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BOARD OF ADJUSTMENT

Panel C Minutes

May 20th, 2024

CITY SECRETARY

DALLAS, TEXAS



6ES Briefing Room

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Robert Agnich, Vice-Chair

PRESENT: [5]

Robert Agnich, VC	
Rodney Milliken	
Jared Slade	
Judy Pollock	
Roger Sashington	

ABSENT: [0]

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

Vice-Chair Agnich called the hearing to order at **1:09 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.

- We had no speakers for public testimony during this hearing.

MISCELLANEOUS ITEMS

Approval of the Board of Adjustment Panel C, April 15th, 2024, Minutes.

A motion was made to approve Panel C, April 15th, 2024, Public Hearing minutes.

Maker:	Judy Pollock				
Second:	Robert Agnich				
Results:	5-0 unanimously				Motion to approve
		Ayes:	-	5	Robert Agnich, Judy Pollock, Roger Sashington, Rodney Milliken, and Jared Slade
		Against:	-	0	

UNCONTESTED ITEMS

1. 6335 Brookshire Drive
 BDA234-054(KMH)

BUILDING OFFICIAL’S REPORT: Application of Thomas Grote for (1) a special exception to the fence opacity regulations; for (2) a special exception to the 20-foot visibility obstruction regulations, ~~(3) a special exception to the 45-foot visibility obstruction regulations; and for (4) a special exception to the 20-foot visibility obstruction~~ at 6335 Brookshire Dr. This property is more fully described as Block H/5496, Lot 5, and is zoned R-16(A), which 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; requires a 20-foot visibility triangle at driveway approaches and alley intersections; and requires a 45-foot visibility triangle at street intersections. The applicant proposes 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 (1) a special exception to the fence opacity 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 regulations 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 obstruction regulation at the intersection of Brookshire Dr. and Tibbs St.; and to construct and/or maintain a residential fence structure in a required visibility obstruction triangle, which will require (4) a special exception to the 20-foot visibility obstruction regulations at the alley intersection.~~

LOCATION: 6335 Brookshire

APPLICANT: Thomas Grote

REQUEST:

- (1) A request for a special exception to the fence opacity regulations;
- (2) A request for a special exception to the visual obstruction regulations at the drive approach;
- (3) A request for a special exception to the visual obstruction regulations at Brookshire Dr. and Tibbs St.; and

- (4) A request for a special exception to the visual obstruction regulations at the alley intersection.

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 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 THE VISUAL OBSTRUCTION REGULATIONS:

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

STAFF RECOMMENDATION:

Special Exception:

Special Exceptions (4):

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

BACKGROUND INFORMATION:

BDA History:

No BDA history found within the last 5 years.

Square Footage:

This lot contains 15,826.33 of square feet.

This lot is zoned R-16(A) which requires a minimum lot size of 16,000 square feet.

Zoning:

Site: R-16(A) Single Family District
North: R-16(A) Single Family District
South: R-16(A) Single Family District
East: R-16(A) Single Family District
West: R-16(A) Single Family District

Land Use:

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

GENERAL FACTS/STAFF ANALYSIS:

- The application of Thomas Grote for the property located at 6335 Brookshire Dr. focuses on 4 requests. It is imperative to note that the subject site is situated on a corner lot with a proposed fence having fence panels less than 50% open along both street frontages, Brookshire Dr. and Tibbs St.

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- The first request is for a special exception to the fence opacity regulations along both Brookshire Dr. and Tibbs St. The applicant is proposing to construct and 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 requires a special exception to the fence opacity regulations. As illustrated on the submitted site plan and elevations, the applicant is proposing a 4-foot masonry wall along both street frontages, Brookshire Dr. and Tibbs St. It is imperative to note that the proposed masonry wall is 4-feet in height at its highest point, which are the masonry columns; the remaining portion of the masonry wall is roughly 2-feet in height.
- Secondly, the applicant is requesting a special exception to the 20-foot visibility obstruction triangle at the drive approach along Tibbs St. The proposed masonry wall encroaches about 6 ½feet into the visibility triangle; which requires a special exception to the 20-foot visual obstruction regulations.
- Thirdly, the applicant is requesting a special exception to the 45-foot visibility obstruction at the intersection of Brookshire Dr and Tibbs St. The proposes masonry wall encroaches about 6-feet into the visibility triangle, which requires a special exception to the 45-foot visual obstruction regulations.
- And lastly, the applicant is also requesting a special exception to the 20-foot visibility triangle at Tibbs St and the alley. It is imperative to note that the existing board on board fence at the rear of the property encroaches roughly 8 1/2-feet into the visibility triangle at the alley; which requires a special exception to the 20-foot visual obstruction regulations.
- As gleaned from the submitted site plan and elevations and as mentioned previously, the applicant is proposing to construct and maintain a 4-foot high masonry wall along Brookshire Dr. and Tibbs St. The proposed masonry wall obstructs the visibility triangles at the intersection of Brookshire Dr and Tibbs St., at the drive approach along Tibbs St., as well as at the intersection of Tibbs St. and the alley.
- Although the proposed masonry wall obstructs the visibility triangles, the applicant has stated that the portion of the masonry obstructing the visibility triangles will be approximately 24”.
- The applicant has the burden of proof in establishing that the special exceptions to the fence opacity and visual obstructions will not adversely affect the neighboring properties nor constitute a traffic hazard.
- Granting the special exceptions (4) to the fence opacity standards and the visual obstruction regulations with a condition that the applicant complies with the submitted elevations, would require the proposal to be constructed as shown on the submitted documents.
- [BDA234-054 at 6335 Brookshire Dr](#) (200’ radius video)

Timeline:

- March 22, 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 **C**.
- 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.

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- 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, Board Attorney, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.

Speakers:

For: Thomas Grote, 2812 Moccasin Lane, Aubrey, TX 76227

Against: No Speakers

Motion # 1

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 234-054 – Application of Thomas Grote 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:	Roger Sashington				
Second:	Judy Pollock				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Roger Sashington, Judy Pollock, Rodney Milliken, Jared Slade, and Robert Agnich
		Against:	-	0	

Motion # 2

BDA 234-054 – Application of Thomas Grote for a special exception at the alley and Tibbs Street to the 20-foot visibility obstruction regulation in the Dallas Development Code is granted subject to the following condition:

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:	Roger Sashington				
Second:	Judy Pollock				

Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Roger Sashington, Judy Pollock, Rodney Milliken, Jared Slade, and Robert Agnich
		Against:	-	0	

2. 10802 Strait Lane

This item was moved to Individual Cases

BDA234-059(KMH)

BUILDING OFFICIAL’S REPORT: Application of Rob Baldwin for (1) a special exception to the fence height regulations, and for (2) a special exception to the visibility obstruction regulations at 10802 Strait Lane. This property is more fully described as Block 5503, Lot 1, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4-feet and requires a 20-foot visibility triangle at driveway approaches. The applicant proposes to construct and/or maintain a 6-foot high fence in a required front-yard, which will require a 2-foot special exception to the fence regulations, and to construct and/or maintain a single-family residential fence structure in a required 20-foot visibility obstruction triangle, which will require (2) a special exception to the 20-foot visibility obstruction regulation.

LOCATION: 10802 Strait Lane

APPLICANT: Rob Baldwin

REQUEST:

- (5) A request for a special exception to the fence height regulations; and
- (6) A request for a special exception to the visual obstruction regulations at the drive approach.

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 THE VISUAL OBSTRUCTION REGULATIONS:

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

STAFF RECOMMENDATION:

Special Exception:

Special Exceptions (2):

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

BACKGROUND INFORMATION:

BDA History:

No BDA history found within the last 5 years.

Square Footage:

This lot contains 36,900.44 of square feet.

This lot is zoned R-1ac(A) which requires a minimum lot size of 1 acre or 43,560 square feet.

Zoning:

Site: R-1ac (A) Single Family District
North: R-1/2ac and R-1ac (A) Single Family District
South: R-1ac (A) Single Family District
East: R-1ac(A) Single Family District
West: R-1ac (A) Single Family District

Land Use:

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

GENERAL FACTS/STAFF ANALYSIS:

- The application of Rob Baldwin for the property located at 10802 Strait Lane focuses on 2 requests. It is imperative to note that the subject site is situated on a corner lot which means that property is bound with 2 street frontages, Strait Lane and Royal Lane.
- The first request is for a special exception to the fence height regulations along both street frontages. The applicant is proposing a 6-foot wrought iron fence along Strait Lane and Royal Lane.
- Secondly, the applicant is requesting a special exception to the 20-foot visibility obstruction triangle at the drive approach along Strait Lane. The proposed fence columns slightly encroach about 1-foot 4-inches into the visibility triangle, which requires a special exception to the 20-foot visual obstruction regulations.
- As gleaned from the submitted site plan and elevations and as mentioned previously, the applicant is proposing to construct a 6-foot high wrought iron fence along Strait Lane. The fence will be constructed of open, decorative iron panels and solid masonry columns. It is imperative to note that the masonry columns will be a maximum of 6-feet in height while the fence panels will be roughly 5-feet 8-inches in height.
- The applicant has the burden of proof in establishing that the special exceptions to the fence height and visual obstruction will not adversely affect the neighboring properties nor constitute a traffic hazard.
- Granting the special exceptions (2) to the fence height regulations and the visual obstruction regulations with a condition that the applicant complies with the submitted elevations, would require the proposal to be constructed as shown on the submitted documents.
- [BDA234-059 at 10802 Strait Ln](#) (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 C.

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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, Board Attorney, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.

Speakers:

For: Rob Baldwin, 3904 Elm Street Suite B, Dallas TX 75226

Against: Jennifer Gates, 4914 Keyhole Ln., Dallas TX 75229

Motion

I move that the Board of Adjustment in Appeal No. BDA 234-059, **hold this matter under advisement until June 17th, 2024.**

Maker:	Roger Sashington				
Second:	Rodney Milliken				
Results:	5-0 Unanimously				Motion to hold
		Ayes:	-	5	Robert Agnich, Judy Pollock, Roger Sashinton, Rodney Milliken, Jared Slade
		Against:	-	0	

3. 8518 Inwood Road
 BDA234-063(KMH)

BUILDING OFFICIAL’S REPORT: Application of Alisa Tugberk for (1) a special exception to the fence height regulations, and for (2) a special exception to the visibility obstruction regulations at 8518 Inwood Rd. This property is more fully described as Block 5674, Lot 31, and is zoned R-16(A), which limits the height of a fence in the front yard to 4-feet and requires a 20-foot visibility triangle at driveway approaches. The applicant proposes to construct and/or maintain an 8-foot 6-inch high fence in a required front-yard, which will require (1) a 4-foot 6-inch special exception to the fence regulations, and to construct and/or maintain a single-family residential fence structure in a required 20-foot visibility obstruction triangle, which will require (2) a special exception to the 20-foot visibility

obstruction regulation.

LOCATION: 8518 Inwood Rd.

APPLICANT: Alisa Tugberk

REQUEST:

- (1) A request for a special exception to the fence height regulations; and
- (2) A request for a special exception to the visual obstruction regulations at the drive approach.

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 THE VISUAL OBSTRUCTION REGULATIONS:

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

STAFF RECOMMENDATION:

Special Exception:

Special Exceptions (2):

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

BACKGROUND INFORMATION:

BDA History:

No BDA history found within the last 5 years.

Square Footage:

This lot contains 32,661.09 of square feet.

This lot is zoned R-16(A) which requires a minimum lot size of 16,000 square feet.

Zoning:

Site: R-16 (A) Single Family District
North: R-16 (A) Single Family District
South: R-16 (A) Single Family District
East: R-7.5 (A) Single Family District
West: R-16 (A) Single Family District

Land Use:

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

GENERAL FACTS/STAFF ANALYSIS:

- The application of Alisa Tugberk for the property located at 8518 Inwood Rd. focuses on 2 requests.
- The first request is for a special exception to the fence height regulations along Inwood Rd. The applicant is proposing an 8-foot 6-inch wood fence with masonry columns.
- Secondly, the applicant is requesting a special exception to the 20-foot visibility obstruction triangle at the drive approach along Inwood Rd. The proposed fence encroaches roughly **8'** into the visibility triangle, which requires a special exception to the 20-foot visual obstruction regulations.
- As gleaned from the submitted site plan and elevations and as mentioned previously, the applicant is proposing an 8-foot 6-inch high wood fence with masonry columns along Inwood Rd.
- The applicant has stated the need for the requested fence height is for privacy and security; the applicant also believes that the request is in keeping with of neighboring properties.
- The applicant has the burden of proof in establishing that the special exceptions to the fence height and visual obstruction will not adversely affect the neighboring properties nor constitute a traffic hazard.
- Granting the special exceptions (2) to the fence height regulations and the visual obstruction regulations with a condition that the applicant complies with the submitted elevations, would require the proposal to be constructed as shown on the submitted documents.
- [BDA234-063 at 8518 Inwood Rd](#) (200' radius video)

Timeline:

- March 27, 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 **C**.
- 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, Board Attorney, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.

Speakers:

For: No Speakers

Against: No Speakers

Motion # 1

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 234-063 – Application of Alisa Tugberk for a special exception to the fence height standards 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:	Roger Sashington				
Second:	Judy Pollock				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Roger Sashington, Judy Pollock, Rodney Milliken, Jared Slade, and Robert Agnich
		Against:	-	0	

Motion # 2

BDA 234-063 – Application of Alisa Tugberk for a special exception at the driveway to the 20-foot visibility obstruction regulations in the Dallas Development Code is granted subject to the following condition:

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:	Roger Sashington				
Second:	Judy Pollock				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Roger Sashington, Judy Pollock, Rodney Milliken, Jared Slade, and Robert Agnich
		Against:	-	0	

4. 17805 Windpiper Drive

This item was moved to Individual Cases

BDA234-065(BT)

BUILDING OFFICIAL’S REPORT Application of Daniel Meyelovitz for (1) a variance to the side-yard setback regulations, and for (2) a variance to the side-yard setback regulations, at 17805 Windpiper Dr. This property is more fully described as Block Q/8727, Lot 15 and is zoned PD-106 (R-10), which requires a side-yard setback of 6-feet. The applicant proposes to construct and/or

maintain a single-family dwelling and provide a 5-foot side-yard setback at north side of the property, which will require (1) a 1-foot variance to the side-yard setback regulations, and to construct and/or maintain a single-family dwelling and provide a 5-foot side-yard setback at south side of the property, which will require (2) a 1-foot variance to the side-yard setback regulations.

LOCATION: 17805 Windpiper Dr.

APPLICANT: Daniel Meyelovitz

REQUEST:

- (1) A request for a variance to the side-yard setback regulations north side of the lot.
- (2) A request for a variance to the side-yard setback regulations south side of the lot.

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:

- (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.

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:

Variance:

Approval

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

- A. Not contrary to the public interest as no letters of opposition were received.
- B. Restrictive in shape as it is an irregularly shaped lot, it is also a corner lot which requires two front yard setback requirements; therefore, it cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Not self-created nor is it a personal hardship.

BACKGROUND INFORMATION:

Zoning:

Site: PD-106 (Single Family District)
North: R-7.5(A) (Single Family District)
East: PD-106 (Single Family District)
South: PD-106 (Single Family District) and one TH-2(A) (Townhouse District)
West: R-7.5(A) (Single Family District) and CR (Community retail)

Land Use:

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

Square Footage:

This lot contains of 15,000 square feet (0.344 of an acre)
This lot is zoned PD-106 (R-10) which requires a minimum lot size of 10,000 square feet
Proposed 2-story single family structure is 6,293 sq. ft. under roof with 33% lot coverage

BDA History:

No BDA history

GENERAL FACTS/STAFF ANALYSIS:

- The application of Daniel Meyelovitz for the property located at 17805 Windpiper Dr. focuses on 2 requests relating to a variance to the side-yard setback regulations.
- The applicant is requesting a variance to the side-yard setback regulations. The applicant is proposing to construct and maintain a residential structure and provide a 5-foot side yard setback at north side of the property, which will require a 1-foot variance to the side-yard setback regulations.
- Secondly, applicant is requesting a variance to the side-yard setback regulations. The applicant is proposing to construct and maintain a residential structure and provide a 5-foot side yard setback at north side of the property, which will require a 1-foot variance to the side-yard setback regulations.

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- The subject site along with surroundings properties to the north, south, east and west are all developed with majority single-family homes. Additionally, to the south some properties are developed with Townhouse and to the west, some community retail.
- Per staff's review of the subject site, it has been confirmed that the single family structure of the property is under construction.
- The applicant has the burden of proof in establishing the following:
 - 1) That granting the variance to the side 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.
 - 2) 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 developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
 - 3) 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.
- Granting the variance to the side yard setback 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.
- [BDA234-065 at 17805 Windpiper Dr](#) 200' Radius Video

Timeline:

- April 2, 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 **A**.
- 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: Daniel Meyerovitz, 17805 Windpiper Dr., Dallas TX 75252
 Adriana Meyerovitz, 17805 Windpiper Dr., Dallas TX 75252
 Neil Crane, 7021 Creek Bend Rd., Dallas TX 75252
 Daniel Ringelheim, 6506 Frankford Rd., Dallas TX 75252

Against: No Speakers

Motion # 1

I move that the Board of Adjustment, in Appeal No. BDA 234-065, on application of Daniel Meyelovitz, for a variance to the North side of the subject property **GRANT** the 1-foot variance to the side-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:	Judy Pollock				
Second:	Rodney Milliken				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Judy Pollock, Rodney Milliken, Jared Slade, Robert Agnich and Roger Sashington
		Against:	-	0	

Motion # 2

I move that the Board of Adjustment, in Appeal No. BDA 234-065, on application of Daniel Meyelovitz, for a variance to the South side of the subject property **GRANT** the 1-foot variance to the side-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:	Judy Pollock				
Second:	Robert Agnich				

BOARD OF ADJUSTMENT
 May 20th, 2024

Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Judy Pollock, Rodney Milliken, Jared Slade, Robert Agnich and Roger Sashington
		Against:	-	0	

****Recess at 2:06 pm – 2:13 pm****

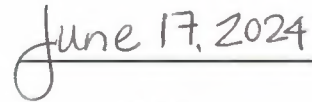
ADJOURNMENT

After all business of the Board of Adjustment had been considered, Vice-Chair Agnich moved to adjourn the meeting at **2:37 P.M.**


Maker:	Judy Pollock				
Second:	Robert Agnich				
Results:	5-0 unanimously				Motion to adjourn



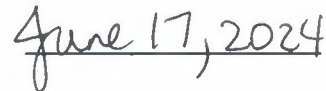
Required Signature:
 Mary Williams, Board Secretary
 Development Services Dept.



Date



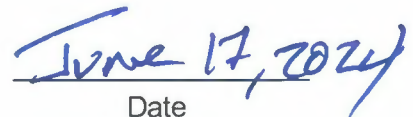
Required Signature:
 Dr. Kameka Miller-Hoskins – Chief Administrator
 Development Services Dept.



Date



Required Signature:
 Robert Agnich, Vice-Chair
 Board of Adjustment



Date