

ZONING BOARD OF ADJUSTMENT, PANEL C  
MONDAY, DECEMBER 10, 2012  
AGENDA

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BRIEFING	5ES	11:00 A.M.
LUNCH		
PUBLIC HEARING	COUNCIL CHAMBERS, 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, November 12, 2012 Board of Adjustment Public Hearing Minutes	M1
<b>BDA 112-085</b>	3000 Turtle Creek Plaza <b>REQUEST:</b> Application of Ken Reese, represented by Robert Reeves of Robert Reeves and Associates, to extend the time to file an application for a building permit for certificate of occupancy an additional 12 months beyond the 180 days from the Board of Adjustment's favorable action for a variance to the off-street parking regulations	M2

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**UNCONTESTED CASE**

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<b>BDA 112-118</b>	7425 Bonnie View Road <b>REQUEST:</b> Application of Santos Martinez to enlarge a nonconforming use	1
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**REGULAR CASES**

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<b>BDA 112-117</b>	5742 E. Mockingbird Lane <b>REQUEST:</b> Application of Dallas May for a variance to the front yard setback regulations	2
<b>BDA 112-120</b>	5902 Goliad Avenue <b>REQUEST:</b> Application of Melissa Kingston to appeal an administrative official's decision	3

<b>BDA 112-123</b>	2021 Glencoe Street <b>REQUEST:</b> Application of Robert Hunt for variances to the front yard setback regulations, side yard setback regulations, maximum lot coverage regulations, and off-street parking regulations	4
<b>BDA 112-124</b>	6270 Saratoga Circle <b>REQUEST:</b> Application of Charles S. Conrad for a variance to the off-street parking regulations	5

## EXECUTIVE SESSION NOTICE

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

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

**MISCELLANEOUS ITEM NO. 1**

To approve the Board of Adjustment Panel C November 12, 2012 public hearing minutes.



**MISCELLANEOUS ITEM NO. 2**

**FILE NUMBER:** BDA 112-085

**REQUEST:** To extend the time period in which to file an application for a building permit or certificate of occupancy an additional one year (or 12 months) beyond the 180 days from the Board of Adjustment's favorable action on a request for a variance to the off-street parking regulations of 110 parking spaces granted by Board of Adjustment Panel C on September 17, 2012.

**LOCATION:** 3000 Turtle Creek Plaza

**APPLICANT:** Ken Reese  
Represented by Robert Reeves

**STANDARD FOR EXTENDING THE TIME PERIOD IN WHICH TO APPLY FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY:**

- The Dallas Development Code states:
  - The applicant shall file an application for a building permit or certificate of occupancy within 180 days for the date of the favorable action of the board, unless the applicant files for and is granted an extended time period prior to the expiration of the 180 days. The filing of a request for an extended time period does not toll the 180 day time period. If the applicant fails to file an application within the time period, the request is automatically denied without prejudice, and the applicant must begin the process to have his request heard again.
- The *Board of Adjustment Working Rules of Procedure* state the following with regard to extensions of the time period for making application for a building permit or certificate of occupancy:
  - A panel may not extend the time period for making application for a building permit or certificate of occupancy beyond 180 days from the date of its favorable action unless it makes a *specific finding* based on evidence presented at a public hearing that there are no substantially changed conditions or circumstances regarding the property to the satisfaction of the panel. In no event, however, may the board extend the time period beyond 18 months from the date of its favorable action.

**Timeline:**

September 17, 2012: The Board of Adjustment Panel C granted a request for a variance to the off-street parking regulations of 110 parking spaces. The case report stated that requests were made in conjunction with constructing and maintaining an approximately 161,500 square foot

office use/structure on a site that is currently undeveloped. (See Attachment A for a copy of the case materials related to this application).

September 18, 2012: The Board Administrator wrote the applicant's representative a letter documenting the September 17<sup>th</sup> action of the board, and noting to "Contact Building Inspection at 320 E. Jefferson, Room 105 to file an application for a building permit or certificate of occupancy within 180 days from the date of the favorable action of the board."

November 29, 2012: The applicant's representative delivered a letter to the Board Administrator requesting that the Board extend the time period in which to file an application for a building permit or certificate of occupancy an additional year (or 12 months) beyond the 180 days he had to do so from the September 17, 2012 favorable action (see Attachment B).

November 29, 2012: The Board Administrator emailed the applicant's representative the following information:

- an attachment that provided the public hearing date of the request; the November 30<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;
- an attachment of materials related to BDA 112-085; and
- The Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."



m2  
Attach A  
P31

C

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 112-085

Data Relative to Subject Property:

Date: June 25, 2012

Location address: 3000 Turtle Creek Plaza

PDS 61 within

Zoning District: PD No. 193

Lot No.: 1, Bk A/993; Block: Pr Bks 993 & 994 Acreage: 5.853 Ac. Census Tract: 5.00

Street Frontage (in Feet): 1) 92.34 2) - 3) - 4) - 5) 3022

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): 3000 Turtle Creek Plaza, LLC

Applicant: Ken Reese Telephone: 214-303-5523

Mailing Address: 3090 Olive Street, Suite 300, Dallas, TX Zip Code: 75219

E-mail Address: Ken.Reese@hillwood.com

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

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

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

161, 464 ←

Affirm that a request has been made for a Variance  or Special Exception  of 126 parking spaces for a 164,054 sq. ft. office; which includes a 10,500 sq. ft. private gallery and 3,890 sq. ft. employee cafeteria. Total required parking: 565 spaces 6,300

Application is now made to the Honorable Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: see attached letter and parking demand analysis.

Note to Applicant: If a permit is required in this application if 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.

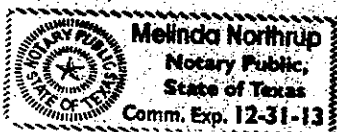
Before me the undersigned on this day personally appeared [Signature]

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 26<sup>th</sup> day of June, 2012

Melinda Northrup  
Notary Public in and for Dallas County, Texas



(Rev. 08-01-11)

372  
Attach A  
PS 2

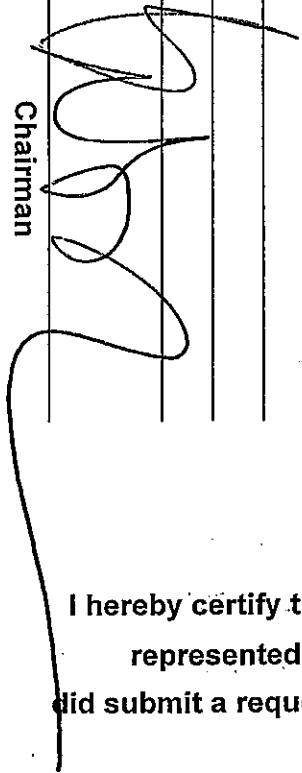
MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

Date of Hearing Sept. 17, 2012

Appeal was...Granted OR Denied

Remarks Granted

Chairman



**Building Official's Report**

I hereby certify that Ken Reese  
represented by ROBERT REEVES  
did submit a request for a variance to the parking regulations  
at 3000 Turtle Creek Plaza

BDA112-085. Application of Ken Reese represented by Robert Reeves for a variance to the parking regulations at 3000 Turtle Creek Plaza. This property is more fully described as lot 1R in city block A/993 and is zoned PD-193 (PDS 61), which requires parking to be provided. The applicant proposes to construct a nonresidential structure for office use and provide 331 of the required 441 parking spaces, which will require a 110 space variance to the parking regulation.

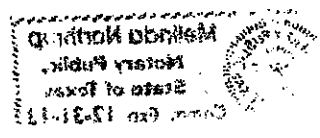
**BOARD OF ADJUSTMENT DECISION FILED  
IN THE OFFICE OF THE BOARD OF ADJUSTMENT**

THIS THE 18 DAY OF  
September, 20 12.

Steve Hong  
ADMINISTRATOR

Sincerely,

Lloyd Denman  
Lloyd Denman, Building Official





M2  
Attach A  
p53

September 18, 2012

Robert Reeves  
900 Jackson Street  
Suite 160  
Dallas, TX 75202

Re: BDA 112-085, Property at 3000 Turtle Creek Plaza

Dear Mr. Reeves:

The Board of Adjustment Panel C, at its public hearing held on Monday, September 17, 2012 granted your request for a variance to the off-street parking regulations of 110 parking spaces.

Contact Building Inspection at 320 E. Jefferson, Room 105 to file an application for a building permit or certificate of occupancy within 180 days from the date of the favorable action of the board.

Should you have any further questions regarding the Board's action, please contact me at (214) 670-4666.

A handwritten signature in black ink, appearing to read 'Steve Long'.

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

c: James Martin, Code Enforcement, 3112 Canton, RM 100  
Todd Duerksen, Bldg. Inspection, 320 E. Jefferson #105

M2  
Attach A  
Pg 4

**BOARD OF ADJUSTMENT  
CITY OF DALLAS, TEXAS**

**MONDAY, SEPTEMBER 17, 2012**

**FILE NUMBER:** BDA 112-085

**BUILDING OFFICIAL'S REPORT:**

Application of Ken Reese, represented by Robert Reeves of Robert Reeves and Associates, for a variance to the off-street parking regulations at 3000 Turtle Creek Plaza. This property is more fully described as Lot 1R in City Block A/993 and is zoned PD-193 (PDS 61), which requires off-street parking to be provided. The applicant proposes to construct and maintain a structure for office use and provide 331 of the required 441 off-street parking spaces, which will require a variance to the off-street parking regulations of 110 spaces.

**LOCATION:** 3000 Turtle Creek Plaza.

**APPLICANT:** Ken Reese  
Represented by Robert Reeves of Robert Reeves and Associates

**REQUEST:**

- A variance to the off-street parking regulations of 110 parking spaces (or a 25 percent reduction of the 441 off-street parking spaces that are required) is requested in conjunction with constructing and maintaining an approximately 161,500 square foot office use/structure on a site that is currently undeveloped. The applicant proposes to provide 331 (or 75 percent) of the required 441 off-street parking spaces in conjunction with constructing and maintaining this use with this square footage.

**STANDARD FOR A VARIANCE:**

The Dallas Development Code specifies that the board has the power to grant variances from the front yard, side yard, rear yard, lot width, lot depth, lot coverage, floor area for structures accessory to single family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that:

- (A) the variance is not contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done;
- (B) the variance is necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
- (C) the variance is not granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

**STAFF RECOMMENDATION:**

Approval

Rationale:

- The applicant has substantiated how the subject site is unique and different from most lots zoned PD 193 in that subject site is: 1) somewhat irregular in shape; 2) of restrictive area caused by 33 percent of it as floodway easement (non-buildable area); and 3) sloped with a 24 foot change in grade from near the center of the site westward to Cedar Springs Road.
- In addition, granting the variance is not contrary to the public interest in that: 1) Sustainable Development and Construction Department Engineering Division Assistant Director has no objections to the request; and 2) the applicant has provided a parking study projecting that the anticipated average peak parking demand for the proposal is 232 vehicles or 92 spaces less than the requested parking supply of 331 spaces.

**BACKGROUND INFORMATION:**

**Zoning:**

- Site: PD 193 (PDS 61) (Planned Development, Planned Development)
- North: PD 193 (O-2) (Planned Development, Office)
- South: PD 184 (Planned Development)
- East: PD 193 (O-2 & PDS 94) (Planned Development, Office and Planned Development)
- West: PD 193 (O-2) (Planned Development, Office)

**Land Use:**

The subject site is undeveloped. The area to the north is Turtle Creek; the areas to the east and south are developed with office uses, and the area to the west is office and undeveloped land.

**Zoning/BDA History:**

- |   |  |
|---|--|
| <ol style="list-style-type: none"> <li>1. BDA 967-251, Property at 2920 Turtle Creek Plaza ( the subject site)</li> </ol> | <p>On May 19, 1997, the Board of Adjustment Panel C granted a request for a variance to the height regulations of 60 feet. The case report states that the request was made to construct and maintain an approximately 300,000 square foot, 300 foot high condominium tower use.</p> |
|---|--|

**Timeline:**

m2  
Attach B  
Pg 1

ROBERT REEVES  
& Associates, Inc.

PLANNING AND ZONING CONSULTANTS

November 29, 2012

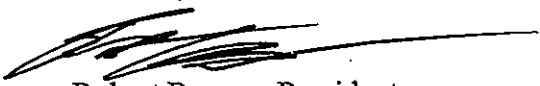
Steve Long, Board of Adjustment Administrator  
City of Dallas  
Department of Sustainable Development and Construction  
1500 Marilla Street, Room 5BN  
Dallas, Texas 75201

RE: Request for Time Extension for Building Permit or  
Certificate of Occupancy, BDA 112-085  
3000 Turtle Creek Plaza

Dear Mr. Long:

Attached is a request by my client, Ken Reese, Executive Vice President, Hillwood, for a time extension for Case BDA 112-085. Let me know if you need additional information.

Sincerely:



Robert Reeves, President  
Robert Reeves & Associates, Inc.



M2  
Attach B  
pg 2

November 28, 2012

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

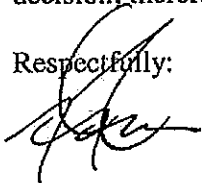
RE: Request for Time Extension for Building Permit or  
Certificate of Occupancy, BDA 112-085  
3000 Turtle Creek Plaza

Dear Mr. Long:

I am requesting a one-year extension of the 180-day deadline requirement to submit a building permit for Case BDA 112-085, 3000 Turtle Creek Plaza. Since the September 17, 2012 Board of Adjustment Panel C approval of our request for a 110 space required parking variance, we have proceeded with building design and development of construction drawings. However, because of the length of time required before we will be able to submit for building permit, we will be unable to meet the 180-day deadline.

There have been no changed circumstances that would effect the Board's original decision; therefore, we respectfully request approval of this one-year extension.

Respectfully:



Ken Reese, Executive Vice President  
Hillwood

**FILE NUMBER:** BDA 112-118

**BUILDING OFFICIAL'S REPORT:**

Application of Santos Martinez to enlarge a nonconforming use at 7425 Bonnie View Road. This property is more fully described as Lot 2, Block 2/8291 and is zoned RR, which limits the legal uses in a zoning district. The applicant proposes to enlarge a nonconforming commercial motor vehicle parking use, which will require a request to enlarge a nonconforming use.

**LOCATION:** 7425 Bonnie View Road

**APPLICANT:** Santos Martinez

**REQUEST:**

A request is made to enlarge a nonconforming "commercial motor vehicle parking" use by (according to the application) installing new equipment (overhead trusses connected to a 240 square foot equipment room with canopy) in the parking lot that will enable vehicles to park without idling their engines. The 240 square foot structure (with canopy) and trusses would allow drivers to connect to an overhead system that administers individual controlled HVAC systems, satellite and internet servers, and electrical connections.

**STANDARD FOR ENLARGING A NONCONFORMING USE:**

The board may allow the enlargement of a nonconforming use when, *in the opinion of the Board*, the enlargement: 1) does not prolong the life of the nonconforming use; 2) would have been permitted under the zoning regulations that existed when the nonconforming use was originally established by right; and 3) will not have an adverse effect on the surrounding area.

**STAFF RECOMMENDATION:**

No staff recommendation is made on a request to enlarge a nonconforming use since the basis for this type of appeal is based on when, *in the opinion of the Board*, the enlargement: 1) does not prolong the life of the nonconforming use; 2) would have been permitted under the zoning regulations that existed when the nonconforming use was originally established by right; and 3) will not have an adverse effect on the surrounding area.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: RR (Regional Retail)  
North: R-5(A) (Single family residential 5000 square feet)  
South: RR (Regional Retail)  
East: CS & RR (Commercial Service and Regional Retail)  
West: CS (Commercial Service)

**Land Use:**

The subject site is developed with a nonconforming “commercial motor vehicle parking” use. The area to the north is developed as a public recreation center (Tommie M. Allen Recreation Center); the area to the east appears mostly either undeveloped or developed with commercial/retail uses, the area to the south is Interstate 20; and the area to the west appears to be developed with a similar use as to that what is located on the subject site.

**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 12, 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 21st 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 criteria/standard that the board will use in their decision to approve or deny the request; and
- the section from the Dallas Development Code pertaining to nonconforming uses and structures; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

November 16 & 19, 2012: The applicant submitted additional information beyond what was submitted with the original application (see Attachments A and B).

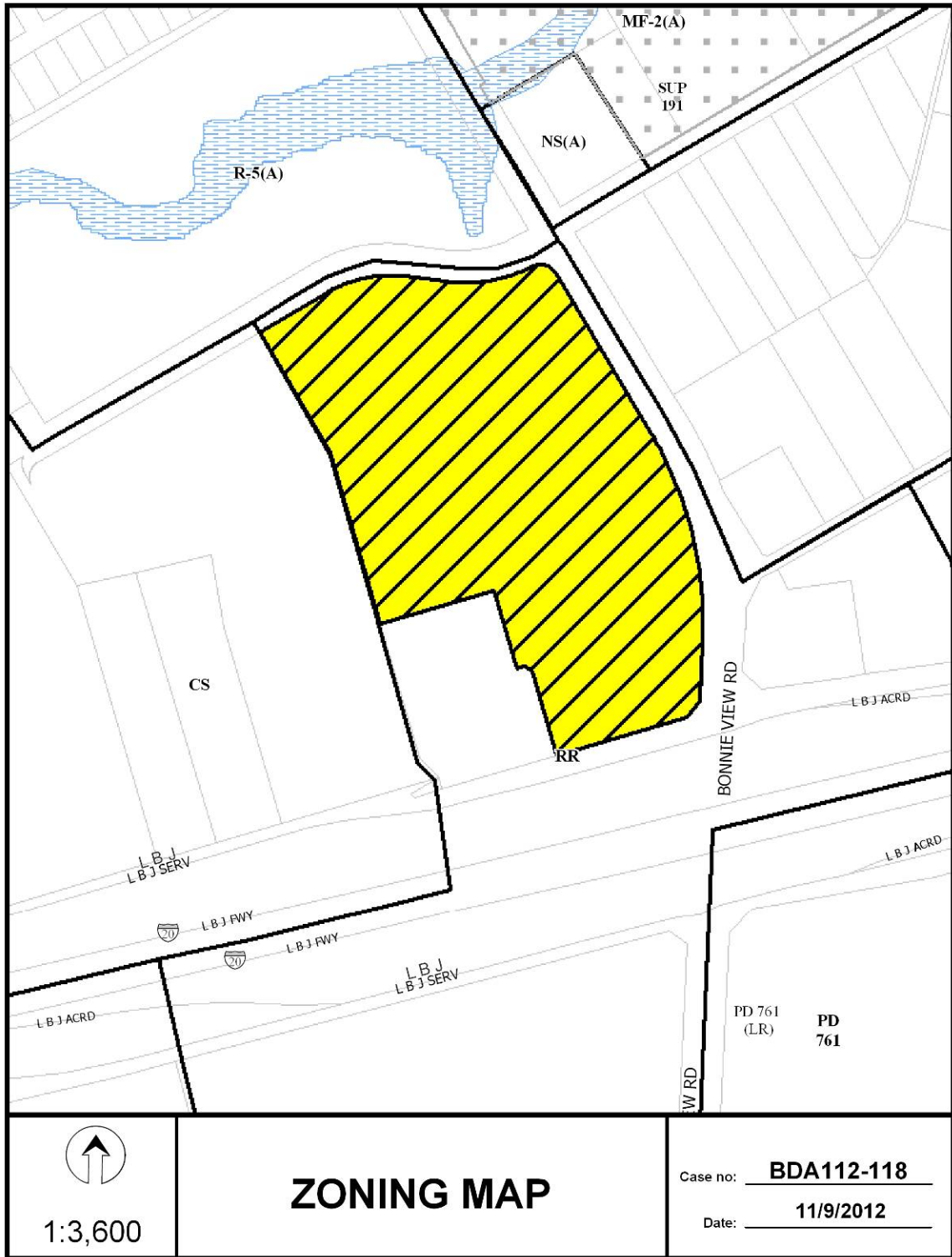
November 27, 2012: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for November public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, 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.

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

- This request focuses on enlarging a nonconforming “commercial motor vehicle parking” use on the subject site - an enlargement that according to the application involves installing new equipment (overhead trusses connected to a 240 square foot equipment room with canopy) in the parking lot that will enable vehicles to park on the site without idling their engines.
- The applicant has stated that the proposed 240 square foot equipment room structure would house the required HVAC systems, satellite and internet servers, and other equipment related to the overhead trusses that would connect to the commercial vehicles parked on the site.
- The applicant has submitted a revised site plan (see Attachment A) that denotes the location of the proposed equipment room/canopy and related trusses.
- The Dallas Development Code defines a nonconforming use as “a use that does not conform to the use regulations of this chapter, but was lawfully established under regulations in force at the beginning of operation and has been in regular use since that time.”
- The Dallas Development Code states that enlargement of a nonconforming use means any enlargement of the physical aspects of a nonconforming use, including any increase in height, floor area, number of dwelling units, or the area in which the nonconforming use operates.
- DCAD states that the property at 7425 Bonnie View Road has the following improvements: a free standing retail store with 15,362 square feet built in 1992.
- The application states that the site is 17.6 acres in area.
- A ““commercial motor vehicle parking” use is not permitted in RR districts.
- Records from Building Inspection Department indicate that the date in which the “commercial motor vehicle parking” use became nonconforming on October 9, 2002, and that reason that the use is classified as nonconforming: “new use classification created by city council in 2002 and requirement for all uses on the property must be listed as main uses created the nonconformity.”
- The applicant has the burden of proof to establish that the enlargement of the non-conforming use:

1. does not prolong the life of the nonconforming use;
  2. would have been permitted under the zoning regulations that existed when the nonconforming use was originally established by right; and
  3. will not have an adverse effect on the surrounding area.
- If the Board were to grant this request, with a condition imposed that the applicant comply with the submitted revised site plan, the enlargement of the nonconforming use would be limited to what is shown on this document, which in this case is a relatively small proposed equipment room/canopy with related trusses on the approximately 17.6 acre subject site.







1:3,600

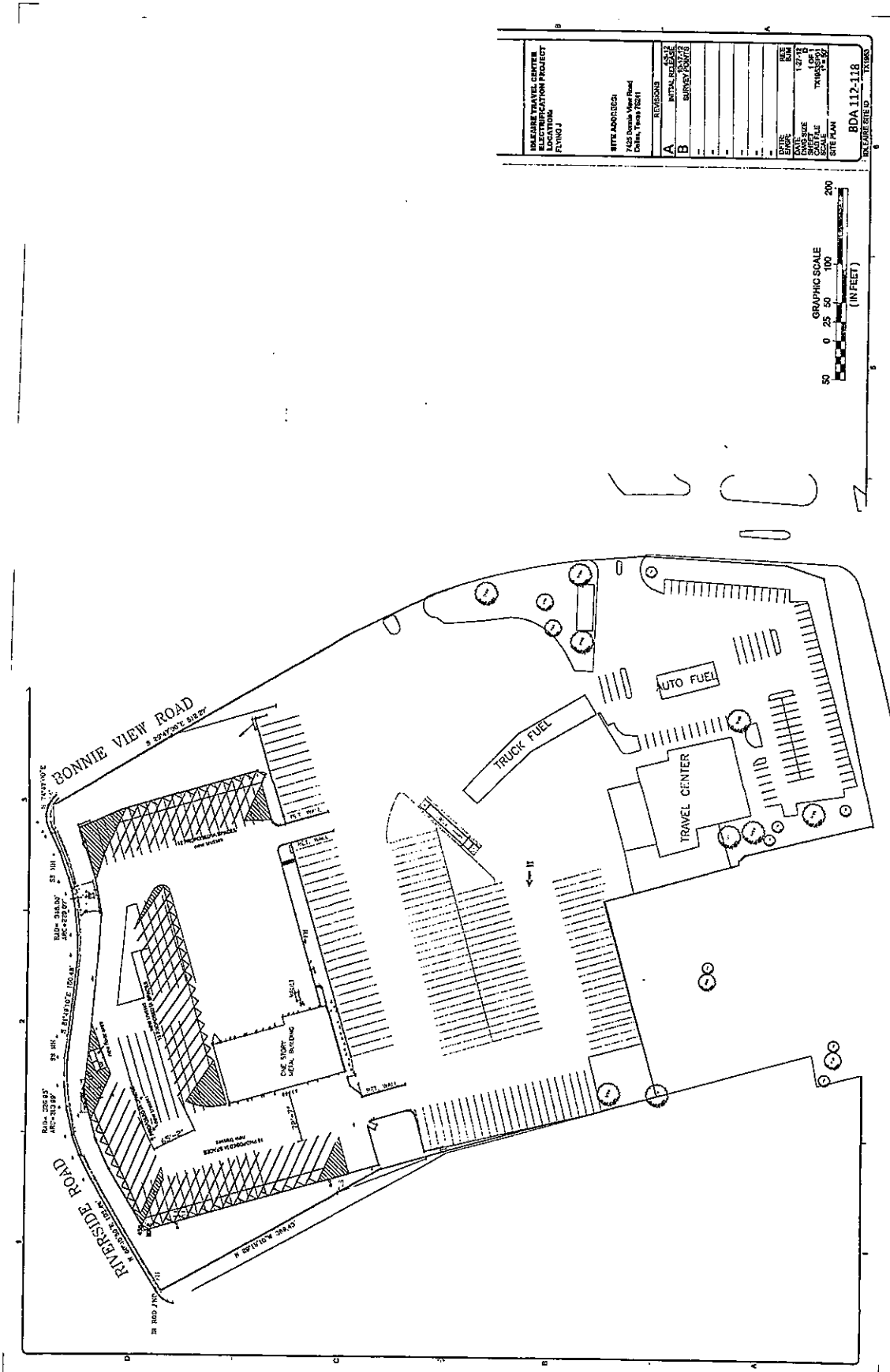
# AERIAL MAP

Case no: BDA112-118

Date: 11/9/2012

BDA112-118  
 Attach A

11-16-12





BDA 112-118  
Attach B  
PJ1



November 19, 2012

Mr. Steve Long  
Board of Adjustment  
City of Dallas  
1500 Marilla, Room 5BN  
Dallas, Texas 75201

RE: BDA 112-118, 7425 Bonnie View

Dear Mr. Long:

The property listed above was developed in 1991 as a motor vehicle fueling station. The original development of the property included the fueling station for personal and commercial vehicles, a restaurant, a retail store, a service and repair garage for commercial vehicles and a large parking lot.

In 2002, the Dallas City Council created a new use (commercial motor vehicle parking) for the temporary, daily, or overnight parking of commercial vehicles greater than 26,000 pounds. A commercial motor vehicle parking use was created eleven years after the original development of the property. This council action also requires that this commercial motor vehicle parking use cannot be classified as an accessory parking use.

The owners of the property seek to install new equipment for commercial vehicles that park on their property. This new equipment allows drivers to connect to an overhead system that administers individual controlled air conditioning or heaters, internet service, satellite television, and electrical connections. The overhead trusses are connected to an equipment room that houses the required HVAC systems, satellite and internet servers, and other equipment. This structure is 8'x 30'. There is also a 9'x27' canopy extended in front of this structure. It has been determined that the placement of these items on the property will create an expansion for a nonconforming commercial motor vehicle parking use on the site.

I have included a site plan to show the area where the new floor area will be placed. I have also provided a floor plan for the equipment room and elevations for the new trusses.

The owner of the property will need to reconfigure the existing parking layout for the property once this equipment is established on the site. Although this reconfiguration will allow commercial vehicles to access the overhead systems effectively, it will also require that five (5) parking spaces be removed from the northern parking lot.

MASTERPLAN  
900 Jackson Street, Suite 640  
Dallas, Texas 75202

Phone: (214) 761-9197  
Fax: (214) 748-7114  
Web: [masterplanconsultants.com](http://masterplanconsultants.com)

BDA 112-11B

Attach B  
pg 2



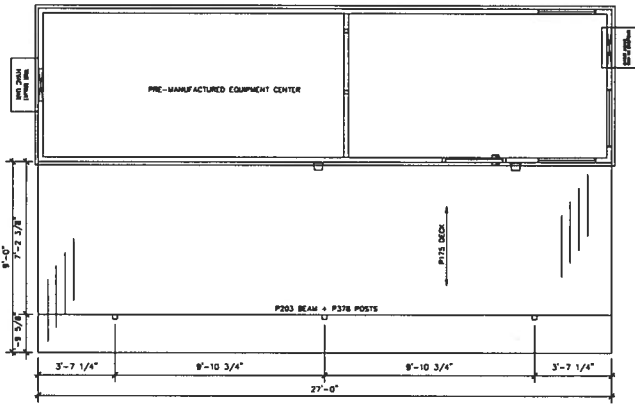
The placement of this equipment does not prolong the life of a commercial motor vehicle parking use. This use could continue to operate without the placement of this equipment. In fact, the placement of this structure actually diminishes the existing use by five parking spaces. More importantly, the placement of this equipment and structure will allow commercial vehicles to park without idling their engines. This removes the noise and air pollution that impacts the surrounding area.

Please feel free to contact our offices if you need any additional information regarding this request.

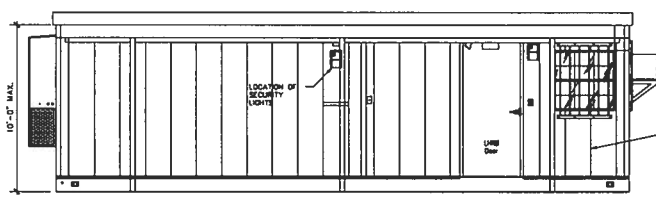
Santos T. Martinez  
Authorized representative for  
Idle Air

MASTERPLAN  
500 South Ervay, Suite 112B  
Dallas, Texas 75201

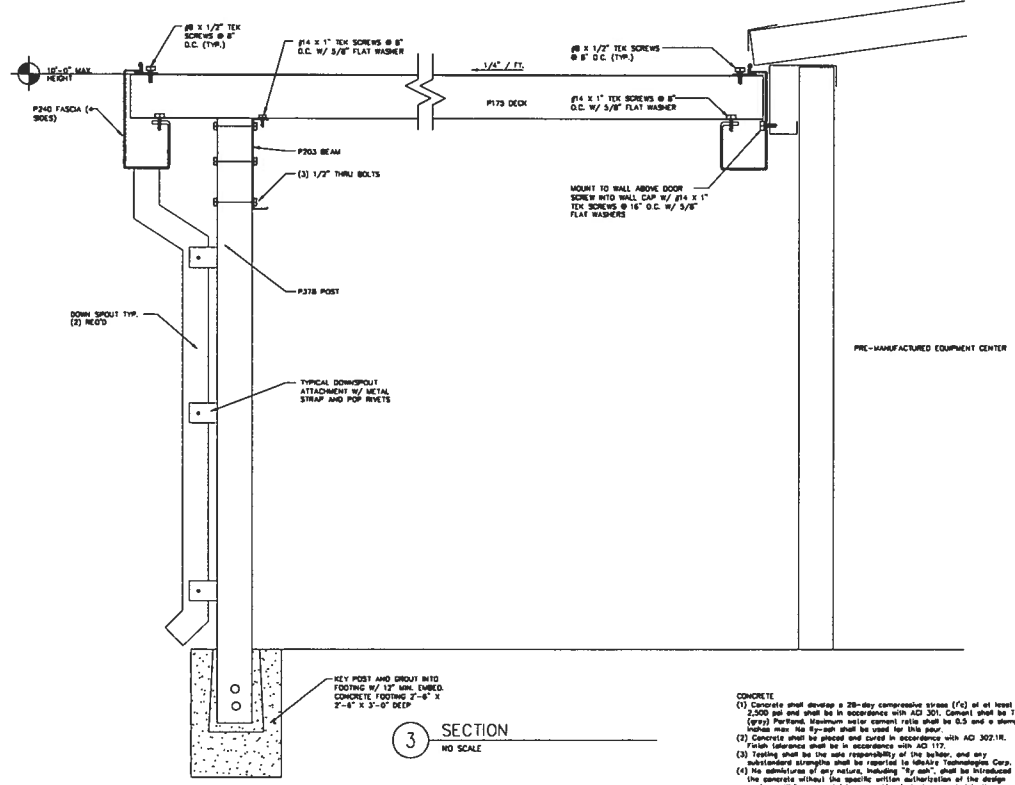
**Phone:** (214) 761-9197  
**Fax:** (214) 748-7114  
**Web:** [masterplanconsultants.com](http://masterplanconsultants.com)



1 PLAN  
NO SCALE



2 ELEVATION  
NO SCALE



3 SECTION  
NO SCALE

**DECK LOADS TABLE 2003 IBC**

<b>WIND DESIGN LOADS:</b>	
WIND SPEED	120 MPH (3 SECOND GUST)
IMPORTANCE FACTOR	1.0
WIND EXPOSURE	C
FORCE COEFFICIENT (UP/LIFT) CI	0.7
UP/LIFT PRESSURE	18 PSF
<b>DECK LOADS:</b>	
ROOF LIVE LOAD	40 PSF (PER IBC/ASCE) 1,500 PSF (ASSUMED)

- CONCRETE**
- (1) Concrete shall develop a 28-day compressive strength ( $f'_c$ ) of at least 2,500 psi and shall be in accordance with ACI 301. Cement shall be Type I.
  - (2) Portland Maximum water cement ratio shall be 0.5 and a slump of 4 inches max. No fly-ash shall be used for this pour.
  - (3) Concrete shall be placed and cured in accordance with ACI 302.1R. Tolerances shall be in accordance with ACI 117.
  - (4) Testing shall be the sole responsibility of the builder, and any substantial strengths shall be reported to Idleair Technologies Corp.
  - (5) No substitution of any nature, including "by pass", shall be introduced into the concrete without the specific written authorization of the design engineer. These areas including cracking is to be expected in the concrete. It has been shown to be significantly reduced through proper curing practices and proper control of admixtures.
  - (6) All reinforcing steel - ASTM A615, grade 60.
  - (7) Provide light brown wash finish with adjacent grades.
- GENERAL NOTES**
- (1) Contractor responsible for the means and methods of construction in regards to jobsite safety.
- ALUMINUM NOTES**
- (1) All aluminum components and material designations refer to material supplied by Beem Corporation, Birmingham, AL 1-800-763-4488
  - (2) Decking material to be Aluminum Deck 3000-H2B.

**Idleair**  
 Sleep better. Own money.  
 2587 PRIMEWAY, SUITE 101  
 FONDCKVILLE, TN 37818  
 PHONE: 866.232.1702  
 FAX: 866.232.1889  
 WWW.IDLEAIR.COM  
 CONTACT:  
 CONSTRUCTION DEPARTMENT

**IDLEAIR TRAVEL CENTER  
 ELECTRIFICATION PROJECT  
 LOCATION:  
 DFW OL**

**SITE ADDRESS:  
 81815 LANCASTER ROAD  
 DALLAS, TX**

**REVISIONS**

NO.	DATE	BY	DESCRIPTION
A	10-24-12		INITIAL RELEASE

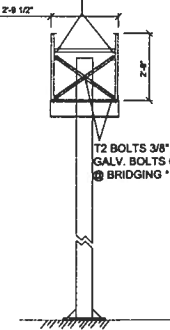
**DTR: REE  
 ENGR: BJM**

**DATE: 10-18-12  
 DWG SIZE: 0  
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 SCALE: = 80**

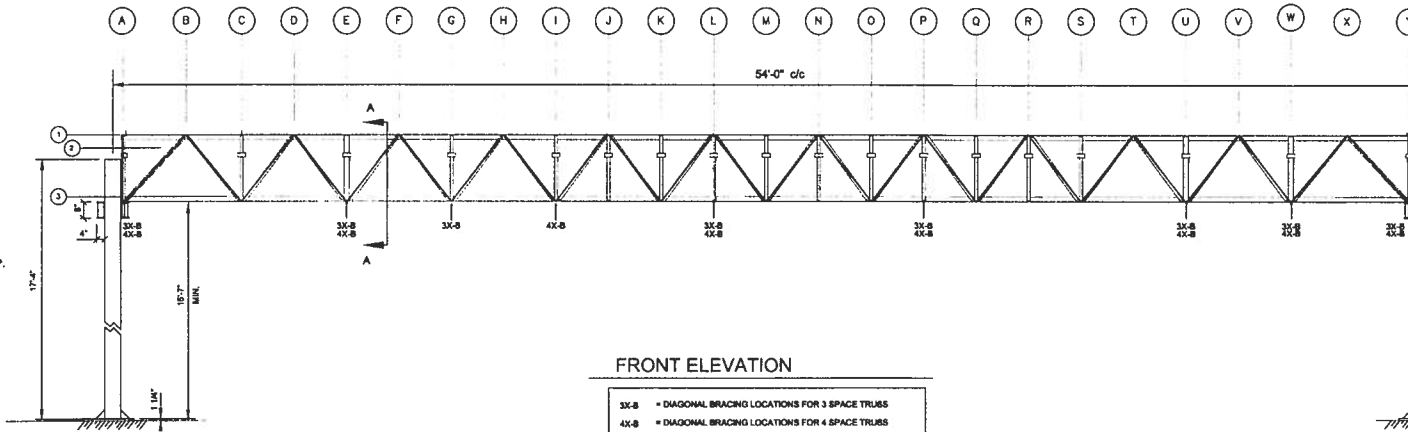
**SITE PLAN  
 SP07  
 IDLEAIR SITE ID TX1934**

BDA  
 112-  
 118  
 Attach B  
 PS 3

T1 BOLTS  
1/2" X 1 1/2" GALV. BOLTS A325  
TYP. @ BEARING CLIPS \*



T2 BOLTS 3/8" X 1 1/4"  
GALV. BOLTS GR. 5 TYP.  
BRIDGING \*

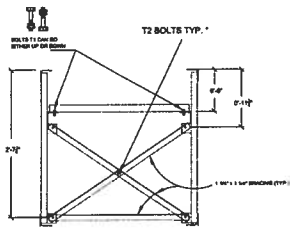


FRONT ELEVATION

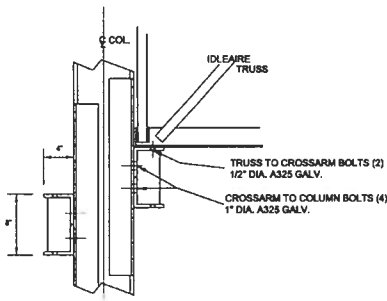
3X-B = DIAGONAL BRACING LOCATIONS FOR 3 SPACE TRUSS  
4X-B = DIAGONAL BRACING LOCATIONS FOR 4 SPACE TRUSS

TO PROTECT COLUMN FROM DAMAGE, CONCRETE BOLLARD MAY BE REQUIRED.  
HOWEVER, COLUMN DESIGN DOES NOT REQUIRE THEM.

SIDE ELEVATION



SECT. A-A  
PROFILE AT CROSS BRACING



TRUSS TO COLUMN CONN.

\* ALL BOLTS TO USE THE AISC TURN-OF-THE-NUT METHOD.  
T1 BOLTS USE 1/2" DIA. WASHER F436 GALV. & 1/2" DIAM NUT A563 GR. A HVY HEX GALV.  
T2 BOLTS USE 3/8" DIA. WASHER GR. 5 GALV. & 3/8" DIAM NUT GR. 5 A HVY HEX GALV.  
T3 BOLTS USE 1" DIA. WASHER F436 GALV. & 1" DIAM NUT A563 GR. A HVY HEX GALV.

DESIGN PARAMETERS:

PER 2003 INTERNATIONAL BUILDING CODE  
WIND LOAD - BASED ON BASIC WIND SPEED, V = 115 mph AND  
NO SIGNAGE CONSIDERED  
OR  
BASIC WIND SPEED, V = 90 mph AND  
100% SIGNAGE CONSIDERED

LIP TO TWO SATELLITE DISHED WITH NO MORE THAN  
2750 IN<sup>2</sup> SURFACE AREA COMBINED AND ONE WEATHER  
STATION WITH NO MORE THAN 14 IN<sup>2</sup> SURFACE AREA  
MAY BE MOUNTED ON THE FIRST OR LAST TRUSS OF A  
ROW WITHIN THE TWO PANELS NEAREST THE END OF  
THE ROW

DEAD LOADS

- 4 MECHANICAL UNITS (210 lbs. EA.)
- BUSWAY AND POPULATED CABLE TRAY 35 PLF
- IT PANEL - 200 lbs.
- SERVICE MODULE HOSES 4 @ 75 lbs EA.
- TRUSS SELF WEIGHT - 1850 lbs.

LIVE LOADS

- 40 PLF ALONG LENGTH OF TRUSS
- "BREAKAWAY" LOAD OF 1000 lbs. TENSION ON MODULE HOSE  
DIRECTED IN A 45 DEGREE ANGLE- ONE PER TRUSS

STEEL FABRICATION

- STEEL FABRICATOR SHALL BE I.C.B.O. APPROVED
- ALL WELDS TO BE PERFORMED BY AN A.W.S. CERTIFIED WELDER.
- ALL WELDS TO BE E70XX U.N.O.
- ALL ANGLE TO BE ASTM A529 Gr. 50
- ALL TUBE STEEL TO BE ASTM A500 Gr. B
- ALL PLATE MATERIAL TO BE ASTM A36
- ALL BOLTS TO BE ASTM A325 OR SAE J429 Gr. 5

OWNER:  
**IDEAIR**  
Sleep better. Save money.  
2667 PRIMEWAY, SUITE 101  
KNOXVILLE, TN 37918  
PHONE: 865.232.1702  
FAX: 865.232.1890  
WWW.IDEAIR.COM  
CONTACT:  
CONSTRUCTION DEPARTMENT



ENGINEER:  
**ESJ**  
ENGINEERS

LOUIS J. CORTINA P.E.  
SUITE 101  
200 N. WEISGARBER ROAD  
KNOXVILLE, TENNESSEE 37919

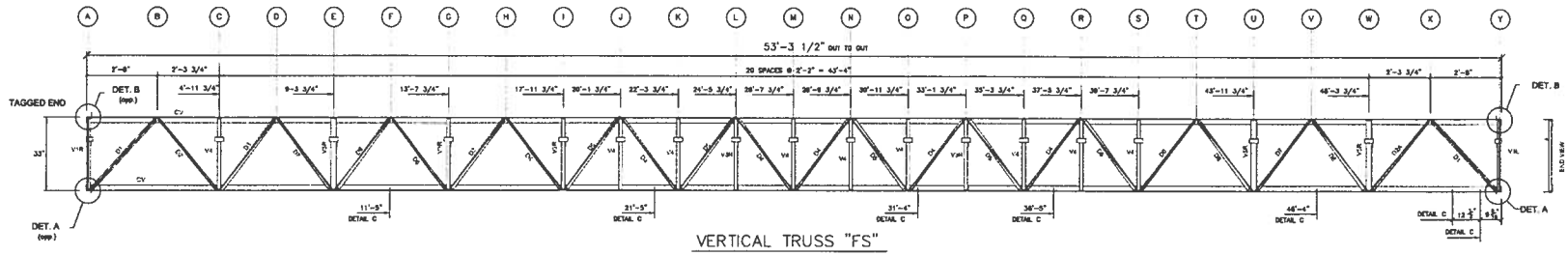
PHONE: 865.584.0999  
FAX: 865.584.5213  
COMM# 120119

IDEAIR TRAVEL CENTER  
ELECTRIFICATION PROJECT  
LOCATION:  
FLYING J TRAVEL CENTER

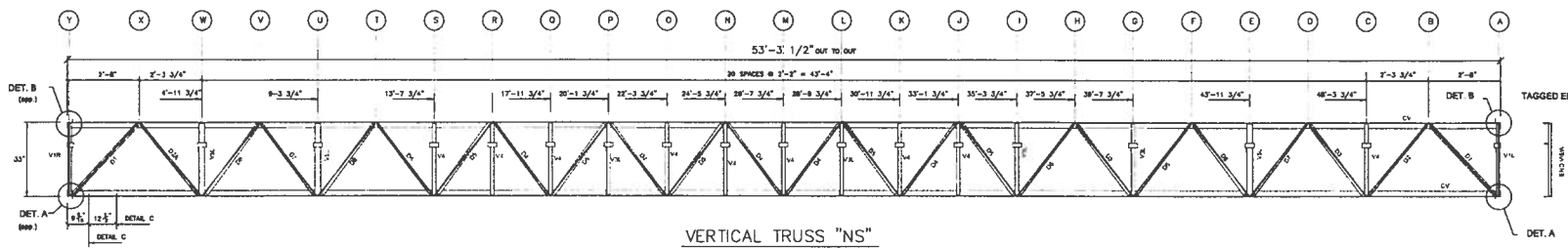
SITE ADDRESS:  
7425 BONNIE VIEW ROAD  
DALLAS, TEXAS  
75241

REVISIONS	
A	4-5-12 INITIAL RELEASE
-	-
-	-
-	-
-	-
-	-
-	-
-	-
-	-
DATE	2-10-12
DWG SIZE	D
SHEET	1 OF 1
CAD FILE	TX1983 F01
SCALE	NTS
TRUSS ELEVATION - 3 & 4 BAY	
<b>F01</b>	
IDEAIR SITE ID TX1983	

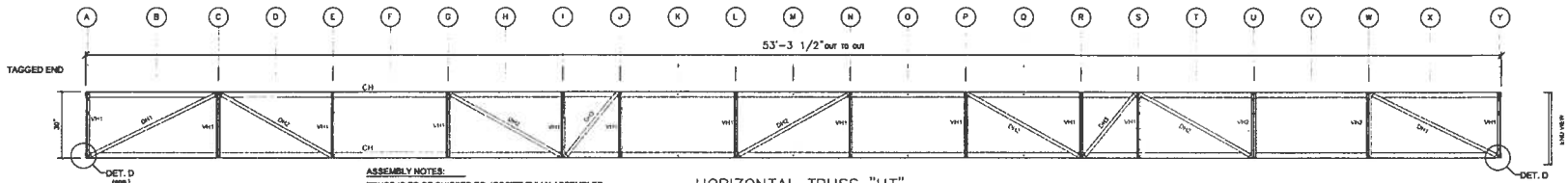
BDA  
112-  
118  
PS 4  
Attach B



**VERTICAL TRUSS "FS"**



**VERTICAL TRUSS "NS"**



**HORIZONTAL TRUSS "HT"**

**ASSEMBLY NOTES:**  
 TRUSS IS TO BE SHIPPED TO JOBSITE FULLY ASSEMBLED  
 THIS TRUSS IS USED FOR BOTH 3 AND 4 SPACE APPLICATIONS  
 FOR ASSEMBLY OF 3 SPACE TRUSS, A SET OF DIAGONAL BRACING IS  
 INSTALLED ASSEMBLED ON LINE G AND NOT ON LINE I  
 FOR ASSEMBLY OF 4 SPACE TRUSS, A SET OF DIAGONAL BRACING IS  
 INSTALLED ASSEMBLED ON LINE I AND NOT ON LINE G

Mark	Qty	Description	Length	Unit Weight	Mark	Qty	Description	Length	Unit Weight	Mark	Qty	Description	Length	Unit Weight
Cv	4	L 2-1/2" x 3-1/2"	53'-3 1/2"		Vc1	4	TB 1-1/2" x 1/2"	2'-2 3/4"		Chp F	2	L 2" x 6-1/8"	8'-0"	
O1	4	TB 1-1/2" x 1/2"	2'-2 3/4"		Vc2	4	TB 1-1/2" x 1/2"	2'-2 3/4"		Chp G	2	L 2" x 6-1/8"	8'-0"	
O2	2	L 1-1/2" x 1/2"	2'-2 3/4"		Vc3	4	TB 1-1/2" x 1/2"	2'-2 3/4"		Chp H	22	L 2" x 6-1/8"	8'-0"	
O3A	2	L 1-1/2" x 1/2"	2'-2 3/4"		Vc4	18	TB 1-1/2" x 1/2"	2'-2 3/4"		Chp J	28	PLATE 1/4" x 2"	8'-0"	
O3	4	TB 1-1/2" x 1/2"	2'-2 3/4"		Vc5	2	TB 3-1/2" x 1/2" x 1/2"	2'-2 3/4"		Chp K	8	L 1-1/2" x 1-1/2" x 1/2"	2'-5-1/2"	
O4	18	L 1" x 1/8"	2'-2 3/4"		Vc6	3	TB 3-1/2" x 1/2" x 3/16"	2'-2 3/4"		Chp L	38	1/2" A325 BOLT (DALV)	1'-10"	
O5	18	TB 1-1/2" x 1/2"	2'-3-1/4"		Ch1	2	L 3-1/2" x 8-23/32"	53'-3 1/2"		T1	40	3/8" A325 G & S BOLT (DALV)	1'-10"	
O6	6	L 1-1/2" x 1/8"	2'-3-1/4"		DH1	2	TB 1-1/2" x 1/2"	4'-0"		T2	40	3/8" A325 G & S BOLT (DALV)	1'-10"	
O7	4	L 1-1/2" x 1/8"	2'-3-1/4"		DH2	3	TB 1-1/2" x 1/2"	4'-0"		X1	16	L 1-1/2" x 1-1/2" x 1/8"	2'-11-1/2"	
O8	6	TB 1-1/2" x 1/2"	2'-3-1/4"		DH3	2	TB 3-1/2" x 1/2"	2'-11-1/2"		X1	16	L 1-1/2" x 1-1/2" x 1/8"	2'-11-1/2"	
V1L	2	TB 1-1/2" x 1/2"	2'-7-3/4"		VH2	12	L 1-1/2" x 1/8"	2'-5-1/2"		X1	6	L 1-1/2" x 1-1/2" x 1/8"	2'-5-1/2"	
V1R	2	TB 1-1/2" x 1/2"	2'-7-3/4"		VH2	2	L 1" x 3/32"	2'-5-1/2"		H2	2	L 2" x 2" x 1/8"	2'-5-1/2"	

**FABRICATION NOTES:**  
 SEE ACCOMPANYING SHEET F03 FOR DETAILS  
 CHANNEL TRUSSES "F" AND "N" 1 1/4"  
 NO CHANNEL FOR HORIZONTAL TRUSS  
 ALL ANGLE TO BE ASTM A36 Gr. 58  
 ALL TUBE FEET TO BE ASTM A500 Gr. B  
 ALL PLATE MATERIAL TO BE ASTM A36  
 WELD MUST ENCOMPASS ENTIRE PERIMETER OF FAYING SURFACES  
 ALL WELD TO BE EPOXY UJACO  
 ALL WELD TO BE PERFORMED BY AN AWS CERTIFIED WELDER  
 TO BE GALVANIZED - APPLY NO PRIMER - ALL WELDS TO BE SEALED  
 ENDS OF ALL MEMBERS TO BE WELDED WITH FILET SAME THICKNESS AS MATERIAL

**OWNER:**  
  
**Idlear**  
*Sleep better. Save money.*  
 2567 PRIMEMWAY, SUITE 101  
 KNOXVILLE, TN 37918  
 PHONE: 865.232.1702  
 FAX: 865.232.1869  
 WWW.IDLEAR.COM  
 CONTACT: CONSTRUCTION DEPARTMENT



**ENGINEER:**  
  
**ESJ**  
 ENGINEERS

**LOUIS J. CORTINA P.E.**  
 SUITE 101  
 259 N. WEISGARBER ROAD  
 KNOXVILLE, TENNESSEE 37919  
 PHONE: 865.564.0999  
 FAX: 865.564.5213  
 CONMAN 1201119

**IDLEAR TRAVEL CENTER  
 ELECTRIFICATION PROJECT  
 LOCATION:  
 FLYING J TRAVEL CENTER**

**SITE ADDRESS:**  
 7425 BONNIE VIEW ROAD  
 DALLAS, TEXAS  
 75241

**REVISIONS**

NO.	DATE	DESCRIPTION
A	4-5-12	INITIAL RELEASE
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**DISTR:** REE  
**ENGR:** JRM  
 DATE: 2-10-12  
 DWG SIZE: D  
 SHEET: 1 OF 1  
 CAD FILE: TX1853 F02  
 SCALE: NTS  
**TRUSS FABRICATION - 3 & 4 BAY**

**F02**  
 90/115 MPH  
 IDLEAR SITE ID TX1953

BDA  
 112-  
 118  
 Attach  
 PS  
 B

OWNER:  
**IDEAR**  
 Sleep better. Save money.

2587 PRIMEWAY DR SUITE 101  
 KNOXVILLE, TN 37918  
 PHONE: 865.232.1702  
 FAX: 865.232.1699  
 WWW.IDEAR.COM  
 CONTACT:  
 CONSTRUCTION DEPARTMENT



ENGINEER:  
**LOUIS J. CORTINA P.E.**  
 SUITE 101  
 200 N. WEISGARBER ROAD  
 KNOXVILLE, TENNESSEE 37919  
 PHONE: 865.584.0099  
 FAX: 865.584.5213  
 COMM# 120119

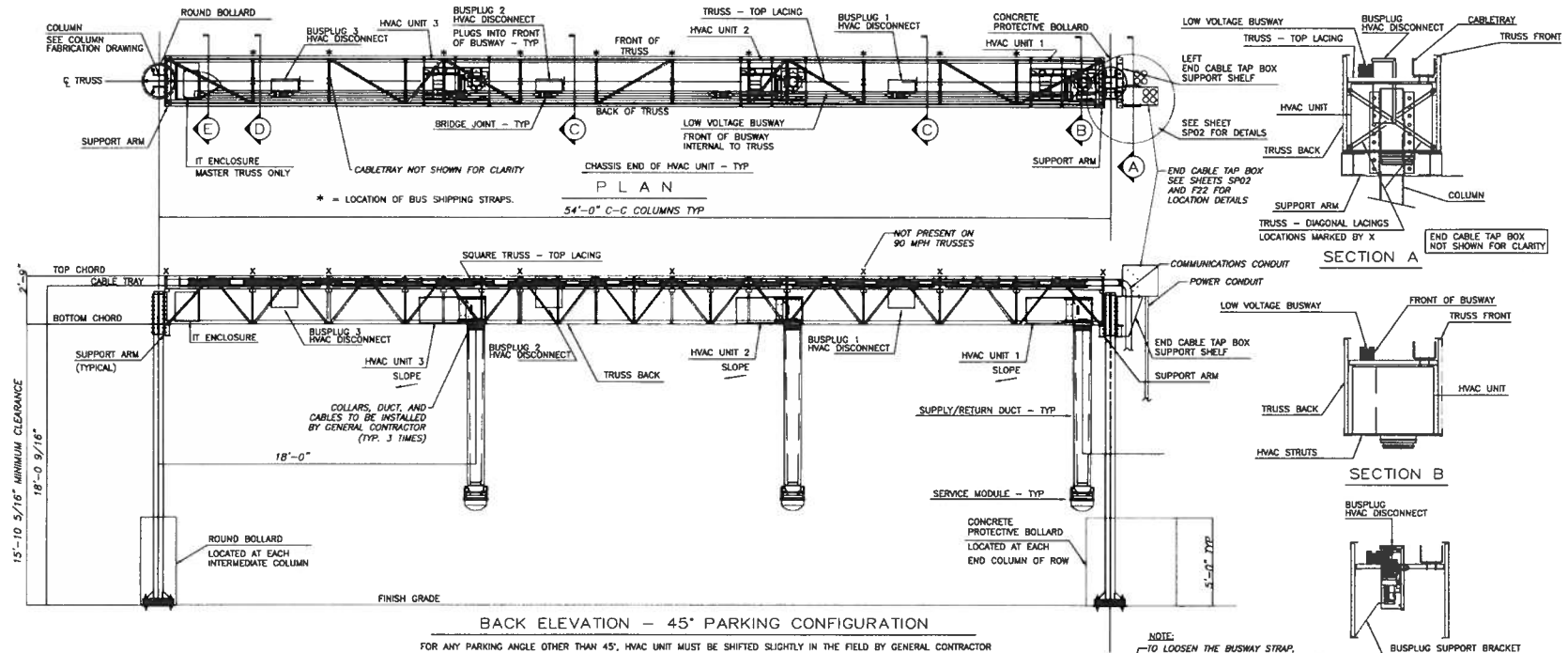
IDEAR TRAVEL CENTER  
 ELECTRIFICATION PROJECT  
 LOCATION:  
 FLYING J TRAVEL CENTER

BSITE ADDRESS:  
 7425 Bonnie View Road  
 Dallas, Texas 75241

REVISIONS	
A	4-6-12 INITIAL RELEASE
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-	-
-	-
-	-
-	-
-	-
DFTR:	REE
ENGR:	BJM
DATE:	2-10-12
DWG SIZE:	D
SHEET:	OF 1
CAO FILE:	TX1953 GA01
SCALE:	NTS

GENERAL ASSEMBLY  
**GA01**  
 IDEAR SITE ID TX1953

BDA  
 112-  
 118  
 Attach B  
 pg 6



ITEM	WEIGHTS		SUB TOTAL LBS
	LBS	QTY	
TRUSS	1935 LBS	1	1935 LBS
COLUMN/BASE PLATE	1010 LBS	2	2020 LBS
BEAM	65 LBS	2	130 LBS
BUSWAY-CU	10 LBS/FT	50 FT	500 LBS
BUSWAY-AL	6 LBS/FT	50 FT	300 LBS
BRIDGE JOINT	8 LBS	7	56 LBS
BUS PUG	68 LBS	3	204 LBS
BUS PUG SUPPORT BKT	2 LBS	3	6 LBS
POPULATE CABLE TRAY	8 LBS/FT	52 FT	312 LBS
HVAC UNIT	188 LBS	3	564 LBS
HVAC CLAMPS	21 LBS	3	63 LBS
IT ENCLOSURE	120 LBS	1	120 LBS
SUPPLY/RETURN DUCT	32 LBS	3	96 LBS
SERVICE MODULE	26 LBS	3	78 LBS
EST. TOTAL WEIGHT OF POPULATED 3 UNIT MASTER TRUSS - 3734/3934 LBS			
EST. TOTAL WEIGHT OF POPULATED 3 UNIT SLAVE TRUSS - 3614/3814 LBS			
SEE FABRICATION DRAWINGS FOR TRUSS DETAILS			

MAJOR COMPONENTS	
DESCRIPTION	MFG-BY
50'-0" LG 800 OR 900 AMP BUSWAY	EATON/CUTLER-HAMMER
(3) 125A BUSPLUGS	EATON/CUTLER-HAMMER
(3) HVAC ENCLOSURES	CHAMPHUA
(1) IT ENCLOSURE	EATON/CUTLER-HAMMER

ALL ABOVE ITEMS ARE FURNISHED AND INSTALLED AT THE FACTORY

- NOTES:
- ELECTRICAL CONTRACTOR SHALL INSTALL.
  - BUSWAY OFFSETS, BRIDGE JOINTS, AND COVERS TO CONNECT TRUSSES TOGETHER.
  - (1) LCTB FOR POWER FEED AT ONE END OF EACH TRUSS RUN.
  - (1) END CLOSURE AT ONE END OF EACH TRUSS RUN.

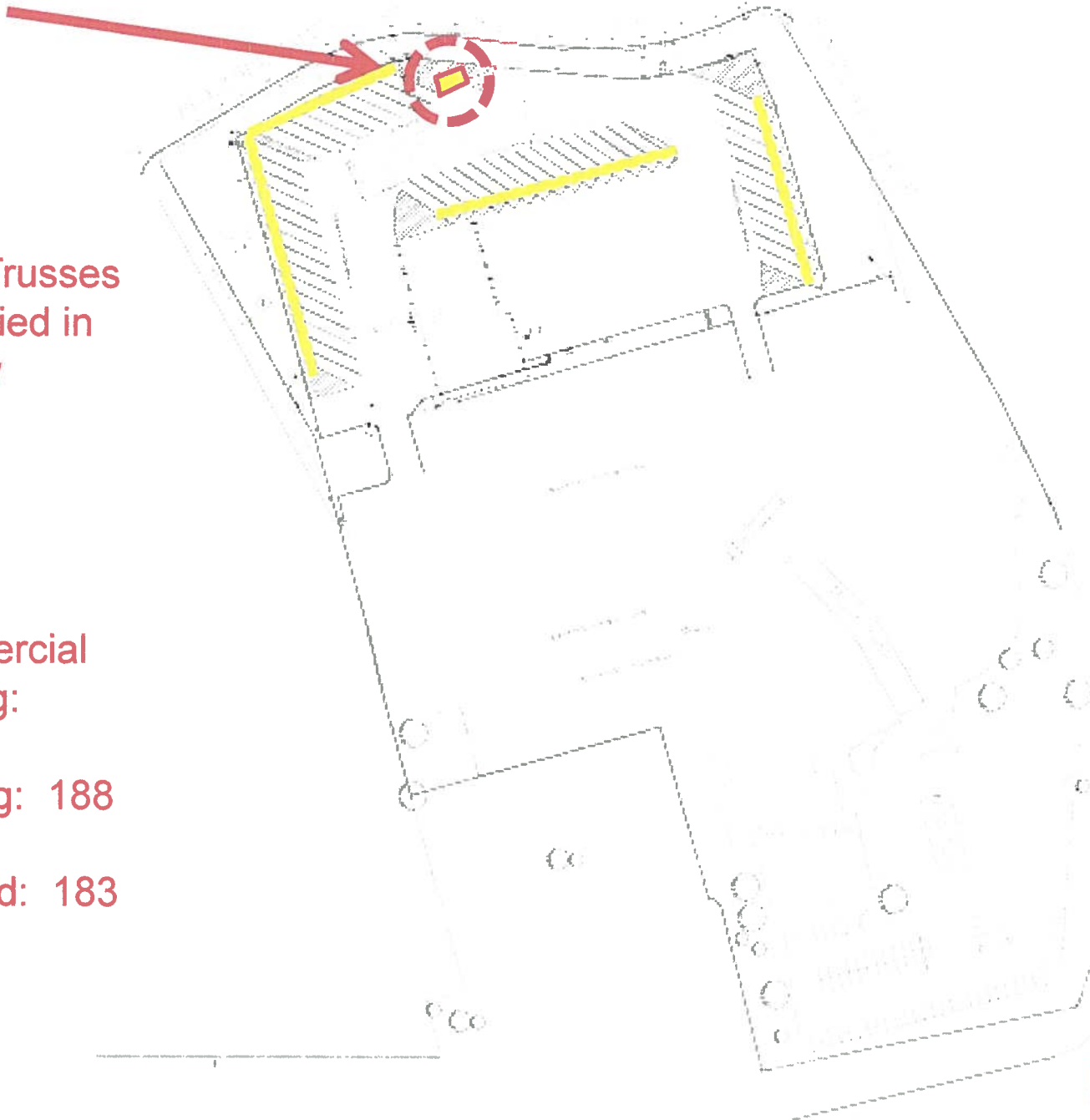
New floor area

New Trusses Identified in Yellow

Commercial Parking:

Existing: 188

Revised: 183



**BDA 112-118**

BDA 112-118  
Attach B pg 7



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 112-118

Data Relative to Subject Property:

Date: 10-12-12

Location address: 7425 Bonnie View Rd. Zoning District: RR

Lot No.: 2 Block No.: 2/8291 Acreage: 17.6 Census Tract: 167.01

Street Frontage (in Feet): 1) 757.07' 2) 1123.29' 3) 331.46' 4) na 5) na

To the Honorable Board of Adjustment :

*JW 11*

Owner of Property/or Principal: PTCAA TEXAS LP

Applicant: Santos T. Martinez Telephone: \_\_\_\_\_

Mailing Address: 5508 LONAS DR KNOXVILLE, TENNESSEE Zip Code: 37909

Represented by: Masterplan Telephone: 214-761-9197

Mailing Address: 900 Jackson #640 Zip Code: 75202

Affirm that a request has been made for a Variance X or Special Exception expansion of non-conforming commercial motor vehicle parking use.

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: Property was developed prior to the creation of a said use. The property owner seeks to install new equipment in its parking lot that will enable vehicles to park without idling their engines. The property owner seeks to expand this use by installing this equipment.

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: Santos T. Martinez  
Applicant's name printed

*[Signature]*  
Applicant's signature

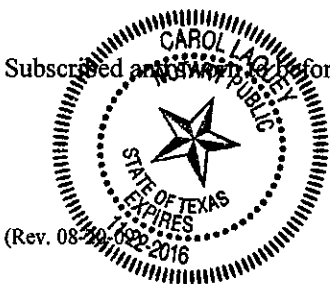
Affidavit

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

*[Signature]*  
Affiant (Applicant's signature)

Subscribed and sworn to before me this 26 day of September, 2012

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





MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

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

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

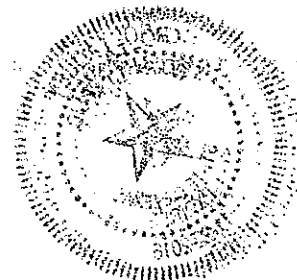
**Building Official's Report**

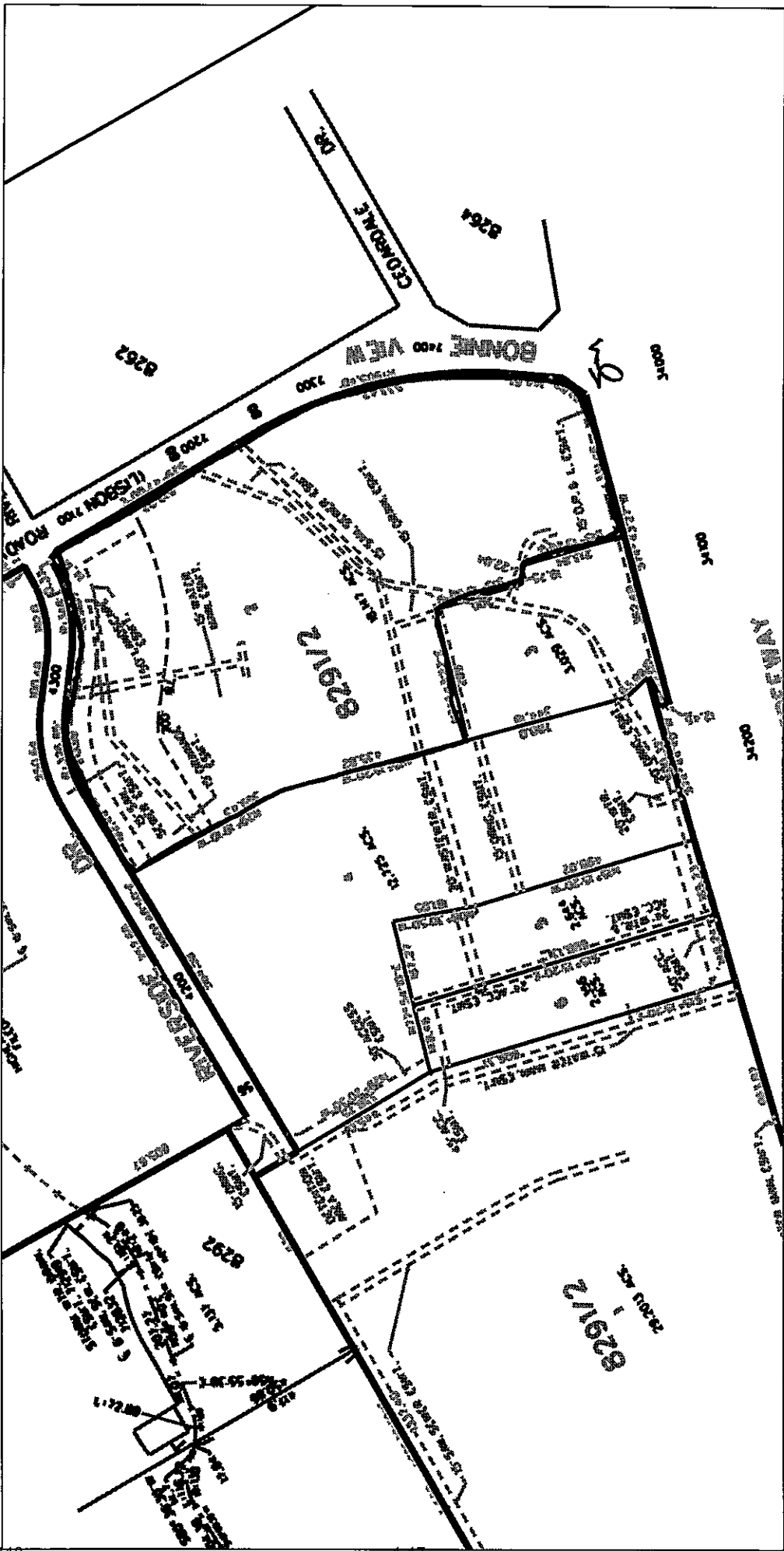
I hereby certify that **SANTOS MARTINEZ**  
did submit a request to enlarge a nonconforming use  
at **7425 Bonnie View Road**

BDA112-118. Application of Santos Martinez to enlarge a nonconforming use at 7301 Bonnie View Road. This property is more fully described as Lot 2, Block 2/8291 and is zoned RR, which limits the legal uses in a zoning district. The applicant proposes to enlarge a nonconforming commercial motor vehicle parking use, which will require a special exception to the nonconforming use regulation.

Sincerely,

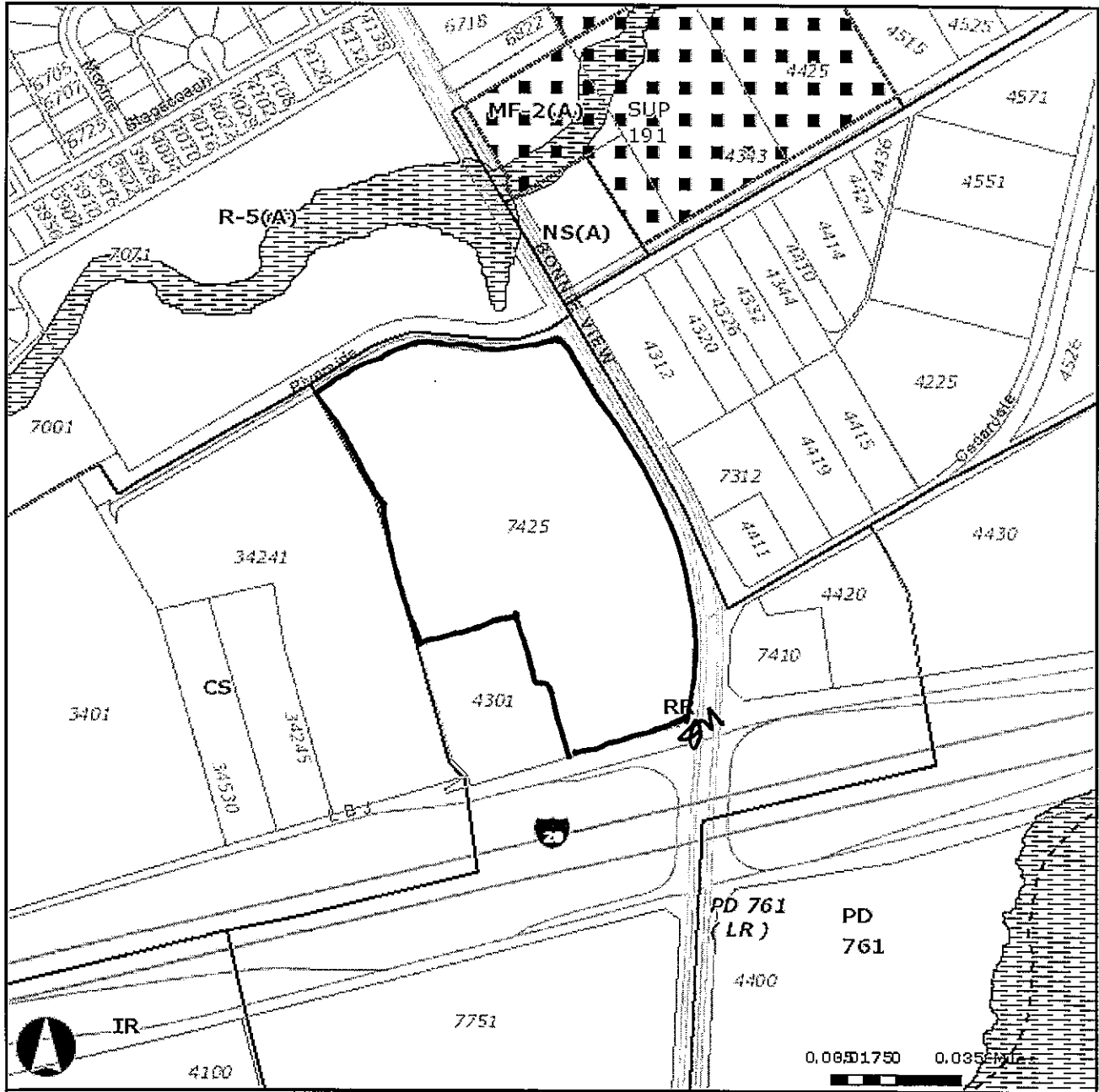
*Larry V. Holmes*  
Larry Holmes, Building Official





C:\tax\_plats\8291\_pt2.dgn 10/12/2012 8:44:15 AM

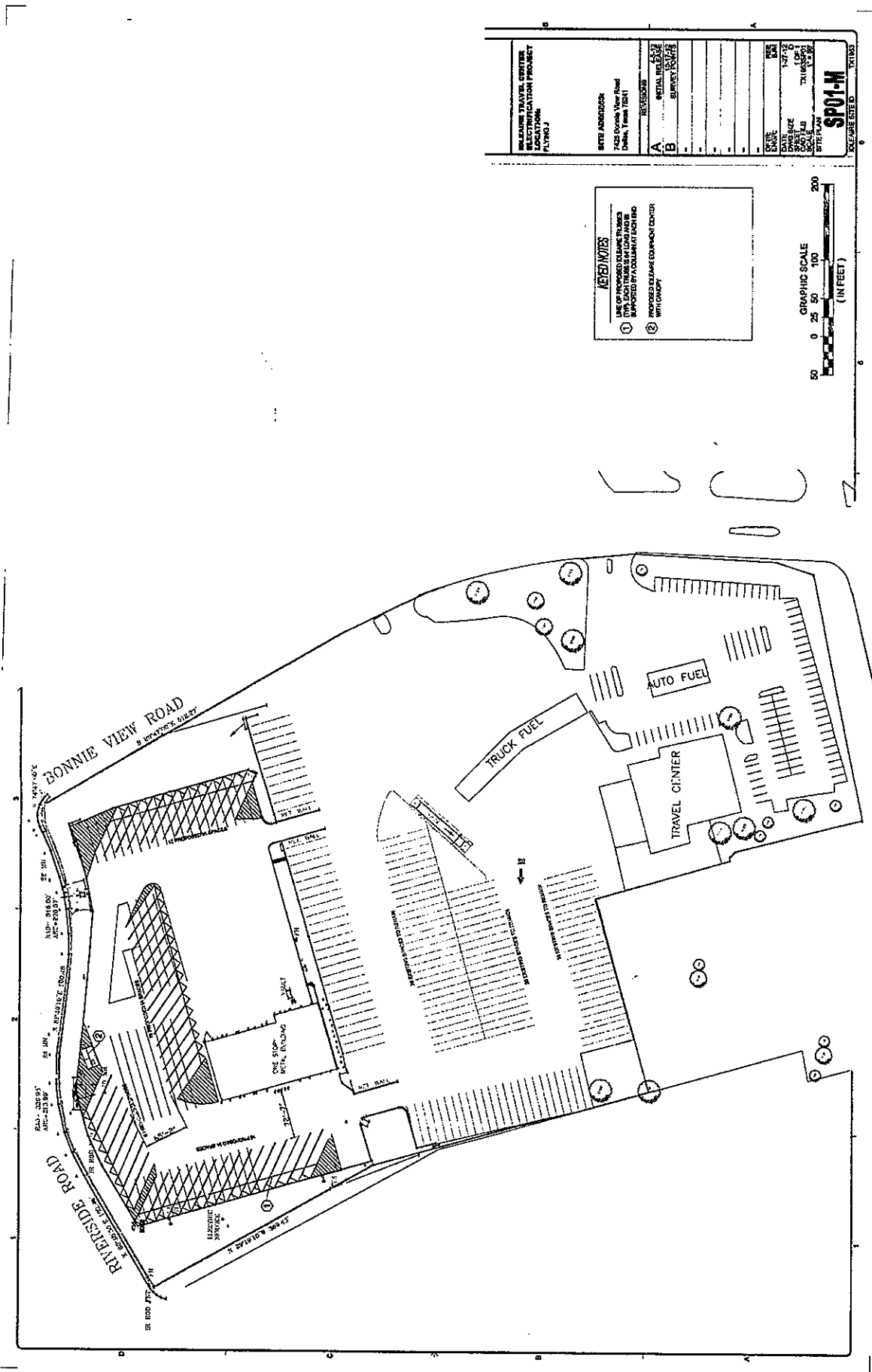
# City of Dallas Zoning



- City Boundaries
- County
- Certified Parcels
- DISD Sites
- Council Districts
- Major Lakes
- Municipal Setting Designations

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

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



**OWNER:**  
  
 Steep Miller, Saw money  
 2501 PRIMEWAY, SUITE 101  
 KNOXVILLE, TN 37918  
 PHONE: 865.232.1702  
 FAX: 865.232.1899  
 WWW.IDELIAR.COM  
 CONSTRUCTION DEPARTMENT

**ENGINEER:**  
  
 FLSJ ENGINEERS

**LOUIS J. CORTINA P.E.**  
 SUITE 101  
 2501 PRIMEWAY ROAD  
 KNOXVILLE, TENNESSEE 37918  
 PHONE: 865.232.1702  
 FAX: 865.232.1899  
 COLIAR 120119

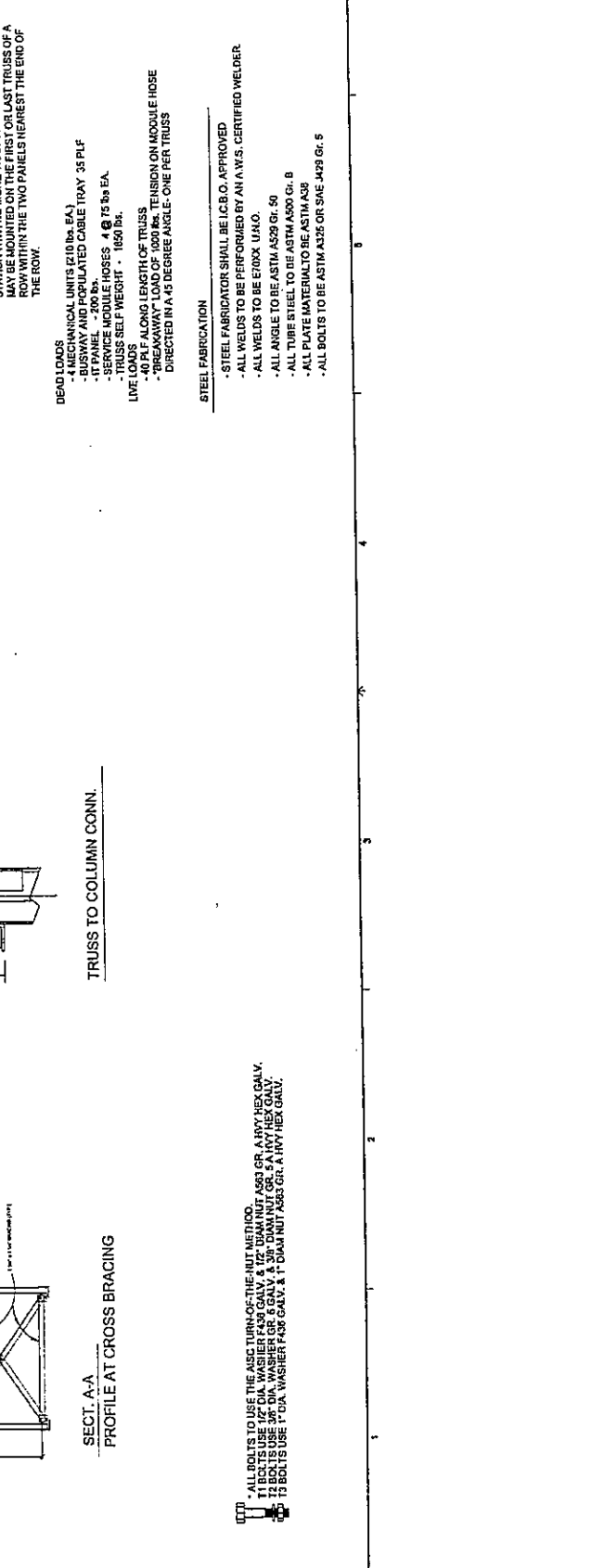
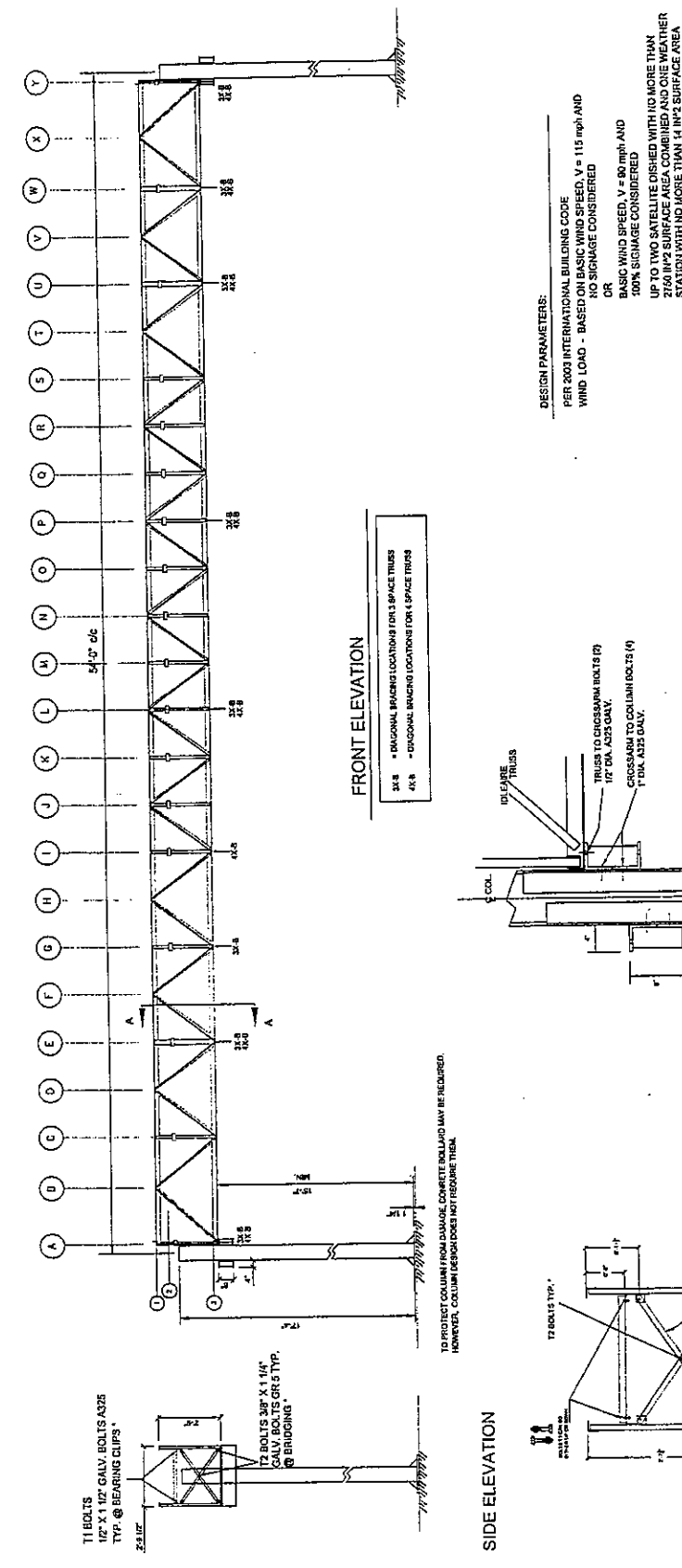
**IDEALIA TRAVEL CENTER**  
 ELECTRIFICATION PROJECT  
 FLYING J TRAVEL CENTER

**BSITE ADDRESS:**  
 7425 BONNIE VIEW ROAD  
 DALLAS, TEXAS  
 75241

**REVISIONS:**

NO.	DATE	BY	DESCRIPTION
1	3-16-12	JFC	INITIAL RELEASE

**FIGURE:** 1-1  
**DATE:** 3-16-12  
**SCALE:** 1/8" = 1'-0"  
**PROJECT NO.:** TXR0101  
**TRUSS ELEVATION:** 3-A & 4-A  
**WIND SPEED:** 115 MPH



- DESIGN PARAMETERS:**
- PER 2002 INTERNATIONAL BUILDING CODE
  - WIND LOAD - BASED ON BASIC WIND SPEED,  $V = 115$  mph AND NO SIGNAGE CONSIDERED
  - OR
  - BASIC WIND SPEED,  $V = 90$  mph AND 100% SIGNAGE CONSIDERED
  - UP TO TWO SATELLITE DISHES WITH NO MORE THAN 2700 LBS EACH SHALL BE ALLOWED AND ONE WEATHER 2700 LBS EACH WITH NO MORE THAN 14 SQ. FT. SURFACE AREA MAY BE MOUNTED ON THE FIRST OR LAST TRUSS OF A ROW WITHIN THE TWO PANELS NEAREST THE END OF THE ROW.
- DEVELOP:**
- 4 MECHANICAL UNITS (210 lbs. EA.)
  - BUSWAY AND POPULATED CABLE TRAY 35 PLF
  - 1" PANEL - 200 lb.
  - SERVICE MODULE HOSES - 4 @ 75 lbs EA.
  - TRUSS SELF WEIGHT - 1680 lbs.
- LINE:**
- 40 PLF ALONG LENGTH OF TRUSS
  - "BREAKAWAY" LOAD OF 1000 LBS. TENSION ON MODULE HOSE DIRECTED IN A 45 DEGREE ANGLE ONE PER TRUSS

- STEEL FABRICATION**
- STEEL FABRICATOR SHALL BE I.C.S.O. APPROVED
  - ALL WELDS TO BE PERFORMED BY AN A.N.S.I. CERTIFIED WELDER
  - ALL WELDS TO BE E70XX U.L.O.
  - ALL ANGLE TO BE ASTM A572 GR. 50
  - ALL TUBE STEEL TO BE ASTM A500 Gr. B
  - ALL PLATE MATERIAL TO BE ASTM A36
  - ALL BOLTS TO BE ASTM A325 OR SAE J429 Gr. 5

**TO PREVENT COLUMN FROM DAMAGE, CONCRETE BOLLARD MAY BE REQUIRED. HOWEVER, COLUMN DESIGN DOES NOT REQUIRE THEM.**

**T1 BOLTS:** 1/2" X 1 1/2" GALV. BOLTS A325 TYP. @ BEARING CLIPS \*

**T2 BOLTS:** 3/8" X 1 1/4" GALV. BOLTS GR. 5 TYP. @ BRIDGING \*

**T3 BOLTS:** 1/2" DIA. WASHER F438 GALV. & 1/2" DIA. NUT A563 GR. 5 HWY. HEX GALV.

**T4 BOLTS:** 3/8" DIA. WASHER GR. 5 GALV. & 3/8" DIA. NUT GR. 5 HWY. HEX GALV.

**T5 BOLTS:** 1/2" DIA. WASHER F438 GALV. & 1/2" DIA. NUT A563 GR. 5 HWY. HEX GALV.

**T6 BOLTS:** 1/2" DIA. WASHER F438 GALV. & 1/2" DIA. NUT A563 GR. 5 HWY. HEX GALV.

**T7 BOLTS:** 1/2" DIA. WASHER F438 GALV. & 1/2" DIA. NUT A563 GR. 5 HWY. HEX GALV.

**OWNER:**  
**Inter**  
 2657 FRANKWAY, SUITE 811  
 MORGANTOWN, TN 37130  
 PHONE: 863.332.1702  
 863.332.1899  
 FAX: 863.332.1899  
 CONTRACT: HWY 404/20/30  
 CONSTRUCTION DEPARTMENT



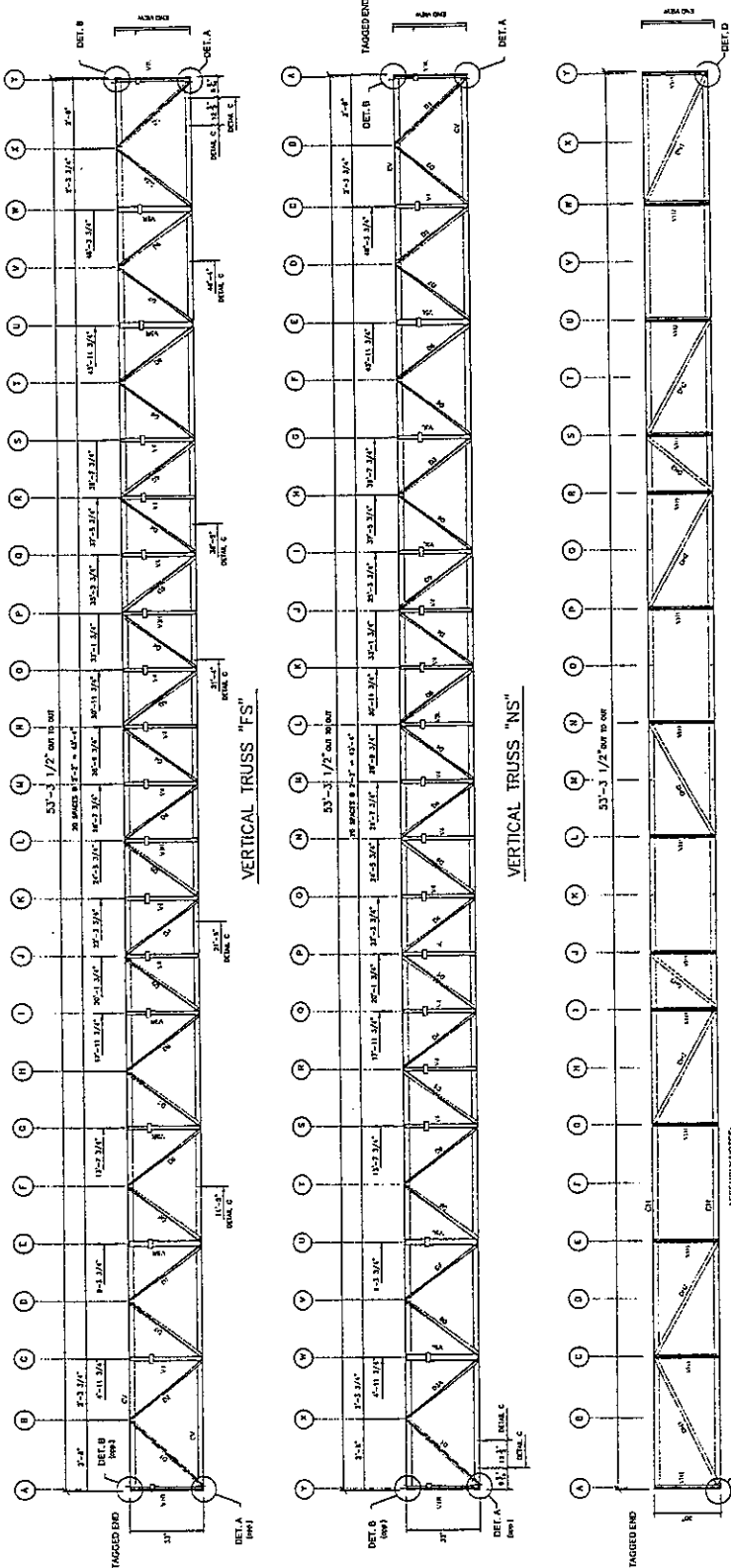
**ENGINEER:**  
**ESI**  
**LOUIS J. CORTINA P.E.**  
 SUITE 101  
 1015 GARDNER ROAD  
 MOXLEYVILLE, TENNESSEE 37119  
 PHONE: 662.584.0099  
 662.584.9275  
 FAX: 662.584.0019

**ID LEAR TRAVEL CENTER  
 ELECTRIFICATION PROJECT  
 FLYING J TRAVEL CENTER**

**SITE ADDRESS:  
 7426 BONNIE VIEW ROAD  
 DALLAS, TEXAS  
 75241**

**REVISONS:**  
 A INITIAL RELEASE

**DATE:** 2-10-11  
**SCALE:** 1/8" = 1'-0"  
**SHEET SIZE:** 11x17 1/2  
**CAD FILE:** TX110511.DWG  
**TRUSS FABRICATION - 3 & 4 BAY**  
**F02**  
 00115  
 00114  
 TX110511

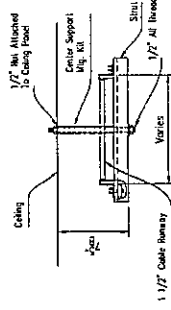


**HORIZONTAL TRUSS "HT"**

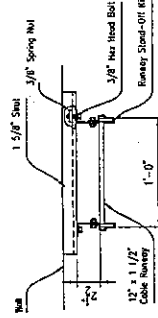
**ASSEMBLY NOTES:**  
 TRUSS IS TO BE SHIPPED TO SITE FULLY ASSEMBLED  
 FOR Erection OF BRACE TRUSS AS PART OF BRACING SYSTEM  
 FOR VERTICAL TRUSS. A LIST OF FABRICATIONS  
 FOR VERTICAL TRUSS IS ATTACHED TO THIS SET OF DRAWINGS

MARK	Qty	Dimensions	Length	Quantity	Weight	Mark	Qty	Dimensions	Length	Quantity	Weight
CD	1	3" x 6"	21.33'	1	14.75	CD	1	3" x 6"	21.33'	1	14.75
CD	2	3" x 6"	11.67'	2	29.50	CD	2	3" x 6"	11.67'	2	29.50
CD	3	3" x 6"	11.67'	3	44.25	CD	3	3" x 6"	11.67'	3	44.25
CD	4	3" x 6"	11.67'	4	59.00	CD	4	3" x 6"	11.67'	4	59.00
CD	5	3" x 6"	11.67'	5	73.75	CD	5	3" x 6"	11.67'	5	73.75
CD	6	3" x 6"	11.67'	6	88.50	CD	6	3" x 6"	11.67'	6	88.50
CD	7	3" x 6"	11.67'	7	103.25	CD	7	3" x 6"	11.67'	7	103.25
CD	8	3" x 6"	11.67'	8	118.00	CD	8	3" x 6"	11.67'	8	118.00
CD	9	3" x 6"	11.67'	9	132.75	CD	9	3" x 6"	11.67'	9	132.75
CD	10	3" x 6"	11.67'	10	147.50	CD	10	3" x 6"	11.67'	10	147.50
CD	11	3" x 6"	11.67'	11	162.25	CD	11	3" x 6"	11.67'	11	162.25
CD	12	3" x 6"	11.67'	12	177.00	CD	12	3" x 6"	11.67'	12	177.00
CD	13	3" x 6"	11.67'	13	191.75	CD	13	3" x 6"	11.67'	13	191.75
CD	14	3" x 6"	11.67'	14	206.50	CD	14	3" x 6"	11.67'	14	206.50
CD	15	3" x 6"	11.67'	15	221.25	CD	15	3" x 6"	11.67'	15	221.25
CD	16	3" x 6"	11.67'	16	236.00	CD	16	3" x 6"	11.67'	16	236.00
CD	17	3" x 6"	11.67'	17	250.75	CD	17	3" x 6"	11.67'	17	250.75
CD	18	3" x 6"	11.67'	18	265.50	CD	18	3" x 6"	11.67'	18	265.50
CD	19	3" x 6"	11.67'	19	280.25	CD	19	3" x 6"	11.67'	19	280.25
CD	20	3" x 6"	11.67'	20	295.00	CD	20	3" x 6"	11.67'	20	295.00
CD	21	3" x 6"	11.67'	21	309.75	CD	21	3" x 6"	11.67'	21	309.75
CD	22	3" x 6"	11.67'	22	324.50	CD	22	3" x 6"	11.67'	22	324.50
CD	23	3" x 6"	11.67'	23	339.25	CD	23	3" x 6"	11.67'	23	339.25
CD	24	3" x 6"	11.67'	24	354.00	CD	24	3" x 6"	11.67'	24	354.00
CD	25	3" x 6"	11.67'	25	368.75	CD	25	3" x 6"	11.67'	25	368.75
CD	26	3" x 6"	11.67'	26	383.50	CD	26	3" x 6"	11.67'	26	383.50
CD	27	3" x 6"	11.67'	27	398.25	CD	27	3" x 6"	11.67'	27	398.25
CD	28	3" x 6"	11.67'	28	413.00	CD	28	3" x 6"	11.67'	28	413.00
CD	29	3" x 6"	11.67'	29	427.75	CD	29	3" x 6"	11.67'	29	427.75
CD	30	3" x 6"	11.67'	30	442.50	CD	30	3" x 6"	11.67'	30	442.50
CD	31	3" x 6"	11.67'	31	457.25	CD	31	3" x 6"	11.67'	31	457.25
CD	32	3" x 6"	11.67'	32	472.00	CD	32	3" x 6"	11.67'	32	472.00
CD	33	3" x 6"	11.67'	33	486.75	CD	33	3" x 6"	11.67'	33	486.75
CD	34	3" x 6"	11.67'	34	501.50	CD	34	3" x 6"	11.67'	34	501.50
CD	35	3" x 6"	11.67'	35	516.25	CD	35	3" x 6"	11.67'	35	516.25
CD	36	3" x 6"	11.67'	36	531.00	CD	36	3" x 6"	11.67'	36	531.00
CD	37	3" x 6"	11.67'	37	545.75	CD	37	3" x 6"	11.67'	37	545.75
CD	38	3" x 6"	11.67'	38	560.50	CD	38	3" x 6"	11.67'	38	560.50
CD	39	3" x 6"	11.67'	39	575.25	CD	39	3" x 6"	11.67'	39	575.25
CD	40	3" x 6"	11.67'	40	590.00	CD	40	3" x 6"	11.67'	40	590.00
CD	41	3" x 6"	11.67'	41	604.75	CD	41	3" x 6"	11.67'	41	604.75
CD	42	3" x 6"	11.67'	42	619.50	CD	42	3" x 6"	11.67'	42	619.50
CD	43	3" x 6"	11.67'	43	634.25	CD	43	3" x 6"	11.67'	43	634.25
CD	44	3" x 6"	11.67'	44	649.00	CD	44	3" x 6"	11.67'	44	649.00
CD	45	3" x 6"	11.67'	45	663.75	CD	45	3" x 6"	11.67'	45	663.75
CD	46	3" x 6"	11.67'	46	678.50	CD	46	3" x 6"	11.67'	46	678.50
CD	47	3" x 6"	11.67'	47	693.25	CD	47	3" x 6"	11.67'	47	693.25
CD	48	3" x 6"	11.67'	48	708.00	CD	48	3" x 6"	11.67'	48	708.00
CD	49	3" x 6"	11.67'	49	722.75	CD	49	3" x 6"	11.67'	49	722.75
CD	50	3" x 6"	11.67'	50	737.50	CD	50	3" x 6"	11.67'	50	737.50
CD	51	3" x 6"	11.67'	51	752.25	CD	51	3" x 6"	11.67'	51	752.25
CD	52	3" x 6"	11.67'	52	767.00	CD	52	3" x 6"	11.67'	52	767.00
CD	53	3" x 6"	11.67'	53	781.75	CD	53	3" x 6"	11.67'	53	781.75
CD	54	3" x 6"	11.67'	54	796.50	CD	54	3" x 6"	11.67'	54	796.50
CD	55	3" x 6"	11.67'	55	811.25	CD	55	3" x 6"	11.67'	55	811.25
CD	56	3" x 6"	11.67'	56	826.00	CD	56	3" x 6"	11.67'	56	826.00
CD	57	3" x 6"	11.67'	57	840.75	CD	57	3" x 6"	11.67'	57	840.75
CD	58	3" x 6"	11.67'	58	855.50	CD	58	3" x 6"	11.67'	58	855.50
CD	59	3" x 6"	11.67'	59	870.25	CD	59	3" x 6"	11.67'	59	870.25
CD	60	3" x 6"	11.67'	60	885.00	CD	60	3" x 6"	11.67'	60	885.00
CD	61	3" x 6"	11.67'	61	900.00	CD	61	3" x 6"	11.67'	61	900.00

**FABRICATION NOTES:**  
 SEE ACCOMPANYING SHEET FOR DETAILS  
 MEMBER NUMBER IF NO-YEAR 1 UP  
 MEMBER NUMBER IF NO-YEAR 2 UP  
 ALL WELDS TO BE SHOP WELDS  
 ALL WELDS TO BE WITH APPROPRIATE  
 WELD METS INCREASE EXTREME PERIMETER OF JOINTS IN WELDS  
 ALL WELDS TO BE CRACK FREE  
 ALL WELDS TO BE FULL PENETRATION WELDS  
 ALL WELDS TO BE FULLY INSPECTED AND APPROVED  
 END OF ALL MEMBERS TO BE WELDED WITH THE SAME THROUGH AS INTERNAL

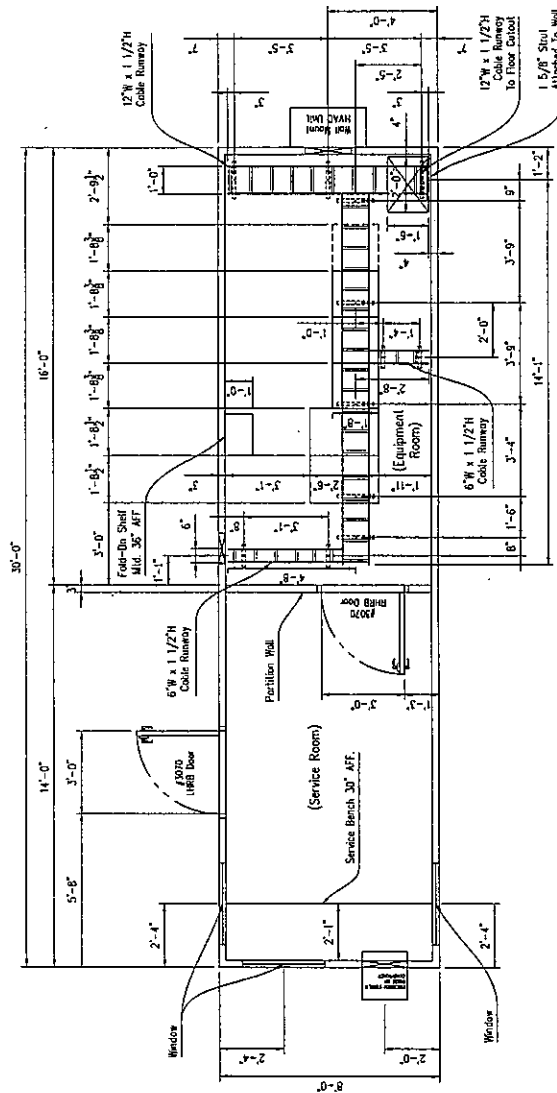


Cable Runway Ceiling Mtg. Detail

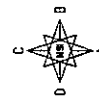


Cable Runway Wall Mtg. Detail

Note: Unistrut with "Nuts" will be spaced not more than 60" to support cable runway  
Sammy fasteners may not be used to support cable runway



Plan View



UNISTRUT CABLE RUNWAY INC.  
3075 W. 100th St.  
Minnetonka, MN 55342  
Tel: (763) 835-3337

Drawn By: D. Cobble	Rev: 0
Checked By: _____	
Scale: None	
Date: 04/29/12	

Job Title: 8'x30' Equipment Center (Configuration "B")  
Customer: IdeAir Technologies  
Drawing #: Config B-100

Rev	Revision	Date	By	Date

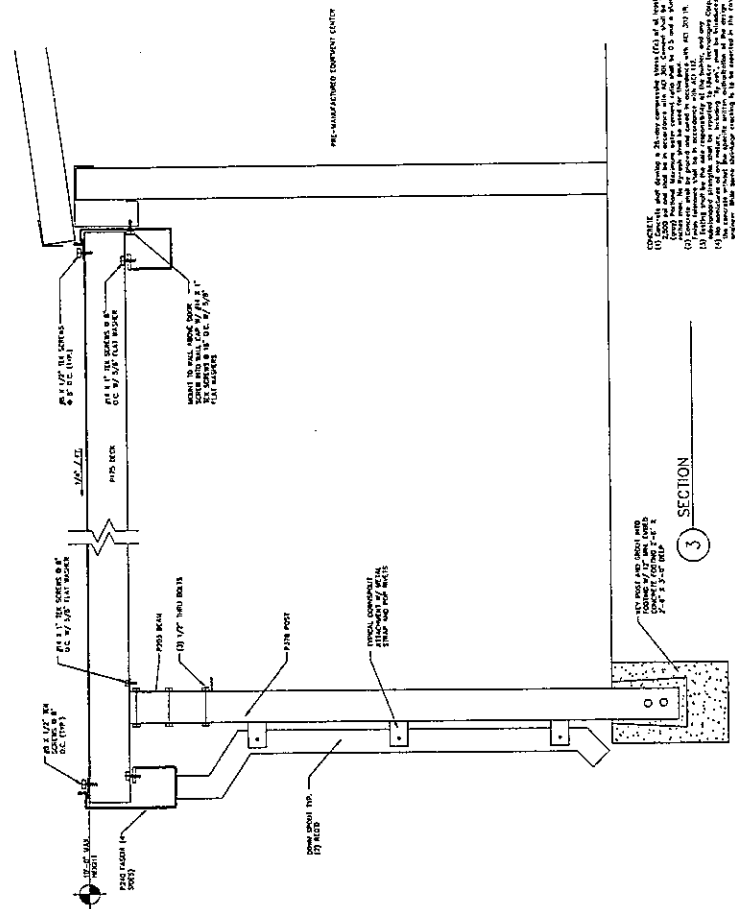
Metal Systems, Inc.  
1918 Polymer Drive  
Chattanooga, Tennessee 37421  
Tel: (423) 884-9288 Fax: (423) 884-3337

**OWNER:**  
**MICAR**  
 Sheep Dairy, State Property,  
 10000 Highway 101,  
 Knoxville, TN 37918  
 PHONE: 865.233.1700  
 FAX: 865.233.1800  
 WWW.MICAR.COM  
 CONSTRUCTION DEPARTMENT

**BLANK TRAILER, CENTER  
 IDENTIFICATION PROJECT  
 LOCATION:**

NO.	DATE	DESCRIPTION	BY	CHKD.
1	10-18-06	ISSUE FOR PERMITS	...	...
2	11-13-06	ISSUE FOR PERMITS	...	...
3	11-13-06	ISSUE FOR PERMITS	...	...

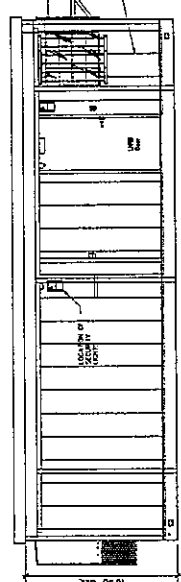
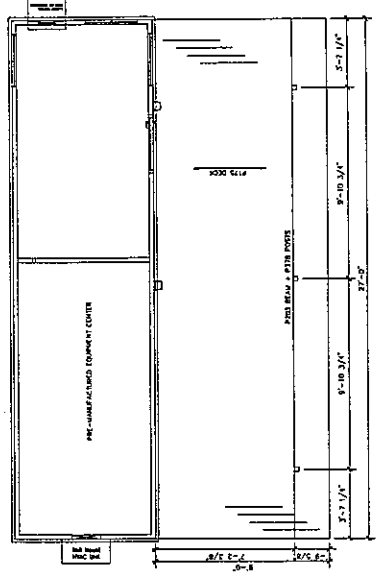
**SP07**  
 SITE PLAN  
 DRAWING NO. 101134-0101  
 SCALE: AS SHOWN



- CONSOLE:**
- 1) See notes and details in the console area.
  - 2) See notes and details in the console area.
  - 3) See notes and details in the console area.
  - 4) See notes and details in the console area.
  - 5) See notes and details in the console area.
  - 6) See notes and details in the console area.
  - 7) See notes and details in the console area.
  - 8) See notes and details in the console area.
  - 9) See notes and details in the console area.
  - 10) See notes and details in the console area.
- GENERAL NOTES:**
- 1) See notes and details in the console area.
  - 2) See notes and details in the console area.
  - 3) See notes and details in the console area.
  - 4) See notes and details in the console area.
  - 5) See notes and details in the console area.
  - 6) See notes and details in the console area.
  - 7) See notes and details in the console area.
  - 8) See notes and details in the console area.
  - 9) See notes and details in the console area.
  - 10) See notes and details in the console area.

NO.	DATE	DESCRIPTION	BY	CHKD.
1	10-18-06	ISSUE FOR PERMITS	...	...
2	11-13-06	ISSUE FOR PERMITS	...	...
3	11-13-06	ISSUE FOR PERMITS	...	...

**BDA 112-118**







October 15, 2012

Mr. Steve Long  
Board of Adjustment  
City of Dallas  
1500 Marilla, Room 5BN  
Dallas, Texas 75201

RE: BDA 112-118, 7425 Bonnie View

Dear Mr. Long:

The property listed above was developed in 1991 as a motor vehicle fueling station. The original development of the property included the fueling station for personal and commercial vehicles, a restaurant, a retail store, a service and repair garage for commercial vehicles and a large parking lot.

In 2002, the Dallas City Council created a new use (commercial motor vehicle parking) for the temporary, daily, or overnight parking of commercial vehicles greater than 26,000 pounds. A commercial motor vehicle parking use was created eleven years after the original development of the property. This council action also requires that this commercial motor vehicle parking use cannot be classified as an accessory parking use.

The owners of the property seek to install new equipment for commercial vehicles that park on their property. This new equipment allows drivers to connect to an overhead system that administers individual controlled air conditioning or heaters, internet service, satellite television, and electrical connections. The overhead trusses are connected to an equipment room that houses the required HVAC systems, satellite and internet servers, and other equipment. This structure is 8'x 30'. It has been determined that the placement of this mechanical and equipment room will create new floor area for a non-conforming commercial motor vehicle parking use on the site.

I have included a site plan to show the area where the new floor area will be placed. I have also provided a floor plan for the equipment room and elevations for the new trusses. Again, we have been informed that the actual floor area of the new equipment room is what is triggering this request.

The owner of the property will need to reconfigure the existing parking layout for the property once this equipment is established on the site. Although this reconfiguration will allow commercial vehicles to access the overhead systems effectively, it will also require that nine (9) existing spaces be removed from use.

MASTERPLAN  
900 Jackson Street, Suite 640  
Dallas, Texas 75202

*Phone:* (214) 761-9197  
*Fax:* (214) 748-7114  
*Web:* masterplanconsultants.com



The placement of this equipment does not prolong the life of a commercial motor vehicle parking use. This use could continue to operate without the placement of this equipment. In fact, the placement of this structure actually diminishes the existing use by nine parking spaces. More importantly, the placement of this equipment and structure will allow commercial vehicles to park without idling their engines. This removes the noise and air pollution that impacts the surrounding area.

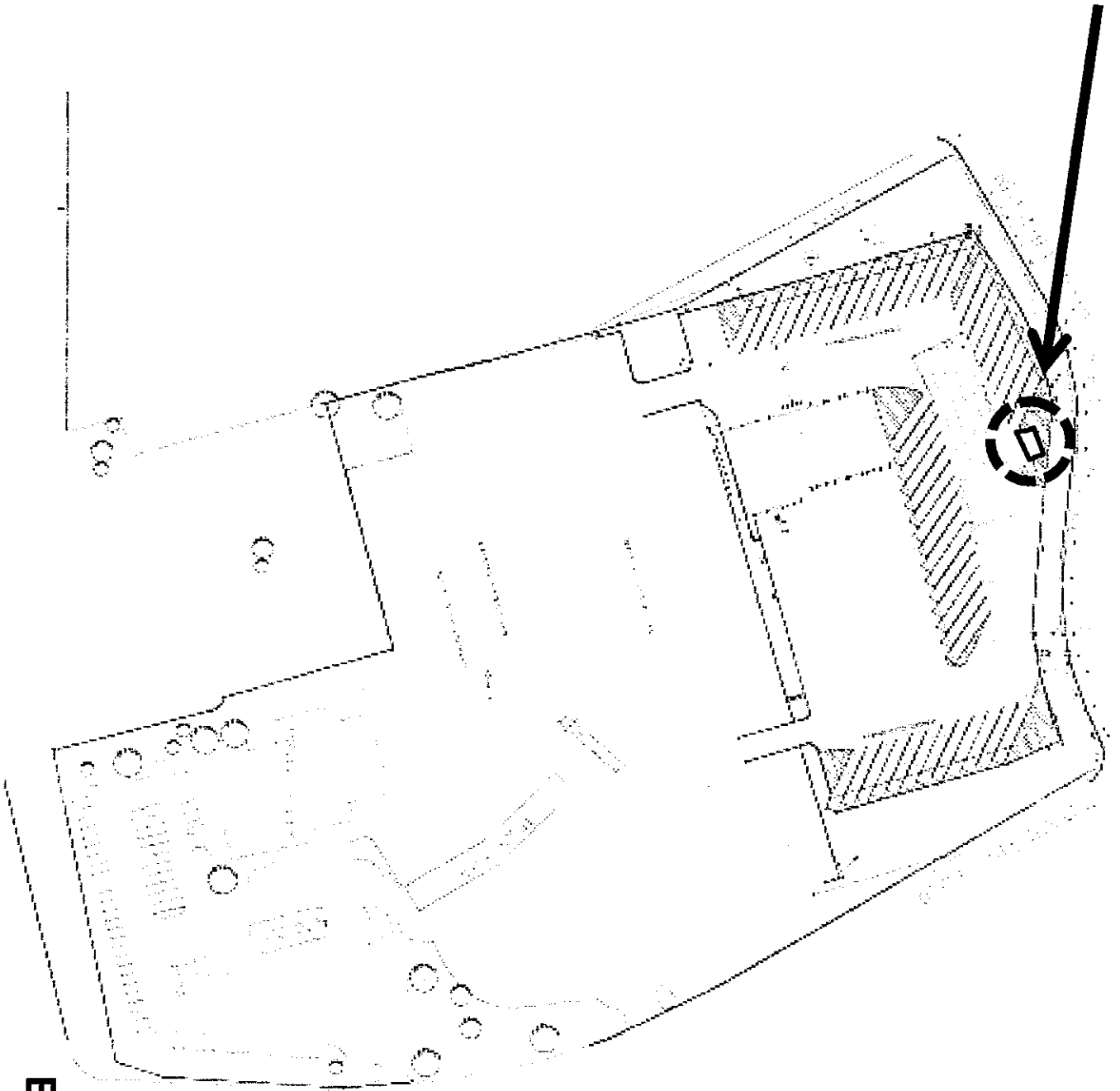
Please feel free to contact our offices if you need any additional information regarding this request.

Santos T. Martinez  
Authorized representative for  
Idle Air

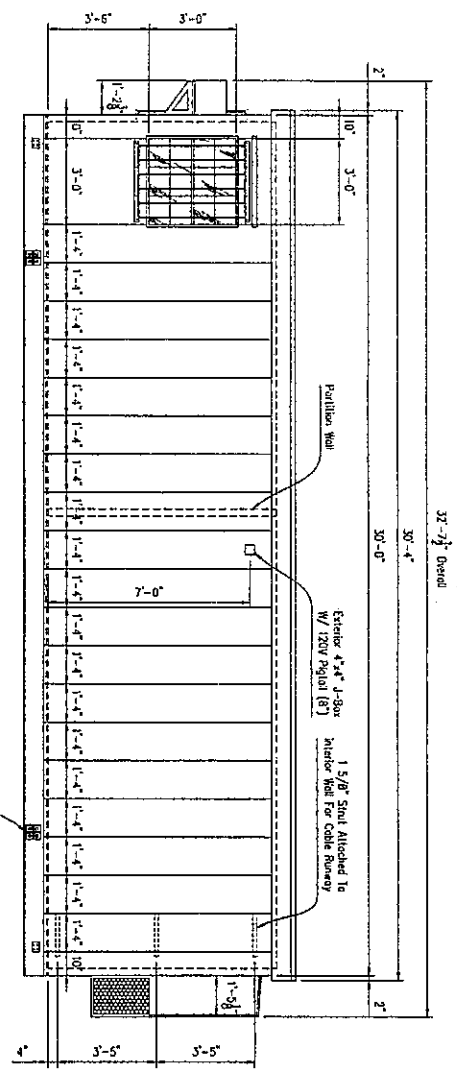
MASTERPLAN  
500 South Ervay, Suite 112B  
Dallas, Texas 75201

*Phone:* (214) 761-9197  
*Fax:* (214) 748-7114  
*Web:* [masterplanconsultants.com](http://masterplanconsultants.com)

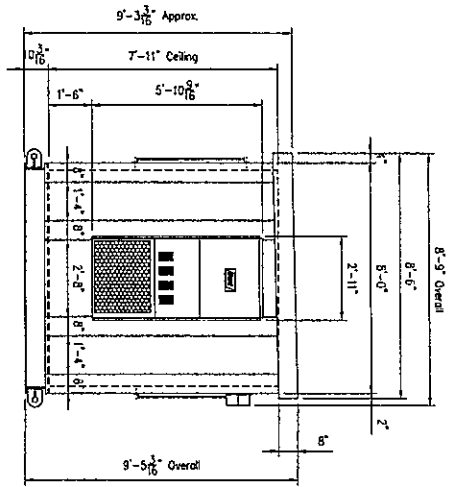
New  
floor  
area



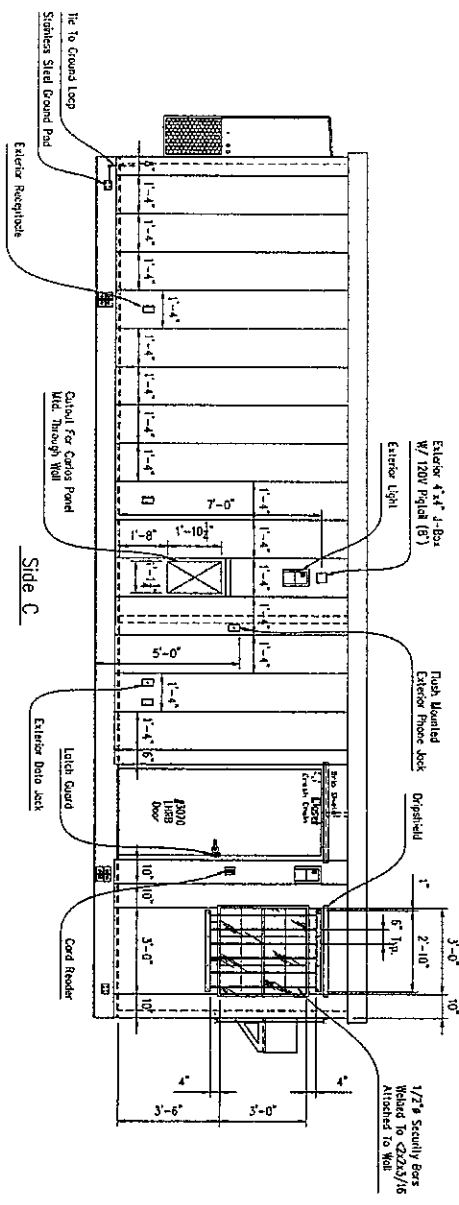
**BDA 112-118**



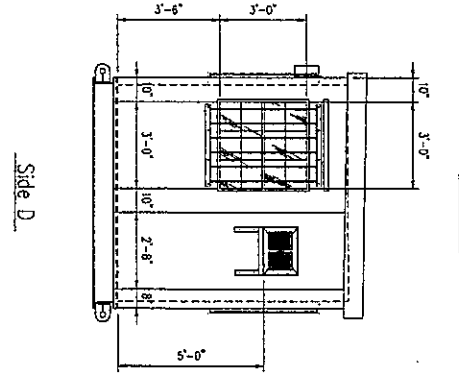
Side A



Side B



Side C

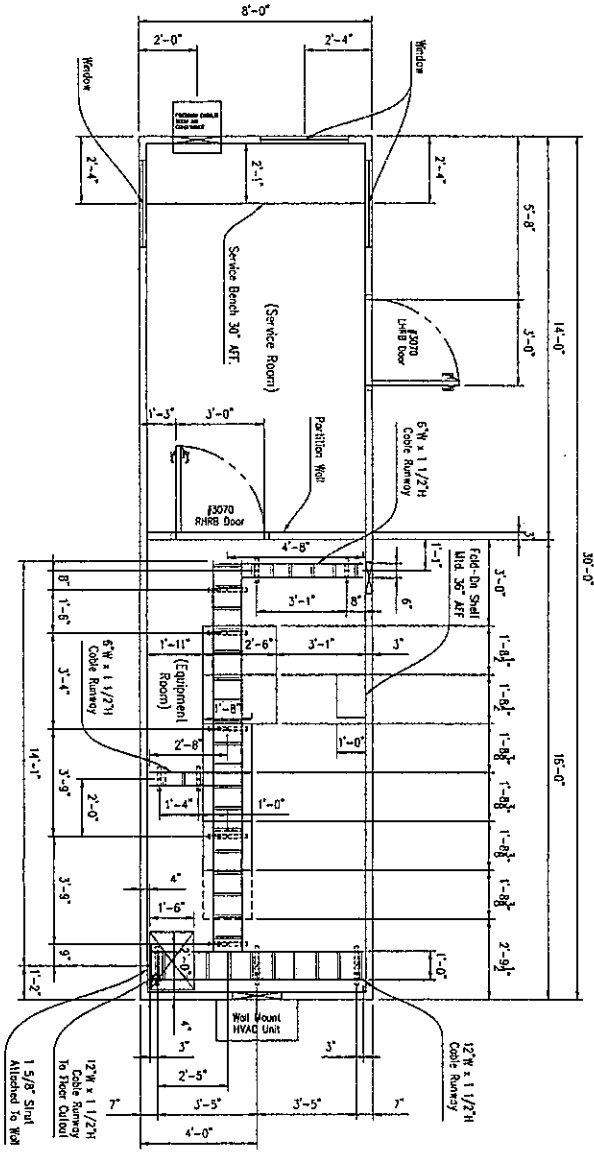


Side D

		<b>Metal Systems, Inc.</b> 1919 Polymer Drive Chattanooga, Tennessee 37421 Tel: (423)-894-9288 Fax: (423)-894-9337 Mobile: (800)-445-8191	
Design: B. D. Cobble Created: B. D. Cobble Scale: 1/4" = 1'-0" Date: 04/20/12	Job Title: 8x30 Equipment Center (Configuration "B") Customer: Ideative Technologies Drawing #: Config B-300	Approved By: [Signature] Title: [Title] Date: [Date]	Rev. 0

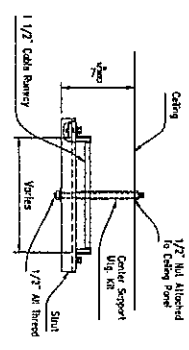


Plan View

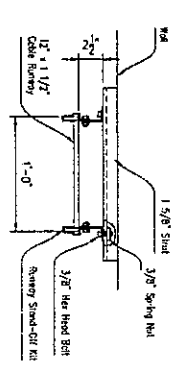


Reference Note:  
Building Can Be Built Mirror Image

Cable Runway Ceiling Mtg. Detail



Cable Runway Wall Mtg. Detail



Note: Unistrut with "Nutserts" will be used to support all cable runways-  
Spaced not more than 60"  
Sammy fasteners may not be used  
to support cable runway

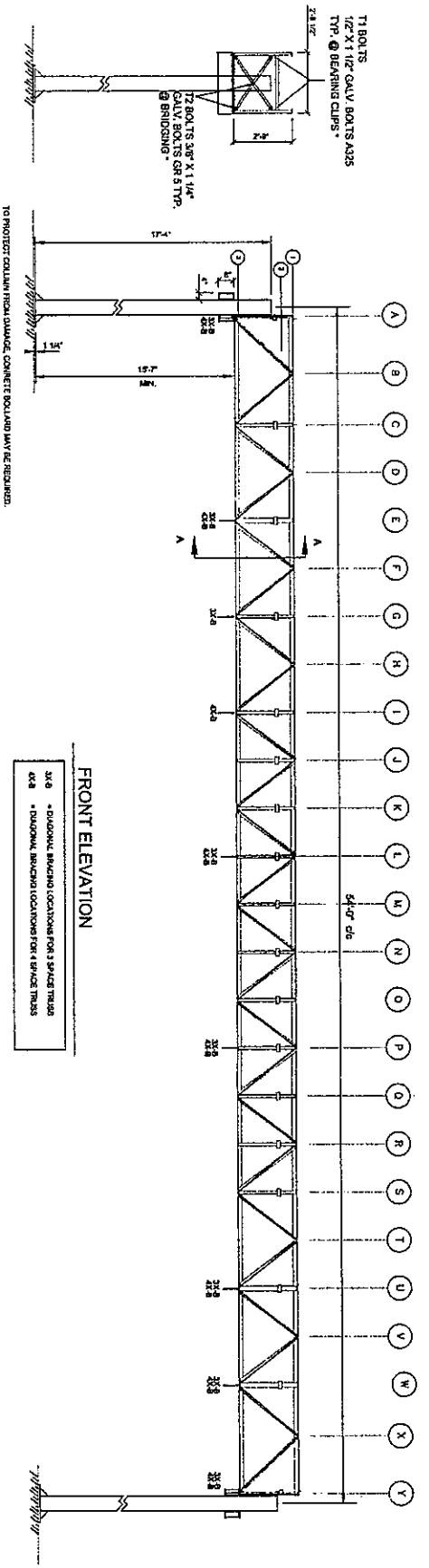
Revised	By	Date	Revised	By	Date

**METAL SYSTEMS**  
Metal Systems, Inc.  
1919 Polymer Drive  
Chattanooga, Tennessee 37421  
Tel: (423)-884-9188 Fax: (423)-884-9337

Drawn By: D. COYNE  
Checked By: -  
Scale: None  
Date: 04/20/12  
Customer: Idracive Technologies  
Drawing #: Config B-100  
Rev: 0

**UNISTRUT SYSTEMS**  
10000 W. 11th St.  
Minnetonka, MN 55342  
Tel: (763) 835-4300  
Fax: (763) 835-4301  
www.unistrut.com

**GENERAL CONTRACTOR**  
I.D. COYNE, P.E.  
10000 W. 11th St.  
Minnetonka, MN 55342  
Tel: (763) 835-4300  
Fax: (763) 835-4301  
www.unistrut.com

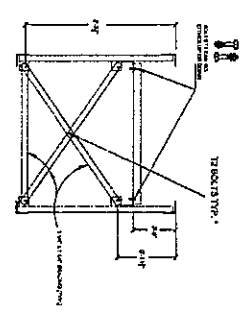


**FRONT ELEVATION**

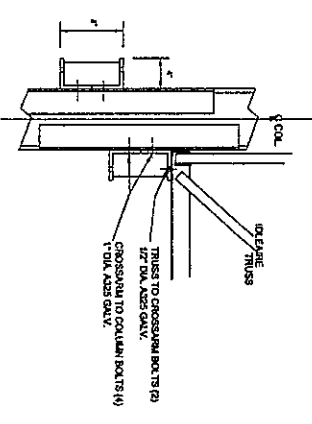
3/4" Ø DIAGONAL BRACING LOCATIONS FOR 3 SPACE TRUSS  
 4/8" Ø DIAGONAL BRACING LOCATIONS FOR 4 SPACE TRUSS

TO PROTECT COLUMN FROM DAMAGE, CONNECT BOLTED END MAY BE REQUIRED. HOWEVER, COLUMN DESIGN DOES NOT REQUIRE THIS.

**SIDE ELEVATION**



**SECT. A-A  
PROFILE AT CROSS BRACING**



**TRUSS TO COLUMN CONN.**

ALL BOLTS TO USE THE ASSC TURN-OF-THE-NUT METHOD.  
 1 1/2" X 1 1/2" GALV BOLTS ASSC TYP. @ BEARING CLIPS.  
 1 1/2" X 1 1/2" GALV BOLTS ASSC TYP. @ BRACING.  
 1 1/2" X 1 1/2" GALV BOLTS ASSC TYP. @ BRACING.  
 1 1/2" X 1 1/2" GALV BOLTS ASSC TYP. @ BRACING.  
 1 1/2" X 1 1/2" GALV BOLTS ASSC TYP. @ BRACING.  
 1 1/2" X 1 1/2" GALV BOLTS ASSC TYP. @ BRACING.

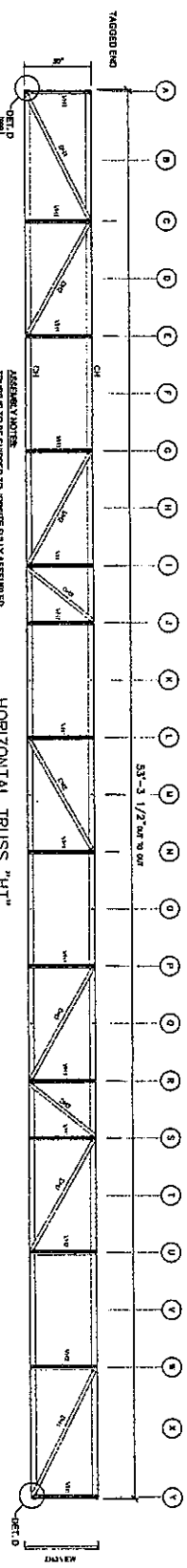
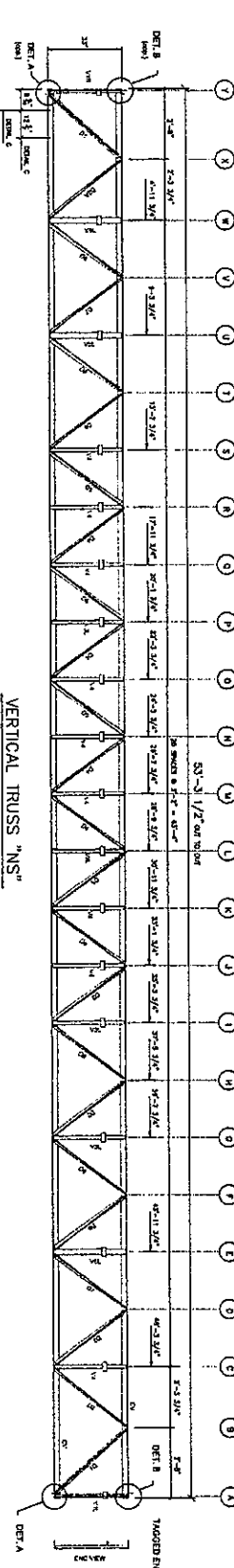
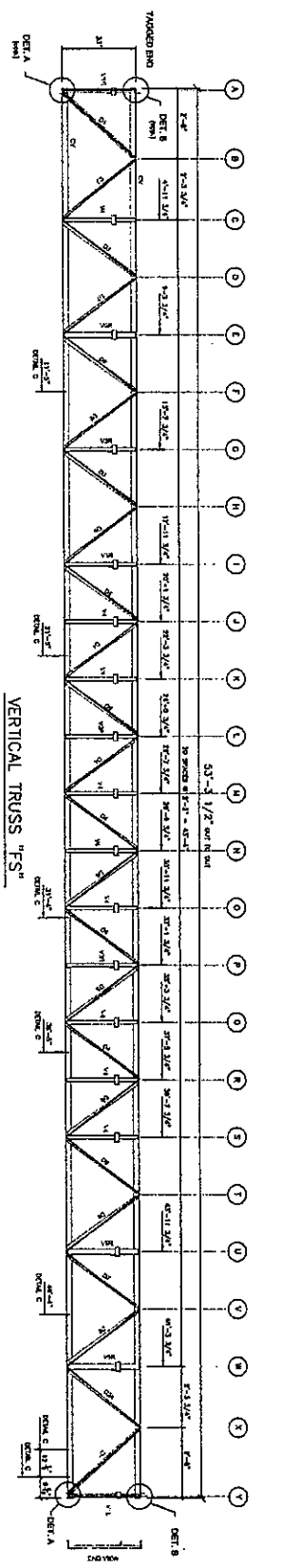
**DESIGN PARAMETERS:**  
 PER 2003 INTERNATIONAL BUILDING CODE  
 WIND LOAD - BASED ON BASIC WIND SPEED V = 115 mph AND  
 OR  
 BASIC WIND SPEED V = 90 mph AND  
 100% SURFACE CONSIDERED  
 UP TO TWO SATELLITE DISHES WITH NO MORE THAN  
 150 LB EACH AND NO MORE THAN 4 IN<sup>2</sup> SURFACE AREA  
 MAY BE MOUNTED ON THE FIRST OR LAST TRUSS OF A  
 ROW WITHIN THE TWO PANELS NEAREST THE END OF  
 THE ROW.

**DEAD LOADS**  
 1. MECHANICAL UNITS (210 lb EA)  
 2. BUSWAY AND POPULATED CABLE TRAY 35 PLF  
 3. IT PANEL - 200 lb  
 4. SERVICE MODULE HOSES 4 @ 75 lb EA  
 5. TRUSS SELF WEIGHT - 1650 lb

**LIVE LOADS**  
 1. 100% SURFACE CONSIDERED  
 2. BREAKAWAY LOAD OF 1000 LB TENSION ON MODULE HOSE  
 DIRECTED IN A 45 DEGREE ANGLE - ONE PER TRUSS

**STEEL FABRICATION**  
 - STEEL FABRICATOR SHALL BE I.C.B.O. APPROVED  
 - ALL WELDS TO BE PERFORMED BY AN A.W.S. CERTIFIED WELDER  
 - ALL WELDS TO BE E70XX UNO.  
 - ALL ANGLE TO BE ASTM A599 Gr. B0  
 - ALL TUBE STEEL TO BE ASTM A500 Gr. B  
 - ALL PLATE MATERIAL TO BE ASTM A572  
 - ALL BOLTS TO BE ASTM A325 OR SAE J429 Gr. 5

		<b>LOUIS J. CORTINA P.E.</b> 2507 FRIELWAY, SUITE 101 KNOXVILLE, TN 37918 PHONE: 615.584.0049 FAX: 615.584.0219 CELL: 615.584.0219	
<b>OWNER:</b> SHARP SYSTEMS - SAVE MONEY! 2507 FRIELWAY, SUITE 101 KNOXVILLE, TN 37918 PHONE: 615.232.1172 FAX: 615.232.1866 WWW.SHARPSYSTEMS.COM CONSTRUCTION DEPARTMENT		<b>PROJECT:</b> 7425 BONNIEVIEW ROAD DUBLAIN, TN 37049	
<b>DATE:</b> 2-10-12 <b>ENGINEER:</b> LJC <b>CHECKED:</b> LJC <b>DATE:</b> 1-24-12 <b>ENGINEER:</b> LJC <b>CHECKED:</b> LJC <b>DATE:</b> 1-24-12 <b>ENGINEER:</b> LJC <b>CHECKED:</b> LJC		<b>REVISIONS:</b> A INITIAL RELEASE B C D E F G H I J K L M N O P Q R S T U V W X Y Z	
<b>PROJECT NO:</b> F01 <b>DATE:</b> 2-10-12 <b>ENGINEER:</b> LJC <b>CHECKED:</b> LJC <b>DATE:</b> 1-24-12 <b>ENGINEER:</b> LJC <b>CHECKED:</b> LJC		<b>CONTRACT NO:</b> 174843 <b>CONTRACT DATE:</b> 1-24-12 <b>CONTRACT ENGINEER:</b> LJC <b>CONTRACT CHECKED:</b> LJC	



Item	Description	Quantity	Unit	Notes
1	2x10	12	EA	
2	2x10	12	EA	
3	2x10	12	EA	
4	2x10	12	EA	
5	2x10	12	EA	
6	2x10	12	EA	
7	2x10	12	EA	
8	2x10	12	EA	
9	2x10	12	EA	
10	2x10	12	EA	
11	2x10	12	EA	
12	2x10	12	EA	
13	2x10	12	EA	
14	2x10	12	EA	
15	2x10	12	EA	
16	2x10	12	EA	
17	2x10	12	EA	
18	2x10	12	EA	
19	2x10	12	EA	
20	2x10	12	EA	

**ASSEMBLY NOTES:**  
 TRUSS IS TO BE SHIPPED TO JOB SITE FULLY ASSEMBLED.  
 THIS TRUSS IS TO BE USED FOR THE SUPPORT OF THE ROOF.  
 THE TRUSS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.  
 THE TRUSS SHALL BE INSTALLED ON A LEVEL SURFACE.  
 THE TRUSS SHALL BE INSTALLED WITH THE CORNER BRACES AS SHOWN.  
 THE TRUSS SHALL BE INSTALLED WITH THE GIRDERS AS SHOWN.  
 THE TRUSS SHALL BE INSTALLED WITH THE PURLINS AS SHOWN.  
 THE TRUSS SHALL BE INSTALLED WITH THE RAFTERS AS SHOWN.  
 THE TRUSS SHALL BE INSTALLED WITH THE BRACES AS SHOWN.  
 THE TRUSS SHALL BE INSTALLED WITH THE JOISTS AS SHOWN.  
 THE TRUSS SHALL BE INSTALLED WITH THE DIMBERS AS SHOWN.  
 THE TRUSS SHALL BE INSTALLED WITH THE BATTENS AS SHOWN.  
 THE TRUSS SHALL BE INSTALLED WITH THE SHEATHING AS SHOWN.  
 THE TRUSS SHALL BE INSTALLED WITH THE FLASHING AS SHOWN.  
 THE TRUSS SHALL BE INSTALLED WITH THE DRAINAGE AS SHOWN.  
 THE TRUSS SHALL BE INSTALLED WITH THE VENTING AS SHOWN.  
 THE TRUSS SHALL BE INSTALLED WITH THE INSULATION AS SHOWN.  
 THE TRUSS SHALL BE INSTALLED WITH THE FINISHING AS SHOWN.

**FABRICATION NOTES:**  
 SEE ACCOMPANYING SHEET FOR DETAILS.  
 ALL TRUSS MEMBERS TO BE FABRICATED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.  
 ALL TRUSS MEMBERS TO BE FABRICATED WITH THE CORNER BRACES AS SHOWN.  
 ALL TRUSS MEMBERS TO BE FABRICATED WITH THE GIRDERS AS SHOWN.  
 ALL TRUSS MEMBERS TO BE FABRICATED WITH THE PURLINS AS SHOWN.  
 ALL TRUSS MEMBERS TO BE FABRICATED WITH THE RAFTERS AS SHOWN.  
 ALL TRUSS MEMBERS TO BE FABRICATED WITH THE BRACES AS SHOWN.  
 ALL TRUSS MEMBERS TO BE FABRICATED WITH THE JOISTS AS SHOWN.  
 ALL TRUSS MEMBERS TO BE FABRICATED WITH THE DIMBERS AS SHOWN.  
 ALL TRUSS MEMBERS TO BE FABRICATED WITH THE BATTENS AS SHOWN.  
 ALL TRUSS MEMBERS TO BE FABRICATED WITH THE SHEATHING AS SHOWN.  
 ALL TRUSS MEMBERS TO BE FABRICATED WITH THE FLASHING AS SHOWN.  
 ALL TRUSS MEMBERS TO BE FABRICATED WITH THE DRAINAGE AS SHOWN.  
 ALL TRUSS MEMBERS TO BE FABRICATED WITH THE VENTING AS SHOWN.  
 ALL TRUSS MEMBERS TO BE FABRICATED WITH THE INSULATION AS SHOWN.  
 ALL TRUSS MEMBERS TO BE FABRICATED WITH THE FINISHING AS SHOWN.

**OWNER:**  
 Sleep Better. Stay Sober.  
 3801 PARKWAY, SUITE 101  
 KNOXVILLE, TN 37918  
**PHONE:** 865.232.1782  
**FAX:** 865.232.1783  
**WWW:** WWW.SLEEPBETTER.COM  
**CONTRACTOR:**  
 CONSTRUCTION DEPARTMENT

**ENGINEER:**  
**LOUIS J. CORTINA P.E.**  
 SUITE 101  
 298 N. WESGROSSER ROAD  
 KNOXVILLE, TENNESSEE 37918  
**PHONE:** 865.584.0999  
**FAX:** 865.584.2719  
**COM:** 865.584.2719

**PROJECT INFORMATION:**  
 PROJECT LOCATION:  
 PROJECT DESCRIPTION:  
 PROJECT NUMBER:

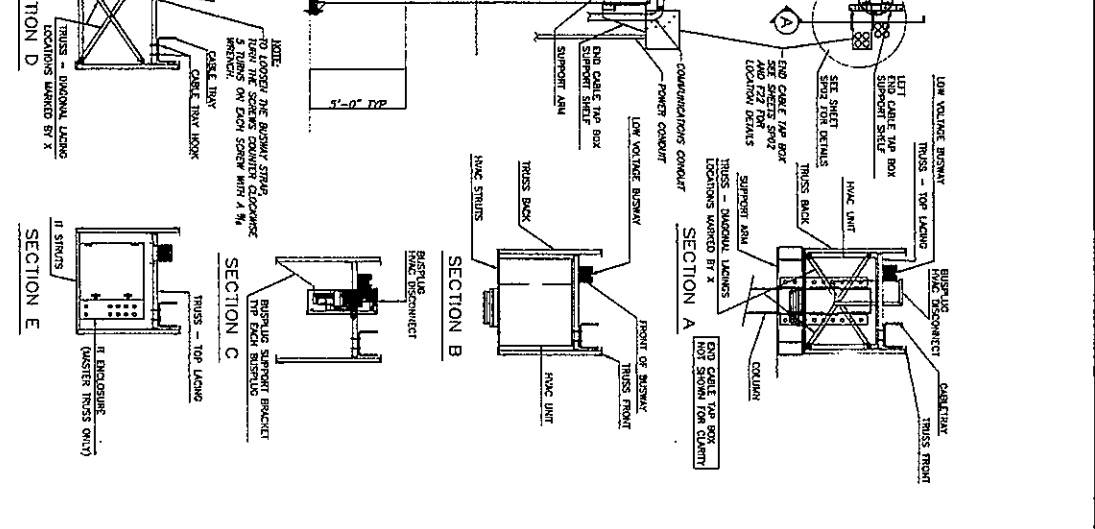
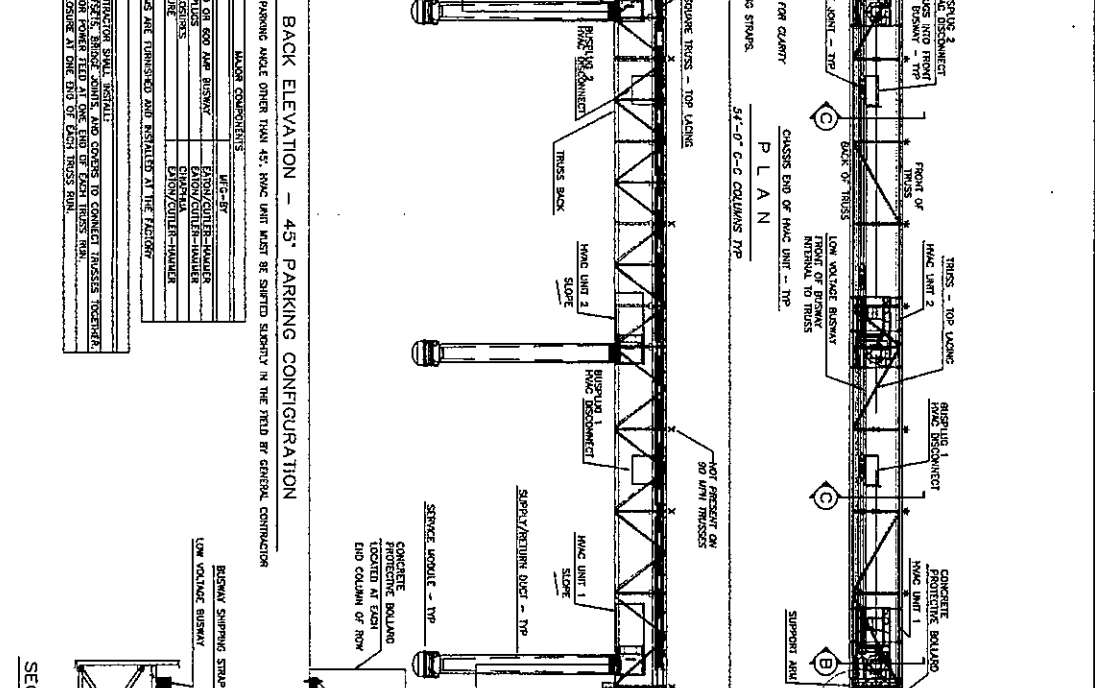
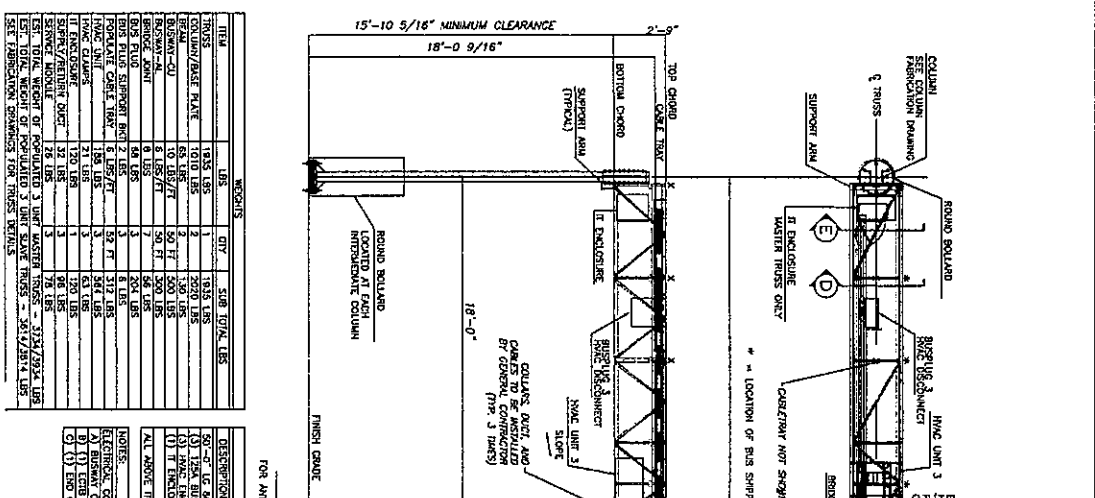
**SITE ADDRESS:**  
 7425 BONNE VIEW ROAD  
 DALLAS, TEXAS  
 75241

**REVISIONS:**

NO.	DATE	DESCRIPTION
1	INITIAL DESIGN	

**PROJECT INFORMATION:**  
 PROJECT NUMBER: F02  
 PROJECT DATE: 12/14/11  
 PROJECT SCALE: AS SHOWN  
 PROJECT DRAWN BY: TRICKS  
 PROJECT CHECKED BY: TRICKS

**DESIGNER:**  
**F02**  
 12/14/11



ITEM	UNITS	QTY	SLAB TOTAL LBS
TRUSS	LBS	1	1835 LBS
COLU/M/BEAM PLATE	LBS	2	2020 LBS
BEAM	LBS	2	2020 LBS
BEAM - C/D	LBS	2	2020 LBS
BUSWAY - N	LBS	2	2020 LBS
BUSWAY - M	LBS	2	2020 LBS
BUSWAY - J	LBS	2	2020 LBS
BUSWAY - R	LBS	2	2020 LBS
BUSWAY - T	LBS	2	2020 LBS
BUSWAY - B	LBS	2	2020 LBS
BUSWAY - G	LBS	2	2020 LBS
BUSWAY - H	LBS	2	2020 LBS
BUSWAY - K	LBS	2	2020 LBS
BUSWAY - L	LBS	2	2020 LBS
BUSWAY - O	LBS	2	2020 LBS
BUSWAY - P	LBS	2	2020 LBS
BUSWAY - Q	LBS	2	2020 LBS
BUSWAY - R	LBS	2	2020 LBS
BUSWAY - S	LBS	2	2020 LBS
BUSWAY - T	LBS	2	2020 LBS
BUSWAY - U	LBS	2	2020 LBS
BUSWAY - V	LBS	2	2020 LBS
BUSWAY - W	LBS	2	2020 LBS
BUSWAY - X	LBS	2	2020 LBS
BUSWAY - Y	LBS	2	2020 LBS
BUSWAY - Z	LBS	2	2020 LBS

BACK ELEVATION - 45° PARKING CONFIGURATION  
 FOR ANY PARKING MADE OTHER THAN 45° HMC UNIT MUST BE SHIPPED STAIRBY IN THE FIELD BY GENERAL CONTRACTOR

OWEN ENGINEERING  
 287 PRINCEWAY DR SUITE 101  
 KNOXVILLE TN 37918  
 PHONE: 615-232-1200  
 FAX: 615-232-1899  
 WWW.OWEN.COM  
 CONTACT: TERRY OWEN  
 CONTRIBUTION DEPARTMENT

ENGINEER:  
 LOUIS J. CORTINA P.E.  
 SEITZ CP  
 299 N. WINDHAMER ROAD  
 KNOXVILLE, TENNESSEE 37919  
 PHONE: 615-591-0099  
 FAX: 615-591-5213  
 COMPANY 12119

INSTALL TRUSS CENTER  
 ELECTRIFICATION PROJECT  
 FLUORO TRAVEL CENTER



GA01  
 BDA  
 17-1953





City of Dallas

**Zoning Board of Adjustment**

**Appeal for a special exception to enlarge a nonconforming use.**

Sec. 51A-4.704. Nonconforming uses and structures.

(b) Changes to nonconforming uses.

(5) Enlargement of a nonconforming use.

(A) In this subsection, enlargement of a nonconforming use means any enlargement of the physical aspects of a nonconforming use, including any increase in height, floor area, number of dwelling units, or the area in which the nonconforming use operates.

(B) The board may allow the enlargement of a nonconforming use when, in the opinion of the board, the enlargement:

- (i) does not prolong the life of the nonconforming use;
- (ii) would have been permitted under the zoning regulations that existed when the nonconforming use was originally established by right; and
- (iii) will not have an adverse effect on the surrounding area.

Property address: 8181 S. Lancaster

1. The nonconforming use being appealed: commercial motor vehicle parking  
(The use as stated on the current valid Certificate of Occupancy. Copy of C.O. attached)

2. Reason the use is classified as nonconforming: new use classification created by the city council in 2002 and requirement that all uses on the property must be listed as main uses created the nonconformity.  
(i.e.: Was there a change in zoning of the property or in the use requirements. Be specific.)

3. Date that the nonconforming use became nonconforming: Oct 9, 2002  
(Date the property zoning or use requirements changed.)

4. Current zoning of the property on which the use is located: CS

5. Previous zoning of the property on which the use is located: \_\_\_\_\_  
(Applies if a zoning district change caused the use to become nonconforming.)

(Rev. 07/11/12)

10-8-02

ORDINANCE NO. 25056

An ordinance amending CHAPTER 51A "DALLAS DEVELOPMENT CODE: ORDINANCE NO. 19455, AS AMENDED," of the Dallas City Code, as amended, by amending Subparagraphs 51A-4.123(a)(2)(J), 51A-4.123(b)(2)(J), 51A-4.123(c)(2)(J), and 51A-4.123(d)(2)(J), adding a new Paragraph 51A-4.210(8.1), and amending Paragraph 51A-4.210(19); amending district regulations regarding truck stops and commercial motor vehicle parking; defining and providing regulations for a new use, "commercial motor vehicle parking;" amending truck stop regulations; 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, 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 these amendments to the Dallas City Code; Now, Therefore,

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

SECTION 1. That Subparagraph (J), "Retail and Personal Service Uses," of Paragraph (2), "Main Uses Permitted," of Subsection (a), "Commercial Service (CS) District," of Section 51A-4.123, "Commercial Service and Industrial Districts," of Division 51A-4.120, "Nonresidential District Regulations," of Article IV, "Zoning Regulations," of CHAPTER 51A, "DALLAS DEVELOPMENT CODE: ORDINANCE NO. 19455, AS AMENDED," of the Dallas City Code, as amended, is amended to read as follows:

"(f) Retail and personal service uses.

- Alcoholic beverage establishments. [See Section 51A-4.210 (b)(4).]
- Ambulance service. [RAR]
- Animal shelter or clinic without outside runs. [RAR]
- Animal shelter or clinic with outside runs. [SUP]
- Auto service center. [RAR]
- Business school.
- Car wash. [RAR]
- Commercial amusement (inside). [SUP may be required. See Section 51A-4.210(b)(7)(B).]
- Commercial amusement (outside). [DIR]
- Commercial motor vehicle parking. [by SUP only if within 500 feet of a residential district]
- Commercial parking lot or garage. [RAR]
- Drive-in theater. [SUP]
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store greater than 3,500 square feet.
- Home improvement center, lumber, brick or building materials sales yard. [RAR]
- Household equipment and appliance repair.
- Liquor store.
- Mortuary, funeral home, or commercial wedding chapel.
- Motor vehicle fueling station.
- Nursery, garden shop, or plant sales.
- Outside sales. [SUP]
- Pawn shop.
- Personal service uses.
- Restaurant without drive-in or drive-through service. [RAR]
- Restaurant with drive-in or drive-through service. [DIR]
- Swap or buy shop. [SUP]
- Taxidermist.
- Temporary retail use.
- Theater.
- Truck stop. [SUP]
- Vehicle display, sales, and service. [RAR]"

SECTION 2. That Subparagraph (J), "Retail and Personal Service Uses," Paragraph (2), "Main Uses Permitted," of Subsection (b), "Light Industrial (LI) District," of Section 51A-4.123, "Commercial Service and Industrial Districts," of Division 51A-4.120, "Nonresidential District Regulations," of Article IV, "Zoning Regulations," of CHAPTER 51A, "DALLAS DEVELOPMENT CODE: ORDINANCE NO. 19455, AS AMENDED," of the Dallas City Code, as amended, is amended to read as follows:

"(J) Retail and personal service uses.

- Alcoholic beverage establishments. *[See Section 51A-4.210 (b)(4).]*
- Auto service center. *[RAR]*
- Car wash. *[RAR]*
- Commercial amusement (inside). *[SUP may be required. See Section 51A-4.210 (b)(7)(B).]*
- Commercial motor vehicle parking. *[by SUP only if within 500 feet of a residential district]*
- Commercial parking lot or garage. *[RAR]*
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- Home improvement center, lumber, brick or building materials sales yard. *[RAR]*
- Household equipment and appliance repair.
- Motor vehicle fueling station.
- Personal service uses.
- Restaurant without drive-in or drive-through service. *[RAR]*
- Restaurant with drive-in or drive-through service. *[DIR]*
- Temporary retail use.
- Theater.
- Truck stop. *[SUP]*
- Vehicle display, sales, and service. *[RAR]*

SECTION 3. That Subparagraph (J), "Retail and Personal Service Uses," of Paragraph (2), "Main Uses Permitted," of Subsection (c), "Industrial/research (IR) District," of Section 51A-4.123, "Commercial Service and Industrial Districts," of

25056

Division 51A-4.120, "Nonresidential District Regulations," of Article IV, "Zoning Regulations," of CHAPTER 51A, "DALLAS DEVELOPMENT CODE: ORDINANCE NO. 19455, AS AMENDED," of the Dallas City Code, as amended, is amended to read as follows:

"(J) Retail and personal service uses.

- Alcoholic beverage establishments. *[See Section 51A-4.210 (b)(4).]*
- Auto service center. *[RAR]*
- Car wash. *[RAR]*
- Commercial amusement (inside). *[SUP may be required. See Section 51A-4.210 (b)(7)(B).]*
- Commercial motor vehicle parking. *[by SUP only if within 500 feet of a residential district]*
- Commercial parking lot or garage. *[RAR]*
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- Home improvement center, lumber, brick or building materials sales yard. *[RAR]*
- Household equipment and appliance repair.
- Motor vehicle fueling station.
- Pawn shop.
- Personal service uses.
- Restaurant without drive-in or drive-through service. *[RAR]*
- Restaurant with drive-in or drive-through service. *[DIR]*
- Temporary retail use.
- Theater.
- Truck stop. *[SUP]*
- Vehicle display, sales, and service. *[RAR]"*

SECTION 4. That Subparagraph (J), "Retail and Personal Service Uses," Paragraph (2), "Main Uses Permitted," of Subsection (d), "Industrial Manufacturing (IM) District," of Section 51A-4.123, "Commercial Service and Industrial Districts," of Division 51A-4.120, "Nonresidential District Regulations," of Article IV, "Zoning Regulations," of CHAPTER 51A, "DALLAS DEVELOPMENT CODE: ORDINANCE NO.

25056

19455, AS AMENDED," of the Dallas City Code, as amended, is amended to read as follows:

"(J) Retail and personal service uses.

- Alcoholic beverage establishments. [See Section 51A-4.210 (b)(4).]
- Auto service center. [RAR]
- Car wash. [RAR]
- Commercial amusement (inside). [SUP may be required. See Section 51A-4.210 (b)(7)(B).]
- Commercial motor vehicle parking. [by SUP only if within 500 feet of a residential district]
- Commercial parking lot or garage. [RAR]
- Drive-in theater. [SUP]
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- Home improvement center, lumber, brick or building materials sales yard. [RAR]
- Household equipment and appliance repair.
- Motor vehicle fueling station.
- Pawn shop.
- Personal service uses.
- Restaurant without drive-in or drive-through service. [RAR]
- Restaurant with drive-in or drive-through service. [DIR]
- Temporary retail use.
- Theater.
- Truck stop. [SUP ~~only if within 500 feet of a residential district. See Subparagraph 51A-4.210(30.1)(B).~~]
- Vehicle display, sales, and service. [RAR]"

SECTION 5. That Subsection (b), "Specific Uses," of Section 51A-4.210, "Retail and Personal Service Uses," of Division 51A-4.200, "Use Regulations," of Article IV, "Zoning Regulations," of CHAPTER 51A, "DALLAS DEVELOPMENT CODE: ORDINANCE NO. 19455, AS AMENDED," of the Dallas City Code, as amended, is amended to add Paragraph 8.1 entitled "Commercial Motor Vehicle Parking Lot," to read as follows:

"(8.1) Commercial motor vehicle parking.

(A) Definition: A facility for the temporary, daily, or overnight parking of commercial motor vehicles as defined in the use regulations for a truck stop, and/or motor vehicles with two or more rear axles such as trucks, truck tractors, and similar vehicles, for no charge or for a fee, regardless of whether that fee is charged independently of any other use on the lot, if the parking is not accessory to a main use on the lot.

(B) Districts permitted: By right in CS, LI, IR, and IM districts, except by SUP only if located within 500 feet of a residential district, measured in a straight line, without regard to intervening structures or objects, from the nearest boundary of the lot where this use is conducted to the nearest boundary of the zoning district at issue.

(C) Required off-street parking: None.

(D) Required off-street loading: None."

SECTION 6. That Paragraph (30.1), "Motor Vehicle Fueling Station," of Subsection (b), "Specific Uses," of Section 51A-4.210, "Retail and Personal Service Uses," of Division 51A-4.200, "Use Regulations," of Article IV, "Zoning Regulations," of CHAPTER 51A, "DALLAS DEVELOPMENT CODE: ORDINANCE NO. 19455, AS AMENDED," of the Dallas City Code, as amended, is amended to read as follows:

"(30.1) Truck stop.

(A) Definitions: In these use regulations:

- (i) COMMERCIAL MOTOR VEHICLE means a motor vehicle that:
- (aa) is designed or used for the transportation of cargo;
  - (bb) has a gross weight, registered weight, or gross weight rating in excess of 26,000 pounds; and
  - (cc) is not owned or operated by a governmental entity.

25056

(ii) TRUCK STOP means a facility for the retail sale of motor vehicle fuel dispensed from pumps to commercial motor vehicles.

(B) Districts permitted: By SUP only in CS, LI, ~~IM~~, and IR districts. ~~[By right in IM districts, except by SUP only if located within 500 feet of a residential district, measured in a straight line, without regard to intervening structures or objects, from the nearest boundary of the lot where this use is conducted to the nearest boundary of the zoning district at issue.]~~

(C) Required off-street parking: Two spaces. No handicapped parking is required.

(D) Required off-street loading: Sufficient space must be provided to allow for the unloading of a fuel truck.

(E) Additional provisions:

(i) All storage tanks for motor vehicle fuel must be located underground.

(ii) A fuel pump island must be constructed in a manner that allows vehicular access adjacent to the island without interfering with or obstructing off-street parking. The building official shall not issue a permit to authorize the construction of a pump island until its placement has been approved by the director of public works and transportation.

(iii) A truck stop is always a main use, and cannot be an accessory use within the meaning of Section 51A-4.217. Other than accessory parking, a [A]ny other use on the same lot is considered an additional main use, such as on-site restaurants, cleaning facilities, and repair services.

(iv) Fuel pumps must be located at least 18 feet from the boundary of the site."

SECTION 7. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 8. That CHAPTER 51A "DALLAS DEVELOPMENT CODE: ORDINANCE NO. 19455, AS AMENDED," of the Dallas City Code, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 9. 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.

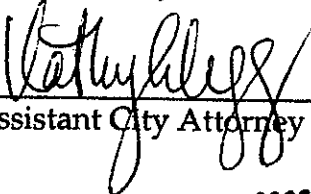


25056

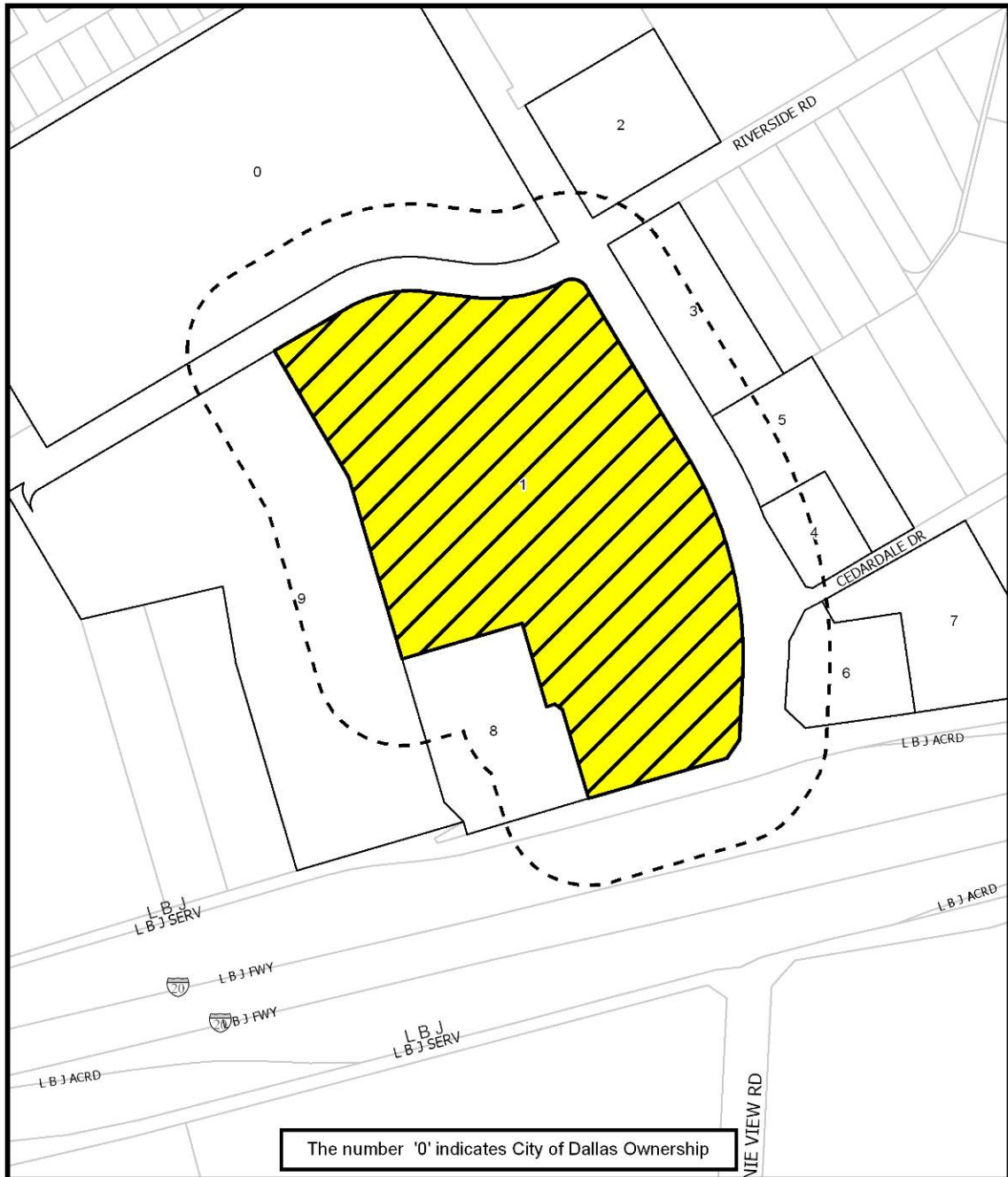
SECTION 10. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

MADELEINE B. JOHNSON, City Attorney

By   
Assistant City Attorney

Passed OCT - 9 2002



 1:3,600	<b>NOTIFICATION</b>		Case no: <b>BDA112-118</b>
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">9</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <b>11/9/2012</b>	

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

***BDA112-118***

## ***9 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	7425 BONNIE VIEW RD	CFJ PROPERTIES C/O PILOT TRAVEL CENTERS
2	4315 RIVERSIDE DR	EDISON ROBERT
3	4312 RIVERSIDE DR	CHURCH LIVING GOD CWFF
4	4411 CEDARDALE RD	ADAMS CHROMES SHOP LLC
5	7312 BONNIE VIEW RD	EAGLE UNITED TRUCK WASH LLC
6	7410 BONNIE VIEW RD	DMJ PROPERTIES LTD
7	4420 CEDARDALE DR	PADM HOSPITALITY INC
8	4301 LBJ FWY	MOONPACK INC C/O PILOT TRAVEL CENTERS
9	34241 LBJ FWY	UTILITY TRAILER OF DALLAS INC

**FILE NUMBER:** BDA 112-117

**BUILDING OFFICIAL'S REPORT:**

Application of Dallas May for a variance to the front yard setback regulations at 5742 E. Mockingbird Lane. This property is more fully described as Lot 3, Block B/2893 and is zoned CR, which requires a front yard setback of 15 feet. The applicant proposes to construct and maintain a structure and provide a 12 foot front yard setback, which will require a variance of 3 feet.

**LOCATION:** 5742 E. Mockingbird Lane

**APPLICANT:** Dallas May

**REQUEST:**

A variance to the front yard setback regulations of 3' is requested in conjunction with constructing and maintaining an approximately 1' x 1', 12'-high "Talk A Phone Tower" structure (part of a proposed electric vehicle charging station) in the site's 15' front yard setback on Matilda Street. The site is currently developed with general merchandise or food store greater than 3,500 square feet use (Walgreen's).

**STANDARD FOR A VARIANCE:**

The Dallas Development Code specifies that the board has the power to grant variances from the front yard, side yard, rear yard, lot width, lot depth, coverage, floor area for structures accessory to single family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

- (A) not contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done;
- (B) necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
- (C) not granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

**STAFF RECOMMENDATION:**

Denial

Rationale:

- Although the subject site is with two front yards (typical of any lot in this zoning district with two street frontages), the applicant has not shown that the variance is necessary to permit development of this parcel that differs from other parcels 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 CR (Community Retail) zoning.
- The applicant has not shown that, owing to special conditions, the literal enforcement of the CR zoning would result in an unnecessary hardship. The site is currently developed with an approximately 15,000 square foot “general merchandise” use/structure (Walgreen’s) that complies with setback regulations.
- The applicant has not substantiated that the approximately 1’ x 1’, 12’-high “Talk A Phone Tower” structure (part of a proposed electric vehicle charging station) to be located in the site’s Matilda Street front yard setback is not a self-created hardship or a request for financial reasons only.

**BACKGROUND INFORMATION:**

**Zoning:**

- Site: CR (Community Retail)
- North: MU-3 (Mixed Use)
- South: R-7.5(A) (Single family 7,500 square feet)
- East: R-7.5(A) (Single family 7,500 square feet)
- West: CR (Community Retail)

**Land Use:**

The subject site is developed with a general merchandise or food store greater than 3,500 square feet. The area to the north is developed with City of Dallas Reservoir; the area to the east is developed with a public school (Stonewall Jackson Elementary School); the area to the south is developed with single family residential uses; and the area to the west is developed with commercial use.

**Zoning/BDA History:**

1. BDA 001-161, Property at 5730-5744 & 5725 East Mockingbird Lane (the subject site) On February 27, 2001, the Board of Adjustment Panel A granted a request for a special exception to the landscape regulations and imposed the following conditions: compliance with the submitted landscape plan incorporating the following changes is required to be submitted to the Board Administrator: 1) The six-foot sidewalk along Mockingbird Lane must be

moved in by six feet from the back of street curbs; 2) The tree species along Mockingbird Lane must be changed from Live Oak to Bald Cypress to coincide with the City planned improvement standards along Mockingbird Lane; and 3) The four trees shown on the southwest corner of the property must be located exterior to the required six foot high masonry wall that is shown (i.e. that the brick wall will jog around behind the four trees on the southwest corner so that they will be exposed to the street). (Note that the case file shows that this plan was submitted to the Board Administrator on September 27, 2001. The case report stated that this request was made in conjunction with constructing and maintaining a retail structure on the site (Walgreen's).

**Timeline:**

October 19, 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 5, 2012: The Board Administrator emailed the applicant concerns related to the scheduling of the application before either Panel C on December 10, 2012, OR before Panel A on January 15, 2013, noting the following concerns:

1) The site's history with Board of Adjustment Panel A - a board of adjustment panel that does not meet next month in December, and where hearing minutes show that in 2001, Panel A granted a special exception to the landscape regulations (BDA 101-161) and imposed certain conditions to this request that most likely still apply to the property if it is otherwise in non-compliance with Article X: The Landscape Regulations;

2) the Board of Adjustment Rules of Procedure that requires a subsequent case filed concerning the same request to return to the panel hearing the previously filed case (see "(k)" in the Working Rule attachment); and

3) how this rule would not require scheduling the current application back to Panel A since the current application is not for a landscape special exception but is for variance to front yard setback regulations and special exception to the off-street parking regulations.

November 5, 2012: The applicant informed the Board Administrator to schedule BDA 112-177 before Panel C.

November 8, 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 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.

November 20, 2012: The Building Inspection Senior Plans Examiner/Development Code Specialist forwarded a revised Building Official's report on this application to the Board Administrator (see Attachment 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.

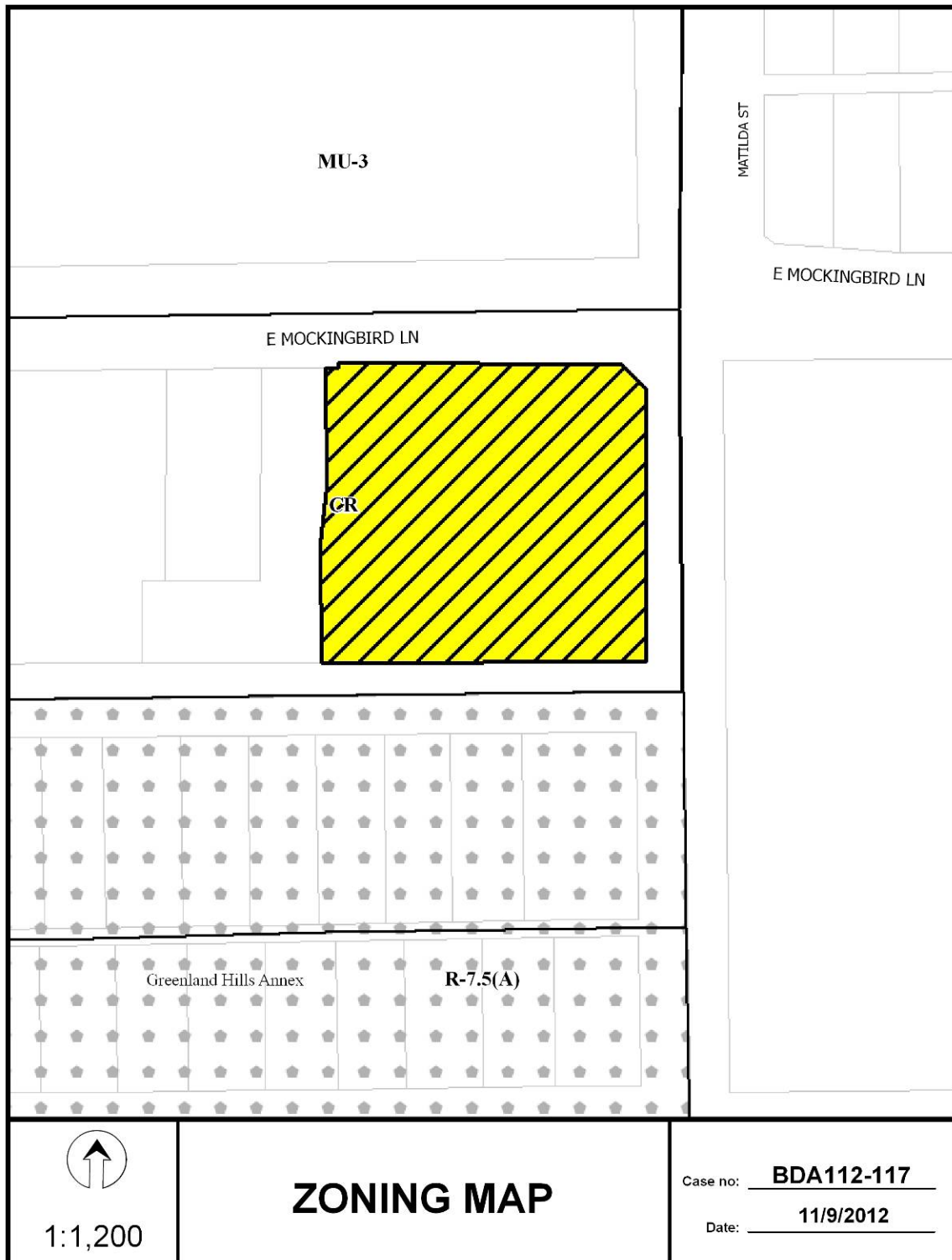
November 30, 2012: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment B).

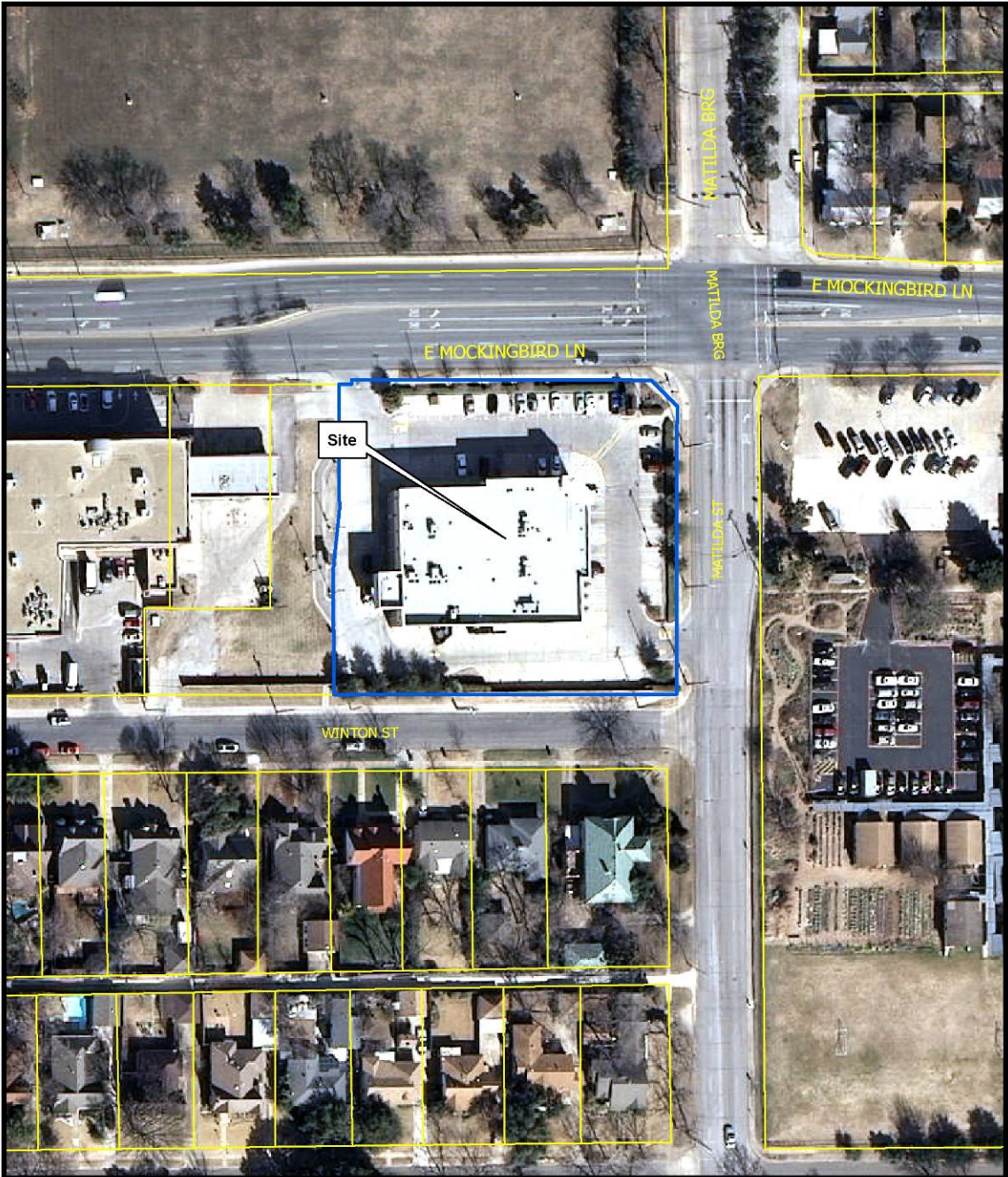
### **GENERAL FACTS/STAFF ANALYSIS:**

- This request focuses on constructing and maintaining an approximately 1' x 1', 12'-high "Talk A Phone Tower" structure (which would be part of a proposed electric vehicle charging station) which would be located in the site's 15' front yard setback on Matilda Street on a site currently developed with general merchandise or food store greater than 3,500 square feet use (Walgreen's).
- The subject site is bounded on the north by E. Mockingbird Lane and on the east by Matilda Street. The property with two street frontages has two front yard setbacks as any property with two street frontages would that is not zoned agricultural, single family, or duplex.

- Development in CR zoning is required to provide a minimum 15' front yard setback. A site plan has been submitted that denotes an approximately 1' x 1', 12'-high "Talk A Phone Tower" structure (which would be part of a proposed electric vehicle charging station) that is located 12' from on the site's front property line along Matilda Street or 3' into this 15' front yard setback.
- According to DCAD records, the "improvements" at 5742 E. Mockingbird Lane is a 15,328 square foot "free standing retail store" built in 2001.
- The subject site is rectangular in shape and, according to the application, is 1.4464 acres (or approximately 63,000 square feet) in area.
- 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 CR 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 CR zoning classification.
- If the Board were to grant the variance request and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document, which in this case would be a 1' x 1', 12'-high "Talk A Phone Tower" structure that is 3' into the 15' front yard setback along Matilda Street.







1:1,200

# AERIAL MAP

Case no: BDA112-117

Date: 11/9/2012

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 Dallas May

did submit a request for a variance to the front yard setback regulations at 5742 E. Mockingbird Lane

BDA112-117. Application of Dallas May for a variance to the front yard setback regulator at 5742 E. Mockingbird Lane. This property is more fully described as Lot 3, Block B/2893 and is zoned CR, which requires a front yard setback of 15 feet. The applicant proposes to construct and maintain a nonresidential structure and provide a 12 foot front yard setback, which will require a 3 foot variance to the front yard setback regulation.

Sincerely,

Larry V. Holmes, Building Official

BDA112-117  
Attach B  
pg 1**Long, Steve**


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**From:** Dallas May [may@lcaenvironmental.com]  
**Sent:** Friday, November 30, 2012 1:12 PM  
**To:** Patricia Carr  
**Cc:** 'Philip Kingston'; Duerksen, Todd; Long, Steve  
**Subject:** RE: BDA 112-117  
**Attachments:** 5742 Mockingbird -LGNA.pdf

Ms. Carr,

Attached is a letter addressing your concerns regarding the placement of the proposed charging station to be located at the Walgreens on Mockingbird Ln. I hope that you will find our conclusions satisfactory. Thank you for contacting me and have a good weekend.

### Dallas May, E.I.T.

Staff Engineer

LCA Environmental, Inc.

may@lcaenvironmental.com

13221 Bee Street, Dallas, Texas 75234

Mailing Address: PO Box 29469, Dallas, Texas 75229

Phone: 972.241.6680x22

Fax: 972.241.6689

This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. E-mail transmission cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. The sender therefore does not accept liability for any errors or omissions in the contents of this message which arise as a result of e-mail transmission. If verification is required please request a hard-copy version.

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**From:** Patricia Carr [mailto:eclecticinsight@sbcglobal.net]  
**Sent:** Sunday, November 25, 2012 10:58 AM  
**To:** Dallas May  
**Cc:** 'Philip Kingston'  
**Subject:** BDA 112-117

Dallas, thanks for taking the time to chat about your BDA application last Tuesday. I'm still amazed that we both attended the same dinner, and I'm grateful that they provided name tags. My promise to send you a summary asap was delayed due to the holiday and a bout with flu. My apologies.

As you know, we have a concern about additional activity on Matilda where you plan to locate your charging station. That block is known for its accidents because of the lane reduction for southbound traffic as well as traffic entering and exiting from Winton and the Walgreens entrance. You explained that access to power is one of your difficulties in using the northeast corner of the property at Mockingbird and Matilda. You also mentioned that there are no parking spaces where there seems to be unused space at the back (south) of the property. That raised a question for me as I was thinking about it late – are you required to locate your installation in parking spaces or can they be at any location on the property?

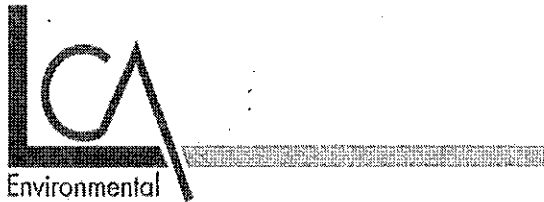
We certainly have no problem with electric vehicle charging stations but do have a concern about the

traffic safety on Matilda. I look forward to talking with you further.

-pc

Patricia Carr  
Lower Greenville Neighborhood Association  
214-821-2562

BDA112-117  
Attach B  
P32



BDA112-117  
Attach B pg 3

13221 Bee Street

Dallas, TX 75234

Phone (972) 241-6680

Fax (972) 241-6689

www.LCAenvironmental.com

30 November 2012

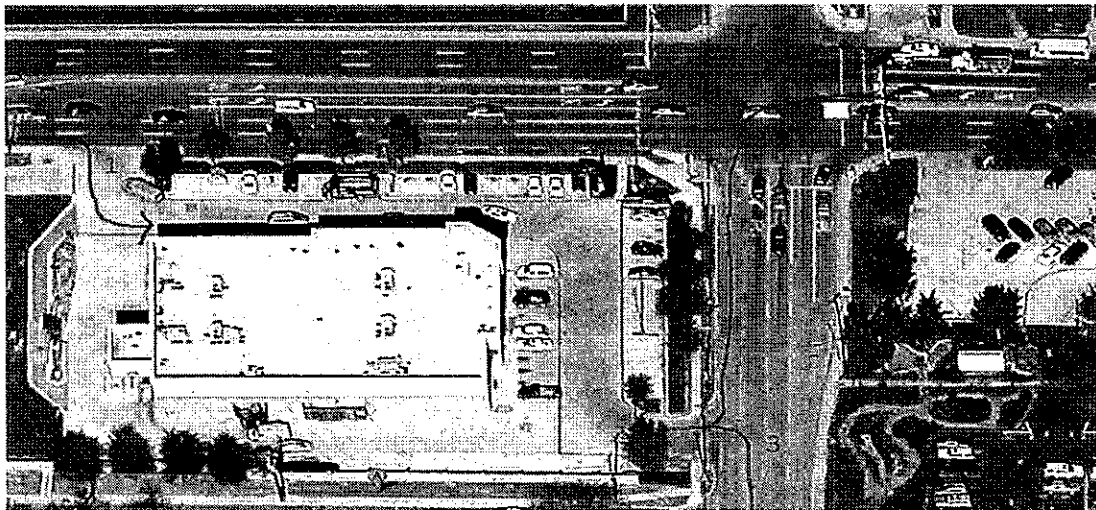
Ms. Patricia Carr  
Lower Greenville Neighborhood Association (LGNA)  
Via email: Patricia Carr [eclecticinsight@sbcglobal.net]

**RE: LGNA concerns regarding Level III Electric Vehicle Charging Station on  
Parking Lot of 5742 E Mockingbird Lane, Dallas, Texas**

Dear Ms. Carr:

LCA Environmental, Inc. (LCA) has been in discussion with electric vehicle charging station designers and eVgo regarding the concerns of the Lower Greenville Neighborhood Association (LGNA). LCA understands LGNA has taken the position that the proposed electric vehicle charging station to be located on parking spaces adjacent to Matilda Street may worsen traffic conditions at the busy intersection. After thoughtfully considering LGNA's suggestion to move the station while keeping it within the same lot, eVgo maintains the position that the station in its presently planned location will not cause a negative traffic impact compared to any alternative locations. Project designers and eVgo respectfully request LGNA consider the following justification for its position in this matter.

Due to the existing layout of the nearest main intersection there are three motor vehicle access modes: 1) eastbound Mockingbird drivers enter at the northwest entrance along Mockingbird, 2) the median along the center of Mockingbird causes westbound drivers to enter via the southeast entrance along Matilda, and 3) northbound Matilda drivers enter via the southeast entrance. The aerial photo below show traffic access modes to the lot.





120807 – Walgreens – Electric Vehicle Charging Station, Mockingbird Lane  
LGNA

30 November 2012  
Page 2 of 2

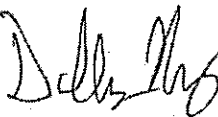
Primary traffic access modes would not change by moving the station to an alternative location. For example, there would be no change in access patterns and no traffic advantage gained by moving the station to the parking spaces along Mockingbird.

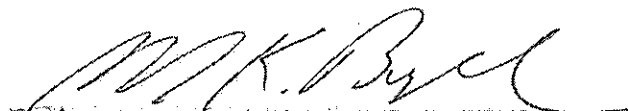
eVgo has reported their preliminary traffic analysis from dozens of charging station locations across the DFW Metroplex and Houston. eVgo's customers will typically park and charge for 20-25 minutes, a stay time comparable to a typical Walgreen's customer visit. Since the time now spent parked while inside the store will be no different from the time spent charging, eVgo believes there will be no significant additional vehicular traffic onto the Walgreen's lot; unlike the vehicular traffic produced by DVD rental kiosks and drive through services. eVgo's experience so far suggests customers will drive on to the lot for the primary purpose of shopping. The charging station will be a convenience to existing customers rather than an attraction for additional Walgreen's patron traffic.

eVgo remains confident that the current choice of charging station location is the best to meet the needs of the community.

LGNA's full support for this important development would be appreciated. If you have any further questions or comments, please feel free to contact either of the undersigned.

Very truly yours,  
LCA Environmental, Inc.

  
Dallas May, E.I.T.  
LCA Environmental, Inc.  
Staff Engineer

  
Mark K. Boyd, Ph.D., P.E., D. WRE  
LCA Environmental, Inc.  
Principal Engineer



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 112-117

Data Relative to Subject Property:

Date: 10 October 2012

Location address: 5742 E. Mockingbird Ln Zoning District: CR

Lot No.: 3 Block No.: B/2893 Acreage: 1.4464 Census Tract: 2.02

Street Frontage (in Feet): 1) 250' 2) 241.64' 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

*gc 24*

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): RHJ Dallas I LLC

Applicant: Dallas May, of LCA Environmental, Inc. Telephone: 972-241-6680

Mailing Address: 13221 Bee St. Farmers Branch, TX Zip Code: 75234

E-mail Address: may@lcaenvironmental.com

Represented by: Dallas May Telephone: 972-241-6680

Mailing Address: 13221 Bee St. Farmers Branch, TX Zip Code: 75234

E-mail Address: may@lcaenvironmental.com

Affirm that an appeal has been made for a Variance 1, or Special Exception 1, of

Three (3) feet from the front yard.  
Three (3) parking spaces from the required 72 parking spaces for General Merchandise or food store greater than 3500 sq. ft.

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 Property is dissimilar to other retail properties due to the unique number of setbacks.  
Parking reductions will not adversely effect neighboring properties or cause traffic congestion.

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 Dallas Lynn May  
(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: *Dallas May*  
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 10 day of October, 2012

Patricia Elder  
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 Dallas May

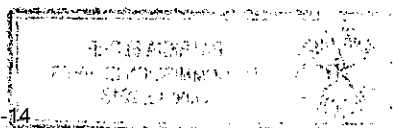
did submit a request for a variance to the front yard setback regulations, and for a special exception to the parking regulations

at 5742 E. Mockingbird Lane

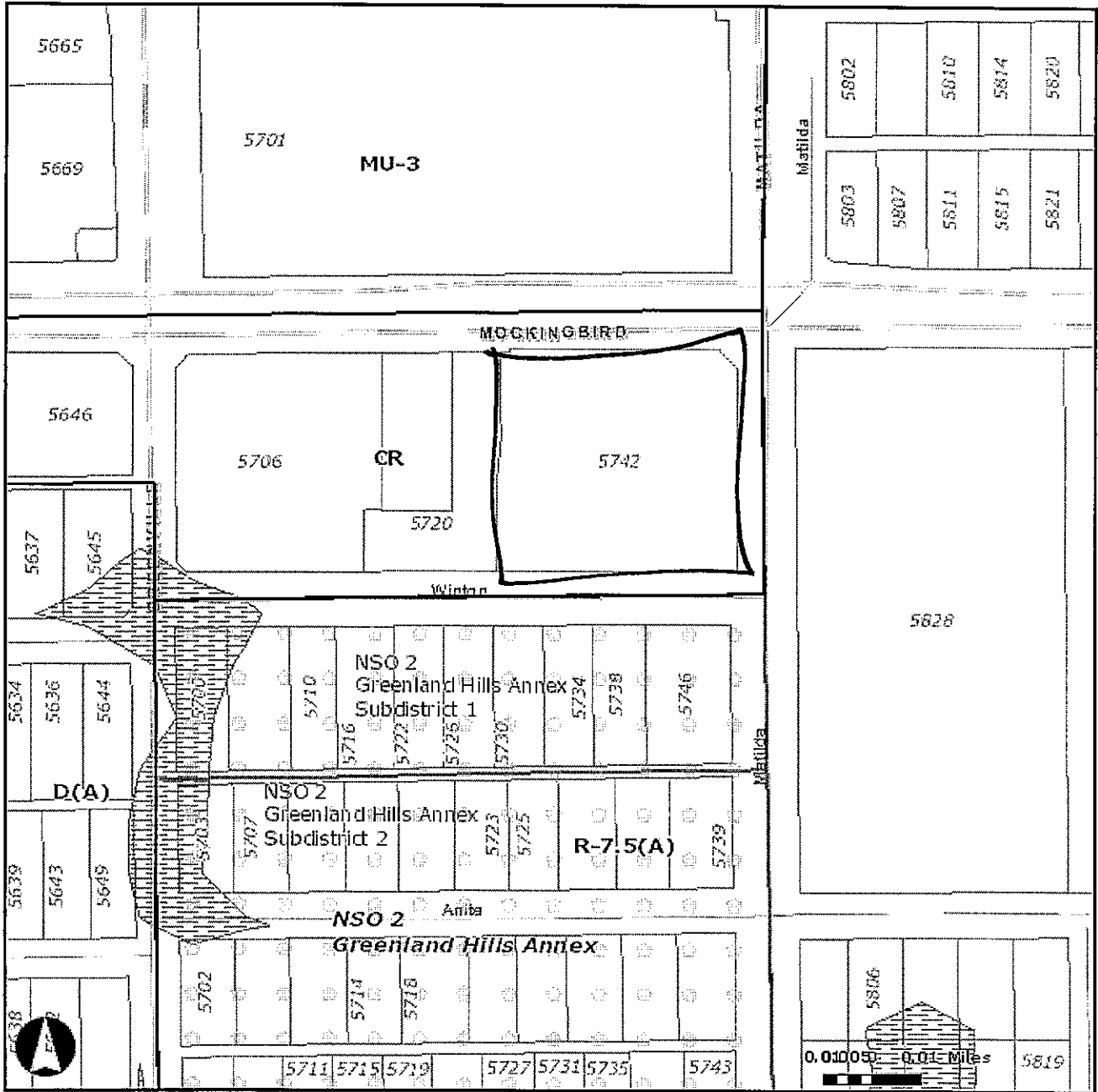
BDA112-117. Application of Dallas May for a variance to the front yard setback regulation and a special exception to the parking regulations at 5742 E. Mockingbird Lane. This property is more fully described as Lot 3, Block B/2893 and is zoned CR, which requires a front yard setback of 15 feet and requires parking to be provided. The applicant proposes to construct and maintain a nonresidential structure and provide a 12 foot front yard setback, which will require a 3 foot variance to the front yard setback regulation, and to construct and maintain a nonresidential structure for general merchandise or food store greater than 3500 square feet use and provide 69 of the required 72 parking spaces, which will require a 3 space special exception (4% reduction) to the parking regulation.

Sincerely,

*Larry V. Holmes*  
Larry Holmes, Building Official



# City of Dallas Zoning

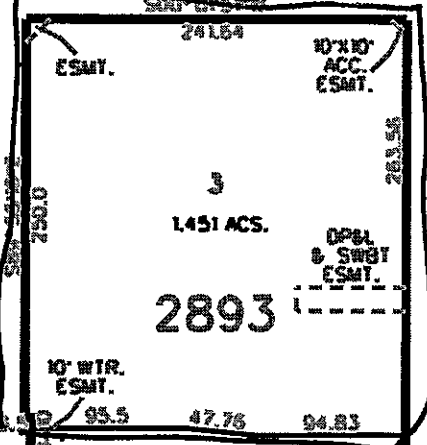


- |                   |                       |                         |
|-------------------|-----------------------|-------------------------|
| City Boundaries   | Dry Overlay           | Base Zoning             |
| County            | D                     | Floodplain              |
| Certified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

2887

LANE

MATILDA



2893

5700

MOCKINGBIRD

5700

GREENVILLE

A-2897

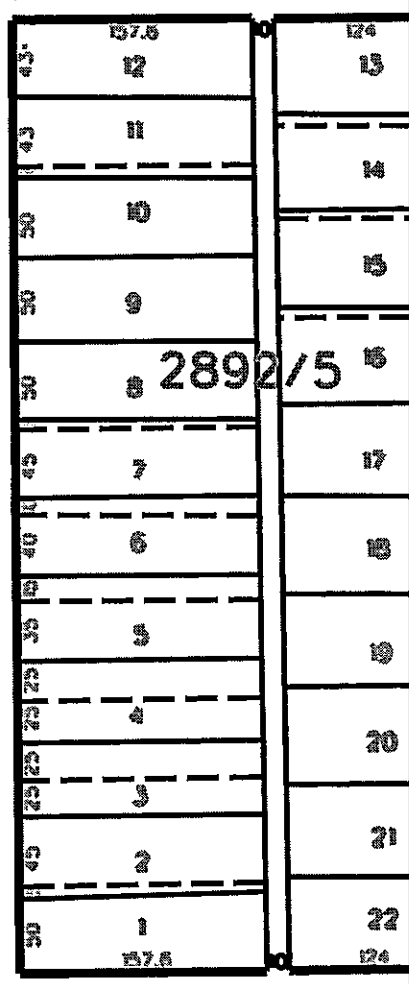
60  
AVE.

5700

WINTON

60

DALLAS SHERMAN

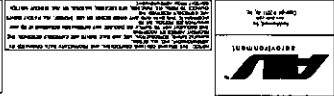


2892/5

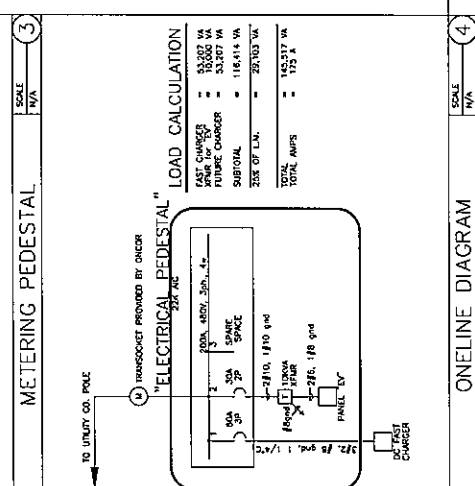
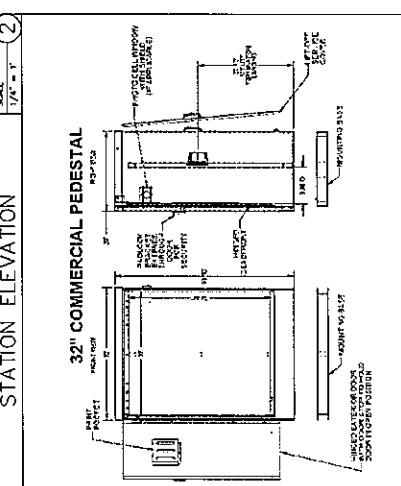
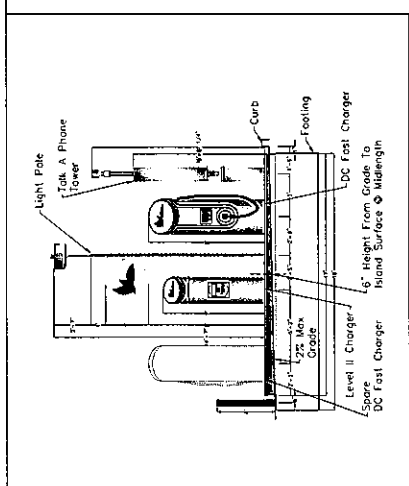
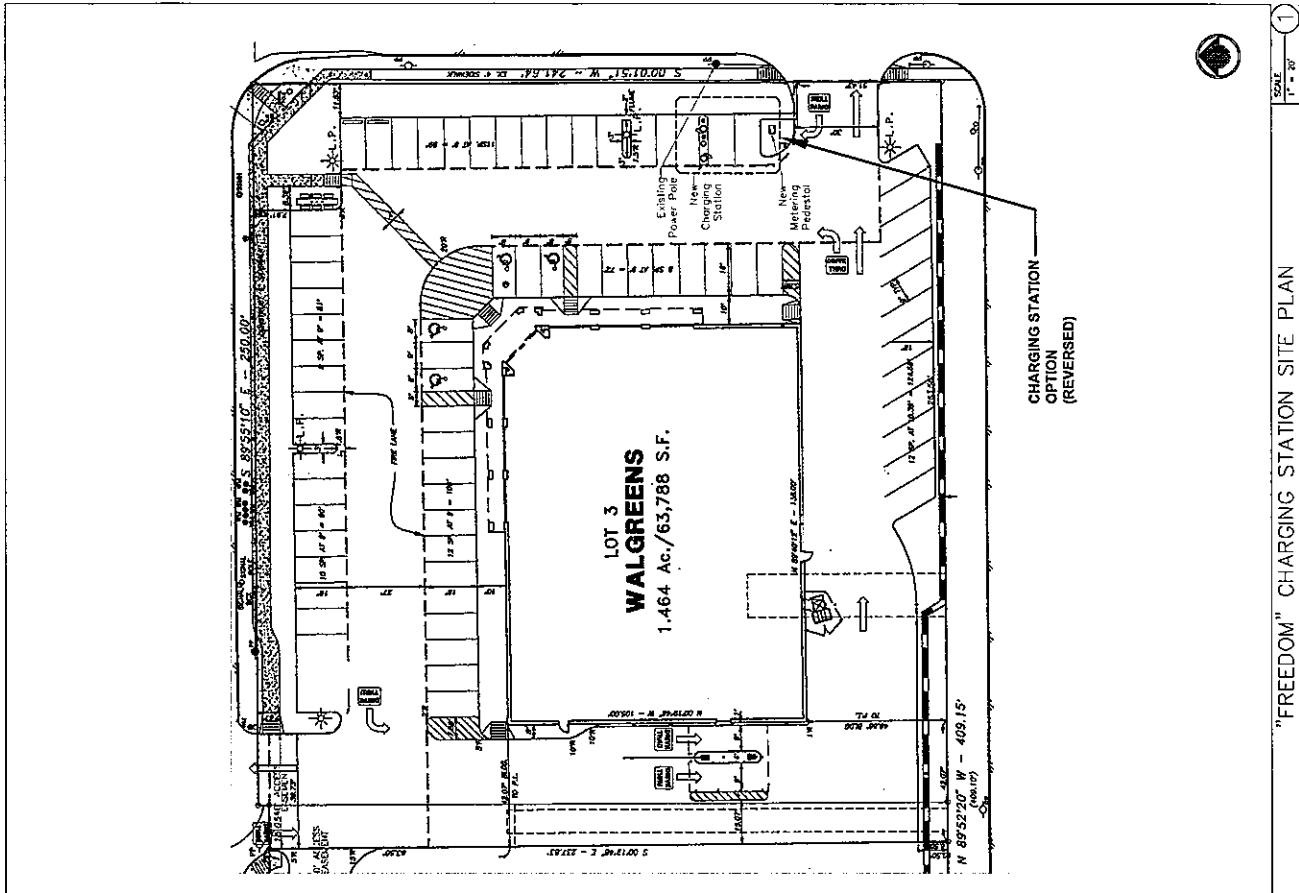
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B-2898

C:\tax\_plats\2888\_1.dgn 10/24/2012 10:46:37 AM



DATE:	7/27/2017
SCALE:	AS SHOWN
DRAWN BY:	AR1
CHECKED BY:	
PROJECT NO.:	
DATE:	7/27/2017
SCALE:	AS SHOWN
DRAWN BY:	AR1
CHECKED BY:	
PROJECT NO.:	



**PROJECT CONTACTS**

**CLIENT**  
NRG ENERGY INC.  
181 W. Huntington Dr., Suite 202  
Monrovia, CA 91061

**GENERAL CONTRACTOR**  
AEROSURVIVANT INC.  
181 W. Huntington Dr., Suite 202  
Monrovia, CA 91061

**UTILITY COMPANY**  
ONCOR  
618 Woodall Rodgers Frey, Suite 60206  
Dallas, TX 75202

**SITE HOST**  
WALGREENS  
5742 E Mockingbird Ln  
Dallas, TX 75206

**CONTRACTOR**  
Mike McCas  
281-674-1515

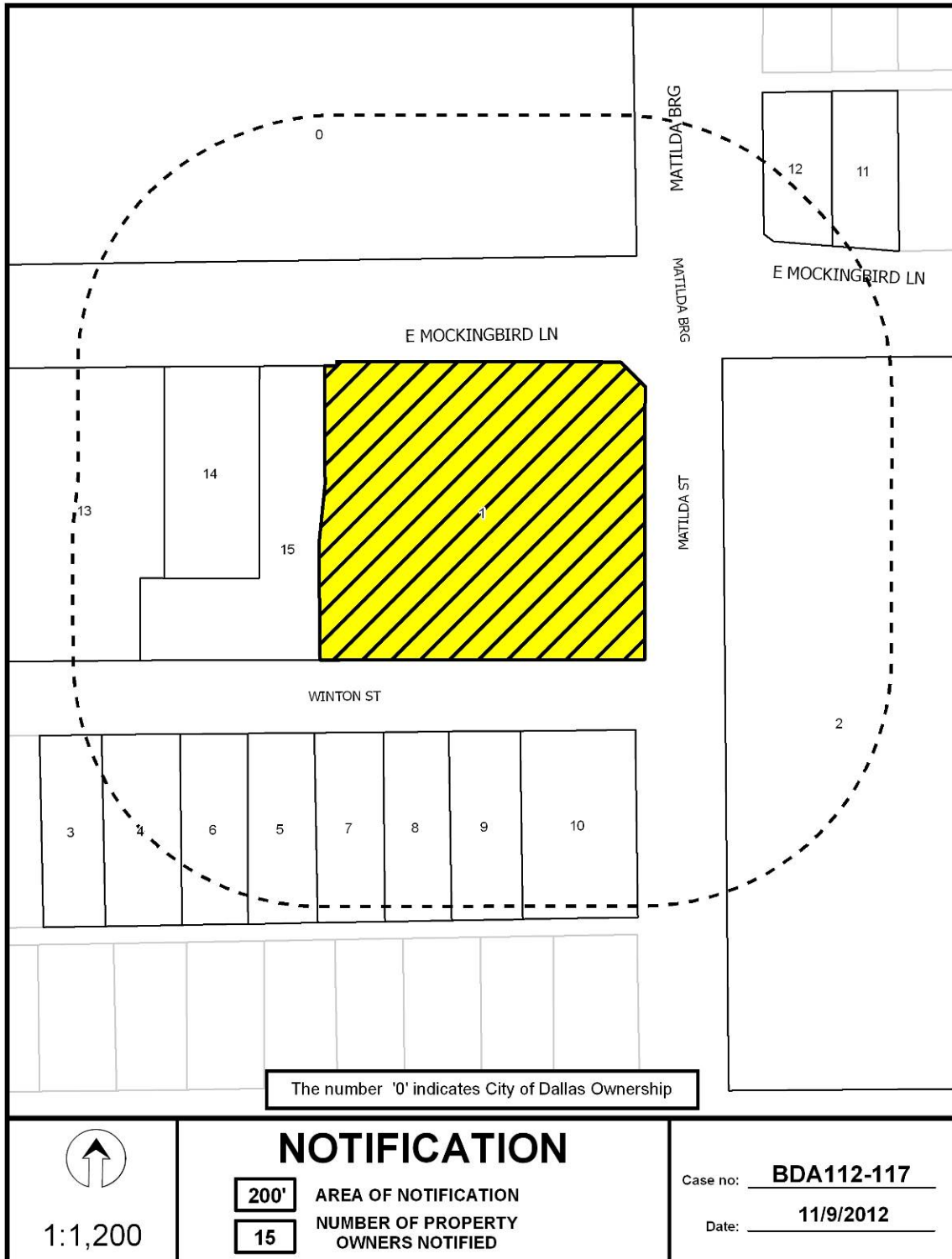
**GENERAL CONTRACTOR**  
John Richardson  
636-337-9983

**CONTRACTOR**  
Steve Allen  
972-855-0041

**CONTRACT NAME**  
CONTRACT PHONE

**SCOPE OF WORK & NOTES**

- Install (1) service riser and underground feeder from pole to new 200A 480V 3PH metering pedestal enclosure. Install service riser using schedule 40 PVC per the requirements of the Utility Company. The underground service riser conduit is to be a minimum of 3" PVC. All trenching, boring, asphalt and/or concrete cutting, removal, disposal, and patching will be provided. Total feeder length will depend on charger station placement in relation to power pole that will be used. Total distance for the secondary and primary conductors will be based on the final location of the metering/transformer pedestal and the utility right of way.
- Install prefabricated metal/enclosure pedestal with concrete foundation and anchor bolts. Installation permits and requirements per the City or County are included and any additional permits and requirements for the public right-of-way, pedestal is self contained and includes all the circuit breakers and transformer for the connection of (1) 80A 480V DC Fast Charger and (1) 40A 240V Level II Charger.
- Installation of (1) DC Fast Charger complete with foundation and equipment protection bollards, as required. A 80A 480V feeder will be installed from the metering pedestal to the DC Fast Charger location. All trenching, boring, asphalt and/or concrete cutting, removal, disposal, and patching will be provided. Installation permits and requirements per the City or County are included.
- Installation of (1) Level II Charger complete with foundation and equipment protection bollards, as required. A 40A 240V feeder will be installed from the metering pedestal to the Charger location. All trenching, boring, asphalt and/or concrete cutting, removal, disposal, and patching will be provided. Installation permits and requirements per the City or County are included.
- All work is being performed by Aerovormant and will be maintained by Aerovormant. The work to be performed by the Utility Company or NRG. Poles of service connection will be at an existing utility pole or transformer, where available. Some locations may require a new utility pole or transformer. No utility fees are included. No special engineering for working in the right-of-way is included. All work is to span 30 calendar days and performed during normal weekday business hours with the exception of work performed by the Utility Company. Maintenance and repair work will be performed within one business day of a service request.
- This drawing is preliminary and subject to review. The final design drawings may vary slightly from this drawing. The final design drawings shall be provided by the Utility Company or NRG. Poles of service connection will be at an existing utility pole or transformer, where available. Some locations may require a new utility pole or transformer. No utility fees are included. No special engineering for working in the right-of-way is included. All work is to span 30 calendar days and performed during normal weekday business hours with the exception of work performed by the Utility Company. Maintenance and repair work will be performed within one business day of a service request.



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

***BDA112-117***

## ***15 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	5742 MOCKINGBIRD LN	RHJ DALLAS I LLC
2	5828 MOCKINGBIRD LN	Dallas ISD ATTN OFFICE OF LEGAL SERVICES
3	5710 WINTON ST	LANDWEHR JENNIFER A
4	5716 WINTON ST	CEJKA DAVID C & BETTYE L
5	5726 WINTON ST	DUNCAN JOHN T III & KIMBERLY J
6	5722 WINTON ST	5722 WINTON LLC
7	5730 WINTON ST	HIATT AUSTIN SCOTT
8	5734 WINTON ST	LEIJA STUART C
9	5738 WINTON ST	KAVAYA TALIA M
10	5746 WINTON ST	LIGHT DAVID L ET AL
11	5807 MOCKINGBIRD LN	GWATHNEY P L
12	5803 MOCKINGBIRD LN	LEATH BILL & LULU A
13	5706 MOCKINGBIRD LN	THORNE ELIZABETH ORAM TR & ROBBYE JEANNE
14	5720 MOCKINGBIRD LN	DALLAS LUBE VENTURE LLC
15	5720 MOCKINGBIRD LN	PIEDMONT MOCKINGBIRD PTNRS LP

**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.



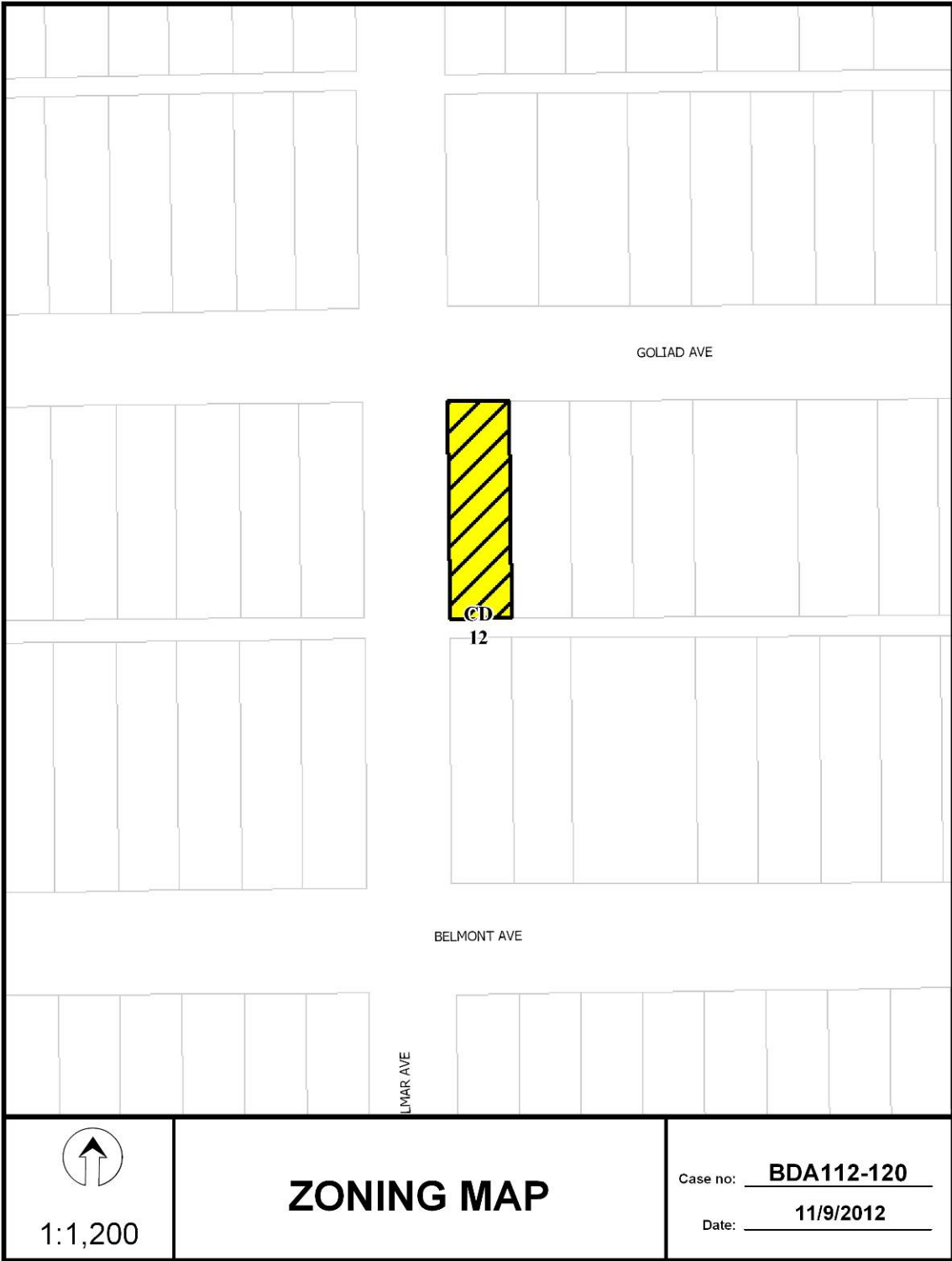
November 30, 2012: One of the property owners of the subject site forwarded information on this application to the Board Administrator (see Attachment B).

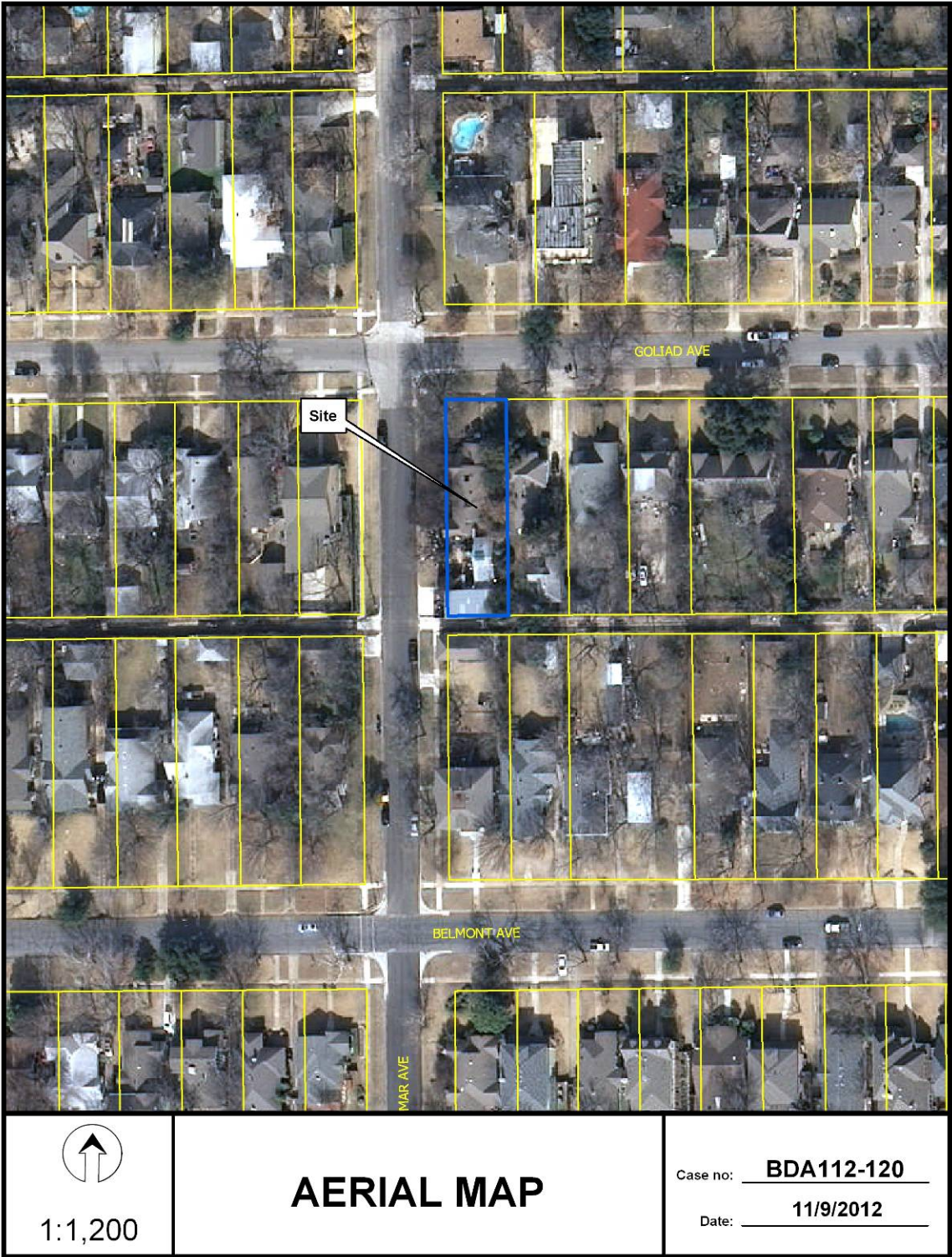
November 30, 2012: The applicant forwarded information on this application to the Board Administrator beyond what was submitted with the original application (see Attachment C).

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).

**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.





  
 1:1,200

# AERIAL MAP

Case no:     BDA112-120      
 Date:     11/9/2012

BDA112-120  
Attach A



City of Dallas

# Permit # 1206271083

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 Branam 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.

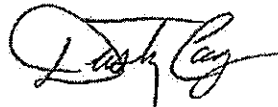
### Summary

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



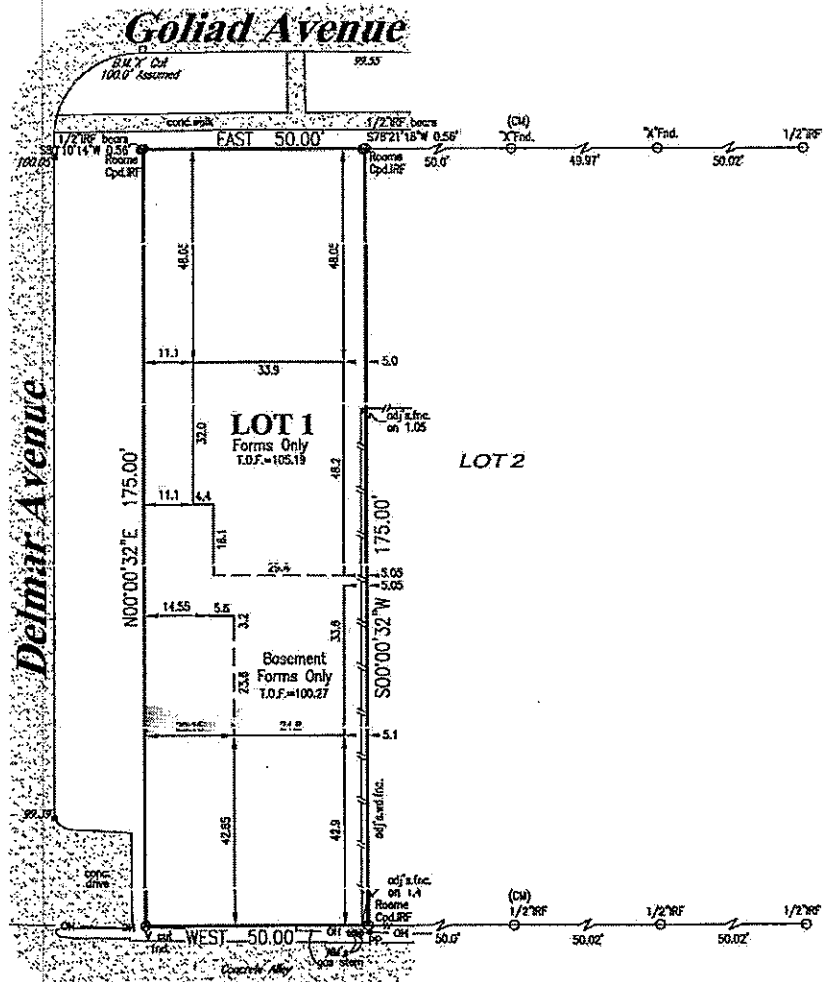
James D. Cooper

**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



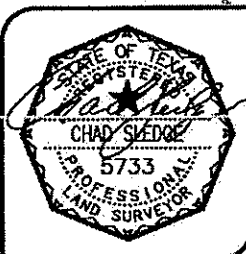
SCALE: 1" = 30'



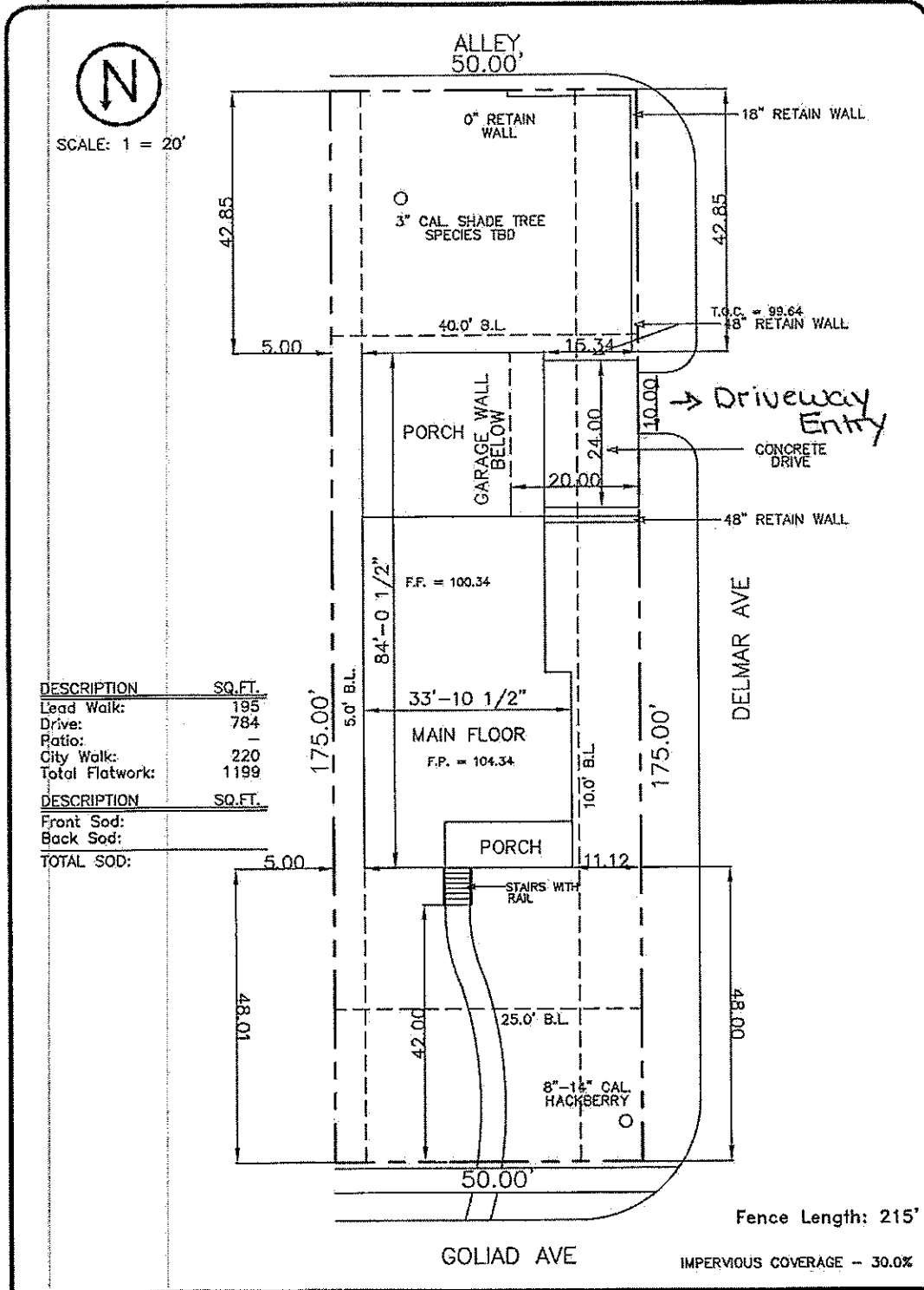
LEGEND  
 [Symbol] = [Description]

**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. 75020  
 PHONE: 214.227.7527  
 FAX: 214.227.7935

SUBDIVISION : <b>BELMONT ADDITION</b>	
SUBDIVISION : <b>BELMONT ADDITION</b>	
ADDRESS : <b>5902 GOLIAD AVE</b>	
DATE : <b>10/30/12</b>	JOB # :
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.

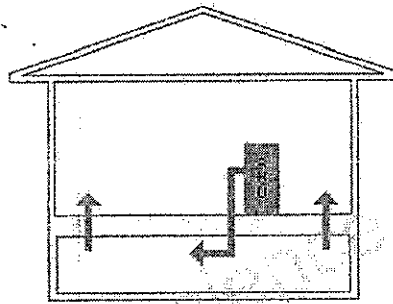
## Constructing Conditioned Crawl Spaces

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).

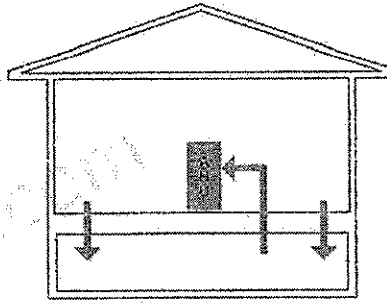
Crawl spaces must always have a ground cover that prevents evaporation of ground moisture into the crawl space. There are many ways to provide a durable ground cover or liner. The option used depends on the resources available, the frequency of people entering the crawl space to either store possessions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

Attach B  
p3 to



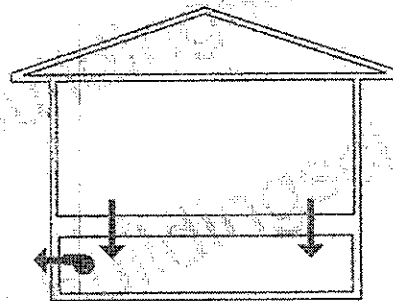
**A: Supply air to crawlspace**

- 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



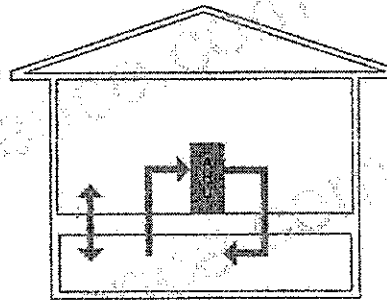
**C: Return air from crawlspace**

- 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



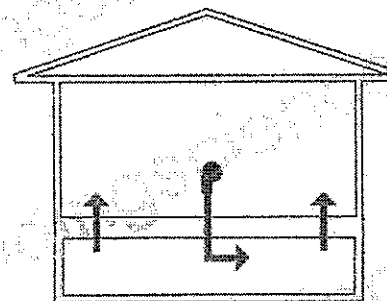
**B: Exhaust fan in crawlspace**

- 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

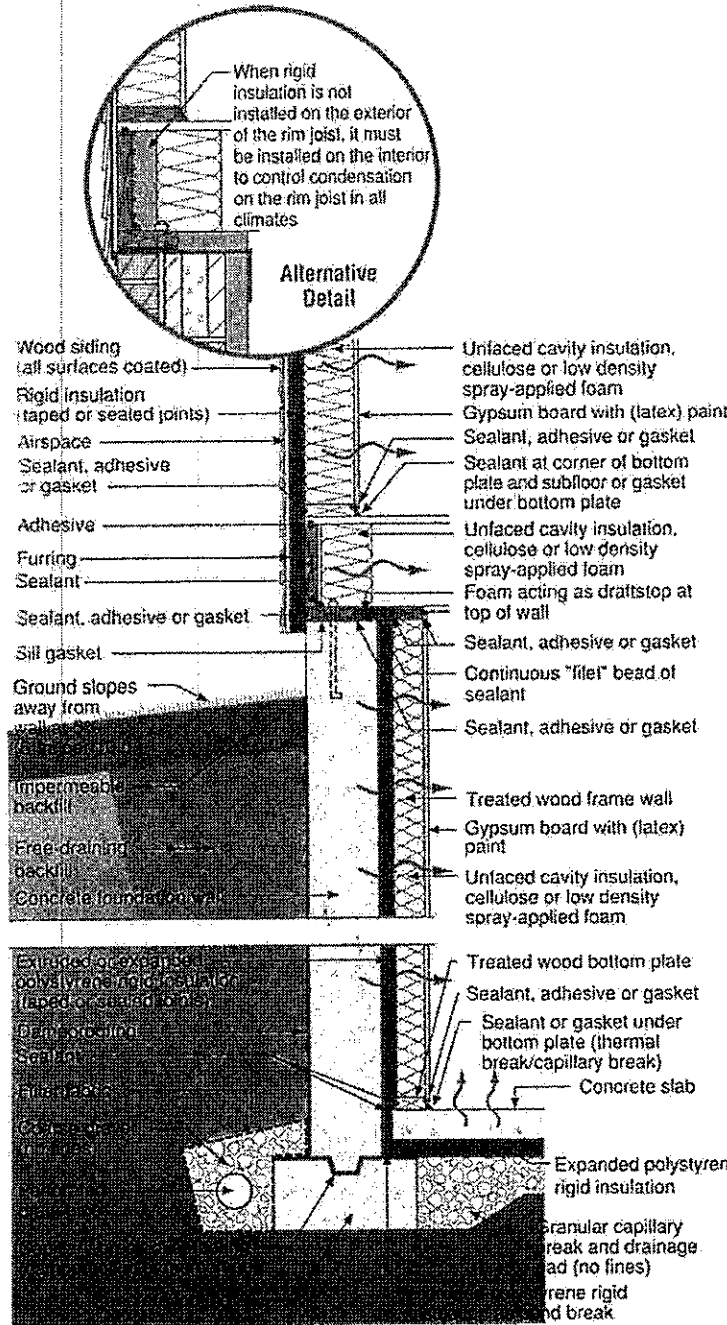


Figure 10: Rigid Insulation/Frame Wall

- 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

5901 Palo Pinto Avenue · Dallas, Texas 75206



## **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,

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



## **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".

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:

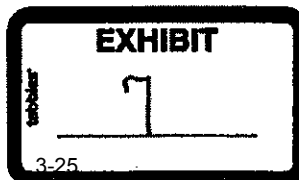
- Approved as submitted – meets development and design standards.
- Approved with the following conditions / comments: \_\_\_\_\_

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

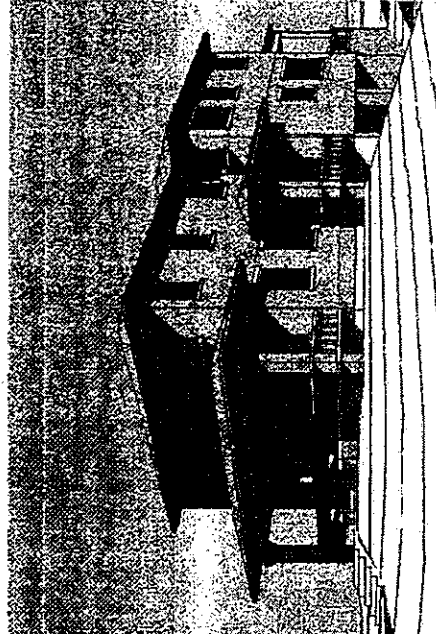
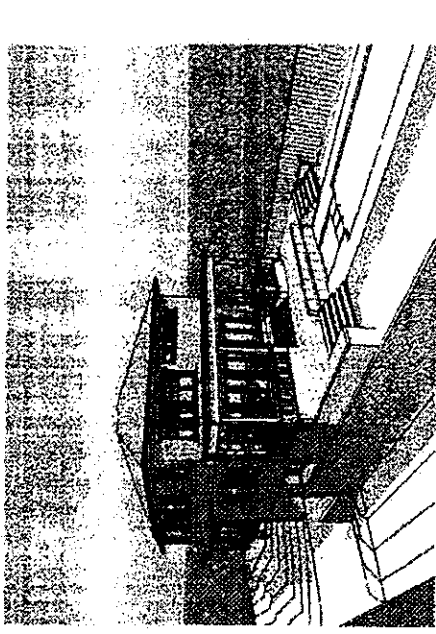
**Jeff Baron Homes**  
 8009 Henderson Avenue  
 Dallas, Texas 75208  
 Tel: 214-268-0936

**JLB**

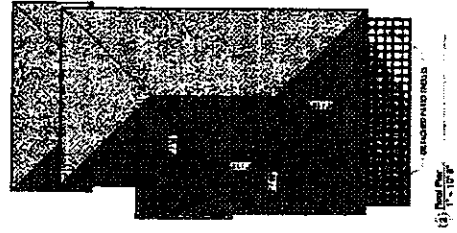
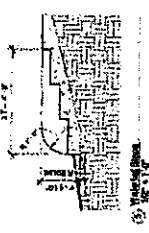
**Julie Layman, Architect**  
 4977 Dallas Avenue  
 Dallas, Texas 75244  
 Tel: 469-428-2711

**Site Plan**

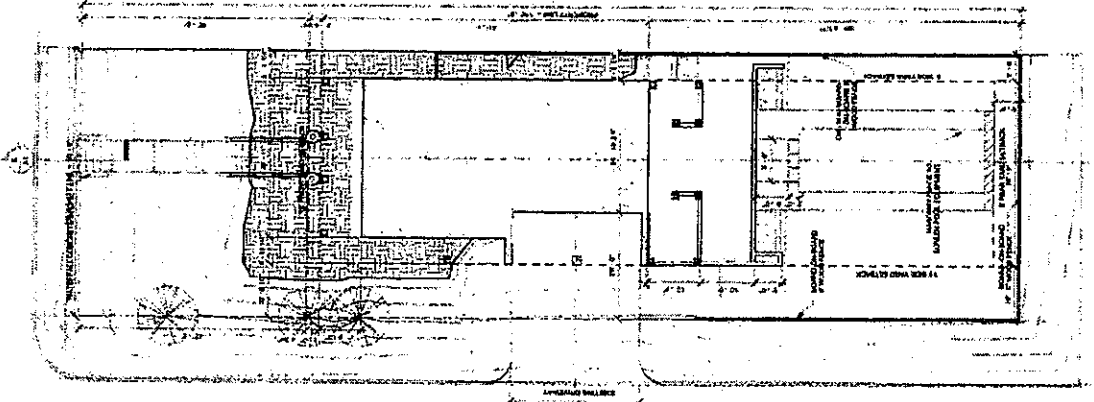
**A1**  
 AND 01/10/11



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
10000	Office Building Area	10000 SF
11000	Office Building Area	11000 SF
12000	Office Building Area	12000 SF
13000	Office Building Area	13000 SF
14000	Office Building Area	14000 SF
15000	Office Building Area	15000 SF
16000	Office Building Area	16000 SF
17000	Office Building Area	17000 SF
18000	Office Building Area	18000 SF
19000	Office Building Area	19000 SF
20000	Office Building Area	20000 SF



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

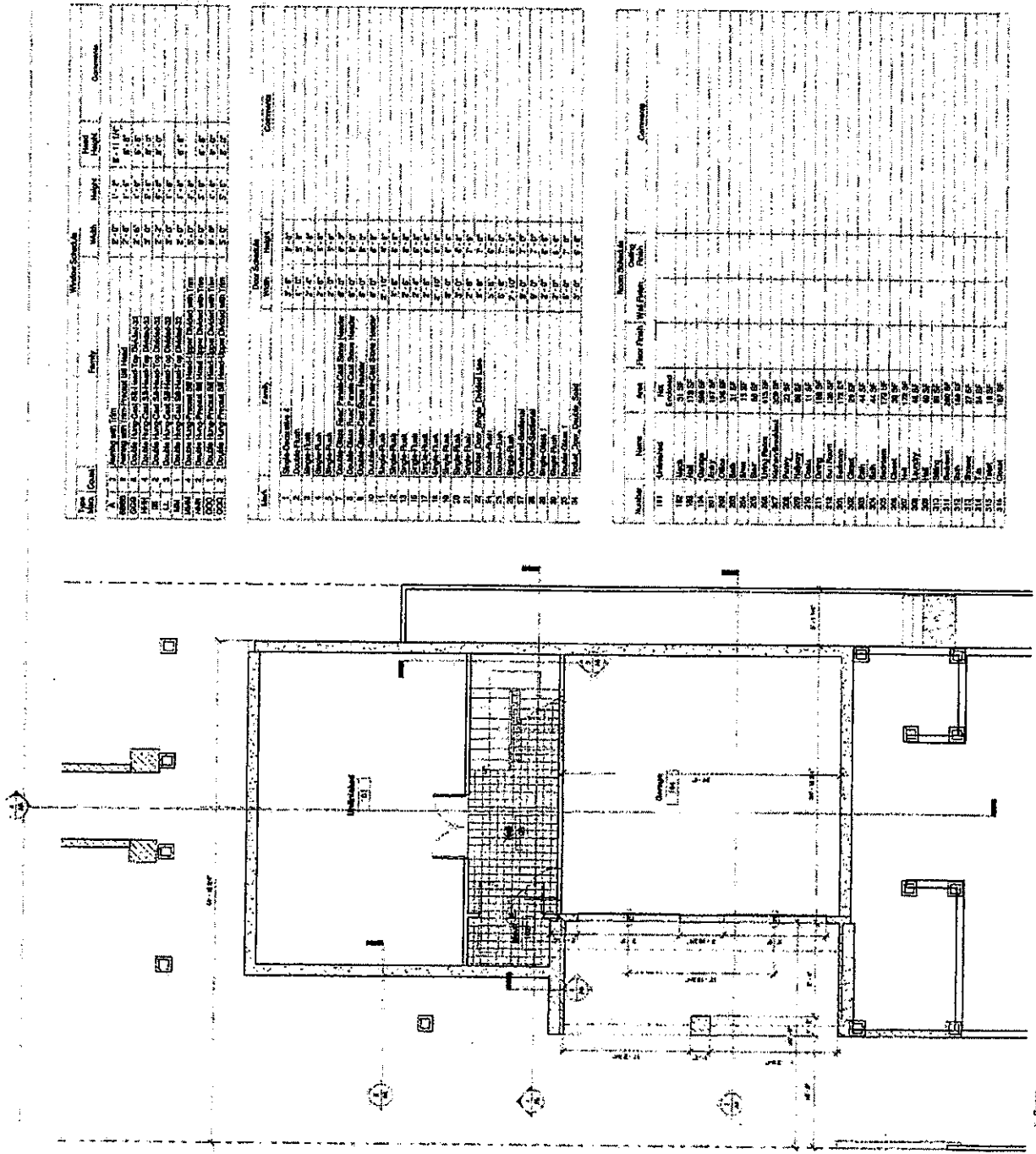


Garage Plan  
 A2  
 04/28/2011

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

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

**Juris Lawvins, Architect**  
 1207 South Avenue  
 Dallas, Texas 75215  
 P 214-682-4711



Item	Quantity	Unit	Material	Notes	Comments
1	1	EA	CONCRETE	...	...
2	1	EA	STEEL	...	...
3	1	EA	...	...	...

Item	Quantity	Unit	Material	Notes	Comments
4	1	EA	...	...	...
5	1	EA	...	...	...
6	1	EA	...	...	...

Item	Quantity	Unit	Material	Notes	Comments
7	1	EA	...	...	...
8	1	EA	...	...	...
9	1	EA	...	...	...

**DENIED**  
 MAIL 3/21/11  
 Mr. [Name]  
 5902 GOLIAD AVENUE  
 DALLAS, TEXAS 75206

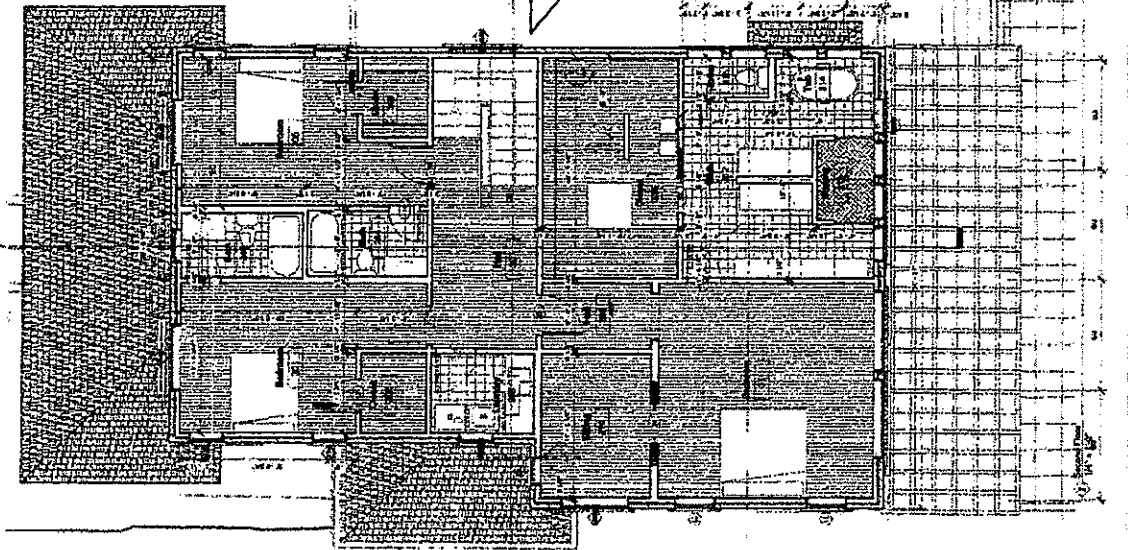
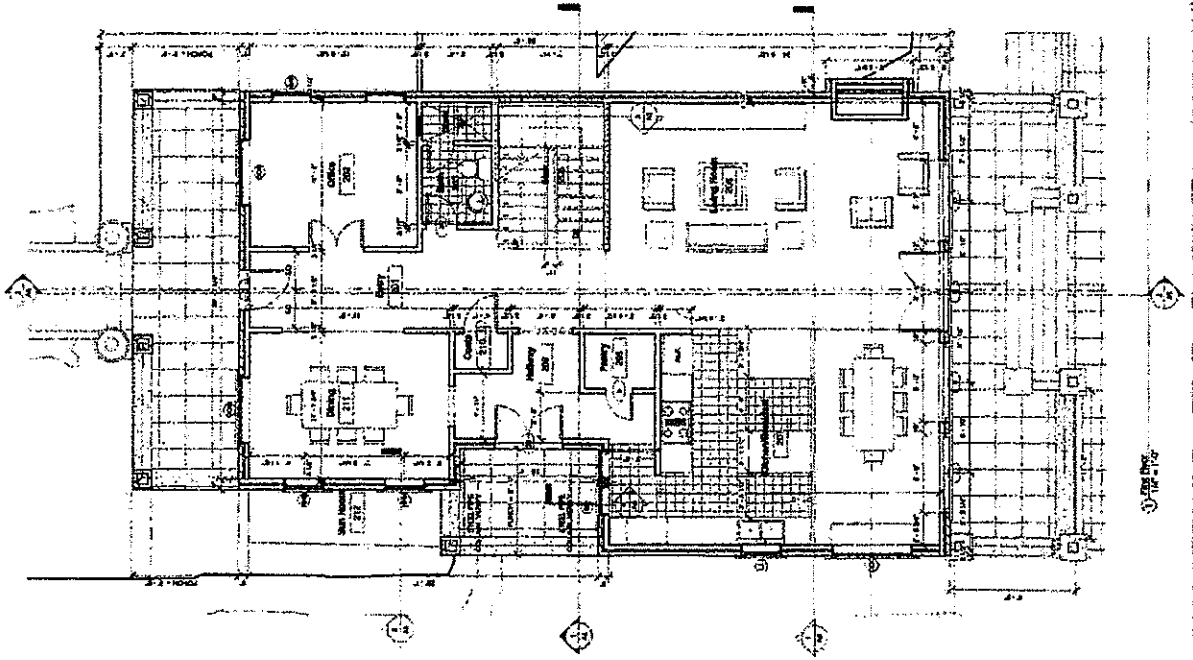
Jane Larvins, Architect  
4007 Bess Avenue  
Dallas, Texas 75206  
214-256-0711

Jeff Barron Homes  
4003 Venderlo Avenue  
Dallas, Texas 75206  
214-256-6935

Conceptual Design  
5902 Goliad Avenue  
Dallas, Texas 75206

Floor Plans

A3



**DENIED**  
Date: 7-23-2011  
Project: BDA112-120  
Sheet: 3-29

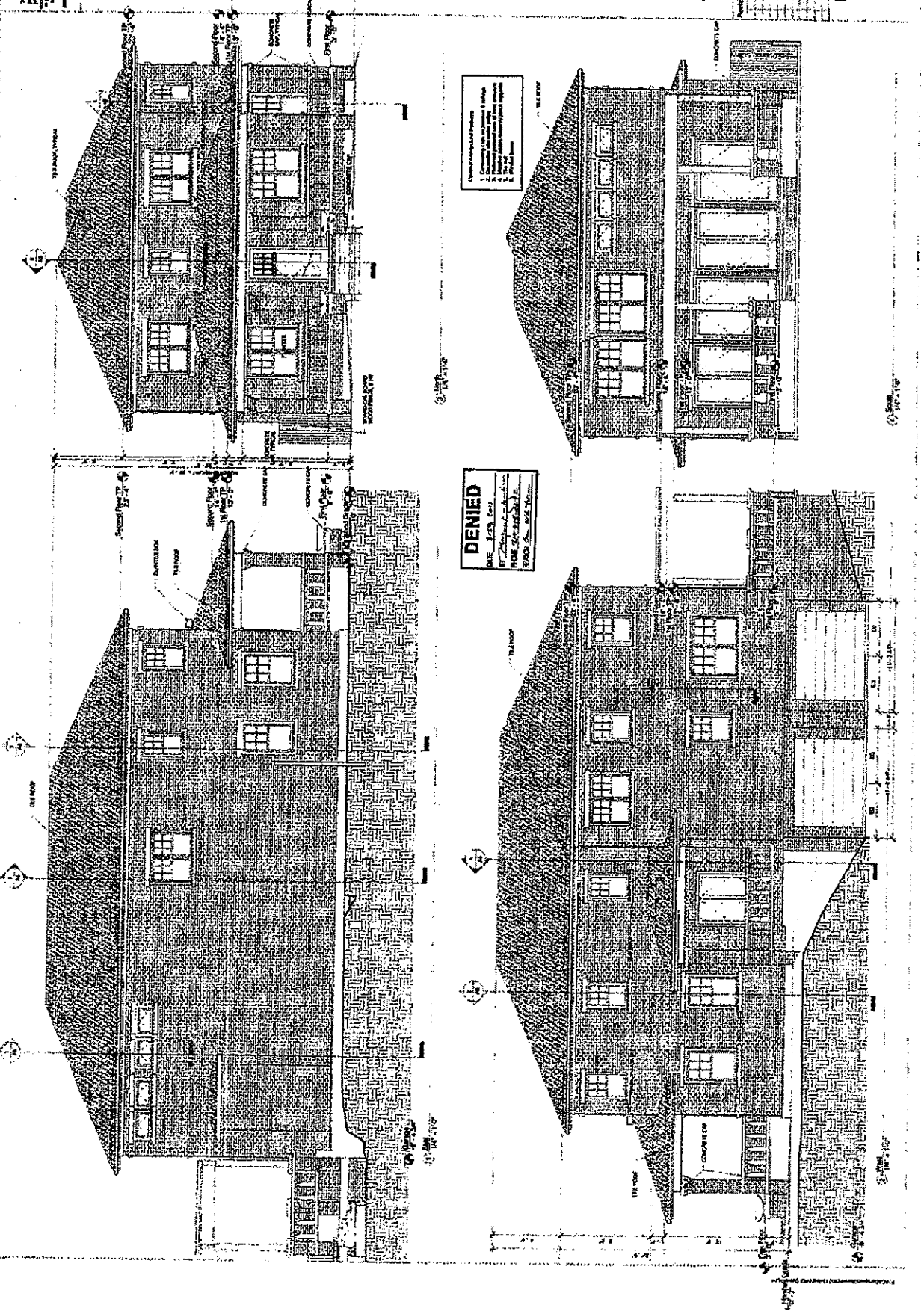
Conceptual Design  
5902 Gollard Avenue  
Dallas, Texas 75206

Elevations

A4  
APR 20, 2011

June Layman, Architect  
4607 South Avenue  
Dallas, Texas 75204  
214-828-2711

Jeff Bacon Homes  
6005 Vanderbil Avenue  
Dallas, Texas 75206  
P: 214-250-6255



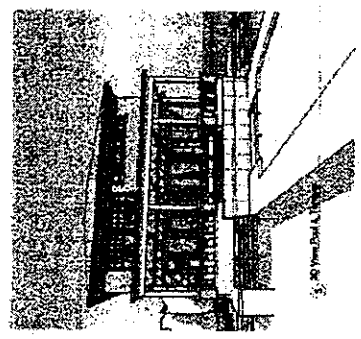
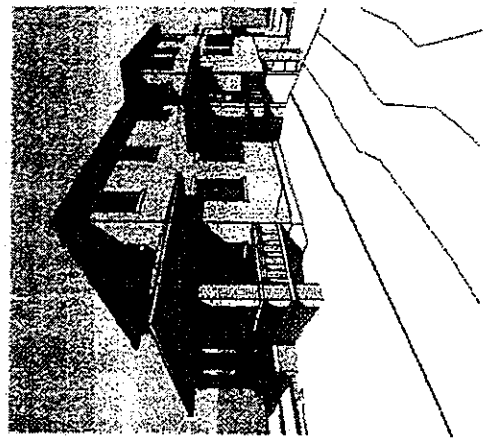
A5  
May 22, 2011

Building  
Sections

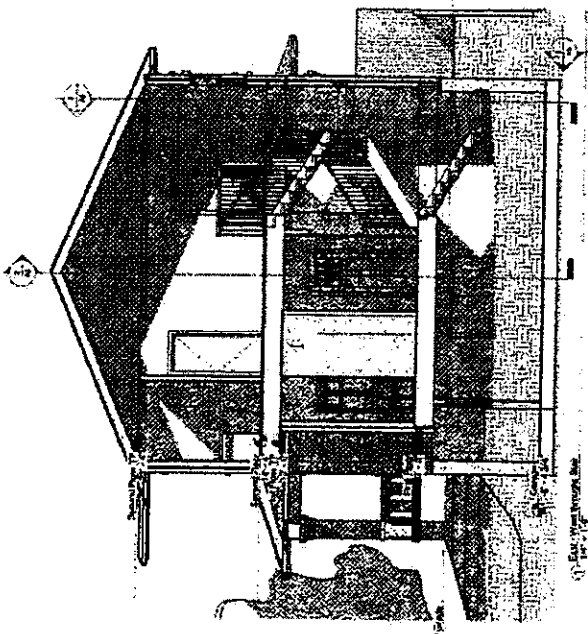
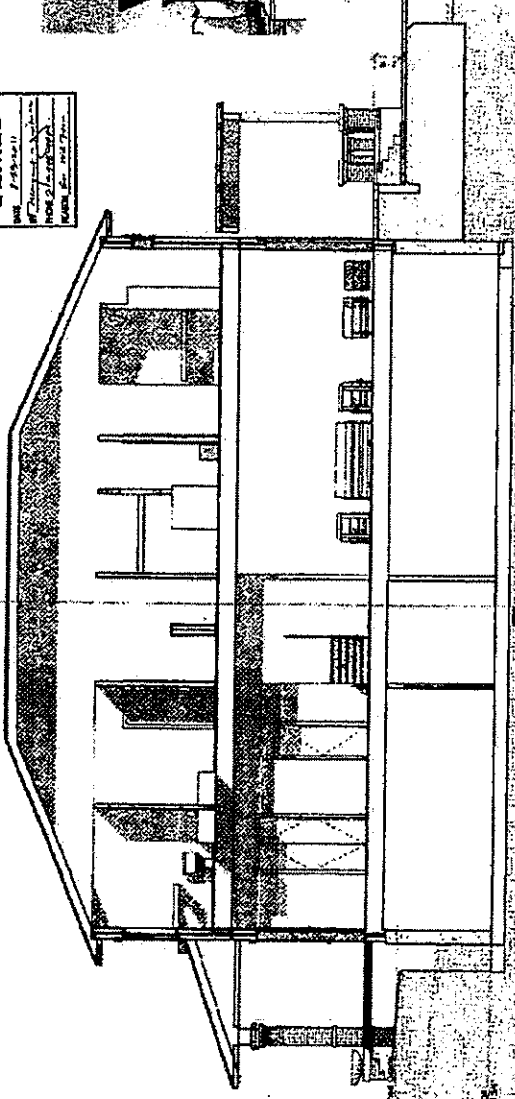
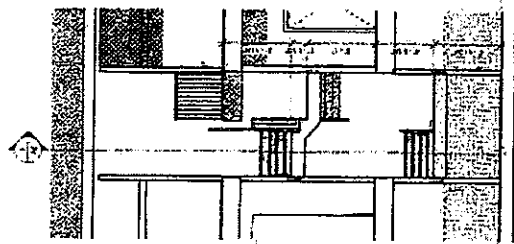
Conceptual Design  
5902 Goliad Avenue  
Dallas, Texas 75206

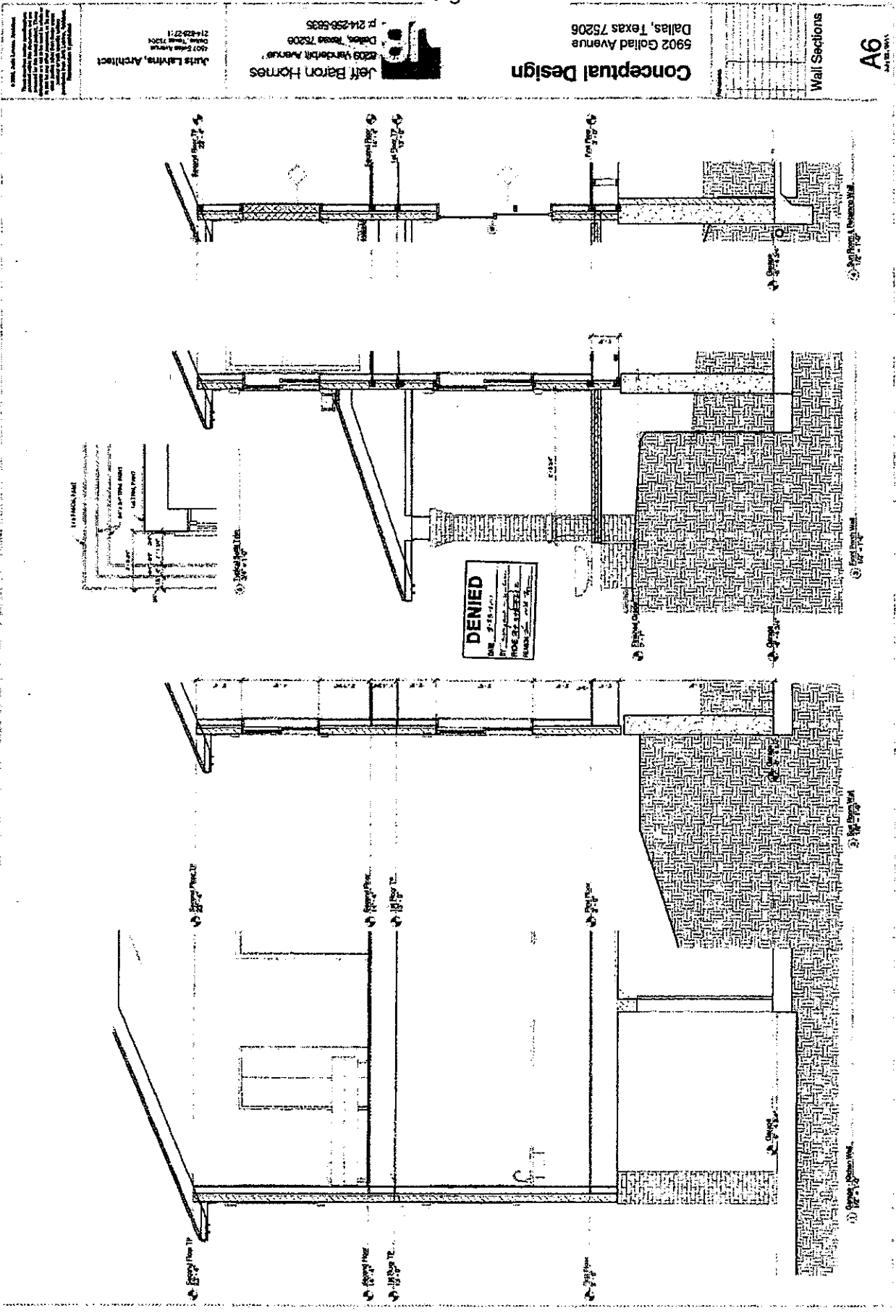
Jeff Baron Homes  
6229 Vonderck Avenue  
Dallas, Texas 75206  
P: 214-250-0835

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



**DENIED**  
The City of Dallas  
Department of Planning and Development  
1500 Marilla Street  
Dallas, TX 75201





Wall Sections

A6

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 Dallas Avenue  
 Dallas, Texas 75204  
 214-252-2711

NOT TO SCALE  
 ALL DIMENSIONS TO FACE UNLESS NOTED OTHERWISE  
 ALL MATERIALS TO BE APPROVED BY ARCHITECT  
 ALL WORK TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS  
 ALL WORK TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS  
 ALL WORK TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS

**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

Parent Job:

Date Completed: Aug 23, 2011

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

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



**Work Details**

Approval Conditions  
 Architectural Style Prairie  
 Base Zoning CD-12  
 CD Review Name  
 CD Type Work  
 Conservation District Belmont Addition Conservation District  
~~Dental Reason~~  
 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	Scheduled Completed	Actual Start	Actual 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**

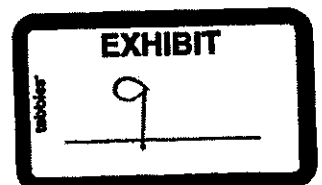
THE PROPOSED RESIDENCE EXCEEDS THE MAXIMUM LIMIT OF 2 STORIES ABOVE GRADE.

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**

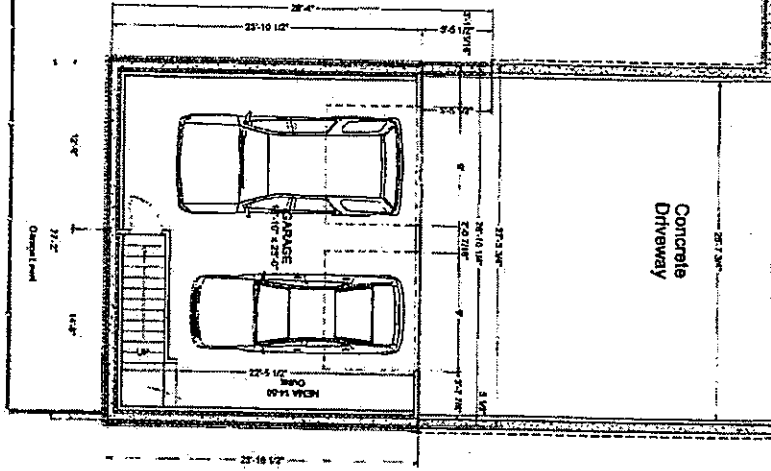
Approval Conditions  
Denial Reason  
THE PROPOSED RESIDENCE EXCEEDS THE MAXIMUM LIMIT OF 2 STORIES ABOVE GRADE.

PLANS FOR CONSTRUCTION

6' FENCE

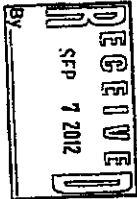
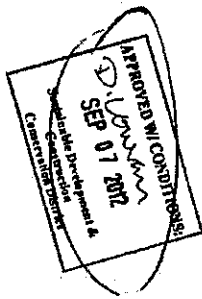
Concrete  
Driveway  
24' Wide

Property Line



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

BDA 112-120  
Attach C  
Pg 21

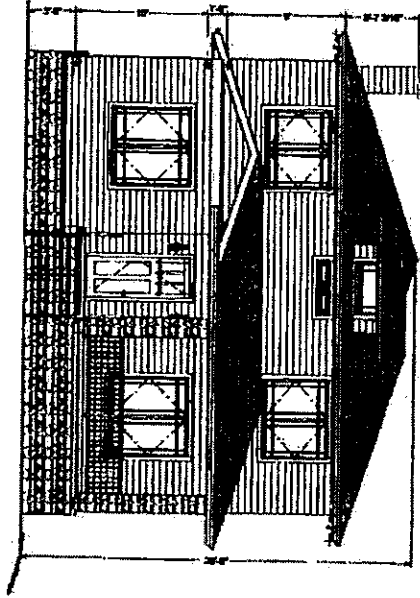


SQUARE FOOTAGES	
FIRST FLOOR	718 SF
SECOND FLOOR	178 SF
TOTAL FLOOR	896 SF
GARAGE AREA STORAGE	479 SF
COVERED DECK	213 SF
TOTAL COVERED AREA	692 SF
ORIGINAL HEIGHT	32'-10 1/2"



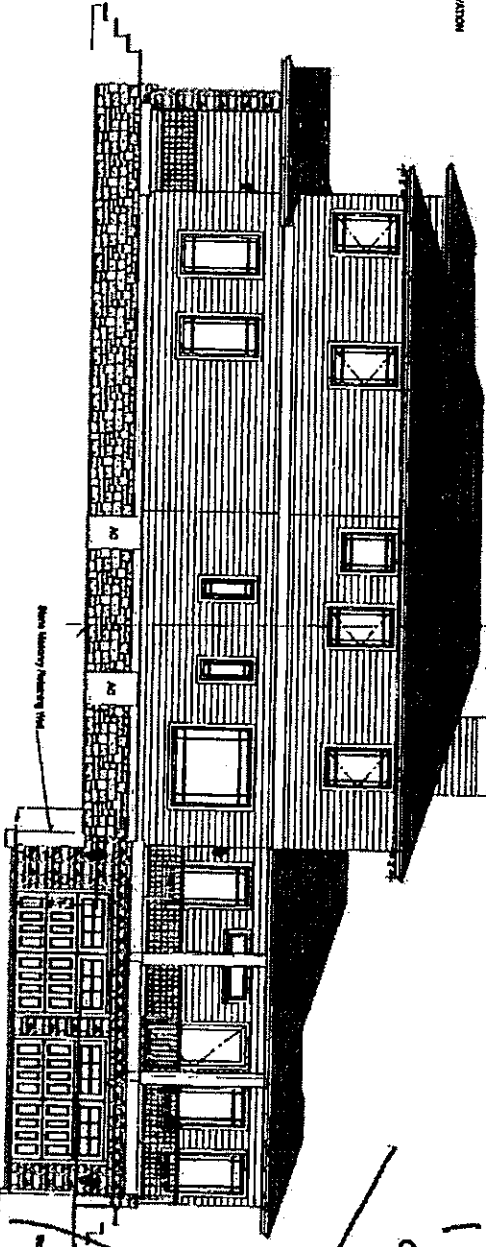
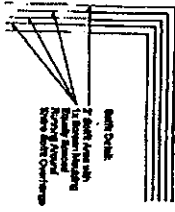
DRAWINGS PROVIDED BY: <b>Greenbrook Homes LLC</b>	PROJECT DESCRIPTION: <b>5902 Gollad 24x36 OP</b> <small>County and Citywide 5902 Gollad Dustin, Tasha / 5/206</small>	SHEET TITLE: <b>5902 Gollad Plans</b>	
		NO.	DESCRIPTION
DATE: 9/7/2012	SCALE: 1/4" = 1'	SHEET: A-2	

PLANS FOR CONSTRUCTION



REAR ELEVATION

Notes:  
 1. All exterior walls to be finished with stone veneer.  
 2. All exterior walls to be finished with horizontal lap siding.  
 3. All exterior walls to be finished with 1/2" Advantech Subfloor.  
 4. All exterior walls to be finished with 1/2" Advantech Subfloor.  
 5. All exterior walls to be finished with 1/2" Advantech Subfloor.  
 6. All exterior walls to be finished with 1/2" Advantech Subfloor.  
 7. All exterior walls to be finished with 1/2" Advantech Subfloor.  
 8. All exterior walls to be finished with 1/2" Advantech Subfloor.  
 9. All exterior walls to be finished with 1/2" Advantech Subfloor.  
 10. All exterior walls to be finished with 1/2" Advantech Subfloor.



FRONT ELEVATION



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



TRUSS

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



SHEET <b>A-8</b>	SCALE: 1/4" = 1"	DATE: 6/20/2013	PROJECT DESCRIPTION: 5902 Golfed 24x36 OP	SHEET TOTAL: 5902 Golfed Plans	NO. OF SHEETS: _____ OF _____
		DRAWN BY: Greenbrook Homes LLC	PROJECT NO.: _____ 5902 Golfed 24x36 OP	DATE: _____	NO. OF SHEETS: _____ OF _____

**PLANS FOR CONSTRUCTION**

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

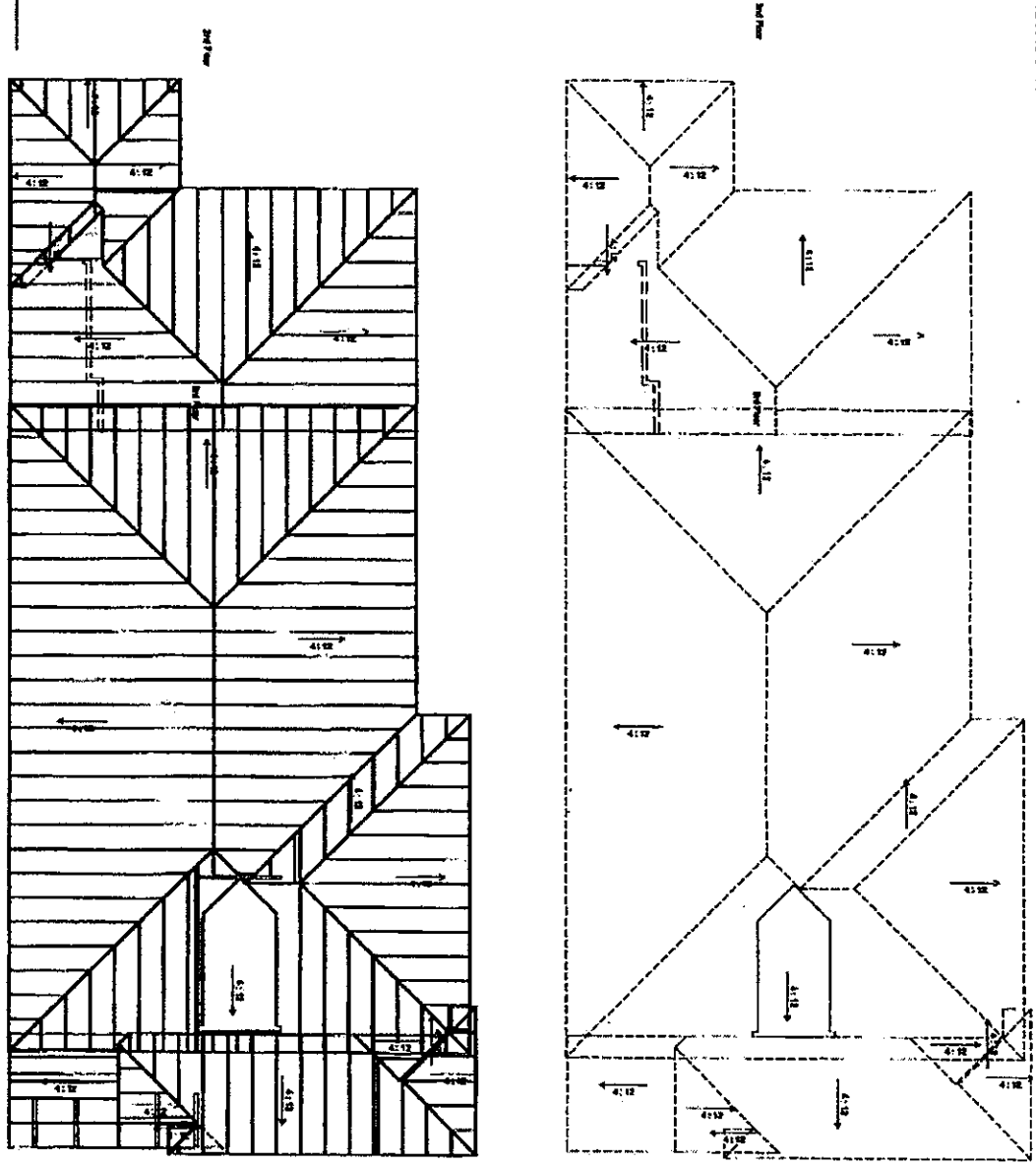
REAR ELEVATION

LEFT ELEVATION

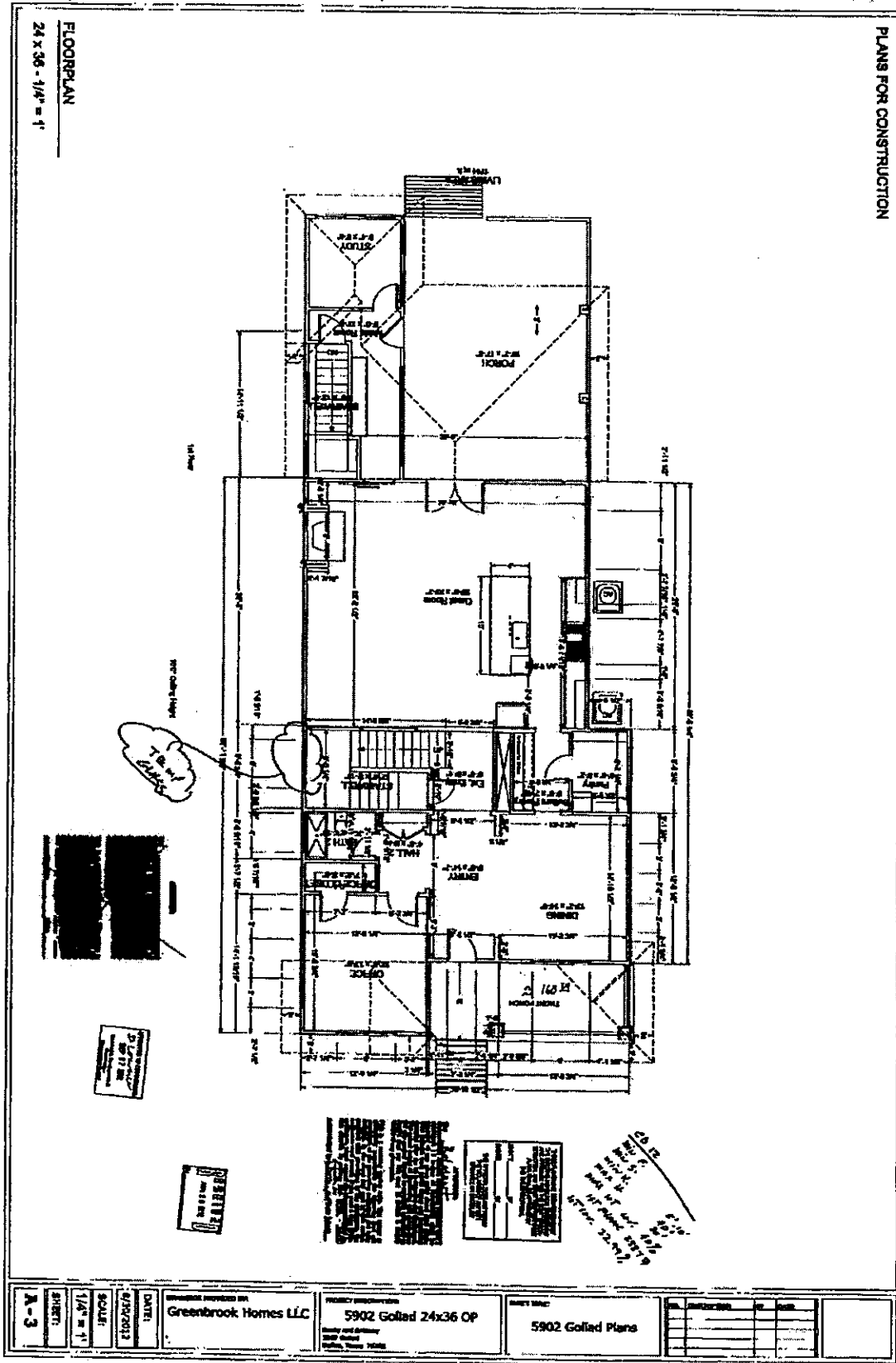
<b>DATE:</b> 06/20/2013	<b>DESIGNED BY:</b> Greenbrook Homes LLC	<b>PROJECT DESCRIPTION:</b> 5902 Gollad 24x36 OP	<b>PROJECT TITLE:</b> 5902 Gollad Plans																				
<b>SCALE:</b> 1/4" = 1'	<b>SHEETS:</b> 6-A-9	<small>Drawn and in Charge 5902 Gollad Greenbrook Homes, LLC</small>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>NO.</th> <th>DESCRIPTION</th> <th>DATE</th> <th>BY</th> </tr> </thead> <tbody> <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> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	NO.	DESCRIPTION	DATE	BY																
NO.	DESCRIPTION	DATE	BY																				

PLANS FOR CONSTRUCTION

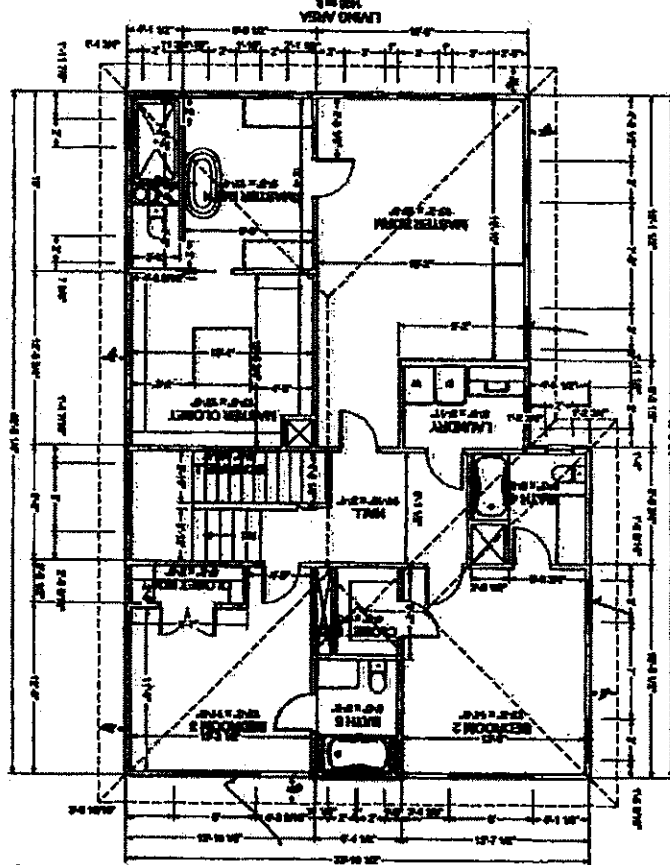
ROOF  
 24 x 36 - 1/4" = 1"



A-10	SHEET	SCALE 1/4" = 1'	DATE: 02/20/2012	DRAWING PROVIDED BY Greenbrook Homes LLC	PROJECT DESCRIPTION 5902 Golfed 24x36 OP	SHEET TITLE 5902 Golfed Plans	NO.	DESCRIPTION	DATE







2nd Floor  
 TV Mounted Up To 57\"/>



<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: [Name]</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***



**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

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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 Mapscoc:36-T  
0000018442600000

BDA112-120  
Attach C  
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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

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

Print CD Work Certificate  
 CONSTRUCT NEW PRAIRIE-STYLE SINGLE-FAMILY RESIDENCE

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 Complete Approved with Conditions Sep 10, 2012 Sep 10, 2012 08:13:58

Diana Lowrance  
 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  
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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.

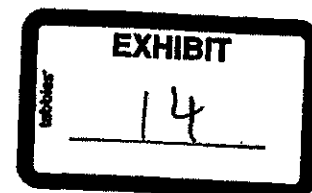
theresa

---

**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  
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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: \_\_\_\_\_

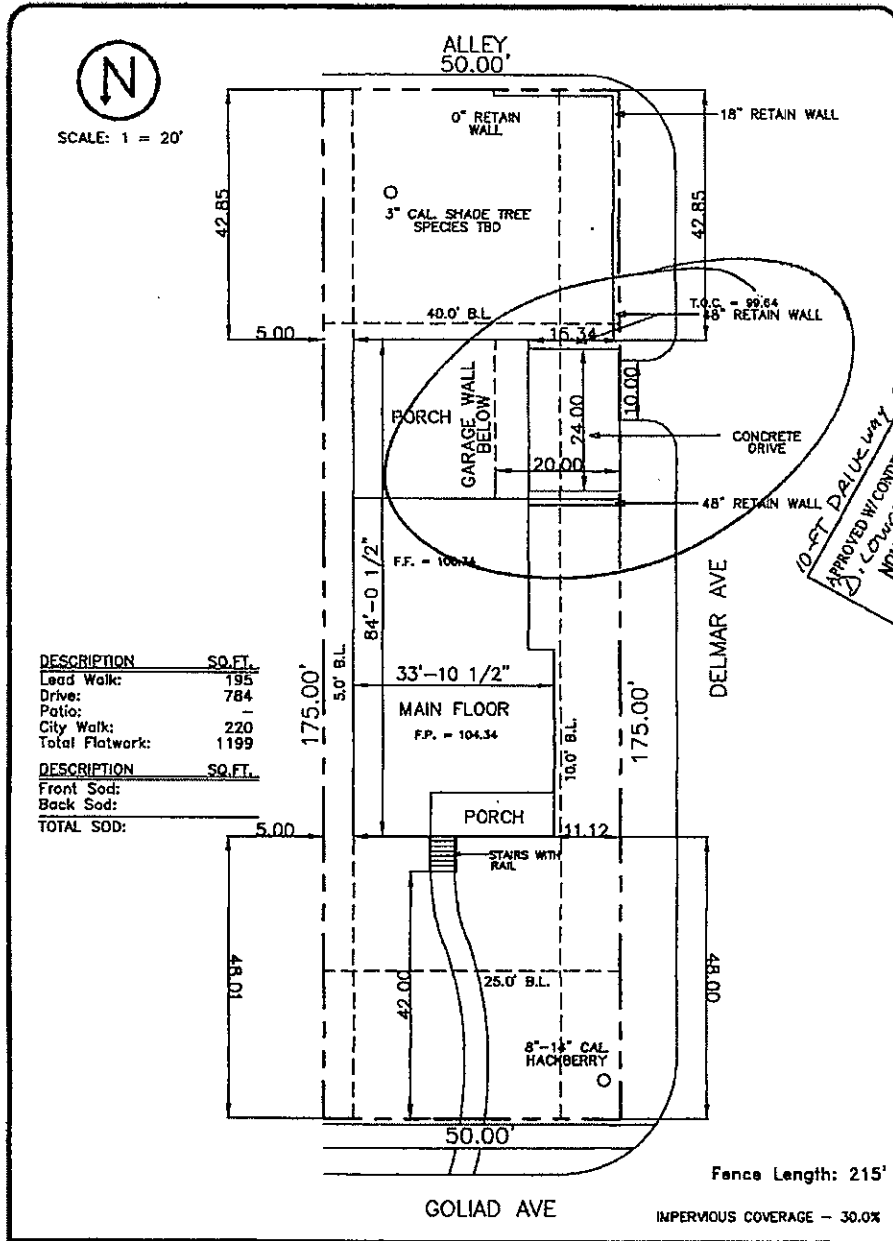
**REVIEWED BY:** D. Lowrance

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

**BUILDING PERMIT REQUIRED:**  Yes  No  
form updated 100109



Copy to: applicant and file



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:	

Fence Length: 215'  
 IMPERVIOUS COVERAGE - 30.0%

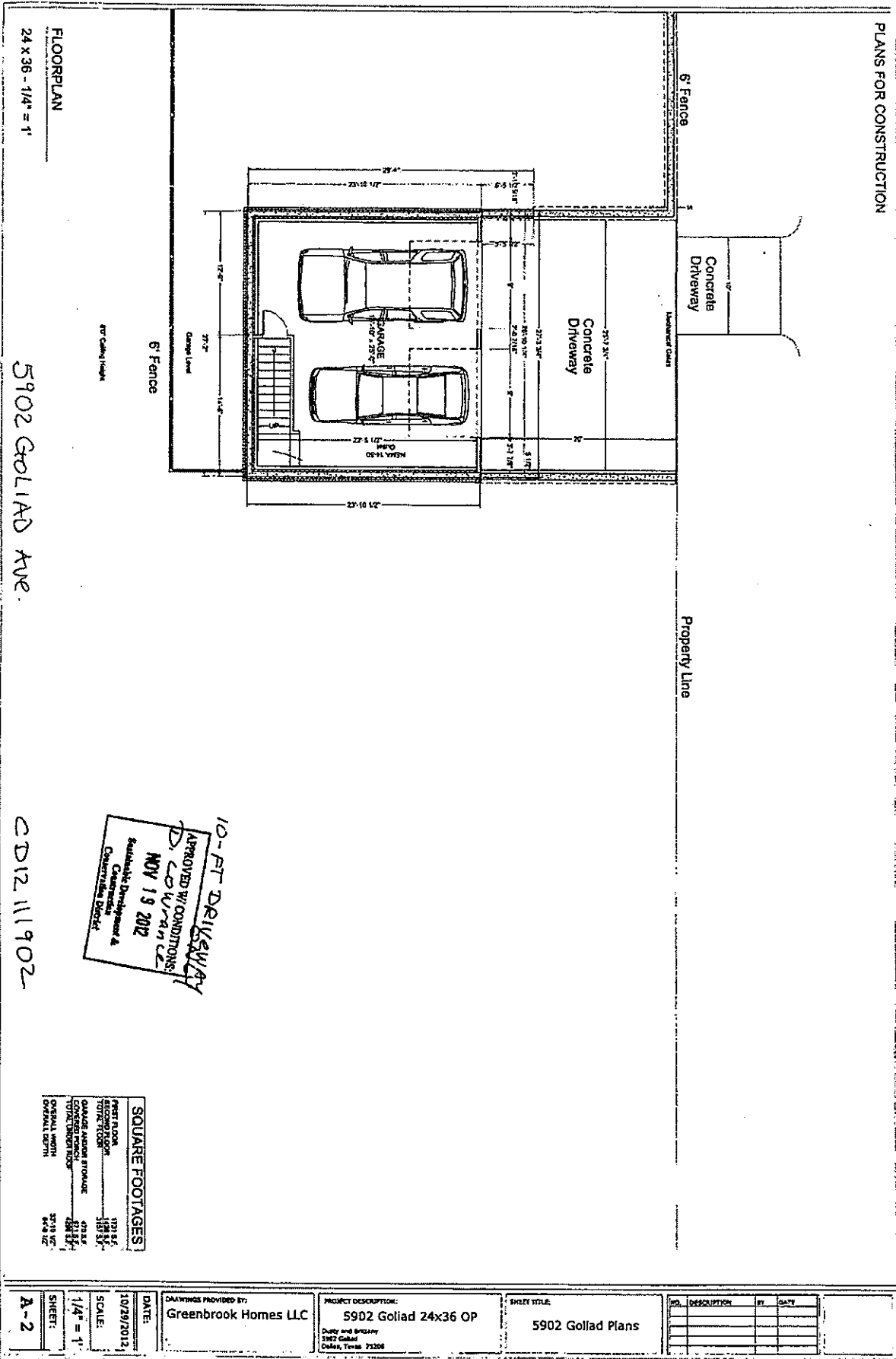
IT IS THE BUILDING SUPERINTENDANT'S RESPONSIBILITY TO ENSURE THE CORRECTNESS OF THIS PLOT PLAN BEFORE PROCEEDING WITH CONSTRUCTION. IF THERE ARE ANY ERRORS AND/OR OMISSIONS THEY ARE TO BE BROUGHT TO THE ATTENTION OF PRECISION DESIGNS SO AS THEY MAY BE CORRECTED. THIS INCLUDES, BUT IS NOT LIMITED TO: 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

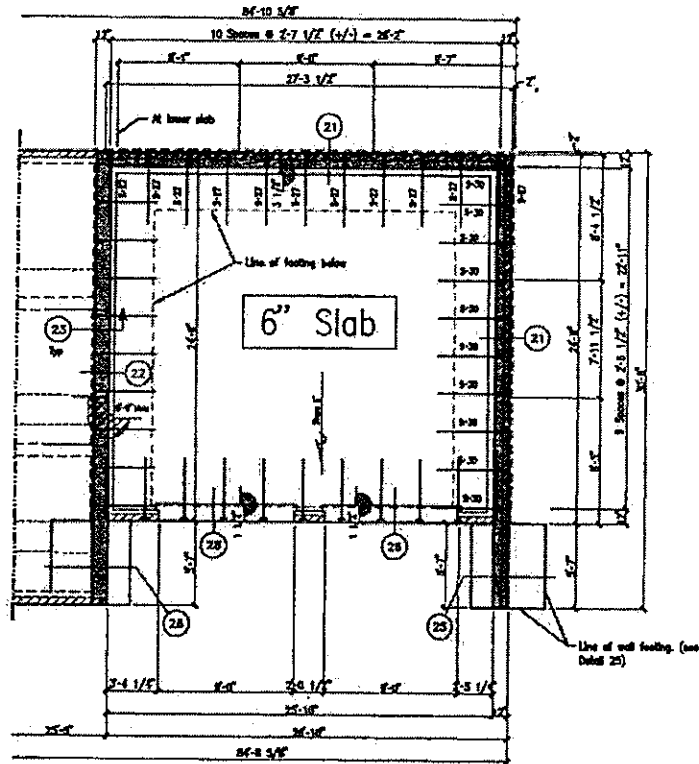


CD12111902

BDA112-120  
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Dispersion Chart		
STRAND LENGTH	NUMBER STRANDS	ALIGNMENT
S-27	11	2"
S-30	10	2 1/4"
TOTAL NUMBER OF STRANDS		21
TOTAL LENGTH OF STRANDS		547

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 V. Holmes*

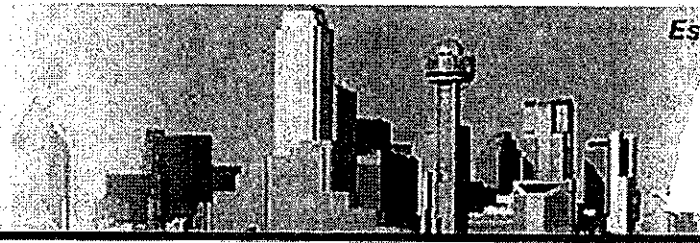
Larry Holmes, Building Official

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:**

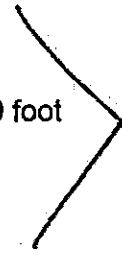
**Approval Conditions:**  
NO OTHER WORK APPROVED. DRIVEWAY WIDTH 10-FT PER ATTACHED APPROVED PLAN.

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  
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## 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.

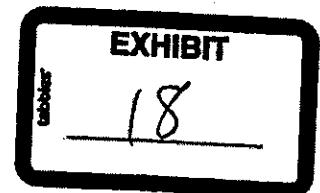
1) New Retaining wall to prevent erosion & drainage problems. See #25840(d)(23)(A)(B). 3) Height on plans: Measurements depicted are under the maximum 30 ft. allowed. See #25840(d)(8).

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**

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 Attach C  
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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

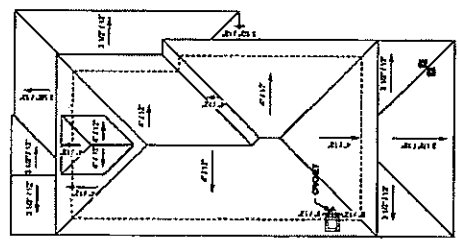
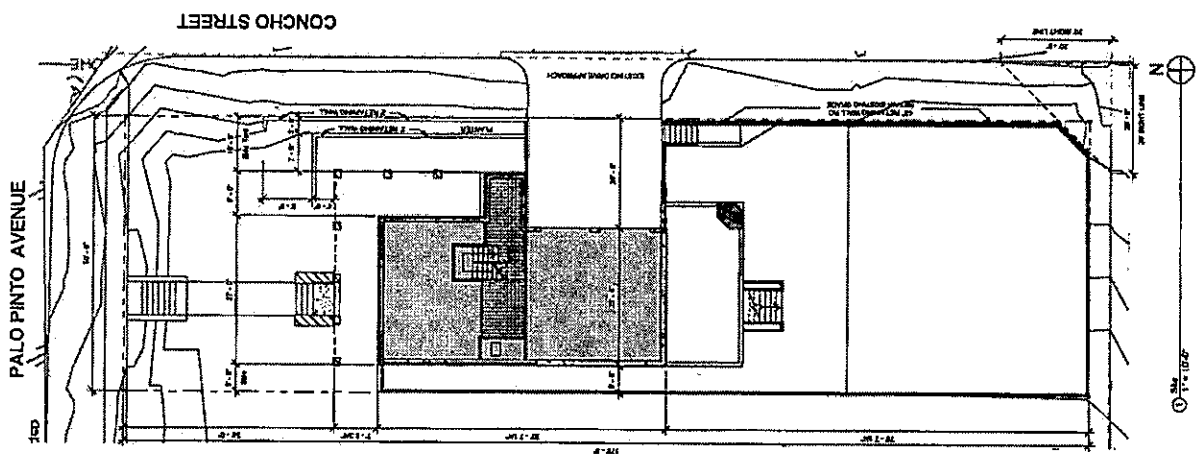
Jeff Baron Homes  
 6233 Vonderbilt Avenue  
 Dallas, Texas 75206  
 P: 214-256-5835



Baron Residence  
 5946 Palo Pinto Avenue  
 Dallas, Texas 75206

Sheet No.	Sheet Title
A1.1	Site Plan

A1.1  
 February 8, 2012



1/8" = 10'-0"

Name	Area	Area Schedule (Cover Building)	Area
Garage	111 SF		
1st Floor	111 SF		
2nd Floor	111 SF		
3rd Floor	111 SF		
4th Floor	111 SF		
5th Floor	111 SF		
6th Floor	111 SF		
7th Floor	111 SF		
8th Floor	111 SF		
9th Floor	111 SF		
10th Floor	111 SF		
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19th Floor	111 SF		
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21st Floor	111 SF		
22nd Floor	111 SF		
23rd Floor	111 SF		
24th Floor	111 SF		
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32nd Floor	111 SF		
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41st Floor	111 SF		
42nd Floor	111 SF		
43rd Floor	111 SF		
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46th Floor	111 SF		
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98th Floor	111 SF		
99th Floor	111 SF		
100th Floor	111 SF		

Name	Area	Area Schedule (Cover Building)	Area
Garage	111 SF		
1st Floor	111 SF		
2nd Floor	111 SF		
3rd Floor	111 SF		
4th Floor	111 SF		
5th Floor	111 SF		
6th Floor	111 SF		
7th Floor	111 SF		
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97th Floor	111 SF		
98th Floor	111 SF		
99th Floor	111 SF		
100th Floor	111 SF		

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 Attach C  
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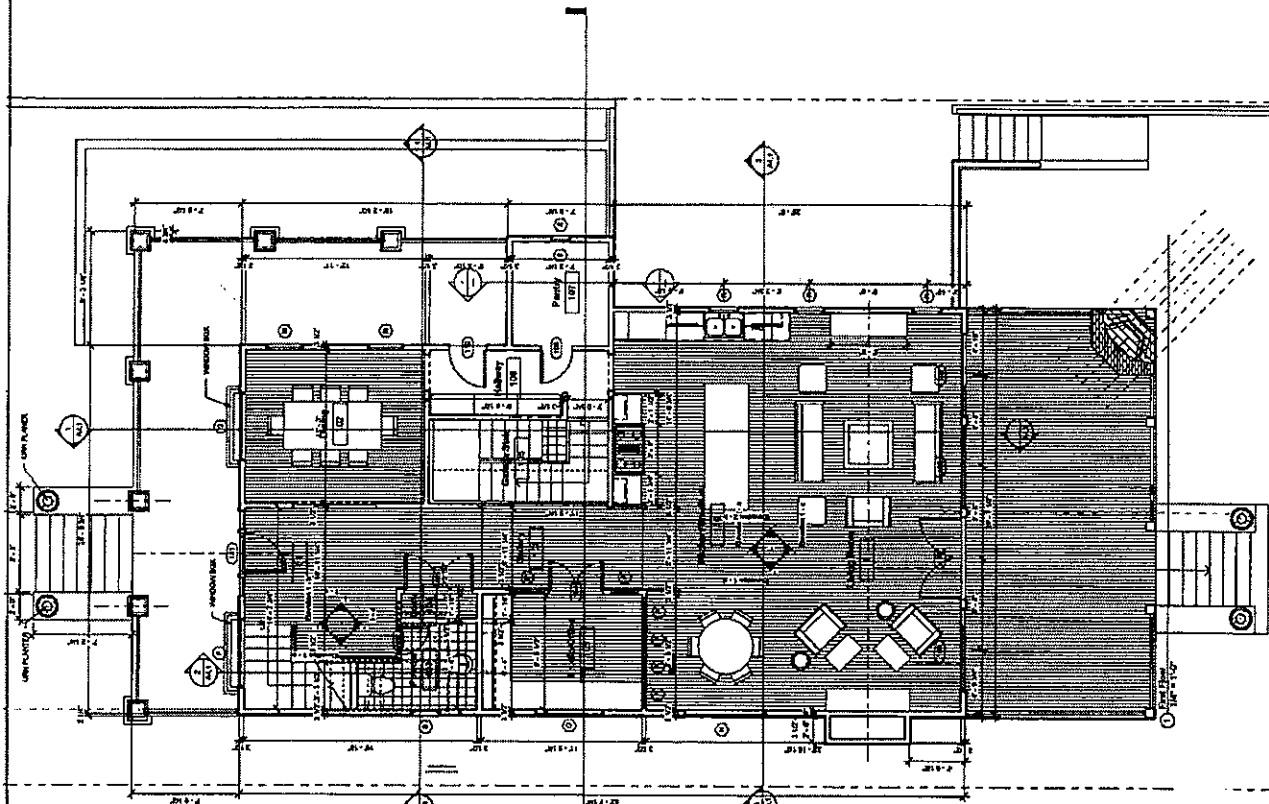
Juris LaVigne, Architect  
4527 Buck Avenue  
Dallas, Texas 75204  
214-656-2711

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

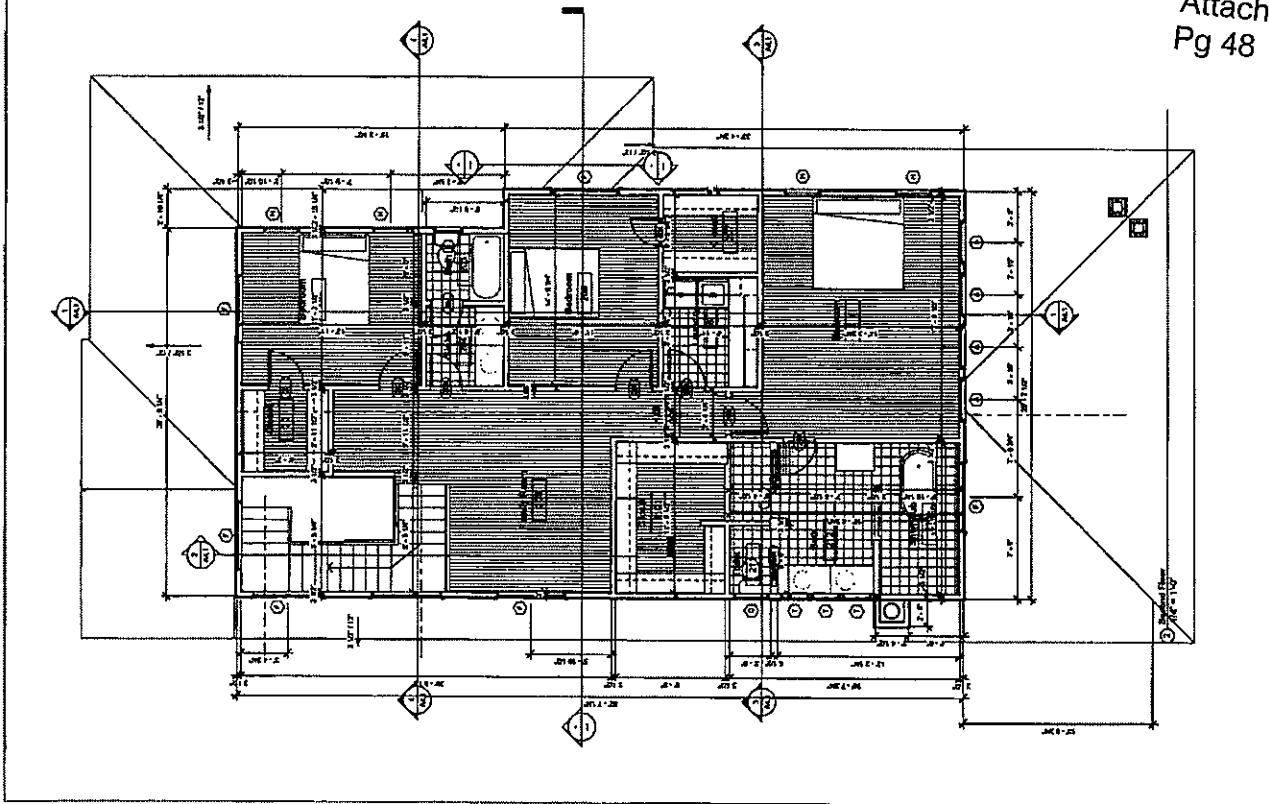
Baron Residence  
5946 Palo Pinto Avenue  
Dallas, Texas 75206


Floor Plans

A2.2  
February 9, 2012



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Pg 48



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Elevations

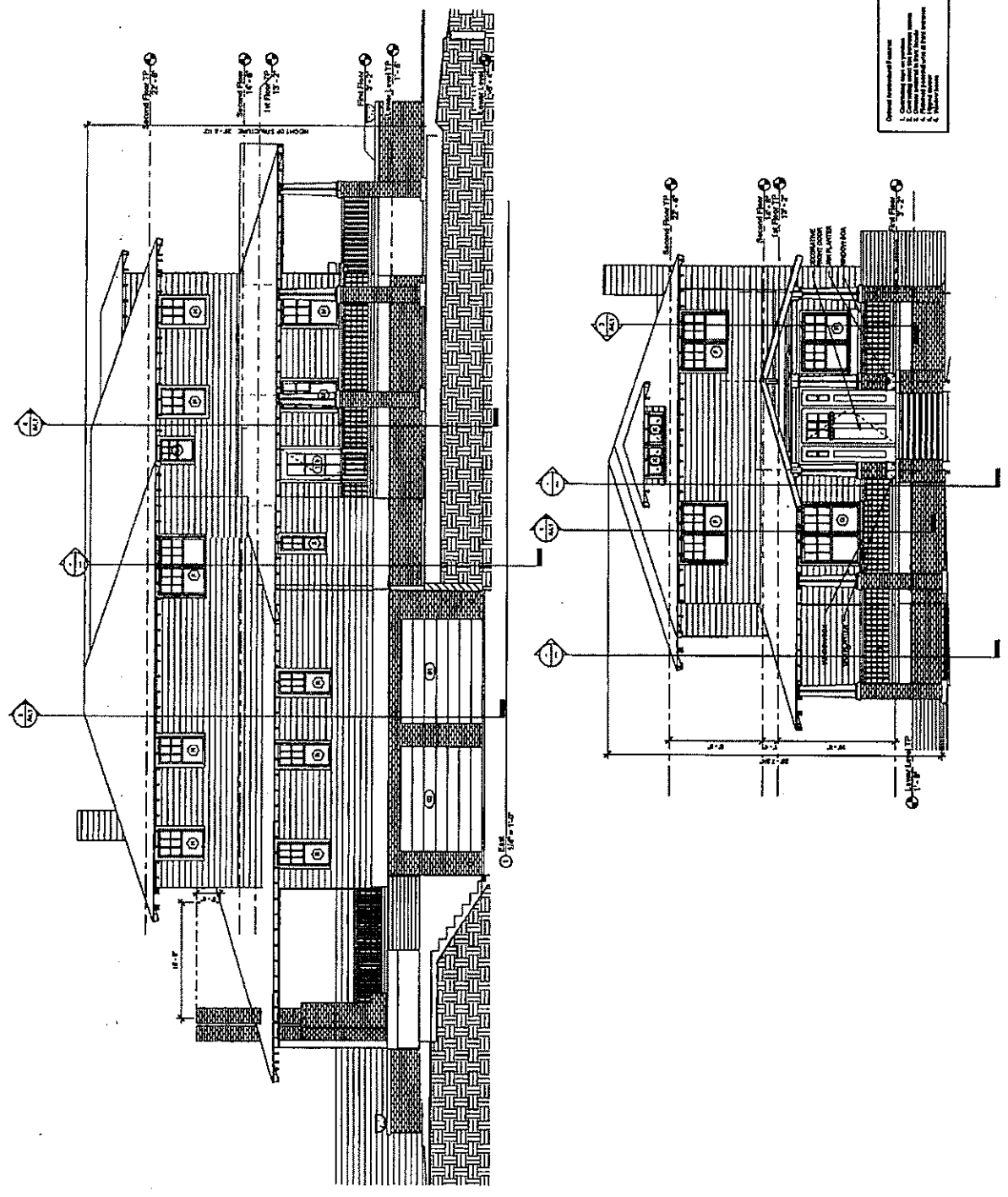
A3.1  
 February 9, 2012

Baron Residence  
 5946 Palo Pinto Avenue  
 Dallas, Texas 75206

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

Juris Larivins, Architect  
 4007 Dallas Avenue  
 Dallas, Texas 75204  
 214-828-2711

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Elevations

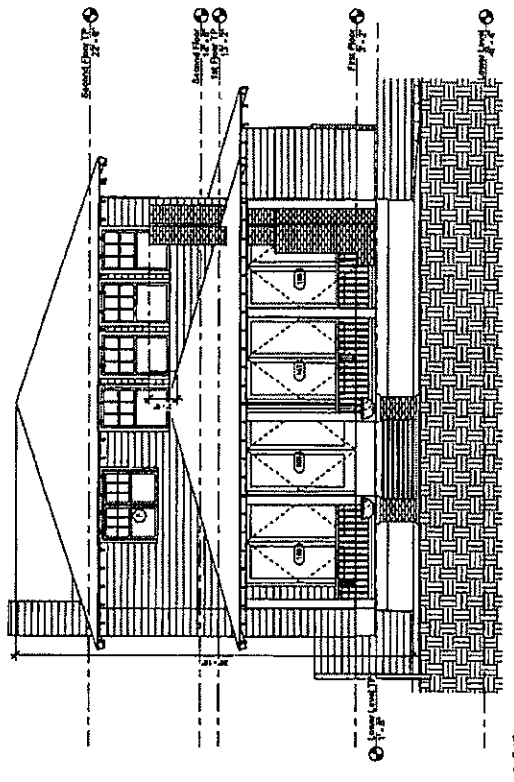
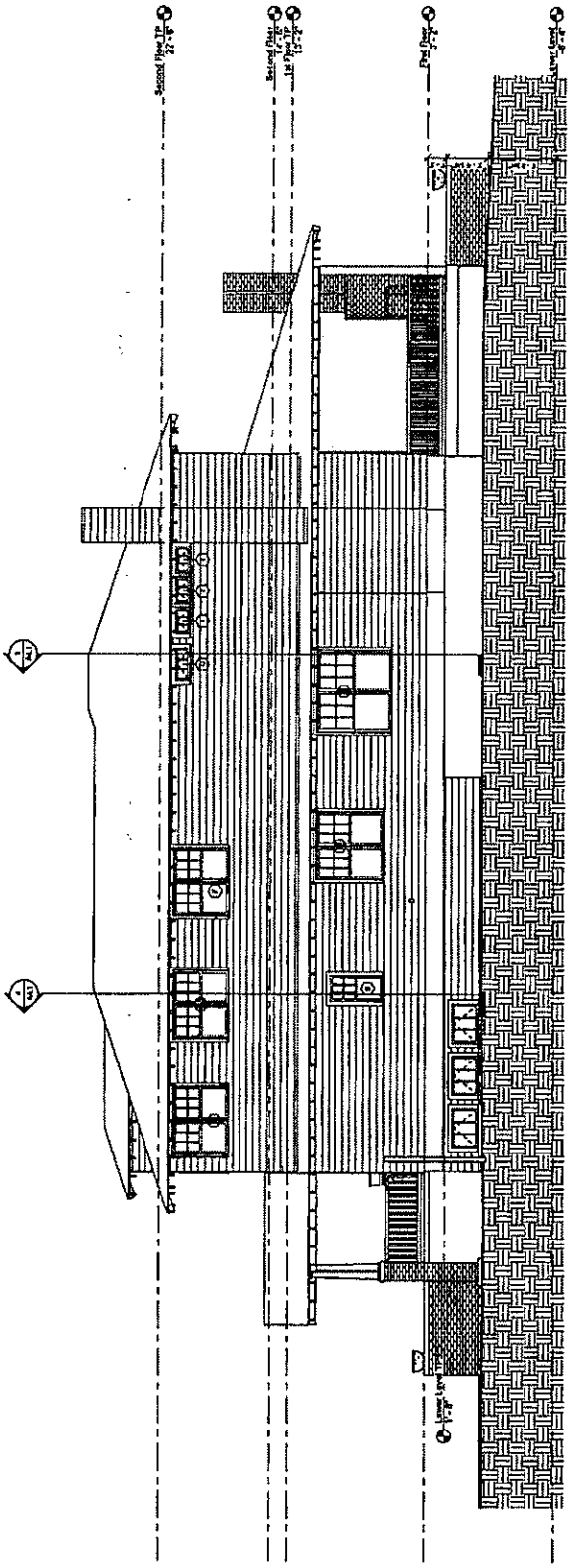
A3.2  
FEBRUARY 8, 2012

Baron Residence  
5946 Palo Pinto Avenue  
Dallas, Texas 75206

Jeff Baron Homes  
6208 Vonderkell Avenue  
Dallas, Texas 75206  
P. 214-250-5835

Juris Lavins, Architect  
4027 Shiloh Avenue  
Dallas, Texas 75204  
214-639-2711

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**A4.1**

**Building Sections**

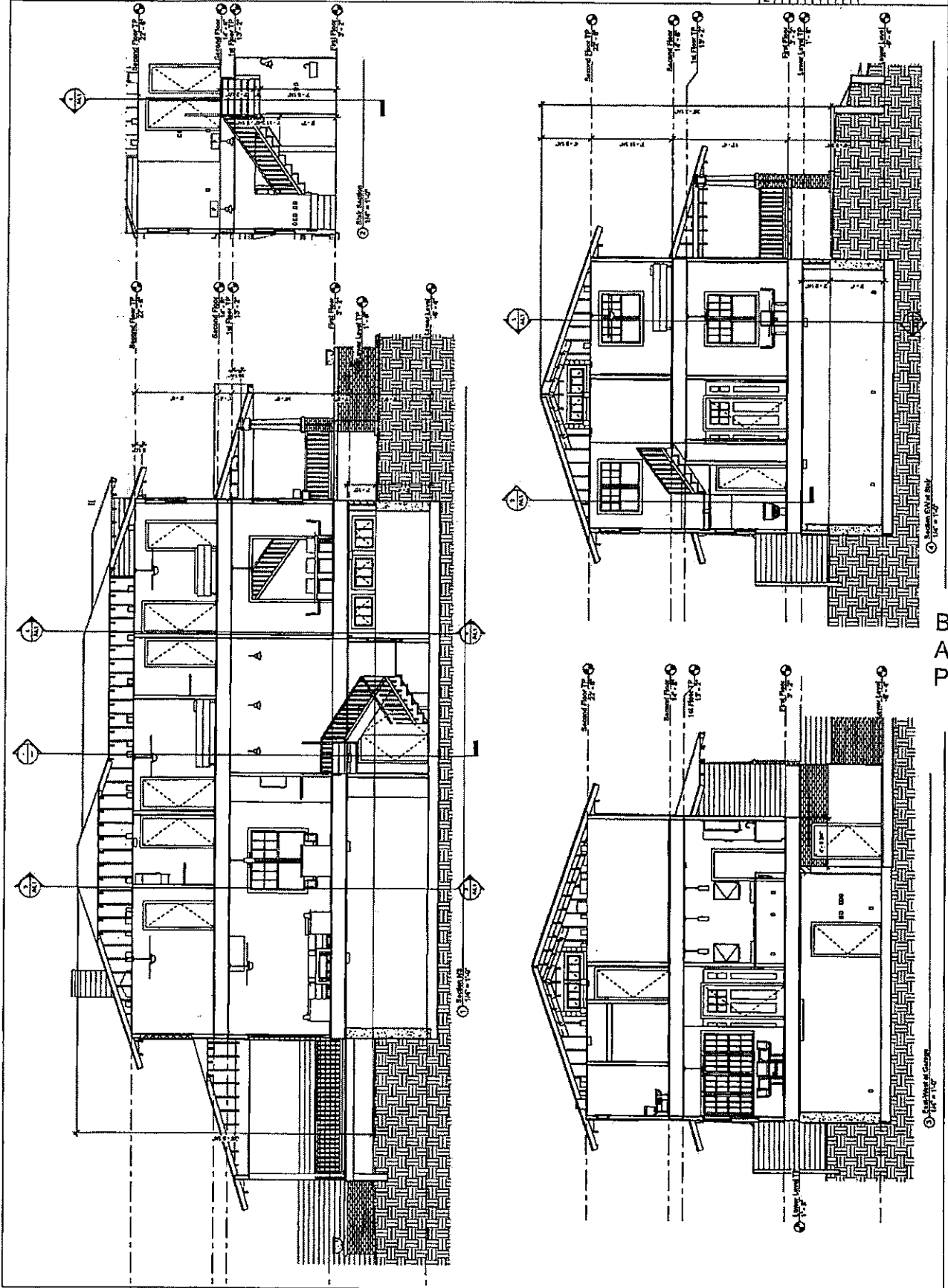
February 8, 2013

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

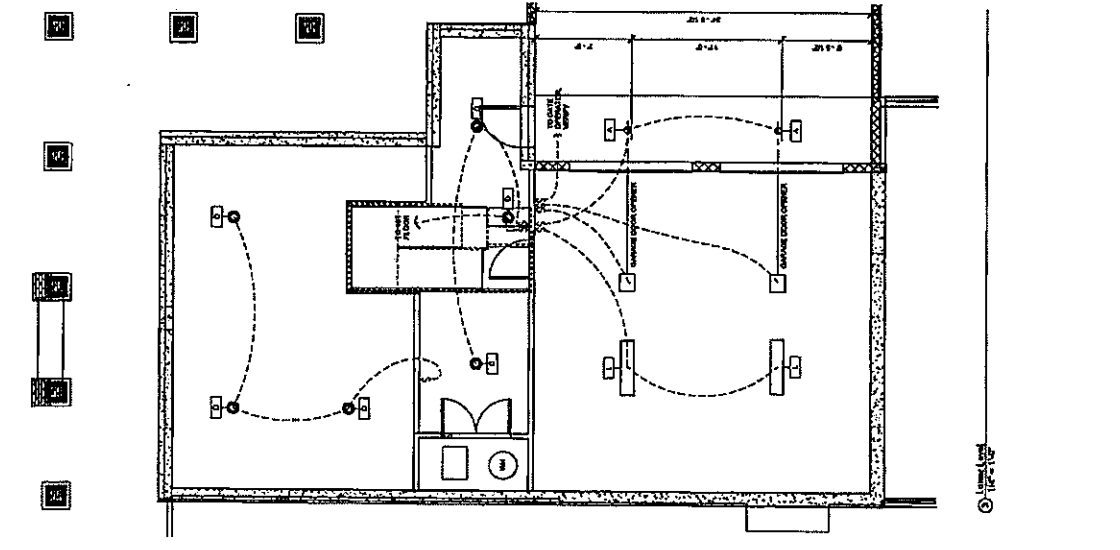
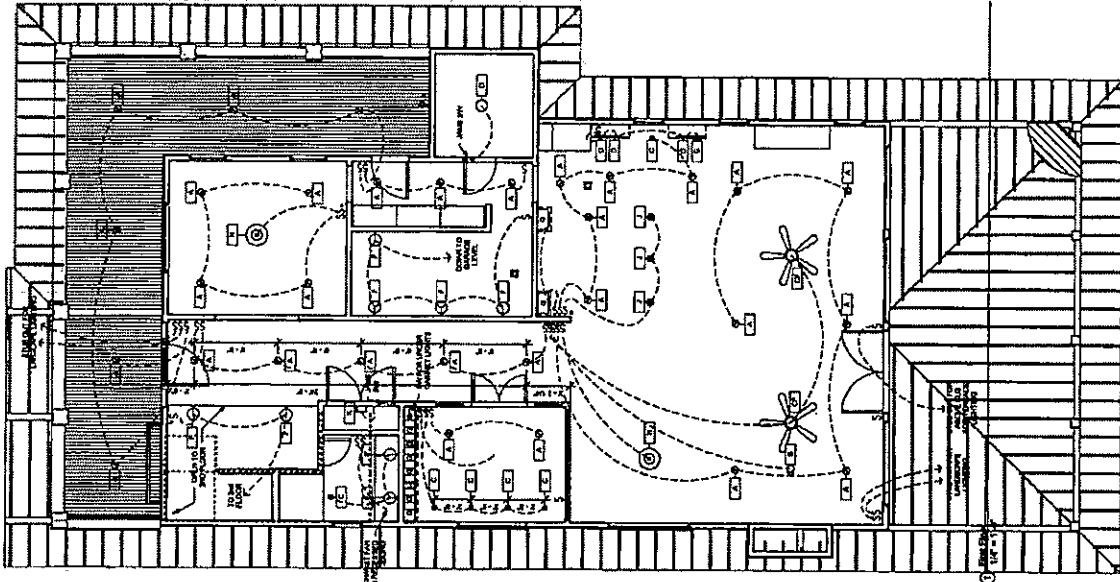
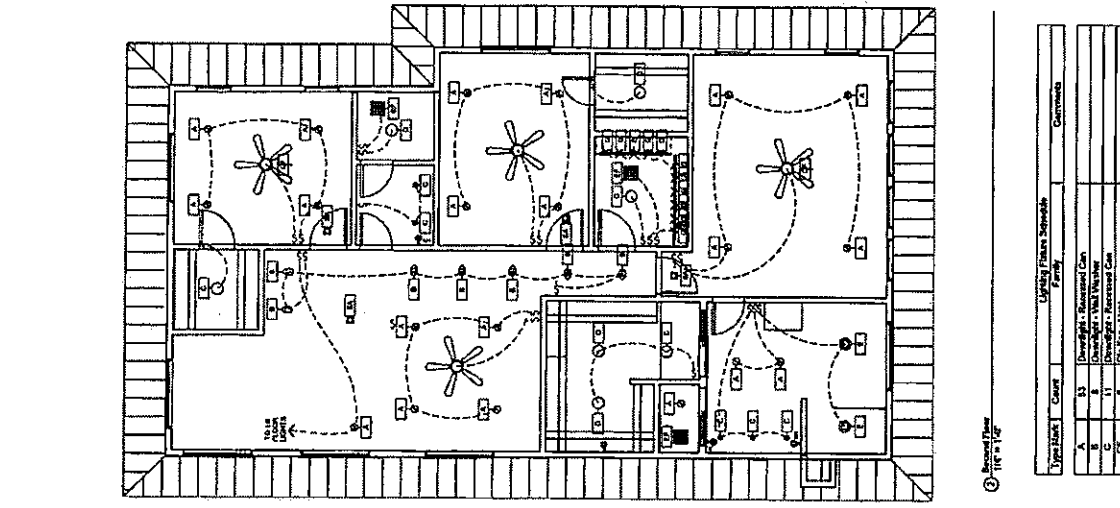
**Jeff Baron Homes**  
6303 Vanderbilt Avenue  
Dallas, Texas 75206  
P 214-269-5935

**Juris Lavins, Architect**  
4417 Maple Avenue  
Dallas, Texas 75206  
214-222-2711

Professional Seal Required  
The architect shall be responsible for the design and construction of the building. The architect shall not be responsible for the construction of the building. The architect shall not be responsible for the maintenance of the building. The architect shall not be responsible for the operation of the building. The architect shall not be responsible for the repair of the building. The architect shall not be responsible for the replacement of the building. The architect shall not be responsible for the demolition of the building. The architect shall not be responsible for the relocation of the building. The architect shall not be responsible for the reconstruction of the building. The architect shall not be responsible for the renovation of the building. The architect shall not be responsible for the improvement of the building. The architect shall not be responsible for the alteration of the building. The architect shall not be responsible for the addition to the building. The architect shall not be responsible for the subtraction from the building. The architect shall not be responsible for the enclosure of the building. The architect shall not be responsible for the enclosure of the building. The architect shall not be responsible for the enclosure of the building.



BDA 112-120  
Attach C  
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Type	Count	Lighting Fixture Schedule	Comments
A	13	Downlight - Recessed Can	
B	1	Downlight - Recessed Can	
C	1	Downlight - Recessed Can	
D	1	Chandelier	
E	3	Chandelier	
F	1	Chandelier	
G	1	Chandelier	
H	1	Chandelier	
I	1	Chandelier	
J	1	Chandelier	
K	1	Chandelier	
L	1	Chandelier	
M	1	Chandelier	
N	1	Chandelier	
O	1	Chandelier	
P	1	Chandelier	
Q	1	Chandelier	
R	1	Chandelier	
S	1	Chandelier	
T	1	Chandelier	
U	1	Chandelier	
V	1	Chandelier	
W	1	Chandelier	
X	1	Chandelier	
Y	1	Chandelier	
Z	1	Chandelier	

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 Attach C  
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**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.

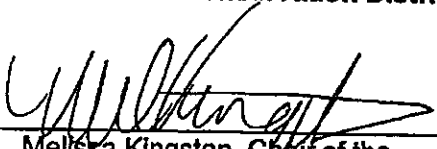
14. The Parties further agree that this Agreement may be executed in multiple counterparts, each of which shall constitute an original.

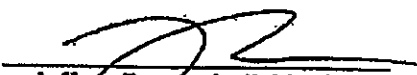
15. The Recitals set forth herein are true and correct.

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  
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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

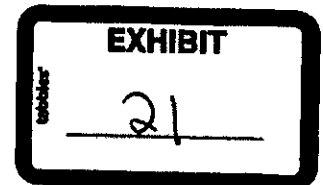
---

**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

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Attach C  
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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.

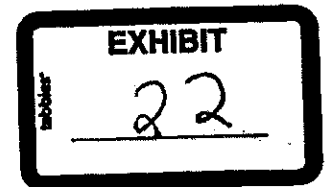


*Melissa R. Kingston | Esq.*  
Friedman & Feiger, LLP | 5301 Spring Valley Road, Suite 200, Dallas, Texas 75254  
Tel: 972-788-1400 | Direct Dial: 972-450-7308 | Fax: 972-776-5313 | [nkingston@fflawoffice.com](mailto:nkingston@fflawoffice.com)

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---

**From:** Melissa Kingston  
**Sent:** Tuesday, August 21, 2012 3:32 PM  
**To:** Margaret A. Fiskell (margaret.fiskell@dallascityhall.com)  
**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

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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**

---

**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:

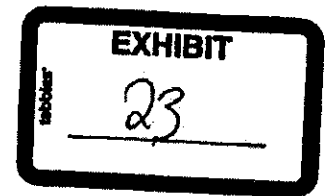
As you may know, a house was built at 5946 Palo Pinto earlier this year in the Belmont Addition CD (CD #12) that had a "subterranean level." On the initial plans submitted to the city, which were approved, the subterranean level was not accurately drawn. As the house got built, it became apparent that 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 Craftsman, 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

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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  
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**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,

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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

BDA 112-120  
Attach C  
Pg 67

From: Philip Kingston (pkingston@kingstonpllc.com)

To: bbailey@hrhoustongroup.com;

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

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

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

p 214-642-1707

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.

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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

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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  
 4144 North Central Expressway, Suite 600  
 Dallas, Texas 75204  
 p 214-642-1707  
 f 469-453-3045  
[pkingston@kingstonpllc.com](mailto:pkingston@kingstonpllc.com)  
[www.kingstonpllc.com](http://www.kingstonpllc.com)

BDA 112-120  
 Attach C  
 Pg 69

---

**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  
[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](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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 Dallas, Texas 75204  
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 f 469-453-3045  
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BDA112-120  
 Attach C  
 Pg 70

---

**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

Philip Kingston  
 Attorney  
 4144 North Central Expressway, Suite 600  
 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  
 4144 North Central Expressway, Suite 600  
 Dallas, Texas 75204  
 p 214-642-1707  
 f 469-453-3045  
[pkingston@kingstonpllc.com](mailto:pkingston@kingstonpllc.com)  
<http://www.kingstonpllc.com/>

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 Attach C  
 Pg 71

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**From:** Brittany Bailey [mailto:[bbailey@hrhoustongroup.com](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.

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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

Philip Kingston  
Attorney  
4144 North Central Expressway, Suite 600  
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:** 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.

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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  
[bbailey@hrhoustongroup.com](mailto:bbailey@hrhoustongroup.com)

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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@fllawoffice.com](mailto:MKingston@fllawoffice.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 1/2.
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.

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Attach C  
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Thanks for all your help.

## Kingston PLLC

Philip Kingston

Attorney

4144 North Central Expressway, Suite 600

Dallas, Texas 75204

p 214-642-1707

f 469-453-3045

[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:

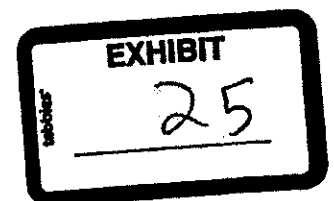
1. Raise the garage from below grade to grade level and move the entry to the alley. This will eliminate the side yard garage driveway access issue as well and eliminate the need for the partial story between the first full story and the grade. And this will be less expensive from a construction perspective.  
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> 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  
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**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

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3-94

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

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Attach C  
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</pre>

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**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', with a long horizontal flourish 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





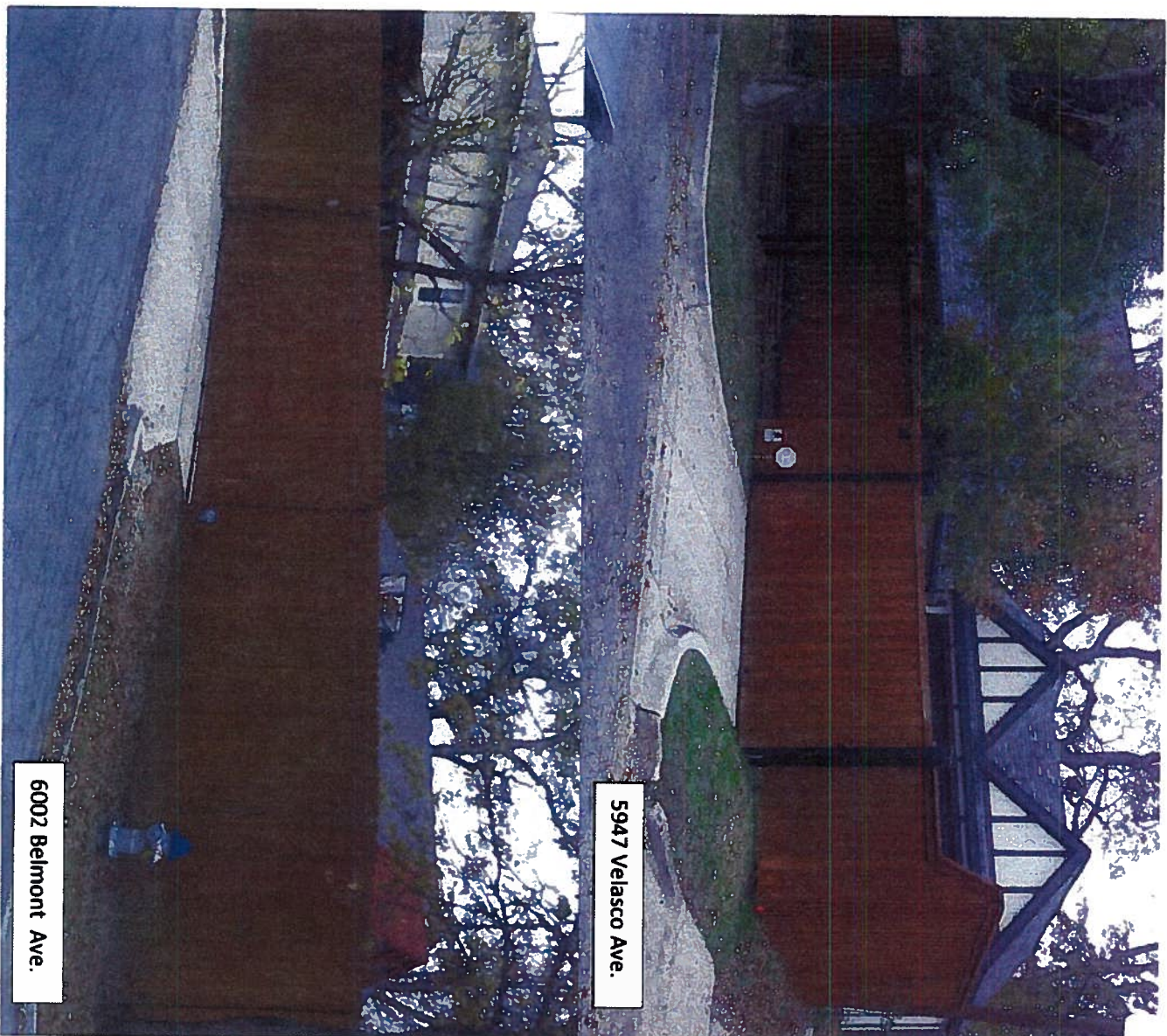
5946 Velasco Ave.



5947 Palo Pinto Ave.

EXHIBIT  
28









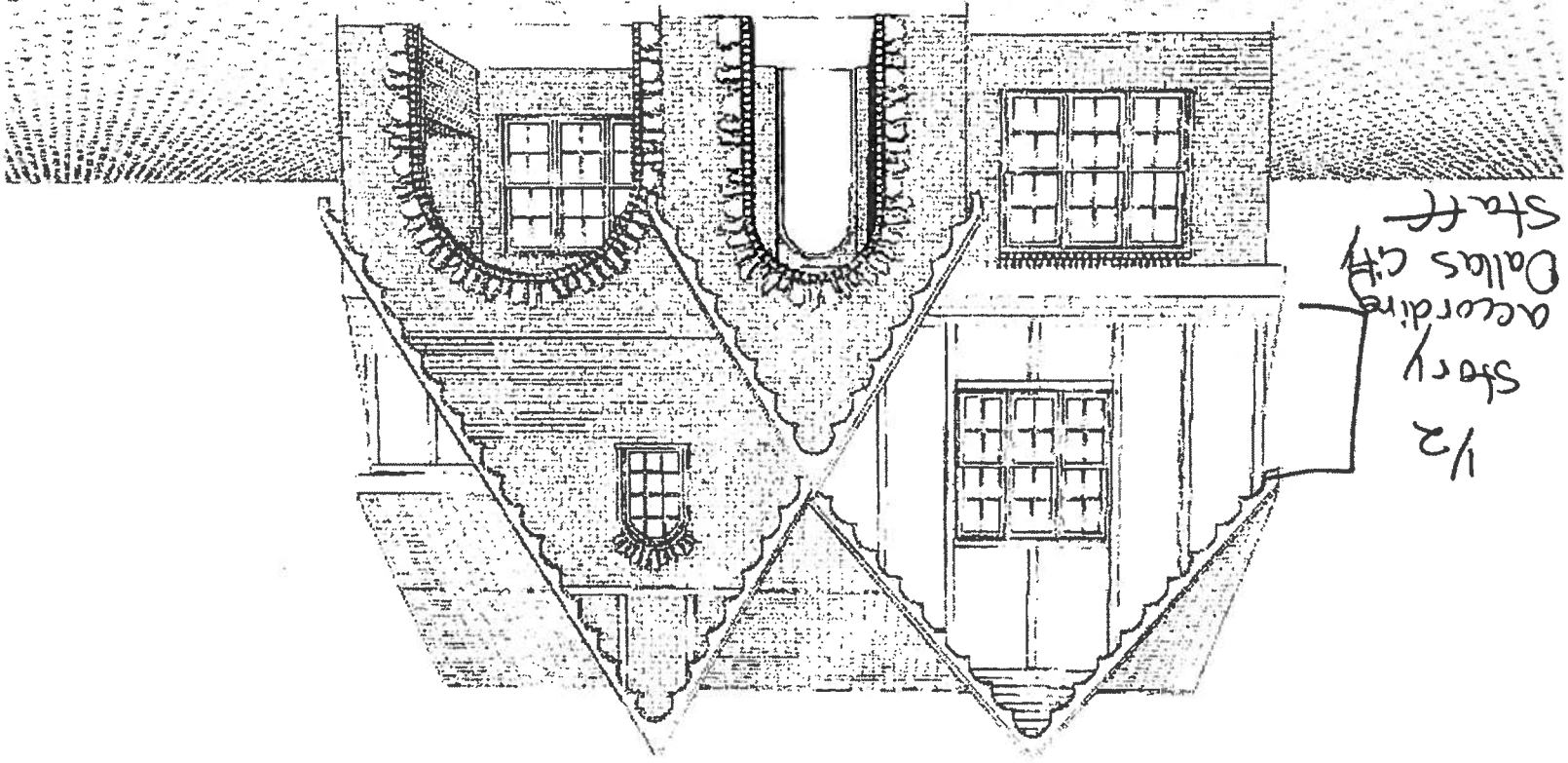
6002 Palo Pinto Ave.



5946 Belmont Ave.

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

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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

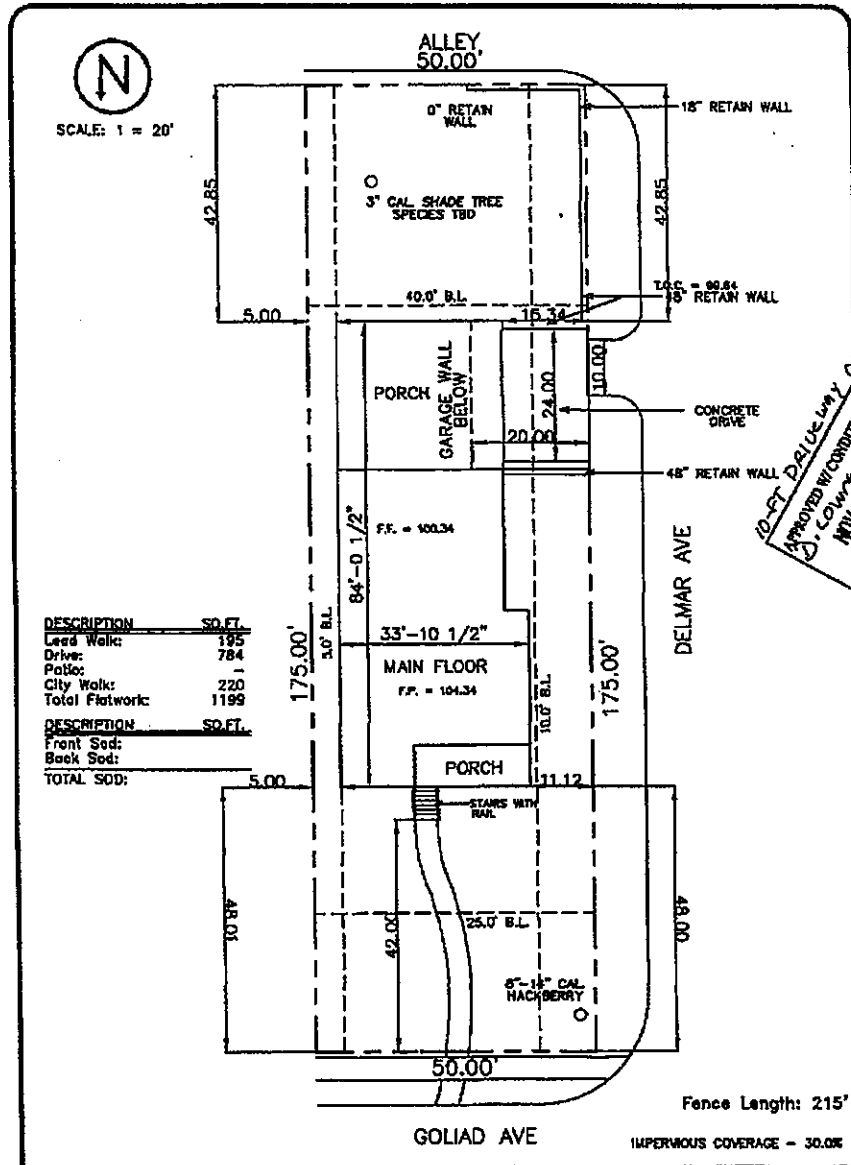


## 5902 Goliad Avenue

View of Alley from Delmar

BDA112-120  
Attach D  
Pg 6

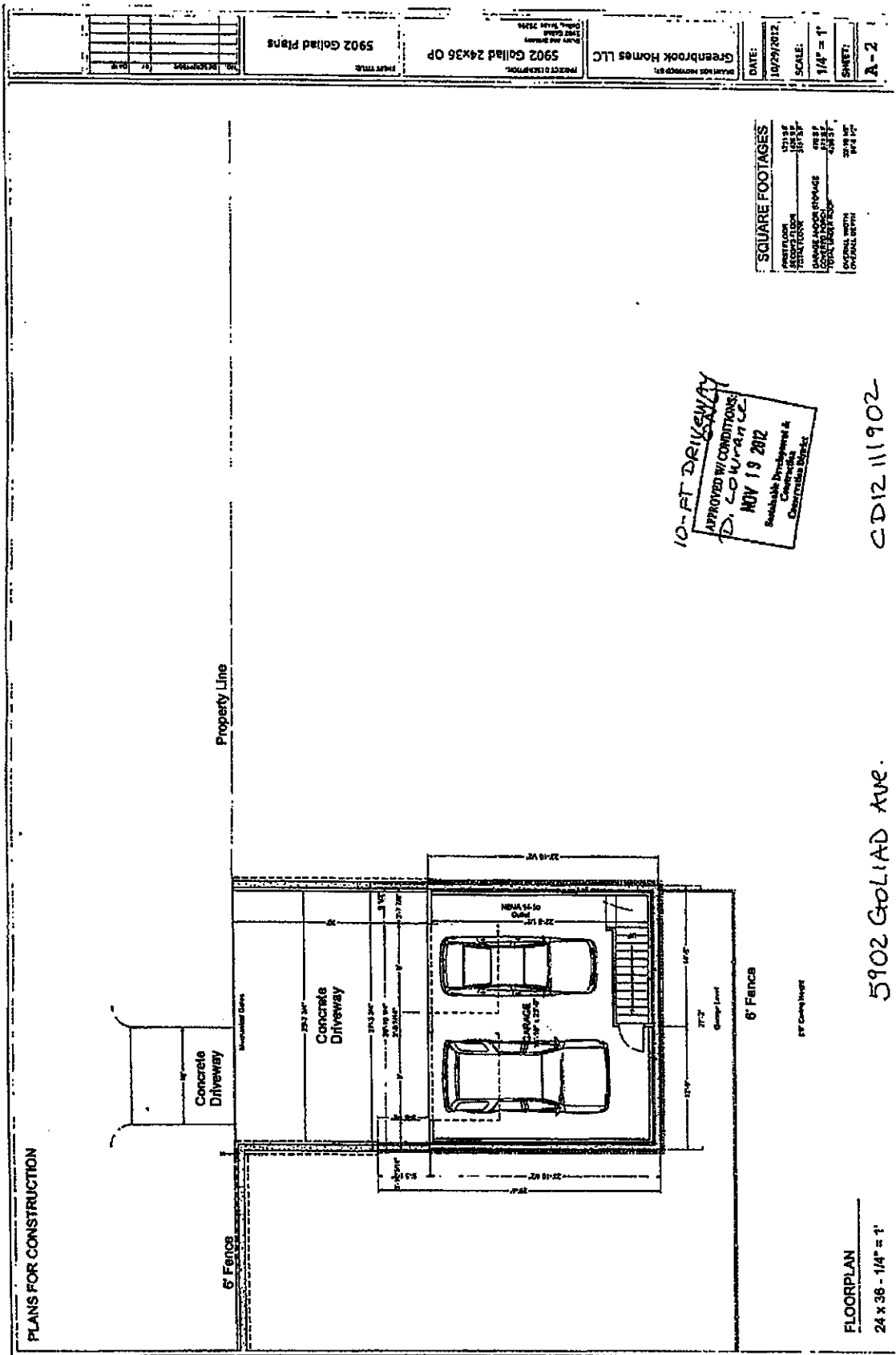
City 6

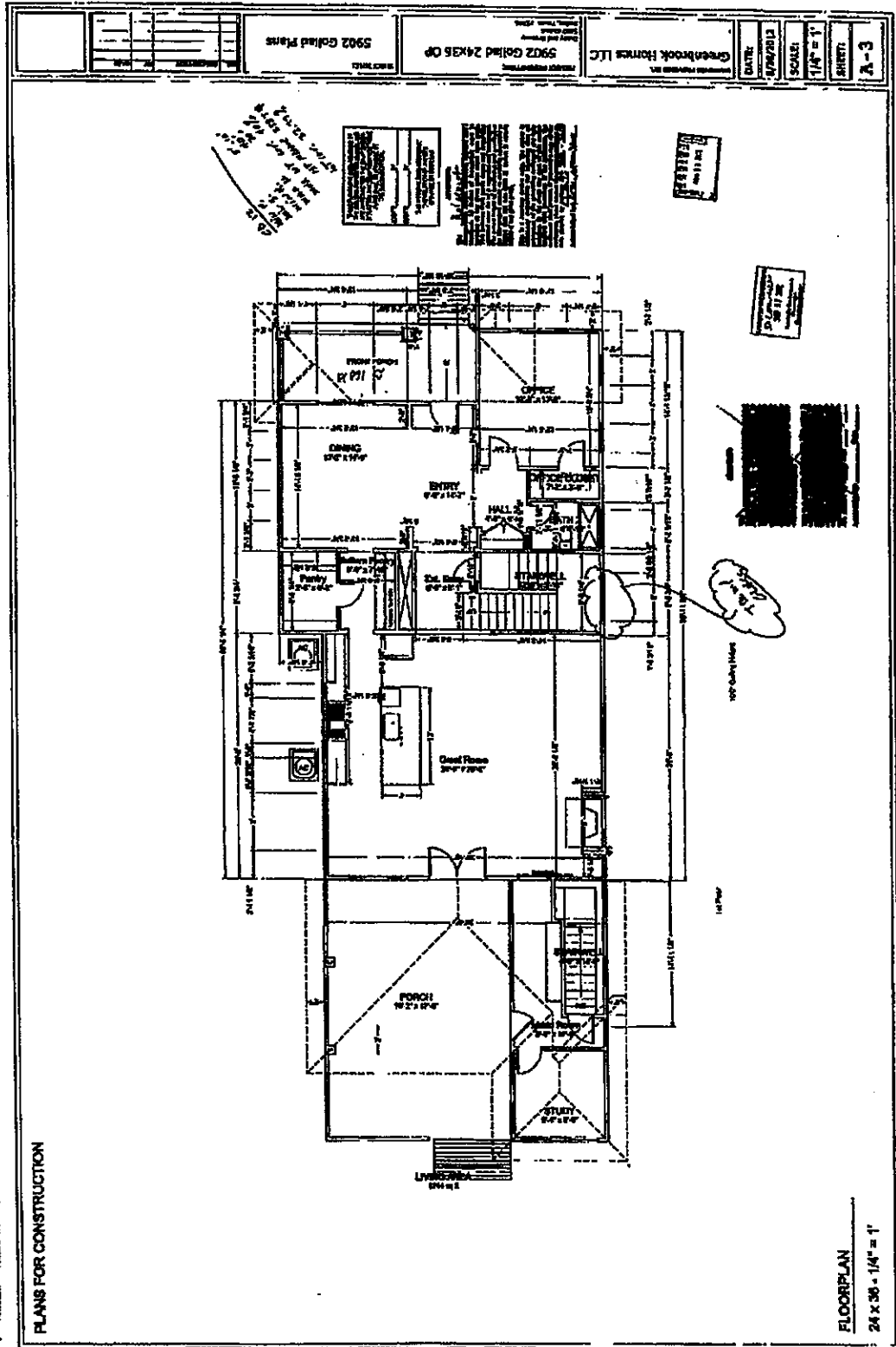


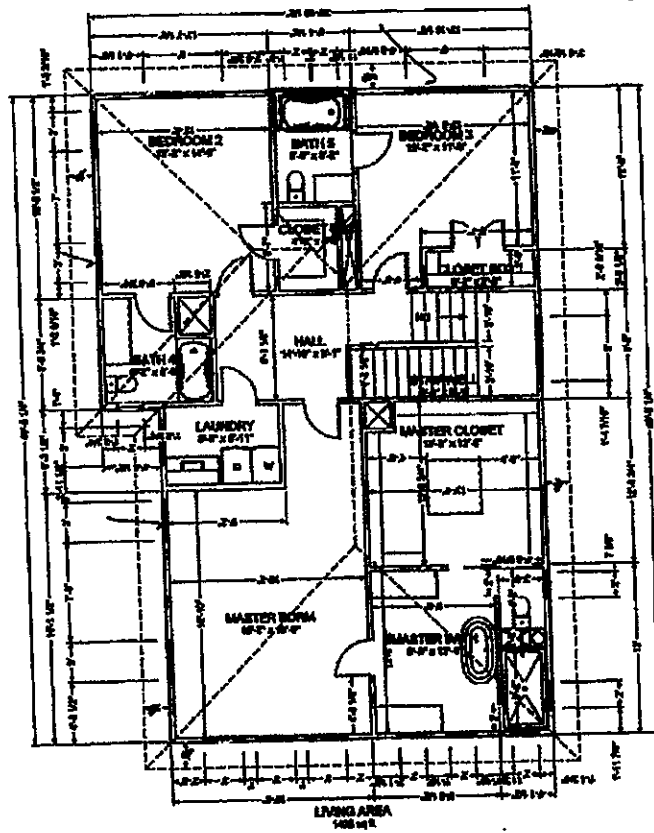
10-FT. DALLE L&P ONLY  
 APPROVED WITH CONDITIONS  
 D. LOVINSKY, P.E.  
 NOV 19 2012  
 Statewide Professional & Consulting Services

<p>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 PERSONS BEING 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.</p>		<p>SUBDIVISION:  <b>BELMONT ADDITION</b></p>	
<p>PLANS INDICATE THAT BUILDING LINES, EASEMENTS, R.O.W.'S, ETC. AS SHOWN HEREON ARE PER PLAT SUPPLIED.</p>		<p>SUBDIVISION:  <b>BELMONT ADDITION</b></p>	
<p>ADDRESS:  <b>5902 GOLIAD AVE</b></p>		<p>DATE:  <b>10/30/12</b></p>	
<p>LOT:  <b>1</b></p>	<p>BLOCK:  <b>14/1900</b></p>	<p>JOB #:</p>	
<p>CITY:  <b>DALLAS, TX</b></p>		<p>DRAWN BY:  <b>PDI</b></p>	
<p>PLANNING DIVISION  <b>3666 BRAEMOOD DRIVE      MCKINNEY, TX 75070      PHONE: 214.227.7517      FAX: 214.227.7535</b></p>		<p>PLANNING DIVISION  <b>3666 BRAEMOOD DRIVE      MCKINNEY, TX 75070      PHONE: 214.227.7517      FAX: 214.227.7535</b></p>	

CD 12111902

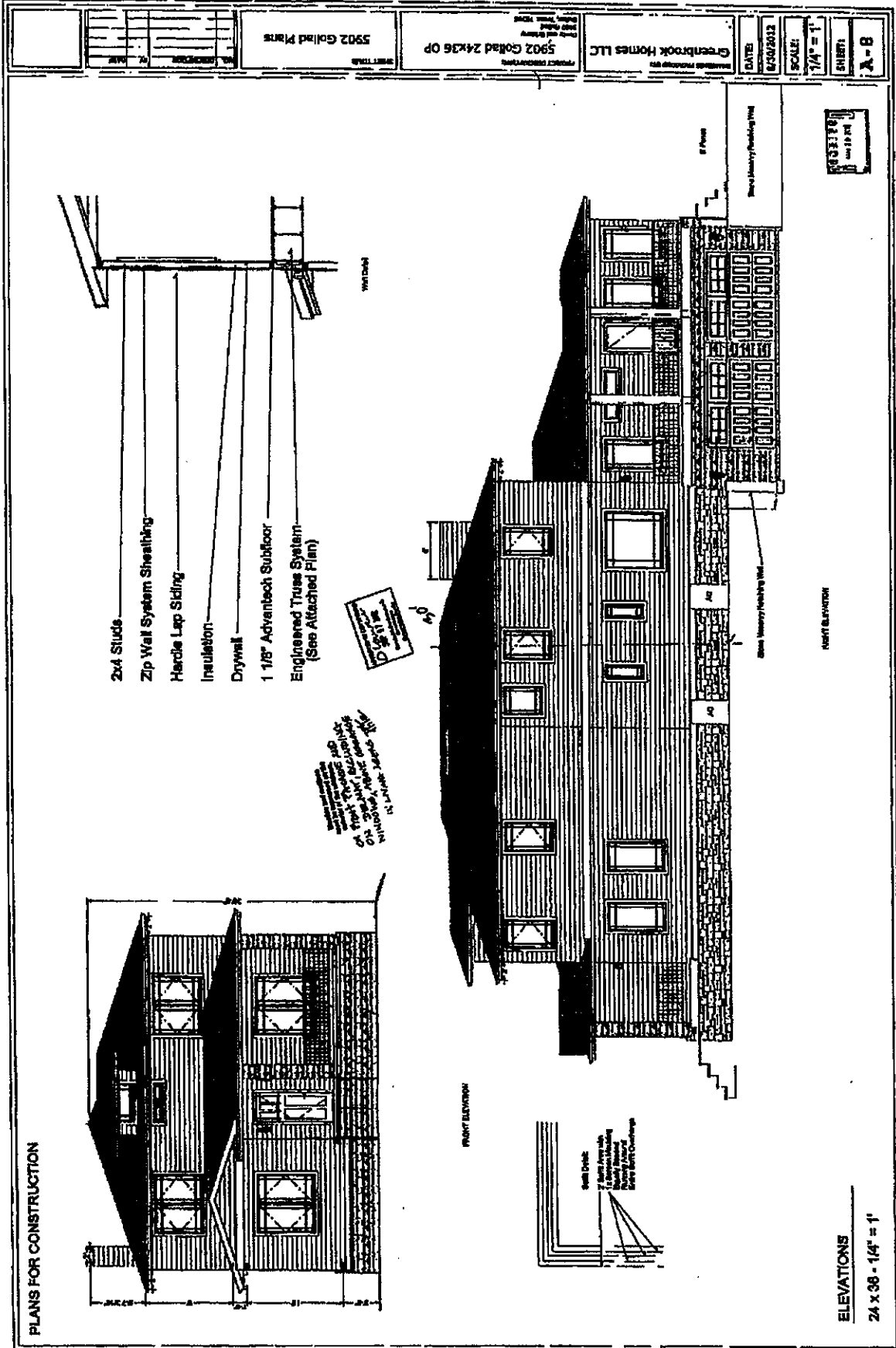


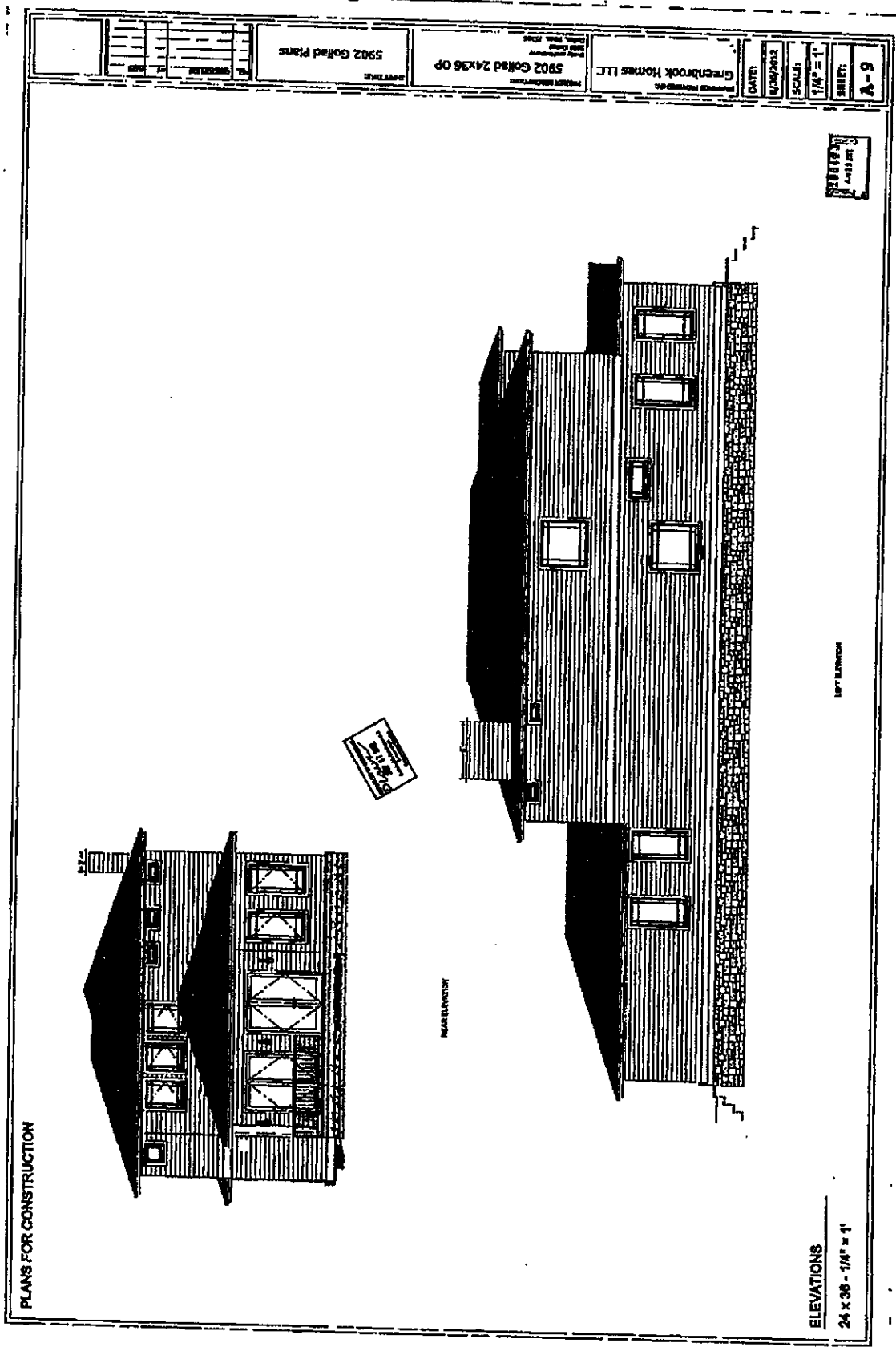




PLANS FOR CONSTRUCTION

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





PLANS FOR CONSTRUCTION

ELEVATIONS

24 x 36 - 1/4" = 1'

5902 Goffad Plans

5902 Goffad 24x36 OP

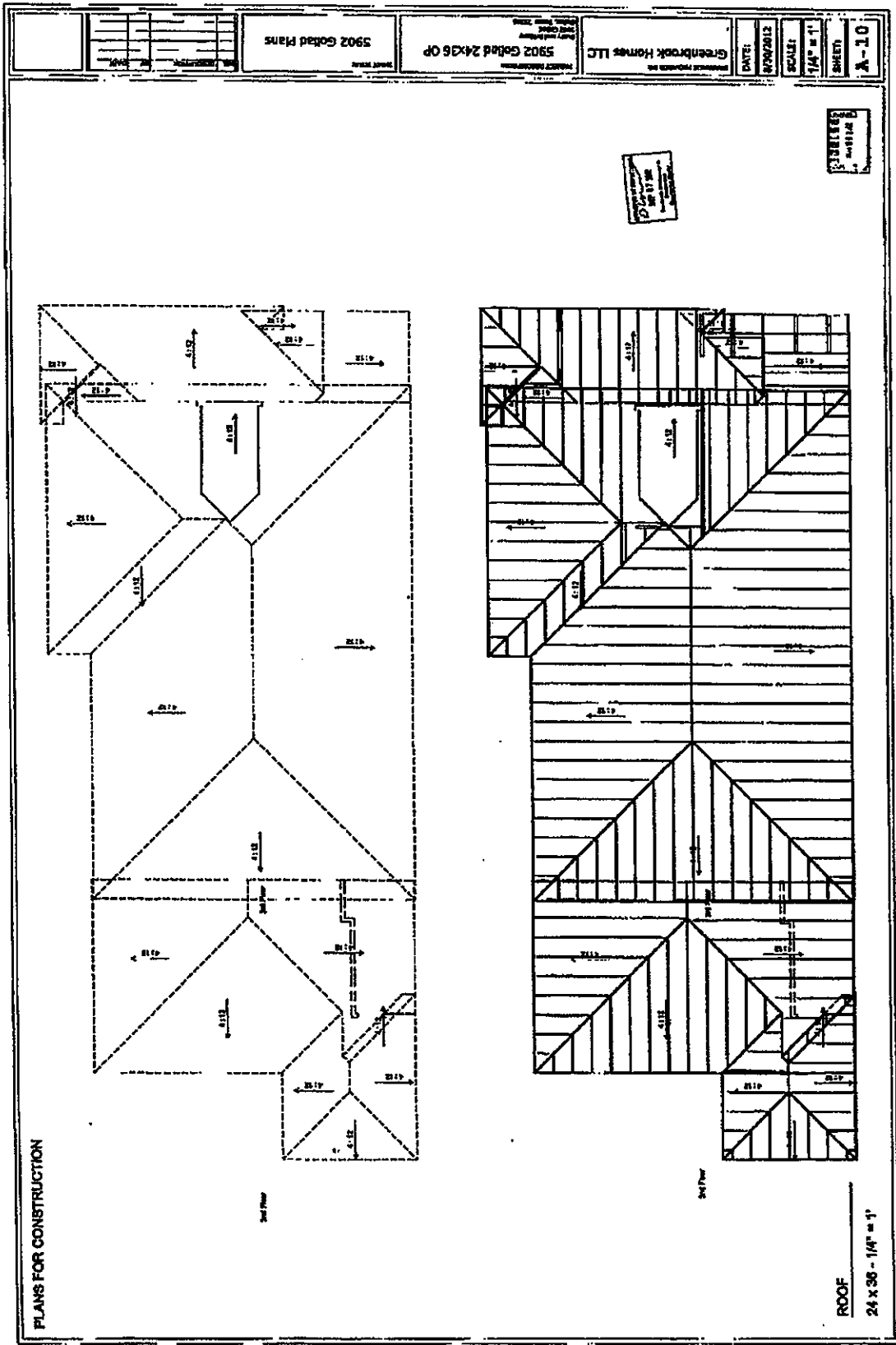
Greenbrook Homes LLC

DATE: 6/26/2013  
 SCALE: 1/4" = 1'  
 SHEET: A-9

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:**

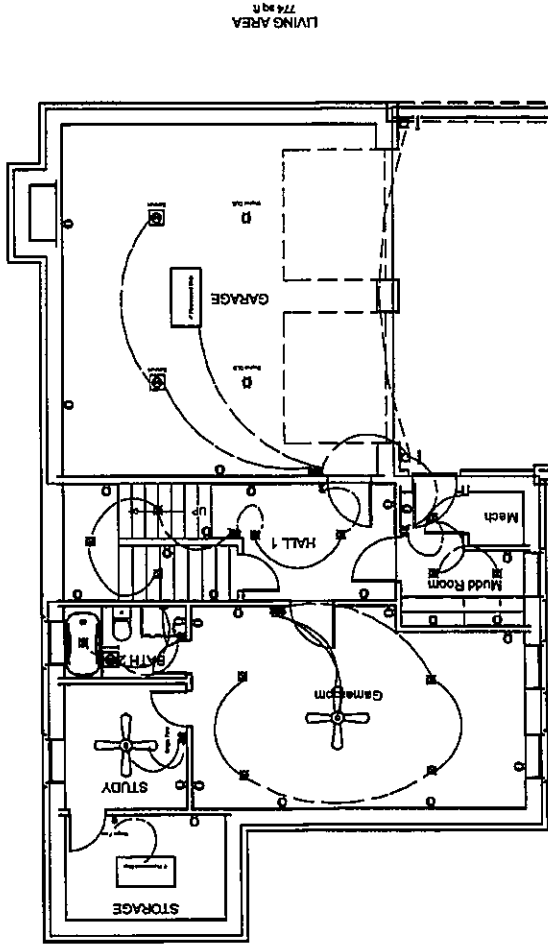
At least six of the following must be incorporated into the home:

- 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	PROJECT TITLE: 5902 Gollad Plans	PROJECT DESCRIPTION: 5902 Gollad Duff and Breunig Dallas, Texas 75214	DRAWINGS PREPARED BY: Greenbrook Homes LLC	DATE:	SCALE:	SHEET:
				4/11/2012	1/8" = 1'	A-4

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>	
		DESIGN AND DRAWN BY: <b>5902 Gollad</b>		DATE: <b>4/17/2012</b>		SCALE: <b>1/8" = 1'</b>	

Front Elevation

Right Elevation

PLANS FOR BIDDING ONLY

BDA112-120  
Attach D  
Pg 20

City 20

11 x 17 - 1/8" = 1'





City of Dallas

C

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)\_\_\_\_\_ *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

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.

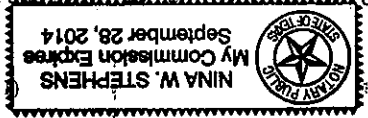
Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

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.



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

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

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

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

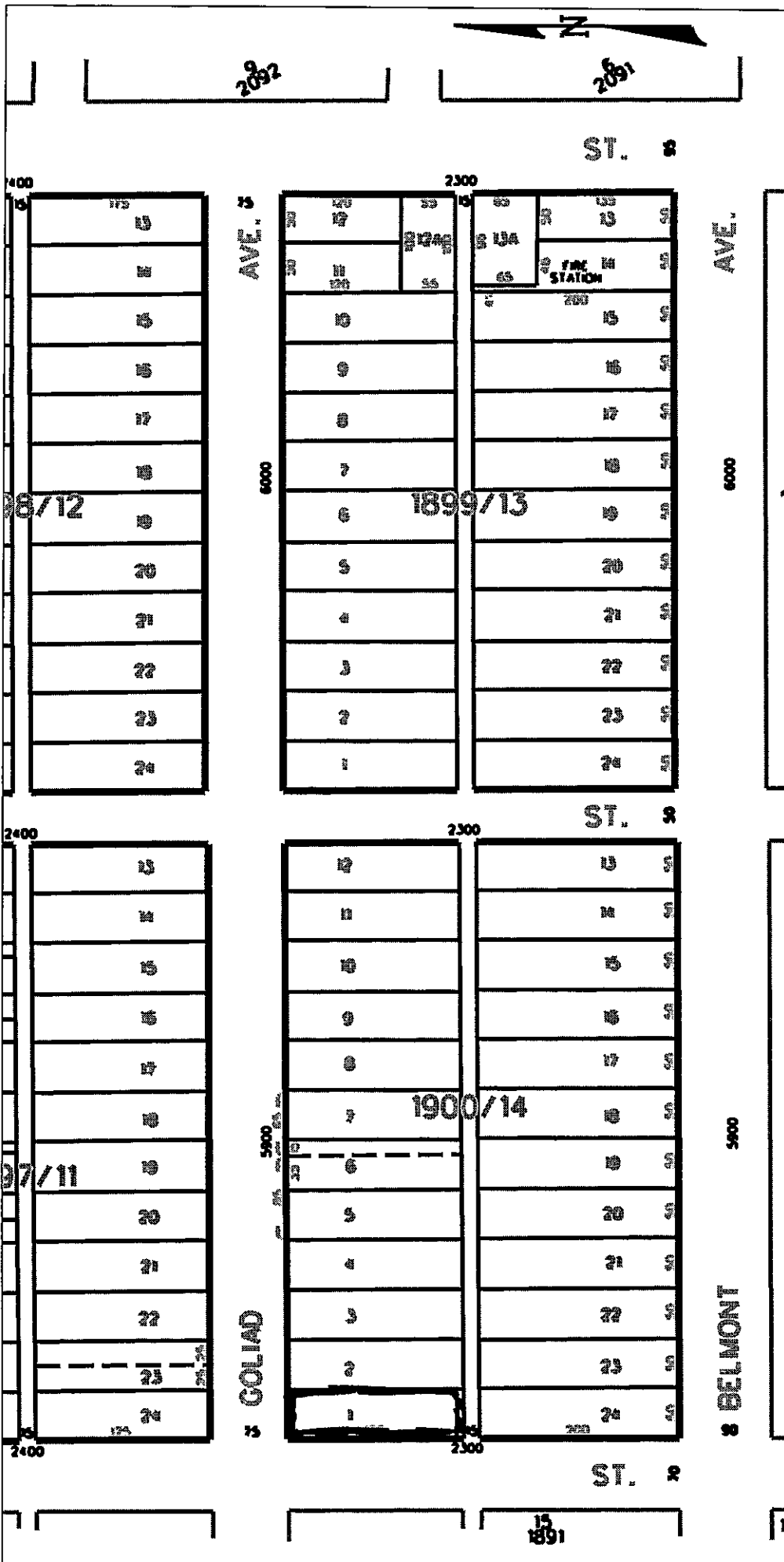
I hereby certify that Melissa Kingston

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 Number 12 zoning ordinance. The applicant proposes to appeal the decision of an administrative official in issuing a building permit.

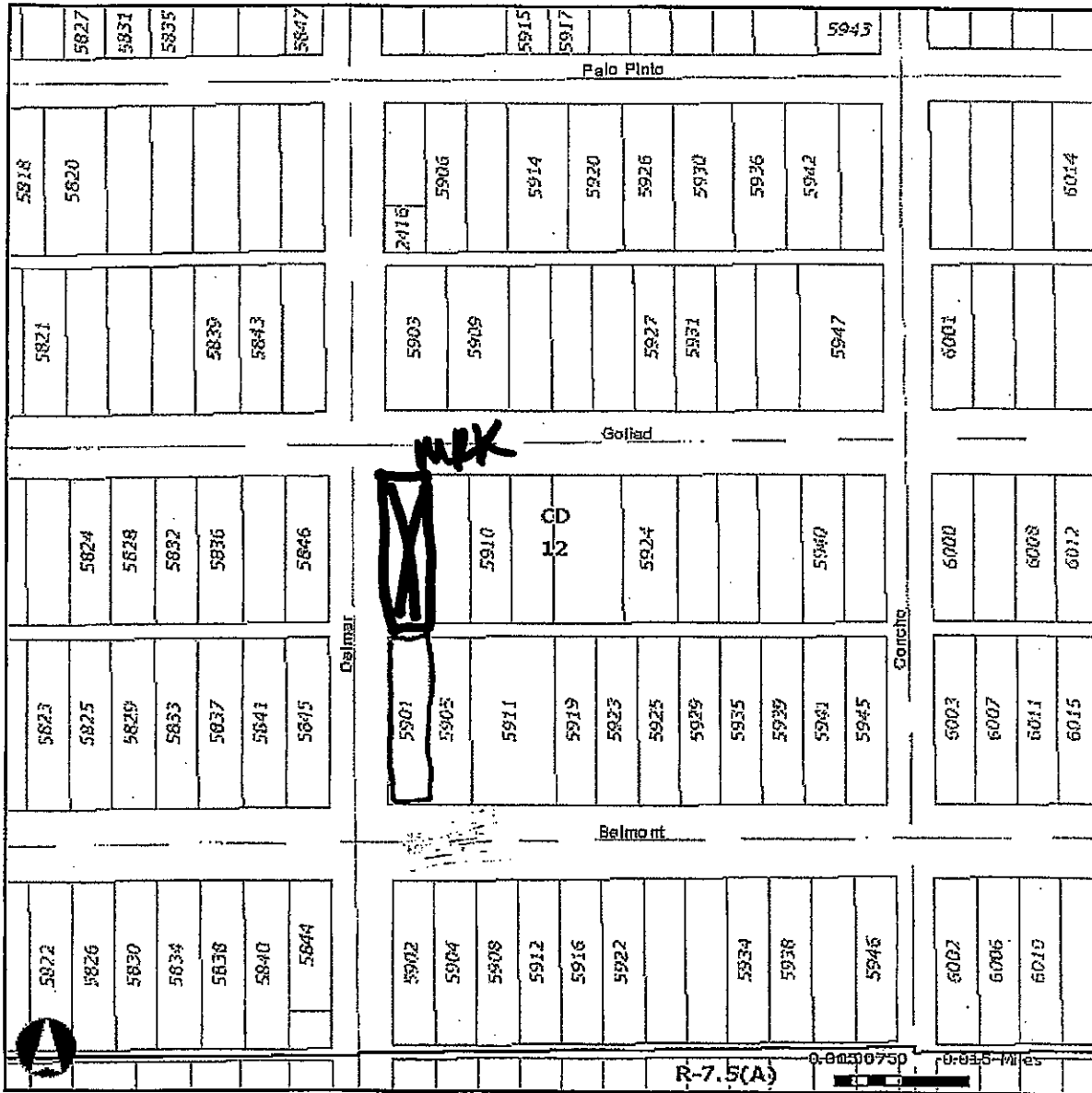
Sincerely,

  
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', written over a horizontal line.

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

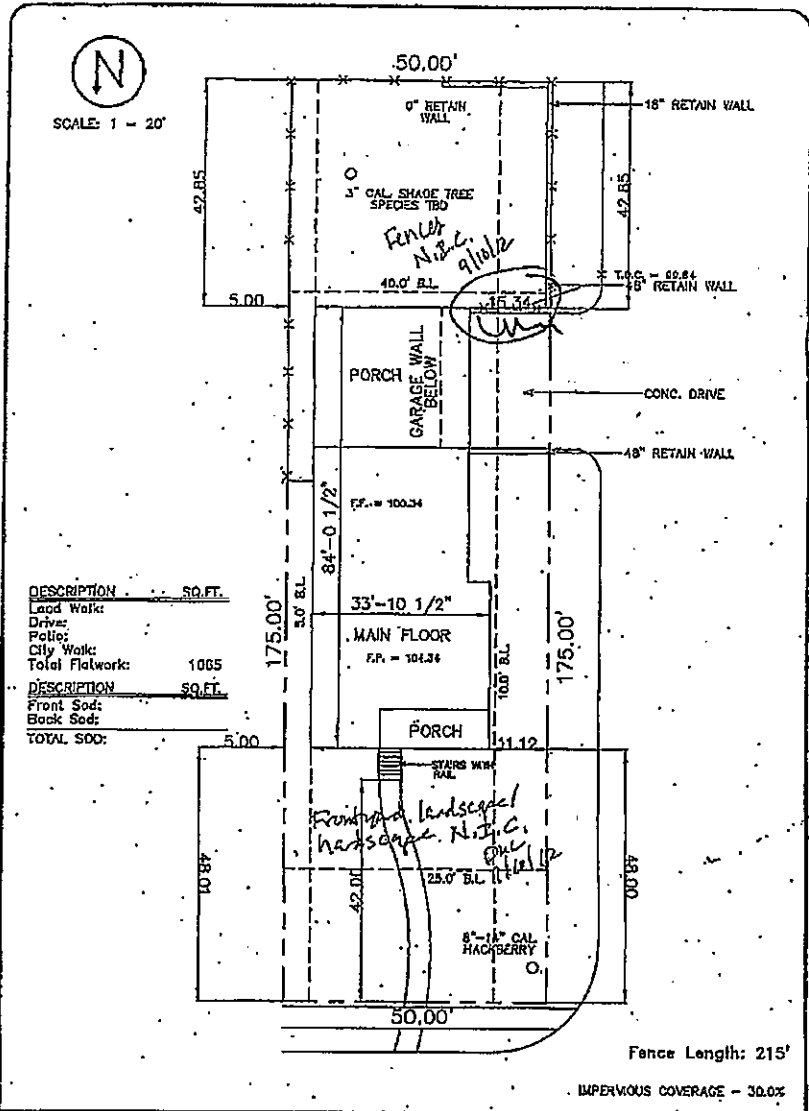


**Belmont Addition Conservation District**  
Est. 1893

cc: BACD Ordinance Enforcement Committee  
Ms. Brittany Bailey  
Justin Milam, Greenbrook Homes

5901 Palo Pinto Avenue · Dallas, Texas 75206





DESCRIPTION	SQ. FT.
Lead Walk:	
Driver:	
Patio:	
City Walk:	
Total Flatwork:	1065

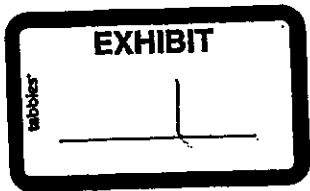
  

DESCRIPTION	SQ. FT.
Front Sed:	
Back Sed:	
TOTAL SED:	5.00

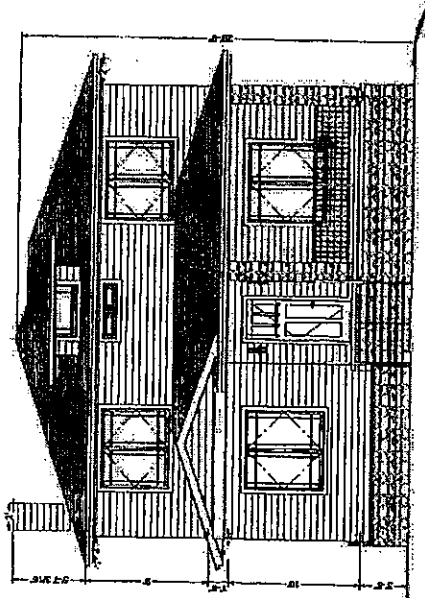
Note: This is a microfilm copy from the Building Inspection / Central Files Office. Copies cannot be refilmed. DO NOT RETURN.

IT IS THE BUILDING SUPERINTENDENT'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 DESIGN SO AS THEY MAY BE CORRECTED. THIS RELEASED, BUT IS NOT LIMITED TO: HOME OWNERS, ASSOCIATION, REGULATORY, ARCHITECTURAL REVIEW COMMITTEE, APPROVAL, SPECIAL SITE AND DAMAGE CONDITIONS, EASEMENTS, BUILDING SETBACKS, AND OTHER RESTRICTIONS THAT APPLY TO THE PROPERTY.	
(P.2) INDICATES THAT BUILDING LINES, EASEMENTS, R.O.W.'S, ETC. AS SHOWN HEREON ARE PER PLAT SUPPLIER.	
<b>PRECISION DESIGN</b> AN ARCHITECTURAL SERVICES COMPANY 3041 BRAEWOOD DRIVE MCKINNEY, TX 75069 PHONE: 972-231-2121 FAX: 972-231-3313	
SUBMISSION 1 <b>BELMONT ADDITION</b>	
SUBMISSION 1 <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>	
DRAWN BY: <b>POI</b>	

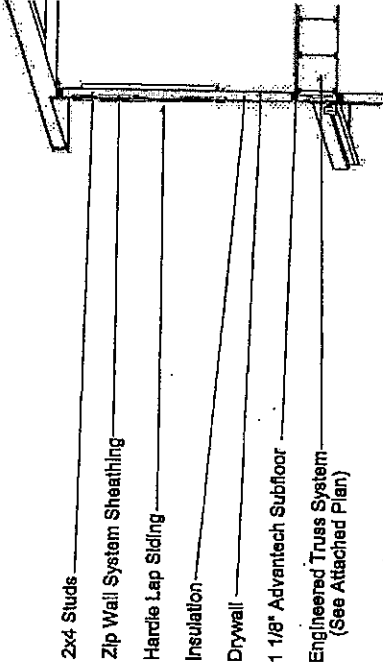
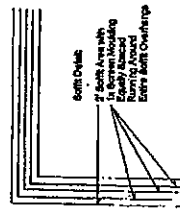
NOT TO BE USED FOR PERMITS WITHOUT APPROVAL



PLANS FOR CONSTRUCTION

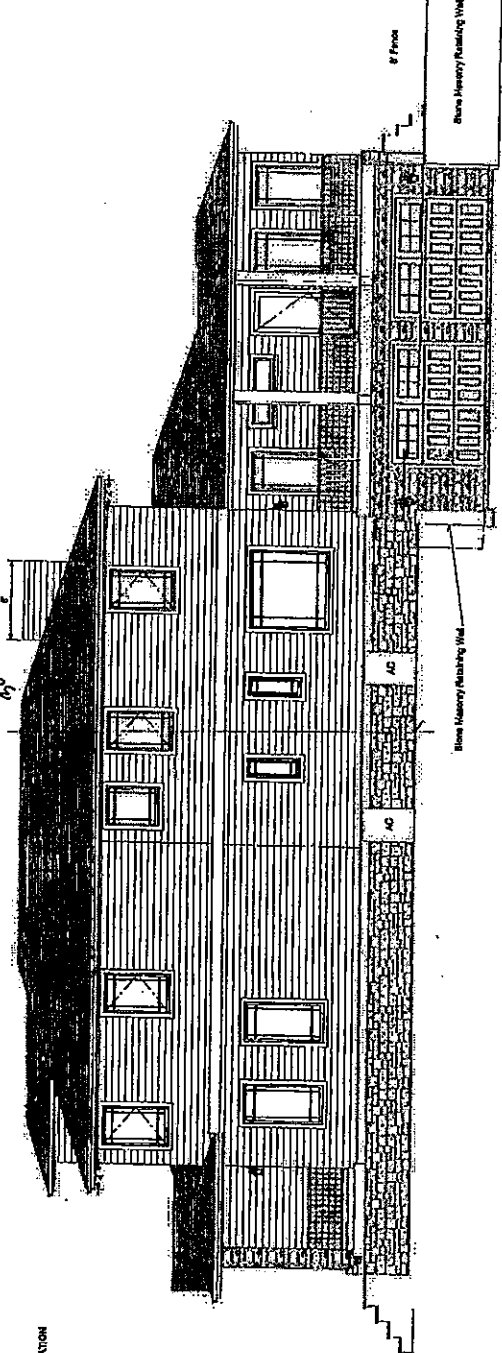


FRONT ELEVATION



WALL DETAIL

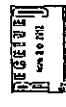
DO NOT USE THIS DETAIL ON FRONT PORCH WINDOWS OR WINDOWS ABOVE GARAGE IN LAMINAR AREAS ONLY



RIGHT ELEVATION

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

<table border="1"> <tr> <th>NO.</th> <th>DESCRIPTION</th> <th>BY</th> <th>DATE</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DESCRIPTION	BY	DATE									SHEET TITLE <b>5902 Gollad Plans</b>	PROJECT DESCRIPTION <b>5902 Gollad 24x36 OP</b> <small>OWNER AND ARCHITECT                  PROJECT NO. 25208</small>	DRAWING PRODUCED BY <b>Greenbrook Homes LLC</b>	DATE: <b>9/30/2012</b>	SCALE: <b>1/4" = 1'</b>	SHEET: <b>A-8</b>
NO.	DESCRIPTION	BY	DATE															

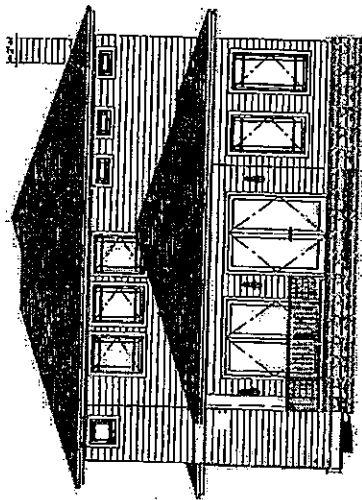


**EXHIBIT**

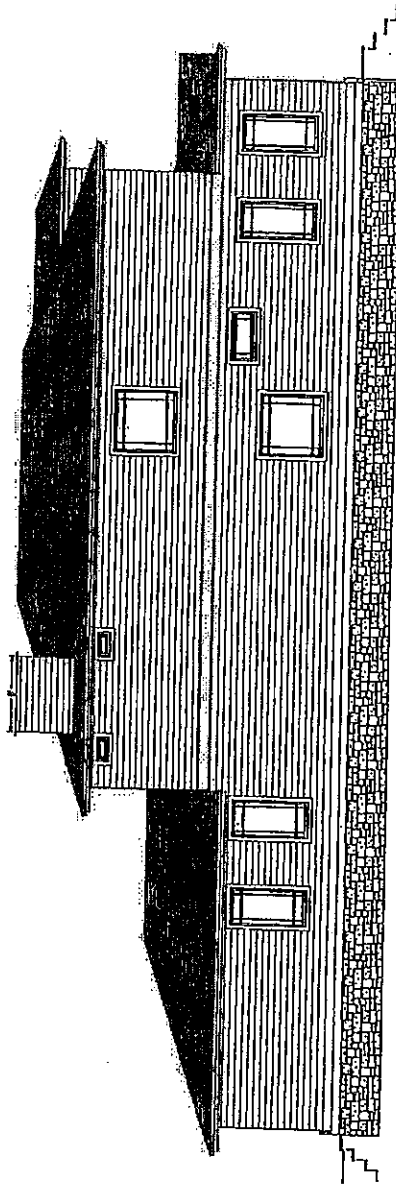
2

Books

PLANS FOR CONSTRUCTION



REAR ELEVATION



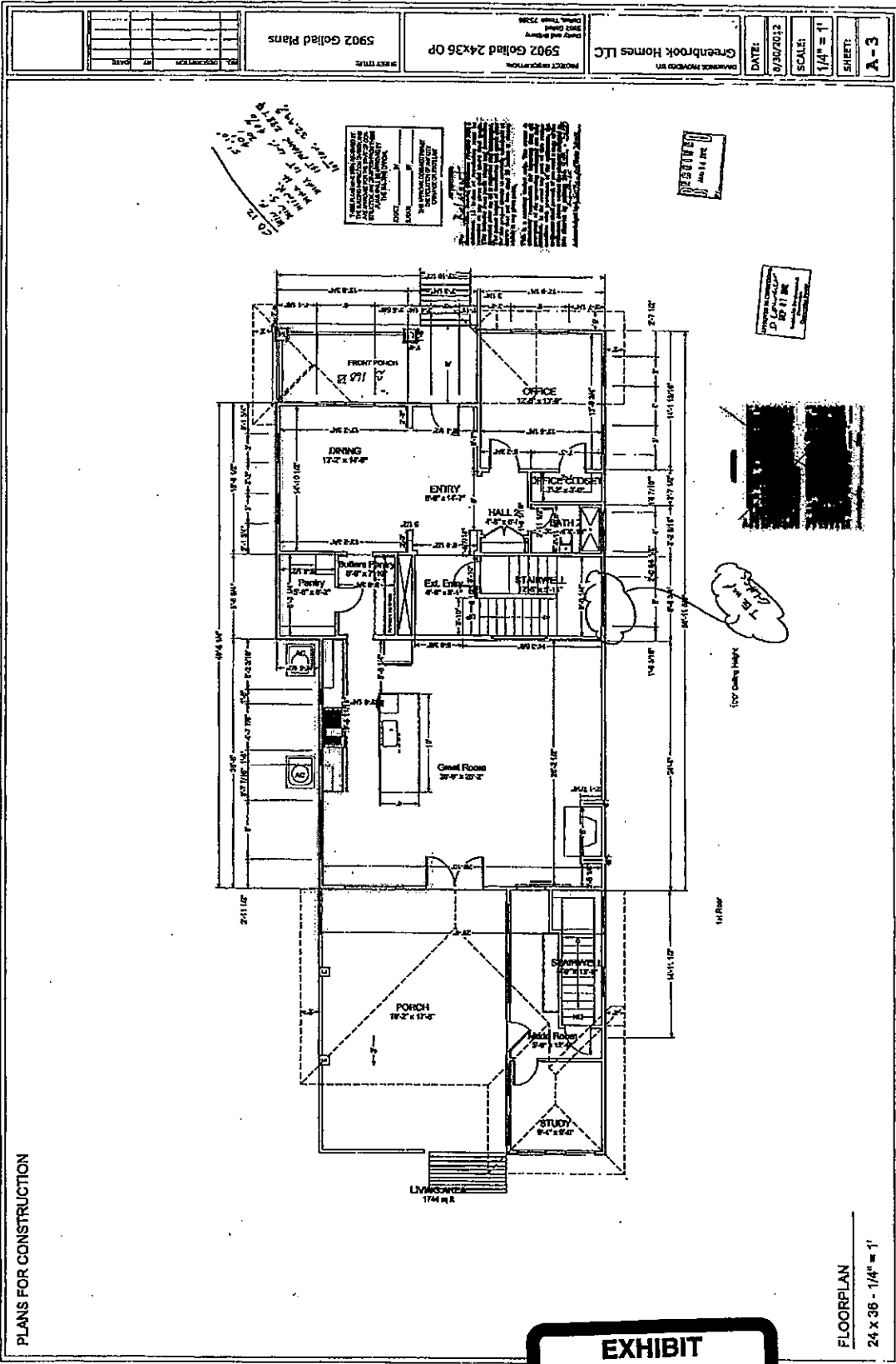
LEFT ELEVATION

ELEVATIONS

24 x 36 - 1/4" = 1'

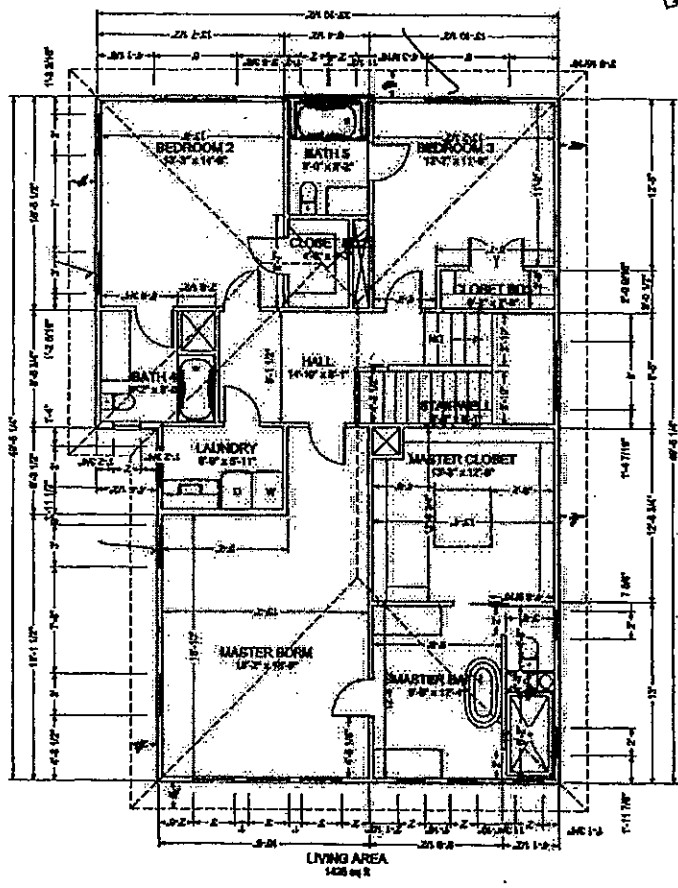
DATE: 9/30/2012	SCALE: 1/4" = 1'	SHEET: A-9	PROJECT INFORMATION: Greenbrook Homes LLC	5902 Gollad 24x36 OP	5902 Gollad Plans
				DATE: 9/30/2012	SCALE: 1/4" = 1'





PLANS FOR CONSTRUCTION

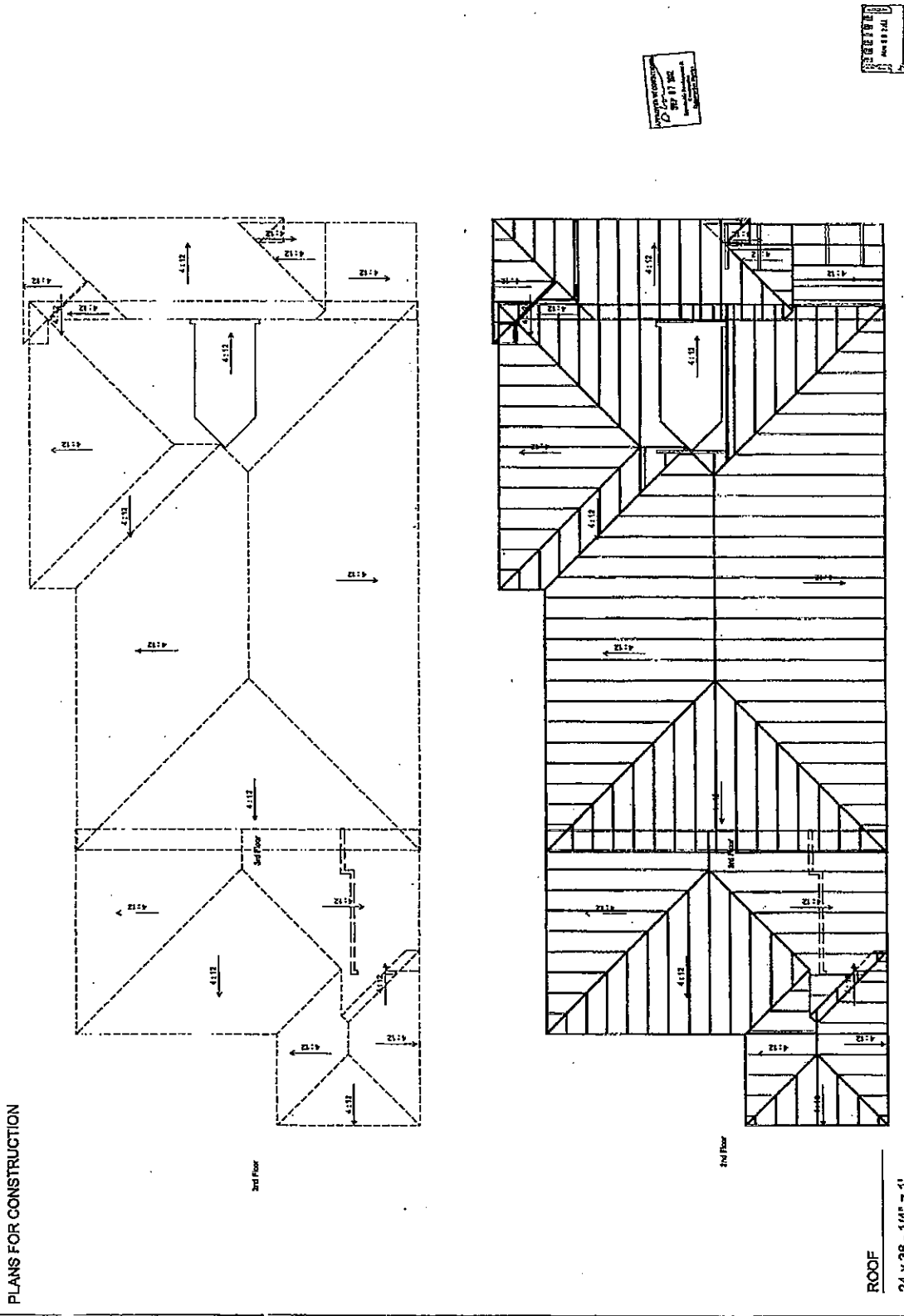
NO. DESCRIPTION	REV.	DATE	BY	CHECKED	PROJECT DESCRIPTION	SHEET TITLE	5902 Golland 24X36	Client and Address 5902 Golland Colum, Tenn. 37046	DRAWING PROVIDED BY Greenbrook Homes LLC	DATE:	SCALE:	SHEET:	A-4
										02/07/2012	1/4" = 1'	4	



2nd Floor  
6\"/>

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

NO.	DESCRIPTION	DATE	SCALE	SHEET	PROJECT DESCRIPTION	DRAWING NUMBER	DATE	SCALE	SHEET	PROJECT DESCRIPTION	DRAWING NUMBER	DATE	SCALE	SHEET	PROJECT DESCRIPTION	DRAWING NUMBER	DATE	SCALE	SHEET	



PLANS FOR CONSTRUCTION

3rd Floor

2nd Floor

ROOF

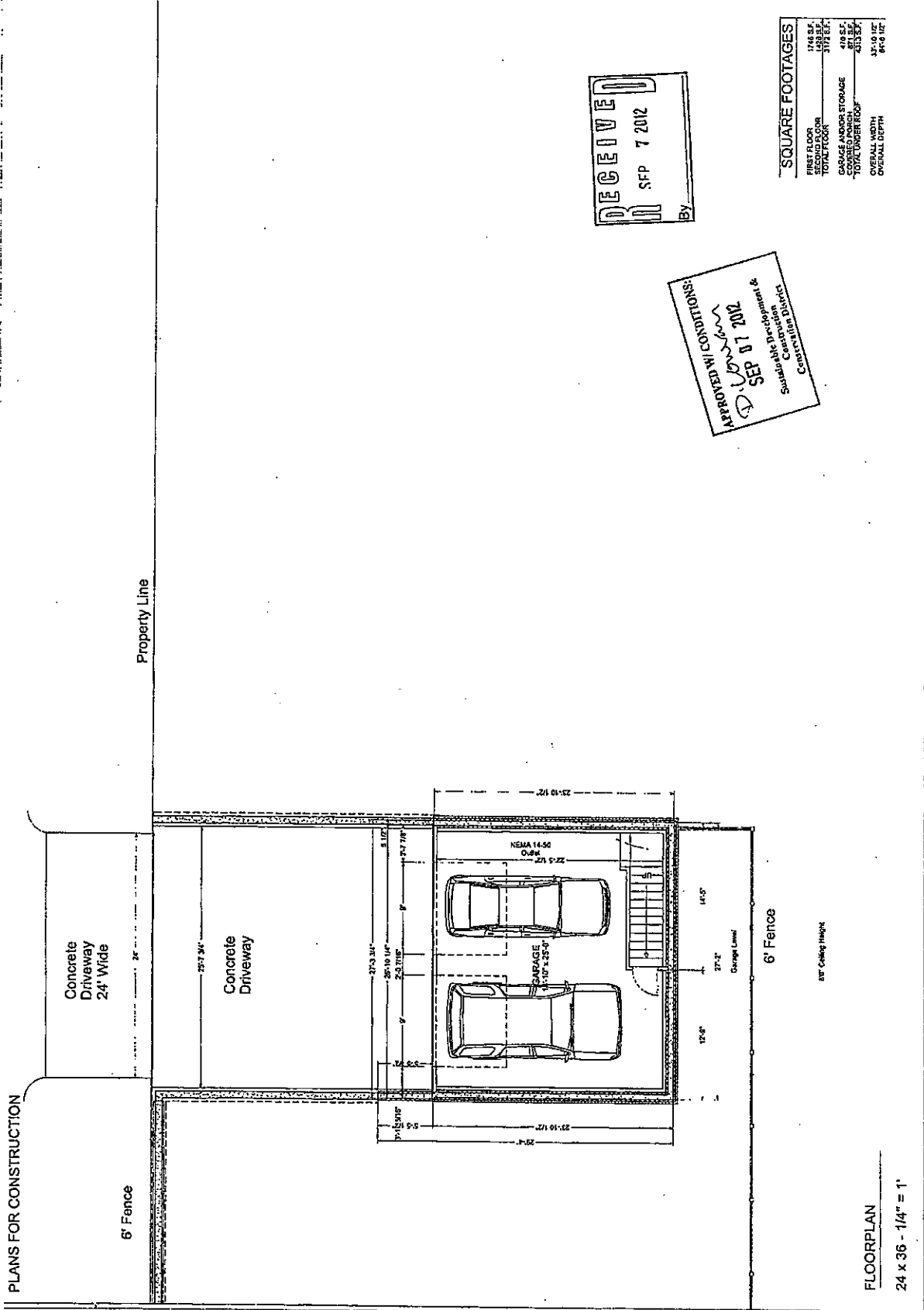
24 X 36 - 1/4" = 1'

**SQUARE FOOTAGES**

FIRST FLOOR	1748 SF
SECOND FLOOR	1488 SF
TOTAL FLOOR	3172 SF
GARAGE AND/OR STORAGE	478 SF
TOTAL GARAGE AND/OR STORAGE	478 SF
OVERALL WIDTH	42'-0" W/2
OVERALL DEPTH	44'-0" W/2

**RECEIVED**  
 SEP 7 2012  
 By

APPROVED WITH CONDITIONS:  
 SEP 07 2012  
 Sustainable Development & Construction Division  
 Central Utah District



PLANS FOR CONSTRUCTION

FLOORPLAN

24 x 36 - 1/4" = 1'

CV 1200000000

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 GOVIND 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: <sup>①</sup> THE DRIVEWAY MUST

BE CONSTRUCTED OF BRICK, CONCRETE, STONE OR SIMILAR MATERIALS; <sup>②</sup> RETAINING WALLS MAY NOT EXTEND MORE THAN 6-INCHES ABOVE THE SOIL BEING RETAINED;

~~IF DENIED, APPLICATION DOES NOT MEET THE FOLLOWING REQUIREMENTS~~ <sup>③</sup> FOUNDATION

MUST BE RAISED A MIN. OF 12-INCHES ABOVE GRADE <sup>④</sup> WINDOWS MUST BE CASEMENT OR DOUBLE

-HUNG; <sup>⑤</sup> MUNTINS AND MULLIONS MUST BE EXPRESSED

REVIEWED BY: P. LOWRANCE

ON BOTH THE INSIDE AND OUTSIDE OF INSULATION CLASS

DATE RECEIVED: 8/30/12

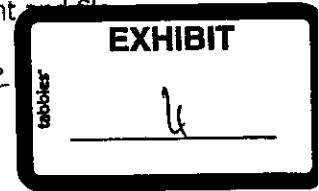
DATE REVIEWED: 9/6/12

BUILDING PERMIT REQUIRED: Yes / No  
form updated 100109

Copy to: applicant and CI

*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.

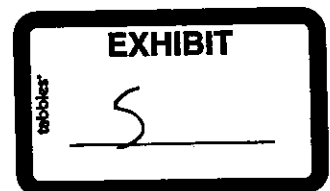
Lloyd Denman, Building Official

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

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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**

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## **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

Centered front gable

Chimney



Centered front main entrance with symmetrically balanced windows

Wooden shutters



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

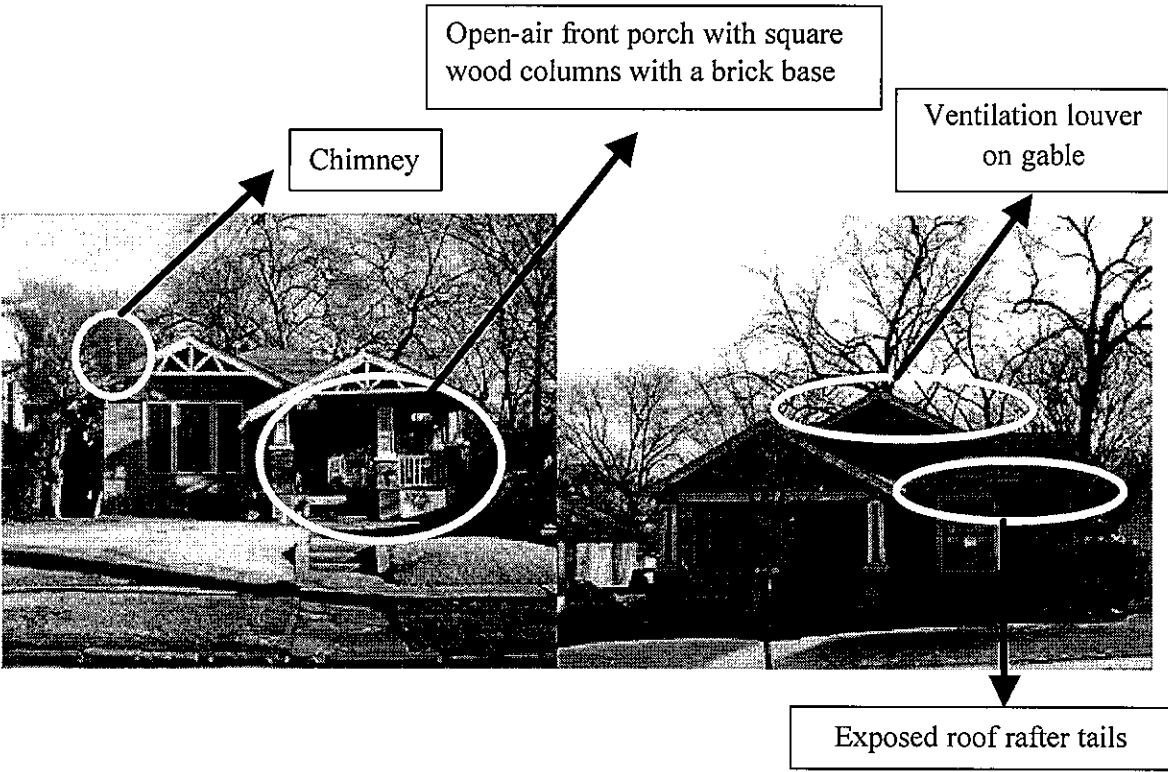
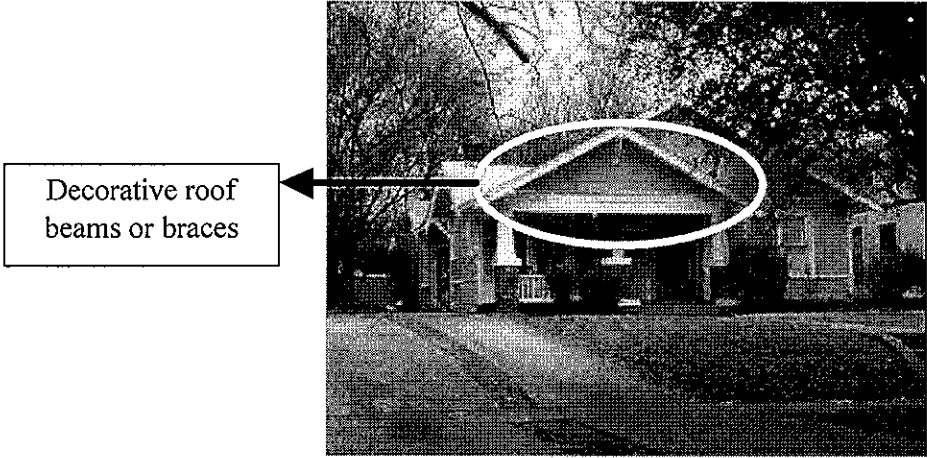
Stained glass windows are permitted

### **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



## **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

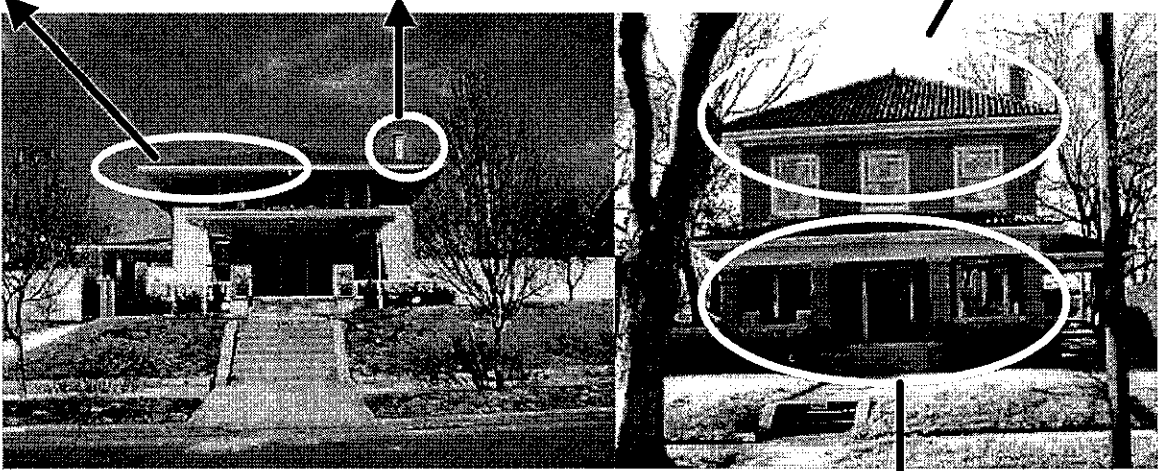


Massive square porch supports

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

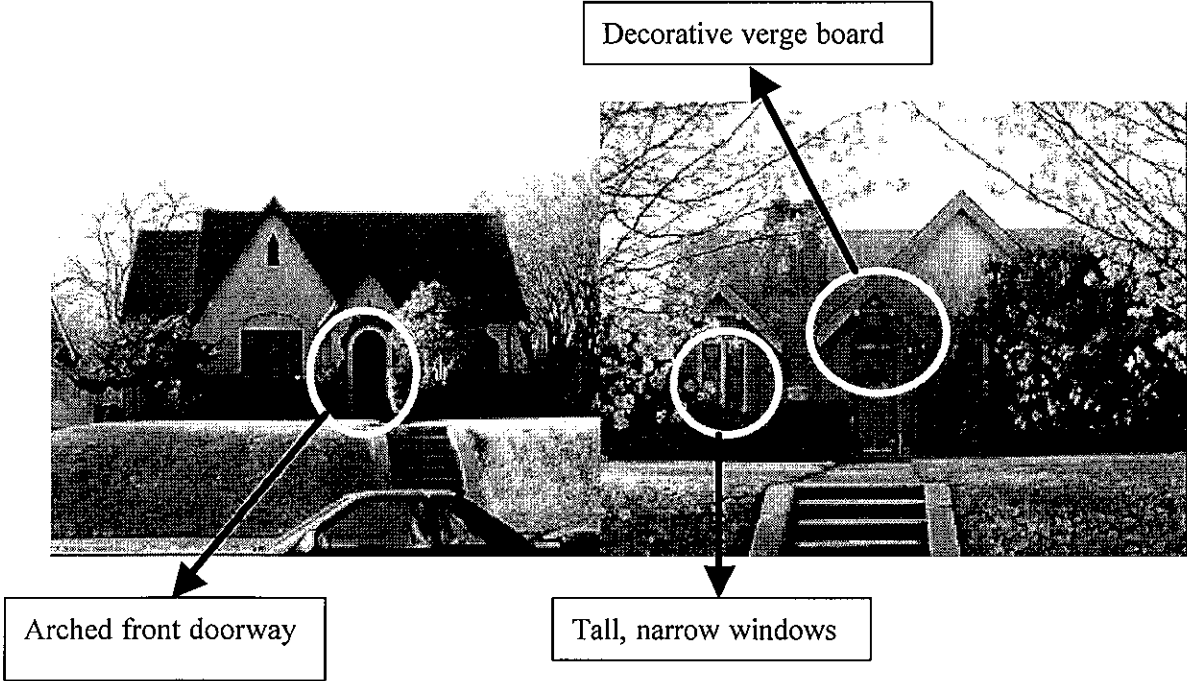
Glass must be clear, leaded, or stained. Stained glass windows may be any type of fixed window.

### **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

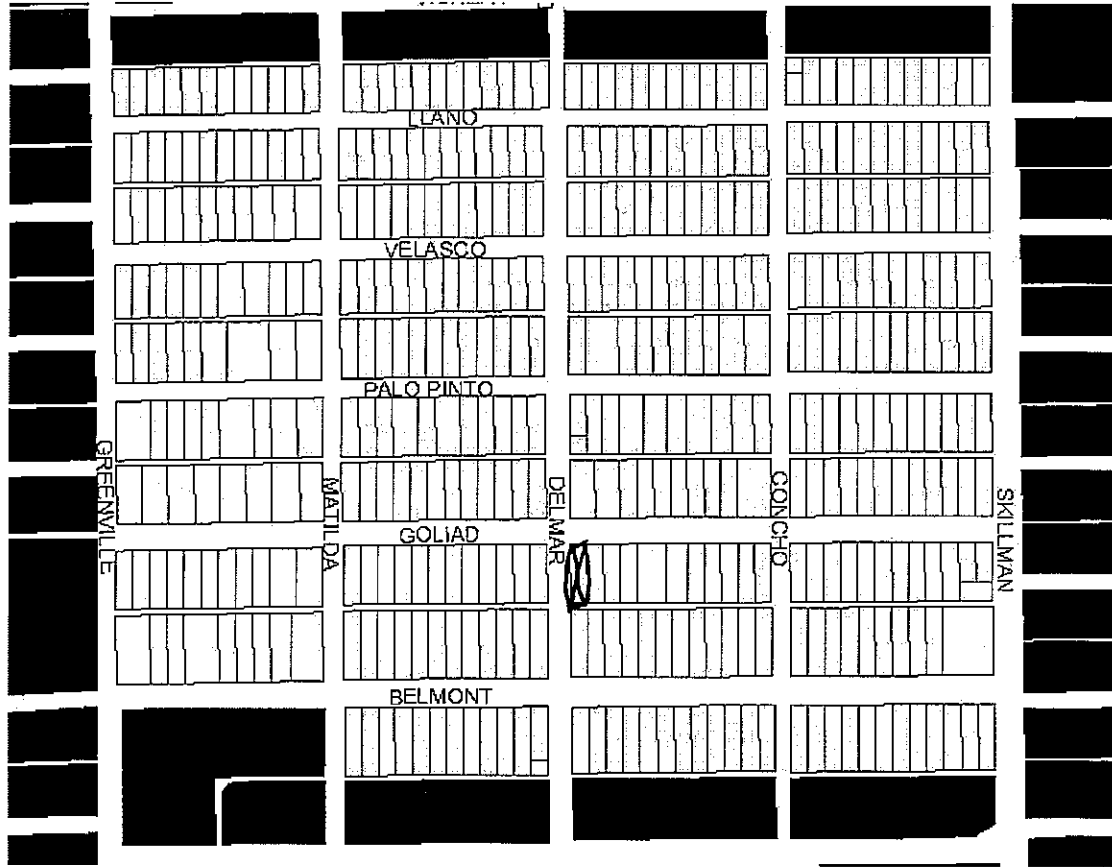


APPENDIX D

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 Kingstorn'. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Melissa Kingstorn

Chair, BACD Ordinance Enforcement Committee

5901 Palo Pinto Avenue

Dallas, Texas 75206

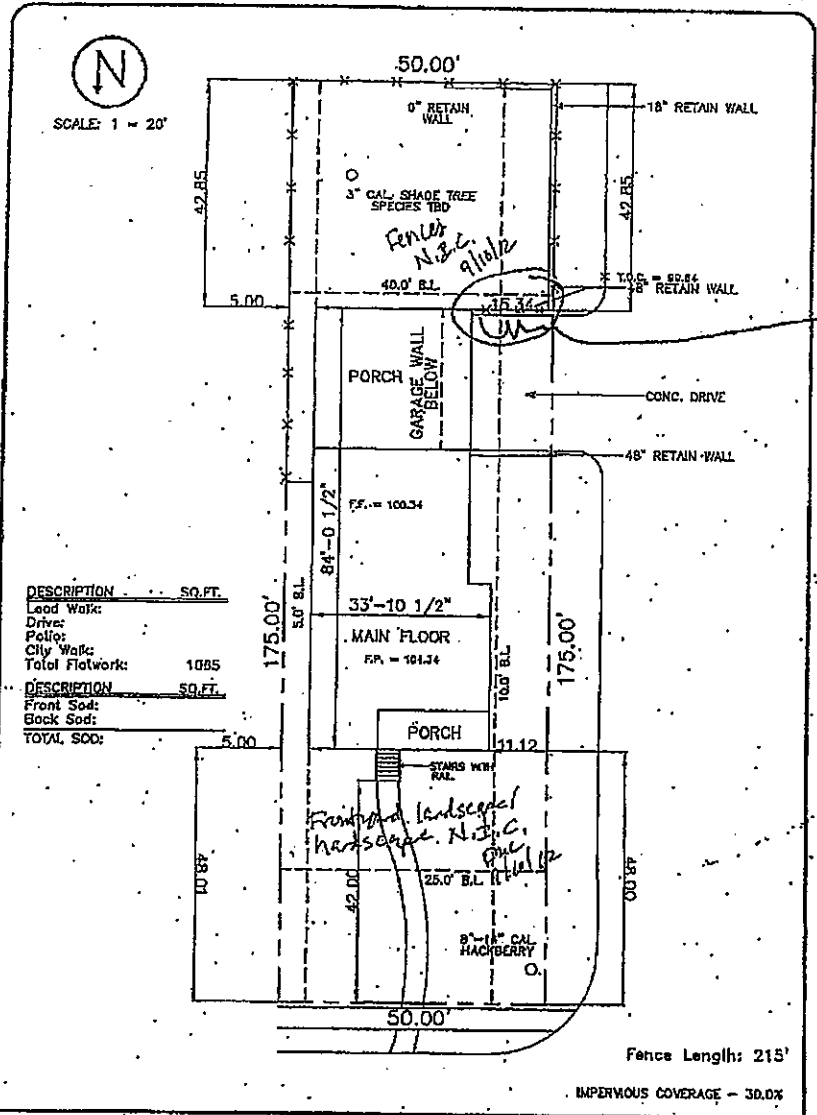
(214) 642-1366

[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

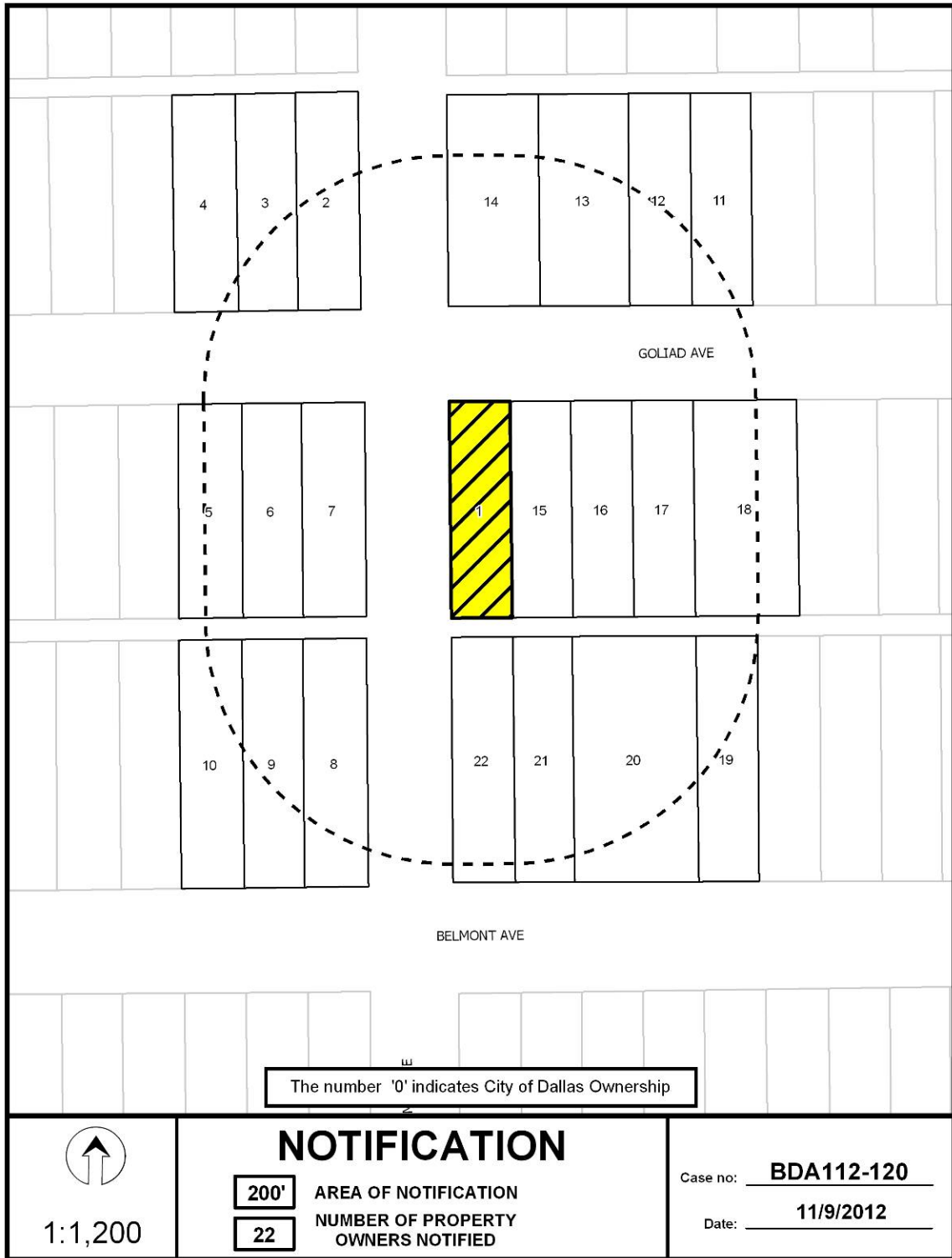


DESCRIPTION	SQ. FT.
Lead Work:	
Drive:	
Police:	
City Work:	
Total Flatwork:	1085
DESCRIPTION	SQ. FT.
Front Sod:	
Back Sod:	
TOTAL SOG:	5.00

must be 20'

Note: This is a microfilm copy from the Building Inspection / Central Files Office. Copies cannot be refilled. DO NOT RETURN.

<p>IT IS THE BUILDING SUPERINTENDENT'S RESPONSIBILITY TO ENSURE THE CORRECTNESS OF THE PLATFORM BEFORE PROCEEDING WITH CONSTRUCTION. IF THERE ARE ANY ERRORS AND/OR OMISSIONS THEY ARE TO BE BROUGHT TO THE ATTENTION OF PERSONS BEING SO AS THEY MAY BE CORRECTED. THIS INCLUDES, BUT IS NOT LIMITED TO, HOME OWNERS ASSOCIATION, REZONING, ARCHITECTURAL REVIEW COMMITTEE, APPROVAL, SPECIAL SITE AND DRAINAGE CONDITIONS, EASEMENTS, BUILDING ORDINANCES, AND OTHER RESTRICTIONS THAT APPLY TO THE PROPERTY.</p>	
<p>(P.F.) INDICATES THAT DRAINING LINES, EASEMENTS, R.O.W.'S, ETC. AS SHOWN HEREON ARE P.L.A.Y. SUPPLIES.</p>	
<p><b>PRECISION</b> 304 BRADWOOD DRIVE MCKINNEY, TX 75070 PHONE 2142712337 FAX: 2142237315 <i>An architectural services company</i></p>	
<p>SUBDIVISION 1 <b>BELMONT ADDITION</b></p>	
<p>SUBDIVISION 2 <b>BELMONT ADDITION</b></p>	
<p>ADDRESS 1 <b>5902 GOLIAD</b></p>	
<p>DATE 1 <b>08/29/12</b></p>	
<p>LOT 1 <b>1</b></p>	<p>BLOCK 1 <b>14/1900</b></p>
<p>CITY <b>DALLAS, TX</b></p>	
<p>PLAN # <b>INSPECTOR'S APPROVAL</b></p>	<p>DRAWN BY <b>PDI</b></p>



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

## ***BDA112-120***

### ***22 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
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	BELICO 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 112-123

**BUILDING OFFICIAL'S REPORT:**

Application of Robert Hunt for variances to the (1) front yard setback regulations, (2) side yard setback regulations, (3) maximum lot coverage regulations, and (4) off-street parking regulations at 2021 Glencoe Street. This property is more fully described as part of Lot 17, Block 1/1975 and is zoned R-7.5(A), which requires a (1) front yard setback of 25 feet, (2) side yard setback of 5 feet, (3) maximum lot coverage for residential structures of 45 percent, and (4) parking space to be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the street or alley. The applicant proposes to construct a single family residential structure and provide (1) a 0 foot front yard setback, which will require a 25 foot variance to the front yard setback regulations; (2) a 0 foot side yard setbacks, which will require a 5 foot variance to the side yard setback regulations; (3) a single family residential structure with 953 square feet of lot coverage (63% of the 1,513 square foot lot), which will require a 273 square foot variance to the maximum lot coverage regulations; and (4) enclosed parking spaces with a setback of 0 feet, which will require a variance to the off-street parking regulations of 20 feet.

**LOCATION:** 2021 Glencoe Street

**APPLICANT:** Robert Hunt

**REQUESTS:**

The following appeals have been made on a site that is currently developed with a one-story single family home that the applicant intends to demolish and replace with a two-story single family home:

1. a variance to the front yard setback regulations of 25' is requested as the proposed home would be located as close as on the front property line or 25' into the required 25' front yard setback;
2. variances to the side yard setback regulations of up to 5' are requested as the proposed home would be located as close as on the site's southwestern side property line or as much as 5' into the required 5' side yard setback;
3. a variance to the lot coverage requirements of 273 square feet or 18 percent is requested since the proposed single family home is proposed to cover 953 square feet or 63 percent of the lot when the maximum lot coverage allowed on the 1,513 square foot lot is 45 percent or in this case, 681square feet; and
4. a variance to the off-street parking regulations of up to 20' is requested in conjunction since a parking space in the proposed garage would be located as close

as on the Glencoe Street right-of-way line or as much as 20' into the required 20' distance from the street right-of-way line.

**STANDARD FOR A VARIANCE:**

The Dallas Development Code specifies that the board has the power to grant variances from the front yard, side yard, rear yard, lot width, lot depth, coverage, floor area for structures accessory to single family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

- (A) not contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done;
- (B) necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
- (C) not granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

**STAFF RECOMMENDATION (front and side yard setback and lot coverage variances):**

Approval, subject to the following condition:

- Compliance with the submitted revised site plan is required.

Rationale:

- The lot's triangular shape and restrictive area (a lot size that is about 6,000 square feet less than other R-7.5(A) zoned lots) preclude its development in a manner commensurate with other developments found on similarly-zoned R-7.5(A) lots. In this case, according to the applicant's submittals, a two-story single family home with not more than 1,950 square feet of air conditioned space and with a one-car garage is proposed on the subject site.

**STAFF RECOMMENDATION (off-street parking variance):**

Denial

Rationale:

- Although the subject site is unique and different from most lots zoned R-7.5(A) in that it is triangular in shape and about 6,000 square feet less than other R-7.5(A) zoned lot, the applicant has not substantiated how granting this variance would not be contrary to the public interest. The Sustainable Development and Construction Department Engineering Division Assistant Director recommends denial of this



request commenting that “a vehicle parking in front of the garage will obstruct the sidewalk.”

**BACKGROUND INFORMATION:**

**Zoning:**

Site: R-7.5 (A) (Single family district 7,500 square feet)  
North: R-7.5 (A) (Single family district 7,500 square feet)  
South: PD 462 (Planned Development)  
East: R-7.5 (A) (Single family district 7,500 square feet)  
West: R-7.5 (A) (Single family district 7,500 square feet)

**Land Use:**

The subject site is developed with a single family home that the applicant intends to demolish. The areas to the north and east are developed with single family uses; and the areas to the south and west are developed with retail uses.

**Zoning/BDA History:**

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

**Timeline:**

October 25, 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’s representative 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 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.

- November 20, 2012: The Building Inspection Senior Plans Examiner/Development Code Specialist forwarded revised plans from the applicant and a related revised Building Official's report on this application to the Board Administrator (see Attachment A).
- November 20, 2012: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment B).
- 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.
- November 30, 2012: The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet marked "Recommends that this be denied" commenting "A vehicle parking in front of the garage will obstruct the sidewalk. (Will no longer object if applicant shows 20' from back of sidewalk to the garage face.)"

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

- This request focuses on demolishing a one-story single family home, and replacing it with a two-story (with loft) single family home (which according to the applicant would have no more than 1,950 square feet of air conditioned space), part of which is proposed to be located in the site's 25' front yard setback.
- A revised site plan has been submitted denoting a portion of the proposed single family home to be located as close on the site's front property line (or as much as 25' into the 25' front yard setback).
- It appears from the submitted revised site plan that approximately 9/10 (or approximately 850 square feet) of the proposed approximately 953 square foot building footprint is to be located in the site's 25' front yard setback.
- DCAD records indicate that the property at 2021 Glencoe Street has the following improvements:
  - "main improvement:" a structure built in 1927 with 565 square feet of living area, and 565 square feet of total area; and
  - "additional improvement:" a 432 square foot attached garage, and 416 square feet of "unfinished space."

- The subject site is triangular in shape (approximately 53' x 76' x 57') and according to the application, is 1,513 square feet in area. The site is zoned R-7.5(A) where lots are typically 7,500 square feet in area.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5(A) zoning classification.
  - The variance would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5(A) zoning classification.
- If the Board were to grant the variance request and impose the submitted revised site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document– which is a structure to be located as close as on the site's front property line (or as much as 25' into this 25' front yard setback).

**GENERAL FACTS/STAFF ANALYSIS (side yard variances):**

- This request focuses on demolishing a one-story single family home, and replacing it with a two-story (with loft) single family home (which according to the applicant would have no more that 1,950 square feet of air conditioned space), part of which is proposed to be located in the site's two 5' side yard setbacks.
- A revised site plan has been submitted denoting a portion of the proposed single family home to be located as close on the site's southwestern side property line (or as much as 5' into this 5' side yard setback). (The revised site plan denotes a portion of the proposed single family home to be located as close as 3' from the site's northwestern side yard setback or as much as 2' into this 5' side yard setback).
- It appears from the submitted revised site plan that approximately 1/4 (or approximately 230 square feet) of the proposed approximately 953 square foot building footprint is to be located in the site's two 5' side yard setbacks.
- DCAD records indicate that the property at 2021 Glencoe Street has the following improvements:
  - "main improvement:" a structure built in 1927 with 565 square feet of living area, and 565 square feet of total area; and
  - "additional improvement:" a 432 square foot attached garage, and 416 square feet of "unfinished space."
- The subject site is triangular in shape (approximately 53' x 76' x 57') and according to the application, is 1,513 square feet in area. The site is zoned R-7.5(A) where lots are typically 7,500 square feet in area.
- The applicant has the burden of proof in establishing the following:

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

**GENERAL FACTS/STAFF ANALYSIS (lot coverage variance):**

- This request focuses on demolishing a one-story single family home, and replacing it with a two-story (with loft) single family home that with a building footprint of 953 square feet would exceed the 45 percent maximum lot coverage permitted in the R-7.5(A) zoning district.
- A revised site plan has been submitted where the Building Official’s report states that the proposed lot coverage is 953 square feet or 63 percent of the lot when the maximum lot coverage allowed on the 1,513 square foot lot is 45 percent or in this case, 681square feet.
- DCAD records indicate that the property at 2021 Glencoe Street has the following improvements:
  - “main improvement:” a structure built in 1927 with 565 square feet of living area, and 565 square feet of total area; and
  - “additional improvement:” a 432 square foot attached garage, and 416 square feet of “unfinished space.”
- The subject site is triangular in shape (approximately 53’ x 76’ x 57’) and according to the application, is 1,513 square feet in area. The site is zoned R-7.5(A) where lots are typically 7,500 square feet in area.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the maximum lot coverage regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the

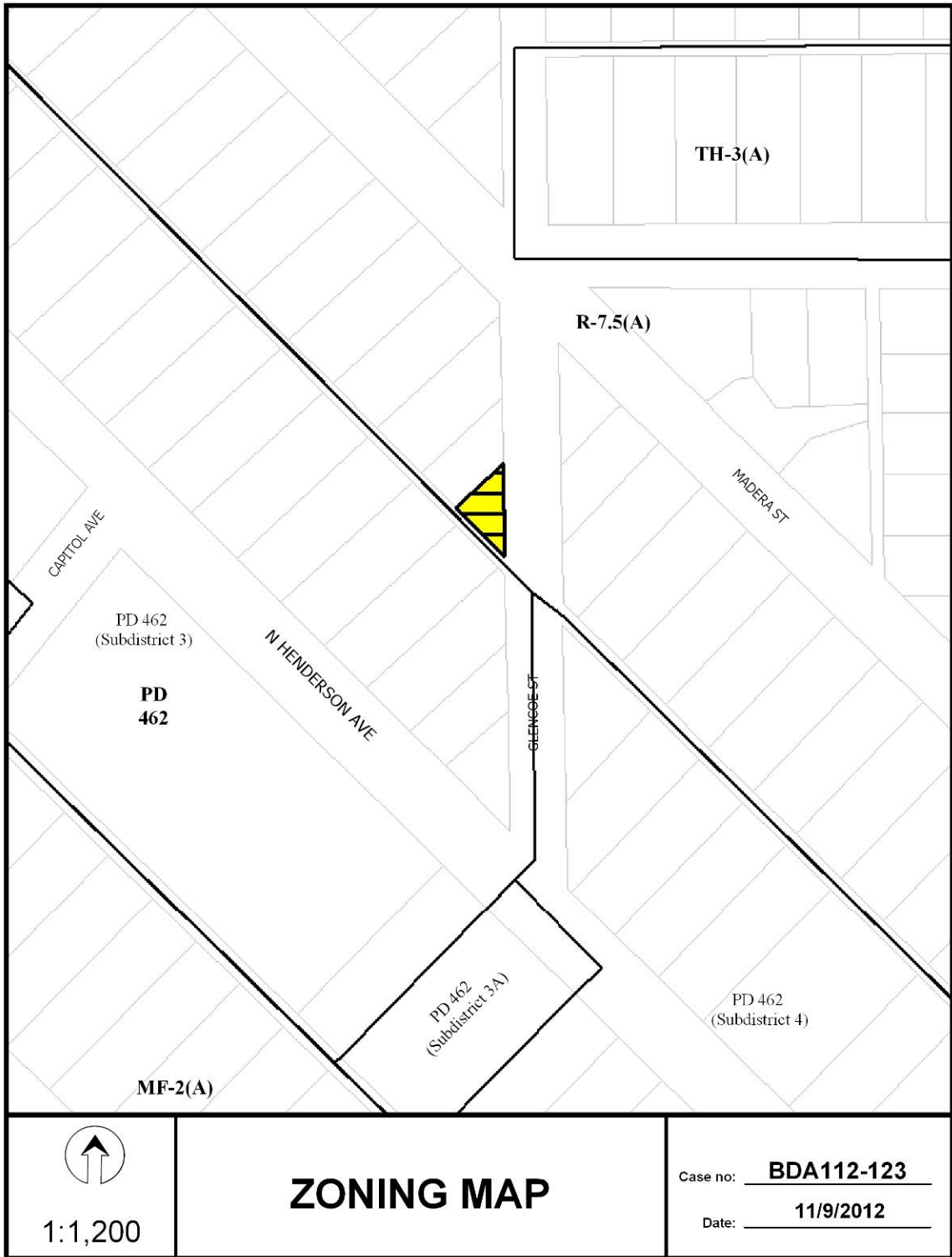
development upon other parcels of land in districts with the same R-7.5(A) zoning classification.

- The variance would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5(A) zoning classification.
- If the Board were to grant the variance request and impose the submitted revised site plan as a condition, the coverage of the structure would be limited to what is shown on this document – which according to the Building Official’s report is a structure covering 953 square feet or 63 percent of the lot or a structure whose building footprint is 273 square feet larger than is what is permitted by right.

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

- This request focuses on enclosing a parking space with a garage door in the proposed garage attached to the single family home proposed, where the parking space in the proposed garage entered from Glencoe Street would be located less than the required 20’ distance from the street right-of-way line.
- The Dallas Development Code states that a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in enclosed structure and if the space faces upon or can be entered directly from a street or alley.
- The submitted revised site plan denotes what appears to be the location of an enclosed parking space in the proposed structure ranging from approximately 0’ – 9’ from the street right-of-way line. (The site plan does not make a representation of the projected pavement line).
- DCAD records indicate that the property at 2021 Glencoe Street has the following improvements:
  - “main improvement:” a structure built in 1927 with 565 square feet of living area, and 565 square feet of total area; and
  - “additional improvement:” a 432 square foot attached garage, and 416 square feet of “unfinished space.”
- The subject site is triangular in shape (approximately 53’ x 76’ x 57’) and according to the application, is 1,513 square feet in area. The site is zoned R-7.5(A) where lots are typically 7,500 square feet in area.
- The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet marked “Recommends that this be denied” commenting “A vehicle parking in front of the garage will obstruct the sidewalk. (Will no longer object if applicant shows 20’ from back of sidewalk to the garage face.)”
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the parking regulations of up to 20’ 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 the parking regulations of up to 20' is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5(A) zoning classification.
- The variance to the parking regulations of up to 20' requested would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5(A) zoning classification.
- If the Board were to grant the variance request of up to 20', staff recommends imposing the following conditions:
  1. Compliance with the submitted revised site plan is required.
  2. An automatic garage door must be installed and maintained in working order at all times.
  3. At no time may the areas in front of the garage be utilized for parking of vehicles.
  4. All applicable permits must be obtained.(These conditions are imposed to help assure that the variance will not be contrary to public interest).



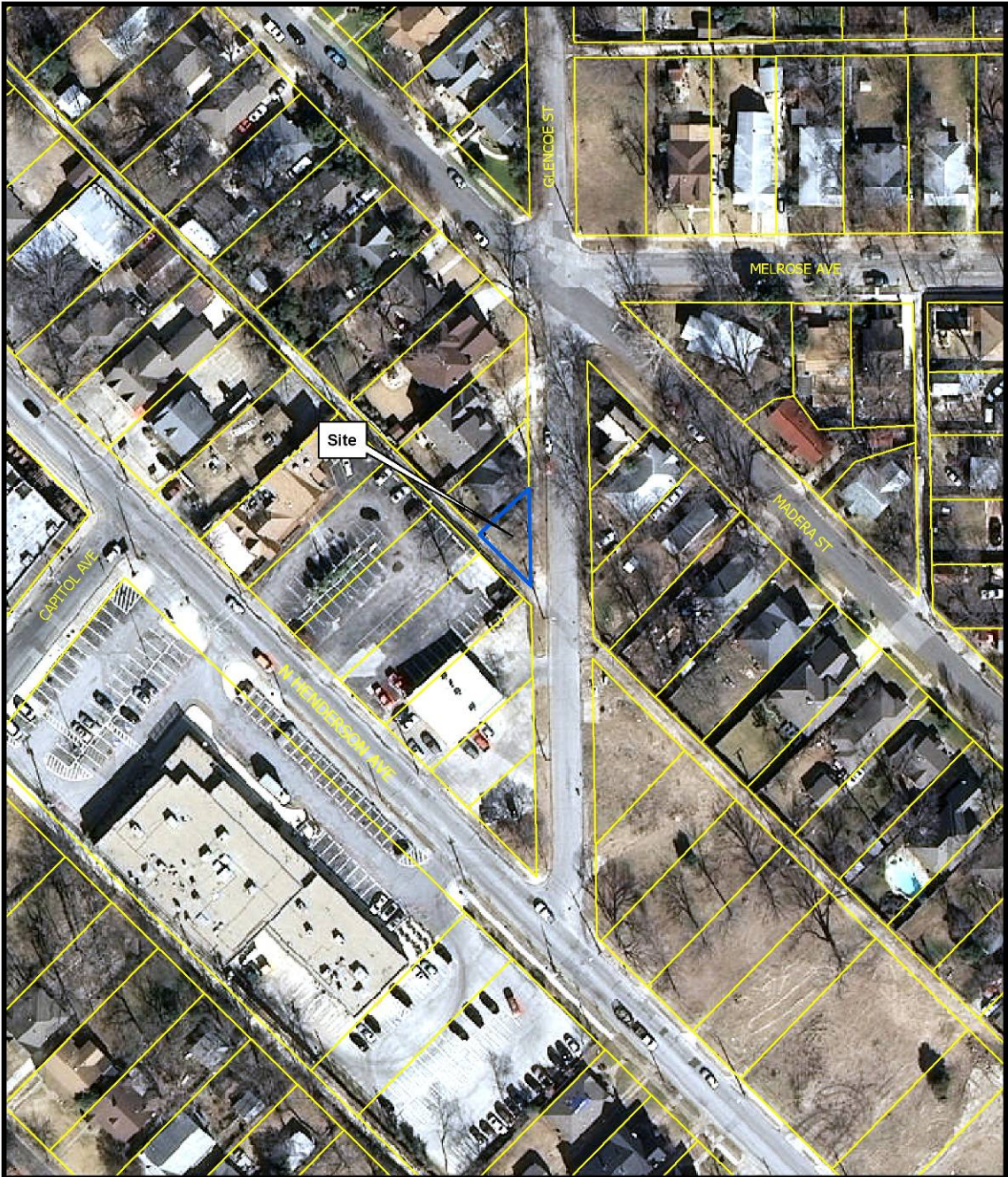
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# ZONING MAP

Case no: BDA112-123

Date: 11/9/2012





1:1,200

# AERIAL MAP

Case no: BDA112-123

Date: 11/9/2012



BDA112-123

Attach A

Long, Steve

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**From:** Duerksen, Todd  
**Sent:** Tuesday, November 20, 2012 9:28 AM  
**To:** Long, Steve  
**Subject:** BDA112-123, 2021 Glencoe Street  
**Attachments:** DOC001.pdf

Pg 1

Bob Hunt has revised his appeal and I have revised the B.O. Report (the lot coverage variance has been reduced from 379 sq.ft. to 273 sq.ft.). He has also submitted a revised site plan drawing (dated 11/20/12) and a revised first floor, floor plan. The previously submitted second floor, floor plan is to be retained and the previously submitted elevation drawing is to be retained. For reference, I have attached copies of the four drawings (the two new submittals and the two retained submittals) that are to be used for this appeal. All of the drawings are 8½ "x 11" and these e-mail attachments may serve as your notification drawings. I will bring the actual replacement drawing copies to you prior to the hearing so that you will have originals to approval stamp.

BDA112-123

Attach A  
P32

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 HUNT

did submit a request for a variance to the front yard setback regulations, and for a variance to the side yard setback regulation, and for a variance to the maximum lot coverage regulation, and for a variance to the off-street parking regulation

at 2021 Glencoe Street

BDA112-123. Application of Robert Hunt for a variance to the front yard setback regulation, and a variance to the side yard setback regulation, and a variance to the maximum lot coverage regulation, and a variance to the off-street parking regulation at 2021 Glencoe Street. This property is more fully described as part of Lot 17, Block 1/1975 and is zoned R-7.5(A), which has a maximum lot coverage for residential structures of 45 percent and requires a side yard setback of 5 feet and requires a front yard setback of 25 feet and requires a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the street or alley. The applicant proposes to construct a single family residential structure and provide a 0 foot front yard setback, which will require a 25 foot variance to the front yard setback regulation, and provide a 0 foot side yard setback, which will require a 5 foot variance to the side yard setback regulation, and construct a single family residential structure with 953 square feet of lot coverage (63% of the 1,513 square foot lot), which will require a 273 square foot variance to the maximum lot coverage regulation, and construct a single family residential structure with a front yard setback of 0 feet, which will require a variance of 20 feet to the off-street parking regulation.

Sincerely,

  
Larry Holmes, Building Official

AND SHAE SNODGRASS,  
200900110755,  
P. R. D. C. T.

LOT 17  
BLOCK 1/1975

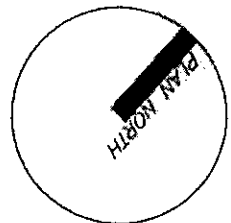
N 48°43'26" E  
53.00' MEAS.

PROVIDING 3'-0" SETBACK

1,513 SQ. FT.  
OR 0.035 OF  
AN ACRE

LINE OF PROPOSED  
BUILDING

75.98' MEAS.  
SOUTH

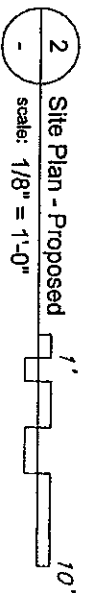


GLENCOE STREET  
(50' RIGHT-OF-WAY)

**SITE PLAN**  
2021 GLENCOE 11/20/12

N 44°09'21" W  
57.18' MEAS.

(10' ALLEY RIGHT-OF-WAY)

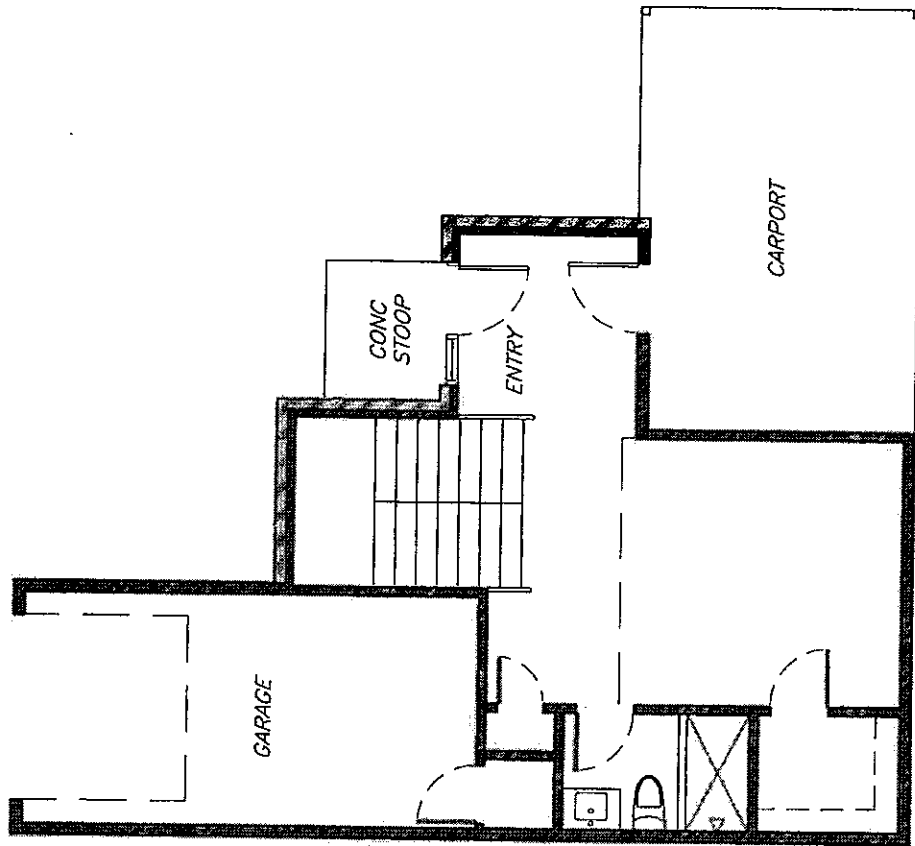


1'-10"  
3'-0"

17'-11"

0"

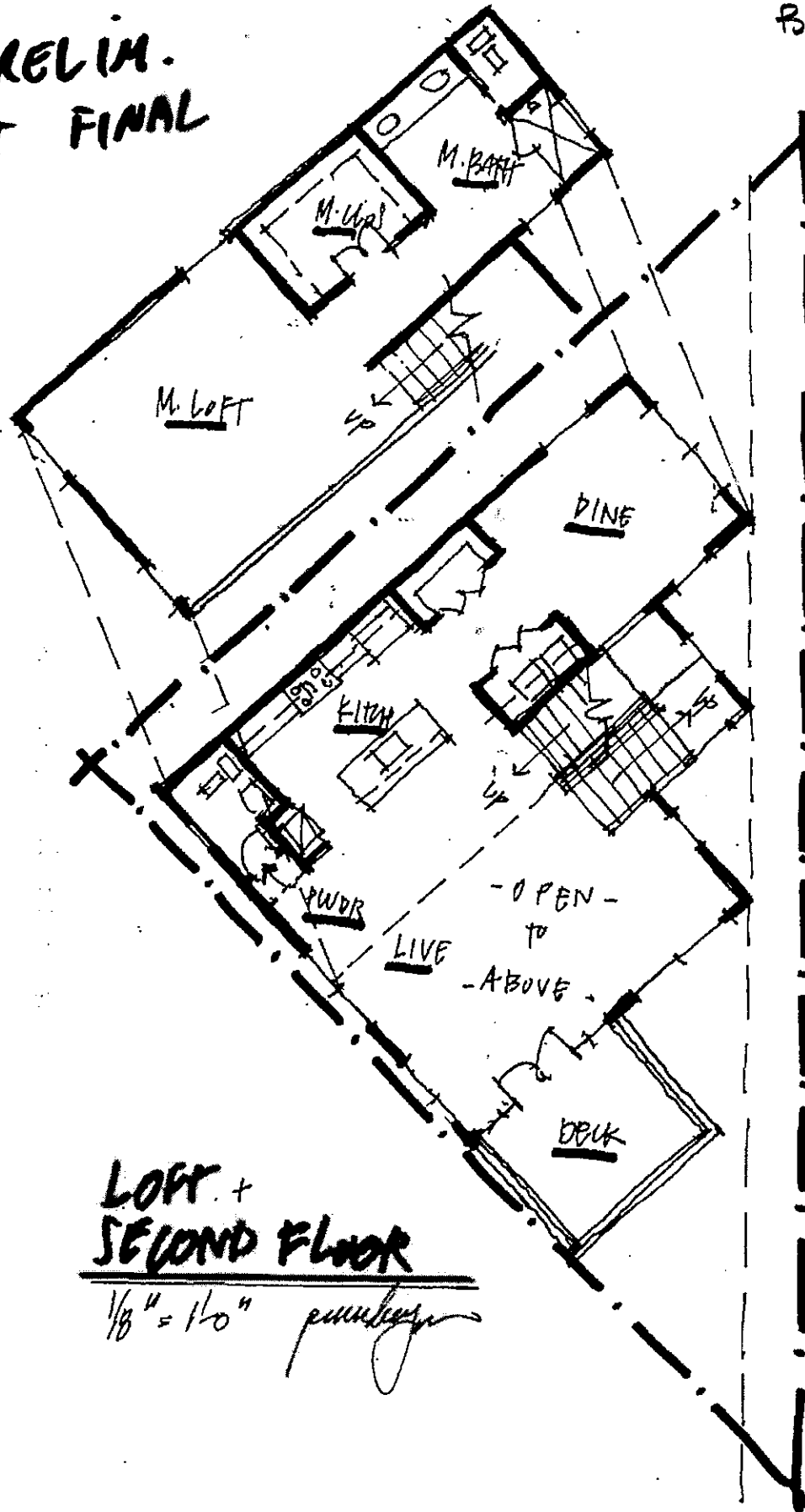
10'



3 Proposed Floor Plan  
scale: 1/8" = 1'-0"  
10'

PRELIM.  
NOT FINAL

BDA 112-123  
Attach A  
Pg 5



LOFT +  
SECOND FLOOR

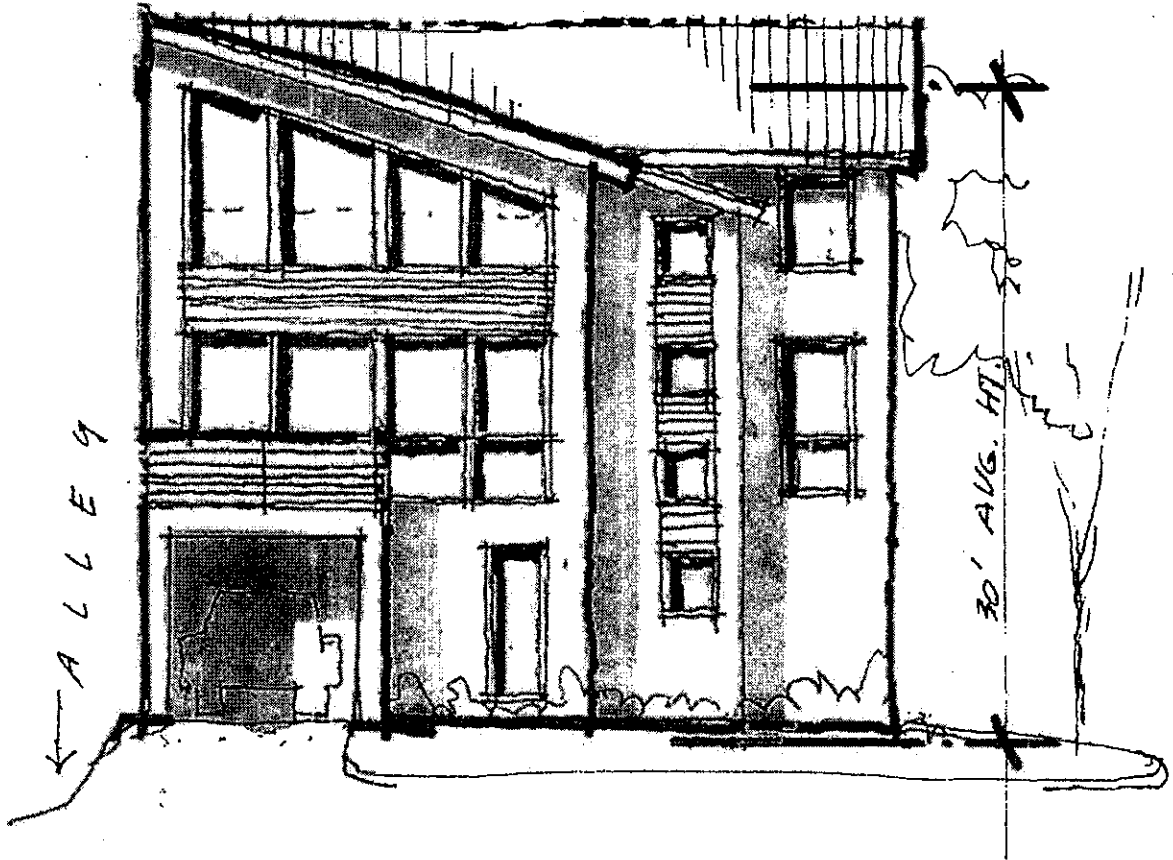
$\frac{1}{8}'' = 1'-0''$  *pennington*

PRELIMINARY  
NOT FINAL

BDA 112-123

Attach A

PS 6



ELEVATION @ GLENCOE  
1/8" = 1'0" perspective

BDA 112-123  
Attach B

Long, Steve

**From:** Robert V Hunt [Robertvhunt@sbcglobal.net] PS1  
**Sent:** Tuesday, November 20, 2012 1:33 PM  
**To:** Long, Steve  
**Subject:** RE: BDA 112-123, Property at 2021 Glencoe Street REVISED  
**Attachments:** glencoe 2021 variance request oct 2012.DOC; home comparables last 12 years.pdf; 2012-11-19 Variance Proposal Sheets.pdf

Hi Steve,

Attached is the revised first floor plan, a site plan of the proposed construction, and a site plan that shows both the proposed construction and the existing home that is there today. I verified the scale is correct.

The lot coverage requested will not exceed 953 square feet of lot coverage (63% of the 1,513 square foot lot), which will require a 273 sq. ft. variance, which is a change from the prior narrative submitted by Todd.

Also attached is a narrative by me and the sales comparables of all homes in the area sold in the last 12 years.

Thanks for the heads up on my mis-understanding of the lot coverage restriction related to the site plan.

Call if any questions and have a great Thanksgiving.

Bob

**Robert V. Hunt & Associates**  
**5811 Gaston Avenue**  
**Dallas, TX 75214**  
**Office: (214) 824-5750**

---

**From:** Long, Steve [mailto:steve.long@dallascityhall.com]  
**Sent:** Monday, November 19, 2012 9:52 AM  
**To:** Duerksen, Todd  
**Cc:** robertvhunt@sbcglobal.net  
**Subject:** FW: BDA 112-123, Property at 2021 Glencoe Street

Hi Todd,

Mr. Hunt and I spoke about this application last Friday, particularly how his submittals were all noted with "preliminary not final." While the "not final" footprint shown on the site plan would not impact or create a greater variance need with regard to his front yard, side yard, and parking variance requests, any change to his building footprint to that which is shown in the attachment WOULD affect his lot coverage variance request. I have encouraged Mr. Hunt to submit any revised plan to you so you could adjust your Building Official's report with regard to the lot coverage variance request.

If Mr. Hunt does not visit you by the end of the day tomorrow, November 20<sup>th</sup>, the Building Official's Report (which in turn becomes the news ad and property owner notice) will stay as shown on page 2 of the attachment.

Please let me know if Mr. Hunt submits revised plans to you, and if so, when you have amended your report in our database.

BDA 112-123  
 Attach B  
 p 2

Thanks,

Steve

**From:** Long, Steve  
**Sent:** Monday, November 19, 2012 9:45 AM  
**To:** 'robertvhunt@sbcglobal.net'  
**Cc:** Duerksen, Todd  
**Subject:** FW: BDA 112-123, Property at 2021 Glencoe Street

Dear Mr. Hunt,

I have just become aware of the fact that Todd Duerksen will be out of the office this Wednesday the 21<sup>st</sup>. So please submit any revised plans to him BEFORE the end of the day tomorrow, November 20<sup>th</sup>. (As we spoke about on Friday, the possibility of your submitting a revised "to-scale" site plan would most likely affect what is currently conveyed in the Building Official's report that is attached with regard to your lot coverage variance).

Thanks,

Steve

**From:** Long, Steve  
**Sent:** Friday, November 16, 2012 9:35 AM  
**To:** 'Robert V Hunt'  
**Cc:** Duerksen, Todd; Cossum, David  
**Subject:** FW: BDA 112-123, Property at 2021 Glencoe Street

Dear Mr. Hunt,

I have just noticed that your submittals include a number of plans labeled "preliminary not final." Do you intend to submit final plans prior to November 21<sup>st</sup> or your December 10<sup>th</sup> public hearing, particularly a final (or a non-preliminary) site plan?

Given your experience with the board, I believe you understand that when the board grants variance requests, they typically impose the applicant's submitted site plan as a condition to the request. I am hoping that if you do NOT intend to submit any other plans on this application, that your preliminary plan/plans would suffice with the City being able to issue a building permit on the assumption that your variances requests are granted, subject to compliance with your submitted "preliminary not final" site plan and/or elevation. (If you do not intend on submitting final plans, I hope you have an understanding from Building Inspection/Todd Duerksen that your submitted preliminary plans work with getting the building permit if the variances are granted subject to these plans).

Thanks,

Steve

**From:** Long, Steve  
**Sent:** Wednesday, November 07, 2012 8:22 AM  
**To:** 'Robert V Hunt'  
**Cc:** Duerksen, Todd; Svec, Jerry; Denman, Lloyd  
**Subject:** BDA 112-123, Property at 2021 Glencoe Street



BDA112-123

Attch R pg 3

Dear Mr. Hunt,

Here is information regarding your application to the board of adjustment at the address referenced above most of which I believe you are aware of given your recent experience with the board of adjustment:

1. Your application materials- all of which will be incorporated in a docket report that will be emailed to you and the board of adjustment members about a week ahead of the scheduled December 10<sup>th</sup> public hearing;
2. The standard as to how the board is able to grant a variance to the front yard setback, side yard setback, lot coverage, and off-street parking regulations (51A-3.102(d)(10));
3. A document that provides your public hearing date and other deadlines for submittal of additional information to staff/the board; and
4. The board's rule pertaining to documentary evidence.

Please review the Building Official's Report/second page of your application and contact Todd Duerksen at 214/948-4475 no later than noon, Wednesday, November 30<sup>th</sup> with regard to any amendment that you feel is necessary to address the issue at hand. (Note that the discovery of any additional appeal needed beyond the requested front yard setback, side yard setback, lot coverage, and off-street parking variances will most likely result in postponement of the appeal until the panel's next regularly scheduled public hearing).

You may want to contact Jerry Svec, City of Dallas Project Engineer, at 214/948-4444 to determine if there is any additional information that he may need from you in making a favorable recommendation to the board on your off-street parking variance request.

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

Thanks,

Steve

PS: If there is anything that you want to submit to the board beyond what you have included in your attached application materials, please feel free to email it to [steve.long@dallascityhall.com](mailto:steve.long@dallascityhall.com) or mail it to me at the following address:

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

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT  
FOR VARIANCES  
2021 GLENCOE AVENUE, DALLAS, TEXAS, 75206

November 20, 2012

Currently I have a tiny 1,513 square foot triangular lot with a boarded up wood siding home that has been stripped of wiring and plumbing and is an eye sore to the neighborhood. This lot is roughly 1/5 the minimum size required for the existing R-7.5 (A) zoning.

My request is as follows:

To tear down the existing home and to build an attractive, energy efficient new construction two story plus loft single family home.

The total square footage will not exceed 1,950 square feet of air conditioned space in addition to a one car garage.

There are three areas of variances requested;

- 1.) Building setbacks,
- 2.) Variance to the off street parking requirement for an enclosed parking space and
- 3.) Lot coverage

1.) As to the building setbacks we would like to request as follows:

- Glencoe front yard: The current setback is .4 feet, or 4.8 inches. I am asking to grant a 25 foot variance to accommodate the garage. The rest of the house will be set back further as shown on the attached site plan and survey.
- Alley side: change to a 0 foot setback, a 5 foot variance thereby eliminating the existing 0.4 foot encroachment into the alley.
- The NW side, the current setback of the existing house is 1.6 foot, a 3.4 foot variance. I would like to **increase** the setback to 3.0 feet, diminishing the variance to 2.0 feet.

2.) We are requesting a 20 foot variance to the off-street parking requirement setback for an enclosed parking space (for one corner of the garage, only) and will agree to the conditions of installing an electric door opener and will agree that no car can park in front of the garage door. Note that we are holding the living areas back further than the

DEVELOPMENT • INVESTMENT

PHONE: 214-824-5750

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

FAX: 214-821-3971

existing .4 foot setback, but we needed the space to accommodate the garage on this tiny R-75 (A) site.

3.) The lot coverage requested will not exceed 953 square feet of lot coverage (63% of the 1,513 square foot lot), which will require a 273 sq. ft. variance. On a standard 7,500' lot, the lot coverage can be up to 3,375 square feet. On this tiny lot, the lot coverage I am asking for results in maximum lot coverage of 953 square feet, less than 1/3 the size (28%) of what is allowed in a standard 7,500 square foot lot.

As a further comparison, the TH-3 zoning that is on Melrose (diagonally across the street) requires a minimum lot size of 2,000' and 60% lot coverage, resulting in 1,200 square foot maximum coverage.

We request that a variance be granted such that if there were a total loss of the newly constructed or reconstructed building, it could be re-constructed in the same dimensions and with the same variances.

**The building height will be at or below what is allowed by zoning codes (30 feet).**

There are two hardships associated with this lot causing the need for the requested variances.

- 1.) The small non-conforming lot (1,513 ft) is approximately 1/5 of the minimum size of lot required in an R-7.5 zone.
- 2.) The unusual triangular shape of the lot provides an architectural challenge.

Further, as to other homes in this area, I performed a search and there were 23 homes sold in the 12 months ending Oct 24, 2012 with the following criteria:

- Location: Mapsco 36 n, p, s, t, w, x. (Basically east of Central Expressway, west of Skillman, south of Martel and north of Fitzhugh and Live Oak.)
- Sold price under \$550,000, (although this home will be well below that price point)
- Newer homes built since 2000 (in the last 12 years)

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FAX: 214-821-3971

ROBERT V. HUNT

— & —

ASSOCIATES

BDA112-123

Attach B

PS 6

The results were as follows.

- 100% of these homes had a 2 car garage. I propose a 1 car garage and a 1 car carport.
- The smallest home was 2,078 sq. ft., the second smallest was 2,400 sq. ft., the average size was 2,981 square feet and the largest was 4,193 sq. ft of air conditioned space. I am proposing a home no larger than 1,950 square feet.
- NONE of the homes built had fewer than 3 bedrooms and some had up to five. I am proposing 2 bedrooms.

This small home will be a nice attractive energy efficient addition to the neighborhood and a huge improvement over what is there now. We hope to get this home on the AIA home tour next year!

Thank you for your consideration,

Robert Villareal Hunt, RVH Real Estate Opportunity Fund, LLC

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PHONE: 214-824-5750

E-MAIL: [robertvhunt@sbcglobal.net](mailto:robertvhunt@sbcglobal.net)  
5811 Gaston Avenue, Dallas, Texas, 75214

FAX: 214-821-3971

Residential													
RES	MLS#	St	Area	Address	SqFt	Blt	Map	BR	Bth	Gar/CP/CP	Acre	Pl	Price
1	11663020	SLD Y	12*/11*	5938 Lewis Street	2,772*	2007*	DA*/0036*/X*	4	2.1	2/0/2	0.083*	N	\$ 305,900
2	11706520	SLD N	12/6	5500 Longview Street	2,400	2011	DA/0036/N	3	2.1	2/0/2		N	\$ 357,000
3	11706519	SLD N	12*/6*	5502 Longview Street *	2,484	2011	DA*/0036*/N*	3	2.1	2/0/2	*	N	\$ 380,000
4	11782966	SLD Y	12/6	6206 Oram Street	2,700	2005	DA/0036/X	3	3.1	2/0/2		N	\$ 385,000
5	11810408	SLD Y	12*/6*	5519 Longview Street	2,640*	2008*	DA*/0036*/N*	3	2.1	2/0/2	0.08*	N	\$ 409,000
6	11670191	SLD Y	12/6	5436 RICHARD Avenue	2,408	2002	DA/0036/S	3	3	2/0/2		N	\$ 375,800
7	11702810	SLD Y	12/6	5703 Llano Avenue	2,974	2001	DA/0036/T	3	2.1	2/0/2	0.1538	N	\$ 400,000
8	11745035	SLD Y	12/6	5304 LONGVIEW	2,973	2006	DA/0036/N	3	2.1	2/0/2	0	N	\$ 410,000
9	11638781	SLD Y	12*/6*	5636 Willis Avenue	3,338*	2007*	DA*/0036*/T*	4	3	2/0/2	0.1791*	N	\$ 422,400
10	11765461	SLD Y	12/6	5730 Vickery Boulevard	2,590	2004	DA/0036/T	3	2.1	2/0/2	0.16	N	\$ 440,000
11	11745804	SLD Y	12/6	5704 Morningside Avenue	3,290	2001	DA/0036/P	3	2.1	2/0/2	0.166	N	\$ 425,000
12	11786454	SLD Y	12*/6*	5310 Longview Street	3,018*	2007	DA*/0036*/N*	3	2.1	2/0/2	0.11*	N	\$ 439,000
13	11752499	SLD Y	12*/6*	5811 Paio Pinto Avenue	3,007*	2004*	DA*/0036*/T*	3	3.1	2/0/2	0.2*	Y	\$ 443,260
14	11758412	SLD Y	12*/6*	5322 Miller Avenue	2,085	2009*	DA*/0036*/S*	3	2	2/0/2	0.18*	N	\$ 479,000Z
15	11765614	SLD Y	12*/6*	5431 Longview Street #101	3,490	2012	DA*/0036*/N*	3	3.1	2/0/2	0.17*	N	\$ 473,750
16	11781631	SLD Y	12*/6*	5605 Richard Avenue	2,945	2003*	DA*/0036*/S*	4	3.1	2/0/2	0.18*	N	\$ 490,000
17	11724992	SLD Y	12*/6*	5320 Willis Avenue	2,950	2005*	DA*/0036*/S*	3	2.1	2/0/2	0.18*	N	\$ 480,000
18	11624147	SLD Y	12*/6*	6008 Gollad Avenue	3,490	2007*	DA*/0036*/T*	3	2.1	2/0/2	0.1948*	N	\$ 489,000
19	11778444	SLD Y	12*/6*	5324 Willis Avenue	2,828	2012	DA*/0036*/S*	4	3	2/0/2	0.18*	N	\$ 524,900Z
20	11757428	SLD Y	12/6	6033 Revere Place	2,890	2009	DA/0036/P	3	2.1	2/0/2	0.16	N	\$ 525,000
21	11827203	SLD Y	12*/11*	5935 Prospect Avenue	4,193*	2005*	DA*/0036*/T*	4	3.1	2/0/2	0.2*	N	\$ 525,000
22	11702292	SLD Y	12/6	5442 Belmont Avenue	4,124	2007	DA/0036/S	5	5	2/0/2	0.1601	N	\$ 523,000
23	11804674	SLD Y	12*/6*	5715 Llano Avenue	2,974*	2001*	DA*/0036*/T*	3	2.1	2/0/2	0.16*	N	\$ 544,500

Prepared By: Robert Hunt / Robert V. Hunt

--- Information herein deemed reliable but not guaranteed. ---

Copyright: 2012 by North Texas Real Estate Info. Systems, Inc. Wed, Oct 24, 2012 02:23 PM

ALL 2 CAR GARAGES

Statistics Results

BD112-123 Attach B  
PJ 8

SLD - 23 Properties Found								
	Square Feet	Bedrooms	Full Baths	Half Baths	List Price	Sale Price	Price per Square Foot	CDOM
Min	2085	3	2	0	\$309,900	\$305,900	\$110	5
Avg	2981	3	2	0	\$462,460	\$445,500	\$149	77
Max	4193	5	5	1	\$594,500	\$544,500	\$229	326

Summary - 23 Properties Found							
	Square Feet	Bedrooms	Full Baths	Half Baths	List Price	Price per Square Foot	CDOM
Min	2085	3	2	0	\$309,900	\$111	5
Avg	2981	3	2	0	\$462,460	\$155	77
Max	4193	5	5	1	\$594,500	\$229	326

Your Search Criteria Returned 23 Properties

Enter Number of Properties to View: 23 (250 maximum)

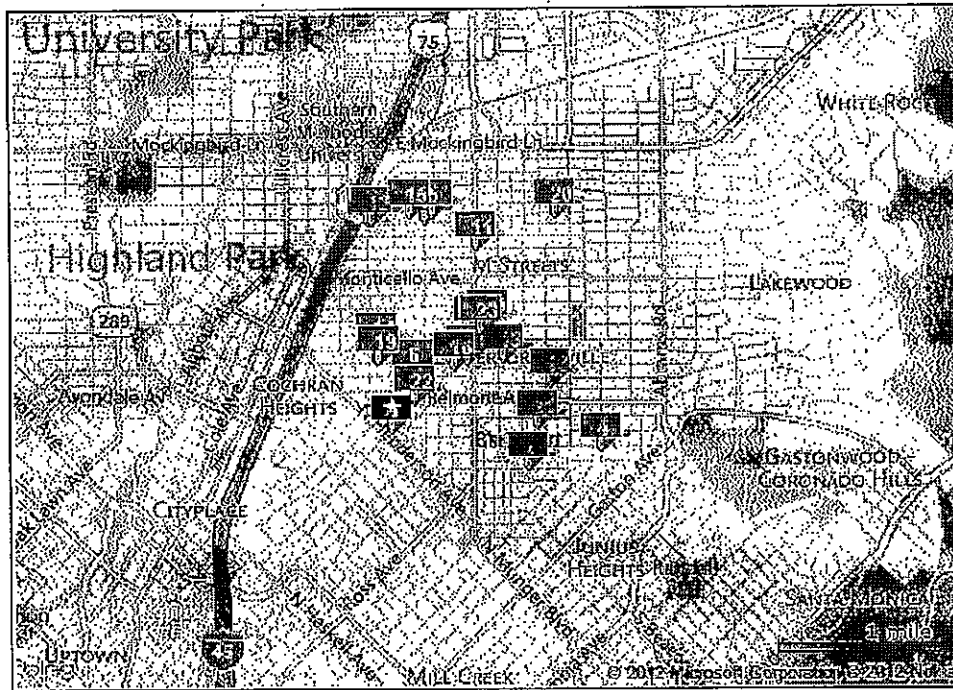
Requested listings: [X] Revise and search

Search Criteria: TblLuid IN ( 3602083, 3653637, 3653634, 3752400, 3783346, 3611216, 3849293, 3658210, 3574775, 3721794, 3699095, 3756136, 3705733, 3711274, 3721546, 3749583, 3674223, 3557929, 3736576, 3712418, 3803896, 3848669, 3777676 )

# Property Map

BDA112-123

Attach B pg 9



#	MLS #	Address	Status	Price	Sold Price	Source
*		2021 Glencoe		\$0		
1	11663020	5938 Lewis ST	Sold	\$305,900	\$305,900	MLS Data
2	11706520	5500 Longview ST	Sold	\$357,000	\$357,000	MLS Data
3	11706519	5502 Longview ST	Sold	\$380,000	\$380,000	MLS Data
4	11782966	6206 Oram ST	Sold	\$385,000	\$385,000	MLS Data
5	11810408	5519 Longview ST	Sold	\$409,000	\$409,000	MLS Data
6	11670191	5436 RICHARD AVE	Sold	\$375,800	\$375,800	MLS Data
7	11702810	5703 Llano AVE	Sold	\$400,000	\$400,000	MLS Data
8	11745035	5304 LONGVIEW	Sold	\$410,000	\$410,000	MLS Data
9	11638781	5636 Willis AVE	Sold	\$422,400	\$422,400	MLS Data
10	11765461	5730 Vickery BLVD	Sold	\$440,000	\$440,000	MLS Data
11	11745804	5704 Morningside AVE	Sold	\$425,000	\$425,000	MLS Data
12	11786454	5310 Longview ST	Sold	\$439,000	\$439,000	MLS Data
13	11752499	5811 Palo Pinto AVE	Sold	\$443,260	\$443,260	MLS Data
14	11756412	5322 Miller AVE	Sold	\$479,000	\$479,000	MLS Data

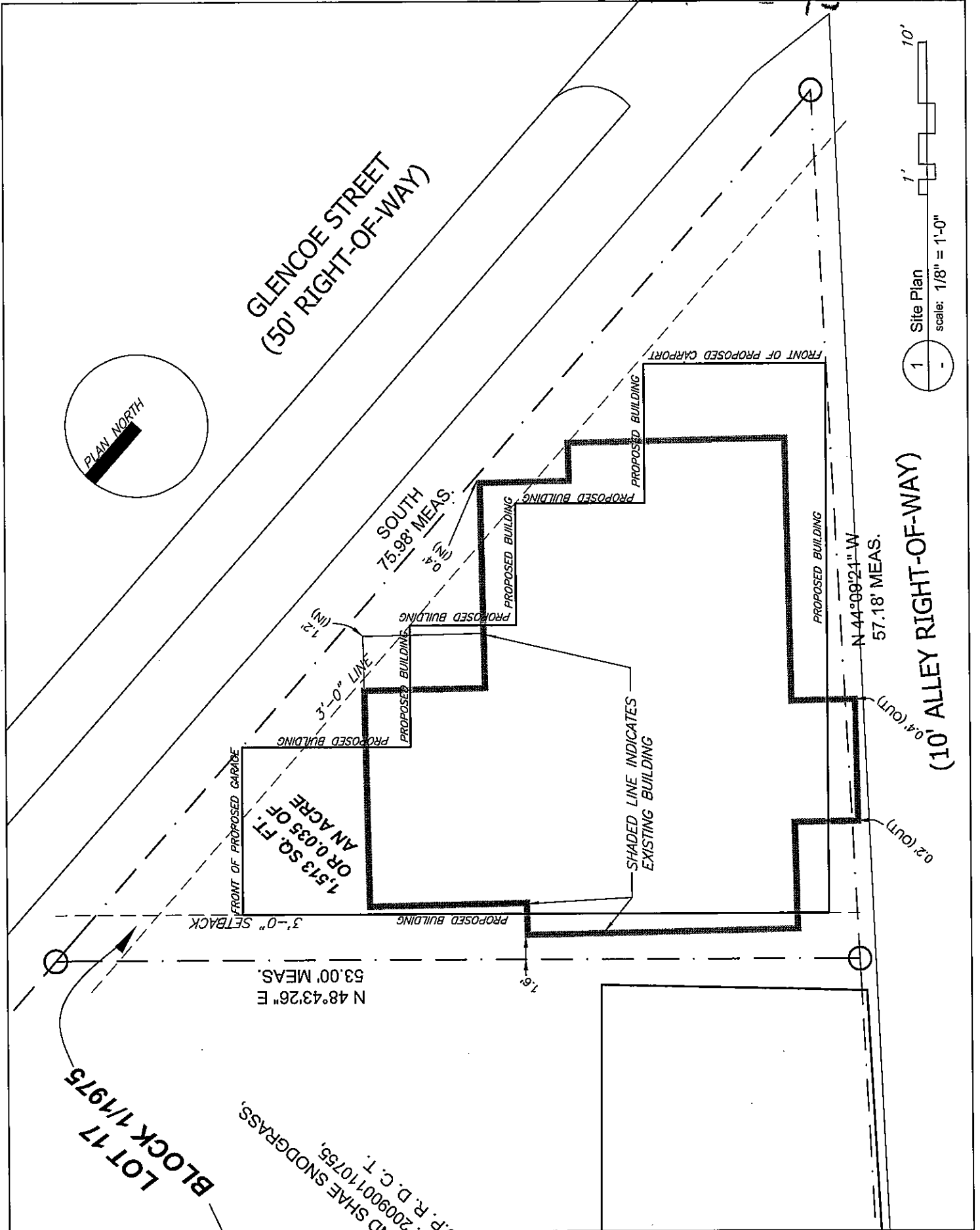
**Robert Hunt**  
5811 Gaston Ave.  
Dallas, TX 75214  
(214)824-5750

**Robert V. Hunt**  
5811 Gaston Ave.  
Dallas, TX 75214  
(214)824-5750

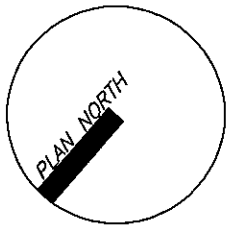
Information deemed reliable, but not guaranteed.

27/70

Information is believed to be accurate but is not guaranteed.

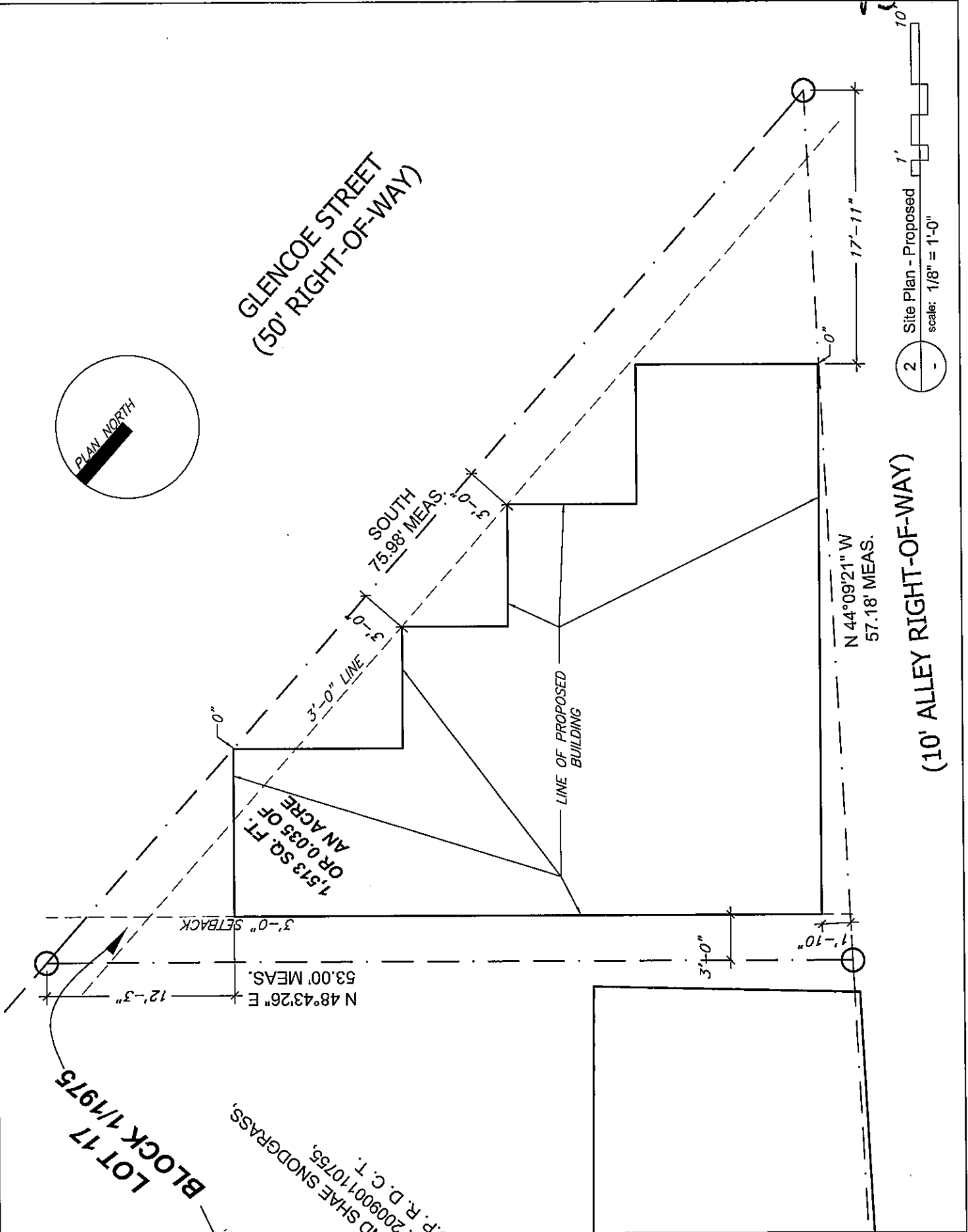




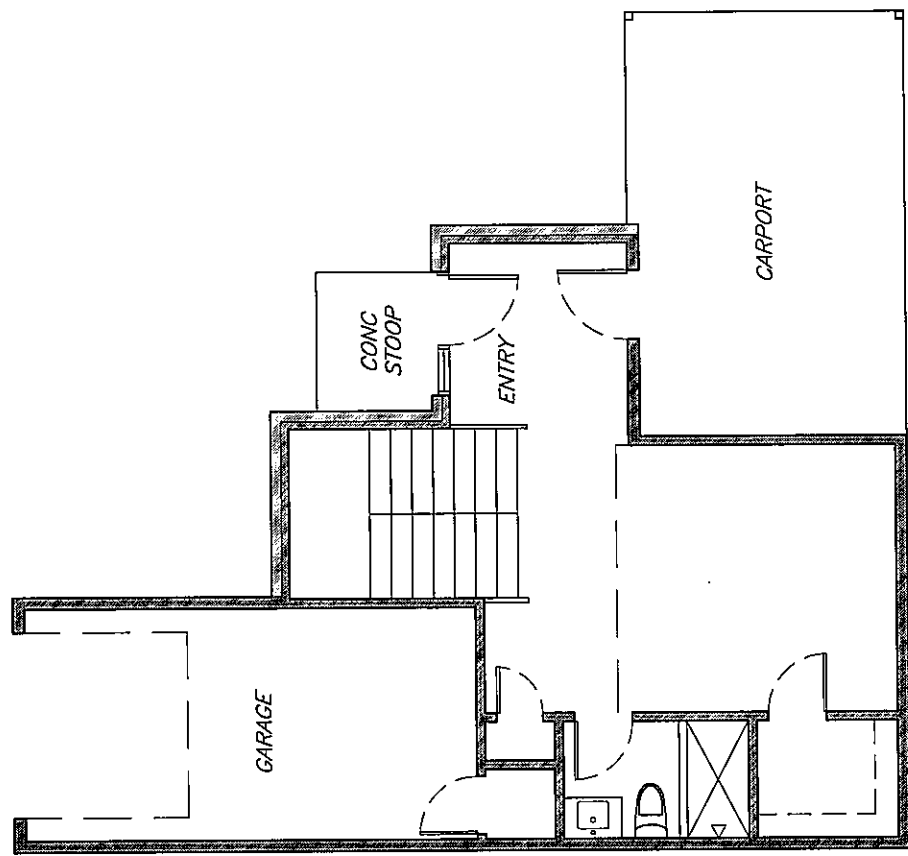


GLENCOE STREET  
(50' RIGHT-OF-WAY)

(10' ALLEY RIGHT-OF-WAY)



P. R. D. C. T.  
D SHAE SNOODGRASS,  
BLOCK 11975,  
LOT 17



3 Proposed Floor Plan  
scale: 1/8" = 1'-0"



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 112-123

Data Relative to Subject Property:

Date: 10/25/12

Location address: 2021 BLONCOE ST. DALLAS 75206

Zoning District: R-75 (A)

Lot No.: 17 Block No.: 1/1975 Acreage: .035 AC 1513 SQ'

Census Tract: 10.02

Street Frontage (in Feet): 1) 75.98 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): RUH REAL ESTATE OPPORTUNITY FUND, LLC

Applicant: ROBERT V. HUNT Telephone: W-214-824-5750  
C-214-707-0703

Mailing Address: 5811 GASTON AVE. DALLAS 75214 Zip Code: 75214

E-mail Address: ROBERTUHUNT@SBCGLOBAL.NET

Represented by: ROBERT HUNT Telephone: SAME

Mailing Address: SAME Zip Code: SAME

E-mail Address: SAME

Affirm that an appeal has been made for a Variance X or Special Exception of 379 SQ' TO THE MAXIMUM LOT COVERAGE AND A VARIANCE OF 25' TO THE FRONT YARD SETBACK AND A VARIANCE OF 5' TO THE SIDE YARD SET BACKS AND A 20' VARIANCE TO THE OFF STREET PARKING REQUIREMENT FOR AN ENCLOSED PARKING SPACES.  
Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:  
OWING TO A RESTRICTIVE TRIANGULAR SHAPE + SIZE OF 1513 SQ' LOT IN A R-7.5 (A) ZONE

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

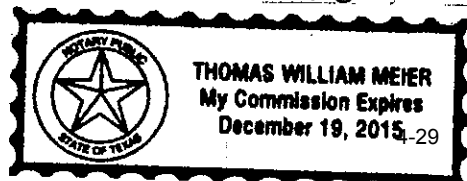
Affidavit

Before me the undersigned on this day personally appeared ROBERT V. HUNT  
(Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 25th day of October, 2012



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

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

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

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

I hereby certify that ROBERT HUNT

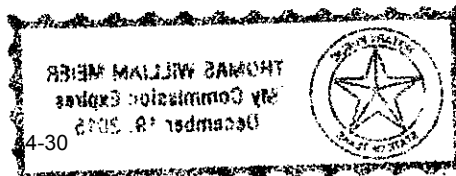
did submit a request for a variance to the front yard setback regulations, and for a variance to the side yard setback regulation, and for a variance to the maximum lot coverage regulation, and for a variance to the off-street parking regulation

at 2021 Glencoe Street

BDA112-123. Application of Robert Hunt for a variance to the front yard setback regulation, and a variance to the side yard setback regulation, and a variance to the maximum lot coverage regulation, and a variance to the off-street parking regulation at 2021 Glencoe Street. This property is more fully described as part of Lot 17, Block 1/1975 and is zoned R-7.5(A), which has a maximum lot coverage for residential structures of 45 percent and requires a side yard setback of 5 feet and requires a front yard setback of 25 feet and requires a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the street or alley. The applicant proposes to construct a single family residential structure and provide a 0 foot front yard setback, which will require a 25 foot variance to the front yard setback regulation, and provide a 0 foot side yard setback, which will require a 5 foot variance to the side yard setback regulation, and construct a single family residential structure with 1,060 square feet of lot coverage (70% of the 1,513 square foot lot), which will require a 379 square foot variance to the maximum lot coverage regulation, and construct a single family residential structure with a front yard setback of 0 feet, which will require a variance of 20 feet to the off-street parking regulation.

Sincerely,

*Larry V. Holmes*  
Larry Holmes, Building Official





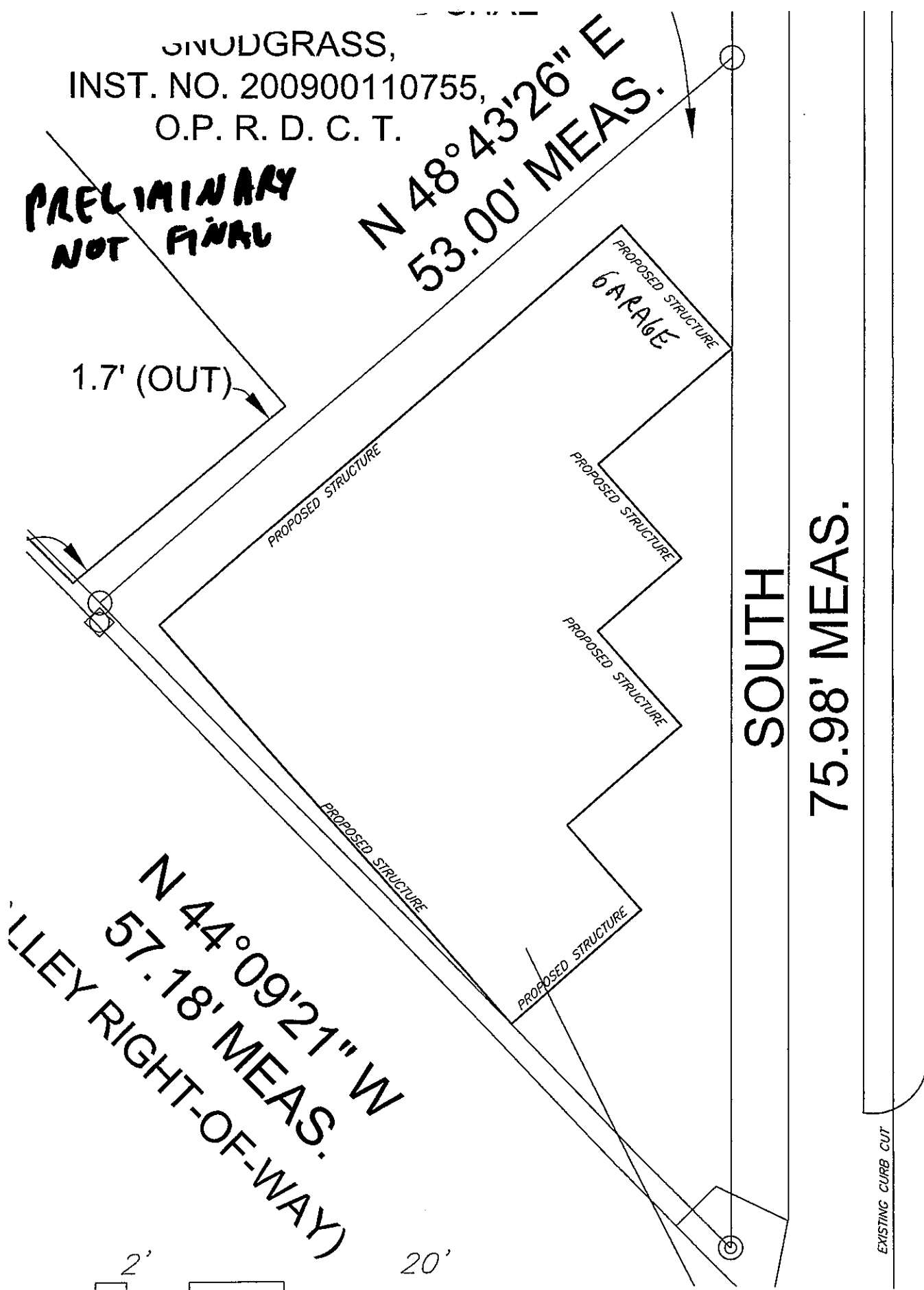


JINUDGRASS,  
INST. NO. 200900110755,  
O.P. R. D. C. T.

**PRELIMINARY  
NOT FINAL**

**N 48° 43' 26" E  
53.00' MEAS.**

1.7' (OUT)



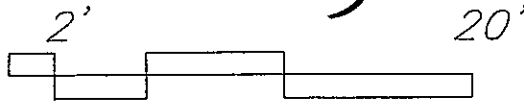
**SOUTH**

**75.98' MEAS.**

EXISTING CURB CUT

**GLENCOE STREET**

**N 44° 09' 21" W  
57.18' MEAS.  
VALLEY RIGHT-OF-WAY**



1/8" = 1'-0"

PRELIMINARY  
NOT FINAL

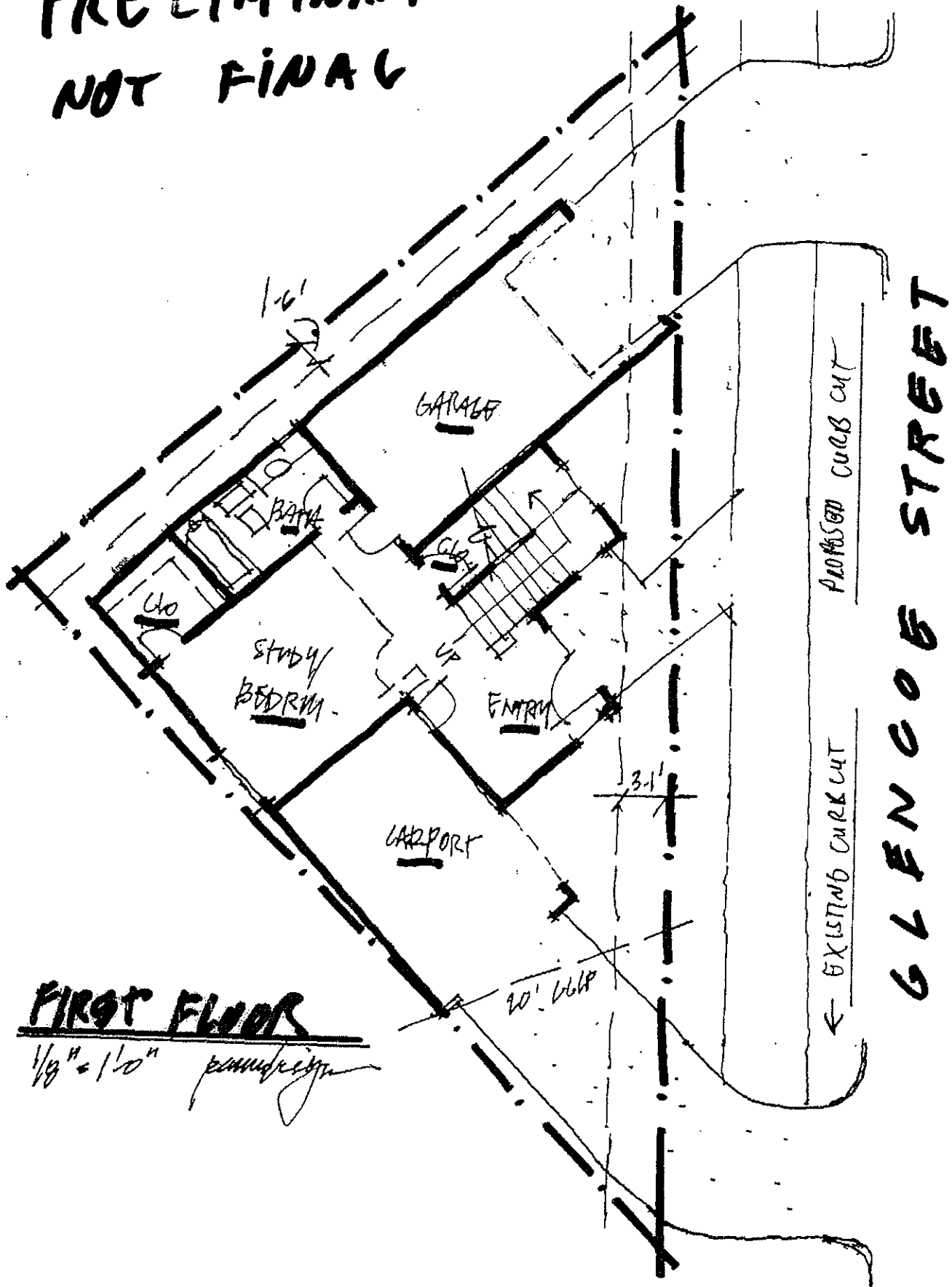


ELEVATION @ GLENCOE

1/4" = 1' 0" J. M. J. J.



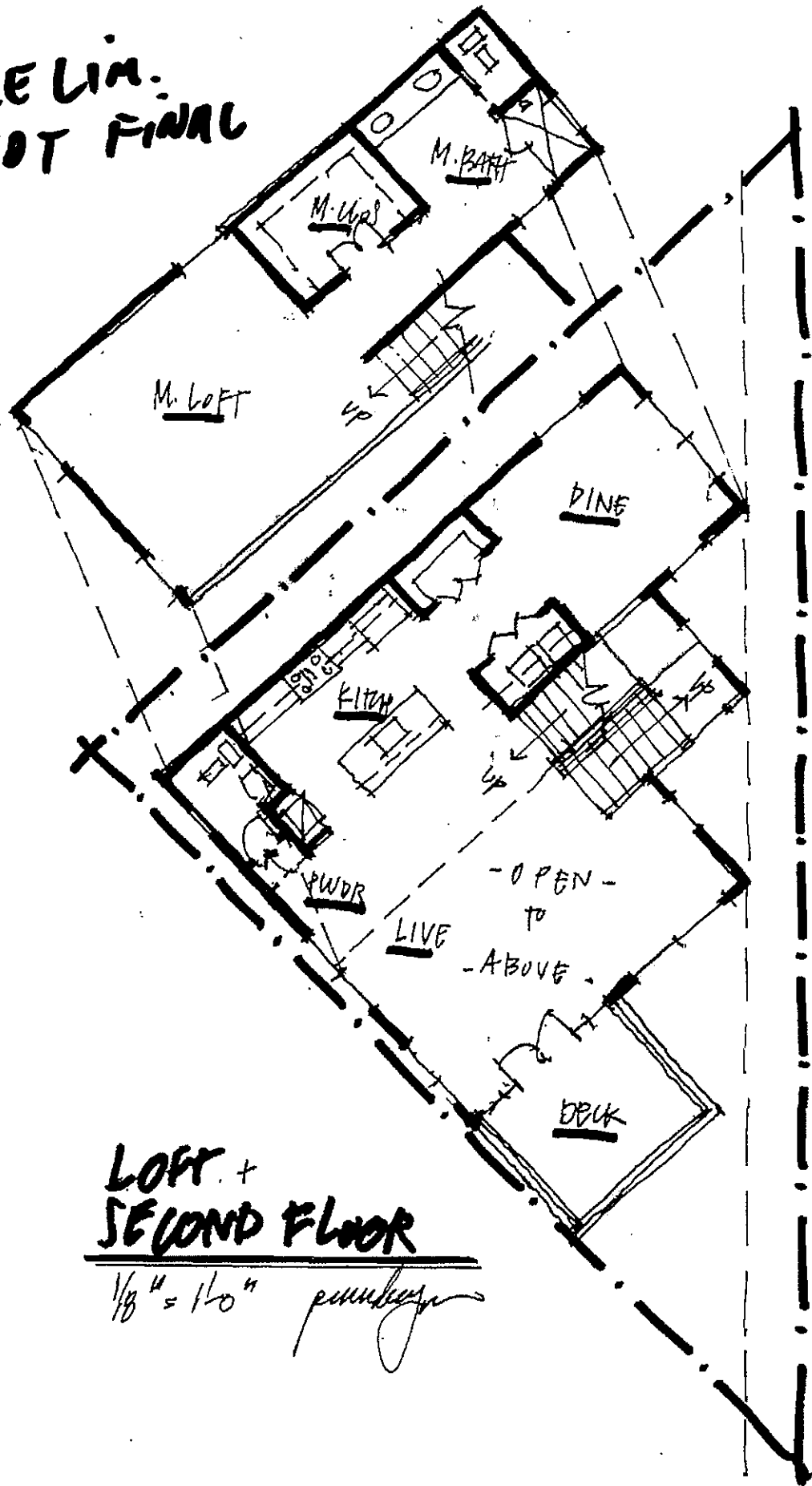
PRELIMINARY  
NOT FINAL



FIRST FLOOR

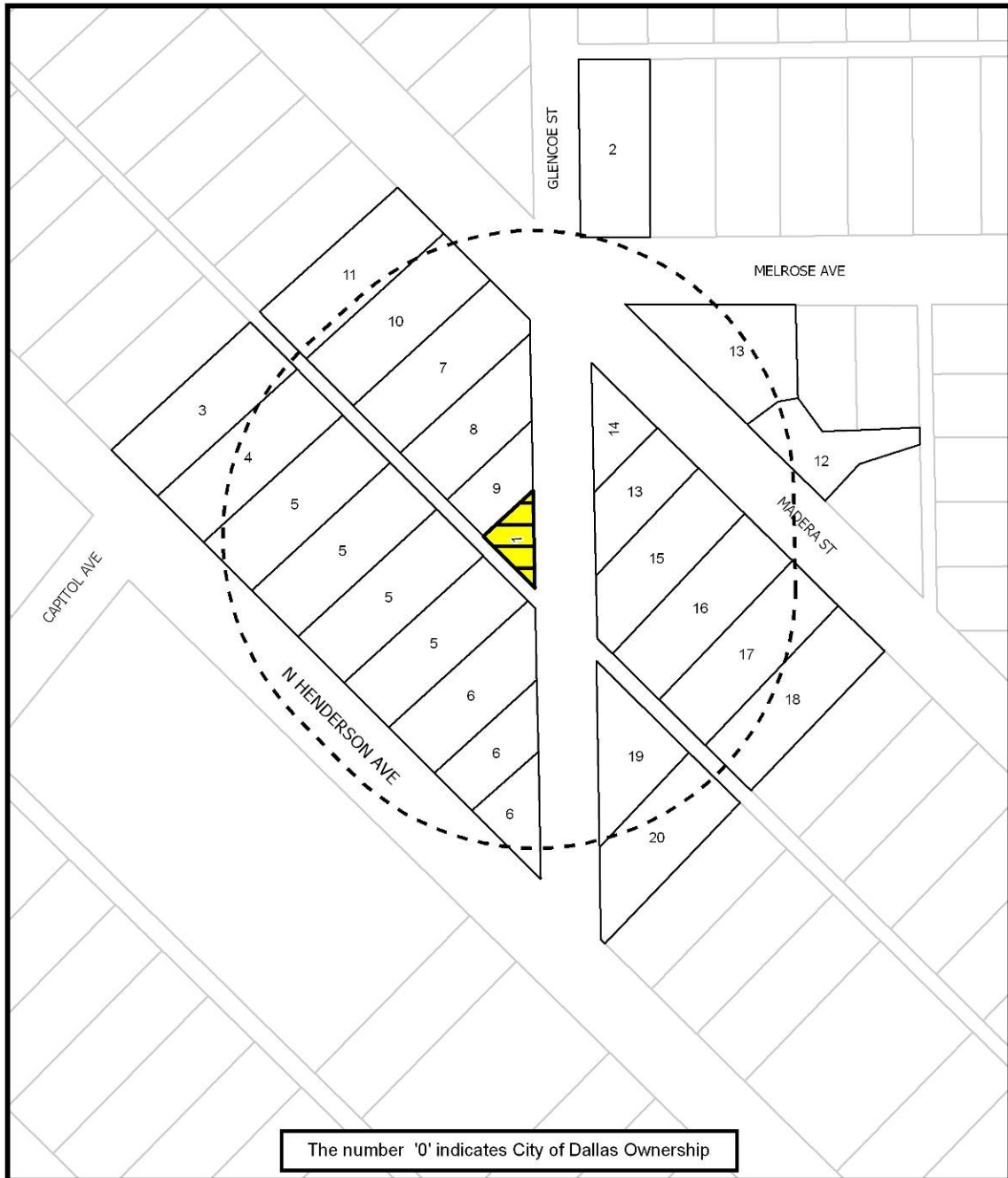
$\frac{1}{8}'' = 1'-0''$  *pennington*

PRELIM.  
NOT FINAL



LOFT +  
SECOND FLOOR

$\frac{1}{8}'' = 1'-0''$  *pennington*



 1:1,200	<b>NOTIFICATION</b>		Case no: <b>BDA112-123</b>
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">20</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: <b>11/9/2012</b>

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

## ***BDA112-123***

### ***20 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	2021 GLENCOE ST	FHIG LIMITED PARTNERSHIP
2	5403 MELROSE AVE	MAJORS JOHN A III
3	2336 HENDERSON AVE	CANDLER RUSSELL E JR
4	2332 HENDERSON AVE	CHAPMAN ADAIR P
5	2326 HENDERSON AVE	THE SHOPS ON HENDERSON III LP %CONNECTED
6	2310 HENDERSON AVE	SPANISH BUSINESS SERVICES INC
7	2303 MADERA ST	LEIGH GRANT W & KRISTI D
8	2031 GLENCOE ST	ANDERSON MATTHEW
9	2025 GLENCOE ST	SNODGRASS JOHN
10	2307 MADERA ST	GARCIA ERASMO GALLEGOS
11	2311 MADERA ST	KUBIN MARY FRANCES
12	2232 MADERA ST	CULLEN EDWARD V
13	5410 MELROSE AVE	HUNT ROBERT V
14	2239 MADERA ST	HOLMES JOHN B % JOHN HOLMES & CO
15	2235 MADERA ST	ISYA LTD PS
16	2231 MADERA ST	CASAS ALBERT & JUANITA
17	2227 MADERA ST	MCCLURE HEATHER
18	2221 MADERA ST	SCHNEIDER FRED K & BRENDA
19	2008 GLENCOE ST	L A PARTNERSHIP
20	2222 HENDERSON AVE	ANDRES DAVE SUITE 200

**FILE NUMBER:** BDA 112-124

**BUILDING OFFICIAL'S REPORT:**

Application of Charles S. Conrad for a variance to the off-street parking regulations at 6270 Saratoga Circle. This property is more fully described as Lot 28, Block 4/2954 and is zoned R-7.5(A), which requires that a parking space be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the street or alley. The applicant proposes to modify and maintain a structure and provide enclosed parking spaces with a setback of 11 feet, which will require a variance of 9 feet to the off-street parking regulations.

**LOCATION:** 6270 Saratoga Circle

**APPLICANT:** Charles S. Conrad

**REQUEST:**

A variance to the off-street parking regulations of up to 9' is requested in conjunction with modifying an existing garage where enclosed parking spaces/garage door faces east towards a driveway leading out to Saratoga Circle to where enclosed parking spaces/garage door would be reoriented to face south towards an alley on a site developed with a single family home where the relocated enclosed spaces inside the garage would be less than the required 20' distance from the alley right-of-way line.

**STANDARD FOR A VARIANCE:**

The Dallas Development Code specifies that the board has the power to grant variances from the front yard, side yard, rear yard, lot width, lot depth, coverage, floor area for structures accessory to single family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

- (A) not contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done;
- (B) necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
- (C) not granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

**STAFF RECOMMENDATION:**

Denial

**Rationale:**

- Although the approximately 8,300 square foot subject site is somewhat irregular in shape and smaller than other lots in the 6200 block of Saratoga Circle, the applicant has not substantiated how these features preclude him from developing it in a manner commensurate with development found on other similarly zoned R-7.5(A) properties. The site is currently developed with a home with an attached garage that complies with code.
- In addition, the applicant has not substantiated how granting this variance would not be contrary to the public interest. The Sustainable Development and Construction Department Engineering Division Assistant Director recommends denial of this request commenting that the “a vehicle parked in front of the garage will obstruct the alley.”

**BACKGROUND INFORMATION:**

**Zoning:**

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

**Land Use:**

The subject site is developed with a single family home. 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 29, 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 21st 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 criteria/standard that the board will use in their decision to approve or deny the request; and
- the section from the Dallas Development Code pertaining to nonconforming uses and structures; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

November 27, 2012: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (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.

November 30, 2012: The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet marked "Recommends that this be denied" commenting "A vehicle parking in front of the garage will obstruct the alley."

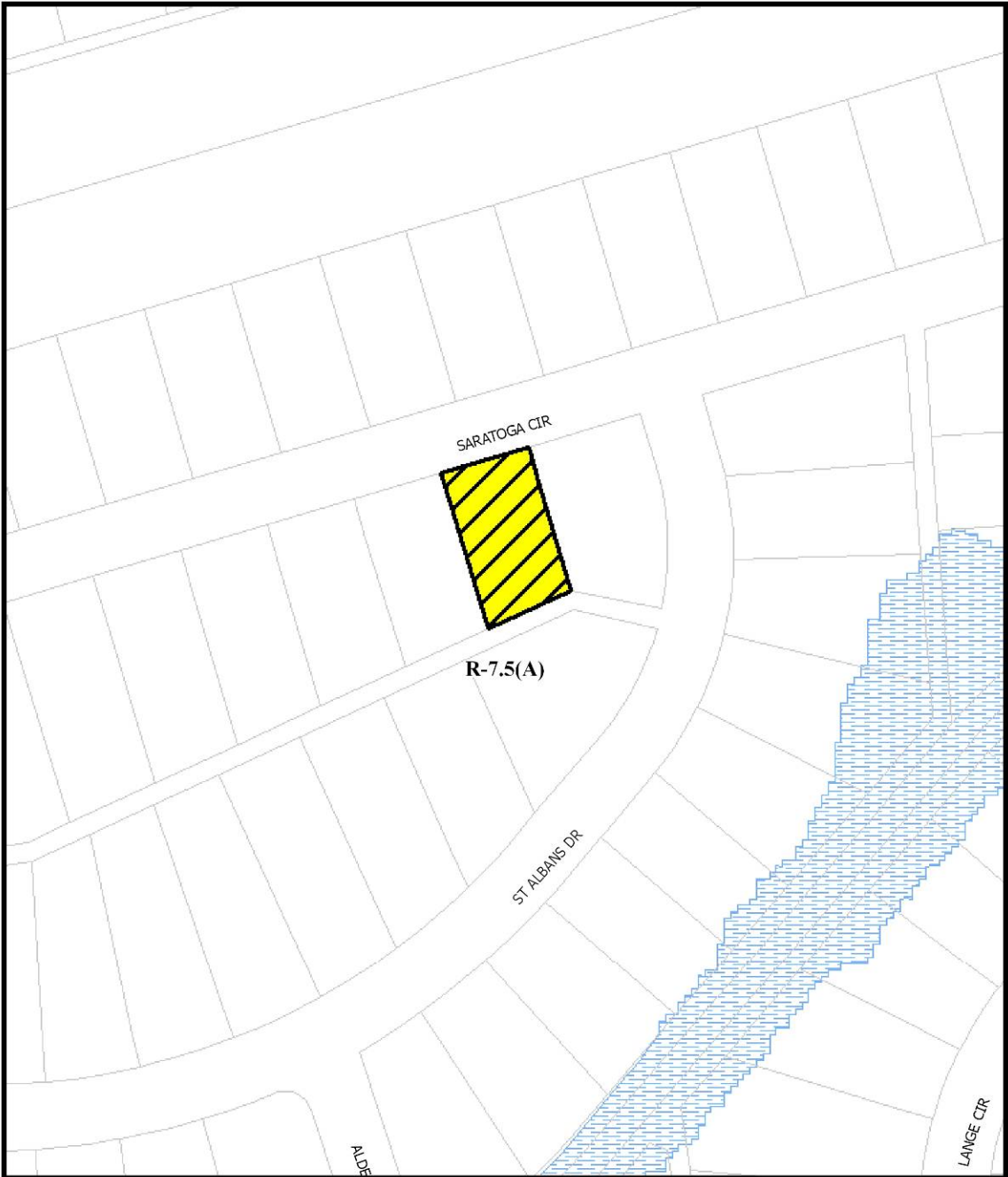
### **GENERAL FACTS/STAFF ANALYSIS:**

- This request focuses on modifying an existing garage where enclosed parking spaces/garage door faces east towards a driveway leading out to Saratoga Circle to where enclosed parking spaces/garage door would be reoriented to face south towards an alley on a site developed with a single family home where the relocated enclosed spaces inside the garage would be less than the required 20' distance from the alley right-of-way line.
- The Dallas Development Code states that a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in enclosed structure and if the space faces upon or can be entered directly from a street or alley.

- The submitted site plan denotes what appears to be the location of enclosed parking spaces in the proposed modified garage structure ranging from approximately 12' – 15' from the rear property/alley right-of-way line or approximately 15' – 18' from the projected alley pavement line.
- The applicant has stated that the application for variance does not involve enlarging the existing garage only a reorientation of how the spaces inside the garage are accessed, which is from the east via a driveway from the south via an alley where the proposed modification would decrease the amount of concrete and increase the amount of lawn/green space on the southern side of the subject site.
- DCAD records indicate that the property at 6270 Saratoga Circle has the following improvements:
  - "main improvement:" a structure built in 1959 with 1,930 square feet of living area, and 1,930 square feet of total area; and
  - "additional improvement:" a 400 square foot attached garage.
- The subject site is slightly irregular in shape (approximately 70' on the north; approximately 71' on the south; approximately 115' on the east; and approximately 125' on the west) and according to the application, is equal to or less than 0.19 acres in area (or approximately 8,276 square feet) in area. The site is zoned R-7.5(A) where lots are typically 7,500 square feet in area.
- The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet marked "Recommends that this be denied" commenting "'A vehicle parking in front of the garage will obstruct the alley."
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the parking regulations of up to 9' 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 the parking regulations of up to 9' is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5(A) zoning classification.
  - The variance to the parking regulations of up to 9' requested would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5(A) zoning classification.
- If the Board were to grant the variance request of up to 9', staff recommends imposing the following conditions:
  1. Compliance with the submitted site plan is required.
  2. Automatic garage doors must be installed and maintained in working order at all times.
  3. At no time may the areas in front of the garage be utilized for parking of vehicles.
  4. All applicable permits must be obtained.

(These conditions are imposed to help assure that the variance will not be contrary to public interest).



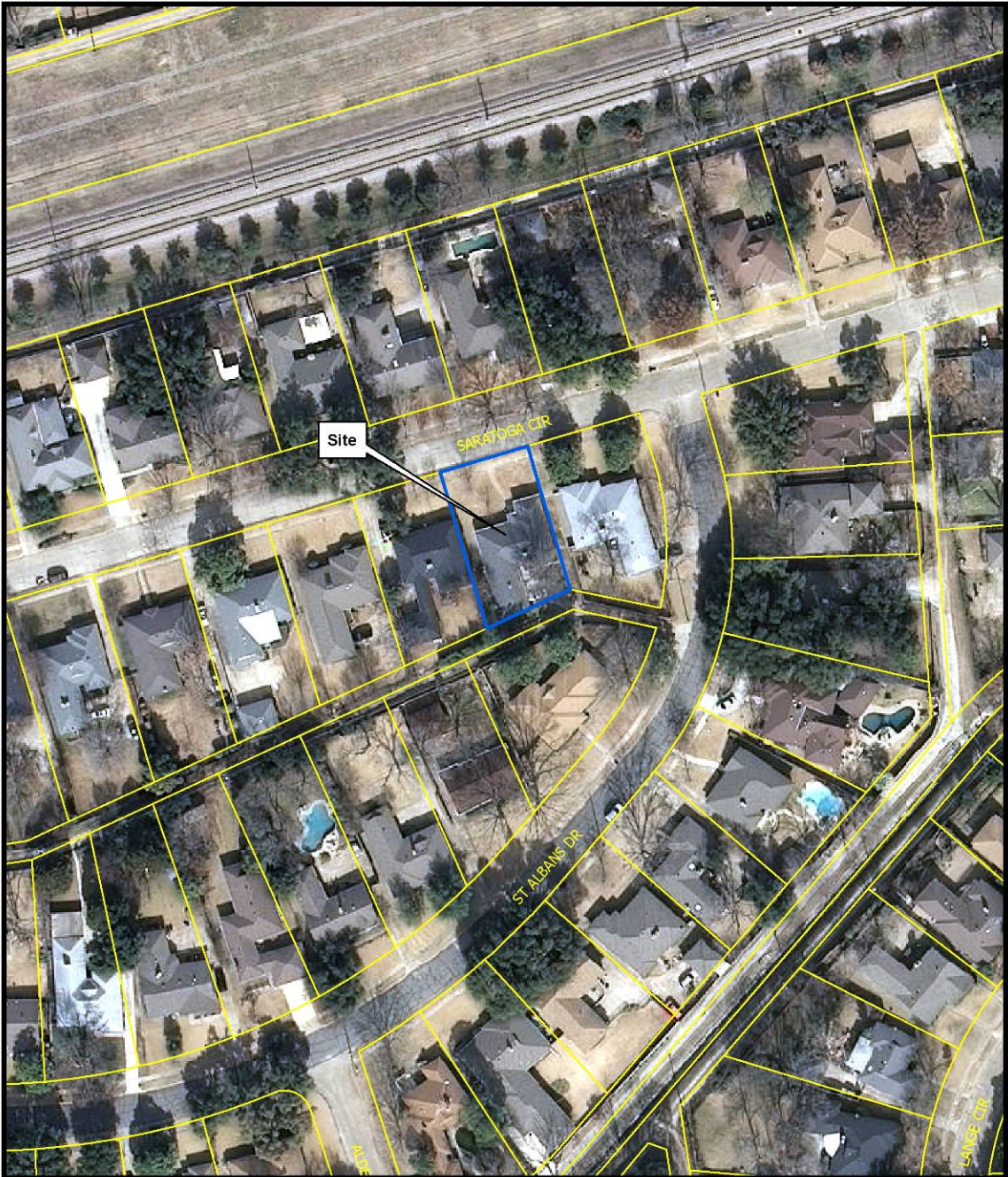


1:1,200

# ZONING MAP

Case no: BDA112-124

Date: 11/9/2012



1:1,200

# AERIAL MAP

Case no: BDA112-124

Date: 11/9/2012

**SUMMARY FOR APPLICATION OF VARIANCE**  
For 6270 Saratoga Circle

**Variance Justification**

- Need to have a useable back yard area, with a lawn, that can be totally enclosed by a fence and accommodate at least one tree, in order to have what most all other homes have in the area.
  - Swath of land south of garage does not accommodate any
    - playground structures for children
    - trees for vegetation (gas lines, gas meter, utility wires, and cramped proximity to garage foundation prohibit any sizable tree to be planted)
  - Existing flower bed in rear yard area next to house does not accommodate a replacement tree for the existing Hackberry tree, as the root system could harm the foundation
- Cannot build a fence to totally enclose the back yard without creating an issue regarding the ingress and egress to the parking garage

**Mitigating Circumstances**

- Lot Size – smaller than most all other lots in area and perhaps shortest in depth (on the eastern property line), without having any other compensating dimensions to increase lot size
- Lot Shape – The eastern property line is shorter by 10 ft. than the western side,
- Utility Easement – There is a 2' x 30' utility easement which cannot be encroached

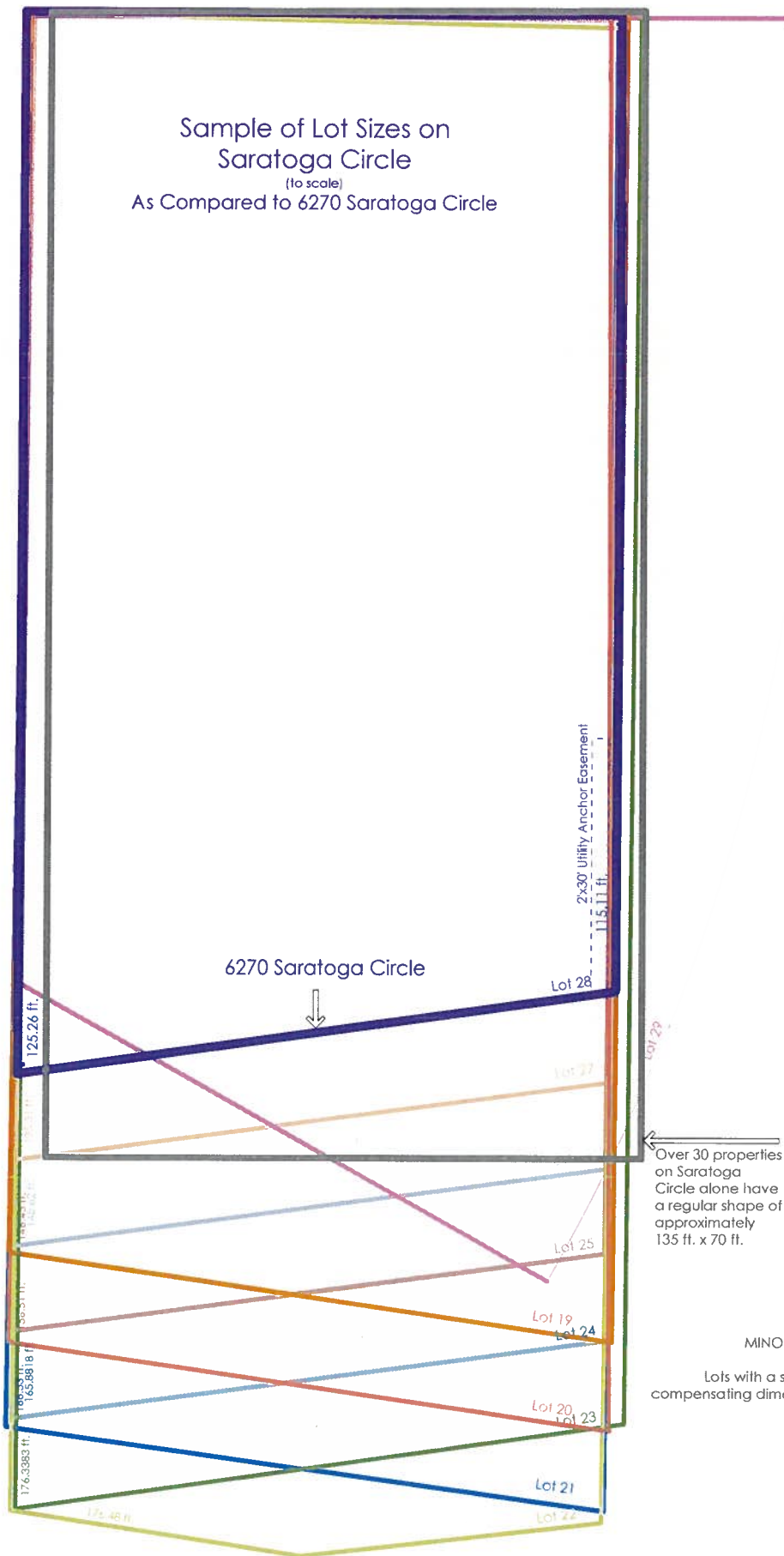
**Aggravating Circumstance**

The utility easement is within the shortest depth of the property. Had the property shape been regular, at a depth of 125 ft. (smaller than the standard 135 ft. depth), there would be no reason to apply for a variance, as the easement would not significantly impact any negotiating of the entrance to the back driveway area. (...although it would still impact maneuverability in egress efforts.)

**Other Considerations**

- The new configuration will create more green space and trees. Once the existing (and dying) Hackberry tree is taken down, according to Dallas's own new construction landscaping guidelines and architecture industry recommendations, there is no space in the rear yard and both side yards to plant a single tree.
- In case of emergency, if a car were to be left in the driveway for any short period, the new driveway would accommodate a full-size car and a compact car without blocking the existing alley pavement (although the right-of-way line would be encroached).
- The new driveway meets the generally accepted 17 ft. turning radius minimum for making 90 degree parking spaces.
- Garbage collection is performed in the street, so an incidental emergency use of the driveway to park would not inhibit that activity. Utility company of the alley is very infrequent.
- Two non-conforming uses of the property would be eliminated: driveway entrances cannot be within 3 feet of utility poles, and driveways cannot be within 3 feet of guy wires
- Oncor has been approached and did not grant a waiver for the construction of a fence on the property line.
- An alternative plan to widen the alley driveway entrance, after widening it and moving it 3 ft. away from the utility pole would put the gas meter in dangerous proximity to the pavement.





Over 30 properties on Saratoga Circle alone have a regular shape of approximately 135 ft. x 70 ft.

MINORITY OF OTHER SMALL LOTS  
Lots with a small depth WITHOUT other compensating dimensions to increase lot size:

- Saratoga Circle:
  - Lot 9: 117.58 ft.
  - Lot 16: 116.68 ft.
  - Lot 40: 117.61 ft.
- St. Albans:
  - Lot 13: 117.60 ft.





City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 112-124

Data Relative to Subject Property:

Date: 10/29/2012

Location address: 6270 Saratoga Circle Zoning District: R7.5(A)

Single Family

Lot No.: 28 Block No.: 4/2954 Acreage: <.19 (8400 s.f.) Census Tract: 2:01

Street Frontage (in Feet): 1) 70 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

*SE 24*

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Charles S. Conrad

Applicant: Charles S. Conrad Telephone: 214-498-3485

Mailing Address: 6270 Saratoga Circle, Dallas, Texas Zip Code: 75214

Represented by: Charles S. Conrad Telephone: 214-498-3485

Mailing Address: 6270 Saratoga Circle, Dallas, Texas Zip Code: 75214

Affirm that a request has been made for a Variance X, or Special Exception   , of 9 feet from the 20 ft. setback requirement for an enclosed parking space according to the off-street parking regulations for residential use.

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:

Due to lot size and shape, coupled with an existing utility anchor easement, the entire rear yard area cannot be enclosed with a fence without creating a maneuverability impairment in the driveway leading to and leaving from the enclosed garage.

See attached addendum for details.

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: Charles S. Conrad *Charles S. Conrad*  
Applicant's name printed Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared Charles S. Conrad 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.

*Charles S. Conrad*  
Affiant (Applicant's signature)

Subscribed and sworn to before me this 29th day of October, 2012

*Michelle A. Ytuarte*  
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 CHARLES CONRAD

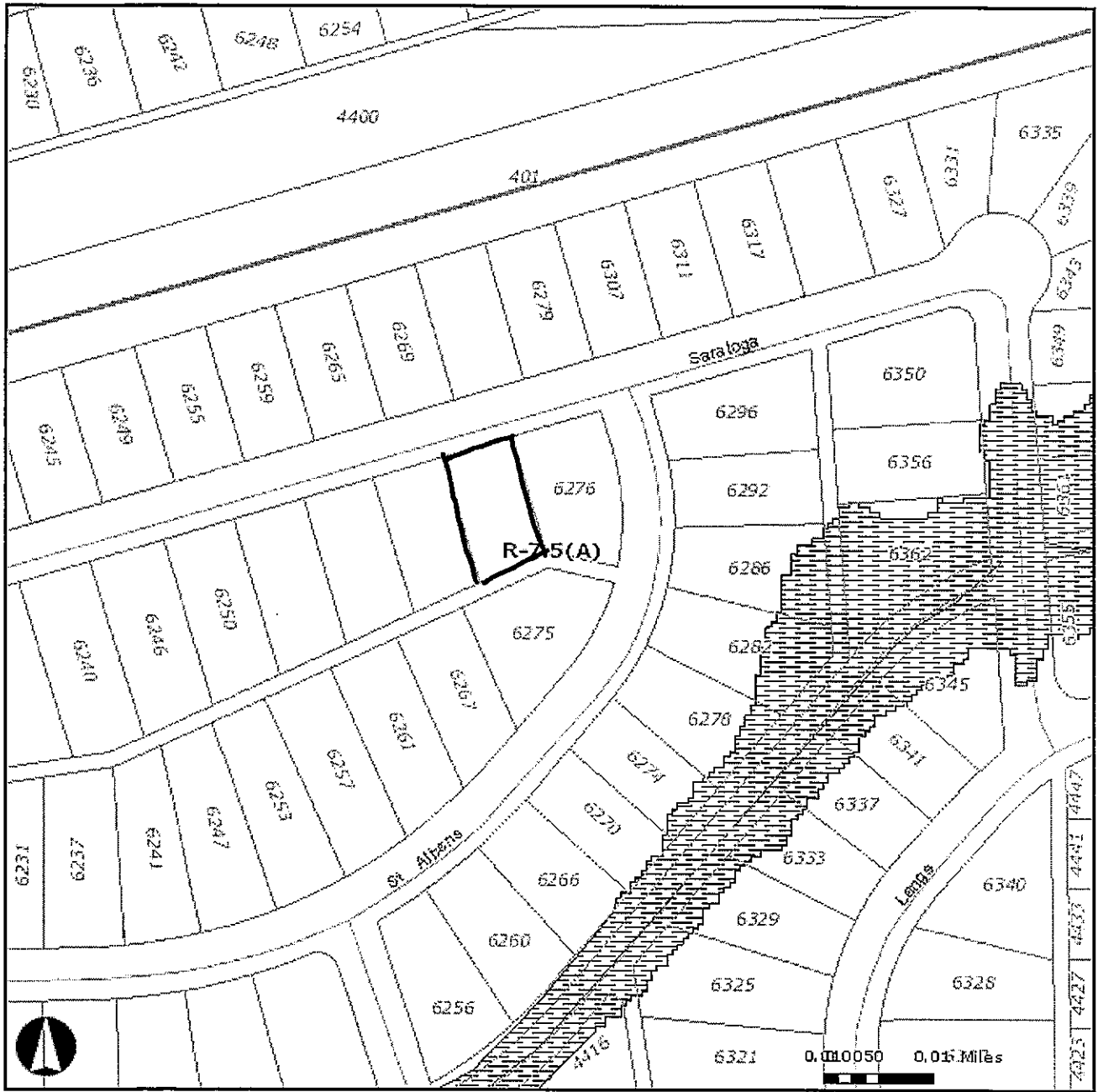
did submit a request for a variance to the off-street parking regulation  
at 6270 Saratoga Circle

BDA112-124. Application of Charles S. Conrad for a variance to the off-street parking regulation at 6270 Saratoga Circle. This property is more fully described as Lot 28, Block 4/2954 and is zoned R-7.5(A), which requires a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the street or alley. The applicant proposes to construct and maintain a single family residential structure with a rear yard setback of 11 feet, which will require a variance of 9 feet to the off-street parking regulation.

Sincerely,

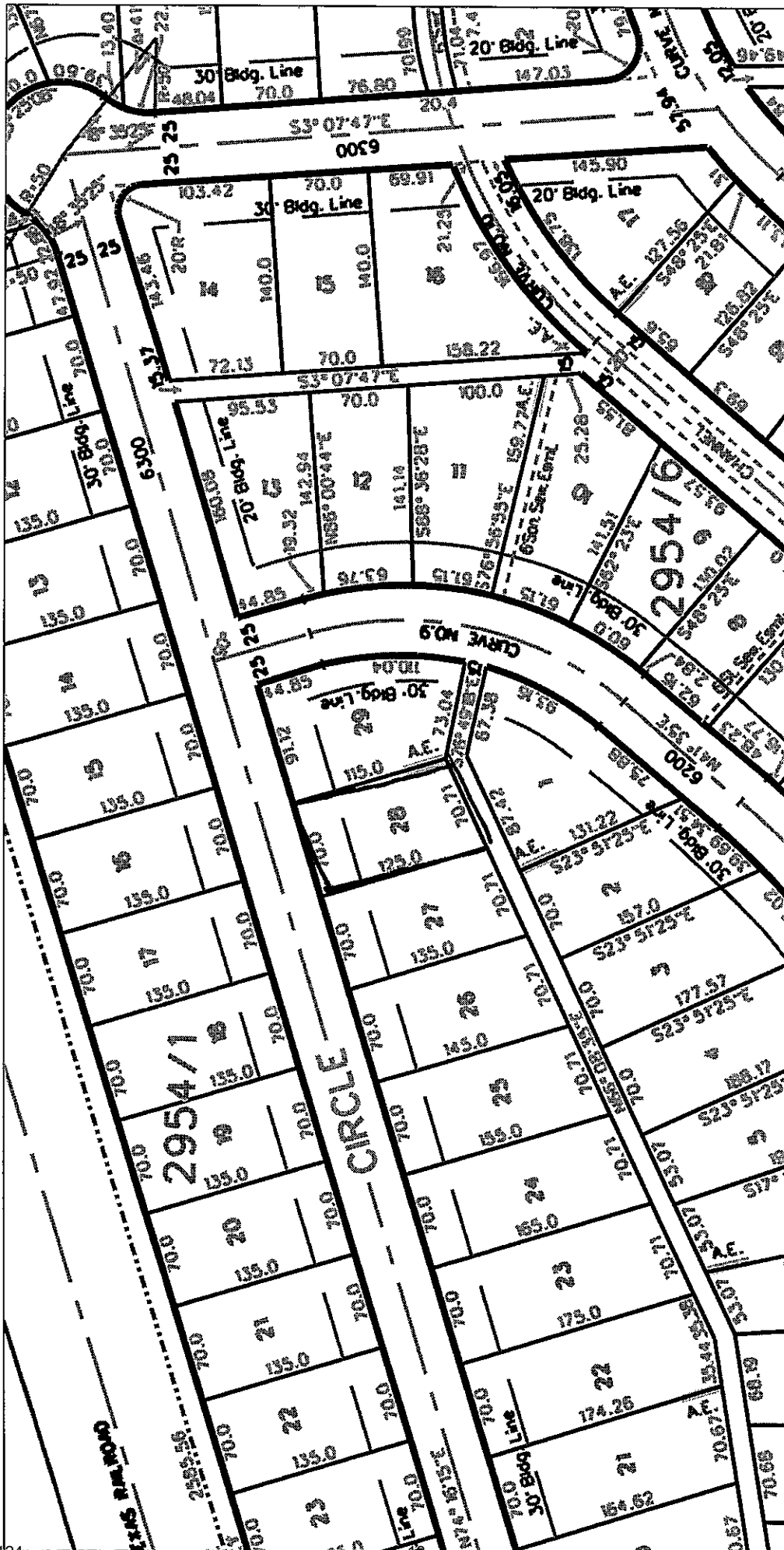
  
Larry Holmes, Building Official

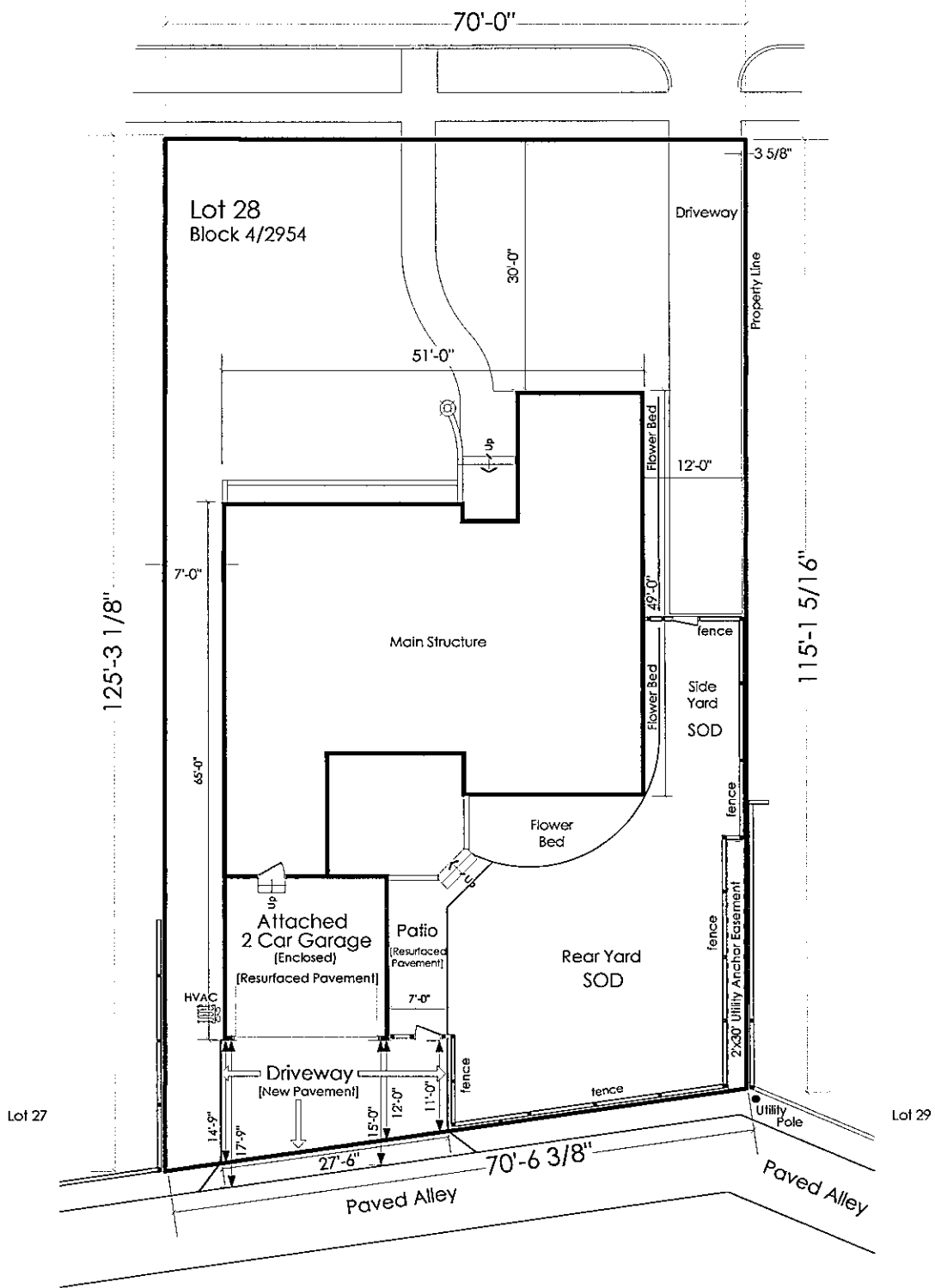
# City of Dallas Zoning



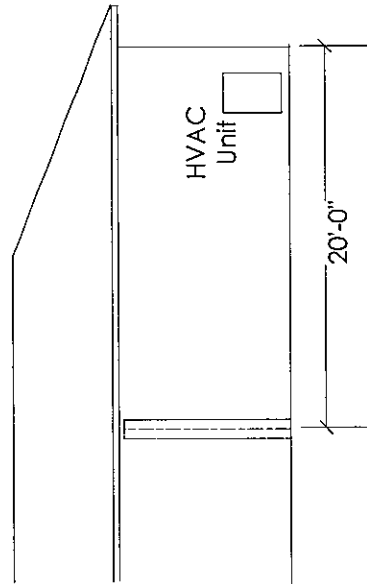
- |  |  |  |
|--|--|--|
| <p>City Boundaries</p> <p>County</p> <p>Certified Parcels</p> <p>DISD Sites</p> <p>Council Districts</p> <p>Waterways</p> <p>Parks</p> | <p>Dry Overlay</p> <p>Historic Overlay</p> <p>Historic Subdistricts</p> <p>NSO Overlay</p> <p>NSO Subdistricts</p> <p>MD Overlay</p> | <p>Base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



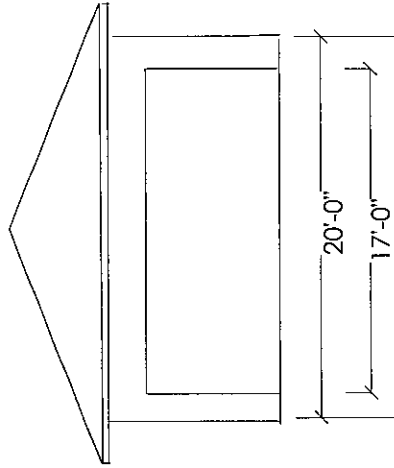




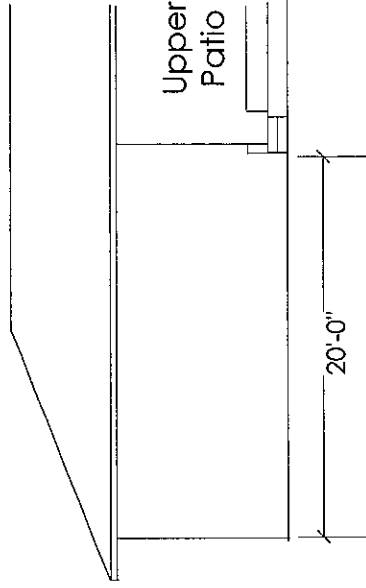
6270 Saratoga Circle Dallas, Texas				Lot No. 28	Block No. 4/2954	Proposed Site Plan		REVISION 1
Submitted By: Charles S. Conrad		SCALE	1 in. = 20 ft.	Zoning: R7.5(A)	SHEET	1 of 1		
Date: October 29, 2012								



Western  
Elevation



Southern  
Elevation



Eastern  
Elevation

6270 Saratoga Circle	
Dallas, Texas	
Submitted By:	Charles S. Conrad
Date:	October 29, 2012

Lot No.	Block No.	REVISION
28	4/2954	1
SCALE	Zoning:	SHEET
1 in. = 10 ft.	R7.5(A)	1 of 1

**ADDENDUM**

**CURRENT PROPERTY SITE**

The rear yard area at the subject property of 6270 Saratoga Circle consists predominantly of a wrap-around driveway leading to an enclosed car garage. The garage is attached to the residential structure and supports a single, common roof line with the house. There is a small lawn area south of the garage in the site's rear yard which functions little more than a dog run. Other than a flower bed located against the southeastern side of the house, the majority of the rear yard is concrete. A newly constructed fence has been constructed along the rear property line, with a sliding gate that controls access to the auxiliary driveway from the alley.

The auxiliary alley driveway entrance is believed to have been designed and constructed as part of the original property improvement. It is non-conforming to the city's access use regulation which restricts locating a driveway entrance within 3 feet of a utility pole, as the entrance virtually abuts the pole. The property has a 2' x 30' utility easement along the eastern property line in the rear yard area which is used as part of the driveway, as concrete exists up to the property line. The driveway itself which exists within the entire easement is also a non-conforming improvement, as it is located within 3 feet of the guy wire supporting the utility pole adjacent to the driveway entrance.

**DEVELOPMENT OBJECTIVE**

The owner's intent is to enclose the rear yard east of the garage and a portion of the eastern side yard with a wood fence, controlled by gate entry, for the benefits intrinsic to its function: privacy and security (restricting access to the rear portion of the house).

**CONSTRAINTS TO THE DEVELOPMENT OBJECTIVE**

In pursuing the endeavor, upon analyzing the impact of the easement on the location of the fence, it appears that constructing a fence will significantly affect the maneuverability of cars entering and leaving the attached, enclosed garage. The access use of the driveway is restricted in width such that it does not provide adequate clearance for a safe negotiation of a car to the rear parking area and garage from the street. Likewise, it also restricts the existing auxiliary driveway entrance from the alley.

**EFFORTS TO CIRCUMVENT MAJOR PROPERTY RECONFIGURATION**

Oncor was contacted to obtain permission to build a fence within the easement along the perimeter boundary of the property. The response thus far is that they are not inclined to grant the exception.

**JUSTIFICATION FOR VARIANCE**

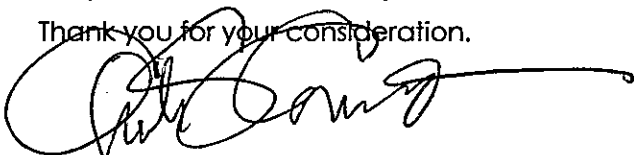
The owner believes that a hardship is created when the utility anchor easement is observed, preventing the property to be developed in a manner commensurate with other parcels; namely, the rear yard cannot be totally enclosed by a fence. A contributing factor for this property is that it is shorter/smaller by 20 feet on the eastern side of the property and 10 feet shorter/smaller on the western side, as compared to the area's standard 70'x135' lot size. It is perceived that this lot is the smallest of all interior lots in the neighborhood. Corner lots of similar shallow depth usually have a wider street boundary and side street availability for garage access. Also, if the lot were not oddly shaped (i.e. if the property were to be square in shape at a 125 ft. depth), the easement would not have as significant an effect on negotiating the passage of cars between the fence and the corner of the house.

If other interior lots of the same dimension class in the area were to be affected by an easement of the same size, it is probable that there would not be as significant an impact; and if so, the larger lot sizes would allow development of a rear facing enclosed garage while meeting the 20 foot setback requirement.

**DEVELOPMENT RECONFIGURATION AND VARIANCE REQUEST**

Due to the smaller lot size and irregular shape, coupled with an existing utility anchor easement, the owner believes that the subject property cannot be developed commensurate to that of properties in the area. In order to totally enclose the rear yard and not lose the current convenience and functionality of the existing enclosed garage, a variance is hereby requested to allow a reconfiguration of the property so that the garage entrance faces the alley and remains enclosed as an attached garage without having the entire setback requirement to be enforced. With this design, the existing pavement leading to the existing garage entrance would be removed and landscaped according to regulation. The driveway entrance from the street would remain intact, and the off-street parking area would extend midpoint to the house. This reconfiguration would also eliminate the non-conforming use of the existing auxiliary entrance from the alley, which encroaches upon the 3 ft. distance requirement.

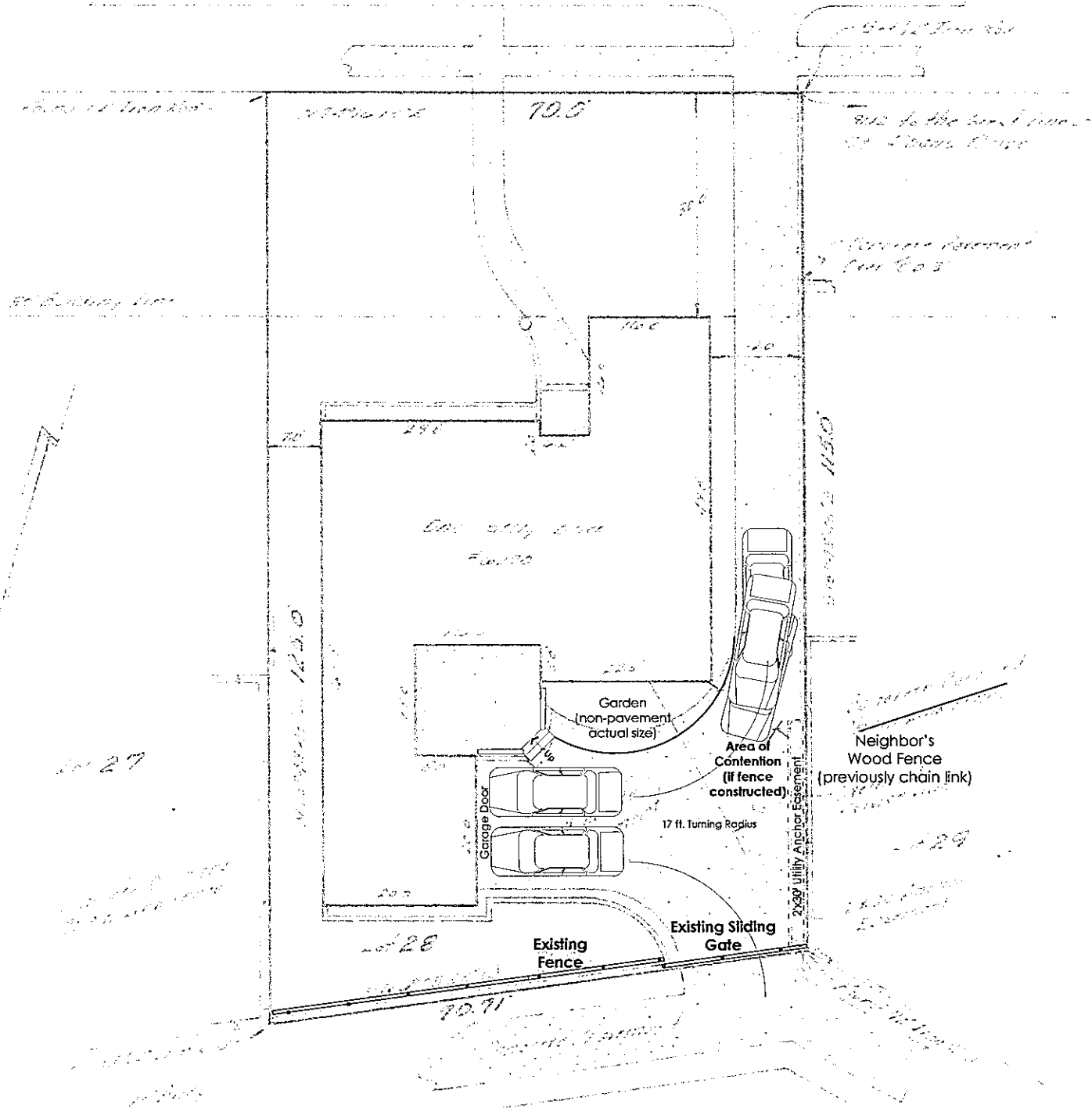
Thank you for your consideration.



Dallas County Texas.

Herein According to the Survey No. 100, 100' West Flood Insurance Map No. 10 Dallas, Texas, this lot is not in a Flood Plain Area.

SARATOGA CIRCLE

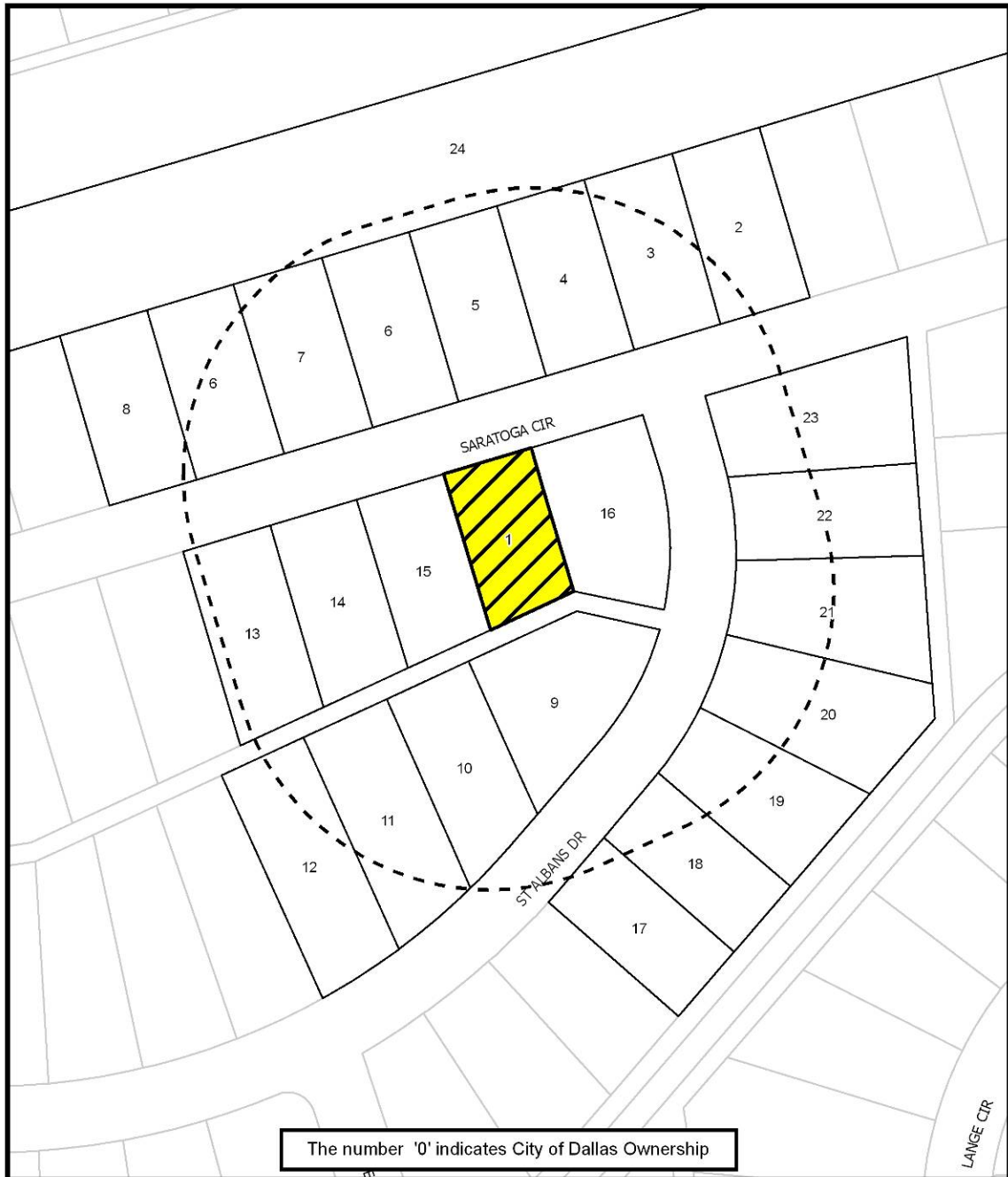


6270 Saratoga Circle Dallas, Texas		Lot No. 28	Block No. 4/2954	EXHIBIT A: Current Property Site		REVISION 1
Submitted By:	Charles S. Conrad	SCALE	1 in. = 20 ft.	Zoning:	R7.5(A)	SHEET 1 of 1
Date:	October 29, 2012					

This survey was performed in connection with the transaction described in GF No. 49135871 of Chicago Title Company. USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR BY ANY OTHER PARTIES SHALL BE AT THEIR RISK AND THE UNDERSIGNED IS NOT RESPONSIBLE TO OTHERS FOR ANY LOSS RESULTING THEREFROM.

The plat herein is a careful representation of the subject property as determined by an on-the-ground survey, the lines and dimensions of said property being the same as indicated by record, except where noted, location and type of buildings and improvements are as shown, and that the distance from the center of any existing street or road is as shown on said plat. EXCEPT AS SHOWN THERE ARE NO VISIBLE INTRUSIONS





 1:1,200	<b>NOTIFICATION</b>		Case no: <b>BDA112-124</b>
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">24</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: <b>11/9/2012</b>

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

## ***BDA112-124***

### ***24 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	6270 SARATOGA CIR	CONRAD CHARLES S
2	6311 SARATOGA CIR	HUGG ANDREA
3	6307 SARATOGA CIR	POTTKOTTER KATHY JO V &
4	6279 SARATOGA CIR	FORT FAYNETTA K
5	6275 SARATOGA CIR	BEHUNIN RENOVATIONS LLC
6	6269 SARATOGA CIR	WILDBERGER PAUL L
7	6265 SARATOGA CIR	DAVIS STEPHEN R
8	6255 SARATOGA CIR	SENDKER GERARD J
9	6275 ST ALBANS DR	MCCASLAN SUE G
10	6267 ST ALBANS DR	POST ERIC & KAREN MARTIN
11	6261 ST ALBANS DR	POTTER DIANA F TRUST DIANA F POTTER TRUS
12	6257 ST ALBANS DR	HUDSON JOAN A & CHARLES D
13	6256 SARATOGA CIR	JORDAN DEAN L & JEAN M
14	6260 SARATOGA CIR	POTTER DIANA F
15	6266 SARATOGA CIR	CASNER RICHARD E & SARA E
16	6276 SARATOGA CIR	LABARBA JOHN A JR LIFE ESTATE REM:LABA
17	6270 ST ALBANS DR	SILVA CATARINA
18	6274 ST ALBANS DR	BONESIO ELIZABETH
19	6278 ST ALBANS DR	BLOMQUIST HERBERT L
20	6282 ST ALBANS DR	VASQUEZ DIANA L S
21	6286 ST ALBANS DR	CARRAO JAMES
22	6292 ST ALBANS DR	GRIMM JANE & LAWRENCE
23	6296 ST ALBANS DR	CARRILLO ELAINE C
24	401 BUCKNER BLVD	DART