

**BOARD OF ADJUSTMENT, PANEL B  
PUBLIC HEARING MINUTES  
CITY OF DALLAS- VIDEOCONFERENCE  
WEDNESDAY, AUGUST 19, 2020**

MEMBERS PRESENT AT BRIEFING: Michael Schwartz, chair, Damian Williams, regular member, Matthew Vermillion regular member, Matt Shouse, regular member and Nick Brooks, alternate member

MEMBERS ABSENT FROM BRIEFING: Catrina Johnson, regular member

MEMBERS PRESENT AT HEARING: Michael Schwartz, chair, Damian Williams, regular member, Matthew Vermillion regular member, Matt Shouse, regular member and Nick Brooks, alternate member

MEMBERS ABSENT FROM HEARING: Catrina Johnson, regular member

STAFF PRESENT AT BRIEFING: Jennifer Munoz, Chief Planner/Board Administrator, Oscar Aguilera, Senior Planner, Theresa Pham, Asst. City Attorney, Charles Trammell, Development Code Specialist, LaTonia Jackson, Board Secretary, Robyn Gerard, Public Information Officer, Sarah May, Chief Planner, Phil Erwin, Chief Arborist, Neva Dean, Assistant Director

STAFF PRESENT AT HEARING: Jennifer Munoz, Chief Planner/Board Administrator, Oscar Aguilera, Senior Planner, Theresa Pham, Asst. City Attorney, Charles Trammell, Development Code Specialist, LaTonia Jackson, Board Secretary, Robyn Gerard, Public Information Officer, Sarah May, Chief Planner, Phil Erwin, Chief Arborist, Neva Dean, Assistant Director

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**11:13 A.M.** The Board of Adjustment staff conducted a briefing on the Board of Adjustment's **August 19, 2020 docket.**

**BOARD OF ADJUSTMENT ACTION: August 19, 2020**

**1:04 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 B, June 24, 2020 public hearing minutes.

**BOARD OF ADJUSTMENT ACTION: August 19, 2020**

**MOTION: Vermillion**

Approval of the Board of Adjustment Panel B, June 24, 2020 public hearing minutes.

**SECONDED: Williams**

**AYES:** 5 – Schwartz, Williams, Vermillion, Brooks, Shouse

**NAYS:** 0

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

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**FILE NUMBER:** BDA 190-068(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Karl Crawley to provide an additional electrical meter at 5505 Chatham Hill Road. This property is more fully described as Lot 22, Block 7/5597, and is zoned an R-1ac(A) Single Family District, which requires that a single family dwelling use in a single family, duplex, or townhouse district may be supplied by not more than one electrical utility service, and metered by not more than one electrical meter. The applicant proposes to maintain an existing additional dwelling unit and have more than one electrical utility service, or more than one electrical meter, which will require a special exception to the single family zoning use regulations.

**LOCATION:** 5505 Chatham Hill Road

**APPLICANT:** Karl Crawley of Masterplan

**REQUEST:**

A special exception to the single family use regulations is requested in conjunction with installing and maintaining an additional electrical utility service and electrical meter on a site that is currently being developed with a single-family use.

**STANDARD FOR A SPECIAL EXCEPTION TO THE SINGLE-FAMILY USE REGULATIONS TO AUTHORIZE MORE THAN ONE ELECTRICAL UTILITY SERVICE OR MORE THAN ONE ELECTRICAL METER:**

The board may grant a special exception to authorize more than one electrical utility service or more than one electrical meter for single family use on a lot in a single family zoning, duplex, or townhouse district when, in the opinion of the board, the special exception will: 1) not be contrary to the public interest; 2) not adversely affect neighboring properties, and 3) not be used to conduct a use not permitted in the zoning district.

**STAFF RECOMMENDATION:**

No staff recommendation is made on this or any request for a special exception to authorize more than one electrical utility service or more than one electrical meter for single family use on a lot in a single family zoning district since the basis for this type of appeal is when in the opinion of the board, the special exception will: 1) not be contrary to the public interest; 2) not adversely affect neighboring properties, and 3) not be used to conduct a use not permitted in the zoning district.

**BACKGROUND INFORMATION:**

**Zoning:**

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

- 1. BDA156-053, Property located at 5505 Chatham Hill Road (Subject property)
- 1. On Wednesday, August 22, 2018, the Board of Adjustment Panel B granted a request for a variance to the front yard setback regulations of 28-feet nine-inches to construct and maintain a one-story additional

dwelling unit structure with a total “additional dwelling size” of approximately 5,880 square feet, part of which is to be located 11-feet three-inches from one of the site’s two front property lines (Hollow Way Road) or 28-feet nine-inches into this 40-foot front yard setback; a request for a special exception to the single family use regulations to construct and maintain a one-story “additional dwelling unit” structure; a request for a special exception to the fence standards related to fence height of five feet to construct and maintain fences higher than four feet in height in the one of the site’s two 40-foot front yard setbacks (Hathaway Street) – a seven-to-eight-foot solid masonry fence with sliding gates and a seven-foot-high chain-link fence; a request for a special exception to the fence standards related to fence height of five feet is made to construct and maintain fences higher than four-feet-in-height in the other 40-foot front yard setback (Hollow Way Road) – a six-foot six-inch to nine-foot solid masonry fence with sliding gates and a seven-foot-high chain-link fence; and a requests for special exceptions are made to construct and maintain fence panels with surface areas that are less than 50 percent open.

The Board of Adjustment imposed the submitted site plan, and elevation as a condition and required the applicant to deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.

**GENERAL FACTS/STAFF ANALYSIS:**

This request focuses on installing and maintaining a second electrical utility service/electrical meter on a site currently being developed with a single-family use.

The site is zoned an R-1ac(A) Single Family District where the Dallas Development Code permits one dwelling unit per lot.

The Dallas Development Code states that in a single family, duplex, or townhouse district, a lot for single family use may be supplied by not more than one electrical

service, and metered by not more than one electrical meter; and that the board of adjustment may grant a special exception to authorize more than one electrical utility service or more than one electrical meter for single family use on a lot in a single family zoning district when in the opinion of the board, the special exception will: 1) not be contrary to the public interest; 2) not adversely affect neighboring properties, and 3) not be used to conduct a use not permitted in the zoning district

The applicant has submitted a site plan that does not indicate the location of the two electrical meters on the subject site. However, the applicant advised staff that the additional electrical meter will be located “on the north side of the property”.

The application states that the applicant is seeking an additional electrical meter to serve the additional dwelling unit granted by this board on August 22, 2018.

The applicant has the burden of proof in establishing that the additional electrical meter to be installed and/or maintained on the site will: 1) not be contrary to the public interest; 2) not adversely affect neighboring properties, and 3) not be used to conduct a use not permitted in the zoning

If the board were to approve this request to install and maintain a second electrical utility service/electrical meter, this special exception request will not provide any relief to the Dallas Development Code regulations other than allowing a second electrical utility service/electrical meter on the site (i.e. development on the site must meet all required code requirements).

**Timeline:**

May 13, 2020: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.

July 20, 2020: The Board of Adjustment Secretary assigned this case to the Board of Adjustment Panel B.

July 20, 2020: The Board 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 July 28<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the August 7<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.”

July 30, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the August public hearing. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Assistant City Attorney to the Board, and Mike Martin and Jason Pool Building Inspectors.

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

**BOARD OF ADJUSTMENT ACTION: August 19, 2020**

APPEARING IN FAVOR: Karl Crawley 2201 Main St.#1280 Dallas, TX

APPEARING IN OPPOSITION: Scott Prewett 6510 Abrams Rd. #409 Dallas, TX

**MOTION: Vermillion**

I move that the Board of Adjustment, in Appeal No. BDA 190-068, on application of Karl Crawley of Masterplan, **grant** the request to install and maintain an additional electric meter on the property as a special exception to the single family regulations in the Dallas Development Code, because our evaluation of the property and the testimony shows that this special exception will not be contrary to the public interest, will not adversely affect neighboring property, and will not be used to conduct a use not permitted in the district where the building site is located.

**SECONDED: Brooks**

AYES: 5 - Schwartz, Shouse, Vermillion, Brooks, Williams

NAYS: 0

MOTION PASSED: 5 – 0

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**FILE NUMBER: BDA190-075(OA)**

**BUILDING OFFICIAL’S REPORT:** Application of Lindsey Fusch for a variance to the side yard setback regulations, and for a variance to the side yard setback regulations at 6434 Tulip Lane. This property is more fully described as Lot 6, Block 4/5498, and is

zoned an R-16(A) Single Family District, which requires a 10-foot side yard setback. The applicant proposes to construct a single family residential structure and provide a seven-foot six-inch side yard setback on the east side of structure, which will require a two-foot six-inch variance to the side yard setback regulations, and to construct a single family residential structure and provide a seven-foot six-inch side yard setback on the west side of the structure, which will require a two-foot six-inch variance to the side yard setback regulations.

**LOCATION:** 6434 Tulip Lane

**APPLICANT:** Lindsey Fusch

**REQUESTS:**

The following requests have been made on a site that is developed with a single family home:

1. A variance to the side yard setback regulations of two-feet six-inches is made to remodel and maintain a single-family home structure seven-feet six-inches from the side property line (eastern) or two-feet six-inches into the 10-foot side yard setback; and
2. A variance to the side yard setback regulations of two-feet six-inches is made to remodel and maintain a single family home structure and an attached garage seven-feet six-inches from the side property line (western) or two-feet six-inches into the 10-foot side yard setback.

**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.

**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that the subject site is unique and different from most lots in the R-16(A) District considering its restrictive lot area of 12,375 square feet so that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same R-16(A) zoning district.
- The applicant submitted a document (Attachment A) indicating, among other things, that the proposed structure on the subject site is commensurate to 23 other lots located in the same R-16(A) District.

**BACKGROUND INFORMATION:**

**Zoning:**

- Site: R-16(A) (Single family district)
- North: R-16A) (Single family district)
- South: R-16(A) (Single family district)
- East: R-16(A) (Single family district)
- West: R-16(A) (Single family district)

**Land Use:**

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

**Zoning/BDA History:**

There has not been any related board or zoning cases recorded either on or in the immediate vicinity of the subject site within the last five years.

**GENERAL FACTS /STAFF ANALYSIS:**

The following requests have been made on a site that is developed with a single-family home:

1. Remodeling and maintaining a single-family home structure seven-feet six-inches from the side property line (eastern) or two-feet six-inches into the 10-foot side yard setback; and

2. Remodeling and maintain a single-family home structure and an attached garage seven-feet six-inches from the side property line (western) or two-feet six-inches into the 10-foot side yard setback.

The property is located in an R-16(A) Single Family District which requires a minimum side yard setback of 10 feet. However, the submitted site plan indicates that the proposed structure will be located seven-feet six-inches from the east and west property lines or two-feet six-inches into these 10-foot side yard setbacks after the applicant is done with the remodeling of the property.

According to DCAD records, the “main improvements” for the property addressed at 6434 Tulip Lane, includes a single-family structure built in 1952 with 2,140 square feet of living/total area. DCAD shows a 440-square-foot attached garage as an “additional improvement” for this property.

The subject site is flat, virtually rectangular in shape (approximately 165' x 75'), and according to the submitted application, is 0.284 acres (or 12,375 square feet) in area. The site is zoned R-16(A) where lots are typically a minimum of 16,000 square feet in area. The subject site is 3,625 square feet smaller than the minimum size requirement.

The applicant submitted a document (Attachment A) indicating, among other things, that the proposed additions on the subject site is commensurate to 23 other lots located in the same R-16(A) District.

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-16(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-16(A) zoning classification.

If the Board were to grant the variance requests, and impose the submitted site plan as a condition, the structure in the side yard setbacks would be limited to what is shown on this document– which in this case is a structure that would be located seven-feet six-inches from the west and east side property lines or two-feet six-inches into these 10-foot side yard setbacks.

**Timeline:**

June 29, 2020: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

July 20, 2020: The Board of Adjustment Secretary assigned this case to the Board of Adjustment Panel B.

July 20, 2020: The Board 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 July 28<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the August 7<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.”

July 27, 2020: The applicant’s representative submitted a letter to the board (see Attachment A).

July 30, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the August public hearing. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Assistant City Attorney to the Board, and Mike Martin and Jason Pool Building Inspectors.

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

**BOARD OF ADJUSTMENT ACTION: August 19, 2020**

**APPEARING IN FAVOR:** Robbie Fusch 6046 Waggoner Dallas, TX.  
Katy Gruner 6428 Tulip Ln. Dallas, TX

**APPEARING IN OPPOSITION:** None.

**MOTION#1: Shouse**

I move that the Board of Adjustment, in Appeal No. BDA 190-075, on application of Lindsey Fusch, **grant** the two-foot six-inch variance to the side yard setback regulations to the east side as 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: Vermillion**

**AYES:** 5 - Schwartz, Williams, Shouse, Brooks, Vermillion

**NAYS:** 0

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

**MOTION#2: Brooks**

I move that the Board of Adjustment, in Appeal No. BDA 190-075, on application of Lindsey Fusch, **grant** the two-foot six-inch variance to the side yard setback regulations to the west side as 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: Williams**

**AYES:** 5 - Schwartz, Williams, Shouse, Brooks, Vermillion

**NAYS:** 0

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

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**FILE NUMBER:** BDA190-069(OA)

**BUILDING OFFICIAL’S REPORT:** Application of Fredy Mize for a variance to the front yard setback regulations at 5809 Bent Oak Ct. This property is more fully described as Lot 19, Block 2/8225, and is zoned R-7.5(A), Single Family District, which requires a front yard setback of 25 feet. The applicant proposes to construct a single-family residential structure and provide a 10-foot front yard setback, which will require a 15-foot variance to the front yard setback regulations.

**LOCATION:** 5809 Bent Oak Ct

**APPLICANT:** Fredy Mize

**REQUEST:**

A request for a variance to the front yard setback regulations of 15 feet is made to construct and maintain an 8,000 square-foot two-story single-family structure located 10 feet from the site's front property line or 15 feet into the 25-foot front yard setback.

**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.

**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that the subject site is unique and different from most lots in the R-7.5(A) District by its restrictive area due to being irregular in shape and a drainage easement that reduces a portion of the development area so that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning district.
- The applicant submitted a document (Attachment A) indicating, among other things, that the proposed structure on the subject site is commensurate to 46 other lots located within the same subdivision and in the same R-7(A) District.

**BACKGROUND INFORMATION:**

**Zoning:**

- Site: R-7.5(A) (Single Family District)
- North: R-7.5(A) (Single Family District)
- East: R-7.5(A) (Single Family District)
- South: R-7.5(A) (Single Family District)
- West: MF-1(A) (Multi-family District)

**Land Use:**

The subject site previously contained a single-family home; however, it is currently vacant. The areas to the north, south, and west are developed with residential uses, and the area to the east is developed with a golf course.

**Zoning/BDA History:**

There have not been any related board or zoning cases recorded either on or near the subject site within the last five years.

**GENERAL FACTS /STAFF ANALYSIS:**

The purpose of this request for a variance to the front yard setback regulations of 15 feet is to construct and maintain an 8,000 square-foot two-story single-family structure. The proposed encroachment is located 10 feet from the site's front property line or 15 feet into the 25-foot front yard setback. The subject site is slightly irregular in shape due to fronting a cul-de-sac and has a lot size of 18,586 square feet in area, according to the application.

The property is located in an R-7.5(A) Single Family District which requires a minimum front yard setback of 25 feet. The property is currently vacant.

The subject site is sloped, slightly irregular in shape due to fronting a cul-de-sac, and according to the applicant's representative, is .426 acres (or 18,583 square feet) in area. The R-7.5 (A) District minimum lot size is 7,500 square feet in area.

The applicant submitted a document indicating that that the total home size of the proposed main structure on the subject site will be approximately 8,000 square feet and that the proposed structure on the subject site is commensurate to 46 other lots located within the same subdivision and in the same R-7(A) District.

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

- (D) 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.

- (E) 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) Single Family District zoning classification.
- (F) 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) Single Family District 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 an 8,000 square-foot two-story single family structure, part of which is to be located 10 feet from the site’s front property line or 15 feet into this 25 feet front yard setback.

**Timeline:**

- April 21, 2020: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.
- July 20, 2020: The Board of Adjustment Secretary assigned this case to the Board of Adjustment Panel B.
- July 20, 2020: The Board 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 July 28<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the August 7<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.”
- July 30, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the August public hearing. Review team members in attendance included: the

Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Assistant City Attorney to the Board, and Mike Martin and Jason Pool Building Inspectors.

July 31, 2020: The applicant’s representative submitted a letter to the board (see Attachment A).

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

**BOARD OF ADJUSTMENT ACTION: August 19, 2020**

**APPEARING IN FAVOR:** Fredy Mize 2676 Twelve Oaks Prosper, TX

**APPEARING IN OPPOSITION:** Mark Perry 5702 Bent Oak Ct. Dallas, TX

**MOTION: Brooks**

I move that the Board of Adjustment, in Appeal No. BDA 190-069, on application of Fredy Mize, **grant** the 15-foot variance to the front yard setback regulations requested by this applicant because our evaluation of the property and testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would result in unnecessary hardship to this applicant.

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: Shouse**

**AYES:** 5 - Schwartz, Williams, Shouse, Vermillion, Brooks

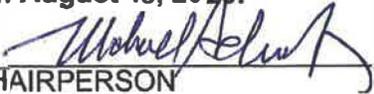
**NAYS:** 0

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

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The meeting was adjourned at 2:19 P.M. on August 19, 2020.

  
CHAIRPERSON \_\_\_\_\_

  
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.