

ZONING BOARD OF ADJUSTMENT, PANEL B
WEDNESDAY, SEPTEMBER 18, 2013
AGENDA

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

Neva Dean, Interim Assistant Director
Steve Long, Board Administrator

MISCELLANEOUS ITEMS

	Approval of the Wednesday, August 21, 2013 Board of Adjustment Public Hearing Minutes	M1
Unassigned	323 E. Woodin Boulevard REQUEST: By Lillie M. Peterson, represented by Michael Olscher, to waive the filing fee for a potential Board of Adjustment appeal	M2

UNCONTESTED CASES

BDA 123-090	2614 Boll Street REQUEST: Application of Elias Rodriguez for a special exception to the landscape regulations	1
BDA 123-093	6932 Tayloe Street REQUEST: Application of Ignacio P. Garcia for a special exception to the front yard setback regulations for a carport	2

HOLDOVER CASE

BDA 123-081	2912 Maple Avenue REQUEST: Application of Karl A. Crawley for a variance to the off-street parking regulations and a special exception to the landscape regulations	3
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REGULAR CASES

BDA 123-082	5629 SMU Boulevard REQUEST: Application of Carlos D. Goyne, Café Build, LLC for a special exception to the off-street parking regulations	4
BDA 123-089	5506 Miller Avenue REQUEST: Application of Alfonso Solis, Jr. to appeal the decision of the administrative official	5

EXECUTIVE SESSION NOTICE

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

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

MISCELLANEOUS ITEM NO. 1

To approve the Board of Adjustment Panel B August 21, 2013 public hearing minutes.

FILE NUMBER: BDA 123-090

BUILDING OFFICIAL'S REPORT: Application of Elias Rodriguez for a special exception to the landscape regulations at 2614 Boll Street. This property is more fully described as Lot 3, Block 2/955 and is zoned PD-193 (LC) H/116, which requires mandatory landscaping. The applicant proposes to construct/maintain a structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

LOCATION: 2614 Boll Street

APPLICANT: Elias Rodriguez

REQUEST:

A special exception to the landscape regulations is made in conjunction with increasing nonpermeable coverage of the lot developed with an existing approximately 1,800 square foot structure (The Ahab Bowen House), and not fully complying with the landscaping requirements of PD 193.

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

PD 193 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, subject to the following condition:

- Compliance with the submitted alternate landscape plan is required.

Rationale:

- The applicant has substantiated how granting this request would not compromise the spirit and intent of the landscaping requirements of PD 193.
- While the submitted alternate landscape plan does not fully meet the sidewalk and tree planting zone requirements of the ordinance, this plan exceeds the landscape site area and required front yard requirements of the ordinance. The submitted alternate landscape plan maintains mature trees on the site, and demonstrates intent to plant new landscaping materials that minimize any effect on the historic

property while not obscuring the view of the historic structure on the property from Boll and Howland Streets.

- The City’s Chief Arborist recommends approval of this request.

BACKGROUND INFORMATION:

Zoning:

Site: PD 193 (LC) (H/116)(Planned Development District, Light commercial, historic)
North: PD 193 (LC)(Planned Development District, Light commercial)
South: PD 193 (LC)(Planned Development District, Light commercial)
East: PD 193 (LC)(Planned Development District, Light commercial)
West: PD 193 (GR)(Planned Development District, General retail)

Land Use:

The subject site is developed with an existing vacant structure that is a City of Dallas designated historic site (The Ahab Bowen House). The areas to the north, east, and south are developed with mixed uses; and the area to the west is developed with a surface parking lot.

Zoning/BDA History:

1. BDA 123-028, Property at 2701 McKinney Avenue (the property immediately east of the subject site)

On April 16, 2013, the Board of Adjustment Panel A: 1) granted requests for variances to the front yard setback regulations to maintain an existing nonconforming structure and to construct/maintain an addition in the Boll Street front yard setback imposing the submitted site plan as a condition to these requests; 2) granted a request for a special exception to the landscape regulations, imposing the revised alternate landscape plan as conditions to this request; 3) denied a request for a variance to the front yard setback regulations to maintain an existing nonconforming structure in the McKinney Avenue front yard setback with prejudice; and 4) denied a request for a variance to the off-street parking regulations of 13 spaces without prejudice.

The case report stated that the following appeals were made on a site that is currently developed with a restaurant use (S & D Oyster House): a variance to the front yard setback regulations of 10’ was made in

conjunction with constructing and maintaining an addition structure (freezer/cooler room and stairwell) with an approximately 1,900 square foot building footprint, part of which is to be located in on the Boll Street front property line, or as much as 10' into this 10' front yard setback along Boll Street; variances to the front yard setback regulations of 10' were made in conjunction with remedying/addressing the nonconforming aspect of the existing nonconforming structure that is located in the site's two 10' front yard setbacks along McKinney Avenue and Boll Street; a variance to the off-street parking regulations of 13 spaces (or a 24 percent reduction of the 54 off-street parking spaces that are required) was requested in conjunction with constructing and maintaining existing/proposed development with a total of approximately 5,400 square feet of restaurant use where the applicant proposes to provide 41 (or 76 percent) of the required 54 required off-street parking; and a special exception to the PD 193 landscape regulations was made in conjunction with the proposed new construction, and not fully complying with the landscaping requirements of PD 193.

Timeline:

- July 8, 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 B.
- 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 request; and

- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

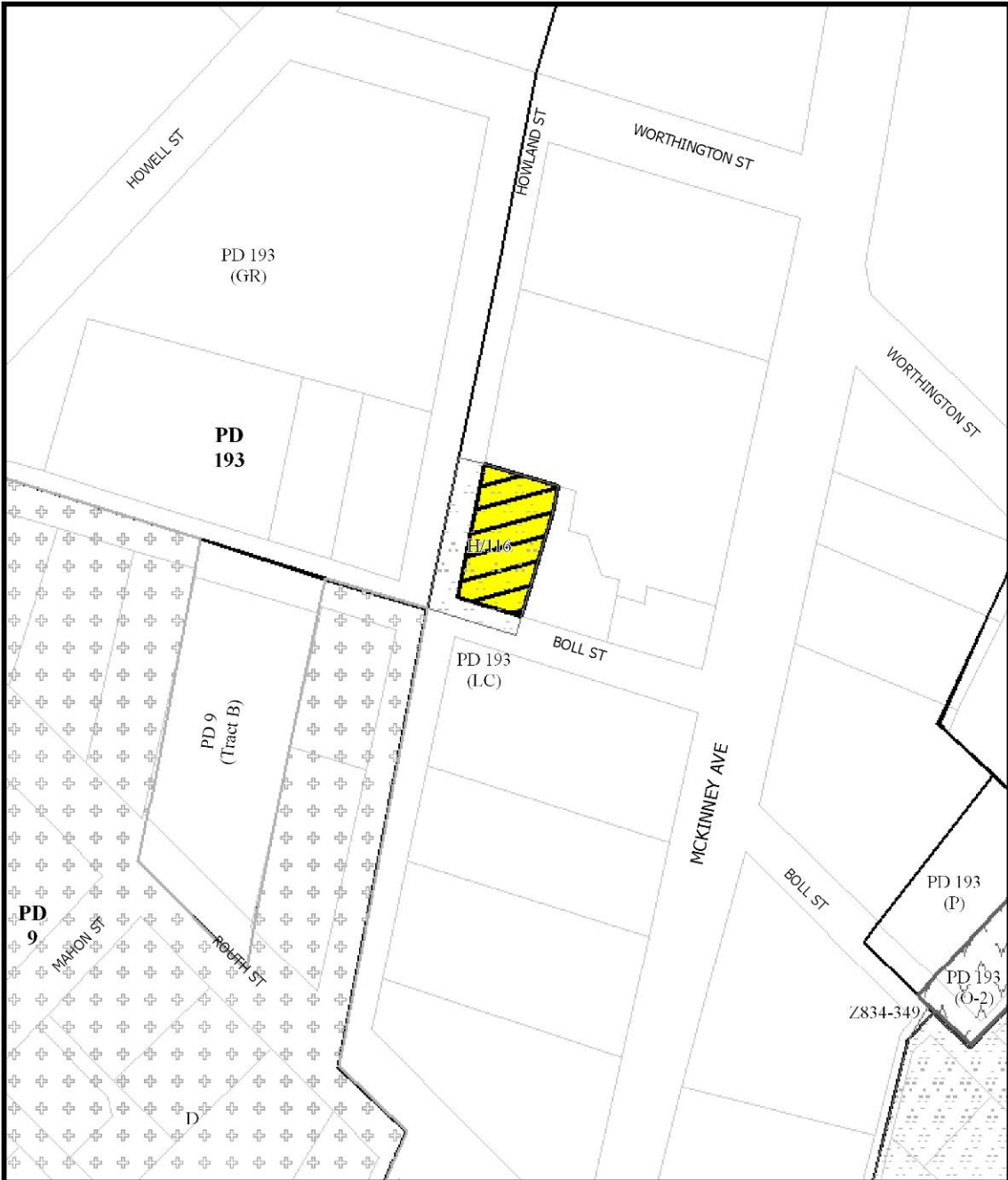
September 3, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for September public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Interim Assistant 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 5, 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 increasing nonpermeable coverage of the lot developed with an existing approximately 1,800 square foot structure (The Ahab Bowen House), and not fully complying with the landscaping requirements of PD 193.
- 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.
- The City of Dallas Chief Arborist submitted a memo regarding the applicant's request (see Attachment A). The memo states how this request is triggered by new increase of nonpermeable coverage of the lot for new parking and maneuvering.
- The arborist's memo lists the following ways in which the applicant's alternate landscape plan is deficient to the PD 193 Landscaping Requirements:
 1. Sidewalks: Sidewalks are required to be 6' wide and 5'- 12' from back of curb. The existing sidewalk matches the width and alignment of the existing sidewalk for the blockface. The proposed new sidewalk along Howland Street will be 5' wide and placed at back of curb.
 2. Tree planting zone: One tree for every 25' of frontage excluding driveways and visibility zone. The site should have a minimum of 5 street trees planted 2.5' – 5' from back of curb. The proposal has no new trees planted within the designated tree planting zone
- The arborist's memo lists the following factors for consideration:
 1. The property is under Historic Overlay District 116 (Ahab Bowen) designation established in 2002. Trees are protected under Article X Tree Preservation Regulations.

2. The property exceeds the landscape site area and required front yard landscape requirements. The site complies with screening of off-street parking requirements.
 3. The owner proposes to install a 5' wide sidewalk along Howland Street which will allow patrons who park off-site to walk safely to the facility. The existing sidewalk on Boll Street is intended to remain as installed. A refurbished retaining wall of about 6" in height is proposed adjacent to the new and existing sidewalks.
 4. Additional plantings are proposed alongside the dumpster at the rear of the property.
 5. Significant large trees are to be maintained on the property with the intent of fewer site changes to minimized damage to the mature tree root systems. Placing the sidewalk closer to the curb reduces the risk to the mature trees on the property.
 6. Along with seeking to demonstrate the intent of landscaping per PD 193 requirements, all new landscaping installation is designed to minimize negative impacts to the historic property and protected trees on the site, and not to obstruct the view of the historic structure.
- The City of Dallas Chief Arborist recommends approval of this request because the applicant has demonstrated that the alternate plan does not compromise the spirit and intent of the PD 193 landscape requirements.
 - The applicant has the burden of proof in establishing the following:
 - The special exception (where an alternate landscape plan has been submitted that is deficient in fully meeting the sidewalk and tree planting zone requirements of the PD 193 landscaping requirements) will not compromise the spirit and intent of the section of the ordinance (Section 26: Landscape, streetscape, screening, and fencing standards).
 - If the Board were to grant this request and impose the submitted alternate landscape plan as a condition, the site would be granted exception from full compliance to sidewalk and tree planting zone requirements of the Oak Lawn PD 193 landscape ordinance.



 1:1,200	<h1>ZONING MAP</h1>	Case no: <u> BDA123-090 </u> Date: <u> 9/10/2013 </u>
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1:1,200

AERIAL MAP

Case no: BDA123-090

Date: 9/10/2013

BDA123-090
Attach A

Pg 1

Memorandum



CITY OF DALLAS

DATE September 5, 2013
TO Steve Long, Board of Adjustment Administrator
SUBJECT # BDA 123 - 090 2614 Boll Street

The applicant is requesting a special exception to the landscape requirements of PD 193 (LC), Part 1, 51P-193.126.

Trigger

New increase of nonpermeable coverage of the lot for new parking and maneuvering.

Deficiencies

The proposed plan is deficient of PD 193, Part 1 requirements for sidewalk size and placement and tree planting zone requirements.

Sidewalks for this district are required to be 6' wide and spaced from 5 to 12 feet from back of curb. The existing sidewalk matches the width and alignment of the existing sidewalk for the block face. The proposed new sidewalk along Howland Street will be 5' wide and placed at back of curb.

The tree planting zone is required to have one tree for every 25 feet of frontage, excluding the driveway and visibility zone. The site should have a minimum of 5 street trees planted between 2.5' - 5' from back of curb. The proposal would have no new trees planted within the designated tree planting zone.

Factors

The property is under Historic Overlay District #116 (Ahab Bowen) designation established in 2002. In addition, the trees are protected under Article X tree preservation regulations.

The property exceeds the requirement for landscape site area for lot and required front yard. The proposed plan will comply with screening of off-street parking requirements.

The owner proposes to install a 5' sidewalk along Howland Street placed at the back of curb. This is needed for patrons who park offsite to walk safely to the facility. The existing sidewalk on Boll Street is intended to remain as installed. A refurbished

retaining wall of approximately 6 inches in height is proposed adjacent to the new and existing sidewalks.

A new drive approach will be created on Howland Street for access to new parking to the rear of the property. New screening shrubs are to be installed to comply with the minimum PD 193 requirements for screening of off-street parking.

Additional plantings are proposed alongside the dumpster at the rear of the property.

Significant large trees are to be maintained on the property with the intent of fewer site changes to minimize damage to the mature tree root systems. The owner proposes to allow for manual irrigation of plant materials to reduce risk with installation of trenching for new irrigation lines. A significant large mature catalpa tree in the front of the structure is sensitive to potential critical damage to tree root systems. The mature trees along the Howland Street side are relatively close to the street and will be susceptible to root damage with the installation of the required sidewalk. Placing the sidewalk closer to the curb reduces the risk to these trees.

Along with seeking to demonstrate the intent of landscaping per PD 193 requirements, all new landscaping installation is designed to minimize negative impacts to Historic District and Article X designated protected trees currently on site, and to not obscure the view of the historic structure.

Recommendation

I recommend approval of the proposed alternate landscape plan because the owner has demonstrated the plan does not compromise the spirit and intent of the PD 193 landscape requirements.

Philip Erwin, ISA certified arborist #TX-1284(A)
Chief Arborist



APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-090

Data Relative to Subject Property:

Date: 7-8-13

Location address: 2614 Boll St

Zoning District: PD193(LC)H/116

Lot No.: 3 Block No.: 2/955 Acreage: 0.135 Census Tract: 18.00

Street Frontage (in Feet): 1) 150 2) 51 3) _____ 4) _____ 5) _____ *SW 22*

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Pasha & Sina INC

Applicant: Eliu Rodriguez Telephone: 214 946 4300

Mailing Address: 317 E Jefferson Blvd Zip Code: 75203

E-mail Address: elias@buildingplansandpermits.com

Represented by: Construction Concepts Inc Telephone: 214 946 4300

Mailing Address: 317 E Jefferson Blvd Zip Code: 75203

E-mail Address: _____

Affirm that an appeal has been made for a Variance __, or Special Exception of Landscaping.

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 alternate plan is being proposed because we cannot meet our PD 51 landscaping requirements without jeopardizing the future of 31 historic trees.

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

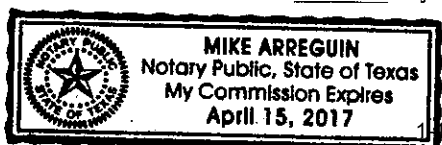
Before me the undersigned on this day personally appeared Eliu Rodriguez
(Affiant/Applicant's name printed)

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 8 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

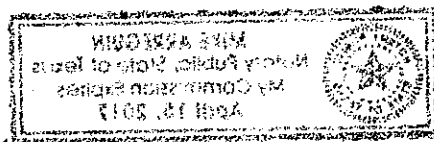
Building Official's Report

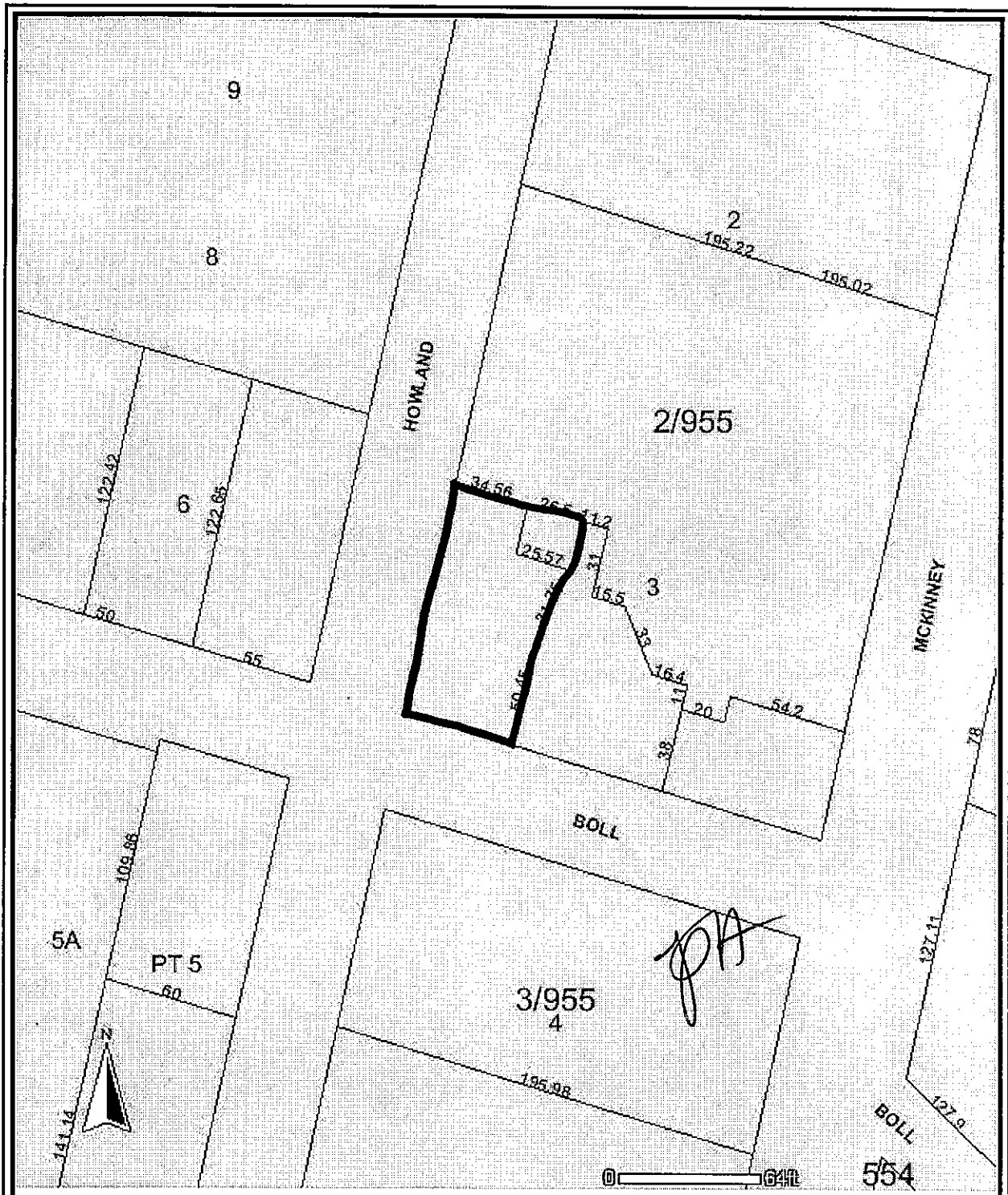
I hereby certify that ELIAS RODRIGUEZ
did submit a request for a special exception to the landscaping regulations
at 2614 Boll Street

BDA123-090. Application of Elias Rodriguez for a special exception to the landscaping regulations at 2614 Boll Street. This property is more fully described as Lot 3, Block 2/955 and is zoned PD-193 (LC) H/116, 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



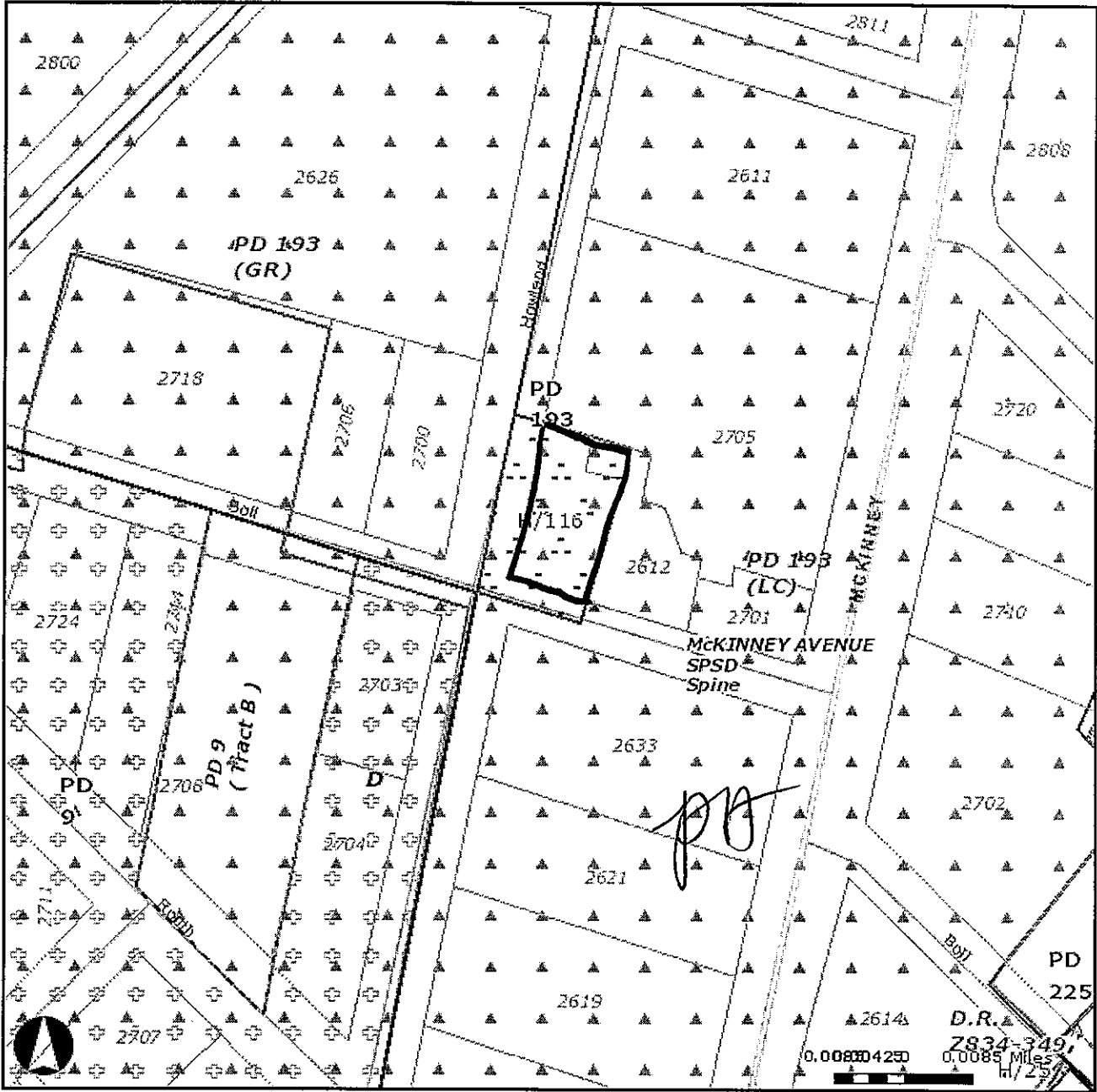


**Dallas Central
Appraisal District**
www.dallascad.org

DISCLAIMER

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

City of Dallas Zoning



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

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

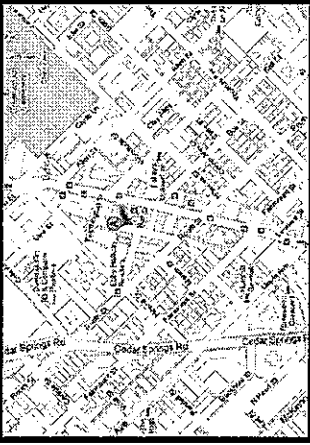
- Base Zoning
- Floodplain
- 100 Flood Zone
- Mill's Creek
- Peak's Branch
- X PROTECTED BY LEVEE
- Pedestrian Overlay
- Environmental Corridors

CONSTRUCTION CONCEPTS INC.
 "Planning and Designing a Better Tomorrow"
 317 E. JEFFERSON BLVD.
 DALLAS, TX. 75203
 TEL. (214) 948-4300
 FAX. (214) 948-9544

THESE PLANS ARE INTENDED TO PROVIDE BASIC CONSTRUCTION INFORMATION NECESSARY TO ESTABLISH A BUILDING PERMIT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF DALLAS AND THE STATE OF TEXAS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF DALLAS AND THE STATE OF TEXAS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF DALLAS AND THE STATE OF TEXAS.

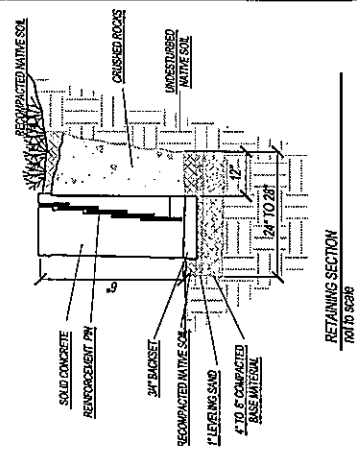
Project Name & Address
 2614 BOLL ST.
 DALLAS, TX
 75204

Project LANDSCAPE
 Date 06/25/13
 Scale 1"=0'-20"
 Drawn By AH
 Sheet 1



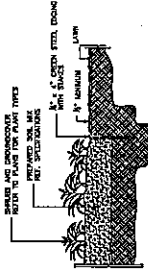
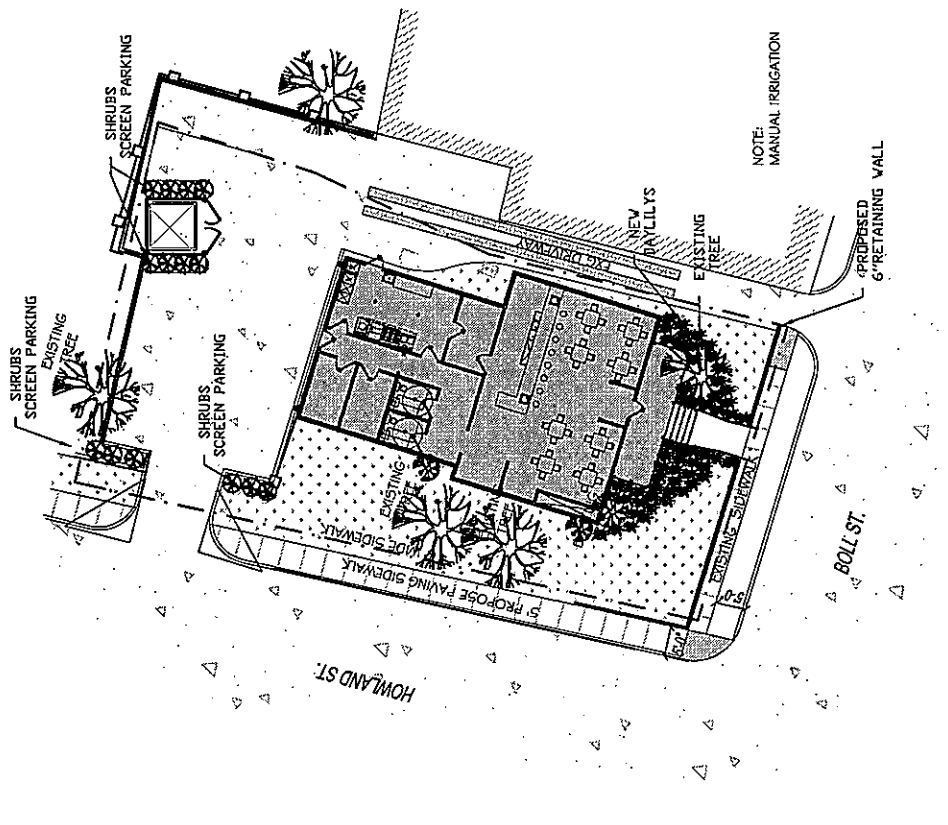
VICINITY MAP
 for reference only

SQUARE FOOTAGE	
DINING AREA & BAR	865 SQ.FT.
RESTROOMS	76 SQ.FT.
KITCHEN & STORAGE	686 SQ.FT.
EXISTING OTHER AREAS	171 SQ.FT.
TOTAL AREA	1,798 SQ.FT.

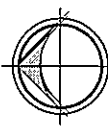


PLANT LEGEND						
SYM.	TYPE	BOTANICAL NAME	COMMON NAME	QUAN.	SIZE	REMARKS
DB	Shrub	Dwarf Barted Holly	Dwarf Barted Holly	14	7 Gal.	Plant 30" O.C.
	Perennial	HENROCCALUS X SPP	DAILY	52	3 Gal.	2.5' HT.
	Low					

FRONT YARD SETBACK 10'	
LANDSCAPE SITE AREA	GENERAL PLANTING AREA
10%	N/A
60% OF RY	12% OF RY
	6% OF RY/W/1 PLANT/6 sq. ft.

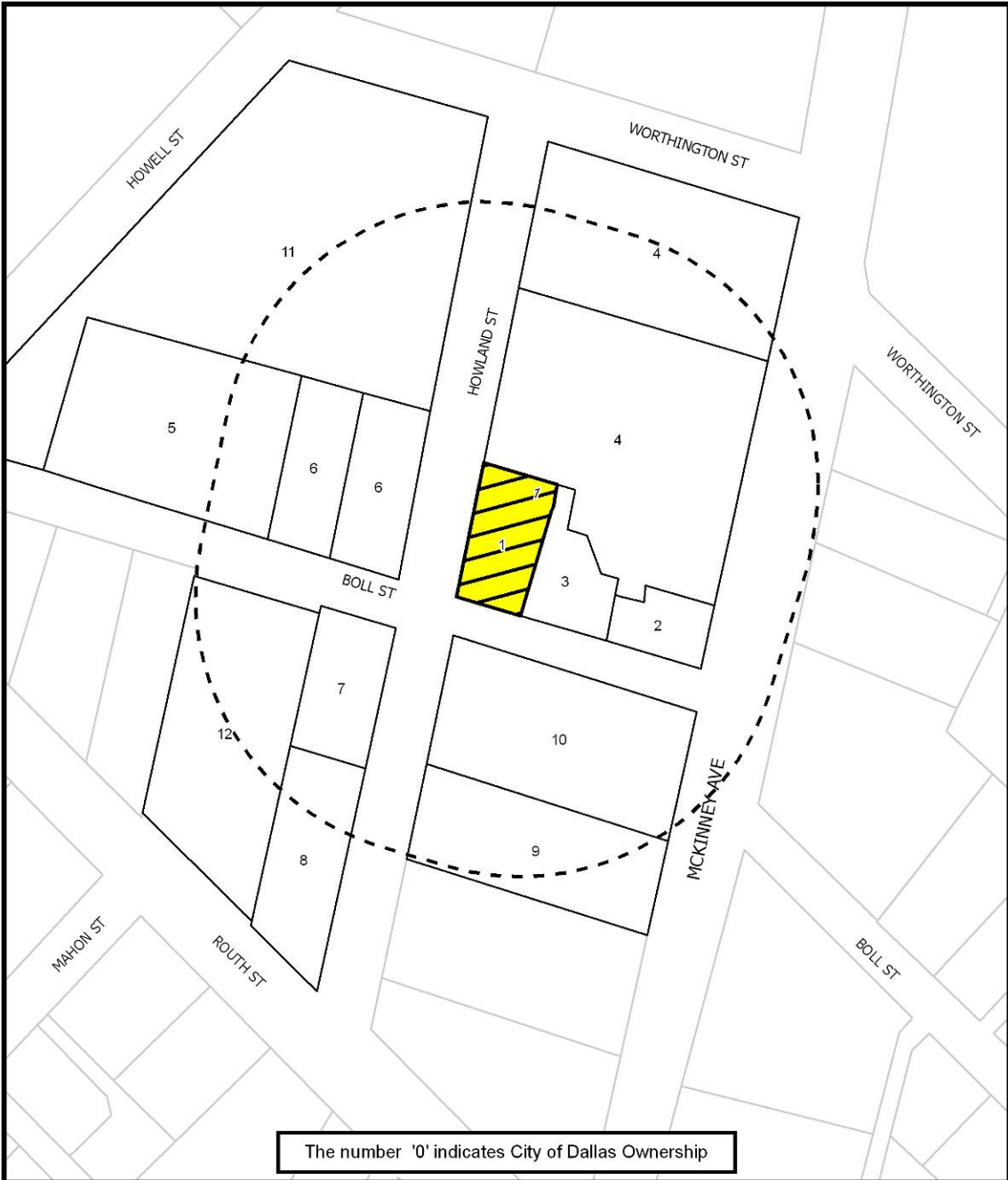


STEEL EDGING DETAIL
 Not To Scale



NORTH
 Legal Description:
 A-HAB BOWENS
 BLK 2/955 LOT 3 0.1029 AC

LANDSCAPE PLAN
 2614 BOLL ST



 1:1,200	NOTIFICATION	Case no: BDA123-090			
	<table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">12</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	12	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
12	NUMBER OF PROPERTY OWNERS NOTIFIED				

Notification List of Property Owners

BDA123-090

12 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2614 BOLL ST	LONGCRIER MICHAEL C
2	2701 MCKINNEY AVE	STORY HERBERT B JR
3	2612 BOLL ST	JACKSON FRANK & EDGAR MASON
4	2705 MCKINNEY AVE	MCKINNEY AVENUE PARTNERS LTD
5	2718 BOLL ST	PUBS LAND PARTNERSHIP
6	2706 BOLL ST	STORY HERBERT B JR & MARY KAY STORY
7	2703 BOLL ST	OGLE LINDA K ET AL
8	2704 ROUTH ST	MARTIN INV LP % JAMES B MARTIN
9	2621 MCKINNEY AVE	BLACKFRIAR PROPERTY LLC
10	2633 MCKINNEY AVE	2633 MCKINNEY AVE LLC
11	2626 HOWELL ST	KODIAK UPTOWN CENTER H LP STE 100
12	2708 ROUTH ST	JTS ROUTH ST PARTNERS LLC ATTN: JOHN T S

FILE NUMBER: BDA 123-093

BUILDING OFFICIAL'S REPORT: Application of Ignacio P. Garcia for a special exception to the front yard setback regulation for a carport at 6932 Tayloe Street. This property is more fully described as Lot 19, Block 19/5818 and is zoned R-7.5(A), which requires a front yard setback of 25 feet. The applicant proposes to construct/maintain a carport structure and provide an 8 foot setback, which will require a 17 foot special exception to the front yard setback regulations.

LOCATION: 6932 Tayloe Street

APPLICANT: Ignacio P. Garcia

REQUEST:

A special exception to the front yard setback regulations for a carport of 17' is requested in conjunction with modifying/maintaining what is represented on the submitted site plan and elevation document as an approximately 570 square foot carport attached to a single-family home, part of which is located in the site's 25' front yard setback.

STANDARD FOR A SPECIAL EXCEPTION TO ALLOW A CARPORT IN THE FRONT YARD:

The Board of Adjustment may grant a special exception to the minimum front yard requirements to allow a carport for a single-family or duplex use when, in the opinion of the Board:

- (1) there is no adequate vehicular access to an area behind the required front building line that would accommodate a parking space; and
- (2) the carport will not have a detrimental impact on surrounding properties.

In determining whether to grant a special exception, the Board shall consider the following:

- (A) Whether the requested special exception is compatible with the character of the neighborhood.
- (B) Whether the value of surrounding properties will be adversely affected.
- (C) The suitability of the size and location of the carport.
- (D) The materials to be used in construction of the carport.
(Storage of items other than motor vehicles is prohibited in a carport for which a special exception is granted in this section of the Code).

STAFF RECOMMENDATION:

No staff recommendation is made on this or any request for a special exception to the front yard setback regulations since the basis for this type of appeal is *when in the*

opinion of the board, there is no adequate vehicular access to an area behind the required front building line that would accommodate a parking space; and the carport will not have a detrimental impact on surrounding properties.

BACKGROUND INFORMATION:

Zoning:

Site: R-7.5(A) (Single family residential 7,500 square feet)
North: R-7.5(A) (Single family residential 7,500 square feet)
South: CR (SUP 1863)(Community retail, specific use permit)
East: R-7.5(A) (Single family residential 7,500 square feet)
West: R-7.5(A) (Single family residential 7,500 square feet)

Land Use:

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

Zoning/BDA History:

1. BDA 123-065, Property at 6931 Tayloe Street (the subject site)

On June 19, 2013, the Board of Adjustment Panel B denied requests for special exceptions to the front yard setback regulations of 17' and to the visual obstruction regulations without prejudice. The case report stated that a special exception to the front yard setback regulations of 17' was requested in conjunction with maintaining what is represented on the submitted site plan as an approximately 570 square foot carport attached to a single-family home, part of which is located in the site's 25' front yard setback; and that special exceptions to the visual obstruction regulations were requested in conjunction with maintaining two metal posts of the aforementioned carport; and portions of a 4' high open metal picket fence in the two 20' visibility triangles on either side of the driveway into the site from Tayloe Street..

2. BDA 023-037, Property at 6933 Tayloe Street (the lot immediately northwest of the subject site)

On December 10, 2002, the Board of Adjustment Panel A granted a request for a variance of 20' to the front yard setback regulations. The Board imposed the following conditions to this request: The carport must remain open at all times; all applicable building permits must be obtained; compliance with the submitted and amended site plan and elevation is required; storage of items other than motor vehicles is prohibited; and the applicant must submit to the Board Administrator within 180 days from this hearing, documentation from a doctor verifying that a "handicapped person" resides at this address, and that this "handicapped person" meets terminology of "handicap" as that term is defined in the Federal Fair Housing Amendment Act of 1988. The case report stated how the request was made in conjunction with maintaining an approximately 520 square foot (20' x 26'), two-vehicle, flat-roofed steel/metal carport on a site developed with a single family home where approximately 400 square feet of the existing carport is located in the front yard setback. The case report noted that the Dallas Development Code provides two methods in which the Board of Adjustment can consider allowing carports located in the front yard setback. One method is requesting a *variance* to the setback regulations; the other method is a *special exception* to the setback regulations. Each method has a separate standard or basis in which the board shall consider. In this particular case, the applicant had requested a *variance* to the setback regulations.

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.

August 20, 2013: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B. 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 request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

August 27, 2013: The applicant submitted documentation on this application to the Board Administrator beyond what was submitted with the original application (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.

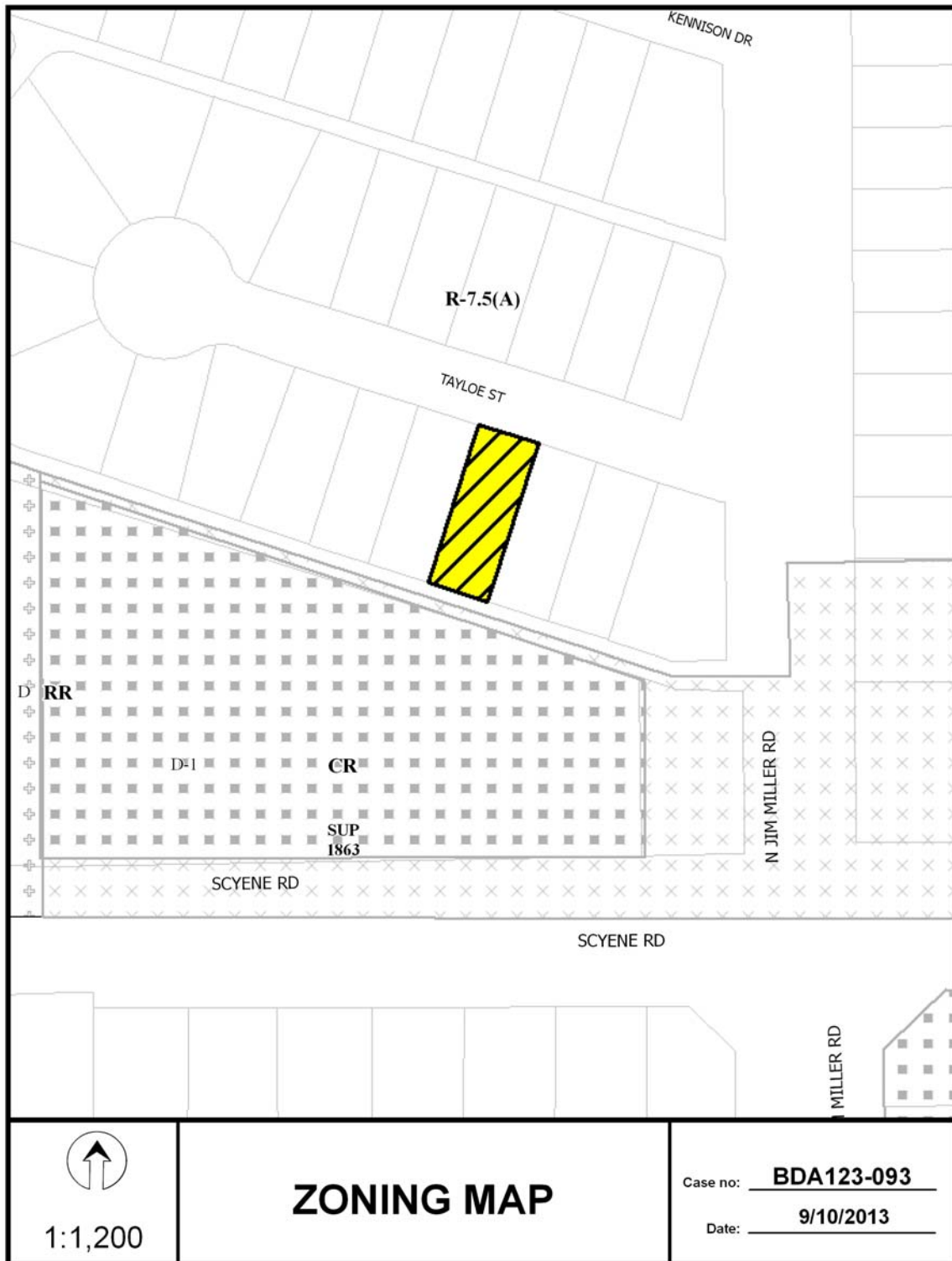
No review comment sheets were submitted in conjunction with this application.

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on modifying/maintaining what is represented on the submitted site plan and elevation document as an approximately 570 square foot carport attached to a single-family home, part of which is located in the site's 25' front yard setback. (The existing carport as observed and photographed in an August field visit of the property by the Board Administrator was anchored by four metal posts whereby the submitted elevation document represents the modified carport has having two metal posts).
- A 25' front yard setback is required in the R-7.5(A) zoning district.

The applicant submitted a site plan and elevation indicating that the location of the existing carport is 8' from the site's front property line or 17' into the 25' front yard setback.

- The Dallas Development Code provides for the Board of Adjustment to consider special exceptions for *carports* in the front yard setback with a specific standard for this type of appeal. (Note that the Dallas Development Code does not provide a definition of “carport” however Building Inspection interprets a “carport” to be a structure that would cover a vehicle and be open on at least one side).
- The Dallas Development Code provides for the Board of Adjustment to consider *variances for structures* in the front yard setback with a different basis for appeal than that of *special exceptions for carports* in the front yard setback.
- The following information was gleaned from the submitted site plan:
 - The carport is represented to be approximately 24' in length and approximately 24' in width (approximately 570 square feet in total area) of which approximately 400 square feet (or approximately 3/4) is located in the front yard setback.
 - There is a 5' – 5.5' wide area between the existing house and the two side property lines of the subject site property – neither distance wide enough to allow a driveway.
- The following information was gleaned from the submitted elevation:
 - Corrugated metal roof
 - 4' x 4' metal posts
- The submitted plat map shows an alley on the south side of the subject site.
- The subject site is approximately 137' x 55' (or 7,500 square feet) in area.
- According to DCAD, the property at 6932 Tayloe has the following “main improvement” of a structure with 1,052 square feet built in 1949, and “additional improvements” of a 660 square foot detached garage.
- The applicant has the burden of proof in establishing the following:
 - there is no adequate vehicular access to an area behind the required front building line that would accommodate a parking space; and
 - the carport will not have a detrimental impact on surrounding properties.
- As of September 9, 2013, no letters had been submitted in support of or in opposition to the request.
- Typically, staff has suggested that if the Board concludes at their hearing that the applicant has established the necessary facts to warrant favorable action, that they impose certain conditions with this type of appeal. The following conditions would restrict the location and size of the carport in the front yard setback; would require the carport in the front yard setback to be maintained (in this case) in a specific design with specific materials and in a specific configuration; and would require the applicant to mitigate any water drainage-related issues that the carport may cause on the lot immediately west:
 1. Compliance with the submitted site plan and elevation is required.
 2. The carport structure must remain open at all times.
 3. No lot-to-lot drainage is permitted in conjunction with this carport special exception.
 4. All applicable building permits must be obtained.
 5. No item (other than a motor vehicle) may be stored in the carport.





1:1,200

AERIAL MAP

Case no: BDA123-093

Date: 9/10/2013



06/17/2013

BDA 123-093
Attach A
Pg 1

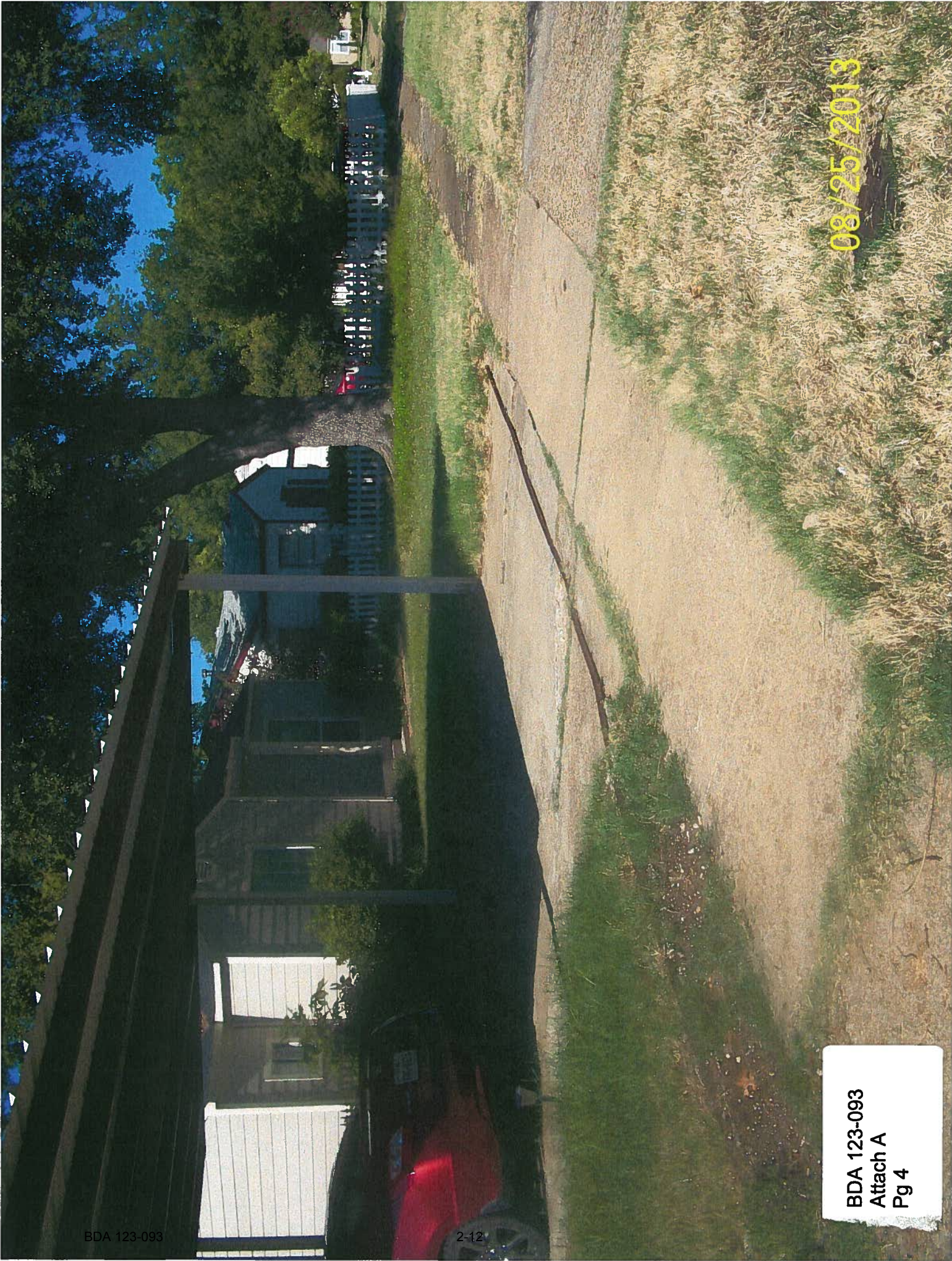
06/17/2013





08/25/2013

BDA 123-093
Attach A
Pg 3



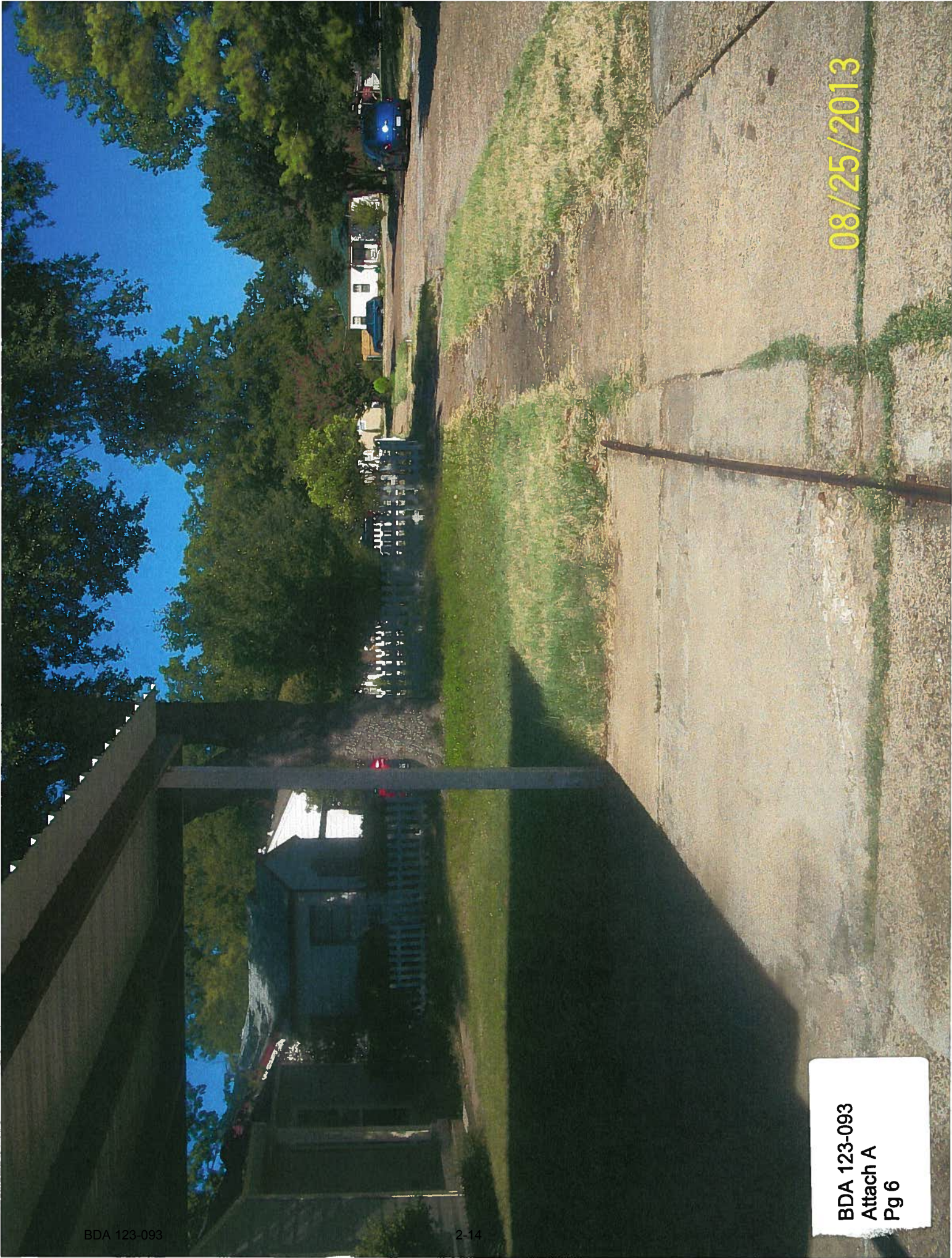
08/25/2013

BDA 123-093
Attach A
Pg 4



08/25/2013

BDA 123-093
Attach A
Pg 5



08/25/2013

BDA 123-093
Attach A
Pg 6

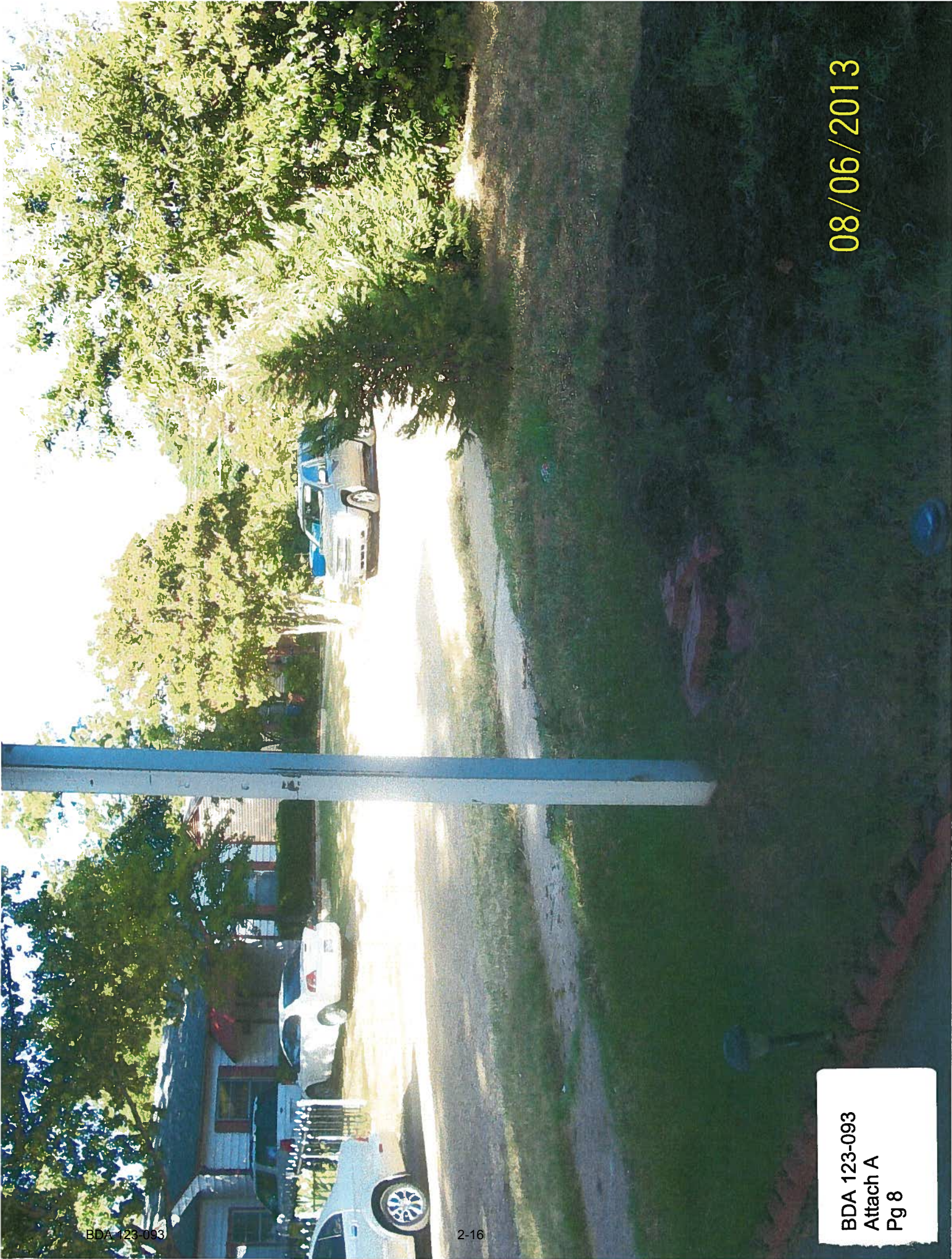


BDA 123-093

2-15

BDA 123-093
Attach A
Pg 7

08/25/2013



BDA 123-093

2-16

BDA 123-093
Attach A
Pg 8

08/06/2013



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-093

Date: 7-26-13

Data Relative to Subject Property:

Location address: 6932 Tayloe St Zoning District: R-7.5(A)

Lot No.: 19 Block No.: 19/5818 Acreage: _____ Census Tract: 84.00

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

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Ignacio P. Garcia

Applicant: Ignacio P. Garcia Telephone: (469) 556-7213

Mailing Address: 6932 Tayloe St Zip Code: 75227

E-mail Address: Celeste1955@att.net

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 17' set back
for front house carports

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

We are in compliance with all the requirements for the carport regulation.
1) front yard fence & gate have been removed. 4) Backyard gate does not provide entry.
2) front trees have been relocated
3) Storage bldg in back has been closed with a wall.

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.

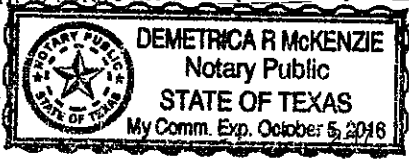
Affidavit

Before me the undersigned on this day personally appeared Ignacio Pacheco Garcia
(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: Ignacio Pacheco Garcia
(Affiant/Applicant's signature)

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



Demetrica R McKenzie
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

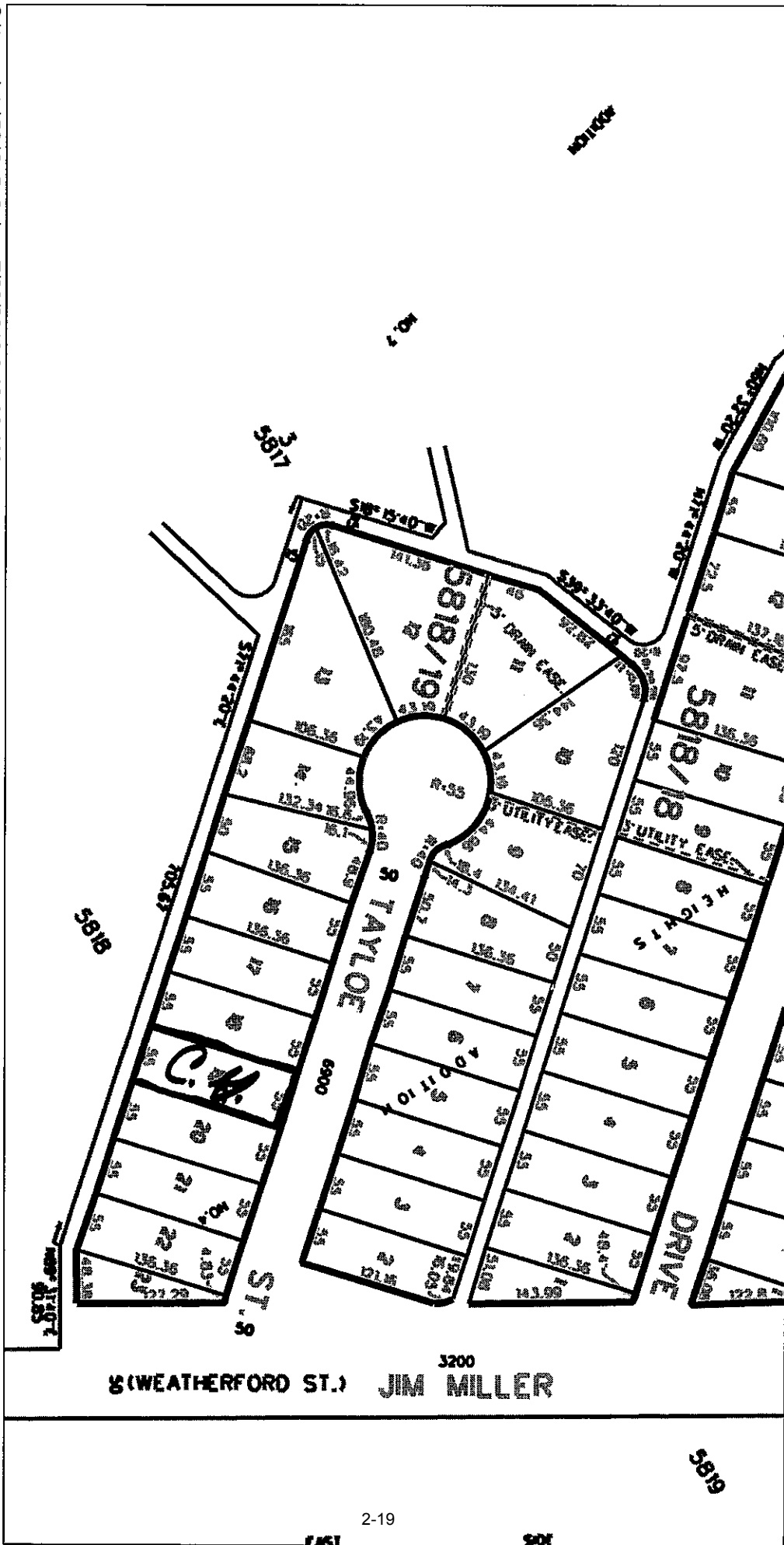
I hereby certify that IGNACIO GARCIA

did submit a request for a special exception to the front yard setback regulation
at 6932 Tayloe Street

BDA123-093. Application of Ignacio Garcia for a special exception to the front yard setback regulation at 6932 Tayloe Street. This property is more fully described as Lot 19, Block 19/5818 and is zoned R-7.5(A), which requires a front yard setback of 25 feet. The applicant proposes to construct and maintain a carport for a single family residential dwelling in a front yard and provide an 8 foot setback, which will require a 17 foot special exception to the front yard setback regulation.

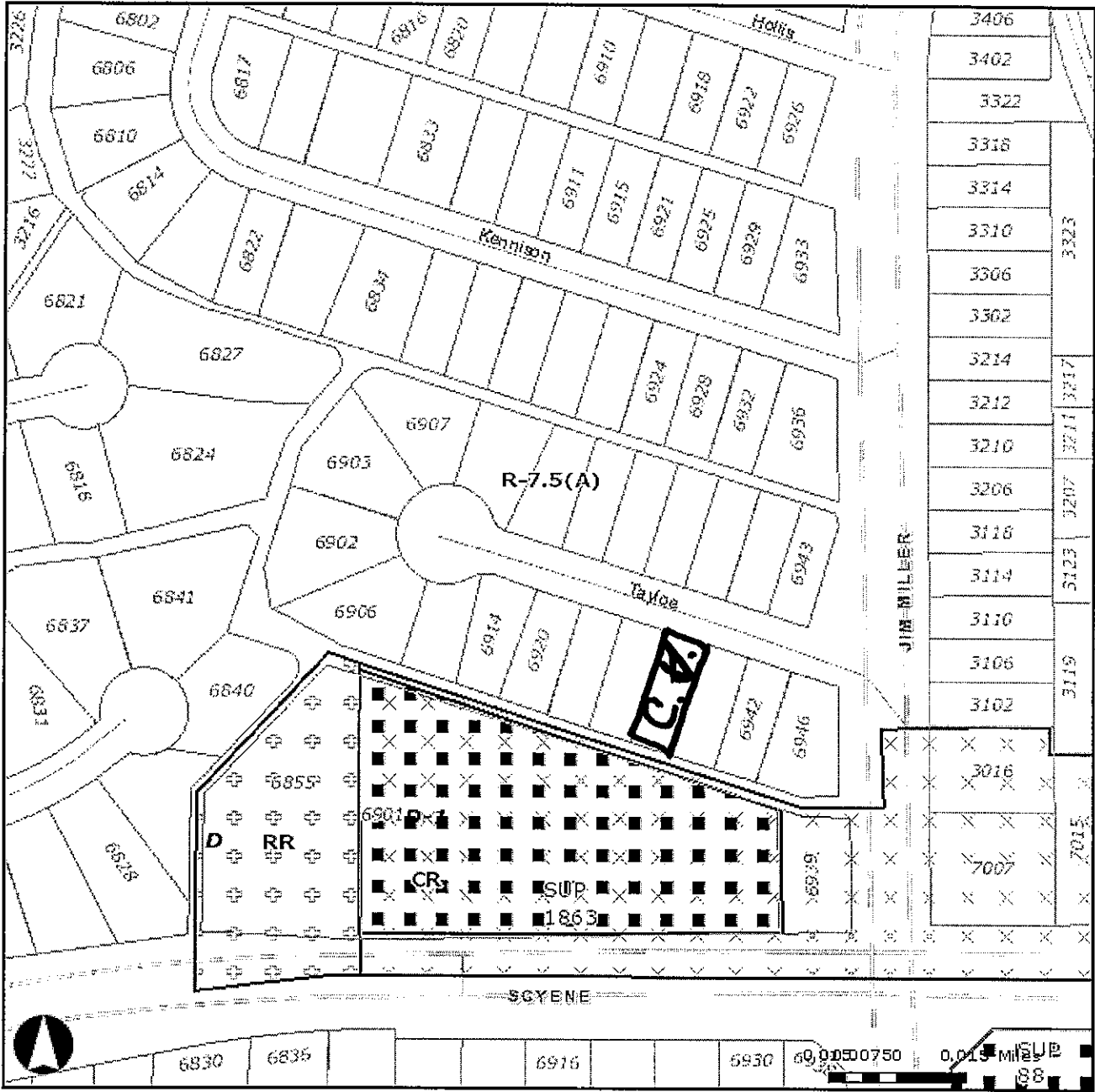
Sincerely,


Larry Holmes, Building Official

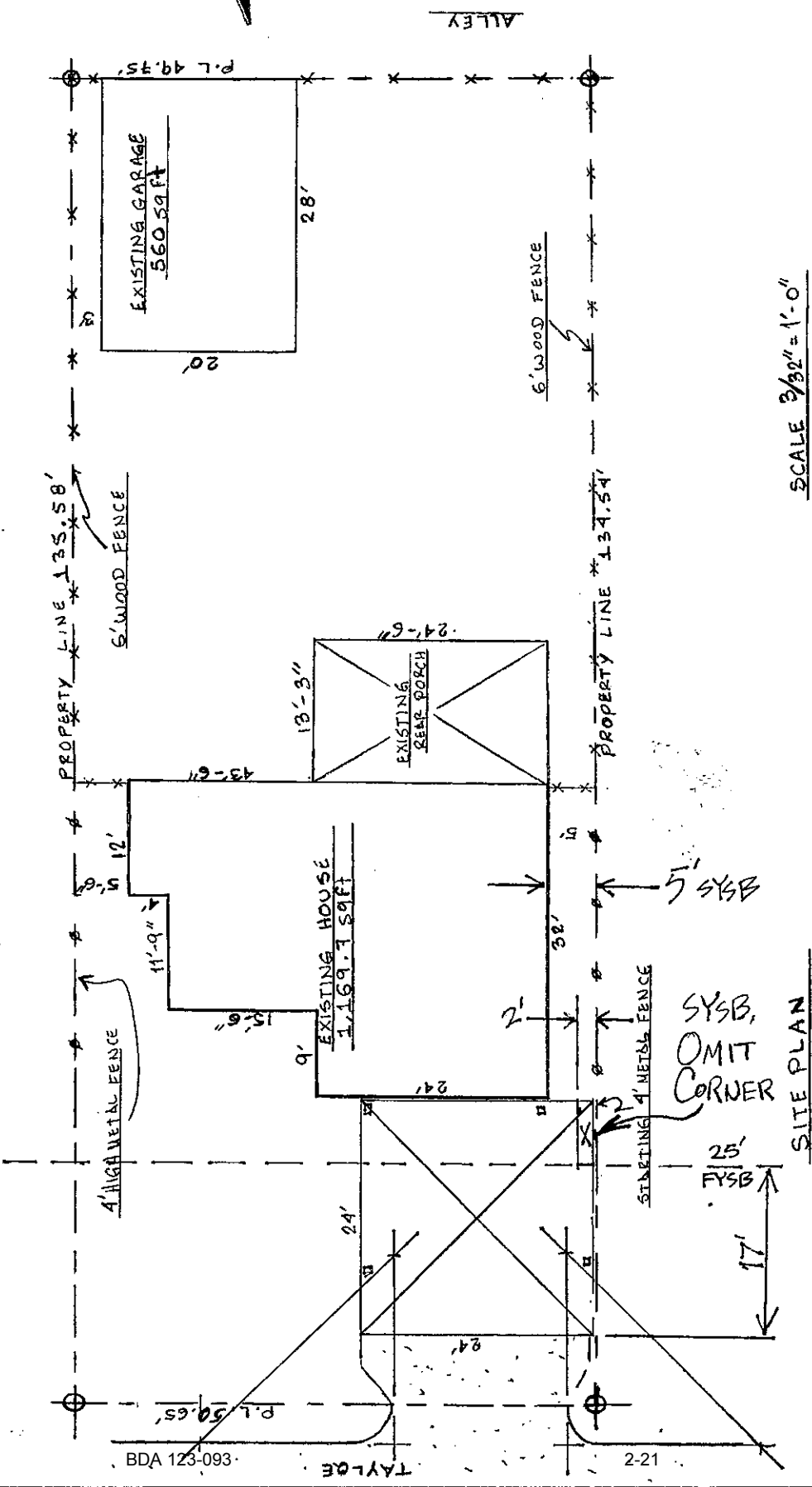


3200
8 (WEATHERFORD ST.) JIM MILLER

City of Dallas Zoning

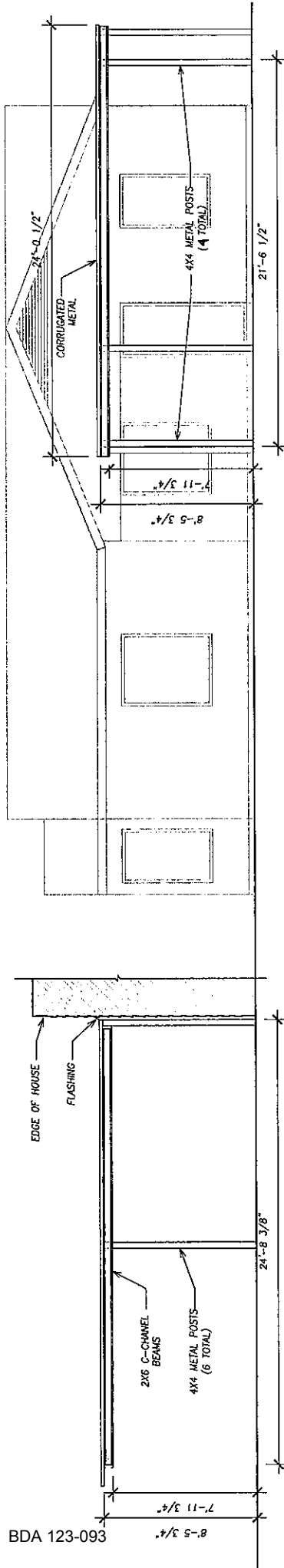


- | | | |
|--|--|--|
| <p>City Boundaries</p> <p>County</p> <p>Certified Parcels</p> <p>DISD Sites</p> <p>Council Districts</p> <p>Waterways</p> <p>Parks</p> | <p>Dry Overlay</p> <p>Historic Overlay</p> <p>Historic Subdistricts</p> <p>NSO Overlay</p> <p>NSO Subdistricts</p> <p>MD Overlay</p> | <p>Base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

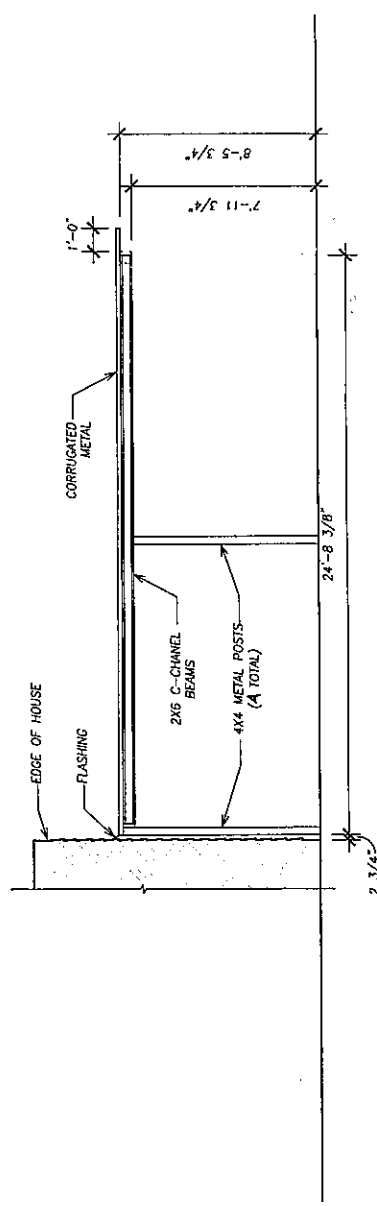


SCALE 3/32" = 1'-0"

THESE PLANS HAVE NOT BEEN REVIEWED FOR COMPLIANCE WITH THE CITY OF DALLAS CONSTRUCTION CODES. ALL WORK PERFORMED IN CONJUNCTION WITH THESE PLANS IS SUBJECT TO FIELD INSPECTOR'S APPROVAL.



2 NORTH ELEVATION
Scale: 3/16"=1'

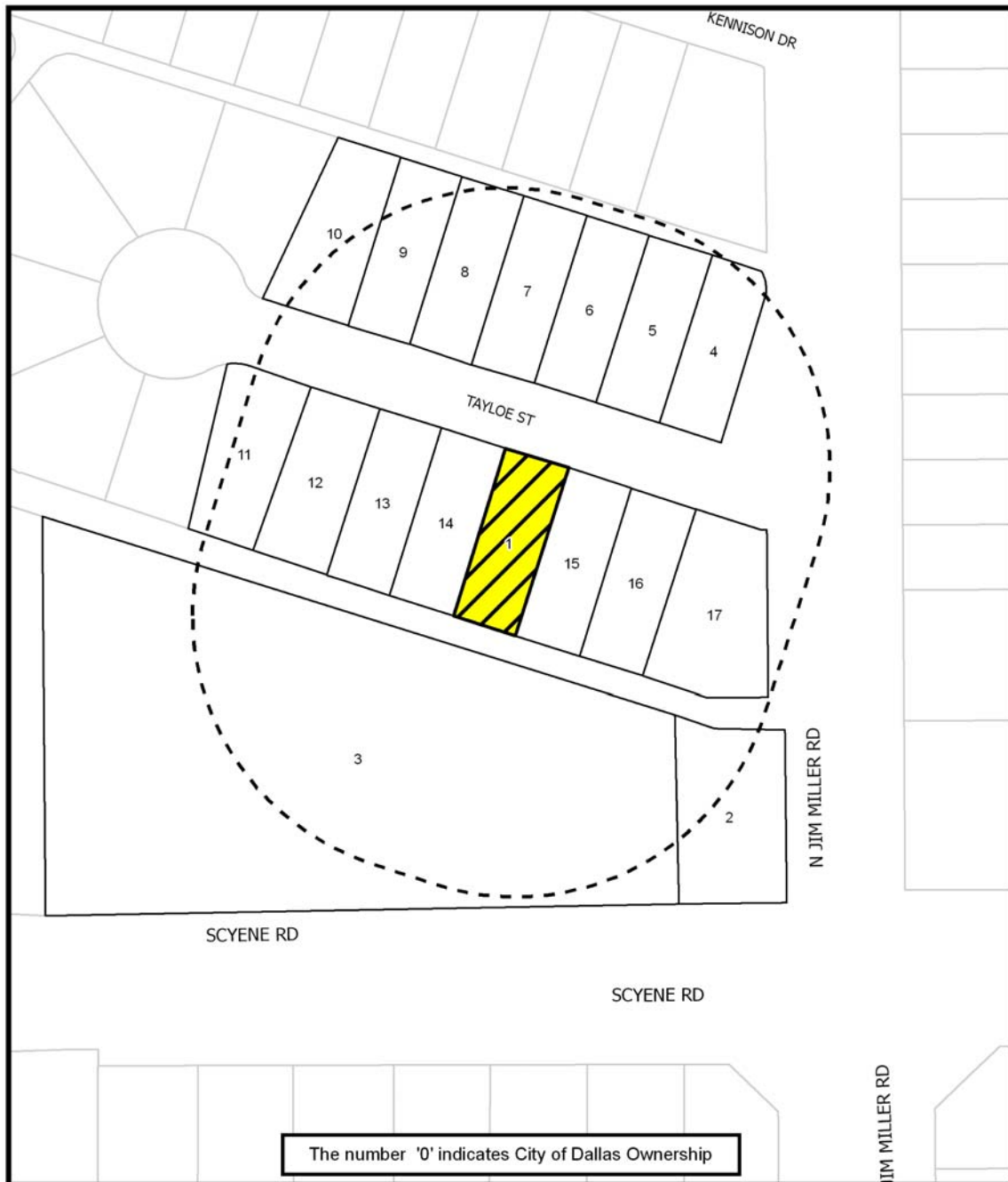


1 ELEVATION
Scale: 3/16"=1'

3 ELEVATION
Scale: 3/16"=1'

SCALE - 3/16" = 1' Ignacio Garcia & Celestina Granados LOT-19 BLOCK-19/5818 6932 TAYLOE ST. DALLAS, TX 75207	Sheet Title: ELEVATIONS	Sheet No. 2.00
	Sheet Date: 4-5-2013	

THESE PLANS HAVE NOT BEEN REVIEWED FOR COMPLIANCE WITH THE CITY OF DALLAS CONSTRUCTION CODES. ALL WORK PERFORMED IN CONJUNCTION WITH THESE PLANS IS SUBJECT TO FIELD INSPECTOR'S APPROVAL"



 1:1,200	NOTIFICATION		Case no: BDA123-093
	<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;">17</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 9/10/2013	

Notification List of Property Owners

BDA123-093

17 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6932 TAYLOE ST	GARCIA IGNACIO P &
2	6939 SCYENE RD	TREVINO EMILIA
3	6901 SCYENE RD	REEVES GEORGE M III LTD
4	6943 TAYLOE ST	GONZALEZ RITA EDITH
5	6939 TAYLOE ST	MEZA MARIA LUISA
6	6933 TAYLOE ST	MERAZ ALBERTICO & ANA DELIA ROMERO
7	6929 TAYLOE ST	BROOKS BAINIFF
8	6925 TAYLOE ST	ALVAREZ GRACE E & PEDRO
9	6921 TAYLOE ST	SANDERS GLORIA
10	6915 TAYLOE ST	AGUILAR PAULINO
11	6914 TAYLOE ST	HATCHER KEVIN EST OF
12	6920 TAYLOE ST	ZAMORA JOSE A V & FATIMA D FACUNDO
13	6924 TAYLOE ST	BERNAL FIDENCIO A
14	6928 TAYLOE ST	MERAZ ALBERTICO
15	6936 TAYLOE ST	SALAZAR GILDA
16	6942 TAYLOE ST	DALLAS HOUSING AUTHORITY
17	6946 TAYLOE ST	PEREZ LUZ & FILBERTO

FILE NUMBER: BDA 123-081

BUILDING OFFICIAL'S REPORT: Application of Karl A. Crawley for a variance to the off-street parking regulations and a special exception to the landscape regulations at 2912 Maple Avenue. This property is more fully described as Lot 7 and part of Lots 5 and 9, Block 7/944 and is zoned PD-193 (LC), which requires off-street parking to be provided and mandatory landscaping. The applicant proposes to maintain a structure for office use and provide 8 of the required 13 parking spaces, which will require a 5 space variance to the off-street parking regulations, and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

LOCATION: 2912 Maple Avenue

APPLICANT: Karl A. Crawley

REQUESTS:

The following appeals have been made on a site that is currently developed with a vacant structure:

1. A variance to the off-street parking regulations (according to the applicant's submittal at the August 21st hearing) of 4 spaces is requested in conjunction with leasing and maintaining the existing approximately 4,600 square foot structure with office use where the applicant proposes to provide 9 (or 69 percent) of the 13 required off-street parking spaces.
2. A special exception to the PD 193 landscape regulations is requested in conjunction with increasing nonpermeable coverage of the lot, and not fully complying with the landscaping requirements of PD 193.

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, coverage, floor area for structures accessory to single family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

- (A) not contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done;
- (B) necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and

(C) not granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

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

PD 193 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 RECOMMENDATIONS (off-street parking variance):

Denial

Rationale:

- While the Sustainable Development and Construction Department Engineering Division Assistant Director has indicated no objections to the request, meaning it may not be contrary to the public interest, staff is unable to conclude that there is an unnecessary hardship as the parcel/subject site does not differ from other parcels of land by being of such restrictive area, shape, or slope that it cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD 193 (LC) zoning classification. The subject site is flat, rectangular in shape and according to the application, is 10,144 square feet in area. The features of this site do not preclude the applicant from leasing the existing structure with a number of uses permitted in the zoning district where an off-street parking variance reduction request would not be necessary.
- The applicant has not substantiated how this variance for a specific use (office) is needed to relieve a self created hardship.

STAFF RECOMMENDATION (landscape special exception):

Approval, subject to the following conditions:

1. Compliance with the revised alternate landscape plan submitted at the August 21st public hearing is required.
2. If an existing pecan tree is removed, it must be replaced with another tree of similar species under the size specifications in 51P-193.126(b)(9), General Maintenance. In addition, the tree removal must be fully mitigated per Article X of the Dallas Development Code.

Rationale:

- The Chief Arborist supports the request with the suggested conditions imposed since the request as submitted/amended will not compromise the spirit and intent of the landscaping requirements of PD 193.

BACKGROUND INFORMATION:

Zoning:

Site: PD 193 (LC) (Planned Development District, Light commercial)
North: PD 193 (GR) (Planned Development District, General retail)
South: PD 193 (LC) (Planned Development District, Light commercial)
East: PD 193 (LC) (Planned Development District, Light commercial)
West: PD 193 (LC) (Planned Development District, Light commercial)

Land Use:

The subject site is developed with a vacant structure. The areas to the north, east, south, and west are a mix of office and retail 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:

- June 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.
- July 3, 2013: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- July 5, 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 July 31st deadline to submit additional evidence for staff to factor into their analysis; and the August 9th 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.
- July 30, 2013: The applicant submitted additional documentation on this application beyond what was submitted with the original application (see Attachment A).

- August 6, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August 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 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.
- August 8, 2013: The applicant submitted additional documentation on this application beyond what was submitted with the original application and discussed at the August 6th staff review team meeting (see Attachment B).
- August 7, 2013: The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet regarding the applicant's request for a variance to the off-street parking regulations marked "Has no objections."
- August 9, 2013: The City of Dallas Chief Arborist submitted a memo (with attached photos) that provided his comments regarding the request for a special exception to the landscape regulations (see Attachment C).
- August 21, 2013: The Board of Adjustment Panel B conducted a public hearing on this application. The applicant submitted additional documentation to the Board at the public hearing that included a revised landscape plan (see Attachment D). The Board held the request under advisement until September 18, 2013.
- August 22, 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 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; 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 City of Dallas Chief Arborist submitted a memo that provided his comments regarding the request for a special exception to the landscape regulations (see Attachment E).

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

- This request focuses on leasing and maintaining the existing approximately 4,600 square foot structure with office use where the applicant proposes to provide 9 (or 69 percent) of the required 13 required off-street parking spaces.
- The subject site is zoned PD 193 (LC). PD 193 states that the parking requirement for “office” use to be one space per 366 square feet of floor area.
- Dallas Development Code Section 51A-311(a)(6) states that the Board of Adjustment *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.
- Therefore, because the applicant seeks a parking reduction request for office use beyond 25 percent and since PD 193 does not make references to the existing off-street parking regulations in Chapter 51 or Chapter 51(A), the applicant may only apply for a *variance* and only the variance standard applies on this request to reduce the off-street parking regulations.
- DCAD records indicate that the improvement at 2912 Maple Avenue is a “converted residence” with 6,440 square feet built in 1923.
- The site is flat, rectangular in shape, and according to the application, is 10,144 square feet in area. The site is zoned PD 193 (LC).
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the off-street parking regulations of 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 PD 193 (LC) 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 PD 193 (LC) zoning classification.

- On August 7, 2012, the Sustainable Development and Construction Department Engineering Division Assistant Director had submitted a review comment sheet marked “Has no objections.”

GENERAL FACTS/STAFF ANALYSIS (landscape special exception):

- This request focuses on increasing nonpermeable coverage of the lot, and not fully complying with the landscaping requirements of PD 193.
- 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.
- On August 9, 2013, the City of Dallas Chief Arborist had submitted a memo to the Board Administrator regarding the submitted revised landscape plan/landscape special exception request (see Attachment C) stating, among other things, how the request is triggered by the new addition of nonpermeable coverage on the property without a landscape permit.
- The arborist’s August memo had listed the following ways in which the applicant’s alternate revised landscape plan is deficient to the PD 193 Landscaping Requirements:
 1. Designated landscape areas: The plan provides less than 10 percent of lot and less than 60 percent front yard with insufficient front yard general planting and special planting.
 2. Off-street parking and screening: The plan provides less than 42” tall screening material-the maximum the provided “dwarf harbor nandina” is 3 feet.
 3. Sidewalks: Sidewalks are currently provided at 4’ wide - the district requires sidewalk to be a minimum 6’ and between 5’ -12’ from back of curb.
 4. Trees: The plan provides two, 3.5” large canopy trees outside of the tree planting zoned but in the parkway – the district requires a tree planting zone between 2.5’ – 5’ from back of curb.
- The arborist’s memo had listed the following factors for consideration:
 1. There is adequate space within the front yard to prepare protected allowable space for planting one or more trees in the property front yard and spaced further away from overhead utility lines.
 2. The plan indicates automatic irrigation will be provided for all new landscaping.
 3. Raised planting beds were constructed along the front and sides of the structure.
 4. Three new crepe myrtles are to be placed in tree wells in the side yard.
 5. Two existing large pecan trees are to be retained on the site with no long term prognosis determined, however, where both trees have been impacted to some degree by pavement work.

6. According to recent publicly available images (which are part of Attachment C), trees were removed during, or prior to, the work to increase the nonpermeable coverage.
- The City of Dallas Chief Arborist had recommended denial of this request in August 2013 because the owner had not demonstrated “the special exception will not compromise the spirit and intent of this section.” The arborist had suggested that if the board determines in favor of the request, that they impose the following condition:
 - “If an existing pecan tree is removed, it must be replaced with another tree of similar species under the size specifications in 51P-193.126(b)(9), General Maintenance. In addition, the tree removal must be fully mitigated per Article X of the Dallas Development Code.”
 - On August 21, 2013, the applicant submitted among other things, a revised site/landscape plan to the Board of Adjustment Panel B at the public hearing on this application (see Attachment D).
 - On September 4, 2013, the City of Dallas Chief Arborist submitted a memo to the Board Administrator regarding the submitted *revised* landscape plan/landscape special exception request that the applicant had submitted to the Board at the August 21st public hearing (see Attachment E). The memo states, among other things, how the request is triggered by the new addition of nonpermeable coverage on the property without a landscape permit.
 - The arborist’s September memo lists the following ways in which the applicant’s alternate revised landscape plan is deficient to the PD 193 Landscaping Requirements:
 1. Designated landscape areas: The plan provides less than 10 percent of lot and less than 60 percent front yard with insufficient front yard general planting and special planting.
 2. Off-street parking and screening: The plan provides less than 42” tall screening material-the maximum potential growing height for the proposed “dwarf harbor nandina” is 3 feet.
 3. Sidewalks: Sidewalks are currently provided at 4’ wide with expanded area to curb around underground utilities - the district requires sidewalk to be a minimum 6’ and between 5’ -12’ from back of curb.
 - The arborist’s September memo lists the following factors for consideration:
 1. Trees: The amended landscape plan now provides two, 3.5” large canopy trees within the required front yard.
 2. The plan indicates automatic irrigation will be provided for all new landscaping.
 3. Raised planting beds were constructed along the front and sides of the structure that are filled with dwarf Buford holly (sides) and an unspecified plant in front planter.
 4. Three new crepe myrtles are to be placed in tree wells in the side yards.
 5. Two existing large pecan trees are to be retained on the site in tree wells with he long-term prognosis for the health of the trees not determined.
 6. According to recent publicly available images, trees were removed during, or prior to, the work to increase the nonpermeable coverage.

- The City of Dallas Chief Arborist supports the amended request with the following condition to be applied by the Board:
 - “If an existing pecan tree is removed, it must be replaced with another tree of similar species under the size specifications in 51P-193.126(b)(9), General Maintenance. In addition, the tree removal must be fully mitigated per Article X of the Dallas Development Code.”
- The applicant has the burden of proof in establishing the following:
 - The special exception (where an alternate landscape plan has been submitted that is deficient in meeting designated landscape area, off-street parking and screening, sidewalk, and tree provisions of PD 193 landscaping requirements) will not compromise the spirit and intent of the section of the ordinance (Section 26: Landscape, streetscape, screening, and fencing standards).
- If the Board were to grant this request, imposing the applicant’s revised alternate landscape plan submitted at the August 21st public hearing and the provision that “if an existing pecan tree is removed, it must be replaced with another tree of similar species under the size specifications in 51P-193.126(b)(9), General Maintenance. In addition, the tree removal must be fully mitigated per Article X of the Dallas Development Code” as conditions to this request, the site would be provided exception to the designated landscape area, off-street parking and screening, and sidewalk, requirements of the Oak Lawn PD 193 landscape ordinance.

BOARD OF ADJUSTMENT ACTION: AUGUST 21, 2013

APPEARING IN FAVOR: Karl Crawley, 900 Jackson Street, #640 Dallas, TX

APPEARING IN OPPOSITION: No one

MOTION: Gaspard

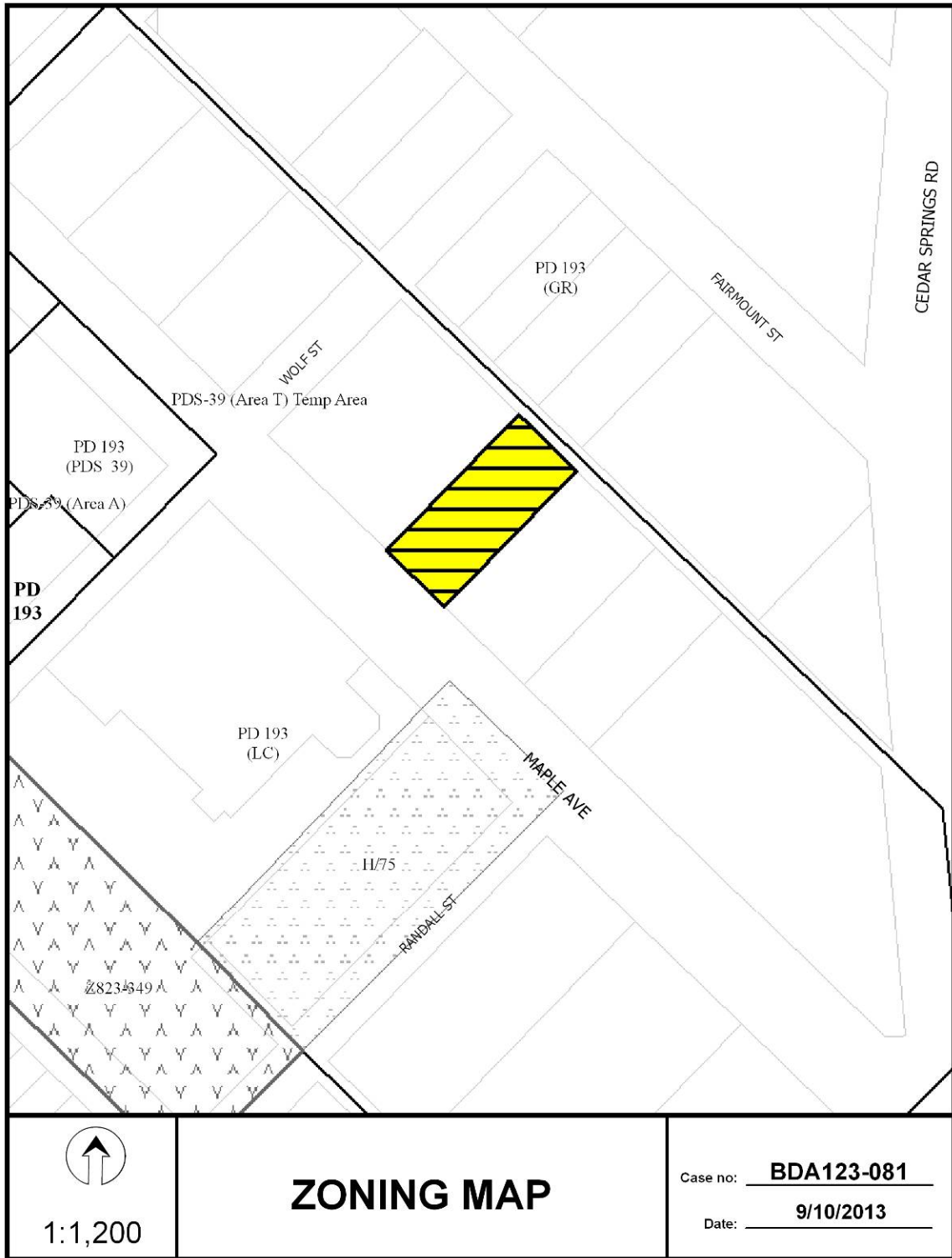
I move that the Board of Adjustment, in Appeal No. **BDA 123-081**, on application of Karl Crawley, hold this matter under advisement until **September 18, 2013**.

SECONDED: Leone

AYES: 5– Reynolds, Gillespie, Wilson, Leone, Gaspard

NAYS: 0 –

MOTION PASSED 5 – 0 (unanimously)





1:1,200

AERIAL MAP

Case no: BDA123-081

Date: 9/10/2013



Masterplan

Land Use Consultants

BDA123-081
Attach A
Pg 1

Steve Long, Administrator
Board of Adjustment
Sustainable Development and Construction Services
Dallas City Hall
Room 5BN
Dallas, TX 75201

BDA 123-081, 2912 Maple Avenue

The above site is the subject of a BDA request for a variance to the parking regulations and an alternative landscape plan. The site is currently developed with a two-story building with approximately 4,600 square feet of floor area. The building was built in the 1920's and has been a number of uses over the last 90 years. Some of the most recent uses were personal service and multiple family. Currently the owner would like to renovate and lease the space for office uses. When the site was developed parking was not required in the City of Dallas, we have been unable to find a site plan with the initial permit but one assumes that very little if any parking was provided. Over the years parking has been provided in varying amount and the site has a parking area located off of the rear alley and a smaller paved area in the front of the building with two existing driveways off of Maple Avenue.

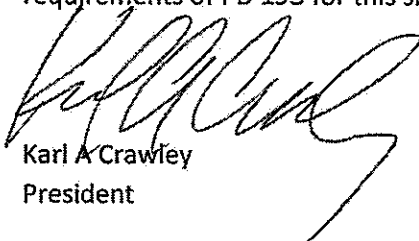
The Site Plan provided with the application showed eight (8) parking spaces including a Handicapped parking space. This included four parking spaces along the rear property line and one each in the side yard adjacent to the building to be accessed from the rear. The front parking area included two parking spaces including the van accessible handicapped space. Each of these two spaces would be 'pull-thru' spaces with no separate drive aisle in the front. The total of eight parking spaces is five spaces short of the required 13 spaces for the building to be used for an office use. Since the site is within an LC Subdistrict within PD 193, the Oak Lawn Special Purpose District, the only parking related request before the BDA for a reduced number of parking spaces is a variance. This requires that a property hardship be shown. The site is approximately 10,150 square feet and the two story building occupies a footprint of approximately 3800 square feet. Many of the surrounding sites are either historic or at least very old, including the Bradford House ("the Mayor's house) and the Stoneleigh Hotel across Maple and the Stoneleigh P, bar/restaurant, two lots down from this site. All of those uses have adjacent or extra parking not on the original lot as that use. The lot to the north of the request and between our site and the Stoneleigh P is a parking lot used by the Stoneleigh P. The parking lot was originally developed with a structure which was removed a number of years ago for parking for the Stoneleigh. This lot does not have that luxury, we are surrounded by parking, the Stoneleigh lot to the north and an office building with parking underneath at ground level to the south. Short of removing a 90 year structure in order to redevelop the site because the parking is deficient there is no room to comply with the parking requirement for an office, which is much less of a parking requirement for either a recent personal

service use or the adjacent bar/restaurant use. If the building were build today or even in the last 50 years, parking would have been required but since the building was constructed prior to parking being required we are short on parking.

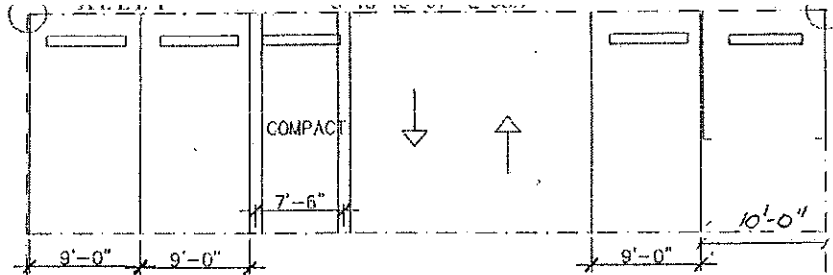
That said after consulting with the Oak Lawn Committee and other area residents we have developed a new Site/Landscape Plan that I have attached. The new plan shows a total of 10 parking spaces (still 3 short) and additional landscaping. The additional two parking spaces were 'found' by removing one of the spaces in front of the building (the non-handicapped space) and using that area for a one-way drive and adding one space on each side of the building to be accessed from the front driveway. The second space was found by removing the dumpster enclosure in the rear parking area and using roll-off carts in place of the dumpster. The carts can be stored in the side yard adjacent to parking lot next door. On trash pick-up days the cart can be rolled to the alley for pick up. Even though a Special Exception for Parking is not allowed in PD 193, the new total of 10 spaces out of the required 13 spaces would be a reduction of 24% and would qualify as a Special Exception in most of the City.

The second part of our request, a Special Exception for an Alternate Landscape Plan, was brought about because of pavement that was previously poured on the site. A previous owner paved the side yards of the building which should have triggered landscaping per PD 193. Upon researching the site for this request it was determined by looking at older aerial photos that the paving was done. Our request would actually reduce the amount of pavement on the site and will greatly increase the landscaping. Upon modifying the Site Plan to increase the parking we are also proposing the removal of pavement in the side yard adjacent to the surface parking lot (north) in order to plant two large trees.. The front of the site will include two large trees and a new row of shrubs which will help screen the parking in the front. The proposed landscaping is deficient in the amount of Landscape Site Area and the trees in the front are not located directly back of curb, between the curb and sidewalk. The area in front of the building contains overhead power lines, a power pole and two utility boxes in the tree planting zone per PD 193. This area also contains a row of shrubs which will remain in place. Planting trees in the proper location underneath existing power lines and amongst the power pole and utility boxes would not be in the best interest of either the trees or public. If the utilities could be moved the space between the existing driveways is limited and because of visibility triangles only one tree could be planted versus the proposed two trees.

Overall we feel that the requested parking variance is warranted because of the age of the existing structure and that the proposed use is better (less parking) than the previous situation of a personal service use; furthermore the requested alternate landscape plan with four trees to be planted along with shrubs and the removal of some existing pavement meets or exceeds the spirit of the landscape requirements of PD 193 for this site.



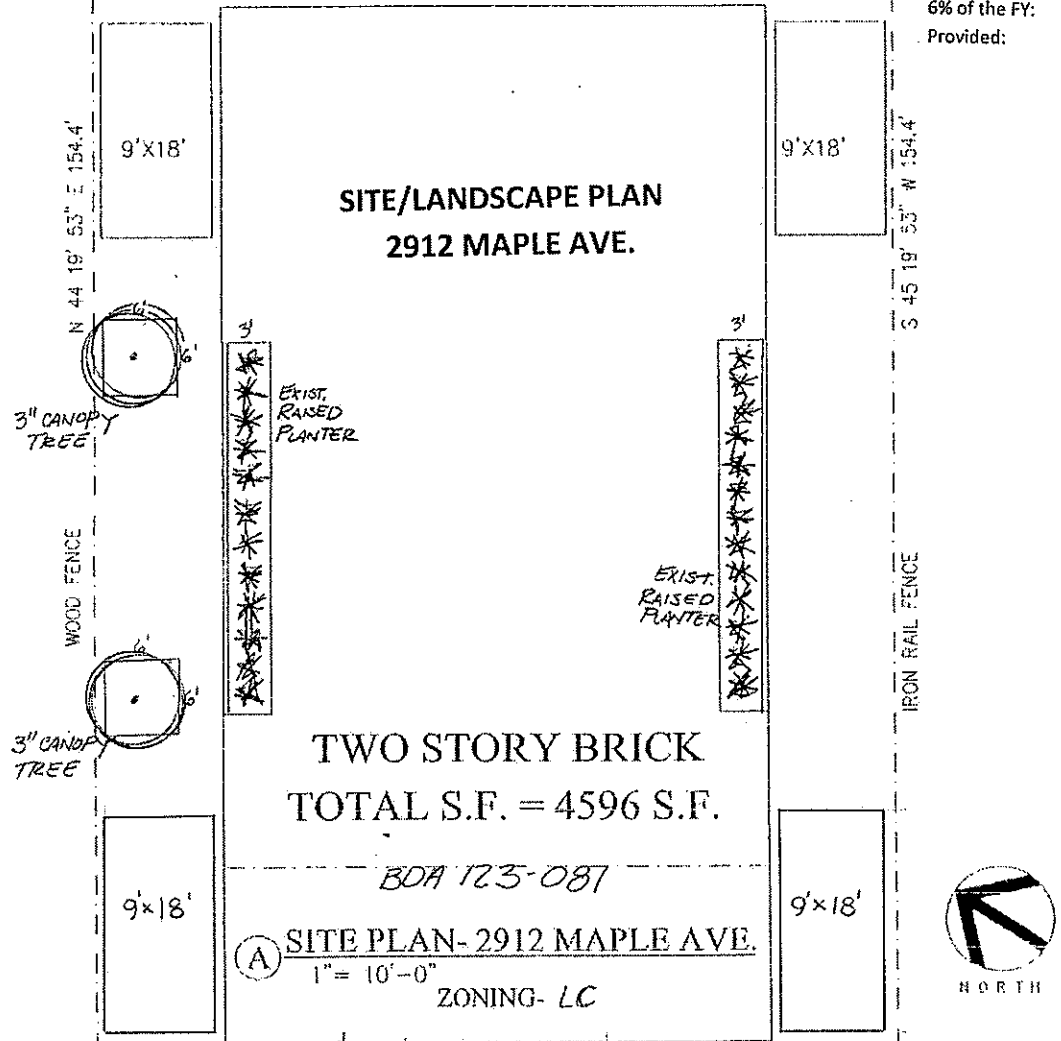
Karl A. Crawley
President



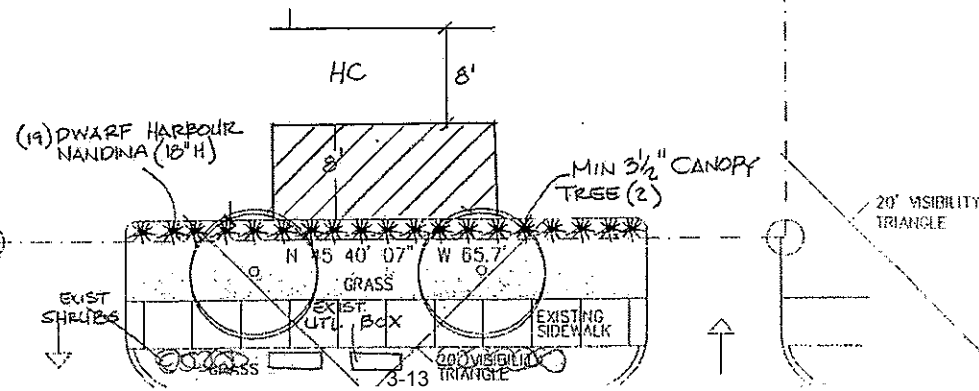
OFFICE USE PARKING REQUIRED (1/366 S.F.) = 12.5 SPACES
 TOTAL PARKING PROVIDED = 10

LANDSCAPE

Landscape Site Area	
10% of Lot Area:	1014 sf
Provided:	336 sf
General Planting	
12% of the FY:	78 sf
Provided:	84 sf
Special Planting	
6% of the FY:	39 sf
Provided:	84 sf



9' ONE WAY



BDA 123-081

Attach B

PS 1

Long, Steve

From: Karl Crawley [karl@masterplanconsultants.com]
Sent: Thursday, August 08, 2013 4:35 PM
To: Erwin, Philip
Cc: Long, Steve
Subject: Revise Site-Landscape Plan BDA 123-081
Attachments: Site-Landscape Plan 08-08-13.pdf

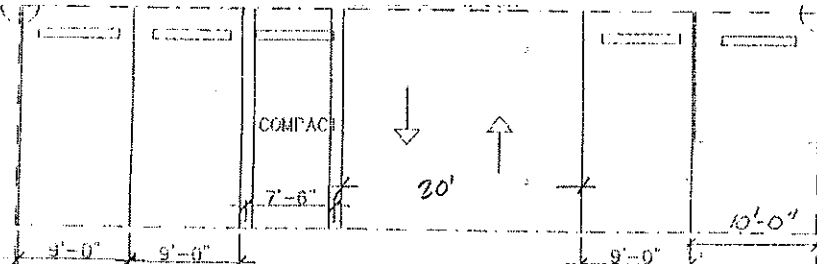
Phil Here is the revised landscape Plan showing the exiting planter in the front, the existing trees and the new crepe myrtle. Please check new notes about planting and irrigation and let me know if you need any changes.

Steve Pending any changes from Phil this is the plan that OLC approved per crepe myrtles and parking and should go to the BDA

Karl A. Crawley
 President
 Masterplan Consultants
 900 Jackson Street, Suite 640
 Dallas TX 75202

214 761 9197 Office
 972 342 3707 Mobile

www.masterplanconsultants.com



OFFICE USE PARKING REQUIRED (1/366 S.F.) = 12.5 SPACES
TOTAL PARKING PROVIDED = 10

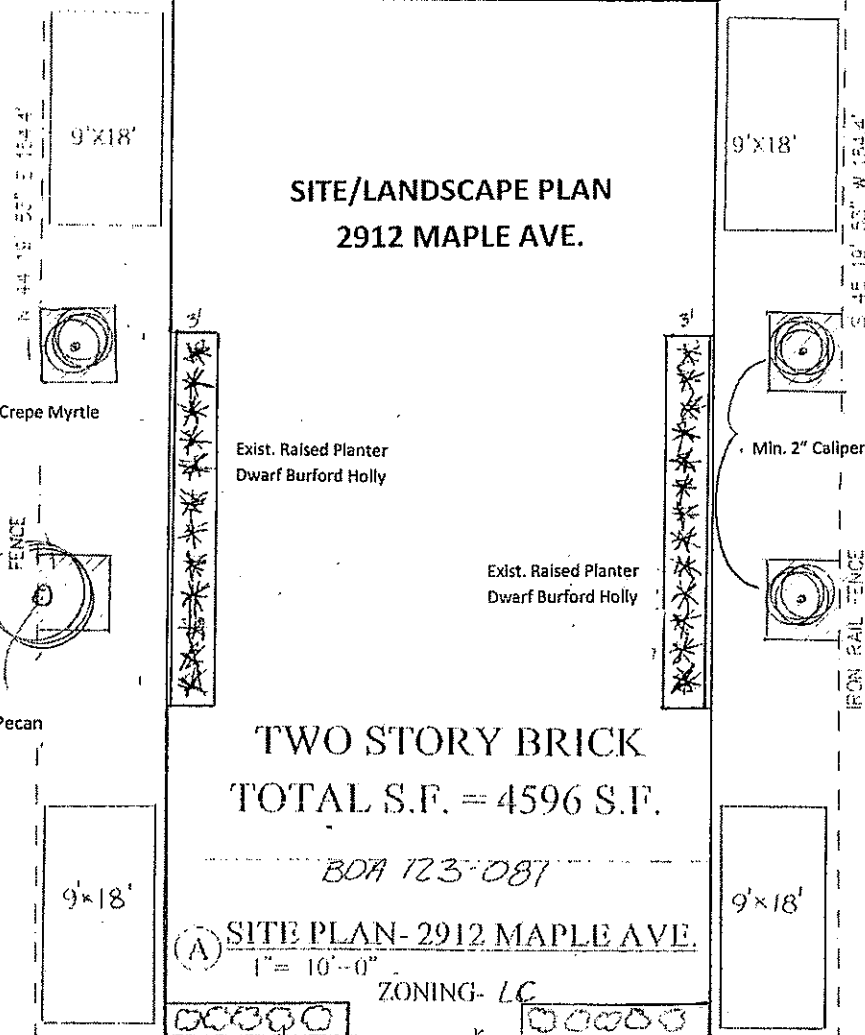
LANDSCAPE

Landscape Site Area

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Provided:	336 sf
General Planting	
12% of the FY:	78 sf
Provided:	84 sf
Special Planting	
6% of the FY:	39 sf
Provided:	84 sf

New Tree Plantings:
Remove 6'x6' Planting Area
With a Min. of 40" of soil depth

All new Landscaping must be
Irrigated by an automatic
System



BDA123-081
Attachment C pg 1

Memorandum



CITY OF DALLAS

DATE August 9, 2013
TO Steve Long, Board of Adjustment Administrator
SUBJECT # BDA 123 · 081 2912 Maple Avenue

The applicant is requesting a special exception to the landscape requirements of PD 193 (LC), Part 1, 51P-193.126.

Trigger

New addition of nonpermeable coverage on the property.

Deficiencies

The proposed plan (Attachment B) is deficient of multiple standards of the PD 193 (LC) landscape requirements. The requirements and deficiencies are as follows:

51P-193.126(b)(6), Landscape permit required. Work was completed to increase the nonpermeable coverage on the lot without a landscape permit.

193.126(b)(1)(A), Designated landscape areas. The plan provides less than 10% of lot and less than 60% FY. There is insufficient FY general planting and special planting.

The district requires a minimum of 10% of the lot, and 60% of the required front yard, to be landscape site area, with applicable general planting area and special planting area. According to the plan, the front yard planting (front 10 feet within the property) contains a row of "dwarf harbor nandinas" on the property line. A substantial amount of nonpermeable surface (grass and other groundcover) was removed for the installation of new pavement throughout the area in the front of the building.

193.126(b)(3), Off-street parking and screening requirements. The plan provides less than 42" tall screening material. The maximum potential growing height for the proposed "dwarf harbor nandina" is 3 feet.

193.126(b)(4), Sidewalks. The site currently provides a four-foot wide sidewalk with expanded area to the curb around underground utilities. The district requires a six feet sidewalk between 5 and 12 feet from back of curb.

193.126(b)(5), Trees. The plan provides two 3.5" large canopy trees outside of the tree planting zone but within the parkway. The district requires one tree per 25' of street frontage to be planted within the space 2.5 - 5' from back of curb. In this case, the parkway tree planting zone is congested with utility infrastructure above and below ground. The trees are identified on the plan to be within the parkway but not

within the tree planting zone. The ordinance specifies "if a property owner cannot obtain a landscape permit to locate a required tree in the parkway, the owner shall locate the tree in the required front yard as near as practicable to the front lot line."

Factors

There is adequate space within the front yard of the property, on either side of the handicapped loading zone, to prepare protected allowable space for planting one or more trees in the property front yard and spaced further away from overhead utility lines.

The plan indicates automatic irrigation will be provided for all new landscaping.

Raised planting beds were constructed along the front and sides of the structure. These are to be filled with dwarf burford holly (sides) and an unspecified plant in the front planter.

Three new crepe myrtles are to be placed in 6x6' cut tree wells in the side yards.

Two existing large pecan trees are to be retained on the property in tree wells. The long-term prognosis for the health of the trees has not been determined. The root feeder area for the pecan in the front of the property was substantially compacted and covered by the construction of new nonpermeable materials in proximity to the tree. The risk for tree failure from root cutting has likely been increased. Both pecan trees were impacted to some degree by the pavement work.

According to recent publicly available images, trees were removed during, or prior to, the work to increase the nonpermeable coverage.

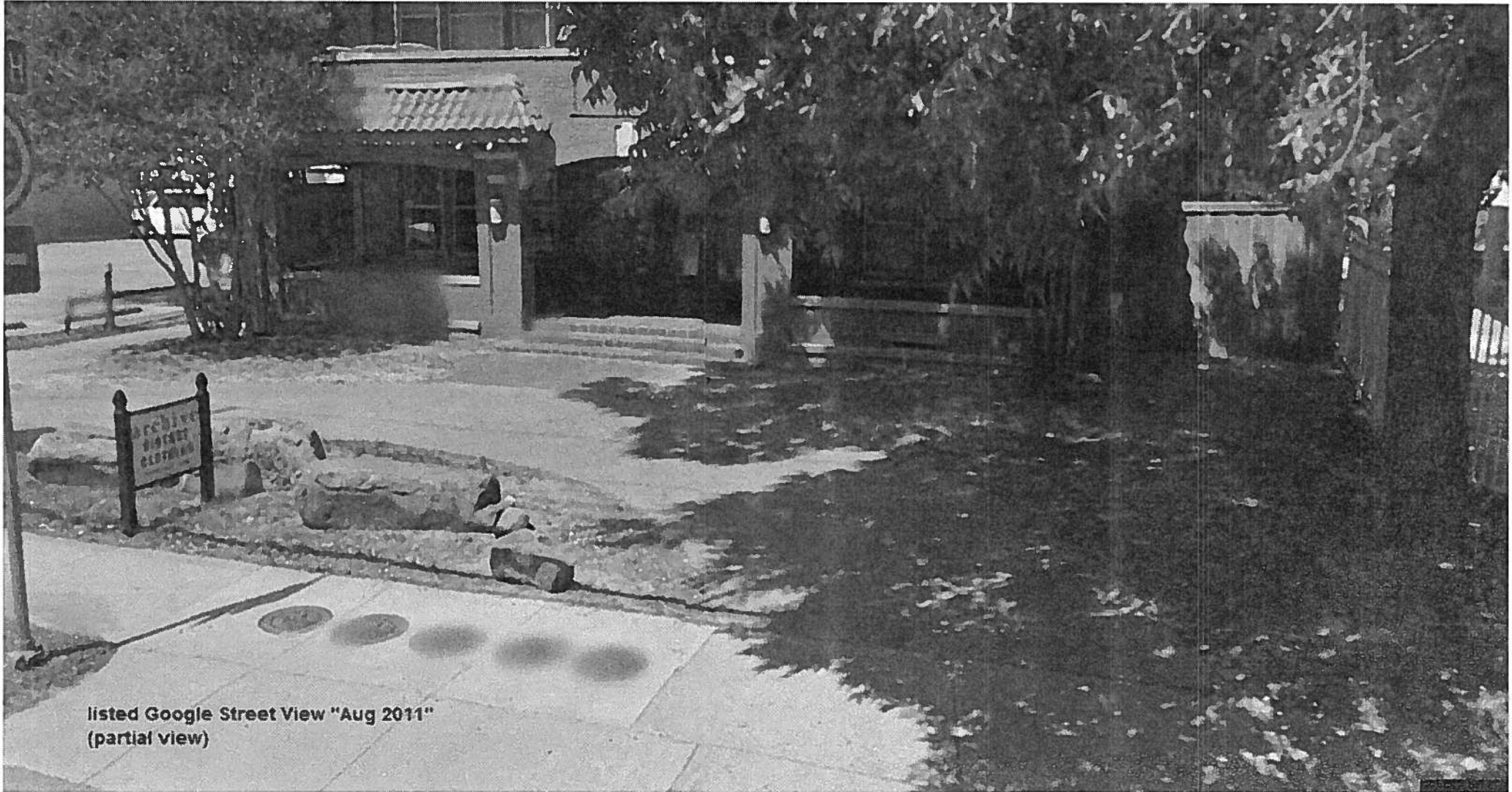
Recommendation

I recommend denial of the request for the special exception because, in my opinion, the owner has not demonstrated "the special exception will not compromise the spirit and intent of this section."

If the Board determines in favor of the request, I recommend the following conditions be applied:

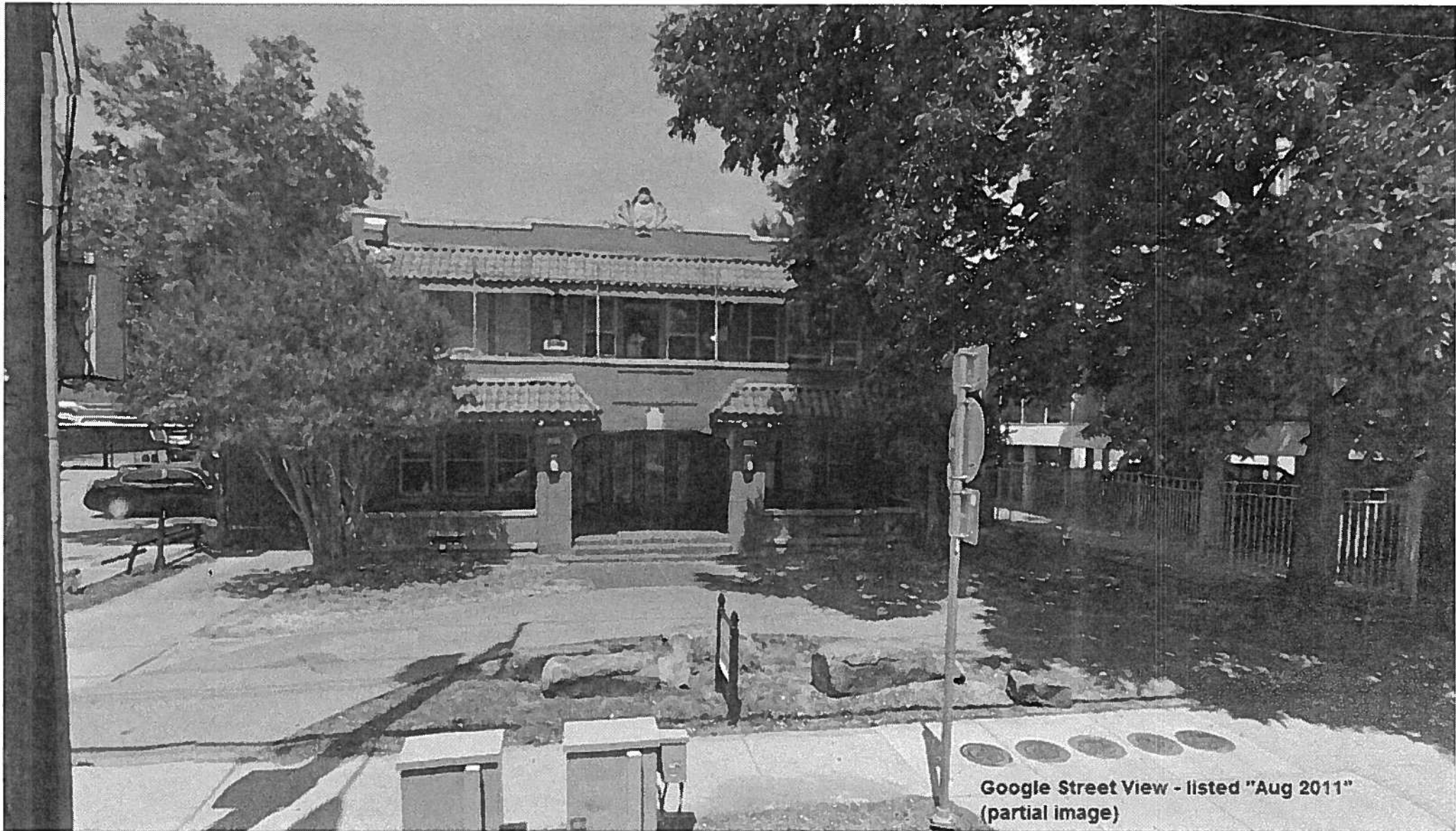
If an existing pecan tree is removed, it must be replaced with another tree of a similar species under the size specifications in 51P-193.126(b)(9), General Maintenance. In addition, the tree removal must be fully mitigated per Article X of the Dallas Development Code.

Philip Erwin, ISA certified arborist #TX-1284(A)
Chief Arborist



listed Google Street View "Aug 2011"
(partial view)

BDA
123-
081
PS 3
Attch C

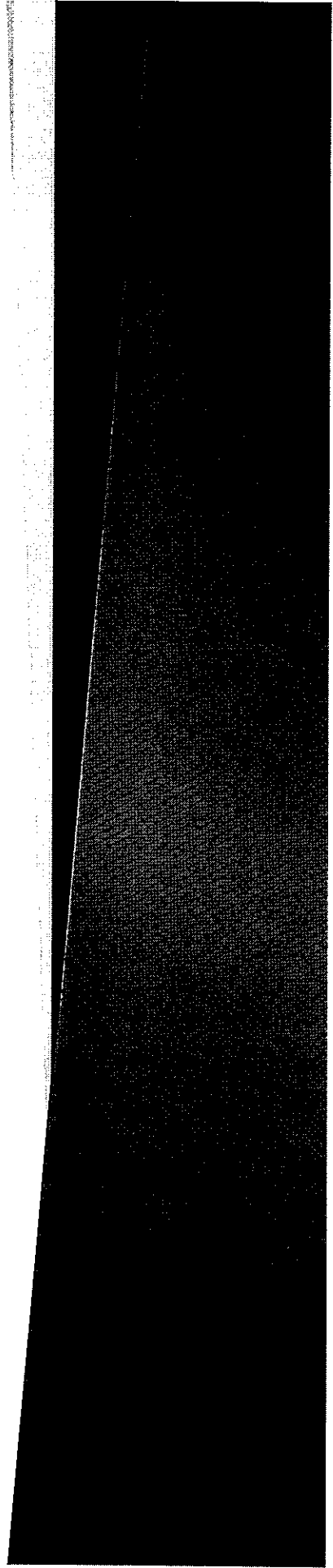


Google Street View - listed "Aug 2011"
(partial image)

P04
123 -
081
Attic C
P54

BDA 123-081

2912 Maple Avenue



Request

- ▶ **Parking Variance for Five- Four Spaces** (one provided space cannot be counted but can be used) **Engineering Division, Assistant Director does not object to Variance.**
- ▶ **Special Exception for an Alternate Landscape Plan.**
Five new trees added along with planting area around existing trees and row of shrubs and grass area along frontage. Worked with Chief Arborist to add additional trees in preferred location.

BDA123-081
Attchd
Pg 2

Site

- ▶ Site is developed with two-story building
- ▶ Building was built in the 1920's
- ▶ No parking was required when the building was built
- ▶ Number of uses throughout the life of the building
- ▶ Personal service, retail and multi-family
- ▶ Building wants to be converted from MF to office use

BDA 123-081
Attach D
P53

Hardship

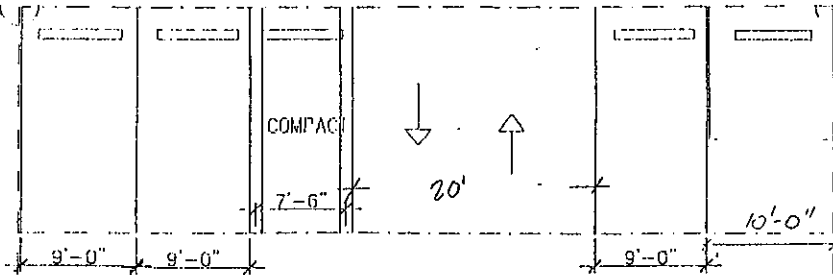
- ▶ Building was built prior to Parking required.
- ▶ Recent residential development has replaced need or desirability of multifamily use
- ▶ Proposed Office use is most viable and least parking
- ▶ Proposed parking maximizes parking and landscaping for the site.

BDA 123-081

Attach D

pg 4

BDA 123-081
 Attach D
 Pg 5



OFFICE USE PARKING REQUIRED (1/366 S.F.) = 12.5 SPACES
 TOTAL PARKING PROVIDED = 10

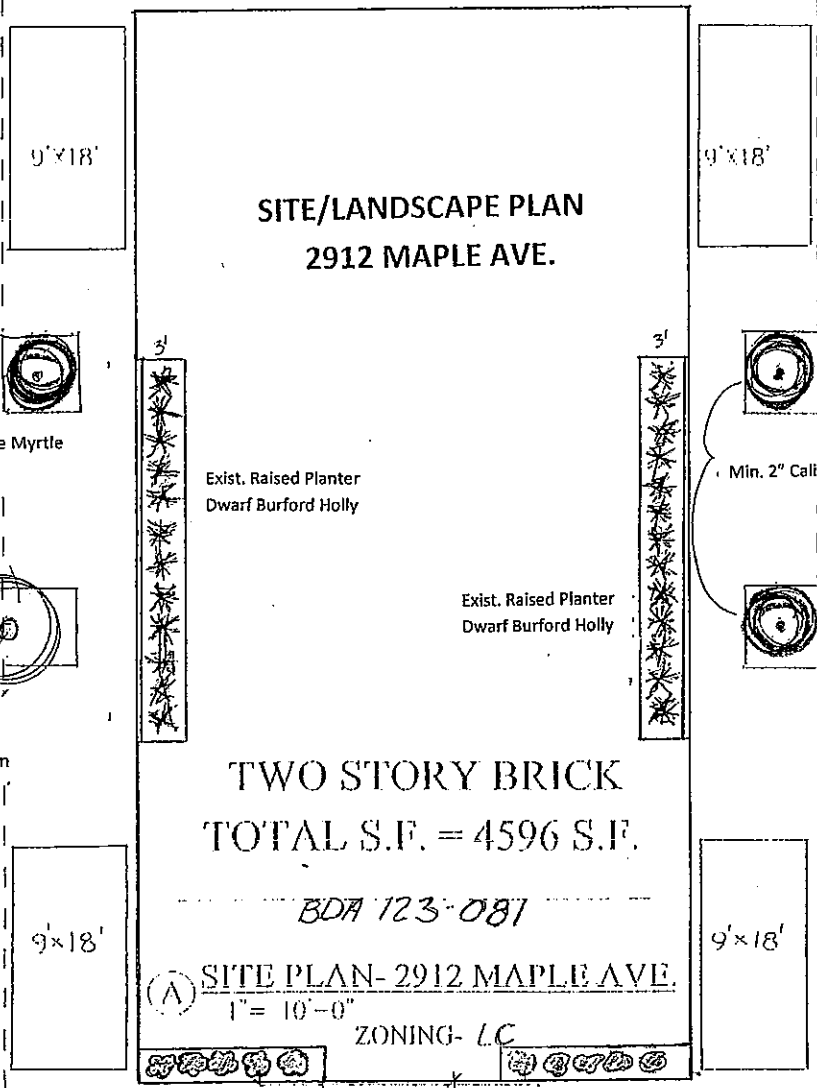
LANDSCAPE

Landscape Site Area	
10% of Lot Area:	1014 sf
Provided:	336 sf
General Planting	
12% of the FY:	78 sf
Provided:	84 sf
Special Planting	
6% of the FY:	39 sf
Provided:	84 sf

New Tree Plantings:
 Remove 6'x6' Planting Area
 With a Min. of 40" of soil depth

All new Landscaping must be
 Irrigated by an automatic
 System

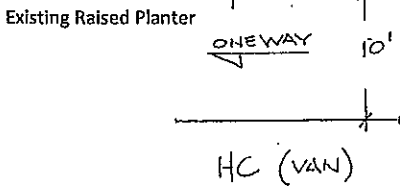
**SITE/LANDSCAPE PLAN
 2912 MAPLE AVE.**



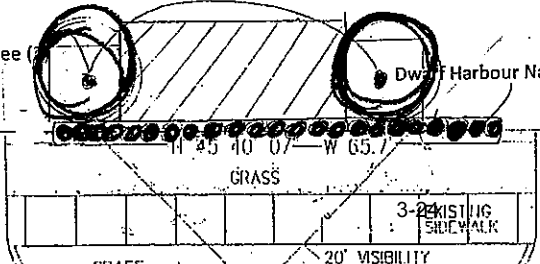
TWO STORY BRICK
 TOTAL S.F. = 4596 S.F.

BDA 123-081
 SITE PLAN- 2912 MAPLE AVE.
 1" = 10'-0"

ZONING- LC



Min. 3.5" Large Canopy Tree (2)
 Dwarf Harbour Nandina (19)



BDA 123-081

BDA123-081
Attach E
Pg 1

Memorandum



CITY OF DALLAS

DATE September 4, 2013
TO Steve Long, Board of Adjustment Administrator
SUBJECT # BDA 123 · 081 2912 Maple Avenue, AMENDED COMMENTS

The applicant is requesting a special exception to the landscape requirements of PD 193 (LC), Part 1, 51P-193.126.

Trigger

New addition of nonpermeable coverage on the property.

Deficiencies

An alternative landscape plan was submitted by the applicant during the August hearing. This plan is deficient of multiple standards of the PD 193 (LC) landscape requirements. The requirements and deficiencies are as follows:

51P-193.126(b)(6), Landscape permit required. Work was completed to increase the nonpermeable coverage on the lot without a landscape permit.

193.126(b)(1)(A), Designated landscape areas. The plan provides less than 10% of lot and less than 60% FY. There is insufficient FY general planting and special planting.

The district requires a minimum of 10% of the lot, and 60% of the required front yard, to be landscape site area, with applicable general planting area and special planting area. According to the plan, the front yard planting (front 10 feet within the property) contains a row of "dwarf harbor nandinas" on the property line. A substantial amount of nonpermeable surface (grass and other groundcover) was removed for the installation of new pavement throughout the area in the front of the building. NEW: The owner has provided two 25 square feet tree planting locations within the front yard and has retained a small triangular section for the remaining pecan tree on the property. The site is still deficient the required landscape area.

193.126(b)(3), Off-street parking and screening requirements. The plan provides less than 42" tall screening material. The maximum potential growing height for the proposed "dwarf harbor nandina" is 3 feet.

193.126(b)(4), Sidewalks. The site currently provides a four-foot wide sidewalk with expanded area to the curb around underground utilities. The district requires a six feet sidewalk between 5 and 12 feet from back of curb.

Factors

Previous deficiency: 193.126(b)(5), Trees. The amended landscape plan now provides two 3.5" large canopy trees within the required front yard. The district requires one tree per 25' of street frontage to be planted within the space 2.5 - 5' from back of curb. In this case, the parkway tree planting zone is congested with utility infrastructure above and below ground. The ordinance specifies "if a property owner cannot obtain a landscape permit to locate a required tree in the parkway, the owner shall locate the tree in the required front yard as near as practicable to the front lot line."

The plan indicates automatic irrigation will be provided for all new landscaping.

Raised planting beds were constructed along the front and sides of the structure. These are to be filled with dwarf burford holly (sides) and an unspecified plant in the front planter.

Three new crepe myrtles are to be placed in 6x6' cut tree wells in the side yards.

Two existing large pecan trees are to be retained on the property in tree wells. The long-term prognosis for the health of the trees has not been determined. The root feeder area for the pecan in the front of the property was substantially compacted and covered by the construction of new nonpermeable materials in proximity to the tree. The risk for tree failure from root cutting has likely been increased. Both pecan trees were impacted to some degree by the pavement work.

According to recent publicly available images, trees were removed during, or prior to, the work to increase the nonpermeable coverage.

Recommendation


I have no objection to the amended landscape plan as presented on August 21, with the recommended staff conditions.

If the Board determines in favor of the request, I recommend the following conditions be applied:

If an existing pecan tree is removed, it must be replaced in the general location on the property with another tree of a similar species under the size specifications in 51P-193.126(b)(9), General Maintenance. In addition, the tree removal must be fully mitigated per Article X of the Dallas Development Code.

Philip Erwin, ISA certified arborist #TX-1284(A)
Chief Arborist




 1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
18 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: BDA123-081
 Date: 9/10/2013

Notification List of Property Owners

BDA123-081

18 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2912 MAPLE AVE	FIRST DALLAS HOLDINGS INC
2	2905 MAPLE AVE	FIRST DALLAS HOLDINGS INC % DON HODGES
3	2425 CEDAR SPRINGS RD	P & C BLACK FAMILY LIMITED PARTNERSHIP
4	2917 FAIRMOUNT ST	CALABAZA HOLDINGS LLC
5	2921 FAIRMOUNT ST	CALABAZA HOLDINGS LLC
6	2926 MAPLE AVE	SHIELDS LTD PS
7	2923 FAIRMOUNT ST	PERKINS JAMES M JR & MARY RUTH
8	2925 FAIRMOUNT ST	REILLY PARKWAY LTD PTNS % REILLY BROTHER
9	3000 MAPLE AVE	GREENWAY 3000 MAPLE LTD
10	3001 FAIRMOUNT ST	FRENCH JAMES F & LAURA B FRENCH
11	2902 MAPLE AVE	2902 MAPLE LP % COMERICA BANK 5TH FL
12	3001 MAPLE AVE	KENSINGTON MAPLE LLC
13	2927 MAPLE AVE	AP PRESCOTT STONELEIGH HOTEL LP C/O APOL
14	2401 CEDAR SPRINGS RD	GUIDESTONE FINANCIAL RES OF THE SOUTHERN
15	2913 FAIRMOUNT ST	GATEGREEN PARTNERS
16	2906 MAPLE AVE	2906 MAPLE AVE LLC
17	2919 MAPLE AVE	MAPLE WOLF STONELEIGH LLC
18	2919 MAPLE AVE	MAPLE WOLF STONELEIGH LLC

FILE NUMBER: BDA 123-082

BUILDING OFFICIAL'S REPORT: Application of Carlos D. Goynes, Café Build, LLC for a special exception to the off-street parking regulations at 5629 SMU Boulevard. This property is more fully described as part of Lot 22, Lots 23 & 24, and part of Lot 25, Block B/5187 and is zoned MU-3, which requires off-street parking to be provided. The applicant proposes to construct and maintain a structure for restaurant without drive-in or drive-through service and alcoholic beverage establishment uses and provide 65 of the required 86 parking spaces, which will require a 21 space special exception to the off-street parking regulations.

LOCATION: 5629 SMU Boulevard

APPLICANT: Carlos D. Goynes, Café Build, LLC

REQUEST:

A special exception to the off-street parking regulations of 21 parking spaces (or a 24 percent reduction of the 65 off-street parking spaces that are required) is made in conjunction with leasing and maintaining two vacant structures on the site with a total square footage of about 8,600 square feet with restaurant and alcoholic beverage establishment uses. The applicant proposes to provide 65 (or 68 percent) of the required 86 off-street parking spaces in conjunction with leasing and maintaining these uses with these square footages on the property.

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). Applicants may seek a special exception to the parking requirements under this section and an administrative parking reduction under Section 51A-4.313. The greater reduction will apply, but the reduction may not be combined.
- 2) In determining whether to grant a special exception, the board shall consider the following factors:

- (A) The extent to which the parking spaces provided will be remote, shared, or packed parking.
 - (B) The parking demand and trip generation characteristics of all uses for which the special exception is requested.
 - (C) Whether or not the subject property or any property in the general area is part of a modified delta overlay district.
 - (D) The current and probable future capacities of adjacent and nearby streets based on the city's thoroughfare plan.
 - (E) The availability of public transit and the likelihood of its use.
 - (F) The feasibility of parking mitigation measures and the likelihood of their effectiveness.
- 3) In granting a special exception, the board shall specify the uses to which the special exception applies. A special exception granted by the board for a particular use automatically and immediately terminates if and when that use is changed or discontinued.
 - 4) In granting a special exception, the board may:
 - (A) Establish a termination date for the special exception or; otherwise provide for the reassessment of conditions after a specified period of time;
 - (B) Impose restrictions on access to or from the subject property; or
 - (C) Impose any other reasonable conditions that would have the effect of improving traffic safety or lessening congestion on the streets.
 - 5) The board shall not grant a special exception to reduce the number of off-street parking spaces required in an ordinance granting or amending a specific use permit.
 - 6) The board shall not grant a special exception to reduce the number of off-street parking spaces expressly required in the text or development plan of an ordinance establishing or amending regulations governing a specific planned development district. This prohibition does not apply when:
 - (A) the ordinance does not expressly specify a minimum number of spaces, but instead simply makes references to the existing off-street parking regulations in Chapter 51 or this chapter; or
 - (B) the regulations governing that specific district expressly authorize the board to grant the special exception.

STAFF RECOMMENDATION:

Denial

Rationale:

- The applicant has not substantiated how the parking demand generated by the restaurant and alcoholic beverage establishment uses does not warrant the number of off-street parking spaces required, nor how 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 recommends that this request be denied.

BACKGROUND INFORMATION:

Zoning:

Site: MU-3 (Mixed use)
North: MU-3 (Mixed use)
South: PD 786 (Planned Development)
East: MU-3 (Mixed use)
West: MU-3 (Mixed use)

Land Use:

The subject site is currently developed with two vacant structures. The areas to the north, east, south, and west are developed with a mix of retail, commercial, and residential 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:

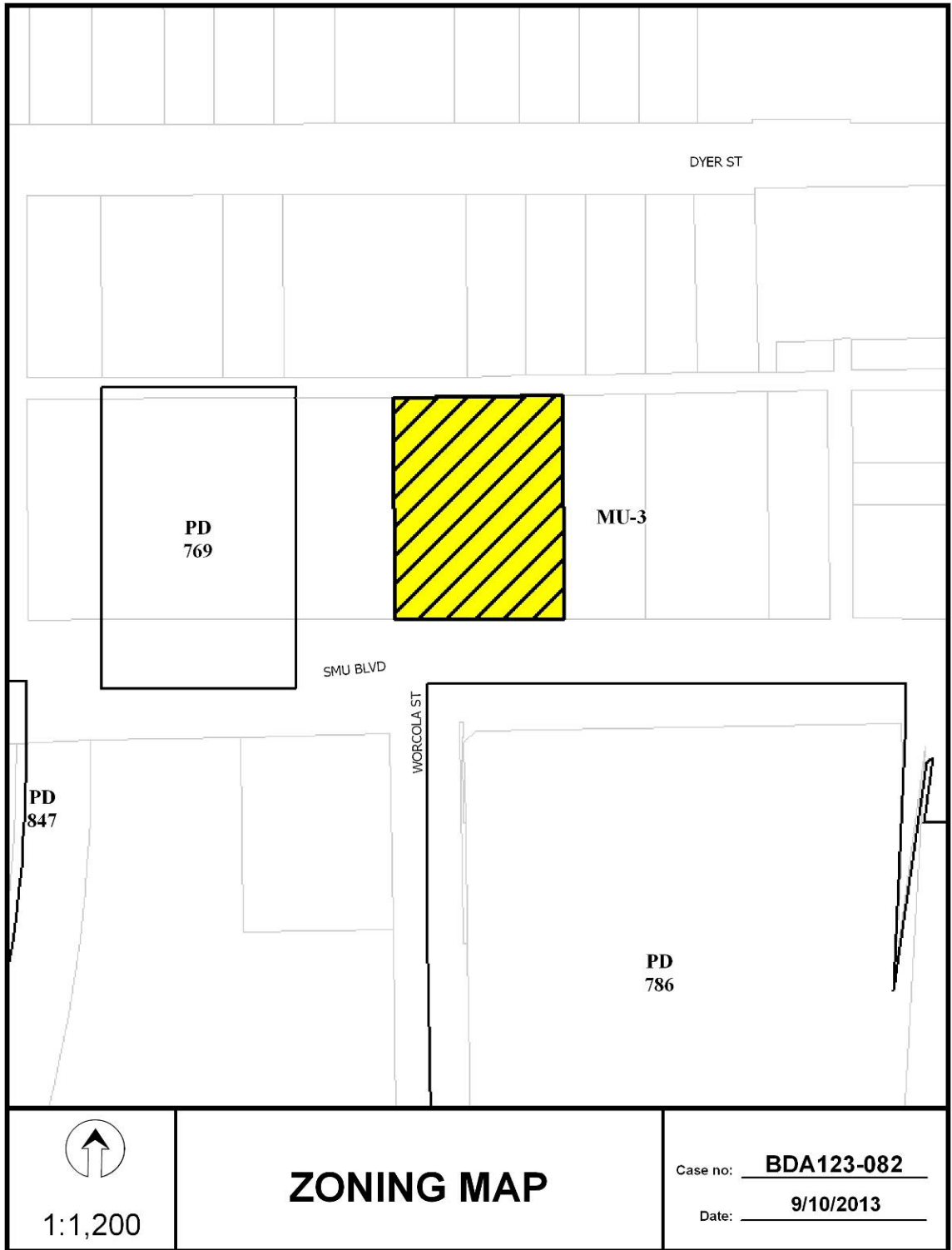
- June 20, 2013: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- August 20, 2013: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- August 21, 2013: The 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 request; 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 5, 2013: The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet marked “recommends that this be denied” commenting “submitted parking analysis and layout is not feasible. Surrounding area is currently under-parked.”

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on leasing and maintaining two vacant structures on the site with a total square footage of about 8,600 square feet with restaurant and alcoholic beverage establishment uses. The applicant proposes to provide 65 (or 68 percent) of the required 86 off-street parking spaces in conjunction with leasing and maintaining these uses with these square footages on the property.
- The Dallas Development Code requires the following off-street parking requirement:
 - Restaurant without drive-in or drive-through service use: 1 space per 100 square feet of floor area.
 - Bar, lounge, or tavern use: 1 space per 100 square feet of floor area.
- The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked “recommends that this be denied” commenting “submitted parking analysis and layout is not feasible. Surrounding area is currently under-parked.”
- The applicant has the burden of proof in establishing the following:
 - The parking demand generated by the proposed restaurant and alcoholic beverage establishment uses on the site does not warrant the number of off-street parking spaces required, and
 - The special exception of 21 spaces (or a 24 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 21 spaces shall automatically and immediately terminate if and when restaurant and alcoholic beverage establishment uses, or a combination of these uses, that would normally need no more than 86 required parking spaces, are changed or discontinued, the applicant would be allowed to lease/maintain the site with these specific uses and provide only 65 of the 86 code required off-street parking spaces.

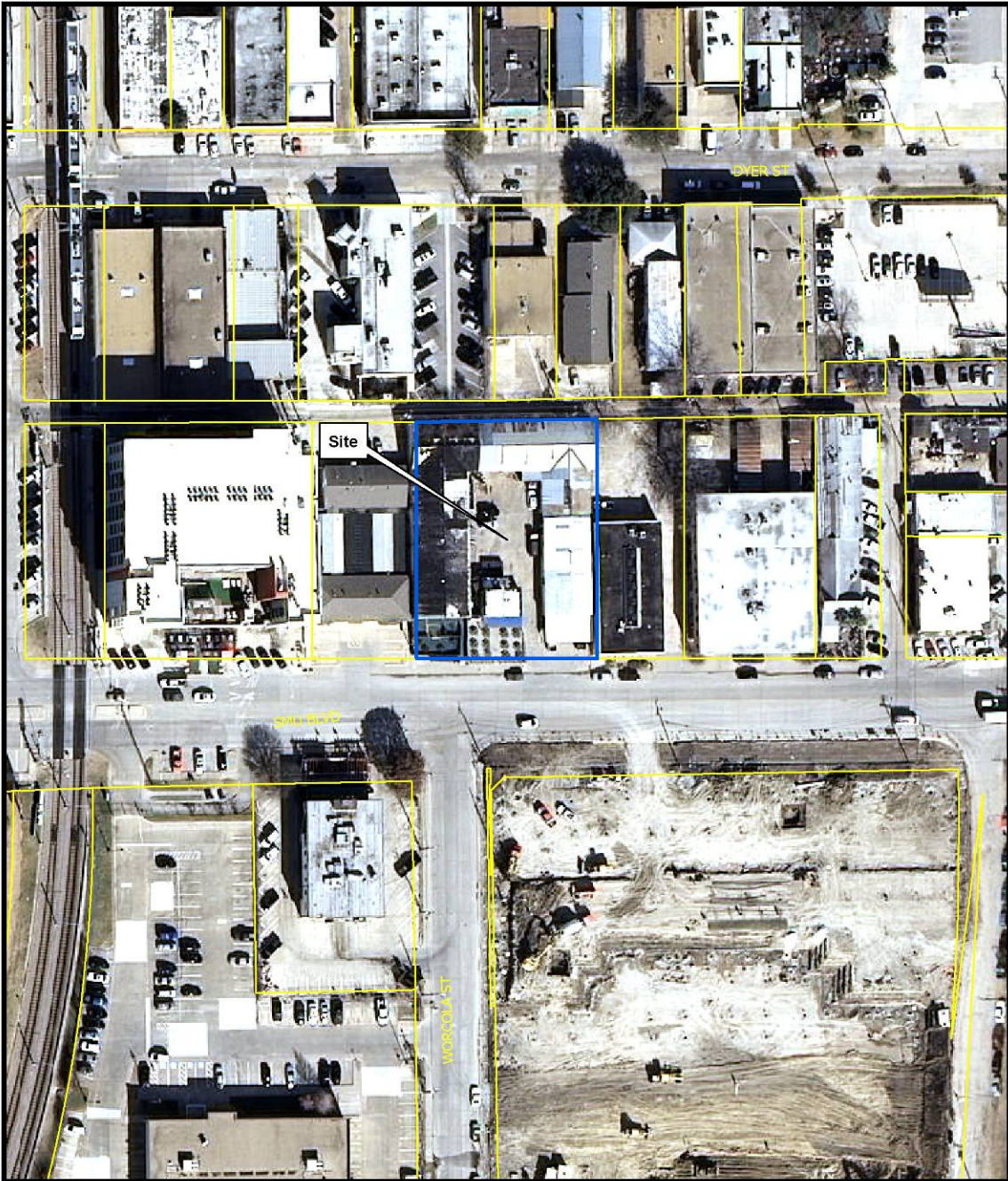


1:1,200

ZONING MAP

Case no: BDA123-082

Date: 9/10/2013



1:1,200

AERIAL MAP

Case no: BDA123-082

Date: 9/10/2013



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-082

Data Relative to Subject Property:

Date: 20JUN13

Location address: 5629 SMU Boulevard Dallas, Texas 75206 Zoning District: MU-3

Lot No.: 23.24 Block No.: B/5187 Acreage: 0.58 Census Tract: 79.14

Street Frontage (in Feet): 1) 140' 2) _____ 3) _____ 4) _____ 5) _____

SE 24 A

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): ASBURY APARTMENTS LLC

Applicant: Carlos D. Goyne, Cafe Build LLC Telephone: 214.793.8181

Mailing Address: 1529 Dragon Street, Dallas, Texas Zip Code: 75207

E-mail Address: cdgoyne@goyne.net

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 21 spaces required in order to allow the use of the building sapce to be a restaurant/bar requiring 1 space per 100 square feet. The total square footage of both combined spaces is 8,600sf, though there are only 65 spaces on the property.

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 reduction of the parking requirement of 21 spaces of the required parking will not have an adverse affect on site or neighboring properties, as there are adjacent multi-family residences within walking distance and mass-transit stations within walking distance. In addition, we will provide bike racks for patrons who ride to the location.

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

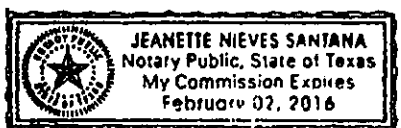
Before me the undersigned on this day personally appeared Carlos D. Goyne (Affiant/Applicant's name printed)

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 20th day of June, 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

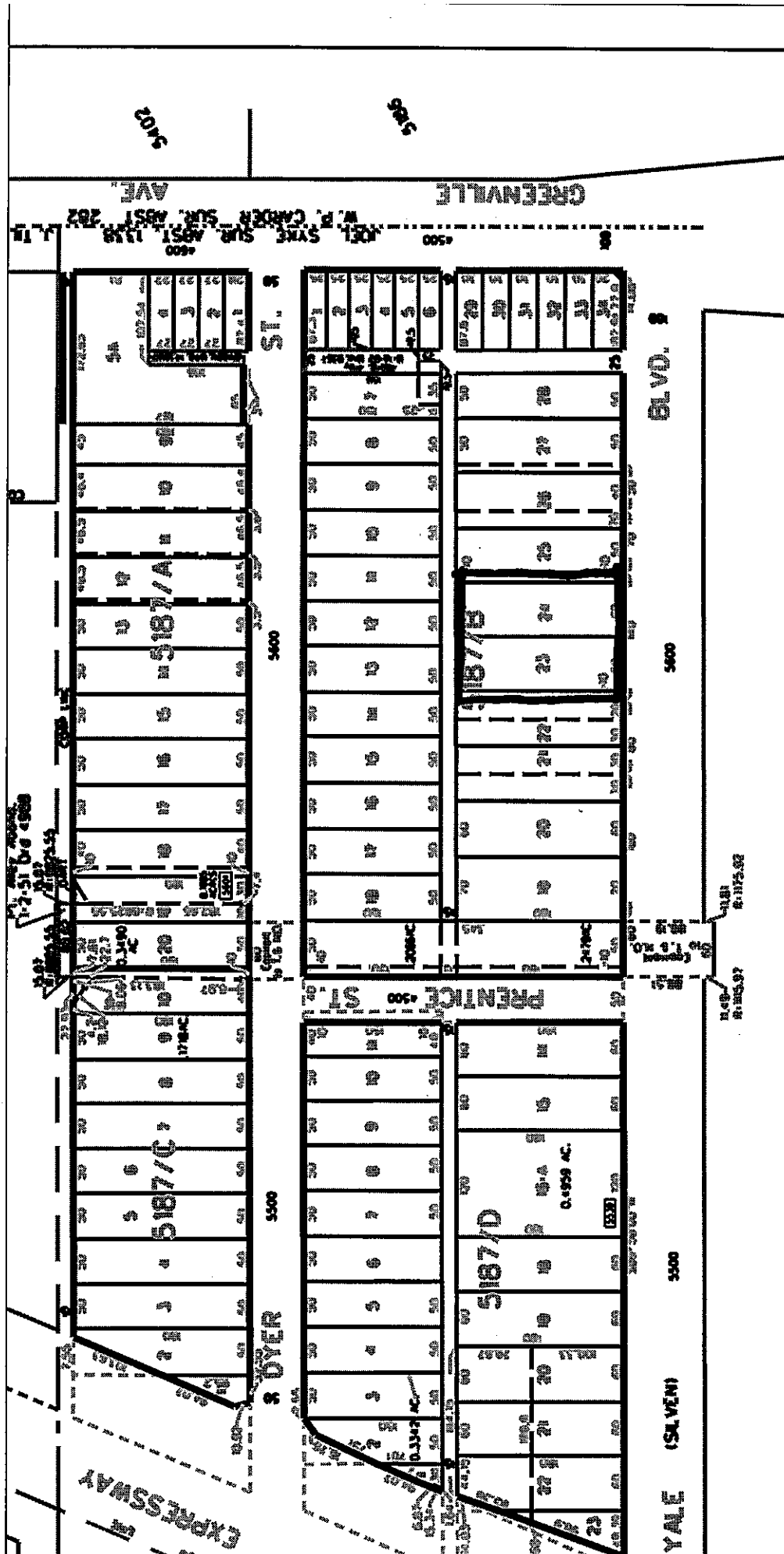
I hereby certify that CARLOS GOYNE

did submit a request for a special exception to the parking regulations
at 5629 SMU Blvd.

BDA123-082. Application of Carlos Goyne for a special exception to the parking regulations at 5629 SMU Blvd. This property is more fully described as part of Lot 22, Lots 23 & 24, and part of Lot 25, Block B/5187 and is zoned MU-3, which requires parking to be provided. The applicant proposes to construct and maintain a nonresidential structure for a restaurant without drive-in or drive-through service use and an alcoholic beverage establishment use and provide 65 of the required 86 parking spaces, which will require a 21 space special exception (24% reduction) to the parking regulation.

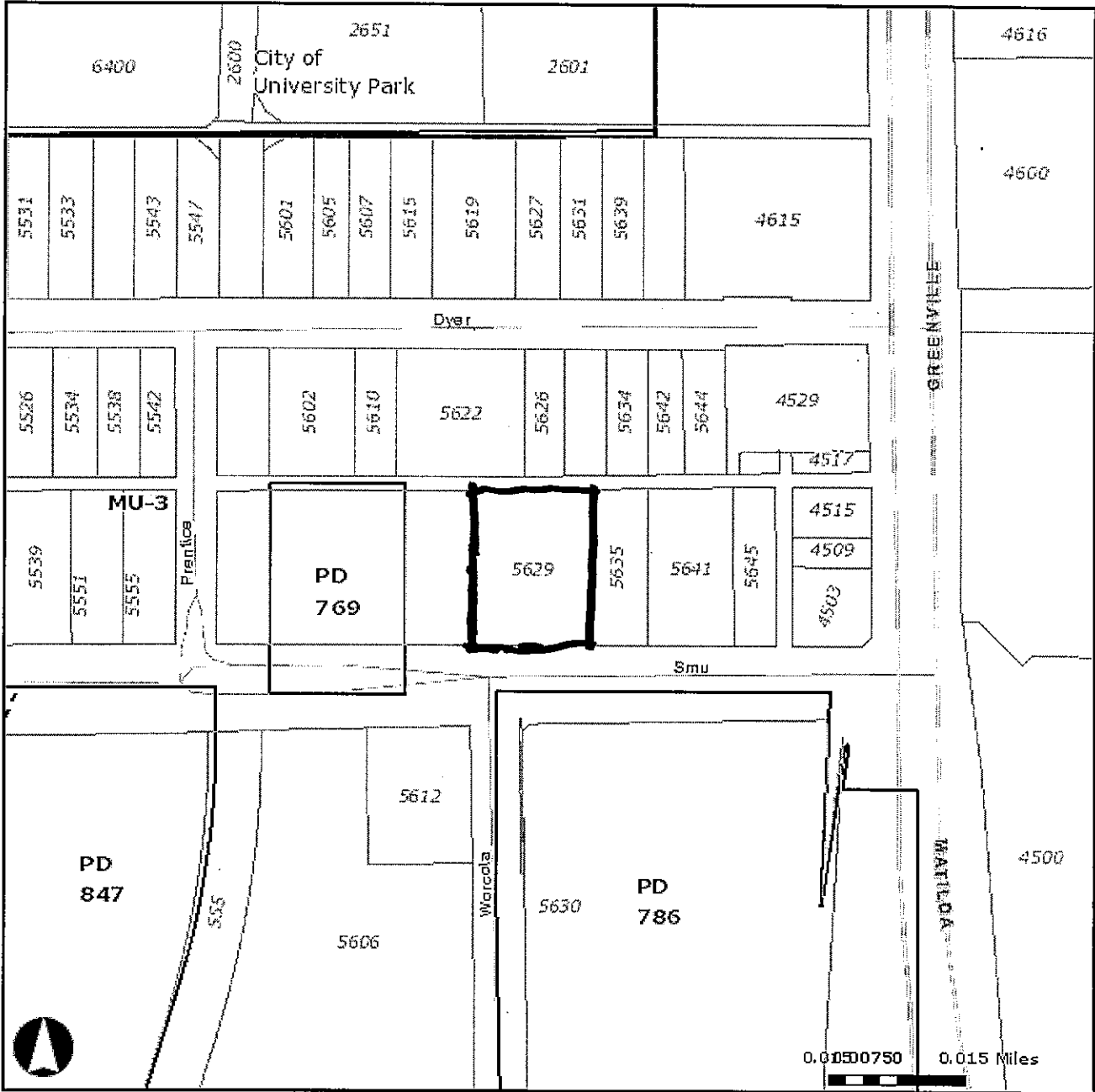
Sincerely,


Larry Holmes, Building Official



12

City of Dallas Zoning



City Boundaries

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

Dry Overlay

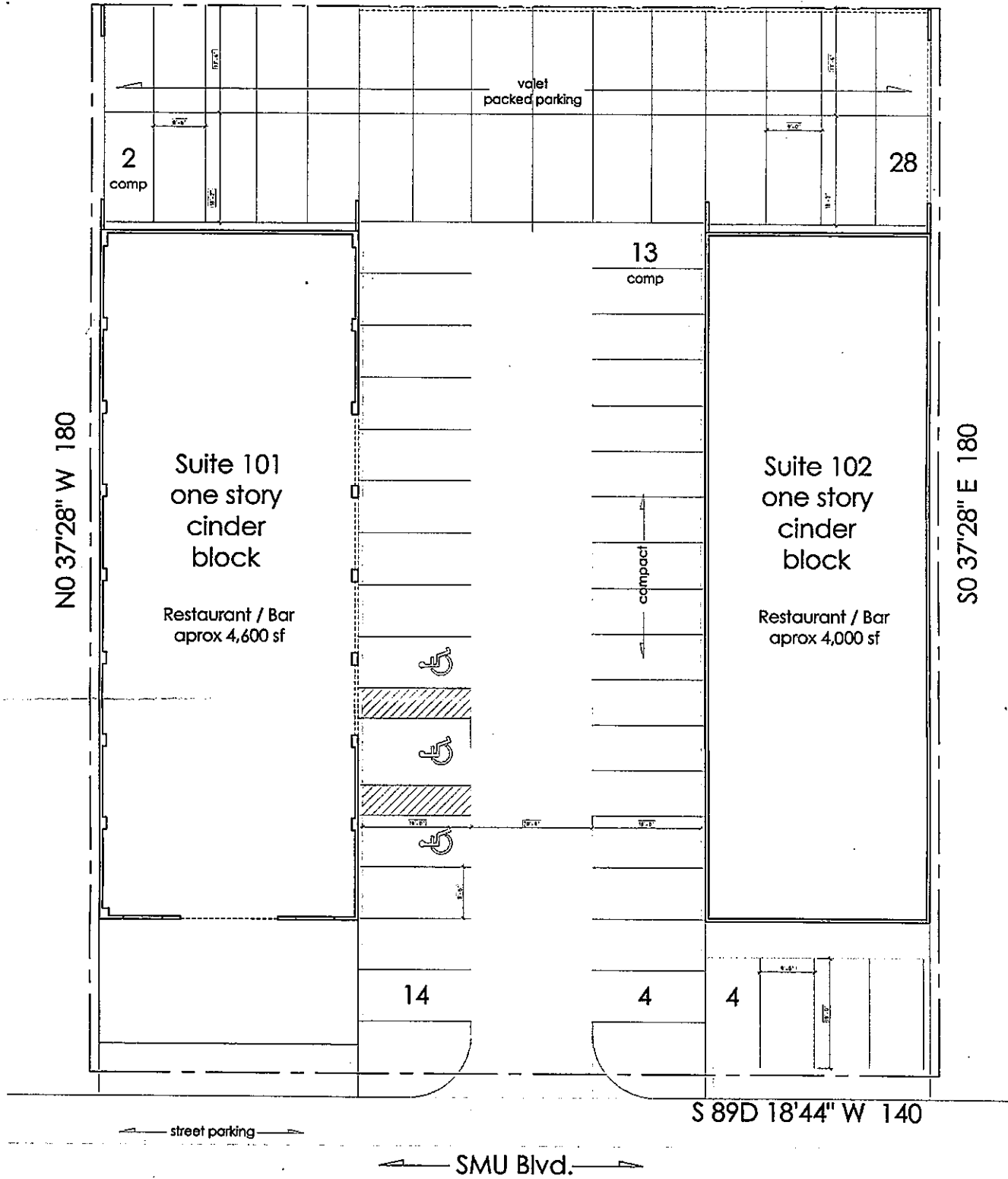
- Dry Overlay
- D
- D-1
- Historic Overlay
- Historic Subdistricts
- NSO Overlay
- NSO Subdistricts
- MD Overlay

Base Zoning

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



N 89D 17'19" E 140



parking

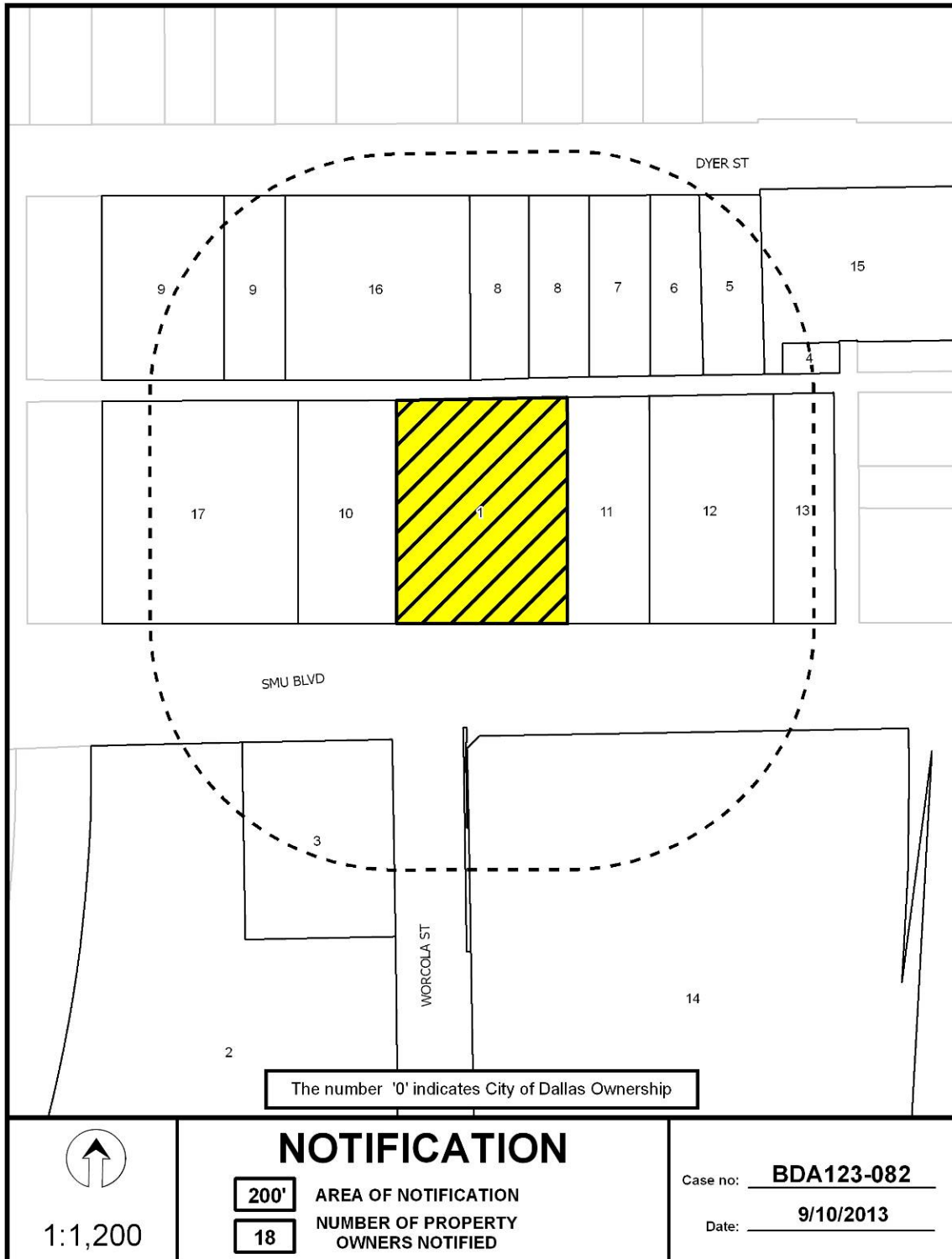
standard	50
compact	15
TOTAL	65

parking analysis

Suite	Use	Area	Ratio	Reqd.
suite 101	Rest.	4,600sf	1/100	46
suite 102	Rest.	4,000sf	1/100	40
TOTAL				86

01 site plan - parking study 1/16" = 1'-0"





Notification List of Property Owners

BDA123-082

18 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5629 SMU BLVD	KAEHLER ANN TRUSTEE ANN KAEHLER GST TRUS
2	5606 SMU BLVD	U S POSTAL SERVICE
3	5612 SMU BLVD	YALE CENTRAL LLC
4	5650 DYER ST	SMITH M NED
5	5644 DYER ST	HOLLYWOOD OVERHEAD DOOR CO
6	5642 DYER ST	HOLLYWOOD OVERHEAD DOOR CO INC
7	5634 DYER ST	PRENGLER HERSCHEL
8	5630 DYER ST	JACKSON LEASING PARTNERS LTD
9	5610 DYER ST	NAK JOINT VENTURE LTD
10	5619 SMU BLVD	HOLTVET HOLDINGS LLC
11	5635 SMU BLVD	JACKSON LEASING PTNRS LTD % JERRY JACKSO
12	5641 SMU BLVD	5641 YALE LTD PS
13	5645 SMU BLVD	SMITH NED
14	5630 SMU BLVD	5640 SMU BLVD LP SUITE 101
15	4529 GREENVILLE AVE	MOONDANCE INV LTD
16	5622 DYER ST	DYER STREET INVESTORS LP
17	5609 SMU BLVD	MC 5609 YALE LP
18	403 REUNION BLVD	DALLAS AREA RAPID TRANSIT

FILE NUMBER: BDA 123-089

BUILDING OFFICIAL'S REPORT: Application of Alfonso Solis, Jr. to appeal the decision of the administrative official at 5506 Miller Avenue. This property is more fully described as Lots 1, 2, & 3, Block 16/1929 and is zoned CD-15, which requires that the building official shall deny a Conservation District work review application if the building official determines that the proposed work does not meet the development standards and design requirements for the Conservation District. The applicant proposes to appeal the decision of an administrative official in denying a Conservation District work review.

LOCATION: 5506 Miller Avenue

APPLICANT: Alfonso Solis, Jr.

REQUEST:

An appeal has been made requesting that the Board of Adjustment reverse/overturn the Building Official's July 16, 2013 decision to deny a permit for property at 5506 Miller Avenue to "Remove all windows and related trim on the first floor of the apartment. Install single hung vinyl windows."

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: CD 15 (Conservation District)
North: CD 15 (Conservation District)
South: CD 15 (Conservation District)
East: CD 15 (Conservation District)
West: CD 15 (Conservation District)

Land Use:

The subject site is developed with a multifamily structure. The areas to the north, east, south, 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:

July 16, 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 B.

August 21, 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 (with a notation that staff does not form a recommendation on this type of application); and the September 6th 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 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.

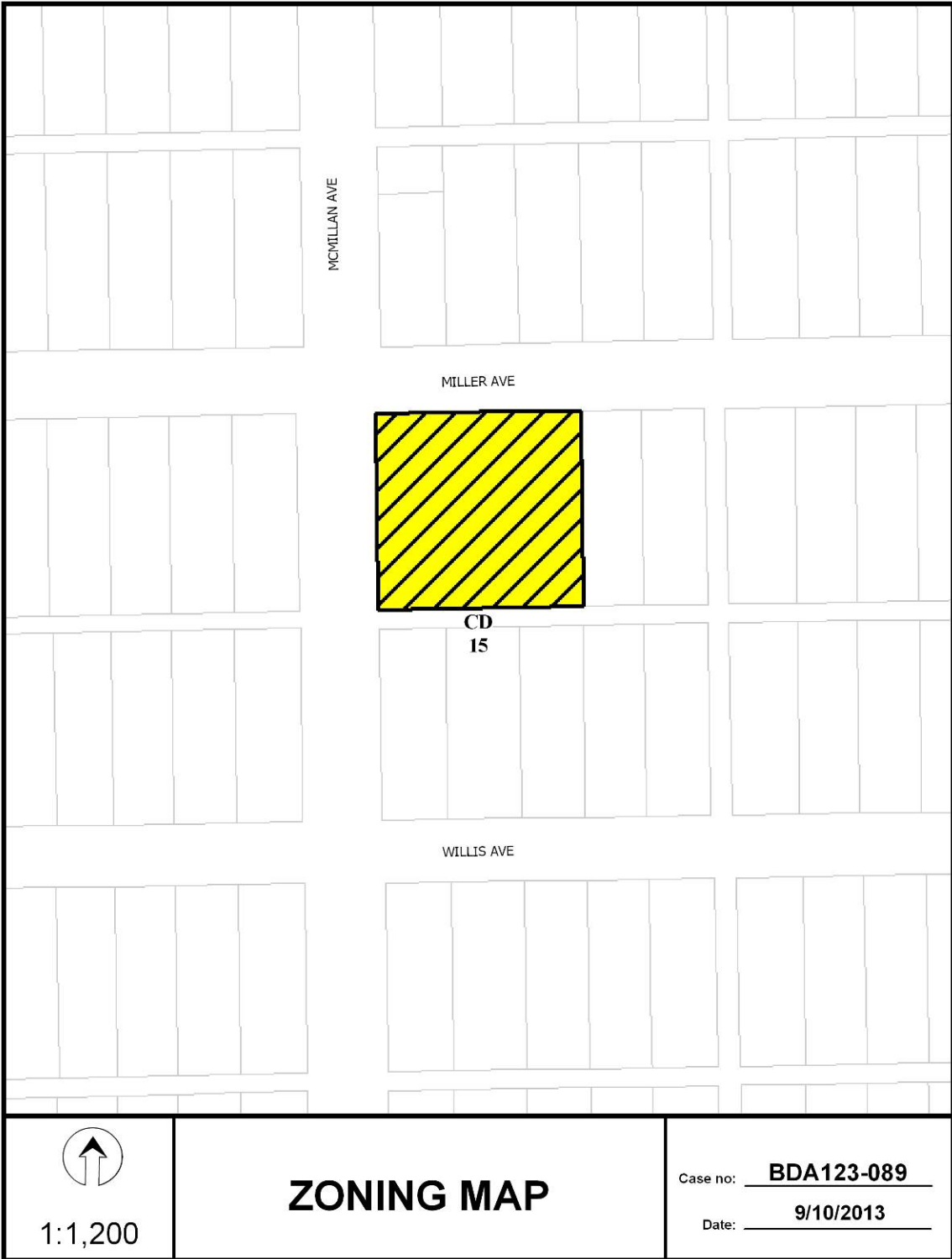
No review comment sheets were submitted in conjunction with this application.

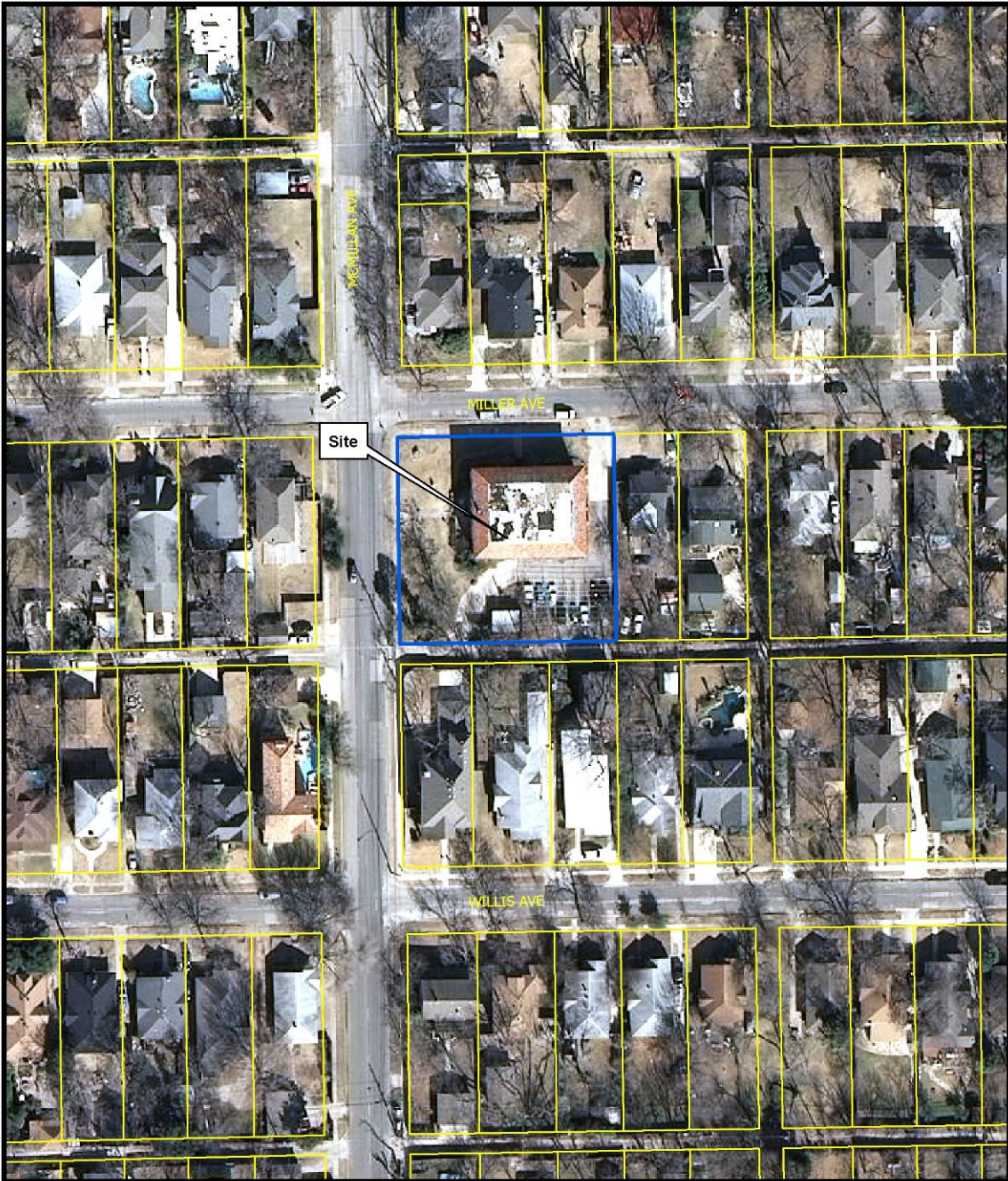
September 5, 2013: The applicant forwarded additional information on this application to the Board Administrator beyond what was submitted with the original application (see Attachment A).

September 6, 2013: The Assistant City Attorney assisting the Building Official forwarded additional information to the Board Administrator beyond what was submitted with the original application (see Attachment B).

GENERAL FACTS/STAFF ANALYSIS:

- A copy of the denied permit for property at 5506 Miller Avenue 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.





 1:1,200	<h1>AERIAL MAP</h1>	Case no: <u>BDA123-089</u> Date: <u>9/10/2013</u>
--	---------------------	--

Long, Steve

BDA 123-089
 Attach A
 Pg 1

From: Alfonso Solis [asolis_avalon@yahoo.com]
Sent: Thursday, September 05, 2013 7:53 PM
To: Long, Steve
Subject: Re: BDA 123-089, Property at 5506 Miller Avenue
Attachments: new sill 04-14-13 2.JPG; new sill 04-14-13.JPG; new window 03-26-13 3.JPG; new window 03-26-13 5.JPG; new window 03-26-13.JPG; new window 3-26-13- 4.JPG; new window.JPG; new windows east.JPG

Here are the pics Im submitting for the board.

From: "Long, Steve" <steve.long@dallascityhall.com>
To: asolis_avalon@yahoo.com
Sent: Wednesday, August 21, 2013 6:01 AM
Subject: FW: BDA 123-089, Property at 5506 Miller Avenue

I am hoping this email address works.

From: Long, Steve
Sent: Wednesday, August 21, 2013 7:58 AM
To: 'asolis.avalon@yahoo.com'
Cc: Duerksen, Todd; Dean, Neva; Morrison, Laura; Bowers, Chris
Subject: BDA 123-089, Property at 5506 Miller Avenue

Dear Mr. Solis,
 Here is information regarding your application to the board of adjustment at the address referenced above:

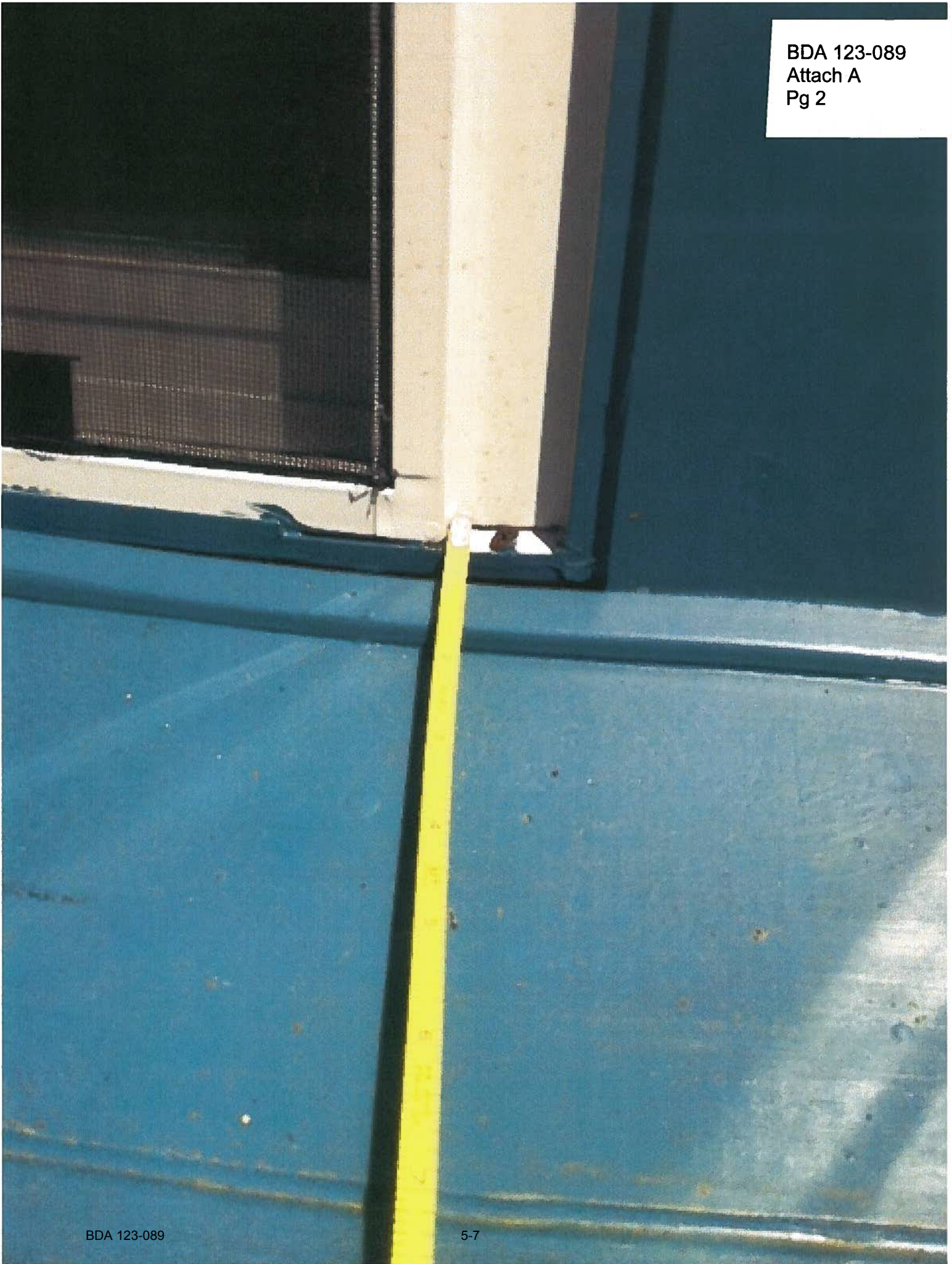
1. Your submitted application materials- all of which will be emailed to you, city staff, and the board of adjustment members in a docket report about a week ahead of your tentatively scheduled September 18th Panel B public hearing.
2. The provision from the Dallas Development Code that allows the board to consider appeals of an administrative official (Section 51A-4.703(a)(2)).
3. The outline of procedure for appeals from decisions of an administrative official by the board of adjustment.
4. A document that lists dates including your public hearing date and other deadlines for submittal of additional information to staff/the board. (Please note that staff does not form a recommendation on this type of application).
5. The board's rule pertaining to documentary evidence.

Please write or call me at 214/670-4666 if you have any questions/concerns, or if I can be of any additional assistance to you on this application.

Thanks,
 Steve

PS: If there is anything that you want to submit to the board on this application beyond what has been included in the attached application materials, please feel free to email it to steve.long@dallascityhall.com or mail it to me at the following address no later than 5 p.m., Friday, September 6th:

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



BDA 123-089
Attach A
Pg 3









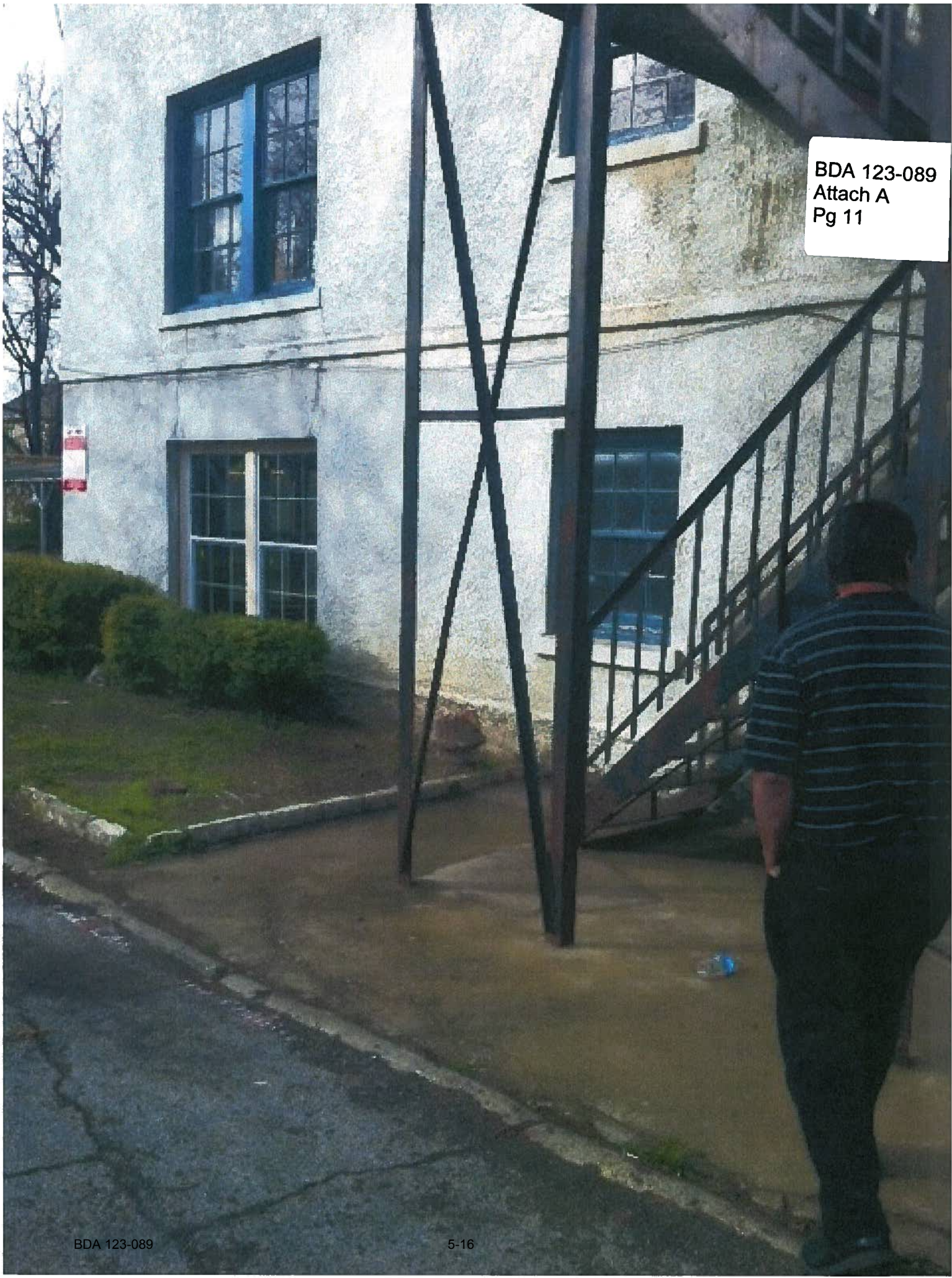
BDA 123-089
Attach A
Pg 7



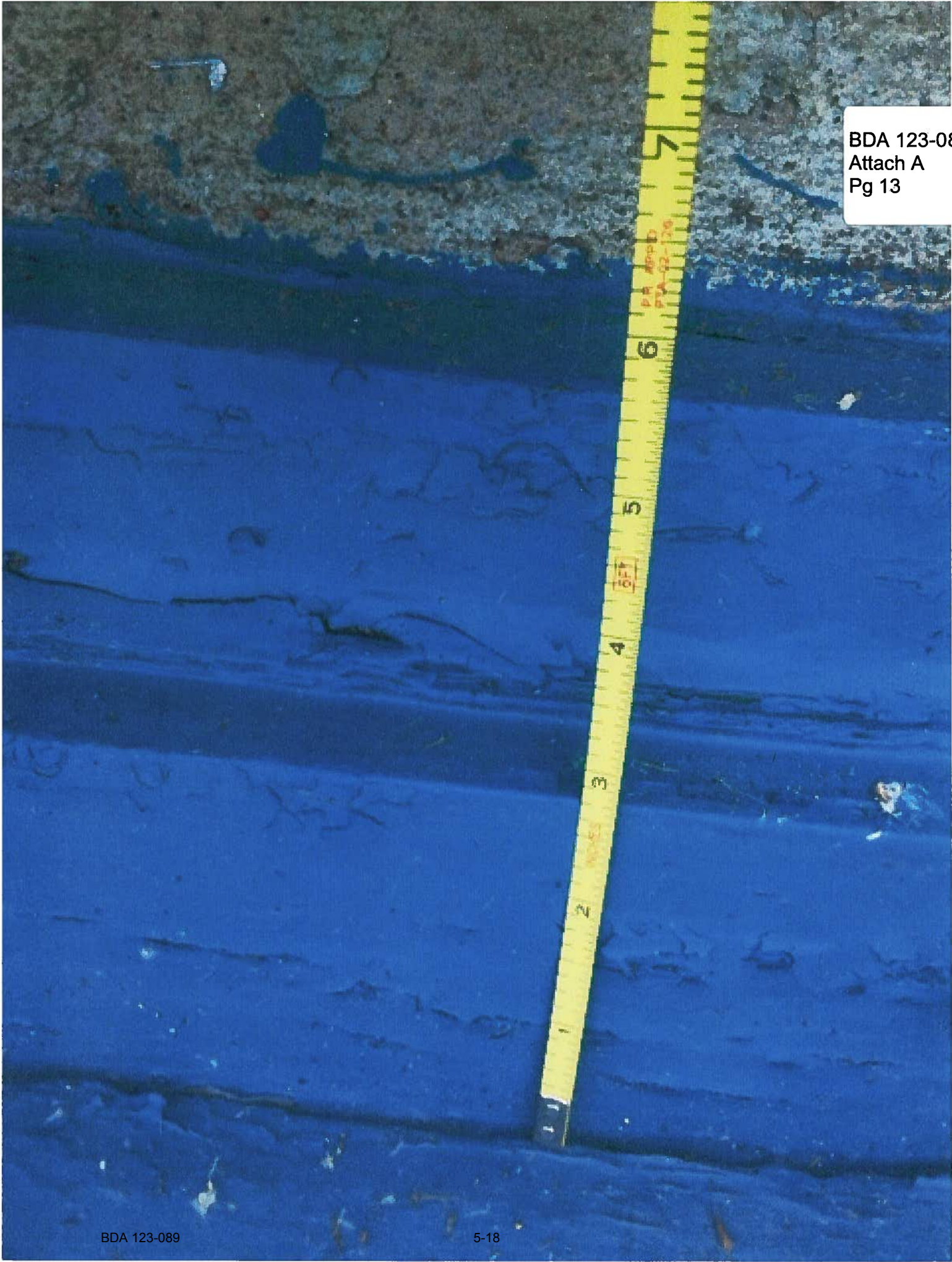


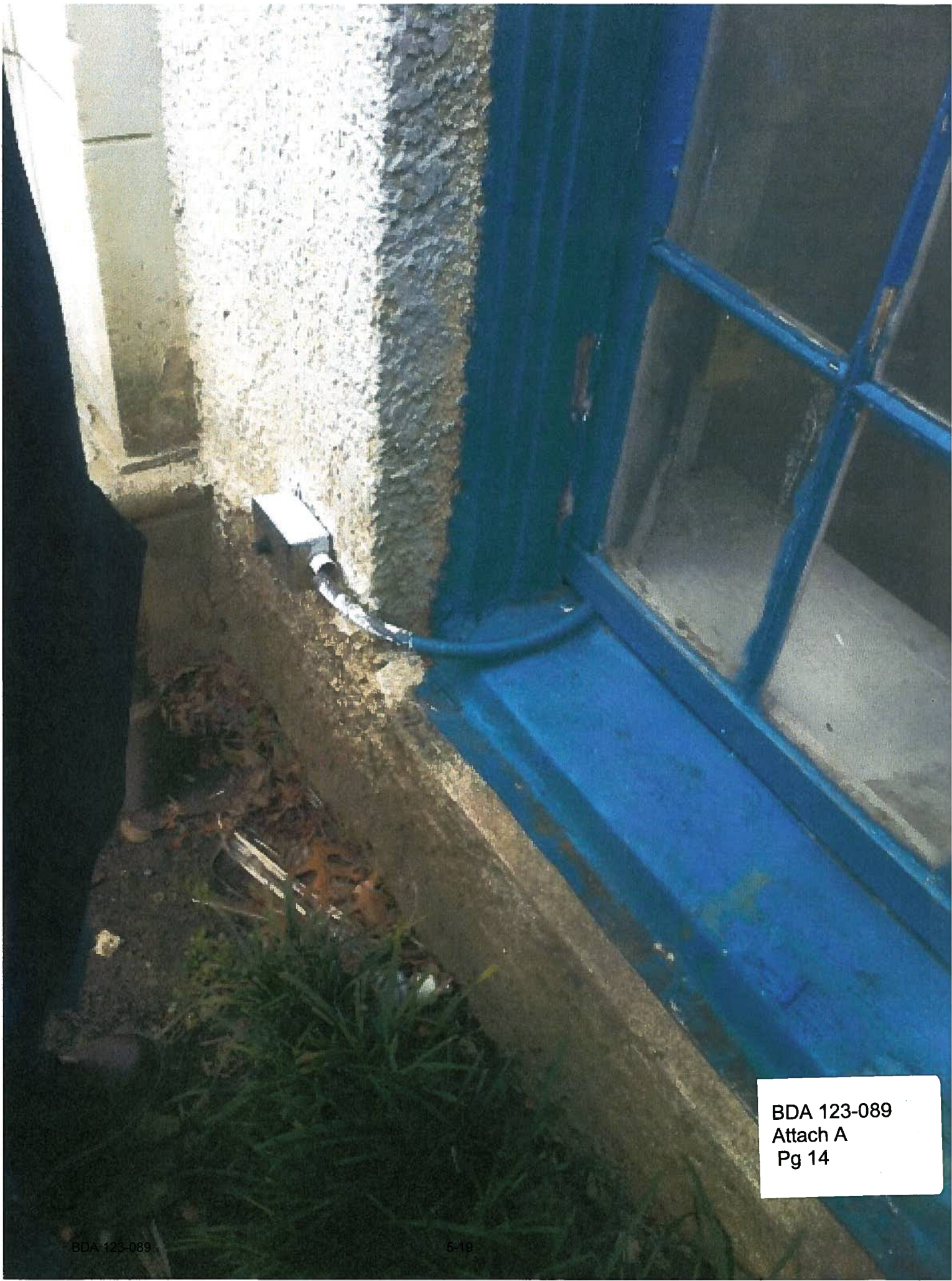
BDA 123-089
Attach A
Pg 10

BDA 123-089
Attach A
Pg 11

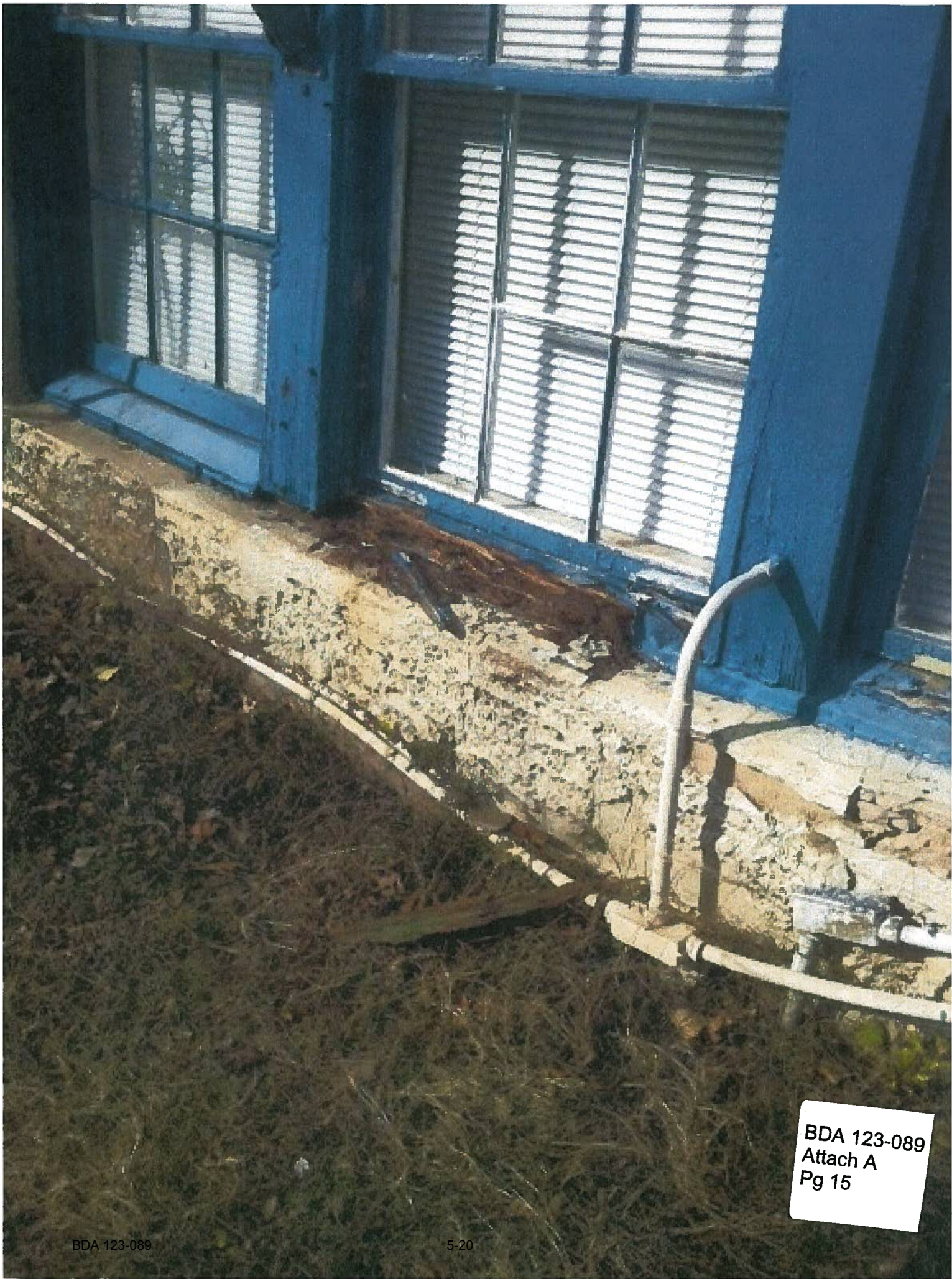




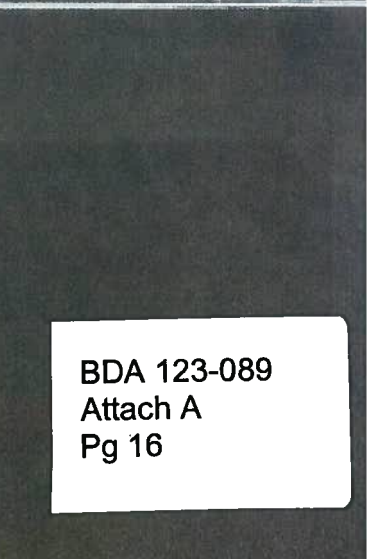
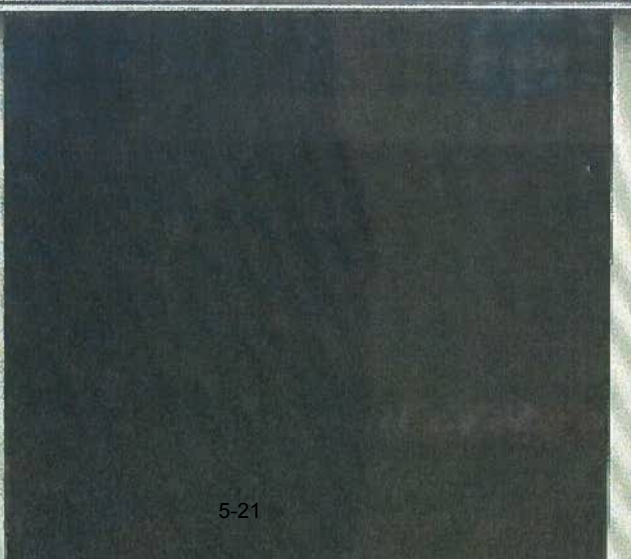




BDA 123-089
Attach A
Pg 14



BDA 123-089
Attach A
Pg 15





The City of Dallas Exhibits
Appeal to the Board of Adjustment
Property: 5506 Miller Avenue
Case No.: BDA 123-089
Owner: Capstone Properties
Public hearing date: September 18, 2013

Table of Contents

- 1. Notice of Violation**
- 2. Stop Work Order**
- 3. Conservation District Denial**
- 4. Location Map**
- 5. Site Plan**
- 6. Elevation Views**
- 7. Pictures**
 - a. Building Elevations**
 - i. Miller Avenue Elevation – A**
 - ii. Miller Avenue Elevation – B**
 - iii. McMillan Avenue Elevation**
 - iv. Example of Original Windows**
 - b. Problems with Small Windows**
 - i. East Elevation**
 - ii. East Elevation Zoom – A**
 - iii. East Elevation Zoom - B**
 - iv. McMillan Avenue Elevation – A**
 - v. McMillan Avenue Elevation – B**
 - vi. McMillan Avenue Elevation Small Window Detail**
 - c. Comparison of Original Windows to New Windows Pictures**
 - i. Original Window – Trim Detail – A**
 - ii. Proposed Window – Trim Detail – A**
 - iii. Original Window – Mullion Detail – A**

Notice of Violation



City of Dallas

INSPECTOR'S NOTICE OF VIOLATION
Sustainable Development and Construction Department
Building Inspection

Violation Type(s)

- Building
- Electrical
- Plumbing
- Mechanical
- Zoning
- Other _____

SR/Permit Number 13-00092730 Date: 2/25/2013

Address of Violation 5506 Miller Ave Occupied
Location of Violation Same Vacant
 Undetermined

Owner/Agent/Person in Control of Property:

Name Capstone Properties I Inc. Phone Number _____
Address 402 W. Broadway #400 Phone Number _____
San Diego, CA. 92101 ID _____

You are hereby notified (print legibly) submit a Conservation District
Work Review form for approval of all changes
to the exterior (replaced existing wood windows
with non approved vinyl / alum windows)
and obtain all required Building Permits for
remodeling of structure

The provisions of this notice remain in effect until released in writing by the Building Official.

Please comply within 10 days or citations may be issued. Notice Issued On-site
 Notice sent by Regular Mail
Badge # C1200

Served by:
Inspector Name Barbara Cahley Phone # 214-948-4696 Date 2-25-2013
Stop Work Order Posted at site

Owner/Agent/Person in Control of Property:

I hereby acknowledge receipt of the above notice.

Signature _____ Date _____

Name (Please Print) _____

Stop Work Order

STOP WORK ORDER

WORK PERFORMED ON THESE PREMISES IS IN VIOLATION
OF CHAPTER 52 OF THE DALLAS CITY CODE

ANY PERSON OR PERSONS PERFORMING CONSTRUCTION
RELATED ACTIVITIES WHILE THIS NOTICE IS IN EFFECT
COMMITTS AN OFFENSE PUNISHABLE BY A FINE NOT TO
EXCEED \$2000 F A C B DAY



City of Dallas

ADDRESS: 5506 Miller Ave

FOR MORE INFORMATION CALL BUILDING INSPECTION
PHONE: 214-948-4696

Conservation District Denial

Conservation District Denial



Vickery Place Conservation District

City of Dallas

Date Applied: 07/16/13

Date Reviewed: 07/16/13

Address: 5506 MILLER AVE

Applicant: Capstone Properties - Alfonso
Solis
4175 Interurban Road
Lancaster, TX 75134
214/727-1180
asolis_avalon@yahoo.com

Architectural Style: Spanish

Proposed Work: Other - requires permit

REMOVE ALL WINDOWS AND RELATED TRIM ON THE FIRST FLOOR OF THE APARTMENT. INSTALL SINGLE HUNG VINYL WINDOWS.

Permit is required: YES

Work is Denied

1) Windows are not typical of the style of the structure. 2) Not all windows fit original opening sizes; 3) Trim out of windows inadequate and 4) Windows did not have adequately expressed muntins and mullions.

Larry Holmes, Building Official

The application was reviewed for compliance with the development standards and design requirements for this Conservation District Ordinance.

This certificate applies only to the work identified on this document. Additional work will have to be reviewed separately.

DENIED

Page 1 of 1

Location Map

City of Dallas Zoning

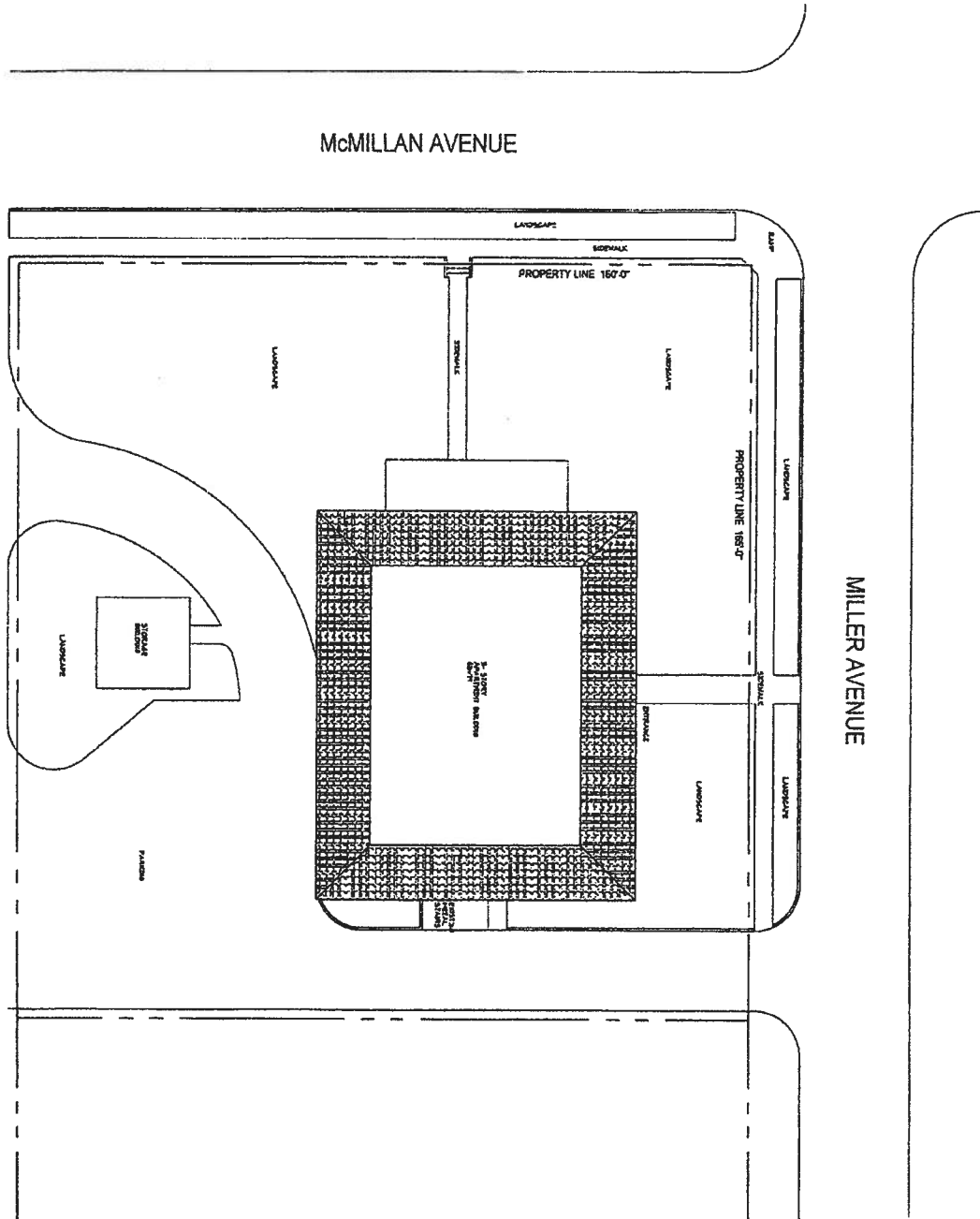


- City Boundaries
- County
- Certified Parcels
- DISD Sites
- Council Districts
- Waterways
- Parks

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


- PD193 Oak Lawn
- PDS Subdistricts
- Base Zoning
- Pedestrian Overlay
- CP
- SP
- Environmental Corridors
- Escarpment Overlay

Site Plan

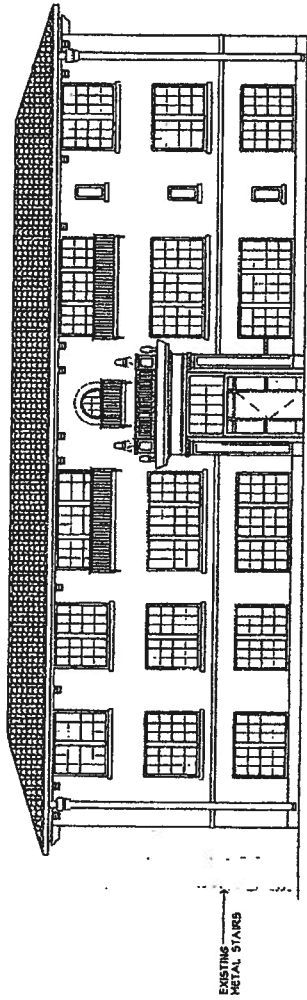



 SITE PLAN
 SCALE 1/8\"

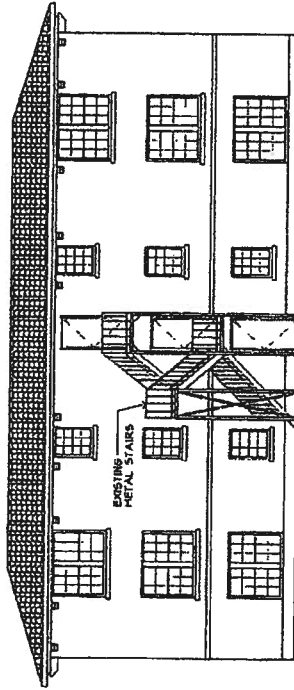

 KEY PLAN

 Richard Architecture & Design 2001 Commerce Ave, Fort Worth, TX 76114 214.338.4431	NOT FOR REGULATORY APPROVAL. PERMITTING OR CONSTRUCTION.	<p>BELLA VILLA APARTMENTS</p> <p>5506 Miller Avenue Dallas, Texas 75206</p>	<p>SITE PLAN</p> <p>100% DESIGN DOCUMENTS</p>
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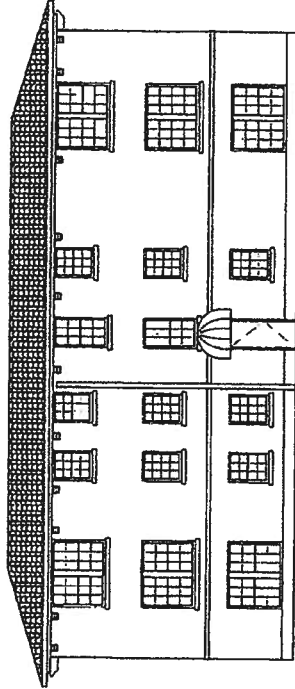
Elevation Views



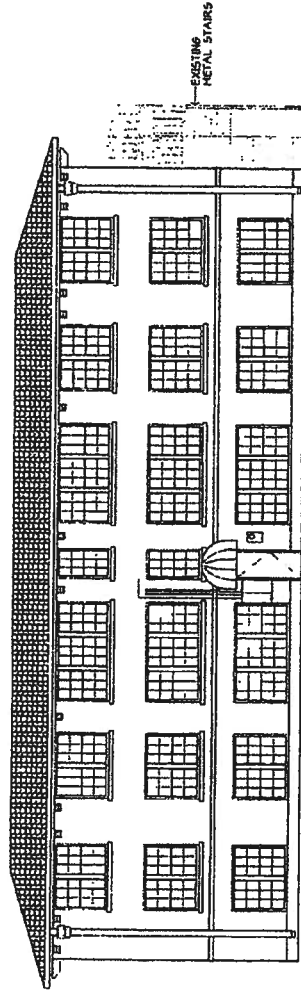
1 FRONT VIEW ELEVATIONS
 SCALE: 3/8"=1'-0"



2 LEFT VIEW ELEVATIONS
 SCALE: 3/8"=1'-0"



3 RIGHT VIEW ELEVATIONS
 SCALE: 3/8"=1'-0"



4 REAR VIEW ELEVATIONS
 SCALE: 3/8"=1'-0"



BELLA VILLA APARTMENTS
 5506 Miller Avenue
 Dallas, Texas 75206



NOT FOR REGULATORY
 APPROVAL OR PERMITTING,
 OR CONSTRUCTION.

ELEVATIONS

100% DESIGN DOCUMENTS

Pictures

Building Elevations

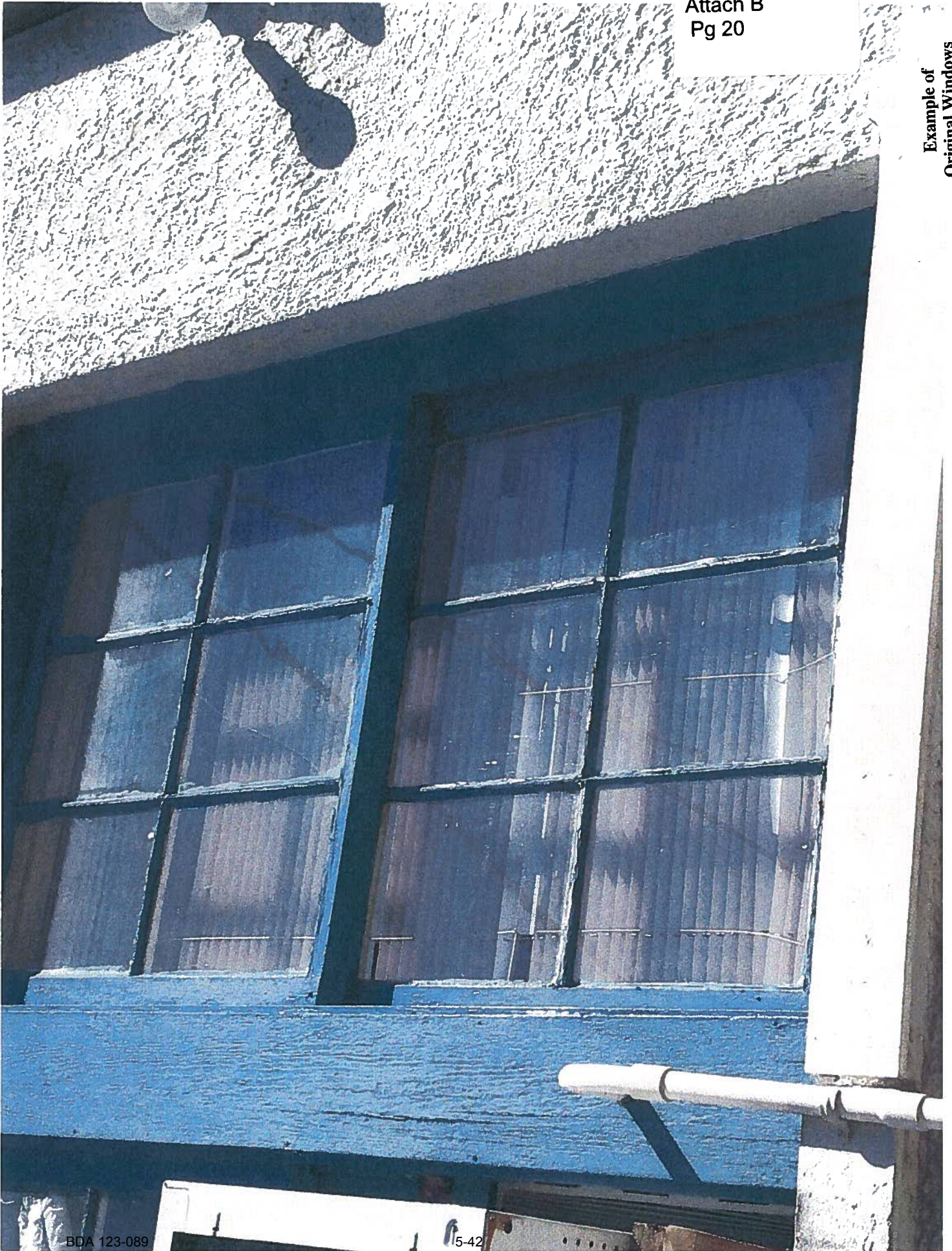


Miller Avenue
Elevation - A



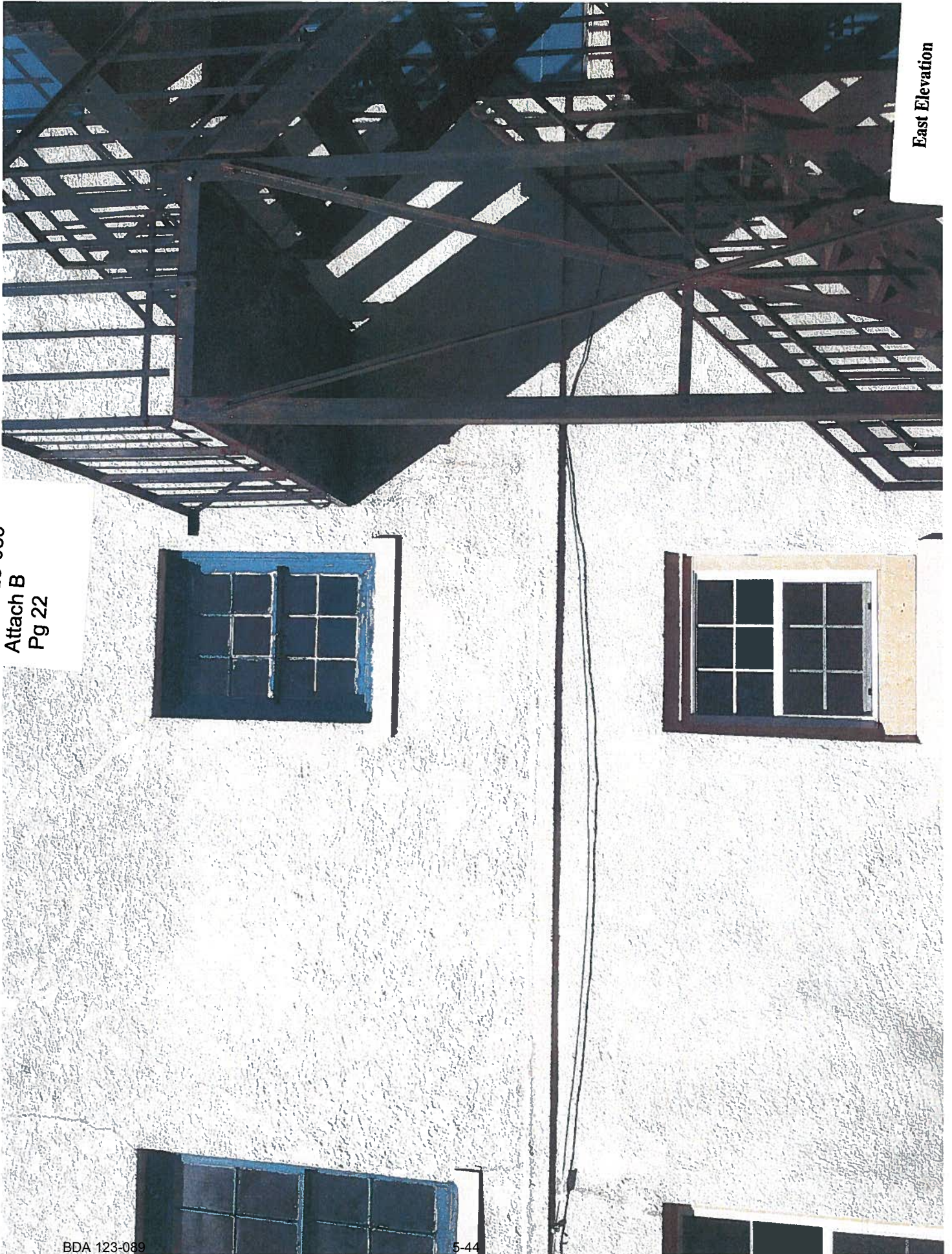


McMillan Ave. Elevation



Problems with Small Windows

BDA 123-089
Attach B
Pg 22



East Elevation

BDA 123-089
Attach B
Pg 23



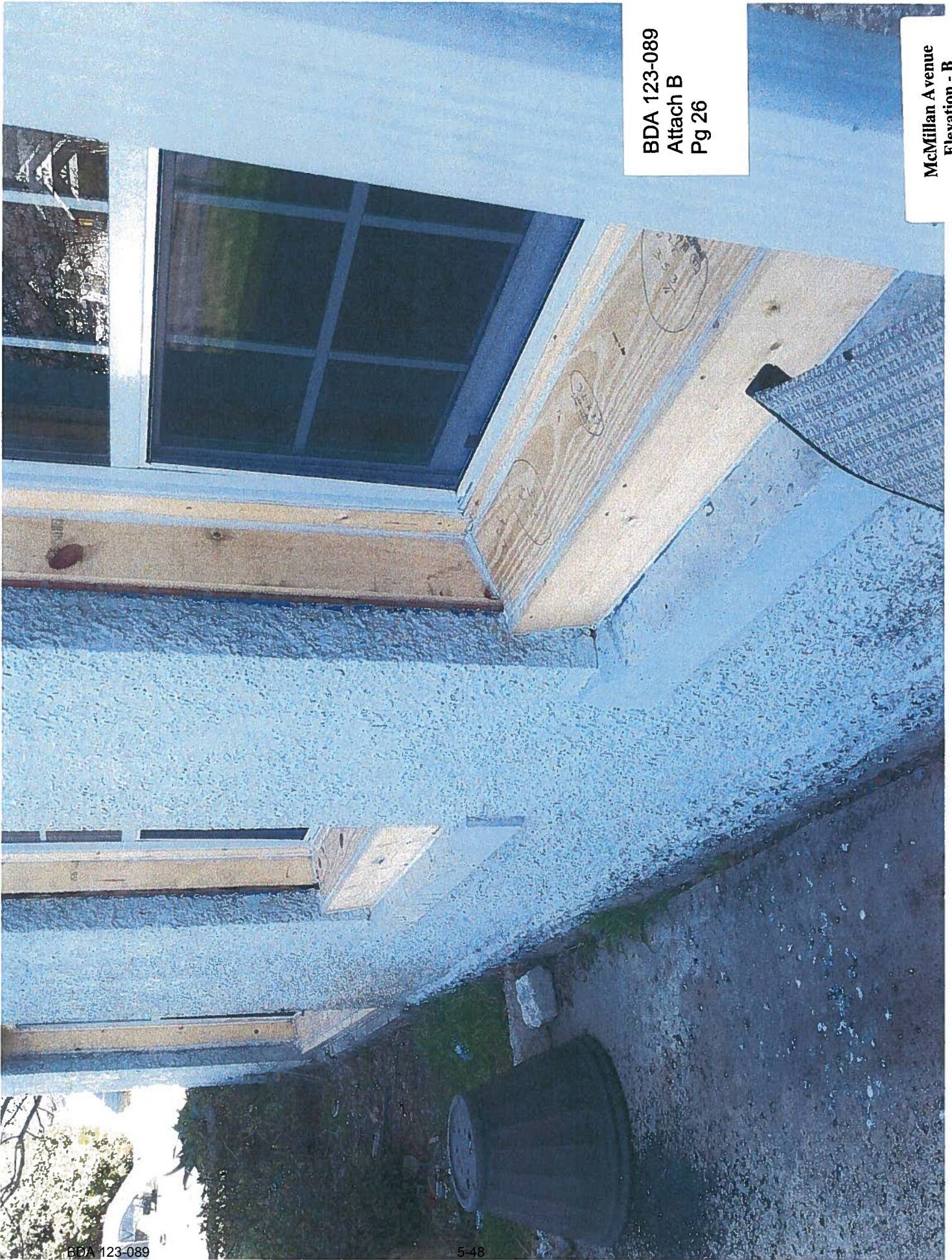
East Elevation Zoom - A



BDA 123-089
Attach B
Pg 25

McMillan Avenue
Elevation - A





BDA 123-089
Attach B
Pg 26

McMillan Avenue
Elevation - B

BDA 123-089
Attach B
Pg 27

McMilan Ave. Elevation
Small Window Detail



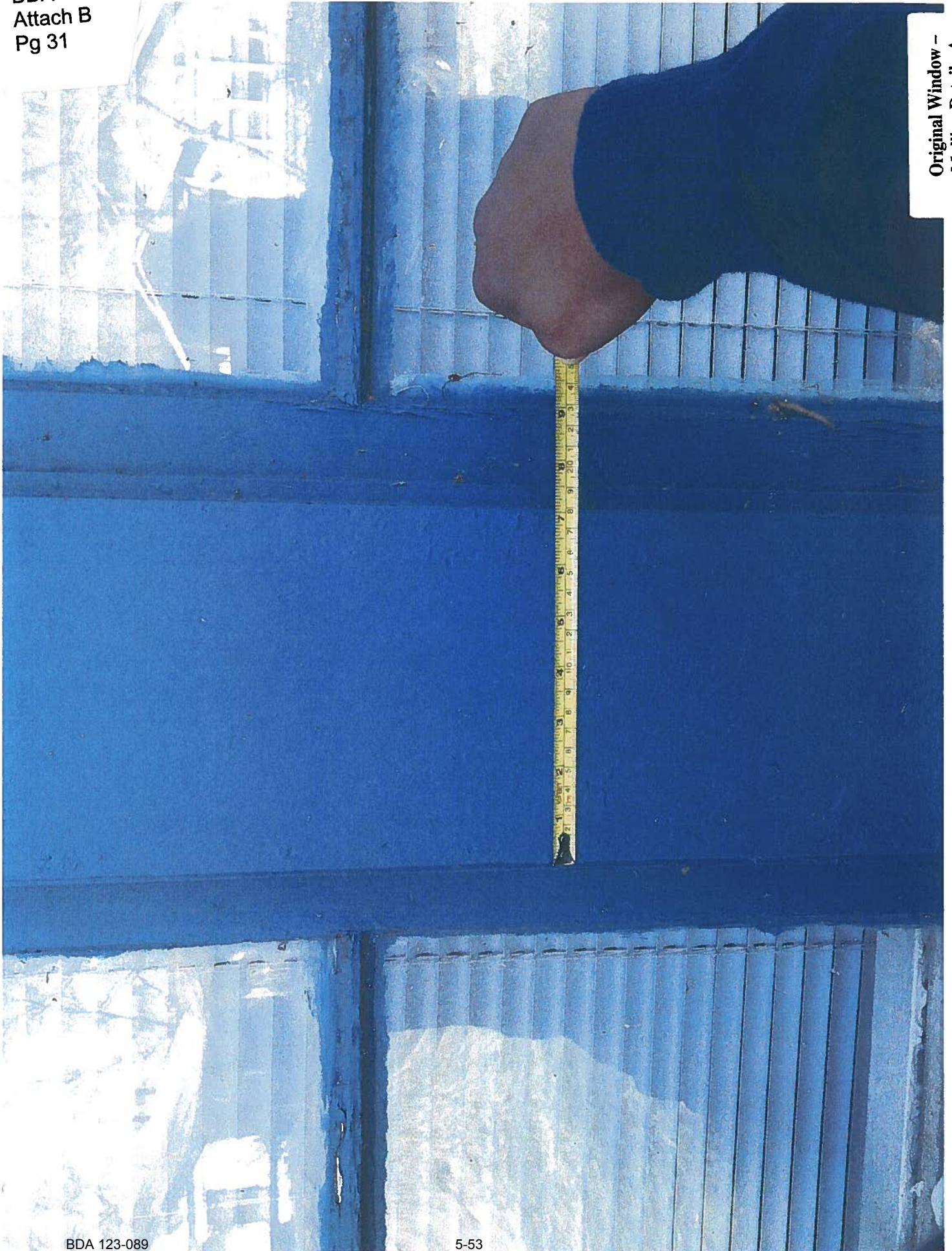
Comparison of Original Windows to New Windows Pictures

BDA 123-089
Attach B
Pg 29

Original Window -
Trim Detail - A







Original Window -
Mullion Detail - A



Proposed Window -
Mullion Detail - A





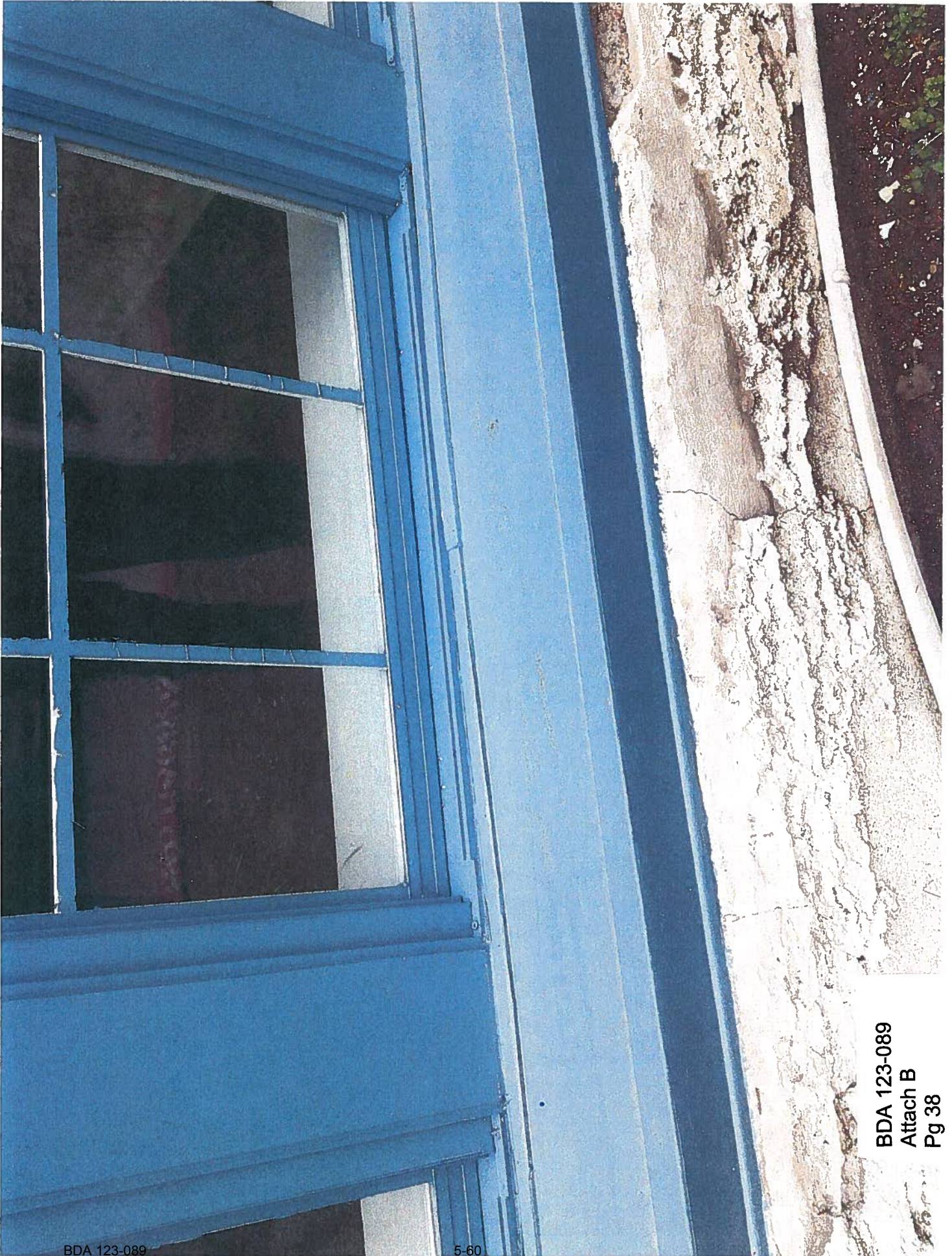


Proposed Window -
Corner Detail - Trim
and Muntin



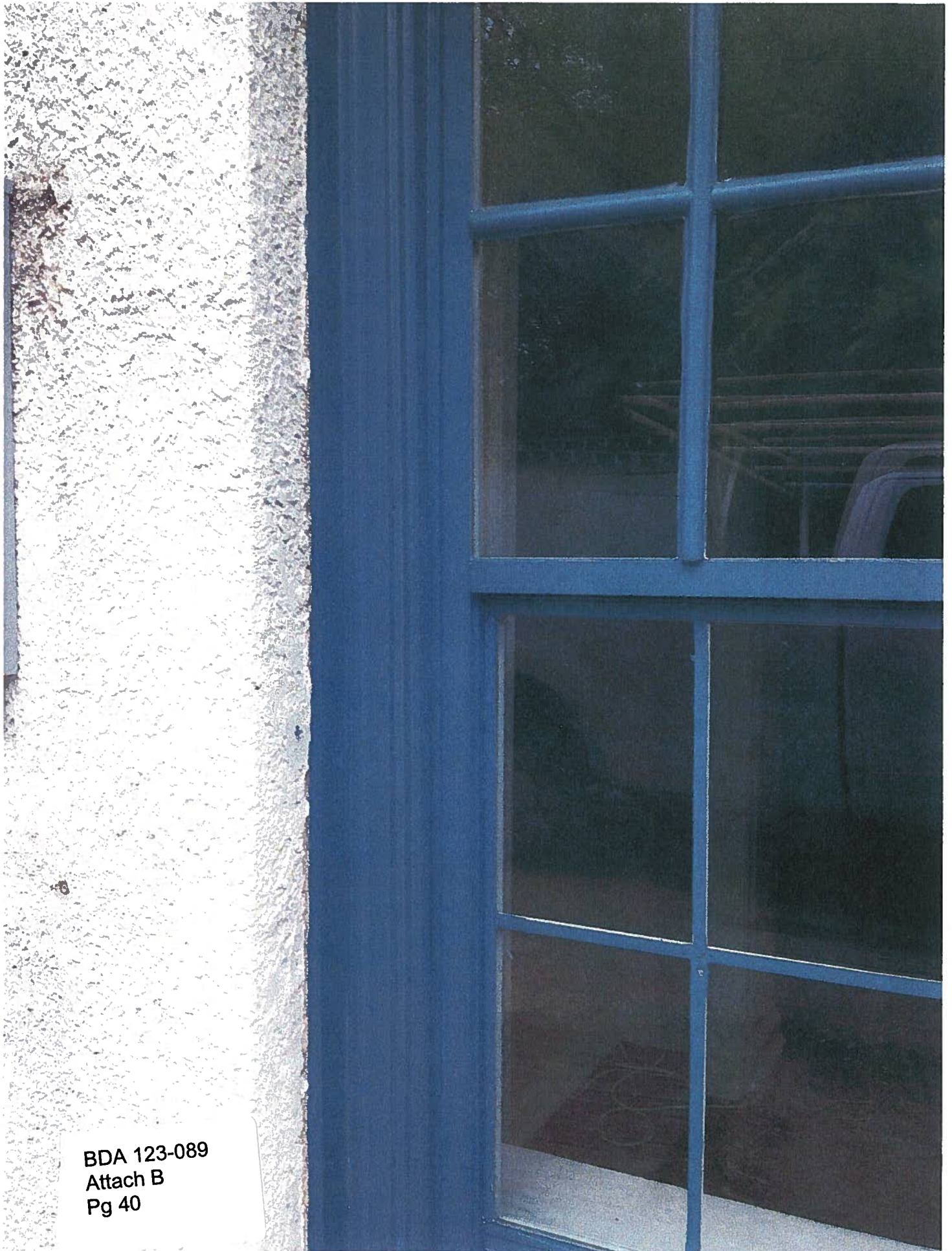
Test Window Pictures – A through G



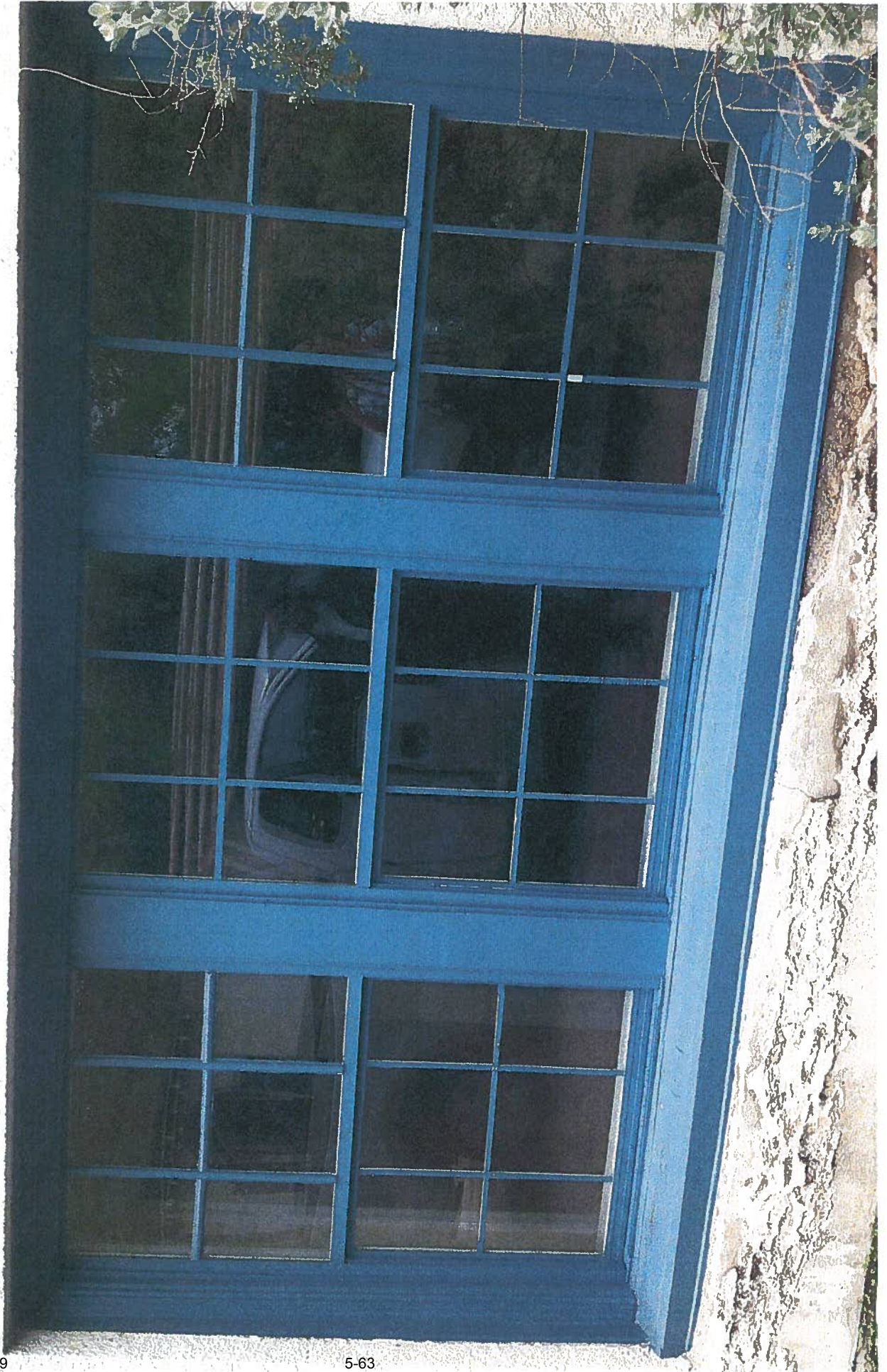




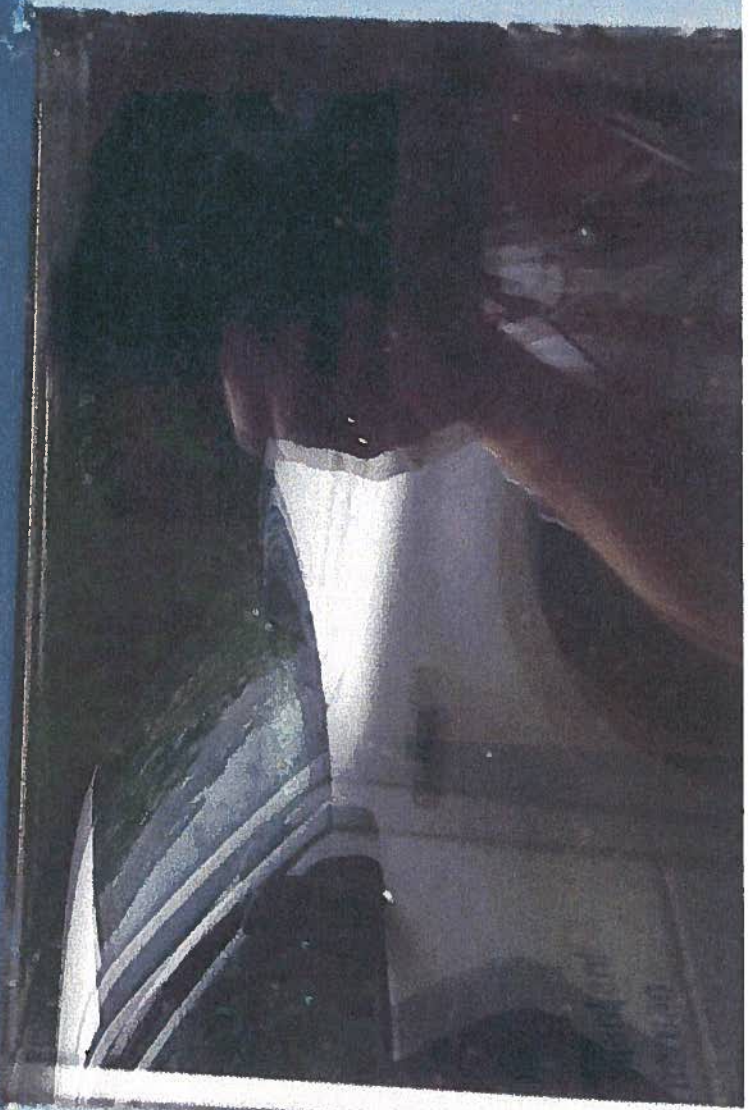
BDA 123-089
Attach B
Pg 39



BDA 123-089
Attach B
Pg 40







Krestmark Pamphlet



Replacement Window 220 Series



Replacement Window 220 Series

Features

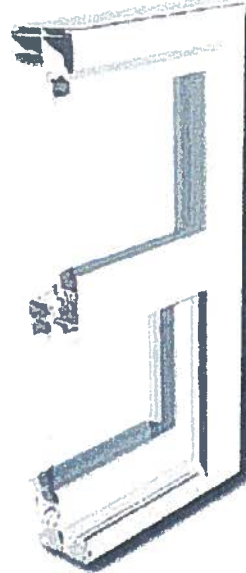
- 3" main frame beveled exterior profile gives an outstanding, bold appearance
- Tilt-in sash for easy cleaning
- Block & tackle balance system for long-lasting smooth, quiet operation
- 3/4" LoE E66 Environsealed Windows™, environmentally friendly with warm edge spacer reduces thermal loss
- Ventilation control for opening windows only 4"
- Metal reinforced center bar for better structural performance and weather tightness
- Multi-chambered design for structural integrity, superior thermal performance, maintenance-free, vinyl frame and sash extrusions

Note: All picture windows, shapes and one-frame glass larger than 30 square feet will come with Tempered Glass as standard for safety reasons. All additional charges for Tempered Glass will automatically be applied.

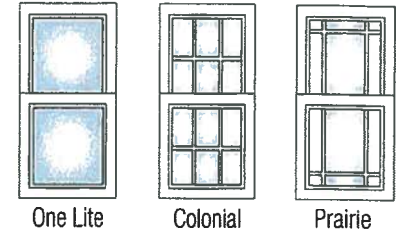
Other Options

- Argon enhanced glass improves energy efficiency
- The Replacement 220 is available with an integral nail fin
- LoE E40 is a soft muted blue color to reduce solar glare and heat gain
- Tempered glass, rain glass, obscure glass
- Grille patterns: 3/4" colonial, prairie lite, 1" contoured, and 1 1/8" simulated divided lites
- Factory mulls (combined units) with continuous head and sill
- Field mull accessory for job site joining of units
- Accessories: sill angle and head expander

* Units are made in 1/4" increments, plus or minus 1/8". Order 1/4" less than smallest measurement.



Grille Options



Color Options



Performance Data

Performance Data for Krestmark Vinyl 220 Replacement Window

3/4" OA Insul		Single Hung			Picture Window		
		U-Factor	SHGC	VT	U-Factor	SHGC	VT
E66 LoE air	no grilles	.32	.22	.51	.32	.24	.54
E66 LoE air	w/grilles	.32	.20	.45	.32	.21	.48
E66 LoE argon	no grilles	.29	.22	.51	.28	.23	.54
E66 LoE argon	w/grilles	.29	.20	.45	.28	.21	.48
E40 LoE air	no grilles	.33	.21	.31	.33	.22	.33
E40 LoE air	w/grilles	.33	.19	.28	.33	.20	.30
E40 LoE argon	no grilles	.30	.20	.32	.29	.21	.33
E40 LoE argon	w/grilles	.30	.18	.28	.29	.19	.30

Check local jurisdictions for current energy codes.

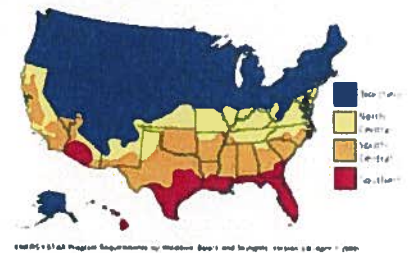
LoE Glass



The Krestmark Replacement 220 Window is offered in several LoE glass options. LoE high performance glass with argon gas allows light to filter in while keeping the sun's harmful rays out. In addition, this special glazing saves energy and reduces utility costs by keeping the cool air inside in the summer and the warm air inside in the winter.

Energy Star® Qualifications

Krestmark manufactures vinyl windows that, with several glazing options, meet Energy Star guidelines in all regions.



2005 ASHRAE Standard Requirements for Windows, Doors and Skylights, version 1.0, figure 1, 2005

Climate Zone	U-Factor ¹	SHGC ²	Requirement
Northern	≤ 0.30	Any	Prescriptive
North-Central	≤ 0.25	≥ 0.25	Equivalent Energy Performance
South-Central	≤ 0.32	≥ 0.40	
South	≤ 0.25	≤ 0.30	Equivalent Energy Performance
Southern	≤ 0.60	≤ 0.27	

ASHRAE 90.1-2003
 Fraction of incident solar radiation



Product lines and their components, building codes, installation techniques and third party certifications are constantly evolving. For the most current information, check our website frequently at www.krestmark.com.



You may qualify for a Tax Credit when you replace your existing windows with certain Krestmark Replacement windows. For more information, go to www.energystar.gov.

For information about measuring and installing new Krestmark windows, visit our web site at www.krestmark.com

3950 Bastille Road, Suite 100 ■ Dallas, Texas 75212 ■ 214-237-5055 ■ www.krestmark.com

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Ordinances

BDA 123-089
Attach B
Pg 47

Ordinance No. 26391 – Pages 1 to 19

6-21-06

ORDINANCE NO. 26391

An ordinance amending the zoning ordinances of the City of Dallas, as amended, by changing the zoning classification on the following described property:

An area bounded by Laneri Avenue on the west, the alley north of Goodwin Avenue on the north, Greenville Avenue on the east, and the alley south of Richard Avenue on the south, from an R-7.5(A) Single Family District, an R-7.5(A)-MD-1 Single Family District with Modified Delta Overlay No. 1, and a TH-3(A)-MD-1 Townhouse District with Modified Delta Overlay No. 1 to Conservation District No. 15 (the Vickery Place Conservation District) with retention of Modified Delta Overlay No. 1; approving the conceptual plan for this conservation district; providing a purpose statement; providing regulations and procedures for this conservation district; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council of the City of Dallas find that the property described in Section 1 of this ordinance is an area of cultural and architectural importance and significance to the citizens of the city; and

WHEREAS, the city plan commission and the city council, in accordance with the provisions of the Charter of the City of Dallas, the state law, and the applicable ordinances of the city, have given the required notices and have held the required public hearings regarding the rezoning of the property hereinafter described; and

WHEREAS, the city council finds that it is in the public interest to establish this conservation district; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. Creation of the conservation district. That the zoning classification is changed from an R-7.5(A) Single Family District, an R-7.5(A)-MD-1 Single Family District with Modified Delta Overlay No. 1, and a TH-3(A)-MD-1 Townhouse District with Modified Delta Overlay No. 1 to Conservation District No. 15 (the Vickery Place Conservation District) with retention of Modified Delta Overlay No. 1 on the property described in Exhibit A, attached to and made a part of this ordinance.

SECTION 2. Approval of the conceptual plan. That the conceptual plan for the Vickery Place Conservation District, which is attached to and made a part of this ordinance as Exhibit C, is approved.

SECTION 3. Purpose. That this conservation district is established to conserve the Vickery Place neighborhood, and to protect and enhance its significant architectural and cultural attributes. The conservation district regulations ensure that new construction, renovation, and remodeling are done in a manner that is compatible with the architectural and cultural attributes of the conservation district. The conservation district regulations also address landscaping within the district. The conservation district regulations are attached to and made part of this ordinance as Exhibit B.

SECTION 4. Zoning district maps. That the director of the department of development services shall correct Zoning District Map Nos. H-8 and I-8 in the offices of the city secretary, the building official, and the department of development services, to reflect the changes in zoning made by this ordinance.

SECTION 5. Penalty clause. That a person who violates a provision of this ordinance is guilty of a separate offense for each day or portion of a day during which the violation is committed, continued, or permitted, and each offense is punishable by a fine not to exceed \$2,000.

26391

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SECTION 6. Saving clause. That the zoning ordinances of the City of Dallas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 7. Severability clause. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 8. Effective date. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By 
Assistant City Attorney

Passed JUN 28 2006

26391

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Exhibit A - General Legal Description for Vickery Place

An area generally bounded by both sides of Goodwin Avenue to the north, Greenville Avenue to the east, both sides of Richard Avenue to the south and Laneri Avenue to the west.

Full legal description

BEGINNING on Laneri Avenue at the point of intersection of the centerline of the alley between Goodwin Avenue and Vanderbilt Avenue,

THENCE, in an easterly direction, along the centerline of the alley between Goodwin Avenue and Vanderbilt Avenue to the point of intersection with the centerline of McMillan Avenue, to a point for corner;

THENCE, in a southerly direction along the centerline of McMillan Avenue to the point of intersection with the centerline of the alley between Goodwin Avenue and Vickery Avenue,

THENCE, in an easterly direction, along the centerline of the alley between Goodwin Avenue and Vickery Avenue, to the point of intersection with the centerline of Greenville Avenue, to a point for corner;

THENCE, in a southerly direction along the centerline of Greenville Avenue to the point of intersection with the centerline of the alley between Miller Avenue and Vickery Avenue,

THENCE, in a westerly direction, along the centerline of the alley between Miller Avenue and Vickery Avenue, to the point of intersection with the centerline of Worcola Street,

THENCE, in a southerly direction along the centerline of Worcola Street to the point of intersection with the centerline of the alley between Miller Avenue and Willis Avenue,

THENCE, in a westerly direction, along the centerline of the alley between Miller Avenue and Willis Avenue, to the point of intersection with the centerline of McMillan Avenue,

THENCE, in a southerly direction along the centerline of McMillan Avenue to the point of intersection with the centerline of the alley between Richard Avenue and Willis Avenue,

THENCE, in an easterly direction, along the centerline of the alley between Richard Avenue and Willis Avenue, to the point of intersection with the centerline of Greenville Avenue, to a point for corner;

THENCE, in a southerly direction along the centerline of Greenville Avenue to the point of intersection with the centerline of the alley south of Richard Avenue,

THENCE, in a westerly direction, along the centerline of the alley south of Richard Avenue, to the point of intersection with the centerline of Laneri Avenue,

THENCE, in a northerly direction along the centerline of Laneri Avenue, to a point of intersection with the centerline of the alley between Goodwin Avenue and Vanderbilt Avenue, the **PLACE OF BEGINNING**.

EXHIBIT B

VICKERY PLACE CONSERVATION DISTRICT REGULATIONS

Table of Contents

<u>Section</u>	<u>Page</u>
(1) Interpretations and definitions	6
(2) Conceptual plan	7
(3) Nonconforming structures	8
(4) Development standards.....	8
(a) In general	8
(b) Accessory structures	8
(c) Density	8
(d) Drainage.....	8
(e) Driveways and curbing	9
(f) Environmental performance standards	9
(g) Fences	9
(h) Foundations.....	9
(i) Height.....	9
(j) Landscaping	9
(k) Lot coverage.....	10
(l) Lot size.....	10
(m) Porches.....	10
(n) Roofs.....	10
(o) Setbacks	10
(p) Signs.....	11
(q) Slope	11
(r) Steps.....	11
(s) Stories	11
(t) Use	11
(5) Architectural standards for new houses	11
(6) Architectural standards for remodeling and reconstruction.....	12
(7) Architectural standards for Craftsman style	12
(a) Applicability	12
(b) Front porches	12
(c) Materials	13
(d) Optional architectural design features	13
(e) Porte cocheres	13
(f) Roofs.....	14
(g) Windows	14
(8) Architectural standards for Prairie style	14
(a) Applicability	14
(b) Front porches	14

	(c) Materials	15
	(d) Optional architectural design features	15
	(e) Porte cocheres	15
	(f) Roofs	16
	(g) Windows	16
(9)	Architectural standards for Tudor style	16
	(a) Applicability	16
	(b) Front porches	16
	(c) Materials	16
	(d) Optional architectural design features	17
	(e) Porte cocheres	17
	(f) Roofs	17
	(g) Windows	18
(10)	Procedures	18
	(a) Review form applications	18
	(b) Work requiring a building permit	18
	(c) Work not requiring a building permit	19
	(d) Appeals	19

(1) Interpretations and definitions.

- (a) Unless otherwise stated, all references to articles, divisions, or sections in this ordinance are to articles, divisions, or sections in Chapter 51A.
- (b) Unless otherwise stated, the definitions in Chapter 51A, as amended, apply to this ordinance. In this ordinance:
 - (1) CIRCULAR DRIVEWAY means an area in a front yard or comerside yard used to access off-street parking or for off-street parking that has two access points onto the same street or perpendicular streets.
 - (2) COMPATIBLE means consistent with the architecture found within the district, including architectural style, scale, massing, setbacks, colors, and materials.
 - (3) CONTRIBUTING ARCHITECTURAL STYLE means the Craftsman, Prairie, or Tudor architectural style as shown in Exhibit C.
 - (4) CORNER LOT means a lot that has frontage on two intersecting streets.
 - (5) CORNERSIDE YARD means a side yard that is adjacent to a street.
 - (6) CRAFTSMAN means Craftsman architectural style as shown in Exhibit C.
 - (7) DIRECTOR means the director of the department of development services or the director's representative.
 - (8) DISTRICT means the Vickery Place Conservation District.
 - (9) EXISTING HOUSE means a main building that existed as of June 28, 2006, the date of creation of this conservation district.
 - (10) FENCE means a structure or hedgerow that provides a physical barrier.
 - (11) FRONT FACADE means the face of a building facing the front yard.
 - (12) FRONT STREET means a street abutting the front yard.
 - (13) HARDSCAPE means any non-plant landscape materials such as boulders, cobbles, decorative concrete, gravel, mulch, pavers, or stones.
 - (14) HEIGHT means the vertical distance measured from grade to the highest point of the structure.

26391

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- (15) IMPERVIOUS SURFACE means any paved surface, such as asphalt, bricks, concrete, gravel, stone, or tile; or any structure, such as accessory structures, driveways, or walkways.
 - (16) MAIN BUILDING means the building on a lot intended for occupancy by the main use.
 - (17) NEW HOUSE means any main building constructed after June 28, 2006, the date of creation of this conservation district.
 - (18) ONE-AND-ONE-HALF STORIES means that the space within the roof structure of a main building has been converted to livable space.
 - (19) ORIGINAL ARCHITECTURAL STYLE means the architectural style of the original main building for that lot only. The original architectural style of each house in this district is listed in Exhibit C.
 - (20) ORIGINAL HOUSE means a main building that existed on a lot as of December 31, 1939.
 - (21) PARKWAY means that area between the sidewalk and the curb or that area between the sidewalk and the street pavement if there is no curb.
 - (22) PRAIRIE means Prairie architectural style as shown in Exhibit C.
 - (23) REMODEL means alterations, improvements, or repairs that change the exterior appearance of the main building or replace exterior materials of the main building.
 - (24) SIDE STREET means a street abutting a side yard.
 - (25) SLOPE means any change in elevation from the front lot line to the rear lot line or from a side lot line to the other side lot line.
 - (26) TUDOR means Tudor architectural style as shown in Exhibit C.
 - (27) WRAP AROUND means that portion of a side facade of a main building 25 feet behind the corner of the front facade, including the front porch, as shown in Exhibit C.
- (2) Conceptual plan. The Vickery Place Conservation District Conceptual Plan is attached to and made a part of this ordinance as Exhibit C. In the event of a conflict between Exhibit B, the district regulations, and Exhibit C, the conceptual plan, Exhibit B controls.

- (3) Nonconforming structures. Section 51A-4.704(c), "Nonconforming Structures," applies, except that if the degree of nonconformity is voluntarily reduced, all rights to the previous degree of nonconformity are lost.
- (4) Development standards.
 - (a) In general.
 - (1) Except as otherwise provided in this Exhibit B, the development standards of the R-7.5(A) Single Family District apply to this district.
 - (2) The yard, lot, and space regulations in this Exhibit B must be read together with the yard, lot, and space regulations in Division 51A-4.400. In the event of a conflict between this Exhibit B and Division 51A-4.400, this Exhibit B controls.
 - (b) Accessory structures.
 - (1) Location.
 - (A) Accessory structures must be located to the rear of the main building.
 - (B) Garages, whether attached or detached, must be located to the rear of the main building.
 - (2) Style and materials. The color, style, design, and materials of accessory buildings that are visible from a street must be compatible with the main building.
 - (3) Roof slope. If an accessory structure is visible from a street, the slope of the roof must either match the roof slope of the main building or comply with the architectural standard for the roof slope for the style of the main building as shown in Exhibit C.
 - (c) Density.
 - (A) The number of dwelling units on a lot may not be increased.
 - (B) If the number of dwelling units in an existing multifamily use is reduced, the number of dwelling units may not thereafter be increased.
 - (d) Drainage. No lot-to-lot drainage is allowed.

- (e) Driveways and curbing.
- (1) A new house constructed on an interior lot may have driveway access from the front street or alley.
 - (2) A corner lot may have front, alley, or side street driveway access.
 - (3) Circular driveways are not allowed.
 - (4) Driveways must be constructed of brick, concrete, or stone including decomposed granite. Gravel, asphalt, exposed aggregate, or similar materials are not allowed.
 - (5) Front street access driveways may not exceed 10 feet in width. Side street access driveways may not exceed 24 feet in width.
- (f) Environmental performance standards. See Article VI, "Environmental Performance Standards."
- (g) Fences.
- (1) Front yard. Front yard fences are not allowed.
 - (2) Side and rear yard.
 - (A) Side yard fences may not exceed six feet in height.
 - (B) Side yard fences must be set back a minimum of five feet from the front corner of the main building, excluding porches.
 - (C) Rear yard fences may not exceed nine feet in height.
 - (D) Side and rear yard fences must be constructed of chain link, wood or materials that look like wood, or wrought iron or materials that look like wrought iron.
- (h) Foundations. Foundations of main buildings must be raised a minimum of 12 inches above grade.
- (i) Height. Except where a lesser height is provided in this Exhibit B (for example, fences), the maximum height for all structures is 30 feet.
- (j) Landscaping. See Article X, "Landscape and Tree Preservation Regulations."

- (k) Lot coverage. Maximum lot coverage is 40 percent for new and existing houses. Maximum lot coverage is 45 percent for original houses.
- (l) Lot size. Minimum lot size is 7,500 square feet.
- (m) Porches.
- (1) New houses must have a front porch constructed with openings compatible with original houses as shown in Exhibit C.
 - (2) Front porches must have a minimum depth of six feet.
- (n) Roofs.
- (1) Corrugated metal, standing seam metal, and tar-and-gravel roofing materials are not allowed within the front facade and wrap around.
 - (2) Solar panels and satellite dishes must be located on the rear 50 percent of the roof.
- (o) Setbacks.
- (1) Front yard setback.
 - (A) The minimum front yard setback is the average of the front yard setback of the contributing main buildings on the block face as listed in Exhibit C.
 - (B) The impervious surface in the front yard may not exceed 30 percent.
 - (C) The parkway may not be paved or hardscaped except for curb cuts and sidewalk extensions.
 - (2) Rear yard setback. Minimum rear yard setback for main buildings is 20 feet.
 - (3) Side yard setback.
 - (A) Minimum side yard setback is 10 feet on the east side of the property and five feet on the west side of the property.

- (B) Vertical or horizontal additions to original houses may maintain or continue the existing side yard setback. For example, if an original house has a four-foot side yard setback, a second-story addition or rear addition may also have a four-foot side yard setback.
- (p) Signs.
- (1) See Article VII, "Sign Regulations."
 - (2) Signs must comply with the provisions for non-business zoning districts in Article VII.
- (q) Slope.
- (1) The existing slope of a lot must be maintained. This provision does not prevent minor grading as necessary to allow construction, prevent lot-to-lot drainage, or match the slope of contiguous lots.
 - (2) A driveway with retaining walls may be cut into the slope of a lot provided that the driveway is straight.
- (r) Steps.
- (1) Existing waterfall steps leading from the sidewalk to the main building must be retained. Where the original waterfall steps have been removed or damaged, they must be replaced or repaired to match the original waterfall steps. An example of waterfall steps is illustrated in Exhibit C.
 - (2) Steps must be made of concrete.
- (s) Stories. Maximum number of stories above grade is two for Craftsman style and Prairie style main buildings. Maximum number of stories above grade is one-and-one-half stories for the front facade and the wrap around and two stories in the rear, subject to the line of site criteria, for Tudor style main buildings as shown in Exhibit C.
- (t) Use. The only use allowed is single family and handicapped group dwelling unit.
- (5) Architectural standards for new houses.
- (a) The front facade and wrap-around of new houses may only be built in a contributing architectural style in compliance with the architectural standards for that style or in the original architectural style. See Exhibit C for the architectural standards for each style.

- (b) Architectural standards for new houses apply only to the front facade and wrap-around.
- (6) Architectural standards for remodeling and reconstruction.
 - (a) If an original house is remodeled, the remodeling must be compatible with its original architectural style. Original houses completely or partially destroyed other than by the intentional act of the owner or the owner's agent must be reconstructed in the original architectural style or a contributing architectural style.
 - (b) If an existing house is remodeled, the remodeling must be compatible with its existing architectural style. Existing houses completely or partially destroyed other than by the intentional act of the owner or the owner's agent must be reconstructed in the existing architectural style or in a contributing architectural style.
 - (c) If a new house is remodeled, the remodeling must be compatible with its architectural style. New houses completely or partially destroyed other than by the intentional act of the owner or the owner's agent must be reconstructed in a contributing architectural style.
- (7) Architectural standards for Craftsman style.
 - (a) Applicability.
 - (1) If a new house is a Craftsman style house, it must comply with the Craftsman style architectural standards in this section.
 - (2) Craftsman style houses that are remodeled must comply with the Craftsman style architectural standards in this section.
 - (3) This section applies only to the front facade and wrap-around.
 - (b) Front porches.
 - (1) Front porches may not be enclosed.
 - (2) The front porch must be a minimum of 50 percent of the width of the front facade.
 - (3) The front porch roof must be supported by tapered or square box columns.

(c) Materials.

- (1) Craftsman style houses must be clad in brick, wood, materials that look like wood, or a combination of these materials. Stone accents are allowed. Stucco is allowed in the gables only.
- (2) Any materials used for remodeling must be appropriate to the Craftsman style in type, size, color, coursing, texture, and joint detailing.

(d) Optional architectural design features. New houses must incorporate at least four of the following architectural design features into the front facade (see Exhibit C):

- (1) Decorative molding with or without dentils.
- (2) Craftsman style wood door in the entryway.
- (3) Tapered wood box columns a minimum of one-third to a maximum of two-thirds of the total column length with square masonry column bases a minimum of one-third to a maximum of two-thirds of the total column length (see Exhibit C).
- (4) Icicles on columns.
- (5) Roof over porch that is independent of the main roof plain.
- (6) Wood balustrade or railing surrounding the front porch.
- (7) Ventilation louvers or decorative windows and gables.
- (8) Masonry chimney. Austin chalk chimneys are not allowed.

(e) Porte cocheres.

- (1) A one-story porte cochere may be built to the side property line.
- (2) A porte cochere with a second story must be set back a minimum of five feet from the side property line.
- (3) Porte cocheres visible from the front or side street and not located in the rear yard must be the same architectural style as the main building.
- (4) Porte cochere columns must match front porch columns.

(f) Roofs.

- (1) Craftsman style houses must have a front-gabled roof with a shallow roof slope between 20 degrees and 40 degrees.
- (2) Minimum roof overhang is 24 inches.
- (3) Roofs must have exposed roof rafter tails.
- (4) The following roof materials are allowed: composition shingles, slate tiles, wood shingles, synthetic wood shingles, and synthetic slate tiles.

(g) Windows.

- (1) At least one group of windows in a cluster of two or three must be located on the front facade, excluding the area above the eave.
- (2) Muntins and mullions must be expressed (have a profile).
- (3) Windows may be vinyl.
- (4) Windows must be typical of the Craftsman style (see Exhibit C).
- (5) Picture windows are not allowed.

(8) Architectural standards for Prairie style.

(a) Applicability.

- (1) If a new house is a Prairie style house, it must comply with the Prairie style architectural standards in this section.
- (2) Prairie style houses that are remodeled must comply with the Prairie style architectural standards in this section.
- (3) This section applies only to the front facade and wrap-around.

(b) Front porches.

- (1) Front porches must be at least 75 percent of the width of the front facade as illustrated in Exhibit C.

- (2) Columns typical to the Prairie style must be used across the full length of the porch.
 - (3) The front porch may not be enclosed.
 - (4) Porte cochere columns must match front porch columns.
- (c) Materials.
- (1) Prairie style houses must be clad in brick, stone, wood, materials that look like wood, or a combination of these materials.
 - (2) Any materials used for remodeling must be appropriate to the Prairie style in type, size, color, coursing, texture, and joint detailing.
- (d) Optional architectural design features. New houses must incorporate at least four of the following architectural design features into the front facade (see Exhibit C):
- (1) Square or tapered columns.
 - (2) Centered hipped dormer.
 - (3) Decorative window in dormer.
 - (4) Decorative soffit.
 - (5) Buttresses adjacent to front porch steps.
 - (6) Porch railing.
 - (7) Brick chimney.
 - (8) Windows with multiple pane upper sashes.
- (e) Porte cocheres.
- (1) A one-story porte cochere may be built to the side property line.
 - (2) A porte cochere with a second story must be set back a minimum of five feet from the side property line.
 - (3) Porte cocheres visible from the front or side street and not located in the rear yard must be the same architectural style as the main building.
 - (4) Porte cochere columns must match front porch columns.

(f) Roofs.

- (1) Prairie style houses must have a hipped roof form with a low-pitched roof slope between 20 degrees and 40 degrees.
- (2) Minimum roof overhang is 24 inches.
- (3) The following roof materials are allowed: composition shingles, slate tiles, wood shingles, synthetic wood shingles, and synthetic slate tiles.

(g) Windows.

- (1) Muntins and mullions must be expressed (have a profile).
- (2) Windows must be typical to the Prairie style.
- (3) Windows may be vinyl.
- (4) Picture windows are not allowed.

(9) Architectural standards for Tudor style.

(a) Applicability.

- (1) If a new house is a Tudor style house, it must comply with the Tudor style architectural standards in this section.
- (2) Tudor style houses that are remodeled must comply with the Tudor style architectural standards in this section.
- (3) This section applies only to the front facade and wrap-around.

(b) Front porches.

- (1) Front porches may not be enclosed.
- (2) Front porches must be at least 25 percent and no more than 50 percent of the width of the front facade.

(c) Materials.

- (1) Tudor style houses must be clad in brick. Stone accents are allowed. Brick, stucco with wooden half-timbering, wood shingles or material that looks like wood shingles, and wood siding or materials that look like wood siding are allowed in gables.

- (2) Any material used for remodeling must be appropriate to the Tudor style in type, size, color, coursing, texture, and joint detailing.
- (d) Optional architectural design features. New houses must incorporate at least five of the following architectural design features into the front facade (see Exhibit C):
- (1) Arched doorway and window.
 - (2) Stair-stepped chimney.
 - (3) Stone accents.
 - (4) Stucco with half-timbering in gables.
 - (5) Decorative verge board.
 - (6) Multiple arched front porch.
 - (7) Gabled or eyebrow dormer on the front facade.
 - (8) Chimney on the front facade.
 - (9) Art glass windows including leaded and stained glass.
- (e) Porte cocheres.
- (1) A one-story porte cochere may be built to the side property line.
 - (2) A porte cochere with a second story must be set back a minimum of five feet from the side property line.
 - (3) Porte cocheres visible from the front or side street and not located in the rear yard must be the same architectural style as the main building.
 - (4) Porte cochere columns must match front porch columns.
- (f) Roofs.
- (1) Tudor style houses must have a gabled roof form with a steep roof slope between 45 and 65 degrees.
 - (2) Maximum roof overhang is 12 inches.
 - (3) Tudor style houses must have at least one front-facing gable.

(4) The following roof materials are allowed: composition shingles, slate tiles, wood shingles, synthetic wood shingles, and synthetic slate tiles.

(g) Windows.

(1) Muntins and mullions must be expressed (have a profile).

(2) The windows must be typical of the Tudor style.

(3) Windows may be vinyl.

(4) Picture windows are not allowed.

(10) Procedures.

(a) Review form applications. A review form application must be submitted to the Director for any work covered by the standards contained in this ordinance.

(b) Work requiring a building permit.

(1) Upon receipt of a review form application for work requiring a building permit, the building official shall refer it to the Director to determine whether the work meets the standards of this ordinance. The Director shall make this determination within 30 days after submission of a complete application.

(2) If the Director determines that the work complies with the standards of this ordinance, the Director shall approve the application and send it back to the building official, who shall issue the building permit if all requirements of the construction codes and other applicable ordinances have been met.

(3) If the Director determines that the work does not comply with the standards of this ordinance, the Director shall state in writing the specific requirements to be met before issuance of a building permit and send it back to the building official, who shall deny the building permit. The Director shall give written notice to the applicant stating the reasons for the denial. Notice is given by depositing the notice properly addressed and postage paid in the United States mail. The notice to the applicant must be sent to the address given on the application.

26391

061763

(c) Work not requiring a building permit.

- (1) Upon receipt of a review form application for work not requiring a building permit, the building official shall refer it to the Director to determine whether the work meets the standards of this ordinance. The Director shall make this determination within 10 days after submission of a complete application.
- (2) If the Director determines that the work complies with the standards of this ordinance, the Director shall approve the application and give written notice to the applicant.
- (3) If the Director determines that the work does not comply with the standards of this ordinance, the Director shall state in writing the specific requirements to be met before an approval can be granted. The Director shall give written notice to the applicant stating the reasons for denial. Notice is given by depositing the notice properly addressed and postage paid in the United States mail. The notice to the applicant must be sent to the address given on the application.

(d) Appeals.

- (1) An applicant may appeal any decision made by the Director to the board of adjustment by filing a written appeal with the Director within 10 days after notice is given to the applicant of the Director's decision.
- (2) The Director shall send written notice of the appeal to the applicant, the neighborhood association, and all owners of real property located within 200 feet, including streets and alleys, of the boundary of the area for which the application was made. The notice must be given not less than 10 days before the day set for the hearing. Notice is given by depositing the notice properly addressed and postage paid in the United States mail to the property owners as evidenced by the last approved city tax roll.
- (3) The board of adjustment shall hold a public hearing on all appeals.
- (4) In considering the appeal, the sole issue before the board of adjustment shall be whether the Director erred in the decision, and the board shall consider the same standards that were required to be considered by the Director.
- (5) Appeals to the board of adjustment are the final administrative remedy.

Ordinance No. 26549

26549

070186

STR NUM	STR NAME	YEAR	ARCHITECTURAL STYLE	FRONT YARD SETBACK	WATERFALL L-STEPS	COMMENTS
5351	MILLER AVE	1920	CRAFTSMAN	27		
			TRANSITIONAL			
5354	MILLER AVE	1920	VICTORIAN	30		
5355	MILLER AVE	1920	CRAFTSMAN	27	YES	
5401	MILLER AVE	1920	CRAFTSMAN	23	YES	
5402	MILLER AVE	1930	TUDOR DUPLEX	24	YES	
5404	MILLER AVE	1917	PRAIRIE	23		Circular Drive
5405	MILLER AVE	1920	CRAFTSMAN	29	YES	
5408	MILLER AVE	1917	CRAFTSMAN	24	YES	
5411	MILLER AVE		PRAIRIE			
5411	MILLER AVE	1920	PRAIRIE	24	YES	
5414	MILLER AVE	1910	CRAFTSMAN	26		
5416	MILLER AVE	1940	CRAFTSMAN	25	YES	
5419	MILLER AVE	2002	PRAIRIE		YES	
5420	MILLER AVE	1940	PRAIRIE DUPLEX	25	YES	
5422	MILLER AVE	1940	PRAIRIE DUPLEX	25	YES	
5424	MILLER AVE	1920	COLONIAL REVIVAL	25	YES	
5425	MILLER AVE	1920	CRAFTSMAN	23	YES	
5427	MILLER AVE	1920	CRAFTSMAN	27	YES	
5428	MILLER AVE	1938	TUDOR DUPLEX	30	YES	
5429	MILLER AVE	1920	TUDOR ALTERED	29	YES	
5432	MILLER AVE	1920	CRAFTSMAN	24		
5435	MILLER AVE	1920	CRAFTSMAN	32	YES	
			CRAFTSMAN			
5436	MILLER AVE	1939	ALTERED DUPLEX		YES	
5437	MILLER AVE	1920	COLONIAL REVIVAL		YES	
5440	MILLER AVE	1945	PRAIRIE DUPLEX		YES	
5441	MILLER AVE	1920	CRAFTSMAN	34		
5442	MILLER AVE	1945	PRAIRIE DUPLEX		YES	
						Partial Parking in Front Yard
5444	MILLER AVE	1935	PRAIRIE DUPLEX	27		
5446	MILLER AVE	1935	PRAIRIE DUPLEX	27		
5447	MILLER AVE	1920	CRAFTSMAN	37	YES	
5450	MILLER AVE	1930	CRAFTSMAN	29	YES	
5451	MILLER AVE	1920	CRAFTSMAN			
5454	MILLER AVE	1945	CRAFTSMAN		YES	
5455	MILLER AVE	1915	CRAFTSMAN	27		
5456	MILLER AVE	1930	PRAIRIE DUPLEX		YES	
5458	MILLER AVE	1930	PRAIRIE DUPLEX		YES	
5459	MILLER AVE	1920	CRAFTSMAN		YES	
5503	MILLER AVE	1922	ECLECTIC	31	YES	
			SPANISH			
5506	MILLER AVE	1927	MULTIFAMILY	26		
5507	MILLER AVE	1922	CRAFTSMAN	27		
5509	MILLER AVE	1918	CRAFTSMAN	25	YES	
5515	MILLER AVE	1922	CRAFTSMAN	28		
5516	MILLER AVE	1923	CRAFTSMAN			
5518	MILLER AVE	1997	CONTEMPORARY			
5519	MILLER AVE	1920	CRAFTSMAN	24	YES	
			CRAFTSMAN			
5523	MILLER AVE	1920	ALTERED			
5524	MILLER AVE	1924	CRAFTSMAN	28		
5527	MILLER AVE	1918	CRAFTSMAN	25		
5528	MILLER AVE	1921	CRAFTSMAN			
5532	MILLER AVE	1923	CRAFTSMAN			



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-089

Data Relative to Subject Property:

Date: 7-16-13

Location address: 5506 Miller Av Zoning District: CD 15

Lot No.: 1 Block No.: 16/1929 Acreage: .6 Census Tract: 10.01

Street Frontage (in Feet): 1) 90 2) 90 3) _____ 4) _____ 5) _____

ge 24

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Capstone Properties

Applicant: Alfonso Solis Jr Telephone: 214-727-1186

Mailing Address: 4175 Interurban Rd Zip Code: 75134

E-mail Address: asolis_avalon@yahoo.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

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

to appeal the decision of an administrative official

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

We want to keep new energy efficient windows in place. Decorative frame closely matches original frame

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

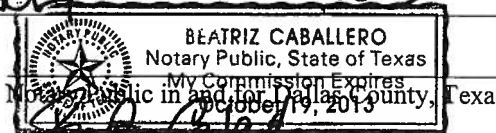
Before me the undersigned on this day personally appeared Alfonso Solis Jr
(Affiant/Applicant's name printed)

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: Alfonso Solis Jr
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 16th day of July 2013

(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 Alfonso Solis, Jr.

did submit a request to appeal the decision of the administrative official
at 5506 Miller Avenue

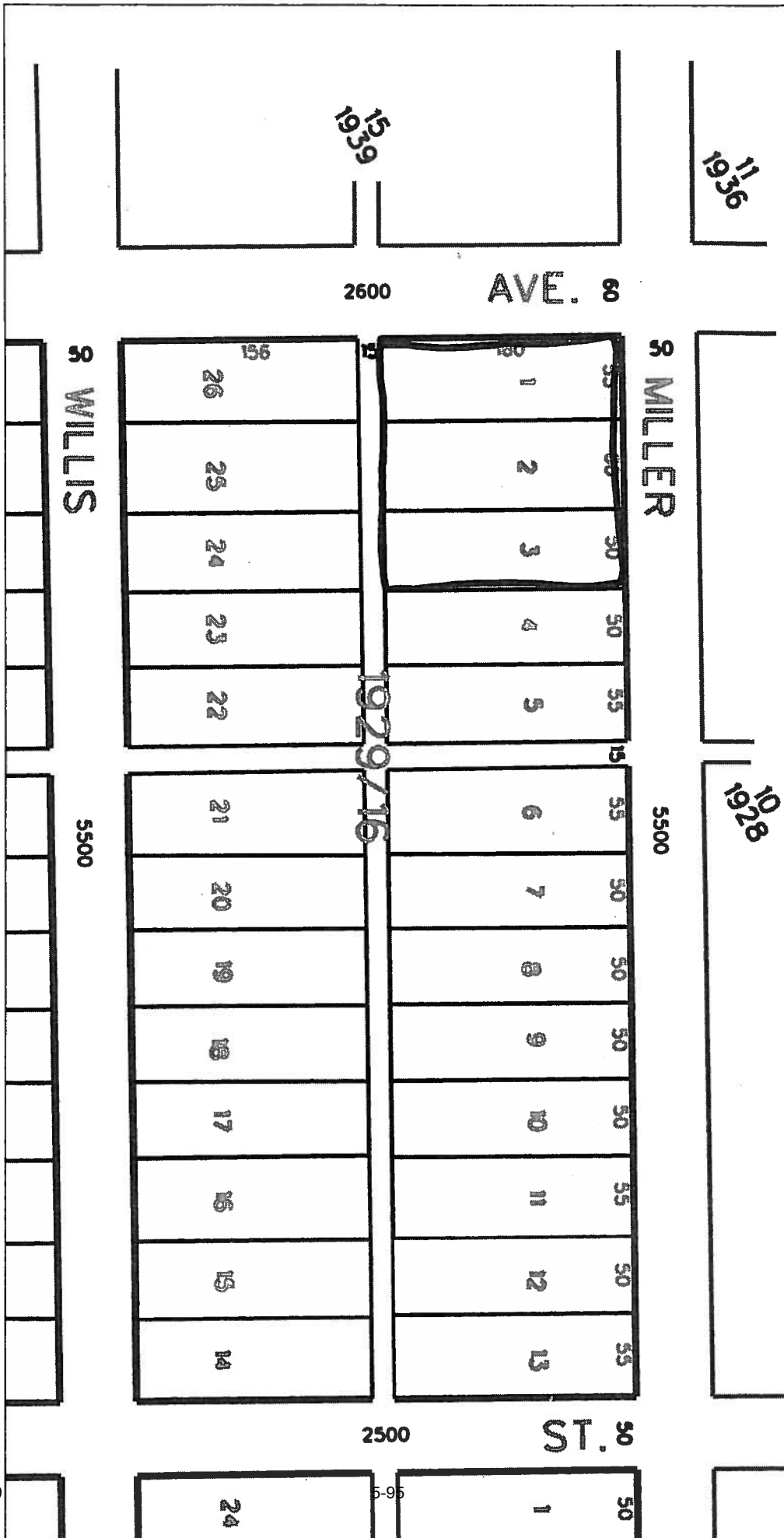
BDA123-089. Application of Alfonso Solis, Jr. to appeal the decision of the administrative official at 5506 Miller Avenue. This property is more fully described as Lots 1, 2, & 3, Block 16/1929 and is zoned CD-15, which requires that the building official shall deny a Conservation District work review application if the building official determines that the proposed work does not meet the development standards and design requirements for the Conservation District. The applicant proposes to appeal the decision of an administrative official in denying a Conservation District work review.

Sincerely,

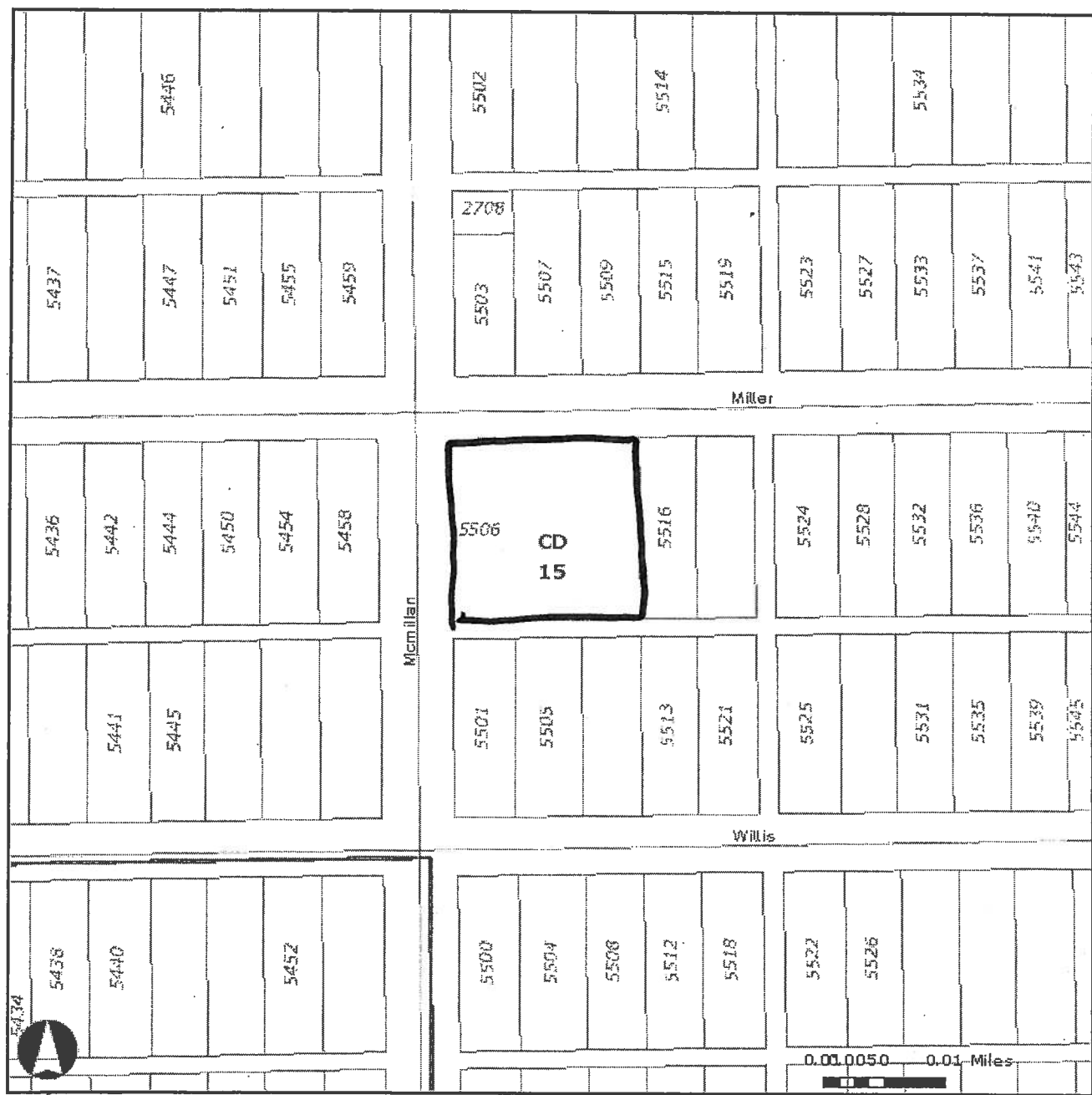

Larry Holmes, Building Official

C:\tax_plats\1929.dgn 7/16/2013 8:56:30 AM

03



City of Dallas Zoning

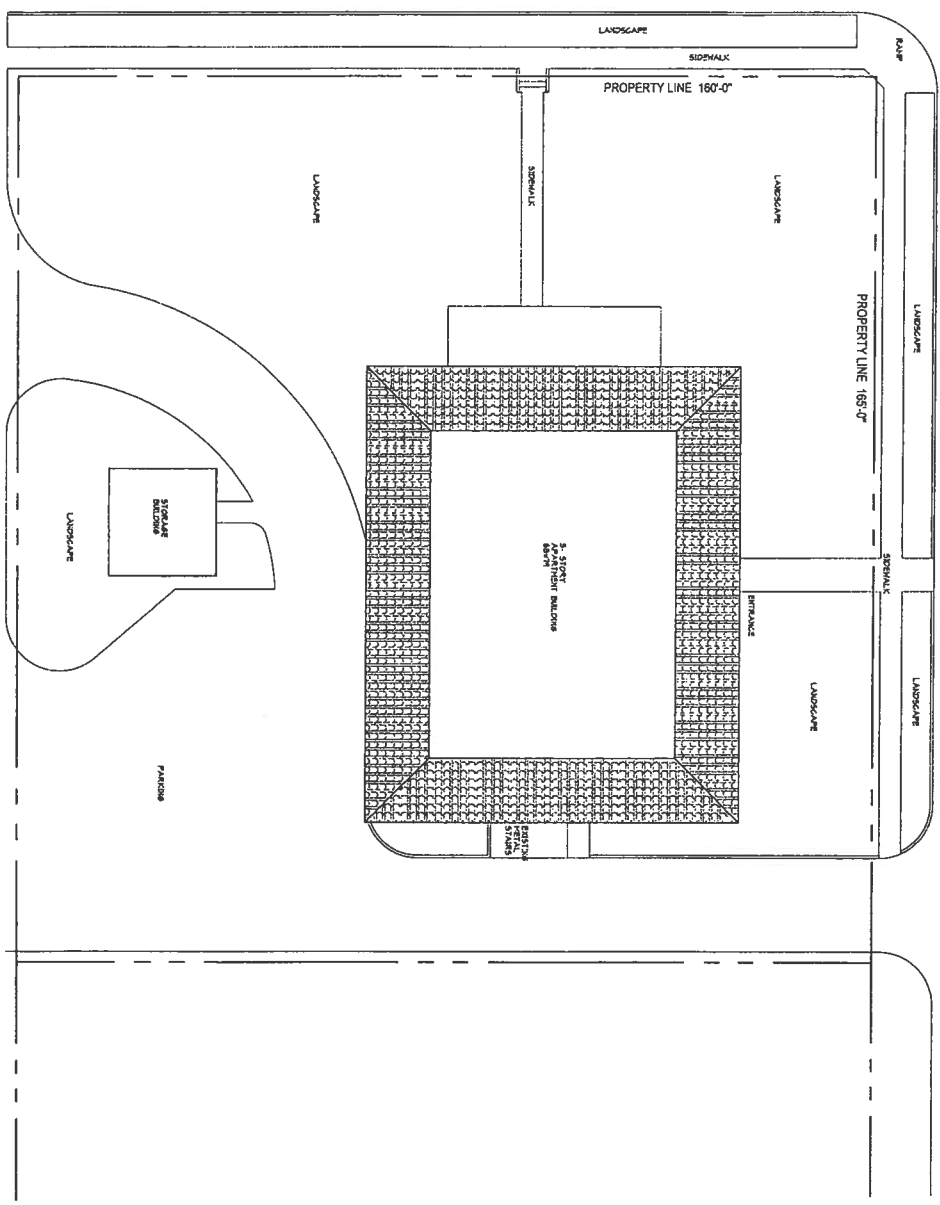


3

- City Boundaries
- County
- Certified Parcels
- DISD Sites
- Council Districts
- Waterways
- Parks
- SUP
- Dry Overlay
- D
- D-1
- Historic Overlay
- Historic Subdistricts
- NSO Overlay
- NSO Subdistricts
- PD193 Oak Lawn
- PDS Subdistricts
- Base Zoning
- Pedestrian Overlay
- CP
- SP
- Environmental Corridors
- Escarpment Overlay

McMILLAN AVENUE

MILLER AVENUE





 NORTH

 SITE PLAN

 SCALE 3/32"=1'-0"



 KEY PLAN

BELLA VILLA APARTMENTS

5506 Miller Avenue
Dallas, Texas 75206 5-97



Blomquist Architecture & Design
3201 Carnegie Ave., Houston, Texas, TX 77018
214-350-4411

NOT FOR REGULATORY
APPROVAL PERMITTING,
OR CONSTRUCTION

SITE PLAN

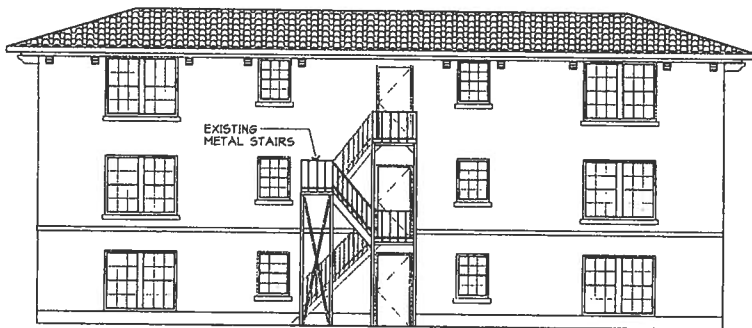
BDA 23-089

100% DESIGN DOCUMENTS

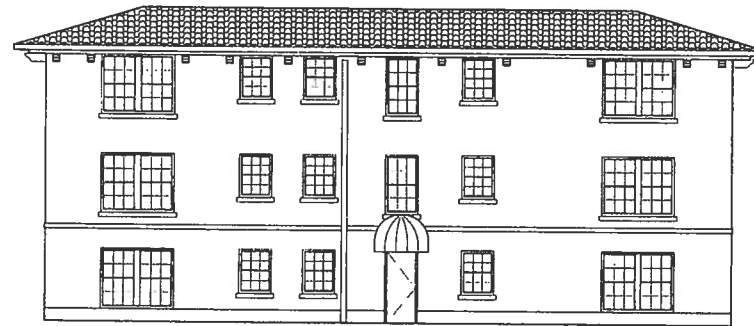
NOT FOR REGULATORY APPROVAL, PERMITTING, OR CONSTRUCTION



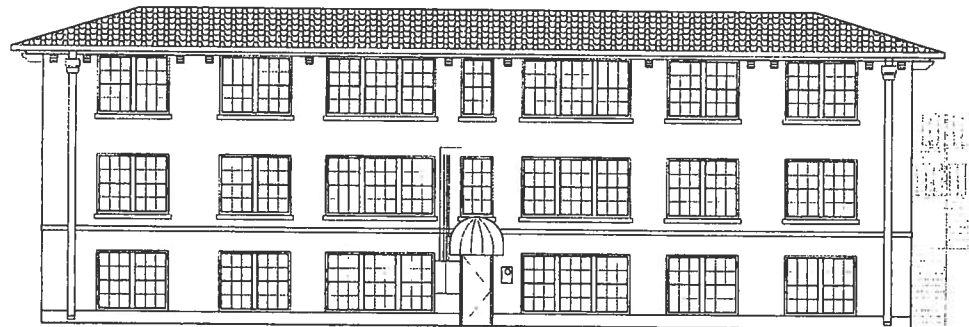
1 FRONT VIEW ELEVATIONS
SCALE: 3/16"=1'-0"



2 LEFT VIEW ELEVATIONS
SCALE: 3/16"=1'-0"



3 RIGHT VIEW ELEVATIONS
SCALE: 3/16"=1'-0"



4 REAR VIEW ELEVATIONS
SCALE: 3/16"=1'-0"

BELLA VILLA APARTMENTS
 5506 Miller Avenue
 Dallas, Texas 75206



KEY PLAN

ELEVATIONS

100% DESIGN DOCUMENTS

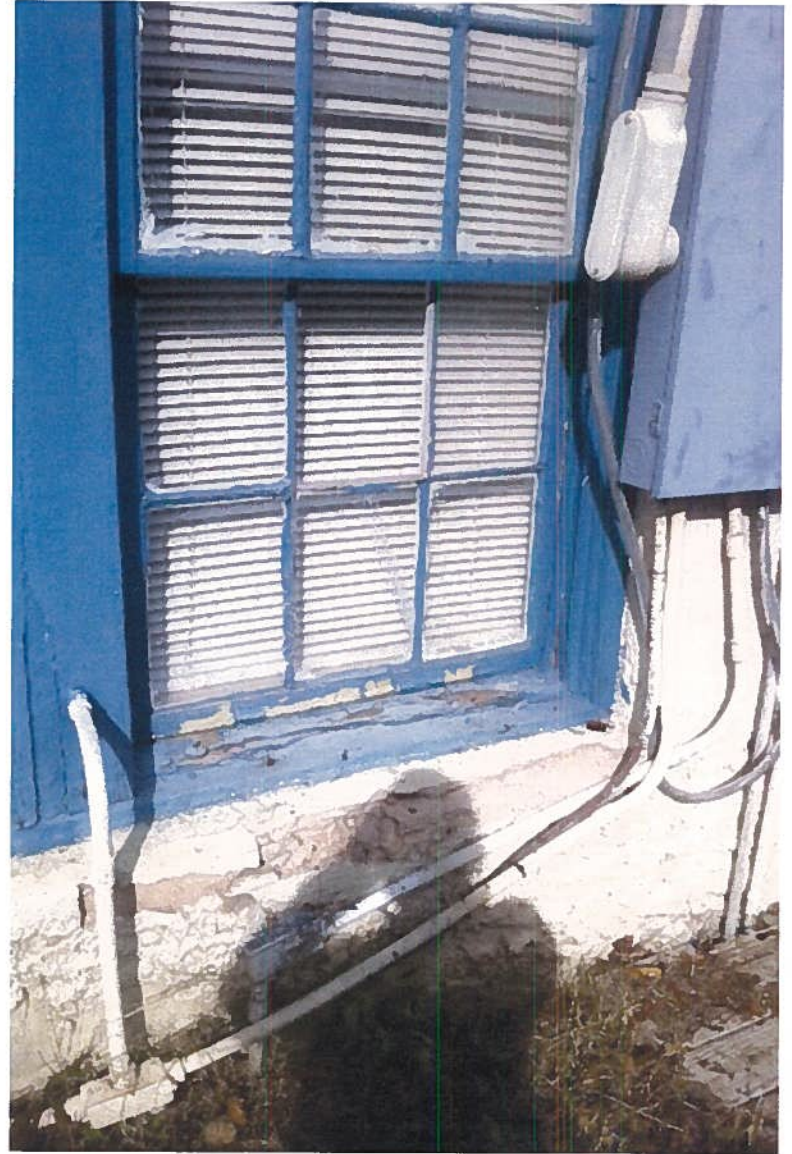
















CITY OF DALLAS

July 12, 2013

ADDRESS: 5506 MILLER AVE

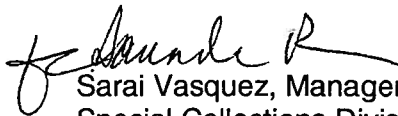
RE: DCAD# **0000018645400000**

DEAR SIR/MADAM

No information was found responsive to your request for identification of City liens in the records of Special Collections. This response does not constitute legal advice regarding the status of the real property 5506 MILLER AVE. There may be additional liens of record in the County Clerk's office. This response is made to your request for public information and constitutes neither estoppel against the City of Dallas nor relinquishment, waiver, release, or other change in any lien interest of record.

Should you have any further questions please contact Tesfaye Assefa at 214-671-8012.

Sincerely,


Sarai Vasquez, Manager
Special Collections Division
Dallas Water Utilities

Conservation District Denial



Vickery Place Conservation District

City of Dallas

Date Applied: 07/16/13

Date Reviewed: 07/16/13

Address: 5506 MILLER AVE

Applicant: Capstone Properties - Alfonso Solis
4175 Interurban Road
Lancaster, TX 75134
214/727-1180
asolis_avalon@yahoo.com

Architectural Style: Spanish

Proposed Work: Other - requires permit

REMOVE ALL WINDOWS AND RELATED TRIM ON THE FIRST FLOOR OF THE APARTMENT. INSTALL SINGLE HUNG VINYL WINDOWS.

Permit is required: YES

Work is Denied

1) Windows are not typical of the style of the structure. 2) Not all windows fit original opening sizes; 3) Trim out of windows inadequate and 4) Windows did not have adequately expressed muntins and mullions.

Larry Holmes, Building Official

The application was reviewed for compliance with the development standards and design requirements for this Conservation District Ordinance.

This certificate applies only to the work identified on this document. Additional work will have to be reviewed separately.

TAX CERTIFICATE



JOHN R. AMES
DALLAS COUNTY TAX ASSESSOR/COLLECTOR
500 ELM STREET, FIRST FLOOR RECORDS BLDG
DALLAS, TEXAS 75202-3304

Issued To:

CAPSTONE PROPERTIES I INC
402 W BROADWAY STE 400
SAN DIEGO, CA 92101-3554

Legal Description:

VICKERY PLACE
BLK 16/1929 LOTS 1 2 & 3
MILLER & MCMILLAN
INT200900271150 DD09082009 CO-DC
1929 016 00100 1DA1929 016
Parcel Address: 5506 MILLER AVE, DA
Legal Acres: .0000

> - -

Account Number: 000-001-864-54000000
Certificate No: 67073
Certificate Fee: \$10.00

Print Date: 06/20/2013
Paid Date: 06/20/2013
Issue Date: 06/20/2013
Operator ID: SHAMINEKE_GREEN

< - -

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 26.15 OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2012. ALL TAXES ARE PAID IN FULL

Exemptions:

Certified Owner:

CAPSTONE PROPERTIES I INC
402 W BROADWAY STE 400
SAN DIEGO, CA 92101-3554

2012 Value: 566,690
2012 Levy: \$17,022.42
2012 Levy Balance: \$0.00
Prior Year Levy Balance: \$0.00
Total Levy Due: \$0.00
P&I + Attorney Fee: \$0.00
Total Amount Due: \$0.00

Certified Tax Unit(s):

1002 DALLAS COUNTY
1021 PARKLAND HOSPITAL
1031 DALLAS COUNTY COMMUNITY COLI
1041 SCHOOL EQUALIZATION
1102 DALLAS ISD
1208 CITY OF DALLAS

Reference (GF) No: N/A

Issued By: JOHN R. AMES

Handwritten signature of John R. Ames

DALLAS COUNTY TAX ASSESSOR/COLLECTOR



ETC JT# 907048A-BF

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

**Warranty Deed with Vendor's Lien
(Wraps)**

**ELECTRONICALLY RECORDED 200900271150
09/23/2009 09:44:35 AM DEED 1/3**

Date: September 8, 2009

Grantor: PITA Asset Management

Grantor's Mailing Address: 748 NW Douglas St.
Burleson, TX 76028 [include county]

Grantee: Capstone Properties I, Inc.

Grantee's Mailing Address: 402 W. Broadway # 400
San Diego, CA 92101 [include county]

Consideration:

Cash and a wraparound note ("Wraparound Lien Debt") of even date in the principal amount of Seven Hundred Fifty Two Thousand Seventeen and No/100 Dollars (\$752,017.00) executed by Grantee, payable to the order of Grantor. The note is secured by a vendor's lien retained in this deed and by a deed of trust of even date from Grantee to Bill Bradshaw, trustee (collectively, the "Wraparound Lien").

Property (including any improvements):

Lots 1, 2 and 3, Block 16/1929, Vickery Place, an Addition to the City of Dallas, Dallas County, Texas, according to the map or plat thereof recorded in Volume 1, Page 318, of the Map Records of Dallas County, Texas.

Reservations from Conveyance: None

Exceptions to Conveyance and Warranty: None

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

The vendor's lien against and superior title to the Property are retained until each note described is fully paid according to its terms, at which time this deed will become absolute.

This conveyance is made subject to the prior liens ("Underlying Liens") the first of a deed of trust recorded in Volume 2004098, Page 3496 of the Real Property Records of Dallas County, Texas, to Larry Heesch, trustee, which secures payment of a promissory note ("Underlying Lien Debt") in the principal amount of Eight Hundred Six Thousand Two Hundred Fifty and No/100 DOLLARS (\$806,250.00) payable to the order of Matrix Capital Bank, a Federal Savings Bank and additionally secured by Deed of Trust to Secure the Assumption executed by HousePurchase, Inc., a Texas corporation to Ira E. Tobolowsky, Esq., Trustee, dated October 10, 2008, recorded under Document Number 20080333802, of the Real Property Records of Dallas County, Texas., securing Hooks Ltd., a Texas limited partnership and Hebert L. Hooks, in the assumption of the Deed of Trust, dated May 12, 2004, recorded in/under Volume 2004098, Page 3496, of the Real Property Records of Dallas County, Texas; AND the second in the original principal amount of Seven Hundred Fifty Two Thousand Seventeen and No/100 Dollars (\$752,017.00) payable to the order of HousePurchase, Inc. which is described in and secured by a Deed of Trust executed by Capstone Properties I, Inc., a Texas corporation to Bill Bradshaw, Trustee, dated September 8, 2009, recorded under Document Number 200900270857, of the Real Property Records of Dallas County, Texas. Grantee in this deed does not assume payment of that Underlying Lien Debt. As further consideration Grantor promises to keep and perform all the covenants and obligations of the grantor named in the Underlying Lien deed of trust and to indemnify, defend, and hold Grantee harmless against any damages caused by Grantor's breach of its obligations under the Underlying Lien Debt and related documents, as long as Grantee is not in default on the Wraparound Lien Debt and documents relating to it.

When the context requires, singular nouns and pronouns include the plural.

PITA Asset Management

By: Mary G. Lewis
Name: MARY G. LEWIS
Title: DIRECTOR

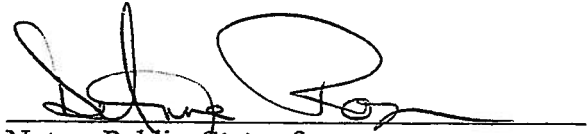
Capstone Properties I, Inc.

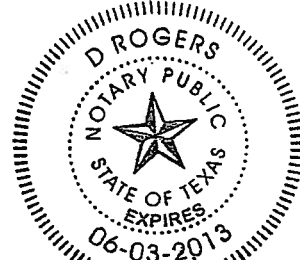
By: [Signature]
Name: STEVE DEUPREE
Title: CEO

STATE OF)

COUNTY OF Travis)

This instrument was acknowledged before me on September 8, 2009 by Mary G. Lewis as Director of PITA Asset Management, a TEXAS corporation, on behalf of said corporation.

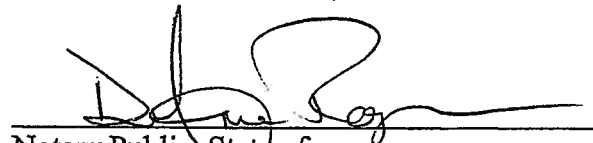

Notary Public, State of

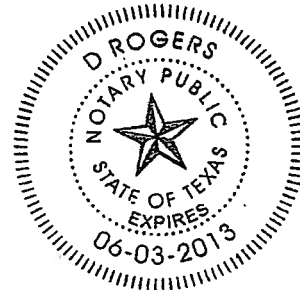


STATE OF TEXAS)

COUNTY OF Travis)

This instrument was acknowledged before me on September 10, 2009 by Steve Deupree as CEO of Capstone Properties I, Inc., a CALIFORNIA, on behalf of said


Notary Public, State of



Grantee's Address:

Capstone Properties I, Inc.
402 W. Broadway # 400
San Diego, CA 92101

Filed and Recorded
Official Public Records
John F. Warren, County Clerk
Dallas County, TEXAS
09/23/2009 09:44:35 AM
\$24.00
200900271150







CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 123-089

I, Capstone Properties, Owner of the subject property
(Owner or "Grantor" of property as it appears on the Warranty Deed)

at: 5506 Miller Ave Dallas TX 75201
(Address of property as stated on application)

Authorize: Alfonso Solis Jr
(Applicant's name as stated on application)

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

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

keep newly installed window

Alfonso Solis Jr [Signature] 6-13-11
 Print name of property owner/agent Signature of property owner/agent Date

Before me, the undersigned, on this day personally appeared Alfonso Solis Jr

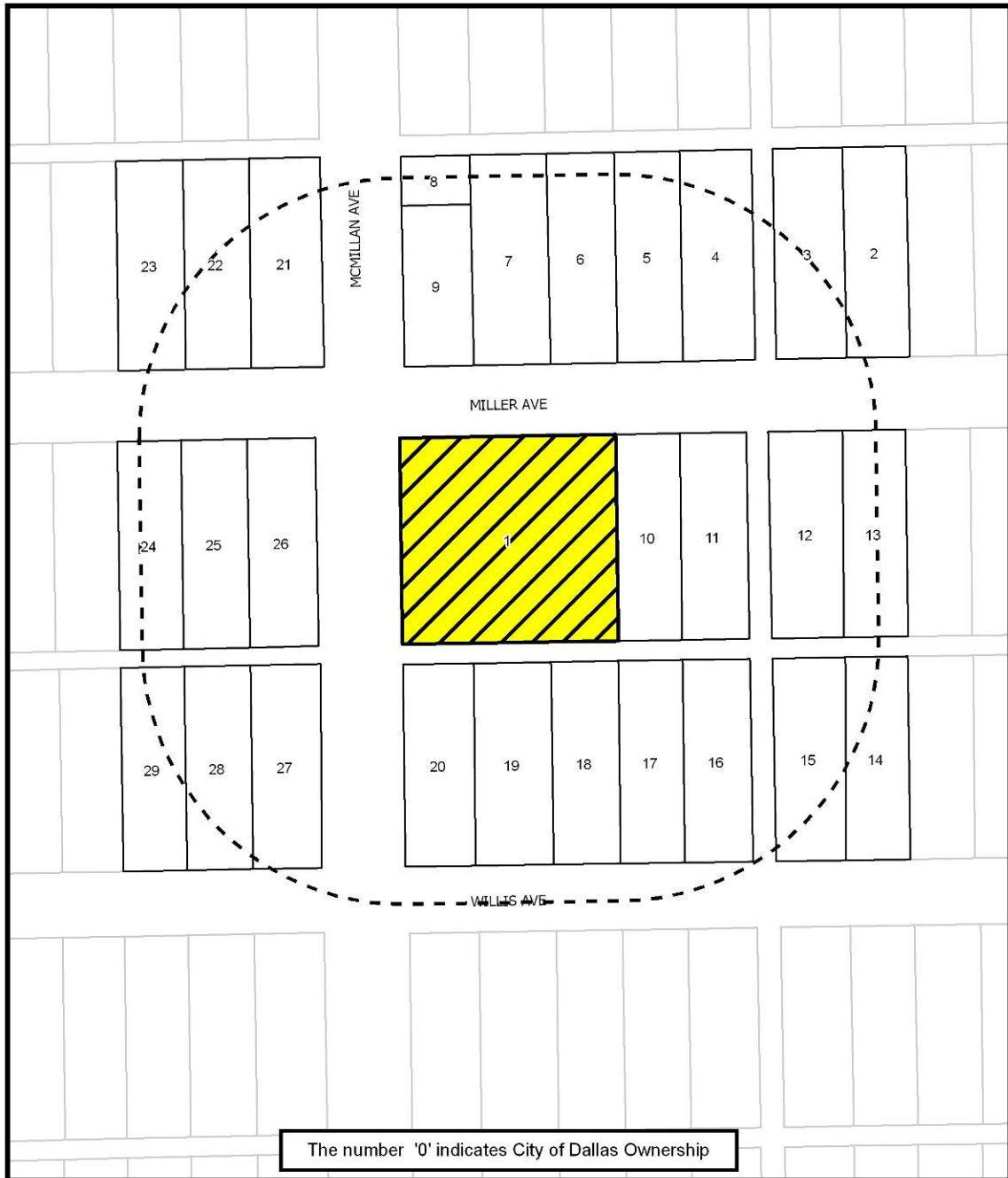
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 15th day of July, 2013

[Signature]
Notary Public for Dallas County, Texas

Commission expires on October 19, 2013





 1:1,200	<h2>NOTIFICATION</h2>	Case no: BDA123-089			
	<table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">29</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	29	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
29	NUMBER OF PROPERTY OWNERS NOTIFIED				

Notification List of Property Owners

BDA123-089

29 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5506 MILLER AVE	CAPSTONE PROPERTIES I INC
2	5527 MILLER AVE	MASTEN ADAM M & JESSICA M
3	5523 MILLER AVE	ORTEGON ANTHONY
4	5519 MILLER AVE	JENNINGS SHANNON K
5	5515 MILLER AVE	JARAMILLO ROSE MARY M
6	5509 MILLER AVE	VANHORN PENNI
7	5507 MILLER AVE	GARCIA SANTIAGO & DIANA S
8	2708 MCMILLAN AVE	LONG CHRISTOPHER R
9	5503 MILLER AVE	JBIII INVESTMENT INC
10	5516 MILLER AVE	HASTINGS JOHN W
11	5518 MILLER AVE	CHANDLER JAMES MILTON SR EST OF
12	5524 MILLER AVE	ALPERT SPENCER W
13	5528 MILLER AVE	PERINI JIMMY W
14	5527 WILLIS AVE	TREVOR EMILY 13TH CLAUSE TRUST
15	5525 WILLIS AVE	BUNNETT BRIAN P
16	5521 WILLIS AVE	NAGLE ZACHARY A
17	5513 WILLIS AVE	WELLS FARGO BANK NA
18	5509 WILLIS AVE	CURRIE WILLIAM ALAN
19	5505 WILLIS AVE	BOREJDO ARIEL &
20	5501 WILLIS AVE	BELL SCOTT P & ELAINE M
21	5459 MILLER AVE	MCCARTNEY MATTHEW C & MICHELLE C
22	5455 MILLER AVE	PACHECO RAUL JORGE & CARMILETA F
23	5451 MILLER AVE	BIRCHFIELD ESTATES LLC
24	5450 MILLER AVE	ANTIQUHOMES LLC
25	5454 MILLER AVE	LEAL RAUL S
26	5458 MILLER AVE	THOMAS GRAHAM

8/22/2013

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	5459 WILLIS AVE	TODD ALTON C & NARIMAN P
28	5455 WILLIS AVE	SCOVITCH GREGORY J & KATHLEEN J
29	5451 WILLIS AVE	SHAMPAIN RICHARD H