



BOARD OF ADJUSTMENT

Panel B Minutes

May 22<sup>nd</sup>, 2024

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CITY SECRETARY  
DALLAS, TEXAS

6ES Briefing Room  
[24974849659@dallascityhall.webex.com](mailto:24974849659@dallascityhall.webex.com)

Cheri Gambow, Vice-Chair

**PRESENT: [5]**

Cheri Gambow, Vice-Chair	
Michael Karnowski	
Joe Cannon	
Phil Sahuc	
Dr. Emmanuel Glover	

**ABSENT: [1]**

Sarah Lamb	
Derrick Nutall	

Vice-Chair Gambow called the briefing to order at **10:01 A.M.** with a quorum of the Board of Adjustment present.

Vice-Chair Gambow called the hearing to order at **1:00 P.M.** with a quorum of the Board of Adjustment present.

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.

**PUBLIC SPEAKERS**

The Board of Adjustment provided "public speaker" opportunities for individuals to comment on matters that were scheduled on the agenda or to present concerns or address issues that were not matters for consideration listed on the posted meeting agenda.

- Liane LaBarba – 7121 Brookshire Cir., Dallas TX 75230
- Jo Jagoda – 7139 Brookshire Cir., Dallas TX 75230
- Jason LaBarba – 7121 Brookshire Cir., Dallas TX 75230 (Did not speak)

**MISCELLANEOUS ITEMS**

Approval of the Board of Adjustment Panel B, April 17<sup>th</sup>, 2024, Meeting Minutes.

**Motion was made to approve Panel B, April 17<sup>th</sup>, 2024, Public Hearing Minutes.**

Maker:	Joe Cannon				
Second:	Michael Karnowski				
Results:	5-0 unanimously				Motion to approve
		Ayes:	-	5	Cheri Gambow, Joe Cannon, Michael Karnowski, Phil Sahuc and Dr. Emmanuel Glover
		Against:	-	0	

**UNCONTESTED CASES**

**1. 2323 N. Carroll Avenue**

**\*This Case was moved to Individual Items**

BDA234-060(BT)

Board member Joe Cannon has a conflict on this case: Out – 1:11 pm, Back – 1:35 pm.

**BUILDING OFFICIAL’S REPORT:** Application of Nick Batey for **(1)** a special exception to the fence height regulations; for **(2)** a special exception to the 20-foot visibility obstruction regulations; and for **(3)** a special exception to the 45-foot visibility obstruction regulations at 2323 N. Carroll Ave. This property is more fully described as Block K/0662, Lot 20 and is zoned MF-2(A), which limits the height of a fence in the front-yard to 4-feet; requires a 20-foot visibility triangle at driveway approaches; and requires a 45-foot visibility triangle at street intersections. The applicant proposes to construct and/or maintain an 8-foot-high fence in a required front-yard, which will require **(1)** a 4-foot special exception to the fence height regulations; to construct and/or maintain a single-family residential fence structure in a required visibility obstruction triangle, which will require **(2)** a special exception to the 20-foot visibility obstruction regulation at the driveway, and to construct and/or maintain a single-family residential fence structure in a required visibility obstruction triangle, which will require **(3)** a special exception to the 45-foot visibility triangle at the intersection of Rusk Ave. and N. Carroll Ave.

**LOCATION:** 2323 N. Carroll Ave.

**APPLICANT:** Nick Batey

**REQUEST:**

- (1) A request for a special exception to the fence height regulations;
- (2) A special exception to the 20-foot visibility obstruction regulations at the driveway; and
- (3) A special exception to the 45-foot visibility obstruction regulations at the intersection of Rusk Ave. and N. Carroll Ave.

**STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE HEIGHT STANDARDS REGULATIONS:**

Section 51A-4.602(a)(11) of the Dallas Development Code states that the board may grant a special exception to the fence height regulations when in the opinion of the board, **the special exception will not adversely affect neighboring property.**

**STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO VISUAL OBSTRUCTION REGULATIONS:**

Section 51A-4.602(d)(3) of the Dallas Development Code states that the board may grant a special exception to the visual obstruction regulations when in the opinion of the board, **the special exception will not constitute a traffic hazard.**

**STAFF RECOMMENDATION:**

Special Exceptions (3):

No staff recommendation is made on this or any request for a special exception since the basis for this type of appeal is when in the opinion of the board, the special exception will not adversely affect neighboring properties nor will it constitute a traffic hazard.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: MF-2(A) (Multifamily District)  
North: R-7.5(A) (Single Family District)  
East: MF-2(A) (Multifamily District)  
South: PD-277 (Light assembly) and PD-305 (Maximum densities)  
West: MF-2(A) (Multifamily District)

**Land Use:**

The subject site and all surrounding properties are developed with single family uses.

**BDA History:**

No BDA history

**GENERAL FACTS/STAFF ANALYSIS:**

- The application of Nicholas Batey for the property located at 2323 N. Carroll Ave. focuses on 3 requests relating to the fence height and visibility obstruction regulations.
- The applicant proposes to construct and maintain an 8-foot high gate and fence in a required front yard, on a vacant lot, along N. Carroll Ave. and Rusk Ave., which will require a 4-foot special exception to the fence height regulations.
- Secondly, the applicant is requesting a special exception to the 20-foot visibility obstruction triangle at the drive approach along Rusk Ave.. The proposed 8-foot high fence encroaches about 10-foot 6-inches into the visibility obstruction triangle on the western boundary and 5-foot into the visibility obstruction triangle on the Northwestern boundary of Rusk Ave. The

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proposed 8-foot high gate encroach about 18-foot into the visibility obstruction triangle on the boundary of Rusk Ave. and the proposed 8-foot high fence encroach about 14-foot 6-inches into the visibility obstruction triangle on the boundary of Rusk Ave...

- Lastly, the applicant is requesting a special exception to the 45-foot visibility obstruction triangle at the corner of N. Carroll Ave and Rusk Ave.. The proposed 8-foot high fence encroach about 20-foot into the visibility obstruction triangle on the boundary of N. Carroll Ave. and Rusk Ave.
- The subject site along with surroundings properties to the north, south, east and west are all developed with single-family homes, multifamily and duplexes.
- As gleaned from the submitted site plan and elevations, the applicant is proposing to maintain an 8-foot high fence and gate, on a vacant lot, around the circumference of the property at 2323 N. Carroll Ave.
- The fence proposed material is 5.25" horizontal wood planks.
- It is imperative to note that the subject site is a corner lot, and it has street frontage on N. Carroll Ave and Rusk Ave.
- Based upon staff's analysis of the surrounding properties, there was one homes along Rusk Ave. with a fence in the required front yard. There were two homes along N. Carroll Ave. with a fence and gate in the required front yard and/or some form of vegetation serving as a screening mechanism near the intersection of Capitol and N. Carroll.
- Per staff's review of the subject site, it has been confirmed that the fence surrounding the circumference of the property is proposed.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard.
- The Dallas Development Code states that a fence located in the required front yard may be built to a maximum height of six feet above grade if all conditions in the following subparagraphs are met: (a) no lot in the block face may be zoned as a single-family or duplex district; (b) no gates for vehicular traffic may be located less than 20 feet from the back of the street curb and (c) no fence panel having less than 50 percent open surface area may be located less than five feet from the front lot line. Unless all of the conditions are met, a fence in a multifamily district may not exceed four feet above grade when located in the required front yard, except when the required front yard is governed by the side or rear yard regulations.
- The applicant has the burden of proof in establishing that the special exception(s) to the fence regulations relating to height and opacity will not adversely affect the neighboring properties.
- The applicant has the burden of proof in establishing that the special exception to the fence regulations regarding visual obstruction will not constitute a traffic hazard.
- Granting the special exceptions to the fence standards relating to height, opacity and visibility obstruction regulations with a condition that the applicant complies with the

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submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.

- **BDA234-060 at 2323 N Carroll Ave** 200' Radius Video

**Timeline:**

March 25, 2024: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

April 10, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel B.

April 24, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the April 26, 2024, deadline to submit additional evidence for staff to factor into their analysis; and May 10, 2024, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

May 2, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the May public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer

**Speakers:**

For: Nick Batey, 57410 Prospect Ave., Dallas TX 75206

Against: Cristina Casas, 4419 Rusk Ave., Dallas TX 75204

**Motion # 1**

I move that the Board of Adjustment, in Appeal No. BDA 234-060, on application of Nick Batey, **GRANT** the request of this applicant to construct and/or maintain a 8-foot high fence as a special exception to the height requirement for fences contained in the Dallas Development Code, as amended, 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 height and fence location requirements illustrated in the most recent version of all submitted plans are required.

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Maker:	Michael Karnowski				
Second:	Dr. Emmanuel Glover				
Results:	2-2				Motion to grant fails
		Ayes:	-	2	Michael Karnowski, Dr. Emmanuel Glover
		Against:	-	2	Cheri Gambow, Phil Sahuc

**Motion # 2**

I move that the Board of Adjustment, in Appeal No. BDA 234-060, on application of Nick Batey, **DENY** the special exception requested by this applicant to construct and/or maintain a 8-foot high fence **without prejudice**, because our evaluation of the property and the testimony shows that granting the application would adversely affect neighboring property.

Maker:	Phil Sahuc				
Second:	Michael Karnowski				
Results:	4-0 Unanimously				Motion to deny
		Ayes:	-	4	Michael Karnowski, Cheri Gambow, Dr. Emmanuel Glover & Phil Sahuc
		Against:	-	0	

**Motion # 3**

I move that the Board of Adjustment, in Appeal No. BDA 234-060, on application of Nick Batey, **GRANT** the request to maintain items in the 20-foot visibility triangle at the driveway as a special exception to the visual obstruction regulation contained in the Dallas Development Code, as amended, because our evaluation of the property and the testimony shows that this special exception will not constitute a traffic hazard.

I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code, as amended:

Compliance with the most recent version of all submitted plans, in regards to the portion in violation of the visual obstruction triangle, are required.

Maker:	Michael Karnowski				
Second:	Phil Sahuc				
Results:	4-0 Unanimously				Motion to grant
		Ayes:	-	4	Michael Karnowski, Cheri Gambow, Dr. Emmanuel Glover, Phil Sahuc
		Against:	-	0	

**Motion # 4**

I move that the Board of Adjustment, in Appeal No. BDA 234-060, on application of Nick Batey, **DENY** the special exception requested by this applicant to maintain items in the 45-foot visibility triangle at the intersection of Rusk Ave. and N. Carroll Ave. **without prejudice**, because our evaluation of the property and the testimony shows that granting the application would constitute a traffic hazard.

Maker:	Michael Karnowski				
Second:	Dr. Emmanuel Glover				
Results:	4-0 Unanimously				Motion to deny
		Ayes:	-	4	Michael Karnowski, Cheri Gambow, Dr. Emmanuel Glover, Phil Sahuc
		Against:	-	0	

**2. 10576 Shiloh Road**

BDA234-062(CJ)

**BUILDING OFFICIAL'S REPORT:** Application of Karina Avila for (1) a special exception to the fence height regulations, and for (2) a special exception to the fence opacity regulations at 10576 SHILOH RD. This property is more fully described as Block 1/7314, Lot 12, and is zoned R-7.5(A), which limits the height of a fence in the front-yard to 4-feet; and requires a fence panel with a surface area that is less than 50 percent open not be located less than 5-feet from the front lot line. The applicant proposes to construct and/or maintain a 6-foot-high fence in a required front-yard, which will require (1) a 2-foot special exception to the fence height regulations; and to construct and/or maintain a fence in a required front-yard with a fence panel having less than 50 percent open surface area located less than 5- feet from the front lot-line, which will require (2) a special exception to the fence opacity regulations.

**LOCATION:** 10576 Shiloh Rd.

**APPLICANT:** Karina Avila

**REQUEST:**

- (4) A request for a special exception to the fence height regulations; and
- (5) A special exception to the fence opacity regulations.

**STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE HEIGHT STANDARDS REGULATIONS:**

Section 51A-4.602(b)(2) of the Dallas Development Code states that the board may grant a special exception to the fence height regulations when in the opinion of the board, **the special exception will not adversely affect neighboring property.**

**STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE OPACITY STANDARD REGULATIONS:**

Section 51A-4.602(a)(11) of the Dallas Development Code states that the board may grant a special exception to the fence opacity regulations when in the opinion of the board, **the special exception will not adversely affect neighboring property.**

**STAFF RECOMMENDATION:**

Special Exceptions (2):

No staff recommendation is made for a special exception.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: R-7.5 (A) (Single Family District)  
North: R-7.5 (A) (Single Family District)  
East: R-7.5 (A) (Single Family District)  
South: R-7.5 (A) (Single Family District)  
West: R-7.5 (A) (Single Family District)

**Land Use:**

The subject site and all surrounding properties are developed with single-family uses.

**BDA History:**

No BDA history

**GENERAL FACTS/STAFF ANALYSIS:**

- The application, for the Karina Avila property located at 10576 Shiloh Road focuses on 2 requests relating to the fence height and fence standards regarding opacity.
- The applicant proposes to maintain and 6-foot high fence in a required front yard, which will require a 2-foot special exception to the fence height regulations.
- Secondly, the applicant is requesting a special exception to the fence standards regulations regarding opacity
- The subject site along with properties to the north, east, south, and west are all developed with single-family homes.
- As gleaned from the submitted site plan and elevations, the applicant is proposing to maintain a 6-foot high fence around the circumference of the property at 10576 Shiloh Road.
- The fence material is board on board wood.
- It is imperative to note that the subject site is a corner lot, and it has double street frontage on Shiloh Road and Ferguson Road.



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- Based upon staff's analysis of the surrounding properties, there are a few homes along Shiloh Road and Ferguson Road with fences and gates in the required front yard and/or some form of vegetation serving as a screening mechanism.
- Per staff's review of the subject site, it has been confirmed that the fence surrounding the circumference of the property is proposed and not existing.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard. The Dallas Development Code also states that no fence panel having less than 50 percent open surface area may be located less than 5-feet from the lot line.
- The applicant has the burden of proof in establishing that the special exception(s) to the fence regulations relating to height and opacity will not adversely affect the neighboring properties.
- Granting the special exceptions to the fence standards relating to height and opacity regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: [BDA234-062 at 10576 Shiloh Rd.](#)

**Timeline:**

- March 21, 2024: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- April 10, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel B.
- April 24, 2024: The Development Services Department Senior Planner emailed the applicant the following information:
- an attachment that provided the hearing date and panel that will consider the application; the April 26 , 2024, deadline to submit additional evidence for staff to factor into their analysis; and May 10, 2024, deadline to submit additional evidence to be incorporated into the board's docket materials.
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- May 2, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the May public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.

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Speakers:

For: Karina Avila – 10576 Shiloh Rd., Dallas TX 75228 (Did not speak)

Against: None

**Motion**

I move that the Board of Adjustment **GRANT** the following applications listed on the uncontested docket because it appears, from our evaluation of the property and all relevant evidence that the applications satisfy all the requirements of the Dallas Development Code and are consistent with the general purpose and intent of the Code, as applicable to wit:

**BDA 234-062** – Application of Karina Avila, for a special exception to the fence height regulations in the Dallas Development Code is granted subject to the following condition:

Compliance with height and fence location requirements illustrated in the most recent version of all submitted plans are required.

**BDA 234-062** – Application of Karina Avila, for a special exception to the fence opacity regulations in the Dallas Development Code is granted subject to the following condition:

Compliance with opacity and fence location requirements illustrated in the most recent version of all submitted plans are required.

Maker:	Michael Karnowski				
Second:	Joe Cannon				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Cheri Gambow, Michael Karnowski, Joe Cannon, Phil Sahuc & Dr. Emmanuel Glover
		Against:	-	0	

**3. 6131 Churchill Way**  
 BDA234-064(CJ)

**BUILDING OFFICIAL’S REPORT:** Application of Jonathan Vinson for (1) a special exception to the fence height regulations at 6131 CHURCHILL WAY. This property is more fully described as Block A/7451 Lot 1A and is zoned R-16(A), which limits the height of a fence in the front-yard to 4-feet. The applicant proposes to construct and/or maintain an 8-foot high fence in a required front-yard, which will require (1) a 4-foot special exception to the fence height regulations.

**LOCATION:** 6131 Churchill Way

**APPLICANT:** Jonathan Vinson

**REQUEST:**

(6) A request for a special exception to the fence height regulations.

**STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:**

Section 51A-4.602(b)(2) of the Dallas Development Code states that the board may grant a special exception to the fence height regulations when in the opinion of the board, **the special exception will not adversely affect neighboring property.**

**STAFF RECOMMENDATION:**

Special Exception (1):

No staff recommendation is made on this or any request for a special exception.

**BACKGROUND INFORMATION:**

**No BDA history:**

No BDA History found within the last 5 years at this subject site.

**Zoning:**

Site: R-16 (A) (Single Family District)  
North: PD 93 Zoning District  
East: R-16 (A) (Single Family District)  
South: PD 368 Zoning District  
West: PD 123 Zoning District

**Land Use:**

The subject site is a synagogue and surrounding properties to the north, east and south are developed with single-family uses. The property to the west is a school.

**Square Footage:**

This lot contain 89,298 of square feet

**GENERAL FACTS/STAFF ANALYSIS:**

- The application, for the Jonathan Vinson located at 6131 Churchill Way focuses on 1 request relating to the fence height regulations.
- The applicant proposes to construct and maintain and 8-foot-high fence in a required front yard which will require a 4-foot special exception to the fence height regulations.
- The subject site is a synagogue with properties to the north, south, and east are all developed with single-family homes. The property to the west is a school.
- As gleaned from the submitted site plan and elevations, the applicant is proposing to construct and maintain an 8-foot-high fence around the back and around the entire property at 6131 Churchill Way.
- The applicant has stated that the proposed 8-foot fence will be an addition for privacy and security for congregation, children and staff at Congregation Shaare Tefilla - Dallas.
- Based upon staff's analysis of the surrounding properties, the school directly across the street as well as a few of the homes along Whitley Lane has some form of vegetation serving as a screening mechanism.

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- It is imperative to note that the subject site is a corner lot, and it has triple street frontage and three front yards; Churchill Way, Whitley Lane and Turner Way
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard.
- Granting the special exception to the fence height regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: [BDA234-064 at 6131 Churchill Way](#)

**Timeline:**

March 21, 2024: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

April 10, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel B.

April 24, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the hearing date and panel that will consider the application; the April 26 , 2024, deadline to submit additional evidence for staff to factor into their analysis; and May 10, 2024, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

May 2, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the May public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer

**Speakers:**

For: Jonathan Vinson, 2323 Ross Ave # 600 Dallas TX 75201

Against: None

**Motion**

I move that the Board of Adjustment **GRANT** the following applications listed on the uncontested docket because it appears, from our evaluation of the property and all relevant evidence that the applications satisfy all the requirements of the Dallas Development Code and are consistent with the general purpose and intent of the Code, as applicable to wit:

**BDA 234-064** – Application of Jonathon Vinson, for a special exception to the fence height regulations in the Dallas Development Code is granted subject to the following condition:

Compliance with height and fence location requirements illustrated in the most recent version of all submitted plans are required.

Maker:	Michael Karnowski				
Second:	Joe Cannon				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Michael Karnowski, Joe Cannon, Phil Sahuc, Dr. Emmanuel Glover, Cheri Gambow
		Against:	-	0	

**HOLDOVER CASES**

**4. 7217 Brookshire Drive**  
 BDA234-018(DB)

**BUILDING OFFICIAL’S REPORT:** Application of Peter Kofoed represented by Melissa Miles (1) to appeal the decision of the administrative official at 7217 BROOKSHIRE CIR. This property is more fully described as Block 6/6586, Lot 1, and is zoned R-16(A), which prohibits a private swimming pool from being constructed in the required front-yard. The applicant proposes (1) to appeal the decision of an administrative official in the denial of a building permit that was issued incorrectly by the development services department.

**LOCATION:** 7217 Brookshire

**APPLICANT:** Peter Kofoed

**REPRESENTED BY:** Melissa Miles

**REQUEST:**

A request is made to appeal the decision of the administrative official in the denial of building permit 2203031044 that was issued incorrectly by the development services department.

**STANDARD FOR APPEAL FROM DECISION OF AN ADMINISTRATIVE OFFICIAL:**

Dallas Development Code Sections 51A-3.102(d)(1) and 51A-4.703(a)(2) state that any aggrieved person may appeal a decision of an administrative official when that decision concerns issues within the jurisdiction of the Board of Adjustment.

**The Board of Adjustment may hear and decide an appeal that alleges error in a decision made by an administrative official.** Tex. Local Gov't Code Section 211.009(a)(1).

Administrative official means that person within a city department having the final decision-making authority within the department relative to the zoning enforcement issue. Dallas Development Code Section 51A-4.703(a)(2).

**BDA History:**

BDA223-053; Special Exception to the fence height regulations; Denial

BDA234-018; applicant requested case to be held over under advisement and be placed in the May docket.

**Zoning:**

Site: R-16(A)-Single Family Zoning District

North: R-16(A)-Single Family Zoning District

South: R-13(A)-Single Family Zoning District

East: R-16(A)-Single Family Zoning District

West: R-13(A)-Single Family Zoning District

**Land Use:**

The subject site is developed with a single-family home. The surrounding properties are also developed with single-family homes.

**GENERAL FACTS/STAFF ANALYSIS:**

- The board shall have all the powers of the administrative official on the action appealed. The board may in whole or in part affirm, reverse, or amend the decision of the official.

**Timeline:**

November 27, 2023: The applicant was sent a denial letter for permit number 2203031044 which was incorrectly issued by Development Services Department and is invalid.

December 17, 2023: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

December 18, 2023: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

December 22, 2023: The Senior Planner emailed the applicant's representative the following information:

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- 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 December 28th deadline to submit additional evidence for staff to factor into their analysis; and the January 5th, 2024 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."

December 28th, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the January public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner the Assistant City Attorney to the Board, the Senior Planner and Code Compliance staff.

January 5, 2024: Documentary evidence (from the Assistant City attorney) was submitted; documents include history of permits and reviews, Building official's brief

January 17, 2024: Applicant requested a postponement; Accepted; will be placed on the docket dated February 21, 2024

April 3, 2024: Applicants applied to the City Plan Commission to replat a 1.13-acre tract of land and to remove an existing 40-foot platted building line along Brookshire Circle and to extend an existing 20-foot platted building line along the northwest line of Brookshire Drive to the property line.

May 2, 2024: City Plan Commission denied the request for a replat and removal of building lines in case number S234-090.

Speakers:

For: Melissa A. Miles, 17304 Preston Rd. Ste 300, Dallas TX  
Peter Kofoed, 7217 Brookshire Dr., Dallas TX 75230  
Jennifer Hiromoto, 10233 E. N.W.Highway, Dallas TX 75238

Representing the City of Dallas: Justin Roy, 1500 Marilla St., 7DN, Dallas TX 75201  
Tenisha Lester, 320 E. Jefferson, Dallas TX 75203

**Motion**

Having fully reviewed the decision of the administrative official of the City of Dallas in Appeal No. BDA 234-018, on application of Peter Kofoed, and having evaluated the evidence pertaining to the property and heard all testimony and facts supporting the application, I move that the Board of Adjustment reverse the decision of the administrative official and **GRANT** the relief requested by this applicant.

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Maker:	Joe Cannon				
Second:	Dr. Emmanuel Glover				
Results:	4-1				Motion to grant
		Ayes:	-	4	Cheri Gambow, Joe Cannon, Phil Sahuc, Dr. Emmanuel Glover
		Against:	-	1	Michael Karnowski

Board Vice- Chair Cheri Gambow leaves the hearing at 3:29 p.m.  
 Assisting City Attorney Matthew Sapp makes a motion to nominate a new presiding officer.

It was motioned by Board Member Phil Sahuc to elect Michael Karnowski as a temporary presiding officer for hearing. It was seconded by Joe Cannon.

**INDIVIDUAL CASES**

**5. 6919 Oriole Drive**  
 BDA234-068(CJ)

**BUILDING OFFICIAL’S REPORT:** Application of Lou Olerio for **(1)** a variance to the front-yard setback regulations, and for **(2)** a special exception to the fence height regulations at 6919 ORIOLE DR. This property is more fully described as Block 10/4922, Lot 1, and is zoned PD-67 (tract 4), which requires a front-yard setback of 25-feet, and limits the height of a fence in the front yard to 4-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 14-foot 10-inch front-yard setback, which will require **(1)** a 10-foot 2-inch variance to the front-yard setback regulations; and to construct a 6-foot-high fence in a required front-yard, which will require **(2)** a 2-foot special exception to the fence height regulations.

**LOCATION:** 6919 Oriole Dr.

**APPLICANT:** Lou Olerio/Olerio Homes LLC

**REPRESENTED BY:** Tommy Mann and Daniel Box

**REQUEST:**

- (7) A request for a variance to the front-yard setback regulations; and
- (8) A request for a special exception to the fence height regulations.

**STANDARDS OF REVIEW FOR A VARIANCE:**

Section 51A-3.102(d)(10) of 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:

- **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.



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- 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
- **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.

**ELEMENT II SUBSTITUTE:**

Dallas Development Code §51A-3.102(d)(10)(b), formerly known as HB 1475, allows for the BDA to use their discretion and consider Element 2 of the Variance standard to be met, if:

- (i) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 of the Texas Tax Code.
- (ii) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
- (iii) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
- (iv) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (v) the municipality considers the structure to be a nonconforming structure.

**STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE HEIGHT STANDARDS REGULATIONS:**

Section 51A-4.602(b)(2) of the Dallas Development Code states that the board may grant a special exception to the fence regulations when in the opinion of the board, **the special exception will not adversely affect neighboring property.**

**STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE OPACITY STANDARD REGULATIONS:**

Section 51A-4.602(a)(11) of the Dallas Development Code states that the board may grant a special exception to the fence opacity regulations when in the opinion of the board, **the special exception will not adversely affect neighboring property.**

**STAFF RECOMMENDATION:**

Variance to the front yard setback regulations

Denial

Rationale: Based upon evidence presented and provided by the applicant, staff concluded that the site is:

- A. **Is not contrary to the public interest as no letters of opposition have been received.**
- A. **Is not restrictive in area, shape or slope; The minimum lot size for residential use in zoning district R-7.5(A) is 7,500 sqft. The lot area for of the subject site is approximately 9,801 sqft, is not sloped and is not irregularly shaped, therefore, the**

property can be developed in a manner commensurate with development upon other parcels of land in the same zoning.

B. Is not a self-created or personal hardship.

Special Exceptions (2):

No staff recommendation is made.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: PD 67/R-7.5 (A) (Single Family District)  
North: PD 67/R-7.5 (A) (Single Family District)  
East: PD 67/R-7.5 (A) (Single Family District)  
South: PD 67/R-7.5 (A) (Single Family District)  
West: PD 67/R-7.5 (A) (Single Family District)

**Land Use:**

The subject site and all surrounding properties are developed with single-family uses.

**BDA History:**

No BDA history

**GENERAL FACTS/STAFF ANALYSIS:**

- The application, for the Olerio Homes LLC property located at 6919 Oriole Drive focuses on 2 requests relating to the front yard setback regulations and fence height regulations.
- The subject site is vacant.
- The applicant is requesting a 10-foot 2-inch variance to the front-yard setback regulations
- Zoning District PD 67/R-7.5(A) requires a 25-foot front yard setback
- As gleaned from the site plan, the proposed home is set to encroach into the 25-foot required front yard setback at 6919 Oriole Drive.
- The applicant has stated that the variance request was made so that the proposed structure can conform to the existing conditions of the neighborhood and since having two front yard restricts the subject sites buildable area.

The applicant has the burden of proof in establishing the following:

- That granting the variance to the front yard setback 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 a specific parcel of land that differs from other parcels of land by being of such restrictive area, shape, or slope, that it cannot be

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developed in a manner commensurate with the development upon other parcels of land with the same zoning; and

- 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 a parcel of land not permitted by this chapter to other parcels of land with the same zoning.
- Secondly, the applicant proposes to maintain and 6-foot high fence in a required front yard, which will require a 2-foot special exception to the fence height regulations.
- The subject site along with properties to the north, east, south, and west are all developed with single-family homes.
- As gleaned from the submitted site plan and elevations, the applicant is proposing to maintain a 6-foot high fence around the circumference of the property at 6919 Oriole Drive.
- It is imperative to note that the subject site is a corner lot, and it has double street frontage and two front yards due to block face continuity on Oriole Drive and Thrush Street.
- Per staff's review of the subject site, it has been confirmed that the fence surrounding the circumference of the property is proposed and not existing.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard.
- The applicant has the burden of proof in establishing that the special exception to the fence regulations relating to height will not adversely affect the neighboring properties.
- Granting the special exception to the fence standards relating to height with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: [BDA234-068 at 6919 Oriole Dr.](#)

**Timeline:**

March 21, 2024: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

April 11, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **B**.

April 24, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the hearing date and panel that will consider the application; the April 26, 2024, deadline to submit additional evidence for staff to factor into their analysis; and May 10, 2024, 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

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- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

May 2, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the May public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer

Speakers:

For: Lou Olerio, 6301 Lemmon # 202, Dallas TX (Did not Speak)  
 Daniel Box, 2728 N. Harwood # 500, Dallas TX 75201

Against: P. Walker, 5021 Wenovak, Dallas TX 75209

**Motion # 1**

I move that the Board of Adjustment, in Appeal No. BDA 234-068, on application of Lou Olerio, **GRANT** the 10-foot 2-inch variance to the front-yard setback regulations requested by this applicant 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 most recent version of all submitted plans are required.

Maker:	Joe Cannon				
Second:	Phil Sahuc				
Results:	1-3				Motion to grant fails
		Ayes:	-	1	Joe Cannon
		Against:	-	3	Phil Sahuc, Michael Karnowski, Dr. Emmanuel Glover

**Motion # 2**

I move that the Board of Adjustment, in Appeal No. BDA 234-068, on application of Lou Olerio, **DENY** the 10-foot 2-inch variance to the front-yard setback regulations requested by this applicant **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.

Maker:	Phil Sahuc				
Second:	Dr. Emmanuel Glover				
Results:	4-0 Unanimously				Motion to deny

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		Ayes:	-	4	Michael Karnowski, Joe Cannon, Phil Sahuc and Dr. Emmanuel Glover
		Against:	-	0	

**Motion # 3**

I move that the Board of Adjustment, in Appeal No. BDA 234-068, on application of Lou Olerio, **GRANT** the request of this applicant to construct and/or maintain a 6-foot high fence as a special exception to the height requirement for fences contained in the Dallas Development Code, as amended, 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 height and fence location requirements illustrated in the most recent version of all submitted plans are required.

Maker:	Phil Sahuc				
Second:	Joe Cannon				
Results:	4-0 Unanimously				Motion to grant
		Ayes:	-	4	Michael Karnowski, Joe Cannon, Phil Sahuc and Dr. Emmanuel Glover
		Against:	-	0	

**6. 2912 Maple Avenue**  
BDA234-069(CJ)

**BUILDING OFFICIAL'S REPORT:** Application of Craig Smith at 2912 MAPLE AVE. for (1) a variance to the off-street parking regulations. This property is more fully described as 7/0944, and is zoned PD-193 (LC), which requires parking to be provided. The applicant proposes to construct and/or maintain a nonresidential structure for an alcoholic beverage establishment use, and provide 34 of the required 69 parking spaces, which will require (1) a 35-space variance (50.7%) reduction to the parking regulation.

**LOCATION:** 2912 Maple Ave.

**APPLICANT:** Craig Smith

**REQUEST:**

(1) A request for a variance to the off-street parking regulations.

**STANDARDS OF REVIEW FOR A VARIANCE:**

Section 51A-3.102(d)(10) of 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:

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- **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.
- 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
- **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.

**ELEMENT II SUBSTITUTE:**

Dallas Development Code §51A-3.102(d)(10)(b), formerly known as HB 1475, allows for the BDA to use their discretion and consider Element 2 of the Variance standard to be met, if:

- (i) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 of the Texas Tax Code.
- (ii) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
- (iii) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
- (iv) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (v) the municipality considers the structure to be a nonconforming structure.

**STAFF RECOMMENDATION:**

1. Variance to the off-street parking regulations

Approval

Rationale: Based upon evidence presented and provided by the applicant, staff concluded that the site is:

- C. Is not contrary to the public interest, indicated by having received no letters of opposition.
- D. Is not restrictive in shape or slope but is restrictive in area. The subject site is approximately 10,110.276 square feet and is in PD 193 which has no minimum lot size. With respect to other lots located in PD 193, the subject is significantly smaller in area. To elaborate further, City of Dallas Internal GIS records show that the subject site is the smallest lot in the LC zoning district of PD 193, and therefore, cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- E. Is not a self-created or personal hardship.

**BACKGROUND INFORMATION:**

**BDA History:**

No BDA history found within the last 5 years.

**Square Footage:**

This lot contains 10,110.276 of square feet.

This lot is zoned PD 193 which does not have a minimum lot size.

**Zoning:**

Site: PD 193 (Oak Lawn Special Purpose District)

North: PD 193 (Oak Lawn Special Purpose District)

South: PD 193 (Oak Lawn Special Purpose District)

East: PD 193 (Oak Lawn Special Purpose District)

West: PD 193 (Oak Lawn Special Purpose District)

**Land Use:**

The subject site is developed with a two-story nonresidential building. The areas to the north, south, east, and west are developed and being developed with nonresidential uses.

**GENERAL FACTS/STAFF ANALYSIS:**

- The application for the Craig Smith property located at 2912 Maple Avenue focuses on 1 request relating to the off-street parking regulations for a nonresidential structure to be used for an alcoholic beverage establishment use.
- A request for a variance to the off-street parking regulations of 35 spaces (50.7%) is made to construct and/or maintain a nonresidential structure for an alcoholic beverage establishment use at 2912 Maple Avenue
- The subject site is zoned PD 193 (LC) which requires a parking to be provided.
- It is imperative to note that the subject site has single street frontage on Maple Avenue.
- As gleaned from the submitted site plan, the applicant plans to utilize 34 (49.3%) of the required 69 parking spaces at 2907 Maple Avenue, a two-story parking garage immediately adjacent to the east side of the property.
- The applicant is proposing a parking agreement to maintain the proposed 34 spaces (49.3%) at 2907 Maple Avenue; the parking agreement has not been finalized/granted.
- The subject site is currently developed with a two-story nonresidential structure.
- Per the site plan, there are 7 proposed on-site parking spaces; these parking spaces are included in the total number (34 spaces) of parking spaces provided.
- There are two drive approaches on the east and west side of the subject site; these drive approaches lead past the single handicapped parking spot located at the north side of the subject side and to the rear of the property where the remaining 6 on-site parking spots (3 handicapped, 3 non-handicapped) are located.
- Based on staff review of the subject site, customers will have access to the alley from the rear of the subject site and the rear of the east adjacent parking garage that will house 27 of the 34 proposed parking spaces.

The applicant has the burden of proof in establishing the following:

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- That granting the variance to parking 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(s) are necessary to permit development of a specific parcel of land that differs 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 with the same zoning; and
- The variance(s) 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 a parcel of land not permitted by this chapter to other parcels of land with the same zoning.
- The applicant has the burden of proof in establishing that the special exception(s) to the visual obstruction regulations will not constitute a traffic hazard.

The board may also consider Dallas Development Code **§51A-3.102(d)(10)(b)**, formerly known as **HB 1475** as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

- (a) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code.
  - (b) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
  - (c) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
  - (d) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
  - (e) the municipality considers the structure to be a nonconforming structure.
- Granting the proposed 35 space (50.7%) variance to the parking regulations on Maple Avenue with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents.
  - 200' Radius Video: [BDA234-069 at 2912 Maple Ave.](#)

**Timeline:**

- March 21, 2024: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- April 11, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **B**.
- April 24, 2024: The Development Services Department Senior Planner emailed the applicant the following information:
- an attachment that provided the hearing date and panel that will consider the application; the April 26 , 2024, deadline to submit additional evidence for staff to factor into their analysis; and May 10,



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2024, deadline to submit additional evidence to be incorporated into the board's docket materials.

- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

May 2, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the May public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer

May 2, 2024: The applicant submitted the completed parking analysis

Speakers:

It was motioned Dr. Emmanuel Glover to suspend the rules and received 10 pages of Documentary Evidence provided by the applicant. Seconded by Phil Sahuc.

For: Craig Smith, 5220 Spring Valley, Dallas TX 75254  
Carol Bradford, 14827 Preston Rd # 1510, Dallas TX 75254  
Barrett Nicholson, 2912 Maple Ave, Dallas TX 75201  
Mickey Black, 4026 Prescott # 3, Dallas TX 75219  
Bart Wade, 3131 Maple Ave 3B, Dallas TX 75201  
Chuck DeShazo, 400 S. Houston # 330, Dallas TX 75202  
Marshall Hammack, 400 S. Houston # 330, Dallas TX 75202

Against: Vance Redfield, 2300Wolf St. 12MB, Dallas TX 75201  
Adam Murphy, 2828 Routh St # 100, Dallas TX 75201  
Suzan Kedron, 2323 Ross Ave., Dallas TX 75201  
Victoria Morris, 2323 Ross Ave., Dallas TX 75201  
Judy Hearst, 2512 Thomas Ave., Dallas TX 75201  
Shelley Porter, 4437 Cole Ave., Dallas TX 75205  
Daryl Roberts, 2300 Wolf St., Dallas TX 75201  
Jenkins bender, 2650 Cedar Springs Rd., Dallas TX 75214  
Joseph Pitchford, 200 Crescent Court, Dallas TX 75230  
Stacy Coulter, 2401 Cedar Springs, Dallas TX 75201  
Robert Wright, (Did not speak)  
Micheal Weaver, 6850 TPC Drive, Ste 210 Dallas TX 75070  
Anthony Page, 3210 Carlisle, Dallas TX 75204  
Joyce Goss, 2300 Wolf Street # 118, Dallas TX 75201

**Motion**

I move that the Board of Adjustment, in Appeal No. BDA 234-069, on application of Craig Smith, **DENY** the 35-space variance to the parking regulations requested by this applicant **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.

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Maker:	Joe Cannon				
Second:	Phil Sahuc				
Results:	4-0				Motion to deny
		Ayes:	-	4	Michael Karnowski, Joe Cannon, Phil Sahuc and Dr. Emmanuel Glover
		Against:	-	0	

**\*\*Recess at 3:21 pm – 3:28 pm\*\***

**\*\*Recess at 4:11 pm – 4:14 pm\*\***

**\*\*Recess at 5:17 pm – 5:21 pm\*\***

**ADJOURNMENT**

After all business of the Board of Adjustment had been considered, Presiding Officer Michael Karnowski moved to adjourn the meeting at 5:47 p.m.

Mary Williams  
 Required Signature:  
 Mary Williams, Board Secretary  
 Development Services Dept.

09.18.24  
 Date

Dr. Kameka Miller-Hoskins  
 Required Signature:  
 Dr. Kameka Miller-Hoskins, Board Administrator  
 Development Services Dept.

9/18/24  
 Date

[Signature]  
 Required Signature:  
 Sarah Lamb, Presiding Officer  
 Board of Adjustment

9.18-24  
 Date