

**BOARD OF ADJUSTMENT, PANEL C  
PUBLIC HEARING MINUTES  
DALLAS CITY HALL, 6ES  
MONDAY, JUNE 19, 2017**

MEMBERS PRESENT AT BRIEFING: Bruce Richardson, Chair, Phil Foster, regular member, Robert Agnich, regular member and Lorlee Bartos, alternate member

MEMBERS ABSENT FROM BRIEFING: Cheri Gambow, regular member

MEMBERS PRESENT AT HEARING: Bruce Richardson, Chair, Phil Foster, regular member, Robert Agnich, regular member and Lorlee Bartos, alternate member

MEMBERS ABSENT FROM HEARING: Cheri Gambow, regular member

STAFF PRESENT AT BRIEFING: Steve Long, Board Administrator, Kanesia Williams, Asst. City Atty., Todd Duerksen, Dev. Code Specialist, Neva Dean, Asst. Director, Jennifer Munoz, Senior Planner, Donna Moorman, Chief Planner, and Trena Law, Board Secretary

STAFF PRESENT AT HEARING: Steve Long, Board Administrator, Kanesia Williams, Asst. City Atty., Todd Duerksen, Dev. Code Specialist, Neva Dean, Asst. Director, Jennifer Munoz, Senior Planner, Donna Moorman, Chief Planner, and Trena Law, Board Secretary

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**11:13 A.M.** The Board of Adjustment staff conducted a briefing on the Board of Adjustment's **June 19, 2017** 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 C, May 15, 2017 public hearing minutes.

**BOARD OF ADJUSTMENT ACTION: JUNE 19, 2017**

**MOTION:** None

The minutes were approved without a formal vote.

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**FILE NUMBER:** BDA167-073(JM)

**BUILDING OFFICIAL'S REPORT:** Application of Robert Baldwin of Baldwin and Associates for a special exception to the fence standards at 4219 Colonial Avenue. This property is more fully described as part of Lot 3, Block C/1604, and is zoned PD 595 (R-5(A)), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and/or maintain a 6-foot-high fence in a required front yard, which will require a 2-foot special exception to the fence standards.

**LOCATION:** 4219 Colonial Avenue

**APPLICANT:** Robert Baldwin of Baldwin and Associates

**REQUEST:**

The following request has been made on a site that is developed with a single family home:

- 1) A special exception related to fence height of 2' is made to complete and maintain a fence higher than 4' in height in the front yard setback (a 6' high open chain-link fence) in the 20' Colonial Avenue front yard setback.

**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:**

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:**

<u>Site:</u>	R-5(A) within PD. No. 595 (Single Family 5,000 sq. ft.)
<u>Northwest:</u>	CR within PD. No. 595 (Community Retail)
<u>Northeast:</u>	R-5(A) within PD. No. 595 (Single Family 5,000 sq. ft.)
<u>South:</u>	R-5(A) within PD. No. 595 (Single Family 5,000 sq. ft.)
<u>East:</u>	R-5(A) within PD. No. 595 (Single Family 5,000 sq. ft.)
<u>West:</u>	R-5(A) within PD. No. 595 (Single Family 5,000 sq. ft.)

### **Land Use:**

The subject site is developed with a single family home. The areas to the northeast, east, south, and west are developed with single family uses or are undeveloped. The property to the northwest is zoned for commercial uses, but undeveloped.

### **Zoning/BDA History:**

No history.

## **GENERAL FACTS/STAFF ANALYSIS (special exception):**

- This request for a special exception to the fence height regulations of 2' focuses on constructing and maintaining a 6-foot-high open chain-link fence in the 20' Colonial Avenue front yard setback.
- The subject site is zoned R-5(A) within PD No. 595 which requires a 20' front yard setback.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The applicant has submitted a site plan and elevation of the proposal in the front yard setback with notations indicating that the proposal reaches a maximum height of 6'.
- The following additional information was gleaned from the submitted site plan:
  - The proposal over 4' in height is represented as being approximately 49.46' in length parallel to the street on the northeast side of the site, approximately 30' in length perpendicular to the street on the northeast and approximately 17' in length perpendicular to the street on the southeast in the front yard setback.
  - The total length parallel to the street includes one pedestrian gate approximately 3' wide.
- The subject site is surrounded by single family homes and undeveloped land.
- The Board Administrator conducted a field visit of the site and surrounding area along Colonial Avenue and noted no other fences that appeared to be above 4' in height.

- As of June 9, 2017, no letters have been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 2' will not adversely affect neighboring property.
- Granting this special exception request of 2' with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding 4' in height in the Colonial Avenue front yard setback to be constructed and maintained in the location and of the heights and material as shown on these documents.
- Granting this request for special exception would not provide relief to remedy any nonconforming structures on the site or any existing/proposed noncompliance with the use regulations.

**Timeline:**

March 30, 2017: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

May 9, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

May 16, 2017: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the May 31<sup>st</sup> deadline to submit additional evidence for staff to factor into their analysis; and the June 9<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.

June 6, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for June public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director of Engineering, the Board of Adjustment Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

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

**BOARD OF ADJUSTMENT ACTION: JUNE 19, 2017**

**APPEARING IN FAVOR:** No one

**APPEARING IN OPPOSITION:** No one

**MOTION: Agnich**

I move to grant that the Board of Adjustment grant application **BDA 167-073(SL)** listed on the uncontested docket because it appears, from our evaluation of the property and all relevant evidence, that the application satisfies all the requirements of the Dallas Development Code or appropriate PD as applicable, and are consistent with its general purpose and intent of the Code or PD. 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.

**SECONDED: Foster**

**AYES: 4 – Richardson, Foster, Agnich, Bartos**

**NAYS: 0**

**MOTION PASSED: 4 – 0 (unanimously)**

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**FILE NUMBER: BDA167-065(SL)**

**BUILDING OFFICIAL’S REPORT:** Application of Steven Wood for a variance to the front yard setback regulations at 4707 Dorset Road. This property is more fully described as Lot 5, Block D/5532, and is zoned R-1ac(A), which requires a front yard setback of 40 feet. The applicant proposes to construct a single family residential structure and provide a ten foot front yard setback, measured at the roof eave, which will require a 30 foot variance to the front yard setback regulations.

**LOCATION: 4707 Dorset Road**

**APPLICANT: Steven Wood**

**June 19, 2017 Public Hearing Notes:**

- The Board Administrator forwarded additional written documentation to the Board from the applicant at the briefing – the applicant’s request for the Board to deny the request without prejudice.

**REQUEST:**

A request for a variance to the front yard setback regulations of 30’ is made to construct and maintain a two-story single family home structure, part of which is to be located 10’

from one of the site's two front property lines (Lennox Lane) or 30' into this 40' front yard setback on a site that is undeveloped.

**STANDARD FOR A VARIANCE:**

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.

**STAFF RECOMMENDATION:**

Denial

Rationale:

- Staff concluded that while the subject site is unique and different from most lots in the R-1ac(A) zoning district in that it is restrictive in area due to having two, 40' front yard setbacks, and slightly less area than the typical lot in the R-1ac(A) zoning district (approximately 37,000 square feet as opposed to 43,560 square feet), the applicant had not substantiated how the variance to the front yard setback regulations was 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 it cannot be developed in a manner commensurate with the development upon other parcels of land with the same R-1ac(A) zoning district. More specifically, the applicant had not substantiated any site constraint that precludes locating the proposed single family home eastward out of the 40' Lennox Lane front yard setback on the west side of the subject site while still being compliant with the required 10' side yard setback on the east side of the subject site.
- Lastly the applicant had not substantiated how granting this variance is not contrary to public interest in that the front yard in which the encroachment is imposed (Lennox Lane) is located at the beginning of a block where properties to the north of Dorset Road appear to provide the required 40' Lennox Lane front yard setback.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: R-1ac(A) (Single family residential 1 acre)  
North: R-1ac(A) (Single family residential 1 acre)  
South: R-1ac(A) (Single family residential 1 acre)  
East: R-1ac(A) (Single family residential 1 acre)  
West: R-1ac(A) (Single family residential 1 acre)

**Land Use:**

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

**Zoning/BDA History:**

There has 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 request for a variance to the front yard setback regulations of 30' focuses on constructing and maintaining a two-story single family home structure with, according to a document submitted by the applicant, 12,500 square feet of dwelling, part of which is to be located 10' from one of the site's two front property lines (Lennox Lane) or 30' into this 40' front yard setback on a site that is undeveloped.
- The property is located in an R-1ac(A) zoning district which requires a minimum front yard setback of 40'.
- The subject site is located at the northeast corner of Lennox Lane and Dorset Road.
- Given the R-1ac(A) single family zoning and location of the corner lot subject site, it has two 40' front yard setbacks – a front yard setback along Lennox Lane (the shorter of the two frontages of the subject site which is always a front yard in this case) and a front yard setback along Dorset Road, (the longer of the two frontages which is typically considered a side yard where on this R-1ac(A) zoned property where a 10' side yard setback is required). However, the site has a front yard setback along Dorset Road in order to maintain continuity of the established front yard setback along this street frontage where a property to the east of the subject site "fronts" on Dorset Road.
- A site plan has been submitted indicating that a portion of the structure is located as close as 10' 7" from the Lennox Lane front property line or approximately 30' into this 40' front yard setback. (The submitted site plan shows the proposed home to be in compliance with the required front yard setback on Dorset Road).
- The applicant submitted a document stating that the "square feet of dwelling" on the site will be 12,647, and showing that the average "square feet of dwelling" of 12 other properties is approximately 12,800.
- According to DCAD records, there is no main or additional improvement listed for property addressed at 4707 Dorset Road.

- The subject site is flat and rectangular in shape (approximately 240' x 160'), and according to the submitted application is 0.87 acres (or approximately 37,000 square feet) in area. The site is zoned R-1ac(A) where lots are typically 1 acre (or 43,560 square feet) in area.
- Most lots in the R-1ac(A) zoning district have one 40' front yard setback, two 10' side yard setbacks, and one 10' rear yard setback; this site has two 40' front yard setbacks and two 10' side yard setbacks.
- Since the proposed home is to be located 10' from the Lennox Lane property line, no variance to setback regulations would be required if Lennox Lane were a side yard.
- The approximately 240' long subject site has approximately 190' of length left for development once a 40' front yard setback is accounted for on the west and a 10' side yard setback is accounted for on the east. If this lot were more typical with one front yard, two side yards, and one rear yard, the 240' long lot would have 220' of length left for development.
- 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-1ac(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-1ac(A) zoning classification.
- 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– which in this case is a structure that would be 10' from the site's Lennox Lane front property line (or 30' into this Lennox Lane 40' front yard setback).

**Timeline:**

- March 25, 2017: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- May 9, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- May 10, 2017: The Board Administrator emailed the applicant the following information:



- an attachment that provided the public hearing date and panel that will consider the application; the May 31<sup>st</sup> deadline to submit additional evidence for staff to factor into their analysis; and the June 9<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.

May 25, 2017: The Building Inspection Senior Plans Examiner/Development Code Specialist forwarded a revised Building Official's report to the Board Administrator (see Attachment A).

May 31, 2017: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment B).

June 6, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for June public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director of Engineering, the Board of Adjustment Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

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

**BOARD OF ADJUSTMENT ACTION: JUNE 19, 2017**

**APPEARING IN FAVOR:** Steven Wood, P.O. Box 3293, Forney, TX

**APPEARING IN OPPOSITION:** No one

**MOTION:** **Bartos**

I move that the Board of Adjustment, in Appeal No. **BDA 167-065**, on application of Steven Wood, **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:** **Foster**

**AYES:** 4 – Richardson, Foster, Agnich, Bartos

**NAYS:** 0

MOTION PASSED: 4 – 0 (unanimously)

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FILE NUMBER: BDA167-076(JM)

**BUILDING OFFICIAL’S REPORT:** Application of Colby Craig for a variance to the front yard setback regulations at 6143 Royalton Drive. This property is more fully described as Lot 8, Block 3/5500-1/2, and is zoned R-16(A), which requires a front yard setback of 35 feet. The applicant proposes to construct and/or maintain a structure and provide a 14-foot front yard setback measured at the foundation with a roof eave not to exceed 1 foot, which will require a 21-foot variance to the front yard setback regulations.

**LOCATION:** 6143 Royalton Drive

**APPLICANT:** Colby Craig

**REQUEST:**

A request for a variance to the front yard setback regulations of 21’ is made to construct and/or maintain a single family structure, part of which would be located 14’ from the site’s front property line (with a maximum 1-foot roof eave) or 14’ into the 35’ front yard setback along Azalea Lane.

**STANDARD FOR A VARIANCE:**

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, 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.

**STAFF RECOMMENDATION:**

Denial

Rationale:

- While the subject site is unique and different from most lots zoned R-16(A) in that it has two front yard setbacks, the applicant had not substantiated at the time of the

June 6<sup>th</sup> staff review team meeting how the features of the flat, rectangular-shaped, and approximately 16,409-square-foot lot precludes him from developing it in a manner commensurate with other developments found on similarly-zoned R-16(A). While the site has two 35' front yard setbacks, the site is about 409 square feet larger than most lots in the R-16(A) zoning district with 16,000 square feet. The two front yard setbacks do not appear to restrict the applicant from developing/maintaining it with a single family home structure/use that is commensurate with development found in the same R-16(A) zoning that can comply with setbacks.

**BACKGROUND INFORMATION:**

**Zoning:**

<u>Site:</u>	R-16(A) Single Family District (16,000 sq. ft.)
<u>North:</u>	R-16(A) Single Family District (16,000 sq. ft.)
<u>East:</u>	R-16(A) Single Family District (16,000 sq. ft.)
<u>South:</u>	R-16(A) Single Family District (16,000 sq. ft.)
<u>West:</u>	R-16(A) Single Family District (16,000 sq. ft.)

**Land Use:**

The subject site is currently undeveloped. Properties to the north, east, south, and west are developed with single-family homes.

**Zoning/BDA History:**

No history.

**GENERAL FACTS/STAFF ANALYSIS:**

- This request focuses on constructing/maintaining a single family structure, part of which would be located 14' from the site's front property line (with a maximum 1-foot roof eave) or 21' into the 35' front yard setback along Azalea Lane.
- The subject site is flat, rectangular in shape (curved, approximately 160' x 104'), and according to the submitted application is approximately 16,409 square feet) in area.
- The site is zoned R-16(A) where lots are typically 16,000 square feet in area.
- R-16(A) Single Family District requires a 35' front yard setback.
- The subject site has two front yards: the shorter side facing Royalton Drive, and the longer side facing Azalea Lane (area of request).
- The applicant wishes to construct and maintain a 7,596 square foot single-family structure on a site that is undeveloped, part of which would be located up to 21' into the required front yard on Azalea Lane.

- Lots zoned a R-16(A) Single Family District are required to provide a minimum front yard setback of 35'. The subject site is located at the northwest corner of Azalea Lane and Royalton Drive. Regardless of how the home is being constructed or oriented, the site has two front yard setbacks. A 35' front yard setback is required along Royalton Drive, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in an R-16(A) zoning district. The site also has a 35' front yard setback along Azalea Lane, the longer of the two frontages of this corner lot, which is typically regarded as a side yard, but is considered a front yard setback nonetheless to maintain the continuity of the established lot developed within the block north of the subject property with the front yard on Azalea Lane.
- The site plan submitted with this request identifies how the applicant would like to provide a 14' front yard along Azalea Lane, as measured from the foundation.
- Additional evidence submitted by the applicant indicates that a survey of surrounding properties in the area found the average home size to be approximately 6,901 square feet. The applicant would like to build a 7,596 square-foot house, over 600 square feet larger than the average home in the list provided. A list of nine properties was provided of homes the applicant found to be 1) located on a corner lot in the R-16(A) District, and 2) seemingly not providing the required front yard. No photos were associated with either list (Attachment A).
- 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 D(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 D(A) zoning classification.
- If the board were to grant the variance request, and impose the submitted site plan as a condition, the structures in the front yard setback would be limited to what is shown on this document– which in this case is a portion of a structure located as close as 14' from the site's front property line along Azalea Lane (or 21' into the 35' front yard setback).

**Timeline:**

- April 10, 2017: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- May 9, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- May 16, 2017: The Board Administrator emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the May 31<sup>st</sup> deadline to submit additional evidence for staff to factor into their analysis; and the June 9<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.
- June 5, 2017: The applicant submitted new evidence, provided in "Attachment A."
- June 6, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for June public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director of Engineering, the Board of Adjustment Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

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

**BOARD OF ADJUSTMENT ACTION: JUNE 19, 2017**

APPEARING IN FAVOR: Colby Craig, 6429 Orchid Lane, Dallas, TX  
Danielle Brasher, 6429 Orchid Lane, Dallas, TX

APPEARING IN OPPOSITION: No one

**MOTION# 1: Agnich**

I move that the Board of Adjustment suspends its rules and accept the evidence that is being presented to us today.

**SECONDED: Bartos**

AYES: 3 – Richardson, Agnich, Bartos

NAYS: 1 - Foster

MOTION PASSED: 3 – 1

**MOTION# 2: Foster**

I move that the Board of Adjustment, in Appeal No. **BDA 167-076**, hold this matter under advisement until **August 14, 2017**.

**SECONDED: Agnich**

**AYES:** 4 – Richardson, Foster, Agnich, Bartos

**NAYS:** 0 -

**MOTION PASSED:** 4 – 0(unanimously)

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**MOTION: Agnich**

I move to adjourn this meeting.

**SECONDED: Bartos**

**AYES:** 4 – Richardson, Foster, Agnich, Bartos

**NAYS:** 0 -

**MOTION PASSED:** 4 – 0 (unanimously)

**1:51 P. M.** - Board Meeting adjourned for **June 19, 2017**

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CHAIRPERSON

\_\_\_\_\_  
BOARD ADMINISTRATOR

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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.