



BOARD OF ADJUSTMENT
SPECIAL CALL MEETING

October 31, 2023

RECEIVED
2023 NOV 17 AM 11:02
CITY SECRETARY
DALLAS, TEXAS

6EN Council Chambers
24923176153@dallascityhall.webex.com

PRESENT: [17]

David A. Neumann, Chairman	Rodney Milliken
Cheri Gambow, Vice Chair	Jared Slade
Robert Agnich, Vice Chair	Dr. Emmanuel Glover
Rachel Hayden	Roger Sashington
Kathleen Davis	Nicholas Brooks
Sarah Lamb	Philip Sahuc
Joe Cannon – Virtual	Andrew Finney
Michael Karnowski	
Derrick Nutall – Virtual	
Michael Hopkovitz	

ABSENT: [3]

Jay Narey	
TC Fleming	
Judy Pollock	

Chairman Neumann called the Special Meeting of the Board of Adjustment to order at **9:00A.M.** with a confirmed quorum of the Board of Adjustment present.

WELCOME: David A. Neumann

- Announcement of Special Meeting
- Introduction of Board Members
- Introduction of Board Staff
- Introduction of City Attorney Tammy Palomino
- Introduction of Andrew Espinoza, Director, Development Services and building Official

CHAIRMAN'S UPDATE:

David A. Neumann

October 1, 2022 – September 30, 2023

Focus: Ensure Fairness for every property owner appeal to the Board of Adjustment through a Transparent process that culminates in Timely hearings where Accurate information is reasonably applied to the Board's preexisting legal standards.

CHAIRMAN'S UPDATE:

David A. Neumann

Advocacy:

- Met quarterly with Andrew Espinoza, Director Development Services, to review City staff support for Board and transition to Development Services from Planning & Urban Design. Applaud his commitment to being a "customer facing organization".
- Frequently solicited Board member feedback and forwarded to City staff on need for improvement on Timeliness, Accuracy, comprehensive staff analysis and Website.

Empowerment:

- Met with several City Council members to review our proposed update to the BOA's Rules of Procedure. Successfully obtained unanimous Dallas City Council approval of our update to the BOA's Rules of Procedure on April 12, 2023.
- Implemented our updated Rules of Procedure providing greater empowerment of the Board and its Officers as a citizen appointed board of the City Council. All panel hearings were fully attended by 5 Members/Alternates to ensure fairness to the applicant.

Transition:

- Challenged by city staff turnover of three city Board Administrators, Senior Planners, and resulting learning curves during last 12 months.

Progress:

- Encouraged by the appointment of Jason Pool as Development Services Administrator in August 2023, to provide management oversight of City staff for BOA. Meeting monthly with Jason to review progress and plan process improvement to develop
 - 1) verifiable, predefined, and consistent measurement of days from application to hearing;
 - 2) more comprehensive staff analysis for hearings, and
 - 3) to leverage/utilize the BOA website to provide accurate and timely information to the public regarding all aspects of the BOA appeal process.

PUBLIC TESTIMONY

The Board of Adjustment provided "public speaker" opportunities for individuals to comment on matters that were scheduled on the agenda or to present concerns or address issues that were not matters for consideration listed on the posted meeting agenda.

- Steve Long – Masterplan, Consultant
- Robert Reeves – Robert Reeves and Associates, Consultant
- Dallas Cothrum – Masterplan, Consultant
- Jonathan Vinson – Jackson Walker, Consultant
- Santos Martinez (Virtual) – La Sierra Planning, Consultant

Recess: 11:00 a.m.; Resume: 11:07 a.m.

Board Training

- **Ethics and Conflict of Interest** – Baron Eliason, Chief Integrity Officer
 - Why we have the Code of Ethics
 - Location of the fence: City Government
 - The BIG picture of ethics in our city
 - Posts of the fence – the “Articles”
 - Two Main Backers – 1) Fiduciary duty, 2) Six constant rules of conduct
 - Standards of Conduct
 - The Pickets of Our Fence: Provisions of the Code
 - 12A Cheat Sheets
 - Bumping into a conflict
 - Advisory opinions
 - Complaint Process – §12A-52
 - Questions and Answers
 - When is best to keep quiet §12A-17
 - Ex Parte is NOT okay §12A-23
 - Pro Tip
 - Reciprocal Favors §12A-14
 - Personal Benefit to Others §12A-13
 - Substantial Interests in a business §12A-13.1
 - Benefits to Previous Employers §12A-14
 - Area of Notification §12A-14
 - Outside Employment §12A-19
 - Gifts §12A-12
 - Reporting Chart – Financial Disclosure
 - Reporting Chart – Financial Statement
 - Reporting Chart – Short Form
 - Reporting Chart – Gifts
 - Reporting Chart – Donations
 - Reporting Chart – Travel
 - Ethics Hotline
- **City Attorney’s Office** – Matthew Sapp, Board Attorney & Assistant City Attorney
 - Role of Board Officers, Members, Staff
 - HB 14
 - What are the Sources of Authority
 - Variances §51A-3.102
 - Practical Variance Analysis
 - Variances §51A-3.102(a)(ii)
 - Area
 - Shape
 - Slope
 - Pre-existing Structure
 - Variances §51A-3.102(a)(iii)
 - Self-created hardship
 - Lot Analysis
 - Structure Analysis
 - Texas State Statues and Dallas City Code
 - City of Dallas v Vanesko

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- Variances §51A-3.102(a)(i)
- Public Interest
- MAS
- Practical Special Exception Analysis

Open Records Requests – Brady Flannery, Assistant City Attorney

- What is Public Information?
- What is Official Business?
- Applicability of the PIA
- Minimum Requirements
- Email Addresses
- Cell Phones and Social Media
- Calendars
- Exceptions to Release
- Mandatory Exceptions
- Discretionary Exceptions
- Super Public Information – Released
- Overview of Open Records Process
- Overview of Litigation Process
- Criminal Penalties
- Public Access Option Form / SB 1082

Recess: 12:50 p.m.; Resume: 1:30 p.m.

- **Texas Open Meetings Act – Daniel Moore, Assistant City Attorney**
 - Open meetings and Open Records Training
 - The Rule
 - Meeting
 - Walking Quorums
 - Notice Requirements
 - Other Rules
 - Close Meeting (Executive Session)
 - Close Meeting: Who may Attend
 - Recordkeeping
- Parliamentary Procedure
 - Purpose
 - Types of Motions
 - Amendments
 - Reconsiderations
 - Debate
 - Frequently Asked Questions

Development Services Department

- Application Intake Process – Diana Barkume, Development Code Specialist Project Coordinator & Dr. Kameka Miller-Hoskins, Senior Planner
 - What is the Intake Process?
 - Pre-Screen Process
 - Complete Application
- 2022-2023 Status Report – Jason Pool, Development Services Administrator
 - Background
 - Objective One: Timeliness, Transparency, Accuracy & Teamwork

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- Objective Two: Successfully transition City Staff to DSD with new Board Administrator and Sr. Planners
 - Objective Three: Significantly decrease A-to-H timeline
 - Objective Four: Significant website enhancements to increase taxpayer/property owner access & awareness of pending zoning appeals.
 - Objective Five: Meeting/Agenda dockets publicly available 7-days in advance of hearings
 - Objective Six: Quarterly enhanced training of members/alternates on rules, COI, criteria for decision-making, & onboard of new members.
 - Objective Seven: Improving surrounding property owner notification process
 - Objective Eight: Obtain more comprehensive staff/technical report presentation for appeal hearings with enhanced photos & property comparisons.
 - Looking Forward
- Strategic Efficiency Plan 2023-2024 – Jason Pool, Development Services Administrator
 - FY2023-2024 Goals
 - Timeliness
 - Transparency
 - Accuracy
 - Teamwork
 - Summary for FY 2023-2024

Board Member Response

- Suggestions & Feedback

Action Items

- Review/Adopt 2024 Meeting Calendar
- Review/Adopt Annual Report for City Council
 - 2022 - 2023 Accomplishments
 - 2023 - 2024 Goals and Objectives
- Board Recommendations

BOARD OF ADJUSTMENT ACTIONS

- Review/Adopt 2024 Meeting Calendar

Maker:	Cheri Gambow					
Second:	Sarah Lamb					
Results:	17-0 unanimously					Moved to approve/adopt
		Ayes:	-		17	David A. Neumann, Robert Agnich, Cheri Gambow, Rachel Hayden, Kathleen Davis, Michael Hopkovitz, Joe Cannon, Derrick Nutall, Sarah Lamb, Michael Karnowski, Roger Sashington, Rodney Milliken, Jared Slade, Nick Brooks, Philip Sahuc, Andrew Finney, Emmanuel Glover.
		Against:	-		0	

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- 2022-2023 Accomplishments

Maker:	Cheri Gambow				
Second:	Andrew Finney				
Results:	17-0 unanimously				Moved to approve/adopt
		Ayes:	-	17	David A. Neumann, Robert Agnich, Cheri Gambow, Rachel Hayden, Kathleen Davis, Michael Hopkovitz, Joe Cannon, Derrick Nutall, Sarah Lamb, Michael Karnowski, Roger Sashington, Rodney Milliken, Jared Slade, Nick Brooks, Philip Sahuc, Andrew Finney, Emmanuel Glover.
		Against:	-	0	

- 2023 - 2024 Goals and Objectives

Maker:	Rachel Hayden				
Second:	Phil Sahuc				
Results:	17-0 unanimously				Moved to approve/adopt
		Ayes:	-	17	David A. Neumann, Robert Agnich, Cheri Gambow, Rachel Hayden, Kathleen Davis, Michael Hopkovitz, Joe Cannon, Derrick Nutall, Sarah Lamb, Michael Karnowski, Roger Sashington, Rodney Milliken, Jared Slade, Nick Brooks, Philip Sahuc, Andrew Finney, Emmanuel Glover.
		Against:	-	0	

ADJOURNMENT

After all business of the Board of Adjustment had been considered, Chairman Neumann moved to adjourn the meeting at 4:10 p.m. and it was unanimously approved.


Required Signature:

Mary Williams, Board Secretary
Development Services Dept.


Date

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Required Signature:
Jason Pool / Development Services Administrator

Development Services Dept.

11/15/23
Date



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

11/15/23
Date