

ZONING BOARD OF ADJUSTMENT, PANEL C  
MONDAY, DECEMBER 12, 2016  
AGENDA

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BRIEFING	5ES 1500 MARILLA STREET DALLAS CITY HALL	10:30 A.M.
PUBLIC HEARING	COUNCIL CHAMBERS 1500 MARILLA STREET DALLAS CITY HALL	1:00 P.M.

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**Donna Moorman, Chief Planner**  
**Steve Long, Board Administrator**  
**Jennifer Munoz, Senior Planner**

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**MISCELLANEOUS ITEMS**

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Approval of the November 14, 2016 Board of Adjustment M1  
Panel C Public Hearing Minutes

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**UNCONTESTED CASES**

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<b>BDA156-120(JM)</b>	5130 Radbrook Place <b>REQUEST:</b> Application of Robert Reeves for a variance to the front yard setback regulations	1
<b>BDA156-121(SL)</b>	5806 Joyce Way <b>REQUEST:</b> Application of Gustavo Ferrusca, Jr. for a special exception to the fence standards	2
<b>BDA156-123(SL)</b>	5326 Edlen Drive <b>REQUEST:</b> Application of Robert Baldwin of Baldwin and Associates for a special exception to the fence standards	3
<b>BDA156-126(SL)</b>	5838 Woodland Drive <b>REQUEST:</b> Application of Robert Baldwin of Baldwin and Associates for a special exception to the fence standards	4

<b>BDA156-129(SL)</b>	1920 McKinney Avenue <b>REQUEST:</b> Application of Ron Ragsdale, represented by Jeff Innmon, for a special exception to the landscape regulations	5
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### REGULAR CASES

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<b>BDA156-122(SL)</b>	1014 Clermont Avenue <b>REQUEST:</b> Application of Colin Watson to appeal the decision of the administrative official	6
<b>BDA156-124(SL)</b>	1005 W. Wheatland Road <b>REQUEST:</b> Application of Richel Francis for a special exception to restore a nonconforming use	7
<b>BDA156-125(SL)</b>	6615 Avalon Avenue <b>REQUEST:</b> Application of Robert Baldwin of Baldwin and Associates for variances to the rear yard setback regulations and off-street parking regulations	8
<b>BDA156-127(SL)</b>	9328 Redondo Drive <b>REQUEST:</b> Application of Robert L. Buckman, Jr. for special exceptions to the fence standards	9

## EXECUTIVE SESSION NOTICE

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

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

**(Rev. 6-24-02)**

**FILE NUMBER:** BDA156-120(JM)

**BUILDING OFFICIAL'S REPORT:** Application of Robert Reeves for a variance to the front yard setback regulations at 5130 Radbrook Place. This property is more fully described as Lot 7, Block 12A/5585, and is zoned R-1ac(A), which requires a front yard setback of 40 feet. The applicant proposes to construct and maintain a structure and provide a 32 foot front yard setback, which will require an 8 foot variance to the front yard setback regulations.

**LOCATION:** 5130 Radbrook Place

**APPLICANT:** Robert Reeves

**REQUEST:**

A request for a variance to the front yard setback regulations of 8' is made to construct/maintain a structure, part of which is located 32' from the site's front property line along Northwest Highway, or 8' into the 40' front yard setback.

**STANDARD FOR A VARIANCE:**

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

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

**STAFF RECOMMENDATION:**

Approval of the request, subject to the following condition:

- Compliance with the submitted revised site plan is required.

Rationale:

- Staff concluded that the variance should be granted because the subject site is unique and different from other lots in the R-1ac(A) Single Family District by being of a restrictive area (only approximately 42,131 square feet - less than the typical lot size of 43,560 square feet typical in the zoning district).
- Additionally, staff concluded that the variance should be granted because the subject site has three front yards, each with a 40' front yard setback, further encumbering the commensurate use of the subject land area.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: R-1ac(A) (Single family residential 1 acre)  
North: R-1ac(A) (Single family residential 1 acre)  
South: R-1ac(A) (Single family residential 1 acre)  
East: PD No. 815  
West: R-1ac(A) (Single family residential 1 acre)

**Land Use:**

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

**Zoning/BDA History:**

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

**GENERAL FACTS/STAFF ANALYSIS:**

- This request focuses on constructing a pool structure addition to an existing single family home, part of which is located 8' inside of the site's 40' front property line along Northwest Highway.
- The subject site is located at the northwest intersection of Radbrook Place, Inwood Road, and Northwest Highway.
- Lots zoned R-1ac(A) are required to provide a minimum front yard setback of 40'.
- The subject site is a corner lot with three street frontages. It is located between Radbrook Place on the north, Northwest Highway to the south, and Inwood Road on the east which is the shorter of the three frontages and is always considered the front yard. Regardless of how the single-family structure on the site is oriented with the front on Radbrook Place, the back to Northwest Highway, and the side along Inwood Road, the site has three 40' front yard setbacks. The Dallas Development Code states that if a lot runs from one street to another and has double frontage, a required front yard must be provided on both streets. Additionally, the shorter frontage (along Inwood Road) is always considered the front yard.

- The subject property would like to provide a 32' front yard setback along Northwest Highway.
- According to DCAD records, the "main improvement" for property addressed at 5130 Radbrook Place is a structure built in 1984 with 9,953 square feet of living area with a 912 square foot attached brick garage as an additional improvement.
- A site plan has been submitted identifying the new pool structure to add 819 square feet to the total square footage, of which about 312 square feet is proposed to be within the required 40' front yard setback along Northwest Highway.
- According to calculations taken by the Board Senior Planner from the submitted site plan, the addition in Northwest Highway front yard setback accounts for about 3 percent of the total square footage of the existing single family home on the subject site.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-1ac(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-1ac(A) zoning classification.
- If the board were to grant the variance request, and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document– which in this case is a portion of a structure located as close as 32' from the site's front property line along Northwest Highway (or 8' into the 40' front yard setback).
- Furthermore, granting this request for variance would not provide relief to remedy any nonconforming structure on the site or any existing/proposed noncompliance with the fence height regulations.

**Timeline:**

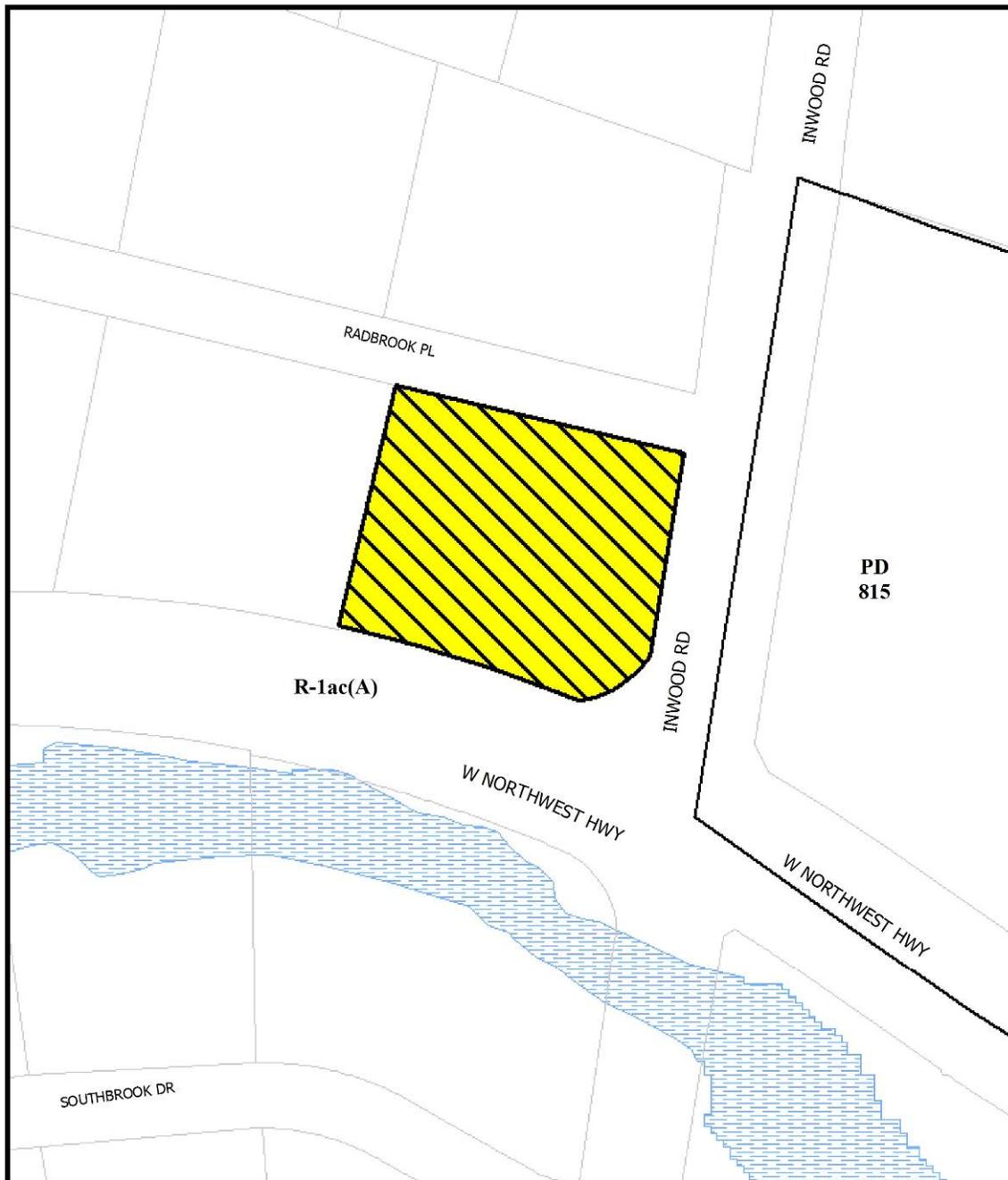
- September 21, 2016: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- November 8, 2016: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.
- November 11, 2016: The Board Administrator shared the following information with the applicant's representative via email:

- a copy of the application materials including the Building Official's report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the November 23<sup>rd</sup> deadline to submit additional evidence for staff to factor into their analysis; and the December 2<sup>nd</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 29, 2016:

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

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



1:1,200

# ZONING MAP

Case no: BDA156-120

Date: 11/17/2016



1:1,200

# AERIAL MAP

Case no: BDA156-120

Date: 11/17/2016



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-120

Data Relative to Subject Property:

Date: September 21, 2016

Location address: 5130 Radbrook Place Zoning District: R-1ac(A)

Lot No.: 7 Block No.: 12A/5585 Acreage: .9672 Census Tract: 140-206.00

Street Frontage (in Feet): 1) 192.81' W. NWY 2) 126.32' Inwood 3) 233' Radbrook 4)      5)     

NE2A

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Kirk A Watson

Applicant: Robert Reeves & Associates, Inc. Telephone: 214-749-0530

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

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

Represented by: Robert Reeves Telephone: 214-749-0530

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

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

Affirm that an appeal has been made for a Variance X, or Special Exception     , of a 8 foot front yard setback variance along W. Northwest Hwy in order to construct an approximately 820 sq. ft. pavilion adjacent to an existing swimming pool.

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 site, located at the northwest corner of Northwest Hwy. and Inwood Rd. has three 40' front yard setbacks. TXDOT took 8.77' for a R.O.W. expansion for W. Northwest Hwy. Therefore, the property has a restrictive area that cannot be developed in a manner commensurate with the development of other properties with the same zoning.

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

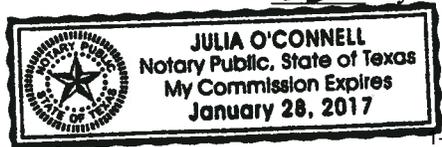
Affidavit

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

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

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

Subscribed and sworn to before me this 23<sup>rd</sup> day of September, 2016



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

(Rev. 08-01-11)

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

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

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

I hereby certify that Robert Reeves

did submit a request for a variance to the front yard setback regulations  
at 5130 Radbrook Place

BDA156-120. Application of Robert Reeves for a variance to the front yard setback regulations at 5130 Radbrook Place. This property is more fully described as Lot 7, Block 12A/5585, and is zoned R-1ac(A), which requires a front yard setback of 40 feet. The applicant proposes to construct and maintain a single family residential structure and provide a 32 foot front yard setback, which will require an 8 foot variance to the front yard setback regulation.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official



# City of Dallas

## Internal Development Research Site

Legend

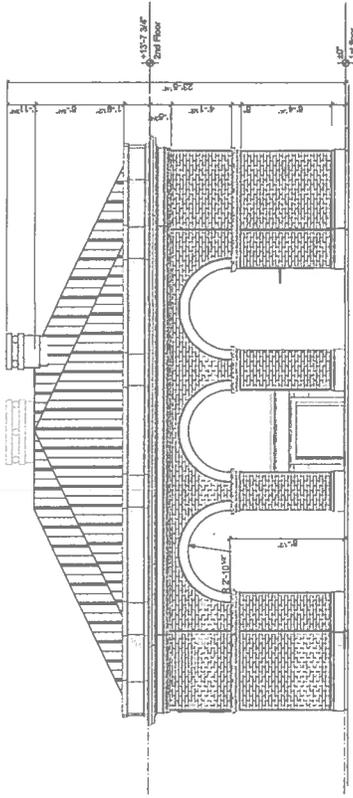
Locate Property



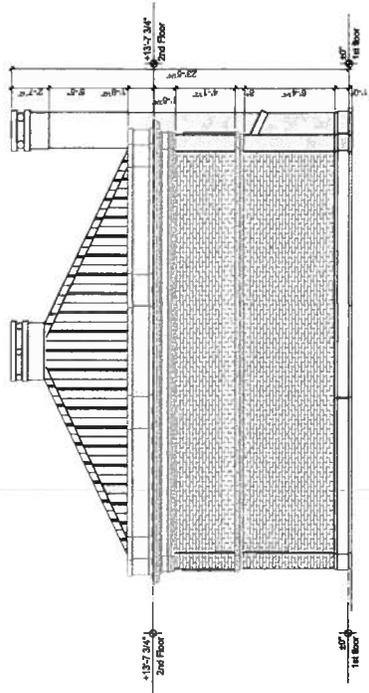




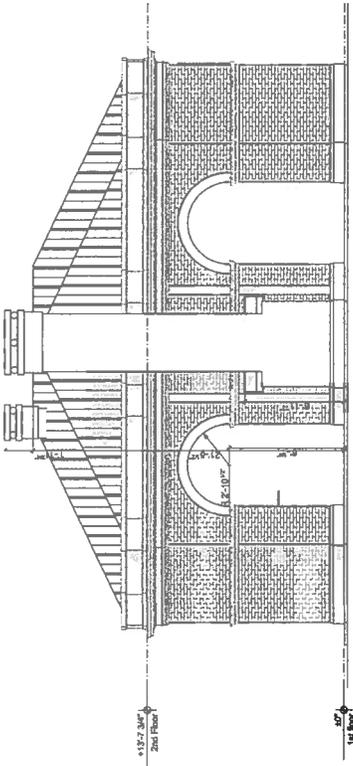
Project Name Kirk Watson Pool Pavilion		Sheet Title Exterior Elevations	Sheet Number A3.00	10/3/2016
ISSUE	DATE	REMARKS		



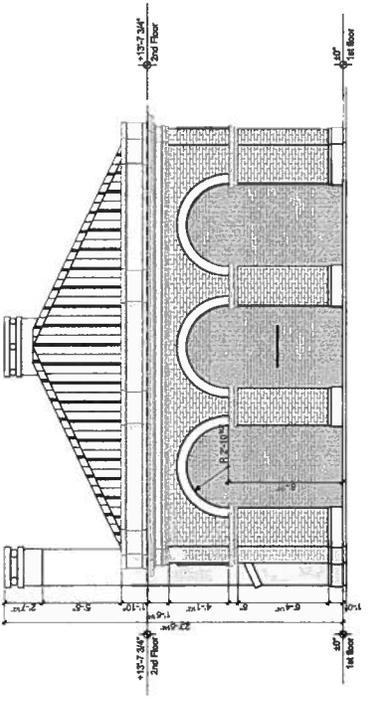
1 North Elevation  
SCALE: 1/4" = 1'-0"



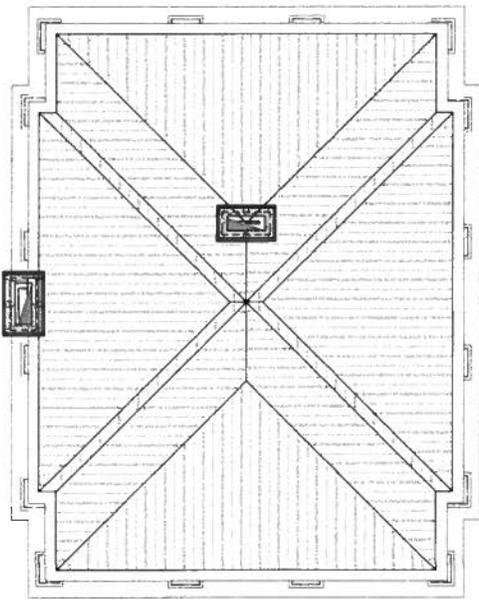
1 West Elevation  
SCALE: 1/4" = 1'-0"



1 South Elevation  
SCALE: 1/4" = 1'-0"

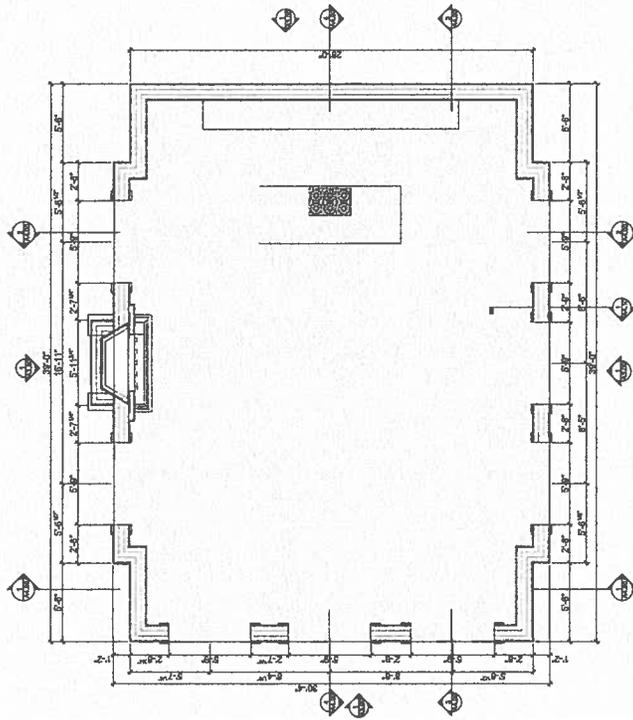


1 East Elevation  
SCALE: 1/4" = 1'-0"



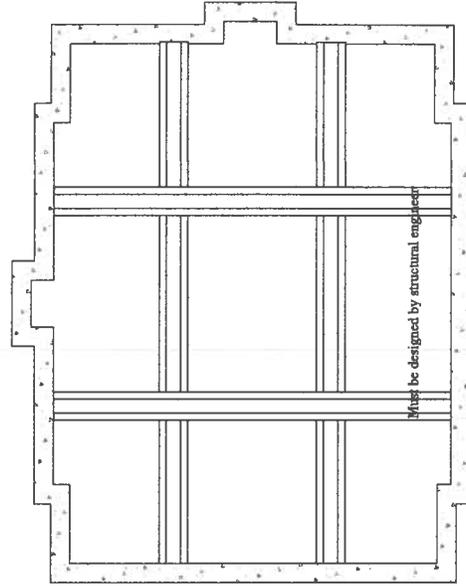
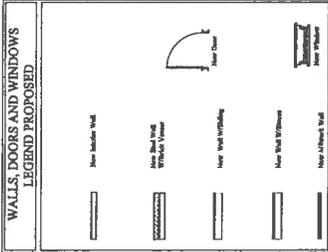
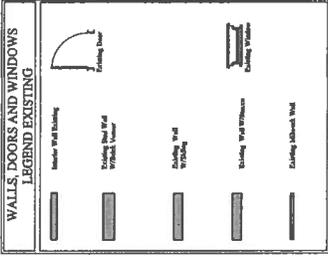
Proposed Roof Plan

1 SCALE 1/4" = 1'-0"



Proposed 1st Floor Plan

1 SCALE 1/4" = 1'-0"



Proposed Foundation Plan

1 SCALE 1/4" = 1'-0"

ISSUE	DATE	REMARKS

**ROBERT REEVES**  
& Associates, Inc.

PLANNING AND ZONING CONSULTANTS

September 22, 2016

Todd Duerksen, Chief Zoning Official  
Building Inspection  
Department of Sustainable Development & Construction  
City of Dallas  
320 E. Jefferson, Room 105  
Dallas, Texas 75203

RE: Front Yard Variance Request  
5130 Radbrook Place

Dear Mr. Duerksen:

On behalf of my client, Kirk Watson, owner of a single family home located at 5130 Radbrook Place, I am request an 8-foot front yard variance off Northwest Highway. The property is zoned R-1ac. (A) and located at the northwest corner of Inwood Road and Northwest Highway; therefore, my client has a 40-foot front yard setback on three sides. The actual current size of the lot is 1.05 acres.

My client desires to construct a one-story approximately 820 square foot freestanding pavilion next to an existing swimming pool. TXDOT has taken 8.77 feet off my client's property for additional ROW for Northwest Highway. This, of course, further restricts future development on my client's property. If not for the ROW taking, my client would be able to construct this pavilion without a variance.

The pavilion will be one-story and 15 feet in height. It will be setback 14 feet from the east property line and will be architecturally compatible with the existing home. The pavilion is located near the kitchen and cannot be move closer to the house because of an existing retaining wall.

Because of the lot size, three 40'-foot front yard setbacks, and 8.77-foot ROW taking, we believe an 8-foot front yard variance is warranted because:

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 development a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

Mr. Duerksen, please let me know if you need further information.

Sincerely:

A handwritten signature in black ink, appearing to read "Robert Reeves", with a long horizontal stroke extending to the right.

Robert Reeves

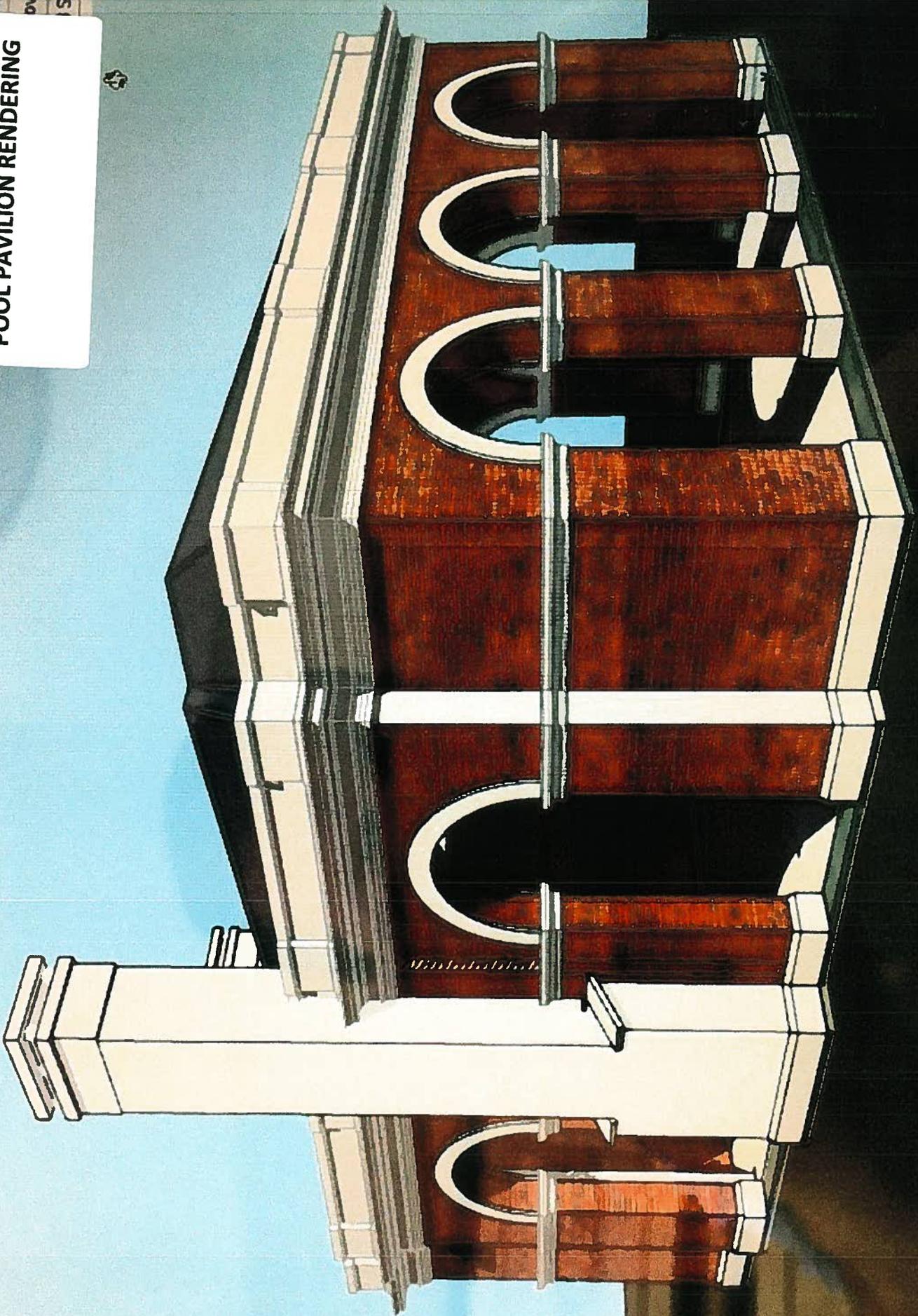
**PHOTO OF FRONT EXTERIOR  
OF EXISTING HOME**

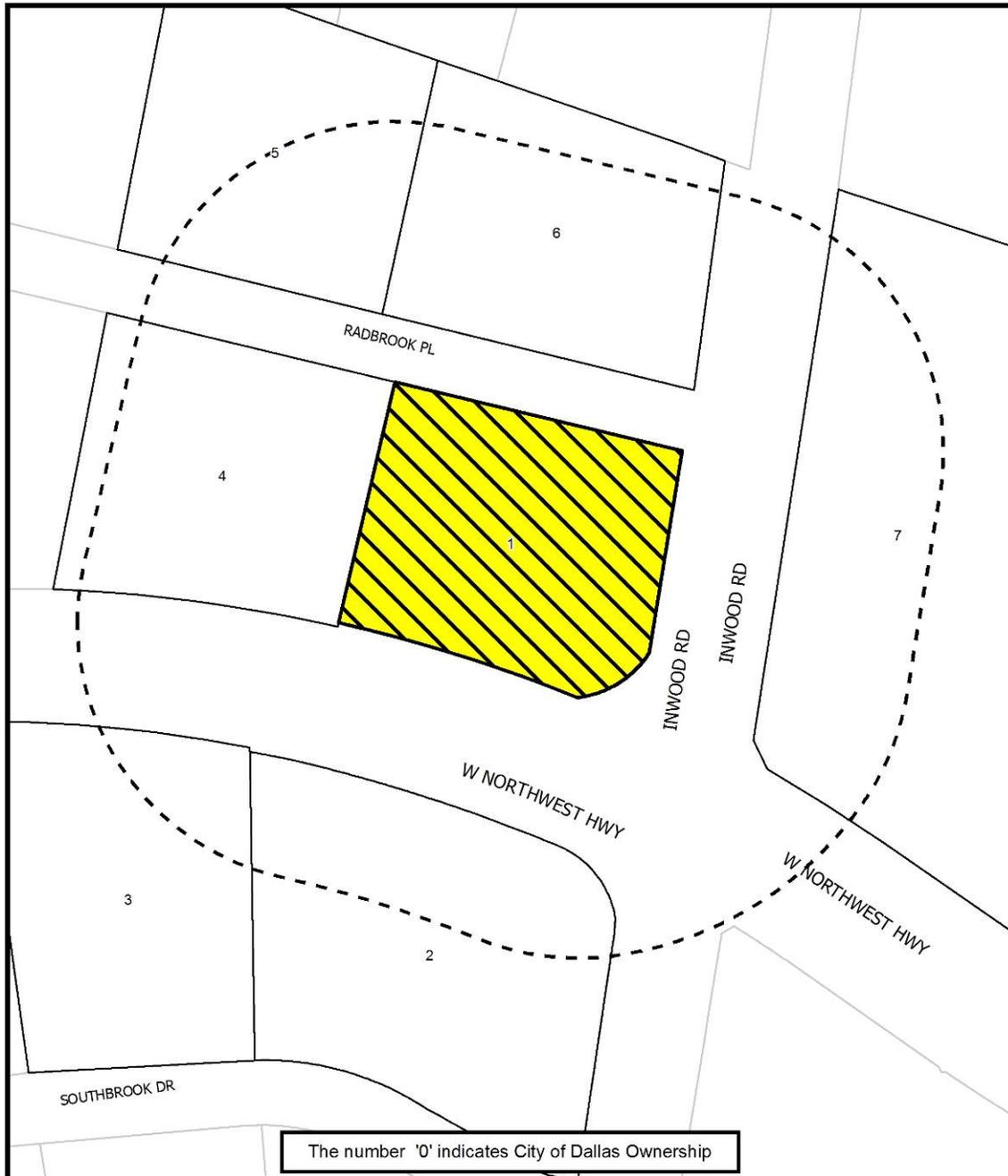


PHOTO OF BACK EXTERIOR OF EXISTING HOME



POOL PAVILION RENDERING





 1:1,200	<b>NOTIFICATION</b>		Case no: <b>BDA156-120</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;">7</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <b>11/17/2016</b>	

11/17/2016

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

***BDA156-120***

### ***7 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	5130 RADBROOK PL	WATSON KIRK A
2	5131 SOUTHBROOK DR	ASHFAQ RAHEELA &
3	5121 SOUTHBROOK DR	WOOD BRADY K & MEGAN M
4	5120 RADBROOK PL	ATTANASIO JOHN B &
5	5119 RADBROOK PL	WOMACK ROBERT C EST OF
6	5129 RADBROOK PL	JONES CECIL W & MELINDA S
7	9200 INWOOD RD	LOVERS LANE UNITED

**FILE NUMBER:** BDA156-121(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Gustavo Ferrusca, Jr. for a special exception to the fence standards at 5806 Joyce Way. This property is more fully described as a 0.42 acre tract in Block 5612, and is zoned R-1ac(A), which limits the height of a fence to 4 feet. The applicant proposes to construct and maintain a 6 foot high fence, which will require a 2 foot special exception to the fence standards.

**LOCATION:** 5806 Joyce Way

**APPLICANT:** Gustavo Ferrusca, Jr.

**REQUEST:**

A request for a special exception to the fence standards related to fence height of 2' is made to replace an approximately 5' high open metal fence in the front yard setback (that appears to be a result of special exception granted by the Board in 1995) with a 6' high open tube/rod fence on a site that is developed with a single family home.

**STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:**

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

**STAFF RECOMMENDATION:**

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

**BACKGROUND INFORMATION:**

**Zoning:**

Site: R-1ac(A) (Single family district 1 acre)  
North: R-1ac(A) (Single family district 1 acre)  
South: R-1ac(A) (Single family district 1 acre)  
East: R-1ac(A) (Single family district 1 acre)  
West: R-1ac(A)(SUP 29) (Single family district 1 acre)(Specific Use Permit)

## **Land Use:**

The subject site is developed with a single family home. The areas to the north, south, and east are developed with single family uses; and the area to the west is developed with an institutional use (Congregation Shearith Israel).

## **Zoning/BDA History:**

1. BDA95-034, Property located at 5806 Joyce Way (the subject site)  
On March 28, 1995, the Board of Adjustment granted a request for special exception to the fence height regulations of 8' and imposed the submitted site plan/elevation as a condition.  
The case report stated that the request was made to construct a 5' high open metal fence on a wood base with 6' high wood columns along Joyce Way and Douglas Avenue, and that the request for the maximum 8' fence height special exception was only for one 12' high wood canopy that would be gabled and approximately 10' in length.

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

- This request for a special exception to the fence standards related to fence height of 2' focuses on replacing an approximately 5' high open metal fence in the front yard setback (that appears to be a result of special exception granted by the Board in 1995) with a 6' high open tube/rod fence on a site that is developed with a single family home.
- The subject site is zoned R-1ac(A).
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The site is located at the southeast corner of Joyce Way and Douglas Avenue.
- The subject site has one 40' front yard setback along Joyce Way (the shorter of the two frontages of the subject site which is always a front yard in this case) and a side setback along Douglas Avenue (the longer of the two frontages) where there is no continuity of a front yard setback to be maintained along Douglas Avenue to the south. The property to the south of the subject site fronts southward to Lupton Drive and does not require a special exception.
- The applicant has submitted a site plan and elevation of the proposal with notations indicating that the proposal reaches a maximum height of 6'.

- The following additional information was gleaned from the submitted site plan:
  - The proposal over 4' in height in the front yard setback is represented as being approximately 35' in length parallel to Joyce Way.
  - The fence proposal is represented as being located approximately 36' from the front lot line/pavement line.
- One single family lot with no fence fronts the existing/proposed fence.
- The Board Administrator conducted a field visit of the site and surrounding area and noted no other fences that appeared to be above 4' in height and located in a front yard setback.
- As of December 2, 2016, no letters had been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence standards related to fence height of 2' will not adversely affect neighboring property.
- Granting this special exception with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding 4' in height to be constructed and maintained in the location and of the heights and materials as shown on these documents.

### **Timeline:**

August 23, 2016: 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 8, 2016: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

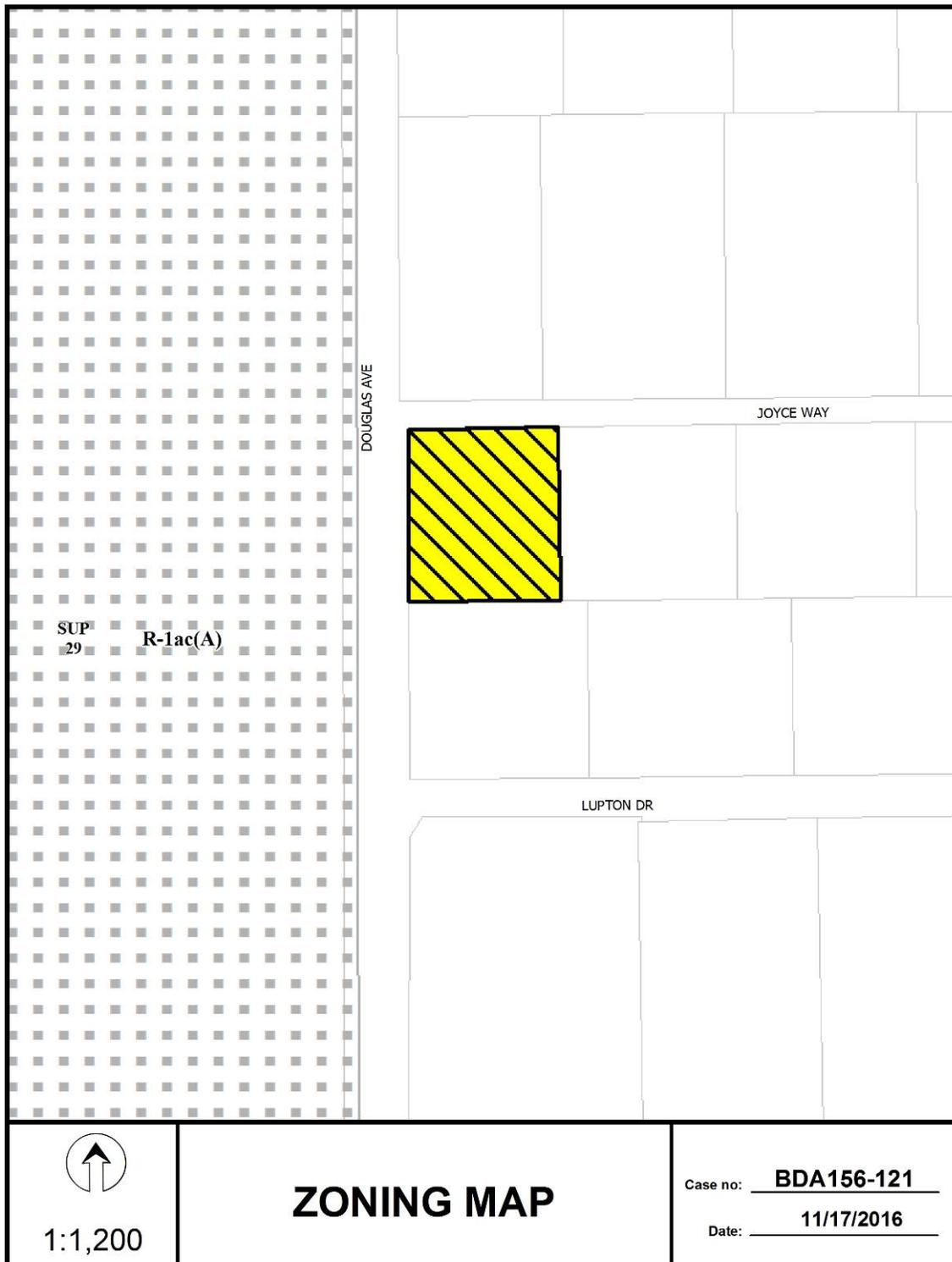
November 8, 2016: The Board Administrator emailed the applicant the following information:

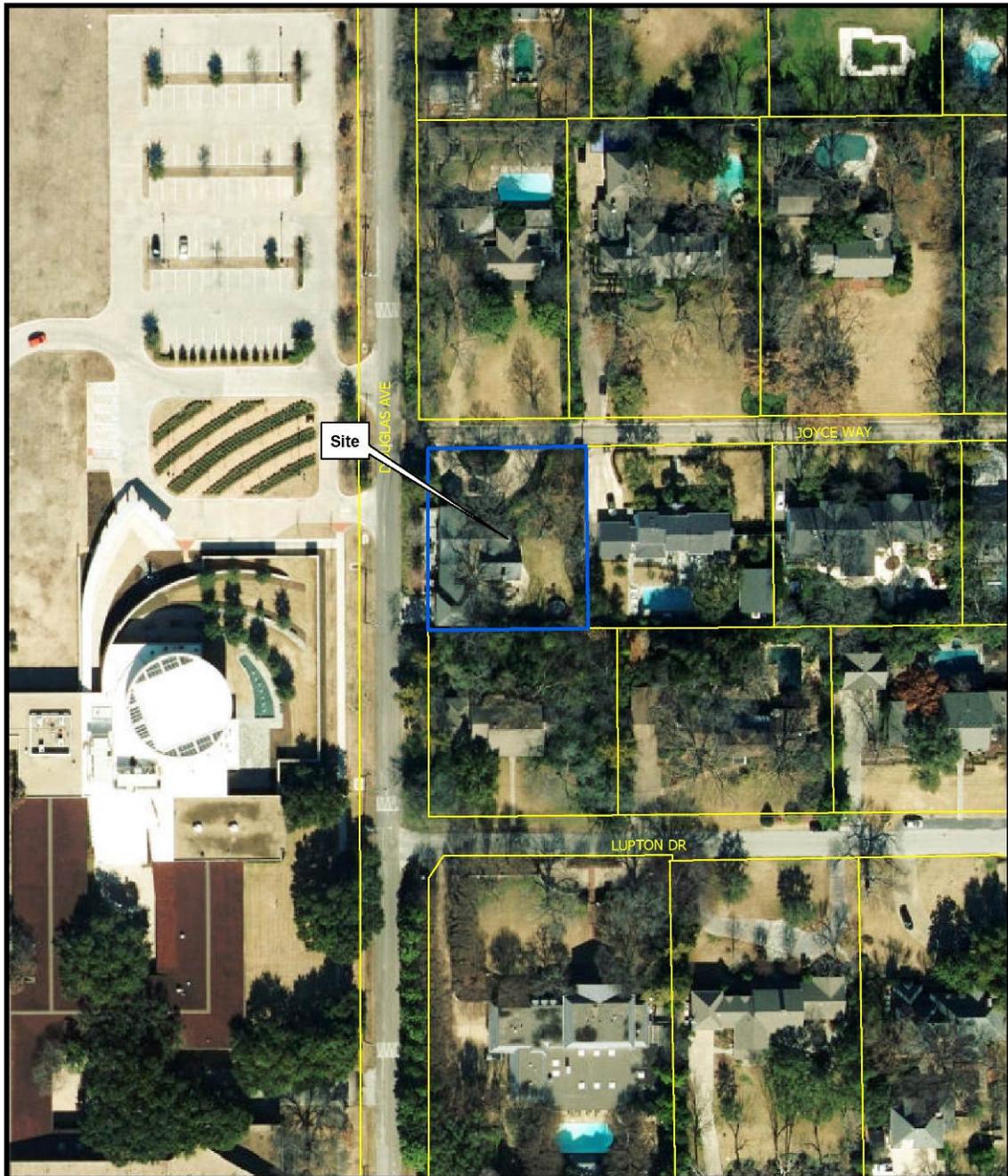
- an attachment that provided the public hearing date and panel that will consider the application; the November 23<sup>rd</sup> deadline to submit additional evidence for staff to factor into their analysis; and the December 2<sup>nd</sup> deadline to submit additional evidence to be incorporated into 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 29, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for December public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, the Sustainable Development and Construction

Department Project Engineer, and the Assistant City Attorney to the Board.

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





 1:1,200	<h1>AERIAL MAP</h1>	Case no: <u>BDA156-121</u> Date: <u>11/17/2016</u>
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City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-121

Data Relative to Subject Property:

Date: 8/23/2016

Location address: 5806 Joyce Way

Zoning District: R-1ac(A)

Lot No.: - Block No.: 5612 Acreage: .42

Census Tract: 20600

Street Frontage (in Feet): 1) 125' 2) 148.6' 3) 4) 5)

To the Honorable Board of Adjustment :

NE 25

Owner of Property (per Warranty Deed): Carolyn & Paul Goetzer Jr.

Applicant: Gustavo Ferrusca Jr. - CCW Construction Telephone: 972-481-0343

Mailing Address: 2113 Morning Dove Drive, Venus, TX Zip Code: 76084

E-mail Address: ccw\_construction@yahoo.com

Represented by: Telephone:

Mailing Address: Zip Code:

E-mail Address:

Affirm that an appeal has been made for a Variance, or Special Exception  of allowing iron fencing across front of property to be replaced with 6' iron fencing in its existing location that will meet code requirements for swimming pools. ... of 2' for a fence in a front yd

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:

Fencing will be brought to code requirements for pools. Fencing will be in same location as existing fence. Fence is located behind hedge of holly bushes (8 ft hedge). No further landscape modifications will be required for fence.

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

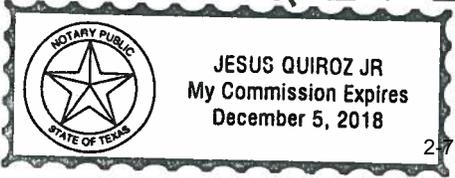
Before me the undersigned on this day personally appeared Gustavo Ferrusca (Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 25 day of August, 2016

(Rev. 08-01-11)



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

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

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

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

I hereby certify that Gustavo Ferrusca, Jr.

did submit a request for a special exception to the fence height regulations  
at 5806 Joyce way

BDA156-121. Application of Gustavo Ferrusca, Jr. for a special exception to the fence height regulations at 5806 Joyce Way. This property is more fully described as a .42 acre tract in Block 5612, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 6 foot high fence in a required front yard, which will require a 2 foot special exception to the fence regulation.

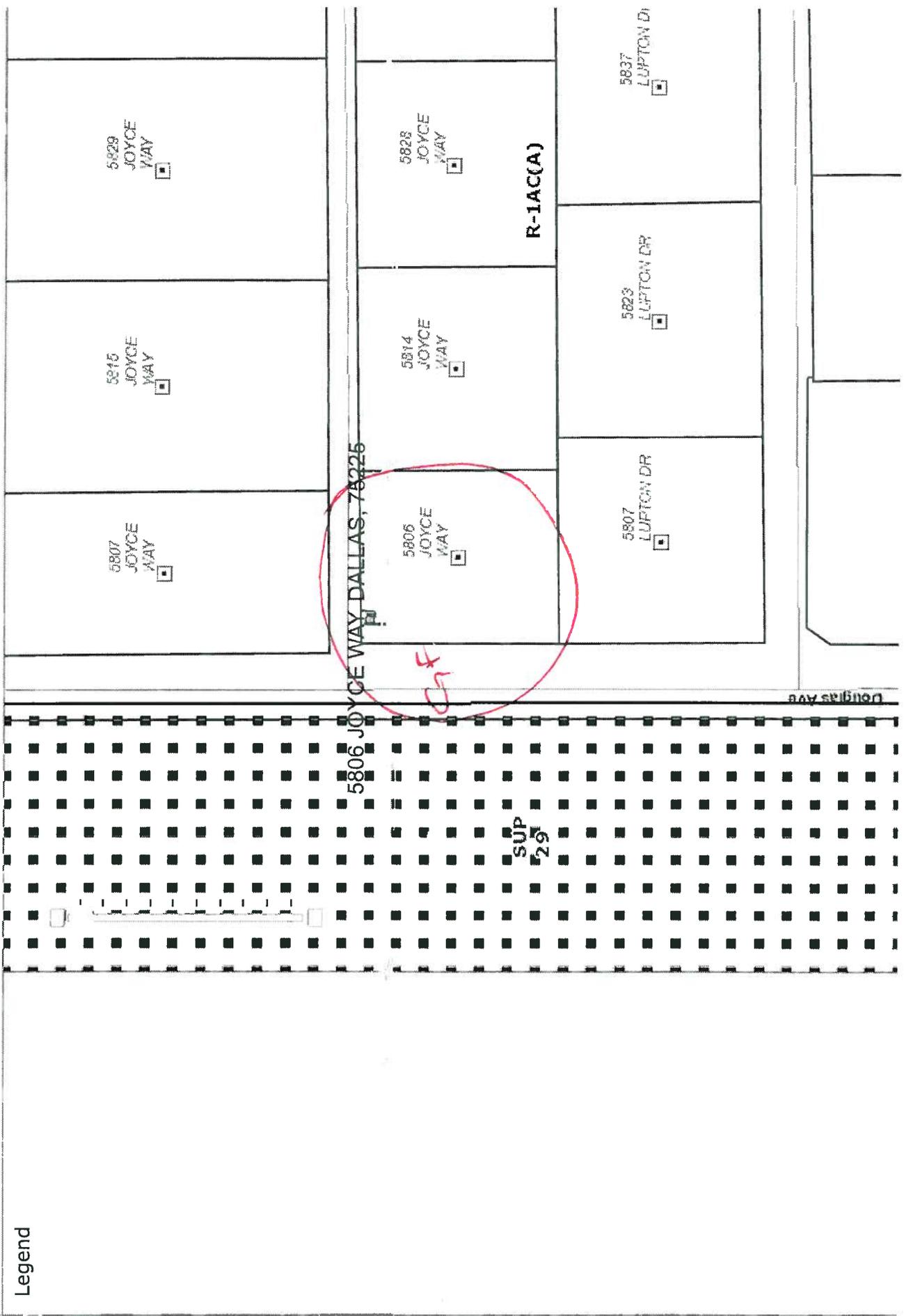
Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official

# City of Dallas

## Internal Development Research Site

### Legend





# SURVEY PLAT



**RHODES**  
Surveying

WWW.RHODESURVEYING.COM

BRIAN S. RHODES Registered Professional Land Surveyor (972) 475-8940

This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at No. 5806 JOYCE WAY in the city of DALLAS, DALLAS COUNTY Texas.

STATE OF TEXAS:  
COUNTY OF DALLAS:

BEING a tract of land situated in the John Howell Survey, Abstract No. 580, in Dallas County, Texas, being in City Block 5612 of the City of Dallas, Dallas County, Texas, being a tract of land described in deed to Paul Goelzer and Carolyn Goelzer, as recorded in Volume 2001088, Page 10286, of the Deed Records of Dallas County, Texas, as shown on survey and being more particularly described by metes and bounds as follows:

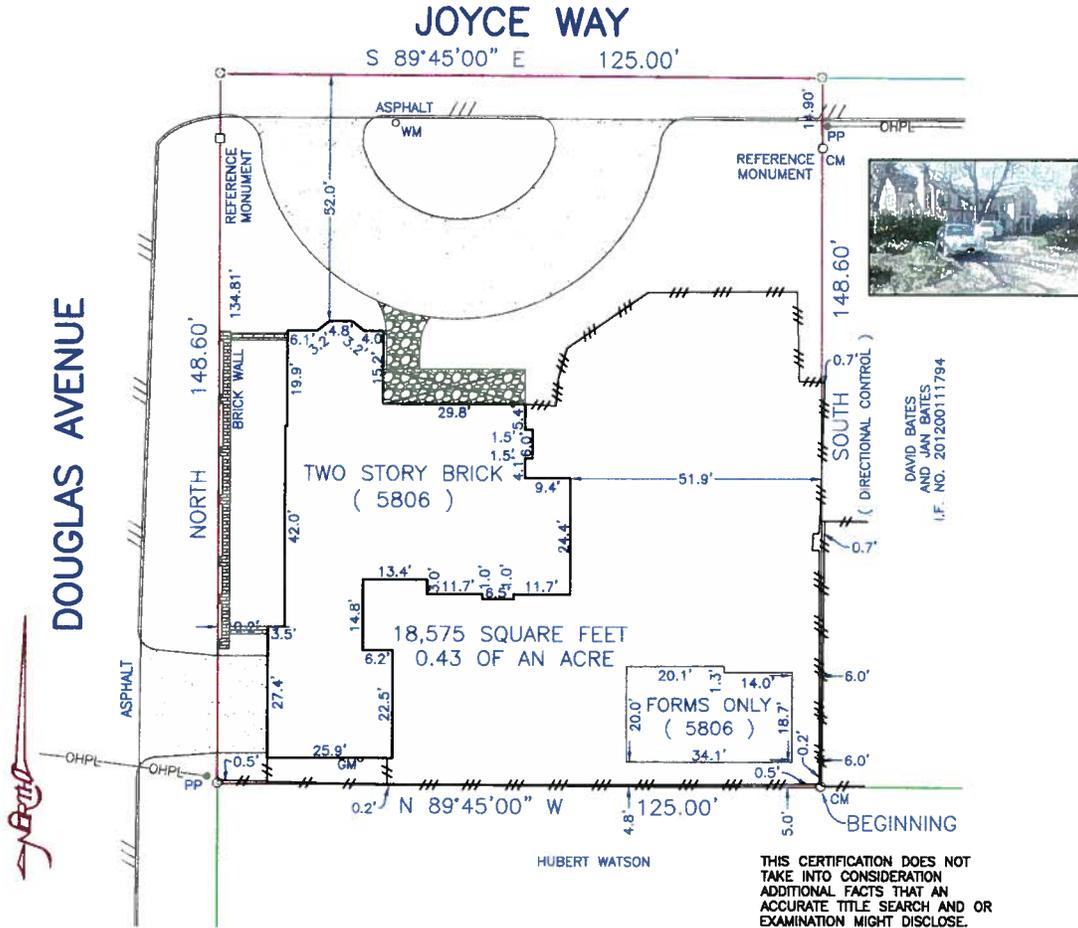
BEGINNING at found 5/8 inch yellow-capped iron rod for corner, being the Southwest corner of a tract of land described in deed to David Bates and Jan Bates, as recorded in Instrument File No. 20120011794, of the Official Public Records of Dallas County, Texas and being the Southeast corner of said Goelzer tract;

THENCE North 89 degrees 45 minutes 00 seconds West, a distance of 125.00 feet to a set 1/2 inch yellow-capped iron rod for corner on the East right of way line of Douglas Avenue;

THENCE North, along said Douglas Avenue, passing a found 2 Inch iron pipe for reference at a distance of 134.81 feet, continuing a total distance of 148.60 feet to a point for corner in Joyce Way;

THENCE South 89 degrees 45 minutes 00 seconds East, along said Joyce Way, a distance of 125.00 feet to a point for corner, being the Northwest corner of said Bates tract;

THENCE South, (directional control) passing a found 1/2 inch iron rod for reference at a distance of 14.90 feet, continuing a total distance of 148.60 feet to the PLACE OF BEGINNING and containing 18,575 square feet or 0.43 of an acre of land.



The plat hereon is true, correct, and accurate representation of the property as determined by survey, the lines and dimensions of said property being as indicated by the plat; the size, location and type of building and improvements are as shown, all improvements being within the boundaries of the property, set back from property lines the distance indicated, or visible and apparent easements. TITLE AND ABSTRACTING WORK FURNISHED BY PAUL GOELZER

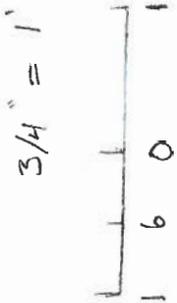
THERE ARE NO ENCROACHMENTS, CONFLICTS, OR PROTRUSIONS, EXCEPT AS SHOWN.

Scale: 1" = 30'  
Date: 3/5/2016  
G. F. No.: \_\_\_\_\_  
Job no.: 94702  
Drawn by: CM/KW

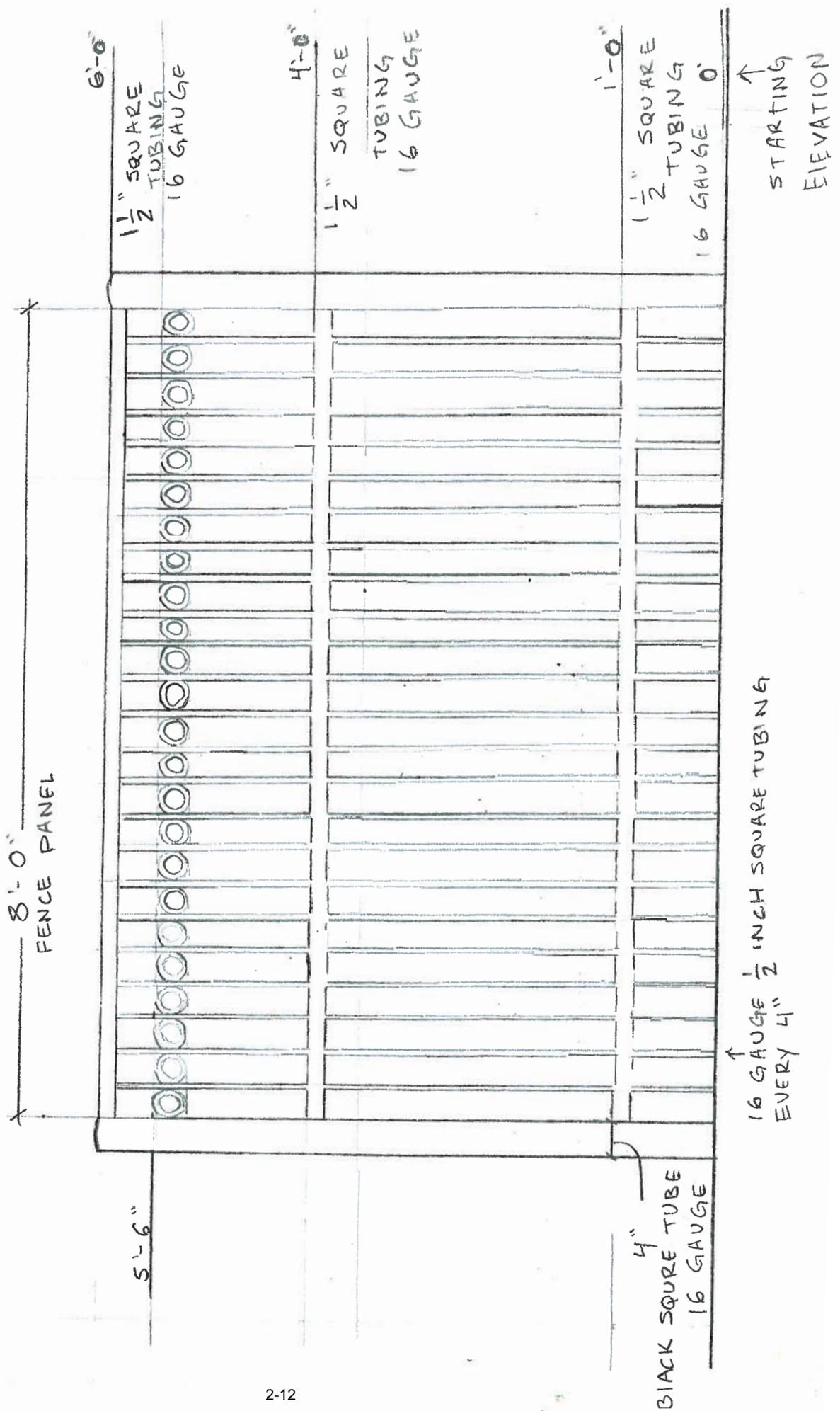
USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR OTHER PARTIES SHALL BE AT THEIR RISK AND UNDERSIGNED IS NOT RESPONSIBLE TO OTHER FOR ANY LOSS RESULTING THEREFROM. THIS SURVEY WAS PERFORMED EXCLUSIVELY FOR PAUL GOELZER

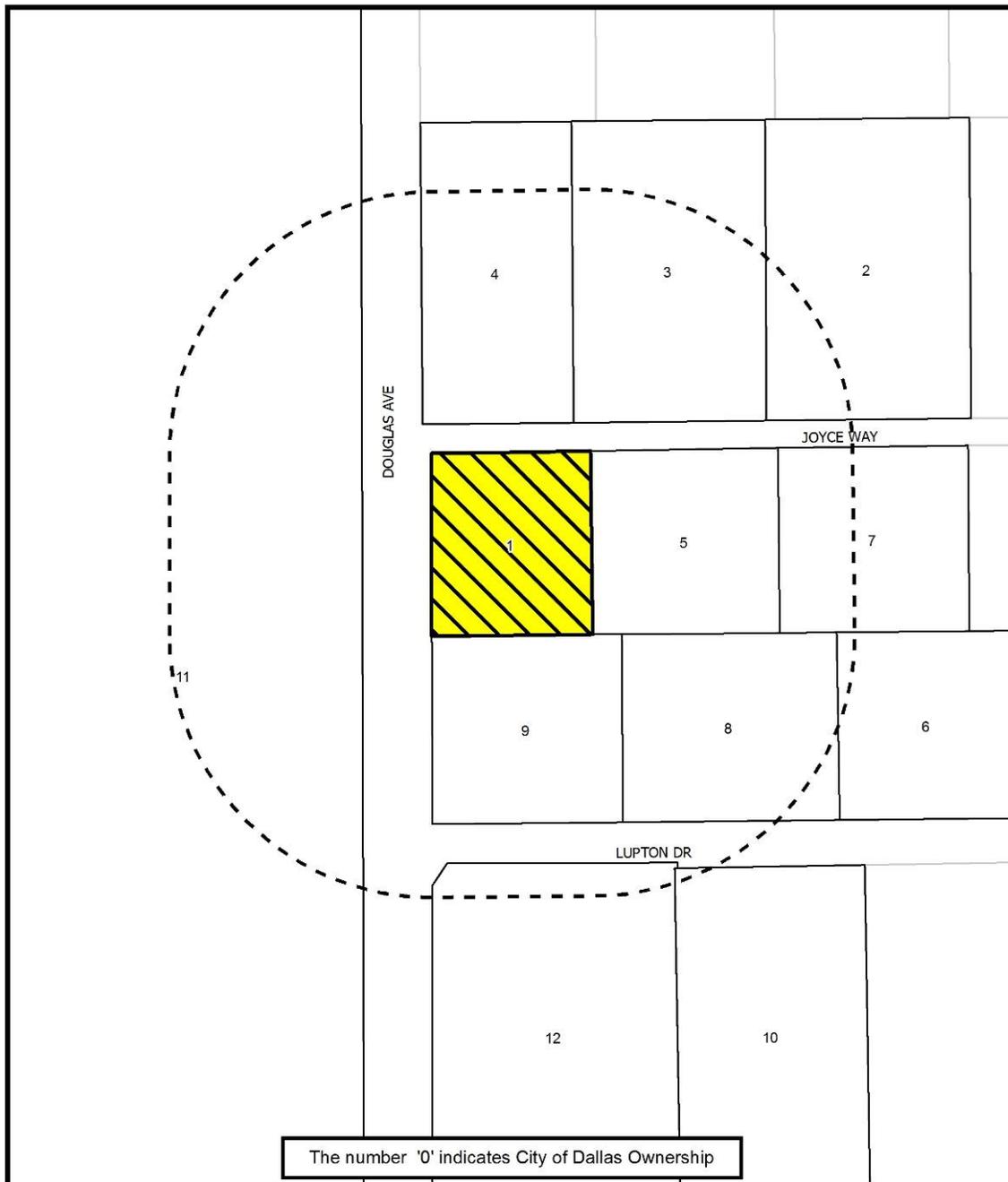
LEGEND	
WOOD FENCE	TEXT
CHAIN LINK	IMPROVEMENTS
IRON FENCE	BOUNDARY LINE
WIRE FENCE	EASEMENT SETBACK
REFERENCE	
○ 1/2" IRON ROD FOUND	
○ 1/2" YELLOW-CAPPED IRON ROD SET	
○ SET "X"	
○ 1" IRON PIPE FOUND	
○ 5/8" YELLOW-CAPPED IRON ROD FOUND	
○ POINT FOR CORNER	
CM - CONTROL MONUMENT	
CO - CLEAN OUT	PE - POOL EQUIP
GM - GAS METER	PP - POWER POLE
FH - FIRE HYDRANT	WM - WATER METER
LP - LIGHT POLE	WV - WATER VALVE
WP - WAPPLE	
( UNLESS OTHERWISE NOTED )	





5 PANELS REQUESTING TO BE PLACED IN FRONT OF THE 40'-0" FRONT YARD LINE A TOTAL OF 40'-0" OF FENCE PANELS & 6-4" SQUARE 16 GAUGE BLACK STEEL POST, TOTAL 42'-0"





 1:1,200	<h2>NOTIFICATION</h2>	Case no: <b>BDA156-121</b>
	<div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">200'</div> <div>AREA OF NOTIFICATION</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">12</div> <div>NUMBER OF PROPERTY OWNERS NOTIFIED</div> </div>	Date: <b>11/17/2016</b>

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

## ***BDA156-121***

### ***12 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	5806 JOYCE WAY	GOELZER PAUL H JR &
2	5829 JOYCE WAY	TSCHETTER PATRICIA B
3	5815 JOYCE WAY	MOOR GARY L & MALINDA G
4	5807 JOYCE WAY	MATISE HOYT R
5	5814 JOYCE WAY	BATES DAVID M &
6	5837 LUPTON DR	GLOSSER GREGORY CHARLES &
7	5828 JOYCE WAY	SWANGO MAX N & CANDACE C
8	5823 LUPTON DR	CARLSON THEODORE J &
9	5807 LUPTON DR	WATSON HUBERT T JR
10	5820 LUPTON DR	MOORE WILLIAM H &
11	9401 DOUGLAS AVE	SHEARITH ISRAEL
12	5808 LUPTON DR	PARKER JAMES F &

**FILE NUMBER:** BDA156-123(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Robert Baldwin of Baldwin and Associates for a special exception to the fence standards at 5326 Edlen Drive. This property is more fully described as Lot 2, Block 2/5603, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and maintain a 6 foot 3 inch high fence, which will require a 2 foot 3 inch special exception to the fence standards.

**LOCATION:** 5326 Edlen Drive

**APPLICANT:** Robert Baldwin of Baldwin and Associates

**REQUEST:**

A request for a special exception to the fence standards related to fence height of 2' 3" is made to construct and maintain a fence higher than 4' (a 6' high open wrought iron fence with 6' 3" high plaster columns, and two 6' 3" high open decorative iron gates) in the front yard setback on a site that is being developed with a single family home.

**STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:**

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

**STAFF RECOMMENDATION:**

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

**BACKGROUND INFORMATION:**

**Zoning:**

Site: R-1ac(A) (Single family district 1 acre)  
North: R-1ac(A) (Single family district 1 acre)  
South: R-1ac(A) (Single family district 1 acre)  
East: R-1ac(A) (Single family district 1 acre)  
West: R-1ac(A) (Single family district 1 acre)

## **Land Use:**

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

## **Zoning/BDA History:**

1. BDA078-058, Property located at 5327 Edlen Drive (the property north of the subject site)

On April 16, 2008, the Board of Adjustment Panel B granted a request for special exception to the fence height regulations of 3' 6" and imposed the submitted site plan and elevation as a condition.

The case report stated that the request was made to construct and maintain a 6' 10" high open wrought iron fence/gates with 7' 6" high columns in the 40' front yard setback.

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

- This request for a special exception to the fence standards related to fence height of 2' 3" focuses on constructing and maintaining a 6' high open wrought iron fence with 6' 3" high plaster columns, and two 6' 3" high open decorative iron gates in the front yard setback on a site that is being developed with a single family home.
- The subject site is zoned R-1ac(A).
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The applicant has submitted a site plan/elevation of the proposal with notations indicating that the proposal reaches a maximum height of 6' 3".
- The following additional information was gleaned from the submitted site plan:
  - The proposal over 4' in height in the front yard setback is represented as being approximately 176' in length parallel the street, and 40' in length perpendicular to the street on the east and west sides of the site in the front yard setback.
  - The fence proposal is represented as being located approximately on the front property line or approximately 10' from the pavement line. The gates are represented as being located approximately 13' from the property line or approximately 23' from the pavement line.
- One single family lot fronts the proposed fence which has an approximately 6' high open metal fence that appears to be a result of a granted fence height special exception in 2008 (BDA078-058).
- The Board Administrator conducted a field visit of the site and surrounding area and noted no other fences other than the one mentioned above that appeared to be above 4' in height and located in a front yard setback.
- As of December 2, 2016, no letters had been submitted in support of or in opposition to the request.

- The applicant has the burden of proof in establishing that the special exception to the fence standards related to fence height of 2' 3" will not adversely affect neighboring property.
- Granting this special exception with a condition imposed that the applicant complies with the submitted site plan/elevation would require the proposal exceeding 4' in height to be constructed and maintained in the location and of the heights and materials as shown on this document.

**Timeline:**

October 7, 2016: 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 8, 2016: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

November 8, 2016: 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 23<sup>rd</sup> deadline to submit additional evidence for staff to factor into their analysis; and the December 2<sup>nd</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 29, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for December public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

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



1:1,200

# ZONING MAP

Case no: BDA156-123

Date: 11/17/2016



1:1,200

# AERIAL MAP

Case no: BDA156-123

Date: 11/17/2016



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-123

Data Relative to Subject Property:

Date: October 7, 2016

Location address: 5326 Edlen Drive Zoning District: R-1ac(A)

Lot No.: 2 Block No.: 2/5603 Acreage: 1.02 acres Census Tract: 206.00

Street Frontage (in Feet): 1) 176 ft 2) 3) 4) 5)

NE25

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): GSS Holdings, LC

Applicant: Rob Baldwin, Baldwin Associates Telephone: 214-824-7949

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

E-mail Address: rob@baldwinplanning.com

Represented by: Rob Baldwin, Baldwin Associates Telephone: 214-824-7949

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

E-mail Address: rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance, or Special Exception X, of 2'3" fence height to allow a 6'3" tall fence in a required front yard

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: The proposed fence will not adversely impact surrounding properties. Other fences exceeding four feet in height exist in the immediate area.

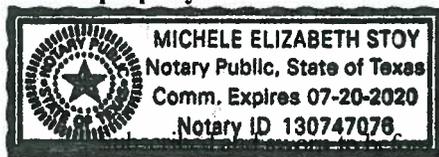
Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared Robert Baldwin (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)



me this 12 day of October, 2016

Michele Elizabeth Stoy 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**

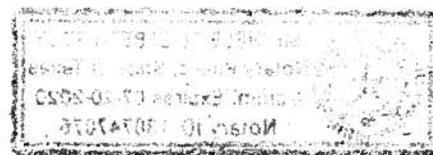
I hereby certify that Robert Baldwin

did submit a request for a special exception to the fence height regulations  
at 5326 Edlen Drive

BDA156-123. Application of Robert Baldwin for a special exception to the fence height regulations at 5326 Edlen Drive. This property is more fully described as Lot 2, Block 2/5603, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 6 foot 3 inch high fence in a required front yard, which will require a 2 foot 3 inch special exception to the fence regulation.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official





Printed: 9/30/2016

Legend

- City Limits
- School
- Floodplain
- 100 Year Flood Zone
- Mill's Creek
- Peak's Branch
- X Protected by Levee
- Parks
- railroad
- Certified Parcels
- Base Zoning
- PD193 Oak Lawn
- Dallas Environmental Corridors
- SPSD Overlay
- Deed Restrictions
- Dry Overlay
- D
- D-1
- CP
- SP
- MD Overlay
- Historic Subdistricts
- Historic Overlay
- Height Map Overlay
- CD Subdistricts
- PD Subdistricts
- PDS Subdistricts
- NSO Subdistricts
- NSO\_Overlay
- Escarpment Overlay
- Parking Management Overlay
- Shop/Club Overlay

BDA 156-123

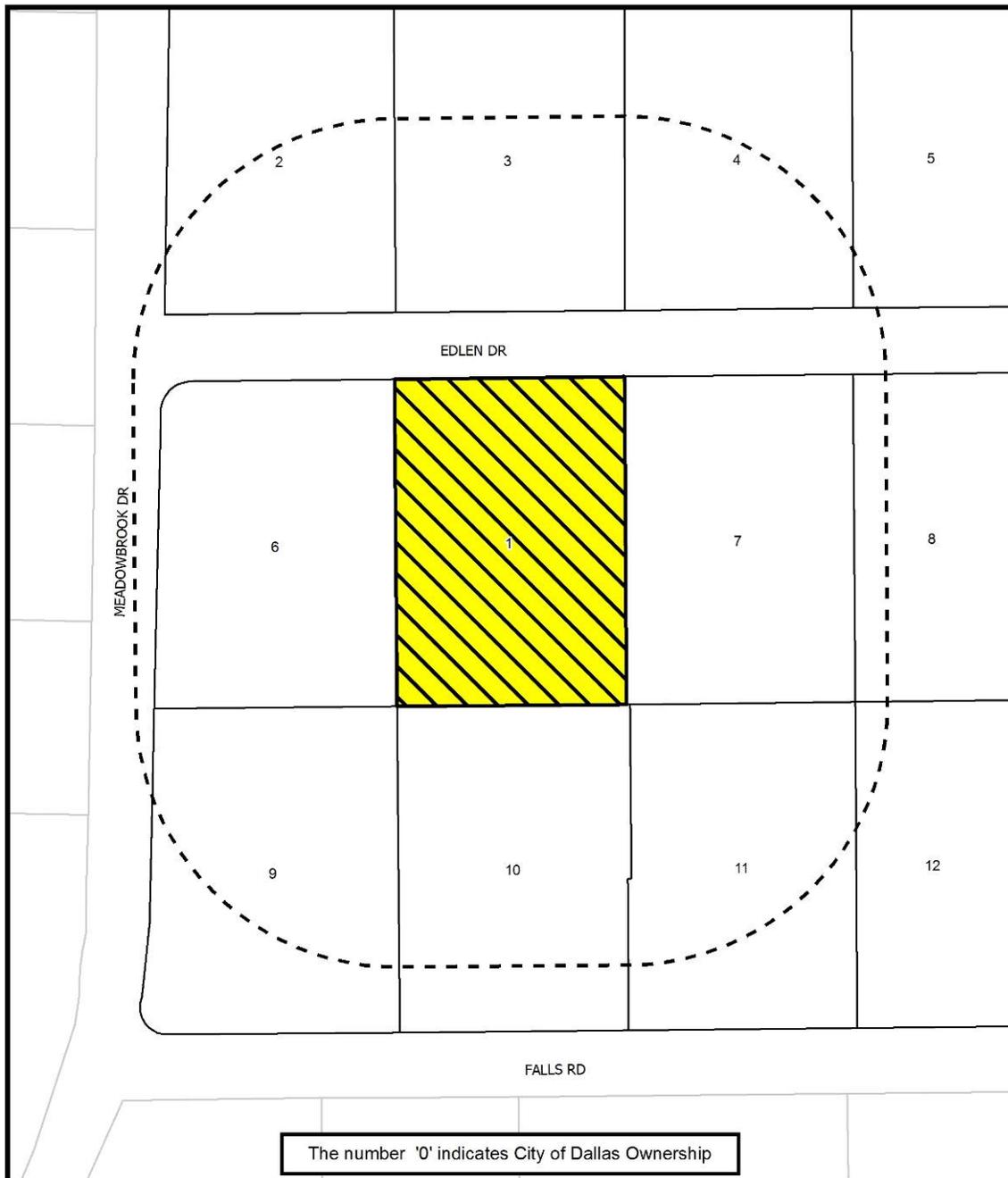
This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. 'This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.' (Texas Government Code § 2051.102)



1:2,400







 1:1,200	<b>NOTIFICATION</b>	Case no: <b>BDA156-123</b>			
	<table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">12</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	12	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
12	NUMBER OF PROPERTY OWNERS NOTIFIED				

## *Notification List of Property Owners*

### *BDA156-123*

#### *12 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5326 EDLEN DR	GSSG HOLDINGS LC
2	5311 EDLEN DR	MERCER THOMAS M JR
3	5327 EDLEN DR	FOLSOM R STEPHEN 1996 IRREVOCABLE TR
4	5333 EDLEN DR	STEPHENSON RANDALL &
5	5415 EDLEN DR	SULLIVAN JOHN
6	5310 EDLEN DR	WALKER REID S & STACEY S
7	5400 EDLEN DR	ALLEN HENRY &
8	5414 EDLEN DR	MALONE BERNARD P & MALONE BERNARD P
9	5311 FALLS RD	AMERICAN ESCROW CO TRUSTEE
10	5323 FALLS RD	ROBINSON JEFFREY M
11	5405 FALLS RD	WILSON CHARLES
12	5415 FALLS RD	WALLACE JOHN WILLIAM &

**FILE NUMBER:** BDA156-126(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Robert Baldwin of Baldwin and Associates for a special exception to the fence standards at 5838 Woodland Drive. This property is more fully described as Lot 2, Block B/5616, and is zoned R-1ac(A), which limits the height of a fence to 4 feet. The applicant proposes to construct and maintain a 7 foot 11 inch high fence, which will require a 3 foot 11 inch special exception to the fence standards.

**LOCATION:** 5838 Woodland Drive

**APPLICANT:** Robert Baldwin of Baldwin and Associates

**REQUEST:**

A request for a special exception to the fence standards related to fence height of 3' 11" is made to construct and maintain a fence higher than 4' (a 4' 7" high open wrought iron fence with 5' high brick columns, and two 7' 11" high open decorative iron gates flanked by 5' – 6' 6" high, 10' 6' long masonry wing walls) in the front yard setback on a site that is being developed with a single family home.

**STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:**

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

**STAFF RECOMMENDATION:**

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

**BACKGROUND INFORMATION:**

**Zoning:**

Site: R-1ac(A) (Single family district 1 acre)  
North: R-1ac(A) (Single family district 1 acre)  
South: R-1ac(A) (Single family district 1 acre)  
East: R-1ac(A) (Single family district 1 acre)  
West: R-1ac(A) (Single family district 1 acre)

**Land Use:**

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

**Zoning/BDA History:**

1. BDA123-033, Property located at 5833 Woodland Drive (the property north of the subject site)

On April 16, 2013, the Board of Adjustment Panel A granted requests for special exceptions to the fence height regulations of 3' 6" and visual obstruction regulations and imposed the submitted site plan/elevation and landscape elevations as a condition.

The case report stated that the special exception to the fence height regulations of 3' 6" were requested in conjunction with constructing and maintaining a 6' 6" high open metal fence with 7' 6" high masonry columns, two 4' 6" – 6' 6" high gates with flanking approximately 20' long, 6' 6" high solid masonry wing walls in the front yard setback; and that the special exceptions to the visual obstruction regulations are requested in conjunction with locating and maintaining four 6' 6" high solid limestone columns in the 20' visibility triangles on either side of the two driveways into the site from Woodland Drive.

2. BDA86-197, 9006 Douglas Avenue ( two lots northwest of the subject site)

On September 9, 1986, the Board of Adjustment granted a request to the fence height special regulations of 3' 10". The board imposed the following conditions with the request: compliance with notations on a site plan marked "Exhibit A" is required and "that the landscape submitted the Board be used." The case report discussed in its "Staff Comments" section that the fence along Woodland Drive to be setback 8' from the property line to allow for landscaping which would reduce the impact of the solid fence on the street" with the remainder of the fence along Woodland Drive and Douglas Avenue "should be wrought iron to reduce the "solidness" of the fence."

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

- This request for a special exception to the fence standards related to fence height of 3' 11" focuses on constructing and maintaining a 4' 7" high open wrought iron fence with 5' high brick columns, and two 7' 11" high open decorative iron gates flanked by 5' – 6' 6" high, 10' 6' long masonry wing walls on a site that is being developed with a single family home.
- The subject site is zoned R-1ac(A).
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The applicant has submitted a site plan/elevation of the proposal with notations indicating that the proposal reaches a maximum height of 7' 11".
- The following additional information was gleaned from the submitted site plan:
  - The proposal over 4' in height in the front yard setback is represented as being approximately 176' in length parallel the street, and 34' - 40' in length perpendicular to the street on the east and west sides of the site in the front yard setback.
  - The fence proposal is represented as being located approximately on the front property line or approximately 15' from the pavement line. The gates are represented as being located approximately 7' from the property line or approximately 22' from the pavement line.
- One single family lot fronts the proposed fence which has an approximately 6' high open metal fence that appears to be a result of a granted fence height special exception in 2013 (BDA123-033).
- The Board Administrator conducted a field visit of the site and surrounding area and noted one other fence in addition to the one mentioned above that appeared to be above 4' in height and located in a 40' front yard setback in this block of Woodland Drive from Douglas Avenue to Preston Road: an approximately 6.5 high open wrought fence and solid brick wall (located behind significant landscape materials) immediately northwest of the site (and what appears to be the result of board action made in conjunction with BDA 86-197).
- As of December 2, 2016, no letters had been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence standards related to fence height of 3' 11" will not adversely affect neighboring property.
- Granting this special exception with a condition imposed that the applicant complies with the submitted site plan/elevation would require the proposal exceeding 4' in height to be constructed and maintained in the location and of the heights and materials as shown on this document.

## **Timeline:**

October 7, 2016: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

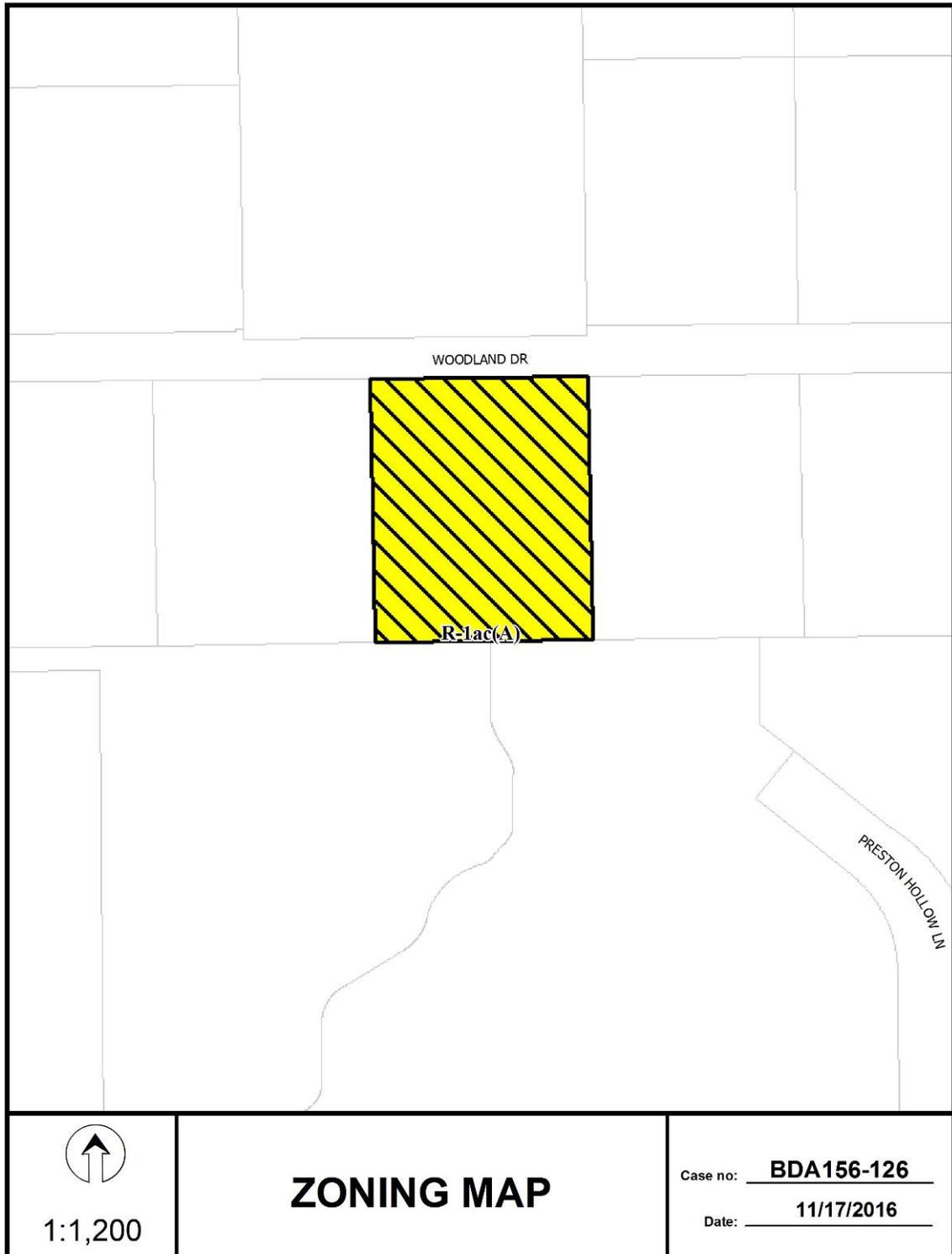
November 8, 2016: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

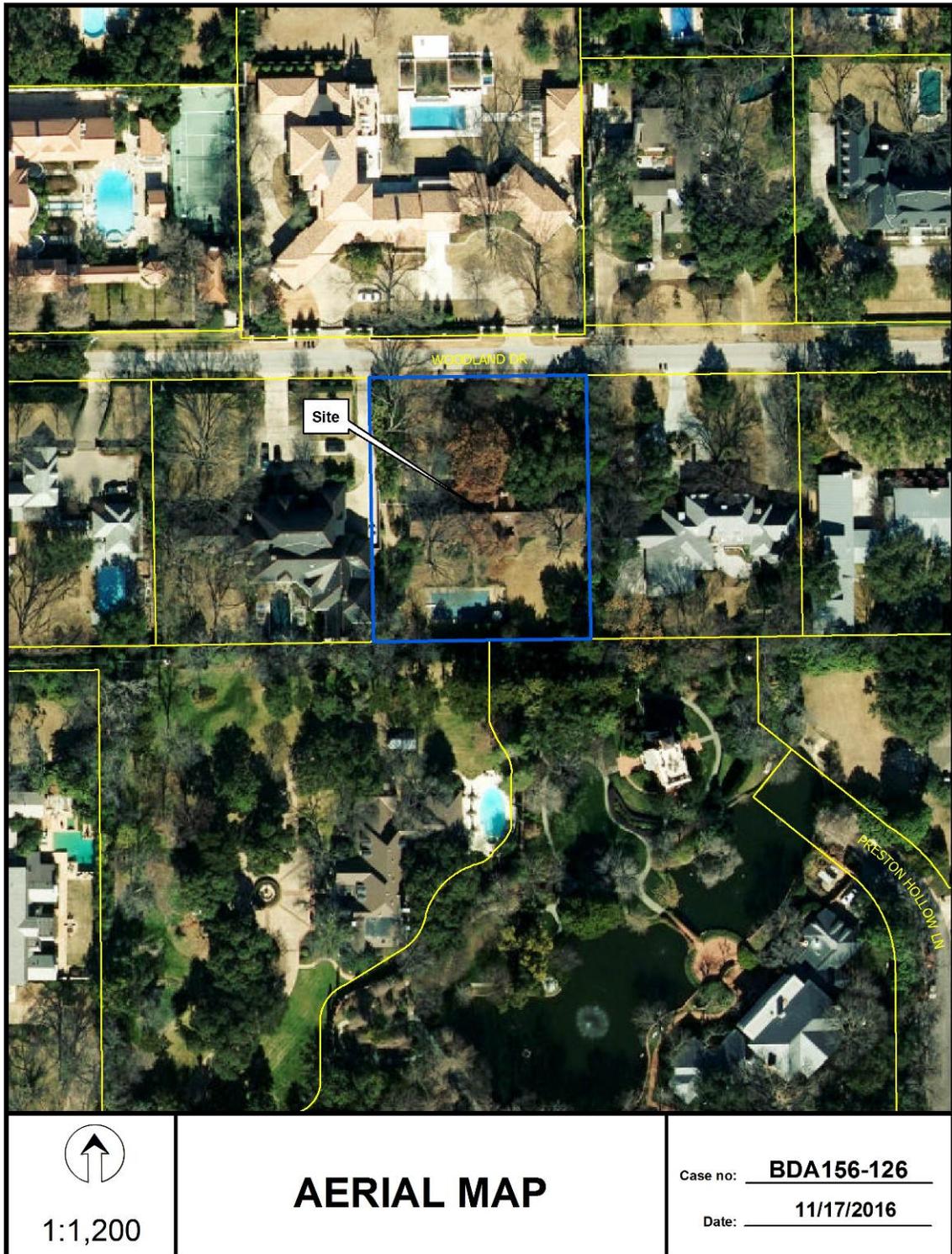
November 8, 2016: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the November 23<sup>rd</sup> deadline to submit additional evidence for staff to factor into their analysis; and the December 2<sup>nd</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 29, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for December public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

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







APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-126

Data Relative to Subject Property:

Date: October 7, 2016

Location address: 5838 Woodland Drive Zoning District: R-1ac(A)

Lot No.: 2 Block No.: B/5616 Acreage: 0.8 acres Census Tract: 206.00

Street Frontage (in Feet): 1) 177 ft 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

*NEZS*

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Amy Simmons Crafton and Joe Reeves Crafton, Jr.

Applicant: Rob Baldwin, Baldwin Associates Telephone: 214-824-7949

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

E-mail Address: rob@baldwinplanning.com

Represented by: Rob Baldwin, Baldwin Associates Telephone: 214-824-7949

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

E-mail Address: rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance   , or Special Exception X, of 3'11" fence height to allow a 7'11" tall fence in a required front yard

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:  
The proposed fence will not adversely impact surrounding properties. Other fences exceeding four feet in height exist in the immediate area.

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.

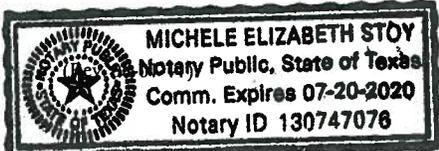
Affidavit

Before me the undersigned on this day personally appeared Robert Baldwin  
(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 14 day of October, 2016



Michele Elizabeth Stoy  
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**

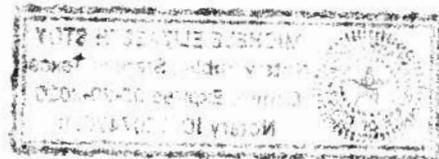
I hereby certify that Robert Baldwin

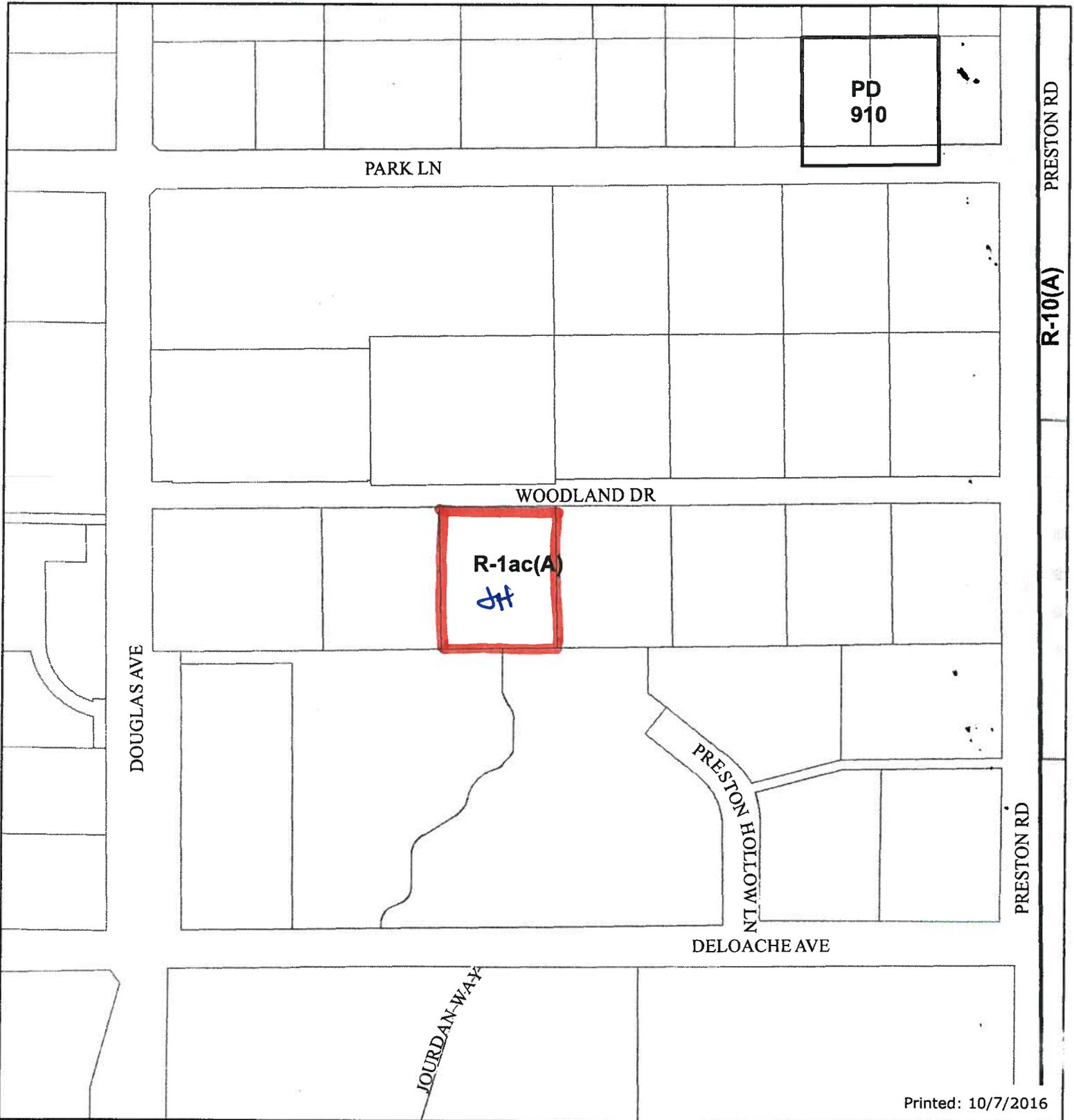
did submit a request for a special exception to the fence height regulations  
at 5838 Woodland Drive

BDA156-126. Application of Robert Baldwin for a special exception to the fence height regulations at 5838 Woodland Drive. This property is more fully described as Lot 2, Block B/5616, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 7 foot 11 inch high fence in a required front yard, which will require a 3 foot 11 inch special exception to the fence regulation.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official





Printed: 10/7/2016

**Legend**

- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | railroad                       | Dry Overlay           | CD Subdistricts            |
| School               | Certified Parcels              | D                     | PD Subdistricts            |
| Floodplain           | Base Zoning                    | D-1                   | PDS Subdistricts           |
| 100 Year Flood Zone  | PD193 Oak Lawn                 | CP                    | NSO Subdistricts           |
| Mill's Creek         | Dallas Environmental Corridors | SP                    | NSO_Overlay                |
| Peak's Branch        | SPSD Overlay                   | MD Overlay            | Escarpment Overlay         |
| X Protected by Levee | Deed Restrictions              | Historic Subdistricts | Parking Management Overlay |
| Parks                | Height Map Overlay             | Historic Overlay      | Shop, Food Overlay         |

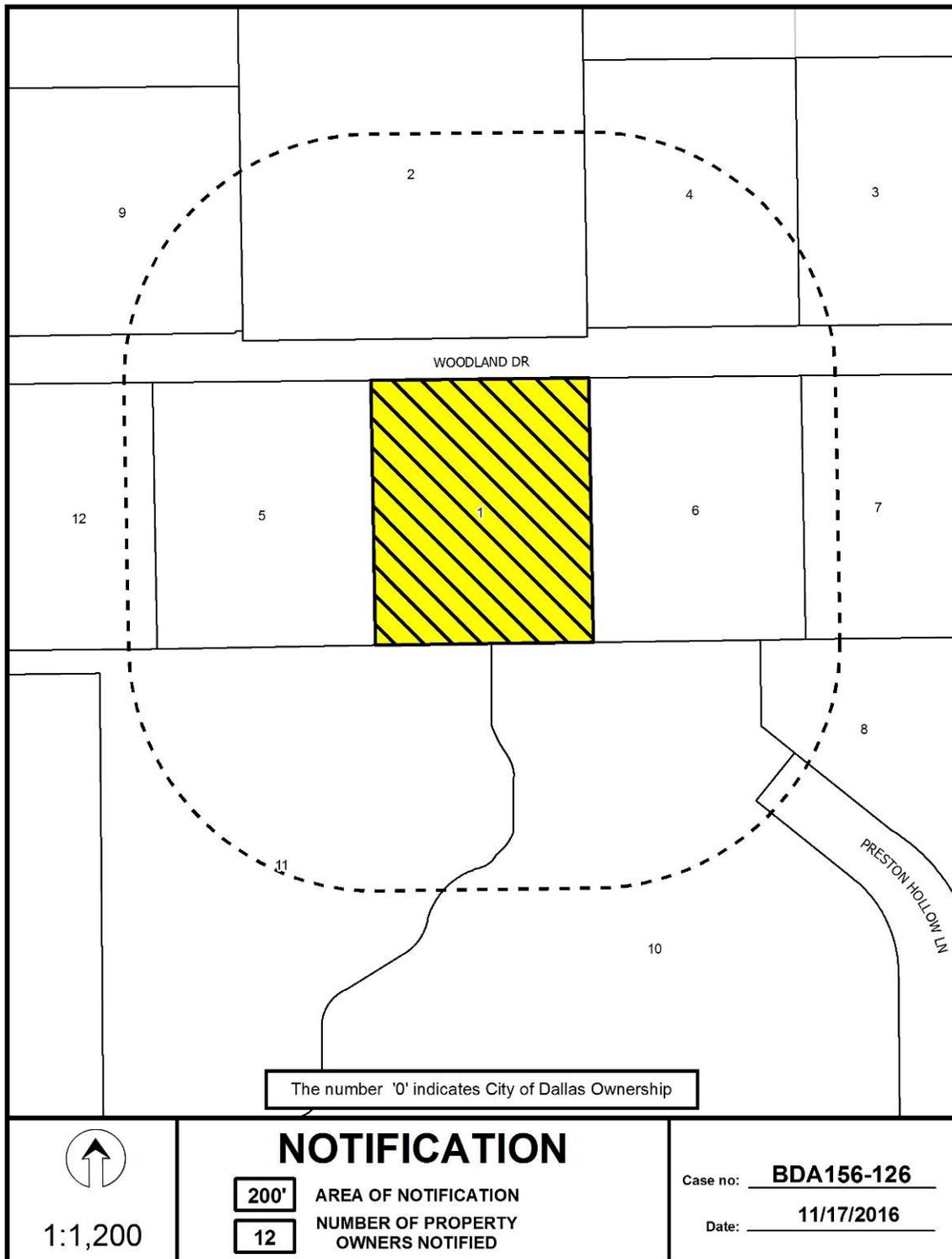
BDA 156-126

This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. (Texas Government Code § 2051.102)



1:2,400





## *Notification List of Property Owners*

### *BDA156-126*

#### *12 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5838 WOODLAND DR	CRAFTON AMY SIMMONS &
2	5833 WOODLAND DR	5833 WOODLAND LONESTAR TRUST THE
3	5929 WOODLAND DR	STIGWEARD TRUST
4	5909 WOODLAND DR	WEISBROD CARL & JAMIE
5	5828 WOODLAND DR	RAYZOR SELWYN A &
6	5910 WOODLAND DR	ADAMS WALTER E
7	5924 WOODLAND DR	GREENE GREGORY C & JANE K
8	8928 PRESTON HOLLOW LN	GOLDEN HAWKINS II & LESLIE BLACK
9	9006 DOUGLAS AVE	SANGANI BHARAT H
10	5915 DELOACHE AVE	SIMMONS ANNETTE C
11	5823 DELOACHE AVE	MANTAS MICHAEL A &
12	9002 DOUGLAS AVE	POPOLO JOSEPH V JR & CHRISTINE

**FILE NUMBER:** BDA156-129(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Ron Ragsdale, represented by Jeff Innmon, for a special exception to the landscape regulations at 1920 McKinney Avenue. This property is more fully described as Lot 3B, Block 524, and is zoned PD 193 (HC), which requires mandatory landscaping. The applicant proposes to construct and maintain a structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

**LOCATION:** 1920 McKinney Avenue

**APPLICANT:** Ron Ragsdale  
Represented by Jeff Innmon

**REQUEST:**

A request for a special exception to the landscape regulations is made to obtain a final building permit for a multi-story office structure on a site, and not fully provide required landscaping.

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

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

**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- Compliance with the submitted alternate landscape plan is required.

Rationale:

- The City of Dallas Chief Arborist supports the applicant's request because the applicant has reasonably demonstrated the proposed alternate landscape plan does not compromise the spirit and intent of the PD 193 landscape requirements for HC districts.
- In this case, the Chief Arborist notes among other things how the alternative landscape plan submitted for this application is a revision to a plan approved by the Board of Adjustment in case BDA 134-124 in December 2014 – revisions that include: 1) a valet station on Harwood Street, and 2) a designated dining area with

landscaping and improvements at the corner of Harwood Street and McKinney Avenue. (The street tree alignment along Harwood Street was amended for the valet).

**BACKGROUND INFORMATION:**

- Site: PD 193 (HC) & PDS 66 (Planned Development, Heavy Commercial, Planned Development)
- North: PD 193 (PDS 68) (Planned Development, Planned Development)
- South: PD 193 (HC) & PDS 66 (Planned Development, Heavy Commercial, Planned Development)
- East: PD 193 (PDS 68) (Planned Development, Planned Development)
- West: PD 193 (PDS 66) (Planned Development, Planned Development)

**Land Use:**

The subject site is developed with a multi-story office structure awaiting a final building permit. The areas to the north, south, east, and west are developed with a mix of office, residential, and retail uses.

**Zoning/BDA History:**

1. BDA134-124, Property at 1920 McKinney Avenue (the subject site)  
On December 15, 2014, the Board of Adjustment Panel C granted a request for a special exception to the landscape regulations, and imposed the submitted alternate landscape plan as a condition to the request.  
The case report stated that this request was made to construct and maintain a multi-story office use/structure on a site currently under development, and not fully provide required landscaping.
2. BDA 134-086, Property at 1907 McKinney Avenue (the lot southwest of the subject site)  
On September 16, 2014, the Board of Adjustment Panel A granted a request for a special exception to the landscape regulations, and imposed the submitted alternate landscape plan as a condition to the request. The case report stated that this request was made to construct and maintain a surface parking lot on site developed with an office structure/use (HKS) - a structure that according to the application was developed prior to the landscape ordinance adopted in the mid 80's.
3. BDA 967-300, Property at 1907 McKinney Avenue (the lot  
On October 28, 1997, the Board of Adjustment Panel A was informed that the

southwest of the subject site)

originally submitted request for a special exception to the landscape regulations was removed from the docket since it had been determined by staff that the request originally heard on September 23, 1997 was not required.

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

- This request for a special exception to the landscape regulations focuses on obtaining a final building permit for a multi-story office structure on a site, and not fully providing required landscaping. More specifically, according to the City of Dallas Chief Arborist, the proposed alternate landscape plan would reduce the required number of trees in the tree planting zone from 12 to 10 trees, and does not present a minimum 10 foot wide garage screening buffer on the sides of the building facing the streets. Although a 6' sidewalk width is provided on the private property on the landscape plan, the required location by ordinance is disrupted by a new introduction of steps and walkway with rails.
- PD 193 states that the landscape, streetscape, screening, and fencing standards shall become applicable to uses (other than to single family and duplex uses in detached structures) on an individual lot when work is performed on the lot that increases the existing building height, floor area ratio, or nonpermeable coverage of the lot unless the work is to restore a building that has been damaged or destroyed by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind.
- The City of Dallas Chief Arborist submitted a memo regarding the applicant's request (see Attachment A). The memo states how this request is triggered by new construction.
- The Chief Arborist's memo lists the following factors for consideration:
  - The alternative landscape plan submitted for this application is a revision to a plan approved by the Board of Adjustment in case # BDA 134-124 in December 2014. New amendments include: 1) a valet station on Harwood, and 2) a designated dining area with landscaping and improvements at the corner of Harwood and McKinney. The street tree alignment along Harwood Street was amended for the valet.
  - PD 193 (HC) does not have requirements for landscape site area, but only specifies street trees, sidewalks, and screening.
  - A portion of the property is zoned PDS 66 which requires a minimum 10 foot wide sidewalk and two pedestrian-scale lighting fixtures within that area along Harwood Street. These provisions are not subject to a special exception with this request and the PDS 66 site complies with these measures.
  - The applicant is planting 10 total trees (6 along Harwood), to be spaced about 25' - 30' on center along Harwood Street, with the exception of a break in continuity to make space for a valet staging area and ramp, and then 24' on center (4 trees) along McKinney Avenue.

- PD 193 states “aboveground parking structures must have a 10’ landscaping buffer on any side facing a public right-of-way” and “the buffer must contain one tree for every 25’ of frontage and evergreen shrubs planted 3’ on center.”
- In this particular design, the majority of the aboveground parking structure within the non-residential building is above the street-level retail units, and hidden behind an enhanced facade that rises for several levels. Additional garage levels are below grade and have no landscape requirement or site impact. All street-level garage frontage with Harwood Street and McKinney Avenue is exposed primarily at the garage entryways only, being where no buffer strip would be required.
- The building, and paved exterior, were designed for the purpose of safe and direct pedestrian access from the street to street-level retail uses and other pedestrian entryways. Placement of buffer landscaping could conflict with accessing the retail uses in this heavy commercial district.
- The City of Dallas Chief Arborist recommends approval of this request because the applicant has reasonably demonstrated the proposed alternate landscape plan does not compromise the spirit and intent of the PD 193 landscape requirements for HC districts.
- The applicant has the burden of proof in establishing the following:
  - The special exception (where an alternate landscape plan has been submitted that is deficient in meeting the tree planting zone and garage screening buffer requirements) will not compromise the spirit and intent of Section 51P-193-126: Landscape, streetscape, screening, and fencing standards”.
- If the Board were to grant this request and impose the submitted alternate landscape plan as a condition, the site would be granted exception from full compliance to tree planting zone (lesser number of trees) and garage screening buffer requirements of the Oak Lawn PD 193 landscape ordinance.

**Timeline:**

October 21, 2016: 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 8, 2016: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, “If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case.”

November 8, 2016: 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 23<sup>rd</sup> deadline to submit additional evidence for staff to factor into their analysis;

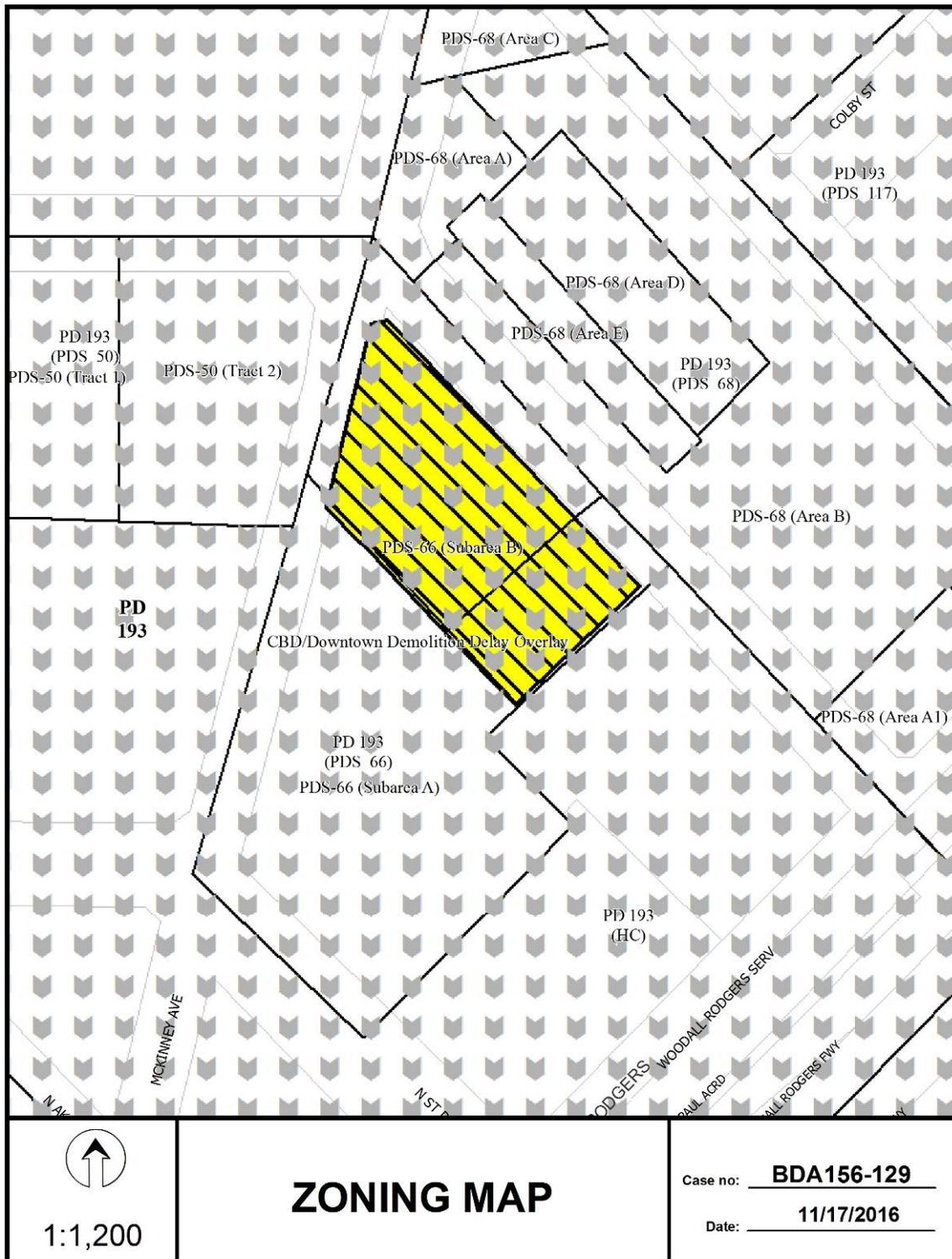
and the December 2<sup>nd</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;

- 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 29, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for December public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

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

December 2, 2016: The City of Dallas Chief Arborist submitted a memo regarding this application (see Attachment A).





1:1,200

# AERIAL MAP

Case no: **BDA156-129**

Date: **11/17/2016**

BDA 156-129  
Attach A B1

# Memorandum



CITY OF DALLAS

DATE December 2, 2016  
TO Steve Long, Board of Adjustment Administrator

SUBJECT # BDA 156 · 129 1920 McKinney

The applicant is requesting a special exception to the landscape requirements of PD 193 (HC).

### Trigger

New construction of a commercial project.

### Deficiencies

The proposed alternate landscape plan would reduce the required trees in the tree planting zone from 12 trees to 10 trees (193.126(b)(5)). In addition, the plan does not provide for a required minimum 10-foot wide garage screening buffer on the sides of the building facing the streets (193.126(b)(3)(D)). Sidewalks in the district are required to be a minimum of 6 feet in width and measured between 5 to 12 feet from back of the curb (193.126(b)(4)). Although the 6 feet sidewalk width is provided on the private property on the landscape plan, the required location by ordinance is disrupted by a new introduction of steps and walkway with rails.

### Factors

The alternative landscape plan submitted for this application is a revision to a plan approved by the Board of Adjustment in case # BDA 134-124 in December 2014. New amendments include: 1) a valet station on Harwood, and 2) a designated dining area with landscaping and improvements at the corner of Harwood and McKinney. The street tree alignment along Harwood was amended for the valet.

PD 193 (HC) does not have requirements for landscape site area, but only specifies street trees, sidewalks and screening.

A portion of this property is regulated in PDS 66. This ordinance requires a minimum 10-foot wide sidewalk and two pedestrian-scale lighting fixtures within that area along Harwood Street. These provisions are not subject to a special exception with this request and the PDS 66 site can comply with these measures.

The applicant is planting 10 total trees (6 along Harwood), to be spaced about 25 to 30 feet on center along Harwood, with the exception of a break in continuity to make

space for a valet staging area and ramp, and then 24 feet on center (4 trees) along McKinney.

PD 193 states "aboveground parking structures must have a 10-foot landscaping buffer on any side facing a public right-of-way" and "the buffer must contain one tree for every 25 feet of frontage and evergreen shrubs planted three feet on center."

In this particular design, the majority of the aboveground parking structure within the non-residential building is above the street-level retail units, and hidden behind an enhanced facade that rises for several levels. Additional garage levels are below grade and have no landscape requirement or site impact. All street-level garage frontage with Harwood and McKinney is exposed primarily at the garage entryways only, being where no buffer strip would be required.

The building, and paved exterior, were designed for the purpose of safe and direct pedestrian access from the street to street-level retail uses and other pedestrian entryways. Placement of buffer landscaping could conflict with accessing the retail uses in this heavy commercial district.

#### Recommendation

The chief arborist recommends approval of the alternate landscape plan because the applicant has reasonably demonstrated the proposed plan will not compromise the spirit and intent of PD 193 landscape requirements for HC districts.

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



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-129

Data Relative to Subject Property:

Date: 10-21-16

Location address: 1920 McKinney Zoning District: PD 193 (HC)

Lot No.: 3A Block No.: 524 Acreage: .86 Census Tract: 17.04

Street Frontage (in Feet): 1) 168.09' 2) 312.69' 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) 5827

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): 1900 McKinney Harwood LLC

Applicant: RON RAGSDALE Telephone: 972-715-7400

Mailing Address: 2001 Ross Avenue, #3400 Zip Code: 75201

E-mail Address: RON.RAGSDALE@INRESKO.COM

Represented by: JEFF INHMAN Telephone: (214) 912-5076

Mailing Address: 8115 Preston Rd #700 Zip Code: 75225

E-mail Address: JEFF.INHMAN@KDC.COM

Affirm that an appeal has been made for a Variance \_\_, or Special Exception X, of \_\_\_\_\_  
Landscape or tree preservation

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:  
Client is requesting to build a concrete walkway and 3 stairs in the city right of way to access the restaurant for valet parking. This would require moving one tree to avoid the walkway and stairs. The number of trees will not be reduced but the tree spacing will change from the approved plan and there will be a slight loss of landscape planting beds. On private property, the outdoor area includes a more detailed landscape/hardscape plan that was shown as a placeholder in the original documents.

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.

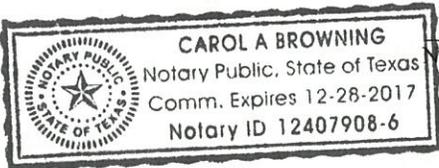
Affidavit

Before me the undersigned on this day personally appeared Ron Ragsdale  
(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] sm  
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 19<sup>th</sup> day of October, 2016

(Rev. 08-01-11)  [Signature]  
Notary Public in and for Dallas County, Texas









architects | interior designers | landscape architects  
 6079 Park Lane, Ste. 200 | Dallas, Texas 75231  
 Tel: 972.781.3800 | Fax: 972.781.3068  
 www.bokapowell.com

These documents are based on plans only and are not to be used for construction or construction administration.

Architect: BO KA Powell, Inc., 6079 Park Lane, Ste. 200, Dallas, TX 75231  
 Project: BDA 156-129  
 Date: 10/11/11  
 Drawing: 5-14

11.06.2014

client  
 HFC  
 11111 Preston Road, Suite 700  
 Dallas, TX 75225

landscape architect  
 BO KA Powell, Inc.  
 6079 Park Lane, Ste. 200  
 Dallas, TX 75231

structural engineer  
 Thornton Tomasetti  
 17750 Meiri Drive  
 Dallas, TX 75224

civil engineer  
 Probes Rich  
 8150 Herd Central Express, Suite 1000  
 Dallas, TX 75260

landscape architect  
 BO KA Powell, Inc.  
 6079 Park Lane, Ste. 200  
 Dallas, TX 75231

project  
 1528 McKinney  
 1528 McKinney Avenue  
 Dallas, TX 75201

The drawings are the property of BO KA Powell, Inc. and shall remain the property of BO KA Powell, Inc. until the project is completed. No part of these drawings shall be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the express written consent of BO KA Powell, Inc.

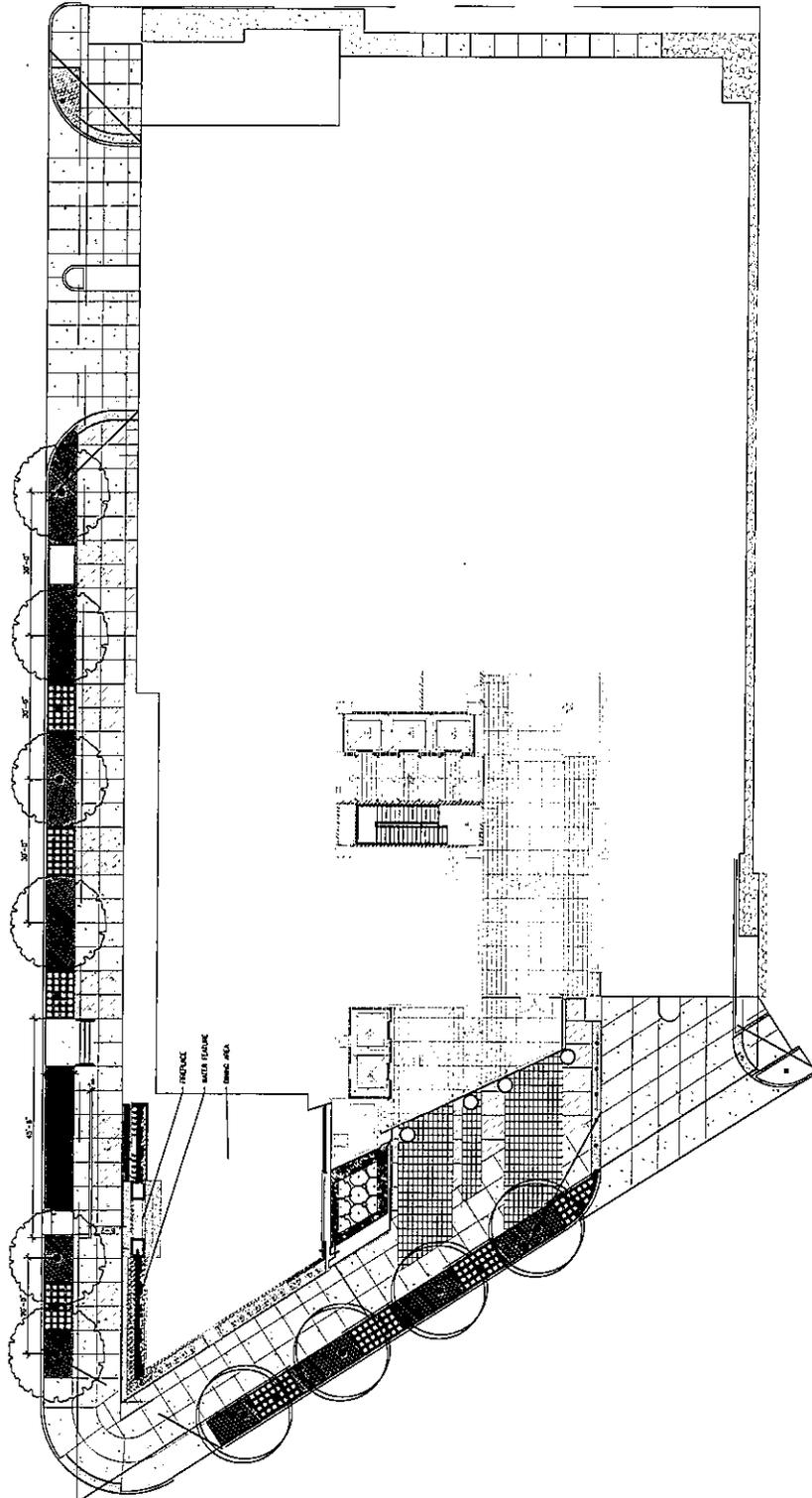
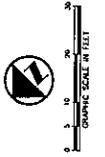
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title  
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project number  
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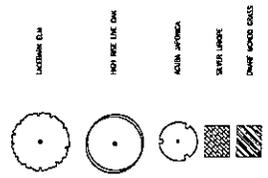
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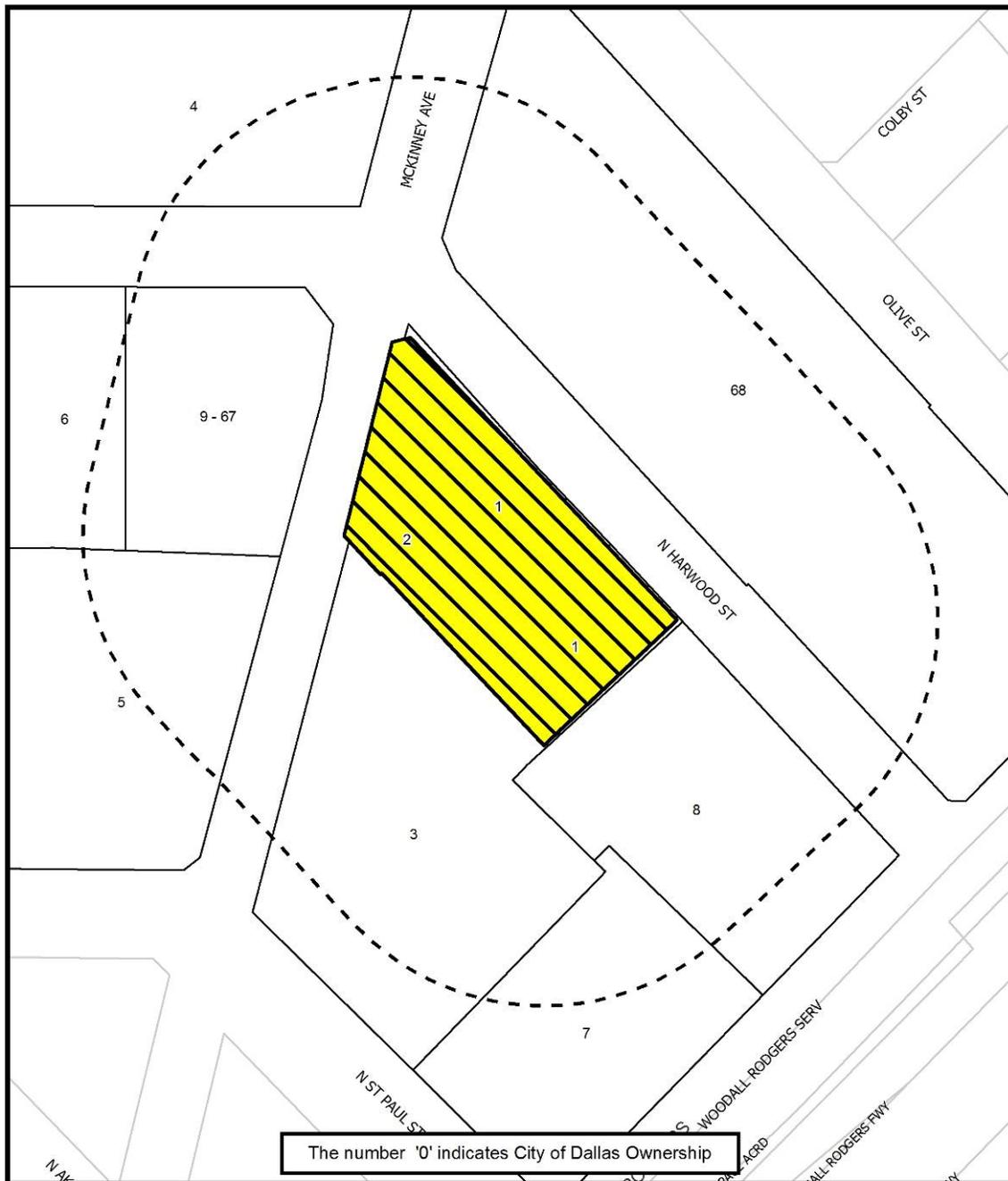
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PLANTING LEGEND



PLANTING GENERAL NOTES

1. ALL PLANTS SHALL BE SET OUT BY APPROX. BY THE OWNER.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL UTILITIES AND STRUCTURES AT ALL TIMES.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL UTILITIES AND STRUCTURES AT ALL TIMES.
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6. ALL PLANT MATERIALS SHALL MEET THE SPECIFICATIONS FOR ADDITIONAL SPECIFICATIONS AND REQUIREMENTS ASSOCIATED WITH THE LANDSCAPE AND ACCESSORIES.
7. ALL PLANT MATERIALS SHALL MEET THE SPECIFICATIONS FOR ADDITIONAL SPECIFICATIONS AND REQUIREMENTS ASSOCIATED WITH THE LANDSCAPE AND ACCESSORIES.
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 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="0"> <tr> <td style="border: 1px solid black; padding: 2px;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="border: 1px solid black; padding: 2px;">68</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	68	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <b>BDA156-129</b> Date: <b>11/17/2016</b>
200'	AREA OF NOTIFICATION					
68	NUMBER OF PROPERTY OWNERS NOTIFIED					

## *Notification List of Property Owners*

### *BDA156-129*

#### *68 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1936 MCKINNEY AVE	1900 MCKINNEY HARWOOD LLC
2	1920 MCKINNEY AVE	1900 MCKINNEY HARDWOOD LLC
3	1900 MCKINNEY AVE	MCP 1900 MCKINNEY LLC
4	2001 MCKINNEY AVE	CRESCENT MCKINNEY OLIVE LP
5	1919 MCKINNEY AVE	HKS BUILDINGS LP
6	1900 CEDAR SPRINGS RD	1900 CS A LLC
7	1909 WOODALL RODGERS FWY	L & W REAL ESTATE LLC
8	2121 N HARWOOD ST	L & W REAL ESTATE LLC
9	1999 MCKINNEY AVE	SIROIS RICHARD N & MARY
10	1999 MCKINNEY AVE	MOORE F DAVID
11	1999 MCKINNEY AVE	ARROYO DEANNE ALYSSA
12	1999 MCKINNEY AVE	HARTL PAUL A
13	1999 MCKINNEY AVE	SMITH WALTER G &
14	1999 MCKINNEY AVE	KALIL STEPHEN A &
15	1999 MCKINNEY AVE	GARRETT MICHAEL L &
16	1999 MCKINNEY AVE	FOX JAMES P & KATHLEEN K
17	1999 MCKINNEY AVE	JAIN ANISH K &
18	1999 MCKINNEY AVE	HENDRICKSON DWIGHT ETAL
19	1999 MCKINNEY AVE	BELMER REBECCA SADLER
20	1999 MCKINNEY AVE	CURTIS AUDREY A
21	1999 MCKINNEY AVE	STONE JANE
22	1999 MCKINNEY AVE	HUTCHINSON WILLIAM L & SUZANNE S
23	1999 MCKINNEY AVE	SHARP THOMAS L
24	1999 MCKINNEY AVE	DEANE BELINDA
25	1999 MCKINNEY AVE	BUGG ROBERT C
26	1999 MCKINNEY AVE	SALES SUSAN CAROLINE

<b>Label #</b>	<b>Address</b>	<b>Owner</b>
27	1999 MCKINNEY AVE	MEDINA MICHAEL A
28	1999 MCKINNEY AVE	STEHNEY JEFFREY ALLEN & JOYCE KAY
29	1999 MCKINNEY AVE	TILLERY BRYCE
30	1999 MCKINNEY AVE	STUVE OLAF &
31	1999 MCKINNEY AVE	WERBNER MARK
32	1999 MCKINNEY AVE	DUFOUR FRANK & KRISTIN LEE
33	1999 MCKINNEY AVE	HOUSE JAMES A &
34	1999 MCKINNEY AVE	HALBERT LINDSEY &
35	1999 MCKINNEY AVE	BARTLETT CHARLES M & MELISSA S
36	1999 MCKINNEY AVE	STRONG BRENDA L
37	1999 MCKINNEY AVE	MOORE LARRY H & DORRINE B
38	1999 MCKINNEY AVE	SCHUBERT FRANK B &
39	1999 MCKINNEY AVE	DOWLING MAUREEN F
40	1999 MCKINNEY AVE	SEBRA GEORGE J
41	1999 MCKINNEY AVE	CASSIDY THOMAS P & ARLEEN D
42	1999 MCKINNEY AVE	1999 LISA K HAINES TRUST
43	1999 MCKINNEY AVE	KISBERG PAMELA
44	1999 MCKINNEY AVE	ROY JOHN PARKER
45	1999 MCKINNEY AVE	BRINK RICHARD R &
46	1999 MCKINNEY AVE	OBERING MIHOKO K
47	1999 MCKINNEY AVE	BRADFORD TED R
48	1999 MCKINNEY AVE	BRUNT WILLIAM B
49	1999 MCKINNEY AVE	WOMACK STEVEN W
50	1999 MCKINNEY AVE	SAINT AARON W
51	1999 MCKINNEY AVE	MALONE MICHAEL W
52	1999 MCKINNEY AVE	EDMISTON ANGIE L
53	1999 MCKINNEY AVE	CRAMM HOPE & GENE
54	1999 MCKINNEY AVE	ABINGTON TOM E & GLYNDA C
55	1999 MCKINNEY AVE	MILLER JAMES H & ROSANNE T
56	1999 MCKINNEY AVE	NAIK SURAJ
57	1999 MCKINNEY AVE	WINTER F DAVID JR & RENEE

11/17/2016

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
58	1999 MCKINNEY AVE	PRENTISS MICHAEL & STEFANIE K
59	1999 MCKINNEY AVE	BALDOR JORGE L
60	1999 MCKINNEY AVE	FRENCH ROBERT P & MARSHA B
61	1999 MCKINNEY AVE	WUNDERLICK JOHN ROBERT
62	1999 MCKINNEY AVE	MCLAREN JEFFREY
63	1999 MCKINNEY AVE	PRITCHARD JOHNNY G &
64	1999 MCKINNEY AVE	ASHMORE GLEN A
65	1999 MCKINNEY AVE	EISENSTEIN ABRAM &
66	1999 MCKINNEY AVE	ACKERMAN JOHN & SUNNY
67	1999 MCKINNEY AVE	LEDBETTER FINLEY & JONI
68	2000 MCKINNEY AVE	2000 MCKINNEY INVESTMENT

**FILE NUMBER:** BDA156-122(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Colin Watson to appeal the decision of the administrative official at 1014 Clermont Avenue. This property is more fully described as Lot 25, Block 26/2226, and is zoned CD 6, which prohibits brick surfaces not previously painted from being painted unless the applicant establishes that (A) the color and texture of replacement brick cannot be matched with that of an existing brick surface, and that (B) the brick is not original or compatible with the style and period of the main structure. The applicant proposes to appeal the decision of an administrative official that the applicant has not provided proof that the brick cannot be matched per the ordinance. It is the opinion of conservation district staff that the current replacement brick is compatible with the style and period of the main structure.

**LOCATION:** 1014 Clermont Avenue

**APPLICANT:** Colin Watson

**REQUEST:**

The submitted application states that “an appeal of an administrative official’s decision” is made and that “denial was issued based on Ord. 26884(7)(j)(1)(A) ‘Brick surfaces not previously painted must not be painted unless the applicant established that (A) the color and texture of replacement brick cannot be matched with that of existing brick surface.’ We intend to prove that the brick cannot be matched and should be allowed to be painted.”

**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 6, Conservation District  
North: CD 6, Conservation District  
South: CD 6, Conservation District  
East: CD 6, Conservation District  
West: CD 6, Conservation District

**Land Use:**

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

**Zoning/BDA History:**

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

**GENERAL FACTS/STAFF ANALYSIS:**

- The board shall have all the powers of the administrative official on the action appealed. The board may in whole or in part affirm, reverse, or amend the decision of the official.

**Timeline:**

September 20, 2016: 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 8, 2016: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

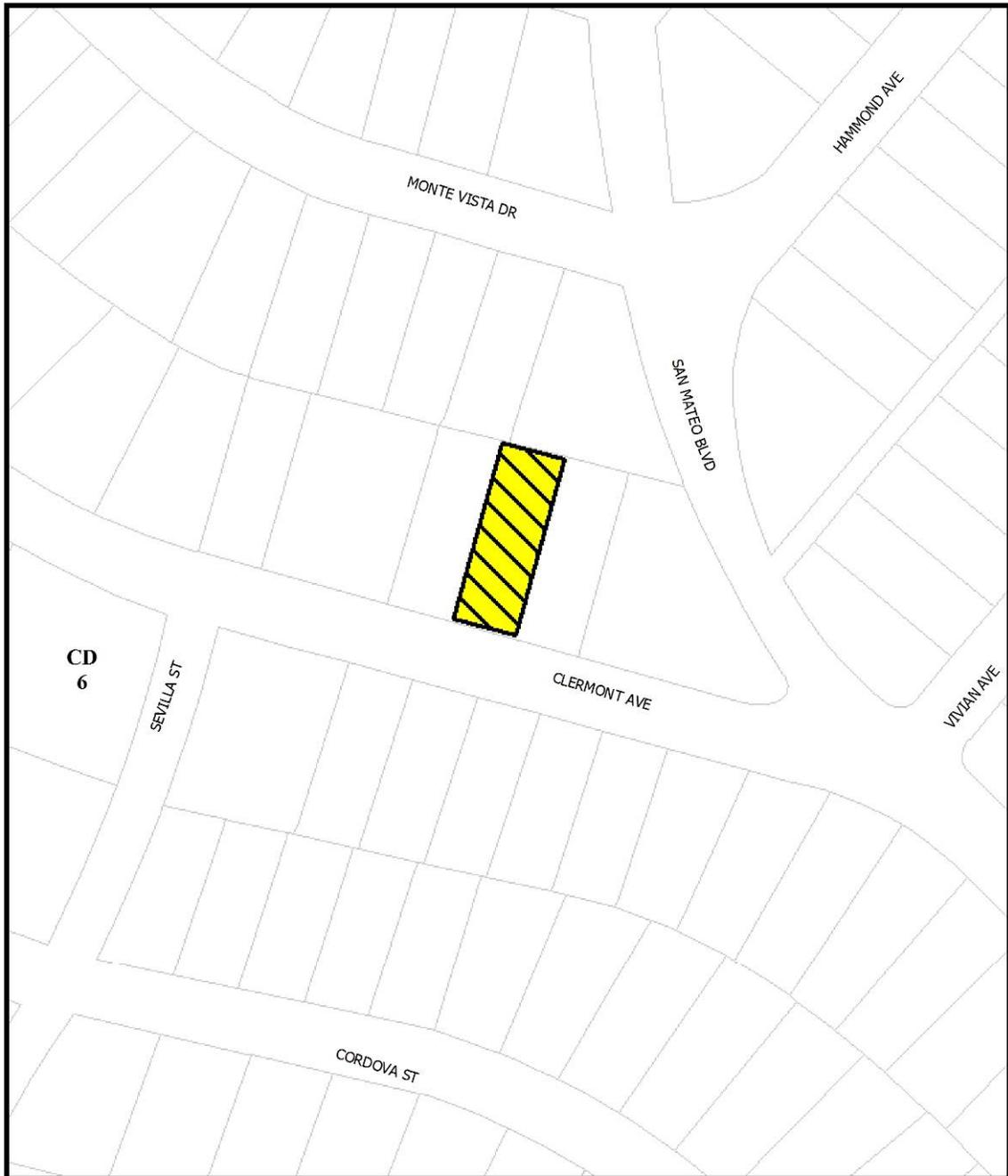
November 8, 2016: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the November 23<sup>rd</sup> deadline to submit additional evidence for staff to factor into their analysis (with a notation that staff does not form a recommendation on this type of application); and the December 2<sup>nd</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 29, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for December public hearings. Review team members in attendance included: the

Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

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

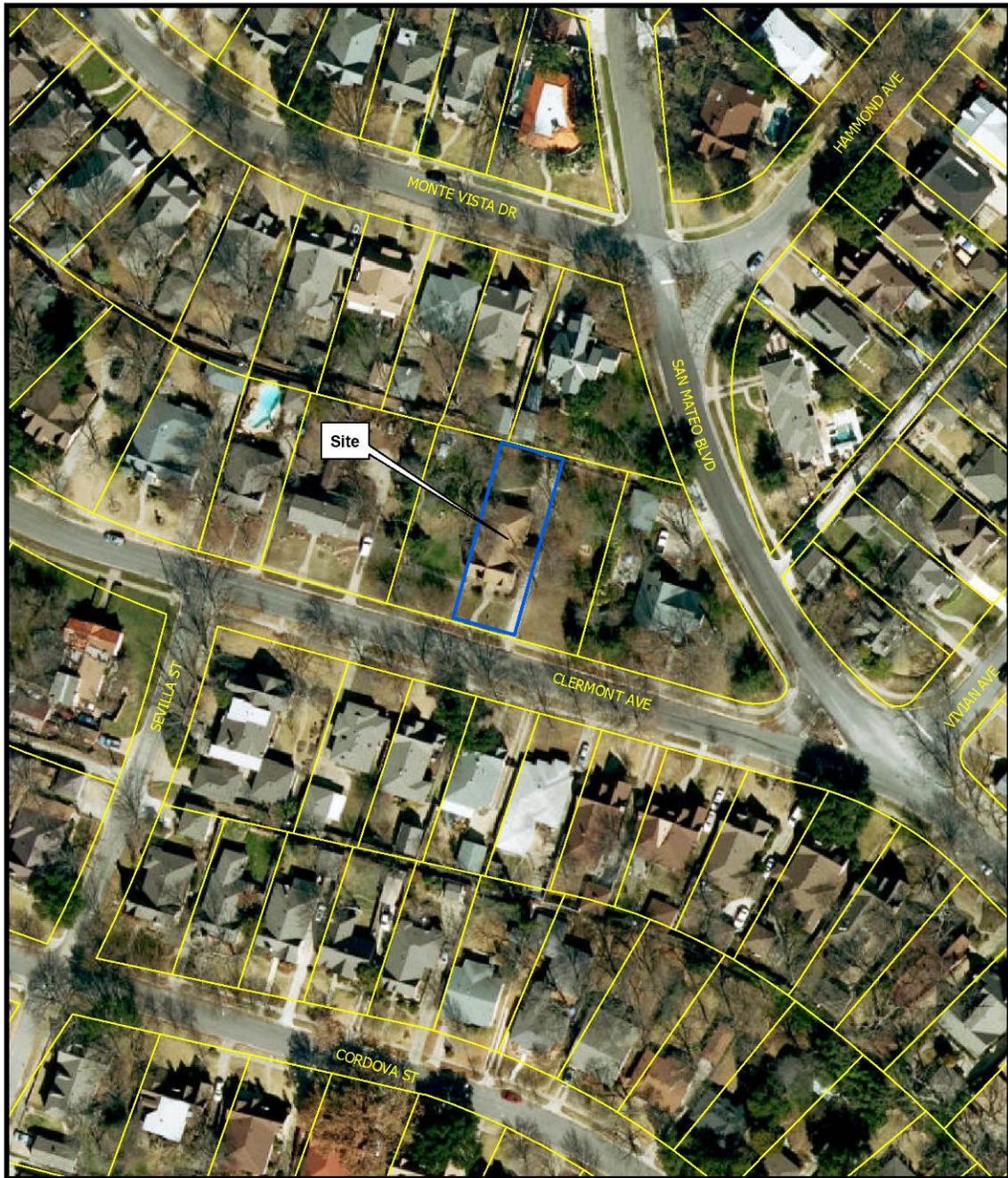


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# ZONING MAP

Case no: BDA156-122

Date: 11/17/2016



1:1,200

# AERIAL MAP

Case no: BDA156-122

Date: 11/17/2016



City of Dallas

C

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-122

Data Relative to Subject Property:

Date: 9/20/16

Location address: 1014 Clermont Avenue Dallas Zoning District: CD6

Lot No.: 25 Block No.: 26/2224 Acreage: .16 Census Tract: 12.02

Street Frontage (in Feet): 1) 60 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_ 5825

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Colin Watson and Kerri Watson

Applicant: Colin Watson Telephone: (214) 616-7559

Mailing Address: 1014 Clermont Avenue Dallas, TX Zip Code: 75223

E-mail Address: cwatson@bankoftexas.com

Represented by: Colin Watson Telephone: (214) 616-7559

Mailing Address: 1014 Clermont Avenue Dallas, TX Zip Code: 75223

E-mail Address: cwatson@bankoftexas.com

Affirm that an appeal has been made for a Variance \_\_, or Special Exception \_\_, of 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:  
Denial was issued based on Ord. 26884(7)(j)(1)(A) "Brick surfaces not previously painted must not be painted unless the applicant establishes that (A) the color and texture of the replacement brick cannot be matched with that of the existing brick surface". We intend to prove that the brick cannot be matched and should be allowed to be painted.

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 Colin Watson  
(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 23rd day of September, 2016



Kathy Filbert  
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**

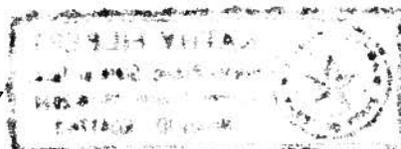
I hereby certify that COLIN WATSON

did submit a request to appeal the decision of the administrative official  
at 1014 Clermont Avenue

BDA156-122. Application of Colin Watson to appeal the decision of the administrative official at 1014 Clermont Avenue. This property is more fully described as Lot 25, Block 26/2226, and is zoned CD-6, which requires per Ord. 26884(7)(j)(1), that brick surfaces not previously painted must not be painted unless the applicant establishes that (A) the color and texture of replacement brick cannot be matched with that of an existing brick surface, and that (B) the brick is not original or compatible with the style and period of the main structure. The applicant proposes to appeal the decision of an administrative official that the applicant has not provided proof that the brick cannot be matched per the ordinance and in the opinion of Conservation District staff that the current replacement brick is compatible with the style and period of the main structure.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official



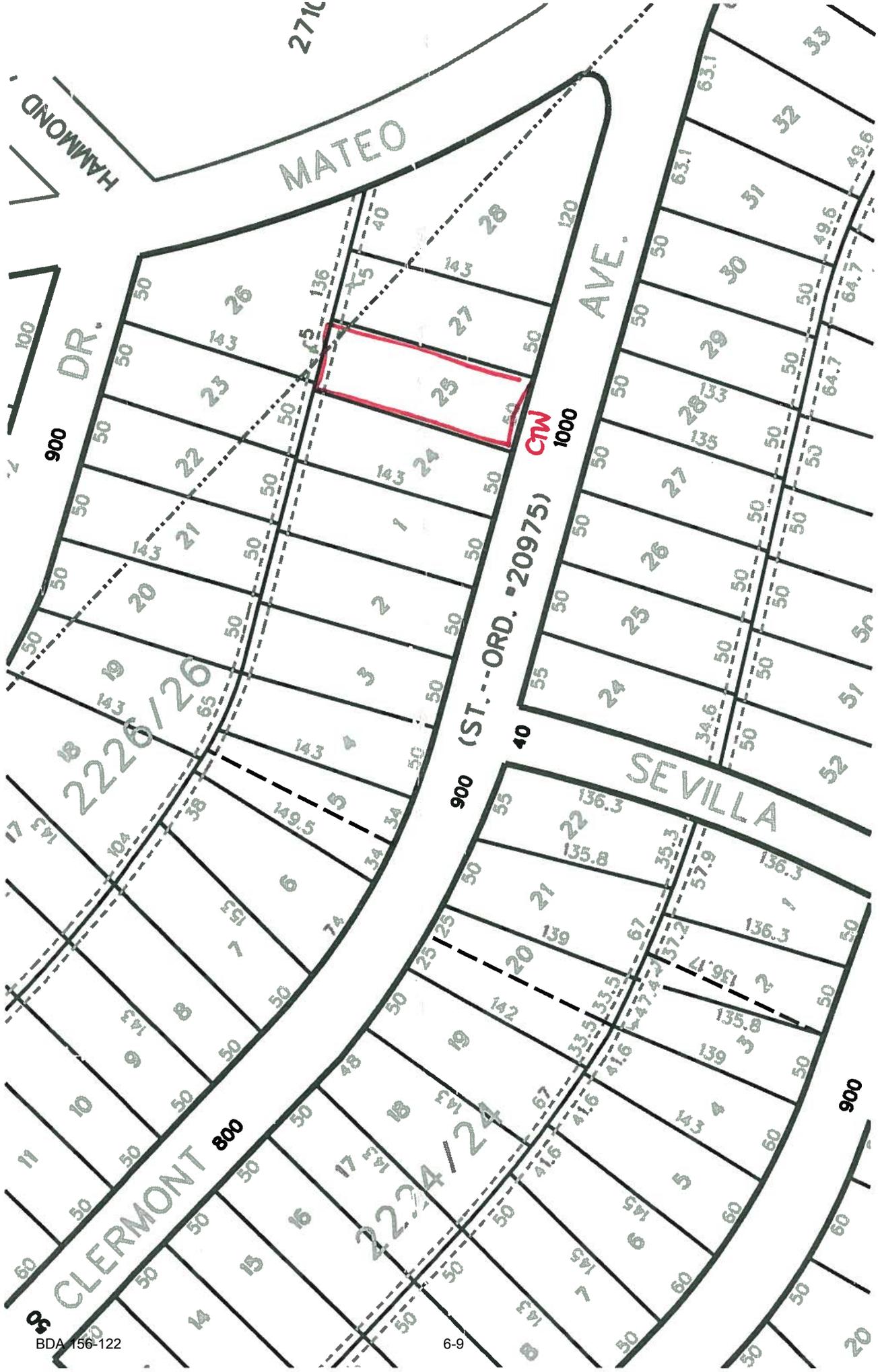
# City of Dallas

## Internal Development Research Site

### Legend

### Locate Property





# Conservation District Denial



## Hollywood/Santa Monica Conservation District City of Dallas

Date Applied: 10/12/16

Date Reviewed: 10/12/16

**Address: 1014 CLERMONT ST**

Applicant: WATSON, COLIN  
1014 CLERMONT ST  
DALLAS, TX 75222  
(214) 616-7559

### Architectural Style: Tudor

Proposed Work: Other - no permit required

PAINT EXTERIOR BRICK & TRIM ON EXTERIOR OF HOME. MULTIPLE AREAS OF THE HOME HAVE NOTICEABLY DIFFERENT BRICK DUE TO RECENT REMODEL & NEW ADDITION TO HOME.

**Permit is required: NO**

### Work is Denied

Per Ord. 26884(7)(j)(1), "Brick surfaces not previously painted must not be painted unless the applicant establishes that (A) the color and texture of replacement brick cannot be matched with that of an existing brick surface." Further, per Ord. 26884(7)(j)(1), "Brick surfaces not previously painted must not be painted unless the applicant establishes that (B) the brick is not original or compatible with the style and period of the main structure." The applicant has not provided proof that the brick cannot be matched per Ord. 26884(7)(j)(1)(A) and it is the opinion of Conservation District staff that the current replacement brick is compatible with the style and period of the main structure.



Philip Sikes, 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**



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 156-122

I, Keeri Watson, Owner of the subject property  
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 104 Clermont Ave Dallas, TX 75223  
(Address of property as stated on application)

Authorize: Colin Watson  
(Applicant's name as stated on application)

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

Variance (specify below)

Special Exception (specify below)

Other Appeal (specify below)

Specify: An appeal of an administrative officials decision

Print name of property owner/agent      Signature of property owner/agent      Date

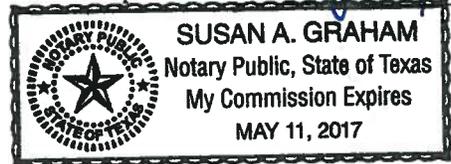
Before me, the undersigned, on this day personally appeared \_\_\_\_\_

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

Subscribed and sworn to before me this 11 day of October, 2016

Susan A. Graham  
Notary Public for Dallas County, Texas

Commission expires on May 11, 2017





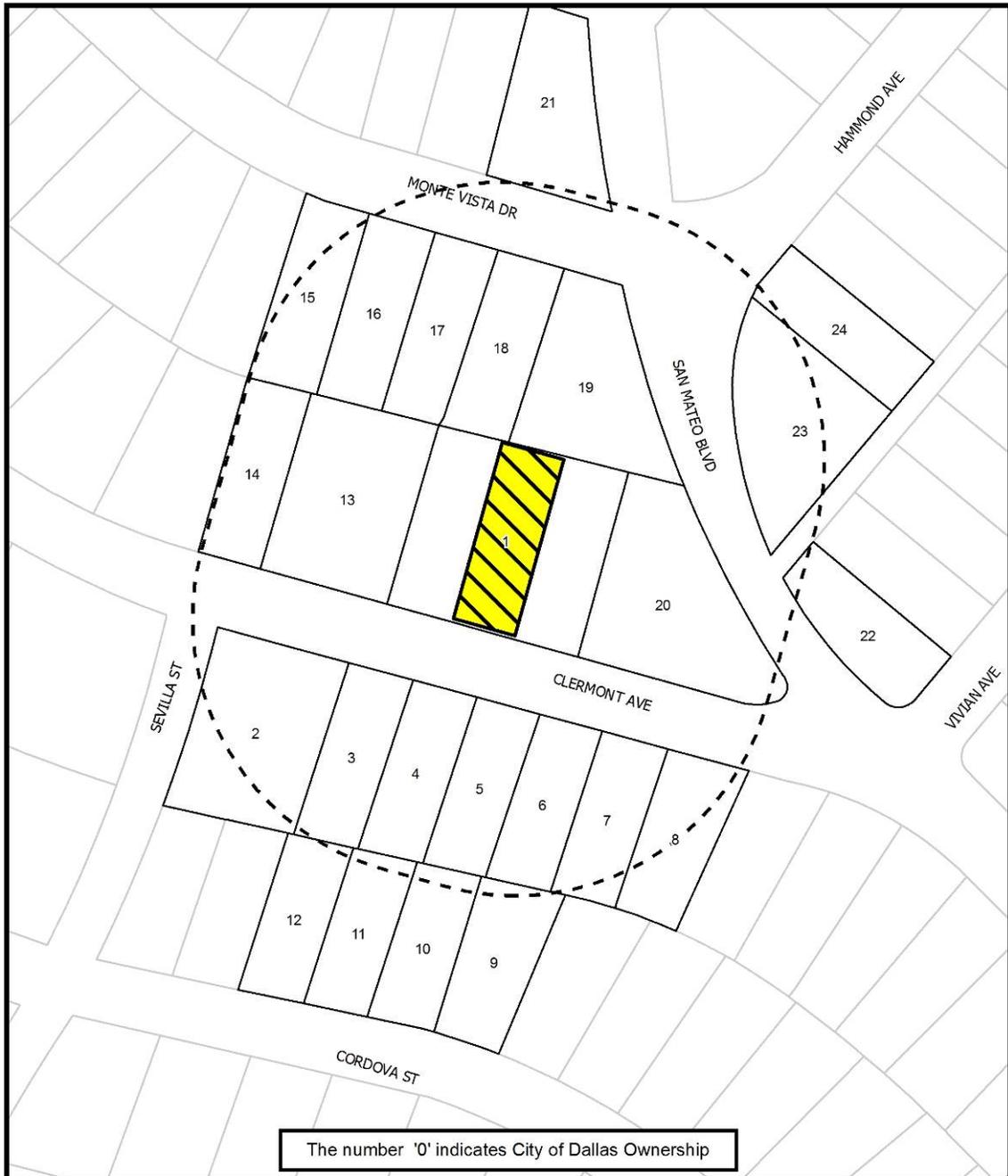
CITY OF DALLAS

**Outline of Procedure for Appeals from Decisions of an Administrative Official**

An appeal of an administrative official's decision may have very structured procedures that resemble a court hearing, or it may have more informal procedures that resemble a typical case brought before the Board of Adjustment. The parties can decide how they want to present their case. This document accounts for both scenarios. Please note that although there are time limits listed in this outline, the presiding officer reserves the right to alter these time limitations to promote fairness and efficiency.

- I. Explanation of the procedures by the presiding officer
- II. Swearing in of all persons who will testify in the case
- III. Applicant's case: 20 minute limit
  - a. This may resemble a typical Board case where the applicant merely presents his argument to the Board. It may also resemble a court hearing where the applicant gives an opening statement, calls witnesses, and offers evidence.
  - b. If the applicant calls a witness, the administrative official is able to cross examine the witness.
  - c. The applicant may conduct a redirect of his witness.
  - d. The applicant may submit documents to the Board Secretary as long as they comply with the documentary evidence rules set forth in the Board's Rules of Procedures.
  - e. The Board may ask questions at any time. Board member questions will not count towards the time limitation.
- IV. The Administrative Official's case: 20 minute limit
  - a. This may resemble a typical Board case where the administrative official presents his argument to the Board. It may also resemble a court hearing where the administrative official gives an opening statement, calls witnesses, and offers evidence.

- b. If the administrative official calls a witness, the applicant is able to cross examine the witness.
  - c. The administrative official may conduct a redirect of his witness.
  - d. The administrative official may submit documents to the Board Secretary as long as they comply with the documentary evidence rules set forth in the Board's Rules of Procedures.
  - e. The Board may ask questions at any time. Board member questions will not count towards the time limitation.
- V. Rebuttal by the applicant (optional): 3 minutes
- VI. Closing Statements
- a. Applicant's closing statement (optional): 3 minutes
  - b. The administrative official's closing statement (optional): 3 minutes
- VII. Move and second to either affirm, reverse, or amend the administrative official's decision.
- VIII. Open discussion of the case by Board members
- IX. Voting: Four concurring votes are required to reverse or amend the administrative official's decision.



1:1,200

## NOTIFICATION

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

Case no: **BDA156-122**

Date: **11/17/2016**

## *Notification List of Property Owners*

### *BDA156-122*

#### *24 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1014 CLERMONT AVE	RENEWELL DESIGN LLC
2	1003 CLERMONT AVE	CARPENTER JEREMY & ANGELA
3	1007 CLERMONT AVE	GEREN WILLIAM
4	1011 CLERMONT AVE	WHISLER MEGAN
5	1019 CLERMONT AVE	GUTIERREZ KATHLEEN
6	1023 CLERMONT AVE	FAILS JEWEL F
7	1025 CLERMONT AVE	TRIMBLE PAUL L & PAMELA J
8	1103 CLERMONT AVE	BROOKS STUART RANDALL &
9	1022 CORDOVA ST	POST JOHN
10	1018 CORDOVA ST	LOUDIS PETER M
11	1014 CORDOVA ST	STEEN CARRIE
12	1010 CORDOVA ST	GEYER JULIA H &
13	1006 CLERMONT AVE	STAMPES JARRETT &
14	916 CLERMONT AVE	THOMPSON AIMEE E &
15	907 MONTE VISTA DR	HARSTON SHARON S
16	911 MONTE VISTA DR	HOLMAN JOHN H
17	915 MONTE VISTA DR	MENDETTA MICHAEL
18	919 MONTE VISTA DR	BURNETT STEPHEN &
19	923 MONTE VISTA DR	GETMANENKO STANISLAV &
20	1028 CLERMONT AVE	KILLAM CLAYTON H
21	918 MONTE VISTA DR	HUGHES JAMES W II
22	6700 SAN MATEO BLVD	KRAULAND DANIEL &
23	6710 SAN MATEO BLVD	DURBIN NORMAN E
24	6802 HAMMOND AVE	BENNETT KATHERINE H

**FILE NUMBER:** BDA156-124(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Richel Francis for a special exception to restore a nonconforming use at 1005 W. Wheatland Road. This property is more fully described as a 7.37 acre tract in Block 7525, and is zoned MF-1(A) & PD-598 (Tract 1B), which limits the legal uses in a zoning district. The applicant proposes to restore a nonconforming multifamily use, which will require a special exception to the nonconforming use regulations.

**LOCATION:** 1005 W. Wheatland Road

**APPLICANT:** Richel Francis

**REQUEST:**

A request for a special exception to restore/reinstate nonconforming use rights for a multifamily use on the subject site that was discontinued for a period of six months or more is made to obtain a Certificate of Occupancy (CO) for this use.

**STANDARD FOR A SPECIAL EXCEPTION TO OPERATE A NONCONFORMING USE IF THAT USE IS DISCONTINUED FOR SIX MONTHS OR MORE:** The Dallas Development Code states that the Board may grant a special exception to operate a nonconforming use that has been discontinued for six months or more if the owner can show that there was a clear intent not to abandon the nonconforming use even though the use was discontinued for six months or more.

**STAFF RECOMMENDATION:**

No staff recommendation is made on this or any request for a special exception to operate a nonconforming use if that use is discontinued for six months or more since the basis for this type of appeal is based on whether the board determines that there was a clear intent not to abandon the nonconforming use even though the use was discontinued for six months or more.

**BACKGROUND INFORMATION:**

**Zoning:**

**Site:** PD 598 (Tract 1) & MF-1(A)(Planned Development and Multifamily)  
**North:** R-7.5(A) (Single family residential 7,500 square feet)  
**South:** PD 598 (Tract 3)(Planned Development)  
**East:** MF-1(A)(Multifamily)  
**West:** PD 598 (Tract 1)(Planned Development)

### **Land Use:**

The subject site is developed with a vacant multifamily use. The area to the north is developed with single family uses, the area to the east is developed with multifamily use; the area to the south is undeveloped, and the area to the west is developed with commercial/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.

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

- This request focuses on restoring/reinstating nonconforming use rights for a multifamily use that has been discontinued for six months or more in order for the applicant to obtain a Certificate of Occupancy (CO) for this use.
- The Dallas Development Code defines “nonconforming use” as “a use that does not conform to the use regulations of this chapter, but was lawfully established under the regulations in force at the beginning of operation and has been in regular use since that time”.
- The nonconforming use regulations state it is the declared purpose of the nonconforming use section of the code that nonconforming uses be eliminated and be required to comply with the regulations of the Dallas Development Code, having due regard for the property rights of the persons affected, the public welfare, and the character of the surrounding area.
- The nonconforming use regulations also state that the right to operate a nonconforming use ceases if the nonconforming use is discontinued for six months or more, and that the board of adjustment may grant a special exception to operate a nonconforming use that has been discontinued for six months or more if the owner can show that there was a clear intent not to abandon the nonconforming use even though the use was discontinued for six months or more.
- The vast majority of land area in the subject site is zoned PD 598 (Tract 1) – a zoning district that does not permit a multifamily use at this location.
- A document has been included in the case file that states the multifamily use at 1005 W. Wheatland Road has been identified by Building Inspection to be a nonconforming use.
- According to DCAD records, the “improvements” for the property addressed at 1005 W. Wheatland Road is a 68,586 square foot “apartment” constructed in 1964.
- Building Inspection has stated that these types of special exception requests originate from when an owner/officer related to the property applies for a CO and Building Inspection sees that the use is a nonconforming use. Before a CO can be issued, the City requires the owner/officer related to the property to submit affidavits stating that the use was not abandoned for any period in excess of 6 months since the issuance of the last valid CO. The owners/officers must submit documents and

records indicating continuous uninterrupted use of the nonconforming use, which in this case, they could not.

- The applicant has the burden of proof in establishing the following related to the special exception request:
  - There was a clear intent not to abandon the nonconforming multifamily use on the subject site even though the use was discontinued for six months or more.
- Granting this request would reinstate/restore the nonconforming multifamily use rights that were lost when the use was abandoned for a period of six months or more.
- If restored/reinstated, the nonconforming use would be subject to compliance with use regulations of the Dallas Development Code as any other nonconforming use in the city. (The applicant has been advised by staff of Section 51A-4.704 which is the provision in the Dallas Development Code pertaining to “Nonconforming Uses and Structures”).

### **Timeline:**

October 13, 2016: 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 8, 2016: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

November 8, 2016: The Board Administrator emailed the applicant the following information:

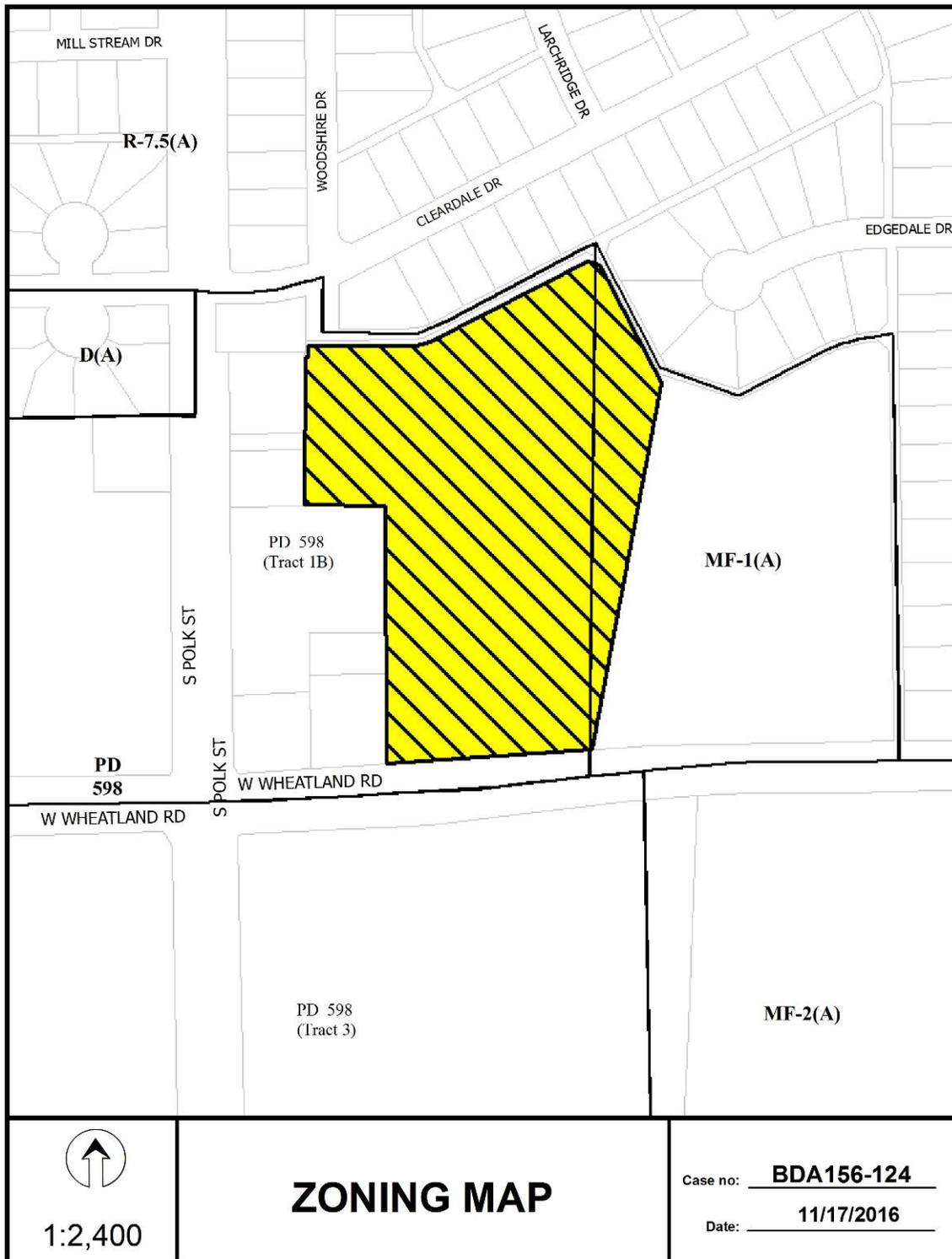
- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the November 23<sup>rd</sup> deadline to submit additional evidence for staff to factor into their analysis; and the December 2<sup>nd</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request;
- the 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 29, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for December public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, the Sustainable Development and Construction

Department Project Engineer, and the Assistant City Attorney to the Board.

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

December 2, 2016: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachments A, B, and C).





1:2,400

# AERIAL MAP

Case no: BDA156-124

Date: 11/17/2016

BDA156-124

Attach A

Pg 1

Sofs Holdings Llc  
1005 W.Wheatland Road  
Dallas, Texas

December 1, 2016

Dallas Board of Adjustment  
1500 Marilla Street  
Dallas, TX 75201

**Subject: Zoning conformities for Crystal Creek Apartments Complex**

Esteemed members of the Board of Adjustment,

This letter is submitted on behalf of **SOFS Holdings LLC** in their application to reinstate the nonconforming multifamily use of the 136 units section of the West side of Ricketts's Branch Creek also known as The Crystal Creek Apartments complex. As a real-estate investor, **SOFS Holdings** has always collaborated with city departments and boards in order to rejuvenate decaying buildings and help offer affordable and clean apartments to well deserving citizens.

On January of 2011, the owner at the time, **GLE Investments**, sold a three parcel apartment complex located on both the East & West side of Ricketts's Branch Creek situated at 1005 W. Wheatland Road. The east side of the Creek is zoned for multifamily use but multifamily zoning west of the creek was discontinued in the 1990's. A company called **South Baylor University** bought the entire 220 units complex and couple years later in January 2013 the property was again listed for sale. Phillips Commercial Realestate advertised the property, for the second time, as a residential apartment building with one & two bedroom units totaling 130,000+ sq.ft. of rentable living space. Richel Francis, acting partner of **Sofs Holdings Llc** responded to the listing and in 2013 purchased the 2 parcels on the west side of Rickettes Branch Creek a total of 144 units. The 76 units on the multifamily zoned east side of the Creek remained with **South Baylor Univ.** Later these 76 units were sold to another owner and they are currently housing community residents.

When **South Baylor University** purchased this entire complex in Januaray 2011 they pulled multiple master and general permits. Workers started making improvements and completing repairs so the property would be more appealing to potential residents. **South Baylor** was going to use their available funds to improve the condition of the property and increase occupancy making all three parcels eligible for bank financing in the future. This was the plan but operating costs were high and rental income was low. The U.S. economy was still recovering from a difficult recession, banks were not lending any money and many household incomes had decreased dramatically. **South Baylor** eventually began tapping into reserves to help cover operating costs. This diminished their budget for improvements but they needed to continue to work because each finished project brought them a step closer to their goal of 100% occupancy of the 220 unit multifamily complex. After nearly a year of work & chipping away at their reserves, suddenly in mid-April 2012, came reports of asbestos contamination in multiple areas inside all three separately parceled buildings. There were residents occupying living spaces in all three parcels at this time and finding asbestos meant every unit would need to be evacuated until decontamination was complete.

Decontamination alone for the entire property would cost more than \$200,000.00 and moving out all the residents meant having no rental income. Despite these new challenges **South Baylor Univ.** still refused to give up. Borrowing from private, less conventional lenders was the only way **South Baylor** could afford these repairs and it would take time to raise this much money. The Company decided it was best to stage repairs by section to minimize the impact of cost & maximize their ability to successfully complete the project. The 76 units parcel located on the residentially zoned east side of the creek needed the least amount of repairs & had the lowest decontamination cost. Fixing this building first was best because it could be done faster than the other two sections. The two parcels in the building west of the Creek needed much more work and because both parcels are located inside the same building all 144 units would have to be decontaminated and remodeled before even one unit could be occupied. Now with the first section of repairs and improvements completed, tenants were moving into the 76 units building and **South Baylor** was raising the money necessary for the largest section of this decontamination project.

The two parcels in this building have two separate addresses. The front parcel has 73 units and is addressed 1005 W. Wheatland Road, the parcel at the back of the building is 8000 Woodshire Drive and it has 71 units. Both buildings are connected to make one large 144 suite apartment building. By May 2012 **South Baylor** raised the \$60,000.00 for asbestos removal and the \$9,050.00 for project management and final reports for the front side of the 144 units building. The ideal was to finish 1005 W. Wheatland Road, and once that parcel passed inspection they could begin working on the 71 units in the parcel on the back side of the same building. Unfortunately before the final phase began thieves and vandals broke into the newly decontaminated unoccupied section and it was heavily vandalized. They stole copper pipes & electrical wires by cutting them then ripping them out of the walls. They exposed asbestos located in previously undisturbed areas and essential components of the chiller system that is used to heat the building were destroyed beyond repair.

To fix all this terrible damage done by thieves it would take multiple permits and full replacement of the buildings entire infrastructure. Every single pipe & wire that was stolen would have to be replaced and the building would now need total rehabilitation in addition to asbestos removal. This violent act was the final devastating blow to **South Baylor Univ.** There were just too many issues to defeat and their company was in a terrible financial situation. They had purchased a large multifamily complex that needed repairs to improve conditions and increase occupancy at the time it was purchased. These buildings were only 50% occupied and rental income was very low before they found asbestos and had to evacuate. Now the property had been vandalized after the company spent tens of thousands of dollars on decontamination. No bank would lend money under these conditions and **South Baylor** had already borrowed all the money they could from private lenders and family members for the repairs that were completed. The company decided it had no choice but to sell the 144 units they could not afford to repair.

Selling this property after this new damage would be very difficult so **South Baylor** continued to work on finishing the project in case the right investor never came along. This new investor would need to have enough cash to purchase all 144 units without getting a bank loan. They would have to first decontaminate each unit and pay for asbestos disposal. Next they would have to remodel each unit, all while paying every operating expense on a property that currently had no income. **South Baylor** was keeping the only parcel that was earning money, the 76 units east of the Creek in the parcel they were able to successfully repair.

Most of the information we have shared thus far was unknown to the new buyers (**Sofs Holdings Llc**) until long after their purchase of this property was complete. It was gathered from the owner of **South Baylor Univ.**, the property manager, other employees under **South Baylor**, and the sale broker from the real estate company. Phillips Commercial Real-estate listed the property and when **SOFS Holdings Llc** responded to ads, they were told the current owner had exhausted their budget attempting asbestos removal. The realtors explained the asbestos issues and the expensive repairs ahead always careful to site the earning potential of this multifamily complex and the projected return on this kind investment. **SOFS Holdings Llc** was excited by the opportunity to finish this challenge along with the chance to get these units back to housing members of this working and deserving community. So in March of 2013 **SOFS Holdings Llc** purchased 144 of the 220 units located at 1005 W. Wheatland Road.

Once Sof's Holdings Llc became the properties new owner they immediately pulled multiple permits and purchased materials & fixtures for the 136 units, 8 units will need to be demolished due to fire damage. There were contaminated walls inside every single unit and each one needed to be plastered and painted after decontamination. Sof's Holdings Llc spent over \$80,000.00 in asbestos removal only. Sof's bought new kitchen and bathroom cabinets, counter tops, replaced bathtubs and toilets, new sink and shower faucets, and new smoke detectors. About 120,000 sqft of new ceramic porcelain tiles was installed in order to replace the old carpet. All the electric has been upgraded with new switches, plugs, wires, breakers and electrical boxes. Our contractors even installed underground conduit to supply the proper current for new meters that we bought for each unit as well as for the 12 new transformers that were installed by The Encore Power Company. Damage to the chiller system caused it to be taken off line permanently so the missing A/C units will be replaced with individually controlled central air units. If we install them now they maybe stolen. New wires for phone, internet & cable tv were run to each individual apartment and each room has its own line. We even put wires underground for security cameras to monitor the property and security lights light up the grounds at night. Our security guard lives on site along with working contractors but there has still been two break-ins since our purchase of the property.

Sof's Holdings has maintained this property inside and out paying for each and every expense, receiving no income since the purchase in March 2013. We have replaced missing siding, broken windows and kept the building and the yard free of debris. The grass is cut regularly and there have been no violations. City inspectors have been inside the property on many occasions and they seem pleased with the repairs and improvements. In fact Sof's Holdings Llc has multiple green tag approvals issued by different inspectors for electricity, plumbing and general repairs properly completed. We were asking the city to schedule another plumbing inspection when we were notified of a zoning issue.

Our plumbing contractor was sent to ask when an inspector would be at the property to approve some plumbing repairs and he was told the permit had been rejected. Confused we went to have the plumbing permit reissued and we were told that we had to get an occupancy permit first. At the zoning department we asked for the occupancy permit and finally they explained that a zoning change in the mid 1990's meant we needed to apply for a continuing occupancy permit to move forward. It was now 2016, every permit we had a green tag for was zoned multifamily. Until Up to this point, no mention had ever been made of any reason the project could not continue as planned and there was no reason to think zoning would be an issue.

Nearly 3 years has passed since we began this project and almost two million dollars has been spent on repairs and improvements. Now, as we faced the final year of this huge expensive project, the city cancelled our permits and would not schedule an inspection. It took several calls and hours of research to understand exactly how this all happened. Records show this building housed residents until the very day asbestos removal was deemed necessary. Dallas Central Appraisal records still have the properties state code listed as multifamily apartments, and the use of these buildings has never changed. Each owner of this complex has worked persistently to maintain the properties status as a residential rental location and all repairs and improvements were made with the wellbeing of potential residents in mind.

In October 2016 Richel Francis filed an application to appeal to the board of adjustment on behalf of Sof's Holdings Llc asking to reinstate the Continuing Occupancy Permit so we can work with city inspectors to get these two sections of the property back in operation. Our company loses money each day we can not make progress. No income potential means this property could end up an eyesore forcing a costly demolition. As buyers we were not aware that we would have to apply for a special zoning permit to continue operating this property as the same kind of residential rental property it had always been used for. However there is only one clear use for this property and that is as multifamily housing. Had we known about this zoning issue we would not have made this purchase.

We are and have always been respectful of city laws and regulations, we also believe that the city and citizens could greatly benefit from a remodeled and occupied 136 unit apartment building. Reinstatement of the nonconforming multifamily use of this property will offer local employment, and a quiet friendly place to live. In this matter, considering the efforts, time, not to mention the money invested, and how little work there is left to finalize this project we are respectfully asking that you allow us to finish what we started and allow families to once again call this complex home.

BDA 156-124

Attach A

PS 4

Sofs Holdings Llc is committed to providing comfortable affordable community living and we are confident you will be pleased with your decision to trust us. Our investors are very hands on and we spend time managing both our property and staff with pride and compassion. An office space will be located on this site to monitor workers and community activity. Our company will work diligently to minimize the impact of construction on surrounding residential homes & businesses using our parking areas and free spaces to house equipment and supplies. Thank you in advance for your careful considerations in this matter and please feel free to contact us with any additional questions or concerns as we will be more than happy to address them.

Respectfully,

Richel Francis  
(305)631-8877  
richelfrancis@hotmail.com  
Sofs Holdings Llc

BDA156-124

Attach A

PS5

**Long, Steve**

---

**From:** richel francis <richelfrancis@hotmail.com>  
**Sent:** Thursday, December 01, 2016 8:22 PM  
**To:** Long, Steve  
**Subject:** Fwd: crystal creek apartment , email 4

BDA-156-124  
Allen A  
pg 6



BDA 156-124  
A H24 A  
957



BDA156-124  
Athen A  
45 B



BDA 156-124

Attch A

PS 9

BDA 156-124

Attach A

PS 10



BDA156-124

Attach A

pg 11



BDA 156-124

Album A

pg 12



BDA 156-124

Attachment A

PS 14



BDA 156-124

attached to

pg 16

Richel Francis  
Real Estate Investor

Tel: +1 305.631.8877

# CO Inspection Request

BDA 156-124  
Attach B  
PS1

Development Services Department | Building Inspection Division | 214/948-4480 | www.dallascityhall.com

**Validation #:** 1111171027  
**Address:** 8000 WOODSHIRE DR 75232  
**Issue Date:** 02/08/2012  
**Land Use Description:** MULTI-FAMILY DWELLING

**Owner Or Tenant:** IKE PARK  
4312 W CAMPWISDOM # 145 DALLAS TX 75234  
**Applicant:** PARK, IKE  
**Telephone:** 310/710-1166 **Fax:**

Lot:	6	Block:	7525	Zoning:	MF-1(A),PI	PDD:	598	SUP:	
Historic Dist:		Consrv Dist:		Pro Park:	145	Req Park:	145	Park Agrmt:	N
Dwlg Units:	11	Stories:		Occ Code:	R2	Lot Area:	0	Total Area:	64770
Type Const:	VB	Sprinkler:		Occ Load:		Alcohol:	N	Dance Floor:	N

**For inspections call 214/670-5313, 24 hours. You will need your validation number 1111171027 and one of the inspection types from the list below.**

650 All	350 Electrical
150 Building	450 Mechanical
250 Plumbing	

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

**Occupied Portion:**  
**Remarks:**

BDA 156-124  
Attach B  
PS 2

# CO Inspection Request

Development Services Department | Building Inspection Division | 214/948-4480 | www.dallascityhall.com

**Validation #:** 1109281023  
**Address:** 1005 W WHEATLAND RD 75232  
**Issue Date:** 02/08/2012  
**Land Use Description:** MULTI-FAMILY DWELLING

**Owner Or Tenant:** IKE PARK  
4312-B W CAMP WISDOM#145 DL TX 75237  
**Applicant:** PARK, IKE  
**Telephone:** 310/710-1166 **Fax:**

Lot:	5	Block:	7525	Zoning:	MF-1(A),PI	PDD:	598	SUP:	
Historic Dist:		Consv Dist:		Pro Park:	119	Req Park:	119	Park Agrmt:	N
Dwlg Units:	74	Stories:		Occ Code:	R2	Lot Area:	150195	Total Area:	152211
Type Const:	VB	Sprinkler:		Occ Load:		Alcohol:	N	Dance Floor:	N

**For inspections call 214/670-5313, 24 hours. You will need your validation number 1109281023 and one of the inspection types from the list below.**

650 All	350 Electrical
150 Building	450 Mechanical
250 Plumbing	

**Note:** 7 AM cut-off for same day inspections!! Reinspection fees will be charged if the work is not ready or property is inaccessible. For partial inspection of permitted area or additional assistance, call 214/671-1531 from 8 AM to 4:30 PM Monday through Friday.

Occupied Portion:

Remarks: NON CONFORMING

**Flooring abatement ( Floor Tile Black Mastic)** to be performed inside a negative pressure enclosure with 6 mil critical barriers, single layer ½ wall splash guards, and a shower decon system, owner to move out all furnishings covering the flooring materials to provide FS with an openly exposed floor surface.

**Requirements & Responsibilities of Owner/Others:**

- 1) Owner or their agent to notify subcontractors, employees, tenants affected by the asbestos abatement work prior to FS's mobilization as required by OSHA.
- 2) Parking; allow for placement, when applicable, of asbestos disposal containers next to the structure and parking for FS employees.
- 3) Water & Power / Remobilization:  
 F.S assumes suitable water and power service will be available within all applicable work areas at cost of others (i.e. owner). Should mobilize to the project site on the scheduled start date (or any date within the notification timeline) and water and/or electricity are not available there will be additional remobilization fee charged to the property owner / representative. Additional charges will apply must assume responsibility for water and electricity.
- 4) The materials are removed using hand tools (inside full NPE containment) and maintained in a wet condition and double bagged. All asbestos waste is formally manifested and transported by a licensed asbestos transporter to a licensed landfill that accepts asbestos waste. In this case the landfill would be the DFW Landfill in Lewisville, Texas.
- 5) Once the abatement is completed and formal clearances have been achieved, F.S.E. will generate a final close out report which includes all daily logs, air monitoring results, contractor close out docs, and waste manifests
- 6) Surfacing Materials; Unidentified over-spray of surfacing materials (e.g. on framing studs, on concrete floors, in air plenums - HVAC vents - air systems, or associated debris in wall cavities, or demolition to access) are excluded.
- 7) Flooring materials covered by fixed items (walls, cabinets, etc.) or in slab stress cracks are excluded. FS to abate up to covered surfaces.

**DISPOSAL OF WASTE**

Asbestos wastes produced will be manifested, packaged, and labeled transported and disposed of by FS for the owner to an EPA / DSHS authorized landfill that accepts asbestos waste. In this case the landfill would be the DFW Landfill in Lewisville, Texas the original copy (signed) of the waste manifest will be mailed to the owner directly by the landfill.

**PROJECT DURATION**

Project duration for this asbestos abatement project is estimated at 15 working day(s). FS will work **Monday-Friday, day shift(s), up to 10 hours per work shift.**

**COMPENSATION FOR SERVICES:**

Asbestos Abatement (See Scope of Work)	\$ 40,800.00
Mobilization / Project Setup	\$ 400.00
File original regulatory notice to TDSHS	\$ 100.00
Waste Manifest, Transportation & Disposal	\$ 9,000.00
Materials / Equipment	\$ 9,700.00
<b>Total Lump Sum Base Bid: (Sixty Thousand /100 Dollars)</b>	<b>\$ 60,000.00</b>

**Air Testing Consultant:** TDSHS regulations require the owner to provide and pay for all air testing, consulting services independently. Air lab excluded. Bid based on PCM type air clearance. Design, sampling, air monitoring and consulting excluded. **OSHA Airs:** FS to complete a Negative Exposure Assessment or OSHA air tests

The TDSHS asbestos removal fee of approximately \$000 is not included with our bid. TDSHS will send this removal fee invoice directly to the building owner for payment. Fees are determined by the quantity of asbestos to be abated. DSHS calculates fees at \$30 per Asbestos Reporting Unit (ARU) plus 3%; each 160 square feet or 260 linear feet of asbestos abated equals one ARU.

**LICENSES:** FS is licensed by the Texas Department of State Health Services as an **Asbestos Abatement Contractor #800895** and **Asbestos Transporter # 400409**. FS will perform the work per local, state and federal regulations of the Texas Department of State & Health Services (TDSHS), Occupational Safety & Health Administration (OSHA), and Environmental Protection Agency (EPA).

**INSURANCE:** Our proposal includes insurance coverages with **\$2M limit** on General Liability including asbestos/pollution liability, **\$1M limit** on Workers Compensation, and **\$2M limit** on Auto.  
**Additional Insurance;** FS carries \$1M Gen. Liability, \$1M Auto & Work Comp, any additional coverage to be provided at cost +15%. Owner to be listed as an additional insured. Property / Builder's risk insurance by owner.

**TERMS:** The above work will be completed in a substantial and workmanlike manner according to industry standard practices. All invoices are due and payable upon receipt, and shall be paid in full within 15 days thereafter. Late charge of 1.5% per month will be added to any outstanding balance over 30-days. All invoices are due and payable at Fast solutions Environmental.

Should you find the terms of this proposal acceptable, please indicate by signing the space provided below.

Please return to my attention via email at [mlopez@fastsolutionsenvironmental.com](mailto:mlopez@fastsolutionsenvironmental.com) or fax @ (214) 453-7054. If you have any questions or need further information, please do not hesitate to contact me at Cell # (469) 855-0087. Thank you!

**For: Crystal Creek Apartments**

Signature

see

Title

4/18/12

Date

**For: Fast Solutions Environmental**

Signature

Project manager

Title

04/18/2012

Date

**MAS - D Environmental & Associates, Inc.**

P.O. Box 543032  
Dallas, Texas 75354  
Phone: (972) 527-4422; Fax: (972) 517- 2532  
mas\_denv@yahoo.com

972 - 670 - 5858

April 19, 2012

South Baylor University  
4312 W. Camp Wisdom  
Dallas, TX 75233  
Attention: Ike Park

Via email: ikepark@yahoo.com

**Ref: Cost Proposal for ACM abatement (Consulting Services) Industrial hygiene and On-site Project Management services, @ Crystal Creek Apartments 1005 W. Wheatland Rd. Dallas, Texas 75232**

Dear Sir:

MAS-D Environmental and Associates Inc. is pleased to submit this proposal to provide the following services:

1. Preparation of project design and specifications per EPA and Texas Department of Health guidelines and protocol.
2. Onsite project management/supervision by Texas Department State Health Services licensed asbestos project manager, onsite ambient air monitoring, final clearance and analysis of the air samples via EPA approved NIOSH 7400 method, to ensure the project specifications and engineering controls are followed.

**\$450.00/day x 18 days**

(15 days abatement + one day baseline + two days final clearance)

\$8,100.00

3. Project design and Specifications (\$850.00) discount

\$500.00

4. Final report preparation

\$450.00

5. **TOTAL Cost Lump sum (with two or more technicians)**

**\$9,050.00**

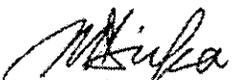
**PROPOSAL ACCEPTANCE:**

Complete the following section and fax or email to the above address.

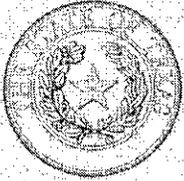
Name.....Ph. # ( ).....

Sign.....Date.....

Thank you,  
MAS - D Env. & Assoc. Inc.



Maurice Dinka  
(Licensed Asbestos Consultant)



BDA 156-124  
Attach A  
Pg 6

**Department of State Health Services**  
Environmental and Consumer Safety Section - Inspection Unit  
P.O. Box 149347, Austin, TX 78714-9347 mail code 1986  
Phone (512) 834-6787

**Texas Asbestos Health Protection Rules**  
**Renovation/New Construction Inspection Checklist**

Tracking No. 12041103 06/07

Reason for Inspection: Discretionary \_\_\_\_\_ Complaint \_\_\_\_\_ Referral \_\_\_\_\_ Follow-up  \_\_\_\_\_  
 Type of Facility: Public Building \_\_\_\_\_ NESHAP Facility \_\_\_\_\_  
 Inspection Date: 11/11/12 Time: 13:45 Inspector: RL Region: 03  
 Facility Name: Capital Court Plaza Owner: ...  
 Facility Address: 1025 W. White St Address: \_\_\_\_\_  
 City: Dallas Zip: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 County: Dallas Phone: \_\_\_\_\_

Contractor: ... Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Project Description: Renovation  New Construction \_\_\_\_\_  
 Name(s) and title(s) of person(s) being interviewed: ...

	Yes	No	Unk.	N/A
1. Was an Asbestos survey conducted prior to renovation activity? [295.34(c)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Was ACM or RACM removed prior to renovation activity?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Are suspect materials being installed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Are Material Safety Data Sheets (MSDS) available for new suspect materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Does MSDS identify match the installed or stored on site materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Does MSDS identify the presence of asbestos or mineral fiber? (If "Yes" collect samples)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Is Architect, Engineer, Asbestos Consultant, or Asbestos Management Planner aware that MSDS can be certified for later use by owner for survey?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments: ...  
...  
...  
...  
...

Inspector's Signature: RL Date: 11/11/12  
 Contractor's/Supervisor's Signature: ... Date: \_\_\_\_\_

*Your signature verifies only that the inspection results were explained to you.*

**The above information will be forwarded to the Department of State Health Services, Division for Regulatory Services for further review.**  
**Deficiencies May Result in Notice of Alleged Violation**

*Distribution: Original - DSHS Central Office, Pink - Inspection Site, Yellow - DSHS Inspection Unit*



City of Dallas

BDA 156-124  
Attch B pg 7

# Permit # 1203061039

Issue Date: 03/06/2012

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

**Address:** 1005 W WHEATLAND RD 75232

**Land Use Description:** MULTI-FAMILY DWELLING

**Work Description:** GENERAL REPAIR, NO STRUCTURAL CHANGES

**Value Of Work:** \$20,000.00

**Owner Or Tenant:** SOUTH BAYLOR UNIVERSITY  
911 W WHEATLAND DL TX 75232

**Applicant:** IKE PARK

**Contractor:** SOUTH BAYLOR UNIV

**Business Address:** 911 W WHEATLAND RD, DALLAS, TX 75232

**Telephone:** 310/710-1166 Fax: 214/405-5043

Lot: 5	Block: 7525	Zoning: MF-1(A),I	PDD: 598	SUP:
Historic Dist:	Consv Dist:	Pro Park:	Req Park:	Park Agrmt:N
Dwlg Units:	Stories:	New Area:	Lot Area: 150195	Total Area:
Type Const: VB	Sprinkler:	Occ Code: R2	Occ Load:	
Inches Of Removed Trees:				

Remarks: 10 BLDINGS

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.



City of Dallas

Permit #

PDA-156-124  
Attachment B Pg B  
1203061043

Issue Date: 03/06/2012

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

**Address:** 8000 WOODSHIRE DR 75232

**Land Use Description:** MULTI-FAMILY DWELLING

**Work Description:** GENERAL REPAIR, NO STRUCTURAL CHANGES

**Value Of Work:** \$20,000.00

**Owner Or Tenant:** SOUTH BAYLOR UNIVERSITY  
911 W WHEATLAND DL TX 75232

**Applicant:** IKE PARK

**Contractor:** SOUTH BAYLOR UNIV

**Business Address:** 911 W WHEATLAND RD, DALLAS, TX 75232

**Telephone:** 310/710-1166 **Fax:** 214/405-5043

Lot: 6	Block: 7525	Zoning: MF-1(A),I	PDD: 598	SUP:
Historic Dist:	Consv Dist:	Pro Park:	Req Park:	Park Agrmt:N
Dwlg Units:	Stories:	New Area:	Lot Area: 170232	Total Area:
Type Const: VB	Sprinkler:	Occ Code: R2	Occ Load:	
Inches Of Removed Trees:				

Remarks:

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

DF 20462

ADA-156-24

PS 9

Attachment B

UNIFORM HAZARDOUS WASTE MANIFEST	1. Generator ID Number N/A	2. Page 1 of 1	3. Emergency Response Phone 946-482-9900	4. Manifest Tracking Number 000790533 GBF
----------------------------------	-------------------------------	-------------------	---	--

5. Generator's Name and Mailing Address Crystal Creek Apartments 1005 W. Wheatland Rd Dallas TX 75232 Julian Gutierrez (469)693-2951 Generator's Phone:	Generator's Site Address (if different than mailing address) Sout Baylo Univ. 4312 W. Camp Wisdom Dallas TX 75233 (310)710-1166 Ike Park
---	---

6. Transporter 1 Company Name CBA Services 5827 Barnette Rd Krum TX 76249 (940)482-9900	U.S. EPA ID Number TX000057489
---	-----------------------------------

7. Transporter 2 Company Name	U.S. EPA ID Number
-------------------------------	--------------------

8. Designated Facility Name and Site Address DFW Landfill 1600 Railroad Lewisville TX75057 (972)315-5421 Facility's Phone:	U.S. EPA ID Number N/A
---	---------------------------

9a. Hbl	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))	10. Containers		11. Total Quantity	12. Unit Wt./Vol.	13. Waste Codes
		No.	Type			
1.	Asbestos 9 NA2212,111 RQ=1 Pound Asbestos Contaminated Waste Friable	950	BA	40	cy.	N/A
2.						
3.						
4.						

14. Special Handling Instructions and Additional Information Contractor= Fast Solutions Environmental Dallas TX Disposal must be in accordance with TDH MSWMR 25 Tax 325.146(b) Or Approved in Writing by TDH US/EPA region 6 TCEQ permit #1025-B
--

15. GENERATOR'S/OFFEROR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true.
---

Generator's/Offeror's Printed/Typed Name WILLIBROAS MRAH	Signature 	Month Day Year 05 16 12
---	---------------	----------------------------

16. International Shipments <input type="checkbox"/> Import to U.S. <input type="checkbox"/> Export from U.S.	Port of entry/exit: Date leaving U.S.:
--	---

17. Transporter Acknowledgment of Receipt of Materials		
Transporter 1 Printed/Typed Name Stoddy Taylor	Signature 	Month Day Year 5 17 12
Transporter 2 Printed/Typed Name	Signature	Month Day Year

18. Discrepancy
18a. Discrepancy Indication Space <input type="checkbox"/> Quantity <input type="checkbox"/> Type <input type="checkbox"/> Residue <input type="checkbox"/> Partial Rejection <input type="checkbox"/> Full Rejection

18b. Alternate Facility (or Generator)	Manifest Reference Number:	U.S. EPA ID Number
Facility's Phone:		

18c. Signature of Alternate Facility (or Generator)	Month Day Year
---	----------------

19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems)
1. 2. 3. 4.

20. Designated Facility Owner or Operator: Certification of receipt of hazardous materials covered by the manifest except as noted in Item 18a		
Printed/Typed Name B. BANGOR	Signature 	Month Day Year 5 17 12

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator ID Number N/A	2. Page 1 of 1	3. Emergency Response Phone 946-482-9900	4. Manifest Tracking Number 000790535 GBF	
5. Generator's Name and Mailing Address Crystal Creek Apartments 1005 W. Wheatland RD Dallas TX 75232 Julian Gutierrez (469)693-2951 Generator's Phone:			Generator's Site Address (if different than mailing address) same			
6. Transporter 1 Company Name KRUN TX76249 (940)482-9900			U.S. EPA ID Number TXR000057489			
7. Transporter 2 Company Name			U.S. EPA ID Number			
8. Designated Facility Name and Site Address DFW Landfill 1600 Railroad Lewisville TX 75057 (972)315-5421 Facility's Phone:			U.S. EPA ID Number N/A			
9a. HM	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))	10. Containers		11. Total Quantity	12. Unit Wt./Vol.	13. Waste Codes
		No.	Type			
1.	Asbestos 9NA2212, 111 RQ=1 Pound Asbestos Contaminated Waste Friable	850	BA	40	cy	N/A
2.						
3.						
4.	DF 20462					
14. Special Handling Instructions and Additional Information CONTRACTOR: Fast Solutions Environmental Dallas TX Disposal must be in Accordance with TDH MSWMR25 TAX 325.146(B) or Approved in Writing by TDH US/EPA Region6 TCEQ permit#1025-B						
15. GENERATOR'S/OFFEROR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true.						
Generator's/Offeror's Printed/Typed Name IKE PARK		Signature 		Month Day Year 05/07/12		
16. International Shipments <input type="checkbox"/> Import to U.S. <input type="checkbox"/> Export from U.S. Port of entry/exit: _____ Date leaving U.S.: _____						
17. Transporter Acknowledgment of Receipt of Materials						
Transporter 1 Printed/Typed Name Scotty Taylor		Signature 		Month Day Year 5/18/12		
Transporter 2 Printed/Typed Name		Signature		Month Day Year		
18. Discrepancy						
18a. Discrepancy Indication Space <input type="checkbox"/> Quantity <input type="checkbox"/> Type <input type="checkbox"/> Residue <input type="checkbox"/> Partial Rejection <input type="checkbox"/> Full Rejection						
18b. Alternate Facility (or Generator)			Manifest Reference Number: _____ U.S. EPA ID Number _____			
Facility's Phone: _____						
18c. Signature of Alternate Facility (or Generator)						Month Day Year
19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems)						
1.		2.		3.		4.
20. Designated Facility Owner or Operator. Certification of receipt of hazardous materials covered by the manifest except as noted in Item 18a						
Printed/Typed Name K Bosley		Signature 		Month Day Year 5/18/12		

BDA156-124  
Attach B

Please print or type. (Form designed for use on elite (12-pitch) typewriter.)

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator ID Number N/A	2. Page 1 of 1	3. Emergency Response Phone 972-483-9900	4. Manifest Tracking Number 000790537 GBF			
5. Generator's Name and Mailing Address Crystal Creek Apartments 1004 W. Wheatland RD Dallas TX 75232 Julian Gutierrez (469) 693-2951 Generator's Phone:				Generator's Site Address (if different than mailing address) Crystal Creek Apartments 1004 W Wheatland Rd, Dallas, TX, 75232 214-347-8776				
6. Transporter 1 Company Name CBA Services INC 5827 Barnette RD Krum TX 76249 (940) 482-9900				U.S. EPA ID Number TAR 000187489				
7. Transporter 2 Company Name				U.S. EPA ID Number				
8. Designated Facility Name and Site Address DFW Lanfield 1600 Railroad Lewisville TX 75057 (972) 315-5421 Facility's Phone:				U.S. EPA ID Number N/A				
9a. HM	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))			10. Containers No. Type		11. Total Quantity	12. Unit WL/Vol.	13. Waste Codes
	1. Asbestos 9NA2212, 111 RQ=1 Pound Asbestos Contaminated Waste Friable			864 BA		40	CG	N/A N/A
	2.							
	3.							
	4.							
14. Special Handling Instructions and Additional Information CONTRACTOR? Fast Solutions Environmental Dallas TX Disposal Must Be in Accordance with TDH MSWMR 25 TAX 325.146(B) Or Approved in Writing by TDH US/EPA Region 6 TCEQ Permit#1025-B								
15. GENERATOR'S/OFFEROR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true.								
Generator's/Officer's Printed/Typed Name IKE PARK						Signature 		Month Day Year 05 07 12
16. International Shipments <input type="checkbox"/> Import to U.S. <input type="checkbox"/> Export from U.S. Port of entry/exit: Date leaving U.S.:								
17. Transporter Acknowledgment of Receipt of Materials Transporter 1 Printed/Typed Name: Signature: Month Day Year: 05 08 12 Transporter 2 Printed/Typed Name: Signature: Month Day Year:								
18. Discrepancy 18a. Discrepancy Indication Space <input type="checkbox"/> Quantity <input type="checkbox"/> Type <input type="checkbox"/> Residue <input type="checkbox"/> Partial Rejection <input type="checkbox"/> Full Rejection Manifest Reference Number: U.S. EPA ID Number:								
18b. Alternate Facility (or Generator) Facility's Phone: Month Day Year:								
18c. Signature of Alternate Facility (or Generator) Month Day Year:								
19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems) 1. 2. 3. 4.								
20. Designated Facility Owner or Operator: Certification of receipt of hazardous materials covered by the manifest except as noted in item 18a Printed/Typed Name: Signature: Month Day Year:						SAD		

JOB # 400-12.

BDA 156-124

Attach B

pg 12

Please print or type. (Form designed for use on elite (12-pitch) typewriter.)

Form Approved. OMB No.

UNIFORM HAZARDOUS WASTE MANIFEST	1. Generator ID Number N/A	2. Page 1 of 1	3. Emergency Response Phone 940-482-9900	4. Manifest Tracking Number 000790538 GBF
----------------------------------	-------------------------------	-------------------	---	--

5. Generator's Name and Mailing Address  
 Crystak Creek Apartments  
 1005 W. Wheatland Rd Dallas TX 75232  
 Julian Gutierrez (469)693-2951

Generator's Site Address (if different than mailing address)

Generator's Phone:

A. Transporter 1 Company Name  
 CBA Services 5827 Barnette RD Krum TX 76249  
 (940)482-9900

U.S. EPA ID Number  
 TPR 600057489

Y. Transporter 2 Company Name

U.S. EPA ID Number

8. Designated Facility Name and Site Address  
 DFW Landfill 1600 Railroad Lewisville TX 75057  
 (972)315-5421

U.S. EPA ID Number  
 N/A

Facility's Phone:

9a. HM	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))	10. Containers		11. Total Quantity	12. Unit Wt./Vol.	13. Waste Codes	
		No.	Type				
	1. Asbestos ( NA2212, 111 RQ=1 Pound Asbestos Contaminated Waste, Friabel	150	B9	57	cy.	N/A	
	2.						
	3.						
	4. D F Lopez						

14. Special Handling Instructions and Additional Information  
 Contractor::Fast Solutions Environmental Dallas TX  
 Disposal must be in accordance with TDH MSQmr 25 tax 325.146(b)  
 Or Approved in writing by TDH US/EPA region 6 TCEQ permit #1025-B

15. GENERATOR'S/OFFEROR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true.

Generator's/Offeror's Printed/Typed Name  
 WILLIAM ROAD MISAHI

Signature

Month Day Year  
 10 5 17 12

16. International Shipments  Import to U.S.  Export from U.S. Port of entry/exit: \_\_\_\_\_ Date leaving U.S.: \_\_\_\_\_

Transporter signature (for exports only): \_\_\_\_\_

17. Transporter Acknowledgment of Receipt of Materials

Transporter 1 Printed/Typed Name  
 Scotty Taylor

Signature

Month Day Year  
 6 8 12

Transporter 2 Printed/Typed Name \_\_\_\_\_ Signature \_\_\_\_\_ Month Day Year \_\_\_\_\_

18. Discrepancy

18a. Discrepancy Indication Space  Quantity  Type  Residue  Partial Rejection  Full Rejection

Manifest Reference Number: \_\_\_\_\_

18b. Alternate Facility (or Generator) \_\_\_\_\_ U.S. EPA ID Number \_\_\_\_\_

Facility's Phone: \_\_\_\_\_

18c. Signature of Alternate Facility (or Generator) \_\_\_\_\_ Month Day Year \_\_\_\_\_

19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems)

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

20. Designated Facility Owner or Operator Certification of receipt of hazardous materials covered by the manifest except as noted in Item 18a

Printed/Typed Name

Signature

Month Day Year  
 10 5 12

# Certificate of Occupancy

Address: 1015 W WHEATLAND RD 75232

Issued: 07/08/2008

Owner: redland partners llc  
1025 w wheatland dallas tx 75232

DBA: crystal creek apartments

Land Use: (1131) MULTI-FAMILY DWELLING

Occupied Portion:

C.O.#: 0707131099

Lot:	5	Block:	7525	Zoning:	MF-1(A),P	PDD:	598	SUP:	
Historic Dist:		Consrv Dist:		Pro Park:		Req Park:		Park Agrmt:	N
Dwlg Units:	70	Stories:		Occ Code:	R1	Lot Area:	0	Total Area:	
Type Const:	VB	Sprinkler:		Occ Load:		Alcohol:	N	Dance Floor:	N

*Larry V. Holmes*

Larry Holmes, Building Official

BDA 156-124  
Attn R  
7513

This certificate shall be displayed on the above premise at all times.

# CO Inspection Request

Development Services Department | Building Inspection Division | 214/948-4480 | www.dallascityhall.com

**Validation #:** 1109281023  
**Address:** 1005 W WHEATLAND RD 75232  
**Issue Date:** 02/08/2012  
**Land Use Description:** MULTI-FAMILY DWELLING

**Owner Or Tenant:** IKE PARK  
 4312-B W CAMP WISDOM#145 DL TX 75237  
**Applicant:** PARK, IKE  
**Telephone:** 310/710-1166 **Fax:**

Lot: 5	Block: 7525	Zoning: MF-1(A),PI	PDD: 598	SUP:
Historic Dist:	Consv Dist:	Pro Park: 119	Req Park: 119	Park Agrmt: N
Dwlg Units: 74	Stories:	Occ Code: R2	Lot Area: 150195	Total Area: 152211
Type Const: VB	Sprinkler:	Occ Load:	Alcohol: N	Dance Floor: N

**For inspections call 214/670-5313, 24 hours. You will need your validation number 1109281023 and one of the inspection types from the list below.**

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

**Note: 7 AM cut-off for same day inspections!! Reinspection fees will be charged if the work is not ready or property is inaccessible. For partial inspection of permitted area or additional assistance, call 214/948-4584 from 8 AM to 4:30 PM Monday through Friday.**

Occupied Portion:

Remarks: NON CONFORMING



# ONCOR ELECTRIC DELIVERY COMPANY, LLC EASEMENT

PART OF THE T.F. CRUTCHFIELD SURVEY, ABSTRACT NO. 248,  
CITY OF DALLAS BLOCK 7525, DALLAS COUNTY, TEXAS



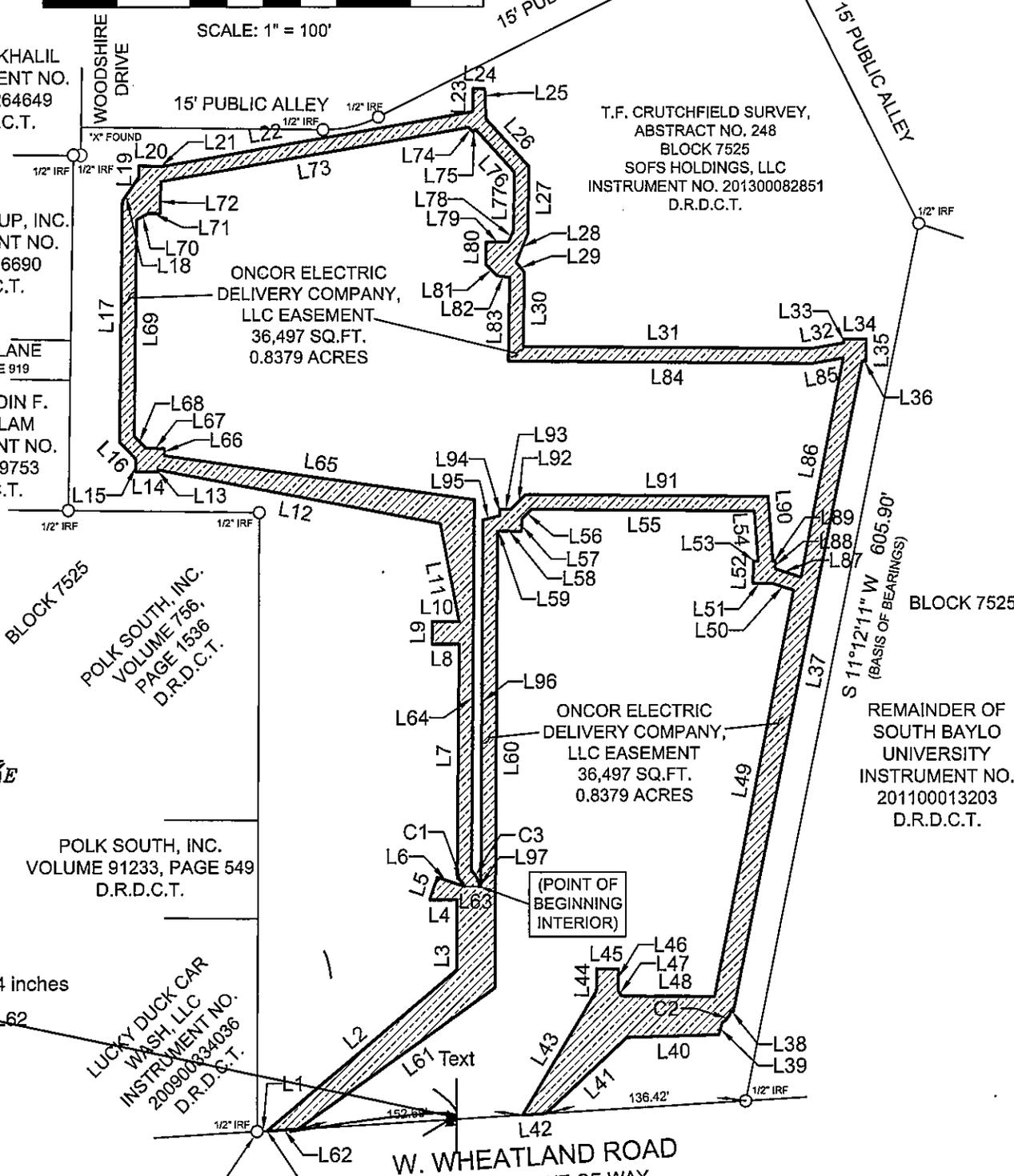
SCALE: 1" = 100'

ANWAR KHALIL  
INSTRUMENT NO.  
200700264649  
D.R.D.C.T.

AMIRA GROUP, INC.  
INSTRUMENT NO.  
200600206690  
D.R.D.C.T.

POLK PLAZA LANE  
VOLUME 430, PAGE 919

SALAHEDDIN F.  
ABDESALAM  
INSTRUMENT NO.  
200600289753  
D.R.D.C.T.



BLOCK 7525  
POLK SOUTH, INC.  
VOLUME 756,  
PAGE 1536  
D.R.D.C.T.

POLK SOUTH, INC.  
VOLUME 91233, PAGE 549  
D.R.D.C.T.

LUCKY DUCK CAR  
WASH, LLC  
INSTRUMENT NO.  
20090034036  
D.R.D.C.T.

52 feet and 4 inches  
far from L62

(POINT OF COMMENCING INTERIOR & EXTERIOR)  
(POINT OF BEGINNING EXTERIOR)

W. WHEATLAND ROAD  
80' PUBLIC RIGHT-OF-WAY

Gary E. Johnson, R.P.L.S.# 5299



TEXAS HERITAGE SURVEYING, INC.  
10610 Metric Drive, Suite 124, Dallas, TX 75243  
Office 214-340-9700 Fax 214-340-9710  
txheritage.com

BEARINGS ARE BASED ON THE EAST LINE  
OF DEED RECORDED IN INSTRUMENT NO.  
201100013203, O.P.R.D.C.T.  
(S 11°12'11" W)

JOB# 1202837-5  
DATE: 10/22/15  
Page 5 of 6  
Scale: 1" = 100'



BDA156-124  
A H H R  
PS 18

**Air Testing Consultant:** TDSHS regulations require the owner to provide and pay for all air testing, consulting services independently. Air lab excluded. Bid based on PCM type air clearance. Design, sampling, air monitoring and consulting excluded. OSHA Airs: FSE to complete a Negative Exposure Assessment or OSHA air tests

The TDSHS asbestos removal fee of approximately \$000 is not included with our bid. TDSHS will send this removal fee invoice directly to the building owner for payment. Fees are determined by the quantity of asbestos to be abated. DSHS calculates fees at \$30 per Asbestos Reporting Unit (ARU) plus 3%; each 160 square feet or 260 linear feet of asbestos abated equals one ARU.

<p><b>LICENSES:</b> FSE is licensed by the Texas Department of State Health Services as an <b>Asbestos Abatement Contractor #800895</b> and <b>Asbestos Transporter # 400409</b>. FSE will perform the work per local, state and federal regulations of the Texas Department of State &amp; Health Services (TDSHS), Occupational Safety &amp; Health Administration (OSHA), and Environmental Protection Agency (EPA).</p>
<p><b>INSURANCE:</b> Our proposal includes insurance coverage's with <b>\$2M limit</b> on General Liability including asbestos/pollution liability, <b>\$1M limit</b> on Workers Compensation, and <b>\$2M limit</b> on Auto. <b>Additional Insurance;</b> FSE carries \$1M Gen. Liability, \$1M Auto &amp; Work Comp, and any additional coverage to be provided at cost 15%. Owner to be listed as an additional insured. Property / Builder's risk insurance by owner.</p>
<p><b>TERMS:</b> The above work will be completed in a substantial and workmanlike manner according to industry standard practices. All invoices are due and payable upon receipt, and shall be paid in full within 15 days thereafter. Late charge of 1.5% per month will be added to any outstanding balance over 30-days. All invoices are due and payable at Fast Solutions Environmental.</p>

Should you find the terms of this proposal acceptable, please indicate by signing the space provided below.

Please return to my attention via email at [Salome.poncio@gmail.com](mailto:Salome.poncio@gmail.com) or fax at (214) 453-7054 if you have any questions or need further information, please do not hesitate to contact me on my Cell (214) 664-0611 Thank you!

**For: Richel Francis**  
**Texas Construction & Management**

  
Signature

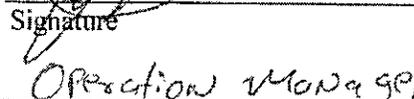
  
Title

  
Date

**From: Fast Solutions Environmental, LLC**

**Salome Poncio**

  
Signature

  
Title

  
Date

BDA156-124  
Attachment B PS 19

Flooring abatement ( tile/black mastic) to be performed inside a negative pressure enclosure with 6 mil critical barriers, single layer ½ wall splash guards, and a shower decon system, owner to move out all furnishings covering the flooring materials to provide FSE with an openly exposed floor surface.

**Requirements & Responsibilities of Owner/Others:**

- 1) Owner or their agent to notify subcontractors, employees, tenants affected by the asbestos abatement work prior to FSE's mobilization as required by OSHA.
- 2) Parking; allow for placement, when applicable, of asbestos disposal containers next to the structure and parking for FSE employees.
- 3) Water & Power / Remobilization: Included with original bid
- 4) FSE assumes suitable water and power service will be available within all applicable work areas at cost of others (i.e. owner). Should mobilize to the project site on the scheduled start date (or any date within the notification timeline) and water and/or electricity are not available there will be additional remobilization fee charged to the property owner / representative. Additional charges will apply must assume responsibility for water and electricity.
- 5) The materials are removed using hand tools (inside full NPE containment) and maintained in a wet condition and double bagged. All asbestos waste is formally manifested and transported by a licensed asbestos transporter to a licensed landfill that accepts asbestos waste. In this case the landfill would be the **DFW Landfill** in Lewisville, Texas.
- 6) Once the abatement is completed and formal clearances have been achieved, FSE will generate a final close out report which includes all daily logs, air monitoring results, contractor close out docs, and waste manifests
- 7) Surfacing Materials; Unidentified over-spray of surfacing materials (e.g. on framing studs, on concrete floors, in air plenums - HVAC vents - air systems, or associated debris in wall cavities, or demolition to access) are excluded.
- 8) Flooring materials covered by fixed items (walls, cabinets, etc.) or in slab stress cracks are excluded. FSE to abate up to covered surfaces.

**DISPOSAL OF WASTE**

Asbestos wastes produced will be manifested, packaged, and labeled transported and disposed of by FSE for the owner to an EPA / DSHS authorized landfill that accepts asbestos waste. In this case the landfill would be the **DFW Landfill** in Lewisville, Texas the original copy (signed) of the waste manifest will be mailed to the owner directly by the landfill.

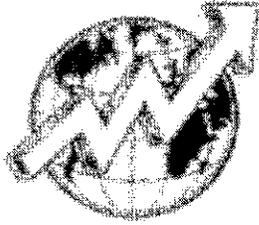
**PROJECT DURATION**

Project duration for this Asbestos Abatement project is estimated at 20-25 working day(s). FSE will work **Monday thru Friday all day shift(s), up to 8 hours per work shift.**

**COMPENSATION FOR SERVICES:**

Asbestos Abatement (See Scope of Work)	\$ 39,000.00
Mobilization / Project Set up	\$ 400.00
File original regulatory notice to TDSHS	\$ 100.00
Waste Manifest, Transportation & Disposal	\$ 10,000.00
Materials / Equipment	\$ 12,000.00
<b>Total Lump Sum Base Bid: Sixty-One Thousand, Five Hundred 00 Dollars</b>	<b>\$ 61,500.00</b>

2603 Glenfield, Dallas, TX 75233 ♦ (469) 855-0087 ♦ mlopez@fastsolutionsenvironmental.com



# FAST SOLUTIONS ENVIRONMENTAL, LLC

2603 Glenfield, Dallas, TX 75233  
(972) 572-2844  
[info@fastsolutionsenvironmental.com](mailto:info@fastsolutionsenvironmental.com)

BDA156-124  
Attachment B  
Pg 20

June 29, 2013  
Richel Francis  
Texas Construction & Management

Proposal # 542-13

Cell Phone: (305) 631-8877  
Email: [Richelfrancis@hotmail.com](mailto:Richelfrancis@hotmail.com)

Re: Asbestos Cleanup, Decontamination, Removal Proposal for Crystal Creek Apartments 1025 W. Wheatland Rd, Dallas, Texas 75232

Dear Mr. Francis

Fast Solutions Environmental, FSE appreciates the opportunity to provide you with this proposal for Asbestos Abatement, at the above referenced property. The abatement activities will focus on the professional removal of various asbestos-containing materials (ACMs).

### SCOPE OF Work:

- A) Cleanup decontamination:** 62 Units cleanup decontamination and cut.
- B) Sheet Rock Removal:** Asbestos Removal of Approximately 16,000 Square feet of Asbestos sheet rock from 8 fire damaged apartment units using NESHAP.
- C) Cleanup decontamination:** Asbestos cleanup disposal of asbestos debris from 2 - 40 cubic yard Dumpsters, Using NESHAP.

### Fast Solutions:

- a) Follow all Federal, State, and local regulations to be in total compliance during the asbestos removal;
- b) Supply Texas State licensed supervisor(s) and Texas State licensed worker(s) for the asbestos abatement project. All workers will use full respirator protection and disposable clothing, as per OSHA 29 CFR 1910 and 1926 regulations;
- c) Build containments around the areas containing asbestos;
- d) Supply the containment with controlled environmental pressures to assure safety;
- e) Wet wipe and HEPA vacuum all structures and related surfaces where necessary;
- f) Encapsulate all of the abated surfaces;
- g) Double-bag all of the asbestos contaminated waste and load the bags into a plastic lined waste transporter.
- h) Fill out all of the hazardous materials manifests and have a licensed transporter take the materials to an EPA approved landfill for manifesting;
- i) Provide all documentation to your company for recording purposes. This documentation will reflect all final results of the project

For materials to be abated inside Negative Pressure Containment(s), FSE will install 6 mil critical barriers, 1-2 layers of 4 mil wall poly, 1-2 layers of 6 mil floor poly, shower decontamination Unit, Negative air pressure will be accomplished using 600-2500 CFM negative air units monitored by direct printout manometers. Air exchange will be based on -0.02 negative pressure or 4 exchanges per Hour

2603 Glenfield, Dallas, TX 75233 ♦ (469) 855-0087 ♦ [mlopez@fastsolutionsenvironmental.com](mailto:mlopez@fastsolutionsenvironmental.com)

BDA-156-124  
Attach B  
p 21

## MAS-D Environmental & Associates, Inc

---

P. O Box 543032  
Dallas Texas 75354  
Phone 972 527 4422; Fax 972 517 2532  
mas\_denv@yahoo.com

July 29, 2013

Crystal Creek Apartments  
1025 West Wheatland Road,  
Dallas, Texas

Attention: Mr. Richel Francis

*Ref: Asbestos Abatement Consulting Services for spot/selective abatement in the vacant apartment complex located at 1025 W. Wheatland Rd. Dallas, TX*

Dear Sir:

MAS-D Environmental and Associates Inc. (MAS-D) prepared the project design and specifications and also performed on-site project supervision, air monitoring and industrial hygiene services during the abatement of asbestos containing materials at the above referenced address as indicated in the project specifications.

Fast Solutions Environmental Inc. from Dallas, Texas was the Texas Department State Health Services licensed asbestos abatement contractor that performed the abatement and the appropriate disposal of the asbestos materials. The abatement activities started on July 01, through July 29, 2013 as specified in the notification submitted to the state. All the industry standards with respect to the Texas Department of State Health Services and EPA guidelines and protocol for removal, cleaning, handling, transporting and disposal of asbestos containing materials were carefully followed.

The abatement activities were supervised and carefully monitored by a Texas Department of State Health Services licensed project manager from MAS-D. Ambient air monitoring was conducted to ensure that all the engineering controls and work procedures/ practices prevented the release of asbestos air born fibers outside the regulated areas/containment. The analytical results by Phase Contrast Microscopy of the entire barrier and the final clearance samples were less than 0.01 fibers per cubic centimeter which is clean air. EPA and OSHA Clean Air standard is 0.01 fibers per cubic centimeter or less.

BDA156-124

Attach E

Pg 22

**ASBESTOS ABATEMENT REPORT**  
**Crystal Creek Apartments**  
**1025 W. Wheatland Road**  
**Dallas, Texas**

Prepared by:

Maurice Dinka

Texas Dept. of State Health Services I.A.C. # 10-5134

Sign.  .....

Report Date: 7-29-2013

Project No. MA1307102

**Prepared for:**







BDA 156-124  
Attachment  
PS 1

TEXAS CONSTRUCTION 114  
fast solutions environmental llc 07/29/2013  
Cristal Crnk asbestos cleaning \$64,500.00

asbestos work \$64,500.00

TEXAS CONSTRUCTION 114  
fast solutions environmental llc 07/29/2013  
Cristal Crnk asbestos cleaning \$64,500.00

asbestos work \$64,500.00

BDA 156-124  
Attachment C  
PS 2

TEXAS CONSTRUCTION

122

Mas-D Environmental & Associates, Inc  
Cristal Crnk  
MA1307102 asbestos consultant  
08/05/2013  
\$4,235.00

asbestos consultant  
\$4,235.00

TEXAS CONSTRUCTION

122

Mas-D Environmental & Associates, Inc  
Cristal Crnk  
MA1307102 asbestos consultant  
08/05/2013  
\$4,235.00

asbestos consultant  
\$4,235.00

BDA156-124  
Attach C  
PS 3

TEXAS CONSTRUCTION

Mas-D Environmental & Associates, Inc 123  
Cristal Crk MA1307102 08/16/2013 asbestos consultant \$6,000.00

asbestos consultant

\$6,000.00

TEXAS CONSTRUCTION

Mas-D Environmental & Associates, Inc 123  
Cristal Crk MA1307102 08/16/2013 asbestos consultant \$6,000.00

asbestos consultant

\$6,000.00

BDA 156-124  
Attachment C p 54

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**MAS-D Environmental & Associates, Inc**

P. O Box 543032  
Dallas Texas 75354  
Phone 972 527 4422; Fax 972 517 2532  
mas\_denv@yahoo.com

July 29, 2013

Crystal Creek Apartments  
1025 West Wheatland Road,  
Dallas, Texas

Attention: Mr. Richel Francis

*Ref: Asbestos Abatement Consulting Services for spot/selective abatement in the vacant apartment complex located at 1025 W. Wheatland Rd. Dallas, TX*

Dear Sir:

MAS-D Environmental and Associates Inc. (MAS-D) prepared the project design and specifications and also performed on-site project supervision, air monitoring and industrial hygiene services during the abatement of asbestos containing materials at the above referenced address as indicated in the project specifications.

Fast Solutions Environmental Inc. from Dallas, Texas was the Texas Department State Health Services licensed asbestos abatement contractor that performed the abatement and the appropriate disposal of the asbestos materials. The abatement activities started on July 01, through July 29, 2013 as specified in the notification submitted to the state. All the industry standards with respect to the Texas Department of State Health Services and EPA guidelines and protocol for removal, cleaning, handling, transporting and disposal of asbestos containing materials were carefully followed.

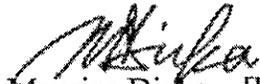
The abatement activities were supervised and carefully monitored by a Texas Department of State Health Services licensed project manager from MAS-D. Ambient air monitoring was conducted to ensure that all the engineering controls and work procedures/ practices prevented the release of asbestos air born fibers outside the regulated areas/containment. The analytical results by Phase Contrast Microscopy of the entire barrier and the final clearance samples were less than 0.01 fibers per cubic centimeter which is clean air. EPA and OSHA Clean Air standard is 0.01 fibers per cubic centimeter or less.

BDA 156-124

Attach C AS5

The asbestos abatement activities were executed in a proper and safe manner. If you have any questions with respect to this project, please do not hesitate to contact us. Thank you very much.

Sincerely,  
MAS-D Env. & Assoc. Inc.



Maurice Dinka. [Principal]  
Licensed Consultant (TDSHS, I.A.C.# 105134 )

BDA156-124

Attach C

pg 6

**MAS – D Environmental & Associates, Inc**

P. O Box 543032

Dallas Texas 75354

Phone 972 527 4422; Fax 972 517 2532

mas\_denv@yahoo.com

**Invoice**

<b>Date</b> 7-26-2013	<b>Invoice #</b> MA1307102
--------------------------	-------------------------------

<b>Bill To:</b> Mr. Richel Francis
Crystal Creek Apartments 1025 West Wheatland Rd. Dallas, Texas 75232 Via email: richelfrancis@hotmail.com

<b>Purchase #</b>	<b>Due Date</b>	<b>Project</b>
N/A	Upon Receipt	Asbestos Abatement Consulting Services @ Crystal creek, Dallas, TX

Quantity	Description	Rate	Amount
	<ul style="list-style-type: none"><li>- Preparation of abatement specifications and Project design.</li><li>- Onsite Project Management and Air Monitoring and analysis of the samples.</li><li>- Final Clearance testing and report.</li></ul>		\$9,050.00
	Change Order: Flooring Material removal		\$2,550.00
		<b>Total</b>	<b>\$11,600.00</b>



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-124

Data Relative to Subject Property:

Date: 10-13-16

Location address: 1005 W. WHEATLAND RD DALLAS, TX 75232

Zoning District: PD598 (Tr 1B), MF-1(A)

Lot No.: Block No.: 7525 Acreage: 7.37

Census Tract: 111.04

Street Frontage (in Feet): 1) 333 2) 20 ft. 3) 4) 5)

To the Honorable Board of Adjustment :

SW 13A

Owner of Property (per Warranty Deed): SOFS HOLDINGS LLC

Applicant: Rachel Francis Telephone: (305) 431-8877

Mailing Address: 1005 W. WHEATLAND RD Zip Code: 75232

E-mail Address: RachelFrancis@hotmail.com

Represented by: Telephone:

Mailing Address: Zip Code:

E-mail Address:

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

Reinstatement of a non-conforming use multi-family.

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:

Property purchased to be used and was advised for multi-family used at time of purchase, property was used as multi-family prior to zoning change; new owner was not aware of zoning change. Several permits were authorized by city under new owner for property repairs etc.

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.

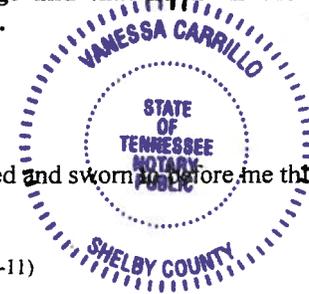
Affidavit

Before me the undersigned on this day personally appeared Rachel Francis (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 29 day of September 2016



Vanessa Carrillo Notary Public in and for Dallas County, Texas

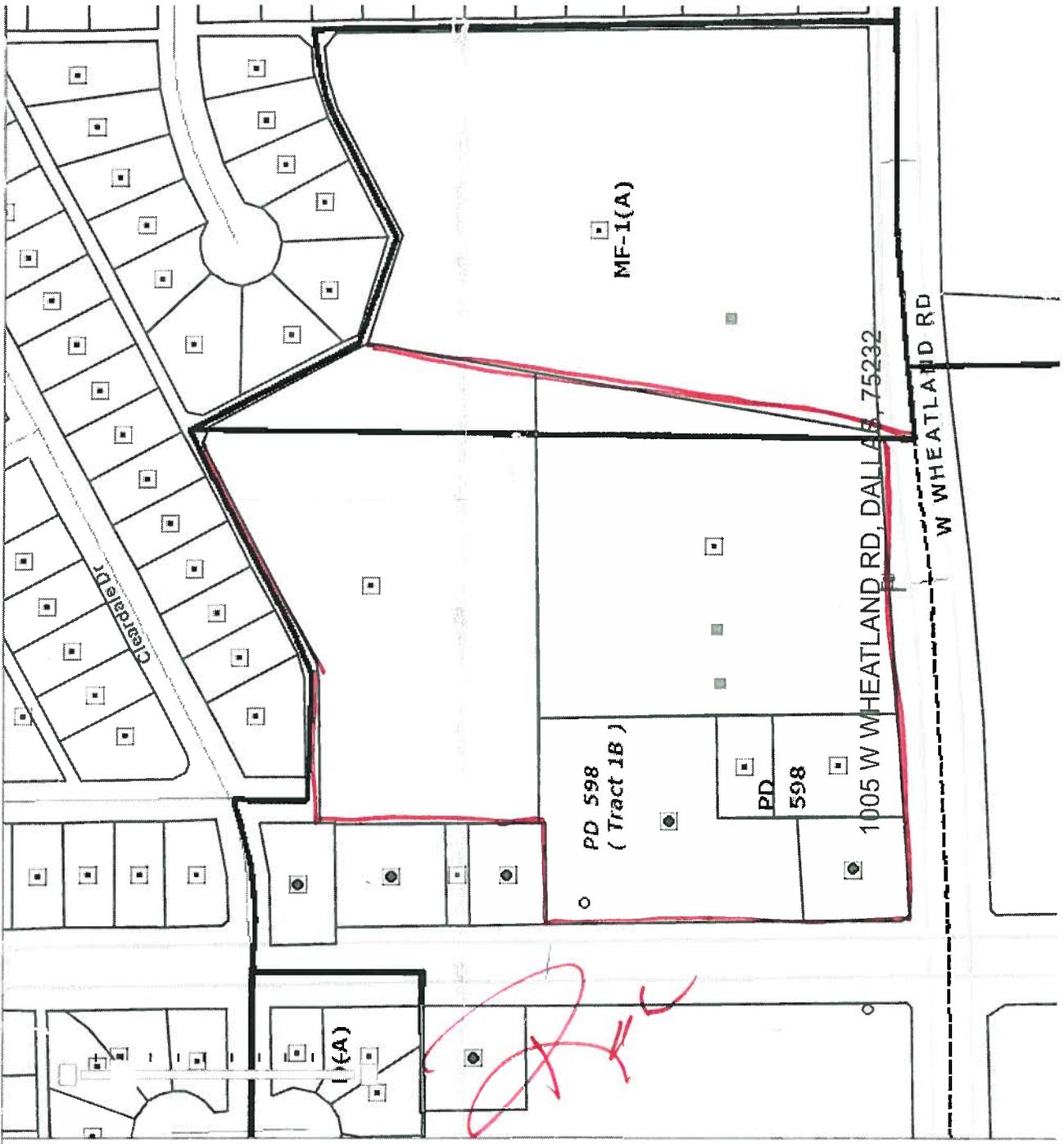
(Rev. 08-01-11)



# City of Dallas

## Internal Development Research Site

### Legend







**Board of Adjustment Appeal BDA** 156-124

**Property address:** 1005 W. Wheatland Road

The use in the above appeal,

**Multifamily**

---

has been identified by Building Inspection to be a nonconforming use.

***Appeal for a special exception to enlarge a nonconforming use per Sec. 51A-4.704(b)(5)***

Section 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.

***Appeal to establish a compliance date for a nonconforming use per Sec. 51A-4.704(a)(1)(A)***

***or***

***Appeal to reinstate a nonconforming use per Sec. 51A-4.704(a)(2)***

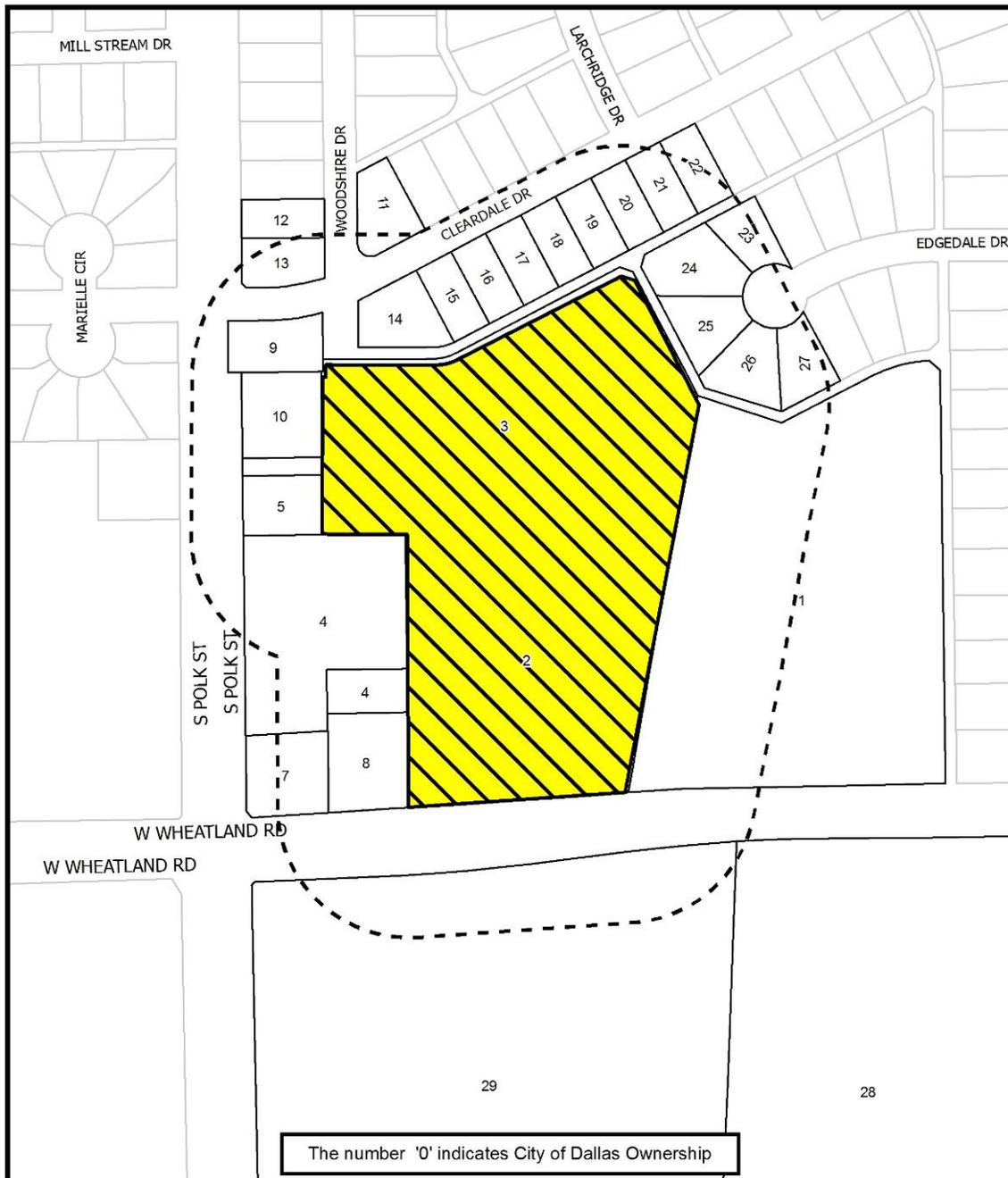
**SECTION 51A-4.704. NONCONFORMING USES AND STRUCTURES.**

(a) Compliance regulations for nonconforming uses. It is the declared purpose of this subsection that nonconforming uses be eliminated and be required to comply with the regulations of the Dallas Development Code, having due regard for the property rights of the persons affected, the public welfare, and the character of the surrounding area.

(1) Amortization of nonconforming uses.

(A) Request to establish compliance date. The city council may request that the board of adjustment consider establishing a compliance date for a nonconforming use. In addition, any person who resides or owns real property in the city may request that the board consider establishing a compliance date for a nonconforming use. Upon receiving such a request, the board shall hold a public hearing to determine whether continued operation of the nonconforming use will have an adverse effect on nearby properties. If, based on the evidence presented at the public hearing, the board determines that continued operation of the use will have an adverse effect on nearby properties, it shall proceed to establish a compliance date for the nonconforming use; otherwise, it shall not.

(2) The right to operate a nonconforming use ceases if the nonconforming use is discontinued for six months or more. The board may grant a special exception to this provision only if the owner can show that there was a clear intent not to abandon the use even though the use was discontinued for six months or more.



The number '0' indicates City of Dallas Ownership

 1:2,400	<b>NOTIFICATION</b>	Case no: <b>BDA156-124</b>			
	<table border="1"> <tr> <td style="text-align: center;"><b>200'</b></td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;"><b>29</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>29</b>	NUMBER OF PROPERTY OWNERS NOTIFIED
<b>200'</b>	AREA OF NOTIFICATION				
<b>29</b>	NUMBER OF PROPERTY OWNERS NOTIFIED				

## *Notification List of Property Owners*

### *BDA156-124*

#### *29 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	911 W WHEATLAND RD	DCP 911 WEST WHEATLAND ROAD LLC
2	1005 W WHEATLAND RD	SOFS HOLDINGS LLC
3	8000 WOODSHIRE DR	SOFS HOLDINGS LLC
4	8108 S POLK ST	POLK SOUTH INC
5	8020 S POLK ST	ABDELSALAM SALAHEDDIN F &
6	8010 S POLK ST	POLK TERRACE INC
7	8150 S POLK ST	KIM MAN SUNG & CHONG YE
8	1065 W WHEATLAND RD	LUCKY DUCKY CAR WASH LLC
9	8000 S POLK ST	KHALIL ANWAR
10	8008 S POLK ST	AMIRA GROUP INC
11	937 CLEARDALE DR	REVEST PROP INVEST LLC
12	7951 WOODSHIRE DR	BROWN CECIL LOUISE
13	7957 WOODSHIRE DR	AGUIRRE ADULFO &
14	944 CLEARDALE DR	GARCIA FILIBERTO MENDEZ & ANABEL CHAVEZ
15	936 CLEARDALE DR	AVERY ESTER & ALPHONZO &
16	930 CLEARDALE DR	MCCOWAN HATTIE
17	926 CLEARDALE DR	MCMILLIAN KYEMBA
18	920 CLEARDALE DR	TAULTON LEWIS JR
19	916 CLEARDALE DR	RODGERS JAMES E
20	910 CLEARDALE DR	CASATO FUNDING I LLC
21	906 CLEARDALE DR	BIRMINGHAM SHIRLEY
22	844 CLEARDALE DR	HIGH VIVIAN B DBA
23	927 EDGEDALE DR	FALLS HOWARD E & PAMELA
24	931 EDGEDALE DR	ROBINSON CHRISTENE
25	935 EDGEDALE DR	MARTINEZ RAFAEL A
26	932 EDGEDALE DR	CARLISLE MORRIS

11/17/2016

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	928 EDGEDALE DR	GILBREATH JOYCE O
28	900 W WHEATLAND RD	TEMPLO BETANIA EVANGELISTIC
29	8602 S POLK ST	ECONO FUEL

**FILE NUMBER:** BDA156-125(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Robert Baldwin of Baldwin and Associates for variances to the rear yard setback regulations and off-street parking regulations at 6615 Avalon Avenue. This property is more fully described as part of Lot 1, Block K/2796, and is zoned CD 2, which requires a rear yard setback of 6 feet, and requires a parking space to be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the street or alley and requires. The applicant proposes to construct and maintain a structure and provide a 0 foot rear yard setback, which will require a 6 foot variance to the rear yard setback regulations, and to locate and maintain parking spaces in an enclosed structure with a setback of 9 feet, which will require a variance of 11 feet to the off-street parking regulations.

**LOCATION:** 6615 Avalon Avenue

**APPLICANT:** Robert Baldwin of Baldwin and Associates

**REQUESTS:**

The following requests have been made on a site that is developed with a two-story single family structure:

1. A variance to the rear yard setback regulations of up to 6' is made to complete and maintain a two-story detached accessory structure (two-car garage/game room) to replace a recently demolished one-story detached garage structure in the same location/building footprint, located as close as on the site's rear property line or as much as 6' into the 6' rear yard setback.
2. A variance to the off-street parking regulations of 11' is made to locate and maintain parking spaces in an enclosed structure (the aforementioned replacement accessory structure) 9' from the alley right-of-way line or 11' into the required 20' distance that parking spaces are required to be from this alley right-of-way line if in an enclosed structure.

**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 (rear yard variance):**

Denial

Rationale:

- Staff concluded that the variance to the rear yard setback regulations should be denied because the applicant had not substantiated at the time of the November 29<sup>th</sup> staff review team meeting how the physical features of the flat, somewhat irregularly shaped, approximately 9,200 square foot site preclude it from being developed in a manner commensurate with the development upon other parcels of land in districts with the same CD 2 zoning classification while simultaneously complying with code provisions including rear yard setback regulations.

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

Denial

Rationale:

- While the Sustainable Development and Construction Department Project Engineer has no objections to the request if the Board imposes the submitted site plan and that no vehicles be allowed to park in the driveway were imposed as conditions, staff concluded that the variance to the off-street parking regulations should be denied because the applicant had not substantiated at the time of the November 29<sup>th</sup> staff review team meeting how the physical features of the flat, somewhat irregularly shaped, approximately 9,200 square foot site preclude it from being developed in a manner commensurate with the development upon other parcels of land in districts with the same CD 2 zoning classification while simultaneously complying with code provisions including off-street parking regulations

**BACKGROUND INFORMATION:**

**Zoning:**

Site: CD 2 (Tract III) (Conservation District)  
North: CD 2 (Tract III) (Conservation District)  
South: CD 2 (Tract III) (Conservation District)  
East: CD 2 (Tract III) (Conservation District)  
West: CD 2 (Tract III) (Conservation District)

## **Land Use:**

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

## **Zoning/BDA History:**

1. BDA067-060, Property located at 6625 Avalon Avenue (the property east of the subject site)

On April 16, 2007, the Board of Adjustment Panel C granted a request for a variance to the off-street parking regulations of up to 17' and imposed the following conditions: 1) compliance with the submitted 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 area in front of the garage be utilized for the parking of vehicles. 4) All applicable permits must be obtained.

The case report stated that the request was made to construct and maintain a detached accessory structure whereby enclosed parking spaces in the structure would be located less than the required 20' from the alley right-of-way line. (The site was developed with a detached garage/quarters structure that the applicant intended to replace with a new detached accessory garage structure).

## **GENERAL FACTS/STAFF ANALYSIS (rear yard variance):**

- This request for a variance to the rear yard setback regulations of up to 6' focuses on completing and maintaining a two-story detached accessory structure (two-car garage/game room) with an approximately 700 square foot building footprint that would replace a recently demolished one-story detached garage structure in the same location/building footprint, located as close as on the site's rear property line or as much as 6' into the 6' rear yard setback on a site developed with a two-story single family home structure.
- The site is zoned CD 2 (Tract III) which requires that all building sites provide a minimum rear yard setback of 6'.
- The submitted site plan represents a detached accessory structure with an approximately 700 square foot building footprint that is located 7 inches from the rear property line or as much as 6' into the required 6' rear yard setback.
- The application has stated that the "previous detached 1-story garage was removed and rebuilt in the same location and footprint".

- According to DCAD records, the “main improvement” for the property addressed at 6615 Avalon Drive is a structure constructed in 1924 with 3,442 square feet of living area/total area with the following “additional improvements”: 1) a 552 square foot detached garage; 2) 178 square feet of unfinished space; and 3) 552 square feet of unfinished space. Because records show that the structures on this site were built in the 20’s, it is assumed that the accessory structure recently demolished on the site was a nonconforming structure.
- The code defines nonconforming structure as a structure that does not conform to the regulations of the code, but which was lawfully constructed under the regulations in force at the time of construction.
- The code states that the right to rebuild a nonconforming structure ceases if the structure is destroyed by the intentional act of the owner or the owner’s agent.
- The code states that a person may renovate, remodel, repair, rebuild, or enlarge a nonconforming structure if the work does not cause the structure to become more nonconforming as to the yard, lot, and space regulations.
- The applicant is required to make a request for a variance to the rear yard setback regulations for the replacement accessory structure in (according to the applicant) the same location and with the same footprint because he intentionally destroyed what is assumed to be a nonconforming structure and he is causing it to become more nonconforming to the rear yard setback regulations because he proposes to add a second floor to align with the first floor.
- The subject site is flat, irregular in shape, and according to the submitted application is 0.21 acres (or approximately 9,200 square feet) in area. The site is zoned CD 2 where lots prior to its creation in 1988 were zoned R-10(A) where lots are typically 10,000 square feet in area.
- According to calculations taken from the site plan, about 45 square feet (or approximately 6 percent) of the replacement 700 square foot accessory structure building footprint is to be located in the site’s 6’ rear yard setback.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the rear 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 CD 2 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 CD 2 zoning classification.
- If the Board were to grant the request for a variance to the rear yard setback regulations of up to 6’, imposing a condition whereby the applicant must comply with the submitted site plan, the structure in the rear yard setback would be limited to that

what is shown on this plan – which in this case is an accessory structure located as close as on the rear property line or as much as 6’ in the 6’ rear yard setback.

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

- The request for a variance to the off-street parking regulations of 11’ focuses on locating and maintaining parking spaces in an enclosed two-story detached accessory structure (two-car garage/game room) which replaces a recently demolished one-story detached garage structure in the same location/building footprint 9’ from the alley right-of-way line or 11’ into the required 20’ distance that parking spaces in an enclosed structure is required to be from this alley right-of-way line on a site developed with a two-story single family home structure.
- The site is zoned CD 2 which provides no specific provisions related to the location of enclosed parking spaces. As a result, off-street parking provisions of the Dallas Development Code apply on this property.
- 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 represents that the location of enclosed parking spaces in the detached accessory structure is 9’ 1” from the alley right-of-way line or approximately 10’ from the alley pavement line.
- The application has stated that the “previous detached 1-story garage was removed and rebuilt in the same location and footprint”.
- According to DCAD records, the “main improvement” for the property addressed at 6615 Avalon Drive is a structure constructed in 1924 with 3,442 square feet of living area/total area with the following “additional improvements”: 1) a 552 square foot detached garage; 2) 178 square feet of unfinished space; and 3) 552 square feet of unfinished space. Because records show that the structures on this site were built in the 20’s, it is assumed that the accessory structure recently demolished on the site was a nonconforming structure.
- The code defines nonconforming structure as a structure that does not conform to the regulations of the code, but which was lawfully constructed under the regulations in force at the time of construction.
- The code states that the right to rebuild a nonconforming structure ceases if the structure is destroyed by the intentional act of the owner or the owner’s agent.
- The code states that a person may renovate, remodel, repair, rebuild, or enlarge a nonconforming structure if the work does not cause the structure to become more nonconforming as to the yard, lot, and space regulations.
- The applicant is required to make a request for a variance to the off-street parking regulations for the replacement accessory structure in (according to the applicant) the same location and with the same footprint because he intentionally destroyed what is assumed to be a nonconforming structure.
- The subject site is flat, irregular in shape, and according to the submitted application is 0.21 acres (or approximately 9,200 square feet) in area. The site is zoned CD 2

where lots prior to its creation in 1988 was zoned R-10(A) where lots are typically 10,000 square feet in area.

- The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet regarding the applicant's request marked "Has no objections if certain conditions are met" commenting "Subject to the site plan, and that no vehicles at any time be allowed to park in the driveway. The alley right-of-way shall remain unobstructed at all times".
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the off-street parking regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same CD 2 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 CD 2 zoning classification.
- If the Board were to grant the variance request, staff recommends imposing the following conditions:
  1. Compliance with the submitted 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 area in front of the garage be utilized for parking of vehicles. (These conditions are imposed to help assure that the variance will not be contrary to the public interest).

### **Timeline:**

October 21, 2016: 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 8, 2016: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

November 8, 2016: 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 23<sup>rd</sup> deadline to submit additional evidence for staff to factor into their analysis; and the December 2<sup>nd</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;

- the criteria/standard that the board will use in their decision to approve or deny the requests; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

November 29, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for December public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

November 30, 2016: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Has no objections if certain conditions are met" commenting "Subject to the site plan, and that no vehicles at any time be allowed to park in the driveway. The alley right-of-way shall remain unobstructed at all times".

December 2, 2016: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A). Note that this information was not factored into the staff recommendation since it was submitted after the November 29<sup>th</sup> staff review team meeting.





1:1,200

# AERIAL MAP

Case no: BDA156-125

Date: 11/17/2016

BDA156-125  
Attach A p.1

**Long, Steve**

---

**From:** Jennifer Hiromoto <jennifer@baldwinplanning.com>  
**Sent:** Friday, December 02, 2016 10:58 AM  
**To:** Long, Steve  
**Cc:** Rob Baldwin  
**Subject:** BDA156-125 Avalon  
**Attachments:** BDA156-125 letter to staff.pdf

Good morning Steve,

Please find additional information attached that we would like to include in the Board packet. I apologize this did not get to you sooner.

Thanks,  
Jennifer

Jennifer Hiromoto  
Baldwin Associates  
3904 Elm Street Suite B  
Dallas, TX 75226  
Office: 214-824-7949  
Cell: 469-275-2414

Baldwin  
Associates

BDA156-125

Attach A

pg 2

November 17, 2016

Steve Long, Board Administrator  
City of Dallas  
1500 Marilla 5BN  
Dallas, TX 75201

RE: 6615 Avalon Avenue  
BDA156-125

Dear Mr. Long:

We are assisting the Cavenaghi family in their request for two variances in order to allow them to continue to construct a second story on their detached garage. You may be aware that there was a permit issued to construct a second story on the previous detached garage. After the permit was issued, it was recommended to reconstruct the garage and build a new structure since the previous foundation was determined to not be sufficient to support a two-story structure. Unfortunately, the location of the previous garage was non-conforming as to the location of an accessory structure in CD-2 and for an enclosed parking space. The construction proceeded and building inspections were performed. It was not until the roof was installed that an inspector informed us of the issues.

The property at 6615 Avalon Avenue is a portion of Lot 1 of Block K/2796 and the single family structure was built in 1924 according to DCAD. The property is rhombus-shaped and abuts an alley on its eastern side. This is an irregular shape and it is unusual for an alley to run along a side yard. The property is zoned Tract III within CD-2, which is the Lakewood Conservation District. It has a minimum lot size of 10,000 square feet. Based on DCAD data for tax parcels, there are 165 parcels within Tract III of CD-2. The subject property is approximately 8,730 square feet, which is the fourth smallest parcel out of 165.

CD-2 requires a minimum side and yard setback of 6 feet within Tract III, but allows for a setback exemption for garages, accessory structures, and porte cocheres. The setback exemption is written to push these accessory structures to the rear half of the back yard if the second floor is limited to no more than 40 feet or 60% of the rear lot line length. The location of the previous garage did not meet rear half of the back yard requirement at the time it was demolished. Approximately one-third of that structure did not meet the allowance to be exempt from setbacks, when the rear 50% is measured parallel to the rear property line.

3904 Elm Street Suite B • Dallas, TX 75226 • 214-824-7949

BDA156-125  
Attach A  
P53

From our observations, the vast majority of properties, perhaps 80% or more, in Tract III of CD-2 have detached garages. This is to be expected for homes built primarily in the 1920s-1940s. We observed 46 of the 165 properties to be developed with two-story garages. These observations were by walking and driving the neighborhood. Of the two-story detached garages, we found a concentration of these structures on Avalon Avenue and Lakewood Drive. We believe this shows our proposed two-story detached garage is commensurate with other properties with CD-2 Tract III.

The previous garage was located approximately 8 feet from the alley right-of-way, which did not provide the minimum 20' setback for an enclosed parking structure. Our site plan indicates that the proposed garage setback will be 9'1" from the alley right-of-way line. The property owners intend to park within the garage and not between the garage door and alley. The alley curves at the end of the subject property and then runs parallel to Avalon Avenue to the east away from the subject property. This right-turn at the alley should cause traffic using the alley to use more caution and slower speed as it approaches this turn. The property owners have spoken to many neighbors and are unaware of any issue from the previous garage placement relative to the alley.

We believe the subject property has a clear hardship in its size and shape and it differs greatly from other properties in Tract III of CD-2. The proposed location of the detached garage is the best location on the property for such a structure and it is commensurate with other properties within the same zoning district. We would appreciate staff supporting both variance requests. Please contact me if you need any additional information regarding this application.

Sincerely,



Rob Baldwin

Attachments: lot area exhibit, two-story garage exhibit

BDA 156-125

Attach A

PS 4

HOUSES WITH 2-STORY DETACHED GARAGES IN SAME TRACT OF CD

	Street number	Street
1	6608	Avalon
2	6609	Avalon
3	6641	Avalon
4	6645	Avalon
5	6649	Avalon
6	6652	Avalon
7	6657	Avalon
8	6658	Avalon
9	6661	Avalon
10	6665	Avalon
11	6664	Avalon
12	6668	Avalon
13	6679	Avalon
14	6700	Avalon
15	6703	Avalon
16	6739	Avalon
17	6753	Avalon
18	6808	Avalon
19	6814	Avalon
20	6827	Avalon
21	6620	Gaston
22	6677	Gaston
23	6661	Gaston
24	6409	Richmond
25	6722	Lakeshore
26	6830	Lakeshore
27	6709	Lakewood
28	6711	Lakewood
29	6722	Lakewood
30	6712	Lakewood
31	6703	Lakewood
32	6702	Lakewood
33	6676	Lakewood
34	6665	Lakewood
35	6666	Lakewood
36	6662	Lakewood
37	6661	Lakewood
38	6657	Lakewood
39	6627	Lakewood
40	6624	Lakewood
41	6683	Lakewood
42	6527	Gaston
43	2207	Cambria
44	6711	Country Club
45	6669	Country Club
46	6633	Country Club

BDA 156-125

Appendix A

PS 5

## DCAD Data for parcels within CD 2 Tract III

Total number of parcels: 165

Rank	AREA_SQ FEET	ST_NUM	ST_NAME	Rank	AREA_SQ FEET	ST_NUM	ST_NAME
1	6,980.29	6616	AVALON AVE	44	12,200.61	6713	LAKEWOOD BLVD
2	8,360.81	6625	AVALON AVE	45	12,208.33	6640	AVALON AVE
3	8,549.36	6608	AVALON AVE	46	12,210.55	2207	CAMBRIA BLVD
4	8,729.95	6615	AVALON AVE	47	12,243.12	6649	AVALON AVE
5	8,806.99	6616	LAKEWOOD BLVD	48	12,263.30	6732	LAKESHORE DR
6	8,884.51	6609	AVALON AVE	49	12,281.02	6647	GASTON AVE
7	9,040.37	6401	RICHMOND AVE	50	12,311.45	6700	LAKESHORE DR
8	9,130.98	6818	LAKESHORE DR	51	12,344.54	6629	GASTON AVE
9	9,143.46	6636	AVALON AVE	52	12,378.34	6651	LAKEWOOD BLVD
10	9,202.06	6612	GASTON AVE	53	12,392.64	6715	LAKEWOOD BLVD
11	9,207.27	6814	LAKESHORE DR	54	12,489.44	6639	AVALON AVE
12	9,479.73	6407	RICHMOND AVE	55	12,658.82	6653	GASTON AVE
13	9,520.81	6826	LAKESHORE DR	56	12,740.28	6708	LAKESHORE DR
14	9,686.95	6620	LAKEWOOD BLVD	57	12,746.63	6655	LAKEWOOD BLVD
15	9,778.04	6409	RICHMOND AVE	58	12,776.34	6648	AVALON AVE
16	10,004.41	6602	AVALON AVE	59	12,799.31	6637	GASTON AVE
17	10,161.98	6645	AVALON AVE	60	12,933.95	6709	LAKEWOOD BLVD
18	10,163.93	6644	AVALON AVE	61	12,971.34	6733	COUNTRY CLUB CIR
19	10,479.71	6600	LAKEWOOD BLVD	62	13,039.68	6661	LAKEWOOD BLVD
20	10,542.41	6711	LAKEWOOD BLVD	63	13,054.83	6627	LAKEWOOD BLVD
21	10,622.89	6624	LAKEWOOD BLVD	64	13,120.84	6616	GASTON AVE
22	10,741.20	6607	GASTON AVE	65	13,156.37	6717	LAKEWOOD BLVD
23	10,776.08	2215	CAMBRIA BLVD	66	13,274.12	6810	LAKESHORE DR
24	10,779.69	6630	LAKEWOOD BLVD	67	13,287.44	6665	LAKEWOOD BLVD
25	11,046.27	2417	BRENDENWOOD DR	68	13,407.66	6658	AVALON AVE
26	11,093.21	6712	LAKESHORE DR	69	13,423.61	6759	AVALON AVE
27	11,105.73	6622	AVALON AVE	70	13,512.59	6669	AVALON AVE
28	11,180.86	6640	LAKEWOOD BLVD	71	13,587.49	6647	LAKEWOOD BLVD
29	11,206.93	6830	LAKESHORE DR	72	13,612.40	6703	LAKEWOOD BLVD
30	11,449.37	6635	LAKEWOOD BLVD	73	13,733.41	6713	AVALON AVE
31	11,540.80	6661	AVALON AVE	74	13,794.33	6603	AVALON AVE
32	11,554.68	6608	LAKEWOOD BLVD	75	13,831.75	6724	AVALON AVE
33	11,584.06	6662	LAKEWOOD BLVD	76	13,845.22	6726	GASTON AVE
34	11,653.63	6729	COUNTRY CLUB CIR	77	13,997.41	6623	COUNTRY CLUB CIR
35	11,743.36	6519	GASTON AVE	78	14,007.89	6721	COUNTRY CLUB CIR
36	11,814.27	6657	LAKEWOOD BLVD	79	14,183.05	6722	LAKESHORE DR
37	11,828.05	6718	LAKESHORE DR	80	14,189.38	6718	AVALON AVE
38	11,839.36	6641	GASTON AVE	81	14,227.88	6666	LAKEWOOD BLVD
39	11,965.93	6644	LAKEWOOD BLVD	82	14,232.08	6752	AVALON AVE
40	12,062.94	6656	LAKEWOOD BLVD	83	14,283.73	6411	RICHMOND AVE
41	12,128.63	6621	LAKEWOOD BLVD	84	14,322.52	6665	AVALON AVE
42	12,177.16	6641	AVALON AVE	85	14,448.76	6712	LAKEWOOD BLVD
43	12,190.26	6657	AVALON AVE	86	14,515.36	6725	LAKEWOOD BLVD

Rank	AREA_SQ FEET	ST_NUM	ST_NAME	Rank	AREA_SQ FEET	ST_NUM	ST_NAME
87	14,544.96	6668	AVALON AVE	133	18,341.27	6617	LAKEWOOD BLVD
88	14,565.24	6639	COUNTRY CLUB CIR	134	18,350.17	6711	COUNTRY CLUB CIR
89	14,605.08	6421	RICHMOND AVE	135	18,450.38	6625	GASTON AVE
90	14,797.15	6672	AVALON AVE	136	18,551.71	6739	AVALON AVE
91	14,855.78	6709	AVALON AVE	137	18,585.64	6685	AVALON AVE
92	14,899.62	6664	AVALON AVE	138	18,843.99	6683	LAKEWOOD BLVD
93	15,061.62	6712	AVALON AVE	139	18,877.42	6759	GASTON AVE
94	15,233.77	6425	RICHMOND AVE	140	18,930.05	6535	GASTON AVE
95	15,352.41	6745	COUNTRY CLUB CIR	141	19,288.48	6703	COUNTRY CLUB CIR
96	15,480.81	6730	AVALON AVE	142	19,894.08	6679	AVALON AVE
97	15,501.19	6706	GASTON AVE	143	19,897.37	6731	AVALON AVE
98	15,575.04	6675	LAKEWOOD BLVD	144	20,078.36	6661	GASTON AVE
99	15,615.16	2202	CAMBRIA BLVD	145	20,355.90	6700	GASTON AVE
100	15,740.74	6527	GASTON AVE	146	20,735.94	6671	GASTON AVE
101	15,780.35	6725	AVALON AVE	147	21,488.86	6743	GASTON AVE
102	15,860.19	6708	AVALON AVE	148	21,913.86	6707	GASTON AVE
103	16,007.97	6650	LAKEWOOD BLVD	149	21,923.72	6745	AVALON AVE
104	16,027.65	6511	GASTON AVE	150	22,229.14	6677	GASTON AVE
105	16,063.47	6742	LAKESHORE DR	151	22,262.15	6761	COUNTRY CLUB CIR
106	16,121.42	6702	LAKEWOOD BLVD	152	22,369.76	6758	AVALON AVE
107	16,123.46	6721	LAKEWOOD BLVD	153	22,573.80	6669	COUNTRY CLUB CIR
108	16,177.25	6737	COUNTRY CLUB CIR	154	22,740.86	6729	LAKEWOOD BLVD
109	16,186.56	6719	AVALON AVE	155	23,560.91	6748	LAKEWOOD BLVD
110	16,272.17	6603	LAKEWOOD BLVD	156	25,768.57	6676	LAKEWOOD BLVD
111	16,405.45	6708	LAKEWOOD BLVD	157	27,022.93	6608	GASTON AVE
112	16,407.73	6652	AVALON AVE	158	27,364.06	6758	LAKEWOOD BLVD
113	16,437.00	6682	AVALON AVE	159	28,272.61	6429	RICHMOND AVE
114	16,483.69	6806	LAKESHORE DR	160	28,625.34	6738	LAKEWOOD BLVD
115	16,522.06	6731	GASTON AVE	161	34,914.00	6726	LAKEWOOD BLVD
116	16,543.58	6725	GASTON AVE	162	35,138.67	6803	LAKEWOOD BLVD
117	16,564.80	6617	GASTON AVE	163	35,851.16	6815	LAKEWOOD BLVD
118	16,609.27	6700	AVALON AVE	164	39,102.71	6715	GASTON AVE
119	16,826.58	6753	AVALON AVE	165	46,290.16	6645	COUNTRY CLUB CIR
120	16,906.25	6714	GASTON AVE				
121	16,914.91	6738	AVALON AVE				
122	17,181.32	6748	AVALON AVE				
123	17,302.71	6703	AVALON AVE				
124	17,385.61	6633	COUNTRY CLUB CIR				
125	17,675.60	6757	GASTON AVE				
126	17,694.25	6722	LAKEWOOD BLVD				
127	17,886.90	6751	GASTON AVE				
128	17,997.80	6744	AVALON AVE				
129	18,078.38	6626	GASTON AVE				
130	18,212.01	6630	GASTON AVE				
131	18,226.75	6735	GASTON AVE				
132	18,326.05	6620	GASTON AVE				



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-125

Data Relative to Subject Property:

Date: October 21, 2016

Location address: 6615 Avalon Ave Zoning District: CD-2

Lot No.: Pt 1 Block No.: K/2796 Acreage: 0.21 acres Census Tract: 1.00

Street Frontage (in Feet): 1) 64 ft 2) 3) 4) 5)

To the Honorable Board of Adjustment :

JE5B

Owner of Property (per Warranty Deed): Gonzalo L. Cavenaghi

Applicant: Rob Baldwin, Baldwin Associates Telephone: 214-824-7949

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

E-mail Address: rob@baldwinplanning.com

Represented by: Rob Baldwin, Baldwin Associates Telephone: 214-824-7949

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

E-mail Address: rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance X, or Special Exception, of 6 feet to the 6-foot rear yard setback and 11 feet to the 20-foot enclosed parking space setback

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

The previous detached 1-story garage was removed and rebuilt in the same location and footprint. The property is an irregular shape.

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.

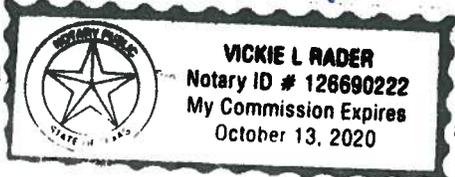
Affidavit

Before me the undersigned on this day personally appeared Robert Baldwin (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 21st day of October, 2016



[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 Baldwin

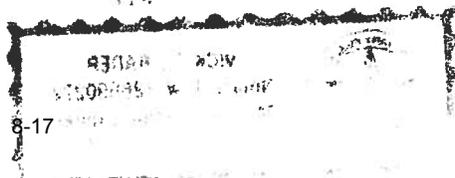
did submit a request for a variance to the rear yard setback regulations, and for a variance to the off-street parking regulations

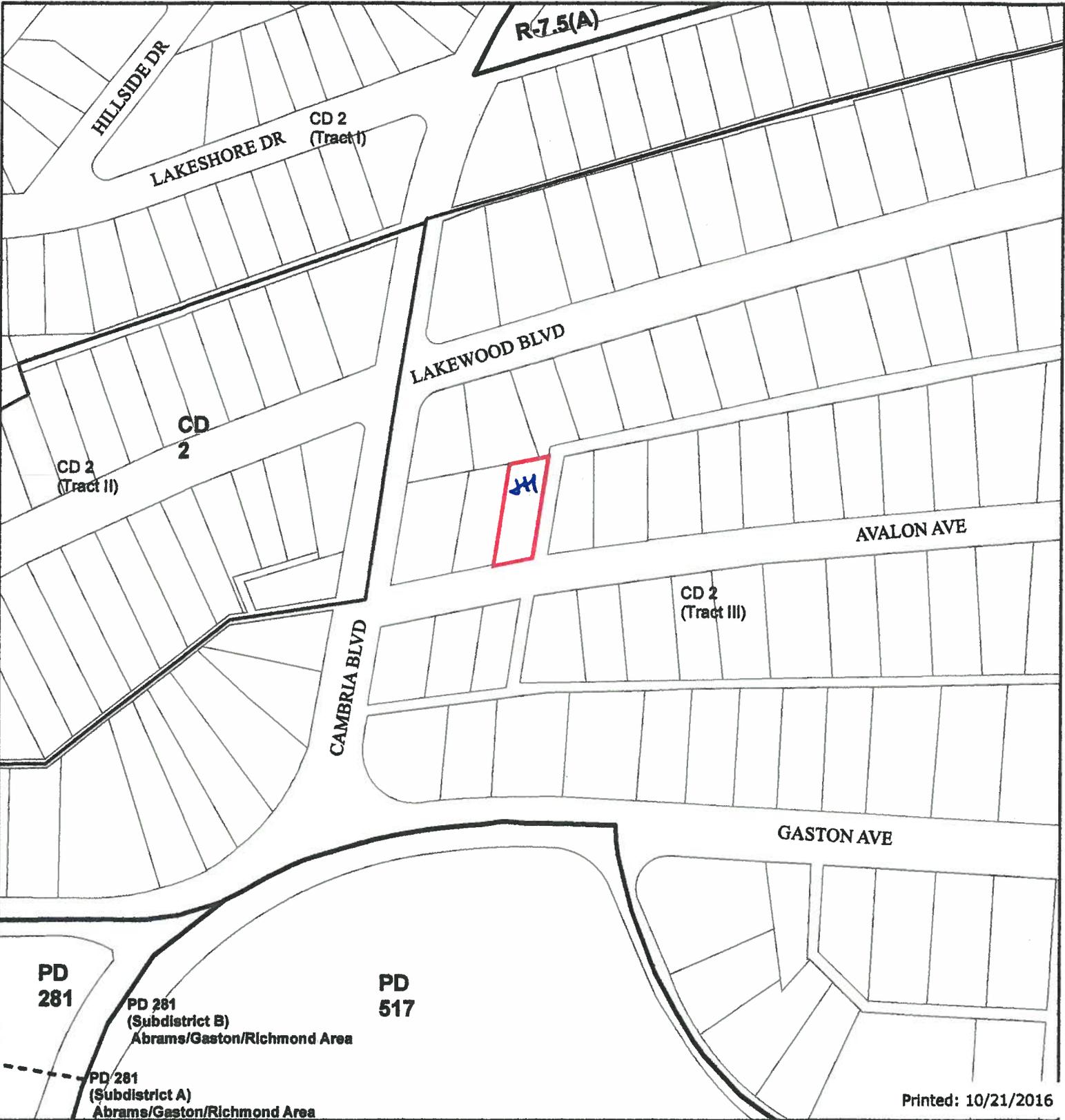
at 6615 Avalon Avenue

BDA156-125. Application of Robert Baldwin for a variance to the rear yard setback regulations and a variance to the off-street parking regulations at 6615 Avalon Avenue. The property is more fully described as part of Lot 1, Block K/2796, and is zoned CD-2, 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 can be entered directly from the street or alley and requires a rear yard setback of 6 feet. The applicant proposes to construct and maintain a single family residential structure and provide a 0 foot rear yard setback, which will require a 6 foot variance to the rear yard setback regulation, and to construct and maintain a single family residential structure with side yard setback of 9 feet, which will require a variance of 11 feet to the off-street parking regulation.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official



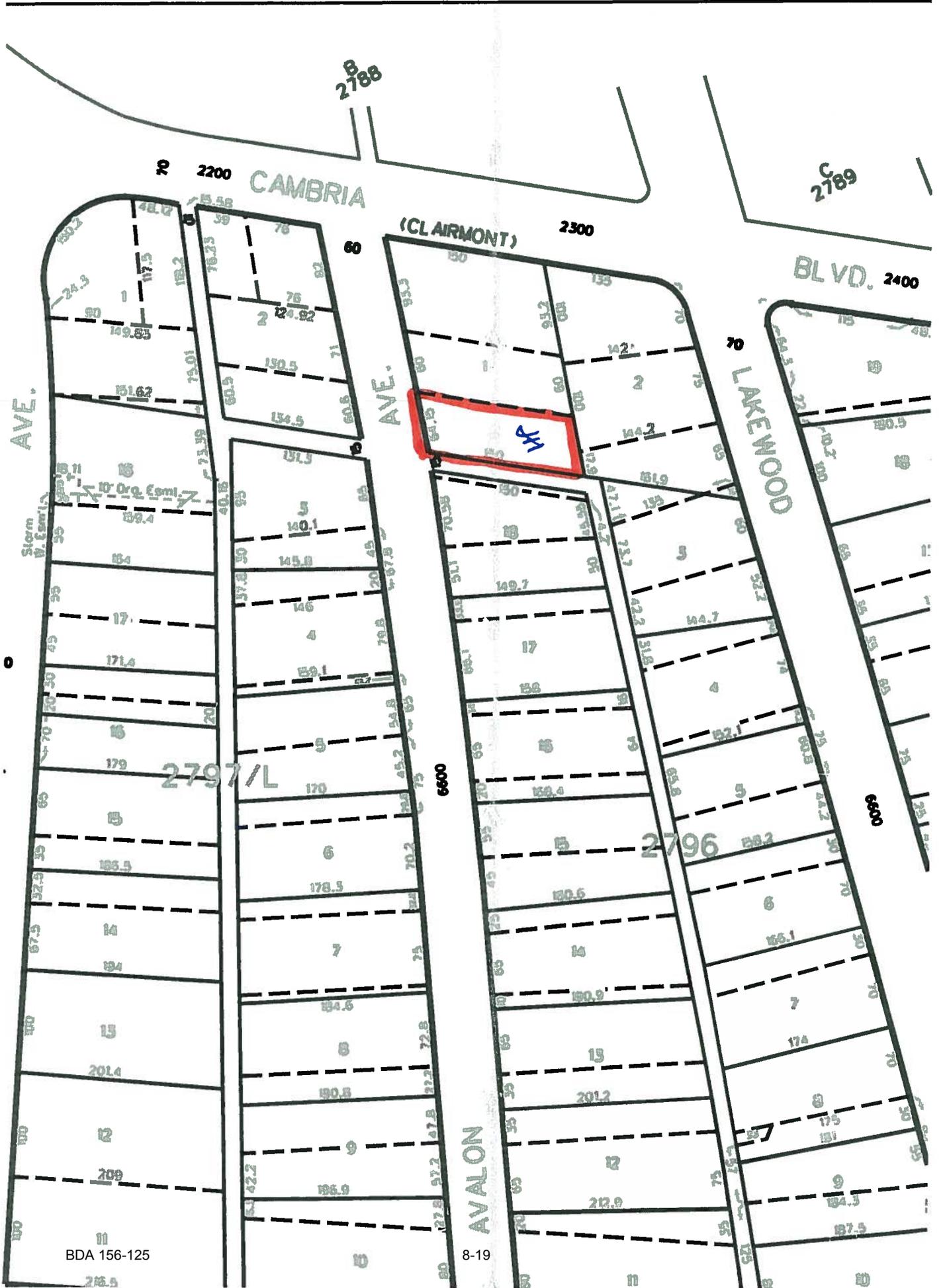


**Legend**

- City Limits
- School
- Floodplain**
- 100 Year Flood Zone
- Mill's Creek
- Peak's Branch
- X Protected by Levee
- Parks
- BDA
- railroad
- Certified Parcels
- Base Zoning
- PD193 Oak Lawn
- Dallas Environmental Corridors
- SPSD Overlay
- Deed Restrictions
- Dry Overlay
- D
- D-1
- CP
- SP
- MD Overlay
- Historic Subdistricts
- Historic Overlay
- Height Map Overlay
- CD Subdistricts
- PD Subdistricts
- PDS Subdistricts
- NSO Subdistricts
- NSO\_Overlay
- Escarpment Overlay
- Parking Management Overlay
- Show Flood Overlay

This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. (Texas Government Code § 2051.102)













REVISIONS:

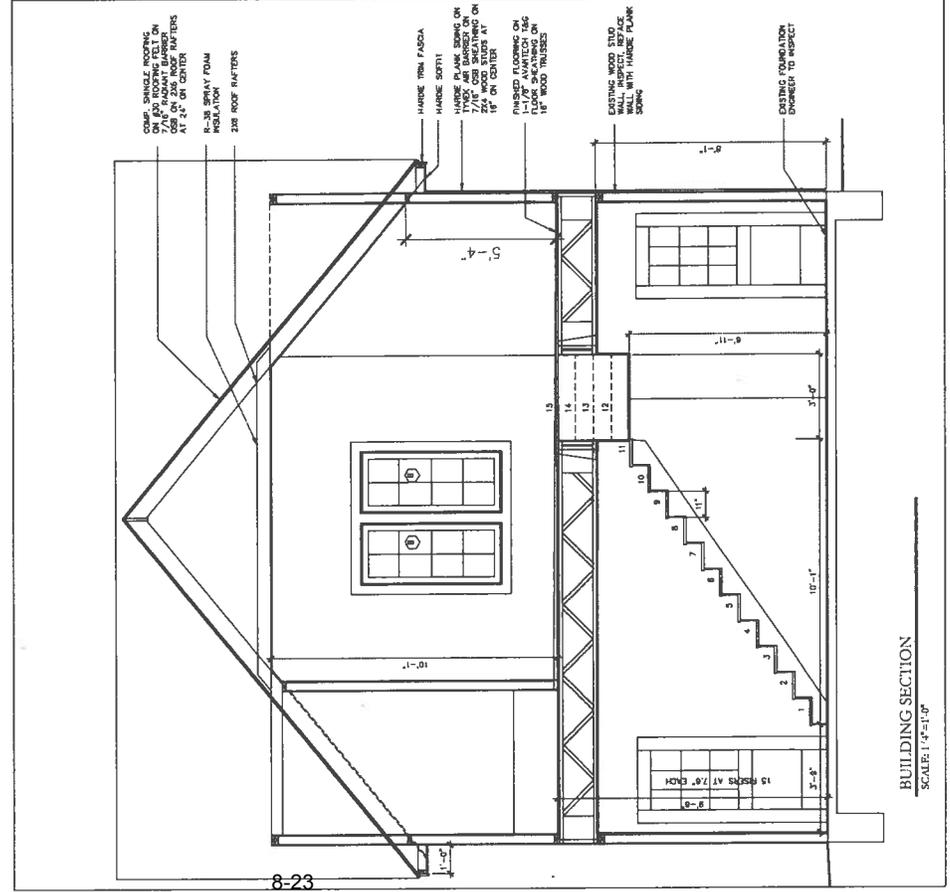
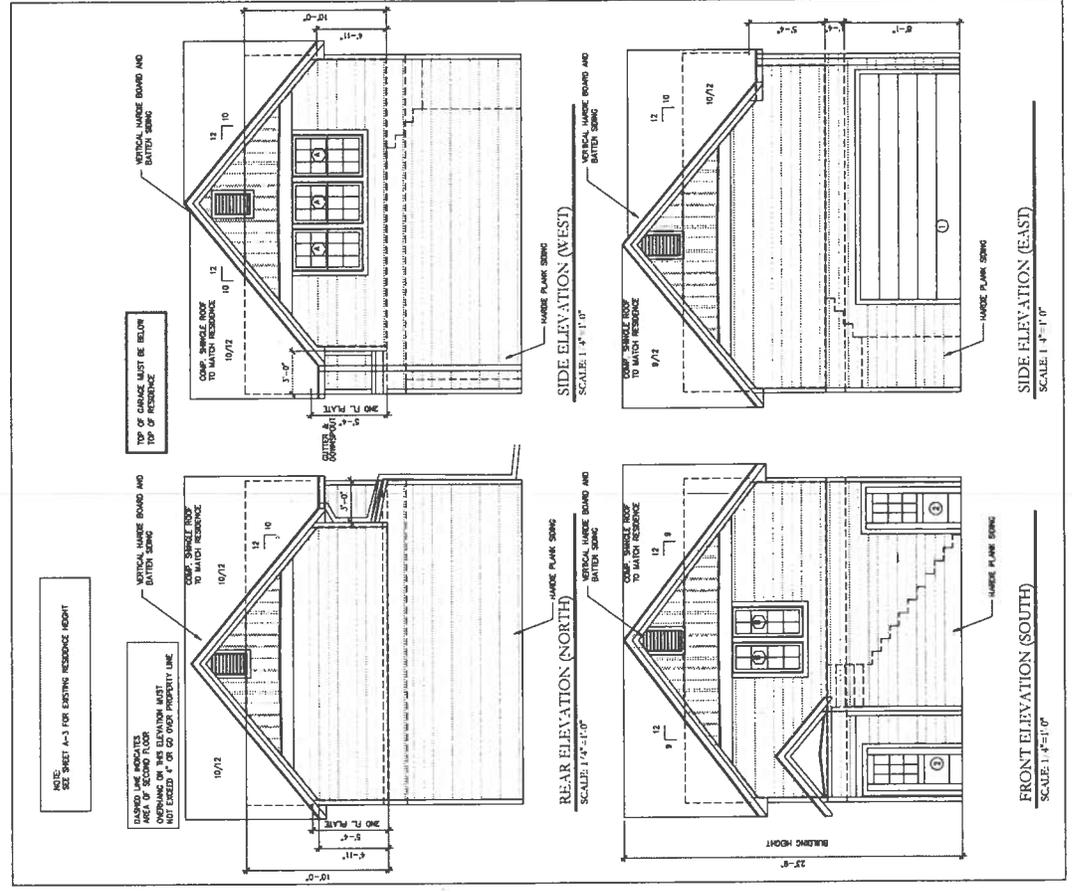
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DESIGNED BY ARCHITECTURA  
CHECKED BY ARCHITECTURA  
DATE: 10/20/2016  
PROJECT: 16-00000000000000000000  
DRAWING: 16-00000000000000000000

DATE: 8/27/2015  
SHEET NO. **A-4**

16-00000000000000000000









 1:1,200	<b>NOTIFICATION</b>	Case no: <b>BDA156-125</b>			
	<table border="1"> <tr> <td style="text-align: center;"><b>200'</b></td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;"><b>18</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>18</b>	NUMBER OF PROPERTY OWNERS NOTIFIED
<b>200'</b>	AREA OF NOTIFICATION				
<b>18</b>	NUMBER OF PROPERTY OWNERS NOTIFIED				

## *Notification List of Property Owners*

### *BDA156-125*

#### *18 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6615 AVALON AVE	CAVENAGHI GONZALO L
2	6609 AVALON AVE	HAYES BARRY M &
3	6603 AVALON AVE	MANCHESTER STEVEN T &
4	6608 LAKEWOOD BLVD	ANGELLEY WILLIAM O & JULES E
5	6620 LAKEWOOD BLVD	HARLAN MICHAEL N & CYNTHIA S
6	6600 LAKEWOOD BLVD	HAY G R
7	6616 LAKEWOOD BLVD	WELLS HENRY W &
8	6624 LAKEWOOD BLVD	PATTERSON SPENCER &
9	6630 LAKEWOOD BLVD	GORDON KAELA JILL & GREGORY DAVID
10	6641 AVALON AVE	DETERDING JOHN C JR &
11	6625 AVALON AVE	BYERLEY WILLIAM M & SUSAN G
12	6639 AVALON AVE	MAYON MICHAEL C
13	6616 AVALON AVE	OPITZ JUSTIN R & KASSIDY K
14	6602 AVALON AVE	JACOBE MICHAEL
15	6608 AVALON AVE	RUBENSTEIN KENNETH JAY &
16	6622 AVALON AVE	BONDS DAVID A
17	6636 AVALON AVE	PEDEN JAMES K III
18	6640 AVALON AVE	CINDY LYNN CAPITAL LLC

**FILE NUMBER:** BDA156-127(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Robert L. Buckman, Jr. for special exceptions to the fence standards at 9328 Redondo Drive. This property is more fully described as Lot 15, Block F/5314, and is zoned R-10(A), NSO 5, which limits the height of a fence to 4 feet. The applicant proposes to construct and maintain 8 foot high fences, which will require 4 foot special exceptions to the fence standards.

**LOCATION:** 9328 Redondo Drive

**APPLICANT:** Robert L. Buckman, Jr.

**REQUESTS:**

The following requests have been made on a site developed with a single family home:

1. A special exception to the fence standards related to fence height of 4' is made to maintain a fence higher than 4' in height (an approximately 5' 8" high pedestrian gate with 6' high masonry columns, and an 8' high solid board-on-board fence) in the site's 50' required front yard on Redondo Drive.
2. A special exception to the fence standards related to fence height of 4' is made to construct and maintain a fence higher than 4' in height (an 8' high solid board-on-board fence) in the site's 50' required front yard on Bella Vista Drive.

**STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:**

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

**STAFF RECOMMENDATION:**

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

**BACKGROUND INFORMATION:**

**Zoning:**

**Site:** R-10(A) (NSO 5) (Single family district 10,000 sq ft, Neighborhood Stabilization Overlay)  
**North:** R-10(A) (NSO 5) (Single family district 10,000 sq ft, Neighborhood Stabilization Overlay)  
**South:** R-10(A) (NSO 5) (Single family district 10,000 sq ft, Neighborhood Stabilization Overlay)  
**East:** R-10(A) (NSO 5) (Single family district 10,000 sq ft, Neighborhood Stabilization Overlay)

West: R-10(A) (NSO 5) (Single family district 10,000 sq ft, Neighborhood Stabilization Overlay)

**Land Use:**

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

**Zoning/BDA History:**

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

**GENERAL FACTS/STAFF ANALYSIS:**

- These requests for special exceptions to the fence standards related to fence height of 4' focus on the following;
  1. maintaining an approximately 5' 8" high pedestrian gate with 6' high masonry columns, and an 8' high solid board-on-board fence in the site's 50' required front yard on Redondo Drive; and
  2. constructing and maintaining an 8' high solid board-on-board fence in the site's 50' required front yard on Bella Vista Drive
- The subject site is zoned R-10(A) (NSO 5) (Single family district 10,000 square feet Neighborhood Stabilization Overlay) which requires a minimum front yard setback of 50'.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The site is at the intersection of Redondo Drive and Bella Vista Drive. The site has two 50' front yard setbacks in order to maintain continuity of the established front yard setbacks along both of these street frontages where homes/lots to the west "front" on Redondo Drive and Bella Vista Drive.
- The applicant has submitted a site plan and partial elevations of the proposal with notations indicating that the proposal reaches a maximum height of 8'.
- The following additional information was gleaned from the submitted site plan:
  - Along Redondo Drive: The proposal over 4' in height in the front yard setback is represented as being approximately 25' in length parallel to the street, and approximately 27' – 32' in length perpendicular to the street on the north and south sides of the site in the front yard setback.
  - Along Redondo Drive: The fence proposal is represented as being located approximately 10' – 13' from the property line or approximately 23' – 26' from the pavement line.
  - Along Bella Vista Drive: The proposal over 4' in height in the front yard setback is represented as being approximately 115' in length parallel to the street, and approximately 26' in length perpendicular to the street on the north side of the site in the front yard setback.

- Along Bella Vista Drive: The fence proposal is represented as being located approximately 14' – 23' from the property line or approximately 25' – 34' from the pavement line.
- Along Bella Vista Drive: A row of “29 existing crepe myrtles to remain” located directing inside the property line – a row that is located in front of what appears to be more than half of the proposed fence on this street.
- Along Redondo Drive: Two single family lots with no fence front the existing fence.
- Along Bella Vista Drive: Two single family lots with no fence front the proposed fence.
- The Board Administrator conducted a field visit of the site and surrounding area and noted no other fences that appeared to be above 4' in height and located in a front yard setback.
- As of December 2, 2016, a petition with 36 signatures had been submitted in support of the request and 2 letters had been submitted in opposition.
- The applicant has the burden of proof in establishing that the special exceptions to the fence standards related to fence height of 4' will not adversely affect neighboring property.
- Granting these special exceptions with a condition imposed that the applicant complies with the submitted site plan and partial elevations would require the proposal exceeding 4' in height in the front yard setbacks to be constructed/maintained in the locations and of the heights and materials as shown on these documents.

**Timeline:**

October 21, 2016: 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 8, 2016: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

November 8, 2016: The Board Administrator emailed the applicant the following information:

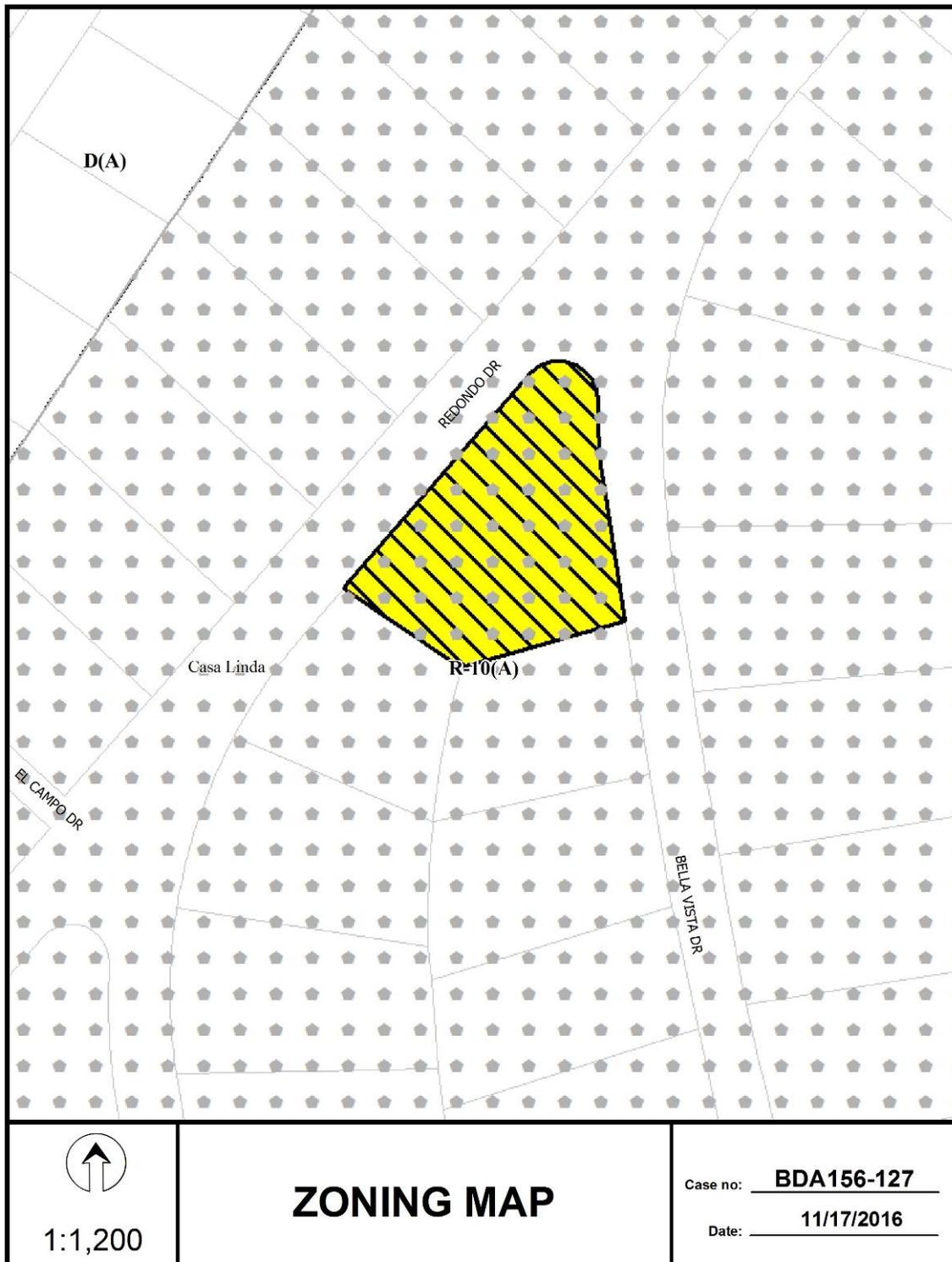
- an attachment that provided the public hearing date and panel that will consider the application; the November 23<sup>rd</sup> deadline to submit additional evidence for staff to factor into their analysis; and the December 2<sup>nd</sup> deadline to submit additional evidence to be incorporated into 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.

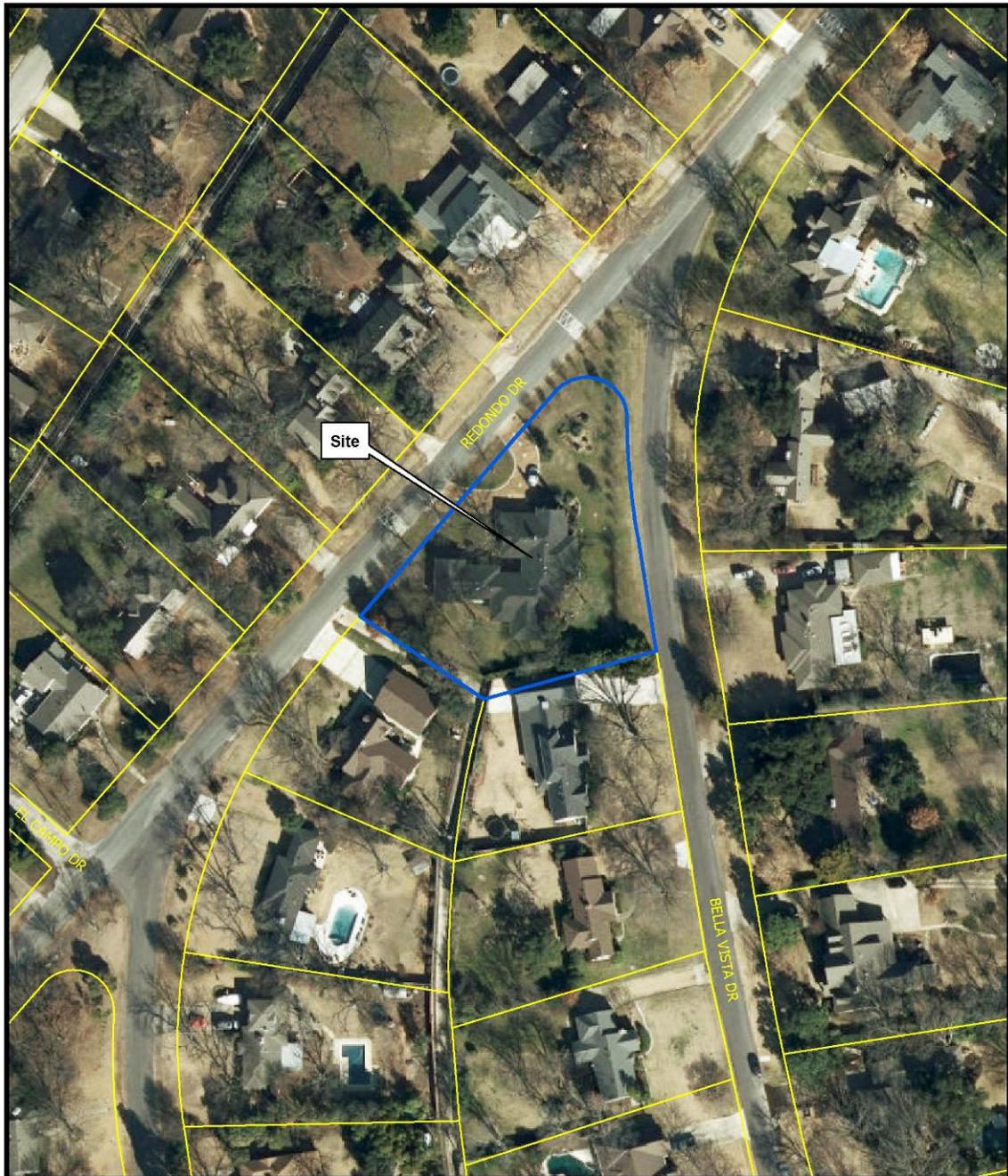
November 29, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for December public hearings. Review team members in attendance included: the

Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

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

November 30, 2016: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).





1:1,200

# AERIAL MAP

Case no: BDA156-127

Date: 11/17/2016

**Long, Steve**

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**From:** Bob Buckman (Apple) <bobbuckman@me.com>  
**Sent:** Wednesday, November 30, 2016 11:22 AM  
**To:** Long, Steve  
**Cc:** Duerksen, Todd; 'Cindy Buckman'; bobbuckman@me.com; 'Jeff Stegich'  
**Subject:** RE: BDA156-127, Property at 9328 Redondo Drive  
**Attachments:** 9328 Redondo Petition in Support of Variance Request.pdf

Steve,

Everything looks good in terms of the materials you shared on my Variance Request which will be heard on December 12<sup>th</sup>. I wanted to forward the "Petition for Support of our Appeal" so it can be included in what is prepared for the Board. I have 36 signatures from neighbors who support our Variance Request. The majority of these come from the immediate surrounding homes that border our property and all of them are from the portion of Casa Linda covered by the Overlay. I still have several people who have expressed interest in signing but we have not been able to connect. I will continue to pursue their signatures but I understand that they will not be included in the materials that will be given to the Board in advance. Please let me know if you need me to mail the original petitions to you as I am happy to do that. I want to say thanks in advance to both your and Mr. Duerksen for your advice on how to properly prepare. I look forward to the hearing on Monday, December 12<sup>th</sup>.

Thanks again,  
Bob Buckman  
Cell (214)288-2929

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**From:** Long, Steve [<mailto:steve.long@dallascityhall.com>]  
**Sent:** Tuesday, November 8, 2016 8:26 AM  
**To:** [bobbuckman@me.com](mailto:bobbuckman@me.com)  
**Cc:** Duerksen, Todd <[todd.duerksen@dallascityhall.com](mailto:todd.duerksen@dallascityhall.com)>  
**Subject:** BDA156-127, Property at 9328 Redondo Drive

Dear Mr. Buckman,

Here is information regarding your application to the board of adjustment referenced above, some of which we discussed on the phone yesterday:

1. The submitted application materials - all of which will be emailed to you, city staff, and the board members in a docket report about a week ahead of your tentatively scheduled December 12<sup>th</sup> Board of Adjustment Panel C public hearing.
2. The recent September 9<sup>th</sup> ordinance related to fence standards including provisions related to height, and the provision allowing the board to consider/grant a special exception to the fence regulations (51A-4.602(a)(11).
3. A document that provides your public hearing date and other deadlines for submittal of additional information to staff/the board.
4. The board's rule pertaining to documentary evidence.

Please carefully review the attached application materials to make sure they are complete, and within these materials, the Building Official's Report/second page of the application (page 2 of 5 in these attached materials). Contact Todd at 214/948-4475 or at [todd.duerksen@dallascityhall.com](mailto:todd.duerksen@dallascityhall.com) no later than noon, Wednesday, November 23<sup>rd</sup> with regard to any information you feel is missing from your submittal or with regard to any amendment that you feel is necessary to address the issue at hand, specifically if for any reason

you feel that the statement in his Building Official's report stating that the applicant proposes to construct/maintain an 8 foot high fence which will require a 4 foot special exception to the fence regulations, or if any other part of this report is incorrect. (Note that the discovery of any additional appeal needed beyond your requested fence standard special exception will result in postponement of the appeal until the panel's next regularly scheduled public hearing).

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

Thank you,

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

### Petition to Approve Appeal

<b>Petition summary and background</b>	Robert Buckman and Cynthia Drury of 9328 Redondo Dr, Dallas TX seek to have a special exception to allow for an 8 foot fence and a gate in the front entry wall as depicted on the scale drawing on the back of this appeal.
<b>Action petitioned for</b>	We, the undersigned, are concerned citizens who urge the Board of Adjustment to <u>approve</u> the appeal on the grounds that it will have no adverse impact on the neighboring houses

	Printed Name	Signature	Address	Comment / Phone	Date
1	Stephanie Connolly	<i>[Signature]</i>	1527 N Buckner Dallas 75218	214.682.0509	10/16/2016
2	Evee Connolly	<i>[Signature]</i>	1527 N. Buckner	214-682-0506	10/16
3	NEAL YOUNG	<i>[Signature]</i>	1524 BELLA VISTA	214-321-1844	10/16
4	Jane Davis	<i>[Signature]</i>	9329 Redondo Dr.	214-324-3029	10/16
5	Arks DAVIS	<i>[Signature]</i>	"	"	"
6	Debbie Ernst	<i>[Signature]</i>	9333 Redondo	214-686-5021	10/16
7	Marg Buckner	<i>[Signature]</i>	9307 Redondo Dr	214 295 6527	10/16
8	W. W. K. Karpf	<i>[Signature]</i>	"	"	10/16
9	Michael Ernst	<i>[Signature]</i>	9333 Redondo Dr	214-686-5021	10/16
10	Bea Hoffman	<i>[Signature]</i>	9325 REDONDO	214-207-6999	10/26/2016
11	Sheri Foster	<i>[Signature]</i>	9320 Redondo	214-328-7059	10/29/16
12	Lynn Foster	<i>[Signature]</i>	9320 Redondo	214 328 7059	10/29/16
13	Sandra Cooper	<i>[Signature]</i>	9406 Redondo	214 729 1728	10/11/16
14	Ed BARWELL	<i>[Signature]</i>	1414 Bella Vista	214 417 7222	11/5/16
15	Marc Ramirez	<i>[Signature]</i>	1406 Bella Vista	972-3135863	11/5/16
16	Rita Venable	<i>[Signature]</i>	1421 Bella Vista	214-549-7586	11/11/16
17	Heather Stanford	<i>[Signature]</i>	9317 Redondo DR	214-356-6676	11/19/16
18	Thomas Stanford	<i>[Signature]</i>	9317 Redondo DR	214-356-6676	11/19/16

### Petition to Approve Appeal

<b>Petition summary and background</b>	Robert Buckman and Cynthia Drury of 9328 Redondo Dr, Dallas TX seek to have a special exception to allow for an 8 foot fence and a gate in the front entry wall as depicted on the scale drawing on the back of this appeal.
<b>Action petitioned for</b>	We, the undersigned, are concerned citizens who urge the Board of Adjustment to <u>approve</u> the appeal on the grounds that it will have no adverse impact on the neighboring houses

	Printed Name	Signature	Address	Comment / Phone	Date
19	Ann Connolly	Ann Connolly	9513 Alta Mira Dr	214-704-2021	10/16/16
20	Mike Connolly	Mike Connolly	9513 Alta Mira Dr	214-321-0722	10/16/16
21	John Wartner	John Wartner	1506 Tranquilla Dr	214-476-8879	10/19/16
22	Dara Wartner	Dara L. Wartner	1506 Tranquilla Dr	214-289-4746	10/19/16
23	Angela Northcutt	Angela Northcutt	1531 N Buckman Blvd	972-439-2205	10/20/16
24	David Northcutt	David Northcutt	1531 North Buckman Blvd	972-439-2262	10/20/16
25	Will Galbraith	Will Galbraith	9817 Angora St	214-320-2122	10-20-16
26	Charles Galbraith	Charles Galbraith	9817 Angora St	214-320-2122	10/20/16
27	Connie Clarke	C. Clarke	1520 Bella Vista	214-546-0345	11-22-16
28	Alan Clarke	Alan Clarke	1520 Bella Vista	214-520-0403	11-22-16
29	Susan Horne	Susan Horne	1521 Bella Vista	214-466-1166	11-22-16
30	Scott Horne	Scott Horne	1521 Bella Vista		11-22-16
31	Greg Bader	Greg Bader	1525 Bella Vista	214-707-4907	11-22-16
32	David Prince	David Prince	1539 Bella Vista	214 208-0680	11-22-16
33	Kevin Ford	Kevin Ford	1539 Bella Vista	214-629-5280	11-22-16
34	Wanda Harris	Wanda Harris	9370 Alta Mira Dr	(432) 559-6305	11-22-16
35	Karen Keil	Karen Keil	9330 Alta Mira Dr	(432) 559-2302	11-22-16







City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-127

Data Relative to Subject Property:

Date: 10-21-16

Location address: 9328 Redondo Drive, Dallas, TX 75218 Zoning District: R-10(A)/NSO-5

Lot No.: 15 Block No.: F/5314 Acreage: .676 Census Tract: 81.00
Street Frontage (in Feet): 1) 232.31 2) 177.61 3) 4) 5)

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Robert Louis Buckman Jr & Cynthia Denise Drury

Applicant: Robert L. Buckman, Jr. Telephone: (214)288-2929

Mailing Address: 9328 Redondo Drive, Dallas, TX Zip Code: 75218

E-mail Address: bobbuckman@me.com

Represented by: Telephone: (214)288-2929

Mailing Address: Zip Code: Same

E-mail Address:

Affirm that an appeal has been made for a Variance, or Special Exception X, of 4 feet for a fence in a front yard and 2 feet for front gate and columns

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: Applicant has conducted meetings with neighbors to receive their input and the attached design and fence location intends to address those concerns. The owners believe that this fence will have no adverse impact on the neighboring houses. This application includes front 6' gate and columns

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 Louis Buckman Jr (Affiant/Applicant's name printed) who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

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

Subscribed and sworn to before me this 14th day of October 2016

(Rev. 08-01-11)



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

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

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

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

**I hereby certify that** Robert L. Buckman, Jr.

**did submit a request** for a special exception to the fence height regulations  
**at** 9328 Redondo Drive

BDA156-127. Application of Robert L. Buckman, Jr. for a special exception to the fence height regulations at 9328 Redondo Drive. This property is more fully described as Lot 15, Block F/5314, and is zoned R-10(A), NSO-5, which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence regulation.

Sincerely,

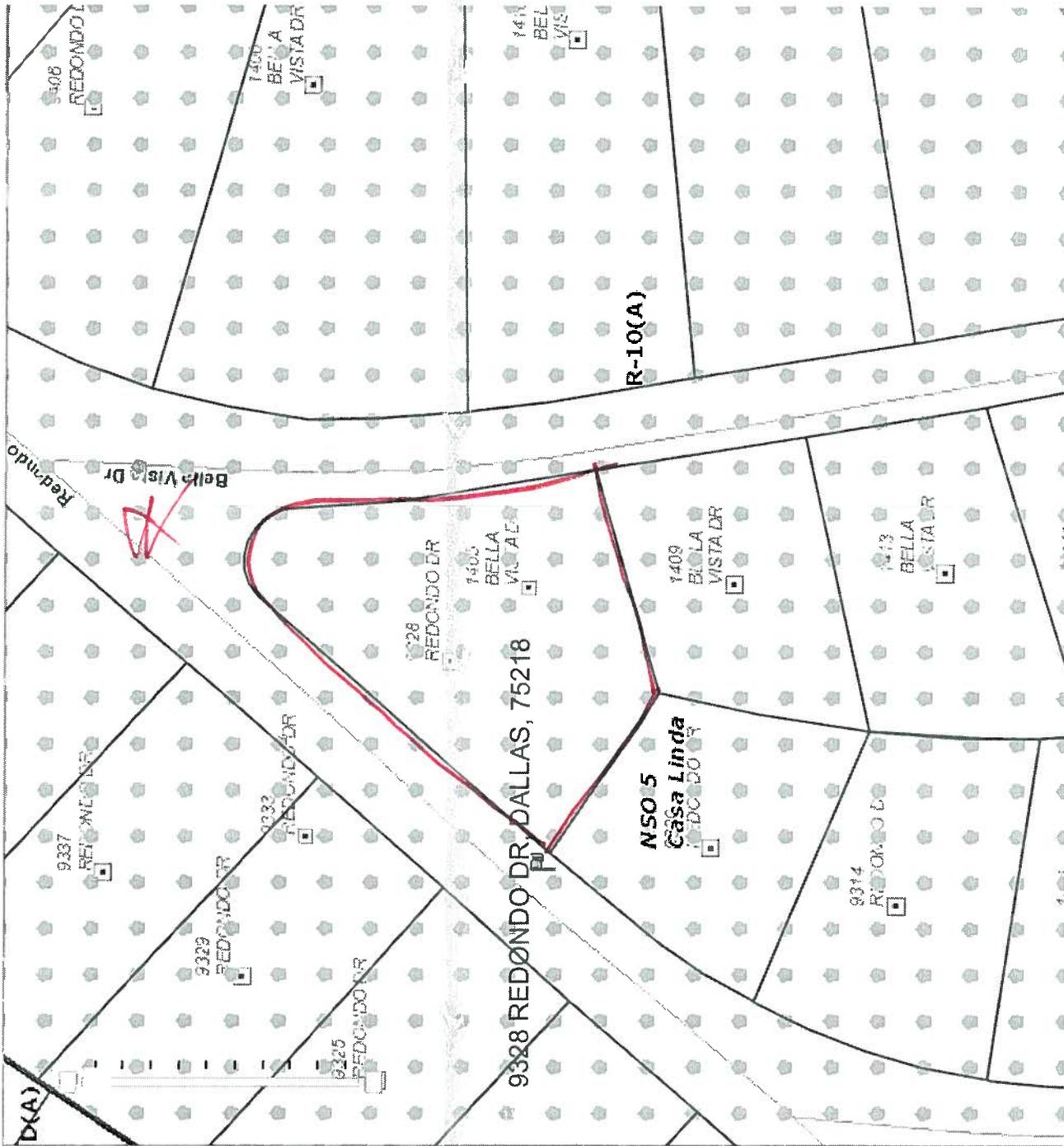
*Philip Sikes*  
Philip Sikes, Building Official

# City of Dallas

Internal Development Research Site

Legend

Locate Property



CASA

LINDA  
E  
5313

VISTA

5311

BELLA

REDONDO

9300



**9328 Redondo Drive**

Being a portion of Lot 15, Block F/5314, Casa Linda Estates Addition, an Addition to the City of Dallas, Dallas County, Texas, as shown on the map thereof recorded in Volume 5, Page 384, Map Records, Dallas County, Texas, 2008060403182, Deed Records, Dallas County, Texas;

**BEGINNING** at a 1 inch iron rod found for corner, said corner being in the Southwest line of Redondo Drive (50 foot right-of-way), and the beginning of a curve to the left, having a radius of 303.00 feet, a delta of 148 degrees 18 minutes 30 seconds, and a chord bearing and distance of South 84 degrees 25 minutes 30 seconds East, 57.72 feet;

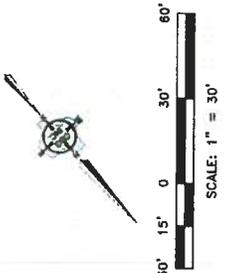
**THENCE** along said curve to the right, on an arc length of 77.85 feet to a 1/2 inch iron rod set with plastic yellow cap stamped "C90 Surveying" for corner, said corner being in the Westery line of Bella Vista Drive, a distance of 80.80 feet to a 1/2 inch iron rod set with plastic yellow cap stamped "C90 Surveying" for corner, the Westery line of said Bella Vista Drive, and the Northeast corner of the tract of land conveyed to Mark D. Hooper, Dallas County, Texas, from which a 1/2 inch iron rod found for witness bears North 201°30'18"4235, Deed Records, Dallas County, Texas, from which a 1/2 inch iron rod found for witness bears South 03 degrees 07 minutes 07 seconds East, a distance of 0.34 feet;

**THENCE** South 85 degrees 45 minutes 50 seconds West, along the Northern line of said Hooper's tract, a distance of 125.10 feet to a 1/2 inch iron rod set with plastic yellow cap stamped "C90 Surveying" for corner, said corner being the Northwest corner of said Hooper's tract;

**THENCE** South 07 degrees 58 minutes 00 seconds East, along the Westery line of said Hooper's tract, a distance of 80.80 feet to a 1/2 inch iron rod set with plastic yellow cap stamped "C90 Surveying" for corner, the Westery line of said Bella Vista Drive, and the Northeast corner of the tract of land conveyed to Mark D. Hooper, Dallas County, Texas, from which a 1/2 inch iron rod found for witness bears North 201°30'18"4235, Deed Records, Dallas County, Texas, from which a 1/2 inch iron rod found for witness bears South 03 degrees 07 minutes 07 seconds East, a distance of 0.34 feet;

**THENCE** North 84 degrees 59 minutes 25 seconds West, along the Northern line of said Chabotek tract, a distance of 45 minutes 37 seconds West, a distance of 2.85 feet;

**THENCE** North 42 degrees 07 minutes 00 seconds East, along the Southeast line of said Redondo Drive, a distance of 232.31 feet to the **POINT OF BEGINNING**, and containing 20,504 square feet or 0.468 acre.



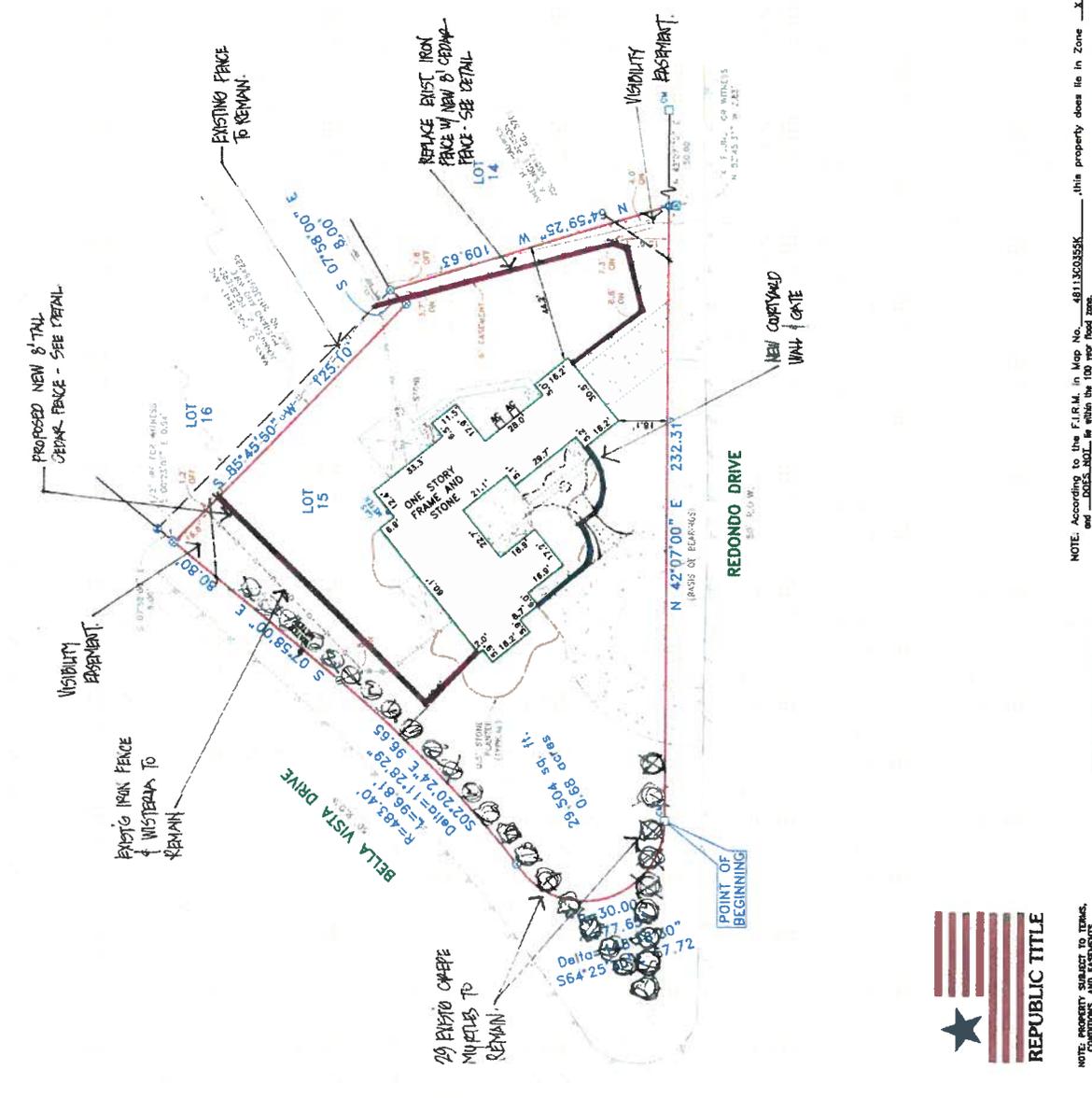
**SURVEYOR'S CERTIFICATE**

The undersigned Registered Professional Land Surveyor Thomas W. Mauk hereby certifies to Robert Louis Bukman, Jr., Cynthia Denise Drury, Prosperity Bank, and Republic Title, in connection with the transaction described in G.F. 1007-187031-RTT that, (a) this survey and the property description set forth hereon were prepared from an actual on-the-ground survey; (b) such survey was conducted by the Surveyor, or under his direction; (c) all monuments shown hereon actually existed on the date of this survey, and the location, size and type of material thereof are correctly shown; Use of this survey by any other parties and/or for other purposes shall be at User's own risk and any loss resulting from other use shall not be the responsibility of the undersigned. The plat hereon is a correct and true representation of the property and dimensions are as indicated; location and type of buildings, EXCEPT AS SHOWN, all improvements are as indicated; location and within the boundaries the distances indicated and there are no visible and apparent encroachments or protrusions on the ground.



Executed this 13th day of June, 2016

*Thomas W. Mauk*  
Thomas W. Mauk  
Registered Professional Land Surveyor No. 5119



NOTE: According to the F.I.P.M. in Map No. 4811320355K, this property does lie in Zone 1, and does not lie within the 100-year flood zone.

ACCEPTED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

SCALE: 1" = 30'

DATE: 06/15/16

JOB NO.: 1611005

DRAWN BY: WTH

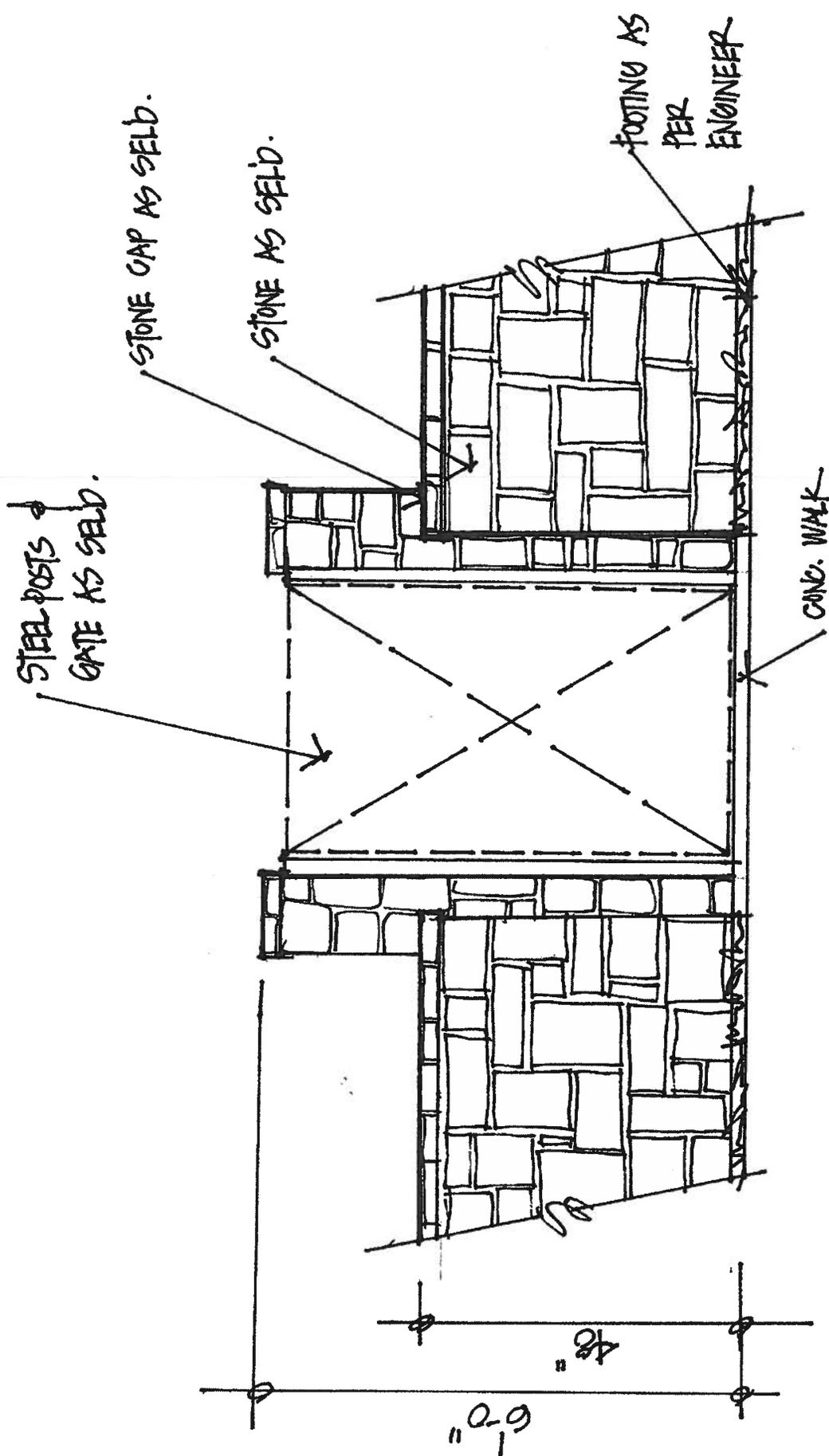
**LEGEND**

- ON CONTROLLING INSTRUMENT
- 1/2" IRON ROD FOUND
- 1/2" IRON ROD SET
- 3/4" IRON ROD FOUND
- 3/4" IRON ROD SET
- 1/2" IRON PIPE SET
- 1/2" IRON PIPE FOUND
- 1/2" IRON PIPE FOUND
- UNDERGROUND ELECTRIC POWER POLE
- OVERHEAD ELECTRIC SERVICE
- OVERHEAD POWER LINE
- CONCRETE PAVING
- ASPHALT PAVING

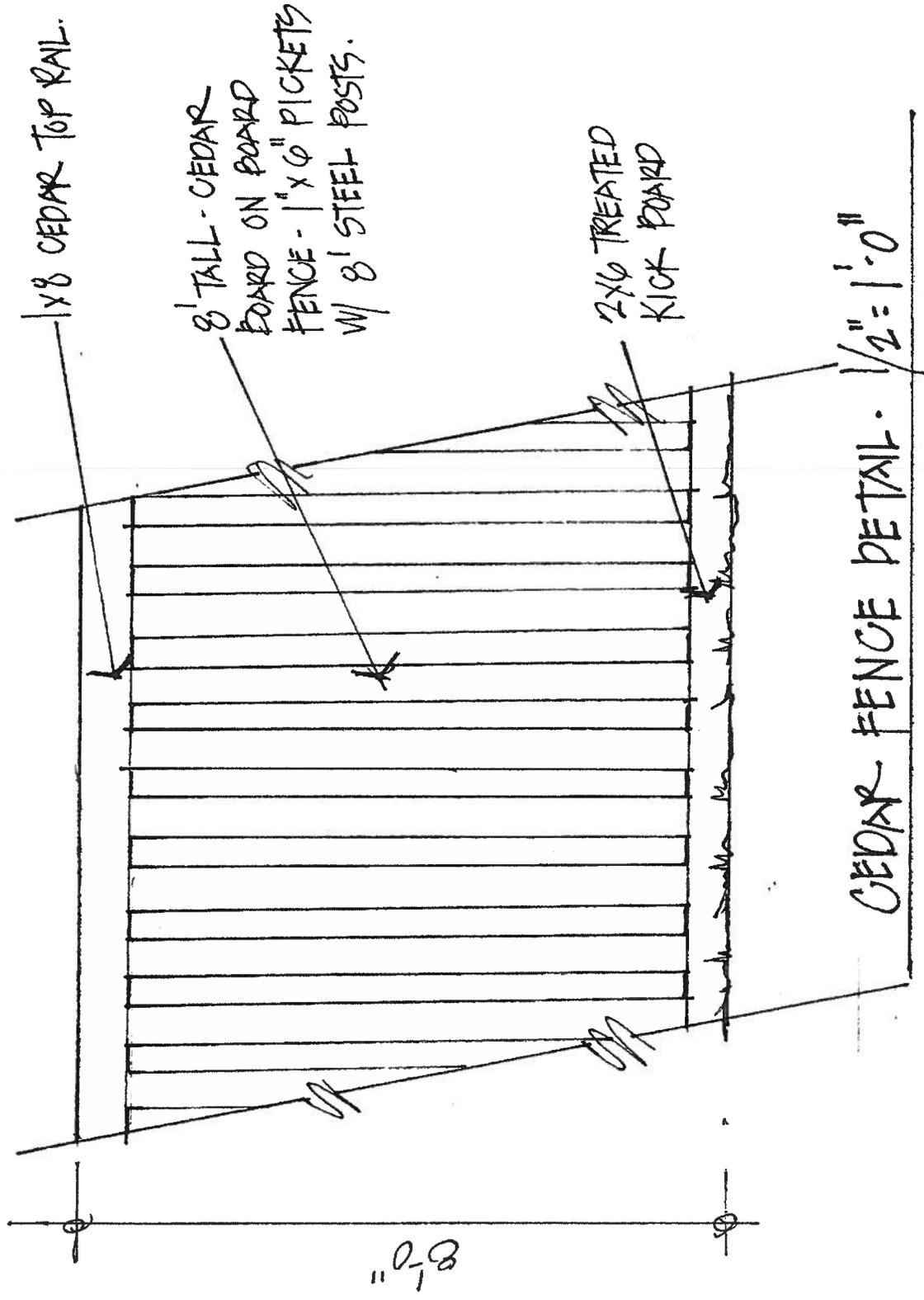
DATE	BY	NOTES

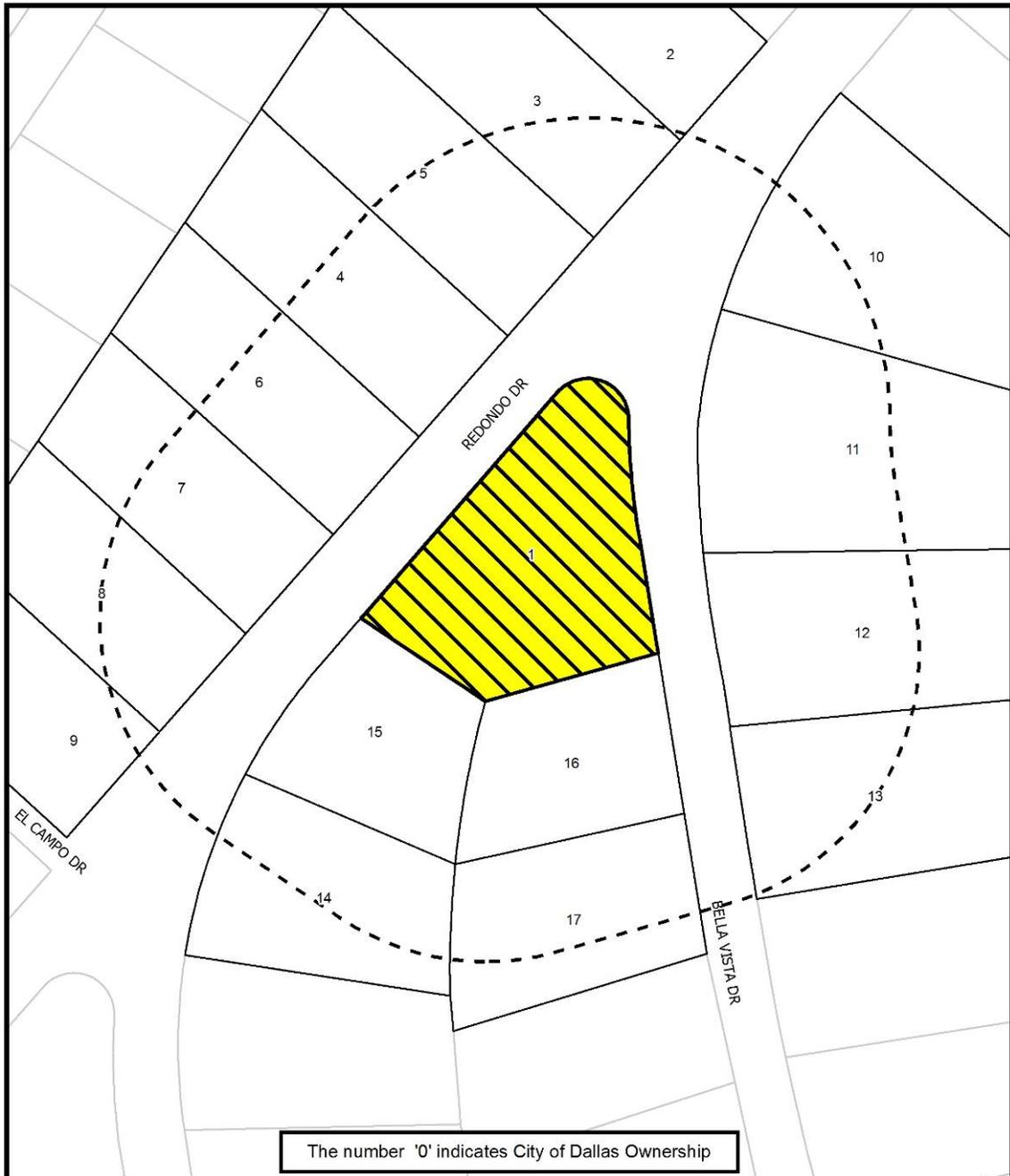
NOTE: PROPERTY SUBJECT TO EASEMENTS, ENCUMBRANCES, AND INTERESTS CONTAINED IN INSTRUMENTS RECORDED IN VOLS. 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.





4' H. STONE WALL ELEVATION W/ GATE





 1:1,200	<b>NOTIFICATION</b>		Case no: <b>BDA156-127</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;">17</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: <b>11/17/2016</b>

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

### ***BDA156-127***

#### ***17 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	9328 REDONDO DR	EVANS MARC D & GILDA A
2	9409 REDONDO DR	EDGMON RIC EARL & LAURA
3	9407 REDONDO DR	HUMPHREYS L CHARLES &
4	9333 REDONDO DR	ERNST GARY M &
5	9337 REDONDO DR	ENDRES CHERYL G
6	9329 REDONDO DR	DAVIS CARLOS JR & JANE
7	9325 REDONDO DR	HOFFMAN BENJAMIN TURNER & BETH LYNNE WATSON
8	9321 REDONDO DR	BIESEL RANDY R & MARTHA L
9	9317 REDONDO DR	STANFORD HEATHER R &
10	9406 REDONDO DR	COOPER JONATHAN D & CHARLOTTE W
11	1406 BELLA VISTA DR	RAMIREZ MARC & ROSALINDA
12	1410 BELLA VISTA DR	SHERMAN MARJORY
13	1414 BELLA VISTA DR	BARDWELL WARNE E & TAMMY J
14	9314 REDONDO DR	CONNELLY LYNNE
15	9320 REDONDO DR	FOSTER SHERI M & WILLIAM L
16	1409 BELLA VISTA DR	HOESTEREY MARK D & JENNIFER R
17	1413 BELLA VISTA DR	NEVITT ANDREW V & WENDY R