

**BOARD OF ADJUSTMENT, PANEL B  
PUBLIC HEARING MINUTES  
DALLAS CITY HALL COUNCIL CHAMBERS  
WEDNESDAY, October 23, 2019**

MEMBERS PRESENT AT BRIEFING: Philip Sahuc, acting chair, Damian Williams, regular member, Matthew Vermillion, regular member, Nicholas Brooks, alternate member and Jared Slade, alternate member

MEMBERS ABSENT FROM BRIEFING: No One

MEMBERS PRESENT AT HEARING: Philip Sahuc, acting chair, Damian Williams, regular member, Matthew Vermillion, regular member, Nicholas Brooks, alternate 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 Attorney, 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 Attorney, Charles Trammell, Development Code Specialist, David Nevarez, Sr. Traffic Engineer and Elaine Hill, Board Secretary

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**11:10 A.M.** The Board of Adjustment staff conducted a briefing on the Board of Adjustment's **October 23, 2019 docket.**

**BOARD OF ADJUSTMENT ACTION: October 23, 2019**

**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.

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**MISCELLANEOUS ITEM NO. 1**

Panel B, September 18, 2019 public hearing minutes were approved without a formal vote.

**MISCELLANEOUS ITEM NO. 2**

**BOARD OF ADJUSTMENT ACTION: October 23, 2019**

Board of Adjustment Public Hearing Calendar was approved without a formal vote.

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**FILE NUMBER:** BDA189-106(SL)

**BUILDING OFFICIAL’S REPORT:** Application of Laura Bowden for special exceptions to the visual obstruction regulations at 839 N. Winnetka Avenue. This property is more fully described as Lot 10, Block 5/3456, and is zoned CD 1 (Subarea 1), which requires a 20-foot visibility triangle at driveway approaches and alley. The applicant proposes to locate and maintain items in required visibility triangles, which will require special exceptions to the visual obstruction regulation.

**LOCATION:** 839 N. Winnetka Avenue

**APPLICANT:** Laura Bowden

**REQUESTS:**

Requests for special exceptions to the visual obstructions have been made to replace 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 Green Street; and
2. the 20’ visibility triangle at where the alley meets Green Street.

**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 requests for special exceptions to the visual obstruction regulations should be granted (with the suggested condition imposed) because the item to be replaced and located in the visibility triangles at the drive approach into the site from Green Street and at where the alley meets Green Street does not constitute a traffic hazard.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: CD 1 (Conservation District)  
North: CD 1 (Conservation District)  
South: CD 1 (Conservation District)  
East: CD 1 (Conservation District)  
West: CD 1 (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 Green Street; and in the 20' visibility triangle at where the alley meets Green Street.
- 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 1 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 an 8' high solid wood fence located in the two 20' visibility triangles at the drive approach into the site from Green Street; and in the 20' visibility triangle at where the alley meets Green Street. (Note that while the site plan represents landscape materials in two of the three visibility triangles, the Board does not have jurisdiction to consider these or any items that are in visibility triangles and in the public right-of-way. Any item in the public right-of-way requires a license from the City Council).
- 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 and elevation would limit the items to be located and maintained in the two 20' visibility triangles at the drive approach into the site from Green Street and in the 20' visibility triangle at where the alley meets Green Street, to that what is shown on these documents - an 8' high solid wood fence.
- Granting these requests will not provide any exception to allow any item on this site to be located in public right-of-way.

### **Timeline:**

July 19, 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 B.

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

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".

October 11, 2019: The applicant submitted additional documentation to staff (see Attachment A). Note that this information was not factored into the staff recommendation since it was submitted after the October 8<sup>th</sup> staff review team meeting.

**BOARD OF ADJUSTMENT ACTION: October 23, 2019**

APPEARING IN FAVOR: No one

APPEARING IN OPPOSITION: No one

**MOTION: Williams**

I move that the Board of Adjustment, in Appeal No. BDA 189-106, application of Laura Bowden, **grant** the request of this applicant a special exception to the visual obstruction regulations, because it appears from our evaluation of the property and all relevant evidence that the application satisfy all the requirements of the Dallas Development Code and is consistent with the general purpose and intent of the Code:

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

**SECONDED: Vermillion**

AYES: 5 - Sahuc, Williams, Vermillion, Brooks, Slade

NAYS: 0

MOTION PASSED: 5 – 0 (unanimously)

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**FILE NUMBER:** BDA189-118(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Karl A. Crawley for a special exception to the fence standards regulations at 5807 Park Lane. This property is more fully described as Lot 8A, G/5614, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and/or maintain a 5 foot 6-inch-high fence, which will require a 1 foot 6-inch special exception to the fence standards regulations.

**LOCATION:** 5813 Park Lane

**APPLICANT:** Karl A. Crawley

**REQUESTS:**

Requests for special exceptions to the fence standards regulations related to the fence height of 1' 6" are made to maintain an approximately 5' 4" high open metal picket fence and gates with 66" (or 5' 6") high columns in the site's two front yard setbacks along Park Lane and Douglas Avenue on property developed with a single-family home.

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

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

**STAFF RECOMMENDATION:**

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

**BACKGROUND INFORMATION:**

**Zoning:**

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

**Land Use:**

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

**Zoning/BDA History:**

1. BDA134-100, Property at 5813 Park Lane (the subject site)

On October 22, 2014, the Board of Adjustment Panel B granted a request for a special exception to the fence height regulations of 2' and imposed the submitted site plan and partial elevation as a condition to the request.

The case report stated that the request was made in conjunction with made to maintain an approximately 5' 4" high open metal picket fence and gates with 66" (or 5' 6") high columns in the site's two front yard setbacks along Park Lane and Douglas Avenue on property developed with a single-family home.

2. BDA 094-004, Property at 5811 Park Lane (the subject site)

On January 11, 1994, the Board of Adjustment granted a request for a special exception to the fence height regulations of 3' and imposed the submitted site plan and elevation as a condition to the request.

The case report stated that the request was made in conjunction with constructing an open metal fence and gate on Park Lane no higher than 7' in height and replacing an existing 4' chain link fence along Douglas Avenue with a 6' high vinyl chain link fence.

3. BDA 045-268, Property at 5810 Park Lane (the lot south of the subject site)

On August 16, 2005, the Board of Adjustment Panel A granted a request for a special exception to fence height regulations of 6' and imposed the following condition: compliance with the submitted site plan, landscape plan, and fence elevation is required.

The case report states that the request was made in conjunction with constructing and maintaining an open iron fence (6' 2"), columns (6' 8"), and gates (6'9") along Park Lane and a 10' high tennis court fence along Douglas Avenue.

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|---|---|
| 4. BDA 956-189, Property 5825 Park Lane (the lot east of the subject site)          | On April 23, 1996, the Board of Adjustment Panel C granted a request for a special exception to fence height regulations of 4' and imposed the following condition: compliance with the submitted revised site/landscape plan and elevation is required. The case report stated that the original request was made to construct a 6' 8" high solid brick and stone fence with 7' 3" high stone columns and an 8' high entry gate and columns.                         |
| 5. BDA 989-109, Property at 5834 Park Lane (two lots southeast of the subject site) | On October 20, 1998, the Board of Adjustment Panel B granted a request for a special exception to fence height regulations of 5' and imposed the following condition: compliance with the submitted site plan/elevation is required. The case report stated that the request was made in conjunction with constructing approximately 825 linear feet of a 5.5' – 7.5' high open steel picket fence with 7.5' high solid brick columns and 9' high entry gate columns. |
| 6. BDA 056-111, Property 5508 Desco Drive (the lot north of the subject site)       | On May 15, 2006, the Board of Adjustment Panel C granted a request for a special exception to fence height regulations of 3' and imposed the following condition: compliance with the submitted site plan and revised elevation is required. The case report stated that the original request was made to construct and maintain an approximately 6' 6" high open picket fence with 7' high columns in the site's Desco Drive and Douglas Avenue front yard setbacks. |

**GENERAL FACTS/STAFF ANALYSIS:**

- These requests focus on maintaining an approximately 5' 4" high open metal picket fence and gate with 66" (or 5' 6") high columns in the site's two front yard setbacks along Park Lane and Douglas Avenue on property developed with a single-family home.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The subject site is zoned R-1ac(A) which requires a 40' front yard setback.
- The site is located at the northeast corner of Park Lane and Douglas Avenue. The site has a 40' front yard setback along Park Lane, the shorter of the two frontages,

which is always deemed the front yard setback on a corner lot in a single-family zoning district. The site also has a 40' front yard setback along Douglas Avenue, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where a 9' high fence is allowed by right. But the site's Douglas Avenue frontage is a front yard setback nonetheless to maintain the continuity of the front yard setback established by the lot to the north which has a front yard setback on Douglas Avenue.

- The applicant has submitted a site plan that represents the location of “brick columns with wrought iron fence” in the front yard setbacks on Douglas Avenue and Park Lane.
- The applicant has submitted partial elevations of the proposal in the front yard setbacks one labeled “typical iron fence section with columns”, and the other labeled “typical ornamental iron slide gate” both of which reach a maximum height of 66”.
- On October 22, 2014, the Board of Adjustment Panel B granted a request for a special exception to the fence height regulations of 2' and imposed the submitted site plan and partial elevations as a condition to the request.
- The applicant has written in an email that is part of this file (Attachment A) that this is the same property and even the same fence that was approved in October of 2014 in conjunction with BDA134-100, and that after approval the owner did not obtain the required permits (the fence was already built so he didn't think he needed a permit) within 180 days. The applicant states that the owner at the time of the Board approval sold the house to the present owner this year, and when the owner went to the City to get a permit to redo his AC system he was informed that the previous owner did not get the fence permit within 180 days and he needed to go back to the Board for approval.
- Note that the applicant states that this application is made to reinstate the previous special exceptions to the fence standards regulations granted on this property in 2014 (BDA134-100) and is returning with a new application of the same request because permits were not obtained within 180 days of the Board's favorable action on October 22, 2014.
- The Dallas Development Code states with regard to “Board action, board of adjustment hearing procedures”: the applicant shall file an application for a building permit or certificate of occupancy within 180 days from the date of the favorable action of the board, unless the applicant files for and is granted an extended time period prior to the expiration of the 180 days. If the applicant fails to file an application within the time period, the request is automatically denied without prejudice, and the applicant must begin the process to have his request heard again.”
- The following additional information was gleaned from the submitted site plan:
  - Along Park Lane: the fence is approximately 145' in length, approximately on the property line and approximately 20' from the pavement line.
  - Along Douglas Avenue: the fence is approximately 155' in length, approximately on the property line and approximately 20' from the pavement line.
- There is one single family home south of the subject site that has direct frontage to the fence on Park Lane, with a fence higher than 4' in its front yard (an approximately 6' high open metal fence behind extensive landscaping) that appears to be a result of an approved fence height special exception request granted by the

Board of Adjustment in 2005: BDA 045-268 (see the “Zoning/BDA History” section of this case report for additional details).

- There is one single family home west of the subject site that have direct frontage to the fence on Douglas Avenue, with a fence higher than 4’ in its front yard (an approximately 5’ high solid fence) that has no recorded history with the Board of Adjustment.
- The Board Administrator conducted a field visit of the site and surrounding area (approximately 300’ in all directions from the subject site) and noted several fences that appeared over 4’ in height and in front yard setbacks. Most of these fences noted are mentioned earlier in the “Zoning/BDA History” section of this case report.
- As of October 11, 2019, no letters had been submitted in support of or in opposition to the requests.
- The applicant has the burden of proof in establishing that the special exceptions to the fence standards regulations related to height of 1’ 6” will not adversely affect neighboring property.
- Granting these special exceptions to the fence standards regulations related to the fence height of 1’ 6” with a condition imposed that the applicant complies with the submitted site plan and partial elevations would require the proposal exceeding 4’ in height in the front yard setbacks to be maintained in the location and of the heights and materials as shown on these documents.

### **Timeline:**

August 7, 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 assigned this case to Board of Adjustment Panel B.

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

September 10, 2019: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A). The document/email from the applicant states among other things: “This is the same property and even the same fence that was approved in October of 2014 in conjunction with BDA134-100. I represented

the then owner and got approval of an existing fence (again the same fence) that was previously built. After approval the owner did not obtain the required permits (the fence was already built so he didn't think he needed a permit) within 180 days. The owner at the time of the Board approval sold the house to the present owner this year. The owner went to the City to get a permit to redo his AC system and was informed that the previous owner did not get the fence permit within 180 days and he needed to go back to the Board for approval. Sorry for the long history but this comes down to a reinstatement of the previous Board action of October 2014”.

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 23, 2019**

APPEARING IN FAVOR: No one

APPEARING IN OPPOSITION: No one

**MOTION: Williams**

I move that the Board of Adjustment, in Appeal No. BDA 189-118, application of Karl A. Crawley, **grant** the request of this applicant a special exception to the fence height regulations, because it appears from our evaluation of the property and all relevant evidence that the application satisfy all the requirements of the Dallas Development Code and is consistent with the general purpose and intent of the Code:

- Compliance with the submitted site plan and partial elevations is required.

**SECONDED: Vermillion**

AYES: 5 - Sahuc, Williams, Vermillion, Brooks, Slade

NAYS: 0

MOTION PASSED: 5 – 0 (unanimously)

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**FILE NUMBER:** BDA189-107(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Blanca Gonzalez for a special exception to the side yard setback regulations for a carport at 5231 Parry Avenue. This property is more fully described as Lot 2, Block 4/1253, and is zoned R-7.5(A), which requires a side yard setback of 5 feet. The applicant proposes to construct and/or maintain a carport and provide a 1 foot 1-inch setback, which will require a 3-foot 11-inch special exception to the side yard setback regulations.

**LOCATION:** 5231 Parry Avenue

**APPLICANT:** Blanca E. Gonzalez

**REQUEST:**

A request for a special exception to the side yard setback regulations of 3' 11" is made to maintain a carport located 1' 1" from the site's northeastern side property line or 3' 11" into this 5' required side yard setback on a site developed with a single-family home structure/use.

**STANDARD FOR A SPECIAL EXCEPTION TO ALLOW A CARPORT IN THE SIDE YARD:**

The Board of Adjustment may grant a special exception to the minimum side yard requirements to allow a carport for a single-family or duplex use when, in the opinion of the Board, the carport will not have a detrimental impact on surrounding properties. In determining whether to grant a special exception, the Board shall consider the following:

- (1) Whether the requested special exception is compatible with the character of the neighborhood.
- (2) Whether the value of surrounding properties will be adversely affected.
- (3) The suitability of the size and location of the carport.
- (4) The materials to be used in the construction of the carport.

(Storage of items other than motor vehicles is prohibited in a carport for which a special exception is granted in this section of the Code).

**STAFF RECOMMENDATION:**

No staff recommendation is made on this or any request for a special exception to the side yard setback regulations since the basis for this type of appeal is, when in the opinion of the board, the carport will not have a detrimental impact on surrounding properties.

**Zoning:**

Site: R-7.5(A) (Single family district 7,500 square feet)  
North: PD 134 (Planned Development)

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:**

- The request for a special exception focuses on maintaining what is represented on the submitted site plan an approximately 1,200 square foot carport located 1' 1" from the site's northeastern side property line or 3' 11" into this 5' side yard setback on a site developed with a single-family home structure/use.
- The subject site is zoned R-7.5(A) which requires a 5' side yard setback.
- The applicant has submitted a site plan and elevations that represent the location and features of the carport on the subject site.
- The submitted site plan represents the following:
  - The carport is approximately 75' in length and ranges from approximately 12' – 24' in width. The site plan represents that the carport area is 1,263 square feet and that the existing living area is 1,040 square feet.
- The submitted elevations represent the following:
  - Approximately 11' in height and width (facing the street)
  - Materials are metal (roof and columns).
- The Board Administrator/Chief Planner conducted a field visit of the area and noted two other carports immediately northeast and southwest of the site. These carports appear to be possibly located in side yard setbacks neither of which have any recorded BDA history.
- As of October 11, 2019, no letters had been submitted in support of or in opposition to this application.
- The applicant has the burden of proof in establishing the following:
  - that granting this special exception to the side yard setback regulations of 3' 11" will not have a detrimental impact on surrounding properties.
- Granting this request and imposing the following conditions would require the carport to be maintained in the location and of the heights and materials as shown on these documents:
  1. Compliance with the submitted site plan and elevations is required.
  2. The carport structure must remain open at all times.
  3. No lot-to-lot drainage is permitted in conjunction with this carport special exception.
  4. All applicable building permits must be obtained.

5. No item (other than a motor vehicle) may be stored in the carport.
- If the Board were to grant this request and impose the submitted site plan and elevations as a condition to the request, the structure in the side setback would be limited to that what is shown on this document – a carport located 1’ 1” away from the site’s northeastern side property line or 3’ 11” into this required 5’ side yard setback. Note that granting this request will not provide any exception to the applicant being required to fully meet all applicable building codes.

**Timeline:**

July 23, 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 B.

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 2<sup>nd</sup> deadline to submit additional evidence for staff to factor into their analysis; and the October 11<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request;
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence”; and
- that when the board grants these types of requests for carports in setbacks, they typically impose the applicant’s submitted site plan and elevations as conditions, and that with this in mind, it is in the applicant’s best interest to make sure that the features shown on the submitted elevations that are part of this application comply with building code prior to the board of adjustment public hearing on this application since the board of adjustment will not be able to consider any exception to full compliance with the building code.

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 23, 2019**

**APPEARING IN FAVOR:** Rose Tabares, 5231 Parry Avenue, Dallas, TX

**APPEARING IN OPPOSITION:** Paula Rivera, 5237 Parry Avenue, Dallas, TX

**MOTION: Brooks**

I move that the Board of Adjustment, in Appeal No. BDA 189-107, on application of Blanca Gonzalez, **grant** the request of this applicant to maintain a carport in the required side yard setback and provide a one-foot one-inch setback as a special exception to the side yard setback requirement in the Dallas Development Code, because our evaluation of the property and the testimony shows that this special exception will not detrimentally impact surrounding properties.

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 elevations is required.
- The carport structure must remain open at all times.
- No lot-to-lot drainage is permitted in conjunction with this carport special exception.
- All applicable building permits must be obtained.
- No item (other than a motor vehicle) may be stored in the carport.

**SECONDED: Williams**

**AYES:** 5 - Sahuc, Williams, Vermillion, Brooks, Slade

**NAYS:** 0

**MOTION PASSED:** 5 – 0 (unanimously)

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**BOARD OF ADJUSTMENT ACTION: October 23, 2019**

**MOTION: Vermillion**

**To adjourn the meeting.**

**SECONDED: Brooks**

**AYES:** 5 - Sahuc, Williams, Vermillion, Brooks, Slade

**NAYS:** 0

**MOTION PASSED:** 5 – 0 (unanimously)

The meeting was adjourned **at 1:44 P.M. on October 23, 2019.**

\_\_\_\_\_  
CHAIRPERSON

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BOARD ADMINISTRATOR

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BOARD SECRETARY

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**Note:** For detailed information on testimony, refer to the tape retained on file in the Department of Planning and Development.