

**BOARD OF ADJUSTMENT, PANEL B
PUBLIC HEARING MINUTES
DALLAS CITY HALL, L1FN AUDITORIUM
WEDNESDAY, MAY 20, 2015**

MEMBERS PRESENT AT BRIEFING: Sam Gillespie, Panel Vice Chair, Scott Hounsel, regular member, Robert Agnich, alternate member, Jim Gaspard, alternate member and Lorlee Bartos, alternate member

MEMBERS ABSENT FROM BRIEFING: Darlene Reynolds, Vice Chair, and Charles Johnson, regular member

MEMBERS PRESENT AT HEARING: Sam Gillespie, Panel Vice Chair, Scott Hounsel, regular member, Robert Agnich, alternate member, Jim Gaspard, alternate member and Lorlee Bartos, alternate member

MEMBERS ABSENT FROM HEARING: Darlene Reynolds, Vice Chair, and Charles Johnson, regular member

STAFF PRESENT AT BRIEFING: Steve Long, Board Administrator, Donna Moorman, Chief Planner, Jamilah Way, Asst. City Attorney, Todd Duerksen, Development Code Specialist, David Lam, Engineer, Phil Erwin, Chief Arborist and Trena Law, Board Secretary

STAFF PRESENT AT HEARING: Steve Long, Board Administrator, Donna Moorman, Chief Planner, Jamilah Way, Asst. City Attorney, Todd Duerksen, Development Code Specialist, Phil Erwin, Chief Arborist and Trena Law, Board Secretary

11:45 A.M. The Board of Adjustment staff conducted a briefing on the Board of Adjustment's **April 22, 2015 docket.**

1:05 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 22, 2015 public hearing minutes.

BOARD OF ADJUSTMENT ACTION: MAY 20, 2015

MOTION: None

The minutes were approved as amended.

FILE NUMBER: BDA 145-057

BUILDING OFFICIAL’S REPORT: Application of Christopher Strempek for a special exception to the fence height regulations at 8715 Midway Road. This property is more fully described as Lot 10 and part of Lots 9 & 11, Block 2/5071, and is zoned R-10(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and/or maintain an 7 foot 8 inch high fence, which will require a 3 foot 8 inch special exception to the fence height regulations.

LOCATION: 8715 Midway Road

APPLICANT: Christopher Strempek

May 20, 2015 Public Hearing Notes:

- The applicant submitted a landscape plan to the Board at the public hearing – a plan that he testified made no changes to what was shown on the previously submitted revised site plan other than represent certain landscape materials to be added and/or retained adjacent to the fence.

REQUEST:

A request for a special exception to the fence height regulations of 3’ 8” is made to modify and maintain a 6’ high open wrought iron fence with 2’ 7” high columns/decorative urns, and a recessed entryway that includes a 6’ high open wrought iron pedestrian gate, a 7’ 8” high open arched wrought iron gate, two, 7’ 8” high masonry columns, and a 7’ 8” high approximately 5’ long, 7’ 8” high entry wall/column on a site developed with a single family home.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:

Section 51A-4.602 of the Dallas Development Code states that the board may grant a special exception to the height requirement for fences 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 height 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-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: R-10(A) (Single family district 10,000 square feet)
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 focuses on modifying and maintaining a 6’ high open wrought iron fence with 2’ 7” high columns/decorative urns, and a recessed entryway that includes a 6’ high open wrought iron pedestrian gate, a 7’ 8” high open arched wrought iron gate, two, 7’ 8” high masonry columns, and a 7’ 8” high approximately 5’ long, 7’ 8” high entry wall/column on a site developed with a single family home use.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4’ above grade when located in the required front yard.
- The applicant has submitted a revised site plan/elevation of the proposal in the front yard setback indicating that it reaches a maximum height of 7’ 8”.
- The following additional information was gleaned from the submitted revised site plan/elevation:
 - The proposal is represented as being approximately 240’ in length parallel to the street and approximately 23’ perpendicular to the street on the south side of the site in the front yard setback.
 - The fence proposal is represented to be located approximately 5’ – 7’ from the front property line or about 20’ - 22’ from the pavement line.

- The recessed entryway is represented to be located approximately 27' from the front property line or about 36' from the pavement line.
- The proposal is located on the site where three lots have direct frontage to it, none of which appear to have visible fences in their front yards over 4' in height.
- The Board Administrator conducted a field visit of the site and surrounding area along Midway Road (from Capps Drive to Shorecrest Drive) and noted the following three other visible fences above 4 feet high which appeared to be located in a front yard setback:
 - 1) an approximately 6' high solid board fence northeast of the site; and
 - 2) an approximately 6' high wood fence immediately north of the site; and
 - 3) an approximately 6' high wood fence two lots south of the subject site.
 None of the fences noted above have recorded BDA history.
- As of May 11, 2015, six letters had been submitted in support of the request, and no letters had been submitted in opposition.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 3' 8" will not adversely affect neighboring property.
- Granting this special exception of 3' 8" with a condition imposed that the applicant complies with the submitted revised site plan/elevation would require the proposal exceeding 4' in height in the front yard setback to be modified and maintained in the location and of the heights and materials as shown on this document.

Timeline:

- March 18, 2015: 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 14, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- April 16, 2015: 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 29th deadline to submit additional evidence for staff to factor into their analysis; and the May 8th 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 1, 2015: The applicant submitted additional documentation on this application beyond what was submitted with the original application (see Attachment A).

May 5, 2015: 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 Sustainable Development and Construction Board of Adjustment Chief Planner, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

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

BOARD OF ADJUSTMENT ACTION: MAY 20, 2015

APPEARING IN FAVOR: Chris Strempek, 8715 Midway Rd, Dallas, TX
Chris Kollick, 4280 Shorecrest Dr., Dallas, TX

APPEARING IN OPPOSITION: Carl Schwalm, 4807 Bluffview Blvd, Dallas, TX
Sterling Kenty, 8723 Canyon Dr, Dallas, TX
Nancy Kenty, 8723 Canyon Dr, Dallas, TX
John Alexander, 4811 Bluffview, Dallas, TX
Phillip Terry, 4258 Shorecrest, Dallas, TX

MOTION #1: Gaspard

I move that the Board of Adjustment, in request No. **BDA 145-057**, on application of Christopher Strempek, **grant** the request to construct and maintain a 7-foot 8-inch-high fence in the property's front yard as a special exception to the fence height requirements in the Dallas Development Code because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property. I further move that the following conditions be imposed to further the purpose and intent of the Dallas Development Code:

- Compliance with submitted revised site plan/elevation and landscape plan is required.

SECONDED: Hounsel

AYES: 3 – Hounsel, Agnich, Gaspard,

NAYS: 2 – Gillespie, Bartos

MOTION FAILED 3– 2

MOTION #2: Bartos

I move that the Board of Adjustment reconsider the previous motion made.

SECONDED: Gaspard

AYES: 5 – Gillespie, Hounsel, Agnich, Gaspard, Bartos

NAYS: 0 –

MOTION PASSED 5– 0 (unanimously)

MOTION #3: Gaspard

I move that the Board of Adjustment, in request No. **BDA 145-057**, on application of Christopher Strempek, **grant** the request to construct and maintain a 7-foot 8-inch-high fence in the property’s front yard as a special exception to the fence height requirements in the Dallas Development Code because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property. I further move that the following conditions be imposed to further the purpose and intent of the Dallas Development Code:

- Compliance with submitted revised site plan/elevation and landscape plan is required.

SECONDED: Hounsel

AYES: 4 –Hounsel, Agnich, Gaspard, Bartos

NAYS: 1 – Gillespie

MOTION PASSED 4– 1

FILE NUMBER: BDA 145-059

BUILDING OFFICIAL’S REPORT: Application of Daniel Millner for a special exception to the landscape regulations at 4062 LBJ Freeway. This property is more fully described as Lot 1, Block 8391, and is zoned PD-885 (Subarea A), 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: 4062 LBJ Freeway

APPLICANT: Daniel Millner

May 20, 2015 Public Hearing Notes:

- Opposition to the application submitted written documentation to the Board at the public hearing.

REQUEST:

A request for a special exception to the landscape regulations is made to complete and maintain a general merchandise or food store use/structures (an approximately 186,000 square foot structure: Walmart, and an approximately 136,000 square foot structure: Sam’s Club), and not fully meet the landscape regulations.

STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPE REGULATIONS:

The board may grant a special exception to the landscape 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 alternate landscape plan because in his opinion the exception will not adversely affect neighboring property, and strict compliance with the requirements of the ordinance for maintaining groundcover within the buffer below the extensive retaining wall structure will unreasonably burden the use of the property.

BACKGROUND INFORMATION:

Zoning:

Site: PD 885 (Planned Development)
North: City of Farmers Branch
South: R-10(A) (Single family residential 10,000 square feet)
East: D(A) and CR (Duplex and Community retail)
West: TH-2(A) (Townhouse)

Land Use:

The site is currently being developed with a general merchandise or food store use/structures (Walmart and Sam’s Club). The area to the north is the City of Farmers Branch; the area to the east is developed with a mix of retail and residential uses; and the areas to the south and west are developed with residential uses.

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on completing and maintaining a general merchandise or food store use/structures (an approximately 186,000 square foot structure: Walmart and an approximately 136,000 square foot structure: Sam's Club), and not fully meeting the landscape regulations.
- More specifically, according to the City of Dallas Chief Arborist, the applicant seeks exception from the mandatory perimeter landscape buffer strip with groundcover and plant groups to be provided along the entire length of the lot where residential adjacency exists.
- According to the Chief Arborist, the applicant is requesting to provide a concrete surface from the property line and paved alley to the base of a retaining wall within the perimeter buffer on the southern property line. The Chief Arborist notes that approximately half of the perimeter buffer will include a paved surface and retaining wall structure; and that the remaining 10 foot wide mandatory perimeter buffer on the south and west sides of the site will be covered with decomposed granite, trees, and shrubs. (Decomposed granite is not specified as "groundcover" in the landscape ordinance).
- 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 how this request is triggered by the new construction.
- The Chief Arborist's memo lists the following factors for consideration:
 1. Article X defines landscape buffer strip and ground cover where "decomposed granite" does not meet classifications but is used in non-required landscape beds in general practice.
 2. The pavement below the retaining wall provides for stable drainage conditions and manageable paved surface expansion alongside the grade level of the adjacent alley. Maintaining a ground cover alongside an improved narrow alley would be difficult to sustain in good condition.
 3. The portion of the buffer along the retaining wall will include trees and shrubs which are required for the perimeter landscape buffer strip. The landscape buffer extends further north an additional five feet to the screening wall, and additional landscaping is north of the screening wall and faces the commercial use. Future tree growth will bring significant tree canopy expansion above and on both sides of the wall. There is a significant rise of the retaining wall to the western end of the property.

- The City of Dallas Chief Arborist recommends approval of the alternate landscape plan because in his opinion the exception will not adversely affect neighboring property, and strict compliance with the requirements of the ordinance for maintaining groundcover within the buffer below the extensive retaining wall structure will unreasonably burden the use of the 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 alternate landscape plan as a condition to the request, the site would be provided exception from full compliance with the mandatory perimeter landscape buffer strip requirements of Article X: The Landscape Regulations.

Timeline:

- March 24, 2015: 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 14, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B
- April 16, 2015: 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 29th deadline to submit additional evidence for staff to factor into their analysis; and the May 8th 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 5, 2015: 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 Sustainable Development and Construction Board of Adjustment Chief Planner, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

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

May 6, 2015: The City of Dallas Chief Arborist submitted a memo regarding the request (see Attachment A).

May 6, 2015: The applicant submitted additional documentation on this application beyond what was submitted with the original application (see Attachment B).

BOARD OF ADJUSTMENT ACTION: MAY 20, 2015

APPEARING IN FAVOR: Myron Dornic, 5026 Maple Springs Blvd, Dallas, TX
Daniel Millner, 5750 Genesis Ct., #200, Frisco, TX

APPEARING IN OPPOSITION: Debby Kass, 4213 Rosser Square, Dallas, TX
Kathy Robinson, 4143 Rosser Square, Dallas, TX

MOTION #1: Agnich

I move that the Board of Adjustment in Appeal No. **BDA 145-059** suspend the rules and accept the evidence that is being presented today.

SECONDED: Gaspard

AYES: 5 – Gillespie, Hounsel, Agnich, Gaspard, Bartos

NAYS: 0 –

MOTION PASSED 5– 0(unanimously)

MOTION #2: Agnich

I move that the Board of Adjustment, in request No. **BDA 145-059**, on application of Daniel Millner, **grant** the request to provide an alternate landscape plan as a special exception to the landscape regulations in Article X of the Dallas Development Code because our evaluation of the property and the testimony shows that strict compliance with the requirements of Article X will unreasonable burden the use of the property, the requirements are not imposed by a site specific landscape plan approved by the city plan commission or city council, and the special exception will not adversely affect neighboring property. 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: Bartos

AYES: 5 – Gillespie, Hounsel, Agnich, Gaspard, Bartos

NAYS: 0 –

MOTION PASSED 5– 0(unanimously)

FILE NUMBER: BDA 145-060

BUILDING OFFICIAL'S REPORT: Application of Santos T. Martinez for a special exception to the fence height regulations at 8216 Inwood Road. This property is more fully described as Lot 24, Block 5674, and is zoned R-16(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and maintain a 6 foot 6 inch high fence, which will require a 2 foot 6 inch special exception to the fence height regulations.

LOCATION: 8216 Inwood Road

APPLICANT: Santos T. Martinez

REQUEST:

A request for a special exception to the fence height regulations of 2' 6" is made to construct and maintain a 6' high open steel tube/wrought iron fence and gate with approximately 6' 6" masonry columns in the 35' front yard setback on a site that is developed with a single family home/use.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:

Section 51A-4.602 of the Dallas Development Code states that the board may grant a special exception to the height requirement for fences 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 height 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-16(A) (Single family district 16,000 square feet)
- North: R-16(A) (Single family district 16,000 square feet)
- South: R-16(A) (Single family district 16,000 square feet)
- East: R-7.5(A) (Single family district 7,500 square feet)
- West: R-16(A) (Single family district 16,000 square feet)

Land Use:

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

Zoning/BDA History:

1. BDA 134-049, Property at 8216 Inwood Road (the subject site)
On May 21, 2014, the Board of Adjustment Panel B denied a request for a special exception to the fence height regulations of 2' 6" with prejudice. The case report stated that the request was made to construct and maintain a 6' high open iron fence and gate with 6' 6" high stucco columns in the 35' front yard setback on a site that is developed with a single family home/use.
2. Miscellaneous Item, BDA 134-049, Property at 8216 Inwood Road (the subject site)
On February 18, 2015, the Board of Adjustment Panel B denied a request to waive the two year limitation on a final decision reached by Board of Adjustment Panel B on May 21, 2014 - a request for a special exception to the fence height regulations of 2' 6" denied with prejudice.
3. Miscellaneous Item, BDA 134-049, Property at 8216 Inwood Road (the subject site)
On March 18, 2015, the Board of Adjustment Panel B granted a request to waive the two year limitation on a final decision reached by Board of Adjustment Panel B on May 21, 2014 - a request for a special exception to the fence height regulations of 2' 6" denied with prejudice.

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on constructing and maintaining a 6' high open steel tube/wrought iron fence and gate with 6' 6" masonry columns in the 35' front yard setback on a site that is developed with a single family home/use.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The applicant has submitted a revised site plan/fence detail and revised partial elevation of the proposal in the front yard setback that reaches a maximum height of 6' 6".
- The following additional information was gleaned from the submitted revised site plan/fence detail:

- The proposal is represented as being approximately 140' in length parallel to the street with a recessed entry way, and approximately 25' in length perpendicular to the street on the north and south sides of the subject site in the front yard setback.
- The fence proposal is represented as being located approximately 13' from the property line or about 16' from the pavement line. (The gate proposal is represented as being located approximately 25' from the property line or about 27' from the pavement line).
- A row of "(21" Nellie R. Stevens Holly, 45 gallon, 6' screen for iron fence" is denoted on the inside of the proposed fence. In addition, a continuous row of Boxwoods are denoted on the outside of the proposed fence.
- Two home fronts the proposal – one with no fence in its front yard setback, and the other with an approximately 7' high open metal fence that appears to be located out of the required front yard setback.
- The Board Administrator conducted a field visit of the site and surrounding area and noted no other visible fences above 4 feet high which appeared to be located in a front yard setback.
- As of May 12th, no letters had been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 2' 6" will not adversely affect neighboring property.
- Granting this special exception of 2' 6" with a condition imposed that the applicant complies with the submitted revised site plan/fence detail and revised partial elevation would require the proposal exceeding 4' in height in the front yard setback to be constructed and maintained in the location and of the heights and materials as shown on these documents.

Timeline:

February 26, 2014: 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 14, 2014: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

April 14, 2014: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the April 30th deadline to submit additional evidence for staff to factor into their analysis; and the May 9th 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 30, 2015: The applicant submitted additional documentation on this application beyond what was submitted with the original application (see Attachment A).

May 5, 2015: 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 Sustainable Development and Construction Board of Adjustment Chief Planner, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

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

BOARD OF ADJUSTMENT ACTION: MAY 20, 2015

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

APPEARING IN OPPOSITION: Karen Sitterle, 8216 Chadbourne, Dallas, TX

3:26 P.M.: Break
3:35 P.M.: Resumed

MOTION: Hounsel

I move that the Board of Adjustment, in request No. **BDA 145-060**, on application of Santos T. Martinez, **deny** the special exception requested by this applicant **without prejudice**, because our evaluation of the property and the testimony shows that granting the application would adversely affect neighboring property.

SECONDED: Agnich

AYES: 5 – Gillespie, Hounsel, Agnich, Gaspard, Bartos

NAYS: 0 –

MOTION PASSED 5– 0 (unanimously)

MOTION: Agnich

I move to adjourn this meeting.

SECONDED Gaspard

AYES: 5–Gillespie, Hounsel, Agnich, Gaspard, Bartos

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

4:15 P.M. Board Meeting adjourned for **May 20, 2015**

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.