

**BOARD OF ADJUSTMENT, PANEL A  
PUBLIC HEARING MINUTES  
CITY OF DALLAS- VIDEOCONFERENCE  
TUESDAY, FEBRUARY 22, 2022**

MEMBERS PRESENT AT BRIEFING: David A. Neumann, Chair, regular member, Jay Narey, regular member, Sarah Lamb, regular member, Lawrence Halcomb, regular member and Kathleen Frankford, regular member

MEMBERS ABSENT FROM BRIEFING: None

STAFF PRESENT AT BRIEFING: Jennifer Munoz, Chief Planner/Board Administrator, Daniel Moore, Asst. City Atty., LaTonia Jackson, Board Secretary, Robyn Gerard, Senior Public Information Officer, Charles Trammell, Development Code Specialist, and Andreea Udrea, Assistant Director

MEMBERS PRESENT AT HEARING: David A. Neumann, Chair, regular member, Jay Narey, regular member, Sarah Lamb, regular member, Lawrence Halcomb, regular member and Kathleen Frankford, regular member

MEMBERS ABSENT FROM HEARING: None

STAFF PRESENT AT HEARING: Jennifer Munoz, Chief Planner/Board Administrator, Daniel Moore, Asst. City Atty., LaTonia Jackson, Board Secretary, Robyn Gerard, Senior Public Information Officer, Charles Trammell, Development Code Specialist, and Andreea Udrea, Assistant Director

**11:00 A.M.** The Board of Adjustment staff conducted a briefing on the Board of Adjustment's **February 22, 2022** docket.

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**1:00 P.M.**

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.

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**MISCELLANEOUS ITEM NO. 1**

Approval of the Board of Adjustment Panel A, January 18, 2022 public hearing minutes.

**BOARD OF ADJUSTMENT ACTION: February 22, 2022**

**MOTION: Lamb**

Approval of the Board of Adjustment Panel A, January 18, 2022 public hearing minutes.

**SECONDED: Halcomb**

**AYES:** 5 – Lamb, Halcomb, Narey, Frankford, Neumann

**NAYS:** 0

**MOTION PASSED:** 5 – 0 (unanimously)

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**FILE NUMBER:** BDA212-010(PD)

**BUILDING OFFICIAL’S REPORT:** Application of Monica Allyn represented by Peter Kavanagh for a special exception to the fence height regulations to provide an eight-foot-high fence in a required front yard which will require a four-foot special exception, and a special exception to the fence standards regulations to provide a fence panel having less than 50 percent open surface area located less than five feet from the front lot line at 5433 Deloache Avenue and Hollow Way Road. This property is more fully described as Lot 11A, in City Block 6/5596, and is zoned an R-1ac(A) Single Family District which requires a front yard setback of 40 feet, limits the height of a fence in the front yard to four feet, and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct a single-family dwelling with an eight-foot-high fence constructed of solid wood, with stucco columns, and iron gates all proposed in the front yard setback along Deloache Avenue.

**LOCATION:** 5433 Deloache Avenue

**APPLICANT:** Monia Allyn represented by Peter Kavanagh

**REQUEST:**

The applicant proposes to construct and maintain an eight-foot-tall fence located on the front property line along Hollow Way Road and Deloache Avenue. The property is currently developed with an approximately 3,742-square-foot, one-and-one-half story, single-family dwelling constructed in 1967.

**STANDARD FOR A SPECIAL EXCEPTION TO THE FENCE STANDARDS (height and openness):**

Section 51A-4.602 of the Dallas Development Code states that the board may grant a special exception to the fence standards when *in the opinion of the board*, the special exception will not adversely affect neighboring property.

**STAFF RECOMMENDATION:**

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

**BACKGROUND INFORMATION:**

**Zoning:**

Site: R-1ac(A) Single Family District  
North: R-1ac(A) Single Family District  
South: R-1ac(A) Single Family District  
East: R-1ac(A) Single Family District  
West: R-1ac(A) Single Family District

**Land Use:**

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

**ZONING/BDA HISTORY:**

There have been five related zoning or board cases in the vicinity within the last five years.

1. BDA178-041: On May 21, 2018, the Board of Adjustment Panel C granted a request granted a request for a special exception to the fence height regulations at 9434 Alva Court.
2. BDA178-073: On August 21, 2018, the Board of Adjustment Panel A granted a variance to the front yard setback regulations and a special exception to the fence standards and visual obstruction regulations at 5333 Deloache Avenue.
3. BDA178-086: On August 22, 2018, the Board of Adjustment Panel B granted a variance to the front yard setback regulations, a special exception to single family use regulations, and special exceptions to the fence standard regulations at 5505 Chatham Hill Road.
4. BDA178-135: On December 10, 2018, the Board of Adjustment Panel C granted special exceptions to the fence standards regulations at 9424 Meadowbrook Drive.
5. BDA201-028: On April 21, 2021, the Board of Adjustment Panel B granted a special exception to the fence height regulations at 9362 Hathaway Street.

**GENERAL FACTS /STAFF ANALYSIS:**

The requests for special exceptions to the fence height and standards regulations to provide an eight-foot-high, solid fence in a required front yard located less than five feet from the front lot line will require a four-foot special exception, and a special exception to the fence standards regulations to provide a fence panel having less than 50 percent open surface area. The applicant is seeking to construct and maintain screening for a residential dwelling unit. The subject site is developed with a single-family home and located in an R-1ac(A) Single Family District which requires a minimum front yard setback of 40 feet.

The submitted site plan indicates that the proposed fence is located along the property line along: for the portion of the stucco columns and iron vehicular entry gate along Hollow Way Road and provides a minimum five-foot setback for the stucco columns and iron vehicular entry gate along Deloache Avenue. The length of the fence along Hollow Way Road is approximately 188 feet while the length along Deloache Avenue is approximately 244 feet.

Lots in this district require a minimum lot area/size of one acre or 43,560 square feet in area. The application indicates that the subject site is approximately 1.156 acres (or approximately 50,355 square feet) in lot area. The subject site is flat and situated at the intersection of two frontages: one along Hollow Way Road, and the second along Deloache Avenue. The Development Code establishes the shorter of the two yards as the front yard while the longer of the two yards is the side yard. Therefore, the portion of the site requiring the special exception to the fence height is only along Holloway Way Road. Since the portion of the site fronting along Deloache Avenue is considered the side yard, fences are permitted to be constructed with a maximum height of nine feet.

According to DCAD records, improvements listed for the property addressed at 5433 Deloache consist of a two-story single-family dwelling with approximately 12,649 square feet of floor area, an approximately 2,193 square foot attached garage, an approximately 850 square foot outdoor living area, and a swimming pool.

As of February 11, 2022, no letters have been submitted in support of or in opposition to the request.

If the board were to grant the two special exception requests and impose the submitted site plan and elevation plan as conditions, the proposed fence located in the front yard setback along Deloache Avenue with fence panels having less than 50 percent open surface area located less than five feet from the front lot line along both Deloache Avenue and Hollow Way Road, would be limited to the proposed fence location and opacity shown on these documents.

**Timeline:**

Dec. 10, 2021: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

Dec. 28, 2021: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

January 3, 2022: 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 February 22<sup>nd</sup> deadline to submit additional evidence for staff to factor into their analysis; and the February 11<sup>th</sup> 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.”

January 7, 2022: The applicant submitted revised site and elevation plans with appropriate dimensional controls.

January 27, 2022: 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 Building Inspection Senior Plans Examiner, the Board of Adjustment Senior Planner, the Chief Arborist, the Senior Engineer, the Conservation Districts Chief Planner, and the Assistant City Attorney to the board.

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

**BOARD OF ADJUSTMENT ACTION: February 22, 2022**

APPEARING IN FAVOR: Peter Kavanaugh 1620 Handley Ste. A Dallas, TX

APPEARING IN OPPOSITION: None.

**MOTION: Lamb**

I move that the Board of Adjustment, in Appeal No. BDA 212-010, on application of Monica Allyn represented by Peter Kavanagh, **grant** the request for a special exception to the fence height requirements and surface area openness requirements for fences in the Dallas development code subject to the following condition:

Compliance with the submitted site plan and elevation is required.

**SECONDED: Halcomb**

AYES: 5 – Lamb, Halcomb, Narey, Frankford, Neumann

NAYS: 0 –

MOTION PASSED: 5 - 0 (unanimously)

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**FILE NUMBER:** BDA212-011(PD)

**BUILDING OFFICIAL'S REPORT:** Application of Kenneth Brunkenhoefer for a variance to the side yard setback regulations at 9077 Fairglenn Drive. This property is more fully described as Lot 10A within City Block B/8140 and is zoned an R-7.5(A) Single Family District and Tract 4 in PDD No. 795, which requires a side yard setback of five feet. The applicant proposes to construct and maintain an attached garage on an existing single family dwelling unit and provide a two-foot side yard setback, which will require a three-foot variance to the side yard setback regulations.

**LOCATION:** 9077 Fairglenn Drive

**APPLICANT:** Kenneth Brunkenhoefer

**REQUESTS:**

The applicant proposes to construct and maintain an attached garage on an existing single-family dwelling unit and provide a two-foot side yard setback along the northwestern portion of the site.

**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

(e) the municipality consider 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 this R-7.5(A) Single Family District considering its restrictive lot area of 13,142 square feet. However, this lot area also includes a 597 square foot utility easement which further reduces the building lot area to 12,545 square feet. The applicant submitted evidence with the submitted application materials (**Attachment A**) comparing lot size/area within the same zoning district. Per the comparative analysis, the average lot area is 14,648 square feet. Thus, in analyzing the comparative properties the slightly restrictive area of the subject site ensures that the site cannot be developed in a manner commensurate with development upon other parcels of land with the same zoning.

**BACKGROUND INFORMATION:**

**Zoning:**

<u>Site</u>	Tract 4 in PDD No. 795 & R-7.5(A) Single Family District
<u>North:</u>	Tract 4 in PDD No. 795
<u>South:</u>	R-7.5(A) Single Family District
<u>East:</u>	Tract 3 in PDD No. 795
<u>West:</u>	R-7.5(A) Single Family District

**Land Use:**

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

**Zoning/BDA History:**

There have not been any related board or zoning cases in the vicinity within the last five years.

**GENERAL FACTS/STAFF ANALYSIS:**

The request for a variance to the side yard setback focuses on constructing and maintaining an addition consisting of an enclosed garage proposed to encroach three feet into the side yard setback along the northwestern portion of the subject site. The applicant proposes a two-foot front yard setback, which will require a three-foot variance.

DCAD records indicate that the subject property was developed with a one-and-one-half story single-family dwelling unit constructed in 1977 and consisting of approximately 2,668 square feet of floor area with an existing attached 350-square-foot garage. The applicant proposes to enlarge the existing garage which will consist of approximately 371 square feet for a total of 721 square feet. The enlargement will provide a maximum floor area of approximately 3,379 square feet for all structures (inclusive of garage) on the lot.

The subject site is zoned an R-7.5(A) Single Family District which requires a minimum side yard setback of five feet. The property is located along the east line of Fairglenn Drive just east of Arborgate Drive. The subject site is flat, rectangular in shape, and according to the application is approximately .302 acres (or 13,155 square feet) in area. The subject site is irregular in shape, lies along an improved alley to the northwest and a cul-de-sac to the southwest. Additionally, the site contains an approximately 597-square-

foot dedicated utility easement (AT&T) along the northwest portion of the site. Therefore, although the site consists of an approximate 13,155 square feet of area the property is limited in its developable lot area by 597 square feet and thus only allows 12,545 square feet of developable lot area. In an R-7.5(A) Single Family District, the regulations require a minimum lot size of 7,500 square feet, a front yard setback of 25 feet, and a side yard setback of five feet.

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

- That granting the variances to the setback regulations for single-family uses 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 is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same zoning classification.
- 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 this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same zoning classification.

As of February 11, 2022, no letters have been submitted in support of or in opposition to the request.

If the board were to grant the variance request to the side yard setback and impose the submitted site plan as a condition, the building footprints of the structures on the site would be limited to what is shown on the plan. However, granting the request will not provide any further relief to the Dallas Development Code regulations (i.e. development on the site must meet all other code requirements).

### **Timeline:**

- Dec. 10, 2021: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- Dec. 28, 2021: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- January 3, 2022: 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 January 26<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the February 11<sup>th</sup> 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.”

January 27, 2022: 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 Building Inspection Senior Plans Examiner, the Board of Adjustment Senior Planner, the Chief Arborist, the Senior Engineer, the Conservation Districts Chief Planner, and the Assistant City Attorney to the board.

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

February 04, 2011: The applicant submitted evidence (**Attachment A and Attachment B**) for staff consideration.

**BOARD OF ADJUSTMENT ACTION: February 22, 2022**

APPEARING IN FAVOR: Kenneth Brunkhoefer 9077 Fairglen Dr. Dallas, TX

APPEARING IN OPPOSITION: None.

**MOTION: Lamb**

I move that the Board of Adjustment, in Appeal No. BDA 212-011, on application of Kenneth Brunkenhoefer, **grant** the request for a variance to the side yard setback regulations in the Dallas Development Code subject to the following condition:

Compliance with the submitted site plan is required

**SECONDED: Narey**

AYES: 5 – Lamb, Halcomb, Narey, Frankford, Neumann

NAYS: 0

MOTION PASSED: 5 – 0 (unanimously)

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**FILE NUMBER:** BDA212-013(PD)

**BUILDING OFFICIAL’S REPORT:** Application of Diana Flores represented by Alfredo Pena for a special exception to the single-family use regulations and a variance to the floor area ratio regulations at 1134 Mountain Lake Road. This property is more fully described as Lot 3 in City Block 1/4802 and is zoned an R-7.5(A) Single Family District, which limits the number of dwelling units to one and requires that the floor area ratio of an additional dwelling unit (not for rent) may not exceed 25 percent of the floor area ratio of the main structure. The applicant proposes to construct and maintain an additional dwelling unit ADU (not for rent) with a floor area ratio of 713 square feet or 39.3 percent of the 1,812-square-foot floor area of the main structure. As proposed, the request will require a special exception to the single-family use regulations and a 260-square-foot variance to the maximum floor area regulations for an accessory structure.

**LOCATION:** 1134 Mountain Lake Road

**APPLICANT:** Diana Flores represented by Alfredo Pena

**REQUESTS:**

The applicant proposes to construct and maintain an additional dwelling unit (not for rent) with approximately 713 square feet of floor area on a site developed with a single-family dwelling and an existing detached garage.

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

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.

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.

**STAFF RECOMMENDATION:**

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 adversely affect neighboring properties.

**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:
  - (f) 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;
  - (g) 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;

- (h) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;
- (i) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (j) the municipality consider the structure to be a nonconforming structure.

**STAFF RECOMMENDATION (both variances):**

Denial.

Rationale:

Staff concluded that the subject site is not unique and different from most lots in the R-7.5(A) Single Family District considering its nonrestrictive lot area of 10,062 square feet so that the site can be developed in a manner commensurate with development upon other parcels of land with the same zoning. The applicant submitted documents (**Attachment A**) indicating the average lot size in the area is approximately 8,955 square feet with an approximate average floor area of the main structure being 1,372 square feet and the average floor area of the accessory structures (i.e. garages, storage sheds, etc.) of 524 square feet. The existing 1,812-square-foot dwelling unit and approximately 713-square-foot detached additional dwelling unit on the site will provide a total floor area of 2,525 square feet which exceeds the seven properties included in the comparative analysis by 629 square feet which enables the subject site to be potentially developed in a manner not commensurate to seven other lots in the same zoning district.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: R-7.5(A) Single Family District  
North: R-7.5(A) Single Family District  
South: R-7.5(A) Single Family District  
East: R-7.5(A) Single Family District  
West: R-7.5(A) Single Family District

**Land Use:**

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

**Zoning/BDA History:**

There have been no related board or zoning cases in the vicinity within the last five years.

**GENERAL FACTS/STAFF ANALYSIS:**

The request for a variance to the maximum floor area ratio regulations and a special exception to the single-family use regulations focus on constructing and maintaining a 713-square-foot additional dwelling unit (non-rent) on a property zoned an R-7.5(A) Single Family District. In this district, one dwelling unit is allowed per lot. Additionally, an additional dwelling unit (ADU) cannot exceed 25 percent of the maximum floor area of the main building.

DCAD records indicate the following improvements for the property located at 1134 Mountain Lake Road: “main improvement: a structure with 1,596 square feet of living area built-in 1940” and “additional improvements: a 504-square-foot detached garage. However, the proposed site plan reflects a floor area

for the construction of a 1812-square-foot for the main structure and a detached garage with approximately 917 square feet. The proposed ADU which less out 204 feet will provide approximately 713 square feet of floor area which represents 39.3 percent of the 1,812 square-foot floor area of the main structure.

While the proposed ADU has been constructed, City records reflect permits for the construction of the proposed two-story additional DU have not been received for review.

The property is rectangular in shape, flat, and according to the application, contains 0.231 acres, or approximately 10,062 square feet in area. In an R-7.5(A) Single Family District the minimum lot size is 7,500 square feet. According to evidence (**Attachments A**) submitted by the applicant the average lot area is 8,955 square feet with an approximate average floor area of the main structure being 1,372 square feet and the approximate average floor area of the accessory structures (i.e. garages, storage sheds, etc.) of 524 square feet. The existing 1,812-square-foot dwelling unit and approximately 713-square-foot detached additional dwelling unit on the site will provide a total floor area of 2,525 square feet which exceeds the seven properties included in the comparative analysis by 629 square feet which enables the subject site to be potentially developed in a manner not commensurate to seven other lots in the same zoning district.

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

- That granting the variance 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 is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same zoning classification.
- 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 this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same zoning classification.

As of February 11, 2022, no letters have been submitted in support of or in opposition to the request.

Ultimately, the two requests are independent, and the board must consider the standards and evidence presented for each request.

If the board were to grant the variance to the maximum floor area ratio regulations for structures accessory to a single-family use and impose the submitted site plan as a condition, the building footprint of the structure on the site would be limited to what is shown on this document. Furthermore, if the board were to grant the special exception to allow the ADU, the Dallas Development Code states that 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.

However, granting these requests will not provide any relief to the Dallas Development Code regulations other than allowing an additional dwelling unit on the site (i.e. development on the site must meet all other code requirements), as depicted on the site plan, including the increase in floor area if each are approved by the board.

**Timeline:**

- Dec. 10, 2021: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- Dec. 28, 2021: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- January 3, 2022: 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 January 26<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the February 11<sup>th</sup> 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."
- January 25, 2022: The applicant submitted evidence (**Attachment A**) for staff consideration.
- January 27, 2022: 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 Building Inspection Senior Plans Examiner, the Board of Adjustment Senior Planner, the Chief Arborist, the Conservation Districts Chief Planner, Senior Engineer, and the Assistant City Attorney to the board.
- No review comment sheets were submitted in conjunction with this application.

**BOARD OF ADJUSTMENT ACTION: February 22, 2022**

APPEARING IN FAVOR: Fred Pena 1134 Mountain Lake Rd. Dallas, TX.

APPEARING IN OPPOSITION: None

MOTION: **Lamb**

I move that the Board of Adjustment in request No. BDA 212-013, **hold** this matter under advisement until **April 19, 2022**.

SECONDED: **Halcomb**

AYES: 5 – Narey, Frankford Lamb, Halcomb, Neumann

NAYS: 0 -

MOTION PASSED: 5-0 (unanimously)

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**FILE NUMBER:** BDA201-125(JM)

**BUILDING OFFICIAL’S REPORT:** Application of Patrick Griot for a variance to the front yard setback regulations, and for a special exception to the fence height regulations, and for a special exception to the fence standards regulations, and for a special exception to the visibility obstruction regulations at **9943 Coppedge Lane**. This property is more fully described as Lot 8, Block 1/6220, and is zoned an R-7.5(A) Single Family District, which **(1)** limits the height of a fence in the front yard to four feet; **(2)** requires a fence panel with a surface area that is less than 50 percent open may not be located less than five feet from the front lot line; **(3)** requires a 20-foot visibility triangle at driveway approaches and alleys; and, **(4)** requires a front yard setback of 25 feet. The applicant proposes to construct a **nine**-foot-high fence with a fence panel having less than 50 percent open surface area located less than five feet from the front lot line in a required front yard with portions of the fence structure located in required visibility obstruction triangles, which will require a **five**-foot special exception to the fence regulation, a second special exception to the fence regulations relating to the solid nature of the fence, and special exceptions to the visibility obstruction regulations. The fence will surround the single-family residential accessory pool structure and provide an 11-foot six-inch front yard setback, which will require a 13-foot six-inch variance to the front yard setback regulations.

**LOCATION:** 9943 Coppedge Lane

**APPLICANT:** Patrick Griot

**REQUEST:**

The applicant is redeveloping the 10,450-square-foot site with a 3,742-square-foot single-family structure that meets the setback requirements. The encroachment into the southern Coppedge Lane second front yard is for a swimming pool. The pool and second front yard area are proposed to be enclosed by an eight-foot-tall solid wood fence. Portions of the fence sit atop a three-foot-high solid retaining wall making the maximum fence and gate height **nine** feet. Portions of the solid fence located approximately on the property line are located in three 20-foot visibility triangles at the southwest corner of the property from the alleyway, and from the driveway beside the alleyway, onto Coppedge Lane from the south.

**UPDATE:**

On February 11, 2022, the applicant submitted revised plans indicating a reduction in the overall fence height from 11 feet to nine feet. No other changes are reported.

**STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:**

Section 51A-4.602 of the Dallas Development Code states that the board may grant a special exception to the fence standards when in the opinion of the board, the special exception will not adversely affect neighboring property.

**STAFF RECOMMENDATION (fence height and opacity):**

No staff recommendation is made on this or any request for a special exception to the fence standards since the basis for this type of appeal is when in the opinion of the board, the special exception will not adversely affect neighboring property. The applicant provided evidence comparing the prospective solid fence on the secondary frontage of the corner lot, to seven other corner lots in the area with solid fences on one of the two street frontages (**Attachment B**).

### **STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:**

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

### **STAFF RECOMMENDATION:**

No staff recommendation is made on this or any request for a special exception to the visual obstruction regulations since the basis for this type of appeal is when in the opinion of the board, the special exception will not constitute a traffic hazard. However, staff does provide a technical opinion to assist in the board's decision-making.

The Sustainable Development and Construction Senior Engineer reviewed the proposed obstructions for the fence and has no objection to the requests (**Attachment C**).

### **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.

### **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
- (e) the municipality consider 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 zoned an R-7.5(A) Single Family District in that it is slightly sloped, and, according to the application, contains 10,450 square feet in area. Lots in this district are a minimum of 7,500 square feet in area. However, evidence submitted by the applicant (**Attachments A and B**) identified six lots in the immediate vicinity with an average of 10,680 square feet of lot area.
- The evidence also showed the average house size is about 3,836 square feet. The proposed development is for a commensurate 3,742 square feet.
- Finally, the subject site is encumbered with the unnecessary hardship of two front yards. Between the slight slope and additional front yard setback, the evidence presented notes the site in its current condition has less developable area than other lots in the vicinity with one required front yard. The applicant is seeking relief from the additional front yard setback along the southern frontage of Coppedge Lane and plans to provide a minimum of 30 feet along the eastern frontage, as required. The southern portion is to be used as a backyard. The variance will allow for the construction of a swimming pool. The main structure is maintaining both front yard setbacks of 30 feet, as established by the build line on the existing plat.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: R-7.5(A) Single Family District  
North: R-7.5(A) Single Family District  
South: R-7.5(A) Single Family District  
East: R-7.5(A) Single Family District  
West: R-7.5(A) Single Family District

**Land Use:**

The subject site is being redeveloped with a single-family structure. All surrounding properties are developed with single-family uses.

**Zoning/BDA History:**

There have not been any recent related board or zoning cases recorded either on or near the subject site.



## **GENERAL FACTS /STAFF ANALYSIS:**

This request for a variance to the front yard setback regulations is made to construct and maintain a swimming pool structure. The site is being redeveloped with a single-family structure and is located in an R-7.5(A) Single Family District which requires a minimum front yard setback of 25 feet. However, this property is encumbered with two front yards due to a provision in the Dallas Development Code meant to maintain block continuity when lots face upon a street and provide a front yard setback. This second front yard setback is required to maintain block continuity established by lots to the north and west of the subject site, which all front along the meandering Coppedge Lane. Furthermore, the plat for this property requires a 30-foot build line on both the eastern and southern frontages along Coppedge Lane. The board cannot provide relief to this requirement. Only a replat of the property to remove the build line will resolve the encumbrance.

The applicant is seeking relief from the additional front yard setback along the southern frontage of Coppedge Lane and plans to provide a minimum of 25 feet along the eastern frontage, as required. Additionally, use of the southern portion of the lot for the swimming pool, backyard, and driveway surrounded by a fence and retaining wall solid in nature and located along the property line. The submitted site plan indicates:

- the proposed pool structure would be located as close as 11-feet six-inches from the front property line along the southern Coppedge Lane frontage or as much as 13-feet six-inches into the 25-foot front yard setback.
- A six-foot solid wood fence is proposed along the northern, western, and southern portions of the lot. Southern portions are proposed atop a three-foot solid retaining wall due to the slope of the site, making the fence and driveway gates up to nine feet-in-height.
- Portions of the solid fence located approximately on the property line are located in three 20-foot visibility triangles at the southwest corner of the property from the alleyway, and from the driveway beside the alleyway.

In all, the southern portion of the lot would function as a backyard with a tall privacy fence, driveway into the garage, and swimming pool. The main structure is maintaining both front yard setbacks.

Lots in this district are a minimum of 7,500 square feet in area. However, evidence submitted by the applicant (**Attachment A**) identified six lots in the immediate vicinity with an average of 10,680 square feet of lot area. The subject site is unique and different from most lots zoned an R-7.5(A) Single Family District because it is slightly sloped, and, according to the application, contains 10,450 square feet in area—slightly less than the average.

The evidence also showed the average house size is about 3,836 square feet. The proposed development is for a commensurate 3,742 square feet.

Finally, the subject site is encumbered with the unnecessary hardship of two front yards. Between the slight slope and additional front yard setback, the evidence presented notes the site in its current condition has less developable area than other lots in the vicinity with one required front yard. The applicant is seeking relief from the additional front yard setback along the southern frontage of Coppedge Lane and plans to provide a minimum of 25 feet along the eastern frontage, as required.

According to DCAD records, the new house was constructed in 2021 and contains 3,601 square feet of floor area.

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

- That granting the variance to the front yard setback 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.
- The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5(A) zoning classification.
- 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 this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5(A) zoning classification.

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. Additionally, the Dallas Development Code states that in single family districts, a fence panel with a surface area that is less than 50 percent open may not be located less than five from the front lot line.

Staff conducted a field visit of the site and surrounding area and did not notice other fences within a 400-foot radius of the property that seemed taller than four feet-in-height or solid in nature located in obvious front yards.

The applicant has the burden of proof in establishing that the special exception to the fence height regulation of up to seven feet and having fence panels less than 50 percent open will not adversely affect neighboring properties.

The last request is due to the proposed obstruction of three visibility triangles according to Section 51A-4.602(d) of the Dallas Development Code which states that a person shall not erect, place, or maintain a structure, berm, plant life, or any other item on a lot if the item is:

- in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections and 20-foot visibility triangles at drive approaches and alleys on properties zoned single family); and
- between two-and-a-half and eight-feet-in-height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).

The Sustainable Development Department Senior Engineer has no objections to the request **(Attachment C)**.

If the board were to grant the variance request and impose the submitted site plan as a condition, the proposed swimming pool structure located within the front yard setback along the southern frontage of Coppedge Lane would be limited to what is shown on this document. No additional relief is provided with this request, including relief from the platted build line which will require a replat. The applicant was also made aware of sidewalk requirements for the southern frontage of the property. Additionally, the applicant has the burden of proof in establishing how granting these special exceptions to allow the fence in the front yard will not adversely affect neighboring properties. Finally, the applicant must prove how maintaining portions of a **six**-foot-tall solid wood fence atop a three-foot retaining wall for a total height of

nine feet located in two 20-foot visibility triangles at the intersection of the alley and driveway approach into the property from the southern Coppedge Lane frontage, and the 20-foot visibility triangle at the intersection of the alleyway and Coppedge Lane does not constitute a traffic hazard.

**Timeline:**

Nov. 18, 2021: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

Nov. 23, 2021: The Board Administrator assigned this case to Board of Adjustment Panel A.

Dec. 16, 2021: The Board Administrator 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 December 29, 2021 deadline to submit additional evidence for staff to factor into their analysis; and the January 7, 2022 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.

Dec. 28-29, 2021: The representative submitted evidence (**Attachment A and B**) to staff.

Dec. 30, 2021: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the January public hearing. The review team members in attendance included: the Planning and Urban Design Interim Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Development Code Specialist, the Senior Sign Inspector, the Transportation Senior Engineer, the Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

Dec. 31, 2021: The Transportation Senior Engineer submitted a review sheet marked “no objection” to the visual obstructions (**Attachment C**).

January 18, 2022: Panel A held this case under advisement until February 22, 2022.

February 11, 2022: The applicant submitted revised plans to staff (**Attachment D**).

February 14, 2022: A revised BO report (**Attachment E**) was issued reducing the overall height of the request by two feet. No changes to the front yard variance or visual obstructions proposed.

**BOARD OF ADJUSTMENT ACTION:** January 18, 2022

**APPEARING IN FAVOR:** Patrick Griot 3901 Sailmaker Ln. Plano, TX

**APPEARING IN OPPOSITION:** None

MOTION#1: Narey

I move that the Board of Adjustment, in Appeal No. BDA 201-125, on application of Patrick Griot, deny the variance to the front yard setback regulations requested by this applicant without prejudice, because our evaluation of the property and the 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 NOT result in unnecessary hardship to this applicant.

SECONDED: Frankford

AYES: 2 – Narey, Frankford

NAYS: 3 - Lamb, Halcomb, Neumann

MOTION FAILED: 2-3

MOTION#2: Narey

I move that the Board of Adjustment, in Appeal No. BDA 201-125, hold this matter under advisement until February 22, 2022.

SECONDED: Lamb

AYES: 5 – Lamb, Halcomb, Narey, Frankford, Neumann

NAYS: 0-

MOTION PASSED: 5-0 (unanimously)

**BOARD OF ADJUSTMENT ACTION: February 22, 2022**

APPEARING IN FAVOR: Patrick Griot 3901 Sailmaker Ln. Plano, TX

APPEARING IN OPPOSITION: Michael Ayer 9961 Coppedge Ln. Dallas, TX

MOTION#1: Halcomb

I move that the Board of Adjustment, in Appeal No. BDA 201-125, on application of Patrick Griot, **grant** the 13-foot six-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.

SECONDED: Lamb

AYES: 3 – Lamb, Halcomb, Neumann

NAYS: 2- Narey, Frankford

MOTION FAILED: 3-2

MOTION#2: Narey

I move that the Board of Adjustment, in Appeal No. BDA 201-125, on application of Patrick Griot, **deny** the variance to the front yard setback regulations requested by this applicant **without** prejudice, because our evaluation of the property and the 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 NOT result in unnecessary hardship to this applicant.

**SECONDED: Frankford**

**AYES:** 0 –

**NAYS:** 0-

**MOTION WITHDRAWN:**

**MOTION#3: Narey**

I move that the Board of Adjustment, in Appeal No. BDA 201-125, **hold** this matter under advisement until **March 22, 2022**.

**SECONDED: Frankford**

**AYES:** 5 – Lamb, Halcomb, Narey, Frankford, Neumann

**NAYS:** 0-

**MOTION PASSED:** 5-0 (unanimously)

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**FILE NUMBER:** BDA212-018(JM)

**BUILDING OFFICIAL’S REPORT:** Application of Jonathan Vinson to appeal the decision of the administrative official at 11814 Harry Hines Boulevard, Suite 135. This property is more fully described as Lot 1, Block A/6572, and is zoned an MU-2(SAH) Mixed-Use District, which requires that the building official shall revoke a certificate of occupancy if the building official determines that the certificate of occupancy was issued in error and or the use is being operated in violation of the Dallas Development Code, other city ordinances, rules, or regulations, or any county, state, or federal laws or regulations. The applicant proposes to appeal the decision of an administrative official in the revocation of a certificate of occupancy.

**LOCATION:** 11814 Harry Hines Boulevard, Suite 135

**APPLICANT:** Jonathan Vinson, Jackson Walker, LLP

**REQUEST:**

A request is made to appeal the decision of the administrative official, more specifically, the Building Official’s authorized representative, the Assistant Building Official in Development Services, to deny an application for a Certificate of Occupancy for a restaurant and/or commercial amusement (inside) use determined to be a gambling place, which does not comply with other regulations.

**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:**

Staff does not make a recommendation on appeals of the decisions of administrative officials.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: MU-2(SAH) Mixed-Use District  
North: IR Industrial Research District  
East: IR Industrial Research District  
South: PD No. 498  
West: MU-3 Mixed-Use District

**Land Use:**

The subject site is developed with a mix of commercial uses within multiple suites. Surrounding land uses include warehouses to the north, a church to the east, and Stemmons Freeway wrapping the property to the south and west.

**Zoning/BDA History:**

There have not been any recent related board or zoning cases recorded either on or in the immediate vicinity of the subject site.

**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.

- CO No. 2003031040 for a commercial amusement (inside) use issued on 10/23/20.
- CO revoked by Assistant Building Official Megan Wimer on 12/17/21.
  - Issued in error.
  - In violation of the Texas Penal Code Section 47.04, "Keeping a Gambling Place."
  - Pursuant to Paragraph (1) of Section 306.5, "Denial," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code, the building official shall deny an application for a CO if determined that the request does not comply with the codes, the Dallas Development Code, other city ordinances, rules, or regulations, or any county, state, or federal laws of regulations.

**Timeline:**

- January 5, 2022: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- January 6, 2022: The Board of Adjustment Chief Planner randomly assigned this case to Board of Adjustment Panel A.
- January 10, 2022: The Board of Adjustment Chief 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 deadline to submit additional evidence for staff to factor into their analysis; and the 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;
  - the appeal of a decision of an administrative official procedure outline; and
  - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- January 26, 2022: The applicant's attorney submitted additional evidence for consideration (**Attachment A**).
- January 27, 2022: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the February public hearing. The review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Development Code Specialist, the Transportation Senior Engineer, the Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board. No staff review comment sheets were submitted in conjunction with this application.
- February 9, 2022: The applicant's attorney submitted additional evidence for consideration (**Attachment B**).
- February 9, 2022: The City's attorney submitted additional evidence for consideration (**Attachment C**).

**BOARD OF ADJUSTMENT ACTION: February 22, 2022**

APPEARING for PUBLIC TESTIMONY: Victor Leone 7865 Firefall Way Dallas, TX  
Darren Brown 4313 Dunning Ln. Austin, TX  
Vanessa Russell 1403 Kerley St. Denton, TX  
Clint Roberson 105 E.Scott, Wichita Falls, TX  
Tiffany Hernandez 196 W.Davis St. Dallas, TX  
Matthew Bizub 17878 Preston Rd. Dallas, TX  
Thomas DuPree 5132 Bellerive Dr. Dallas, TX  
Michael Gaudalupe 1817 Caney Creek Dr. Dallas, TX  
Sam Moon 11826 Harry Hines Dallas, TX  
Ryan Johnson 4500 Vitruvian Way Addison, TX  
Clayton Daniels 815 Sherbrook Richardson, TX  
Mitch Lloyd 4770 Teel Pkwy Frisco, TX  
Eugene Plarp 1431 Julie St. Seagoville, TX  
MC Dorsey 10456 Lake Park Hurst, TX  
Matthew Lopez 5609 SMU Blvd. Dallas, TX

Robert Slagle 207 Simpson Sherman, TX  
Joe Benavides 1012 W. Pioneer Irving, TX  
Patrick Contrell 2700 Pomponessett Dr Arlington TX  
Eric Brown 730 CR 1917 Yartis, TX  
Talmage Brown 2312 Dampton Dr. Dallas, TX  
James Gonzales 2719 Mark Twain Dr. Dallas, TX  
Tyler Mawhinney 1890 Mercer Crossing Farmers Branch  
Jeffrey Hurt 5012 Spyglass Dr. Dallas, TX

APPEARING IN FAVOR:

Jonathan Vinson 2323 Ross Ave. Dallas, TX  
Ryan Crow 4600 Secluded Hollow Austin, TX

APPEARING IN OPPOSITION:

Gary Powell 1500 Marilla St. 7DN Dallas, TX  
Megan Wimer 320 E. Jefferson Blvd. Dallas, TX

MOTION: Neumann

I move that the Board of Adjustment, in Appeal No. BDA 212-018, **hold** this matter under advisement until **March 22, 2022**.

SECONDED: Lamb

AYES: 5 – Lamb, Halcomb, Narey, Frankford, Neumann

NAYS: 0-

MOTION PASSED: 5-0 (unanimously)

\*\*\*\*\*  
MOTION: Neumann

I move to adjourn the Panel A hearing

SECONDED: Lamb

AYES: 5 - Lamb, Halcomb, Narey, Frankford, Neumann

NAYS: 0 -

MOTION PASSED (unanimously): 5 – 0

Recess- 2:32 p.m.

Resume- 2:41 p.m.

Recess- 3:26 p.m.

Resume- 3:33 p.m.

Recess- 5:20 p.m.

Resume- 5:26 p.m.

**5:32 P.M.** Board Meeting adjourned for **February 22, 2022**.

CHAIRPERSON -signed 3-22-22

BOARD ADMINISTRATOR

BOARD SECRETARY

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**Note:** For detailed information on testimony, refer to the tape retained on file in the Department of Planning and Development.