



BOARD OF ADJUSTMENT
Full Board Meeting Minutes

October 29th, 2024

RECEIVED

2024 NOV 21 AM 11:09

CITY SECRETARY
DALLAS, TEXAS

6EN Council Chambers
24923176153@dallascityhall.webex.com

David A. Neumann, Chairman

PRESENT: [13]

David A. Neumann, Chairman	Joe Cannon
Cheri Gambow, Vice Chair	Andrew Finney
Robert Agnich, Vice Chair	Dr. Emmanuel Glover
Rachel Hayden	
Kathleen Davis	
Michael Hopkovitz	
Jay Narey	
Judy Pollock	
Jared Slade	
Roger Sashington	

ABSENT: [5]

Rodney Milliken	Nicholas Brooks
Sarah Lamb	Philip Sahuc
TC Fleming	

Chairman Neumann called the Special Meeting of the Board of Adjustment to order at **9:09 A.M.** with a confirmed quorum of the Board of Adjustment present.

WELCOME:

David A. Neumann

Introduction of Board Members & Alternates

PUBLIC TESTIMONY:

Robert Reeves (Consultant) - 3807 Vinecrest Dr., Dallas TX 75229
Steve Long (Consultant) – 902 Thomasson, Dallas TX 75208

SPEAKERS:

- Emily Liu, Director, Planning & Development Department
- Jason Pool, Assistant Director (I) Customer Excellence
 1. FY 23-24 Strategic Efficiency Plan
 2. FY 23-24 Summary of Progress
 3. FY 22-23 & FY 23-24 Charts & Metrics
 4. FY 24-25 Planning & Goals

CHAIRMAN'S REPORT:

David A. Neumann

October 1, 2023 – September 30, 2024

Focus:

Ensure Fairness for every property owner appeal to the Board of Adjustment through a Transparent process that culminates in Timely hearings where Accurate information is reasonably applied to the Board's preexisting legal standards.

Advocacy

- Met quarterly with City Manager's key staff: Assistant City Managers Majed Al-Ghafry and Robin Bentley; Directors Andrew Espinoza and Emily Liu, to maintain executive level support and awareness of the mission of the Board, its members, staff and property owner/taxpayer.
- Working with Board Attorney and City Attorney's Office to assert the Board's fully interpreted and expressed authority within the Dallas Development Code to determine a just and fair decision for all cases/appeals presented.

Empowerment

- Implemented our updated Rules of Procedure providing greater empowerment of the Board, Chairman, and Vice Chairs to lead the hearings as a citizen appointed board of the City Council.
- Board Officers worked collectively to ensure relative consistency amongst the panels and provide feedback loop to staff to ensure effectiveness of hearings.
- Panel Hearings were fully attended by 5 Members/Alternates 27 of 30 hearings or 90% to ensure a full panel's deliberation for the applicant.

Transition challenges

- Challenged by city staff turnover of Board Administrators, Senior Planners, and resulting learning curves during last 12 months and departmental transitioning from Planning Urban Design to Development Services back to Planning & Development.
- Positive and hopeful leadership now under Dr. Kameka Millers-Hoskins as our Board Administrator. Proofreading all work to be presented is essential.

Progress

- Worked regularly with Jason Pool as Development Services Administrator to support his leadership and obtained more comprehensive staff analysis for hearings, technology to aid in understanding adjacent properties and leverage/utilize the BOA website to provide accurate and timely information to the public regarding all aspects of the BOA appeal process. Reduced days from application to hearing from 74 to 61. Outstanding!

BOARD TRAINING

➤ **ETHICS AND CONFLICT OF INTEREST**

Baron Eliason, Chief Integrity Officer

- Why we have the Code of Ethics
- The BIG picture of ethics in our city

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- Big Picture: Be on our best behavior
- Two types of best behavior rules: 1) All the time rules 2) If/then rules
- All the time rules: 1) Fiduciary duty 2) Civility
- Civility in employee interactions – a two step
- All the time rules: 1) Fiduciary duty 2) Civility 3) Appearances – personal and professional
- If/Then Rules: Code of Ethics Reference Guide
- If/Then Conflicts and Violations Checklist
- Substantial Interests in a Business §12A-13.1
- Substantial Interests in Property §12A-13.1
- Acquisition of Interests §12A-14(a)(1)
- Benefits to Previous Employers §12A-14(a)(3)
- Nepotism
- Political Activity and disclosures: §12A-21
- Outside Employment §12A-19
- Gifts Deep Dive
- Gifts and Donations
- Options with Gifts
- When is a Gift prohibited? - §12A-12(a)
- Is there more guidance?
- Analyzing Gifts
- Reporting of Gifts - §12A-42
- What's it worth?
- What counts as a year?
- When are reports due?
- Where do I find the report form?
- Donations
- Reporting Chart – Financial Disclosure
- Reporting Chart – Financial Statement
- Reporting Chart – Short Form
- Reporting Chart – Gifts
- Reporting Chart – Donations
- Reporting Chart – Travel

➤ **PLANNING & DEVELOPMENT DEPARTMENT** Chief Planner, Dr. Kameka Miller-Hoskins
Bryant Thompson, Senior Planner

- Team Introductions
- Parking Reductions
 - ❖ How is Parking Calculated?
 - ❖ Off-Street Parking reductions
What is an Off-street parking reduction?
 - ❖ Types of Off-street Parking Reductions
 - Special Exception
Example
 - Variance
Example
 - ❖ Summary
 - ❖ Questions
- Blockface Continuity
 - ❖ Blockface
 - ❖ Blockface Continuity
 - ❖ Importance of blockface Continuity

- ❖ When is Blockface Applied?
Examples
- ❖ Questions

Lunch: 12:35 p.m.; Resume: 1:18 p.m.

➤ **CITY ATTORNEY'S OFFICE**

**Theresa Carlyle, Board Attorney &
Matthew Sapp, Assistant City Attorney**

- Board of Adjustment Authority
 - ❖ The Ultimate Authority: The Constitution of the United States
 - ❖ Authority
 - ❖ Quasi-judicial Land-use Boards
- Roles of Board of Adjustment
 - ❖ How does the Board of Adjustment ensure that the highest and best use of land is accomplished?
 - ❖ Through (VANS): Variances, Administrative Appeals, Non-conforming Uses, and Special Exceptions
- Variances and Special Exceptions Policy Analysis
 - ❖ Variance – Sec. §51A-3.102(a)
 - Pre-existing structure
 - Sec. §51A-3.102(d)(10)(b)
 - Sec. §51A-3.102(d)(10)(b)(i)
 - Sec. §51A-3.102(d)(10)(b)
 - ❖ Special Exception Analysis
 - S.A.M. – Safety, Aesthetics, Monetary
 - ❖ Administrative Official Appeals
- Appeals of Administrative Decisions
- Case Law Review
 - ❖ City of Dallas v. Vanesco
 - ❖ Texas Card House
- **Texas Open Meetings Act**
 - The Rule
 - Meeting
 - Walking Quorums
 - Notice Requirements
 - Videoconference
 - Other Rules
 - Close Meeting (Executive Session)
 - Close Meeting: Who may Attend
 - Recordkeeping

Daniel Moore, Assistant City Attorney

➤ **BOARD MEMBER RESPONSE**

- ❖ Suggestions & Feedback

➤ **ACTION ITEMS**

- Review and approval of Meeting Minutes September 17, 2024
- Review/Adopt 2025 meeting Calendar.
- Review/Adopt Annual Report to City Council
 - 2023-2024 Accomplishments
 - 2024-2025 Goals and Objectives
 - Board Recommendations
- Amendments to Rules of Procedure

❖ **BOARD OF ADJUSTMENT ACTIONS:**

- Review and approval of Meeting Minutes September 17, 2024

Maker:	Judy Pollock					
Second:	Robert Agnich					
Results:	12-0 unanimously					Moved to approve/adopt
		Ayes:	-		12	David A. Neumann, Joe Cannon, Cheri Gambow, Andrew Finney, Robert Agnich, Dr. Emmanuel Glover, Kathleen Davis, Michael Hopkovitz, Jay Narey, Judy Pollock, Jared Slade, Roger Sashington
		Against:	-		0	

- Review/Adopt 2025 Board Meeting Calendar as presented.

Maker:	Robert Agnich					
Second:	Judy Pollock					
Results:	11-1					Moved to approve/adopt
		Ayes:	-		11	David A. Neumann, Joe Cannon, Cheri Gambow, Andrew Finney, Robert Agnich, Dr. Emmanuel Glover, Kathleen Davis, Jay Narey, Judy Pollock, Jared Slade, Michael Hopkovitz
		Against:	-		1	Roger Sashington

- 2023-2024 Accomplishments

Maker:	Cheri Gambow					
Second:	Joe Cannon					
Results:	12-0 unanimously					Moved to approve/adopt
		Ayes:	-		12	David A. Neumann, Joe Cannon, Cheri Gambow, Andrew Finney, Robert Agnich, Dr. Emmanuel Glover, Kathleen Davis, Michael Hopkovitz, Jay Narey, Judy Pollock, Jared Slade, Roger Sashington
		Against:	-		0	

- 2024-2025 Goals and Objectives

Maker:	Michael Hopkovitz					
Second:	Andrew Finney					5

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Results:	12-0 unanimously					Moved to approve/adopt
		Ayes:	-		12	David A. Neumann, Joe Cannon, Cheri Gambow, Andrew Finney, Robert Agnich, Dr. Emmanuel Glover, Kathleen Davis, Michael Hopkovitz, Jay Narey, Judy Pollock, Jared Slade, Roger Sashington
		Against:	-		0	

o Amendments to Rules of Procedure

Maker:	Robert Agnich					
Second:	Jay Narey					
Results:	12-0 Unanimously					Moved to adopt the changes
		Ayes:	-		12	David A. Neumann, Cheri Gambow, Robert Agnich, Dr. Emmanuel Glover, Kathleen Davis, Michael Hopkovitz, Jay Narey, Judy Pollock, Jared Slade, Joe Cannon, Andrew Finney and Roger Sashington
		Against:	-		0	

o Board Recommendations to City Council to include metrics on Section 2 relating on source of permitting errors.

Maker:	Cheri Gambow					
Second:	Andrew Finney					
Results:	5-6					Motion fails
		Ayes:	-		5	Joe Cannon, Cheri Gambow, Andrew Finney, Dr. Emmanuel Glover, Jared Slade
		Against:	-		6	David A. Neumann, Michael Hopkovitz, Judy Pollock, Jay Narey, Robert Agnich, Kathleen Davis

o Board Recommendations to City Council Section 1, 2 & 3 and Final Adoption of 2023-2024 Annual Report

Maker:	Robert Agnich					
Second:	Andrew Finney					
Results:	9-2					Moved to adopt as presented
		Ayes:	-		9	David A. Neumann, Cheri Gambow, Robert Agnich, Dr. Emmanuel Glover, Kathleen Davis, Michael Hopkovitz, Jay

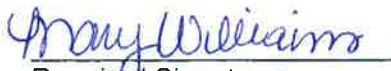
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					Narey, Judy Pollock, Jared Slade
		Against:	-	2	Joe Cannon and Andrew Finney

Board Member Rachel Hayden left at 2:30 p.m.
Board Member Roger Sashington left at 4:08 p.m.

ADJOURNMENT

After all business of the Board of Adjustment had been considered, Chairman Neumann moved to adjourn the meeting at 4:43 p.m. and it was unanimously approved.



Required Signature:

Mary Williams, Board Secretary
Planning & Development Department


Date



Required Signature:

Dr. Kameka Miller-Hoskins, Board Administrator
Planning & Development Department


Date



Required Signature:

David A. Neumann, Chairman
Board of Adjustment


Date