

ZONING BOARD OF ADJUSTMENT, PANEL C  
MONDAY, JUNE 18, 2018  
AGENDA

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BRIEFING	5ES 1500 MARILLA STREET DALLAS CITY HALL	11:00 A.M.
PUBLIC HEARING	COUNCIL CHAMBERS 1500 MARILLA STREET DALLAS CITY HALL	1:00 P.M.

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**Neva Dean, Assistant Director**  
**Steve Long, Board Administrator/ Chief Planner**

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**MISCELLANEOUS ITEM**

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Approval of the May 21, 2018 Board of Adjustment Panel C Public Hearing Minutes	M1
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**UNCONTESTED CASES**

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<b>BDA178-074(SL)</b>	8303 Inwood Road <b>REQUEST:</b> Application of Marc Kleinmann for a variance to the front yard setback regulations, and for special exceptions to the fence standards and visual obstruction regulations	1
<b>BDA178-075(SL)</b>	4513 Gaston Avenue <b>REQUEST:</b> Application of Jackson Walker, LLP, represented by Jonathan G. Vinson, for a special exception to the nonconforming use regulations to restore a nonconforming use	2

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**REGULAR CASES**

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<b>BDA178-040(OA)</b>	6607 Meade Street <b>REQUEST:</b> Application of Pedro Beltran for variances to the front yard setback regulations, side yard setback regulations, and floor area for structures accessory to single family uses	3
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<b>BDA178-064(SL)</b>	5117 W. Lovers Lane <b>REQUEST:</b> Application of Robert Baldwin, represented by Baldwin Associates, for a variance to the off-street parking regulations	4
<b>BDA178-072SL)</b>	3407 McKinney Avenue <b>REQUEST:</b> Application of Christopher Johnson, represented by Michael R, Coker Company, for a variance to the front yard setback regulations	5
<b>BDA178-094(SL)</b>	5230 Alcott Street <b>REQUEST:</b> Application of Phillip Thompson, represented by Rob Baldwin of Baldwin and Associates, for a variance to the height regulations	6

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## EXECUTIVE SESSION NOTICE

A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

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 City Council 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 §551.087]
7. deliberating security assessments or deployments relating to information resources technology, network security information, or the deployment or specific occasions for implementations of security personnel, critical infrastructure, or security devices. [Tex. Govt. Code §551.089]

**FILE NUMBER:** BDA178-074(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Marc Kleinmann for a variance to the front yard setback regulations, and for special exceptions to the fence standards and visual obstruction regulations at 8303 Inwood Road. This property is more fully described as TR 20 in City Block No. 5673 and is zoned R-16(A), which requires a front yard setback of 35 feet, limits the height of a fence in the front yard to 4 feet, requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line, and requires 20 foot visibility triangles at driveway approaches. The applicant proposes to construct/maintain a structure and provide a 15 foot front yard setback, which require a 20 foot variance to the front yard setback regulations, to construct/maintain a 8 foot 2 inch high fence in a required front yard, which will require a 4 foot 2 inch special exception to the fence standards regulations, to construct/maintain a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence standards regulations, and to locate/maintain items in visibility triangles at driveway approaches which will require special exceptions of the visual obstruction regulations.

**LOCATION:** 8303 Inwood Road

**APPLICANT:** Marc Kleinmann

**REQUESTS:**

The following requests have been made on a site with two front yard setbacks being developed with a single family home:

1. A variance to front yard setback regulations of 20' is made to construct and maintain a "10' tall screen tennis fence" "structure" (1' in height over what would make it merely a fence that would not require variance) to be located 15' from one of the site's two front property lines (Menier Street), or 20' into this 35' front yard setback.
2. A special exception to the fence standards regulations related to fence height of 4' 2" is made to replace an existing fence over 4' in height in the one of the site's two 35' front yard setbacks (Menier Street) with an 8' 2" high "architectural steel plate" fence and gate.
3. A special exception to the fence standards related to fence panel materials/location from the front lot line is made to replace the aforementioned existing fence and gate with the aforementioned proposed fence with panels with surface areas that are less than 50 percent open located in the site's Menier Street front yard setback and as close as on the front lot line (or less than 5' from the front lot line).
4. Special exceptions to the visual obstruction regulations are made to locate and maintain portions of the aforementioned 8' 2" high "architectural steel plate" fence and gate in the 20' visibility triangles on both sides of the driveway into the site from Menier Street.

**STANDARD FOR A VARIANCE:**

Section 51(A)-3.102(d)(10) of the Dallas Development Code specifies that the board has the power to grant variances from the front yard, side yard, rear yard, lot width, lot depth, lot coverage, floor area for structures accessory to single family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

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

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

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

**STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:**

Section 51A-4.602(d)(3) of the Dallas Development Code states that the Board shall grant a special exception to the requirements of the visual obstruction regulations when, in the opinion of the Board, the item will not constitute a traffic hazard.

**STAFF RECOMMENDATION (variance):**

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that the subject site is unique and different from most lots in the R-R-16(A) zoning district with a restrictive area caused by having two 35' front yard setbacks. The applicant has submitted a document that represents the location of a 24' pecan tree that would require removal if the structure proposed to be located in the Menier Street front yard setback (in this case, a "10' tall screen tennis fence" "structure") were to provide the required 35' setback.

- Staff concluded that granting this variance would not appear to be contrary to public interest in that it would only allow a “10’ tall screen tennis fence” “structure” in the site’s Menier Street front yard setback which functions not only as the site’s rear yard but as the rear yard to a number of adjacent properties north and south of the subject site.

**STAFF RECOMMENDATION (fence special exceptions):**

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.

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

Approval, subject to the following condition:

- Compliance with the submitted site plan and elevation is required.

Rationale:

- The Sustainable Development Department Senior Engineer has no objections to the requests.
- Staff concluded that requests for special exceptions to the visual obstruction regulations should be granted (with the suggested conditions imposed) because the items to be located in the visibility triangles at the driveway approaches into the site from Menier Street do not constitute a traffic hazard.

**Zoning:**

Site: R-16(A) (Single family residential 16,000 square feet)  
North: R-16(A) (Single family residential 16,000 square feet)  
South: R-16(A) (Single family residential 16,000 square feet)  
East: R-16(A) (Single family residential 16,000 square feet)  
West: R-16(A) (Single family residential 16,000 square feet)

**Land Use:**

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

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

1. BDA123-023, Property at 8408 Menier Street (the property north of the subject site)

On March 20, 2013, the Board of Adjustment Panel B granted requests for a front yard variance of 29' and rear yard variance of 6', and a request for a special exception to fence height regulations of 4'. The board imposed the submitted site plan and elevation as conditions to these requests.

The case report stated the following: a variance to the front yard setback regulations of 29' was requested in conjunction with constructing and maintaining a 1-2 story single family home structure (and pool structure), either part (or all) of which would be located in the site's 35' front yard setback;; a variance to the rear yard setback regulations of 6' was requested in conjunction with constructing and maintaining a single family home structure, part of which would be located in the site's 10' rear yard setback; a special exception to the fence height regulations of 4' was requested in conjunction with replacing an existing 6' high open chain link fence (that was a result of a previously approved fence height special exception on the subject site) with an 8' high solid stucco veneer wall in the site's front yard setback.

2. BDA989-190, Property at 8408 Menier Street (the property north of subject site)

On March 16, 1999, the Board of Adjustment Panel B granted requests for a front yard variance of 27', a rear yard variance of 1' 4", and a request for a special exception to the fence height regulations of 2'. The board denied a request for special exception to the visual obstruction regulations. The board imposed the submitted site plan as a condition to the variance requests, and imposed the submitted site plan and elevation as a condition to the special exception request.

The case report stated that the requests were made to construct/maintain an approximately 2,000 square foot single family home and an approximately 500 square foot garage, and to maintain an existing open chain link fence in the front yard setback and in drive approach visibility triangles.

2. BDA91-074, Property at 8404 Menier Street (the lot two lots north of the subject site)

On December 10, 1991, the Board of Adjustment granted requests for a front yard variance of 24.7' and side and rear yard variances of 2'. The board imposed the following condition: "subject to a landscape plan being submitted to and approved by the Board prior to final inspection. Landscaping should be used to soften the structures appearances along Menier Street.

The case report stated that the requests were made to "permit the improvement of a structure into a single family use. The structure was built on a separately parcel of land and was used for storage. The property owner did obtain an electrical permit but not the required building permit to erect the structure. As a consequence, the required setbacks for the structure were not provided."

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

- The request for a variance to the front yard setback regulations of 20' focuses on constructing and maintaining a "10' tall screen tennis fence" "structure" (1' in height over what would make it merely a fence that would not require variance) to be located 15' from one of the site's two front property lines (Menier Street), or 20' into this 35' front yard setback.
- The subject site is zoned R-16(A) which requires a 35' front yard setback.
- The subject site has two 35' front yard setbacks (one on the east along Inwood Road, the other on the west along Menier Street) since the 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.
- Regardless of how the home is oriented to front Inwood Road (and "back" to Menier Street), the site has two 35' front yard setbacks where the focus of the applicant's request in this application is only to construct and maintain a structure in the site's front yard setback on Menier Street. (No part of the application is made to construct/maintain a structure in the site's Inwood Road front yard setback).
- The submitted site plan denotes that structure to be located in the Menier Street front yard setback is only for a "10' tall screen tennis fence" "structure" (1' in height over what would make it merely a fence that would not require variance). The "structure" is proposed to be located 20' in the 35' Menier Street required front yard setback.
- According to DCAD records, the "main improvement" for property addressed at 8303 Inwood Road is structure built in 2017 with 9,085 square feet of living/total area, and with the following "additional improvements": a 1,514 square foot attached garage, and a 1,278 square foot "outdoor living area".
- The site is flat, rectangular in shape, and according to the application is 1.65 acres (or approximately 69,000 square feet) in area. The site is R-16(A) where lots are typically 16,000 square feet.
- The site has two 35' front yard setbacks and two 10' side yard setbacks. Most lots in this zoning district have one 35' front yard setback, two 10' side yard setbacks, and one 10' rear yard setback.
- The applicant has submitted a site plan that represents the location of a 24' pecan tree that would require removal if the tennis court and fence "structure" were located behind the Menier Street front yard setback.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance to front yard setback regulations is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-16(A) zoning classification.

- The variance to front yard setback regulations would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-16(A) zoning classification.
- If the Board were to grant the 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 “10’ tall screen tennis fence” “structure” located 15’ from the Menier Street front property line or 20’ into this 35’ front yard setback.

**GENERAL FACTS/STAFF ANALYSIS (fence special exceptions):**

- The requests for special exceptions to the fence standards regulations related to height and fence panel materials/location from a front lot line focus on:
  - 1) replacing an existing fence over 4’ in height in the one of the site’s two 35’ front yard setbacks (Menier Street) with no recorded BDA history with an 8’ 2” high “architectural steel plate” fence and gate parallel to the Menier Street front property line and perpendicular to this line on the north and south sides of the site in this front yard setback;
  - 2) replacing the aforementioned existing fence in this front yard setback with the aforementioned proposed fence with panels with surface areas that are less than 50 percent open located on this front lot line (or less than 5’ from this front lot line).
- The property is located in an R-16(A) zoning district which requires a minimum front yard setback of 35 feet.
- Section 51A-4.602(a)(2) of 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 Dallas Development Code states that in single family districts, a fence panel with a surface area that is less than 50 percent open may not be located less than 5’ from the front lot line.
- The submitted site plan and elevation denotes an 8’ 2” high “architectural steel plate” fence and gate in the Menier Street front yard setback and on this front lot line.
- The fence is represented as being 160’ in length parallel to Menier Street, approximately 35’ in length perpendicular to this front lot line on the north and south sides of the site in this front yard setback, and on this front lot line and approximately 5’ from this pavement line.
- The proposed fence is located across from single family lots that front northward or southward to Hanover Street.
- The Board Administrator conducted a field visit of the site and surrounding area along Menier Street approximately 500’ north and south of the subject site and noted a number of other fences that appeared to be above 4’ in height and in a front yard setbacks. Only one of these existing fences have recorded BDA history – that being the lot directly north where the Board granted a fence height special exception in 2013: BDA123-023.

- As of June 8, 2018, no letters have been submitted in support of or in opposition to these requests.
- The applicant has the burden of proof in establishing that the special exceptions to the fence standards related to height over 4' in the front yard setback and materials/height of the proposed fence from the front lot line will not adversely affect neighboring property.
- Granting one and/or both of these special exceptions with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding 4' in height in the front yard setback and with fence panels with surface areas less than 50 percent open located less than 5' from the front lot line to be constructed and maintained in the location and of the heights and materials as shown on these documents – fence/gate in the site's Menier Street front yard setback over 4' in height and with fence panels less than 50 percent open located on this front lot line.

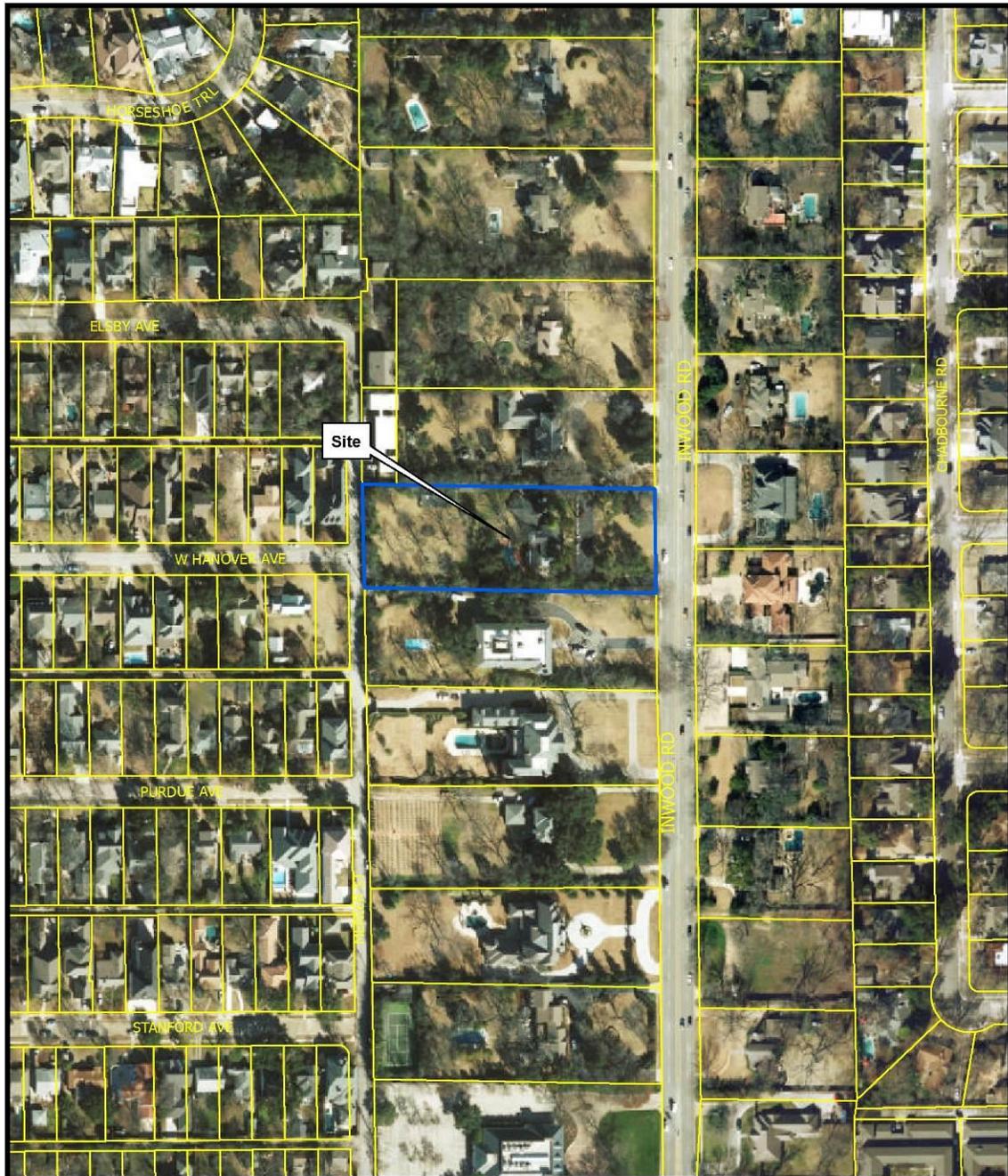
**GENERAL FACTS/STAFF ANALYSIS (visual obstruction special exceptions):**

- The requests for special exceptions to the visual obstruction regulations focus on locating and maintaining an 8' 2" high "architectural steel plate" fence and gate in the 20' visibility triangles on both sides of the driveway into the site from Menier Street on a site being developed with a single family home.
- Section 51A-4.602(d)(1) of the Dallas Development Code states the following: A person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
  - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections, and 20 foot visibility triangles at drive approaches and at alleys on properties zoned single family); and
  - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).
- The submitted site plan and submitted elevation indicates portions a 8' 2" high "architectural steel plate" fence and gate located in the 20' visibility triangles on both sides of the driveway into the site from this street.
- The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked "Has no objections".
- The applicant has the burden of proof in establishing how granting the requests for special exceptions to the visual obstruction regulations to locate and maintain an 8' 2" high "architectural steel plate" fence and gate in the 20' visibility triangles on both sides of the driveway into the site from Menier Street do not constitute a traffic hazard.
- Granting these requests with a condition imposed that the applicant complies with the submitted site plan and elevation would limit the items located in the 20' drive approach visibility triangles to that what is shown on these documents 8' 2" high "architectural steel plate" fence and gate.

## **Timeline:**

- April 18, 2018: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- May 15, 2108: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- May 15, 2018: 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 May 30<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the June 8<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”
- May 29, 2018: The applicant submitted additional documentation on this appeal to the Board Administrator beyond what was submitted with the original application (see Attachment A).
- June 5, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the June public hearings. Review team members in attendance included: the Sustainable Development and Construction Director the Sustainable Development and Construction Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Sustainable Development and Construction Department Authorized Hearing/Code Amendment Senior Planner, and the Assistant City Attorney to the Board.
- June 7, 2018: The Sustainable Development and Construction Department Senior Engineer submitted a review comment sheet marked “Has no objections”.





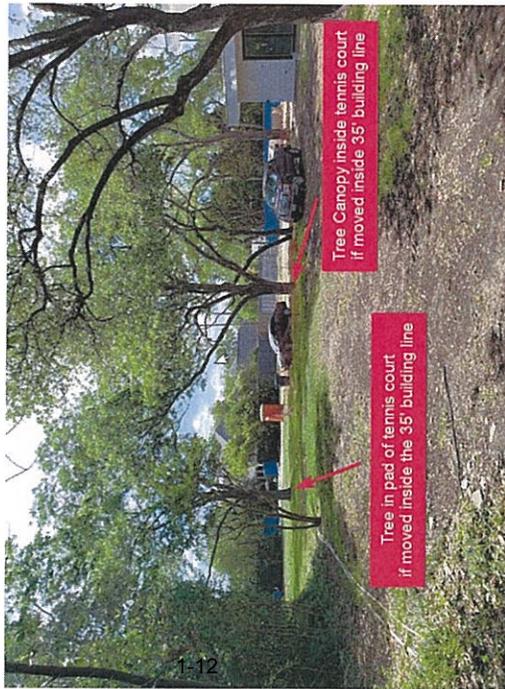
1:2,400

# AERIAL MAP

Case no: BDA178-074

Date: 5/23/2018

Steve;  
Thx for you call last week and I'm glad I was able to talk you through the project. Please see attached an amended F-1 plan showing the 24" Pecan tree that would need to get removed if we were to locate the tennis court inside the 35' setback.



BDA178-074  
Attach A  
PS1

**ARROYO RESIDENCE**

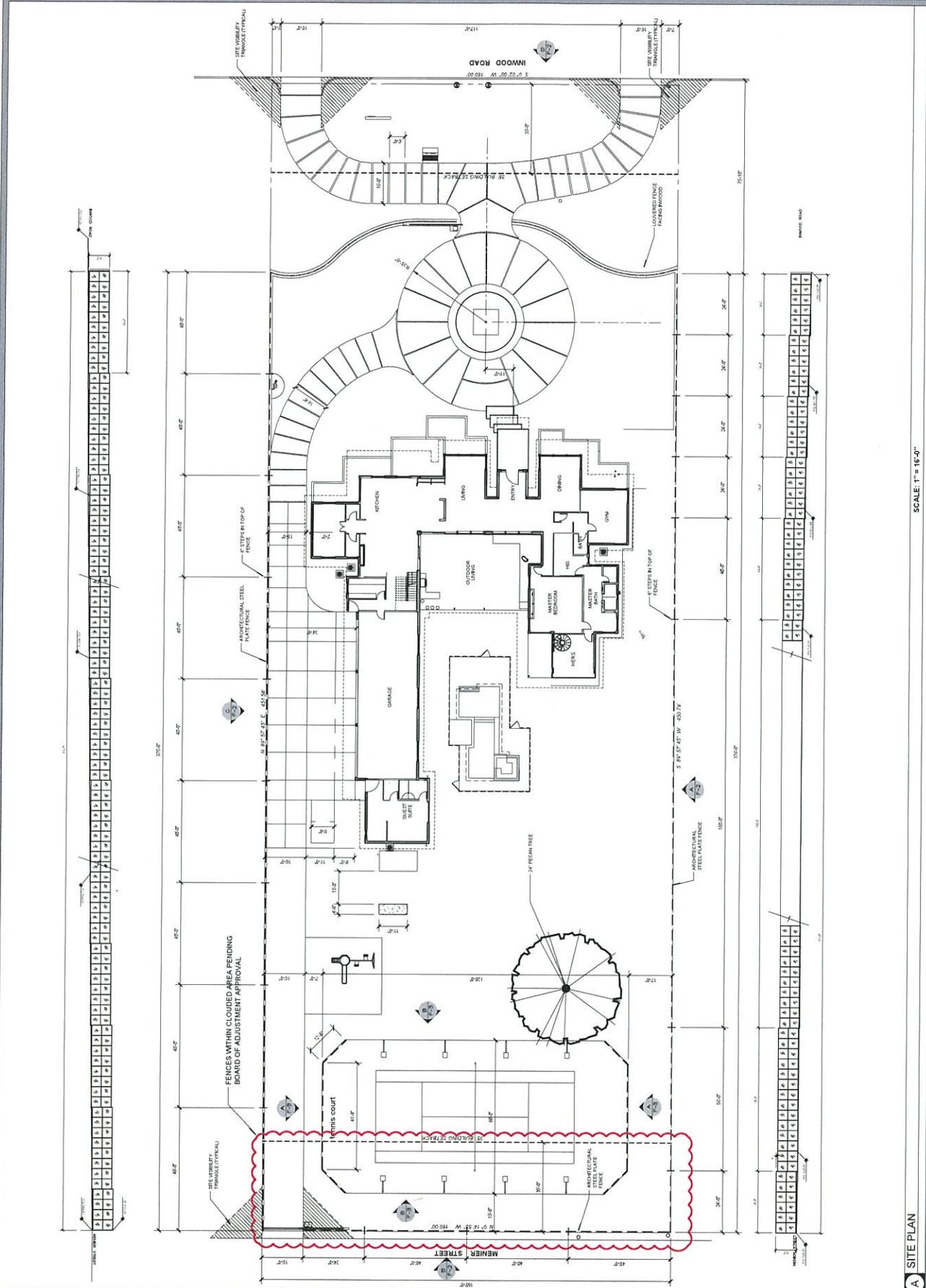
8303 INWOOD RD.  
DALLAS TX 75209

**SITE PLAN**

PROJECT NAME: ARROYO RESIDENCE  
 REVISION: 5-24-2018  
 DRAWN BY: MLK  
 CHECKED BY: MK  
 DATE: 5/24/18

**F-1**

SHEET NO.



SCALE: 1" = 18'-0"

A SITE PLAN



C

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-074

Data Relative to Subject Property:

Date: 4-18-18

Location address: 8303 Inwood Road Zoning District: R-16(A)

Lot No.: TR20 Block No.: 5673 Acreage: 1.657 Census Tract: 73.02

Street Frontage (in Feet): 1) 160 2) 160 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Felix T. Arroyo

Applicant: Marc Kleinmann Telephone: 214.256.4846 x11

Mailing Address: 1920 McKinney Avenue, 7th Floor, Dallas Zip Code: 75201

E-mail Address: marc@Bauhaus.co

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

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

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

Affirm that an appeal has been made for a Variance x, or Special Exception x, of Variance to the 35' double frontage setback at the rear property line on Menier to construct an 8' fence on the property line and a tennis court inside the 35' double frontage setback in the rear. Special exception to the 20' visibility triangle at the rear gate. Special exception to the 50% open surface rule at rear fence.

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

Variance to the double frontage setback is necessary to allow development of the property in the same size and shape as other properties in the same zoning district, located on the same streets.

The special exception to the 20' visibility triangle will not adversely affect neighboring property and falls in line with other developments on Menier. The special exception to the 50% open surface rule will not adversely affect neighboring properties and falls in line with other developments on Menier.

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.

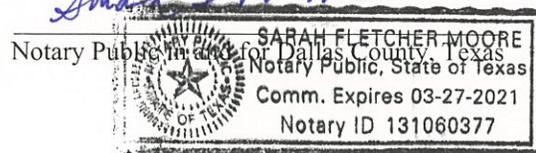
Affidavit

Before me the undersigned on this day personally appeared Max Kleinmann  
(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 17th day of April, 2018



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 MARC KLEINMANN

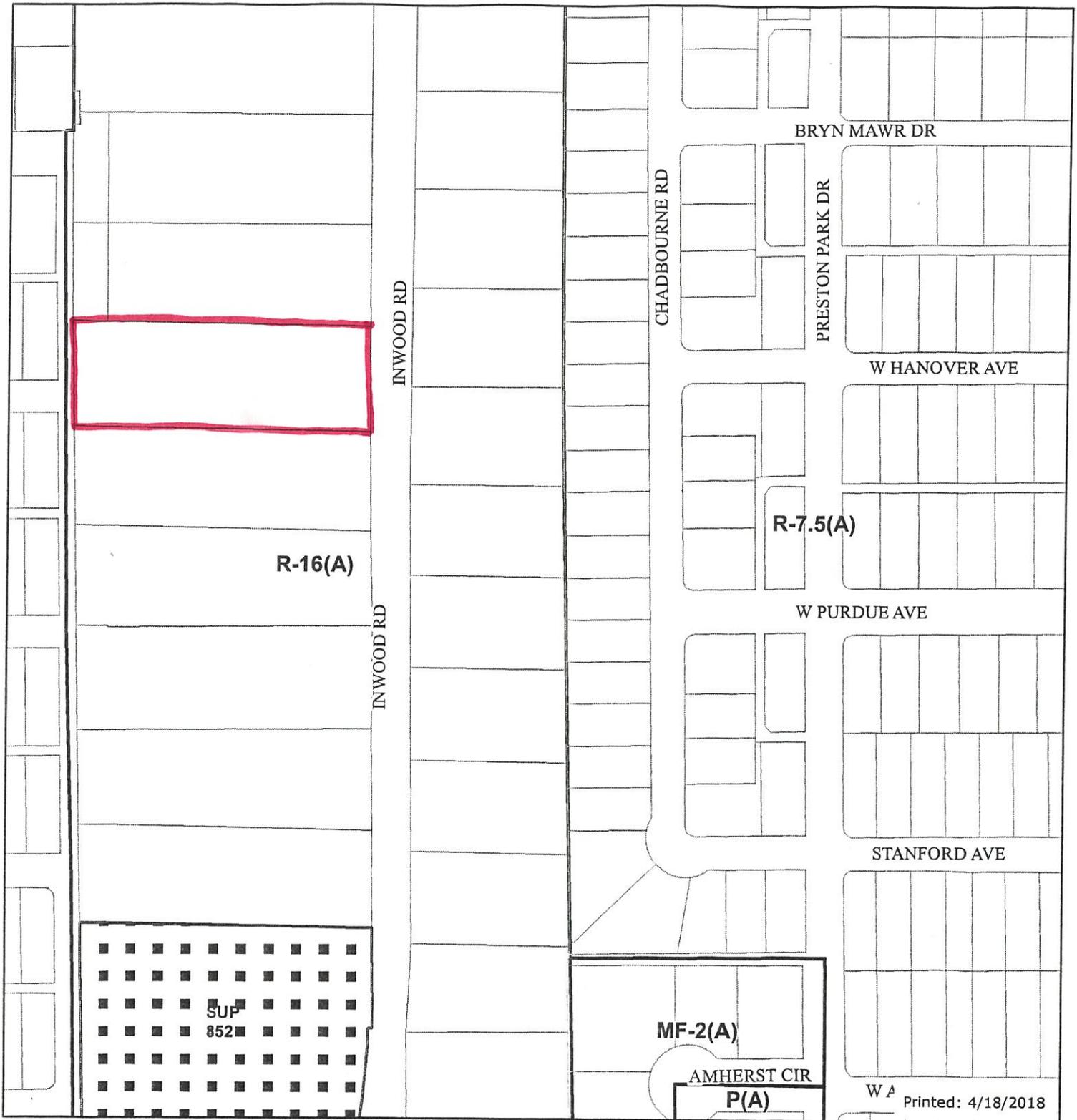
did submit a request for a variance to the front yard setback regulations, and for a special exception to the fence standards regulations, and for a special exception to the fence height regulations, and for a special exception to the visibility obstruction regulations

at 8303 Inwood Road

BDA178-074. Application of MARC KLEINMANN for a variance to the front yard setback regulations, and for a special exception to the fence openness requirements, and for a special exception to the fence height regulations, and for a special exception to the visibility obstruction regulations at 8303 Inwood Rd. This property is more fully described as TR 20 in City Block No. 5673 and is zoned R-16(A), requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line which limits the height of a fence in the front yard to 4 feet, and requires a 20 foot visibility triangle at driveway approaches and requires a front yard setback of 35 feet, the applicant proposes to construct a single family accessory structure and provide a 15 foot front yard setback, which will require a 20 foot variance to the front yard setback regulations the applicant proposes to obtain a variance to the front yard setback on Menier Street, and to obtain a special exception of 4 feet 2 inches for the fence height on Menier Street, and to obtain a special exception of 50% to the open panel of the fence, and to obtain a special exception of the visibility triangle .

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official



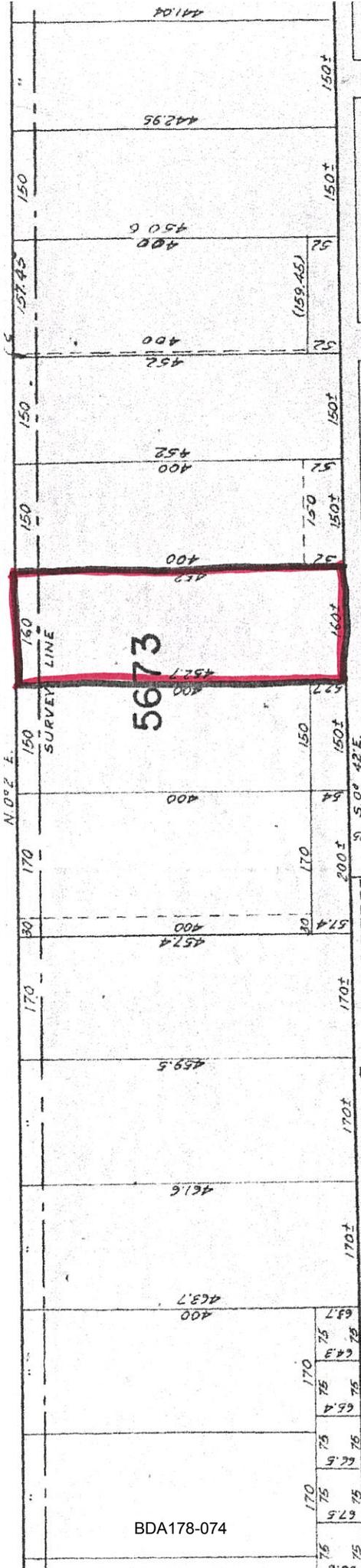
W<sup>A</sup> Printed: 4/18/2018

**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        | SPSP Overlay                   | MD Overlay            | Escarpment Overlay         |
| X Protected by Levee | Deed Restrictions              | Historic Subdistricts | Parking Management Overlay |
| Parks                | SUP                            | Historic Overlay      | Shop Front Overlay         |
|                      |                                | Height Map 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)





BDA178-074

BRIARWOOD

ADDITION

RIDGE

TRUE AND CORRECT  
 COPY OF RECORD  
 ON FILE IN CITY  
 SURVEYOR'S OFFICE

BY: *[Signature]*  
 DATE: 4/18/2018





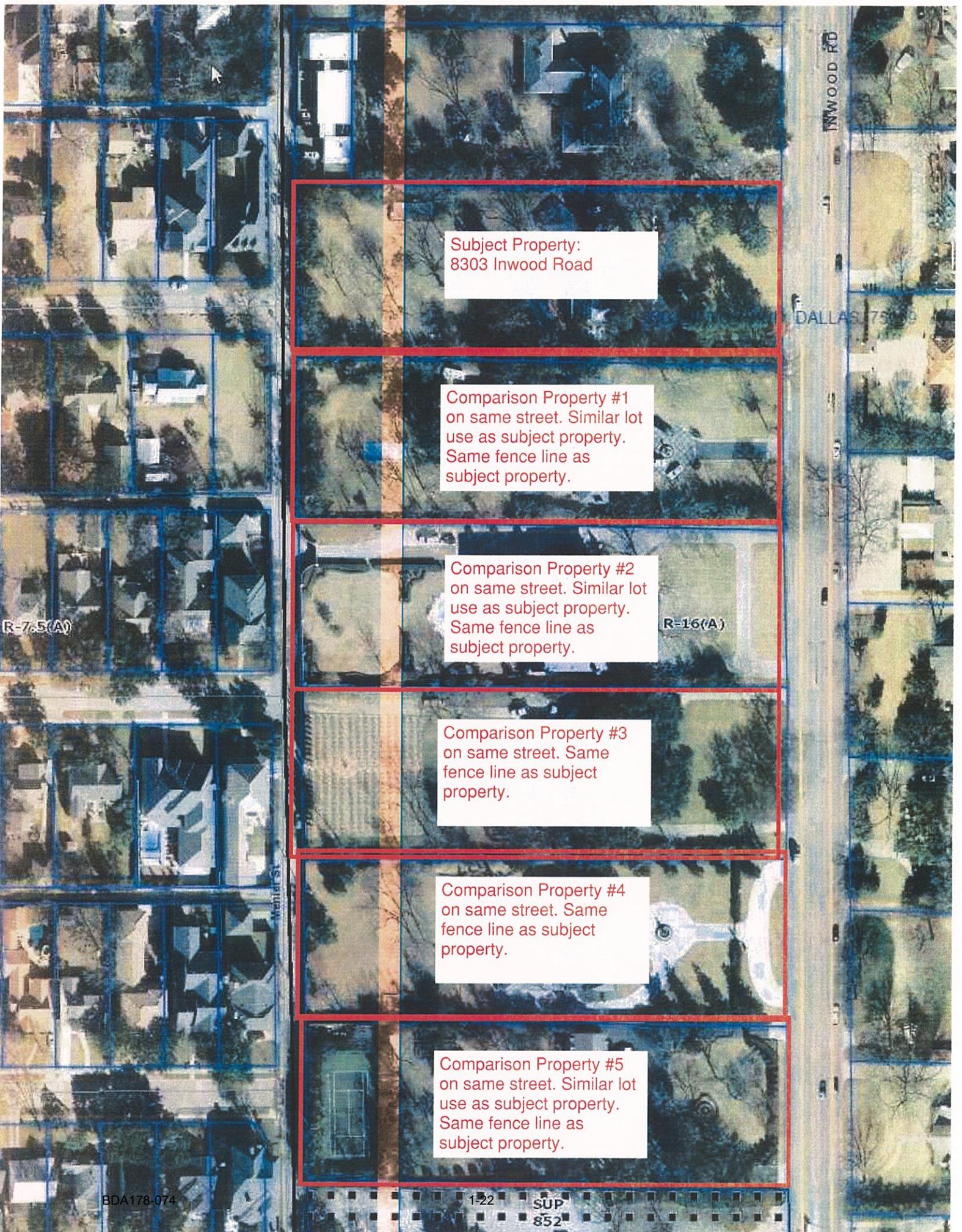




Subject Property: 8303 Inwood Road

8303 Inwood Road  
13 min drive home

Rough Hollow  
Ranch Corporation



Subject Property:  
8303 Inwood Road

Comparison Property #1  
on same street. Similar lot  
use as subject property.  
Same fence line as  
subject property.

Comparison Property #2  
on same street. Similar lot  
use as subject property.  
Same fence line as  
subject property.

Comparison Property #3  
on same street. Same  
fence line as subject  
property.

Comparison Property #4  
on same street. Same  
fence line as subject  
property.

Comparison Property #5  
on same street. Similar lot  
use as subject property.  
Same fence line as  
subject property.

INWOOD RD

DALLAS 75209

R-7.5(A)

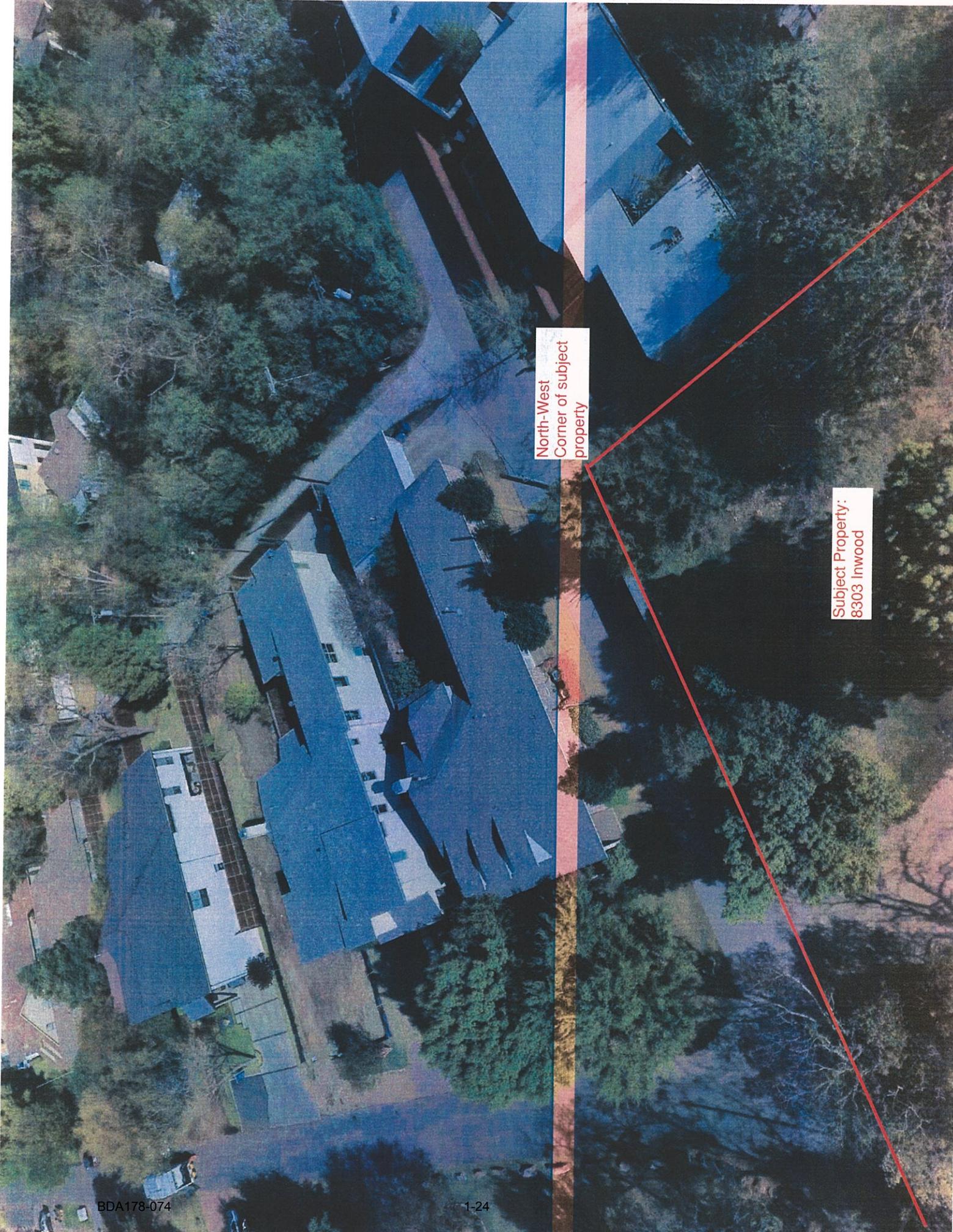
R-16(A)

Mentel St



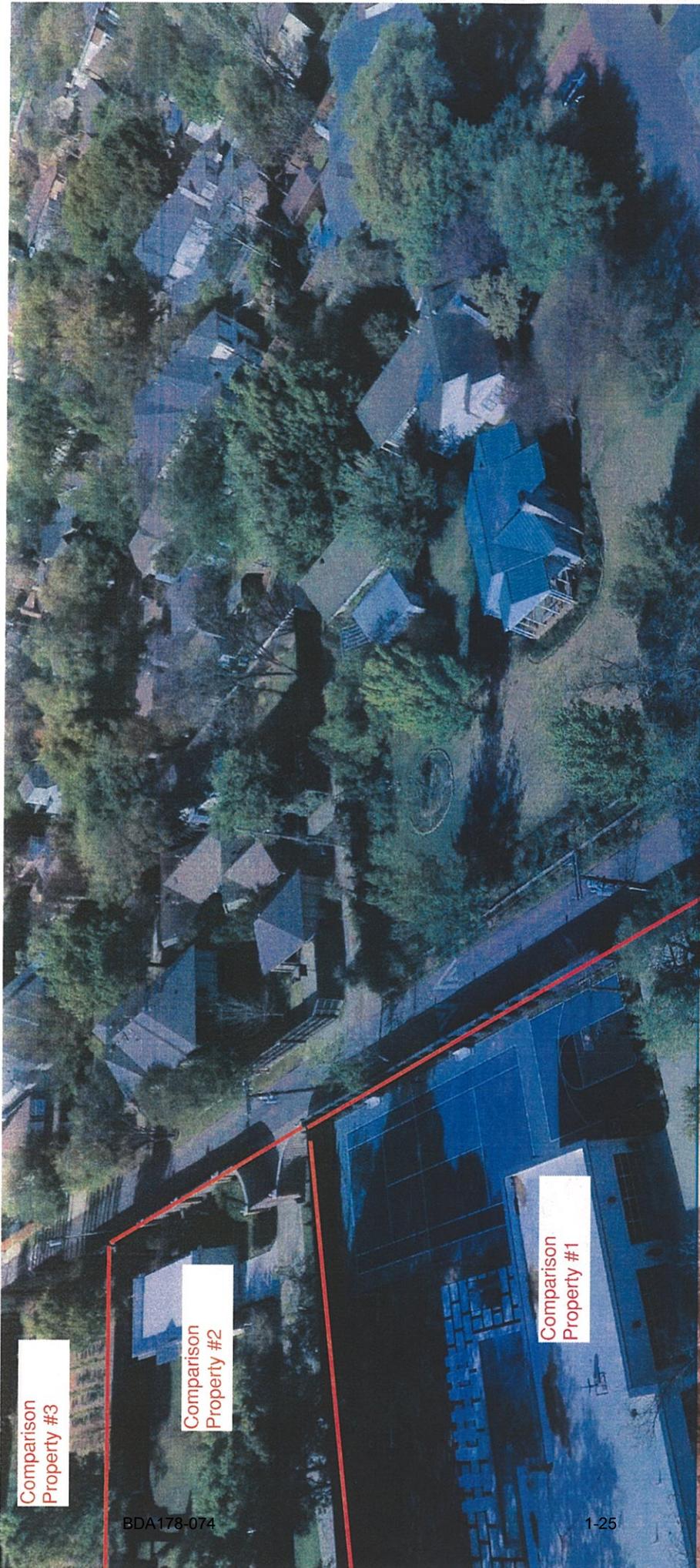
Subject Property:  
8303 Inwood

Comparison  
Property #1



North-West  
Corner of subject  
property

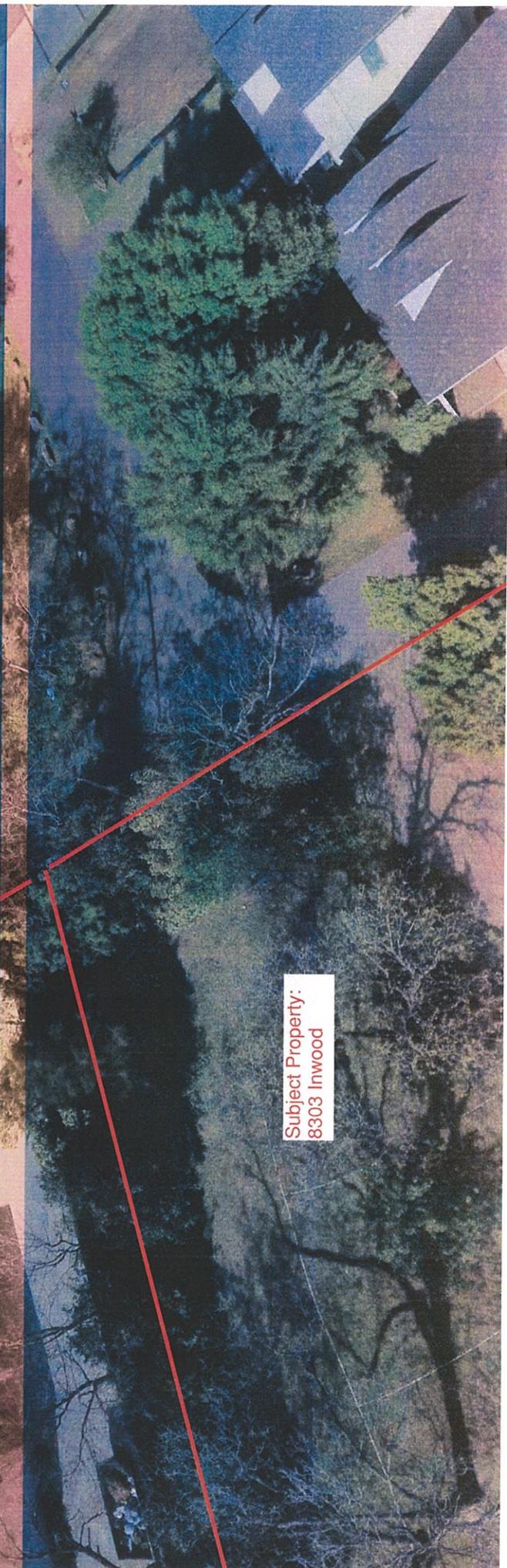
Subject Property:  
8303 Inwood



Comparison Property #3

Comparison Property #2

Comparison Property #1



Subject Property:  
8303 Inwood

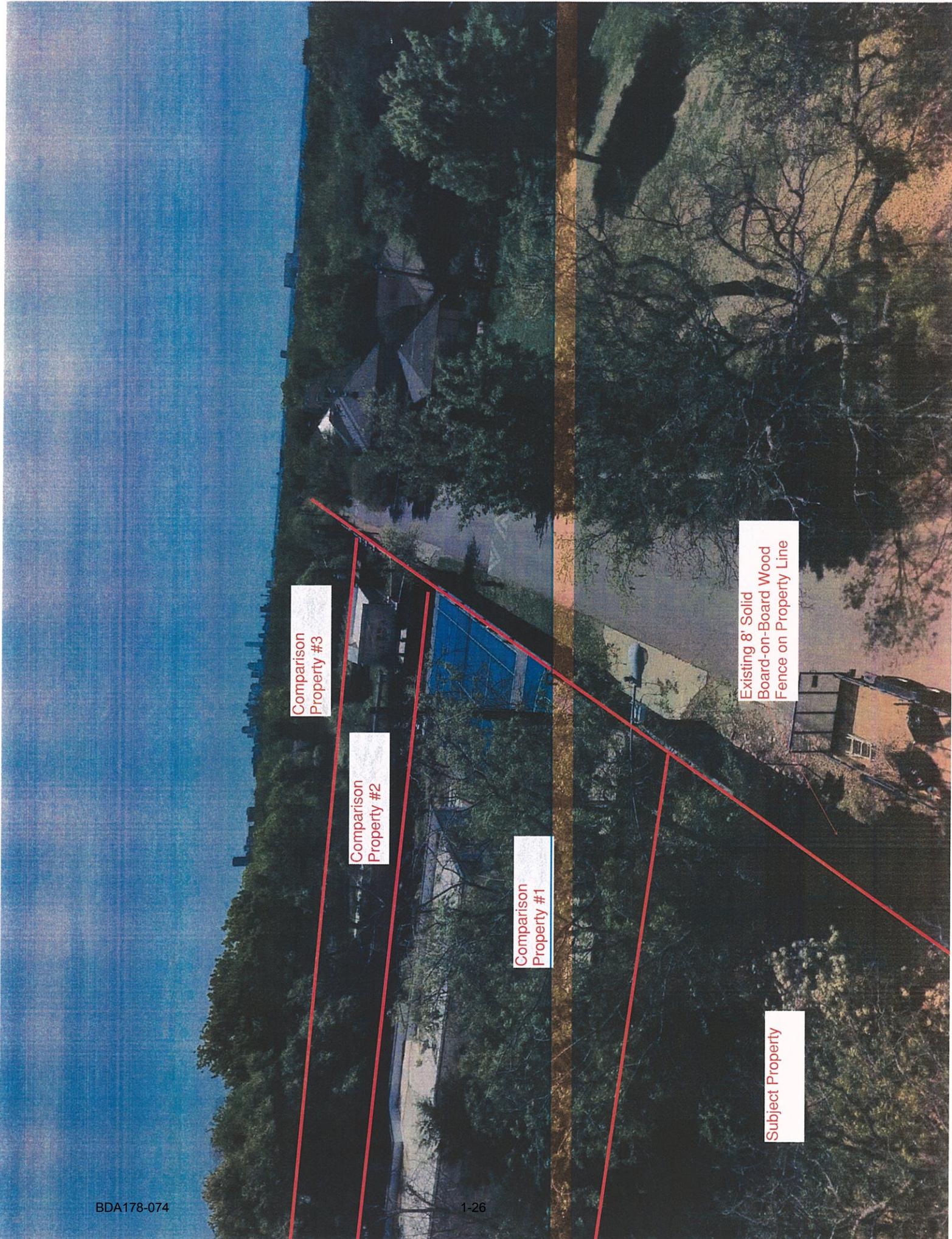
Comparison  
Property #3

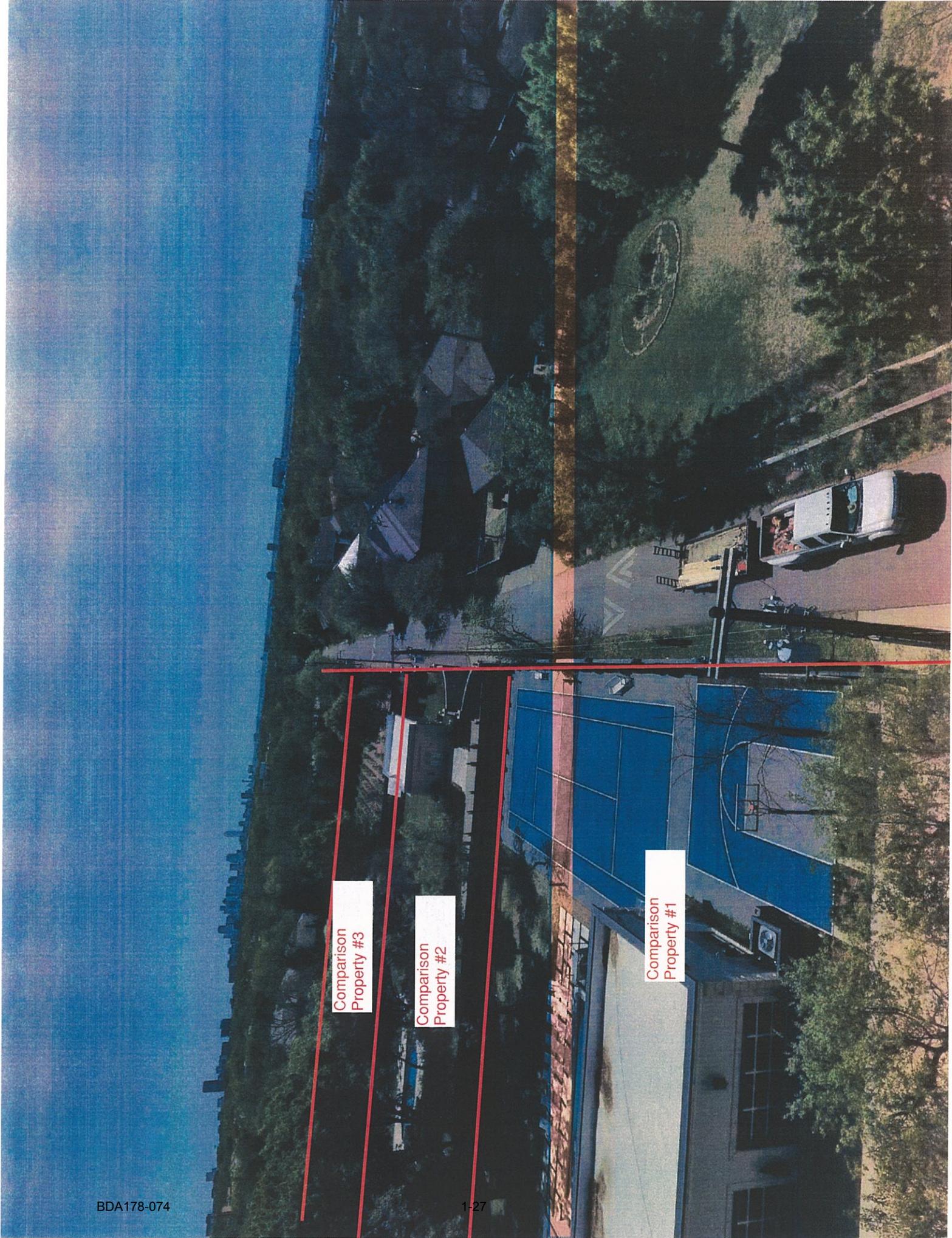
Comparison  
Property #2

Comparison  
Property #1

Existing 8' Solid  
Board-on-Board Wood  
Fence on Property Line

Subject Property

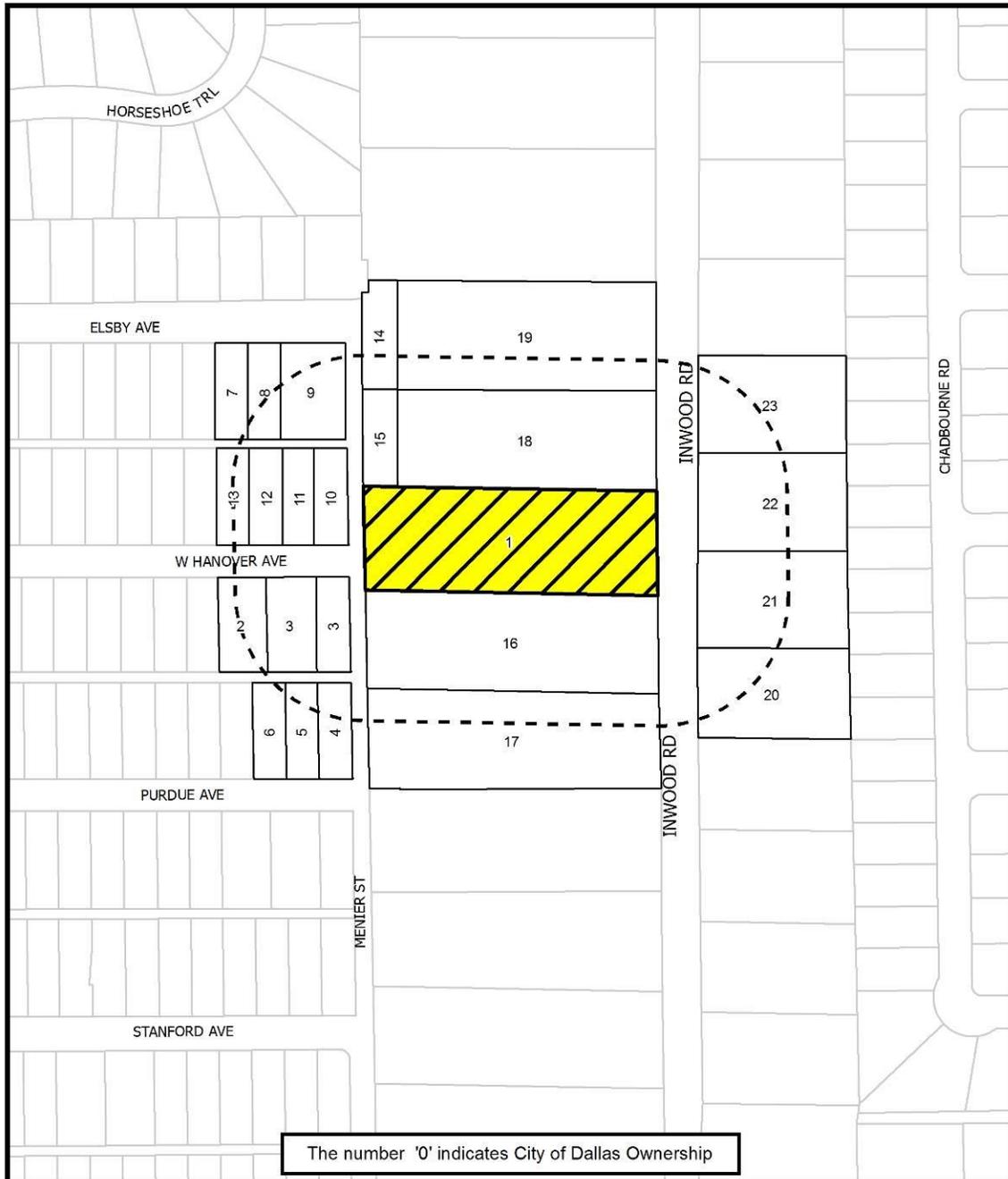




Comparison Property #3

Comparison Property #2

Comparison Property #1



 1:2,400	<b>NOTIFICATION</b>		Case no: <b>BDA178-074</b>
	<b>200'</b> AREA OF NOTIFICATION	<b>23</b> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <b>5/23/2018</b>

# *Notification List of Property Owners*

## *BDA178-074*

### *23 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	8303 INWOOD RD	ARROYO FELIX T
2	5116 W HANOVER AVE	TOULMIN SAMMYE W
3	5120 W HANOVER AVE	TOULMIN SAMMYE W
4	5127 W PURDUE ST	GROSS CHARLES E IV &
5	5123 W PURDUE ST	WILSON JOHN D
6	5119 W PURDUE ST	HANSEN CAROLINE C
7	5114 ELSBY AVE	HOBGOOD MORTON D JR
8	5118 ELSBY AVE	JPGP ENTERPRISES LLC
9	5126 ELSBY AVE	BISHOP DIANE SUE
10	5127 W HANOVER AVE	LEE DAN HENRY III &
11	5123 W HANOVER AVE	FEICHTER BRIAN & LAUREN
12	5119 W HANOVER AVE	TORRES FRANK L TR &
13	5115 W HANOVER AVE	ROYBAL MICHAEL A & TRACY
14	8404 MENIER ST	CHIONGLO EDUARDO A &
15	8408 MENIER ST	GOYER CHARLES STEWART & ASHLEIGH C
16	8211 INWOOD RD	LZS TRUST
17	8133 INWOOD RD	GARNER BRYAN A
18	8315 INWOOD RD	WARDLAY BRUCE
19	8333 INWOOD RD	WHITE DARLEENE B
20	8206 INWOOD RD	DEFFOREY AUDREY & MAXIME
21	8216 INWOOD RD	INWOOD INVESTMENTS INC
22	8306 INWOOD RD	ZEEVALLOS ALFRED G &
23	8318 INWOOD RD	DRUSCH MARK A &

**FILE NUMBER:** BDA178-075(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Jackson Walker, LLP, represented by Jonathan G. Vinson, to restore a nonconforming use at 4513 Gaston Avenue. This property is more fully described as Lot 2, Block 1/769, and is zoned PD 362 (Subarea 3A; H/72), which limits the legal uses in a zoning district. The applicant proposes to restore a nonconforming group residential facility use, which will require a special exception to the nonconforming use regulations.

**LOCATION:** 4513 Gaston Avenue

**APPLICANT:** Jackson Walker, LLP  
Represented by Jonathan G. Vinson

**REQUEST:**

A request for a special exception to restore/reinstate nonconforming use rights for a "group residential facility" 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:** Section 51A-4.704(a)(2) of the Dallas Development Code states 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 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.

**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.

**Zoning:**

**Site:** PD 362 (Subarea 3A)(H/72) (Planned Development)(Historic)  
**North:** R-7.5(A)(H/72) (Single family residential 7,500 square feet)(Historic)  
**South:** PD 362 (Subarea 3)(H/72) (Planned Development)(Historic)  
**East:** PD 362 (Subarea 3)(H/72) (Planned Development)(Historic)  
**West:** PD 362 (Subarea 3)(H/72) (Planned Development)(Historic)

## **Land Use:**

The subject site is developed with, according to DCAD, an apartment built in 1910. The areas to the north and east are developed with single family uses, the area to the south is developed with multifamily uses, and the area to the west is developed with a vacant retail use.

## **Zoning/BDA History:**

1. BDA178-039, Property at 4513 Gaston Avenue (the subject site)      On April 16, 2018, the Board of Adjustment Panel C denied a request for a special exception to restore/reinstate nonconforming use rights for a “group residential facility” 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 without prejudice.
2. BDA178-046, Property at 4513 Gaston Avenue (the subject site)      On April 16, 2018, the Board of Adjustment Panel C considered an appeal of an administrative official, more specifically the Building Official’s revocation of a certificate of occupancy for a group residential facility on the subject site, and affirmed the Building Official’s decision.

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

- This request focuses on restoring/reinstating nonconforming use rights for a “group residential facility” use on the subject site that was discontinued for a period of 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.

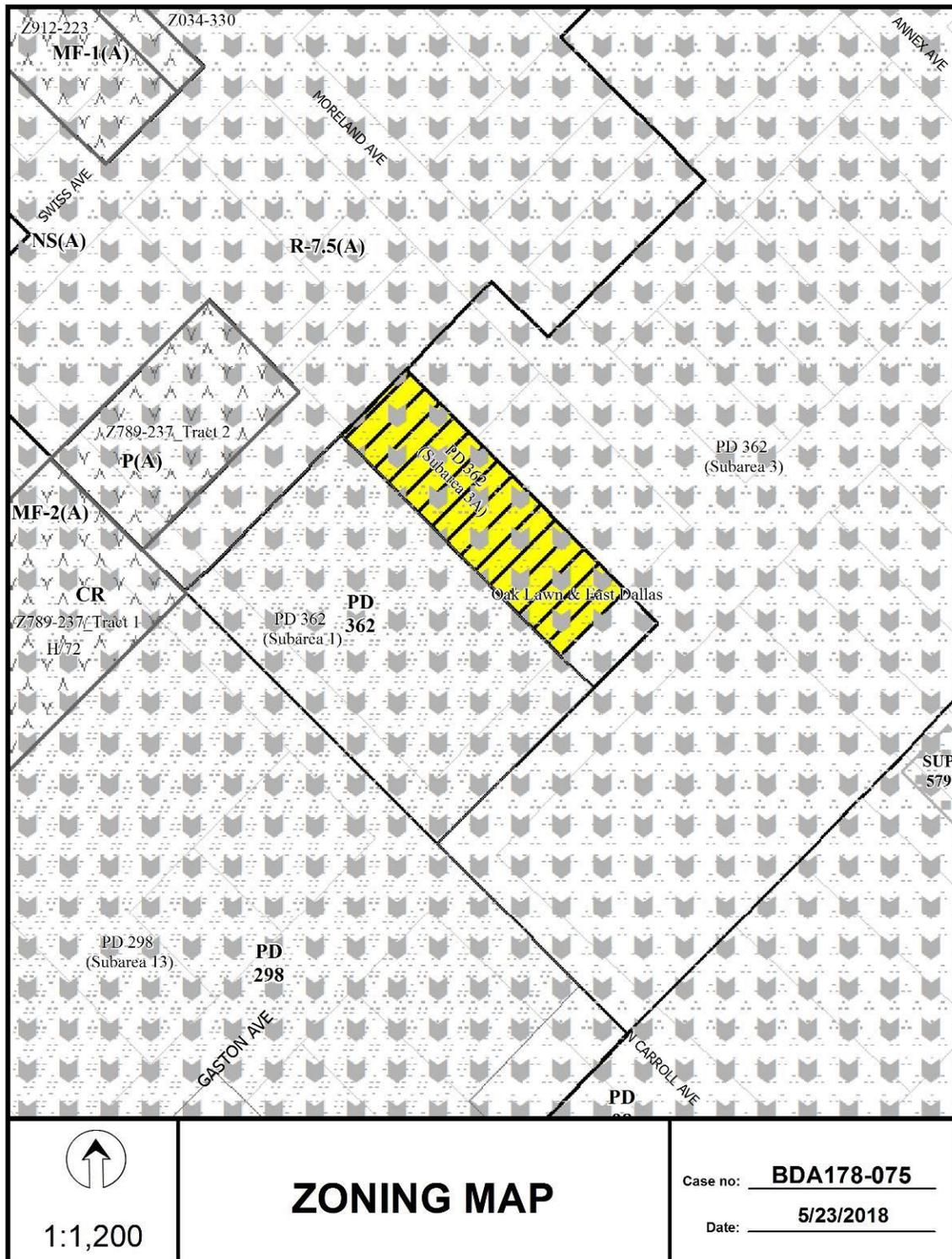
- The site is zoned PD 362 (Subarea A)(H/72) that permits a “group residential facility” use only with a Specific Use Permit (SUP).
- According to DCAD records, the “improvements” for the property addressed at 4513 Gaston Avenue is a 7,004 square foot “apartment” constructed in 1910.
- Building Inspection 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 six 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 “group residential facility” use on the subject site even though the use was discontinued for six months or more.
- Granting this request would reinstate/restore the nonconforming “group residential facility” 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”).
- The applicant could make an application for an SUP that, if approved by the City Council, would make the “group residential facility” use on the property a conforming use.

### **Timeline:**

April 18, 2018: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

May 15, 2018: 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”.

- May 15, 2018: 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 May 30<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the June 8<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
  - the criteria/standard that the board will use in their decision to approve or deny the request;
  - 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."
- May 30, 2018: The applicant submitted additional documentation on this appeal to the Board Administrator beyond what was submitted with the original application (see Attachment A).
- June 5, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the June public hearings. Review team members in attendance included: the Sustainable Development and Construction Director the Sustainable Development and Construction Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Sustainable Development and Construction Department Authorized Hearing/Code Amendment Senior Planner, and the Assistant City Attorney to the Board.
- No review comment sheets were submitted in conjunction with this application.
- June 7, 2018: The applicant submitted additional documentation on this appeal to the Board Administrator beyond what was submitted with the original application (see Attachment B).





1:1,200

# AERIAL MAP

Case no: BDA178-075

Date: 5/23/2018



BDA-178-075

Jonathan G. Vinson  
(214) 953-5941 (Direct Dial)  
(214) 661-6809 (Direct Fax)  
jvinson@jw.com

Attack A

May 30, 2018

Via Scan/Email

Mr. David Cossum, Director, and City Staff  
Department of Sustainable Development and Construction  
City of Dallas  
1500 Marilla Street, Room 5BN  
Dallas, Texas 75201

Re: BDA 178-075; 4513 Gaston Avenue.

Dear Members of the City Staff:

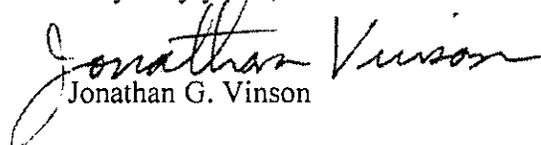
We are sending you this letter with regard to our pending Board of Adjustment appeal, for property located at 4513 Gaston Avenue, under BDA 178-075, a special exception to reinstate or restore a nonconforming use that allegedly (although we disagree with that premise), had been discontinued for six months or more.

Normally, as you know, it is my practice to provide additional information to the City Staff in preparation for the Staff team meeting on Board of Adjustment requests, including an outline of our position, how we need the relevant standards, relevant exhibits and attachments, and other items. However, in this instance, I understand from Mr. Steve Long's May 15, 2018, email to me on this case that the Current Planning Staff does not make a recommendation on this type of request.

In light of Staff not making a recommendation on this item, I will certainly provide more information to Mr. Long in time to be included in the Panel C packet by the Friday, June 8, deadline as provided to us. We look forward to presenting our evidence to the Board that we meet the applicable standard and that our request should be approved. We are also meeting on June 5 with the Peak's Addition Homeowners' Association, and we will discuss that meeting in our information to be submitted.

The purpose of this letter is simply to inform Staff that we are continuing to assemble significant evidence in support of our request, and that we will be providing that for the Board packet, as well as presenting our request at the public hearing on June 18. As always, we appreciate your attention and consideration. Thank you very much.

Very truly yours,

  
Jonathan G. Vinson

cc: Mary Shuford  
Lisa Kroencke  
Hector Patino

June 7, 2018

Via Scan/Email

Hon. Chair and Members, Board of Adjustment Panel C  
c/o Mr. David Cossum, Director, and City Staff  
Department of Sustainable Development and Construction  
City of Dallas  
1500 Marilla Street, Room 5BN  
Dallas, Texas 75201

**Re: BDA 178-075 (Special Exception to Reinstate or Restore a Nonconforming Use); 4513 Gaston Avenue.**

Dear Members of Panel C:

**I. Introduction.** We are sending this letter through the City Staff for inclusion in your Board packet to explain the background of our request; how we meet the required standard for this request; and to respectfully ask for your *approval* of our special exception requested under BDA 178-075. I will describe for you below the chronology of events leading up to our current situation. Following this letter is a List of Attachments, with the referenced attachments following. You will undoubtedly recall much of this information from our previous such request under BDA 178-039, but I wanted to provide you with an updated letter and packet.

**A. The Magdalen House.** The Magdalen House is a supportive and educational environment in a home-like setting for the purpose of helping women achieve sobriety and sustain recovery from addiction at no cost. This is very clearly a much-needed program and is a tremendous benefit to our community. *Attachment 1* is the "About Us" page from The Magdalen House website. *Attachment 2* is a February 1, 2009, article from the *Lakewood Advocate*, describing The Magdalen House program and the positive impact it has on people's lives. *Attachment 3* is a copy of a recent Capital Campaign presentation, explaining the critical need for The Magdalen House to be able to move from its current location on Redwood Drive in East Dallas, where it has been an excellent neighbor since 1987. I would refer you to all these materials, as well as The Magdalen House website at [www.magdalenhouse.org](http://www.magdalenhouse.org).

**B. Outreach to Neighbors.** A Zoning Map excerpt showing the 4513 Gaston site is attached as *Attachment 4*. You should also be aware that The Magdalen House has done considerable outreach, both individually and collectively, to our neighbors, including numerous contacts with our neighbors. Every time one of our neighbors has raised a question, The Magdalen House team has immediately addressed it.

Also, our architects at OmniPlan also have been pursuing a Certificate of Appropriateness for the planned extensive improvements to the property through the required public process, including meeting with the Peak's Suburban Addition Task Force, which recommended approval, and then going to the Landmark Commission, which approved our Certificate of Appropriateness.

BDA 178-075  
Attachment A  
p. 2

In addition, we recently appeared at the June 5 meeting of the Peak's Addition Homeowners Association and answered questions. We had a very positive meeting, with thorough and cordial dialogue with our neighbors. This was an excellent opportunity for us to answer questions, discuss areas of potential concerns, and offer solutions. A copy of our presentation is attached as *Attachment 5*, which I invite you to view. Please note that we have offered, and wish to work with our neighbors, to memorialize certain items in a set of enforceable deed restrictions to address the concerns raised.

**II. Timeline of Events.** The Magdalen House is currently located at 1302 Redwood Circle in East Dallas, and has been located there and by all accounts has been an excellent neighbor for many years. However, that house is badly in need of repair, which repairs would not be cost-effective for a nonprofit. Thus, The Magdalen House located and placed 4513 Gaston under contract. The P.D. 362 (*Attachment 6*) zoning refers back to Sec. 51A-4.209(2)(B) of the Development Code (*Attachment 7*), which requires an S.U.P. for a Group Residential Facility if within 1,000 feet of another Group Residential Facility (or "GRF") or Handicapped Group Dwelling Unit.

In order to be sure we knew what our entitlements were, we inquired of Building Inspection on October 18, 2017, if an S.U.P. would be required (*Attachment 8*). That review was carried out by the Staff and we received a letter dated October 26, 2017, stating that there was another GRF at 4707 Gaston, within 1,000 feet of 4513 Gaston (*Attachment 9*).

However, we were able to determine from the City's records (*Attachment 10*) that the use at 4707 Gaston had only had a C.O. for the GRF since October 5, 2012, while the two at 4513 Gaston were C.O.d on October 17, 2001, and October 21, 2005, so prior in time to the one at 4707 Gaston. Since C.O.s don't expire unless they are affirmatively terminated, this would simply be a continuation of the same use, with simply a change in ownership. Therefore, the C.O. for a GRF at 4513 Gaston should benefit from having been issued prior to the one at 4707 Gaston, within 1,000 of 4513 Gaston Avenue.

In other words, the GRF use at 4513 Gaston had been C.O.d long before the GRF at 4707 Gaston. What this means, in turn, is that the GRF use at 4513 Gaston was, and is, a legal nonconforming use, that is, "grandfathered", since it was there prior to the GRF at 4707 Gaston. We requested confirmation of that, providing information from the City's online records as well as other information.

Note that under Sec. 51A-4.702(a)(2) (*Attachment 11*), the right to operate a nonconforming use ceases if the use is discontinued for six months or more, but we provided information showing that the use had not been discontinued. The Staff considered our position and on November 28, 2017, issued a letter confirming that the use at 4513 Gaston had maintained its legal nonconforming status (*Attachment 12*).

Based on that determination, The Magdalen House proceeded to close on the 4513 Gaston property on December 15, 2017. The Magdalen House applied for a new Certificate of Occupancy, based on change of ownership as required by the City Code. The Magdalen House subsequently received a letter dated February 2, 2018, stating that the C.O. was revoked because it was "issued

BDA 178-075  
Attachment B  
p. 3

in error”, apparently because Staff changed its view of the continuity of the operation of the previous GRF use on the property (*Attachment 13*).

The Building Official’s decision was based on a supposition that the use had gone vacant for more than six months, thus losing its legal nonconforming rights. We have testimony from the previous owner and users of the facility, included with this letter, stating that the use was, in fact, being used continuously and had not gone vacant for six months prior to the application for a new Certificate of Occupancy, and that there was a clear intent not to discontinue the use. We will also be bringing you live testimony to show this.

The items we had provided to Staff included an AT&T bill from June and a bus pass invoice, but I also stated in a November 28, 2017, email to Ms. Kay that the current owner/operator had confirmed for us that he and his organization had continued to use the property for a number of functions of the Group Residential Facility use, including recreational activities for program participants, and had no intention at all to cease all functions there and vacate until the property was sold.

In other words, the property continued to operate as a Group Residential Facility use into August and September, even though the utilities were not on. Since there are not specific factual criteria in the Development Code as to what constitutes an intention to vacate a use, the prior owner/operator’s stated intent, and continued use for certain functions being part of the use, should be dispositive.

We have also included for your consideration additional evidence of that continued use, including letters from Robert Rowling (the previous owner and operator (*Attachment 14*)), Caleb Parrette, the Chief Operating Officer of the previous operator (*Attachment 15*), and Billy Kane (*Attachment 16*), a former resident, all confirming that the house was in continued use by them into September of 2017. We also have a letter of intent from the Ed Jarrett Company, dated February 15, 2017, to Mr. Robert Rowling (*Attachment 17*), outlining a construction project of approximately up to almost two years in total duration – not an undertaking which any owner would make had he not intended to stay and operate the use, that is, until The Magdalen House appeared and offered to purchase it.

Finally, we have a copy of a Dallas Police Report from August 25, 2017 (*Attachment 18*), which was a result of a call from a neighbor who heard noise on the property – which turned out to be Billy Kane and another client using the gym on the property. In fact, the highlighted note on the report states that “Owner of property, Rawling, Robert, spoke to RO [*responding officer*] over phone and stated Kane, William was allowed on the property to work out”.

Last, I have attached a copy of the previous GRF operator’s Staff webpage, printed from the Internet on November 22, 2017, and still showing the 4513 Gaston Avenue address (*Attachment 19*). Finally, you will be hearing live, sworn testimony unequivocally stating that there was never any intention to “discontinue” the use – to the contrary, the previous owner expressly wished to continue with the same use. The upshot of all of this, simply put, is that the previous GRF use at 4513 Gaston had no intention to vacate, and did not vacate, the property for

more than six months (and in reality not at all), thus The Magdalen House should maintain its status as a legal nonconforming use and its Certificate of Occupancy should be restored.

**III. Special Exception to Reinstate or Restore a Nonconforming Use.** Pursuant to Sec. 51A-4.704(a)(2) of the Development Code, "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.*"

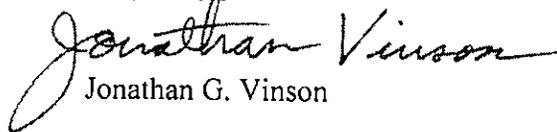
Based on all of the evidence before you, including what you will hear at your June 18 hearing, we would respectfully urge that you grant the above-described special exception based on our demonstration of a "clear intent not to abandon the use".

I want to reiterate for you all of the information provided above as regards the prior owner's continued use of the property, including use of the facilities for exercise; the February letter of intent; and the short close when The Magdalen House contracted to purchase the property. This all shows clearly that the previous owner and operator had every intention of continuing to use the property, but was presented with an opportunity to sell it and agreed to do so. The owner very clearly intended to continue the use of the property until such time as it sold and was transferred to new ownership.

As stated above, we are also providing all of the attachments referred to above for your review. I would ask that you review those materials for detailed information on the reason for our appeal and how we meet all of the required standards for the granting of our requested appeal.

**IV. Conclusion.** Thank you very much for your consideration of our points. We will respectfully be asking at our June 18 public hearing that you approve our requests. Thank you very much.

Very truly yours,

  
Jonathan G. Vinson

cc: Mary Shuford  
Lisa Kroencke  
Walt Mountford  
Hector Patino

## List of Attachments

1. The Magdalen House "About Us"
2. February 1, 2009, *Lakewood Advocate* article
3. Capital Campaign presentation
4. Location/Zoning map
5. June 5 Presentation to Peak's Addition Homeowners Association
6. P.D. 362 Excerpt (regarding GRF use)
7. Sec. 51A-4.209 (spacing; S.U.P.)
8. October 18, 2017, inquiry to Staff
9. October 26, 2017, Staff letter
10. C.O. records; 4707 Gaston and 4513 Gaston
11. Sec. 51A-4.702 (a)(2) (nonconforming use)
12. November 28, 2017, Staff letter
13. February 2, 2018, Staff letter
14. Robert Rowling letter
15. Caleb Parette letter
16. Billy Kane letter
17. Ed Jarrett Co. Letter of Intent
18. August 28, 2017, DPD Report
19. Copy of Gaston House Transitions Staff web page –  
printed from Internet on November 22, 2017

BDA 178-075

P. 6

ATTN B

1. The Magdalen House "About Us"

Home

About Us

Get help

Get involved

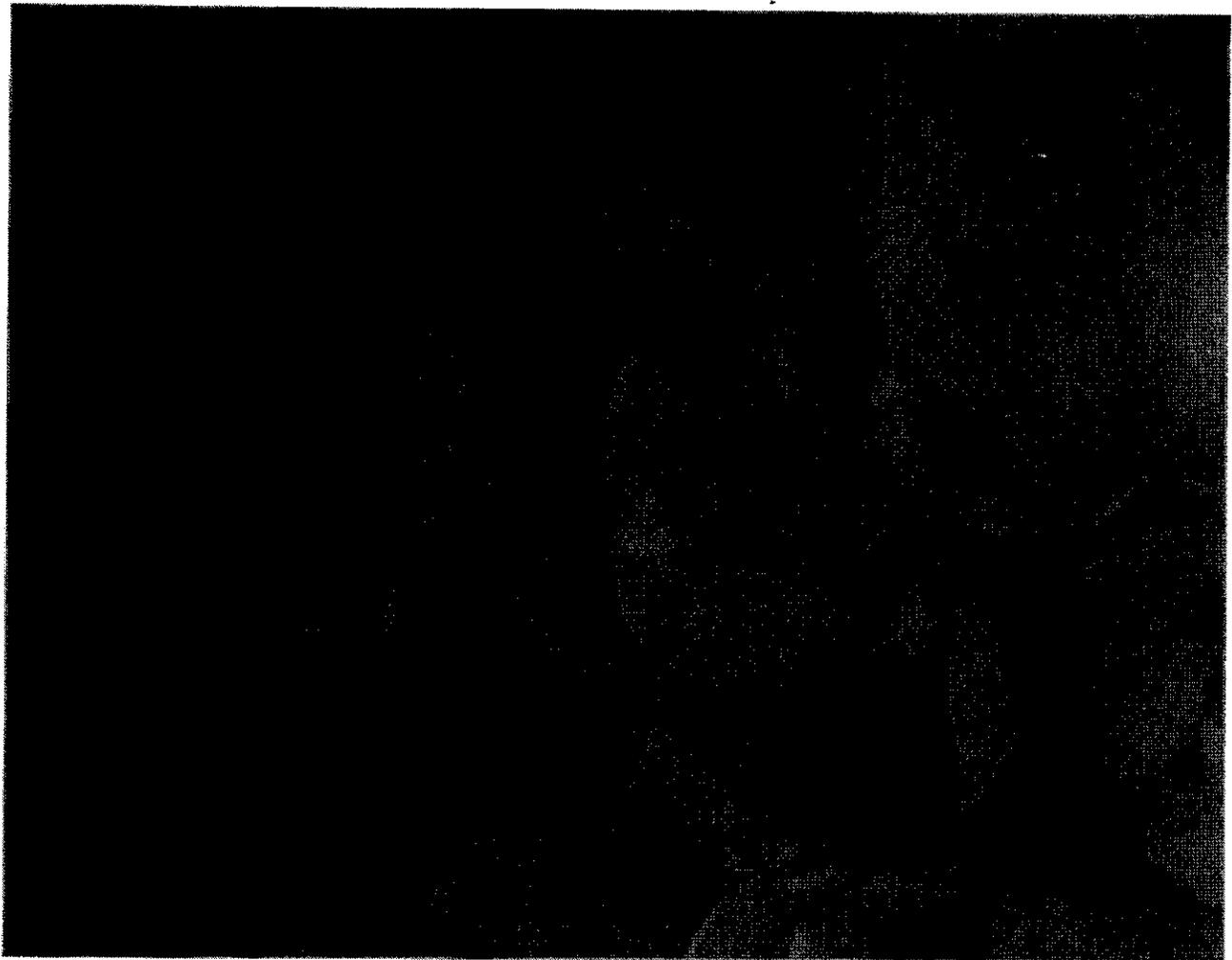


Donate

Contact

Our team

Blog



*No-Cost Treatment for Alcoholics  
Women*  
HELPING WOMEN FIND HOPE IN SOBRIETY



## Our Mission

The mission of The Magdalen House is to help women achieve sobriety and sustain recovery from alcoholism at no cost and based on 12-Step spiritual principles

## Our Vision

The vision of The Magdalen House is to build a community of recovered women and their families - one woman at a time

P201708-013  
Attch B  
P. 7

## About Us

The Magdalen House is a non-profit organization that provides a safe, supportive environment for women who are struggling with substance use and mental health issues. Our mission is to help women achieve long-term recovery and stability through comprehensive, evidence-based programming. We offer a variety of services, including individual and group counseling, case management, and peer support. Our staff consists of experienced professionals who are dedicated to providing the highest quality of care. We are proud to be a part of the community and to support the well-being of our clients.

## History

The Magdalen House was founded in 1982 by a group of women who were seeking a safe place to live and receive support. Over the years, we have grown from a small, one-story building to a large, modern facility. Our commitment to providing a safe and supportive environment has led to the success of our programs and the lives of our clients. We continue to expand our services and reach to better serve the community. Our history is a testament to the power of community and the importance of providing support to those in need.

### Women Only

Our programs are designed specifically for women, providing a safe and supportive environment. We offer a variety of services, including individual and group counseling, case management, and peer support. Our staff consists of experienced professionals who are dedicated to providing the highest quality of care. We are proud to be a part of the community and to support the well-being of our clients.

### No-Cost Treatment

All services are provided at no cost to our clients. We are committed to providing high-quality care to all women, regardless of their financial situation. Our funding is derived from a combination of government grants, private donations, and fundraising events. We are grateful for the support of our community and the organizations that help us provide this important service.

### Peer Implemented Programming

Our programs are implemented by trained peer educators who have lived experience with substance use and mental health issues. This approach provides a unique and effective way to support recovery. Peer educators share their own stories and provide practical advice and support. This helps clients feel understood and motivated to continue their recovery journey. Our peer educators are an integral part of our team and play a vital role in our success.

### Comprehensive Programming

We offer a comprehensive range of services to support recovery, including individual and group counseling, case management, and peer support. Our programs are evidence-based and designed to address the unique needs of women. We provide a safe and supportive environment where clients can receive the care they need to achieve long-term recovery and stability. Our comprehensive programming is a key factor in our success and the lives of our clients.

*We, the undersigned, provide no cost programming to a safe and supportive environment in which women can obtain the needed services and support to achieve long-term recovery and stability.*

LISA SROENKE



OUR HISTORY



NO COST



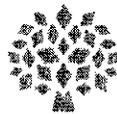
OUR SERVICES

P. 8



OUR COMMUNITY

MAKE A DONATION >



The Magdalen House

A RECOVERY COMMUNITY FOR WOMEN

f

✈

g+



B178-075  
A H a u B  
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# ADVOCATE

LAKWOOD/EAST DALLAS

February 1, 2009

## The Magdalen House

The women speak candidly about lies told, people hurt, laws broken and things destroyed — they understand all too well that what they have done is in many cases shameful.

**Linda W., 51 and a grandmother of eight**, has been to jail three times in the past three years on charges of prostitution.

Ashleigh G., a tall blonde 29-year-old and self-described “beer-loving country girl” drove her car into a house during a binge last spring, only to resume drinking days after she arrived home from county jail.

And 44-year-old Lada P., once a successful physician, is now on parole and on the verge of returning to prison because she can’t stop drinking for any significant period of time.

The women speak candidly about lies told, people hurt, laws broken and things destroyed — they understand all too well that what they have done is in many cases shameful. But here at the Magdalen House, a large red bricked two-story in the middle of a White Rock area neighborhood, volunteers and staffers assure the women that while they “have done bad stuff, they are not bad people.” Executive director Michele Derrington explains to them that they have an illness, alcoholism, for which there is a treatment.

For some of the women, it is the first time anyone has told them that help is possible, or that they are worth saving.

### Drying out

Magdalen House deals primarily with women suffering from alcohol addiction, though many of those seeking help have been using other drugs, too. New residents often require hospitalization during the initial 48 or so hours.

“We are not a medical facility. Someone going through severe alcohol withdrawal needs medical care that we can’t offer here,” Derrington says. “It can get messy. We’ve had to call 911 a few times. Fortunately, Doctors [Hospital] is right up the road.”

Jackie L., a 33-year-old mother, says she is glad to be at Maggie’s. She fought the physical withdrawals sans medical treatment, and is now eager to change her life. “I’ve finally realized I have to get sober not just for my family — even my kids — but for me. I am so thankful to have this opportunity and that these people are here for me.”

Julie Harvey, who was working when Lester arrived, chimes in, “she wasn’t thanking us yesterday.

“Because we have no medical treatment, they feel every bit of the pain, but that also makes it special,” says Harvey, a Magdalen House board member and administrator. “Within a few days, you see the light come on.”

It can take several days for the head to clear, but usually following 24 to 48 hours rest, new residents are ready to launch into the real work.

### **12 steps**

The 14-day program at Magdalen House is based on the Twelve Steps of Alcoholics Anonymous. The steps involve admitting the problem, asking help from a “higher power”, confessing and making up for wrongdoings, and helping others.

With a comfortable bed, newfound support and a clear-cut plan for the future, some of the women start feeling better and stronger quickly.

“It feels good to have other women to talk to. I haven’t had sober communication in a lot of years,” says Linda, a grandmother who wound up on the street after she started using drugs at the age of 28. “The day I got here was the best day of my life. I heard the birds singing.”

She attended her first AA meeting her second day in the house, and says she is eager to understand the program. “I think it is about learning to be happy, like them birds out there.”

The Magdalen House AA meeting room is open to all recovering alcoholics. People from all walks of life meet, discuss their common problem, and learn how to live life sober. Many with long-term sobriety attend meetings there in order to reach out to women like Linda.

Connie D., for instance, sobered up at Magdalen House almost 21 years ago. Today she and her husband, whom she met in AA, remain heavily involved with Magdalen House, and he serves on the board of directors.

“He was so impressed by what they had done for me,” she says, “that he wanted to be a part of it — and it’s a big commitment.” Connie says she wouldn’t be alive today if not for the unconditional love, and the 12-step principles she found at Magdalen House.

“They understand the ins and outs of dealing with female alcoholics ... and are completely [ingrained in] and supported by the AA community, which is why they are so successful.” During her stay, each Magdalen House resident will attend daily meetings, and ideally find another woman in recovery, a sponsor, who will guide her through the steps of AA.

### **Does it work?**

East Dallas resident Judge John Creuzot, who has dealt extensively with societal problems surrounding substance abuse, says he has witnessed first-hand the effectiveness of the 12-step program in treating addiction problems.

In 1998 Creuzot, who presides over Dallas Criminal District Court 4, established DIVERT (Dallas Initiative for Diversion and Expedited Rehabilitation and Treatment) court as a way of helping drug offenders address the root causes of their problems. Like the residents at Magdalen House, DIVERT participants are instructed to work through the 12-step program — that means attending regular AA meetings and working with a sponsor.

“The process of the steps requires looking inward to the cause of the problem. It includes looking at self and those harmed ... it is an ongoing process that doesn’t come to an end. I have seen a lot of people have success with [the 12-step program],” Creuzot says.

A former doctor, Lada slid rapidly into alcoholism after she began drinking at age 36.

“I saw patients dying from the disease, but I thought I was unique,” she says.

Though she started drinking relatively late in life, the addiction quickly took hold of her — she lost her career, her home, her family and her freedom within a few years. Following incarceration due to DWI convictions, she is on parole and facing a return to prison because of her latest relapse into drinking.

Magdalen House could be her last shot at freedom.

“I’ve lost everything,” Lada says. “Family has given up on me ... I am homeless. I have a complicated fatal disease [alcoholism] ... but here, I feel safe. I have hope.” She may not be able to practice medicine again, but Lada could conceivably recover and someday help others.

Creuzot says that it is very common for those who are in recovery to eventually make the best counselors — that the people who have suffered and overcome addiction can best help those who are still suffering.

That’s exactly how it works at Magdalen House.

### **Giving back**

Derrington and Harvey, both mentors to the women at Magdalen House, have a personal history

of drinking problems. Today, a key component of their personal healing involves helping others. In fact, it is the recovery community sustains Maggie's House, says Harvey.

"A lot of people who care about this place are the reason why this place survives," she says. A small group of recovering alcoholics founded Magdalen House in 1986. Back then it was located in a small home on Lovers Lane that could accommodate about six people. In 1996, funding from the Dallas Women's foundation allowed the non-profit group to purchase the large fixer-upper that they turned into the current facility — most call it simply "Maggie's".

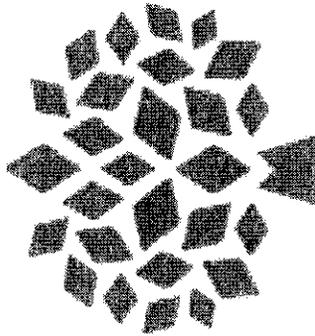
About 250 women come to Maggie's annually, says Derrington; in its first 10 years, more than 3,000 women passed through.

Maggie's small paid staff includes a house manager, a day supervisor, night supervisor and a weekend supervisor, but volunteers do much of the work around Maggie's, and donors supply all of the necessary items including toiletries, clothing and food.

In theory, the women getting strong at Maggie's today will be the mentors and healers of tomorrow. Ashleigh, who is dealing with a lengthy list of alcohol-related legal and health problems, knows the road ahead will be tough. But she believes Magdalen House will set her on the road to recovery.

"This is the hardest thing I have ever done in my life, but you get so strong in this house ... there is so much love here," she says, smiling through tears. "No matter who we are, we all share a common story ... we are working together to get what we need to walk out of here and live our lives. No more hiding. I want to be one of those miracle stories."

To learn more about The Magdalen House, visit [magdalenhouse.org](http://magdalenhouse.org).



# The Magdalen House

A RECOVERY COMMUNITY FOR WOMEN

LEGACY OF HOPE  
Capital Campaign

## **Who we are**

### *Our mission and vision*

The mission of The Magdalen House is to provide a safe place where women may detox from alcohol abuse at no cost.

The vision of The Magdalen House is to create and build a community of recovered women and their families – one woman at a time.



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# What we do

Our programming



## Social Detox

14 day in-house stay  
Education, Introduction to 12-Steps, Support Programming

220 female clients annually  
82% completion rate (industry average 47%)\*  
100% of women were transitioned to a safe environment  
44% of clients were immediately reunited with their families



## Peer to Peer Recovery

Recovery Enrichment Programming  
Family Support Programming  
Life Skills Workshops

6,400+ women attend recovery meetings annually  
15,500+ hours of time donated annually  
48% of alumni return as volunteers within the first 6 weeks of sobriety



## Community Collaboration

80 Community Collaborations

Trader Joe's partnership provides \$8,000 of food per month to detox clients

Court Mandated Volunteers through Volunteer Now has provided 440 hours of service since 2014

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Programming

Results

# How we do it

*Our points of difference*



## Women Only

Unique programming focused solely on women in recovery, facing different obstacles than men



## No cost

We are 100% privately funded and accept no government funding



## Peer implemented programming

We believe in the "recovered" helping the "recovering" to their mutual benefit.



## Comprehensive programming

All women have ongoing access to supportive and transitional programs unique to The Magdalen House.

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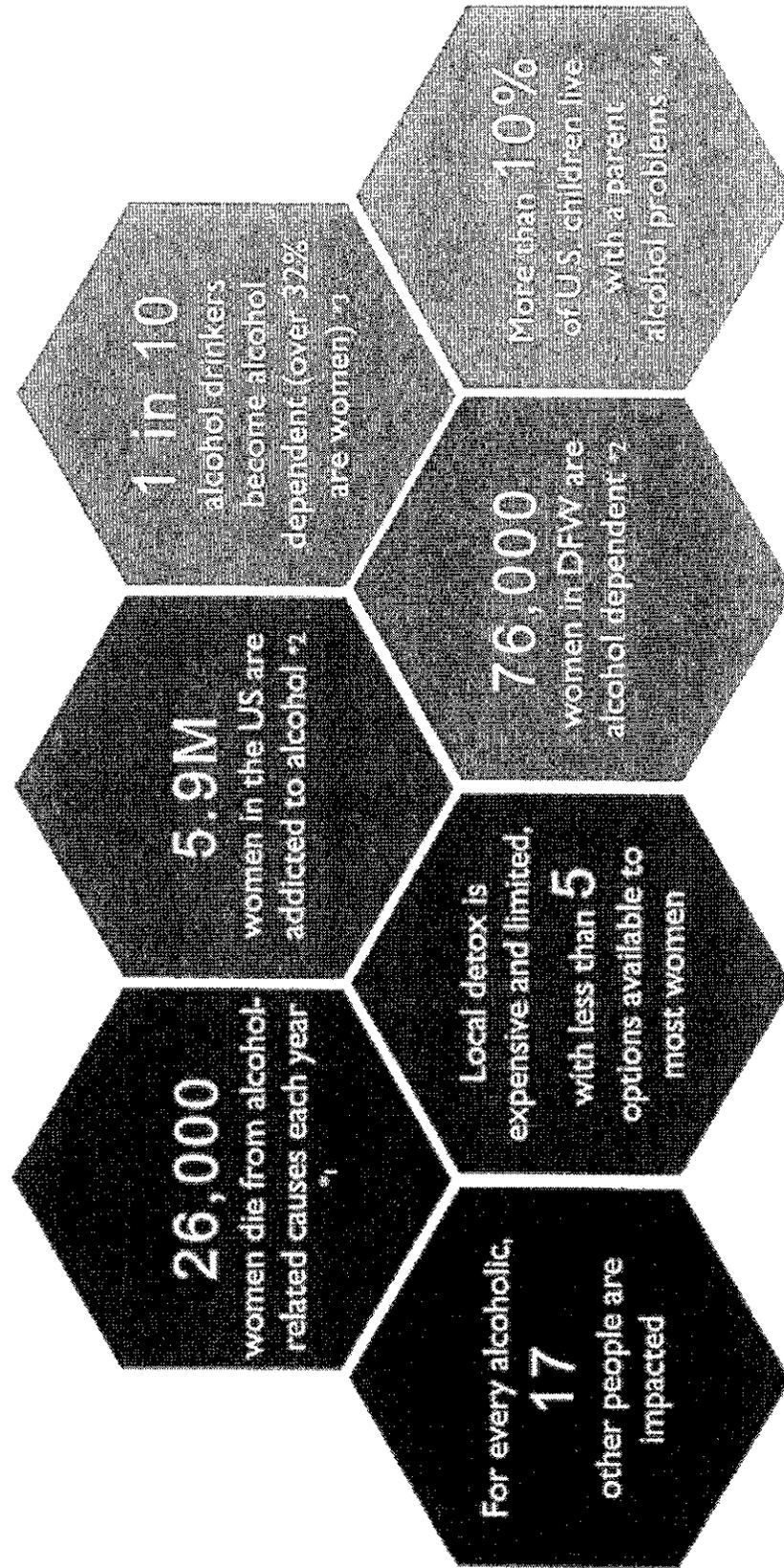
ATTACH B

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## Why we do it

Our importance



\*1 National Institute of Alcohol Abuse and Alcoholism

\*2 SAMHSA 2009

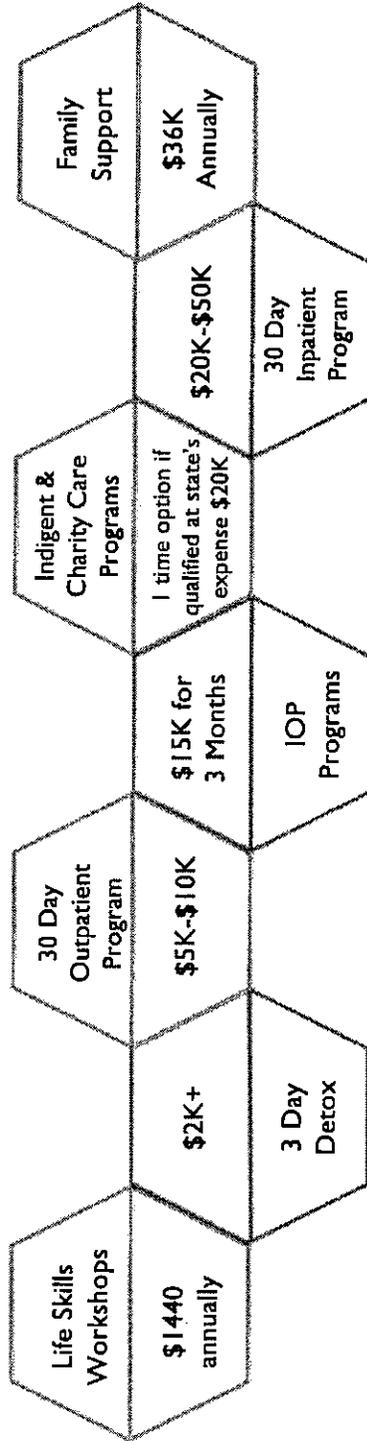
\*3 UT Addiction Science Research/Education Center, June 2015

\*4 SAMHSA 2012

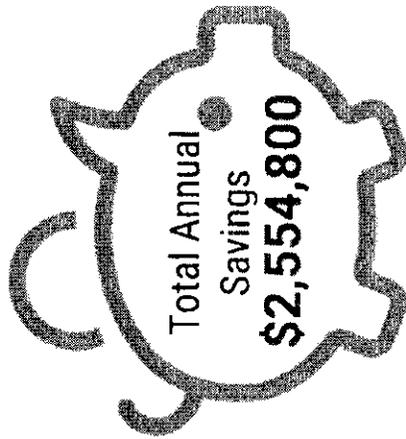
# Our financial benefit

*Alcoholism's Drain on Resources*

## Costs of Recovery



## The Magdalen House Annual Savings



- \$** Family Support Annual Savings \$396,000
- \$** Social Detox Annual Savings \$554,400
- \$** Alumni Annual Savings \$1,604,400

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# A New House

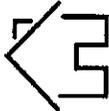
## "Legacy of Hope" Capital Campaign

# Why now?



## Current Home

- Outgrowing the space – not enough room
- \$100,000 in foundation repairs needed
- \$90K structural value of the house
- Constant repairs = \$60k+ since 2013
- Zoning will be prohibitive in the next few years



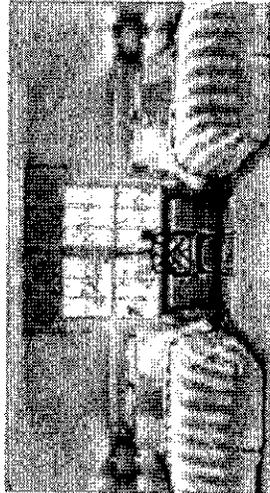
## Benefits of a new property

- Increase capacity to accommodate growing demand
- Appropriate zoning for our use
- Avoid suspension of services
- Improved access to public transportation
- Ample parking for volunteers and meeting attendees

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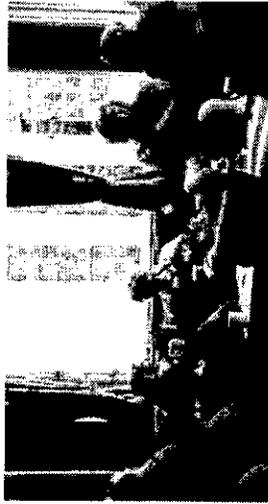
# Where we're going

*Our vision of our new house*



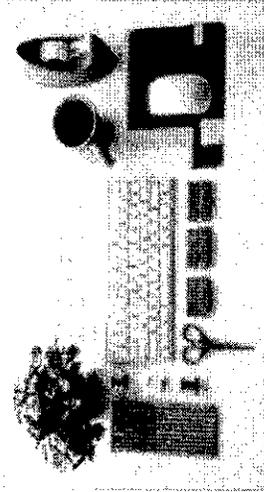
## Residential

- Open concept two-story home
- Commercial grade dining room Family style living area
- 5 bedrooms, increase to at least 20 beds
- 6 restrooms



## Community

- Space for 80+ people
- Public parking
- Private family visitation rooms
- Community areas for recovery support



## Administration

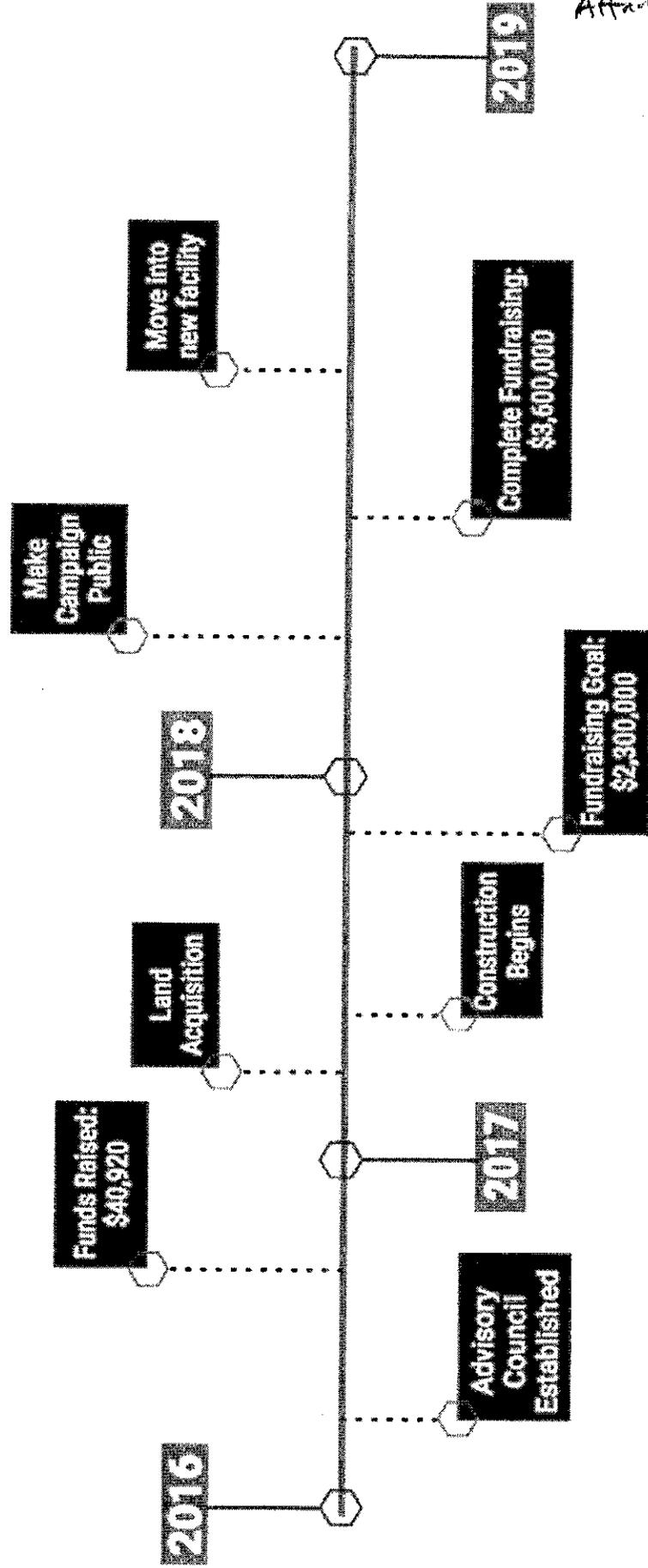
- Client intake office
- Business offices
- Staff living area

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# When Our timeline



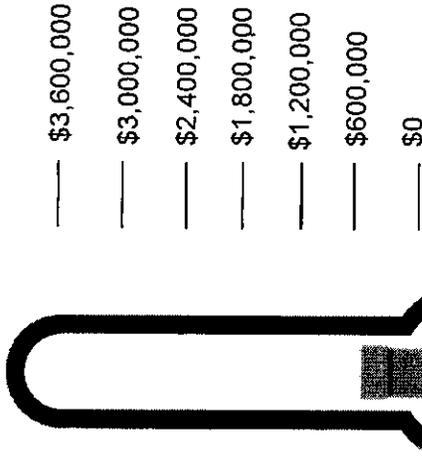
# Where we are now

*Our progress*

## Supporters

- David M. Crowley Foundation
- The Epperson Family Foundation
- The Høglund Foundation
- The Harold Simmons Foundation
- The Rowling Foundation
- Robin and Norm Bagwell
- William and Susan Ragland Fund/  
McElroy Family
- The Magdalen House Board of Directors

## Money Pledged or Collected



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# Our advocates

*The Magdalen House Leadership*

## Board of Directors

Kay Colbert, President  
Sarah Beahan, Vice President-Elect  
Jeff Ault  
Patrick Fly  
James Dollins  
Tina Shuey  
Kelly Grindinger  
Jamie Hill-Walters  
Harriet Shaw  
Susan Larkin

Lisa Kroencke, Executive Director

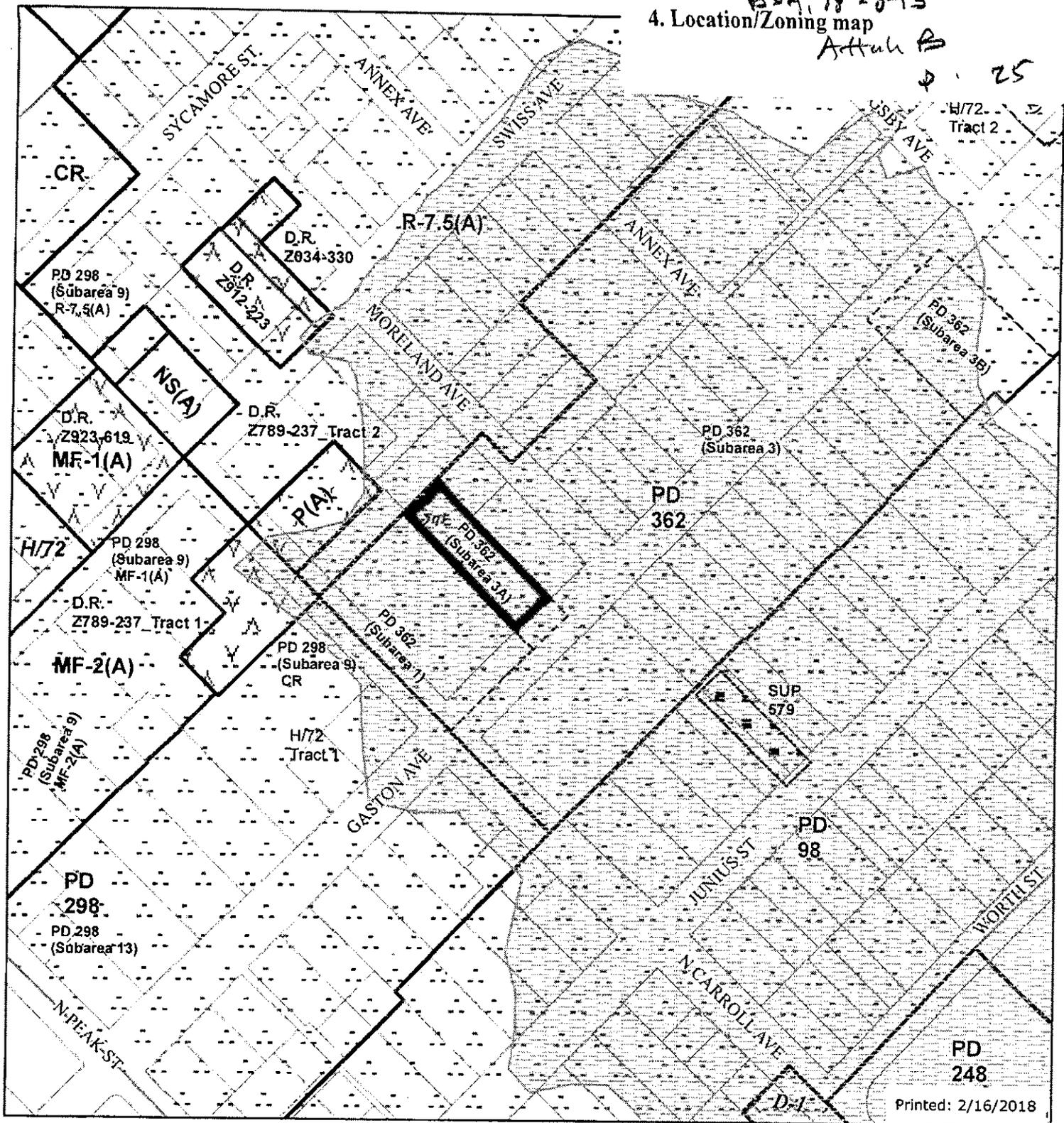
## Capital Campaign Advisory Council

Jamie Hill-Walters, Co-Chair  
Dave Kroencke, Co-Chair  
Robin Bagwell  
Lindsay Billingsley  
Cindy Brewer  
Jim Epperson  
Nancy Gottsacker  
Alyson Griffith  
Beverly Levy  
Tom McElroy  
Lindsey Miller  
Nancy T. Montgomery  
Kathleen Powell  
Myers Raymer  
Kristy Hoglund Robinson  
Robert Rowling Jr.  
Kathi Shuford

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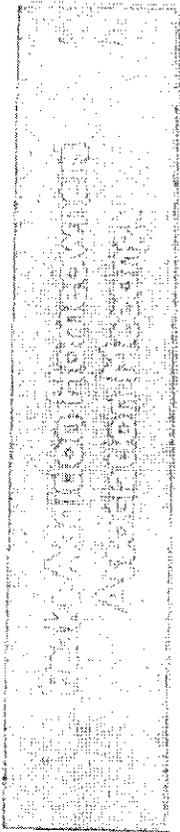
Printed: 2/16/2018

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        | SPSP Overlay                   | HD Overlay            | Escarpment Overlay         |
| X Protected by Levee | Deed Restrictions              | Historic Subdistricts | Parking Management Overlay |
| Parks                | SUP                            | Historic Overlay      | Shop Front Overlay         |
|                      |                                | Height Map 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)





### The Magdalen House

**Mission Statement**  
 To help women achieve sobriety and sustain recovery from alcoholism at no cost and based on 12-Step spiritual principles

**Vision Statement**  
 To build a thriving community for recovered women and their families -- one woman at a time



- Social Detox Program**  
14-day in-house stay  
Education, introduction to 12-Steps, support programs
- Peer Recovery Program**  
Magnolia Women's Group  
Family Support Group  
Community Volunteers
- Community Outreach Program**  
120 community collaborations  
Reciprocal partnerships

### Our Points of Difference

- Women Only**  
Our program is exclusively for women, providing a safe and supportive environment for recovery.
- No Cost**  
We believe in providing recovery support to all women, regardless of their financial situation.
- Peer to Peer Implemented Programming**  
We believe in the power of peer support to aid in recovery and long-term sobriety.
- Comprehensive Programming**  
Our program offers a holistic approach to recovery, addressing both physical and emotional needs.



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**Do's**

- 24/7 supervision of clients
- Provide services for no cost to the client- no financial motivation for keeping a client who is causing any sort of disturbance
- Serve alcoholic women who come to our program by choice
- Have strict program scheduling- clients have very little free time.
- Complete all programming by 10pm

**Don'ts**

- Leave clients unattended at any time
- Charge for our services
- Permit women to leave the property during their 14-day stay
- Allow women to have cell phones or cars during their 14-day stay
- Have recreational activities on site (spots, intensive exercise, etc.)
- Serve drug addicts
- Fake clients against their will



**Peer Implemented Programming:** Leveraging community collaboration in order to increase our impact through meetings, workshops, and classes that engage the broader recovery community.

**97% of women who come to The Magdalen House are already active in their recovery.**

**Average Outside Meeting Attendees**

- Monday-Saturday: typically between 2 to 7 outside attendees
- Sunday: typically 20 to 30 outside attendees to 11am meeting
- Birthday Night: typically 35 to 45 outside attendees 1st Monday of the month



**Important Clarifications:**

- Staff will park on site at 4513 Gaston
- A large number of our visitors use public transportation
- Additional parking opportunities include:
  - Baylor Scott & White parking lot
  - USA Donuts after 2pm
  - Lease Parking from 4505 Gaston









**Our goal is to get our Certificate of Occupancy for a non-conforming use as a group residential facility.**

**We hope to accomplish that by agreeing on a deed restriction and gaining the support of the Peaks Addition neighborhood.**

**Private Deed Restriction**

**The Magdalen House will apply to have the non-conforming use of a group residential facility terminated upon any future sale of 4513 Gaston.**

- No recreational sports with take place on the property, specifically basketball
- Social Detox clients are not permitted to have their cars while in the 14-day detox
- Social Detox clients cannot listen to music that can be heard outside the building
- 24/7 client supervision
- No weapons will be permitted on the property, specifically BB guns and high powered bow and arrows



**For follow up please contact:  
Hector Parino - hectorparino@kdc.com**

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## The David M. Crowley Foundation

June 4th, 2018

To whom it may concern:

I am writing this letter to verify that David M. Crowley Foundation invested \$600,000 with The Magdalen House to buy 4513 Gaston Avenue. The donation was contingent upon the zoning determination letter The Magdalen House received from the City of Dallas confirming the continuation of the nonconforming use of the property as a group residential facility.

I not only wish to verify the investment David M. Crowley has already made in the property, but to explain that no further investment will be made in the renovation of the property until the Certificate of Occupancy for nonconforming use is reinstated. As a rule of thumb, David M. Crowley Foundation does not invest in projects that lack certainty of permanence at a property.

All the best,

Delia Johnson  
Vice President of Programs

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May 30, 2018

To Whom It May Concern:

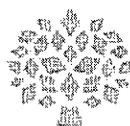
I am writing this letter to verify that The Hoglund Foundation will not be investing and has never invested in any project/property with a Specific Use Permit. We would like to see a Certificate of Occupancy issued for this group residential facility. As far as I know, other Dallas foundations that I have worked with will not invest in projects with Specific Use Permits either. The lack of assurance that the investment will be carried out past a single term limit is problematic. Length of terms do not matter in cases like this, the fact that there is a term at all eliminates the possibility of an investment from The Hoglund Foundation.



Kristy Hoglund Robinson  
Program and Grants Officer

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# The Magdalen House

1302 Redwood Circle • Dallas, TX 75218 • 214.324.9261 • TheMagdalenHouse.org

To Whom It May Concern,

As a 501(c)(3) non-profit organization, The Magdalen House is governed by a Board of Directors who are dedicated to preserving the mission of the organization. One of the Board of Directors primary responsibilities in preserving the mission of The Magdalen House is financial oversight and fiduciary responsibility.

The Magdalen House Board of Directors will not authorize an investment of agency funds into a project that does not lend itself to long term stability. That being said an investment in the development of 4513 Gaston Avenue will require a Certificate of Occupancy for a non-conforming use as a Group Residential Facility. The agency will not invest in the development of 4513 Gaston Avenue with a Specific Use Permit due to the lack of long term stability. Being located on the same property since 1996, we need assurance that there will be no time limit on the investment of the development of 4513 Gaston Avenue.

Sincerely,

Kay Colbert  
Board Chair

D.C. Ciccone  
Treasurer

### Board of Directors

Kay Colbert

Diane Brooks

D.C. Ciccone

ID Dallas

Kate Dorff

Michelle Hope

Jenny Landry

Robin Seckel

Hannel Shaw

Tina Shuey

Jamie Hill-Waters

### Executive Director

Lisa Koencke

## 6. P.D. 362 Excerpt (regarding GRF use)

regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

- (e) Environmental performance standards. See Article VI.
- (f) Sign regulations. The provisions for non-business zoning districts contained in Division 51A-7.400 apply in this subarea.
- (g) Landscape regulations. Article X applies to this subarea.
- (h) Nonconforming uses and structures. Section 51A-4.704 applies to this subarea.
- (i) Architectural guidelines. The architectural provisions set forth in Section 51P-362.105(i) governing Subarea I apply to this subarea.
- (j) Screening from adjacent residential uses. On the north and south perimeter of the subarea, any new construction must be screened from adjacent residential uses by an eight-foot-high brick or masonry screening wall. (Ord. Nos. 21177; 25850)

## SEC. 51P-362.107.

## USE REGULATIONS AND DEVELOPMENT STANDARDS FOR SUBAREA III.

- (a) Main use permitted.
  - (1) Institutional and community service uses.
    - Child-care facility. [SUP]
  - (2) Lodging. [In structures that face Gaston Avenue only.]
    - Bed and breakfast. [SUP]
  - (3) Office uses. [In structures that face Gaston Avenue only.]
    - Medical clinic or ambulatory surgical center. [This use may only be conducted between 7 a.m. through 7 p.m., six days a week. This use is limited to office space for no more than three doctors.]
    - Office.
  - (4) Residential uses.
    - Duplex.
    - Group residential facility. [In Subareas IIIA and IIIB only. SUP may be required. The requirements for this use in Section 51A-4.209 apply.]
    - Handicapped group dwelling unit.
    - Multifamily.
    - Single family.
  - (5) Transportation uses.
    - Transit passenger shelter.

**SEC. 51A-4.209. RESIDENTIAL USES.**

(a) **General provisions.** Notwithstanding any other provision in this chapter, a facility that meets all of the requirements of Article 1011n, V.T.C.A., may locate in any residential zone or district in the city as a matter of right. Unless otherwise directed by the city attorney, the building official and any other city officer or employee charged with enforcement of this chapter shall construe Article 1011n by substituting Congress' definition of a handicapped person in the Fair Housing Amendments Act of 1988, as amended, for the state's definition of "disabled person" in that article.

(b) **Specific uses.**

(3) **Group residential facility.**

(A) Definition: An interim or permanent residential facility (as opposed to a lodging or medical treatment facility) that provides room and board to a group of persons who are not a "family" as that term is defined in this chapter, whether or not the facility is operated for profit or charges for the services it offers. This use does not include:

- (i) facilities that negotiate sleeping arrangements on a daily basis;
- (ii) dwelling units occupied exclusively by families (Note: Dwelling units occupied exclusively by families are considered to be single family, duplex, or multifamily uses, as the case may be); or
- (iii) any other use specifically defined in this chapter.

(B) Districts permitted: When located at least 1,000 feet from all other group residential facilities and licensed handicapped group dwelling units (as defined in this chapter), by right in CH, multifamily, central area, and mixed use districts; otherwise, by SUP only in the same districts. For purposes of this provision, the term "licensed" means licensed by the Texas Department of Human Services, or its successor, and the distance between uses is measured in a straight line, without regard to intervening structures or objects, between the nearest boundaries of the building sites on which the uses are located. (Note: The spacing component of these use regulations is based, not on the handicapped status of the residents, but on the non-family status of the groups. [See Section 51A-1.102(b)(2).]) By SUP only in urban corridor districts.

(C) Required off-street parking: 0.25 spaces per bed, plus one space per 200 square feet of office area; a minimum of four spaces is required. No handicapped parking is required. If an SUP is required for this use, the off-street parking requirement may be established in the ordinance granting the SUP. In determining this requirement, the city council shall consider the nature of the proposed use and the degree to which the use would create traffic hazards or congestion given the capacity of nearby streets, the trip generation characteristics of the use, the availability of public transit and the likelihood of its use, and the feasibility of traffic mitigation measures.

(D) Required off-street loading: None.

(E) Additional provisions:

- (i) This use is subject to the following density restrictions:

ZONING CLASSIFICATION	DISTRICT	MAXIMUM NO. OF DWELLING UNITS OR SUITES* PER NET ACRE	MAXIMUM NO. OF BEDS* PER NET ACRE
TH-1(A) and RTN		35	70

TH-2(A) and TH-3(A)	40	80
CH	45	90
MF-1(A) and MF-1(SAH)	50	100
MF-2(A) and MF-2(SAH)	60	120
MF-3(A)	90	180
MF-4(A)	160	320
*For purposes of this subparagraph, the term "suite" means one or more rooms designed to accommodate one family, containing living, sanitary, and sleeping facilities, but not containing a kitchen; and the term "bed" means a piece of furniture, mat, cushion, or other device on or in which one may lie and sleep.		

- (ii) This use must comply with statutory licensing requirements, if any.
- (iii) This use may include dwelling units or suites that are exclusively restricted to visitors or members of the staff.

**Vinson, Jonathan**

---

**From:** Vinson, Jonathan  
**Sent:** Wednesday, October 18, 2017 11:58 AM  
**To:** Kay, Kiesha  
**Cc:** Mary Shuford  
**Subject:** RE: 4513 Gaston SUP

Kiesha, yes, that would be very helpful, thank you.

**From:** Kay, Kiesha [mailto:kiesha.kay@dallascityhall.com]  
**Sent:** Wednesday, October 18, 2017 10:47 AM  
**To:** Vinson, Jonathan <jvinson@jw.com>  
**Cc:** mary@magdlenhouse.org  
**Subject:** 4513 Gaston SUP

Jonathan,

An SUP will only be required for this development if it is within 1,000 feet of another group residential facility. Please notify me if you would like a zoning determination letter to determine if there are any group residential facilities within 1,000 feet of 4513 Gaston.

Thank you,



**Kiesha Kay**  
*Chief Planner*  
City of Dallas | [www.dallascityhall.com](http://www.dallascityhall.com)  
Sustainable Development and Construction  
320 E. Jefferson Boulevard, Room 118  
Dallas, TX 75203  
O: 214-948-4476  
[kiesha.kay@dallascityhall.com](mailto:kiesha.kay@dallascityhall.com)



**\*\*OPEN RECORDS NOTICE:** This email and responses may be subject to the Texas Open Records Act and may be disclosed to the public upon request. Please respond accordingly. \*\*

9. October 26, 2017, Staff letter



CITY OF DALLAS

October 26, 2017

Jonathan Vinson  
Jackson Walker, LLC  
2323 Ross Ave., Suite 600  
Dallas, TX 75201

**RE: Zoning Determination Request; 4513 Gaston Avenue, Part of Lot 2 and Block 1/769**

Dear Mr. Vinson:

As detailed in your email dated October 18, 2017 and attached, you have requested a written determination pertaining to proximity of other Group Residential Facilities within 1,000 feet of 4513 Gaston Avenue.

4707 Gaston Avenue has an active Certificate of Occupancy for a Group Residential Facility, reference CO#1209051021. This property is 528 feet away from 4513 Gaston. Per Sec.51A4-209(3)(B), 4513 Gaston Avenue will have to obtain a Specific Use Permit, SUP, due to the proposed use being located within 1,000 feet from another group residential facility. The SUP process can be applied for at our Current Planning office located at 1500 Marilla, 5BN.

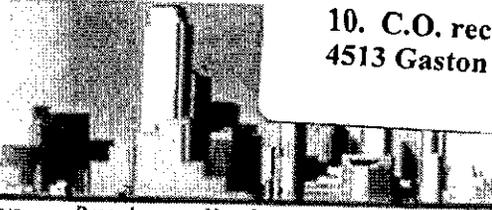
This letter does not constitute a building permit or certificate of occupancy, nor does it imply that a building permit or certificate of occupancy will be approved without complying with all applicable rules and regulations. The City of Dallas does not provide letters certifying that a property or development complies with all applicable rules and regulations.

If you have any further questions, please contact me at 214-948-4476 or [kiesha.kay@dallascityhall.com](mailto:kiesha.kay@dallascityhall.com).

Respectfully,

Kiesha Kay  
Chief Planner  
Building Inspection Division

cc: Megan Wimer, Assistant Building Official



10. C.O. records; 4707 Gaston and 4513 Gaston *P. 39*

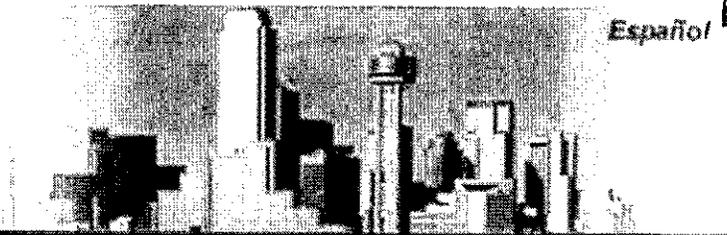
[Dallas Home](#) [Building Inspection Home](#) [Offices](#) [Records](#) [Newsletter](#) [Government](#)

**Details** **Holds** **Applications**

	Type	Project #	Status	Description	Issue Date	Trades
<a href="#">View</a>	Certificate of Appropriateness	CA123-089 (MD)	Issuing Certificate			
<a href="#">View</a>	Certificate of Appropriateness	CA156-494 (JKA)	Complete	Foundation repair	May 4, 2016	
<a href="#">View</a>	Certificate of Occupancy	1209051021	Issued	Certificate of Occupancy (CO) DBA: KID NET FOUNDATION	Oct 5, 2012	
<a href="#">View</a>	Master Permit	0108024009	Complete	Building (BU) 4707 GASTON AVE	Aug 2, 2001	
<a href="#">View</a>	Master Permit	0401202004	Complete	Building (BU) 4707 GASTON AVE	Jan 20, 2004	
<a href="#">View</a>	Master Permit	1209051017	Complete	Building (BU) ZO, PL CONVERTING SFD TO GROUP RESIDENTIAL FACILITY	Oct 5, 2012	PL, ZO
<a href="#">View</a>	Master Permit	1605051062	Complete	Building (BU) ZO 1005-FOUNDATION REPAIR	May 5, 2016	ZO
<a href="#">View</a>	Master Permit	9212091034	Complete	Building (BU) 4707 GASTON AVE	Dec 21, 1992	
<a href="#">View</a>	Master Permit	9212141011	Complete	Building (BU) 4707 GASTON AVE	Dec 14, 1992	
<a href="#">View</a>	Master Permit	9302115017	Complete	Electrical (EL) T-POLE	Feb 11, 1993	
<a href="#">View</a>	Master Permit	9303046053	Complete	Plumbing (PL) 1111-CONSTRUCT NEW SFD	Mar 4, 1993	
<a href="#">View</a>	Master Permit	9303116032	Complete	Mechanical (ME) 1111-CONSTRUCT NEW SFD	Mar 11, 1993	
<a href="#">View</a>	Master Permit	9306141068	Complete	Fire Sprinkler (Minor Work) (FS) 1111-CONSTRUCT NEW SFD	Jul 15, 1993	
<a href="#">View</a>	Master Permit	9309292011	Complete	Electrical (EL) 4707 GASTON AVE	Sep 29, 1993	
<a href="#">View</a>	Master Permit	9406302015	Complete	Plumbing (PL) 4707 GASTON AVE	Jun 30, 1994	
<a href="#">View</a>	Master Permit	9407012004	Complete	Mechanical (ME)	Jul 1, 1994	
<a href="#">View</a>	Master Permit	9409021118	Complete	Paving (Sidewalk, Drive Approaches) (PV) 4707 GASTON AVE	Sep 2, 1994	
<a href="#">View</a>	Master Permit	9412091028	Complete	Fence (FE) 4707 GASTON AVE	Dec 9, 1994	

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BSA178-075  
Attachment B



Español P. 40

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Certificate of Occupancy - 1209051021

- Details**
- Holds
- Documents
- Zoning Info

Property

Street Address

[View](#) #707 GASTON AVE

Status CO Issued      Application Date: Sep 05, 2012  
 Issue Date: Oct 5, 2012  
 Completed Date: Dec 11, 2012

Applicant: SAM POLLINZI

Owner Category

PRIVATE

Land Use Description: GROUP RESIDENTIAL FACILITY

Temporary Address

Project

Doing business as: KID NET FOUNDATION

Certificate Type: CO

Health Permit Number

Use of Property: GROUP RESIDENTIAL FACILITY

Occupancy: R2	Selling Alcohol: <input type="checkbox"/>	Dwelling Units
Constr. Type: VA	Dance Floor: <input type="checkbox"/>	Stories: 2
Sq Footage: 4.800		Occupancy Load
		Sprinkler: All
		Required Parking: 5
		Proposed Parking: 5

Development Services Building Inspection Division || 320 E Jefferson Dallas Texas 75203 || 214/948-4480

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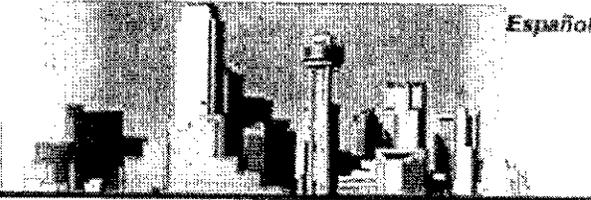
[Main Menu](#)

4513 GASTON AVE

BDATV-075

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Address

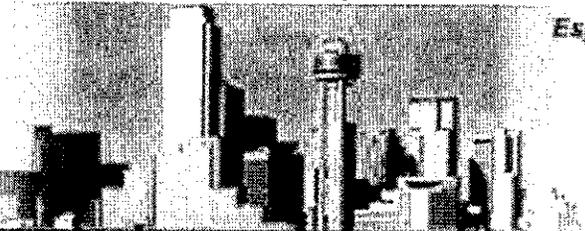
Details Holds Applications

	Type	Project #	Status	Description	Issue Date	Trades
<a href="#">View</a>	Certificate of Appropriateness	CA045-365 (MF)	Complete		Jun 6, 2005	
<a href="#">View</a>	Certificate of Appropriateness	CA045-397 (MF)	Complete		Jul 7, 2005	
<a href="#">View</a>	Certificate of Appropriateness	CA134-531 (JKA)	Complete		Aug 8, 2014	
<a href="#">View</a>	Certificate of Appropriateness	CA145-463 (JKA)	Complete		Jun 8, 2015	
<a href="#">View</a>	Certificate of Appropriateness	CA145-518 (JKA)	Cancelled		Jul 14, 2015	
<a href="#">View</a>	Certificate of Appropriateness	CA145-536 (JKA)	Complete		Jul 9, 2015	
<a href="#">View</a>	Certificate of Appropriateness	CA145-593 (JKA)	Complete		Sep 14, 2015	
<a href="#">View</a>	Certificate of Appropriateness	CA145-626 (JKA)	Complete		Aug 20, 2015	
<a href="#">View</a>	Certificate of Appropriateness	CA156-015 (JKA)	Complete		Oct 6, 2015	
<a href="#">View</a>	Certificate of Appropriateness	CA156-056 (JKA)	Complete		Oct 26, 2015	
<a href="#">View</a>	Certificate of Appropriateness	CA156-230 (JKA)	Complete	Window pane	Jan 11, 2016	
<a href="#">View</a>	Certificate of Appropriateness	CA156-407 (JKA)	Complete	Porch paint	Apr 5, 2016	
<a href="#">View</a>	Certificate of Appropriateness	CA178-321 (MLP)	Complete		Feb 7, 2018	
<a href="#">View</a>	Certificate of Appropriateness	CR178-009 (MLP)	Staff Review			
<a href="#">View</a>	Certificate of Occupancy	0110171002	Issued	DBA: HERRIN HOUSE	Oct 17, 2001	
<a href="#">View</a>	Certificate of Occupancy	0509091126	Issued	Certificate of Occupancy (CO) DBA: GASTON HOUSE	Oct 21, 2005	
<a href="#">View</a>	Certificate of Occupancy	1711301071	Revoked	Certificate of Occupancy (CO) DBA: THE MAGDALEN HOUSE	Nov 30, 2017	
<a href="#">View</a>	Certificate of Occupancy	9006151142	Issued	DBA	Sep 11, 1990	
<a href="#">View</a>	Demolition Permit	9007161145	Complete		Aug 6, 1990	
<a href="#">View</a>	Master Permit	7200205731	Complete	Building (BU) 4513 GASTON AVE	Jun 15, 1972	
<a href="#">View</a>	Master Permit	7400195778	Complete	Electrical (EL) 4513 GASTON AVE	Feb 5, 1974	
<a href="#">View</a>	Master Permit	8200077838	Complete	Building (BU) 4513 GASTON AVE	Jan 8, 1982	
<a href="#">View</a>	Master Permit	8908235012	Complete	Plumbing (PL) 4513 GASTON AVE	Aug 25, 1989	
<a href="#">View</a>	Master Permit	9006151140	Complete	Building (BU) 4513 GASTON AVE	Aug 8, 1990	
<a href="#">View</a>	Master Permit	9006271039	Complete	Landscape (LA) 4513 GASTON AVE	Aug 8, 1990	
<a href="#">View</a>	Master Permit	9007201033	Complete	Plumbing (PL) 4513 GASTON AVE	Jul 24, 1990	
<a href="#">View</a>	Master Permit	9007264002	Complete	Electrical (EL) 4513 GASTON AVE	Jul 26, 1990	
<a href="#">View</a>	Master Permit	9008155011	Complete	Mechanical (ME) 4513 GASTON AVE	Sep 6, 1990	
<a href="#">View</a>	Master Permit	9209181043	Complete	Building (BU) 4513 GASTON AVE	Sep 18, 1992	
<a href="#">View</a>	Master Permit	9212045017	Complete	Plumbing (PL) 4513 GASTON AVE	Dec 4, 1992	
<a href="#">View</a>	Master Permit	9212071002	Complete	Electrical (EL) INSTALL WIRING & SERVICE FOR STUDIO	Dec 7, 1992	
<a href="#">View</a>	Master Permit	9212085010	Complete	Mechanical (ME) 4513 GASTON AVE	Dec 8, 1992	

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BDA 171002S  
Attach R

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Certificate of Occupancy - 0110171002

**Details** Holds Documents Zoning Info

Property

Street Address  
View 4513 GASTON AVE

Status CO Issued Application Date Oct 17, 2001  
Issue Date: Oct 17, 2001  
Completed Date Oct 18, 2001

Applicant TURTLE CREEK MANOR, INC

Owner Category  
PRIVATE  
Land Use Description GROUP RESIDENTIAL FACILITY  
Temporary Address.

Project  
Doing HERRIN HOUSE  
business as

Certificate Type  
Health Permit Number.  
Use of Property

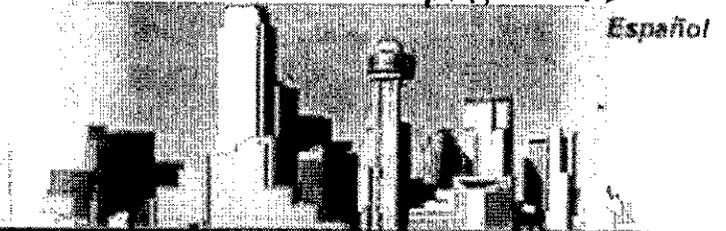
Occupancy R1 Selling Alcohol Dwelling Units 0  
Constr Type (None) Dance Floor Stones 2  
Sq Footage 0  
Occupancy Load  
Sprinkler: (None)  
Required Parking 0  
Proposed Parking 0

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Certificate of Occupancy - 0509091126

**Details** **Holds** **Documents** **Zoning Info**

Property

Street Address

View 4513 GASTON AVE

Status: CO Issued  
Application Date: Sep 09, 2005  
Issue Date: Oct 21, 2005  
Completed Date: Oct 21, 2005

Applicant: DONALD FIELDING

Owner Category

PRIVATE

Land Use Description: GROUP RESIDENTIAL FACILITY

Temporary Address

Project

Doing business as: GASTON HOUSE

Certificate Type: CO

Health Permit Number

Use of Property: GROUP RESIDENTIAL FACILITY

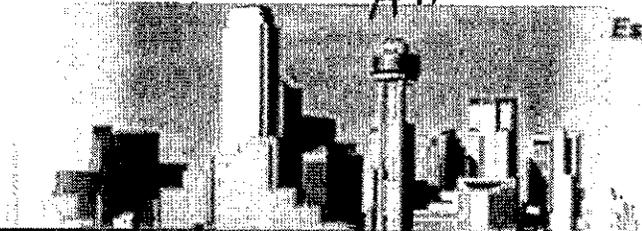
Occupancy: R1  
Selling Alcohol: Dwelling Units: 1  
Constr Type: UNK  
Dance Floor: Stories: 2  
Sq Footage: 7,000  
Occupancy Load  
Sprinkler: None  
Required Parking  
Proposed Parking

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Español A 44



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Certificate of Occupancy - 1711301071

- Details**
- Holds
- Documents
- Zoning Info

Property

Street Address

View

4513 GASTON AVE

Status:

Application Date: Nov 30, 2017  
 Issue Date: Nov 30, 2017  
 Completed Date: Feb 08, 2018

Applicant: RACHEL ZADNIK

Owner Category:

PRIVATE

Land Use Description: GROUP RESIDENTIAL FACILITY

Temporary Address:

Project

Doing business as: THE MAGDALEN HOUSE

Certificate Type: CO

Health Permit Number

Use of Property: GROUP RESIDENTIAL FACILITY

Occupancy: R1      Selling Alcohol:      Dwelling Units:  
 Constr. Type: UNK      Dance Floor:      Stones:  
 Sq Footage: 7.000      Occupancy Load:  
                                  Sprinkler: (None)  
                                  Required Parking:  
                                  Proposed Parking

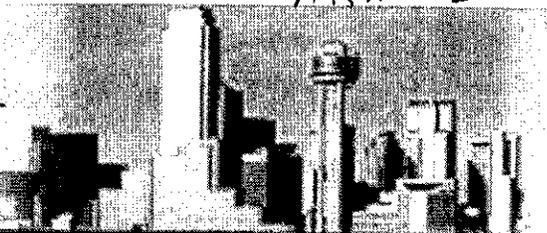
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BD 173 7075  
ATTN B

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Certificate of Appropriateness

**Details** Documents

Property

Street Address

DCAD Info

View 4513 GASTON AVE

Go

Historic District Name: Peak's Suburban Addition Neighborhood Historic District

Status: Complete Date Filed: Feb 7, 2018

Date Completed: Feb 7, 2018

Meetings

Date and Time Type of Meeting Location

No meeting information is available

Planner Name: Melissa Parent

Standard of Demolition: (None)

Application Type: Routine

Structure Type:  Contributing  Noncontributing

Applicant: HECTOR PATINO

Representative

Tax Parcel Legal: 0769 001 00200 1DA0769 001

Block: Lot 2

Owner

Owner: WEST FIELDING LLC  
STE B  
5115 MCKINNEY AVE STE B

DALLAS TEXAS 752053334

Owner Is Applicant: Owner Is Representative

Additional Information

CA Number: CA178-321(MLP)

Requests

Background/History

Base Zoning: PD-362,R-7 5(A)

Council District: 2

MAPSCO

For other inquires call (214) 670- 4209

Save Changes

Main Menu

**SEC. 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.

(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.**

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ATTACH B  
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CITY OF DALLAS

November 28, 2017

Jonathan Vinson  
Jackson Walker, LLC  
2323 Ross Ave., Suite 600  
Dallas, TX 75201

**RE: Zoning Determination Request; 4513 Gaston Avenue, Part of Lot 2 and Block 1/769**

Dear Mr. Vinson:

As detailed in your email dated November 15, 2017 and attached, you have requested a written determination pertaining to the nonconforming land use of group residential facility located at 4513 Gaston Avenue.

Based on the documentation provided and attached, the property has maintained its nonconforming land use status and will not be required to obtain a specific use permit, per Section 51A-4.209(3)(B) of the Dallas Development Code.

Pursuant to Section 51A-4.704(a)(2) of the Dallas Development Code, 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.

This letter does not constitute a building permit or certificate of occupancy, nor does it imply that a building permit or certificate of occupancy will be approved without complying with all applicable rules and regulations. The City of Dallas does not provide letters certifying that a property or development complies with all applicable rules and regulations.

If you have any further questions, please contact me at 214-948-4476 or [kiesha.kay@dallascityhall.com](mailto:kiesha.kay@dallascityhall.com).

Respectfully,

Kiesha Kay  
Chief Planner  
Building Inspection Division

cc: Megan Wimer, Assistant Building Official

To Whom It May Concern:

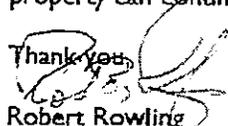
Regarding the occupancy and use of 4513 Gaston Avenue:

Gaston House has continuously operated out of 4513 Gaston Avenue from 2008 through June of 2017. While tenants were moved out in May, Gaston House continued to operate our gym, staff offices, storage and sleep quarters out of the 4513 Gaston Avenue property into August of 2017.

Originally Gaston House Transitions planned to renovate and continue to operate out of the 4513 Gaston Avenue location but was presented with an opportunity to sell the property to The Magdalen House. The first contract was set to close November 17<sup>th</sup>, 2017, however zoning concerns delayed the closing until December 15<sup>th</sup>, 2017.

Gaston House Transitions is pleased to sell the property to a partnering non-profit so that the property can continue to be used to serve the DFW community.

Thank you,



Robert Rowling  
Owner- 4513 Gaston Avenue  
Owner- Gaston House  
Robert@gastonhouse.com

BDA-78-075  
Att'n B

P. 49



ALBERT WEST  
4001 MAPLE AVE STE 600  
DALLAS TX 75219-3241

Page 1 of 2  
Account Number 2145153953 340 2  
Billing Date May 21 2017  
Web Site att.com

# Monthly Statement

## Bill-At-A-Glance

Previous Bill	40.92
Payment Received 5-15 Thank you	40.9208
Adjustments	00
Balance	00
Current Charges	40.90
<b>Amount to be Debited</b>	<b>\$40.90</b>
Your Credit Card will be Debited by	June 15, 2017

## Plans and Services

<b>Monthly Service May 21 thru Jun 20</b>	
1 Basic Local Service Residence	27.00
2 Touchtone	.19
<b>Total Monthly Service</b>	<b>27.19</b>

<b>Surcharges and Other Fees</b>	
3 Federal Subscriber Line Charge	5.40
4 S1 Fee	.68
5 State Cost Recovery Fee	.13
6 Federal Universal Service Fee	.93
7 Texas Universal Service	.90
8 Municipal Night-Of-Way Fee	1.64
<b>Total Surcharges and Other Fees</b>	<b>9.68</b>

## Billing Summary

Online [att.com/myatt](http://att.com/myatt)

<b>Plans and Services</b>	<b>40.90</b>
1 800 288 2020	
Payment Arrangements	
1 800 288-2020	
Service Charges	
1 800 288-2020	
Repair Services	
1 800 245-8464	
<b>Total Current Charges</b>	<b>40.90</b>

<b>Taxes</b>	
9 Federal Excise Tax	1.06
10 Federal (Non-regulated & Toll) Charges	0.00
11 State and Local (Local) Charges	2.97
12 State and Local (Non-regulated & Toll) Charges	0.11
<b>Total Taxes</b>	<b>4.04</b>

**Total Plans and Services 40.90**  
Amount subject to Sales Tax: 0.00

## News You Can Use

**PREVENT DISCONNECT!**  
Thank you for being a valued customer. Please be aware that all charges must be paid each month to keep your account current and prevent collection activities. We are required to inform you that certain charges such as your telephone line fees and surcharges, and any feature package (if applicable) MUST be paid in order to prevent interruption of basic local service. These charges are already included in the Total Amount Due and are \$40.90. As a result of neglecting to pay for other charges on this bill, your service may be interrupted and it may be necessary to pay a reconnection fee.

1543 14.619 139025 1 AV 0 373 76  
ALBERT WEST  
4001 MAPLE AVE STE 600  
DALLAS TX 75219-3241

Paying by check authorizes AT&T to use the information from your check to make a one-time electronic fund transfer from your account. Funds may be withdrawn from your account as soon as the following day your payment is received. If we cannot process the transaction electronically, you authorize AT&T to present an image copy of your check for payment. Your original check will be destroyed once processed. If your check is returned unpaid you agree to pay such fees as justified in the terms and conditions of your AT&T Service Agreement. Returned checks may be presented electronically if you want to save time and stamps, sign up for auto payment at [www.att.com/toppaper](http://www.att.com/toppaper) using your checking account. It's easy, secure, and convenient!

BDA178 075  
Attach B  
P. 50

 **Gaston House**  
Transitions  
www.gastonhouse.com

Bill To:  
~~XXXXXXXXXX~~  
~~XXXXXXXXXX~~  
~~XXXXXXXXXX~~

Invoice # INV2181  
Client Name ~~XXXXXXXXXX~~  
House Location Gaston  
Invoice Date 04-17-2017  
Service Dates 05-01-2017 - 05-31-2017  
Payment Due 05-01-2017

#	Dates	Description	Special Note	Amount
1		Monthly Service Fee		<del>XXXXXXXXXX</del>
2		One Time Fee	Bus Pass	\$80.00

Sub Total ~~XXXXXXXXXX~~  
Adjustments 0.00  
**Amount Due** ~~XXXXXXXXXX~~  
Invoice Status Paid

Bank of America 2638  
ACH R/T 011500010 09-05 97-1116 B  
DALLAS TX 75219 0845 4/15/2017

PAY TO THE ORDER OF Gaston House Transitions, LLC  
S ~~XXXXXXXXXX~~  
~~XXXXXXXXXX~~ and 00/100  
DOLLARS

TRT Holdings, Inc.  
Attn: Gaston House Accounting Dept.  
4001 Maple Ave., Suite 600  
Dallas, TX 75219

MEMO Inv. # 2181 Joe Worsham III  
AUTHORIZED SIGNATURE 

#00 2638# 100 ~~XXXXXXXXXX~~

**Vinson, Jonathan**

---

**From:** Vinson, Jonathan  
**Sent:** Tuesday, November 28, 2017 2:58 PM  
**To:** Kay, Kiesha; Wimer, Megan  
**Cc:** Hamilton, Ann; Mary Shuford; Jamie Hill (jhill@healthcarepayment.com); lisakroencke; dave\_kroencke@richards.com; Holsinger, Mark (mholsinger@omniplan.com)  
**Subject:** RE: 4513 Gaston Non-Conformity  
**Attachments:** ATT Gaston.pdf; GastonHouseInvoice.pdf

Hi, Kiesha – the most recent utility bill is an AT&T bill from June (attached), and I have also attached a bus pass invoice, but the current owner/operator has confirmed for us that he and his organization have continued to use the property for a number of functions of the group residential facility use, including recreational activities, and had no intention at all to cease all functions there and vacate until the property was sold. In other words, the property continues to operate as a group residential facility use into August and September, even though the utilities were not on. ~~Since there are not~~ specific factual criteria in the Development Code as to what constitutes an intention to vacate a use, I would suggest that the current owner’s stated intent, and continued use for certain functions being part of the use, should be dispositive. Please let me know if you think it would be beneficial to meet again to discuss further, but due to their funding circumstances, the Magdalen House team really needs to be able to get a confirmation of legal non-conforming status this week. Thanks very much, Kiesha.

**From:** Kay, Kiesha [mailto:kiesha.kay@dallascityhall.com]  
**Sent:** Monday, November 27, 2017 10:51 AM  
**To:** Vinson, Jonathan <jvinson@jw.com>  
**Cc:** Hamilton, Ann <ann.hamilton@dallascityhall.com>  
**Subject:** RE: 4513 Gaston Non-Conformity

Jonathan,

Please provide additional information other than a letter stating that the use was in operation. Examples can be electric or utility bills.

Thank you,



**Kiesha Kay**  
*Chief Planner*  
City of Dallas | [www.dallascityhall.com](http://www.dallascityhall.com)  
Sustainable Development and Construction  
320 E. Jefferson Boulevard, Room 118  
Dallas, TX 75203  
O: 214-948-4476  
[kiesha.kay@dallascityhall.com](mailto:kiesha.kay@dallascityhall.com)



**\*\*OPEN RECORDS NOTICE:** This email and responses may be subject to the Texas Open Records Act and may be disclosed to the public upon request. Please respond accordingly.\*\*

**From:** Vinson, Jonathan [mailto:jvinson@jw.com]  
**Sent:** Wednesday, November 22, 2017 5:41 PM  
**To:** Kay, Kiesha <kiesha.kay@dallascityhall.com>; Wimer, Megan <megan.wimer@dallascityhall.com>  
**Cc:** Hamilton, Ann <ann.hamilton@dallascityhall.com>; Mary Shuford <Mary@magdalenhouse.org>; Jamie Hill (jhill@healthcarepayment.com) <jhill@healthcarepayment.com>; lisakroencke <lisa@magdalenhouse.org>; dave kroencke@richards.com; Holsinger, Mark (mholsinger@omniplan.com) <mholsinger@omniplan.com>; Rachel Zadnik (rachel@magdalenhouse.org) <rachel@magdalenhouse.org>  
**Subject:** RE: 4513 Gaston Non-Conformity

Hi, Kiesha, I am attaching a letter we obtained from the current owner of the 4513 Gaston property affirming that the previous group residential facility user, Gaston House Transitions, used the property for that use through August of 2017, therefore keeping the use current within the six month window per the Development Code, as you reference below. I note that the owner of the property is West Fielding, LLC, which is in turn owned by West Rowling Holdings, LLC, which in turn is owned and managed by Mr. Robert Rowling, who also owns and operates Gaston House Transitions, information on which is also attached, so this is all consistent.

I thought that this would be helpful to you in Staff's consideration of this matter. If possible, we would really like to try to get a determination the first part of next week as to legal nonconforming status, as we are starting to bump up against funding deadlines, as well as closing on the property. Thanks for all of your help with this, Kiesha, and I hope you have a great Thanksgiving.

*Jonathan G. Vinson*  
 Partner, Land Use Group



2323 Ross Avenue, Suite 600  
 Dallas, Texas 75201  
 Office: (214) 953-5941  
 Fax: (214) 661-6809  
 Mobile: (214) 770-4636  
 Email: [jvinson@jw.com](mailto:jvinson@jw.com)  
 Website: [www.jw.com](http://www.jw.com)

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**From:** Kay, Kiesha [mailto:kiesha.kay@dallascityhall.com]  
**Sent:** Wednesday, November 15, 2017 10:51 AM  
**To:** Vinson, Jonathan <jvinson@jw.com>  
**Cc:** Hamilton, Ann <ann.hamilton@dallascityhall.com>  
**Subject:** 4513 Gaston Non-Conformity

Jonathan,

Please see the research below that was completed.

**4513 Gaston Avenue: zoning PD 362, subarea 3A**

10/4/90: CO#9006151142 issued for Herin House; Other medical and health services  
 1/16/92: PD 362 was established. The use of Group Residential Facility was an approved land use, if located in subarea 3A and 3B (SUP may be required. The requirements for this use in Section 51A-4.209 apply)  
 3/29/93: SUP 1143 was obtained 3/29/93 for a Group Residential Facility. This SUP was good for 5 years.  
 6/1/98, SUP 1143 was issued for a Group Residential Facility. This SUP was good for 5 years  
 10/18/01: CO#0110171002 issued for Herrin House; Group Residential Facility  
 5/16/03, RE: SUP 1143, a letter was sent to the owners stating their application for an automatic renewal of SUP #1143 for a Group Residential Facility has been approved for an additional 5 year time period and is eligible for automatic renewal for additional 5-year periods. The letter also states that it is the property owners responsibility to file and complete application for automatic renewal before the expiration of this current period.  
 10/21/05: CO#0509091126 issued for Gaston House; Group Residential Facility

The Code Compliance Multi-family program only has records going back to 2009. They show that this property has registered every year with them. They performed licensing inspections in 2013 and 2015.

**4707 Gaston Avenue**

Applied for BU permit #1209051017 to convert a single family dwelling to a Group Residential Facility. CO#1209051021 was issued 12/11/12. They have never registered with the City of Dallas Multi-family program or been inspected by them.

Per this information non-conformity still needs to be proved by Sec.51A-4.704(a)(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 last inspection completed by code compliance was October of 2015, we are going to honor that inspection and confirm that the use was still operating at that time. We need information from that date to today.

Please let me know if you have any questions.

Thank you,



**Kiesha Kay**  
 Chief Planner  
 City of Dallas | [www.dallascityhall.com](http://www.dallascityhall.com)  
 Sustainable Development and Construction  
 320 E. Jefferson Boulevard, Room 118  
 Dallas, TX 75203  
 O: 214-948-4476  
[kiesha.kay@dallascityhall.com](mailto:kiesha.kay@dallascityhall.com)



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CITY OF DALLAS

13. February 2, 2018, Staff letter

BDA-178-075

Att-4 B

P. 54

February 2, 2018

CERTIFIED MAIL NO 7006 2150 0002 1365 5845

Rachel Zadnik  
1302 Redwood Circle  
Dallas, TX 75218

**RE: Revocation of Certificate of Occupancy No. 1711301071 for a group residential facility use at 4513 Gaston Avenue ("the Property")**

Dear Ms. Zadnik:

A zoning determination letter was created for the Property on November 20, 2017. The determination that the use on the Property had maintained its nonconforming status was based on incomplete information. This action led to a Certificate of Occupancy being issued in error. Pursuant to Section 51A-4.04(a)(2) of the Dallas Development Code, the right to operate a nonconforming use ceases if the nonconforming use is discontinued for six months or more. The Board of Adjustment 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 building official is required to revoke a certificate of occupancy if the building official determines that the certificate of occupancy was issued in error or on the basis of false, incomplete, or incorrect information supplied. Therefore, **Certificate of Occupancy No. 1711301071 for a group residential facility use is hereby revoked**. Any use operating on the Property without a certificate of occupancy is an illegal land use that must immediately cease operating.<sup>2</sup> The group residential facility use may not operate until a new certificate of occupancy is issued that complies with all city codes.

This decision is final unless appealed to the Board of Adjustment within fifteen days after the date of this letter. If you have any questions, please contact Kiesha Kay, Chief Planner in Building Inspection at 214-948-4476.

Sincerely,

Philip Sikes, CBC  
Building Official  
Building Inspection Division

- cc. David Cosman, Director, Sustainable Development and Construction
- Kris Sweckard, Director, Code Compliance
- Megan Wimer, AICP, Assistant Building Official
- Kiesha Kay, Chief Planner
- Tammy Palomano, Senior Executive Assistant City Attorney
- Melissa Miles, Executive Assistant City Attorney
- Casey Burgess, Executive Assistant City Attorney

<sup>1</sup> Paragraphs (1) and (2) of Section 306.13, "Revocation of Certificate of Occupancy," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code.

<sup>2</sup> Section 51A.1104, "Certificate of Occupancy," of Chapter 51A of the Dallas Development Code, Subsection 506.1, "Use or Occupancy," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code.

Paragraph 2 of Section 306.15, "Appeals of Actions and Determinations," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code, and Section 51A.4.03(a)(2), "Board of Adjustment Hearing Procedures," of Chapter 51A of the Dallas Development Code.



# Gaston House Transitional Living Center

Ms. Kiesha Kay, Chief Planner  
Department of Sustainable Development and Construction  
City of Dallas  
320 East Jefferson Boulevard, Room 118  
Dallas, Texas 75203

Regarding the occupancy and use of 4513 Gaston Avenue:

Dear Ms. Kay:

Gaston House Transitions has continuously operated out of 4513 Gaston Avenue from 2008 through at least the end of August of 2017. While tenants were completely moved out in April, Gaston House Transitions continued to operate our gym, staff offices, and storage out of the 4513 Gaston Avenue property through August of 2017. The property was being used even after all the utilities were turned off in April of 2017 as the activities taking place after this date did not require utilities. In May of 2017 we held a basketball tournament there for the men in our program. A photo of this tournament is attached. In addition to this event, Gaston House clients continued to use the gym in the Carriage House on the property well through the end of August of 2017.

Originally Gaston House Transitions planned to renovate and continue to operate out of the 4513 Gaston Avenue location but was presented with an opportunity to sell the property to The Magdalen House. There was never intent to discontinue the use of the property as a Group Residential Facility, as we always planned to move back into that location after renovations. As soon as it was decided that we would sell the property, we approached The Magdalen House. The first contract was set to close November 17<sup>th</sup>, 2017, however zoning concerns delayed the closing until December 15<sup>th</sup>, 2017.

The Magdalen House closed on 4513 Gaston Avenue on December 15<sup>th</sup>, 2017 after receiving a Zoning Determination Letter from the City of Dallas on November 28<sup>th</sup>, 2017 confirming there was not a need to obtain a Specific Use Permit. The contract was delayed from its original closing date due to the importance of receiving this confirmation from the City. Upon receipt of the Zoning Determination Letter Gaston House Transitions fully executed the contract with The Magdalen House with the understanding that Certificate of Occupancy would transfer to their name.

Thank you,

Robert Rowling  
Owner- 4513 Gaston Avenue  
Owner- Gaston House Transitions  
Robert@gastonhouse.com

15. Caleb Parette letter

ATTACH B p. 56



## Gaston House Transitional Living Center

Ms. Kiesha Kay, Chief Planner  
Department of Sustainable Development and Construction  
City of Dallas  
320 East Jefferson Boulevard, Room 118  
Dallas, Texas 75203

Regarding the occupancy and use of 4513 Gaston Avenue:

Dear Ms. Kay:

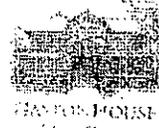
I am writing to confirm that I operated out of 4513 Gaston Avenue in September of 2017. I worked on a project on the property as the Chief Operating Officer of Gaston House Transitions. I have worked for Gaston House Transitions since July of 2013 and can confirm that there was never an intent to discontinue the use of the property as a Group Residential Facility.

Residents were moved out of the facility in order to renovate in April of 2017 but continued to use the property for group activities well after that time. While the utilities were turned off the gym was still being used.

Sincerely,

A handwritten signature in cursive script that reads "Caleb Parette".

Caleb Parette  
COO, Gaston House  
caleb@gastonhouse.com



## Gaston House Transitional Living Center

Ms. Kiesha Kay, Chief Planner  
Department of Sustainable Development and Construction  
City of Dallas  
320 East Jefferson Boulevard, Room 118  
Dallas, Texas 75203

Regarding the occupancy and use of 4513 Gaston Avenue:

Dear Ms. Kay:

My name is Billy Kane and I am a former client of Gaston House. I am writing to confirm that I used the gym at 4513 Gaston Avenue as late as August 27<sup>th</sup>, 2017.

Sincerely,

Billy Kane

A handwritten signature in black ink that reads "Billy Kane".

Billy@ironhorsefarmsal.com

Attache B P 58

ED JARRETT

February 15<sup>th</sup>, 2017

Robert Rowling

4513 Gaston Ave.  
Dallas, Texas 75246

Re: Letter of Intent

Dear Robert,

We are honored and privileged to be selected as your contractor for the work on your properties. We will endeavor to make this a positive experience and a lasting relationship.

The following outline is a description of the services to be provided and a general time frame.

**Conceptual / Feasibility Phase: 7 – 8 wks.**

1. Code/historical research, programming meetings, as-built drawings & conceptual drawings phase 5-6 wks.
2. Initial Construction Estimate based on concept drawings 2 wks.

After the **Conceptual / Feasibility** phase you will be able to make a financial business decision to move forward or not with this project. Should you elect to proceed with the project the following phases will commence.

**Design Phase: 12 – 14 wks.**

1. Design Development 4-5 wks.
2. Construction Documents 4wks.
3. Engineering 2-3 wks.
4. Final onsite bid meeting and Construction Estimate 2 wks.

**Pre-Construction**

1. We will facilitate and provide input to you and Eddie Maestri during the **Design** phase and be available for input and or meetings to discuss options for the various program items and feasibility.
2. We will also be available to coordinate with the engineer for foundation and structural design.



3. We will coordinate architectural and engineering drawings with the city and represent you before the City of Dallas building department & Landmark Commission for permitting and historical compliance.
4. We will issue construction plans to bidders for final pricing and host onsite bid meetings.
5. We will prepare all contract and construction documents for your review and execution.
6. You will be responsible for any interim construction financing if applicable.

**Construction -**

1. Construction will be executed in 2 phases. **Phase I:** to be the renovation of the Kitchen and main living area along with four units on the rear of the Junius house. **Phase II:** to be the complete gut and renovation of the Gaston House main structure. This will include window replacement and a new meeting/office/gym accessory building on the back yard.
2. We will coordinate and manage all construction, as well as order materials in a timely manner in order for the project to move smoothly.
3. We will host/coordinate regular meetings with you and Eddie Maestri, if you need his input, in order to provide effective communication and input for the phases throughout the job.
4. We will do the work based on a cost of work plus a contractor fee of 17%.
5. We expect the duration of the project to fall within the following timeframes. **Phase I: 4 - 5 months & Phase II: 10-12 months.** We will endeavor to shorten the time frame as possible.
6. We will manage cost on a regular basis as well as provide you with a monthly payment request schedule that will reflect cost status and change orders so you can make timely decisions that might affect cost.
7. We will coordinate with any of your contractors or vendors, for efficient and cost effective delivery of their services.
8. We will provide daily onsite supervision and quality control of all work and provide you with advance scheduling of the various trades.
9. We will manage construction debris and keep a clean tight ship.

**Post construction -**

1. We will be available to help you adapt to your new facility along with the various new systems and operations.
2. We will provide a warranty for your home consistent with the current Texas property code.

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Attachment B

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We are requesting the following retainer of \$16,250 for Architectural and \$6,500 for General Contractor services totaling \$22,750 at this time which will be applied toward preconstruction costs and will take you through the **Conceptual / Feasibility** Phase of the project. It will also secure your job and place in our schedule.

In the pages below you will find the architectural proposal from Eddie Maestri and some information about their team and firm. The \$16,250 architectural retainer is 25% of the total architectural fees listed. He has also included hourly options for Full Furnishings as well as contract administration should you elect to use these services.

We look forward to getting things moving and please don't hesitate to call me at any time with questions or clarifications.

Sincerely,

*John*

John Jarrett

214-533-6239

### Incident Detail Report

Date Source: Data Warehouse  
Incident Status: Closed  
Incident Number: 17-1624386  
Case Numbers:  
Incident Date: 8/25/2017 20:39:00  
Report Generated: 2/21/2018 18:58:31

**Incident Information**

Incident Type:	2Men	Alarm Level:	
Priority:	1 - Emergency	Problem:	41/11R - Burg Res in Progress
Determinant:		Agency:	Police
Base Response#:	06252017-0154001	Jurisdiction:	Dallas Police
Confirmation#:		Division:	Central
Taken By:	Crabbree, Lela D	Batchion:	150
Response Area:	158	Response Plan:	CH1 - 2MAN
Disposition:	NP - No Police Action	Command Ch:	
Cancel Reason:		Primary TAC:	
Incident Status:	Closed	Secondary TAC:	
Certification:	P.Patrol	Delay Reason (if any):	
Longitude:	98773413	Latitude:	32798778

**Incident Location**

Location Name:		County:	DALLAS
Address:	4513 Gaston Ave	Location Type:	
Apartment:		Cross Street:	N CARROLL AVE/MORELAND AVE
Building:		Map Reference:	46-E
City, State, Zip:	Dallas TX 75246		

**Call Receipt**

Caller Name:	collins, kyle	Call Back Phone:	[REDACTED]
Method Received:		Caller Location:	
Caller Type:			

**Time Stamps**

Description	Date	Time	User	Elapsed Times	Time
Phone Pickup	8/25/2017	20:38:00			
1st Key Stroke	8/25/2017	20:38:00		Received to In Queue	00:03:02
In Waiting Queue	8/25/2017	20:41:02		Call Taking	00:03:55
Call Taking Complete	8/25/2017	20:41:55	Crabbree, Lela D	In Queue to 1st Assign	00:06:32
1st Unit Assigned	8/25/2017	20:47:34		Call Received to 1st Assign	00:08:34
1st Unit Enroute	8/25/2017	20:47:37		Assigned to 1st Enroute	00:00:03
1st Unit Arrived	8/25/2017	20:51:56		Enroute to 1st Arrived	00:04:18
Closed	8/25/2017	21:33:33	Mobile1	Incident Duration	

**Resources Assigned**

Unk	Flag	Assigned	Disposition	Enroute	Staged	Arrived	At Patient Avail	Delay	Complete	Odm. Enroute	Odm. Arrived	Cancel Reason
C115	Y	20:47:34	NP - No Police Action	20:47:37		20:51:56			21:33:33			

**Personnel Assigned**

Unit	Name
C115	Lopez, Moises (11041), Nguyen, Tu M (10740)

**Pre-Scheduled Information**

No Pre-Scheduled Information

**Transports**

No Transports Information

**Transport Legs**

No Transports Information

**Comments**

Date	Time	User	Type	Conf.	Comments
8/25/2017	20:38:03	SYS	Response		[1] Multiple Response Areas found. Response Area Choices: 155,158
8/25/2017	20:41:02	122039	Response		[2] comp states that he saws a 1 wm, ball cap whi shirt, white or khaki shorts, unk wpna go in the back of a vacant house, now he see flashlights in the garage apt at the back of the house
8/25/2017	20:41:21	119997	Response		[3] ANNOUNCED
8/25/2017	20:41:36	122039	Response		[4] [Notification] [Police]-comp lives next door at 4519 gaston ave if ro's need to talk to him
8/25/2017	20:43:04	119997	Response		[5] ANNOUNCED
8/25/2017	21:24:57	Lopez, Moises	Response		[6] OWNER OF PROPERTY, RAWLING, ROBERT (2142838500) SPOKE TO RO OVER PHONE AND STATED KANE, WILLIAM WAS ALLOWED ON THE PROPERTY TO WORKOUT. NO OFFENSE AT THIS TIME.NFI.

**Address Changes**

No Address Changes

**Priority Changes**

Date	Time	Changed from Priority	Reason	User
8/25/2017	20:39:11	3 - General Service	Priority Change	LDC

**Alarm Level Changes**

No Alarm Level Changes

BDA178-075  
 Attach B

A.02

Inform Browser : 5.740.34.0 - Reports - Incident Report

Activity Log Date	Time	Radio	Activity	Location	Log Entry	User
8/25/2017	20:38:03		Sector Change		From Sector No Sector to Sector 911OPER	122039
8/25/2017	20:38:09		Sector Change		From Sector No Sector to Sector 911OPER	122039
8/25/2017	20:38:17		Sector Change		From Sector No Sector to Sector CH1	122039
8/25/2017	20:38:17		Sector Change		From Sector No Sector to Sector CH1	122039
8/25/2017	20:38:17		Incident Priority Change		Incident priority changed from <none> to 3 - General Service	122039
8/25/2017	20:39:11		Incident Priority Change		Incident priority changed from 3 - General Service to 1 - Emergency due to Priority Change	122039
8/25/2017	20:41:02		Incident in Waiting Queue			
8/25/2017	20:41:02		ANI/ALI Statistics		INT Insert:Aug 25 2017 20:38:01 / INT SendNP:Aug 25 2017 20:38:00 / WS RecvNP:Aug 25 2017 20:37:59 / WS Process:Aug 25 2017 20:41:02	122039
8/25/2017	20:41:03		Waiting Pending Incident Time Warning		Waiting Pending Incident Time Warning timer expired	
8/25/2017	20:41:05		Read Incident		Incident 905 was Marked as Read.	119997
8/25/2017	20:41:05		Read Comment		Comment for Incident 905 was Marked as Read.	119997
8/25/2017	20:41:07		Remove Waiting Pending Incident Warning		Removing Waiting Pending Incident Time Warning timer expired	
8/25/2017	20:41:08		Incident in Waiting Queue Timer Clear			
8/25/2017	20:41:36		Notify Comment		(Response Viewer)	
8/25/2017	20:41:37		Read Comment		Comment for Incident 905 was Marked as Read.	119997
8/25/2017	20:41:55		UserAction		User clicked Edt/Save	122039
8/25/2017	20:42:02		Pending Incident Time Warning		Pending Incident Time Warning timer expired	
8/25/2017	20:42:02		Incident Late			
8/25/2017	20:45:23		UserAction		User clicked Edt/Save	119997
8/25/2017	20:45:45		Read Comment		Comment for Incident 905 was Marked as Read.	119997
8/25/2017	20:45:53		UserAction		User clicked Edt/Save	119997
8/25/2017	20:46:32		UserAction		User clicked Edt/Save	119997
8/25/2017	20:47:34	C115	Assign Incident Timer Clear	4513 Gaston Ave	Response Number (08252017-0154801)	119997
8/25/2017	20:47:34	C115	Enr	4513 Gaston Ave	Incident Timer Cleared	
8/25/2017	20:49:08		UserAction		Responding From = UNNAMED STREETW HASKELL AVE	
8/25/2017	20:51:58	C115	At Scene	4513 Gaston Ave	User clicked Edt/Save	119997
8/25/2017	21:07:32	C115	Interface/mcl/md/vmat		C115: Record check query data: Query Type: Person Check. Query Criteria: incidentid 29475905, lastname kane, firstname william, dob [REDACTED], sex M, race W, state [REDACTED]	VisiNET
8/25/2017	21:33:33	C115	Response Closed	4513 Gaston Ave	Response Disposition: NP - No Police Action	C115
8/25/2017	21:33:33	C115	Disposition	4513 Gaston Ave	NP - No Police Action	C115
8/25/2017	21:33:33	C115	MA	4513 Gaston Ave		C115
8/25/2017	22:09:48		UserAction		User clicked Edt/Save	113540

Edt Log Date	Time	Field	Changed From	Changed To	Reason	Table	Workstation	User
8/25/2017	20:38:00	Address	(Blank)	4400-4499 BRYAN ST	New Entry	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:00	Call_Back_Phone		[REDACTED]	(Response Viewer)	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:03	Longitude	0	96778032	Entry Verified	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:03	Latitude	0	32800080	Entry Verified	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:03	Address	4400-4499 BRYAN ST	4400-4499 BRYAN ST	Entry Verified	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:03	ResponsePlanType	0	0	(Response Viewer)	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:03	Response_Area		155	(Response Viewer)	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:03	Battalion		911	(Response Viewer)	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:03	Division		911	(Response Viewer)	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:03	Jurisdiction		911	(Response Viewer)	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:09	Longitude	96778032	96773413	Entry Verified	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:09	Latitude	32800080	32796778	Entry Verified	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:09	Address	4513 gaston	4513 GASTON AVE	Entry Verified	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:09	ResponsePlanType	0	0	(Response Viewer)	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:09	Response_Area		156	(Response Viewer)	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:09	Battalion		911	(Response Viewer)	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:09	Division		911	(Response Viewer)	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:09	Jurisdiction		911	(Response Viewer)	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:09	Address	(Blank)	4513 gaston	New Entry	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:17	Certification_Level		P-Patrol	(Response Viewer)	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:17	Incident_Type		1Man	(Response Viewer)	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:17	Priority_Number	0	3		Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:17	Priority_Description		3 - General Service		Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:17	ResponsePlanType	0	1	(Response Viewer)	Response_Master_Incident	CAD911CT349	122039
8/25/2017	20:38:17	DispatchLevel		Default	(Response Viewer)	Response_Master_Incident	CAD911CT349	122039

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Inform Browser : 5.740.34.0 - Reports - Incident Report

8/25/2017	20:38:17	Response_Plan		CH1 - 1MAN	(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:38:17	Problem		11R - Burg of Res	(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:38:17	ResponsePlanType	0		(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:38:17	Response_Area		156	(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:38:17	Battalion		150	(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:38:17	Division		Central	(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:38:17	Jurisdiction		Dallas Police	(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:38:17	ResponsePlanType	0		(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:38:17	Response_Area		156	(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:38:17	Battalion		150	(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:38:17	Division		Central	(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:38:17	Jurisdiction		Dallas Police	(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:38:22	Caller_Name		WIRELESS-AT&T MOBILITY	(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:38:27	Cross_Street		N CARROLL AVE/MORELAND AVE	(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:38:58	Caller_Name	WIRELESS-AT&T MOBILITY		(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:39:11	Incident_Type		2Man	(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:38:11	Priority_Number	3	1	Priority Change	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:38:11	Priority_Description	3 - General Service	1 - Emergency	Priority Change	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:38:11	ResponsePlanType	0	1	(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:39:11	Response_Plan		CH1 - 2MAN	(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:39:11	Problem	11R - Burg of Res-P	41/11R - Burg Res In Progress	(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:39:22	Caller_Name		collins, kyle	(Response Viewer)	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:41:03	Map_Info		46-E		Response_Master_Incident CAD911CT349 122039
8/25/2017	20:41:03	Pickup_Map_Info		46-E		Response_Transports CAD911CT349 122039
8/25/2017	20:41:03	Caller_Building		2029	Polygon Lookup	Response_Master_Incident CAD911CT349 122039
8/25/2017	20:41:05	Read Comment	False	True	(Response Viewer)	Response_Master_Incident CADDPDPCH0 119997
8/25/2017	20:41:05	Read Call	False	True	(Response Viewer)	Response_Master_Incident CADDPDPCH0 119997
8/25/2017	20:41:37	Read Comment	False	True	(Comment Notification Window)	Response_Master_Incident CADDPDPCH0 119997
8/25/2017	20:45:45	Read Comment	False	True	(Response Viewer)	Response_Master_Incident CADDPDPCH0 119997

Custom Time Stamps  
 No Custom Time Stamps

Custom Data Fields  
 No Custom Data Fields

Attachments  
 No Attachment



19. Copy of Gaston House Transitions  
Staff web page – printed from Internet  
on November 22, 2017

[Home](#) [About](#) [Program](#) [Media](#) [Gaston News](#) [Admissions](#)

[Contact Us](#) 

# Our Team

Gaston House offers a diverse staff ranging from masters level counselors to graduates of the program. Gaston sober living staff is committed to giving young men in drug and alcohol recovery a winning chance of long term sobriety.



Robert Rowling

Owner



Lynn Sheehan

Parent Advocate, MA - LPC

^

BDA-78-075 Attach B 66



Caleb Parrette  
Chief Operating Officer



Travis Herbert  
Clinical Director, MA - LPC

Nathaniel Blackburn  
Director of Admissions and  
Marketing

Josh Burnett  
Program Director

^

BDA178-075  
AHL B

67

George Pyzik  
Property Manager

Robert Klotz  
Recovery Advocate, Apartment  
Manager

LINKS

- > [Gaston House Transitions](#)
- > [Our Team](#)
- > [Media](#)
- > [Contact Us](#)

CONTACT INFORMATION

GastonHouse

Northport  
Houston, TX  
426 6012  
Cathy Pareto  
(281) 461-7914



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-075

Date: 4/18/18

Data Relative to Subject Property:

Location address: 4513 Gaston Avenue Zoning District: P.D. 362, Subarea 3A; H/72

Lot No.: SE Pt. Lot 2 Block No.: 1/769 Acreage: 0.43 acres Census Tract: 0015.04

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

To the Honorable Board of Adjustment :

Owner of Property/or Principal: The Magdalen House

Applicant: Jackson Walker L.L.P. / Jonathan G. Vinson Telephone: 214-953-5941

Mailing Address: 2323 Ross Avenue, Suite 600 Zip Code: 75201

E-mail Address: jvinson@jw.com

Represented by: Jackson Walker L.L.P. / Jonathan G. Vinson Telephone: 214-953-5941

Mailing Address: 2323 Ross Avenue, Suite 600 Zip Code: 75201

Affirm that an appeal has been made for a Variance \_\_, or Special Exception X \_\_, \_\_, \_\_ Under Sec. 51A-4.704(a)(2) to show that there was a clear intent by the owner not to abandon the use.

Application is now made to the Honorable Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described request for the following reason: The previous owner can demonstrate with factual evidence that the use on the property was active continuously, with a clear intent not to abandon the use. This will be supported by additional evidence to be submitted.

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

Respectfully submitted: By: Jonathan G. Vinson Applicant's name printed Jonathan G. Vinson Applicant's signature

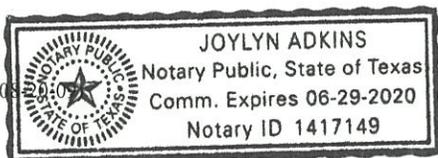
Affidavit

Before me the undersigned on this day personally appeared Jonathan G. Vinson 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.

Subscribed and sworn to before me this 18th day of April, 2018

Jonathan G. Vinson Affiant (Applicant's signature)

Joylyn Adkins 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

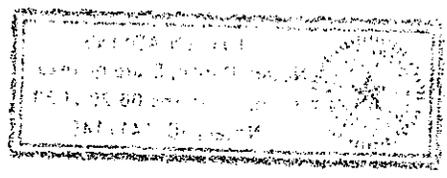
I hereby certify that JONATHAN VINSON

did submit a request to restore a nonconforming use  
at 4513 Gaston Avenue

BDA178-075. Application of JONATHAN VINSON to restore a nonconforming use at 4513 GASTON AVE. This property is more fully described as Lot SE PT lot 2, Block 1/769, and is zoned PD-362, subarea 3A; H/72, which limits the legal uses in a zoning district. The applicant proposes to restore a nonconforming group home use, which will require a special exception to the nonconforming use regulations.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official



Board of Adjustment

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

or

Appeal to restore a nonconforming use. Sec. 51A-4.704(a)(2)

SEC. 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.

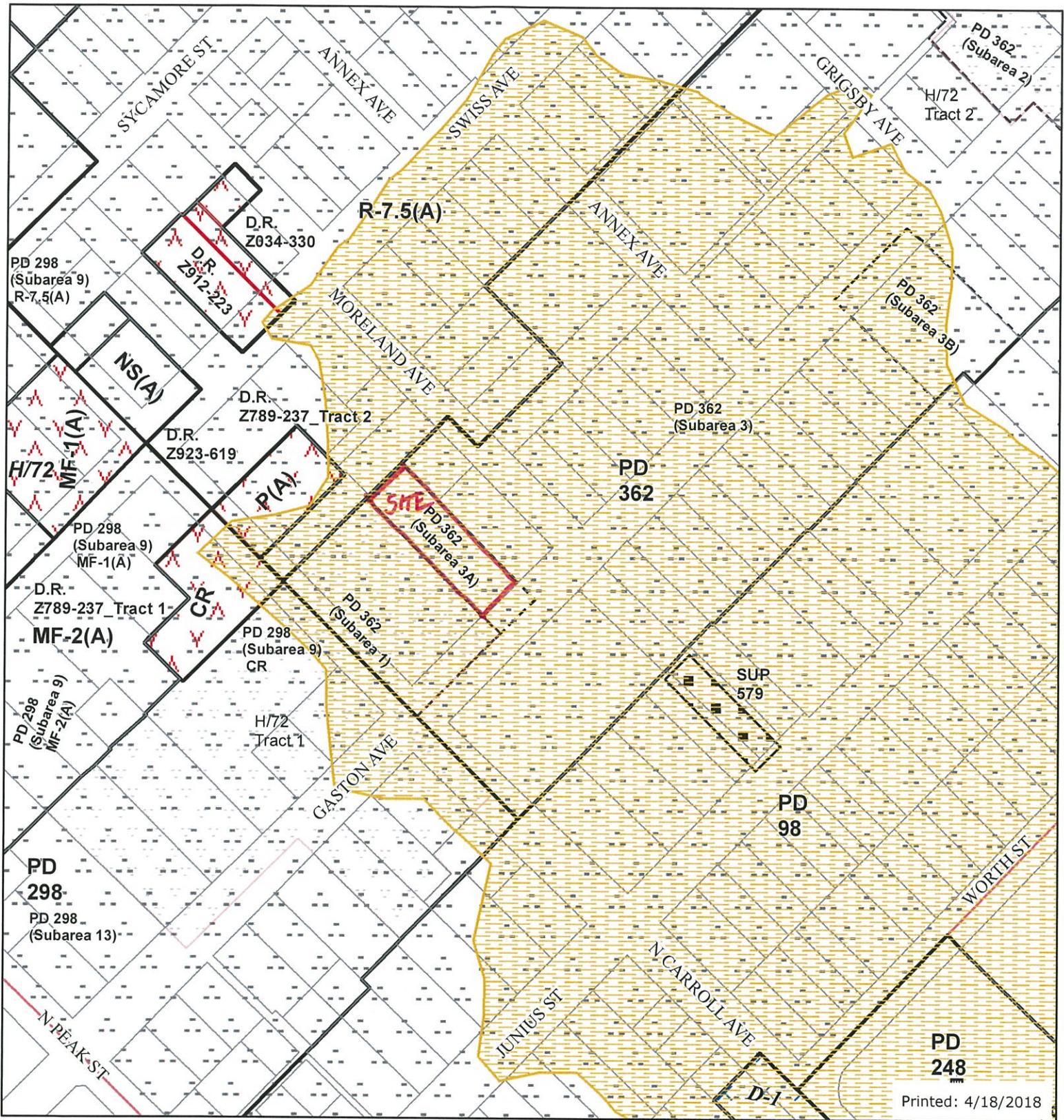
(A) Request to establish compliance date. The city council may request that the board of adjustment consider establishing a compliance date for a nonconforming use. In addition, any person who resides or owns real property in the city may request that the board consider establishing a compliance date 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.

Property address: 4513 GASTON AVENUE

1. The nonconforming use being appealed/restored: GROUP RESIDENTIAL FACILITY  
(The land use as stated on the Certificate of Occupancy. Attach a copy of the C.O.)
2. Reason the use is classified as nonconforming: THE CITY ALLEGES THAT THE USE WAS VACANT FOR SIX MONTHS OR MORE. WE DISAGREE IT WAS NOT.  
(Was there a change in the zoning or in the use requirements?)
3. Current zoning of the property on which the use is located: PD 362/SUBAREA 3A
4. Date the nonconforming use was discontinued: IT WAS NOT DISCONTINUED.
5. Date that the nonconforming use became nonconforming: UNKNOWN  
(Date the property zoning or use requirements changed.)
6. Previous zoning of the property on which the use is located: UNKNOWN  
(Applies if a zoning district change caused the use to become nonconforming.)

(Rev. 04/04/14)



Printed: 4/18/2018

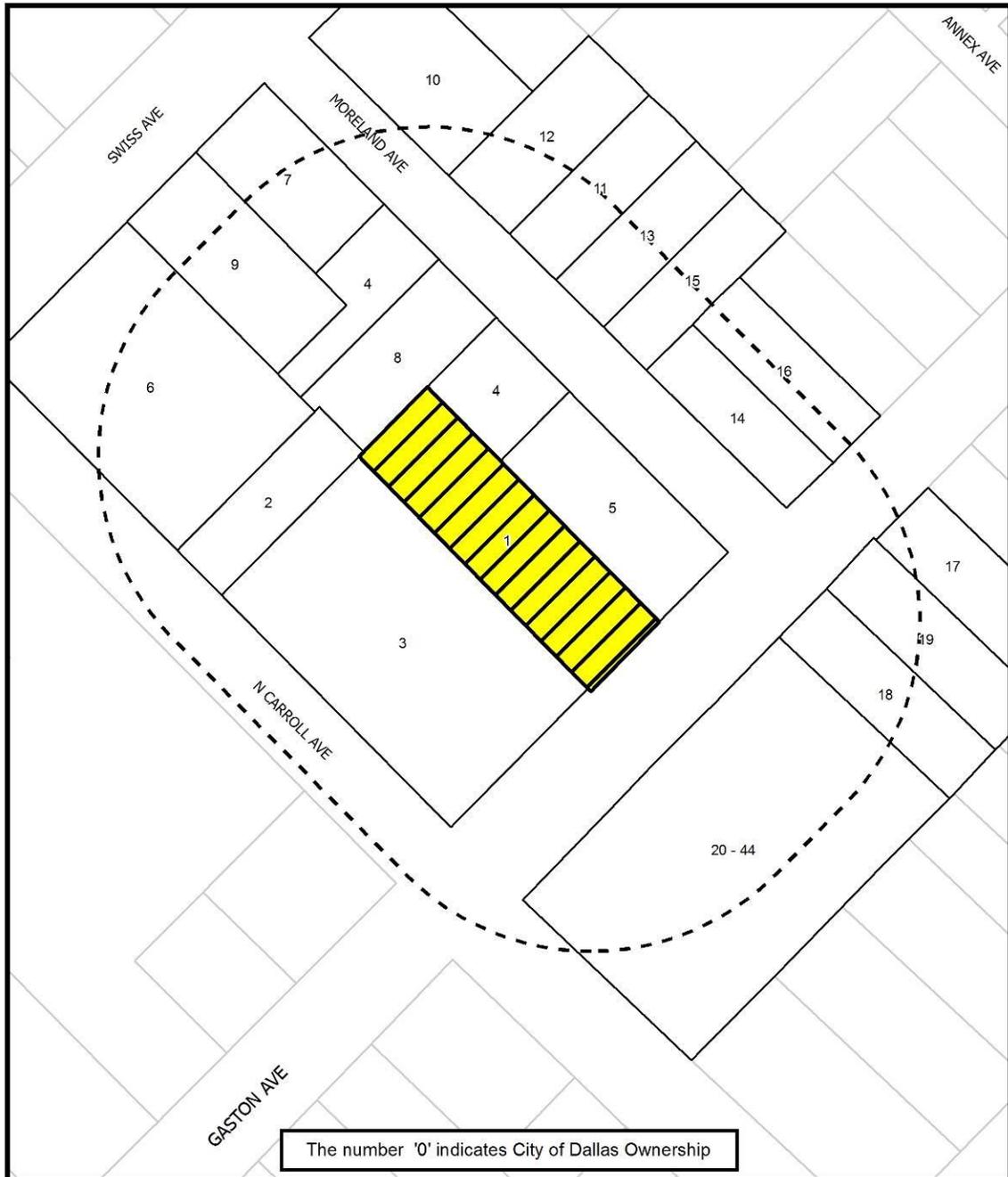
### Legend

- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| 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        | SPSP Overlay                   | MD Overlay            | Escarpment Overlay         |
| X Protected by Levee | Deed Restrictions              | Historic Subdistricts | Parking Management Overlay |
| Parks                | SUP                            | Historic Overlay      | 2-78 Shop Front Overlay    |
|                      |                                | Height Map 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)







 1:1,200	<h2>NOTIFICATION</h2>	Case no: <b>BDA178-075</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;">44</div> <div>NUMBER OF PROPERTY OWNERS NOTIFIED</div> </div>	Date: <b>5/23/2018</b>

## *Notification List of Property Owners*

***BDA178-075***

### ***44 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	4513 GASTON AVE	WEST FIELDING LLC
2	1000 N CARROLL AVE	STANLEY MABLE &
3	4505 GASTON AVE	GP 4505 GASTON LLC
4	917 MORELAND AVE	SIMCOE LLC
5	4519 GASTON AVE	COLLINS KYLE & PATRICIA SIMON
6	4500 SWISS AVE	TUA LP
7	4520 SWISS AVE	BIGGS JOE G & SANDRA KAY
8	1003 MORELAND AVE	MCGEE JAMES R & FRANCES O
9	4512 SWISS AVE	BUONO DAVID D & ALINA A
10	4602 SWISS AVE	MAKS PROPERTY SWISS AVE LLC
11	920 MORELAND AVE	MORGAN PATRICK T
12	1004 MORELAND AVE	MONTELLANO ALMA LIDIA &
13	916 MORELAND AVE	CEDILLO ELIAS &
14	4601 GASTON AVE	SIMCOE LLC
15	912 MORELAND AVE	BURKE JUSTIN M
16	4607 GASTON AVE	LONG CHRISTOPHER
17	4600 GASTON AVE	LUNA BLUE LLC
18	4522 GASTON AVE	ARG CAPITAL CORP
19	4524 GASTON AVE	STEVENSON BETTY
20	4502 GASTON AVE	NAKASHIMA SHINOBU
21	4502 GASTON AVE	FUJIMIYA HIROSHI
22	4502 GASTON AVE	REAVANS GASTONIAN LLC
23	4502 GASTON AVE	KAZAMA GEN
24	4502 GASTON AVE	KYUMON KAZUHIRO
25	4502 GASTON AVE	NAKANO TAKAKO
26	4502 GASTON AVE	MATSUDA TOMOYA

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	4502 GASTON AVE	TANAKA NOBUYOSHI
28	4502 GASTON AVE	KONDO NOBUHIRO
29	4502 GASTON AVE	YAMAMOTO TAKUMA
30	4502 GASTON AVE	MORII KAZUHIRO
31	4502 GASTON AVE	TANI RYUICHIRO
32	4502 GASTON AVE	MOTOKAWA KATSUHIKO
33	4502 GASTON AVE	SUAREZ JOSE J
34	4502 GASTON AVE	AOKI YOSHIAKI
35	4502 GASTON AVE	ASANO KASUMI
36	4502 GASTON AVE	COMSUDI NICHOLAS C ETAL
37	4502 GASTON AVE	INADA TAKYUKI
38	4502 GASTON AVE	STEINWAY ESTATES
39	4502 GASTON AVE	SHIBUYA NAOTO
40	4502 GASTON AVE	MAKINOCCHAIN CO LTD
41	4502 GASTON AVE	MEDICAL PROGRESS
42	4502 GASTON AVE	SAKAI CHIKAKO
43	4502 GASTON AVE	IGARASHI KOICHI
44	4502 GASTON AVE	SUGIHARA KEIJI

**FILE NUMBER:** BDA178-040(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Pedro Beltran for variances to the front yard setback regulations, side yard setback regulations, and floor area for structures accessory to single family uses at 6607 Meade Street. This property is more fully described as Lot 9, Block 12/6634 and is zoned R-7.5(A), which requires a front yard setback of 25 feet, a side yard setback of 5 feet, and requires that the floor area of any individual accessory structure on a lot not exceed 25 percent of the floor area of the main building. The applicant proposes to construct/maintain a single family residential structure and provide a 22 foot front yard setback, which will require a 3 foot variance to the front yard setback regulations, a 0 foot side yard setback, which will require a 5 foot variance to the side yard setback regulations, and to construct/maintain an accessory structure with 1,475 square feet of floor area (35%) of the 4,211 square foot floor area of the main structure, which will require a 423 square foot or 10 percent variance to the floor area for structures accessory to single family use regulations.

**LOCATION:** 6607 Meade Street

**APPLICANT:** Pedro Beltran

**REQUESTS:**

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

1. A variance to the front yard setback regulations of 3' is made to maintain a single family home structure 22' from the front property line or 3' into the 25' front yard setback;
2. A variance to the side yard setback regulations of 5' is made to maintain a single family home structure 0' from the side property line (the north side property line) or 5' into the 5' side yard setback; and
3. A variance to the floor area regulations for structures accessory to single family uses of 423 square feet or 10 percent is made to maintain an accessory structure with 1,475 square feet of floor area of the 4,211 square feet floor area of the main structure.

**STANDARD FOR A VARIANCE:**

Section 51(A)-3.102(d)(10) of the Dallas Development Code specifies that the board has the power to grant variances from the front yard, side yard, rear yard, lot width, lot depth, lot coverage, floor area for structures accessory to single family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

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

**STAFF RECOMMENDATION (front yard, side yard, and floor area variances):**

Denial

Rationale:

- Staff concluded that the applicant had not substantiated how the variances are necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same R-7.5 (A) zoning district.

**BACKGROUND INFORMATION:**

**Zoning:**

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

**Land Use:**

The subject site is developed with a single family home. The areas to the north, 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 (front yard variance):**

- This request focuses on maintaining a single family home structure 22' from the front property line or 3' into the 25' front yard setback.

- Structures on lots zoned R-7.5(A) are required to provide a minimum front yard setback of 25’.
- A site plan has been submitted denoting the home is located 22’ from the site’s front property line (or 3’ into the 25’ front yard setback).
- DCAD records indicate the following improvements for property located at 6607 Mead Street: “main improvement: a structure with 819 square feet of living area and 1,039 square feet of total area built in 1948” and “additional improvements: a 128 square foot storage building, a 220 square foot enclosed garage, and a 576 square foot detached garage”.
- The subject site is rectangular in shape, flat, and according to the application, is 0.236 acres (or approximately 10,100 square feet) in area. The site is zoned R-7.5(A) where lots are typically 7,500 square feet in area.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5(A) zoning classification.
  - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5(A) zoning classification.
- If the Board were to grant this front yard setback 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 is a structure to be located as close as 22’ from the site’s front property line or as much as 3’ into the required 25’ front yard setback.

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

- This request focuses on maintaining a structure 0’ from the side property line (the north side property line) or 5’ into the 5’ side yard setback.
- Structures on lots zoned R-7.5(A) are required to provide a minimum side yard setback of 5’.
- A site plan has been submitted denoting an existing structure located on the northern side property line or 5’ into this 5’ side yard setback.
- It appears from the submitted site plan that approximately 50 percent of the existing approximately 680 square foot structure footprint is located in the site’s northern 5’ side yard setback.
- DCAD records indicate the following improvements for property located at 6607 Mead Street: “main improvement: a structure with 819 square feet of living area and 1,039 square feet of total area built in 1948” and “additional improvements: a 128

square foot storage building, a 220 square foot enclosed garage, and a 576 square foot detached garage”.

- The subject site is rectangular in shape, flat, and according to the application, is 0.236 acres (or approximately 10,100 square feet) in area. The site is zoned R-7.5(A) where lots are typically 7,500 square feet in area.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the side yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance are necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5(A) zoning classification.
  - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5(A) zoning classification.
- If the Board were to grant this side yard setback variance request and impose the submitted site plan as a condition, the structure in the side yard setback would be limited to what is shown on this document which is a structure 0’ from the side property line (the north side property line) or 5’ into the 5’ side yard setback.

#### **GENERAL FACTS/STAFF ANALYSIS (floor area variance):**

- The request for a variance to the floor area regulations for structures accessory to single family uses of 423 square feet or 10 percent focuses on maintaining an accessory structure with 1475 square feet of floor area of the 4211 square feet floor area of the main structure.
- The Dallas Development Code Sec. 51A 4-209 (E) (vii) (dd) states:
  - The floor area of any individual accessory structure on a lot, excluding floor area used for parking, may not exceed 25 percent of the floor area of the main building.
- DCAD records indicate the following improvements for property located at 6607 Mead Street: “main improvement: a structure with 819 square feet of living area and 1,039 square feet of total area built in 1948” and “additional improvements: a 128 square foot storage building, a 220 square foot enclosed garage, and a 576 square foot detached garage”.
- The submitted site plan makes the following notations:
  - Existing house slab: 3,081 square feet.
  - Total living area: 4,211 square feet.
  - Proposed/Existing accessory structure: 1,475 square feet or 35 percent.
  - Maximum floor area: 25 percent.
  - Surplus floor area: 10 percent.

- The site plan represents that the accessory structure exceeds the required 25 percent maximum floor area of the main building requirements on the subject site.
- The subject site is rectangular in shape, flat, and according to the application, is 0.236 acres (or approximately 10,100 square feet) in area. The site is zoned R-7.5(A) where lots are typically 7,500 square feet in area.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the lot coverage regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5 (A) zoning classification.
  - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5 (A) zoning classification.
- If the Board were to grant the floor area variance request, and impose the submitted site plan as a condition, the building footprints of the structures on the site would be limited to what is shown on this document.

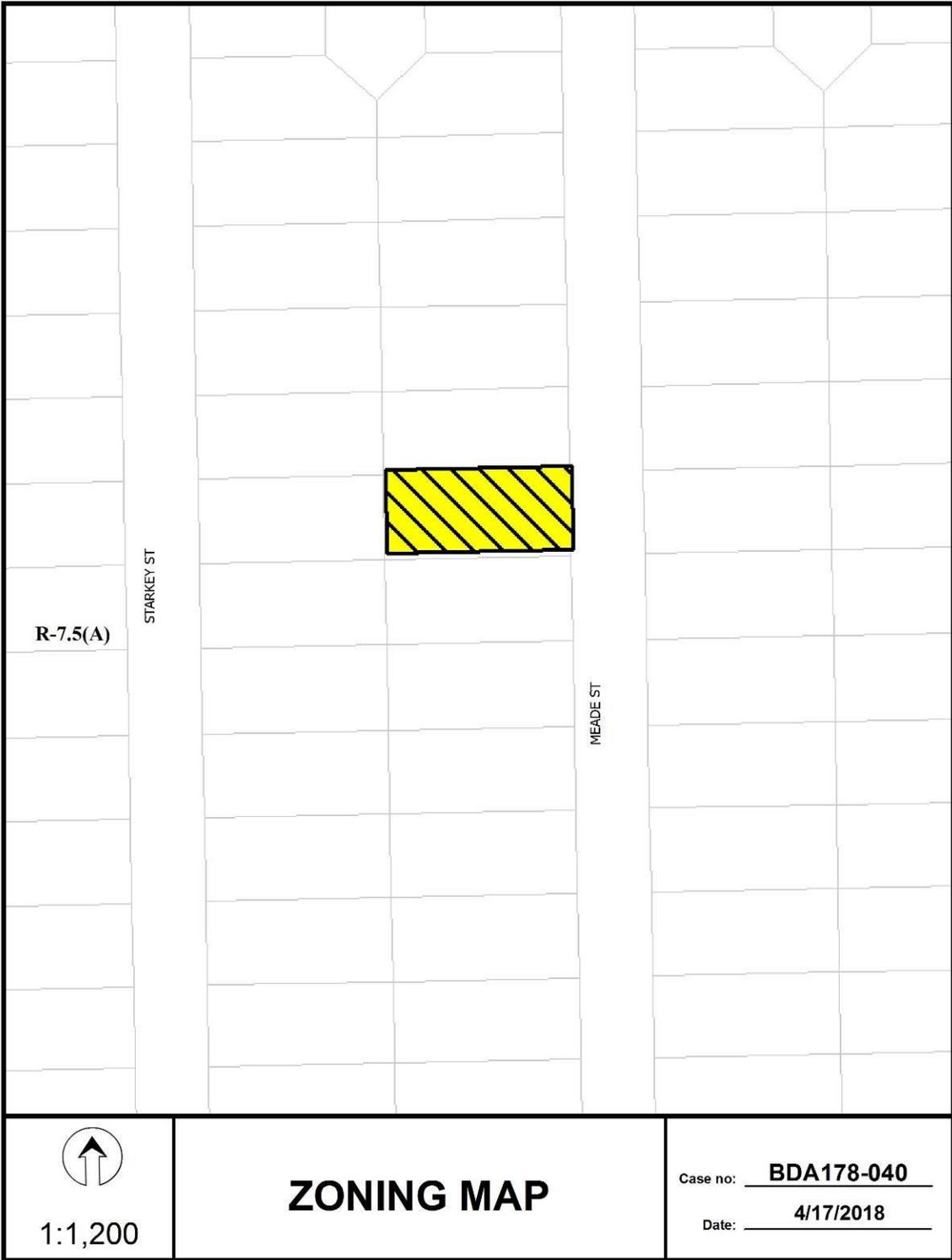
**Timeline:**

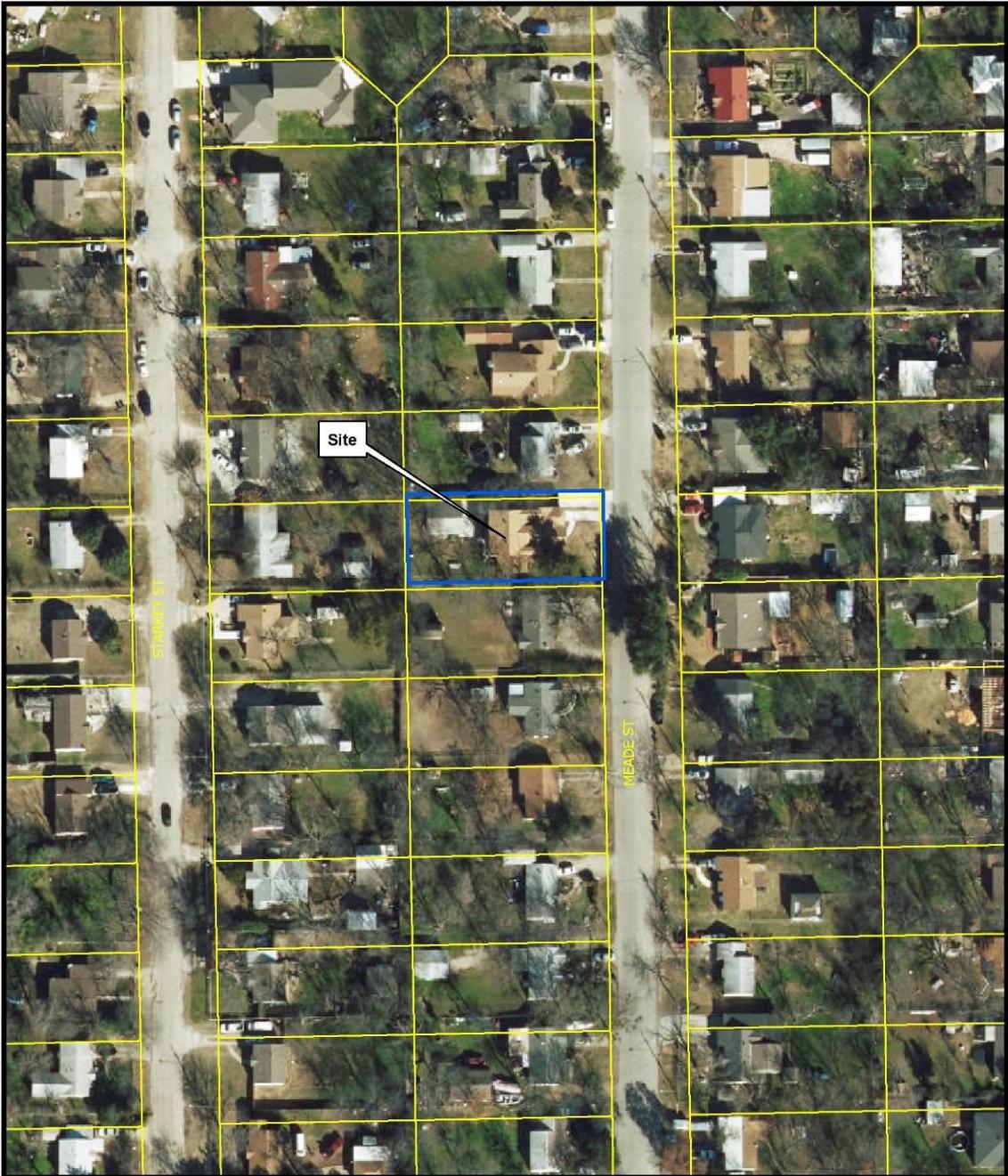
- February 15, 2018: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- May 15, 2018: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.
- May 17, 2018: The Sustainable Development and Construction Department Senior Planner 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 May 30<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the June 8<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.

June 5, 2018:

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

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





1:1,200

# AERIAL MAP

Case no: BDA178-040

Date: 4/17/2018



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-040

Data Relative to Subject Property:

Date: 02.15.18

Location address: 6607 Meade St Zoning District: R 7.5(A)

Lot No.: 9 Block No.: 12 1/2 / 6634 Acreage: .236 Census Tract: 111.03

Street Frontage (in Feet): 1) 68' 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Doris Lopez Jimenez

Applicant: Pedro Beltran Telephone: (214) 564 2358

Mailing Address: 6607 Meade St Dallas Tx Zip Code: 75232

E-mail Address: pedrb1963@iCloud.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 see Additional Sheet

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:

When I got Married with Doris Lopez in 2014, she had done some modifications to the house, without permit. I pray that the decision made from the court be in our favor

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 Pedro Beltran  
(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 15 day of February, 2018

[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 Pedro Beltran

did submit a request for a variance to the front yard setback regulations, and for a variance to the side yard setback regulations, and for a variance to the floor area ratio regulations

at 6607 Meade Street

BDA178-040. Application of Pedro Beltran for a variance to the front yard setback regulations, and for a variance to the side yard setback regulations, and variance to the maximum allowed floor area of 25% at 6607 Meade St. This property is more fully described as Lot 9, Block 12/6634 and is zoned R-7.5(A), which requires 25% maximum floor area for an accessory structure, and requires a front yard setback of 25 feet and requires side yard setback of 5 feet. The applicant proposes to construct a single family residential structure and provide a 22 foot front yard setback measured at the foundation (with a 1 foot 6 inch roof eave), which will require a 3 foot variance to the front yard setback regulation, and to construct a single family residential structure and provide a 0 foot side yard setback, which will require a 5 foot variance to the side yard setback regulations, and to construct a single family residential accessory structure with 1475 square feet of floor area (28.63%) of the 4211 square foot floor area of the main structure which will require a 423 square foot variance to the floor area ratio regulations

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official



67.5	27	67.5	6	67.5
67.5	26	67.5	7	67.5
67.5	25	67.5	8	67.5
67.5	24	67.5	9	67.5
67.5	23	67.5	10	67.5
67.5	22	67.5	11	67.5
67.5	21	67.5	12	67.5

6501

6500

67.5	27	67.5	6	67.5
67.5	26	67.5	7	67.5
67.5	25	67.5	8	67.5
67.5	24	67.5	9	67.5
67.5	23	67.5	10	67.5
67.5	22	67.5	11	67.5
67.5	21	67.5	12	67.5

PB

69

00

67.5	27	67.5	6	67.5
67.5	26	67.5	7	67.5
67.5	25	67.5	8	67.5
67.5	24	67.5	9	67.5
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67.5	22	67.5	11	67.5
67.5	21	67.5	12	67.5

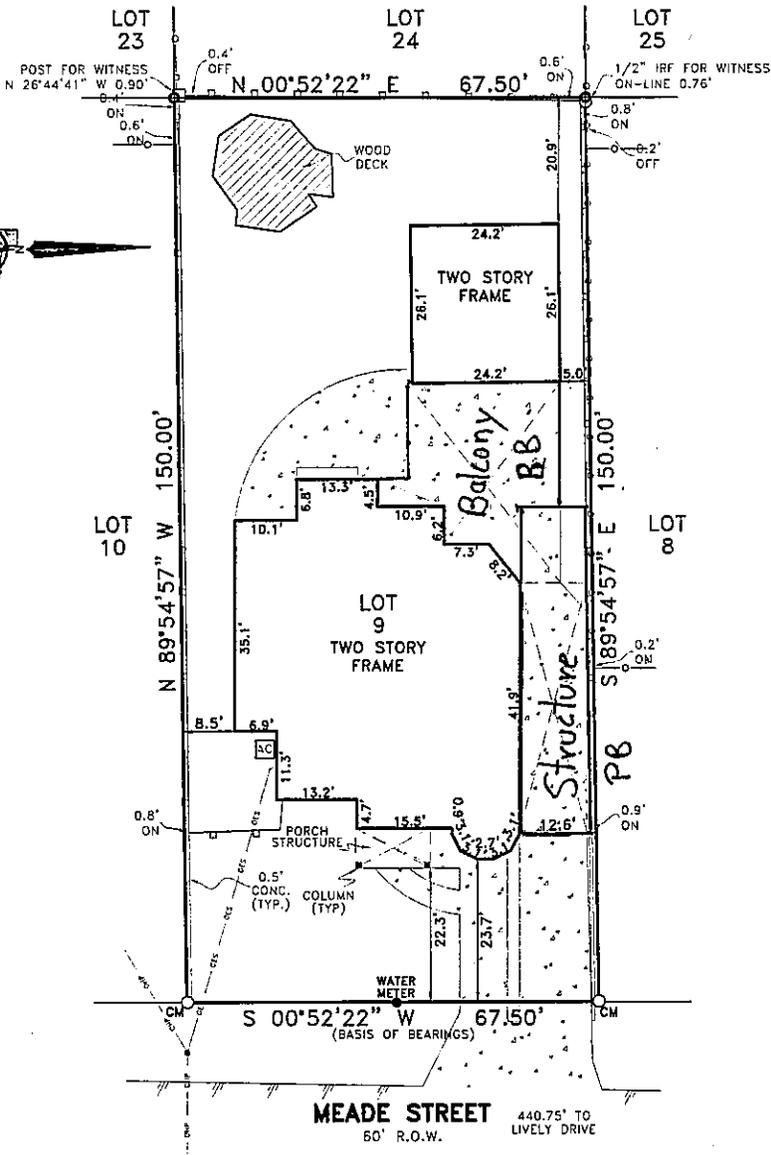
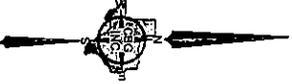


**6607 Meade Street**  
 Being Lot 9 in Block 12-1/2 5634 Beckley Heights Addition to the City of Dallas, Texas, according to the Map thereof recorded in Volume 13, Page 41 Map Records of Dallas County, Texas.



**LEGEND**

- 1/2" ROD FOUND
- ⊗ 1/2" ROD SET
- 1" PIPE FOUND
- ⊗ "X" FOUND/SET
- ⊗ 5/8" ROD FOUND
- ✦ POINT FOR CORNER
- FENCE POST FOR CORNER
- CM CONTROLLING MONUMENT
- AC AIR CONDITIONER
- PE POOL EQUIPMENT TRANSFORMER PAD
- TE PAD
- COLUMN
- POWER POLE
- UNDERGROUND ELECTRIC
- ▲ OVERHEAD ELECTRIC
- △ OVERHEAD ELECTRIC
- OHP— OVERHEAD ELECTRIC POWER
- OES— OVERHEAD ELECTRIC SERVICE
- CHAIN LINK
- WOOD FENCE 0.5' WIDE TYPICAL
- I — IRON FENCE
- X — BARBED WIRE
- DOUBLE SIDED WOOD FENCE
- — EDGE OF ASPHALT
- — EDGE OF GRAVEL
- ▭ CONCRETE
- ▭ COVERED AREA



**EXCEPTIONS:**

NOTE: This survey is made in conjunction with the information provided by the client. CBG Surveying, Inc. has not researched the land title records for the existence of easements, restrictive covenants or other encumbrances.

REVISED 02/08/18 CRC HOUSE DIMENSIONS  
 REVISED 02/14/18 JLR GARAGE DIMENSIONS  
 REVISED 03/26/18 CRC REMOVED TILE AND ADDED COLUMNS

Date: \_\_\_\_\_ Accepted by: \_\_\_\_\_  
 Purchaser \_\_\_\_\_ Purchaser \_\_\_\_\_

**NOTES:**

NOTE: BEARINGS, EASEMENTS AND BUILDING LINES ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.

FLOOD NOTE: According to the F.I.R.M. No. 48113C0490K, this property does lie in Zone X and DOES NOT lie within the 100 year flood zone.

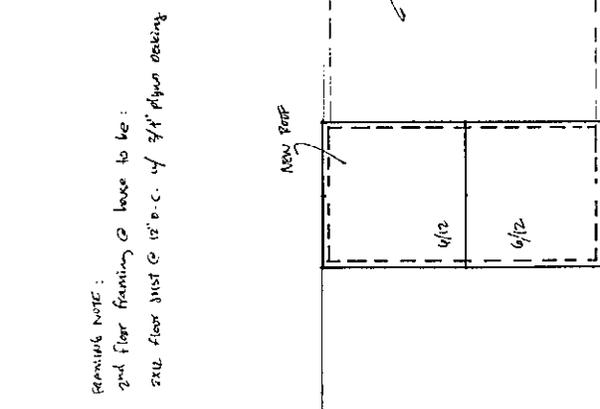
This survey is made in conjunction with the information provided by The Client. Use of this survey by any other parties and/or for other purposes shall be of user's own risk and any loss resulting from other use shall not be the responsibility of the undersigned. This is to certify that I have on this date made a careful and accurate survey on the ground of the subject property. The plat hereon is a correct and accurate representation of the property lines and dimensions as indicated; location and type of buildings as shown; and EXCEPT AS SHOWN, there are no visible and apparent encroachments or protrusions on the ground.

Drawn By: JLR  
 Scale: 1" = 20'  
 Date: 02/07/18  
 GF No.: GFN  
 Job No. 1802022

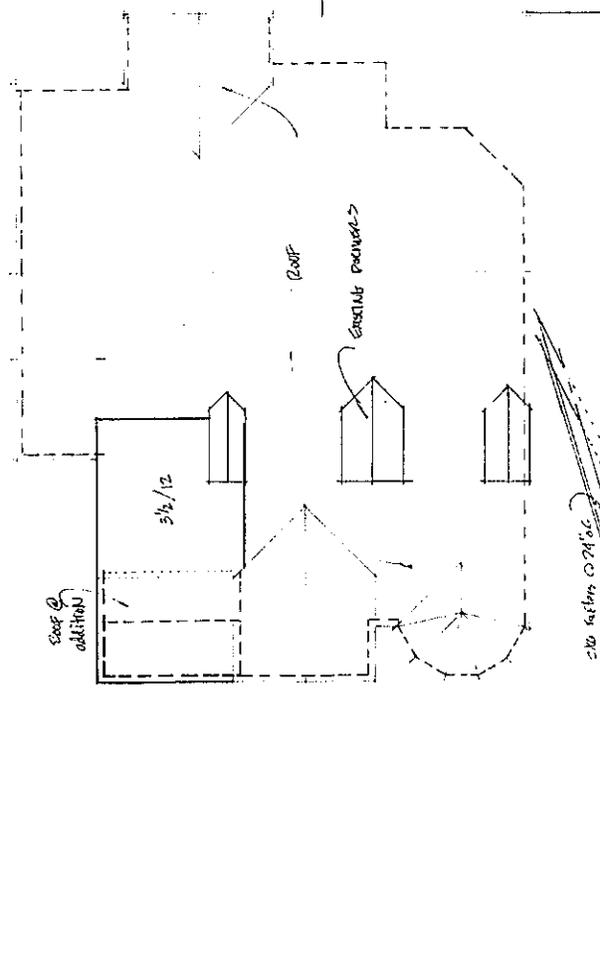
**CBG SURVEYING INC.**  
 12025 Shiloh Road, Ste. 230  
 Dallas, TX 75228  
 P 214.349.9485  
 F 214.349.2216  
 Firm No. 10168800  
 www.cbginc.com

**STATE OF TEXAS REGISTERED SURVEYOR**  
 BRYAN CONNALLY  
 5513

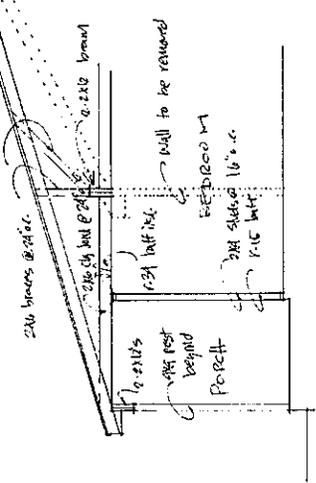
*Bryan Connally*



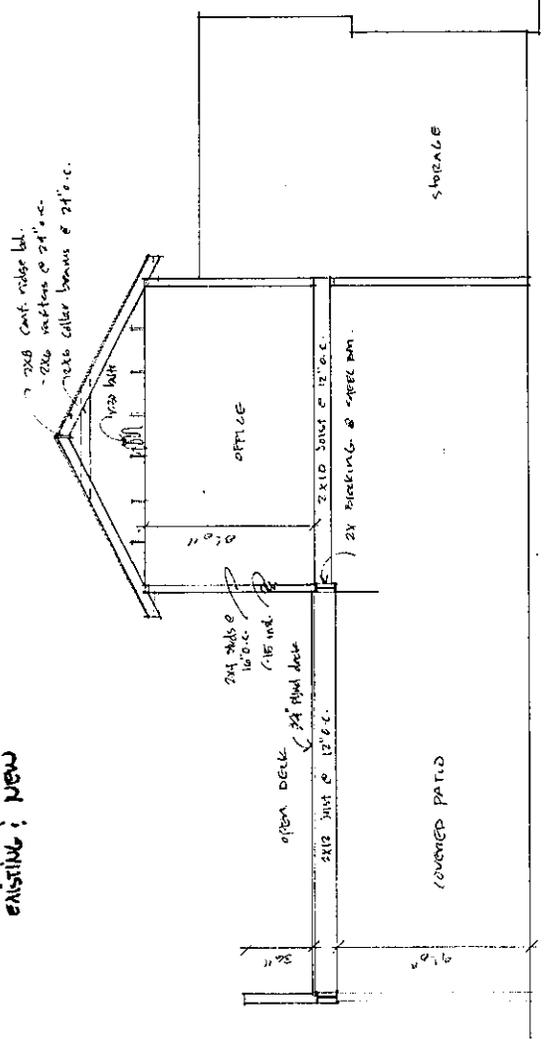
REMARKS NOTE:  
 2nd floor framing @ base to be:  
 2x12 floor joist @ 12" o.c. w/ 3/4" plywood decking.



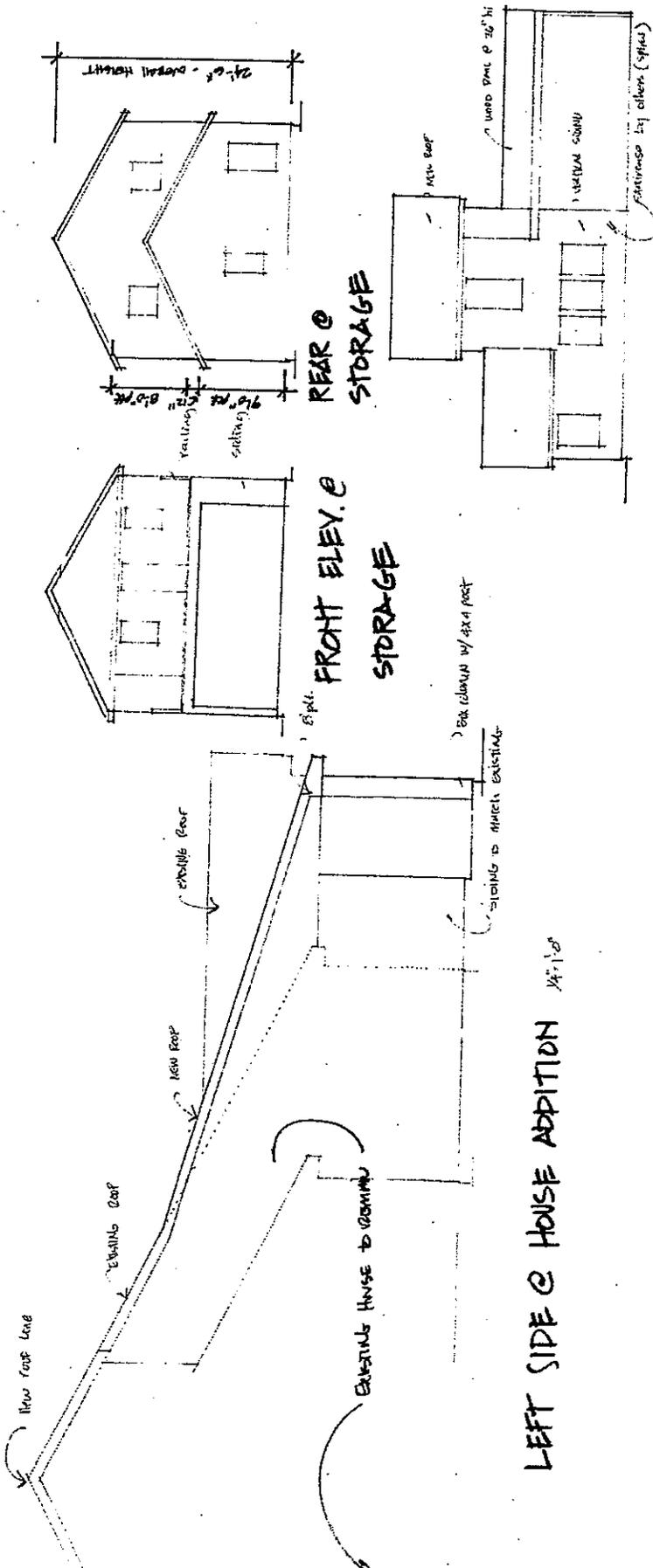
ROOF PLAN  
 EXISTING; NEW



SECTION C ADDITION



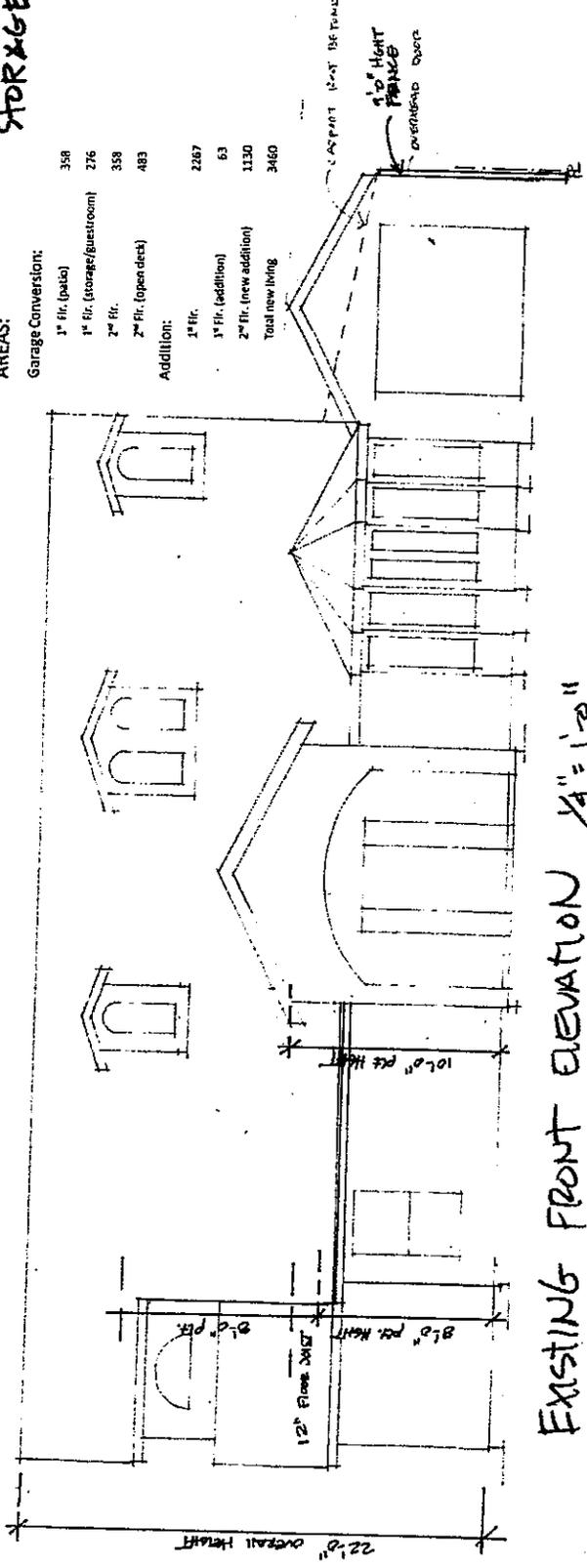
SECTION C PATIO/GARAGE CONVERSION



**LEFT / RIGHT SIDE STORAGE**

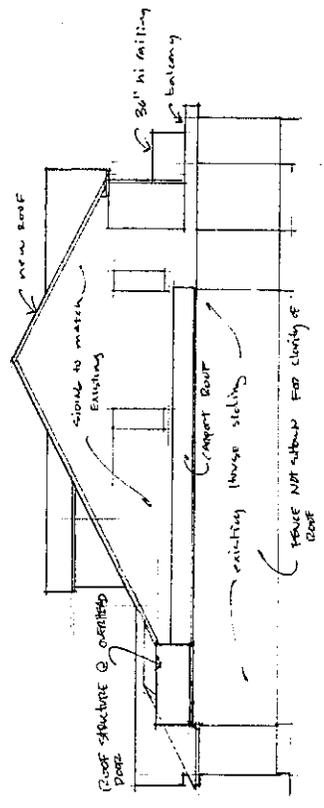
**AREAS:**

Garage Conversion:	
1 <sup>st</sup> Flr. (pale)	358
1 <sup>st</sup> Flr. (storage/guestroom)	276
2 <sup>nd</sup> Flr.	358
2 <sup>nd</sup> Flr. (open deck)	483
Addition:	
1 <sup>st</sup> Flr.	2267
1 <sup>st</sup> Flr. (addition)	63
2 <sup>nd</sup> Flr. (new addition)	1130
Total new living	3460

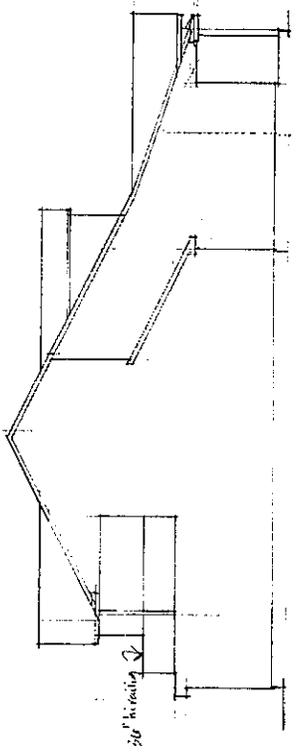


**EXISTING FRONT ELEVATION 1/4" = 1'-0"**

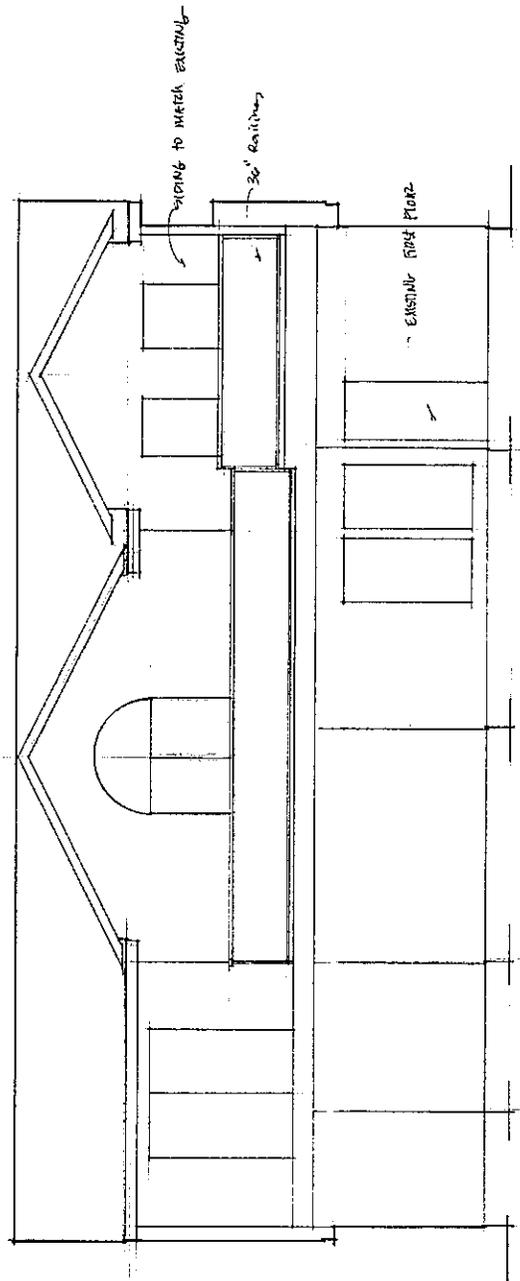
OWNER:  
DORES JIMENEZ  
6607 WANDA ST.  
DALLAS, TX 75232



RIGHT SIDE 1/8" = 1'-0"



LEFT SIDE 1/8" = 1'-0"



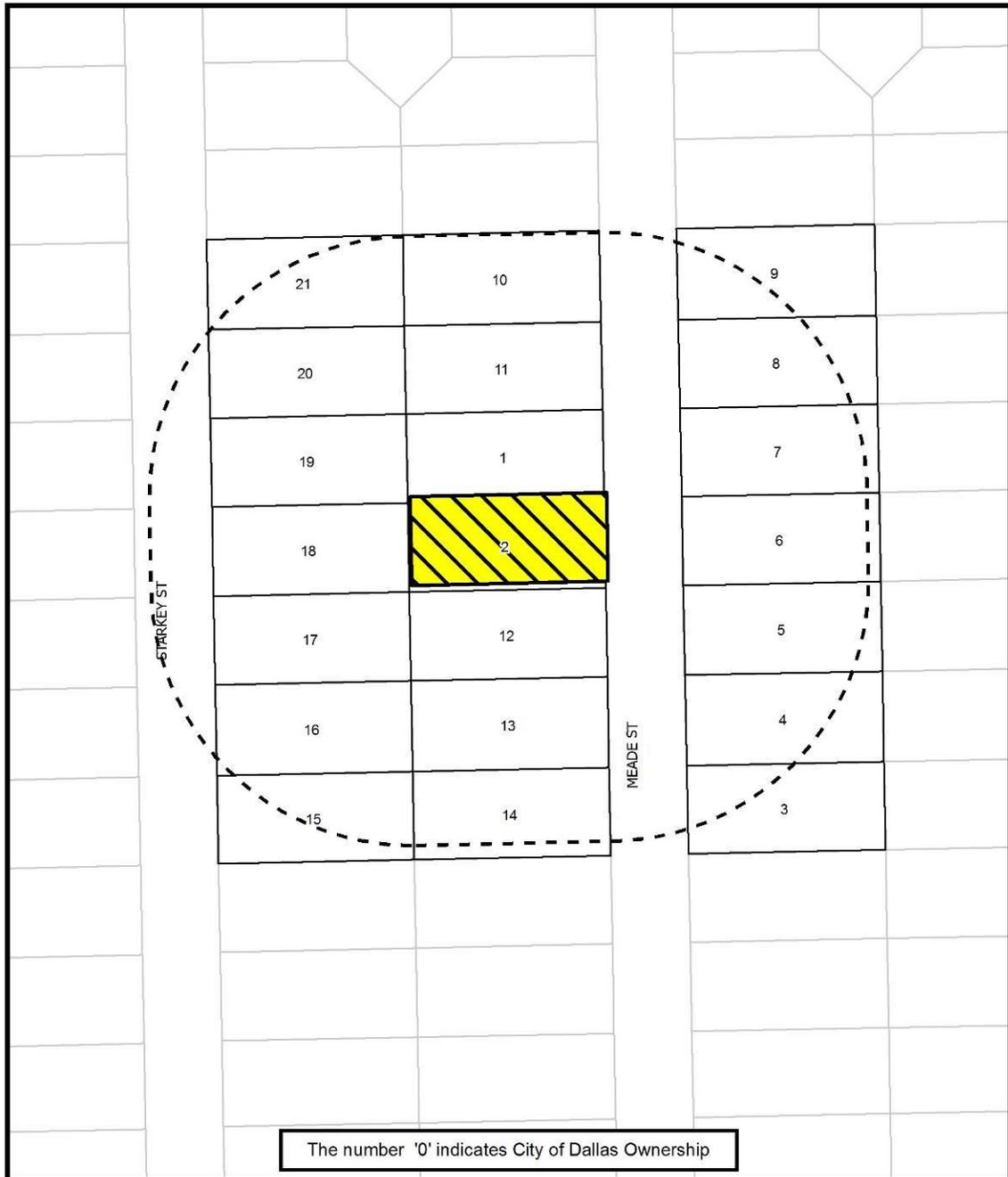
SECOND FLOOR ADDITION 1/4" = 1'-0"

BDA 178-040

1) Front yard Variance of 3'-0"  
with 1'-6" Roof Eave and provide  
a 22' Front yard Front Setback

2) Requesting a Variance of 5'-0" FT  
to the yard set back and provide  
a 0 yard set back

1) ~~ADD~~ Accessory Structure over 25% of  
Main. 1475 sq ft of <sup>Floor Area</sup> ~~Main~~ or (28.63%) of Main  
Structure,



 1:1,200	<b>NOTIFICATION</b>		Case no: <b>BDA178-040</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;">21</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: <b>4/17/2018</b>

## *Notification List of Property Owners*

**BDA178-040**

### *21 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6539 MEADE ST	CANDIDO HERBERTO L ET AL
2	6607 MEADE ST	JIMENEZ DORIS LOPEZ
3	6620 MEADE ST	SOTO PATRICIA &
4	6616 MEADE ST	PEREZ JORGE A &
5	6612 MEADE ST	6612 MEADE ST
6	6606 MEADE ST	RAMIREZ JOEL RODRIGUEZ
7	6538 MEADE ST	RAMIREZ JOSE A &
8	6530 MEADE ST	RAMIREZ GUILLERMO
9	6524 MEADE ST	ARRIAGAMATA IGNACIO
10	6525 MEADE ST	BROWN TOMMY G
11	6531 MEADE ST	CANDIDO HEBERTO L
12	6611 MEADE ST	CRUZ ABRAHAM &
13	6615 MEADE ST	THOMPSON DOROTHY G
14	6619 MEADE ST	GAONA ELIAS V
15	6620 STARKEY ST	WILSON BARBARA A &
16	6616 STARKEY ST	TORRES JOSE A & DORA E
17	6612 STARKEY ST	JIMENEZ CAROLINA
18	6606 STARKEY ST	RICO EMMANUEL PEREZ
19	6538 STARKEY ST	JUAREZ SILVESTRE &MANUELA
20	6530 STARKEY ST	SALINAS ALFONSO
21	6524 STARKEY ST	AVELAR JOSE GUADALUPE &

**FILE NUMBER:** BDA178-064(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Robert Baldwin, represented by Baldwin Associates, for a variance to the off-street parking regulation at 5117 W. Lovers Lane. This property is more fully described as Lot 19&20, Block A/5006, and is zoned CR, which requires that the owner of off-street parking must provide screening to separate the parking area from a contiguous residential use or vacant lot if either is in an A, A(A), R, R(A), D, D(A), TH, TH(A), CH, MF, MF(A), MH, or MH(A) district and the parking area serves a nonresidential use. The applicant proposes to construct and maintain a nonresidential structure and not provide the required screening, which will require a variance to the off-street parking regulations.

**LOCATION:** 5117 W. Lovers Lane

**APPLICANT:** Robert Baldwin  
Represented by Baldwin Associates

**REQUEST:**

A request for a variance to the off-street parking regulations, more specifically the screening provisions for off-street parking, is made to lease and maintain a particular use that requires a greater number of off-street parking spaces than the original use on the subject site that is developed with a vacant nonresidential structure, and not provided required screening between the required off-street parking on the site for this proposed use and the property to the north across an alley zoned R-7.5(A) and single family residential in use.

**STANDARD FOR A VARIANCE:**

Section 51(A)-3.102(d)(10) of the Dallas Development Code specifies that the board has the power to grant variances from the front yard, side yard, rear yard, lot width, lot depth, lot coverage, floor area for structures accessory to single family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

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

**STAFF RECOMMENDATION:**

Denial

Rationale:

- The applicant had not substantiated how the physical features of the flat, rectangular in shape (137'x 50'), 0.157 acres (or approximately 6,900 square feet) site preclude it from being developed in a manner commensurate with the development upon other parcels of land in districts with the same CR zoning classification.
- Staff concluded that any hardship in this case is self-created in that the required screening that the applicant seeks variance for is prompted by the applicant's proposal/choice to obtain a certificate of occupancy (CO) for a particular use that requires a greater number of off-street parking spaces than the original use, and that the City could issue a new CO to the applicant for the same use that had occupied the site with no screening required or variance to the off-street parking regulations related to screening required.

**BACKGROUND INFORMATION:**

**Zoning:**

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

**Land Use:**

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

**Zoning/BDA History:**

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

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

- This request for a variance to the off-street parking regulations focuses on leasing and maintaining a particular use that requires a greater number of off-street parking spaces than the original use on the subject site that is developed with a vacant nonresidential structure, and not providing required screening between the required off-street parking on the site for this proposed use and the property to the north across an alley zoned R-7.5(A) and single family residential in use.

- The Dallas Development Code states the following related to the screening of off-street parking:
  - (1) The owner of off-street parking must provide screening to separate the parking area from:
    - (A) a contiguous residential use or vacant lot if either is in an A, A(A), R, R(A), D, D(A), TH, TH(A), CH, MF, MF(A), MH, or MH(A) district and the parking area serves a nonresidential use; or
    - (B) a contiguous single family or duplex use or a vacant lot if any of these are in an R, R(A), D, D(A), TH, TH(A), or CH district and the parking area serves a multifamily use.
  - (2) If an alley separates a parking area from another use, the use is considered contiguous to the parking area. If a street separates a parking area from another use, the use is not considered contiguous to the parking area.
- The Dallas Development Code states that the screening for off-street parking required under Subsection (f)(1) must be a brick, stone, or concrete masonry, stucco, concrete, or wood wall or fence that is not less than six feet in height. The wall or fence may not have more than ten square inches of open area for each square foot of surface area, and may not contain any openings or gates for vehicular access. The owner of off-street parking must maintain the screening in compliance with these standards.
- The applicant submitted a site plan representing the location of a 6' tall wood fence and rolling gate on the north side of the property between the off-street parking on the site and the property to the north across an alley zoned R-7.5(A) and single family residential in use.
- Building Inspection has interpreted that the screening as represented on the submitted site plan is noncompliant with required screening on this site because of the rolling gate.
- Building Inspection has stated that the required screening that the applicant seeks variance for is prompted by the applicant's proposal/choice to obtain a certificate of occupancy (CO) for a new use that requires a greater number of off-street parking spaces than the original use, and that the City could issue a new CO to the applicant for the same use that had occupied the site with no screening required or variance to the off-street parking regulations related to screening required.
- According to DCAD records, the "improvements" for property addressed at 5117 W. Lovers Lane is a 3,000 square foot "free standing retail store" constructed in 1949.
- The subject site is flat, rectangular in shape (137'x 50'), 0.157 acres (or approximately 6,900 square feet) in area.
- 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 CR zoning classification.
- The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same CR zoning classification.
- If the Board were to grant the variance request, and impose the submitted site plan as a condition, the applicant would be able to lease the vacant nonresidential structure on the with a particular use that requires a greater number of off-street parking spaces than the original use without required screening between the required off-street parking for this proposed use on the site and the property to the north across an alley zoned R-7.5(A) and single family residential in use.

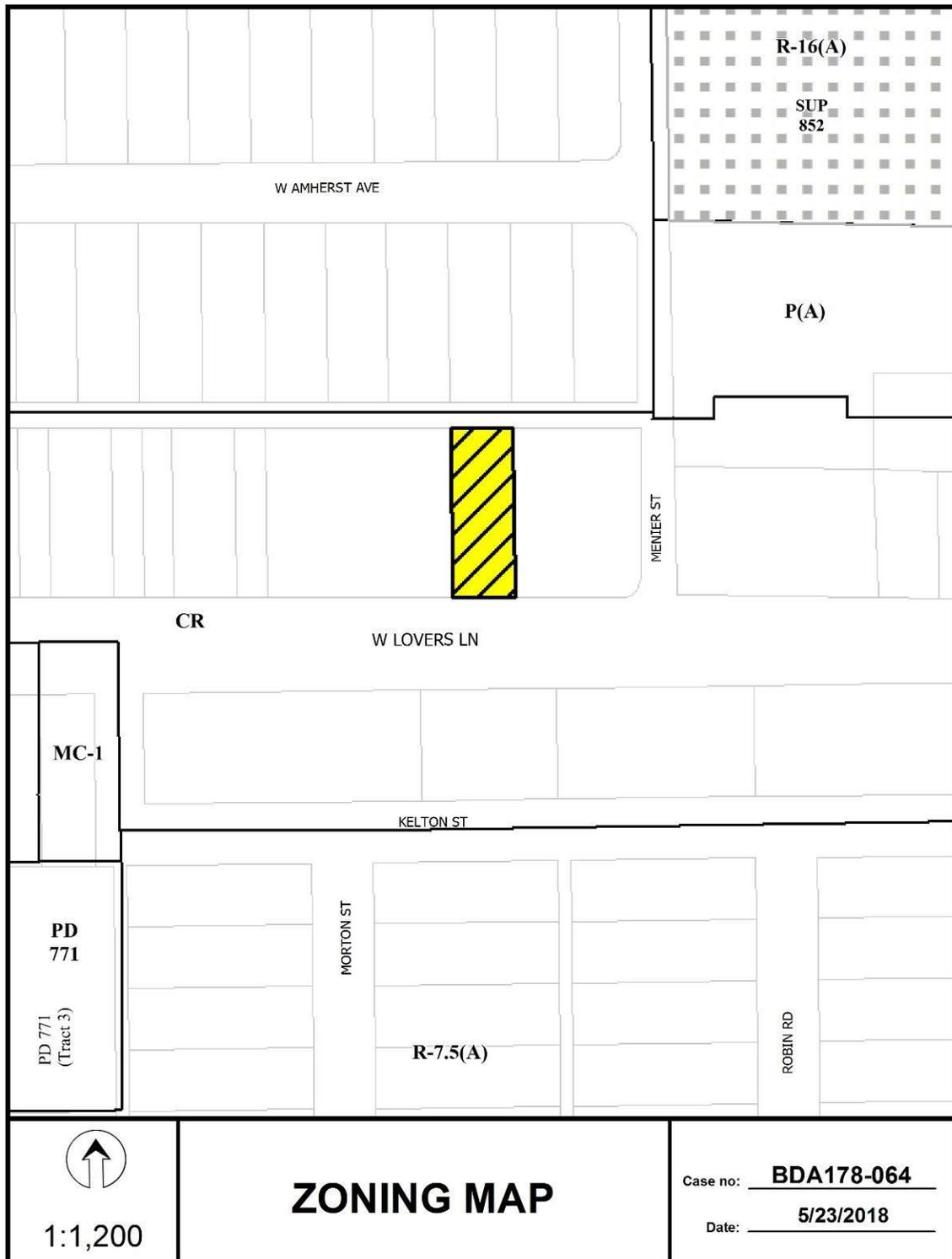
**Timeline:**

- March 19, 2018: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- May 15, 2018: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- May 15, 2018: 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 May 30<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the June 8<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

June 5, 2018:

The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the June public hearings. Review team members in attendance included: the Sustainable Development and Construction Director, the Sustainable Development and Construction Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Sustainable Development and Construction Department Authorized Hearing/Code Amendment Senior Planner, 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>BDA178-064</u> Date: <u>5/23/2018</u>
--	---------------------	--



C

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-064

Data Relative to Subject Property:

Date: March 19, 2018

Location address: 5117 W. Lovers Lane Zoning District: CR

Lot No.: 19 & 20 Block No.: A/5006 Acreage: 0.157 ac Census Tract: 73.02

Street Frontage (in Feet): 1) 49.95 ft 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): 5117 W LOVERS LANE LLC

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      
To the off-street parking regulations to maintain a vehicular gate for alley access for non-residential uses on an alley shared with residential uses.

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:  
DCAD shows the property was developed in 1949. The property has head-in parking along Lovers Lane and a rear parking lot that accesses an alley shared with residential uses. The property is approximately 50' x 137' and the building is the width of the lot, so there is no other way to access the rear parking area. The rear parking area is for employee parking.

**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 14th day of May, 2018  
VICKIE L RADER  
Notary ID # 126690222  
My Commission Expires October 13, 2020  
[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**

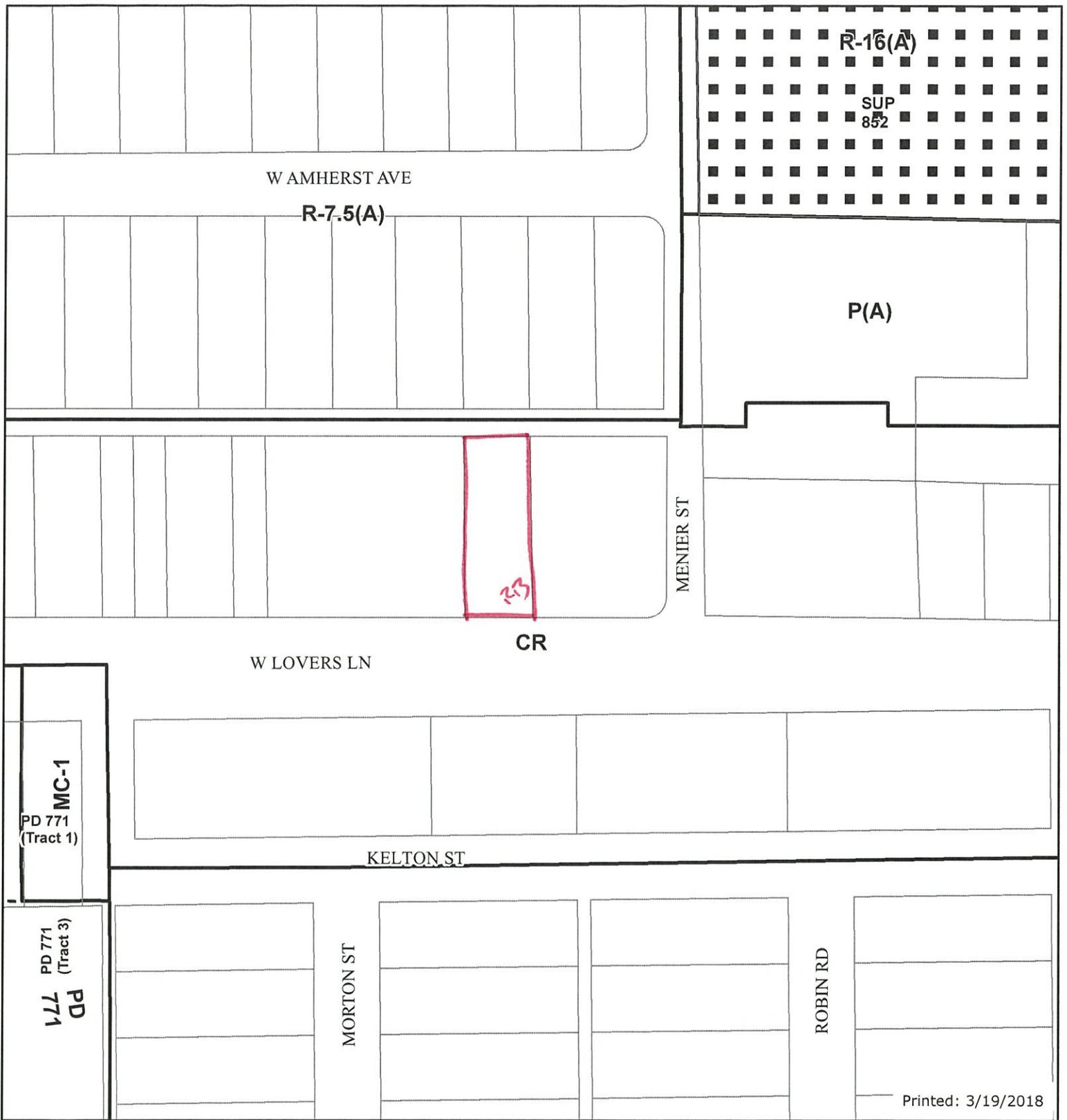
I hereby certify that Robert Baldwin

did submit a request for a variance to the off-street parking regulation  
at 5117 W. Lovers Lane

BDA178-064. Application of Robert Baldwin for a variance to the off-street parking regulation at 5117 W LOVERS LN. This property is more fully described as Lot 19&20, Block A/5006, and is zoned CR, which requires that the owner of off-street parking must provide screening to separate the parking area from a contiguous residential use or vacant lot if either is in an A, A(A), R, R(A), D, D(A), TH, TH(A), CH, MF, MF(A), MH, or MH(A) district and the parking area serves a nonresidential use. The applicant proposes to construct and maintain a nonresidential structure and not provide the required screening, which will require a variance to the off-street parking regulation.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official



Printed: 3/19/2018

### 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        | SPSP Overlay                   | MD Overlay            | Escarpment Overlay         |
| X Protected by Levee | Deed Restrictions              | Historic Subdistricts | Parking Management Overlay |
| Parks                | SUP                            | Historic Overlay      | Shop Front Overlay         |
|                      |                                | Height Map Overlay    |                            |

BDA1780064

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)

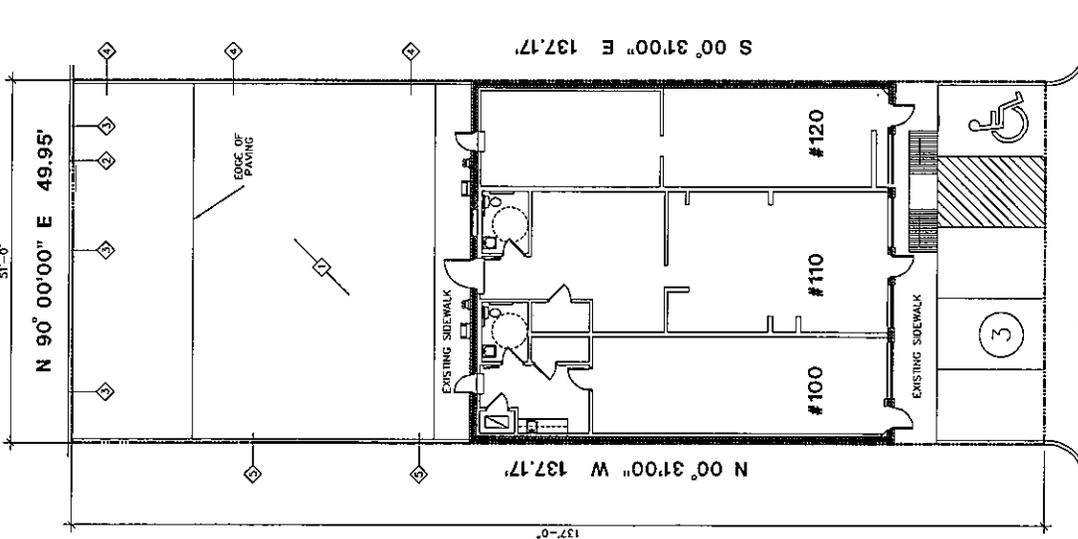






ALLEY  
51'-0"

N 90° 00'00" E 49.95'



**KEYED NOTES:** ( NUMBERS IN DIAMONDS )

1. EXISTING CONCRETE PAVING BEHIND BUILDING - AREA TO BE USED AS PARKING
2. EXISTING ROLLING GATE TO REMAIN
3. EXISTING 6' TALL WOOD SCREENING FENCE TO REMAIN
4. EXISTING 8' TALL WOOD SCREENING FENCE TO REMAIN
5. EXISTING 8'0" HIGH WOOD FENCE ON WEST SIDE OF PROPERTY - FENCE EXTENDS TO EXISTING MASONRY STRUCTURE ON SOUTH END OF THE ADJ PROPERTY

5117 W. LOVERS LANE  
DALLAS, TEXAS

**BUILDING SUMMARY**

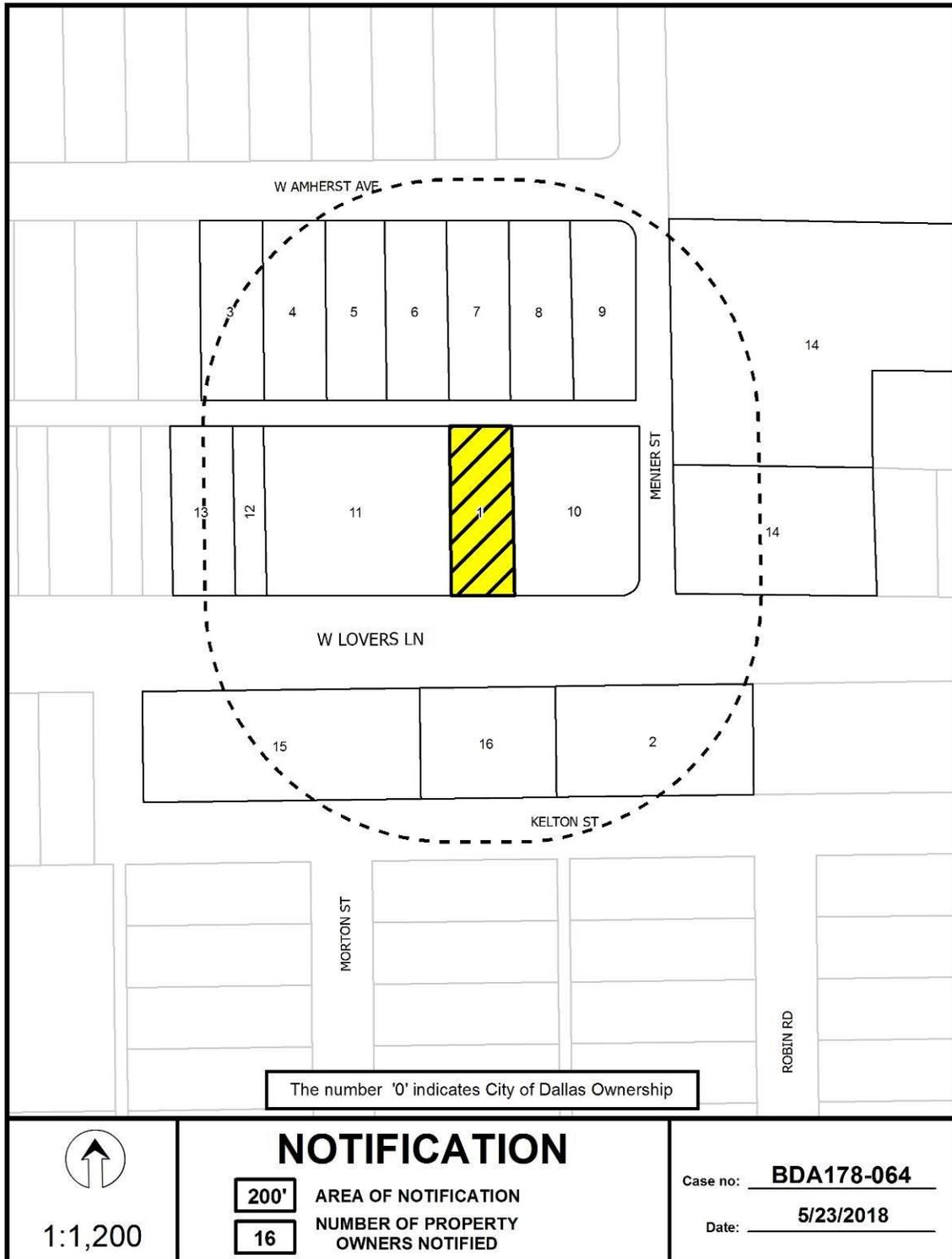
SUITE #100	956 SF
SUITE #110	1,184 SF
SUITE #120	920 SF
<b>TOTAL</b>	<b>3,060 SF</b>

**A SITE PLAN**  
SCALE : 1/8" = 1'0"

Date:	01/04/18	Sheet Number	S-1
Revised:	18-002	STONE	

2017, Dallas, Texas  
GTS PLANNERS  
10770 50th Street  
Dallas, Texas 75244  
www.gtsplanners.com

Revised:	04/10/17



## *Notification List of Property Owners*

***BDA178-064***

### *16 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5117 W LOVERS LN	REISBERG FAMILY ASSOC LTD
2	5118 W LOVERS LN	LEWIS PAUL D LTD PS
3	5100 W AMHERST AVE	GUGENHEIM NANCY GENE
4	5106 W AMHERST AVE	WHITEHEAD JOHN RANDALL &
5	5110 W AMHERST AVE	LOGAN PAMELA M
6	5114 W AMHERST AVE	ALEXANDER HUNT DISTINCT
7	5118 W AMHERST AVE	BRIGHIU PERRI S & EMANUEL
8	5122 W AMHERST AVE	FUNG ANDREW Y & DAISY C
9	5126 W AMHERST AVE	FIFE KATHARINE D & JOHN
10	5125 W LOVERS LN	SOUTHLAND CORP 12205
11	5111 W LOVERS LN	MATUS WITOLD &
12	5101 W LOVERS LN	CHANTILIS ANGELO S
13	5027 W LOVERS LN	JOE F G
14	5203 W LOVERS LN	PRESCOTT INTERESTS LTD
15	5060 W LOVERS LN	BRACKEN LINDA B FAMILY TRUST
16	5110 W LOVERS LN	LEWIS PAUL D LTD PS

**FILE NUMBER:** BDA178-072(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Christopher Johnson, represented by Michael R, Coker Company, for a variance to the front yard setback regulations, at 3407 McKinney Avenue. This property is more fully described as part of Lot 9, Block 9/972, and is zoned PD 193 (LC), which requires a front yard setback of 10 feet. The applicant proposes to construct/maintain a structure and provide a 0 foot front yard setback, which will require a 10 foot variance to the front yard setback regulations

**LOCATION:** 3407 McKinney Avenue

**APPLICANT:** Christopher Johnson  
Represented by Michael R, Coker Company

**REQUEST:**

A request for a variance to the front yard setback regulations of 10' is made to maintain a "brick deck 10" above grade" and "partially covered wood deck 31" above grade" "structures" that are located on the site's front property line or 10' into the site's 10' front yard setback on a site developed with a restaurant/bar use (Eastwood's Bar).

**STANDARD FOR A VARIANCE:**

Section 51(A)-3.102(d)(10) of the Dallas Development Code specifies that the board has the power to grant variances from the front yard, side yard, rear yard, lot width, lot depth, lot coverage, floor area for structures accessory to single family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

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

**STAFF RECOMMENDATION:**

Denial

Rationale:

- While staff recognized that the site was slightly irregular in shape, staff concluded that the applicant had not substantiated how this feature of the flat, approximately 8,200 square foot site precludes it from being developed in a manner commensurate with the development upon other parcels of land with the same PD 193 (LC Subdistrict), nor how the size, shape or slope of the site precludes it from being developed with a structure/use that could meet the front yard setback regulations – the site is developed with a structure that in part complies with the front yard setback regulations with the variance in this case requested only to maintain added deck structures in this setback.
- Staff concluded that the applicant had not substantiated how if the Board were to grant this request, it would not be to relieve a self-created or personal hardship, nor for financial reasons only.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: PD 193 (GR) (Planned Development, General Retail)  
North: PD 193 (GR) (Planned Development, General Retail)  
South: PD 193 (GR) (Planned Development, General Retail)  
East: PD 193 (GR) (Planned Development, General Retail)  
West: PD 193 (PDS 13) (Planned Development, Planned Development)

**Land Use:**

The subject site is developed with a restaurant/bar use (Eastwood’s Bar). The areas to the north, east, and south are developed with retail uses, and the area to the west is developed with multifamily use.

## **Zoning/BDA History:**

1. BDA101-064, Property at 3403 McKinney Avenue (the lot south of the subject site)

On October 17, 2011, the Board of Adjustment Panel C denied requests for a variance to the front yard setback regulations and special exception to the visual obstruction regulations without prejudice.

The case report stated that the requests were made to maintain an existing structure in the front yard setback, and to maintain a structure in the 20' visibility triangle at the drive approach on the north side of the site developed with a restaurant structure/use (The Patio Grill).

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

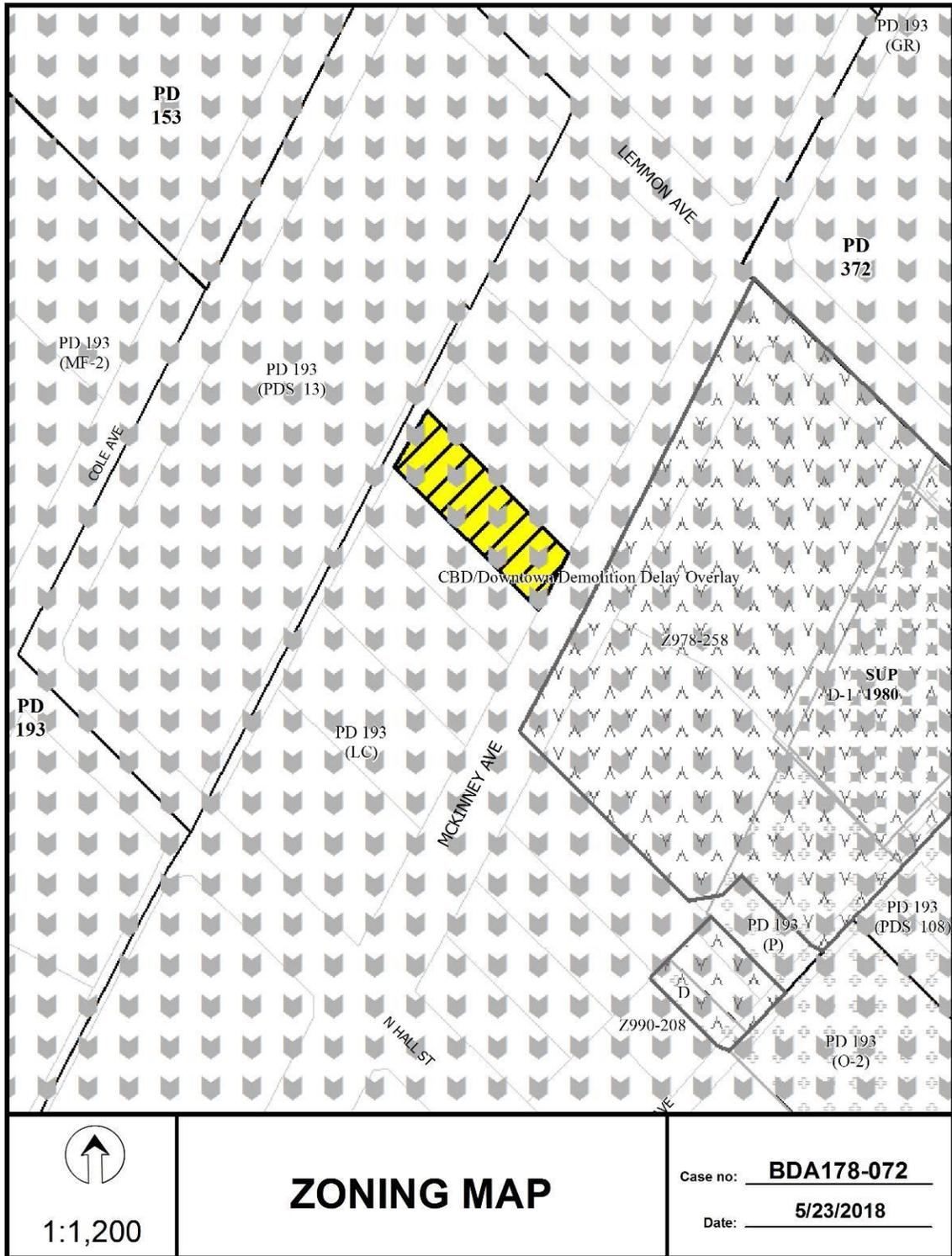
- The request for variance to the front yard setback regulations focuses on maintaining what is represented on the submitted site plan, a “brick deck 10” above grade” and “partially covered wood deck 31” above grade” “structures” that are located on the site’s front property line or 10’ into the site’s 10’ front yard setback on a site developed with a restaurant/bar use (Eastwood’s Bar).
- The site is zoned PD 193 (LC Subdistrict) which requires a minimum front yard setback of 10’.
- According to DCAD records, the “improvements” at 3407 McKinney Avenue is a “restaurant” with 1,966 square feet built in 1964.
- The subject site is flat, slightly irregular in shape, and according to the submitted application is 0.176 acres (or approximately 8,200 square feet) in area. The site is zoned PD 193 (LC Subdistrict).
- The applicant has the burden of proof in establishing the following:
  - That granting the variance 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 IM (Industrial/manufacturing) zoning classification.
  - If the Board were to grant the variance, it would not be to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same PD 193 (LC) zoning classification.

- If the Board were to grant this request, and impose the submitted site plan as a condition, the structures in the front yard setback would be limited to what is shown on this document.
- Granting this variance to the front yard setback regulations would not provide any relief to any existing or proposed noncompliance on the site related to landscape and/or visual obstruction regulations.

**Timeline:**

- April 17, 2108: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- May 15, 2018: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- May 15, 2018: The Board Administrator emailed the applicant’s representative 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 May 30<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the June 8<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”
- May 31, 2018: The Building Inspection Senior Plans Examiner/Development Code Specialist forwarded a revised Building Official’s report to the Board Administrator (see Attachment A).
- June 5, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the June public hearings. Review team members in attendance included: the Sustainable Development and Construction Director the Sustainable Development and Construction Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Sustainable Development and Construction Department Authorized Hearing/Code Amendment Senior Planner, and the Assistant City Attorney to the Board.

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





1:1,200

# AERIAL MAP

Case no: BDA178-072

Date: 5/23/2018

BDA178-072  
Attachment A

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 Christopher Johnson  
represented by Michael R Coker  
did submit a request for a variance to the front yard setback regulations  
at 3407 McKinney Avenue

BDA178-072. Application of Christopher Johnson represented by Michael R Coker for a variance to the front yard setback regulations, at 3407 MCKINNEY AVE. This property is more fully described as Lot NE 1/2 of Lot 9, Block 9/972, and is zoned PD-193 (LC), which requires a front yard setback of 10 feet. The applicant proposes to construct construct/maintain a non-residential structure and provide a 0 foot front yard setback, which will require a 10 foot variance to the front yard setback regulations.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-072

Date: 4-17-18

Data Relative to Subject Property:

Location address: 3407 McKinney Avenue Zoning District: PD 193 (LC)

Lot No.: NE 1/2 Lot 9 Block No.: 9/972 Acreage: 0.176 Census Tract: 0018.00

Street Frontage (in Feet): 1) 48.13' 2) 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): PDC Interests, LLC

Applicant: Christopher Johnson Telephone: 913-940-3359

Mailing Address: 2654 Colby Street, Apt. 3311, Dallas Zip Code: 75204

E-mail Address: chris.johnson8952@yahoo.com

Represented by: Michael R. Coker Company Telephone: 214-821-6105

Mailing Address: 3111 Canton Street, Ste. 140 Zip Code: 75226

E-mail Address: mrcoker@cokercompany.com

Affirm that an appeal has been made for a Variance X, or Special Exception X, of front and side setback regulations to allow for existing structures such as decks, railings, steps, fencing, ramps, portions of the main structure, and retaining walls to be located in the required front and side yards. fence in front yard 6'

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:

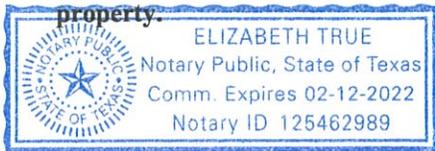
The decks, railings, steps, fencing and retaining walls are commensurate with other decks, railings steps, fencing and retaining walls adjacent to the site and throughout the surrounding neighborhood.

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

Affidavit

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

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



Respectfully submitted: (Affiant/Applicant's signature)

Subscribed and sworn to before me this 16th day of February, 2018

(Notary Public 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

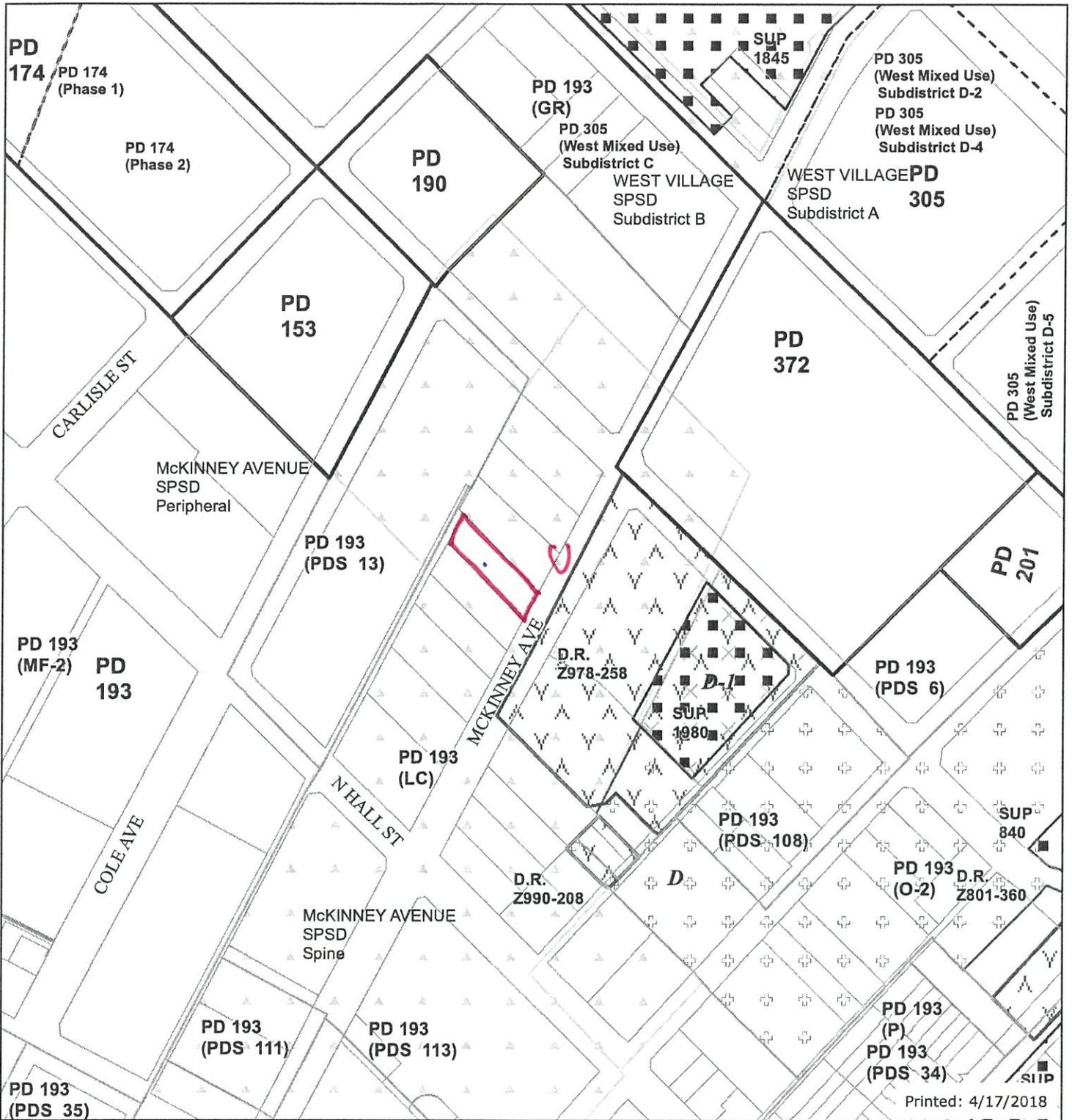
**Building Official's Report**

I hereby certify that Christopher Johnson  
represented by Michael R Coker  
did submit a request for a special exception to the fence height regulations, and for a variance to the front yard setback regulations, and for a variance to the side yard setback regulations, and for a variance to the side yard setback regulations  
at 3407 McKinney Avenue

BDA178-072. Application of Christopher Johnson represented by Michael R Coker for a special exception to the fence height regulations, and for a variance to the front yard setback regulations, and for a variance to the side yard setback regulations, and for a variance to the side yard setback regulations at 3407 MCKINNEY AVE. This property is more fully described as Lot NE 1/2 of Lot 9, Block 9/972, and is zoned PD-193 (LC), which limits the height of a fence in the front yard to 4 feet and requires a front yard setback of 1 feet and requires side yard setback of 10 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 regulations, and to construct a non-residential structure and provide a 0 foot front yard setback, which will require a 10 foot variance to the front yard setback regulations, and to construct a non-residential structure and provide a 0 foot side yard setback, which will require a 10 foot variance to the side yard setback regulations, and to construct a non-residential structure and provide a 0 foot side yard setback, which will require a 10 foot variance to the side yard setback regulations.

Sincerely,

  
Philip Sikes, Building Official

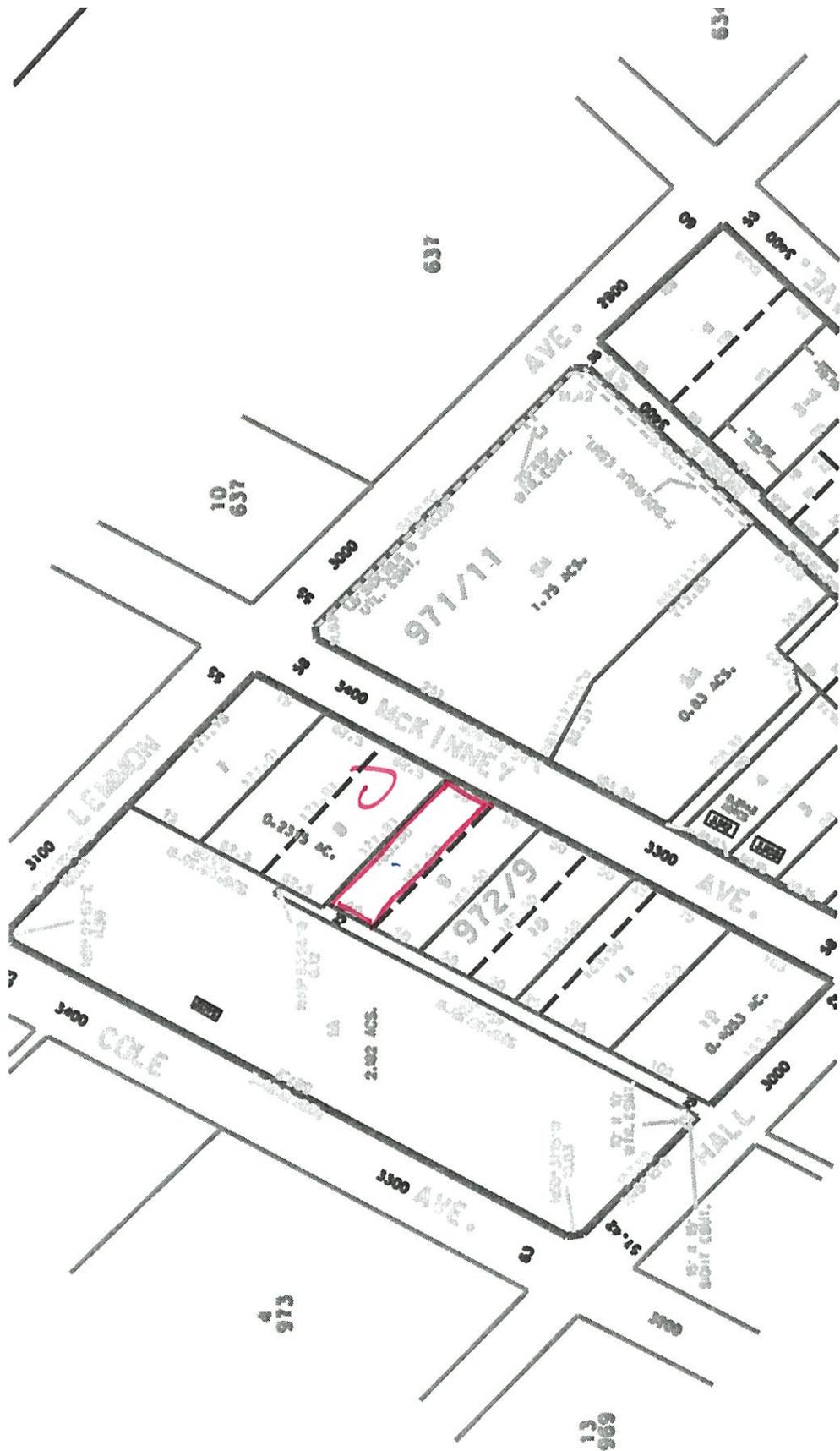


**Legend**

- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| 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                | SUP                            | Historic Overlay      | Shop Front Overlay         |
|                      |                                | Height Map Overlay    |                            |

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Michael R. Coker Company

10000 North Central Expressway  
Suite 1000  
Dallas, Texas 75243

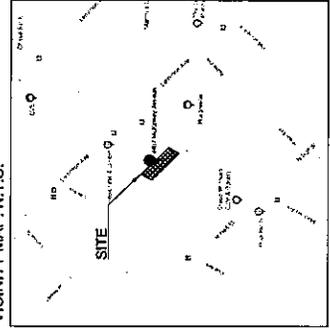
# EASTWOOD'S BAR

3407 MCKINNEY AVENUE  
DALLAS, TEXAS 75204

Issue/Revisions  
No. Date Description  
1 01/20/18  
2 02/20/18  
3 03/20/18

GENERAL NOTES:  
OWNER: RDC Interests, LLC  
675 Spring Drive, Suite 580  
Houston, Texas 77061  
SITE: 3407 McKinney Avenue  
Dallas, Texas 75204  
Zoning: PDD 193 (LC)

VICINITY MAP: N.T.S.



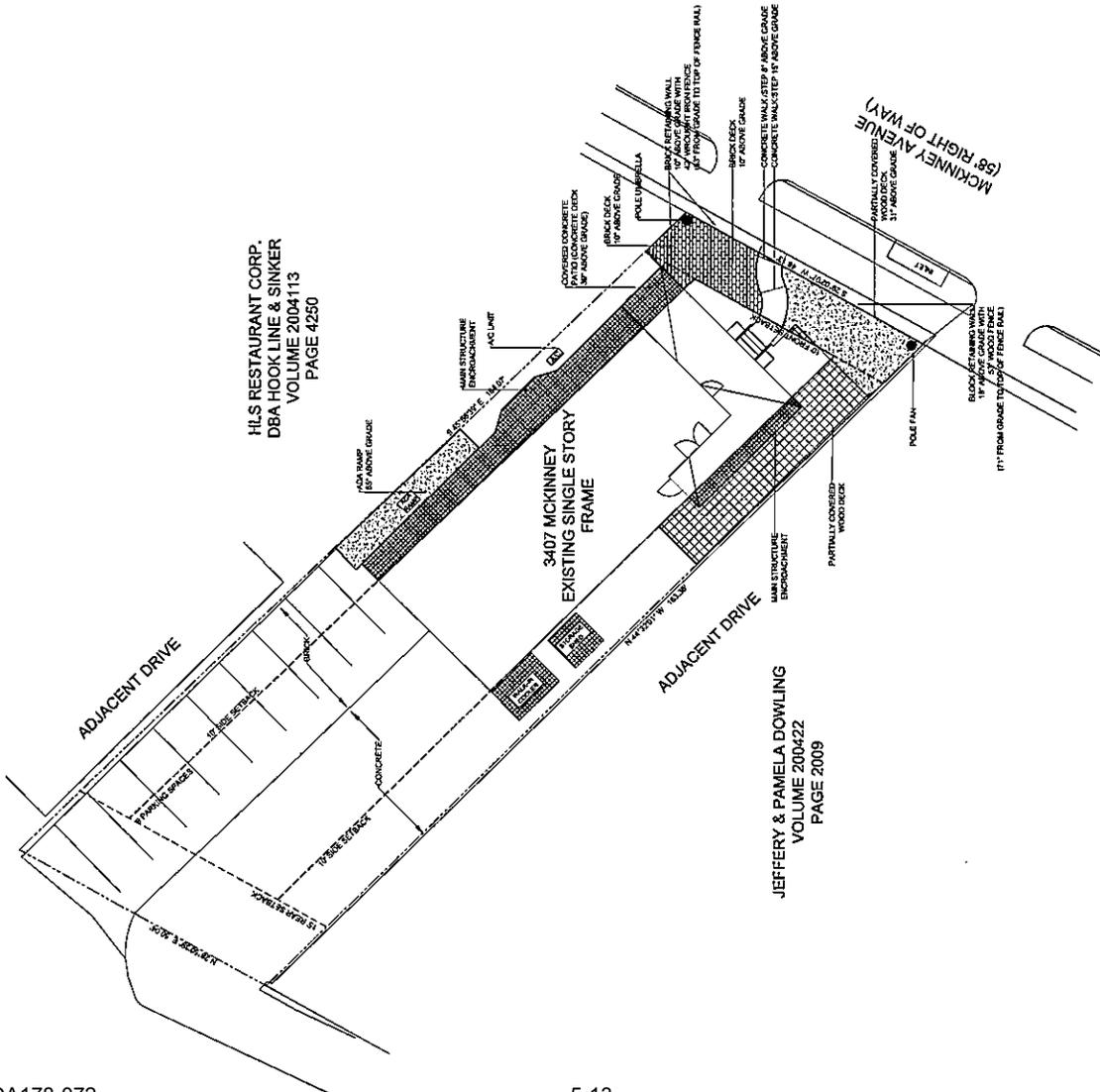
Drawing Title

## SITE PLAN

Issue Date: 03/20/18  
Owner Co Project: 21718  
Reviewed By: MRC  
Drawn By: eca  
Drawing Number

# Z-1

Filename: JOHNKONKORNEY  
Date: 03/20/18  
Time: 10:00 AM  
User: johnkonkorney



HLS RESTAURANT CORP.  
DBA HOOK LINE & SINKER  
VOLUME 2004113  
PAGE 4250

3407 MCKINNEY  
EXISTING SINGLE STORY  
FRAME

JEFFERY & PAMELA DOWLING  
VOLUME 200422  
PAGE 2009



A SITE PLAN  
SCALE: 1" = 10'-0"



P SHADE DESIGN, LLC  
 3628 McKinney Ave. #185202  
 Dallas, TX 75204  
 P: 214.443.7890

FOR REVIEW ONLY  
 NOT FOR  
 CONSTRUCTION.

THE DRAWINGS AND INFORMATION  
 HEREON ARE THE PROPERTY OF P SHADE  
 DESIGN, LLC. NO PART OF THIS  
 DRAWING IS TO BE REPRODUCED,  
 COPIED, OR TRANSMITTED IN ANY  
 FORM OR BY ANY MEANS, WITHOUT  
 THE WRITTEN CONSENT OF THE DESIGNER.

# TENANT IMPROVEMENTS

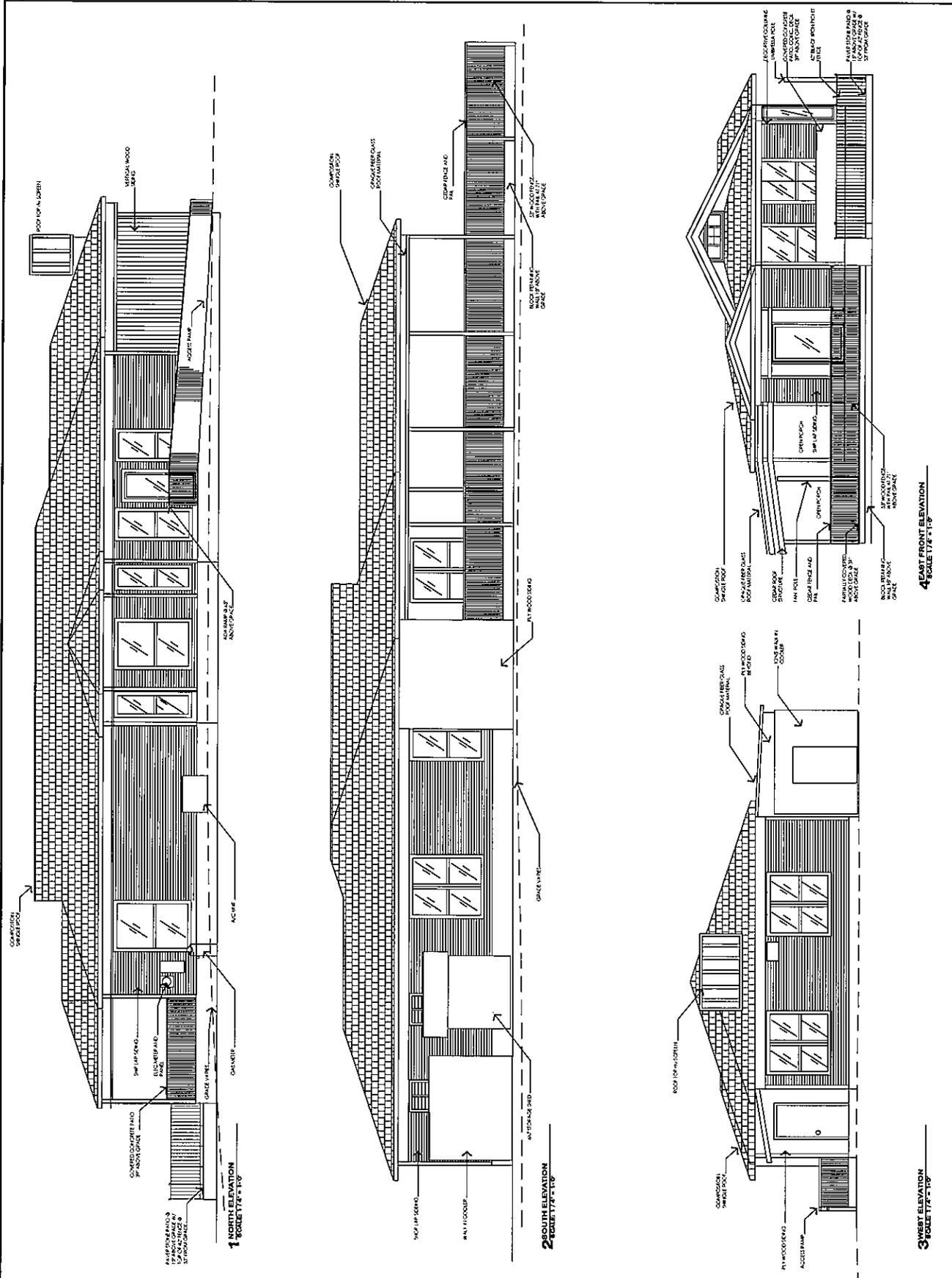
## EASTWOOD BAR AND GRILL

3407 MC KENNEY AVE  
 DALLAS, TX

DATE: 4-09-2018

REVISIONS

EXISTING  
 ELEVATIONS  
 A1.0







 1:1,200	<b>NOTIFICATION</b>		Case no: <b>BDA178-072</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;">10</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: <b>5/23/2018</b>

## *Notification List of Property Owners*

***BDA178-072***

### ***10 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	3403 MCKINNEY AVE	DOWLING PAMELA G &
2	3308 MCKINNEY AVE	PORTOLANI FAMILY LP
3	3312 MCKINNEY AVE	HUGHES HULL HOLDINGS LLC
4	3103 LEMMON AVE	MICHAEL CARMEN M &
5	3413 MCKINNEY AVE	HLS RESTAURANT CORP
6	3407 MCKINNEY AVE	PDC INTERESTS LLC
7	3309 MCKINNEY AVE	RACHOFSKY M J TRUST ETAL
8	3324 MCKINNEY AVE	JIK FIELDS EXCHANGE LLC &
9	3418 MCKINNEY AVE	WALGREEN CO
10	3402 COLE AVE	POST APARTMENT HOMES LP

**FILE NUMBER:** BDA178-094(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Phillip Thompson, represented by Rob Baldwin of Baldwin and Associates, for a variance to the height regulations at 5230 Alcott Street. This property is more fully described as Lot 15, Block C/1997, and is zoned MF-2(A), which limits the maximum building height to 26 feet due to the residential proximity slope. The applicant proposes to construct/maintain a structure with a building height of 36 feet, which will require a 10 foot variance to the height regulations.

**LOCATION:** 5230 Alcott Street

**APPLICANT:** Phillip Thompson  
Represented by Rob Baldwin of Baldwin and Associates

**REQUEST:**

A request for a variance to the height regulations (specifically to the residential proximity slope) of up to 10' is made to complete and maintain a 2 - 3 story duplex structure to a height of 36' - a height that exceeds the maximum 26' in height permitted by the residential proximity slope that begins at the single family residentially-zoned property from the south and west zoned R-5(A) by up to 10'.

**STANDARD FOR A VARIANCE:**

Section 51(A)-3.102(d)(10) of the Dallas Development Code specifies that the board has the power to grant variances from the front yard, side yard, rear yard, lot width, lot depth, lot coverage, floor area for structures accessory to single family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

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

## **STAFF RECOMMENDATION:**

Approval, subject to the following conditions:

- Compliance with the submitted site plan and sections/elevations are required.

Rationale:

- Staff concluded that the lot's irregular shape and restrictive area caused by: 1) a relatively small property zoned MF-2(A) of approximately 6,000 square feet (the lot appears smaller than any other lot zoned MF-2(A) within 300'), and 2) a 28' required front yard setback (a setback 8' more restrictive than lots zoned R-5(A) where the typical minimum front yard setback without the NSO is 20' and 13' more restrictive than lots zoned MF-2(A) where the minimum front yard setback would be 15' if the block were not divided by two zoning districts, one of which is in an NSO) preclude it from being developed in a manner commensurate with the development upon other parcels of land on similarly-zoned MF-2(A) that are regular in shape, and more typical/larger in size, and with the typical 15' front yard setback.

## **BACKGROUND INFORMATION:**

### **Zoning:**

<u>Site:</u>	MF-2(A) (Multifamily district)
<u>North:</u>	PD 462 (Planned Development)
<u>South:</u>	MF-2(A) & R-5(A)(NSO 6)(Multifamily and single family districts)(Neighborhood Stabilization Overlay)
<u>East:</u>	MF-2(A) (Multifamily district)
<u>West:</u>	PD 325 & R-5(A)(NSO 6) (Planned Development and single family districts) Neighborhood Stabilization Overlay)

### **Land Use:**

The subject site is being developed with a duplex structure. The area to the north is developed with retail uses; and the areas to the east, south, and west are developed with residential uses.

## **Zoning/BDA History:**

1. BDA178-080, Property at 5230 Alcott Street (the subject site)

On May 21, 2018, the Board of Adjustment Panel C denied a request for variance to the height regulations of 10' without prejudice.

The case report stated that the request was made to complete and maintain a 2 - 3 story duplex structure to a height of 36' - a height that exceeds the maximum 26' in height permitted by the residential proximity slope that begins at the single family residentially-zoned property from the south and west zoned R-5(A) by up to 10'.

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

- The request for a variance to the height regulations (specifically to the residential proximity slope) of up to 10' focuses on completing and maintaining a 2- 3 story duplex structure to a height of 36' - a height that exceeds the maximum 26' in height permitted by the residential proximity slope that begins at the single family residentially-zoned property south and west zoned R-5(A) by up to 10'.
- The subject site is located within a block that is divided by two or more zoning districts. The 5200 block of Alcott Street between N. Garrett Avenue and Henderson Avenue includes properties zoned MF-2(A) and properties zoned R-5(A)(NSO 6).
- The Dallas Development Code states under "General Provisions" of "Minimum front yard" that "If street frontage within a block is divided by two or more zoning districts, the front yard for the entire block must comply with the requirements of the district with the greatest front yard requirement".
- The subject site is zoned MF-2(A) where the minimum front yard setback is 15'.
- Other properties within the 5200 block of Alcott Street between Garrett Avenue and Henderson Avenue are zoned R-5(A)(NSO 6). The front yard setback for these properties in this zoning district within this block is 28', 8' more restrictive than other properties zoned R-5(A) without the NSO where the typical minimum front yard setback is 20'.
- The required front yard setback for the subject site is 28' given its location in this block divided by two or more zoning districts. This setback is 8' more restrictive than lots zoned R-5(A) where the typical minimum front yard setback without the NSO is 20'. The 28' setback is also 13' more restrictive than lots zoned MF-2(A) where the minimum front yard setback would be 15' if the block were not divided by two zoning districts, one of which is in an NSO.
- The maximum height for a structure in a MF-2(A) zoning district is 36', however, any portion of a structure over 26' in height cannot be located above a residential proximity slope.

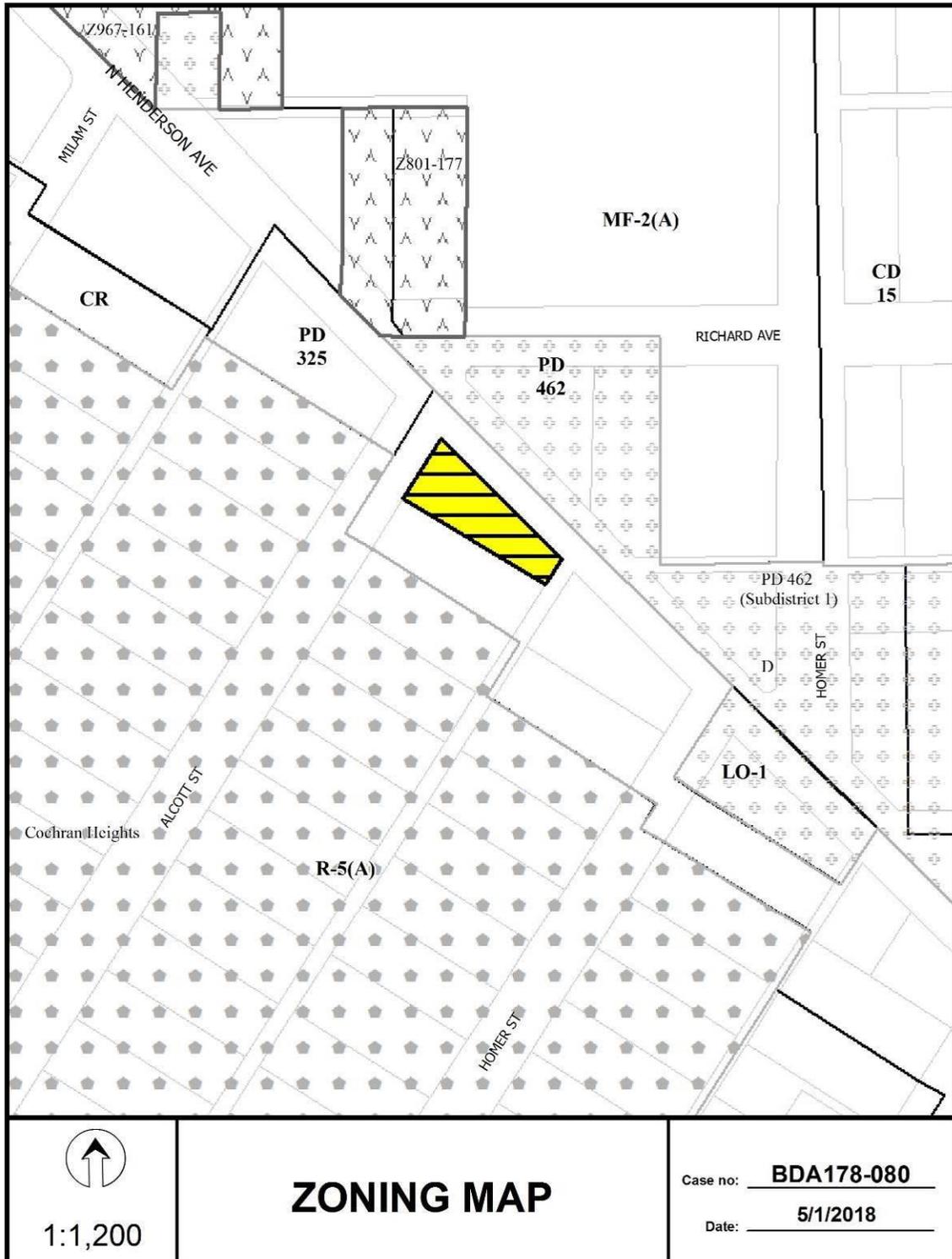
- In this case, given that the subject site is immediately adjacent to single family residentially-zoned property to the north, south, and west, the height of a structure must comply with a 1:3-slope (or 1 foot in height for every 3 feet away from property in an R, R(A), D, D(A), TH, TH(A) residential zoning district).
- The applicant submitted two section/elevation documents that represent a 1:3-slope (or 1 foot in height for every 3 foot away from property in an R(A) residential zoning district on the structure seeking variance (see Attachment B)). These documents represent a variance need of 9' 6".
- The Building Official's Report states that a variance to the height regulations of 10' is requested since a structure is proposed to reach 36 in height or 10' higher/beyond than the 26' height allowed for the structure as it is located on this subject site.
- According to DCAD records, the "main improvement" at 5230 Alcott Street is a structure built in 2017 with 4,500 square feet of living/total area; and with "additional improvements" listed as two attached garages at 552 and 528 square feet.
- The site is flat, somewhat irregular in shape, and according to the application is 0.137 acres (or approximately 6,000 square feet) in area.
- The subject site is approximately 139' in length on the north, approximately 135' in length on the south, approximately 30' in width on the east, and approximately 60' in width on the west.
- The relatively small MF-2(A) zoned subject site at approximately 6,000 square feet in area has a lesser amount of developable space when a 28' front yard setback must be accounted for on this site as opposed to a more typical 15' front yard setback. The site has a 13' greater front yard setback than most lots in the same zoning in a block not divided by two zoning districts one of which is a single family zoning district with an additional setback set forth in an NSO.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the height regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance to height regulations is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same MF-2(A) zoning classification.
  - The variance to height setback regulations would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same MF-2(A) zoning classification.
- If the Board were to grant the request, and impose the submitted site plans and elevations as a condition, the structure the exceeding the height limit or the RPS would be limited to what is shown on these documents – which, in this case, is a structure that would be exceed the height limit/RPS by up to 10'.

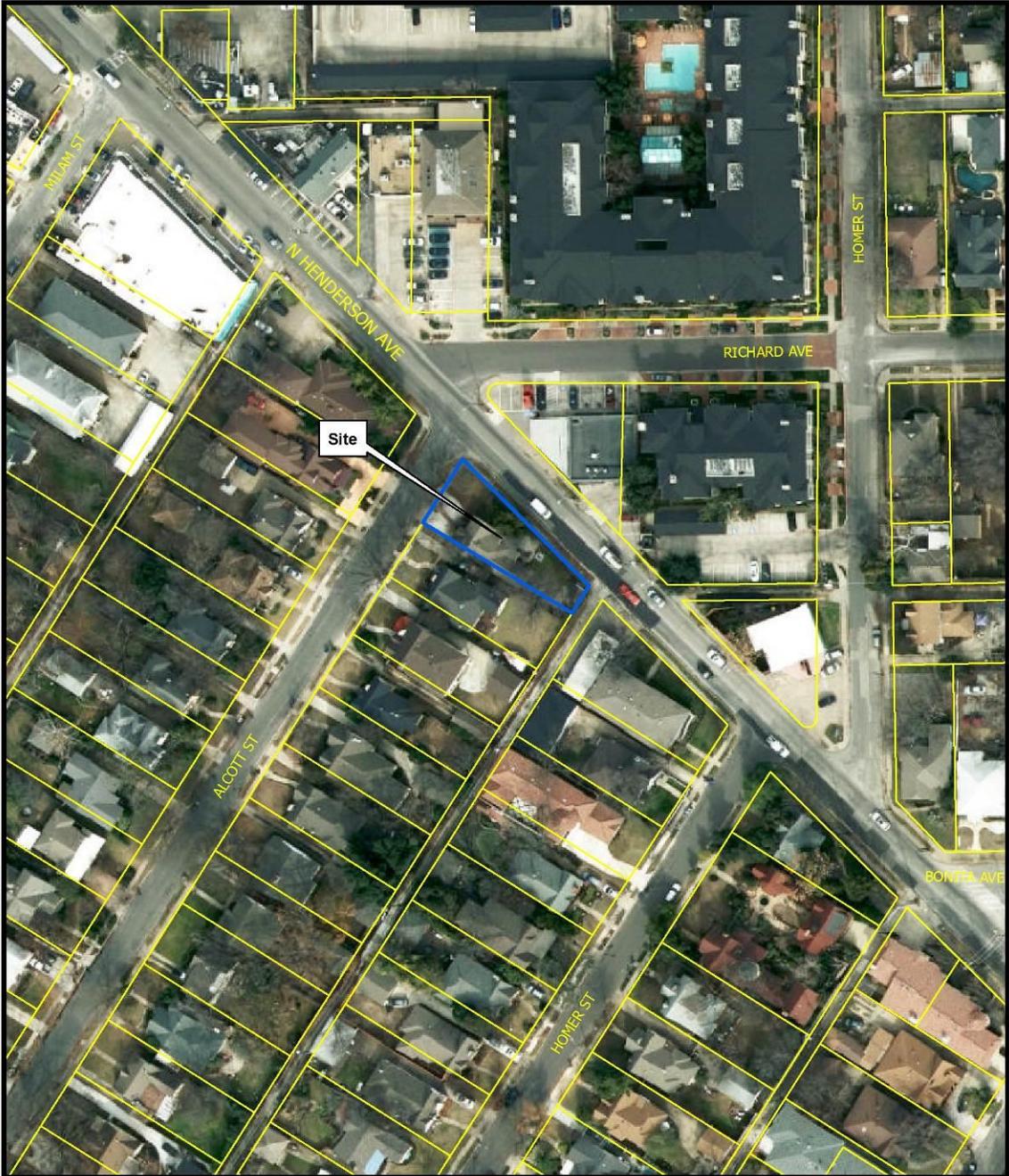
**Timeline:**

- May 27, 2018: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- May 30, 2018: 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”.
- May 30, 2018: The Board Administrator emailed the applicant’s representative 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 May 30<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the June 8<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”
- May 31, 2018 The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).
- June 5, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the June public hearings. Review team members in attendance included: the Sustainable Development and Construction Director the Sustainable Development and Construction Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Sustainable Development and Construction Department Authorized Hearing/Code Amendment Senior Planner, and the Assistant City Attorney to the Board.
- No review comment sheets were submitted in conjunction with this application.

June 8, 2018

The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment B).





1:1,200

# AERIAL MAP

Case no: BDA178-094

Date: 6/1/2018

Board of Adjustment  
City of Dallas, Texas

Monday  
June 18, 2018

FILE NO. BDA178-094(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Phillip D. Thompson for a variance to the height regulations at 5230 Alcott Street. This property is more fully described as Lot 15, Block C/1997, and is zoned MF-2 (A), with a maximum building height of 36 feet but limits the maximum building height to 26 feet due to a residential proximity slope. The applicant proposes to construct and/or maintain a structure with a building height of 36 feet, which will require a 10 foot variance to the height regulations.

**LOCATION:** 5230 Alcott Street

**APPLICANT:** Phillip D. Thompson

**REQUEST:** Applicant requests a variance to the height regulation of 26 feet, specific to the Residential Proximity Slope (RPS), of up to 10 feet be allowed to complete the existing construction the 3-story duplex structure to a total height of 36 feet.

**STANDARD FOR A VARIANCE:** Section 51(A)-3.102(d)(10) of the Dallas Development Code specifies that the board has the power to grant variances from the front yard, side yard, rear yard, lot width, lot depth, lot coverage, floor area for structures accessory to single family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that 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;

1. Prior to construction of the structure, the applicant submitted all plans to the City of Dallas Planning and Zoning department and received approval, with the 36 foot height as part of the plans. The applicant relied on the diligence and knowledge of the building code from the staff of the Planning and Zoning department to correct or not approve any discrepancies regarding the compliance of all building codes.

2. During the first week of January, 2018, during the framing of the structure, Code Enforcement field inspector, Jennifer Allgaier, cited that the structure was out of compliance regarding the 36 foot height maximum. She was measuring the top of the parapet wall instead of the top of the roof. She issued a red tag that halted construction until the applicant made an adjustment and amendment to the building

plans parapet wall height that then created a space issue for the HVAC placement. This resulted in an additional \$7,500 fees for having the plans redrawn, the relocation of the HVAC units and having to upgrade to smaller condenser units in order to comply with the property line set backs for the units. These amended plans with a total structure height of 35 feet from finished floor were approved by the Planning and Zoning department on January 23, 2018.

Per Dallas City Code Sec. 51A-4.408 MAXIMUM BUILDING HEIGHT:

(a) Special height provisions.

(2) In a district in which a building height is limited to 36 ft or less, the following structures may project a maximum of 12 ft above the maximum structure height specified in the district regulations (Divisions 51A-40100 et seq.):

(xi) Parapet wall, limited to a height of four feet.

The applicant attests that the Code Enforcement Field Inspector failed to comply with the Dallas City Code as well as did not find the height of the structure to be out of compliance in regards to the Residential Proximity Slope at that time resulting in continued building construction that could have been adjusted early on.

3. It was not until the structure was 90% complete that Code Enforcement questioned the building height as being out of compliance with the Residential Proximity Slope and then issued a stop work order citation that halted construction on April 13, 2018, more than 90 days after the stop work order in January of 2018. The applicant attests that if Code Compliance and the Planning and Zoning department had themselves known the City of Dallas code, and found the structure to be out of compliance in regards to the Residential Slope Proximity in January of 2018 or at the original submission of the building plans, he could have at that time, made amendments and adjustments to the building plans and would not have continued to build with the existing plans, as during the framing stage of construction it would have been much easier and cost effective to make adjustments to the building plans at that time, rather than at 90% completion. As a result, hundreds of thousands of dollars in construction and material costs have occurred at the applicant's expense. If the variance isn't granted, additional costs of reconfiguration of the building plans, re-

construction materials and labor as well as the loss of the existing contract to purchase in excess of \$500,000 could occur. All of which could have been avoided prior to initial construction.

4. The applicant attests that a contract for purchase was executed on 11/22/2017 with Robert and Justin Martinez-Harrison for unit #1 of the said property. The home buyers and the applicant have worked closely on building this home for over six months, during which time they sold their existing home to finance the new purchase and have uprooted their family to live in temporary housing until the completion of their new home. See attached letter.

(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;

1. The site is MF-2 zoned and irregular shaped lot that is approximately 5,503 sq ft in area with the back lot width of only 25 feet, that is accessible by a narrow alleyway. The neighboring MF-2 lots at 5226 Alcott St. and 2727 N. Henderson Ave are larger (6,652 & 7,494 sq ft) and have rear widths of 51 and 42 ft. Both the size and shape of the site lot create a restrictive area that limits both construction of the allowed MF-2 duplex, as well as ease of access.

2. The building restrictions include a 30 foot setback build line in the front of the property (Alcott St.) and a 20 foot setback build line in the rear of property (Alley entry). With the significantly small lot size, being zoned MF-2, therefore utilizing the entirety of the allowed building area on the site lot creates a space challenge. Adding a third floor to the building plans was and is the best possible way to offer efficient & appealing housing in the compact space.

4. The property is a residential property located on a commercial corridor, which is not normal along Henderson Avenue. We have increased our front yard setback and are 80-feet from the property to the North and at least 50 feet from our neighbor to the West.

Board of Adjustment  
City of Dallas, Texas

Monday  
June 18, 2018

5. We have the smallest residential lot in the area and it is a restricted shape and size.

(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.

1. The applicant attests that the duplex construction and subsequent approved building plans were never presented without regard to the existing zoning and the City of Dallas building codes. Prior to ever presenting any plans, the applicant, his representing Broker, Elaine Harper, and his Architect, Austin Fleming, all inquired with the City of Dallas Planning and Zoning on numerous occasions to verify the codes and interpretations of said codes. The applicant depended on the reliability of the Planning and Zoning department to give accurate code information, as well to make sure the submitted plans were in compliance with all construction and building guidelines issued by the City of Dallas.

2. No special variance or privileges were requested or expected at anytime during the process of approval. Based on the occurrence of events, mishaps and missed opportunities to resolve this issue prior to construction of the structure by the Planning and Zoning approval process, we are not seeking a privilege to develop this parcel of land. A privilege would have occurred if when we had sought to build the structure and were asking for a variance prior to construction.

3. This is not a self-created hardship as the city approved our plans twice.

#### CONSIDERATION:

The applicant attests that the Cochran Heights Neighborhood Association held a meeting on March 28, 2018 and invited Jose Ruiz to discuss code compliance, specifically the construction of 5230 Alcott Street. The applicant was not invited, or alerted of the meeting, or given an opportunity to discuss the matter with the neighbors. It has been stated in the letters of opposition that the applicant/builder ignored zoning and building codes, that the construction of 5230 Alcott St. is "shoddy." The applicant contends that quality of workmanship and expertise of

Board of Adjustment  
City of Dallas, Texas

Monday  
June 18, 2018

construction has been his focus throughout the build, that the integrity in the design consideration, and an open line of communication with neighbors has been held in the utmost regard.

The applicant asks for sincere consideration in issuing a variance based on Section 51(A)-3.102(d)(10) of the Dallas Development Code Standards for a Variance based on the points made in regards to A) enforcement would result in an unnecessary hardship B) that the specific parcel of land differs from other parcels of lands by being of such a restrictive area, shape or slope and C) the hardship was not self-created.

**NEW ARCHITECTURAL REQUIREMENTS**  
All structures that are subject to the City of Dallas Building Ordinance, Chapter 52A, shall comply with the following requirements:  
1. The structure shall be designed and constructed to resist the effects of wind, seismicity, and other natural forces in accordance with the applicable provisions of the International Building Code, as amended, and the International Residential Code, as amended.  
2. The structure shall be designed and constructed to resist the effects of wind, seismicity, and other natural forces in accordance with the applicable provisions of the International Building Code, as amended, and the International Residential Code, as amended.  
3. The structure shall be designed and constructed to resist the effects of wind, seismicity, and other natural forces in accordance with the applicable provisions of the International Building Code, as amended, and the International Residential Code, as amended.  
4. The structure shall be designed and constructed to resist the effects of wind, seismicity, and other natural forces in accordance with the applicable provisions of the International Building Code, as amended, and the International Residential Code, as amended.  
5. The structure shall be designed and constructed to resist the effects of wind, seismicity, and other natural forces in accordance with the applicable provisions of the International Building Code, as amended, and the International Residential Code, as amended.  
6. The structure shall be designed and constructed to resist the effects of wind, seismicity, and other natural forces in accordance with the applicable provisions of the International Building Code, as amended, and the International Residential Code, as amended.  
7. The structure shall be designed and constructed to resist the effects of wind, seismicity, and other natural forces in accordance with the applicable provisions of the International Building Code, as amended, and the International Residential Code, as amended.  
8. The structure shall be designed and constructed to resist the effects of wind, seismicity, and other natural forces in accordance with the applicable provisions of the International Building Code, as amended, and the International Residential Code, as amended.  
9. The structure shall be designed and constructed to resist the effects of wind, seismicity, and other natural forces in accordance with the applicable provisions of the International Building Code, as amended, and the International Residential Code, as amended.  
10. The structure shall be designed and constructed to resist the effects of wind, seismicity, and other natural forces in accordance with the applicable provisions of the International Building Code, as amended, and the International Residential Code, as amended.



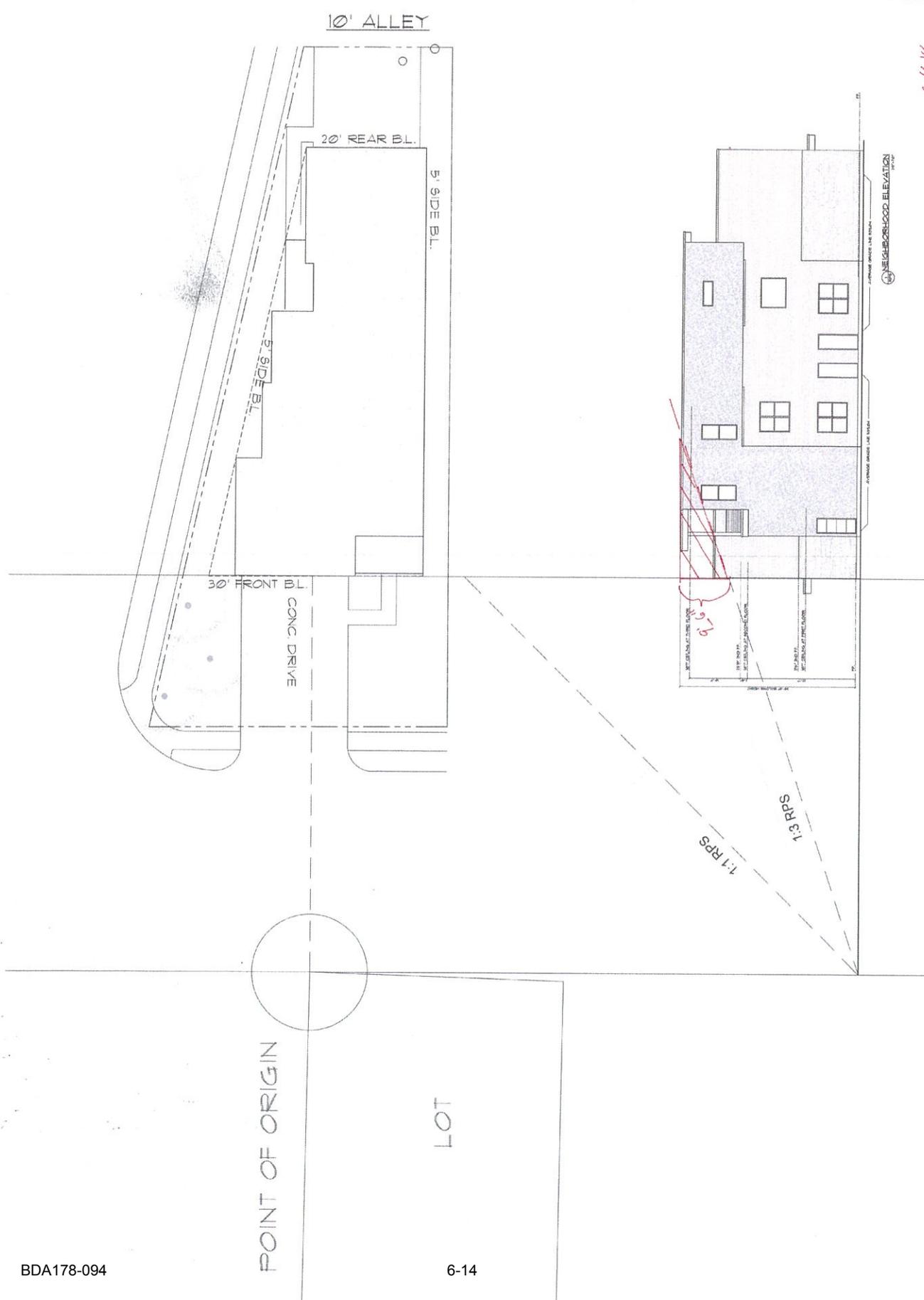
**yoohostudio**

DALLAS, TEXAS  
2793 N. HENDERSON  
LOT B, BLOCK C  
HOUSING  
DALLAS MULTI-FAMILY

**REVISIONS**  
1. DATE  
2. DATE  
3. DATE  
4. DATE  
5. DATE

**DATE:** 4/26/18  
**DESIGN BY:** J. Austin Fleming  
**PROJECT:** PHILIP HOUSING

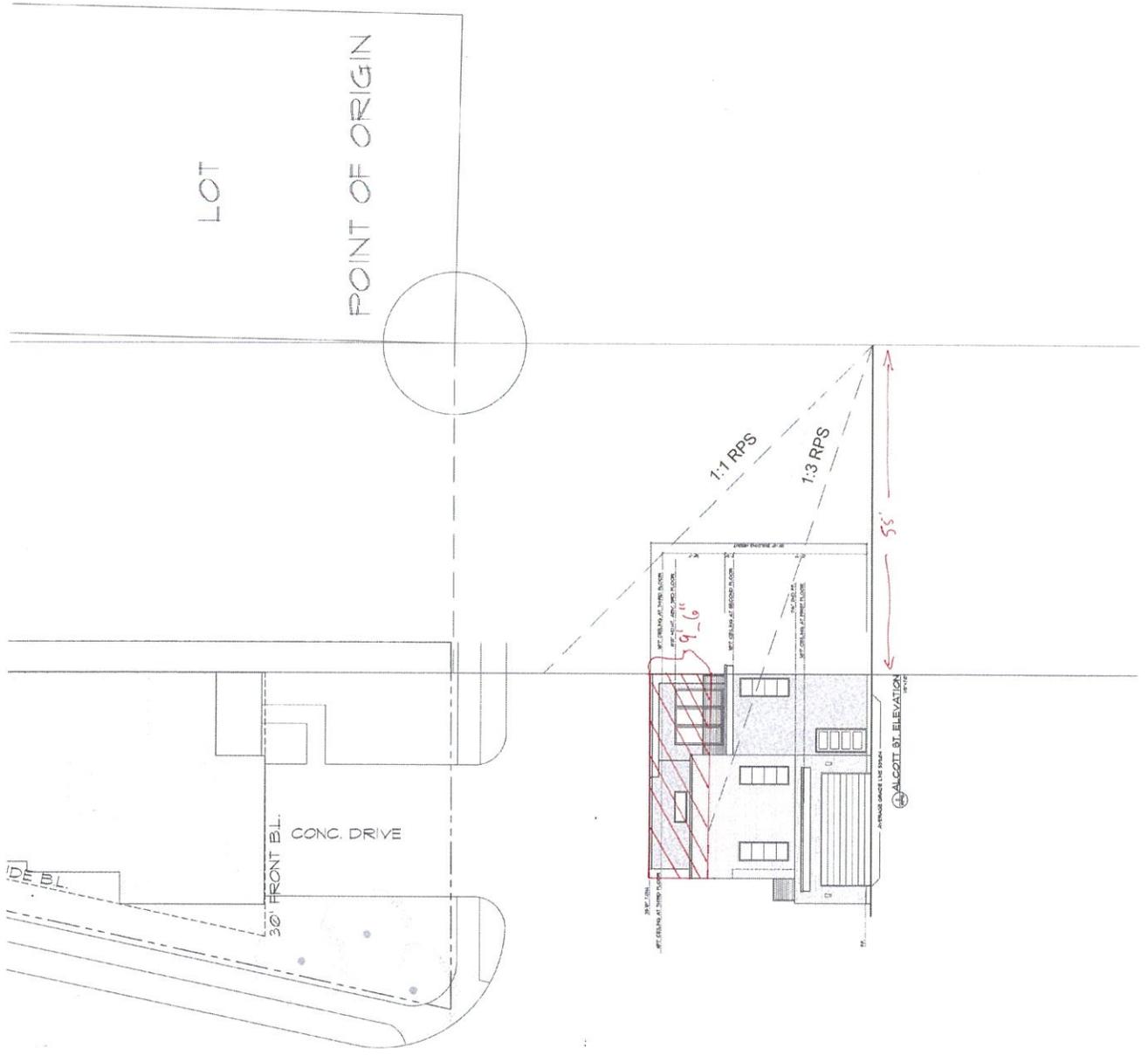
**SHEET NUMBER**  
RPS



6-8-18

<p><b>USE AND DISPOSITION</b></p> <p>As represented on this drawing, the proposed project is a residential building. The project is located on a lot in the City of Dallas, Texas. The project is subject to the City of Dallas' zoning regulations. The project is intended to be used as a residential building. The project is not intended to be used for any other purpose. The project is not intended to be used for any other purpose. The project is not intended to be used for any other purpose.</p>		<p>DALLAS TEXAS</p> <p>5130 ALCOTT STREET</p> <p>LOT 5, BLOCK C</p> <p>DALLAS MULTI-FAMILY HOUSING</p>	<p><b>REVISIONS</b></p> <p>1. DATE</p> <p>2. DATE</p> <p>3. DATE</p> <p>4. DATE</p> <p>5. DATE</p>	<p><b>DATE:</b> 4/26/18</p> <p><b>DRAWN BY:</b> [Name]</p> <p><b>CHECKED BY:</b> Phillip Thompson</p>	<p><b>PROJECT:</b> Dallas Multi-Family Housing</p>	<p><b>SHEET NUMBER:</b> RPS</p>
		<p>1117-1117</p> <p>1117-1117</p>	<p>DALLAS TEXAS</p>			

6-8-18





City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-094

Data Relative to Subject Property:

Date: 6/24/2018

Location address: 5230 ALCOTT ST. Zoning District: \_\_\_\_\_

Lot No.: 15 Block No.: C/1997 Acreage: .137 Census Tract: 9.00

Street Frontage (in Feet): 1) 57' 2) 138' 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): PDI HOLDINGS, INC.

Applicant: PHILLIP D. THOMPSON Telephone: 214.209.8158

Mailing Address: PHILLIP@PTCUSTOMHOMES.COM Zip Code: 75070

E-mail Address: 6950 JPC DR. #160, MCKINNEY, TX 75070

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

Mailing Address: 3904 Elm St., Ste 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 \_\_\_\_\_

RESIDENTIAL PROXIMITY SCOPE

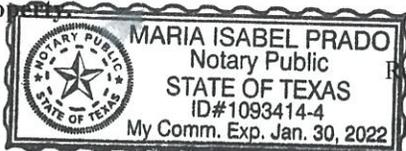
Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:

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 PHILLIP D. THOMPSON (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: PHILLIP D. THOMPSON (Affiant/Applicant's signature)

Subscribed and sworn to before me this 24th day of May, 2018

Maria Isabel Prado 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 PHILLIP THOMPSON

did submit a request for a variance to the building height regulations

at 5230 Alcott St.

BDA178-094. Application of PHILLIP THOMPSON for a variance to the building height regulations at 5230 Alcott St. This property is more fully described as Lot 15, Block C/1997, and is zoned MF-2(A), which limits the maximum building height to 26 feet due to a residential proximity slope. The applicant proposes to construct a residential structure with a building height of 36 feet, which will require a 10 foot variance to the maximum building height regulation.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official



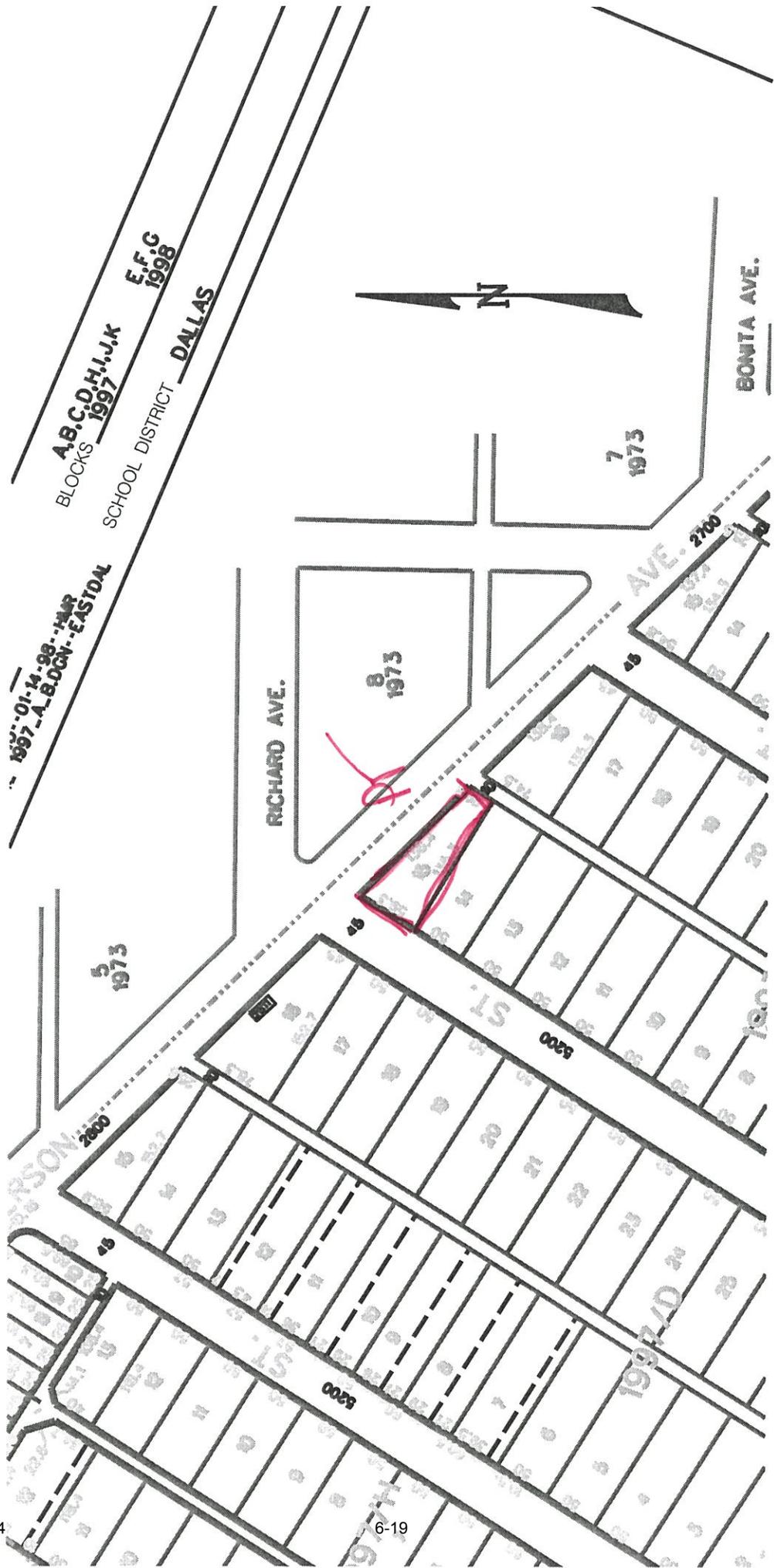
Printed: 4/27/2018

**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                | SUP                            | Historic Overlay      | Shop Front Overlay         |
|                      |                                | Height Map 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)







**DISCLAIMER:**  
 This drawing is prepared by the Architect/Engineer for the purpose of providing information to the client. It is not to be used for any other purpose without the written consent of the Architect/Engineer. The Architect/Engineer is not responsible for any errors or omissions in this drawing. The client is responsible for verifying all dimensions and conditions on-site prior to construction and reporting any discrepancies to the Architect/Engineer.

PROJECT: 15171401  
 DATE: 07/26/16  
 DRAWN BY: J. GARCIA  
 CHECK BY: PHILIP THOMPSON

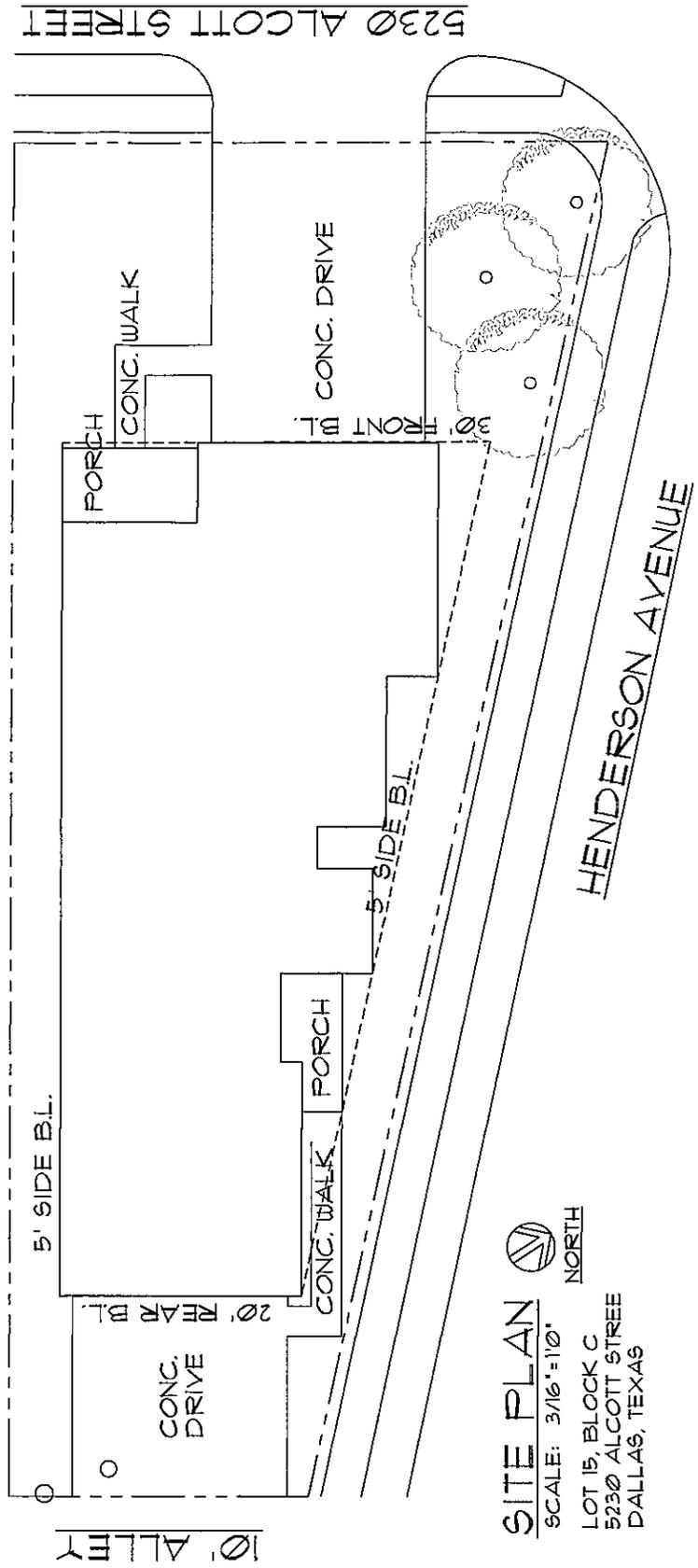
**yoohoostudio**

DALLAS MULTI-FAMILY HOUSING  
 LOT B, BLOCK C  
 DALLAS, TEXAS  
 5230 ALCOTT STREET

**REVISIONS**  
 1. DATE  
 2. DATE  
 3. DATE  
 4. DATE

**PROJECT**  
 PHILIP THOMPSON  
 HOUSING

**SHEET NUMBERS**  
 SITE



**SITE PLAN**  
 SCALE: 3/16"=1'-0"  
 NORTH  
 LOT 15, BLOCK C  
 5230 ALCOTT STREET  
 DALLAS, TEXAS

CONTRACTOR TO VERIFY ALL DIMENSIONS ON-SITE PRIOR TO CONSTRUCTION AND REPORT TO YOOHOOSTUDIO OF ANY DISCREPANCIES



**THE ARCHITECT'S RESPONSIBILITY**  
 The Architect shall be responsible for the design and construction of the building and shall be responsible for the coordination of the building with the surrounding environment. The Architect shall be responsible for the design and construction of the building and shall be responsible for the coordination of the building with the surrounding environment. The Architect shall be responsible for the design and construction of the building and shall be responsible for the coordination of the building with the surrounding environment.

1. DATE 4/26/17  
 2. DATE 5/11/17  
 3. DATE 6/16/17  
 4. DATE 7/27/17  
 5. DATE 8/16/17

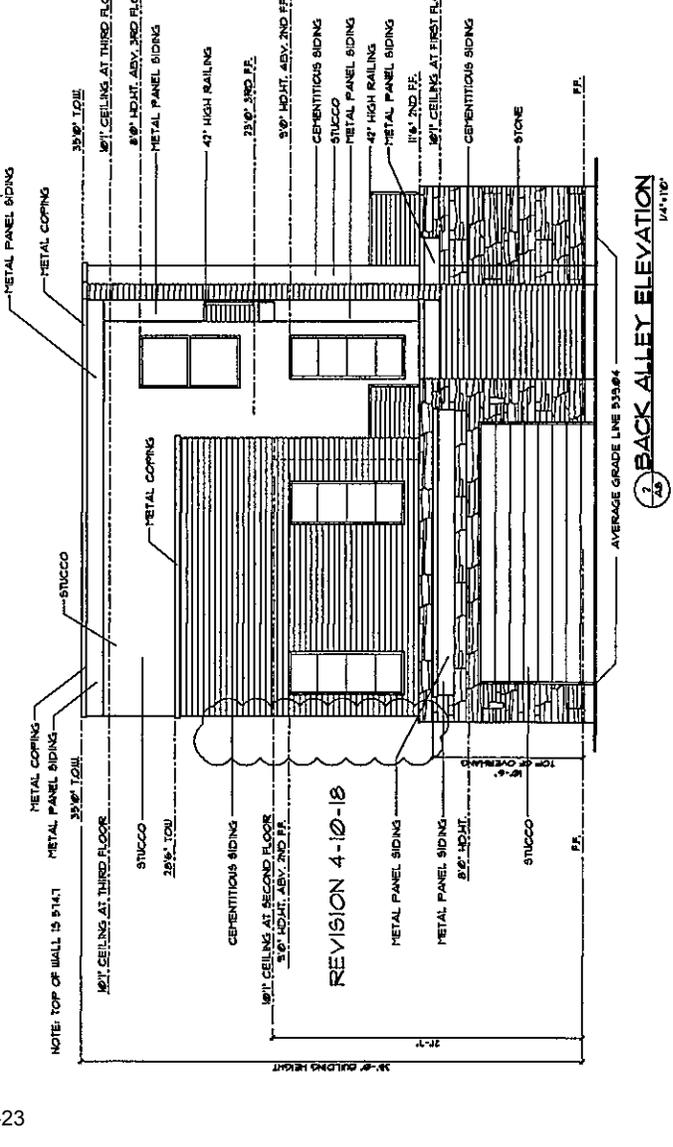
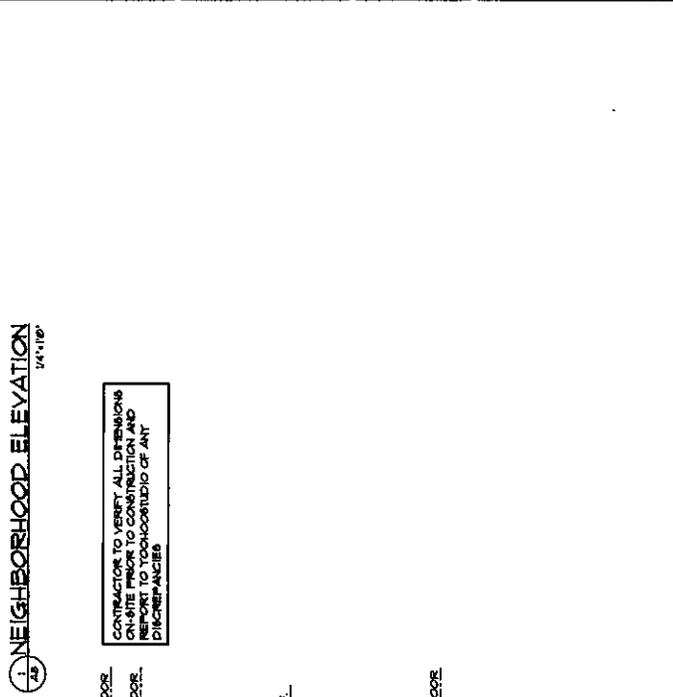
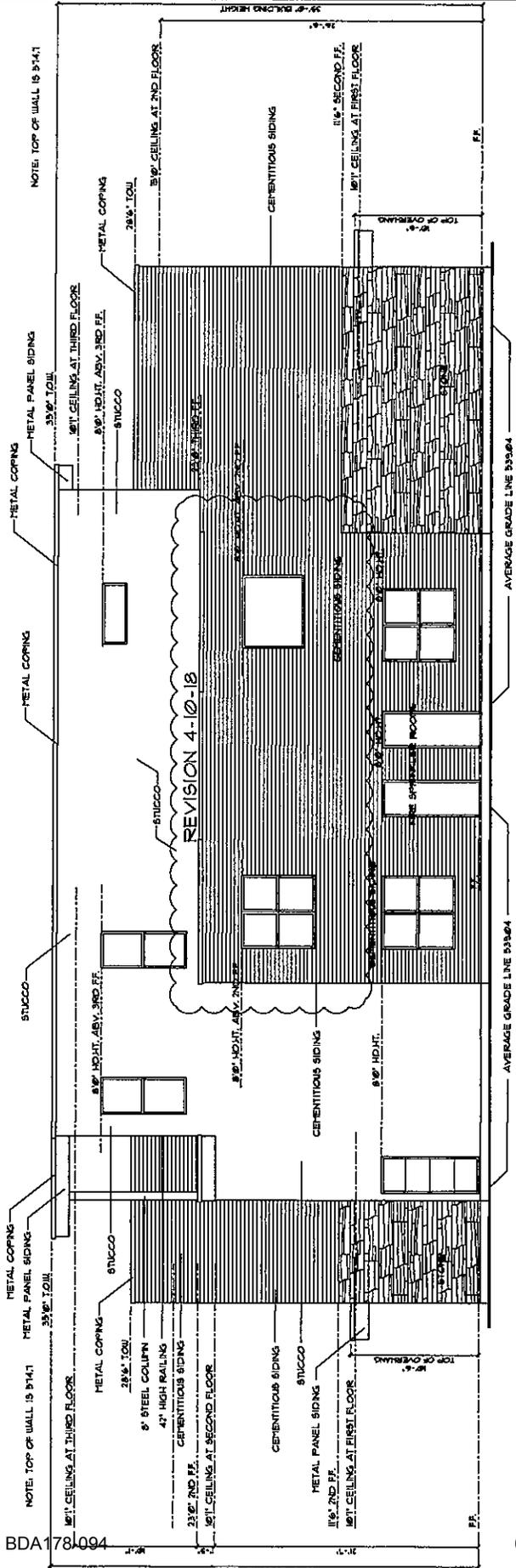
**yoohoostudio**

DALLAS MULTI-FAMILY HOUSING  
 LOT B BLOCK C  
 2326 N. COTT STREET  
 DALLAS, TEXAS

**REVISIONS**  
 1. DATE 4/26/17  
 2. DATE 5/11/17  
 3. DATE 6/16/17  
 4. DATE 7/27/17  
 5. DATE 8/16/17

**DATE** 07/26/16  
**DESIGNER** J. GRIFFIN  
**CHECKED BY** Phillip Thompson  
**PROJECT** Dallas Multi-Family Housing

**SHEET NUMBER** A8







 1:1,200	<b>NOTIFICATION</b>		Case no: <b>BDA178-094</b>
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">23</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <b>6/1/2018</b>	

## *Notification List of Property Owners*

### *BDA178-094*

#### *23 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5230 ALCOTT ST	THOMPSON PHILLIP D JR
2	2810 N HENDERSON AVE	GOLDBERG R J ET AL
3	2772 N HENDERSON AVE	CUSH FAMILY HOLDINGS LLC
4	2730 N HENDERSON AVE	SCOTT LULIE M
5	5230 HOMER ST	ARMSTRONG GREGORY J &
6	5210 ALCOTT ST	LOBO KELLY P
7	5214 ALCOTT ST	BIRKELBACH CATHY C
8	5218 ALCOTT ST	GUALTIERI SAVERIO
9	5222 ALCOTT ST	KRUGER RYAN W & PIYA G
10	5226 ALCOTT ST	MELOTH DOUG &
11	2727 N HENDERSON AVE	CLEARWATER PROPERTIES LLC
12	5227 HOMER ST	THEERINGER SCOTT
13	5223 HOMER ST	SPRUEIL RAMANO
14	5217 HOMER ST	SULLIVAN JOHN H
15	2809 N HENDERSON AVE	PATE LAURA E
16	5227 ALCOTT ST	JENSEN JEFF
17	5223 ALCOTT ST	BRADLEY RICHARD R
18	5219 ALCOTT ST	RIES ALEXANDRA
19	5215 ALCOTT ST	CHONG JULIAN M & CATHY F
20	5211 ALCOTT ST	FLORIAN ROBERT J &
21	5140 WILLIS AVE	EASTBRIDGE APARTMENTS PO LTD PS
22	2800 N HENDERSON AVE	2800 HENDERSON LP
23	2802 N HENDERSON AVE	2800 HENDERSON LP