



BOARD OF ADJUSTMENT

Panel C Minutes

June 22, 2023

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CITY SECRETARY
DALLAS, TEXAS

6ES Briefing Room

24957316190@dallascityhall.webex.com

bex.com

Robert Agnich, Vice-Chair

PRESENT: [5]

Robert Agnich, VC	
Rodney Milliken	
Jared Slade	
Judy Pollock	
TC Fleming	

ABSENT: [0]

Roger Sashington	

Vice-Chair Agnich called the briefing to order at **10:32 A.M.** with a quorum of the Board of Adjustment present.

Vice-Chair Agnich called the hearing to order at **1:06 P.M.** with a quorum of the Board of Adjustment present.

The Chairperson stated that no action of the Board of Adjustment shall set a precedent. Each case must be decided upon its own merits and circumstances, unless otherwise indicated, each use is presumed to be a legal use. Each appeal must necessarily stand upon the facts and testimony presented before the Board of Adjustment at this public hearing, as well as the Board's inspection of the property.

PUBLIC SPEAKERS

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

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

MISCELLANEOUS ITEMS

Approval of the Board of Adjustment Panel C February 23, 2023 public hearing minutes.

Motion was made to approve Panel C February 23, 2023 public hearing minutes.

Maker:	Judy Pollock				
Second:	Robert Agnich				
Results:	5-0 unanimously				
		Ayes:	-	5	Robert Agnich, Judy Pollock, TC Fleming, Rodney Milliken, and Jared Slade
		Against:	-	0	

UNCONTESTED ITEMS

1. 304 S. Beacon Street
BDA223-047(GB)

BUILDING OFFICIAL’S REPORT: Application of Baldwin Associates for a variance to the front yard setback regulations at 304 S. Beacon Street. This property is more fully described as tract 2, block 698, and is zoned D(A), which requires a front yard setback of 25 feet. The applicant proposes to construct a single-family residential structure and provide an 11-foot front yard setback, which will require a 14-foot variance to the front yard setback regulations.

LOCATION: 304 S. Beacon Street

APPLICANT: Baldwin Associates

REQUEST:

A request for a variance to the side yard setback regulations of 14 feet is made to construct a single-family home. The applicant is proposing to construct and/or maintain a single-family residential structure and provide a 11-foot side yard setback, which will require a 14-foot variance to the side yard setback regulations.

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.

State Law/HB 1475 effective 9-1-21

- the board may consider the following 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 the municipality considers the structure to be a nonconforming structure.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that the subject site is unique and different from most lots in the D(A) zoning district in that it is restrictive in area because the site is a corner is situated on the exterior of a corner lot.
- Staff concluded that granting the variance in this application would not be contrary to public interest in that the variance would allow a single-family home to be constructed commensurate with neighboring properties.

- **ZONING/BDA HISTORY:**

- ❖ BDA212-07. Request: Variance to the front yard setback regulations
- ❖ Approved on August 18,2022

Zoning:

Site: D(A)

Land Use:

The subject site is vacant. The areas to the north, south, east, and west are developed with single-family uses.

GENERAL FACTS/STAFF ANALYSIS:

- A request for a variance to the front yard setback regulations of 14 feet is made to construct a single-family home.
- The subject property is located at the corner of S. Beacon and Sante Fe.
- The subject property is zoned D (A).
- The subject property is situated on a corner lot.
- The applicant is requesting a variance to the front yard setback regulations located on S. Beacon Street. A variance is not required for Sante Fe.
- The applicant has the burden of proof in establishing the following:
 - (A) In general.
 - (i) the variance is 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;
 - (ii) the variance is 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
 - (iii) the variance is not granted to relieve a self-created or personal hardship, nor for financial reasons only, except as provided in Subparagraph (B)(i), 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.
- If the Board were to grant the variance request, and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document.

Timeline:

- March 30, 2023: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- April 15, 2023: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.
- May 05, 2023: The Board of Adjustment Senior Planner emailed the applicant the following information:
- a copy of the application materials including the Building Official's report on the application
 - an attachment that provided the public hearing date and panel that will consider the application; the May 30, 2023, deadline to submit additional evidence for staff to factor into their analysis; and the June 09, 2023, 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."
- May 31, 2023: The Board of Adjustment staff review team meeting was held regarding this

request and the others scheduled for the June public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planners, the Board of Adjustment Development Code Specialist, the Board of Adjustment Consultant, the Chief Arborist, Development Services Senior Engineers, City of Dallas Code Staff, and the Board Attorney.

No review comment sheets were submitted in conjunction with this application.

June 07, 2023: The applicant submitted documentary evidence. Exhibit A

Speakers:

For: Rob Baldwin, Baldwin Associates (Did not speak)

Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BDA 223-047, on application of Baldwin Associates, **GRANT** the 14-foot variance to the front yard setback 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.

BDA223-047 —Application of Baldwin Associates for the 14-foot variance to the front yard setback regulations in the Dallas Development Code, is **granted** subject to the following condition:

Compliance with the submitted site plan is required.

Maker:	Rodney Milliken				
Second:	TC Fleming				
Results:	5-0 Unanimously				
		Ayes:	-	5	Judy Pollock, TC Fleming, Rodney Milliken, Jared Slade, and Robert Agnich
		Against:	-	0	

2. 2513 N. Fitzhugh Ave.

***This case was moved to Individual Items**
 BDA223-049(GB)

BUILDING OFFICIAL'S REPORT: Application of Ruth Solorzano for a variance to the rear yard setbacks. This property is more fully described as lots 2,3, & 4, block 2/2001, and is zoned CR, which requires a front yard setback of 20-feet where there is adjacency for new construction. The applicant proposes to construct a non-residential structure and provide a 3-foot rear yard setback, which will require a 17-foot variance to the rear yard setback regulations.

LOCATION: 2513 N. Fitzhugh Avenue

APPLICANT: Baldwin Associates

REQUEST:

A variance to the rear-yard setback regulations. The applicant proposes to construct a non-residential structure and provide a 3-foot rear yard setback, which will require a 17-foot variance to the rear-yard setback regulations.

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:

- (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.

State Law/HB 1475 effective 9-1-21

- the board may consider the following 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 the municipality considers the structure to be a nonconforming structure.

STAFF RECOMMENDATION:

- Approval
 1. Rationale: Granting this variance would not adversely affect the neighboring properties.
 2. Condition: If the board grant the variance the applicant would have to comply with the approved site plan.

• **ZONING/BDA HISTORY:**

There has not been any BDA history for this property within the last 5 years.

Zoning:

Site: CR

Land Use:

The subject site is developed with commercial uses . The areas to the north, south, east, and west are developed commercial and residential mixed uses.

GENERAL FACTS/STAFF ANALYSIS:

- A special exception to the rear yard setback regulations. The applicant proposes to construct a non-residential structure and provide a 3-foot rear yard setback, which will require a 17-foot variance to the rear yard setback regulations.
- The subject property is located at 2513 N. Fitzhugh Avenue
- The subject property is zoned CR
- The subject property is situated on a corner lot.
- The applicant is requesting a variance to the rear yard setback regulations.
- The applicant has the burden of proof in establishing the following:

In general.

- a) the variance is 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) the variance is 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) the variance is not granted to relieve a self-created or personal hardship, nor for financial reasons only, except as provided in Subparagraph (B)(i), 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.
- d) If the Board were to grant the variance request, and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document.

Timeline:

- April 04, 2023: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- April 15, 2023: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.
- May 05, 2023: The Board of Adjustment Senior Planner emailed the applicant the following information:
- a copy of the application materials including the Building Official's report on the application
 - an attachment that provided the public hearing date and panel that will consider the application; the May 30, 2023, deadline to submit additional evidence for staff to factor into their analysis; and the June 09, 2023,

BOARD OF ADJUSTMENT
June 22, 2023

- 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.”

May 31, 2023: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the February public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planners, the Board of Adjustment Development Code Specialist, the Board of Adjustment Consultant, the Chief Arborist, Development Services Senior Engineers, City of Dallas Code Staff, and the Board Attorney.

No review comment sheets were submitted in conjunction with this application.

As of June 9, 2023, no letters received in favor nor opposition for this case.

Speakers:

- For: Ruth Solorzano, 2023 Custer Dr, Dallas TX 75216
- Against: Jules Palmer, 3004 Durango Court, Richardson, TX

Motion

I move that the Board of Adjustment, in Appeal No. BDA 223-049, on application of Ruth Solorzano **GRANT** the 17-foot variance to the rear yard setback 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 revised submitted site plan is required.

Maker:	Jared Slade				
Second:	Judy Pollock				
Results:	4-1				
		Ayes:	-	4	Judy Pollock, TC Fleming, Rodney Milliken, Jared Slade
		Against:	-	1	Robert Agnich

INDIVIDUAL CASES

3. 7217 Brookshire Circle

BDA223-053(GB)

BUILDING OFFICIAL'S REPORT: Application of Steve Lakin for a special exception to the fence height regulations at 7217 Brookshire Circle. This property is more fully described as Block 6/6586, Lot 2 and is zoned R-16 (A), which limits the height of a fence in a required front-yard to 4-feet. The applicant proposes to construct a 6-foot high fence in a required front-yard, which will require a 2-foot special exception to the fence height regulations.

LOCATION: 7217 Brookshire

APPLICANT: Steve Lakin

REQUEST:

A request for a special exception to the fence height regulations. The applicant is proposing to construct a 6-foot-high fence in a front yard, which will require a 2-foot special exception to the fence regulations.

STANDARD FOR A SPECIAL EXCEPTION:

The board may grant a special exception to the fence standards in this subsection when, in the opinion of the board, the special exception will not adversely affect neighboring property.

STAFF RECOMMENDATION:

Staff does not provide a recommendation for special exceptions.

• **ZONING/BDA HISTORY:**

Zoning:

Site: R-16 (A)

Land Use:

The subject site is developed with a single family home. Areas to the North, South, East, and West are developed with single-family uses.

GENERAL FACTS/STAFF ANALYSIS:

- A request for a special exception to the fence height regulations. The applicant is proposing to construct a 6-foot fence which will require a 2-foot special exception.
- The subject property is located at 7217 Brookshire Drive
- The subject property is zoned R-16 (A).
- This property is governed by a zoning district that allows fences in a required front yard to be no more than 4 feet.
- No special exception would be necessary if the proposed fence was 4 feet or under.

If the Board were to grant this special exception, and impose the submitted site plan as a condition, the applicant would be required to construct the fence according to the approved site plan.

BOARD OF ADJUSTMENT
June 22, 2023

Timeline:

April 06, 2023: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

April 15, 2023: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

May 03, 2023: The Board of Adjustment Senior Planner emailed the applicant the following information:

- a copy of the application materials including the Building Official's report on the application
- an attachment that provided the public hearing date and panel that will consider the application; the May 30, 2023, deadline to submit additional evidence for staff to factor into their analysis; and the Friday, June 09, 2023, 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."

May 31, 2023: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the June 22, 2023, public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planners, the Board of Adjustment Development Code Specialists, the Chief Arborist, Development Services Senior Engineers, and the Board Attorney.

No review comment sheets were submitted in conjunction with this application.

June 02-06, 2023: Received letters from neighbors within the notification area

Speakers:

For: Steve Lakin, 400 Donley Ct, Southlake, TX 76092
Peter Kofoed, 7217 Brookshire Dr., Dallas TX 75230
Kristie Kofoed, 7217 Brookshire Dr., Dallas TX 75230

Against: Jennifer Lavender, 7127 Brookshire Cir., Dallas TX 75230
Mary Lavender, 12247 Montego Plaza, Dallas TX 75230
John J. Barto, 7107 Brookshire Cir., Dallas TX 75230
Susan White, 7115 Brookshire Cir., Dallas TX 75230
Liane LaBarba, 7121 Brookshire Cir., Dallas TX 75230

It was moved for the Board of Adjustment to suspend the rules of evidence to allow for only 1 set of 3 pages to be submitted to the Board by Chair Agnich.

Passes unanimously

Motion

I move that the Board of Adjustment in Appeal No. BDA 223-053, an application of Steve Lakin, to **HOLD** this matter under advisement until July 17, 2023.

Maker:	Robert Agnich				
Second:	Rodney Milliken				
Results:	5-0 Unanimously				
		Ayes:	-	5	Robert Agnich, TC Fleming, Judy Pollock, Rodney Milliken, and Jared Slade
		Against:	-	0	

4. 4001 Turtle Creek Blvd.
BDA223-051(GB)

BUILDING OFFICIAL'S REPORT Application of ROBERT REEVES for a special exception to the fence height regulations, and for a special exception to the fence standards regulations, and for a variance to the front yard setback regulations at 4001 TURTLE CREEK BLVD. This property is more fully described as Block 1/2062, Lot 11 and is zoned PD-193; sub area R-7.5, which limits the height of a fence in the front yard to 4 feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line and requires a front yard setback of 25 feet. The applicant proposes to construct and maintain a 10 foot high fence in a required front yard, which will require a 6 foot special exception to the fence regulations, and to construct and maintain a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence regulations, and to construct and maintain a single-family residential accessory structure and provide a 10 foot 6 inch front yard setback, which will require a 14 foot 6 inch variance to the front yard setback regulations.

LOCATION: 4001 Turtle Creek Blvd

APPLICANT: Robert Reeves

REQUEST:

The applicant is requesting the following:

1. **special exception to the fence height regulations**
2. **a special exception to the fence standards**
3. **a variance to the front yard setback regulations.**

The applicant proposes to construct a 10-foot-high fence in a required front yard, which will require a 6-foot special exception to the fence regulations, and to construct and maintain a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence regulations, and to construct a single-family residential accessory structure and to provide an 10-foot front yard

setback , which will require a 14-foot variance to the front yard setback regulations.

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:

- (G) 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.
- (H) 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
- (I) 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.

STANDARD FOR A SPECIAL EXCEPTION:

The board may grant a special exception to the fence standards in this subsection when, in the opinion of the board, the special exception will not adversely affect neighboring property.

State Law/HB 1475 effective 9-1-21

- the board may consider the following 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 the municipality considers the structure to be a nonconforming structure.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that the subject site is unique and different from most lots in the PD193 zoning district in that it is restrictive in shape.
- Staff concluded that granting the variance and special exception in this application would not be contrary to public interest.
-
- **ZONING/BDA HISTORY:**
 - ❖ BDA167-058. Request: Special Exception to the fence height regulations
 - ❖ Approved on 05/19/2017
 - ❖ Condition: compliance with the approved site plan

Zoning:

Site: PD193

Land Use:

The subject site is developed with a residential structure . The areas to the north, south, east, and west are developed with single-family uses.

GENERAL FACTS/STAFF ANALYSIS:

- The applicant is requesting the following:
 1. **special exception to the fence height regulations**
 2. **a special exception to the fence standards**
 3. **a variance to the front yard setback regulations.**
- The site zoned PD193
- The applicant was issued a building permit for a swimming pool on August 06,2021
- The applicant has the burden of proof in establishing the following:
 - (A) In general.
 - (i) the variance is 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;
 - (ii) the variance is 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
 - (iii) the variance is not granted to relieve a self-created or personal hardship, nor for financial reasons only, except as provided in Subparagraph (B)(i), 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.
- If the Board were to grant the variance request, and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document.

Timeline:

April 06, 2023: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

BOARD OF ADJUSTMENT
June 22, 2023

- April 15, 2023: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.
- May 05, 2023: The Board of Adjustment Senior Planner emailed the applicant the following information:
- a copy of the application materials including the Building Official's report on the application
 - an attachment that provided the public hearing date and panel that will consider the application; the May 30, 2023, deadline to submit additional evidence for staff to factor into their analysis; and the June 09, 2023, 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."
- May 31, 2023: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the February public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planners, the Board of Adjustment Development Code Specialist, the Board of Adjustment Consultant, the Chief Arborist, Development Services Senior Engineers, City of Dallas Code Staff, and the Board Attorney.
- No review comment sheets were submitted in conjunction with this application.
- June 06, 2023: The applicant provided documentary evidence. Please see Exhibit A
- June 09, 2023: Received two letters of opposition. Please see Exhibit B and C

Speakers:

For: Robert Reeves, 3807 Vinecrest Dr., Dallas TX 75229
Stephen Worsham, 4011 Turtle Creek Blvd., Dallas TX 75219
Rick Schene, 3332 Miro, Dallas TX 75204
James Hughes, 4143 Buena Vista Dr, Dallas TX 75204
Bryan Gonzales, 5727 Gaston Ave # 217, Dallas TX 75214
Sam Artz, 8331 Nunley Ln., Dallas TX 75231
Michael McCabe, 4001 Turtle Creek Blvd, Dallas TX 75219
Mark Webb, 5612 Sundaca, The Colony, TX 75056 (did not speak)

Against: No Speakers

Motion # 1-1

I move that the Board of Adjustment, in Appeal No. BDA 223-051, on application of Robert Reeves, **GRANT** the 11-foot variance to the front yard setback 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.

BOARD OF ADJUSTMENT
June 22, 2023

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

Compliance with the submitted site plan is required.

Maker:	Jared Slade				
Second:	Judy Pollock				

Motion # 1-2
Motion to **WITHDRAW**

Maker:	Jared Slade				
Second:	Judy Pollock				

Motion # 1-3

I move that the Board of Adjustment, in Appeal No. BDA 223-051, on application of Robert Reeves, **GRANT** the 14-foot 6-inch variance to the front yard setback 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 submitted site plan is required.

Maker:	Jared Slade				
Second:	Judy Pollock				
Results:	4-1				
		Ayes:	-	4	Judy Pollock, Rodney Milliken, Robert Agnich and Jared Slade
		Against:	-	1	TC Fleming

Motion # 2-1

I move that the Board of Adjustment, in Appeal No. BDA 223-051, on application of Robert Reeves, **GRANT** the request of this applicant to construct and/or maintain a fence with panel having less than 50 percent open surface area located less than five feet from the front lot line as a special exception to the surface area openness requirement for fences in the Dallas Development Code, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property.

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

Compliance with the submitted site plan is required.

BOARD OF ADJUSTMENT
June 22, 2023

Maker:	Jared Slade				
Second:	Rodney Milliken				
Results:	3-2				Motion Fails
		Ayes:	-	3	Judy Pollock, Rodney Milliken, Jared Slade
		Against:	-	2	Robert Agnich, TC Fleming

Motion # 2-2

I move that the Board of Adjustment in Appeal No. BDA 223-051, on application of Robert Reeves, **HOLD** this matter under advisement until July 17th.

Maker:	Robert Agnich				
Second:	Jared Slade				

Motion # 2-3

Motion to **WITHDRAW**

Maker:	Robert Agnich				
Second:	Jared Slade				

Motion # 2-4

Motion to reconsider Board Member Jared Slade motion to approve the request for fence openness.

Maker:	Robert Agnich				
Second:	Jared Slade				
Results:	5-0				
		Ayes:	-	5	Judy Pollock, TC Fleming, Rodney Milliken, Robert Agnich and Jared Slade
		Against:	-	0	

Motion # 2-5

I move that the Board of Adjustment, in Appeal No. BDA 223-051, on application of Robert Reeves, **GRANT** the request of this applicant to construct and/or maintain a fence with panel having less than 50 percent open surface area located less than five feet from the front lot line as a special exception to the surface area openness requirement for fences in the Dallas Development Code, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property.

Maker:	Jared Slade				
Second:	Rodney Milliken				
Results:	4-1				
		Ayes:	-	4	Judy Pollock, Rodney Milliken, Robert Agnich and Jared Slade
		Against:	-	1	TC Fleming

Motion # 3

I move that the Board of Adjustment, in Appeal No. BDA 223-051, on application of Robert Reeves, **GRANT** the request of this applicant to construct and/or maintain a 9-foot high fence as a special exception to the height requirement for fences contained in the Dallas Development Code, as amended, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property.

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

Compliance with the submitted site plan and elevation is required.

Maker:	Jared Slade			
Second:	Rodney Milliken			
Results:	4-1			
		Ayes:	- 4	Robert Agnich, Judy Pollock, Rodney Milliken, and Jared Slade
		Against:	- 1	TC Fleming

ADJOURNMENT

After all business of the Board of Adjustment had been considered, Vice-Chair Agnich moved to adjourn the meeting at **5:46 P.M.**

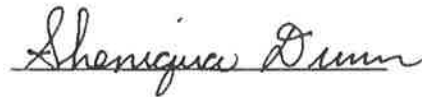
Recess: 3:14 p.m.; Resume: 3:29 p.m.



Required Signature:
Mary Williams, Admin Specialist II
Development Services Dept.

07/17/2023

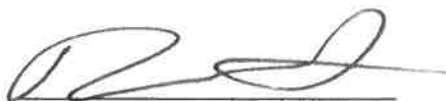
Date



Required Signature:
Nikki Dunn, Board Administrator
Development Services Dept.

7-18-23

Date



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

7/17/2023

Date