

**BOARD OF ADJUSTMENT, PANEL A
PUBLIC HEARING MINUTES
DALLAS CITY HALL, 6ES
TUESDAY, NOVEMBER 18, 2014**

MEMBERS PRESENT AT BRIEFING: Clint Nolen, Vice Chair, Larry French, regular member, Mark Rieves, regular member, and Lorlee Bartos, alternate member

MEMBERS ABSENT FROM BRIEFING: Lindsey Williams, regular member and Hector Leija, regular member

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

MEMBERS PRESENT AT HEARING: Clint Nolen, Vice Chair, Larry French, regular member, Mark Rieves, regular member, and Lorlee Bartos, alternate member

MEMBERS ABSENT FROM HEARING: Lindsey Williams, regular member and Hector Leija, regular member

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

11:15 A.M. The Board of Adjustment staff conducted a briefing on the Board of Adjustment's **November 18, 2014** docket.

1:01 P.M.

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

MISCELLANEOUS ITEM NO. 1

To approve the Board of Adjustment Panel A October 21, 2014 public hearing minutes.

BOARD OF ADJUSTMENT ACTION: NOVEMBER 18, 2014

MOTION: None

The minutes were approved without a formal vote.

FILE NUMBER: BDA 134-104

BUILDING OFFICIAL’S REPORT: Application of Robert Van Buren, represented by Elizabeth Brant, for a special exception to the fence height regulations at 2301 Pennsylvania Avenue. This property is more fully described as Lot 1A, Block 23/1302, and is zoned PD 595 (R-5(A)), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and maintain an 8 foot high fence, which will require a 4 foot special exception to the fence height regulations.

LOCATION: 2301 Pennsylvania Avenue

APPLICANT: Robert Van Buren
Represented by Elizabeth Brant

REQUEST:

A request for a special exception to the fence height regulations of 4’ is made to construct and maintain an 8’ high limestone veneer/concrete masonry fence in the site’s 20’ front yard setback along Edgewood Street on a vacant site that proposed to be developed with a fire station use (Fire Station #6).

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:

<u>Site:</u>	PD 595 (R-5(A)) (Planned Development, Single family district 5,000 square feet)
<u>North:</u>	PD 595 (R-5(A)) (Planned Development, Single family district 5,000 square feet)
<u>South:</u>	PD 595 (R-5(A)) (Planned Development, Single family district 5,000 square feet)
<u>East:</u>	PD 595 (MF-3(A)) (Planned Development, Multifamily district)
<u>West:</u>	PD 595 (R-5(A)) (Planned Development, Single family district 5,000 square feet)

Land Use:

The subject site is vacant/undeveloped. The area to the north is a combination of multifamily use and vacant land; the area to the east is developed with multifamily use; and the areas to the south and west appear to be mostly 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 an 8' high limestone veneer/concrete masonry fence in the site's 20' front yard setback along Edgewood Street on a vacant site that is proposed to be developed with a fire station use (Fire Station #6).
- 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 and elevation of the proposal in only the front yard setback along Edgewood Drive – a fence proposed to reach a maximum height of 8'.
- The following additional information was gleaned from the submitted site plan:
 - The proposal is represented as being approximately 180' in length generally parallel to Edgewood Street.
 - The proposal is represented as being located as close as approximately 14' from the Edgewood Street front property line or as close as 26' from the Edgewood Street pavement line.
- The Board Administrator conducted a field visit of the site and surrounding area and noted no other visible fences above 4 feet high which appeared to be located in a front yard setback.
- No single family use/home fronts the proposal.
- As of November 10, 2014, no letters have 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 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 Edgewood Street front yard setback to be constructed and maintained in the location and of the heights and materials as shown on these documents.

Timeline:

July 31, 2014: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

October 14, 2014: The Interim Assistant Director of Sustainable Development and Construction acting on behalf of the Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

October 14, 2014: The Board Administrator emailed the applicant's representative the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the October 29th deadline to submit additional evidence for staff to factor into their analysis; and the November 7th 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.

November 4, 2014: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for November public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Assistant Building Official, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, the City of Dallas Chief Arborist, 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: NOVEMBER 18, 2014

APPEARING IN FAVOR: No one

APPEARING IN OPPOSITION: No one

MOTION: Nolen

I move that the Board of Adjustment grant application **BDA 134-104** 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 conditions be imposed to further the purpose and intent of the Dallas Development Code:

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

SECONDED: Bartos

AYES: 4 – Nolen, French, Rieves, Bartos

NAYS: 0 -

MOTION PASSED: 4 – 0 (unanimously)

FILE NUMBER: BDA 134-105

BUILDING OFFICIAL'S REPORT: Application of Mark Herrin, represented by Tim Durkin, for a special exception to the sign regulations at 4306 N. Central Expressway. This property is more fully described as Lot 2A, Block G/1999, and is zoned CR, which states that non-monument signs are not allowed within 250 feet of private property in a non-business zoning district. The applicant proposes to construct and maintain a non-monument sign within 250 feet of private property in a non-business zoning district which will require a special exception to the sign regulations.

LOCATION: 4306 N. Central Expressway

APPLICANT: Mark Herrin
Represented by Tim Durkin

REQUEST:

A request for a special exception to the sign regulations is made to locate and maintain a non-monument sign within the 250' distance requirement from a residential property on a site being developed with a general merchandise or food store greater than 3,500 square feet use (Sundrops).

STANDARD FOR A SPECIAL EXCEPTION TO THE SIGN REGULATIONS FOR A NON-MONUMENT SIGN WITHIN 250 FEET OF PRIVATE PROPERTY IN A NON-BUSINESS ZONING DISTRICT:

The Board of Adjustment may grant a special exception to allow a non-monument sign within 250 feet of private property in a non-business zoning district when, in the opinion of the board, the special exception will not adversely affect neighboring property.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff has concluded that this special exception to allow a non-monument sign within 250 feet of private property in a non-business zoning district will not adversely affect neighboring property largely given the fact that the notations on the submitted site plan (that staff is suggesting is imposed as a condition to granting this request) indicate the sign located within 250 feet of private property in a non-business district is “back unlit, lighted face toward N.C. Exp.” – the side facing the opposite direction of the private property in the non-business zoning district to which the special exception is made.

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	CR (Community Retail)
<u>North:</u>	CR and R-5(A) (Community Retail and Single family residential)
<u>South:</u>	CR (Community Retail)
<u>East:</u>	TH (Townhouse)
<u>West:</u>	PD 193 (O-2) (Planned Development, Office)

Land Use:

The site is currently being developed with a general merchandise or food store greater than 3,500 square feet use (Sundrops). The area to the north is developed with retail use and single family uses; and the area to the east is developed with single family uses; and the area to the south is developed with retail uses; and the area to the west is North Central Expressway.

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- The request focuses on locating and maintaining a non-monument sign within the 250' distance requirement from a residential property on a site being developed with a general merchandise or food store greater than 3,500 square feet use (Sundrops).
- The Dallas Development Code states non-monument signs are not allowed within 250 feet of either private property in a non-business zoning district or a public park of more than one acre.

- The applicant has submitted a site plan and sign elevations, and has noted on his application that a the entire property lies within 250' of residential zoning.
- The applicant has the burden of proof in establishing the following:
That allowing a non-monument sign within 250 feet of private property in a non-business zoning district when, in the opinion of the board, the special exception will not adversely affect neighboring property.
- If the Board were to grant this request and impose the submitted site plan as a condition to the request, the sign would be held to the location as shown on this plan, and to the notation on this plan: “back unlit, lighted face toward N.C. Exp.” – the side facing the opposite direction of the private property in the non-business zoning district to which the special exception is made.
- Staff does not feel it is necessary to additionally impose any sign elevation as a condition to this request since granting this special exception would not provide any relief to the sign regulations of the Dallas Development Code (i.e. height, effective area, or setback requirements) other than allowing a non-monument sign within 250 feet of private property in a non-business zoning district.

Timeline:

- August 20, 2014: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- October 14, 2014: The Sustainable Development and Construction Interim Assistant Director randomly assigned this case to Board of Adjustment Panel A.
- October 15, 2014: The Board Administrator emailed the applicant’s representative the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the October 29th deadline to submit additional evidence for staff to factor into their analysis; and the November 7th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- October 20, 2014: The applicant’s representative submitted additional information to staff beyond what was submitted with the original application (see Attachment A).
- November 4, 2014: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for November public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Assistant Building Official, the Sustainable

Development and Construction Board of Adjustment Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, the City of Dallas Chief Arborist, 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: NOVEMBER 18, 2014

APPEARING IN FAVOR: Mark Herrin, 3131 Maple Ave., Dallas, TX

APPEARING IN OPPOSITION: No one

MOTION: Rieves

I move that the Board of Adjustment, in application No. **BDA 134-105**, on application of Mark Herrin, represented by Tim Dirkin, **grant** the request of this applicant to allow a non-monument sign within 250 feet of private property in a non-business zoning district because our evaluation of the property and the testimony shows that 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 site plan is required.

SECONDED: Bartos

AYES: 4 – Nolen, French, Rieves, Bartos

NAYS: 0 -

MOTION PASSED: 4 – 0 (unanimously)

FILE NUMBER: BDA 134-111

BUILDING OFFICIAL'S REPORT: Application of Chris Strempek for a special exception to the fence height regulations at 6415 Desco Drive. This property is more fully described as Lot 10, Block A/5474, and is zoned R-7.5(A), NSO12, 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 height regulation.

LOCATION: 6415 Desco Drive

APPLICANT: Chris Strempek

REQUEST:

The following request 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 a 7' high wood fence atop a 1' high stone base with 8' high stone columns and one 7' high wooden swinging vehicular gate flanked by 8' high stone columns and 7' 6" high stone fences parallel and perpendicular to Desco Drive.

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-7.5(A) (Single family district 7,500 square feet) and NSO 12, Jackson Heights No. 4
- North: R-7.5(A) (Single family district 7,500 square feet)
- South: R-7.5(A) (Single family district 7,500 square feet) and NSO 12, Jackson Heights No. 4
- East: R-7.5(A) (Single family district 7,500 square feet) and NSO 12, Jackson Heights No. 4
- West: R-7.5(A) (Single family district 7,500 square feet), NSO 12, Jackson Heights No. 4, and R-10(A) (Single family district 10,000 square feet)

Land Use:

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

Zoning/BDA History:

1. **Z089-284(CG)** On January 9, 2010, the City Council approved Ordinance No. 27787, which established Neighborhood Stabilization Overlay District No. 12 (Jackson Heights No. 4).

GENERAL FACTS/STAFF ANALYSIS (FENCE HEIGHT):

- This request focuses on constructing a 7" high wood fence atop a 1' high stone base with 8' high stone columns and one 7' high wooden swinging vehicular gate flanked by 8' high stone columns and 7' 6" high stone fences, parallel and perpendicular to Desco Drive, in the 50' required front yard on a site developed with a single family home/use.
- The Dallas Development Code states that in all residential districts, except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- Neighborhood Stabilization Overlay District No. 12 requires the minimum front yard setback to be 50'.
- The following additional information was gleaned from the submitted site plan:
 - The proposal is represented as being approximately 30.5' in length parallel to Desco Drive, and extending approximately 6' in length into the 50' required front yard.
 - The proposal is represented as being located approximately 44' from the property line.
- The Current Planner conducted a field visit of the site and surrounding area and noted no other visible fences above 4 feet high which appeared to be located in a front yard setback.
- One home fronts the proposal.
- As of November 7th, no letters have 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 4' will not adversely affect neighboring property.
- Granting this special exception of 4' with a condition imposed that the applicant complies with the submitted landscape plan 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 these documents.

Timeline:

August 20, 2014: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

September 14, 2014: The Interim Assistant Director of Sustainable Development and Construction acting on behalf of the Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

September 15, 2014: The Current Planner emailed the applicant's representative the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the October 29th deadline to submit additional evidence for staff to factor into their analysis; and the November 7th 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.

November 4, 2014: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for November public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Assistant Building Official, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, the City of Dallas Chief Arborist, and the Assistant City Attorney to the Board.

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

BOARD OF ADJUSTMENT ACTION: NOVEMBER 18, 2014

APPEARING IN FAVOR: Chris Strempek, 2000 Sandy Lane, Dallas, TX

APPEARING IN OPPOSITION: No one

MOTION: **Bartos**

I move that the Board of Adjustment, in request No. **BDA 134-111**, on application of Chris Strempek, **grant** the request to construct and maintain an 8-foot-high fence in the property’s front-yard as a special exception to the fence height requirements in the Dallas Development Code, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property. I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

- Compliance with submitted site plan/elevation is required.

SECONDED: **French**

AYES: 4 – Nolen, French, Rieves, Bartos

NAYS: 0 -

MOTION PASSED: 4 – 0 (unanimously)

FILE NUMBER: BDA 134-110

BUILDING OFFICIAL’S REPORT: Application of Jonathan G. Vinson for a variance to the front yard setback regulations at 3344 Forest Lane. This property is more fully described as Lot 3A, Block A/6445, and is zoned PD 429, which requires a front yard setback of 80 feet. The applicant proposes to construct and/or maintain a structure and

provide a 75 foot front yard setback, which will require a 5 foot variance to the front yard setback regulations.

LOCATION: 3344 Forest Lane

APPLICANT: Jonathan G. Vinson

REQUEST:

A request for a variance to the front yard setback regulations of 5' is made to maintain an approximately 180 square foot portion of a multifamily structure/use with an approximately 35,000 square foot building footprint, that is located 75' from the site's front property line or 5' into the site's 80' front yard setback.

STANDARD FOR A VARIANCE:

The Dallas Development Code Section 51A-3.102(d)(10) specifies that the board has the power to grant variances from the front yard, side yard, rear yard, lot width, lot depth, coverage, floor area for structures accessory to single family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

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

STAFF RECOMMENDATION:

Denial

Rationale:

- While granting the variance would not appear to be contrary to public interest given that a very small portion of the existing structure is located in the required front yard setback, staff was unable to conclude at the time of the November 4th staff review team meeting that there was an unnecessary hardship as the parcel/subject site does not differ from other parcels of land by being of such restrictive area, shape, or slope that it cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD 429 zoning classification. The subject site is flat, rectangular in shape, and according to the application is approximately 4 acres in area.

- While the applicant has described how the structural integrity of the existing building in the setback would be compromised if the variance were denied, the applicant's other option, other than modifying the existing structure to comply with the existing setback, is to file an application to rezone the property – i.e. requesting that the City Council consider amending PD 429 that would modify/change the existing 80' front yard setback in Tracts I and II.

BACKGROUND INFORMATION:

Zoning:

Site: PD 429 (Planned Development)
North: R-10(A) (Single family district 10,000 square feet)
South: R-10(A) (Single family district 10,000 square feet)
East: PD 429 (Planned Development)
West: PD 429 (Planned Development)

Land Use:

The subject site is developed with a multifamily use. The areas to the north and south are developed with single family uses; the area to the east is developed with multifamily use; and the area to the west is developed with retail/commercial 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 maintaining an approximately 180 square foot portion of a multifamily structure/use with an approximately 35,000 square foot building footprint, that is located 75' from the site's front property line or 5' into the site's 80' front yard setback.
- An 80' front yard setback is required for properties zoned PD 429, Tracts I and II.
- A site plan has been submitted indicating the structure/building footprint is located 75.6' from the front property line or approximately 5' into the 80' front yard setback.
- According to calculations taken from the site plan by the Board Administrator, approximately 180 square feet (or about 0.5 percent) of the existing approximately 35,000 square foot building footprint is to be maintained/located in the site's front yard setback.
- The site is flat, rectangular in shape, and according to the application is approximately 4 acres in area.
- According to DCAD records, the "main improvement" at 3344 Forest Lane is a "senior citizen housing" structure built in 1998 with 64,995 square feet of total area.
- The applicant has the burden of proof in establishing the following:

- That granting the variance to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
- The variance to front yard setback regulations are 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 429 zoning classification.
- The variance to front yard setback regulations would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same PD 429 zoning classification.
- If the Board were to grant the front yard variance request, imposing a condition whereby the applicant must comply with the submitted site plan, the structure in the front yard setback would be limited to that what is shown on the submitted plan – a structure that is located approximately 75’ from the front property line or approximately 5’ into the 80’ front yard setback.

Timeline:

- September 11, 2014: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- October 14, 2014: The Interim Assistant Director of Sustainable Development and Construction acting on behalf of the Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- October 14, 2014: The Board Administrator emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the October 29th deadline to submit additional evidence for staff to factor into their analysis; and the November 7th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- October 29, 2014: The applicant submitted additional documentation on this application beyond what was submitted with the original application (see Attachment A).
- November 4, 2014: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for November public hearings. Review team members in attendance included: the

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

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

November 7, 2014: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment B). Note that this information was not factored into the staff recommendation given that it was received after the November 7th staff review team meeting. (The applicant stated that this attachment had some more details and a couple of additional attachments beyond what he had submitted for staff review that the Board Administrator had labeled as Attach A and emailed to staff on October 29th. The attachment the applicant emailed to staff on November 7th, according to the applicant, included a substantive discussion of the very disruptive impact on residents if the structure had to be modified, and that the Panel's attention should be drawn primarily to this one).

BOARD OF ADJUSTMENT ACTION: NOVEMBER 18, 2014

APPEARING IN FAVOR: Jonathan G. Vinson, Dallas, TX
Cari Koford, 31329 SW Chia Ln, Wilsonville, OR
Barbara Walz, 3909 Jamestown PL., Plano, TX

APPEARING IN OPPOSITION: No one

MOTION: **Nolen**

I move that the Board of Adjustment, in request No. **BDA 134-110**, on application of Jonathan G. Vinson, **grant** a 5 foot variance to the front-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 site plan is required.

SECONDED: **French**

AYES: 4 – Nolen, French, Rieves, Bartos

NAYS: 0 -

MOTION PASSED: 4 – 0 (unanimously)

MOTION: Rieves

I move to adjourn this meeting.

SECONDED: Bartos

AYES: 4 – Nolen, French, Rieves, Bartos

NAYS: 0 -

MOTION PASSED: 4 – 0 (unanimously)

1:50 P. M.: - Board Meeting adjourned for **November 18, 2014.**

CHAIRPERSON

BOARD ADMINISTRATOR

BOARD SECRETARY

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