

**BOARD OF ADJUSTMENT, PANEL B
PUBLIC HEARING MINUTES
DALLAS CITY HALL L1FN AUDITORIUM
WEDNESDAY, MAY 17, 2017**

MEMBERS PRESENT AT BRIEFING: Scott Hounsel, Vice-Chair, Joe Carreon, regular member, Marla Biekman, regular member, Matt Shouse, regular member and Philip Lewis, alternate member

MEMBERS ABSENT FROM BRIEFING: Wini Cannon, regular member

MEMBERS PRESENT AT HEARING: Scott Hounsel, Vice-Chair, Joe Carreon, regular member, Marla Biekman, regular member, Matt Shouse, regular member and Philip Lewis, alternate member

MEMBERS ABSENT FROM HEARING: Wini Cannon, regular member

STAFF PRESENT AT BRIEFING: Steve Long, Board Administrator, Kanesia Williams, Asst. City Attorney, Todd Duerksen, Development Code Specialist, Phil Erwin, Chief Arborist and Trena Law, Board Secretary

STAFF PRESENT AT HEARING: Steve Long, Board Administrator, Kanesia Williams, Asst. City Attorney, Todd Duerksen, Development Code Specialist, Phil Erwin, Chief Arborist and Trena Law, Board Secretary

11:10 A.M. The Board of Adjustment staff conducted a briefing on the Board of Adjustment's **May 17, 2017 docket.**

1:02 P.M.

The Chairperson stated that no action of the Board of Adjustment shall set a precedent. Each case must be decided upon its own merits and circumstances, unless otherwise indicated, each use is presumed to be a legal use. Each appeal must necessarily stand upon the facts and testimony presented before the Board of Adjustment at this public hearing, as well as the Board's inspection of the property.

MISCELLANEOUS ITEM NO. 1

To approve the Board of Adjustment Panel B April 19, 2017, public hearing minutes.

BOARD OF ADJUSTMENT ACTION: MAY 17, 2017

MOTION: None

The minutes were approved.

FILE NUMBER: BDA167-059(SL)

BUILDING OFFICIAL'S REPORT: Application of Jolisa Alvarez for a variance to the front yard setback regulations at 2729 S. Hampton Road. This property is more fully described as Lot 16 & Lot 17, Block 5/6028, and is zoned CR, which requires a front yard setback of 15 feet measured beginning 50 feet from the right-of-way centerline of S. Hampton Road based on the thoroughfare plan for a total of 65 feet from the right-of-way centerline of S. Hampton Road. The applicant proposes to construct and maintain a structure and provide a 55 foot 5 inch front yard setback, which will require a 9 foot 7 inch variance to the front yard setback regulations.

LOCATION: 2729 S. Hampton Road

APPLICANT: Jolisa Alvarez

REQUEST:

A request for a variance to the front yard setback regulations of 9' 7" is made to construct and maintain a retail structure, part of which is proposed to be located 55' 5" from the required right-of-way center line based on the thoroughfare plan) or 9' 7" into this 65' front yard setback on a site developed with retail structures that the applicant intends to demolish.

STANDARD FOR A VARIANCE:

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

- (A) not contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done;
- (B) necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be

developed in a manner commensurate with the development upon other parcels of land with the same zoning; and

- (C) not granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that the subject site is unique and different from most lots in the CR zoning district in that it is restrictive in area due to the depth of the subject site at 160' and an additional 50' setback beyond the required 15' setback given a required right-of-way determined by the thoroughfare plan on Hampton Road. The proposed structure on the site that would replace an existing structure built in the 50's that appears to encroach into the 65' setback is proposed to provide the standard required 15' front yard setback from the Hampton Road front property line.
- Granting this variance does not appear to be contrary to public interest because it would allow a structure to replace an existing structure built in the 50's that does not appear to provide a 65' setback as it appears that structures to the north and south of the subject site do not either.

BACKGROUND INFORMATION:

Zoning:

Site: CR (Community retail)
North: CR (Community retail)
South: CR (Community retail)
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 retail use/structures (Joyce Florist). The areas to the north and south are developed with retail uses, and the areas to the east and west are developed with single family uses.

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- This request of the variance to the front yard setback regulations of 9' 7" focuses on constructing and maintaining an approximately 5,500 square foot retail structure, part of which is proposed to be proposed to be located 55' 5" from the required right-of-way center line of S. Hampton Road based on the thoroughfare plan) or 9' 7" into this 65' front yard setback on a site developed with retail structures that the applicant intends to demolish.
 - The site is zoned CR which requires a minimum front yard setback of 15'.
 - The Dallas Development Code states that the front yard setback is measured from the front lot line of the building site or the required right-of-way as determined by the thoroughfare plan for all thoroughfares, whichever creates the greater setback."
 - As a result, the site has a 65' front yard setback given a required right-of-way determined by the thoroughfare plan (50') in addition to the front yard setback required in CR zoning (15').
 - A scaled site plan has been submitted indicating that proposed retail structure with an approximately 5,500 square foot building footprint is located 15' from the front property line. However the proposed structure is located 55' 5" into the 65' front yard setback as measured from the required right-of-way center line based on the thoroughfare plan.
- According to DCAD records, the "main improvement" for the property addressed at 2729 S. Hampton Road is a "free standing retail store" constructed in 1953 that is 2,580 square feet, a "storage warehouse" constructed in 1953 that is 1,716 square feet; and a "storage warehouse" constructed in 1953 that is 520 square feet.
- The subject site is flat and rectangular in shape, and according to the submitted application is 0.466 acres (or approximately 21,000 square feet) in area. The site is zoned CR.
- The applicant has stated among other things that adjacent structures are much closer to the street than the right-of-way and setback being imposed on the subject site; and that should Hampton Road be widened in the future, numerous structures would have to be removed.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same CR zoning classification.
 - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same CR zoning classification.
- If the Board were to grant the variance request, and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document– which in this case is a structure that is located

55' 5" from the right-of-way center line of S. Hampton Road or 9' 7" into this 65' front yard setback.

Timeline:

March 13, 2017: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

April 12, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

April 12, 2017: 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 April 26th deadline to submit additional evidence for staff to factor into their analysis; and the May 5th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the requests; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

May 2, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for May public hearings. Review team members in attendance included: the Director of Sustainable Development and Construction, the Building Official, the Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

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

BOARD OF ADJUSTMENT ACTION MAY 17, 2017

APPEARING IN FAVOR: No one

APPEARING IN OPPOSITION: No one

MOTION: Shouse

I move to grant that the Board of Adjustment grant application **BDA 167-059(SL)** listed on the uncontested docket because it appears, from our evaluation of the property and

all relevant evidence, that the application satisfies all the requirements of the Dallas Development Code or appropriate PD as applicable, and are consistent with its general purpose and intent of the Code or PD. I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

- Compliance with the submitted site plan is required.

SECONDED: Beikman

AYES: 5 – Hounsel, Carreon, Beikman, Shouse, Lewis

NAYS: 0

MOTION PASSED 5– 0 (unanimously)

FILE NUMBER: BDA167-060(SL)

BUILDING OFFICIAL’S REPORT: Application of John Waggoner, Jr., represented by Jeff Huse, for a special exception to the single family use regulations at 6701 Inwood Road. This property is more fully described as Lot 8, Block 2/4915, and is zoned R-10(A), which limits the number of dwelling units to one. The applicant proposes to construct and/or maintain an additional dwelling unit, which will require a special exception to the single family use regulations.

LOCATION: 6701 Inwood Road

APPLICANT: John Waggoner, Jr.
Represented by Jeff Huse

REQUEST:

A request for a special exception to the single family use development standard regulations is made to maintain/enlarge an existing 1-story additional “dwelling unit” structure on a site developed with a 1-story main single family home/dwelling unit structure.

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

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

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

Site: R-10(A) (Single family district 10,000 square feet)
North: R-10(A) (Single family district 10,000 square feet)
South: R-10(A) (Single family district 10,000 square feet)
East: CD 10 (Conservation District)
West: R-10(A) (Single family district 10,000 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:

- This request for a special exception to the single family use development standard regulations focuses on maintaining/enlarging an existing 1-story additional “dwelling unit” structure on a site developed with a 1-story main single family home/dwelling unit structure.
- The site is zoned R-10(A) where the Dallas Development Code permits one dwelling unit per lot.
- The single family use regulations of the Dallas Development Code state that only one dwelling unit may be located on a lot, and that the board of adjustment may grant a special exception to this provision and authorize an additional dwelling unit on a lot when, in the opinion of the board, the special exception will not: 1) be contrary to the public interest; or 2) adversely affect neighboring properties.
- The Dallas Development Code defines “single family” use as “one dwelling unit located on a lot;” and a “dwelling unit” as “one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.”
- The Dallas Development Code defines “kitchen” as “any room or area used for cooking or preparing food and containing one or more ovens, stoves, hot plates, or microwave ovens; one or more refrigerators; and one or more sinks. This definition does not include outdoor cooking facilities.”

- The Dallas Development Code defines “bathroom” as “any room used for personal hygiene and containing a shower or bathtub, or containing a toilet and sink.”
- The Dallas Development Code defines “bedroom” as “any room in a dwelling unit other than a kitchen, dining room, living room, bathroom, or closet. Additional dining rooms and living rooms, and all dens, game rooms, sun rooms, and other similar rooms are considered bedrooms.”
- The submitted site plan denotes the locations of two building footprints, the larger of the two with what appears to be the existing single family main structure and the smaller of the two with denoted as “existing pool house to be expanded and altered – see new floor plan for additional information”.
- The submitted floor plan of what appears to be the “existing pool house” denoted on the site plan shows a number of rooms/features that Building Inspection has determined makes it an additional dwelling unit - that is per Code definition: “one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.”
- This request centers on the function of what is proposed to be inside the smaller structure on the site – the “existing pool house” structure, specifically its collection of rooms/features shown on the floor plan.
- The application states a request has been made for: “Additional dwelling unit for a single family use not as rental, with a shower added to pool house remodel and addition for convenience of use by guests and visitors to the residence”.
- The Building Inspection Senior Plans Examiner/Development Code Specialist had initially informed the Board Administrator that he had affirmed what was conveyed by the applicant on his application based on his review of the applicant’s submittals. Staff and the applicant had originally concluded that the introduction of a shower on the submitted floor plan made the accessory unit a dwelling unit because the shower creates the “bathroom” as defined by code - “any room used for personal hygiene and containing a shower or bathtub, or containing a toilet and sink.”
- However, upon further review by staff of the application and definitions in the Dallas Development Code at the May 2nd staff review team meeting, it was concluded that the existing secondary structure originally thought to have been an accessory structure was a “dwelling unit” given its collection of rooms has shown on the submitted floor plans (spaces that include rooms labeled “sitting room”, “kitchenette”, “bath”). As a result, it was concluded that the request was necessary in order to maintain an additional dwelling unit that had been on the property and was only discovered when the applicant made an application for a building permit in 2017 to enlarge this structure.
- According to DCAD records, the “main improvement” for property addressed at 6701 Inwood Road is a structure built in 1970 with 3,652 square feet of total/living area with the following “additional improvements”: a 375 square foot cabana, a 430 square foot attached garage, and a pool.
- On May 4, 2017, the applicant’s representative sent an email to the Board Administrator (see Attachment A). The email stated the following:
 - The current owners think the structure was from the 50’s, serving as a maids quarters or something of the sort;

- The previous owners renovated it in 2001, with improvements to the kitchenette, vinyl siding and central heat and air; and that the collection of rooms has been that of a kitchenette, half bath, storage closet and an open living room going back two owners;
 - When a permit was made to expand the existing collection of rooms, which already constituted an additional dwelling, the applicant/owner did not know that the existing structure had not been permitted; and
 - The existing pool house to be expanded and altered can be constructed and maintained as shown in my submitted "A.1.0 New Plot Plan" with merely modifications to the function/use inside it or to what is shown on my submitted "A.2.0 New Floor, Framing, and roof plan and Schedules" document since the structure as it is presented on "A.1.0 New Plot Plan" complies with all other applicable zoning code development standards other than the single family use provision in Chapter 51A since no other request has been made to any other zoning code provision.
- The applicant has the burden of proof in establishing that the additional dwelling unit will not be used as rental accommodations (by providing deed restrictions, if approved) and will not adversely affect neighboring properties.
 - If the Board were to approve this request, the Board may choose to impose a condition that the applicant comply with the site plan if they feel it is necessary to ensure that the special exception will not adversely affect neighboring properties. But granting this special exception request will not provide any relief to the Dallas Development Code regulations other than allowing an additional dwelling unit on the site (i.e. development on the site must meet all required code requirements).
 - The Dallas Development Code states that in granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.

Timeline:

January 27, 2017: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

April 11, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

April 11, 2017: The Board Administrator emailed the applicant's representative the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the April 26th deadline to submit additional evidence for staff to factor into their analysis; and the May 5th 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 2, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for May public hearings. Review team members in attendance included: the Director of Sustainable Development and Construction, the Building Official, the Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

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

May 4, 2017: The applicant’s representative submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment A).

BOARD OF ADJUSTMENT ACTION MAY 17, 2017

APPEARING IN FAVOR: Jeff Huse, 1833 Sumlit CT., Midlothian TX

APPEARING IN OPPOSITION: No one

MOTION: Hounsel

I move that the Board of Adjustment, in request No. **BDA 167-060**, on application of John Waggoner, Jr., represented by Jeff Huse, **grant** the request to construct and/or maintain an additional dwelling unit on a site developed with a single family structure and use as a special exception to the single family use regulations requirements in the Dallas Development Code, because our evaluation of the property and the testimony shows that this special exception will not be used as rental accommodations, and will not adversely affect neighboring properties. I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

- The applicant must deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.

SECONDED: Shouse

AYES: 4 – Hounsel, Carreon, Shouse, Lewis

NAYS: 1 - Beikman,

MOTION PASSED 4– 1

FILE NUMBER: BDA167-064(SL)

BUILDING OFFICIAL’S REPORT: Application of Rick Hutton, represented by Robert Romano, for a special exception to the landscape regulations at 2344 Irving Boulevard. This property is more fully described as Lot 9, Block 50/7904, and is zoned MU-3, which requires mandatory landscaping. The applicant proposes to construct and maintain a structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

LOCATION: 2344 Irving Boulevard

APPLICANT: Rick Hutton
Represented by Robert Romano

REQUEST:

A request for a special exception to the landscape regulations is made to add a 2nd floor to an existing commercial structure/use, and not fully meet the landscape regulations.

STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPE AND TREE PRESERVATION REGULATIONS:

The board may grant a special exception to the landscape and tree preservation regulations of this article upon making a special finding from the evidence presented that:

- (1) strict compliance with the requirements of this article will unreasonably burden the use of the property;
- (2) the special exception will not adversely affect neighboring property; and
- (3) the requirements are not imposed by a site-specific landscape plan approved by the city plan commission or city council.

In determining whether to grant a special exception, the Board shall consider the following factors:

- the extent to which there is residential adjacency;
- the topography of the site;
- the extent to which landscaping exists for which no credit is given under this article; and
- the extent to which other existing or proposed amenities will compensate for the reduction of landscaping.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted alternate landscape plan is required.

Rationale:

- The City of Dallas Chief Arborist recommends approval of the request concluding that strict compliance with the requirements of Article X for street trees will unreasonably burden the use of the property, and that the special exception will not adversely affect/negatively impact neighboring property. The Chief Arborist concluded that Irving Boulevard is widened in this area with a slip road near the front of the structure and restricts any available space for additional planting into the right-of-way.

BACKGROUND INFORMATION:

Zoning:

Site: MU-3 (Mixed Use)
North: IR (Industrial/research)
South: IR (Industrial/research)
East: IR (Industrial/research)
West: IR (Industrial/research)

Land Use:

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

Zoning/BDA History:

1. Z156-350, Northeast line of Irving Boulevard, west of Wycliff Avenue (the subject site) On January 5, 2017, the City Council granted an application for an MU-3 Mixed Use District on property zoned an IR Industrial Research District.
The case report stated that the purpose of the request was to allow the applicant to live and work in the same building; the portion of the building that is being rezoned is where the applicant will reside.

GENERAL FACTS/STAFF ANALYSIS:

- This request for a special exception to the landscape regulations focuses on adding a 2nd floor to an existing commercial structure/use, and not fully meeting the landscape regulations, more specifically not fully providing the design standard and street tree requirements on the subject site.
- The Dallas Development Code requires full compliance with the landscape regulations when nonpermeable coverage on a lot or tract is increased by more than 2,000 square feet, or when work on an application is made for a building permit for construction work that increases the number of stories in a building on the lot, or increases by more than 35 percent or 10,000 square feet, whichever is less, the combined floor areas of all buildings on the lot within a 24-month period.
- The City of Dallas Chief Arborist submitted a memo regarding the applicant's request (see Attachment A). The memo states the applicant is requesting a special exception to the landscape regulations of Article X; the property is developed with limited areas and conflicting easements for landscaping to meet compliance with regulations; and the owner is preparing to add a new story to the structure for a residence and has submitted an alternate landscape plan for consideration.
- The Chief Arborist's memo states the following with regard to "providing":
 - The applicant is proposing an alternate landscape plan with planters along the foundation of the structure facing Irving Boulevard. Plant materials are not listed. The plan will maintain a stand of existing shade trees at the rear of the property. Additionally, new pavement will be installed to the side and rear of the structure.

The plan does not contain any elevation or other information to suggest any other additional amenities or landscape materials to be applied with the new addition.

- The property meets the requirements for site trees.
- The Chief Arborist’s memo states the following with regard to deficiency:
 - The proposed plan is deficient in street trees and one design standard. Parking along the front of the building does not include a parking lot tree. The plan would comply with one design standard for foundation planting if it designated the type of plant material to be maintained in the bed as ‘large shrubs’. The plant material for the bed is not stated which indicates it is optional to other suitable types of vegetation.
 - Irving Boulevard is widened in this area with a slip road near the front of the structure and restricts any available space for additional planting into the right-of-way. The narrow paved area along the front is used for commercial parking and for the drive entry to the rear of the lot.
- The City of Dallas Chief Arborist recommends approval of the alternate landscape plan because the full requirements of Article X would place an unreasonable burden on the use of the property, and the special exception would not negatively impact neighboring properties.
- The applicant has the burden of proof in establishing the following:
 - Strict compliance with the requirements of the landscape regulations of the Dallas Development Code will unreasonably burden the use of the property; and the special exception will not adversely affect neighboring property.
- If the Board were to grant this request and impose the submitted landscape plan as a condition to the request, the site would be provided exception from full compliance with the design standard and street tree requirements on the subject site.

Timeline:

- March 24, 2017: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- April 11, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- April 11, 2017: The Board Administrator emailed the applicant’s representative the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the April 26th deadline to submit additional evidence for staff to factor into their analysis; and the May 5th 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 2, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for May public hearings. Review team members in attendance included: the Director of Sustainable Development and Construction, the Building Official, the Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

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

May 5, 2017: The City of Dallas Chief Arborist submitted a memo regarding this request (see Attachment A).

BOARD OF ADJUSTMENT ACTION MAY 17, 2017

APPEARING IN FAVOR: No one

APPEARING IN OPPOSITION: No one

MOTION: **Shouse**

I move to grant that the Board of Adjustment grant application **BDA 167-064(SL)** listed on the uncontested docket because it appears, from our evaluation of the property and all relevant evidence, that the application satisfies all the requirements of the Dallas Development Code or appropriate PD as applicable, and are consistent with its general purpose and intent of the Code or PD. I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

- Compliance with the submitted alternate landscape plan is required.

SECONDED: **Beikman**

AYES: 5 – Hounsel, Carreon, Beikman, Shouse, Lewis

NAYS: 0

MOTION PASSED 5– 0 (unanimously)

FILE NUMBER: BDA167-057(SL)

BUILDING OFFICIAL’S REPORT: Application of Brian East, represented by Audra Buckley, for a variance to the building height regulations at 7333 Valley View Lane. This property is more fully described as Lot 20, Block 10/7497, 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 and maintain a structure with a building height of up to 40 feet, which will require a 14 foot variance to the maximum building height regulations.

LOCATION: 7333 Valley View Lane

APPLICANT: Brian East
Represented by Audra Buckley

REQUEST:

A request for a variance to the height regulations (specifically to the residential proximity slope) of up to 14' is made to maintain and/or construct and maintain 2- 3 story structures to a height of 40' - a height that exceeds the maximum 26' in height permitted by the residential proximity slope that begins at the R-7.5(A) single family residentially-zoned property immediately east of the subject site by 14'.

STANDARD FOR A VARIANCE:

The Dallas Development Code Section 51A-3.102(d)(10) specifies that the board has the power to grant variances from the front yard, side yard, rear yard, lot width, lot depth, 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:

- Staff concluded, at the time of the May 2nd staff review team meeting, that the applicant had not substantiated how the variance was 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 MF-2(A) zoning district.
- Staff concluded based on the information the applicant had submitted at the time of the May 2nd staff review team meeting that the characteristics/features of the subject site (which, according to the applicant, has a 15' fall from east to west, and is slightly irregular in shape, and, according to the application, 1.473 acres or approximately 64,000 square feet in area) does not preclude the applicant from developing it with a multifamily development that is commensurate with others in the same zoning

district and that complies with all zoning code provisions including height regulations.

BACKGROUND INFORMATION:

Zoning:

Site: MF-2(A) (Multifamily district)
North: R-7.5(A) (SUP 66) (Single family residential, Specific Use Permit)
South: MF-2(A) (Multifamily district)
East: R-7.5(A) (Single family residential district 7,500 square feet)
West: PD 143 (Planned Development)

Land Use:

The subject site is in part developed with multifamily structures and in part under development with more multifamily structures. The area to the north is a cemetery; the area to the east is developed with single family uses; the area to the south is developed with multifamily uses; and the area to the west is a private school (The Covenant School).

Zoning/BDA History:

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

GENERAL FACTS /STAFF ANALYSIS:

- The request for a variance to the height regulations (specifically to the residential proximity slope) of up to 14' focuses on maintaining and/or constructing and maintaining 2- 3 story structures to a height of 40' - a height that exceeds the maximum 26' in height permitted by the residential proximity slope that begins at the R-7.5(A) single family residentially-zoned property immediately east of the subject site by 14'.
- 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 (R-7.5(A)) to the east), the height of a structure must comply with a 1:3-slope (or 1 foot in height for every 3 foot away from property in an R, R(A), D, D(A), TH, TH(A) residential zoning district). The RPS slope on the subject site begins at the R-7.5(A) zoned property east of the site.
- The applicant has submitted a site plan and elevations that represents a 1:3-slope (or 1 foot in height for every 3 foot away from property in a CH, MF-1, MF-1(A), MF-2, and MF-2(A) residential zoning district) on the structures seeking variance.
- The Building Official's Report states that a variance to the height regulations of 14' is requested since there are structures proposed to reach 40' in height or 14'

higher/beyond than the 26' height allowed for the structures as they are located on this subject site.

- According to DCAD records, the “main improvement” at 7333 Valley View Lane is a “townhome” built in 2016 with 7,552 square feet of living/total area; and with “additional improvements” listed as four, 380 square foot attached garages.
- The site is somewhat sloped (according to the applicant, a 15' fall from east to west, irregular in shape, and according to the application is 1.473 acres (or approximately 64,000 square feet) in area. While the site has two front yards, this feature is typical of corner lot that is not zoned single family, duplex, or agricultural.
- 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 plan and elevations as a condition, the structures in the exceeding the height limit or the RPS would be limited to what is shown on these documents – which, in this case, are structures that would be exceed the height limit/RPS by up to 14'.

Timeline:

February 6, 2017: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

April 11, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

April 12, 2017: 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 April 26th deadline to submit additional evidence for staff to factor into their analysis; and the May 5th 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.”

April 26, 2017: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment A).

May 1, 2017: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment B).

May 2, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for May public hearings. Review team members in attendance included: the Director of Sustainable Development and Construction, the Building Official, the Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

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

May 5, 2017: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment C). Note that this information was not factored into the staff recommendation since it was submitted after the May 2nd staff review team meeting.

BOARD OF ADJUSTMENT ACTION MAY 17, 2017

APPEARING IN FAVOR: Jonathan Vinson, 2323 Ross Ave., #600, Dallas, TX
Allison Howell, 7333 Valley View Lane, Dallas, TX
Christopher Merthesue, 7333 Valley View Lane, Dallas, TX
Brady Howell, 7333 Valley View Lane, Dallas, TX

APPEARING IN OPPOSITION: Lawrence Scubus, 13107 Tahoe Dr., Dallas, TX
Thane Hayhurst, 13104 Tahoe Dr., Dallas, TX
Rachel Knol, 13269 Meadowside Dr., Dallas, TX

MOTION: Beikman

I move that the Board of Adjustment, in Appeal No. **BDA 167-057**, hold this matter under advisement until June 21, 2017.

SECONDED: Shouse

AYES: 4 – Hounsel, Beikman, Shouse, Lewis

NAYS: 1 - Carreon,

MOTION PASSED 4 – 1

FILE NUMBER: BDA167-071(SL)

BUILDING OFFICIAL'S REPORT: Application of Santos T. Martinez for a variance to the rear yard setback regulations and a special exception to the landscape regulations at 17787 Waterview Parkway. This property is more fully described as a 5.25 acre parcel in Lot 1F, Block A/8735, and is zoned LI, which requires a rear yard setback of 30 feet and requires mandatory landscaping. The applicant proposes to construct and maintain a structure and provide a 14 foot rear yard setback, which will require a 16 foot variance to the rear yard setback regulations, and an alternate landscape plan, which will require a special exception to the landscape regulations.

LOCATION: 17787 Waterview Parkway

APPLICANT: Santos T. Martinez

REQUESTS:

The following requests are made on a site that is developed with office use/ structure (Convergys):

1. A variance to the rear yard setback regulations of 16' is made to construct and maintain a ramp structure to the existing parking garage structure that according to the application is proposed to be located 14' from the site's rear property line or 16' into the site's 30' rear yard setback; and
2. A special exception to the landscape regulations is made to construct and maintain the aforementioned ramp structure and increase nonpermeable coverage, and not fully meet the landscape regulations, more specifically to the required perimeter landscape buffer strip and plant group requirements.

STANDARD FOR A VARIANCE:

The Dallas Development Code Section 51A-3.102(d)(10) specifies that the board has the power to grant variances from the front yard, side yard, rear yard, lot width, lot depth, 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 THE LANDSCAPE AND TREE PRESERVATION REGULATIONS:

The board may grant a special exception to the landscape and tree preservation regulations of this article upon making a special finding from the evidence presented that:

- (1) strict compliance with the requirements of this article will unreasonably burden the use of the property;
- (2) the special exception will not adversely affect neighboring property; and
- (3) the requirements are not imposed by a site-specific landscape plan approved by the city plan commission or city council.

In determining whether to grant a special exception, the Board shall consider the following factors:

- the extent to which there is residential adjacency;
- the topography of the site;
- the extent to which landscaping exists for which no credit is given under this article; and
- the extent to which other existing or proposed amenities will compensate for the reduction of landscaping.

STAFF RECOMMENDATION (variance):

Denial

Rationale:

- Staff concluded, at the time of the May 2nd staff review team meeting, that the applicant had not substantiated how the variance to the rear yard setback regulations was 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 LI zoning district.
- Staff concluded based on the information the applicant had submitted at the time of the May 2nd staff review team meeting that the variance should be denied because there was no property hardship to the site that warranted a variance to the rear yard setback regulations. The applicant had not demonstrated to staff how the features of the site (which is flat, rectangular in shape, and according to the application is 5.25 acres in area) have precluded it from being developed in a manner commensurate with the development upon other parcels of land in districts with the same LI zoning classification – the site is currently developed an office structure and parking garage that complies with the Dallas Development Code.

STAFF RECOMMENDATION (landscape special exception):

Approval, subject to the following condition:

- Compliance with the submitted revised alternate landscape plan is required.

Rationale:

- The City of Dallas Chief Arborist recommends approval of the request concluding the request will not adversely affect neighboring property. The Chief Arborist states that prior to the recent establishment of the adjacent zoning district for a residential development, the property was owned by the State of Texas and used for agricultural purposes, and that when the subject property was developed, the parking was installed to the property boundary since residential adjacency requirements did not exist; and that the owner is seeking to retain these established parking spaces with the partial site renovation while screening the parking lot from future residential use.

BACKGROUND INFORMATION:

Zoning:

Site: LI (Light industrial)
North: PD 780 (Planned Development)
South: LI (Light industrial)
East: City of Richardson
West: PD 921 (Subarea 3)(SUP 764)
(Planned Development, Specific Use Permit)

Land Use:

The subject site is developed with an office structure/use. The area to the north is developed with a private school (The Dallas International School); the area to the east is the City of Richardson; the area to the south is developed with office use; and the area to the west is developed with open space (Texas A & M University Research Center).

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 (rear yard variance):

- The request for a variance to the rear yard setback regulations of 16' focuses on constructing and maintaining an approximately 1,900 square foot ramp structure to the existing parking garage structure that is according to the application proposed to be located 14' from the site's rear property line or 16' into the site's 30' rear yard setback on a site developed with an office use/structure (Convergys).
- The minimum side and rear yard for lots zoned IR is:
 - 30 feet where adjacent to or directly across and alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district; and
 - No minimum in all other cases.

- The subject site abuts PD 921 to the west where uses defined in the ordinance are those permitted in R-7.5(A) hence the subject site is required to provide a 30' rear yard setback.
- The submitted site plan represents that the ramp structure approximately 16' from the rear property line or approximately 14' into the 30' required rear yard setback.
- The application states that "The installation of a new ramp is limited to one side of the structure due to existing topography, easements, and structures. Previous access to second level has been converted into playground and recreational area for school by new owner." (The applicant's reference to access to the second level that has been converted into a playground by the new owner refers to the structure immediately north of the subject site that has since been converted from an office use to a school use). According to Collin CAD records, "Improvement #1" at 17787 Waterview Parkway is a "commercial" improvement built in 1993 with 150,000 square feet of area; and "Improvement #2 is a parking garage built in 1993 with 33,120 square feet.
- The site is flat, rectangular in shape, and according to the application is 5.25 acres in area. The site is zoned LI (Light Industrial).
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the rear yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance to rear 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 IR zoning classification.
 - The variance to rear 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 IR zoning classification.
- If the Board were to grant the request, and impose the submitted site plan as a condition, the structure in the rear yard setback would be limited to what is shown on this document- which, in this case, is a structure that appears to be located 16' from the rear property line or 14' into this 30' rear yard setback.
- Granting this rear yard setback variance request will not provide relief to any existing or proposed noncompliance to landscape regulations.

GENERAL FACTS/STAFF ANALYSIS (landscape special exception):

- This request for a special exception to the landscape regulations focuses on constructing and maintaining the aforementioned ramp structure and increasing nonpermeable coverage, and not fully meeting the landscape regulations, more specifically not fully providing required perimeter landscape buffer strip and plant groups in the southwest portion of the property where parking spaces are shown to

be located in the space adjacent to the property boundary where a residential adjacency exists.

- The Dallas Development Code requires full compliance with the landscape regulations when nonpermeable coverage on a lot or tract is increased by more than 2,000 square feet, or when work on an application is made for a building permit for construction work that increases the number of stories in a building on the lot, or increases by more than 35 percent or 10,000 square feet, whichever is less, the combined floor areas of all buildings on the lot within a 24-month period.
- The City of Dallas Chief Arborist submitted a memo regarding the applicant's request (see Attachment B). The memo states due to renovations to the southern portion of the property to expand parking and add more than 2,000 square feet of new impervious surface, a revised alternative landscape plan of May 2, 2017 is attached and has been submitted for consideration; and that the request is solely to retain an existing encroachment into the perimeter landscape buffer strip which is required for permit in Sec. 51A-10.125(b)(1).
- The Chief Arborist's memo states the following with regard to "providing":
The applicant is proposing to amend existing landscaping on the property within the area of 'limits of improvement' on the plan, and to provide six new redbud trees and a portion of the perimeter landscape buffer strip along the western perimeter landscape buffer adjacent to a new ramp for the existing parking structure. A new 6' tall screening fence is shown to be installed to separate the parking lot from future residences. All other existing landscaping on the property shall continue to be maintained under the general maintenance requirements of Article X.
- The Chief Arborist's memo states the following with regard to "deficiency":
The plan shows a deficiency with the required perimeter landscape buffer strip and plant groups in the southwest portion of the property where parking spaces are shown to be located in the space adjacent to the property boundary where a residential adjacency exists.
Prior to the recent establishment of the adjacent zoning district for a residential development, the property was owned by the State of Texas and used for agricultural purposes. When the applicants' subject property was developed, the parking was installed to the property boundary since residential adjacency requirements did not exist. The owner is seeking to retain these established parking spaces with his partial site renovation while screening the parking lot from future residential use.
- The City of Dallas Chief Arborist recommends approval of the revised alternate landscape plan because provided amendments to the special exception will not adversely affect neighboring property.
- The applicant has the burden of proof in establishing the following:
 - Strict compliance with the requirements of the landscape regulations of the Dallas Development Code will unreasonably burden the use of the property; and the special exception will not adversely affect neighboring property.
- If the Board were to grant this request and impose the submitted revised landscape plan as a condition to the request, the site would be provided exception from full compliance with the required perimeter landscape buffer strip and plant groups requirements on the subject site.
- Granting this landscape special exception request will not provide relief to any existing or proposed noncompliance to the rear yard setback.

Timeline:

- April 4, 2017: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- April 21, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- April 21, 2017: 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 April 26th deadline to submit additional evidence for staff to factor into their analysis; and the May 5th 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 2, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for May public hearings. Review team members in attendance included: the Director of Sustainable Development and Construction, the Building Official, the Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.
- No review comment sheets were submitted in conjunction with this application.
- May 5, 2017: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A). Note that this information was not factored into the staff recommendation for the variance since it was submitted after the May 2nd staff review team meeting.
- May 5, 2017: The City of Dallas Chief Arborist submitted a memo regarding this request (see Attachment B).

BOARD OF ADJUSTMENT ACTION MAY 17, 2017

APPEARING IN FAVOR: Santos Martinez, 900 Jackson St., #640, Dallas, TX

APPEARING IN OPPOSITION: No one

MOTION #1: Beikman

I move that the Board of Adjustment, in Appeal No. **BDA 167-071**, on application of Santos Martinez, **deny** the variance to the rear yard setback regulations requested by this applicant **without prejudice**, because our evaluation of the property and the testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would not result in unnecessary hardship to this applicant.

SECONDED: Hounsel

AYES: 2 –Carreon, Beikman,

NAYS: 3 - Hounsel, Shouse, Lewis

MOTION FAILED 2– 3

MOTION #2: Shouse

I move that the Board of Adjustment, in Appeal No. **BDA 167-071**, on application of Santos Martinez, **grant** the 16-foot variance to the rear yard setback regulations requested by this applicant because our evaluation of the property and testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would result in unnecessary hardship to this applicant. I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

- Compliance with the submitted site plan is required.

SECONDED: Lewis

AYES: 3 – Carreon, Shouse, Lewis

NAYS: 2 - Hounsel, Beikman

MOTION FAILED 3 – 2

MOTION #3: Hounsel

I move that the Board of Adjustment, in Appeal No. **BDA 167-071**, on application of Santos Martinez, **deny** the variance to the rear yard setback regulations requested by this applicant **without prejudice**, because our evaluation of the property and the testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would not result in unnecessary hardship to this applicant.

SECONDED: Carreon

AYES: 5 – Hounsel, Carreon, Beikman, Shouse, Lewis

NAYS: 0 -

MOTION PASSED 5 – 0

MOTION #4: Beikman

I move that the Board of Adjustment, in Appeal No. **BDA 167-071**, on application of Santos Martinez, **grant** the request of this applicant for a special exception to the landscaping requirements contained in Article X of the Dallas Development Code, because our evaluation of the property, the testimony presented to us, and the facts that we have determined show that (1) strict compliance with the requirements of the article will unreasonable burden the use of the property, (2) the special exception will not adversely affect neighboring property, and (3) the requirements are not imposed by a site-specific landscape plan approved by the city plan commission or city council. I further move that the following conditions be imposed to further the purpose and intent of the Dallas Development Code:

- Compliance with the submitted second revised landscape plan is required.

SECONDED: Carreon

AYES: 5 – Hounsel, Carreon, Beikman, Shouse, Lewis

NAYS: 0 -

MOTION PASSED 5 – 0 (unanimously)

MOTION: Beikman

I move to adjourn this meeting.

SECONDED: Shouse

AYES: 5 – Hounsel, Carreon, Beikman, Shouse

NAYS: 0

MOTION PASSED 5 – 0 (unanimously)

3:09 P.M. Board Meeting adjourned for **May 17, 2017**

CHAIRPERSON

BOARD ADMINISTRATOR

BOARD SECRETARY

Note: For detailed information on testimony, refer to the tape retained on file in the

Department of Planning and Development.