



BOARD OF ADJUSTMENT

Panel C Minutes

October 21st, 2024

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CITY SECRETARY
DALLAS, TEXAS

6ES – Council Briefing
24957316190@dallascityhall.webex.com

Robert Agnich, Vice-Chair

PRESENT: [5]

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

ABSENT: [0]

Vice-Chair Agnich called the briefing to order at **10:38 A.M.** with a quorum of the Board of Adjustment present.

Vice-Chair Agnich called the hearing to order at **1:03 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

It was motion to suspend the Rules of Procedure and allow the docket to be published only 6 days prior to the hearing due to the holiday.

Maker:	Robert Agnich			
Second:	Roger Sashington			

Approval of the Board of Adjustment Panel C, August 19th, 2024, Minutes as amended during the briefing.

A motion was made to approve Panel C, August 19th, 2024, Public Hearing minutes.

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

UNCONTESTED ITEMS

1. **2636 Swiss Avenue**
 BDA234-113(BT)

BUILDING OFFICIAL'S REPORT: Application of Rob Baldwin for (1) a variance to the landscaping regulations at **2636 SWISS AVE**. This property is more fully described as Block 7/284, Lot 18 and 5' E of Lot 17, and is zoned PD-298 (Subarea 5), 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 variance to the landscape regulations.

LOCATION: 2636 Swiss Ave.

APPLICANT: Rob Baldwin

REQUEST: A variance to the landscape 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:

- (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.

BOARD OF ADJUSTMENT
October 21, 2024

- (B) necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a **restrictive area, shape, or slope**, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
- (C) **not granted to relieve a self-created or personal hardship**, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

ELEMENT II SUBSTITUTE:

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

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

STAFF RECOMMENDATION:

Variance:

Approval

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

- A. Not contrary to the public interest as no letters of opposition were received.
- B. Lot is restrictive in **area, shape, or slope**; it is a corner lot, it cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Not self-created nor is it a personal hardship.

The arborist division comment as of October 9, 2024: The chief arborist recommends approval of the variance request from his opinion that literal enforcement of the ordinance to this property will result in unnecessary hardship and the conditions will not be contrary to the public interest. The provision of site trees demonstrates a minimal condition of the ordinance to be maintained on the lot until the property may be subject to future redevelopment and full adherence to the zoning regulations.

BACKGROUND INFORMATION:

Zoning:

- Site:** PD-298 (Subarea 5)
- North:** PD-298 (Subarea 11) Tract 1

East: PD-298 (Subarea 5)
South: PD-298 (Subarea 5)
West: PD-298 (Subarea 5) and PD-298 (Subarea 5B)

Land Use:

The subject site is currently developed with a vacant one story structure. The surrounding area mainly consists of retail and commercial structures.

BDA History:

No BDA history found within the last 5 years.

GENERAL FACTS/STAFF ANALYSIS:

- A request for a variance to the landscape regulations of PD-298 (Subarea 5) and Article X.
- Specifically, the variance is to the landscaping requirements of Sec. 51P-298.106, Landscaping, pertaining to the general requirements for a) the landscaping provisions of Article X as they apply in the Bryan Area SPD and b) the additional provisions that apply in Subarea 5 for street trees in the tree planting zone and sidewalks.
- The revised alternate landscape plan applies conditions for a landscape area adjacent to Cantegral Street and new sidewalk at or below the district standards along Swiss Avenue and Cantegral Street.
- An existing structure remains on the site where a permit is submitted for a new parking lot use with new impervious coverage requiring compliance with landscaping regulations.
- The existing building location is restrictive to tree planting and full adherence to sidewalk requirements.
- Overhead electric lines limit the ability for planting large canopy trees along the street perimeter or the landscape area.
- The plan provides for the minimum Article X requirement of two small site trees on the small lot.
- Per staff's review of the subject site, it has been confirmed that the single-story structure is existing.
- The property is under site plan review for a catering service use, restaurant without drive-in-service.
- The applicant has the burden of proof in establishing the following:
 - 1) That granting the variance to the landscape regulations will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
 - 2) The variance is necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such restrictive area, shape, or slope, that it cannot be

BOARD OF ADJUSTMENT
October 21, 2024

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

- 3) The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.
- Granting the variance to the landscape 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: [BDA234-113 at 2636 Swiss Ave](#)

Timeline:

August 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.

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

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: 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

BOARD OF ADJUSTMENT
 October 21, 2024

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:

BDA234-114 – Application of Rob Baldwin, for a variance to the landscaping regulations contained 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:	Roger Sashington				
Second:	Judy Pollock				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Roger Sashington, Judy Pollock, Rodney Milliken, Jared Slade and Robert Agnich
		Against:	-	0	

2. 5605 Richard Avenue
 BDA234-125(CJ)

BUILDING OFFICIAL'S REPORT: Application of David Turcich for (1) variance to the side-yard setback regulations at 5605 Richard Avenue. This property is more fully described as Block 18/1931, Lot 23 and is zoned CD-15, which requires side-yard setback of 10-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 5-foot side-yard setback, which will require (1) a 5-foot variance to the side-yard setback regulations.

LOCATION: 5605 Richard Avenue

APPLICANT: David Turcich

REQUEST:

- (1) A request for a variance to the side yard setback 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.
- (iii) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
- (iv) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (v) the municipality considers the structure to be a nonconforming structure.

STAFF RECOMMENDATION:

1. Variance to the side yard setback regulations

Approval

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

- A. Not contrary to the public interest as no letters of opposition were received before case reports were finalized and submitted.
- B. The subject site is not sloped or irregularly shaped. The subject site is also 7,797.24 sq ft. which is larger than the minimum lot size for residential use in the Conservation District #15 (R-7.5(A)) zoning district (7,500 sq ft.), however the zoning change, referenced in Ordinance No. 26391, that now requires a 10-foot side yard setback on the east side of the property (rather than the original 5' that the existing structure maintains) further decreases the developable area of the subject site; therefore, the property cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Is not a self-created or personal hardship.

BACKGROUND INFORMATION:

BDA History:

No BDA history found at 5650 Richard Avenue within the last 5 years.

Square Footage:

This lot contains 7797.24 of square feet.

This lot is zoned Conservation District #15 (R-7.5(A)) which has a minimum lot size of 7,500 square feet.

Zoning:

Site: Conservation District (CD) #15 / R-7.5(A)

BOARD OF ADJUSTMENT
October 21, 2024

North: Conservation District (CD) #15 / R-7.5(A)
South: MF-3(A) (Multifamily District)
East: Conservation District (CD) #15 / R-7.5(A)
West: Conservation District (CD) #15 / R-7.5(A)

Land Use:

The subject site is currently developed with a single-family structure. The areas to the north, east, and west are developed with uses permissible in Conservation District #15. Areas to the south are zoned with Multifamily (MF-3(A)) uses.

GENERAL FACTS/STAFF ANALYSIS:

- The application for the David Turcich property located at 5650 Richard Avenue focuses on 1 request relating to the side yard setback regulations.
- A request for a variance to the side yard setback regulations of 5-feet is made to construct and/or maintain a single-family residential structure.
- Specifically, the applicant is requesting a variance to the side yard setback regulations for the east side of the property at 5650 Richard Avenue; Conservation District #15 (R-7.5(A)) requires a minimum side yard setback of 10-feet on the east side of a property per Ordinance No. 26391.
- It is imperative to note that the existing single-family home was developed before Ordinance No. 26391 was established; the development maintains 5-foot setbacks on the east and west side of the property.
- The subject site is a mid-block lot and has single street frontage on Richard Avenue.
- The subject site along with surrounding properties to the north, south, east and west are zoned with residential uses.
- The subject site is currently developed with a single-family structure and located within an established neighborhood.
- In short, the applicant is requesting that the new addition to the existing single-family residential structure be allowed the same 5-foot setback on the east side of the property that the existing house currently maintains.

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

- That granting the variance(s) will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
- The variance(s) are necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
- The variance(s) would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

The board may also consider Dallas Development Code **§51A-3.102(d)(10)(b)**, formerly known as

BOARD OF ADJUSTMENT
October 21, 2024

HB 1475 as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

- (a) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code.
 - (b) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
 - (c) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
 - (d) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
 - (e) the municipality considers the structure to be a nonconforming structure.
- Granting the proposed variance below, 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.
 - 5-foot variance to the side yard setback regulations.
 - 200' Radius Video: [BDA234-125 at 5605 Richard Ave.](#)

Timeline:

September 5, 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 C.

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: 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:

BDA234-125 – Application of David Turcich, for a variance to the side-yard setback regulations contained 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:	Roger Sashington				
Second:	Judy Pollock				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Roger Sashington, Judy Pollock, Jared Slade, Rodney Milliken and Robert Agrich
		Against:	-	0	

HOLDOVER CASES

3. 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 Freeway. 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 percent 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 percent) 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 percent) of the required 512 parking spaces at 9334 E. R.L. Thornton Freeway.
- The subject site is currently developed with a nonresidential structure.

BOARD OF ADJUSTMENT
October 21, 2024

- 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 percent) 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 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 its regular scheduled hearing on June 17, 2024 voted to hold this matter under advisement until its 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

BOARD OF ADJUSTMENT
October 21, 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:

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

August 19, 2024:

Panel C, at its regular scheduled hearing on August 19, 2024 voted to hold this matter under advisement until its October hearing.

August 22, 2024:

The Board Secretary mailed the applicant an outcome letter restating the board outcome and the hearing date/time for October.

Speakers:

For: Jordan Corbitt, 1565 Parkside Drive, Alpharetta, GA 30004
Christian DeLuca, 4411 McKinney Ave, Dallas TX 75205

Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BDA 234-079, on application of Jordan Corbitt, **GRANT** the request of this applicant to provide 422 off-street parking spaces to the off-street parking regulations contained in the Dallas Development Code, as amended, which requires 512 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 home improvement center use only.

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

The special exception of **90 spaces** shall automatically and immediately terminate if and when the home improvement center use is changed or discontinued.

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

INDIVIDUAL CASES

**4. 5239 Monticello Ave
 BDA234-127(CJ)**

BUILDING OFFICIAL’S REPORT: Application of Samuel and Lauren Huffines represented by Karl Crawley to appeal the decision of the administrative official at 5239 MONTICELLO AVENUE. This property is more fully described as Block Q/2185, Lot 9, and is zoned CD-9, which requires compliance with conservation district standards. The applicant proposes to appeal the decision of an administrative official in the denial of a conservation district work review.

LOCATION: 5239 Monticello Avenue

APPLICANT: Samuel and Lauren Huffines

REPRESENTED BY: Karl Crawley

REQUEST:

A request is made to appeal the decision of an administrative official in the official in the denial of a conservation district work review.

STANDARD FOR APPEAL FROM DECISION OF AN ADMINISTRATIVE OFFICIAL:

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

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

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

STAFF RECOMMENDATION:

Administrative Official Appeal (1):

No staff recommendation is made on this request.

BDA History:

No BDA History found at 5239 Monticello Avenue in the last 5 years.

Zoning:

Site: Conservation District (CD) #9
North: Conservation District (CD) #9
South: Conservation District (CD) #9
East: Conservation District (CD) #9
West: Conservation District (CD) #9

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:

September 9, 2024: The applicant was sent a denial letter for CD24060603 application to paint previously unpainted brick.

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

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 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 21, 2024

Speakers:

For: Karl Crawley, 2201 Main Street, Dallas TX 75201
 Crystal Lemus, 2201 Main Street, Dallas TX 75201

Representing the City of Dallas: Trevor Brown, Chief Planner, Conservation District
 1500 Marilla Street, Dallas TX 75201

Motion

Having fully reviewed the decision of the administrative official of the City of Dallas in Appeal No. BDA 234-127, on application of Samuel and Lauren Huffines, represented by Karl Crawley, 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 and **DENY** the relief requested by the applicant.

Maker:	Jared Slade				
Second:	Rodney Milliken				
Results:	3-2				Motion to deny passes
		Ayes:	-	3	Rodney Milliken, Jared Slade and Roger Sashington
		Against:	-	2	Robert Agnich and Judy Pollock

****Recess at 1:46 pm – 1:58 pm****

ADJOURNMENT

After all business of the Board of Adjustment had been considered, Vice-Chair Agnich moved to adjourn the meeting at **3:34 P.M.**



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


 Date



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


 Date



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


 Date