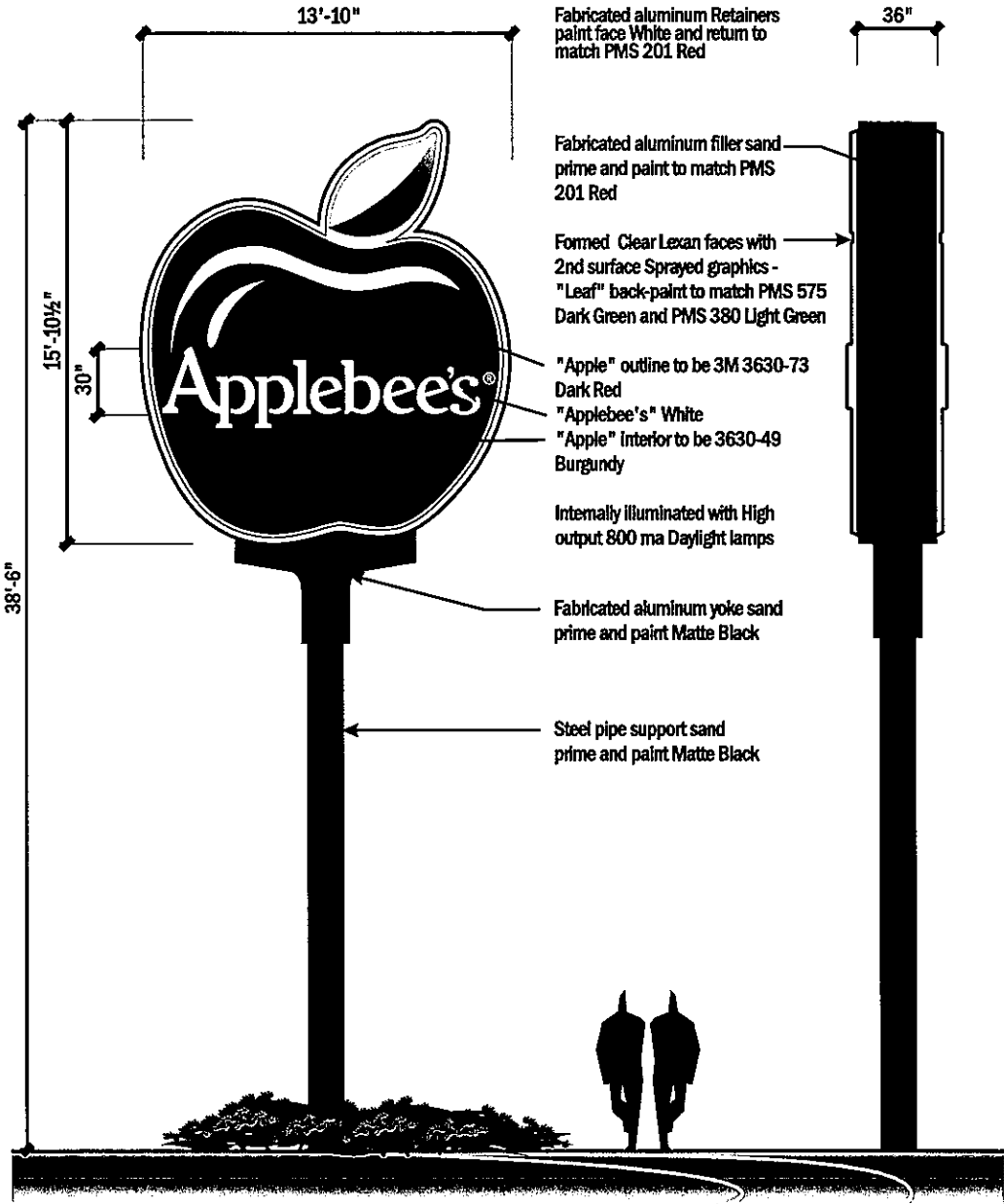
 NATHAN D. MAIER CONSULTING ENGINEERS, INC. One Northpark / 10802 North Loop / Suite 100 Dallas, Texas 75241 / (972) 799-9411	SHEET NO. 1 OF 1
	DATE: 3/15/06 SCALE: 1"=50' PROJECT: MARSH FRANKFORD ADDITION DEVELOPER: RFS DEVELOPMENT COMPANY, INC. DESIGNER: MARSH ROAD LLC - DMIER

Design No.: 11-016713
Date: November 09, 2011
Sheet: 1 of 2
Location: Frankford, Dallas, TX
City/State: Dallas, TX
Contact Information:
Salesman: Todd Heifer
Designer: Trent Schultz
Phone: 817.625.4323
Website: www.awningandsign.com

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 Customer is responsible for retaining a licensed electrician to complete final connection.
Printing Note: Illustration to be printed on 8 1/2" x 14" Legal paper.

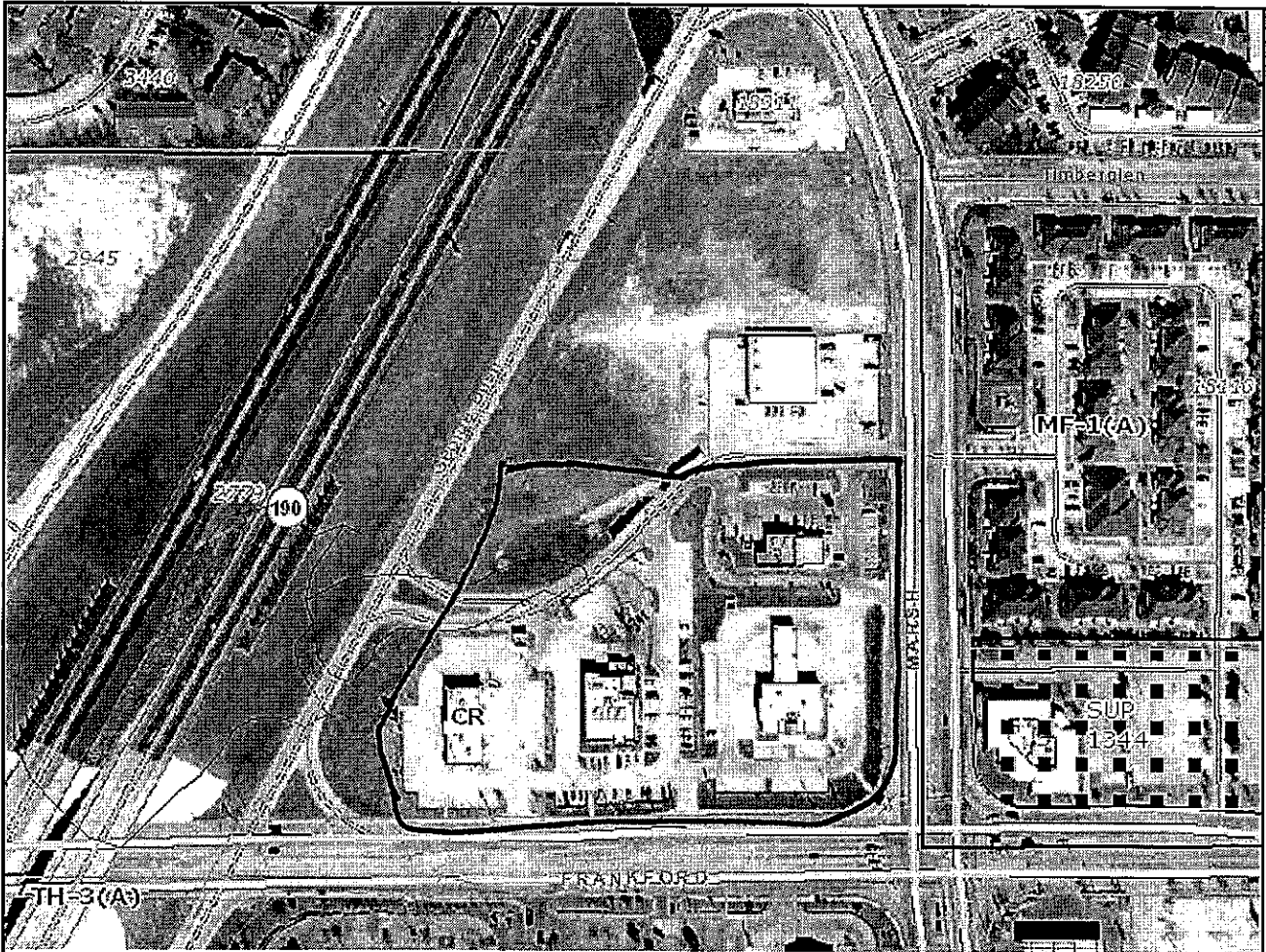
The information contained in this Document and the Design work are the sole Property of National Awning & Sign, LLC and may not be copied, distributed or made available to others without expressed written consent of National Awning & Sign, LLC.

Final Approvals
Customer:
Salesman:
Project Manager:



D/F Display Elevation - 220 Sq Ft End View Scale: 3/16"=1'-0"

City of Dallas Zoning



City Boundaries



County



Certified Parcels



DISD Sites



Council Districts



Waterways



Parks



Dry Overlay



Historic Overlay



Historic Subdistricts



NSO Overlay



NSO Subdistricts



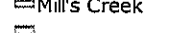
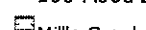
MD Overlay



Base Zoning



Floodplain



Pedestrian Overlay



Environmental Corridors



AFFIDAVIT

BDA Case # 112-022

I, Epina Properties Ltd; MAB Marsh LP Owner of the subject property

at: 3565 Frankford Road, Dallas, TX 75287

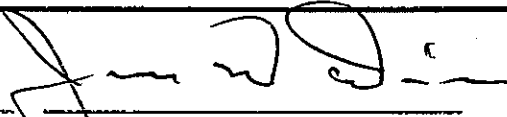
Authorize (applicant) Rob Farrington

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

Variance (please specify)

Special Exception (please specify) to sign to exceed regulation by 10%

Other (please specify)

Epina Properties LP
MAB Marsh LP  9/22/11

Print name of property owner

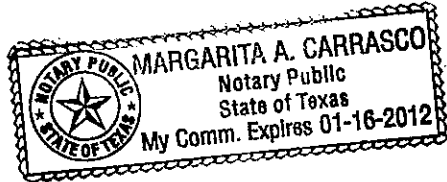
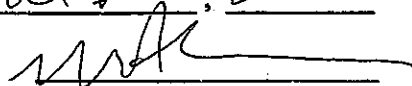
Signature of property owner

Date

Before me the undersigned on the day of personally appeared Joseph Dingman (Principal)

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

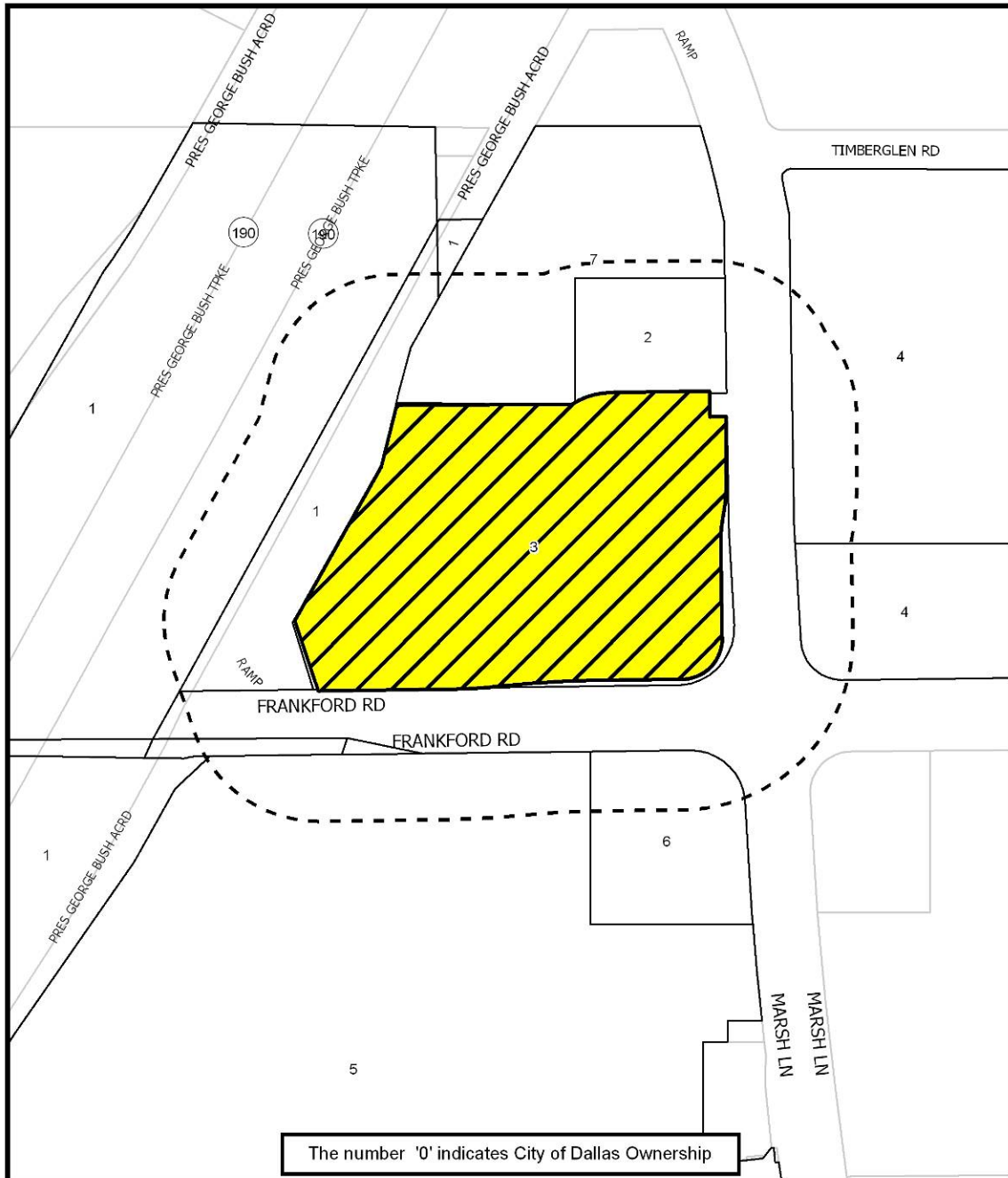
Subscribed and sworn to before me this 24 day of October, 2011



Notary Public on and for

Dallas County, Texas

Commission expires on 01-16-2012



 1:2,400	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">7</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	7	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA112-022 Date: 1/24/2012
200'	AREA OF NOTIFICATION					
7	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA112-022

7 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2779 OLD MILL	TEXAS, STATE OF DEPT OF HWYS
2	MARSH	BARRIO HOLDING LTD, ETAL ATTN: WL FELLMA
3	MARSH	MAB MARSH LP & EPINA PROPERTIES LIMITED
4	18110 MARSH	DALLAS HOUSING AUTHORITY
5	18121 MARSH	WAL-MART REAL EST BUS TRUST WAL-MART
PRO		
6	3580 FRANKFORD	CHAN, ESMOND K & CLARA J TRUSTEES OF CHA
7	MARSH	MARSH ROAD, LLC C/O ALAN ROODHOUSE