

RECEIVED  
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CITY SECRETARY  
BOARD OF ADJUSTMENT, PANEL B  
PUBLIC HEARING MINUTES  
DALLAS CITY HALL, L1FN AUDITORIUM  
WEDNESDAY, AUGUST 26, 2015

MEMBERS PRESENT AT BRIEFING: Darlene Reynolds, Vice Chair, Sam Gillespie, Panel Vice Chair, Charles Johnson, regular member, and Robert Agnich, alternate member and Lorlee Bartos, alternate member

MEMBERS ABSENT FROM BRIEFING: Scott Housel, regular member

MEMBERS PRESENT AT HEARING: Darlene Reynolds, Vice Chair, Sam Gillespie, Panel Vice Chair, Charles Johnson, regular member, and Robert Agnich, alternate member and Lorlee Bartos, alternate member

MEMBERS ABSENT FROM HEARING: Scott Housel, regular member

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

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**11:06 A.M.** The Board of Adjustment staff conducted a briefing on the Board of Adjustment's **August 26, 2015 docket.**

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**1:15 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**

To approve the Board of Adjustment Panel B June 24, 2015 public hearing minutes.

**BOARD OF ADJUSTMENT ACTION: AUGUST 26, 2015**

MOTION: None

The minutes were approved.

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**MISCELLANEOUS ITEM NO. 2**

**FILE NUMBER:** BDA 145-007

**REQUEST:** To extend the time period in which to file an application for a building permit or certificate of occupancy an additional 12 months beyond the 180 days from the Board of Adjustment Panel B's favorable actions on requests for special exceptions to the pedestrian skybridge standards granted by Board of Adjustment Panel B on March 18 and April 22, 2015.

**LOCATION:** 8300/8301 Westchester Drive

**APPLICANT:** Suzan Kedron and Jonathan Vinson of Jackson Walker LLP

**STANDARD FOR EXTENDING THE TIME PERIOD IN WHICH TO APPLY FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY:**

- The Dallas Development Code states:
  - The applicant shall file an application for a building permit or certificate of occupancy within 180 days for the date of the favorable action of the board, unless the applicant files from and is granted an extended time period prior to the expiration of the 180 days. The filing of a request for an extended time period does not toll the 180 day time period. 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 *Board of Adjustment Working Rules of Procedure* state the following with regard to extensions of the time period for making application for a building permit or certificate of occupancy:
  - A panel may not extend the time period for making application for a building permit or certificate of occupancy beyond 180 days from the date of its favorable action unless it makes a *specific finding* based on evidence presented at a public hearing that there are no substantially changed conditions or circumstances regarding the property to the satisfaction of the panel. In no event, however, may the board extend the time period beyond 18 months from the date of its favorable action.

**Timeline:**

March 18, 2015: The Board of Adjustment Panel B granted a request for a special exception to reduce the skybridge clearance above the public right-of-way to 15 feet above grade; granted a request for a special exception to increase the divergence from a perpendicular angle to 45 degrees; granted a request for a special exception to increase the maximum interior passageway width of the skybridge to 61 feet; and held the applicant's request for a special exception to locate support columns within the Westchester Drive public right-of-way until April 22, 2015.

April 22, 2015: The Board of Adjustment Panel B granted a request for a special exception to locate support columns within the Westchester Drive public right-of-way. The Board imposed the following condition: Compliance with the submitted revised site plans titled "Site Plan 01" and "Enlarge Plans 02" dated 04-01-15 is required.

July 31, 2015: The applicant sent a letter to the Board Administrator requesting an extension of the time period in which to make application for a building permit or certificate of occupancy (see Attachment A).

August 10, 2015: The Board Administrator emailed the applicant acknowledging his request for the Board to extend the time period in which to file an application for a building permit or certificate of occupancy an additional 12 months beyond the 180 days that the applicant had to do so from the March 18 and April 22, 2015 favorable actions. The applicant's representative was emailed the following information:

- an attachment that provided the public hearing date of the request; and 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;
- an attachment of materials related to BDA 145-007 (see Attachment B); and
- The Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

**BOARD OF ADJUSTMENT ACTION: AUGUST 26, 2015**

**APPEARING IN FAVOR:** Jonathan Vinson, 901 Main Street, Dallas, TX

**APPEARING IN OPPOSITION:** No one

**MOTION: Gillespie**

I move to grant that the Board of Adjustment grant the request to extend the time period in which to file an application for a building permit or certificate of occupancy an additional 12 months beyond the 180 days from the Board of Adjustment Panel B's favorable actions on requests for special exceptions to the pedestrian skybridge standards granted by Board of Adjustment Panel B on March 18 and April 22, 2015.

**SECONDED: Agnich**

**AYES:** 5 – Reynolds, Gillespie, Johnson, Agnich, Bartos

**NAYS:** 0 -

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

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**FILE NUMBER:** BDA 145-075

**BUILDING OFFICIAL'S REPORT:** Application of Jeffrey R. Bragalone, represented by Signe Smith, for a variance to the height regulation at 4101 W. Lawther Drive. This property is more fully described as Lot 4B, Block 4408, and is zoned R-1ac(A), which limits the maximum building height to 36 feet. The applicant proposes to construct and maintain a structure with a building height of 41 feet 9 inches, which will require a 5 foot 9 inch variance to the height regulations.

**LOCATION:** 4105 (4101) W. Lawther Drive

**APPLICANT:** Jeffrey R. Bragalone  
Represented by Signe Smith

**REQUEST:**

A request for a variance to the height regulations of 5' 9" is made to construct and maintain a three-level single family home structure which is proposed to exceed the 36' maximum structure height on the undeveloped subject site.

**STANDARD FOR A VARIANCE:**

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

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

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

**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- Compliance with the submitted "enlarged site plan, site section" document is required.

Rationale:

- The subject site is unique and different from most lots in the R-1ac(A) zoning district in that it is sloped. The slope of the subject site is the factor that makes the proposed 35' 6" high single family home on the site measured from existing grade, 41' 9" in height (or 5' 9" above the 36' maximum permitted height) measured from average grade.
- Furthermore, the proposed home with a total square footage of approximately 8,200 square feet appears to be commensurate with other developments in the same R-1ac(A) zoning district. The applicant has provided information where the average of seven other properties on the street/zoning district is approximately 10,900 square feet or larger than that what is proposed on the subject site.

**BACKGROUND INFORMATION:**

**Zoning:**

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

**Land Use:**

The subject site is undeveloped. The areas to the north and west are developed with single family uses; the area to the east is White Rock Lake; and the area to the south is undeveloped.

**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 constructing and maintaining a three-level single family home structure which at its highest point reaches 41' 9", and exceeds the 36' maximum structure height on the undeveloped R-1ac(A) zoned subject site by 5' 9".

- The maximum structure height on properties zoned R-1ac(A) is 36'.
- The Dallas Development Code provides the following definition for "height": "Height means the vertical distance measured from grade to: (A) for a structure with a gable, hip, or gambrel roof, the midpoint of the vertical dimension between the lowest eaves and the highest ridge of the structure; (B) for a structure with a dome, the midpoint of the vertical dimension of the dome; and (C) for any other structure, the highest point of the structure."
- The Dallas Development Code provides the following definition for "grade": "Grade means the average of the finished ground surface elevations measured at the highest and lowest exterior corners of a structure. For purposes of this definition, finished ground surface elevation means the ground surface elevation of a building site before any construction or ground surface elevation as altered in accordance with grading plans approved by the building official. Finished ground surface elevation does not include: (A) fill material not necessary to make the site developable; (B) berms; or (C) landscape features".
- The Dallas Development Code provides the following definition for "structure": "Structure means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner".
- An application and a site/building section document has been submitted that represents the maximum height of the proposed structure to be 41' 9" or 5' 9" above the 36' maximum structure height permitted in the R-1ac(A) zoning district.
- The applicant states that the proposed home would have a total square footage of approximately 8,200 square feet where the average of seven other properties on the street/zoning district is approximately 10,900 square feet.
- The submitted site plan/building section document provides the following notation adjacent to the proposed structure: "35'-6" Exist. Grade-to-roof peak (36'-0" allowed)."
- A revised "enlarged site plan, site section" document has been submitted with notations regarding the height of the proposed structure that indicates: 1) "35'-6" top of roof above existing grade (36'-0" allowed)"; and 2) "41'-9" top of roof above average grade".
- According to DCAD records, there is "no main improvement" or "no additional improvements" for property addressed at 4105 W. Lawther Drive.
- A site plan has been submitted that documents the slope of the subject site. The site plan denotes contour lines that range from 465' to 491' over the length of the 400' subject site.
- The sloped subject site is rectangular in shape, and according to the submitted application is 1.1 acres in area. The site is zoned R-1ac(A) where lots are typically one acre in area.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the height regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.

- The variance 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-1ac(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-1ac(A) zoning classification.
- If the Board were to grant the variance request, and impose the submitted "enlarged site plan, site section" document as a condition, the height of the structure on the site would be limited to what is shown on these documents.

**Timeline:**

- April 30, 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.
- June 19, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- June 19, 2015: The Board Administrator emailed the applicant's representative the following information:
- a copy of the application materials including the Building Official's report on the application;
  - an attachment that provided the public hearing date and panel that will consider the application; the July 29<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the August 14<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."
- July 29, 2015: The applicant's representative submitted additional information to staff beyond what was submitted with the original application (see Attachment A).
- August 11, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August 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 with comments were submitted in conjunction with this application

**BOARD OF ADJUSTMENT ACTION: AUGUST 26, 2015**

**APPEARING IN FAVOR:** Jeff Bragalone, 4105 Lawther, Dallas, TX  
Bob Foster, 4101 West Lawther, Dallas, TX  
Mickie Bragalone, 6712 Avalon, Dallas, TX  
Signe Smith, 4105 W Lawther, Dallas, TX

**APPEARING IN OPPOSITION:** Michael Coker, 3112 Canton, Dallas, TX  
James Archer, 4109 W Lawther, Dallas, TX

**MOTION: Agnich**

I move that the Board of Adjustment, in request No. **BDA 145-075**, on application of Jeffrey R. Bragalone, **grant** a 5-foot 9-inch variance to the height regulations because our evaluation of the property and testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would result in unnecessary hardship to this applicant. I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

- Compliance with the submitted "enlarged site plan, site section" document is required.

**SECONDED: Bartos**

**AYES:** 5 – Reynolds, Gillespie, Johnson, Agnich, Bartos

**NAYS:** 0 -

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

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**FILE NUMBER:** BDA 145-079

**BUILDING OFFICIAL'S REPORT:** Application of Ralph Shilling for a special exception to the fence height regulations at 9929 Ila Drive. This property is more fully described as Lot 8A, Block 10/6220, 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 an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence regulation.

**LOCATION:** 9929 Ila Drive

**APPLICANT:** Ralph Shilling



**August 26, 2015 Public Hearing Notes:**

- The Current Planner informed the Board that, based on the submitted elevations, the applicant only needed a 2' 1" special exception to the fence regulation, and not a 4' one.

**REQUEST:**

The following request for a special exception has been made on a site that is developed with a single family home/use:

1. A request for a special exception to the fence height regulations of 4' is made to construct an 8' high wooden fence and auto gate, parallel and perpendicular to the street in the site's two required front yards: the Walnut Hill Lane required 35' front yard, and the Ila Drive required 30' front yard.

**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 (FENCE HEIGHT):**

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 Residential District 10,000 SF)  
North: PD 724 (Planned Development District No. 724 (Considered a Residential Zoning District))  
South: R-10(A) (Single Family Residential District 10,000 SF)  
East: R-10(A) (Single Family Residential District 10,000 SF)  
West: R-10(A) (Single Family Residential District 10,000 SF)

**Land Use:**

The subject site is currently developed with a single family home. The area to the north is developed with a school, and the areas to the south, east, and west are developed with single family 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 (FENCE HEIGHT):**

- This request focuses on constructing an 8' high wooden fence with matching auto gate, approximately 12' wide, parallel and perpendicular to the street in the site's two required front yards on a site developed with a single family home/use:
  - the 35' required front yard along Walnut Hill Lane; and
  - the 30' required front yard along Ila Drive.
- 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 located at the northwest corner of Ila Drive and Walnut Hill Lane. Regardless of how the existing structure is oriented to front Ila Drive, the subject site has two front yard setbacks along both streets. The site has a 30' required front yard along Ila Drive, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in this zoning district. The site also has a 35' required front yard along Walnut Hill Lane, the longer of the two frontages of this corner lot, which is typically regarded as a side yard. But the site's Walnut Hill Lane frontage that functions as a side yard is treated as a front yard setback to maintain the continuity of the front yard setback established by the lot to the west zoned R-10(A) that fronts/is oriented northward towards Walnut Hill Lane.
- An R-10(A) Single Family Residential District requires the minimum front yard setback to be 30'. However, the site has both a 35' platted build line along Walnut Hill Lane and a 30' platted build line along Ila Drive, both of which supersede the 30' minimum front yard setback.
- The following additional information was gleaned from the submitted site plan:
  - The proposal is represented as being approximately 124' in length parallel to Walnut Hill Lane and approximately 49' in length parallel to Ila Drive.
  - The proposal is represented as being located approximately between 23'-30' from the Walnut Hill Lane pavement line, and 14'-20' from the northern property line.
  - The proposal is represented as being located approximately 30' from the Ila Drive pavement line, and 12' from the eastern property line.
  - The proposal is represented as being located approximately 4' from the northern property line.
- The Current Planner conducted a field visit of the site and surrounding area and noted no other visible fences above 4 feet in height which appeared to be located in a front yard setback.
- One home and a school front the proposal.
- As of August 14<sup>th</sup>, zero letters have been submitted in support of the request and zero letters have been submitted in opposition of the request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 4' will not adversely affect neighboring property.
- Granting this special exception of 4' with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding 4' in height in the front yard setback to be maintained in the location and of the heights and materials shown on these documents.

**Timeline:**

May 10, 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.

June 19, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

June 24, 2015: The Current Planner emailed the applicant the following information:

- a copy of the application materials including the Building Official's report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the July 29<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the August 14<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."

August 11, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August 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 with comments were submitted in conjunction with this application.

**BOARD OF ADJUSTMENT ACTION: AUGUST 26, 2015**

**APPEARING IN FAVOR:** Ralph Shilling, 9929 Ila Dr., Dallas, TX

**APPEARING IN OPPOSITION:** No one

**MOTION:** Gillespie

I move that the Board of Adjustment, in request No. **BDA 145-079**, on application of Ralph Shilling, Jr., **grant** the request to construct and maintain an 6-foot, 1 inch high fence in the property's front yards 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 condition be imposed to further the purpose and intent of the Dallas Development Code:

- Compliance with submitted site plan and elevation is required.

**SECONDED: Johnson**

**AYES:** 5 – Reynolds, Gillespie, Johnson, Agnich, Bartos

**NAYS:** 0 -

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

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**FILE NUMBER:** BDA 145-084

**BUILDING OFFICIAL’S REPORT:** Application of Charlie D. Corson, represented by Peter Kavanagh of Zone Systems, for a special exception to the landscape regulations at 5842 Live Oak Street. This property is more fully described as Lot 14, Block 1/2144, and is zoned CR, 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:** 5842 Live Oak Street

**APPLICANT:** Charlie D. Corson  
Represented by Peter Kavanagh of Zone Systems

**August 26, 2015 Public Hearing Notes:**

- The Board Administrator circulated a revised landscape plan to the Board at the briefing.
- The applicant’s representative submitted another revised landscape plan to the Board at the public hearing.

**REQUEST:**

A request for a special exception to the landscape regulations is made to construct and maintain an approximately 3,500 square foot structure (medical office use) on a site developed with a vacant car wash structure/use, 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 revised alternate landscape plan is required.

Rationale:

- The City of Dallas Chief Arborist recommends approval of the submitted revised alternate landscape because in his opinion strict compliance with the requirements of Article X would unreasonably burden the use of the property, and the exception will not adversely affect neighboring property.

### **BACKGROUND INFORMATION:**

#### **Zoning:**

Site: CR (Community retail)  
North: LO-2 (Limited office)  
South: CR (Community retail)  
East: PD 63 (Planned Development)  
West: CR (Community retail)

#### **Land Use:**

The site is currently developed with a vacant car wash structure/use. The areas to the north, south, and west are developed with office and retail uses, and the area to the east is 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 constructing and maintaining an approximately 3,500 square foot structure (medical office use) on a site developed with a vacant car wash structure/use, and not fully meeting the landscape regulations. More specifically, according to the City of Dallas Chief Arborist, the revised alternate landscape plan is deficient in perimeter landscape buffer and design standard requirements.
- The Dallas Development Code requires full compliance with the landscape regulations when nonpermeable coverage on a lot or tract is increased by more than 2,000 square feet, or when work on an application is made for a building permit for construction work that increases the number of stories in a building on the lot, or increases by more than 35 percent or 10,000 square feet, whichever is less, the combined floor areas of all buildings on the lot within a 24-month period.
- The City of Dallas Chief Arborist submitted a memo regarding the applicant's request (see Attachment B). The memo states how this request is triggered by a new construction of impervious surface parking lot.
- The Chief Arborist's memo lists the following deficiencies:
  1. Perimeter landscape buffer strip- A 10' wide or 10 percent of the lot width area is required along the perimeter where the residential adjacency exists. A narrow buffer of less than 3' is provided along La Vista Street to the lot boundary with the adjacent property.  
The property provides for 1 of 2 required design standards with screening of off-street parking being a 3' evergreen shrub screen. Based on space restrictions of the triangular lot, remaining design standard options are limited to pavement enhancements.
- The Chief Arborist's memo lists the following factors for consideration:
  1. The revised alternate landscape plan demonstrates the combined lots 14 and 15. The applicant has stated that the request is for Lot 14 (parking only). Based on the revised plan, Lot 15 would comply with Article X requirements if submitted for permit. Only the parking lot area (Lot 14) is deficient and is the subject for this case.
  2. A 6' tall wood fence with vines is proposed along the residential adjacency.
- The City of Dallas Chief Arborist recommends approval of the submitted revised alternate landscape because in his opinion strict compliance with the requirements of Article X would unreasonably burden the use of the property, and the exception will not adversely affect neighboring property.
- The applicant has the burden of proof in establishing the following:
  - Strict compliance with the requirements of the landscape regulations of the Dallas Development Code will unreasonably burden the use of the property; and the special exception will not adversely affect neighboring property.
- If the Board were to grant this request and impose the submitted revised alternate landscape plan as a condition to the request, the site would be provided exception from full compliance with the perimeter landscape buffer and design standard requirements of Article X: The Landscape Regulations.

**Timeline:**

June 4, 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.

June 19, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

June 19, 2015: The Board Administrator emailed the applicant's representative the following information:

- a copy of the application materials including the Building Official's report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the July 29<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the August 14<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."

August 11, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August 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 with comments were submitted in conjunction with this application.

August 14, 2015: The Board of Adjustment Secretary re-assigned this case to Board of Adjustment Panel B due to a notification error.

August 17, 2015: The City of Dallas Chief Arborist forwarded a revised landscape plan submitted by the applicant, and his memo regarding the request to the Board Administrator (see Attachments A and B)

**BOARD OF ADJUSTMENT ACTION: AUGUST 26, 2015**

APPEARING IN FAVOR: Peter Kavanagh, 1620 Handley, Dallas, TX  
Larry Offett, 6038 Bryan Place, Dallas, TX  
Virginia McAlester, 5703 Swiss Ave., Dallas, TX  
Patricia Carr, 5843 Vanderbilt, Dallas, TX

APPEARING IN OPPOSITION: No one

**MOTION: Johnson**

I move that the Board of Adjustment, in request No. **BDA 145-084**, on application of Charlie D. Corson, **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 unreasonably 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 revised alternate landscape plan dated 8-26-2015 is required.

**SECONDED: Bartos**

**AYES:** 5 – Reynolds, Gillespie, Johnson, Agnich, Bartos

**NAYS:** 0 -

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

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**FILE NUMBER:** BDA 145-085

**BUILDING OFFICIAL'S REPORT:** Application of Venancio Velasquez for a special exception to the fence height regulations at 3415 Jordan Valley Road. This property is more fully described as Tract 5, Block 8836, and is zoned A(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and/or maintain a 6 foot high fence, which will require a 2 foot special exception to the fence height regulations.

**LOCATION:** 3415 Jordan Valley Road

**APPLICANT:** Venancio Velasquez

**REQUEST:**

A request for a special exception to the fence height regulations of 2' is made to maintain a 6' high open metal mesh fence on a site that appears to be developed as an agricultural use.

(Note that this application is adjacent to a property to the east where the same applicant and owner seeks a similar fence height special exception from Board of Adjustment Panel B on August 26<sup>th</sup>: BDA 145-086).

**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: A(A)(Agricultural)  
North: A(A)(Agricultural)  
South: A(A)(Agricultural)  
East: A(A)(Agricultural)  
West: A(A)(Agricultural)

**Land Use:**

The subject site appears to be developed with an agricultural use. The areas to the north, south, and west appear to be developed with agricultural uses.

**Zoning/BDA History:**

1. BDA 145-086, Property at 3405 Jordan Valley Road (the lot immediately east of the subject site)

On August 26, 2015, the Board of Adjustment Panel B will consider a request for a special exception to the fence height regulations of 7' 6" to maintain a 6' high open metal mesh fence with an entry feature that includes an 8' high sliding iron bar gate with two 11' 6" high masonry entry columns on a site that appears to be developed as an agricultural use.

**GENERAL FACTS/STAFF ANALYSIS:**

- This request focuses on maintaining a 6' high open metal mesh fence on a site that appears to be developed as an agricultural 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 site plan/elevation of the proposal in the front yard setbacks that reaches a maximum height of 6'.
- The following additional information was gleaned from the submitted site plan/elevation:

- The fence is approximately 120' in length parallel to the street and approximately 50' in length perpendicular to the street on the west side of the subject site in the front yard setback.
- The fence is represented to be located on the property line and approximately 12' from the pavement line.
- There are no single family homes that have direct frontage to the proposal.
- The Board Administrator conducted a field visit of the site and surrounding area (approximately 400' east and west of the subject site) and noted only one other visible fence higher than 4' in a front yard setback other than the fence immediately to the east that is the subject of a request for a fence height special exception filed by the same owner as this application (BDA 145-086) to be heard by Board of Adjustment Panel B on August 26, 2015 – an approximately 5' high open iron fence located southeast of the subject site with no recorded BDA history.
- As of August 14, 2015, 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' will not adversely affect neighboring property.
- Granting this special exception of 2' with a condition imposed that the applicant complies with the submitted site plan/elevation would require the proposal exceeding 4' in height in the front yard setback to be maintained in the location and of the heights and materials as shown on this document.

**Timeline:**

- June 3, 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.
- June 19, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- June 19, 2015: The Board Administrator emailed the applicant and his associate 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 July 29<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the August 14<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."
- August 11, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August 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 with comments were submitted in conjunction with this application.

**BOARD OF ADJUSTMENT ACTION: AUGUST 26, 2015**

**APPEARING IN FAVOR:** No one

**APPEARING IN OPPOSITION:** No one

**MOTION: Johnson**

I move to grant that the Board of Adjustment grant application **BDA 145-085** listed on the uncontested docket because it appears, from our evaluation of the property and all relevant evidence, that the application satisfies all the requirements of the Dallas Development Code or appropriate PD as applicable, and are consistent with its general purpose and intent of the Code or PD. I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

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

**SECONDED: Gillespie**

**AYES:** 5 – Reynolds, Gillespie, Johnson, Agnich, Bartos

**NAYS:** 0 -

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

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**FILE NUMBER:** BDA 145-086

**BUILDING OFFICIAL’S REPORT:** Application of Venancio Velasquez for a special exception to the fence height regulations at 3405 Jordan Valley Road. This property is more fully described as Tract 3 (including Tract 4 & 4A), Block 8836, and is zoned A(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and/or maintain an 11 foot 6 inch high fence, which will require a 7 foot 6 inch special exception to the fence height regulations.

**LOCATION:** 3405 Jordan Valley Road

**APPLICANT:** Venancio Velasquez

**REQUEST:**

A request for a special exception to the fence height regulations of 7' 6" is made to maintain a 6' high open metal mesh fence with an entry feature that includes an 8' high sliding iron bar gate with two 11' 6" high masonry entry columns on a site that appears to be developed as an agricultural use.

(Note that this application is adjacent to a property to the west where the same applicant and owner seeks a similar fence height special exception from Board of Adjustment Panel B on August 26<sup>th</sup>: BDA 145-085).

**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: A(A)(Agricultural)  
North: A(A)(Agricultural)  
South: A(A)(Agricultural)  
East: A(A)(Agricultural)  
West: A(A)(Agricultural)

**Land Use:**

The subject site appears to be developed with an agricultural use. The areas to the north, south, and west appear to be developed with agricultural uses.

**Zoning/BDA History:**

1. BDA 145-085, Property at 3415 Jordan Valley Road (the lot immediately west of the subject site) On August 26, 2015, the Board of Adjustment Panel B will consider a request for a special exception to the fence height regulations of 2' to maintain a 6' high open metal mesh fence on a site that appears to be developed as an agricultural use.

**GENERAL FACTS/STAFF ANALYSIS:**

- This request focuses on maintaining a 6' high open metal mesh fence with an entry feature that includes an 8' high sliding iron bar gate with two 11' 6" high masonry entry columns on a site that appears to be developed as an agricultural 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 site plan/elevation of the proposal in the front yard setbacks that reaches a maximum height of 11' 6".
- The following additional information was gleaned from the submitted site plan/elevation:
  - The fence is approximately 240' in length parallel to the street and approximately 50' in length perpendicular to the street on the east side of the subject site in the front yard setback.
  - The fence is represented to be located on the property line and approximately 12' from the pavement line.
  - The gate is represented to be located approximately 13' the property line and approximately 26' from the pavement line.
- There are no single family homes that have direct frontage to the proposal.
- The Board Administrator conducted a field visit of the site and surrounding area (approximately 400' east and west of the subject site) and noted only one other visible fence higher than 4' in a front yard setback other than the fence immediately to the west that is the subject of a request for a fence height special exception filed by the same owner as this application (BDA 145-085) to be heard by Board of Adjustment Panel B on August 26, 2015 - an approximately 5' high open iron fence located southeast of the subject site with no recorded BDA history.
- As of August 14, 2015, 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 7' 6" will not adversely affect neighboring property.
- Granting this special exception of 7' 6" with a condition imposed that the applicant complies with the submitted site plan/elevation would require the proposal exceeding 4' in height in the front yard setback to be maintained in the location and of the heights and materials as shown on this document.

**Timeline:**

- June 3, 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.
- June 19, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- June 19, 2015: The Board Administrator emailed the applicant and his associate 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 July 29<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the August 14<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."

August 11, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August 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 with comments were submitted in conjunction with this application.

**BOARD OF ADJUSTMENT ACTION: AUGUST 26, 2015**

**APPEARING IN FAVOR:** No one

**APPEARING IN OPPOSITION:** No one

**MOTION: Johnson**

I move to grant that the Board of Adjustment grant application **BDA 145-086** listed on the uncontested docket because it appears, from our evaluation of the property and all relevant evidence, that the application satisfies all the requirements of the Dallas Development Code or appropriate PD as applicable, and are consistent with its general purpose and intent of the Code or PD. I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

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

**SECONDED: Gillespie**

**AYES:** 5 – Reynolds, Gillespie, Johnson, Agnich, Bartos

**NAYS:** 0 -

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

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**FILE NUMBER:** BDA 145-087

**BUILDING OFFICIAL'S REPORT:** Application of Robert Reeves of Robert Reeves and Associates for a special exception to the single family use regulations to authorize more than one electrical utility service or electrical meter at 414 N. Windomere Avenue. This property is more fully described as Lot 2, Block 13/3272, and is zoned PD-87 (Tract 1) H/15, which requires that a single family dwelling use in a single family, duplex, or townhouse district may be supplied by not more than one electrical utility service, and metered by not more than one electrical meter. The applicant proposes to have more than one electrical utility service or electrical meter on a lot with a single family use, which will require a special exception to the single family use regulations.

**LOCATION:** 414 N. Windomere Avenue

**APPLICANT:** Robert Reeves of Robert Reeves and Associates

**REQUEST:**

A special exception to the single family use regulations is requested in conjunction with installing and maintaining an additional electrical meter on the site on a site that is currently developed with a single family use.

**STANDARD FOR A SPECIAL EXCEPTION TO THE SINGLE FAMILY USE REGULATIONS TO AUTHORIZE MORE THAN ONE ELECTRICAL UTILITY SERVICE OR MORE THAN ONE ELECTRICAL METER:**

The board may grant a special exception to authorize more than one electrical utility service or more than one electrical meter for a single family use on a lot in a single family zoning, duplex, or townhouse district when, in the opinion of the board, the special exception will: 1) not be contrary to the public interest; 2) not adversely affect neighboring properties; and 3) not be used to conduct a use not permitted in the zoning district.

**STAFF RECOMMENDATION (special exception):**

No staff recommendation is made on this or any request for a special exception to authorize more than one electrical utility service or more than one electrical meter for a single family use on a lot in a single family zoning district since the basis for this type of appeal is *when in the opinion of the board*, the special exception will: 1) not be contrary to the public interest; 2) not adversely affect neighboring properties; and 3) not be used to conduct a use not permitted in the zoning district.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: PD 87, H 15 (Planned Development, Historic)  
North: PD 87, H 15 (Planned Development, Historic)  
South: PD 87, H 15 (Planned Development, Historic)  
East: PD 87, H 15 (Planned Development, Historic)

West: PD 87, H 15 (Planned Development, Historic)

**Land Use:**

The subject site is developed with a single family use – a main two story dwelling unit structure with a detached two-story accessory structure that the applicant has converted with interior modifications only to an additional “dwelling unit”. The areas to the north, south, east, and west are developed with single family uses.

**Zoning/BDA History:**

1. BDA 134-113, Property at 414 N. Windomere Avenue (the subject site) On November 19, 2014, the Board of Adjustment Panel B granted a request for a special exception to the single family use development standard regulations made to convert and maintain with interior renovations only an existing two-story accessory structure into an additional “dwelling unit” on a site currently developed with a separate two-story dwelling unit/single family home structure. The Board imposed the following condition to this request: The applicant must deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.

**GENERAL FACTS/STAFF ANALYSIS:**

- This request focuses on installing and maintaining a second electrical meter on a site developed with a single family home/use.
- The site is zoned PD 87, H 15 (Tract 1 ) that states that except as otherwise provided in the ordinance, the development standards in the Dallas Development Code applicable to an R-7.5 Single-Family District applies. The R-7.5 zoning district permits “single family” use.
- The Dallas Development Code states that in a single family, duplex, or townhouse district, a lot for a single family use may be supplied by not more than one electrical service, and metered by not more than one electrical meter; and that the board of adjustment may grant a special exception to authorize more than one electrical utility service or more than one electrical meter for a single family use on a lot in a single family zoning district when in the opinion of the board, the special exception will: 1) not be contrary to the public interest; 2) not adversely affect neighboring properties; and 3) not be used to conduct a use not permitted in the zoning district
- The applicant has submitted a site plan that indicates the location of the two electrical meters on the subject site- one noted as “existing electrical meter” and the other labeled “requested additional electrical meter.”



- The application states that owners were granted a special exception of an additional dwelling unit for their existing detached garage, and that Oncor states that the current main meter does not have enough electrical power to supply the garage unit, therefore an additional meter is required.
- The applicant has the burden of proof in establishing that the additional electrical meter to be installed and/or maintained on the site will: 1) not be contrary to the public interest; 2) not adversely affect neighboring properties; and 3) not be used to conduct a use not permitted in the zoning district.

**Timeline:**

- June 12 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.
- June 19, 2015: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B.
- June 19, 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 July 29<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the August 14<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."
- July 20, 2015: The Sustainable Development and Construction Historic Preservation Senior Planner emailed the Board Administrator the following comment: "Since this property is located within the Winnetka Heights historic district, Preservation Staff and Landmark Commission are both aware of the conversion of the detached garage to a housing unit."
- August 11, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August 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 with comments were submitted in conjunction with this application.

**BOARD OF ADJUSTMENT ACTION: AUGUST 26, 2015**

**APPEARING IN FAVOR:** No one

**APPEARING IN OPPOSITION:** No one

**MOTION:** Johnson

I move to grant that the Board of Adjustment grant application **BDA 145-087** listed on the uncontested docket because it appears, from our evaluation of the property and all relevant evidence, that the application satisfies all the requirements of the Dallas Development Code or appropriate PD as applicable, and are consistent with its general purpose and intent of the Code or PD.

**SECONDED:** Gillespie

**AYES:** 5 – Reynolds, Gillespie, Johnson, Agnich, Bartos

**NAYS:** 0 -

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

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**FILE NUMBER:** BDA 145-068

**BUILDING OFFICIAL'S REPORT:** Application of Danny Sipes for a variance to the front yard setback regulations and a special exception to the single family use regulations at 4021 Dalgreen Road. This property is more fully described as Lot 4, Block 4407, and is zoned R-1ac(A), which requires a front yard setback of 40 feet and limits the number of dwelling units to one. The applicant proposes to construct and/or maintain a structure and to provide a 10 foot front yard setback measured at the roof eave, which will require a 30 foot variance to the front yard setback regulations, and to construct and/or maintain an additional dwelling unit, which will require a special exception to the single family zoning use regulations.

**LOCATION:** 4021 Dalgreen Road

**APPLICANT:** Danny Sipes

**REQUESTS:**

The following requests were originally made on a site that is developed with a single family home structure/use:

1. A request for a variance to front yard setback regulations of 30' was made to construct and maintain a new two-story single family home structure, part of which (roof eave) would be located as close as 10' from one of the site's two front property lines (Dalgreen Drive) or 30' into this 40' front yard setback.

2. A request for a special exception to the single family use development standard regulations was made to convert/transition and maintain the existing one-story single family home structure/use to a "pool cabana"/additional "dwelling unit."

However, on July 23<sup>rd</sup>, 2015, the applicant submitted an email to the Board Administrator stating "we are requesting the Board of Adjustment deny our request for a variance to the front yard setback regulations without prejudice. The owners have went back and had the architect re-design the house to fit within the required setbacks and will not be seeking relief to the setback regulations from the Board of Adjustment."

**STANDARD FOR A VARIANCE:**

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

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

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

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

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

**STAFF RECOMMENDATION (variance):**

Denial without prejudice

Rationale:

- While staff had originally concluded among other things how there was no property hardship to the site that warranted a front yard variance in this case made to construct/maintain a new two-story single family home structure (with approximately 8,800 square feet of air-conditioned space and with a building footprint of approximately 5,700 square feet) on a site already developed with a one-story single family use/structure with approximately 2,000 square feet of air-conditioned space, staff is now recommending denial per the applicant's July 23<sup>rd</sup> request – he has re-designed the proposed house to comply with required setbacks.

**STAFF RECOMMENDATION (special exception):**

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

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

**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:**

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 (variance):**

- This request focused on constructing and maintaining a new two-story single family home structure with (according to the submitted floor plan) approximately 8,800 square feet of air-conditioned space and with a building footprint of approximately 5,700 square feet on site developed with a one-story single family home with (according to the submitted site plan) approximately 2,000 square feet of air-conditioned space. (The applicant intends to convert/transition this existing one-

story single family home structure to a pool cabana/additional dwelling unit structure).

- The subject site is located at the north corner of Dalgreen Drive and Fisher Road. Regardless of how the existing and replacement structure is oriented or to be oriented, the subject site has front yard setbacks along both streets. The site has a 40' front yard setback along Fisher Road, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in this zoning district. The site also has a 40' front yard setback along Dalgreen Drive, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where 10' side yard setback is required. But the site's Dalgreen Drive frontage is treated as a front yard setback nonetheless to maintain the continuity of the front yard setbacks established by the lots to the northeast that front/are oriented southeastward towards Dalgreen Road.
- Structures on lots zoned R-1ac(A) are required to provide a minimum front yard setback of 40'.
- The submitted site plan represented that a portion of the proposed single family home structure (roof eave) is to be located 10' from the Dalgreen Drive front property line or 30' into this 40' front yard setback.
- No variance was requested to construct and/or maintain any structure in the site's 40' front yard setback along Fisher Road.
- The subject site is somewhat sloped, virtually rectangular in shape, and is according to the application, 1.072 acres in area. The site is zoned R-1ac(A) where lots are typically 1 acre in area.
- The subject site has two 40' front yard setbacks and two 10' side yard setbacks. Most lots in this zoning district have one 40' front yard setback, two 10' side yard setbacks, and one 10' rear yard setback.
- The subject site which ranges in width from approximately 104' – 164' has approximately 54' – 114' of developable width available once a 40' front yard setback is accounted for on the southeast and a 10' side yard setback is accounted for on the northwest. If the lot were more typical to others in the zoning district with only one front yard setback, the 104' – 164' wide site would have 84' – 144' of developable width with 10' side yard setbacks accounted for on the southeast and northwest sides of the site.
- The amount of square footage of the proposed single family home structure to be located in the 40' Dalgreen Drive front yard setback had not been determined given the configuration of the building footprint.
- DCAD records indicate that the property at 4021 Dalgreen Drive has the following improvements:
  - "main improvement:" a structure built in 1978 with 3,041 square feet of living and total area; and
  - "additional improvements:" a pool, a 288 square foot storage building, a 672 square foot outbuilding, and a 588 square foot detached carport.
- The applicant had 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-1ac(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-1ac(A) zoning classification.
- On July 23<sup>rd</sup>, 2015, the applicant submitted an email to the Board Administrator stating "we are requesting the Board of Adjustment deny our request for a variance to the front yard setback regulations without prejudice. The owners have went back and had the architect re-design the house to fit within the required setbacks and will not be seeking relief to the setback regulations from the Board of Adjustment."

**GENERAL FACTS/STAFF ANALYSIS (special exception):**

- This request focuses on converting and transitioning the existing one-story single family home structure/use on the subject site to a "pool cabana"/additional "dwelling unit."
- The site is zoned R-1ac (A) where the Dallas Development Code permits one dwelling unit per lot.
- The single family use regulations of the Dallas Development Code state that only one dwelling unit may be located on a lot, and that the board of adjustment may grant a special exception to this provision and authorize an additional dwelling unit on a lot when, in the opinion of the board, the special exception will not: 1) be contrary to the public interest; or 2) adversely affect neighboring properties.
- The Dallas Development Code defines "single family" use as "one dwelling unit located on a lot;" and a "dwelling unit" as "one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms."
- A site plan had been submitted denoting the locations of two building footprints, the larger of the two denoted as "proposed new structure" and the smaller of the two denoted as "existing residence (proposed new pool cabana)" – the latter structure that has been deemed by Building Inspection given what is denoted on a submitted floor plan/elevation as an additional dwelling unit. The site plan represents the sizes and locations of the two building footprints relative to the entire lot.
- The submitted floor plan of the "existing residence (proposed new pool cabana)" shows the following spaces: "entry foyer," "porch," "guest suite," "laun./mech," "home office," two "baths," "refreshment center," "eating," "billiards," "media," and "covered outdoor living" spaces.
- Building Inspection staff has reviewed the submitted floor plan of the "existing residence (proposed new pool cabana)" structure and deemed it to be a dwelling unit - that is per Code definition: "one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms."

- This request appears to center on the function of what is proposed inside the existing single family home structure that is proposed to be transitioned to the pool cabana/additional dwelling unit. The applicant has written in an email that he has confirmed there will be no enlargement to the existing main structure, that all work on the existing main structure will be interior, and that should this request be denied, he would then modify plans to comply with city code in that the new plans would not be classified an additional dwelling unit by Building Inspection, IE: removing the sleeping area, or bathing facilities, or kitchen.
- DCAD records indicate that the property at 4021 Dalgreen Drive has the following improvements:
  - "main improvement:" a structure built in 1978 with 3,041 square feet of living and total area; and
  - "additional improvements:" a pool, a 288 square foot storage building, a 672 square foot outbuilding, and a 588 square foot detached carport.
- The applicant has the burden of proof in establishing that the additional dwelling unit will not be used as rental accommodations (by providing deed restrictions, if approved) and will not adversely affect neighboring properties.
- If the Board were to approve this request, the Board may choose to impose a condition that the applicant comply with the site plan if they feel it is necessary to ensure that the special exception will not adversely affect neighboring properties. But granting this special exception request will not provide any relief to the Dallas Development Code regulations other than allowing an additional dwelling unit on the site (i.e. development on the site must meet all required code requirements).
- The Dallas Development Code states that in granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.

**Timeline:**

- April 23, 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.
- May 12, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- May 13, 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 June 3<sup>rd</sup> deadline to submit additional evidence for staff to factor into their analysis; and the June 12<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

June 3, 2015: The Board Administrator emailed the applicant that the requests that he has made in this application will not provide any relief to any existing and/or proposed noncompliance with fence height, visual obstruction, or floodplain regulations.

June 9, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for June public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, 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 with comments were submitted in conjunction with this application.

June 24, 2015: The Board of Adjustment Panel B conducted a public hearing on this application and delayed action on this application until their next public hearing to be held on August 26, 2015.

June 24, 2015: The Board Administrator sent a letter to the applicant that noted the decision of the panel, the July 29<sup>th</sup> deadline to submit any additional information to staff for their review, and the August 14<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials.

July 23, 2015: The applicant submitted additional information to staff beyond what was submitted with the original application and at the June 24<sup>th</sup> public hearing (see Attachment A).

August 11, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August 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.

**BOARD OF ADJUSTMENT ACTION: JUNE 24, 2015**

**APPEARING IN FAVOR:** Danny Sipes, P.O. Box 32939, Forney TX  
Alan Rich, 4021 Dalgreen Dr., Dallas, TX

**APPEARING IN OPPOSITION:** Jonathan Sledger, 4047 Dalgreen



MOTION: Hounsel

I move that the Board of Adjustment in Appeal No. **BDA 145-068** hold this matter under advisement until **August 26, 2015**.

SECONDED: Agnich

AYES: 5 – Reynolds, Gillespie, Hounsel, Johnson, Agnich

NAYS: 0 -

MOTION PASSED: 5 – 0 (unanimously)

MOTION: Agnich

BOARD OF ADJUSTMENT ACTION: AUGUST 26, 2015

APPEARING IN FAVOR: Danny Sipes, P.O. Box 32939, Forney TX

APPEARING IN OPPOSITION: No one

MOTION #1: Agnich

I move that the Board of Adjustment, in request No. **BDA 145-068**, on application of Danny Sipes, deny the front yard setback variance **without prejudice** because our evaluation of the property and the testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would not result in unnecessary hardship to this applicant, and that it is not a restrictive 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.

SECONDED: Bartos

AYES: 5 – Reynolds, Gillespie, Johnson, Agnich, Bartos

NAYS: 0 -

MOTION PASSED: 5 – 0 (unanimously)

MOTION #2: Agnich

I move that the Board of Adjustment, in request No. **BDA 145-068**, on application of Danny Sipes, **grant** the request to install and maintain an additional dwelling unit on a site developed with a single family structure and use as a special exception to the single family use regulations requirements in the Dallas Development Code, because our evaluation of the property and the testimony shows that this special exception will not be used as rental accommodations, and will not adversely affect neighboring properties. I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

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

**SECONDED: Bartos**

**AYES: 5 – Reynolds, Gillespie, Johnson, Agnich, Bartos**

**NAYS: 0 -**

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

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**FILE NUMBER: BDA 145-082**

**BUILDING OFFICIAL'S REPORT:** Application of Joe Siglin for a variance to the side yard setback regulations at 5150 Vanderbilt Avenue. This property is more fully described as Lot 13, Block U/2189, and is zoned CD-9, which requires a side yard setback of 10 feet. The applicant proposes to construct and maintain a single family residential structure and provide a 6 foot 4 inch side yard setback measured at the roof eave (7 foot 4 inch side yard setback measured at the foundation), which will require a 3 foot 8 inch variance to the side yard setback regulation.

**LOCATION: 5150 Vanderbilt Avenue**

**APPLICANT: Joe Siglin**

**REQUESTS:**

The following appeal has been made to construct and maintain additions to a structure on property developed with a single-family residential home:

1. A request for a variance to the side yard setback regulations is made to construct and maintain a second story addition containing a master bedroom, master bath, and master wardrobe, and portions of a new family room and veranda added to the first floor of the existing home, to be located as close as 6' 4" (measured at the roof eave) on the site's eastern property line, or as much as 3' 8" into the required 10' side yard setback.

**STANDARD FOR A VARIANCE:**

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

- (D) 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;
- (E) 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

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

**STAFF RECOMMENDATION:**

Denial

Rationale:

- The applicant has not substantiated how this specific parcel of land is of a restrictive area, shape, or slope that precludes the applicant from developing it in a manner commensurate with the development of other parcels of land in the same CD-9 zoning. While the site is 145' x 50', thereby giving him a lot of 7,250-square feet in a conservation district with an underlying zoning of R-7.5(A), other lots on the street have the same square footage. In addition, the applicant has not provided information as to whether the size of his proposal is commensurate with other developments within CD-9.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: CD 9 (M Streets Conservation District)  
North: CD 9 (M Streets Conservation District)  
South: CD 15 (Vickery Place Conservation District)  
East: CD 9 (M Streets Conservation District)  
West: CD 9 (M Streets Conservation District)

**Land Use:**

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

**Zoning/BDA History:**

1. BDA 045-277, Property at 5131 Vanderbilt Avenue (five lots northwest of the subject site)

On August 16, 2005, the Board of Adjustment Panel A granted a request for a 3' variance to the western side yard setback regulations, and a 2' variance to the eastern side yard setback regulations, and imposed the submitted site plan as a condition. The case report stated the appeal was made in conjunction with constructing an addition on a single-family home, portions of which were located within the site's 5' western side yard setback, thereby providing a 2' side yard setback at the western property line, and within the site's 10' eastern side yard

setback, thereby providing an 8' side yard setback at the eastern property line.

2. BDA 001-272, Property at 5142 Vanderbilt Avenue (two lots west of the subject site)

On October 23, 2001, the Board of Adjustment Panel A denied a request for a variance to the side yard setback regulations without prejudice. The case report stated that the variance was requested in conjunction with maintaining an approximately 420-square foot wooden porte-cochere/sundeck attached to an existing two-story, single family structure, +210-square feet of which were located in the side yard setback on the site's western side property line, or 5' into the required 5' side yard setback, thereby providing a 0' side yard setback. According to a memo sent to the Board Administrator from the Building Inspection Senior Plans Examiner, the decking on top of the carport precluded this matter to be heard as a special exception for a carport and required this matter to be heard as a variance. Furthermore, there were issues from building codes related to the proximity of the structure to the property line. If a combustible material is less than 3' from the property line, it must have a firewall. Therefore, the building official could not approve the plans for this structure.

3. BDA 001-217, Property at 5141 Vanderbilt Avenue (three lots northwest of the subject site)

On June 18, 2001, the Board of Adjustment Panel C granted a request for a variance to the side yard setback regulations of 2' and imposed the submitted site plans and elevation as a condition. The case report stated the appeal was made in conjunction with both maintaining the existing structure (an attached single family home) on the site, and constructing and maintaining an addition (stairwell and bath) to the existing structure. Specifically, this request focused on both the ability to remodel and maintain an approximately 1,700 square foot single family structure constructed (according to the applicant) in the 1930's, and to construct and maintain a second floor addition to this single family structure, portions of which (stairwell and bath) would align with the existing home located in the side yard setback on the site's western side property line, or 2' into the required 5' side yard setback, thereby providing a 3' side yard

setback.

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

- This request focuses on constructing and maintaining a second story addition to the house that includes a master bedroom, master bathroom, and master wardrobe, and portions of a new family room and veranda added to the first floor of the existing single family residential structure, located as close as 6' 4" on the site's eastern side property line or as much as 3' 8" into this required 10' side yard setback.
- Single family structures on lots zoned CD-9 are required to provide minimum side yard setbacks of 5' on the west side and 10' on the east side.
- According to DCAD records, the "main improvement" at 5150 Vanderbilt Avenue (subject site) is a structure with 1,388-square feet of living/total area built in 1928 with "additional improvements" of a 264-square foot detached garage.
- The applicant has chosen only to seek variance to the side yard setback regulations for the addition to the existing structure on the site, and not to seek variance to remedy/address the nonconforming aspect of the existing nonconforming main single family home structure that is also located in the site's eastern side yard setback.
- The code defines nonconforming structure as a structure that does not conform to the regulations of the code, but which was lawfully constructed under the regulations in force at the time of construction.
- The code states that the right to rebuild a nonconforming structure ceases if the structure is destroyed by the intentional act of the owner or the owner's agent.
- The subject site is not irregular in area, slope, or shape, and, according to the application, 0.166 acres (approximately 7,231 square feet) in area.
- The site is zoned CD-9.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the side yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance 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 PD 193 (D) 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 PD 193 (D) zoning classification.
- If the Board were to grant the variance request and impose the submitted revised site plan as a condition, the structures in the side yard setback would be limited to that what is shown on this document— which are structures located as close as 6' 4" on the site's eastern side property line (or as much as 3' 8" into the 10' side yard setback).

**Timeline:**

June 2, 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.

June 19, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

June 24, 2015: The Current Planner emailed the applicant the following information:

- a copy of the application materials including the Building Official's report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the July 29<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the August 14<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."

August 11, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August 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.

August 12, 2015: The Sustainable Development and Construction Conservation District Planner e-mailed the applicant and stated that he reviewed the proposed plans for the site and only found "issue" with the setback.

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

**BOARD OF ADJUSTMENT ACTION: AUGUST 26, 2015**

**APPEARING IN FAVOR:** Joe Siglin

**APPEARING IN OPPOSITION:** No one

**MOTION:** Bartos

I move that the Board of Adjustment, in request No. **BDA 145-082**, on application of Joe Siglin, **grant** a 3-foot 8-inch variance to the side yard setback regulations because our evaluation of the property and testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would result in unnecessary hardship to this applicant. I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

- Compliance with the submitted revised site plan is required.

**SECONDED: Johnson**

**AYES: 5** – Reynolds, Gillespie, Johnson, Agnich, Bartos

**NAYS: 0** -

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

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I move to adjourn this meeting.


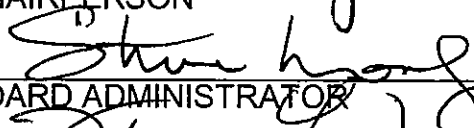

**SECONDED: Johnson**

**AYES: 5**– Reynolds, Gillespie, Johnson, Agnich, Bartos

**NAYS: 0** –

**MOTION PASSED 5 – 0** (unanimously)

**4:15 P.M.** Board Meeting adjourned for **August 26, 2015**

  
\_\_\_\_\_  
CHAIRPERSON  
  
\_\_\_\_\_  
BOARD ADMINISTRATOR  
  
\_\_\_\_\_  
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.

