



BOARD OF ADJUSTMENT

Panel A Minutes

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

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CITY SECRETARY  
DALLAS, TEXAS

L1FN Auditorium

[24923176153@dallascityhall.webex.com](mailto:24923176153@dallascityhall.webex.com)

[dallas.gov](https://www.dallas.gov)

David A. Neumann, Chairman

**PRESENT: [5]**

David A. Neumann, Chairman	
Phil Sahuc	
Rachel Hayden	
Michael Hopkovitz	
Jay Narey - Virtual	

**ABSENT: [1]**

Kathleen Davis	

Chairman David A. Neumann called the briefing to order at **10:30 A.M.** with a quorum of the Board of Adjustment present.

Chairman David A. Neumann 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 testimony opportunities for individuals to comment on matters that were scheduled on the posted meeting agenda.

1. Gus Perez – 1811 Morton Street, Dallas TX 75209
2. Amelia Perez – 7811 Morton St., Dallas TX 75209
3. Jonathan Maples – 6525 Oriole, Dallas TX 75209
4. Joanna L. Hampton - 5408 Swiss Ave., Dallas TX 75214
5. Robert Voltmann – 7315 Robin Rd., Dallas TX 75209
6. Zac Thompson – 4715 University Blvd., Dallas TX 75209
7. Kemeshia Richardson - 7314 Kenwell St., Dallas TX 75209
8. Larry Offutt – 6038 Bryan Parkway, Dallas TX 75206 - Did not speak

**MISCELLANEOUS ITEMS**

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

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

Maker:	Rachel Hayden				
Second:	Michael Hopkovitz				
Results:	5-0 unanimously				Motion to approve
		Ayes:	-	5	David A. Neumann, Rachel Hayden, Phil Sahuc, Jay Narey and Michael Hopkovitz
		Against:	-	0	

**CONSENT ITEMS**

**1. 11717 N. Central Expressway  
 BDA234-115(CJ)**

**\*This item was moved to Individual Cases\***

**BUILDING OFFICIAL'S REPORT:** Application of Allyn Taylor for (1) a special exception to the landscaping regulations at 11717 N Central Expressway. This property is more fully described as Block A/7742, Lot 5, and is zoned MU-1, which requires mandatory landscaping. The applicant proposes to construct and/or maintain a nonresidential structure and provide an alternate landscape plan, which will require (1) a special exception to the landscape regulations.

**LOCATION:** 11717 N Central Expressway

**APPLICANT:** Allyn Taylor

**REQUEST:**

- (1) A request for a special exception to the landscape regulations.

**DEVELOPMENT STANDARD FOR A SPECIAL EXCEPTION TO LANDSCAPE REGULATIONS:**

**SEC. 51A-10.125. MANDATORY LANDSCAPING REQUIREMENTS.**

**(b) Other uses.** Lots containing a use other than single family or duplex must comply with the following requirements:

- (1) **Street buffer zone.**
  - (A) Urban streetscape.
  - (B) Right-of-way.
  - (C) Required planting.
  - (D) Buffer zone reduction

(3) Interior zone.

- (A) Surface parking lots in industrial districts.
- (B) Surface parking lots.

(4) Additional provisions.

- (B) Site trees.

**SEC. 51A-10.126. LANDSCAPE DESIGN OPTIONS.**

(b) Design options.

**STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO THE LANDSCAPE REGULATIONS:**

Section 51A-10.110 of the Dallas Development Code states the board may grant a special exception to the requirements of this article upon making a special finding from the evidence presented that **strict compliance** with the requirements of this article **will unreasonably burden the use of the property**; the **special exception will not adversely affect neighboring property**; and the **requirements are not imposed by a site-specific landscape plan** approved by the city plan commission or city council. In determining whether to grant a special exception under Subsection (a), the board shall consider the following factors:

- The extent to which there is residential adjacency.
- The topography of the site.
- The extent to which landscaping exists for which no credit is given under this article.
- The extent to which other existing or proposed amenities will compensate for the reduction of landscaping.

**STAFF RECOMMENDATION:**

Special Exceptions (1):

No staff recommendation is made on this request.

**BACKGROUND INFORMATION:**

**BDA History:**

No BDA history found at 11717 N Central Expressway in the last 5 years.

**Square Footage:**

- This lot contains 36028.476 of square feet.
- This lot is zoned Mixed Use (MU-1) which has no minimum lot size.

**Zoning:**

Site: Mixed Use (MU-1) Zoning District  
North: Mixed Use (MU-3) Zoning District  
East: Mixed Use (MU-3) Zoning District  
South: Community Retail (CR) Zoning District

BOARD OF ADJUSTMENT  
October 22, 2024

West: Mixed Use (MU-1) Zoning District

**Land Use:**

The subject site and surrounding properties to the north, east and west are developed with mixed uses (MU-1 & MU-3). Surrounding properties to the south are developed with uses permissible in the Community Retail (CR) district.

**GENERAL FACTS/STAFF ANALYSIS:**

- The application of Allyn Taylor, for the property located at 11717 N. Central Expressway focuses on one request relating to the landscape regulations.
- The applicant proposes to construct and maintain a nonresidential structure and provide an alternate landscape plan which will require a (1) special exception to the landscape regulations.
- The applicant is seeking a special exception to the landscaping requirements of Article X. Specifically, the applicant requests an exception to Sec. 51A-10.125(b)(1), Street buffer zone; Sec. 51A-10.125(b)(3), Interior zone; and Sec. 51A-10.126, Landscape design options, while maintaining some existing landscaping conditions.
- The proposed alternate landscape plan complies with Article X site tree requirements. Seven existing small trees will remain on the north and along the western perimeter of the lot with 3 new medium and 4 small trees, and other plant materials, added to the plan.
- It is imperative to note that the subject site has single street frontage on North Central Expressway.
- The subject site is a mid-block lot currently developed with a nonresidential structure.
- Appropriate new landscaping is proposed for available open space areas where they are made available near surface parking areas.
- The arborist division has no objection to the proposed alternate landscape plan for the property because we believe that strict compliance with the requirements of Article X will unreasonably burden the use of the property and the design will not adversely affect neighboring property.
- The Dallas Development Code states that all lots containing a use other than single-family or duplex must comply with the provisions set forth SEC. 51A-10.125. Mandatory Landscape Requirements and SEC. 51A-10.126. Landscape Design Options
- The applicant has the burden of proof in establishing that the special exception to the landscape regulations will not adversely affect the neighboring properties.
- Granting the special exceptions to the landscape regulations with a condition that the applicant complies with the submitted site plan/landscape plan, would require the proposal to be constructed as shown on the submitted documents.
- (200' Radius Video): [BDA234-115 at 11717 N. Central Expressway](#)

**Timeline:**

August 22, 2024: The applicant submitted an "Application/Appeal to the Board of

BOARD OF ADJUSTMENT  
October 22, 2024

Adjustment” and related documents which have been included as part of this case report.

September 9, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel A.

September 12, 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 September 27, 2024, deadline to submit additional evidence for staff to factor into their analysis; and October 11, 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.

October 3, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the October 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.

October 4, 2024: Chief Arborist provided comment stating no objection.

Speakers:

For: Dean Cardwell – 2600 Network Blvd # 310, Frisco TX 75034  
Frank Bullock – 5555 W. University Blvd., Dallas TX 75209

Against: No Speakers

**Motion**

I move that the Board of Adjustment, in Appeal No. BDA 234-115, on application of Allyn Taylor, **GRANT** the request of this applicant for a special exception to the landscape requirements contained in Article X of the Dallas Development Code, as amended, because our evaluation of the property and testimony shows that (1) strict compliance with the requirements of this article will unreasonably burden the use of the property; (2) the special exception will not adversely affect neighboring properties, and (3) the requirements are not imposed by a site-specific landscape plan approved by the city plan commission or city council.

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

1. Compliance with the most recent version of all submitted plans are required.
2. The line of shrubs adjacent to the property along the street frontage must be maintained and restored to the minimum standards for screening of off-street parking under Article X.

BOARD OF ADJUSTMENT  
October 22, 2024

Maker:	Phil Sahuc				
Second:	Michael Hopkovitz				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	David A. Neumann, Phil Sahuc, Rachel Hayden, Jay Narey and Michael Hopkovitz
		Against:	-	0	

**2. 6218 Walnut Hill Lane**  
BDA234-117(BT)

**\*This item was moved to Individual Cases\***

**BUILDING OFFICIAL'S REPORT:** Application of Darian Kaar for (1) a special exception to the fence height regulations, and for (2) a special exception to the fence opacity regulations at **6218 WALNUT HILL LANE**. This property is more fully described as Block B/5479, Lot 2, and is zoned R-10(A), which limits the height of a fence in the front yard to 4-feet and prohibits a fence panel having less than 50 percent open surface area 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 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:** 6218 Walnut Hill Ln.

**APPLICANT:** Darian Kaar

**REQUEST:**

- (2) A request for a special exception to the fence height regulations; and
- (3) A request for a special exception to the fence standard regulations regarding opacity

**STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE HEIGHT, FENCE OPACITY AND FENCE MATERIAL 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.**

**STAFF RECOMMENDATION:**

**Special Exceptions (2):**

No staff recommendation is made on this request.

**BACKGROUND INFORMATION:**

**Zoning:**

- Site: R-10(A)
- North: R-10(A)

BOARD OF ADJUSTMENT  
October 22, 2024

East: R-10(A)  
South: R-10(A)  
West: R-10(A)

**Land Use:**

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

**BDA History:**

No BDA history found within the last 5 years

**GENERAL FACTS/STAFF ANALYSIS:**

- The application of Darian Kaar for the property located at 6218 Walnut Hill Ln. focuses on 2 requests relating to the fence height, and fence opacity regulations.
- The first request is for a special exception to the fence height regulations. The applicant is proposing to construct and maintain a 6-foot high fence and gate in a required front-yard, which will require a 2-foot special exception to the fence height regulations.
- Lastly, 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.
- The subject site along with surroundings properties to the north, south, east and west are all developed with single-family homes.
- As illustrated on the submitted site plan and elevations, the applicant is proposing to construct a 6-foot high fence and gate, located near the front property line.
- Based upon staff's analysis of the surrounding properties, the proposed fence is similar to many new construction single family homes along Walnut Hill Ln.
- 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(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: [BDA234-117 at 6218 Walnut Hill Ln](#)

**Timeline:**

August 23, 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.

BOARD OF ADJUSTMENT  
October 22, 2024

September 9, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel A.

September 17, 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 September 27, 2024, deadline to submit additional evidence for staff to factor into their analysis; and October 11, 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.

October 3, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the October 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: Darian Kaar – 6218 Walnut Hill Ln., Dallas TX 75229

Against: No Speakers

**Motion # 1**

I move that the Board of Adjustment, in Appeal No. BDA 234-117, on Application of Darian Kaar, **GRANT** the request of this application to construct and/or maintain a 6-foot high fence as a special exception to the height requirements 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:	Rachel Hayden					
Second:	Phil Sahuc					
Results:	5-0 Unanimously					Motion to grant
		Ayes:	-		5	David A. Neumann, Rachel Hayden, Phil Sahuc, Jay Narey and Michael Hopkovitz
		Against:	-		0	



**Motion # 2**

I move that the Board of Adjustment, in Appeal No. BDA 234-117, on Application of Darian Kaar, **GRANT** the request of this application to construct and/or maintain fence with panel having less than 50 percent open surface area located less than five-feet from the front lot line as a special exception to the surface area openness requirement for fences contained in the Dallas Development Code, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property.

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

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

Maker:	Rachel Hayden				
Second:	Phil Sahuc				
Results:	4-1				Motion to grant
		Ayes:	-	4	David A. Neumann, Rachel Hayden, Phil Sahuc, Jay Narey
		Against:	-	1	Michael Hopkovitz

**3. 4336 Lively Lane**  
 BDA234-118(CJ)

**\*This item was moved to Individual Cases\***

**BUILDING OFFICIAL’S REPORT:** Application of Larry Klinghoffer for a special exception to (1) provide an additional electrical meter at 4336 Lively Lane. This property is more fully described as Block B/5549, Lot 9, and is zoned R-10(A), which requires that a single-family dwelling use in a single family district may be supplied by not more than one electrical utility service, and metered by not more than one electrical meter. The applicant proposes to construct and/or maintain an accessory structure to a single-family dwelling in a single family district and have more than one electrical utility service, or more than one electrical meter, which will require (1) a special exception to the single-family zoning use regulations.

**LOCATION:** 4336 Lively Lane

**APPLICANT:** Larry Klinghoffer

**REQUEST:**

- (1) A special exception to the single-family zoning use regulations for an electrical utility service or electrical meter.

**STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO THE SINGLE-FAMILY USE REGULATIONS TO AUTHORIZE MORE THAN ONE ELECTRICAL UTILITY SERVICE OR ELECTRICAL METER ON A LOT:**

Section 51A-4.112(f)(8)(A) of the Dallas Development Code states that The board may grant a special exception to authorize more than one electrical utility service and more than one electrical

BOARD OF ADJUSTMENT  
October 22, 2024

meter on a lot in this district when, in the opinion of the board, the special exception will:

- not be contrary to the public interest; and
- not adversely affect neighboring properties; and
- not be used to conduct a use not permitted in this district.

**STAFF RECOMMENDATION:**

Special Exception (1):

No staff recommendation is made on this request.

**BACKGROUND INFORMATION:**

**BDA History:**

- No BDA history found at 4336 Lively Lane in the last 5 years.

**Square Footage:**

- This lot contains 28618.92 of square feet.
- This lot is zoned R-10 (A) which has a minimum lot size of 10,000 square feet.

**Zoning:**

Site: R-10 (A) (Single Family District)  
North: R-10 (A) (Single Family District)  
East: R-10 (A) (Single Family District)  
South: R-10 (A) (Single Family District)  
West: R-10 (A) (Single Family District)

**Land Use:**

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

**GENERAL FACTS/STAFF ANALYSIS:**

- The application for Larry Klinghoffer property located at 4336 Lively Lane focuses on 1 request relating to single-family use regulations.
- The applicant proposes to construct and/or maintain an accessory structure to a single-family dwelling and have more than one electrical utility service or more than one electrical meter, which will require a special exception to the single-family zoning use regulations.
- The subject site along with properties to the north, south, east, and west are all developed with single-family homes.
- The subject site is a mid-block lot with single street frontage on Lively Lane.
- According to the applicant, the requested electrical utility service or electrical meter is required for the new accessory structures HVAC system; the new structure is currently under review as permit #2409161151.

BOARD OF ADJUSTMENT  
October 22, 2024

- The applicant has the burden of proof in establishing that the special exception to the single-family use regulations regarding electrical services will not be contrary to the public interest, not adversely affect the neighboring properties and not be used to conduct a use not permitted in the district.
- Granting the special exceptions to the single-family use regulations relating to electrical services 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: [BDA234-118 at 4336 Lively Ln.](#)

**Timeline:**

- August 26, 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.
- September 9, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel A.
- September 12, 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 September 27, 2024, deadline to submit additional evidence for staff to factor into their analysis ;and October 11, 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.
- October 3, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the October 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: Larry Klinghoffer – 3930 Gaspar Drive, Dallas TX 75220

Against: No Speakers

**Motion**

I move that the Board of Adjustment, in Appeal No. 234-118, on application of Larry Klinghoffer, **DENY** the special exception requested by this applicant **without prejudice**, because our evaluation of the property and the testimony shows that granting the application would be contrary to the public interest; (AND/OR) would adversely affect neighboring property; (AND/OR) the additional meter would be used to conduct a use not permitted in the district where the building site is located.

BOARD OF ADJUSTMENT  
October 22, 2024

Maker:	Michael Hopkovitz				
Second:	Rachel Hayden				

**Motion withdrawn.**

**Motion**

I move that the Board of Adjustment in Appeal No. BDA 234-118, **HOLD this matter under advisement until November 19, 2024.**

Maker:	Michael Hopkovitz				
Second:	Rachel Hayden				
Results:	5-0 Unanimously				Motion to hold until November 19, 2024.
		Ayes:	-	5	David A. Neumann, Rachel Hayden, Phil Sahuc, Jay Narey and Michael Hopkovitz
		Against:	-	0	

**4. 10225 Daria Drive**  
BDA234-123(CJ)

**\*This item was moved to Individual Cases\***

**BUILDING OFFICIAL’S REPORT:** Application of Jennifer Hiromoto for (1) a special exception to the fence height regulations, and for (2) a special exception to the fence opacity regulations at 10225 Daria Drive. This property is more fully described as Block A/5514, Lot 15, and is zoned R-1ac(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 may not be located less than 5-feet from the front lot line. The applicant proposes to construct and/or maintain an 8-foot-high fence in a required front-yard on Meaders Lane, which will require (1) a 4-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:** 10225 Daria Drive

**APPLICANT:** Jennifer Hiromoto

**REQUEST:**

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

**STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE HEIGHT & 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 standard 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 on these requests.

**BACKGROUND INFORMATION:**

**BDA History:**

- No BDA history found at 10225 Daria Drive in the last 5 years.

**Square Footage:**

- This lot contains 33,366.96 of square feet.
- This lot is zoned R-1ac(A) which has a minimum lot size of 1 acre or 43,560 square feet.

**Zoning:**

<b><u>Site:</u></b>	R-1ac (A) (Single Family District)
<b><u>North:</u></b>	R-1ac (A) (Single Family District)
<b><u>East:</u></b>	R-1ac (A) (Single Family District)
<b><u>South:</u></b>	R-1ac (A) (Single Family District)
<b><u>West:</u></b>	R-10 (A) (Single Family District)

**Land Use:**

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

**GENERAL FACTS/STAFF ANALYSIS:**

- The application for Jennifer Hiromoto property located at 10225 Daria Drive focuses on 2 requests relating to fence height and opacity regulations.
- The applicant proposes to construct and maintain an 8-foot fence in a required front yard, which will require a 4-foot special exception to the fence height regulations on Meaders Lane.
- Secondly, the applicant is requesting a special exception to the fence standards regulations regarding opacity; the proposed fence material is aluminum with metal posts.
- The subject site along with properties to the north, south, east, and west are all developed with uses permissible in residential zoning districts.
- It is imperative to note that the subject site is a corner lot with double street frontage on Daria Drive and Meaders Lane.
- The street frontage along Daria Drive and Meaders Lane act as two front yards due to block-face continuity.

BOARD OF ADJUSTMENT  
October 22, 2024

- Based upon staff's analysis of the surrounding properties, there are a few homes along Meaders Lane with fences and gates in the required front yard and/or some form of vegetation serving as a screening mechanism.
- It has been confirmed that the proposed fence on Meaders Drive will replace the existing fence and be placed in a similar location.
- 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: [BDA234-123 at 10225 Daria Dr.](#)

**Timeline:**

- August 26, 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.
- September 9, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel A.
- September 12, 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 September 27, 2024, deadline to submit additional evidence for staff to factor into their analysis ;and October 11, 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.
- October 3, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the October 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.

BOARD OF ADJUSTMENT  
 October 22, 2024

Speakers:

For: Jennifer Hiromoto – 10233 E. NW Highway # 38586, Dallas TX 75238

Against: No Speakers

**Motion # 1**

I move that the Board of Adjustment, in Appeal No. BDA 234-123, on application of Jennifer Hiromoto, **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.

Maker:	Rachel Hayden				
Second:	Phil Sahuc				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	David A. Neumann, Rachel Hayden, Phil Sahuc, Jay Narey and Michael Hopkovitz
		Against:	-	0	

**Motion # 2**

I move that the Board of Adjustment, in Appeal No. BDA 234-123, on application of Jennifer Hiromoto, **GRANT** the request of this applicant to construct and/or maintain a fence with panel having less than 50 percent open surface area located less than five-feet from the front lot line as a special exception to the surface area openness requirement for fences in the Dallas Development Code, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property.

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

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

Maker:	Rachel Hayden				
Second:	Michael Hopkovitz				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	David A. Neumann, Rachel Hayden, Phil Sahuc, Jay Narey and Michael Hopkovitz

		Against:	-	0	
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**HOLDOVER CASES**

**4. 6801 Tyree Street**  
BDA234-101(CJ)

**BUILDING OFFICIAL’S REPORT:** Application of Akber Meghani to appeal the decision of the administrative official at 6801 Tyree St. This property is more fully described as Block C/2595, Lot 18, and is zoned PD-67, which requires compliance with Planned Development No. 67 land use and development standards. The applicant proposes to appeal the decision of an administrative official in the revocation of a building project and the associated master permit for the construction of a new duplex.

**LOCATION:** 6801 Tyree St.

**APPLICANT:** Akber Meghani

**REQUEST:**

A request is made to appeal the decision of an administrative official in the revocation of a building project 2211181039 and the associated master permit 2211181139 for the construction of a new duplex.

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

Section 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.

**Section 51A –3.102** of the Dallas Development code states the Board of Adjustment has the following powers and duties: “ reverse an order, requirement, decision, or determination of an administrative official involving the interpretation or enforcement of the zoning ordinance; to hear and decide, appeals from decisions of administrative officials made in the enforcement of a zoning ordinance of the city. (For this purpose of the section administrative official means that person within a city department having the final decision-making authority within the department relative to the zoning enforcement issue.); to interpret the zoning district map when uncertainty exists because the actual physical features differ from those indicated on the zoning district map and when the rules set forth in the zoning district boundary regulations do not apply.”

Additionally, **Section 51A-4.703** states that “the board shall decide an appeal of a decision of an administrative official at the next meeting for which notice can be provided following the hearing and not later than the 60<sup>th</sup> day after the appeal date is filed. The board shall have all the powers of the administrative official on the action appealed from. The board may in whole or in part affirm, reverse, or amend the decision of the official. The board may impose reasonable conditions in its order to be complied with by the applicant in order to further the purpose and intent of this chapter.”

**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).



BOARD OF ADJUSTMENT  
October 22, 2024

**BDA History:**

No BDA History found at 6801 Tyree Street in the last 5 years.

**Zoning:**

Site: Planned Development (PD) 67 Zoning District  
North: Planned Development (PD) 67 Zoning District  
South: Planned Development (PD) 67 Zoning District  
East: Planned Development (PD) 67 Zoning District  
West: Planned Development (PD) 67 Zoning District

**Land Use:**

The subject site and surrounding properties are developed with a single-family residential use.

**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:**

June 25, 2024: The applicant was sent a denial letter for building permit number 2211181039 and master permit 2211181139 which were incorrectly issued by Development Services Department and invalid.

June 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.

July 3, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel A.

July 17, 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 August 9, 2024, deadline to submit additional evidence for staff to factor into their analysis; and July 26, 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.

July 29, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the August 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,

BOARD OF ADJUSTMENT  
October 22, 2024

Chief Arborists, Zoning Senior Planner and Transportation Engineer

August 20, 2024: Panel A, at its regular scheduled hearing on August 20, 2024 voted to hold this matter under advisement until September hearings.

August 30, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the September 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:

Representing the Applicant: Dallas Cothrum, 2201 Main Street, Dallas TX 75201

Representing the City: Justin Roy, City Attorney Office, 1500 Marilla Street 7DN

**Motion # 1**

Having fully reviewed the decision of the administrative official of the City of Dallas in Appeal No. BDA 234-101, on application of Akber Meghani, 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 which relates to land use.

Maker:	David Neumann				
Second:	Phil Sahuc				

**Motion withdrawn.**

Maker:	David Neumann				
Second:	Phil Sahuc				

**Motion # 2**

Having fully reviewed the decision of the administrative official of the City of Dallas in Appeal No. BDA 234-101, on application of Akber Meghani, 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 which relates to land use and lot coverage. Chairman withdrew motion for lot coverage.

Maker:	David Neumann				
Second:	Michael Hopkovitz				
Results:	5-0 Unanimously				Motion to reverse the land use.
		Ayes:	-	5	David A. Neumann, Rachel Hayden, Jay Narey and Michael Hopkovitz and Phil Sahuc.
		Against:	-	0	

**Motion # 3**

Having fully reviewed the decision of the administrative official of the City of Dallas in Appeal No. BDA 234-101, on application of Akber Meghani, 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 which relates to lot coverage.

Maker:	David Neumann				
Second:	Michael Hopkovitz				
Results:	4-1				Motion to reverse the lot coverage.
		Ayes:	-	4	David A. Neumann, Rachel Hayden, Jay Narey and Michael Hopkovitz
		Against:	-	1	Phil Sahuc

**Motion # 4**

Having fully reviewed the decision of the administrative official of the City of Dallas in Appeal No. BDA 234-101, on application of Akber Meghani, 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 **AFFIRM** the decision of the administrative official which relates to height and roof pitch.

Maker:	David Neumann				
Second:	Phil Sahuc				
Results:	4-1				Motion to reverse the height and roof pitch
		Ayes:	-	4	Rachel Hayden, Phil Sahuc, Jay Narey and Michael Hopkovitz
		Against:	-	1	David A. Neumann

**5. 6801-6803 Tyree Street**  
BDA234-101\_FR1(CJ)

**BUILDING OFFICIAL'S REPORT:** Application of Akber Meghani to appeal the decision of the administrative official at 6801 Tyree St. This property is more fully described as Block C/2595, Lot 18, and is zoned PD-67, which requires compliance with Planned Development No. 67 land use and development standards.

**LOCATION:** 6801 Tyree St.

**APPLICANT:** Akber Meghani

**REQUESTS:**

The applicant is requesting a fee reimbursement for fees paid for the application submitted to appeal the decision of the administrative official at 6801 Tyree Street which will appear before Panel A on September 17, 2024.

**STANDARD FOR A FEE WAIVER OR REIMBURSEMENT:**

Section 51A-1.105(b)(6) of the Dallas Development Code specifies the board of adjustment may waive the filing fee if the board finds that **payment of the fee would result in substantial financial hardship to the applicant**. The applicant may either pay the fee and request reimbursement at the hearing on the matter or request that the issue of financial hardship be placed on the board’s miscellaneous docket for predetermination. If the issue is placed on the miscellaneous docket, the applicant may not apply to the merits of the request for a waiver have been determined by the board. In making this determination, the board may require the production of financial documents.

**STAFF RECOMMENDATION:**

No staff recommendation is made on this request.

Speakers:  
                                 For:                                No Speakers  
                                 Against:                                No Speakers

**Motion**

I move that the Board of Adjustment, in Appeal No. BDA 234-101\_FR1, on application of Akber Meghani, **GRANT** the request to reimbursement of the filing fees to be paid in association with a request for an administrative appeal as requested by this applicant because our evaluation of the property and testimony shows that the payment of the fee would result in substantial financial hardship to this applicant.

Maker:	David Neumann				
Second:	Phil Sahuc				
Results:	4-1				Motion to Grant
		Ayes:	-	4	David A. Neumann, Rachel Hayden, Phil Sahuc, and Michael Hopkovitz
		Against:	-	1	Jay Narey

**6. 6529 Victoria Avenue  
 BDA234-111(BT)**

**BUILDING OFFICIAL’S REPORT:** Application of Daniel Le to **(1)** appeal the decision of the administrative official at **6529 VICTORIA AVE**. This property is more fully described as Block P/2606, Lot 18, and is zoned PD-67 (Tract 3), which requires compliance with Planned Development No. 67 land use and development standards. The applicant proposes to **(1)** appeal the decision of an administrative official in the revocation of a building project and the associated master permit for the construction of a new duplex.

**LOCATION:**                                6529 Victoria Ave.

**APPLICANT:**                                Daniel Le

**REQUEST:**

(6) A request is made to appeal the decision of the administrative official in building permit 2301031121 and 2301041101 for structure exceeding maximum allowed height, exceeding maximum allowed lot coverage, and non-compliant roof types.

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

Section 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.

**Section 51A –3.102** of the Dallas Development code states the Board of Adjustment has the following powers and duties: “reverse an order, requirement, decision, or determination of an administrative official involving the interpretation or enforcement of the zoning ordinance; to hear and decide, appeals from decisions of administrative officials made in the enforcement of a zoning ordinance of the city. (For this purpose of the section administrative official means that person within a city department having the final decision-making authority within the department relative to the zoning enforcement issue.); to interpret the zoning district map when uncertainty exists because the actual physical features differ from those indicated on the zoning district map and when the rules set forth in the zoning district boundary regulations do not apply.”

Additionally, **Section 51A-4.703** states that “the board shall decide an appeal of a decision of an administrative official at the next meeting for which notice can be provided following the hearing and not later than the 60<sup>th</sup> day after the appeal date is filed. The board shall have all the powers of the administrative official on the action appealed from. The board may in whole or in part affirm, reverse, or amend the decision of the official. The board may impose reasonable conditions in its order to be complied with by the applicant in order to further the purpose and intent of this chapter.”

**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).

**BACKGROUND INFORMATION:**

**Zoning:**

- Site: PD-67 (Tract 3)
- North: PD-67 (Tract 3)
- East: PD-67 (Tract 3) and PD-67 (Tract 4)
- South: PD-67 (Tract 3) and CR
- West: PD-67 (Tract 3) and CR

**Land Use:**

The subject site is developed with a duplex use and surrounding properties to the north, and east are developed with single-family and duplex uses. Surrounding properties to the south and west are developed with single-family, duplex and non-residential uses.

**BDA History:**

No BDA history found within the last 5 years

**GENERAL FACTS/STAFF ANALYSIS:**

- Ashra Ortiz, represented by Pascual Mojica applied for a duplex permit (6529 and 6531 Victoria Ave.) on January 03, 2023
- Permit #2301031121 (Master Permit #2301041101) was approved on January 04,2023.
- Various green tags received with the last being issued on June 28, 2024.

BOARD OF ADJUSTMENT  
October 22, 2024

- Project placed on hold on July 26, 2024.
- Letter via email to revoke permit #2301031121 and permit #2301041101 provided to applicant on August 7, 2024.
- 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:**

- August 7, 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.
- August 9, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel B.
- August 21, 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 August 23, 2024, deadline to submit additional evidence for staff to factor into their analysis; and September 6, 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.
- August 30, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the September 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.
- September 17, 2024: The Board of Adjustment Panel A, at its public hearing held on Tuesday, September 17, 2024, moved to **HOLD** this matter under advisement until **October 22, 2024**.
- September 17, 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 September 27, 2024, deadline to submit additional evidence for staff to factor into their analysis; and October 11, 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

BOARD OF ADJUSTMENT  
October 22, 2024

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

October 3, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the October 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 Le, 6529 Victoria Ave., Dallas TX 75209  
Robert Miklos, 2500 Dallas Prwy # 600, Dallas TX 75093

Representing the City of Dallas: Justin Roy, City Attorney Office, 1500 Marilla Street 7DN

\*Board member Jay Narey leaves at 6 pm\*

**Motion # 1**

Having fully reviewed the decision of the administrative official of the City of Dallas in Appeal No. BDA 234-111, on application of Daniel Le, 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 regarding lot coverage.

Maker:	David Neumann				
Second:	Phil Shauc				
Results:	4-0 Unanimously				Motion to reverse the lot coverage
		Ayes:	-	4	David A. Neumann, Rachel Hayden, Phil Sahuc and Michael Hopkovitz
		Against:	-	0	

**Motion # 2**

Having fully reviewed the decision of the administrative official of the City of Dallas in Appeal No. BDA 234-111, on application of Daniel Le, 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 **AFFIRM** the decision of the administrative official regarding roof type

Maker:	David Neumann				
Second:	Michael Hopkovitz				
Results:	4-0 Unanimously				Motion to affirm roof type
		Ayes:	-	4	David A. Neumann, Rachel Hayden, Phil Sahuc and Michael Hopkovitz
		Against:	-	0	

BOARD OF ADJUSTMENT  
October 22, 2024

**Motion # 3**

Having fully reviewed the decision of the administrative official of the City of Dallas in Appeal No. BDA 234-111, on application of Daniel Le, 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 regarding height.

Maker:	David Neumann				
Second:	Phil Sahuc				
Results:	3-1				Motion fails to reverse
		Ayes:	-	3	David A. Neumann, Rachel Hayden, and Phil Sahuc
		Against:	-	1	Michael Hopkovitz

**Motion # 4**

Having fully reviewed the decision of the administrative official of the City of Dallas in Appeal No. BDA 234-111, on application of Daniel Le, 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 **AFFIRM** the decision of the administrative official.

Maker:	Michael Hopkovitz				
Second:	No Second				

**Motion # 5**

In the matter of BDA 234-111, it was moved to reconsider the motion to reverse the decision of the building official on lot coverage.

Maker:	David Neumann				
Second:	Michael Hopkovitz				
Results:	4-0 Unanimously				Motion to reconsider the motion
		Ayes:	-	4	David A. Neumann, Rachel Hayden, Phil Sahuc and Michael Hopkovitz
		Against:	-	0	

**Motion # 6**

In the matter of BDA 234-111, it was moved to reconsider the motion to affirm the decision of the building official on roof type.

Maker:	David Neumann				
Second:	Phil Sahuc				
Results:	4-0 Unanimously				Motion to reconsider the motion
		Ayes:	-	4	David A. Neumann, Rachel Hayden, Phil Sahuc and Michael Hopkovitz
		Against:	-	0	



**Motion # 7**

I move that the Board of Adjustment in Appeal No. BDA234-111, **HOLD** this matter under advisement until **November 19, 2024.**

Maker:	David Neumann				
Second:	Michael Hopkovitz				
Results:	4-0 Unanimously				Motion to hold until November 19, 2024.
		Ayes:	-	4	David A. Neumann, Rachel Hayden, Phil Sahuc and Michael Hopkovitz
		Against:	-	0	

**7. 6529 Victoria Avenue**  
 BDA234-111\_FR1(BT)

**BUILDING OFFICIAL'S REPORT:** BDA234-111(BT) Application of Daniel Le to (1) appeal the decision of the administrative official at **6529 VICTORIA AVE.** This property is more fully described as Block P/2606, Lot 18, and is zoned PD-67 (Tract 3), which allows a person who is aggrieved by the decision of an administrative official and is the owner of real property within 200 feet of the subject site related to a specific application, address, or project, may appeal to the board. The applicant proposes to (1) appeal the decision of an administrative official in the issuance of a building permit and associated master permit.

**LOCATION:** 6529 Victoria Ave.

**APPLICANT:** Daniel Le

**REQUEST:**

The applicant is requesting a fee reimbursement for the application submitted to appeal the decision of the administrative official at 6529 Victoria Ave. which will appear before Panel B on September 18, 2024.

**STANDARD FOR A FEE WAIVER OR REIMBURSEMENT:**

Section 51A-1.105(b)(6) of the Dallas Development Code specifies the board of adjustment may waive the filing fee if the board finds that **payment of the fee would result in substantial financial hardship to the applicant.** The applicant may either pay the fee and request reimbursement at the hearing on the matter or request that the issue of financial hardship be placed on the board's miscellaneous docket for predetermination. If the issue is placed on the miscellaneous docket, the applicant may not apply to the merits of the request for a waiver have been determined by the board. In making this determination, the board may require the production of financial documents.

**STAFF RECOMMENDATION:**

The staff does not make a recommendation on fee waiver requests since the standard is whether the board finds that payment of the fee would result in substantial financial hardship to the applicant.

Speakers:

BOARD OF ADJUSTMENT  
October 22, 2024

For: None  
Against: None

**Motion**

I move that the Board of Adjustment, in Appeal No. BDA 234-111\_FR1, on application of Daniel Le, **GRANT** the request to reimbursement of the filing fees to be paid in association with a request for an administrative appeal as requested by this applicant because our evaluation of the property and testimony shows that the payment of the fee would result in substantial financial hardship to this applicant.

Maker:	David Neumann				
Second:	Phil Sahuc				
Results:	4-0 Unanimously				Motion to grant
		Ayes:	-	4	David A. Neumann, Rachel Hayden, phil Sahuc and Michael Hopkovitz
		Against:	-	0	

- \*\*Recess at 3:16 pm – 3:41 pm\*\*
- \*\*Recess at 5:02 pm – 5:18 pm\*\*
- \*\*Recess at 5:51 pm – 6:02 pm\*\*

**ADJOURNMENT**

After all business of the Board of Adjustment had been considered, Chairman moved to adjourn the meeting at 7:40 p.m.

Mary Williams  
Required Signature:

Mary Williams, Board Secretary  
Planning & Development Department

November 19, 2024  
Date

Dr. Kameka Miller-Hoskins  
Required Signature:

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

November 19, 2024  
Date

David A. Neumann  
Required Signature:

David A. Neumann, Chairman  
Board of Adjustment

11/19/24  
Date