



BOARD OF ADJUSTMENT

Panel C Minutes

August 19th, 2024

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CITY SECRETARY
DALLAS, TEXAS

6ES – Council Briefing

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Robert Agnich, Vice-Chair

PRESENT: [4]

Robert Agnich, VC	
Rodney Milliken – V / P	
Jared Slade	
Roger Sashington	

ABSENT: [1]

Judy Pollock	

Vice-Chair Agnich called the briefing to order at **10:25 A.M.** with a quorum of the Board of Adjustment present.

Vice-Chair Agnich called the hearing to order at **1:05 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.

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

MISCELLANEOUS ITEMS

Approval of the Board of Adjustment Panel C, June 17th, 2024, Minutes.

A motion was made to approve Panel C, June 17th, 2024, Public Hearing minutes.

Maker:	Roger Sashington				
Second:	Robert Agnich				
Results:	4-0 unanimously				Motion to approve
		Ayes:	-	4	Robert Agnich, Roger Sashington, Rodney Milliken, and Jared Slade
		Against:	-	0	

UNCONTESTED ITEMS

1. 2626 W. Mockingbird Lane
 BDA234-084(CT)

BUILDING OFFICIAL’S REPORT: Application of James Dean Larson for (1) a special exception to the landscaping regulations at 2626 W. Mockingbird Ln. This property is more fully described as Block 4492, Lots 6-10, and is zoned IR, 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: 2626 West Mockingbird Lane

APPLICANT: James Dean Larson

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 or any request for a special exception since the basis for this type of appeal is when in the opinion of the board, the special exception will not adversely affect neighboring properties and the requirements are not imposed by a site-specific landscape plan.

BACKGROUND INFORMATION:

BDA History:

No BDA history found at 2626 W. Mockingbird Ln. in the last 5 years.

Square Footage:

- This lot contains 42,950.16 of square feet.
- This lot is zoned Industrial Research (IR) which has no minimum lot size.

Zoning:

Site: Industrial Research (IR) Zoning District
North: Industrial Research (IR) Zoning District
East: Industrial Research (IR) Zoning District
South: PD 917 Zoning District
West: Industrial Research (IR) Zoning District

Land Use:

The subject site and surrounding properties to the north, east and west are developed with Industrial Research (IR). Surrounding properties to the south are developed with uses permissible in Planned Development No. 917.

GENERAL FACTS/STAFF ANALYSIS:

- The application of James Dean Larson, for the property located at 2626 West Mockingbird Lane 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. The applicant requests approval of an alternate landscape that does not fully conform to Article X requirements.
- It is imperative to note that the subject site has two street frontages: West Mockingbird Lane and Fielder Court.
- The subject site is currently developed with a nonresidential structure.
- The legal built conditions restrict the applicant's ability to comply with Article X for mandatory street buffer zones and other site tree and landscape design option requirements.
- 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(s) to the landscape regulations will not adversely affect the neighboring properties.

BOARD OF ADJUSTMENT
August 19th, 2024

- 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): [BDA234-084 at 2626 W. Mockingbird Ln](#)

Timeline:

- May 16, 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.
- June 10, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel C
- June 20, 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 June 26, 2024, deadline to submit additional evidence for staff to factor into their analysis; and July 5, 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 1, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the July 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
- July 3, 2024: The Chief Arborist provided staff with Arborist Report.
- July 9, 2024: Panel C July hearings were rescheduled to Monday, August 19th
- 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.

BOARD OF ADJUSTMENT
August 19th, 2024

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, Chief Arborists, Zoning Senior Planner and Transportation Engineer

Speakers:

Did not speak
For: Samuel Kennemer, 6554 Church St., Douglasville GA 30134
Darryl Ray, 6554 Church St., Douglasville GA 30134

Against: No Speakers

Motion

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

BDA 234-084 – Application of James Dean Larson, for a special exception to the landscaping regulations in the Dallas Development Code is granted subject to the following condition:

Compliance with the most recent version of all submitted plans are required.

Maker:	Jared Slade				
Second:	Rodney Milliken				
Results:	4-0				Motion to grant
		Ayes:	-	4	Roger Sashington, Jared Slade, Robert Agnich and Rodney Milliken
		Against:	-	0	

2. 402 S. Beacon Street
BDA234-085(BT)

BUILDING OFFICIAL'S REPORT: Application of Bernard Johnston for (1) a special exception to the fence height regulations; for (2) a special exception to the 45-foot visibility obstruction regulations; for (3) a special exception to the 20-foot visibility obstruction regulations; for (4) a special exception to the 20-foot visibility obstruction regulations; and for (5) a special exception to the fence height regulations at **402 S. BEACON ST.** This property is more fully described as Block 25/1613, lot 13, and is zoned PD-134 Subarea A, which limits the height of a fence in the front-yard to 4-feet; requires a 45-foot visibility triangle at street intersections; and requires a 20-foot visibility triangle at driveway approaches. The applicant proposes to construct and/or maintain an 8-foot-high fence in a required front-yard facing Santa Fe Ave., which will require (1) a 4-foot special exception to the fence height regulations; to construct and/or maintain a nonresidential fence structure in a required visibility obstruction triangle at the intersection of Santa Fe Ave. and S. Beacon St., which will require (2) a special exception to the 45-foot visibility obstruction regulations; to construct and/or maintain a nonresidential fence structure in a required 20-foot visibility obstruction triangle at the drive

approach on Santa Fe Ave., which will require **(3)** a special exception to the visibility obstruction regulations; to construct and/or maintain a nonresidential fence structure in a required visibility obstruction triangle at the drive approach on S. Beacon St., which will require **(4)** a special exception to the 20-foot visibility obstruction regulations; and to construct and/or maintain an 8-foot-high fence in a required front-yard facing S. Beacon St., which will require **(5)** a 4-foot special exception to the fence height regulations.

LOCATION: 402 S Beacon St.

APPLICANT: Bernard Johnston

REQUEST:

- (2) A request for a special exception to the fence height regulations at Santa Fe Ave.;
- (3) A request for a special exception to the 45-foot visibility obstruction regulations at the intersection of Santa Fe Ave. and S. Beacon St.;
- (4) A request for a special exception to the 20-foot visibility obstruction regulations at the driveway on Santa Fe Ave.;
- (5) A request for a special exception to the 20-foot visibility obstruction regulations at the driveway on S. Beacon St.; and
- (6) A request for a special exception to the fence height regulations at S. Beacon St.

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

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

STAFF RECOMMENDATION:

Special Exceptions (5):

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

BACKGROUND INFORMATION:

Zoning:

Site: PD-134 Subarea A
North: PD-134 Subarea A
East: PD-134 Subarea A
South: PD-134 Subarea A
West: D(A)

Land Use:

The subject site is developed with auto service center use and all surrounding properties are developed with single-family and duplex uses.

BDA History:

No BDA history found within the last 5 years

GENERAL FACTS/STAFF ANALYSIS:

- The application of Bernard Johnston for the property located at 402 S. Beacon St. focuses on 5 requests relating to the visual obstruction and fence height regulations.
- The first request is for a special exception to the fence height regulations. The applicant is proposing to construct and maintain an 8-foot high gate and fence in a required front-yard, along Santa Fe Ave., which will require a 4-foot special exception to the fence height regulations.
- Secondly, the applicant is requesting a special exception to the 45-foot visibility obstruction triangle at the corner of S. Beacon St. and Santa Fe Ave. The proposed 8-foot high fence encroaches approximately 28-feet into the visibility obstruction triangle on the boundary of S. Beacon St. and Santa Fe Ave.
- Thirdly, the applicant is requesting a special exception to the 20-foot visibility obstruction triangle at the drive approach along Santa Fe Ave. The proposed 8-foot high fence also encroaches approximately 12-feet into the visibility obstruction triangle along Santa Fe Ave.
- Fourthly, the applicant is requesting a special exception to the 20-foot visibility obstruction triangle at the drive approach along S. Beacon St. The proposed 8-foot high fence also encroaches approximately 20-feet into the visibility obstruction triangle along S. Beacon St.
- Lastly, the applicant is proposing to construct and maintain an 8-foot high gate and fence in a required front-yard, along S. Beacon St., which will require a 4-foot special exception to the fence height regulations.
- The subject site is an auto service center with surroundings properties to the north, south, east and west are all developed with single-family and duplex homes.
- As illustrated on the submitted site plan and elevations, the applicant is proposing a wrought iron fence along Santa Fe Ave. and S. Beacon St.
- The Engineering Division recommends reduction of width at encroachment to the visibility triangle for driveway along S. Beacon St.
- The Engineering Division recommends a 30' x 30' encroachment to the visibility triangle at the corner of S. Beacon St. and Santa Fe Ave.
- The Engineering Division recommends denial of proposed encroachment to the visibility triangle for driveway at Santa Fe Ave.
- 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.

BOARD OF ADJUSTMENT
August 19th, 2024

- The applicant has the burden of proof in establishing that the special exception(s) to the fence height and visual obstruction regulations will not adversely affect the neighboring properties nor constitute a traffic hazard.
- Granting the special exceptions to the fence height and visual obstruction 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: [BDA234-085 402 S Beacon St](#)

Timeline:

- May 17, 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.
- June 10, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel C.
- June 20, 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 June 26, 2024, deadline to submit additional evidence for staff to factor into their analysis; and July 5, 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 1, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the July 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.
- July 9, 2024: The Board of Adjustment Panel C July hearings were rescheduled to Monday, August 19, 2024.
- July 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 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.

BOARD OF ADJUSTMENT
August 19th, 2024

- 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, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

Speakers:

For: No Speakers

Against: No Speakers

Motion

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

BDA234-085 – Application of Bernard Johnston for a special exception to the fence height regulations in the Dallas Development Code, along Santa Fe Ave. 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.

BDA234-085 – Application of Bernard Johnston for a special exception to the visibility obstruction regulations in the Dallas Development Code, at the intersection of Santa Fe Ave. and S. Beacon St. 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.

BDA234-085 – Application of Bernard Johnston for a special exception to the visibility obstruction regulations in the Dallas Development Code, at the driveway approach on Santa Fe Ave. 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.

BDA234-085 – Application of Bernard Johnston for a special exception to the visibility obstruction regulations in the Dallas Development Code, at the driveway approach on S. Beacon St. 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.

BDA234-085 – Application of Bernard Johnston for a special exception to the fence height regulations along S. Beacon St. 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:	Jared Slade				
Second:	Rodney Milliken				
Results:	4-0				Motion to grant
		Ayes:	-	4	Roger Sashington, Jared Slade, Rodney Milliken and Robert Agnich
		Against:	-	0	

3. 8703 Angora Street

***This case was moved to Individual Items**

BDA234-087(BT)

BUILDING OFFICIAL'S REPORT: Application of Kathryn Gowan for (1) a special exception to the single-family regulations and (2) a variance to the floor area regulations at **8703 ANGORA ST.** This property is more fully described as Block 5284, Lot 4, and is zoned R-7.5(A), which limits the number of dwelling units to one, and prohibits an accessory structure from exceeding 25% of the floor area of the main structure. The applicant proposes to construct and/or maintain an additional dwelling unit, not for rent (NFR), which will require (1) a special exception to the single-family zoning use regulations; the applicant further proposes to construct and/or maintain a single-family residential accessory structure with 453 square feet of floor area (27% of the 1,689 square foot floor area of the main structure), which will require (2) a 31 square foot variance to the floor area regulations.

LOCATION: 8703 Angora St.

APPLICANT: Kathryn Gowan

REQUEST:

- (7) A request for a special exception to the single-family use regulations, and
- (8) A request for a variance to the floor area ratio, to construct and/or maintain an additional dwelling unit, not for rent, on a site developed with a single-family home

STANDARD FOR A SPECIAL EXCEPTION TO THE SINGLE-FAMILY USE REGULATIONS TO AUTHORIZE AN ADDITIONAL DWELLING UNIT:

Section 51A-4.209(b)(6)(E)(i) of the Dallas Development Code specifies that the board may grant a special exception to the single-family use regulations of the Dallas Development Code to authorize an additional dwelling unit on a lot when, in the opinion of the board, the additional dwelling unit **will not:**

- 1) be used as rental accommodations; or
- 2) adversely affect neighboring properties.

Section 51A-4.209(b)(6)(E)(ii) In granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.

STANDARD FOR A VARIANCE:

Section 51(A)-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:

Special Exception:

No staff recommendation is made on this or any request for a special exception to authorize an additional dwelling unit since the basis for this type of appeal is when in the opinion of the board, the additional dwelling unit will not: 1) be used as rental accommodations; or 2) adversely affect neighboring properties.

Variance:

Denial

Based upon the evidence presented and provided to staff, staff concluded that the request is:

- Not contrary to public interest as no opposition was received;
- Not restrictive in area, shape, or slope, in which it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning.
- It is self-created or personal hardship.

BACKGROUND INFORMATION:

Zoning:

Site: R-7.5(A)
North: CR and PD-287 Tract 6a
East: R-7.5(A) and PD-287 Tract 6a
South: R-7.5(A)
West: R-7.5(A)

Land Use:

The subject site is developed with single-family use and surrounding properties are developed with single-family uses and various non-residential uses.

BDA History:

No BDA history found within the last 5 years

GENERAL FACTS/STAFF ANALYSIS:

- The application of Kathryn Gowan for the property located at 8703 Angora St. focuses on 2 requests relating to the ADU and floor area regulations
- The first request is for a special exception to the single-family use regulations. The applicant is proposing to construct and maintain an additional dwelling unit (NFR), which will require a special exception to the single-family zoning use regulations.
- Secondly, the applicant is requesting a variance to the floor area ratio. The applicant is proposing to construct and maintain an additional dwelling unit, not for rent, on a site developed with a single-family home greater than 25% of the main floor area.
- The proposed additional dwelling unit is approximately 453 sq. ft. (27%)
- The main floor area is 1,689 sq. ft. (@ 25% = 422 sq. ft.).
- The surrounding properties to the south, east and west are R-7.5(A) single-family uses, however zoning district CR is located to the rear of the subject.
- The Dallas Development Code, single-family use regulations, states that only one dwelling unit may be located on a lot and that the Board of Adjustment may grant a special exception to this provision and authorize an additional dwelling unit on a lot when, in the opinion of the board, the special exception will not: (1) be use as rental accommodations; or (2) adversely affect neighboring properties.
- The Dallas Development Code specifies that the board has the power to grant variances from the **floor area for structures accessory to single-family uses**, provided that the variance is, **not contrary to the public interest, necessary to permit development of a specific parcel of land and not granted to relieve a self-created or personal hardship.**
- The applicant has the burden of proof in establishing that the special exception to the single-family use regulations will not adversely affect the neighboring properties.

BOARD OF ADJUSTMENT
August 19th, 2024

- Granting the special exception to the single-family use regulation and variance to the floor area 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: [BDA234-087 8703 Angora St](#)

Timeline:

- May 17, 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.
- June 10, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel C.
- June 20, 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 June 26, 2024, deadline to submit additional evidence for staff to factor into their analysis; and July 5, 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 1, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the July 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.
- July 9, 2024: The Board of Adjustment Panel C July hearings were rescheduled to Monday, August 19, 2024.
- July 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 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

BOARD OF ADJUSTMENT
August 19th, 2024

- 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, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

Speakers:

For: Kathryn Gowan, 8703 Angora Street, Dallas TX 75218

Against: No Speakers

Motion # 1

I move that the Board of Adjustment, in request No. BDA 234-087, on application of Kathryn Gowan, **GRANT** the request to construct and maintain an additional dwelling unit 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 not adversely affect neighboring properties.

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.

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

Maker:	Robert Agnich				
Second:	Jared Slade				
Results:	4-0 Unanimously				Motion to grant
		Ayes:	-	4	Robert Agnich, Roger Sashington, Rodney Milliken, Jared Slade
		Against:	-	0	

Motion # 2

I move that the Board of Adjustment, in Appeal No. BDA 234-087, on application of Kathryn Gowan, **GRANT** the 31-square-foot variance to the floor area ratio 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:	Robert Agnich				
Second:	Jared Slade				
Results:	4-0 Unanimously				Motion to grant
		Ayes:	-	4	Robert Agnich, Roger Sashington, Rodney Milliken, Jared Slade
		Against:	-	0	

4. 1444 Oak Lawn Avenue

***This case was moved to Individual Items**

BDA234-091(CJ)

BUILDING OFFICIAL’S REPORT: Application of Jennifer Hiromoto for a special exception to the parking regulations at 1444 Oak Lawn Ave. This property is more fully described as Block 46/1003, Lot 3, and is zoned PD-621 Subdistrict 1, which requires parking to be provided. The applicant proposes to construct and/or maintain nonresidential development for the following uses: restaurant without drive-in or drive-through service, retail, office, and showroom, and provide 363 parking spaces of the required 661 parking spaces, which will require a 298 space special exception (45% reduction) to the parking regulation.

LOCATION: 1444 Oak Lawn Avenue

APPLICANT: Jennifer Hiromoto

REQUEST:

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

STANDARDS OF REVIEW FOR A SPECIAL EXCEPTION TO OFF-STREET PARKING:

SEC.51A-4.311(a) of the Dallas Development Code states that the board may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, **that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent or nearby streets.**

SEC. 51P-621.110(b)(2)(D) of the Dallas Development Code and the Planned Development District Article 621 states **the board of adjustment may grant a special exception of up to 50 percent of the required off-street parking upon the findings and considerations listed in Section 51A-4.311.** The board of adjustment may impose conditions on the special exception.

STAFF RECOMMENDATION:

Special Exceptions (1):

No staff recommendation is made on this or any request for a special exception since the basis for this type of appeal is when of the board finds, the parking demand generated by the use does not warrant the number of required off-street parking spaces, and the special exception will not constitute a traffic hazard or increase traffic congestion on adjacent or nearby streets.

BACKGROUND INFORMATION:

BDA History:

No BDA history found at 1444 Oak Lawn Ave. within the last 5 years.

Square Footage:

This lot contains 408,636.36 of square feet.

This lot is zoned PD 621 Subdistrict 1 which does not have a minimum lot size.

Zoning:

Site: PD 621 Subdistrict 1 Zoning District

North: PD 621 Subdistrict 1 Zoning District

South: PD 621 Subdistrict 1 Zoning District

East: PD 621 Subdistrict 1 Zoning District

West: PD 621 Subdistrict 1 Zoning District

Land Use:

The subject site is developed with a retail building. The areas to the north, south, east, and west are developed and being developed with uses permissible in Planned Development 621.

GENERAL FACTS/STAFF ANALYSIS:

- The application of Jennifer Hiromoto for the property located at 1444 Oak Lawn Avenue focuses on one request relating to the off-street parking regulations for a nonresidential structure to be used for retail and personal service uses, office, and showroom/warehouse uses.
- The subject site is zoned PD 621 Subdistrict 1 which requires parking to be provided.
- It is imperative to note that 711 parking spaces are required for the subject site.
- 50 of the required 711 parking spaces will be covered by parking credits which leaves a total of 661 required parking spaces.
- A request for a special exception to the off-street parking regulations of 298 spaces (45%) is made to construct and/or maintain a nonresidential structure with varying uses at 1444 Oak Lawn Avenue.
- The submitted site plan shows the applicant plans to provide 363 (55%) of the remaining 661 required parking spaces at 1444 Oak Lawn Avenue.
- The subject site is currently developed with nonresidential structures with the following uses: restaurant without drive-in or drive-through service, retail, office, and showroom.
- The subject site has triple street frontage on Oak Lawn Avenue, Dragon Street and Slocum Street.
- The applicant has the burden of proof in establishing that the parking demand generated by the use does not warrant the number of required off-street parking spaces, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent or nearby streets.

BOARD OF ADJUSTMENT
August 19th, 2024

- Granting the proposed 298 space (45%) special exception to the parking regulations with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents, and the special exception automatically and immediately terminates if and when the particular uses are changed or discontinued.
- 200' Radius Video: [BDA234-091 at 1444 Oak Lawn Ave](#)

Timeline:

June 3, 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.

June 10, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel C

June 20, 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 June 26, 2024, deadline to submit additional evidence for staff to factor into their analysis; and July 5, 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 1, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the July 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.

July 2, 2024: The Traffic Engineering Program Administrator provided staff with the traffic engineer report.

July 9, 2024 Panel C July hearings were rescheduled to Monday, August 19th

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

BOARD OF ADJUSTMENT
August 19th, 2024

- 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, Chief Arborists, Zoning Senior Planner and Transportation Engineer

Speakers:

For: Jennifer Hiromoto, 10233 E, Northwest Hwy., Dallas TX 75238
Lloyd Denman, 2928 Westminster, Dallas TX 75205
Jonathan Vinson, 2323 Ross Ave # 600, Dallas TX 75201

Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BDA 234-091, on application of Jennifer Hiromoto, **GRANT** the request of this applicant to provide 363 off-street parking spaces to the off-street parking regulations contained in the Dallas Development Code, as amended, which requires 661 off-street parking spaces, 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, retail, office, or showroom.

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

The special exception of 298 spaces shall automatically and immediately terminate if and when the proposed use is changed or discontinued.

Compliance with the most recent version of all submitted plans are required.

Maker:	Jared Slade				
Second:	Roger Sashington				
Results:	4-0				Motion to grant
		Ayes:	-	4	Robert Agnich, Rodney Milliken, Roger Sashington, Jared Slade
		Against:	-	0	

HOLDOVER CASES

5. 9334 E. R.L.Thornton
BDA234-079(CJ)

BUILDING OFFICIAL’S REPORT: Application of Jordan Corbitt for (1) a special exception to the parking regulations at 9334 East R.L. THORNTON FWY. This property is more fully described as Block A/8039, TR A and Block A/8475, TR 1, and is zoned RR, which requires parking to be provided. The applicant proposes to construct and/or maintain a nonresidential structure for a Home Improvement Center, and provide 422 of the required 512 parking spaces, which will require (1) a 90-space special exception (18% reduction) to the parking regulation.

LOCATION: 9334 East R.L. Thornton Freeway

APPLICANT: Jordan Corbitt

REQUEST:

(2) A request for a special exception to the off-street parking regulations.

STANDARDS OF REVIEW FOR A SPECIAL EXCEPTION TO OFF-STREET PARKING:

SEC.51A-4.311(a) of the Dallas Development Code states that the board may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, **that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent or nearby streets.** Except as otherwise provided in this paragraph, the maximum reduction authorized by this section is 25 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section [51A-4.704\(b\)\(4\)\(A\)](#).

STAFF RECOMMENDATION:

Special Exceptions (1):

No staff recommendation is made on this or any request for a special exception since the basis of this type of appeal is made when, in the opinion of the board, the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent or nearby streets

BACKGROUND INFORMATION:

BDA History:

No BDA history found at 9334 E. R.L. Thornton Freeway within the last 5 years.

Square Footage:

This lot contains 517,492.8 of square feet.

This lot is zoned Regional Retail (RR) which does not have a minimum lot size.

Zoning:

- Site: Regional Retail (RR) Zoning District
- North: Regional Retail (RR) Zoning District
- South: Regional Retail (RR) Zoning District

East: Regional Retail (RR) Zoning District
West: Regional Retail (RR) Zoning District

Land Use:

The subject site is developed with a retail building. The areas to the north, south, east, and west are developed or are being developed with regional retail uses.

GENERAL FACTS/STAFF ANALYSIS:

- The application of Jordan Corbit for the property located at 9334 E. R.L. Freeway focuses on one request relating to the off-street parking regulations for a nonresidential structure to be used for a home improvement center.
- A request for a special exception to the off-street parking regulations of 90 spaces (18%) is made to construct and/or maintain a nonresidential structure for a home improvement center use at 9334 E. R.L. Thornton Freeway
- The subject site is zoned Regional Retail (RR) which requires parking to be provided.
- It is imperative to note that the subject site has double street frontage on East R.L. Thornton Freeway and Buckner Boulevard service street.
- The submitted site plan shows the applicant plans to provide 422 (82%) of the required 512 parking spaces at 9334 E. R.L. Thornton Freeway.
- The subject site is currently developed with a nonresidential structure.
- Per the site plan, there are three proposed entries on the subject site; these entries all lead to the parking lot, where the proposed 422 parking spots will be.
- The applicant has the burden of proof in establishing that the parking demand generated by the use does not warrant the number of required off-street parking spaces, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent or nearby streets.
- Granting the proposed 90 space (18%) special exception to the parking regulations with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents, and the special exception automatically and immediately terminates if and when the particular uses are changed or discontinued.
- 200' Radius Video: [BDA234-079 at 9334 E. R.L. Thorton Fwy](#)

Timeline:

- May 1, 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.
- May 15, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel C.
- May 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 May 24, 2024, deadline to submit

BOARD OF ADJUSTMENT
August 19th, 2024

additional evidence for staff to factor into their analysis; and June 7, 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.

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

June 5, 2024 The Traffic Engineering Program Administrator provided comments stating that no objection to the special exception request.

June 17, 2024: Panel C at it's regular scheduled hearing on June 17, 2024 voted to hold this matter under advisement until it's July hearing.

July 1, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the June 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.

July 9, 2024: Panel C July hearings were rescheduled to Monday, August 19th
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, Chief Arborists, Zoning Senior Planner and Transportation Engineer

BOARD OF ADJUSTMENT
 August 19th, 2024

Speakers:

For: Jordan Corbitt, 1565 Parkside Drive, Alpharetta, GA 30004

Against: No Speakers

Motion # 1

I move that the Board of Adjustment, in Appeal No. BDA 234-079, **HOLD** this matter **under advisement until October 21, 2024.**

Maker:	Robert Agnich				
Second:	Jared Slade				
Results:	4-0 Unanimously				Motion to hold
		Ayes:	-	4	Rodney Milliken, Jared Slade, Robert Agnich and Roger Sashington
		Against:	-	0	

INDIVIDUAL CASES

6. 10010 Strait Lane
 BDA234-083(BT)

BUILDING OFFICIAL'S REPORT: BDA234-083(BT) Application of Rob Baldwin for (1) a special exception to the fence height regulations; for (2) a special exception to the fence opacity regulations at Strait Ln.; for (3) a special exception to the fence opacity regulations at Walnut Hill Ln.; and for (4) a special exception to the fence height regulations at **10010 STRAIT LN.** This property is more fully described as Block 5530, Lot 1A, 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 not be located less than 5-feet from the front lot line. The applicant proposes to construct and/or maintain an 11-foot 3-inch high fence in a required front-yard facing Strait Ln., which will require (1) a 7-foot 3- inch special exception to the fence height regulations.; 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 facing Strait Ln., which will require (2) a special exception to the fence opacity regulations.; 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 facing Walnut Hill Ln., which will require (3) a special exception to the fence opacity regulations; and to construct and/or maintain an 11-foot 3-inch high fence in a required front-yard facing Walnut Hill Ln., which will require (4) a 7-foot 3-inch special exception to the fence height regulations..

LOCATION: 10010 Strait Ln.

APPLICANT: Rob Baldwin

REQUEST:

(9) A request for a special exception to the fence height regulations;

- | | | |
|------|---|---------------|
| (10) | a special exception to the fence opacity standards regulations; | A request for |
| (11) | a special exception to the fence opacity standards regulations; | A request for |
| (12) | a special exception to the fence height regulations; and | A request for |

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

STAFF RECOMMENDATION:

Special Exceptions (4):

No staff recommendation is made on this or any request for a special exception since the basis for this type of appeal is when in the opinion of the board, the special exception will not adversely affect neighboring properties.

BACKGROUND INFORMATION:

Zoning:

- | | |
|---------------|---------------------|
| <u>Site:</u> | R-1ac(A) |
| <u>North:</u> | R-1ac(A) |
| <u>East:</u> | R-1ac(A) |
| <u>South:</u> | R-1ac(A) and PD-385 |
| <u>West:</u> | R-1ac(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 Rob Baldwin for the property located at 10010 Strait Ln. focuses on 4 requests relating to 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 an 11-foot 3-inch high fence in a required front-yard, along Strait Ln., which will require a 7-foot 3-inch special exception to the fence height regulations.
- Secondly, the applicant is proposing to construct and maintain a fence in a required front yard, along Strait Ln., with a fence panel having less than 50 percent open surface area

BOARD OF ADJUSTMENT
August 19th, 2024

located less than 5-feet from the front lot line, which requires a special exception to the fence opacity regulations.

- Thirdly, the applicant is proposing to construct and maintain a fence in a required front yard, along Walnut Hill Ln., 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.
- Fourthly, the applicant is proposing to construct and maintain an 11-foot 3-inch high fence in a required front-yard, along Walnut Hill Ln., which will require a 7-foot 3-inch special exception.
- 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 decorative metal panels, decorative metal fence pickets with masonry column and stone cap along Strait Ln. and Walnut Hill Ln.
- Based upon staff's analysis of the surrounding properties, some properties provided a fence and gate in the required front yard and/or some provided a form of vegetation serving as a screening mechanism along Strait Ln.
- Based upon staff's analysis of the surrounding properties, PD-385 Ursuline Academy of Dallas Private School is located to the Southeast of the subject property, across a major thoroughfare, 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: [BDA234-083 10010 Strait Ln](#)

Timeline:

- May 16, 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.
- June 10, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel C.
- June 20, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

BOARD OF ADJUSTMENT
August 19th, 2024

- an attachment that provided the public hearing date and panel that will consider the application; the June 26, 2024, deadline to submit additional evidence for staff to factor into their analysis; and July 5, 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 1, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the July 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.

July 9, 2024: The Board of Adjustment Panel C July hearings were rescheduled to Monday, August 19, 2024.

July 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 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, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

Speakers:

For: Rob Baldwin, 3904 Elm Street, # B, Dallas TX 75229

Against: No Speakers

Motion # 1

I move that the Board of Adjustment, in Appeal No. BDA 234-083, on application of Rob Baldwin, **GRANT** the request of this applicant to construct and/or maintain a 11-foot 3-inch high fence on Strait Ln. as a special exception to the height requirement for fences contained in the Dallas

BOARD OF ADJUSTMENT
August 19th, 2024

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:	Jared Slade				
Second:	Robert Agnich				
Results:	4-0 Unanimously				Motion to grant
		Ayes:	-	4	Rodney Milliken, Jared Slade, Robert Agnich and Roger Sashington
		Against:	-	0	

Motion # 2

I move that the Board of Adjustment, in Appeal No. BDA 234-083, on application of Rob Baldwin, **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 at Strait Ln. 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:	Jared Slade				
Second:	Robert Agnich				
Results:	4-0 Unanimously				Motion to grant
		Ayes:	-	4	Rodney Milliken, Jared Slade, Robert Agnich and Roger Sashington
		Against:	-	0	

Motion # 3

I move that the Board of Adjustment, in Appeal No. BDA 234-083, on application of Rob Baldwin, **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 at Walnut HillLn. 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.

BOARD OF ADJUSTMENT
August 19th, 2024

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 recent version of all submitted plans are required

Maker:	Jared Slade				
Second:	No second				Motion fails

Motion # 4

I move that the Board of Adjustment, in Appeal No. BDA 234-083, on application of Rob Baldwin, **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 at Walnut Hill Ln. 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 recent version of all submitted plans are required, provided however, the fence panels along Walnut Hill Lane shall match the opacity of fence panels at Strait Lane.

Maker:	Jared Slade				
Second:	Roger Sashington				
Results:	4-0 Unanimously				Motion to grant
		Ayes:	-	4	Rodney Milliken, Jared Slade, Robert Agnich and Roger Sashington
		Against:	-	0	

Motion # 5

I move that the Board of Adjustment, in Appeal No. BDA 234-083, on application of Rob Baldwin, **GRANT** the request of this applicant to construct and/or maintain a 11-foot 3-inch high fence on Walnut Hill Ln. 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:	Jared Slade				
Second:	Robert Agnich				

Results:	4-0 Unanimously				Motion to grant
		Ayes:	-	4	Rodney Milliken, Jared Slade, Robert Agnich and Roger Sashington
		Against:	-	0	

7. 507 Exposition Avenue
 BDA234-088(BT)

BUILDING OFFICIAL'S REPORT: Application of Robert Long for a variance to the parking regulations at **507 EXPOSITION AVE**. This property is more fully described as Block 6/813, Lot 1, and is zoned PD-269, which requires parking to be provided. The applicant proposes to construct and/or maintain a residential structure for a multifamily use, and provide 68 of the required 94 parking spaces, which will require a 26-space variance (28% reduction) to the parking regulation.

LOCATION: 507 Exposition Ave.

APPLICANT: Robert Long

REQUEST:

A request for a variance to the off-street parking regulations

STANDARDS OF REVIEW FOR A VARIANCE:

Section 51A-3.102(d)(10) of the Dallas Development Code specifies that the board has the power to grant variances from the front yard, side yard, rear yard, lot width, lot depth, lot coverage, floor area for structures accessory to single-family uses, height, minimum sidewalks, **off-street parking** or off-street loading, or landscape regulations provided that the variance is:

- (D) **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.
- (E) **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
- (F) **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.

BOARD OF ADJUSTMENT
August 19th, 2024

- (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. zoning.

STAFF RECOMMENDATION:

1. Variance to the off-street parking regulations

Denial

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

- A. Is not contrary to the public interest, indicated by having received no letters of opposition.
- B. Is not restrictive in shape or slope. The subject proposed re-platted site is 27,684 sq. ft. or 0.636 acre and is in PD-269 (Tract A) which has no minimum lot size. With respect to subject site and other lots located in same area of PD-269, lot sizes vary. Therefore, the subject site can be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. It is a self-created or personal hardship.

Square Footage:

This lot overall proposed area is 27,684 sq. ft.

This lot is zoned PD-269 Tract A which has no minimum lot size.

Zoning:

Site: PD-269 Tract A
North: PD-269 Tract A
South: PD-269 Tract A
East: PD-269 Tract A
West: PD-269 Tract A

Land Use:

The subject site proposed development with a multifamily use. The areas to the north, south, east, and west are developed with various use types.

BDA HISTORY:

No BDA history found within the last 5 years.

GENERAL FACTS/STAFF ANALYSIS:

- The application of Robert D Long for the property located at 507 Exposition Ave. focuses on 1 request relating to a variance to the off-street parking regulations.
- The variance request to the off-street parking regulations of a 26-space parking (28% reduction) is made to construct and/or maintain a multi-family structure.
- The subject site extends between two streets, both identified on the City of Dallas thoroughfare plan. Exposition (SPCL 5U) and 1st Ave. (EXST CPLT)
- Zoning PD-269 Tract A wide range of allowed and prohibited uses (SEC. 51P-269.105.)

BOARD OF ADJUSTMENT
August 19th, 2024

- Zoning PD-269 Tract A requires one off-street parking space for each per dwelling unit. “Resident only parking” may not be counted toward off-street parking requirements.
- Zoning PD-269 Tract A Maximum building height 200 feet.
- The applicant states that in order to provide the level of quality and lifestyle our residents deserve, we must maximize our lot and push the boundaries on what is currently allowed within the 1 parking stall per unit requirement.
- The applicant states that in order to support the resident local transportation we have three dart stations all within a ¼ mile and a dart rail station 0.3 miles.
- The applicant states that the environmental success of our project is based on the availability of public transportation combined with residents who define their community through local work/play/live.
- The Transportation Engineering division has no objections but does recommend that the applicant provides a parking management analysis describing the parking needs of apartment complex, historic parking demand based on resident and guest needs and anticipated parking operations (remote, on-street, etc.)
- Granting the proposed 26-space variance (28% reduction) to the parking regulations with a condition that the applicant complies with the submitted site plan, would require the proposal to be re-platted and constructed as shown on the submitted documents.
- 200’ Radius Video: [BDA-234-088 507 Exposition Ave](#)

Timeline:

- May 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.
- June 10, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel C.
- June 20, 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 June 26, 2024, deadline to submit additional evidence for staff to factor into their analysis; and July 5, 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 1, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the July public hearings. Review team members in attendance included: The Board of Adjustment Chief

BOARD OF ADJUSTMENT
 August 19th, 2024

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.

July 9, 2024: The Board of Adjustment Panel C July hearings were rescheduled to Monday, August 19, 2024.

July 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 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, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

Speakers:

For: No speakers

Against: No Speakers

Motion # 1

I move that the Board of Adjustment, in Appeal No. BDA 234-088, **HOLD** this matter **under advisement until October 17, 2024.**

Maker:	Jared Slade				
Second:	Robert Agnich				

Motion withdrawn

Motion # 2

I move that the Board of Adjustment, in Appeal No. BDA 234-088, **HOLD** this matter **under advisement until October 21, 2024.**

Maker:	Jared Slade				
Second:	Robert Agnich				

BOARD OF ADJUSTMENT
August 19th, 2024

Results:	4-0 Unanimously				Motion to hold
		Ayes:	-	4	Robert Agnich and Rodney Milliken, Roger Sashington, Jared Slade
		Against:	-	0	

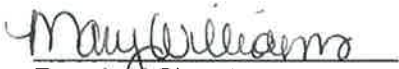
****Recess at 2:50 pm – 2:57 pm****

****Recess at 3:44 pm – 4:05 pm**

Community Interaction Announcement: Jason Pool

ADJOURNMENT

After all business of the Board of Adjustment had been considered, Vice-Chair Agnich moved to adjourn the meeting at **4:40 P.M.**


Required Signature:
Mary Williams, Board Secretary
Planning and Development.

10/21/2024
Date


Required Signature:
Dr. Kameka Miller-Hoskins – Chief Administrator
Planning & Development

10/21/2024
Date


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

10/21/2024
Date