



BOARD OF ADJUSTMENT

Panel A Minutes

October 18, 2022

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2022 NOV 16 AM 08: 51

CITY SECRETARY
DALLAS, TEXAS

Council Chambers
24960186320@dallascityhall.webex.com

David A. Neumann, Chairman

PRESENT: [5]

| | |
|----------------------------|--|
| David A. Neumann, Chairman | |
| Kathleen F. Davis | |
| Rachel Hayden | |
| Lawrence Halcomb | |
| Phil Sahuc | |
| | |

ABSENT: [1]

| | |
|-----------|--|
| Jay Narey | |
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| | |

Chair Neumann called the briefing to order at **11:00 A.M.** with a quorum of the Board of Adjustment present.

***** The Board of Adjustment panel went into Executive Session at 12:26 p.m. *****

Chair Neumann called the hearing to order at **1:16 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.

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MISCELLANEOUS ITEMS

Approval of the Board of Adjustment Panel A September 20, 2022 public hearing minutes.

Motion was made to approve Panel A September 20, 2022 public hearing minutes.

| | | | | | |
|----------|--------------------|----------|---|---|---|
| Maker: | Kathleen Davis | | | | |
| Second: | Rachel Hayden | | | | |
| Results: | 5-0 unanimously | | | | |
| | | Ayes: | - | 5 | David A. Neumann, Kathleen Davis, Rachel Hayden, Phil Sahuc, and Lawrence Halcomb |
| | | Against: | - | 0 | |

CONSENT ITEMS

1. 9903 Witham St.
BDA212-088(OA)

REQUEST: Application of Betrise Williams represented by Willis Hunt for (1) a variance to the floor area ratio regulations, and (2) a special exception to the single-family zoning use regulations.

Speakers:

For: No Speakers

Against: No Speakers

Motion

I move that the Board of Adjustment **grant** the following application(s) 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, as amended, and are consistent with the general purpose and intent of the Code, as applicable to wit:

BDA 212-088—Application of Betrise Williams represented by Willis Hunt, for a variance to the floor area ratio regulations and a special exception to the single-family use regulations in the Dallas Development Code, as amended, is granted subject to the following conditions:
Compliance with the submitted site plan is required.

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

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|----------|--------------------|----------|---|---|---|
| Maker: | Rachel Hayden | | | | |
| Second: | Lawrence Halcomb | | | | |
| Results: | 5-0 unanimously | | | | |
| | | Ayes: | - | 5 | David A. Neumann, Kathleen Davis, Rachel Hayden, Phil Sahuc, and Lawrence Halcomb |
| | | Against: | - | 0 | |

2. 5212 Tremont St.
BDA212-096(OA)

REQUEST: Application of Ripley Renovations for a special exception to the rear yard setback regulations to preserve an existing tree

Speakers:

For: Travis Ripley 4901 Victor St.

Against: No Speakers

Motion

I move that the Board of Adjustment **grant** the following application(s) 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, as amended, and are consistent with the general purpose and intent of the Code, as applicable to wit:

BDA 212-096 – Application of Ripley Renovations, for a special exception to the rear yard setback regulations in the Dallas Development Code, as amended, is granted subject to the following condition:

Compliance with the submitted site plan is required.

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|----------|------------------|----------|---|---|---|
| Maker: | Rachel Hayden | | | | |
| Second: | Lawrence Halcomb | | | | |
| Results: | 5-0 unanimously | | | | |
| | | Ayes: | - | 5 | David A. Neumann, Kathleen Davis, Rachel Hayden, Phil Sahuc, and Lawrence Halcomb |
| | | Against: | - | 0 | |

HOLDOVER ITEMS

1. 424 W. Davis St.
BDA212-079(OA)

REQUEST: Application of Kent Washington for a special exception to the parking regulations

| | | |
|-----------|----------|--|
| Speakers: | For: | Rob Baldwin 3904 Elm St. # B Christy Lambeth 8637 CR 148, Kaufman Kent Washington 424 W. Davis St. |
| | Against: | Pam Conley 901 N. Madison Ave. Laura Palmer 911 N. Madison Ave. |

Motion

I move that the Board of Adjustment, in Appeal No. BDA 212-079, on application of Kent Washington, **grant** the request of this applicant for a special exception to the parking regulations contained in the Dallas Development Code, as amended, because our evaluation of the property use and the testimony shows that this special exception will not increase traffic hazards or increase traffic congestion on adjacent or nearby streets, and the parking demand generated by the use does not warrant the number of required parking spaces. This special exception is granted for a restaurant without a drive-in or drive-through service use.

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

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The special exception of two parking spaces shall automatically and immediately terminate if and when the restaurant without a drive-in or drive-through use is changed or discontinued.

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|----------|----------------|----------|---|---|--|
| Maker: | Kathleen Davis | | | | |
| Second: | Phil Sahuc | | | | |
| Results: | 4-1 | | | | |
| | | Ayes: | - | 4 | David A. Neumann, Kathleen Davis, Rachel Hayden, Phil Sahuc, |
| | | Against: | - | 1 | Lawrence Halcomb |

INDIVIDUAL ITEMS

1. 4308 Beechwood Ln.
BDA212-098(OA)

REQUEST: Application of Brian Bergersen for a special exception to the single-family zoning use regulations to provide an additional electrical meter

Speakers: For: Brian Bergersen 4308 Beechwood Ln.
Against: No Speakers

Motion

I move that the Board of Adjustment, in request No. BDA 212-098, on application of Brian Bergesen, **grant** the request to construct and maintain an additional electrical meter on a site developed with a single-family structure as a special exception to the single-family use regulations in the Dallas Development Code, because our evaluation of the property and the testimony shows that this special exception will: (1) not be contrary to the public interest; (2) not adversely affect neighboring properties; and (3) not be used to conduct a use not permitted in the zoning district.

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

Compliance with the submitted site plan is required.

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|----------|----------------|----------|---|---|---|
| Maker: | Kathleen Davis | | | | |
| Second: | Phil Sahuc | | | | |
| Results: | 5-0 | | | | |
| | | Ayes: | - | 5 | David A. Neumann, Kathleen Davis, Rachel Hayden, Phil Sahuc, and Lawrence Halcomb |
| | | Against: | - | 0 | |

2. 4610 Bluffview Blvd.
BDA212-103(OA)

REQUEST: Application of Chris Booras for a special exception to the front yard setback regulations, and for a special exception to the fence height regulations

Speakers: For: Chris Strempek 2000 Sandy Ln.
Against: LaRue Henry 4803 Shadywood
Nancy Kenty 8723 Canyon Dr.
Patricia White 4714 Wildwood Rd.
Ann Huntington 5020 Lilac Ln

Motion #1

I move that the Board of Adjustment, in Appeal No. BDA 212-103, on application of Chris Booras, **deny** the special exception requested by this applicant to construct and/or maintain a carport accessory to a single family use **without** prejudice, because our evaluation of the property and the testimony shows that the carport would have a detrimental impact on surrounding properties.

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|----------|--------------------|----------|---|---|---|
| Maker: | Lawrence Halcomb | | | | |
| Second: | Phil Sahuc | | | | |
| Results: | 5-0 unanimously | | | | |
| | | Ayes: | - | 5 | David A. Neumann, Kathleen Davis, Rachel Hayden, Phil Sahuc, and Lawrence Halcomb |
| | | Against: | - | 0 | |

Motion #2

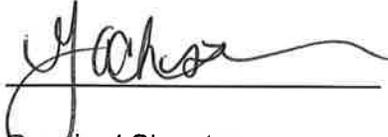
I move that the Board of Adjustment, in Appeal No. BDA 212-103, on application of Chris Booras, **deny** the special exception requested by this applicant to construct and/or maintain a six-foot-high fence **without** prejudice, because our evaluation of the property and the testimony shows that granting the application would adversely affect neighboring property.

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|----------|--------------------|----------|---|---|---|
| Maker: | Lawrence Halcomb | | | | |
| Second: | Phil Sahuc | | | | |
| Results: | 5-0 unanimously | | | | |
| | | Ayes: | - | 5 | David A. Neumann, Kathleen Davis, Rachel Hayden, Phil Sahuc, and Lawrence Halcomb |
| | | Against: | - | 0 | |

Recess: 3:02 p.m.; Resume: 3:15 p.m.

ADJOURNMENT

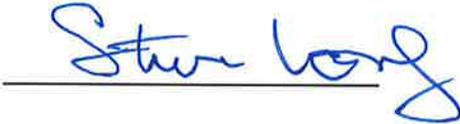
After all business of the Board of Adjustment had been considered, Chair Neumann moved to adjourn the meeting, motion by Phil Sahuc, seconded by Rachel Hayden at 4:34 p.m.



Required Signature:
LaTonia Jackson, Board Secretary
Development Services Dept.

11-15-22

Date



Required Signature:
Steve Long, Acting Board Administrator
Development Services Dept.

11-16-22

Date



Required Signature:
David A. Neumann, Chairman
Board of Adjustment

11-15-22

Date