

**BOARD OF ADJUSTMENT, PANEL A
PUBLIC HEARING MINUTES
DALLAS CITY HALL, L1FN AUDITORIUM
Tuesday, October 22, 2019**

MEMBERS PRESENT AT BRIEFING: Gary Sibley, Chair, acting chair, Sarah Lamb, regular member, David Ramsour, alternate member, Taylor Adams, regular member and Jared Slade, alternate member

MEMBERS ABSENT FROM BRIEFING: No one

MEMBERS PRESENT AT HEARING: Gary Sibley, Chair, acting chair, Sarah Lamb, regular member, David Ramsour, alternate member, Taylor Adams, regular member and Jared Slade, alternate member

MEMBERS ABSENT FROM HEARING: No one

STAFF PRESENT AT BRIEFING: Steve Long, Chief Planner/Board Administrator, Theresa Pham, Asst. City Atty., Charles Trammell, Development Code Specialist, David Nevarez, Sr. Traffic Engineer and Elaine Hill, Board Secretary

STAFF PRESENT AT HEARING: Steve Long, Chief Planner/Board Administrator, Theresa Pham, Asst. City Atty., Charles Trammell, Development Code Specialist, David Nevarez, Sr. Traffic Engineer and Elaine Hill, Board Secretary

11:06 A.M. The Board of Adjustment staff conducted a briefing on the Board of Adjustment's October 22, 2019 docket.

1:00 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

MOTION: Adams

I move to approve the September 17, 2019 public hearing minutes.

SECOND: Slade

AYES: 5 – Sibley, Lamb, Ramsour, Adams, Slade

NAYS: 0

MOTION PASSED: 5 – 0 (unanimously)

MISCELLANEOUS ITEM NO. 2

BOARD OF ADJUSTMENT ACTION: October 22, 2019

MOTION: Lamb

I move to approve the Board of Adjustment Public Hearing Calendar.

SECOND: Ramsour

AYES: 5 – Sibley, Lamb, Ramsour, Adams, Slade

NAYS: 0

MOTION PASSED: 5 – 0 (unanimously)

MISCELLANEOUS ITEM NO. 3

Appeal the decision of the Administrative Official at **5609 Richard Avenue**

PUBLIC TESTIMONY

Speakers: Robert Irvin, 5234 Goodwin Avenue, Dallas, TX

FILE NUMBER: BDA189-108(SL)

BUILDING OFFICIAL’S REPORT: Application of Javier L. Ortiz for special exceptions to the visual obstruction regulations at 1001 N. Clinton Avenue. This property is more fully described as Lot 14, Block E/3789, and is zoned CD 13 (Subarea 2), which requires a 20-foot visibility triangle at driveway approaches and alleys. The applicant proposes to locate and maintain items in required visibility triangles, which will require special exceptions to the visual obstruction regulations.

LOCATION: 1001 N. Clinton Avenue

APPLICANT: Javier L. Ortiz

REQUESTS:

Requests for special exceptions to the visual obstructions have been made to replace and relocate an existing solid wood fence with a new 8' high solid wood fence on a site that is developed with a single-family home in:

1. the two 20' visibility triangles at the drive approach into the site from Stewart Drive; and
2. the 20' visibility triangle at where the alley meets Stewart Drive.

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:

Approval, subject to the following condition:

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

Rationale:

- The Sustainable Development Department Senior Engineer has no objections to the request.
- Staff concluded that the requests for special exceptions to the visual obstruction regulations should be granted (with the suggested condition imposed) because the item to be replaced and relocated in the visibility triangles at the drive approach into the site from Stewart Drive and at where the alley meets Stewart Drive does not constitute a traffic hazard.

BACKGROUND INFORMATION:

Zoning:

Site: CD 13 (Conservation District)
North: CD 13 (Conservation District)
South: CD 13 (Conservation District)
East: CD 13 (Conservation District)
West: CD 13 (Conservation District)

Land Use:

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

Zoning/BDA History:

There have 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 requests for special exceptions to the visual obstruction regulations on a site developed with a single-family home focus on replacing and relocating an existing solid wood fence with a new 8' high solid wood fence in the two 20' visibility triangles at the drive approach into the site from Stewart Drive; and in the 20' visibility triangle at where the alley meets Stewart Drive.
- Section 51A-4.602(d) 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 property is located in CD 13 zoning district which requires the portion of a lot with a triangular area formed by connecting together the point of intersection of the edge of a driveway or alley and the adjacent street curb line (or, if there is no street curb, what would be the normal street curb line) and points on the driveway or alley edge end the street curb line 20 feet from the intersection.
- A site plan/elevation has been submitted indicating portions of an 8' high solid wood fence located in the two 20' visibility triangles at the drive approach into the site from Stewart Drive; and in the 20' visibility triangle at where the alley meets Stewart Drive.
- 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 these requests does not constitute a traffic hazard.
- Granting these requests with a condition imposed that the applicant complies with the submitted site plan/elevation would limit the item to be located and maintained in the two 20' visibility triangles at the drive approach into the site from Stewart Drive and in the 20' visibility triangle at where the alley meets Stewart Drive, to that what is shown on this document - an 8' high solid wood fence.

Timeline:

July 25, 2019: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

September 9, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

September 10, 2019: The Board of Adjustment Chief Planner/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 October 2nd deadline to submit additional evidence for staff to factor into their analysis; and the October 11th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

October 8, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearings. Review team members in attendance included the following: the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Department Conservation District Chief Planner, the Sustainable Development and Construction Senior Engineer, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

October 10, 2019: The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked "Has no objections".

BOARD OF ADJUSTMENT ACTION: October 22, 2019

APPEARING IN FAVOR: No One

APPEARING IN OPPOSITION: No One

MOTION: Sibley

I move that the Board of Adjustment, in Appeal No. BDA 189-108, application of Javier Ortiz, **grant** a special exception to the visual obstruction regulations requested by this applicant because our evaluation of the property and all relevant evidence that the application satisfies all the requirements of the Dallas Development Code and are consistent with the general purpose and intent of the Code.

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/elevation is required.

SECOND: Lamb

AYES: 5 – Sibley, Lamb, Ramsour, Adams, Slade

NAYS: 0

MOTION PASSED: 5 – 0 (unanimously)

FILE NUMBER: BDA189-112(SL)

BUILDING OFFICIAL’S REPORT: Application of Kendal Pope for a special exception to the visual obstruction regulations at 6943 Santa Monica Drive. This property is more fully described as Lot 1, Block 10/2723, and is zoned CD 6, which requires a 20-foot visibility triangle at driveway approaches and alleys. The applicant proposes to locate and maintain items in a required visibility triangle, which will require a special exception to the visual obstruction regulations.

LOCATION: 6943 Santa Monica Drive

APPLICANT: Kendal Pope

REQUEST:

A request for a special exception to the visual obstruction regulations is made to replace and maintain a solid wood fence with a new 6’ high solid wood fence in the 20’ visibility triangle at where the alley meets Blair Boulevard on a site that is developed with a single-family home use/structure.

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:

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 request.
- Staff concluded that the request for a special exception to the visual obstruction regulations should be granted (with the suggested condition imposed) because the item to be replaced and located in the visibility triangle at where the alley meets Blair Boulevard does not constitute a traffic hazard.

BACKGROUND INFORMATION:

Zoning:

Site: CD 6 (Conservation District)
North: CD 6 (Conservation District)
South: CD 6 (Conservation District)
East: CD 6 (Conservation District)
West: CD 6 (Conservation District)

Land Use:

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

Zoning/BDA History:

There have 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 special exception to the visual obstruction regulations focuses on replacing and maintaining a solid wood fence with a new 6’ high solid wood fence in the 20’ visibility triangle at where the alley meets Blair Boulevard on a site that is developed with a single-family home use/structure.
- Section 51A-4.602(d) 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 property is located in CD 6 zoning district which requires the portion of a lot with a triangular area formed by connecting together the point of intersection of the edge of a driveway or alley and the adjacent street curb line (or, if there is no street curb, what would be the normal street curb line) and points on the driveway or alley edge end the street curb line 20 feet from the intersection.
- A site plan and elevation have been submitted indicating portions of a 6’ high solid wood fence located in the 20’ visibility triangle at where the alley meets Blair Boulevard.
- 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 this request to replace and maintain a 6' high solid wood fence located in the 20' visibility triangle at where the alley meets Blair Boulevard does not constitute a traffic hazard.
- Granting this request with a condition imposed that the applicant complies with the submitted site plan and elevation would limit the item in the 20' drive approach visibility triangle at where the alley meets Blair Boulevard to that what is shown on these documents - a 6' high solid wood fence.

Timeline:

July 29, 2019: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

September 9, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

September 10, 2019: The Board of Adjustment Chief Planner/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 October 2nd deadline to submit additional evidence for staff to factor into their analysis; and the October 11th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

October 8, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearings. Review team members in attendance included the following: the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Department Conservation District Chief Planner, the Sustainable Development and Construction Senior Engineer, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

October 10, 2019: The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked "Has no objections".

BOARD OF ADJUSTMENT ACTION: October 22, 2019

APPEARING IN FAVOR: No One

APPEARING IN OPPOSITION: No One

MOTION: Sibley

I move that the Board of Adjustment, in Appeal No. BDA 189-112, application of Kendal Pope, **grant** a special exception to the visual obstruction regulations requested by this applicant because our evaluation of the property and all relevant evidence that the application satisfies all the requirements of the Dallas Development Code and are consistent with the general purpose and intent of the Code.

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 and elevation is required.

SECOND: Lamb

AYES: 5 – Sibley, Lamb, Ramsour, Adams, Slade

NAYS: 0

MOTION PASSED: 5 – 0 (unanimously)

FILE NUMBER: BDA189-110(SL)

BUILDING OFFICIAL’S REPORT: Application of Frank David Schneider, represented by Michael R. Coker, to appeal the decision of the administrative official at 5609 Richard Avenue. This property is more fully described as Lot 22, Block 18/1931, and is zoned CD 15. Chapter 52, Section 302.6.1 states the building official shall suspend or revoke a permit issued under this chapter if he or she determines that the permit is issued in error or on the basis of incorrect information supplied, or in violation of any city ordinance or regulation or any provision of this chapter or the codes. The applicant proposes to appeal the decision of an administrative official in the revocation of a building permit.

LOCATION: 5609 Richard Avenue

APPLICANT: Frank David Schneider
Represented by Michael R. Coker

REQUEST:

A request is made to appeal the decision of the administrative official, more specifically, the Building Official’s authorized representative, the Chief Planner in the Building

Inspection Division, revocation of a building permit for work on property at 5609 Richard Avenue that is developed with a single-family home.

STANDARD FOR APPEAL FROM DECISION OF AN ADMINISTRATIVE OFFICIAL:

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

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

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

BACKGROUND INFORMATION:

Zoning:

Site: CD 15 (Conservation District)
North: CD 15 (Conservation District)
South: CD 15 (Conservation District)
East: CD 15 (Conservation District)
West: CD 15 (Conservation District)

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

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

Timeline:

July 26, 2019: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

September 9, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

September 10, 2019: The Board Administrator emailed the applicant’s representative the following information:

- an attachment that provided the appeal date and panel that will consider the appeal; the October 2nd deadline to submit additional documentation to staff (with a notation that staff does not form a recommendation on this type of appeal); and the October 11th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the outline of procedure for appeals from decisions of the building official to the board of adjustment; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

October 8, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearings. Review team members in attendance included the following: the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Department Conservation District Chief Planner, the Sustainable Development and Construction Senior Engineer, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

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

October 11, 2019: The applicant’s representative submitted additional documentation to staff (see Attachment A).

October 11, 2019: The Assistant City Attorney assisting the Administrative Official submitted additional documentation to staff (see Attachment B).

BOARD OF ADJUSTMENT ACTION: October 22, 2019

APPEARING IN FAVOR: Michael Coker, 3111 Canton Street, Dallas, TX
David Schneider, 5609 Richard Avenue, Dallas, TX
Peggy Schneider, 5609 Richard Avenue, Dallas, TX
Leslie Leeds Kitziger, 5537 Miller Avenue, Dallas, TX

Angelique St. Germain, 5605 Richard Avenue,
Dallas, TX

APPEARING IN OPPOSITION: Justin Roy, 1500 Marilla, RM 7DN, Dallas, TX
Bill Hersch, 320 E. Jefferson Boulevard, Dallas, TX

MOTION: **Adams**

Having fully reviewed the decision of the administrative official of the City of Dallas in Appeal No. BDA 189-110, on application of Frank David Schneider, represented by Michael R. Coker, and having evaluated the evidence pertaining to the property and heard all testimony and facts supporting the application, I move that the Board of Adjustment affirm the decision of the administrative official and **deny** the relief requested by the applicant.

SECOND: **Lamb**

AYES: 4 – Sibley, Lamb, Adams, Slade

NAYS: 1 - Ramsour,

MOTION PASSED: 4 – 1

FILE NUMBER: BDA189-119(SL)

BUILDING OFFICIAL’S REPORT: Application of Sanjuana Hernandez for a variance to the front yard setback regulations at 6827 Kennison Drive. This property is more fully described as Lot 11, Block 17/5818, and is zoned R-7.5(A), which requires a front yard setback of 25 feet. The applicant proposes to construct and/or maintain a structure and provide a 10-foot setback, which will require a 15-foot variance to the front yard setback regulations.

LOCATION: 6827 Kennison Drive

APPLICANT: Sanjuana Hernandez

REQUEST:

A request for a variance to the front yard setback regulations of 15’ is made to maintain a carport structure attached to an existing one-story single-family home located 10’ from the front property line or 15’ into the 25’ front yard setback.

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:

- Staff concluded that the request should be denied even though the applicant had submitted a document/list indicating that average structure size of 9 other homes in the zoning district is approximately 1,600 square feet where the structure size on the site is approximately 1,500 square feet; and the average of lot size of 9 other homes in the zoning district is approximately 17,000 square feet where the lot size of the site is approximately 11,000 square feet. The subject site is not restrictive in area, shape or slope where it cannot be developed in a manner commensurate with the development upon other parcels of land with the same R-7.5(A) zoning. In this case, the subject site is approximately 3,500 square feet larger in area than the standard sized lot in this 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:

- This request for variance to the front yard setback regulations of 15' focuses on maintaining an approximately 400 square foot carport structure attached to a one-story, approximately 1,500 square foot single family home structure located 10' from the site's front property line or 15' into the 25' front yard setback.
- The property is located in an R-7.5(A) zoning district which requires a minimum front yard setback of 25 feet.
- The submitted site plan represents a carport structure located 10' from the front property line or 15' into this 25' front yard setback. The site plan makes representation of several trees located on the site.
- According to DCAD records, the "main improvement" listed for property addressed at 6827 Kennison Drive is home built in 1950 with 1,115 square feet of living area/total area, and "additional improvement" of a 360 square foot detached carport.
- The subject site is flat, rectangular in shape (approximately 137' x 90') and is approximately 12,300 square feet in area. The site is zoned R-7.5(A) where lots are typically 7,500 square feet in area.
- The site plan represents that most of the carport structure is located in the front yard setback but none of the single-family home is located in this setback.
- The applicant was advised by staff of two options in making a request of the Board to maintain the existing carport located in the front yard setback: a variance or a special exception. The applicant chose to make the application for a variance.
- The applicant has submitted a document indicating the following: the average structure size of 9 other homes in the zoning district is 1,620 square feet where the structure size on the site is 1,491 square feet; and the average of lot size of 9 other homes in the zoning district is 17,246 square feet where the lot size of the site is 11,073 square feet.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
 - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5(A) zoning classification.
 - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5(A) zoning classification.
- If the Board were to grant the variance request, and impose the submitted 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 carport structure that is located 10' from the site's front property line (or 15' into the 25' front yard setback).

Timeline:

August 8, 2019: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

September 9, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

September 10, 2019: The Board of Adjustment Chief Planner/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 October 2nd deadline to submit additional evidence for staff to factor into their analysis; and the October 11th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

October 8, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearings. Review team members in attendance included the following: the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Department Conservation District Chief Planner, the Sustainable Development and Construction Senior Engineer, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Board of Adjustment 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: October 22, 2019

APPEARING IN FAVOR: Sanjuana Hernandez, 6827 Kennison Drive, Dallas, TX

APPEARING IN OPPOSITION: No one

MOTION: Slade

I move that the Board of Adjustment, in Appeal No. BDA 189-119, on application of Sanjuana Hernandez, **deny** the variance to the front yard setback regulations requested by this applicant **with** 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.

SECOND: Adams

AYES: 5 – Sibley, Lamb, Ramsour, Adams, Slade

NAYS: 0

MOTION PASSED: 5 – 0 (unanimously)

The meeting was adjourned at 2:42 p.m. on October 22, 2019.

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.