

ZONING BOARD OF ADJUSTMENT, PANEL C  
THURSDAY, FEBRUARY 21, 2013  
AGENDA

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

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**David Cossum, Assistant Director**  
**Steve Long, Board Administrator**

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**MISCELLANEOUS ITEMS**

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	Approval of the Monday, December 10, 2012 Board of Adjustment Public Hearing Minutes	M1
<b>BDA 112-119</b>	3130 Kingbridge Street <b>REQUEST:</b> Application of Rob Baldwin to waive the two year limitation on a request for a variance to the side yard setback regulations of 12' granted by Board of Adjustment Panel C on November 12, 2012, subject to the submitted site plan.	M2

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**UNCONTESTED CASES**

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<b>BDA 123-007</b>	3130 Kingbridge Street <b>REQUEST:</b> Application of Robert Baldwin for a variance to the side yard setback regulations	1
<b>BDA 123-015</b>	3628 Springbrook Street <b>REQUEST:</b> Application of Brian Lidji, represented by Peter Kavanagh of Zone Systems, for a variance to the front yard setback regulations and a special exception to the fence height regulations	2

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**HOLDOVER CASE**

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**BDA 112-120**

5902 Goliad Avenue

3

**REQUEST:** Application of Melissa Kingston to appeal an administrative official's decision

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**REGULAR CASE**

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**BDA 112-103**

2800 Prichard Lane

4

**REQUEST:** Application of Donna Woods, represented by Mark A. Mosley, for a special exception to the tree preservation regulations

## 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 C December 10, 2012 public hearing minutes.

**MISCELLANEOUS ITEM NO. 2**

**FILE NUMBER:** BDA 112-119

**REQUEST:** To waive the two year limitation on a request for a variance to the side yard setback regulations of 12' granted by Board of Adjustment Panel C on November 12, 2012, subject to the submitted site plan.

**LOCATION:** 3130 Kingbridge Street

**APPLICANT:** Rob Baldwin

**STANDARD FOR WAIVING THE TWO YEAR TIME LIMITATION ON A FINAL DECISION REACHED BY THE BOARD:**

The Dallas Development Code states that the board may waive the two year time limitation on a final decision reached by the board if there are changed circumstances regarding the property sufficient to warrant a new hearing.

**GENERAL FACTS/TIMELINE:**

November 12, 2012: The Board of Adjustment Panel C granted a request for variance to the side yard setback regulations of 12' and imposed the submitted site plan as a condition to the request (see Attachment A for information related to this appeal). requested in conjunction with constructing and maintaining a one-story, approximately 77,000 square foot assisted living facility use on an undeveloped lot, part of which would be located in the site's 50' side yard setback on the north side of the property.

December 10, 2012: The applicant submitted a letter to staff requesting that the Board waive the two year limitation on waive the two year limitation on a request for a variance to the side yard setback regulations of 12' granted by Board of Adjustment Panel C on November 12, 2012, subject to the submitted site plan( see Attachment B). This miscellaneous item request to waive the two year limitation was made in order for the applicant to file a new application for a side yard variance on the property – a side yard setback variance of 17'.

Note that The Dallas Development Code states the following with regard to board action:

- Except as provided below, after a final decision is reached by the board, no further request on the same or related issues may

be considered for that property for two years from the date of the final decision.

- If the board renders a final decision of denial without prejudice, the two year limitation is waived.
- The applicant may apply for a waiver of the two year limitation in the following manner:
  - The applicant shall submit his request in writing to the director. The director shall inform the applicant of the date on which the board will consider the request and shall advise the applicant of his right to appear before the board.
  - The board may waive the two year time limitation if there are changed circumstances regarding the property sufficient to warrant a new hearing. A simple majority vote by the board is required to grant the waiver. If a rehearing is granted, the applicant shall follow the process outlined in the code.

December 20, 2012: The Board Administrator emailed the applicant the following information:

- the public hearing date and panel that will consider the miscellaneous request (February 21, 2013 – Panel C);
- the criteria/standard that the board will use in their decision to approve or deny the request;
- information related to the original application; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

The applicant confirmed that he was aware of the fact that this 2-year waiver request in conjunction with BDA 112-119 would be scheduled on the same day as his newly filed application for variance to the side yard setback regulations on this property (BDA 123-007), and that if the board did not waive his miscellaneous item request for your 2-year waiver on February 21st, then the board will not be able to consider his newly filed application at February 21, 2013 public hearing.

**FILE NUMBER:** BDA 123-007

**BUILDING OFFICIAL'S REPORT:**

Application of Robert Baldwin for a variance to the side yard setback regulations at 3130 Kingbridge Street. This property is more fully described as Lot 1, Block BB/7135 and is zoned PD-508 (Tract 4), which requires a side yard setback of 50 feet. The applicant proposes to construct a residential structure and provide a 33 foot side yard setback, which will require a variance to the side yard setback regulations of 17 feet.

**LOCATION:** 3130 Kingbridge Street

**APPLICANT:** Robert Baldwin

**REQUEST:**

A variance to the side yard setback regulations of 17' is requested in conjunction with constructing and maintaining a one-story, approximately 77,000 square foot assisted living facility use on an undeveloped lot, part of which would be located in the site's 50' side yard setback on the north side of the property.

**STANDARD FOR A VARIANCE:**

The Dallas Development Code Section 51A-3.102(d)(10) 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 compliance with the submitted site plan

Rationale:

- The lot's irregular shape and restrictive area preclude its development in a manner commensurate with other developments found on similarly-zoned PD 508 lots. The usually large 50' side yard setbacks required in this Planned Development district on this property create hardship on this narrow lot. The applicant has stated that the two 50 foot side yard setbacks account for over 33 percent of its width when most combined side yard setbacks on a typical lot in residential zoning districts account for about 10 percent of the total lot width.
- Granting this variance does appear to be contrary to public interest in that the property immediately north of the subject site where the side yard setback variance is requested is the same owner as that of the subject site: Dallas Housing Authority.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: PD 508 Tract 4 (Planned Development)  
North: PD 508 Tract 4 (Planned Development)  
South: PD 508 Tract 13 & 14 (Planned Development)  
East: PD 508 Tract 9 (Planned Development)  
West: PD 508 Tract 14 (Planned Development)

**Land Use:**

The subject site is undeveloped. The areas to the north and east appear to be developed with residential uses; and the areas to the south and west appear to be undeveloped.

**Zoning/BDA History:**

- |   |   |
|---|---|
| <ol style="list-style-type: none"> <li>1. BDA 112-119, Property at 3130 Kingbridge Street (the subject site)</li> </ol> | <p>On November 12, 2012, the Board of Adjustment Panel C granted a request for variance to the side yard setback regulations of 12' and imposed the submitted site plan as a condition to the request. The case report stated that this request was made in conjunction with constructing and maintaining a one-story, approximately 77,000 square foot assisted living facility use on an undeveloped lot, part of which would be located in the site's 50' side yard setback on the north side of the property.</p> |
|---|---|



2. Miscellaneous Item #2, Request to waive the two year limitation on BDA 112-119, Property at 3130 Kingbridge Street (the subject site)

On February 21, 2013, the Board of Adjustment Panel C will consider a request to waive the two year limitation on a request for a variance to the side yard setback regulations of 12' granted by Board of Adjustment Panel C on November 12, 2012, with a submitted site plan imposed as a condition to this request. This request is made in order for the applicant to file a new application for a side yard variance on the property – a side yard setback variance of 17'. The applicant is aware of the fact that that this 2-year waiver request in conjunction with BDA 112-119 is scheduled on the same day as his newly filed application for variance to the side yard setback regulations on this property (BDA 123-007), and that if the board does not waive his miscellaneous item request for your 2-year waiver on February 21st, then the board will not be able to consider his newly filed application at the February 21, 2013 public hearing.

**Timeline:**

- December 17, 2012: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- January 13, 2013: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C. 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.”
- January 14, 2013: The Board Administrator emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the January 30th deadline to submit additional evidence for staff to factor into their analysis; and the February 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.

January 28, 2013: The applicant forwarded additional information beyond what was submitted with the original application (see Attachment A).

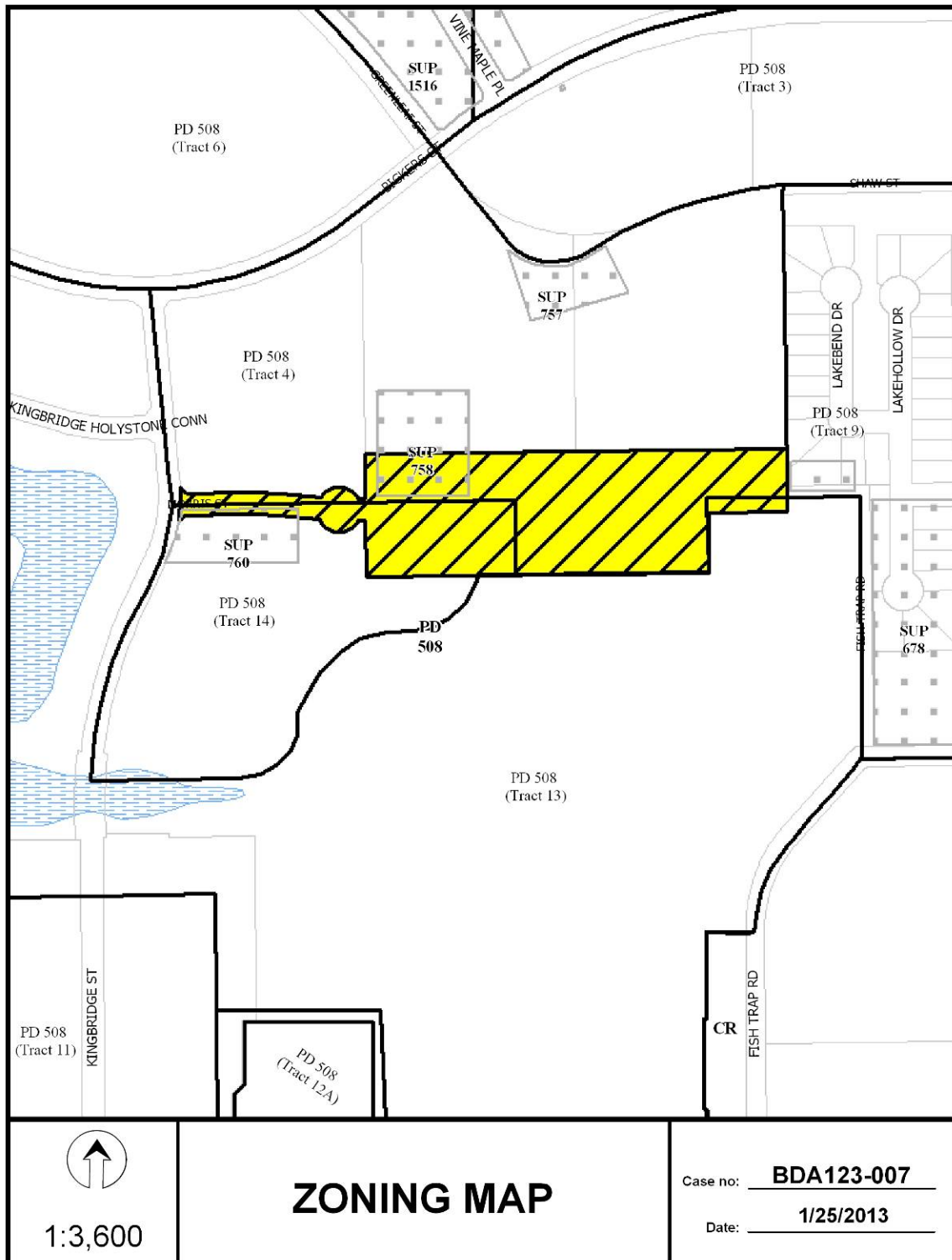
February 5, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for February public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

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

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

- This request focuses on constructing and maintaining a one-story, approximately 77,000 square foot assisted living facility use on an undeveloped lot, part of which would be located in the site's 50' side yard setback on the north side of the property.
- A 50' side yard setback is required for properties zoned PD 508 Tract 4.
- Even though the applicant has requested a 17' variance which would imply that a 33' setback was being provided, a site plan has been submitted showing that a portion of the structure/building footprint is actually located 34.2' from the northern property line or 15.8' into this 50' side yard setback.
- The site is flat, slightly irregular in shape, and according to the application, is 6.391 acres in area. The site is zoned PD 508 Tract 4.
- According to DCAD records, there are "no improvements" for the property at 3130 Kingbridge Street.
- 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 to side yard setback regulations 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 508 zoning classification.
  - The variance to side yard setback regulations 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 DP 508 zoning classification.
- If the Board were to grant the front yard variance request, imposing a condition whereby the applicant must comply with the submitted site plan, the structure in the

side yard setback would be limited to what is shown on the submitted plan which is a structure that is located about 34' from the site's northern side property line or about 16' into this 50' side yard setback.





1:3,600

# AERIAL MAP

Case no: BDA123-007

Date: 1/25/2013

Baldwin  
Associates

January 28, 2013

Mr. Steve Long  
Board of Adjustment Administrator  
City of Dallas  
1500 Marilla  
Dallas, Texas 75201

Re: BDA 123-007  
3130 Kingsbridge Street

Dear Steve:

As you are aware, we represent the Dallas Housing Authority (DHA) in their request for a variance to a required 50-foot side yard setback on their property located at 3130 Kingsbridge Street in West Dallas. This is the same property we brought to the Board and got approved on November 12, 2012.

The property is a long narrow tract that is not immediately adjacent to any public street. All of the property surrounding the property is owned and operated by the Dallas Housing Authority. The property is approximately 1,100 feet long and 300 feet wide. The zoning on the property requires a 50-foot front, side and rear yard setback. The 50-foot front and rear yard setback requirement is not onerous in this case since the lot is 1,100 feet long. The combined front and rear yard setback represents only 9% of the total length of the lot. On the other hand, the side yard setbacks would account for over 33% of width of the lot. This is not normal in Dallas and represents a hardship in that this property is required to provide a much larger area to the side yard setbacks than any other zoning district in Dallas. In single-family residential districts of Dallas, it is common to find the combined side yard setbacks to account for about 10% of the total lot width. In multifamily districts, the combined side yard setbacks normally account for less than five percent of the lot area. In fact, the most restrictive side yard setbacks found in the Dallas Development Code is 30-feet and this is when an industrial use is adjacent to a residential use. In this case, we are putting a one (1) story assisted living facility next to a three (3) story multi-family project.

The shape of this lot is not consistent with the established lot pattern in the area. The development sites in the immediate vicinity all tend to have shapes that are traditional for development. The lot that is subject to this request is long and narrow, which is dictated by its location between the existing multi-family development to the north and Fish Trap Lake to the south. This is an infill property that has had its shape

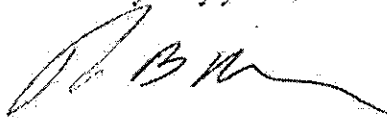
dictated by previous development and environmental features. The shape of the lot cannot be changed to account for the onerous side yard setback requirements.

The design of the building is such that its use and the patients that will be housed in the building establish much of the layout of the building. The Federal Government is funding this project and also establishes the room size, corridor size and the open space requirements. Given that this is a facility for people with memory issues, all open areas must be secured and located within the courtyards. The patients cannot venture outside of the secured area. Therefore, we cannot change the building size or orientation as it has already been approved.

It needs to be noted that DHA owns all of the property that is affected by this request. They are supportive of the request and would like to see this part of their senior living campus completed. We are still providing a 34.2-foot side yard setback, which is in excess of what you would normally find for a single story residential building adjacent to another residential building.

Thank you for your assistance with this matter. If you have any questions or need any additional information, please do not hesitate to call me.

Very truly yours,



Robert B. Baldwin, AICP



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-007

Data Relative to Subject Property:

Date: 12-17-12

Location address: 3130 Kingbridge Road Zoning District: PD-508 Tract 4

Lot No.: 1 Block No.: BB/7135 Acreage: 6.391 acres Census Tract: 205

Frontage (in Feet): 1) 83 ft 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Dallas Housing Authority

Applicant: Robert Baldwin Telephone: 214.824.7949

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

Represented By: Robert Baldwin Telephone: 214.824.7949

Mailing Address: 3904 Elm Street – Suite B Zip Code: 75226

Affirm that a request has been made for a Variance X, or Special Exception   , of    of 17 feet to the side yard setback requirement.

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: This variance is needed in order to comply with the approved Detailed Development Plan for this property.

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.

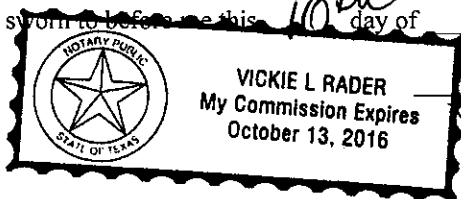
Respectfully submitted: Robert Baldwin Applicant's name printed [Signature] Applicant's signature

Affidavit

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

Affiant (Applicant's signature)

Subscribed and sworn to before me this 10<sup>th</sup> day of December, 2012



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

(Rev. 08-20-09)



MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

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

Appeal was---Granted OR Denied

Remarks \_\_\_\_\_

Chairman

Building Official's Report

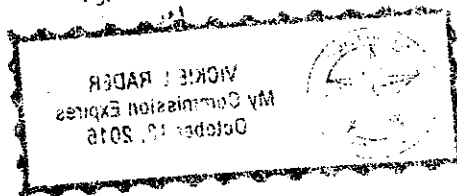
I hereby certify that ROBERT BALDWIN

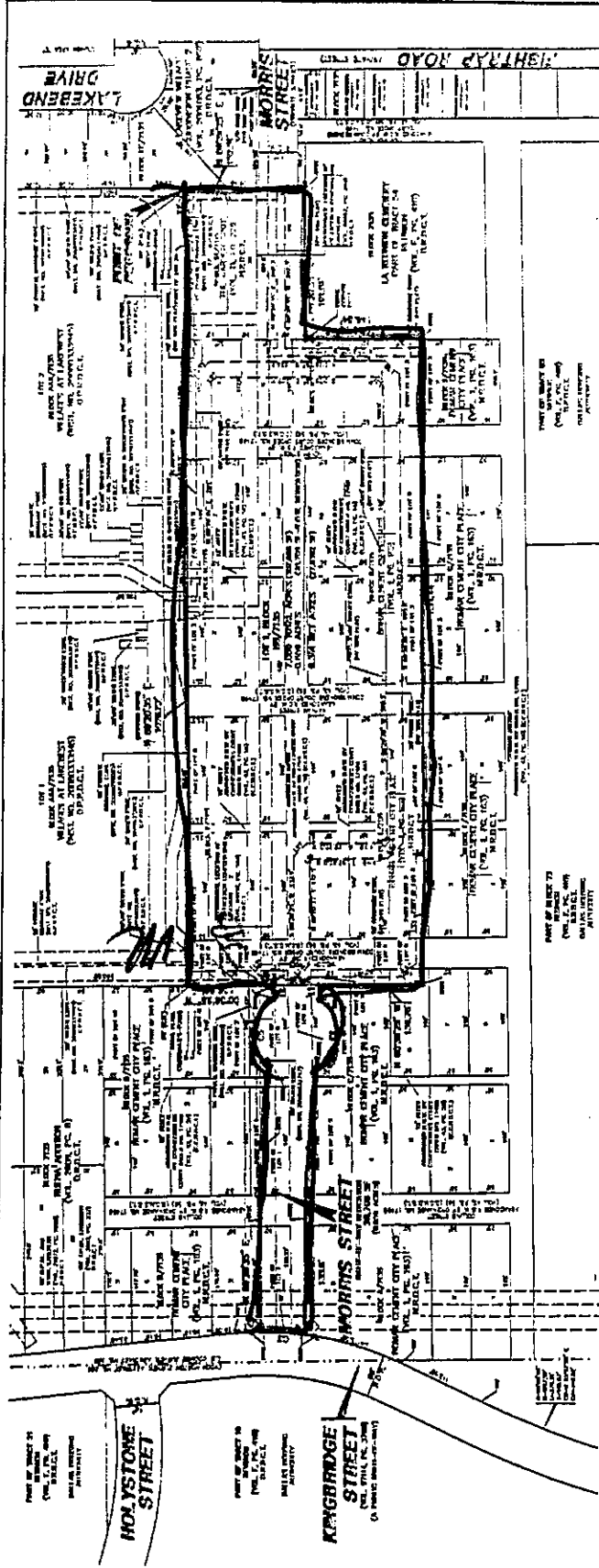
did submit a request for a variance to the side yard setback regulations  
at 3130 Kingbridge Street

BDA123-007. Application of Robert Baldwin for a variance to the side yard setback regulations at 3130 Kingbridge Street. This property is more fully described as Lot 1, Block BB/7135 and is zoned PD-508 (Tract 4), which requires a side yard setback of 50 feet. The applicant proposes to construct a residential structure and provide a 33 foot side yard setback, which will require a 17 foot variance to the side yard setback regulation.

Sincerely,

  
Larry Holmes, Building Official





**FINAL PLAN**  
**LAKEWEST ASSISTED**  
**LIVING FACILITY**  
**LOT 1, BLOCK 100/77008**

BEING A STATE OF  
 PART OF LOT 3, BLOCK A/77008, PART OF LOTS 1  
 AND 2, BLOCK 10/77008, PART OF LOTS 3, 4, 5, 6 AND 7,  
 BLOCK C/77008, PART OF LOTS 8, 9, 10, 11, 12 AND 13,  
 BLOCK D/77008, ALL OF LOTS 1, 4, 7 AND 10,  
 AND LOTS 3, 4, 5, 6 AND 7,  
 PART OF LOTS 3 AND 9, BLOCK E/77008,  
 AND 10, BLOCK F/77008, ALL OF LOTS 1, 2, 3 AND 7  
 PART OF LOTS 4 AND 8, BLOCK 10/77008, AND  
 ALL OF LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11,  
 12 AND 13, BLOCK 11/77008, PART OF LOTS 1, 4 AND 8,  
 BLOCK 12/77008, AND PART OF LOT 1,  
 ALL OF LOTS 1, 4, 7 AND 10 AND PART OF LOT 5,  
 BLOCK 13/77008 OF THE GREEN STONE  
 TRACT, SECTION 16, TOWNSHIP 35N, RANGE 12E,  
 COUNTY OF COLLIER, MISSISSIPPI AND PART OF  
 LOTS 1 AND 2, BLOCK 100/77008, LOTS 1, 2, 3, 4,  
 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18,  
 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31,  
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 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94,  
 95, 96, 97, 98, 99, 100, TOWNSHIP 35N, RANGE  
 12E, COUNTY OF COLLIER, MISSISSIPPI.

FILED IN THE OFFICE OF THE  
 CLERK OF THE BOARD OF SUPERVISORS, CITY OF  
 JACKSON, MISSISSIPPI, ON THIS 15th DAY OF  
 FEBRUARY, 1971.  
 CITY PLAN NO. 1542-100

**Shattock Koch**  
 ENGINEERS  
 1119 N. GAYLOR STREET, JACKSON, MISSISSIPPI  
 PHONE (601) 251-4444

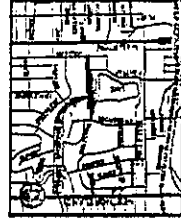
PART OF BLOCK 70  
 (VOL. 4, P. 100)  
 MAP OF THE  
 GREEN STONE TRACT

PART OF BLOCK 70  
 (VOL. 4, P. 100)  
 MAP OF THE  
 GREEN STONE TRACT



**GENERAL NOTES**

1. THIS PLAN IS BASED ON THE SURVEY OF THE GREEN STONE TRACT, SECTION 16, TOWNSHIP 35N, RANGE 12E, COUNTY OF COLLIER, MISSISSIPPI, AS SHOWN ON MAP NO. 1542-100, FILED IN THE OFFICE OF THE CLERK OF THE BOARD OF SUPERVISORS, JACKSON, MISSISSIPPI, ON FEBRUARY 15, 1971.
2. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF UNLESS OTHERWISE SPECIFIED.
3. THE AREA SHOWN ON THIS PLAN IS SUBJECT TO ALL RIGHTS OF WAY, EASEMENTS AND ENCUMBRANCES OF RECORD.
4. THE AREA SHOWN ON THIS PLAN IS SUBJECT TO ALL FEDERAL, STATE AND LOCAL LAWS, ORDINANCES AND REGULATIONS.
5. THE AREA SHOWN ON THIS PLAN IS SUBJECT TO ALL ZONING AND PLANNING REGULATIONS OF THE CITY OF JACKSON, MISSISSIPPI.



**LINE TABLE**

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**CURVE TABLE**

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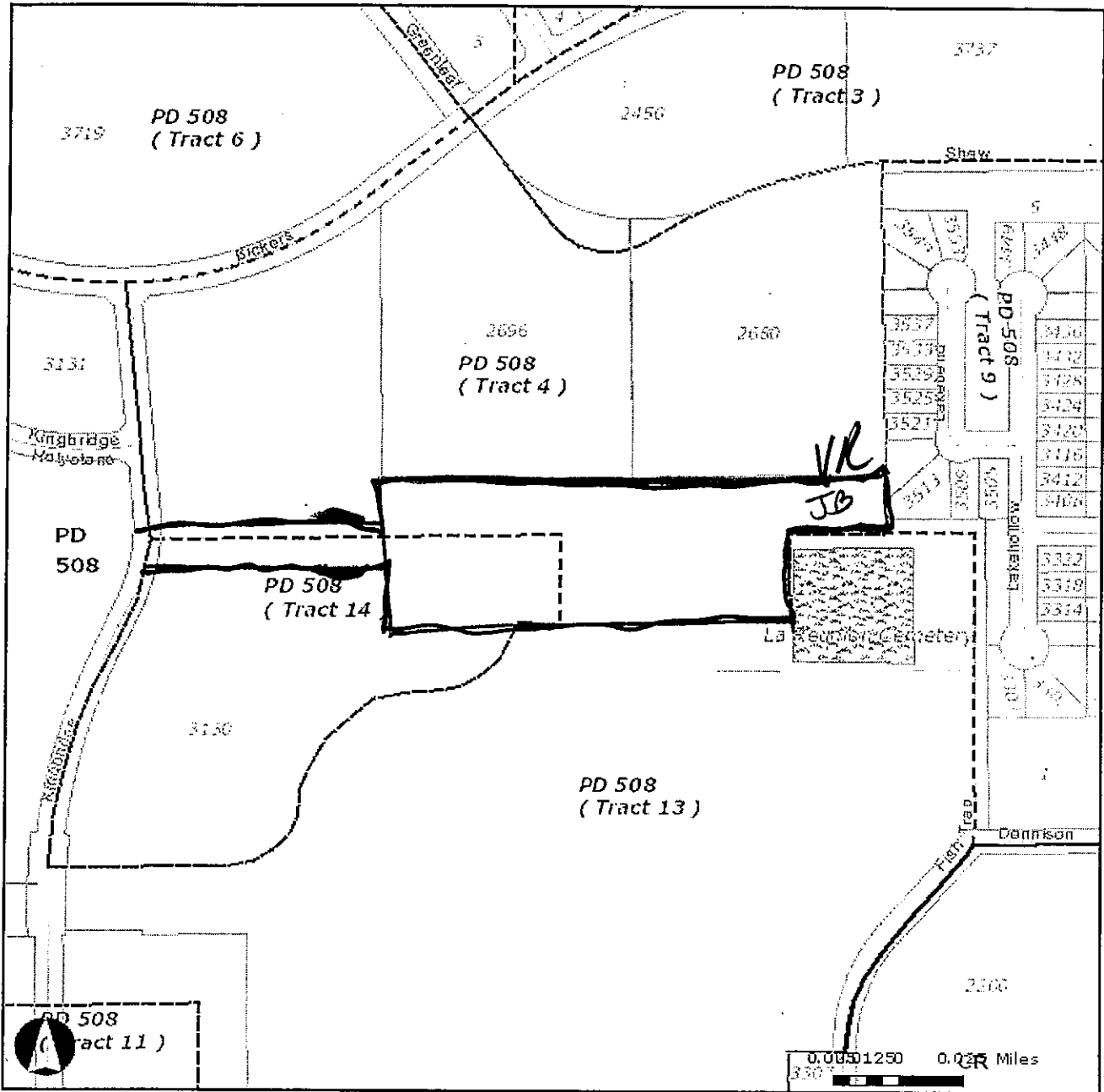
ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF UNLESS OTHERWISE SPECIFIED.

THE AREA SHOWN ON THIS PLAN IS SUBJECT TO ALL RIGHTS OF WAY, EASEMENTS AND ENCUMBRANCES OF RECORD.

THE AREA SHOWN ON THIS PLAN IS SUBJECT TO ALL FEDERAL, STATE AND LOCAL LAWS, ORDINANCES AND REGULATIONS.

THE AREA SHOWN ON THIS PLAN IS SUBJECT TO ALL ZONING AND PLANNING REGULATIONS OF THE CITY OF JACKSON, MISSISSIPPI.

# City of Dallas Zoning



**Address Candidates**

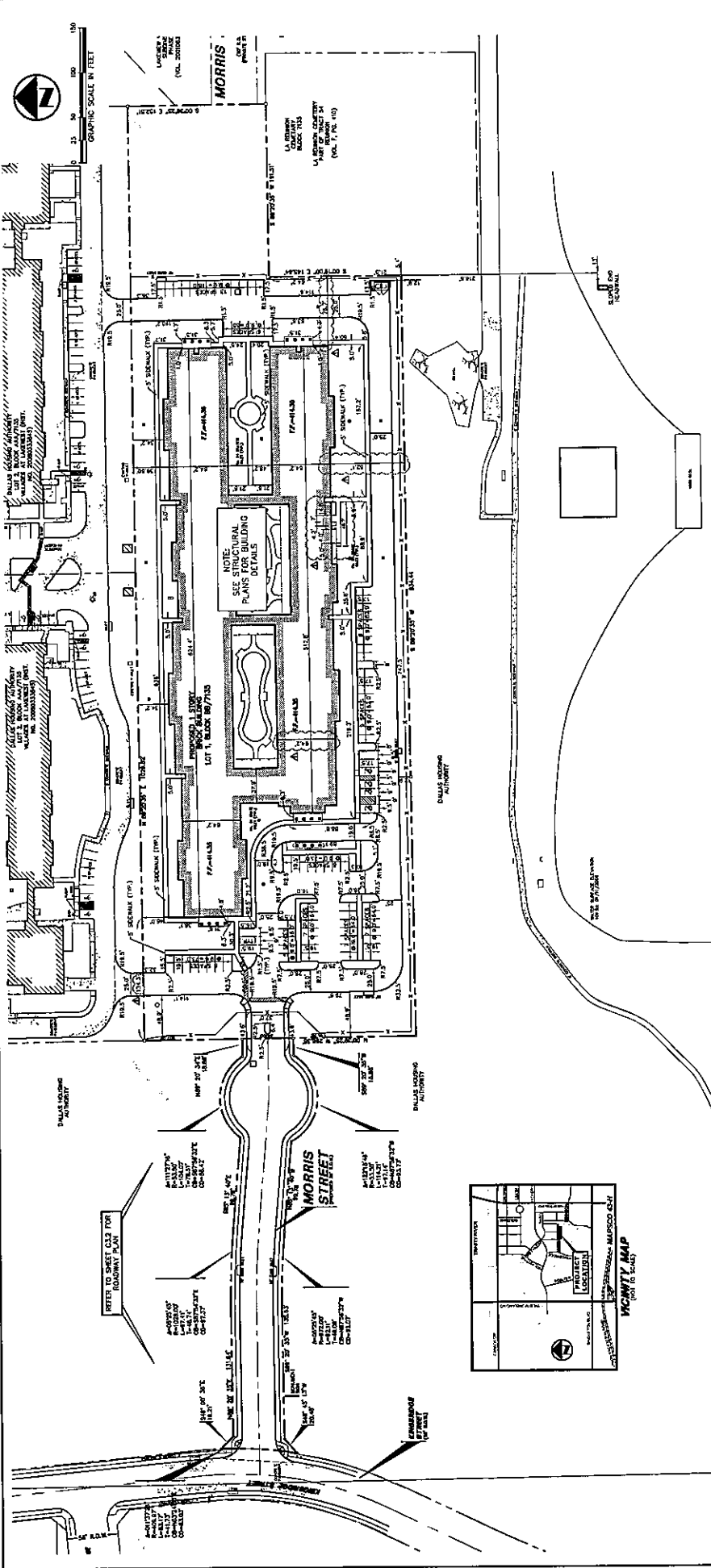
- Address Candidates
- City Boundaries
- County
- Certified Parcels
- Waterways
- Parks
- Deed Restrictions

**Historic Overlay**

- Historic Overlay
- Historic Subdistricts
- NSO Overlay
- NSO Subdistricts
- MD Overlay
- CD Subdistricts
- PD Subdistricts

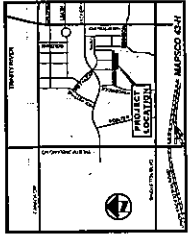
**PDS Subdistricts**

- Base Zoning
- Pedestrian Overlay
- CP
- SP
- Environmental Corridors
- Escarpment Overlay
- SPSP Overlay



**NOTE:**  
ALL DIMENSIONS TO BACK OF CURB UNLESS OTHERWISE NOTED

**NOTE:**  
CONTRACTOR TO CONSTRUCT THE DRIVE ENTRANCES AND ALL BARRIER CONSTRUCTION DETAILS 2010-1025 AND 2310-0305, RESPECTIVELY

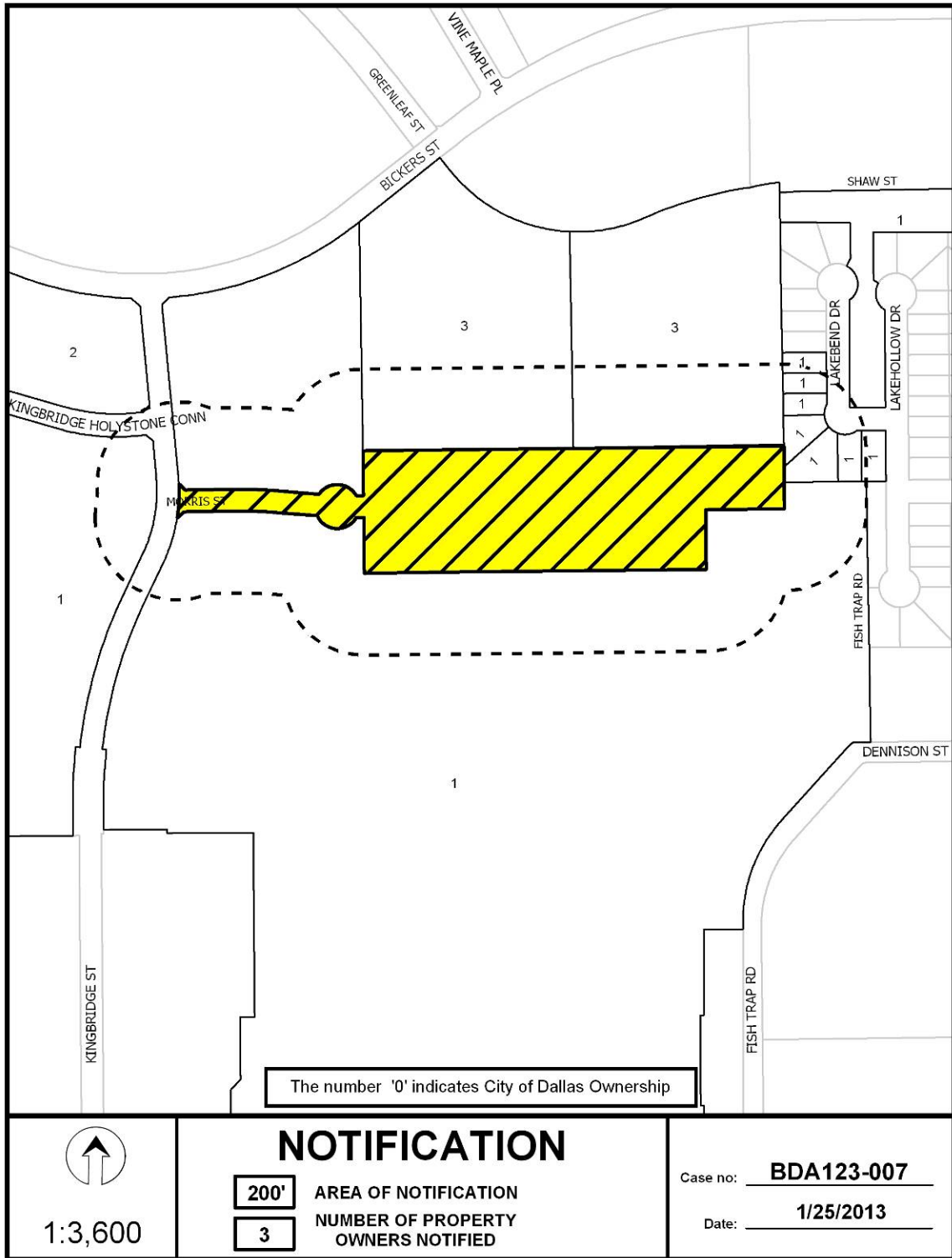


NO.	MARK	DESCRIPTION
1	2010-1025	CONSTRUCTION MARKER (SEE 2010-1025)
2	2310-0305	CONSTRUCTION MARKER (SEE 2310-0305)
3	2310-0305	CONSTRUCTION MARKER (SEE 2310-0305)
4	2310-0305	CONSTRUCTION MARKER (SEE 2310-0305)
5	2310-0305	CONSTRUCTION MARKER (SEE 2310-0305)
6	2310-0305	CONSTRUCTION MARKER (SEE 2310-0305)
7	2310-0305	CONSTRUCTION MARKER (SEE 2310-0305)
8	2310-0305	CONSTRUCTION MARKER (SEE 2310-0305)
9	2310-0305	CONSTRUCTION MARKER (SEE 2310-0305)
10	2310-0305	CONSTRUCTION MARKER (SEE 2310-0305)

(Symbol)	RELAND	TELEPHONE
(Symbol)	POWER POLE	FLAP POLE
(Symbol)	WATER MAIN	SEWER
(Symbol)	WATER VALVE	SEWER VALVE
(Symbol)	PROPOSED DRIVE ENTRANCE	PROPOSED DRIVE ENTRANCE
(Symbol)	PROPOSED DRIVE ENTRANCE	PROPOSED DRIVE ENTRANCE
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(Symbol)	PROPOSED DRIVE ENTRANCE	PROPOSED DRIVE ENTRANCE

**PRELIMINARY**  
NOT FOR CONSTRUCTION  
THIS PLAN IS A PRELIMINARY  
SUBJECT TO APPROVAL BY THE  
BOARD OF EXAMINERS  
PLANS AND ARE UNDER THE  
SUPERVISION OF THE ARCHITECT  
AND ENGINEER FOR THE CITY OF  
DALLAS TEXAS

ARCHITECT	DATE	SCALE	PROJECT NAME	PROJECT NUMBER
Pacheco Koch	1-2005	1"=50'	ASSISTED LIVING FACILITY HOSPITAL / MEDICAL FACILITIES	311T B202
DIMENSIONAL CONTROL PLAN		LAKWEST		
CITY OF DALLAS, DALLAS COUNTY, TEXAS		PROJECT NUMBER: 2005-001-150001-000		



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

***BDA123-007***

### ***3 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	3130 KINGBRIDGE ST	DALLAS HOUSING AUTHORITY STE 350
2	3131 KINGBRIDGE ST	DALLAS HOUSING AUTHORITY SUITE 350
3	2696 BICKERS ST	DALLAS HOUSING AUTHORITY STE 350

**FILE NUMBER:** BDA 123-015

**BUILDING OFFICIAL'S REPORT:**

Application of Brian Lidji, represented by Peter Kavanagh of Zone Systems, for a variance to the front yard setback regulations and a special exception to the fence height regulation at 3628 Springbrook Street. This property is more fully described as Lot 1, Block 6/2022, and is zoned PD-193 (D), which requires a front yard setback of 25 feet and limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and maintain a structure and provide a 3 foot front yard setback, which will require a variance to the front yard setback regulations of 22 feet; and to construct and maintain a 9 foot high fence which will require a special exception to the fence regulations of 5 feet.

**LOCATION:** 3628 Springbrook Street

**APPLICANT:** Brian Lidji  
Represented by Peter Kavanagh of Zone Systems

**REQUESTS:**

The following appeals have been made on a site that is currently developed with a duplex structure that the applicant intends to demolish:

1. a variance to the front yard setback regulations of up to 22' is requested in conjunction with constructing and maintaining a pool structure and a single family home structure, either all or part of which would be located in one of the site's two 25' front yard setbacks (Springbrook Street); and
2. a special exception to the fence height regulations of 5' is requested in conjunction with constructing and maintaining a solid brick wall and open steel picket fence ranging (given grade changes on the site) from 6' 6" – 9' in height in the site's 25' front yard setback along Springbrook Street .

(No part of this application is made to construct and/or maintain a structure or to construct or maintain a fence in the site's Glenwood Avenue front 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.

**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 (front yard setback variance):**

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- The subject site is unique and different from most lots zoned PD 193 (D) in that it is a corner lot with a restrictive area due to its two front yard setbacks. The atypical two front yard setbacks on the lot precludes it from being developed in a manner commensurate with development on other similarly zoned properties - in this case, the redevelopment on the property currently developed with a duplex structure with a single family home.

**STAFF RECOMMENDATION (fence height special exception):**

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

**BACKGROUND INFORMATION:**

**Zoning:**

- Site: PD 193 (D) (Planned Development, Duplex)
- North: PD 193 (D) (Planned Development, Duplex)
- South: PD 193 (D) (Planned Development, Duplex)
- East: PD 193 (D) (Planned Development, Duplex)
- West: PD 193 (R-7.5) (Planned Development, Single family residential)

**Land Use:**



The subject site is developed with a duplex use. The areas to the north, south, east and west are developed with residential uses.

**Zoning/BDA History:**

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

**Timeline:**

January 3, 2013: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

January 14, 2013: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

January 14, 2013: The Board Administrator emailed the applicant’s representative the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the January 30th deadline to submit additional evidence for staff to factor into their analysis; and the February 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.

February 5, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for February public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

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

**GENERAL FACTS/STAFF ANALYSIS (front yard variance):**

- This request focuses primarily on demolishing an existing duplex structure on the site and constructing and maintaining a single family home structure, part of which would be located in one of the site’s two 25’ front yard setbacks (Springbrook

Street). Part of this request is to locate and maintain a pool structure in the Springbrook Street front yard setback as well.

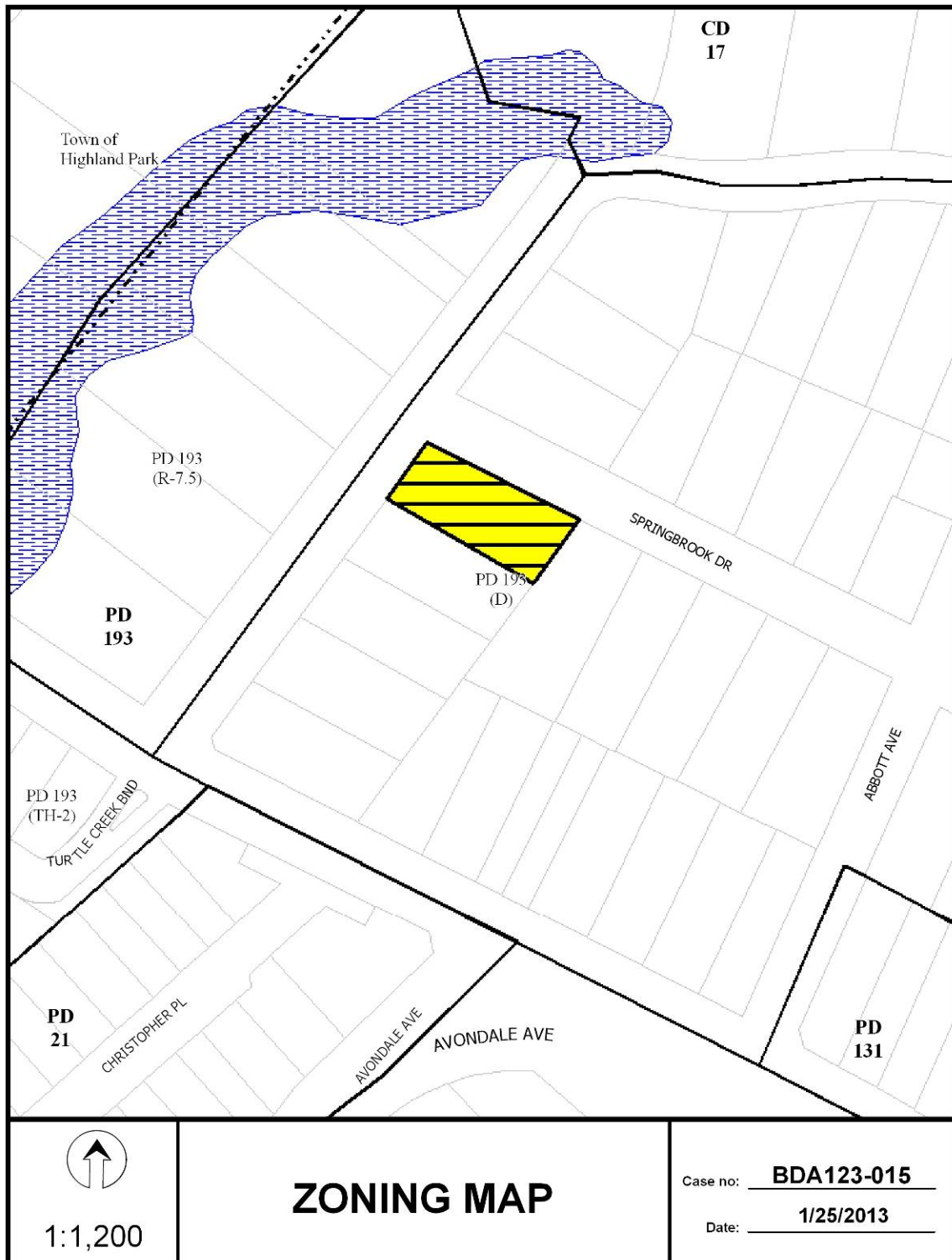
- Structures on lots zoned PD 193 (D) are required to provide a minimum front yard setback of 25’.
- The subject site is located at the southeast corner of Glenwood Avenue and Springbrook Street. Regardless of how the proposed single family structure is to be oriented, the subject site has two 25’ front yard setbacks along both streets. The site has a 25’ front yard setback along Glenwood Avenue, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in a duplex zoning district. The site also has a 25’ front yard setback along Springbrook Street, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where only a 5’ setback is required. But the site’s Springbrook Street frontage is deemed a front yard setback nonetheless to maintain the continuity of the established front yard setbacks established by the lots developed with duplexes to the east along Springbrook Street that front northward.
- A site plan has been submitted denoting the proposed pool structure located 3’ from the site’s front property line along Springbrook Street or 22’ into this 25’ front yard setback, and part of the proposed single family home structure located 10’ 6” from the site’s front property line along Springbrook Street or 14’ 6” into this 25’ front yard setback. ((No encroachment is proposed in the Glenwood Avenue 25’ front yard setback).
- It appears from the submitted site plan that all of the 125 square foot pool structure and approximately 19 percent (or approximately 600 square feet) of the proposed approximately 3,200 square foot building footprint is to be located in the site’s Springbrook Street 25’ front yard setback.
- According to DCAD records, the “main improvements” at 3628 Springbrook is a structure built in 1946 with 3,220 square feet of living area and 3,220 square feet of total area. According to DCAD records, the “additional improvements” at 3628 Springbrook is a 600 square foot detached garage.
- The subject site is rectangular in shape (60’ x 140’) and is according to the application, 0.19 acres (or 8,400 square feet) in area. The site is zoned PD 193 (D). The site has two 25’ front yard setbacks; and two 5’ side yard setbacks; most residentially-zoned lots have one front yard setback, two side yard setbacks, and one rear yard setback.
- Only a 30’ width of developable space would remain once a 5’ side yard setback and a 25’ front yard setback would be accounted for on the 60’ wide site.
- 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 PD 193 (D) zoning classification.

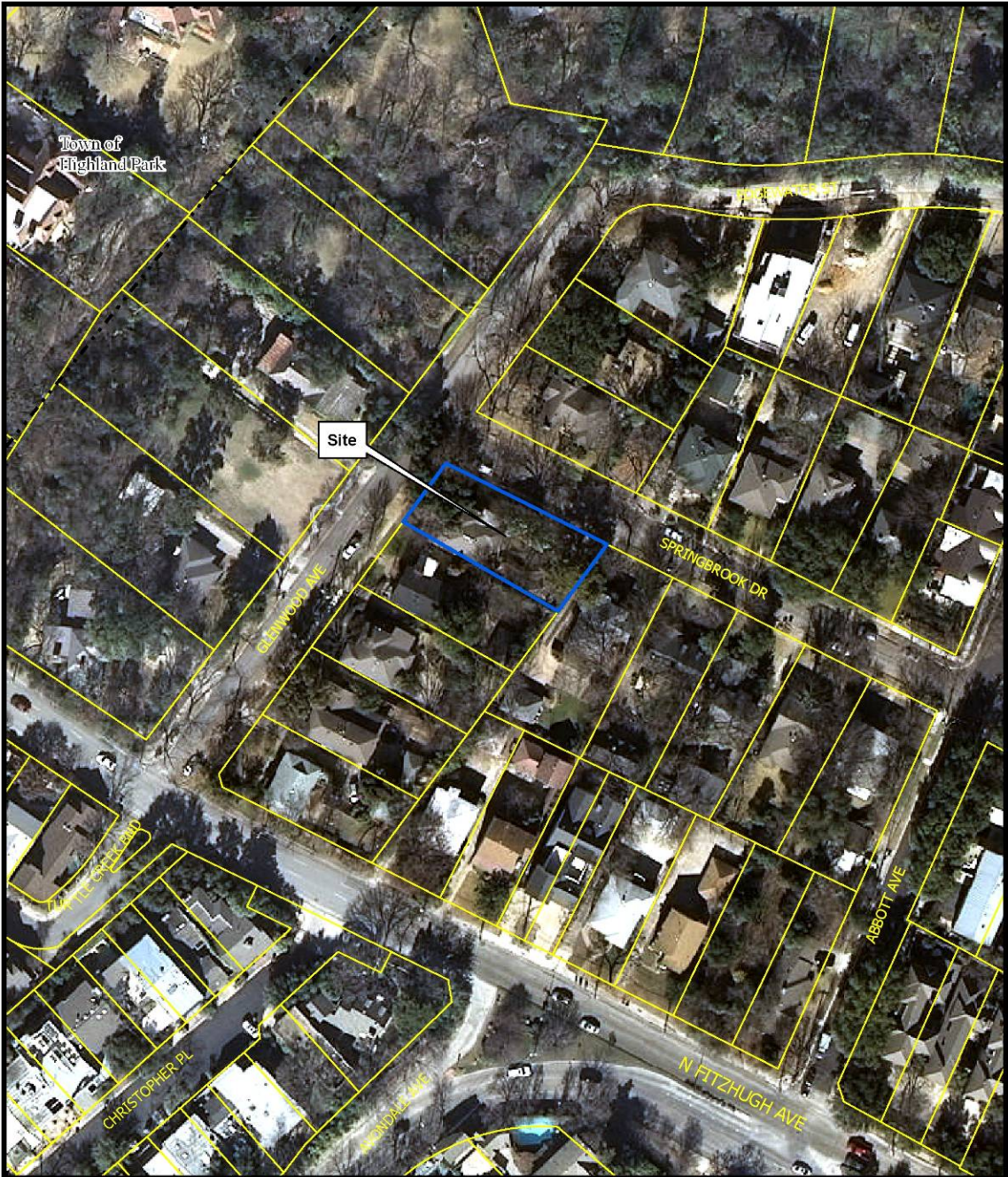
- The variance would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same PD 193 (D) zoning classification.
- If the Board were to grant the variance request and impose the submitted site plan as a condition, the structures in the front yard setback would be limited to what is shown on this document– which are structures to be located as close as 3’ from the site’s Springbrook Street front property line (or as much as 22’ into this 25’ Springbrook Street front yard setback).

**GENERAL FACT /STAFF ANALYSIS (fence height special exception):**

- This request focuses on constructing and maintaining a solid brick wall and open steel picket fence ranging (given grade changes on the site) from 6’ 6’ – 9’ in height in the site’s 25’ front yard setback along Springbrook Street. (No part of this application is made to construct and maintain a fence in the site’s Glenwood Avenue front yard setback).
- As described preciously in this case report, the subject site located at the southeast corner of Glenwood Avenue and Springbrook Street has two 25’ front yard setbacks.
- If it were not for the lots immediately east of the subject site that actually front onto Springbrook Street, the proposed 9’ high fence proposed along Springbrook Street could be constructed and maintained by right since this frontage of the corner subject site is the longer of the subject site’s two street frontages.
- 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 scaled site plan and elevation that shows the proposal in the Springbrook Street front yard setback reaching a maximum height of 9’.
- The following additional information was gleaned from the submitted site plan:
  - Approximately 67’ in length parallel to the street (and 9’ in length perpendicular on the sides of the site in the required front yard), approximately on the front property line or approximately 12’ from the pavement line where no home has direct frontage to the proposal since the home directly across Springbrook Street fronts westward to Glenwood Avenue.
  - The Board Administrator conducted a field visit of the site and surrounding area and noted no other fences higher than 4’ in the immediate area.
- The following additional information was gleaned from the submitted elevation:
  - The approximately 67’ long fence parallel to the street is proposed to be brick and the 9’ long fences perpendicular on the sides of the site in the required front yard is proposed to be steel pickets.
- As of February 11, 2013, three letters had been submitted to staff in support of the request and no letters had been submitted in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations (whereby the proposal that would reach 9’ in height) will not adversely affect neighboring property.

- Granting this special exception of 5' with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding 4' in height in the Springbrook Street front yard setback to be constructed/maintained in the location and of the heights and materials as shown on these documents.





1:1,200

# AERIAL MAP

Case no: BDA123-015

Date: 1/25/2013



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-015

Data Relative to Subject Property:

Date: 1-3-13

Location address: 3628 Springbrook Zoning District: PD 193 (D)

Lot No.: 1 Block No. 6/2022 Acreage: 19 (8400SF) Census Tract: 6.06

Street Frontage (in Feet): 1) 60 2) 140 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_ GC 23

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Brian and Fay Lidji

Applicant: Brian and Fay Lidji Telephone: 214-774-1200

Mailing Address: Brian Lidji, 500 N. Akard, S 3500, Dallas, TX 75201  
Zip Code: \_\_\_\_\_

E-mail Address: blidji@LDHlaw.com

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

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

E-mail Address: peterk@zonesystems.com

Affirm that an appeal has been made for a Variance X, or Special Exception X, of 22 feet on Springbrook front yard and special exception of 5 feet front fence.

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:  
PD 193 ordinance provides for a front yard setback on both streets for this corner lot. The lot is elevated by the change in the street elevation. The construction of a predominantly one level home with the location of existing trees and topography restricts the location of the home and pool. The partial fence simply encloses the courtyard.  
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.

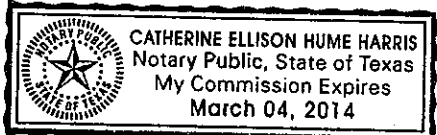
Affidavit

Before me the undersigned on this day personally appeared Brian Lidji  
(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 19<sup>th</sup> day of December, 2012

(Rev: 08-01-11)  Catherine Harris  
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 Lidji  
represented by PETER KAVANAGH  
did submit a request for a special exception to the fence height regulation, and for a variance to  
the front yard setback regulations  
at 3628 Springbrook Street

BDA123-015. Application of Brian Lidji represented by Peter Kavanagh for a special exception to the fence height regulation and a variance to the front yard setback regulations at 3628 Springbrook Street. This property is more fully described as Lot 1, Block 6/2022, and is zoned PD-193 (D), which limits the height of a fence in the front yard to 4 feet and requires a front yard setback of 25 feet. The applicant proposes to construct a 9 foot high fence in a required front yard, which will require a 5 foot special exception to the fence regulation, and to construct a single family residential structure and provide a 3 foot front yard setback, which will require a 22 foot variance to the front yard setback regulation.

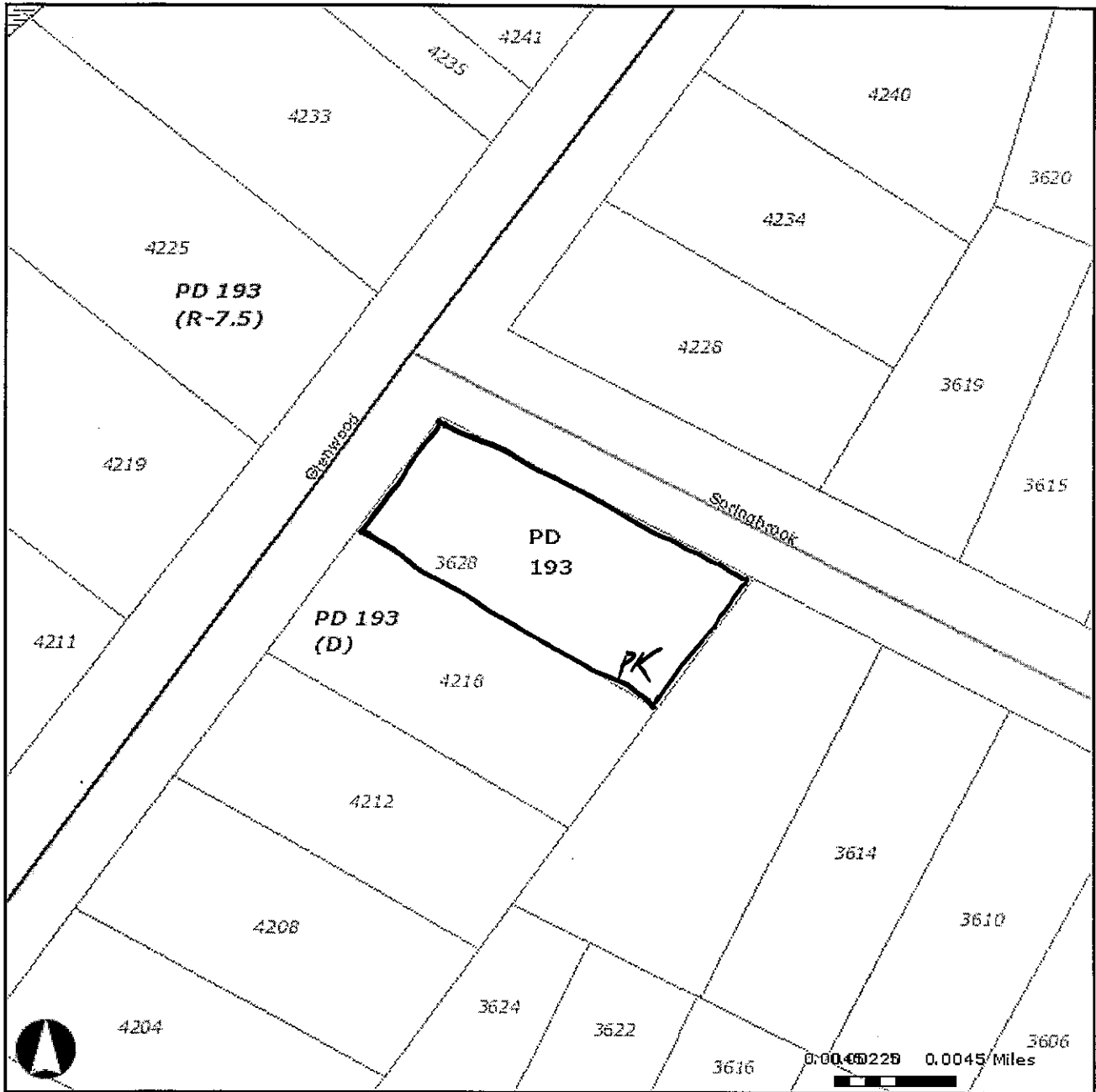
Sincerely,

  
Larry Holmes, Building Official





# City of Dallas Zoning



**Address Candidates**

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

**Dry Overlay**

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

**Base Zoning**

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

December 19, 2012

Mr. Steve Long  
Board of Adjustment Administrator  
City of Dallas  
1500 Marilla  
Dallas, TX 75201

RE: 3628 Springbrook

Dear Mr. Long:

Mr. and Mrs. Lidji are constructing a new home on Springbrook and Glenwood. The lot being a corner lot is restricted by the zoning ordinance regulation of effectively two front yard setbacks on a lot that was platted prior to the passage of this regulation.

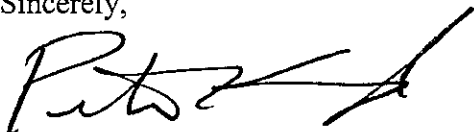
The lot now contains a duplex that was built many years ago and prior to the limitation of the front yard regulation. The plan is to construct a modern home designed by one of Dallas' premier architects. The plan is for a single family home that will be one level with a second level on one end of the home above the garage area. The home will be the only single family home among the many duplexes in the immediate area. In order to provide for the home and the courtyard a request is made for a three foot setback along Springbrook. This three foot setback will provide for a pool in the courtyard area of the property. A wall that provides privacy for the pool area only will run along a portion of the Springbrook side of the home. There will be no other fences on the property except the pool enclosure wall.

The pool will be set back three feet from the property line. The home will be 10.5 feet back from the Springbrook side of the property. The pool location is the reason for the three foot setback from Springbrook.

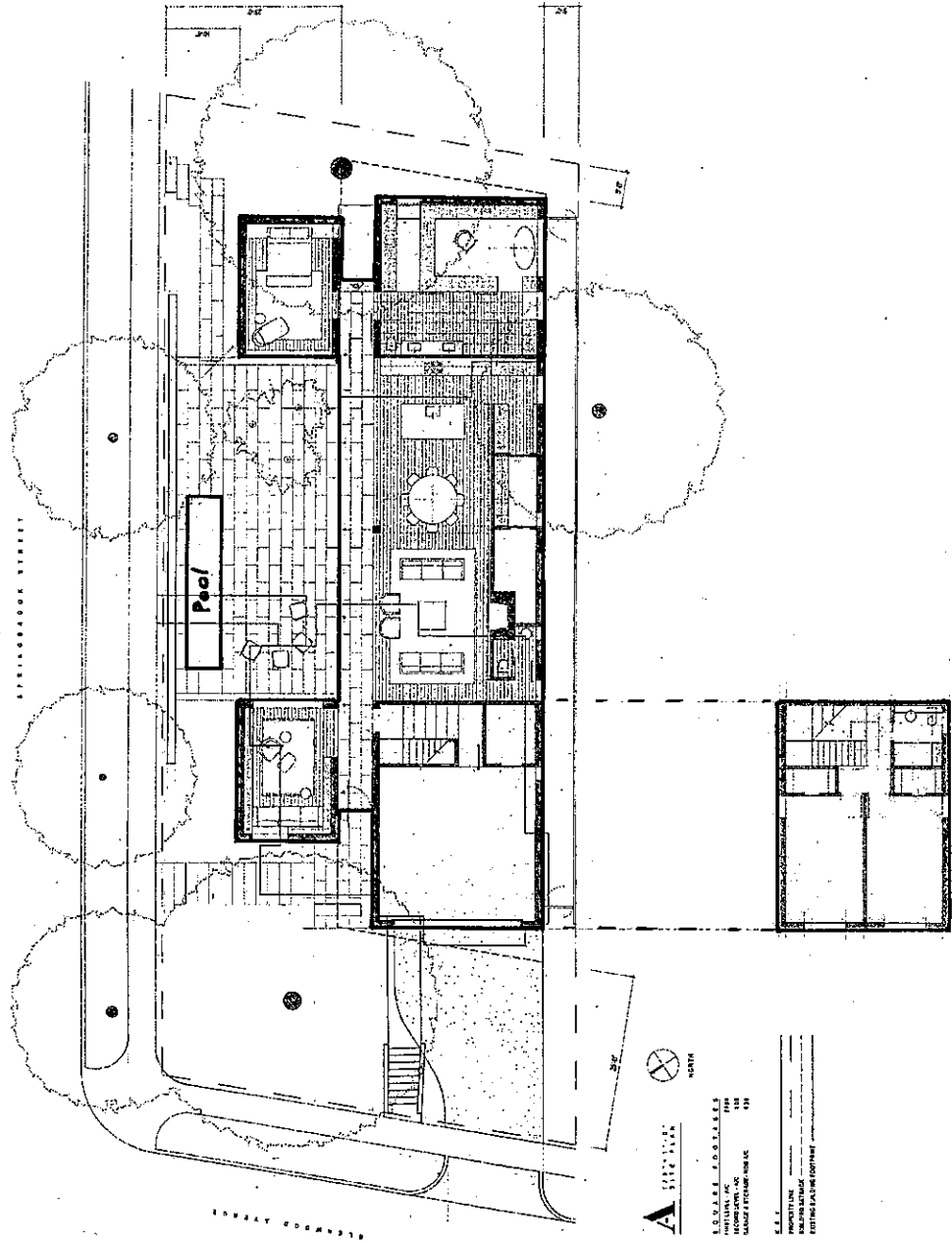
There is a wall that will shield the pool area from the street. This wall will match the home in appearance and will be approximately 68 feet in length. Due to the change in elevation on Springbrook the wall will have a height that ranges from 6.5 feet to 9 feet. The top of the wall will be level and the bottom will run with the grade at the sidewalk. The only part of the property that will have a fence or wall is in front of the pool. Large trees at each end of the lot will be maintained and in areas open to the street. The front yard provides for a maximum of four feet for fences. This fence will range from 6.5 to 9 feet in height and is limited to the area shown on the site plan.

Thank you for your consideration of our request.

Sincerely,



Peter Kavanagh

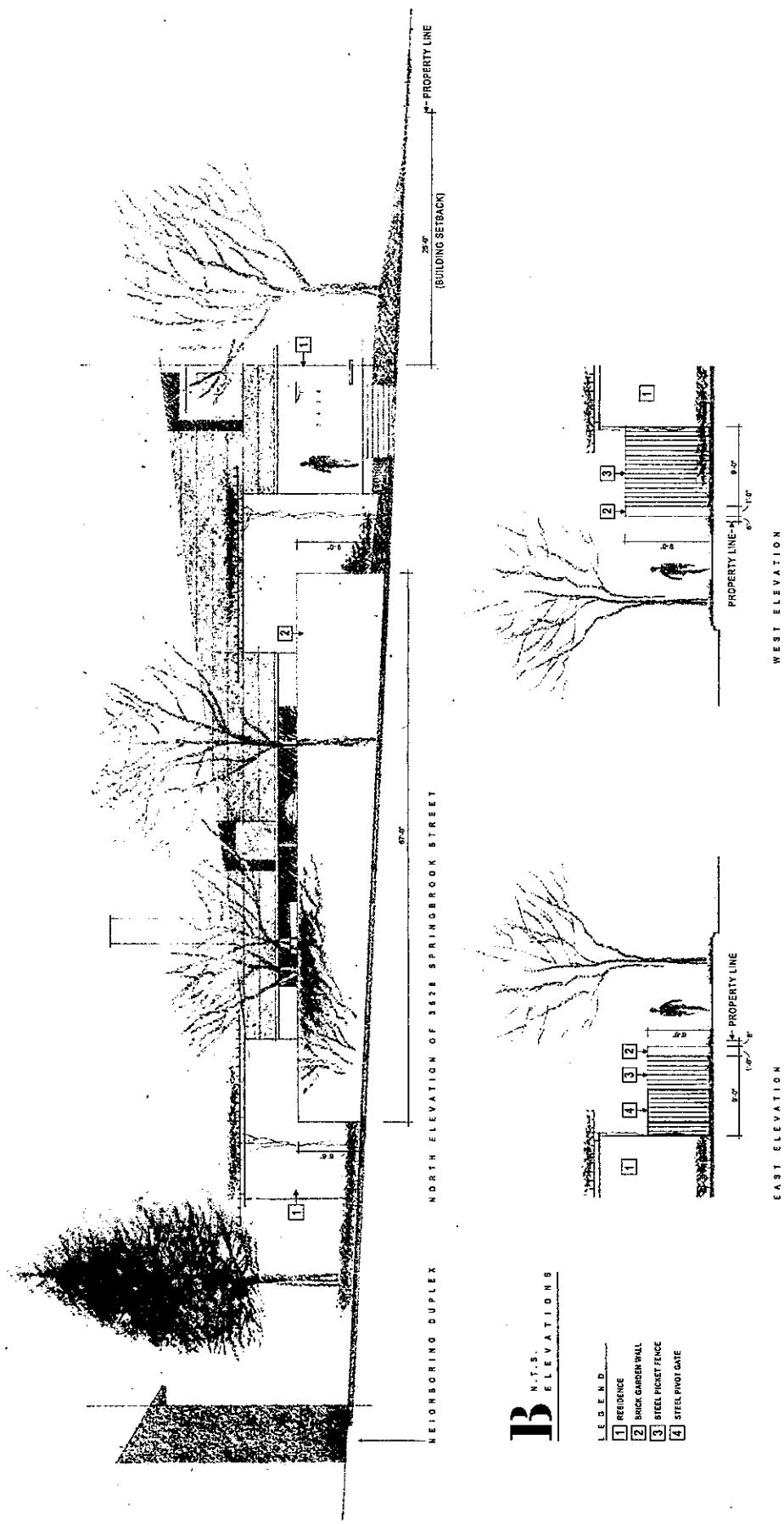


**A** ARCHITECTURE  
 4000  
 1000

LOGAN, FORSBERG  
 ARCHITECTS, PC  
 1000  
 1000

S.L.L.  
 PROJECT NO.  
 SHEET NO.  
 DATE

LEVEL 1 PG



**B** N.T.S. ELEVATIONS

- LEGEND
- 1 RESIDENCE
  - 2 BRICK GARDEN WALL
  - 3 STEEL PICKET FENCE
  - 4 STEEL SPOT GATE

3628 SPRINGBROOK STREET  
 BDA 123-015

MaxLevy

1/11/11

2



The letter 'N' indicates no information available

The number '0' indicates City of Dallas Ownership



1:1,200

# NOTIFICATION

**200'**

AREA OF NOTIFICATION

**32**

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA123-015**

Date: **1/25/2013**

## *Notification List of Property Owners*

### *BDA123-015*

#### *32 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3628 SPRINGBROOK ST	KNOX JACK D
2	4228 GLENWOOD AVE	THOMAS MARTIN S & SHERRYL S
3	4234 GLENWOOD AVE	KNOX JACK D % ONE TURTLE CREEK
4	4240 GLENWOOD AVE	PLATTNER FAMILY TRUST B
5	3620 EDGEWATER DR	BRYANT CHRIS & LAUREN
6	3614 EDGEWATER DR	UNIQUE CHATEAUS OF DALLAS LLC
7	3607 SPRINGBROOK ST	LUTER KAREN L
8	3615 SPRINGBROOK ST	MURPHY KELLI M
9	3619 SPRINGBROOK ST	DESANDERS JUDY
10	4218 GLENWOOD AVE	LATORRE ROBERT F
11	4212 GLENWOOD AVE	TOWNSEND PAMELA GWIN
12	4208 GLENWOOD AVE	OWSLEY JASON W & LEONORE
13	4204 GLENWOOD AVE	STEVENS JAMES P
14	3614 SPRINGBROOK ST	RETHKE MARY ANN & BRUCE P WEALE
15	3610 SPRINGBROOK ST	TR FAMILY TRUST THE
16	3606 SPRINGBROOK ST	DAUTERMAN FAMILY IRREVOC TRUST THE
17	3610 FITZHUGH AVE	WHITE GAY GILLESPIE
18	3612 FITZHUGH AVE	WHITE GAY G
19	3616 FITZHUGH AVE	URBAN KEITH S & STONE JENNIFER
20	3618 FITZHUGH AVE	URBAN KEITH S &
21	3622 FITZHUGH AVE	CALHOUN JARREL W & TONYA W
22	3620 FITZHUGH AVE	CALHOUN JARRELL W & TONYA W
23	3624 FITZHUGH AVE	MAGELLAN FUNDING PARTNERS FUND I LP
24	4205 GLENWOOD AVE	REMBERT DAVID C JR & KAY R
25	4211 GLENWOOD AVE	STANLEY ROSANNA
26	4219 GLENWOOD AVE	PAUL CHRISTOPHER C & MARY ALICE B

1/24/2013

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	4233 GLENWOOD AVE	PENN ROBERT R & KATHERINE B
28	4225 GLENWOOD AVE	HARRIS DONALD R LF EST REM: ST JUDE CHAP
29	4235 GLENWOOD AVE	PENN ROBERT & KATHRINE
30	4241 GLENWOOD AVE	KIDD JANE DUPONT
31	3620 SPRINGBROOK ST	ONEAL CECIL & REBECCA YOUNG
32	3622 SPRINGBROOK ST	SMITH ANDREW C & DONNA GUERRA-SMITH



**FILE NUMBER:** BDA 112-120

**BUILDING OFFICIAL'S REPORT:**

Application of Melissa Kingston to appeal an administrative official's decision regarding 5902 Goliad Avenue. This property is more fully described as Lot 1, Block 14/1900 and is zoned CD-12, the Belmont Addition Conservation District No. 12. The applicant proposes to appeal the administrative official's decision to issue a building permit.

**LOCATION:** 5902 Goliad Avenue

**APPLICANT:** Melissa Kingston

**REQUEST:**

An appeal has been made requesting that the Board of Adjustment reverse/overturn the Building Official's decision to issue a permit for a new "SFD" or single family dwelling (Permit # 1206271083) for property at 5902 Goliad Avenue on a site currently under development.

**STANDARD FOR APPEAL FROM DECISION OF AN ADMINISTRATIVE OFFICIAL:**

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

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

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

**BACKGROUND INFORMATION:**

**Zoning:**

Site: CD 12 (Conservation District)  
North: CD 12 (Conservation District)  
South: CD 12 (Conservation District)  
East: CD 12 (Conservation District)  
West: CD 12 (Conservation District)

### **Land Use:**

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

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

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

### **Timeline:**

October 11, 2012: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

November 7, 2012: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

November 7, 2012: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the November 21<sup>st</sup> deadline to submit additional evidence for staff to factor into their analysis; and the November 30<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the outline of procedure for appeals from decisions of the building official to the board of adjustment; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

November 16, 2012: The Building Inspection Senior Plans Examiner/Development Code Specialist forwarded a copy of the permit that is the issue of this request to the Board Administrator (see Attachment A).

November 27, 2012: 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 Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Building Inspection Senior Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

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

- November 30, 2012: One of the property owners of the subject site forwarded information on this application to the Board Administrator (see Attachment B).
- November 30, 2012: The applicant forwarded information on this application to the Board Administrator beyond what was submitted with the original application (see Attachment C).
- November 30, 2012: The Assistant City Attorney assisting the Building Official on this application to the Board Administrator beyond what was submitted with the original application (see Attachment D).
- December 10, 2012: The Board of Adjustment Panel C conducted a hearing on this application and moved to hold the matter under advisement until February 21, 2013.
- February 7, 2013: The applicant forwarded information on this application to the Board Administrator beyond what was submitted with the original application and beyond what was submitted at the December 10, 2012 public hearing (see Attachment E).

**GENERAL FACTS/STAFF ANALYSIS:**

- A copy of the permit for a new “SFD” or single family dwelling (Permit # 1206271083) for property at 5902 Goliad Avenue is included in this case report.
- The board shall have all the powers of the administrative official on the action appealed from. The board may in whole or in part affirm, reverse, or amend the decision of the official.

**BOARD OF ADJUSTMENT ACTION: DECEMBER 10, 2012**

**APPEARING IN FAVOR:** Melissa Kingston, 5901 Palo Pinto, Dallas, TX  
 Michele Hille, 5927 Palo Pinto, Dallas, TX  
 Peggy Turlington, 5903 Goliad Ave., Dallas, TX  
 Ernest Schneiderman

**APPEARING IN OPPOSITION:** Brittany Bailey, 5902 Goliad, Dallas, TX  
 James Cooper, 5902 Goliad, Dallas, TX

**APPEARING FOR THE CITY:** Andrew Gilbert, 1500 Marilla, Dallas, TX  
 LaShonda Holmes Stringfellow, 320 E. Jefferson, Dallas, TX  
 Deana Lawrence, 320 E. Jefferson, Dallas, TX

**MOTION #1: Maten**

I move that the Board of Adjustment, in Appeal No. **BDA 112-120**, on application of Melissa Kingston, after having fully reviewed the decision of the administrative official, and having evaluated the evidence and heard all of the testimony and facts, I move that

the Board of Adjustment **affirm** the decision of the administrative official and **deny** the relief requested by the applicant **with prejudice**.

SECONDED: **Carreon**

AYES: 2–Maten, Carreon

NAYS: 3 – Richardson, Richard, Lewis

MOTION FAILED: 2– 3

MOTION #2: **Richard**

I move that the Board of Adjustment, in Appeal No. **BDA 112-120**, on application of Melissa Kingston, after having fully reviewed the decision of the administrative official, and having evaluated the evidence and heard all of the testimony and facts, I move that the Board of Adjustment **reverse** the decision of the administrative official and **grant** the relief requested by this applicant.

SECONDED: **Lewis**

AYES: 3– Richardson, Richard, Lewis

NAYS: 2 – Maten, Carreon

MOTION FAILED: 3– 2

MOTION #3: **Richard**

I move that the Board of Adjustment, in Appeal No. **BDA 112-120**, hold this matter under advisement until **February 21, 2013**.

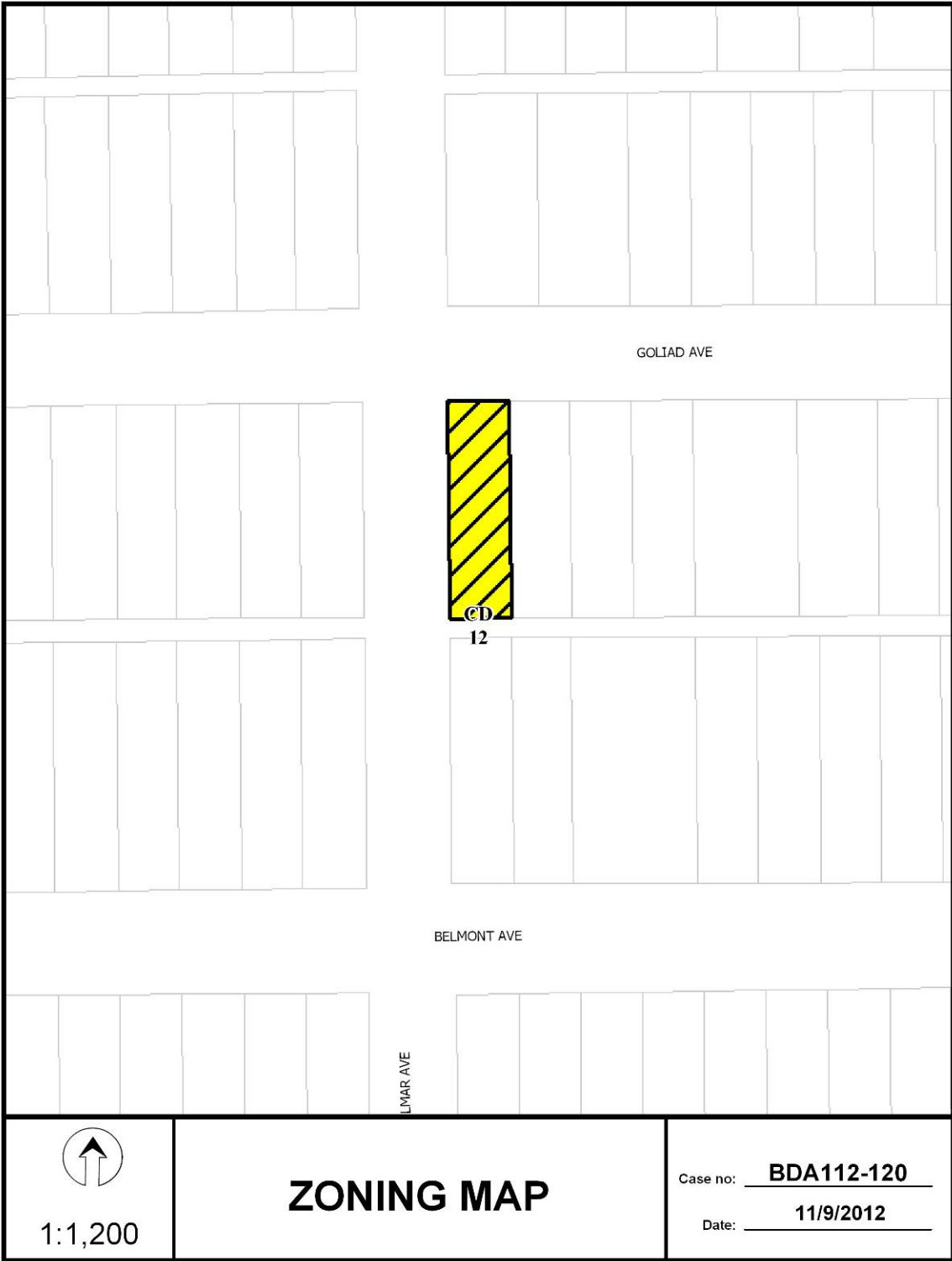
SECONDED: **Lewis**

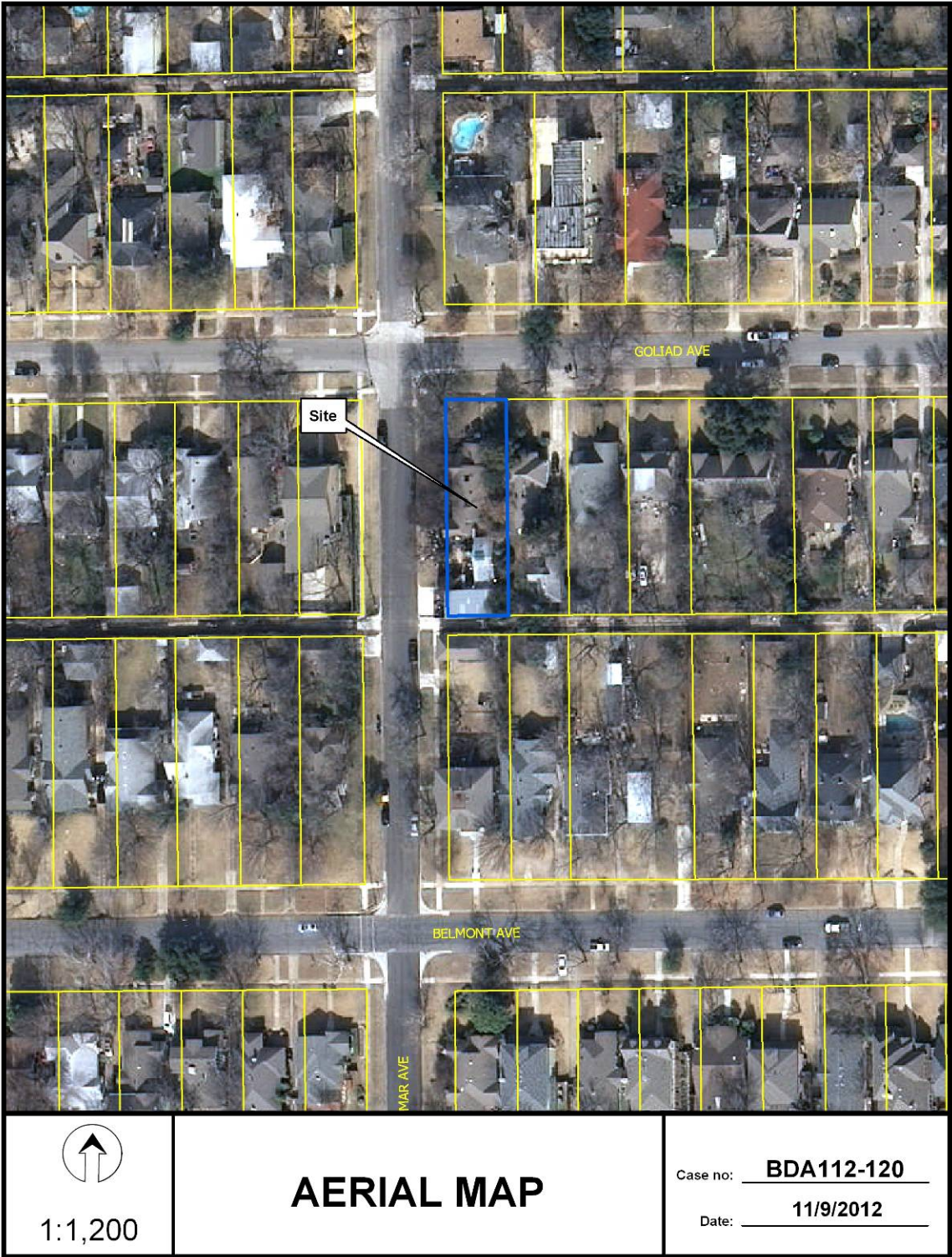
AYES: 3– Richardson, Richard, Lewis

NAYS: 2 – Maten, Carreon

MOTION PASSED: 3– 2

\*\*\*\*\*





BDA112-120  
Attach A



# Permit # 1206271083

City of Dallas

Issue Date: 09/26/2012

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

**Address:** 5902 GOLIAD AVE 75206

**Land Use Description:** SINGLE FAMILY DWELLING

**Work Description:** NEW SFD

**Value Of Work:** \$431,000.00

**Owner Or Tenant:** DUSTY COOPER/ BRITTNEY BAILEY  
SAME

**Applicant:** JUSTIN MILAM

**Contractor:** GREENBROOK HOMES

**Business Address:** 5325 SMITHFIELD COURT, SACHSE, TX 75048

**Telephone:** 214/673-6356 Fax: 1-214/276-7711

Lot: 1	Block: 14/190	Zoning: CD-12	PDD:	SUP:
Historic Dist:	Consv Dist: Belmont Ad	Pro Park:	Req Park:	Park Agrmt: N
Dwlg Units: 1	Stories: 2	New Area: 4985	Lot Area: 8750	Total Area: 4985
Type Const: VB	Sprinkler: None	Occ Code: R3	Occ Load:	
Inches Of Removed Trees:				

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.**

BDA 112-120  
Attach B  
PS 1

Board of Adjustment, Development Services Department  
c/o Steve Long, Board Administrator  
1500 Marilla  
Room 5BN  
Dallas, Texas 75201

Re: 5902 Goliad Ave., Dallas, Texas Property Owner's response to the  
Appeal by the Belmont Addition Conservation District Ordinance  
Enforcement Committee and Melissa Kingston

Dear Hon. Board Members:

As the property owners of 5902 Goliad Ave. we are writing you in response to the appeal filed by the Belmont Addition Conservation District Ordinance Enforcement Committee and Melissa Kingston. This appeal was filed on October 11, 2012 to dispute the decision of City of Dallas administrative officials in the Sustainable Development & Construction Department and the Building Official who issued a building permit for our single-family residence on September 26, 2012.

On June 14, 2012 Justin Milam, of Greenbrook Homes filed a Conservation District Work Review Form on our behalf to the Department of Sustainable Development & Construction for a single family residence to be built in the Belmont Addition Conservation District at 5902 Goliad Ave., Dallas, Texas 75206. Since the filing of the Work Review Form my husband and I along with our builder Scott Branan and his associate Justin Milam have had numerous meetings with various administrative officials in the Sustainable Development & Construction Department. Our first meeting was with Margaret Fiskell. Margaret provided us with the first list of questions regarding the design of the residence, which were promptly answered. After failing to receive timely follow up from Margaret we began meeting with Ethel Gaston. As conversations continued regarding the design of the residence we engaged in conversation with LaShondra Holmes, Chief Planner. These conversations centered on the Belmont Addition Conservation District Ordinance to ensure the design complied with conservation district and City of Dallas building requirements. In September of 2012 Diana Lowrance was hired by the Sustainable Development & Construction Department and was assigned our Work Review Form. We promptly met with LaShondra Holmes, Diana Lowrance, and Mohammad Bordbar to review the design and again discuss compliance with both conservation district and City of Dallas building requirements. Following this meeting LaShondra Holmes also engaged the City of Dallas attorney in reviewing the plans, the ordinance, and the building code for complete compliance. After many months of review and discussion the City of Dallas issued a building permit on September 26, 2012.



The issuance of the building permit on September 26, 2012 was the result of many hours of review on the part of multiple administrative officials within the Sustainable Development & Construction Department, the City of Dallas Attorney's Office, and other Dallas building officials. It is because of the time and efforts of these many administrative officials, whom all have expertise and authority to appropriately interpret the Conservation District Ordinance and the Dallas Development Code, that we believe the building permit for a single-family residence at 5902 Goliad Ave. was properly issued.

The Conservation District Ordinance, No. 25530 was passed for the purpose of ensuring that new construction and remodeling is done in a manner that is compatible with the original architectural styles found in the conservation district. The Conservation District Ordinance does not create nor does it give authority to a Belmont Addition Conservation District Ordinance Enforcement Committee. The Ordinance specifically states the following on page 26:

(k) Procedures.

(1) Review form applications. A review form application must be submitted **to the Director** for any exterior alteration of a front façade or wrap-around and for new construction.

(2) Work requiring a building permit.

(A) Upon receipt of a review form application for work requiring a building permit, **the building official shall refer the review form application to the Director to determine whether the new construction or remodeling meets the standards of this ordinance.** The review of the review form application by the Director must be completed within 30 days after submission of a complete review form application.

(B) **If the Director determines that the new construction or remodeling complies with the standards of this ordinance, the Director shall approve the review form application, and forward it to the building official, who shall issue the building permit if all requirements of the construction codes and other applicable ordinances have been met.**

Therefore, the Ordinance grants the authority to review and approve review form applications to the Director, which according to the definition in the Dallas Development Code is the director of the department of sustainable development and construction or the director's representative. Based on the ordinance's grant of authority to the Director, LaShondra Holmes, it can be assumed that it is the responsibility of the Director to make appropriate interpretations of the ordinance in his/her approval of each review form application. The ordinance does not grant

authority to any other entity outside the City of Dallas to interpret, review, and/or approve review form applications.

By its appeal of the issuance of the building permit the Belmont Addition Conservation District Ordinance Enforcement Committee is attempting to replace its interpretation of the ordinance and the Dallas Development Code for that of authorized City of Dallas officials. This goes outside the ordinance it proclaims to enforce and infringes on the rights of us as property owners in the Conservation District. Therefore, we respectfully ask the Dallas Board of Adjustment to reaffirm the administrative officials' decisions to approve our plans and issue the building permit.

**Response to the Position Taken by the Appealing Parties:**

The appealing parties take the position that the "house on the property violates the ordinance in several respects." They state the following alleged violations:

- a. The house exceeds two stories above grade in violation of (d)(11) *Stories*;
- b. The driveway is wider than 10 feet and is not behind the rearmost corner of the house in violation of (d)(8) *Driveways and curbing*; and,
- c. The slope of the lot is being removed entirely where the garage sits in violation of (d)(25) *slope*.

In a supplement to the original appeal the appealing parties also take the position that "the subject plans approved for the property also violate (d)(16) *Accessory Structures*, subpart (D).

The appealing parties allege that "the proposed plans for the single-family residence to be built on the Property are for a structure that exceeds two stories above grade" in order to "accommodate a subterranean level that is also not permitted by the BACD ordinance." This is not an accurate description of the proposed plans nor is it an accurate representation of the BACD ordinance. The proposed plans, which were approved through the issuance of the building permit, are for a two story, Prairie style home with a sub-grade garage at street level in compliance with the BACD ordinance and the Dallas Development Code as currently written and approved. Neither the ordinance nor the Dallas Development Code prohibits a sub-grade level of a residential structure. There is no reference to sub-grade levels, or basements in the ordinance. Page 11 of the ordinance defines "stories" as follows:

(11) Stories.

- (A) Maximum number of stories above grade is two stories for Colonial Revival, Craftsman, and Prairie structures. Maximum number of stories above grade is one-and-one half stories for Tudor structures. Maximum number of stories above grade is two stories for noncontributing structures. See Exhibit B.

The ordinance specifically states on page 7 that "unless otherwise stated, the definitions in Chapter 51A apply to this ordinance." The Dallas Development Code Section 51A-2.102 defines "story" as:

(133) STORY means that portion of a building ***between any two successive floors*** or between the top floor and the ceiling above it.

The International Residential Code defines a "story above grade" as:

"Any story having its finished floor surface entirely above grade, except that a basement shall be considered as a story above grade where the finished surface of the floor above the basement is:

1. More than 6 feet (1829 mm) above grade plane.
2. More than 6 feet (1829 mm) above the finished ground level for more than 50 percent of the total building perimeter.
3. More than 12 feet (3658 mm) above the finished ground level at any point."

While the ordinance does not address basements or sub-grade levels, the Dallas Development Code Section 51-A-2.102 provides a definition for a basement. The Dallas Development Code defines "basement" as:

(8) BASEMENT means any level of a building where ***more than one half of the vertical distance between floor and ceiling is below grade.***

Based on these definitions the proposed plans have a maximum of two successive stories above grade with a sub-grade garage, where more than one half of the vertical distance between garage floor and ceiling is below grade. Therefore, there is only one successive floor above the sub-grade garage making the proposed plans consistent with the ordinance as currently written and approved.

The appealing parties further state that "the proposed structure to be built on the property has a partial story that is at least 4 feet above the grade along the west side of the property and at least 3 feet 8 inches above the grade along the north side of the property." They go on to say, "This partial story is in addition to the 2 full stories above it and is included in order to accommodate a partially

subterranean garage." This is inaccurate. The proposed plans do not include a partial story of any height. The house is engineered with a modified pier and beam foundation as part of the green home construction, in which Greenbrook Homes specializes. Neither the ordinance nor the Dallas Development Code prohibits pier and beam foundations. In fact pier and beam foundations are customary in the original homes in the Belmont Addition Conservation District.

The modified pier and beam foundation engineered for this property is designed to eliminate condensation, improve indoor air quality in the home, provide energy efficiency, and appropriately carry the weight load needed for construction of the home. Traditional pier and beam foundations allow condensation to develop, which breaks down the construction materials overtime, prohibits energy efficiency, and seriously deteriorates the indoor air quality.

The 3 feet 8 inches above grade referred to by the appealing parties are the foundation walls. The ordinance states on page 15 that "foundations must be raised **at least 12 inches above grade**. The ordinance does not provide a maximum for foundations above grade nor does the Dallas Development Code provide a maximum. Therefore, the foundation walls are not in violation of the ordinance and do not constitute a "story above grade." The use of a pier and beam foundation is consistent with original homes in the Belmont Addition Conservation District while also achieving a cleaner, greener construction.

The appealing parties state that the driveway is "wider than 10 feet and is not behind the rearmost corner of the house." The ordinance states that "the driveway entry must be between eight and ten feet wide." It further states that "on corner lots, a driveway entry on the side street may be up to 24 feet wide if it is located behind the rearmost corner of the main structure and provides access to a garage." As can be seen on the attached plot plan, in an effort to ensure compliance with the ordinance the driveway entry was modified to a width of 10 feet in October of 2012 and the amendment has been approved by the Director.

The appealing parties also state that they believe the proposed plans to be in violation of the ordinance because "the slope of the lot is being removed entirely where the garage sits." The ordinance states, "A driveway with retaining walls may be cut into the slope of a lot provided that the driveway is straight." The proposed plans include a straight driveway with retaining walls cut into the slope of the lot to allow access to the sub-grade garage with entrance at street level. Exhibit B to the ordinance states that the provision addressing "slope" is to "prevent the leveling of steep properties, which can create environmental concerns such as erosion and water run-off to other properties. It also prevents raising individual properties above neighboring properties, which can also present the same type of environmental concerns." The proposed plans are not in violation of the ordinance as the slope has not been removed beyond that allowed by the ordinance for straight driveways with retaining walls. Furthermore, the cut into the slope for the driveway does not create environmental concerns

such as erosion and water run-off to other properties. The construction actually improves the drainage of the lot and prevents erosion and water run-off.

As to the side yard setback requirements for "accessory structures," the ordinance states in (d)(16) subpart (D) that "the minimum side yard setback for garages that enter from a side street is 20 feet." As can be seen on the attached property survey dated November 6, 2012, the side yard setback on the West side of the property for the garage is 20.15 feet. Therefore, the side yard setback for the garage is consistent with the requirement as stated in the ordinance.

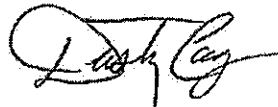
### Summary

As the proposed plans are consistent with the BACD ordinance and the Dallas Development Code as written, we respectfully ask that the Board of Adjustments reaffirm the decision of the administrative official and building official in the issuance of the building permit for the single-family residence at 5902 Goliad Ave., Dallas, TX 75206.

Respectfully submitted,



Brittany Bailey



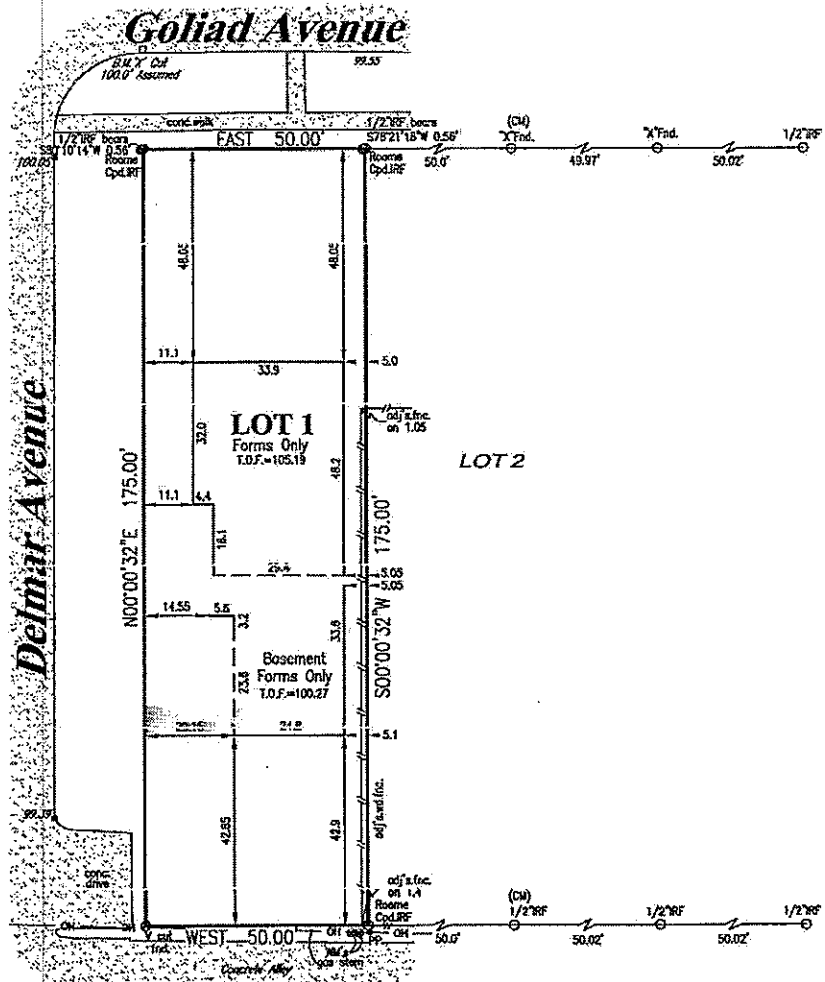
James D. Cooper

**PROPERTY DESCRIPTION**  
 Address: 5902 Goliad Avenue, Being Lot 1, in Block 14/1900, of Belmont Addition, an Addition to the City of Dallas, Dallas County, Texas, according to the Map/Plat thereof recorded in Volume 124, Page 16, of the Map Records, of Dallas County, Texas.

**Roome Land Surveying, Inc.**  
 2000 Avenue G, Suite 810  
 Plano, Texas 75074  
 Phone (972) 423-4372 / Fax (972) 423-7523  
 www.roomesurveying.com



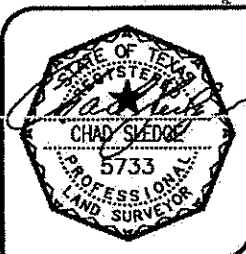
SCALE: 1" = 30'



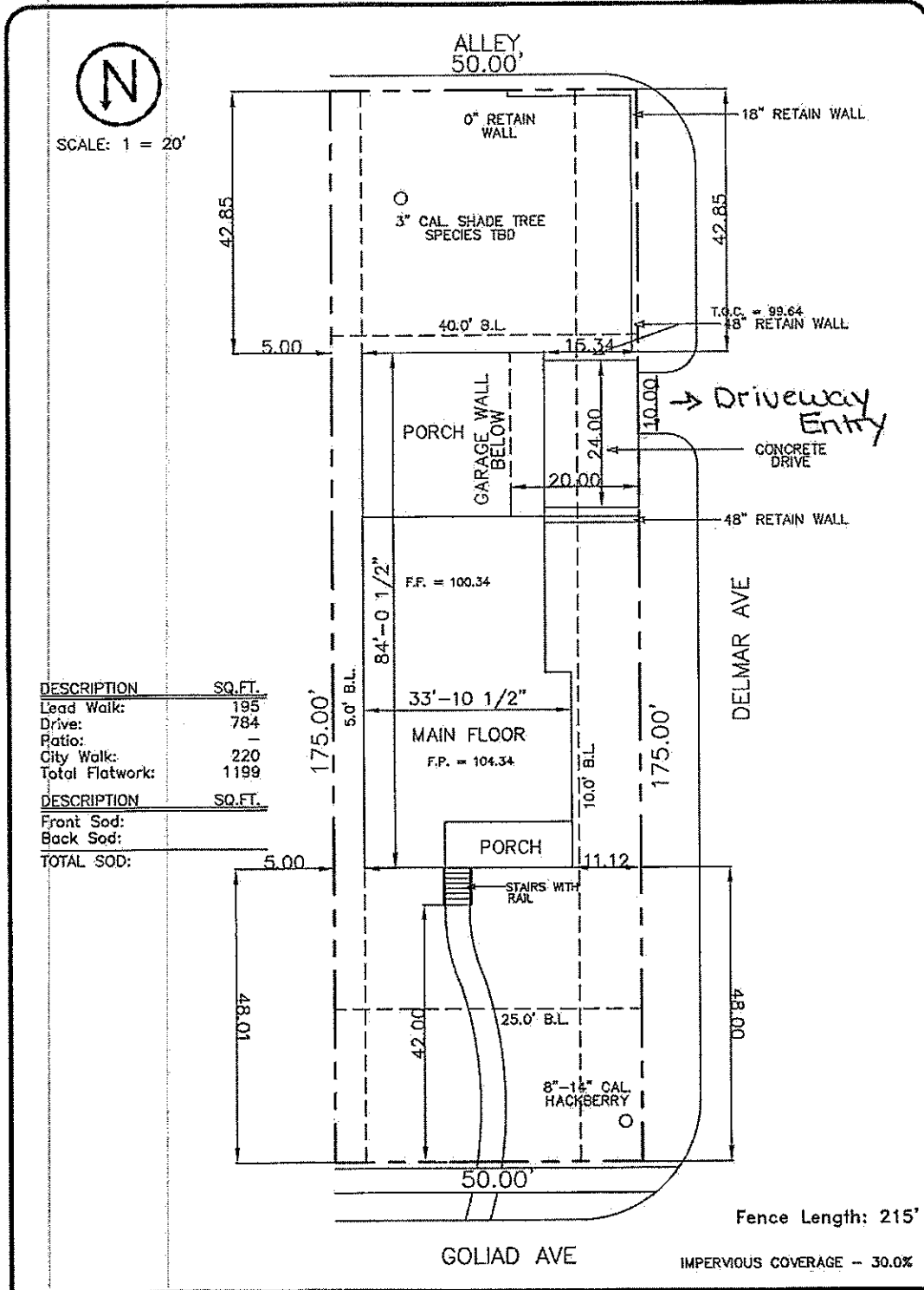
LEGEND  
 [Symbol] = [Description]

**NOTES:** (1) Source bearing is based on recorded plat unless otherwise noted. (2) (CM) = Controlling monument. (3) Surveyor's signature will appear in red ink on original copies. (4) Drainage arrows, if shown, were determined by elevations shown hereon. (5) Subject property is affected by any & all notes, details, easements & other matters, that are shown on or as part of the recorded plat. (6) Survey performed without a title commitment.

**CERTIFICATION**  
 On the basis of my knowledge, information & belief, I certify to Greenbrook Homes, L.L.C. that as a result of a survey made on the ground to the normal standard of care of Registered Professional Land Surveyors practicing in the State of Texas, I find the plat hereon is true, correct & accurate as to the boundaries of the subject property & if shown, location & type of buildings & visible improvements hereon.



Date: 11/6/2012 Revised: \_\_\_\_\_ Job No. LB102533



DESCRIPTION	SQ.FT.
Lead Walk:	195
Drive:	784
Ratio:	-
City Walk:	220
Total Flatwork:	1199

DESCRIPTION	SQ.FT.
Front Sod:	-
Back Sod:	-
TOTAL SOD:	-

IT IS THE BUILDING SUPERINTENDANT'S RESPONSIBILITY TO ENSURE THE CORRECTNESS OF THIS PLOTPLAN BEFORE PROCEEDING WITH CONSTRUCTION. IF THERE ARE ANY ERRORS AND/OR OMISSIONS THEY ARE TO BE BROUGHT TO THE ATTENTION OF PRECISION DESIGNS SO AS THEY MAY BE CORRECTED. THIS INCLUDES, BUT IS NOT LIMITED TO: HOME OWNERS ASSOCIATION REQUIREMENTS, ARCHITECTURAL REVIEW COMMITTEE APPROVAL, SPECIAL SITE AND DRAINAGE CONDITIONS, EASEMENTS, BUILDING SETBACKS, AND OTHER RESTRICTIONS THAT APPLY TO THE PROPERTY.

(P.P.) INDICATES THAT BUILDING LINES, EASEMENTS, R.O.W.'S, ETC. AS SHOWN HEREON ARE PER PLAT SUPPLIED.

**PRECISION DESIGNS**  
 An architectural services company

3604 BRAEWOOD DRIVE  
 MCKINNEY, TX. 75070  
 PHONE: 214.227.7527  
 FAX: 214.227.7935

SUBDIVISION : <b>BELMONT ADDITION</b>		DATE : <b>10/30/12</b>
SUBDIVISION : <b>BELMONT ADDITION</b>		JOB # :
ADDRESS : <b>5902 GOLIAD AVE</b>		
LOT : <b>1</b>	BLOCK : <b>14/1900</b>	
CITY : <b>DALLAS, TX</b>		
PLAN # :	DRAWN BY : <b>PDI</b>	

## Abstract

Conditioned crawl spaces perform better than vented crawl spaces in terms of safety, health, comfort, durability and energy consumption. Conditioned crawl spaces also do not cost more to construct than vented crawl spaces. Existing vented crawl spaces are experiencing serious moisture and mold problems and are costing builder's and homeowners significant resources to repair. Despite the obvious problems with existing vented crawl spaces and the obvious benefits of conditioned crawl spaces there is not a significant trend towards the construction of conditioned crawlspaces. One of the reasons typically cited by builders and designers is "the code does not allow me to build unvented crawl spaces". This is both generally correct and misleading. The model codes do not allow the construction of "unvented" crawl spaces – except in very limited circumstances, but they do allow the construction of "conditioned" crawl spaces. The distinction is important and necessary. Four conditioned crawl spaces were constructed and monitored over a 12 month period. The data is presented and used to support the current code requirements for the construction of conditioned crawl spaces.

## Background

Crawl space venting is generally viewed as good practice despite the obvious moisture problems that occur when outside air with a dew point higher than interior crawl space surface temperature is permitted to enter a crawl space. Unvented, conditioned crawl spaces with insulation on the perimeter solve this problem. Unvented, conditioned crawl spaces with insulation on the perimeter perform better in terms of safety and health (pest control), comfort (warm floors, uniform temperatures), durability (moisture) and energy consumption than passively vented crawl spaces with sub floor insulation.

Perimeter insulation rather than floor insulation performs better in all climates from an energy conservation perspective. The crawl space temperatures, dew points and relative humidities track that of the house. Crawl spaces insulated on the perimeter are warmer and drier than crawl spaces insulated between the crawl space and the house. Cold surfaces that can condense water are minimized when crawl spaces are conditioned.

Wintertime ventilation makes crawl spaces colder and increases the heat loss from the home – venting crawl spaces wastes energy, and can lead to freezing pipes and uncomfortable floors.

Crawl spaces should be designed and constructed as mini-basements, part of the house – within the conditioned space. They should be insulated on their perimeters and should have a continuous sealed ground cover such as taped polyethylene. They should have perimeter drainage just like a basement when the crawl space ground level is below the ground level of the surrounding grade.

## Constructing Conditioned Crawl Spaces

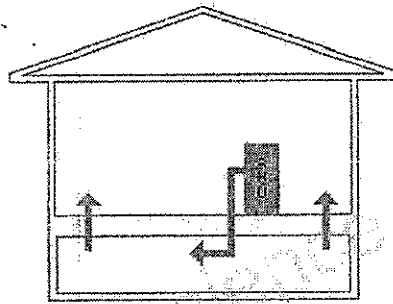
Crawl spaces should be designed and constructed to be dry. A dry crawl space is less likely to have pests and termites and mold. A dry crawl space is therefore safer and healthier than a wet crawl space. Crawl spaces must control rainwater, groundwater and provide drainage for potential plumbing leaks or flooding incidents (Figure 1).

Crawl spaces must always have a drying mechanism. One of the most effective ways to provide a drying mechanism to a crawl space is to condition a crawl space by heating and cooling the crawl space as if the crawl space is included as part of the home. Air must be supplied to the crawl space from the home in order to provide this conditioning. This air can be returned back to the home or it can be exhausted (Figure 2, Figure 3, Figure 4 and Figure 5). Crawl spaces can also be included as part of the home (conditioning them) by connecting them to conditioned basements (Figure 6 and Figure 7).

Crawl spaces must always have a ground cover that prevents evaporation of ground moisture into the crawl space. There are many ways to provide a durable ground cover or liner. The option used depends on the resources available, the frequency of people entering the crawl space to either store possessions or to maintain equipment. One of the

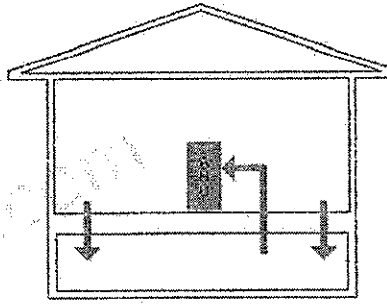


Attach B  
p3 to



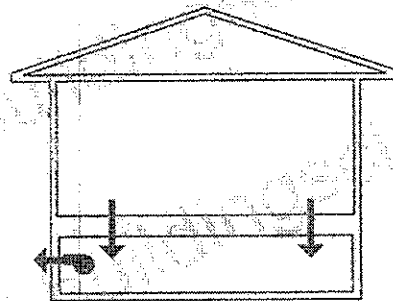
**A: Supply air to crawlspace**

- Minimum 2-4"x8" transfer grilles **to** house
- 20 cfm of flow per 1,000ft<sup>2</sup> of crawlspace
- Air handler cycled at 5 minutes per hour



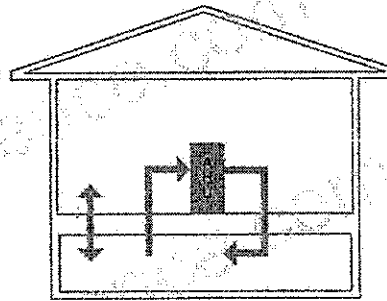
**C: Return air from crawlspace**

- Minimum 2-4"x8" transfer grilles **from** house
- 20 cfm of flow per 1,000ft<sup>2</sup> of crawlspace
- Air handler cycled at 5 minutes per hour



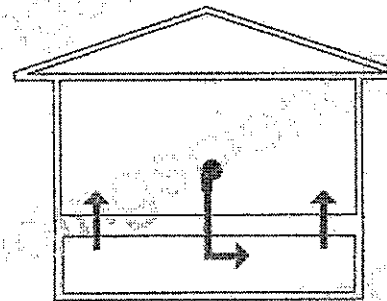
**B: Exhaust fan in crawlspace**

- Transfer air **from** house
- 20 cfm of flow per 1,000ft<sup>2</sup> of crawlspace
- Fan sized at ASHRAE 62:2 whole house flow rates:  
7.5 cfm/person + 0.01 cfm/ft<sup>2</sup> of conditioned area
- For a 2,000ft<sup>2</sup> 3 bedroom house with 4 occupants:  
4 x 7.5 cfm = 30 cfm  
2,000ft<sup>2</sup> x 0.01 cfm = 20 cfm  
30 cfm + 20 cfm = 50 cfm (i.e. 50 cfm exhaust fan)
- Fan runs continuously



**D: Supply and return to crawlspace**

- Minimum 2-4"x8" transfer grilles **from** house through floor to equalize air pressure
- 20 cfm of flow per 1,000ft<sup>2</sup> of crawlspace
- Air handler cycled at 5 minutes per hour



**E: Supply air to crawlspace**

- Minimum 2-4"x8" transfer grilles **to** house
- 20 cfm of flow per 1,000ft<sup>2</sup> of crawlspace

**Figure 2**  
**Conditioning Crawlspaces**

BOA 112-120

Attach B

PS 11

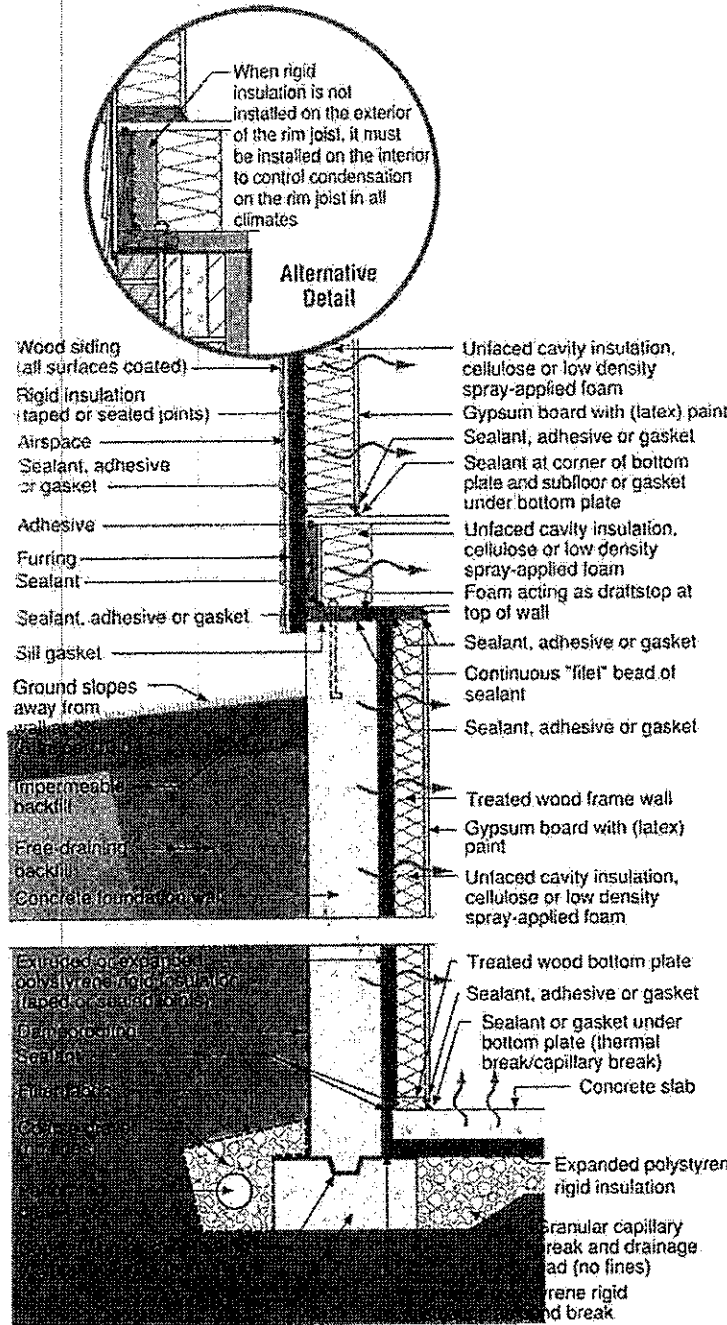


Figure 10: Rigid Insulation/Frame Wall

- Cold concrete foundation wall must be protected from interior moisture-laden air in summer and winter
- Rigid insulation continuous behind wood frame wall
- Rigid insulation is vapor semi-impermeable or vapor semi-permeable (foil facing or plastic facing not present)
- Wood frame wall cavity to be insulated with unfaced fiberglass or damp spray cellulose
- No interior vapor barrier installed



**Belmont Addition Conservation District**  
Est. 1893

November 30, 2012

Mr. Todd Duerksen  
320 E. Jefferson Blvd.  
Room 105  
Dallas, Texas

Re: 5902 Goliad Ave., Dallas, Texas in violation of Belmont Addition Conservation District Ordinance

Dear Todd:

Please consider this letter a supplement that should be included in the Belmont Addition Conservation District ("BACD") appeal packet for 5902 Goliad Avenue, Dallas, Texas 75206 of the plans approved by Diana Lowrance, an employee in the Sustainable Development & Construction Department of the City of Dallas, submitted by Justin Milam at Greenbrook Homes on September 26, 2012 for a single-family residence to be built at 5902 Goliad Avenue, Dallas, Texas 75206 (the "Property").

**History of Plan review for 5902 Goliad**

**A. Baron Custom Homes' Previous Plans Denied due to Garage Location:**

On July 25, 2011, Jeff Baron with Baron Custom Homes ("Baron") submitted plans for the construction of a 2 ½ story Prairie home to be built at 5902 Goliad. The plans submitted by Baron included a partially exposed "subterranean" level with an attached garage that had 2 stories of living space over the garage. A copy of Baron's July 25, 2011 application is attached hereto as Exhibit "7." On August 23, 2011, Margaret Fiskell, an employee of the Sustainable Development & Construction Department of the City of Dallas, denied Baron's plans because "garage must be behind main house & drive must have retaining walls on each side." A copy of the City's denial dated August 23, 2011 is attached as Exhibit "8." As these Exhibits show, one year earlier, Baron submitted plans to build essentially the same house that was approved by Diana Lowrance in August of 2012, and the same department, Sustainable Development & Construction, denied Baron's plans for one of the same reasons BACD asserts in this appeal.

5901 Palo Pinto Avenue - Dallas, Texas 75206



**Belmont Addition Conservation District**  
**Est. 1893**

**B. Greenbrook Homes Re-submits Baron's Plans (denied again – for a different reason this time):**

On August 24, 2012, Justin Milam re-submitted the plans Baron had previously submitted. These plans were again denied on August 24, 2012, this time because the home exceeds two stories above grade. A copy of the denial is attached as Exhibit "9." Again, the plans were originally denied for one of the reasons BACD asserts in this appeal.

**C. Greenbrook Homes submits new plans (approved and the subject of this appeal):**

On August 30 and September 7, 2012, Justin Milam re-submitted his application to the City. The revised plans, which are attached as Exhibit "10," include removal of the windows in the subterranean level, removal of one of the stories above the garage portion of the home and revision the width of the portion of the driveway that extends into the parkway from 26 feet to 24 feet wide. Those plans were approved with conditions on September 10, 2012 by Diana Lowrance. A copy of the September 10, 2012 approval is attached as Exhibit "11."

On September 4, 2012 and again on September 5, 2012, before the plans made the subject of this appeal were approved, Diana Lowrance raised two issues with LaShondra Holmes, her supervisor: (1) the living space above the garage means that the garage is not "located behind the rearmost corner of the main structure;" and (2) the driveway width of 24 feet is only permitted if the garage is located behind the rearmost corner of the main structure. See Exhibit "12." Ms. Lowrance also suggested that the City require Greenbrook Homes to supply a topographical map to demonstrate that the house could actually be built on the lot as represented. See Exhibit "13." No such map was submitted. Apparently, Ms. Lowrance's efforts to follow the BACD ordinance in reviewing the subject plans were ignored or rebuffed by those higher up in her department. See also Exhibit "14," an email between LaShondra Holmes and Theresa O'Donnell, demonstrating that Ms. O'Donnell had input on the approval of the subject plans.

After the Owners and Greenbrook Homes met with BACD and after representatives of BACD met with city staff, Justin Milam submitted yet another set of revised plans on November 19, 2012 – these new plans further reduce the portion of the driveway extending into the parkway from 24 feet to 10 feet. A copy of the November 19, 2012 plans are attached as Exhibit "15." These plans were approved on that same date by Diana Lowrance, and a copy of the approval is attached as Exhibit "16." See also Exhibit "17," an email between Ms. Bailey and LaShondra Homes indicating that Ms. Holmes suggested the 10 foot driveway as a solution to the issues raised by BACD. Apparently, the City is taking the position that if the portion of the driveway in the parkway is 10 feet and the rest of the driveway on the property is 24 feet on an



## **Belmont Addition Conservation District**

### **Est. 1893**

attached garage, then the 10 foot limitation set forth in the BACD ordinance has been met. This interpretation is particularly contortionistic, lacks common sense, and ignores the letter and spirit of the BACD ordinance.

### **City Staff's Interpretation of the BACD Ordinance in this Case is Completely Inconsistent with Prior Interpretations by City Staff of the BACD Ordinance**

#### **A. Definition of "Story"**

The BACD ordinance limits the number of stories on Tudor homes to 1 ½ stories. See (d)(11) o Exhibit "6," the BACD Ordinance. The BACD ordinance states that "one-and-one-half stories means that the space within the roof structure of a main structure has been converted to livable space." In contravention of the clear language of the BACD ordinance, since the inception of the BACD ordinance, city staff has maintained that on Tudor style homes the definition of 1 ½ stories means a pony or partial wall above the level of the first-floor ceiling. As an example, in 2009, city staff approved the plans for 5910 Velasco, which is located within BACD. That structure was a two-story Tudor home, with an approximate 5 foot partial wall located above the ceiling of the first story. See Exhibit "29." In this instance, the city contended that the 5 foot partial wall was half of a story. BACD disagrees with this interpretation by the city; but in any event, this interpretation – that 4 to 6 feet of wall located above the first story of a Tudor home is a half story – is completely inconsistent with the city's interpretation on the property made the subject of this appeal. Essentially, the city defines a partial story on Tudor homes to include the space between the ceiling of the first floor and the roof, but on a Prairie home, the same amount of space located below the first story is not considered a story. There is no support in the BACD ordinance for either interpretation, but even assuming *arguendo* that the ordinance is ambiguous, the city has applied two completely inconsistent definitions of the term "story" within the same ordinance.

#### **B. Location of Garages on Side Streets**

Further, the interpretation regarding side street garage location that city staff is now applying in this case goes against years of interpretations to the contrary – since the BACD ordinance was passed, the city has required garages located on side streets with driveways wider than 10 feet to be behind the rearmost part of the main structure. As a practical matter, all new garages have driveways wider than 10 feet in order to accommodate two-car garages. The homes located at 5946 Velasco, 5947 Velasco, 5947 Palo Pinto, 6002 Palo Pinto, 5946 Belmont and 6002 Belmont have all had new garages built with side-street access since the BACD ordinance was passed. In each instance, the city required that the garages be located behind the main structure. Four of the six of these homes are new construction. Photos of these six properties are attached as Exhibit "28." The interpretation that the city is now giving

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## **Belmont Addition Conservation District**

**Est. 1893**

the BACD ordinance in this case regarding location of the garage is contrary to the interpretation the city has applied since 2004 when the BACD ordinance was passed. In fact, it is inconsistent with its prior decisions on this very property. See Exhibit "8."

### **BACD's Efforts to Avoid and/or Resolve this Dispute**

The origin of this dispute goes back to when Baron owned 5902 Goliad and the home Baron built at 5946 Palo Pinto starting in the fall of 2011.

BACD has a number of elevated lots, some more than 7 feet above the street level. The lot at issue is 4 feet above street level. In the history of BACD (even before it was a conservation district), there had never been a structure built into the side of one of these elevated lots. Baron proposed to build a subterranean level below grade at 5946 Palo Pinto in the fall of 2011. 5946 Palo Pinto sits approximately 5-7 feet above street level. The plans he submitted and had approved represented that the entire basement level would be below grade. As Baron built the Palo Pinto house, it became clear that the subterranean level would extend 5 feet above grade. BACD objected vehemently. BACD raised its objections with city staff and Baron. Baron then submitted new plans to reflect what he actually built, and Margaret Fiskell with the Sustainable Development & Construction Department of the City of Dallas approved those plans on March 14, 2012. A copy of the 5946 Palo Pinto 'as built' plans are attached as Exhibit "18."

BACD continued to object to the blatant violations of its ordinance; however, as this subterranean level was a new issue for BACD and as Baron's house at 5946 Palo Pinto was well underway by the time it became clear that it would exceed the 2-story above grade maximum requirement set forth in the BACD ordinance, BACD reached a settlement with Baron on March 25, 2012, that (a) provided additional consideration (above and beyond what City Code required for the lot in terms of landscaping and other items) and (b) prohibited Baron from building a like house anywhere else in BACD. A copy of the settlement agreement between Baron and BACD is attached as Exhibit "19." At the time, Baron owned 5902 Goliad.

Contractually bound not to build a house at 5902 Goliad that had a partially subterranean level as the 5946 Palo Pinto house did, Baron sold the lot at 5902 Goliad to the current owners, who found a new builder to do what Baron could not.

In the summer of 2012, when the current owners of 5902 Goliad began site work on the Property, members of the BACD Ordinance Enforcement Committee made repeated efforts to reach out to the new builder, Greenbrook Homes, the owners, and city staff regarding the subterranean issue, without any success:

**5901 Palo Pinto Avenue · Dallas, Texas 75206**



## **Belmont Addition Conservation District**

**Est. 1893**

- **August 21, 2012:** BACD emailed Greenbrook Homes in an attempt to make the new builder aware of the issues presented in this appeal and begin a dialogue with said builder. See Exhibit "20."
- **August 21, 2012:** Greenbrook Homes did not respond to BACD. Instead, Ms. Bailey, the owner of 5902 Goliad, sent a response that made no effort to discuss or come to a resolution to this dispute. See Exhibit "21."
- **August 22, 2012:** BACD responded to Ms. Bailey, again attempting to discuss the issues now presented in this appeal. She refused to meet with BACD. See Exhibit "21."
- **August 21, 2012:** BACD first emailed and called Margaret Fiskell, the planner who routinely reviewed plans for BACD. Ms. Fiskell directed BACD to her supervisor, LaShondra Holmes. See Exhibit "22."
- **August 22, 2012:** BACD sent a detailed email to Ms. Homes, the Chief Planner with the Sustainable Development & Construction Department of the City of Dallas, on August 22, 2012, detailing BACD's concerns and objections, providing her background information about BACD's dispute with Baron and supplying her with a copy of the BACD-Baron Settlement Agreement. See Exhibit "23." BACD received no substantive response from city staff.
- **October 3-11 2012:** Once the plans were approved by the City, BACD again attempted to resolve these disputes. On October 3, 2012, BACD sent questions about the plans to Ms. Holmes, the owners and Greenbrook Homes. BACD received no response, but on October 11, 2012, Ms. Bailey sent an email to BACD threatening litigation and criminal prosecution and claiming that some un-named person had visited her property and discussed the construction plans with her builder. BACD responded on that same date, by asking again for a meeting. Ms. Bailey agreed to meet, not to try to reach an agreement, but merely to explain her entrenched position. See Exhibit "24."
- **October 18, 2012:** Several members of the BACD Ordinance Enforcement Committee met with the owners and Greenbrook Homes on October 18, 2012. BACD offered several suggestions for the subject property that would be agreeable to BACD. While the owners exhibited no real interest in making changes to their plans, the builder stated that he had several ideas and offered to provide them with color elevations to BACD the following week in an effort to resolve this dispute. No such plans were ever sent to BACD, and when BACD inquired about receiving them,

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## **Belmont Addition Conservation District**

**Est. 1893**

Ms. Bailey responded by asking for a copy of the BACD Enforcement Committee's notes from the meeting and a proposal from BACD. See Exhibit "24." See also Exhibit "25," wherein BACD reiterated potential solutions to this dispute.

- Members of the BACD Ordinance Enforcement Committee met with city staff, including LaShondra Holmes and Diana Lowrance, on October 15, 2012. BACD never received any response from city staff after that meeting.

From the history of plans submitted for 5902 Goliad, it is clear that:

1. The placement of the garage – attached to the house instead of being "located behind the rearmost corner of the main structure" – was the basis of denial for almost identical plans submitted by Jeff Baron in 2011. See Exhibits "7" and "8."
2. City staff considers the portion above grade that exceeds 2 stories a "story" when there are two additional stories above the partially subterranean garage but not when that same portion above grade is below the 2 stories of the main house. See Exhibits "8," "9," and "11." In other words city staff applies whatever definition of "story" that will allow a structure to be approved.

Finally, it should be noted that all of the decisions outlined herein by city staff (who are not the Building Official) were clearly interpretations of the BACD Ordinance. BACD sent a request under the Texas Public Information Act on October 24, 2012, which included a request for *"all communications, including without limitation emails, letters, facsimiles, text messages, and instant messages, between employees and/or representatives of employees of the City of Dallas and the City of Dallas Building Official related to the Property."* See Exhibit "27." No documents were produced by the city responsive to this request, indicating that the Building Official did not make any interpretation of the BACD ordinance.

On behalf of the BACD, I respectfully request that the Board overturn city staff's decisions to approve the subject plans and issue the subject building permit for the reasons set forth in our October 11, 2012, appeal, our October 27, 2012, supplement, as well as this supplement thereto. Should you have any questions or need further information, please feel free to contact me.

Thank you for your consideration.

**5901 Palo Pinto Avenue · Dallas, Texas 75206**





BDA 112-120  
Attach C  
Pg 7

**Belmont Addition Conservation District**  
Est. 1893

Sincerely,

A handwritten signature in black ink, appearing to read 'Melissa Kingston', written over the word 'Sincerely,'.

Melissa Kingston

Chair, BACD Ordinance Enforcement Committee

5901 Palo Pinto Avenue

Dallas, Texas 75206

(214) 642-1366

[belmontaddition@yahoo.com](mailto:belmontaddition@yahoo.com)

Enclosures as stated.

cc: BACD Ordinance Enforcement Committee  
Ms. LaShondra Holmes  
Ms. Brittany Bailey

5901 Palo Pinto Avenue · Dallas, Texas 75206

**DEPARTMENT OF SUSTAINABLE DEVELOPMENT & CONSTRUCTION**  
**CONSERVATION DISTRICT WORK REVIEW FORM**

Please provide the following information. If you have any questions or need additional information, please contact City of Dallas Building Inspection at 214-948-4480.

Submit this form and two copies of each applicable site plan, elevations, and specification sheets to the Permit Center, Room 118, 320 E. Jefferson, Dallas TX 75203. Please print.

Date:	<u>7/25/11</u>	Conservation District:	<u>Belmont #12</u>
Property Address:	<u>5902 Goliad</u>		
Applicant Name:	<u>Jeff Baron</u>	Phone #:	<u>214-256-5835</u>
Applicant Address:	<u>6203 Vanderbilt</u>	Fax#:	<u>214-206-1858</u>
e-mail:	<u>jeff@jeffbaronhomes.com</u>		
Architecture Style (if applicable):	<u>Prairie</u>		
Description of Proposed Work:	<u>new single-family residence</u>		

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

The proposed work is:

- Approved as submitted – meets development and design standards.
- Approved with the following conditions / comments: \_\_\_\_\_

Denied. Application does not meet the following requirements: See attached Denial sheet.

REVIEWED BY: \_\_\_\_\_

DATE RECEIVED: 7-25-2011 DATE REVIEWED: 8-23-2011

BUILDING PERMIT REQUIRED: Yes / No  
form updated 100109



Copy to: applicant and file

## 5902 Goliad Belmont CD #12

Front yard Setback	42'		
East side	5'		
West side	10'		
Garage setback	20'		
Building height	28'11"		
Lot coverage	40% max	- actual 26.9%	27%
Front Porch	240 sq ft		
Back Porch	327 sq ft		
Side Porch	93 sq ft		
1 <sup>st</sup> Floor	1,693 sq ft		
TOTAL	2,353 sq ft		

### Notes:

Garage located to the rear of the main structure with existing approach. 24' maximum approach width

Lot dimension 50 x 175 = 8750

Roof - 5/12 = 22.62 , Overhangs 3', Clay tile

Windows – muntins expressed with multi-pane upper, double-hung

### Prairie style features:

- ✓ 1. Contrasting caps on porches & railings
- ✓ 2. Decorative trim under enclosed eaves
- ✓ 3. Flattened pedestal urns
- ✓ 4. Massive square masonry porch supports
- ✓ 5. Tile roof
- ✓ 6. Window boxes

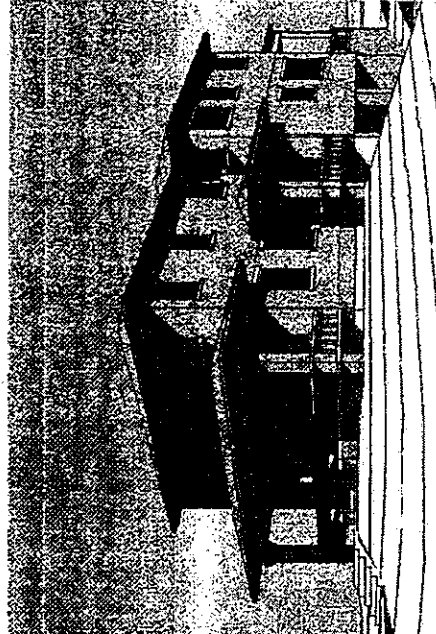
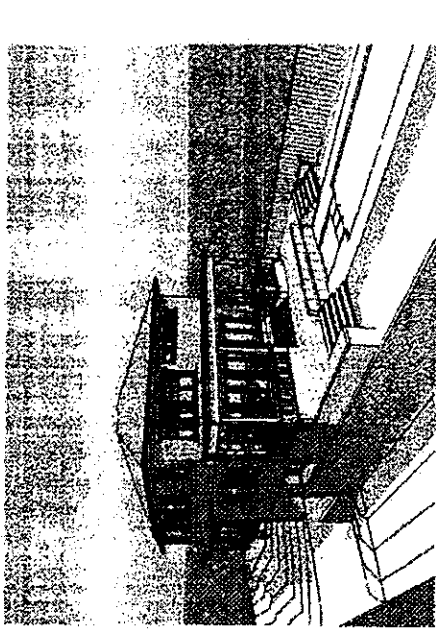
**Conceptual Design**  
 5902 Gollad Avenue  
 Dallas, Texas 75206

**Jeff Baron Homes**  
 8009 Henderson Avenue  
 Dallas, Texas 75208  
 Tel: 214-268-0936

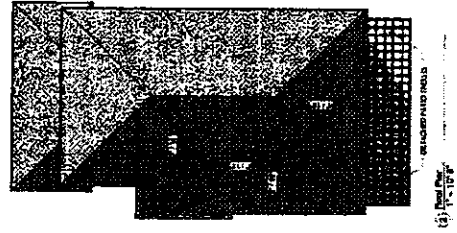
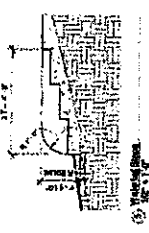
**JLB**

**Jurie Latvins, Architect**  
 4977 Dallas Avenue  
 Dallas, Texas 75244  
 Tel: 469-428-2711

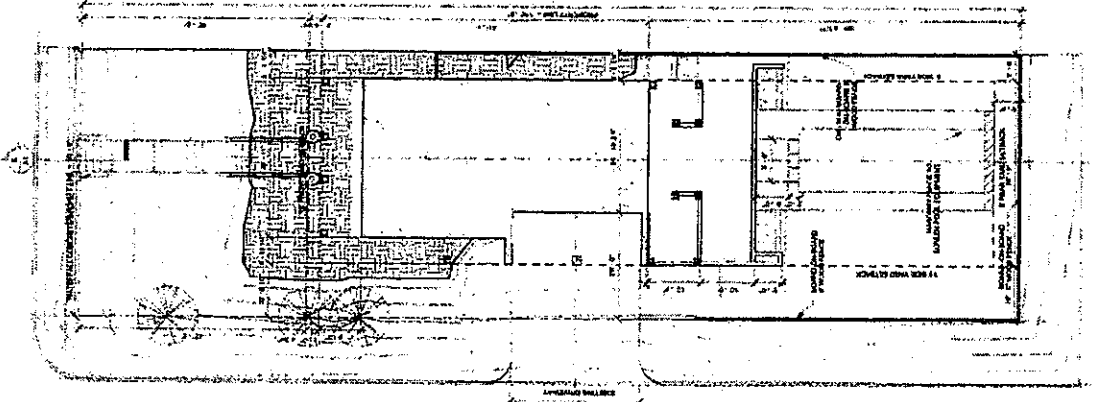
**Site Plan**  
**A1**  
 AND 01/10/11



Area	Area Type	Area
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2000	Office Building Area	2000 SF
3000	Office Building Area	3000 SF
4000	Office Building Area	4000 SF
5000	Office Building Area	5000 SF
6000	Office Building Area	6000 SF
7000	Office Building Area	7000 SF
8000	Office Building Area	8000 SF
9000	Office Building Area	9000 SF
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20000	Office Building Area	20000 SF



**DENIED**  
 DATE: 2/23/2011  
 BY: [Signature]  
 FOR: 2011-02-23/2011-02-23  
 REASON: [Text]



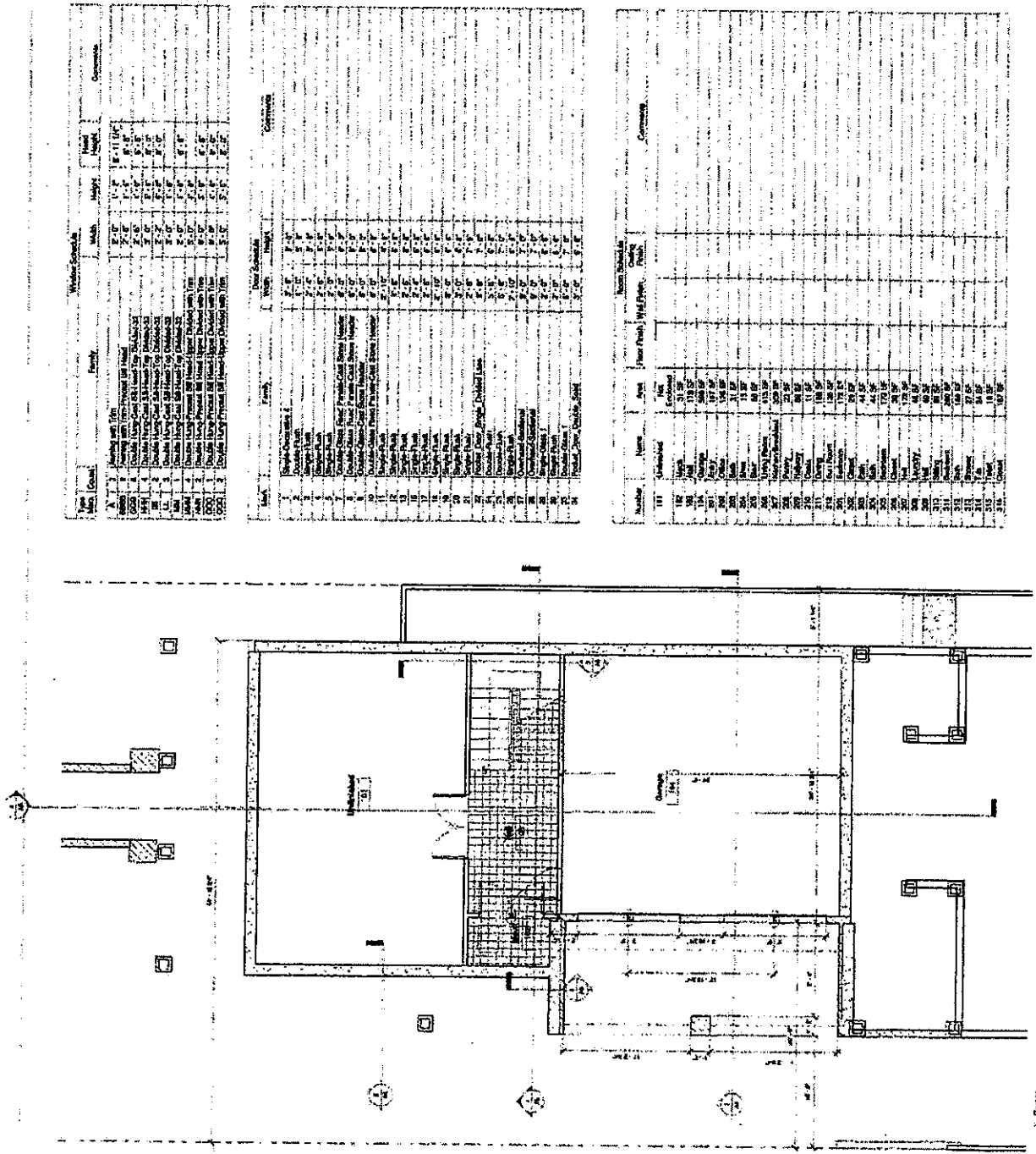
Garage Plan  
 A2  
 04/28/2011

**Conceptual Design**  
 5902 Goliad Avenue  
 Dallas, Texas 75206

Jeff Baron Homes  
 6223 Vandeventer Avenue  
 Dallas, Texas 75206  
 P 214-256-6935

Julia LeVine, Architect  
 1207 South Avenue  
 Dallas, Texas 75215  
 P 214-682-2711

THIS SHEET IS A PART OF A SET OF ARCHITECTURAL DRAWINGS. IT IS NOT TO BE USED SEPARATELY FROM THE SET. THE ARCHITECT ASSUMES NO LIABILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREON. THE USER OF THIS SHEET SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THE ACCURACY OF ALL INFORMATION PROVIDED HEREON. THE ARCHITECT'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED HEREON. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED HEREON. THE ARCHITECT'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED HEREON. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED HEREON.



Item	Quantity	Unit	Notes	Comments
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35	1	EA	INTERIOR	
36	1	EA	MECHANICAL	
37	1	EA	ELECTRICAL	
38	1	EA	PLUMBING	
39	1	EA	FINISHES	
40	1	EA	LANDSCAPE	
41	1	EA	EXTERIOR	
42	1	EA	INTERIOR	
43	1	EA	MECHANICAL	
44	1	EA	ELECTRICAL	
45	1	EA	PLUMBING	
46	1	EA	FINISHES	
47	1	EA	LANDSCAPE	
48	1	EA	EXTERIOR	
49	1	EA	INTERIOR	
50	1	EA	MECHANICAL	
51	1	EA	ELECTRICAL	
52	1	EA	PLUMBING	
53	1	EA	FINISHES	
54	1	EA	LANDSCAPE	
55	1	EA	EXTERIOR	
56	1	EA	INTERIOR	
57	1	EA	MECHANICAL	
58	1	EA	ELECTRICAL	
59	1	EA	PLUMBING	
60	1	EA	FINISHES	
61	1	EA	LANDSCAPE	
62	1	EA	EXTERIOR	
63	1	EA	INTERIOR	
64	1	EA	MECHANICAL	
65	1	EA	ELECTRICAL	
66	1	EA	PLUMBING	
67	1	EA	FINISHES	
68	1	EA	LANDSCAPE	
69	1	EA	EXTERIOR	
70	1	EA	INTERIOR	
71				

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND THE LATEST EDITIONS OF THE INTERNATIONAL MECHANICAL AND ELECTRICAL CODES.

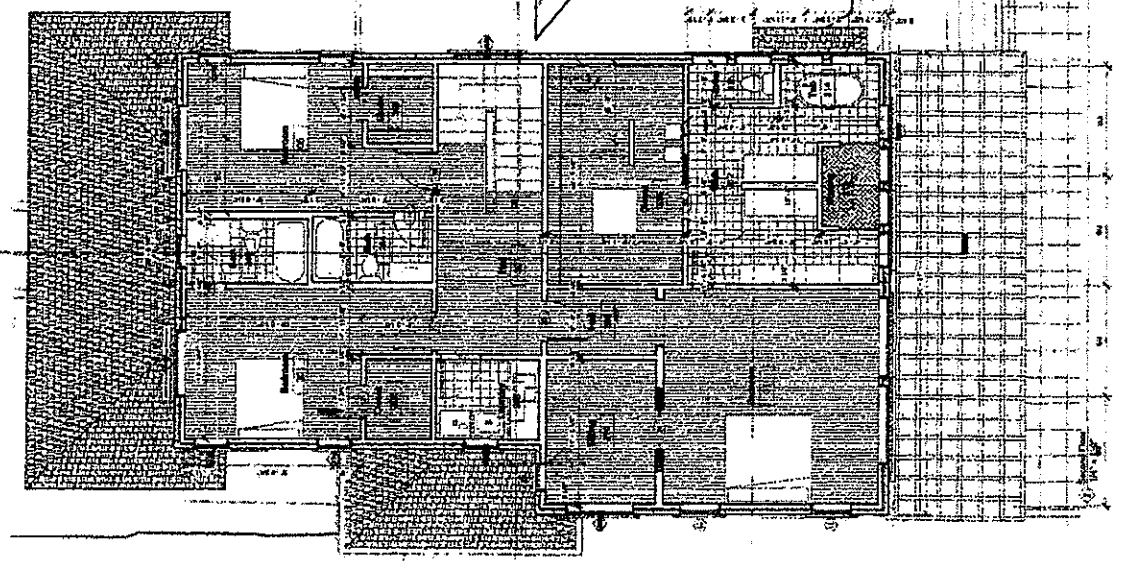
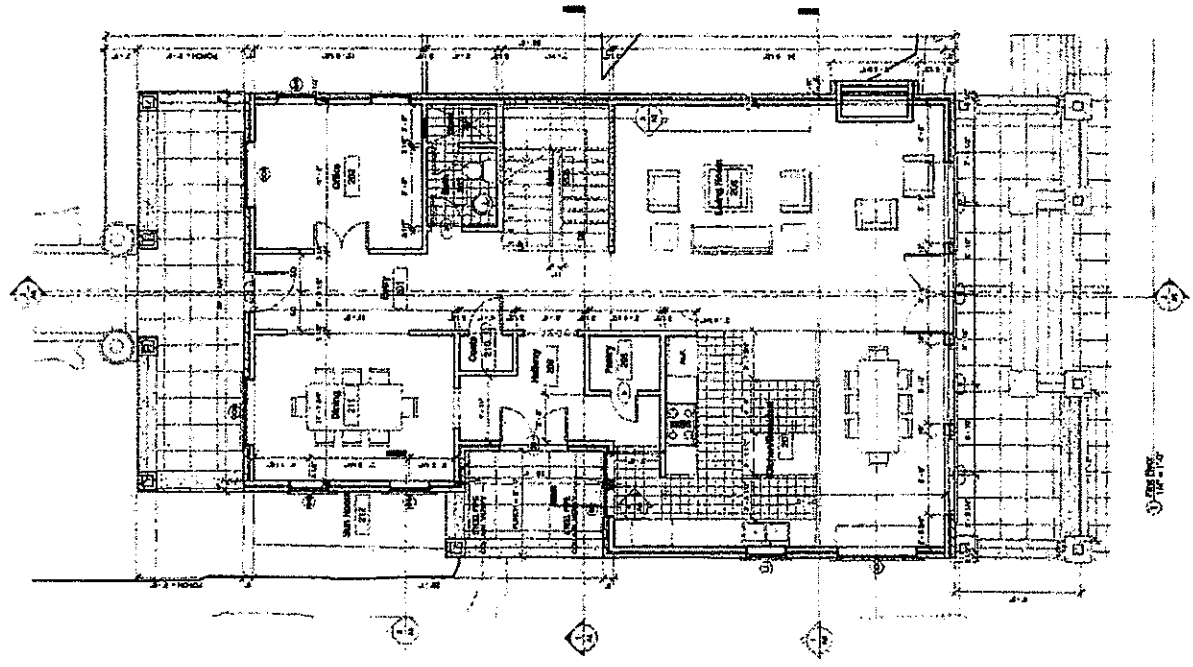
Jane Lavins, Architect  
4007 Bella Avenue  
Dallas, Texas 75206  
214-256-0711

Jeff Barron Homes  
4007 Bella Avenue  
Dallas, Texas 75206  
214-256-6935

Conceptual Design  
5902 Goliad Avenue  
Dallas, Texas 75206

Floor Plans

A3



**DENIED**  
Date: 7-23-2011  
Project: 112-120  
Sheet: 03 of 03

Elevations

A4  
 APR 22, 2014

5902 Gollard Avenue  
 Dallas, Texas 75205

**Conceptual Design**

Jeff Bacon Homes  
 6003 VandenBark Avenue  
 Dallas, Texas 75206  
 P: 214-250-6255

Juna Layton, Architect  
 4607 South Avenue  
 Dallas, Texas 75204  
 214-828-2711

**DENIED**  
 DATE: 1-23-14  
 BY: [Signature]  
 FOR: [Signature]  
 REASON: [Signature]

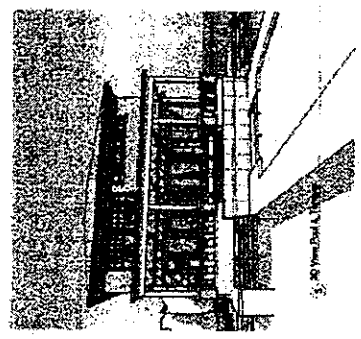
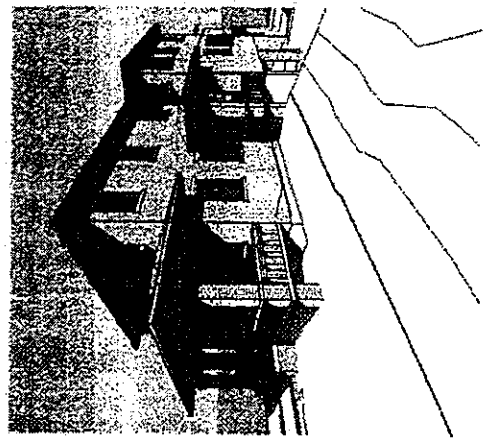
A5  
May 22, 2011

Building  
Sections

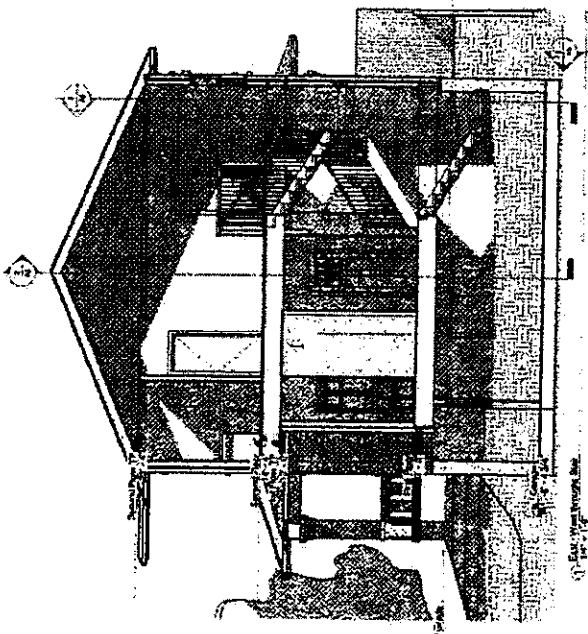
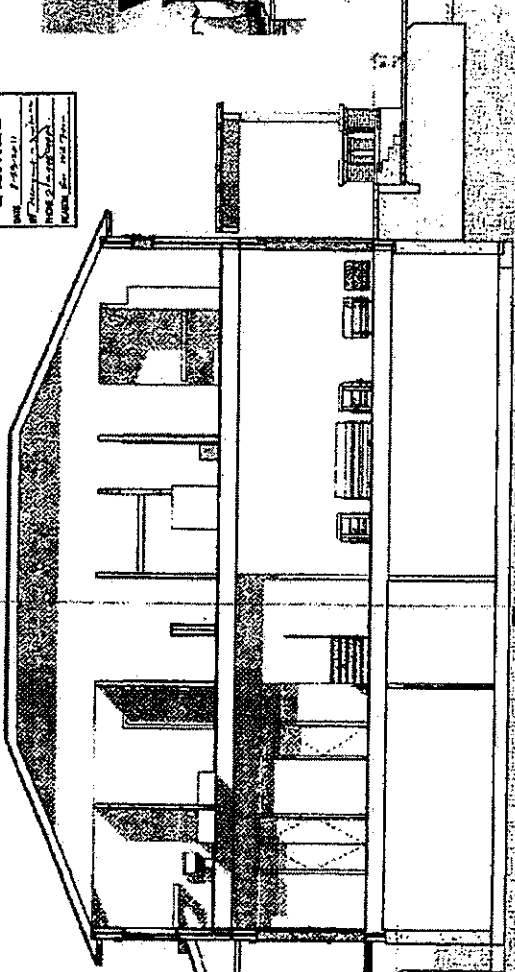
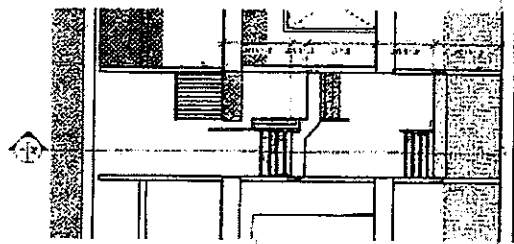
Conceptual Design  
5902 Goliad Avenue  
Dallas, Texas 75206

Jeff Baron Homes  
6229 Vonderck Avenue  
Dallas, Texas 75206  
P: 214-259-0835

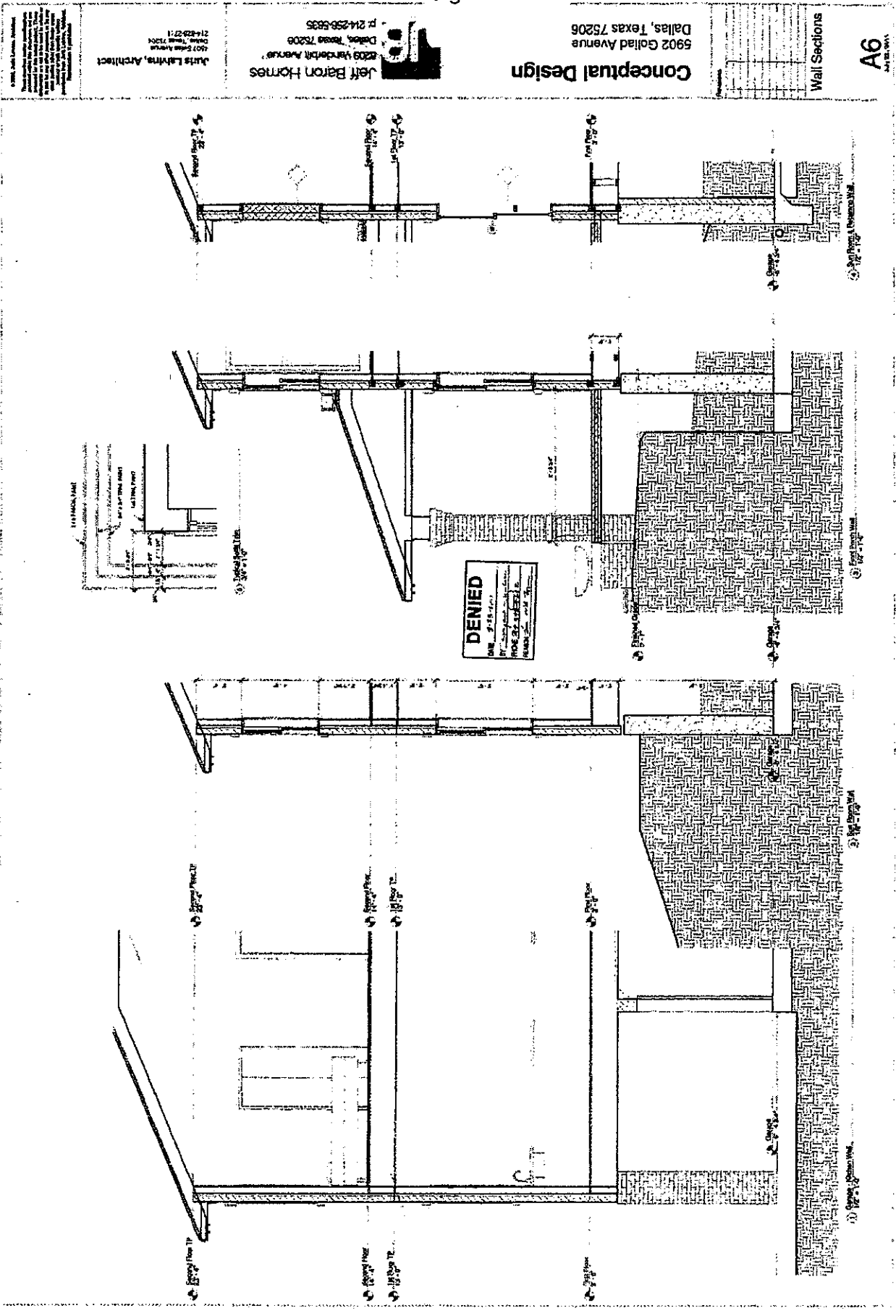
Juris Lalivins, Architect  
1507 Smea Avenue  
Dallas, Texas 75204  
214-688-2111



**DENIED**  
The City of Dallas  
Department of Planning and  
Community Development  
1500 Marilla Street, Suite 1000  
Dallas, Texas 75201  
Phone: 214-670-2300  
Fax: 214-670-2301  
www.dallas.gov







**Conceptual Design**  
 5902 Goliad Avenue  
 Dallas, Texas 75206

Jeff Baron Homes  
 2309 Vandeventer Avenue  
 Dallas, Texas 75209  
 P 214-258-5835

Juris Latvins, Architect  
 4007 DeWitt Avenue  
 Dallas, Texas 75204  
 214-252-2711

Wall Sections  
 A6

**Conservation District Denial**



**Belmont Addition Conservation District**

City of Dallas

Date Applied: 08/23/11

Date Reviewed: 08/23/11

**Address: 5902 GOLIAD AVE**

Applicant: JEFF BARON HOMES  
6203 VANDERBILT  
DALLAS, TX 75226  
214/256-5835  
BUILD@JEFFBARONHOMES.COM

**Architectural Style: Prairie**

Proposed Work: Other - requires permit  
New single family residence with attached garage.

**Permit is required: YES**

**Work is Denied**

Conceptual plan requires revisions:

- 1) Garage must be behind main house & drive must have retaining walls on each side
- 2) Side yard fence maximum 6 ft. tall.
- 3) Porch depth: 8 ft. to back of column.

*Batsheba Antebi*

Batsheba Antebi, Building Official

The application was reviewed for compliance with the development standards and design requirements for this Conservation District Ordinance. This certificate applies only to the work identified on this document. Additional work will have to be reviewed separately.



**DENIED**

Job Edit

Conservation District Work

Job 061839722-001 (CD11082302)

Belmont Addition Conservation District Prairie Other - requires permit

Status: Denied

Created By: MFSKELL

Date Created: Aug 23, 2011

Date Completed: Aug 23, 2011

Parent Job:

Specific Location:

Address Details

5902 GOLLIAD AVE

Address Lookup...

Address Type1

Address Type2

Address TypeValue1

Address TypeValue2

Applicant Name Lookup...

JEFF BARON HOMES  
5946 PALO PINTO  
DALLAS, TX 75206  
214/256-5835  
BUILD@JEFFBARONHOMES.COM  
CD-12

Base Zoning

CDSubdistricts

Conservation District

Owner Address Lookup

Owner Name Lookup

Owner Name Override...

Belmont Addition Conservation District  
5902 GOLLIAD AVE , DALLAS TEXAS 75206-6820 UNITED STATES OF AMERICA  
SARGENT CANDACE

Address Details

Address: Tax Parcel  
5902 GOLLIAD AVE

Applicant: JEFF BARON HOMES  
5946 PALO PINTO  
DALLAS, TX 75206

Tax Parcel: 5902 GOLLIAD AVE Mapsc0:36-T  
00000184426000000

**Work Details**

Approval Conditions  
 Architectural Style  
 Base Zoning  
 CD Review Name  
 CD Type Work  
 Conservation District  
Denial Reason

Prairie  
 CD-12

Belmont Addition Conservation District

Conceptual plan requires revisions:

- 1) Garage must be behind main house & drive must have retaining walls on each side.
  - 2) Side yard fence maximum 6 ft. tall.
  - 3) Porch depth: 8 ft. to back of column.
- New single family residence with attached garage.

Description of Work  
 Fence Height  
 Need Permit  
 Need Review  
 Style if Other

N

**Processes**

Assigned To	Status	Outcome	Scheduled Start	Completed	Actual Start	Completed
Enter CD Work Details Margaret Fiskell	Complete	Entered	Aug 23, 2011		Aug 23, 2011 16:32:14	
Review Conservation District Work Margaret Fiskell	Complete	Denied	Aug 23, 2011		Aug 23, 2011 16:32:23	
Print CD Work Certificate POSSE system power user	Complete	Saved			Aug 23, 2011 16:53:40	

**Notes**

BDA112-120  
 Attach C  
 Pg 18

**Conservation District Denial**



BDA 112-120  
Attach C  
Pg 19

**Belmont Addition Conservation District**

**City of Dallas**

Date Applied: 08/24/12

Date Reviewed: 08/24/12

**Address: 5902 GOLIAD AVE**

Applicant: MILAM, JUSTIN  
9412 Harrell  
McKinney, TX 75070  
214/218-6356

**Architectural Style: Prairie**

Proposed Work: Other - requires permit  
CONSTRUCT NEW PRAIRIE-STYLE SINGLE-FAMILY RESIDENCE

**Permit is required: YES**

**Work is Denied**

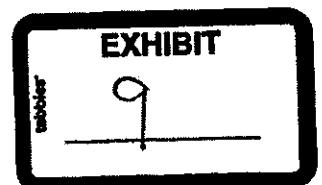
THE PROPOSED RESIDENCE EXCEEDS THE MAXIMUM LIMIT OF 2 STORIES ABOVE GRADE.

Lloyd Denman, Building Official

The application was reviewed for compliance with the development standards and design requirements for this Conservation District Ordinance. This certificate applies only to the work identified on this document. Additional work will have to be reviewed separately.

**DENIED**

Page 1 of 1



**Review Conservation District Work for Job 067691046-001 (GD12082410)**

**Process Edit**

**Review Conservation District Work**

**Job 067691046-001 (CD12082410)**

CONSTRUCT NEW PRAIRIE-STYLE SINGLE-FAMILY RESIDENCE

BDA112-120  
Attach C  
Pg 20

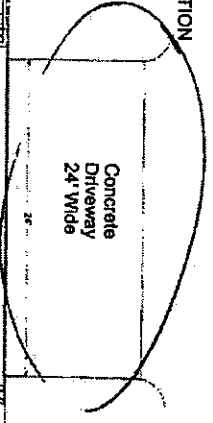
Assigned To	Status	Outcome	Scheduled		Actual	
			Start	Completed	Start	Completed
Margaret Fiskell; Lashondra Holmes	Complete	Denied	Aug 24, 2012		Aug 24, 2012 14:33:33	

**Details**

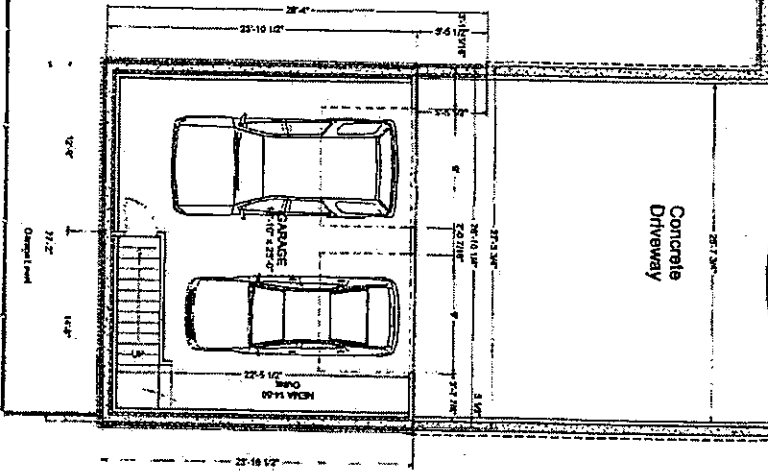
Approval Conditions  
Denial Reason  
THE PROPOSED RESIDENCE EXCEEDS THE MAXIMUM LIMIT OF 2 STORIES ABOVE GRADE.

PLANS FOR CONSTRUCTION

6' FENCE



Property Line



FLOORPLAN  
24 X 36 - 1/4" = 1'

BDA 112-120  
Attach C  
Pg 21

APPROVED ON CONTRACT  
SEP 01 2012  
City of San Francisco  
Department of Planning & Construction

RECEIVED  
SEP 7 2012

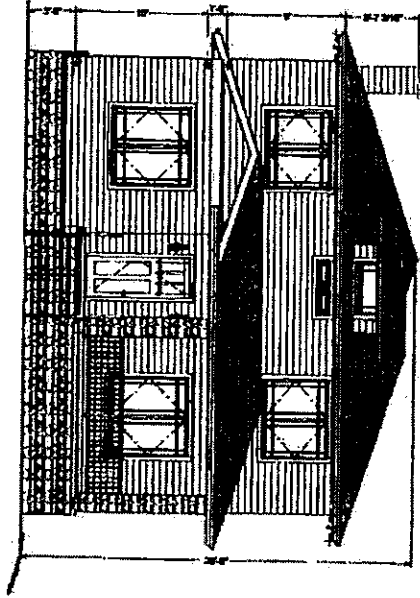
**SQUARE FOOTAGES**

FIRST FLOOR	1788 SF
SECOND FLOOR	1798 SF
TOTAL FLOOR	3586 SF
GARAGE AREA STORAGE	478 SF
COVERED PORCH	213 SF
TOTAL COVERED AREA	691 SF
ORIGINAL HEIGHT	32'10 1/2"

EXHIBIT  
10

SHEET: A-2	DATE: 9/7/2012	DRAWINGS PROVIDED BY: Greenbrook Homes LLC	PROJECT DESCRIPTION: 5902 Gollad 24x36 OP Cathy and Sidney 5902 Gollad Daly, Tibet /1206	SHEET TITLE: 5902 Gollad Plans	NO.	DESCRIPTION	BY	DATE

PLANS FOR CONSTRUCTION

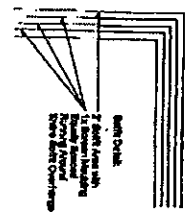


Hand-drawn note: *Hand-drawn note: 1/2\"*

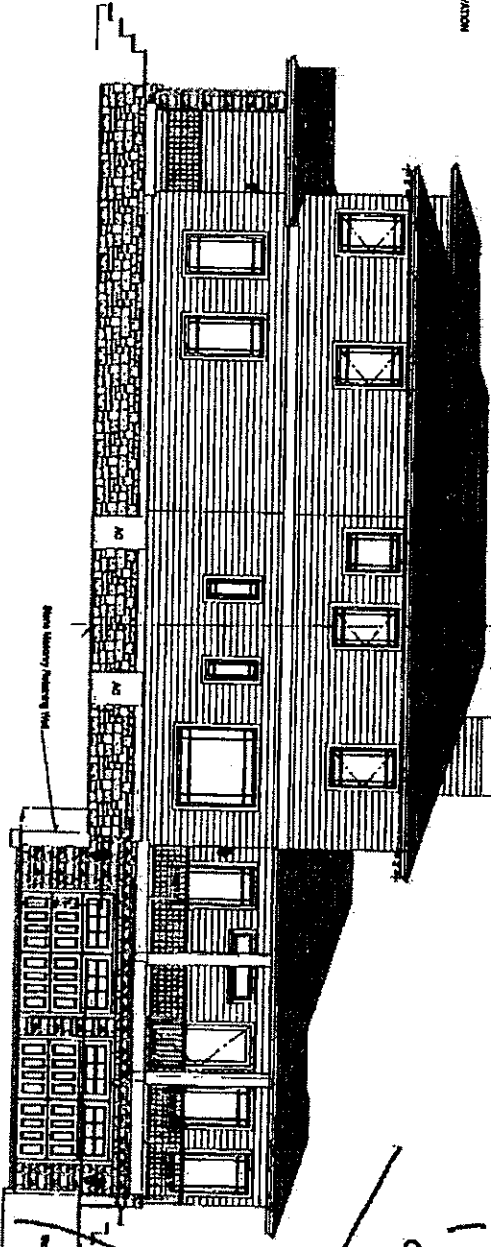
- 2x4 Studs \_\_\_\_\_
- Zip Wall System Sheathing \_\_\_\_\_
- Handle Lap Siding \_\_\_\_\_
- Insulation \_\_\_\_\_
- Drywall \_\_\_\_\_
- 1 1/8" Advantech Subfloor \_\_\_\_\_
- Engineered Truss System \_\_\_\_\_  
 (See Attached Plan)



Handwritten note: *Hand Draw*



WINDOW ELEVATION



RIGHT ELEVATION

Handwritten note: *1 less stone over garage*

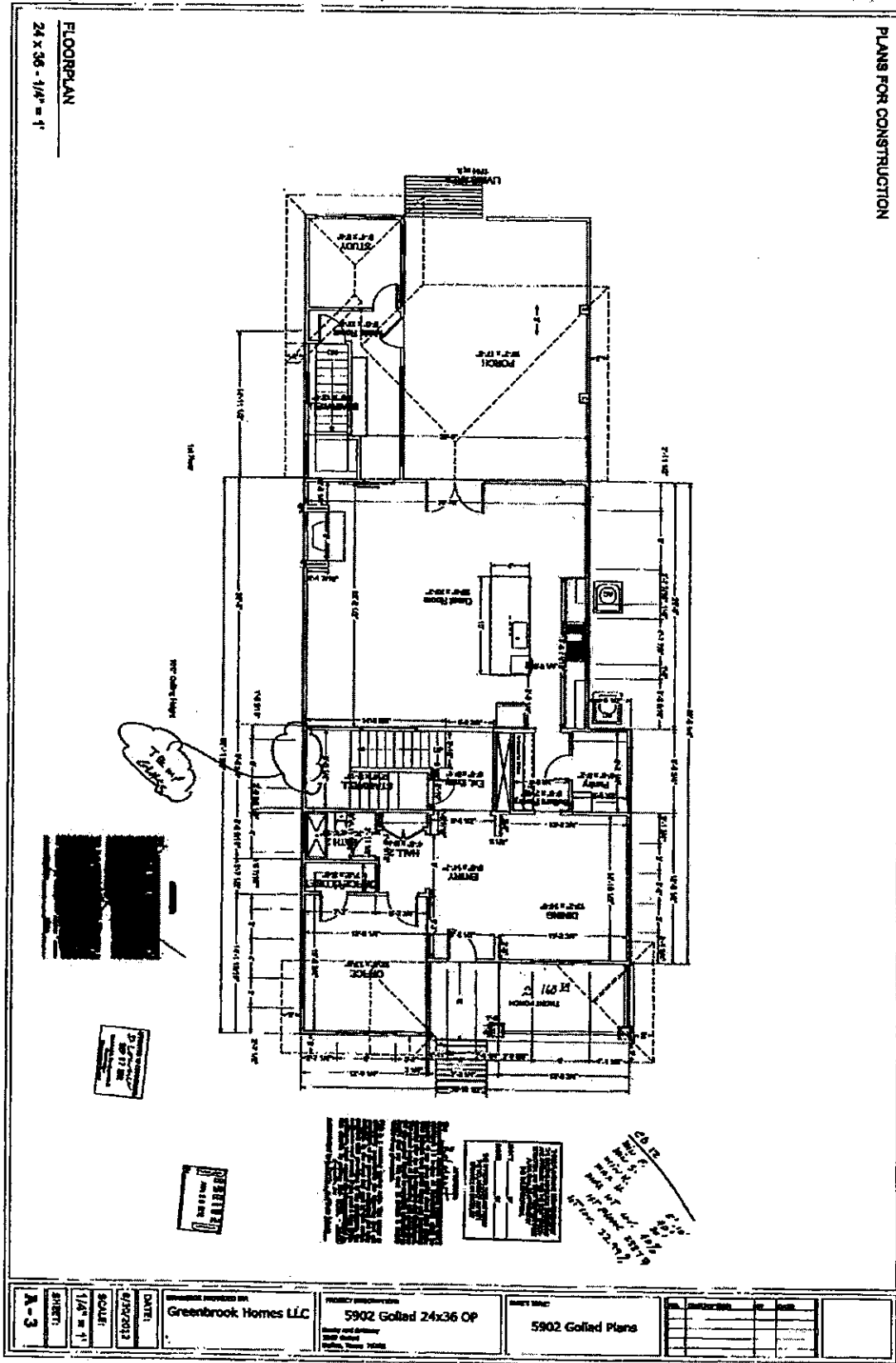
ELEVATIONS  
 24 x 36 - 1/4" = 1'

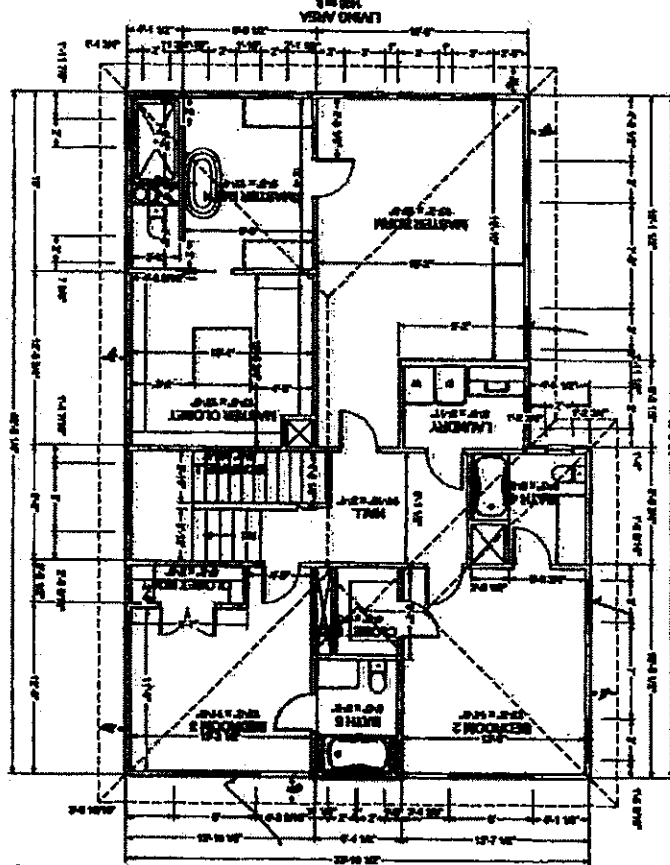
PROJECT NO: <b>5902</b>	PROJECT DESCRIPTION: <b>5902 Golfed 24x36 OP</b>	SHEET NO: <b>5902 Golfed Plans</b>	DATE: 6/20/2013
			SCALE: 1/4" = 1'
CLIENT: <b>Greenbrook Homes LLC</b>	DRAWN BY: [Name]	CHECKED BY: [Name]	DATE: 6/20/2013
SHEET: <b>A-8</b>	PROJECT:	DRAWING:	DATE:











<p>DATE: 8/24/2012</p> <p>SCALE: 1/4" = 1'</p> <p>SHEET: 3</p>	<p>DESIGNED BY: Greenbrook Homes LLC</p>	<p>PROJECT INFORMATION: 5902 Galled 24x36</p> <p>Drawn and Edited: [Name]</p> <p>Scale: 1/4" = 1'</p> <p>Sheet: 3 of 3</p>	<p>SHEET TITLE: 5902 Galled Plans</p>	<table border="1"> <tr> <th>NO.</th> <th>DESCRIPTION</th> <th>DATE</th> <th>BY</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DESCRIPTION	DATE	BY												
	NO.	DESCRIPTION	DATE	BY																
<p>PROJECT NO: A-4</p>	<p>PROJECT NAME: 5902 Galled</p>	<p>PROJECT ADDRESS: [Address]</p>	<p>PROJECT CITY: [City]</p>	<p>PROJECT STATE: [State]</p>																

# Conservation District Work Certificate



BDA 112-120  
Attach C  
Pg 27

## Belmont Addition Conservation District

City of Dallas

Date Applied: 08/24/12

Date Reviewed: 09/10/12

**Address: 5902 GOLIAD AVE**

Applicant: MILAM, JUSTIN  
9412 Harrell  
McKinney, TX 75070  
214/218-6356

### Architectural Style: Prairie

Proposed Work: Other - requires permit

CONSTRUCT NEW PRAIRIE-STYLE SINGLE-FAMILY RESIDENCE

**Permit is required: YES**

### Work is Approved with Conditions

1. Driveway must be constructed of brick, concrete, stone or similar materials;
2. retaining walls may not extend more than 6-inches above the soil being retained;
3. Foundation must be raised a min. of 12-inches above grade;
4. windows must be casement or double-hung and
5. muntins and mullions must be expressed on both the inside and outside of insulating glass on the windows located on the front facade and on the side street facade (Delmar), excluding windows on living areas located off-porch.

Lloyd Denman, Building Official

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

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

***This certificate shall be posted at job site***

Page 1 of 1



**Review Conservation District Work for Job 067691046-001 (CD12082410)**

**Process Edit**

**Review Conservation District Work**

**Job 067691046-001 (CD12082410)**

Review of revised plans submitted Aug. 30, 2012 and Sept. 7, 2012.

BDA112-120  
Attach C  
Pg 28

Assigned To  
Diana Lowrance

Status	Outcome	Scheduled		Actual	
		Start	Completed	Start	Completed
Complete	Approved with Conditions	Sep 10, 2012		Sep 10, 2012 08:13:5E	

**Details**

1. Driveway must be constructed of brick, concrete, stone or similar materials; 2. retaining walls may not extend more than 6-inches above the soil being retained; 3. Foundation must be raised a min. of 12-inches above grade; 4. Windows must be casement or double-hung and 5. muntins and mullions must be expressed on both the inside and outside of insulating glass on the windows located on the front facade and on the side street facade (Delmar), excluding windows on living areas located off-porch.

Denial Reason

**Change Status for Job 067691046-001 (CD12082410)**

**Process Edit**

**Change Status**

**Job 067691046-001 (CD12082410)**

Re-submitting plans

Assigned To  
Lashondra Holmes

Status  
Complete

Outcome  
In Review

Scheduled		Actual	
Start	Completed	Start	Completed
			Aug 27, 2012 11:08:11

**Details**

Change Reason

Re-submitting plans

BDA 112-120  
Attach C  
Pg 29

Job Edit

Conservation District Work

Job 067691046-001 (CD12082410)

Belmont Addition Conservation District Prairie Other - requires permit  
Status: Approved with Conditions

Created By: LHOLESZ

Date Created: Aug 24, 2012

Date Completed: Sep 10, 2012

Parent Job:

Specific Location:

Address Details

5902 GOLIAD AVE

Address Lookup...

Address Type1

Address Type2

Address TypeValue1

Address TypeValue2

Applicant Name Lookup...

MILAM, JUSTIN

9412 Harrell

McKinney, TX 75070

214/218-6356

CD-12

Base Zoning

CDSubdistricts

Conservation District

Owner Address Lookup

Owner Name Lookup

Owner Name Override...

Belmont Addition Conservation District

5902 GOLIAD AVE , DALLAS TEXAS 75206-6820 UNITED STATES OF AMERICA

SARGENT CANDACE

Address Details

Address: Tax Parcel  
5902 GOLIAD AVE

Applicant: MILAM, JUSTIN  
9412 Harrell

Tax Parcel: 5902 GOLIAD AVE Mapsco:36-T  
0000018442600000

BDA112-120  
Attach C  
Pg 30



Work Details

Approval Conditions

1. Driveway must be constructed of brick, concrete, stone or similar materials; 2. retaining walls may not extend more than 6-inches above the soil being retained; 3. Foundation must be raised a min. of 12-inches above grade; 4. windows must be casement or double-hung and 5. muntins and Mullions must be expressed on both the inside and outside of insulating glass on the windows located on the front facade and on the side street facade (Delmar), excluding windows on living areas located off-porch.

Prairie

CD-12

Belmont Addition Conservation District

CONSTRUCT NEW PRAIRIE-STYLE SINGLE-FAMILY RESIDENCE

Architectural Style  
 Base Zoning  
 CD Review Name  
 CD Type Work  
 Conservation District  
 Denial Reason  
 Description of Work  
 Fence Height  
 Need Permit  
 Need Review  
 Style if Other

N

Processes

Assigned To	Status	Outcome	Scheduled		Actual	
			Start	Completed	Start	Completed

Enter CD Work Details

Lashondra Holmes

Complete

Entered

Aug 24, 2012

Aug 24, 2012 14:33:16

Review Conservation District Work

Margaret Fiskell; Lashondra Holmes

Complete

Denied

Aug 24, 2012

Aug 24, 2012 14:33:33

CONSTRUCT NEW PRAIRIE-STYLE SINGLE-FAMILY RESIDENCE

Print CD Work Certificate

POSSE system power user

Complete

Saved

Aug 24, 2012 14:39:07

Change Status

Lashondra Holmes

Complete

In Review

Aug 27, 2012 11:08:11

Re-submitting plans

Review Conservation District Work

Diana Lowrance

Complete

Approved with Conditions

Sep 10, 2012

Sep 10, 2012 08:13:58

Review of revised plans submitted Aug. 30, 2012 and Sept. 7, 2012.

Print CD Work Certificate

POSSE system power user

Complete

Saved

Sep 10, 2012 08:21:57





# Job 067691046-001 (CD12082410)

## Notes

General Notes  
 Revised plans submitted on Aug. 30, 2012. Corrected plans submitted on Sept. 7, 2012

Last Updated By: Diana Lowrance  
 On: Sep 10, 2012 08:15:22  
 Locked

## Documents

-  Electronic Document: Document CDWRF  
2012-09-11 08:33:26
-  Electronic Document: Document CDWRF p.2  
2012-09-11 08:34:43
-  Electronic Document: Plan Approved Plans  
2012-10-22 09:23:11
-  Report: Conservation District Work Certificate 2012-09-10 08:21:57

## Project

Job	Type	Created	Issued	Completed	Status
067691046-001	Conservation District Work	Aug 24, 2012	Sep 10, 2012	Sep 10, 2012	Approved with Conditions
Belmont Addition Conservation District Prairie Other - requires permit					

BDA112-120  
 Attach C  
 Pg 32

Lowrance, Diana

---

**From:** Lowrance, Diana  
**Sent:** Tuesday, September 04, 2012 3:09 PM  
**To:** Holmes, Lashondra  
**Cc:** Gaston, Ethel  
**Subject:** 5902 Goliad

Lashondra,

I am reviewing the project and should have some comments ready, soon.

The biggest issue that has come to my attention is the location of the stairs in the front setback. This is per. Code Section 51A-4.401 (A) (1), not CD.

In addition, I would like to get feedback from Kim and Margaret on the conflicting info in the CD language regarding the AVG. front-yard setback. The key issue here is does it need to be 50-feet? (note: the plans show a 48-foot setback to the façade with the stairs shown in that 48-feet).

They reconfigured the driveway to be under the porch, however, they also added living areas on the level of the porch. So will we still consider it to be behind the "rearmost corner of the main structure"? During mtg. I thought applicant said that driveway/garage was going under porch. Was not aware that living area would be incorporated into area on level of porch.

Maximum driveway width is 24-feet (if the condition outlined in No. 3, above is met.) Driveway is shown at 26-feet, 4-inches.

FYI

Diana Lowrance  
Senior Planner - Conservation Districts  
Oak Cliff Municipal Center  
320 E. Jefferson Blvd.  
Dallas, TX 75203  
(214) 948-4458



**Lowrance, Diana**

---

**From:** Lowrance, Diana  
**Sent:** ~~Wednesday, September 05, 2012 9:15 AM~~  
**To:** Holmes, Lashondra  
**Attachments:** Ordinance amending setback for Goliad.pdf

**Front yard setback to steps is ok. Steps ARE NOT IN SETBACK. See attached.**

**COMMENTS/ISSUES:**

1. Is driveway as re-configured still behind the "rearmost corner of the main structure"? *During mtg. I thought applicant said that driveway/garage was going under porch. Was not aware that living area would be incorporated into area on level of porch.*
2. Maximum driveway width is 24-feet (if the condition outlined in No. 1, above is met.)  
Driveway is shown at 26-feet, 4-inches.

**Not Reviewed:**

1. Fences, rear yard. No fences allowed in front yard.
2. Environmental Performance Standards
3. Landscaping
4. Front yard hardscape coverage.

Diana Lowrance  
Senior Planner - Conservation Districts  
Oak Cliff Municipal Center  
320 E. Jefferson Blvd.  
Dallas, TX 75203  
(214) 948-4458

**Taylor, Sherry**

BDA 112-120  
Attach C  
Pg 35

**From:** Holmes, Lashondra  
**Sent:** Tuesday, October 16, 2012 4:46 PM  
**To:** Lowrance, Diana  
**Subject:** RE: Goliad etc.

Agreed -- see how this can be added to the checklist!

LaShondra Holmes Stringfellow, AICP  
Chief Planner  
*Sustainable Development & Construction Department*  
City of Dallas  
214-948-4366

---

**From:** Lowrance, Diana  
**Sent:** Monday, October 15, 2012 2:26 PM  
**To:** Holmes, Lashondra  
**Subject:** Goliad etc.

My head is still spinning from this morning.

However, I do think we will need to begin asking for a section (through the lot and the building) running from the front lot line and the rear lot line and showing both the existing grade and the finished grade lines. A section will clearly show the elevations and how high everything will be above grade. We won't need this in all cases, however in this case, it might have been a good idea. In fact if we can still get this drawing from the builder, it might actually help us and them.

Just a thought.

Diana Lowrance  
Senior Planner - Conservation Districts  
Oak Cliff Municipal Center  
320 E. Jefferson Blvd.  
Dallas, TX 75203  
(214) 948-4458



**Taylor, Sherry**

BDA112-120  
Attach C  
Pg 36

**From:** Holmes, Lashondra  
**Sent:** Thursday, October 11, 2012 9:15 AM  
**To:** O'Donnell, Theresa  
**Subject:** RE: Around 10 am

Ok - I think civil service is being cancelled so I'm on my way now w/ the Goliad plans.

LaShondra Holmes Stringfellow, AICP  
Chief Planner  
*Sustainable Development & Construction Department*  
City of Dallas  
214-948-4366

---

**From:** O'Donnell, Theresa  
**Sent:** Thursday, October 11, 2012 9:15 AM  
**To:** Holmes, Lashondra  
**Subject:** RE: Around 10 am

I've got another meeting at 10:00. come on by if you get done early, or we can get together this afternoon. I need to see the Goliad plans.

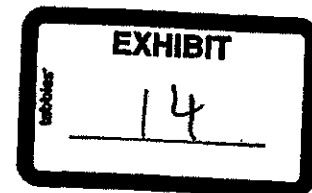
theresa

---

**From:** Holmes, Lashondra  
**Sent:** Thursday, October 11, 2012 8:26 AM  
**To:** O'Donnell, Theresa  
**Subject:** Around 10 am

Theresa,  
I'll be at city hall meeting with Civil Service at 9:30 am. I should be finished around 10 am. Can I get about 15 min. of your time afterwards?

LaShondra Holmes Stringfellow, AICP  
Chief Planner  
*Sustainable Development & Construction Department*  
City of Dallas  
214-948-4366



CD 12111902

DEPARTMENT OF SUSTAINABLE DEVELOPMENT & CONSTRUCTION  
CONSERVATION DISTRICT WORK REVIEW FORM

BDA 112-120  
Attach C  
Pg 37

Please provide the following information. If you have any questions or need additional information, please contact City of Dallas Building Inspection at 214-948-4480.

Submit this form and two copies of each applicable site plan, elevations, and specification sheets to the Permit Center, Room 118, 320 E. Jefferson, Dallas TX 75203. Please print.

Date: 11/19/12 Conservation District: CD 12 BELMONT  
 Property Address: 5902 Goliad  
 Applicant Name: William, Justin Phone #: 214 218 6356  
 Applicant Address: \_\_\_\_\_ Fax#: 214 276-7711  
 e-mail: \_\_\_\_\_  
 Architecture Style (if applicable): Prairie  
 Description of Proposed Work: DRIVEWAY WIDTH (IN ROW)  
reduce to 10-FT WIDE TO COMPLY WITH CD REGS.  
UPDATE TO FOUNDATION REINFORCEMENT DETAILS  
DUE TO SUB-GRADE ROCK CONDITIONS ON SITE.

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

The proposed work is:

Approved as submitted – meets development and design standards.

Approved with the following conditions / comments: \_\_\_\_\_

NO OTHER WORK IS APPROVED

Denied. Application does not meet the following requirements: \_\_\_\_\_

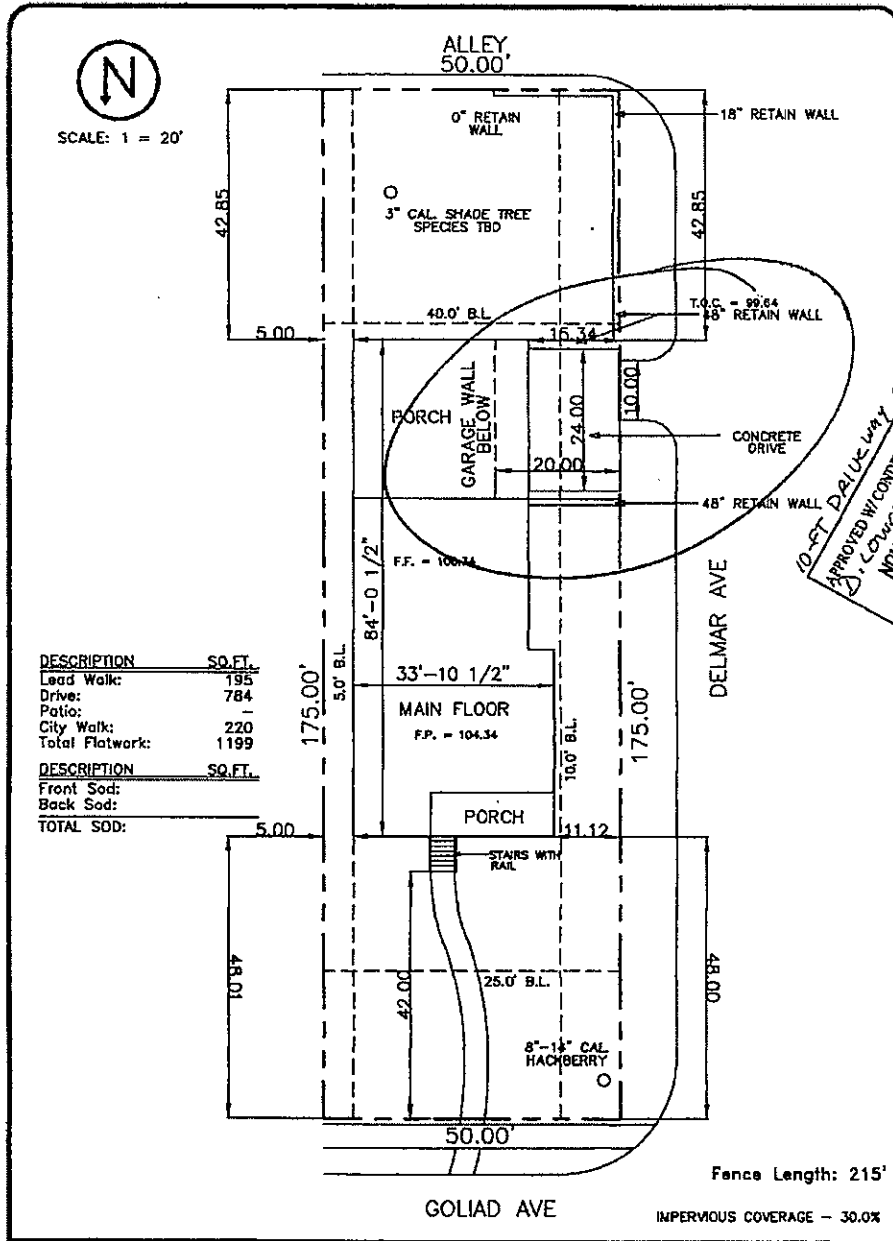
REVIEWED BY: D. Lowrance

DATE RECEIVED: 11/19/12 DATE REVIEWED: 11/19/12

BUILDING PERMIT REQUIRED:  Yes  No  
form updated 100109



Copy to: applicant and file



SCALE: 1 = 20'

DESCRIPTION	SQ.FT.
Lead Walk:	195
Drive:	784
Patio:	1
City Walk:	220
Total Flatwork:	1199

DESCRIPTION	SQ.FT.
Front Sod:	
Back Sod:	
TOTAL SOD:	

10-FT DRIVE-WAY ONLY  
 APPROVED W/ CONDITIONS  
 D. COV...  
 NOV 19 2012  
 Municipal Development & Construction  
 Center 1550 DUBOISE

IT IS THE BUILDING SUPERINTENDANT'S RESPONSIBILITY TO ENSURE THE CORRECTNESS OF THIS PLOT PLAN BEFORE PROCEEDING WITH CONSTRUCTION. IF THERE ARE ANY ERRORS AND/OR OMISSIONS THEY ARE TO BE BROUGHT TO THE ATTENTION OF PRECISION DESIGNS SO AS THEY MAY BE CORRECTED. THIS INCLUDES, BUT IS NOT LIMITED TO: HOME OWNERS ASSOCIATION REQUIREMENTS, ARCHITECTURAL REVIEW COMMITTEE APPROVAL, SPECIAL SITE AND DRAINAGE CONDITIONS, EASEMENTS, BUILDING SETBACKS, AND OTHER RESTRICTIONS THAT APPLY TO THE PROPERTY.

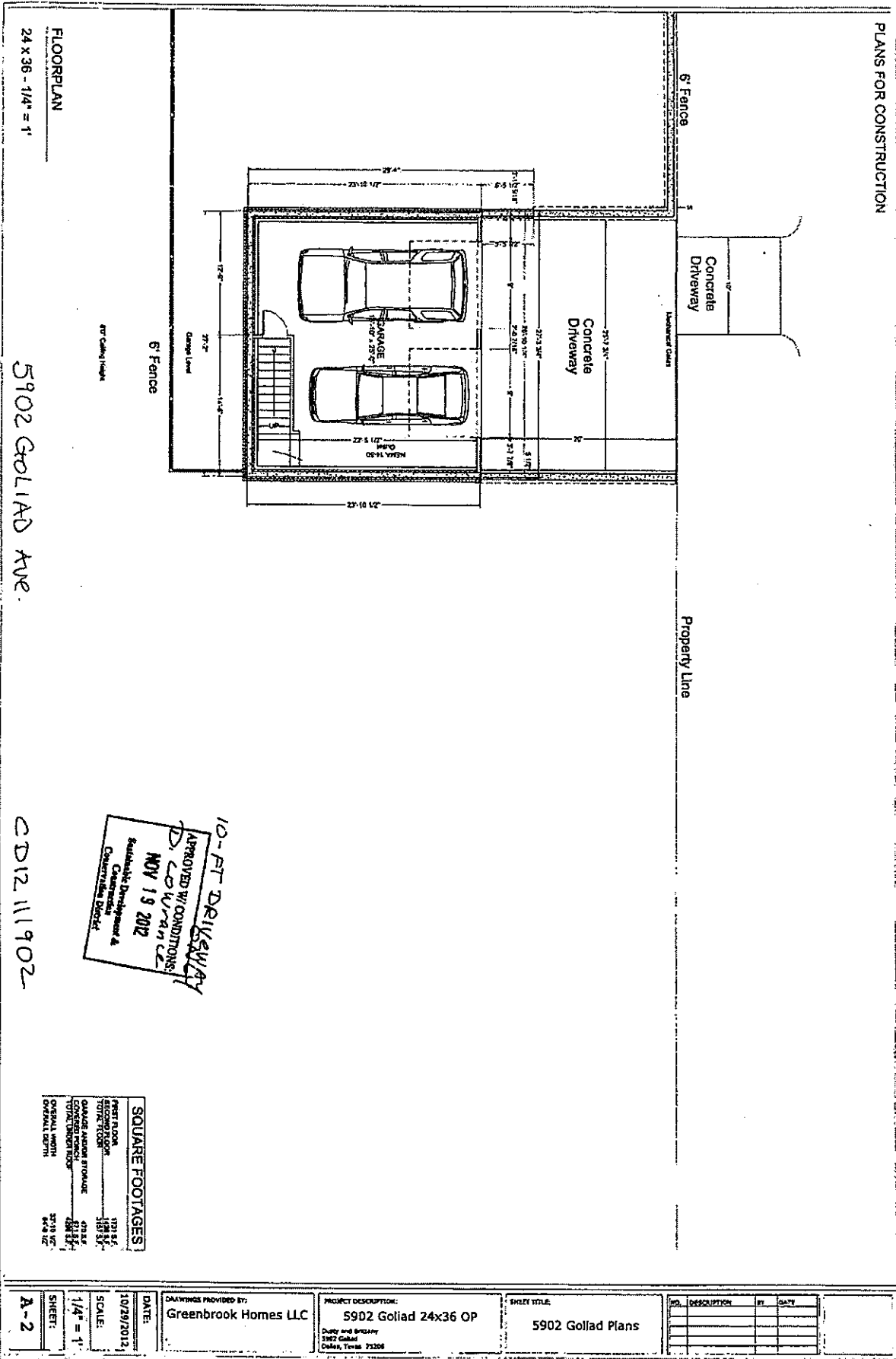
(P.P) INDICATES THAT BUILDING LINES, EASEMENTS, R.O.W.'S, ETC. AS SHOWN HEREON ARE PER PLAT SUPPLIED.

**PRECISION DESIGNS**  
 An architectural services company  
 384 BRAEWOOD DRIVE  
 MCKINNEY, TX 75070  
 PHONE: 214.227.7527  
 FAX: 214.227.7535

SUBDIVISION: <b>BELMONT ADDITION</b>		DATE: 10/30/12
SUBDIVISION: <b>BELMONT ADDITION</b>		JOB #:
ADDRESS: 5902 GOLIAD AVE		
LOT: 1	BLOCK: 14/1900	
CITY: DALLAS, TX		
PLAN #:	DRAWN BY: PDI	

CD 12111902



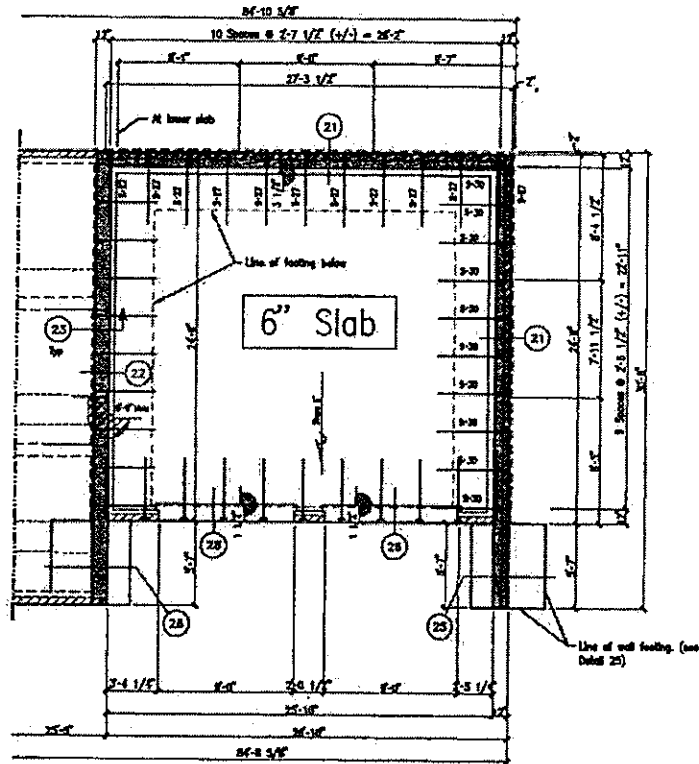


CD12111902

BDA112-120  
 Attach C  
 Pg 40

Dispersion Chart		
STRAND LENGTH	NUMBER STRANDS	ALIGNMENT
S-27	11	2"
S-30	10	2 1/4"
TOTAL NUMBER OF STRANDS	21	
TOTAL LENGTH FEET OF STRANDS	587	

Note: Strand count for garage slab only



**Foundation Plan**  
 Refer to original plans for balance of information not shown here.

APPROVED W/ CONDITIONS  
*D. Lowry*  
 NOV 19 2012  
 Sustainable Development &  
 Construction  
 Conservation District

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

Greenbrook Homes LLC Private Residence Lot: 1      Blk: 14/1900 5902 Goliad Ave Dallas, Texas Plan No. Basement Details    S <sup>2</sup> E No. 1204345R4		
DATE 11/13/12	DRN KIT	CHKD D.T.J.
PAGE 1 of 2		

**Conservation District Work Certificate**



**Belmont Addition Conservation District**

**City of Dallas**

Date Applied: 11/19/12

Date Reviewed: 11/19/12

**Address: 5902 GOLIAD AVE**

Applicant: MILAM, JUSTIN  
9412 Harrell  
McKinney, TX 75070  
214/218-6356

**Architectural Style: Prairie**

Proposed Work: Other - requires permit

REVISED DRIVEWAY WIDTH TO 10-FT WIDE TO COMPLY WITH CONSERVATION DISTRICT ORDINANCE GUIDELINES. UPDATED FOUNDATION REINFORCEMENT DETAILS DUE TO SUBGRADE ROCK CONDITIONS FOUND ON SITE DURING EXCAVATION.

**Permit is required: YES**

**Work is Approved with Conditions**

NO OTHER WORK APPROVED. DRIVEWAY WIDTH 10-FT PER ATTACHED APPROVED PLAN.

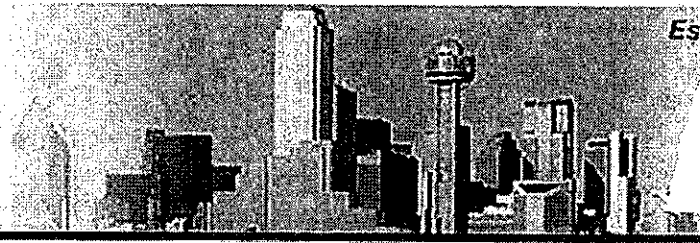
Larry Holmes, Building Official

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

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

***This certificate shall be posted at job site***





Es,  
BDA112-120  
Attach C  
Pg 42

**Conservation District Work**

- 0

Application Date: Nov 19, 2012    Completed Date: Nov 19, 2012  
**Conservation District:** Belmont Addition Conservation District    **Base Zoning:** CD-12  
**Address:** 5902 GOLIAD AVE    **CDSubdistricts:**  
**Status:** Approved with Conditions  
**Applicant:**    **Owner:**  
MILAM, JUSTIN    SARGENT CANDACE 5902 GOLIAD AVE , DALLAS  
9412 Harrell    TEXAS 75206-6820 UNITED STATES OF AMERICA  
McKinney, TX 75070  
214/218-6356

**Style of House and Work to be Done**

**Architectural Style:** Prairie  
**Type of Work:** Other - requires permit

**Description of Work:**

~~REVISED DRIVEWAY WIDTH TO 10-FT WIDE TO COMPLY WITH CONSERVATION DISTRICT ORDINANCE GUIDELINES. UPDATED FOUNDATION REINFORCEMENT DETAILS DUE TO SUBGRADE ROCK CONDITIONS FOUND ON SITE DURING EXCAVATION.~~

**If Fence: Height:**  
 Permit Required  
 Review Required

**Reviewer's Comments:**

**Approval Conditions:**  
NO OTHER WORK APPROVED. DRIVEWAY WIDTH 10-FT PER ATTACHED APPROVED PLAN.

Taylor, Sherry

BDA 112-120  
Attach C  
Pg 43

From: Brittany Bailey  
Sent: Monday, October 22, 2012 4:30 PM  
To: Holmes, Lashondra; Scott Branan; Dusty Cooper  
Cc: White, Chris; Lowrance, Diana  
Subject: Re: 5902 Goliad: Question Regarding Appeal

Thank you LaShondra. I spoke with Scott earlier this afternoon regarding the 10 foot width of the driveway and he will be making the amendment on the plans and resubmitting those later this week.

Thank you.

**Brittany Bailey, JD**  
Vice President of Regulatory Compliance & Senior HR Consultant  
HRHouston Group and HRHG Benefits Services, Inc.  
T: 214.773.2687 | F: 214.758.8198  
[www.hrhgbenefits.com](http://www.hrhgbenefits.com) | [www.hrhoustongroup.com](http://www.hrhoustongroup.com)



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---

From: "Holmes, Lashondra" <lashondra.holmes@dallascityhall.com>  
To: Brittany Bailey, Scott Branan, Dusty Cooper  
Cc: "White, Chris" <chris.white@dallascityhall.com>; "Lowrance, Diana" <diana.lowrance@dallascityhall.com>  
Sent: Monday, October 22, 2012 4:25 PM  
Subject: RE: 5902 Goliad: Question Regarding Appeal

Brittany, Dusty and Scott,  
When I spoke to Brittany earlier today, we discussed reducing the driveway entry to 10 feet. I later found out from our Public Works Dept. that they have not issued a drive approach and sidewalk permit. This is a separate approval requirement. Chris White in our Public Works Dept. can assist you. I am copying him on this e-mail. We can schedule a meeting if needed. The sidewalk would have to connect to either side of the 10-foot driveway entry. So, the gravel would not be permitted in the public right-of-way portion due to this reason and future maintenance concerns. Please let us know if we need to schedule a meeting with Chris White. Chris, please reply all if I have missed anything.

Thanks!

**LaShondra Holmes Stringfellow, AICP**  
Chief Planner  
Sustainable Development & Construction Department  
City of Dallas  
214-948-4366



# Conservation District Work Certificate



BDA112-120  
Attach C  
Pg 44

## Belmont Addition Conservation District

City of Dallas

Date Applied: 03/14/12

Date Reviewed: 03/14/12

**Address: 5946 PALO PINTO AVE**

Applicant: JEFF BARON HOMES  
6203 VANDERBILT  
DALLAS, TX 75226  
214/256-5835  
BUILD@JEFFBARONHOMES.COM

### Architectural Style: Prairie

Proposed Work: Other - requires permit

Revised plans: 1) Location and height of retaining wall. 2) Added three windows on West facade Lower Level. 3) Depicted as built height of structure.

Permit is required: YES

### Work is Approved with Conditions

Addendum to plans dated 9-6-11 & Approved on 9-26-11.

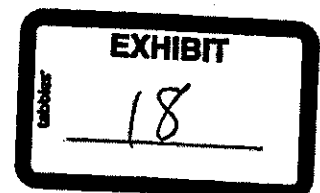
1) New Retaining wall to prevent erosion & drainage problems. See #25840(d)(23)(A)(B). 3) Height on plans: Measurements depicted are under the maximum 30 ft. allowed. See #25840(d)(8).

Lloyd Denman, Building Official

The application was reviewed for compliance with the development standards and design requirements for this Conservation District Ordinance. This certificate applies only to the work identified on this document. Additional work will have to be reviewed separately.

**This certificate shall be posted at job site**

Page 1 of 1



Permit Required

**DEPARTMENT OF SUSTAINABLE DEVELOPMENT & CONSTRUCTION**  
**CONSERVATION DISTRICT WORK REVIEW FORM**

BDA 112-120  
 Attach C  
 Pg 45

Please provide the following information. If you have any questions or need additional information, please contact City of Dallas Building Inspection at 214-948-4480.

Submit this form and two copies of each applicable site plan, elevations, and specification sheets to the Permit Center, Room 118, 320 E. Jefferson, Dallas TX 75203. Please print.

Date: 2/14/12 Conservation District: Belmont CD #12  
 Property Address: 5946 Palo Pinto Ave  
 Applicant Name: Jeff Baron Phone #: 214-256-5835  
 Applicant Address: 6203 Vanderbilt Ave Fax#: 214-206-1858  
 e-mail: jeff@baronhomes.com  
 Architecture Style (if applicable): Prairie  
 Description of Proposed Work: Revised plans to show location & height of retaining wall. Added three windows in ~~Basement~~ on west face. Depicted as built height of structure.

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

The proposed work is: #25840

Approved as submitted – meets development and design standards.  
 Approved with the following conditions / comments: 1) New Retaining wall to prevent erosion + drainage problems. See #25840(d)(23)(A)(B).  
 2) Height on plans: measurements depicted are under the maximum 30 ft. allowed. See #25840(d)(6).

Denied. Application does not meet the following requirements: \_\_\_\_\_

REVIEWED BY: Margaret Justice  
 DATE RECEIVED: 2-14-12 DATE REVIEWED: 3-14-12

BUILDING PERMIT REQUIRED: (Yes) No  
 form updated 100109 Copy to: applicant and file

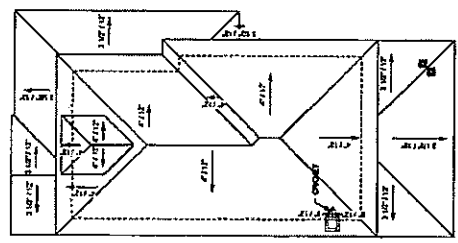
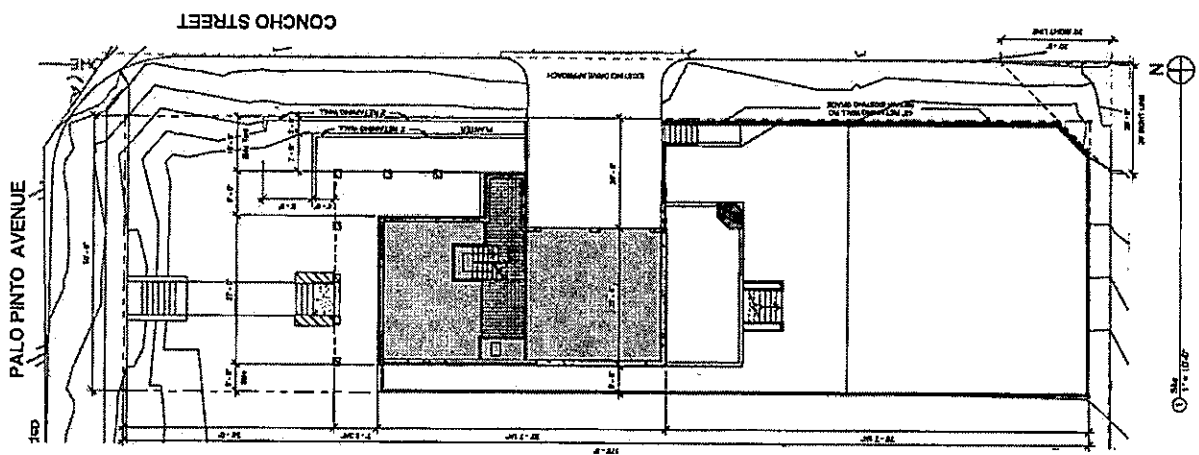
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Juris Lavins, Architect  
 4507 Dallas Avenue  
 Dallas, Texas 75206  
 214-822-2711

Jeff Baron Homes  
 6233 Vonderbilt Avenue  
 Dallas, Texas 75206  
 P: 214-256-5835

**Baron Residence**  
 5946 Palo Pinto Avenue  
 Dallas, Texas 75206

Site Plan  
**A1.1**  
 February 8, 2012



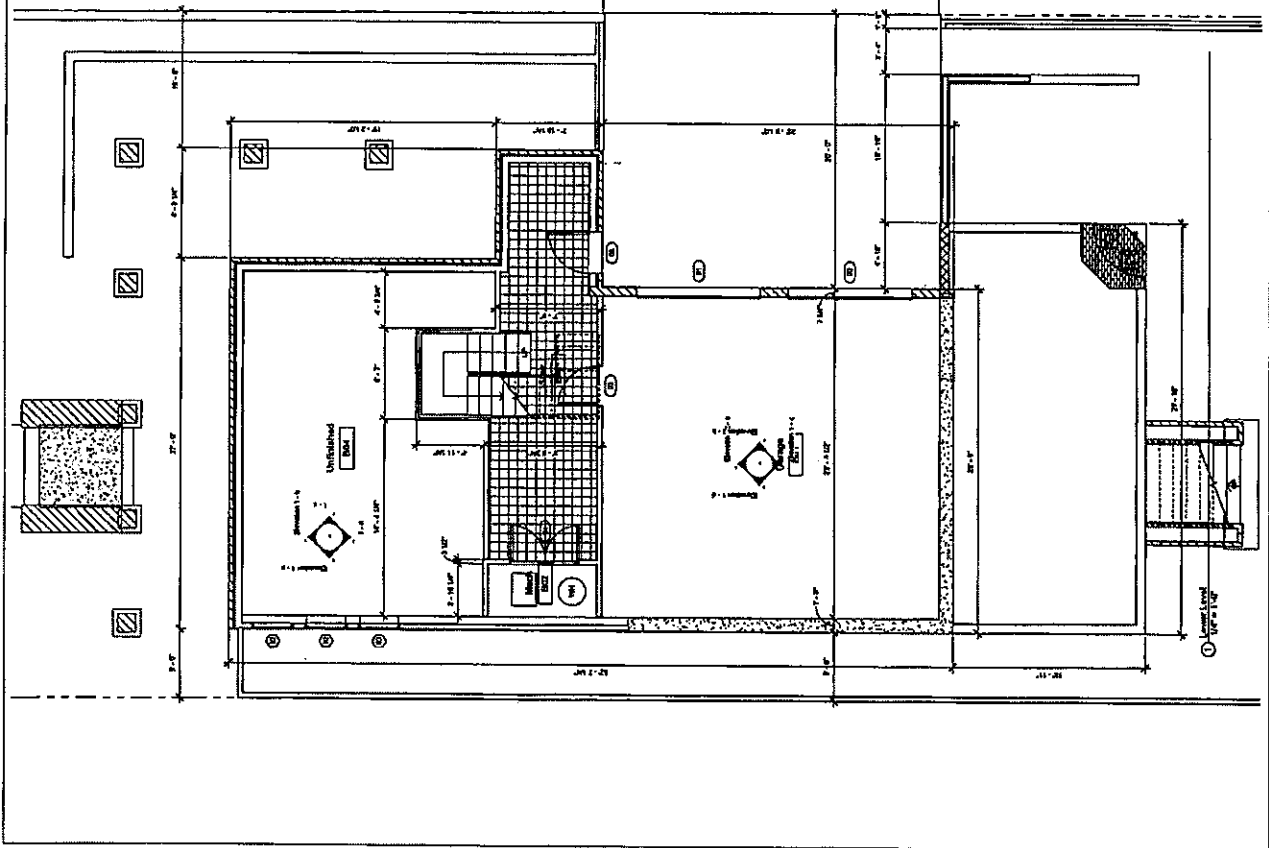
① 1/8" = 10'-0"

Name	Area	Area Schedule (Cover Building)	Area
Garage	843 SF		
2nd Floor	1373 SF		
1st Floor	1778 SF		
Pool/Patio	422 SF		
Deck	513 SF		
Screened			

Name	Area	Area Schedule (Cover Building)	Area
1st Floor	1778 SF		
2nd Floor	1373 SF		
Garage	843 SF		
Pool/Patio	422 SF		
Deck	513 SF		
Screened			

Sheet Number	Sheet Name
A1.1	Site Plan
A2.1	Change Plan Details/Notes
A3.1	Pool Plans
A4.1	Screened
A5.1	Building Sections
E1.1	Lighting Plan & Schedule
E1.2	Pool Plans





Type Mark	Family	Master Schedule			Height	Comments
		Count	Type	Wall		
B2	Aluminum 5.1 with Trim	3	50" x 21"	7'-0"	7'-0"	7'-0"
B3	Aluminum 5.1 with Trim	3	36" x 48"	7'-0"	7'-0"	7'-0"
B4	Aluminum 5.1 with Trim	3	36" x 48"	7'-0"	7'-0"	7'-0"
B5	Aluminum 5.1 with Trim	3	36" x 48"	7'-0"	7'-0"	7'-0"
B6	Aluminum 5.1 with Trim	3	36" x 48"	7'-0"	7'-0"	7'-0"
B7	Aluminum 5.1 with Trim	3	36" x 48"	7'-0"	7'-0"	7'-0"
B8	Aluminum 5.1 with Trim	3	36" x 48"	7'-0"	7'-0"	7'-0"
B9	Aluminum 5.1 with Trim	3	36" x 48"	7'-0"	7'-0"	7'-0"
B10	Aluminum 5.1 with Trim	3	36" x 48"	7'-0"	7'-0"	7'-0"
B11	Aluminum 5.1 with Trim	3	36" x 48"	7'-0"	7'-0"	7'-0"
B12	Aluminum 5.1 with Trim	3	36" x 48"	7'-0"	7'-0"	7'-0"
B13	Aluminum 5.1 with Trim	3	36" x 48"	7'-0"	7'-0"	7'-0"
B14	Aluminum 5.1 with Trim	3	36" x 48"	7'-0"	7'-0"	7'-0"
B15	Aluminum 5.1 with Trim	3	36" x 48"	7'-0"	7'-0"	7'-0"
B16	Aluminum 5.1 with Trim	3	36" x 48"	7'-0"	7'-0"	7'-0"
B17	Aluminum 5.1 with Trim	3	36" x 48"	7'-0"	7'-0"	7'-0"
B18	Aluminum 5.1 with Trim	3	36" x 48"	7'-0"	7'-0"	7'-0"
B19	Aluminum 5.1 with Trim	3	36" x 48"	7'-0"	7'-0"	7'-0"
B20	Aluminum 5.1 with Trim	3	36" x 48"	7'-0"	7'-0"	7'-0"
B21	Aluminum 5.1 with Trim	3	36" x 48"	7'-0"	7'-0"	7'-0"
B22	Aluminum 5.1 with Trim	3	36" x 48"	7'-0"	7'-0"	7'-0"
B23	Aluminum 5.1 with Trim	3	36" x 48"	7'-0"	7'-0"	7'-0"
B24	Aluminum 5.1 with Trim	3	36" x 48"	7'-0"	7'-0"	7'-0"
B25	Aluminum 5.1 with Trim	3	36" x 48"	7'-0"	7'-0"	7'-0"
B26	Aluminum 5.1 with Trim	3	36" x 48"	7'-0"	7'-0"	7'-0"
B27	Aluminum 5.1 with Trim	3	36" x 48"	7'-0"	7'-0"	7'-0"
B28	Aluminum 5.1 with Trim	3	36" x 48"	7'-0"	7'-0"	7'-0"
B29	Aluminum 5.1 with Trim	3	36" x 48"	7'-0"	7'-0"	7'-0"
B30	Aluminum 5.1 with Trim	3	36" x 48"	7'-0"	7'-0"	7'-0"

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 4507 Dulles Avenue  
 Dallas, Texas 75206  
 214-256-5835

Jeff Larson Homes  
 5203 Vanderbilt Avenue  
 Dallas, Texas 75206  
 P. 214-256-5835

Baron Residence  
 5946 Palo Pinto Avenue  
 Dallas, Texas 75206

Garage Plan  
 Schedules  
**A2.1**  
 February 9, 2012

BDA 112-120  
 Attach C  
 Pg 47

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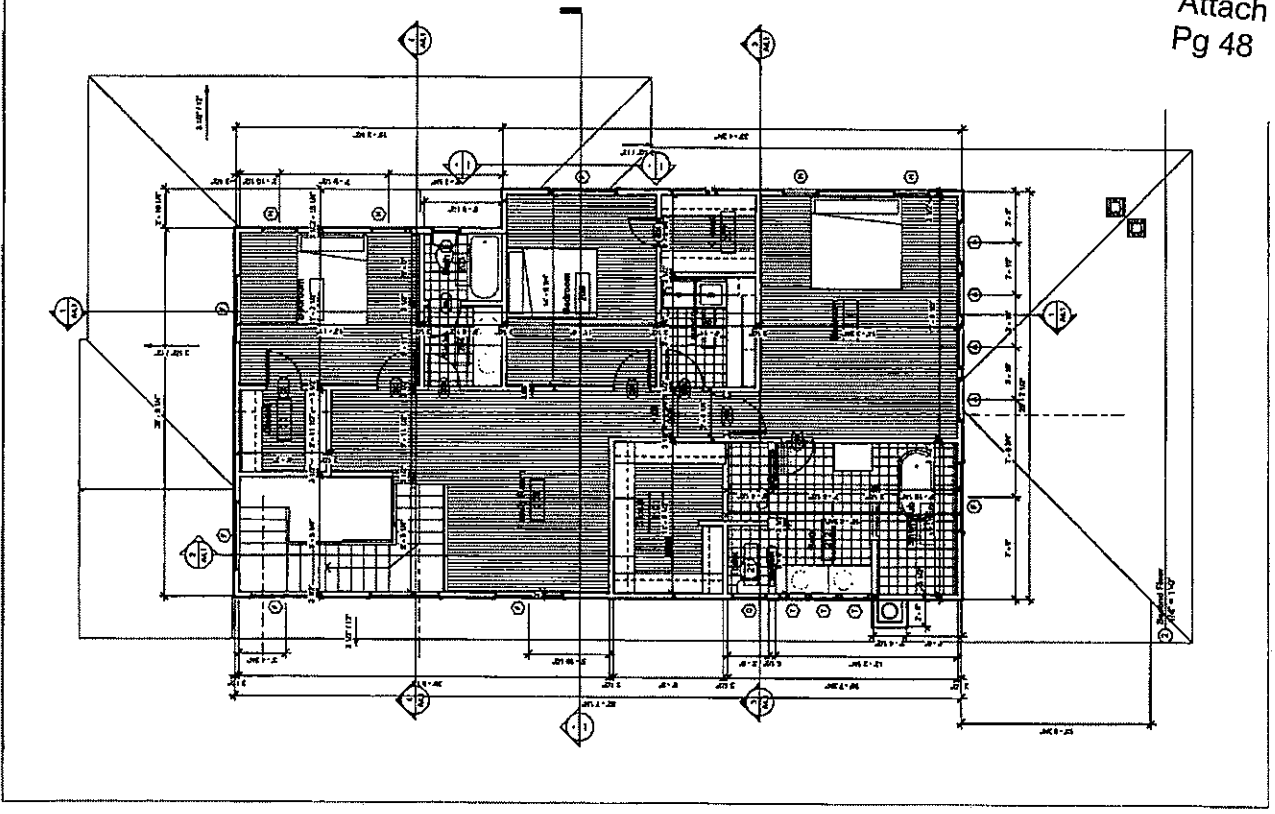
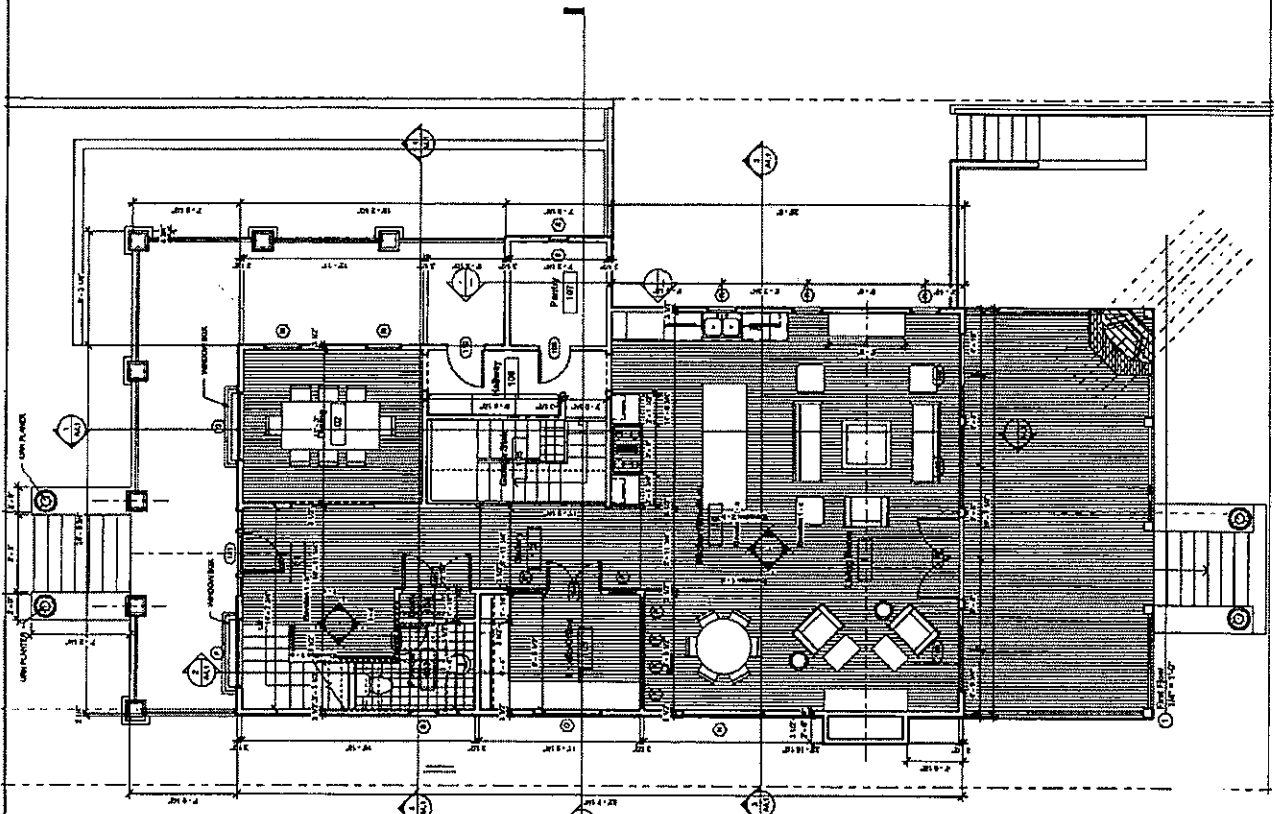
Juris LaVigne, Architect  
 4527 Buck Avenue  
 Dallas, Texas 75204  
 214-636-2711

Jeff Baron Homes  
 6203 Vandalia Avenue  
 Dallas, Texas 75206  
 P 214-259-5835

Baron Residence  
 5946 Palo Pinto Avenue  
 Dallas, Texas 75206

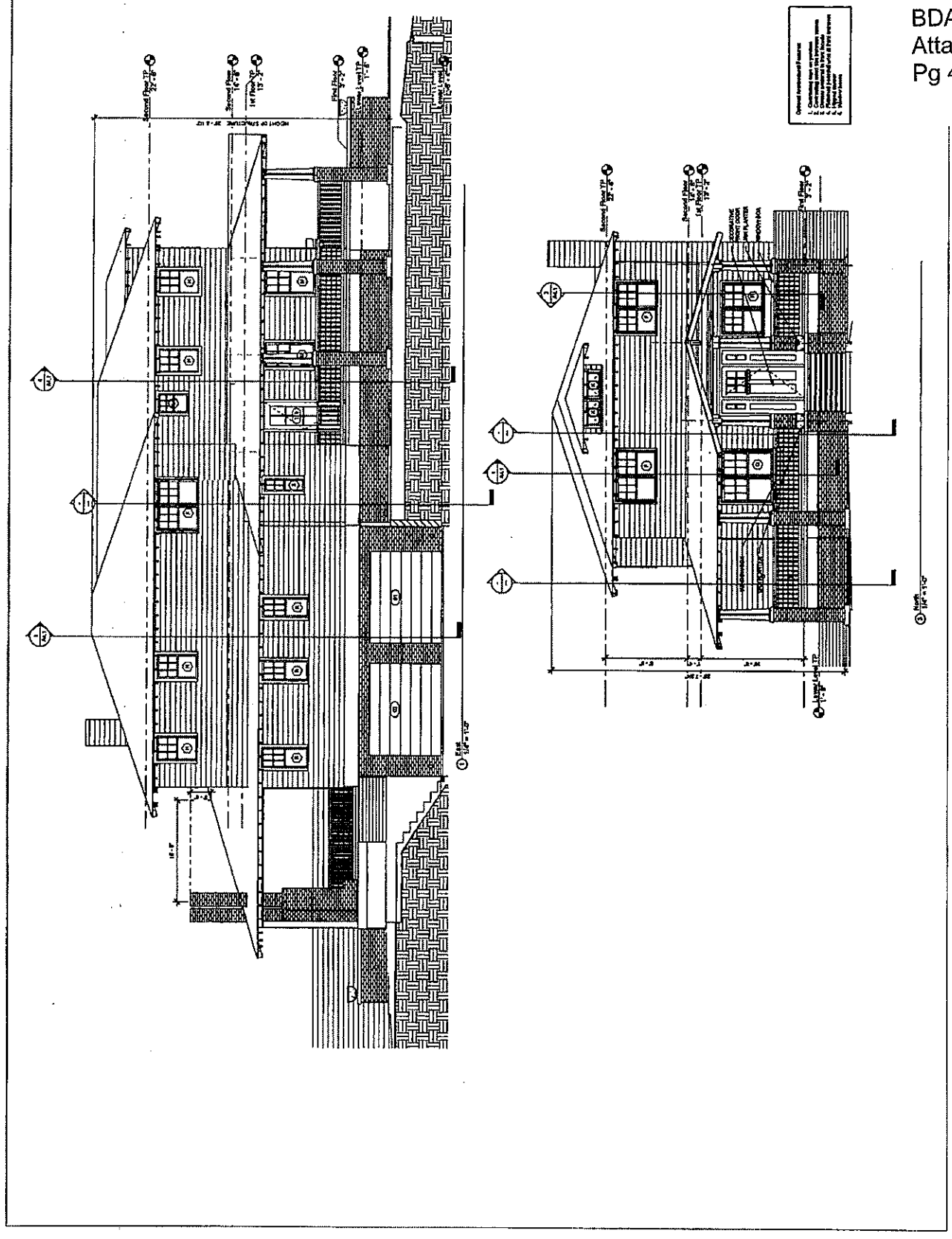
Rev.	Description	Date

Floor Plans  
**A2.2**  
 February 9, 2012



BDA112-120  
 Attach C  
 Pg 48

BDA 112-120  
 Attach C  
 Pg 49



Elevations	
View	Scale

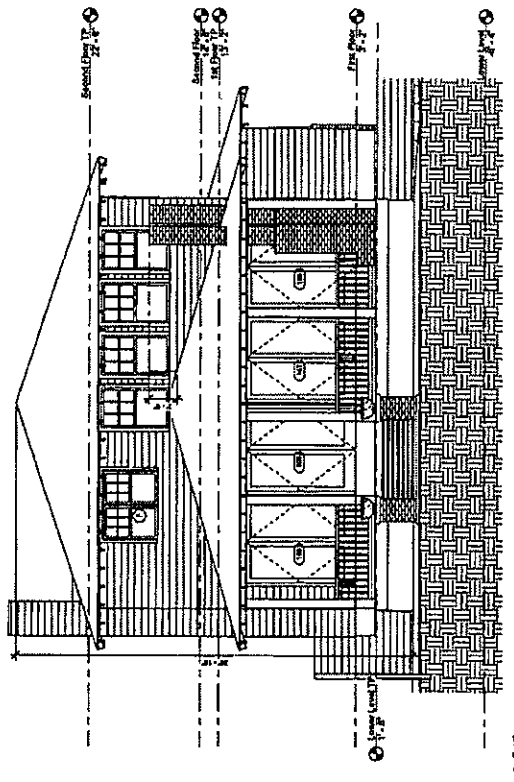
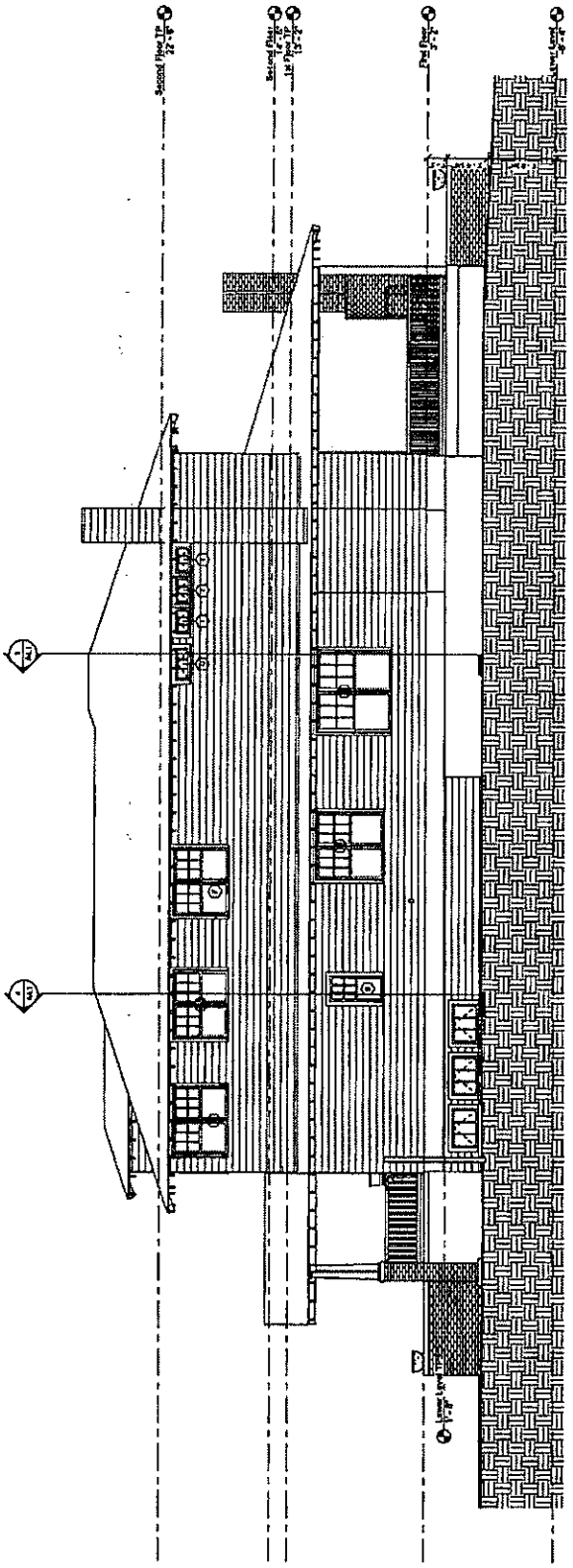
**Baron Residence**  
5946 Palo Pinto Avenue  
Dallas, Texas 75206

Elevations  
**A3.2**  
FEBRUARY 8, 2012

**J.P.**  
Jeff Baron Homes  
6209 Vandenbilt Avenue  
Dallas, Texas 75206  
P: 214-250-5835

**Juris Lavinys, Architect**  
4027 Shiloh Avenue  
Dallas, Texas 75206  
214-624-2711

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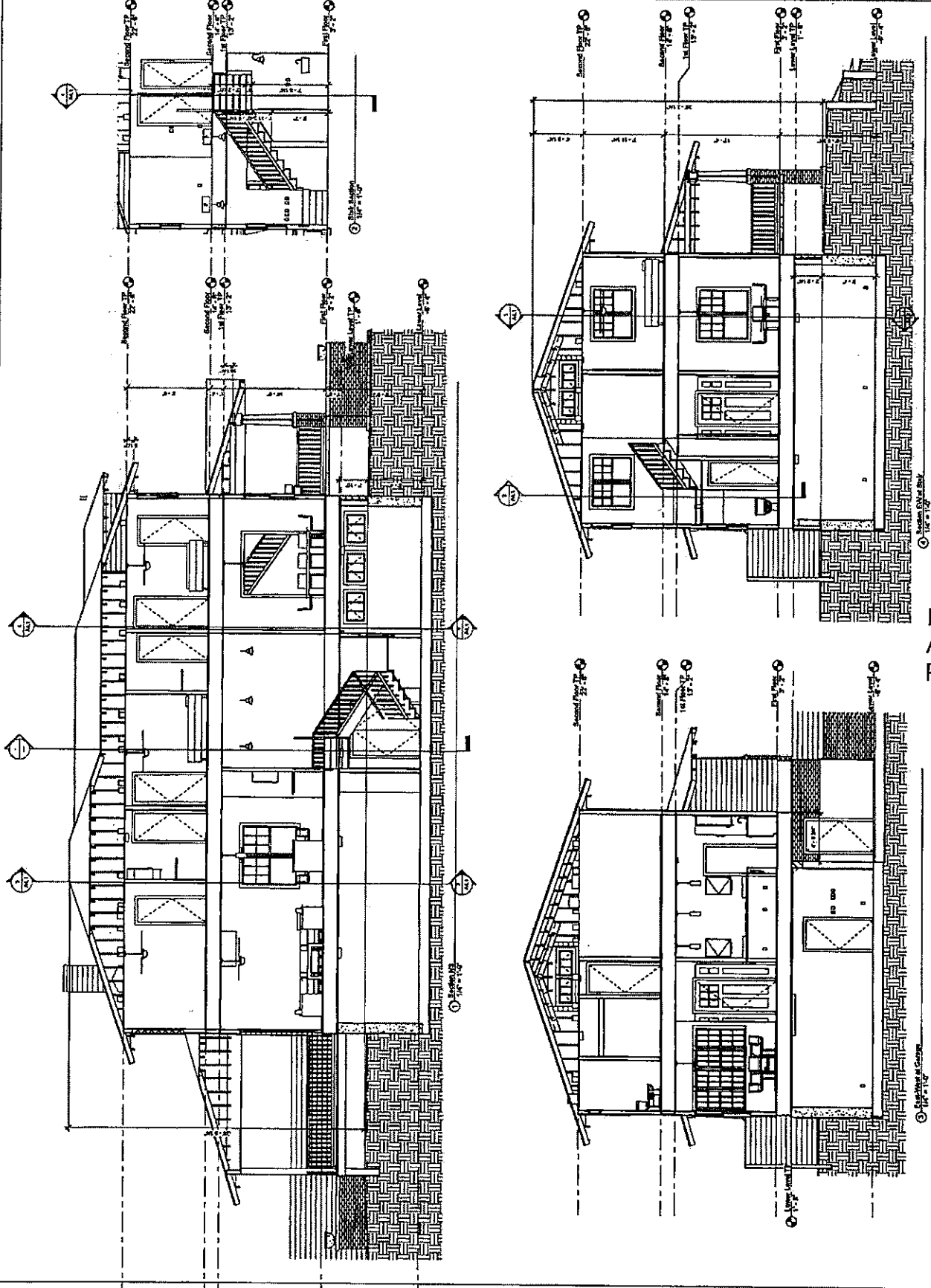
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Attach C  
Pg 50

Baron Residence  
5946 Palo Pinto Avenue  
Dallas, Texas 75206

Jeff Baron Homes  
6303 Vanderbilt Avenue  
Dallas, Texas 75206  
Tel 214-269-5935

Juris Lavins, Architect  
4437 Maple Avenue  
Dallas, Texas 75204  
Tel 214-228-2711

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BDA 112-120  
Attach C  
Pg 51

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 4007 Dallas Avenue  
 Dallas, Texas 75204  
 214-252-2711

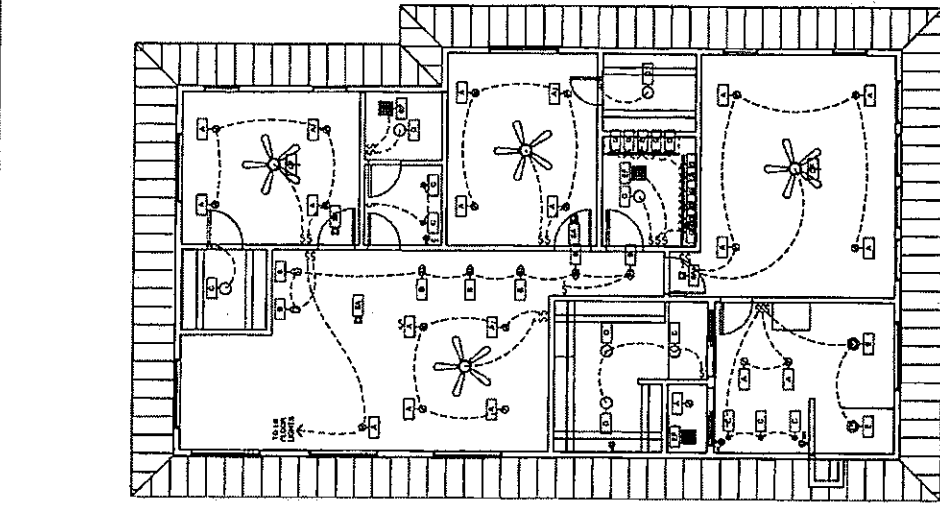
**Jeff Baron Homes**  
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 Dallas, Texas 75206  
 P. 214-259-5835



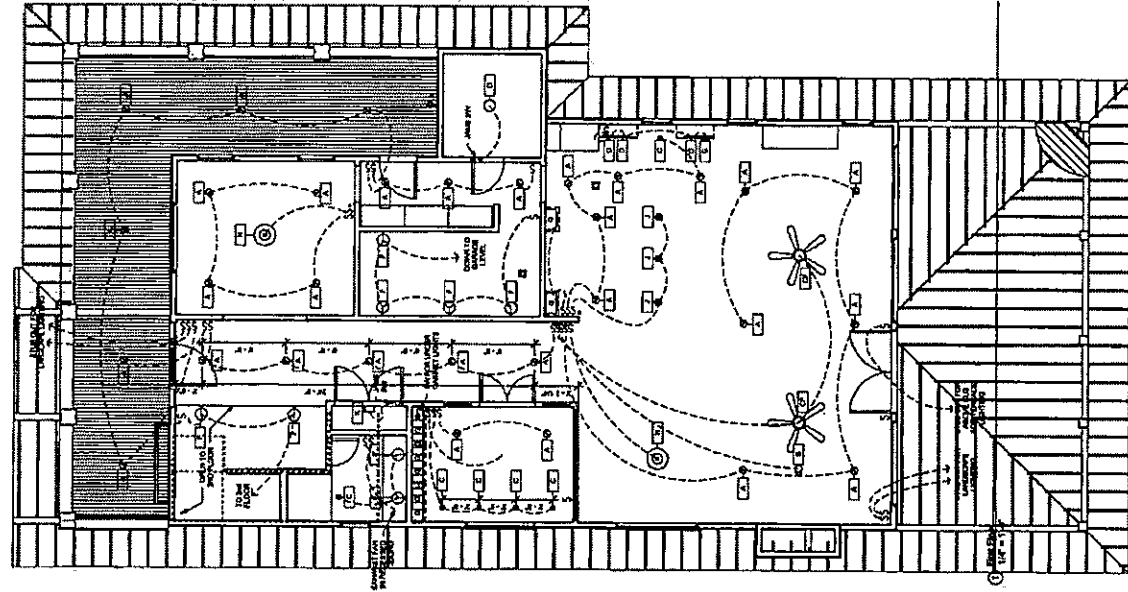
**Baron Residence**  
 5946 Palo Pinto Avenue  
 Dallas, Texas 75206

Lighting Plan & Schedule

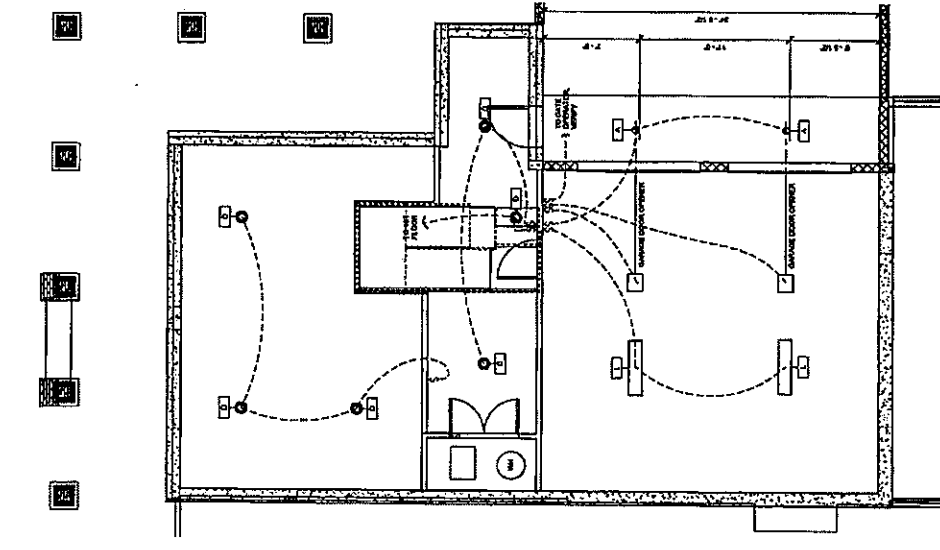
**E1.1**  
 February 8, 2012



Second Floor  
 10' x 10'



Second Floor  
 10' x 10'



First Floor  
 10' x 10'

Type/Label	Count	Lighting Fixture Schedule	Comments
A	13	Downlight - Recessed Can	
B	1	Downlight - Recessed Can	
C	1	Downlight - Recessed Can	
D	8	Chandelier - 3 Light	
E	3	Chandelier - 3 Light	
F	2	Chandelier - 3 Light	
G	2	Chandelier - 3 Light	
H	2	Chandelier - 3 Light	
I	2	Chandelier - 3 Light	
J	2	Chandelier - 3 Light	
K	2	Chandelier - 3 Light	
L	2	Chandelier - 3 Light	
M	2	Chandelier - 3 Light	
N	2	Chandelier - 3 Light	
O	2	Chandelier - 3 Light	
P	2	Chandelier - 3 Light	
Q	2	Chandelier - 3 Light	
R	2	Chandelier - 3 Light	
S	2	Chandelier - 3 Light	
T	2	Chandelier - 3 Light	
U	2	Chandelier - 3 Light	
V	2	Chandelier - 3 Light	
W	2	Chandelier - 3 Light	
X	2	Chandelier - 3 Light	
Y	2	Chandelier - 3 Light	
Z	2	Chandelier - 3 Light	

BDA112-120  
 Attach C  
 Pg 52

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 4057 Shaker Avenue, Suite 205  
 Dallas, Texas 75206  
 214-255-5835

Jeff Baron Homes  
 8203 Vandenbush Avenue  
 Dallas, Texas 75206  
 p 214-255-5835

Jeff Baron Homes  
 8203 Vandenbush Avenue  
 Dallas, Texas 75206  
 p 214-255-5835

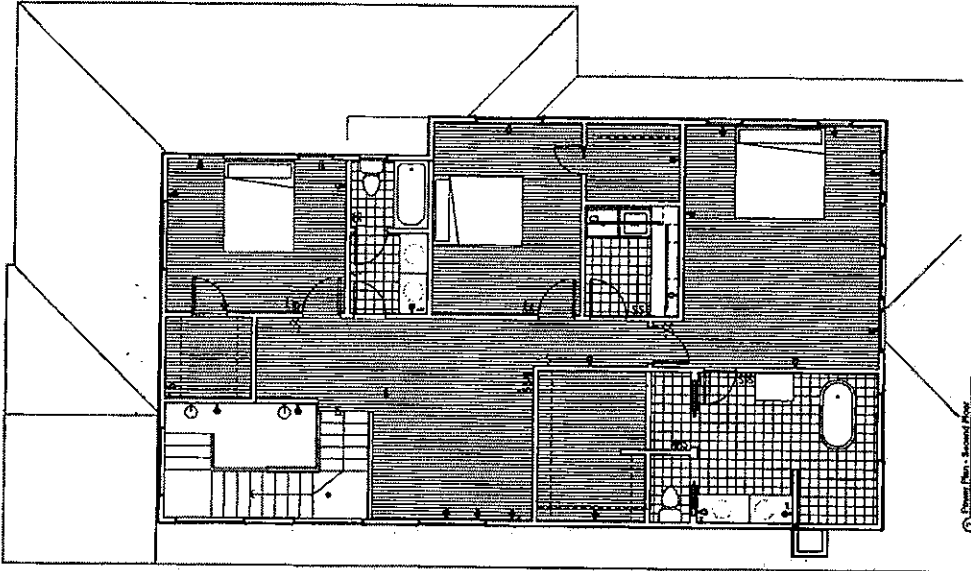
Baron Residence  
 5946 Palo Pinto Avenue  
 Dallas, Texas 75206

Power Plan

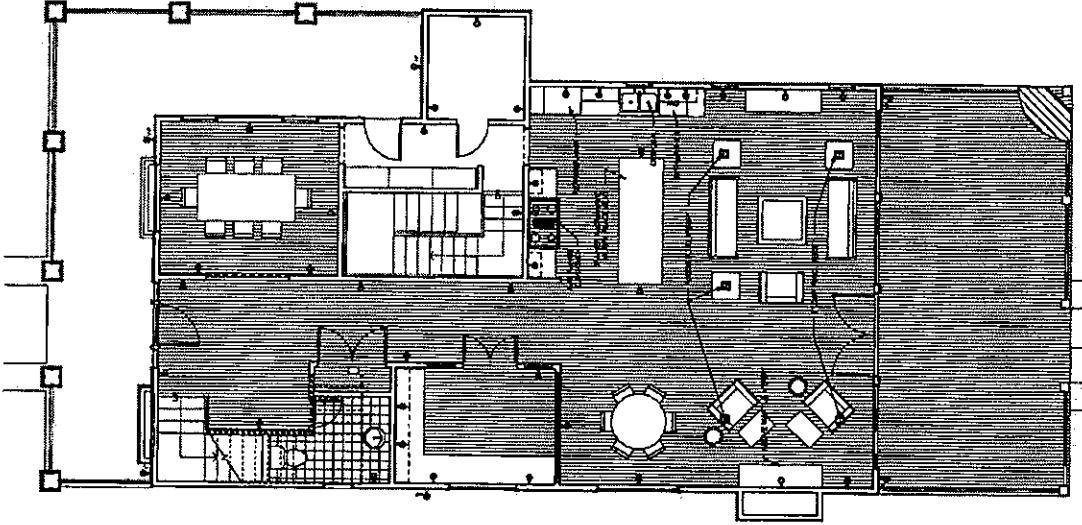
E12  
 February 8, 2002

Revisions

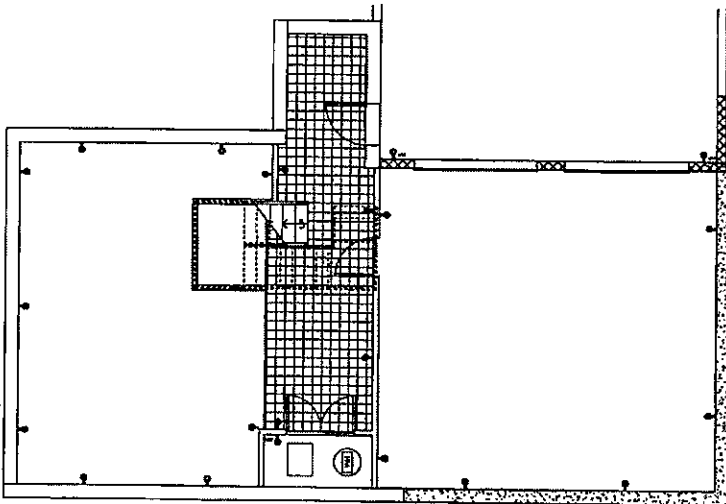
Symbol	Entity and Type	Electrical Schedule	Type	Type Mark	Count
○	Ceiling Exhaust Fan	Ceiling Exhaust Fan	EF	EF	1
○	Switch	Switch	S	S	2
○	Receptacle	Receptacle	R	R	12
○	Light	Light	L	L	2
○	Outlet	Outlet	O	O	1
○	Panel	Panel	P	P	1
○	Transformer	Transformer	T	T	1
○	Panel	Panel	P	P	1
○	Transformer	Transformer	T	T	1
○	Panel	Panel	P	P	1
○	Transformer	Transformer	T	T	1
○	Panel	Panel	P	P	1
○	Transformer	Transformer	T	T	1



Power Plan - Second Floor  
 11/4/01 VCP



Power Plan - First Floor  
 11/4/01 VCP



Power Plan - Basement  
 11/4/01 VCP

BDA 112-120  
 Attach C  
 Pg 53

**COMPROMISE SETTLEMENT AGREEMENT**

THIS COMPROMISE SETTLEMENT AGREEMENT (the "Agreement") is made between the Belmont Addition Conservation District ("BACD") and Jeffrey Baron and Jeff Baron Homes, LLC (together, "Baron"). BACD and Baron are hereinafter collectively referred to as the "Parties."

**RECITALS**

A. Baron is a home builder and in the residential construction and sale business. BACD is an unincorporated nonprofit neighborhood association and the 12<sup>th</sup> Conservation District enacted in the City of Dallas, Texas. The BACD is located in east Dallas between Greenville Avenue on the west, Skillman Street on the east, Belmont Avenue on the south and Llano Avenue on the north.

B. A dispute developed between the Parties regarding the terms of and Baron's compliance with City of Dallas Ordinance No. 25530 ("BACD Ordinance"), which ordinance is incorporated by this reference. Specifically, the parties have a dispute over the requirement found in section (d)(11) of the BACD Ordinance that states that the "maximum number of stories above grade is two stories for Colonial Revival, Craftsman, and Prairie structures." The dispute developed around the house being constructed at 5946 Palo Pinto Avenue, Dallas, Texas 75206 (the "Property") and extends to other construction in the BACD by Baron.

C. All of the Parties to this Agreement desire to avoid the aggravation, uncertainty and expense of litigation and desire to amicably compromise, settle, and dispose of all possible claims and causes of action in connection with this dispute, excluding only the covenants, agreements and obligations set forth in this Agreement.

**AGREEMENTS**

NOW, THEREFORE, for and in consideration of the premises, mutual promises, covenants, conditions, obligations, representations and warranties set forth herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

1. **Fence:** The fence will not exceed 6 feet above the grade of the Property.
2. **Landscaping:** Baron will submit a landscaping plan for the front and wrap-around portions of the Property to BACD within 10 days of the execution of this Agreement, and BACD shall have 14 days to approve such plans or provide Baron revisions that are acceptable to BACD. Such landscaping plan will depict the use of shrubs, plants and trees to reduce the visibility of the brick course and windows that surrounds the exposed portion of the basement story that is above the grade of the Property. In addition to the trees required for new residential construction by Dallas Development Code Section 51A-10.127 and 51A-10.134(b), Baron will plant two large canopy trees from the list attached hereto as Exhibit "A" in the parkway of the Property by November 1, 2012. Such trees must be at least 2 inches in caliper when planted.





3. BACD Ordinance: Baron agree, for themselves and for any assigns, affiliated entities, successor entities and anyone acting at the direction of or in concert with Baron, that, for all other properties located in the BACD that they have any part in building, remodeling, or otherwise modifying, that Baron will strictly adhere to the BACD Ordinance, including the following conditions and restrictions:

- a. The maximum number of stories above grade is two stories for Colonial Revival, Craftsman, and Prairie structures. Maximum number of stories above grade is one-and-one-half stories for Tudor structures. Maximum number of stories above grade is two stories for noncontributing structures. Subterranean or partially subterranean levels are considered a "story" for purposes of the BACD Ordinance.
- b. BACD agrees that subterranean or partially subterranean stories are permitted in the BACD; however, subterranean or partially subterranean stories may not be used to circumvent the limitations on the number of stories above grade set forth in the BACD Ordinance. In the construction of any home, the maximum height, measured from the floor of the first story to the grade, permitted to be exposed above the grade for any subterranean or partially subterranean story is 24 inches. Such exposed portion of any subterranean or partially subterranean story shall be constructed in such a manner that it appears to be a crawl space with a skirt. The wrap-around of any such subterranean or partially subterranean story may only have such windows or doors as necessary for emergency exit, and such windows or doors shall be designed to be as inconspicuous as possible. No windows or doors shall be on the front façade of any such subterranean or partially subterranean story.
- c. In the construction of a Tudor-style home, on the entire front façade and wrap around:
  - i. The definition of "one-and-one-half stories" as set forth in the BACD Ordinance at Section a.(2)(R) and as used in Section d.(11) means that no portion of the side walls shall extend beyond the top of the roof-line for the first story. No pony walls, half-walls, extended walls or the sort shall be allowed.
  - ii. The roof-line for the first story must end at the ceiling of the first story and not exceed 12 feet from final grade. Any living space above the top of the roof-line for the first floor shall be wholly within the gables of the roof.
  - iii. Small, decorative gables are permitted, but gables shall not be used to circumvent this agreement or the BACD ordinance and shall not be used as essentially a second story.

4. Future Construction in BACD: Baron agrees to provide BACD any and all plans for construction in the BACD at the same time that same are submitted to the City of Dallas for approval.

5. For purposes of this Agreement, the definition of "BACD" includes all past, present and future residents, officers, committee chairs, committee members, directors, agents, members, managers, joint venturers, partners, limited partners, parents, subsidiaries, affiliates, divisions, shareholders, representatives, employees, attorneys, insurers, predecessors, successors, and assigns, and any other person or entity acting on its behalf, jointly and severally.

6. For purposes of this Agreement, the definition of "Baron" includes all past, present and future, officers, directors, agents, members, managers, joint venturers, partners, limited partners, parents, subsidiaries, affiliates, divisions, shareholders, representatives, employees, attorneys, insurers, predecessors, successors, and assigns, and any other person or entity acting on their behalf, at their direction or in concert with Baron, jointly and severally.

7. The Parties agree to release each other of and from any and all claims, demands, liabilities, damages, actions and causes of action, of every nature whatsoever, whether known or unknown, suspected or unsuspected, in law or in equity, for any event occurring contemporaneously with or prior to the execution of this Agreement, arising out of, related to, or in connection with the Property. Notwithstanding the foregoing or anything else in this Agreement to the contrary, the Parties do not release any rights created under this Agreement. Except as stated herein, nothing shall be interpreted or construed as a waiver by any party of rights accruing under the BACD Ordinance or any other law, statute, or regulation.

8. All Parties acknowledge and agree that this Agreement is being entered into, and consideration exchanged, in full compromise and settlement of disputed claims for the purpose of avoiding the aggravation, expense and uncertainty of litigation. The Parties further acknowledge and agree that neither the fact of the compromise and settlement, nor the exchange of consideration hereunder, nor the execution of this Agreement shall be taken in any way as an admission of any liability or a relinquishment of any rights by any Party except as set forth herein.

9. This Agreement constitutes the final settlement agreement between the Parties regarding the condition of the Property as of the date of this Agreement and the BACD Ordinance provisions set forth herein, contains all of the final covenants, terms, and conditions agreed upon by the Parties with reference to the subject matter hereof, and this Agreement terminates, supersedes, and replaces any and all prior arrangements, understandings, representations, promises, inducements, or other communications, whether written or oral, between the Parties regarding settlement. No other settlement agreements, oral or otherwise, shall be deemed to exist or to bind any of the Parties hereto. Each Party declares and represents that no oral understandings, statements, promises, or inducements contrary to the terms of this Agreement exist. This Agreement can only be amended in writing signed by all of the Parties hereto.

10. No waiver of any of the terms of this Agreement shall be valid unless in writing and signed by all of the Parties to this Agreement. The waiver by any Party hereto of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach by any Party, nor shall any waiver operate or be construed as a rescission of this Agreement.

11. The Parties further state and represent that they have each fully reviewed all the terms of this Agreement and that each Party, by signing below, warrants and affirms that he, she, or it fully understands its terms. The Parties further state and represent that it is their respective desire, voluntarily and without coercion or influence from any other person or entity, to enter into this Agreement, and the Parties accordingly each do so in any and all capacities as his, her or its own respective free act and deed.

12. The Parties further agree that the statements, representations, agreements and covenants contained herein are contractual in nature and not mere recitations of fact, and that the agreements and covenants set forth herein shall be binding upon and shall inure to the benefit of the Parties, and their respective heirs, successors, assigns and personal representatives, as the case may be. The Parties further agree that this Agreement constitutes a valid, binding, and enforceable obligation of that Party, its terms are lawful and fair, and it constitutes an equitable compromise and settlement of their disputes and differences. If BACD brings suit or pursues any administrative process or procedure to enforce any right or obligation under this Agreement, if BACD prevails in such action, it shall be entitled to recover its expenses, including reasonable attorneys' fees, incurred in connection with that action.

13. The Parties represent and warrant that each has the authority, partnership, or corporate power to enter into the transaction contemplated herein. The Parties further represent and warrant that they are the sole owners of the claims being released by them herein, and that they have not transferred, assigned or otherwise encumbered such claims or any part thereof.

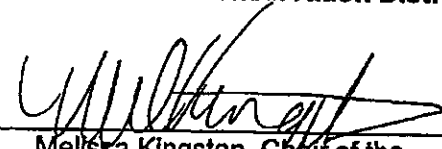
14. The Parties further agree that this Agreement may be executed in multiple counterparts, each of which shall constitute an original.


15. The Recitals set forth herein are true and correct.

SIGNED and APPROVED March 25<sup>th</sup>, 2012.

Belmont Addition Conservation District

Jeff Baron Homes, LLC and  
Jeffrey Baron, Individually

By:   
Melissa Kingston, Chair of the  
Ordinance Enforcement Committee

By:   
Jeffrey Baron, Individually  
and as President of  
Jeff Baron Homes, LLC

**Subject:** 5902 Goliad  
**From:** Belmont Addition (belmontaddition@yahoo.com)  
**To:** sbranan@greenbrookhomesdfw.com;  
**Cc:** belmontaddition@yahoo.com; jharral@greenbrookhomesdfw.com;  
**Date:** Tuesday, August 21, 2012 3:21 PM

BDA112-120  
Attach C  
Pg 58

Ms. Branan,

I am the Chair of the Belmont Addition Conservation District ordinance enforcement committee. I understand that your company has plans to build a home at 5902 Goliad Ave., Dallas, Texas 75206? Welcome to our neighborhood. I wanted to introduce myself and make sure that you are aware that the subject property is located within a conservation district, which has additional zoning requirements. Our ordinance can be found at <http://belmontconservation.files.wordpress.com/2011/01/bacdordinance.pdf>. We have found that some builders get fairly well into the permitting process before they learn about our ordinance, so we try to make sure folks get the ordinance as soon as possible. We are also available to answer questions, and we are happy to review plans if you would like.

Some common areas that builders have questions about include the types of windows permitted, fence placement, decorative elements and number of stories permitted.

- \* The windows and decorative elements depend on the type of house you build - the 4 architectural styles permitted in BACD are Craftsman, Prairie, Tudor and Colonial Revival. The Conceptual Plan for our CD, which has photos of examples for each of these styles, is also located on our website.
- \* The maximum number of stories above grade are 2 for Craftsman, Prairie and Colonial Revival and 1 1/2 for Tudor. Foundations must be 12 inches above grade. Subterranean levels must be just that - if the "subterranean level" is above-grade, it will count for one of the permitted stories. For the Tudor style, the 1/2 story must be wholly within the roof structure. A good example of a new construction Tudor can be found at the corner of Palo Pinto and Delmar (one block north of the subject property).
- \* Finally, fences must start 5 feet behind the front main plane of the house. This goes for driveway gates as well.

If you have any questions about these issues or anything else in the ordinance, please feel free to contact me.

Once you have a buyer, please feel free to let that person know about our neighborhood's website. We also have a Welcome Wagon Committee, who will drop off a Welcome packet when the residents move in.

Thank you, and good luck with your new project.

Melissa Kingston  
214-642-1366



**Subject:** Re: 5902 Goliad BDA 112-120  
**From:** Belmont Addition (belmontaddition@yahoo.com) Attach C  
Pg 59  
**To:** bbailey@hrhoustongroup.com;  
**Cc:** sbranan@greenbrookhomesdfw.com; jharral@greenbrookhomesdfw.com; ethel.gaston@dallascityhall.com;  
**Date:** Wednesday, August 22, 2012 11:35 AM

Brittany,

First, please call me Melissa. Second, I am certainly happy to talk directly with you. I am afraid you have mistaken our intentions here. We reach out to every builder who posts a sign or applies for CD approval in our neighborhood and make the same offer to assist them. We have found that letting folks know they are building in a CD and providing them resources specific to our CD has helped reduce confusion, delays and frustration on everyone's part. We are not anti-development in BACD, and we have some lovely new construction homes that compliment our community. In fact, we award the "Best New Construction" award each year. Certainly, we are proponents of the CD, but we are also very active in promoting a friendly, fun neighborhood. Passing the CD has been a great impetus for positive change for our neighborhood. We now have several neighborhood committees, we do neighborhood-wide social events each year, like Fall Party and Porch Crawl in the spring, and we do beautification projects, like the sign toppers and tree plantings. If you are free for coffee, lunch or happy hour, we would like to meet you and your husband.

Thanks.

Melissa

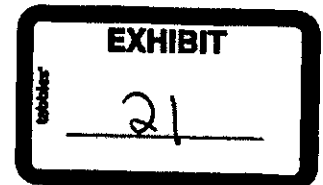
---

**From:** Brittany Bailey <bbailey@hrhoustongroup.com>  
**To:** "belmontaddition@yahoo.com" <belmontaddition@yahoo.com>  
**Cc:** Scott Branan <sbranan@greenbrookhomesdfw.com>; "jharral@greenbrookhomesdfw.com" <jharral@greenbrookhomesdfw.com>; "ethel.gaston@dallascityhall.com" <ethel.gaston@dallascityhall.com>  
**Sent:** Tuesday, August 21, 2012 4:00 PM  
**Subject:** 5902 Goliad

Ms. Kingston,

Thank you for the welcome to the neighborhood. I understand that you contacted our builder, Greenbrook Homes. My husband, James Cooper and I actually purchased the property on Goliad well before selecting a builder so it is interesting that you would contact our builder instead of us as the home owners. As an attorney myself I am well aware of the conservation district Ordinances and the Dallas Development Code. While you are the chair of the Belmont Addition Conservation District Ordinance Enforcement Committee, that is not a Committee sanctioned by the City of Dallas and does not have permitting approval nor authority to interpret the Dallas Development Code. For that reason, we have no desire to request for the Committee to review our plans. We will be building in accordance with other homes permitted and built in the area.

If you have any questions, please feel free to contact me directly.



**Brittany Bailey, JD**  
Vice President of Regulatory Compliance  
T: 214.773.2687 | F: 214.758.8198  
bbailey@hrhoustongroup.com

BDA112-120  
Attach C  
Pg 60

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**Melissa Kingston**

**From:** Fiskell, Margaret [margaret.fiskell@dallascityhall.com]  
**Sent:** Tuesday, August 21, 2012 4:02 PM  
**To:** Melissa Kingston  
**Subject:** RE: 5902 Goliad Ave. - Belmont CD #12

Melissa,  
I appreciate the information.  
I am forwarding this email to my manager Lashondra Holmes. Thanks, Margaret.

---

**From:** Melissa Kingston [mailto:MKingston@fflawoffice.com]  
**Sent:** Tuesday, August 21, 2012 3:49 PM  
**To:** Fiskell, Margaret  
**Cc:** Belmont Addition; Philip Kingston  
**Subject:** RE: 5902 Goliad Ave. - Belmont CD #12

Margaret – I noticed a typo – 12" above grade for foundations. Thanks.



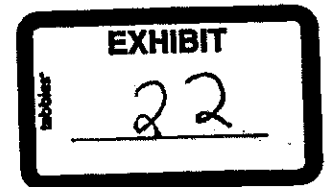
*Melissa R. Kingston | Esq.*  
Friedman & Feiger, LLP | 5301 Spring Valley Road, Suite 200, Dallas, Texas 75254  
Tel: 972-788-1400 | Direct Dial: 972-450-7308 | Fax: 972-776-5313 | [nkingston@fflawoffice.com](mailto:nkingston@fflawoffice.com)

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**From:** Melissa Kingston  
**Sent:** Tuesday, August 21, 2012 3:32 PM  
**To:** Margaret A. Fiskell ([margaret.fiskell@dallascityhall.com](mailto:margaret.fiskell@dallascityhall.com))  
**Cc:** Belmont Addition; Philip Kingston  
**Subject:** 5902 Goliad Ave. - Belmont CD #12

Margaret,



Hello. I see that plans have been submitted for 5902 Goliad in the Belmont Addition CD and that those plans are under review. I heard (but have not confirmed) that the plans seek to include a "subterranean level" that will extend well past the grade level and then have 2 more stories on top of that.

As you will recall, we had this exact issue with Jeff Baron on the lot located at 5946 Palo Pinto last year. We opposed his "subterranean level" that was 5+ feet above grade. We reached a settlement with Baron, but our position on subterranean levels that are not subterranean is the same. Our CD requires that the foundation be 12 foot above grade. There is nothing that permits a subterranean level in our CD. As a compromise, we would allow true subterranean levels – that is, levels completely under the EXISTING grade – so that the "look" of the structure fits within our ordinance. Such levels, as a consequence, could not have windows or other ingress/egress or be visible once construction is complete. We also oppose any sort of "dirt skirt" use to alter the grade – changing the grade is also prohibited by our CD.

You may recall this issue, but I know you have a lot of plans that come across your desk, so I wanted to touch base with you on this. I have reached out to the builder too. If you disagree with our position, will you please let me know and explain your reasoning?

Thanks for your cooperation on this!

Melissa

BDA112-120  
Attach C  
Pg 62



*Melissa R. Kingston | Esq.*  
Friedman & Feiger, LLP | 5301 Spring Valley Road, Suite 200, Dallas, Texas 75254  
Tel: 972-788-1400 | Direct Dial: 972-450-7308 | Fax: 972-776-5313 | [mkingston@fflawoffice.com](mailto:mkingston@fflawoffice.com)

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**Melissa Kingston**

BDA 112-120  
Attach C  
Pg 63

**From:** Holmes, Lashondra [lashondra.holmes@dallascityhall.com]  
**Sent:** Wednesday, August 22, 2012 11:11 AM  
**To:** Melissa Kingston  
**Cc:** Philip Kingston  
**Subject:** RE: 5902 Goliad Ave. - Belmont CD #12

Melissa,

We appreciate the contributions you and your husband have made to the area. Staff will discuss and let you know the outcome after the property owners and applicant have been informed.

LaShondra Holmes Stringfellow, AICP  
Chief Planner  
*Sustainable Development & Construction Department*  
City of Dallas  
214-948-4366

---

**From:** Melissa Kingston [mailto:MKingston@fflawoffice.com]  
**Sent:** Wednesday, August 22, 2012 10:47 AM  
**To:** Holmes, Lashondra  
**Cc:** Philip Kingston; Melissa Kingston  
**Subject:** FW: 5902 Goliad Ave. - Belmont CD #12

LaShondra,

Good morning. I wanted to follow up with you on this issue.

A little history:

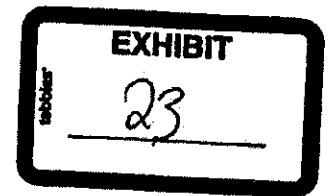
As you may know, a house was built at 5946 Palo Pinto earlier this year in the Belmont Addition CD (CD #12) that had a "subterranean level." On the initial plans submitted to the city, which were approved, the subterranean level was not accurately drawn. As the house got built, it became apparent that this level was not subterranean at all but was more than 50% above-grade. BACD reached a settlement with the builder (a copy of which is attached and a copy of which was sent to Margaret Fiskell at the time). In that settlement, we reached a compromise with this builder, Jeff Baron, on the application of the BACD ordinance vis-à-vis subterranean levels and dirt skirts.

The present issue:

As I understand it (and I have not seen the plans submitted to the city yet), the current property owners had been negotiating with Jeff Baron to build a house with a "subterranean level" at 5902 Goliad like what he built at 5946 Palo Pinto. After our settlement, Baron told them that he could not do it unless they excavated below grade and advised them of BACD's position on this issue. The property owners then decided not to build with Baron and are now working with Greenbrook Homes, who have submitted plans to the City. I reached out to Margaret (below) and the builder yesterday. The builder did not respond, but I did receive a response from the property owner, who thus far is not willing to discuss this issue with the BACD Ordinance Enforcement Committee.

I would like to reach a resolution to this dispute before dirt starts flying. I am willing to meet with you, Margaret, Leif, the builder and/or the property owners.

I also want to make sure that everyone understands that it is BACD's position that subterranean levels are not permitted under our ordinance. Below are some excerpts from our ordinance implicated by this issue:



**(d)(11) Stories.**

(A) Maximum number of stories above grade is two stories for Colonial Revival, Craftsman, and Prairie structures. Maximum number of stories above grade is one-and-one-half stories for Tudor structures. Maximum number of stories above grade is two stories for noncontributing structures. See Exhibit B.

(B) The second story of Craftsman structures must be setback a minimum of five feet from the main plane of the front facade, and may not be more than 70 percent of the floor area of the first story.

**(d)(21) Foundations.** Foundations must be raised at least 12 inches above grade.

**(d)(25) Slope.**

(A) The existing slope of a lot must be maintained. This provision does not prevent minor grading as necessary to allow construction, prevent lot-to-lot drainage, or match the slope of contiguous lots.

(B) A driveway with retaining walls may be cut into the slope of a lot provided that the driveway is straight.

(C) For purposes of this subsection, "slope" means any change in elevation from the front lot line to the rear lot line or from a side lot line to the other side lot line.

**(d)(8) Height.** Except where a lesser height is provided in this exhibit (for example, fences), maximum height for all structures is 30 feet.

It is impossible to have a subterranean level and have the foundation of the home 12" above grade. On the lot in question, there is about a 4 foot rise from street level to the top of the lot. It would be impossible to do a subterranean level that does not rise above the grade without significant excavation. Once a subterranean level rises above the grade (the existing grade and not some artificial "dirt skirt"), then it is a story that has to be counted as such. For Tudors and Craftsmans, which do not allow full 2<sup>nd</sup> stories, there are additional ramifications.

That said, we would be agreeable to a compromise that allows for subterranean levels that are truly that and do not rise above the grade more than 24". We are not agreeable to having windows or other ingress/egress in the front or wrap around of that exposed portion, and we would want the exposed portion in the front and wrap-around (the entire street-facing side if on a corner) to appear to be a crawl space wrapped in a skirt like the original homes had.

We went through a lot of effort to pass the CD ordinance, and we are passionate about enforcing it. We believe that the CD is an integral part of our neighborhood's success. We are not anti-development. We do, however, want new construction to fit within the character and architectural style of the historic homes the CD is designed to promote and protect.

I would like to understand the City's interpretation of this issue. I would like to meet with you on this, and I would like to get a resolution to this issue before plans are approved for 5902 Goliad.

Thank you for your time on this.

Melissa

BDA112-120  
Attach C  
Pg 64



Melissa R. Kingston | Esq.  
Friedman & Feiger, LLP | 5301 Spring Valley Road, Suite 200, Dallas, Texas 75254  
Tel: 972-788-1400 | Direct Dial: 972-450-7308 | Fax: 972-776-5313 | [mkingston@fflawoffice.com](mailto:mkingston@fflawoffice.com)

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**From:** Fiskell, Margaret [<mailto:margaret.fiskell@dallascityhall.com>]  
**Sent:** Tuesday, August 21, 2012 4:02 PM  
**To:** Melissa Kingston  
**Subject:** RE: 5902 Goliad Ave. - Belmont CD #12

Melissa,  
I appreciate the information.  
I am forwarding this email to my manager Lashondra Holmes. Thanks, Margaret.

---

**From:** Melissa Kingston [<mailto:MKingston@fflawoffice.com>]  
**Sent:** Tuesday, August 21, 2012 3:49 PM  
**To:** Fiskell, Margaret  
**Cc:** Belmont Addition; Philip Kingston  
**Subject:** RE: 5902 Goliad Ave. - Belmont CD #12

Margaret – I noticed a typo – 12" above grade for foundations. Thanks.



Melissa R. Kingston | Esq.  
Friedman & Feiger, LLP | 5301 Spring Valley Road, Suite 200, Dallas, Texas 75254  
Tel: 972-788-1400 | Direct Dial: 972-450-7308 | Fax: 972-776-5313 | [mkingston@fflawoffice.com](mailto:mkingston@fflawoffice.com)

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**From:** Melissa Kingston  
**Sent:** Tuesday, August 21, 2012 3:32 PM  
**To:** Margaret A. Fiskell ([margaret.fiskell@dallascityhall.com](mailto:margaret.fiskell@dallascityhall.com))  
**Cc:** Belmont Addition; Philip Kingston  
**Subject:** 5902 Goliad Ave. - Belmont CD #12

Margaret,

Hello. I see that plans have been submitted for 5902 Goliad in the Belmont Addition CD and that those plans are under review. I heard (but have not confirmed) that the plans seek to include a "subterranean level" that will extend well past the grade level and then have 2 more stories on top of that.

As you will recall, we had this exact issue with Jeff Baron on the lot located at 5946 Palo Pinto last year. We opposed his "subterranean level" that was 5+ feet above grade. We reached a settlement with Baron, but our position on subterranean levels that are not subterranean is the same. Our CD requires that the foundation be 12 foot above grade. There is nothing that permits a subterranean level in our CD. As a compromise, we would allow true subterranean levels – that is, levels completely under the EXISTING grade – so that the "look" of the structure fits within our ordinance. Such levels, as a consequence, could not have windows or other ingress/egress or be visible once construction is complete. We also oppose any sort of "dirt skirt" use to alter the grade – changing the grade is also prohibited by our CD.

You may recall this issue, but I know you have a lot of plans that come across your desk, so I wanted to touch base with you on this. I have reached out to the builder too. If you disagree with our position, will you please let me know and explain your reasoning?

Thanks for your cooperation on this!

Melissa



*Melissa R. Kingston | Esq.*  
*Friedman & Feiger, LLP | 5301 Spring Valley Road, Suite 200, Dallas, Texas 75254*  
*Tel: 972-788-1400 | Direct Dial: 972-450-7308 | Fax: 972-776-5313 | [mkingston@fllawoffice.com](mailto:mkingston@fllawoffice.com)*

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Subject: RE: 5902 Goliad

From: Philip Kingston (pkingston@kingstonpllc.com)

To: bbailey@hrhoustongroup.com;

Cc: lashondra.holmes@dallascityhall.com; sbranan@greenbrookhomesdfw.com; MKingston@fflawoffice.com; belmontaddition@yahoo.com;

Date: Wednesday, October 24, 2012 6:15 PM

BDA 112-120  
 Attach C  
 Pg 67

My understanding was that Green Brook had some ideas and was going to provide renderings. I can reach out to the group to see what their various ideas are, but I'm pretty sure that will be a slower process than allowing them to consider a proposal from you.

# Kingston PLLC

Philip Kingston

Attorney

4144 North Central Expressway, Suite 600

Dallas, Texas 75204

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f 469-453-3045

[pkingston@kingstonpllc.com](mailto:pkingston@kingstonpllc.com)

[www.kingstonpllc.com](http://www.kingstonpllc.com)



From: Brittany Bailey [mailto:bbailey@hrhoustongroup.com]  
 Sent: Wednesday, October 24, 2012 5:59 PM  
 To: Philip Kingston  
 Cc: Holmes, Lashondra; sbranan@greenbrookhomesdfw.com; Melissa Kingston; belmontaddition@yahoo.com  
 Subject: Re: 5902 Goliad

For the notes, I thought the committee was going to get back to you and/or Melissa with written comments or suggestions for consideration for potential resolution. I don't know if this will be in a

format that can be sent to us for review or if we need to reconvene for further discussion. Ideally we would love to have some type of resolution by the end of this week or early next week so that we can plan the next phase of construction. The cost of stagnation on the project can run quite high and I don't think any of us want this hanging out there until a hearing in December. Please just let us know how the committee would like to proceed.

Hopefully your trial is going well. I know how exhausting trial week can be.

BDA112-120  
Attach C  
Pg 68

We look forward to hearing from the committee soon.

**Brittany Bailey, JD**

Vice President of Regulatory Compliance & Senior HR Consultant

HRHouston Group and HRHG Benefits Services, Inc.

T: 214.773.2687 | F: 214.758.8198

[bbailey@hrhoustongroup.com](mailto:bbailey@hrhoustongroup.com) | [www.hrhgbenefits.com](http://www.hrhgbenefits.com) | [www.hrhoustongroup.com](http://www.hrhoustongroup.com)

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**From:** Philip Kingston <[pkingston@kingstonpllc.com](mailto:pkingston@kingstonpllc.com)>  
**To:** Brittany Bailey <[bbailey@hrhoustongroup.com](mailto:bbailey@hrhoustongroup.com)>  
**Cc:** "Holmes, Lashondra" <[lashondra.holmes@dallascityhall.com](mailto:lashondra.holmes@dallascityhall.com)>; "sbranan@greenbrookhomesdfw.com" <[sbranan@greenbrookhomesdfw.com](mailto:sbranan@greenbrookhomesdfw.com)>; Melissa Kingston <[MKingston@fflawoffice.com](mailto:MKingston@fflawoffice.com)>; "belmontaddition@yahoo.com" <[belmontaddition@yahoo.com](mailto:belmontaddition@yahoo.com)>  
**Sent:** Wednesday, October 24, 2012 5:52 PM  
**Subject:** RE: 5902 Goliad

Sorry to be slow getting back. Trial this week. We very much enjoyed meeting you, too.

I guess I'm not understanding what you mean by "notes."

**K**ingston PLLC

Philip Kingston  
 Attorney  
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 Dallas, Texas 75204  
 p 214-642-1707  
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[pkingston@kingstonpllc.com](mailto:pkingston@kingstonpllc.com)  
[www.kingstonpllc.com](http://www.kingstonpllc.com)

BDA 112-120  
 Attach C  
 Pg 69

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**From:** Brittany Bailey [<mailto:bbailey@hrhoustongroup.com>]  
**Sent:** Monday, October 22, 2012 4:37 PM  
**To:** Philip Kingston  
**Cc:** Holmes, Lashondra; [sbranan@greenbrookhomesdfw.com](mailto:sbranan@greenbrookhomesdfw.com); Melissa Kingston; [belmontaddition@yahoo.com](mailto:belmontaddition@yahoo.com)  
**Subject:** Re: 5902 Goliad

Philip,

Thank you for organizing and hosting the meeting last Thursday. It was a pleasure to meet you and Melissa and the other members of the committee. I wanted to touch base with you and see if we still might be able to receive the notes from the committee members early this week. We would like an opportunity to review those for consideration and reply before the end of the week so that we may come to a timely resolution. I did confirm with the City that we are slated for the December Board of Adjustment hearing, if necessary. They were unable to provide an exact date at this time. We have also taken the proactive steps to amend the width of the driveway entry to 10 feet. Please let me know if you or any other committee members have any questions regarding this amendment.

I look forward to hearing from you soon.

**Brittany Bailey, JD**  
 Vice President of Regulatory Compliance & Senior HR Consultant  
 HRHouston Group and HRHG Benefits Services, Inc.  
 T: 214.773.2687 | F: 214.758.8198  
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**From:** Philip Kingston <[pkingston@kingstonpllc.com](mailto:pkingston@kingstonpllc.com)>  
**To:** Brittany Bailey <[bbailey@hrhoustongroup.com](mailto:bbailey@hrhoustongroup.com)>  
**Cc:** "Holmes, Lashondra" <[lashondra.holmes@dallascityhall.com](mailto:lashondra.holmes@dallascityhall.com)>; "[sbranan@greenbrookhomesdfw.com](mailto:sbranan@greenbrookhomesdfw.com)" <[sbranan@greenbrookhomesdfw.com](mailto:sbranan@greenbrookhomesdfw.com)>; Melissa Kingston <[MKingston@flawoffice.com](mailto:MKingston@flawoffice.com)>  
**Sent:** Wednesday, October 17, 2012 7:10 AM  
**Subject:** RE: 5902 Goliad

How about our house? 5901 Palo Pinto. I think we'll have the Turlingtons, Emet Schneiderman, Claudia Worme, Ken Lampton, and Darren Dattalo.

**K**ingston PLLC

Philip Kingston

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BDA112-120  
 Attach C  
 Pg 70

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**From:** Brittany Bailey [<mailto:bbailey@hrhoustongroup.com>]  
**Sent:** Tuesday, October 16, 2012 5:32 PM  
**To:** Philip Kingston  
**Cc:** Holmes, Lashondra; [sbranan@greenbrookhomesdfw.com](mailto:sbranan@greenbrookhomesdfw.com); Melissa Kingston  
**Subject:** Re: 5902 Goliad

I have confirmed with our group that 6:30 this Thursday works. Please let us know the location. It will be my husband, James Cooper, and our builder, Scott Branan.

Brittany Bailey

On Oct 16, 2012, at 4:28 PM, Philip Kingston <[pkingston@kingstonpllc.com](mailto:pkingston@kingstonpllc.com)> wrote:

Great. Any chance we could make it 6:30? That will help with folks getting home from work.

**K**ingston PLLC

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 Dallas, Texas 75204  
 p 214-642-1707  
 f 469-453-3045  
[pkingston@kingstonpllc.com](mailto:pkingston@kingstonpllc.com)  
<http://www.kingstonpllc.com/>

---

**From:** Brittany Bailey [<mailto:bbailey@hrhoustongroup.com>]  
**Sent:** Tuesday, October 16, 2012 12:42 PM  
**To:** Philip Kingston  
**Cc:** Holmes, Lashondra; [sbranan@greenbrookhomesdfw.com](mailto:sbranan@greenbrookhomesdfw.com); Melissa Kingston  
**Subject:** Re: 5902 Goliad

I have confirmed that this Thursday evening works for our party. We prefer to meet at 5:30. Please confirm time and a location.

Brittany Bailey

On Oct 15, 2012, at 6:39 PM, Philip Kingston <[pkingston@kingstonpllc.com](mailto:pkingston@kingstonpllc.com)> wrote:

I have solicited availability from the group, and we'll look forward to meeting you in person. Do any dates or times work better for you?



**K**ingston PLLC

Philip Kingston  
 Attorney  
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 Dallas, Texas 75204  
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 f 469-453-3045  
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<http://www.kingstonpllc.com/>

BDA 112-120  
 Attach C  
 Pg 71

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**From:** Brittany Bailey [<mailto:bbailey@hrhoustongroup.com>]  
**Sent:** Friday, October 12, 2012 9:23 AM  
**To:** Philip Kingston  
**Cc:** Holmes, Lashondra; [sbranan@greenbrookhomesdfw.com](mailto:sbranan@greenbrookhomesdfw.com); Melissa Kingston  
**Subject:** Re: 5902 Goliad

Mr. Kingston,

We are happy to sit down with you to help you understand our plans. Our project manager did this with a neighbor just yesterday on the job site and that neighbor was so excited to have such a beautiful home coming into the neighborhood to help improve property values. After many meetings with the City during the permitting process, including a meeting with the City Attorney, we believe we have an excellent understanding of the Code and their interpretations. We would be happy to share that information.

As to yesterday's disturbance on our property, the individual was being quite irate and stating that they were on the City Council and knew the right people to shut this project down. As you just announced that you are running for City Council in District 14 I am sure it concerns you that a neighbor would use these political tactics to bully or harass. We have instructed all of our subcontractors to notify the police immediately in the event of any further disruption.

Please let us know some potential dates and times for next week, and I will confer with my husband, builder, and project manager.

Brittany Bailey

On Oct 11, 2012, at 7:48 PM, Philip Kingston <[pkingston@kingstonpllc.com](mailto:pkingston@kingstonpllc.com)> wrote:

Ms. Bailey:

I assure you that no one in BACD leadership will tolerate interference with your contractors. I have passed along your message, but in my experience, the group does not engage in the behavior you describe. If you have specific complaints, please pass them along.

I mean no offense, but I presume from the tone of your e-mail that you

have a misconception about BACD's intentions here. We are excited to see your new house and more excited to have you as a new neighbor. What we have here is a disagreement with City staff about the interpretation of the CD ordinance. We shared with you, your builder, and staff a detailed explanation of our concerns in August long before your plans were approved. We also reached out to you and your builder as soon as we knew you were coming to the CD. We do this specifically so that we can help builders get plans approved and avoid conflict.

BDA112-120  
Attach C  
Pg 72

Unfortunately, when there is a disagreement over ordinance interpretation that is not resolved through discussion, the sole remedy the neighborhood has is to use the Zoning Board of Adjustment to challenge staff's interpretation. I have attached a BdA appeal we filed today. I have confidence in the arguments presented in the appeal and anticipate prevailing, but actually going through with the BdA hearing is not BACD's preferred option. What we would much prefer to do is to sit down with you and your builder to understand the project from your perspective and explore whether there are changes that can be made to meet your goals for the house and the neighborhood's concerns as well. I have some confidence that such a solution may, in fact, be easy to reach.

We are scheduling a Monday meeting with staff to discuss the concerns we have raised. If we could schedule some time with you also, I would enjoy the chance to work with you and welcome you to the neighborhood.

## Kingston PLLC

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f 469-453-3045  
[pkingston@kingstonpllc.com](mailto:pkingston@kingstonpllc.com)  
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---

**From:** Brittany Bailey [<mailto:bbailey@hrhoustongroup.com>]  
**Sent:** Thursday, October 11, 2012 3:04 PM  
**To:** Philip Kingston; Holmes, Lashondra  
**Cc:** [sbranan@greenbrookhomesdfw.com](mailto:sbranan@greenbrookhomesdfw.com); Melissa Kingston  
**Subject:** Re: 5902 Goliad

Mr. Kingston,

It is my understanding that some individuals from the unsanctioned home owner's association were on my job site today causing a disturbance with our contractors. If this does not cease immediately, we will be forced to begin the process to obtain Restraining Orders. No Trespassing signs will be posted, and if not adhered to, we will contact the District Attorney's office to enforce

criminal trespass.

BDA 112-120  
Attach C  
Pg 73

We have received permits from the City of Dallas, which has the authority to interpret the Dallas Building Code and the ordinance pertaining to the Belmont Addition. We will continue with construction in accordance with those permits.

We have no intention of engaging in a battle with the home owner's in our neighborhood; however, we will defend our rights to build in accordance with our permits and other homes that have been permitted in the area. If you have any further issue, I suggest you take that up with the City of Dallas and remain off of our job site.

**Brittany Bailey, JD**  
Vice President of Regulatory Compliance  
T: 214.773.2687 | F: 214.758.8198  
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**From:** Philip Kingston <[pkingston@kingstonpllc.com](mailto:pkingston@kingstonpllc.com)>  
**To:** "Holmes, Lashondra" <[lashondra.holmes@dallascityhall.com](mailto:lashondra.holmes@dallascityhall.com)>  
**Cc:** "bbailey@hrhoustongroup.com" <[bbailey@hrhoustongroup.com](mailto:bbailey@hrhoustongroup.com)>; "sbranan@greenbrookhomesdfw.com" <[sbranan@greenbrookhomesdfw.com](mailto:sbranan@greenbrookhomesdfw.com)>; Melissa Kingston <[MKingston@fflawoffice.com](mailto:MKingston@fflawoffice.com)>  
**Sent:** Wednesday, October 3, 2012 2:41 PM  
**Subject:** 5902 Goliad

In reviewing the approved plans for this address, the BACD Enforcement Committee had just a couple of questions that we hope you can clear up. I've copied the owner and builder because they may have these answers as well.

1. What's the reason for the 4' elevation between the grade and the first floor in the front of the house? I haven't seen the interior plans, but it doesn't appear from the site plan or the exterior elevations that there is living or storage space below the 1<sup>st</sup> floor. The CD ordinance limits the Prairie style to 2 stories, and these plans give the appearance of 2 ½.
2. What are the Prairie design features on which the CD approval is based? I see what looks like 5 of them on the plans, and I imagine that the 6<sup>th</sup> is simply something that doesn't show up on the plans.
3. The site plan shows the 5' east-side setback. Is the west-side setback 10'?

Sorry if we missed the answers to these questions somewhere on the plans, but since the plans and the CD checklist aren't online, I thought we'd ask you.

BDA112-120  
Attach C  
Pg 74

Thanks for all your help.

## Kingston PLLC

Philip Kingston

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[pkingston@kingstonpllc.com](mailto:pkingston@kingstonpllc.com)

<http://www.kingstonpllc.com/>

<5902 Goliad BdA appeal.pdf>

Melissa Kingston

From: Melissa Kingston  
Sent: Sunday, October 28, 2012 12:01 PM  
To: Brittany Bailey  
Cc: Holmes, Lashondra; sbranan@greenbrookhomesdfw.com; Philip Kingston; Belmont Addition; Melissa Kingston  
Subject: RE: 5902 Goliad - Supplemental Appeal to BOA

Brittany,

We attempted to discuss this with you before your plans were approved and again before we filed the Board of Adjustment appeal, and you refused. Following our meeting last week, we anticipated receiving some color renderings with your builder's ideas for changes to the plans because that's what he said he was going to do. We never received that proposal, though we have asked for it twice now. So we're confused that you want a proposal from us. Our concerns really remain the same as they have been from the beginning: partial story above grade and the driveway size and location. Here are some of the solutions that we specifically discussed at our meeting that would address these concerns:

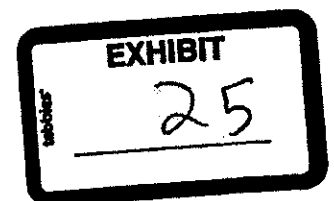
1. Raise the garage from below grade to grade level and move the entry to the alley. This will eliminate the side yard garage driveway access issue as well and eliminate the need for the partial story between the first full story and the grade. And this will be less expensive from a construction perspective.  
Or
2. Move the garage to the rear of the lot if you want to keep side yard access. Again, this solves the driveway access width issue (though the garage will still need a 20' side yard setback). This also eliminates the need for a partial story between the first full story and the grade.

If we did not do a good job at explaining these as alternative options at our meeting, I apologize. I was my impression, however, that you understood these were options but did not want to explore them because you don't like them. Again, if we misinterpreted your response, I apologize. If either of these options are workable for you, then let's sit down and work through the details. If, however, you are looking for us to simply agree to a variance, we are not willing to entertain that. While we have at times worked out alternative resolutions with builders, those instances have only been when new issues to our ordinance have arisen and construction was underway, and we tried to resolve those disputes in a way that would (a) not be precedent for future similar disputes and (b) actually offer a framework for avoiding similar disputes in the future. For instance, when we had a dispute with Jeff Baron over his house at 5946 Palo Pinto, while we did not seek to have him tear down his house, we did secure an agreement from him that he would not do the objectionable aspects of that house again in BACD. Further, this case is different because we began trying to educate you and your builder about the BACD ordinance requirements long before your plans were approved. We feel like we have done everything we can do to head off this dispute at the pass without much success.

We continue to regret that our disagreement is holding up your project, but as we discussed at the meeting, the ordinance is something we value highly. If you have a proposal you would like us to review, please send it to me. I do not understand what you proposed with regard to the 10' driveway – do you have a diagram you can send us reflecting that proposal? Our group will respond pretty quickly. We look forward to hearing from you and coming up with a solution here.

Thanks.

Melissa



**Taylor, Sherry**

BDA112-120  
Attach C  
Pg 76

**From:** Holmes, Lashondra  
**Sent:** Wednesday, August 22, 2012 9:33 AM  
**To:** 'Brittany Bailey'  
**Cc:** Cooper, James D.(BANK); [REDACTED]  
**Subject:** RE: 5902 Goliad

You are absolutely right!

LaShondra-Holmes Stringfellow, AICP  
Chief Planner  
Sustainable Development & Construction Department  
City of Dallas  
214-948-4366

**From:** Brittany Bailey [REDACTED]  
**Sent:** Wednesday, August 22, 2012 9:20 AM  
**To:** Holmes, Lashondra  
**Cc:** Cooper, James D.(BANK); [REDACTED]  
**Subject:** Re: 5902 Goliad

Thank you Ms. Holmes. We are only asking that our plans receive the same consideration as Jeff Baron's home of the same design that was previously permitted to include the permitting of the windows in March of this year.

Brittany Bailey

On Aug 22, 2012, at 9:18 AM, "Holmes, Lashondra" <[lashondra.holmes@dallascityhall.com](mailto:lashondra.holmes@dallascityhall.com)> wrote:

All,

This is a rather complicated issue that I will be speaking with my director on today. I will get back with you by tomorrow morning (hopefully this afternoon).

LaShondra Holmes Stringfellow, AICP  
Chief Planner  
Sustainable Development & Construction Department  
City of Dallas  
214-948-4366

**From:** Cooper, James D.(BANK) [REDACTED]  
**Sent:** Tuesday, August 21, 2012 3:53 PM  
**To:** Holmes, Lashondra; Gaston, Ethel; Fiskell, Margaret  
**Cc:** 'Brittany Bailey'; [REDACTED]  
**Subject:** 5902 Goliad

Ms. Holmes and Ms. Gaston,

Thank you for taking time to speak with my wife and I regarding the permit for 5902 Goliad. As we mentioned we are anxious to start construction on our home. We are willing to work with you to make any adjustments to the plans to meet the conservation district guidelines, with the exception

11/9/2012



**Taylor, Sherry**BDA 112-120  
Attach C  
Pg 77

**From:** Brittany Bailey [REDACTED]  
**Sent:** Wednesday, August 22, 2012 9:20 AM  
**To:** Holmes, Lashondra  
**Cc:** Cooper, James D.(BANK) [REDACTED]  
**Subject:** Re: 5902 Goliad

Thank you Ms. Holmes. We are only asking that our plans receive the same consideration as Jeff Baron's home of the same design that was previously permitted to include the permitting of the windows in March of this year.

Brittany Bailey

On Aug 22, 2012, at 9:18 AM, "Holmes, Lashondra" <[lashondra.holmes@dallascityhall.com](mailto:lashondra.holmes@dallascityhall.com)> wrote:

All,

This is a rather complicated issue that I will be speaking with my director on today. I will get back with you by tomorrow morning (hopefully this afternoon).

LaShondra Holmes Stringfellow, AICP  
 Chief Planner  
 Sustainable Development & Construction Department  
 City of Dallas  
 214-948-4366

---

**From:** Cooper, James D.(BANK) [REDACTED]  
**Sent:** Tuesday, August 21, 2012 3:53 PM  
**To:** Holmes, Lashondra; Gaston, Ethel; Fiskell, Margaret  
**Cc:** Brittany Bailey; [REDACTED]  
**Subject:** 5902 Goliad

Ms. Holmes and Ms. Gaston,

Thank you for taking time to speak with my wife and I regarding the permit for 5902 Goliad. As we mentioned we are anxious to start construction on our home. We are willing to work with you to make any adjustments to the plans to meet the conservation district guidelines, with the exception of removing the basement level.

As has been discussed the only issue remaining is on the definition of a Story versus a Basement. You have said that this is a grey area and open to interpretation; however, we believe it has already been established. The Building Code has two distinct definitions of what constitutes a "Story" and "Basement". This distinction clearly shows the Code considers these as two distinctly different things. The International Residential Code version 2006, which the Dallas Building Code is based, has a separate definition for an "Above Grade Story". This definition (attached for reference) essentially states that a basement is not considered an above grade story. This is further supported by the fact Appraisers cannot consider a basement as a story when appraising a home. Any square footage that is deemed to be a "Basement" is not a story and is valued and documented differently.

Finally, your office has already made its interpretation of the sub-grade level by the approval of Jeff Baron's home located on the corner of Palo Pinto and Concho. On September 26, 2011, Jeff Baron was approved for a permit to begin construction on a 2 story house with a subterranean level.

11/9/2012

BDA 112-120

3-95

Attached are a copy of the approval and submitted plans. At this time the Basement was not considered an above grade story. Then on March 14, 2012, Jeff Baron received approval and permit with his revised plans to include 3 windows in the Basement level (approval and plans attached for reference). Again the Basement level was approved and not considered a story. In addition he received approval for his plans to include windows in the Basement level. Since both of these approvals, there have been no changes or amendments to the Conservation District Code. As a result we believe our plans fully conform with the Conservation District guidelines and the City of Dallas' interpretation.

<image001.png>

We are disappointed at the length of time it has taken to get a final decision on our permit. This process has been on-going for nearly three months and we are approaching the deadline to appeal (if it is necessary). However, we believe that the plans submitted meet every guideline in the Conservation District and Dallas Development Code. If it is determined that the plans submitted do not meet the guidelines, we would expect that Code Compliance would begin to take action for the multiple code violations for Jeff Baron's house, similar in design, which was recently permitted and given a certificate of occupancy, as this would be beneficial to the City of Dallas and clarify my misinterpretations of the Code.

Ms. Gaston indicated that Margaret Fiskell had scheduled a meeting with our builder Scott Branan for Wednesday August 22. We will be at your offices tomorrow morning to meet with Ms. Gaston and Ms. Fiskell. Your prompt response to the points discussed above would be greatly appreciated given the length of time this has been on-going.

Regards,

**James Cooper, CFA**  
Capital One, N.A | Commercial Banking  
600 N. Pearl Street, Suite 2500  
Dallas, TX 75201  
Phone: 214-855-1672  
Fax: 214-855-1600

BDA112-120  
Attach C  
Pg 78

</pre>

The information contained in this e-mail is confidential and/or proprietary  
<br>  
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<br>  
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<br>  
from your computer.  
<br>





**Belmont Addition Conservation District**  
Est. 1893

October 24, 2012

Via Email

Officer for Public Information  
c/o Ms. Theresa O'Donnell  
Director  
Sustainable Development and Construction  
City of Dallas  
1500 Marilla Street  
Dallas, Texas 75201

Re: 5902 Goliad Ave., Dallas, Texas (the "Property")

Dear Officer for Public Information:

This request is made under the Texas Public Information Act, Chapter 552, Texas Government Code (the "Act"), which guarantees the public's access to information in the custody of governmental agencies. I respectfully request a copy of and/or the opportunity to inspect and make a copy of the following public information within 10 days hereof:

- All communications, including without limitation emails, letters, facsimiles, text messages, and instant messages, between employees and/or representatives of employees of the City of Dallas and Brittany Bailey related to the Property;
- All communications, including without limitation emails, letters, facsimiles, text messages, and instant messages, between employees and/or representatives of employees of the City of Dallas and Justin Milam related to the Property;
- All communications, including without limitation emails, letters, facsimiles, text messages, and instant messages, between employees and/or representatives of employees of the City of Dallas and James Cooper related to the Property;
- All communications, including without limitation emails, letters, facsimiles, text messages, and instant messages, between employees and/or representatives of

5901 Palo Pinto Avenue · Dallas, Texas 75206





## Belmont Addition Conservation District

Est. 1893

employees of the City of Dallas and Greenbrook Homes, LLC related to the Property:

- All communications, including without limitation emails, letters, facsimiles, text messages, and instant messages, between employees and/or representatives of employees of the City of Dallas and the City of Dallas Building Official related to the Property;
- All communications, including without limitation emails, letters, facsimiles, text messages, and instant messages, by and/or between employees and/or representatives of employees of the City of Dallas related to the Property;
- All communications, including without limitation emails, letters, facsimiles, text messages, and instant messages, received by employees and/or representatives of employees of the City of Dallas related to the Property from others;
- All calendar entries related to any meetings by employees and/or representatives of employees of the City of Dallas regarding the Property;
- All notes from meetings, telephone conversations or other communications made or received by employees and/or representatives of employees of the City of Dallas related to the Property;
- All plans, diagrams, elevations and photographs of the Property;
- All notes related to the Property;
- All permits related to the Property.

These requests are limited in time from May 20, 2011 through the present.

In the interest of expediency, and to minimize the research and/or duplication burden on your staff, I would be pleased to personally examine the relevant records if you would grant me immediate access to the requested material. Additionally, and since time is a factor, please communicate with me by email or telephone rather than by mail.

If the costs for obtaining this information will be in excess of \$40, please provide me with an itemized expense estimate pursuant to Section 70.7 of the Texas Administrative Code and Section 552.2615 of the Act.

5901 Palo Pinto Avenue · Dallas, Texas 75206



## Belmont Addition Conservation District

Est. 1893

I look forward to hearing from you promptly. Thank you for your cooperation and assistance. Should you have any questions or need further information, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Melissa Kingston". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Melissa Kingston

Chair, BACD Ordinance Enforcement Committee

5901 Palo Pinto Avenue

Dallas, Texas 75206

(214) 642-1366

[belmontaddition@yahoo.com](mailto:belmontaddition@yahoo.com)

cc: BACD Ordinance Enforcement Committee

5901 Palo Pinto Avenue • Dallas, Texas 75206



5946 Velasco Ave.



5947 Palo Pinto Ave.

EXHIBIT  
28

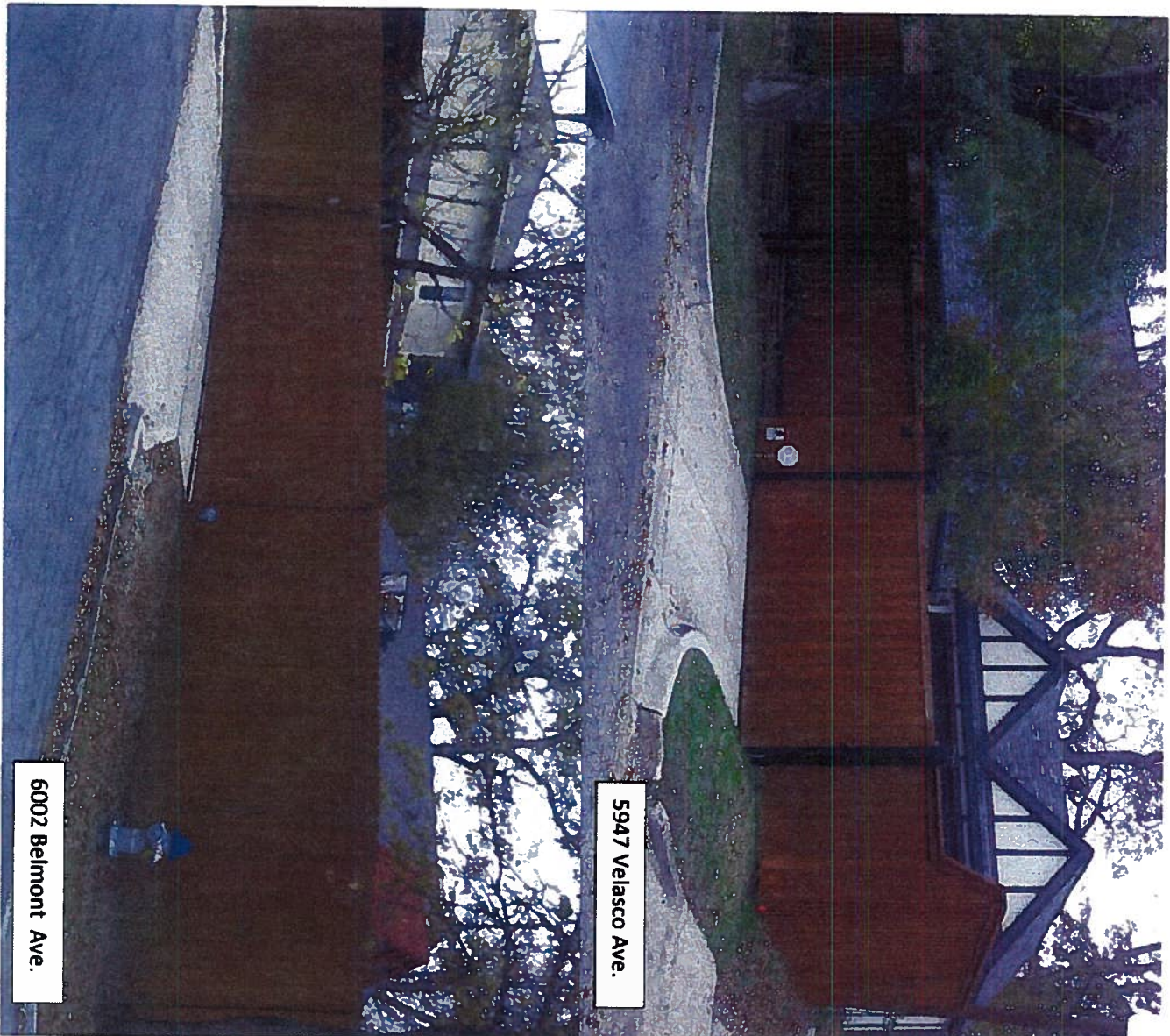
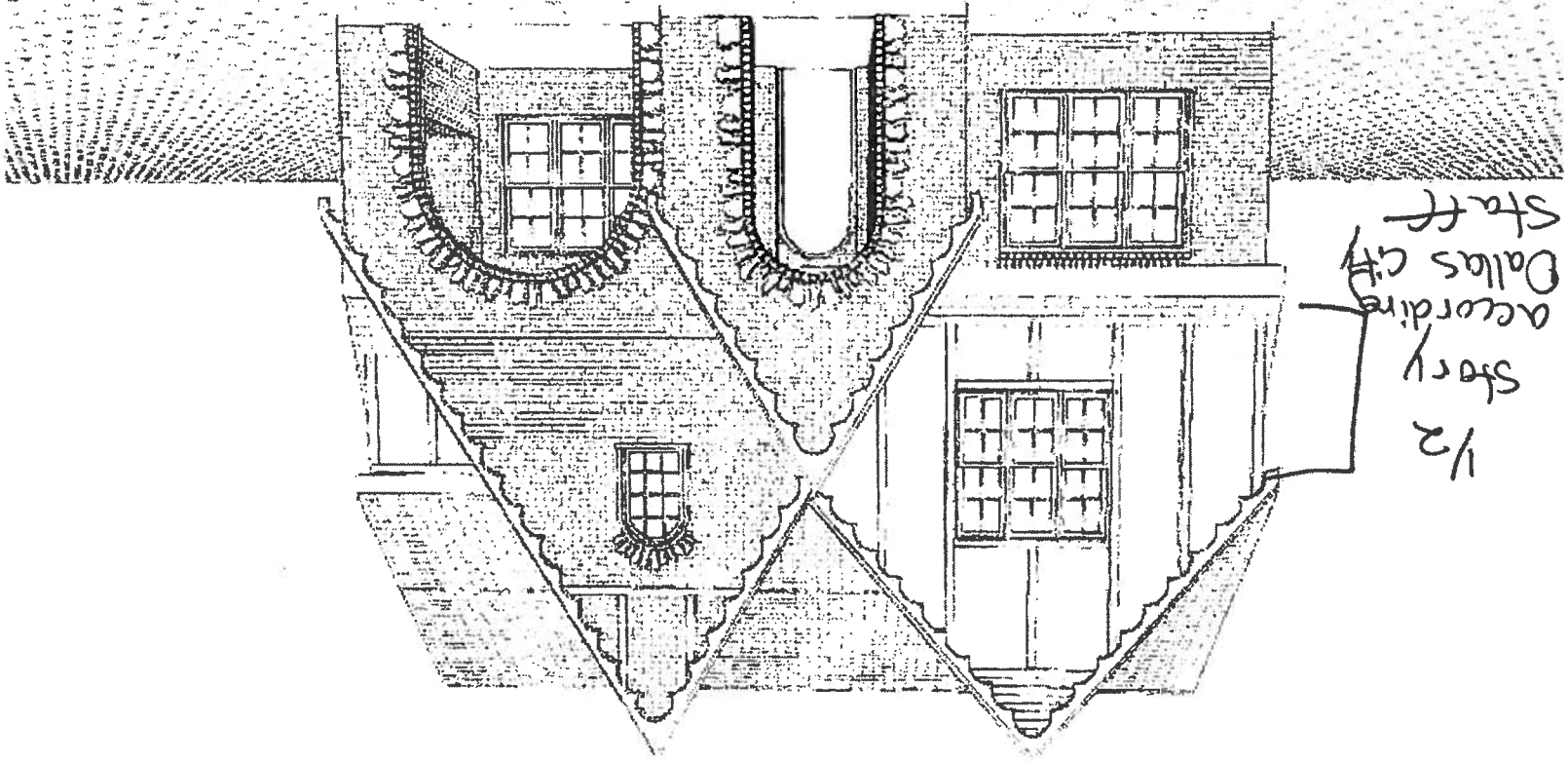




EXHIBIT  
29

5910 Velasco



BDA 112-120  
Attach C  
Pg 85



**5902 Goliad Avenue**

BDA 112-120  
Attach D  
Pg 1





## 5902 Goliad Avenue

View of Site from Goliad Street

BDA112-120  
Attach D  
Pg 2

City 2



## 5902 Goliad Avenue

View of Site from Delmar

BDA 112-120  
Attach D  
Pg 3

City 3



## 5902 Goliad Avenue

View of Site from Delmar

BDA112-120  
Attach D  
Pg 4



## 5902 Goliad Avenue

Existing Drive Access from Delmar. This driveway is being moved to the north to meet Public Works and Conservation District regulations.

BDA 112-120  
Attach D  
Pg 5

City 5

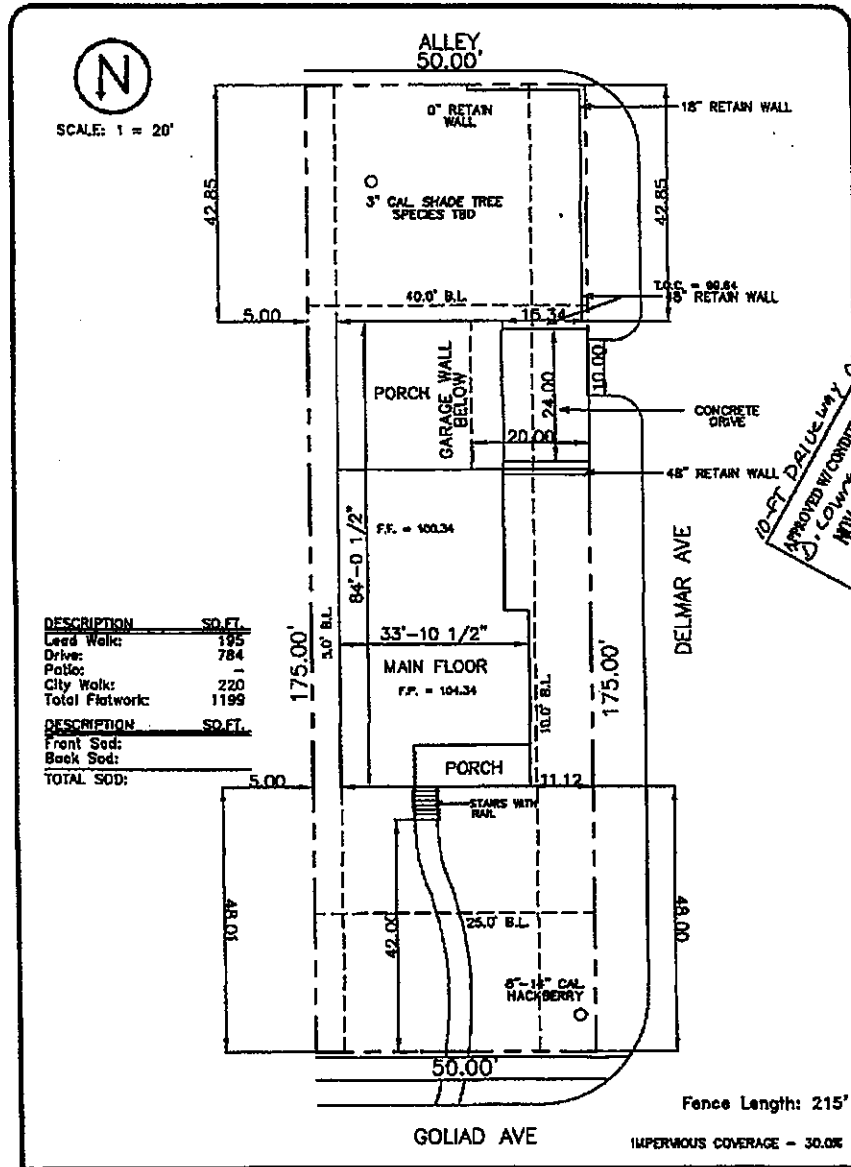


## 5902 Goliad Avenue

View of Alley from Delmar

BDA112-120  
Attach D  
Pg 6

City 6



DESCRIPTION	SQ. FT.
Lead Walk:	185
Drive:	784
Patio:	1
City Walk:	220
Total Flatwork:	1199

DESCRIPTION	SQ. FT.
Front Sod:	
Back Sod:	
TOTAL SOD:	

10-FT. DALLE L&P ONLY  
 APPROVED WITH CONDITIONS  
 D. LOVINSKY, P.E.  
 NOV 19 2012  
 Statewide Professional & Consulting Engineers & Construction District

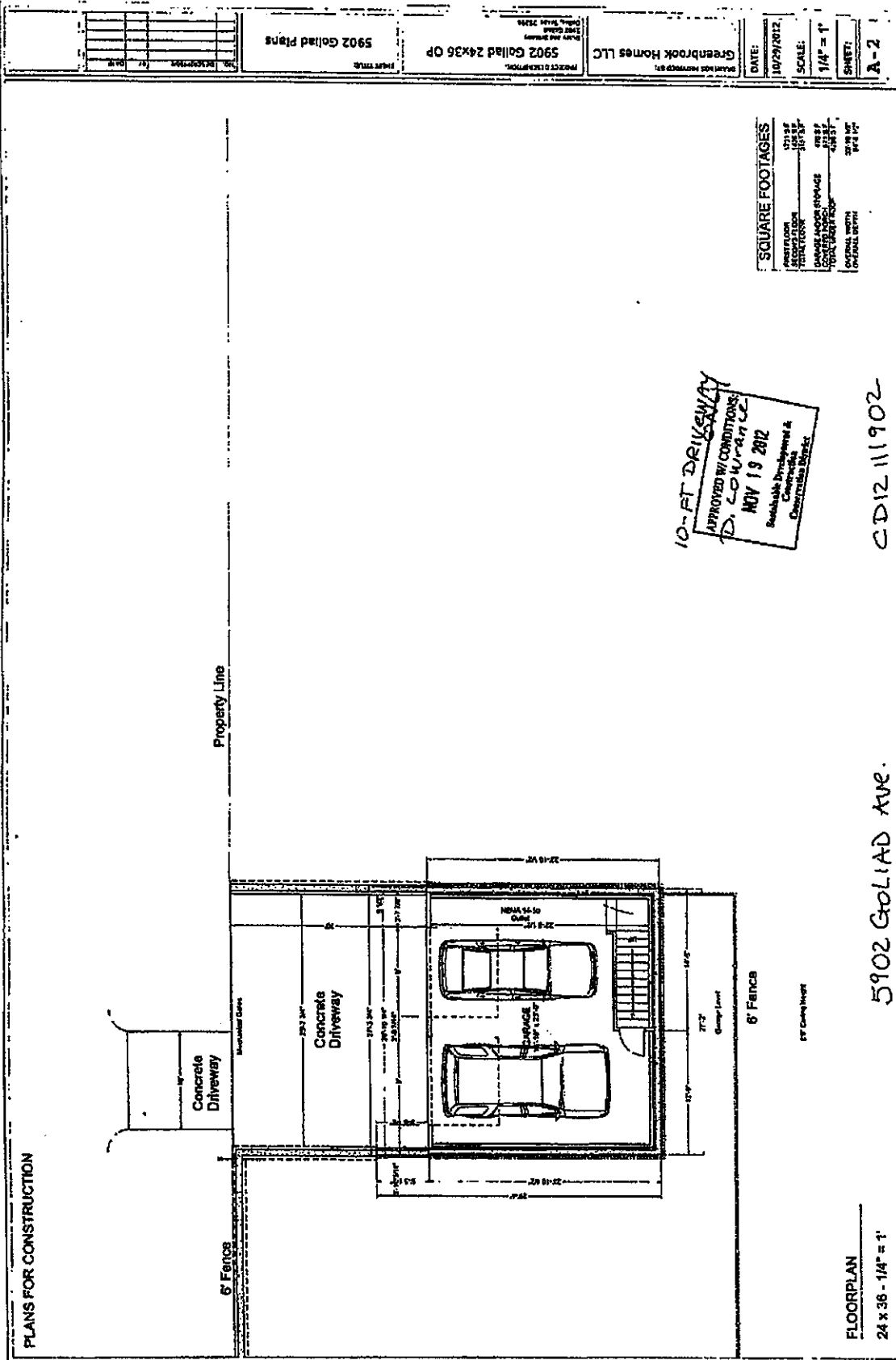
IT IS THE BUILDING SUPERVISOR'S RESPONSIBILITY TO ENSURE THE COMPLETION OF THIS FLOOR PLAN BEFORE PROCEEDING WITH CONSTRUCTION. IF THERE ARE ANY CHANGES AND/OR DIMENSIONS THAT ARE TO BE BROUGHT TO THE ATTENTION OF PROFESSIONAL ENGINEER SO AS THEY MAY BE CORRECTED, THIS INCLUDES, BUT IS NOT LIMITED TO, HOME OWNERS ASSOCIATION, NEIGHBORHOOD ARCHITECTURAL REVIEW COMMITTEE, APPROVAL, SPECIAL USE AND DRAINAGE CONDITIONS, ENVIRONMENTAL BUILDING SERVICES, AND OTHER REGULATIONS THAT APPLY TO THE PROPERTY.

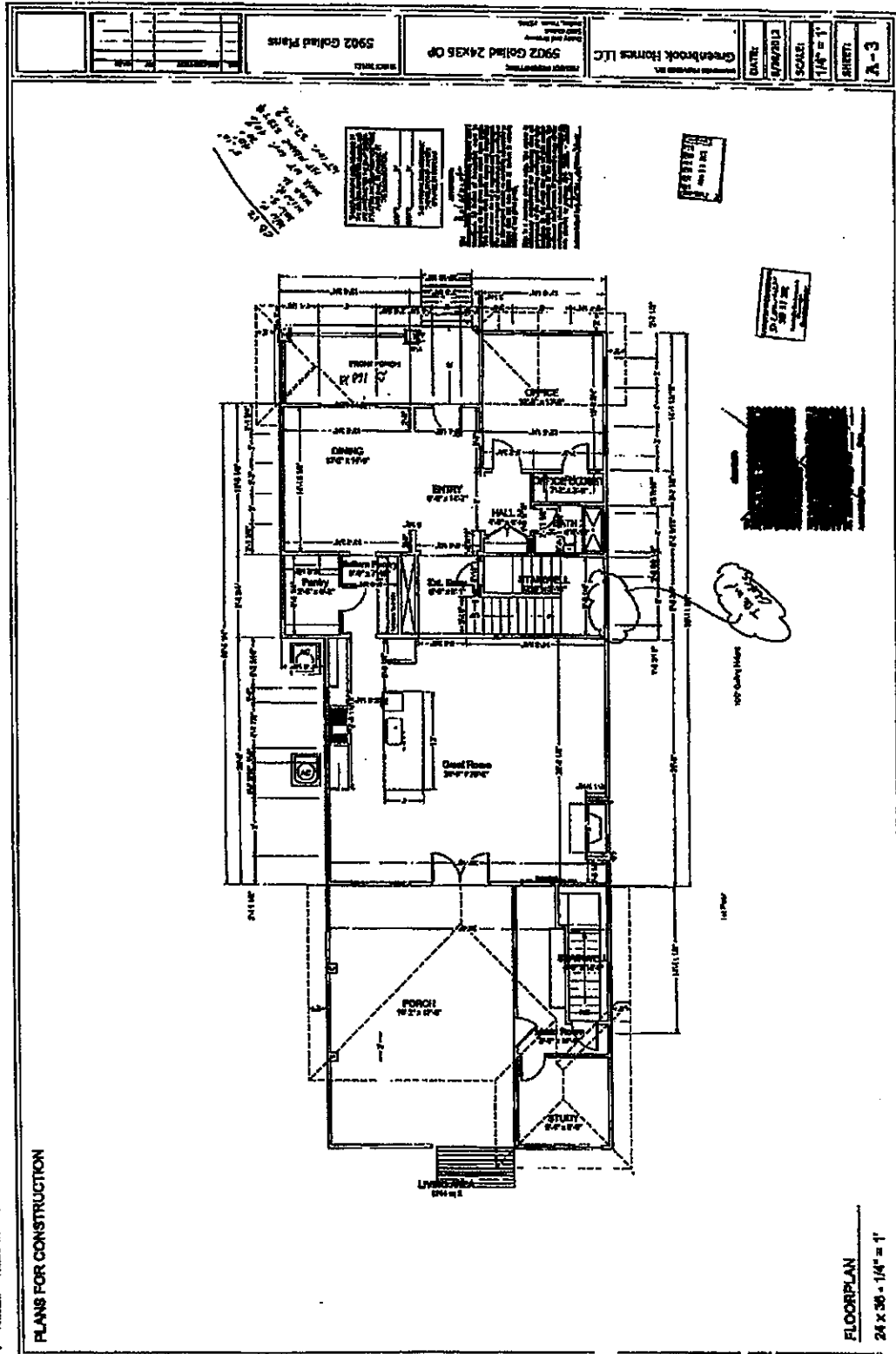
(S.D.) INDICATES THAT BUILDING LINES, EASEMENTS, R.O.W.'S, ETC. AS SHOWN HEREON ARE PER PLAN SUPPLIED.

SUBDIVISION: <b>BELMONT ADDITION</b>		DATE: <b>10/30/12</b>
ADDRESS: <b>5902 GOLIAD AVE</b>		JOB #:
LOT: <b>1</b>	BLOCK: <b>14/1900</b>	
CITY: <b>DALLAS, TX</b>		
PLAN #:	DRAWN BY: <b>PDI</b>	

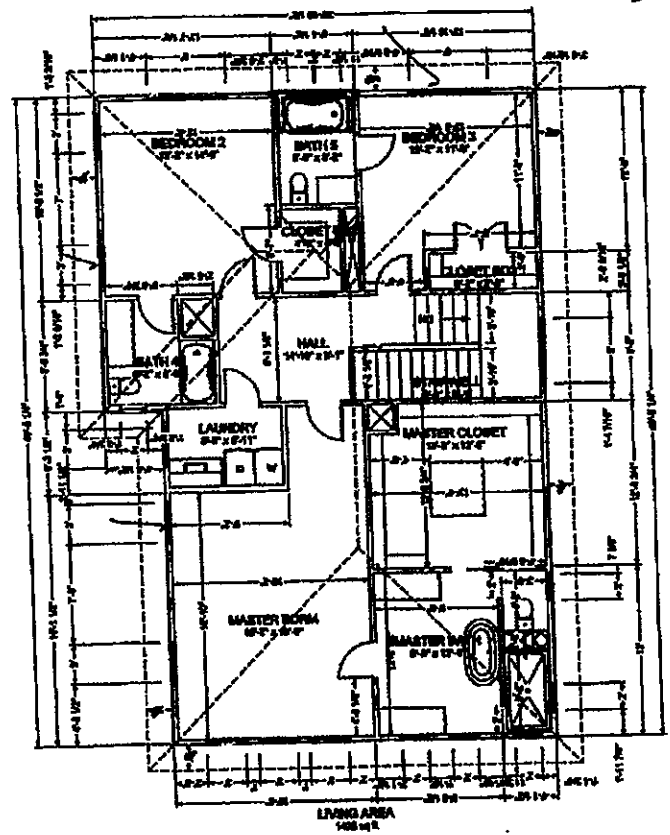
**P** PROFESSION  
 3664 BRAEWOOD DRIVE  
 MCKINNEY, TX, 75070  
 PHONE: 214.227.7517  
 FAX: 214.227.7535  
 An architectural services company

CD 12111902



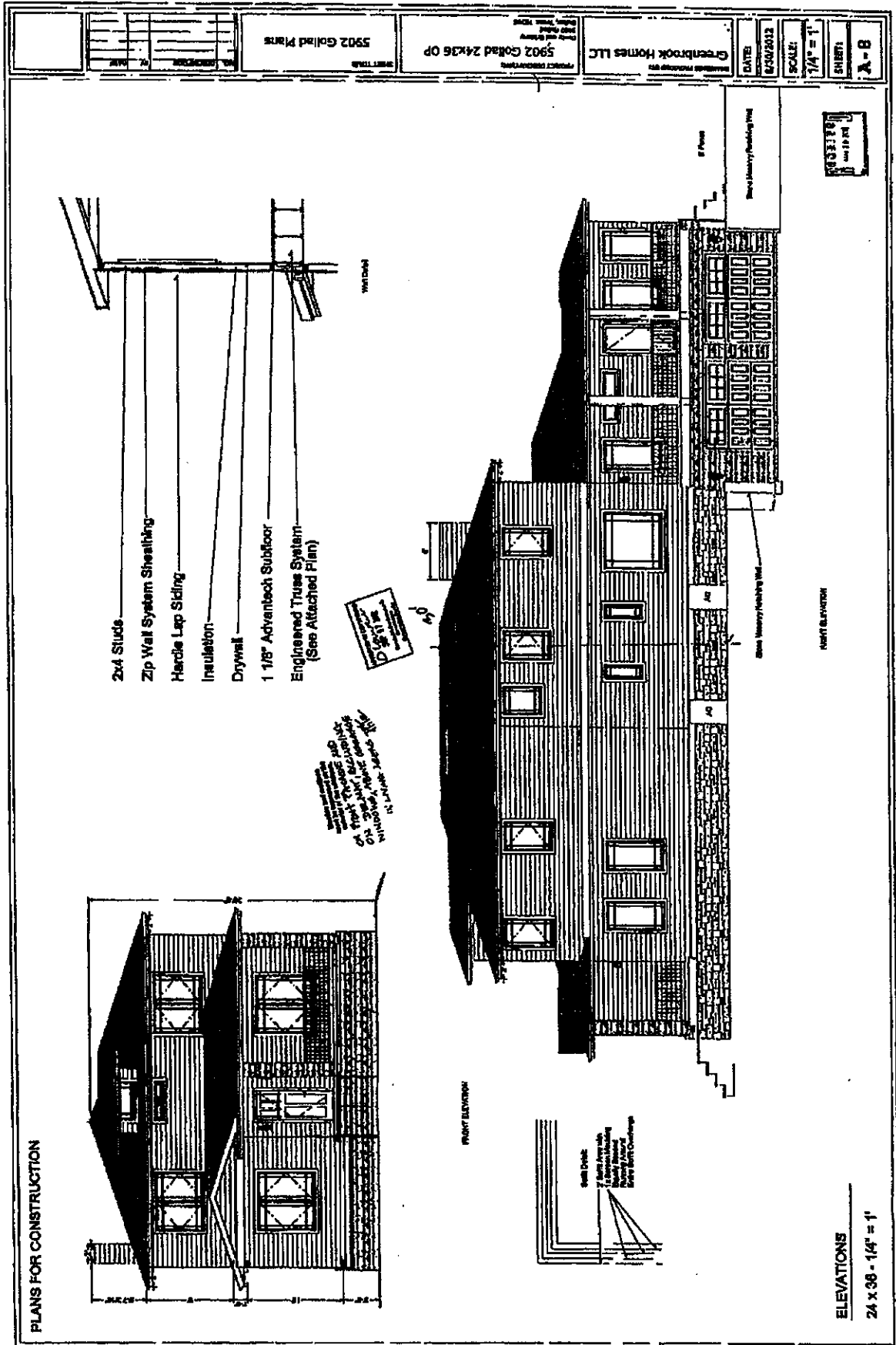


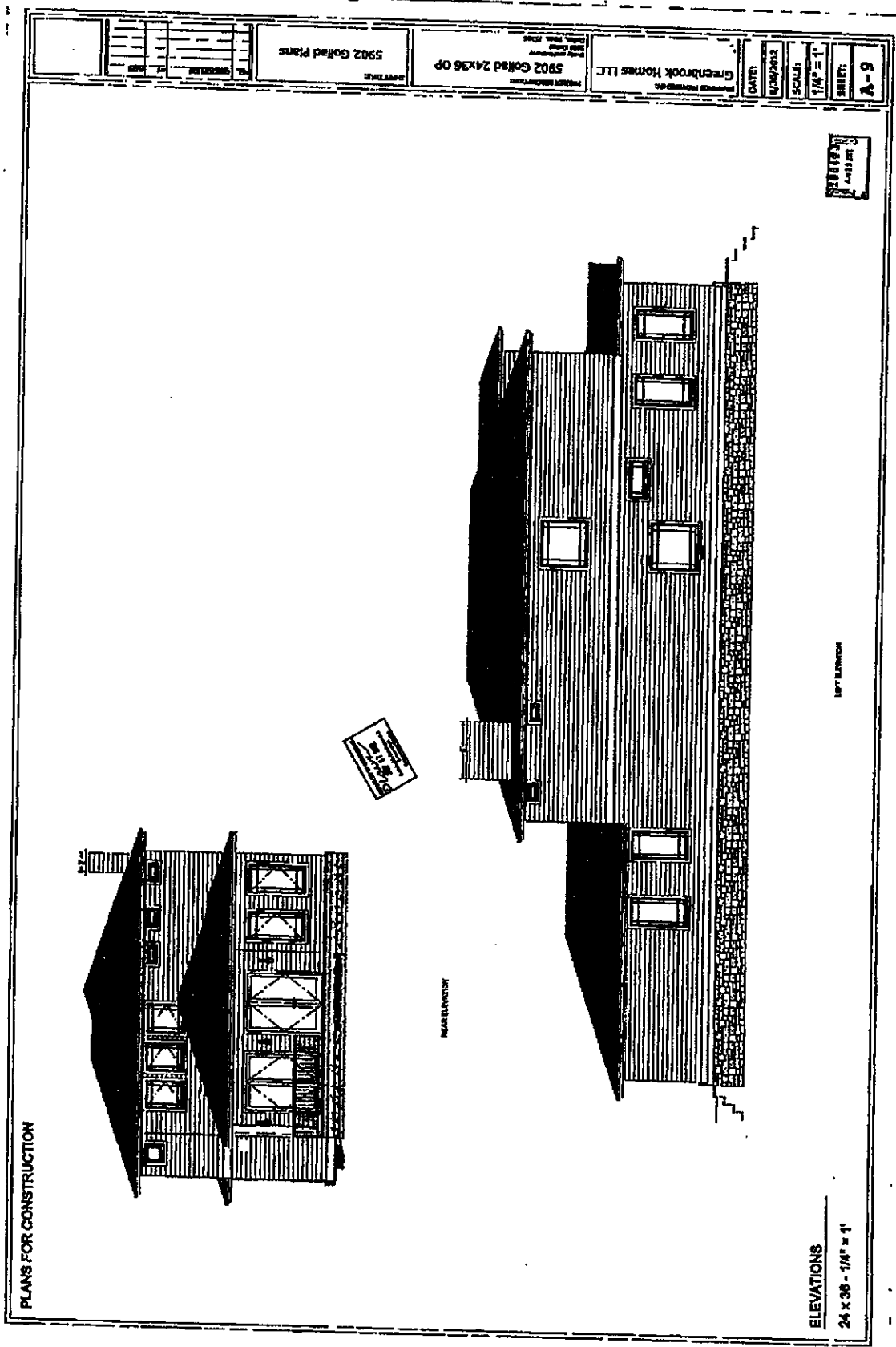




PLANS FOR CONSTRUCTION

FLOORPLAN  
 24' x 36' - 1/4" = 1'





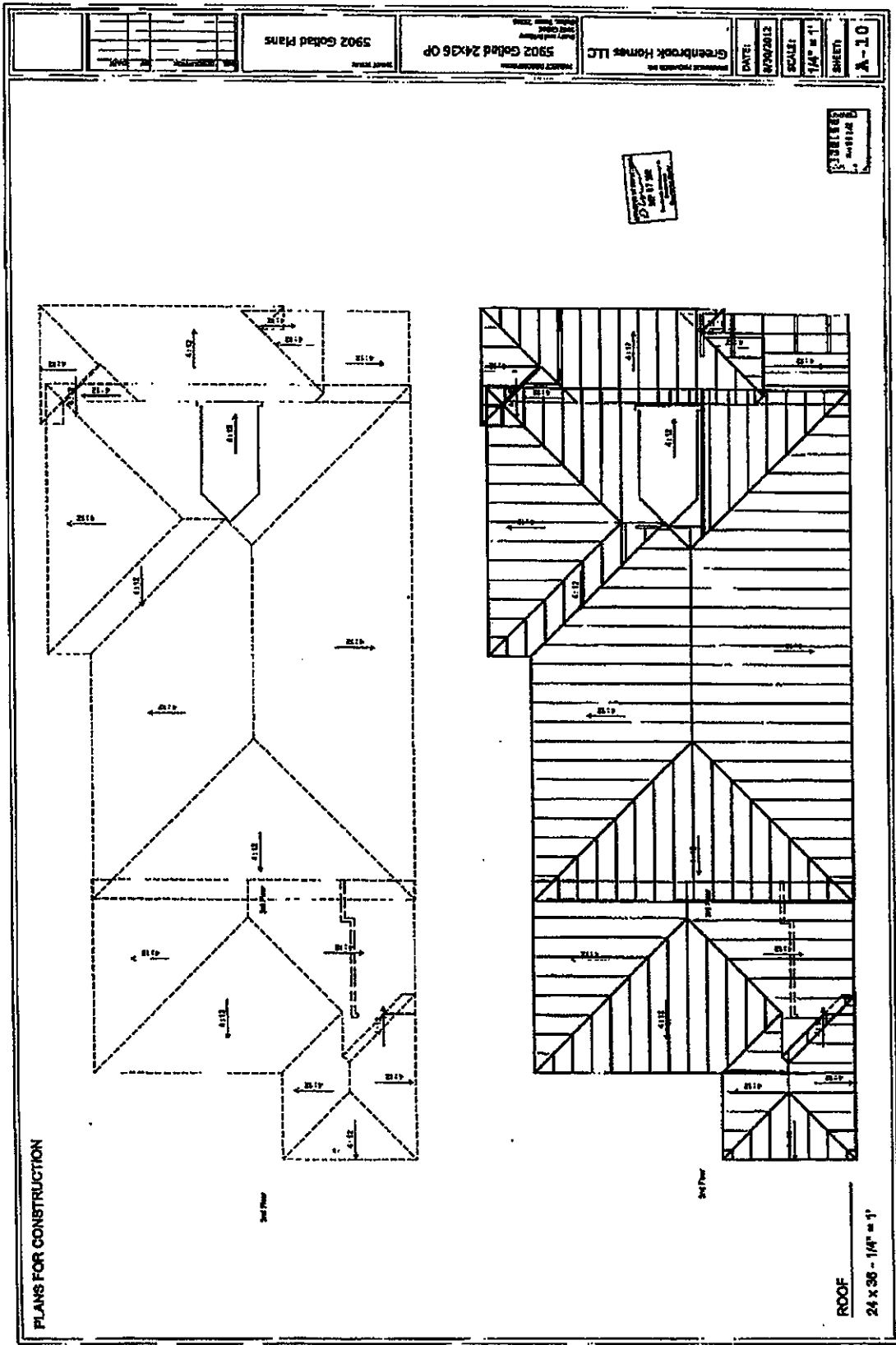
PLANS FOR CONSTRUCTION

ELEVATIONS

24 x 36 - 1/4" = 1'

City 12

BDA112-120  
 Attach D  
 Pg 12



(128.1) **SHARED ACCESS DEVELOPMENT** means a development that meets all of the requirements of Section 51A-4.411.

(129) **SIDE YARD** means:

(A) that portion of a lot extending from the front setback line to the rear setback line between the side setback line and the side lot line; or

(B) that portion of a lot which is between a lot line and a setback line but is not a front or rear yard.

(130) **SINGLE FAMILY DISTRICTS** means the R-1ac(A), R-1/2ac(A), R-16(A), R-13(A), R-10(A), R-7.5(A), and R-5(A) districts established under this chapter (also called "R(A)" districts).

(131) **SITE AREA** means that portion of a building site occupied by a use and not covered by a building or structure. For purposes of determining required off-street parking, site area does not include that area occupied by off-street parking, landscaped areas, and open space not used for storage or sales.

(131.1) **SOLID WASTE** means garbage; refuse; sludge from waste treatment plants, water supply treatment plants, and air pollution control facilities; and other discarded material, including solid, liquid, semisolid, or contained gaseous material, resulting from industrial, municipal, commercial, mining, and agricultural operations, and from community and institutional activities. Solid waste does not include:

(i) Solid or dissolved material in domestic sewage, solid or dissolved material in irrigation return flows, or industrial discharges subject to regulation by permit issued pursuant to Chapter 26, Water Code.

(ii) Soil, dirt, rock, sand, and other natural or manmade inert solid materials used to fill land to make it suitable for the construction of surface improvements.

(iii) Waste materials resulting from activities associated with the exploration, development, or production of oil or gas which are subject to control by the Texas Railroad Commission.

(131.2) **SPECIAL WASTE** means solid waste from health-care-related activities which if improperly treated or handled may serve to transmit infectious disease, and which is comprised of the following: animal waste; bulk blood and blood products; microbiological waste; pathological waste; and sharps.

(132) **STACKING SPACE** means a space for one motor vehicle to line up in while waiting to enter or use a parking lot, garage, drive-in, or drive-through facility.

(133) **STORY** means that portion of a building between any two successive floors or between the top floor and the ceiling above it.

(134) **STREET** means a right-of-way which provides primary access to adjacent property.

(135) **STRUCTURE** means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

(136) **SUP** means "specific use permit" (See Section 51A-4.219).

(137) **"TH" DISTRICTS** means the TH-1, TH-2, TH-3, and TH-4 districts established under Chapter 51.

(138) **"TH(A)" DISTRICTS** means the TH-1(A), TH-2(A), and TH-3(A) districts established under this chapter (also called townhouse districts).

(138.1) **THOROUGHFARE** means a street designated in the city's thoroughfare plan.

(139) **TOWNHOUSE DISTRICTS** means the TH-1(A), TH-2(A), and TH-3(A) districts established under this chapter [also called "TH(A)" districts].

(140) **TRANSIENT STAND** means a site for the placing and use of a manufactured home, recreational vehicle, or tent.

(141) **TRANSPORTATION USES** means those uses defined in Section 51A-4.211.

- (7) Floor area ratio. No maximum floor area ratio.
- (8) Height. Except where a lesser height is provided in this exhibit (for example, fences), maximum height for all structures is 30 feet.
- (9) Lot coverage. Maximum lot coverage is 40 percent for new construction and non-original structures. Maximum lot coverage is 45 percent for original (1945 or earlier) structures. See Exhibit B.
- (10) Lot size. Minimum lot size is 7,500 square feet.
- (11) Stories.
- (A) Maximum number of stories above grade is two stories for Colonial Revival, Craftsman, and Prairie structures. Maximum number of stories above grade is one-and-one-half stories for Tudor structures. Maximum number of stories above grade is two stories for noncontributing structures. See Exhibit B.
- (B) The second story of Craftsman structures must be setback a minimum of five feet from the main plane of the front facade, and may not be more than 70 percent of the floor area of the first story.
- (12) Off-street parking and loading.
- (A) Consult the use regulations in Division 51A-4.200 for the specific off-street parking/loading requirements for each use.
- (B) Porte cocheres may not be enclosed.
- (13) Environmental performance standards. See Article VI, "Environmental Performance Standards".
- (14) Landscaping. See Article X, "Landscape and Tree Preservation Regulations".

(17) Drainage. No lot-to-lot drainage is allowed.

(18) Driveways and curbing.

- (A) An interior lot may have driveway access from either the front street or alley, but not both. A corner lot may have driveway access from either the front street or a side street, but not both.
- (B) Driveways must be constructed of brick, concrete, stone, or similar materials.
- (C) Ribbon driveways are allowed.
- (D) Circular driveways are not allowed.
- (E) The driveway entry must be between eight and 10 feet wide.
- (F) On corner lots, a driveway entry on the side street may be up to 24 feet wide if it is located behind the rearmost corner of the main structure and provides access to a garage.

(19) Fences.

- (A) Fences are not allowed in the front yard.
- (B) Fences in the side yard must be set back at least five feet from the main plane of the front facade.
- (C) Fences may be constructed of brick, chain link, stone, wood, wrought iron, or a combination of these materials.
- (D) Fences in side yards may not exceed six feet in height.
- (E) Fences in cornerside yards abutting Greenville Avenue, Matilda Street, or Skillman Street may not exceed nine feet in height.
- (F) Fences in rear yards may not exceed nine feet in height.

(20) Front facade.

- (A) The facade of a main structure containing the main entrance may not face a side street.

(B) Satellite dishes may not be mounted on the front facade.

(21) Foundations. Foundations must be raised at least 12 inches above grade.

(22) Porches. Porches must have a minimum depth of eight feet.

(23) Retaining walls.

(A) Retaining walls may not be more than six inches above the soil being retained.

(B) Retaining walls must be constructed of reinforced masonry.

(24) Roofing materials.

(A) Corrugated plastic roofing is not allowed.

(B) Except as provided in the architectural standards for specific styles, built-up, membrane, rolled, and tar-and-gravel roofing is allowed only on roofs with a slope of 10 degrees or less.

(25) Slope.

(A) The existing slope of a lot must be maintained. This provision does not prevent minor grading as necessary to allow construction, prevent lot-to-lot drainage, or match the slope of contiguous lots.

(B) A driveway with retaining walls may be cut into the slope of a lot provided that the driveway is straight.

(C) For purposes of this subsection, "slope" means any change in elevation from the front lot line to the rear lot line or from a side lot line to the other side lot line.

(26) Steps. Existing rolling or waterfall steps leading from the sidewalk to the main structure must be retained, except that when existing rolling or waterfall steps are damaged and must be replaced, the replacement must match the rolling or waterfall steps.

(27) Walkways.



**PRAIRIE**

Following are elements associated with this architectural style. New homes constructed in this style are required to have the elements listed. Homes remodeled in this style must comply with these standards for the elements being remodeled.

**Building materials**

Brick  
Stone  
Wood  
Materials that look like wood  
A combination of these materials

**Front porches:**

Porch must be minimum of 50% of the front façade  
Porch must be open-air

**Roofing characteristics:**

Must be hipped or side-gabled  
Roof slope must be between 20 – 40 degrees  
Minimum roof overhang of at least 24 inches

**Roof materials:**

Allowed: clay tiles, composition shingles, slate tiles, standing seam metal, synthetic wood shingles, synthetic clay tiles, terra-cotta tiles, and wood shingles.  
Not allowed: built-up and membrane

**Windows:**

Must be casement or double-hung  
May have multi-pane upper sashes with single-pane lower sash  
Must have expressed muntins and mullions  
Should be placed symmetrically along front façade

**Optional features:**

At least six of the following must be incorporated into the home:

- 1) Broad, short interior chimney
- 2) Contrasting caps on porches, piers, balcony railings, and chimneys
- 3) Contrasting wood trim between stories
- 4) Decorative casement windows
- 5) Decorative trim under enclosed eaves that emphasizes horizontal lines
- 6) Dormer centered on front façade
- 7) Flattened pedestal urns at front entrance
- 8) Hipped dormer
- 9) Massive square masonry porch supports
- 10) Tiled roof
- 11) Window boxes

NO.	DESCRIPTION	REV.	DATE	SHEET TITLE	PROJECT DESCRIPTION:	DRAWINGS PREPARED BY:	DATE:	SCALE:	SHEET:
							4/11/2012	1/8" = 1'	A-4

5902 Gollad Plans

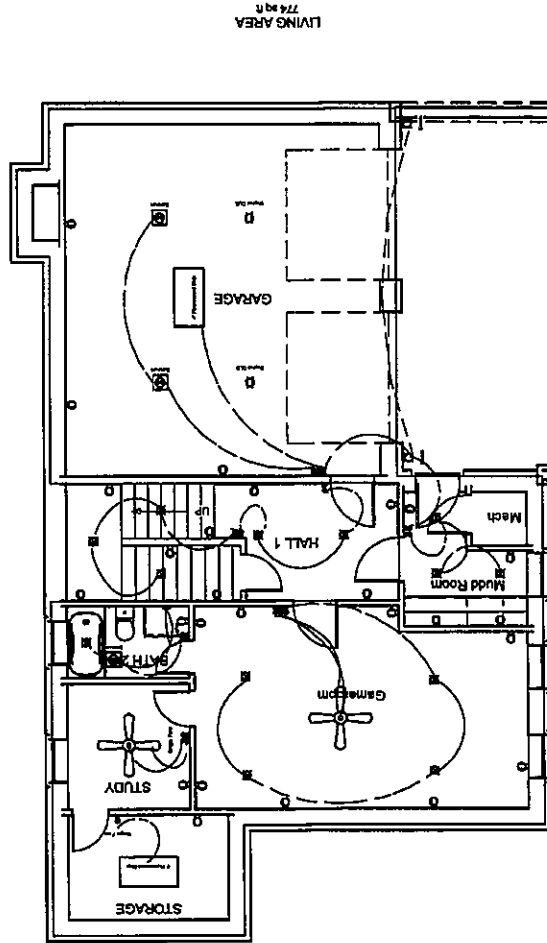
5902 Gollad

Greenbrook Homes LLC

Plot, Texas 75214

City 19

BDA 112-120  
Attach D  
Pg 19



Basement

PLANS FOR BIDDING ONLY

11 x 17 - 1/8" = 1'

NO. DESCRIPTION	DATE	PROJECT DESCRIPTION: <b>S902 Gollad</b>		DRAWINGS PROVIDED BY: <b>Greenbrook Homes LLC</b>		DATE: <b>4/17/2012</b>	SCALE: <b>1/8" = 1'</b>
		SHEET TITLE: <b>S902 Gollad Plans</b>		PROJECT LOCATION: <b>5902 Gollad</b>		SHEET: <b>A-7</b>	

Front Elevation

Right Elevation

BDA112-120  
Attach D  
Pg 20

City 20

PLANS FOR BIDDING ONLY

11 x 17 - 1/8" = 1'



**Belmont Addition Conservation District**  
Est. 1893

February 7, 2013

Mr. Todd Duerksen  
320 E. Jefferson Blvd.  
Room 105  
Dallas, Texas

Re: 5902 Goliad Ave., Dallas, Texas in violation of Belmont Addition Conservation District Ordinance

Dear Todd:

Please consider this letter a supplement that should be included in the Belmont Addition Conservation District ("BACD") appeal packet for 5902 Goliad Avenue, Dallas, Texas 75206 of the plans approved by Diana Lowrance, an employee in the Sustainable Development & Construction Department of the City of Dallas, submitted by Justin Milam at Greenbrook Homes on September 26, 2012 for a single-family residence to be built at 5902 Goliad Avenue, Dallas, Texas 75206 (the "Property").

At the conclusion of the Board of Adjustment hearing on December 10, 2012, the Board advised the parties to attempt to work out a resolution. Taking the Board's advice and advantage of the opportunity to try to come to a resolution, BACD sent the owners three possible proposals in an attempt to come to a *compromise* resolution. A copy of BACD's compromise proposals is attached as Exhibit "28." The owners refused to respond to BACD or to make any effort to reach a resolution of this matter.

Instead, the owners threatened prosecution for anyone trespassing on their property. See Exhibit "29." Furthermore, the owners not only continued to build the subject structure, they built it out of compliance with the plans already approved by the City by making the exposed portion of the sub-story even taller than approved. Specifically, the plans approved by the City allowed for a 3'8" tall exposed portion of the sub-story of the home, but when the owners framed the home, the exposed portion of the subterranean level was 5'5" – approximately as tall as the next door neighbor's fence. See Exhibit "30."

Upon discovering that the owners were building outside the approved plans, BACD submitted 311 complaints and sent a written detailed complaint to City Staff, who have not responded to BACD's complaints or issued a red tag to the owners for building out of



## Belmont Addition Conservation District

Est. 1893

compliance with the approved plans and building permit. A copy of BACD's email to City Staff is attached as Exhibit "31."

The residents of BACD worked for years to craft and pass the BACD Ordinance. These owners are clearly building a three story structure in blatant violation of the Ordinance. These owners and the City are doing everything possible to twist the Ordinance to pretend that the subject home is not three stories. On the other hand, BACD has tried since before the subject plans were approved to enforce the Ordinance and work out a resolution with City staff and the owners – we have done everything we can do to avoid bringing this dispute to the Board and to avoid a situation where the structure will have to be rebuilt.

On behalf of the BACD, I respectfully request that the Board overturn city staff's decisions to approve the subject plans and issue the subject building permit for the reasons set forth in our October 11, 2012 appeal, our October 27, 2012 and November 30, 2012 supplements, as well as this supplement thereto. In the alternative, BACD requests that the Board amend the city's decision by modifying the plans in one of the manners set forth in Exhibit "28."

Should you have any questions or need further information, please feel free to contact me. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Melissa Kingston', with a long horizontal stroke extending to the right.

Melissa Kingston

Chair, BACD Ordinance Review Committee

5901 Palo Pinto Avenue

Dallas, Texas 75206

(214) 642-1366

[belmontaddition@yahoo.com](mailto:belmontaddition@yahoo.com)

Enclosures as stated.

cc: BACD Ordinance Review Committee  
Ms. LaShondra Holmes  
Ms. Brittany Bailey

**Melissa Kingston**

**From:** Belmont Addition [belmontaddition@yahoo.com]  
**Sent:** Saturday, December 15, 2012 1:25 PM  
**To:** Brittany Bailey; Dusty Cooper  
**Cc:** Belmont Addition; sbranan@greenbrookhomesdfw.com  
**Subject:** Re: Resolutions



Dear Brittany and Dusty:

Thank you for reaching out to us in an attempt to find a mutually satisfactory resolution of our dispute. We would very much like to reach a resolution with you and put an end to this dispute and avoid future litigation over this matter. I am sure you feel the same way. Toward that end, some of our neighbors met this week, and we have come up with three possible resolutions that we hope represent a compromise acceptable to both you and the neighborhood. In coming up with these resolutions, we tried to consider the things that you said are important to you (i.e., preservation of green space, having an attached garage, the view into your back yard and an open floor plan) and the things that are important to us (preserving the lot grade, maintaining the maximum number of stories at 2, garage placement and setbacks).

It is not our desire to dictate the design of your home; we simply wish to preserve the standards the neighborhood deems critical to the ongoing success of our ordinance. We feel that each of these proposals represent a sort of splitting of the baby in that they attempt to preserve the things most important to both of us but require each side to give up something substantive and important to them in order to reach a compromise. While these options are the ideas we had, we are certainly open to other ideas that offer a true compromise and allow each side to preserve some of what is important to them.

**Proposal No. 1:** Build the entire structure at the original grade level (with no subterranean portions) with no more than 2' of raised foundation or crawl space. With this option, we would be willing to allow (a) the attached garage (at original grade, not below the grade) in its present location under the second story and not behind it, (b) the floor of the garage to be at grade so long as the rest of the house is no more than 2' above grade, and (c) a full 24' driveway from the street to the garage. By raising the garage to the grade level, this allows you to maintain the maximum amount of green space, maintain your open floor plan and keep the garage attached to the house. For us, this proposal eliminates the need for the partially exposed subterranean level under the front part of the house and restores the lot to its original grade, thus addressing our lot grading and maximum of 2 stories concerns. What you would be giving up is the view to the back yard, and we would be giving up on the setback, driveway width limitation and garage location issues.

**Proposal No. 2:** Redesign the house such that the maximum distance from the floor of the garage to the peak of the roof on the front section of the house is 30 feet or less. This approach allows you to maintain all of your objectives in some manner. Working with your architect, we believe that it may be possible to achieve this by lowering the foundation of the front and raising the garage a bit in such a way to reduce the impact of a 3-story home from the street and preserving some view and access to the backyard. In this scenario, we are giving up at least something on everything that is important to us.

**Proposal No. 3:** Move the garage to the rear of the lot and build the remainder of the house at original grade level with a maximum height of 30 feet. With this option, we would agree with a subterranean garage with up to one story above it. In this scenario, we would also agree to allow a covered walkway between the garage and the house if you like. (This is generally not allowed in our ordinance, but we will not oppose it in this case.)

This option allows you to maintain your view and open floor plan and add another story over the rear portion of the house to add additional square footage if you like. You would be giving up having an attached garage, though we are ok with a covered access. For us, we are giving on the lot grading issue in order to preserve the look of a two story home by separating the garage from the house. Most builders in the past have found a detached garage at the back of the lot to be the most desirable way to achieve the best use of the yard space on our narrow lots.

If you are interested in meeting to discuss proposals, we are certainly willing to do that. And as I told Dusty when we last spoke, if we can come to a resolution, we are committed to working with you as quickly as possible to get city staff's approval and have a new permit issued so that you can proceed with your project. If you have any questions, feel free to contact me. We look forward to hearing from you.

Sincerely,

Melissa Kingston  
BACD Ordinance Review Committee

**From:** Brittany Bailey <bbailey@hrhoustongroup.com>  
**To:** Melissa Kingston <MKingston@fflawoffice.com>; Belmont Addition <belmontaddition@yahoo.com>  
**Cc:** Dusty Cooper <jamescooper00@yahoo.com>  
**Sent:** Wednesday, December 12, 2012 11:52 AM  
**Subject:** Resolutions

We are meeting with our builder tomorrow. If you have reasonable resolutions you would like to propose, you can send those today.

Brittany Bailey

BDA 112-120  
Attach E  
Pg 4

**Melissa Kingston**

---

**From:** Melissa Kingston  
**Sent:** Thursday, February 07, 2013 9:54 AM  
**To:** Melissa Kingston  
**Subject:** FW: No Trespassing

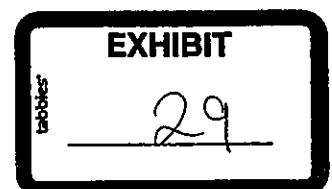
BDA 112-120  
Attach E  
Pg 5

**From:** Brittany Bailey <[bbailey@hrhoustongroup.com](mailto:bbailey@hrhoustongroup.com)>  
**To:** Belmont Addition <[belmontaddition@yahoo.com](mailto:belmontaddition@yahoo.com)>  
**Sent:** Saturday, December 15, 2012 10:24 AM  
**Subject:** No Trespassing

I will again convey to keep your "committee" off my property. We will criminally prosecute.

Thank you.

Brittany Bailey





CONSTRUCTION SITE  
**5902 GOLIAD AVE.**

View looking south on January 26, 2013.



**EXHIBIT**  
30



BDA 112-120  
Attach E  
Pg 7







**Melissa Kingston**

**From:** Melissa Kingston  
**Sent:** Monday, January 28, 2013 9:27 AM  
**To:** terry.williams2@dallascityhall.com; Lowrance, Diana  
**Cc:** Holmes, Lashondra; O'Donnell, Theresa; Melissa Kingston; belmontaddition@yahoo.com  
**Subject:** 5902 Goliad - building in violation of approved plans  
**Attachments:** 5902 Goliad - 65 inches front view 1.27.13 1.jpg; 5902 Goliad - 65 inches side view 1.27.13.jpg; 5902 Goliad 1.27.13.jpg; 5902 Goliad plans.pdf; 5902 Goliad - front view 1.26.13.jpg

Terry and Diana –

I am addressing this complaint to you because I'm not sure which one of you I should contact first. I did file a 311 complaint as well (SR # - 13-00043843), but I wanted to provide you both the background and photos to assist you in this matter.

As you know, BACD has opposed the plans that were approved for the construction of a single family residence at 5902 Goliad Ave, Dallas, Texas 75206 (the "Property"). One of the reasons for BACD's complaint is the exposed portion of the subterranean level under the top two stories of the home – this design violates the BACD ordinance's limitation on the number of stories:

(d) Development standards. Except as otherwise provided, the development standards of the R-7.5(A) Single Family District apply. Except as provided in the architectural standards for specific styles, the following development standards apply to the entire lot.

(11) Stories.

(A) Maximum number of stories above grade is two stories for Colonial Revival, Craftsman, and Prairie structures. Maximum number of stories above grade is one-and-one-half stories for Tudor structures. Maximum number of stories above grade is two stories for noncontributing structures.

The city approved plans that allow for 3'8" partial story above the grade and below the top two stories of the house. A copy of the plans approved by the City are attached.

Given the height of the Property above the street level and the minimum height required for a garage, it has been BACD's contention from the beginning that it is IMPOSSIBLE for these owners to build in accordance with their plans on this lot and have a usable garage. The owners have now begun construction, and as exhibited by the attached photographs, the exposed portion of the subterranean level is not 3'8" but is 5'5" instead. As you can see in the photo labeled 5902 Goliad – front view, the exposed portion of the subterranean level is almost as tall as the fence on the neighboring property. BACD objects to the owners building out of compliance with their plans and asks that a red tag be issued until they come into compliance with their plans.

In the event that the owners attempt to have their plans merely revised and then approved, BACD will object approved modified plans that would allow for the 5'5" as well (which is what happened on 5946 Palo Pinto).

Nothing herein is intended to waive BACD's appeal to the Board of Adjustment or its complaints about the subject structure. Instead, what we would really like to have here is a resolution of this dispute. BACD has made several offers to the owners to compromise and settle this dispute, but the owners have not responded to our efforts and are now not even following the plans they got approved.

Please let me know if you need anything further from us. Thank you, and I look forward to hearing from you on this.



*Melissa R. Kingston, Esq.*

*Friedman & Feiger, LLP | 5301 Spring Valley Road, Suite 200, Dallas, Texas 75254*  
*Tel: 972-788-1400 | Direct Dial: 972-450-7308 | Fax: 972-788-2667 | [mkingston@fllawoffice.com](mailto:mkingston@fllawoffice.com)*  
*[www.fllawoffice.com](http://www.fllawoffice.com)*

*Friedman & Feiger, LLC | 221 Ave. Ponce de León, Suite 1202, San Juan, Puerto Rico 00917*  
*Tel: 787-945-5055 | Toll Free: 1-855-FFLAW60 | Fax: 787-945-5057*

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**CONSTRUCTION SITE**  
**5902 GOLIAD AVE.**

View looking south on January 26, 2013.





BDA 112-120  
Attach E  
Pg 13







Property Line

BDA 112-120

25'-7 3/4"

Concrete Driveway

27'-3 3/4"

26'-10 1/4"

2'-0 7/16"

9'

5 1/2"

3'-7 7/8"

9'

22'-5 1/2"

23'-10 1/2"

NEMA 14-50  
Outlet

GARAGE  
18'-10" x 25'-0"

12'-9"

27'-2"

Garage Level

14'-5"

6' Fence

8'0" Ceiling Height

BDA 112-120  
Attach E  
Pg 16

APPROVED W/ CONDITIONS:  
*D. Newman*  
SEP 07 2012  
Sustainable Development &  
Construction District

RECEIVED  
SFP 7 2012  
By

SQUARE  
FIRST FLOOR  
SECOND FLOOR  
TOTAL FLOOR  
GARAGE AND/OR  
CONVERSION

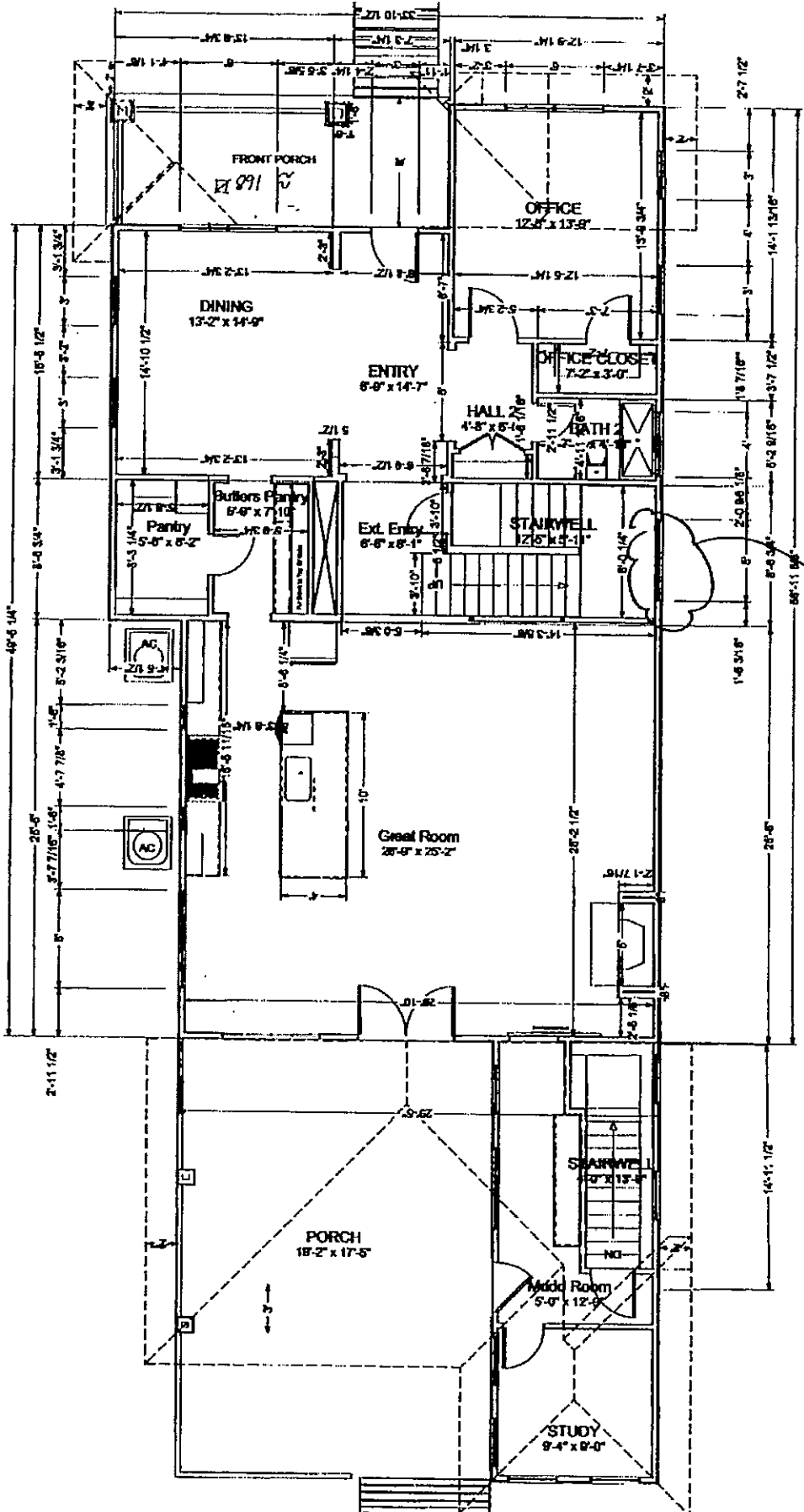
6/12  
 MFC 5  
 MFC 4  
 MFC 3  
 MFC 2  
 MFC 1

THESE ARE THE  
 THE BUILDING  
 ARE APPROVED FOR  
 STRUCTURE AND  
 THE BUILDING  
 2007  
 SIGN  
 THE APPROVAL  
 THE EXCITATION  
 OWNER

ATTACHED  
 1. General Notes  
 2. Schedule of Finishes  
 3. Schedule of Materials  
 4. Schedule of Work  
 5. Schedule of Equipment  
 6. Schedule of Mechanical  
 7. Schedule of Electrical  
 8. Schedule of Plumbing  
 9. Schedule of Fire Protection  
 10. Schedule of Other

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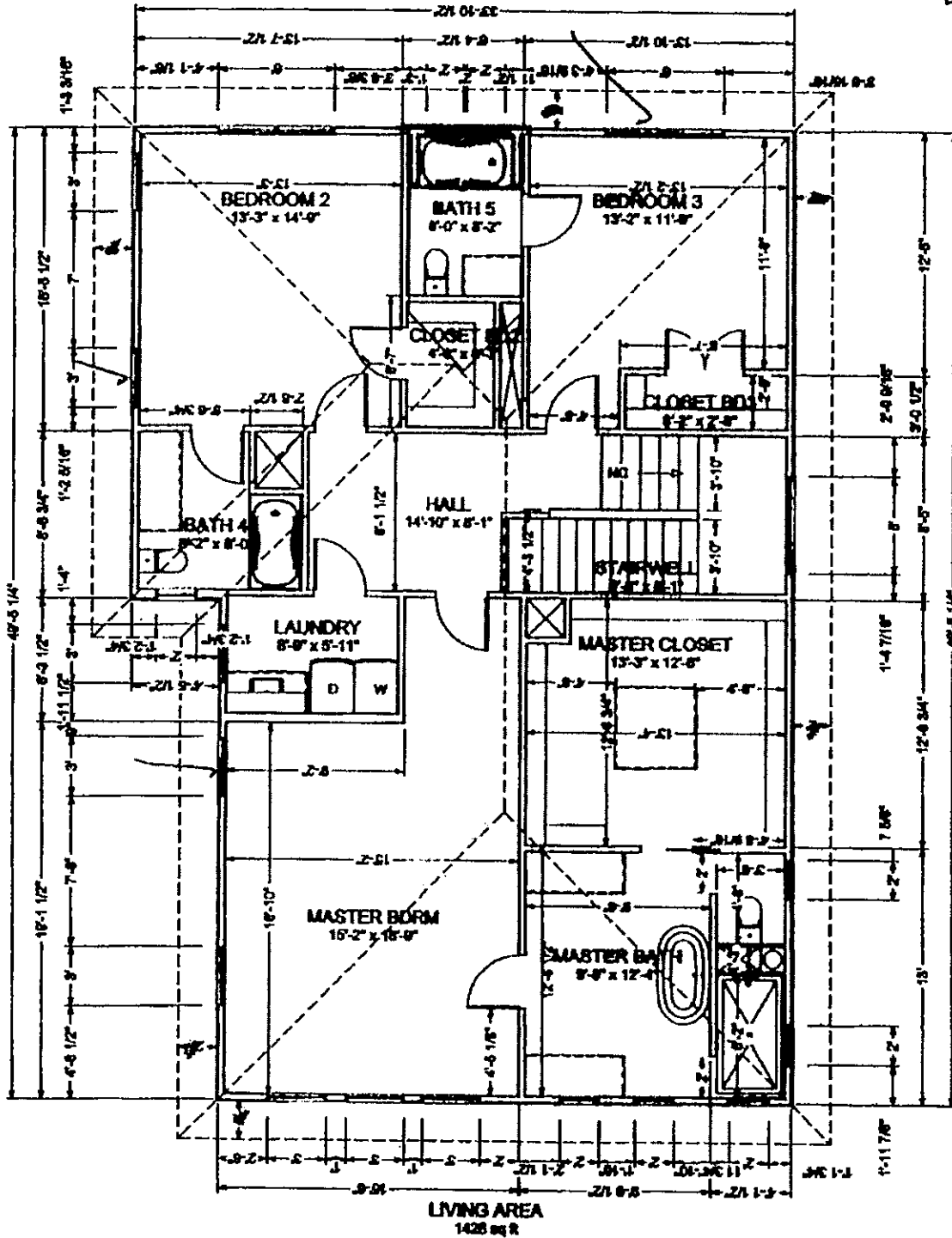
APPROVED IN CONNECTION  
 D. L. CARP  
 SEP 11 2007



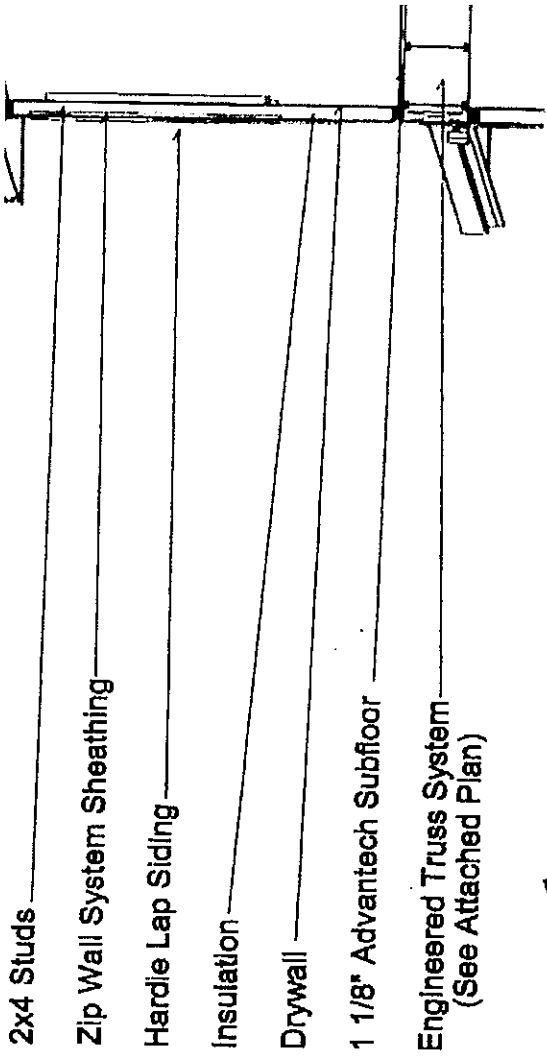
100' Ceiling Height

1st Floor

3-140  
 LIVING AREA  
 1744 sq. R.

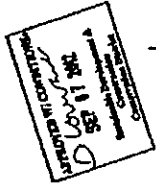


2nd Floor  
 8'0" Sloping Up To 8'0" Ceiling Height

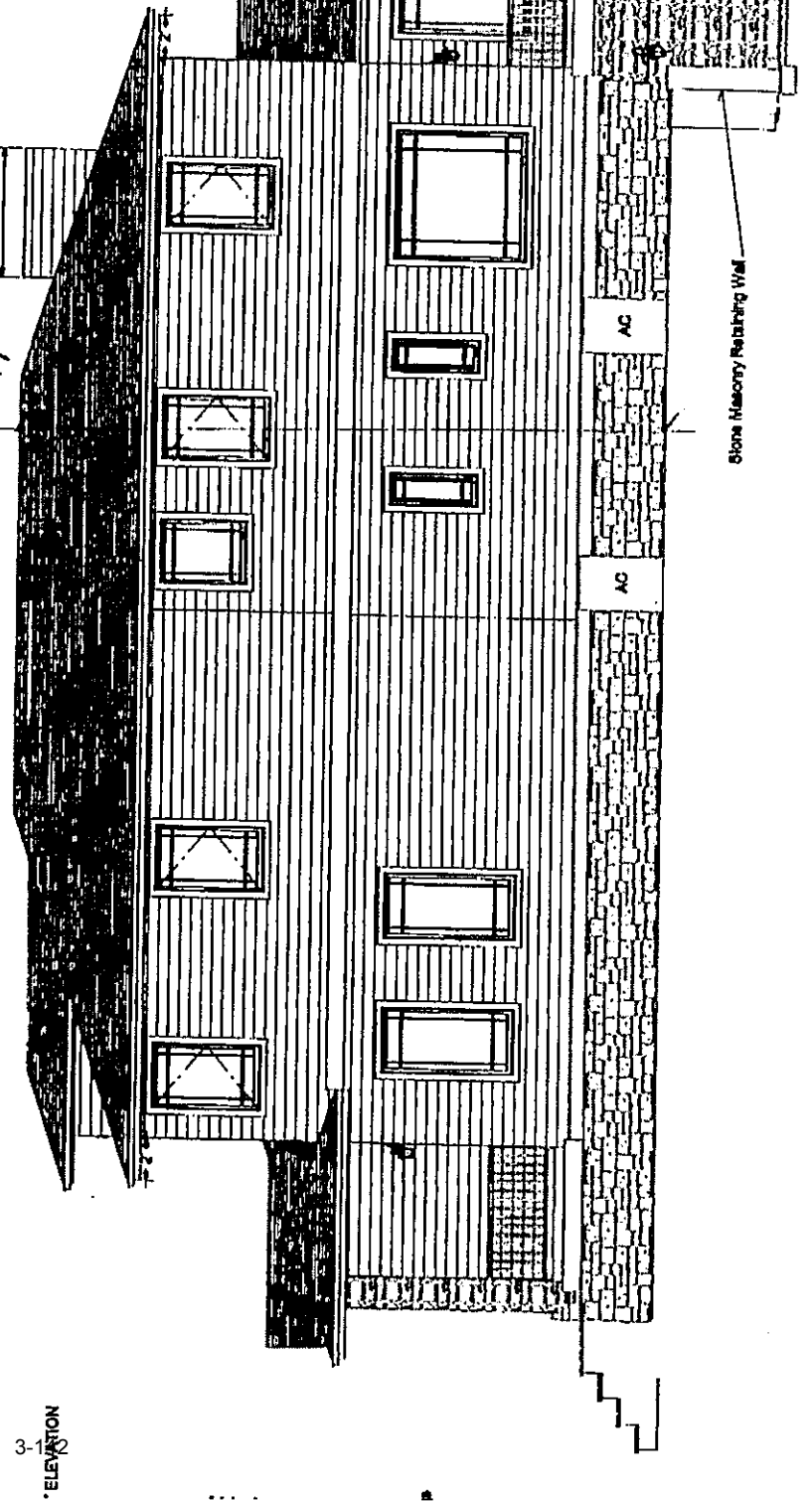
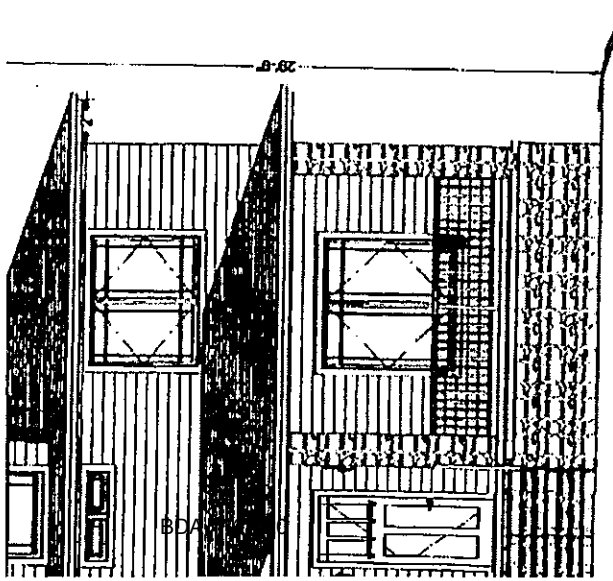


Wall Detail

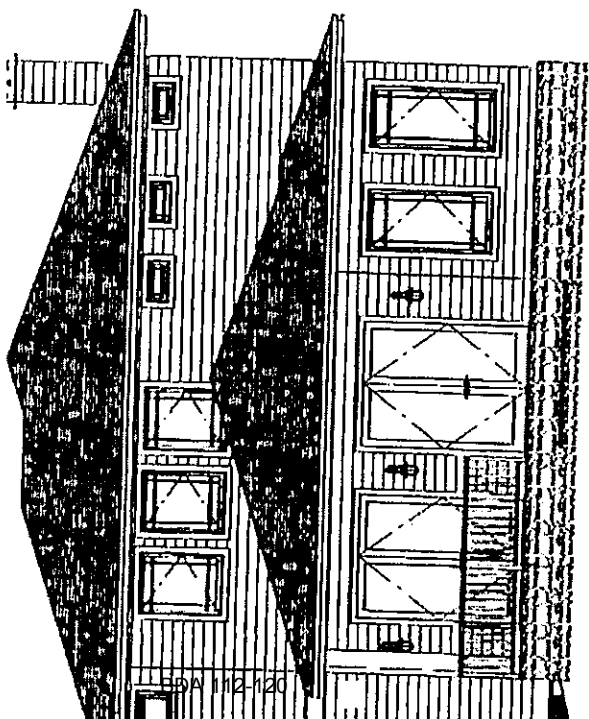
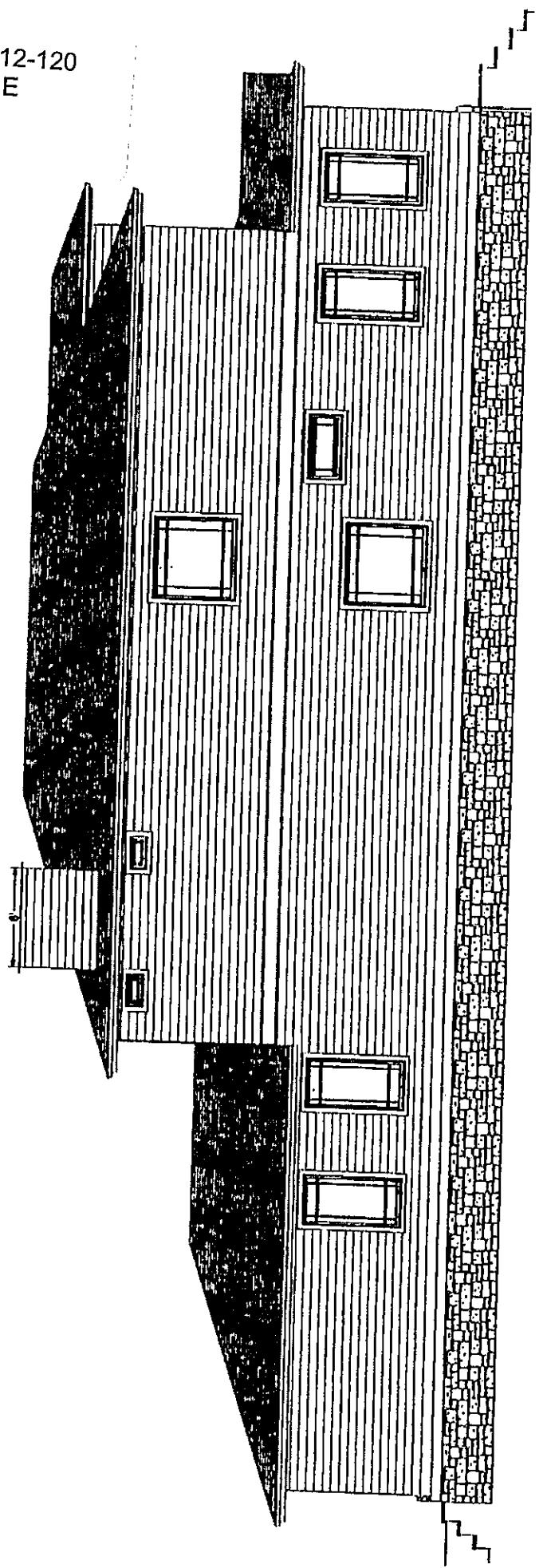
BDA 112-120  
Attach E  
Pg 19



Windows and mullions  
must be supported on the  
interior of the window  
ON FRONT PORCHES AND  
ON DECKS, ABOVE GARAGE  
WINDOWS, ABOVE KEYS  
IN LINING KEYS

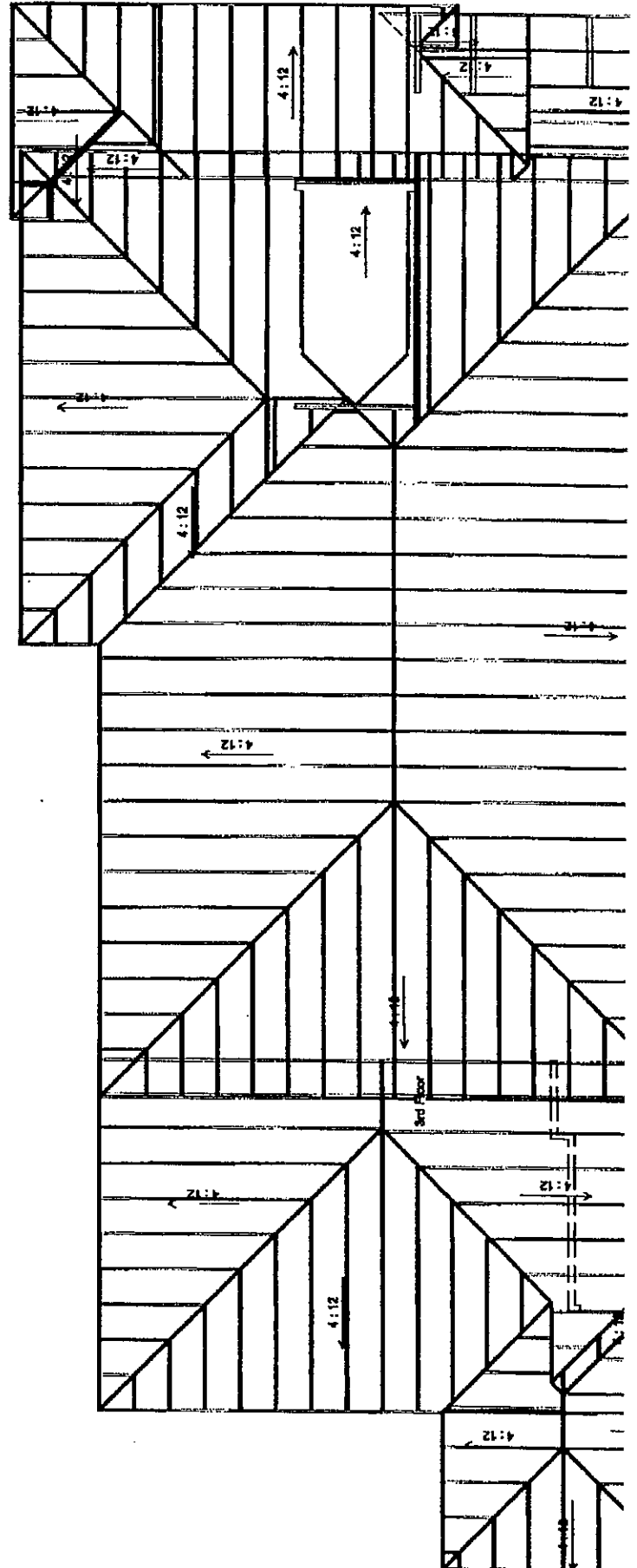
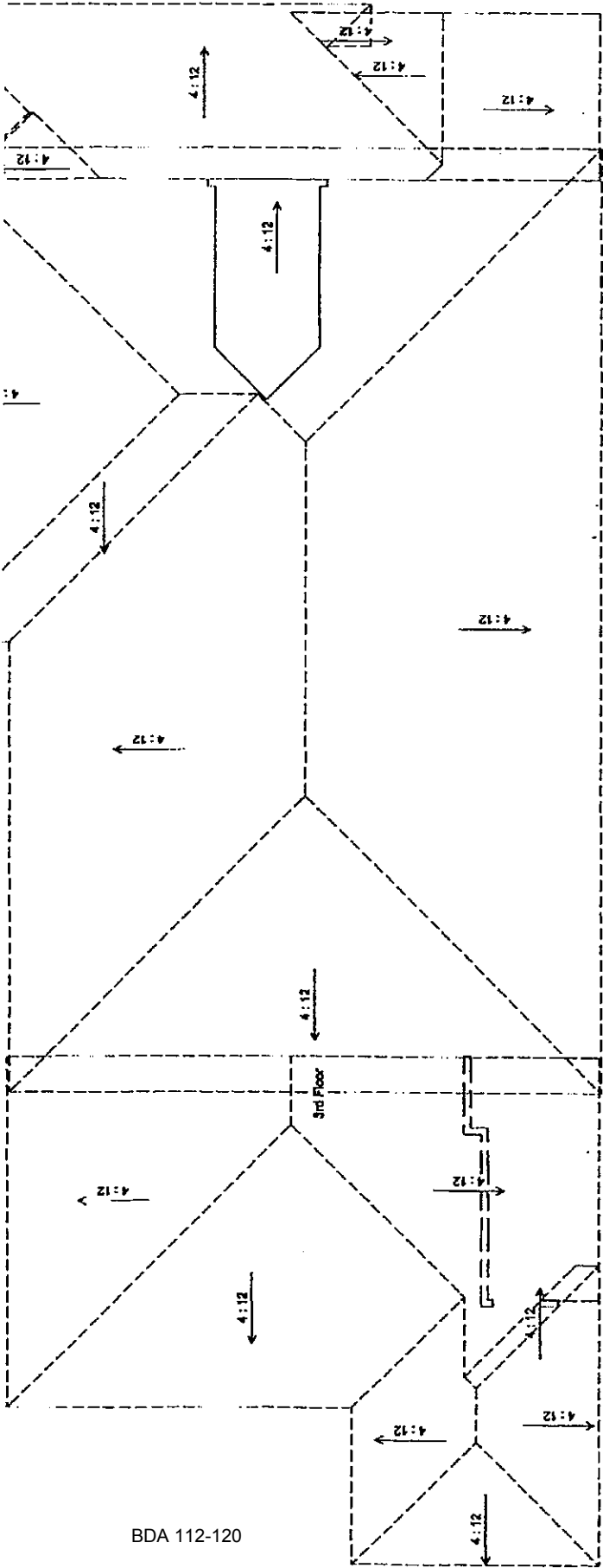


3-1  
ELEVATION



REAR ELEVATION

DATE: 11/11/11  
BY: [Signature]





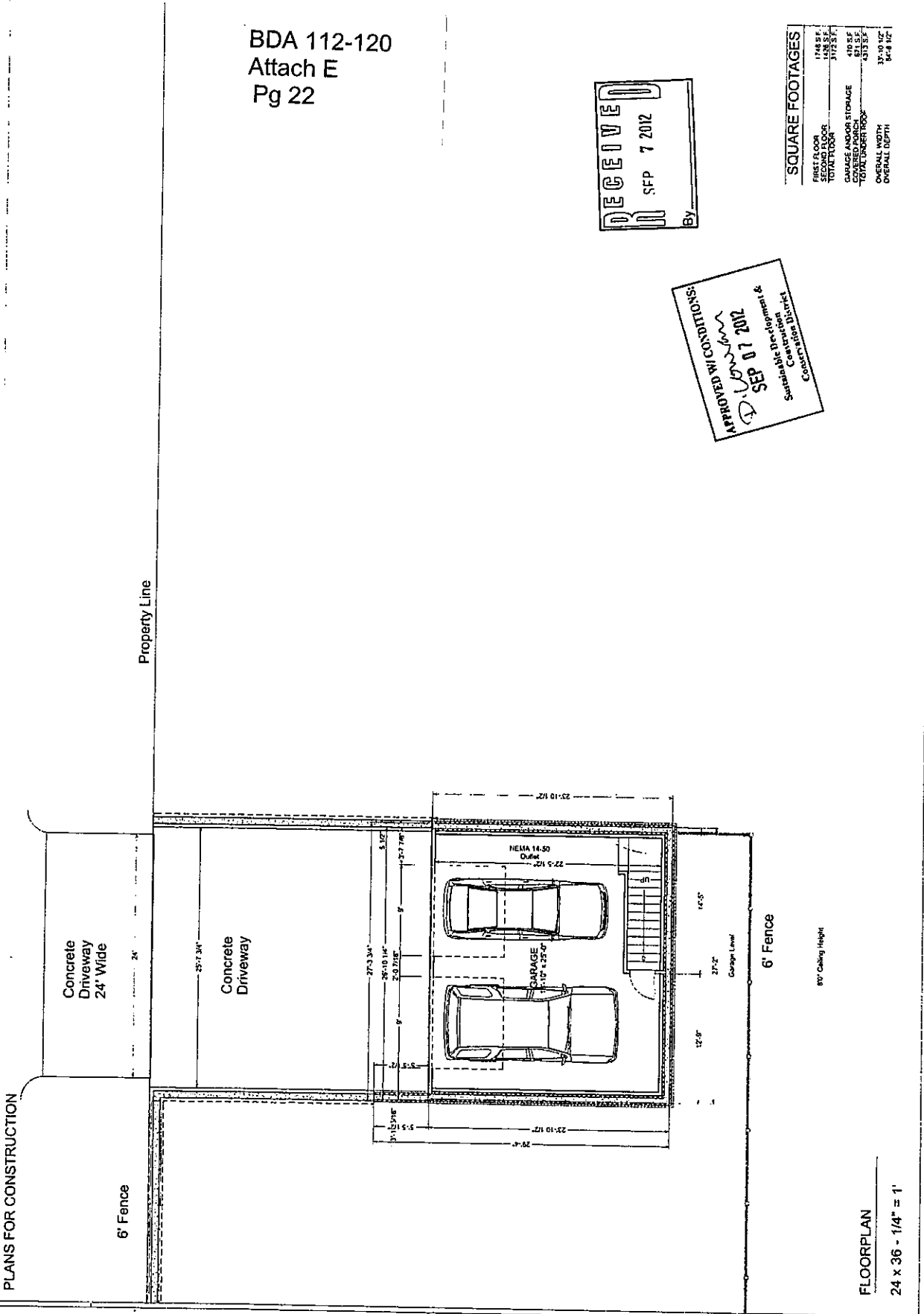
BDA 112-120  
 Attach E  
 Pg 22

**SQUARE FOOTAGES**

FIRST FLOOR	1748 SF
SECOND FLOOR	1638 SF
TOTAL FLOOR	3386 SF
GARAGE AND/OR STORAGE	410 SF
TOTAL UNDER FLOOR	4373 SF
OVERALL WIDTH	32'-10 1/2"
OVERALL DEPTH	84'-8 1/2"

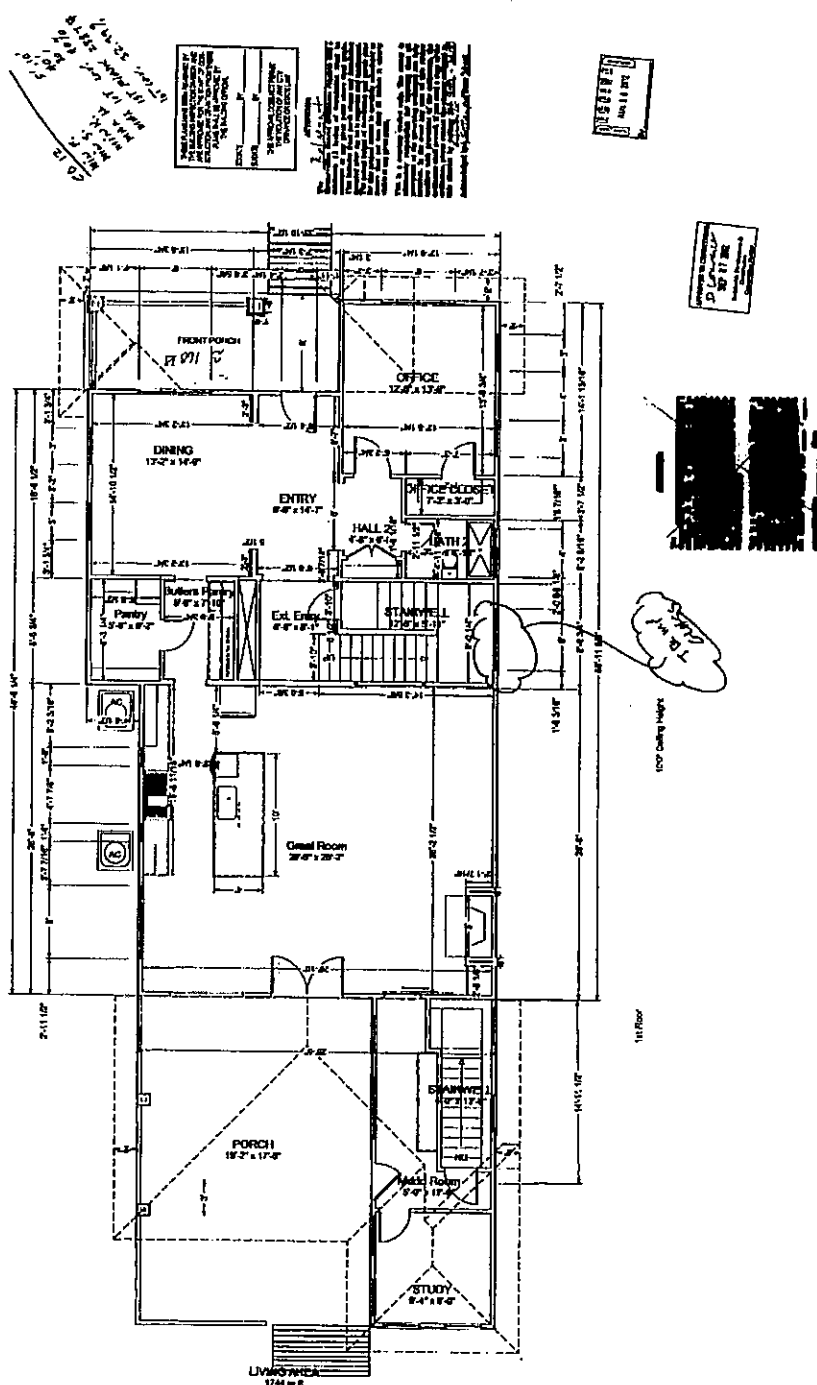
**RECEIVED**  
 SEP 7 2012  
 By:

APPROVED WITH CONDITIONS  
 SEP 07 2012  
 Sustainable Development & Construction District



FLOORPLAN  
 24 x 36 - 1/4" = 1'

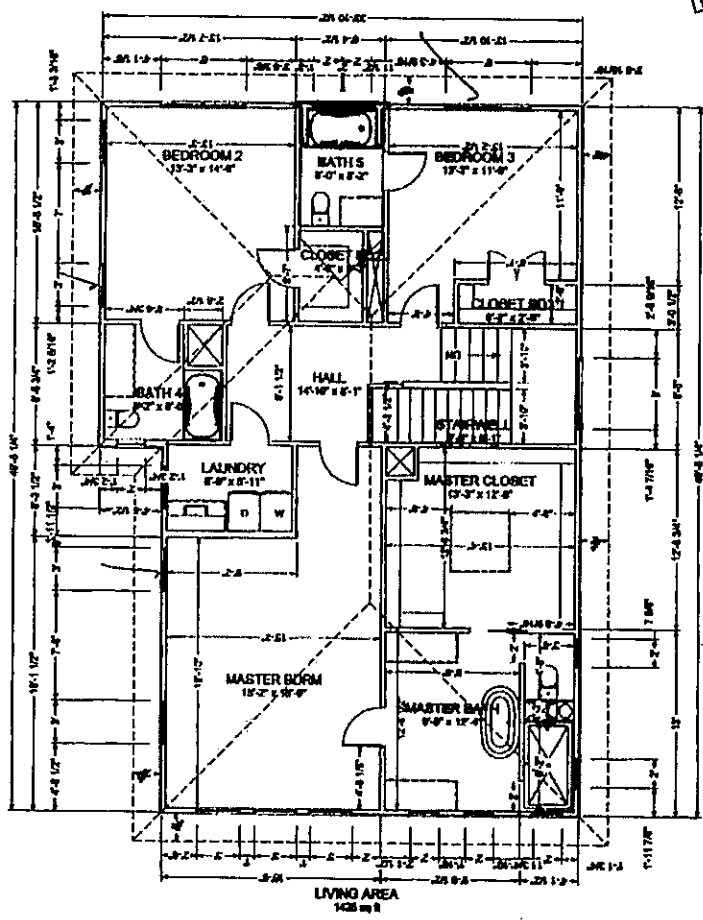
PROJECT NUMBER: 5902 Gollad 24x36 OP	DATE: 8/30/2012	SHEET: A-3
PROJECT ARCHITECT: Greentree Homes LLC	SCALE: 1/4" = 1'	
DATE: 8/30/2012		
SCALE: 1/4" = 1'		
SHEET: A-3		



PLANS FOR CONSTRUCTION

FLOORPLAN  
 24 X 36 - 1/4" = 1'

BDA 112-120  
 Attach E  
 Pg 24

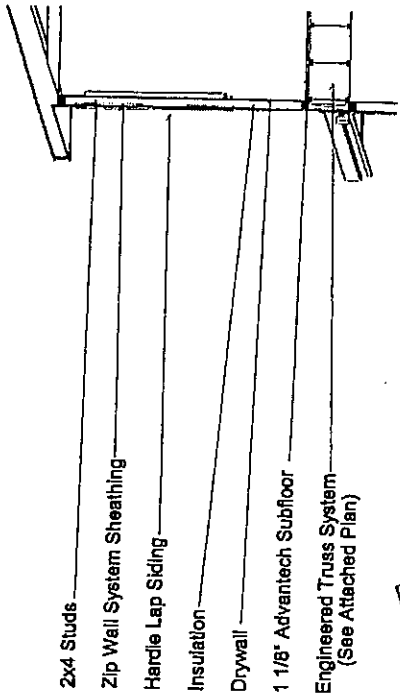
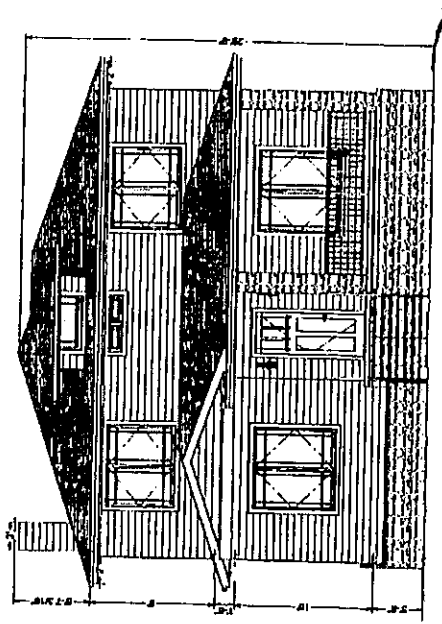


2nd Floor  
 8'0" Slab to 8'0" Ceiling Height

PLANS FOR CONSTRUCTION

FLOORPLAN  
 24 x 36 - 1/4" = 1'

PLANS FOR CONSTRUCTION

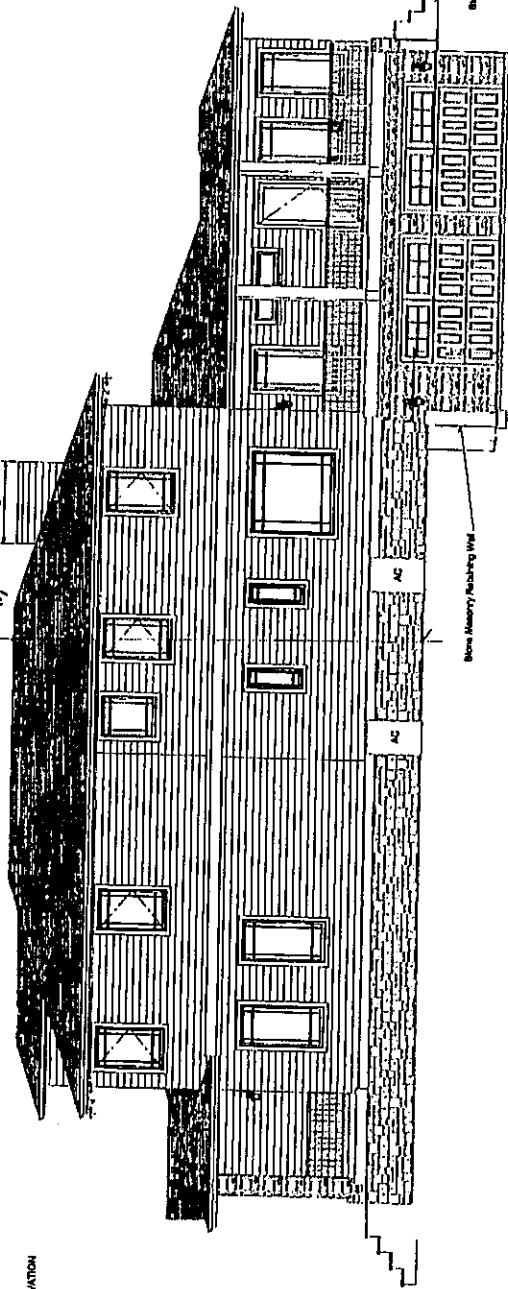


- 2x4 Studs
- Zip Wall System Sheathing
- Hardie Lap Siding
- Insulation
- Drywall
- 1 1/8" Advantech Subfloor
- Engineered Truss System (See Attached Plan)

Labels on this sheet are for information only and are not to be used for construction. ON THIS SHEET, ABOVE CONSTRUCTION, IN LIVING, ASSEMBLY, AND

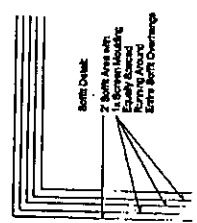


BDA 112-120  
Attach E  
Pg 25



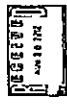
FRONT ELEVATION

RIGHT ELEVATION



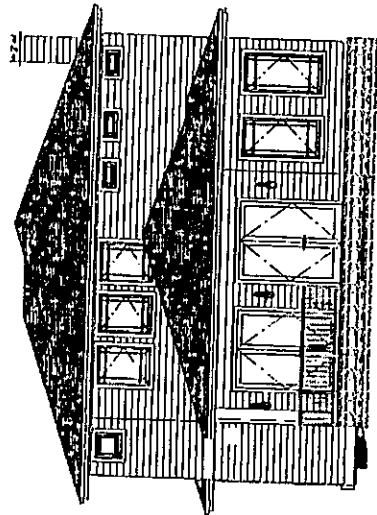
ELEVATIONS

24 x 36 - 1/4" = 1'

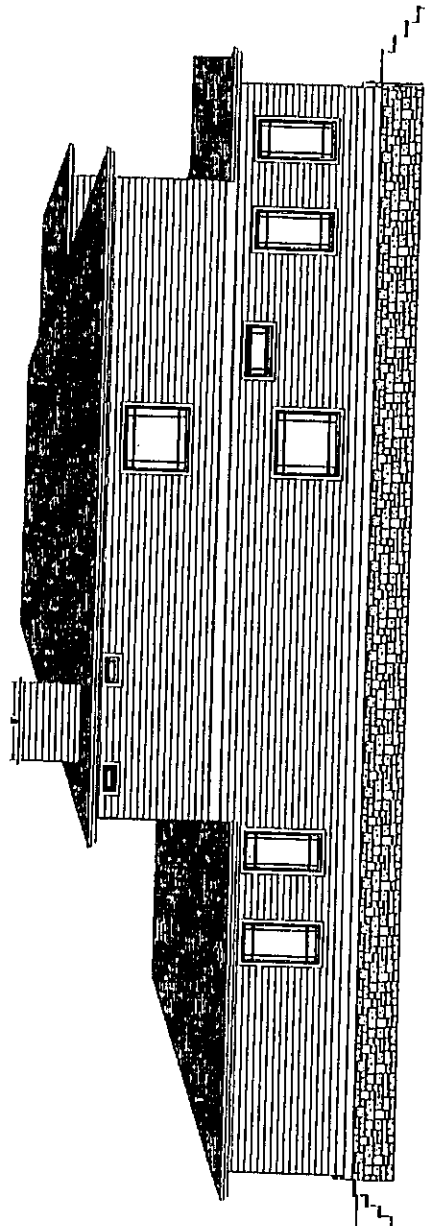


DATE: 8/30/2012	SCALE: 1/4" = 1'	SHEET: A-8
DRAWINGS PROVIDED BY: Greenbrook Homes LLC		
PROJECT DESCRIPTION: 5902 Gollad 24x36 OP		
SHEET TITLE: 5902 Gollad Plans		

PLANS FOR CONSTRUCTION



REAR ELEVATION



LEFT ELEVATION

ELEVATIONS

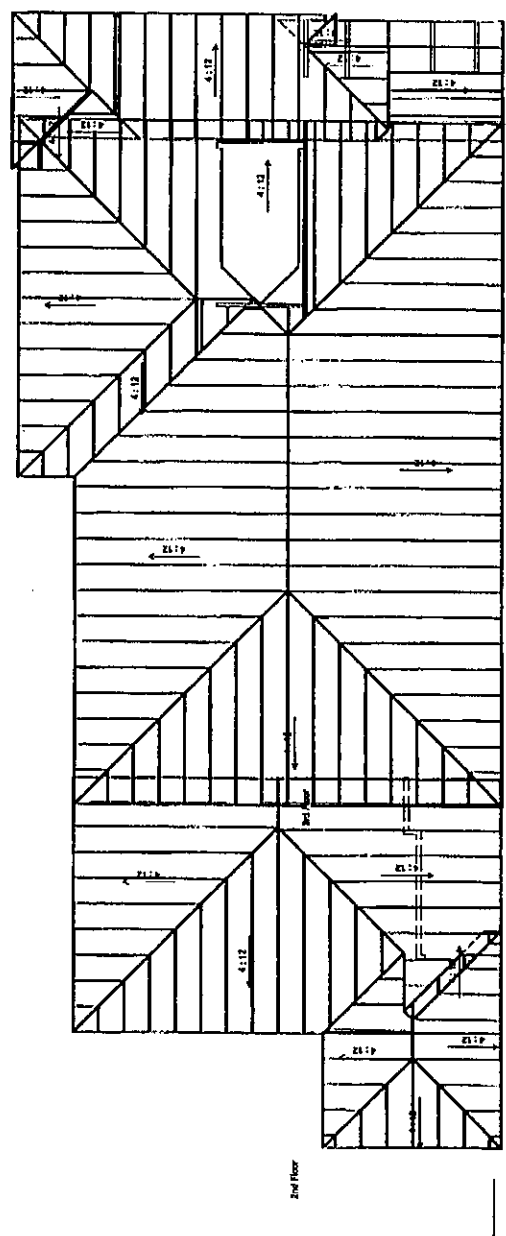
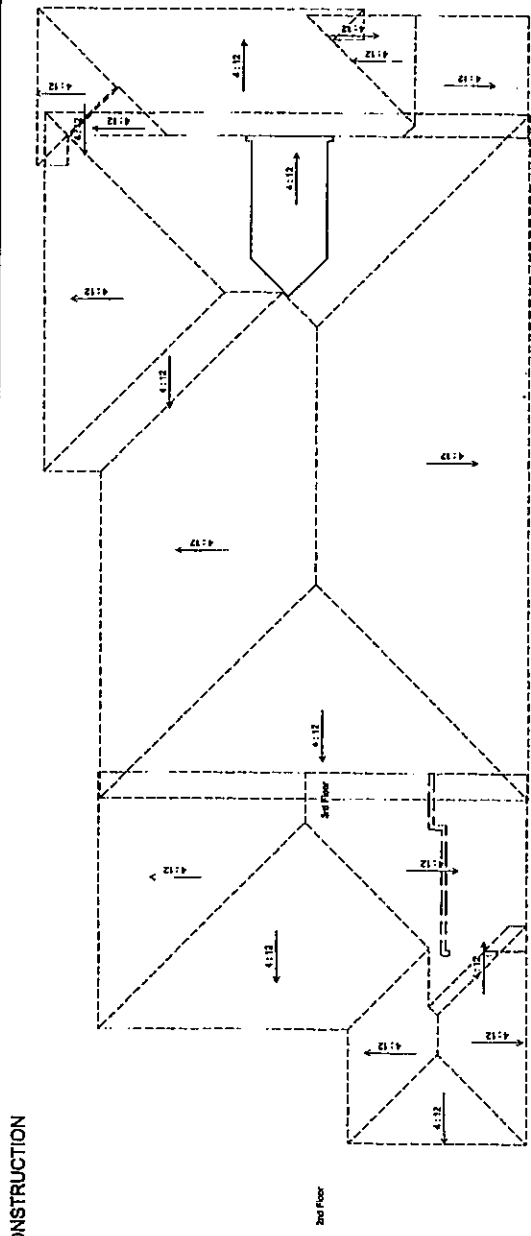
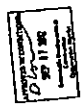
24 x 36 - 1/4" = 1'

BDA 112-120  
Attach E  
Pg 26



DATE: 9/30/2012	PROJECT DESCRIPTION: Greenbrook Homes LLC	PROJECT NO: 5902 Gollad 24x36 OP	DATE: 9/30/2012
SCALE: 1/4" = 1'	DESIGNER: Greenbrook Homes LLC	PROJECT NO: 5902 Gollad 24x36 OP	DATE: 9/30/2012
SHEET: A-9	PROJECT NO: 5902 Gollad 24x36 OP	PROJECT NO: 5902 Gollad 24x36 OP	DATE: 9/30/2012

BDA 112-120  
 Attach E  
 Pg 27



PLANS FOR CONSTRUCTION

ROOF  
 24 x 36 - 1/4" = 1'

**Melissa Kingston**

---

**From:** postmaster@exch029.domain.local  
**To:** terry.williams2@dallascityhall.com; Lowrance, Diana; Holmes, Lashondra; O'Donnell, Theresa  
**Sent:** Monday, January 28, 2013 9:27 AM  
**Subject:** Relayed: 5902 Goliad - building in violation of approved plans

**Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:**

[terry.williams2@dallascityhall.com](mailto:terry.williams2@dallascityhall.com) ([terry.williams2@dallascityhall.com](mailto:terry.williams2@dallascityhall.com))

[Lowrance, Diana](mailto:diana.lowrance@dallascityhall.com) ([diana.lowrance@dallascityhall.com](mailto:diana.lowrance@dallascityhall.com))

[Holmes, Lashondra](mailto:lashondra.holmes@dallascityhall.com) ([lashondra.holmes@dallascityhall.com](mailto:lashondra.holmes@dallascityhall.com))

[O'Donnell, Theresa](mailto:theresa.odonnell@dallascityhall.com) ([theresa.odonnell@dallascityhall.com](mailto:theresa.odonnell@dallascityhall.com))

Subject: 5902 Goliad - building in violation of approved plans

BDA 112-120  
Attach E  
Pg 28

## Melissa Kingston

---

**From:** Lowrance, Diana [diana.lowrance@dallascityhall.com]  
**To:** Melissa Kingston  
**Sent:** Monday, January 28, 2013 9:29 AM  
**Subject:** Read: 5902 Goliad - building in violation of approved plans

Your message

**To:**  
**Subject:** 5902 Goliad - building in violation of approved plans  
**Sent:** Monday, January 28, 2013 7:28:42 AM (UTC-08:00) Pacific Time (US & Canada)

BDA 112-120  
Attach E  
Pg 29

was read on Monday, January 28, 2013 7:28:37 AM (UTC-08:00) Pacific Time (US & Canada).



## Melissa Kingston

---

**From:** Holmes, Lashondra [lashondra.holmes@dallascityhall.com]  
**To:** Melissa Kingston  
**Sent:** Monday, January 28, 2013 9:30 AM  
**Subject:** Read: 5902 Goliad - building in violation of approved plans

BDA 112-120  
Attach E  
Pg 30

Your message

To:  
Subject: 5902 Goliad - building in violation of approved plans  
Sent: Monday, January 28, 2013 7:30:39 AM (UTC-08:00) Pacific Time (US & Canada)

was read on Monday, January 28, 2013 7:30:29 AM (UTC-08:00) Pacific Time (US & Canada).

## Melissa Kingston

---

**From:** O'Donnell, Theresa [theresa.odonnell@dallascityhall.com]  
**To:** Melissa Kingston  
**Sent:** Monday, January 28, 2013 9:42 AM  
**Subject:** Read: 5902 Goliad - building in violation of approved plans

BDA 112-120  
Attach E  
Pg 31

Your message

**To:**  
**Subject:** 5902 Goliad - building in violation of approved plans  
**Sent:** Monday, January 28, 2013 7:41:59 AM (UTC-08:00) Pacific Time (US & Canada)

was read on Monday, January 28, 2013 7:41:51 AM (UTC-08:00) Pacific Time (US & Canada).

**Melissa Kingston**

---

**From:** Melissa Kingston  
**Sent:** Tuesday, February 05, 2013 10:52 AM  
**To:** terry.williams2@dallascityhall.com; Lowrance, Diana  
**Cc:** Holmes, Lashondra; O'Donnell, Theresa; belmontaddition@yahoo.com; Melissa Kingston  
**Subject:** RE: 5902 Goliad - building in violation of approved plans

Terry and Diana –

I haven't received any response from anyone on this, so I thought I'd follow up. Building continues in violation of the plans approved by the city. Can you please let me know the status of your investigation on this matter? Thanks.

Melissa



*Melissa R. Kingston, Esq.*  
*Friedman & Feiger, LLP | 5301 Spring Valley Road, Suite 200, Dallas, Texas 75254*  
*Tel: 972-788-1400 | Direct Dial: 972-450-7308 | Mobile: 214-642-1366 | Fax: 972-788-2667*  
[mkingston@fflawoffice.com](mailto:mkingston@fflawoffice.com)  
[www.fflawoffice.com](http://www.fflawoffice.com)

*Friedman & Feiger, LLC | 221 Ave. Ponce de León, Suite 1202, San Juan, Puerto Rico 00917*  
*Tel: 787-945-5055 | Toll Free: 1-855-FFLAW60 | Fax: 787-945-5057*

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---

**From:** Melissa Kingston  
**Sent:** Monday, January 28, 2013 9:22 AM  
**To:** 'terry.williams2@dallascityhall.com'; Lowrance, Diana  
**Cc:** Holmes, Lashondra; O'Donnell, Theresa; Melissa Kingston; belmontaddition@yahoo.com  
**Subject:** 5902 Goliad - building in violation of approved plans

Terry and Diana –

I am addressing this complaint to you because I'm not sure which one of you I should contact first. I did file a 311 complaint as well (SR # - 13-00043843), but I wanted to provide you both the background and photos to assist you in this matter.

As you know, BACD has opposed the plans that were approved for the construction of a single family residence at 5902 Goliad Ave, Dallas, Texas 75206 (the "Property"). One of the reasons for BACD's complaint is the exposed portion of the subterranean level under the top two stories of the home – this design violates the BACD ordinance's limitation on the number of stories:

(d) Development standards. Except as otherwise provided, the development standards of the R-7.5(A) Single Family District apply. Except as provided in the architectural standards for specific styles, the following development standards apply to the entire lot.

BDA 112-120  
Attach E  
Pg 33

(11) Stories.

(A) Maximum number of stories above grade is two stories for Colonial Revival, Craftsman, and Prairie structures. Maximum number of stories above grade is one-and-one-half stories for Tudor structures. Maximum number of stories above grade is two stories for noncontributing structures.

The city approved plans that allow for 3'8" partial story above the grade and below the top two stories of the house. A copy of the plans approved by the City are attached.

Given the height of the Property above the street level and the minimum height required for a garage, it has been BACD's contention from the beginning that it is IMPOSSIBLE for these owners to build in accordance with their plans on this lot and have a usable garage. The owners have now begun construction, and as exhibited by the attached photographs, the exposed portion of the subterranean level is not 3'8" but is 5'5" instead. As you can see in the photo labeled 5902 Goliad – front view, the exposed portion of the subterranean level is almost as tall as the fence on the neighboring property. BACD objects to the owners building out of compliance with their plans and asks that a red tag be issued until they come into compliance with their plans.

In the event that the owners attempt to have their plans merely revised and then approved, BACD will object approved modified plans that would allow for the 5'5" as well (which is what happened on 5946 Palo Pinto).

Nothing herein is intended to waive BACD's appeal to the Board of Adjustment or its complaints about the subject structure. Instead, what we would really like to have here is a resolution of this dispute. BACD has made several offers to the owners to compromise and settle this dispute, but the owners have not responded to our efforts and are now not even following the plans they got approved.

Please let me know if you need anything further from us. Thank you, and I look forward to hearing from you on this.

Melissa



*Melissa R. Kingston, Esq.*

*Friedman & Feiger, LLP | 5301 Spring Valley Road, Suite 200, Dallas, Texas 75254*

*Tel: 972-788-1400 | Direct Dial: 972-450-7308 | Fax: 972-788-2667 | [mkingston@fflawoffice.com](mailto:mkingston@fflawoffice.com)  
[www.fflawoffice.com](http://www.fflawoffice.com)*

*Friedman & Feiger, LLC | 221 Ave. Ponce de León, Suite 1202, San Juan, Puerto Rico 00917*

*Tel: 787-945-5055 | Toll Free: 1-855-FFLAW60 | Fax: 787-945-5057*

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## Melissa Kingston

---

**From:** Holmes, Lashondra [lashondra.holmes@dallascityhall.com]  
**To:** Melissa Kingston  
**Sent:** Tuesday, February 05, 2013 11:18 AM  
**Subject:** Read: RE: 5902 Goliad - building in violation of approved plans

BDA 112-120  
Attach E  
Pg 34

Your message

To:  
Subject: 5902 Goliad - building in violation of approved plans  
Sent: Tuesday, February 05, 2013 9:18:01 AM (UTC-08:00) Pacific Time (US & Canada)

was read on Tuesday, February 05, 2013 9:17:41 AM (UTC-08:00) Pacific Time (US & Canada).

## Melissa Kingston

---

**From:** Lowrance, Diana [diana.lowrance@dallascityhall.com]  
**To:** Melissa Kingston  
**Sent:** Tuesday, February 05, 2013 11:18 AM  
**Subject:** Read: RE: 5902 Goliad - building in violation of approved plans

BDA 112-120  
Attach E  
Pg 35

Your message

To:  
Subject: 5902 Goliad - building in violation of approved plans  
Sent: Tuesday, February 05, 2013 9:18:17 AM (UTC-08:00) Pacific Time (US & Canada)

was read on Tuesday, February 05, 2013 9:18:10 AM (UTC-08:00) Pacific Time (US & Canada).



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 112-120

Data Relative to Subject Property:

Date: October 11, 2012

Location address: 5902 Goliad

Zoning District: CD #12

Lot No.: 1 Block No.: 14/1900 Acreage: .2 Census Tract: 11.01

Street Frontage (in Feet): 1)Goliad 50' 2)Delmar 175' 3)\_\_\_\_\_ 4)\_\_\_\_\_ 5)\_\_\_\_\_ 20 24

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): James Cooper and Brittany Bailey, 6154 Marquita Ave., Dallas, Texas 75214; [bbailey@hrhoustongroup.com](mailto:bbailey@hrhoustongroup.com)

Applicant: ~~Belmont Addition Conservation District Ordinance Enforcement Committee~~ and Melissa Kingston

Telephone: 214-642-1366; 972-450-7308

Mailing Address: 5901 Palo Pinto Ave., Dallas, Texas Zip Code: 75206

E-mail Address: mkingston@fflawoffice.com

Represented by: Melissa Kingston Telephone: same as above

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

E-mail Address: \_\_\_\_\_

Affirm that an appeal has been made for an appeal of an administrative official's decision.

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 administrative official approved plans for the construction of a single family residence in the Prairie architectural style that violates Belmont Addition Conservation District Ordinance #25530 because it has more than two stories above grade. Please see the attached letter, which is incorporated herein by reference for all purposes as if set forth fully herein.

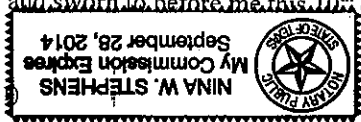
Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared Melissa Kingston 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 10<sup>th</sup> day of October, 2012.



Nina W. Stephens  
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 Melissa Kingston

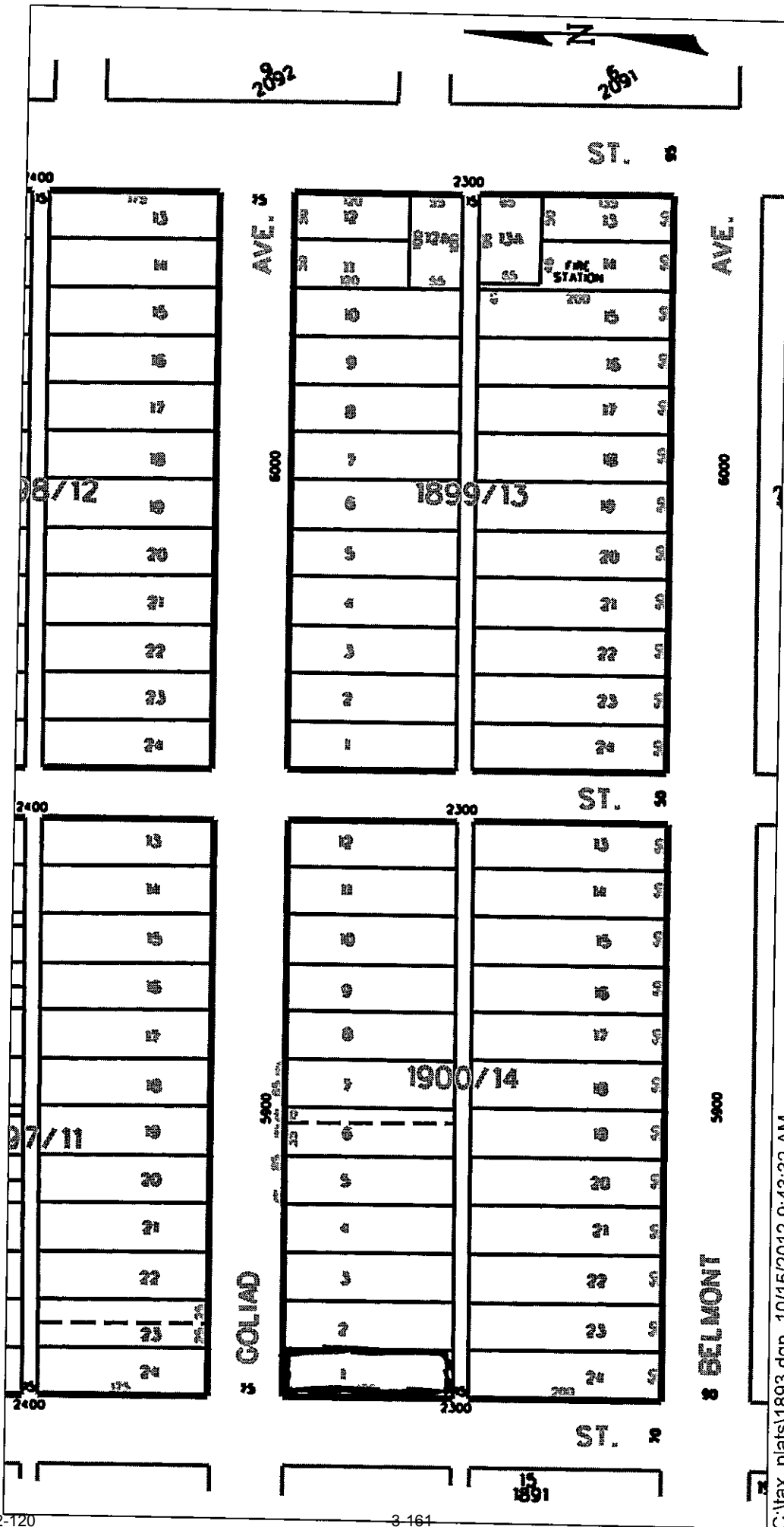
did submit a request to appeal the decision of the administrative official  
at 5902 Goliad Avenue

BDA112-120. Application of Melissa Kingston to appeal the decision of the administrative official at 5902 Goliad Avenue. This property is more fully described as Lot 1, Block 14/1900 and is zoned CD-12, which requires compliance with the Belmont Addition Conservation District Ordinance #25530. The applicant proposes to appeal the decision of an administrative official in approving a Conservation District Work Review Form.

Sincerely,

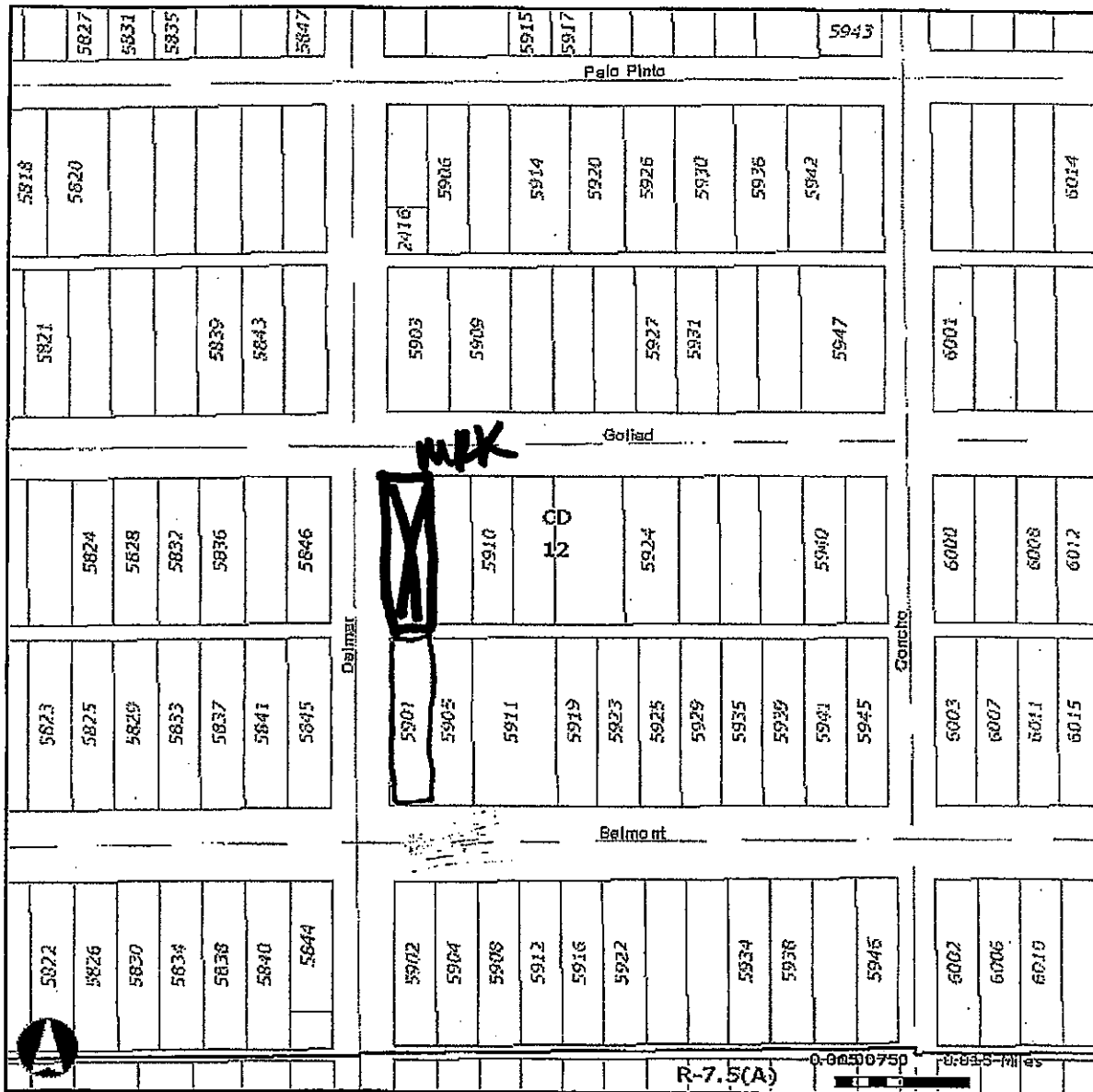
  
Larry Holmes, Building Official





*mk*

# City of Dallas Zoning



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

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

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



**Belmont Addition Conservation District**  
Est. 1893

October 11, 2012

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

Re: Front-facing side garage at 5820 Palo Pinto Ave., Dallas, Texas in violation of Belmont Addition Conservation District Ordinance

Dear Hon. Board Members:

I am writing you on behalf of the Belmont Addition Conservation District ("BACD") to appeal the decision of Diana Lowrance, an administrative official in the Sustainable Development & Construction Department of the City of Dallas, and the Building Official, who issued a building permit to Justin Milam at Greenbrook Homes on September 26, 2012 for a single-family residence to be built at 5902 Goliad Avenue, Dallas, Texas 75206 (the "Property").

Summary of Position:

The BACD Ordinance states that the "maximum number of stories above grade is two stories for... Prairie structures." The proposed plans for the single-family residence to be built on the Property is for a structure that exceeds two stories above grade, which was done to accommodate a subterranean level that is also not permitted by the BACD ordinance. BACD therefore seeks to appeal the approval of the subject plans and the issuance of the building permit to build them.

Documents attached:

1. Site plan for Property
2. Elevations for Property
3. Floor plan for Property
4. Conservation District Work Review Form dated September 6, 2012
5. Conservation District Work Certificate dated September 10, 2012
6. Belmont Addition CD ordinance with
  - a. Exhibit A: Regulations

5901 Palo Pinto Avenue · Dallas, Texas 75206



## Belmont Addition Conservation District

Est. 1893

- b. Exhibit B: Conceptual Plan
- c. Appendix D: Map of BACD

### Factual Background:

The Property is located in the Belmont Addition Conservation District. The boundaries for BACD are Greenville Avenue on the west, Llano Avenue on the north, Skillman Street on the east and Belmont Avenue on the south. Goliad Avenue runs between Llano and Belmont. BACD includes the 5900 block of Goliad. A map of the CD with an "x" indicating the Property is attached Appendix D of Exhibit 4.

The BACD Ordinance was passed in March of 2004 by the unanimous votes of the City Planning Commission and the City Council, and it was supported by by 80% of the residence who voted.

BACD is a collection of 1910's – 1920's Craftsman bungalows. A primary feature of the original structures is that they do not exceed two stories above grade and are not built into the hillsides that are prevalent in the BACD. In fact, many are only one story above grade. To preserve this feature, the BACD Ordinance specifically requires that new construction built in the Prairie architectural style have no more than 2 stories above grade.

The proposed structure to be built on the Property has a partial story that is at least 4 feet above the grade along the west side of the Property and at least 3 feet 8 inches above the grade along the north side of the Property. This partial story is in addition to the 2 full stories above it and is included in order to accommodate a partially subterranean garage that has a larger than permitted driveway.

### Argument and Authorities:

Relevant portions of the BACD Ordinance state:

(d) Development standards. Except as otherwise provided, the development standards of the R-7.5(A) Single Family District apply. Except as provided in the architectural standards for specific styles, the following development standards apply to the entire lot.

(11) Stories.

(A) Maximum number of stories above grade is two stories for Colonial Revival, Craftsman, and Prairie structures. Maximum

5901 Palo Pinto Avenue · Dallas, Texas 75206



## Belmont Addition Conservation District

Est. 1893

- a. The house exceeds two stories above grade in violation of (d)(11) *Stories*;
- b. The driveway is wider than 10 feet and is not behind the rearmost corner of the house in violation of (d)(18) *Driveways and curbing*; and,
- c. The slope of the lot is being removed entirely where the garage sits in violation of (d)(25) *Slope*.

During the public meetings where the BACD Ordinance was discussed and drafted, the residents agreed that new construction and renovations would not be permitted to alter the slope of the lot and would not exceed a certain number of stories because these are important characteristics of the original homes common in historic neighborhoods like BACD. The BACD Ordinance therefore requires that the slope be maintained, that the maximum number of stories not exceed 2 for Prairie structures, and that the driveway is wider than 10 feet be behind the main structure.

There are no original structures with partially exposed subterranean levels such as the one in this house in the BACD, and that feature is not typical of the historic homes in BACD. Similarly, there are no original homes built into the lot such as the partial garage that is present in the proposed structure. Likewise, there are no original homes that exceed two stories as the proposed structure does.

The residents of BACD spent three years drafting and passing the BACD Ordinance because they feel strongly about preserving the original architecture. The aspects of the proposed structure on the Property do not preserve such architecture, and they do not comply with the BACD Ordinance.

On behalf of the BACD, I respectfully request that the Board overturn city staff's decisions to approve the subject plans and issue the subject building permit. Should you have any questions or need further information, please feel free to contact me. Thank you for your consideration.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Melissa Kingston'. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Melissa Kingston

Chair, BACD Ordinance Enforcement Committee  
5901 Palo Pinto Avenue  
Dallas, Texas 75206  
(214) 642-1366  
[belmontaddition@yahoo.com](mailto:belmontaddition@yahoo.com)

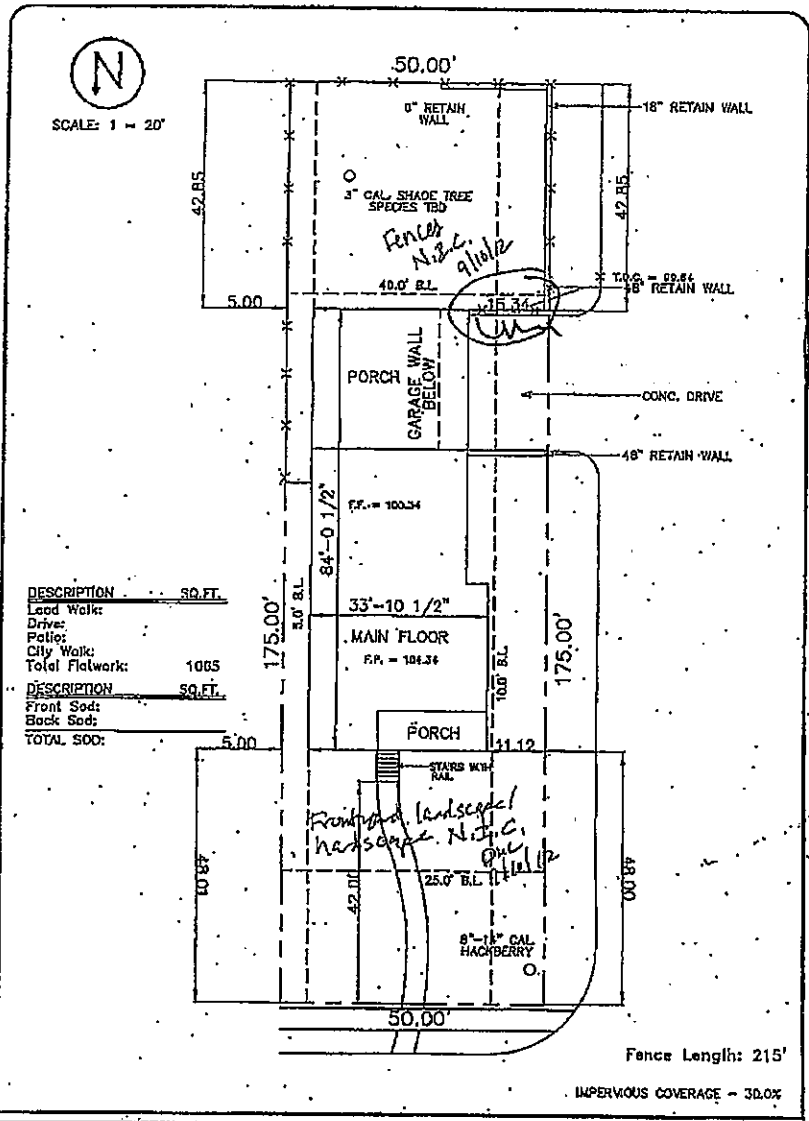
5901 Palo Pinto Avenue · Dallas, Texas 75206



**Belmont Addition Conservation District**  
Est. 1893

cc: BACD Ordinance Enforcement Committee  
Ms. Brittany Bailey  
Justin Milam, Greenbrook Homes

5901 Palo Pinto Avenue · Dallas, Texas 75206



DESCRIPTION	50.00
Lead Walk:	
Drive:	
Patio:	
City Walk:	
Total Footwork:	106.34
DESCRIPTION	50.00
Front Sod:	
Back Sod:	
TOTAL SOD:	5.00

Note: This is a microfilm copy from the Building Inspection / Central Files Office. Copies cannot be refilled. DO NOT RETURN.

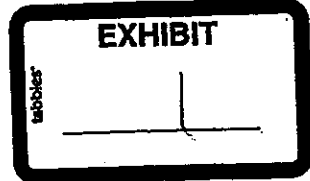
IT IS THE BUILDING SUPERINTENDANT'S RESPONSIBILITY TO ENSURE THE CORRECTNESS OF THIS PROBLEM BEFORE PROCEEDING WITH CONSTRUCTION. IF THERE ARE ANY ERRORS AND/OR OMISSIONS THEY ARE TO BE BROUGHT TO THE ATTENTION OF PRECISION DESIGNS SO AS THEY MAY BE CORRECTED. THIS LIABILITY, BUT IS NOT LIMITED TO, HOME OWNERS ASSOCIATION REGULATIONS, ARCHITECTURAL REVIEW COMMITTEE APPROVAL, SPECIAL SITE AND DRAINAGE CONDITIONS, EASEMENTS, BUILDING SETBACKS AND OTHER RESTRICTIONS THAT APPLY TO THE PROPERTY.

(P.S.) INDICATES THAT BUILDING LINES, EASEMENTS, ROW'S, ETC AS SHOWN HEREON ARE PER PLAN SUPPLIED.

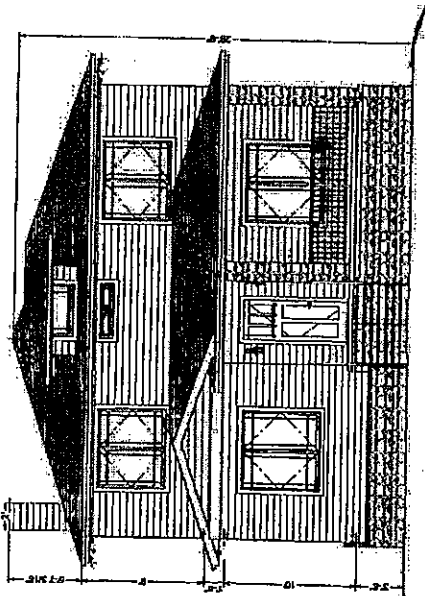
**PRECISION DESIGNS**  
 3444 BEARWOOD DRIVE  
 MCKINNEY, TX 75070  
 PHONE: 214-211-0277  
 FAX: 214-223-2535

SUBDIVISION: <b>BELMONT ADDITION</b>	
SUBDIVISION: <b>BELMONT ADDITION</b>	
ADDRESS: <b>5902 GOLIAD</b>	DATE: <b>08/29/12</b>
LOT: <b>1</b>	BLOCK: <b>14/1900</b>
CITY: <b>DALLAS, TX</b>	JOB #:
PLAN #:	DRAWN BY: <b>PDI</b>

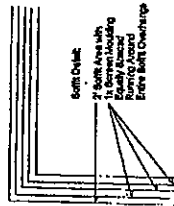
SUBJECT TO FIELD OFFICE INSPECTION APPROVAL



PLANS FOR CONSTRUCTION



FRONT ELEVATION

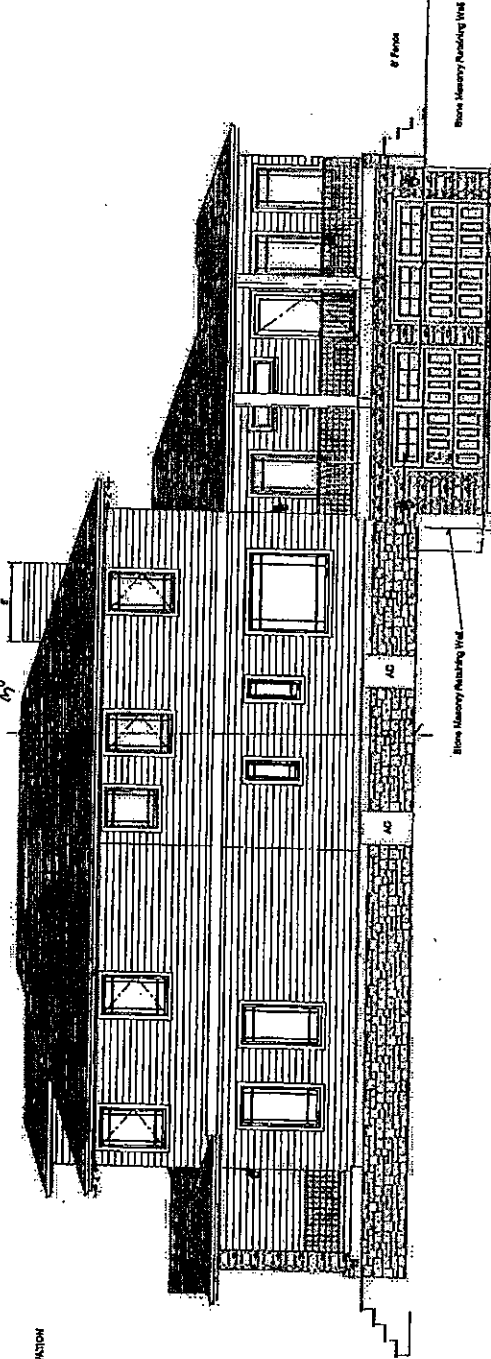


- 2x4 Studs
- Zip Wall System Sheathing
- Hardie Lap Siding
- Insulation
- Drywall
- 1 1/8" Advantech Subfloor
- Engineered Truss System:  
(See Attached Plan)

W/D DETAIL



ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE 2006 INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND ALL APPLICABLE LOCAL ORDINANCES. ALL MATERIALS SHALL BE APPROVED BY THE LOCAL AUTHORITY.



RIGHT ELEVATION

ELEVATIONS

24 x 36 - 1/4" = 1'

PROJECT TITLE: 5902 Gollad Plans		PROJECT DESCRIPTION: 5902 Gollad 24x36 OP 5902 Gollad 5902 Gollad 5902 Gollad		DRAWING PROVIDED BY: Greenbrook Homes LLC		DATE: 8/30/2012	SCALE: 1/4" = 1'	SHEET: A-8	
NO. DESCRIPTION		DATE		DATE		DATE		DATE	

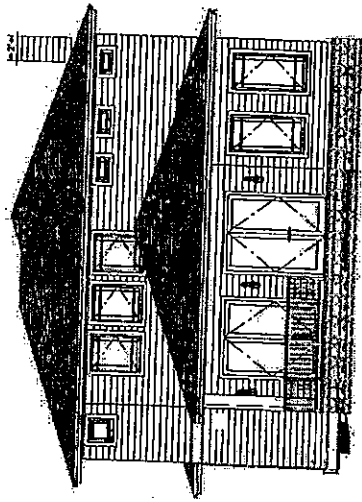
**EXHIBIT**

2

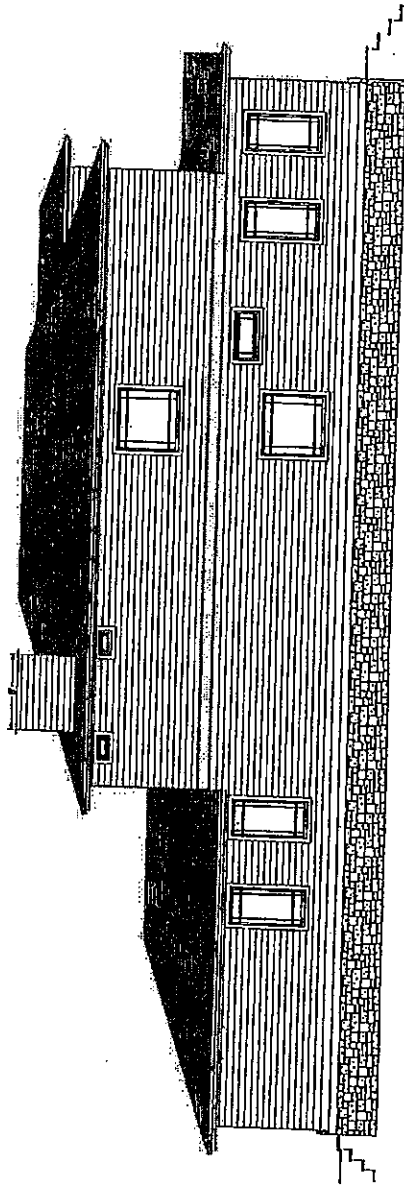
Bobbie



PLANS FOR CONSTRUCTION



FRONT ELEVATION



LEFT ELEVATION



ELEVATIONS

24 x 36 - 1/4" = 1'

PROJECT DESCRIPTION <b>5902 Gollad 24x36 Op</b>		DRAWINGS PROVIDED BY <b>Greenbrook Homes LLC</b>	
SHEET TITLE <b>5902 Gollad Plans</b>		DATE: <b>6/30/2012</b>	
DRAWN BY _____		SCALE: <b>1/4" = 1'</b>	
CHECKED BY _____		SHEET: <b>A-9</b>	
DATE _____		PROJECT NO. <b>5902 Gollad</b>	

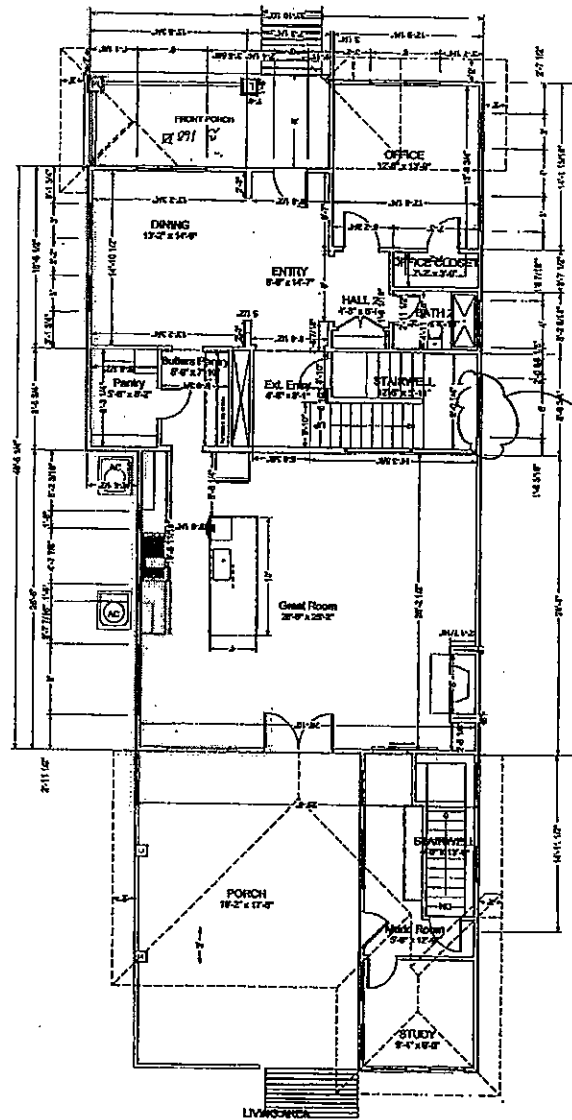


RECEIVED  
Aug 11 2012

FOR THE ARCHITECT  
M. J. ...  
11/11/12

FOR THE CONTRACTOR  
...  
11/11/12

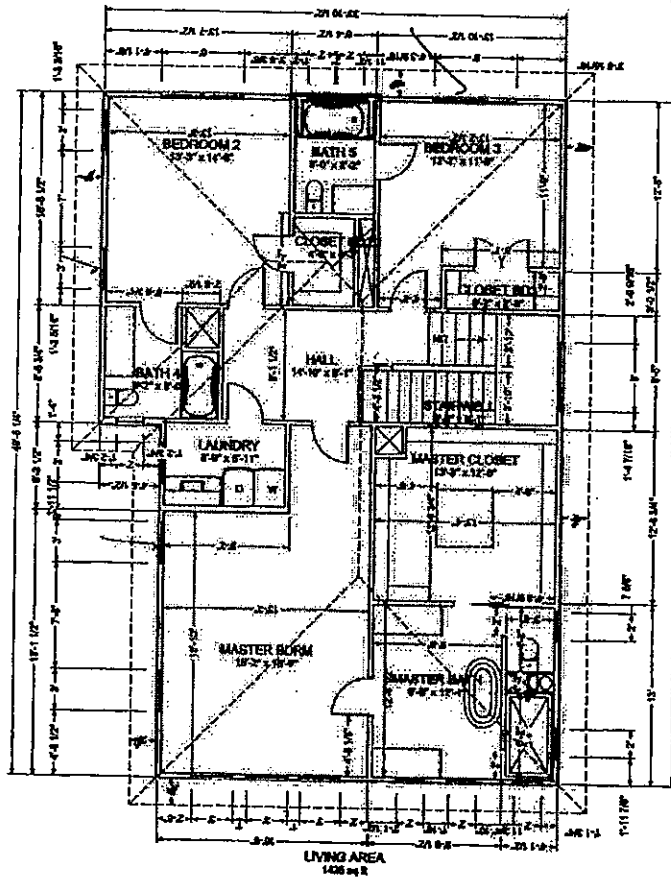
FOR THE OWNER  
...  
11/11/12



PLANS FOR CONSTRUCTION

FLOORPLAN  
24 x 36 - 1/4" = 1'

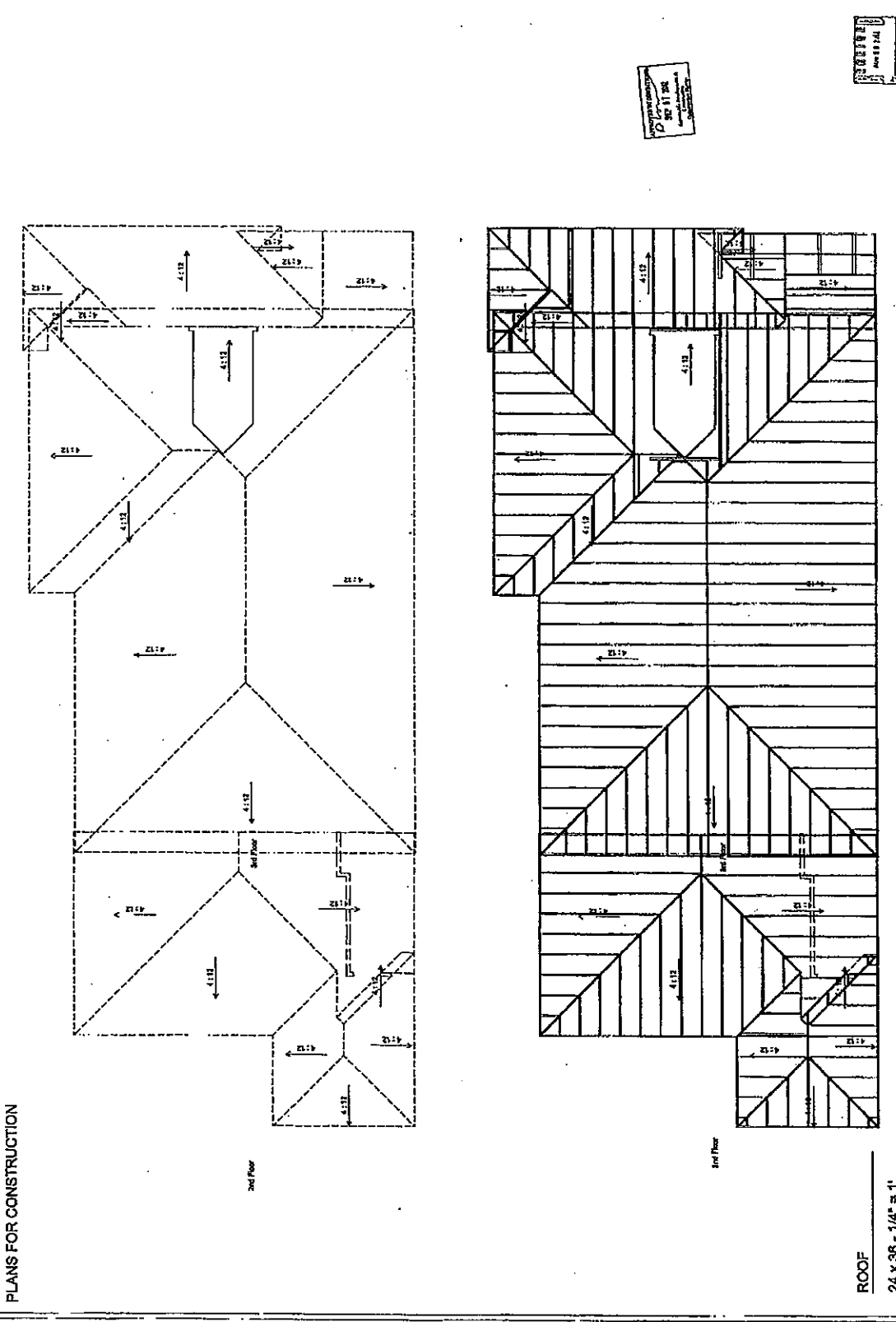
EXHIBIT  
3



2nd Floor  
 8'0" Stairs Up To 3rd Ceiling Height

PLANS FOR CONSTRUCTION

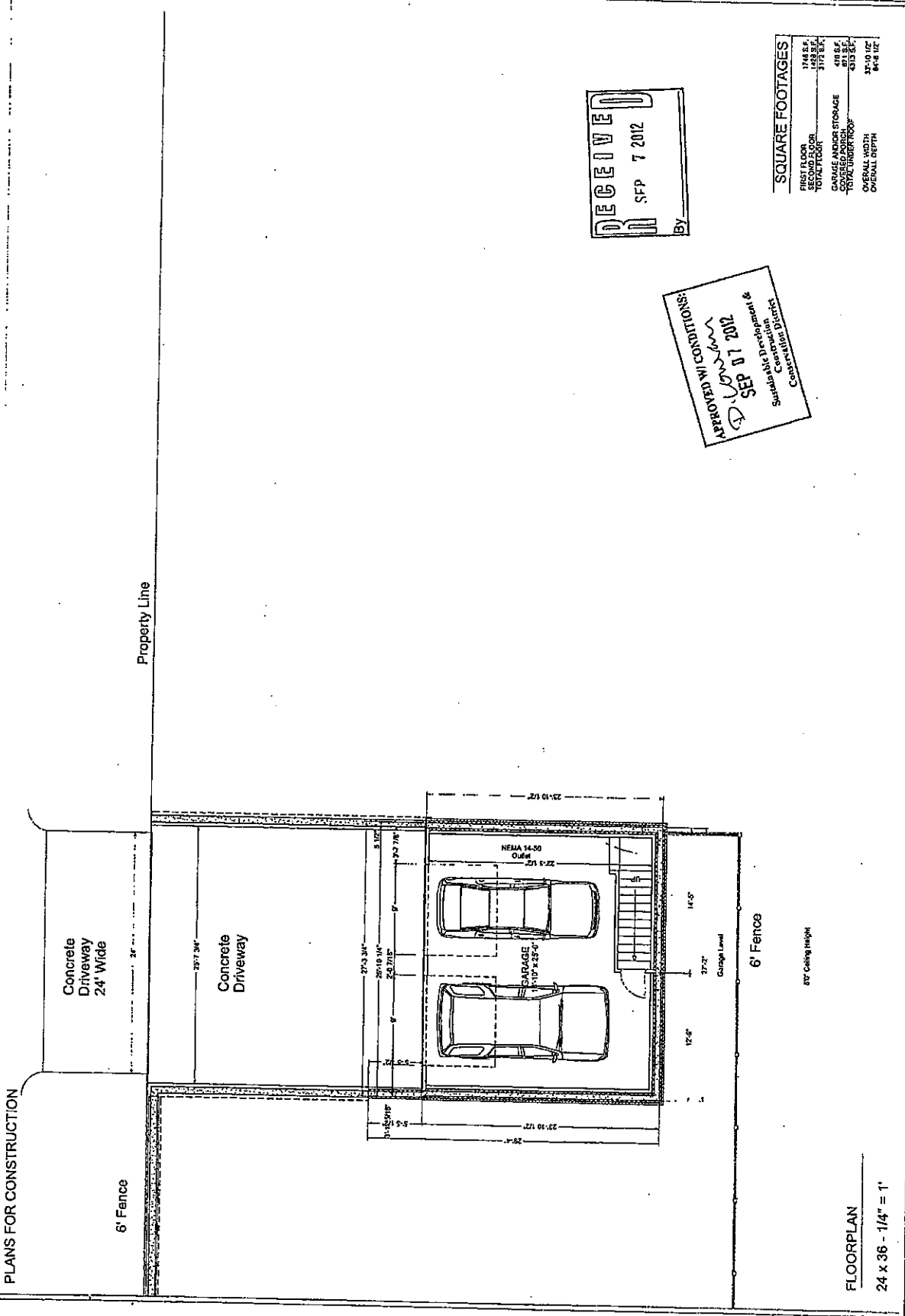
FLOORPLAN  
 24 x 36 - 1/4" = 1'



PLANS FOR CONSTRUCTION

ROOF  
24 x 36 - 1/4" = 1"

PLANS FOR CONSTRUCTION



NO. REVISION	DATE

PROJECT DESCRIPTION: 5902 Gollad 24x36 OP  
 DRAWINGS PROVIDED BY: Greenbrook Homes LLC  
 PROJECT TITLE: 5902 Gollad Plans  
 DATE: 9/7/2012  
 SCALE: 1/4" = 1'  
 SHEET: A-2

**RECEIVED**  
 SEP 7 2012  
 By \_\_\_\_\_

APPROVED WITH CONDITIONS:  
 SEP 07 2012  
 Sustainable Development & Construction District

**SQUARE FOOTAGES**

FIRST FLOOR	1748 S.F.
TOTAL FLOOR	1748 S.F.
GARAGE AND/OR STORAGE	1148 S.F.
COVERED PORCH	471 S.F.
TOTAL UNDERFOOT	3133 S.F.
OVERALL WIDTH	33'-0 1/2"
OVERALL DEPTH	8'-8 1/2"

FLOORPLAN  
 24 x 36 - 1/4" = 1'

CIVILIAN

JUN 27, 2012

## DEPARTMENT OF SUSTAINABLE DEVELOPMENT & CONSTRUCTION CONSERVATION DISTRICT WORK REVIEW FORM

Please provide the following information. If you have any questions or need additional information, please contact City of Dallas Building Inspection at 214-948-4480.

Submit this form and two copies of each applicable site plan, elevations, and specification sheets to the Permit Center, Room 118, 320 E. Jefferson, Dallas TX 75203. Please print.

Date: 06/14/2012 Conservation District: C.D. #12 - BELMONT ADDITION  
 Property Address: 5902 GOLIAD AVE  
 Applicant Name: JUSTIN MILAM Phone #: 214.218.6356  
 Applicant Address: 9412 HARRELL DR., MCKINNEY, TX. (75070) Fax#: 214.276.7711  
 e-mail: jmilam@greenbrookhomesdfw.com  
 Architecture Style (if applicable): PRARIE STYLE  
 Description of Proposed Work: NEW HOME CONSTRUCTION - SINGLE FAMILY RESIDENTIAL (SEE PLANS & ELEVATIONS). EXISTING HOME HAS BEEN DEMOLISHED BY A SEPARATE ENTITY.

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

The proposed work is:

Approved as submitted - meets development and design standards.

Approved with the following conditions / comments: 1) THE DRIVEWAY MUST

BE CONSTRUCTED OF BRICK, CONCRETE, STONE OR SIMILAR MATERIALS; 2) RETAINING WALLS MAY NOT EXTEND MORE THAN 6-INCHES ABOVE THE SOIL BEING RETAINED;

~~3) Denied Application does not meet the following requirements:~~ 3) FOUNDATION

MUST BE RAISED A MIN. OF 12-INCHES ABOVE GRADE 4) WINDOWS MUST BE CASEMENT OR DOUBLE-HUNG; 5) MUNTINS AND MULLIONS MUST BE EXPRESSED

REVIEWED BY: P. LOWANCE ON BOTH THE INSIDE AND OUTSIDE OF INSULATION GLASS

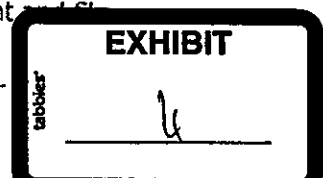
DATE RECEIVED: 8/30/12 DATE REVIEWED: 9/6/12

BUILDING PERMIT REQUIRED: Yes / No  
form updated 100109

Copy to: applicant and St

*emailed/Issues for revisions 7-23-12*

*\* see reverse*



CD 12082410

CONDITIONS CONTINUED:

(5) cont.

ON THE WINDOWS LOCATED ON THE FRONT  
FACADE AND OF THE SIDE STREET FACADE  
(Delmar), excluding windows on living  
AREAS OFF OF PORCH.

# Conservation District Work Certificate



## Belmont Addition Conservation District

City of Dallas

Date Applied: 08/24/12

Date Reviewed: 09/10/12

**Address: 5902 GOLIAD AVE**

Applicant: MILAM, JUSTIN  
9412 Harrell  
McKinney, TX 75070  
214/218-6356

### Architectural Style: Prairie

Proposed Work: Other - requires permit

CONSTRUCT NEW PRAIRIE-STYLE SINGLE-FAMILY RESIDENCE

Permit is required: YES

### Work is Approved with Conditions

1. Driveway must be constructed of brick, concrete, stone or similar materials;
2. retaining walls may not extend more than 6-inches above the soil being retained;
3. Foundation must be raised a min. of 12-inches above grade;
4. windows must be casement or double-hung and
5. muntins and mullions must be expressed on both the inside and outside of insulating glass on the windows located on the front facade and on the side street facade (Delmar), excluding windows on living areas located off-porch.

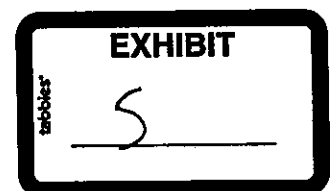
Lloyd Denman, Building Official

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

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

***This certificate shall be posted at job site***

Page 1 of 1





ORDINANCE NO. 25530

An ordinance changing the zoning classification on the following described property, to wit:

An area generally being bounded by the lots on both sides of Llano Avenue on the north, the centerline of Skillman Street on the east, the lots on both sides of Belmont Avenue on the south (excluding the south side of Belmont, the 5700 block, between Greenville Avenue and Matilda Street), and the centerline of Greenville Avenue on the west,

from an R-7.5(A) Single Family District and an R-7.5(A)-MD-1 Single Family District with Modified Delta Overlay No. 1 to Conservation District No. 12 (the Belmont Addition Conservation District) with retention of Modified Delta Overlay No. 1; approving the conceptual plan; providing procedures and regulations for this conservation district; providing for preservation of overlay zoning districts; providing a purpose statement; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council of the City of Dallas find that the property described in Section 2 of this ordinance is an area of cultural and architectural importance and significance to the citizens of the city; and

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

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

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



SECTION 1. Approval of the conceptual plan. That the conceptual plan for the Belmont Addition Conservation District, attached to this ordinance as Exhibit B, is approved.

SECTION 2. Creation of the conservation district. That the zoning ordinances of the City of Dallas, as amended, are amended by changing the zoning classification from an R-7.5(A) Single Family District and an R-7.5(A)-MD-1 Single Family District with Modified Delta Overlay No. 1 to Conservation District No. 12 (the Belmont Addition Conservation District) with retention of Modified Delta Overlay No. 1 on the following described property, to wit:

BEGINNING on Greenville Avenue at the point of intersection of the centerline of the alley between Llano Avenue and Vickery Boulevard;

THENCE, in an easterly direction, along the centerline of the alley between Llano Avenue and Vickery Boulevard to the point of intersection with the centerline of Skillman Street, to a point for corner;

THENCE, in a southerly direction along the centerline of Skillman Street to the point of intersection with the centerline of the alley between Belmont Avenue and Richmond Avenue;

THENCE, in a westerly direction, along the centerline of the alley between Belmont Avenue and Richmond Avenue, to the point of intersection with the centerline of Matilda Street;

THENCE, in a northerly direction along the centerline of Matilda Street, to a point of intersection with the centerline of Belmont Avenue;

THENCE, in a westerly direction along the centerline of Belmont Avenue, to a point of intersection with the centerline of Greenville Avenue;

THENCE, in a northerly direction along the centerline of Greenville Avenue to the point of intersection with the centerline of the alley between Llano Avenue and Vickery Boulevard, the PLACE OF BEGINNING.

SECTION 3. Preservation of overlay zoning districts. That any existing overlay zoning districts within the Belmont Addition Conservation District shall remain in full force and effect.

SECTION 4. Purpose. That this conservation district is established to conserve the Belmont Addition neighborhood and to protect and enhance its significant architectural and cultural attributes. The conservation district regulations are attached to this ordinance as Exhibit A. The conservation district regulations ensure that new construction and remodeling is done in a manner that is compatible with the original architectural styles found in the conservation district.

SECTION 5. Zoning district maps. That the director of the department of development services shall correct Zoning District Map Number H-8 and I-8 in the offices of the city secretary, the building official, and the department of development services to reflect the changes in zoning made by this ordinance.

SECTION 6. Penalty clause. That a person who violates a provision of this ordinance is guilty of a separate offense for each day or portion of a day during which the violation is committed, continued, or permitted, and each offense is punishable by a fine not to exceed \$2,000.

SECTION 7. Saving clause. That the zoning ordinances of the City of Dallas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 8. Severability clause. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of CHAPTER 1 of the Dallas City Code, as amended.

SECTION 9. Effective date. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas and it is accordingly so ordained.

APPROVED AS TO FORM:

MADELEINE B. JOHNSON, City Attorney

By \_\_\_\_\_  
Assistant City Attorney

Passed March 24, 1004

## EXHIBIT A

### BELMONT ADDITION CONSERVATION DISTRICT REGULATIONS

#### Table of Contents

	<u>Page</u>
(a) Interpretations and definitions	7
(b) Conceptual plan	9
(c) Nonconforming structures	9
(d) Development standards	9
(1) Use	9
(2) Accessory uses	9
(3) Front yard	10
(4) Side yard	10
(5) Rear yard	10
(6) Density	10
(7) Floor area ratio	10
(8) Height	10
(9) Lot coverage	10
(10) Lot size	10
(11) Stories	11
(12) Off-street parking and loading	11
(13) Environmental performance standards	11
(14) Landscaping	11
(15) Signs	11
(16) Accessory structures	11
(17) Drainage	13
(18) Driveways and curbing	13
(19) Fences	13
(20) Front facade	14
(21) Foundations	14
(22) Porches	14
(23) Retaining walls	14
(24) Roofing materials	14
(25) Slope	14
(26) Steps	15
(27) Walkways	15
(28) Windows	15
(e) Architectural standards for new construction	15
(f) Architectural standards for remodeling	16
(g) Architectural standards for Colonial Revival structures	16

(1)	Applicability	16
(2)	Architectural features	16
(3)	Materials	17
(4)	Roofs	17
(5)	Windows	18
(h)	Architectural standards for Craftsman structures	18
(1)	Applicability	18
(2)	Architectural features	18
(3)	Front porches	19
(4)	Materials	19
(5)	Porte cocheres	19
(6)	Roofs	19
(7)	Windows	20
(i)	Architectural standards for Prairie structures	20
(1)	Applicability	20
(2)	Architectural features	20
(3)	Front porches	21
(4)	Materials	21
(5)	Roofs	21
(6)	Windows	21
(j)	Architectural standards for Tudor structures	22
(1)	Applicability	22
(2)	Architectural features	22
(3)	Chimney	23
(4)	Front porches	23
(5)	Materials	23
(6)	Roofs	23
(7)	Windows	24
(k)	Procedures	24
(1)	Review form application	24
(2)	Work requiring a building permit	24
(3)	Work not requiring a building permit	25
(4)	Appeals	25

EXHIBIT B: Belmont Addition Conservation District Conceptual Plan

(a) Interpretations and definitions.

- (1) Unless otherwise stated, all references to articles, divisions, or sections in this ordinance are to articles, divisions, or sections in Chapter 51A.
- (2) Unless otherwise stated, the definitions in Chapter 51A apply to this ordinance. In this ordinance:
  - (A) COLONIAL REVIVAL means colonial revival architectural style as shown in Exhibit B.
  - (B) COMPATIBLE means consistent with the architecture found within the district, including architectural style, scale, massing, setbacks, colors, and materials.
  - (C) CONTRIBUTING means a structure listed as Colonial Revival, Craftsman, Prairie, or Tudor structure in Exhibit B.
  - (D) CORNER LOT means a lot that has frontage on two different streets.
  - (E) CORNERSIDE FACADE means a main building facade facing a side street.
  - (F) CORNERSIDE LOT LINE means the lot line on a side street.
  - (G) CORNERSIDE YARD means a side yard that abuts a street.
  - (H) CRAFTSMAN means craftsman architectural style as shown in Exhibit B.
  - (I) DIRECTOR means the director of the department of development services or the director's representative.
  - (J) DISTRICT means the Belmont Addition Conservation District.
  - (K) EXISTING means a structure or status that existed as of March 24, 2004, the date of creation of this conservation district.
  - (L) FRONT FACADE means the building elevation facing the front street.

- (M) FRONT STREET means Llano Avenue, Velasco Avenue, Palo Pinto Avenue, Goliad Avenue, and Belmont Avenue.
  
- (N) HARDSCAPE means any non-plant landscape materials such as boulders, cobbles, decorative concrete, gravel, mulch, pavers, or stones.
  
- (O) HEIGHT, for any structure with a roof, means the vertical distance measured from grade to the peak of any roof structure, regardless of its style or form.
  
- (P) MAIN STRUCTURE means the building on a lot intended for occupancy by the main use.
  
- (Q) NONCONTRIBUTING means a structure not listed as contributing in Exhibit B.
  
- (R) ONE-AND-ONE-HALF STORIES means that the space within the roof structure of a main structure has been converted to livable space.
  
- (S) ORIGINAL means a main structure that occurred on a lot as of December 31, 1945. An "original architectural style" is the architectural style of the original main structure for that lot only.
  
- (T) PARKWAY means that area between the sidewalk and the curb, or that area between the sidewalk and the street pavement if there is no curb.
  
- (U) PRAIRIE means prairie architectural style as shown in Exhibit B.
  
- (V) REAR YARD means:
  - (i) on an interior lot, the portion of the lot between the side lot lines that extends across the width of the lot between a main building and lines parallel to and extending outward from the rear facade of a main building and the rear lot line; and
  
  - (ii) on a corner lot, the portion of the lot that extends between the interior side lot line and a line parallel to and extending outward from the rear corner of the cornerside facade, and



between the rear lot line and a main building and a line parallel to and extending outward from the interior side corner of the rear facade.

- (W) REMODEL means improvements or repairs that change the exterior materials or appearance of the front facade or wrap-around of the main structure.
  - (X) RETAINING WALL means a wall used to prevent the erosion of land.
  - (Y) SIDE STREET means Greenville Avenue, Matilda Street, Delmar Avenue, Concho Street, and Skillman Street.
  - (Z) SIDE YARD means any portion of a lot not occupied by a main building that is not a front yard or rear yard. "Side yard" includes "cornerside yard."
  - (AA) TUDOR means tudor architectural style as shown in Exhibit B.
  - (BB) WRAP-AROUND means the area to the midpoint of each side facade.
- (b) Conceptual plan. The Belmont Addition Conservation District Conceptual Plan is attached to and made a part of this ordinance as Exhibit B. In the event of a conflict between Exhibit A, the district regulations, and Exhibit B, the conceptual plan, Exhibit A controls.
- (c) Nonconforming structures. Section 51A-4.704(c), "Nonconforming Structures," applies, except:
- (1) as otherwise provided in these regulations, or
  - (2) if the degree of nonconformity is voluntarily reduced, all rights to the previous degree of nonconformity are lost.
- (d) Development standards. Except as otherwise provided, the development standards of the R-7.5(A) Single Family District apply. Except as provided in the architectural standards for specific styles, the following development standards apply to the entire lot.
- (1) Use.

- (A) Except for existing duplex uses and existing multifamily uses, the only use allowed is single-family.
  - (B) Existing duplex uses and existing multifamily uses are legal nonconforming uses. Existing duplex uses and existing multifamily uses are identified in Exhibit B.
- (2) Accessory uses. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.
- (3) Front yard.
- (A) Minimum front yard is the average of the front yard of the contributing main structures on the block face as listed in Exhibit B.
  - (B) No more than 30 percent of the front yard may be paved or covered with hardscape.
  - (C) The parkway may not be paved or hardscaped except for curb cuts and sidewalk extensions.
- (4) Side yard. Minimum side yard for main structures is five feet on the one side and 10 feet on the other side.
- (5) Rear yard. Minimum rear yard for main structures is 20 feet on Llano Avenue, 30 feet on Velasco Avenue, 40 feet on Palo Pinto Avenue and Goliad Avenue, and 50 feet on Belmont Avenue.
- (6) Density.
- (A) The number of dwelling units on a lot may not be increased.
  - (B) If an existing duplex use is converted to a single family use, the only use allowed thereafter is single-family.
  - (C) If the number of dwelling units in an existing multifamily use is reduced, the number of dwelling units may not thereafter be increased.

- (7) Floor area ratio. No maximum floor area ratio.
- (8) Height. Except where a lesser height is provided in this exhibit (for example, fences), maximum height for all structures is 30 feet.
- (9) Lot coverage. Maximum lot coverage is 40 percent for new construction and non-original structures. Maximum lot coverage is 45 percent for original (1945 or earlier) structures. See Exhibit B.
- (10) Lot size. Minimum lot size is 7,500 square feet.
  
- (11) Stories.
  - (A) Maximum number of stories above grade is two stories for Colonial Revival, Craftsman, and Prairie structures. Maximum number of stories above grade is one-and-one-half stories for Tudor structures. Maximum number of stories above grade is two stories for noncontributing structures. See Exhibit B.
  - (B) The second story of Craftsman structures must be setback a minimum of five feet from the main plane of the front facade, and may not be more than 70 percent of the floor area of the first story.
- (12) Off-street parking and loading.
  - (A) Consult the use regulations in Division 51A-4.200 for the specific off-street parking/loading requirements for each use.
  - (B) Porte cocheres may not be enclosed.
- (13) Environmental performance standards. See Article VI, "Environmental Performance Standards".
- (14) Landscaping. See Article X, "Landscape and Tree Preservation Regulations".

(15) Signs. See Article VII, "Sign Regulations." This district is considered to be a non-business zoning district for purposes of sign regulations.

(16) Accessory structures.

(A) Location.

(i) Accessory structures must be located to the rear of the main structure.

(ii) Garages, whether attached or detached, must be located to the rear of the main structure.

(iii) The following properties, where the existing main structure is located toward the rear of the lot, may have accessory structures in front of the main structure, provided required setbacks are met, and provided that the accessory structures may only be built or remodeled in the Colonial Revival, Craftsman, Prairie, or Tudor style in compliance with the architectural standards for that style, or in its original (1945 or earlier) architectural style:

5919 Llano  
5714 Velasco  
5947 Velasco  
6001 Velasco  
6009 Velasco

If the existing main structure on these properties is demolished, any new construction must comply with the development standards in (d), "development standards," above, with any accessory structures located to the rear of the main structure.

(B) Style and materials. The color, style, design, and materials of accessory structures that are visible from a street must be compatible with the main structure.

(C) Roof slope. If an accessory structure is visible from a street, the slope of the roof must either match the roof slope of the main structure or comply with the architectural standard for the roof slope for the style of the main structure.

(D) Side yard setback.

- (i) Except as provided in this subsection, accessory structures over 15 feet in height must have a minimum three-foot side yard setback.
- (ii) Except as provided in this subsection, there is no required side yard setback for accessory structures 15 feet or less in height.
- (iii) On corner lots, accessory structures may not be located closer to the cornerside lot line than the main structure.
- (iv) No part of an accessory structure may overhang adjacent property.
- (v) The minimum side yard setback for garages that enter from a side street is 20 feet.

(E) Rear yard setback.

- (i) Except as provided in this subsection, accessory structures over 15 feet in height must have a minimum five-foot rear yard setback.
- (ii) Except as provided in this subsection, accessory structures 15 feet or less in height must have at a minimum three-foot rear yard setback.
- (iii) The minimum rear yard setback for all garages, except car ports, that enter from the alley is 20 feet.
- (iv) A replacement accessory structure may be built in the rear yard in the same location as an existing accessory structure, even if it does not comply with the rear yard setback requirements of this subsection, provided it does not project into the public right-of-way.

(F) Existing accessory structures. Existing accessory structures that are not located to the rear of the main structure may be repaired or maintained, but may not be altered, enlarged, or replaced.

- (17) Drainage. No lot-to-lot drainage is allowed.
- (18) Driveways and curbing.
- (A) An interior lot may have driveway access from either the front street or alley, but not both. A corner lot may have driveway access from either the front street or a side street, but not both.
  - (B) Driveways must be constructed of brick, concrete, stone, or similar materials.
  - (C) Ribbon driveways are allowed.
  - (D) Circular driveways are not allowed.
  - (E) The driveway entry must be between eight and 10 feet wide.
  - (F) On corner lots, a driveway entry on the side street may be up to 24 feet wide if it is located behind the rearmost corner of the main structure and provides access to a garage.
- (19) Fences.
- (A) Fences are not allowed in the front yard.
  - (B) Fences in the side yard must be set back at least five feet from the main plane of the front facade.
  - (C) Fences may be constructed of brick, chain link, stone, wood, wrought iron, or a combination of these materials.
  - (D) Fences in side yards may not exceed six feet in height.
  - (E) Fences in cornerside yards abutting Greenville Avenue, Matilda Street, or Skillman Street may not exceed nine feet in height.
  - (F) Fences in rear yards may not exceed nine feet in height.
- (20) Front facade.
- (A) The facade of a main structure containing the main entrance may not face a side street.

- (B) Satellite dishes may not be mounted on the front facade.
- (21) Foundations. Foundations must be raised at least 12 inches above grade.
- (22) Porches. Porches must have a minimum depth of eight feet.
- (23) Retaining walls.
  - (A) Retaining walls may not be more than six inches above the soil being retained.
  - (B) Retaining walls must be constructed of reinforced masonry.
- (24) Roofing materials.
  - (A) Corrugated plastic roofing is not allowed.
  - (B) Except as provided in the architectural standards for specific styles, built-up, membrane, rolled, and tar-and-gravel roofing is allowed only on roofs with a slope of 10 degrees or less.
- (25) Slope.
  - (A) The existing slope of a lot must be maintained. This provision does not prevent minor grading as necessary to allow construction, prevent lot-to-lot drainage, or match the slope of contiguous lots.
  - (B) A driveway with retaining walls may be cut into the slope of a lot provided that the driveway is straight.
  - (C) For purposes of this subsection, "slope" means any change in elevation from the front lot line to the rear lot line or from a side lot line to the other side lot line.
- (26) Steps. Existing rolling or waterfall steps leading from the sidewalk to the main structure must be retained, except that when existing rolling or waterfall steps are damaged and must be replaced, the replacement must match the rolling or waterfall steps.
- (27) Walkways.

- (A) Walkways must be constructed of concrete, brick, stone, or a similar material.
  - (B) Walkways must lead to the front porch or front entrance.
  - (C) Walkways may be straight or curved.
- (28) Windows. The following applies to the front facade and cornerside facade.
- (A) Only transparent glass, stained glass, or leaded glass is allowed in windows.
  - (B) Non-wood (metal or vinyl) window frames must have a finish that is indistinguishable from the finish on wood windows.
  - (C) Glass block may not be used on front facades. On the cornerside facade, glass block may be used only in bathroom windows or sidelights.
  - (D) Windows must be typical of the style of the structure. See Exhibit B.
- (e) Architectural standards for new construction.
- (1) The front facade and wrap-around of new construction may only be built in the Colonial Revival, Craftsman, Prairie, or Tudor style in compliance with the architectural standards for that style, or in its original (1945 or earlier) architectural style. See Exhibit B.
  - (2) New construction that is built after the date of creation of this conservation district that is built in the Colonial Revival, Craftsman, Prairie, or Tudor style, or in an original architectural style, will be treated as a contributing structure.
  - (3) These architectural standards for new construction apply only to the front facade and wrap-around.
- (f) Architectural standards for remodeling.



- (1) If a contributing structure is remodeled, the remodeling must comply with the standards for its architectural style for that element of the structure being remodeled. See Exhibit B for a list of contributing structures.
  - (2) If an original (1945 or earlier) noncontributing structure is remodeled, the remodeling must be compatible with its original (1945 or earlier) architectural style. See Exhibit B for a list of original noncontributing structures.
  - (3) If a non-original (after 1945) noncontributing structure is remodeled, the remodeling must comply with the standards for the Colonial Revival, Craftsman, Prairie, or Tudor style for that element of the structure being remodeled. See Exhibit B for a list of non-original noncontributing structures. All subsequent remodeling must be in the same architectural style as the first remodeling.
  - (4) The architectural standards for remodeling apply only to the front facade and wrap-around.
- (g) Architectural standards for Colonial Revival structures.
- (1) Applicability.
    - (A) Contributing Colonial Revival structures are identified in Exhibit B.
    - (B) New construction structures that are built in the Colonial Revival style must comply with the following standards.
    - (C) Colonial Revival structures that are remodeled must comply with the applicable standards for that portion of the structure being remodeled.
    - (D) These architectural standards apply only to the front facade and wrap-around.
  - (2) Architectural features. The following architectural features must be maintained or duplicated. New construction structures that are built in the Colonial Revival style must incorporate at least six of these features. See Exhibit B.
    - (A) Centered front gable.
    - (B) Decorative cornices.

- (C) Double-hung windows grouped in pairs and with multiple lights in one or both of the sashes.
  - (D) Front entry feature with decorative (crown) pediment supported by pilasters or extended forward and supported by slender columns.
  - (E) Pair of carriage lights flanking the front main entrance.
  - (F) Sidelights or fanlight around the main entrance.
  - (G) Slender chimney with simple design.
  - (H) Symmetrical fenestration on the front facade with a centered front main entrance.
  - (I) Symmetrical dormers on the front facade roof.
  - (J) Wooden shutters.
- (3) Materials.
- (A) Colonial Revival structures must be clad in brick, stone, stucco, wood or material that looks like wood, or a combination of these materials.
  - (B) Any materials used for remodeling must be appropriate to the Colonial Revival style in type, color, coursing, joint detailing, mortaring, size, and texture.
- (4) Roofs.
- (A) Colonial Revival structures must have a cross-gabled or side-gabled roof with a low to moderate roof slope between 20 degrees and 45 degrees.
  - (B) The maximum roof overhang is 24 inches.
  - (C) Hipped roofs are not allowed.
  - (D) The following roofing materials are allowed: clay tiles, composition shingles, slate tiles, synthetic clay tiles, synthetic wood shingles,

terra-cotta tiles, and wood shingles. The following roofing materials are not allowed: built-up, metal, and membrane.

(5) Windows.

- (A) Windows must be double-hung with multiple-light upper sashes.
- (B) Windows on the front facade must be a vertical rectangle.
- (C) Glass in windows and doors on the front facade must be clear or leaded.
- (D) Muntins and mullions must be expressed (have a profile).
- (E) Windows must be typical of the Colonial Revival style. See Exhibit B.

(h) Architectural standards for Craftsman structures.

(1) Applicability.

- (A) Contributing Craftsman structures are identified in Exhibit B.
- (B) New construction structures that are built in the Craftsman style must comply with the following standards.
- (C) Craftsman structures that are remodeled must comply with the applicable standards for that portion of the structure being remodeled.
- (D) These architectural standards apply only to the front facade and wrap-around.

(2) Architectural features. The following architectural features must be maintained or duplicated. New construction structures that are built in the Craftsman style must incorporate at least six of these features. See Exhibit B.

- (A) Brick or stone exterior chimney.
- (B) Decorative beams or braces under the gables.

- (C) Gabled dormers.
  - (D) Half-timbering detail on gables.
  - (E) Porte cochere.
  - (F) Separate front porch roof structure with a separate front gable.
  - (G) Small, high windows on each side of an exterior chimney.
  - (H) Small window on gable.
  - (I) Solid balustrade of brick or wood on the front porch.
  - (J) Ventilation louvers on gable.
  - (K) Window boxes.
- (3) Front porches.
- (A) The front porch must be a minimum of 50 percent of the width of the front facade.
  - (B) The front porch roof must be supported by square or tapered columns with a brick or stone base.
  - (C) The front porch may be surrounded by a balustrade or railing of wood or materials matching the front facade.
  - (D) Front porches must be open-air.
  - (E) The front entryway must have a Craftsman style wood door.
- (4) Materials.
- (A) Craftsman structures must be clad in brick, wood or material that looks like wood, or a combination of these materials. Stone accents are allowed. Stucco is allowed only in gables.
  - (B) Any materials used for remodeling must be appropriate to the Craftsman style in type, color, coursing, joint detailing, mortaring, size, and texture.

- (5) Porte cocheres. Porte cochere columns must match the porch columns.
- (6) Roofs.
  - (A) Craftsman structures must have a cross-gabled, front-gabled, or side-gabled roof with a shallow roof slope between 20 degrees and 30 degrees.
  - (B) The minimum roof overhang is 24 inches.
  - (C) Dormers may be gabled or shed.
  - (D) Roofs must have exposed roof rafter tails.
  - (E) Beadboard must be used under eaves.
  - (F) The following roofing materials are allowed: clay tiles, composition shingles, slate tiles, standing seam metal, synthetic clay tiles, synthetic wood shingles, terra-cotta tiles, and wood shingles. The following roofing materials are not allowed: built-up and membrane.
- (7) Windows.
  - (A) Windows must be casement, double-hung with 1-over-1 lights, double-hung with multiple lights, or mission-styled. See Exhibit B.
  - (B) Windows must be grouped in clusters of two or three.
  - (C) Windows may have stained glass.
  - (D) Muntins and mullions must be expressed (have a profile).
  - (E) Windows must be typical of the Craftsman style. See Exhibit B.
- (i) Architectural standards for Prairie structures.
  - (1) Applicability.
    - (A) Contributing Prairie structures are identified in Exhibit B.

- (B) New construction structures that are built in the Prairie style must comply with the following standards.
  - (C) Prairie structures that are remodeled must comply with the applicable standards for that portion of the structure being remodeled.
  - (D) These architectural standards apply only to the front facade and wrap-around.
- (2) Architectural features. The following architectural features must be maintained or duplicated. New construction structures that are built in the Prairie style must incorporate at least six of these features. See Exhibit B.
- (A) Broad, short interior chimney.
  - (B) Contrasting caps on porches, piers, balcony railings, and chimneys.
  - (C) Contrasting wood trim between stories.
  - (D) Decorative casement windows.
  - (E) Decorative trim under enclosed eaves that emphasizes horizontal lines.
  - (F) Dormer centered on the front facade.
  - (G) Flattened pedestal urns at front entrance.
  - (H) Hipped dormer.
  - (I) Massive square masonry porch supports.
  - (J) Tiled roof.
  - (K) Window boxes.
- (3) Front porches.
- (A) A front porch is required.

- (B) The front porch must be a minimum of 50 percent of the width of the front facade.
- (C) Front porches must be open-air.
- (4) Materials.
  - (A) Prairie structures must be clad in brick, stone, wood or material that looks like wood, or a combination of these materials.
  - (B) Any materials used for remodeling must be appropriate to the Prairie style in type, color, coursing, joint detailing, mortaring, size, and texture.
- (5) Roofs.
  - (A) Prairie structures must have a hipped or side-gabled roof with low to moderate roof slope between 20 degrees and 40 degrees.
  - (B) The minimum roof overhang is 24 inches.
  - (C) The following roofing materials are allowed: clay tiles, composition shingles, slate tiles, standing seam metal, synthetic wood shingles, synthetic clay tiles, terra-cotta tiles, and wood shingles. The following roofing materials are not allowed: built-up and membrane.
- (6) Windows.
  - (A) Windows must be casement or double-hung and may have multi-pane upper sashes.
  - (B) Muntins and mullions must be expressed (have a profile).
  - (C) Windows must be typical of the Prairie style. See Exhibit B.
- (j) Architectural standards for Tudor structures.
  - (1) Applicability.
    - (A) Contributing Tudor structures are identified in Exhibit B.

- (B) New construction structures that are built in the Tudor style must comply with the following standards.
  - (C) Tudor structures that are remodeled must comply with the applicable standards for that portion of the structure being remodeled.
  - (D) These architectural standards apply only to the front facade and wrap-around.
- (2) Architectural features. The following architectural features must be maintained or duplicated. New construction structures that are built in the Tudor style must incorporate at least five of these features. See Exhibit B.
- (A) Arched front doorway.
  - (B) Chimney on the front facade with decorative patterns, twin flues, or chimney pots.
  - (C) Dormers with stained or leaded glass.
  - (D) Front porch with multiple round arches supported by columns.
  - (E) Overlapping steeply pitched cross gables with decorative half-timbering or verge board.
  - (F) Tall, narrow windows clustered in groups of three or more with stained glass, leaded glass, or multiple lights.
  - (G) Turned cast-stone front porch columns.
  - (H) Stone accents on porch columns, around doors and windows, or on the corners of the structure.
  - (I) Wooden front door.
- (3) Chimney. Tudor structures must have a massive exterior chimney of at least five feet in width on the front facade or wrap-around. See Exhibit B.
- (4) Front porches.



- (A) Front porches must be open-air.
  - (B) Front porches must be at least 25 percent and no more than 50 percent of the width of the front facade.
- (5) Materials.
- (A) Tudor structures must be clad in brick. Stone accents are allowed. Brick, stucco with wooden half-timbering, wood shingles, and wood siding are allowed in gables.
  - (B) Any materials used for remodeling must be appropriate to the Tudor style in type, color, coursing, joint detailing, mortaring, size, and texture.
- (6) Roofs.
- (A) Tudor structures must have a side-gabled roof with a steep roof slope between 45 degrees and 70 degrees.
  - (B) The maximum roof overhang is 12 inches.
  - (C) Tudor structures must have at least one front-facing gable.
  - (D) The following roofing materials are allowed: clay tiles, composition shingles, slate tiles, synthetic wood shingles, synthetic clay tiles, terra-cotta tiles, and wood shingles. The following roofing materials are not allowed: built-up, membrane, and standing seam metal.
  - (E) Copper roofing accents are allowed only on dormers and eyebrows of Tudor style structures.
- (7) Windows.
- (A) Windows must be double-hung or casement. Stained glass windows may be any type of fixed window.
  - (B) Windows must have multiple lights.
  - (C) Windows must be clear, stained glass, or leaded glass.

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

(E) Windows must be typical of the Tudor style. See Exhibit B.

(k) Procedures.

(1) Review form applications. A review form application must be submitted to the Director for any exterior alteration of a front facade or wrap-around and for new construction.

(2) Work requiring a building permit.

(A) Upon receipt of a review form application for work requiring a building permit, the building official shall refer the review form application to the Director to determine whether the new construction or remodeling meets the standards of this ordinance. The review of the review form application by the Director must be completed within 30 days after submission of a complete review form application.

(B) If the Director determines that the new construction or remodeling complies with the standards of this ordinance, the Director shall approve the review form application, and forward it to the building official, who shall issue the building permit if all requirements of the construction codes and other applicable ordinances have been met.

(C) If the Director determines that the new construction or remodeling does not comply with the standards of this ordinance, the Director shall state in writing the specific requirements to be met before issuance of a building permit, deny the review form application, and forward it to the building official, who shall deny the building permit. The Director shall give written notice to the applicant stating the reasons for denial of the review form application. Notice is given by depositing the notice properly addressed and

postage paid in the United States mail. The notice to the applicant must be sent to the address shown on the review form application.

(3) Work not requiring a building permit.

- (A) For work not requiring a building permit, the applicant must submit a review form application. The Director shall determine whether the proposed new construction or remodeling meets the standards of this ordinance. The review of the review form application by the Director must be completed within 10 days after submission of the review form application.
- (B) If the Director determines that the new construction or remodeling complies with the standards of this ordinance, the Director shall approve the review form application and give written notice to the applicant.
- (C) If the Director determines that the new construction or remodeling does not comply with the standards of this ordinance, the Director shall state in writing the specific requirements to be met before an approval can be granted. The Director shall give written notice to the applicant stating the reasons for denial. Notice is given by depositing the notice properly addressed and postage paid in the United States mail. Notice to the applicant must be sent to the address shown on the review form application.

(4) Appeals.

- (A) An applicant may appeal any decision made by the Director to the board of adjustment. See Section 51A-4.703, "Board of Adjustment Hearing Procedures".
- (B) In considering the appeal, the sole issue before the board of adjustment is whether the Director erred in the decision. The board of adjustment shall consider the same standards that were required to be considered by the Director.
- (C) Appeal to the board of adjustment is the final administrative remedy.

**EXHIBIT B**

**BELMONT ADDITION  
CONSERVATION DISTRICT  
CONCEPTUAL PLAN**



**FOR THE BENEFIT OF CONSERVING A DALLAS  
NEIGHBORHOOD WITH A LARGE COLLECTION  
OF EARLY TWENTIETH CENTURY  
ARCHITECTURE**

# TABLE OF CONTENTS

<u>Item</u>	<u>Page</u>
Introduction.....	3
The Belmont Neighborhood .....	3
The Architecture of Belmont Addition.....	3
The Area Surrounding Belmont .....	4
Zoning and Land Use .....	4
Neighborhood Application.....	4
Planning Process Background.....	5
Staff Recommendation.....	6
Development Standards .....	7
Analysis of the Total Area .....	9
Required Elements for New Construction.....	9

## APPENDICES

Appendix A – Contributing Architectural Styles Examples .....	10
Appendix B – Property listings .....	19
Appendix C – Front Yard setbacks .....	30
Appendix D – Map of the area.....	38

## **INTRODUCTION**

Located in the heart of one of the city's most desirable areas, the Belmont Addition neighborhood is a single-family community that has lots to offer. It has prime access to the bars, restaurants and shops on Lower Greenville that are within walking distance to many of the homes. As well, only a few blocks away are the leisure activities afforded by White Rock Lake. Proceeding down Greenville Avenue to Ross Avenue, downtown Dallas is only a five-minute drive away. Continuing on Greenville Avenue as it changes to Munger Avenue, Dallas' Fair Park is only a ten-minute drive from the neighborhood. All of these attractions can be reached without ever accessing a freeway.

But its location is only one reason that makes the neighborhood such an attractive area. This stable community is one of Dallas' oldest residential areas. With homes being built as early as 1910, this area has been a thriving community for many years. The neighborhood is part of the Lower Greenville Neighborhood Association. These properties contain a mixture of architectural styles and home sizes to suit the tastes and families of a diverse group of people.

## **THE BELMONT NEIGHBORHOOD**

Belmont Addition is located approximately two miles north of downtown Dallas on the east side of North Central Expressway (U.S. 75 north). The area is generally bounded by Llano Avenue to the north, Skillman Street to the east, Belmont Avenue to the south and Greenville Avenue to the west. A map representing the area boundaries can be found in Appendix D.

Belmont Addition was named for August Belmont, Jr., the financier of the New York subway system. There are approximately 400 homes in the neighborhood's proposed boundaries. The majority of these homes were built between the years 1920 - 1950. This neighborhood was developed as an urban residential development just north of Dallas for the middle-class family.

## **THE ARCHITECTURE OF BELMONT ADDITION**

The predominant type of architecture in the area is Craftsman. There are also significant numbers of Colonial Revival, Prairie, and Tudor styled homes. However, the area has many different styles of architecture that were typical of the early part of the century. Many of these styles are considered as "custom-built" styles today.

A conservation district was proposed by the property owners of the area to conserve the most common architectural styles of the neighborhood. As these homes continue to age and new owners move into the area, new homes of a more contemporary nature are replacing the older homes. The conservation district would require builders to construct new homes in the architectural styles of the area. It would also require builders to observe the existing setbacks and heights observed in the area, which are different from what is allowed by the city code. All of these regulations would serve to maintain the neighborhood's distinctive aesthetic appeal and charm crafted by nearly century-old houses.

### **THE AREA SURROUNDING BELMONT**

Belmont Addition is surrounded by other single-family neighborhoods. Greenville Avenue south of Belmont Avenue has a number of popular bars, restaurants, and retail establishments that attract many people (locals and visitors to the city) to the area each week. The neighborhood is surrounded by many other neighborhoods that have turn-of-the-century architecture as well. Many of these neighborhoods are also seeking or have obtained conservation district status. These include the M Streets (Greenland Hills), the M Streets East (Greenville Crest), and Vickery Place. The Lower Greenville area also contains other features such as unique grocery stores, a senior citizen community complex, and specialty shops that make the area interesting. These attractions increase the desirability of this area.

### **ZONING AND LAND USE**

The neighborhood zoning designation is R-7.5 (A). A section along Greenville Avenue also has a modified delta (MD-1) overlay. It is mostly developed with single-family houses on lots of approximately 7,500 square feet. However, there are some duplexes and multifamily uses throughout the area as well. There is also a fire station on the northwest corner of Belmont Avenue and Skillman Street.

### **NEIGHBORHOOD APPLICATION**

Over the years, the property owners in Belmont Addition have witnessed new construction that is not characteristic of the present style of homes. Newer homes were often out of scale with the neighboring homes creating problems due to such issues as limited sunlight and invasion of privacy.

Property owners thus began seeking ways to have new construction and major remodeling conform to the characteristics of their area. Current zoning does not address architecture standards, only site standards. Thus it became necessary for the property owners to consider alternatives to maintain their neighborhood identity. After much consideration, it was agreed that a conservation district would be the most appropriate way to accomplish this goal.

To attain conservation district status, a neighborhood must submit an application to the City of Dallas. The Department of Development Services, which processes the application, requires at least 75% of the property owners be interested in the city conducting a feasibility study prior to accepting an application. This is typically accomplished by property owners in the area obtaining signatures on a petition.

A group of property owners began collecting signatures in the Fall of 2001. The boundaries were established as the 5700, 5800, 5900, and 6000 blocks of Llano, Velasco, Palo Pinto, Goliad, and Belmont Avenues (only the north side of the 5700 block of Belmont was included). After collecting the signatures, a package of information was assembled that included a listing of all of the property addresses, the architectural style of each home, a history of the neighborhood, and photographs of each house. Land use and zoning maps were also included as part of the application process. The original petitions were attached to the application.

The application was submitted in the spring of 2002. Upon determining the application was complete, city staff members began to look at the area to ensure that it met the four standards set

forth by the city code to be eligible for conservation district status: the area must contain at least one blockface, be either "stable" or "stabilizing", contain significant architectural or cultural attributes, and have a distinctive atmosphere or character which can be conserved by protecting or enhancing its architectural or cultural attributes.

Being certain that the application did meet the criteria established in the code, the city staff sent a letter to the applicants stating that it had been accepted and would be placed on the staff work plan. Because of the Department of Development Services policy of studying only two applications for a conservation district at a time, the authorization to study the area occurred in March of 2003.

### **PLANNING PROCESS BACKGROUND**

After the authorization of the public hearing, the city staff began compiling data and information about the area. Work done by the neighborhood groups was reviewed and included with the study material examined by the staff. This included a neighborhood survey, returned by 20 percent of the property owners, which addressed issues of concern and potential solutions for the area. This background work was followed by community meetings held in the area to allow all interested property owners to express their opinions and concerns while reviewing information collected by the city staff.

Eight community meetings were held. The property owners within the area of the proposed conservation district as well as property owners 200 feet around the boundaries were invited to each of these meetings. The meetings began in April of 2003 and concluded in January of 2004. They were held at the Vickery Towers Retirement Community located on the corner of Belmont Avenue and Greenville Avenue adjacent to the proposed conservation district. Many people were able to walk to the meetings. An average of 35 people attended the meetings. In addition, others sent emails or made telephone calls to the city staff to express their opinions with regards to the proposals being made. The meeting presentations were placed on the city's website for the benefit of those unable to attend. Information was also mailed to individuals who requested it.

During the community meetings, everyone had multiple options to express their comments. First, they were allowed to make oral comments during the meeting. Second, they were given comment sheets at each meeting for written comments that could be given to city staff. Third, a contact sheet for staff was also a part of the packet of information which gave the staff members' name, telephone number, email address, physical address and fax number to allow property owners to contact the staff at any time they wished. A staff members' name and telephone number was also placed on the postcard notices sent out to every property owner in and around the district should they have had any questions regarding the upcoming meeting.



The following table gives a breakdown of the meeting dates, discussion topic(s) and attendance figure for each meeting:

Date	Discussion topic(s)	Attendance
April 22, 2003	Introduction to what a conservation district is	49
May 6, 2003	Architectural standards/heights, materials	48
June 10, 2003	Architectural standards/style, materials	40
July 15, 2003	Site standards/setbacks, driveways	29
September 23, 2003	Site standards/heights, lot coverage, demolition	21
November 18, 2003	General standards/parkways, paving, fencing	18
December 9, 2003	Review of draft standards and discussion	19
January 13, 2004	Presentation of draft ordinance and discussion	45

### STAFF RECOMMENDATION

Based on the study of the area, the decisions made at the community meetings, and the responses from property owners, the staff recommends that the Belmont Addition neighborhood become a conservation district based on the following criteria specified in the enabling ordinance:

- The neighborhood contains at least one blockface.
- The neighborhood is stable.
- The neighborhood contains significant architectural and cultural attributes.
- The neighborhood has a distinctive atmosphere and character, which can be conserved by protecting its architectural and cultural attributes.

Other reasons for staff to recommend a conservation district for this area are:

- There has been strong community support.
- There is a collection of older architectural styles that are not being reproduced by homebuilders.
- There is one of the largest collections of Craftsman styled homes in the country.
- This is an area in the city where a large collection of original houses to the city with unique architecture, remain intact in one specific area.
- The front yard setbacks are greater than the minimum established by the city code under the current zoning.
- By establishing regulations for greater front yard setbacks and reduced heights, many mature trees, growing throughout the area, will be saved even with new construction.

## DEVELOPMENT STANDARDS

Staff recommends the following standards to be implemented in the Belmont Addition neighborhood as the accepted standards for new homes, additions, and remodeling that occurs in the area. Where a specific issue is not addressed, the existing R-7.5 (A) standards are acceptable.

- 1) **Contributing styles** - CRAFTSMAN, TUDOR, COLONIAL REVIVAL, PRAIRIE, **and** the original style of home on a lot if different from the other four

[The four styles were selected because they represent the architecture most commonly found in the neighborhood. The fifth style is to allow for the re-building of original (1945 or earlier) architecture styles not prevalently found in the area but which add to the eclectic mix of the area. Remodeling of the fifth style should match the original architecture and is subject to review by staff with the use of guide books on architecture which feature the original style being renovated.]

- 2) **Front yard setbacks** - average of original (1945 and earlier) setbacks on the block  
*See Appendix C*

- 3) **Side yard setbacks** - 5' on one side and 10' on the other  
(for main structures)

- 4) **Side yard setbacks** - For structures 15' and under, no setback  
(for accessory structures) For structures over 15', a 3' setback

- 5) **Rear yard setbacks** - 20' on Llano  
(for main structures) 30' on Velasco  
40' on Palo Pinto and Goliad  
50' on Belmont

(varying setbacks are due to the increasing depths on the lots)

- 6) **Rear yard setbacks** - For structures 15' and under, a 3' setback  
(for accessory structures) For structures over 15', a 5' setback

- 7) **Height of structures** - 30' maximum to the peak of a structure

- 8) **Lot coverage** - 40% for new construction and non-original structures  
45% for original (1945 and earlier) structures

- 9) **Lot size** - minimum of 7,500 square feet

- 10) **Stories** - 2 for Colonial Revival, Craftsman, and Prairie  
1½ for Tudor

- 11) **Driveways** - No circular driveways  
Must have a driveway from the street or alley, but not both  
Material may be concrete, brick, stone or like material
- 12) **Front yard fence** - Not allowed
- 13) **Side/rear yard fence** - Materials: brick/stone, chain link, wood, wrought iron  
Height for side yard maximum 6'  
Corner-side on Matilda, Skillman, & Greenville is a maximum of 9'  
Height for rear yard maximum 9'  
Location: fence to begin at least 5 feet from front the façade of home
- 14) **Foundations** - Must be raised at least 12"
- 15) **Porches** - minimum depth of 8'
- 16) **Retaining walls** - Height maximum is 6" above ground being retained  
Material to be used is re-enforced masonry
- 17) **Garages** - Must be in rear of main structure  
Can be attached or detached  
Can have access from the alley
- 18) **Slope** - Property must maintain the slope  
(This is to prevent the leveling of steep properties, which can create environmental concerns such as erosion and water run-off of other properties. It also prevents raising individual properties above neighboring properties, which can also present the same type of environmental concerns.)
- 19) **Walkways** - Must be constructed of brick, concrete, stone or similar material
- 20) **Windows** - Must be typical of the architectural style of the home
- 21) **Building materials** - regulated by style of architecture  
(primarily the accepted materials will be brick, stone, stucco, and wood or like material)

### ANALYSIS OF THE TOTAL AREA

The area consists of 15 identified architectural styles. The table below displays the identified styles and the number and percentage of each within the proposed district boundaries. Four of these styles were selected as contributing styles: Craftsman, Tudor, Colonial Revival, and Prairie.

Because of the diversity of styles in the area, it was decided that if a lot does not have one of the contributing styles, should the original (1945 or earlier) home be demolished, the owner could choose to build in either one of the contributing styles or the style that existed on the lot. Thus, it became the fifth contributing style. This allows the area to continue to have a diversity of architecture styles while conserving the more common styles.

No.	Architecture	Number	Percent
1	CRAFTSMAN	278	65%
2	TUDOR	46	11%
3	COLONIAL REVIVAL	27	6%
4	MINIMAL TRADITIONAL	17	4%
5	NEO-TUDOR	15	4%
6	PRAIRIE	14	3%
7	UNDEFINED STYLE	14	3%
8	MODERN	10	2%
9	SPANISH ECLECTIC	6	1%
10	ITALIAN RENAISSANCE	1	<1%
11	COMMERCIAL	1	<1%
12	NEOCLASSICAL	1	<1%
13	MISSION	1	<1%
14	MONTEREY	1	<1%
	<b>TOTAL</b>	<b>432</b>	<b>100%</b>

### REQUIRED ELEMENTS FOR NEW CONSTRUCTION

Certain elements are required for each architectural style. These elements are required to ensure that each style is represented as adequately as possible to maintain the true characteristics of the architecture. Materials must be compatible to those that exist in the neighborhood today to ensure that new construction will fit into the neighborhood. On the following pages, examples of the required elements for each of the contributing architecture styles is displayed.

APPENDIX A

ARCHITECTURAL STYLES

EXAMPLES OF THE CONTRIBUTING  
ARCHITECTURAL STYLES FOR THE  
AREA

## COLONIAL REVIVAL

Following are elements associated with this architectural style. New homes constructed in this style are required to have the elements listed. Homes remodeled in this style must comply with these standards for the elements being remodeled.

### **Building materials**

Brick

Stone

Stucco

Wood

Materials that look like wood

A combination of these materials

### **Roofing characteristics:**

Must be cross or side-gabled

Roof slope must be between 20 – 45 degrees

Hipped roofs are not allowed on this style

Maximum overhang of 24"

### **Roof materials**

Allowed:

Clay tiles, composition shingles, slate tiles, synthetic clay tiles, synthetic wood shingles, terracotta tiles, wood shingles

Not allowed:

Built-up, metal, and membrane

### **Windows:**

Must be double-hung with multiple-light upper sashes

Must be vertical rectangular shaped

Glass must be clear or leaded on front façade

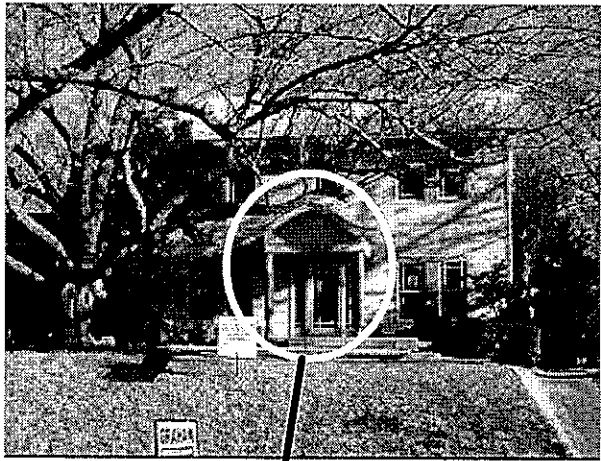
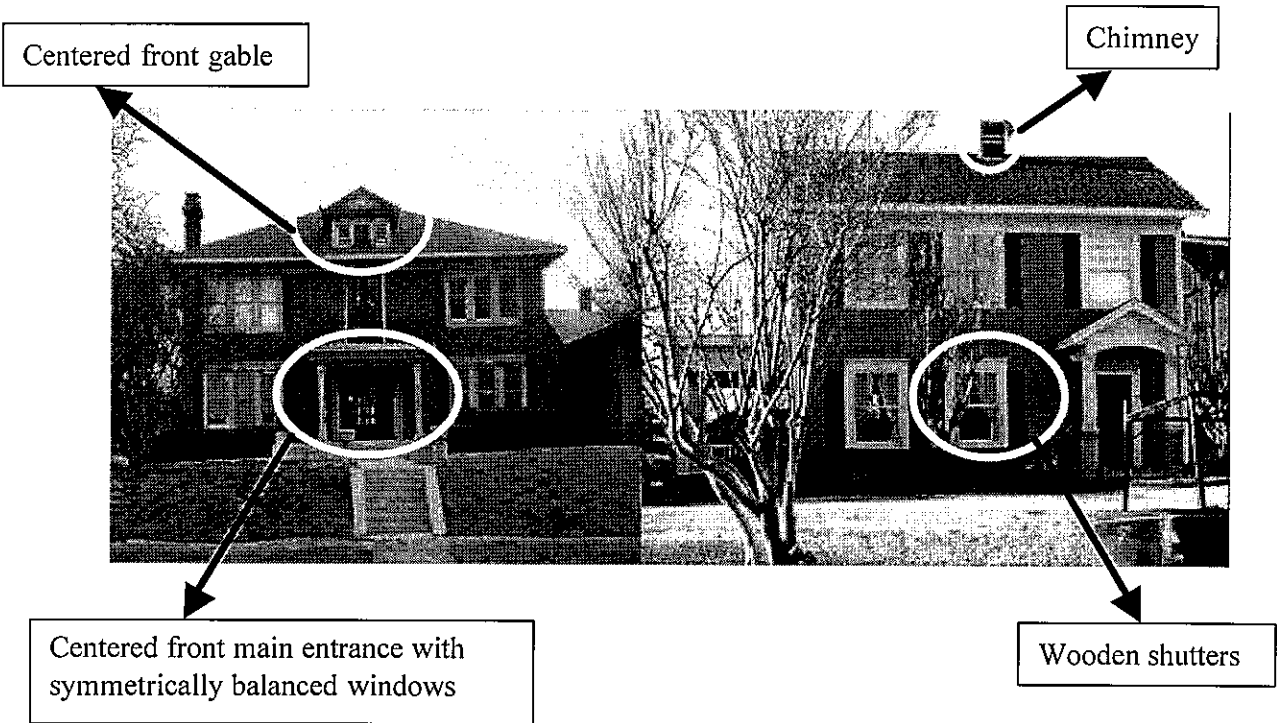
Expressed mullions

### **Optional features:**

At least six of the following must be incorporated into the home:

- 1) Centered front gable
- 2) Decorative cornices
- 3) Double-hung windows grouped in pairs and with multiple lights in one or both of the sashes
- 4) Front entry feature with decorative (crown) pediment supported by pilasters or extended forward and supported by slender columns
- 5) Pair of carriage lights flanking the front main entrance
- 6) Sidelights or fanlight around the main entrance
- 7) Slender chimney with simple design
- 8) Symmetrical fenestration on the front façade with a centered front main entrance
- 9) Symmetrical dormers on the front façade roof
- 10) Wooden shutters

# COLONIAL REVIVAL CHARACTERISTICS



Front entry porch with pilasters or columns

## CRAFTSMAN

Following are elements associated with this architectural style. New homes constructed in this style are required to have the elements listed. Homes remodeled in this style must comply with these standards for the elements being remodeled.

### **Building materials**

Brick

Wood

Stone accents allowed, Stucco allowed in gables only

Materials that look like wood

A combination of these materials

### **Front porches:**

Porch must be at least 50% of the front façade, porch must be open-air

Must be supported by wood square or tapered columns with a brick or stone base

May have a balustrade or railing of wood or materials matching the front façade

Must have a Craftsman front door

### **Roofing characteristics:**

Must be cross, front-gabled or side-gabled, and have exposed rafter tails and beadboard under eaves. Roof slope must be between 20 – 30 degrees.

Minimum roof overhang of at least 24 inches

### **Roof materials:**

Allowed: clay tiles, composition shingles, slate tiles, standing seam metal, synthetic clay tiles, synthetic wood shingles, terra-cotta tiles, and wood shingles

Not allowed: built-up and membrane

### **Windows:**

Must be casement, double-hung with 1-over-1 or multi-paned lights, or mission styled

Must be grouped in clusters of two or three and have expressed muntins and mullions

Stained glass windows are permitted

### **Optional features:**

At least six of the following must be incorporated into the home:

- 1) Brick or stone exterior chimney
- 2) Decorative beams or braces under the gables
- 3) Gabled dormers
- 4) Half-timbering detail on gables
- 5) Porte cochere
- 6) Separate front porch roof structure with a separate front gable
- 7) Small, high windows on each side of an exterior chimney
- 8) Small window on gable
- 9) Solid balustrade of brick or wood on the front porch
- 10) Ventilation louvers on gable
- 11) Window boxes



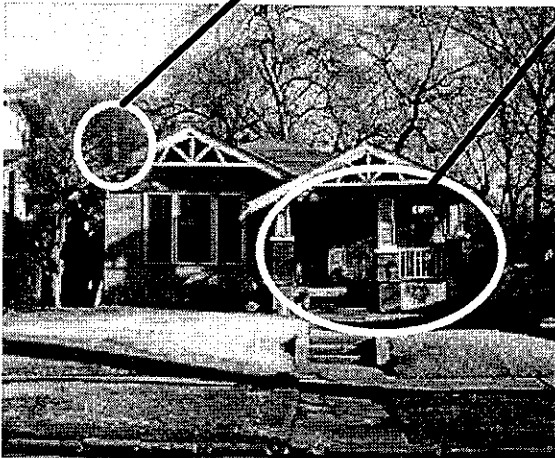
CRAFTSMAN CHARACTERISTICS

Decorative roof beams or braces



Open-air front porch with square wood columns with a brick base

Chimney



Ventilation louver on gable



Exposed roof rafter tails

## PRAIRIE

Following are elements associated with this architectural style. New homes constructed in this style are required to have the elements listed. Homes remodeled in this style must comply with these standards for the elements being remodeled.

### **Building materials**

Brick

Stone

Wood

Materials that look like wood

A combination of these materials

### **Front porches:**

Porch must be minimum of 50% of the front façade

Porch must be open-air

### **Roofing characteristics:**

Must be hipped or side-gabled

Roof slope must be between 20 – 40 degrees

Minimum roof overhang of at least 24 inches

### **Roof materials:**

Allowed: clay tiles, composition shingles, slate tiles, standing seam metal, synthetic wood shingles, synthetic clay tiles, terra-cotta tiles, and wood shingles.

Not allowed: built-up and membrane

### **Windows:**

Must be casement or double-hung

May have multi-pane upper sashes with single-pane lower sash

Must have expressed muntins and mullions

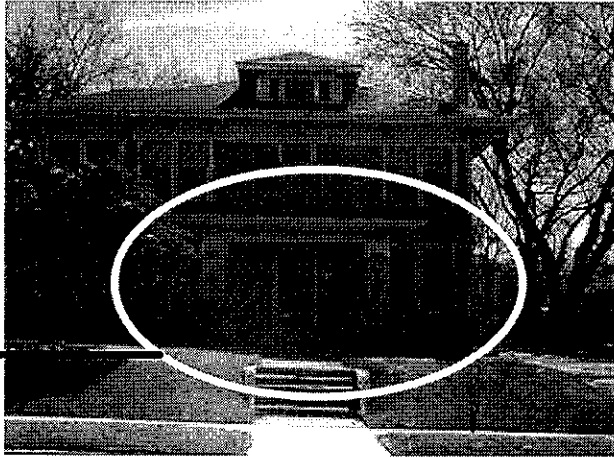
Should be placed symmetrically along front façade

### **Optional features:**

At least six of the following must be incorporated into the home:

- 1) Broad, short interior chimney
- 2) Contrasting caps on porches, piers, balcony railings, and chimneys
- 3) Contrasting wood trim between stories
- 4) Decorative casement windows
- 5) Decorative trim under enclosed eaves that emphasizes horizontal lines
- 6) Dormer centered on front façade
- 7) Flattened pedestal urns at front entrance
- 8) Hipped dormer
- 9) Massive square masonry porch supports
- 10) Tiled roof
- 11) Window boxes

PRAIRIE CHARACTERISTICS

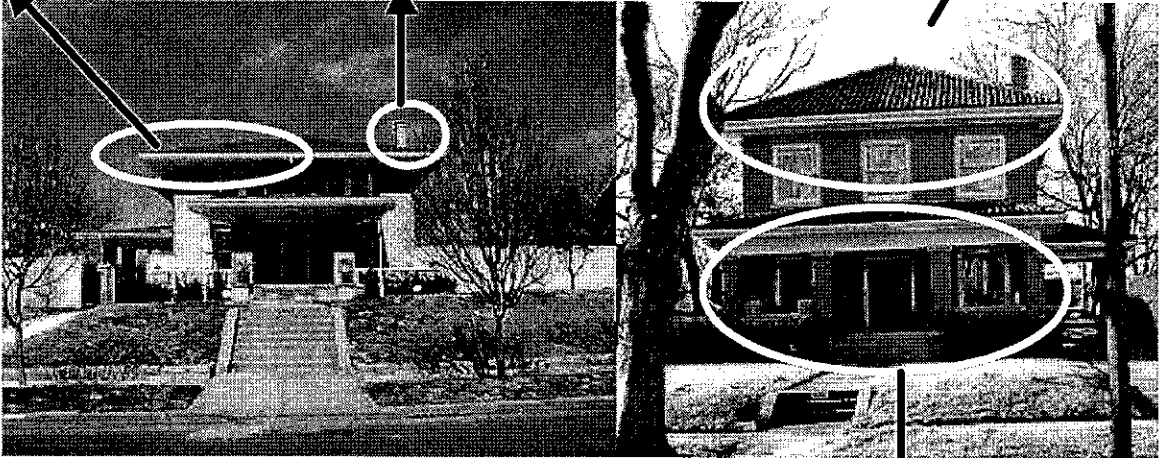


Massive square porch supports

Roof overhang of at least 24"

Broad flat chimney

Hipped roof



Full-width front porch

## TUDOR

Following are elements associated with this architectural style. New homes constructed in this style are required to have the elements listed. Homes remodeled in this style must comply with these standards for the elements being remodeled.

### **Building materials**

Brick

Stone accents (only)

Stucco with wood half timbering allowed in gables

Wood shingles or wood siding allowed in gables

### **Front porches:**

Porch must be at least 25 % and no more than 50% of front façade

Porch must be open-air

### **Roofing characteristics:**

Must be side-gabled

Roof slope must be between 45 – 70 degrees

Maximum roof overhang of at 12 inches

Must have at least one front-facing gable

### **Roof materials:**

Allowed: clay tiles, composition shingles, slate tiles, synthetic wood shingles, synthetic clay tiles, terra-cotta tiles, and wood shingles

Not allowed: built-up, membrane, and standing seam metal

### **Windows:**

Must be casement or double-hung and must have multiple lights

Must have expressed muntins and mullions

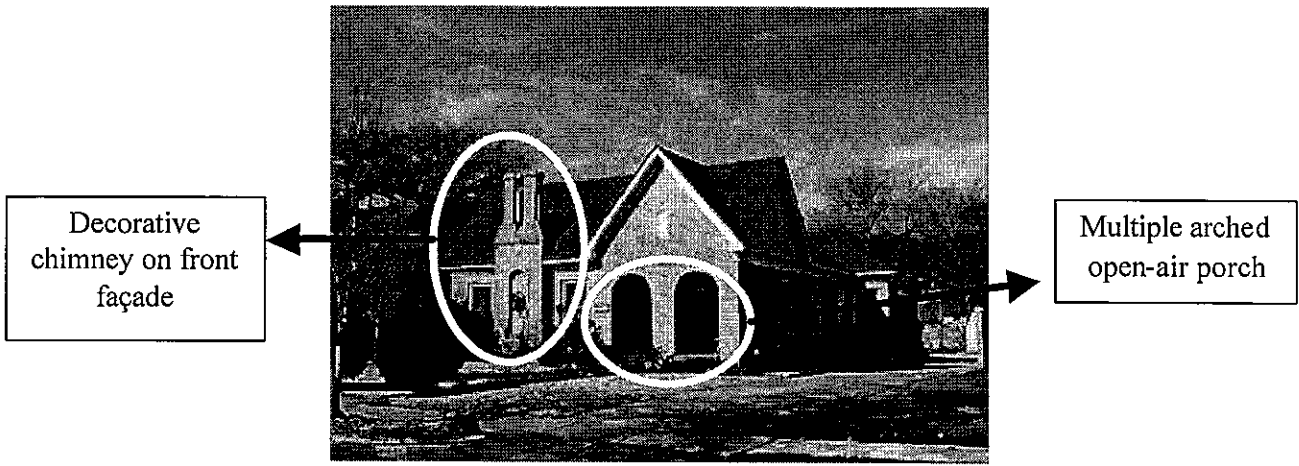
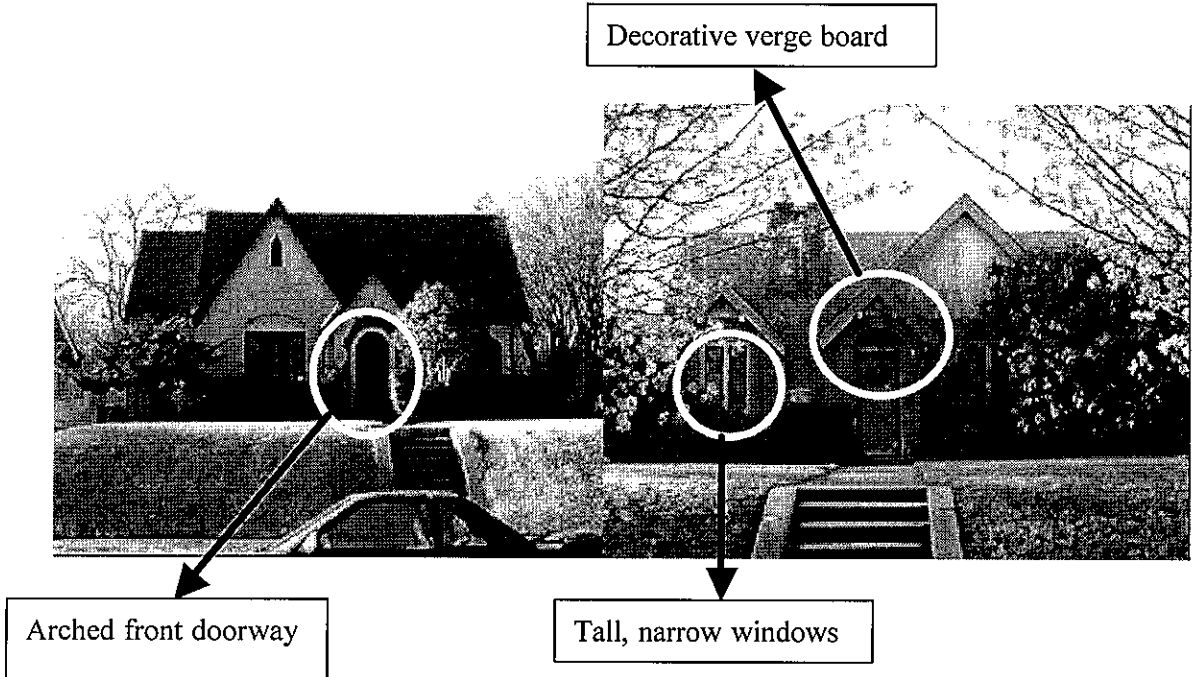
Glass must be clear, leaded, or stained. Stained glass windows may be any type of fixed window.

### **Optional features:**

At least five of the following must be incorporated into the home:

- 1) Arched front doorway
- 2) Chimney with decorative patterns, twin flues, or chimney pots on front façade
- 3) Dormers with stained or leaded glass
- 4) Front porch with multiple round arches supported by columns
- 5) Overlapping steeply pitched cross gables with decorative half-timbering or verge board
- 6) Tall, narrow windows clustered in groups of three or more with stained glass, leaded glass, or multiple lights
- 7) Turned cast-stone front porch columns
- 8) Stone accents on porch columns, around doors and windows, or on the corners of the structure
- 9) Wooden front door

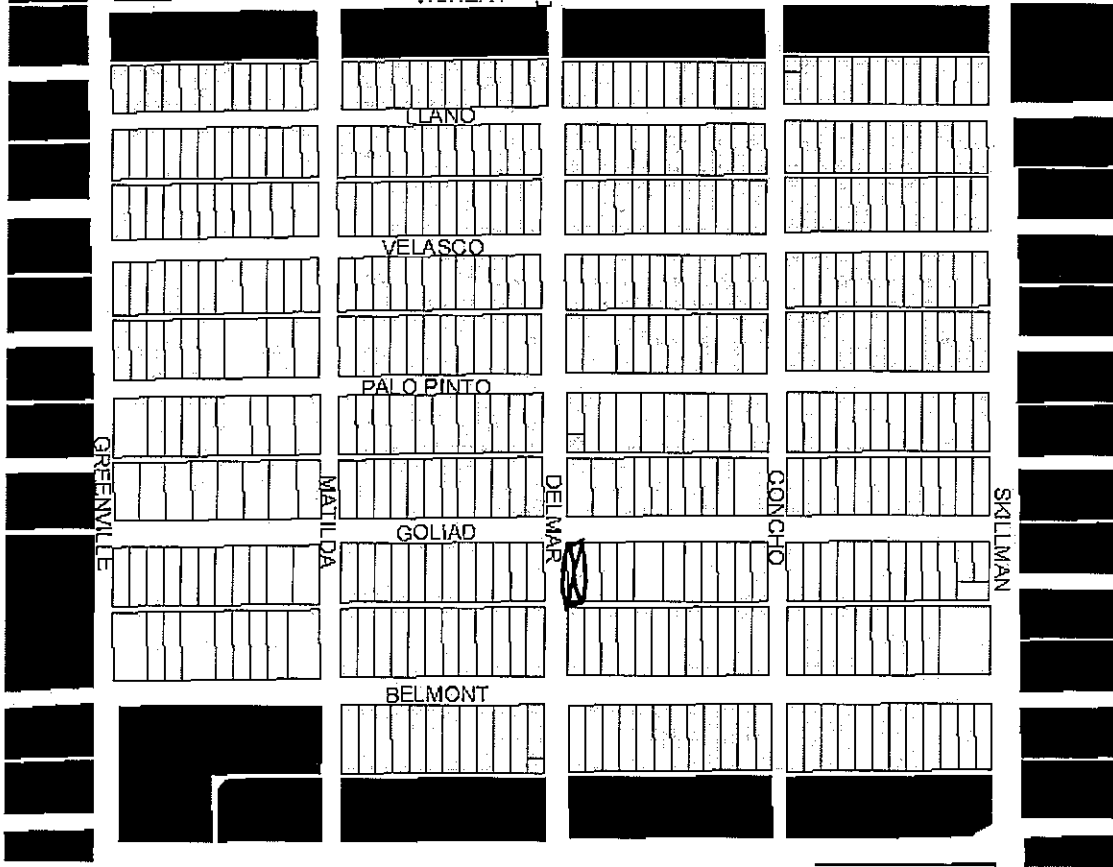
TUDOR CHARACTERISTICS



APPENDIX D

MAP OF THE BELMONT  
ADDITION PROPOSED  
DISTRICT BOUNDARIES

MAP OF THE BELMONT ADDITION  
PROPOSED CONSERVATION DISTRICT  
AFFECTED PROPERTIES





**Belmont Addition Conservation District**  
Est. 1893

October 27, 2012

Mr. Todd Duerksen  
320 E. Jefferson Blvd.  
Room 105  
Dallas, Texas

Re: 5902 Goliad Ave., Dallas, Texas in violation of Belmont Addition  
Conservation District Ordinance

Dear Todd:

Please consider this letter a supplement that should be included in the Belmont Addition Conservation District ("BACD") appeal packet for 5902 Goliad Avenue, Dallas, Texas 75206 of the plans approved by Diana Lowrance, an administrative official in the Sustainable Development & Construction Department of the City of Dallas, submitted by Justin Milam at Greenbrook Homes on September 26, 2012 for a single-family residence to be built at 5902 Goliad Avenue, Dallas, Texas 75206 (the "Property").

In addition to other violations of the BACD ordinance set forth in our appeal dated October 11, 2012, the subject plans approved for the Property also violate (d)(16) *Accessory Structures*, subpart (D), which states:

(D) Side yard setback.

(i) Except as provided in this subsection, accessory structures over 15 feet in height must have a minimum three-foot side yard setback.

(ii) Except as provided in this subsection, there is no required side yard setback for accessory structures 15 feet or less in height.

(iii) On corner lots, accessory structures may not be located closer to the cornerside lot line than the main structure.

(iv) No part of an accessory structure may overhang adjacent property.

(v) The minimum side yard setback for garages that enter from a side street is 20 feet.

A copy of the site plan for the Property is attached as Exhibit 1 to BACD's October 11, 2012 appeal and is attached hereto again. As depicted thereon, the side yard setback for the garage in question is only 16 feet, not 20 feet as required. The lack of a proper

5901 Palo Pinto Avenue : Dallas, Texas 75206





## Belmont Addition Conservation District

Est. 1893

setback for the garage is another instance in which the plans for the subject Property violate the BACD Ordinance.

On behalf of the BACD, I respectfully request that the Board overturn city staff's decisions to approve the subject plans and issue the subject building permit for the reasons set forth in our October 11, 2012 appeal as well as this supplement thereto. Should you have any questions or need further information, please feel free to contact me. Thank you for your consideration.

Sincerely,

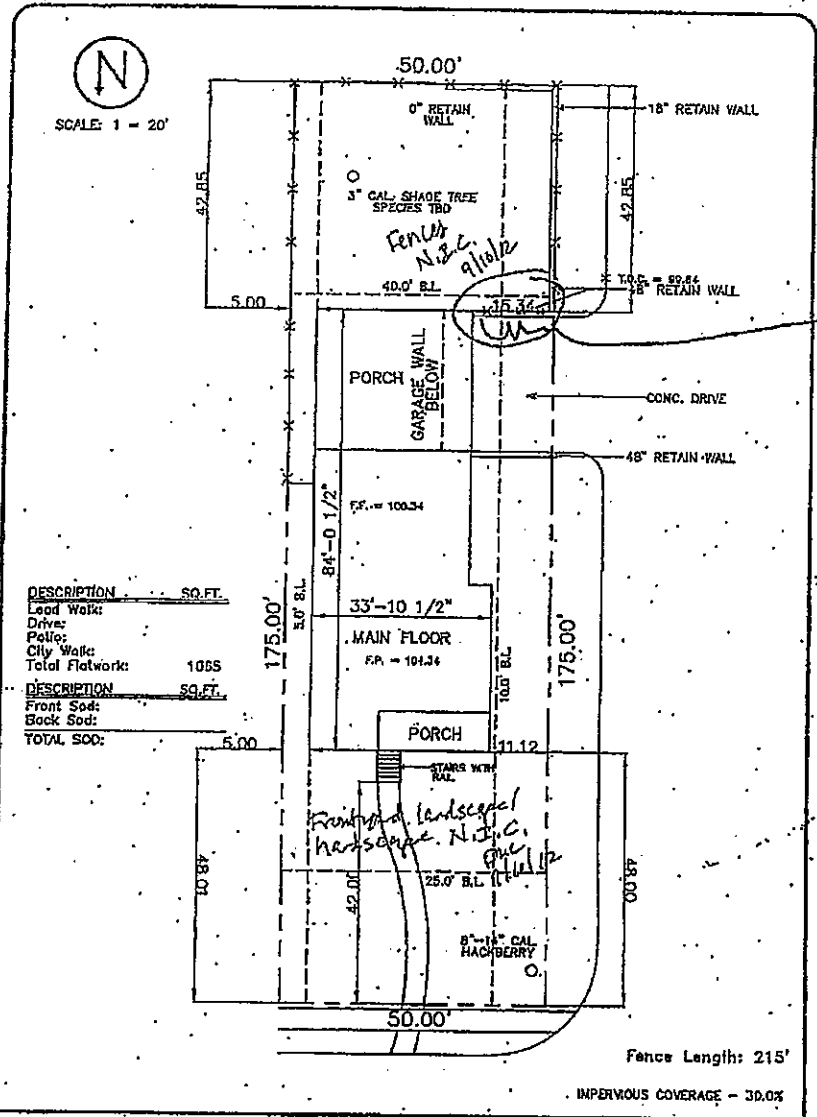
A handwritten signature in black ink, appearing to read "Melissa Kingston". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Melissa Kingston  
Chair, BACD Ordinance Enforcement Committee  
5901 Palo Pinto Avenue  
Dallas, Texas 75206  
(214) 642-1366  
[belmontaddition@yahoo.com](mailto:belmontaddition@yahoo.com)

Enclosure as stated.

cc: BACD Ordinance Enforcement Committee  
Ms. LaShondra Holmes  
Ms. Brittany Bailey

5901 Palo Pinto Avenue · Dallas, Texas 75206

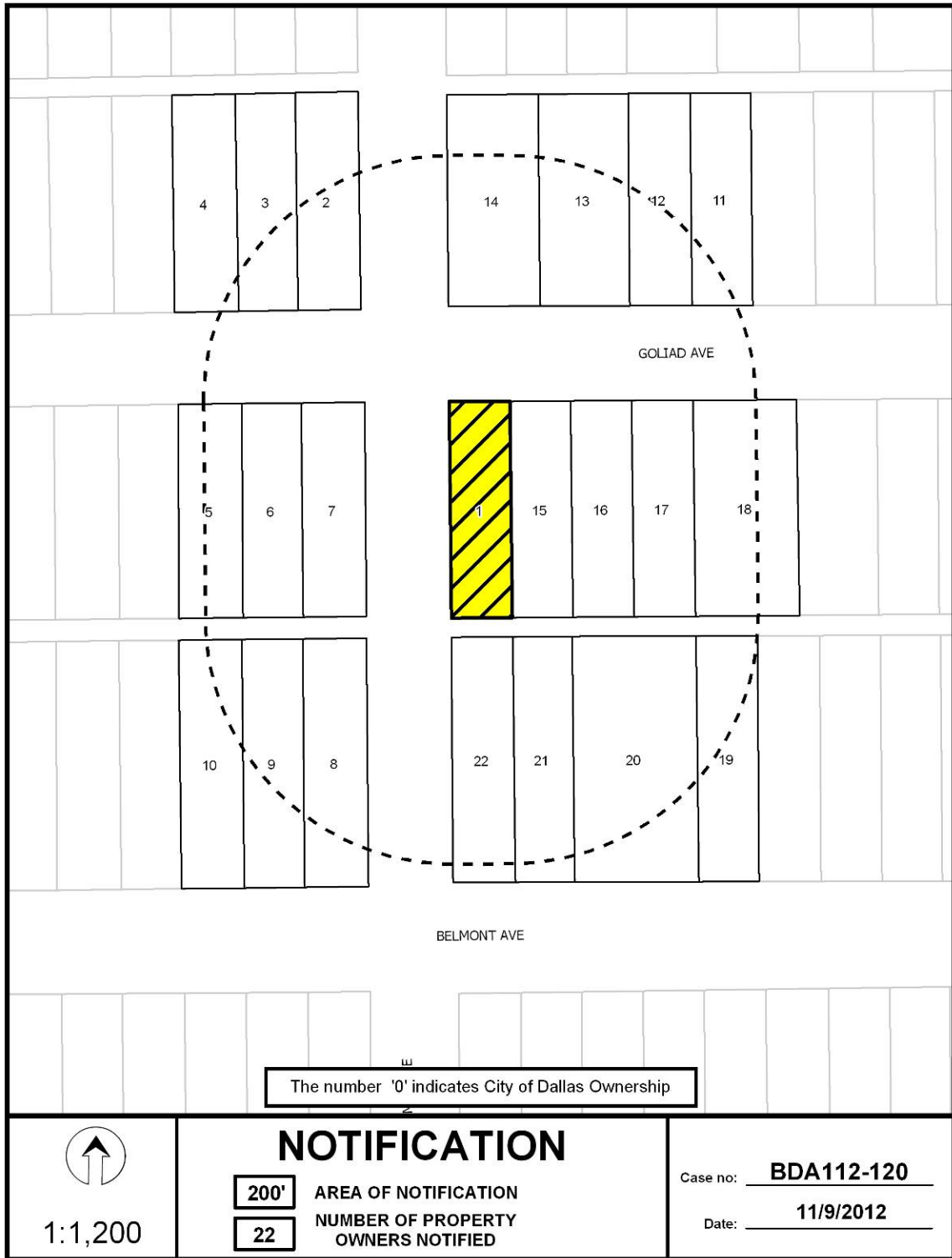


must be 20'

Note: This is a microfilm copy from the Building Inspection / Central Files Office. Copies cannot be refilled; DO NOT RETURN.

IT IS THE BUILDING SUPERINTENDANT'S RESPONSIBILITY TO ENSURE THE CORRECTNESS OF THIS PLAN BEFORE PROCEEDING WITH CONSTRUCTION. IF THERE ARE ANY ERRORS AND/OR OMISSIONS THEY ARE TO BE BROUGHT TO THE ATTENTION OF PRECISION DESIGN SO AS THEY MAY BE CORRECTED. THIS AGREEMENT IS NOT LIMITED TO HOME OWNERS ASSOCIATION MEMBERSHIP, ARCHITECTURAL BOARD COMMITTEE APPROVAL, SPECIAL SITE AND DRAINAGE COMMITTEE, EASEMENTS, BUILDING SETBACKS, AND OTHER RESTRICTIONS THAT APPLY TO THE PROPERTY.		<b>BACKLASH 1</b> <b>BELMONT ADDITION</b> SUBDIVISION: <b>BELMONT ADDITION</b>	
P.P.I. INDICATES THAT DASHED LINES, EASEMENTS, E.A.C.'S, ETC. AS SHOWN HEREON ARE FOR PLAT SUPPLIER.		ADDRESS: <b>5902 GOLIAD</b>	DATE: <b>08/29/12</b>
LOT: <b>1</b>	BLOCK: <b>14/1900</b>	JOB #: _____	
CITY: <b>DALLAS, TX</b>		DRAWN BY: <b>POI</b>	
PLAN #: <b>31257 TO FIELD</b> <b>WITHDRAWN APPROVAL</b>		_____	

**PRECISION**  
 304 BRACWOOD DRIVE  
 MCKINNEY, TX 75069  
 PHONE: 214-271-3333  
 FAX: 214-271-3313



## *Notification List of Property Owners*

### *BDA112-120*

#### *22 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5902 GOLIAD AVE	COOPER JAMES
2	5845 GOLIAD AVE	EMBRY ERIN
3	5843 GOLIAD AVE	ASHTON LINDA
4	5839 GOLIAD AVE	DANLEY BRIAN
5	5836 GOLIAD AVE	ZARAFONETIS NICHOLAS G
6	5840 GOLIAD AVE	PACIC JIMMY A & ELLEN A
7	5846 GOLIAD AVE	KAMESCH MICHAEL PHILLIP & CAROLEE
8	5845 BELMONT AVE	EATON ROAD LTD & MORGAN PARK LTD
9	5841 BELMONT AVE	FOSHEE MILISSA
10	5837 BELMONT AVE	CHITWOOD JAMES O
11	5919 GOLIAD AVE	BALLINGER JAMES A
12	5911 GOLIAD AVE	DATTALO DARREN WAYNE
13	5909 GOLIAD AVE	HEWISON MATTHEW & ANDREA
14	5903 GOLIAD AVE	TURLINGTON JACK E & MARGARET N
15	5906 GOLIAD AVE	BRANN JOHN LARRY
16	5910 GOLIAD AVE	BELLICO LLC
17	5912 GOLIAD AVE	PLASKOTA ANDRE
18	5920 GOLIAD AVE	LODI EDNAN
19	5919 BELMONT AVE	MARTINEZ HECTOR
20	5911 BELMONT AVE	MCLAIN H B & DOROTHY REVOCABLE LIVING TR
21	5905 BELMONT AVE	NELSON BROOKE E
22	5901 BELMONT AVE	PERKINS WENDI K

**FILE NUMBER:** BDA 112-103

**BUILDING OFFICIAL'S REPORT:**

Application of Donna Woods, represented by Mark A. Mosley, for a special exception to the tree preservation regulations at 2800 Prichard Lane. This property is more fully described as Tract 4 in City Block 6118 and is zoned R-7.5(A), which requires mandatory landscaping and tree mitigation. The applicant proposes to construct and/or maintain a structure and provide an alternate plan for tree mitigation which will require a special exception to the tree preservation regulations.

**LOCATION:** 2800 Prichard Lane

**APPLICANT:** Donna Woods  
Represented by Mark A. Mosley

**REQUEST:**

A special exception to the tree preservation regulations is requested in conjunction with the removal of trees on a site developed as a private school (Nova Academy), and not fully complying with the Chapter X: Tree Preservation Regulations of the Dallas Development Code.

**STANDARD FOR A SPECIAL EXCEPTION TO THE TREE PRESERVATION REGULATIONS:**

The board may grant a special exception to the tree preservation regulations of this article upon making a special finding from the evidence presented that:

- (1) strict compliance with the requirements of this article will unreasonably burden the use of the property;
- (2) the special exception will not adversely affect neighboring property; and
- (3) the requirements are not imposed by a site-specific landscape plan approved by the city plan commission or city council.

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

- the extent to which there is residential adjacency;
- the topography of the site;
- the extent to which landscaping exists for which no credit is given under this article; and
- the extent to which other existing or proposed amenities will compensate for the reduction of landscaping.

**STAFF RECOMMENDATION:**

## Denial

### Rationale:

- The applicant has not substantiated:
  - how strict compliance with the requirements of the Tree Preservation Regulations of the Dallas Development Code will unreasonably burden the use of the property; and
  - that the special exception will not adversely affect neighboring property.
- The City’s Chief Arborist recommends denial of the request.

### **BACKGROUND INFORMATION:**

#### **Zoning:**

<u>Site:</u> Permit)	R-7.5(A)(SUP 1805) (Single family residential 7,500 square feet, Specific Use
<u>North:</u>	R-7.5(A) (Single family residential 7,500 square feet)
<u>South:</u>	R-7.5(A) (Single family residential 7,500 square feet)
<u>East:</u>	CR (Community Retail)
<u>West:</u>	R-7.5(A) (Single family residential 7,500 square feet)

#### **Land Use:**

The subject site is developed with a private school (Nova Academy). The areas to the north and west appear to be undeveloped; the area to the east is partially developed with multifamily use and partially undeveloped; and the area to the south is developed with single family uses.

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

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

#### **Timeline:**

September 5, 2012: 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 12, 2012: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

September 19, 2012: The Board Administrator emailed the applicant’s representative the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the September 26<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the October 5<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 2, 2012: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for October public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Building Inspection Senior Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

Staff concluded at this meeting that the application must be postponed until November given that no alternate tree preservation plan had been submitted to date.

November 27, 2012: 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 Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Building Inspection Senior Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

Staff concluded at this meeting that the application must be postponed until February given that no alternate tree preservation plan had been submitted to date.

February 5, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for February public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

Staff concluded at this meeting that the application should be scheduled for February given the amount of time that had passed since the application was submitted in September of 2012.

February 6, 2013: The Board Administrator emailed the applicant's representative the following information:

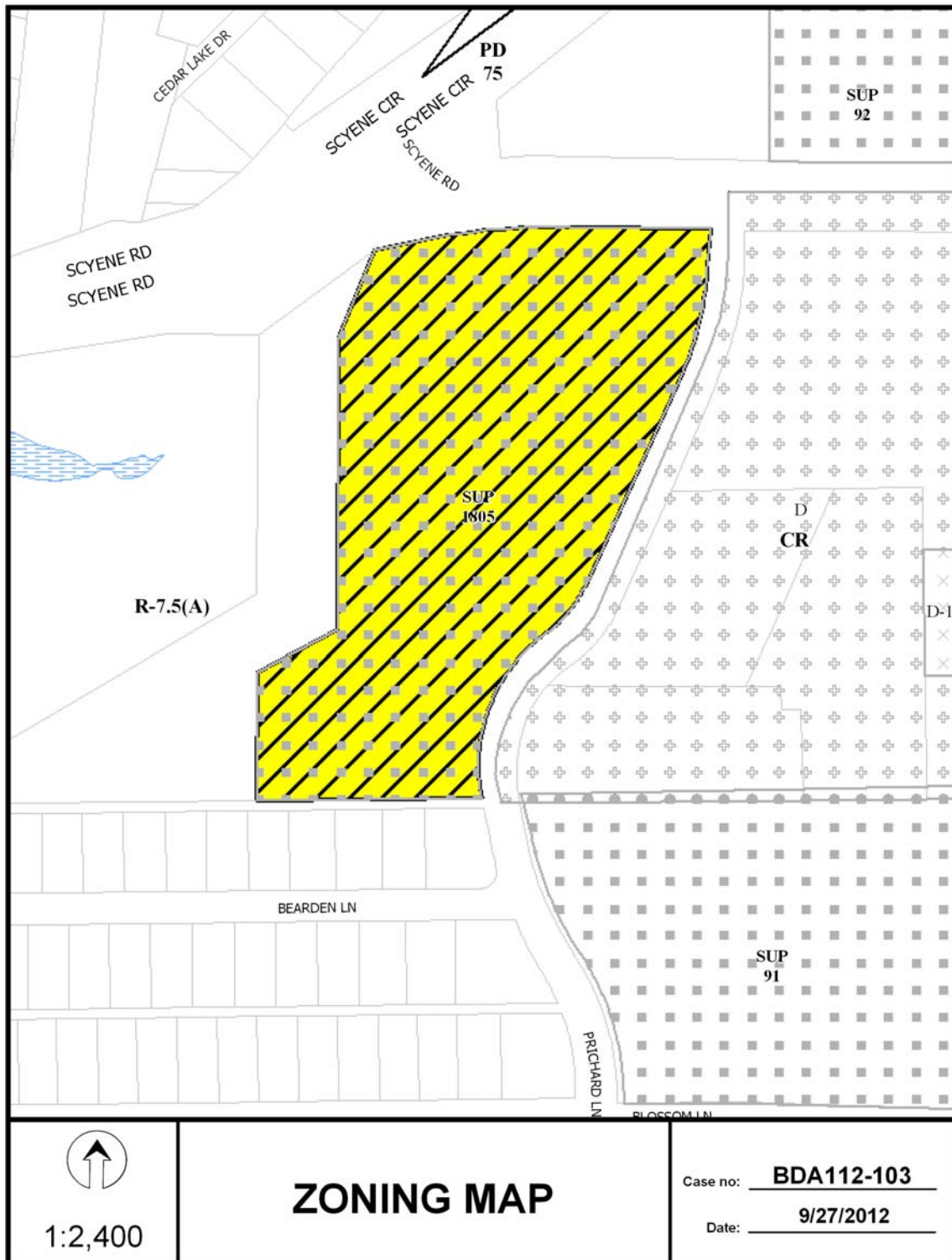
- notice that his application would be scheduled for February 21<sup>st</sup>, and
- the February 8<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials.

February 8, 2013: The City of Dallas Chief Arborist submitted a memo regarding this request (see Attachment A).

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

- An application has for a "special exception of the Dallas Development Code Article X, Landscape and Tree Preservation Regulations through a Conservation Easement Grant" on property that is developed as a private school.
- The Dallas Development Code requires full compliance with the Tree Preservation Regulations with new construction or with increasing non-permeable coverage by more than 2,000 square feet.
- The City of Dallas Chief Arborist submitted a memo regarding this request to the Board Administrator (see Attachment A). The memo stated among other things how the request is triggered by new construction of an educational facility and removal of 2,005 caliper inches of trees to be mitigated.
- The Chief Arborist states that the property is currently under an active building permit with pending inspection for tree mitigation. The tree mitigation has not yet been resolved beyond a number of trees planted for compliance with the landscape requirements.
- The Chief Arborist notes that a conservation easement does not exist. The applicant has proposed but not produced a final document for approval that is acceptable by the City of Dallas. In addition, the arborist notes that the property is heavily wooded in the western and southern portions which would have had limited impact from development, and that the land area found to be suitable for a conservation easement could provide for up to a 65 percent mitigation reduction if a recorded easement was completed. But lastly the arborist notes that an easement by ordinance would not resolve all tree mitigation requirements for the property.
- The Chief Arborist recommends denial of the request.
- The property owner can comply with tree preservation regulations by mitigating the removed trees in any of the alternative methods provided for in Article X: planting within one mile of the Property, donating trees to the Park Department, forming a conservation easement on property within city limits, and/or paying into the Reforestation Fund.
- The applicant has the burden of proof in establishing the following:
  - Strict compliance with the requirements of the Tree Preservation Regulations of the Dallas Development Code will unreasonably burden the use of the property.
  - The special exception will not adversely affect neighboring property.





1:2,400

# ZONING MAP

Case no: BDA112-103

Date: 9/27/2012



1:2,400

# AERIAL MAP

Case no: BDA112-103

Date: 9/27/2012

BDA 112-103  
Attach A

# Memorandum



CITY OF DALLAS

DATE February 8, 2013  
TO Steve Long, Board of Adjustment Administrator  
SUBJECT # BDA 112 · 103                      2800 Prichard Lane

The applicant is requesting a special exception to the tree mitigation regulations of Article X of the Dallas Development Code. Specifically, the applicant is requesting a special exception "through a conservation easement grant."

### Trigger

New construction of a education facility and compliance with the resulting 2,005 caliper inches of tree mitigation.

### Deficiencies

The property is currently under an active building permit with pending inspection for tree mitigation. The tree mitigation has not yet been resolved beyond a limited number of trees planted for compliance with the landscape requirements.

### Factors

A conservation easement does not exist. The applicant has proposed an easement but has not produced a final document for approval that is acceptable by the City of Dallas.

The property is heavily wooded in the western and southern portions, which have had limited to no impact from development. The land area has been found to be suitable for a conservation easement which could provide up to 65% mitigation reduction, per Article X, Section 51A-10.135, if a recorded easement was completed. An easement by ordinance would not resolve all tree mitigation requirements for the property.

### Recommendation

Denial.

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



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 112-103

Data Relative to Subject Property:

Date: 9-5-12

Location address: 2800 Prichard Ln., Dallas, TX \_\_\_\_\_ Zoning District: R7.5(A)

Lot No.: Tr. 4 Block No.: 6118 \_\_\_\_\_ Acreage: 9.724 Census Tract: 0091.01 \_\_\_\_\_

Street Frontage (in Feet): 1) 1003' 2) 548' 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Nova Charter School d/b/a Nova Academy \_\_\_\_\_

Applicant: Donna Woods \_\_\_\_\_ Telephone: (972) 808-7470 \_\_\_\_\_

Mailing Address: P.O. Box 170127, Dallas, TX \_\_\_\_\_ Zip Code: 75227 \_\_\_\_\_

Represented by: Mark A. Mosley \_\_\_\_\_ Telephone: (972) 437-4119 \_\_\_\_\_

Mailing Address: 1410 G Avenue, Suite 400, Plano, TX mark@mosleylawfirm.com Zip Code: 75074 \_\_\_\_\_

Affirm that a request has been made for a Variance \_\_, or Special Exception X, of the Dallas Development Code Article X, Landscape and Tree Preservation Regulations through a Conservation Easement Grant.

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:

- (1) strict compliance with the requirements of this article will unreasonably burden the use of the property;
(2) the special exception will not adversely affect neighboring property; and,
(3) the requirements are not imposed by a site-specific landscape plan approved by the city plan commission or city council.

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: Donna Woods
Applicant's name printed

[Handwritten signature of Donna Woods]
Applicant's signature

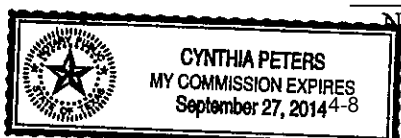
Affidavit

Before me the undersigned on this day personally appeared Donna Woods 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.

[Handwritten signature of affiant]
Affiant (Applicant's signature)

Subscribed and sworn to before me this 5th day of September, 2012

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

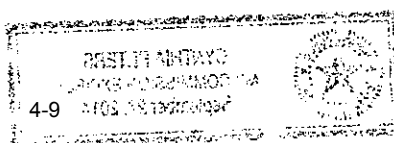
**Building Official's Report**

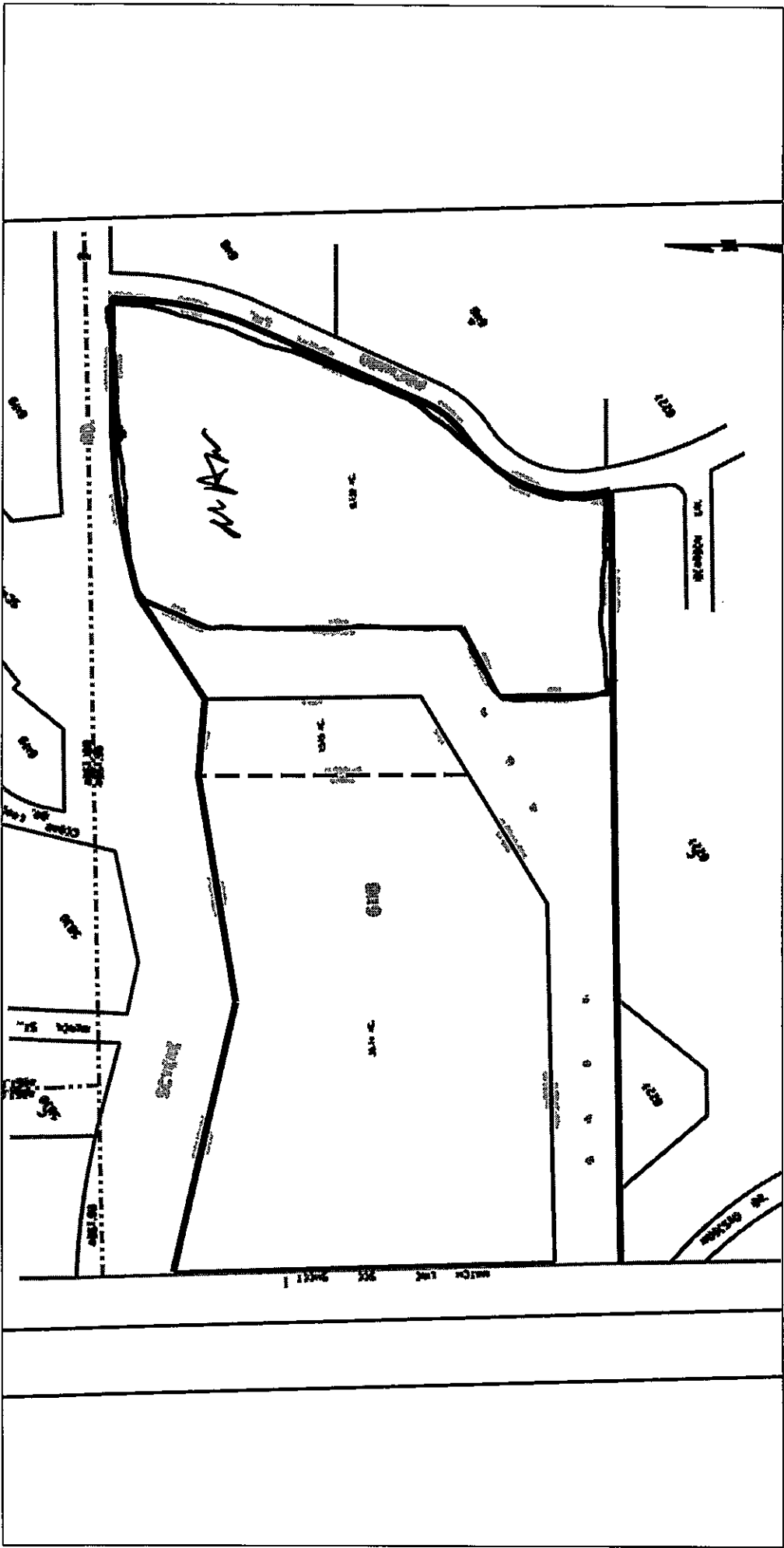
I hereby certify that Donna Woods  
represented by Mark A. Mosley  
did submit a request for a special exception to the landscaping regulations  
at 2800 Prichard Lane

BDA112-103. Application of Donna Woods represented by Mark A. Mosley for a special exception to the landscaping and tree preservation regulations at 2800 Prichard Lane. This property is more fully described as tract 4 in city block 6118, a 9.724 acre tract of land and is zoned R-7.5(A), which requires mandatory landscaping and tree mitigation. The applicant proposes to construct and maintain a nonresidential structure and provide an alternate landscape plan for tree mitigation, which will require a special exception to the landscape and tree preservation regulations.

Sincerely,

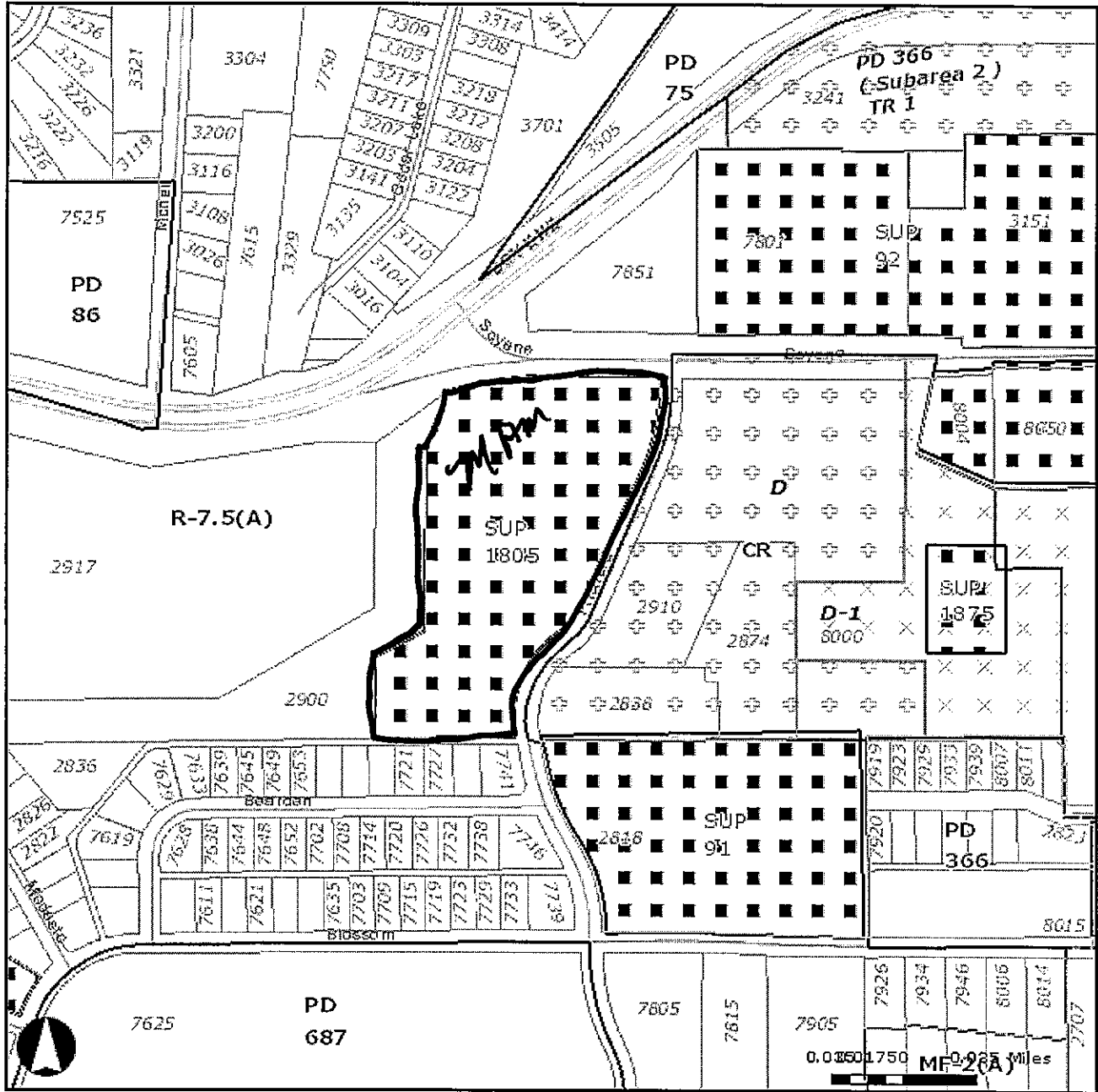
  
Lloyd Denman, Building Official





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# City of Dallas Zoning



**Address Candidates**

- Address Candidates
- City Boundaries
- County
- Certified Parcels
- Deed Restrictions
- SUP
- Dry Overlay

**Historic Subdistricts**

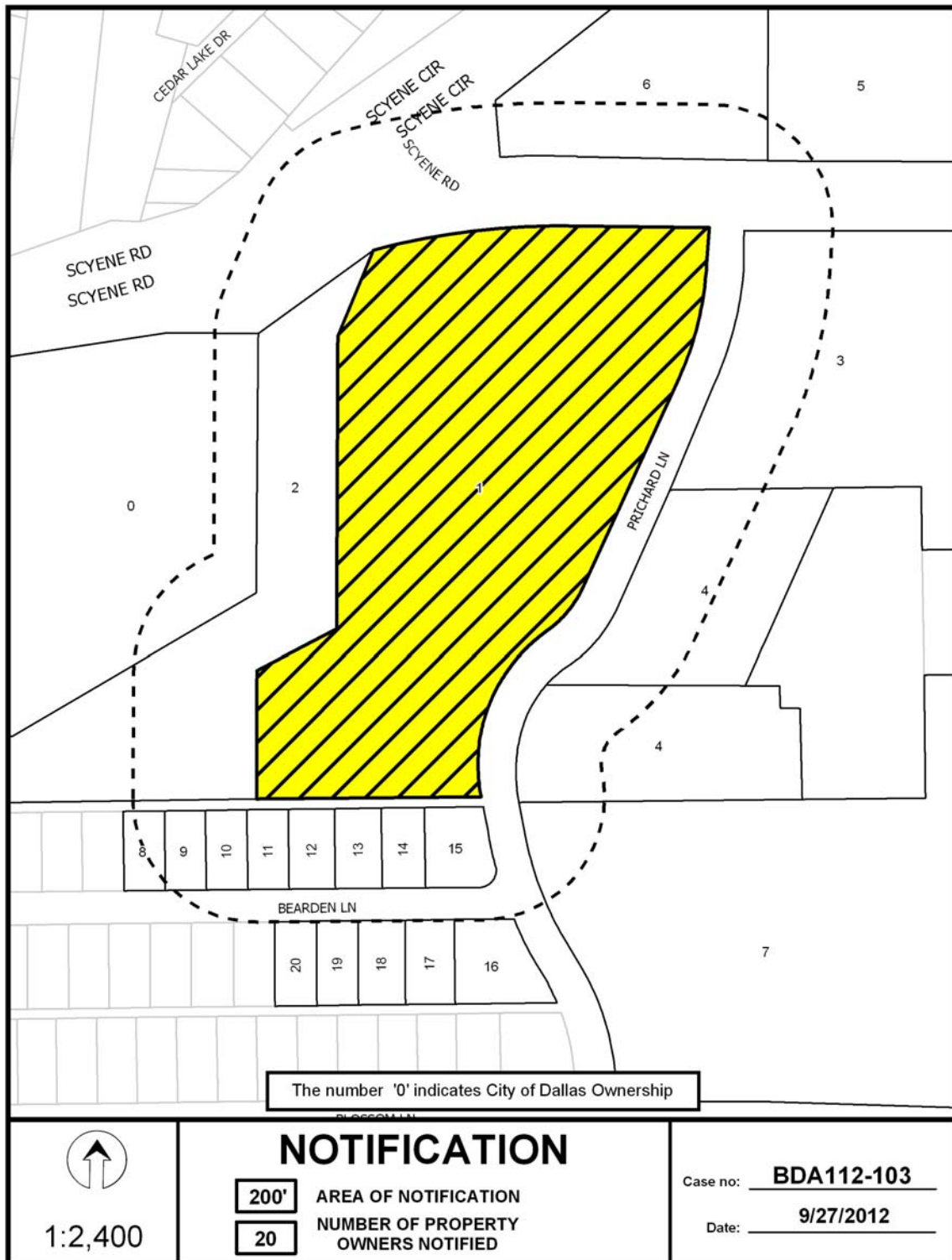
- NSO Overlay
- NSO Subdistricts
- MD Overlay
- CD Subdistricts
- PD Subdistricts
- PD193 Oak Lawn

**Floodplain**

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







1:2,400

# NOTIFICATION

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

Case no: **BDA112-103**  
 Date: **9/27/2012**

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

### ***BDA112-103***

#### ***20 Property Owners Notified***

<i><b>Label #</b></i>	<i><b>Address</b></i>	<i><b>Owner</b></i>
1	2800 PRICHARD LN	NOVA CHARTER SCHOOL D/B/A NOVA ACADEMY
2	2900 BUCKNER BLVD	TEXAS UTILITIES ELEC CO % STATE & LOCAL
3	8000 SCYENE RD	NOVASTAR SCYENE LAND INV LLC
4	2838 PRICHARD LN	NOTTINGHILL GATE HILLSIDE STE 203A
5	7801 SCYENE RD	CONGREGATION TIFERET
6	7851 SCYENE RD	TEMPLO DE DIOS
7	2818 PRICHARD LN	MINISTERIOS TIEMPO DE DIOS INC
8	7653 BEARDEN LN	RACKLEY DAVID SCOTT
9	7703 BEARDEN LN	ELMO CHEYENNE
10	7709 BEARDEN LN	RIOS CARLOS J & LETICIA H
11	7715 BEARDEN LN	CHIO JOSE A
12	7721 BEARDEN LN	JENKINS BOBBY R JR
13	7727 BEARDEN LN	PARRA JORGE L & LILIA
14	7733 BEARDEN LN	RODRIGUEZ FIDENCIO & ROBERT RODRIGUEZ
15	7741 BEARDEN LN	HOGG JAMES & GLORIA
16	7746 BEARDEN LN	CONINE JAMES WALTER
17	7738 BEARDEN LN	CARDOSO MARIA OJEDA
18	7732 BEARDEN LN	SMITH BARBARA ANN
19	7726 BEARDEN LN	VALDEZ JOSE & MARIA
20	7720 BEARDEN LN	ANDRADE MIGUEL & ROSA