

BOARD OF ADJUSTMENT, PANEL A
TUESDAY, OCTOBER 22, 2013
AGENDA

BRIEFING	ROOM 6/E/S, 1500 MARILLA STREET	11:00 A.M.
LUNCH		
PUBLIC HEARING	ROOM 6/E/S, 1500 MARILLA STREET	1:00 P.M.

Neva Dean, Interim Assistant Director
Steve Long, Board Administrator

MISCELLANEOUS ITEMS

	Approval of the Tuesday, September 17, 2013 Board of Adjustment Public Hearing Minutes	M1
	Consideration and approval of Panel A's 2014 Public Hearing Calendar	M2
BDA 123-085	4402 Leland Avenue (AKA: 4410 Leland Avenue) REQUEST: Of Fran Lobpries to reimburse the filing fee for special exceptions to the fence height, visual obstruction, and off-street parking regulations	M3

UNCONTESTED CASES

BDA 123-095	6315 Walnut Hill Lane REQUEST: Application of Michael Nichols, represented by Margaret Hamilton, for a special exception to the fence height regulations	1
BDA 123-096	5444 La Sierra Drive (aka: 5442 La Sierra Drive) REQUEST: Application of Alvin Keal, represented by Danny Sipes, for a special exception to the off-street parking regulations	2
BDA 123-103	7015 Tokalon Drive REQUEST: Application of Jim Lob for a special exception to the single family use regulations	3

BDA 123-105	3509 Oak Lawn Ave. REQUEST: Application of Peter Kavanagh for a special exception to the landscape regulations	4
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HOLDOVER CASES

BDA 123-085	4402 Leland Avenue (AKA: 4410 Leland Avenue) REQUEST: Application of Fran Lobpries for special exceptions to the fence height, visual obstruction, and off-street parking regulations	5
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BDA 123-086	5410 Melrose Avenue REQUEST: Application of Robert V. Hunt for variances to the front yard setback, lot coverage, and off-street parking regulations	6
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REGULAR CASE

BDA 123-100	3100 Carlisle Street REQUEST: Application of Anthony R. Page, represented by Timothy M. Hoch, to appeal the decision of the administrative official	7
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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]

(Rev. 6-24-12)

MISCELLANEOUS ITEM NO. 1

To approve the Board of Adjustment Panel A September 17, 2013 public hearing minutes.

MISCELLANEOUS ITEM NO. 2

To approve the Board of Adjustment Panel A's 2014 public hearing calendar (see Attachment A).

BOARD OF ADJUSTMENT

Calendar for year 2014 (United States)

m2
Attach A

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Holidays and Observances:	
Jan 1 New Year's Day	Jul 4 Independence Day
Jan 20 Martin Luther King Day	Sep 1 Labor Day
Feb 14 Valentine's Day	Oct 13 Columbus Day (Most regions)
Feb 17 Presidents' Day	Oct 31 Halloween
Apr 13 Thomas Jefferson's Birthday	Nov 11 Veterans Day
Apr 20 Easter Sunday	Nov 27 Thanksgiving Day
May 11 Mothers' Day	Dec 24 Christmas Eve
May 26 Memorial Day	Dec 25 Christmas Day
Jun 15 Fathers' Day	Dec 31 New Year's Eve

LEGEND

PANEL C
 PANEL A
 PANEL B

Calendar generated on www.timeanddate.com/calendar

MISCELLANEOUS ITEM NO. 3

FILE NUMBER: BDA 123-085

REQUEST: To reimburse the filing fee submitted in conjunction with requests for special exceptions to the fence height, visual obstruction, and off-street parking regulations – BDA 123-085

LOCATION: 4402 (aka 4410) Leland Avenue

APPLICANT: Fran Lobpries

STANDARD FOR A FEE WAIVER OR A FEE REIMBURSEMENT:

The Dallas Development Code states that the board may waive the filing fee for a board of adjustment application if the board finds that payment of the fee would result in substantial financial hardship to the applicant.

The Dallas Development Code further states:

- The applicant may either pay the fee and request reimbursement at the hearing on the matter or request that the issue of financial hardship be placed on the board's miscellaneous docket for predetermination.
- In making this determination, the board may require the production of financial documents.

Timeline:

June 26, 2013: The applicant submitted an "Application/Appeal to the Board of Adjustment" – BDA 123-085.

August 20, 2013: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, "If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case."

August 27, 2013: The Board Administrator contacted the applicant and shared the following information via email:

- The provision from the Dallas Development Code as to how the board is able to grant a special exception to the off-street parking regulations (51A-4.311(a)).
- The provision from the Dallas Development Code allowing the board to reimburse the filing fee (51A- 1.105 (b)(6)) noting that if the applicant were to add this fee reimbursement request, she

M2
Attach A
PS

October 3, 2013

To: Board of Adjustment Panel A

Re: Reimbursement of Fees

On behalf of Dallas Bethlehem Center, I respectfully request reimbursement of \$4520.00 in fees associated with Case No. 123-085. The provision from the Dallas Development Code allowing the board to reimburse the filing fee (51A- 1.105 (b)(6))

Dallas Bethlehem Center is a 67-year old mission located in South Dallas serving the community with early childhood education, access to Health and Human Services programs, Food Security programs, (food distribution and community garden), Mentoring and Athletic programs with Dallas- PAL.

In 2011, Dallas Bethlehem Center suspended services for lack of funding after 65 years of service. While a new strategic plan, programming plan, funding plan, and board were being formed, DBC suffered major theft of copper lines and air conditioning condensers, then city water line pressure broke pipes in one bathroom flooding over 1500 square feet of classrooms and meeting rooms. After fundraising to make modifications to the building in readiness for zero to three year old Head Start education, we have encountered numerous City regulations that have slowed the process such as the addition of a \$140,000 fire sprinkler system new requirement.

Dallas Bethlehem Center is funded through donations. It's entire projected budget is \$300,000 annually. However, in 2012, DBC received \$175,000 prior to full programming. We have three employees and a 16,000 square foot facility to maintain.

The fees paid to the Board of Adjustment equal one third of our current monthly expenses. As a restart organization, Dallas Bethlehem Center is seeking to regain its momentum as a source of support to the neighbors of 75215 and 75210 zip codes. Please allow us to leverage the fee reimbursement by bringing over \$1.5 million annually in programs to the children and families of South Dallas.

Respectfully,

Fran Lobpries, CFRE
Executive Director

Internal Revenue Service

JUN 14 2004

Date: June 9, 2004

Dallas Bethlehem Center, Inc.
1110 Leland Avenue
Dallas, TX 75215-4117

Department of the Treasury
P. O. Box 2508
Cincinnati, OH 45201

Person to Contact:
Dee Anna Jarmon 31-33084
Customer Service Specialist
Toll Free Telephone Number:
8:00 a.m. to 6:30 p.m. EST
877-829-5500
Fax Number:
513-263-3756
Federal Identification Number:
75-0800667

M2
Attach A
B 2

Dear Sir or Madam:

This is in response to your request of June 9, 2004, regarding your organization's tax-exempt status.

In February 1975 we issued a determination letter that recognized your organization as exempt from federal income tax. Our records indicate that your organization is currently exempt under section 501(c)(3) of the Internal Revenue Code.

Based on information subsequently submitted, we classified your organization as one that is not a private foundation within the meaning of section 509(a) of the Code because it is an organization described in sections 509(a)(1) and 170(b)(1)(A)(vi).

This classification was based on the assumption that your organization's operations would continue as stated in the application. If your organization's sources of support, or its character, method of operations, or purposes have changed, please let us know so we can consider the effect of the change on the exempt status and foundation status of your organization.

Your organization is required to file Form 990, Return of Organization Exempt from Income Tax, only if its gross receipts each year are normally more than \$25,000. If a return is required, it must be filed by the 15th day of the fifth month after the end of the organization's annual accounting period. The law imposes a penalty of \$20 a day, up to a maximum of \$10,000, when a return is filed late, unless there is reasonable cause for the delay.

All exempt organizations (unless specifically excluded) are liable for taxes under the Federal Insurance Contributions Act (social security taxes) on remuneration of \$100 or more paid to each employee during a calendar year. Your organization is not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

Organizations that are not private foundations are not subject to the excise taxes under Chapter 42 of the Code. However, these organizations are not automatically exempt from other federal excise taxes.

Donors may deduct contributions to your organization as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to your organization or for its use are deductible for federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

M2
Attach A
pg 3

Dallas Bethlehem Center, Inc.
75-0800667

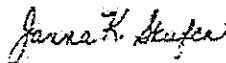
Your organization is not required to file federal income tax returns unless it is subject to the tax on unrelated business income under section 511 of the Code. If your organization is subject to this tax, it must file an income tax return on the Form 990-T, Exempt Organization Business Income Tax Return. In this letter, we are not determining whether any of your organization's present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

Section 6104 of the Internal Revenue Code requires you to make your organization's annual return available for public inspection without charge for three years after the due date of the return. The law also requires organizations that received recognition of exemption on July 15, 1987, or later, to make available for public inspection a copy of the exemption application, any supporting documents and the exemption letter to any individual who requests such documents in person or in writing. Organizations that received recognition or exemption before July 15, 1987, and had a copy of their exemption application on July 15, 1987, are also required to make available for public inspection a copy of the exemption application, any supporting documents and the exemption letter to any individual who requests such documents in person or in writing. For additional information on disclosure requirements, please refer to Internal Revenue Bulletin 1999 - 17.

Because this letter could help resolve any questions about your organization's exempt status and foundation status, you should keep it with the organization's permanent records.

If you have any questions, please call us at the telephone number shown in the heading of this letter.

Sincerely,



Janna K. Skufca, Director, TE/GE
Customer Account Services

would be encouraged to submit any documentation that shows how payment of the filing fee results in substantial financial hardship to the applicant, - i.e. additional financial documents as in but not limited to copies of 1040's, W-4's, bank statements - all with account numbers redacted.

- September 17, 2013: The Board of Adjustment Panel C conducted a public hearing on this application. The Board Administrator circulated a September 12th email from the applicant requesting that the board delay the hearing until October in order for a fee reimbursement request to be considered on the same day as the applicant's requests for special exceptions to the fence height, visual obstruction, and off-street parking regulations. The Board held the request under advisement until October 22, 2013.
- October 9, 2013: The applicant submitted a letter (and related information) requesting reimbursement of the filing fee submitted in conjunction with this application (see Attachment A).
- October 11, 2013: The applicant submitted additional documentation to the Board Administrator (see Attachment B).

Return of Organization Exempt From Inc

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except black lung benefit trust or private foundation)

2012

Open to Public Inspection

Department of the Treasury
Internal Revenue Service

The organization may have to use a copy of this return to satisfy state reporting requirements.

A For the 2012 calendar year, or tax year beginning , 2012, and ending

B Check if applicable: <input type="checkbox"/> Address change <input type="checkbox"/> Name change <input type="checkbox"/> Initial return <input type="checkbox"/> Terminated <input type="checkbox"/> Amended return <input type="checkbox"/> Application pending	C DALLAS BETHLEHEM CENTER 4410 LELAND AVE DALLAS, TX 75215		D Employer Identification Number 75-0800667
	F Name and address of principal officer: GERALD MEINECKE Same As C Above		E Telephone number 214-343-1234
I Tax-exempt status: <input checked="" type="checkbox"/> 501(c)(3) <input type="checkbox"/> 501(c) () (insert no.) <input type="checkbox"/> 4947(a)(1) or <input type="checkbox"/> 527		G Gross receipts \$ 175,669.	
J Website: www.dallasbethlehemcenter.org		H(a) Is this a group return for affiliates? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No H(b) Are all affiliates included? If "No," attach a list. (see instructions) <input type="checkbox"/> Yes <input type="checkbox"/> No	
K Form of organization: <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Trust <input type="checkbox"/> Association <input type="checkbox"/> Other		L Year of Formation: 1946	M State of legal domicile: TX
H(c) Group exemption number			

Part I Summary

1 Briefly describe the organization's mission or most significant activities: <u>THE DALLAS BETHLEHEM CENTER IS DEDICATED TO PROVIDING THE CHILDREN OF SOUTH DALLAS A HIGH QUALITY EARLY CHILDHOOD EDUCATION TO IMPROVE THEIR SCHOOL READINESS AND EDUCATIONAL SUCCESS. WE OFFER THE FOLLOWING PROGRAMS: CHILD DEVELOPMENT, PRESCHOOL EDUCATION, AFTER-SCHOOL</u>	
2 Check this box <input type="checkbox"/> if the organization discontinued its operations or disposed of more than 25% of its net assets.	
Activities & Governance	3 Number of voting members of the governing body (Part VI, line 1a) 3 14
	4 Number of independent voting members of the governing body (Part VI, line 1b)..... 4 14
	5 Total number of individuals employed in calendar year 2012 (Part V, line 2a) 5 0
	6 Total number of volunteers (estimate if necessary)..... 6 0
	7a Total unrelated business revenue from Part VIII, column (C), line 12..... 7a 0.
	7b Net unrelated business taxable income from Form 990-T, line 34..... 7b 0.
	8 Contributions and grants (Part VIII, line 1h).....
9 Program service revenue (Part VIII, line 2g).....	
10 Investment income (Part VIII, column (A), lines 3, 4, and 7d).....	
11 Other revenue (Part VIII, column (A), lines 5, 6d, 8c, 9c, 10c, and 11e).....	
12 Total revenue - add lines 8 through 11 (must equal Part VIII, column (A), line 12).....	
13 Grants and similar amounts paid (Part IX, column (A), lines 1-3).....	
14 Benefits paid to or for members (Part IX, column (A), line 4).....	
15 Salaries, other compensation, employee benefits (Part IX, column (A), lines 5-10).....	
16a Professional fundraising fees (Part IX, column (A), line 11e).....	
b Total fundraising expenses (Part IX, column (D), line 25) ▶	
17 Other expenses (Part IX, column (A), lines 11a-11d, 11f-24e).....	
18 Total expenses. Add lines 13-17 (must equal Part IX, column (A), line 25).....	
19 Revenue less expenses. Subtract line 18 from line 12.....	
Net Assets or Fund Balances	20 Total assets (Part X, line 16).....
	21 Total liabilities (Part X, line 26).....
	22 Net assets or fund balances. Subtract line 21 from line 20.....

Part II Signature Block

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.

Sign Here	Signature of officer: <u>Gerald Meinecke</u>	Date: <u>10/11/13</u>
	GERALD MEINECKE Type or print name and title.	President

Paid Preparer Use Only	Print preparer's name: JON CHESTER PRESIDENT	Preparer's signature: JON CHESTER PRESIDENT	Date:	Check <input type="checkbox"/> if self-employed	PTIN: P00487157
	Firm's name: M. STERLING INC	Firm's EIN: 75-2589357			
	Firm's address: 5418 SAINT CHARLES AVE DALLAS, TX 75223	Phone no. (214) 330-4682			

May the IRS discuss this return with the preparer shown above? (see instructions) Yes No

BAA For Paperwork Reduction Act Notice, see the separate instructions.

TEEA0113L 12/18/12

Form 990 (2012)

Part III Statement of Program Service Accomplishments

Check if Schedule O contains a response to any question in this Part III.

1 Briefly describe the organization's mission:

See Schedule O

2 Did the organization undertake any significant program services during the year which were not listed on the prior Form 990 or 990-EZ? Yes No

If 'Yes,' describe these new services on Schedule O.

3 Did the organization cease conducting, or make significant changes in how it conducts, any program services? Yes No

If 'Yes,' describe these changes on Schedule O.

4 Describe the organization's program service accomplishments for each of its three largest program services, as measured by expenses. Section 501(c)(3) and 501(c)(4) organizations and section 4947(a)(1) trusts are required to report the amount of grants and allocations to others, the total expenses, and revenue, if any, for each program service reported.

4a (Code:) (Expenses \$ 150,092, including grants of \$) (Revenue \$ 709.)

THE DALLAS BETHELEHAM CENTER IS DEDICATED TO PROVIDING CHILDREN IN SOUTH DALLAS A HIGH QUALITY EDUCATION TO IMPROVE THEIR SCHOOL READINESS AND EDUCATIONAL SUCCESS.

4b (Code:) (Expenses \$ including grants of \$) (Revenue \$)

4c (Code:) (Expenses \$ including grants of \$) (Revenue \$)

4d Other program services. (Describe in Schedule O.)

(Expenses \$ including grants of \$) (Revenue \$)

4e Total program service expenses ▶ 150,092.

Part IV Checklist of Required Schedules

	Yes	No
1 Is the organization described in section 501(c)(3) or 4947(a)(1) (other than a private foundation)? If 'Yes,' complete Schedule A.....	X	
2 Is the organization required to complete Schedule B, Schedule of Contributors (see instructions)?.....		X
3 Did the organization engage in direct or indirect political campaign activities on behalf of or in opposition to candidates for public office? If 'Yes,' complete Schedule C, Part I.....		X
4 Section 501(c)(3) organizations Did the organization engage in lobbying activities, or have a section 501(h) election in effect during the tax year? If 'Yes,' complete Schedule C, Part II.....		X
5 Is the organization a section 501(c)(4), 501(c)(5), or 501(c)(6) organization that receives membership dues, assessments, or similar amounts as defined in Revenue Procedure 98-19? If 'Yes,' complete Schedule C, Part III.....		X
6 Did the organization maintain any donor advised funds or any similar funds or accounts for which donors have the right to provide advice on the distribution or investment of amounts in such funds or accounts? If 'Yes,' complete Schedule D, Part I.....		X
7 Did the organization receive or hold a conservation easement, including easements to preserve open space, the environment, historic land areas or historic structures? If 'Yes,' complete Schedule D, Part II.....		X
8 Did the organization maintain collections of works of art, historical treasures, or other similar assets? If 'Yes,' complete Schedule D, Part III.....		X
9 Did the organization report an amount in Part X, line 21, for escrow or custodial account liability; serve as a custodian for amounts not listed in Part X; or provide credit counseling, debt management credit repair, or debt negotiation services? If 'Yes,' complete Schedule D, Part IV.....		X
10 Did the organization, directly or through a related organization, hold assets in temporarily restricted endowments, permanent endowments, or quasi-endowments? If 'Yes,' complete Schedule D, Part V.....		X
11 If the organization's answer to any of the following questions is 'Yes,' then complete Schedule D, Parts VI, VII, VIII, IX, or X as applicable.		
a Did the organization report an amount for land, buildings and equipment in Part X, line 10? If 'Yes,' complete Schedule D, Part VI.....	X	
b Did the organization report an amount for investments – other securities in Part X, line 12 that is 5% or more of its total assets reported in Part X, line 16? If 'Yes,' complete Schedule D, Part VII.....		X
c Did the organization report an amount for investments – program related in Part X, line 13 that is 5% or more of its total assets reported in Part X, line 16? If 'Yes,' complete Schedule D, Part VIII.....		X
d Did the organization report an amount for other assets in Part X, line 15 that is 5% or more of its total assets reported in Part X, line 16? If 'Yes,' complete Schedule D, Part IX.....		X
e Did the organization report an amount for other liabilities in Part X, line 25? If 'Yes,' complete Schedule D, Part X.....		X
f Did the organization's separate or consolidated financial statements for the tax year include a footnote that addresses the organization's liability for uncertain tax positions under FIN 48 (ASC 740)? If 'Yes,' complete Schedule D, Part X.....		X
12a Did the organization obtain separate, independent audited financial statements for the tax year? If 'Yes,' complete Schedule D, Parts XI, and XII.....		X
b Was the organization included in consolidated, independent audited financial statements for the tax year? If 'Yes,' and if the organization answered 'No' to line 12a, then completing Schedule D, Parts XI and XII is optional.....		X
13 Is the organization a school described in section 170(b)(1)(A)(ii)? If 'Yes,' complete Schedule E.....		X
14a Did the organization maintain an office, employees, or agents outside of the United States?.....		X
b Did the organization have aggregate revenues or expenses of more than \$10,000 from grantmaking, fundraising, business, investment, and program service activities outside the United States, or aggregate foreign investments valued at \$100,000 or more? If 'Yes,' complete Schedule F, Parts I and IV.....		X
15 Did the organization report on Part IX, column (A), line 3, more than \$5,000 of grants or assistance to any organization or entity located outside the United States? If 'Yes,' complete Schedule F, Parts II and IV.....		X
16 Did the organization report on Part IX, column (A), line 3, more than \$5,000 of aggregate grants or assistance to individuals located outside the United States? If 'Yes,' complete Schedule F, Parts III and IV.....		X
17 Did the organization report a total of more than \$15,000 of expenses for professional fundraising services on Part IX, column (A), lines 6 and 11e? If 'Yes,' complete Schedule G, Part I (see instructions).....		X
18 Did the organization report more than \$15,000 total of fundraising event gross income and contributions on Part VIII, lines 1c and 8a? If 'Yes,' complete Schedule G, Part II.....		X
19 Did the organization report more than \$15,000 of gross income from gaming activities on Part VIII, line 9a? If 'Yes,' complete Schedule G, Part III.....		X
20a Did the organization operate one or more hospital facilities? If 'Yes,' complete Schedule H.....		X
b If 'Yes' to line 20a, did the organization attach a copy of its audited financial statements to this return?.....		

Part IV Checklist of Required Schedules (continued)

	Yes	No
21 Did the organization report more than \$5,000 of grants and other assistance to governments and organizations in the United States on Part IX, column (A), line 1? <i>If 'Yes,' complete Schedule I, Parts I and II.</i>		X
22 Did the organization report more than \$5,000 of grants and other assistance to individuals in the United States on Part IX, column (A), line 2? <i>If 'Yes,' complete Schedule I, Parts I and III.</i>		X
23 Did the organization answer 'Yes' to Part VII, Section A, line 3, 4, or 5 about compensation of the organization's current and former officers, directors, trustees, key employees, and highest compensated employees? <i>If 'Yes,' complete Schedule J.</i>		X
24a Did the organization have a tax-exempt bond issue with an outstanding principal amount of more than \$100,000 as of the last day of the year, and that was issued after December 31, 2002? <i>If 'Yes,' answer lines 24b through 24d and complete Schedule K. If 'No,' go to line 25.</i>		X
b Did the organization invest any proceeds of tax-exempt bonds beyond a temporary period exception?.....		
c Did the organization maintain an escrow account other than a refunding escrow at any time during the year to defease any tax-exempt bonds?.....		
d Did the organization act as an 'on behalf of' issuer for bonds outstanding at any time during the year?.....		
25a Section 501(c)(3) and 501(c)(4) organizations. Did the organization engage in an excess benefit transaction with a disqualified person during the year? <i>If 'Yes,' complete Schedule L, Part I.</i>		X
b Is the organization aware that it engaged in an excess benefit transaction with a disqualified person in a prior year, and that the transaction has not been reported on any of the organization's prior Forms 990 or 990-EZ? <i>If 'Yes,' complete Schedule L, Part I.</i>		X
26 Was a loan to or by a current or former officer, director, trustee, key employee, highest compensated employee, or disqualified person outstanding as of the end of the organization's tax year? <i>If 'Yes,' complete Schedule L, Part II.</i>		X
27 Did the organization provide a grant or other assistance to an officer, director, trustee, key employee, substantial contributor or employee thereof, a grant selection committee member, or to a 35% controlled entity or family member of any of these persons? <i>If 'Yes,' complete Schedule L, Part III.</i>		X
28 Was the organization a party to a business transaction with one of the following parties (see Schedule L, Part IV instructions for applicable filing thresholds, conditions, and exceptions):		
a A current or former officer, director, trustee, or key employee? <i>If 'Yes,' complete Schedule L, Part IV.</i>		X
b A family member of a current or former officer, director, trustee, or key employee? <i>If 'Yes,' complete Schedule L, Part IV.</i>		X
c An entity of which a current or former officer, director, trustee, or key employee (or a family member thereof) was an officer, director, trustee, or direct or indirect owner? <i>If 'Yes,' complete Schedule L, Part IV.</i>		X
29 Did the organization receive more than \$25,000 in non-cash contributions? <i>If 'Yes,' complete Schedule M.</i>		X
30 Did the organization receive contributions of art, historical treasures, or other similar assets, or qualified conservation contributions? <i>If 'Yes,' complete Schedule M.</i>		X
31 Did the organization liquidate, terminate, or dissolve and cease operations? <i>If 'Yes,' complete Schedule N, Part I.</i>		X
32 Did the organization sell, exchange, dispose of, or transfer more than 25% of its net assets? <i>If 'Yes,' complete Schedule N, Part II.</i>		X
33 Did the organization own 100% of an entity disregarded as separate from the organization under Regulations sections 301.7701-2 and 301.7701-3? <i>If 'Yes,' complete Schedule R, Part I.</i>		X
34 Was the organization related to any tax-exempt or taxable entity? <i>If 'Yes,' complete Schedule R, Parts II, III, IV, and V, line 1.</i>		X
35a Did the organization have a controlled entity within the meaning of section 512(b)(13)?.....		X
b If 'Yes' to line 35a, did the organization receive any payment from or engage in any transaction with a controlled entity within the meaning of section 512(b)(13)? <i>If 'Yes,' complete Schedule R, Part V, line 2.</i>		
36 Section 501(c)(3) organizations. Did the organization make any transfers to an exempt non-charitable related organization? <i>If 'Yes,' complete Schedule R, Part V, line 2.</i>		X
37 Did the organization conduct more than 5% of its activities through an entity that is not a related organization and that is treated as a partnership for federal income tax purposes? <i>If 'Yes,' complete Schedule R, Part VI.</i>		X
38 Did the organization complete Schedule O and provide explanations in Schedule O for Part VI, lines 11b and 19? Note. All Form 990 filers are required to complete Schedule O.	X	

BAA

Form 990 (2012)

Part V Statements Regarding Other IRS Filings and Tax Compliance

Check if Schedule O contains a response to any question in this Part V.

		Yes	No
1 a	Enter the number reported in Box 3 of Form 1096. Enter -0- if not applicable.		
1 b	Enter the number of Forms W-2G included in line 1a. Enter -0- if not applicable.		
1 c	Did the organization comply with backup withholding rules for reportable payments to vendors and reportable gaming (gambling) winnings to prize winners?		X
2 a	Enter the number of employees reported on Form W-3, Transmittal of Wage and Tax Statements, filed for the calendar year ending with or within the year covered by this return.		
2 b	If at least one is reported on line 2a, did the organization file all required federal employment tax returns?		
Note. If the sum of lines 1a and 2a is greater than 250, you may be required to e-file. (see instructions)			
3 a	Did the organization have unrelated business gross income of \$1,000 or more during the year?		X
3 b	If 'Yes,' has it filed a Form 990-T for this year? If 'No,' provide an explanation in Schedule O.		
4 a	At any time during the calendar year, did the organization have an interest in, or a signature or other authority over, a financial account in a foreign country (such as a bank account, securities account, or other financial account)?		X
4 b	If 'Yes,' enter the name of the foreign country: ▶ See instructions for filing requirements for Form TD F 90-22.1, Report of Foreign Bank and Financial Accounts.		
5 a	Was the organization a party to a prohibited tax shelter transaction at any time during the tax year?		X
5 b	Did any taxable party notify the organization that it was or is a party to a prohibited tax shelter transaction?		X
5 c	If 'Yes,' to line 5a or 5b, did the organization file Form 8886-T?		
6 a	Does the organization have annual gross receipts that are normally greater than \$100,000, and did the organization solicit any contributions that were not tax deductible as charitable contributions?		X
6 b	If 'Yes,' did the organization include with every solicitation an express statement that such contributions or gifts were not tax deductible?		
7 Organizations that may receive deductible contributions under section 170(c).			
7 a	Did the organization receive a payment in excess of \$75 made partly as a contribution and partly for goods and services provided to the payor?		X
7 b	If 'Yes,' did the organization notify the donor of the value of the goods or services provided?		
7 c	Did the organization sell, exchange, or otherwise dispose of tangible personal property for which it was required to file Form 8282?		X
7 d	If 'Yes,' indicate the number of Forms 8282 filed during the year.		
7 e	Did the organization receive any funds, directly or indirectly, to pay premiums on a personal benefit contract?		X
7 f	Did the organization, during the year, pay premiums, directly or indirectly, on a personal benefit contract?		X
7 g	If the organization received a contribution of qualified intellectual property, did the organization file Form 8899 as required?		
7 h	If the organization received a contribution of cars, boats, airplanes, or other vehicles, did the organization file a Form 1098-C?		
8	Sponsoring organizations maintaining donor advised funds and section 509(a)(3) supporting organizations. Did the supporting organization, or a donor advised fund maintained by a sponsoring organization, have excess business holdings at any time during the year?		
9 Sponsoring organizations maintaining donor advised funds.			
9 a	Did the organization make any taxable distributions under section 4966?		
9 b	Did the organization make a distribution to a donor, donor advisor, or related person?		
10 Section 501(c)(7) organizations. Enter:			
10 a	Initiation fees and capital contributions included on Part VIII, line 12.		
10 b	Gross receipts, included on Form 990, Part VIII, line 12, for public use of club facilities.		
11 Section 501(c)(12) organizations. Enter:			
11 a	Gross income from members or shareholders.		
11 b	Gross income from other sources (Do not net amounts due or paid to other sources against amounts due or received from them.)		
12 a	Section 4947(a)(1) non-exempt charitable trusts. Is the organization filing Form 990 in lieu of Form 1041?		
12 b	If 'Yes,' enter the amount of tax-exempt interest received or accrued during the year.		
13 Section 501(c)(29) qualified nonprofit health insurance issuers.			
13 a	Is the organization licensed to issue qualified health plans in more than one state?		
Note. See the instructions for additional information the organization must report on Schedule O.			
13 b	Enter the amount of reserves the organization is required to maintain by the states in which the organization is licensed to issue qualified health plans.		
13 c	Enter the amount of reserves on hand.		
14 a	Did the organization receive any payments for indoor tanning services during the tax year?		X
14 b	If 'Yes,' has it filed a Form 720 to report these payments? If 'No,' provide an explanation in Schedule O.		

Part VI Governance, Management and Disclosure For each 'Yes' r... through 7b below, and for a 'No' response to line 8a, 8b, or 10b below, describe the circumstances, processes, or changes in Schedule O. See instructions.

Check if Schedule O contains a response to any question in this Part VI. X

Section A. Governing Body and Management

	Yes	No
1 a Enter the number of voting members of the governing body at the end of the tax year. If there are material differences in voting rights among members of the governing body, or if the governing body delegated broad authority to an executive committee or similar committee, explain in Schedule O.	1 a	14
b Enter the number of voting members included in line 1a, above, who are independent.	1 b	14
2 Did any officer, director, trustee, or key employee have a family relationship or a business relationship with any other officer, director, trustee or key employee?	2	X
3 Did the organization delegate control over management duties customarily performed by or under the direct supervision of officers, directors or trustees, or key employees to a management company or other person?	3	X
4 Did the organization make any significant changes to its governing documents since the prior Form 990 was filed?	4	X
5 Did the organization become aware during the year of a significant diversion of the organization's assets?	5	X
6 Did the organization have members or stockholders?	6	X
7 a Did the organization have members, stockholders, or other persons who had the power to elect or appoint one or more members of the governing body?	7 a	X
b Are any governance decisions of the organization reserved to (or subject to approval by) members, stockholders, or other persons other than the governing body?	7 b	X
8 Did the organization contemporaneously document the meetings held or written actions undertaken during the year by the following:		
a The governing body?	8 a	X
b Each committee with authority to act on behalf of the governing body?	8 b	X
9 Is there any officer, director or trustee, or key employee listed in Part VII, Section A, who cannot be reached at the organization's mailing address? If 'Yes,' provide the names and addresses in Schedule O.	9	X

Section B. Policies (This Section B requests information about policies not required by the Internal Revenue Code.)

	Yes	No
10 a Did the organization have local chapters, branches, or affiliates?	10 a	X
b If 'Yes,' did the organization have written policies and procedures governing the activities of such chapters, affiliates, and branches to ensure their operations are consistent with the organization's exempt purposes?	10 b	
11 a Has the organization provided a complete copy of this Form 990 to all members of its governing body before filing the form?	11 a	X
b Describe in Schedule O the process, if any, used by the organization to review this Form 990. See Schedule O		
12 a Did the organization have a written conflict of interest policy? If 'No,' go to line 13.	12 a	X
b Were officers, directors or trustees, and key employees required to disclose annually interests that could give rise to conflicts?	12 b	X
c Did the organization regularly and consistently monitor and enforce compliance with the policy? If 'Yes,' describe in Schedule O how this is done. See Schedule O	12 c	X
13 Did the organization have a written whistleblower policy?	13	X
14 Did the organization have a written document retention and destruction policy?	14	X
15 Did the process for determining compensation of the following persons include a review and approval by independent persons, comparability data, and contemporaneous substantiation of the deliberation and decision?		
a The organization's CEO, Executive Director, or top management official. See Schedule O	15 a	X
b Other officers of key employees of the organization. If 'Yes' to line 15a or 15b, describe the process in Schedule O. (See instructions.)	15 b	X
16 a Did the organization invest in, contribute assets to, or participate in a joint venture or similar arrangement with a taxable entity during the year?	16 a	X
b If 'Yes,' did the organization follow a written policy or procedure requiring the organization to evaluate its participation in joint venture arrangements under applicable federal tax law, and taken steps to safeguard the organization's exempt status with respect to such arrangements?	16 b	

Section C. Disclosure

- 17 List the states with which a copy of this Form 990 is required to be filed ▶ None
- 18 Section 6104 requires an organization to make its Forms 1023 (or 1024 if applicable), 990, and 990-T (501(c)(3)s only) available for public inspection. Indicate how you make these available. Check all that apply.
 Own website Another's website Upon request Other (explain in Schedule O)
- 19 Describe in Schedule O whether (and if so, how) the organization makes its governing documents, conflict of interest policy, and financial statements available to the public during the tax year. See Schedule O
- 20 State the name, physical address, and telephone number of the person who possesses the books and records of the organization:
 ▶ FRAN LOBPRIES 4410 LELAND AVE DALLAS TX 75215 (214) 428-5171

BAA

TEEA0106L 08/08/12

Form 990 (2012)

Part VII Compensation of Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees, and Independent Contractors

Check if Schedule O contains a response to any question in this Part VII.

Section A. Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees

1 a Complete this table for all persons required to be listed. Report compensation for the calendar year ending with or within the organization's tax year.

- List all of the organization's current officers, directors, trustees (whether individuals or organizations), regardless of amount of compensation. Enter -0- in columns (D), (E), and (F) if no compensation was paid.
- List all of the organization's current key employees, if any. See instructions for definition of 'key employee.'
- List the organization's five current highest compensated employees (other than an officer, director, trustee, or key employee) who received reportable compensation (Box 5 of Form W-2 and/or Box 7 of Form 1099-MISC) of more than \$100,000 from the organization and any related organizations.
- List all of the organization's former officers, key employees, and highest compensated employees who received more than \$100,000 of reportable compensation from the organization and any related organizations.
- List all of the organization's former directors or trustees that received, in the capacity as a former director or trustee of the organization, more than \$10,000 of reportable compensation from the organization and any related organizations.

List persons in the following order: individual trustees or directors; institutional trustees; officers; key employees; highest compensated employees; and former such persons.

Check this box if neither the organization nor any related organization compensated any current officer, director, or trustee.

(A) Name and Title	(B) Average hours per week (list any hours for related organizations below dotted line)	(C) Position (do not check more than one box, unless person is both an officer and a director/trustee)						(D) Reportable compensation from the organization (W-2/1099-MISC)	(E) Reportable compensation from related organizations (W-2/1099-MISC)	(F) Estimated amount of other compensation from the organization and related organizations
		Individual trustee or director	Institutional trustee	Officer	Key employee	Highest compensated employee	Former			
(1) GERALD MEINECKE President	4 0	X		X				0.	0.	0.
(2) RUSSELL WILLIAMS Secretary	4 0	X		X				0.	0.	0.
(3) JOE BRANNON Treasurer	4 0	X		X				0.	0.	0.
(4) -----										
(5) -----										
(6) -----										
(7) -----										
(8) -----										
(9) -----										
(10) -----										
(11) -----										
(12) -----										
(13) -----										
(14) -----										

Part VII Section A. Officers, Directors, Trustees, Key Employee

Compensated Employees (cont)

(A) Name and title	(B) Average hours per week (list any hours for related organizations below dotted line)	(C) Position (do not check more than one box, unless person is both an officer and a director/trustee)					(D) Reportable compensation from the organization (W-2/1099-MISC)	(E) Reportable compensation from related organizations (W-2/1099-MISC)	(F) Estimated amount of other compensation from the organization and related organizations
		Individual trustee or director	Institutional trustee	Officer	Key employee	Highest compensated employee			
(15) -----									
(16) -----									
(17) -----									
(18) -----									
(19) -----									
(20) -----									
(21) -----									
(22) -----									
(23) -----									
(24) -----									
(25) -----									
1 b Sub-total						0.	0.	0.	
c Total from continuation sheets to Part VII, Section A						0.	0.	0.	
d Total (add lines 1b and 1c)						0.	0.	0.	

2 Total number of individuals (including but not limited to those listed above) who received more than \$100,000 of reportable compensation from the organization **0**

	Yes	No
3 Did the organization list any former officer, director or trustee, key employee, or highest compensated employee on line 1a? <i>If 'Yes,' complete Schedule J for such individual.</i>		X
4 For any individual listed on line 1a, is the sum of reportable compensation and other compensation from the organization and related organizations greater than \$150,000? <i>If 'Yes' complete Schedule J for such individual.</i>		X
5 Did any person listed on line 1a receive or accrue compensation from any unrelated organization or individual for services rendered to the organization? <i>If 'Yes,' complete Schedule J for such person.</i>		X

Section B. Independent Contractors

1 Complete this table for your five highest compensated independent contractors that received more than \$100,000 of compensation from the organization. Report compensation for the calendar year ending with or within the organization's tax year.

(A) Name and business address	(B) Description of services	(C) Compensation

2 Total number of independent contractors (including but not limited to those listed above) who received more than \$100,000 in compensation from the organization **0**

Part VIII Statement of Revenue

Check if Schedule O contains a response to any question in this Part VIII

		(A) Total revenue	(B) Related or exempt function revenue	(C) Unrelated business revenue	(D) Revenue excluded from tax under sections 512, 513, or 514	
CONTRIBUTIONS, GIFTS, GRANTS AND OTHER SIMILAR AMOUNTS	1 a Federated campaigns	1 a				
	b Membership dues	1 b				
	c Fundraising events	1 c				
	d Related organizations	1 d				
	e Government grants (contributions)	1 e	1,948.			
	f All other contributions, gifts, grants, and similar amounts not included above ...	1 f	172,991.			
	g Noncash contributions included in lns 1a-1f: \$					
	h Total. Add lines 1a-1f		174,939.			
PROGRAM SERVICE REVENUE	2 a PARENT FEES	Business Code	709.	709.		
	b -----					
	c -----					
	d -----					
	e -----					
	f All other program service revenue ...					
	g Total. Add lines 2a-2f		709.			
OTHER REVENUE	3 Investment income (including dividends, interest and other similar amounts)		21.	21.		
	4 Income from investment of tax-exempt bond proceeds ..					
	5 Royalties					
	6 a Gross rents	(i) Real				
		(ii) Personal				
		b Less: rental expenses				
		c Rental income or (loss) ...				
	d Net rental income or (loss)					
	7 a Gross amount from sales of assets other than inventory.	(i) Securities				
		(ii) Other				
		b Less: cost or other basis and sales expenses				
		c Gain or (loss)				
	d Net gain or (loss)					
	8 a Gross income from fundraising events (not including, \$ _____ of contributions reported on line 1c). See Part IV, line 18.	a				
	b Less: direct expenses	b				
c Net income or (loss) from fundraising events						
9 a Gross income from gaming activities. See Part IV, line 19.	a					
b Less: direct expenses	b					
c Net income or (loss) from gaming activities						
10 a Gross sales of inventory, less returns and allowances	a					
b Less: cost of goods sold	b					
c Net income or (loss) from sales of inventory						
Miscellaneous Revenue		Business Code				
11 a -----						
b -----						
c -----						
d All other revenue						
e Total. Add lines 11a-11d						
12 Total revenue. See instructions		175,669.	730.	0.	0.	

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Form 990 (2012)

Part IX Statement of Functional Expenses

Section 501(c)(3) and 501(c)(4) organizations must complete all columns. All other organizations must complete column (A).

Check if Schedule O contains a response to any question in this Part IX

Do not include amounts reported on lines 6b, 7b, 8b, 9b, and 10b of Part VIII.	(A) Total expenses	(B) Program service expenses	(C) Management and general expenses	(D) Fundraising expenses
1 Grants and other assistance to governments and organizations in the United States. See Part IV, line 21				
2 Grants and other assistance to individuals in the United States. See Part IV, line 22				
3 Grants and other assistance to governments, organizations, and individuals outside the United States. See Part IV, lines 15 and 16				
4 Benefits paid to or for members				
5 Compensation of current officers, directors, trustees, and key employees	0.	0.	0.	0.
6 Compensation not included above, to disqualified persons (as defined under section 4958(f)(1)) and persons described in section 4958(c)(3)(B)	0.	0.	0.	0.
7 Other salaries and wages				
8 Pension plan accruals and contributions (include section 401(k) and section 403(b) employer contributions)				
9 Other employee benefits				
10 Payroll taxes				
11 Fees for services (non-employees):				
a Management				
b Legal				
c Accounting	165.		165.	
d Lobbying				
e Professional fundraising services. See Part IV, line 17				
f Investment management fees				
g Other. (If line 11g amt exceeds 10% of line 25, column (A) amt, list line 11g expenses on Sch O)	-236.		-236.	
12 Advertising and promotion				
13 Office expenses	1,694.	1,694.		
14 Information technology	216.	216.		
15 Royalties				
16 Occupancy	28,113.	28,113.		
17 Travel	-940.	-940.		
18 Payments of travel or entertainment expenses for any federal, state, or local public officials				
19 Conferences, conventions, and meetings				
20 Interest	1,230.		1,230.	
21 Payments to affiliates				
22 Depreciation, depletion, and amortization	35,571.	35,571.		
23 Insurance	3,645.	3,645.		
24 Other expenses. Itemize expenses not covered above (List miscellaneous expenses in line 24e. If line 24e amount exceeds 10% of line 25, column (A) amount, list line 24e expenses on Schedule O.)				
a <u>CONTRACT LABOR</u>	53,003.	53,003.		
b <u>REPAIRS & MAINTENANCE</u>	21,216.	21,216.		
c <u>FOOD</u>	7,031.	7,031.		
d <u>JANITORIAL SUPPLIES</u>	406.	406.		
e All other expenses	386.	137.	249.	
25 Total functional expenses. Add lines 1 through 24e	151,500.	150,092.	1,408.	0.
26 Joint costs. Complete this line only if the organization reported in column (B) joint costs from a combined educational campaign and fundraising solicitation. Check here <input type="checkbox"/> if following SOP 98-2 (ASC 958-720)				

Part X Balance Sheet

Check if Schedule O contains a response to any question in this Part X.

		(A) Beginning of year		(B) End of year		
ASSETS	1	Cash — non-interest-bearing.....	16,473.	1	39,722.	
	2	Savings and temporary cash investments.....		2		
	3	Pledges and grants receivable, net.....		3		
	4	Accounts receivable, net.....		4		
	5	Loans and other receivables from current and former officers, directors, trustees, key employees, and highest compensated employees. Complete Part II of Schedule L.....		5		
	6	Loans and other receivables from other disqualified persons (as defined under section 4958(f)(1)), persons described in section 4958(c)(3)(B), and contributing employers and sponsoring organizations of section 501(c)(9) voluntary employees' beneficiary organizations (see instructions). Complete Part II of Schedule L.....		6		
	7	Notes and loans receivable, net.....		7		
	8	Inventories for sale or use.....		8		
	9	Prepaid expenses and deferred charges.....		9		
	10a	Land, buildings, and equipment: cost or other basis. Complete Part VI of Schedule D.....	10a	1,501,157.		
	b	Less: accumulated depreciation.....	10b	622,395.	10c	878,762.
	11	Investments — publicly traded securities.....		893,303.	11	
	12	Investments — other securities. See Part IV, line 11.....			12	
	13	Investments — program-related. See Part IV, line 11.....			13	
	14	Intangible assets.....			14	
	15	Other assets. See Part IV, line 11.....			15	
16	Total assets. Add lines 1 through 15 (must equal line 34).....		909,776.	16	918,484.	
LIABILITIES	17	Accounts payable and accrued expenses.....	6,490.	17	4,430.	
	18	Grants payable.....		18		
	19	Deferred revenue.....		19		
	20	Tax-exempt bond liabilities.....		20		
	21	Escrow or custodial account liability. Complete Part IV of Schedule D.....		21		
	22	Loans and other payables to current and former officers, directors, trustees, key employees, highest compensated employees, and disqualified persons. Complete Part II of Schedule L.....		22		
	23	Secured mortgages and notes payable to unrelated third parties.....	146,071.	23	132,670.	
	24	Unsecured notes and loans payable to unrelated third parties.....		24		
	25	Other liabilities (including federal income tax, payables to related third parties, and other liabilities not included on lines 17-24). Complete Part X of Schedule D.....		25		
	26	Total liabilities. Add lines 17 through 25.....		152,561.	26	137,100.
NET ASSETS OR FUND BALANCES	Organizations that follow SFAS 117 (ASC 958), check here <input checked="" type="checkbox"/> and complete lines 27 through 29, and lines 33 and 34.					
	27	Unrestricted net assets.....	757,215.	27	781,384.	
	28	Temporarily restricted net assets.....		28		
	29	Permanently restricted net assets.....		29		
	Organizations that do not follow SFAS 117 (ASC 958), check here <input type="checkbox"/> and complete lines 30 through 34.					
	30	Capital stock or trust principal, or current funds.....		30		
	31	Paid-in or capital surplus, or land, building, or equipment fund.....		31		
	32	Retained earnings, endowment, accumulated income, or other funds.....		32		
33	Total net assets or fund balances		757,215.	33	781,384.	
34	Total liabilities and net assets/fund balances		909,776.	34	918,484.	

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Form 990 (2012)

Part XI Reconciliation of Net Assets

Check if Schedule O contains a response to any question in this Part XI.

1	Total revenue (must equal Part VIII, column (A), line 12)	1	175,669.
2	Total expenses (must equal Part IX, column (A), line 25)	2	151,500.
3	Revenue less expenses. Subtract line 2 from line 1	3	24,169.
4	Net assets or fund balances at beginning of year (must equal Part X, line 33, column (A))	4	757,215.
5	Net unrealized gains (losses) on investments	5	
6	Donated services and use of facilities	6	
7	Investment expenses	7	
8	Prior period adjustments	8	
9	Other changes in net assets or fund balances (explain in Schedule O)	9	0.
10	Net assets or fund balances at end of year. Combine lines 3 through 9 (must equal Part X, line 33, column (B))	10	781,384.

Part XII Financial Statements and Reporting

Check if Schedule O contains a response to any question in this Part XII.

	Yes	No
1 Accounting method used to prepare the Form 990: <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Accrual <input type="checkbox"/> Other		
If the organization changed its method of accounting from a prior year or checked 'Other,' explain in Schedule O.		
2a Were the organization's financial statements compiled or reviewed by an independent accountant?		X
If 'Yes,' check a box below to indicate whether the financial statements for the year were compiled or reviewed on a separate basis, consolidated basis, or both:		
<input type="checkbox"/> Separate basis <input type="checkbox"/> Consolidated basis <input type="checkbox"/> Both consolidated and separate basis		
b Were the organization's financial statements audited by an independent accountant?		X
If 'Yes,' check a box below to indicate whether the financial statements for the year were audited on a separate basis, consolidated basis, or both:		
<input type="checkbox"/> Separate basis <input type="checkbox"/> Consolidated basis <input type="checkbox"/> Both consolidated and separate basis		
c If 'Yes' to line 2a or 2b, does the organization have a committee that assumes responsibility for oversight of the audit, review, or compilation of its financial statements and selection of an independent accountant?		
If the organization changed either its oversight process or selection process during the tax year, explain in Schedule O.		
3a As a result of a federal award, was the organization required to undergo an audit or audits as set forth in the Single Audit Act and OMB Circular A-133?		X
b If 'Yes,' did the organization undergo the required audit or audits? If the organization did not undergo the required audit or audits, explain why in Schedule O and describe any steps taken to undergo such audits.		

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Form 990 (2012)

SCHEDULE A
(Form 990 or 990-EZ)

Public Charity Status and Public Support

Complete if the organization is a section 501(c)(3) organization or a 4947(a)(1) nonexempt charitable trust.

▶ Attach to Form 990 or Form 990-EZ. ▶ See separate instructions.

Open to Public Inspection

Department of the Treasury
Internal Revenue Service

Name of the organization DALLAS BETHLEHEM CENTER	Employer identification number 75-0800667
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Part I Reason for Public Charity Status (All organizations must complete this part.) See instructions.

The organization is not a private foundation because it is: (For lines 1 through 11, check only one box.)

- 1 A church, convention of churches or association of churches described in section 170(b)(1)(A)(i).
- 2 A school described in section 170(b)(1)(A)(ii). (Attach Schedule E.)
- 3 A hospital or a cooperative hospital service organization described in section 170(b)(1)(A)(iii).
- 4 A medical research organization operated in conjunction with a hospital described in section 170(b)(1)(A)(iii). Enter the hospital's name, city, and state: _____
- 5 An organization operated for the benefit of a college or university owned or operated by a governmental unit described in section 170(b)(1)(A)(iv). (Complete Part II.)
- 6 A federal, state, or local government or governmental unit described in section 170(b)(1)(A)(v).
- 7 An organization that normally receives a substantial part of its support from a governmental unit or from the general public described in section 170(b)(1)(A)(vi). (Complete Part II.)
- 8 A community trust described in section 170(b)(1)(A)(vi). (Complete Part II.)
- 9 An organization that normally receives: (1) more than 33-1/3% of its support from contributions, membership fees, and gross receipts from activities related to its exempt functions — subject to certain exceptions, and (2) no more than 33-1/3% of its support from gross investment income and unrelated business taxable income (less section 511 tax) from businesses acquired by the organization after June 30, 1975. See section 509(a)(2). (Complete Part III.)
- 10 An organization organized and operated exclusively to test for public safety. See section 509(a)(4).
- 11 An organization organized and operated exclusively for the benefit of, to perform the functions of, or carry out the purposes of one or more publicly supported organizations described in section 509(a)(1) or section 509(a)(2). See section 509(a)(3). Check the box that describes the type of supporting organization and complete lines 11e through 11h.
 - a Type I b Type II c Type III — Functionally integrated d Type III — Non-functionally integrated
- e By checking this box, I certify that the organization is not controlled directly or indirectly by one or more disqualified persons other than foundation managers and other than one or more publicly supported organizations described in section 509(a)(1) or section 509(a)(2).
- f If the organization received a written determination from the IRS that is a Type I, Type II or Type III supporting organization, check this box _____
- g Since August 17, 2006, has the organization accepted any gift or contribution from any of the following persons?
 - (i) A person who directly or indirectly controls, either alone or together with persons described in (ii) and (iii) below, the governing body of the supported organization? _____
 - (ii) A family member of a person described in (i) above? _____
 - (iii) A 35% controlled entity of a person described in (i) or (ii) above? _____

	Yes	No
11 g (i)		
11 g (ii)		
11 g (iii)		

h Provide the following information about the supported organization(s).

(i) Name of supported organization	(ii) EIN	(iii) Type of organization (described on lines 1-9 above or IRC section (see instructions))	(iv) Is the organization in column (i) listed in your governing document?		(v) Did you notify the organization in column (i) of your support?		(vi) Is the organization in column (i) organized in the U.S.?		(vii) Amount of monetary support
			Yes	No	Yes	No	Yes	No	
(A)									
(B)									
(C)									
(D)									
(E)									
Total									

BAA For Paperwork Reduction Act Notice, see the Instructions for Form 990 or 990-EZ.

Schedule A (Form 990 or 990-EZ) 2012

Part III Support Schedule for Organizations Described in Sections 170(e)

d 170(b)(1)(A)(vi)

(Complete only if you checked the box on line 5, 7, or 8 of Part I or if the organization fails to qualify under the tests listed below, please complete Part III.)

Section A. Public Support

Calendar year (or fiscal year beginning in) ▶	(a) 2008	(b) 2009	(c) 2010	(d) 2011	(e) 2012	(f) Total
1 Gifts, grants, contributions, and membership fees received. (Do not include any "unusual grants.")						
2 Tax revenues levied for the organization's benefit and either paid to or expended on its behalf.						
3 The value of services or facilities furnished by a governmental unit to the organization without charge						
4 Total. Add lines 1 through 3.						
5 The portion of total contributions by each person (other than a governmental unit or publicly supported organization) included on line 1 that exceeds 2% of the amount shown on line 11, column (f).						
6 Public support. Subtract line 5 from line 4.						

Section B. Total Support

Calendar year (or fiscal year beginning in) ▶	(a) 2008	(b) 2009	(c) 2010	(d) 2011	(e) 2012	(f) Total
7 Amounts from line 4.						
8 Gross income from interest, dividends, payments received on securities loans, rents, royalties and income from similar sources.						
9 Net income from unrelated business activities, whether or not the business is regularly carried on.						
10 Other income. Do not include gain or loss from the sale of capital assets (Explain in Part IV.)						
11 Total support. Add lines 7 through 10.						
12 Gross receipts from related activities, etc (see instructions).					12	
13 First five years. If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a section 501(c)(3) organization, check this box and stop here. ▶ <input type="checkbox"/>						

Section C. Computation of Public Support Percentage

14 Public support percentage for 2012 (line 6, column (f) divided by line 11, column (f)).	14	%
15 Public support percentage from 2011 Schedule A, Part II, line 14.	15	%
16a 33-1/3% support test – 2012. If the organization did not check the box on line 13, and the line 14 is 33-1/3% or more, check this box and stop here. The organization qualifies as a publicly supported organization. ▶ <input type="checkbox"/>		
b 33-1/3% support test – 2011. If the organization did not check a box on line 13 or 16a, and line 15 is 33-1/3% or more, check this box and stop here. The organization qualifies as a publicly supported organization. ▶ <input type="checkbox"/>		
17a 10%-facts-and-circumstances test – 2012. If the organization did not check a box on line 13, 16a, or 16b, and line 14 is 10% or more, and if the organization meets the 'facts-and-circumstances' test, check this box and stop here. Explain in Part IV how the organization meets the 'facts-and-circumstances' test. The organization qualifies as a publicly supported organization. ▶ <input type="checkbox"/>		
b 10%-facts-and-circumstances test – 2011. If the organization did not check a box on line 13, 16a, 16b, or 17a, and line 15 is 10% or more, and if the organization meets the 'facts-and-circumstances' test, check this box and stop here. Explain in Part IV how the organization meets the 'facts-and-circumstances' test. The organization qualifies as a publicly supported organization. ▶ <input type="checkbox"/>		
18 Private foundation. If the organization did not check a box on line 13, 16a, 16b, 17a, or 17b, check this box and see instructions. ▶ <input type="checkbox"/>		

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Part III Support Schedule for Organizations Described in Section 509(a)(2)

(Complete only if you checked the box on line 9 of Part I or if the organization failed to qualify under the tests listed below, please complete Part II.)

... the organization fails

Section A. Public Support

Calendar year (or fiscal yr beginning in) ▶	(a) 2008	(b) 2009	(c) 2010	(d) 2011	(e) 2012	(f) Total
1 Gifts, grants, contributions and membership fees received. (Do not include any 'unusual grants'.)	425,032.	541,922.	496,428.	459,140.	175,648.	2,098,170.
2 Gross receipts from admissions, merchandise sold or services performed, or facilities furnished in any activity that is related to the organization's tax-exempt purpose.						0.
3 Gross receipts from activities that are not an unrelated trade or business under section 513.						0.
4 Tax revenues levied for the organization's benefit and either paid to or expended on its behalf.						0.
5 The value of services or facilities furnished by a governmental unit to the organization without charge.						0.
6 Total. Add lines 1 through 5.	425,032.	541,922.	496,428.	459,140.	175,648.	2,098,170.
7a Amounts included on lines 1, 2, and 3 received from disqualified persons.	0.	0.	0.	0.	0.	0.
b Amounts included on lines 2 and 3 received from other than disqualified persons that exceed the greater of \$5,000 or 1% of the amount on line 13 for the year.	0.	0.	0.	0.	0.	0.
c Add lines 7a and 7b.	0.	0.	0.	0.	0.	0.
8 Public support. (Subtract line 7c from line 6.)						2,098,170.

Section B. Total Support

Calendar year (or fiscal yr beginning in) ▶	(a) 2008	(b) 2009	(c) 2010	(d) 2011	(e) 2012	(f) Total
9 Amounts from line 6.	425,032.	541,922.	496,428.	459,140.	175,648.	2,098,170.
10a Gross income from interest, dividends, payments received on securities loans, rents, royalties and income from similar sources.	1,417.	199.	101.	66.	21.	1,804.
b Unrelated business taxable income (less section 511 taxes) from businesses acquired after June 30, 1975.						0.
c Add lines 10a and 10b.	1,417.	199.	101.	66.	21.	1,804.
11 Net income from unrelated business activities not included in line 10b, whether or not the business is regularly carried on.						0.
12 Other income. Do not include gain or loss from the sale of capital assets (Explain in Part IV.)						0.
13 Total support. (Add lines 9, 10c, 11, and 12.)	426,449.	542,121.	496,529.	459,206.	175,669.	2,099,974.
14 First five years. If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a section 501(c)(3) organization, check this box and stop here. <input type="checkbox"/>						

Section C. Computation of Public Support Percentage

15 Public support percentage for 2012 (line 8, column (f) divided by line 13, column (f)).	15	99.91 %
16 Public support percentage from 2011 Schedule A, Part III, line 15.	16	0.00 %

Section D. Computation of Investment Income Percentage

17 Investment income percentage for 2012 (line 10c, column (f) divided by line 13, column (f)).	17	0.09 %
18 Investment income percentage from 2011 Schedule A, Part III, line 17.	18	0.00 %

- 19a 33-1/3% support tests – 2012. If the organization did not check the box on line 14, and line 15 is more than 33-1/3%, and line 17 is not more than 33-1/3%, check this box and stop here. The organization qualifies as a publicly supported organization.
- b 33-1/3% support tests – 2011. If the organization did not check a box on line 14 or line 19a, and line 16 is more than 33-1/3%, and line 18 is not more than 33-1/3%, check this box and stop here. The organization qualifies as a publicly supported organization.
- 20 Private foundation. If the organization did not check a box on line 14, 19a, or 19b, check this box and see instructions.

Part IV **Supplemental Information.** Complete this part to provide the
Part II, line 17a or 17b; and Part III, line 12. Also complete th
(See instructions).

Required by Part II, line 10;
Additional information.

Area with horizontal dashed lines for supplemental information.

**SCHEDULE D
(Form 990)**

Department of the Treasury
Internal Revenue Service

Supplemental Financial Statements

► Complete if the organization answered 'Yes' to Form 990, Part IV, lines 6, 7, 8, 9, 10, 11a, 11b, 11c, 11d, 11e, 11f, 12a, or 1:
► Attach to Form 990. ► See separate instructions.

Misc #3
Attach B
Pg 17

OMB No. 1545-0047

2012

Open to Public Inspection

Name of the organization

Employer identification number

DALLAS BETHLEHEM CENTER

75-0800667

Part I Organizations Maintaining Donor Advised Funds or Other Similar Funds or Accounts. Complete if the organization answered 'Yes' to Form 990, Part IV, line 6.

	(a) Donor advised funds	(b) Funds and other accounts
1 Total number at end of year		
2 Aggregate contributions to (during year)		
3 Aggregate grants from (during year)		
4 Aggregate value at end of year		

5 Did the organization inform all donors and donor advisors in writing that the assets held in donor advised funds are the organization's property, subject to the organization's exclusive legal control? Yes No

6 Did the organization inform all grantees, donors, and donor advisors in writing that grant funds can be used only for charitable purposes and not for the benefit of the donor or donor advisor, or for any other purpose conferring impermissible private benefit? Yes No

Part II Conservation Easements. Complete if the organization answered 'Yes' to Form 990, Part IV, line 7.

1 Purpose(s) of conservation easements held by the organization (check all that apply).

Preservation of land for public use (e.g., recreation or education) Preservation of an historically important land area

Protection of natural habitat Preservation of a certified historic structure

Preservation of open space

2 Complete lines 2a through 2d if the organization held a qualified conservation contribution in the form of a conservation easement on the last day of the tax year.

	Held at the End of the Tax Year
a Total number of conservation easements	2 a
b Total acreage restricted by conservation easements	2 b
c Number of conservation easements on a certified historic structure included in (a)	2 c
d Number of conservation easements included in (c) acquired after 8/17/06, and not on a historic structure listed in the National Register	2 d

3 Number of conservation easements modified, transferred, released, extinguished, or terminated by the organization during the tax year ► _____

4 Number of states where property subject to conservation easement is located ► _____

5 Does the organization have a written policy regarding the periodic monitoring, inspection, handling of violations, and enforcement of the conservation easements it holds? Yes No

6 Staff and volunteer hours devoted to monitoring, inspecting, and enforcing conservation easements during the year ► _____

7 Amount of expenses incurred in monitoring, inspecting, and enforcing conservation easements during the year ► \$ _____

8 Does each conservation easement reported on line 2(d) above satisfy the requirements of section 170(h)(4)(B)(i) and section 170(h)(4)(B)(ii)? Yes No

9 In Part XIII, describe how the organization reports conservation easements in its revenue and expense statement, and balance sheet, and include, if applicable, the text of the footnote to the organization's financial statements that describes the organization's accounting for conservation easements.

Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets. Complete if the organization answered 'Yes' to Form 990, Part IV, line 8.

1 a If the organization elected, as permitted under SFAS 116 (ASC 958), not to report in its revenue statement and balance sheet works of art, historical treasures, or other similar assets held for public exhibition, education, or research in furtherance of public service, provide, in Part XIII, the text of the footnote to its financial statements that describes these items.

b If the organization elected, as permitted under SFAS 116 (ASC 958), to report in its revenue statement and balance sheet works of art, historical treasures, or other similar assets held for public exhibition, education, or research in furtherance of public service, provide the following amounts relating to these items:

(i) Revenues included in Form 990, Part VIII, line 1 ► \$ _____

(ii) Assets included in Form 990, Part X ► \$ _____

2 If the organization received or held works of art, historical treasures, or other similar assets for financial gain, provide the following amounts required to be reported under SFAS 116 (ASC 958) relating to these items:

a Revenues included in Form 990, Part VIII, line 1 ► \$ _____

b Assets included in Form 990, Part X ► \$ _____

Part III Organizations Maintaining Collections of Art, Historical Treasures, or Similar Assets (continued)

- 3 Using the organization's acquisition, accession, and other records, check any of the following that are a significant use of its collection items (check all that apply):
- a Public exhibition
 - b Scholarly research
 - c Preservation for future generations
 - d Loan or exchange programs
 - e Other _____
- 4 Provide a description of the organization's collections and explain how they further the organization's exempt purpose in Part XIII.
- 5 During the year, did the organization solicit or receive donations of art, historical treasures, or other similar assets to be sold to raise funds rather than to be maintained as part of the organization's collection? Yes No

Part IV Escrow and Custodial Arrangements. Complete if the organization answered 'Yes' to Form 990, Part IV, line 9, or reported an amount on Form 990, Part X, line 21.

- 1 a Is the organization an agent, trustee, custodian, or other intermediary for contributions or other assets not included on Form 990, Part X? Yes No
- b If 'Yes,' explain the arrangement in Part XIII and complete the following table:
- | | Amount |
|--------------------------------------|--------|
| c Beginning balance..... | 1 c |
| d Additions during the year..... | 1 d |
| e Distributions during the year..... | 1 e |
| f Ending balance..... | 1 f |
- 2 a Did the organization include an amount on Form 990, Part X, line 21? Yes No
- b If 'Yes,' explain the arrangement in Part XIII. Check here if the explanation has been provided in Part XIII.

Part V Endowment Funds. Complete if the organization answered 'Yes' to Form 990, Part IV, line 10.

	(a) Current	(b) Prior year	(c) Two years	(d) Three years	(e) Four years
1 a Beginning of year balance.....					
b Contributions.....					
c Net investment earnings, gains, and losses.....					
d Grants or scholarships.....					
e Other expenditures for facilities and programs.....					
f Administrative expenses.....					
g End of year balance.....					

- 2 Provide the estimated percentage of the current year end balance (line 1g, column (a)) held as:
- a Board designated or quasi-endowment ▶ _____ %
 - b Permanent endowment ▶ _____ %
 - c Temporarily restricted endowment ▶ _____ %
- The percentages in lines 2a, 2b, and 2c should equal 100%.
- 3 a Are there endowment funds not in the possession of the organization that are held and administered for the organization by:
- | | Yes | No |
|----------------------------------|--------|----|
| (i) unrelated organizations..... | 3a(i) | |
| (ii) related organizations..... | 3a(ii) | |
- b If 'Yes' to 3a(ii), are the related organizations listed as required on Schedule R? Yes No
- 3b
- 4 Describe in Part XIII the intended uses of the organization's endowment funds.

Part VI Land, Buildings, and Equipment. See Form 990, Part X, line 10.

Description of property	(a) Cost or other basis (investment)	(b) Cost or other basis (other)	(c) Accumulated depreciation	(d) Book value
1 a Land.....		6,250.		6,250.
b Buildings.....		1,005,188.	205,149.	800,039.
c Leasehold improvements.....		247,825.	210,762.	37,063.
d Equipment.....		236,057.	201,429.	34,628.
e Other.....		5,837.	5,055.	782.
Total. Add lines 1a through 1e. (Column (d) must equal Form 990, Part X, column (B), line 10(c).)				878,762.

Part VII Investments – Other Securities. See Form 990, Part X, line 12. N/A

(a) Description of security or category (including name of security)	(b) Book value	(c) Method of valuation: Cost or end-of-year market value
(1) Financial derivatives.....		
(2) Closely-held equity interests.....		
(3) Other		
(A) -----		
(B) -----		
(C) -----		
(D) -----		
(E) -----		
(F) -----		
(G) -----		
(H) -----		
(I) -----		
Total. (Column (b) must equal Form 990, Part X, column (B) line 12.)		

Part VIII Investments – Program Related. See Form 990, Part X, line 13. N/A

(a) Description of investment type	(b) Book value	(c) Method of valuation: Cost or end-of-year market value
(1)		
(2)		
(3)		
(4)		
(5)		
(6)		
(7)		
(8)		
(9)		
(10)		
Total. (Column (b) must equal Form 990, Part X, column (B) line 13.)		

Part IX Other Assets. See Form 990, Part X, line 15. N/A

(a) Description	(b) Book value
(1)	
(2)	
(3)	
(4)	
(5)	
(6)	
(7)	
(8)	
(9)	
(10)	
Total. (Column (b) must equal Form 990, Part X, column (B), line 15.)	

Part X Other Liabilities. See Form 990, Part X, line 25.

(a) Description of liability	(b) Book value
(1) Federal income taxes	
(2)	
(3)	
(4)	
(5)	
(6)	
(7)	
(8)	
(9)	
(10)	
(11)	
Total. (Column (b) must equal Form 990, Part X, column (B) line 25.)	

2. FIN 48 (ASC 740) Footnote. In Part XIII, provide the text of the footnote to the organization's financial statements that reports the organization's liability for uncertain tax positions under FIN 48 (ASC 740). Check here if the text of the footnote has been provided in Part XIII.

Part XI Reconciliation of Revenue per Audited Financial Statement

per Return N/A

1	Total revenue, gains, and other support per audited financial statements		1
2	Amounts included on line 1 but not on Form 990, Part VIII, line 12:		
	a Net unrealized gains on investments	2 a	
	b Donated services and use of facilities	2 b	
	c Recoveries of prior year grants	2 c	
	d Other (Describe in Part XIII.)	2 d	
	e Add lines 2a through 2d.		2 e
3	Subtract line 2e from line 1.		3
4	Amounts included on Form 990, Part VIII, line 12, but not on line 1:		
	a Investment expenses not included on Form 990, Part VIII, line 7b.	4 a	
	b Other (Describe in Part XIII.)	4 b	
	c Add lines 4a and 4b.		4 c
5	Total revenue. Add lines 3 and 4c. (This must equal Form 990, Part I, line 12.)		5

Part XII Reconciliation of Expenses per Audited Financial Statements With Expenses per Return N/A

1	Total expenses and losses per audited financial statements		1
2	Amounts included on line 1 but not on Form 990, Part IX, line 25:		
	a Donated services and use of facilities	2 a	
	b Prior year adjustments	2 b	
	c Other losses	2 c	
	d Other (Describe in Part XIII.)	2 d	
	e Add lines 2a through 2d.		2 e
3	Subtract line 2e from line 1.		3
4	Amounts included on Form 990, Part IX, line 25, but not on line 1:		
	a Investment expenses not included on Form 990, Part VIII, line 7b.	4 a	
	b Other (Describe in Part XIII.)	4 b	
	c Add lines 4a and 4b.		4 c
5	Total expenses. Add lines 3 and 4c. (This must equal Form 990, Part I, line 18.)		5

Part XIII Supplemental Information

Complete this part to provide the descriptions required for Part II, lines 3, 5, and 9; Part III, lines 1a and 4; Part IV, lines 1b and 2b; Part V, line 4; Part X, line 2; Part XI, lines 2d and 4b; and Part XII, lines 2d and 4b. Also complete this part to provide any additional information.

SCHEDULE O
(Form 990 or 990-EZ)

Supplemental Information to Form 990 or 990-EZ Pg 21

2012

Complete to provide information for responses to specific questions or Form 990 or 990-EZ or to provide any additional information.

▶ Attach to Form 990 or 990-EZ.



Department of the Treasury
Internal Revenue Service

Name of the organization

DALLAS BETHLEHEM CENTER

Employer identification number

75-0800667

Form 990, Part III, Line 1 - Organization Mission

THE DALLAS BETHLEHEM CENTER IS DEDICATED TO PROVIDING THE CHILDREN OF SOUTH DALLAS A HIGH QUALITY EARLY CHILDHOOD EDUCATION TO IMPROVE THEIR SCHOOL READINESS AND EDUCATIONAL SUCCESS. WE OFFER THE FOLLOWING PROGRAMS: CHILD DEVELOPMENT, PRESCHOOL EDUCATION, AFTER-SCHOOL ENRICHMENT, PARENTING SKILL CLASSES, SUMMER DAY CAMP, TECHNOLOGY LEARNING CENTER, AND NUTRITION AND PREVENTION AWARENESS

Form 990, Part VI, Line 11b - Form 990 Review Process

PART VI LINE 11a: THE FORM 990 IS PREPARED BY AN INDEPENDENT ACCOUNTANT AND REVIEWED BY THE PRESIDENT, TREASURER, AND EXECUTIVE DIRECTOR. COMMENTS AND SUGGESTED CHANGES ARE REQUESTED TO BE SENT TO THE TREASURER PRIOR TO THE TREASURER'S FINAL REVIEW AND APPROVAL

Form 990, Part VI, Line 12c - Explanation of Monitoring and Enforcement of Conflicts

PART VI LINE 12c: IMMEDIATE DISCLOSURE IS REQUIRED BY THE BOARD MEMBERS IF APPLICABLE

Form 990, Part VI, Line 15a - Compensation Review & Approval Process - CEO, Top Management

PART VI LINE 15a: THE HUMAN RESOURCES COMMITTEE OF THE BOARD OF DIRECTORS REVIEWS SALARY LEVELS OF POSITIONS SIMILAR TO THE EXECUTIVE DIRECTOR'S POSITION FOR THE CORPORATION AS WELL AS THE FINANCIAL POSITION OF THE CORPORATION TO ESTABLISH AN AFFORDABLE AND APPROPRIATE COMPENSATION LEVEL FOR THE EXECUTIVE DIRECTOR.

Form 990, Part VI, Line 19 - Other Organization Documents Publicly Available

PART VI LINE 19: COPIES OF GOVERNING DOCUMENTS, CONFLICT OF INTEREST POLICY, AND FINANCIAL STATEMENTS ARE AVAILABLE AT THE OFFICES OF DALLAS BETHLEHEM CENTER LOCATED AT 4410 LELAND AVENUE, DALLAS, TX 75215.

FILE NUMBER: BDA 123-095

BUILDING OFFICIAL'S REPORT: Application of Michael Nichols, represented by Margaret Hamilton, for a special exception to the fence height regulations at 6315 Walnut Hill Lane. This property is more fully described as Lot 7, Block 2/5487, and is zoned R-10(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and maintain an 8 foot high fence, which will require a 4 foot special exception to the fence height regulations.

LOCATION: 6315 Walnut Hill Lane

APPLICANT: Michael Nichols
Represented by Margaret Hamilton

REQUEST:

A special exception to the fence height regulations of 4' is requested in conjunction with constructing and maintaining an 8' high board-on-board fence in the site's Stichter Avenue 30' front yard setback on a site that is currently developed with a church (Preston Hollow United Methodist Church).

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

Site: R-10(A) (Single family district 10,000 square feet)
North: R-10(A) (Single family district 10,000 square feet)
South: R-10(A) (Single family district 10,000 square feet)
East: PD 664 (Planned Development)
West: R-10(A) (Single family district 10,000 square feet)

Land Use:

The subject site is developed with a church (Preston Hollow United Methodist Church). The areas to the north, south, and west are developed with single family uses; and the area to the east is developed with a school (Preston Hollow Elementary School).

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:

July 26, 2013: 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 19, 2013: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

September 19, 2013: The Board Administrator contacted the applicant's representative and shared the following information via email:

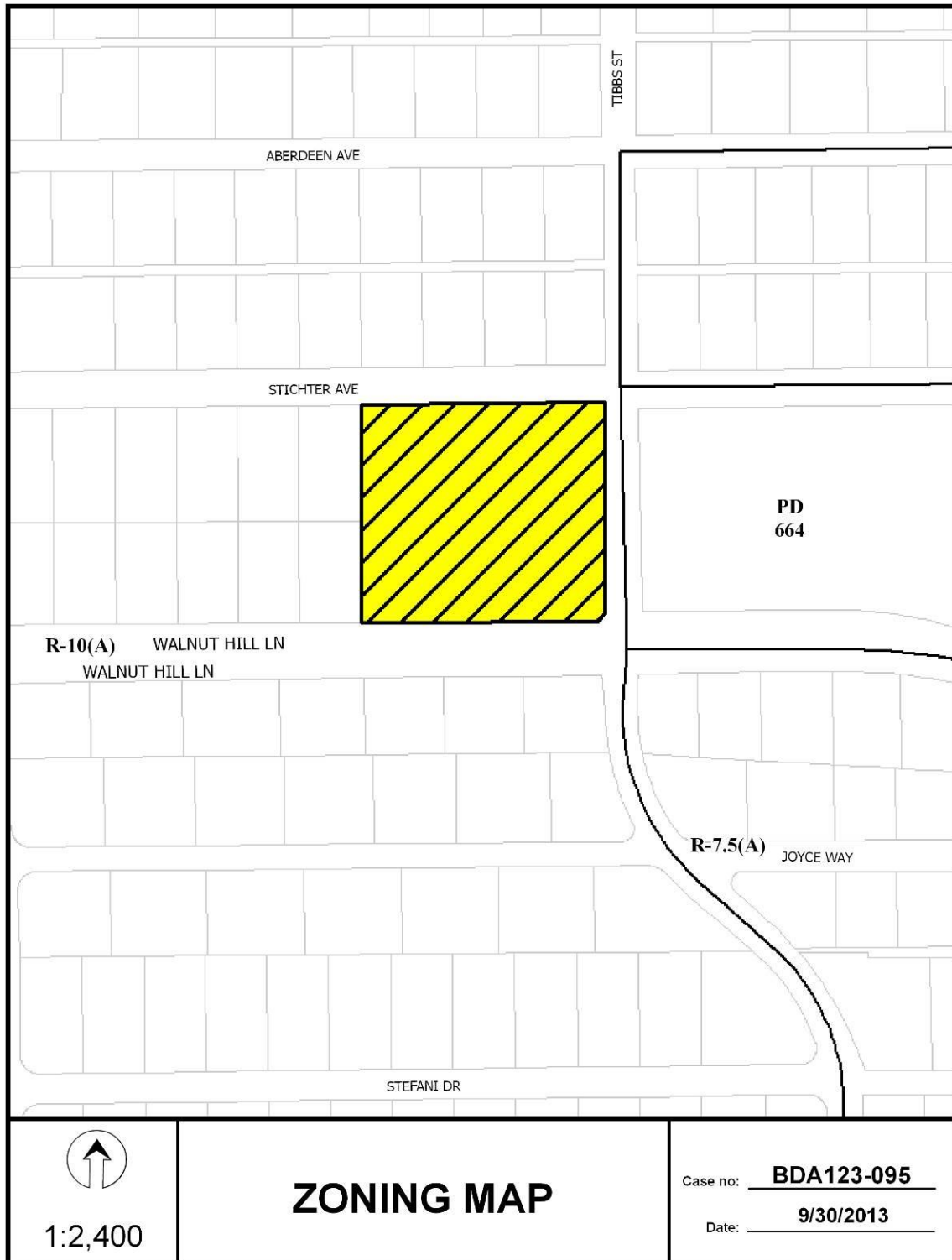
- an attachment that provided the public hearing date and panel that will consider the application; the October 2nd deadline to submit additional evidence for staff to factor into their analysis; and the October 11th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- 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."

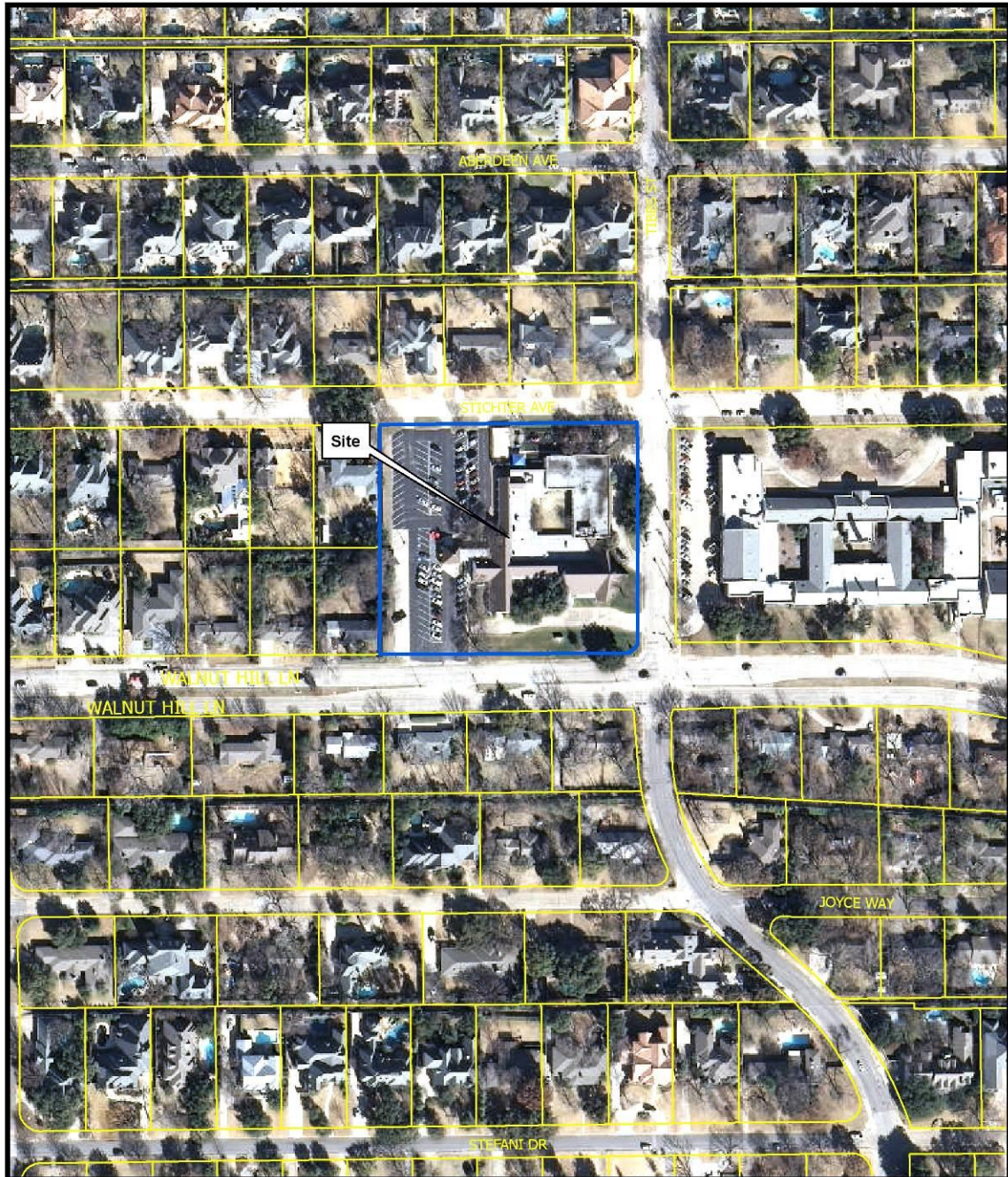
October 8, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for October public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Engineering Division Assistant Director, the Sustainable Development and Construction Department Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

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

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on constructing and maintaining an 8' high board-on-board fence in the site's Stichter Avenue 30' front yard setback on a site that is currently developed with a church (Preston Hollow United Methodist Church).
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The site is located at the northwest corner of Walnut Hill Lane and Tibbs Street. The site has three 30' front yard setbacks where the focus of the applicant's request in this application is only to construct and maintain a fence higher than 4' in the site's front yard setback on Stichter Avenue.
- The applicant has submitted a site plan and an elevation of the proposal in the front yard setback with notations indicating that the board-on-board fence reaches a maximum height of 8'.
- The following additional information was gleaned from the submitted site plan:
 - The proposal in the Stichter Avenue front yard setback is represented as being approximately 190' in length parallel to Stichter Avenue and approximately 25' in length on the east side of the site in this front yard setback.
 - The proposal is represented as being located on the property line or about 17' from the pavement line.
- The proposal is located across from three single family homes, none that have fences in their front yards.
- The Board Administrator conducted a field visit of the site and surrounding area and noted no other fences that appeared to be above 4' in height and located in a front yard setback.
- As of October 14, 2013, no letters had been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 4' will not adversely affect neighboring property.
- Granting this special exception of 4' with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding 4' in height in the front yard setback to be constructed and maintained in the location and of the heights and materials as shown on these documents.





1:2,400

AERIAL MAP

Case no: BDA123-095

Date: 9/30/2013



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-095

Data Relative to Subject Property:

Date: 7-26-13

Location address: 6315 Walnut Hill Lane Zoning District: R-10 (A)

Lot No.: 7 Block No.: 215487 Acreage: 3.40 Census Tract: 76.04

Street Frontage (in Feet): 1) 390 2) 380 3) 390 4) NA 5) NA

NE32

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Preston Hollow United Methodist Church

Applicant: Michael Nichols Telephone: 214 363-4393

Mailing Address: 6315 Walnut Hill Lane Zip Code: 75230

E-mail Address: office@prestonhollowume.org

Represented by: Margaret Hamilton Telephone: 214 926-6287

Mailing Address: 6315 Walnut Hill Lane Zip Code: 75230

E-mail Address: margarethamilton2@gmail.com

Affirm that an appeal has been made for a Variance , or Special Exception , of 4 feet to the height of a fence to be constructed on the North property boundary along Stichter Street in a front yard

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

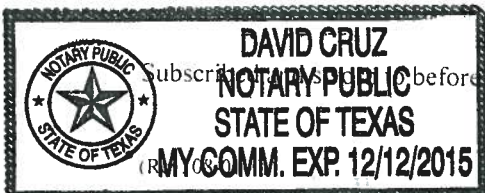
Noise abatement benefitting neighbors and through negotiation between the church and two affected households.

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 Michael L. Nichols, senior pastor of Preston Hollow United Methodist Church (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: Michael Nichols (Affiant/Applicant's signature)



Subscribed and sworn to before me this 22nd day of July, 2013
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 Michael Nichols
represented by MARGARET HAMILTON
did submit a request for a special exception to the fence height regulations
at 6315 Walnut Hill Lane

BDA123-095. Application of Michael Nichols represented by Margaret Hamilton for a special exception to the fence height regulations at 6315 Walnut Hill Lane. This property is more fully described as Lot 7, Block 2/5487, and is zoned R-10(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence regulation.

Sincerely,

Larry V. Holmes
Larry Holmes, Building Official



City of Dallas Zoning



MH

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

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

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



HW

C:\tax_plats\5487_1.dgn 7/26/2013 12:46:22 PM

6315 Walnut Hill Lane

Being a portion of Lot 7, Block 2, of Steel Addition, an Addition to the City of Dallas, Dallas County, Texas, according to the Map or Plat thereof recorded in Volume 15, Page 127, Map Records, Dallas County, Texas, according to the Map or Plat thereof recorded in Volume 15, Page 127, Map Records, Dallas County, Texas, being all of a tract of land conveyed to Preston H. Hays by United Methodist Church of Dallas, Texas, Inc., by deed recorded in Volume 801(01), Page 486, Deed Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod set for corner, said corner being a point in the South line of Stichter Avenue (80 feet right-of-way), and being the Northeast corner of Lot 8, Block 2 of said addition;

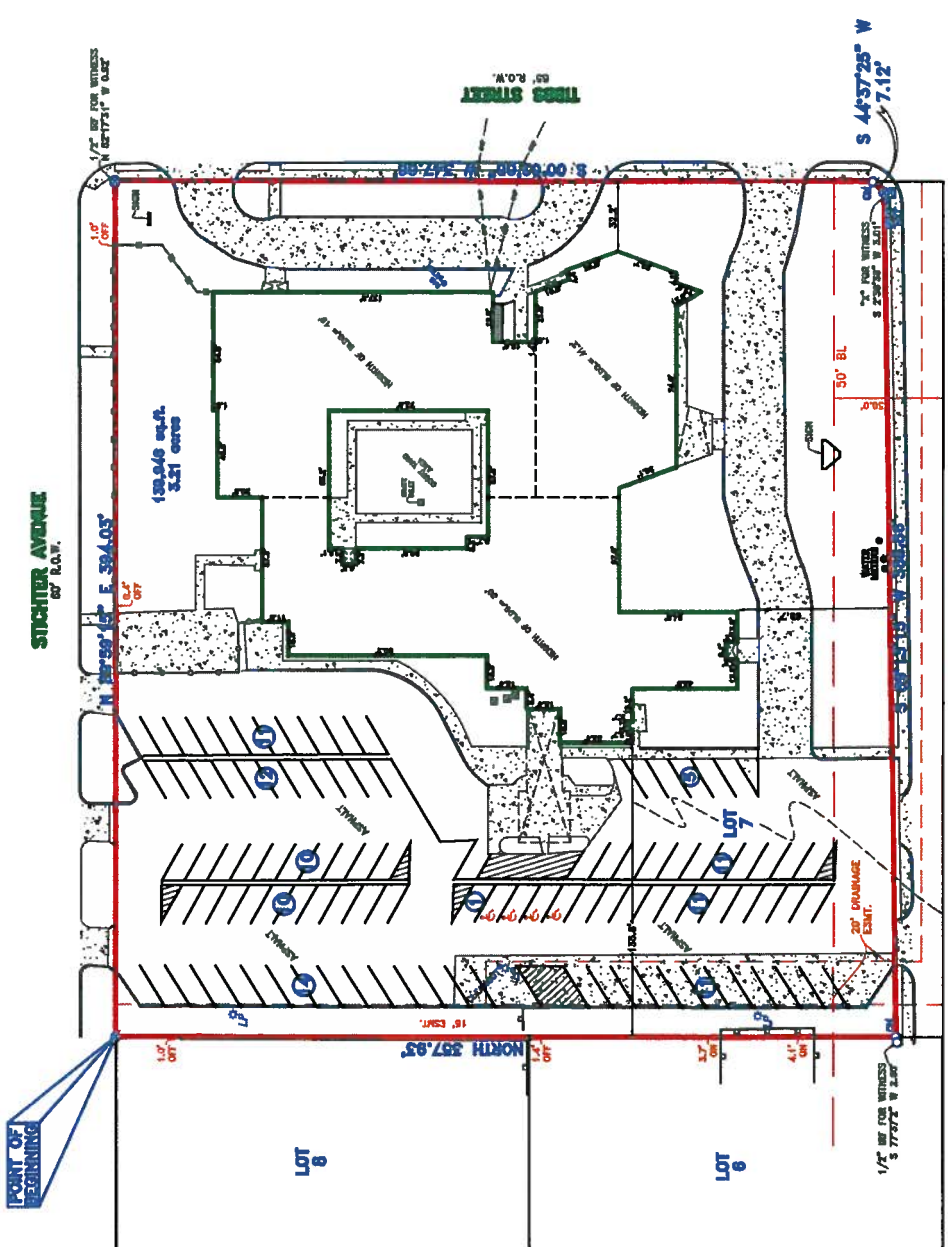
THENCE North 88 degrees 59 minutes 15 seconds East, along the South line of said Stichter Avenue, a distance of 394.03 feet to a 1/2 inch iron rod set for corner, said corner being a point in the intersection of the West line of Tibbs Street (55 feet right-of-way), and the South line of said Stichter Avenue;

THENCE South 00 degrees 02 minutes 00 seconds West, along the West line of said Tibbs Street, a distance of 347.88 feet to a 1/2 inch iron rod set for corner, said corner being a point in the North line of Walnut Hill Lane (variable width right-of-way);

THENCE South 44 degrees 37 minutes 23 seconds West, along a Northwest line of said Walnut Hill Lane, a distance of 7.12 feet to a 1/2 inch iron set for corner;

THENCE South 89 degrees 13 minutes 15 seconds West, along the North line of said Walnut Hill Lane, a distance of 388.88 feet to a 1/2 inch iron rod set for corner, said corner being the Southeast corner of Lot 6, Block 2 of said addition;

THENCE North, a distance of 357.93 feet to the **POINT OF BEGINNING** containing 139,948 square feet or 3.21 acres of land.



SURVEYOR'S CERTIFICATE

NOTE: This survey is made in accordance with the information provided by the client. C&B Surveying, Inc. does not warrant the land title records for the absence of encumbrances, restrictive covenants or other encumbrances.

Executed this 19th day of July, 2013

By: Bryan Connolly
Bryan Connolly
Registered Professional Land Surveyor No. 85113



NOTES: According to the F.P.M. in Map No. 4811320181 J, this property does lie in Zone X and does NOT lie within the 100 year flood zone.

DATE	REVISIONS	NOTES

DATE	BY	NOTES

NOTES: BEARINGS, EASEMENTS AND BUILDING LINES ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.

idvce811
Call 811 Before You Dig

C.B.G. Surveying, Inc.
12205 Shiloh Rd. Suite 250
Dallas, TX 75244
P 214-348-9485 F 214-348-2216
www.cbgsurvey.com

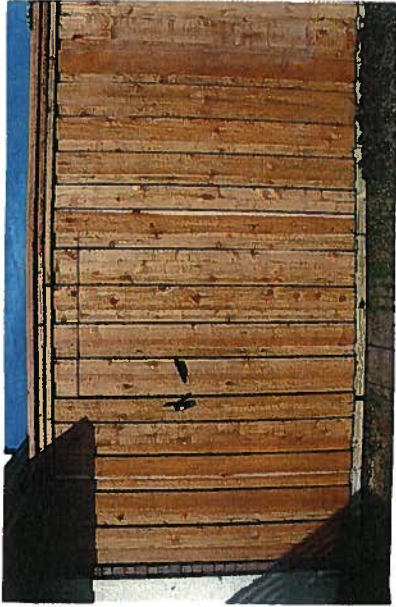
SCALE	DATE	JOB NO.	C.F. NO.	DRAWN
1" = 40'	7/19/2013	130447-1		JW

CLIENT REQUIREMENTS

STEEL ADDITION
DALLAS, DALLAS COUNTY, TEXAS
6315 WALNUT HILL LANE

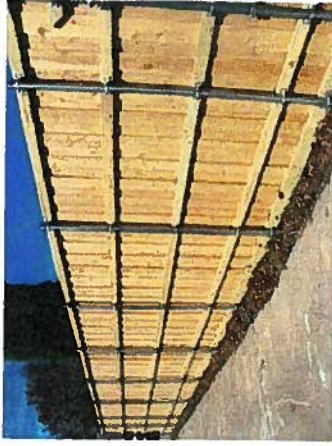
Preston Hollow United Methodist Church

← Gate Photo



Street side

Back side

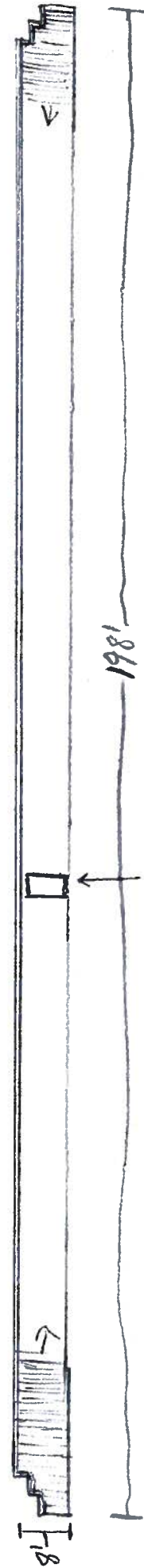


#1 Cedar / Board on Board
Maximum Privacy!

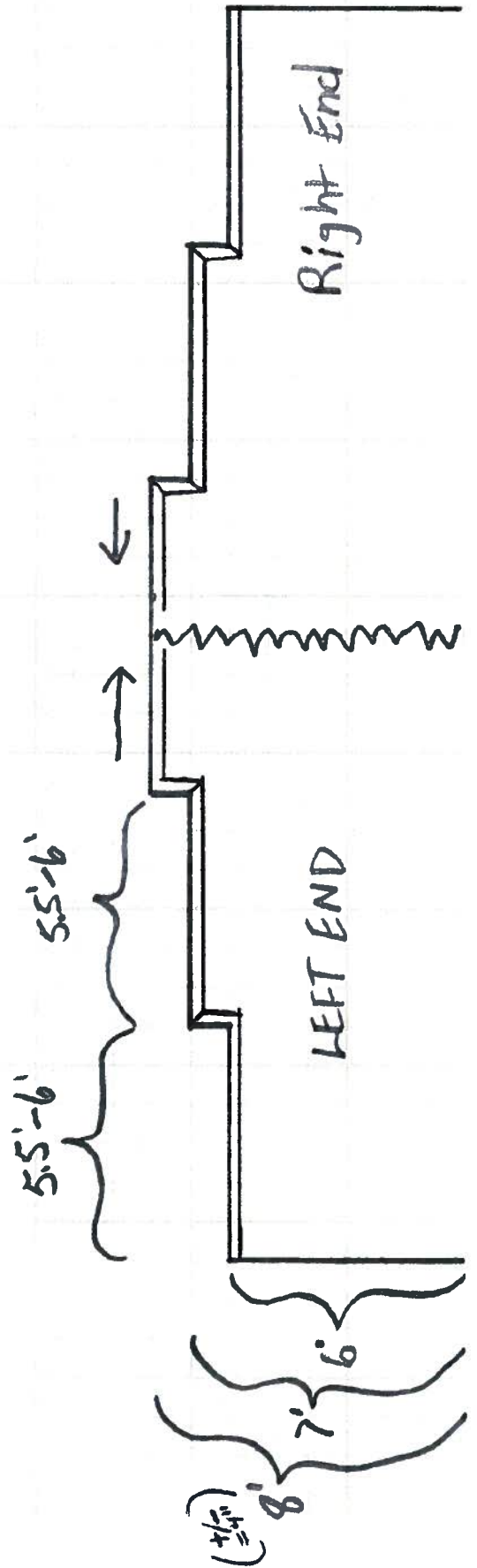
- Posts:** Galvanized steel
- Rails:** 2x4 Pressure treated
- Pickets:** 1" x 6" #1 grade cedar
- Design:** 6" - "Board on Board"
- Top Style:** Flat top only
- Unstained Life:** 15 Years
- Standard Heights:** 8' tall



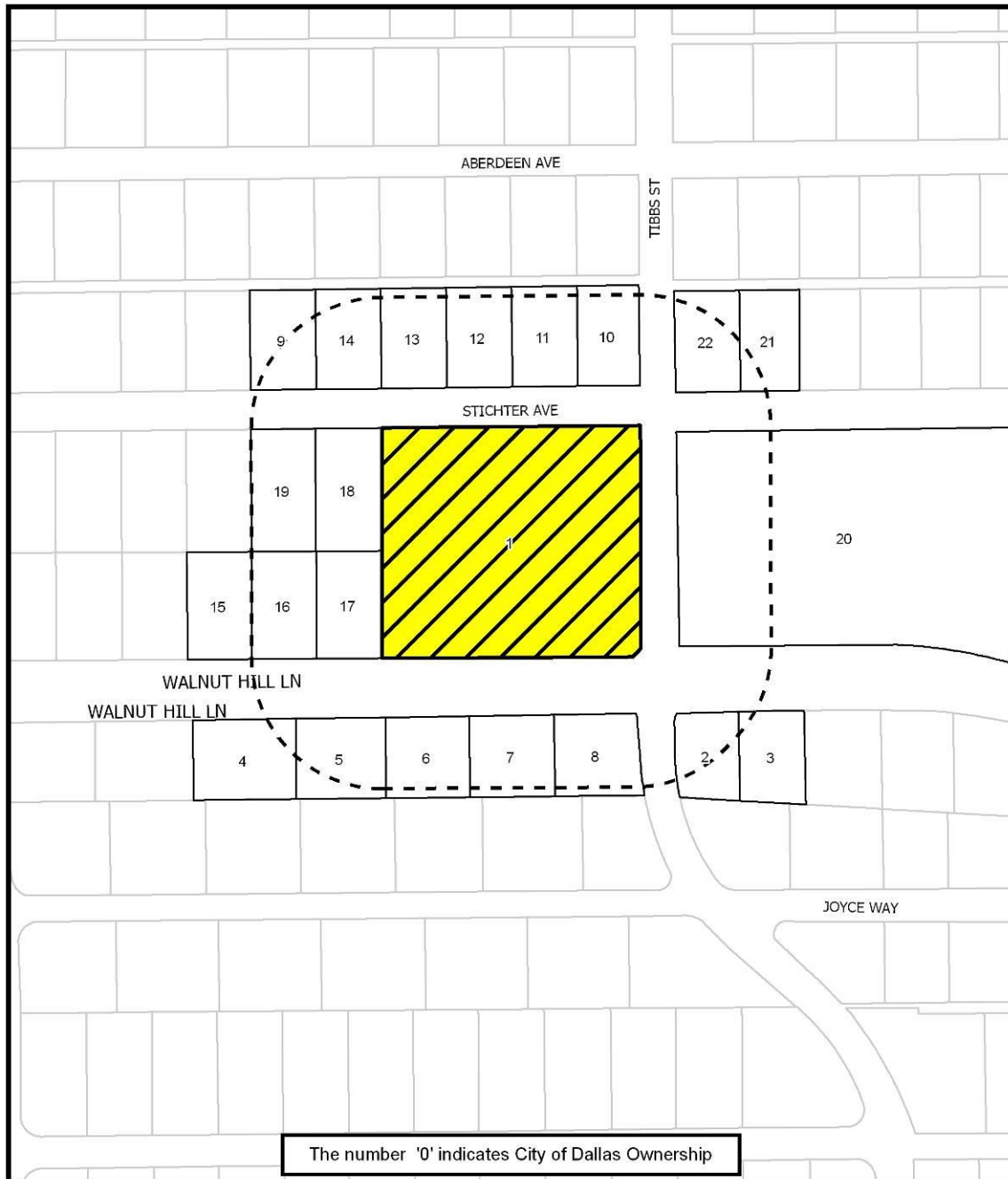
Scale
 1" = 20'



Preston Hollow / Stepped End Detail



SCALE 1/4" = 1'



 1:2,400	NOTIFICATION	Case no: BDA123-095			
	<table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">22</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	22	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
22	NUMBER OF PROPERTY OWNERS NOTIFIED				

Notification List of Property Owners

BDA123-095

22 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6315 WALNUT HILL LN	PRESTON HOLLOW METH CH
2	6406 WALNUT HILL LN	SUBRAMANIAN KRISHNA & RAJALAKSHMI
3	6414 WALNUT HILL LN	GILBERT JACK K TR
4	6230 WALNUT HILL LN	PALMER RUTH LF EST REM: RUTH PALMER ET A
5	6242 WALNUT HILL LN	PEIKARI BEHROUZ & PATRICIA
6	6302 WALNUT HILL LN	GILBERT JOHN CLAYTON
7	6314 WALNUT HILL LN	KINGSTON DOROTHY H
8	6324 WALNUT HILL LN	JOHNSTON CARY L & RANDOLPH G JOHNSTON JR
9	6239 STICHTER AVE	ASHMORE CHRISTINE C & ANDREW
10	6331 STICHTER AVE	GRAY DAVID M & CHRISTINA L
11	6323 STICHTER AVE	BOHACZ KEVIN
12	6315 STICHTER AVE	MEADERS FARM LP
13	6307 STICHTER AVE	OVERTON THOMAS D & MARY C
14	6247 STICHTER AVE	CLAASSEN BRENDA S
15	6231 WALNUT HILL LN	PETROFF KIP & SUZI
16	6239 WALNUT HILL LN	PRESCIENT PPTIES LLC
17	6247 WALNUT HILL LN	MANNING ZACHARIAH C & MONICA Y
18	6246 STICHTER AVE	FIFE RUSSELL E & JANICE A
19	6238 STICHTER AVE	PETROFF KIP
20	6423 WALNUT HILL ST	Dallas ISD ATTN OFFICE OF LEGAL SERVICES
21	6415 STICHTER AVE	LAUDERDALE CLARK & LAUDERDALE CANDY
22	6407 STICHTER AVE	LEWIS DON EDWARD

FILE NUMBER: BDA 123-096

BUILDING OFFICIAL'S REPORT: Application of Alvin Keal, represented by Danny Sipes, for a special exception to the off-street parking regulations at 5444 La Sierra Drive (aka: 5442 La Sierra Drive). This property is more fully described as Lot 24A, Block B/5461 and is zoned NO(A), which requires off-street parking to be provided. The applicant proposes to construct and/or maintain a structure for a medical clinic or ambulatory surgical center use and provide 27 of the required 34 parking spaces, which will require a special exception to the off-street parking regulations of 7 spaces.

LOCATION: 5444 La Sierra Drive (aka: 5442 La Sierra Drive)

APPLICANT: Alvin Keal
Represented by Danny Sipes

REQUEST:

A special exception to the off-street parking regulations of 4 spaces is made in conjunction with leasing and maintaining an existing approximately 6,800 square foot vacant structure with medical clinic or ambulatory surgical center use and providing 27 (or 79 percent) of the 34 required off-street parking spaces.

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

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

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- The special exception of 7 spaces shall automatically and immediately terminate if and when the medical clinic or ambulatory surgical center use is changed or discontinued.

Rationale:

- The Sustainable Development and Construction Department Engineering Division Assistant Director has indicated that he has no objections to the applicant's request.

BACKGROUND INFORMATION:

Zoning:

Site: NO(A) (Neighborhood Office)
North: GO(A) (General Office)
South: NO(A) (Neighborhood Office)
East: NO(A) (Neighborhood Office)
West: GO(A) (General Office)

Land Use:

The subject site is developed with an existing vacant structure. The areas to the north, east, south, and west are developed with office uses.

Zoning/BDA History:

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

Timeline:

- July 30, 2013: 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 19, 2013: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- September 19, 2013: The Board Administrator contacted the applicant and shared the following information via email:
- an attachment that provided the public hearing date and panel that will consider the application; the October 2nd deadline to submit additional evidence for staff to factor into their analysis; and the October 11th 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."
- October 3, 2013: The Building Inspection Senior Plans Examiner/Development Code Specialist forwarded additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment A).

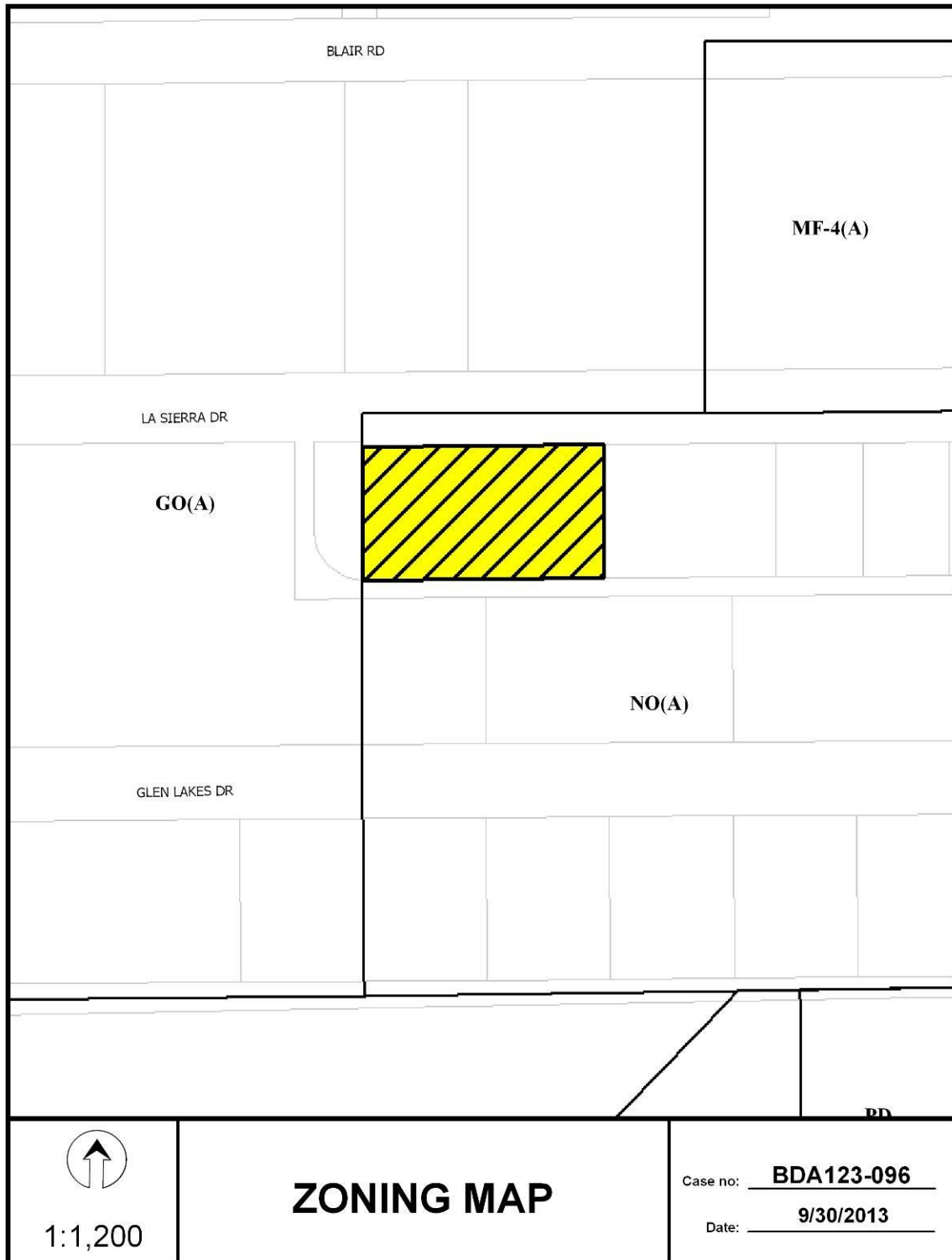
- October 4, 2013: The applicant's representative submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment B).
- October 8, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for October public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Engineering Division Assistant Director, the Sustainable Development and Construction Department Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.
- October 10, 2013: The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet marked "Has no objections."

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on leasing and maintaining an existing approximately 6,800 square foot vacant structure with medical clinic or ambulatory surgical center use and providing 27 (or 79 percent) of the 34 required off-street parking spaces.
- The applicant has stated that the request is made in conjunction with leasing the current vacant structure with medical clinic use – a use with a higher parking requirement than what was on the site prior to the structure becoming vacant – office use.
- The Dallas Development Code requires the following off-street parking requirement:
 - Medical clinic or ambulatory surgical center use: 1 space per 200 square feet of floor area. (The applicant has stated that the previous use on the site was office which requires 1 space per 333 square feet of floor area).
 The applicant proposes to provide 27 (or 79 percent) of the required 34 off-street parking spaces in conjunction with leasing the vacant approximately 6,800 square foot structure on the site with medical clinic use.
- The Sustainable Development and Construction Department Engineering Division Assistant Director has indicated that he has no objections to the applicant's request.
- The applicant has the burden of proof in establishing the following:
 - The parking demand generated by the proposed medical clinic or ambulatory surgical center use on the site does not warrant the number of off-street parking spaces required, and
 - The special exception of 7 spaces (or a 21 percent reduction of the required off-street parking) would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.
- If the Board were to grant this request, and impose the condition that the special exception of 7 spaces shall automatically and immediately terminate if and when the medical clinic or ambulatory surgical center use is changed or discontinued, the applicant would be allowed to lease/maintain the site with this specific use with the

specified square footages, and provide 27 of the 34 code required off-street parking spaces.

|

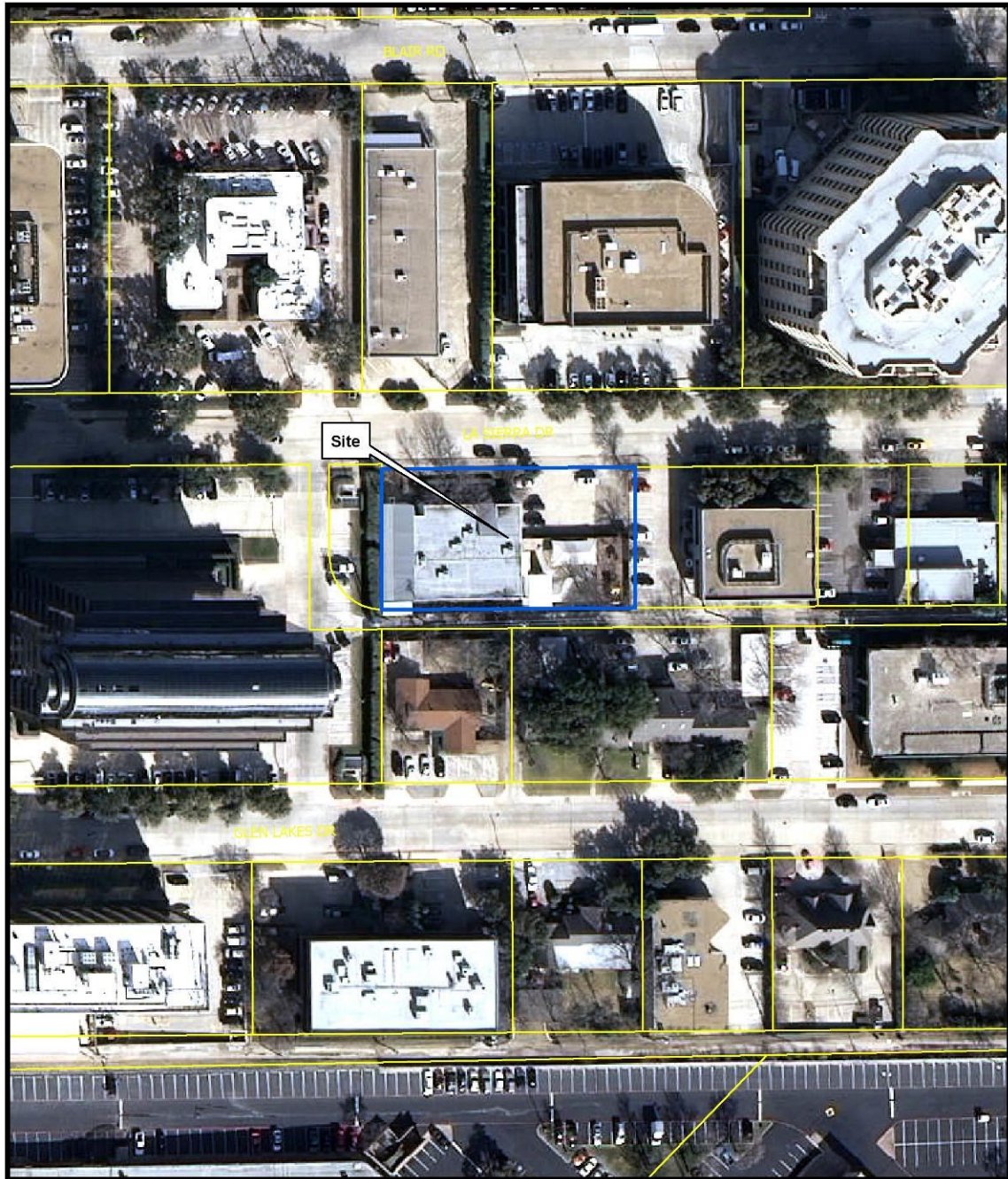


1:1,200

ZONING MAP

Case no: **BDA123-096**

Date: **9/30/2013**



1:1,200

AERIAL MAP

Case no: BDA123-096

Date: 9/30/2013

BDA123-096
Attach A

pg 1

Long, Steve

From: Danny [danny@txpermit.com]
Sent: Thursday, October 03, 2013 2:44 PM
To: Long, Steve; tod.duerkson@dallascityhall.com
Subject: Letter for Danny Sipes

From: "Xenia Sebastian" <xsebastian@texasmi.com>
Date: October 3, 2013, 10:20:14 AM CDT
To: <danny@txpermit.com>
Subject: letter

To Whom It May Concern:

This is to advise that Danny Sipes will be representing Med Space, LLC at the Board of Adjustments.

Thank you for your consideration

*Xenia Sebastian
President
Med Space, LLC*

_____ Information from ESET NOD32 Antivirus, version of virus signature database 7125 (20120510) _____

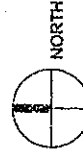
The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

BDA
123-
099
Attach
B

LA SIERRA DRIVE
(VARIABLE WIDTH RIGHT-OF-WAY)

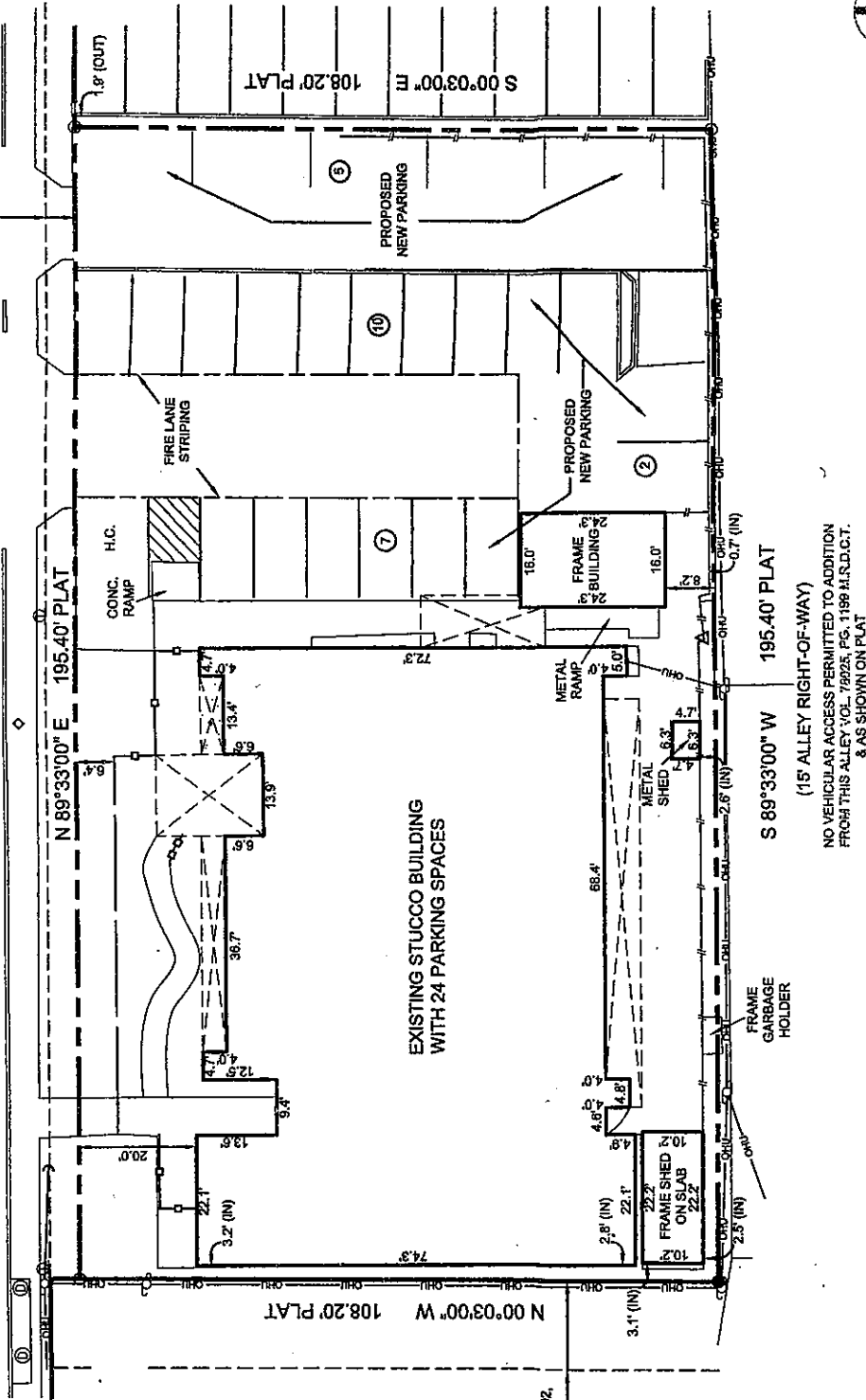
5' WIDENING VOL. 76143, PG. 0113
D.R.D.C.T.
& AS SHOWN ON PLAT



USE	AREA	RATIO	REQUIRED
Medical Office	3,801.9	1:233	16
Medical Office	773.2	1:200	19
SUITE 200	2,908	1:353	8
TOTAL	7,483.1		43

PROVIDED ON SITE HC 1
HANDICAP SPACE ON SITE 24
TOTAL ON SITE 29

REFER TO A2 FOR BREAK DOWN OF AREAS



NO VEHICULAR ACCESS PERMITTED TO ADDITION FROM THIS ALLEY VOL. 76025, PG. 1199 M.R.D.C.T. & AS SHOWN ON PLAT

SCALE: 1"=20'-0"

SITE PLAN

LOT 1B

TEN THOUSAND . CENTRAL EXPRY. VOL. 84188, PG. 4182, M.R.D.C.T.

15' OVERHANG D.P.&L. EASEMENT VOL. 84188, PG. 4182, M.R.D.C.T.



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-096

Data Relative to Subject Property:

Date: 7/30/13

Location address: 5442 LA SIERRA DR Zoning District: NO(A)

Lot No.: 24A Block No.: B/5461 Acreage: 0.4953 Census Tract: 78.22

Street Frontage (in Feet): 1) 195.40 2) 3) 4) 5)

NE 4A

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): MED SPACE INC

Applicant: ALVIN KEAL Telephone: 214-315-4048

Mailing Address: 11615 FOREST CENTRAL Zip Code: 75243

E-mail Address: ALVINKEAL@YAHOO.COM, ALVINKEAL75@GMAIL.COM

Represented by: Telephone:

Mailing Address: Zip Code:

E-mail Address:

Affirm that an appeal has been made for a Variance, or Special Exception of FOUR Partially SPEC FOR VARIANCE OF PARKING SPACE WILL ASK FOR 34 BUT ONLY GET 30 ON PLOT. FOR MEDICAL CENT USE

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 PARKING LOT WILL NOT GO ON TO OTHER EXISTING PARKING THE OWNER OF THE PROPERTY WILL NOT NEED ALL PARKING THAT IS ASKED FOR WHAT IS MADE WILL BE WHAT THEY NEED.

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 ALVIN KEAL JR (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 30 day of July, 2013



(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

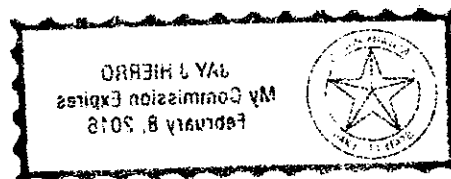
Building Official's Report

I hereby certify that ALVIN KEAL
did submit a request for a special exception to the parking regulations
at 5444 La Sierra Drive (aka: 5442 La Sierra Drive)

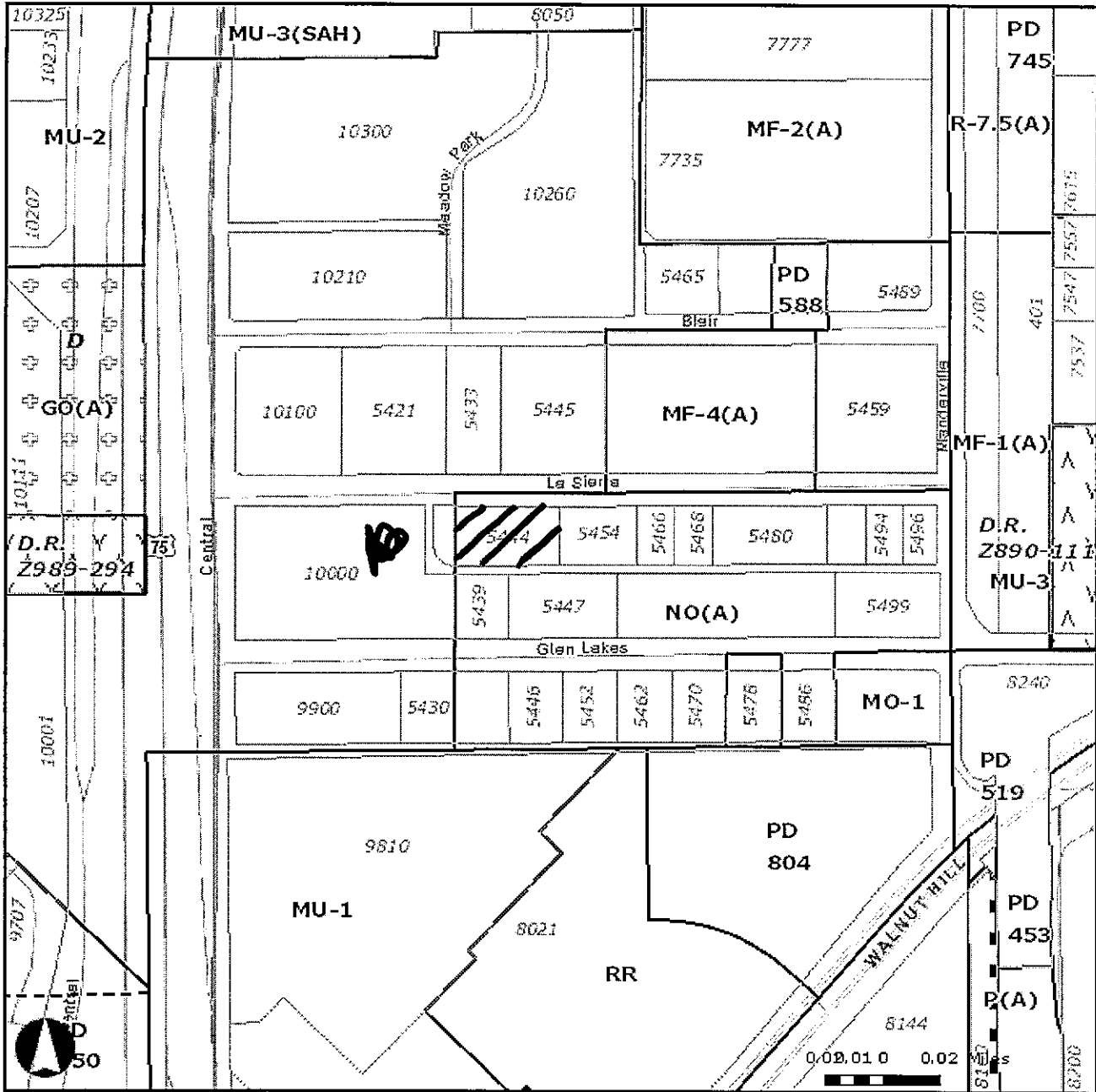
BDA123-096. Application of Alvin Keal for a special exception to the parking regulations :
5444 La Sierra Drive (aka: 5442 La Sierra Drive). This property is more fully described as
Lot 24A, Block B/5461 and is zoned NO(A), which requires parking to be provided. The
applicant proposes to construct and maintain a nonresidential structure for a medical clinic
or ambulatory surgical center use and provide 30 of the required 34 parking spaces, which
will require a 4 space special exception (11.7% reduction) to the parking regulation.

Sincerely,

Larry V. Holmes
Larry Holmes, Building Official



City of Dallas Zoning



City Boundaries

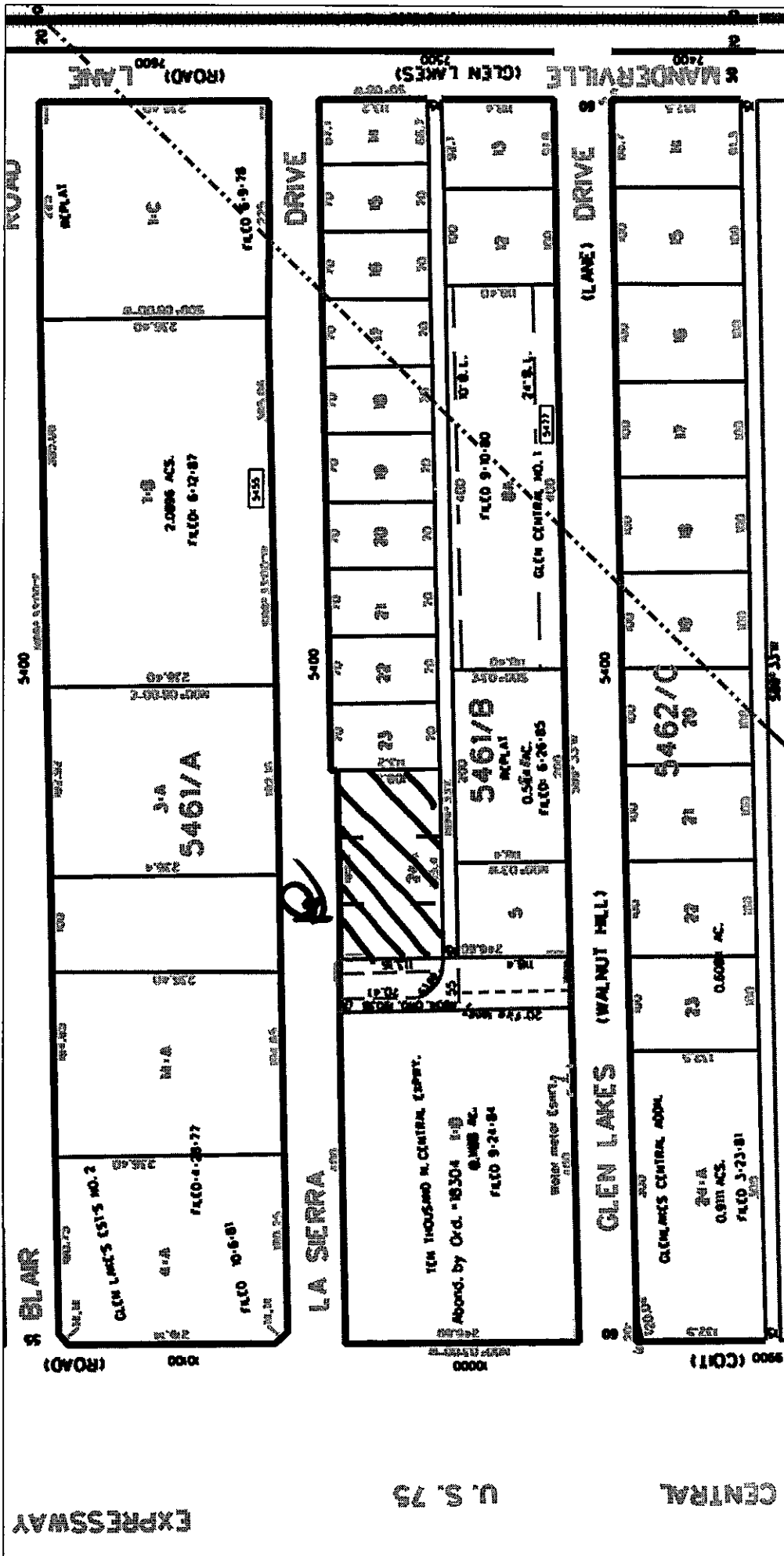
- City Boundaries
- County
- Certified Parcels
- DISD Sites
- Council Districts
- Waterways
- Parks

Dry Overlay

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

Base Zoning

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



C:\tax_plats\5461_ab.dgn 7/31/2013 10:15:46 AM

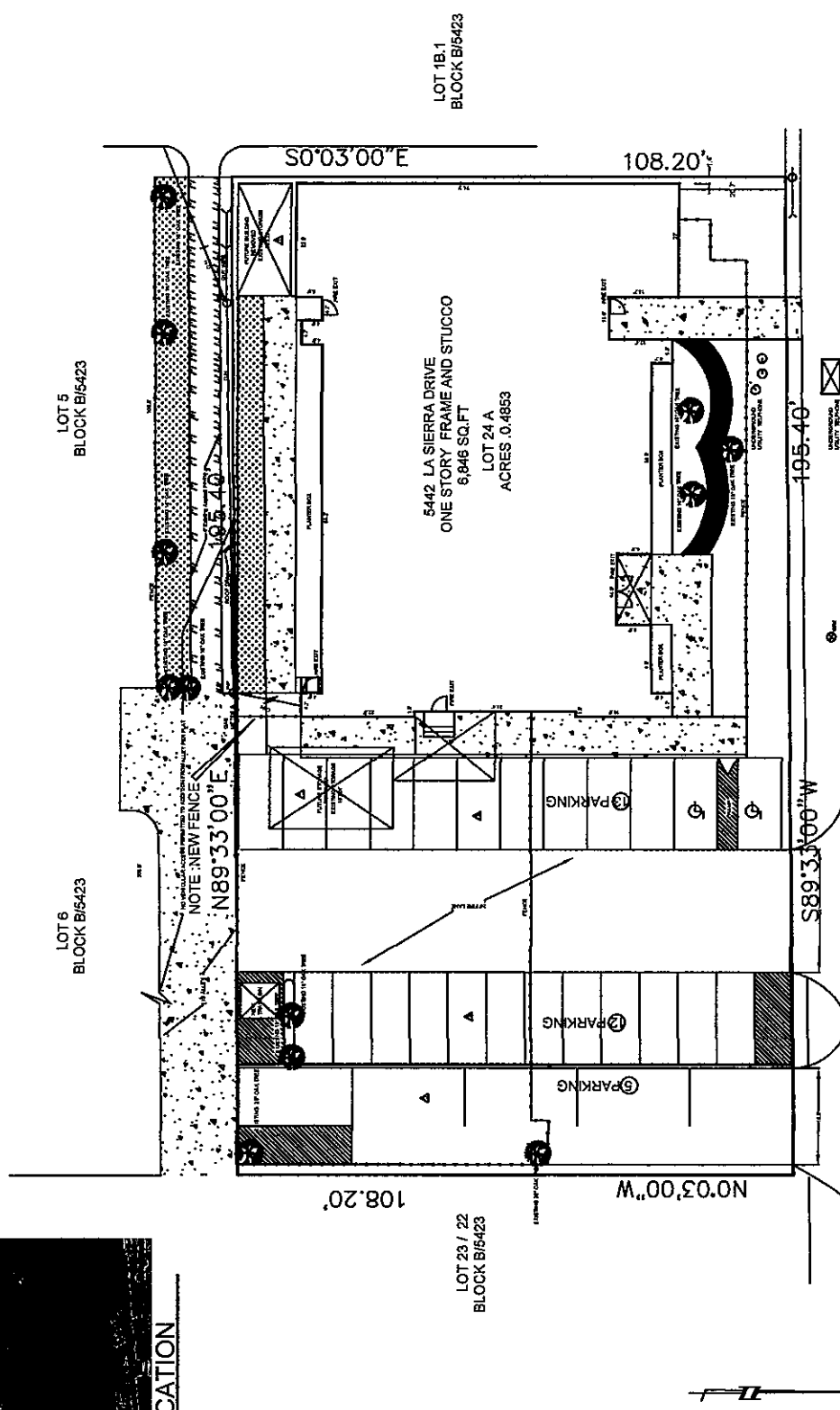
TEXAS MEDICAL INFUSION SUITES
IV PHARMACY AND INFUSION SUITE
5442 LA SIERRA DRIVE
DALLAS, TEXAS 75243



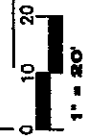
NO.	REVISIONS
1	Issue/As-built
2	Final/As-Built LSC
3	Final/As-Built LSC

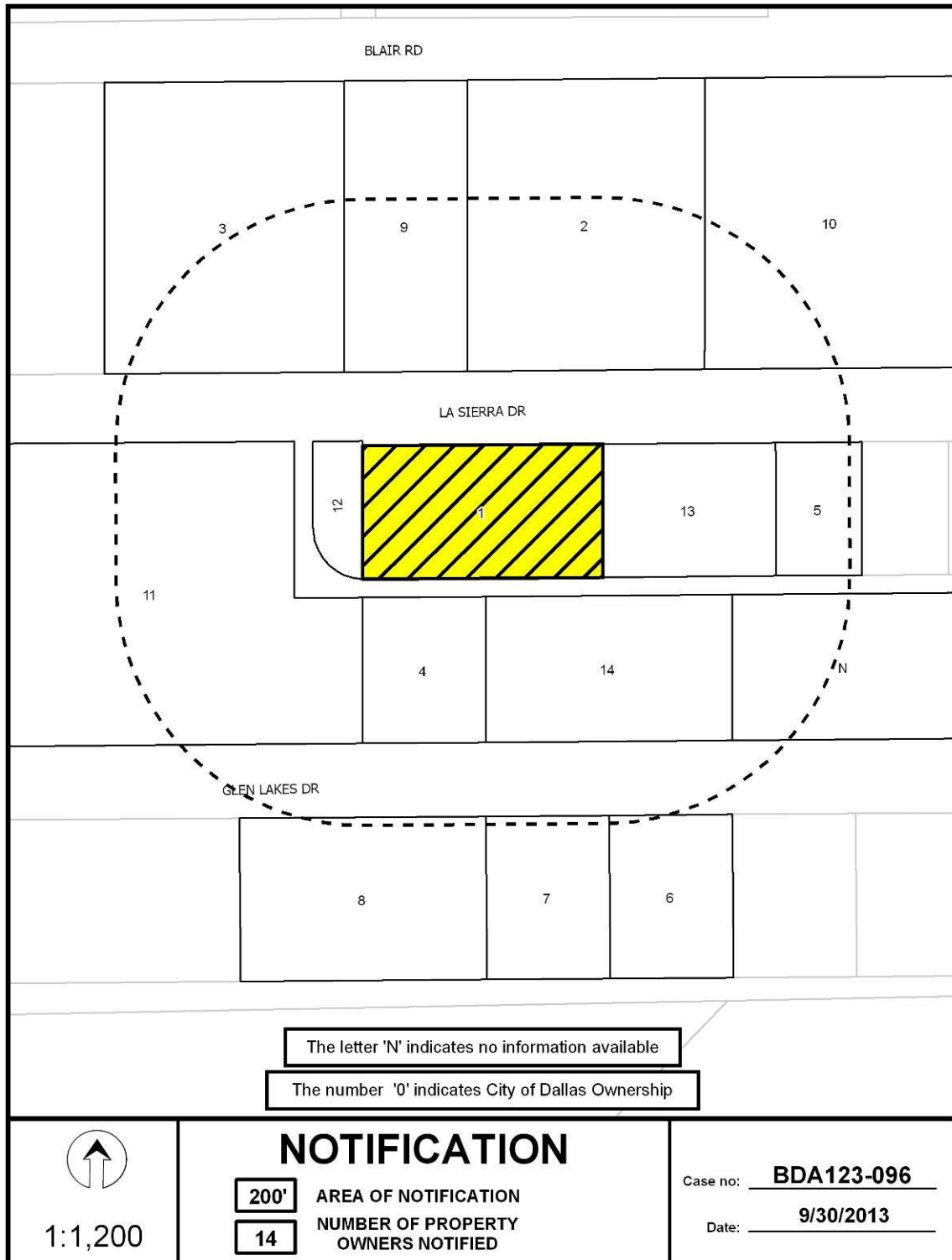
DATE	BY	DESCRIPTION

SP-D
A-1



28 PARKING SPACE
2 HANDICAPPED SPACE
TOTAL = 30 PARKING SPACES





Notification List of Property Owners

BDA123-096

14 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5444 LA SIERRA DR	TX FOUNDATION FOR EDUCATIONAL ADVANCEMEN
2	5445 LA SIERRA DR	DALLAS LA SIERRA GROUP LLC
3	5421 LA SIERRA DR	EYECARE REAL PPTIES LC
4	5439 GLEN LAKES DR	NOLAM LP STE 120
5	5466 LA SIERRA DR	KOERBER ELLEN B
6	5452 GLEN LAKES DR	FONBERG REAL ESTATE INV LTD
7	5446 GLEN LAKES DR	AU PROPERTIES LLC
8	5430 GLEN LAKES DR	GLEN LAKES ATRIUM LTD STE 100
9	5433 LA SIERRA DR	LASIERRA 5433 LLC
10	5455 LA SIERRA DR	SNH IL PROPERTIES TRUST % SULLIVAN & WOR
11	10000 CENTRAL EXPY	FMC CREA 10000 NCX SPE LLC
12	10000 CENTRAL EXPY	PCCP LINCOLN 10000 NCX LLC 3300 LINCOLN
13	5454 LA SIERRA DR	5454 LA SIERRA HOLDINGS LP
14	5447 GLEN LAKES DR	NEARBURG PRODUCING CO

FILE NUMBER: BDA 123-103

BUILDING OFFICIAL'S REPORT: Application of Jim Lob for a special exception to the single family use regulations at 7015 Tokalon Drive. This property is more fully described as Lot 17A, Block H/2836 and is zoned R-7.5(A), which limits the number of dwelling units to one. The applicant proposes to construct and maintain an additional dwelling unit, which will require a special exception to the single family zoning use regulations.

LOCATION: 7015 Tokalon Drive

APPLICANT: Jim Lob

REQUEST:

A special exception to the single family use development standard regulations is requested in conjunction with constructing and maintaining a one-story additional dwelling unit structure on a site currently developed with a one-story dwelling unit/single family home structure and a one-story accessory structure that the applicant intends to demolish.

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.

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.

Zoning:

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

Land Use:

The subject site is developed with a single family use – a main dwelling unit structure and an accessory structure that the applicant intends to demolish. The areas to the north, south, east, and west are developed with single family uses.

Zoning/BDA History:

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

Timeline:

August 27, 2013: 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 19, 2013: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

September 19, 2013: The Board Administrator contacted the applicant’s representative and shared the following information via email:

- an attachment that provided the public hearing date and panel that will consider the application; the October 2nd deadline to submit additional evidence for staff to factor into their analysis; and the October 11th 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.”

October 8, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for October public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Engineering Division Assistant Director, the Sustainable Development and Construction Department Chief Planner, the Board Administrator, the Building Inspection Senior Plans

Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

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

October 9, 2013: The Building Inspection Senior Plans Examiner/Development Code Specialist emailed the applicant that it was noted during a review of appeals on the upcoming October hearing docket, that the site plan he had submitted with his appeal did not match the submitted certified subdivision plat of the subject property - that the submitted site plan shows a rectangular property measuring 75'x248' while there is however a 5'x65' "notch" cut out of the lot at the rear northeast corner and recorded during the replat of Lot 16A and Lot 17A. Lot 17A is 75' wide at the front but only 70' wide at the rear. The Building Inspection Senior Plans Examiner/Development Code Specialist requested that the applicant submit a revised site plan to him and the Board Administrator prior to the October 22nd public hearing.

October 9, 2013: The Board Administrator contacted the applicant to discuss the discovery made by the Building Inspection Senior Plans Examiner/Development Code Specialist regarding the applicant's submitted site plan. The Board Administrator informed the applicant that any revised site plan that he would submit to the City prior to the October 22nd hearing should convey a proposed structure that meets all applicable zoning code development standards (other than its function/use or to the floor plan making it an additional dwelling unit on a single family-zoned site) since no application has been made for variance to setbacks or any other zoning code provision.

October 10, 2013: The applicant emailed the Board Administrator that he could represent that the structure on any revised site plan would comply with all zoning code development standards, whereby if the board were to deny the special exception request to the board, the structure could be constructed as shown on a revised site plan with a modification to a related floor plan – modifications to a floor plan where the City would no longer deem it a dwelling unit.

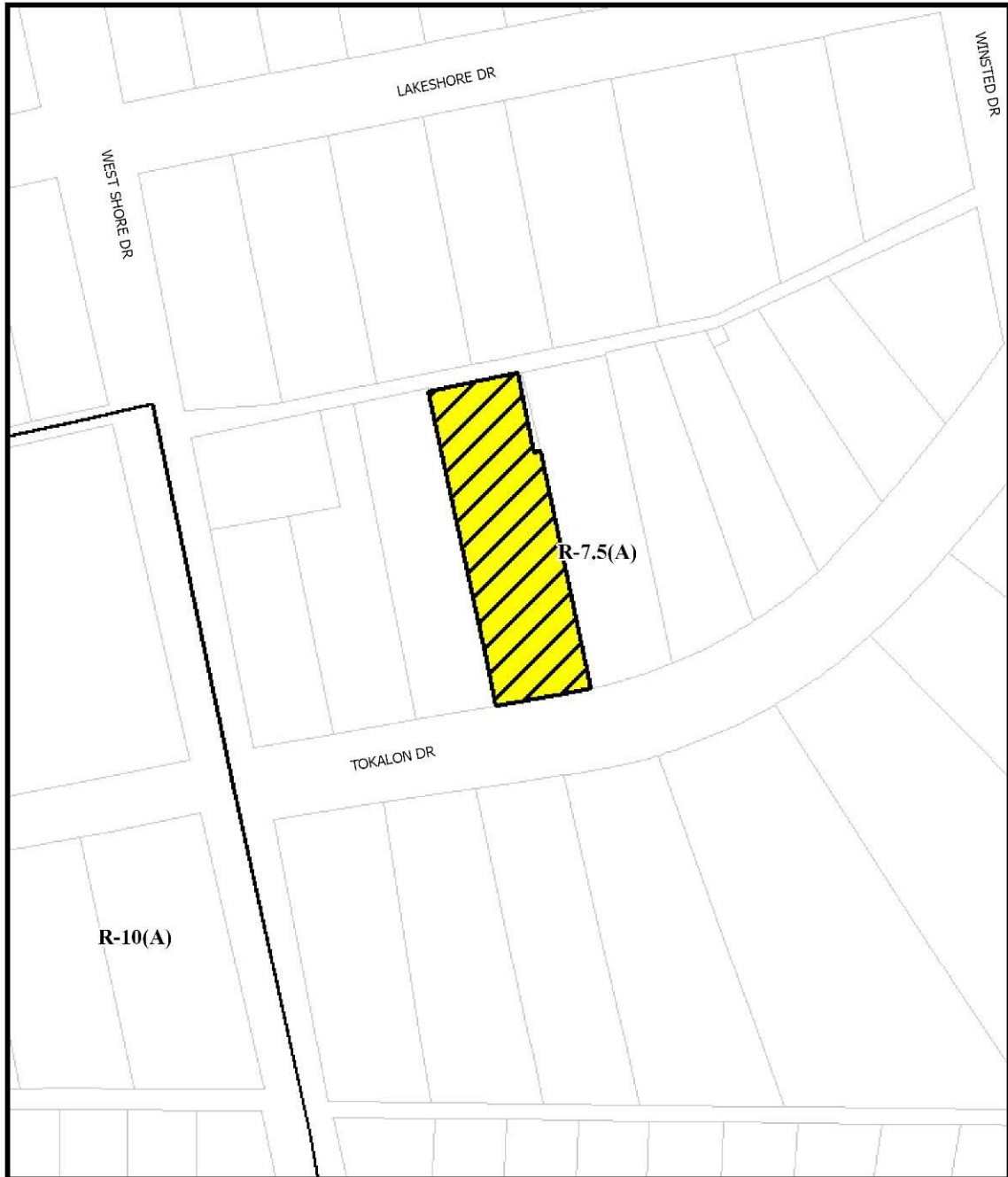
GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on constructing and maintaining a one-story additional dwelling unit structure on a site currently being additionally developed with a one-story dwelling unit/single family home structure and a one-story accessory structure.

- 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.”
- The site is zoned R-7.5(A) where the Dallas Development Code permits one dwelling unit per lot.
- A site plan has been submitted denoting the locations of two building footprints, the larger of the two denoted as “existing house” and the smaller of the two denoted as “new construction” - a structure that has been deemed by Building Inspection given what is denoted on a submitted floor plan as an additional dwelling unit. The site plan represents the sizes and locations of the two building footprints relative to the entire lot.
- The applicant has been informed of a discovery made by staff that that the site plan submitted with this application does not match the submitted certified subdivision plat of the subject property - that the submitted site plan shows a rectangular property measuring 75’x248’ while there is however a 5’x65’ “notch” cut out of the lot at the rear northeast corner and recorded during the replat of Lot 16A and Lot 17A. Lot 17A is 75’ wide at the front but only 70’ wide at the rear. The Building Inspection Senior Plans Examiner/Development Code Specialist requested that the applicant submit a revised site plan to him and the Board Administrator prior to the October 22nd public hearing.
- Elevations have been submitted of the structure denoted on the site plan as “new construction.” It is represented to be one-story in height.
- A floor plan has been submitted of the structure denoted on the site plan as “new construction.” The floor plan shows a family room (with what appears to be an area with oven, refrigerator, a foyer, a bath, and a bedroom.
- DCAD records indicate that the property at 7015 Tokalon Drive has the following improvements:
 - “main improvement:” a structure built in 1987 with 4,251 square feet of living and total area; and
 - “additional improvement:” a 660 square foot cabana and a 621 square foot attached garage.
- Building Inspection staff has reviewed the submitted floor plan of the “new construction” structure and deemed it to be 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.”
- This request appears to center on the function of what is proposed to be located inside the proposed “new construction” structure on the site. The applicant stated in September 19th and October 10th emails to the Board Administrator that he can represent that if the board were to deny this request, the structure could be

constructed and maintained with merely modifications to the floor plan since the proposed structure as it is represented on his submitted site plan or revised site plan does comply with the applicable zoning code development standards since no application has been made for variance to setbacks or any other zoning code provision.

- It appears that if certain notations were removed from the floor plan of the structure located towards the rear of the property (i.e. notations such as oven, ref., d/w, etc. located in a room labeled as “family rm.”), the structure then could be built by right as shown on a revised site plan if the structure were located no closer than on the eastern side property line; and that if these notations are retained, the city considers the structure a dwelling unit and a Board of Adjustment hearing is required.
- As of October 14, 2014, 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 impose a condition that the applicant comply with a site plan, floor plan, and elevation to ensure that the special exception will not adversely affect neighboring properties. But 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 setback and lot 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.

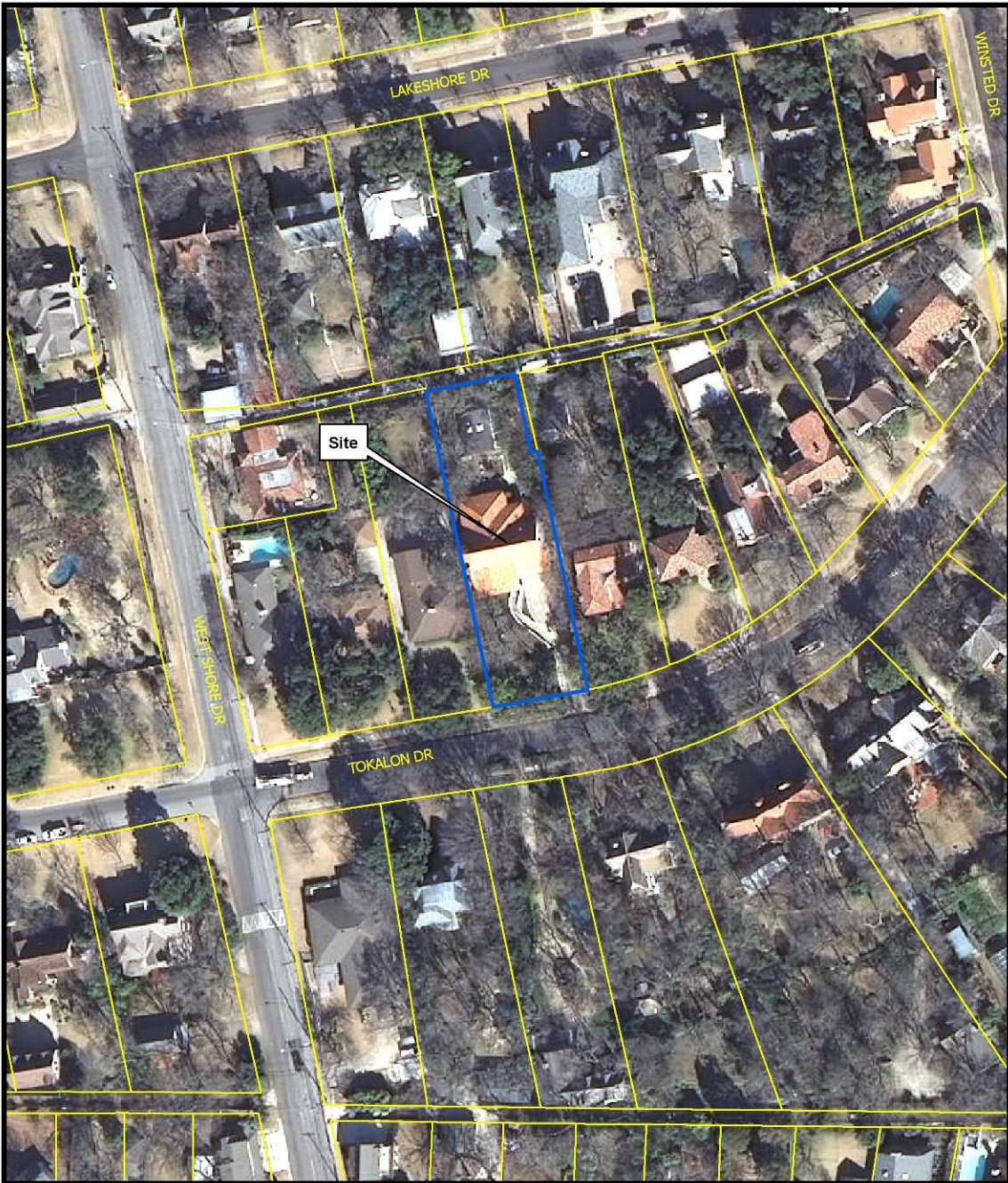


1:1,200

ZONING MAP

Case no: BDA123-103

Date: 9/30/2013



1:1,200

AERIAL MAP

Case no: BDA123-103

Date: 9/30/2013



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-103

Data Relative to Subject Property:

Date: 8-27-13

Location address: 7015 TOKALON DALLAS TX 75214 Zoning District: R-7.5(A)

Lot No.: 17A Block No.: H2836 Acreage: 0.42 Census Tract: 1.00

Street Frontage (in Feet): 1) 61' 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

SCSB

Owner of Property (per Warranty Deed): TROY L NEWTON

Applicant: JIM & BERRY LOB Telephone: 2143841813

Mailing Address: 5616 STONEGATE DALLAS TX Zip Code: 75209

E-mail Address: JIMLOB123@GMAIL.COM

Represented by: JIM LOB Telephone: _____

Mailing Address: 5616 STONEGATE DALLAS, TX Zip Code: 75209

E-mail Address: JIMLOB123@GMAIL.COM

Affirm that an appeal has been made for a Variance _____, or Special Exception X, of SINGLE FAMILY ADDITIONAL 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:

ACCOMMODATE ELDERLY PARENTS IN ADDITIONAL DWELLING TO BE BUILT AT REAR OF PROPERTY / WHICH WILL NOT ADVERSELY AFFECT NEIGHBORS.

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 Jim Lob (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: _____ (Affiant/Applicant's signature)

Subscribed and sworn to before me this 22nd day of August, 2013

(Rev. 08-01-11)



Melea Bohn
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

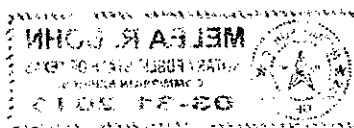
I hereby certify that Jim Lob

did submit a request for a special exception to the single family regulations
at 7015 Tokalon Drive

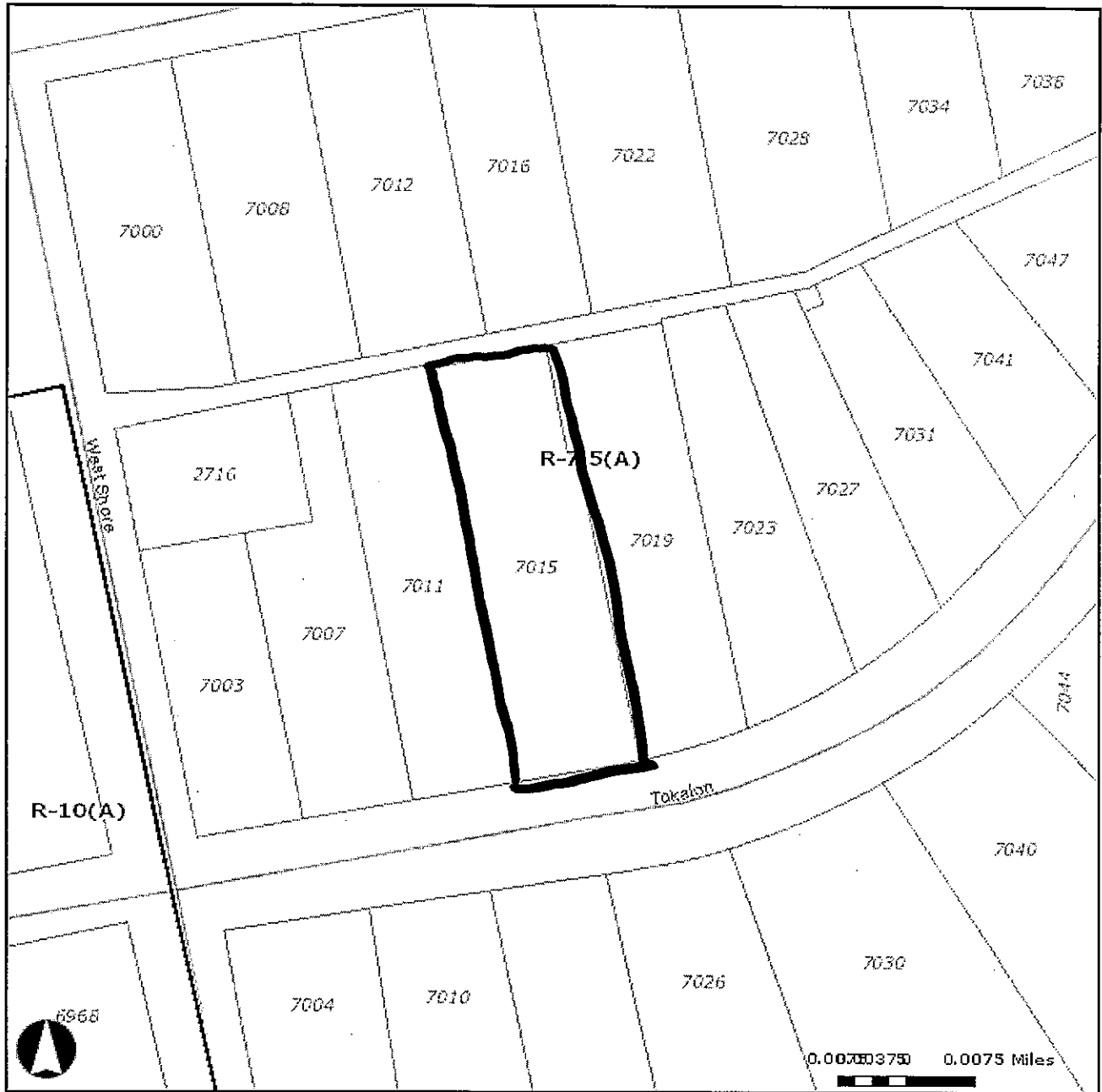
BDA123-103. Application of Jim Lob for a special exception to the single family use regulations at 7015 Tokalon Drive. This property is more fully described as Lot 17A, Block H/2836 and is zoned R-7.5(A), which limits the number of dwelling units to one. The applicant proposes to construct an additional dwelling unit, which will require a special exception to the single family zoning use regulations.

Sincerely,

Larry V. Holmes
Larry Holmes, 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

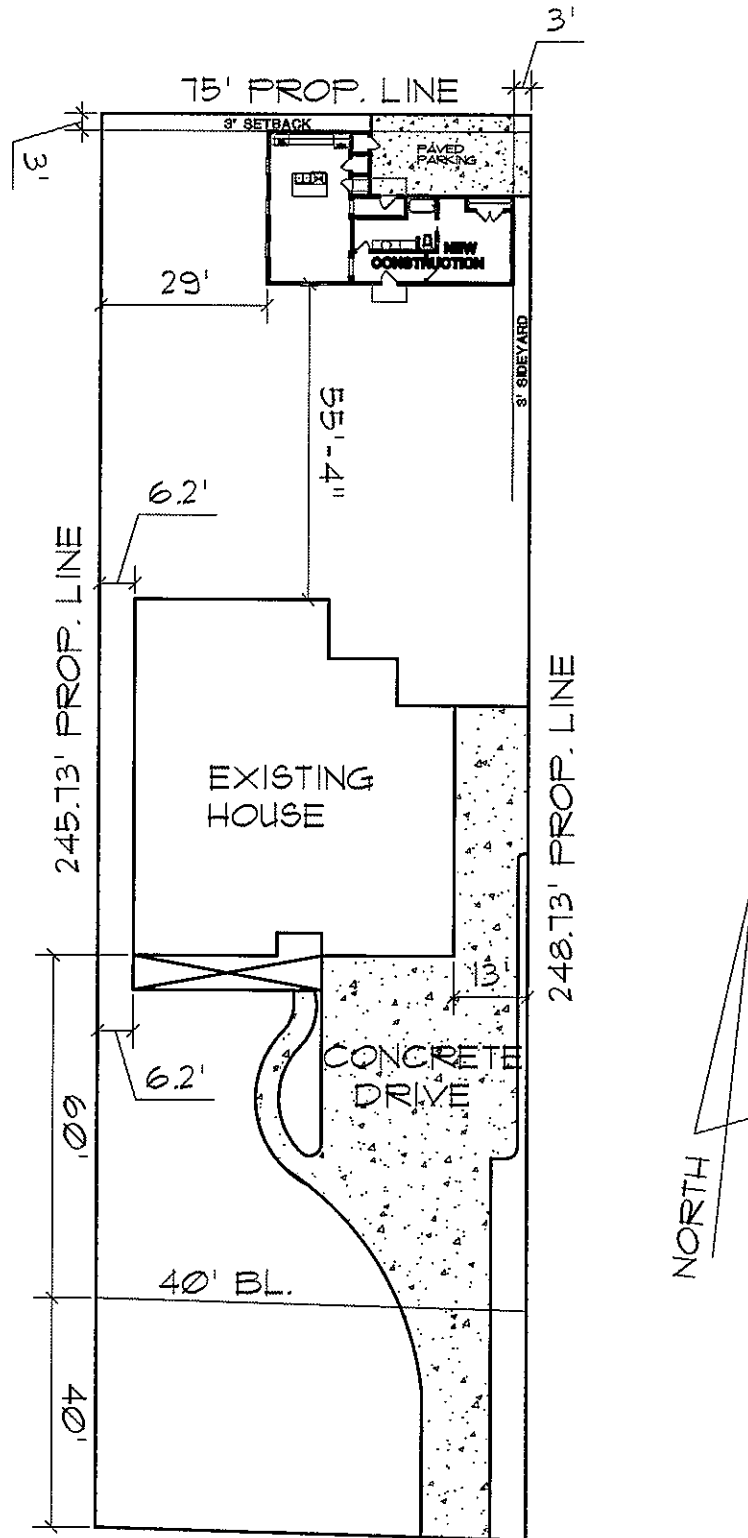
JLB

Base Zoning

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



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75' PROP. LINE
 SCALE = 1" = 20'

1015 TOKALON DRIVE
 DALLAS COUNTY
 DALLAS TEXAS

VERANDA FINE HOMES
 Veranda Fine Homes
 8100 Lomo Alto Drive
 Suite 228
 Dallas, Texas 75225

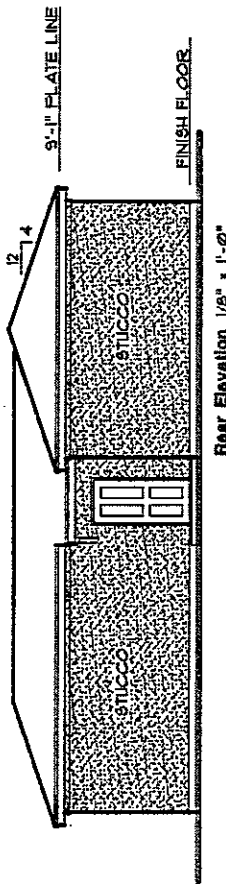
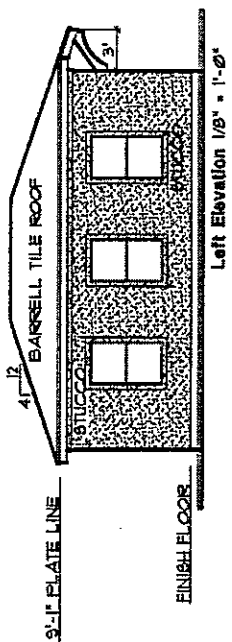
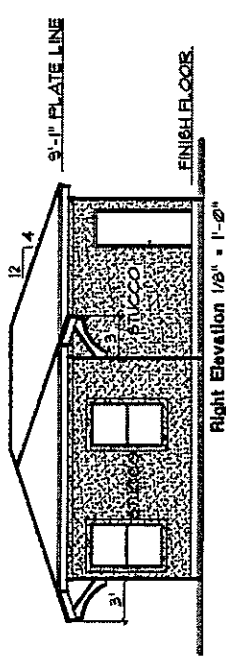
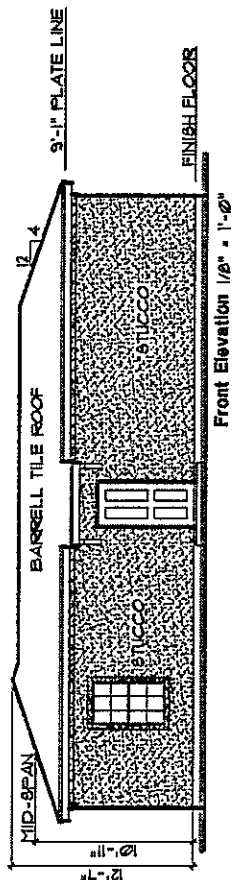
PROJECT ADDRESS
 108 TOKLON
 DALLAS TX

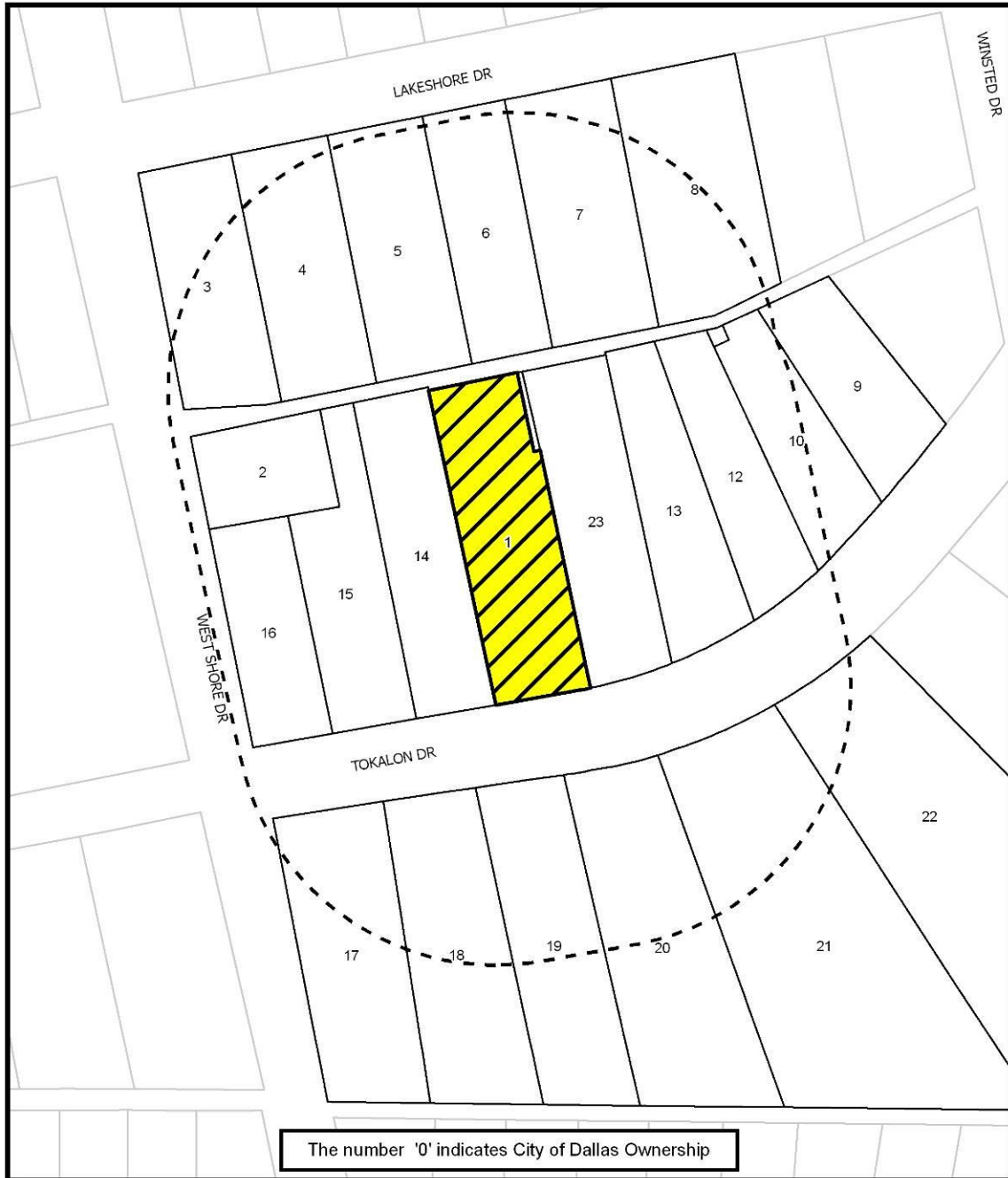
BENCHMARK
 DRAFTING & DESIGN

SCOTT HARTY
 ARCHITECT
 8 LANTIER CR
 THE COLONY TX
 77482-3445



8-23-2013





 1:1,200	NOTIFICATION		Case no: BDA123-103
	<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;">24</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 9/30/2013

Notification List of Property Owners

BDA123-103

24 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	7015 TOKALON DR	NEWTON TRUDY L
2	2716 WEST SHORE DR	HENDRICKS JOHN L
3	7000 LAKESHORE DR	SMITH DARRELL
4	7008 LAKESHORE DR	TIMMS CYNTHIA & EDWARD G
5	7012 LAKESHORE DR	ANDERSON ALFRED W JR
6	7016 LAKESHORE DR	IRSCH CHARLES & JULIE
7	7022 LAKESHORE DR	PEACOCK JAMES R III & LYNN H PEACOCK
8	7028 LAKESHORE DR	TRENT MATTHEW J & LORI E
9	7041 TOKALON DR	BOWMAN ALFRED W ETAL
10	7031 TOKALON DR	REED MICHAEL J & KRISTIN K
11	7031 TOKALON DR	ENSERCH CORP % ATMOS ENERGY / PPTY TAX
12	7027 TOKALON DR	DAVIS ERIC D & SHEA
13	7023 TOKALON DR	COWAN STAN R & MARY E DAVIDSSON
14	7011 TOKALON DR	CANELAKES ALEXANDRIA
15	7007 TOKALON DR	DAMERAU FAMILY LIVING REVOCABLE TRUST
16	7003 TOKALON DR	CHAVEZ CHARLES RAY
17	7004 TOKALON DR	MASON DANA L
18	7010 TOKALON DR	RICCIO ANTHONY I & CHRISTINA A
19	7022 TOKALON DR	SCHULZ TOM W
20	7026 TOKALON DR	BLANCHARD ARTHUR
21	7030 TOKALON DR	STEINBACH HERBERT L & SANDRA C
22	7040 TOKALON DR	WHITFILL JOHN M
23	7019 TOKALON DR	CHAPPELEAR BONNIE
24	7017 TOKALON DR	JARRETT RICHARD L SR APT 227

FILE NUMBER: BDA 123-105

BUILDING OFFICIAL'S REPORT: Application of Peter Kavanagh for a special exception to the landscape regulations at 3509 Oak Lawn Avenue. This property is more fully described as part of Lots 1, 2, & 3, Block Q/1318, and is zoned PD-193 (GR), which requires mandatory landscaping. The applicant proposes to construct and/or maintain a structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

LOCATION: 3509 Oak Lawn Avenue

APPLICANT: Peter Kavanagh

REQUEST:

A special exception to the landscape regulations is requested in conjunction with constructing and maintaining an approximately 150 square foot elevator structure and an approximately 200 square foot exterior stair structure on a site developed with a two-story approximately 10,500 square foot office/retail structure which according to DCAD was built in 1929, and not fully providing required landscaping.

STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPE REQUIREMENTS IN OAK LAWN:

Section 51P-193-126(a)(4) of the Dallas City Code specifies that the board may grant a special exception to the landscaping requirements of this section if, in the opinion of the Board, the special exception will not compromise the spirit and intent of this section. When feasible, the Board shall require that the applicant submit and that the property comply with a landscape plan as a condition to granting the special exception.

STAFF RECOMMENDATION:

Approval

Rationale:

- The applicant has substantiated how granting this request would not compromise the spirit and intent of the landscaping requirements of PD 193. Although the applicant proposes no landscaping in conjunction with this request, the special exception request in this case is made to construct and maintain minimal structures (elevator and staircase) to an existing structure on the site – a structure to be retained and built in the 20's more than 60 years prior to the creation of the landscape provisions to which the applicant is seeking exception from. There does not appear to be any feasible areas for landscaping on the site given applicant's plans to retain the existing structure on it.

- Any increase to the existing building height, floor area ratio, or nonpermeable coverage of the lot unless the work is to restore a building that has been damaged or destroyed by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind on the site would require the owner to fully comply with the landscape regulations or if not, to re-apply for another special exception to these regulations.

BACKGROUND INFORMATION:

Zoning:

Site: PD 193 (GR) (Planned Development District, General Retail)
North: PD 193 (MF) (Planned Development District, Multifamily)
South: PD 193 (GR) (Planned Development District, General Retail)
East: PD 193 (GR) (Planned Development District, General Retail)
West: PD 193 (GR) (Planned Development District, General Retail)

Land Use:

The subject site is developed with an approximately 10,500 square foot office/retail use/structure that according to DCAD was constructed in 1929. The area to the north is developed with multifamily use; the areas to the east and south are developed with a mix of office and retail uses; and the area to the west is a vacant retail lot.

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:

August 28, 2013: 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 19, 2013: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

September 19, 2013: The Board Administrator contacted the applicant’s representative and shared the following information via email:

- an attachment that provided the public hearing date and panel that will consider the application; the October 2nd deadline to submit additional evidence for staff to factor into their analysis; and the October 11th 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.”

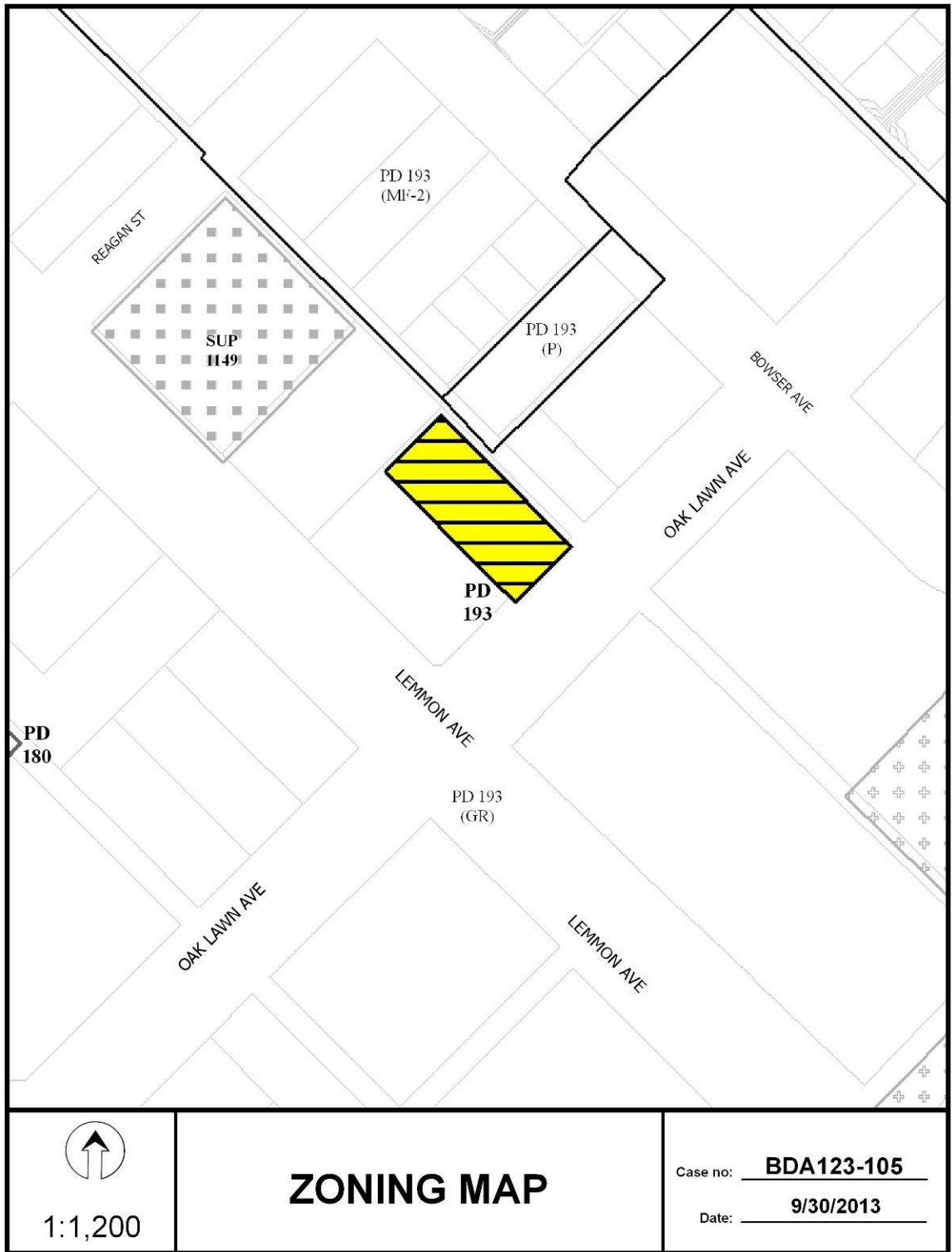
October 8, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for October public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Engineering Division Assistant Director, the Sustainable Development and Construction Department Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

October 9, 2013: The City of Dallas Chief Arborist submitted a memo that provided his comments regarding the request (see Attachment A).

GENERAL FACTS/ STAFF ANALYSIS:

- This request focuses on constructing and maintaining an approximately 150 square foot elevator structure and an approximately 200 square foot exterior stair structure on a site developed with a two-story approximately 10,500 square foot office/retail structure which according to DCAD was built in 1929, and not fully providing required landscaping.
- PD 193 states that the landscape, streetscape, screening, and fencing standards shall become applicable to uses (other than to single family and duplex uses in detached structures) on an individual lot when work is performed on the lot that increases the existing building height, floor area ratio, or nonpermeable coverage of the lot unless the work is to restore a building that has been damaged or destroyed by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind.
- DCAD records indicate the improvement for property at 3509 Oak Lawn Avenue is a “retail strip” with 10,500 square feet constructed in 1929.
- The City of Dallas Chief Arborist states in a memo (see Attachment A) that the request is triggered by a proposed building addition with increase of floor area ratio, and that the proposed plan does not identify any landscape improvements.
- The submitted site plan is deficient in the following ways:
 1. Designated landscape site areas – 10 percent of the lot; 60 percent of the required front yard with 12 percent landscape site area in the front yard with general planting, and 6 percent of general with special planting.
 2. Sidewalks – 6’ wide required between 5’ – 12’ from back of curb.
 3. Trees – 1 tree per 25’ of frontage planted between 2.5’ – 5’ from back of curb.
- The Chief Arborists listed several factors for consideration on this request: the floor area increase is in the rear of the existing building to improved access to the upper floor of the building; and required parking is screened from the street by the existing building so off-street parking and screening regulations are not applicable.

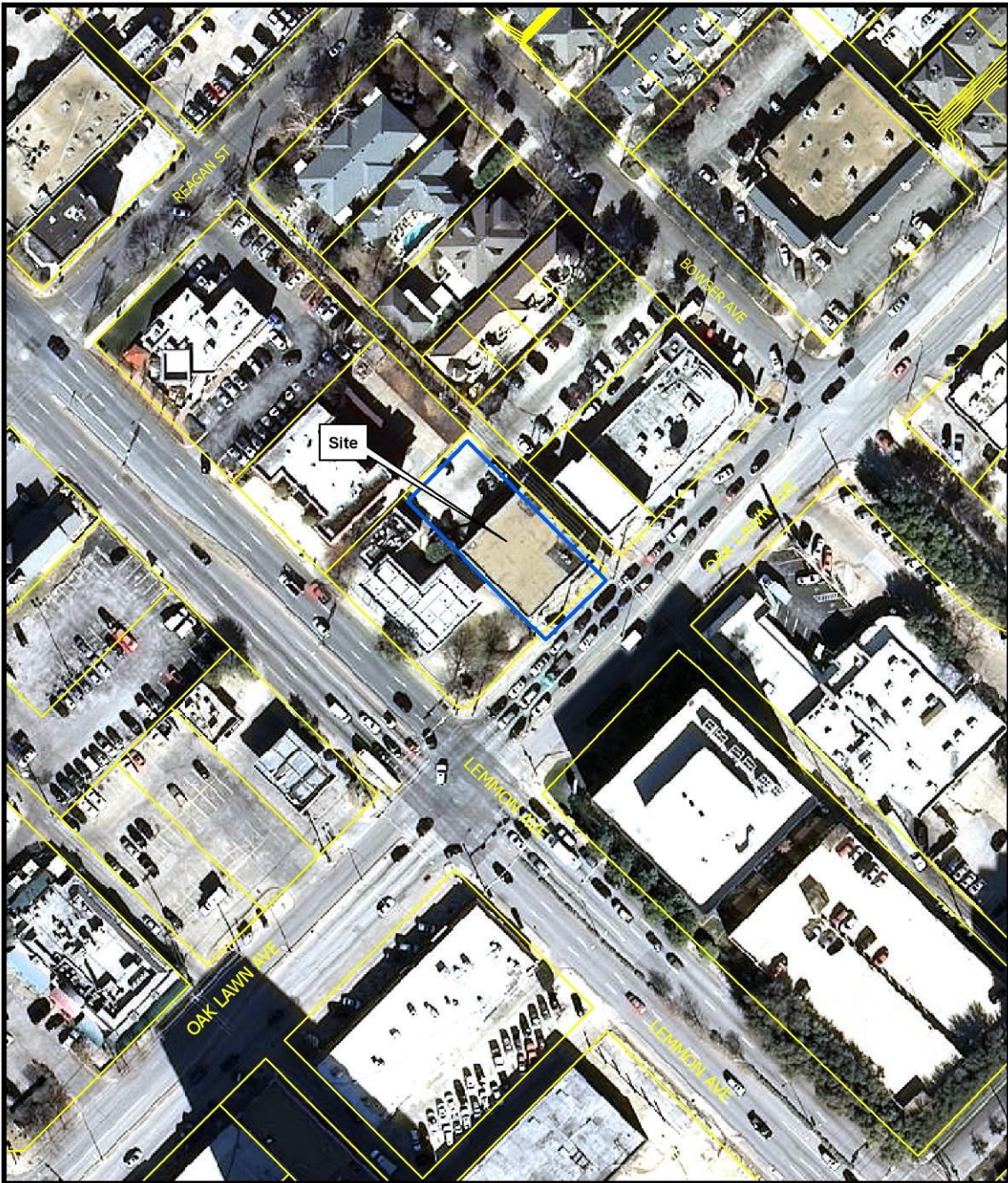
- The Chief Arborist makes no recommendation to the Board since the proposal is for a full exemption to PD 193 landscape requirements and since the proposed plan does not present any landscaping for discussion.
- The applicant has the burden of proof in establishing the following:
 - The special exception (where a site plan has been submitted that is deficient in meeting the sidewalk, tree, and landscape site area/general planting area requirements of the PD 193 landscape regulations) will not compromise the spirit and intent of the section of the ordinance (Section 51P-193-126: Landscape, streetscape, screening, and fencing standards).
- If the Board were to grant this request, the site would be granted exception from full compliance to sidewalk, tree, and landscape site area/general planting area requirements of the landscape requirements of the Oak Lawn PD 193 landscape ordinance. But any increase to the existing building height, floor area ratio, or nonpermeable coverage of the lot unless the work is to restore a building that has been damaged or destroyed by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind on the site would require the owner to fully comply with the landscape regulations or if not, to re-apply for another special exception to these regulations.



1:1,200

ZONING MAP

Case no: BDA123-105
 Date: 9/30/2013



1:1,200

AERIAL MAP

Case no: BDA123-105

Date: 9/30/2013



City of Dallas

A

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-105

Data Relative to Subject Property:

Date: 8-28-13

Location address: 3509 Oak Lawn

Zoning District: PD 193 (GR)

Lot No.: Ph. 123 Block No.: Q/1318 Acreage: .241 Census Tract: 6.06

Street Frontage (in Feet): 1) 70 2) _____ 3) _____ 4) _____ 5) _____ 5022

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Oak Lawn Retail Associates, Ltd.

Applicant: Peter Kavanaugh Telephone: 214 941 4440

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

E-mail Address: peterk@zonesystems.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance __, or Special Exception X of sec. 51-P-193.126

(a)(1), (b)(4). This is a special exception to the landscape requirement of PD 193. Special Exception of an Alternate Landscape Plan

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:

An elevator is being added to back of building on the exterior. This increases floor area which requires full compliance with landscape provisions of PD 193. In order to maintain the spirit and intent of PD 193 this request is made to allow the front of the property to remain as is.

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

Peter Kavanaugh
(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:

Peter Kavanaugh
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 28 day of

August 2013

(Rev. 08-01-11)



Irma Hayes
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

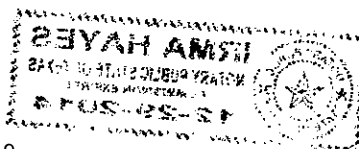
I hereby certify that PETER KAVANAGH

did submit a request for a special exception to the landscaping regulations
at 3509 Oak Lawn Avenue

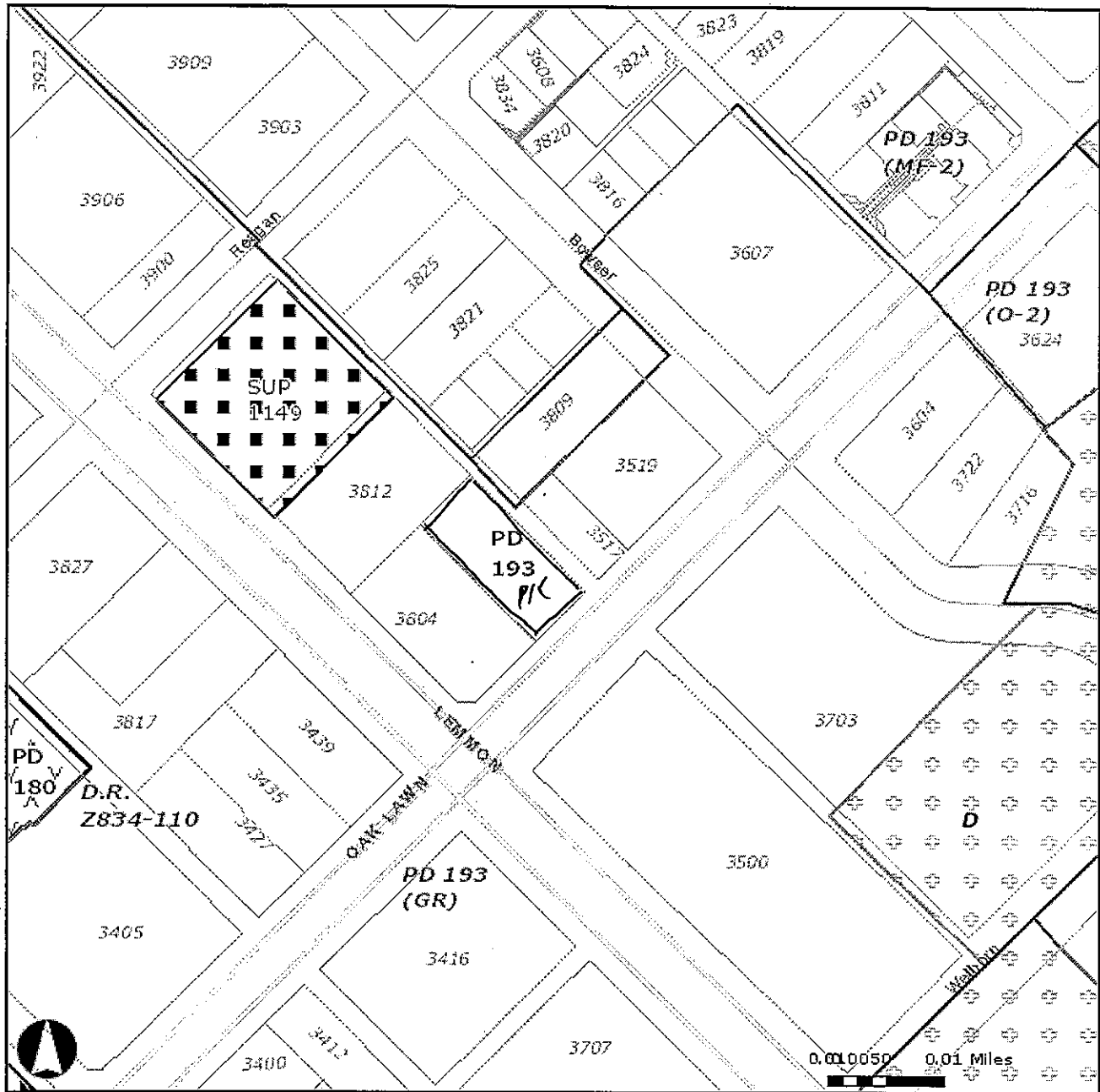
BDA123-105. Application of Peter Kavanagh for a special exception to the landscaping regulations at 3509 Oak Lawn Avenue. This property is more fully described as part of Lots 1, 2, & 3, Block Q/1318, and is zoned PD-193 (GR), which requires mandatory landscaping. The applicant proposes to construct and maintain a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

Sincerely,

Larry V. Holmes
Larry Holmes, Building Official



City of Dallas Zoning



Address Candidates

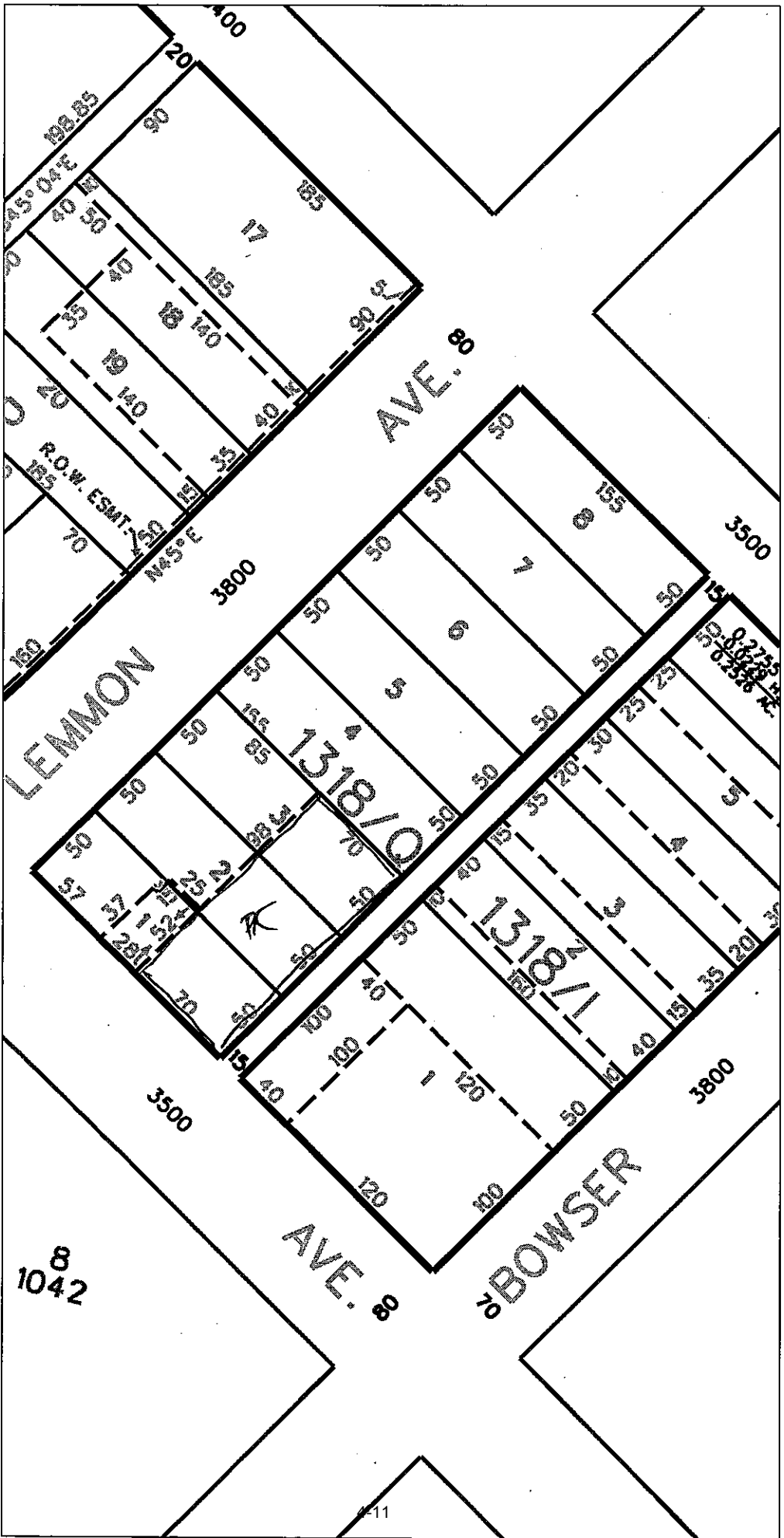
- City Boundaries
- County
- Certified Parcels
- DISD Sites
- Council Districts
- Waterways

SUP

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

PDS Subdistricts

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



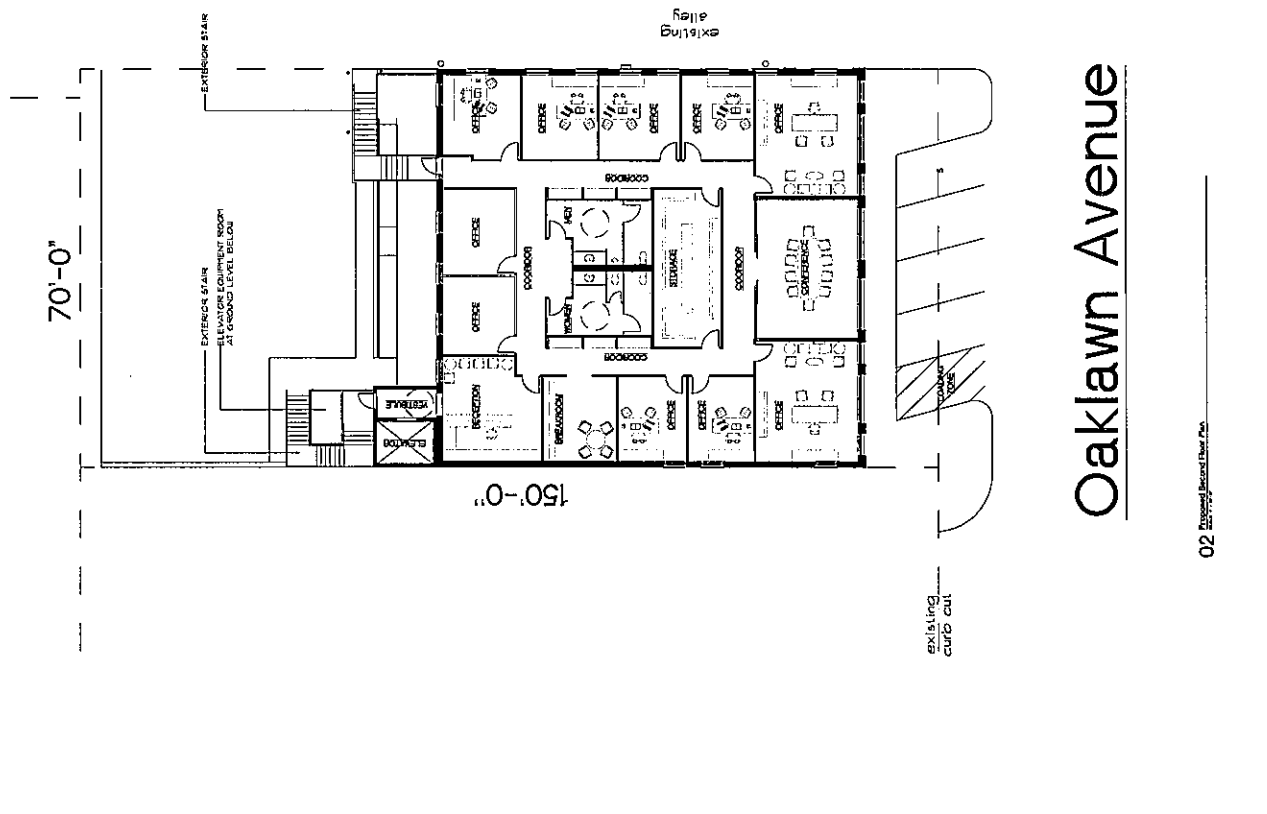
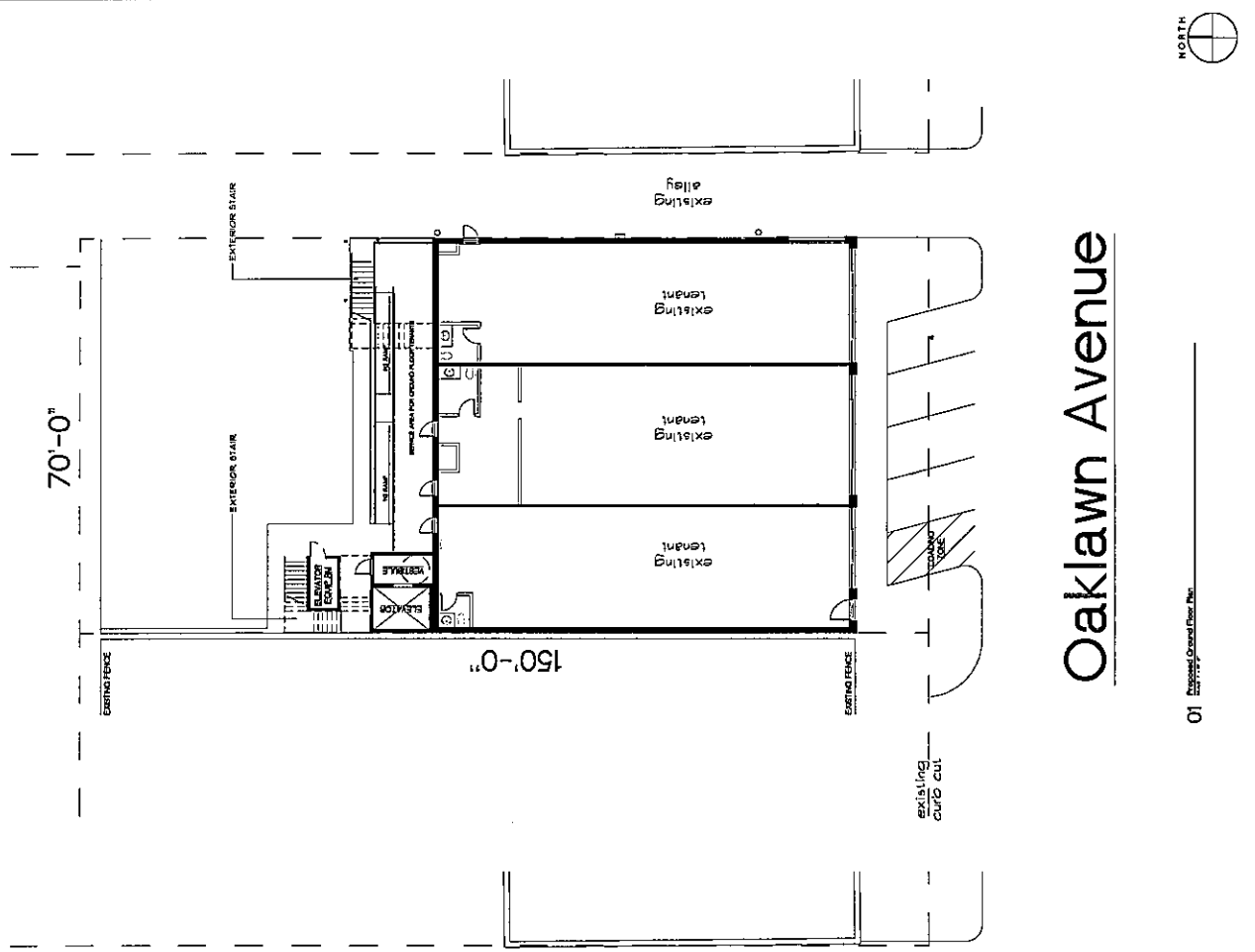
8
1042



ARCHITECTURE
PLANNING
CONSTRUCTION
INTERIORS

MICHAEL F. TWICHELL, LP
361 OAKLAWN AVENUE, SUITE 200
DALLAS, TEXAS 75219
OFFICE: 214-527-2066
FAX: 214-528-1588

Site Plan	
SCALE: 1" = 10'-0"	
NO.	DATE
01	08/20/10
PROJECT: 085D	
SHEET: SP1-1	



The Oak Lawn Committee

(Since 1982)

www.oaklawncommittee.org

Members:

American National Bank
Associated Estates
Crescent Real Estate
DUANE BATES
LELAND BURK
MICAH BYRNES
ROB ELMORE
SUZANN FARRIN
ROBERT GOLDBERG
ANTHONY HAAS
BRION HANLON
STEVEN HARRIS
JUDY HAVELKA
PITTMAN HAYMORE
PHILIP HENDERSON
JOAN HENRY
KEVIN HICKMAN
BRUCE HORTON
MEL KLEIN
SUE KRIDER
BRENDA MARKS
MICHAEL MILLIKEN
JOHN OLSON
PAUL ONDREJ
ANTHONY PAGE
ZAC PORTER
Premier Communities
Management Company
Renaissance on Turtle Creek
Homeowners Assn.
HILDA RODRIGUEZ
JOHN SELIG
MARK SHEKTER
KATY SLADE
FRANK STICH
Turtle Creek Association
Villas at the Mansion
Warwick Melrose Hotel
NANCY WEINBERGER
ANDREW WHITTEMORE
DENISE YATES

September 10, 2013

Mr. Peter Kavanagh
Zone Systems, Inc.
1620 Handley Drive, Suite A
Dallas, TX 75208
Office: 214-941-4440
Fax: 214-941-5259
peterk@zonesystems.com

RE: BDA 123-105 – 3509 Oak Lawn Avenue

Dear Mr. Kavanagh:

At our September meeting, the Committee voted to support the applicant's request for variances to allow keeping the existing sidewalk and landscaping.

Thank you for your excellent presentation.

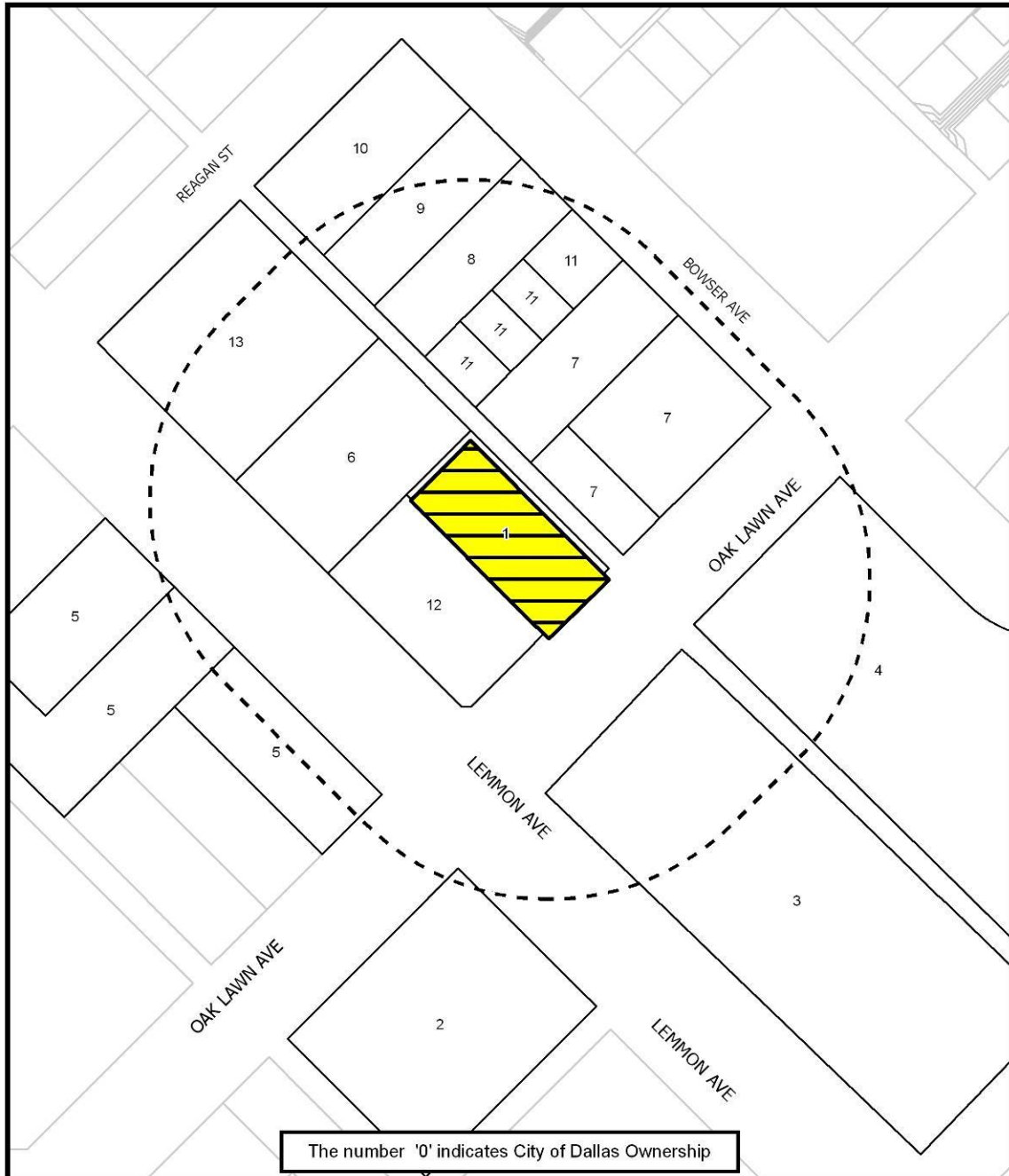
Sincerely,



Rob Elmore
President

cc: Honorable Philip Kingston
Mr. Steve Long
Mr. Frank Stich

P.O. Box 190912, Dallas, Texas 75219



 1:1,200	NOTIFICATION		Case no: BDA123-105
	<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;">13</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 9/30/2013	

Notification List of Property Owners

BDA123-105

13 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3509 OAK LAWN AVE	OAK LAWN RETAIL ASSO LTD STE 2100
2	3416 OAK LAWN AVE	SOUTHWEST BK TRUSTEE JENNIE TALIAFERRO T
3	3500 OAK LAWN AVE	CADDO OAK LAWN LP
4	3703 BOWSER AVE	PAPPAS RESTAURANTS INC
5	3817 LEMMON AVE	RP LEMMON PPTIES LP
6	3812 LEMMON AVE	GSSW AVON LLC
7	3519 OAK LAWN AVE	3519 OAKLAWN PARTNERS LTD
8	3821 BOWSER AVE	USOV SERGEY
9	3825 BOWSER AVE	BURLACU VALENTIN & FRATILA ANAMARIA
10	3827 BOWSER AVE	PHOL INVESTMENT INC
11	3817 BOWSER AVE	STERLING BOWSER DEV I LP
12	3804 LEMMON AVE	GSSW LEMMON OAKLAWN LLC % THOMAS W SABIN
13	3826 LEMMON AVE	KLINE TRUST INV LTD ATTN: TRUST REAL EST

FILE NUMBER: BDA 123-085

BUILDING OFFICIAL'S REPORT: Application of Fran Lobpries for special exceptions to the fence height, visual obstruction, and off-street parking regulations at 4402 Leland Avenue (AKA: 4410 Leland Avenue). This property is more fully described as Lot 10A, Block A/1759 and is zoned PD-595 (R-5(A)), which limits the height of a fence in the front yard to 4 feet, requires a 20 foot visibility triangle at driveway approaches, and requires off-street parking to be provided. The applicant proposes to construct/maintain a 7 foot high fence, which will require a 3 foot special exception to the fence height regulations, and to locate/maintain items in required visibility triangles, which will require a special exception to the visual obstruction regulations, and to construct/maintain a structure for child-care facility and community service center uses and provide 33 of the required 43 off-street parking spaces, which will require a 10 space special exception to the off-street parking regulations.

LOCATION: 4402 Leland Avenue (AKA: 4410 Leland Avenue)

APPLICANT: Fran Lobpries

REQUESTS:

The following appeals have been made on a site that is currently developed with a community center use (Dallas Bethlehem Center):

1. Special exception to the fence height regulations of 3' is requested in conjunction with maintaining what is described in the applicant's submitted revised elevation as a 6' 4" high open metal vehicular gate and two 6' 6 1/2" high open metal picket "door gates" in the site's 20' Leland Drive front yard setback.
2. Special exceptions to the visual obstruction regulations are requested in conjunction with maintaining portions of a 6' high open metal picket fence in the 20' visibility triangles on either side of the driveways into the site from Leland Avenue and Marburg Street.
3. A special exception to the off-street parking regulations of 10 parking spaces (or a 23 percent reduction of the 43 off-street parking spaces that are required) is made in conjunction with leasing and maintaining a community center use on the property.

(Note that the applicant has stated that no special exception to the fence height regulations is needed to address the existing 6' high fence in the front yard setbacks on the property given that this fence is in compliance with a previously applied for and granted fence height special exception in 1999 (BDA 990-158)).

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.

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

- 1) The Board of Adjustment may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets. The maximum reduction authorized by this section is 25 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(A).
- 2) In determining whether to grant a special exception, the board shall consider the following factors:
 - (A) The extent to which the parking spaces provided will be remote, shared, or packed parking.
 - (B) The parking demand and trip generation characteristics of all uses for which the special exception is requested.
 - (C) Whether or not the subject property or any property in the general area is part of a modified delta overlay district.
 - (D) The current and probable future capacities of adjacent and nearby streets based on the city's thoroughfare plan.
 - (E) The availability of public transit and the likelihood of its use.
 - (F) The feasibility of parking mitigation measures and the likelihood of their effectiveness.
- 3) In granting a special exception, the board shall specify the uses to which the special exception applies. A special exception granted by the board for a particular use automatically and immediately terminates if and when that use is changed or discontinued.
- 4) In granting a special exception, the board may:
 - (A) Establish a termination date for the special exception or; otherwise provide for the reassessment of conditions after a specified period of time;
 - (B) Impose restrictions on access to or from the subject property; or
 - (C) Impose any other reasonable conditions that would have the effect of improving traffic safety or lessening congestion on the streets.
- 5) The board shall not grant a special exception to reduce the number of off-street parking spaces required in an ordinance granting or amending a specific use permit.
- 6) The board shall not grant a special exception to reduce the number of off-street parking spaces expressly required in the text or development plan of an ordinance establishing or amending regulations governing a specific planned development district. This prohibition does not apply when:

- (A) the ordinance does not expressly specify a minimum number of spaces, but instead simply makes references to the existing off-street parking regulations in Chapter 51 or this chapter; or
- (B) the regulations governing that specific district expressly authorize the board to grant the special exception.

STAFF RECOMMENDATION (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, subject to the following condition:

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

Rationale:

- The Sustainable Development and Construction Department Engineering Division Assistant Director has indicated that he has no objections to these requests on the condition that no vegetation is to be permitted in any of the required visibility triangles. (The applicant's submitted revised site plan and revised elevation specify nothing in the visibility triangles other than an open metal picket fence).
- The applicant has substantiated how the location of portions of the existing 6' high open metal picket fence located in the 20' visibility triangles on either side of the driveways into the site from Leland Avenue and Marburg Street do not constitute a traffic hazard.

STAFF RECOMMENDATION (off-street parking special exception):

Approval, subject to the following condition:

- The special exception of 10 spaces shall automatically and immediately terminate if and when the community center use is changed or discontinued.

Rationale:

- The applicant has substantiated how the parking demand generated by the community center use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.
- The Sustainable Development and Construction Department Engineering Division Assistant Director has indicated that he has no objections to this parking reduction request.

BACKGROUND INFORMATION:

Zoning:

- Site: PD 595 (R-5(A)(SUP 37) (Planned Development, Single family 5,000 square feet)
- North: PD 595 (R-5(A)(SUP 37) (Planned Development, Single family 5,000 square feet)
- South: PD 595 (R-5(A)(SUP 37) (Planned Development, Single family 5,000 square feet)
- East: PD 595 (R-5(A)(SUP 37) (Planned Development, Single family 5,000 square feet)
- West: PD 595 (R-5(A)(SUP 37) (Planned Development, Single family 5,000 square feet)

Land Use:

The subject site is developed with a community service center use (Dallas Bethlehem Center). The areas to the north, east, south, and west are developed with single family uses and vacant properties.

Zoning/BDA History:

- 1. Miscellaneous Item #2, BDA 123-085, Property at 4402 Leland Avenue (the subject site) On October 22, 2013, the Board of Adjustment Panel A will consider reimbursing the filing fee made in conjunction with this application.

- 2. BDA 990-158, Property at 4410 Leland Avenue (the subject site) On December 14, 1999, the Board of Adjustment Panel A granted a request for a special exception to the fence height regulations of 2 feet, and imposed the following conditions: That the fence on the site is of open metal/iron material; and 2) That visibility triangles remain open on the site.
 The case report stated that the request was made in conjunction with constructing and maintaining a 6’ high open metal/iron picket fence in the front yard setback along Leland Road and Marburg Street on property developed with a community service center use (Dallas Bethlehem Center).

Timeline:

- June 26, 2013: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

- August 20, 2013: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A. This assignment was made in order to comply

with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, “If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case.”

August 21, 2013: The Board Administrator contacted the applicant and shared the following information via email:

- an attachment that provided the public hearing date and panel that will consider the application; the August 28th deadline to submit additional evidence for staff to factor into their analysis; and the September 6th 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 requests; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

August 29, 2013: The applicant submitted documentation on this application to the Board Administrator beyond what was submitted with the original application, and the Building Inspection Senior Plans Examiner/Development Code Specialist forwarded a related amended Building Official’s Report (see Attachment A).

September 3, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for September public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Interim Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

September 9, 2013: The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet regarding the applicant’s request for special exceptions to the visual obstruction and off-street parking regulations marked “Has no objections if certain conditions are met” commenting “remove vegetation to improved visibility through the fence.”

September 17, 2013: The Board of Adjustment Panel C conducted a public hearing on this application. The Board Administrator circulated a September 12th email from the applicant requesting that the board delay the hearing until October in order for a fee reimbursement request to be considered on the same day as the applicant’s requests for special exceptions to the fence height, visual obstruction, and off-street

parking regulations. The Board held the request under advisement until October 22, 2013.

September 18, 2013: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date that the panel that will consider the application; October 2nd deadline to submit additional evidence for staff to factor into their analysis; and the October 11th deadline to submit additional evidence to be incorporated into the Board's docket materials; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

October 8, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for October public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Engineering Division Assistant Director, the Sustainable Development and Construction Department Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

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

October 9, 2013: The applicant submitted a letter (and related information) requesting reimbursement of the filing fee submitted in conjunction with this application.

GENERAL FACTS/STAFF ANALYSIS (fence height special exception):

- This request focuses on constructing and maintaining what is described in the applicant's submitted elevation as a 6' 4" high open metal vehicular gate and two 6' 6 ½" high open metal picket "door gates" in the site's 20' Leland Drive front yard setback. (Note that the applicant has stated that no special exception to the fence height regulations is needed to address the existing 6' high fence in the front yard setbacks on the property given that this fence is in compliance with a previously applied for and granted fence height special exception in 1999 (BDA 990-158)).
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The applicant has submitted a revised site plan and revised elevation of the proposal in the front yard setback that reaches a maximum height of 6' 6 ½".
- The total length of the 3 gates that require the fence height special exception is approximately 26'.
- As of September 9, 2013, no letters have been submitted in support of or in opposition to the request.

- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 3' will not adversely affect neighboring property.
- Granting this special exception of 3' with a condition imposed that the applicant complies with the submitted revised site plan and revised elevation would require the proposal exceeding 4' in height in the front yard setback to be maintained in the location and of the heights and materials as shown on these documents.

GENERAL FACTS/STAFF ANALYSIS (visual obstruction special exceptions):

- These requests focus on maintaining portions of a 6' high open metal picket fence in the 20' visibility triangles on either side of the driveways into the site from Leland Avenue and Marburg Street.
- The Dallas Development Code states the following: A person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
 - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections, and 20 foot visibility triangles at drive approaches and at alleys on properties zoned single family); and
 - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).
- A revised site plan and revised elevation has been submitted indicating portions of a 6' high open metal picket fence located in the 20-foot visibility triangles on either side of the driveway into the site from Leland Avenue and on either side of two driveways into the site from Marburg Street.
- The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Has no objections if certain conditions are met" commenting "remove vegetation to improve visibility through the fence."
- The applicant has the burden of proof in establishing how granting the requests for special exceptions to the visual obstruction regulations to maintain portions of a 6' high open metal picket fence in the visibility triangles at three drive approaches into the site from Leland Avenue and Marburg Street does not constitute a traffic hazard.
- Granting these requests with a condition imposed that the applicant complies with the submitted revised site plan and revised elevation would require the item (a 6' high open metal fence) in the 20 foot visibility triangles on either side of the driveways into the site from Leland Avenue and Marburg Street to be limited to the locations, height and materials of this item as shown on these documents.

GENERAL FACTS/STAFF ANALYSIS (off-street parking special exception):

- This request focuses leasing and maintaining the existing structures on the site with a total square footage of about 15,200 square feet of child care and community center uses. The proposed child care facility use is to be about 6,500 square feet and the proposed community center use is to be about 8,600 square feet. The applicant proposes to provide 33 (or 77 percent) of the required 43 off-street parking

spaces in conjunction with leasing and maintaining the 8,680 square foot community center use on the property.

- The Dallas Development Code requires the following off-street parking requirement:
 - community service center: 1 space per 200 square feet of floor area. (The 8,680 square foot community service center requires 43 off-street parking spaces hence the special exception request of 10 spaces).
 - child care facility: if an SUP is required for this use, the off-street requirement may be established in the ordinance granting the SUP, otherwise one space per 500 square feet of floor area. (The 6,584 square foot child care facility requires 13 spaces that are requested to be established in an ordinance on a pending request for an SUP to be filed on this property depending on the outcome of this board of adjustment request for a special exception to off-street parking regulations).
 - The applicant is not requesting a special exception for the off-street parking requirement for the child care facility.
- The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet and indicated that he has no objections to the off-street parking reduction request.
- The applicant has the burden of proof in establishing the following:
 - The parking demand generated by the community center uses on the site does not warrant the number of off-street parking spaces required, and
 - The special exception of 10 spaces (or a 23 percent reduction of the required off-street parking) would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.
- If the Board were to grant this request, and impose the condition that the special exception of 10 spaces shall automatically and immediately terminate if and when the community service center use is changed or discontinued, the applicant would be allowed to lease/maintain the site with this specific use at the specified square footage and provide only 33 of the 43 code required off-street parking spaces along with the off-street requirement for the child care facility use being established by City Council in a future ordinance granting a pending SUP request for this use.

BOARD OF ADJUSTMENT ACTION: SEPTEMBER 17, 2013

APPEARING IN FAVOR: No One

APPEARING IN OPPOSITION: No One

MOTION: **Nolen**

I move that the Board of Adjustment, in Appeal No. **BDA 123-085**, on application of Fran Lobpries, hold this matter under advisement until **October 22, 2013**.

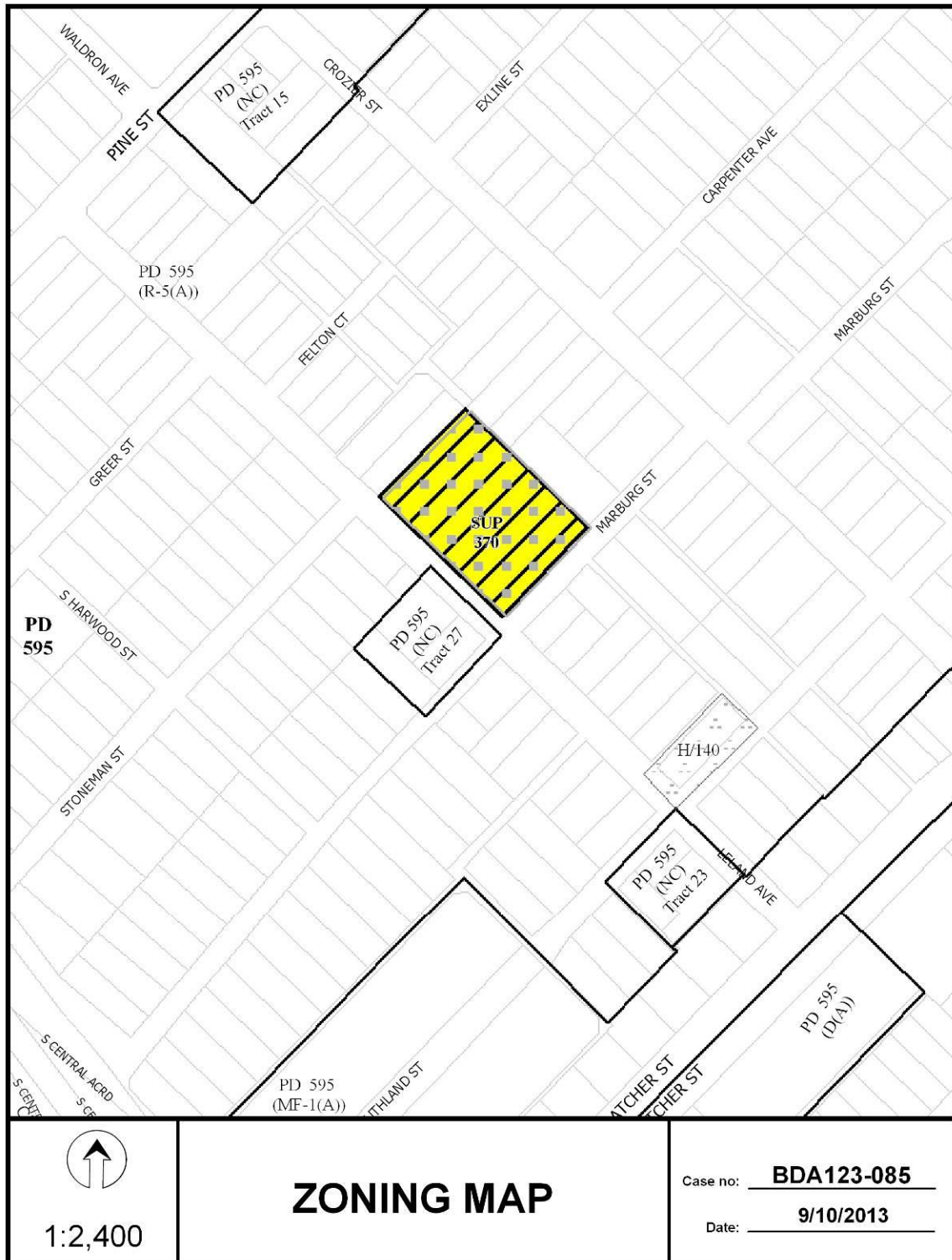
SECONDED: **Hounsel**

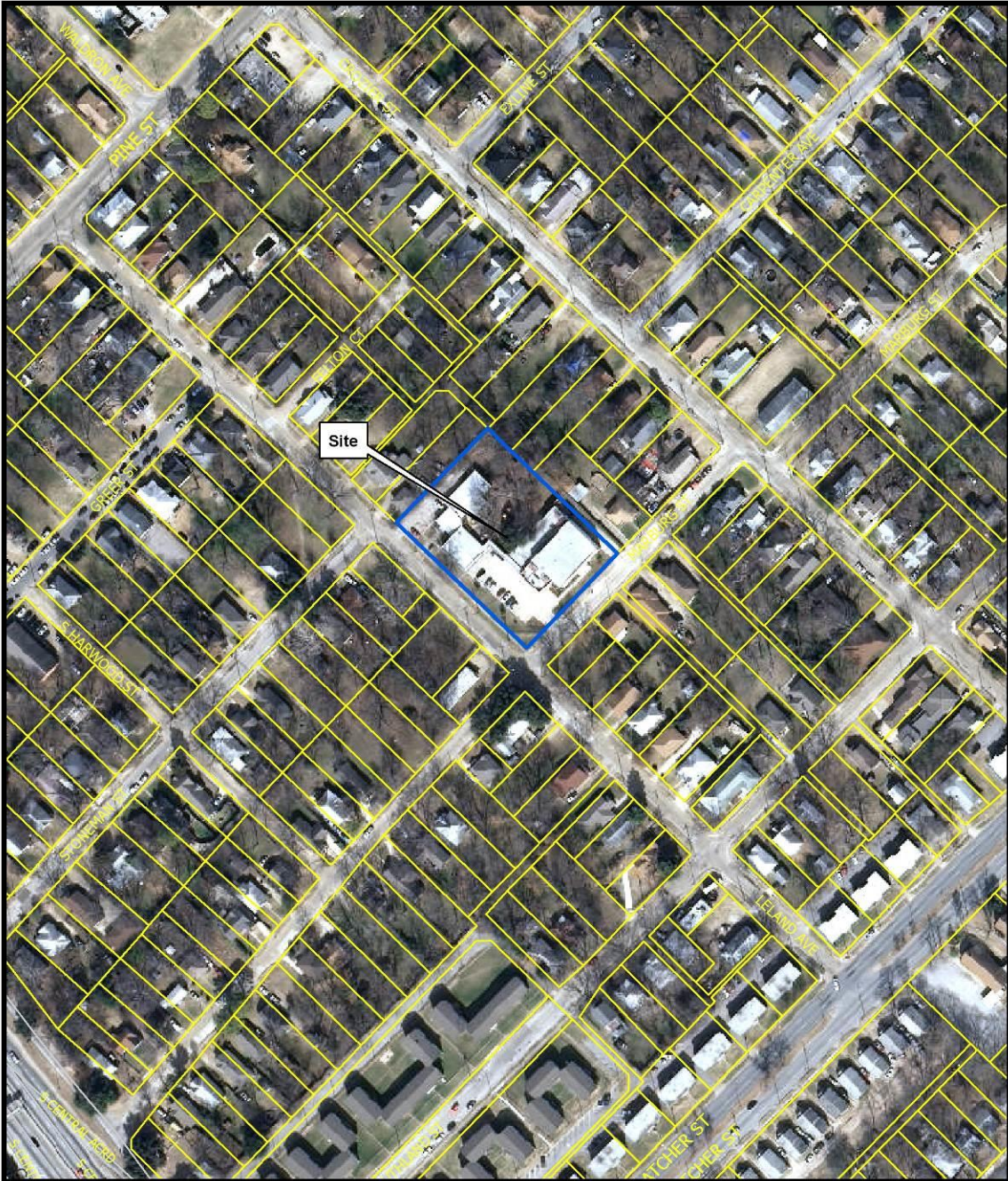
AYES:4 – Moore, Schweitzer, Counsel, Nolen

NAYS: 0 -

MOTION PASSED: 4– 0(unanimously)

|





1:2,400

AERIAL MAP

Case no: BDA123-085

Date: 9/10/2013



City of Dallas

BDA 123-045

Attach A

Page 1

A

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-085

Data Relative to Subject Property:

Date: 6-26-13

Location address: 4402 Leland Ave (AKA: 4410) Zoning District: PD595(R-5(A))

Lot No.: 10A Block No.: A/1759 Acreage: 1,278 Census Tract: 38.00

Street Frontage (in Feet): 1) 277.51' 2) 201.2' 3) _____ 4) _____ 5) _____

5826

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Dallas Bethlehem Center, Inc.

Applicant: ~~Dallas Bethlehem Center, Inc.~~ Telephone: ~~214-428-5171~~

Mailing Address: ~~4410 Leland Ave~~ Zip Code: ~~75215~~

E-mail Address: ~~admin@dallasbethlehemcenter.org~~

Represented by: Fran Lobpries, CFRE Telephone: 214-428-5171

Mailing Address: 2955 S. Bend Drive, Dallas, TX Zip Code: 75229

E-mail Address: lobpries1@sbcglobal.net

Affirm that an appeal has been made for a Variance, or Special Exception , of 3 ft to fence height in a front yard, and visibility triangle obstruction at driveway approaches. A special exception of 10 parking spaces from the required 43 spaces for a community service center use.

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 5'11" wrought iron fence with 4.5" picket spacing provides ample line of sight for drivers and pedestrians as well as beautification to the neighborhood. Most importantly, the height and placement prohibit unauthorized access to the children attending education and recreation programs within.

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.

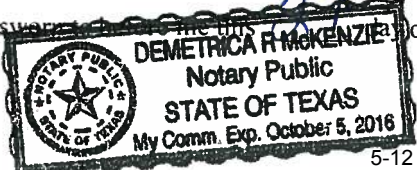
Affidavit

Before me the undersigned on this day personally appeared Fran Lobpries (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 June 2013 by Demetrica R McKenzie, Notary Public in and for Dallas County, Texas



(Rev. 08-01-11)

BDA 123-045

Attach A

Pg 3

Long, Steve

From: Fran Lobbries [fran.lobpries@dallasbethlehemcenter.org]
Sent: Thursday, August 29, 2013 2:38 PM
To: Long, Steve
Subject: Dallas Bethlehem Center jpg

Attachments: SITE PLAN 8-29-13.jpg; FENCE ELEVATIONS 8-24-13.jpg

Dallas Bethlehem Center REQUEST the Board of Adjustment consider a Special Exemption of fence height, visibility triangles at the driveways and a reduction in parking spaces as required by code.

Dallas Bethlehem Center requests to:

1. Maintain the steel 4.5" spaced picket fence height of 6.5' and on the drive and walk through gates. Earlier action by the Board of Adjustment approved the building of the 6' fence along the street frontage.
2. Maintain only steel 4.5" spaced picket fences in the visibility triangles. Any foliage denoted in field inspections belongs to neighbors or will be removed.
3. Reduction of 10 parking spaces not needed to serve the Child Care Facility and Community Center located in the urban setting at 4410 Leland Ave. in South Dallas as demonstrated by these same services rendered since their approval in 2006 and subsequent same services to the South Dallas low-vehicle access neighborhood.
4. Please note that these issues arose from the renewal of DBC's SUP when restarting programming following a suspension of services in December 2011. Since February of 2012, the Dallas Police Athletic League and other community programs have been utilizing this facility with no adverse situations arising from parking, visibility or fence/gate height. Dallas Bethlehem was established in 1947 and relocated to Leland in 1955.

We appreciate your consideration of our requests and desire to comply with Dallas ordinances to the best of our ability.

Best Regards,
Fran

Fran Lobbries, CFRE
 Executive Director
 Dallas Bethlehem Center
 4410 Leland Avenue
 Dallas, TX 75215
Fran.Lobbries@DallasBethlehemCenter.org
www.DallasBethlehemCenter.org
 214.728.5171

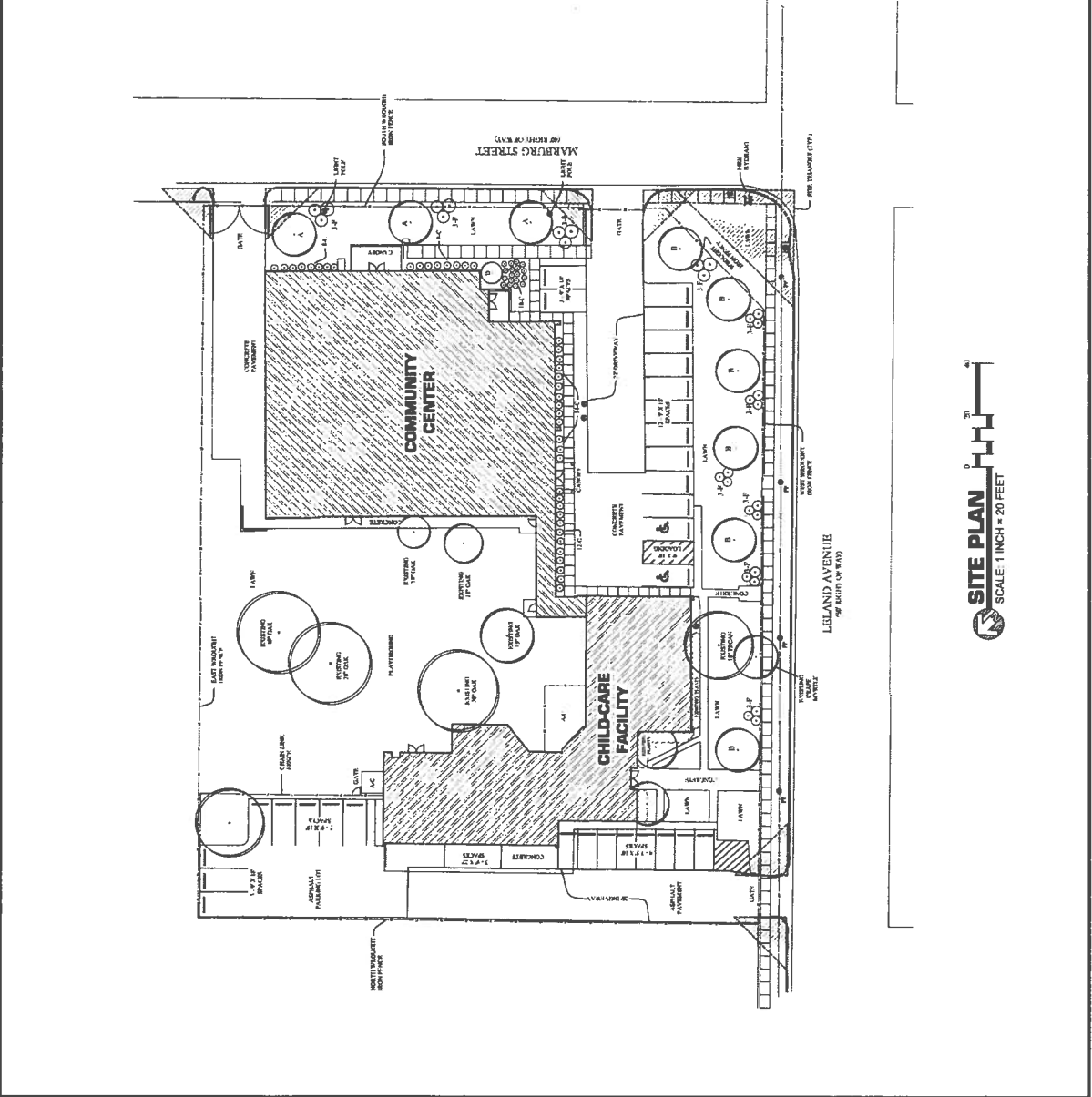
DATE: AUGUST 29, 2011	SHEET 1 OF 2	DALLAS BETHLEHEM CENTER 4410 LELAND AVENUE, DALLAS, TEXAS 75215	SITE PLAN

PLANT LIST

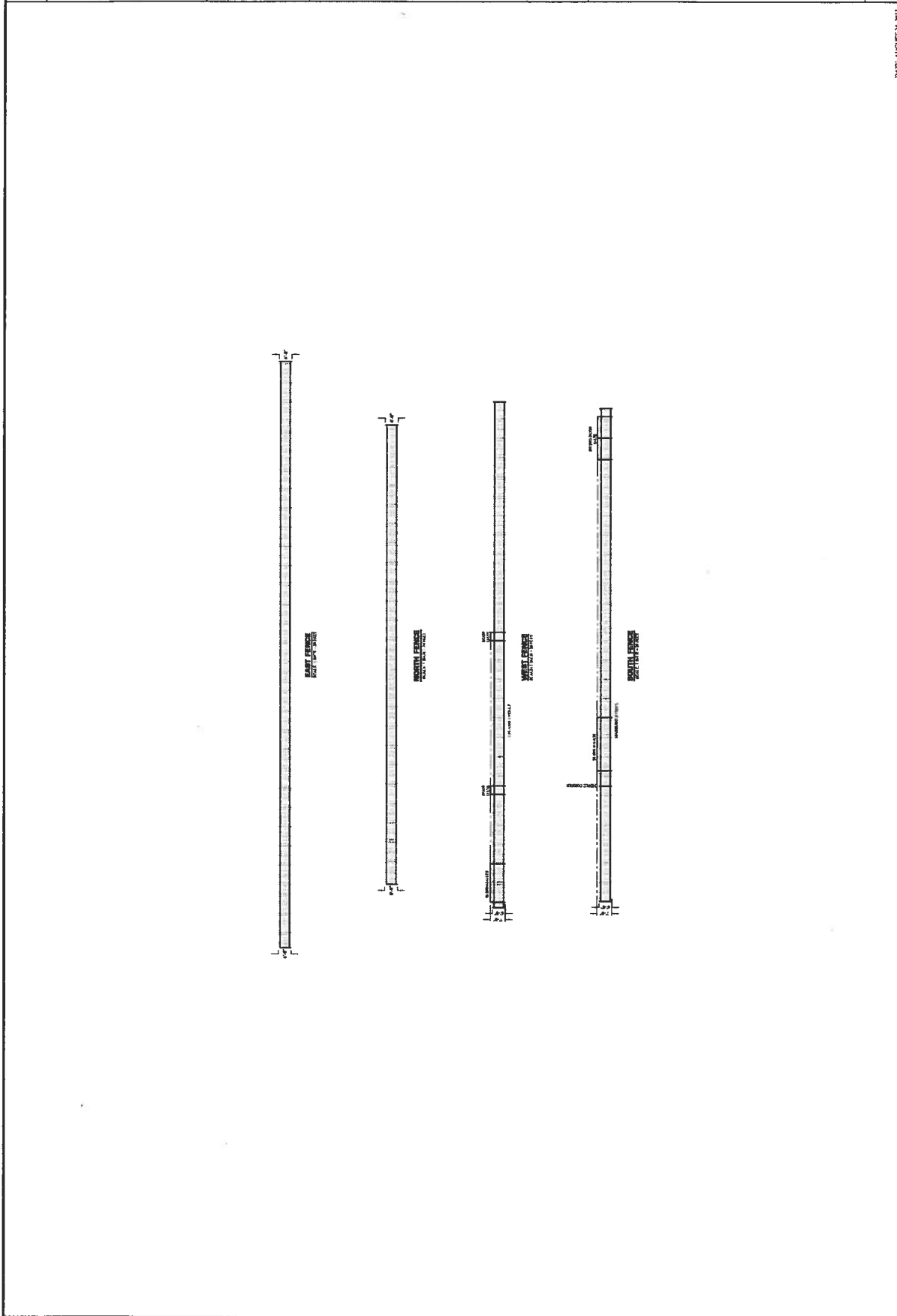
NO.	SYMBOL	COMMON NAME	PLANT CLASS	QTY	COMMENTS
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2	2" DBL	2" DBL	2" DBL	10	2" DBL
3	3" DBL	3" DBL	3" DBL	10	3" DBL
4	4" DBL	4" DBL	4" DBL	10	4" DBL
5	5" DBL	5" DBL	5" DBL	10	5" DBL
6	6" DBL	6" DBL	6" DBL	10	6" DBL
7	7" DBL	7" DBL	7" DBL	10	7" DBL
8	8" DBL	8" DBL	8" DBL	10	8" DBL
9	9" DBL	9" DBL	9" DBL	10	9" DBL
10	10" DBL	10" DBL	10" DBL	10	10" DBL

TABULATIONS

NO.	DESCRIPTION	QTY	UNIT	COMMENTS
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2	2" DBL	100	EA	2" DBL
3	3" DBL	100	EA	3" DBL
4	4" DBL	100	EA	4" DBL
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6	6" DBL	100	EA	6" DBL
7	7" DBL	100	EA	7" DBL
8	8" DBL	100	EA	8" DBL
9	9" DBL	100	EA	9" DBL
10	10" DBL	100	EA	10" DBL



117 W. AKCHIN, JACKSON, TEXAS 76458 PHONE: (940) 567-2134 FAX: (940) 567-2155 2222 W. WILSON ST. JACKSON, TEXAS 76458 GREAT FENCES & RAILROADS, INC.		FILE NO. 23 JOB NAME: FENCE ELEVATIONS DRAWN BY: JT DATE: JT CHECKED BY: JT	DALLAS BETHLEHEM CENTER 4410 LELAND AVENUE, DALLAS, TEXAS 75215 FENCE ELEVATIONS	SHEET 2 OF 2
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City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123085

Data Relative to Subject Property:

Date: 6-26-13

Location address: 4402 Leland Ave (AKA: 4410) Zoning District: PD595(R-5(A))

Lot No.: 10A Block No.: A/1759 Acreage: 1.278 Census Tract: 38.00

Street Frontage (in Feet): 1) 277.51' 2) 201.2' 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

SE26

Owner of Property (per Warranty Deed): Dallas Bethlehem Center, Inc.

Applicant: Dallas Bethlehem Center, Inc. Telephone: 214-428-5171

Mailing Address: 4410 Leland Ave Zip Code: 75215

E-mail Address: admin@dallasbethlehemcenter.org

Represented by: Fran Lobbries, CFRE Telephone: 214-428-5171

Mailing Address: 2955 S. Bend Drive, Dallas, TX Zip Code: 75229

E-mail Address: lobpries1@sbcglobal.net

Affirm that an appeal has been made for a Variance __, or Special Exception , of 3 ft to fence height in a front yard, and visibility triangle obstruction at driveway approaches.

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 5'11" wrought iron fence with 4.5" picket spacing provides ample line of sight for drivers and pedestrians as well as beautification to the neighborhood. Most importantly, the height and placement prohibit unauthorized access to the children attending education and recreation programs within.

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.

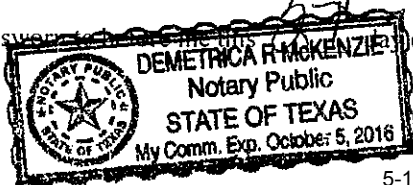
Affidavit

Before me the undersigned on this day personally appeared Fran Lobbries
(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 on this June day of 2013
[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 Fran Lobpries

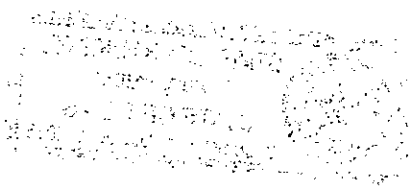
did submit a request for a special exception to the fence height regulations, and for a special exception to the visibility obstruction regulations

at 4402 Leland Avenue

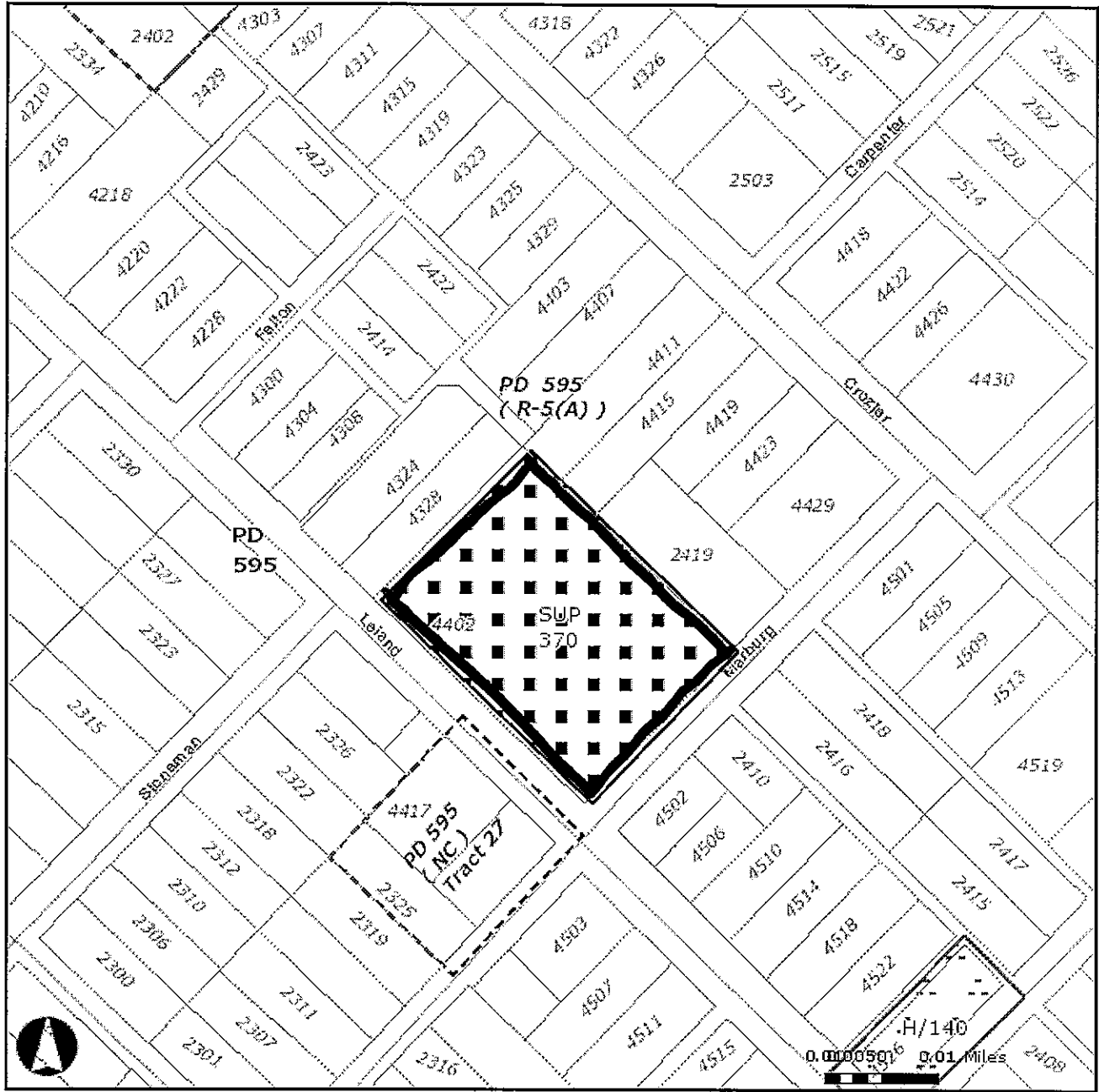
BDA123-085. Application of Fran Lobpries for a special exception to the fence height regulations and a special exception to the visibility obstruction regulations at 4402 Leland Avenue (AKA: 4410). This property is more fully described as Lot 10A, Block A/1759 and is zoned PD-595 (R-5(A)), which limits the height of a fence in the front yard to 4 feet and requires a 20 foot visibility triangle at driveway approaches. The applicant proposes to construct a 7 foot high fence in a required front yard, which will require a 3 foot special exception to the fence regulation, and to construct and maintain a fence in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation.

Sincerely,


Larry Holmes, Building Official



City of Dallas Zoning

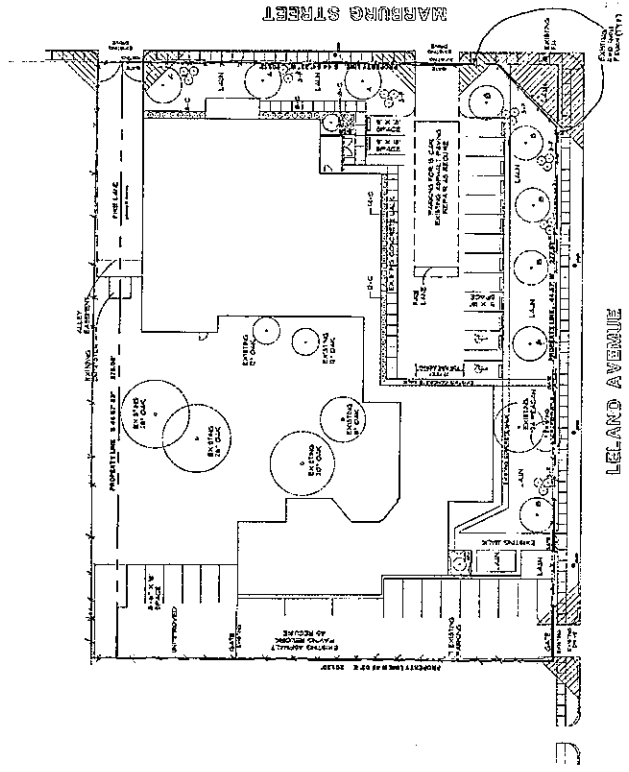


Handwritten initials: ZDA

- | | | |
|------------------------|-----------------------|--------------------------------|
| City Boundaries | Dry Overlay | Base Zoning |
| City Boundaries | Dry Overlay | Base Zoning |
| County | D | Floodplain |
| Certified Parcels | D-1 | 100 Flood Zone |
| DISD Sites | Historic Overlay | Mill's Creek |
| Council Districts | Historic Subdistricts | Peak's Branch |
| Waterways | NSO Overlay | X PROTECTED BY LEVEE |
| Parks | NSO Subdistricts | Pedestrian Overlay |
| | MD Overlay | CP |
| | | SP |
| | | Environmental Corridors |

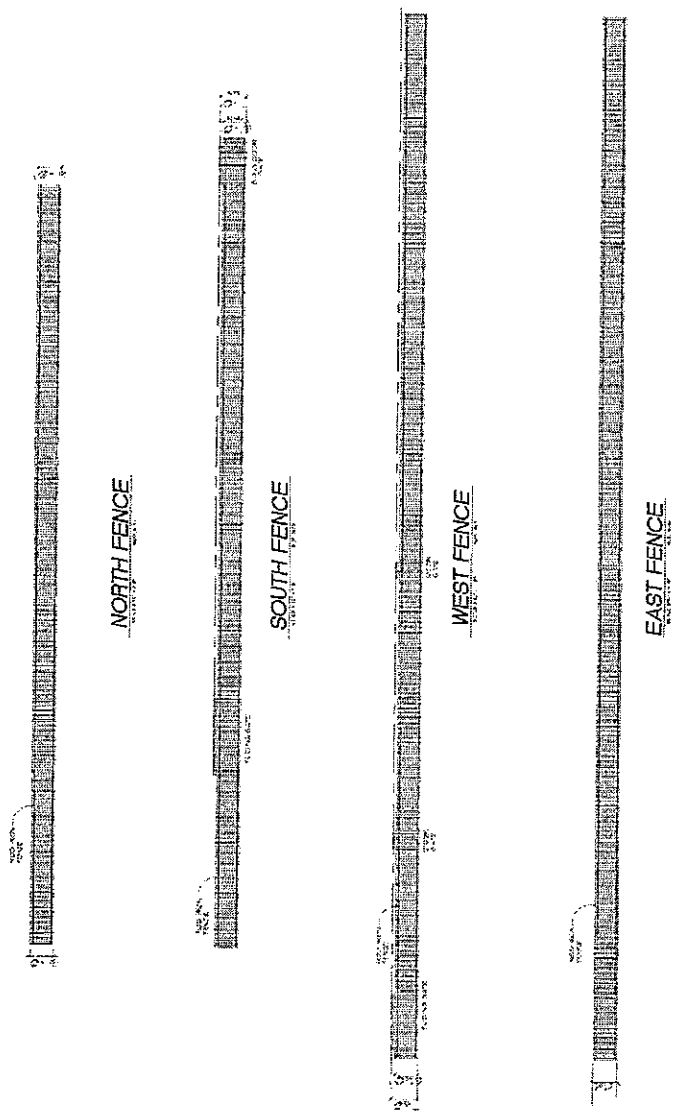
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1	B	SPYRUS DEX.	SPYRUS DEX.	3'-6" H.	GR. 7, EB.
1	C	SPYRUS DEX.	SPYRUS DEX.	3'-6" H.	GR. 7, EB.
1	D	SPYRUS DEX.	SPYRUS DEX.	3'-6" H.	GR. 7, EB.
1	E	SPYRUS DEX.	SPYRUS DEX.	3'-6" H.	GR. 7, EB.
1	F	SPYRUS DEX.	SPYRUS DEX.	3'-6" H.	GR. 7, EB.

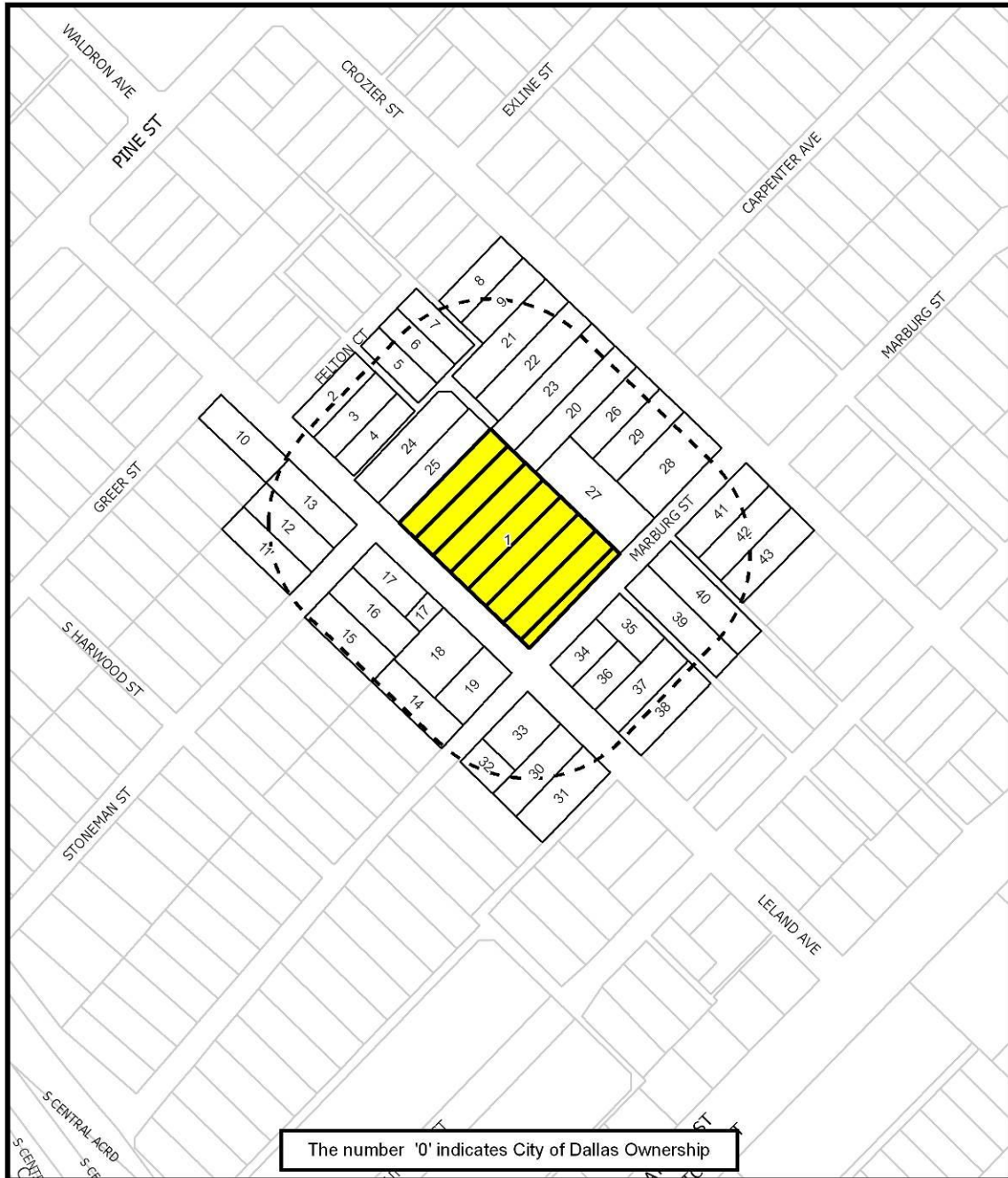
PROPOSED TREE LIST					
QUANTITY	SYMBOL	COMMON NAME	SCI. NAME	SIZE	COND.
1	G	LIVE OAK	QUERCUS SP.	3'-6" H.	GR. 7, EB.



← Z →
 SITE PLAN
 SHEET 1 OF 2

DATE	
REVISION	
JOB NO.	
DATE	





 1:2,400	NOTIFICATION		Case no: BDA123-085
	<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;">43</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 9/10/2013	

Notification List of Property Owners

BDA123-085

43 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4402 LELAND AVE	DALLAS BETHLEHEM CENTER INC
2	4300 LELAND AVE	THOMAS GERTRUDE EST OF % LOLA WILLIAMS
3	4304 LELAND AVE	THOMAS GERTRUDE
4	4308 LELAND AVE	ADVANCED INVESTMENTS INC
5	2414 FELTON CT	LINWOOD MONTIEQUE
6	2418 FELTON CT	CONGROVE-FRITZ BONNIE
7	2422 FELTON CT	HOLLEY BETTY EST OF
8	4325 CROZIER ST	JACKSON RUBY LEE
9	4329 CROZIER ST	WASHINGTON EVA
10	2330 GREER ST	BAILEY MOLLY F
11	2323 STONEMAN ST	LACY ANNIE BELLE
12	2327 STONEMAN ST	SMITH REGINALD D DBA HAMMER SMITH CONST
13	2329 STONEMAN ST	JAMERSON O V
14	2325 MARBURG ST	PATTERSON PRINE ELLA
15	2322 STONEMAN ST	HELTON TINA
16	2326 STONEMAN ST	THOMPSON LARUTH
17	4411 LELAND AVE	DALLAS BETHLEHEM CENTER INC
18	4417 LELAND AVE	PIPKINS RODERICK A &
19	4423 LELAND AVE	STEVE GRAHAM & COMPANY
20	4415 CROZIER ST	BEDFORD MAY DELL
21	4403 CROZIER ST	MCCULLOUGH ZETTIE MAE
22	4407 CROZIER ST	MCCULLOUGH ZETTIE MAE
23	4411 CROZIER ST	COOPER LATROY
24	4324 LELAND AVE	SEQUEIRA AIDA ARENA
25	4328 LELAND AVE	ADVANCED INVESTMENT INC
26	4419 CROZIER ST	HENRY L M & VERESSA

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	2419 MARBURG ST	JACKSON JOYCE M
28	4429 CROZIER ST	STERLING MABLE LIFE EST REM:HAROLD & JAC
29	4423 CROZIER ST	TAYLOR JACK L
30	4507 LELAND AVE	TRED HOLDINGS LP % JEFF BURRELL
31	4511 LELAND AVE	HUNT ROBERT R & MATTIE M HUNT
32	2322 MARBURG ST	WARREN LOUISE
33	4503 LELAND AVE	SNEED REBECCA COLEMAN
34	4502 LELAND AVE	ASTON CUSTOM HOME DESIGN
35	2410 MARBURG ST	LYONS VICKIE
36	4506 LELAND AVE	DALLAS HOUSING ACQUISITION & DEV CORP CI
37	4510 LELAND AVE	DONALDSON VERTA M
38	4514 LELAND AVE	GODBOLT BOBBY G S
39	2416 MARBURG ST	HUBBARD JOHN W & WANDA
40	2418 MARBURG ST	BIRCH DORIS A
41	4501 CROZIER ST	ROGERS GEORGE & ANN
42	4505 CROZIER ST	TONEY SAMMIE J
43	4509 CROZIER ST	TONEY JAMES C

FILE NUMBER: BDA 123-086

BUILDING OFFICIAL'S REPORT: Application of Robert V. Hunt for variances to the front yard setback, lot coverage, and off-street parking regulations at 5410 Melrose Avenue. This property is more fully described as Lot 7 and part of Lot 8, Block C/1978 and is zoned R-7.5(A), which requires a 25 foot front yard setback, limits the maximum lot coverage to 45 percent, and requires a parking space to be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the street or alley. The applicant proposes to construct/maintain a structure and provide a 6 foot front yard setback, which will require a 19 foot variance to the front yard setback regulations, and to construct/maintain a structure with a lot coverage of 52 percent, which will require a 465 square foot variance to the lot coverage regulations, and to locate/maintain enclosed parking spaces 8 feet from a right-of-way line, which will require a variance of 12 feet to the off-street parking regulations.

LOCATION: 5410 Melrose Avenue

APPLICANT: Robert V. Hunt

REQUESTS:

The following appeals have been made in conjunction with constructing and maintaining a two-story single family home structure on a site that is currently developed with a one-story nonconforming duplex structure that the applicant intends to demolish:

1. Variances to the front yard setback regulations of 19' is requested as the proposed structure would be located 6' (roof eaves) from the site's two front property lines or 18' into the required 25' front yard setbacks along Melrose Avenue and Madera Avenue.
2. A variance to the lot coverage regulations of 465 square feet is requested as (according to the applicant) this request would allow up to 3,451 square feet of maximum lot coverage when 2,987 square feet is allowed now (or 45 percent) on the 6,638 square foot subject site.
3. A variance to the off-street parking regulations of 5' 6" is requested as the proposed home would have parking spaces enclosed in a proposed garage that would be located 14' 6" from the Melrose Avenue property/right-of-way line or as much as 5' 6" into the required 20' distance from this street right-of-way. (Note that the applicant's original request was for variances to the off-street parking regulations of 12' as the proposed home was proposed to have parking spaces enclosed in the proposed garages that would have been located 8' from the Melrose Avenue and Madera Avenue property/right-of-way lines or as much as 12' into the required 20' distance from these street right-of-way lines).

STANDARD FOR A VARIANCE:

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 (front yard setback and maximum lot coverage):

Approval of the front yard setback and maximum lot coverage variances, subject to the following condition:

- Compliance with the submitted revised site plan is required.

Rationale:

- The subject site is unique and different from most lots zoned R-7.5(A) in that it is irregularly-shaped - most lots in the zoning district are rectangular in shape, and is restricted in area with only approximately 6,600 square feet and with two front yard setbacks - most lots in the zoning district have 7,500 square feet and one front yard setback.

STAFF RECOMMENDATION (off-street parking variance):

Approval, subject to the following conditions:

1. Compliance with the submitted revised site plan is required.
2. Automatic garage doors must be installed and maintained in working order at all times.
3. At no time may the area in front of the garage be utilized for parking of vehicles.

Rationale:

- The subject site is unique and different from most lots zoned R-7.5(A) in that it is irregularly-shaped - most lots in the zoning district are rectangular in shape, and is restricted in area with only approximately 6,600 square feet and with two front yard setbacks - most lots in the zoning district have 7,500 square feet and one front yard setback.

- The Sustainable Development and Construction Department Engineering Division Assistant Director has indicated that he has no objections to revised submittal.

BACKGROUND INFORMATION:

Zoning:

Site: R-7.5(A) (Single family district 7,500 square feet)
North: TH-3 (A) (Townhouse)
South: R-7.5(A) (Single family district 7,500 square feet)
East: R-7.5(A) (Single family district 7,500 square feet)
West: R-7.5(A) (Single family district 7,500 square feet)

Land Use:

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

Zoning/BDA History:

- | | |
|--|--|
| <p>1. BDA 123-064, Property at 5414 Melrose Avenue (the lot immediately east of the subject site)</p> | <p>On June 18, 2013, the Board of Adjustment Panel A granted a variance to the front yard setback regulations of 18', variances to the side yard setback regulations of 2', and to the lot coverage regulations of 437 square feet. The board imposed the following condition: compliance with the submitted site plan is required. The case report stated that the requests were made in conjunction with constructing and maintaining a two-story single family home structure on a site that is currently developed with a one-story single family home structure that the applicant intends to demolish.</p> |
| <p>2. BDA 067-169, Property at 2035 Cullen Avenue (three lots east of the subject site)</p> | <p>On December 10, 2007, the Board of Adjustment Panel C granted a variance to the front yard setback regulations of 20'. The board imposed the following condition: compliance with the submitted site plan is required. The case report stated that the request was made in conjunction with constructing and maintaining a single family home in the site's Melrose Avenue 25' front yard setback on a site that was undeveloped.</p> |

Timeline:

- Jul 10, 2013: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- August 20, 2013: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- August 20, 2013: 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 August 28th deadline to submit additional evidence for staff to factor into their analysis; and the September 6th 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 requests; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- September 3, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for September public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Interim Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.
- September 4, 2013: The applicant submitted documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment A).
- September 9, 2013: The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet regarding the applicant’s request for variances to the off-street parking regulations marked “Recommends that this be denied” commenting the “lot appears to have room for a normal setback garage.”
- September 17, 2013: The Board of Adjustment Panel C conducted a public hearing on this application. The applicant submitted additional written documentation to the Board at this public hearing (see Attachment B). The Board held the request under advisement until October 22, 2013.

September 17, 2013: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date that the panel that will consider the application; the October 2nd deadline to submit additional evidence for staff to factor into their analysis; and the October 11th deadline to submit additional evidence to be incorporated into the Board's docket materials; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

September 26, 2013: The applicant submitted documentation on this application to the Board Administrator beyond what was submitted with the original application and beyond what was submitted at the September public hearing (see Attachment C). The additional documentation includes a revised site plan of the proposal and a document stating "I am not proposing any changes to other setbacks or lot coverage from the initial request."

October 10, 2013: The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a revised review comment sheet regarding the applicant's request for variance to the off-street parking regulations marked "Has no objections to revised submittal."

GENERAL FACTS/STAFF ANALYSIS (front yard variances):

- These requests focus on constructing and maintaining a two-story single family structure, part of which would be located in the site's two 25' front yard setbacks on a property developed with a one-story nonconforming duplex structure that the applicant intends to demolish.
- Structures on lots zoned R-7.5(A) are required to provide a minimum front yard setback of 25'.
- The site is located at the intersection of Melrose Avenue and Madera Avenue and has two 25' front yard setbacks since continuity of the established front yard setbacks to the east of the subject site on both streets must be maintained on the subject site.
- According to DCAD records, the "main improvement" for property at 5410 Melrose Avenue being a structure built in 1926 with 1,148 square feet of living area and 1,148 square feet of total area; and no additional improvements.
- The applicant has submitted a site plan that shows a structure (roof eave) located 6' from the front property lines along Melrose Avenue and Madera Avenue or 19' into these two 25' required front yard setbacks.
- The subject site is irregular in shape and according to the application, is 6,638 square feet in area. The site is zoned R-7.5(A) where lots are typically 7,500 square feet in area. The subject site had two front yard setbacks where most lots in this zoning district have one front yard setback.

- The applicant has the burden of proof in establishing the following:
 - That granting the variances to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variances are necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5(A) zoning classification.
 - The variances would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5(A) zoning classification.
- If the Board were to grant the variance requests, and impose the submitted revised site plan as a condition, the structure in the front yard setbacks would be limited to what is shown on this document– which, in this case, is a structure to be located 6’ from the front property lines (roof eave) or 19’ into the two 25’ front yard setbacks.

GENERAL FACTS/STAFF ANALYSIS (lot coverage variance):

- This request focuses on constructing and maintaining a single family structure that would exceed the maximum 45 percent lot coverage allowed on a property developed with a duplex that the applicant intends to demolish.
- The maximum lot coverage for residential structures on lots zoned R-7.5(A) is 45 percent.
- The applicant has submitted a site plan stating that the proposed lot coverage is 52 percent or 3,451 square feet in area, and that the maximum lot coverage allowed on this site is 6,638 square foot lot is 2,987.1 square feet.
- The subject site is irregular in shape and according to the application, is 6,638 square feet in area. The site is zoned R-7.5(A) where lots are typically 7,500 square feet in area. The subject site had two front yard setbacks where most lots in this zoning district have one front yard setback.
- DCAD records indicate the “main improvement” for property at 5410 Melrose Avenue being a structure built in 1926 with 1,148 square feet of living area and 1,148 square feet of total area; and no additional improvements.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the maximum lot coverage 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 R-7.5(A) zoning classification.

- The variance would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5(A) zoning classification.
- If the Board were to grant the variance request, and impose the submitted revised site plan as a condition, the structure exceeding the maximum 45 percent lot coverage requirement would be limited to what is shown on this document– which in this case is a structure with 3,451 square feet or 465 square feet beyond the 2,987 square feet permitted on the 6,638 square foot subject site.

GENERAL FACTS/STAFF ANALYSIS (off-street parking variance):

- The original requests focused on enclosing parking spaces with a garage door in the proposed garages attached to the proposed single family home, where the parking spaces entered from Melrose Avenue and Madera Avenue would be located less than the required 20’ distance from the street right-of-way line. However, the applicant revised his request after the September 17th public hearing to where only one variance to the off-street parking regulations is made in order to enclose parking spaces in a garage located 14’ 6” from Melrose Avenue or 5’ 6” into the required 20’ distance from the Melrose Avenue property line/right-of-way line.
- The Dallas Development Code states that a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in enclosed structure and if the space faces upon or can be entered directly from a street or alley.
- The originally submitted floor plan denoted the location of enclosed parking spaces in the proposed structure 8’ from the street right-of-way lines or approximately 20’ – 21’ from the projected pavement lines.
- The revised submitted site plan and floor plan denotes the location of enclosed parking spaces in the proposed structure 14’ 6” from the Melrose Avenue street right-of-way line or approximately 26.5’ from the projected pavement lines.
- The subject site is irregular in shape and according to the application, is 6,638 square feet in area. The site is zoned R-7.5(A) where lots are typically 7,500 square feet in area. The subject site has two front yard setbacks where most lots in this zoning district have one front yard setback.
- DCAD records indicate the “main improvement” for property at 5410 Melrose Avenue being a structure built in 1926 with 1,148 square feet of living area and 1,148 square feet of total area; and no additional improvements.
- In September, the Sustainable Development and Construction Department Engineering Division Assistant Director had submitted a review comment sheet regarding the original requests marked “recommends that this be denied” commenting the “lot appears to have room for a normal setback garage.”
- On October 10, 2013, the Sustainable Development and Construction Department Engineering Division Assistant Director had submitted a revised review comment sheet regarding the revised request marked “has no objections to revised submittal.”
- The applicant has the burden of proof in establishing the following:

- That granting the variance to the off-street parking 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 R-7.5(A) zoning classification.
- The variance would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5(A) zoning classification.
- If the Board were to grant the variance request of 5' 6", staff recommends imposing the following conditions:
 4. Compliance with the submitted revised site plan is required.
 5. Automatic garage doors must be installed and maintained in working order at all times.
 6. At no time may the area in front of the garage be utilized for parking of vehicles. (These conditions are imposed to help assure that the variance will not be contrary to the public interest).

BOARD OF ADJUSTMENT ACTION: SEPTEMBER 17, 2013

APPEARING IN FAVOR: Robert Hunt, 5811 Gaston Avenue, Dallas, TX

APPEARING IN OPPOSITION: No one

MOTION: Hounsel

I move that the Board of Adjustment, in Appeal No. **BDA 123-076**, on application of Robert V. Hunt, hold this matter under advisement until **October 22, 2013**.

SECONDED: Nolen

AYES: 4 – Moore, Schweitzer, Hounsel, Nolen

NAYS: 0 -

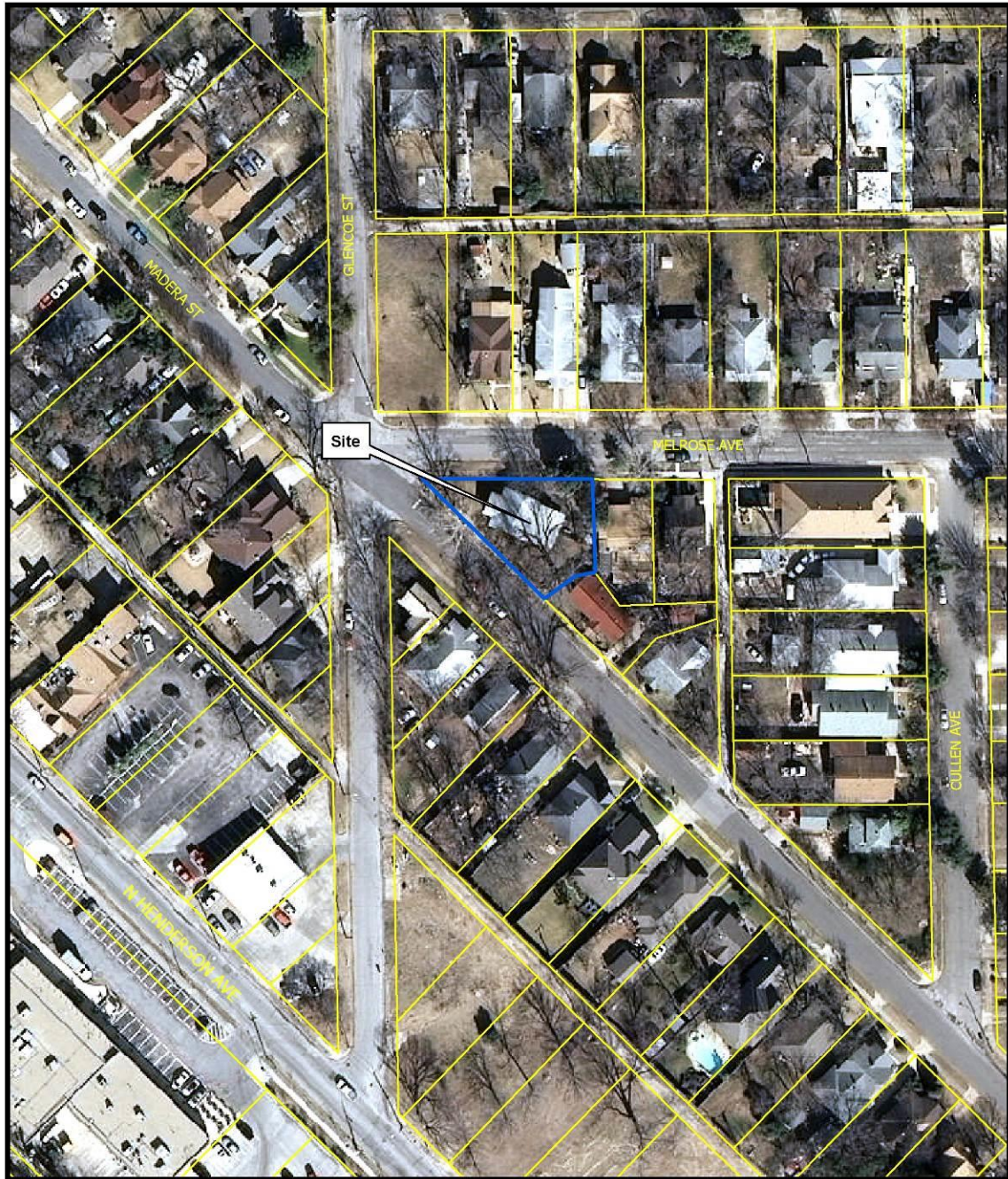
MOTION PASSED: 4– 0 (unanimously)



1:1,200

ZONING MAP

Case no: BDA123-086
 Date: 9/10/2013



1:1,200

AERIAL MAP

Case no: BDA123-086

Date: 9/10/2013

**APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT
FOR VARIANCES**

5410 MELROSE STREET, DALLAS, TEXAS, 75206

September 2, 2013

Currently I have a small 6,638 square foot irregularly shaped, triangular lot with a duplex that is an eye sore to the neighborhood. This lot is **88%** of the **minimum** size required for the existing R-7.5 (A) zoning.

My request is as follows:

To tear down the existing nonconforming duplex and build an attractive, energy efficient new construction, two story single family home. The total square footage of air-conditioned space will be between 2,500 and 3,000 square feet.

I am requesting a variance of a 19' setback to the roof eave and a 17' setback to the foundation on Madera and Melrose resulting in a 6' setback to the roof eave and an 8' setback to the foundation. This requested front yard setback does not trigger a visibility triangle issue as shown on the site plan.

I am also requesting a variance of 12' to the off street-parking requirement for an enclosed parking space. We will agree to the conditions of installing an electric door opener and will agree that no car can park in front of the garage door.

My final request is for a variance to the lot coverage, not to exceed 52% (or 465') of the lot. This lot is small AND irregularly shaped. It will be important to use the lot wisely to build the most efficient and attractive home possible.

I am not asking for a side yard, rear yard, or a height variance.

There are four hardships associated with this lot causing the need for the requested variances:

- 1.) Without a variance to the two front yard setbacks, the remaining building envelope would be a tiny narrow triangle.
- 2.) The small lot (6,638 ft) is approximately 88% of the minimum size of lot required in an R-7.5 zone. This also greatly reduces the buildable area.
- 3.) The irregular shape of the lot provides an architectural and site planning challenge.

DEVELOPMENT • INVESTMENT

PHONE: 214-824-5750

E-MAIL: robertvhunt@sbcglobal.net
5811 Gaston Avenue, Dallas, Texas, 75214

FAX: 214-821-3971

ROBERT V. HUNT

— & —

ASSOCIATES

BDA123-086

Attach A

Pg 2

- 4.) There is no alley access for this property, so there is no opportunity for a garage entrance from the alley. The variance of 12' to the off-street parking requirement is necessary to provide an enclosed parking space.

This home will be a nice attractive energy efficient addition to the neighborhood and a huge improvement over what is there now. This is a very exciting addition for this area!

Thank you for your consideration,

Robert Villareal Hunt, RVH Real Estate Opportunity Fund, LLC

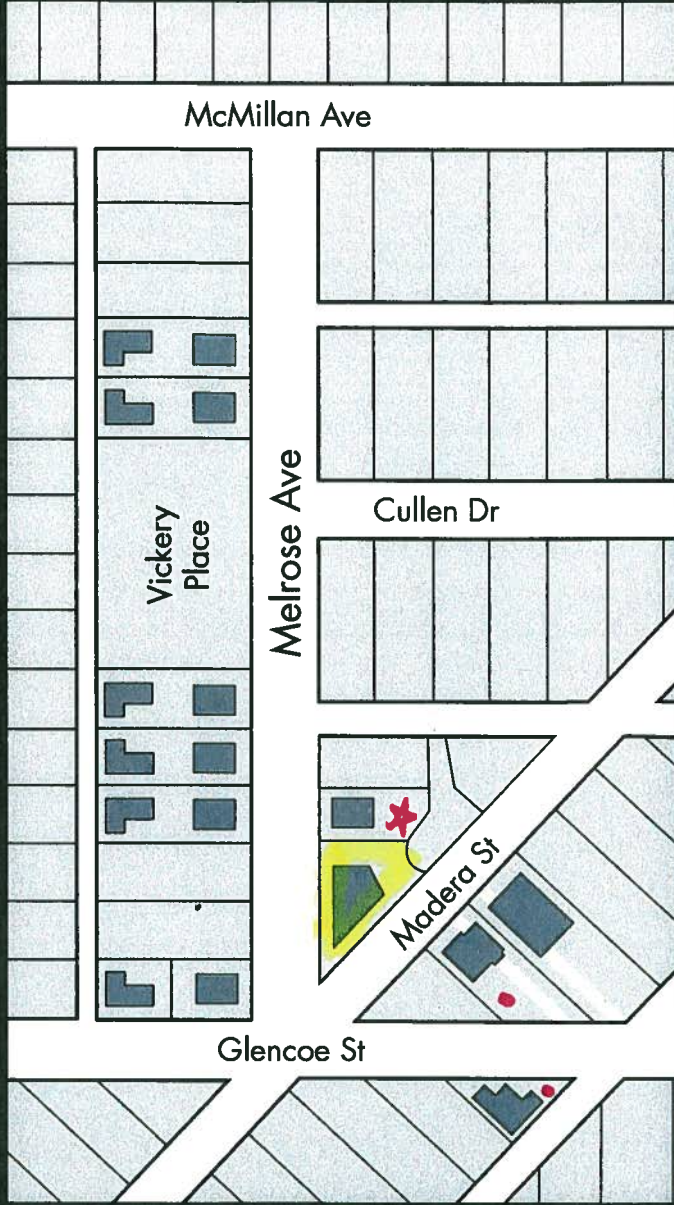
DEVELOPMENT • INVESTMENT

PHONE: 214-824-5750

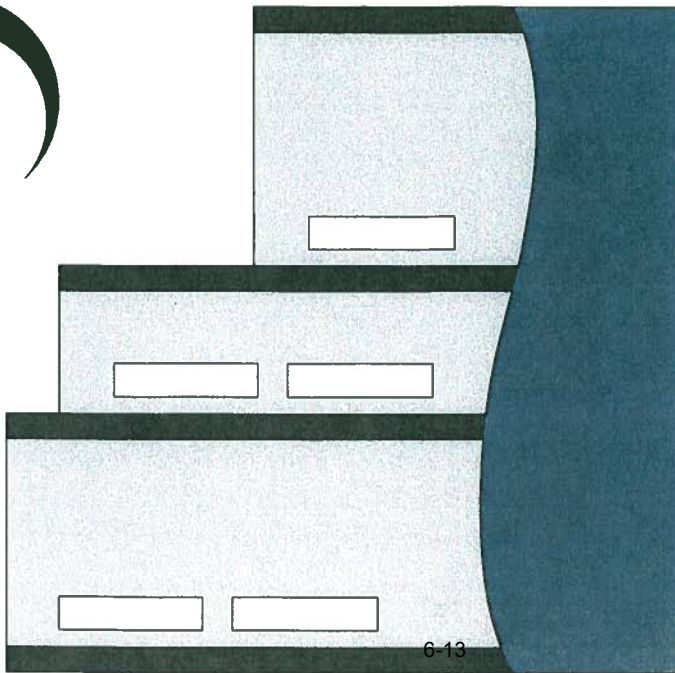
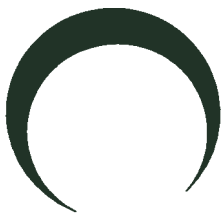
E-MAIL: robertvhunt@sbcglobal.net
5811 Gaston Avenue, Dallas, Texas, 75214

FAX: 214-821-3971

A 17 HOME SINGLE FAMILY DEVELOPMENT BY
Dallas Eastside Urban, LLC



MelroseModern.com
info@melrosemodern.com
214.824.5750



MELROSE
M O D E R N



BEST COMMUNITY IMPACT

Commerce Street Lofts

to bring residential life to Deep Ellum

By **LINDSEY TOWNSEND**
 Correspondent

**BEST
 REAL ESTATE
 DEALS
 WINNER**

DEEP ELLUM — After a night of club-hopping listening to Mediterranean jazz, blues and reggae, you can walk back to your place, order up some takeout, and enjoy the skyline views from the private rooftop terrace of your refinished loft.

Ten years ago, that scenario could only take place in an urban neighborhood in New York or Chicago. Today, it's possible in Deep Ellum, due to the tremendous revitalization of the area in the last decade.

One cornerstone of that effort to bring new life to the community is the Commerce Street Lofts, located in the building known most recently as the Sweet Manufacturing Plant.

The property was sold to Robert V. Hunt & Associates in January 1998 by listing brokers Teri Schwan and Eleanor Mowery-Sheets of Coldwell Banker Paula Stringer Realtors for \$2.5 million. The 28,500-square-foot loft project includes 3020 through 3032 Commerce Street, as well as 3027 through 3029 Clover Street.

"The area has all of these great old buildings next to entertainment and restaurants. It's two blocks from everything, and having permanent residents brings a certain amount of credibility to the area," said Hunt. "In the past, no one had been successful selling upper-end loft condominiums in Deep Ellum."

Architecturally, the building is unique from most of the brick buildings in the area. The façade is Art Deco with stucco, granite, stainless steel and brightly-colored ceramic tile, applied by local artist Richard Fenn.

Vintage moldings and other materials from the building's construction era were recycled from salvage yards and reused, and all the old interior doors were refinished. The design and landscape architect was Edward Hunt; project architect was Stephen Ockels.

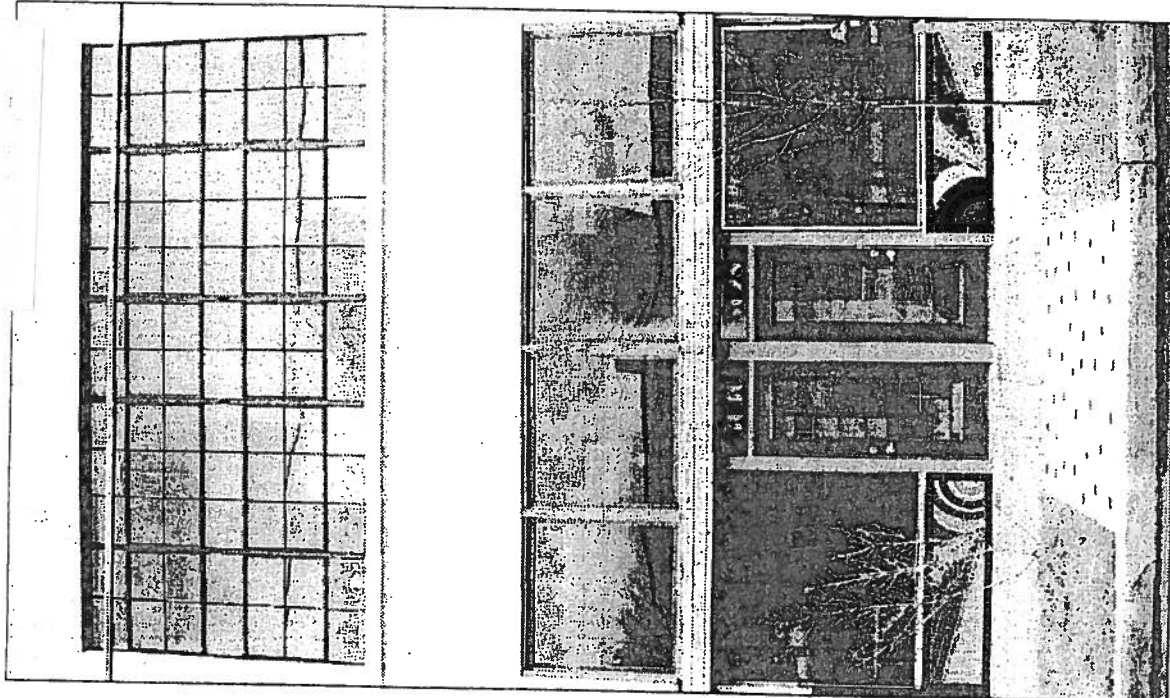
In addition to retaining the best of the old, Hunt modernized the lofts with rich maple and hickory raised panel cabinetry, two-person Jacuzzi tubs, and upgraded appliances.

The natural brick, 14-foot high pine bead board ceilings, and original maple flooring were preserved to add to the ambiance of the homes.

"Most units have mezzanine lofts with steel railings and stairways that are open to the living areas," Hunt said. "Some have terraces up to 1,200 square feet right off the living room."

Hunt is in the process of registering the building with the state of Texas as a historic landmark as well as working with the National Register of Historic Places to place a building at 2814 Main Street in Deep Ellum on the National Register. He is excited about the potential for continued improvement in the area.

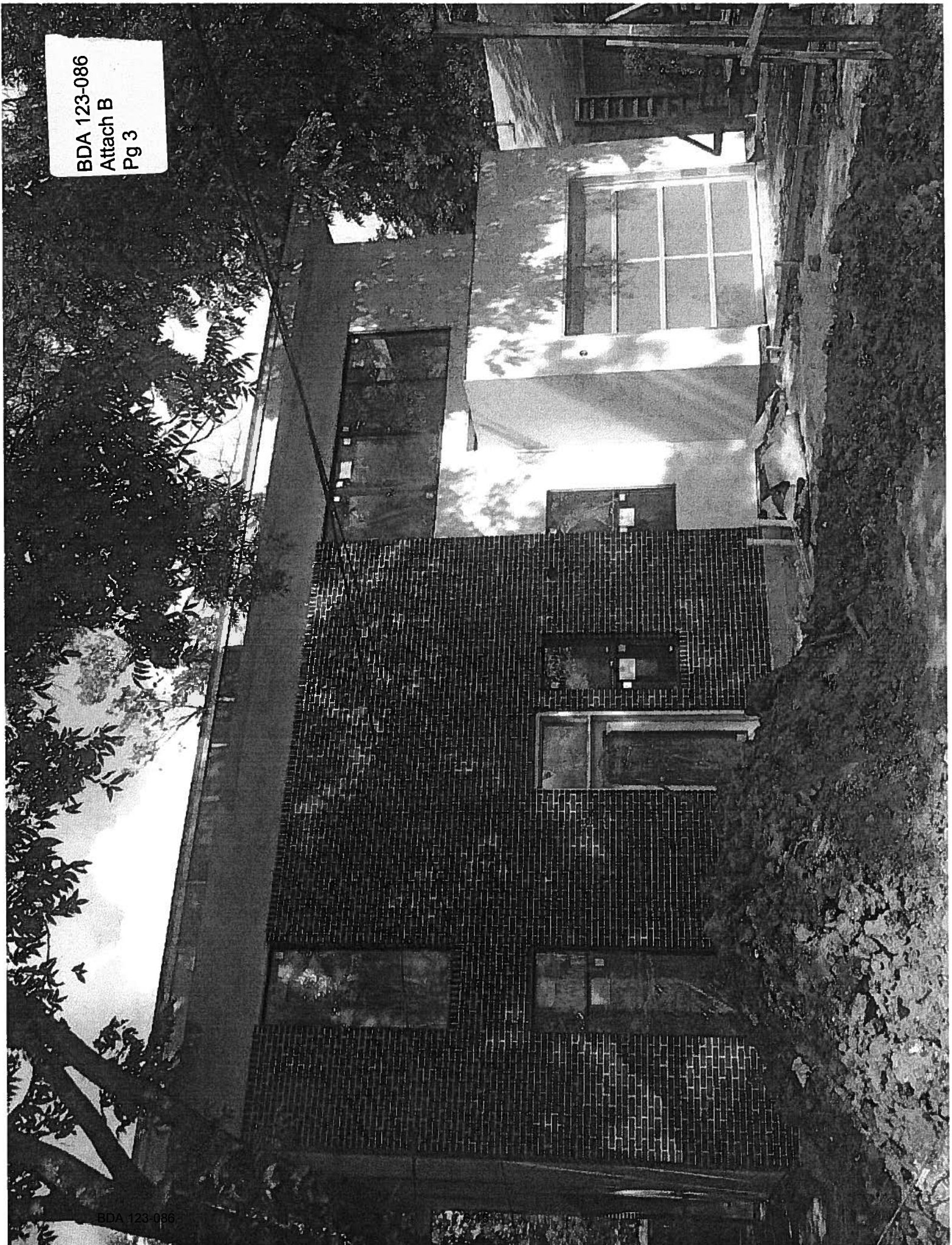
"I hope others are careful to preserve the historic integrity of the buildings. Deep Ellum is only about a mile by a mile and a half long. We're not growing real estate there anymore," he said.



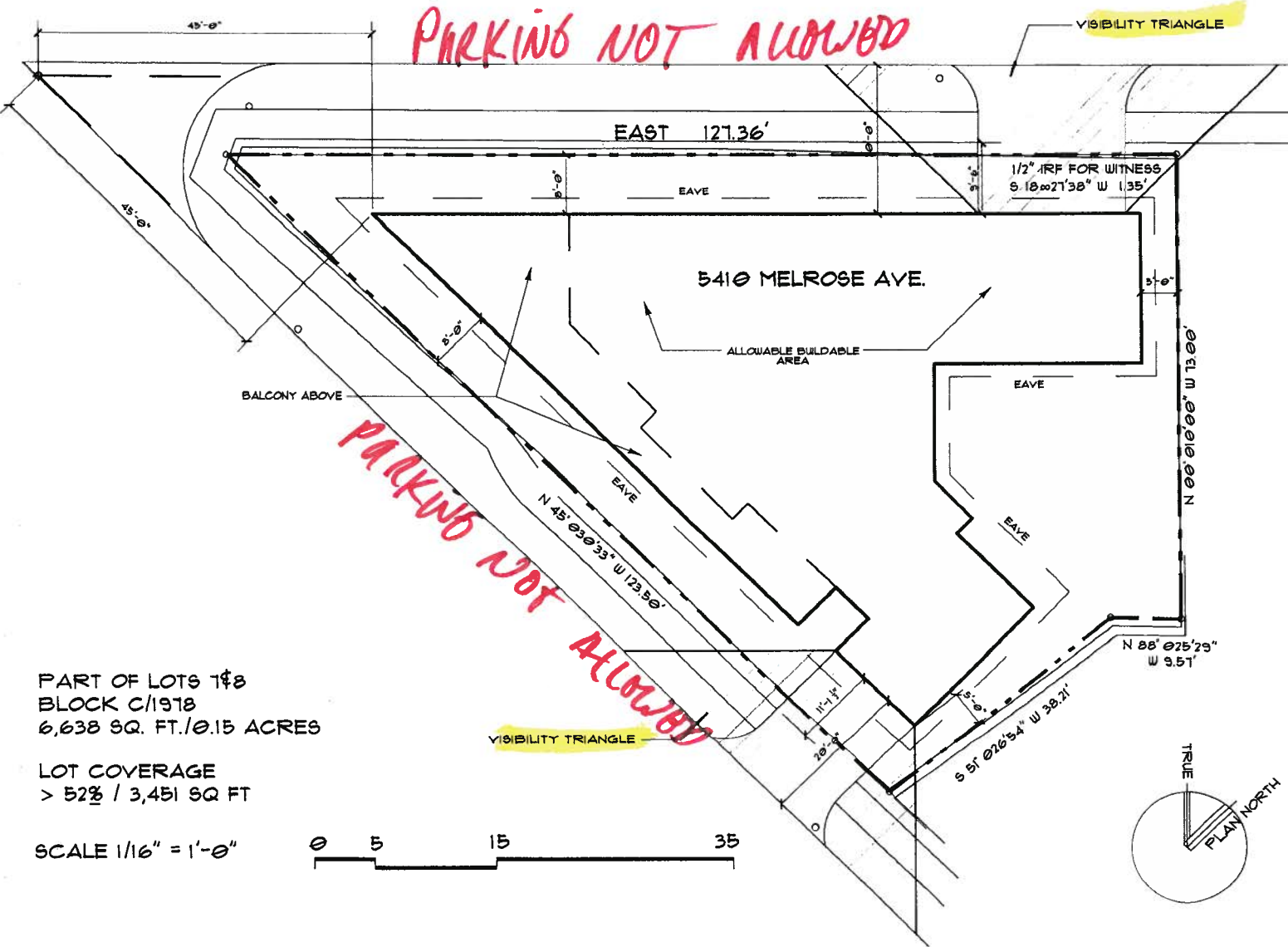
LOFT LIVING: Developers paid \$2.5 million to pursue the 28,500-square-foot loft project.

Business (bīz'nīs)

BDA 123-086
Attach B
Pg 3







PART OF LOTS 1 & 3
 BLOCK C/1918
 6,638 SQ. FT./0.15 ACRES

LOT COVERAGE
 > 52% / 3,451 SQ FT

**REVISIONS TO
APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT
FOR VARIANCES
5410 MELROSE STREET, DALLAS, TEXAS, 75206**

October 1, 2013

I have eliminated the one car garage on the Madera side that I had originally requested an 8 foot setback and 12 foot variance for the garage door. My requested variance only applies to 2 garages instead of the three garages previously in the plan.

I have added a covered carport for guest parking in the location of the eliminated garage.

I have shortened the depth of the 2 car garage from 22 feet to a bare minimum of 18 feet to allow a small useable yard.

I propose setting the front of the garage on Melrose 16 feet from the sidewalk which is enough to accommodate all but the longest cars and trucks without blocking the sidewalk. The front of the garage is also 26 feet 7 inches from the curb and 14.5 feet from the property line resulting in a variance request of 5.5 feet for the distance required for an enclosed parking space; down from 12 feet in my previous request.

I am not proposing any changes to other setbacks or lot coverage from the initial request.

Sincerely,

Robert Villareal Hunt

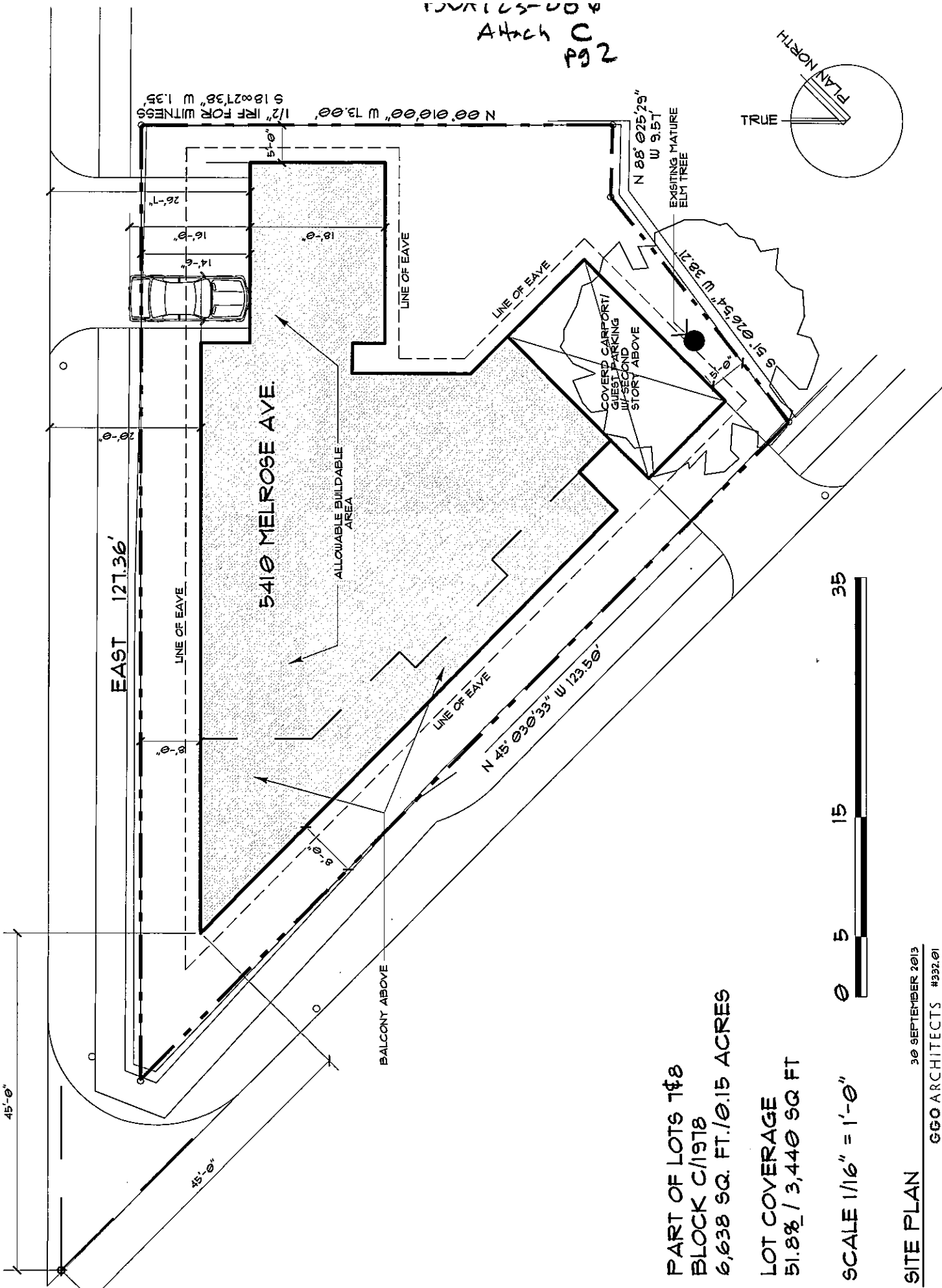
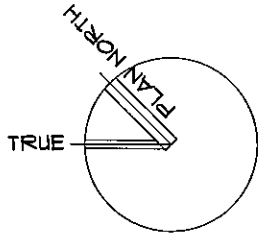
DEVELOPMENT • INVESTMENT

PHONE: 214-824-5750

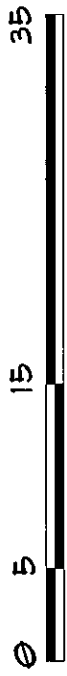
E-MAIL: robertvhunt@sbcglobal.net
5811 Gaston Avenue, Dallas, Texas, 75214

FAX: 214-821-3971

1001105-008
 Attach C
 pg 2



PART OF LOTS 1&8
 BLOCK C/1978
 6,638 SQ. FT./0.15 ACRES
 LOT COVERAGE
 51.8% / 3,440 SQ. FT.



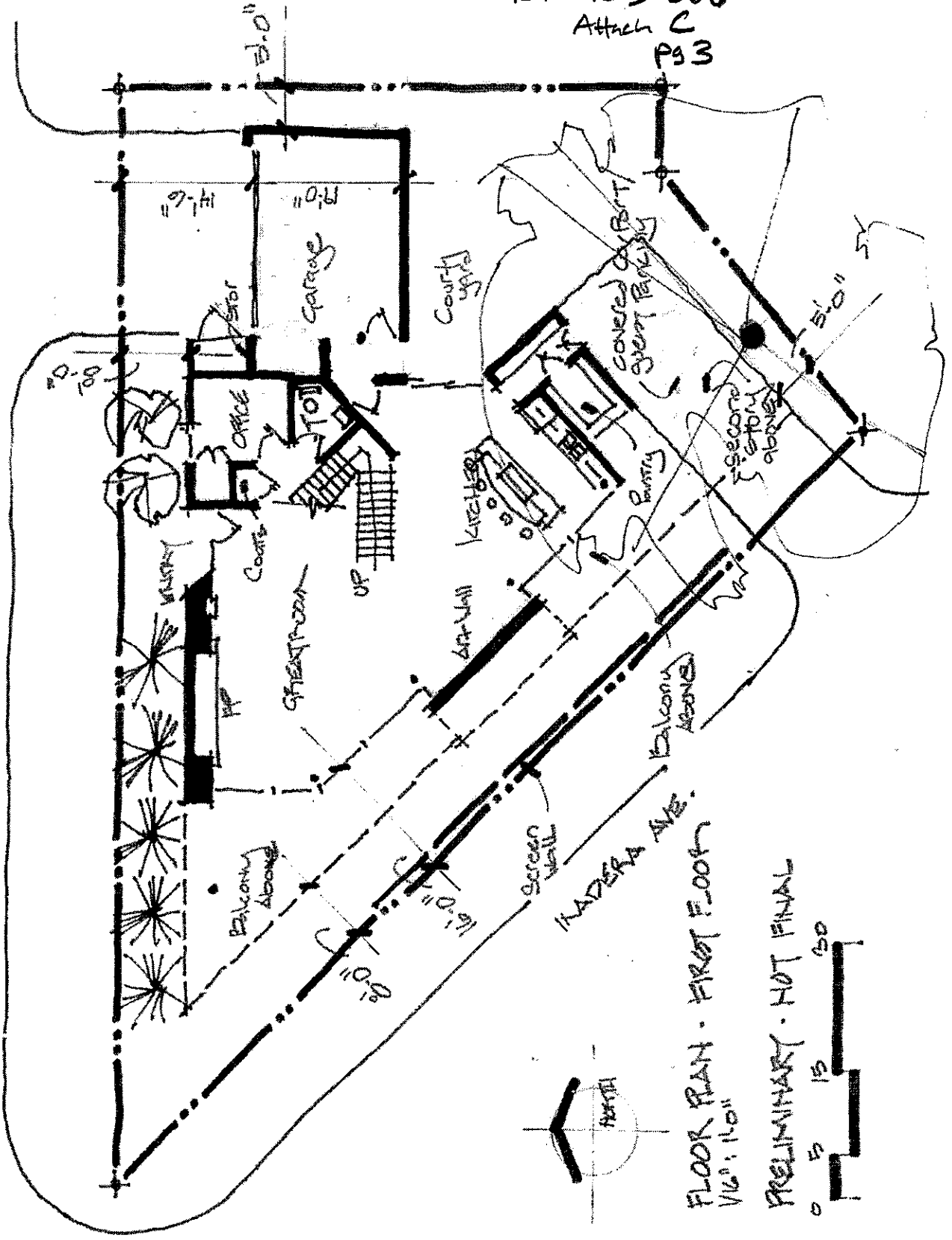
SCALE 1/16" = 1'-0"

SITE PLAN

30 SEPTEMBER 2013

GGO ARCHITECTS #332.01

WELSHOME AVE.



FLOOR PLAN - FIRST FLOOR
1/8" = 1'-0"

PRELIMINARY - NOT FINAL





City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-086

Data Relative to Subject Property:

Date: 7-10-13

Location address: 5410 MELROSE AVE. / ~~2247 MADERA~~ Zoning District: R-7.5 (A)
part of 7

Lot No.: 48 Block No.: C/1978 Acreage: 0.15 acre 10,103 SQ' Census Tract: 10.02

Street Frontage (in Feet): 1) 123.5' 2) 127.360' 3) _____ 4) _____ 5) see 24

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): RNH Real Estate Opportunity Fund, LLC

Applicant: Robert V. Hunt, manager Telephone: 214.824.5750

Mailing Address: 5811 Gaston Ave. Dallas, TX Zip Code: 75214

E-mail Address: robertvhunt@sbcglobal.net

Represented by: Robert V. Hunt Telephone: same

Mailing Address: same Zip Code: same

E-mail Address: same

Affirm that an appeal has been made for a Variance X, or Special Exception _____, of _____
A variance of 19' to the front yard setbacks from the roof eave, (17' from the foundation) on Madera & Melrose resulting in a 8' setback to the foundation and a 6' setback to the roof eave.), a variance of 12' to the off street parking requirements for an enclosed parking space, & a variance of not to exceed 465' to the lot coverage, not to exceed 52 % lot coverage.

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:
Owing to 1.) the restrictive triangular shape of the lot, 2.) the small size of the lot, 862' smaller than required in a R-7.5 (A) zone, and 3.) the burden of two front yard setbacks where a single family property in a R-7.5 zone would normally have only one front yard setback. The two front yard setbacks, combined with the small irregularly shaped lot would severely limit the buildable area, size, and shape of the buildable area. No height variance nor side or rear yard variance is requested.

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.

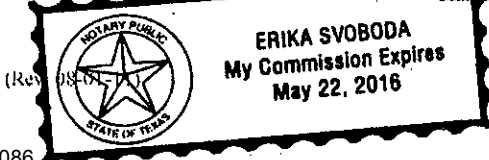
Affidavit

Before me the undersigned on this day personally appeared ROBERT VILLAREAL HUNT
(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: Robert V. Hunt
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 10th day of July, 2013



Erika Svoboda
Notary Public in and for Dallas County, Texas

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

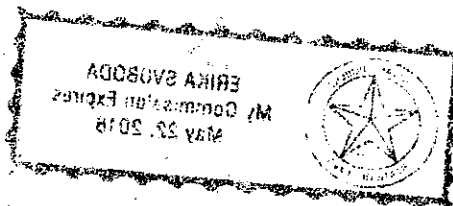
Building Official's Report

I hereby certify that Robert V. Hunt
did submit a request for a variance to the front yard setback regulations, and for a variance to the maximum lot coverage regulation, and for a variance to the off-street parking regulation
at 5410 Melrose Avenue

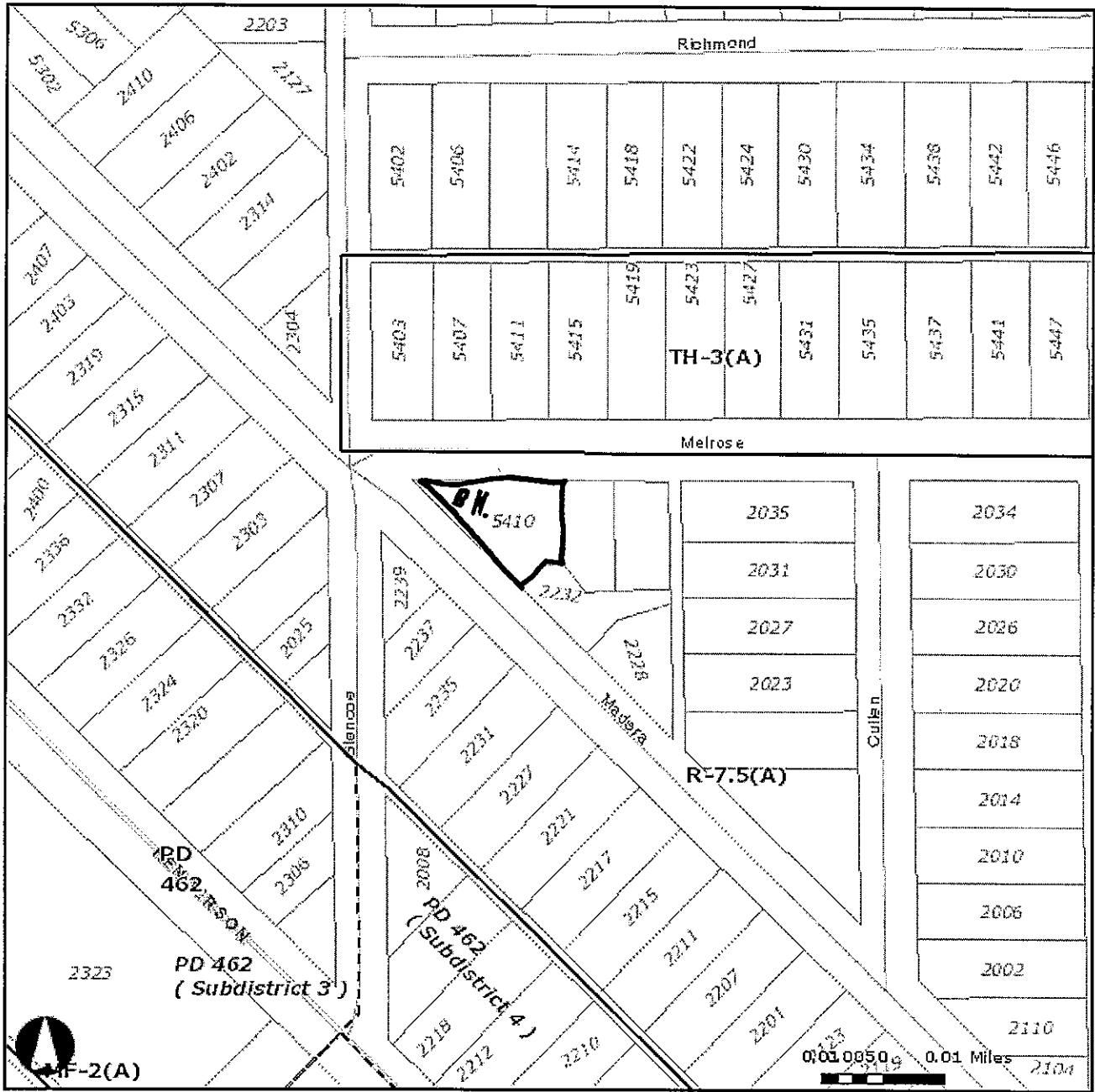
BDA123-086. Application of Robert V. Hunt for a variance to the front yard setback regulations and a variance to the maximum lot coverage regulation and a variance to the off-street parking regulation at 5410 Melrose Avenue. This property is more fully described as Lot 7 and part of Lot 8, Block C/1978 and is zoned R-7.5(A), which requires a 25 foot front yard setback and limits the maximum lot coverage to 45% and requires a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the street or alley. The applicant proposes to construct a single family residential structure and provide a 6 foot front yard setback, which will require a 19 foot variance to the front yard setback regulation, and to construct a single family residential structure with a lot coverage of 52%, which will require a 465 square foot variance to the lot coverage regulation, and to construct a single family residential structure with a front yard setback of 8 feet, which will require a variance of 12 feet to the off-street parking regulation.

Sincerely,

Larry V. Holmes
Larry Holmes, Building Official

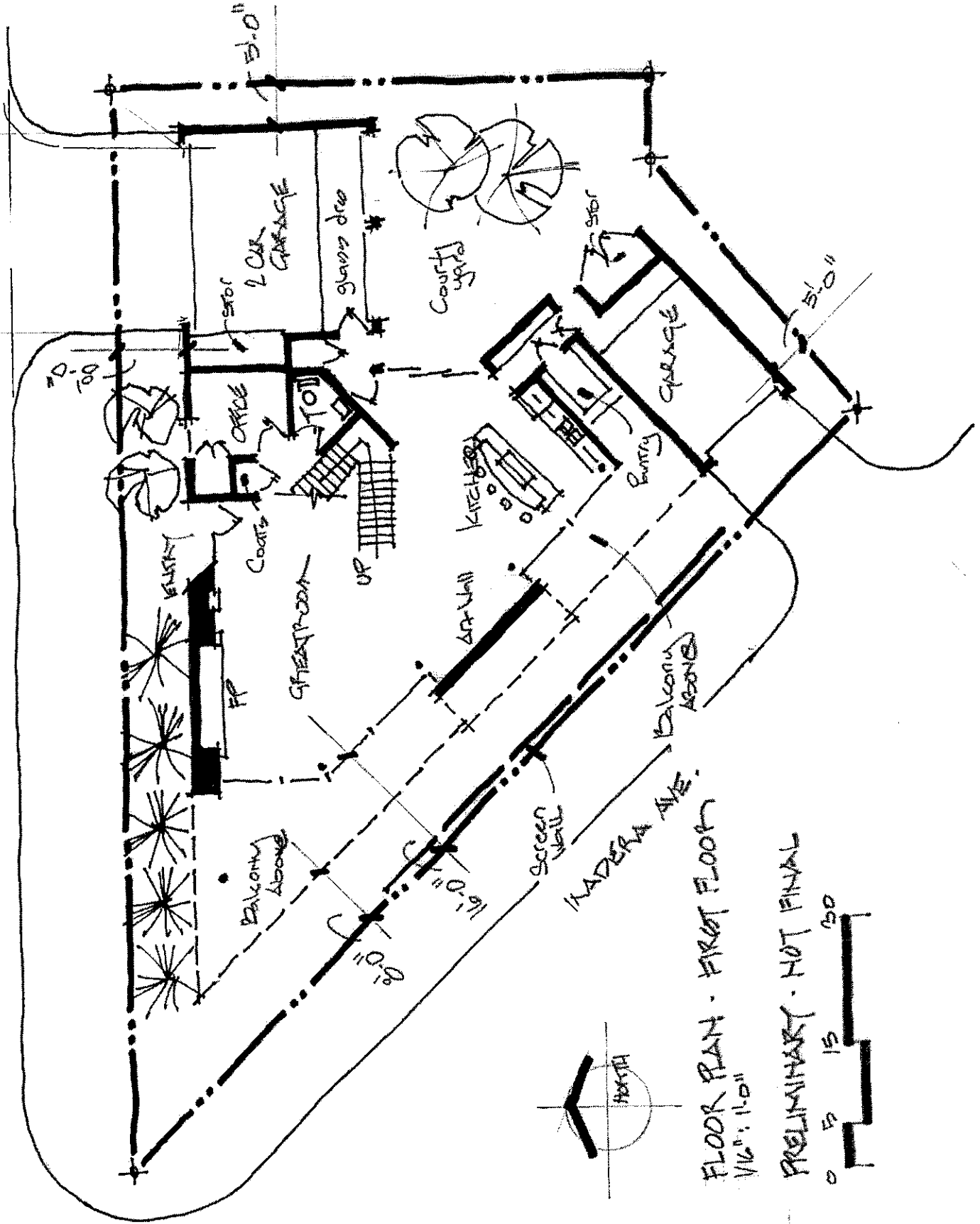


City of Dallas Zoning

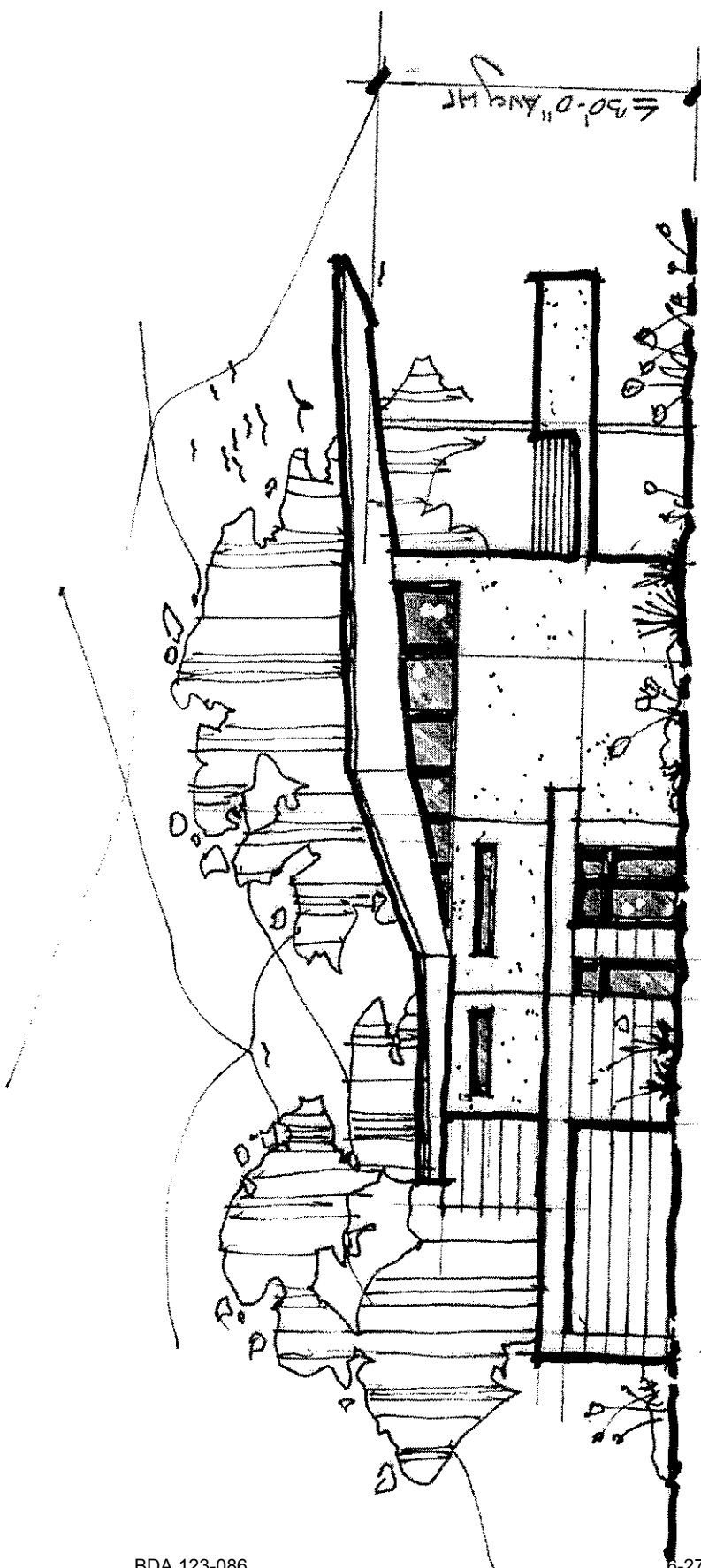


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| <ul style="list-style-type: none"> City Boundaries <input type="checkbox"/> County <input type="checkbox"/> Certified Parcels <input type="checkbox"/> DISD Sites <input type="checkbox"/> Council Districts <input type="checkbox"/> Waterways <input type="checkbox"/> Parks <input type="checkbox"/> | <ul style="list-style-type: none"> SUP <input type="checkbox"/> Dry Overlay <input type="checkbox"/> D <input type="checkbox"/> D-1 <input type="checkbox"/> Historic Overlay <input type="checkbox"/> Historic Subdistricts <input type="checkbox"/> NSO Overlay <input type="checkbox"/> NSO Subdistricts <input type="checkbox"/> | <ul style="list-style-type: none"> PD193 Oak Lawn <input type="checkbox"/> PDS Subdistricts <input type="checkbox"/> Base Zoning <input type="checkbox"/> Pedestrian Overlay <input type="checkbox"/> CP <input type="checkbox"/> SP <input type="checkbox"/> Environmental Corridors <input type="checkbox"/> Escarpment Overlay <input type="checkbox"/> |
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WELLSFORD AVE.



FLOOR PLAN - FIRST FLOOR
 1/8" = 1'-0"
 PRELIMINARY - NOT FINAL



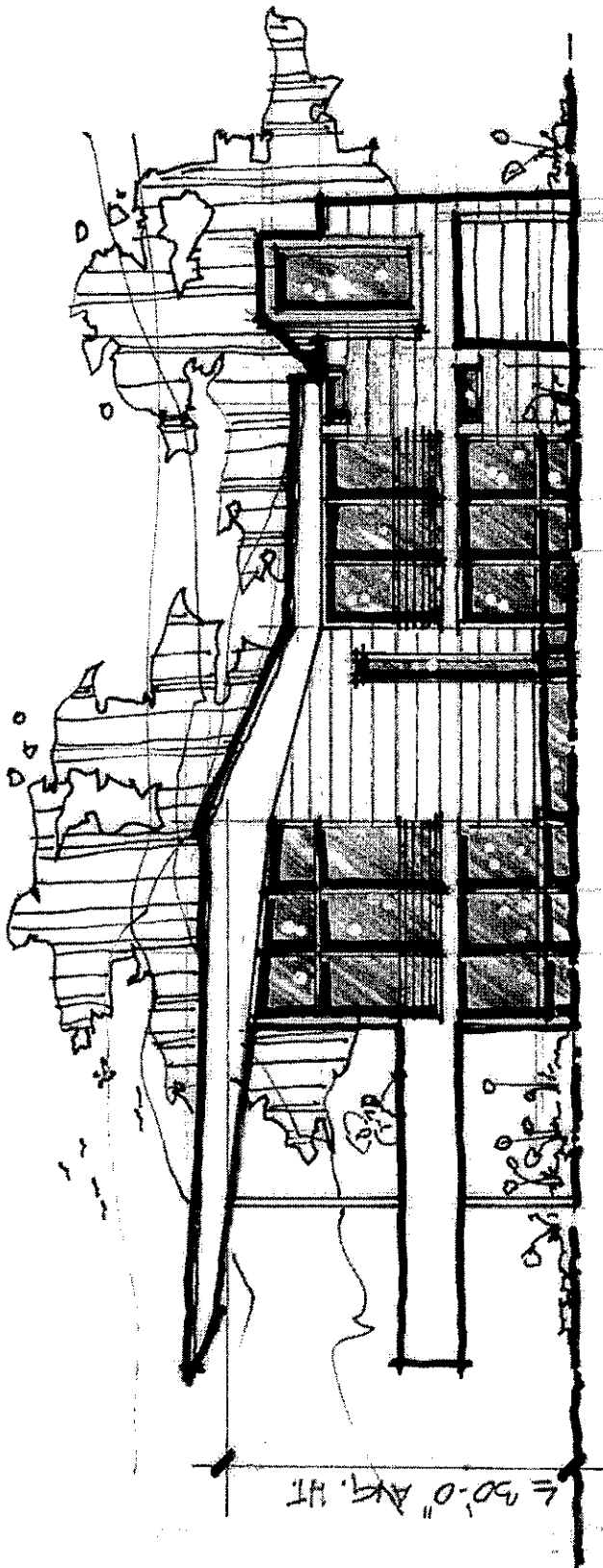
2'-0" Max Edge Projection

WELLSFORD ONE ELEVATION

1/16" = 1'-0"

PRELIMINARY - NOT FINAL





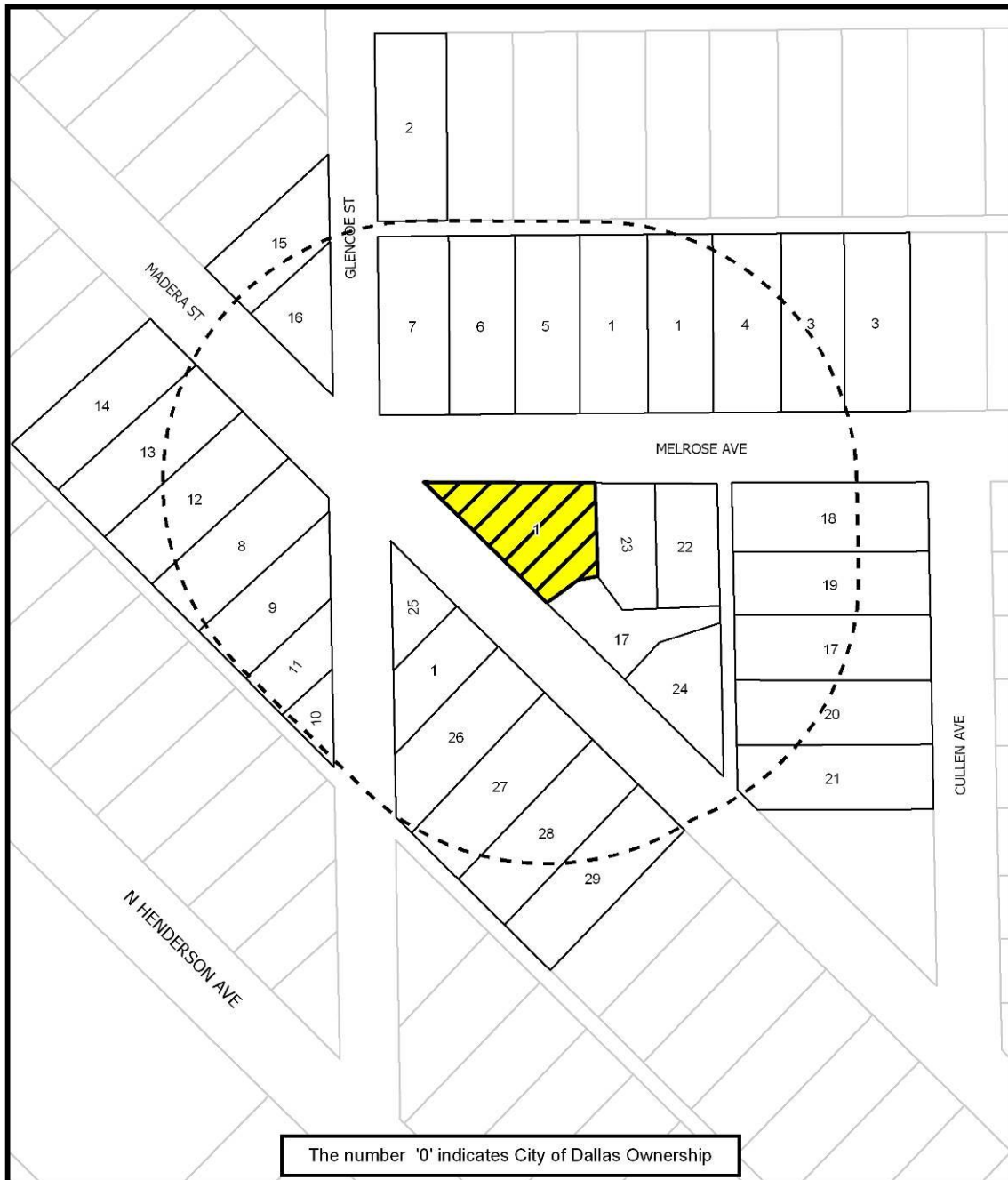
2'-0" Max Eave Projection

WADERS DRIVE ELEVATION

1/16" = 1'-0"

PRELIMINARY - NOT FINAL





 1:1,200	NOTIFICATION		Case no: BDA123-086
	<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;">29</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 9/10/2013	

Notification List of Property Owners

BDA123-086

29 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5419 MELROSE AVE	HUNT ROBERT V
2	5402 RICHMOND AVE	SIMONS MIKE &
3	5431 MELROSE AVE	ESTRELLO MARIA
4	5423 MELROSE AVE	MAJORS JOHN A IV
5	5411 MELROSE AVE	MATA DIANA L
6	5407 MELROSE AVE	RIVERA MARGARET
7	5403 MELROSE AVE	MAJORS JOHN A III
8	2303 MADERA ST	LEIGH GRANT W & KRISTI D
9	2031 GLENCOE ST	ANDERSON MATTHEW
10	2021 GLENCOE ST	FHIG LIMITED PARTNERSHIP
11	2025 GLENCOE ST	SNODGRASS JOHN
12	2307 MADERA ST	GARCIA ERASMO GALLEGOS
13	2311 MADERA ST	KUBIN MARY FRANCES
14	2315 MADERA ST	KUBIN JOHN W
15	2310 MADERA ST	CEJA JOSE NAVA & MAIJA S
16	2304 MADERA ST	NAVA HECTOR &
17	2232 MADERA ST	CULLEN EDWARD V
18	2035 CULLEN AVE	SKAGGS KEN
19	2031 CULLEN AVE	CRUZ SAUL & GABRIELA
20	2023 CULLEN AVE	LOPEZ LAZARO S & SUSANA INFANTE LOPEZ
21	2019 CULLEN AVE	SANDOVAL JOSE
22	5418 MELROSE AVE	GASCA GILBERT M EST OF & ISABEL
23	5414 MELROSE AVE	MORALES PABLO & DOLORES
24	2228 MADERA ST	GAYTAN GUADALOPE & BERNARDINO
25	2239 MADERA ST	HOLMES JOHN B % JOHN HOLMES & CO
26	2235 MADERA ST	ISYA LTD PS

9/10/2013

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	2231 MADERA ST	CASAS ALBERT & JUANITA
28	2227 MADERA ST	MCCLURE HEATHER
29	2221 MADERA ST	SCHNEIDER FRED K & BRENDA

FILE NUMBER: BDA 123-100

BUILDING OFFICIAL'S REPORT: Application of Anthony R. Page, represented by Timothy M. Hoch, to appeal the decision of the administrative official at 3100 Carlisle Street. This property is more fully described as Lot 1A, Block 16/966 and is zoned PD-193 (O-2), which allows the building official to issue a temporary certificate of occupancy if the building official determines that the use meets the requirements of the Dallas Development Code and may grant one or more extensions of the temporary certificate of occupancy. The applicant proposes to appeal the decision of an administrative official to grant an extension of a temporary certificate of occupancy.

LOCATION: 3100 Carlisle Street

APPLICANT: Anthony R. Page
Represented by Timothy M. Hoch

REQUEST:

An appeal has been made requesting that the Board of Adjustment reverse/overturn the Building Official's August 12, 2013 decision "to extend the expiration date of the Temporary Certificate of Occupancy relating to Unit Floors 1, 2, and 3 and Parking Garage B1 thru 4th Floor."

STANDARD FOR APPEAL FROM DECISION OF AN ADMINISTRATIVE OFFICIAL:

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

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

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

BACKGROUND INFORMATION:

Zoning:

Site: PD 193(O-2) (Planned Development, Office)
North: PD 193(MF-2) (Planned Development, Multifamily)
South: PD 193 (PDS 2) (Planned Development, Planned Development)
East: PD 193(O-2) (Planned Development, Office)

West: PD 193(O-2) (Planned Development, Office)

Land Use:

The subject site is developed with a multifamily structure. The areas to the north, east, south, and west are developed with a mix of land uses.

Zoning/BDA History:

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

Timeline:

August 19, 2013: 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 19, 2013: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

September 18, 2013: 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 October 2nd deadline to submit additional evidence for staff to factor into their analysis (with a notation that staff does not form a recommendation on this type of application); and the October 11th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the outline of procedure for appeals from decisions of the building official to the board of adjustment; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

September 24, 2013: The applicant forwarded additional information on this application to the Board Administrator beyond what was submitted with the original application (see Attachment A).

September 30, 2013: The Building Inspection Senior Plans Examiner/Development Code Specialist forwarded a revised Building Official’s report on this application to the Board Administrator (see Attachment B).

October 4, 2013: The Assistant City Attorney to the Board forwarded a code provision to the Board Administrator. The provision was as follows: 306.9 Temporary certificate of occupancy. A temporary certificate of occupancy may be is-sued by the building official for the temporary use or occupancy of a portion of a structure. The

building official shall set a time period during which the temporary certificate of occupancy is valid. When the temporary certificate of occupancy expires, the holder must obtain a certificate of occupancy authorizing the use or occupancy or cease the use or occupancy. The building official may grant one or more extensions of the temporary certificate of occupancy for periods not to exceed 30 days. If a request for extension is made by the applicant or the applicant's agent, the request must be in writing and made within the time period sought to be extended.

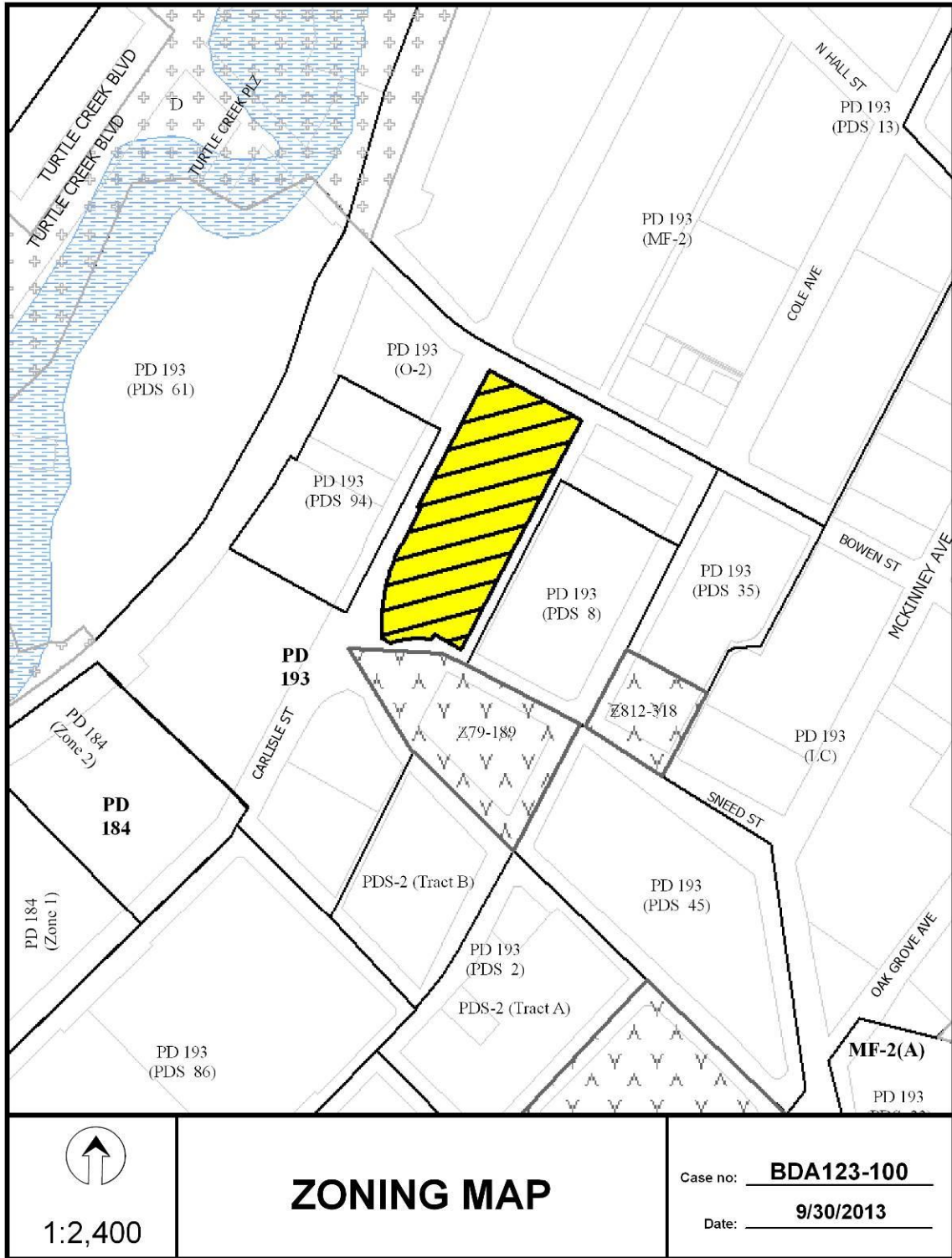
October 8, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for October public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Engineering Division Assistant Director, the Sustainable Development and Construction Department Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

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

October 8, 2013: The Building Inspection Senior Plans Examiner/Development Code Specialist forwarded an updated process list from the City of Dallas data base to the Board Administrator regarding this application - an update showing a TCO extension completed by Tralan Mathis on September 13, 2013 (see Attachment C).

GENERAL FACTS/STAFF ANALYSIS:

- A copy of a printout of processes related to "Job 071536802-001 (1306124001)" including a line item marked with an asterisk "Assigned to: TCO Extension and Fees; Tralan Mathis; Status: Complete; Outcome: Collected; Completed: August 12, 2013" is included in this case report.
- The board shall have all the powers of the administrative official on the action appealed from. The board may in whole or in part affirm, reverse, or amend the decision of the official.





1:2,400

AERIAL MAP

Case no: BDA123-100

Date: 9/30/2013

BDA CASE NO. 123-100

ANTHONY R. PAGE,

Aggrieved Party

with respect to:

3100 CARLISLE ST., real property
located within the CITY OF DALLAS,
TEXAS,

The Property

§
§
§
§
§
§
§
§
§
§

IN THE
BOARD OF ADJUSTMENT

OF THE

CITY OF
DALLAS, TEXAS

**AGGRIEVED PARTY'S ORIGINAL PETITION
(ADDENDUM TO APPLICATION/APEAL TO THE
BOARD OF ADJUSTMENT)**

SUPPLEMENT #1 – COMPLIANCE AUDIT

1. Both the Oak Lawn Ordinance as well as PD 305 (the Cityplace Ordinance) require that "(a)ll permanent parking structures must be either underground or concealed in a building with a façade that is similar in appearance to the façade of the main non-parking building for which the parking is accessory." (the "Concealment Requirement") [See Sec. 51P-193.127 and Sec. 51P-305.118(a)]

2. In August 2013, in connection with this case, the Aggrieved Party commissioned a survey of all above ground and below ground parking structures located within the boundaries of PD 193 and PD 305 to assess compliance with the Concealment Requirement.

3. A total of 147 parking structures within the boundaries of PD 193 and PD 305 were identified and photographed; it was determined that the compliance rate with the Concealment Requirement approached nearly 100%.

4. A comparison of the parking structure located at 3100 Carlisle St. with the 147 other parking structures identified as being subject to the Concealment Requirement confirms the unprecedented nature of the structure under construction at 3100 Carlisle St. Simply put, the parking structure under construction at 3100 Carlisle St. appears to constitute one of the most flagrant violations of the Concealment Requirement in the 28 year history of the Oak Lawn Ordinance.

5. Photographs of entrances to the 147 parking structures located within PD 193 and PD 305 are included below for purposes of comparison.





#5 - 4140 Lemmon Ave.



#6 - 2427 Allen St.



#7 - 4242 Lomo Alto



#8 - 4311 Oak Lawn Ave.



#9 - 5100 Bowser Ave.



#10 - 4650 Cole Ave.



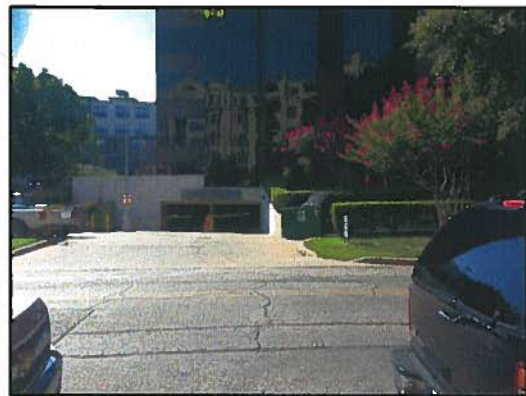
#11 - 4123 Cedar Springs Road



#12 - 3227 McKinney Ave.



#13 - 3131 McKinney Ave.



#14 - 2626 Cole Ave.



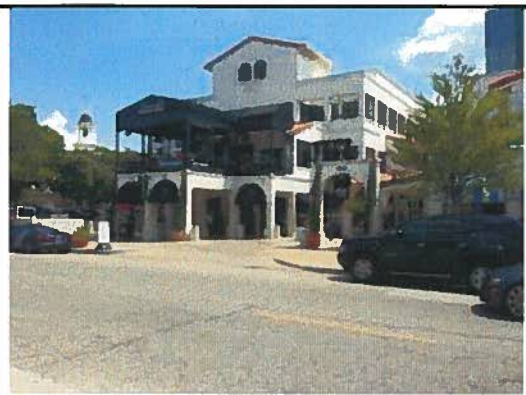
#15 - 3300 Oak Lawn Ave.



#16 - 3001 Sale St.



#17 - 4611 Travis



#18 - 4514 Travis



#19 - 3920 Travis



#20 - 3303 Blackburn St.



#21 - 3000 Blackburn St.



#22 - 3839 McKinney Ave.



#23 - 2901 W City Place Blvd.



#24 - 3636 McKinney Ave.



#25 - 3700 Cole Ave.



#26 - 3711 Cole Ave.



#27 - 3530 Travis St.



#28 - 2828 Lemmon Ave.



#29 - 3710 Rawlins



#30 - 4220 Herschel



#31 - 4240 Prescott



#32 - 4605 Cedar Springs Road



#33 - 4533 Cedar Springs Road



#34 - 3625 Hall St.



#35 - 3402 Cole Ave.



#36 - 3400 Carlisle St.



#37 - 3324 McKinney Ave.



#38 - 3219 McKinney Ave.



#39 - 3131 McKinney Ave.



#40 - 3203 McKinney Ave.



#41 - 3100 Cole Ave.



#42 - 3208 Cole Ave.



#43 - 3003 Carlisle St.



#44 - 2815 Carlisle St.



#45 - 2650 Cedar Springs Road



#46 - 2600 Cole Ave.



#47 - 2626 Cole Ave.



#48 - 2801 Laclede



#49 - 2717 Howell



#50 - 2811 McKinney Ave.



#51 - 2801 Allen St.



#52 - 2626 Howell



#53 - 2515 McKinney Ave.



#54 - 100 Crescent Court



#55 - 2512 Maple Ave.



#56 - 300 Crescent Court



#57 - 2305 Cedar Springs Road



#58 - 2401 Cedar Springs Road



#59 - 2927 Maple Ave.



#60 - 3102 Maple Ave.



#61 - 4110 Fairmont



#62 - 2215 Cedar Springs Road



#63 - 2820 McKinnon St.



#64 - 2011 Cedar Springs Road



#65 - 2914 Harry Hines Blvd.



#66 - 3401 Lee Parkway



#67 - 3400 Welborn St.



#68 - 3710 Rawlins



#69 - 3333 Welborn



#70 - 3333 Lee Parkway



#71 - 3311 Oak Lawn



#72 - 2626 Reagan



#73 - 2530 Reagan



#74 - 2525 Reagan



#75 - 2929 Wycliff



#76 - 4420 Dickason



#77 - 4242 Cedar Springs Road



#78 - 3604 Cedar Springs Road



#79 - 3001 Knox St.



#80 - 2999 Turtle Creek Blvd.



#81 - 3535 Gillespie



#82 - 2828 Hood St.



#83 - 3500 Fairmont



#84 - 2811 Hood St.



#85 - 2911 Turtle Creek Blvd.



#86 - 2728 McKinnon



#87 - 2101 Cedar Springs Road



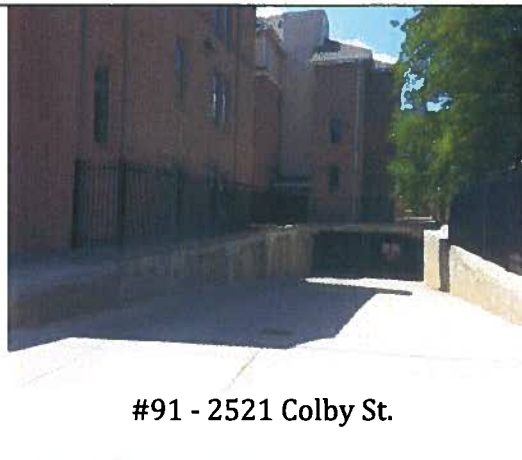
#88 - 2808 McKinney Ave.



#89 - 2300 Leonard St.



#90 - 2332 Leonard St.



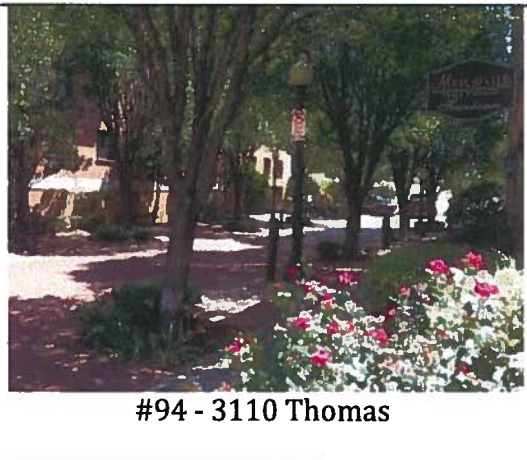
#91 - 2521 Colby St.



#92 - 2305 Worthington St.



#93 - 2816 Guillot



#94 - 3110 Thomas



#95 - 3010 State St.



#96 - 3015 State St.



#97 - 3001 State St.



#98 - 2885 Woodside



#99 - 2848 Woodside



#100 - 2610 Allen



#101 - 2521 Worthington



#102 - 3030 McKinney Ave.



#103 - 2950 McKinney Ave.



#104 - 2800 Routh St.



#105 - 5150 Bowser



#106 - 2711 Haskell



#107 - 3225 Turtle Creek Blvd.



#108 - 3811 Turtle Creek Blvd.



#109 - 3838 Oak Lawn Ave.



#110 - 3725 Blackburn St.



#111 - 3707 Gilbert



#112 - 3621 Turtle Creek Blvd.



#113 - 3738 Oak Lawn Ave.



#114 - 3710 Holland



#115 - 3702 Holland



#116 - 3740 Holland



#117 - 3818 Holland



#118 - 3922 Gilbert



#119 - 4023 Oak Lawn



#120 - 4111 Gilbert



#121 - 4040 Avondale



#122 - 4122 Avondale



#123 - 3505 Turtle Creek



#124 - 2222 McKinney Ave.



#125 - 2200 Pearl St.



#126 - 2100 McKinney Ave.



#127 - 1717 McKinney Ave.



#128 - 1900 McKinney Ave.



#129 - 2000 McKinney Ave.



#130 - 2025 Woodall Rogers Expy.



#131 - 2121 McKinney Ave.



#132 - 2525 Pearl St.



#133 - 2400 Olive St.



#134 - 1845 Woodall Rogers Expy.



#135 - 3300 Oak Lawn



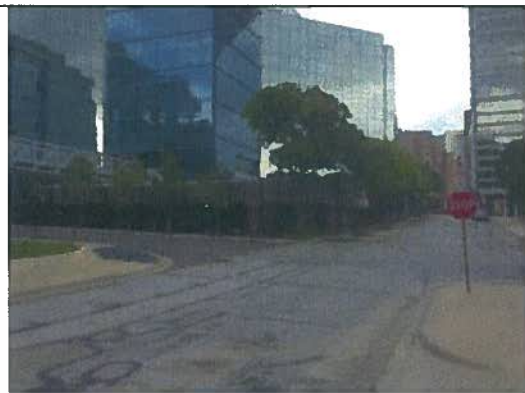
#136 - 2828 Hall St.



#137 - 4161 McKinney Ave.



#138 - 2727 Harry Hines Blvd.



#139 - 2728 Harwood



#140 - 2900 McKinnon St.



#141 - 1855 Payne St.



#142 - 2801 Turtle Creek Blvd.



#143 - 2821 Turtle Creek Blvd.



#144 - 3510 Turtle Creek Blvd.



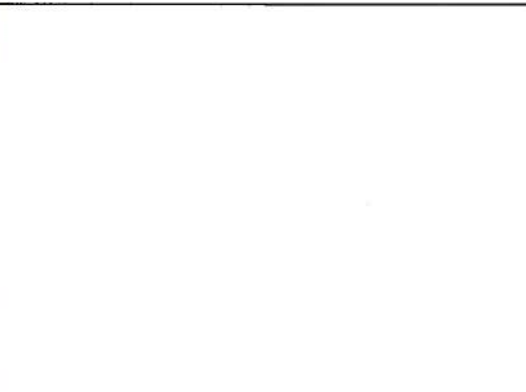
#145 - 3011 Routh St.



#146 - 3700 McKinney Ave.



#147 - 2901 Blackburn St.



BDA123-100

Attach

B

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 ANTHONY R PAGE represented by Timothy M. Hoch, Esq. did submit a request to appeal the decision of the administrative official at 3100 Carlisle Street

BDA123-100. Application of Anthony R. Page represented by Timothy M. Hoch to appeal the decision of the administrative official at 3100 Carlisle Street. This property is more fully described as Lot 1A, Block 16/966 and is zoned PD-193 (O-2), which allows the building official to issue a temporary certificate of occupancy if the building official determines that the use meets the requirements of the Dallas Development Code and may grant one or more extensions of the temporary certificate of occupancy. The applicant proposes to appeal the decision of an administrative official to grant an extension of a temporary certificate of occupancy.

Sincerely,

Larry V. Holmes, Building Official

BDA 123-100
Attach C

Job Description: Temporary (TCO) DBA: THE TAYLOR

Job Type: Certificate of Occupancy Date Created: Jun 12, 2013

Status: Issued Created By: TMATHIS

Issue Date: Jun 12, 2013 Date Completed: Jun 17, 2013

Parent Job:

Specific Location:

- Details
- Processes
- Fees
- Related COs
- Holds
- Documents
- Notes
- Project
- GIS
- Ext Fees
- Audit

Process Type	Status	Assigned To	Outcome	Scheduled Start	Date Completed	Description
Enter CO Application Details	Complete	Melvin Gaison; Hopp	CO Applicati	Jun 12, 2013	Jun 12, 2013	
System Fee Collection	Complete	SICASHIERINTERFA	Collected	mmm dd, yyyy	Jun 12, 2013	Auto generated System Fee Collection
Issue CO Inspection Request	Complete	POSSE system pow	Complete	Jun 13, 2013	Jun 12, 2013	
Request CO Inspection	Complete	DALLASVR	Requested	Jun 17, 2013	Jun 14, 2013	IVR Request on Jun 14, 2013.
Monitor CO Inspections	Complete	Ernesto Patlan	Complete	mmm dd, yyyy	Jun 17, 2013	
Perform CO Plumbing Inspect	Complete	Bob Hopper	Pass	Jun 17, 2013	Jun 17, 2013	CO Plumbing Inspection
Perform CO Electrical Inspect	Complete	Richard Russell	Pass	Jun 17, 2013	Jun 14, 2013	CO Electrical Inspection
Perform CO Building Inspect	Complete	Ernesto Patlan	Pass	Jun 17, 2013	Jun 17, 2013	CO Building Inspection
Perform CO Mechanical Inspe	Complete	Bob Hopper	Pass	Jun 17, 2013	Jun 17, 2013	CO Mechanical Inspection
CO Failed Inspections	Complete	Ernesto Patlan	No	Jun 12, 2013	Jun 17, 2013	
Notify Utility	Complete	Tralan Mathis; Ernes	Electric Utilit	Jun 17, 2013	Jun 17, 2013	
Notify Utility Verification	Scheduled	Tralan Mathis		Jun 17, 2013	mmm dd, yyyy	C/O Electrical Release
Issue Scheduled CO	Complete	POSSE system pow	Issued	Jun 17, 2013	Jun 17, 2013	
Request for Building Inspect	Complete	Ernesto Patlan	Notified	Jul 12, 2013	Jul 12, 2013	
TCO Extension and Fees	Complete	Tralan Mathis	Extend Expir	mmm dd, yyyy	Jul 12, 2013	
System Fee Collection	Complete	SICASHIERINTERFA	Collected	mmm dd, yyyy	Jul 12, 2013	Auto generated System Fee Collection
TCO Extension and Fees	Complete	Tralan Mathis	Extend Expir	mmm dd, yyyy	Aug 12, 2013	
System Fee Collection	Complete	SICASHIERINTERFA	Collected	mmm dd, yyyy	Aug 12, 2013	Auto generated System Fee Collection
TCO Extension and Fees	Assigned	Tralan Mathis		mmm dd, yyyy	mmm dd, yyyy	
TCO Extension and Fees	Complete	Tralan Mathis	Extend Expir	mmm dd, yyyy	Sep 13, 2013	
System Fee Collection	Complete	SICASHIERINTERFA	Collected	mmm dd, yyyy	Sep 13, 2013	Auto generated System Fee Collection

Printing...

start Inbox - Microsoft Out... Posse: tduerksen@P...



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-100

Data Relative to Subject Property:

Date: August 19, 2013

Location address: 3100 Carlisle St. Zoning District: PD193/O-2

Lot No.: 1A Block No.: 16/966 Acreage: 1.698 Census Tract: 18

Street Frontage (in Feet): 1) 420.03 2) 169.93 3) 217.00 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): 3000 Carlisle Residential, LP

Applicant: Anthony R. Page Telephone: (214) 682-8473

Mailing Address: 3210 Carlisle St., Unit 1, Dallas, TX Zip Code: 75204

E-mail Address: anthonypage@earthlink.net

Represented by: Timothy M. Hoch, Esq. Telephone: (817) 731-9703

Mailing Address: 5616 Malvey Ave., Ft. Worth, TX Zip Code: 76107

E-mail Address: tim@hochlawfirm.com

Affirm that an appeal has been made for a Variance --, or Special Exception --, of review the August 12, 2013 decision made by City of Dallas building official Tralan Mathis to extend the expiration date of the Temporary Certificate of Occupancy relating to Unit Floors 1, 2 & 3 and Parking Garage B1 thru 4th Floor.

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:

Because the parking garage is in violation of Sec. 51P-193.113(e)(2)(B), Sec. 51P-193.113(e)(2)(C)(iii), Sec. 51P-193.126(b)(3)(A), Sec. 51P-193.126(b)(3)(D), Sec. 51P-193.127(a), Sec. 51A-6.104(a), and Sec. 51A-6.104(b), the City of Dallas is REQUIRED TO DENY any and all requests for a Certificate of Occupancy under Sec. 52-606.5.1.

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 Anthony R. Page (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 an aggrieved party with respect to

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



Subscribed and sworn to before me this 19 day of Aug, 2013

[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

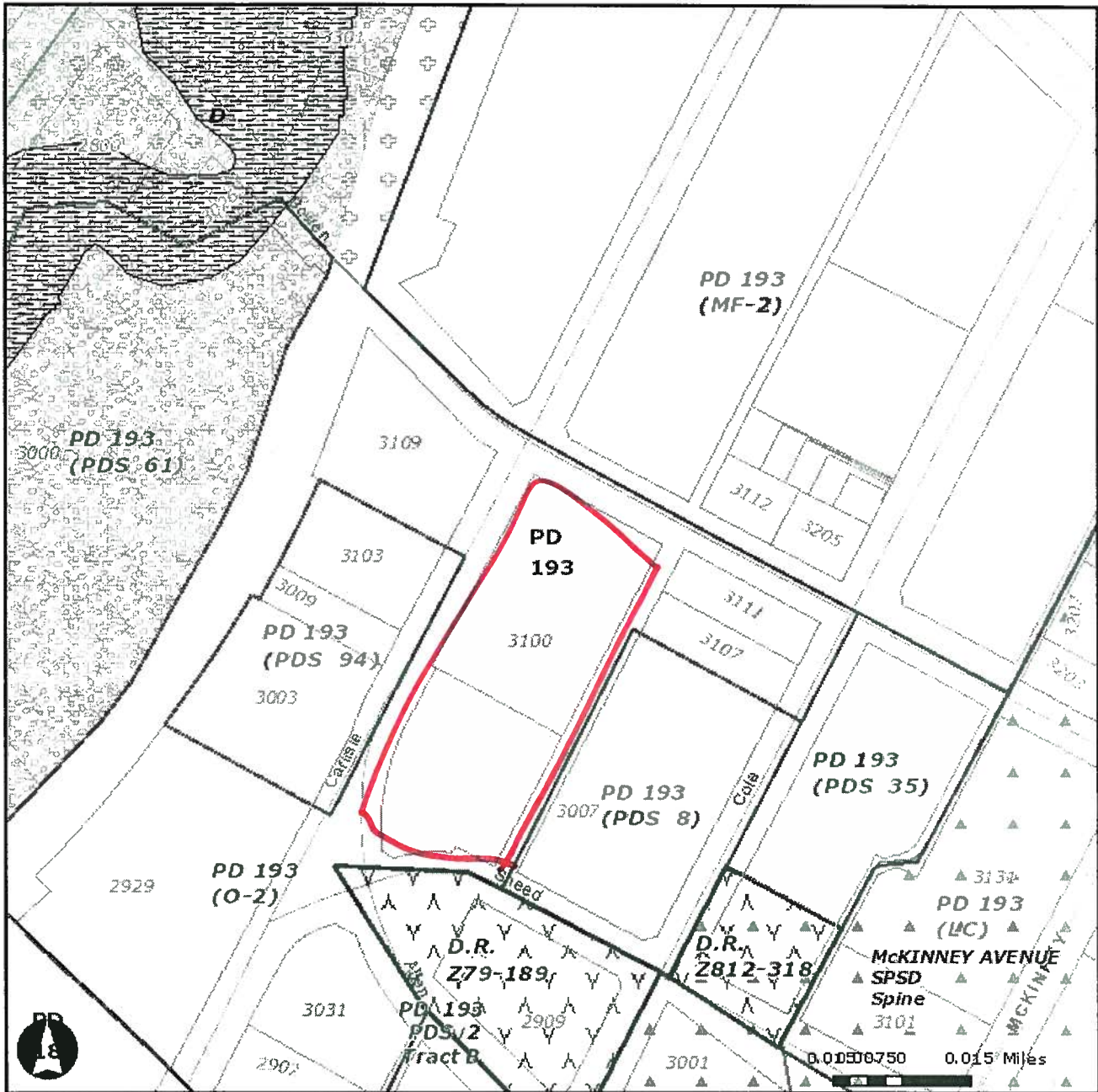
I hereby certify that ANTHONY R PAGE
represented by Timothy M. Hoch, Esq.
did submit a request to appeal the decision of the administrative official
at 3100 Carlisle Street

BDA123-100. Application of Anthony R. Page represented by Timothy M. Hoch to appeal the decision of the administrative official at 3100 Carlisle Street. This property is more fully described as Lot 1A, Block 16/966 and is zoned PD-193 (O-2), which requires that the building official shall issue a temporary certificate of occupancy if the building official determines that the use meets the requirements of the Dallas Development Code. The applicant proposes to appeal the decision of an administrative official in the issuance of a temporary certificate of occupancy.

Sincerely,


Larry Holmes, Building Official

City of Dallas Zoning



City Boundaries

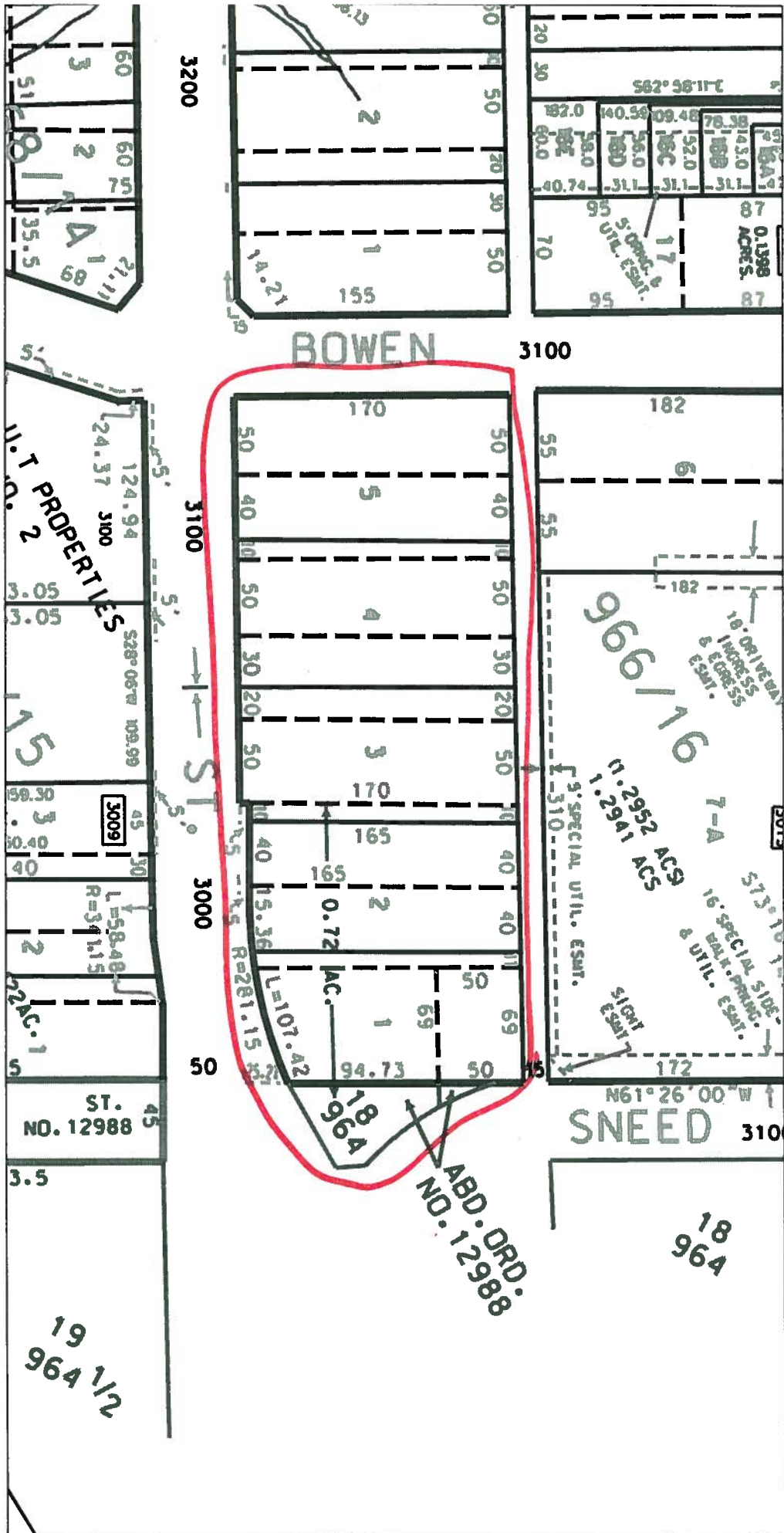
- City Boundaries
- Certified Parcels
- Deed Restrictions
- SUP
- Dry Overlay
- D
- D-1
- Historic Overlay

NSO Overlay

- NSO Overlay
- NSO Subdistricts
- MD Overlay
- CD Subdistricts
- PD Subdistricts
- PD193 Oak Lawn
- PDS Subdistricts

Floodplain

- 100 Flood Zone
- Mill's Creek
- Peak's Branch
- X PROTECTED BY LEVEE
- Pedestrian Overlay**
- CP
- SP
- Environmental Corridors**
- Escarpment Overlay



**Job Edit with
Issue Date**

Certificate of Occupancy

Job 071536802-001 (1306124001)

Temporary (TCO) DBA: THE TAYLOR

Status: Issued

Created By: TMATHIS

Date Created: Jun 12, 2013

Date Issued: Jun 12, 2013

Date Completed: Jun 17, 2013

Parent Job:

Specific Location:

Job 071536802-001 (1306124001)

Details

Address...	3100 CARLISLE ST
AddressType1	
AddressType2	
Airport	
Alcohol	N
Applicant Name Lookup...	SPAMPINATO, JOHN 2650 CEDAR SPRINGS DALLAS, TX 75202 214/252-2600
Arborist	Y
Base Zoning	PD-193
Bio-Diesel	N
Block	966
Board of Adjustment	N
Building	N
Certificate Type	Temporary (TCO)
Comments	
Conditions	UNIT FLOORS 1,2,3
Construction Type	UNK
Dance Floor	N
Deed Restriction	
Diesel	N
District	22
District Office	SW
Doing Business As	THE TAYLOR
Dry	N
Dwelling Units	
Electric	N
Email	
Expiration Date	Sep 12, 2013
Flood Plain	N
Fraction	
Gas	N
GIS NSOName	
Health	N
Health Inspection Needed	N
Health Permit Number	
Historic	
Land Use	(1131) MULTI-FAMILY DWELLING
Lot	3
Manager Approval	N
Manager Name	
MD Overlay	
MD Review Needed	N
Moratorium Override	N
Natural Gas	N
Occupancy	
Occupancy Load	
Occupied Portion	UNIT FLOORS 1,2,3
Other Fuel	
Other Fuel Type	N
OverBlock	16
Owner Address Lookup	SUITE 100 2702 MCKINNEY AVE , DALLAS TEXAS 75204-2508 UNITED STATES OF AMERICA
Owner Address Override	
Owner Code	PRIVATE

BDA 123-100

7-39

Job 071536802-001 (1306124001)

Owner Name Lookup WESTON PLAZA LTD
Owner Name Override SLR CONSTRUCTION
Parking Agreement N
PDD
Postage N
Propane N
Proposed Parking
Required Parking
Sprinkler
Square Footage
Stories
Suite 1
Suite 2
SUP
TaxParcelLegal5 0966 016 003 1000966 016
Temporary Address
Use Of Property MULTI FAMILY

Details



Parcel: Historical 3100 CARLISLE ST Mapsco:45-B
0000013616500000



Address: Tax Parcel
3100 CARLISLE ST



Applicant: SPAMPINATO, JOHN
2650 CEDAR SPRINGS
DALLAS, TX 75209 214/550 8800

Job 071536802-001 (1306124001)

Processes

Assigned To	Status	Outcome	Scheduled		Actual	
			Start	Completed	Start	Completed
Enter CO Application Details						
Melvin Gatson; Hoppy Thetford; Bobl	Complete	CO Application Approved	Jun 12, 2013		Jun 12, 2013 13:42:12	
System Fee Collection						
SICASHIERINTERFACE	Complete	Collected			Jun 12, 2013 13:49:07	
Auto generated System Fee Collection						
Issue CO Inspection Request						
POSSE system power user; Jeffrey M	Complete	Complete	Jun 13, 2013		Jun 12, 2013 13:49:09	
Request CO Inspection						
DALLASIVR	Complete	Requested	Jun 17, 2013		Jun 14, 2013 12:01:46	
IVR Request on Jun 14, 2013.						
Monitor CO Inspections						
Ernesto Patlan	Complete	Complete			Jun 17, 2013 14:19:48	
Perform CO Plumbing Inspection						
Bob Hopper	Complete	Pass	Jun 17, 2013		Jun 17, 2013 11:31:53	
CO Plumbing Inspection						
Perform CO Electrical Inspection						
Richard Russell	Complete	Pass	Jun 17, 2013		Jun 14, 2013 15:59:18	
CO Electrical Inspection						
Perform CO Building Inspection						
Ernesto Patlan	Complete	Pass	Jun 17, 2013		Jun 17, 2013 14:19:48	
CO Building Inspection						
Perform CO Mechanical Inspection						
Bob Hopper	Complete	Pass	Jun 17, 2013		Jun 17, 2013 11:31:36	
CO Mechanical Inspection						
CO Failed Inspections						
Ernesto Patlan	Complete	No	Jun 12, 2013		Jun 17, 2013 14:19:48	
Notify Utility						
Tralan Mathis; Ernesto Patlan	Complete	Electric Utility Notified	Jun 17, 2013		Jun 17, 2013 14:19:48	
Notify Utility Verification						
Tralan Mathis	Scheduled		Jun 17, 2013			
C/O Electrical Release						
Issue Scheduled CO						
POSSE system power user; Ernesto	Complete	Issued	Jun 17, 2013		Jun 17, 2013 14:19:48	
Request for Building Inspection on Expired CO						
Ernesto Patlan	Complete	Notified	Jul 12, 2013		Jul 12, 2013 07:48:14	
TCO Extension and Fees						
Tralan Mathis	Complete	Extend Expiration Date			Jul 12, 2013 09:26:07	
System Fee Collection						
SICASHIERINTERFACE	Complete	Collected			Jul 12, 2013 09:56:12	
Auto generated System Fee Collection						
TCO Extension and Fees						
Tralan Mathis	Complete	Extend Expiration Date			Aug 12, 2013 11:13:04	
System Fee Collection						
SICASHIERINTERFACE	Complete	Collected			Aug 12, 2013 11:14:23	
Auto generated System Fee Collection						

Job 071536802-001 (1306124001)

Fees

Description	Posted Date	Amount	Tax	Total	Balance
Certificate of Occupancy Fee		\$104.00	\$0.00	\$104.00	\$0.00
Receipt Number: 76213	\$104.00	(\$104.00)	\$0.00	(\$104.00)	
Temporary CO Extension Fee		\$30.00	\$0.00	\$30.00	\$0.00
Receipt Number: 80865	\$30.00	(\$30.00)	\$0.00	(\$30.00)	
Temporary CO Extension Fee		\$30.00	\$0.00	\$30.00	\$0.00
Receipt Number: 85415	\$30.00	(\$30.00)	\$0.00	(\$30.00)	
					\$0.00

Job 071536802-001 (1306124001)

Related COs

Relationship: Certificate of Occupancy (Filtered):
Certificate Type Certificate of Occupancy (CO)
External File Number 1011191049
Issue Date Nov 23, 2010
Status Issued

Relationship: Certificate of Occupancy (Filtered):
Certificate Type Certificate of Occupancy (CO)
External File Number 1108231138
Issue Date Aug 24, 2011
Status Issued

Relationship: Certificate of Occupancy (Filtered):
Certificate Type Temporary (TCO)
External File Number 1306124001
Issue Date Jun 17, 2013
Status Issued

Relationship: Certificate of Occupancy (Filtered):
Certificate Type
External File Number 0304021105
Issue Date Apr 2, 2003
Status Issued

Relationship: Certificate of Occupancy (Filtered):
Certificate Type
External File Number 0304021091
Issue Date Apr 2, 2003
Status Issued

Relationship: Certificate of Occupancy (Filtered):
Certificate Type
External File Number 0304021092
Issue Date Apr 2, 2003
Status Issued

Relationship: Certificate of Occupancy (Filtered):
Certificate Type
External File Number 0304021074
Issue Date Apr 2, 2003
Status Issued

Relationship: Certificate of Occupancy (Filtered):
Certificate Type
External File Number 0304021106
Issue Date Apr 2, 2003
Status Issued

Relationship: Certificate of Occupancy (Filtered):
Certificate Type
External File Number 0304021097
Issue Date Apr 2, 2003
Status Issued

Relationship: Certificate of Occupancy (Filtered):
Certificate Type
External File Number 0304021071
Issue Date Apr 2, 2003
Status Issued

Relationship: Certificate of Occupancy (Filtered):
Certificate Type
BDA 123-100

Job 071536802-001 (1306124001)

Relationship: Certificate of Occupancy (Filtered):
External File Number 0304021095
Issue Date Apr 2, 2003
Status Issued

Relationship: Certificate of Occupancy (Filtered):
Certificate Type
External File Number 0304021101
Issue Date Apr 2, 2003
Status Issued

Relationship: Certificate of Occupancy (Filtered):
Certificate Type
External File Number 0304021099
Issue Date Apr 2, 2003
Status Issued

Relationship: Certificate of Occupancy (Filtered):
Certificate Type
External File Number 0304021108
Issue Date Apr 2, 2003
Status Issued

Relationship: Certificate of Occupancy (Filtered):
Certificate Type Temporary (TCO)
External File Number 1306124002
Issue Date Jun 17, 2013
Status Issued

Relationship: Certificate of Occupancy (Filtered):
Certificate Type
External File Number 0304021090
Issue Date Apr 2, 2003
Status Issued

Relationship: Certificate of Occupancy (Filtered):
Certificate Type
External File Number 0304021028
Issue Date Apr 2, 2003
Status Issued

Relationship: Certificate of Occupancy (Filtered):
Certificate Type
External File Number 0304021088
Issue Date Apr 2, 2003
Status Issued

Relationship: Certificate of Occupancy (Filtered):
Certificate Type
External File Number 0304021103
Issue Date Apr 2, 2003
Status Issued

Relationship: Certificate of Occupancy (Filtered):
Certificate Type
External File Number 0304021102
Issue Date Apr 2, 2003
Status Issued

Relationship: Certificate of Occupancy (Filtered):
Certificate Type
External File Number 0304021093
Issue Date Apr 2, 2003

Job 071536802-001 (1306124001)

Relationship: Certificate of Occupancy (Filtered):
Status Issued

Relationship: Certificate of Occupancy (Filtered):
Certificate Type
External File Number 0304021094
Issue Date Apr 2, 2003
Status Issued

Relationship: Certificate of Occupancy (Filtered):
Certificate Type
External File Number 0304021098
Issue Date Apr 2, 2003
Status Issued

Relationship: Certificate of Occupancy (Filtered):
Certificate Type
External File Number 0304021087
Issue Date Apr 2, 2003
Status Issued

Relationship: Certificate of Occupancy (Filtered):
Certificate Type
External File Number 0304021086
Issue Date Apr 2, 2003
Status Issued

Relationship: Certificate of Occupancy (Filtered):
Certificate Type
External File Number 0304021089
Issue Date Apr 2, 2003
Status Issued

Relationship: Certificate of Occupancy (Filtered):
Certificate Type
External File Number 0304021027
Issue Date Apr 2, 2003
Status Issued

Relationship: Certificate of Occupancy (Filtered):
Certificate Type
External File Number 0304021096
Issue Date Apr 2, 2003
Status Issued

Relationship: Certificate of Occupancy (Filtered):
Certificate Type
External File Number 0304021023
Issue Date Apr 2, 2003
Status Issued

Relationship: Certificate of Occupancy (Filtered):
Certificate Type
External File Number 0304021085
Issue Date Apr 2, 2003
Status Issued

Relationship: Certificate of Occupancy (Filtered):
Certificate Type
External File Number 0304021025
Issue Date Apr 2, 2003
Status Issued

Job 071536802-001 (1306124001)

Relationship: Certificate of Occupancy (Filtered):
Certificate Type
External File Number 0304021022
Issue Date Apr 2, 2003
Status Issued

Relationship: Certificate of Occupancy (Filtered):
Certificate Type
External File Number 0303271055
Issue Date Mar 27, 2003
Status Issued

Relationship: Certificate of Occupancy (Filtered):
Certificate Type
External File Number 0203251103
Issue Date Mar 25, 2002
Status Issued

Relationship: Certificate of Occupancy (Filtered):
Certificate Type Certificate of Occupancy (CO)
External File Number 0912151037
Issue Date Dec 17, 2009
Status Issued

Relationship: Certificate of Occupancy (Filtered):
Certificate Type Certificate of Occupancy (CO)
External File Number 1004291036
Issue Date May 3, 2010
Status Issued

Holds

-  Files: TCO
2013-07-19 08:37:23

-  CO Inspection Request: CO Inspection Request #1306124001 created on 2013/06/12 01:43:11

-  CO Inspection Request: CO Inspection Request

-  Files: tco
2013-06-25 08:53:31

-  Certificate of Occupancy: Certificate of Occupancy #1306124001 created on 2013/08/12 11:14:34

-  Certificate of Occupancy: Certificate Of Occupancy #1306124001 created on 2013/06/17 02:19:48

-  Certificate of Occupancy: Certificate of Occupancy #1306124001 created on 2013/07/12 09:27:20

-  Certificate of Occupancy: Certificate of Occupancy #1306124001 created on 2013/07/12 09:41:09

Notes

Project

Job	Type	Created	Issued	Completed	Status
071536802-001	Certificate of Occupancy	Jun 12, 2013	Jun 12, 2013	Jun 17, 2013	Issued
Temporary (TCO) DBA: THE TAYLOR					

Airport
Base Zoning PD-193
Block 16/966
Board of Adjustment N
Code District CENTRAL
Council District 14
Deed Restriction
District 22
Dry N
Escarpment N
Flood Plain N
GIS NSOName
GISConsVDist Oak Lawn PD 193_Chapter 51 Development Standards
Historic
Lot 3
Lot Area 42,500
Parking Agreement N
Parking Agreements
ParkingAgreementAFIL
ParkingAgreementBFIL
PDD
SUP
Zip Code 75204
Zip Code Ext

Ext Fees

Fees (EXT): 1306124001 Temporary CO Extension Fee \$30.00
Adjusted:\$0.00 Paid:\$30.00 Owed:\$0.00

Fees (EXT): 1306124001 Certificate of Occupancy Fee \$104.00
Adjusted:\$0.00 Paid:\$104.00 Owed:\$0.00

Fees (EXT): 1306124001 Temporary CO Extension Fee \$30.00
Adjusted:\$0.00 Paid:\$30.00 Owed:\$0.00

Audit

BDA CASE NO. 123-100

ANTHONY R. PAGE,
Aggrieved Party

with respect to:

3100 CARLISLE ST., real property
located within the CITY OF DALLAS,
TEXAS,

The Property

§
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§

IN THE
BOARD OF ADJUSTMENT

OF THE

CITY OF
DALLAS, TEXAS

**AGGRIEVED PARTY'S ORIGINAL PETITION
(ADDENDUM TO APPLICATION/APEAL TO THE
BOARD OF ADJUSTMENT)**

TO THE HONORABLE BOARD OF ADJUSTMENT:

COMES NOW, Aggrieved Party, Anthony R. Page ("Page"), for his appeal of a decision made by an administrative official of the City of Dallas Building Inspection Division with respect to 3100 Carlisle St. (the "Property"), alleges and states as follows:

PARTIES, JURISDICTION, AND VENUE

1. Aggrieved Party Page owns an undivided interest in 2.568 acres of real property located at 3210 Carlisle St., Dallas, TX, approximately 55 feet north/northeast and perpendicular across a public street from the Property. [See *Dallas Central Appraisal District* website: <http://www.dcad.org/AcctDetailRes.aspx?ID=00C79970000A00001>]

2. On information and belief, on or about August 12, 2013, an administrative official of the City of Dallas, Department of Sustainable Development & Construction, Mr. Tralan Mathis, made a decision with respect to the Property (the "Decision"), which

the Aggrieved Party alleges to be in error. [See *POSSE database, City of Dallas, Dept. of Sustainable Development & Construction, Building Inspection Division*]

3. Due to the close proximity and visibility of the Property, the Aggrieved Party's property is subject to unique harm as a result of the Decision. [See *Lazarides v. Farris, 2012 Tex. Appeal. LEXIS 2948 (Tex. App.—Houston [14th Dist.]2012)*]

4. Venue is proper in the Board of Adjustment, City of Dallas for the reason that the Property is located within the municipal limits of the City of Dallas. Furthermore, the Board of Adjustment has jurisdiction because the Aggrieved Party is appealing the decision of an administrative official made in the enforcement of the zoning ordinances of the City of Dallas within 15 days from the date of the Decision. [See *§211.009 of the Texas Local Government Code, §1(a) of the City of Dallas Board of Adjustment Working Rules of Procedure, and "Information About Appeals to the Board of Adjustment (City of Dallas)".*]

FACTUAL BACKGROUND

5. PD193 (the Oak Lawn Special Purpose District) was established via Ordinance #18580 and (as subsequently amended and re-established) presently comprises the entirety of Chapter 51P, Article 193 of the City Code (the "Oak Lawn Ordinance"). [See *Sec. 51P-193.101*]

6. The Property is located at 3100 Carlisle St., entirely within zoning district PD193, O-2 and contains a multi-level parking structure. [See *City of Dallas Zoning Map; website: gis.dallascityhall.com/zoningweb/*]

7. Aggrieved Party Page's property at 3210 Carlisle St. is located entirely within zoning district PD193, MF-2 and is occupied by a residential use. [See *City of*

Dallas Zoning Map; website: gis.dallascityhall.com/zoningweb/]

8. The daytime view from 3210 Carlisle St. (the Aggrieved Party's property) is shown in the following photograph:



9. The nighttime view from 3210 Carlisle St. (the Aggrieved Party's property) is shown in the following photograph:



10. The Oak Lawn Plan is the planning guide for the area covered by PD193. [See City Council Resolution No. 83-4034.]

11. The Oak Lawn Plan's goals include: discouraging above grade open parking structures and inappropriate building materials; making improvements to the aesthetic quality of parking areas; and providing stability for residential neighborhoods with changes to the zoning ordinance which create a more appropriate transition between residential and commercial areas. [See Oak Lawn Plan, p.3]

12. The Oak Lawn Plan notes that a consensus was reached that surface parking and large parking structures detract from the attractiveness of the area as a whole. [See Oak Lawn Plan, p.8]

13. The objectives of the Oak Lawn Plan "with regard to parking" include to discourage at grade and above grade parking; to screen at grade and above grade parking where it exists; and to encourage below grade parking. [See Oak Lawn Plan, p.9]

14. The objectives of the Oak Lawn Plan "with regard to improvement of standards for commercial development" include ensuring that: commercial development uses materials which are appropriate to their context; commercial development contributes to the landscaped character of the area; and parking to serve commercial development is not an intrusion in appearance or scale on surrounding development as well as discouraging above grade open parking structures. [See Oak Lawn Plan, p.8]

15. The objectives of the Oak Lawn Plan "with regard to... multifamily areas" include improving the landscaping and physical character of the area and protecting these areas from parking and loss of natural light, view and privacy due to development of adjacent commercial properties. [See Oak Lawn Plan, p.6]

16. The recommendation of the Oak Lawn Plan with respect to O-2 zoning, specifically, is that above grade parking structures must have façades of compatible material and comparable quality as the façades of the remainder of the building, with openings not to exceed 50% of the façades and that all surface parking must be screened by walls, landscaping or a combination of both, to a minimum height of 3 ½ feet. [*See Oak Lawn Plan, p.26-27*]

17. With respect to the Oak Lawn Special Purpose District, in its entirety, the recommendation was to **screen cars from view by locating underground, behind commercial or residential uses, or within aesthetically pleasing structures or landscaping.** [*See Oak Lawn Plan, p.57*]

18. **The Oak Lawn Plan's goal for parking design in Oak Lawn is to hide the automobile.** The Oak Lawn Plan states that underground parking is seen as most desirable so that space and grade may be preserved for commercial, residential, pedestrian, and recreational activities, which enhance the quality of life of the city, and for landscaping, which serves to enhance the beauty of the city. [*See Oak Lawn Plan, p.70*]

19. On October 27, 1983, the City Plan Commission unanimously adopted the Oak Lawn Plan as the predecessor to PD193. [*See Council Communication #1099-83 from Assistant City Manager Jim Reid to the Honorable Mayor and Members of City Council dated December 14, 1983.*]

20. On December 14, 1983, the City Council unanimously accepted “the Oak Lawn Plan as the planning guide for the Oak Lawn community” and referred “the specifics of the proposals concerning code and policy revision back to the City Plan

Commission for detailed analysis and the formulation of implementation recommendations.” [See *City Council Resolution No. 83-4034.*]

21. On February 8, 1985, following detailed analysis of the Oak Lawn Plan and the formulation of implementation recommendations by the City Plan Commission, Ordinance #18580 (the Oak Lawn Ordinance) was adopted, the purpose of which was to amend Chapter 51 of the City Code by adding PD193, the implementation of the Oak Lawn Plan. [See *City Council Ordinance No. 18580.*]

22. The purposes of the Oak Lawn Ordinance include:

a. “To encourage the placement of off-street parking underground or within buildings similar in appearance to non-parking buildings.” [See *Sec. 51P-193.103.(a)(3)*]

b. “To promote development appropriate to the character of nearby neighborhood uses by imposing standards sensitive to scale and adjacency issues.” [See *Sec. 51P-193.103.(a)(4)*]

c. “To promote landscape/streetscape quality and appearance.” [See *Sec. 51P-193.103.(a)(7)*]

d. “To provide visual buffering and enhance the beautification of the city.” [See *Sec. 51P-193.103.(a)(9)*]

e. “To safeguard and enhance property values and to protect public and private investment.” [See *Sec. 51P-193.103.(a)(10)*]

f. “To discourage variances or zoning changes which would... fail to adhere to the standards for multiple-family neighborhoods and commercial areas, or would fail to comply with the overall objectives of the Oak Lawn Plan accepted and endorsed by the city council on December 14, 1983, by Resolution No. 83-4034.” [See

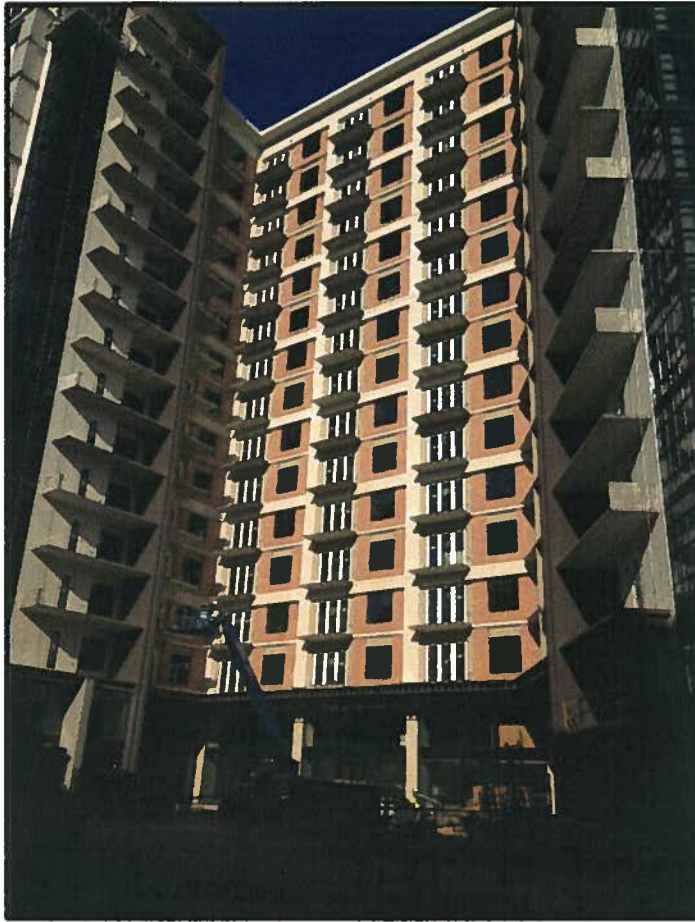
Sec. 51P-193.103.(a)(6)

23. The Oak Lawn Ordinance requires that “(a)ll permanent parking structures must be either underground or concealed in a building with a facade that is similar in appearance to the facade of the main non-parking building for which the parking is accessory.” [See *Sec. 51P-193.127*]

24. The phrasing of *Sec. 51P-193.127*: “parking structures must be... concealed in a building with a façade...” clearly indicates that the terms “parking structure” and “building with a façade” are two separate architectural elements. In other words, the Oak Lawn Ordinance makes no provision for counting the side of a parking structure as a “façade” when, in fact, no such façade has been installed on the side of the parking structure.

25. The term “concealed” is not defined in the Oak Lawn Ordinance; however, the common meaning of “conceal” is: “to prevent disclosure or recognition of” or “to place out of sight.” [See *Merriam-Webster Dictionary*; website: <http://www.merriam-webster.com/dictionary/conceal>]

26. This is a photograph of the Property’s main non-parking building showing a dominant pattern of red brick, supplemented by stone on the lower floors:



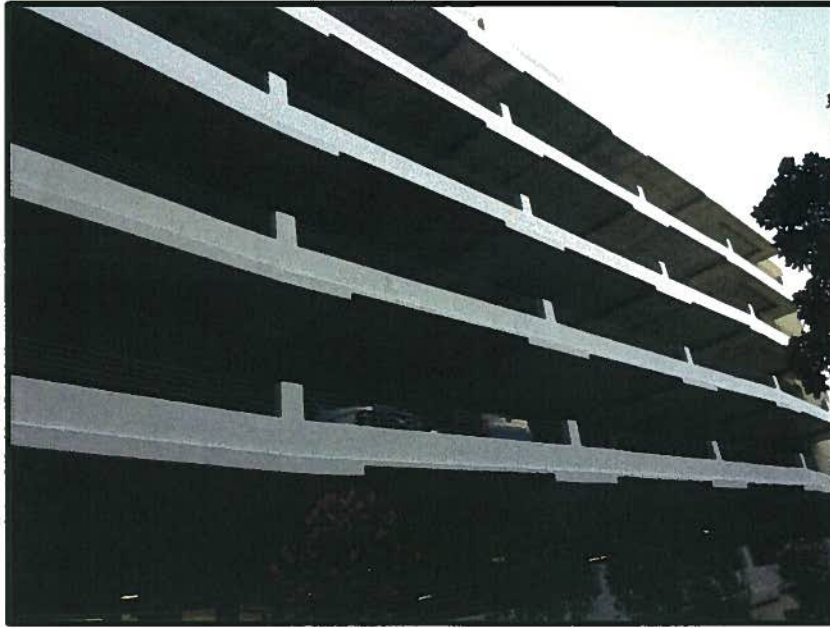
27. This is a photograph of the front of the Property's permanent parking structure from Carlisle St. showing the substantial absence of a façade, exposed diagonal sides of parking ramps and a general failure to conceal:



28. This is a photograph of the Property's permanent parking structure from Bowen Road showing the substantial absence of a façade, a storm sewer pipe and a general failure to conceal:



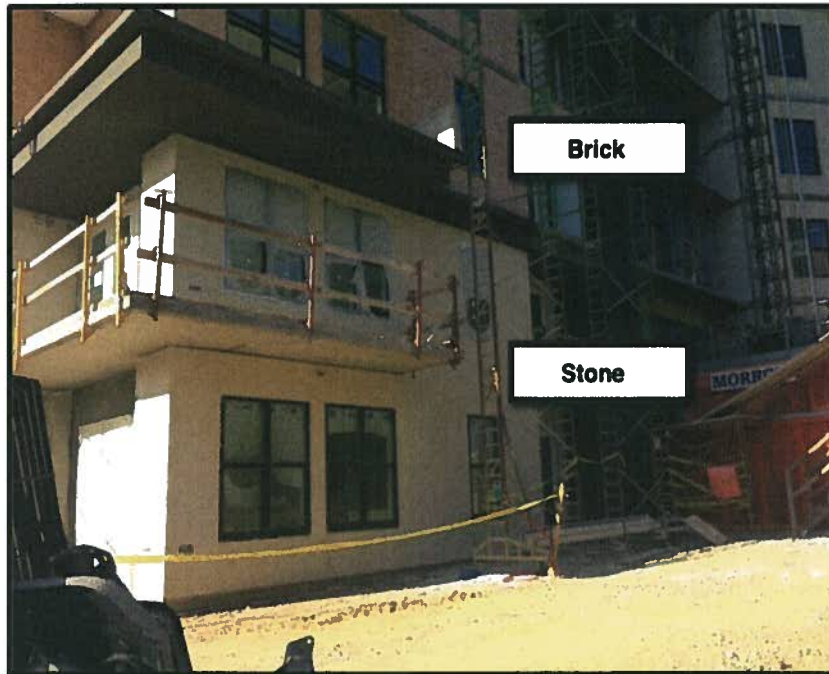
29. This is a photograph of the Property's permanent parking structure from the rear alley illustrating the absence of a façade and a general failure to conceal:



30. As is clearly illustrated in paragraphs 24 – 27, the Property’s permanent parking structure is not underground nor is it concealed in a building with a façade that is similar in appearance to the façade of the main non-parking building for which the parking is accessory.

31. The Oak Lawn Ordinance requires that “(a)t least 12 percent of the parking structure facade (including openings, if any) must be covered with the same material used predominantly on the first 24 feet of height of the main non-parking building.” [See Sec. 51P-193.127]

32. This is a photograph of the first 24 feet of height of the main non-parking building, showing a predominant use of red brick and stone:



33. Photographs of the sides of the parking structure, previously depicted in paragraphs 25 – 27, reveal that they are substantially devoid of facades. Where facades do exist, they are constructed of neither red brick nor stone.

34. The Oak Lawn Ordinance requires that “(o)penings in the parking structure facade may not exceed 52 percent of the total facade area” [*See Sec. 51P-193.127*]

35. As stated in paragraph 28, the parking structure’s “side” and “façade” are two separate architectural elements.

36. In addition, the Oak Lawn Ordinance contains no provision allowing for the façade of a non-parking structure or an opening in a parking structure to count as the façade of a parking structure for purposes of satisfying the requirement to limit openings in the parking structure’s façades.

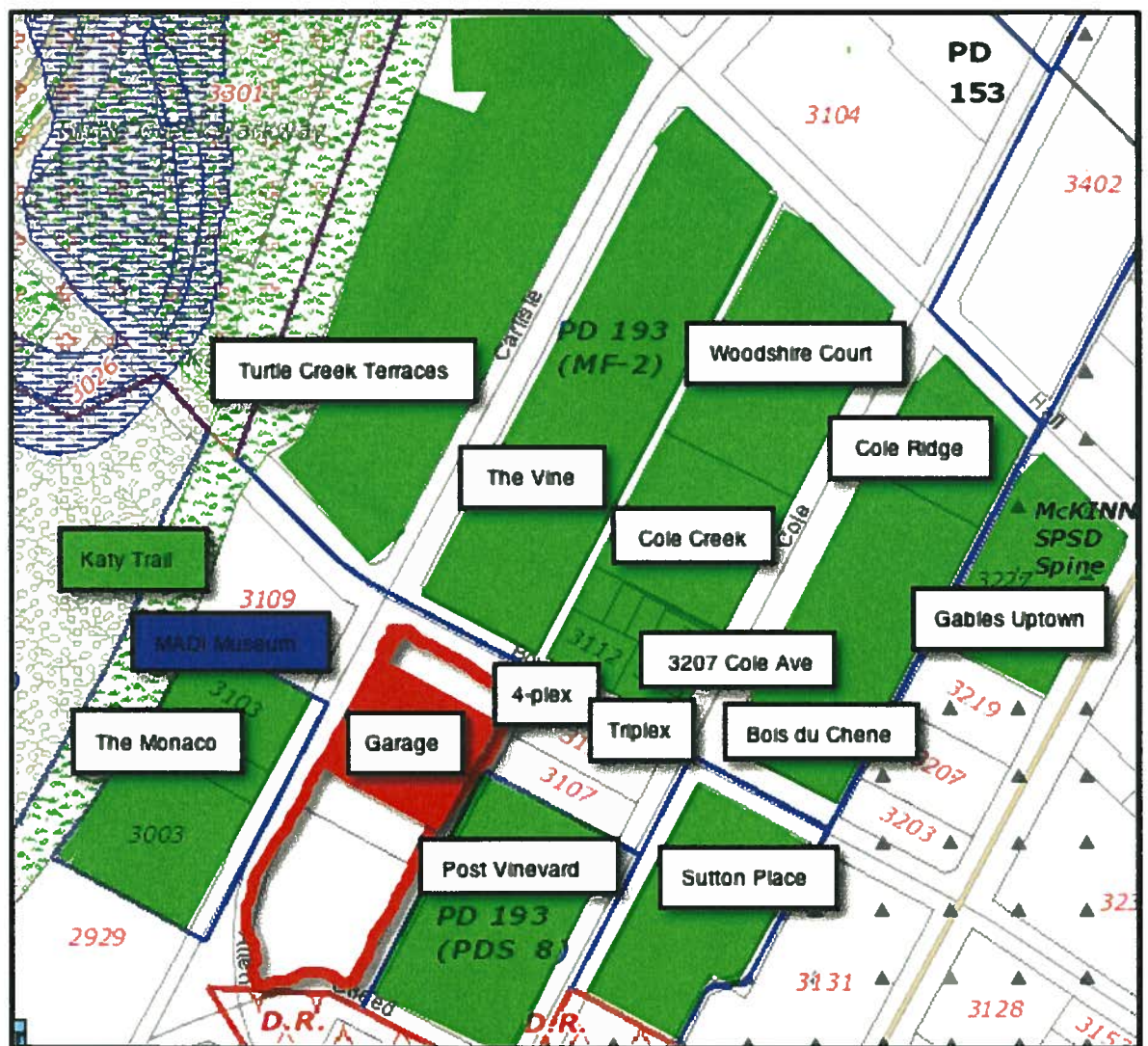
37. Photographs of the sides of the parking structure, previously depicted in paragraphs 25 – 27, reveal that it is substantially devoid of facades and contains openings

that are well in excess of 52% of the total façade area.

38. The Oak Lawn Ordinance requires that light sources associated with off-street parking “not be visible from property this is occupied by a residential use and located within 600 feet of the light source.” [See Sec. 51P-193.113(e)(2)(C)(iii)]

39. Light sources are defined as flames or bulbs, mantles, or other devices that produce light. [See Sec. 51P-193.104(a)(15)]

40. This is a map of all property that is occupied by a residential use and located within 600 feet of the light source:



41. This is a photograph of the visible off-street parking light sources taken from property occupied by a residential use (The Monaco) located at 3003 Carlisle St. and taken at a distance of 90± feet:



42. This is a photograph of the visible off-street parking light sources taken from property occupied by a residential use (Turtle Creek Terraces) located at 3003 Carlisle St. and taken at a distance of 210± feet:



43. This is a photograph of the visible off-street parking light sources taken from property occupied by a residential use (The Vine) located at 3210 Carlisle St. and taken at a distance of 140± feet:



44. This is a photograph of the visible off-street parking light sources taken from property occupied by a residential use (a triplex) located at 3205 Cole Ave. and taken at a distance of 170± feet:



45. The Dallas Development Code prohibits any use that has a visible source of illumination that produces glare or direct illumination across a property line of an intensity that creates a nuisance or detracts from the use or enjoyment of adjacent property. [See Sec. 51A-6.104(a)]

46. The intensity of the Property parking structure’s sources of illumination produce glare and direct illumination across the property line to surrounding property that results in certain nearby residents being required to close their blinds at night and to reorient their patio chairs away from the sources of illumination, creating a nuisance and detracting from their enjoyment of the property.

47. The Dallas Development Code prohibits any outside lights that direct a light beam across a property line. [See Sec. 51A-6.104(b)]

48. The Property’s outside lights that illuminate the parking structure and surface parking area direct light beams across several property lines.

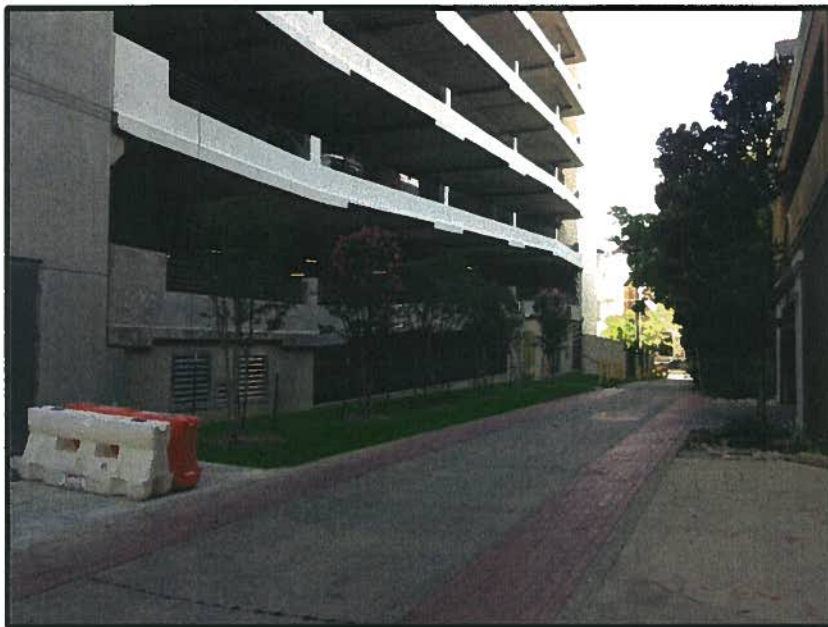
49. With respect to off-street parking, the Oak Lawn Ordinance requires that “(t)he intensity of spillover light on neighboring residential lots, measured at a point five feet inside the residential lot line and five feet above the ground surface, may not exceed 0.1 footcandle.” [See Sec. 51P-193.113(e)(2)(B)]

50. Utilizing a Sekonic Illuminometer model i-346 and taking readings at least 30 minutes after sunset, the intensity of spillover light on the following neighboring residential lots was measured to be in excess of 0.1 footcandles from a point five feet inside the residential lot line and five feet above the ground surface:

3003 Carlisle St. (The Monaco)	0.71
3015 Cole Ave. (Post Vineyard)	0.33

51. The Oak Lawn Ordinance requires that “(a)boveground parking structures must have a 10-foot landscaping buffer on any side facing a public right-of-way, residential district, residential subdistrict, or residential use. This landscape buffer must contain... evergreen shrubs planted three feet on center.” [See Sec. 51P-193.126(b)(3)(D)]

52. This is a photograph of the southeast side of the parking structure facing a public right-of-way showing a complete absence of evergreen shrubs:



53. The Oak Lawn Ordinance requires that: “(a)ll surface parking must be screened from the street and residentially zoned property... to... attain a minimum height of three and one-half feet above the parking surface...” [See Sec. 51P-193.126(b)(3)(A)]

54. This is a photograph of the Project’s surface parking which shows a complete absence of screening from Carlisle St. to attain a minimum height of three and one-half feet above the parking surface:



55. On information and belief, on August 12, 2013, a building official identified as “Tralan Mathis” made a decision to approve the Extension of a Temporary Certificate of Occupancy relating to “Unit Floors 1, 2 & 3” as well as “Parking Garage B1 Thru 4th Floor” of the Property. [See *POSSE database, City of Dallas, Dept. of Sustainable Development & Construction, Building Inspection Division*]

FIRST CAUSE OF ACTION
(FAILURE TO CONCEAL THE PARKING STRUCTURE)

56. The allegations of Paragraphs 1 – 55 are re-alleged and incorporated by reference.

57. The Aggrieved Party is entitled to a ruling that the parking structure must either be relocated underground or concealed in a building with a façade that is similar in appearance to the façade of the main non-parking building for which the parking is accessory, as required by Sec. 51P-193.127 of the Dallas City Code.

SECOND CAUSE OF ACTION
(PARKING STRUCTURE’S FAILURE TO MATCH GROUND ELEVATION OF PRIMARY STRUCTURE)

58. The allegations of Paragraphs 1 – 57 are re-alleged and incorporated by reference.

59. The Aggrieved Party is entitled to a ruling that at least 12% of the parking structure facades (including openings) be covered with the same material used predominantly on the first 24 feet of height of the main non-parking building, as required by Sec. 51P-193.127 of the Dallas City Code.

THIRD CAUSE OF ACTION
(FAILURE TO LIMIT OPENINGS IN PARKING STRUCTURE FACADE)

60. The allegations of Paragraphs 1 – 59 are re-alleged and incorporated by reference.

61. The Aggrieved Party is entitled to a ruling that openings in the parking structure façade be limited to 52% or less of the of the total facade areas, as required by Sec. 51P-193.127 of the Dallas City Code.

FOURTH CAUSE OF ACTION
(FAILURE TO SHIELD OFF-STREET PARKING LIGHT SOURCES)

62. The allegations of Paragraphs 1 – 61 are re-alleged and incorporated by reference.

63. The Aggrieved Party is entitled to a ruling that light sources associated with off-street parking not be visible from property that is occupied by a residential use and located within 600 feet of the light source, as required by Sec. 51P-193.113(e)(2)(C)(iii) of the Dallas City Code.

FIFTH CAUSE OF ACTION
(PRODUCTION OF GLARE AND DIRECT ILLUMINATION)

64. The allegations of Paragraphs 1 – 63 are re-alleged and incorporated by reference.

65. The Aggrieved Party is entitled to a ruling that the Property's unenclosed parking structure is a prohibited use because it produces glare and direct illumination across property lines, as dictated by Section 51A-6.104(a) of the Dallas City Code.

SIXTH CAUSE OF ACTION
(DIRECTION OF LIGHT BEAMS ACROSS PROPERTY LINES)

66. The allegations of Paragraphs 1 – 65 are re-alleged and incorporated by reference.

67. The Aggrieved Party is entitled to a ruling that the Property's outdoor lights be removed or modified because they illegally direct light beams across property lines, as required by Section 51A-6.104(b) of the Dallas City Code.

SEVENTH CAUSE OF ACTION
(FAILURE TO LIMIT THE INTENSITY OF SPILLOVER LIGHT)

68. The allegations of Paragraphs 1 – 67 are re-alleged and incorporated by reference.

69. The Aggrieved Party is entitled to a ruling that the intensity of spillover light on neighboring residential lots, measured at a point five feet inside the residential lot line and five feet above the ground surface, be reduced to a level of 0.1 footcandle or less, as required by Section 51P-193.113(e)(2)(B) of the Dallas City Code.

EIGHTH CAUSE OF ACTION
(FAILURE TO ADEQUATELY LANDSCAPE PARKING STRUCTURE)

70. The allegations of Paragraphs 1 – 69 are re-alleged and incorporated by reference.

71. The Aggrieved Party is entitled to a ruling ordering the planting of evergreen shrubs, three feet on center, on all sides of the aboveground parking structure that face a public right-of-way, residential district, residential subdistrict, or residential

use, as required by Section 51P-193.126(b)(3)(D) of the Dallas City Code.

NINTH CAUSE OF ACTION
(FAILURE TO ADEQUATELY LANDSCAPE SURFACE PARKING)

72. The allegations of Paragraphs 1 – 71 are re-alleged and incorporated by reference.

73. The Aggrieved Party is entitled to a ruling requiring all surface parking to be screened from Carlisle St. and residentially zoned property to attain a minimum height of three and one-half feet above the parking surface, as required by Section 51P-193.126(b)(3)(A) of the Dallas City Code.

TENTH CAUSE OF ACTION
(VOID CERTIFICATE OF OCCUPANCY – PARKING STRUCTURE)

74. The allegations of Paragraphs 1 – 73 are re-alleged and incorporated by reference.

75. City of Dallas building officials have no jurisdiction to allow uses that violate City ordinances. Moreover, building permit applicants are held to notice of applicable regulations and the limits of permit officers' power. [*See Zachry v. City of San Antonio, 296 S.W.2d 299, 305 (Tex. Civ. App. San Antonio 1956), aff'd 157 Tex. 551, 305 S.W.2d 558 (1957), for a statement of the general rule.*]

76. Building permits issued by building officials based upon an unnatural construction of city zoning ordinances are void. [*See Davis v. City of Abilene, 250 S.W.2d 685 (Tex. Civ. Appeal. Eastland 1952, writ refused)*]

77. Allowing building officials to grant permits for forbidden uses in protected districts would thwart and completely destroy the power and authority given by the enabling act of the legislature to the city council as the legislative body of the city. [*See*

Harrington v. City of Alamo Heights, 124 S.W.2d 401 (Tex. Civ. Appeal. Amarillo 1939, writ refused)]

78. Administrative actions that violate the fundamental commands or limitations established by ordinance are void and cannot bind the City of Dallas by contract or estoppel. [See Black & Daniel, *The Texas Rule of Estoppel in Zoning Cases, 33 Baylor L. Review 241 (1981)*]

79. Long and uncontested use under invalid permits do not legitimate the permits which are void *ab initio*, and do not estop the City of Dallas from enforcing its ordinances as written. [See *Swain v. Board of Adjustment of University Park, 433 S.W. 2d 733 (Tex. Civ. Appeal. Dallas 1968, writ refused n.r.e.)*]

80. The building official shall deny an application for a certificate of occupancy if the certificate of occupancy requested does not comply with the codes, the *Dallas Development Code*, or other City of Dallas ordinances, rules or regulations. (emphasis added) [See *Sec. 52.306.5.1*]

81. The Aggrieved Party is entitled to a ruling overturning the decision to award a temporary certificate of occupancy and, instead, denying any applications for the parking structure located on the Property.

ELEVENTH CAUSE OF ACTION
(VOID BUILDING PERMIT(S) – PARKING STRUCTURE)

82. The allegations of Paragraphs 1 – 81 are re-alleged and incorporated by reference.

83. The building official shall suspend or revoke a permit issued under this chapter if he or she determines that the permit is issued in error or on the basis of incorrect information supplied, or in violation of any city ordinance or regulation or any

provision of Chapter 52 or the codes. (emphasis added) [*See. Sec. 52-302.6.1*]

84. The Aggrieved Party is entitled to a determination that any and all building permit(s) relating to the parking structure are void and should be suspended or revoked.

TWELTH CAUSE OF ACTION
(VOID BUILDING PERMIT(S) – MULTI-FAMILY STRUCTURES)

85. The allegations of Paragraphs 1 – 84 are re-alleged and incorporated by reference.

86. Multiple-family structures such as the ones under construction at the Property require one off-street parking space for each 500 square feet of dwelling unit floor area. [*See 51P-193.107(a)(3)(C)(i)*].

87. Because the parking structure and surface parking lot upon which the Property's multiple-family structures are dependent is illegal and therefore ineligible for a certificate of occupancy, no parking spaces are available to satisfy the multi-family parking requirement. This inability to satisfy the parking requirement renders the multi-family structures illegal.

88. The Aggrieved Party is entitled to a determination that any and all building permit(s) pertaining to the multi-family structures are void and should be suspended or revoked.

THIRTEENTH CAUSE OF ACTION
(VOID CERTIFICATES OF OCCUPANCY – MULTI-FAMILY STRUCTURES)

89. The allegations of Paragraphs 1 – 88 are re-alleged and incorporated by reference.

90. The Aggrieved Party is entitled to a determination that any and all

certificate(s) of occupancy pertaining to the multi-family structures are void and should be suspended or revoked.

WHEREFORE, PREMISES CONSIDERED, Aggrieved Party respectfully prays that the Honorable Board of Adjustment enter judgment in its favor on each count of the Petition, as follows:

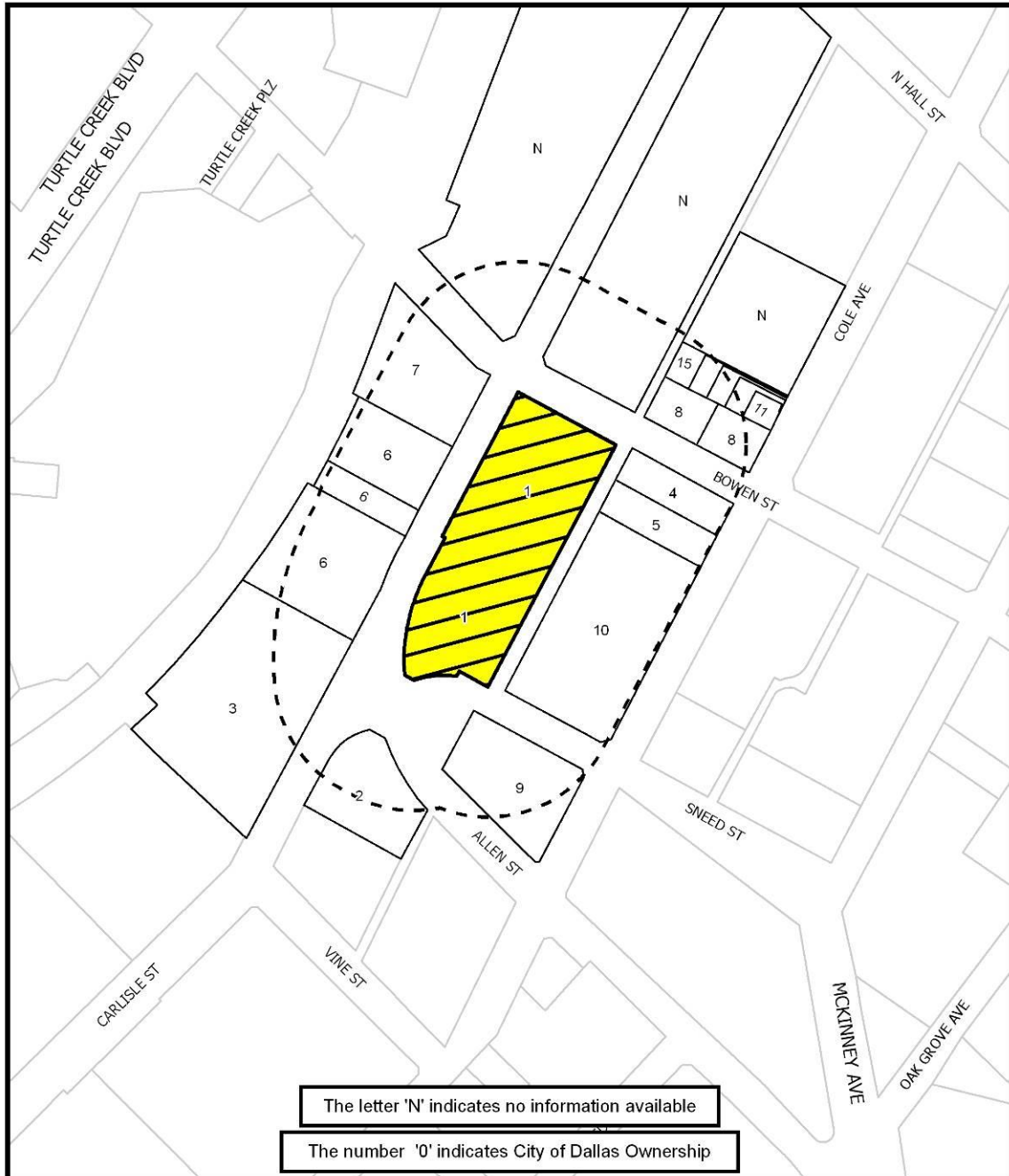
- a. That the Board determine that the Property is in violation of the Dallas City Code, including the Dallas Construction Code, the Dallas Development Code, and the Oak Lawn Ordinance;
- b. That the Board suspend or revoke all temporary certificates of occupancy and building permits relating to the Property;
- c. That the Board employ any and all enforcement remedies at the Board's disposal to compel the Property's owner to immediately abate all existing violations of the Dallas City Code through repair, rehabilitation, demolition or removal;
- d. That the Board reimburse the Applicant's filing fee due to financial hardship for the reason that the Applicant, a neighboring private citizen, is a reluctant and innocent party to these proceedings, who has already suffered substantial damage as a result of the matters which are the subject of this hearing;
- e. Injunctive relief; and
- f. For such other and further relief as the Board deems just and proper.

Respectfully submitted,

/s/ Timothy M. Hoch

Timothy M. Hoch
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**ATTORNEY FOR AGGRIEVED
PARTY ANTHONY R. PAGE**



 1:2,400	NOTIFICATION	Case no: BDA123-100			
	<table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">15</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	15	NUMBER OF PROPERTY OWNERS NOTIFIED
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Notification List of Property Owners

BDA123-100

15 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3000 CARLISLE ST	SLR 3000 CARLISLE LLC 49TH FLOOR
2	3031 ALLEN ST	DOS PATRONS LLC
3	2929 CARLISLE ST	KLP NEWVILLE LP
4	3111 COLE AVE	ANDERSON MICHAEL J
5	3107 COLE AVE	BOUCHER DANIEL D
6	3003 CARLISLE ST	ALAMO MANHATTAN JOINT VENTURE LLC % PRIN
7	3109 CARLISLE ST	3109 CARLISLE LP
8	3112 BOWEN ST	KASNETZ ANDREW B
9	2909 COLE AVE	ABERFELDY LIMITED PS STE 340
10	3007 COLE AVE	POST APARTMENT HOMES LP POST PPTYS INC
11	3207 COLE AVE	WARNICK HAROLD B CAROLYN J WARNICK
12	3207 COLE AVE	STANIS GRANT
13	3207 COLE AVE	HANSEN SARAH M
14	3207 COLE AVE	FELDMAN JULIE & MATTHEW
15	3207 COLE AVE	LOUKAIDES ALEXANDER