

ZONING BOARD OF ADJUSTMENT, PANEL B  
WEDNESDAY, NOVEMBER 19, 2014  
AGENDA

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

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**Donna Moorman, Chief Planner**  
**Steve Long, Board Administrator**

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**MISCELLANEOUS ITEM**

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Approval of the October 22, 2014 Board of Adjustment Panel B Public Hearing Minutes	M1
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**UNCONTESTED CASES**

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<b>BDA 134-024</b>	3121 N. Fitzhugh Avenue <b>REQUEST:</b> Application of John Weninger for variances to the front yard setback and landscape regulations, and special exceptions to the visual obstruction regulations	1
<b>BDA 134-106</b>	1615 Market Center Boulevard <b>REQUEST:</b> Application of Ed Simons for a variance to the minimum sidewalk regulations	2
<b>BDA 134-113</b>	414 N. Windomere Avenue <b>REQUEST:</b> Application of Robert Reeves of Robert Reeves and Associates for a special exception to the single family use regulations	3

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**HOLDOVER CASES**

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<b>BDA 134-070</b>	4820 Northaven Road <b>REQUEST:</b> Application of Abdul Hafeez Khan, represented by Warren Packer, for a special exception to the fence height regulations	4
<b>BDA 134-071</b>	11217 Strait Lane <b>REQUEST:</b> Application of Abdul Hafeez Khan, represented by Warren Packer, for a special exception to the fence height regulations	5

<b>BDA 134-093</b>	1414 (aka: 1420) Dragon Street <b>REQUEST:</b> Application of Brian Rutt for a variance to the landscape regulations	6
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**REGULAR CASES**

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<b>BDA 134-103</b>	1038 Kings Highway <b>REQUEST:</b> Application of Christian Chernock, represented by Paul Zubiata, for variances to the front yard setback regulations	7
<b>BDA 134-114</b>	6840 Lakewood Boulevard <b>REQUEST:</b> Application of Cynthia Walker, represented by William Chase Corker for variances to the front and side yard setback regulations	8

## 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 October 22, 2014 public hearing minutes.



**FILE NUMBER:** BDA 134-024

**BUILDING OFFICIAL'S REPORT:** Application of John Weninger for variances to the front yard setback and landscape regulations, and special exceptions to the visual obstruction regulations at 3121 N. Fitzhugh Avenue. This property is more fully described as a 4,871 square foot unplatted parcel, Block 1/1519 and is zoned PD 193 (GR), which requires a front yard setback of 10 feet, mandatory landscaping, and compliance with visibility triangles at the street intersection, the alley, and drive approaches. The applicant proposes to construct and maintain a structure and provide a 0 foot front yard setback, which will require a 10 foot variance to the front yard setback regulations, and to provide an alternate landscape plan, which will require a variance to the landscape regulations, and to locate and maintain items in required visibility triangles, which will require special exceptions to the visual obstruction regulations.

**LOCATION:** 3121 N. Fitzhugh Avenue

**APPLICANT:** John Weninger

**REQUESTS:**

The following appeals have been made on a site developed with an existing nonconforming structure that is an office use (123 Divorce Company):

1. a variance to the front yard setback regulations of 10' is made to maintain a portion of the existing nonconforming structure with an approximately 1,800 square foot building footprint located as close as on the site's N. Fitzhugh Avenue front property line or as much as 10 into this required 10' front yard setback;
2. a variance to the front yard setback regulations of 10' is made to construct, align and maintain a portion of a proposed 2<sup>nd</sup> floor addition atop the existing nonconforming structure that like the approximately 1,800 square foot building footprint would be located as close as on the N. Fitzhugh Avenue front property line or as much as 10 into this required 10' front yard setback;
3. a variance to the landscape regulations is made to construct and maintain the proposed 2<sup>nd</sup> floor addition and related stairway structure, and not fully provide required landscaping; and
4. special exceptions to the visual obstruction regulations are made to locate what could be vehicles parked in striped off-street parking spaces required to fulfill the required off-street parking for the office use/structure located in the 45' visibility triangle at the intersection of N. Fitzhugh Avenue and Cole Avenue, and in four, 20' visibility triangles at the two driveways into the site from N. Fitzhugh Avenue; and, according to what is represented on the submitted site plan, to maintain a portion of the existing nonconforming structure located in the 20' visibility triangle at where the alley intersects/meets N. Fitzhugh Avenue.

**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 VISUAL OBSTRUCTION REGULATIONS:**

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

**STAFF RECOMMENDATION (front yard setback variances):**

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- The subject site appears to be unique and different from most lots in the PD 193 (GR) zoning district in that it is only approximately 21' wide on the west, and approximately 30' wide on the east. Once a 10' front yard setback is accounted for along N. Fitzhugh Avenue, the amount of developable space left of the property ranges from only 11' on the west to 20' on the east.
- Granting the variances do not appear to be contrary to public interest in that they would only allow an existing nonconforming structure built in the 1950's to be replaced back in the 10' N. Fitzhugh Avenue front yard setback if ever intentional destroyed and a second floor to align atop it.

**STAFF RECOMMENDATION (landscape variance):**

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- The City of Dallas Chief Arborist supports the request, and has noted among other things how the landscape provisions in this case is merely triggered by adding a second floor to a nonconforming structure on a site that is encumbered with a restrictive area in which to provide required landscaping.

**STAFF RECOMMENDATION (visual obstruction special exceptions):**

Approval, subject to the following conditions:

1. Compliance with the submitted site plan is required.
2. Vegetation located within the 20' visibility triangle at where the alley meets/intersects with N. Fitzhugh Avenue must comply with the Dallas Development Code visual obstruction regulations.

Rationale:

- The applicant has substantiated how granting these requests to locate what could be vehicles parked in striped off-street parking spaces required to fulfill the required off-street parking for the office use/structure located in the 45' visibility triangle at the intersection of N. Fitzhugh Avenue and Cole Avenue, and in four, 20' visibility triangles at the two driveways into the site from N. Fitzhugh Avenue; and, according to what is represented on the submitted site plan, to maintain a portion of the existing nonconforming structure located in the 20' visibility triangle at where the alley intersects/meets N. Fitzhugh Avenue would not constitute a traffic hazard.
- The Sustainable Development and Construction Department Project Engineer supports the requests on the condition that vegetation located within the visibility triangle at the intersection of the alley and N. Fitzhugh Avenue must comply with Dallas Development Code visual obstruction regulations.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: PD 193 (GR) (Planned Development District, General Retail)  
North: PD 193 (PDS 100) (Planned Development District, Planned Development)  
South: PD 193 (GR) (Planned Development District, General Retail)  
East: PD 193 (GR) (Planned Development District, General Retail)  
West: PD 193 (GR) (Planned Development District, General Retail)

**Land Use:**

The subject site is developed with a nonconforming structure that is an office use. The areas to the north, south, east and west are developed with a mix of residential and office uses.

### **Zoning/BDA History:**

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

### **GENERAL FACTS/STAFF ANALYSIS (front yard variances):**

- These requests focus on maintaining an existing nonconforming structure with an approximately 1,800 square foot building footprint and adding/aligning/maintaining a 2<sup>nd</sup> floor addition as close as on the site's N. Fitzhugh Avenue front property line or as much as 10 into this required 10' front yard setback.
- The subject site is located at the southeast corner of N. Fitzhugh Avenue and Cole Street and is zoned PD 193 (GR). The site has two front yard setbacks.
- Structures, other than single family structures, on lots zoned PD 193 (GR) are required to provide a minimum front yard setback of 10'.
- A site plan has been submitted denoting that the existing structure is located as close as on the site's N. Fitzhugh Avenue front property line or as much as 10' into this the 10' front yard setback.
- About 1/3 of the existing of the approximately 1,800 square foot, 30' wide office structure is located in the 10' N. Fitzhugh Avenue front yard setback.
- According to DCAD records, the "improvements" at 3121 N. Fitzhugh Avenue is an "office building" that is 1,575 square feet in area built in 1957.
- The applicant has chosen to seek variance to the front yard setback regulations for the new construction to be added atop the existing nonconforming structure on the site, and to seek variance to remedy/address the nonconforming aspect of the existing nonconforming structure that is located in the site's N. Fitzhugh Avenue front yard setback.
- The code defines nonconforming structure as a structure that does not conform to the regulations of the code, but which was lawfully constructed under the regulations in force at the time of construction.
- The code states that the right to rebuild a nonconforming structure ceases if the structure is destroyed by the intentional act of the owner or the owner's agent.
- The subject site is flat, somewhat irregular in shape (approximately 188' on the north and south, approximately 21' on the west, and approximately 30' on the east) and is approximately 4,700 square feet in area. The site is zoned PD 193 (GR).
- The corner property with two street frontages has two front yard setbacks as any corner property with two street frontages would that is not zoned agricultural, single family, or duplex.
- According to calculations taken from the submitted site plan by the Board Administrator, if a new structure were proposed in the same location as the existing nonconforming structure, it could be 18' – 20' in width once a 10' front yard setback is accounted for along Fitzhugh Avenue on the lot that ranges in width from approximately 21' on the west, and approximately 30' on the east.

- The applicant has the burden of proof in establishing the following:
  - That granting the variances to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variances are necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD 193 (GR) zoning classification.
  - The variances would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same PD 193 (GR) zoning classification.
- If the Board were to grant the variance requests and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document– which is a structure located as close as on the site’s N. Fitzhugh Avenue front property line (or as much as 10’ into this 10’ front yard setback).

**GENERAL FACTS/ STAFF ANALYSIS (landscape variance):**

- This request focuses on constructing and maintaining the proposed 2<sup>nd</sup> floor addition and related stairway structure, and not fully provide required landscaping. More specifically, according to the City of Dallas Chief Arborist, the site does not conform to PD 193 landscape regulation standards related to sidewalks, trees, and off-street parking and screening.
- 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 states in a memo (see Attachment A) that the request in this case is triggered by proposed new construction of an addition to building height on the site.
- The Chief Arborist notes that the submitted site plan is deficient in the following ways:
  1. Sidewalks at a minimum of 6’ in width placed 5’ – 12’ from back of curb.
  2. Large trees in the tree planting zone between 2.5’ – 5’ from back of curb.
  3. Screening of off-street parking.
  4. A landscape site area of 10 percent and 60 percent of the required front yard containing appropriate general and special planting areas.

- The Chief Arborist listed several factors for consideration:
  1. The site at street level is fully developed with a structure and paved surface for parking and maneuvering. The property is long and narrow which provides only one possible location for a tree and other plant materials. This location is on the property and adjacent to parking space #3 as identified on the submitted site plan. However, the Fitzhugh frontage and this possible location is encumbered with overhead power lines and a school zone signal adjacent to the structure a short distance to the east. The site has two wide driveways restricting plant locations.
  2. A very narrow planting bed is provided along the building frontage adjacent to the existing sidewalk. This is somewhat kept of small vegetation which can provide for a minor green edge to soften the building frontage with proper maintenance. On the street side of the sidewalk, a one-foot wide strip is maintained with groundcover in front of the building and adjacent to the parking lot between driveways. The only existing permeable area for planting trees or other vegetation is on the Cole Avenue parkway but this is also restricted by the visibility triangle at the street intersection.
- The Chief Arborist has no objection to the proposed plan and recommends approval.
- The subject site is flat, somewhat irregular in shape (approximately 188' on the north and south, approximately 21' on the west, and approximately 30' on the east) and is approximately 4,700 square feet in area. The site is zoned PD 193 (GR).
- The corner property with two street frontages has two front yard setbacks as any corner property with two street frontages would that is not zoned agricultural, single family, or duplex.
- According to calculations taken from the submitted site plan by the Board Administrator, if a new structure were proposed in the same location as the existing nonconforming structure, it could be 18' – 20' in width once a 10' front yard setback is accounted for along Fitzhugh Avenue on the lot that ranges in width from approximately 21' on the west, and approximately 30' on the east.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the landscape regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD 193 (GR) zoning classification.
  - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same PD 193 (GR) zoning classification.

- If the Board were to grant this request and impose the submitted site plan as a condition to the request, the site would be granted exception from full compliance to sidewalk, street tree, off-street parking screening, and front yard and special planting area requirements of the Oak Lawn PD 193 landscape ordinance.

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

- These requests focus on locating what could be vehicles parked in striped off-street parking spaces required to fulfill the required off-street parking for the office use/structure located in the 45' visibility triangle at the intersection of N. Fitzhugh Avenue and Cole Avenue, and in four, 20' visibility triangles at the two driveways into the site from N. Fitzhugh Avenue; and maintaining what is represented on the submitted site plan, to maintain a portion of the existing nonconforming structure located in the 20' visibility triangle at where the alley intersects/meets N. Fitzhugh Avenue.
- The Dallas Development Code states the following: A person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
  - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections, and 20 foot visibility triangles at drive approaches and at alleys); and
  - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).
- PD 193 defines "visibility triangle" as
  1. where a street designated on the city's thoroughfare plan intersects another street, the portion of a corner lot within a triangular area formed by connecting together the point of intersection of adjacent curb lines (or, if there are no street curbs, what would be the normal street curb lines) and points on each of the street curb lines 45 feet from the intersection;
  2. where two streets not designated on the city's thoroughfare plan intersect, the portion of a corner lot within a triangular area formed by connecting together the point of intersection of adjacent curb lines (or, if there are no street curbs, what would be the normal street curb lines) and points on each of the street curb lines 30 feet from the intersection;
  3. where an alley or driveway intersects with a street, the portion of a lot within a triangular area formed by connecting together the point of intersection of the edge of a driveway or alley and adjacent street curb line (or, if there are no street curbs, what would be the normal street curb line) and points on the driveway or alley edge and the street curb line 20 feet from the intersection.
- A site plan has been submitted indicating two striped parking spaces located in the 45' visibility triangle at the intersection of N. Fitzhugh Avenue and Cole Avenue, and in one striped parking space located in the four, 20' visibility triangles at the two driveways into the site from N. Fitzhugh Avenue, and a portion of the existing nonconforming structure located in the 20' visibility triangle at where the alley intersects/meets N. Fitzhugh Avenue

- The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet regarding the applicant's request for special exceptions to the visual obstruction regulations marked "Has no objections if certain conditions are met" commenting "vegetation located within the visibility triangle at intersection of Alley and Fitzhugh must comply with Dallas Development Code."
- The applicant has the burden of proof in establishing how granting the requests for special exceptions to the visual obstruction regulations to locate what could be vehicles parked in striped off-street parking spaces required to fulfill the required off-street parking for the office use/structure located in the 45' visibility triangle at the intersection of N. Fitzhugh Avenue and Cole Avenue, and in four, 20' visibility triangles at the two driveways into the site from N. Fitzhugh Avenue, and to maintain a portion of the existing nonconforming structure located in the 20' visibility triangle at where the alley intersects/meets N. Fitzhugh Avenue do not constitute a traffic hazard.
- Granting these requests with conditions imposed that the applicant complies with the submitted site plan and that vegetation comply with code would limit the items located in the 45' visibility triangle at the intersection of N. Fitzhugh Avenue and Cole Avenue, and in four, 20' visibility triangles at the two driveways into the site from N. Fitzhugh Avenue, and in the 20' visibility triangle at where the alley intersects/meets N. Fitzhugh Avenue to that what is shown on this document- parked vehicles and a portion of a nonconforming structure.

### **Timeline:**

January 23, 2014: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

February 13, 2014: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

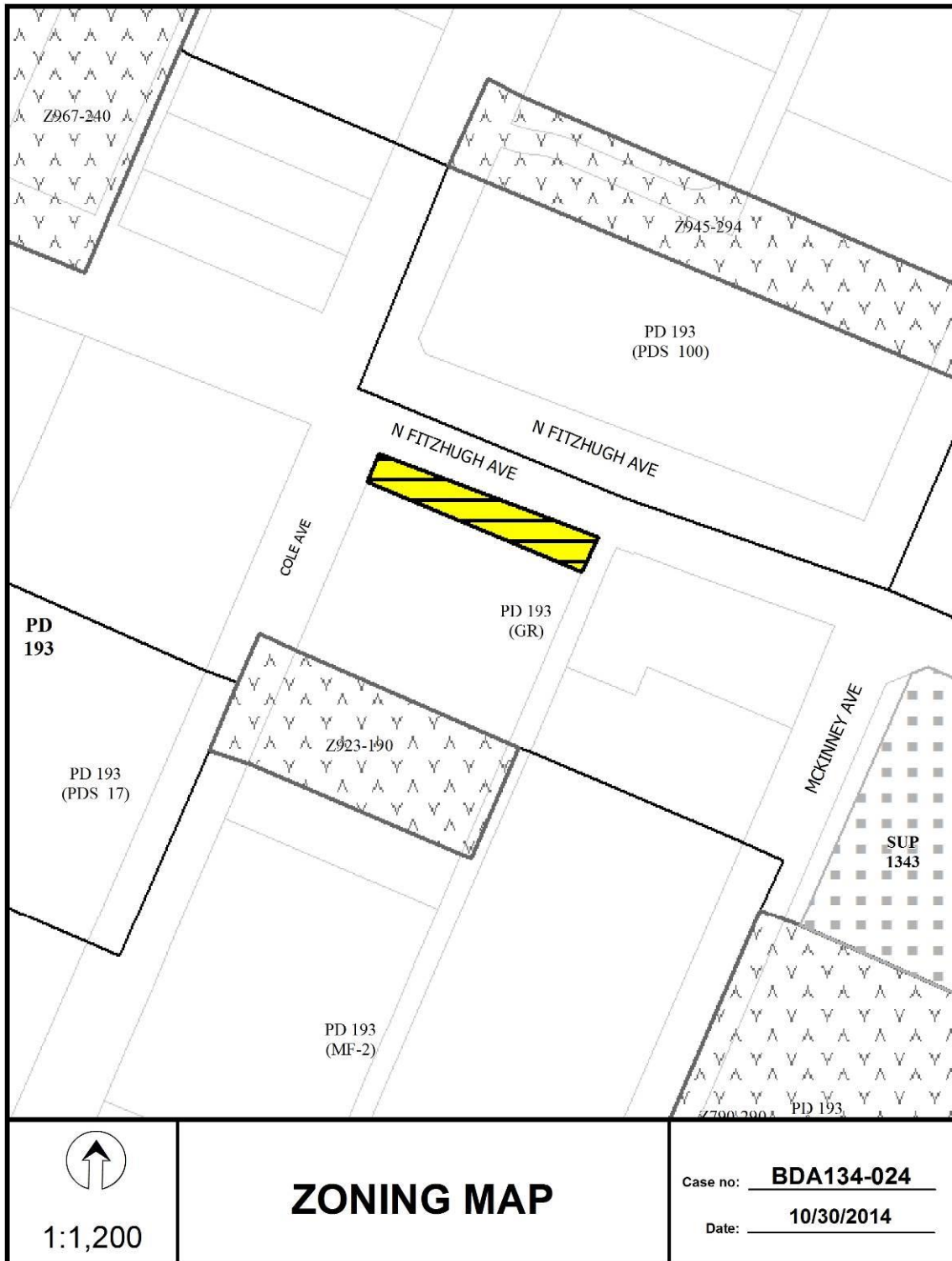
February 17, 2014: The Board Administrator shared the following information with the applicant via email:

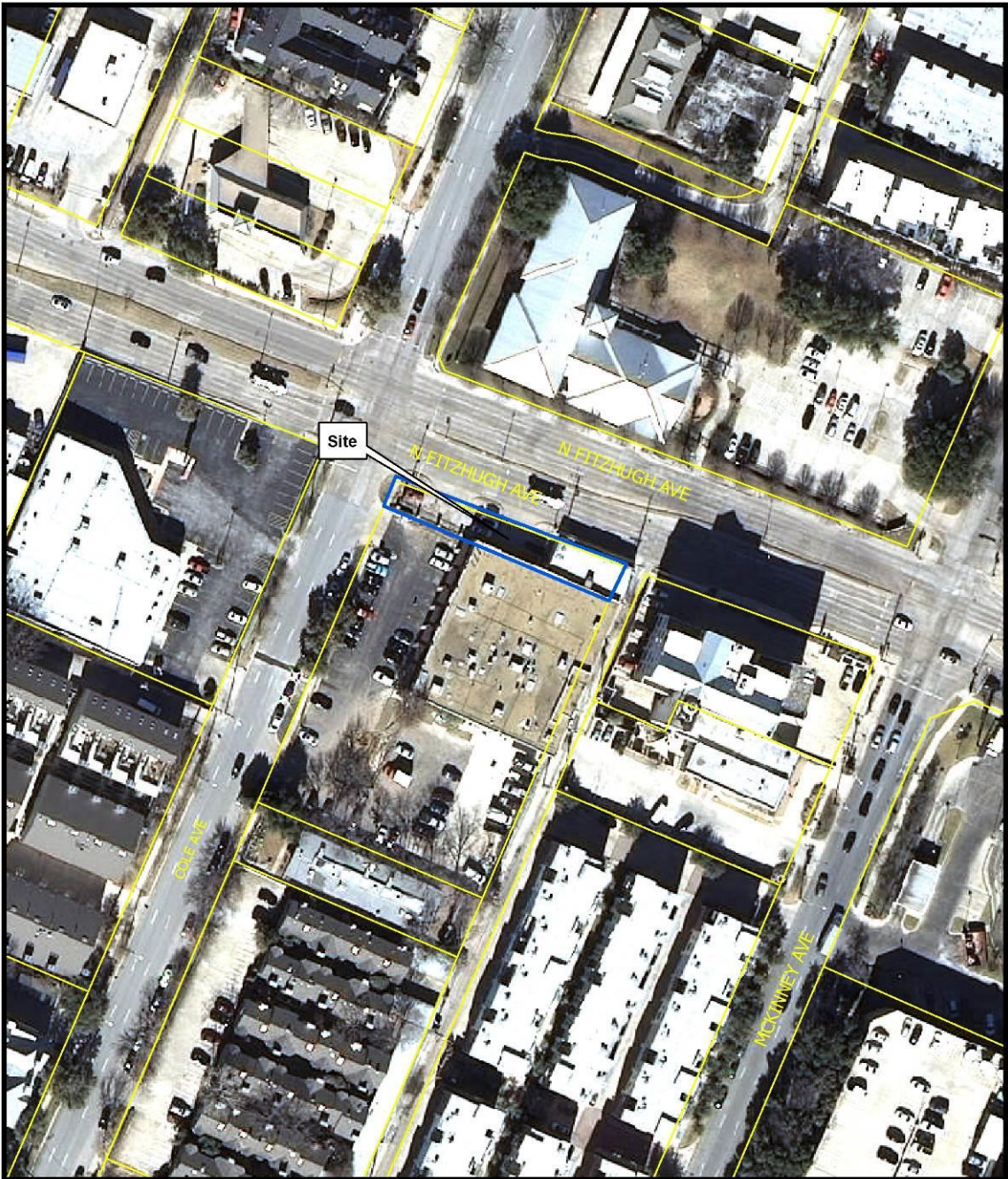
- an attachment that provided the public hearing date and panel that will consider the application; the February 26<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the March 7<sup>th</sup> deadline to submit additional evidence to be incorporated into 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."

February 19, 2014: The Board Administrator emailed the applicant that this application would not be heard by Board of Adjustment Panel B in March of 2014 since the application was deemed incomplete.



- March 24, 2014: The Board Administrator emailed the applicant that this application would be scheduled for a public hearing once the Building Inspection Senior Plans Examiners/Development Code Specialist had deemed it complete.
- October 14, 2014: 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 October 29<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the November 7<sup>th</sup> 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.
- November 4, 2014: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for November public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Assistant Building Official, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, the City of Dallas Chief Arborist, and the Assistant City Attorney to the Board.
- November 5, 2014: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet regarding the visual obstruction special exception requests marked "Has no objections if certain conditions are met" commenting vegetation located within the visibility triangle at intersection of Alley and Fitzhugh must comply with Dallas Development Code."
- November 10, 2014: The City of Dallas Chief Arborist submitted a memo regarding the landscape special exception request (see Attachment A).





1:1,200

# AERIAL MAP

Case no: BDA134-024

Date: 10/30/2014

# Memorandum



CITY OF DALLAS

DATE November 10, 2014  
TO Steve Long, Board of Adjustment Administrator  
SUBJECT # BDA 134 · 024 3121 N Fitzhugh

The applicant is requesting a variance to the landscape requirements of PD 193 (GR).

### Trigger

New construction of an addition of building height.

### Deficiencies

The PD 193 (GR) regulations require 1) a minimum of 6' sidewalks placed from 5 to 12 feet from back of curb, 2) large trees in the tree planting zone between 2.5 to 5 feet from back of curb, 3) screening of off-street parking, and 4) a landscape site area of 10% of the lot and 60% of the required front yard containing appropriate general and special planting areas. The proposed plan does not provide any of these requirements.

### Factors

The site at street level is fully developed with a structure and paved surface for parking and maneuvering. The property is long and narrow which provides only one possible location for a tree or other plant materials. This location is on the property and adjacent to parking space #3, as identified on the Site Plan. However, the Fitzhugh frontage, and this possible location, is encumbered with overhead power lines and a school zone signal is adjacent to the structure a short distance to the east. The site has two wide driveways restricting planting locations.

A very narrow planting bed is provided along the building frontage adjacent to the existing sidewalk. This is somewhat kept with small vegetation which can provide for a minor green edge to soften the building frontage with proper maintenance. On the street side of the sidewalk, a one-foot wide strip is maintained with groundcover in front of the building and adjacent to the parking lot between driveways. The only existing permeable area for planting trees or other vegetation is on the Cole Avenue parkway, but this is also restricted by the visibility triangle at the street intersection.

### Recommendation

The chief arborist has no objection to the proposed plan and recommends approval.

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





City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 134-024

Data Relative to Subject Property:

Date: 1-23-14

Location address: 3121 Fitzhugh Ave

Zoning District: PD 193 (GR)

Lot No.: / Block No.: 1/1519 Acreage: 4821

Census Tract: 7.01

Street Frontage (in Feet): 1) 157.32 2) 21.54 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): John Weninger

Applicant: John Weninger Telephone:

Mailing Address: 3121 N Fitzhugh Ave Dallas TX 75200 Zip Code:

E-mail Address: jw.123divorce@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 -10' front setback - also a Special Exception to visibility - alternate triangle obstructions, 1) street intersection, landscape plan 2) drive approaches, and 3) alley. VARIANCE

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:

3 of 4 property lines are the same as the building walls +/- inches, the property is 21.5 ft wide at one end and 30 ft wide at the other, uniquely skinny. The lot is a concrete parking lot and a 1500 sq ft building.

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.

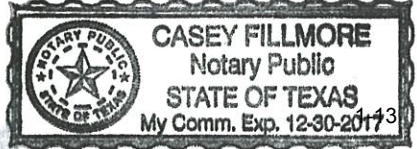
Affidavit

Before me the undersigned on this day personally appeared John A Weninger (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: John A Weninger (Affiant/Applicant's signature)

Subscribed and sworn to before me this 5 day of September, 2014



Casey Fillmore Notary Public in and for Dallas County, Texas

(Rev. 08-01-11)

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

Date of Hearing \_\_\_\_\_

Appeal was---Granted OR Denied

Remarks \_\_\_\_\_

Chairman

Building Official's Report

I hereby certify that JOHN WENINGER

did submit a request for a variance to the front yard setback regulations, and for a special exception to the visibility obstruction regulations, and for a variance to the landscaping regulations

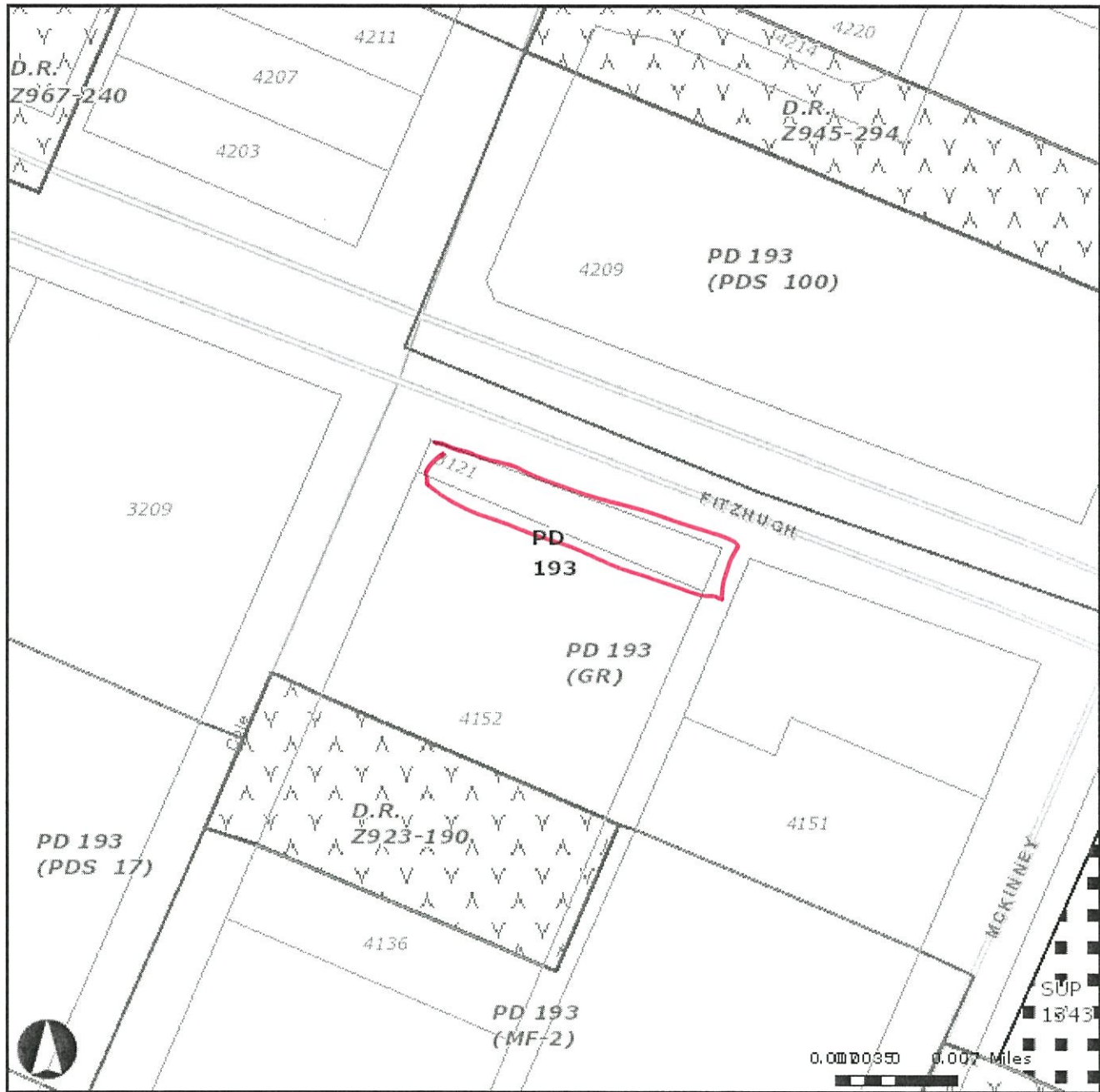
at 3121 N. Fitzhugh Avenue

BDA134-024 Application of John Weninger for a variance to the front yard setback regulations, a variance to the landscaping regulations, and special exceptions to the visibility obstruction regulations at 3121 N. Fitzhugh Avenue. This property is more fully described as a 4,871 sq. ft. unplatted parcel, Block 1/1519 and is zoned PD-193 (GR), which requires a front yard setback of 10 feet and requires mandatory landscaping and requires compliance with visibility triangles at the street intersection, the alley, and drive approaches. The applicant proposes to construct and maintain a nonresidential structure and provide a 0 foot front yard setback, which will require a 10 foot variance to the front yard setback regulation and to provide an alternate landscape plan, which will require a variance to the landscape regulations, and to construct and maintain a nonresidential structure in required visibility obstruction triangles, which will require special exceptions to the visibility obstruction regulations.

Sincerely,

*Larry V. Holmes*  
Larry Holmes, Building Official

# City of Dallas Zoning



City Boundaries



County



Certified Parcels



DISD Sites



Council Districts



Dry Overlay



D



D-1

Historic Overlay



Historic Subdistricts



NSO Overlay

Base Zoning



Floodplain



100 Flood Zone



Mill's Creek



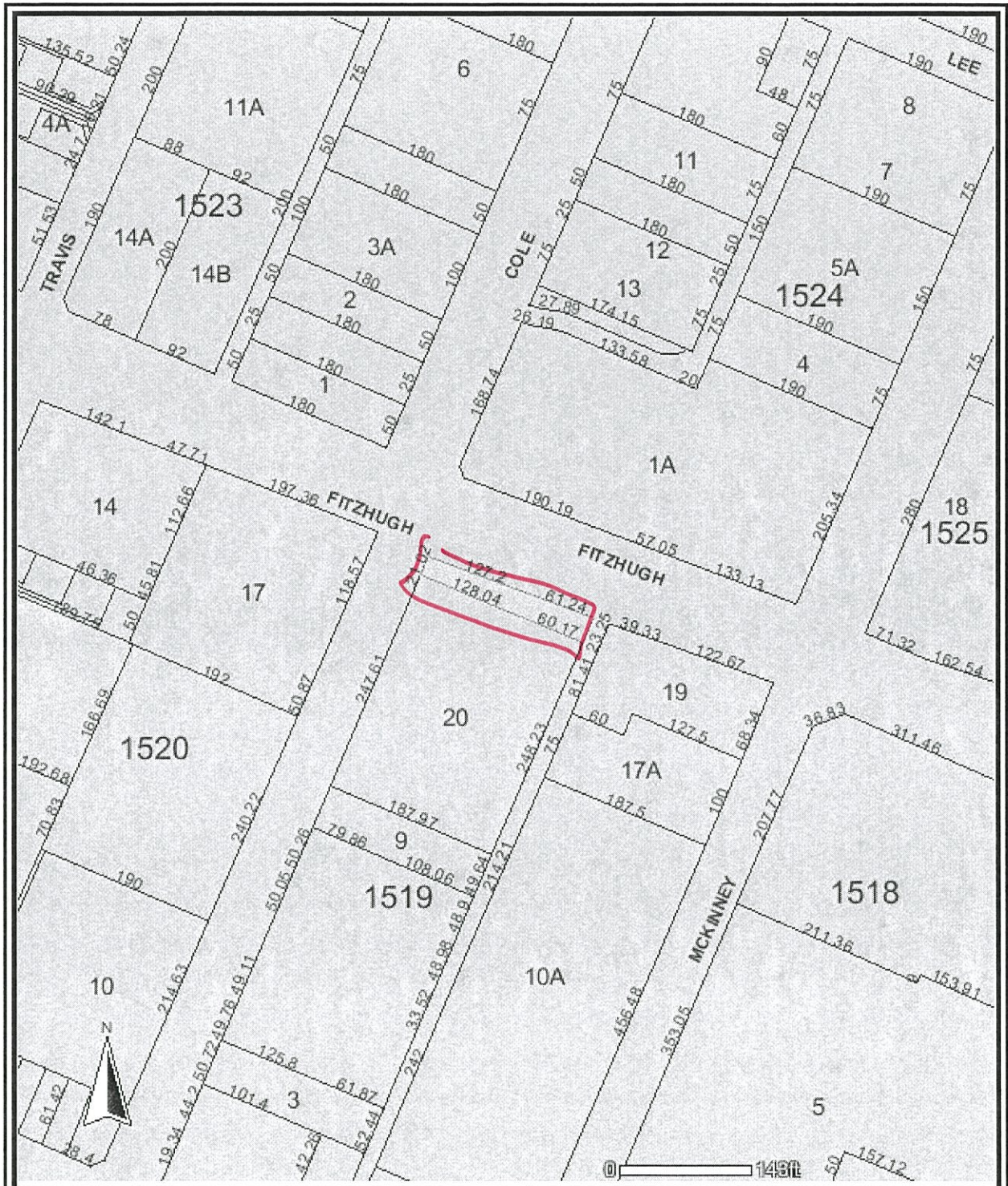
Peak's Branch



X PROTECTED BY LEVEE

Pedestrian Overlay





**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.



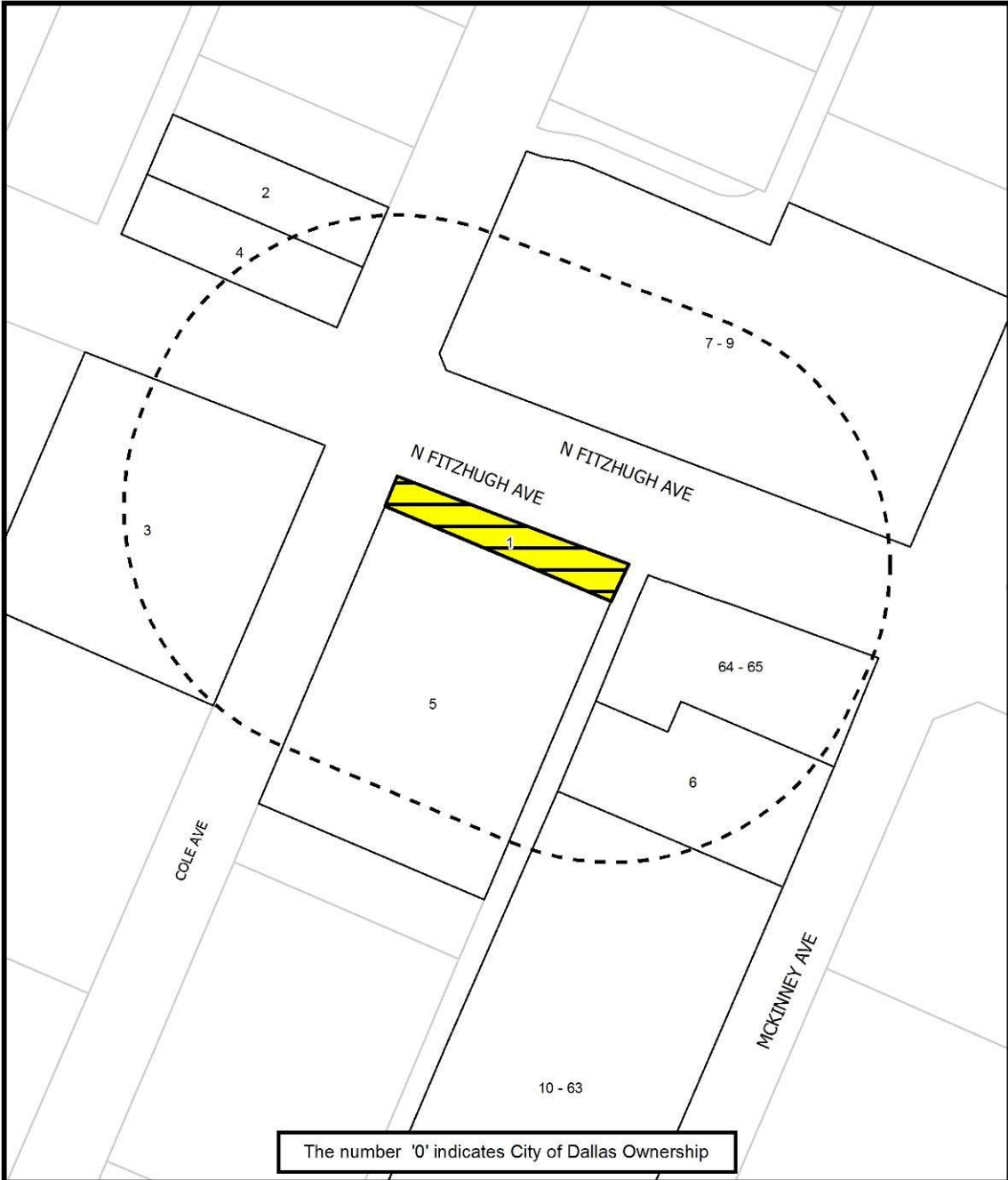












 1:1,200	<b>NOTIFICATION</b>		Case no: <b>BDA134-024</b>
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">65</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <b>10/30/2014</b>	

## *Notification List of Property Owners*

### *BDA134-024*

#### *65 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3121 FITZHUGH AVE	WENINGER JOHN
2	4207 COLE AVE	GRAND BANK CENTRAL
3	3209 FITZHUGH AVE	LAWS STREET LP
4	4203 COLE AVE	GRAND BANK CENTRAL AT
5	4152 COLE AVE	4152 COLE AVE PTNR LTD
6	4151 MCKINNEY AVE	4151 MCKINNEY JV
7	3122 FITZHUGH AVE	TEXACO INC
8	4209 MCKINNEY AVE	HOPE COTTAGE INC
9	4209 MCKINNEY AVE	HOPE COTTAGE INC
10	4121 MCKINNEY AVE	CHAPMAN CARLYLE H &
11	4121 MCKINNEY AVE	BROWN MARCUS D
12	4121 MCKINNEY AVE	GRIFFIN AMANDA L
13	4121 MCKINNEY AVE	SEIDEL DOUGLAS P &
14	4121 MCKINNEY AVE	RICE AMANDA &
15	4121 MCKINNEY AVE	DIXON RONALD
16	4121 MCKINNEY AVE	LOGSDON ANTHONY
17	4121 MCKINNEY AVE	GONZALES STEPHANY & JONATHAN JASON
18	4121 MCKINNEY AVE	SISLE WENDY Z
19	4121 MCKINNEY AVE	PAXSON SARAH M
20	4121 MCKINNEY AVE	CEARLOCK WILLIAM TODD &
21	4121 MCKINNEY AVE	CHERIYAN ABRAHAM &
22	4121 MCKINNEY AVE	KNETSCH WILLIAM LEE
23	4121 MCKINNEY AVE	BOWIE JAMES P &
24	4121 MCKINNEY AVE	MAN JASON S & LIANGPING JIA
25	4121 MCKINNEY AVE	PAYNE MARTIN A
26	4121 MCKINNEY AVE	BART ANDREA M

<b>Label #</b>	<b>Address</b>	<b>Owner</b>
27	4121 MCKINNEY AVE	VAZQUEZ JESSICA
28	4121 MCKINNEY AVE	DONAHUE CRAIG
29	4121 MCKINNEY AVE	MURRAY MOLLY M
30	4121 MCKINNEY AVE	WEGNER RICHARD
31	4121 MCKINNEY AVE	SAAB ANTHONY G &
32	4121 MCKINNEY AVE	MOSIER MATTHEW B
33	4121 MCKINNEY AVE	OUYANG JAENNETTE &
34	4121 MCKINNEY AVE	SEDLIN DAVID
35	4121 MCKINNEY AVE	BROWN MATTHEW T
36	4121 MCKINNEY AVE	TO DUONG HAI &
37	4121 MCKINNEY AVE	DOUGLAS BRITTON
38	4121 MCKINNEY AVE	DYSON FREDERICK M
39	4121 MCKINNEY AVE	CHUNG TAEJIN &
40	4121 MCKINNEY AVE	CARSON DAWN
41	4121 MCKINNEY AVE	CHURCH JULIE A
42	4121 MCKINNEY AVE	MIGLIAZZO NICOLE M
43	4121 MCKINNEY AVE	SUESSMANN KRISTEN MARY
44	4121 MCKINNEY AVE	RUSSO DANIEL
45	4121 MCKINNEY AVE	ELLIS RICHARD E JR
46	4121 MCKINNEY AVE	CHASANOFF STUART J
47	4121 MCKINNEY AVE	DANG NGUYEN &
48	4121 MCKINNEY AVE	SHI KEVIN Y
49	4121 MCKINNEY AVE	CIANFARANI MICHAEL A
50	4121 MCKINNEY AVE	NICEWANDER DAVID
51	4121 MCKINNEY AVE	ROPER VERONICA
52	4121 MCKINNEY AVE	CUSACK PHILLIP J
53	4121 MCKINNEY AVE	FLEMING CHERYL R
54	4121 MCKINNEY AVE	ANSINELLI EMELINE &
55	4121 MCKINNEY AVE	JEKAUC IGOR
56	4121 MCKINNEY AVE	HODGE CHRISTINE
57	4121 MCKINNEY AVE	HEJNY JAYME DANIELLE



10/30/2014

<b>Label #</b>	<b>Address</b>	<b>Owner</b>
58	4121 MCKINNEY AVE	PEARSON DEREK
59	4121 MCKINNEY AVE	RIVERA SARA & FRANK JAMES
60	4121 MCKINNEY AVE	WILLIAMS KIRSTEN GAIL &
61	4121 MCKINNEY AVE	DARAM SHIVA PRASAD & LEKSHMI NANDAKUMAR PI
62	4121 MCKINNEY AVE	JOHNSON R DAVID & BETH ANN
63	4121 MCKINNEY AVE	SHANAHAN RICHARD
64	4161 MCKINNEY AVE	4161 MCKINNEY AVE LLC
65	4161 MCKINNEY AVE	DIEB J STEPHEN

**FILE NUMBER:** BDA 134-106

**BUILDING OFFICIAL'S REPORT:** Application of Ed Simons for a variance to the minimum sidewalk regulations at 1615 Market Center Boulevard. This property is more fully described as Lots 1-9 & 11-16, Block 7/6837, and is zoned PD 621 (Subdistrict 1), which requires sidewalks be constructed per the site design requirements. The applicant proposes to construct and maintain a structure and provide an alternate sidewalk plan, which will require a variance to the minimum sidewalk regulations.

**LOCATION:** 1615 Market Center Boulevard

**APPLICANT:** Ed Simons

**REQUEST:**

A request for a variance to the minimum sidewalk regulations is made to construct and maintain a "building"/structure on a site that is currently partly developed with a commercial structure/use the applicant intends to retain, and not fully meet the sidewalk standards.

**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.

**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- Compliance with the submitted alternate landscape/site plan is required.

Rationale:

- As was concluded by staff in March of 2014 when the applicant applied for and was granted a variance to the landscape regulations on this site by Board of Adjustment Panel B, the subject site is unique and different from most lots in the PD 621 zoning district in that it is of a restrictive size and of an irregular/virtually triangular shape. The narrowness of the site and its irregular shape precludes the applicant from developing it in a manner commensurate with development on other similarly zoned properties that are wider and are not irregularly shaped.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: PD 621 (Planned Development, Subdistrict1)  
North: PD 621 (Planned Development, Subdistrict1)  
South: PD 621 (Planned Development, Subdistrict1)  
East: PD 621 (Planned Development, Subdistrict1)  
West: PD 621 (Planned Development, Subdistrict1)

**Land Use:**

The site is currently developed with a commercial structure/use that the applicant intends to retain. The areas to the north, south, east, and west appear to be developed mostly with commercial/retail uses.

**Zoning/BDA History:**

1. BDA 134-022, Property at 1615 Market Center Boulevard (the subject site) On March 19, 2014, the Board of Adjustment Panel B granted a request for a variance to the landscape regulations, and imposed the submitted alternate landscape plan as a condition to the request. The case report stated that the request was made to construct and maintain a “building”/structure on a site currently developed with a number of commercial structure/uses, some of which the applicant intends to retain, others that he intends to demolish, and not fully meeting the landscape regulations.

**GENERAL FACTS/STAFF ANALYSIS:**

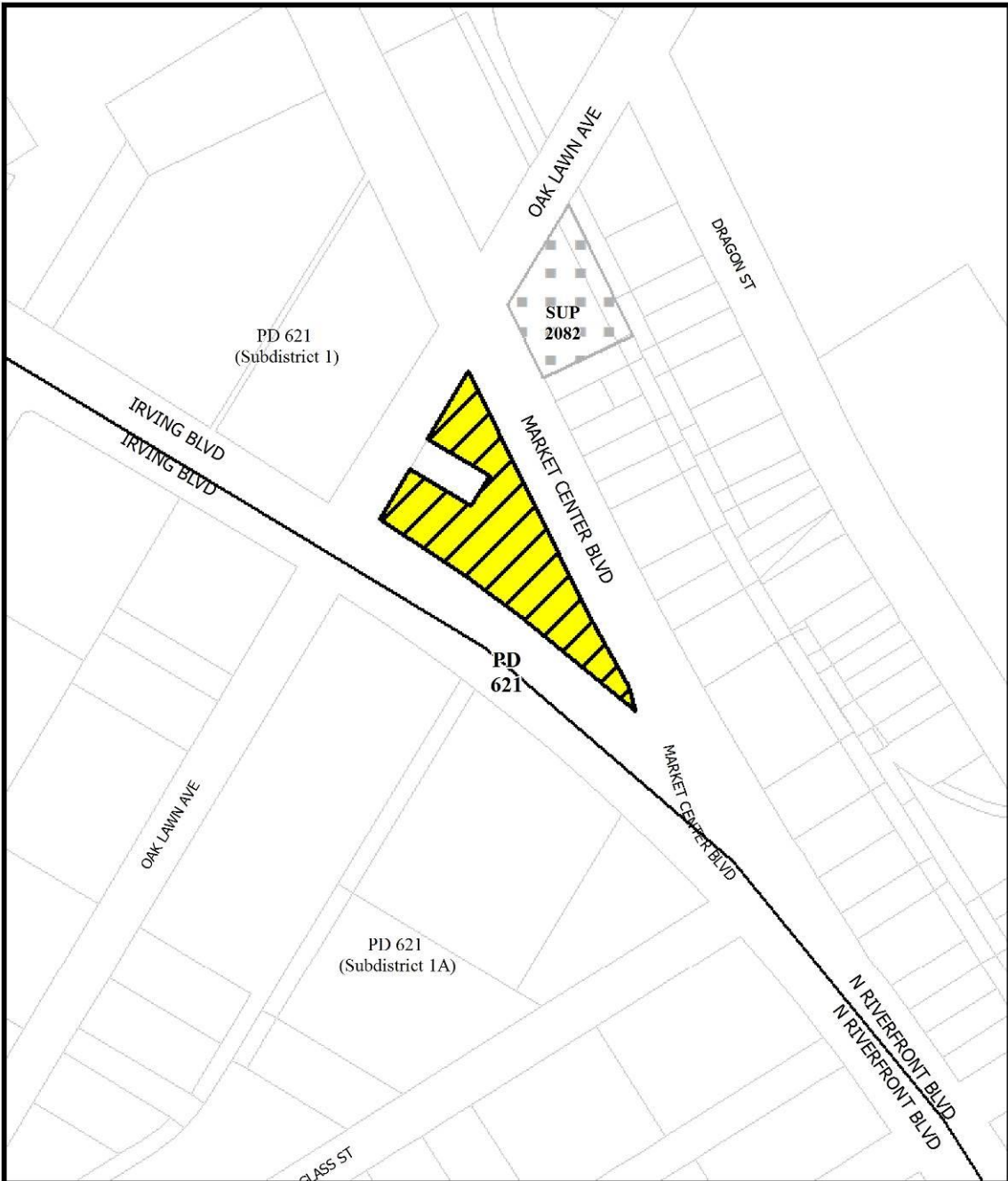
- This request focuses on constructing and maintaining a “building”/structure on a site currently developed with a commercial structure/use which the applicant intends to retain, and not fully meet the sidewalk standards.

- PD 621 provides a number of sidewalk standards for new construction. In general, sidewalks complying with the standards must be provided for all new construction; if a sidewalk is to be located in a front yard, a sidewalk easement must be dedicated to the city to assure its availability to the public for pedestrian access; and except as otherwise provided in PD 621, the requirements of Chapter 43, “Streets and Sidewalks,” apply to all sidewalks. PD 621 provides for specific sidewalk requirements related to location and width.
- The sidewalk standards for new construction of PD 621 state that: 1) sidewalks must be located along the entire length of the street frontage; and 2) sidewalks must be located between 5’- 10’ from back of the projected street curb, except that sidewalks on Oak Lawn Avenue, Irving Boulevard, Market Center Boulevard, and Turtle Creek Boulevard must be located between 5’ – 12’ from back of the projected street curb.
- The applicant has stated that the code requires that the sidewalks be located along the entire frontage between 5 – 10 feet from the curb lines, and that the sidewalks are located on the curb line.
- The submitted site plan appears to show sidewalks on Oak Lawn Avenue, Irving Boulevard, and Market Center Boulevard to be located on the curb lines.
- The applicant has stated that he has submitted the same plan in this application as to what was imposed as a condition to the request for a variance to the landscape regulations granted by Board of Adjustment Panel B on this property in March of 2014.
- The site is flat, virtually triangular in shape, and is approximately 1.3 acres in area. The site is zoned PD 621 (Subarea 1). The site has three front yard setbacks along each street frontages which is typical of any lot that encompasses virtually an entire block not zoned agricultural, single family, or duplex.
- According to DCAD records, the “improvements” at 1615 Market Center Boulevard is a 7,425 square foot “cocktail lounge” built in 1951.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the minimum sidewalk regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD No. 621 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 No. 621 zoning classification.
- If the Board were to grant this request and impose a condition that the applicant must comply with the submitted site/landscape plan, the site would be “varied” from certain minimum sidewalk regulations of PD No. 621 as shown on this submitted site/landscape plan.

## **Timeline:**

- August 29, 2014: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- October 14, 2014: The Sustainable Development and Construction Interim Assistant Director assigned this case to Board of Adjustment Panel B.
- October 15, 2014: 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 October 29<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the November 7<sup>th</sup> 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 15, 2014: The Board Administrator requested the applicant specify which of these specific sidewalk standards he is seeking variance from and to specify what the use is of the new construction on the site other than “building” by noon, October 29<sup>th</sup>.
- September 26, 2014: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).
- November 4, 2014: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for November public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Assistant Building Official, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, the City of Dallas Chief Arborist, and the Assistant City Attorney to the Board.

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



1:2,400

# ZONING MAP

Case no: BDA134-106

Date: 10/29/2014





1:2,400

# AERIAL MAP

Case no: BDA134-106

Date: 10/29/2014

BDA-134-106

Attach A

October 27, 2014

Steve Long, Board Administrator  
1500 Marilla, Room 5B North  
Dallas, Texas 75202

Re: BDA-134-106, 1615 Market Center

Dear Mr. Long:

The purpose of this appeal is to remedy the location of the sidewalks. It had been presumed by me and maybe some staff that the sidewalk locations were a component of the landscape regulations that were granted a variance at the previous board hearing. Technically they are a separate standard and deserve a separate consideration. We are requesting the board to approve the location shown on the approved landscape plan.

The code requires that the sidewalks be located along the entire frontage between 5 and 10 feet from the curb lines. Our property has frontage along 3 streets. The sidewalks are located at the curb line because the PD also encourages the use of head in parking by allowing to count as off street parking in section 51P- 621.110. The head in parking uses all of the right-of-way except for the area we provide sidewalks. The sidewalks we show were approved by the Streets Department and meets their standards.

Please contact me at 214-761-9197 if you need more information.

Sincerely,

Ed Simons





City of Dallas

B

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 134-106

Data Relative to Subject Property:

Date: August 29, 2014

Location address: 1615 Market Center Zoning District: PD 621

Lot No.: 1-9, 11-16 Block No.: 7/6837 Acreage: 1.2617 Census Tract: 100.00

Street Frontage (in Feet): 1) 579.82 2) 210 3) 490 4) \_\_\_\_\_ 5) \_\_\_\_\_

*gw 20A*

To the Honorable Board of Adjustment:

Owner of Property/or Principal Prescott Interests LTD.

Applicant: Ed Simons, Masterplan Telephone: 214-761-9197

Mailing Address 900 Jackson Street, Suite 640 Zip Code: 75202

Represented by: Same Telephone: \_\_\_\_\_

Mailing Address: Same Zip Code: \_\_\_\_\_

Affirm that a request has been made for a Variance X, or Special Exception   , of minimum sidewalk regulations

Application is now made to the Honorable Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described request for the following reason: The sidewalk placement is compatible with the approved head in parking alignment and approved landscape plan. The site is triangular and the width narrows.

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

Respectfully submitted: Ed Simons Applicant's name printed [Signature] Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared Ed Simons who on (his/her) oath certifies that the above statements are true and correct to his best knowledge and that he is the owner/or principal/or authorized representative of the subject property.

[Signature]  
Affiant (Applicant's signature)

Subscribed and sworn to before me this 29 day of August, 20 14

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



BDA 134-106

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

Date of Hearing \_\_\_\_\_

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

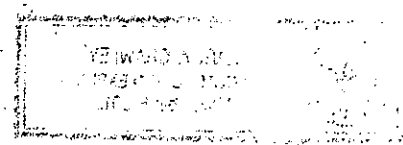
I hereby certify that Ed Simons

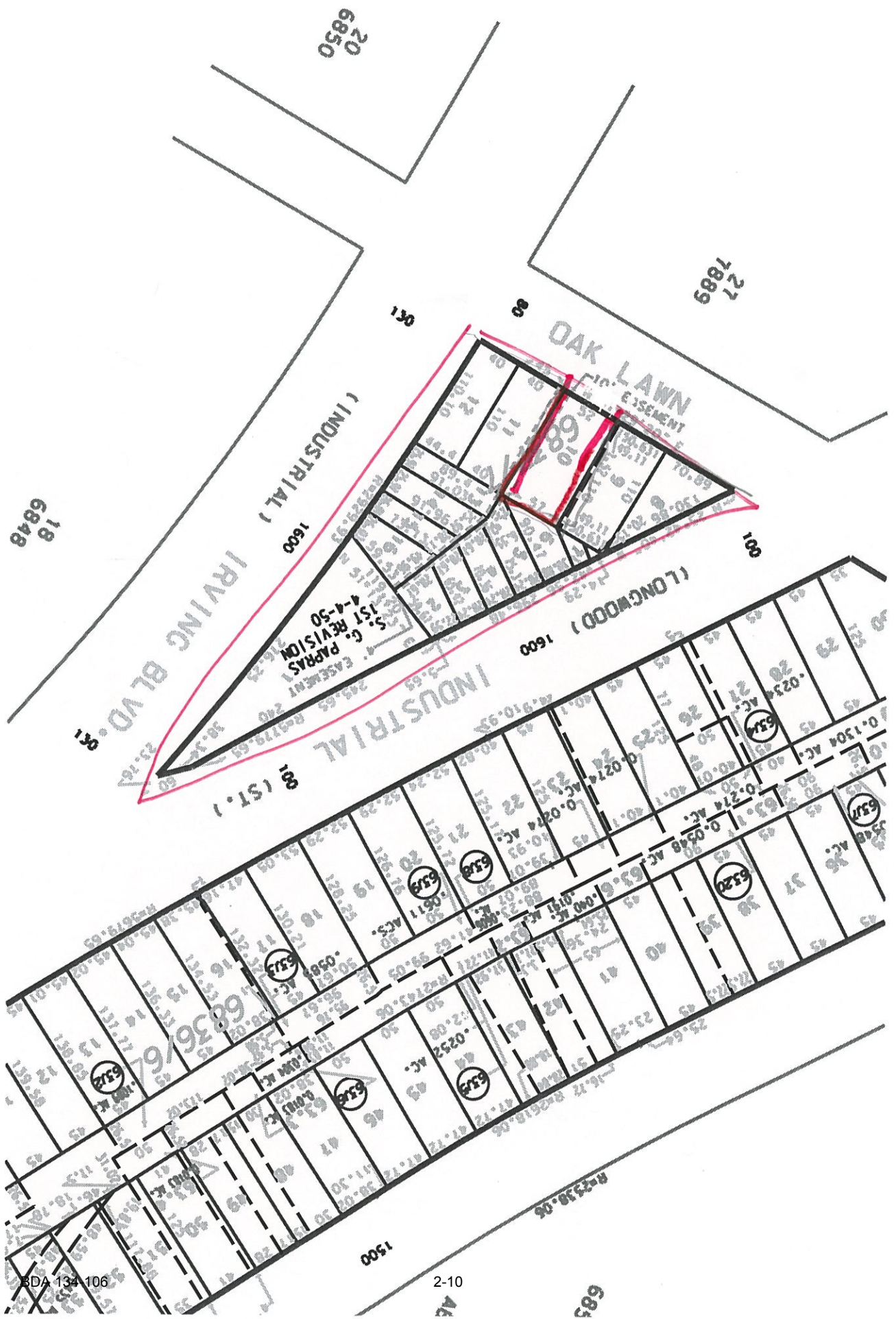
did submit a request for a variance to the sidewalk requirements  
at 1615 Market Center Blvd.

BDA134-106. Application of Ed Simons for a variance to the sidewalk requirements at 1615 Market Center Blvd. This property is more fully described as Lots 1-9 & 11-16, Block 7/6837, and is zoned PD-621 (Subdistrict 1), which requires sidewalks be constructed per the site design requirements. The applicant proposes to construct a nonresidential structure and provide an alternate sidewalk plan, which will require a variance to the sidewalk standards for new construction.

Sincerely,

  
Larry Holmes, Building Official





20  
6850

27  
1889

18  
6848

OAK LAWN  
EASEMENT

(INDUSTRIAL)  
1600

(LONGWOOD)  
1600

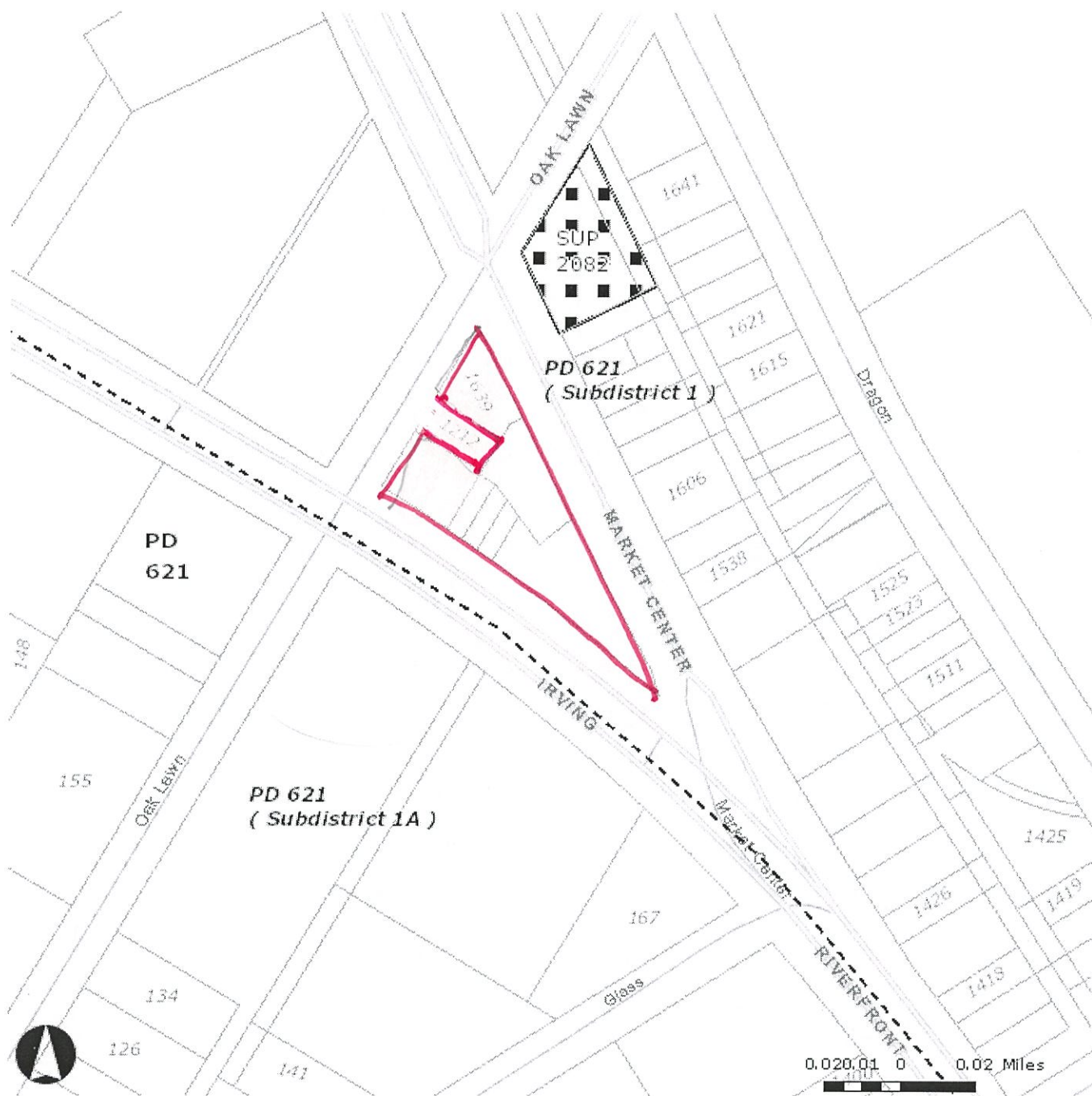
INDUSTRIAL

8 (ST.)

S.G. PARRAS  
4-4-50  
1ST REVISION  
CASEMENT

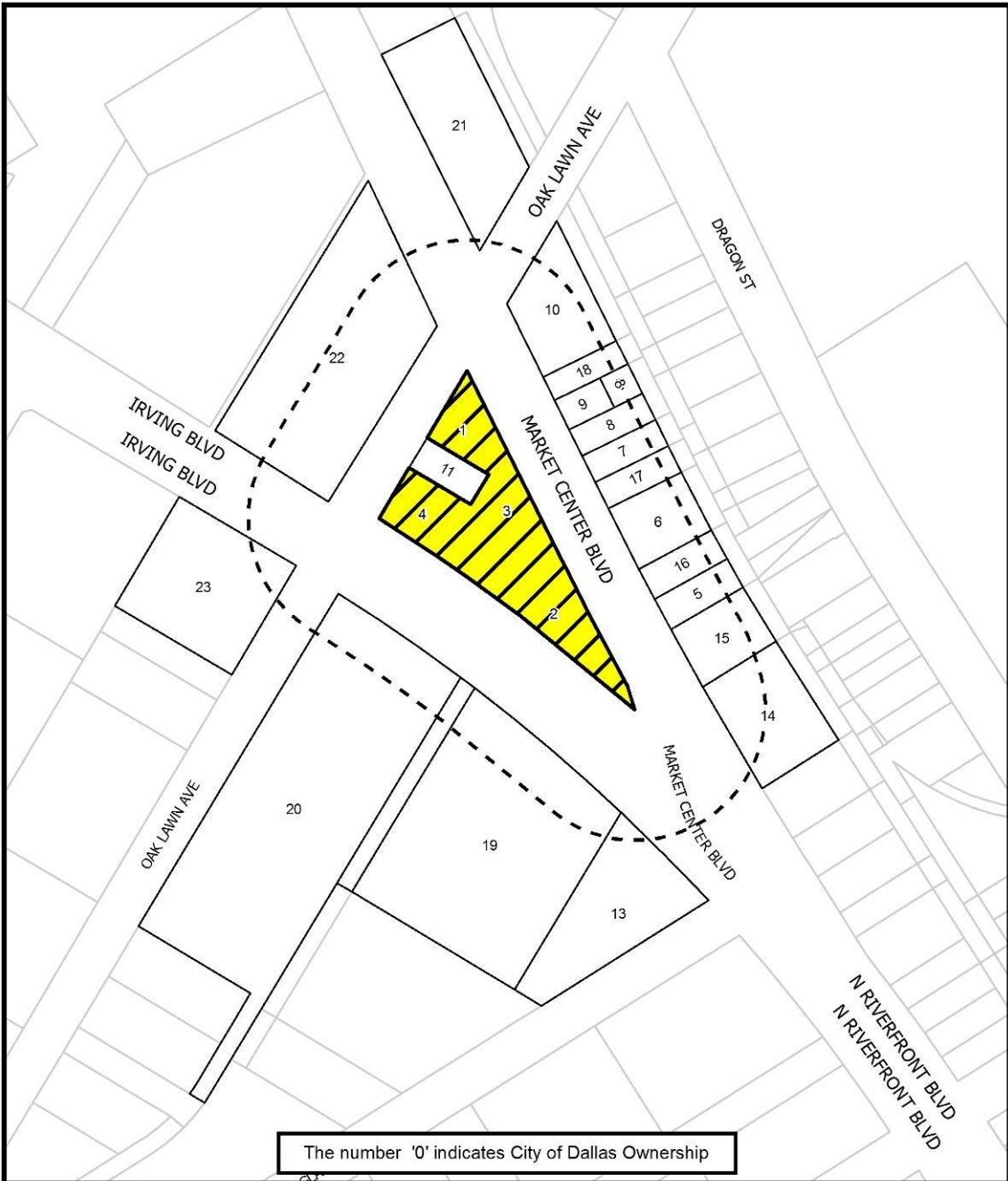
1500

685









 1:2,400	<b>NOTIFICATION</b>		Case no: <b>BDA134-106</b>
	<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;">23</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: <b>10/29/2014</b>

# *Notification List of Property Owners*

## *BDA134-106*

### *23 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1639 MARKET CENTER BLVD	PRESCOTT INDUSTRIES LTD
2	1601 MARKET CENTER BLVD	PRESCOTT INDUSTRIES LTD
3	1615 MARKET CENTER BLVD	PRESCOTT INDUSTRIES LTD
4	1630 IRVING BLVD	PRESCOTT INDUSTRIES LTD
5	1538 MARKET CENTER BLVD	XFP LTD PS
6	1606 MARKET CENTER BLVD	K&B INVESTMENTS INC
7	1618 MARKET CENTER BLVD	PADIAN JOSEPH J
8	1622 MARKET CENTER BLVD	1622 MARKET CENTER LLC
9	1626 MARKET CENTER BLVD	ESTRELLO RAYMONDO C
10	1634 MARKET CENTER BLVD	PRESCOTT INTERESTS 1300 OAK LAWN LTD
11	1212 OAK LAWN AVE	PRESCOTT INTERESTS LTD
12	1501 RIVERFRONT BLVD	GREEN VALLEY INTL INC
13	167 GLASS ST	DALLAS CONTEMPORARY
14	1522 MARKET CENTER BLVD	HARGROVE ELECTRIC CORP
15	1530 MARKET CENTER BLVD	HENSLEY SUSAN JUNE
16	1602 MARKET CENTER BLVD	XFP LTD PS
17	1614 MARKET CENTER BLVD	PADIAN JOSEPH J
18	1632 MARKET CENTER BLVD	ESTRELLO RAYMONDO C
19	1501 MARKET CENTER BLVD	CHANG GEORGE C M &
20	180 OAK LAWN AVE	JLK LTD
21	1708 MARKET CENTER BLVD	STEVENS DAVID & SHELLEY
22	1201 OAK LAWN AVE	343 W SUNSET LTD
23	175 OAK LAWN AVE	WSL JKO VENTURES LTD

**FILE NUMBER:** BDA 134-113

**BUILDING OFFICIAL'S REPORT:** Application of Robert Reeves of Robert Reeves and Associates for a special exception to the single family use regulations at 414 N. Windomere Avenue. This property is more fully described as Lot 2, Block 13/3272, and is zoned PD 87 (Tract 1), H/15, which limits the number of dwelling units to one. The applicant proposes to construct and maintain an additional dwelling unit, which will require a special exception to the single family use regulations.

**LOCATION:** 414 N. Windomere Avenue

**APPLICANT:** Robert Reeves of Robert Reeves and Associates

**REQUEST:**

A request for a special exception to the single family use development standard regulations is made to convert and maintain with interior renovations only an existing two-story accessory structure into an additional "dwelling unit" on a site currently developed with a separate two-story dwelling unit/single family home structure.

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

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

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

**STAFF RECOMMENDATION:**

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



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

**Zoning:**

Site: PD 87, H 15 (Planned Development, Historic)  
North: PD 87, H 15 (Planned Development, Historic)  
South: PD 87, H 15 (Planned Development, Historic)  
East: PD 87, H 15 (Planned Development, Historic)  
West: PD 87, H 15 (Planned Development, Historic)

**Land Use:**

The subject site is developed with a single family use – a main two story dwelling unit structure with a detached two-story accessory structure that the applicant intends to convert with interior modifications only to an additional “dwelling unit”. The areas to the north, south, east, and west are developed with single family uses.

**Zoning/BDA History:**

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

**GENERAL FACTS/STAFF ANALYSIS:**

- This request focuses on converting and maintaining with interior renovations only an existing two-story accessory structure into an additional “dwelling unit” on a site currently developed with a separate two-story dwelling unit/single family home structure.
- The site is zoned PD 87, H 15 (Tract 1 ) that states that except as otherwise provided in the ordinance, the development standards in the Dallas Development Code applicable to an R-7.5 Single-Family District applies. The R-7.5 zoning district permits “single family” use.
- The Dallas Development Code defines “single family” use as “one dwelling unit located on a lot;” and defines a “dwelling unit” as “one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.”
- The single family use regulations of the Chapter 51 state that one dwelling unit may be located on a lot, and that the board of adjustment may grant a special exception to this provision and authorize an additional dwelling unit in any district when, in the opinion of the board, the additional dwelling will not: 1) be used as rental accommodations; or 2) adversely affect neighboring properties.

- A site plan and a site plan/elevation/floor plan has been submitted denoting the locations of two building footprints on the site, the larger of the two denoted as “existing two story framed residence” and the smaller of the two denoted as “existing two story detached garage.” In addition to these documents, the applicant has submitted a document entitled “second floor new construction” that appears to be a representation of the rooms the applicant wants to convert in the second floor of the “existing two story detached garage.” While the submitted site plan/elevation/floor plan indicates that the second floor of the “existing two story detached garage” as a “game room,” the separate submitted floor plan entitled “second floor for new construction” shows the following rooms: bedroom, living, kitchen/dining, and while not labeled, what appears to be a bathroom.
- Building Inspection staff has reviewed the submitted floor plan of the accessory structure and deemed it to be a dwelling unit - that is per Code definition: “one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.”
- This request appears to center on the function of what is proposed to be located inside the existing two story accessory structure on the site. The applicant has stated that he is not expanding the existing accessory building and that regardless of the board action, the structure will remain in its current form and this client can still proceed with the same remodeling plan shown in the application but remove the kitchen, bathroom, or bedroom.
- The applicant has represented that the structure as it is represented on his submitted site plans complies with the all other applicable zoning code development standards since no application has been made for variance to setbacks or any other zoning code provision.
- It appears that if certain notations were removed from the second floor plan of the accessory structure (elimination of the “kitchen/dining” notation of the accessory structure) the structure then could be modified and maintained by right.
- DCAD records indicate that the property at 414 N. Windomere Avenue has the following improvements:
  - “main improvement:” a structure built in 1927 with 2,246 square feet of living and total area; and
  - “additional improvement:” a 540 square foot detached garage.
- As of November 10, 2014, three letters had been submitted to staff in support of the application and no letters had been submitted in opposition.
- The applicant has the burden of proof in establishing that the additional dwelling unit will not be used as rental accommodations (by providing deed restrictions, if approved) and will not adversely affect neighboring properties.
- If the Board were to approve this request, the Board may choose to impose a condition that the applicant comply with the submitted site plan if they feel it is necessary to ensure that the special exception will not adversely affect neighboring properties. But granting this special exception request will not provide any relief to the Dallas Development Code regulations other than allowing an additional dwelling unit on the site (i.e. development on the site must meet all required code requirements including setback and lot coverage requirements).

- The Dallas Development Code states that in granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.

**Timeline:**

September 19, 2014: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

October 14, 2014: The Interim Assistant Director of Sustainable Development and Construction acting on behalf of the Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

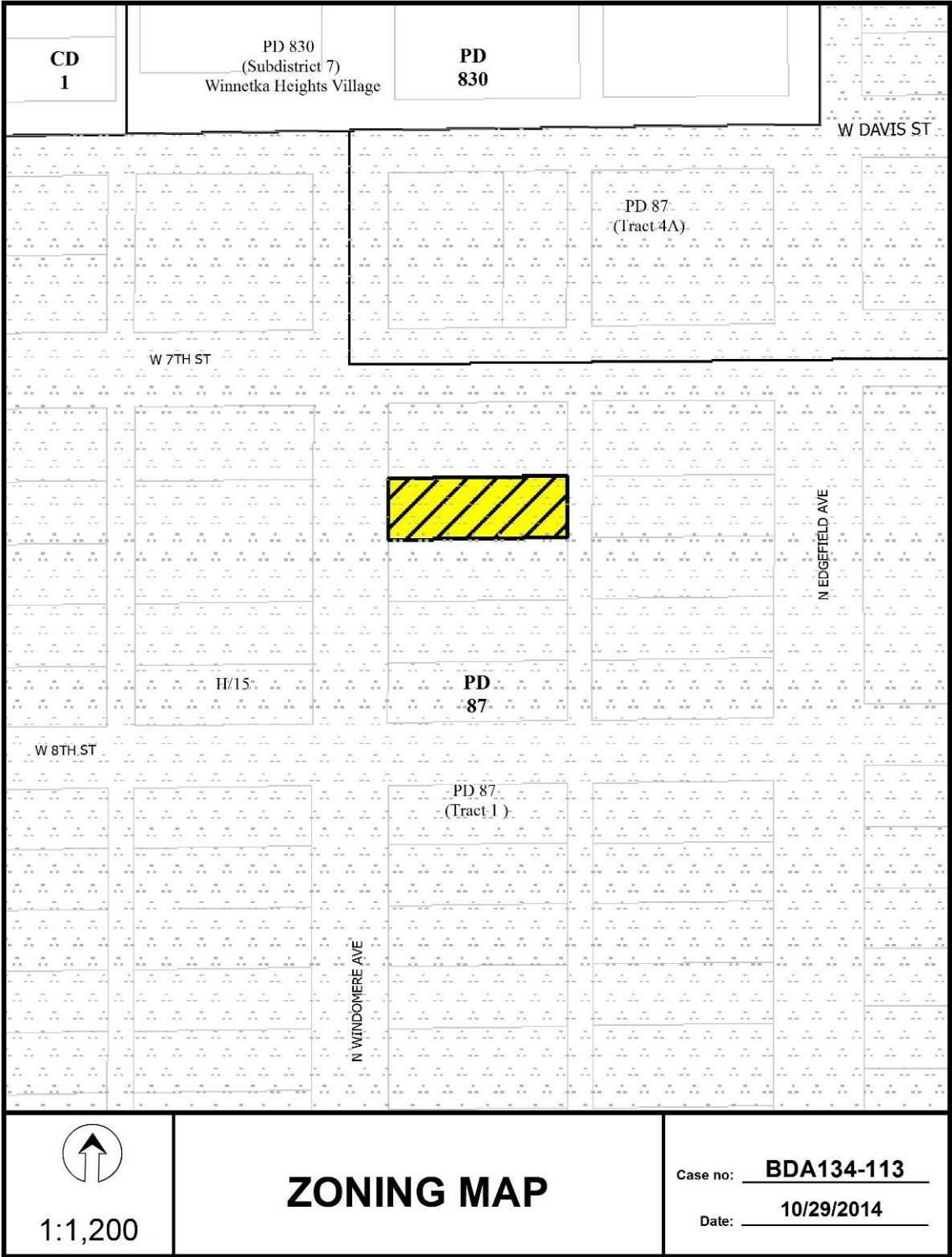
October 14, 2014: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the October 29<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the November 7<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

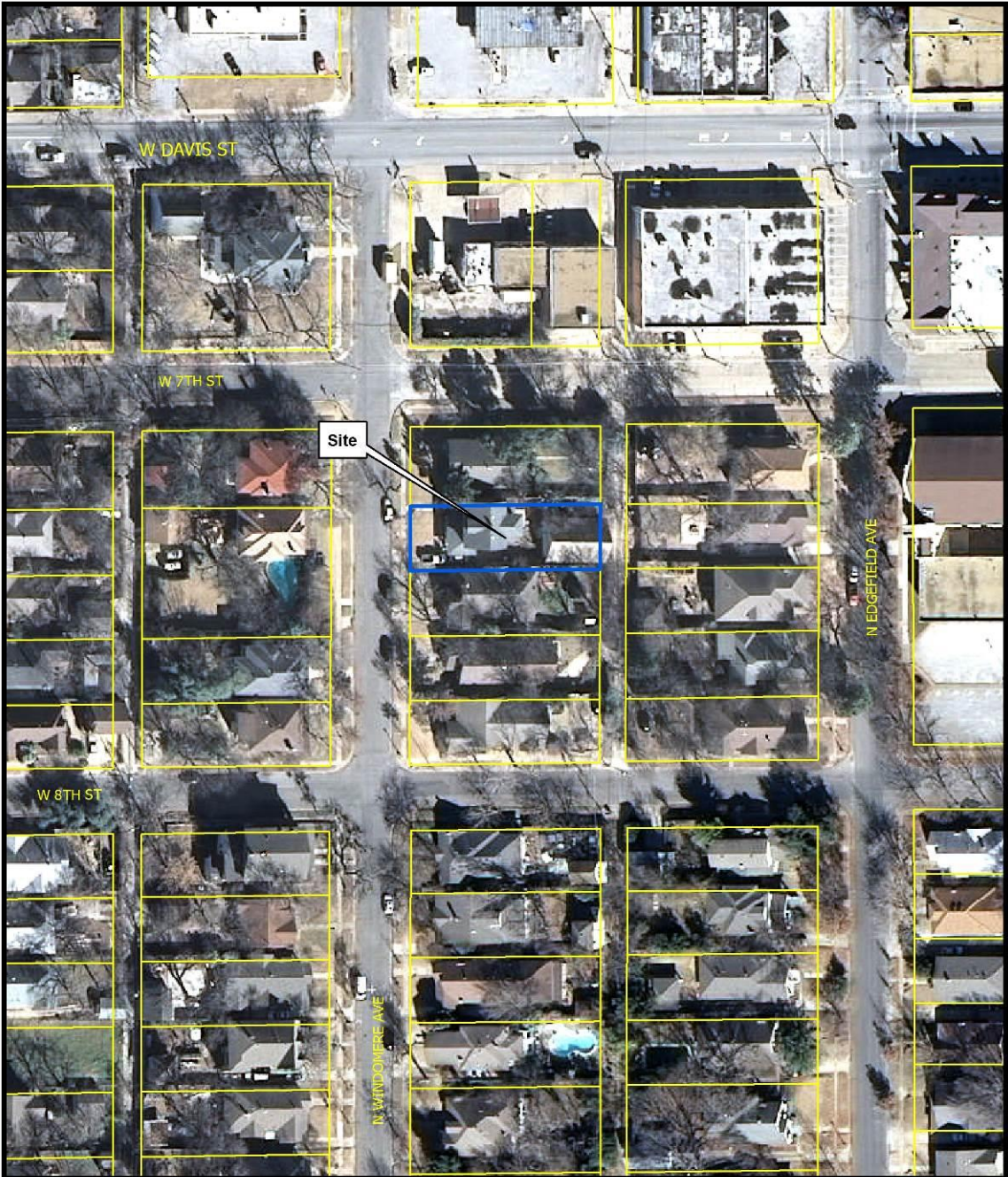
October 30, 2014: The Sustainable Development and Construction Historic Preservation Senior Planner emailed the Board Administrator the following comment: “414 N. Windomere is located within the Winnetka Heights historic district. Any exterior changes require review by the Landmark Commission through the Certificated of Appropriateness application process.” (Note that the applicant has indicated that his client has been meeting with the staff on proceeding with an application for a CA).

November 4, 2014: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for November public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Assistant Building Official, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, the City of Dallas Chief Arborist, and the Assistant City Attorney to the Board.

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







1:1,200

# AERIAL MAP

Case no: BDA134-113

Date: 10/29/2014





B

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 134-113

Data Relative to Subject Property:

Date: 9/19/14

Location address: 414 N. Windomere Ave. Zoning District: PD No.87, Tract 1, H/15 Winnetka Heights Historic Overlay

Lot No.: 2 Block No.: 13/3272 Acreage: .167 Census Tract: 52 46.00

Street Frontage (in Feet): 1) 49.5' Windomere 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ SW16

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Allyson B. and Christopher M. Harrison, husband and wife

Applicant: Robert Reeves Telephone: (214) 749-0530

Mailing Address: 900 Jackson St., Suite 160, Dallas, Texas Zip Code: 75202

E-mail Address: rob.reeves@sbcglobal.net

Represented by: Robert Reeves & Associates, Inc. Telephone: (214) 749-0530

Mailing Address: 900 Jackson St., Suite 160, Dallas, Texas Zip Code: 75202

E-mail Address: rob.reeves@sbcglobal.net

Affirm that a request has been made for a Variance   , or Special Exception X, of an additional dwelling unit.

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

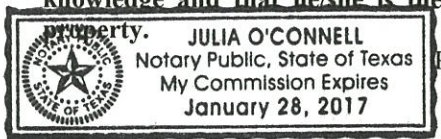
The Harrison's would like to use the existing accessory structure as their residence while construction on the main home is completed. After construction is completed on the main home, they would like to use the additional dwelling unit as a future residence for Mrs. Harrison's aging father. The owners will not use the structure as rental property and will execute restrictions to that effect.

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

Affidavit

Before me the undersigned on this day personally appeared Robert Reeves  
(Affidavit/Applicant's Name)

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



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

Subscribed and sworn to before me this 19 day of September, 2014.

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

(Rev. 08-01-11)

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

Date of Hearing \_\_\_\_\_

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

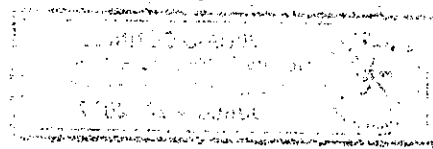
I hereby certify that Robert Reeves

did submit a request for a special exception to the single family regulations  
at 414 N. Windomere Avenue

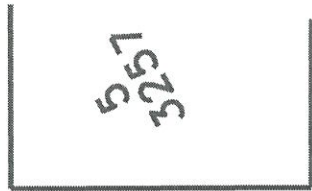
BDA134-113. Application of Robert Reeves for a special exception to the single family use regulations at 414 N. Windomere Avenue. This property is more fully described as Lot 2, Block 13/3272, and is zoned PD-87 (Tract 1), H/15, which limits the number of dwelling units to one. The applicant proposes to construct an additional dwelling unit, which will require a special exception to the single family zoning use regulations.

Sincerely,

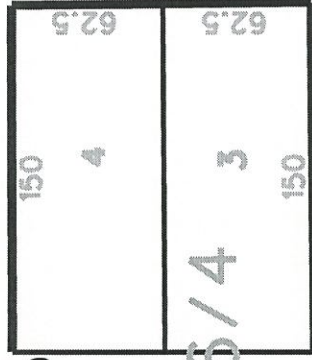
  
Larry Holmes, Building Official



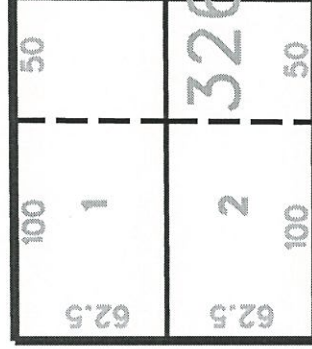
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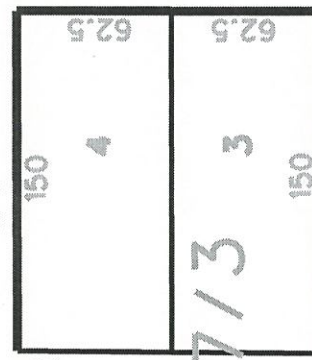
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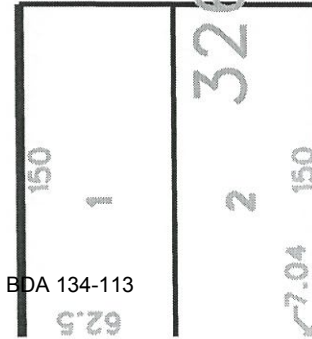
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150 62.5 1 150 62.5 3 20 150

BDA 134-113

3267/3

3266/4

60

500

60 1400

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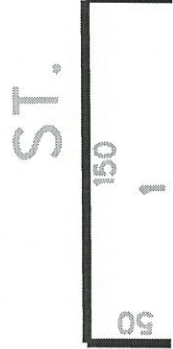
AVE.

AVE.

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1400



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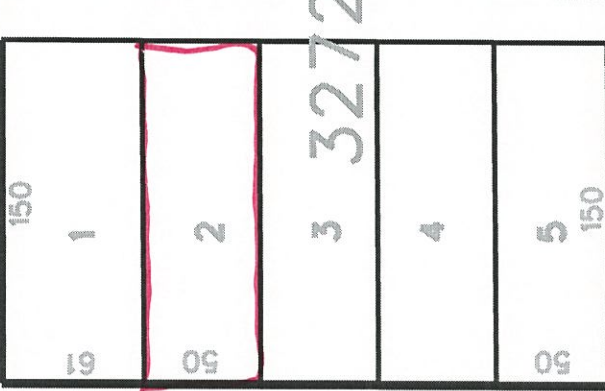
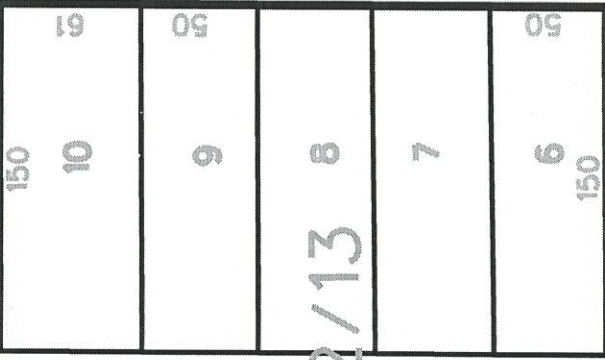
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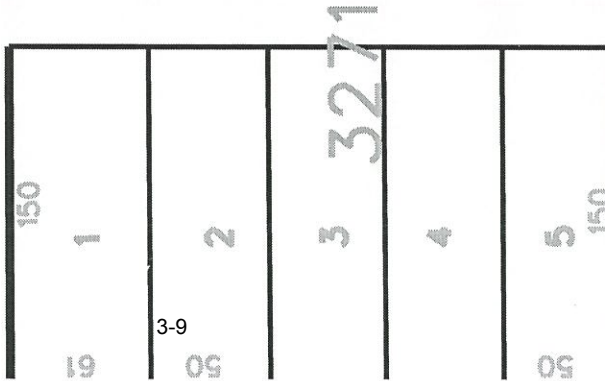
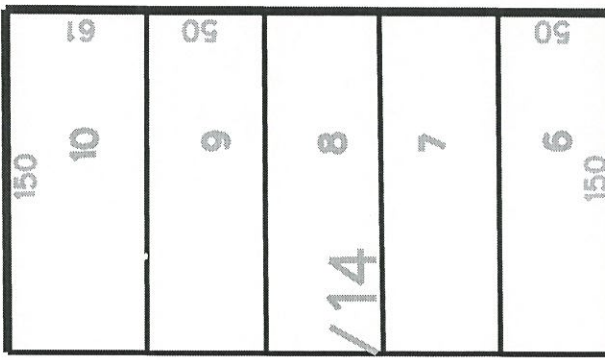


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400



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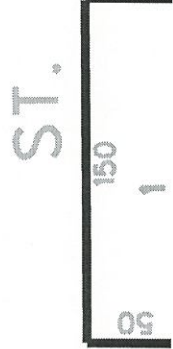
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3271/14

3272/13

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1400



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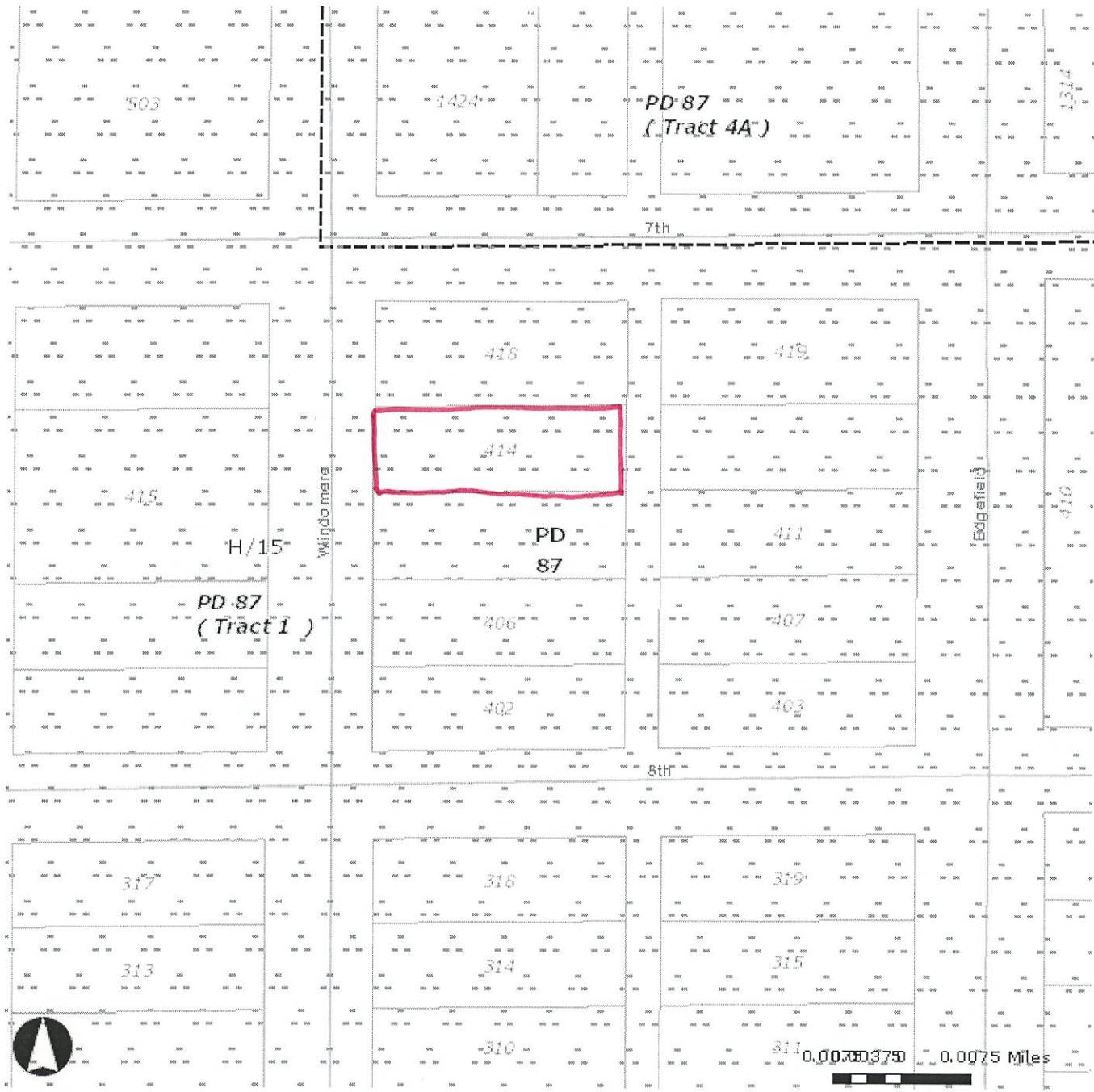


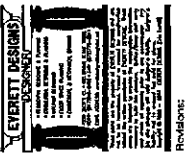
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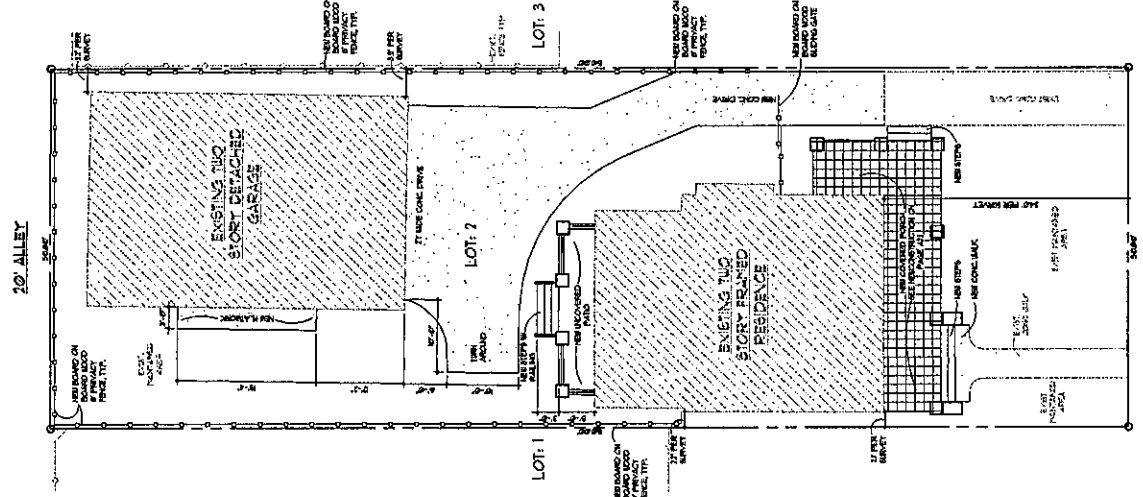




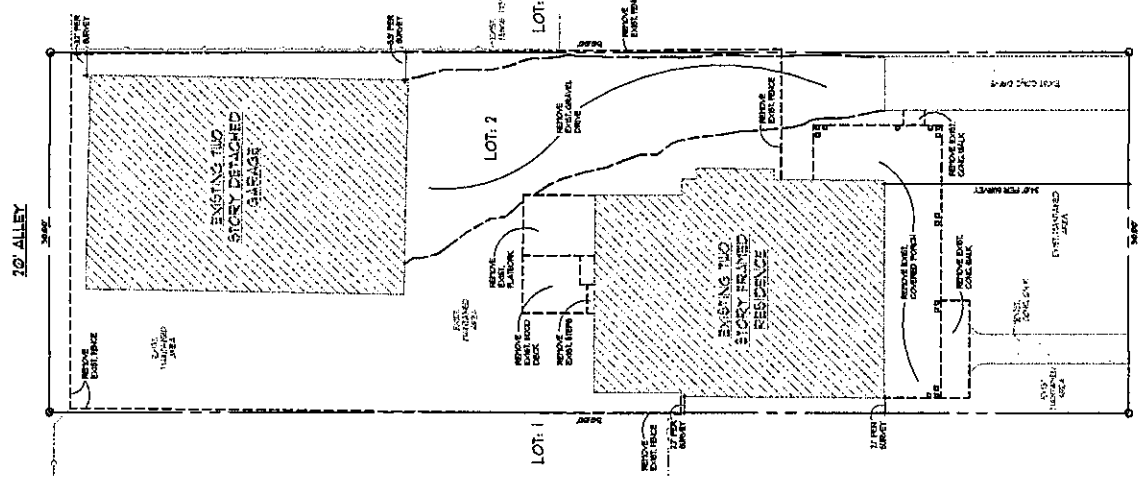


Revisions:

- SITE NEW CONSTRUCTION NOTES:**
1. OWNER/ARCHITECT TO NOTIFY DEPARTMENT OF AIR QUALITY CONTROL PRIOR TO COMMENCING ANY WORK.
  2. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE IBC AND ALL APPLICABLE LOCAL ORDINANCES.
  3. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE IBC AND ALL APPLICABLE LOCAL ORDINANCES.
  4. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE IBC AND ALL APPLICABLE LOCAL ORDINANCES.
  5. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE IBC AND ALL APPLICABLE LOCAL ORDINANCES.



- SITE DETENTION NOTES:**
1. OWNER/ARCHITECT TO NOTIFY DEPARTMENT OF AIR QUALITY CONTROL PRIOR TO COMMENCING ANY WORK.
  2. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE IBC AND ALL APPLICABLE LOCAL ORDINANCES.
  3. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE IBC AND ALL APPLICABLE LOCAL ORDINANCES.
  4. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE IBC AND ALL APPLICABLE LOCAL ORDINANCES.
  5. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE IBC AND ALL APPLICABLE LOCAL ORDINANCES.
  6. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE IBC AND ALL APPLICABLE LOCAL ORDINANCES.



HARRISON RESIDENCE  
 WINNETKA HEIGHTS ADDITION  
 414 NORTH WINDOMERE AVENUE (LOT 2, BLOCK: 13/3272  
 DALLAS, TEXAS 75208

DATE: 04/28/14  
 SHEET #

**A1.2**  
 PLAN # ED14-03-ADMT

414 NORTH WINDOMERE AVENUE  
 NEW SITE CONSTRUCTION PLAN  
 SCALE: 1/4" = 1'-0"

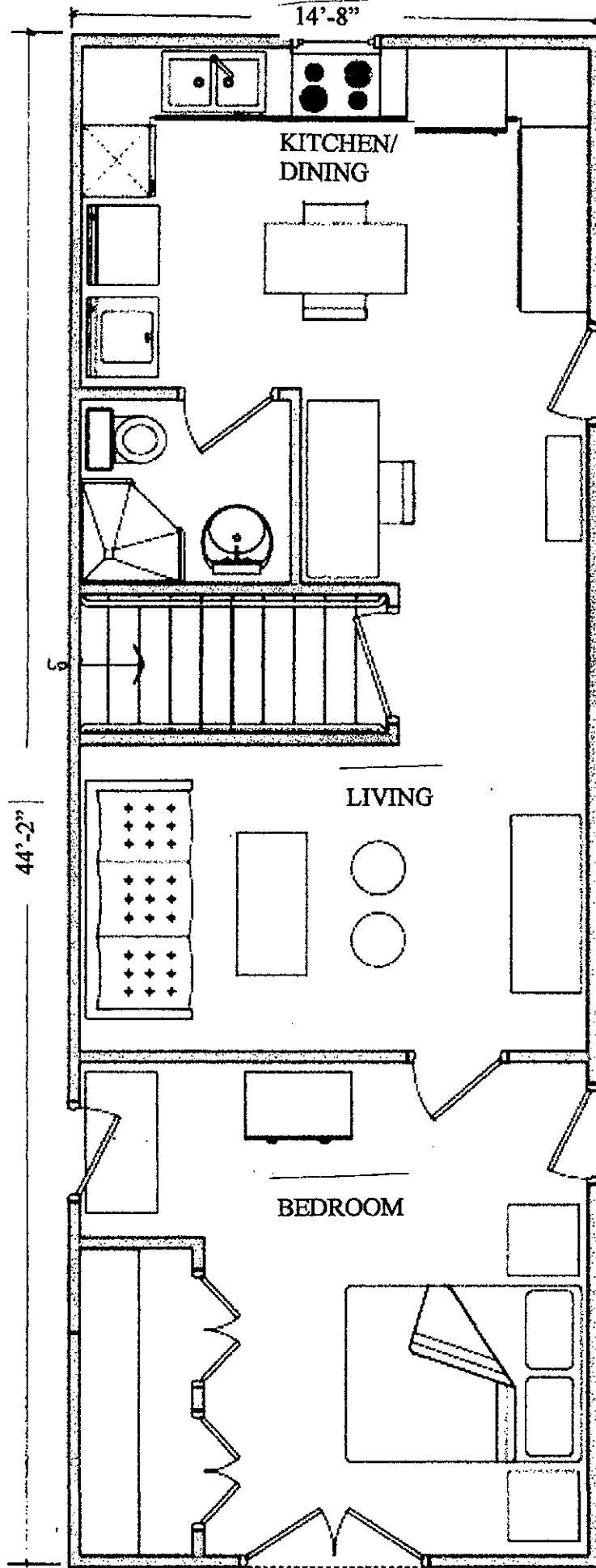
414 NORTH WINDOMERE AVENUE  
 SITE DETENTION PLAN  
 SCALE: 1/4" = 1'-0"

# HARRISON RESIDENCE

WINNETKA HEIGHTS ADDITION

414 NORTH WINDOMERE AVENUE (LOT: 2, BLOCK: 13/3272)

DALLAS, TEXAS 75208



SECOND FLOOR  
NEW CONSTRUCTION

**ROBERT REEVES**  
& Associates, Inc.  
PLANNING AND ZONING CONSULTANTS

September 22, 2014

Todd Duerksen  
Building Inspection  
Department of Sustainable Development and Construction  
320 East Jefferson, Room 105  
Dallas, Texas 75203

Re: Board of Adjustment Special Exception Application Request for an Additional Dwelling Unit at 414 N. Windomere Ave.

Dear Todd,

On behalf of my clients, Christopher and Allyson Harrison, I am submitting a request for a special exception for an additional dwelling unit for their property at 414 N. Windomere Ave.

The Harrison's recently purchased the subject property which requires extensive remodeling before the home is livable. There is an existing 2-story detached garage structure located in the back of the property which the Harrison's would like to remodel for the purposes of residing in that structure while construction is underway at the main house. Using the existing 2-story accessory structure as their main residence during construction would allow them to give up their current leased residence saving them the significant cost of the monthly rent. After the main house is completed, they would like to keep the 2-story dwelling unit for use by Mrs. Harrison's aging father. They do not intend to use the structure for rental property and would agree to any deed restrictions to that effect.

The property at 414 N. Windomere is currently zoned Planned Development District 87, (Tract 1), H/15 Winnetka Heights Historic Overlay, specifically block 13/3272, Lot 2. The site is developed with a single family use – a main dwelling unit structure and accessory structure that are both currently vacant. The main house has 2,246 square feet of living area and was built in 1927. The accessory building is a 2-story detached garage with 540 square feet on each floor, which was built in 1982. This request focuses on modifying and maintaining the existing 2-story detached garage as an additional dwelling unit.

We understand that the Harrison's have the burden of proof to establish the necessary facts to warrant favorable action by the board. We also understand that the board of adjustment may grant a special exception to authorize an additional dwelling unit in any district when, in the option of the board, the additional dwelling unit will not be used as rental accommodations or would adversely affect the neighboring properties. To that end, the Harrison's will agree to deed restrict their property at 414 N. Windomere Ave. to prevent the use of the additional dwelling unit for rental accommodations. We respectfully ask that the board approve our request to grant a special exception to authorize an additional dwelling unit at 414 N. Windomere Ave.

Sincerely,



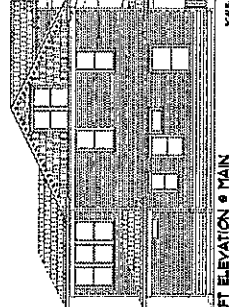
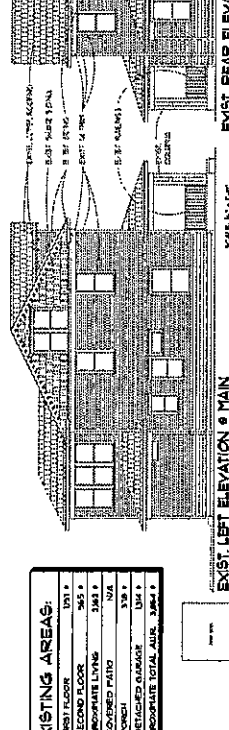
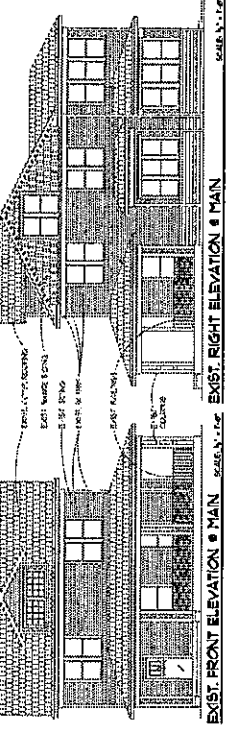
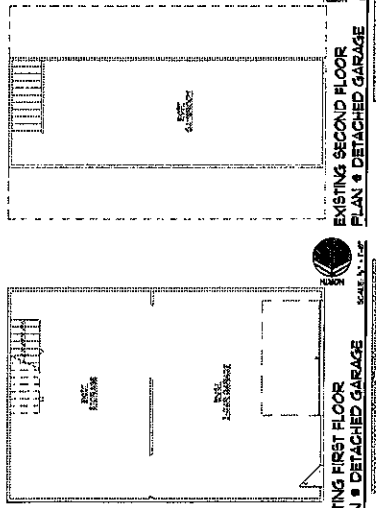
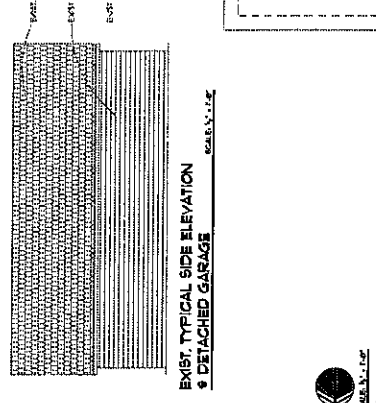
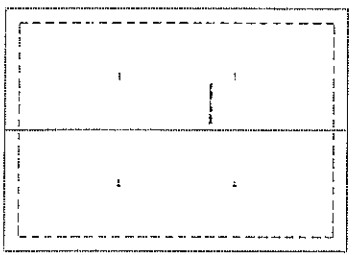
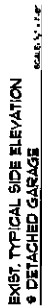
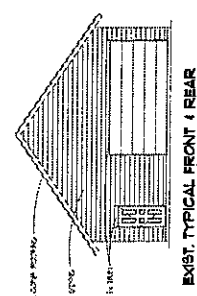
Robert Reeves

**EVERETT DESIGNERS**  
 ARCHITECTS & INTERIORS  
 11000 W. NORTH CENTRAL AVENUE, SUITE 100  
 DALLAS, TEXAS 75228  
 TEL: 972.382.1100  
 FAX: 972.382.1101  
 WWW.EVERETTD.COM

Revisions:

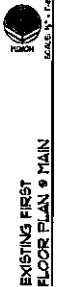
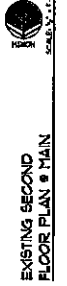
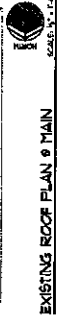
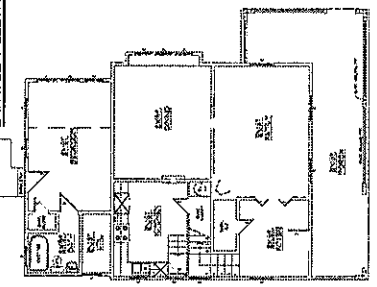
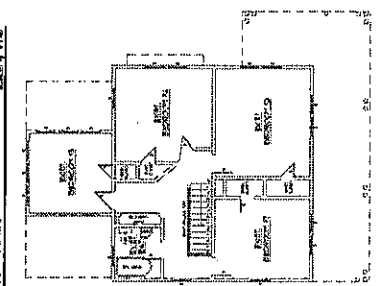
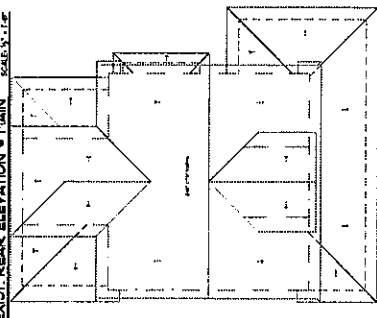
**HARRISON RESIDENCE**  
 WINNETKA HEIGHTS ADDITION  
 414 NORTH WINDMERE AVENUE (LOT 2, BLOCK 13/3272  
 DALLAS, TEXAS 75208

DATE: 04/28/14  
 SHEET #  
**A1.1**  
 PLAN # ED14-003-ADDIT



**EXISTING AREAS:**

FIRST FLOOR	1071
SECOND FLOOR	1065
APPROXIMATE LIVING	3183
COVERED PATIO	N/A
PORCH	238
DETACHED GARAGE	1071
APPROXIMATE TOTAL AREA	5773



**DRAWING INDEX:**

- A1 EXIST. FRONT, REAR AND LEFT ELEVATIONS & MAIN
- A2 EXIST. SECOND FLOOR PLAN & MAIN
- A3 EXIST. FIRST FLOOR PLAN & MAIN
- A4 EXIST. ROOF PLAN & DETACHED GARAGE
- A5 EXIST. TYPICAL FRONT / REAR ELEVATION & DETACHED GARAGE
- A6 EXIST. TYPICAL SIDE ELEVATION & DETACHED GARAGE
- A7 EXIST. SECOND FLOOR PLAN & DETACHED GARAGE
- A8 EXIST. FIRST FLOOR PLAN & DETACHED GARAGE
- A9 EXIST. ROOF PLAN & DETACHED GARAGE
- A10 EXIST. FRONT, REAR AND LEFT ELEVATIONS & MAIN
- A11 EXIST. SECOND FLOOR PLAN & MAIN
- A12 EXIST. FIRST FLOOR PLAN & MAIN
- A13 EXIST. ROOF PLAN & DETACHED GARAGE
- A14 EXIST. TYPICAL FRONT / REAR ELEVATION & DETACHED GARAGE
- A15 EXIST. TYPICAL SIDE ELEVATION & DETACHED GARAGE
- A16 EXIST. SECOND FLOOR PLAN & DETACHED GARAGE
- A17 EXIST. FIRST FLOOR PLAN & DETACHED GARAGE
- A18 EXIST. ROOF PLAN & DETACHED GARAGE

**HOUSE AND SITE DATA**

414 NORTH WINDMERE AVENUE, LOT 2, BLOCK NO. 13/3272 OF WINNETKA HEIGHTS ADDITION, IN ADDITION TO THE CITY OF DALLAS, TEXAS, IS BEING SUBMITTED FOR REVIEW AND APPROVAL BY THE CITY ENGINEER AND THE COUNTY ENGINEER OF DALLAS COUNTY, TEXAS.

APPROX. TOTAL AREA: 5773

APPROX. TOTAL GARAGE: 1071

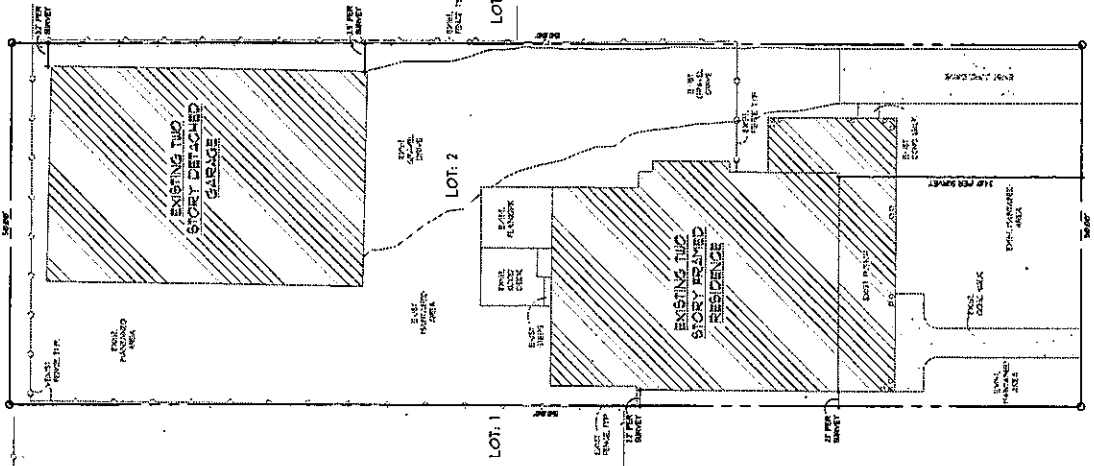
APPROX. TOTAL GARAGE: 1071

APPROX. TOTAL GARAGE: 1071

APPROX. TOTAL GARAGE: 1071

APPROX. TOTAL GARAGE: 1071

COVERED PATIO: N/A  
 DETACHED 1-CAR GARAGE: 1071  
 DETACHED 2-CAR GARAGE: 1071  
 DETACHED 3-CAR GARAGE: 1071  
 DETACHED 4-CAR GARAGE: 1071  
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 DETACHED 98-CAR GARAGE: 1071  
 DETACHED 99-CAR GARAGE: 1071  
 DETACHED 100-CAR GARAGE: 1071



414 NORTH WINDMERE AVENUE

EXISTING SITE PLAN

ROBERT REEVES  
& Associates, Inc.

PLANNING AND ZONING CONSULTANTS

October 21, 2014


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

RE: BDA 134-113, 414 N. Windomere Avenue

Dear Mr. Long:

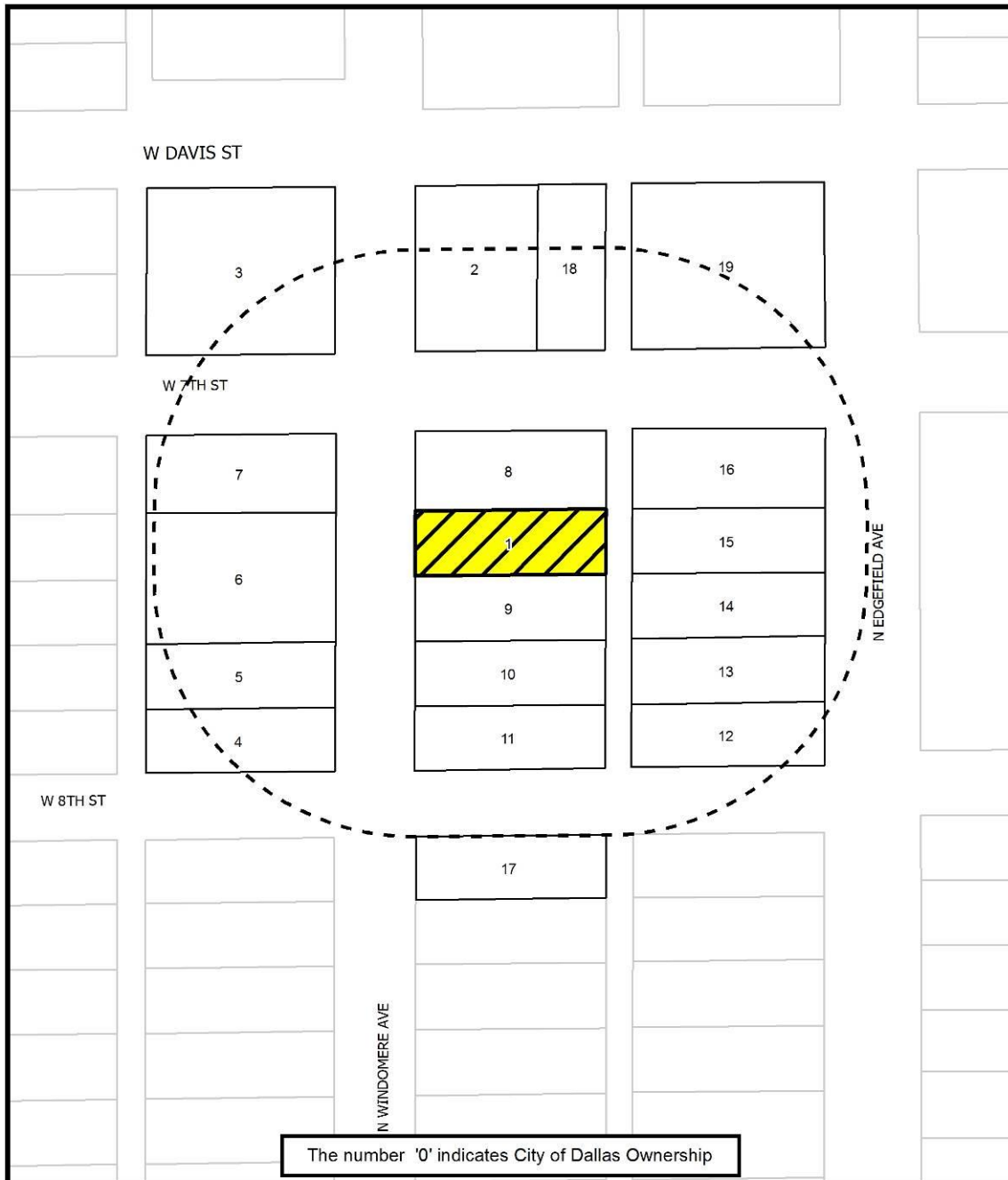
This letter is to clarify a couple of points relating to my client's request for an additional dwelling unit located at 414 N. Windomere Avenue. We are not expanding the existing accessory building and not asking for additional variances. Regardless of the board action, the structure will remain in its current form and my client can still proceed with the same remodeling plans shown in our application, but remove the kitchen, bathroom, or bedroom.

Sincerely:



Robert Reeves





 1:1,200	<b>NOTIFICATION</b>		Case no: <b>BDA134-113</b>
	<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;">19</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: <b>10/29/2014</b>

## ***Notification List of Property Owners***

### ***BDA134-113***

#### ***19 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	414 WINDOMERE AVE	HARRISON CHRISTOPHER M &
2	1424 DAVIS ST	DE LA FUENTE CARLOS
3	503 WINDOMERE AVE	BOSS E L JR
4	403 WINDOMERE AVE	COLE STEPHANIE
5	407 WINDOMERE AVE	DURHAM FREDERICK LEIGHTON
6	415 WINDOMERE AVE	LUCKETT PETER M
7	419 WINDOMERE AVE	GRIFFITH CHARLES G JR
8	418 WINDOMERE AVE	HARRIS WESLEY ALAN
9	410 WINDOMERE AVE	KENNEDY COURTNEY ERIN
10	406 WINDOMERE AVE	HURT JEFFREY L
11	402 WINDOMERE AVE	BARRIENTOS HONORIO &
12	403 EDGEFIELD AVE	WRIGHT MAXWELL HAMILTON
13	407 EDGEFIELD AVE	CRAWFORD SYDNEY R
14	411 EDGEFIELD AVE	CHUNG JENNIE
15	415 EDGEFIELD AVE	SCHIVER KASSANDRA L
16	419 EDGEFIELD AVE	COLONY DHYANA C
17	318 WINDOMERE AVE	MARRUJO JOSE M &
18	1414 DAVIS ST	DE LA FUENTE CARLOS &
19	1400 DAVIS ST	1400 DAVID LTD

**FILE NUMBER:** BDA 134-070

**BUILDING OFFICIAL'S REPORT:** Application of Abdul Hafeez Khan, represented by Warren Packer, for a special exception to the fence height regulations at 4820 Northaven Road. This property is more fully described as Lot 7, Block 1/6391, and is zoned R-1/2ac(A)(NSO 1), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 13 foot 1 inch high fence, which will require a 9 foot 1 inch special exception to the fence height regulations.

**LOCATION:** 4820 Northaven Road

**APPLICANT:** Abdul Hafeez Khan  
Represented by Warren Packer and Ed Simons

**REQUEST:**

A request for a special exception to the fence height regulations of 9' 1" had been originally made to construct and maintain a 7' high fence (4' high open metal fence atop a 3' high solid base) with approximately 8' high columns and an entryway feature that includes a 12' high vehicular and pedestrian gates with 13' 1" high entry column finials in the site's 75' front yard setback on a site being developed with a single family home.

Note the following:

1. this application is adjacent to a property to the west where the same applicant and owner sought a similar fence height special exception from Board of Adjustment Panel B: BDA 134-071; and
2. as of October 13, 2014, the applicant's representative had submitted no additional or new information to staff.

But on October 31, 2014, the owner/applicant emailed the Board Administrator his request for the Board to deny his application (see Attachment C).

**STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:**

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

**STAFF RECOMMENDATION:**

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

## **BACKGROUND INFORMATION:**

### **Zoning:**

Site: R-1/2ac (A)(NSO 1) (Single family district ½ acre, Neighborhood Stabilization Overlay)  
North: R-1/2 ac(A) (Single family district ½ acre)  
South: R-1/2ac (A)(NSO 1) (Single family district ½ acre, Neighborhood Stabilization Overlay)  
East: R-1/2ac (A)(NSO 1) (Single family district ½ acre, Neighborhood Stabilization Overlay)  
West: R-1/2ac (A)(NSO 1) (Single family district ½ acre, Neighborhood Stabilization Overlay)

### **Land Use:**

The subject site is being developed with a single family home. The areas to the north, south, and west are developed with single family uses; the area to the east (and the subject site of BDA 134-071) is undeveloped.

### **Zoning/BDA History:**

1. BDA 134-071, Property at 11217 Strait Lane (the lot immediately east of the subject site) On August 20, 2014, the Board of Adjustment Panel B considered requests for special exceptions to the fence height regulations of 9' 1" to construct/maintain a 7' high fence (4' high open metal fence atop a 3' high solid base) with approximately 8' high columns and an entryway feature that includes 12' high vehicular and pedestrian gates with 13' 1" high entry column finials, and delayed action until October 22, 2014. On October 22, 2014, the board delayed action on this request until November 19, 2014.
2. BDA 001-123, Property at 4821 Northaven Road (the lot immediately north of the subject site) On December 12, 2000, the Board of Adjustment Panel A granted a request to the fence height special regulations of 4'. The board imposed the following conditions with the request: compliance with the elevation and a revised site plan that shows the location of the fence behind the shrub is required; and the retention of the approximately 8 foot high Japanese Ligustrum shrubs now existing on the property, (or its replacement with similar species) between the street curb and the proposed fence. The case report states the request was made to construct and maintain a 6' high open wrought iron fence, a 6' chain

link fence, 7' high stone columns, and two 8' high wrought iron entry gates.

3. BDA 85-145, Property at 4719 Northaven Road (two lots northwest of the subject site)

On May 14, 1985, the Board of Adjustment denied a request for a "front yard variance" of 2' 6" without prejudice. The case report states the request was made to construct a masonry fence with wrought iron gates 6' 6" in height.

4. BDA 92-001, Property at 11220 Strait Lane (two lots east of the subject site)

On February 11, 1992, the Board of Adjustment granted a request for a fence height special exception of 4' to maintain a 6' fence with 8' columns and gates, and imposed the "submitted Landscape Plan "B"" as a condition to the request.

### **GENERAL FACTS/STAFF ANALYSIS:**

- The original request focused on constructing and maintaining a 7' high fence (4' high open metal fence atop a 3' high solid base) with approximately 8' high columns and an entryway feature that includes 12' high vehicular and pedestrian gates with 13' 1" high entry column finials in the site's 75' front yard setback on a site being developed with a single family home.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The applicant had originally submitted a site plan and elevation of the proposal in the front yard setbacks that reaches a maximum height of 13' 1".
- The following additional information was gleaned from the originally submitted site plan:
  - The fence is approximately 450' in length, approximately 4' from the property line, and approximately 12' from the pavement line; the gate is approximately 12' from the property line, and approximately 20' from the pavement line.
- There are two single family homes that have direct frontage to the proposal, one of which appears to have fence in its front yard – a fence that appears to be a result of a granted fence height special exception from 2000: BDA 001-123 (see the "Zoning/BDA History" section of this case report for additional details).
- The Board Administrator conducted a field visit of the site and surrounding area (approximately 300' east and west of the subject site) and noted no other visible fences higher than 4' in a front yard setback other than the one previously mentioned directly north of the subject site.
- One letter had been submitted in support of the request and 16 letters had been submitted in opposition by/at the August 20<sup>th</sup> public hearing.
- As of October 13, 2014, no additional letters had been submitted in support of the request and 3 additional letters had been submitted in opposition.

- On October 31, 2014, the owner/applicant emailed the Board Administrator his request for the Board to deny his application (see Attachment C).

**Timeline:**

June 16, 2014: 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 15, 2014: The Interim Assistant Director of Sustainable Development and Construction acting on behalf of 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.”

July 15, 2014: The Board Administrator emailed the applicant’s representative the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the July 30<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the August 8<sup>th</sup> 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 5, 2014: 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 Chief Planner, the Assistant Building Official, the Board Administrator, Building Inspection Senior Plans Examiners/Development Code Specialists, the Sustainable Development and Construction Department Senior Engineer, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, and the Assistant City Attorney to the Board.

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

August 4, 2014: The applicant’s representative submitted additional information to staff beyond what was submitted with the original application (see Attachment A).



August 20, 2014: The Board of Adjustment Panel B held a public hearing on this application and delayed action on this application until October 22, 2014 in order for the applicant to meet with neighboring property owners.

August 28, 2014: The Board Administrator sent a letter to the applicant's representative that noted the decision of the panel, the September 26<sup>th</sup> deadline to submit additional evidence for staff review and the October 10<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials.

October 7, 2014: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for October public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, and the Assistant City Attorney to the Board.

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

October 22, 2014: The Board of Adjustment Panel B held a public hearing on this application, where the Board Administrator circulated additional written documentation to the Board at the briefing (see Attachment B). This documentation included a revised site plan and elevation submitted by the newly designated applicant's representative on October 17<sup>th</sup>. The Board delayed action on this application until November 19, 2014 in order for the newly designated applicant's representative to meet with neighboring property owners.

October 31, 2014: The owner/applicant emailed the Board Administrator his request for the Board to deny his application (see Attachment C).

November 4, 2014: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for November public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Assistant Building Official, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, the City of Dallas Chief Arborist, and the Assistant City Attorney to the Board.

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

**BOARD OF ADJUSTMENT ACTION: AUGUST 20, 2014**

APPEARING IN FAVOR: Warren Packer, 1680 Prince William Lane, Frisco, TX

APPEARING IN OPPOSITION: Shelton Hopkins, 4707 Crooked LN, Dallas, TX  
Judy Askew, 4719 Northaven Rd., Dallas, TX  
Christopher Center, 4811 Northaven Rd., Dallas, TX  
Kevin Bride, 4933 Mangold Cr., Dallas, TX  
Bill Woodall, 4821 Northaven, Dallas, TX  
Barbara Hannon, 4745 Crooked LN, Dallas, TX  
Pat McBride, 4933 Mangold, Dallas, TX 7

MOTION: Gillespie

I move that the Board of Adjustment in Appeal No. **BDA 134-070**, hold this matter under advisement until **October 22, 2014**.

SECONDED: Leone

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

NAYS: 0 –

MOTION PASSED 5 – 0 (unanimously)

**BOARD OF ADJUSTMENT ACTION: OCTOBER 22, 2014**

APPEARING IN FAVOR: Ed Simons, 900 Jackson St., Dallas, TX

APPEARING IN OPPOSITION: Shelton Hopkins, 4707 Crooked LN, Dallas, TX  
Christopher Center, 4811 Northaven Rd., Dallas, TX  
Jack Dugan, 4618 Crooked Lane, Dallas, TX  
Mark Hannon, 4745 Crooked Lane, Dallas, TX

MOTION: Hounsel

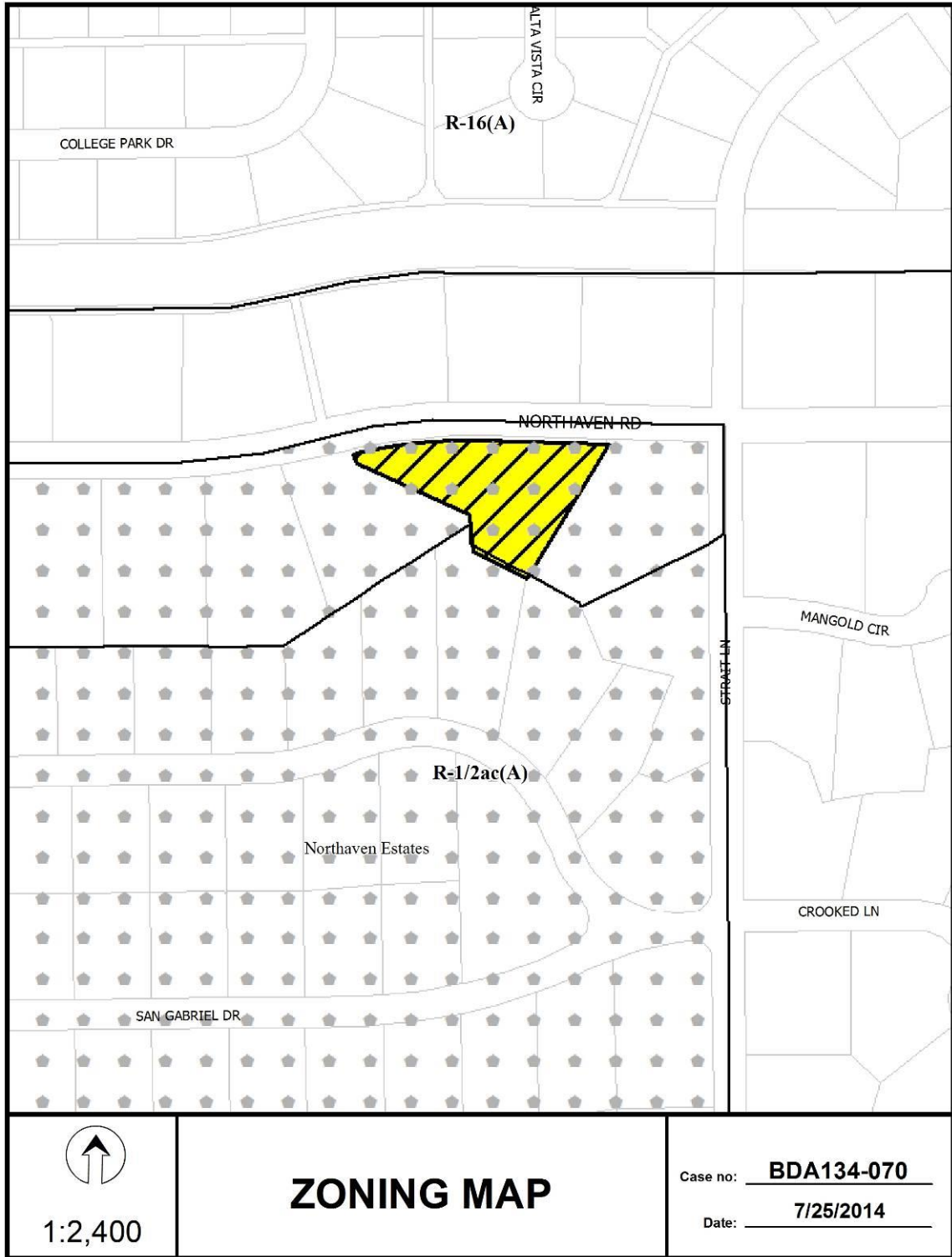
I move that the Board of Adjustment in Appeal No. **BDA 134-070**, hold this matter under advisement until **November 19, 2014**.

SECONDED: Leone

AYES: 5– Reynolds, Leone, Hounsel, Brannon, Bartos

NAYS: 0 –

MOTION PASSED 5 – 0 (unanimously)



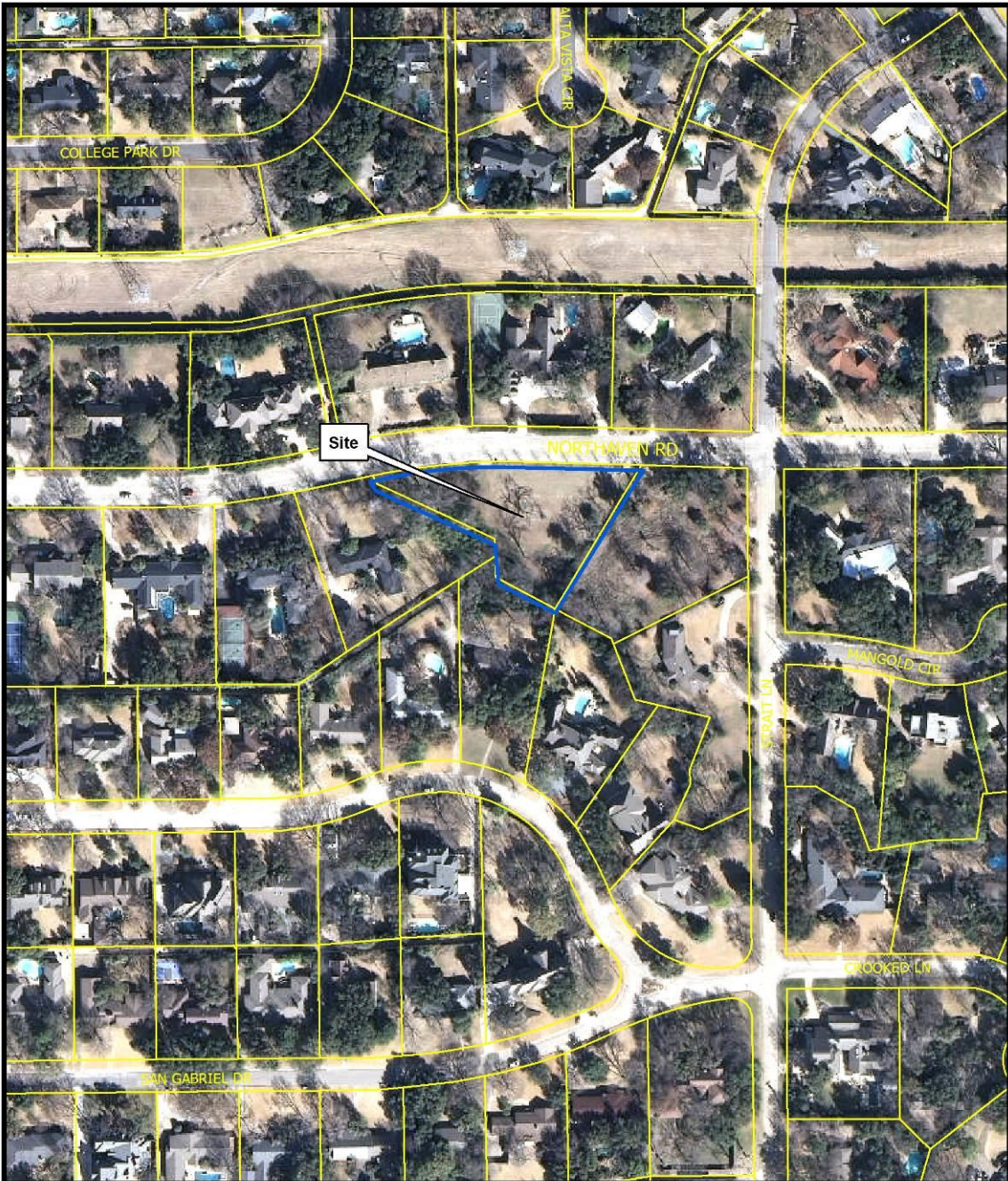
1:2,400

# ZONING MAP

Case no: BDA134-070

Date: 7/25/2014





1:2,400

# AERIAL MAP

Case no: BDA134-070

Date: 7/25/2014

Long, Steve

**From:** Warren Packer  
**Sent:** Monday, August 04, 2014 6:28 PM  
**To:** Long, Steve  
**Subject:** Fwd: support for proposed fence at 4820 Northaven Road

PS 1

Please see letter of support attached.

Sent from my iPhone

Begin forwarded message:

**From:** Kelly Warren <[redacted]@gmail.com>  
**Date:** August 4, 2014 at 3:10:20 PM CDT  
**To:** Warren@[redacted].com  
**Cc:** [redacted], Sonia Sanchez <[redacted]>  
**Subject:** support for proposed fence at 4820 Northaven Road

Mr. Khan and Mr. Packer,

My wife and I live at 11301 Strait Lane which is directly across the street from your home which is under construction at 4820 Northaven Road. My wife and I have reviewed the plans for the proposed fence at 4820 Northaven which would extend to the corner of Strait Lane and Northaven Road. We wish to provide you with our complete and total support for the structure as it is portrayed in the plans which you have provided. We believe that the structure will enhance the appearance of the neighborhood. Further, it will certainly complement the dwelling which is being constructed.

As you may know, some years ago a child was struck and killed by a speeding motorist on Northaven Road directly in front of the home under construction. The proposed fence would certainly provide some measure of safety from speeding motorists for any future children who might reside in the home at 4820 Northaven. There has been some discussion in the neighborhood about petitioning the city to install 'speed bumps' on Northaven Road between Welch and Strait Lane as a means of mitigating the danger posed by speeding motorists. However, it is my understanding that such 'speed bumps' would not be allowed due to the presence of the fire station nearby and the fact that the fireman frequently use Northaven Road.

Also, as you know, almost all of the homes which border and are across the street from the house under construction at 4820 Northaven are completely enclosed by fences and walls which exceed 6 feet in height. Specifically these are the existing homes at 11300 Strait Lane and 11220 Strait Lane and 4821 Northaven Road. Also, the home at 11211 Strait Lane which also borders and is contiguous with 4820 Northaven has gate posts which substantially exceed the city mandated height for fences and gates in the neighborhood.

Again, my wife and I completely support the construction of the fence at 4820 Northaven as it is described in the plans which you have provided. Although I am unable to attend the hearing at which your request for a variance is to be considered, my wife Sofia plans on going to speak in support of your request. Please let us know the exact date, place and time of the hearing.

--  
Kelly J. Warren, M.D.  
Dallas Dermatology LLC  
[www.dallasdermatology.com](http://www.dallasdermatology.com)

BDA134-070  
Attach A  
Pg 2





BDA 134-070  
071

Attach A or B  
PS 1

October 17, 2014

Steve Long, Board Administrator  
1500 Marilla, Room 5B North  
Dallas, Texas 75201

Re: BDA 134-170-171

Dear Mr. Long:

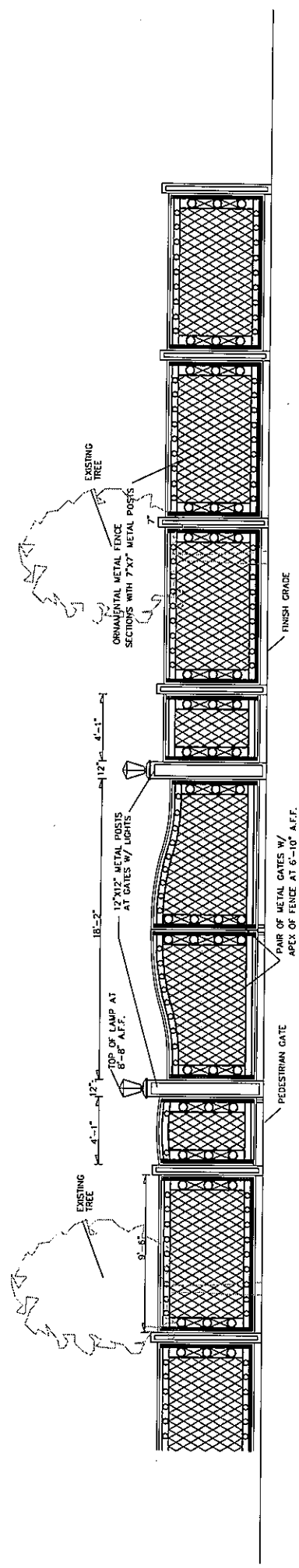
I have submitted revised elevations and site plan for the board's consideration. I hope the neighbors can support our revised request.

Thanks for your attention.

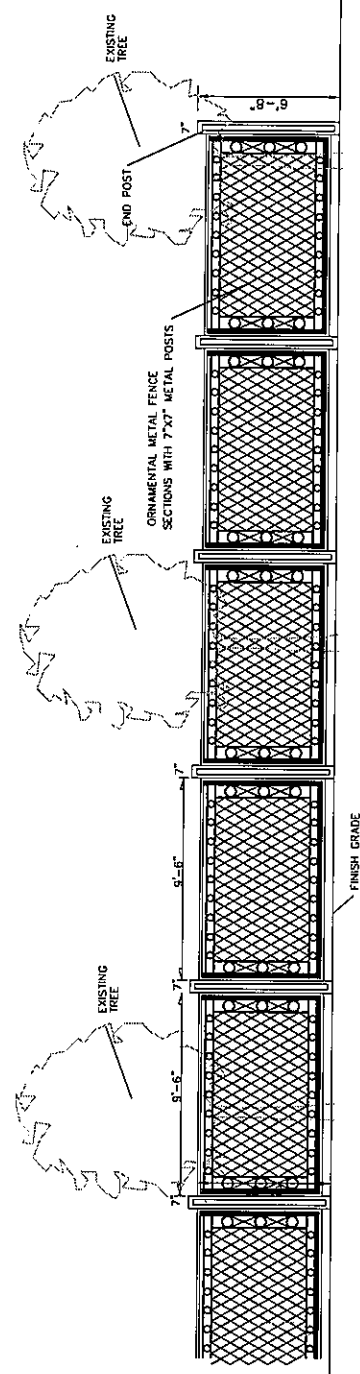
Sincerely,

A handwritten signature in black ink, appearing to be 'Ed Simons', written over the word 'Sincerely'.

Ed Simons



○ METAL FENCE W/ PAIR OF GATES AND PEDESTRIAN GATE  
3/8" = 1'-0"



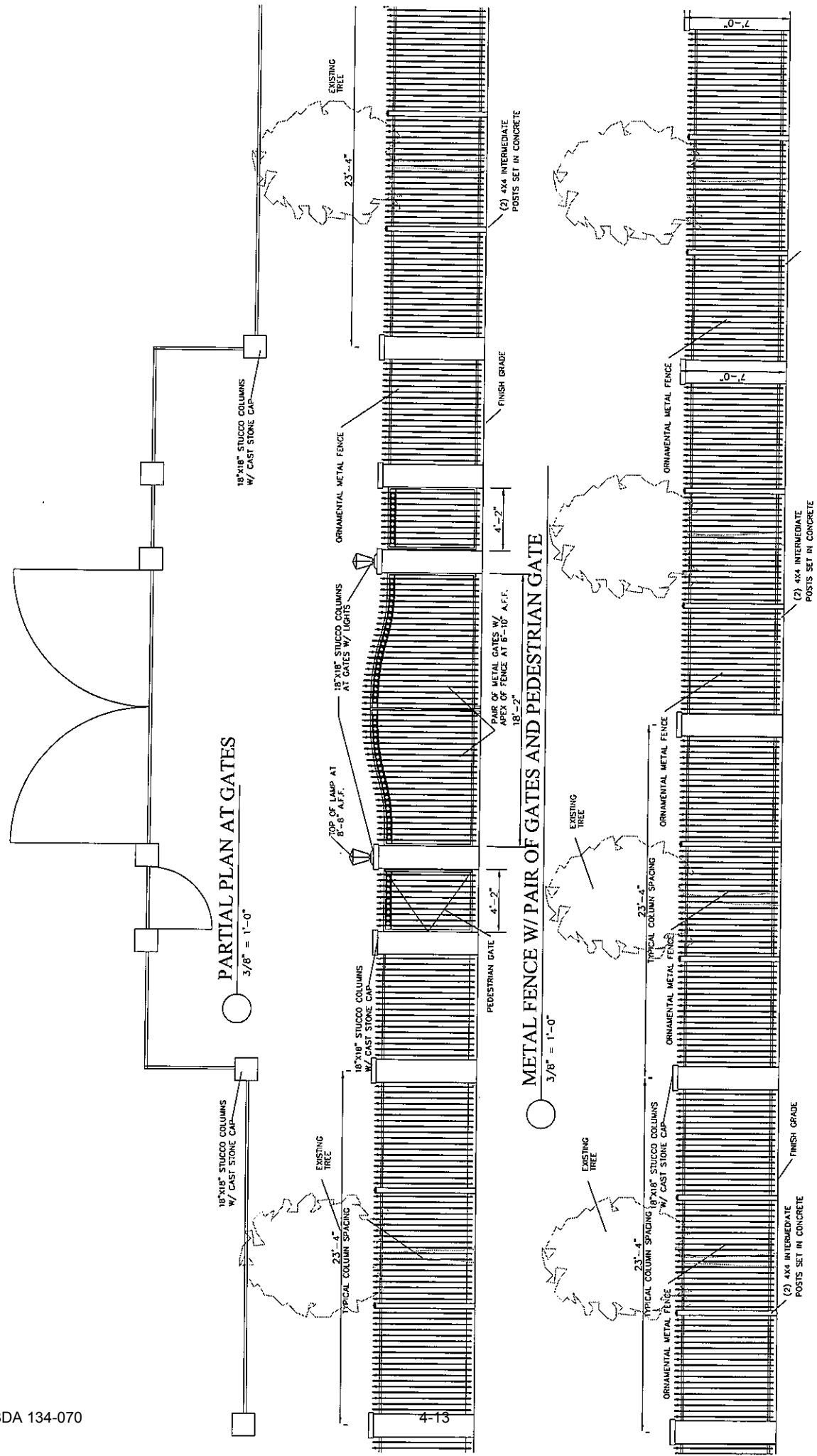
○ METAL FENCE W/ PAIR OF GATES AND PEDESTRIAN GATE  
3/8" = 1'-0"

PREFERRED FENCE DESIGN - 4820 NORTHAVERN ROAD, DALLAS, TEXAS

BDA 134 -  
070  
071

Attach A or B  
Pg 3

BDA 134-070



○ METAL FENCE W/ STUCCO ON CMU 18X18 COLUMNS W/ CAST STONE CAP  
3/8" = 1'-0"

ALTERNATE FENCE DESIGN- 4820 NORTHHAVEN ROAD, DALLAS, TEXAS

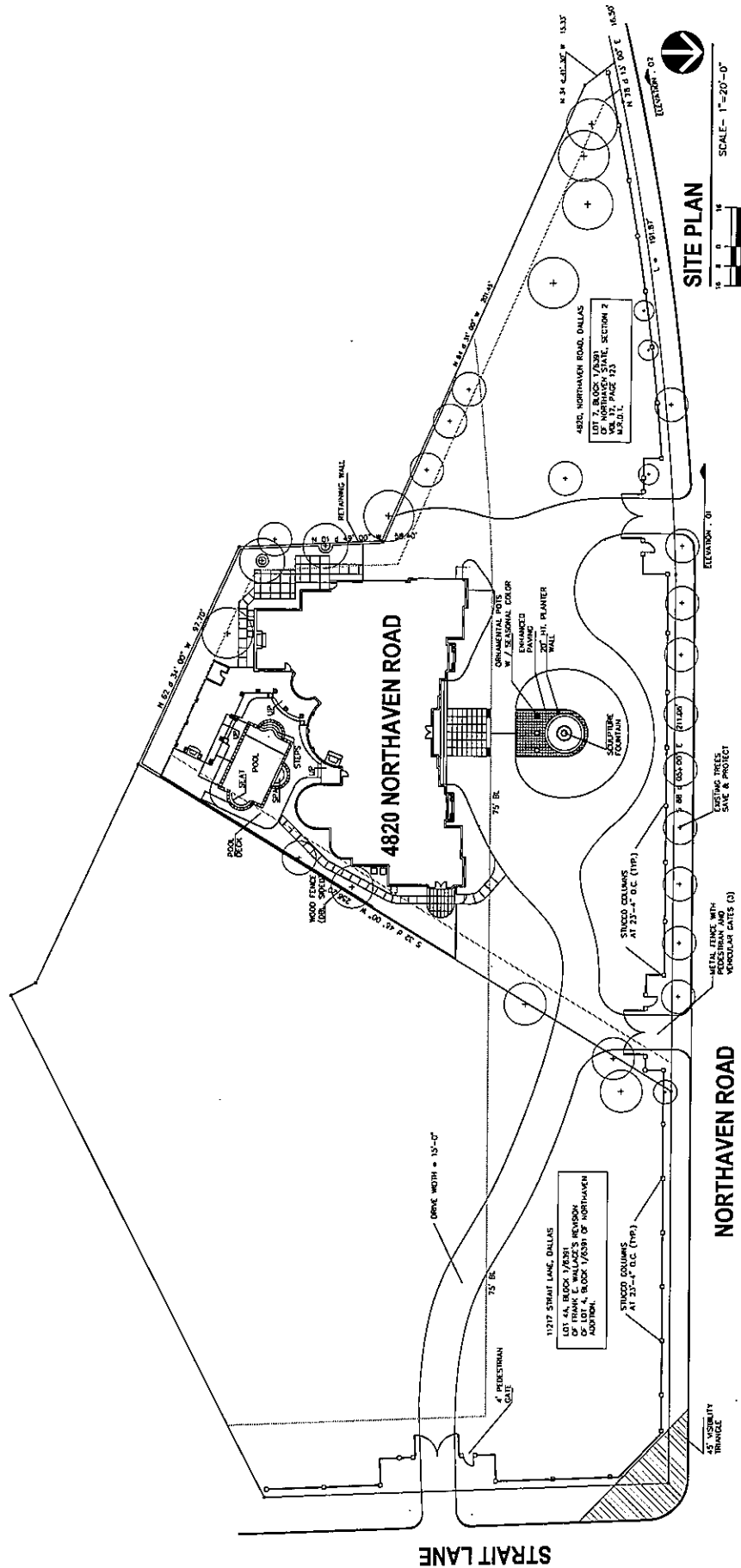
4-13

BDA 134-070  
071

Attach A or B

Pg 4

PRODUCED BY AN AUTODESK EDUCATIONAL PRODUCT



**SITE PLAN**  
SCALE - 1" = 20'-0"

PRODUCED BY AN AUTODESK EDUCATIONAL PRODUCT

**Long, Steve**

**From:** Long, Steve  
**Sent:** Friday, October 31, 2014 9:55 AM  
**To:** 'akhan5000'  
**Cc:** 'Ed Simons'; 'Warren Packer'; Way, Jamilah; Moorman, Donna; Duerksen, Todd  
**Subject:** RE: BDA 134-070 and 134-071, Properties at 4820 Northaven Road and 11217 Strait Lane

Dear Mr. Khan,

I will let the Board know that you are requesting that they deny both applications at the November 19<sup>th</sup> hearing.

Please let me know if I can assist you in any other way on these applications.

Thank you,

Steve

---

**From:** akhan5000 [mailto:akhan5000@cityofdallas.com]  
**Sent:** Friday, October 31, 2014 9:23 AM  
**To:** Long, Steve  
**Cc:** Ed Simons; Warren Packer; Duerksen, Todd; Way, Jamilah; Moorman, Donna  
**Subject:** Re: BDA 134-070 and 134-071, Properties at 4820 Northaven Road and 11217 Strait Lane

Hello Mr Steve

I would like to request the board to deny my application for fence variance

If you have any question please let me know

Thank you

Khan

469-878-8806

Sent from my iPhone

On Oct 31, 2014, at 6:19 AM, "Long, Steve" <steve.long@dallascityhall.com> wrote:

Dear Mr. Khan, Mr. Packer, and Mr. Simons,

In response to the email below, please be advised of the following as the owner/applicant and designated representatives of the applications referenced above:

- 1) The applications have been held over by the board to a date certain (November 19<sup>th</sup>) where the applications must be called at this public hearing, and where the board on November 19<sup>th</sup> can grant, delay, or deny (with or without prejudice) the applications.
- 2) The applications cannot be withdrawn at this point in the process since they have been heard by the board and held over to a date certain (November 19<sup>th</sup>).
- 3) If you no longer wish to pursue these applications at this time, you can request that I forward your request to the board that they deny these applications without prejudice at the November 19<sup>th</sup> which if the board were to honor your request, you could refile at any time.
- 4) Email addresses must be redacted but I have attached copies of the emails/letters/faxes that I have received up through October 24<sup>th</sup>.

Given what was written below (not to update the plans at this time) and the fact that you cannot withdraw the applications referenced above at this time, please let me know if you wish to for me to forward a request to the board for them to deny the applications referenced above without prejudice at their November 19<sup>th</sup> hearing.

Thank you,

Steve Long, Board of Adjustment Administrator  
Department of Sustainable Development and Construction

---

**From:** akhan. [mailto:akhan.]  
**Sent:** Thursday, October 30, 2014 6:57 PM  
**To:** Ed Simons  
**Cc:** Long, Steve; Duerksen, Todd  
**Subject:** Re: BDA 134-070 and 134-171

Hello Mr. Steve,

I would like to withdraw the application and do agree with Mr. Simons that we not go to update the plans this time. I would love to reach out to my neighbors if you kindly send me their email addresses. Thank you very much for your cooperation.

Khan  
4820 north haven  
Dallas Texas 75239  
469-879-8807

Sent from my iPhone

On Oct 30, 2014, at 3:11 PM, "Ed Simons" <[esimons@masterplanconsultants.com](mailto:esimons@masterplanconsultants.com)> wrote:

Abdul, If you want the board to deny your current requests you can reply to all to confirm that and Steve and Todd will know that we will not be resubmitting any updated plans. I'm sure you will be meeting with the neighbors before making subsequent fence height requests. Ed

Ed Simons  
Masterplan Consultants  
900 Jackson Street, Suite 640  
Dallas, Texas 75202

O 214-761-9197  
F 214-748-7114  
M 214-914-9646

<all letters, fax, emails up thru noon, October 24th.pdf>





City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 134-070

Data Relative to Subject Property:

Date: 6-16-14

Location address: 4820 Northaven Rd

Zoning District: R-1/2ac(A), N501, Tr 2

Lot No.: 7 Block No.: 1/6391 Acreage: 1

Census Tract: 135.00

Street Frontage (in Feet): 1) 211.06 2) 191.75 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

NE2A

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): ABDUL HAKEEZ KHAN

Applicant: ABDUL HAKEEZ KHAN

Telephone: \_\_\_\_\_

Mailing Address: 20 Carter Ct Allen Tx

Zip Code: 75002

E-mail Address: Warren@Pcustomhomes.com

Represented by: WARREN PACKER

Telephone: 2148372792

Mailing Address: 1680 Prince William Lane Frisco

Zip Code: 75034

E-mail Address: Warren@Pcustomhomes.com

Affirm that an appeal has been made for a Variance or Special Exception, of 9 feet 1 inch to the fence ht in the front yard

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

INSTALL: FRONT SCREENING WALL & FENCE ALONG NORTHAVEN ROAD WITH AUTOMATIC GATE ALONG FRONT PROPERTY LINES. The majority of the solid fence is 3 feet with 4 ft of open fence on top. The fence will enhance the value of the neighborhood.

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.

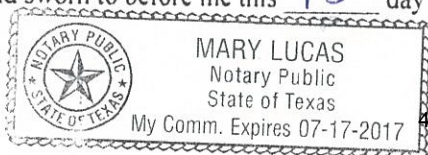
Affidavit

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

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

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

Subscribed and sworn to before me this 13th day of MAY 2014



[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**

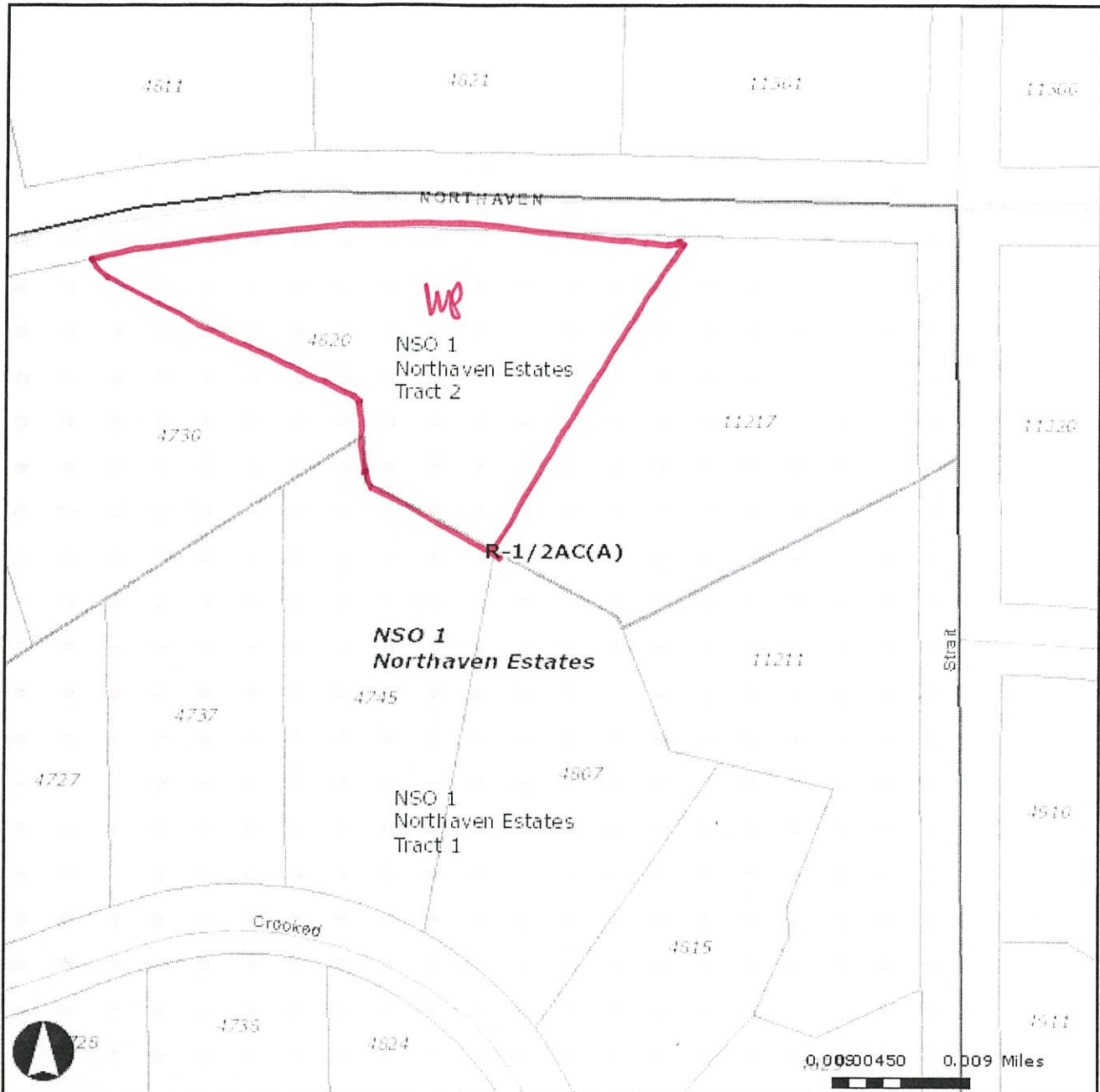
I hereby certify that **ABDUL KHAN**  
 represented by **WARREN PACKER**  
 did submit a request for a special exception to the fence height regulations  
 at **4820 Northaven Road**

BDA134-070. Application of Abdul Khan represented by Warren Packer for a special exception to the fence height regulations at 4820 Northaven Road. This property is more fully described as Lot 7, Block 1/6391, and is zoned R-1/2ac(A), which limits the height of fence in the front yard to 4 feet. The applicant proposes to construct a 13 foot 1 inch high fence in a required front yard, which will require a 9 foot 1 inch special exception to the fence regulation.

Sincerely,

  
 Larry Holmes, Building Official

# City of Dallas Zoning



Address Candidates



City Boundaries



County



Certified Parcels



DISD Sites



SUP



Dry Overlay



Historic Overlay



Historic Subdistricts

PDS Subdistricts



Base Zoning



Floodplain

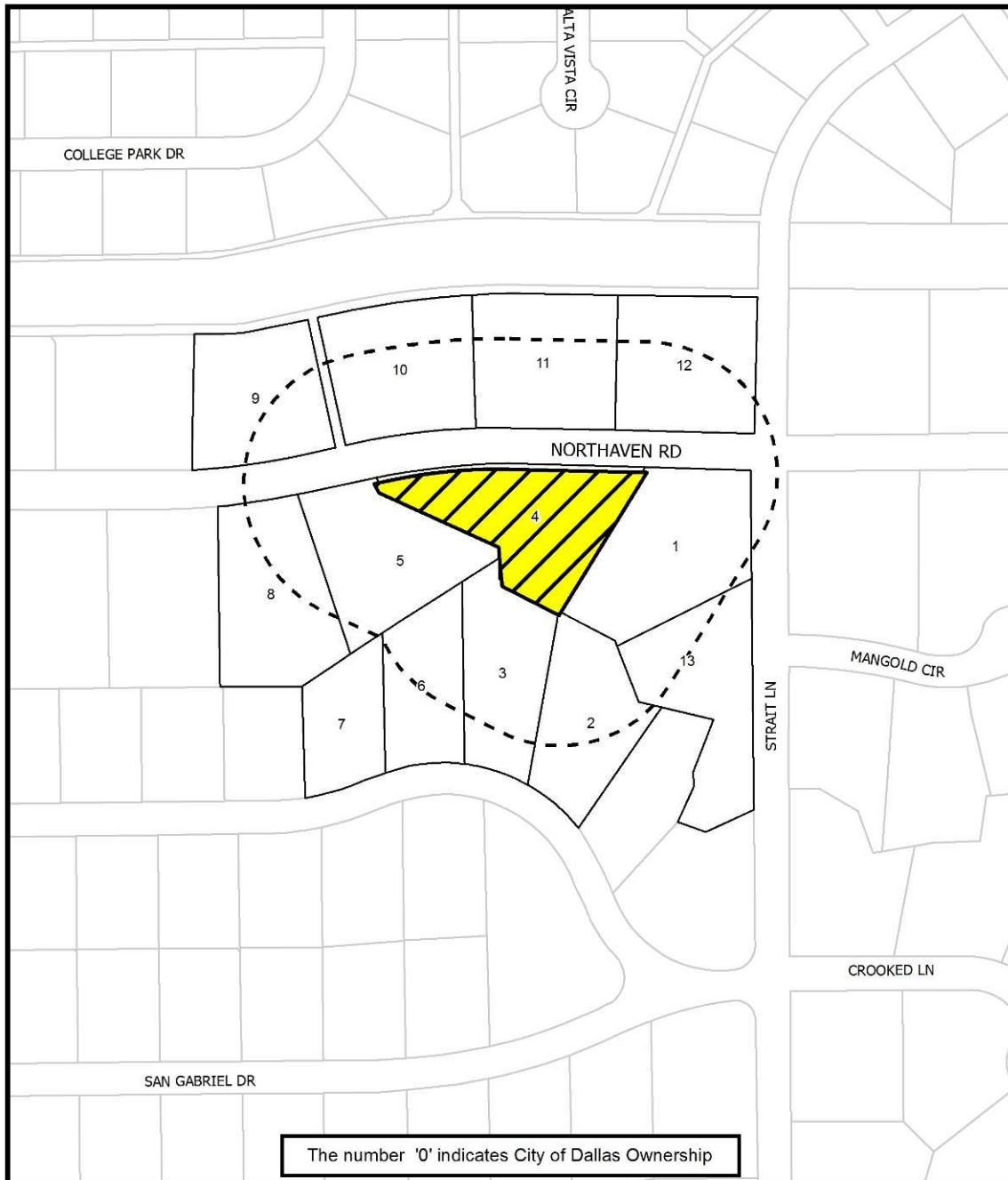












1:2,400

## NOTIFICATION

**200'** AREA OF NOTIFICATION  
**13** NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA134-070**  
 Date: **7/25/2014**



## *Notification List of Property Owners*

### *BDA134-070*

#### *13 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	11217 STRAIT LN	RYAN SEPARATE PS LLP
2	4807 CROOKED LN	JASPERSEN WILLIAM S &
3	4745 CROOKED LN	HANNON LUCIUS
4	4820 NORTHAVEN RD	KHAN ABDUL H & BUSHRA
5	4730 NORTHAVEN RD	COOK KELLY M
6	4737 CROOKED LN	LEWIS JERY M III &
7	4727 CROOKED LN	KASSELMAN CONRAD
8	4720 NORTHAVEN RD	MOORE WILLIAM G JR
9	4719 NORTHAVEN RD	ASKEW JUDITH HOHNE BENEFICIARY TRUST
10	4811 NORTHAVEN RD	CENTER CHRISTOPHER J &
11	4821 NORTHAVEN RD	WOODALL WILLIAM M
12	11301 STRAIT LN	WARREN KELLY &
13	11211 STRAIT LN	FINNEGAN MAUREEN ANN

**FILE NUMBER:** BDA 134-071

**BUILDING OFFICIAL'S REPORT:** Application of Abdul Khan, represented by Warren Packer, for a special exception to the fence height regulations at 11217 Strait Lane. This property is more fully described as Lot 4A, Block 1/6391, and is zoned R-1/2ac(A)(NSO 1), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and maintain a 13 foot 1 inch high fence in a required front yard, which will require a 9 foot 1 inch special exception to the fence height regulations.

**LOCATION:** 11217 Strait Lane

**APPLICANT:** Abdul Khan  
Represented by Warren Packer and Ed Simons

**REQUESTS:**

Requests for special exceptions to the fence height regulations of 9' 1" were originally made to construct and maintain the following on a site undeveloped site:

1. In the Northaven Road front yard setback: a 7' high fence (4' high open metal fence atop a 3' high solid base) with approximately 8' high columns in the site's 75' front yard setback.
2. In the Strait Lane front yard setback: a 7' high fence (4' high open metal fence atop a 3' high solid base) with approximately 8' high columns and an entryway feature that includes 12' high vehicular and pedestrian gates with 13' 1" high entry column finials.

Note the following:

- this application is adjacent to a property to the west where the same applicant and owner seeks a similar fence height special exception from Board of Adjustment Panel B: BDA 134-070; and
- as of October 13, 2014, the applicant's representative had submitted no additional or new information to staff.

But on October 31, 2014, the owner/applicant emailed the Board Administrator his request for the Board to deny his application (see Attachment B).

**STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:**

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

## **STAFF RECOMMENDATION:**

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

## **Zoning:**

Site: R-1/2ac (A)(NSO 1) (Single family district ½ acre, Neighborhood Stabilization Overlay)  
North: R-1/2 ac(A) (Single family district ½ acre)  
South: R-1/2ac (A)(NSO 1) (Single family district ½ acre, Neighborhood Stabilization Overlay)  
East: R-1/2ac (A)(NSO 1) (Single family district ½ acre, Neighborhood Stabilization Overlay)  
West: R-1/2ac (A)(NSO 1) (Single family district ½ acre, Neighborhood Stabilization Overlay)

## **Land Use:**

The subject site is undeveloped. The areas to the north, south, and east are developed with single family uses; the area to the west (and the subject site of BDA 134-070) is being developed with a single family home.

## **Zoning/BDA History:**

1. BDA 134-070, Property at 4820 Northaven (the lot immediately west of the subject site) On August 20, 2014, the Board of Adjustment Panel B considered a request for special exception to the fence height regulations of 9' 1" to construct and maintain a 7' high fence (4' high open metal fence atop a 3' high solid base) with approximately 8' high columns and an entryway feature that includes a 12' high vehicular and pedestrian gates with 13' 1" high entry column finials in the site's 75' front yard setback on a site being developed with a single family home and delayed action until October 22, 2014. On October 22, 2014, the board delayed action on this request until November 19, 2014.
2. BDA 001-123, Property at 4821 Northaven Road (the lot immediately northwest of the subject site) On December 12, 2000, the Board of Adjustment Panel A granted a request to the fence height special regulations of 4'. The board imposed the following conditions with the request: compliance with the elevation and a revised site plan that shows the location of the fence behind the shrub is required; and the retention of the approximately 8 foot high Japanese

3. BDA 85-145, Property at 4719 Northaven Road (three lots northwest of the subject site)

Ligustrum shrubs now existing on the property, (or its replacement with similar species) between the street curb and the proposed fence. The case report states the request was made to construct and maintain a 6' high open wrought iron fence, a 6' chain link fence, 7' high stone columns, and two 8' high wrought iron entry gates.

On May 14, 1985, the Board of Adjustment denied a request for a "front yard variance" of 2' 6" without prejudice. The case report states the request was made to construct a masonry fence with wrought iron gates 6' 6" in height.

4. BDA 92-001, Property at 11220 Strait Lane (the lot immediately east of the subject site)

On February 11, 1992, the Board of Adjustment granted a request for a fence height special exception of 4' to maintain a 6' fence with 8' columns and gates, and imposed the "submitted Landscape Plan "B"" as a condition to the request.

### **GENERAL FACTS/STAFF ANALYSIS:**

- The original requests focused on constructing and maintaining the following in the two front yard setbacks for the site located at the southwest corner of Northaven Road and Strait Lane on a site being developed with a single family home:
  - in the Northaven Road front yard setback a 7' high fence (4' high open metal fence atop a 3' high solid base) with approximately 8' high columns; and
  - in the Strait Lane front yard setback: a 7' high fence (4' high open metal fence atop a 3' high solid base) with approximately 8' high columns and an entryway feature that includes 12' high vehicular and pedestrian gates with 13' 1" high entry column finials.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The applicant had submitted a site plan and elevation of the proposal in the front yard setbacks that reaches a maximum height of 13' 1".
- The following additional information was gleaned from the submitted site plan:
  - Along Northaven Road: The fence is approximately 150' in length, approximately 4' from the property line, and approximately 12' from the pavement line.
  - Along Strait Lane: the fence is approximately 120' in length, approximately 4' from the property line, and approximately 18' from the pavement line; the gate is approximately 12' from the property line, and approximately 24' from the pavement line.

- There is one single family home that has direct frontage to the proposal on Northaven Road and one single family home that has direct frontage to the proposal on Strait Lane, neither of which have visible fences in their front yards.
- The Board Administrator conducted a field visit of the site and surrounding area (approximately 300' north, south, east, and west of the subject site) and noted one visible fence higher than 4' in a front yard setback: an approximately 6' high fence immediately northwest of the subject site that appears to be a result of a granted fence height special exception from 2000: BDA 001-123 (see the "Zoning/BDA History" section of this case report for additional details).
- One letter had been submitted in support of the request and 15 letters had been submitted in opposition by/at the August 20<sup>th</sup> public hearing.
- As of October 13, 2014, no additional letters had been submitted in support of the request and 3 additional letters had been submitted in opposition.
- On October 31, 2014, the owner/applicant emailed the Board Administrator his request for the Board to deny his application (see Attachment B).

**Timeline:**

- June 16, 2014: 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 15, 2014: The Interim Assistant Director of Sustainable Development and Construction acting on behalf of the Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- July 15, 2014: The Board Administrator emailed the applicant's representative the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the July 30<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the August 8<sup>th</sup> 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 5, 2014: 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 Chief Planner, the Assistant Building Official, the Board Administrator, Building Inspection Senior Plans Examiners/Development Code Specialists, the Sustainable Development and Construction Department Senior Engineer, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, and the Assistant City Attorney to the Board.

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

August 20, 2014: The Board of Adjustment Panel B held a public hearing on this application and delayed action on this application until October 22, 2014 in order for the applicant to meet with neighboring property owners.

August 28, 2014: The Board Administrator sent a letter to the applicant's representative that noted the decision of the panel, the September 26<sup>th</sup> deadline to submit additional evidence for staff review and the October 10<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials.

October 7, 2014: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for October public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, and the Assistant City Attorney to the Board.

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

October 22, 2014: The Board of Adjustment Panel B held a public hearing on this application, where the Board Administrator circulated additional written documentation to the Board at the briefing (see Attachment A). This documentation included a revised site plan and elevation submitted by the newly designated applicant's representative on October 17<sup>th</sup>. The Board delayed action on this application until November 19, 2014 in order for the newly designated applicant's representative to meet with neighboring property owners.

October 31, 2014: The owner/applicant emailed the Board Administrator his request for the Board to deny his application (see Attachment B).

November 4, 2014: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for November public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Assistant Building Official, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, the

City of Dallas Chief Arborist, and the Assistant City Attorney to the Board.

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

**BOARD OF ADJUSTMENT ACTION: AUGUST 20, 2014**

APPEARING IN FAVOR: Warren Packer, 1680 Prince William Lane, Frisco, TX

APPEARING IN OPPOSITION: Shelton Hopkins, 4707 Crooked LN, Dallas, TX  
Judy Askew, 4719 Northaven Rd., Dallas, TX  
Christopher Center, 4811 Northaven Rd., Dallas, TX  
Kevin Bride, 4933 Mangold Cr., Dallas, TX  
Bill Woodall, 4821 Northaven, Dallas, TX  
Barbara Hannon, 4745 Crooked LN, Dallas, TX  
Pat McBride, 4933 Mangold, Dallas, TX

MOTION: **Gillespie**

I move that the Board of Adjustment in Appeal No. **BDA 134-071**, hold this matter under advisement until **October 22, 2014**.

SECONDED: **Leone**

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

NAYS: 0 –

MOTION PASSED 5 – 0 (unanimously)

**BOARD OF ADJUSTMENT ACTION: OCTOBER 22, 2014**

APPEARING IN FAVOR: Ed Simons, 900 Jackson St., Dallas, TX

APPEARING IN OPPOSITION: Shelton Hopkins, 4707 Crooked LN, Dallas, TX  
Christopher Center, 4811 Northaven Rd., Dallas, TX  
Jack Dugan, 4618 Crooked Lane, Dallas, TX  
Mark Hannon, 4745 Crooked Lane, Dallas, TX

MOTION: **Hounsel**

I move that the Board of Adjustment in Appeal No. **BDA 134-071**, hold this matter under advisement until **November 19, 2014**.

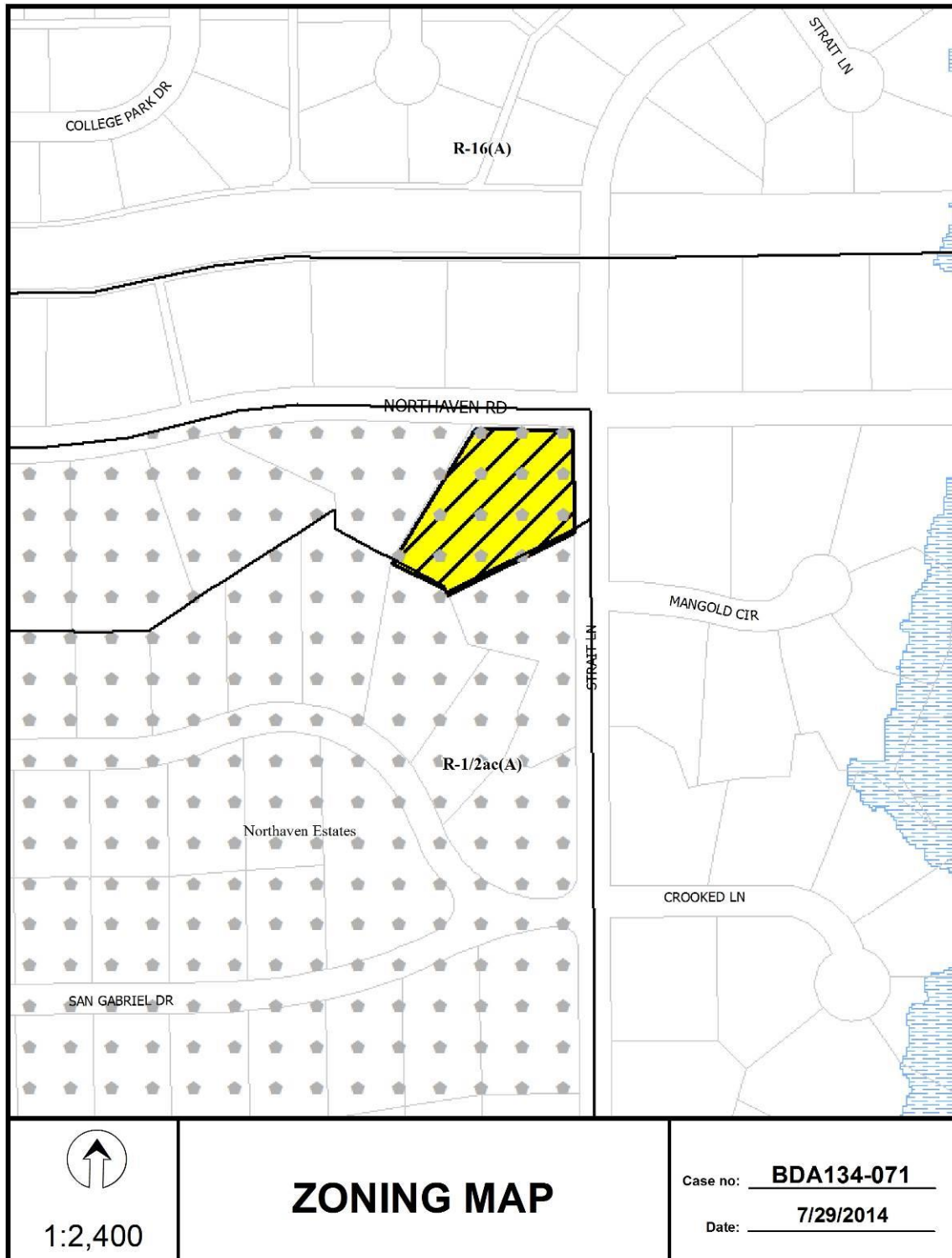
SECONDED: **Leone**

AYES: 5– Reynolds, Leone, Hounsel, Brannon, Bartos

NAYS: 0 –

MOTION PASSED 5 – 0 (unanimously)



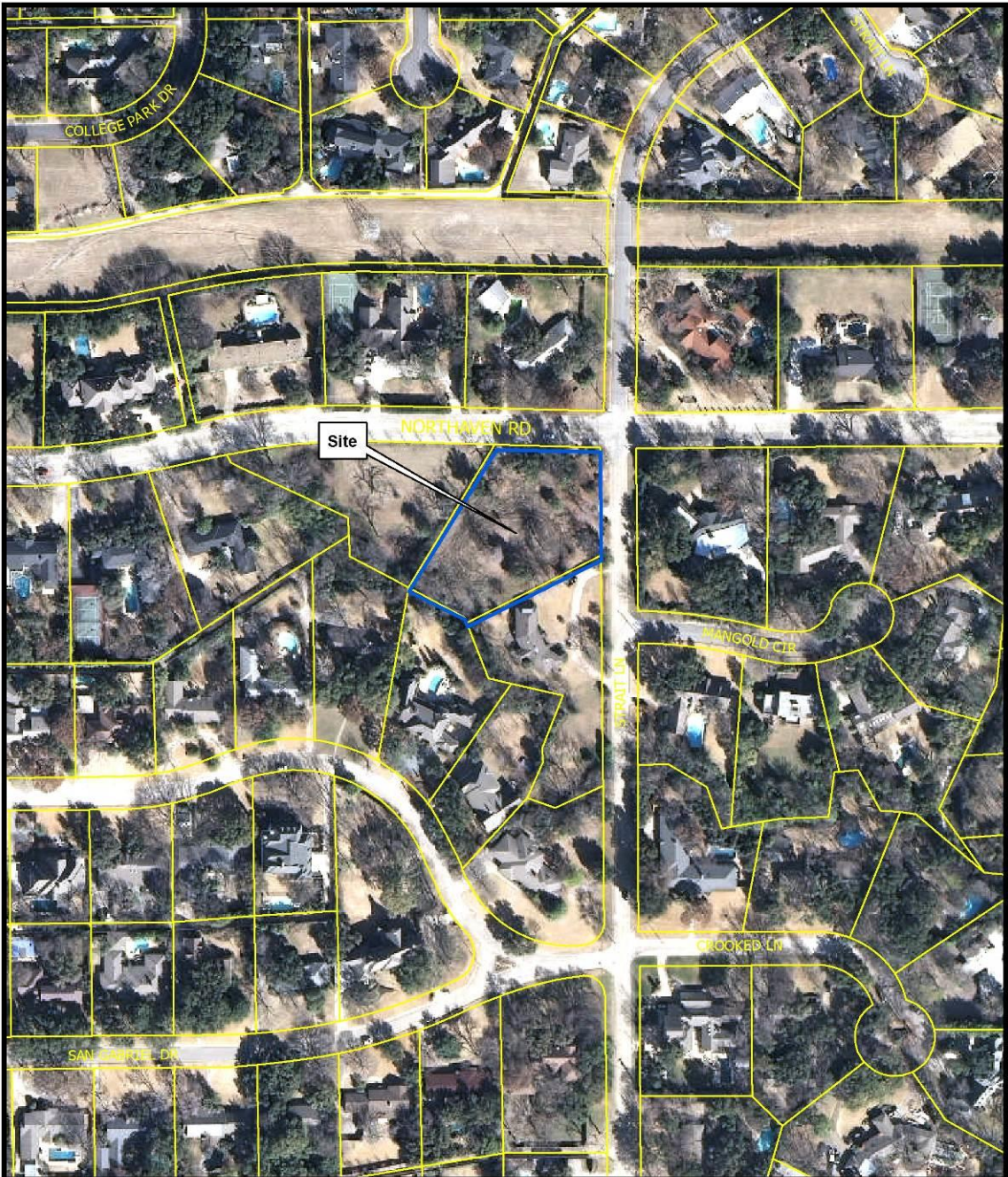


1:2,400

# ZONING MAP

Case no: BDA134-071

Date: 7/29/2014



1:2,400

# AERIAL MAP

Case no: BDA134-071

Date: 7/29/2014



BDA 134-070  
071

Attach A or B  
PS 1

October 17, 2014

Steve Long, Board Administrator  
1500 Marilla, Room 5B North  
Dallas, Texas 75201

Re: BDA 134-170-171

Dear Mr. Long:

I have submitted revised elevations and site plan for the board's consideration. I hope the neighbors can support our revised request.

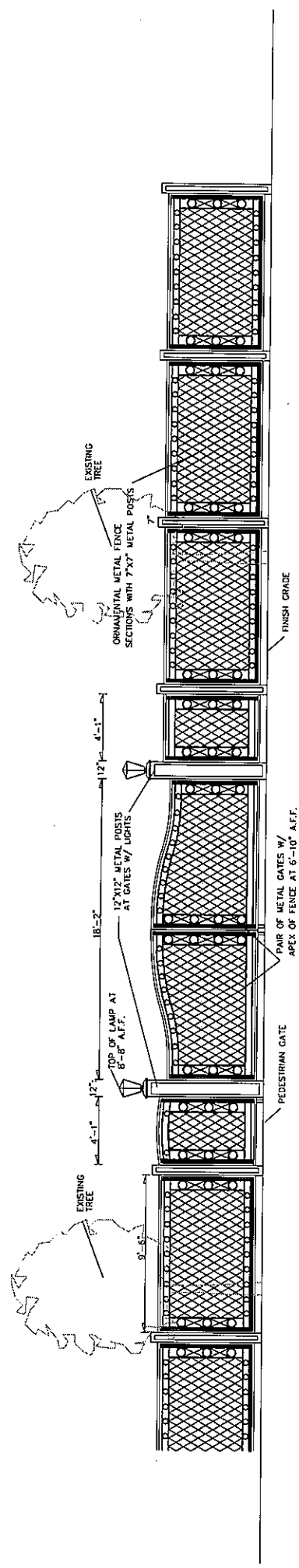
Thanks for your attention.

Sincerely,

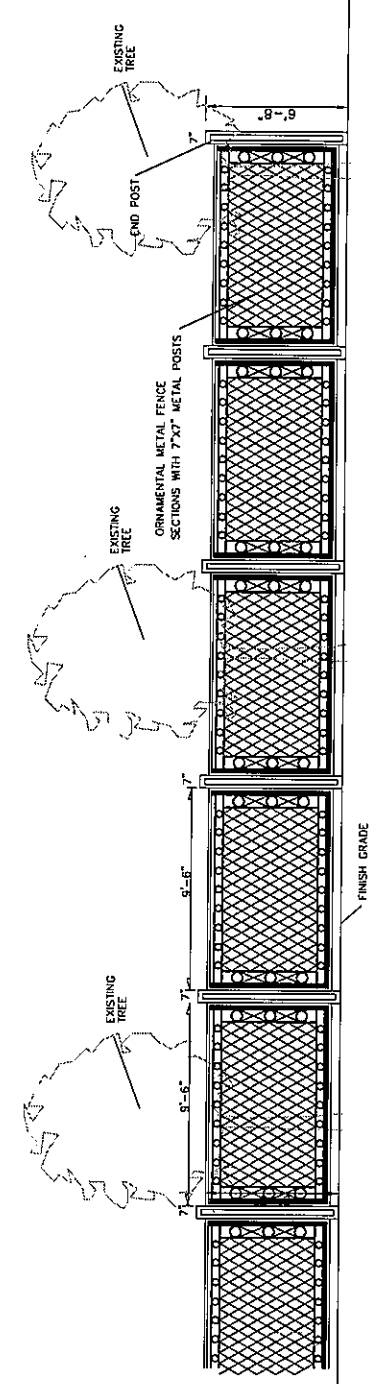
A handwritten signature in black ink, appearing to be 'Ed Simons', written over the word 'Sincerely,'.

Ed Simons





METAL FENCE W/ PAIR OF GATES AND PEDESTRIAN GATE  
3/8" = 1'-0"



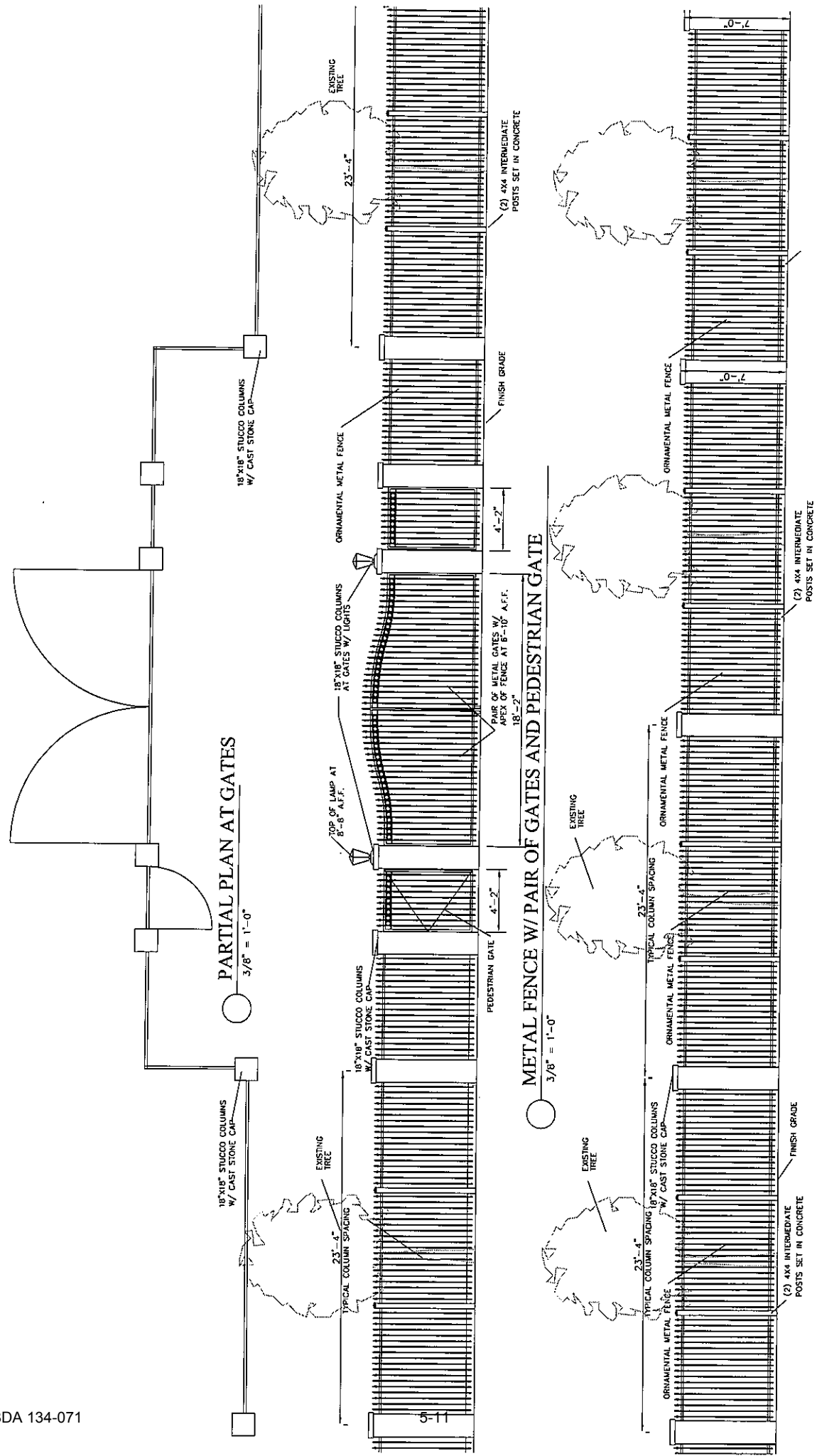
METAL FENCE W/ PAIR OF GATES AND PEDESTRIAN GATE  
3/8" = 1'-0"

PREFERRED FENCE DESIGN - 4820 NORTHAVERN ROAD, DALLAS, TEXAS

BDA 134 -  
070  
071

Attach A or B  
Pg 3

BDA 134-071



○ METAL FENCE W/ STUCCO ON CMU 18X18 COLUMNS W/ CAST STONE CAP  
3/8" = 1'-0"

ALTERNATE FENCE DESIGN- 4820 NORTHHAVEN ROAD, DALLAS, TEXAS



Long, Steve

---

**From:** Long, Steve  
**Sent:** Friday, October 31, 2014 9:55 AM  
**To:** 'akhan5000'  
**Cc:** 'Ed Simons'; 'Warren Packer'; Way, Jamilah; Moorman, Donna; Duerksen, Todd  
**Subject:** RE: BDA 134-070 and 134-071, Properties at 4820 Northaven Road and 11217 Strait Lane

Dear Mr. Khan,

I will let the Board know that you are requesting that they deny both applications at the November 19<sup>th</sup> hearing.

Please let me know if I can assist you in any other way on these applications.

Thank you,

Steve

---

**From:** akhan5000 [mailto:akhan5000@cityofdallas.com]  
**Sent:** Friday, October 31, 2014 9:23 AM  
**To:** Long, Steve  
**Cc:** Ed Simons; Warren Packer; Duerksen, Todd; Way, Jamilah; Moorman, Donna  
**Subject:** Re: BDA 134-070 and 134-071, Properties at 4820 Northaven Road and 11217 Strait Lane

Hello Mr Steve

I would like to request the board to deny my application for fence variance

If you have any question please let me know

Thank you

Khan

469-878-8806

Sent from my iPhone

On Oct 31, 2014, at 6:19 AM, "Long, Steve" <steve.long@dallascityhall.com> wrote:

Dear Mr. Khan, Mr. Packer, and Mr. Simons,

In response to the email below, please be advised of the following as the owner/applicant and designated representatives of the applications referenced above:

- 1) The applications have been held over by the board to a date certain (November 19<sup>th</sup>) where the applications must be called at this public hearing, and where the board on November 19<sup>th</sup> can grant, delay, or deny (with or without prejudice) the applications.
- 2) The applications cannot be withdrawn at this point in the process since they have been heard by the board and held over to a date certain (November 19<sup>th</sup>).
- 3) If you no longer wish to pursue these applications at this time, you can request that I forward your request to the board that they deny these applications without prejudice at the November 19<sup>th</sup> which if the board were to honor your request, you could refile at any time.
- 4) Email addresses must be redacted but I have attached copies of the emails/letters/faxes that I have received up through October 24<sup>th</sup>.



Given what was written below (not to update the plans at this time) and the fact that you cannot withdraw the applications referenced above at this time, please let me know if you wish to for me to forward a request to the board for them to deny the applications referenced above without prejudice at their November 19<sup>th</sup> hearing.

Thank you,

Steve Long, Board of Adjustment Administrator  
Department of Sustainable Development and Construction

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**From:** akhan. [mailto:akhan]  
**Sent:** Thursday, October 30, 2014 6:57 PM  
**To:** Ed Simons  
**Cc:** Long, Steve; Duerksen, Todd  
**Subject:** Re: BDA 134-070 and 134-171

Hello Mr. Steve,

I would like to withdraw the application and do agree with Mr. Simons that we not go to update the plans this time. I would love to reach out to my neighbors if you kindly send me their email addresses. Thank you very much for your cooperation.

Khan  
4820 north haven  
Dallas Texas 75239  
469-879-8807

Sent from my iPhone

On Oct 30, 2014, at 3:11 PM, "Ed Simons" <[esimons@masterplanconsultants.com](mailto:esimons@masterplanconsultants.com)> wrote:

Abdul, If you want the board to deny your current requests you can reply to all to confirm that and Steve and Todd will know that we will not be resubmitting any updated plans. I'm sure you will be meeting with the neighbors before making subsequent fence height requests. Ed

Ed Simons  
Masterplan Consultants  
900 Jackson Street, Suite 640  
Dallas, Texas 75202

O 214-761-9197  
F 214-748-7114  
M 214-914-9646

<all letters, fax, emails up thru noon, October 24th.pdf>



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 134-071

Data Relative to Subject Property:

Date: 6-16-14

Location address: 11217 STRAIT LANE

Zoning District: R-1/2 ac(A), NS01, Tr 2

Lot No.: 4A Block No.: 116391 Acreage: 1

Census Tract: 135.00

Street Frontage (in Feet): 1) 160' NORTHAVEN 2) 160' 3) STRAIT LN 4) \_\_\_\_\_ 5) \_\_\_\_\_

NE2A

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): ABDUL KHAN & BUSHARA KHAN

Applicant: ABDUL KHAN Telephone: 214 879 8806

Mailing Address: 20 CARTER CT ALLEN TX Zip Code: 75002

E-mail Address: Wamen@PcustomHomes.com

Represented by: WARREN PACKER Telephone: 214 837 2792

Mailing Address: 1680 Prince William Lane Frisco Zip Code: 75034

E-mail Address: Wamen@Pcustomhomes.com

Affirm that an appeal has been made for a Variance, or Special Exception, of 9' feet 1" to the fence height in the front yard

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

INSTALL FRONT SCREENING WALL & FENCE ALONG NORTHAVEN RD AND STRAIT LANE WITH AUTOMATIC GATE ON STRAIT LANE ALONG FRONT PROPERTY LIMBS  
The majority of the solid fence is 3 feet with 4 ft of open wrought iron on top. The fence will enhance the value of the neighborhood

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.

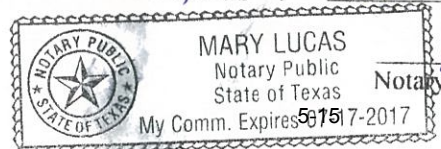
Affidavit

Before me the undersigned on this day personally appeared ABDUL KHAN & BUSHARA KHAN (Affiant/Applicant's name printed)

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

Respectfully submitted: \_\_\_\_\_ (Affiant/Applicant's signature)

Subscribed and sworn to before me this 15th day of MAY 2014



Mary Lucas  
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**

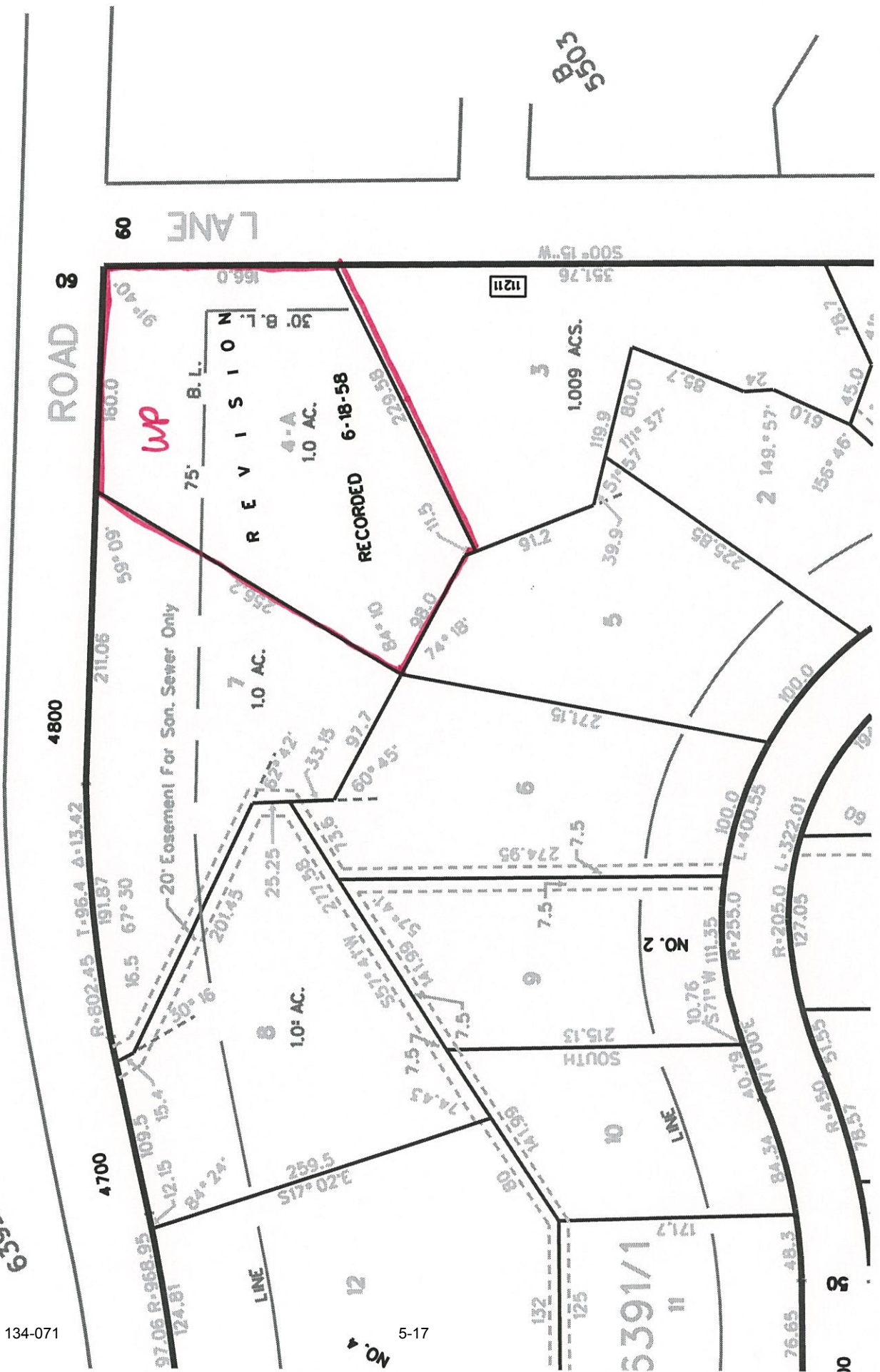
I hereby certify that **ABDUL KHAN**  
 represented by **WARREN PACKER**  
 did submit a request for a special exception to the fence height regulations  
 at **11217 Strait Lane**

BDA134-071. Application of Abdul Khan represented by Warren Packer for a special exception to the fence height regulations at 11217 Strait Lane. This property is more fully described as Lot 4A, Block 1/6391, and is zoned R-1/2ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 13 foot 1 inch high fence in a required front yard, which will require a 9 foot 1 inch special exception to the fence regulation.

Sincerely,

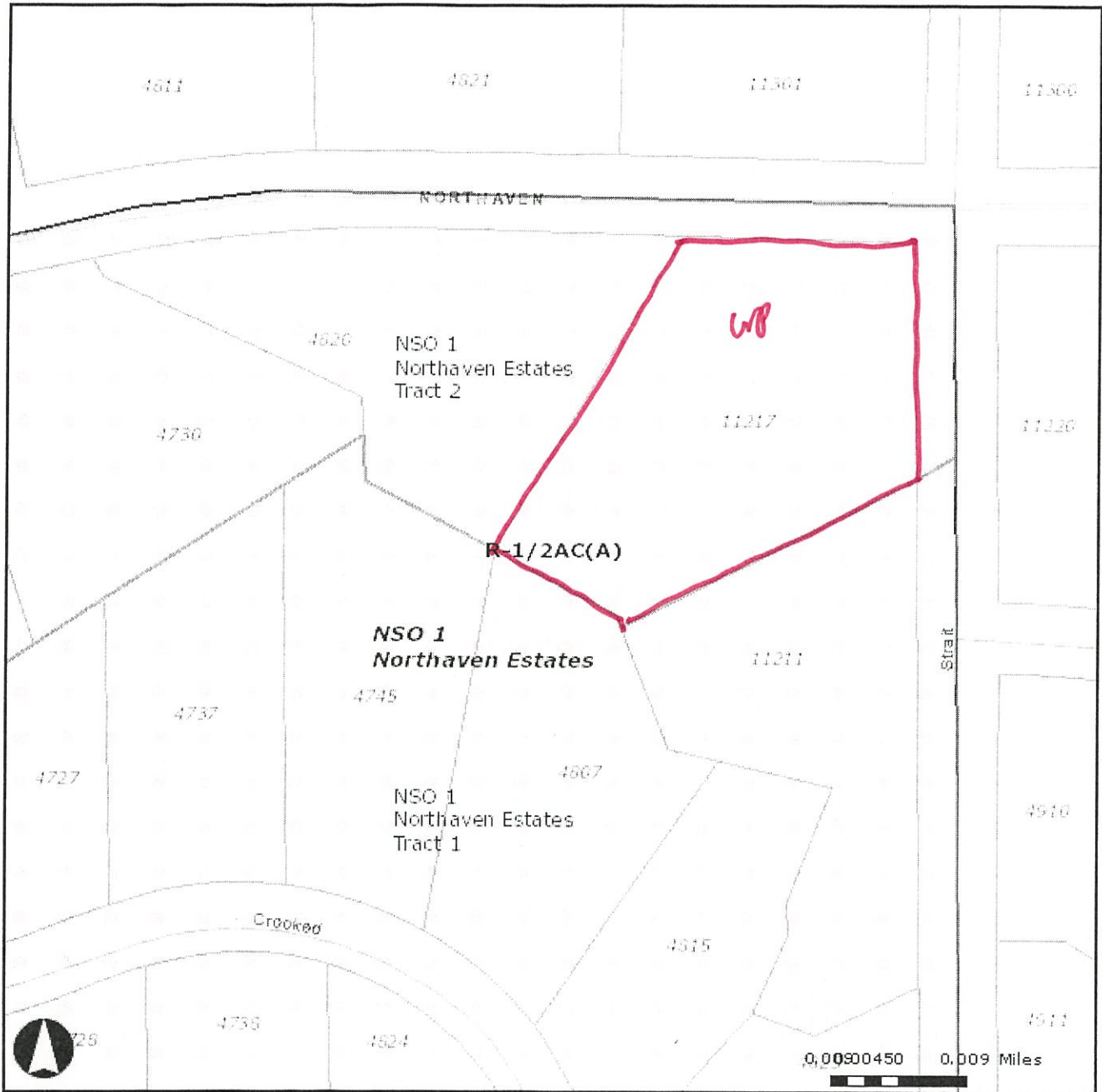
  
 Larry Holmes, Building Official

76392





# City of Dallas Zoning



Address Candidates

-  Address Candidate
-  City Boundaries
-  County
-  Certified Parcels
-  DISD Sites

SUP

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

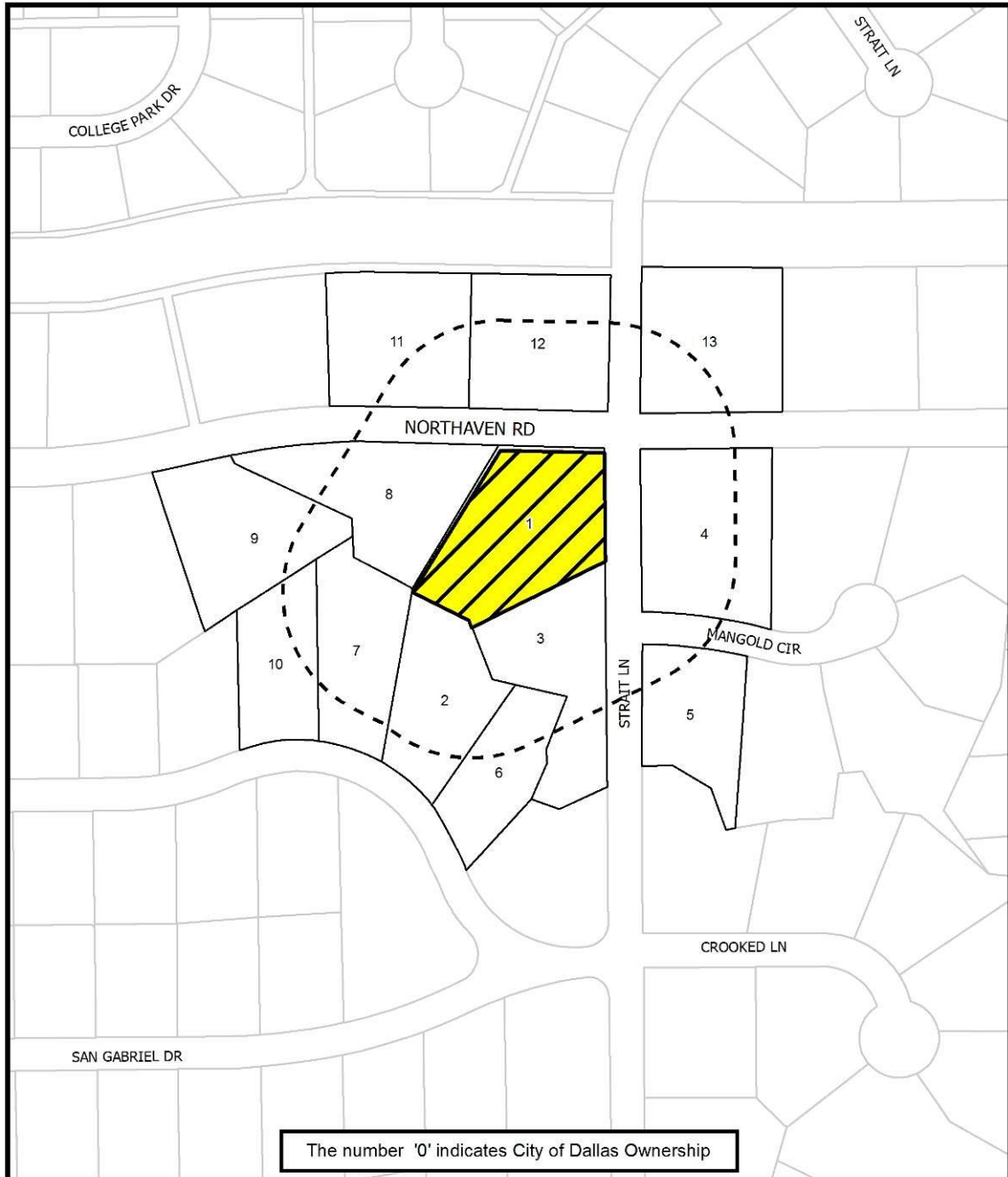
PDS Subdistricts

-  PDS Subdistricts
-  Base Zoning
-  Floodplain
-  100 Flood Zone
-  Mill's Creek
-  Peak's Branch









 1:2,400	<b>NOTIFICATION</b>		Case no: <b>BDA134-071</b>
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">13</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <b>7/29/2014</b>	

## ***Notification List of Property Owners***

### ***BDA134-071***

#### ***13 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	11217 STRAIT LN	RYAN SEPARATE PS LLP
2	4807 CROOKED LN	JASPERSEN WILLIAM S &
3	11211 STRAIT LN	FINNEGAN MAUREEN ANN
4	11220 STRAIT LN	DAVIS WILLIAM W & CATHY C
5	4910 MANGOLD CIR	MCDOWELL JANET
6	4815 CROOKED LN	NICHOLSON KEVIN PATRICK BONE &
7	4745 CROOKED LN	HANNON LUCIUS
8	4820 NORTHAVEN RD	KHAN ABDUL H & BUSHRA
9	4730 NORTHAVEN RD	COOK KELLY M
10	4737 CROOKED LN	LEWIS JERY M III &
11	4821 NORTHAVEN RD	WOODALL WILLIAM M
12	11301 STRAIT LN	WARREN KELLY &
13	11300 STRAIT LN	SULEMAN AMER

**FILE NUMBER:** BDA 134-093

**BUILDING OFFICIAL'S REPORT:** Application of Brian Rutt for a variance to the landscape regulations at 1414 (aka: 1420) Dragon Street. This property is more fully described as part of Lot 1, Block 16/6846, and is zoned PD621 (Subdistrict 1), which requires mandatory landscaping. The applicant proposes to construct and maintain a structure and provide an alternate landscape plan, which will require a variance to the landscape regulations.

**LOCATION:** 1414 (aka: 1420) Dragon Street

**APPLICANT:** Brian Rutt  
Represented by Melissa Kingston

**REQUEST:**

A variance to the landscape regulations is made to complete and maintain a recent 2<sup>nd</sup> floor addition to an existing circa 1950's structures/suites being redeveloped into restaurant/bar and office uses, and not fully meet the landscape regulations.

**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.

**ORIGINAL STAFF RECOMMENDATION (October 22, 2014):**

Denial

Rationale:

- While the subject site is unique and different from most lots in the PD 621 zoning district in that it is of an irregular/virtually triangular shape, staff had concluded that the applicant had not substantiated how granting this variance was not needed to relieve a self-created or personal hardship since the applicant's second floor addition was what manifested the landscape requirements to this property.

**UPDATED STAFF RECOMMENDATION (November 19, 2014):**

Denial

Rationale:

- While the City of Dallas has no objections to the applicant's revised landscape plan, and while the subject site is unique and different from most lots in the PD 621 zoning district in that it is of an irregular/virtually triangular shape, staff concluded that the applicant had not substantiated how these features precluded it from being developed in a manner commensurate with the development upon other parcels of land with the same PD 621 zoning – development most of which appear to be one-story, or if more than one story, such as the property to the north – properties that have not sought variance to the landscape regulations from the Board of Adjustment.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: PD 621 (Planned Development, Subdistrict1)  
North: PD 621 (Planned Development, Subdistrict1)  
South: PD 621 (Planned Development, Subdistrict1)  
East: PD 621 (Planned Development, Subdistrict1)  
West: PD 621 (Planned Development, Subdistrict1)

**Land Use:**

The site is currently developed with structures that according to DCAD were built in 1951. According to the applicant, he recently added a 2<sup>nd</sup> floor atop one of the suites on the site in conjunction with his plans to transition what had been a structure with office and gallery uses to office and restaurant/bar uses. The area to the north is developed with a mixed use development; and the areas to the east, south, and west appear mostly developed as office/warehouse uses.

**Zoning/BDA History:**

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

**GENERAL FACTS/STAFF ANALYSIS:**

- This request focuses on completing and maintaining a recent 2<sup>nd</sup> floor addition to an existing circa 1950's structure/suite being redeveloped into restaurant/bar and office uses, and not fully meeting the landscape regulations. More specifically, according to the City of Dallas Chief Arborist, the proposed plan complies with no required landscape standards of PD 621, Subdistrict 1, for a floor area expansion of less than 50 percent.
- The Dallas Development Code requires full compliance with the landscape regulations when nonpermeable coverage on a lot or tract is increased by more than 2,000 square feet, or when work on an application is made for a building permit for construction work that increases the number of stories in a building on the lot, or increases by more than 35 percent or 10,000 square feet, whichever is less, the combined floor areas of all buildings on the lot within a 24-month period.
- Given specific provisions of the landscape provisions of PD No. 621, the applicant can only seek these leniencies from the board of adjustment by requesting a *variance* to the landscape regulations within this PD as opposed to the more typical *special exception* to the landscape regulations.
- On October 10, 2014, the City of Dallas Chief Arborist submitted a memo regarding the applicant's original request (see Attachment A). The memo stated this request was triggered since the owner has increased the story height of a building.
- The Chief Arborist's October 10<sup>th</sup> memo stated the deficiencies in this case are that the proposed plan complied with no required landscape standards of PD 621, Subdistrict 1, for a floor area expansion of less than 50 percent.
- The Chief Arborist's October 10<sup>th</sup> memo listed the following factors for consideration:
  1. PD 621 landscape requirements include the following:
    - Street trees: One street tree per 25 feet of street frontage with a minimum of one. (This would require 4 street trees).
    - Subdistrict 1 General Requirements (that are triggered by the story height increase): Site trees (minimum of 4 trees required, none clearly provided); parking lot trees (not applicable); and design standards (two are required, none are provided).
  2. PD 621 additional standards for non-compliance on-site:
    - PD 621 also provides for an "open space fund" for if a property owner cannot plant all of the required trees on the building site – in these situations, the property owner shall comply with this requirement for no more than 50 percent of the required trees. (This measure would only account for only a portion of the overall landscape deficiency for the property).
    - For landscaping in the right-of-way, the City Council has not revoked a right-of-way landscape permit or private license agreement therefor the owner is required to comply with right-of-way landscape requirements if applicable.
  3. Non-required factors to consider in evaluation:
    - Landscaping on the rooftops is considered in this district where applicable. A landscape plan must accompany any application for a building permit to expand floor area if the expansion is over 50 percent for a non-residential structure. But this case does not required compliance with this additional provision.

- Landscaping does not account for Architectural Design Guidelines or Site Design Requirements.
- The variance standards apply for this case due to the non-Article X landscape requirements.
- While on October 10<sup>th</sup>, the Chief Arborist supported the reduced landscape based on how he felt that the variance was not contrary to public interest when owing to special conditions, a literal enforcement of this chapter results in unnecessary hardship and that the variance would permit developed of a specific parcel of lands by it restrictive area and shape, he recommended denial of the request since the applicant had not substantiated how the variance was not needed to relieve a self-created or personal hardship with the height addition that manifested the landscape requirements to this property.
- The site is flat, irregular in shape, and is approximately 0.117 acres (or approximately 5,100 square feet) in area. The site is zoned PD 621 (Subarea 1).
- According to DCAD records, the “improvements” at 1414 Dragon Street is a 4,291 square foot “restaurant” built in 1951. According to DCAD records, the “improvements” at 1420 Dragon Street is a 1,346 square foot “office/showroom ” built in 1951.
- On October 29, 2014, the applicant’s newly designated representative submitted, among other things included in this report as Attachment C, a revised landscape plan.
- On November 7, 2014, the the City of Dallas Chief Arborist submitted a memo regarding the applicant’s revised request (see Attachment D). This memo stated that after reviewing plans for a revised alternate landscape plan by the applicant, he had no objections to the proposed plan; and that if variance is granted, it should apply to requirements in Article X and PD 621 regulations including Sections 51P-621.112(a)(3), Street Trees, and 51P621.112(b)(6) Open Space Fund.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the landscape regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD No. 621 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 No. 621 zoning classification.
- If the Board were to grant this request and impose a condition that the applicant must comply with the submitted revised alternate landscape plan, the site would be “varied” from certain landscape standards of PD No. 621, Subdistrict 1, as shown on this submitted revised alternate landscape plan.

## **Timeline:**

- July 25, 2014: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- September 9, 2014: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- September 10, 2014: The Board Administrator shared the following information with the applicant via email:
- an attachment that provided the public hearing date and panel that will consider the application; the September 26<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the October 10<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”
- October 7, 2014: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for October public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, and the Assistant City Attorney to the Board.
- October 10, 2014: The City of Dallas Chief Arborist submitted a memo regarding the request (see Attachment A).
- October 22, 2014: The Board of Adjustment Panel B held a public hearing on this application, where the Board Administrator circulated additional written documentation to the Board at the briefing (see Attachment B). The Board delayed action on this application until November 19, 2014.
- October 29, 2014: The Board Administrator sent a letter to the applicant’s newly designated representative that noted the decision of the panel, and the November 7<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials.



October 29, 2014: The applicant's newly designated representative forwarded additional information to staff on this application (see Attachment C).

November 4, 2014: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for November public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Assistant Building Official, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, the City of Dallas Chief Arborist, and the Assistant City Attorney to the Board.

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

November 7, 2014: The City of Dallas Chief Arborist submitted a revised memo regarding the request (see Attachment D).

November 7, 2014: The applicant's representative submitted additional information to staff beyond what was submitted with the original application (see Attachment E). Note that this information was not factored into the staff recommendation given that it was received after the November 4<sup>th</sup> staff review team meeting.

**BOARD OF ADJUSTMENT ACTION: OCTOBER 22, 2014**

APPEARING IN FAVOR: Melissa Kingston, 5301 Spring Valley Road, Dallas, TX  
Santos Martinez, 900 Jackson Street, Dallas, TX

APPEARING IN OPPOSITION: Shelly Stanzel, 154 Glass Street, Dallas, TX  
Don Sallinger, 15150 Preston Road, Dallas, TX  
Richard Stanzel, 315 Cole Street, Dallas, TX  
Stanley Fagin, 14339 Regency Place, Dallas, TX  
Robert Blankenship, 4851 JBJ Fwy, Dallas, TX

MOTION: **Bartos**

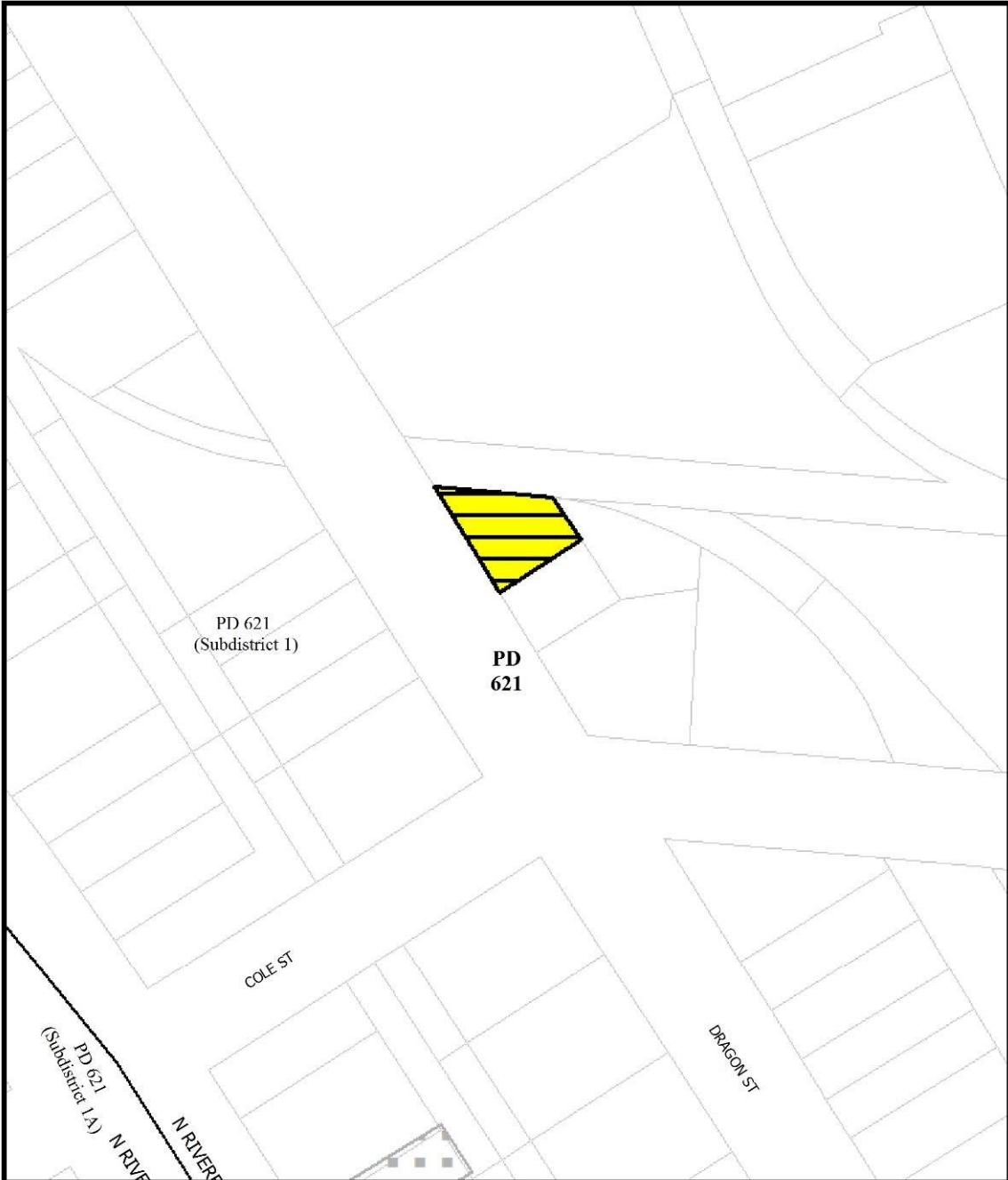
I move that the Board of Adjustment in Appeal No. **BDA 134-093**, hold this matter under advisement until **November 19, 2014**.

SECONDED: **Hounsel**

AYES: 5– Reynolds, Leone, Hounsel, Brannon, Bartos

NAYS: 0 –

MOTION PASSED 5 – 0 (unanimously)

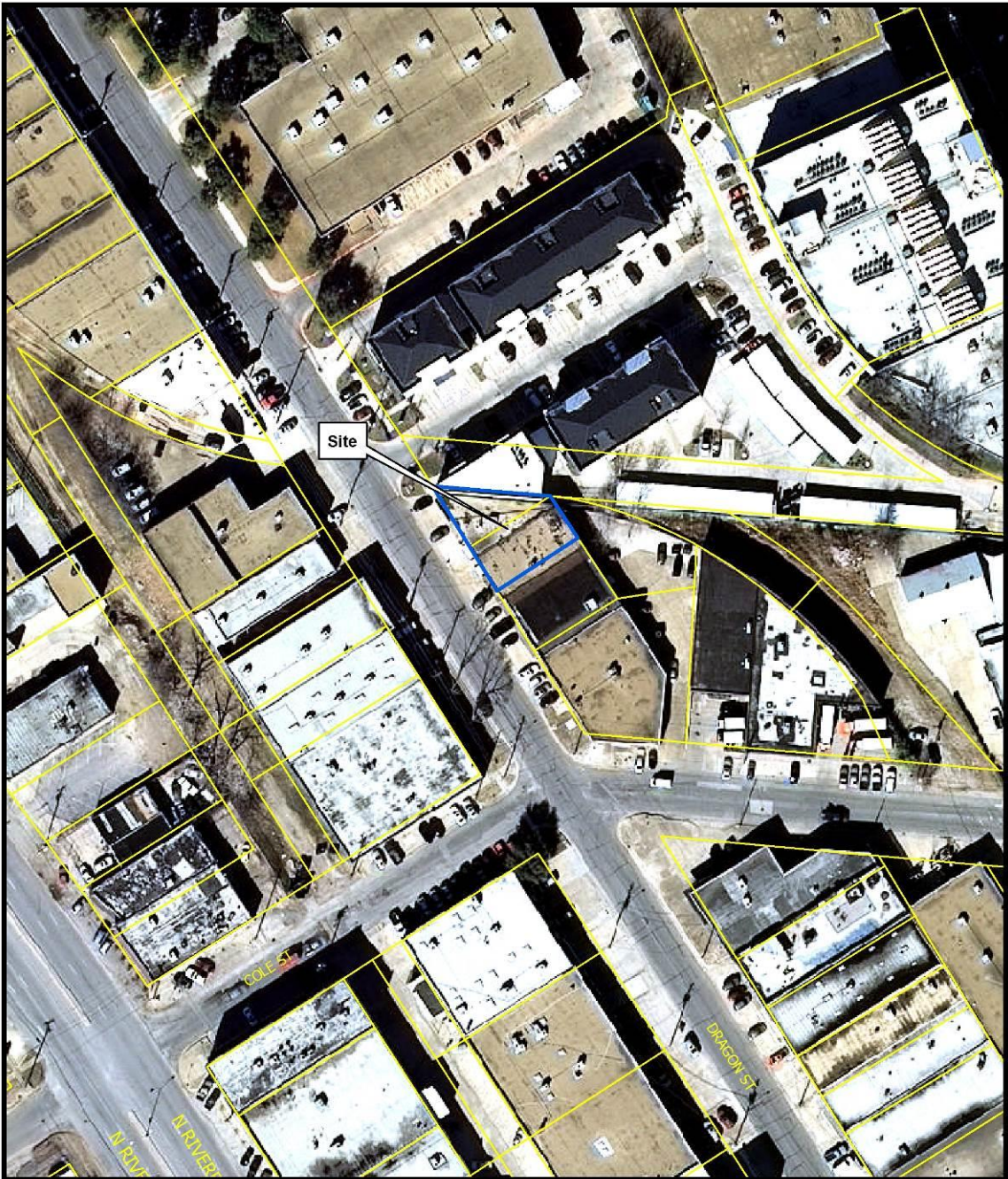


1:1,200

# ZONING MAP

Case no: BDA134-093

Date: 9/23/2014



1:1,200

# AERIAL MAP

Case no: BDA134-093

Date: 9/23/2014

# Memorandum



CITY OF DALLAS

DATE October 10, 2014  
TO Steve Long, Board of Adjustment Administrator  
SUBJECT # BDA 134 - 093 1414 Dragon Street

The applicant is requesting a variance to the landscape requirements of PD 621.

### Trigger

The owner has increased the story height of the building (51A-10.121(c)(1)).

### Deficiencies

The proposed plan complies with no required landscape standards of PD 621, Subdistrict 1, for a floor area expansion of less than 50%.

### Factors

#### PD 621 landscape requirements include the following:

Street trees: one street tree per 25 feet of street frontage, with minimum of one. This property would require 4 street trees from species approved in 621.112.

#### Subdistrict 1 General Requirements

Except as otherwise provided in the section, landscaping must be provided by Article X. The story height increase on the building required these additional regulations to be applied:

Site trees: Minimum of 4 trees required, 3 possible small trees (or shrubs) are to be placed in planters on the roof. Additional bamboo planters will be added on the roof facing the rear of the building. None of the planting is along the Dragon Street frontage.

Parking lot trees: Not applicable

Design Standards: A minimum of two are required, and none are provided.

#### PD 621 additional standards for non-compliance on-site:

The special purpose district (621.112(b)(6)) also provides a 'open space fund' for if a property owner cannot plant all of the required trees on the building site. In these situations, the property owner shall comply with this requirement for no more than 50 percent of the required trees. The owner must either 1) make a payment into the Old Trinity And Design District Open Space Fund, or 2) plant trees within portals to the Trinity River, along a portion of the Old Trinity Trail within PD 621, or along the



meanders of the Old Trinity River channel. This measure would account for only a portion of the overall landscape deficiency for the property.

For landscaping in the right-of-way, the City Council has not revoked a right-of-way landscape permit or private license granted under 621.112(a)(4). Therefore, the owner is required to comply with right-of-way landscape requirements if applicable.

Non-required factors to consider in evaluation:

Landscaping on the rooftops is considered in this district, where applicable. In 621.112(b)(5), a landscape plan must accompany any application for a building permit to expand floor area if the expansion is over 50 percent for a non-residential project. This case does not require compliance with this additional provision of PD 621. However, if it was applicable, the proposed plan could comply with 30 (of a required minimum of 50) points for the feature of 'landscaping on rooftops and facades.' Additional points may be obtainable, including building facade lighting (for 10 points) or other features that may require site or parking adjustments on the property or parkway.

Landscaping does not account for Architectural Design Guidelines or Site Design Requirements.

The variance standards apply for this case due to the non-Article X landscape requirements.

Recommendation

The chief arborist supports the reduced landscape for the property based on the variance provisions of city code that 1) the variance is not contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship; and, 2) the variance is necessary to permit development of a specific parcel of land by its restrictive area and shape. However, it is personally difficult to gauge the variance 3) does not relieve a self-created or personal hardship, with the height addition to the structure that manifested the landscape requirements to this property. Therefore, I must recommend denial of this request pending the opinion of the Board regarding this provision.

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

October 21, 2014

Dallas Board of Adjustment  
c/o Todd Duerksen  
320 E. Jefferson Blvd.  
Room 105  
Dallas, Texas

Re: BDA 143-093 1414 Dragon Street; request for Landscaping Variance

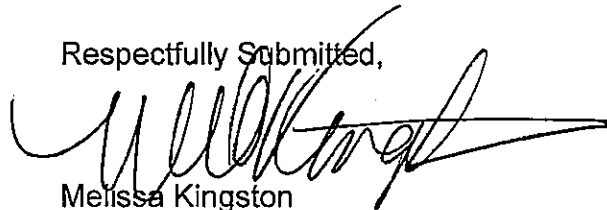
Dear Hon. Board Members:

I am writing you on behalf of DEC Dragon St. LLC ("Owner") to request that its application for a landscaping variance for 1414/1420 Dragon Street, Dallas, Texas (the "Property") be held until the BOA November hearing for the following reasons:

- The Owner received the staff's recommendation for denial on October 10, 2014, the last date to supplement materials to the BOA, and the Owner needs additional time to supplement its request for a variance;
- The Owner would like additional time to meet with staff to determine whether a resolution to this issue can be obtained and has scheduled a meeting with Phil Erwin for October 24, 2014;
- The Owner's representative is unable to attend the October 22, 2014 hearing because he had to make an emergency trip out of the country; and,
- A delay in the hearing will not cost anyone but the Owner additional funds or prejudice anyone else.

Thank you for your consideration.

Respectfully Submitted,



Melissa Kingston

cc: Brian Rutt, Esq.

October 29, 2014

Dallas Board of Adjustment  
c/o Todd Duerksen  
320 E. Jefferson Blvd.  
Room 105  
Dallas, Texas

Re: BDA 143-093 1414 Dragon Street; request for Landscaping Variance

Dear Hon. Board Members:

I am writing you on behalf of DEC Dragon St. LLC ("Owner") to supplement its application for a landscaping variance for 1414/1420 Dragon Street, Dallas, Texas (the "Property").

Summary of Position:

The Property, which is located in PD 621, was not landscaped when the Owner acquired it and, because the existing exterior walls were kept in place and they abut the property line, the property is not able to be landscaped. The Owner has worked with city staff to devise an alternative landscaping plan, which is submitted herewith as Exhibit G.

At the beginning of this project, the Owner went through a lengthy plan review and was permitted to build a second story addition to the existing structure on the Property. The permitted project included a landscape plan to landscape to the adjacent rail bed property. After 9 months of construction, a considerable investment by the Owner and the second story substantially complete, the city informed the Owner that it would not be permitted to landscape the rail bed and the adjacent properties as originally approved and permitted.

The Owner has invested substantially in the Property and now physically cannot comply with the landscaping requirements, there simply is no land to landscape on its property alone. The Owner requests a variance from those landscaping requirements and is willing to consider alternative landscaping on and off the Property in order to comply with the spirit of PD 621 and obtain the requested variance.

Documents attached:

- A. Application
- B. Permits and Contractor Authorizations
- C. Photos and As-Built diagram for improvements to Property



- D. Rear view of Property
- E. Front view of Property (showing head-in parking)
- F. June 12, 2014 correspondence between City and Owner
- G. New Landscaping plan submitted by Owner
- H. Photos of utility lines at Property

Factual Background:

The Property is part of a 1951 single story row of commercial buildings in the Design District. In February of 2013, the Owner submitted plans to improve the Property by making alterations to the existing building and by adding a 775 square-foot second story with only restrooms and rooftop deck above the original building. The Property will be used as event space. See Exhibit A, the Owner's Application.

Permits for said improvements were issued in June of 2013, and the Owner began construction in June of 2013. See Exhibit B, the permit and contractor authorization documents for the project, including contractor authorization for landscaping under the original plan.

Since that time, the Owner has added a second story to the original building located at 1414/1420 without altering or expanding the original footprint of the building. See Exhibit C, a photo of the improvements. The original building at issue backs up to the alley and has no yard or green space behind the building. See Exhibit D, a photo of the rear of the building. The original building has head-in parking in the front and no yard or green space in front of the building. See Exhibit E, photos of the front of the building. The subject site has never been landscaped.

The Property is located in PD 621, which has certain landscaping requirements. Compliance with PD 621's landscaping requirements is not possible due to the unique characteristics of the Property.

Initially, when the original building permit was approved by the City, the Owner planned to meet PD 621's landscaping requirements by considering the entire block on which the Property is located as a single property and then meeting the landscaping requirements within that block where there is space for such landscaping. Unbeknownst to the Owner, the city mistakenly thought that the adjacent rail bed was part of the Property and thus would be landscaped. Mistakenly believing the rail bed would be included in the landscaping, the city approved the Owner's initial application including the landscaping plans submitted therewith. By the summer of 2014, after the construction to the Property was substantially completed, the city's earlier belief about the inclusion of the rail bed was discovered, and it became known to the Owner and city that considering the entire block for landscaping purposes was not feasible.

At that time, after the second story addition was built, city staff (Sarah May) met with the Owner to discuss alternatives. At a meeting on June 12, 2014, staff and the Owner decided to consider only the Property for permitting purposes. As a result, the Owner had to make certain adjustments to its plans, including adjustments regarding parking and landscaping. See Exhibit F, an email between the Owner and city staff.

The Owner has continued to try to provide a landscape plan that is acceptable to staff. Toward that end, the Owner went back to the proverbial drawing board after receiving a continuance of this Board's hearing on the variance request in October. The Owner submits the attached plans, marked as Exhibit G, as its proposed landscaping plan and seeks a variance that will permit it to meet the landscaping requirements by meeting the proposed plans.

Argument and Authorities:

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:

- (A) the variance is 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) the variance is necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
- (C) the variance is not granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

In this case, the city concedes that the first two requirements have been met for a variance but recommends denial of the variance, claiming that the variance is only needed to relieve a self-created circumstance.

The addition of the second story did trigger the application of certain landscaping requirements in PD 621; however, this is not a situation where the Owner is asking for forgiveness rather than permission. The Owner sought and obtained a permit to add a second story to the existing structure located at 1414 Dragon Street and had an

BOA  
October 29, 2014  
Page 4 of 5

approved landscaping plan in place. The permits were issued in June of 2013. After the construction was substantially complete, the city and Owner became aware that the original plan to consider the entire block as the "property" would not work, thus the original landscaping plan would not be feasible. At that time, in June of 2014 (a year later), the city notified the Owner that the parking and landscaping for this project would have to be reevaluated.

Since that time, the Owner has been trying to resolve this matter. The Owner has met with staff, submitted multiple revised landscaping plans, and asked for suggestions on how it could satisfy staff. The most recent plans include the following:

- a. 3 new trees and native grasses in front of the Property
- b. 2 new trees adjacent to the parking in the rear of the Property
- c. 3 container trees on the roof of the Property
- d. A wall of bamboo on the roof of the Property

Care has been taken to choose planting materials that are best suited for the site and water wise. In the front of the Property, there is a utility pole with overhead wires going in multiple directions. See Exhibit H. The Owner suggests a smaller tree specimen for this area so the utility lines and trees do not interfere with one another. The Owner also suggests water wise grasses and rooftop plantings. See Exhibit G.

Adding a 775 square-foot second story (where no changes were made to the original footprint of the building or the development of the site) does not amount to a self-created obstacle to compliance. The subject Property is no more able to be landscaped than it ever was. Nevertheless, the Owner proposes to add rooftop landscaping, plant several trees immediately adjacent to the Property and contribute to the Old Trinity and Design District Open Space Fund (or, if the city prefers, the city's reforestation fund) in order to meet the requirements of PD 621.

The Owner remains willing to consider alternative landscaping options and/or to contribute to one of the city's reforestation or landscaping funds in order to comply with the spirit of PD 621 in order to obtain the variance requested herein. On behalf of the Owner, I respectfully request that the Board grant the requested variance. Should you have any questions or need further information, please feel free to contact me. Thank you for your consideration.

Respectfully Submitted,



Melissa Kingstorr

BOA  
October 29, 2014  
Page 5 of 5

Enclosures as stated.

cc: Brian Rutt, Esq.  
Mr. Santos Martinez  
Liz Johnson, AIA, RA

DATE: Feb 4 / 2013

APPLICATION TYPE

PERMIT  CO

OTHER  EXPRESS



City of Dallas

BDA 134-093  
Attach C  
Pg 6

JOB NO: (OFFICE USE ONLY)

PERMIT NO: (OFFICE USE ONLY)  
1302061029

HEALTH REVIEW

*Project*

**BUILDING INSPECTION APPLICATION**

STREET ADDRESS OF PROPOSED PROJECT: 1414 Dragon Street

SUITE/BLDG/FLOOR NO: 100 & 200

USE OF PROPERTY: Restaurant, Office, Showroom

OWNER/TENANT: RUTT CAPITAL LLC

ADDRESS: 4575 Westgrove Dr. #500

CITY: Addison

STATE: TX

DBA (IF APPLICABLE):

E-MAIL ADDRESS (OPTIONAL):

APPLICANT: Raj Sharma

CONTR NO:

COMPANY NAME: Masterplan

ADDRESS: 900 Jackson #640

CITY: Dallas

STATE: TX

ZIP CODE: 75202

PHONE NO: 214 957 8024

FAX NO: 214 748 7114

DESCRIPTION OF PROPOSED PROJECT: Remodel

CONST AREA (sq ft):

NEW CONST: 1029

REMODEL: 4980

LEASE: 4980

TOTAL AREA: 10989

VALUATION (\$):

NEW CONST: 150,000

REMODEL: 750,000

TOTAL VALUATION: 900,000

ALL FOOD SERVICE ESTABLISHMENTS REQUIRE A GREASE INTERCEPTOR INSTALLED ONSITE. CHECK BOX IF THERE IS ONE LOCATED ON THE PROPERTY.

PLEASE INDICATE ALL TYPES OF WORK THAT WILL BE PART OF THIS PROJECT BY CHECKING THE APPROPRIATE BOX AND PROVIDE CONTRACTOR/SUBCONTRACTOR INFORMATION ON THE BACK OF THIS FORM. NOTE: AN AFFIDAVIT IS REQUIRED FOR THE SALE OR SERVING OF ALCOHOL.

BUILDING  PLUMBING  FENCE  DRIVE APPROACH  BACKFLOW  BARRICADE

ELECTRICAL  FIRE SPRKLR  SIGN  SWIMMING POOL  CUSTOMER SVC  GREEN BUILDING/LEED

MECHANICAL  FIRE ALARM  LANDSCAPE  LAWN SPRINKLER  FLAMMABLE LIQUID  OTHER: HEALTH.

WILL ALCOHOL BE SOLD/SERVED?  YES  NO

PERSONAL SERVICE LICENSE REQUIRED FOR THE PROPOSED USE?  YES  NO

WILL THERE BE A DANCE FLOOR?  YES  NO

ARE POTENTIALLY HAZARDOUS FOODS/OPEN FOODS BEING SOLD?  YES  NO

I HAVE CAREFULLY READ THE COMPLETED APPLICATION AND KNOW THE SAME IS TRUE AND CORRECT AND HEREBY AGREE THAT IF A PERMIT IS ISSUED ALL PROVISIONS OF THE CITY ORDINANCES AND STATE LAWS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT. I AM THE OWNER OF THE PROPERTY OR THE DULY AUTHORIZED AGENT. PERMISSION IS HEREBY GRANTED TO ENTER PREMISES AND MAKE ALL INSPECTIONS

APPLICANT SIGNATURE: *[Signature]*

**FOR OFFICE USE ONLY**

ZONING				BUILDING		MISCELLANEOUS	
LAND USE	TYPE OF WORK	BASE ZONING	PD	CONSTRUCTION TYPE	OCCUPANCY	ACTIVITY	OWN
MIX 6379/5811		62	629	IB	MIX		
	BLOCK	REQUIRED PARKING	PROPOSED PARKING	SPRINKLER	OCCUPANT LOAD	FLOOD PLAIN	AIRPORT
		62	63	ALL	475		
LOT AREA	BDA	SUP	RAR	STORIES	DWELLING UNITS	SPECIAL INSPECTIONS	HISTORICAL
				2			
DIR	EARLY RELEASE	DEED RESTRICTION	PARKING AGREEMENT	NUMBER BEDROOMS	NUMBER BATHROOMS	DRY	LL

ROUTE TO	REVIEWER	DATE	APPLICATION REMARKS	FEE CALCULATIONS (\$)
PRE-SCREEN				PERMIT FEE 6249.10
ZONING	AC	6.5.13	MIX = A2+B	SURCHARGE 10%
BUILDING	LE	6.4.13		PLAN REVIEW FEE 150.00
ELECTRICAL	TSPRS	4.4.13	406.6, 406.9, 210.8	EXPRESS ACCEPT FEE 500.00
PLUMBING/MECHANICAL	IB	6.4.13		EXPRESS PLAN REVIEW
GREEN BUILDING				HOURLY FEE TOTAL
HEALTH	G	6/5/13		HEALTH PERMIT FEE 800.00
HISTORICAL/CONS DIST				OTHER FEES 15.00 (C.S.)
PUBLIC WORKS				OTHER FEES None
WATER				OTHER FEES None
FIRE				OTHER FEES None
LANDSCAPING				TOTAL FEES \$
AVIATION				
OTHER				

*Q TEAM 2000.00*

6/4/13

**EXHIBIT**

**A**

DATE: Feb 4/2013

APPLICATION TYPE

PERMIT  CO

OTHER  EXPRESS



City of Dallas

BDA 134-093  
Attach C  
Pg 7

JOB NO: (OFFICE USE ONLY)

PERMIT NO: (OFFICE USE ONLY)  
1302061030

HEALTH REVIEW   
Restaurants/Food Service

**BUILDING INSPECTION APPLICATION**

STREET ADDRESS OF PROPOSED PROJECT: 1414 Dragon street SUITE/BLDG/FLOOR NO: 100 USE OF PROPERTY: Office Showroom

OWNER/TENANT: DEC DRAGON ST. LLC ADDRESS: 1414 Dragon St. CITY: Dallas STATE: TX ZIP CODE: \_\_\_\_\_

DBA (IF APPLICABLE): \_\_\_\_\_ E-MAIL ADDRESS (OPTIONAL): \_\_\_\_\_

APPLICANT: Ray Sharma CONTR NO: \_\_\_\_\_ COMPANY NAME: CELL-

ADDRESS: 900 Jackson #690 CITY: Dallas STATE: TX ZIP CODE: 75202 PHONE NO: 2149575024 FAX NO: 2147487114

DESCRIPTION OF PROPOSED PROJECT: Remodel

CONST AREA (sq ft): 1738

NEW CONST: 1738

REMODEL: 1738

LEASE: \_\_\_\_\_

TOTAL AREA: 1738

VALUATION (\$): 260,700

NEW CONST: 260,700

TOTAL VALUATION: \_\_\_\_\_

ALL FOOD SERVICE ESTABLISHMENTS REQUIRE A GREASE INTERCEPTOR INSTALLED ONSITE. CHECK BOX IF THERE IS ONE LOCATED ON THE PROPERTY.

PLEASE INDICATE ALL TYPES OF WORK THAT WILL BE PART OF THIS PROJECT BY CHECKING THE APPROPRIATE BOX AND PROVIDING CONTRACTOR/SUBCONTRACTOR INFORMATION.

BUILDING  PLUMBING  FENCE  DRIVE APPROACH  BACKFLOW  BARRICADE

ELECTRICAL  FIRE SPRKLR  SIGN  SWIMMING POOL  CUSTOMER SVC  GREEN BUILDING/LEED

MECHANICAL  FIRE ALARM  LANDSCAPE  LAWN SPRINKLER  FLAMMABLE LIQUID  OTHER: \_\_\_\_\_

WILL ALCOHOL BE SOLD/SERVED?  YES  NO

PERSONAL SERVICE LICENSE REQUIRED FOR THE PROPOSED USE?  YES  NO

WILL THERE BE A DANCE FLOOR?  YES  NO

ARE POTENTIALLY HAZARDOUS FOODS/OPEN FOODS BEING SOLD?  YES  NO

I HAVE CAREFULLY READ THE COMPLETED APPLICATION AND KNOW THE SAME IS TRUE AND CORRECT AND HEREBY AGREE THAT IF A PERMIT IS ISSUED ALL PROVISIONS OF THE CITY ORDINANCES AND STATE LAWS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT. I AM THE OWNER OF THE PROPERTY OR THE DULY AUTHORIZED AGENT. PERMISSION IS HEREBY GRANTED TO ENTER PREMISES AND MAKE ALL INSPECTIONS.

APPLICANT SIGNATURE: \_\_\_\_\_

**6379 Subdistrict 1 FOR OFFICE USE ONLY**

ZONING				BUILDING		MISCELLANEOUS	
ACTIVITY	OWN	TYPE OF WORK	BASE ZONING	CONSTRUCTION TYPE	OCCUPANCY	ACTIVITY	OWN
		BLOCK	REQUIRED PARKING: <u>2</u>	SPRINKLER	OCCUPANT LOAD	FLOOD PLAIN	AIRPORT
LOT AREA	BDA	SUP	PROPOSED PARKING: <u>63</u>	ALL	DWELLING UNITS	SPECIAL INSPECTIONS	HISTORICAL
DIR	EARLY RELEASE	DEED RESTRICTION	PARKING AGREEMENT	STORIES: <u>2</u>	NUMBER BEDROOMS	DRY	LL
				NUMBER BATHROOMS			

ROUTE TO	REVIEWER	DATE	APPLICATION REMARKS	FEE CALCULATIONS (\$)
PRE-SCREEN			4084 A 1 D, 406.9(B), 210.8	PERMIT FEE
ZONING				SURCHARGE
BUILDING	<u>LL</u>	<u>6-14-13</u>		PLAN REVIEW FEE
ELECTRICAL	<u>TDRS</u>	<u>2-1-13</u>		EXPRESS ACCEPT FEE
PLUMBING/MECHANICAL				EXPRESS PLAN REVIEW
GREEN BUILDING				HOURLY FEE TOTAL
HEALTH	<u>LL</u>	<u>6/5/13</u>		HEALTH PERMIT FEE
HISTORICAL/CONS DIST				OTHER FEES
PUBLIC WORKS				None
OTHER				OTHER FEES
			None	
			OTHER FEES	
			None	
			TOTAL FEES	
			\$	



DATE: Feb 4/2013

APPLICATION TYPE

PERMIT  CO

OTHER  EXPRESS

BDA 134-093  
Attach C  
Pg 8



City of Dallas

**FL1**

JOB NO: (OFFICE USE ONLY)

PERMIT NO: (OFFICE USE ONLY)  
1302061031

HEALTH REVIEW (Restaurants/Food Service)

**BUILDING INSPECTION APPLICATION**

STREET ADDRESS OF PROPOSED PROJECT: 1414 Dragon street

SUITE/BLDG/FLOOR NO: 200

USE OF PROPERTY: Restaurant

OWNER/TENANT: \_\_\_\_\_ ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

DBA (IF APPLICABLE): \_\_\_\_\_ E-MAIL ADDRESS (OPTIONAL): \_\_\_\_\_

APPLICANT: Ray Sharma CONTR NO: \_\_\_\_\_ COMPANY NAME: \_\_\_\_\_

ADDRESS: 905 Jackson #690 CITY: Dallas STATE: TX ZIP CODE: 75202 PHONE NO: 214 957 5024 FAX NO: 214 748 7114

DESCRIPTION OF PROPOSED PROJECT: Remodel w/ \$ for commercial Amusement outside

REMODEL  NEW CONST

REMODEL VALUE: 3262 (circled)

REMODEL COST: 300,000 (circled)

TOTAL VALUE: 3262 (circled)

TOTAL COST: 489,300 (circled)

ALL FOOD SERVICE ESTABLISHMENTS REQUIRE A GREASE INTERCEPTOR INSTALLED ONSITE. CHECK BOX IF THERE IS ONE LOCATED ON THE PROPERTY.

PLEASE INDICATE ALL TYPES OF WORK THAT WILL BE PART OF THIS PROJECT BY CHECKING THE APPROPRIATE BOX AND PROVIDE CONTRACTOR'S CONTRACTOR INFORMATION ON THE BACK OF THIS FORM. NOTE: AN AFFIDAVIT IS REQUIRED FOR THE SALE OR SERVING OF ALCOHOL.

BUILDING  PLUMBING  FENCE  DRIVE APPROACH  BACKFLOW  BARRICADE

ELECTRICAL  FIRE SPRKLR  SIGN  SWIMMING POOL  CUSTOMER SVC  GREEN BUILDING/LEED

MECHANICAL  FIRE ALARM  LANDSCAPE  LAWN SPRINKLER  FLAMMABLE LIQUID  OTHER: \_\_\_\_\_

WILL ALCOHOL BE SOLD/SERVED?  YES  NO

PERSONAL SERVICE LICENSE REQUIRED FOR THE PROPOSED USE?  YES  NO

WILL THERE BE A DANCE FLOOR?  YES  NO

ARE POTENTIALLY HAZARDOUS FOODS/OPEN FOODS BEING SOLD?  YES  NO

I HAVE CAREFULLY READ THE COMPLETED APPLICATION AND KNOW THE SAME IS TRUE AND CORRECT AND HEREBY AGREE THAT IF A PERMIT IS ISSUED ALL PROVISIONS OF THE CITY ORDINANCES AND STATE LAWS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT. I AM THE OWNER OF THE PROPERTY OR THE DULY AUTHORIZED AGENT. PERMISSION IS HEREBY GRANTED TO ENTER PREMISES AND MAKE ALL INSPECTIONS.

APPLICANT SIGNATURE: \_\_\_\_\_

FOR OFFICE USE ONLY							
ZONING:				BUILDING		MISCELLANEOUS	
TYPE OF WORK	BASE ZONING	PD	CONSTRUCTION TYPE	OCCUPANCY	ACTIVITY	OWN	
5811 (circled)	BLOCK	33	IB (circled)	A2 (circled)	FLOOD PLAIN	AIRPORT	
LOT AREA	BOA	SUP	SPRINKLER	OCCUPANT LOAD	SPECIAL INSPECTIONS	HISTORICAL	
DIR	EARLY RELEASE	DEED RESTRICTION	STORIES	DWELLING UNITS	DRY	LL	
		PARKING AGREEMENT	NUMBER BEDROOMS	NUMBER BATHROOMS			

ROUTE TO	REVIEWER	DATE	APPLICATION REMARKS	FEE CALCULATIONS (\$)
PRE-SCREEN				PERMIT FEE
ZONING				SURCHARGE
BUILDING	<u>LE</u>	<u>6.4.13</u>		PLAN REVIEW FEE
ELECTRICAL				EXPRESS ACCEPT FEE
PLUMBING/MECHANICAL				EXPRESS PLAN REVIEW
GREEN BUILDING				HOURLY FEE TOTAL
HEALTH				HEALTH PERMIT FEE
HISTORICAL/CONS DIST				OTHER FEES
PUBLIC WORKS				None
WATER				OTHER FEES
FIRE				None
LANDSCAPING				OTHER FEES
AVIATION				None
OTHER				TOTAL FEES
				\$



DATE: Feb 4 / 2013

APPLICATION TYPE  
 PERMIT  CO   
 OTHER  EXPRESS

BDA 134-093  
 Attach C  
 Pg 9



City of Dallas

FL 2

JOB NO: (OFFICE USE ONLY)  
 1306041050  
 HEALTH REVIEW (Restaurants/Food Service)

**BUILDING INSPECTION APPLICATION**

STREET ADDRESS OF PROPOSED PROJECT: 1414 Dragon Street  
 SUITE/BLDG/FLOOR NO: 200  
 USE OR PROPERTY: Restaurant

OWNER/TENANT: \_\_\_\_\_ ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

DBA (IF APPLICABLE): \_\_\_\_\_ E-MAIL ADDRESS (OPTIONAL): \_\_\_\_\_

APPLICANT: Raj Sharma CONTR NO: \_\_\_\_\_ COMPANY NAME: \_\_\_\_\_

ADDRESS: 903 Jackson #640 CITY: Dallas STATE: TX ZIP CODE: 75202 PHONE NO: 214 957 8024 FAX NO: 214 748 7114

DESCRIPTION OF PROPOSED PROJECT: ~~Commercial~~ **NEW CONST.** ~~House~~ **Restaurant**

CO AREA (sq ft): \_\_\_\_\_

NEW CONST: 1029  
 REMODEL: \_\_\_\_\_  
 LEASE: \_\_\_\_\_  
 TOTAL AREA: 1029

NEW CONST: 154,350  
 REMODEL: \_\_\_\_\_  
 TOTAL VALUATION: 154,350

ALL FOOD SERVICE ESTABLISHMENTS REQUIRE A GREASE INTERCEPTOR INSTALLED ON-SITE. CHECK BOX IF THERE IS ONE LOCATED ON THE PROPERTY.

PLEASE INDICATE ALL TYPES OF WORK THAT WILL BE PART OF THIS PROJECT BY CHECKING THE APPROPRIATE BOX AND PROVIDE CONTRACTOR/SUBCONTRACTOR INFORMATION ON THE BACK OF THIS FORM. NOTE: AN AFFIDAVIT IS REQUIRED FOR THE SALE OR SERVING OF ALCOHOL.

- BUILDING
- PLUMBING
- FENCE
- DRIVE APPROACH
- BACKFLOW
- BARRICADE
- ELECTRICAL
- FIRE SPRKLR
- SIGN
- SWIMMING POOL
- CUSTOMER SVC
- GREEN BUILDING/LEED
- MECHANICAL
- FIRE ALARM
- LANDSCAPE
- LAWN SPRINKLER
- FLAMMABLE LIQUID
- OTHER: \_\_\_\_\_

WILL ALCOHOL BE SOLD/SERVED?  YES  NO  
 WILL THERE BE A DANCE FLOOR?  YES  NO  
 PERSONAL SERVICE LICENSE REQUIRED FOR THE PROPOSED USE?  YES  NO  
 ARE POTENTIALLY HAZARDOUS FOODS/OPEN FOODS BEING SOLD?  YES  NO

I HAVE CAREFULLY READ THE COMPLETED APPLICATION AND KNOW THE SAME IS TRUE AND CORRECT AND HEREBY AGREE THAT IF A PERMIT IS ISSUED ALL PROVISIONS OF THE CITY ORDINANCES AND STATE LAWS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT. I AM THE OWNER OF THE PROPERTY OR THE DULY AUTHORIZED AGENT. PERMISSION IS HEREBY GRANTED TO ENTER PREMISES AND MAKE ALL INSPECTIONS.

APPLICANT SIGNATURE: \_\_\_\_\_

**FOR OFFICE USE ONLY**

ZONING				BUILDING		MISCELLANEOUS	
TYPE OF WORK	BASE ZONING	PD	CONSTRUCTION TYPE	OCCUPANCY	ACTIVITY	OWN	
BLOCK	REQUIRED PARKING	1021	IB	A2	FLOOD PLAIN	AIRPORT	
LOT AREA	BDA	63	ALL	OCCUPANT LOAD	SPECIAL INSPECTIONS	HISTORICAL	
DIR	EARLY RELEASE	RAR	2	DWELLING UNITS	DRY	LL	
	DEED RESTRICTION		NUMBER BEDROOMS	NUMBER BATHROOMS			

ROUTE TO	REVIEWER	DATE	APPLICATION REMARKS	FEE CALCULATIONS (\$)
PRE-SCREEN				PERMIT FEE
ZONING				SURCHARGE
BUILDING	LE	6.4.13		PLAN REVIEW FEE
ELECTRICAL				EXPRESS ACCEPT FEE
PLUMBING/MECHANICAL				EXPRESS PLAN REVIEW
GREEN BUILDING				HOURLY FEE TOTAL
HEALTH				HEALTH PERMIT FEE
HISTORICAL/CONS DIST				OTHER FEES
PUBLIC WORKS				None
WATER				OTHER FEES
FIRE				None
LANDSCAPING				OTHER FEES
AVIATION				None
OTHER				TOTAL FEES
				\$

DATE: Feb 4/2013

BDA 134-093  
Attach C  
Pg 10



City of Dallas

JOB NO: (OFFICE USE ONLY)  
PERMIT NO: (OFFICE USE ONLY) 1302061039  
HEALTH REVIEW (Food and Food Service)

APPLICATION TYPE  
PERMIT  CO   
OTHER  EXPRESS

# BUILDING INSPECTION APPLICATION

STREET ADDRESS OF PROPOSED PROJECT: 1414 Dragon Street  
SUITE/BLDG/FLOOR NO: 100  
USE OF PROPERTY: Office Show room

OWNER/TENANT: [Redacted]  
ADDRESS: [Redacted]  
CITY: Dallas  
STATE: TX  
ZIP CODE: 75202

DBA (IF APPLICABLE): D.E.C. on Dragon St  
E-MAIL ADDRESS (OPTIONAL):

APPLICANT: Raj. Sharma  
CONTR NO: [Redacted]  
COMPANY NAME: [Redacted]

ADDRESS: 905 Jackson #640  
CITY: Dallas  
STATE: TX  
ZIP CODE: 75202  
PHONE NO: 214 957 8024  
FAX NO: 214 748 7114

DESCRIPTION OF PROPOSED PROJECT: Remodel  
CONST AREA (sq ft): [Redacted]  
NEW CONST: [Redacted]  
REMODEL: [Redacted]  
LEASE: [Redacted]

VALUATION (\$): 1738  
TOTAL VALUATION: 1738

ALL FOOD SERVICE ESTABLISHMENTS REQUIRE A GREASE INTERCEPTOR INSTALLED ONSITE. CHECK BOX IF THERE IS ONE LOCATED ON THE PROPERTY.

PLEASE INDICATE ALL TYPES OF WORK THAT WILL BE PART OF THIS PROJECT BY CHECKING THE APPROPRIATE BOX AND PROVIDE CONTRACTOR/SUBCONTRACTOR INFORMATION ON THE BACK OF THIS FORM. NOTE: AN AFFIDAVIT IS REQUIRED FOR THE SALE OR SERVING OF ALCOHOL.

BUILDING  PLUMBING  FENCE  DRIVE APPROACH  BACKFLOW  BARRICADE  
 ELECTRICAL  FIRE SPRKLR  SIGN  SWIMMING POOL  CUSTOMER SVC  GREEN BUILDING/LEED  
 MECHANICAL  FIRE ALARM  LANDSCAPE  LAWN SPRINKLER  FLAMMABLE LIQUID  OTHER:

WILL ALCOHOL BE SOLD/SERVED?  YES  NO  
PERSONAL SERVICE LICENSE REQUIRED FOR THE PROPOSED USE?  YES  NO  
WILL THERE BE A DANCE FLOOR?  YES  NO  
ARE POTENTIALLY HAZARDOUS FOODS/OPEN FOODS BEING SOLD?  YES  NO

I HAVE CAREFULLY READ THE COMPLETED APPLICATION AND KNOW THE SAME IS TRUE AND CORRECT AND HEREBY AGREE THAT IF A PERMIT IS ISSUED ALL PROVISIONS OF THE CITY ORDINANCES AND STATE LAWS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT. I AM THE OWNER OF THE PROPERTY OR THE DULY AUTHORIZED AGENT. PERMISSION IS HEREBY GRANTED TO ENTER PREMISES AND MAKE ALL INSPECTIONS.

APPLICANT SIGNATURE: [Signature]

FOR OFFICE USE ONLY							
ZONING				BUILDING		MISCELLANEOUS	
TYPE OF WORK	BASE ZONING	PD	CONSTRUCTION TYPE	OCCUPANCY	ACTIVITY	OWN	
6379	6379	6021	IB	B			
BLOCK	REQUIRED PARKING	PROPOSED PARKING	SPRINKLER	OCCUPANT LOAD	FLOOD PLAIN	AIRPORT	
LOT AREA	BDA	SUP	RAR	STORIES	DWELLING UNITS	SPECIAL INSPECTIONS	HISTORICAL
DIR	EARLY RELEASE	DEED RESTRICTION	PARKING AGREEMENT	NUMBER BEDROOMS	NUMBER BATHROOMS	DRY	LL
				2			

ROUTE TO	REVIEWER	DATE	APPLICATION REMARKS	FEE CALCULATIONS (\$)
PRE-SCREEN				PERMIT FEE 280.00
ZONING				SURCHARGE
BUILDING	LE	6-4-13		PLAN REVIEW FEE
ELECTRICAL				EXPRESS ACCEPT FEE
PLUMBING/MECHANICAL				EXPRESS PLAN REVIEW
GREEN BUILDING				HOURLY FEE TOTAL
HEALTH				HEALTH PERMIT FEE
HISTORICAL/CONS DIST				OTHER FEES None
PUBLIC WORKS				OTHER FEES None
WATER				OTHER FEES None
FIRE				TOTAL FEES \$ 280.00
LANDSCAPING				
AVIATION				
OTHER				

DATE: Feb 4 2013

BDA 134-093  
Attach C  
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City of Dallas

C.O.

JOB NO: (OFFICE USE ONLY)

PERMIT NO: 1304181001  
HEALTH REVIEW (Restaurants/Food Service)

**BUILDING INSPECTION APPLICATION**

STREET ADDRESS OF PROPOSED PROJECT: 1414 Dragon Street  
SUITE/BLDG/FLOOR NO: 200  
USE OF PROPERTY: Restaurant

OWNER/TENANT: \_\_\_\_\_ ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_ STATE: \_\_\_\_\_

DBA (IF APPLICABLE): \_\_\_\_\_ E-MAIL ADDRESS (OPTIONAL): \_\_\_\_\_

APPLICANT: Raj Sharma  
CONTR NO: \_\_\_\_\_ COMPANY NAME: \_\_\_\_\_

ADDRESS: 903 Jackson #640  
CITY: Dallas STATE: TX ZIP CODE: 75202 PHONE NO: 214 957 8024 FAX NO: 214 748 7114

DESCRIPTION OF PROPOSED PROJECT: RESTAURANT

NEW CONST: \_\_\_\_\_ REMODEL: 4291  
LEASE: \_\_\_\_\_ TOTAL AREA: 4291

ALL FOOD SERVICE ESTABLISHMENTS REQUIRE A GREASE INTERCEPTOR IN STALLED ONSITE. CHECK BOX IF THERE IS ONE LOCATED ON THE PROPERTY.

PLEASE INDICATE ALL TYPES OF WORK THAT WILL BE PART OF THIS PROJECT BY CHECKING THE APPROPRIATE BOX AND PROVIDE CONTRACTOR/SUBCONTRACTOR INFORMATION ON THE BACK OF THIS FORM. NOTE: AN AFFIDAVIT IS REQUIRED FOR THE SALE OR SERVING OF ALCOHOL.

BUILDING  PLUMBING  FENCE  DRIVE APPROACH  BACKFLOW  
 ELECTRICAL  FIRE SPRKLR  SIGN  SWIMMING POOL  CUSTOMER SVC  GREEN BUILDING/LEED  
 MECHANICAL  FIRE ALARM  LANDSCAPE  LAWN SPRINKLER  FLAMMABLE LIQUID  OTHER: \_\_\_\_\_

WILL ALCOHOL BE SOLD/SERVED?  YES  NO  
 WILL THERE BE A DANCE FLOOR?  YES  NO  
 PERSONAL SERVICE LICENSE REQUIRED FOR THE PROPOSED USE?  YES  NO  
 ARE POTENTIALLY HAZARDOUS FOODS/OPEN FOODS BEING SOLD?  YES  NO

I HAVE CAREFULLY READ THE COMPLETED APPLICATION AND KNOW THE SAME IS TRUE AND CORRECT AND HEREBY AGREE THAT IF A PERMIT IS ISSUED ALL PROVISIONS OF THE CITY ORDINANCES AND STATE LAWS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT. I AM THE OWNER OF THE PROPERTY OR THE DULY AUTHORIZED AGENT. PERMISSION IS HEREBY GRANTED TO ENTER THE PREMISES AND MAKE ALL INSPECTIONS.

APPLICANT SIGNATURE: \_\_\_\_\_

**FOR OFFICE USE ONLY**

ZONING				BUILDING		MISCELLANEOUS	
TYPE OF WORK	BASE ZONING	PD	CONSTRUCTION TYPE	OCCUPANCY	ACTIVITY	OWN	
5811	43	1021	IB	A2	FLOOD PLAIN	AIRPORT	
BLOCK	REQUIRED PARKING	PROPOSED PARKING	SPRINKLER	OCCUPANT LOAD	SPECIAL INSPECTIONS	HISTORICAL	
BD	43	63	ALL	475	DRY	LL	
CD AREA	SDA	SLP	RAR	STORIES	NUMBER BEDROOMS	NUMBER BATHROOMS	
DIR	EARLY RELEASE	DEED RESTRICTION	PARKING AGREEMENT	2			

ROUTE TO	REVIEWER	DATE	APPLICATION REMARKS	FEE CALCULATIONS (\$)
PRE-SCREEN				PERMIT FEE
ZONING				SURCHARGE
BUILDING	4	6.4.13		PLAN REVIEW FEE
ELECTRICAL				EXPRESS ACCEPT FEE
PLUMBING/MECHANICAL				EXPRESS PLAN REVIEW
GREEN BUILDING				HOURLY FEE TOTAL
HEALTH				HEALTH PERMIT FEE
HISTORICAL/CONS DIST				OTHER FEES
PUBLIC WORKS				None
WATER				OTHER FEES
FIRE				None
LANDSCAPING				OTHER FEES
AVIATION				None
OTHER				TOTAL FEES
				\$ 280.00

**Q-TEAM REVIEW MEETING**

320 E. JEFFERSON BLVD. #204 • DALLAS, TX 75203 • FAX 214-659-7024

DATE: 6-4-13 TIME: 9:00

PROJECT ADDRESS: 1414 Dragon

PROJECT NAME: Dragon SF

NAME	TITLE/ROLE	PHONE#	EMAIL	SIGNATURE
Doborah Greenhouse	Office Manager	214-948-4337	doborah.alexandergr@dallascityhall.com	
Meenal Chauk	Green	214-948-4091	meenai.chauk@dallascityhall.com	
Anthony Cooks	Zoning	214-948-4329	anthony.cooks@dallascityhall.com	AC
James H. Shelton Jr. (Jim)	Plbg. & Mech.	214-948-4306	james.shelton2@dallascityhall.com	JS
Mark Eskander	Zoning	214-948-4101	mark.eskander@dallascityhall.com	
Ved Gupta	Coordinator	214-948-4463	ved.gupta@dallascityhall.com	
Kiesha Kay	Arborist	214-948-5375	kiesha.kay@dallascityhall.com	
Helen Mannea	Building Code	214-948-4625	helen.mannea@dallascityhall.com	
Henry Renteria	Water & Waste Water	214-948-4211	henry.renteria@dallascityhall.com	
David Rhoads	Arborist	214-948-4465	donald.rhoads@dallascityhall.com	DR
Rhonda Seltzer	Coordinator	214-948-4451	rhonda.seltzer@dallascityhall.com	
Eddie Small	Zoning	214-948-4018	tyrus.small@dallascityhall.com	ES
Jerry Svec	Engineering	214-948-4444	jerry.svec@dallascityhall.com	
Rahul Sharma	Coordinator	214-948-4352	rahul.sharma@dallascityhall.com	
Luis Lopez	Building Code	214-948-4483	luis.lopez@dallascityhall.com	LL
Frances Estes	Manager	214-948-4023	frances.estes@dallascityhall.com	FE

BDA 134-093  
Attach C  
Pg 12



DEPARTMENT OF CODE COMPLIANCE  
Restaurant and Bar Inspections Unit  
**FOOD ESTABLISHMENT PERMIT APPLICATION**  
(To Be Retained in Department Inspection Files)

PLEASE PRINT - ALL SPACES MUST BE COMPLETED

FEES	THE PRE-INSPECTION FEE CANNOT BE APPLIED TO A FOOD ESTABLISHMENT PERMIT FEE. THE PLAN REVIEW FEE IS IN ADDITION TO FOOD ESTABLISHMENT PERMIT FEES. ALL FEES ARE NON-REFUNDABLE.	FOR OFFICE USE ONLY
Pre Inspection..... \$200		card code _____ /FA _____
Food Establishment Permit Application..... \$300		zip code _____ dist # _____
Plan Review..... \$250		stat comm _____ type _____
		mapsco _____ fee code _____

Date of Application 2-7-13

Name of Food Business D.E.C. on Dragon St  
 Address of Food Business 1414 Dragon St #200 Suite # \_\_\_\_\_  
 Mailing Address 4575 Westgate Suite # 500 Zip Code 75001  
 Owner of Food Business\* D.E.C. Holdings LLC Business Phone 972 400 2242  
 Home Phone \_\_\_\_\_

\* Sole Owner  \* Partnership  List all partners \_\_\_\_\_

\* Corporation  List Registered Agent and all principal owners Brian Rutt Larry Rutt

(Use additional space at bottom of page)

Name of Registered Food Service Manager TBD Certificate # \_\_\_\_\_  
 Contact Person for Inspection \_\_\_\_\_ Local Phone \_\_\_\_\_

Type of Operation: Permit Requested For:  
 Wholesale  Change of Ownership (existing facility)  New Suite Finish Out   
 Retail  Remodel - Same Owner (existing facility)  Pre-inspection/Survey

Type of Food Establishment:  
 Restaurant  Bar/Tavern  Grocery  Bakery  Fast Food/Deli  Warehouse   
 Other  (specify) \_\_\_\_\_

Total Square Feet ~~8500~~ 600 Days/Hours of Operation: TBD

Is this facility connected to City water? Yes  No  City sewer? Yes  No  Septic tank? Yes  No

Job Contractor Business Name Cardor Construction Company Phone 972 248 0958

Job Contractor Business Address 17719 Cedar Creek Canyon Dr Dallas TX 75252

Approximate cost of complete job 600,000 Start Date 3-1-13 Finish Date 7-1-13

Was this a food or beverage establishment previously? Yes  No

If Yes, is it open now? Yes  No  Date you expect to open to public \_\_\_\_\_

If Yes, name of prior food business \_\_\_\_\_  
 Previous owner's name \_\_\_\_\_

- Principals of Corporation
1. \_\_\_\_\_
  2. \_\_\_\_\_
  3. \_\_\_\_\_
  4. \_\_\_\_\_
  5. \_\_\_\_\_

By signing below, I certify that the information provided on this application is true and correct. I furthermore understand that providing false or fictitious information will render this application invalid.

[Signature] \_\_\_\_\_ Title \_\_\_\_\_  
 \* Owner or Authorized Signature (Required)

08803473 \_\_\_\_\_ Date of Birth 10-1-82  
 TX Driver's License #



CITY OF DALLAS

APPLICATION

BDA 134-093  
Attach C  
Pg 14

Receipt

No 46913

In compliance with the Ordinance of the City of Dallas, I hereby make application for a permit to operate DE.C. ON DRAGON ST.

Owner D.E.C. Holdings LLC. Business Telephone No. 972 400 2242

Business Or Firm Name DE.C. ON DRAGON Type BAR/TAVERN

Address 1419 DRAGON # 200 Approximate Square Feet 600

I understand that I must contact the Department of Code Compliance to secure an inspection of my establishment to determine all defects that must be corrected prior to obtaining approval to operate my facility. In addition, an on-site Registered Food Service Manager is also required before permit approval. And furthermore, a separate pro-rated annual inspection fee will be billed to me upon approval. This fee is due upon receipt of the invoice and is for operating my establishment for the remainder of the calendar year. Afterward, the annual inspection fee invoice will be mailed annually. Due on Dec. 31 of each year, an additional reinstatement fee will be due if received after December 31. **ALL FEES ARE NON-REFUNDABLE.**

By signing below, I certify that I have read and understand the above statements.

NAME [Signature] TITLE V.P. Commercial Projects DATE 2-7-13

Inspector Approved \_\_\_\_\_ Date Approved \_\_\_\_\_ Card Code \_\_\_\_\_

Received \$ \_\_\_\_\_ By \_\_\_\_\_ Date \_\_\_\_\_





City of Dallas

DEPARTMENT OF CODE COMPLIANCE  
Restaurant and Bar Inspections Unit  
**FOOD ESTABLISHMENT PERMIT APPLICATION**  
(To Be Retained in Department Inspection Files)

PLEASE PRINT - ALL SPACES MUST BE COMPLETED

FEES	THE PRE-INSPECTION FEE CANNOT BE APPLIED TO A FOOD ESTABLISHMENT PERMIT FEE. THE PLAN REVIEW FEE IS IN ADDITION TO FOOD ESTABLISHMENT PERMIT FEES. ALL FEES ARE NON-REFUNDABLE.	FOR OFFICE USE ONLY
Pre Inspection..... \$200		card code _____ /FA _____
Food Establishment Permit Application..... \$300		zip code _____ dist # _____
Plan Review..... \$250		stat comm _____ type _____
		mapsco _____ fee code _____

Date of Application 2-7-13

Name of Food Business D.E.C. on Dragon SE 11

Address of Food Business 1414 Dragon SE #200 Suite # \_\_\_\_\_

Mailing Address 4575 Westgrove Suite # 500 Zip Code 75001

Owner of Food Business\* D.E.C. Holdings LLC Business Phone 972 400 2242

Home Phone \_\_\_\_\_

\* Sole Owner  \* Partnership  List all partners \_\_\_\_\_

\* Corporation  List Registered Agent and all principal owners Brian Rette Larry Rette

(Use additional space at bottom of page)

Name of Registered Food Service Manager T.B.D Certificate # \_\_\_\_\_

Contact Person for Inspection \_\_\_\_\_ Local Phone \_\_\_\_\_

Type of Operation: Permit Requested For:

Wholesale <input type="checkbox"/>	Change of Ownership (existing facility) <input type="checkbox"/>	New Suite Finish Out <input type="checkbox"/>
Retail <input type="checkbox"/>	Remodel - Same Owner (existing facility) <input type="checkbox"/>	Pre-inspection/Survey <input type="checkbox"/>

Type of Food Establishment:

Restaurant  Bar/Tavern  Grocery  Bakery  Fast Food/Deli  Warehouse

Other  (specify) \_\_\_\_\_

Total Square Feet 400 Days/Hours of Operation: TBD

Is this facility connected to City water? Yes  No  City sewer? Yes  No  Septic tank? Yes  No

Job Contractor Business Name Cedar Construction Company Phone 972 248 0958

Job Contractor Business Address 17719 Cedar Creek Canyon dr Dallas TX 75252

Approximate cost of complete job 600,000 Start Date 3-1-13 Finish Date 7-1-13

Was this a food or beverage establishment previously? Yes  No

If Yes, is it open now? Yes  No  Date you expect to open to public \_\_\_\_\_

If Yes, name of prior food business \_\_\_\_\_

Previous owner's name \_\_\_\_\_

Principals of Corporation

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

By signing below, I certify that the information provided on this application is true and correct. I furthermore understand that providing false or fictitious information will render this application invalid.

[Signature]  
\* Owner or Authorized Signature (Required) Title \_\_\_\_\_

08803473 10-1-82  
TX Driver's License # Date of Birth





CITY OF DALLAS

# APPLICATION

In compliance with the Ordinance of the City of Dallas, I hereby make application for a permit

to operate D.E.C. ON DRAGON ST. #200 REST.

Owner D.E.C. HOLDINGS L.L.C. Business Telephone No. \_\_\_\_\_

Business Or Firm Name D.E.C. ON DRAGON Type BAR / TAVERN

Address 1914 DRAGON Approximate Square Feet 400

I understand that I must contact the Department of Code Compliance to secure an inspection of my establishment to determine all defects that must be corrected prior to obtaining approval to operate my facility. In addition, an on-site Registered Food Service Manager is also required before permit approval. And furthermore, a separate pro-rated annual inspection fee will be billed to me upon approval. This fee is due upon receipt of the invoice and is for operating my establishment for the remainder of the calendar year. Afterward, the annual inspection fee invoice will be mailed annually. Due on Dec. 31 of each year, an additional reinstatement fee will be due if received after December 31.

**ALL FEES ARE NON-REFUNDABLE.**

By signing below, I certify that I have read and understand the above statements.

NAME [Signature] TITLE V.P. Commercial Permits DATE 2-7-13

Inspector Approved \_\_\_\_\_ Date Approved \_\_\_\_\_ Card Code \_\_\_\_\_

Received \$ \_\_\_\_\_ By \_\_\_\_\_ Date \_\_\_\_\_



CITY OF DALLAS

**AFFIDAVIT OF REVENUE FROM THE SALE OR SERVICE OF ALCOHOLIC BEVERAGES**

THE STATE OF TEXAS )  
COUNTY OF \_\_\_\_\_ )

BEFORE ME, the undersigned authority personally appeared the affiant, who, being by my duly sworn, deposes as follows:

"My name is BRIAN RUTT I am an applicant for a certificate of occupancy for a establishment located at RESTAURANT that will sell or serve alcoholic beverages as defined in the Texas Alcoholic Beverage Code (TABC). I swear and affirm that the establishment does or will derive the following percentage of the establishment's gross quarterly (three-month) revenue from the sale or service of alcoholic beverages (check only one):

**OFF-PREMISE CONSUMPTION**

- Less than 50 percent
- 50 percent or more

**ON-PREMISE CONSUMPTION**

**Wet Area**

- Less than 75 percent
- 75 percent or more

**Mixed Beverage Area**

- less than 35 percent
- 35 percent or more without a TABC food or beverage certificate
- any amount of sales or service with a TABC food or beverage certificate
- any amount of sales or service by a fraternal or veterans organization with a TABC private club permit

"I understand and agree, upon request, to supply the building official within 30 days with all records needed to document the percentage of gross revenue derived from the sale or service of alcoholic beverages, including all sales tax returns filed with the Texas Comptroller of Public Accounts and all reports or applications filed with the Texas Alcoholic Beverage Commission. If the requested records are not supplied, I understand that the certificate of occupancy will be revoked.

"I understand and agree that the City of Dallas may revoke the certificate of occupancy if at any time this establishment derives more of its gross quarterly (three-month) revenue from the sale or service of alcoholic beverages than indicated above.

"I understand and agree that I will provide the City of Dallas a new affidavit of revenue from the sale or service of alcoholic beverages if the information in this affidavit changes."

Signature: [Signature]

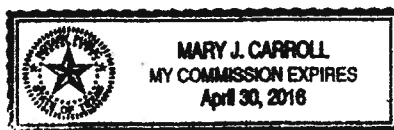
Printed name: BRIAN RUTT

Title: MANAGER  
(if applicable)

Business entity: DEC ON DRAGON ST, LLC  
(if applicable)

This affidavit was acknowledged before me on 5-22-13 by BRIAN RUTT on behalf of DEC ON DRAGON ST, LLC

[Signature]  
NOTARY PUBLIC





### Notice and Agreement on Time for Issuance of Building Permit

Applicant's Name: RAJ SHARMA Date: Feb 4 / 2013

Permit Address: 1114 Dragon

Permit Application Number: #1302061029

Description of Permit: Remodel

Plans Examiner: Q. TEAM

As required by Texas Local Government Code Section 214.904, the City of Dallas will grant or deny your permit application to erect or improve a building or other structure no later than the 45th day after the application is submitted. Denial of a permit application due to time constraints may be avoided by agreeing to allow the City the following additional time to review the application:

"I hereby agree to deadline of 45 days after the date the development code review is completed or 14 days after the date I provide the plans examiner: (1) any required corrections, (2) any additional required documents, (3) a copy of the early release (if applicable), and (4) a copy of the final filed plat (if applicable); whichever results in a longer time period"

I Agree:  I do not Agree:

Applicant's Signature: [Signature]

Applicant's Title: CONSULTANT

Name of Entity: MASTER PLAN

If the permit application is granted within these deadlines, the City will retain all fees. If the permit application is denied within these deadlines, the City will retain all plan review fees and 20 percent of the permit fee. If the permit application is not granted or denied within the agreed additional time of review, the City will refund any fees associated with the permit application.



City of Dallas

# PREQUALIFICATION Q-TEAM REVIEW

## MANDATORY REQUIREMENTS

A prequalification Q TEAM Review is now required as part of the process of accepting an application for Q TEAM Review. This provides a review for "completeness" of documents submitted with the permit application. The fee associated with this review covers the following tasks with a service level agreement of completion of four

(4) working days:

- Have you had a pre-development meeting for this project?  YES  NO DATE: \_\_\_\_\_
- Verify if project is on a legal building site, proof of platted lot or early release required
- Are you platting?  YES  NO  
If YES, please provide:  
Subdivision Plat # \_\_\_\_\_ 311T \_\_\_\_\_ 411Q \_\_\_\_\_
- Verify that the USE is compatible with zoning district; Determine if SUP of zoning change is required
- Confirm that construction plans are complete and contain all the required sheets, i.e., MEP, green, landscaping, foundation, etc.
- Verify that a parking analysis was provided
- Review against applicable standard checklist
- Provide copy of SUP and development plan  YES  N/A
- Provide exiting or life safety plan

**NOTICE:** This review **DOES NOT** include: Review of parking analysis, fire alarm, fire sprinkler, signs, pools, detail site review, or engineering.

Prequalification Review Fee Based on Sq. Ft.		Review Fee (\$1,000/hour) Based on Sq. Ft.	
Square Footage	Maximum Fee	Square Footage	Maximum Fee
0 - 10,000	\$500	0 - 10,000	\$2,000
10,001 - 50,000	\$750	10,001 - 50,000	\$12,500
50,001 - 100,000	\$1,000	50,001 - 100,000	\$27,500
100,001 and greater	\$1,250	100,001 and greater	\$50,000

I, RAJ SHARMA, have read the above information and acknowledge that I  
(PRINT NAME)

have provided all of the required documents listed above. I understand that if I fail to meet the mandatory requirements for the prequalification Q TEAM review that **ALL PRE-QUALIFICATION FEES PAID ARE NONREFUNDABLE**. Further, I understand that in order for a permit to be issued I must comply with all regulatory requirements, construction requirements, and have a legal building site (final plat or approved early release if platting).

Raj Sharma  
(APPLICANT SIGNATURE)

Feb 4 / 2013  
(DATE)

APPROVED FOR Q TEAM REVIEW

NOT APPROVED FOR Q TEAM REVIEW

Kirsha M. Kay  
(PRE Q REVIEW BY)

2/8/13  
(DATE)

# COMMERCIAL BUILDING FINISH-OUT, REMODEL AND RENOVATIONS



City of Dallas

## APPLICATION CHECKLIST AND REQUIRED DOCUMENTS

By checking each requirement, you are stating that you have supplied correct and complete information. In the event that the required information is not contained in the submitted documents, you will be notified of the deficiency. Failure to supply the additional requested information within five (5) working days after notification may result in your application being delayed and eventually discarded. A new application, the original application, complete plans and a new checklist will be required for re-submittal for plan review. This re-submittal will be treated as a new application and will be processed in the order of receipt. Complete the information sheet attached.

- 2
1. These plans comply with the Dallas Energy Conservation Code and the Green Building Ordinance (Ord. no. 27131).
    - An Energy Code Certificate will be submitted to the electrical inspector prior to final inspection.
    - Completed Residential Green Building Program Application Checklist.
    - An affidavit either from an engineer or ICC certified energy code plans examiner.
  2. Have you submitted with your application, certified copies of any instrument that contains a restriction on the use of or on construction on the affected property?
    - Yes
    - No, not applicable
  3. An asbestos survey has been conducted in accordance with the Texas Asbestos Health Protection Rules and the National Emission Standards for Hazardous Air Pollutants for the area being renovated and/or demolished.
    - Yes
    - No (Permit cannot be issued prior to notification of survey being conducted.)
  4. Documented proof that plans and specifications were submitted to the Texas Department of Licensing and Regulation that comply with the Texas Accessibility Standards (TAS) by a Registered Accessibility Specialist (Independent contract provider) must be presented along with the building permit application.  
Texas Department of Licensing and Regulation (TDLR) Project Number: B 3807932
  5. Completed permit application and commercial permit processing information sheet.
  6. Two (2) copies of information sheets to include:
    - Scope of work.
    - Total area in square feet of buildings with each building identified by occupancy or use.
    - Occupancy type, if known.
    - Number of dwelling units (apartments) or guest rooms (hotel or motel).
    - Fire sprinkler status and intentions.
    - Parking requirements calculations.
    - Texas Department of Transportation (TXDOT) approval, if applicable.
  7. All drawing documents submitted for review must have a minimum text size of 3/32" and a minimum drawing sheet size of 11" x 17" and a maximum of 36" x 48", "E" size.
  8. Two (2) copies of a site plan drawn to scale and dimensioned to include:
    - Must show exits to exterior of buildings or key plans that show exits.
    - For a change in building use, site plan must be of the entire property showing all property lines and parking spaces.

**From:** Seltzer, Rhonda  
**Sent:** Tuesday, April 02, 2013 8:36 AM  
**To:** 'rajsharma@masterplanconsultants.com'  
**Subject:** RE: 1414 Dragon

Raj,

The list of deficiencies has not changed much, but the update list is below:

- Building: *site Plan showing property line*
  - ~~1) Demo plan showing existing walls, partitions, stairs, ramps, doors and windows~~
  - 2) Ground floor – entry through loading dock will not be allowed – accessible route not allowed here.
  - 3) Need to show guard rails for 4'2" floor difference.
  - 4) Exterior stairs needs to be protected 1m from interior. Are these stairs pre-existing? If not they need to be 10' from property line.
  - 5) Provide site plan with reference to building and exterior stairs.
  - 6) If trellis/stairs are new need to provide stamped/sealed engineering drawings.
  - ~~7) Platform "stage" should be of non combustibile construction.~~
  - ~~8) Need details of roll up behind "stage". If supporting walls are masonry or concrete – will need signed and sealed engineering drawings. Similar for any new openings on exterior wall.~~
- Plumbing: *Copy of structural drawings*
  - 1) Need to get GPM/DFU calculations for the grease interceptor, it will need to be signed and sealed.
- Zoning:
  - 1) Need site plan (to scale) and parking analysis. If using parking agreement , it must be an approved document.
  - 2) Need 50 points for major modification.
- Health:
  - 1) Need elevations on roof bar.
  - 2) Need plans for kitchen.

Let me know if you need anything else.

Thanks,  
Rhonda

*? Roof top parking 1/1000#*

- 1) Large Scale Drawing
- 2) Proof Lot ownership
- 3) formal parking agreement

---

**From:** rajsharma@masterplanconsultants.com [mailto:rajsharma@masterplanconsultants.com]  
**Sent:** Monday, April 01, 2013 4:19 PM  
**To:** Seltzer, Rhonda; Cooks, Anthony  
**Subject:** 1414 Dragon

~~4) Parking Analysis~~

4) 50 points for major modification

Rhonda and Anthony,

Trust you are doing well.

What is the status of this permit?

Thanks and regards,

Raj Sharma PE, RAS, FM WOBO, LEED AP  
Masterplan Consultants  
900 Jackson Street, Suite 640  
Dallas, TX 75202  
214 957 5024 (C)  
214 748 7114 (F)  
214 761 9197 (O)

BDA 134-093  
Attach C  
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The information contained in this e-mail message is intended only for the personal and confidential use of the recipient named above. Masterplan, an assumed name of DalClay Corporation, does not provide legal advice. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message. Unless expressly stated this message should not be construed as a digital or electronic signature.



(A) Bicycle parking. The off-street parking requirement for nonresidential uses located within 600 feet of the centerpoint of the intersection of Slocum Street and Cole Street may be reduced by 10 percent if:

(i) one five-bicycle parking stand for each 100 feet of street frontage is provided in the front yard of the building site; and

(ii) a minimum 12-foot-wide pedestrian and bicycle path is provided to link the building site with a DART light rail station.

(B) Employment centers adjacent to shuttle or bus stops. The following uses may provide off-street parking as specified if the use is within 1,000 feet of a shuttle stop or bus stop that provides a direct link to the Victory rail transit station or the Market Center rail transit station and if the use has 75,000 or more square feet of floor area:

(i) Industrial (inside). One space per 750 square feet of floor area.

(ii) Office. One space per 450 square feet of floor area.

(C) On-street parking. On-street parking spaces adjacent to a building site may be credited toward the off-street parking requirement of uses on the building site, even if the parking, backing, or maneuvering must be performed in the public right-of-way. On-street parking must be striped in accordance with standard city specifications.

(i) Head-in parking. One head-in parking space may be credited for each nine feet of frontage of the building site. Angled head-in parking must be angled more than 60 degrees but less than 90 degrees to the curb. The closest point of any angled head-in parking space may not be located closer than 10 feet to any perpendicular (90 degree) head-in parking space.

(ii) Parallel parking. One parallel parking space may be credited for each 22 feet of frontage of the building site.

(D) Special exception. The board of adjustment may grant a special exception of up to 50 percent of the required off-street parking upon the findings and considerations listed in Section 51A-4.311. The board of adjustment may impose conditions on the special exception.

(3) Delta theory.

(A) Except as otherwise provided in this paragraph, see Section 51A-4.704(b)(4). In the event of a conflict between this paragraph and Section 51A-4.704(b)(4), this section controls.

(B) The right to carry forward nonconforming parking and loading spaces does not terminate.

(4) Special parking.

(A) In general. Except as otherwise provided in this paragraph, see Division 51A-4.320, "Special Parking Regulations."

(B) Special parking allowed. Except as specifically modified in this section, required off-street parking may be special parking.



# Permit # 1302061030

BDA 134-093  
Attach C  
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City of Dallas

Issue Date: 06/05/2013

Sustainable Construction and Development | Building Inspection Division | 214/948-4480 | www.dallascityhall.com

Address: **1414 DRAGON ST Ste:100 75207**

Land Use Description: OFFICE SHOWROOM/WAREHOUSE

Work Description: REMODEL

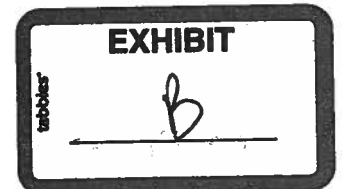
Value Of Work: \$260,700.00

Owner Or Tenant: RUTT CAPITAL LLC  
4575 WESTGROVE DR #500  
ADDISON, TEXAS 75204

Applicant: RAJ SHARMA  
Contractor: DIX CONSTRUCTION SERVICES  
Business Address: 2149 A WILLOW PL, CARROLLTON, TX 75006  
Telephone: 321/614-5956 Fax:

Lot: 1	Block: 16/684	Zoning: PD-621	PDD: 621	SUP:
Historic Dist:	Consrv Dist: Old Trinity	Pro Park: 63	Req Park: 2	Park Agrmt: N
Dwlg Units:	Stories: 2	New Area: 0	Lot Area:	Total Area: 1738
Type Const: VB	Sprinkler: All	Occ Code: A5	Occ Load:	
Inches Of Removed Trees:				

ALL WORK SUBJECT TO FIELD INSPECTOR APPROVAL. Parking is for entire project.



This document is issued on the basis of information furnished in the application and is subject to the provisions of all governing ordinances, which must be complied with, whether or not herein specified.

**THIS DOCUMENT SHALL BE POSTED AT WORK SITE AND IS SUBJECT TO CANCELLATION UPON NOTICE.**



City of Dallas

# CO Inspection Request

BDA 134-09  
Attach C  
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Development Services Department | Building Inspection Division | 214/948-4480 | www.dallascityhall.com

**Validation #:** 1304181001  
**Address:** 1414 DRAGON ST Ste:200 75207  
**Issue Date:** 06/05/2013  
**Land Use Description:** RESTAURANT WITHOUT DRIVE-IN SERVICE

**Owner Or Tenant:** DEC DRAGON ST. LLC  
 1414 DRAGON ST.  
 DALLAS, TX  
**Applicant:** SHARMA, RAJ  
**Telephone:** 214/957-5024 **Fax:** 214/748-4114

Lot: 1	Block: 16/6846	Zoning: PD-621	PDD: 621	SUP:
Historic Dist:	Consv Dist: Old Trinity a	Pro Park: 63	Req Park:43	Park Agrmt: N
Dwlg Units:	Stories: 2	Occ Code: A2	Lot Area: 2807	Total Area: 4291
Type Const: VB	Sprinkler: All	Occ Load: 475	Alcohol: N	Dance FloorN

**For inspections call 214/670-5313, 24 hours. You will need your validation number 1304181001 and one of the inspection types from the list below.**

- 650 All
- 150 Building
- 250 Plumbing
- 350 Electrical
- 450 Mechanical

**Note:** 7 AM cut-off for same day inspections!! Reinspection fees will be charged if the work is not ready or property is inaccessible. For partial inspection of permitted area or additional assistance, call 214/948-4384 from 8 AM to 4:30 PM Monday through Friday.

Occupied Portion:

Remarks: RESTAURANT USE ON FIRST AND SECOND FLOOR\*\* NO OVERFLOW INTO SUITE 100  
SUBJECT TO FIELD INSPECTOR APPROVAL



# Contractor's Authorization

City of Dallas

Trade Type: Building

Sustainable Development and Construction | Building Inspection Division | www.dallascityhall.com

District Office SW

**Validation #:** 1302061030101

BDA 134-093  
Attach C  
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**Address:** 1414 DRAGON ST Ste:100 75207

**Issue Date:** 06/05/2013

**Land Use Description:** OFFICE SHOWROOM/WAREHOUSE

**Work Description:** REMODEL

**Authorized Date:** 03/05/2014  
**Owner Or Tenant:** RUTT CAPITAL LLC  
4575 WESTGROVE DR #500  
ADDISON, TEXAS 75204

**Applicant:** RAJ SHARMA  
**Contractor:** DIX CONSTRUCTION SERVICES  
**Business Address:** 2149 A WILLOW PL,  
**Telephone:** 321/614-5956 **Fax:**

Lot: 1	Block: 16/6846	Zoning: PD-621	PDD: 621	SUP:
Historic Dist:	Consv Dist: Old Trinity a	Pro Park: 63	Req Park:2	Park Agrmt: N
Dwlg Units:	Stories: 2	New Area: 0	Lot Area:	Total Area: 1738
Type Const: VB	Sprinkler: All	Occ Code: A5	Occ Load:	

**For inspections call 214/670-5313, 24 hours. You will need your validation number 1302061030101 and one of the inspection types from the list below.**

- |                                  |                  |                 |
|----------------------------------|------------------|-----------------|
| 120 Pier, Foundation, Excavation | 123 Floor Joists | 127 Frame Walls |
| 130 Frame All                    | 132 Frame Other  | 140 Final       |

**Your inspector is: Ernesto Patlan at 214/948-4410**

Note: 7 AM cut-off for same day inspections!! Reinspection fees will be charged if the work is not ready or property is inaccessible. For partial inspection of area or additional assistance, call 214/948-4384 from 8 AM to 4:30 PM Monday through Friday.



# Contractor's Authorization

City of Dallas

Trade Type: Plumbing

Sustainable Development and Construction | Building Inspection Division | www.dallascityhall.com

District Office SW

BDA 134-093  
Attach C  
Pg 27

**Validation #:** 1302061030201

**Address:** 1414 DRAGON ST Ste:100 75207

**Issue Date:** 06/05/2013

**Land Use Description:** OFFICE SHOWROOM/WAREHOUSE

**Work Description:** FINISH OUT PLUMBING

**Authorized Date:** 12/02/2013  
**Owner Or Tenant:** RUTT CAPITAL LLC  
4575 WESTGROVE DR #500  
ADDISON, TEXAS 75204

**Applicant:** RAJ SHARMA  
**Contractor:** HAU'S PLUMBING CO  
**Business Address:** 13003 HALWIN CIR,  
**Telephone:** 214/682-4748

**Fax:** 972/479-0292

Lot: 1	Block: 16/6846	Zoning: PD-621	PDD: 621	SUP:
Historic Dist:	Consv Dist: Old Trinity a	Pro Park: 63	Req Park:2	Park Agrmt: N
Dwlg Units:	Stories: 2	New Area: 0	Lot Area:	Total Area: 1738
Type Const: VB	Sprinkler: All	Occ Code: A5	Occ Load:	

**For inspections call 214/670-5313, 24 hours. You will need your validation number 1302061030201 and one of the inspection types from the list below.**

- |  |                              |   |
|--|------------------------------|---|
| 210 Utility service sewer-water-gas              | 212 Swimming Pool (Plumbing) | 220 Rough below floor level, DWV, water, etc. |
| 230 Rough above floor level, top out, shower pan | 231 Temporary Heat           | 240 Final                                     |

**Your inspector is: Shar Blatnick at 214/948-4363**

Note: 7 AM cut-off for same day inspections!! Reinspection fees will be charged if the work is not ready or property is inaccessible. For partial inspection of area or additional assistance, call 214/948-4384 from 8 AM to 4:30 PM Monday through Friday.



# Contractor's Authorization

City of Dallas

Trade Type: Electrical

28

Sustainable Development and Construction | Building Inspection Division | www.dallascityhall.com

District Office SW

BDA 134-093  
Attach C  
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**Validation #:** 1302061030301

**Address:** 1414 DRAGON ST Ste:100 75207

**Issue Date:** 06/05/2013

**Land Use Description:** OFFICE SHOWROOM/WAREHOUSE

**Work Description:** 3009-ELECTRICAL REMODEL

**Authorized Date:** 12/17/2013  
**Owner Or Tenant:** RUTT CAPITAL LLC  
4575 WESTGROVE DR #500  
ADDISON, TEXAS 75204

**Applicant:** RAJ SHARMA  
**Contractor:** COHEN ELECTRIC

**Business Address:** P O BOX 29529,

**Telephone:** 972/243-2233

**Fax:** 972/243-6777

Lot: 1	Block: 16/6846	Zoning: PD-621	PDD: 621	SUP:
Historic Dist:	Consv Dist: Old Trinity a	Pro Park: 63	Req Park:2	Park Agrmt: N
Dwlg Units:	Stories: 2	New Area: 0	Lot Area:	Total Area: 1738
Type Const: VB	Sprinkler: All	Occ Code: A5	Occ Load:	

**For inspections call 214/670-5313, 24 hours. You will need your validation number 1302061030301 and one of the inspection types from the list below.**

- |                                 |                        |                                      |
|---------------------------------|------------------------|--------------------------------------|
| 305 Structural Pool Shell       | 310 Electrical Service | 311 Landscape Lighting (Underground) |
| 312 Pool Bonding                | 314 T-Pole             | 320 Rough below floor level          |
| 321 Rough Walls                 | 322 Rough Ceiling      | 323 (UFER) Concrete Encase Electrode |
| 330 Rough all above floor level | 340 Final              |                                      |

**Your inspector is: David Cheshier at 214/948-4282**

Note: 7 AM cut-off for same day inspections!! Reinspection fees will be charged if the work is not ready or property is inaccessible. For partial inspection of area or additional assistance, call 214/948-4384 from 8 AM to 4:30 PM Monday through Friday.



# Contractor's Authorization

City of Dallas

Trade Type: Fire Sprinkler (Major Work)

Sustainable Development and Construction | Building Inspection Division | www.dallascityhall.com

District Office SW

BDA 134-093  
Attach C  
Pg 29

**Validation #:** 1302061030611

**Address:** 1414 DRAGON ST Ste:100 75207

**Issue Date:** 06/05/2013

**Land Use Description:** OFFICE SHOWROOM/WAREHOUSE

**Work Description:** NEW WET RISER SPRINKLER SYSTEM

**Authorized Date:** 11/07/2013

**Owner Or Tenant:** RUTT CAPITAL LLC  
4575 WESTGROVE DR #500  
ADDISON, TEXAS 75204

**Applicant:** RAJ SHARMA

**Contractor:** AUTOMATIC SPRINKLER OF TEXAS

**Business Address:** PO BOX 382091,

**Telephone:** 972/298-2772 **Fax:** 972/283-2826

Lot: 1	Block: 16/6846	Zoning: PD-621	PDD: 621	SUP:
Historic Dist:	Consv Dist: Old Trinity a	Pro Park: 63	Req Park:2	Park Agrmt: N
Dwlg Units:	Stories: 2	New Area: 0	Lot Area:	Total Area: 1738
Type Const: VB	Sprinkler: All	Occ Code: A5	Occ Load:	

**For inspections call 214/670-5313, 24 hours. You will need your validation number 1302061030611 and one of the inspection types from the list below.**

601 For all Fire related inspections contact

602 Scheduler Michelle Robinson 214-671-9844

**Your inspector is: Whitney Madison at 214/671-3451**

Note: 7 AM cut-off for same day inspections!! Reinspection fees will be charged if the work is not ready or property is inaccessible. For partial inspection of area or additional assistance, call 214/948-4384 from 8 AM to 4:30 PM Monday through Friday.





# Contractor's Authorization

City of Dallas

Trade Type: Fire Sprinkler (Major Work)

Sustainable Development and Construction | Building Inspection Division | www.dallascityhall.com

District Office SW

**Validation #:** 1302061030612

**Address:** 1414 DRAGON ST Ste:100 75207

**Issue Date:** 06/05/2013

**Land Use Description:** OFFICE SHOWROOM/WAREHOUSE

**Work Description:** 6003-INSTALL UNDERGROUND FIRELINE

BDA 134-093  
Attach C  
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**Authorized Date:** 12/11/2013

**Owner Or Tenant:** RUTT CAPITAL LLC  
4575 WESTGROVE DR #500  
ADDISON, TEXAS 75204

**Applicant:** RAJ SHARMA

**Contractor:** AUTOMATIC SPRINKLER OF TEXAS

**Business Address:** PO BOX 382091,

**Telephone:** 972/298-2772 **Fax:** 972/283-2826

Lot: 1	Block: 16/6846	Zoning: PD-621	PDD: 621	SUP:
Historic Dist:	Consv Dist: Old Trinity a	Pro Park: 63	Req Park:2	Park Agrmt: N
Dwlg Units:	Stories: 2	New Area: 0	Lot Area:	Total Area: 1738
Type Const: VB	Sprinkler: All	Occ Code: A5	Occ Load:	

**For inspections call 214/670-5313, 24 hours. You will need your validation number 1302061030612 and one of the inspection types from the list below.**

601 For all Fire related inspections contact

602 Scheduler Michelle Robinson 214-671-9844

**Your inspector is: Whitney Madison at 214/671-3451**

Note: 7 AM cut-off for same day inspections!! Reinspection fees will be charged if the work is not ready or property is inaccessible. For partial inspection of area or additional assistance, call 214/948-4384 from 8 AM to 4:30 PM Monday through Friday.

# CO Inspection Request

BDA 134-093  
Attach C  
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Development Services Department | Building Inspection Division | 214/948-4480 | www.dallascityhall.com

**Validation #:** 1302061039  
**Address:** 1414 DRAGON ST Ste:100 75207  
**Issue Date:** 06/05/2013  
**Land Use Description:** OFFICE SHOWROOM/WAREHOUSE

**Owner Or Tenant:** RUTT CAPITAL LLC  
4575 WESTGROVE DR #500  
ADDISON, TEXAS 75201  
**Applicant:** SHARMA, RAJ  
**Telephone:** 214/957-5024 **Fax:** 214/748-4114

Lot:	1	Block:	16/6846	Zoning:	PD-621	PDD:	621	SUP:	
Historic Dist:		Consv Dist:	Old Trinity and	Pro Park:	63	Req Park:	2	Park Agrmt:	N
Dwlg Units:		Stories:	2	Occ Code:	B	Lot Area:		Total Area:	1738
Type Const:	VB	Sprinkler:	All	Occ Load:		Alcohol:	N	Dance Floor:	N

**For inspections call 214/670-5313, 24 hours. You will need your validation number 1302061039 and one of the inspection types from the list below.**

650 All	350 Electrical
150 Building	450 Mechanical
250 Plumbing	

**Note:** 7 AM cut-off for same day inspections!! Reinspection fees will be charged if the work is not ready or property is inaccessible. For partial inspection of permitted area or additional assistance, call 214/948-4384 from 8 AM to 4:30 PM Monday through Friday.

**Occupied Portion:**

**Remarks:** ENTRANCE IN REAR OFF PARKING AREA OFF COLE. SIGN MUST BE POSTED ON DRAGON STREET. NO OVERFLOW USE ALLOWED FROM SUITE 200. SHARED LOBBY AND RESTROOM WITH SUITE 200 \*\*\*SUBJECT TO FIELD INSPECTOR APPROVAL



City of Dallas

# Permit # 1302061031

BDA 134-093  
Attach C  
Pg 32

Issue Date: 06/05/2013

Sustainable Construction and Development | Building Inspection Division | 214/948-4480 | www.dallascityhall.com

**Address:** 1414 DRAGON ST Ste:200, Floor 1 75207

**Land Use Description:** RESTAURANT WITHOUT DRIVE-IN SERVICE

**Work Description:**

**Value Of Work:** \$489,300.00

**Owner Or Tenant:** RUTT CAPITAL LLC  
4575 WESTGROVE DR #500  
ADDISON, TEXAS 75204

**Applicant:** RAJ SHARMA  
**Contractor:** DIX CONSTRUCTION SERVICES  
**Business Address:** 2149 A WILLOW PL, CARROLLTON, TX 75006  
**Telephone:** 321/614-5956 **Fax:**

Lot: 1	Block: 16/684	Zoning: PD-621	PDD: 621	SUP:
Historic Dist:	Consrv Dist: Old Trinity	Pro Park: 63	Req Park: 33	Park Agrmt: N
Dwlg Units:	Stories: 2	New Area: 0	Lot Area:	Total Area: 3262
Type Const: VB	Sprinkler: All	Occ Code: A2	Occ Load: 250	
Inches Of Removed Trees:				

ALL WORK SUBJECT TO FIELD INSPECTOR APPROVAL. Letter on file to change general contractor.

This document is issued on the basis of information furnished in the application and is subject to the provisions of all governing ordinances, which must be complied with, whether or not herein specified.

**THIS DOCUMENT SHALL BE POSTED AT WORK SITE AND IS SUBJECT TO CANCELLATION UPON NOTICE.**



# Contractor's Authorization

City of Dallas

Trade Type: Landscape

Sustainable Development and Construction | Building Inspection Division | www.dallascityhall.com

District Office SW

BDA 134-093  
Attach C  
Pg 33

**Validation #:** 1302061030141

**Address:** 1414 DRAGON ST Ste:100 75207

**Issue Date:** 06/05/2013

**Land Use Description:** OFFICE SHOWROOM/WAREHOUSE

**Work Description:**

**Authorized Date:**  
**Owner Or Tenant:** RUTT CAPITAL LLC  
4575 WESTGROVE DR #500  
ADDISON, TEXAS 75204

**Applicant:** RAJ SHARMA

**Contractor:**  
**Business Address:**

**Telephone:** **Fax:**

Lot: 1	Block: 16/6846	Zoning: PD-621	PDD: 621	SUP:
Historic Dist:	Consv Dist: Old Trinity a	Pro Park: 63	Req Park:2	Park Agrmt: N
Dwlg Units:	Stories: 2	New Area: 0	Lot Area:	Total Area: 1738
Type Const: VB	Sprinkler: All	Occ Code: A5	Occ Load:	

**For inspections call 214/670-5313, 24 hours. You will need your validation number 1302061030141 and one of the inspection types from the list below.**

940 Landscape

**Your inspector is: Clay Walker at 214/948-4471**

Note: 7 AM cut-off for same day inspections!! Reinspection fees will be charged if the work is not ready or property is inaccessible. For partial inspection of area or additional assistance, call 214/948-4384 from 8 AM to 4:30 PM Monday through Friday.



City of Dallas

# Contractor's Authorization

Trade Type: Building

Sustainable Development and Construction | Building Inspection Division | www.dallascityhall.com

District Office SW

**Validation #:** 1302061031101

**Address:** 1414 DRAGON ST Ste:200, Floor 1 75207

**Issue Date:** 06/05/2013

**Land Use Description:** RESTAURANT WITHOUT DRIVE-IN SERVICE

**Work Description:**

BDA 134-093  
 Attach C  
 Pg 34

**Authorized Date:** 03/05/2014

**Owner Or Tenant:** RUTT CAPITAL LLC  
 4575 WESTGROVE DR #500  
 ADDISON, TEXAS 75204

**Applicant:** RAJ SHARMA

**Contractor:** DIX CONSTRUCTION SERVICES

**Business Address:** 2149 A WILLOW PL,

**Telephone:** 321/614-5956 **Fax:**

Lot: 1	Block: 16/6846	Zoning: PD-621	PDD: 621	SUP:
Historic Dist:	Consv Dist: Old Trinity a	Pro Park: 63	Req Park:33	Park Agrmt: N
Dwlg Units:	Stories: 2	New Area: 0	Lot Area:	Total Area: 3262
Type Const: VB	Sprinkler: All	Occ Code: A2	Occ Load:250	

**For inspections call 214/670-5313, 24 hours. You will need your validation number 1302061031101 and one of the inspection types from the list below.**

- |                                  |                  |                 |
|----------------------------------|------------------|-----------------|
| 120 Pier, Foundation, Excavation | 123 Floor Joists | 127 Frame Walls |
| 130 Frame All                    | 132 Frame Other  | 140 Final       |

**Your inspector is: Ernesto Patlan at 214/948-4410**

Note: 7 AM cut-off for same day inspections!! Reinspection fees will be charged if the work is not ready or property is inaccessible. For partial inspection of area or additional assistance, call 214/948-4384 from 8 AM to 4:30 PM Monday through Friday.



# Contractor's Authorization

City of Dallas

Trade Type: Plumbing

Sustainable Development and Construction | Building Inspection Division | www.dallascityhall.com

District Office SW

BDA 134-093  
Attach C  
Pg 35

**Validation #:** 1302061031201

**Address:** 1414 DRAGON ST Ste:200, Floor 1 75207

**Issue Date:** 06/05/2013

**Land Use Description:** RESTAURANT WITHOUT DRIVE-IN SERVICE

**Work Description:** FINISH OUT PLUMBING

**Authorized Date:** 12/02/2013  
**Owner Or Tenant:** RUTT CAPITAL LLC  
4575 WESTGROVE DR #500  
ADDISON, TEXAS 75204

**Applicant:** RAJ SHARMA  
**Contractor:** HAU'S PLUMBING CO  
**Business Address:** 13003 HALWIN CIR,  
**Telephone:** 214/682-4748

**Fax:** 972/479-0292

Lot: 1	Block: 16/6846	Zoning: PD-621	PDD: 621	SUP:
Historic Dist:	Consv Dist: Old Trinity a	Pro Park: 63	Req Park:33	Park Agrmt: N
Dwlg Units:	Stories: 2	New Area: 0	Lot Area:	Total Area: 3262
Type Const: VB	Sprinkler: All	Occ Code: A2	Occ Load:250	

**For inspections call 214/670-5313, 24 hours. You will need your validation number 1302061031201 and one of the inspection types from the list below.**

- |  |                              |   |
|--|------------------------------|---|
| 210 Utility service sewer-water-gas              | 212 Swimming Pool (Plumbing) | 220 Rough below floor level, DWV, water, etc. |
| 230 Rough above floor level, top out, shower pan | 231 Temporary Heat           | 240 Final                                     |

**Your inspector is: Shar Blatnick at 214/948-4363**

Note: 7 AM cut-off for same day inspections!! Reinspection fees will be charged if the work is not ready or property is inaccessible. For partial inspection of area or additional assistance, call 214/948-4384 from 8 AM to 4:30 PM Monday through Friday.



# Contractor's Authorization

City of Dallas

Trade Type: Electrical

Sustainable Development and Construction | Building Inspection Division | www.dallascityhall.com

District Office SW

BDA 134-093  
Attach C  
Pg 36

**Validation #:** 1302061031301

**Address:** 1414 DRAGON ST Ste:200, Floor 1 75207

**Issue Date:** 06/05/2013

**Land Use Description:** RESTAURANT WITHOUT DRIVE-IN SERVICE

**Work Description:** 3009-ELECTRICAL REMODEL

**Authorized Date:** 12/17/2013  
**Owner Or Tenant:** RUTT CAPITAL LLC  
4575 WESTGROVE DR #500  
ADDISON, TEXAS 75204

**Applicant:** RAJ SHARMA  
**Contractor:** COHEN ELECTRIC  
**Business Address:** P O BOX 29529,  
**Telephone:** 972/243-2233

**Fax:** 972/243-6777

Lot: 1	Block: 16/6846	Zoning: PD-621	PDD: 621	SUP:
Historic Dist:	Consv Dist: Old Trinity a	Pro Park: 63	Req Park:33	Park Agrmt: N
Dwlg Units:	Stories: 2	New Area: 0	Lot Area:	Total Area: 3262
Type Const: VB	Sprinkler: All	Occ Code: A2	Occ Load:250	

**For inspections call 214/670-5313, 24 hours. You will need your validation number 1302061031301 and one of the inspection types from the list below.**

- |                                 |                        |                                      |
|---------------------------------|------------------------|--------------------------------------|
| 305 Structural Pool Shell       | 310 Electrical Service | 311 Landscape Lighting (Underground) |
| 312 Pool Bonding                | 314 T-Pole             | 320 Rough below floor level          |
| 321 Rough Walls                 | 322 Rough Ceiling      | 323 (UFER) Concrete Encase Electrode |
| 330 Rough all above floor level | 340 Final              |                                      |

**Your inspector is: David Cheshier at 214/948-4282**

Note: 7 AM cut-off for same day inspections!! Reinspection fees will be charged if the work is not ready or property is inaccessible. For partial inspection of area or additional assistance, call 214/948-4384 from 8 AM to 4:30 PM Monday through Friday.





# Contractor's Authorization

City of Dallas

Trade Type: Health

Sustainable Development and Construction | Building Inspection Division | www.dallascityhall.com

District Office SW

BDA 134-093  
Attach C  
Pg 37

**Validation #:** 1302061031002

**Address:** 1414 DRAGON ST Ste:200, Floor 1 75207

**Issue Date:** 06/05/2013

**Land Use Description:** RESTAURANT WITHOUT DRIVE-IN SERVICE

**Work Description:**

**Authorized Date:**  
**Owner Or Tenant:** RUTT CAPITAL LLC  
4575 WESTGROVE DR #500  
ADDISON, TEXAS 75204

**Applicant:** RAJ SHARMA

**Contractor:**

**Business Address:**

**Telephone:**

**Fax:**

Lot: 1	Block: 16/6846	Zoning: PD-621	PDD: 621	SUP:
Historic Dist:	Consv Dist: Old Trinity a	Pro Park: 63	Req Park:33	Park Agrmt: N
Dwlg Units:	Stories: 2	New Area: 0	Lot Area:	Total Area: 3262
Type Const: VB	Sprinkler: All	Occ Code: A2	Occ Load:250	

**For inspections call 214/670-5313, 24 hours. You will need your validation number 1302061031002 and one of the inspection types from the list below.**

490 Health

**Your inspector is: Cynthia Hardage at 214/948-4255**

Note: 7 AM cut-off for same day inspections!! Reinspection fees will be charged if the work is not ready or property is inaccessible. For partial inspection of area or additional assistance, call 214/948-4384 from 8 AM to 4:30 PM Monday through Friday.



# Contractor's Authorization

City of Dallas

Trade Type: Fire Sprinkler (Major Work)

Sustainable Development and Construction | Building Inspection Division | www.dallascityhall.com

District Office SW

BDA 134-093  
Attach C  
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**Validation #:** 1302061031611

**Address:** 1414 DRAGON ST Ste:200, Floor 1 75207

Issue Date: 06/05/2013

Land Use Description: RESTAURANT WITHOUT DRIVE-IN SERVICE

Work Description: 6002-INSTALL ANY NEW FIRE SPRINKLER SYSTEM

Authorized Date: 08/14/2014  
Owner Or Tenant: RUTT CAPITAL LLC  
4575 WESTGROVE DR #500  
ADDISON, TEXAS 75204

Applicant: RAJ SHARMA  
Contractor: AUTOMATIC SPRINKLER OF TEXAS  
Business Address: PO BOX 382091,  
Telephone: 972/298-2772

Fax: 972/283-2826

Lot: 1	Block: 16/6846	Zoning: PD-621	PDD: 621	SUP:
Historic Dist:	Consv Dist: Old Trinity a	Pro Park: 63	Req Park:33	Park Agrmt: N
Dwlg Units:	Stories: 2	New Area: 0	Lot Area:	Total Area: 3262
Type Const: VB	Sprinkler: All	Occ Code: A2	Occ Load:250	

**For inspections call 214/670-5313, 24 hours. You will need your validation number 1302061031611 and one of the inspection types from the list below.**

601 For all Fire related inspections contact

602 Scheduler Michelle Robinson 214-671-9844

**Your inspector is: Whitney Madison at 214/671-3451**

Note: 7 AM cut-off for same day inspections!! Reinspection fees will be charged if the work is not ready or property is inaccessible. For partial inspection of area or additional assistance, call 214/948-4384 from 8 AM to 4:30 PM Monday through Friday.



City of Dallas

# Permit # 1306041050



Issue Date: 06/05/2013

Sustainable Construction and Development | Building Inspection Division | 214/948-4480 | www.dallascityhall.com

**Address:** 1414 DRAGON ST Ste:200, Floor 2 75207

BDA 134-093  
Attach C  
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**Land Use Description:** RESTAURANT WITHOUT DRIVE-IN SERVICE

**Work Description:**

**Value Of Work:** \$150,000.00

**Owner Or Tenant:** RUTT CAPITAL LLC  
4575 WESTGROVE DR #500  
ADDISON, TEXAS 75204

**Applicant:** RAJ SHARMA  
**Contractor:** DIX CONSTRUCTION SERVICES  
**Business Address:** 2149 A WILLOW PL, CARROLLTON, TX 75006  
**Telephone:** 321/614-5956 **Fax:**

Lot: 1	Block: 16/684	Zoning: PD-621	PDD: 621	SUP:
Historic Dist:	Consrv Dist: Old Trinity	Pro Park: 63	Req Park: 10	Park Agrmt: N
Dwlg Units:	Stories: 2	New Area: 1029	Lot Area:	Total Area: 1029
Type Const: VB	Sprinkler: All	Occ Code: A2	Occ Load: 225	
Inches Of Removed Trees:				

NEW CONSTRUCTION AND ROOF TOP DECK \*\*WORK SUBJECT TO FIELD INSPECTOR APPROVAL Letter on file to change general contractor.

This document is issued on the basis of information furnished in the application and is subject to the provisions of all governing ordinances, which must be complied with, whether or not herein specified.

**THIS DOCUMENT SHALL BE POSTED AT WORK SITE AND IS SUBJECT TO CANCELLATION UPON NOTICE.**



# Contractor's Authorization

City of Dallas

Trade Type: Building

Sustainable Development and Construction | Building Inspection Division | www.dallascityhall.com

District Office SW

**Validation #:** 1306041050101

BDA 134-093  
Attach C  
Pg 40

**Address:** 1414 DRAGON ST Ste:200, Floor 2 75207

**Issue Date:** 06/05/2013

**Land Use Description:** RESTAURANT WITHOUT DRIVE-IN SERVICE

**Work Description:**

**Authorized Date:** 03/05/2014  
**Owner Or Tenant:** RUTT CAPITAL LLC  
4575 WESTGROVE DR #500  
ADDISON, TEXAS 75204

**Applicant:** RAJ SHARMA  
**Contractor:** DIX CONSTRUCTION SERVICES  
**Business Address:** 2149 A WILLOW PL,  
**Telephone:** 321/614-5956 **Fax:**

Lot: 1	Block: 16/6846	Zoning: PD-621	PDD: 621	SUP:
Historic Dist:	Consv Dist: Old Trinity a	Pro Park: 63	Req Park:10	Park Agrmt: N
Dwlg Units:	Stories: 2	New Area: 1029	Lot Area:	Total Area: 1029
Type Const: VB	Sprinkler: All	Occ Code: A2	Occ Load:225	

**For inspections call 214/670-5313, 24 hours. You will need your validation number 1306041050101 and one of the inspection types from the list below.**

120 Pier, Foundation, Excavation

123 Floor Joists

127 Frame Walls

130 Frame All

132 Frame Other

140 Final

**Your inspector is: Ernesto Patlan at 214/948-4410**

Note: 7 AM cut-off for same day inspections!! Reinspection fees will be charged if the work is not ready or property is inaccessible. For partial inspection of area or additional assistance, call 214/948-4384 from 8 AM to 4:30 PM Monday through Friday.



# Contractor's Authorization

City of Dallas

Trade Type: Green

Sustainable Development and Construction | Building Inspection Division | www.dallascityhall.com

District Office SW

**Validation #:** 1306041050261

BDA 134-093  
Attach C  
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**Address:** 1414 DRAGON ST Ste:200, Floor 2 75207

**Issue Date:** 06/05/2013

**Land Use Description:** RESTAURANT WITHOUT DRIVE-IN SERVICE

**Work Description:** 1035-Green certifications

**Authorized Date:**  
**Owner Or Tenant:** RUTT CAPITAL LLC  
4575 WESTGROVE DR #500  
ADDISON, TEXAS 75204

**Applicant:** RAJ SHARMA

**Contractor:**  
**Business Address:**

**Telephone:** **Fax:**

Lot: 1	Block: 16/6846	Zoning: PD-621	PDD: 621	SUP:
Historic Dist:	Consv Dist: Old Trinity a	Pro Park: 63	Req Park:10	Park Agrmt: N
Dwlg Units:	Stories: 2	New Area: 1029	Lot Area:	Total Area: 1029
Type Const: VB	Sprinkler: All	Occ Code: A2	Occ Load:225	

**For inspections call 214/670-5313, 24 hours. You will need your validation number 1306041050261 and one of the inspection types from the list below.**

840 Green

**Your inspector is: Meenal Chauk at 214/948-4091**

Note: 7 AM cut-off for same day inspections!! Reinspection fees will be charged if the work is not ready or property is inaccessible. For partial inspection of area or additional assistance, call 214/948-4384 from 8 AM to 4:30 PM Monday through Friday.



# Contractor's Authorization

City of Dallas

Trade Type: Electrical

Sustainable Development and Construction | Building Inspection Division | www.dallascityhall.com

District Office SW

BDA 134-093  
Attach C  
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**Validation #:** 1306041050301

**Address:** 1414 DRAGON ST Ste:200, Floor 2 75207

Issue Date: 06/05/2013

Land Use Description: RESTAURANT WITHOUT DRIVE-IN SERVICE

Work Description: 3009-ELECTRICAL REMODEL

Authorized Date: 12/17/2013  
Owner Or Tenant: RUTT CAPITAL LLC  
4575 WESTGROVE DR #500  
ADDISON, TEXAS 75204

Applicant: RAJ SHARMA  
Contractor: COHEN ELECTRIC

Business Address: P O BOX 29529,

Telephone: 972/243-2233

Fax: 972/243-6777

Lot: 1	Block: 16/6846	Zoning: PD-621	PDD: 621	SUP:
Historic Dist:	Consv Dist: Old Trinity a	Pro Park: 63	Req Park:10	Park Agrmt: N
Dwlg Units:	Stories: 2	New Area: 1029	Lot Area:	Total Area: 1029
Type Const: VB	Sprinkler: All	Occ Code: A2	Occ Load:225	

**For inspections call 214/670-5313, 24 hours. You will need your validation number 1306041050301 and one of the inspection types from the list below.**

- |                                 |                        |                                      |
|---------------------------------|------------------------|--------------------------------------|
| 305 Structural Pool Shell       | 310 Electrical Service | 311 Landscape Lighting (Underground) |
| 312 Pool Bonding                | 314 T-Pole             | 320 Rough below floor level          |
| 321 Rough Walls                 | 322 Rough Ceiling      | 323 (UFER) Concrete Encase Electrode |
| 330 Rough all above floor level | 340 Final              |                                      |

**Your inspector is: David Cheshier at 214/948-4282**

Note: 7 AM cut-off for same day inspections!! Reinspection fees will be charged if the work is not ready or property is inaccessible. For partial inspection of area or additional assistance, call 214/948-4384 from 8 AM to 4:30 PM Monday through Friday.



# Contractor's Authorization

City of Dallas

Trade Type: Mechanical

Sustainable Development and Construction | Building Inspection Division | www.dallascityhall.com

District Office SW

BDA 134-093  
Attach C  
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**Validation #:** 1306041050401

**Address:** 1414 DRAGON ST Ste:200, Floor 2 75207

Issue Date: 06/05/2013

Land Use Description: RESTAURANT WITHOUT DRIVE-IN SERVICE

Work Description: 4001-INSTALL NEW HVAC

Authorized Date: 08/13/2014

Owner Or Tenant: RUTT CAPITAL LLC  
4575 WESTGROVE DR #500  
ADDISON, TEXAS 75204

Applicant: RAJ SHARMA

Contractor: X-TREME AIR SERVICES

Business Address: 4111 HWY 80 EAST,

Telephone: 972/288-2263 Fax: 972/279-1007

Lot: 1	Block: 16/6846	Zoning: PD-621	PDD: 621	SUP:
Historic Dist:	Consv Dist: Old Trinity a	Pro Park: 63	Req Park:10	Park Agrmt: N
Dwlg Units:	Stories: 2	New Area: 1029	Lot Area:	Total Area: 1029
Type Const: VB	Sprinkler: All	Occ Code: A2	Occ Load:225	

**For inspections call 214/670-5313, 24 hours. You will need your validation number 1306041050401 and one of the inspection types from the list below.**

- |                                |                       |                       |
|--------------------------------|-----------------------|-----------------------|
| 410 Temporary Heat             | 420 Rough below floor | 430 Rough above floor |
| 431 Commercial kitchen exhaust | 440 Final             |                       |

**Your inspector is: Shar Blatnick at 214/948-4363**

Note: 7 AM cut-off for same day inspections!! Reinspection fees will be charged if the work is not ready or property is inaccessible. For partial inspection of area or additional assistance, call 214/948-4384 from 8 AM to 4:30 PM Monday through Friday.





# Contractor's Authorization

City of Dallas

Trade Type: Fire Sprinkler (Major Work)

Sustainable Development and Construction | Building Inspection Division | www.dallascityhall.com

District Office SW

BDA 134-093  
Attach C  
Pg 44

**Validation #:** 1306041050611

**Address:** 1414 DRAGON ST Ste:200, Floor 2 75207

Issue Date: 06/05/2013

Land Use Description: RESTAURANT WITHOUT DRIVE-IN SERVICE

Work Description: 6002-INSTALL ANY NEW FIRE SPRINKLER SYSTEM

Authorized Date: 08/14/2014  
Owner Or Tenant: RUTT CAPITAL LLC  
4575 WESTGROVE DR #500  
ADDISON, TEXAS 75204

Applicant: RAJ SHARMA  
Contractor: AUTOMATIC SPRINKLER OF TEXAS  
Business Address: PO BOX 382091,  
Telephone: 972/298-2772 Fax: 972/283-2826

Lot: 1	Block: 16/6846	Zoning: PD-621	PDD: 621	SUP:
Historic Dist:	Consv Dist: Old Trinity a	Pro Park: 63	Req Park:10	Park Agrmt: N
Dwlg Units:	Stories: 2	New Area: 1029	Lot Area:	Total Area: 1029
Type Const: VB	Sprinkler: All	Occ Code: A2	Occ Load:225	

**For inspections call 214/670-5313, 24 hours. You will need your validation number 1306041050611 and one of the inspection types from the list below.**

601 For all Fire related inspections contact

602 Scheduler Michelle Robinson 214-671-9844

**Your inspector is: Whitney Madison at 214/671-3451**

Note: 7 AM cut-off for same day inspections!! Reinspection fees will be charged if the work is not ready or property is inaccessible. For partial inspection of area or additional assistance, call 214/948-4384 from 8 AM to 4:30 PM Monday through Friday.



# Contractor's Authorization

City of Dallas

Trade Type: Health

Sustainable Development and Construction | Building Inspection Division | www.dallascityhall.com

District Office SW

BDA 134-093  
Attach C  
Pg 45

**Validation #:** 1306041050001

**Address:** 1414 DRAGON ST Ste:200, Floor 2 75207

Issue Date: 06/05/2013

Land Use Description: RESTAURANT WITHOUT DRIVE-IN SERVICE

Work Description:

Authorized Date:  
Owner Or Tenant: RUTT CAPITAL LLC  
4575 WESTGROVE DR #500  
ADDISON, TEXAS 75204

Applicant: RAJ SHARMA

Contractor:

Business Address:

Telephone:

Fax:

Lot: 1	Block: 16/6846	Zoning: PD-621	PDD: 621	SUP:
Historic Dist:	Consv Dist: Old Trinity a	Pro Park: 63	Req Park:10	Park Agrmt: N
Dwlg Units:	Stories: 2	New Area: 1029	Lot Area:	Total Area: 1029
Type Const: VB	Sprinkler: All	Occ Code: A2	Occ Load:225	

**For inspections call 214/670-5313, 24 hours. You will need your validation number 1306041050001 and one of the inspection types from the list below.**

490 Health

**Your inspector is: Cynthia Hardage at 214/948-4255**

Note: 7 AM cut-off for same day inspections!! Reinspection fees will be charged if the work is not ready or property is inaccessible. For partial inspection of area or additional assistance, call 214/948-4384 from 8 AM to 4:30 PM Monday through Friday.



# Contractor's Authorization

City of Dallas

Trade Type: Plumbing

Sustainable Development and Construction | Building Inspection Division | www.dallascityhall.com

District Office SW

BDA 134-093  
Attach C  
Pg 46

**Validation #:** 1306041050202

**Address:** 1414 DRAGON ST Ste:200, Floor 2 75207

**Issue Date:** 06/05/2013

**Land Use Description:** RESTAURANT WITHOUT DRIVE-IN SERVICE

**Work Description:** PUT PL IN RESTAURANT AND GAS RPZ VALVE

**Authorized Date:** 08/12/2014

**Owner Or Tenant:** RUTT CAPITAL LLC  
4575 WESTGROVE DR #500  
ADDISON, TEXAS 75204

**Applicant:** RAJ SHARMA

**Contractor:** LARRY MYER PLUMBING

**Business Address:** 518 JOHNSON DR,

**Telephone:** 972/298-5995 **Fax:**

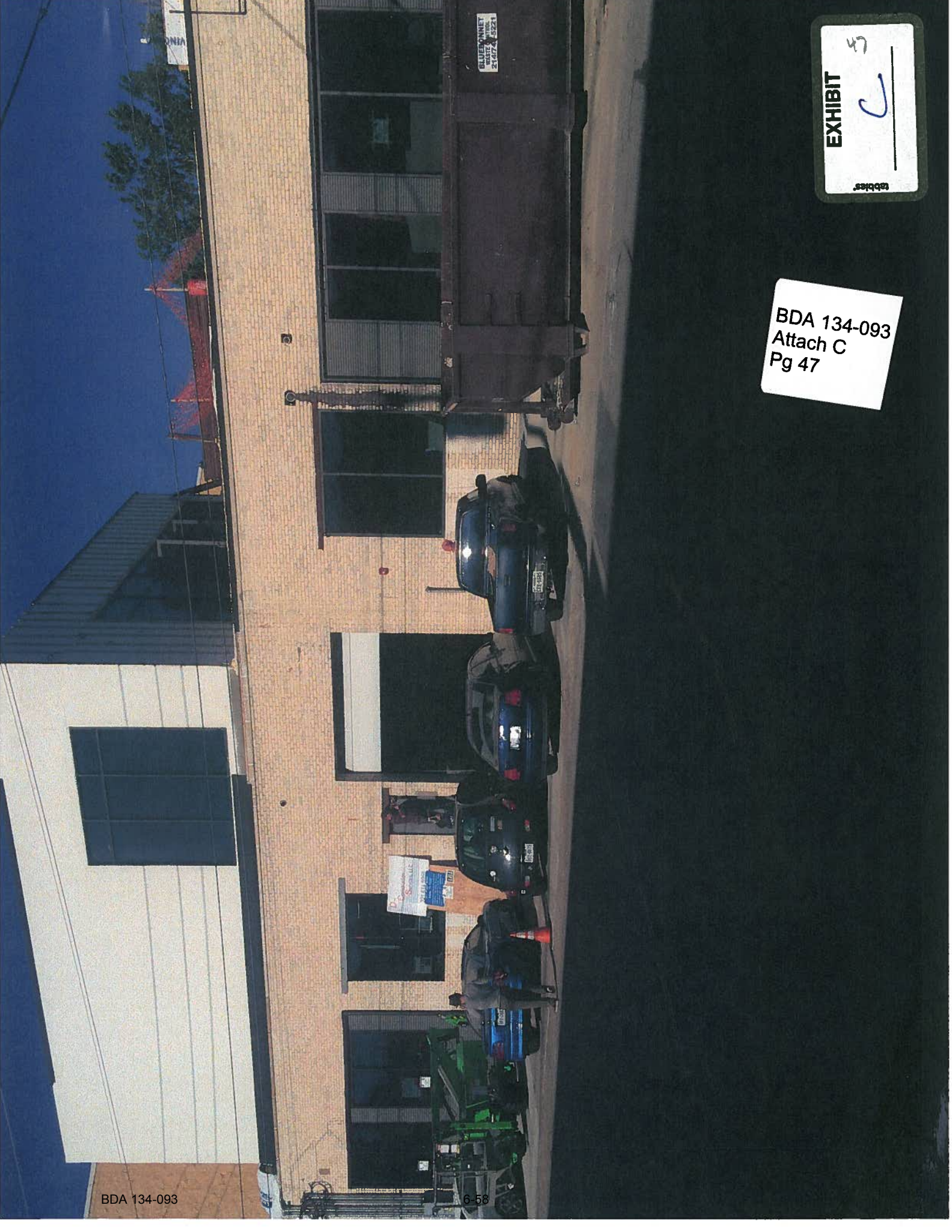
Lot: 1	Block: 16/6846	Zoning: PD-621	PDD: 621	SUP:
Historic Dist:	Consv Dist: Old Trinity a	Pro Park: 63	Req Park:10	Park Agrmt: N
Dwlg Units:	Stories: 2	New Area: 1029	Lot Area:	Total Area: 1029
Type Const: VB	Sprinkler: All	Occ Code: A2	Occ Load:225	

**For inspections call 214/670-5313, 24 hours. You will need your validation number 1306041050202 and one of the inspection types from the list below.**

- |  |                              |   |
|--|------------------------------|---|
| 210 Utility service sewer-water-gas              | 212 Swimming Pool (Plumbing) | 220 Rough below floor level, DWV, water, etc. |
| 230 Rough above floor level, top out, shower pan | 231 Temporary Heat           | 240 Final                                     |

**Your inspector is: Shar Blatnick at 214/948-4363**

Note: 7 AM cut-off for same day inspections!! Reinspection fees will be charged if the work is not ready or property is inaccessible. For partial inspection of area or additional assistance, call 214/948-4384 from 8 AM to 4:30 PM Monday through Friday.



BDA 134-093

6-58

BDA 134-093  
Attach C  
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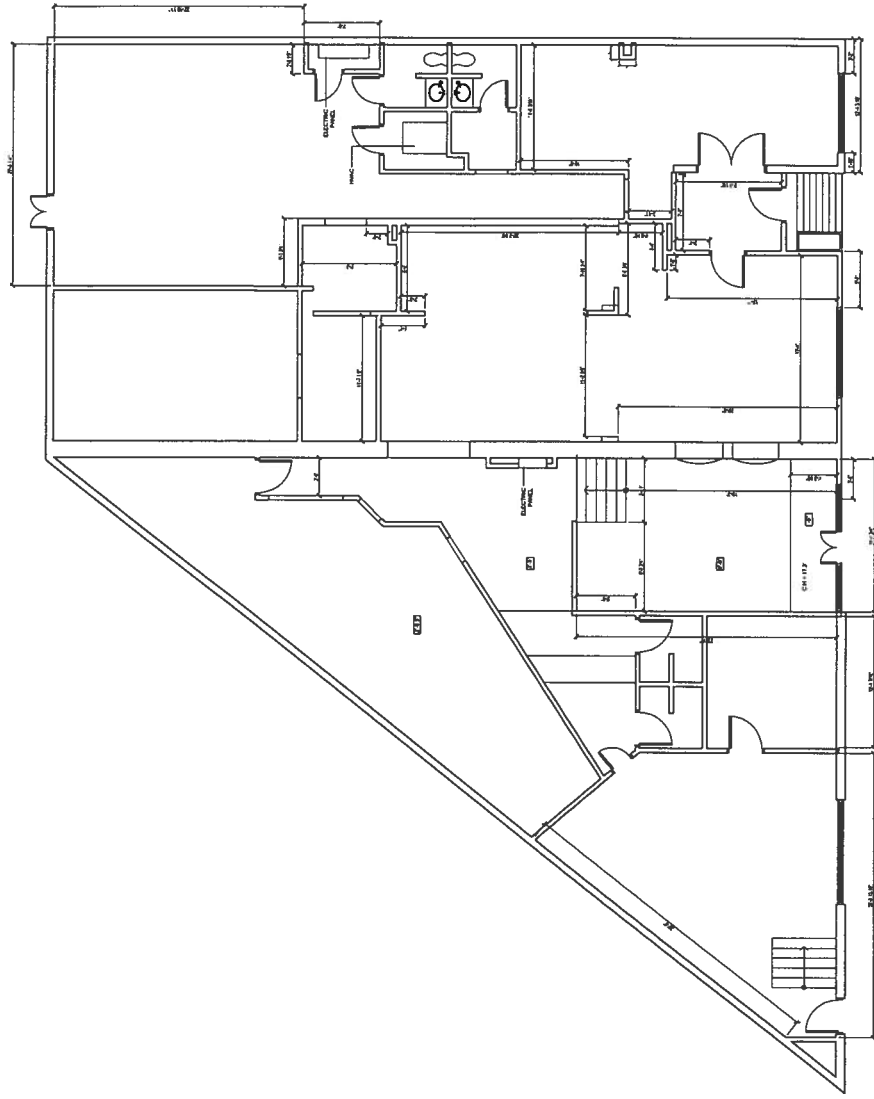
EXHIBIT  
47  
C  
Robles

BRUNNEN  
EST. 1872





BDA 134-093  
Attach C  
Pg 48



**DRAGON STREET - AS BUILT**  
SCALE: NTS  
DATE: 10-23-12

EXHIBIT  
Rear D

BDA 134-093  
Attach C  
Pg 49

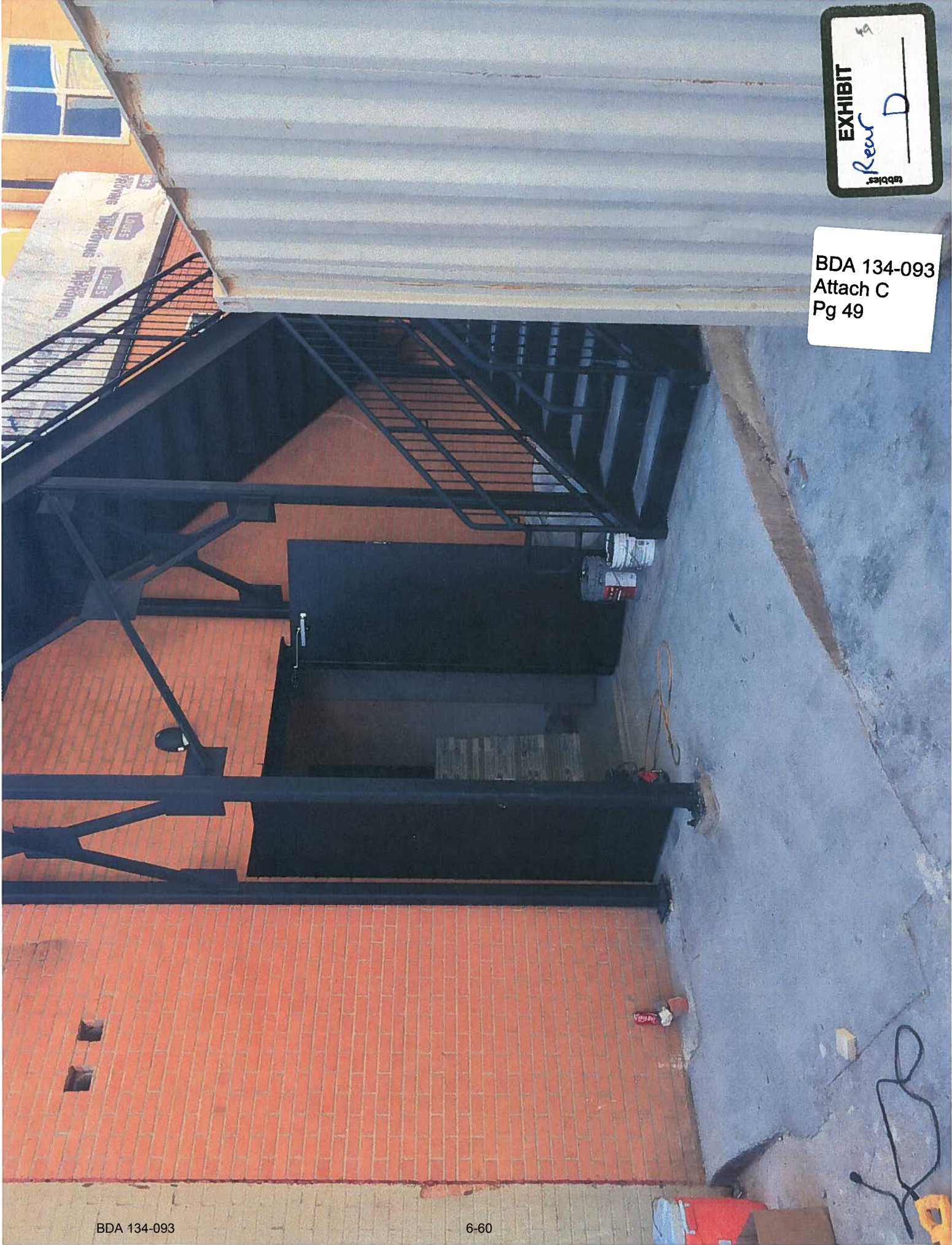
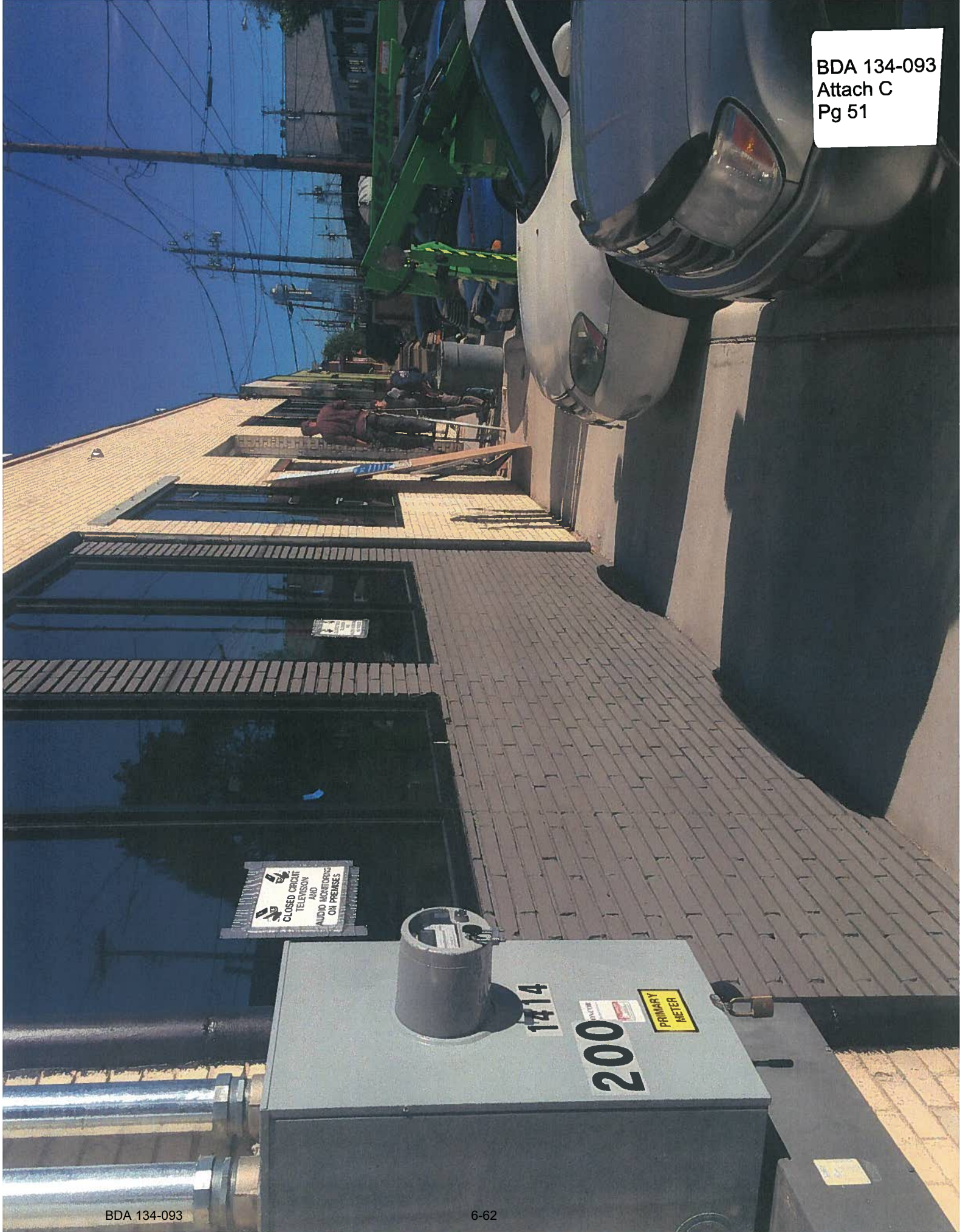




EXHIBIT  
Front Parking  
E

BDA 134-093  
Attach C  
Pg 50





Begin forwarded message:

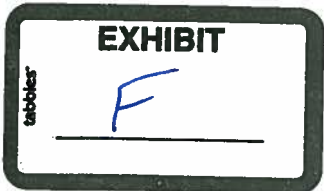
**From:** "May, Sarah" <sarah.may@dallascityhall.com>  
**Date:** June 12, 2014 at 3:51:35 PM CDT  
**To:** <brian@theemblemsource.com>  
**Cc:** "Erwin, Philip" <philip.erwin@dallascityhall.com>  
**Subject:** 1414 Dragon zoning comments

Hi Brian,

Thanks for coming in today to discuss the 1414 Dragon project and what needs to happen to come into compliance. The following are what we went over in our meeting (minus Phil Erwin's landscaping items).

1. Based on our conversation of the things needed to make the original concept of using the entire lot 1 of block 16/6846 as the building site were too difficult to comply with all the zoning regulations. Therefore, it was determined that going back to using the ownership of the 1414 & 1420 Dragon property as the building site would be the most simple in order to solve the issues and the number of property owners involved went from five to one (yourself). Due to this change, the site plan needs to be revised to reflect the change in building site going down to your privately owned property.
2. You had also indicated that the office/showroom/warehouse suite has changed a bit with the three overhead garage doors now are solid walls and the finish out of those suites are different than the original plans show. Please provide 2 copies of these amended sheets and we can get started on an addendum to show that area as true office/showroom/warehouse so that no one confuses it with restaurant dining later.
3. The parking was discussed and some items are needed to enter into three different parking agreements (\$375 each). I have attached the instructions for executing these agreements. I would recommend you work on filling them out and then sending them to me for review before you ask your neighbors to sign so we can minimize last minute corrections. I have attached the forms for these agreements for your review. Also, carefully read of Section 51A-4.320 to make sure that the exhibits and agreement comply with this code, as that is what I'm using to verify that everything works out. It turns out that a packed/shared/remote agreement doesn't exist so we need to do two agreements to make this one work.
  - a. Packed remote parking (which will need to meet the packed parking standards of Section 51A-4.320) with the lot behind you,
  - b. Remote shared parking with the use next to you (fill this one out, and send it back to me but it doesn't look right so I'll ask our attorney if we can use this one for the compatibly overlapping hours), and
  - c. Remote parking with the lot down the street.

Please let me know if you have any questions.



Sincerely,

Sarah May

Senior Planner

Building Inspection. City of Dallas

Check Applications Online

For the above referenced Dallas Development Code and other city codes, please visit our city attorney's website.

Please consider the environment before printing this email.

**\*\*OPEN RECORDS NOTICE:** This email and responses may be subject to the Texas Open Records Act and may be disclosed to the public upon request. Please respond accordingly.

--Forwarded Message Attachment--

--Forwarded Message Attachment--

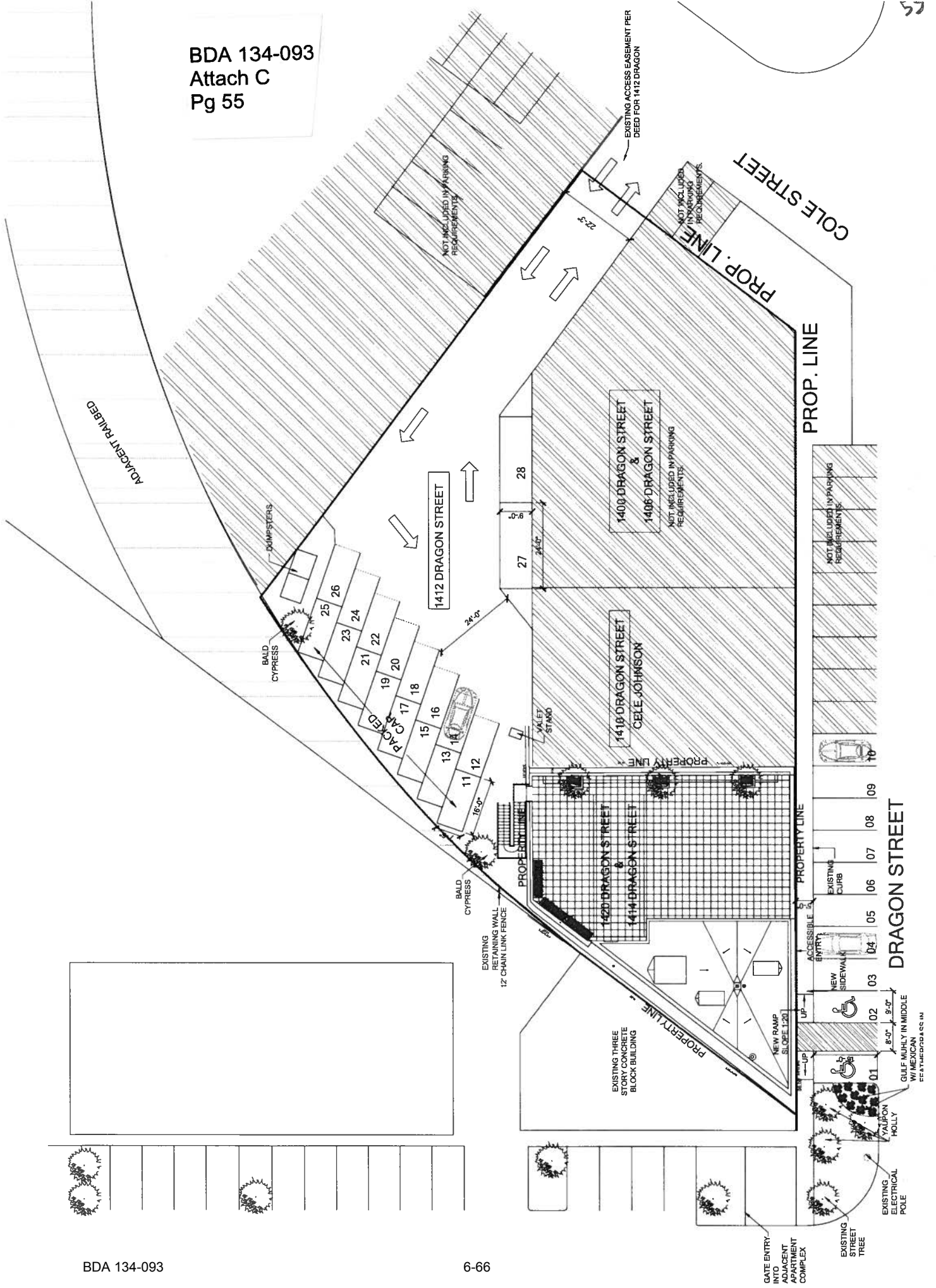
--Forwarded Message Attachment--

--Forwarded Message Attachment--









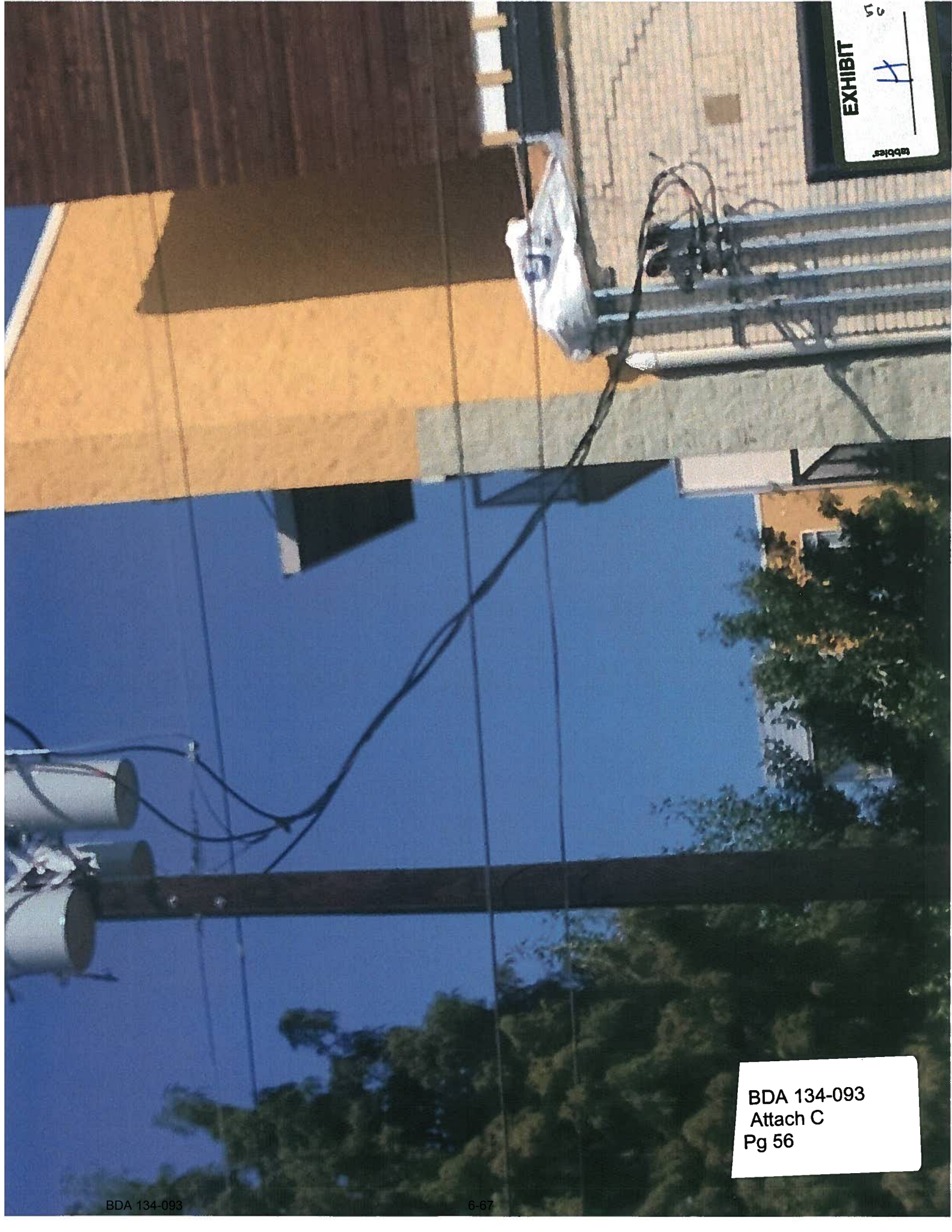
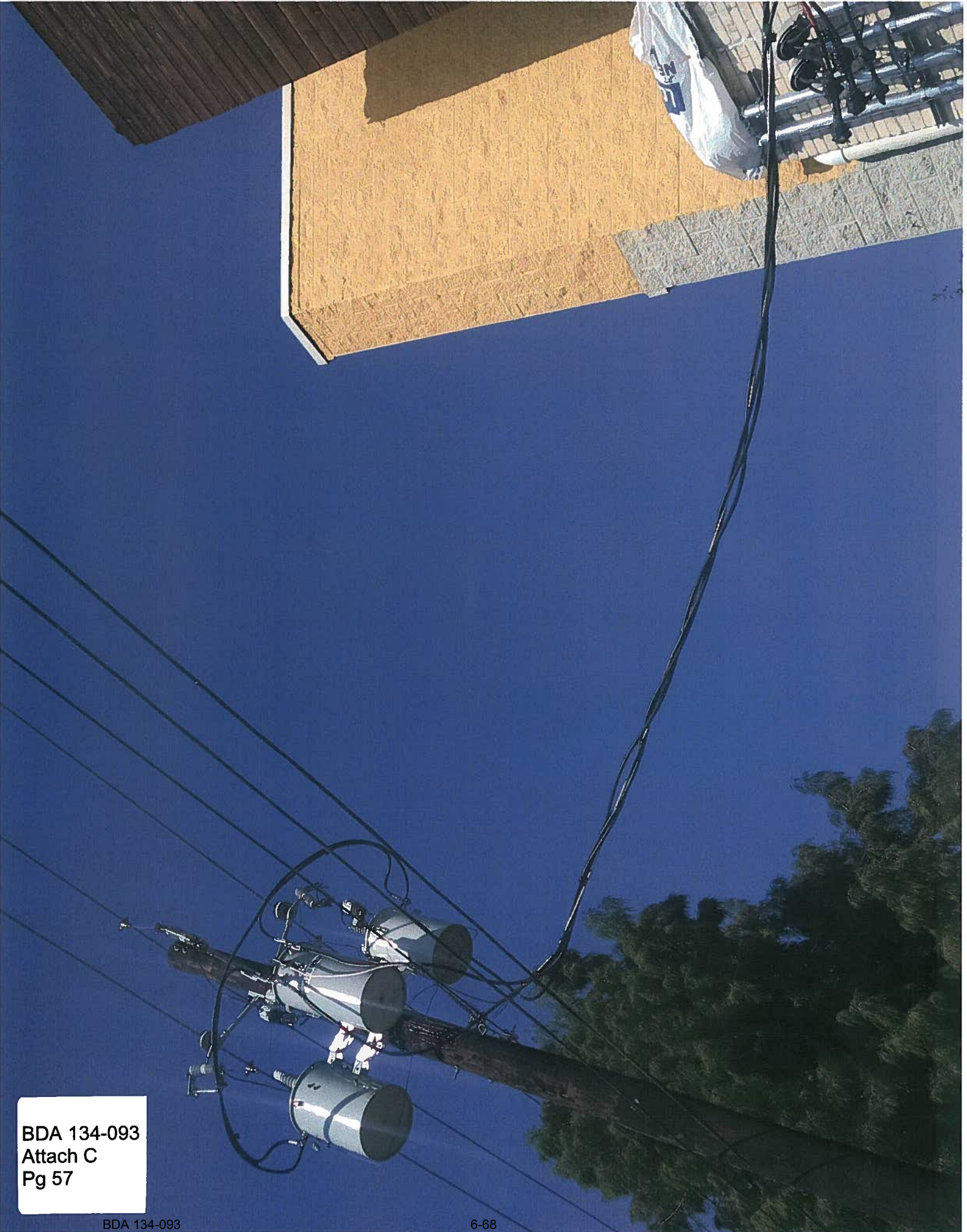


EXHIBIT 56  
tabbles

BDA 134-093  
Attach C  
Pg 56





BDA 134-093  
Attach C  
Pg 57



BDA 134-093

Attach: D

## Memorandum



CITY OF DALLAS

Date November 7, 2014  
To Steve Long, Board Administrator  
Subject BDA 134-093 1414 Dragon Street

After reviewing plans for a revised alternative landscape plan by the applicant, I have no objection to the proposed plan. If a variance is granted by the Board, it should apply to requirements in Article X and PD 621 regulations, including Sections 51P-621.112(a)(3), 'Street Trees,' and 51P-621.112(b)(6) 'Open Space Fund.'

Philip Erwin  
Chief Arborist

— DALLAS & PUERTO RICO —

November 7, 2014

Dallas Board of Adjustment  
c/o Todd Duerksen  
320 E. Jefferson Blvd.  
Room 105  
Dallas, Texas

Re: BDA 143-093 1414 Dragon Street; request for Landscaping Variance

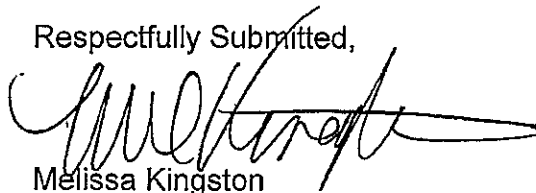
Dear Hon. Board Members:

I am writing you on behalf of DEC Dragon St. LLC ("Owner") to supplement its application for a landscaping variance for 1414/1420 Dragon Street, Dallas, Texas (the "Property"). Please find enclosed letters supporting the Owner's application for the requested landscaping variance from the following property owners:

<u>Adjacent Property Owner</u>	<u>Adjacent Property Address</u>
Shelley S. Stevens	1003 Dragon St. 171 Parkhouse St. 179 Parkhouse St. 155 Parkhouse St. 100 Payne St. 1001 N. riverfront Blvd. 1708 Market Center Blvd. 1333 Oak Lawn Ave. 1500 Slocum St.
Nancy Nguyen	1107 Dragon St. 1109 Dragon St.
Linda Swain	1410 Dragon St. 1412 Dragon St.

Should you have any questions or need further information, please feel free to contact me. Thank you for your consideration.

Respectfully Submitted,



Melissa Kingston

— FFLAWOFFICE.COM —

BOA  
November 7, 2014  
Page 2 of 2

Enclosures as stated.

cc: Brian Rutt, Esq.  
Mr. Santos Martinez  
Liz Johnson, AIA, RA

November 6, 2014

Dallas Board of Adjustment  
c/o Todd Duerksen  
320 E. Jefferson Blvd.  
Room 105  
Dallas, Texas

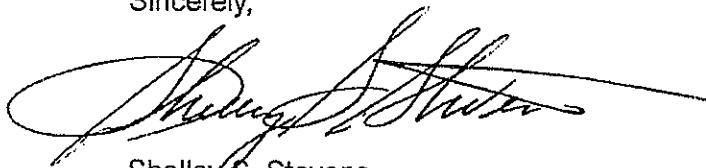
Re: BDA 143-093 1414 Dragon Street; request for Landscaping Variance

Dear Hon. Board Members:

I own property located at: 171 Parkhouse St., 179 Parkhouse St, 155 Parkhouse St, 100 Payne St, 1001 N. Riverfront Blvd, 1708 Market Center Blvd, 1333 Oak Lawn Ave, 1500 Slocum St, and 1003 Dragon St, in Dallas, Texas near 1414 Dragon Street. I am writing to express my support for the landscaping variance sought by the owner of 1414 Dragon Street and my general support for the redevelopment of that property.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley S. Stevens", with a long horizontal flourish extending to the right.

Shelley S. Stevens  
Owner &  
Manager/Member of Various LLC's  
214-748-1177 Office

November 1, 2014

Dallas Board of Adjustment  
c/o Todd Duerksen  
320 E. Jefferson Blvd.  
Room 105  
Dallas, Texas

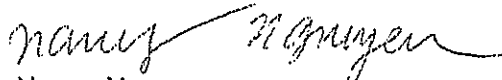
Re: BDA 143-093 1414 Dragon Street; request for Landscaping Variance

Dear Hon. Board Members:

I owe property located at 1107 and 1109 Dragon Street in Dallas, Texas near 1414 Dragon Street. I am writing to express my support for the landscaping variance sought by the owner of 1414 Dragon Street and my general support for the redevelopment of that property.

Thank you for your consideration.

Sincerely,

  
Nancy Nguyen

November 1, 2014

Dallas Board of Adjustment  
c/o Todd Duerksen  
320 E. Jefferson Blvd.  
Room 105  
Dallas, Texas

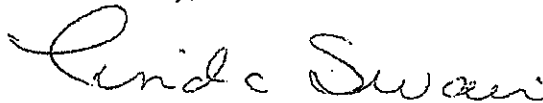
Re: BDA 143-093 1414 Dragon Street; request for Landscaping Variance

Dear Hon. Board Members:

I owe property located at 1410 and 1412 Dragon Street in Dallas, Texas near 1414 Dragon Street. I am writing to express my support for the landscaping variance sought by the owner of 1414 Dragon Street and my general support for the redevelopment of that property.

Thank you for your consideration.

Sincerely,

  
Linda Swain





APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 134-093

Data Relative to Subject Property:

Date: 7/25/14

Location address: 1414 (+1420) Dragon St. Zoning District: PD 621 (Subd. 1)

Lot No.: 1 Block No.: 16/6846 Acreage: 0.117 Census Tract: 100.00

Street Frontage (in Feet): 1) 97'-0' 2) 3) 4) 5) SW 20A

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Rutt Capital, LLC

Applicant: Rutt Capital, LLC Telephone: 972-333-8187

Mailing Address: 4575 Westgrove Dr, Suite 500 Zip Code: 75001

E-mail Address: Brian@theemblemSource.com

Represented by: Brian Rutt Telephone: 972-333-8187

Mailing Address: 4575 Westgrove Dr, Suite 500 Zip Code: 75001

E-mail Address: Brian@theemblemSource.com

Affirm that an appeal has been made for a Variance [checked], or Special Exception, of The landscaping requirements per PD 621 of the City of Dallas.

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 existing Bldg area encompasses the entire property. No site exists to fulfill the requirements. The parking requirements for the intended use exceed the existing street parking, preventing adding any street 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.

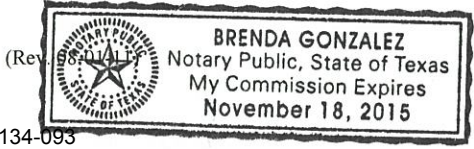
Affidavit

Before me the undersigned on this day personally appeared Rutt Capital, LLC By Brian Rutt (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 25 day of July, 2014



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

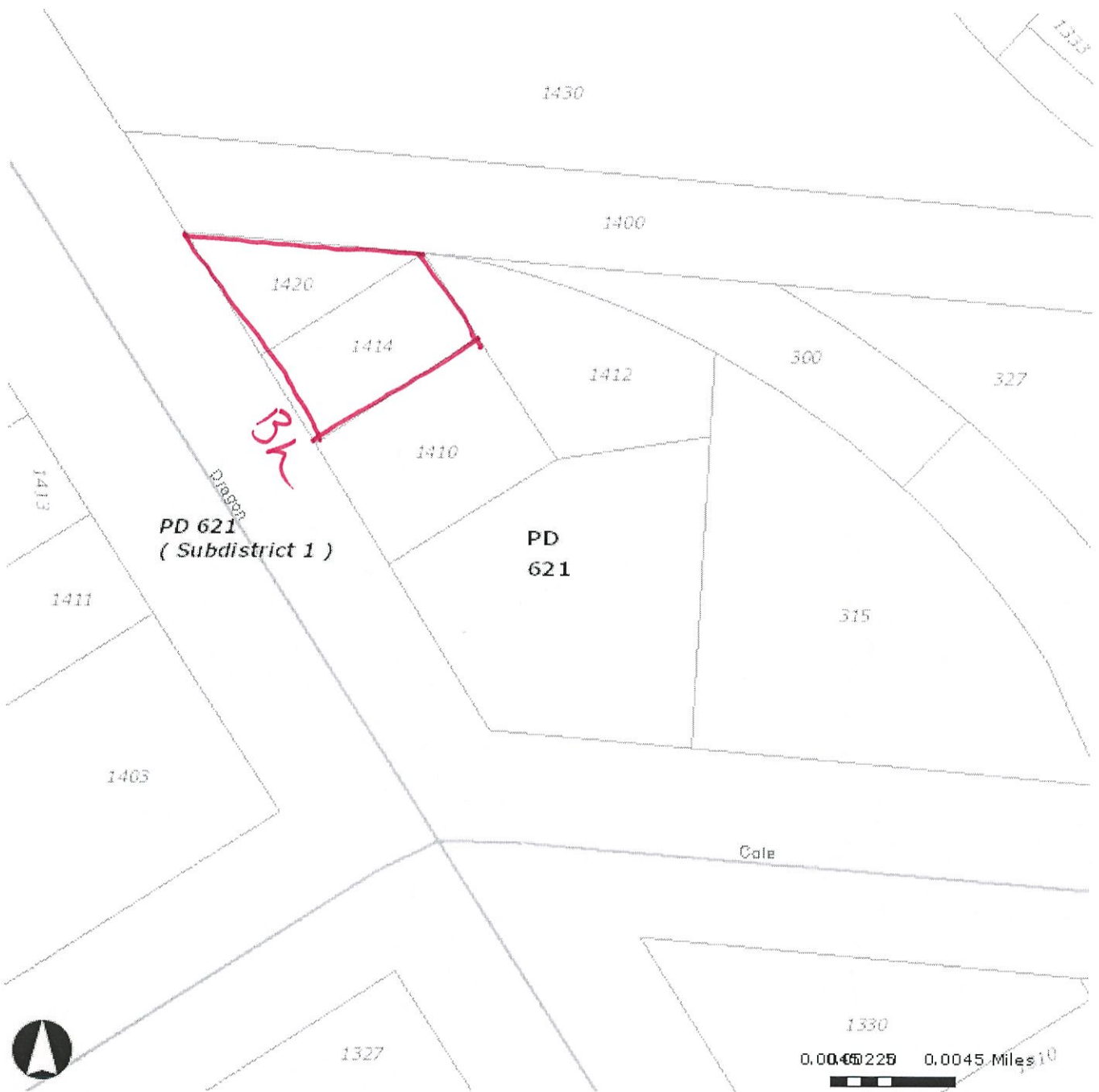
**Building Official's Report**

I hereby certify that **BRIAN RUTT**  
did submit a request for a variance to the landscaping regulations  
at 1414 Dragon Street

BDA134-093. Application of Brian Rutt for a variance to the landscaping regulations at 1414 (aka: 1420) Dragon Street. This property is more fully described as part of Lot 1, Block 16/6846, and is zoned PD621 (Subdistrict 1), which requires mandatory landscaping. The applicant proposes to construct a nonresidential structure and provide an alternate landscape plan, which will require a variance to the landscape regulations.

Sincerely,

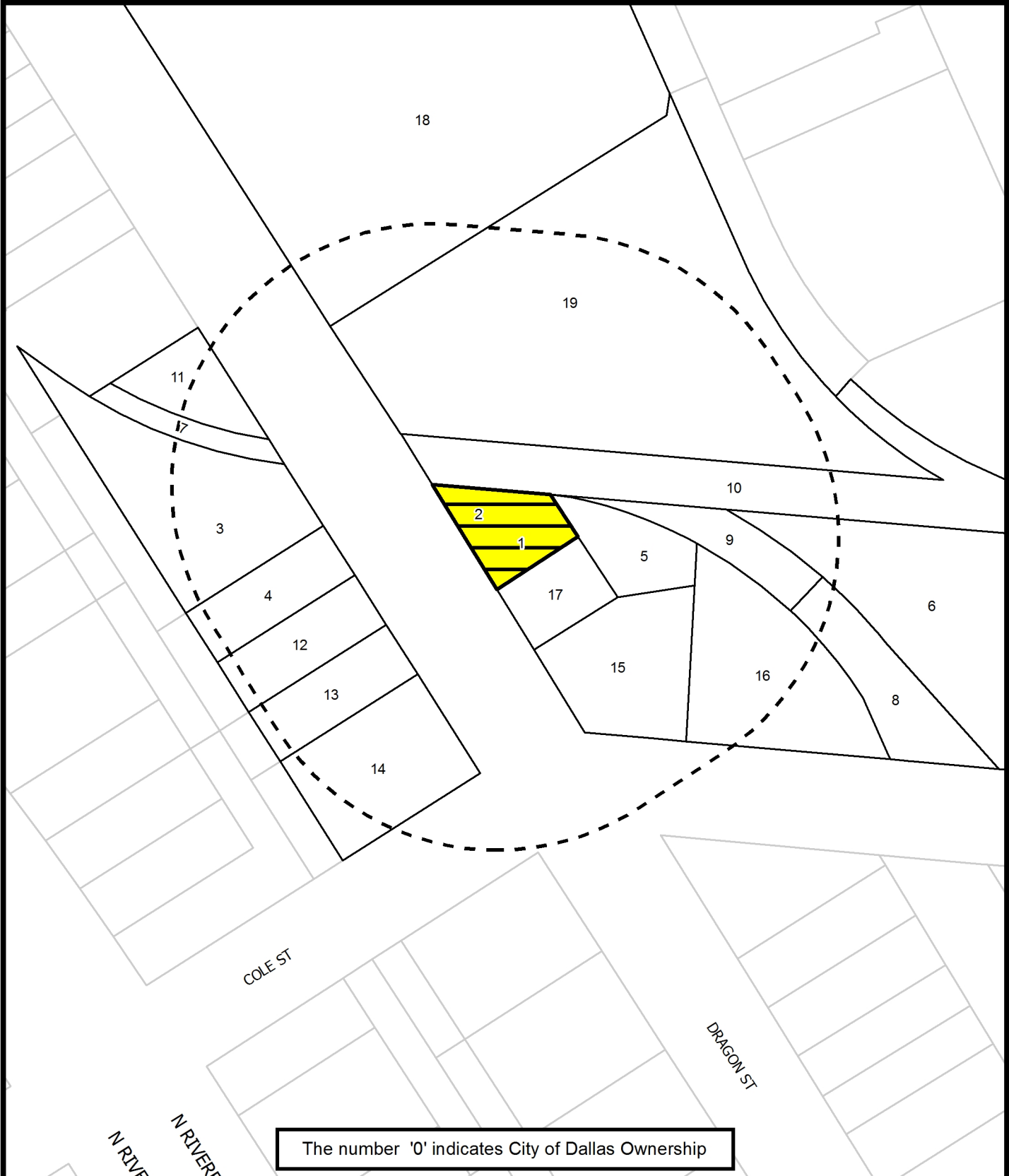
  
Larry Holmes, Building Official











The number '0' indicates City of Dallas Ownership



1:1,200

BDA 134-093

# NOTIFICATION

**200'**

AREA OF NOTIFICATION

**19**

NUMBER OF PROPERTY OWNERS NOTIFIED

6-80

Case no: **BDA134-093**

Date: **9/23/2014**



## *Notification List of Property Owners*

***BDA134-093***

### *19 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1414 DRAGON ST	RUTT CAPITAL LLC
2	1420 DRAGON ST	RUTT CAPITAL LLC
3	1425 DRAGON ST	VICHYASTIT KITTICHAJ &
4	1419 DRAGON ST	SCHRAGIN GREGOR
5	1412 DRAGON ST	SWAIN MARY LINDA
6	327 COLE ST	327 COLE STREET PTNRS LLC
7	1431 DRAGON ST	DRAGONFLY ACQUISITIONS LLC
8	300 COLE ST	AZIMI MASOUD ET AL
9	300 COLE ST	STANZEL INVESTMENTS LLC
10	1400 DRAGON ST	DRAGON PROPERTY FUND LTD
11	1435 DRAGON ST	DRAGONFLY ACQUISITIONS LLC
12	1413 DRAGON ST	ARTERIORES NEXT DOOR LLC
13	1411 DRAGON ST	DRAGON STREET PARTNERS
14	1403 DRAGON ST	JAG DRAGON PROPERTIES LLC
15	1400 DRAGON ST	D C ENTERPRISES INC
16	315 COLE ST	STANZEL RICHARD C &
17	1410 DRAGON ST	SWAIN MARY LINDA
18	1500 DRAGON ST	1500 DRAGON ST ASSOC LTD
19	1430 DRAGON ST	DRAGON PROPERTY FUND LTD

**FILE NUMBER:** BDA 134-103

**BUILDING OFFICIAL'S REPORT:** Application of Christian Chernock, represented by Paul Zubiato, for a variance to the front yard setback regulations at 1038 Kings Highway. This property is more fully described as Lot 8, Block 8/3462, and is zoned CD 1, which requires a front yard setback of 25 feet. The applicant proposes to construct and maintain a structure and provide a 0 foot front yard setback, which will require a 25 foot variance to the front yard setback regulations.

**LOCATION:** 1038 Kings Highway

**APPLICANT:** Christian Chernock  
Represented by Paul Zubiato

**REQUESTS:**

Requests for variances to the front yard setback regulations of up to 25' are made to construct and maintain a 4-unit multifamily structure on an undeveloped site, part of which is to be located in the site's two 25' front yard setbacks on Kings Highway and Willomet Avenue.

**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.

**STAFF RECOMMENDATION:**

Denial

Rationale:

- The applicant had not substantiated at the time of the November 4<sup>th</sup> staff review team meeting how the features of the flat, virtually rectangular in shape, (approximately 150' x 50'), or 0.17 acre (or approximately 7,400 square foot) site precluded him from developing it in a manner commensurate with other developments found on similarly-zoned CD 1 lots.

**BACKGROUND INFORMATION:**

**Zoning:**

<u>Site:</u>	CD 1 (Conservation District)
<u>North:</u>	CD 1 (Conservation District)
<u>South:</u>	PD 830 (Planned Development District)
<u>East:</u>	CD 1 (Conservation District)
<u>West:</u>	CD 1 (Conservation District)

**Land Use:**

The subject site is undeveloped. The areas to the north, east, and west are developed with multifamily uses; and the area to the south is developed with commercial uses.

**Zoning/BDA History:**

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

**GENERAL FACTS/STAFF ANALYSIS:**

- This request focuses on constructing and maintaining a 4-unit multifamily structure, part of which is to be located in the site's 25' Kings Highway and Willomet Avenue front yard setbacks.
- Structures on lots zoned CD 1 (Subarea 3) are required to provide a minimum front yard setback of 25'.
- The subject site is located at the southeast corner of Kings Highway and Willomet Avenue. Regardless of how the proposed structure is oriented, the subject site has two 25' front yard setbacks along both streets. The site has a 25' front yard setback along Kings Highway, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in this zoning district subarea. The site also has a 25' front yard setback along Willomet Avenue, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where 10' setback is required for permitted uses other than single family or duplex. But the site's Willomet Avenue frontage is side yard treated as a front yard setback nonetheless to maintain the continuity of the established front yard setback established by the lot to the south zoned PD 830 that fronts/is oriented westward towards Willomet Avenue.
- A scaled site plan has been submitted indicating that a portion of the proposed 4-unit structure is located 20' from the Kings Highway front property line or 5' into this 25'

front yard setback, and on the Willomet Avenue front property line or 25' into this 25' front yard setback.

- According to calculations taken by the Board Administrator from the submitted site plan, approximately 50 square feet of the structures approximately 3,400 square foot building footprint is located in the site's 25 Kings Highway front yard setback, and over half of the structure's approximately 3,400 square foot building footprint is to be located in the site's 25' Willomet Avenue front yard setback.
- According to DCAD records, there is no "main improvement" for property addressed at 1038 Kings Highway.
- The subject site is flat, virtually rectangular in shape, (approximately 150' x 50'), and according to the submitted application is 0.17 acres (or approximately 7,400 square feet) in area. The site is zoned CD 1 (Subarea 3) where this lot has two 25' front yard setbacks; and two 10' side yard setbacks when most lots in this zoning have one front yard setback, two side yard setbacks, and one rear yard setback.
- The 50' wide site has an approximately 15' width for development once a 25' front yard and a 10' side yard setback is accounted for. Other lots of this width in this zoning district with one front yard, two side yards, and one rear yard of the same width would have a 30' width for development.
- The applicant has the burden of proof in establishing the following:
  - That granting the variances to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variances are necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same CD 1 zoning classification.
  - The variances would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same CD 1 zoning classification.
- If the Board were to grant the variance requests, and impose the submitted site plan as a condition, the structure in the front yard setbacks would be limited to what is shown on this document– which in this case is a portion of a structure located 20' from the site's Kings Highway front property line (or 5' into this 25' front yard setback) and as close as on the site's Willomet Avenue front property line (or 25' into this 25' front yard setback).

### **Timeline:**

August 20, 2014: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

October 14, 2014: The Interim Assistant Director of Sustainable Development and Construction acting on behalf of the Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

October 14, 2014: The Board Administrator contacted the applicant and emailed him the following information:

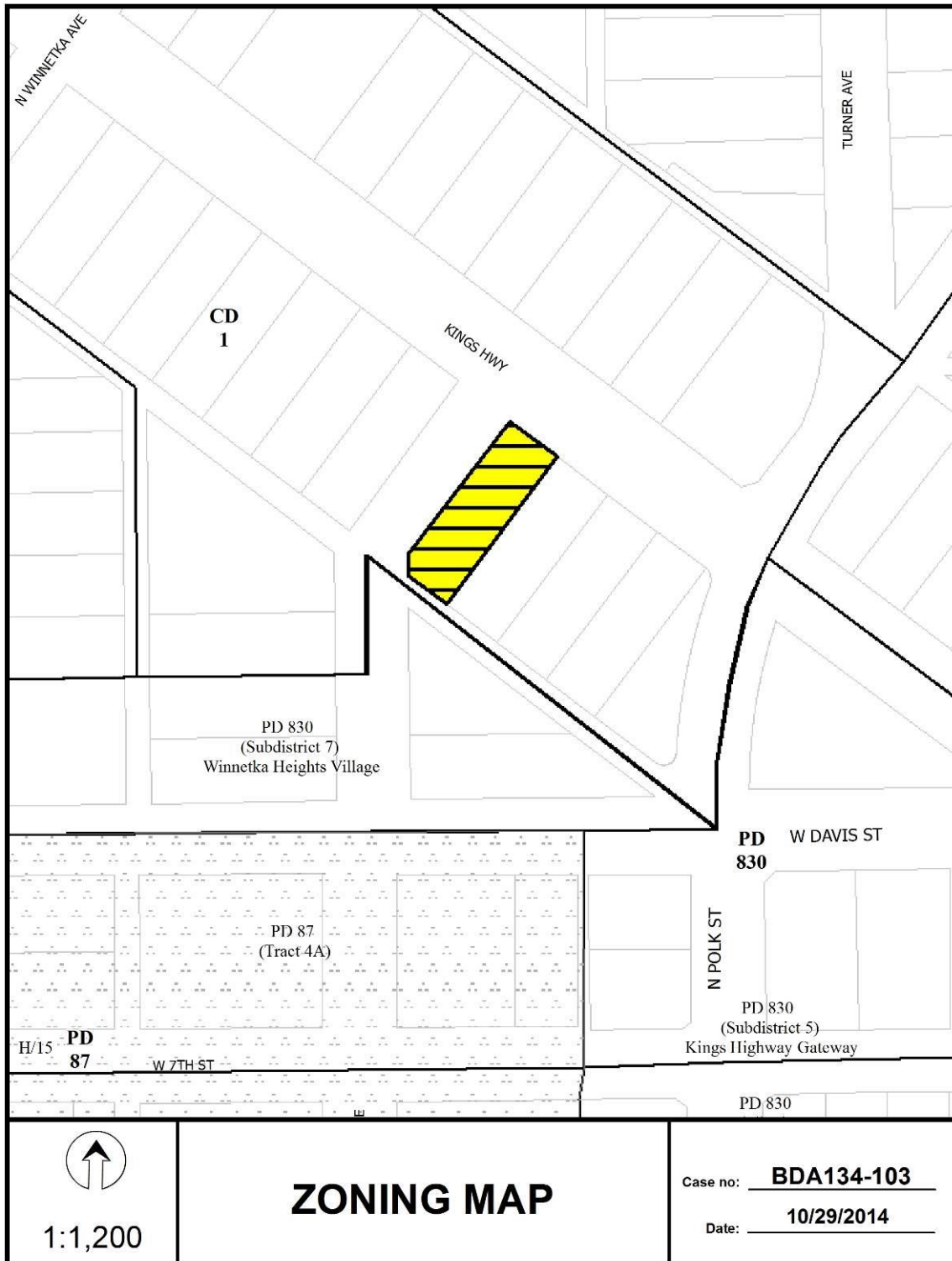
- an attachment that provided the public hearing date and panel that will consider the application; the October 29<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the November 7<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request;
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- to meet within the next week with the Building Inspection Senior Plans Examiners/Development Code Specialist to amend his application by designating a representative given his recent service on the board of adjustment and the related provisions from Chapter 12, A-14.

November 4, 2014: The Building Inspection Senior Plans Examiners/Development Code Specialist forwarded a revised Building Official's report to the Board Administrator (see Attachment A).

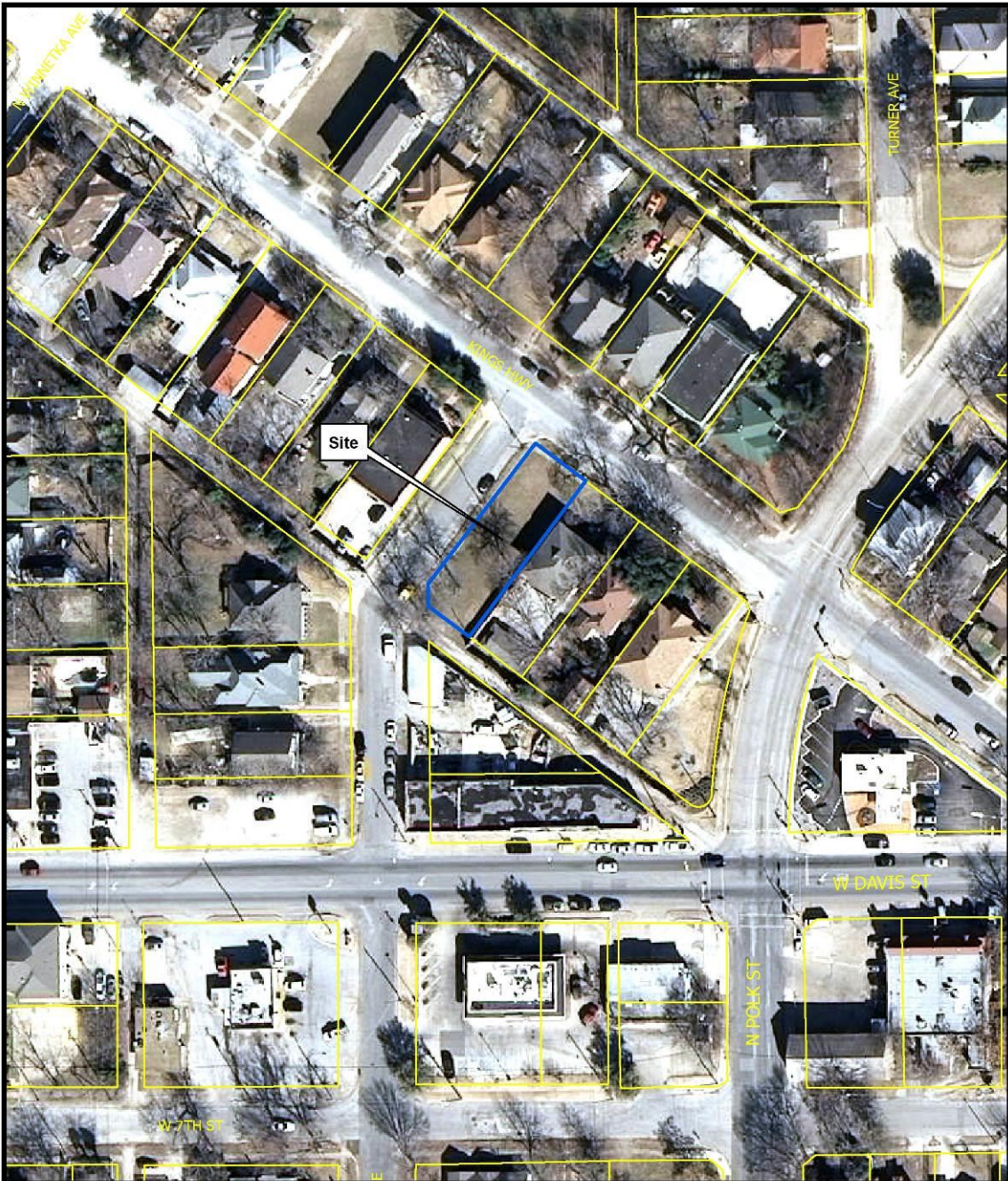
November 4, 2014: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for November public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Assistant Building Official, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, the City of Dallas Chief Arborist, and the Assistant City Attorney to the Board.

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

November 4, 2014: The applicant's representative submitted additional information to staff beyond what was submitted with the original application (see Attachment B). Note that this information was not factored into the staff recommendation given that it was received after conclusion of the November 4<sup>th</sup> staff review team meeting.







1:1,200

# AERIAL MAP

Case no: BDA134-103

Date: 10/29/2014



BDA 134-103  
Attach A  
PS 1

B

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 134-103

Data Relative to Subject Property:

Date: 8-20-14

Location address: 1038 KINGS HIGHWAY 75208 Zoning District: CD1

Lot No.: 8 Block No.: 8/3462 Acreage: .17 Census Tract: 42.02

Street Frontage (in Feet): 1) 50 2) 150 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

SW17

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): CARRION CROW HOLDINGS LLC

Applicant: CHRISTIAN CHERNOCK Telephone: \_\_\_\_\_

Mailing Address: 1611 RIO VISTA DR. Zip Code: 75208

E-mail Address: CHRISTIAN.CHERNOCK@GMAIL.COM

Represented by: PAUL ZUBIATE Telephone: \_\_\_\_\_

Mailing Address: PO BOX 222111 DALLAS Zip Code: 75222-2111

E-mail Address: pzubiata@gmail.com

Affirm that an appeal has been made for a Variance , or Special Exception \_\_\_\_\_, of VARIANCE OF 25' TO FRONT YARD SET BACK

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 SUBJECT SITE IS DIFFERENT FROM MOST LOTS IN SAME ZONING IN THAT IT IS A CORNER LOT WITH A RESTRICTIVE AREA DUE TO TWO FRONT YARD SETBACKS AND AN IRREGULAR SHAPE. THE LOT CANNOT BE DEVELOPED IN A MANNER COMMENSURATE WITH DEVELOPMENT FOUND ON SIMILAR ZONING

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

CHRISTIAN CHERNOCK  
Christian Cherk  
(Affiant/Applicant's name printed)

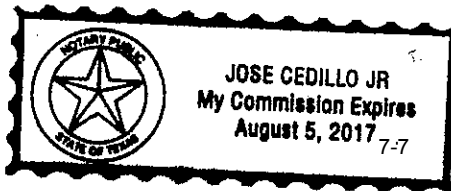
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Respectfully submitted:

[Signature]  
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 23<sup>rd</sup> day of July, 2014

(Rev. 08-01-11)



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



Dear Steve:

In preparing for our up coming Board of Adjustment hearing I wanted to share some further details regarding the case in hopes that you could share it with staff. As you know the trigger for our double front yard setback is do to the lot across the back alley. We feel this case meets the standard because our parcel is a very restrictive area such that we cannot develop commensurate with other parcels in the same zoning. There are other circumstances I would like to share with you and staff for your consideration.

- 1) As you know the purpose of double front yard setbacks is to maintain block continuity most typically between two residential properties. The lot to the south has some unusual characteristics that I would like to draw attention to show that there is not the typical need for this continuity. 1) It has had a commercial use at this property for as long as anyone in modern time can remember. On the lot sits a garage just a few feet from the sidewalk and is used as a mechanics storage and work space. 2) This triangular lot and the one to the south adjacent to it are owned by the same person. 3) Both of these lots have always been used together and function as one property 4) Both of these parcels are inside the new Bishop Davis PD. The zoning change for these parcels was with the intent that they would be both combined into a commercial use that would front Davis. 5) The triangular lot is an odd shape and ill suited for residential development.
- 2) Our building design is for 4 units which is modest multifamily unit count and in keeping with other parcels in the same zoning and immediate area. The buildings to the North, East and West are all 4 unit building similar to ours. The difference however is that our 4 unit development is a "for sale" product rather that a rental property. The Neighborhood cited this as one of the development's strong points.
- 3) Another very restrictive encumbrance to our project is that we have to meet the design criteria for the Kings Highway Conservation District. We have met with the adjacent property owners, Kings Highway Neighborhood leadership, Old Oak Cliff Conservation League, and City's plan reviewer and have gained unanimous support for our design. One of the things the neighborhood appreciated is that the building facade along Willomet was broken up by the entrance stoops and was not just a large monolithic facade. We studied other corner lots in the area and mimicked the "side entrance" designs of those buildings. Several of those structure's porches appeared to be near if not on the property line. The neighborhoods were also very appreciative that we did not put our garages along the Willomet street frontage but instead chose to put them on the east side of the building out of the site lines of the neighborhood. In order to make that design work we had to move our building closer to Willomet and further into the setback. The neighborhoods were also appreciative that each unit has it's own parking space hidden from street view. They preferred that to having an open parking lot at the back of the property.

Best Regards

Paul Zubiate







BDA 134-103  
Attach B  
Pg 3



BDA 134-103  
Attach B  
Pg 4





BDA 134-103  
Attach B  
Pg 5







City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 134-103

Data Relative to Subject Property:

Date: 8-20-14

Location address: 1038 KINGS HIGHWAY 75208 Zoning District: CD1

Lot No.: 8 Block No.: 813462 Acreage: .17 Census Tract: 42.02

Street Frontage (in Feet): 1) 50 2) 150 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): CARRION CROW HOLDINGS LLC

Applicant: CHRISTIAN CHERNOCK Telephone: \_\_\_\_\_

Mailing Address: 1611 RIO VISTA DR. Zip Code: 75208

E-mail Address: CHRISTIAN.CHERNOCK@GMAIL.COM

Represented by: \_\_\_\_\_ Telephone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Affirm that an appeal has been made for a Variance , or Special Exception \_\_\_\_\_ of VARIANCE OF 25' TO FRONT YARD SET BACK

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 SUBJECT SITE IS DIFFERENT FROM MOST LOTS IN SAME ZONING IN THAT IT IS A CORNER LOT WITH A RESTRICTIVE AREA DUE TO TWO FRONT YARD SETBACKS AND AN IRREGULAR SHAPE. THE LOT CANNOT BE DEVELOPED IN A MANNER COMMENSURATE WITH DEVELOPMENT FOUND ON SIMILAR ZONING

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.

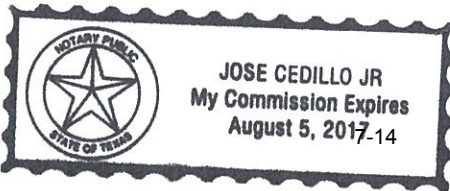
Affidavit

Before me the undersigned on this day personally appeared CHRISTIAN CHERNOCK (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 23<sup>rd</sup> day of July, 2014



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

(Rev. 08-01-11)

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

Date of Hearing \_\_\_\_\_

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

Building Official's Report

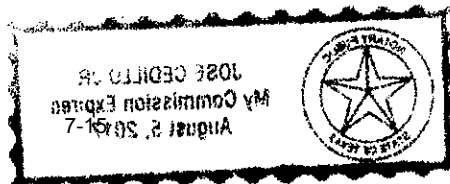
I hereby certify that Christian Chernock

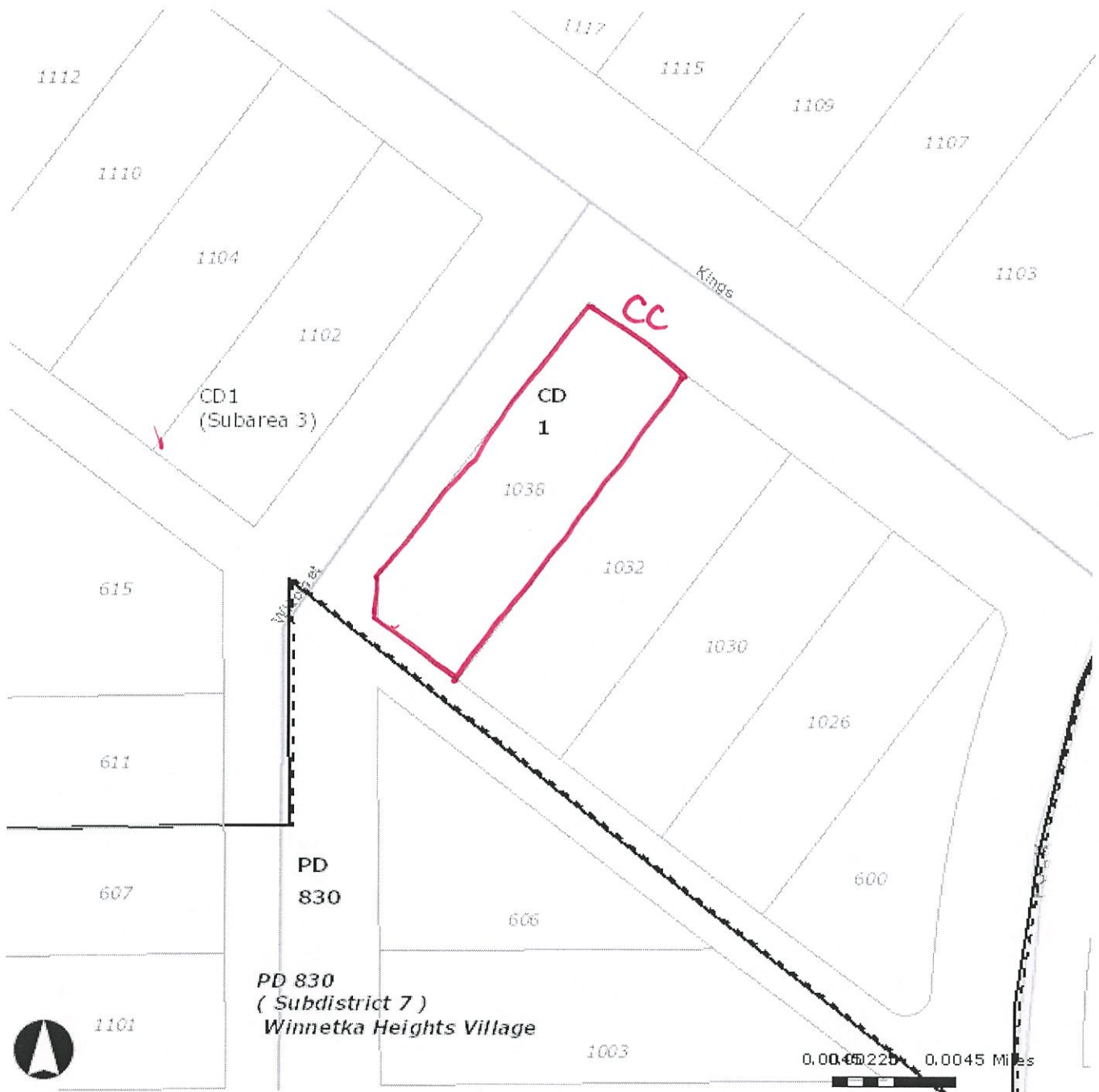
did submit a request for a variance to the front yard setback regulations  
at 1038 King's Hwy.

BDA134-103. Application of Christian Chernock for a variance to the front yard setback regulations at 1038 Kings Highway. This property is more fully described as Lot 8, Block 8/3462, and is zoned CD-1, which requires a front yard setback of 25 feet. The applicant proposes to construct a multifamily residential structure and provide a 0 foot front yard setback, which will require a 25 foot variance to the front yard setback regulation.

Sincerely,

*Larry V. Holmes*  
Larry Holmes, Building Official



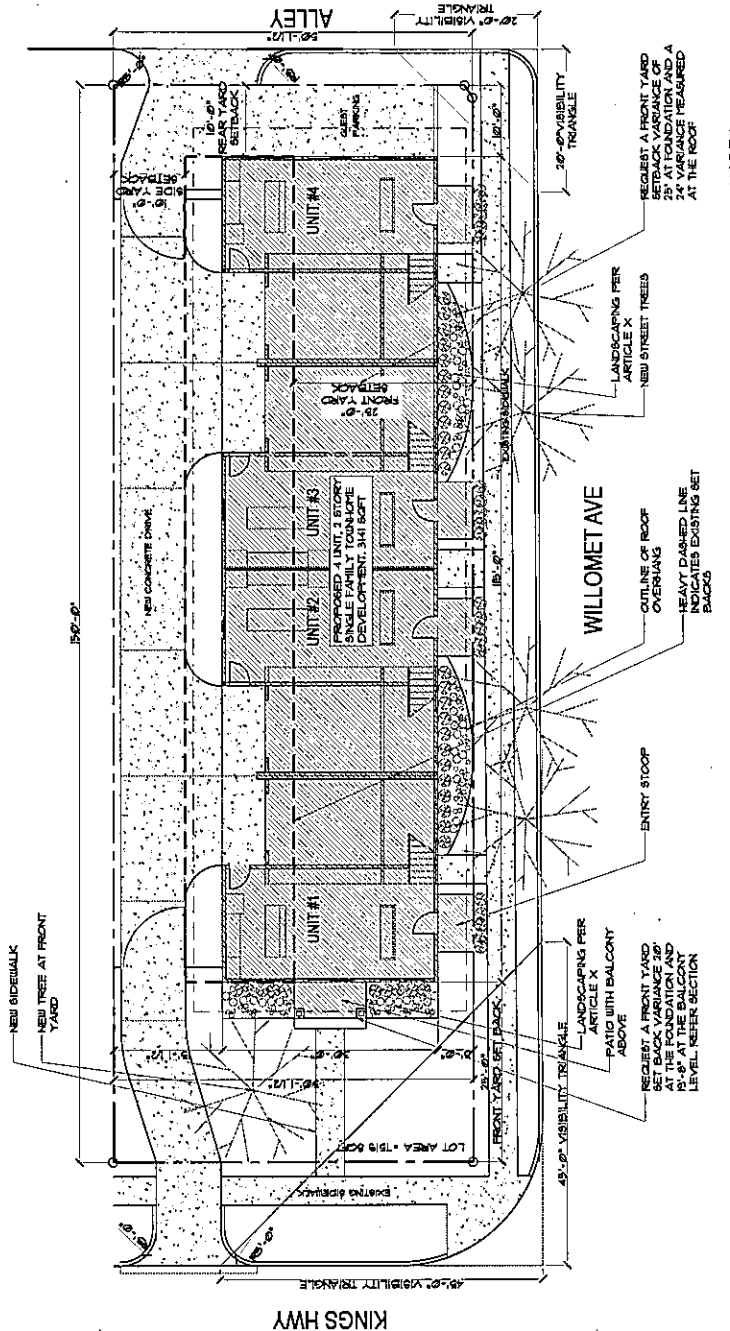








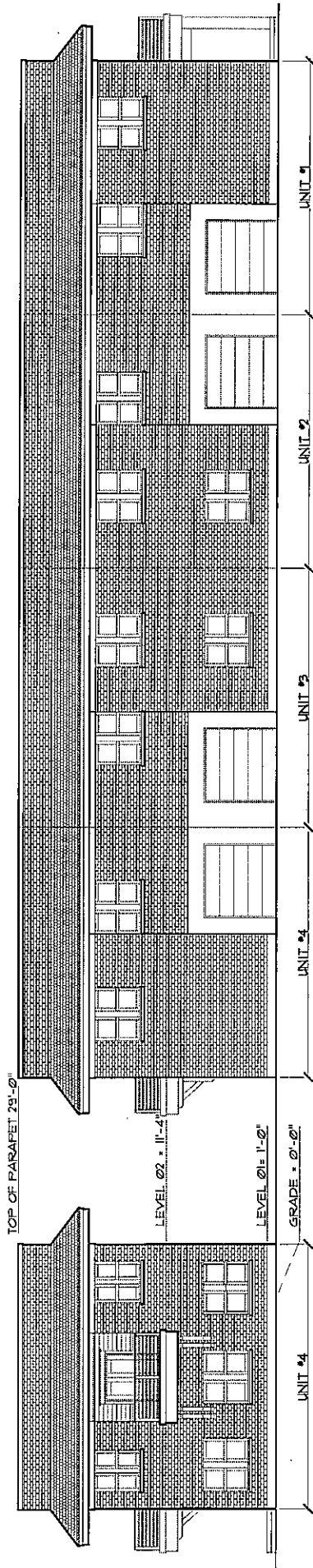
Kings Hwy Conservation District:  
 Sub area 3  
 Zoning MF-2  
 Max 4 dwelling units  
 Floor Lvl Allowed = 2 stories  
 Max Ht = 30'  
 Max lot coverage= 45%  
 FYSB = 25'  
 SYSB = 10'  
 RYSB= 10'  
 Lot Coverage: Proposed development 3361  
 sqft / 7519 sqft lot area = 44% coverage



SCALE: 1/16"= 1'-0"  
 20 Aug 2014

A proposed 4 unit, 2 story single family townhome development  
**Kings Hwy Conservation District**

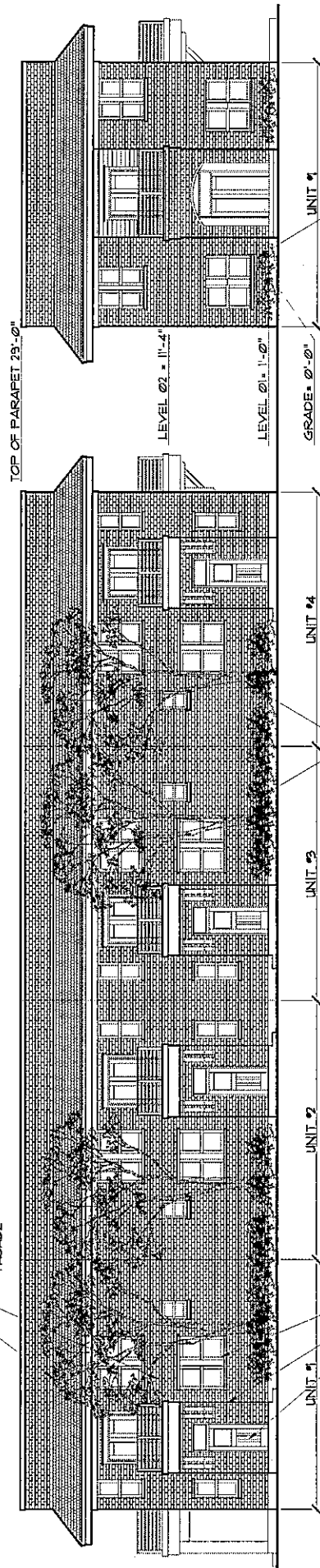
**Site Plan**  
 1038 Kings Hwy



**South Elevation  
(Alley)**

**East Elevation**

PEAK  
ROOF  
BRICK VENEER  
FACADE



**West Elevation  
(Willomet)**

**North Elevation  
(Kings Hwy)**

TREES AND FOUNDATION  
LANDSCAPING PER  
ARTICLE X

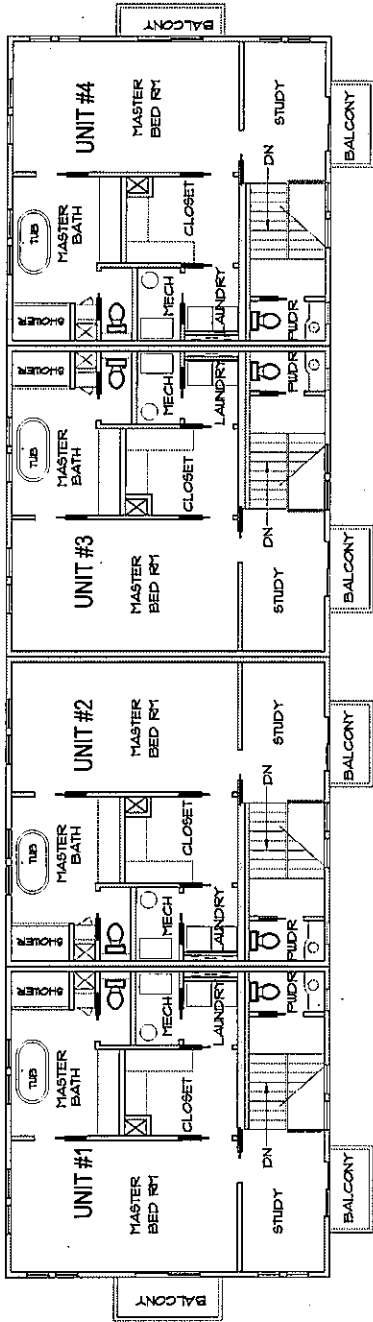
FOUNDATION LANDSCAPING  
PER ARTICLE X

ONE OVER ONE, SINGLE  
HUNG WINDOW  
COVERED PORCH  
CRAFTSMAN STYLE ENTRY  
DOOR

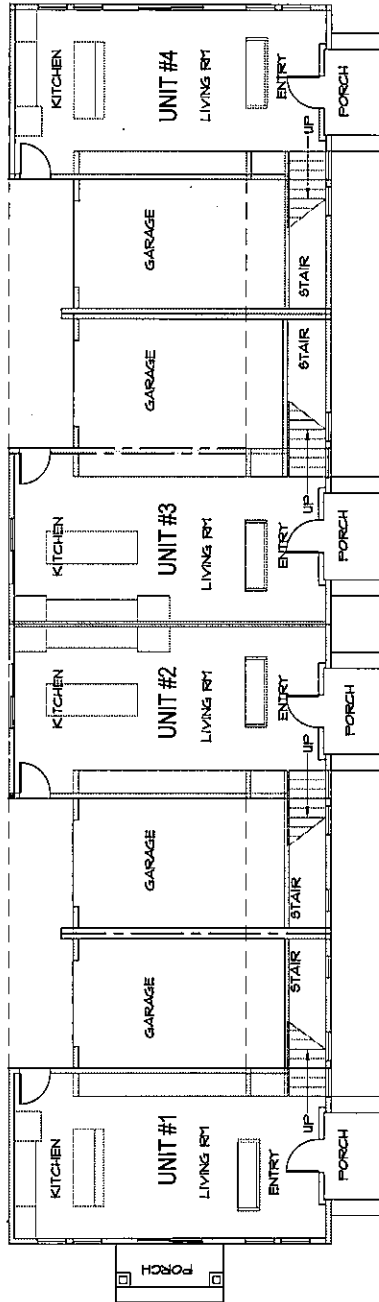
**Exterior Elevations  
1038 Kings Hwy**

A proposed 4 unit, 2 story single family townhome development  
**Kings Hwy Conservation District**

SCALE: 3/32" = 1'-0"  
20 Aug 2014



Floor Plan - Level 2



Floor Plan - Level 1



NORTH

SCALE: 3/32"= 1'-0"  
20 Aug 2014

A proposed 4 unit, 2 story single family townhome development  
Kings Hwy Conservation District

Floor Plan  
1038 Kings Hwy





 1:1,200	<b>NOTIFICATION</b>		Case no: <b>BDA134-103</b>
	<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;">19</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <b>10/29/2014</b>	



## *Notification List of Property Owners*

### *BDA134-103*

#### *19 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1038 KINGS HWY	CARRION CROW HOLDINGS LLC
2	1103 KINGS HWY	MILLER JEFFREY B
3	1107 KINGS HWY	GARZA HINES PPTIES INC
4	1109 KINGS HWY	GARZA AKERS PROPERTIES IN
5	1115 KINGS HWY	GONZALEZ MARIA D &
6	1117 KINGS HWY	HAWKINS JIM
7	1123 KINGS HWY	FRANCO TINA MARIE
8	1125 KINGS HWY	1125 KINGS HIGHWAY LLC
9	1102 KINGS HWY	GARZA HINES PROP INC
10	1104 KINGS HWY	ORDONEZ RAFAEL JR
11	1110 KINGS HWY	GONZALEZ ADRIAN & MARIA
12	1112 KINGS HWY	SETTLEMIRE DALE &
13	1101 DAVIS ST	WILLIAMS JACQUE CO
14	615 WILLOMET AVE	HENRY SCOTT A
15	1030 KINGS HWY	Taxpayer at
16	606 WILLOMET AVE	MUNIZ JESUS &
17	600 POLK ST	GARZA HINES PROPERTIES
18	607 WILLOMET AVE	BALLAS VICTOR E LLC
19	1003 DAVIS ST	MUNIZ JESUS S &

**FILE NUMBER:** BDA 134-114

**BUILDING OFFICIAL'S REPORT:** Application of Cynthia Walker, represented by William Chase Corker for variances to the front and side yard setback regulations at 6840 Lakewood Boulevard. This property is more fully described as part of Lot 1, Block J/2825, and is zoned R-10(A), which requires a front yard setback of 30 feet and requires a side yard setback of 6 feet. The applicant proposes to construct and maintain a structure and provide a 10 foot front yard setback, which will require a 20 foot variance to the front yard setback regulations, and provide a 4 foot side yard setback, which will require a 2 foot variance to the side yard setback regulations.

**LOCATION:** 6840 Lakewood Boulevard

**APPLICANT:** Cynthia Walker  
Represented by William Chase Corker

**REQUESTS:**

The following requests have been made on a site developed with a nonconforming structure that is a single family home use:

1. a request for a variance to the front yard setback regulations of 20' is made to modify/renovate/add to an existing nonconforming single family home structure, part of which is/would be located 10' from one of the site's two front property lines: Hideaway Drive or 20' into this 30' front yard setback; and
2. a request for a variance to the side yard setback regulations of 2' is made to modify/renovate/add to an existing nonconforming single family home structure, part of which would be located 4' from one of the site's two side property lines: the southern side property line or 2' into this 6' side yard setback.

(No variances are requested for any structure to be located in the site's 30' front yard setback along Lakewood Boulevard or in the site's 6' western side yard setback).

**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.

**STAFF RECOMMENDATION (front and side yard variances):**

Denial

Rationale:

- The applicant had not substantiated at the time of the November 4<sup>th</sup> staff review team meeting how the features of the R-10(A)-zoned, somewhat sloped, somewhat irregular in shape, and according to the submitted application is 0.44 acre (or approximately 19,200 square foot) subject site with two 30' front yard setbacks precluded him from developing it in a manner commensurate with other developments found on similarly-zoned R-10(A) lots.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: R-10(A) (Single family residential 10,000 square feet)  
North: R-7.5(A) (Single family residential 7,500 square feet)  
South: R-10(A) (Single family residential 10,000 square feet)  
East: R-10(A) (Single family residential 10,000 square feet)  
West: R-10(A) (Single family residential 10,000 square feet)

**Land Use:**

The subject site is developed with a nonconforming single family home 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.

**GENERAL FACTS/STAFF ANALYSIS (front yard variance):**

- This request focuses on modifying/renovating/adding to an existing nonconforming single family home structure, part of which is/would be located 10' from one of the site's two 30' front property lines: Hideaway Drive (No variance is requested to locate any structure in the site's 30' front yard setback along Lakewood Boulevard).

- Structures on lots zoned R-10(A) are required to provide a minimum front yard setback of 30’.
- The subject site is located at the southwest corner of Lakewood Boulevard and Hideaway Drive. Regardless of how the existing structure is oriented to front Lakewood Boulevard, the subject site has two 30’ front yard setbacks along both streets. The site has a 30’ front yard setback along Lakewood Boulevard, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in this zoning district. The site also has a 30’ front yard setback along Hideaway Avenue, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where 6’ setback is required. But the site’s Hideaway Avenue frontage is side yard treated as a front yard setback nonetheless to maintain the continuity of the established front yard setback established by the lots to the south zoned R-10(A) that front/are oriented eastward towards Hideaway Drive.
- A scaled site plan has been submitted indicating that a portion of the proposed renovated structure is to be located 10’ from the Hideaway front property line or 20’ into this 30’ front yard setback.
- According to DCAD records, the “main improvement” for property addressed at 6840 Lakewood Boulevard is a structure built in 1927 with 2,832 square feet of living/total area; and with the following additional improvements: a 216 square foot storage building, a 342 square foot attached garage, and a pool.
- The applicant has chosen only to seek variance to the front yard setback regulations for the new construction/addition to the existing structure on the site, and to not seek variance to remedy/address the nonconforming aspect of the existing nonconforming structure that is located in the site’s Hideaway Drive front yard setback.
- The code defines nonconforming structure as a structure that does not conform to the regulations of the code, but which was lawfully constructed under the regulations in force at the time of construction.
- The code states that the right to rebuild a nonconforming structure ceases if the structure is destroyed by the intentional act of the owner or the owner’s agent.
- The subject site is somewhat sloped, somewhat irregular in shape, and according to the submitted application is 0.44 acres (or approximately 19,200 square feet) in area. The site is zoned R-10(A) where this lot has two 30’ front yard setbacks; and two 6’ side yard setbacks when most lots in this zoning have 10,000 square feet, one 30’ front yard setback, two 6’ side yard setbacks, and one 6’ rear yard setback.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-10(A) zoning classification.
  - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing

this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-10(A) zoning classification.

- If the Board were to grant the variance request, and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document– which in this case is a portion of a structure located as close as 10' from the site's Hideaway Drive front property line (or 20' into this 30' front yard setback).

### **GENERAL FACTS/STAFF ANALYSIS (side yard variance):**

- This request focuses on modifying/renovating/adding to an existing nonconforming single family home structure, part of which is/would be located 4' from one of the site's two 6' side property lines: the southern side property line. (No variance is requested to locate any structure in the site's 6' side yard setback on the west side of the site).
- Structures on lots zoned R-10(A) are required to provide a minimum side yard setback of 6'.
- The subject site is located at the southwest corner of Lakewood Boulevard and Hideaway Drive. Regardless of how the existing structure is oriented to front Lakewood Boulevard, the subject site has two 30' front yard setbacks along both streets. The site has a 30' front yard setback along Lakewood Boulevard, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in this zoning district. The site also has a 30' front yard setback along Hideaway Avenue, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where 6' setback is required. But the site's Hideaway Avenue frontage is side yard treated as a front yard setback nonetheless to maintain the continuity of the established front yard setback established by the lots to the south zoned R-10(A) that front/are oriented eastward towards Hideaway Drive. Because the four-sided site has two front yard setbacks, it has two side yard setbacks and no rear yard setback.
- A scaled site plan has been submitted indicating that a portion of the proposed renovated structure is to be located 4' from the southern side property line or 2' into this 6' side yard setback.
- According to DCAD records, the "main improvement" for property addressed at 6840 Lakewood Boulevard is a structure built in 1927 with 2,832 square feet of living/total area; and with the following additional improvements: a 216 square foot storage building, a 342 square foot attached garage, and a pool.
- The applicant has chosen only to seek variance to the side yard setback regulations for the new construction/addition to the existing structure on the site, and to not seek variance to remedy/address the nonconforming aspect of the existing nonconforming structure that is located in the site's southern side yard setback.
- The code defines nonconforming structure as a structure that does not conform to the regulations of the code, but which was lawfully constructed under the regulations in force at the time of construction.
- The code states that the right to rebuild a nonconforming structure ceases if the structure is destroyed by the intentional act of the owner or the owner's agent.



- The subject site is somewhat sloped, somewhat irregular in shape, and according to the submitted application is 0.44 acres (or approximately 19,200 square feet) in area. The site is zoned R-10(A) where this lot has two 30' front yard setbacks; and two 6' side yard setbacks when most lots in this zoning have 10,000 square feet, one 30' front yard setback, two 6' side yard setbacks, and one 6' rear yard setback.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the side yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-10(A) zoning classification.
  - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-10(A) zoning classification.
- If the Board were to grant the variance request, and impose the submitted site plan as a condition, the structure in the side yard setback would be limited to what is shown on this document– which in this case is a portion of a structure located as close as 4' from the site's southern side property line (or 2' into this 6' side yard setback).

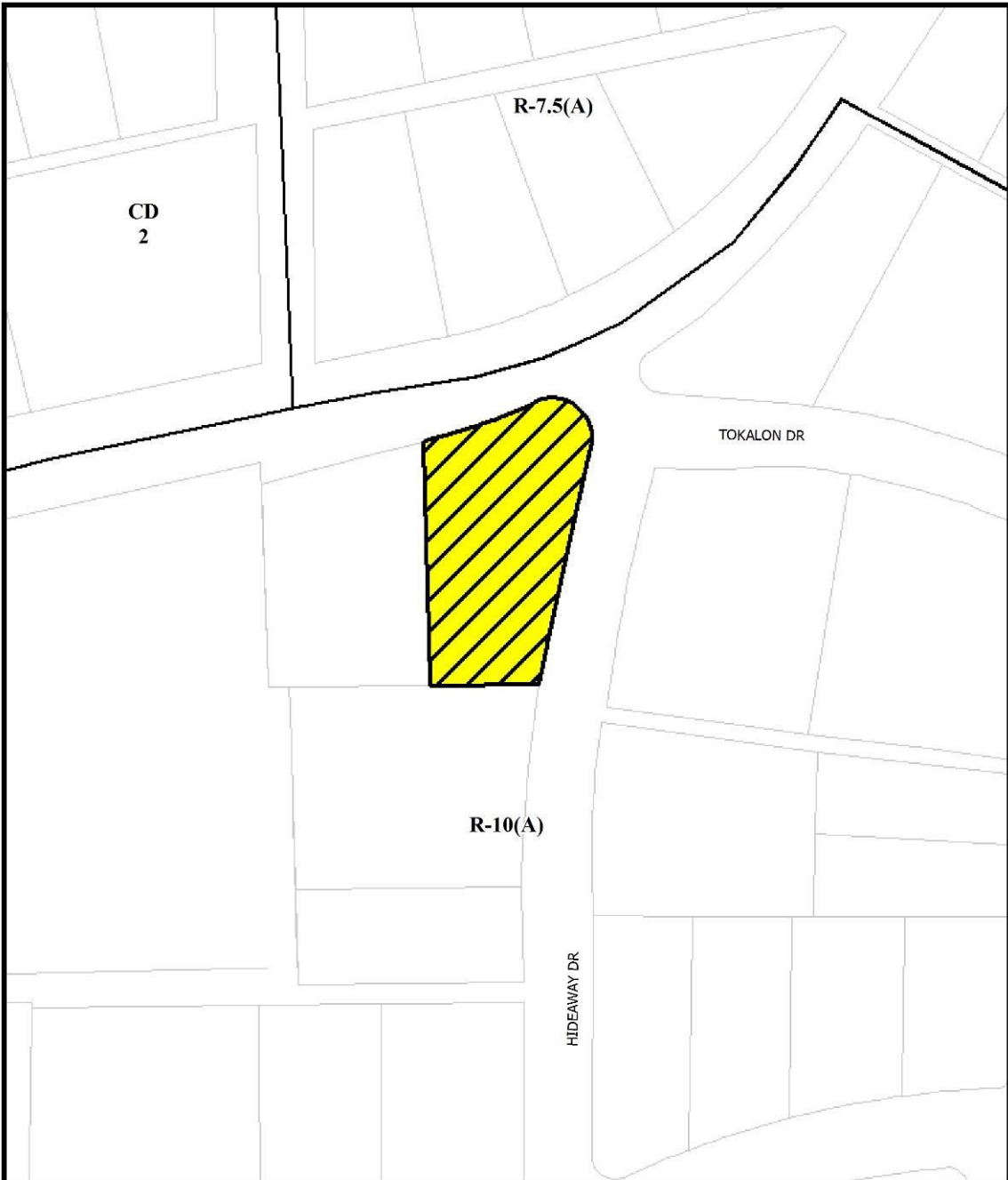
**Timeline:**

- September 23, 2014: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- October 14, 2014: The Interim Assistant Director of Sustainable Development and Construction acting on behalf of the Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- October 15, 2014: The Board Administrator emailed the applicant's representative the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the October 29<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the November 7<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

October 28, 2014: The applicant's representative submitted additional documentation on this application beyond what was submitted with the original application (see Attachment A).

November 4, 2014: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for November public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Assistant Building Official, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, the City of Dallas Chief Arborist, and the Assistant City Attorney to the Board.

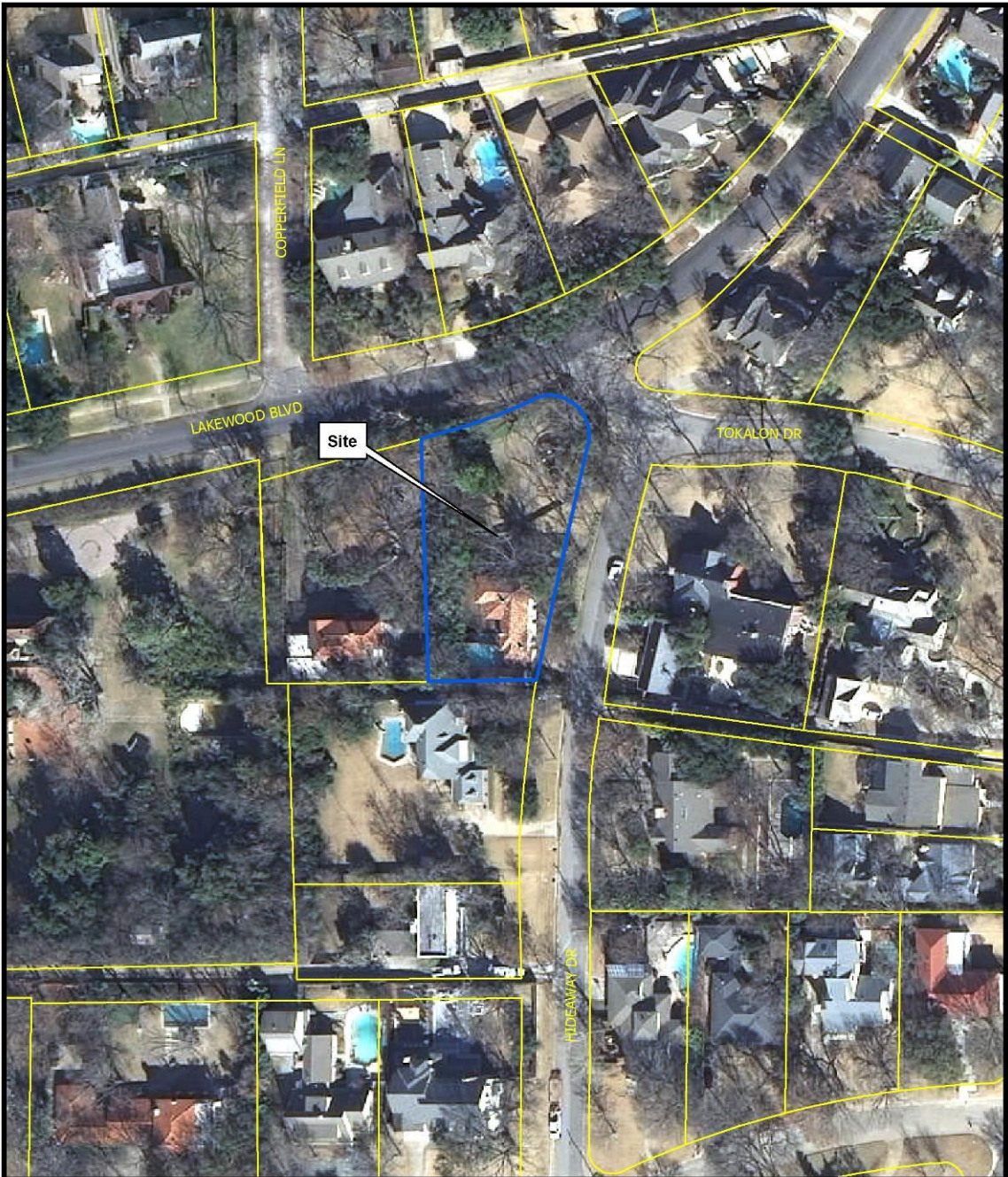
No review comment sheets with comments were submitted in conjunction with this application.



1:1,200

# ZONING MAP

Case no: BDA134-114  
Date: 10/29/2014



1:1,200

# AERIAL MAP

Case no: BDA134-114

Date: 10/29/2014

**Long, Steve**

---

**From:** Chase Gmail <chasecorker@gmail.com>  
**Sent:** Tuesday, October 28, 2014 11:03 AM  
**To:** Long, Steve  
**Subject:** RE: BDA 134-114, Property at 6840 Lakewood Boulevard-ADDITIONAL DWG

Yes, we are only asking for the variance for the new construction, the Owners chose not to ask to remedy the nonconforming aspects.

So my presentation will illustrate how the slope and current setbacks, affect the entire site and limit any opportunity for improvements/updating of the structure.

Chase

---

**From:** Long, Steve [<mailto:steve.long@dallascityhall.com>]  
**Sent:** Tuesday, October 28, 2014 10:54 AM  
**To:** Chase Gmail  
**Subject:** RE: BDA 134-114, Property at 6840 Lakewood Boulevard-ADDITIONAL DWG

Thank you, Mr. Corker,

Didn't I understand from our conversation yesterday that you only want the board to consider variances to the front and side yard setbacks for the NEW construction, and not to remedy the nonconforming aspect of the structure that will be retained in the front yard setback along Hideaway?

Steve

---

**From:** Chase Gmail [<mailto:chasecorker@gmail.com>]  
**Sent:** Tuesday, October 28, 2014 10:47 AM  
**To:** Long, Steve  
**Cc:** Cindy Walker; Cindy Walker; 'Marcus Taylor'  
**Subject:** BDA 134-114, Property at 6840 Lakewood Boulevard-ADDITIONAL DWG

Steve,

Thank you for the help and your comments.

Attached is a diagram, to include in the package for the zoning committee to further illustrate your photos and site visit. I think this diagram will reinforce the slope, buildable and un-buildable area you saw on site.

During my presentation, in addition to the summary and intent, I will be pointing out the slope, current 30' setback bisecting the existing 1920's home and the minimal changes of new footprint to the current, including some areas we are moving our proposed structure further from the street.

Chase Corker

CORKER DESIGNS  
330 E. Tyler Street



Richardson . Texas . 75081  
214 .321 . 6121  
Chasecorker@gmail.com

BDA134-114

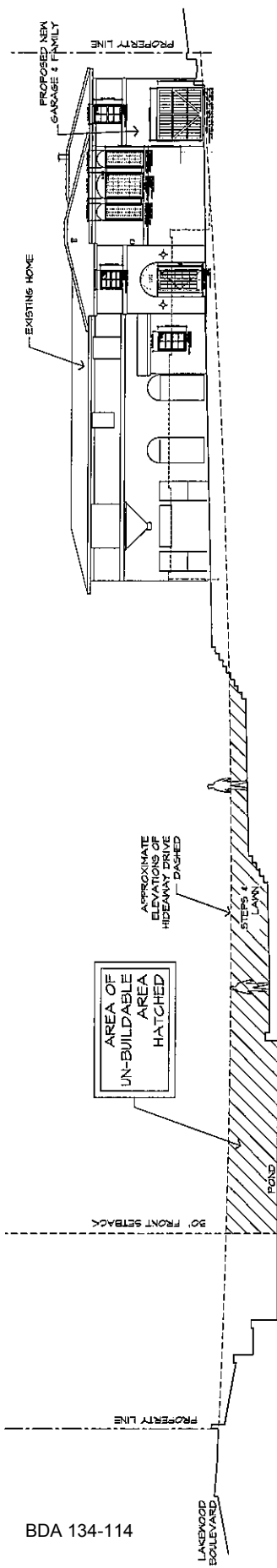
Attach A PSZ

DATE: ZONING SUBMISSION  
 SEPTEMBER 17, 2014  
 REVISION: SITE DIAGRAMS  
 OCTOBER 28, 2014

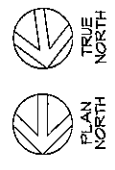
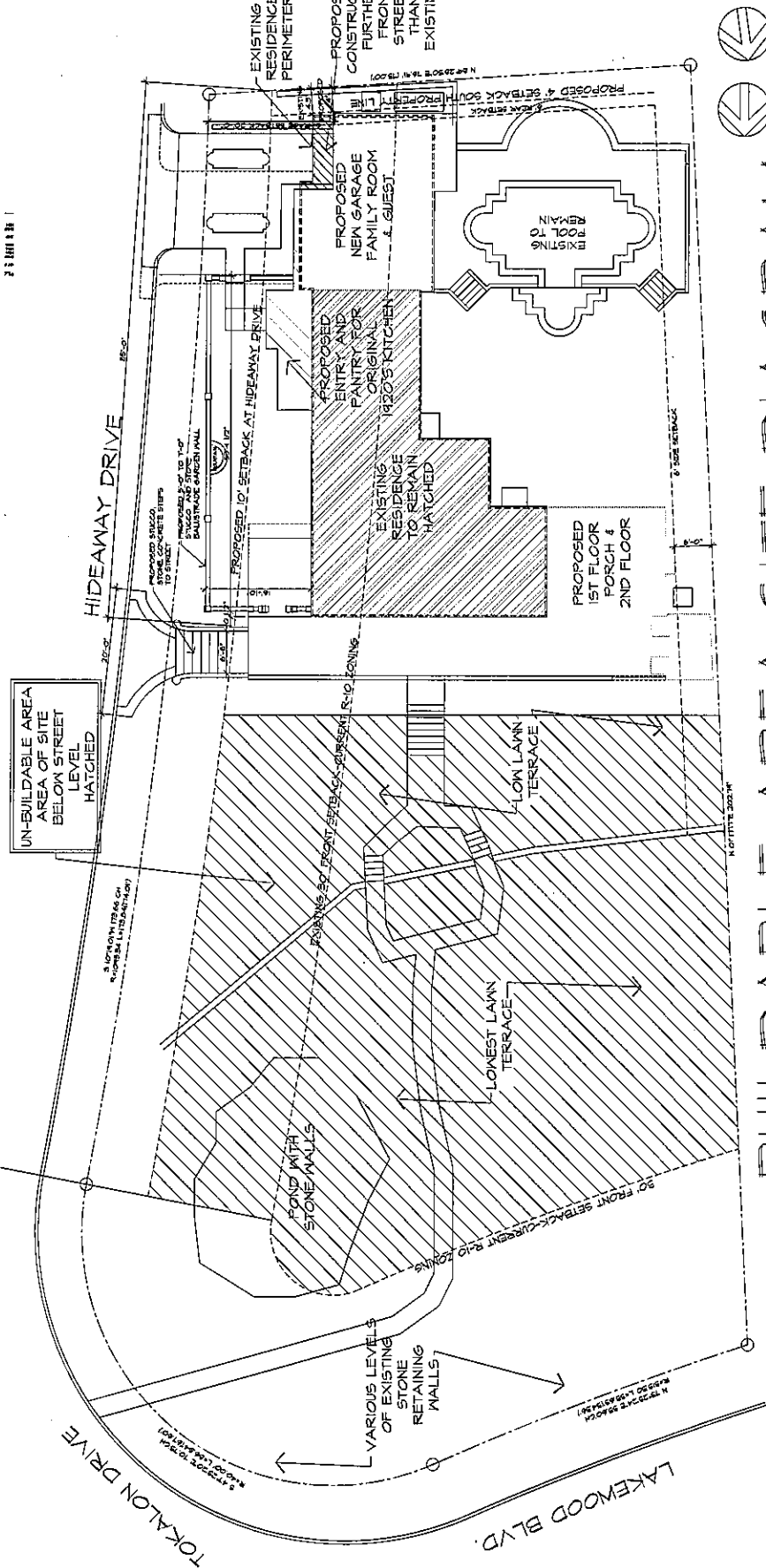
© copyright 2014

**BDA-134-114 Attach A**  
 6840 Lakewood Boulevard  
 DALLAS, TEXAS

**pg 1.013**  
 SHEET NUMBER  
 1.013  
 THE PLAN



**BUILDABLE AREA SITE SECTION**



**BUILDABLE AREA SITE DIAGRAM**



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 134-114

Data Relative to Subject Property:

Date: 9.23.14

Location address: 6840 LAKEWOOD BLVD, DALLAS Zoning District: R-10 (A)

Lot No.: PART LOT 1 Block No.: J/2825 Acreage: .44 ACRES Census Tract: 0001.00

Street Frontage (in Feet): 1) 78 2) 278 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

*SE 5 B*

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): CYNTHIA WALKER

Applicant: CYNTHIA WALKER Telephone: 214 213.0902

Mailing Address: 6840 LAKEWOOD BLVD, DALLAS TX Zip Code: 75214

E-mail Address: cndyw@comcast.net

Represented by: W.H. CHASE CORKER Telephone: 214.213.8755

Mailing Address: 330 E. TYLER ST, RICHARDSON TX Zip Code: 75081

E-mail Address: chase.corker@gmail.com

Affirm that an appeal has been made for a Variance X, or Special Exception \_\_\_\_\_, of 20' TO THE FRONT SETBACK, AND 2' TO THE SIDE SETBACK.

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:

- 1. SLOPE OF LOT TO POND BELOW STREET LEVEL, FORCES ONLY BUILDABLE AREA TO UPPER, NARROW END OF LOT.
- 2. SHAPE OF LOT WITH CURRENT SETBACKS, BISECTS CURRENT 1927 CONSTRUCTION.
- 3. AREA OF LOT, CURRENT 1929 HOME, DOUBLES FRONT YARD/CORNER LOT ELIMINATE ALL OPTIONS FOR IMPROVEMENTS OR GARAGE IMPROVEMENTS.

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 CYNTHIA WALKER (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: Cynthia Walker (Affiant/Applicant's signature)

Subscribed and sworn to before me this 23rd day of September, 2014

(Rev. 08-01-11)

Jana Bullard  
Notary Public in and for Dallas County, Texas  
Alabama, State Charge  
My Commission expires 8.27.16

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

Date of Hearing \_\_\_\_\_

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

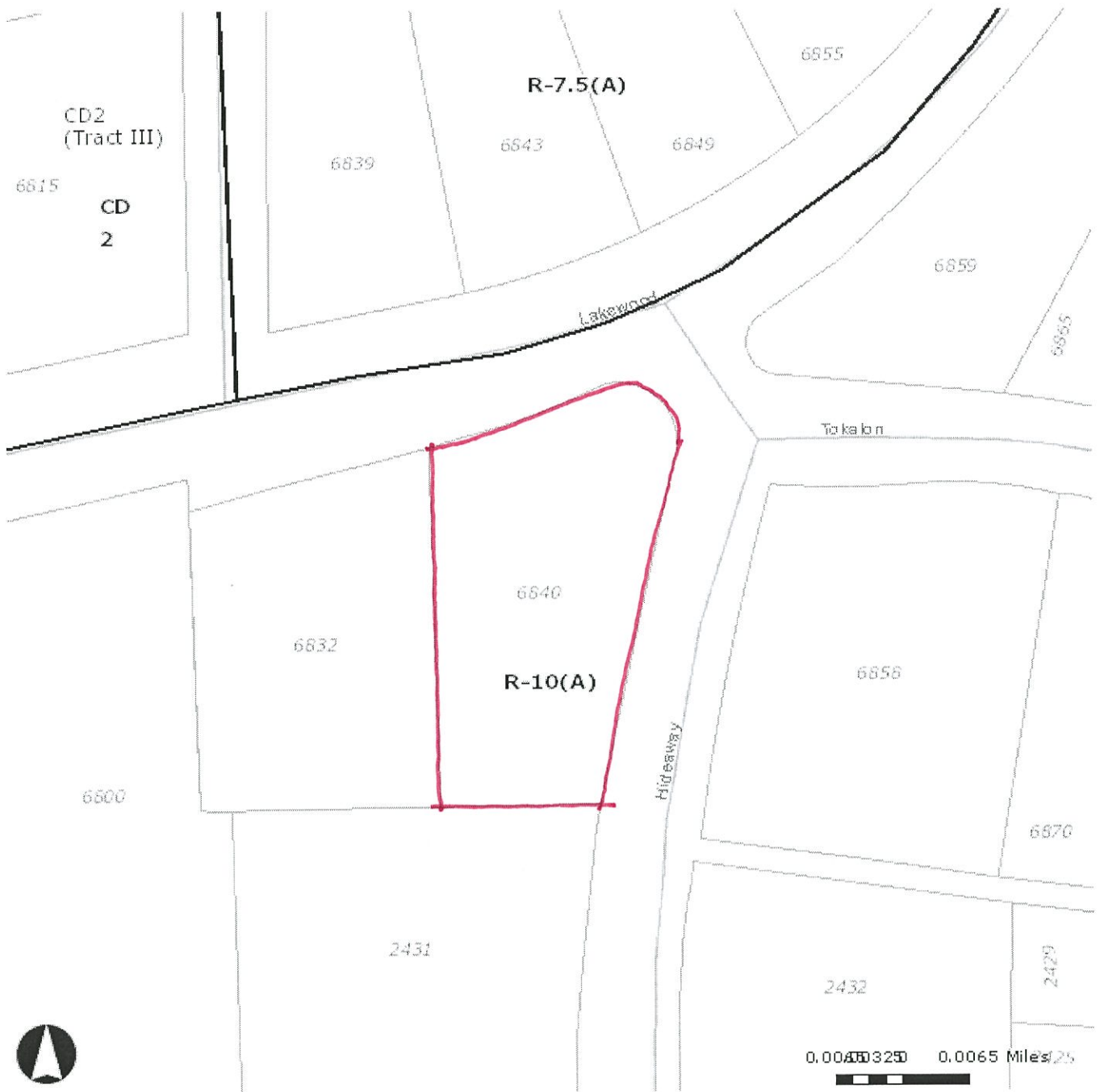
**Building Official's Report**

I hereby certify that Cynthia Walker  
represented by Wm. Chase Corker  
did submit a request for a variance to the front yard setback regulations, and for a variance to the  
side yard setback regulations  
at 6840 Lakewood Blvd.

BDA134-114. Application of Cynthia Walker represented by Wm. Chase Corker for a variance to the front yard setback regulations and a variance to the side yard setback regulations at 6840 Lakewood Blvd. This property is more fully described as part of Lot 1, Block J/2825, and is zoned R-10(A), which requires a front yard setback of 30 feet and requires a side yard setback of 6 feet. The applicant proposes to construct and maintain a single family residential structure and provide a 10 foot front yard setback, which will require a 20 foot variance to the front yard setback regulation, and to construct and maintain a single family residential structure and provide a 4 foot side yard setback, which will require 2 foot variance to the side yard setback regulation.

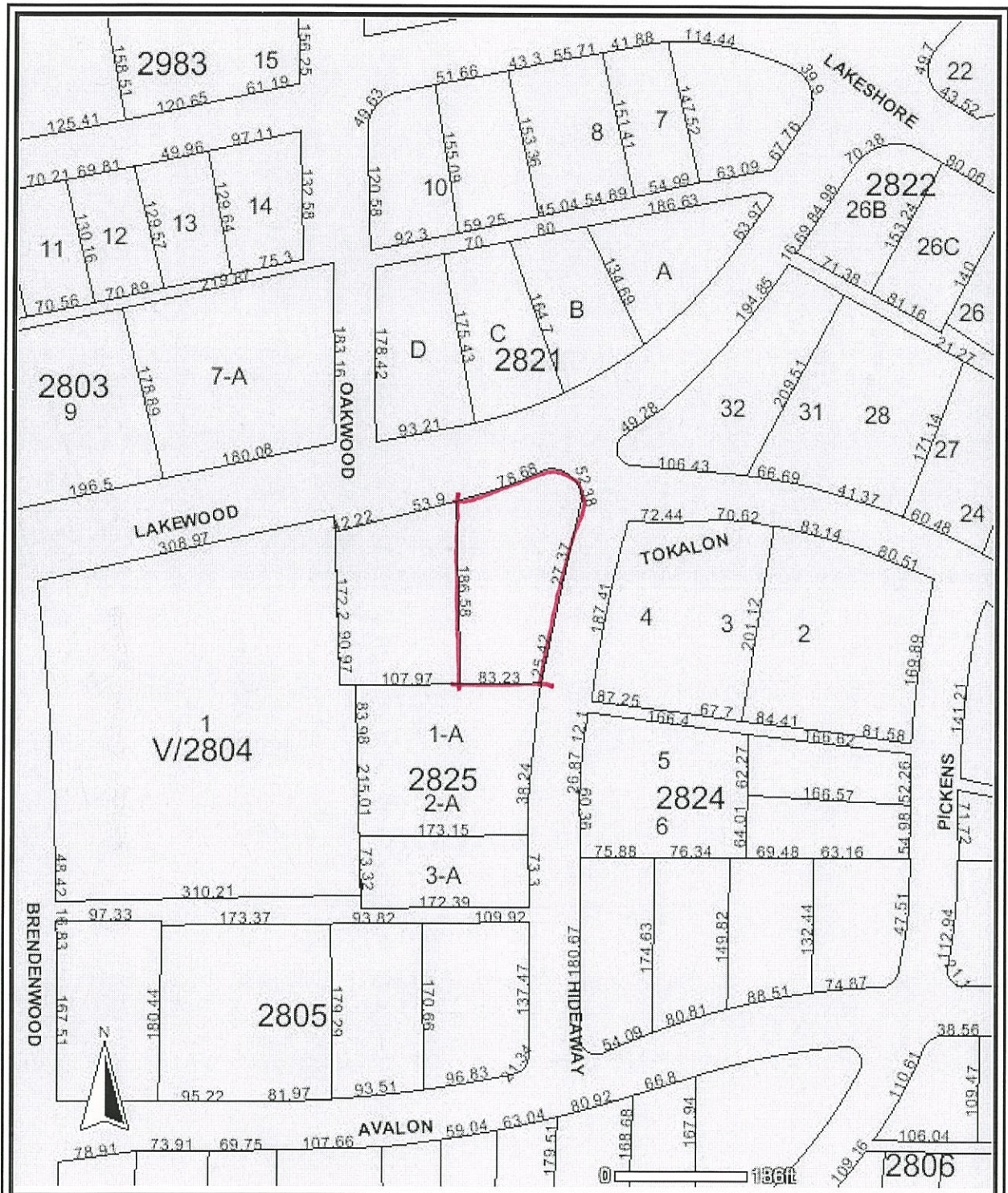
Sincerely,

  
Larry Holmes, Building Official



Handwritten red signature or initials.





**Dallas Central Appraisal District**  
[www.dallascad.org](http://www.dallascad.org)

**DISCLAIMER**

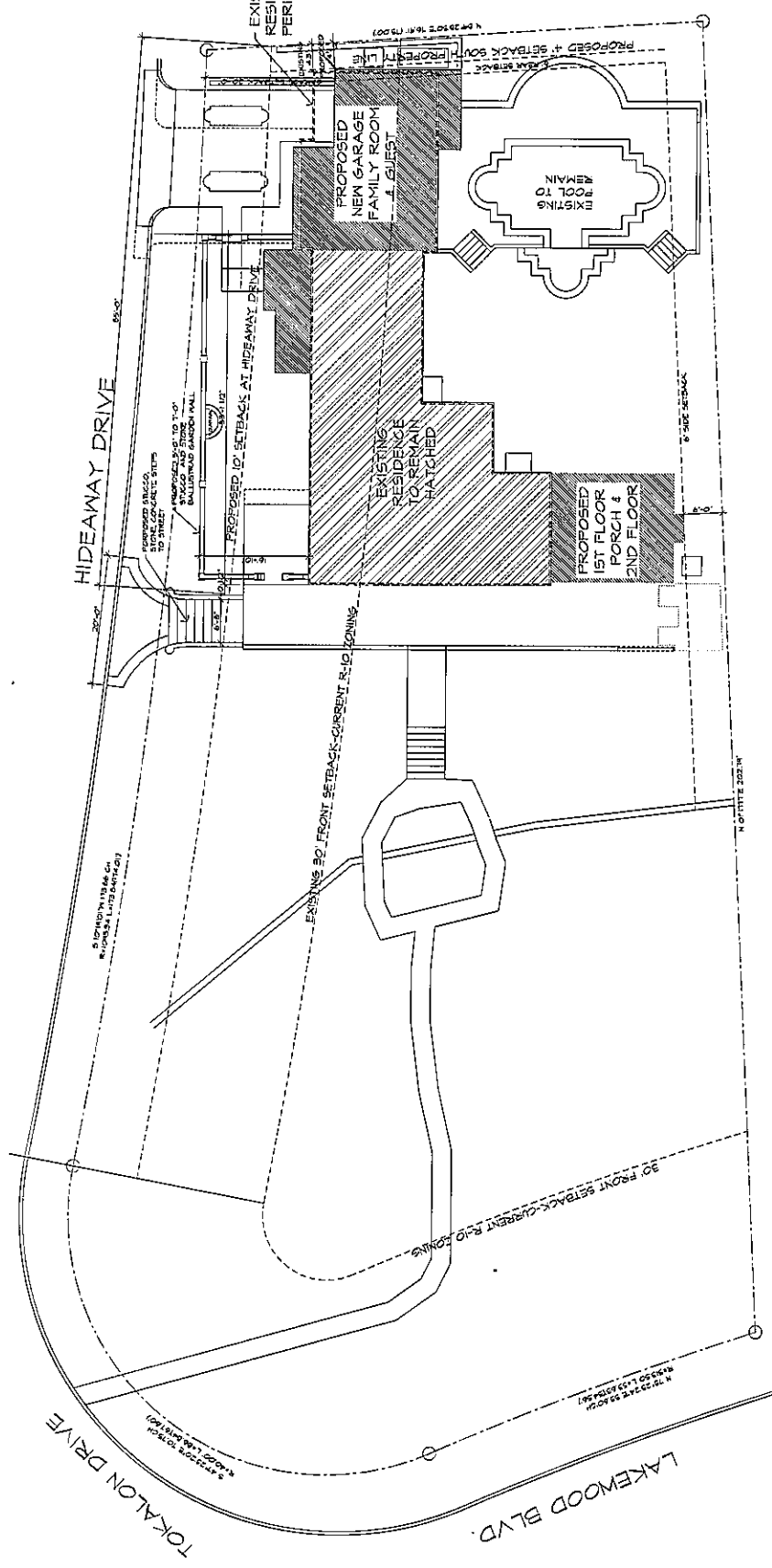
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

DATE:  
ZONING SUBMISSION  
SEPTEMBER 11, 2014  
REVISION:

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**VARIANCE REQUEST**  
6840 Lakewood Boulevard  
DALLAS, TEXAS

SHEET NUMBER  
**1.01**  
SITE PLAN



**01 SITE PLAN**  
SCALE 1/8" = 1'-0"  
NORTH

**ZONING-CURRENT**

ZONING	R-10
FRONT SETBACK	30' LAKEWOOD & HIDEAWAY
SIDE SETBACK	6'
REAR SET BACK	6'
HEIGHT MAX.	30'
MAIN STRUCTURE	
HEIGHT MAX. ACCESSORY STRUCTURE	15'
COVERAGE MAX	45% RESIDENTIAL STRUCTURES
LEGAL DESCRIPTION	6840 LAKEWOOD BOULEVARD, DALLAS, TEXAS 75214 BEING PART OF THE 10.00 AC. TRACT BEING PART OF THE 10.00 AC. TRACT BEING PART OF THE CITY OF DALLAS





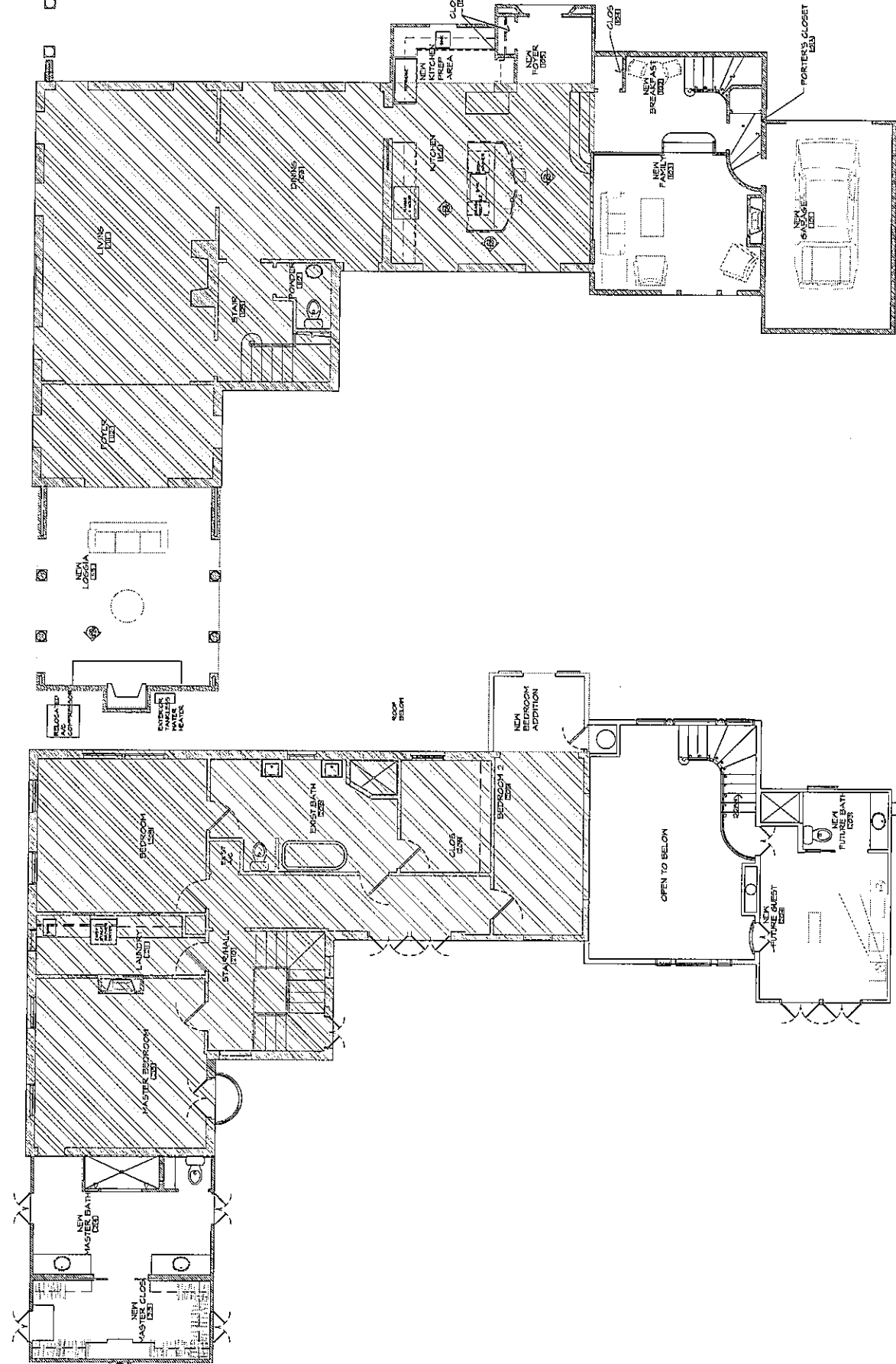


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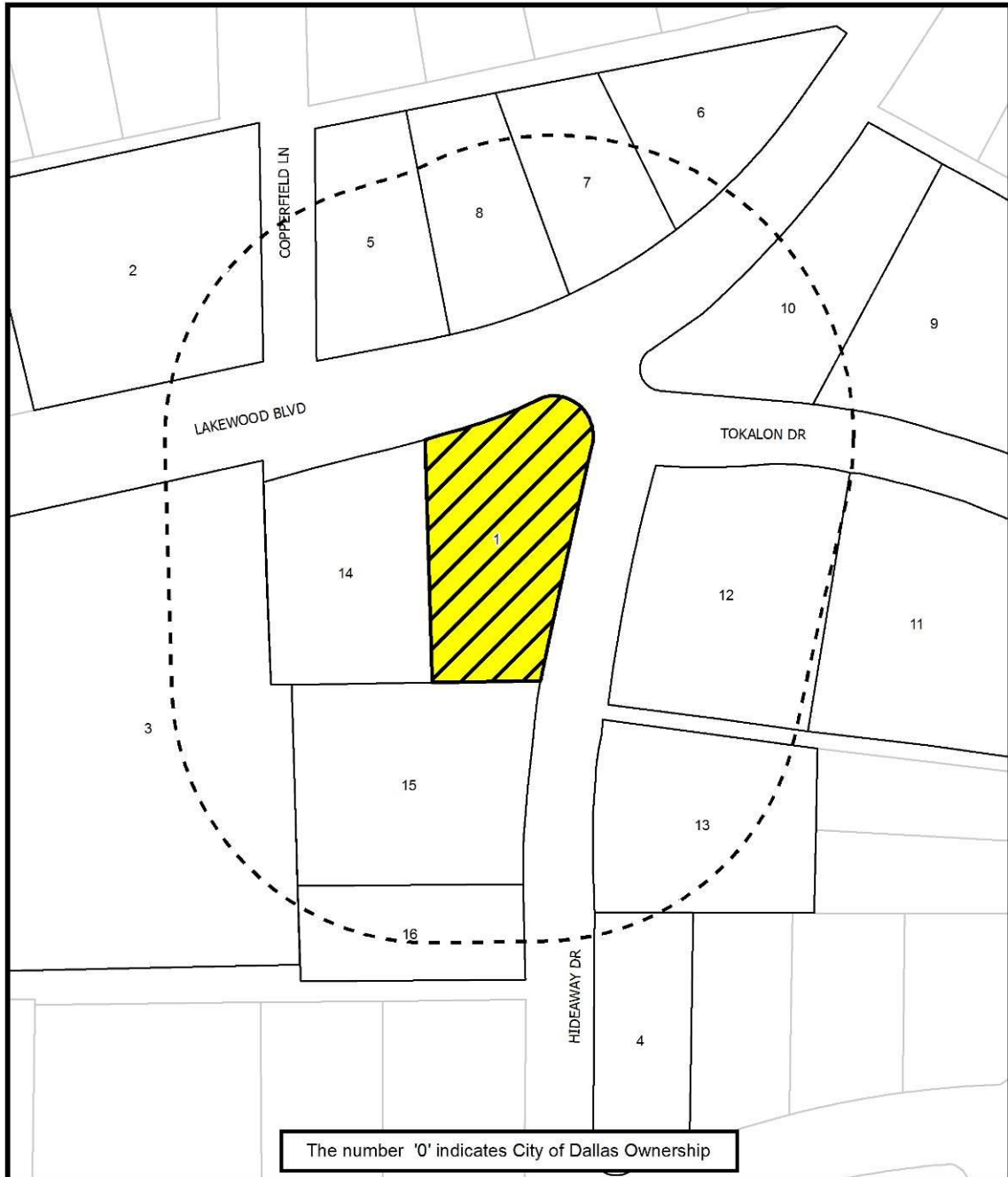
**VARIANCE REQUEST**  
6840 Lakewood Boulevard  
DALLAS, TEXAS

SHEET NUMBER  
**4.01**  
CEILING-ELECTRIC PLANS



**01** FIRST CEILING-ELECTRIC PLAN  
SCALE 1/2" = 1'-0"

**02** SECOND CEILING-ELECTRIC PLAN  
SCALE 1/2" = 1'-0"



 1:1,200	<b>NOTIFICATION</b>		Case no: <b>BDA134-114</b>
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">16</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: <b>10/29/2014</b>



## *Notification List of Property Owners*

### *BDA134-114*

#### *16 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6840 LAKEWOOD BLVD	WALKER CINDY & RUDOLPH STEPHEN GEOFFRAY
2	6815 LAKEWOOD BLVD	HORTON TONY L
3	6800 LAKEWOOD BLVD	HUNT STEPHANIE & HUNTER
4	6847 AVALON AVE	MORENO BARBARA F ET AL
5	6839 LAKEWOOD BLVD	PITTMAN DAVID J &
6	6855 LAKEWOOD BLVD	LOMBARDI ALBERTO & VIVIAN
7	6849 LAKEWOOD BLVD	JOHNSON ERIC W
8	6843 LAKEWOOD BLVD	KULAS JASON A & AMY O
9	6865 TOKALON DR	STARCHER JENNY A
10	6859 TOKALON DR	CRISPIN SAMANTHA H &
11	6870 TOKALON DR	HOUGHTLING ANN R
12	6858 TOKALON DR	FRANKLIN TALCOTT J & JENNIFER T
13	2432 HIDEAWAY DR	RANDOLPH DAVID G III & RITA W
14	6832 LAKEWOOD BLVD	MAYNARD D A
15	2431 HIDEAWAY DR	ERDMAN KATHLEEN B
16	2425 HIDEAWAY DR	MORRIS ALLEN R