

**BOARD OF ADJUSTMENT, PANEL C
PUBLIC HEARING MINUTES
CITY OF DALLAS- VIDEOCONFERENCE
MONDAY, OCTOBER 19, 2020**

MEMBERS PRESENT AT BRIEFING: Scott Hounsel, Vice-Chair, Robert Agnich, regular member, Judy Pollock, regular member, Roger Sashington, regular member, and Moises Medina, regular member

MEMBERS ABSENT FROM BRIEFING: None.

MEMBERS PRESENT AT HEARING: Scott Hounsel, Vice-Chair, Robert Agnich, regular member, Judy Pollock, regular member, Roger Sashington, regular member, and Moises Medina, regular member

MEMBERS ABSENT FROM HEARING: None.

STAFF PRESENT AT BRIEFING: Jennifer Munoz, Chief Planner/Board Administrator, Theresa Pham, Asst. City Attorney, Anna Holmes, Asst. City Attorney, Oscar Aguilera, Senior Planner, David Nevarez, Senior Engineer, Robyn Gerard, Public Information Officer, LaTonia Jackson, Board Secretary, Charles Trammell, Development Code Specialist, Neva Dean, Assistant Director, Kris Sweckard, Director.

STAFF PRESENT AT HEARING: Jennifer Munoz, Chief Planner/Board Administrator, Theresa Pham, Asst. City Attorney, Anna Holmes, Asst. City Attorney, Oscar Aguilera, Senior Planner, David Nevarez, Senior Engineer, Robyn Gerard, Public Information Officer, LaTonia Jackson, Board Secretary, Charles Trammell, Development Code Specialist, Neva Dean, Assistant Director, Kris Sweckard, Director.

11:06 A.M. The Board of Adjustment staff conducted a briefing on the Board of Adjustment's, **October 19, 2020 docket.**

BOARD OF ADJUSTMENT ACTION: October 19, 2020

1:09 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.

MISCELLANEOUS ITEM NO. 1

Approval of the Board of Adjustment Panel C, September 21, 2020 public hearing minutes.

BOARD OF ADJUSTMENT ACTION: October 19, 2020

MOTION: Pollock

Approval of the Board of Adjustment Panel C, September 21, 2020 public hearing minutes.

SECONDED: Hounsel

AYES: 5 – Hounsel, Agnich, Pollock, Sashington, Medina

NAYS: 0

MOTION PASSED: 5 – 0 (unanimously)

MISCELLANEOUS ITEM NO. 2

Approval of the Board of Adjustment 2021 Public Hearing Calendar

BOARD OF ADJUSTMENT ACTION: October 20, 2020

MOTION: Hounsel

Approval of the Board of Adjustment 2021 Public Hearing Calendar

SECONDED: Pollock

AYES: 5 – Hounsel, Agnich, Pollock, Sashington, Medina

NAYS: 0

MOTION PASSED: 5 – 0 (unanimously)

FILE NUMBER: BDA190-095(OA)

BUILDING OFFICIAL'S REPORT: Application of Danny Jester represented by Corey Reinaker for special exceptions to the visibility obstruction regulations at 5601 Morningside Avenue. This property is more fully described as Lot 20, Block 1/2193, and is zoned Conservation District No. 9, which requires a 20-foot visibility triangle at driveway and alley approaches. The applicant proposes to construct a single-family residential fence structure in two required visibility obstruction triangles, which will require special exceptions to the visibility obstruction regulations.

LOCATION: 5601 Morningside Avenue

APPLICANT: Danny Jester
Represented by Corey Reinaker

REQUESTS:

A request for special exceptions to the visibility obstruction regulations are made to locate and maintain portions of an eight-foot-high solid wood fence and solid electric wood gates in the two 20-foot visibility triangles at the intersection of the street and driveway approaches into the property from Worcola Street on a site developed with a single family home.

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 (visual obstruction regulations):

- 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 item will not constitute a traffic hazard.
- The Sustainable Development Department Senior Engineer has no objections to the request.

BACKGROUND INFORMATION:

Zoning:

Site: CD No. 9
North: CD No. 9
South: CD No. 9
East: CD No. 9
West: CD No. 9

Land Use:

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

Zoning/BDA History:

There have not been any recent related board or zoning cases recorded in the vicinity of the subject site within the last five years.

GENERAL FACTS/STAFF ANALYSIS (visual obstruction special exceptions):

The requests for special exceptions to the visibility obstruction regulations on a site developed with a single family home focus on locating and maintaining a portion of an eight-foot-high solid wood fence and solid electric wood gates in the two 20-foot visibility triangles at the intersection of the street and driveway approaches into the property from Worcola Street, per the submitted site plan and elevation.

Section 51A-4.602(d) of the Dallas Development Code 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 at 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 property is located in Conservation District No. 9 which requires the portion of a lot with a triangular area formed by connecting together the point of intersection of the edge of a driveway or alley and the adjacent street curb line (or, if there is no street curb, what would be the normal street curb line) and points on the driveway or alley edge and the street curb line 20 feet from the intersection.

The Sustainable Development and Construction Department Senior Engineer has no objections to the requests.

The applicant has the burden of proof in establishing how granting these request to maintain portions of an eight-foot-high solid wood fence and solid electric wood gates in the two 20-foot visibility triangles at the intersection of the street and driveway approaches into the property from Worcola Street does not constitute a traffic hazard.

Granting these requests with a condition imposed that the applicant complies with the submitted site plan and elevation would limit the items to be located and maintained in the two 20-foot visibility triangles at the drive approaches into the site from Worcola Street, to that what is shown on these documents – portions of an eight-foot-high solid wood fence and a solid electric wood gate.

Timeline:

August 18, 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.

September 18, 2020: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

September 18, 2020 The Board Administrator emailed the applicant's representative the public hearing date and panel that will consider the application; the September 30, 2020 deadline to submit additional evidence for staff to factor into their analysis; and the October 9, 2020 deadline to submit additional evidence to be incorporated into the board's docket materials and the following information:

- a copy of the application materials including the Building Official's report on the application;
- 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."

October 2, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearings. The review team members in attendance included the Sustainable Development and Construction: Assistant Director, Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Building Inspection Senior Plans Examiner/Development Sign Code Specialist, Senior Engineer, the Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

October 5, 2020: The Sustainable Development and Construction Department Senior Engineer submitted a review comment sheet marked "no objections".

BOARD OF ADJUSTMENT ACTION: October 19, 2020

APPEARING IN FAVOR: Corey Reinaker 1814 N. Place Plano, TX

APPEARING IN OPPOSITION: None.

MOTION: Hounsel

I move that the Board of Adjustment in Appeal No. BDA 190-095 on application of Danny Jester, represented by Corey Reinaker, for a special exception to the visual obstruction regulations contained in the Dallas Development Code, is **granted**, subject to the following condition:

Compliance with the submitted site plan and elevation is required.

SECONDED: Agnich

AYES: 5 – Hounsel, Agnich, Pollock, Sashington, Medina

NAYS: 0 –

MOTION PASSED: 5-0 (unanimously)

FILE NUMBER: BDA190-097(OA)

BUILDING OFFICIAL'S REPORT: Application of Kerry Warren for a special exception to the fence height regulations, and for a special exception to the fence standards regulations at 3723 S. Versailles Avenue. This property is more fully described as Lot 6, Block C/2477, and is zoned an R-7.5 Single Family Subdistrict within Planned Development District No.193, which 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 five feet from the front lot line. The applicant proposes to construct a nine-foot seven-inch-high fence in a required front yard, which will require a five-foot seven-inch special exception to the fence regulations, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than five feet from the front lot line, which will require a special exception to the fence regulations.

LOCATION: 3723 S. Versailles Avenue

APPLICANT: Kerry Warren

REQUEST:

The following requests have been made to construct a fence in the front yard setback along S. Versailles Avenue on the subject site:

1. A request for a special exception to the maximum fence height of four feet to construct a fence up to eight-feet ten-inches in height with a nine-foot seven-inch tall brick column in a required front yard, which will require a five-foot seven-inch special exception to the fence regulations.
2. A request for a special exception to the fence standards regulations related to fence panels having less than 50 percent open surface area when located less than five feet from the front lot line is made to construct and maintain the aforementioned nine-foot seven-inch-high solid wood fence located less than five feet from this front lot line.

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:

Site: Planned Development No.193, R-7.5 Single Family Subdistrict

Northwest: Planned Development No.193, R-7.5 Single Family Subdistrict

Northeast: Planned Development No.193, TH-3 Townhouse Subdistrict

Southeast: Planned Development No.193, R-7.5 Single Family Subdistrict

Southeast: Planned Development No.193, R-7.5 Single Family Subdistrict

Land Use:

The subject site and surrounding properties are developed with single family uses. Note that there is a church located two lots to the southeast of the property.

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 requests for special exceptions to the fence standards regulations on a site developed with a single-family home focus on:

1. constructing/maintaining a fence up to eight-feet ten-inches in height with a nine-foot seven- inch tall brick column in a required front yard;
2. constructing/maintaining the aforementioned nine-foot seven-inch-high solid wood fence located less than five feet from this front lot line.

The subject site is zoned an R-7.5 Single Family Subdistrict within Planned Development District No.193. The site plan shows a 30-foot setback. The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet-in-height above grade when located in the required front yard and states that no fence panel having less than 50 percent open surface area may be located less than five feet from the front lot line.

The applicant has submitted a site plan and elevation of the proposal in the front yard setback with notations indicating that the fence reaches a maximum height of nine-feet seven-inches.

The following additional information was gleaned from the submitted site plan:

- The proposal is represented as being approximately 25 feet-in-length parallel to S. Versailles Avenue and approximately 30 feet perpendicular to this front yard on the northwest side of the site in the required front yard setback.

- Additionally, the fence is represented as being located approximately two feet from the front property line or 14 feet from the pavement line. However, note that there is an existing fence with similar heights and materials located in what appears to be the public right-of-way. The applicant/owner advised that if the property is located in the public right-of-way and approved by the board, he will relocate the fence from the right-of-way, as depicted in the submitted site plan.

Staff conducted a field visit of the site and surrounding area (approximately 400 feet north, east and west of the subject site) and noted no other fences that appeared to be above four feet-in-height and located in a front yard setback.

As of October 9, 2020, one petition of support with six signatures and no letters in opposition have been submitted regarding the request.

The applicant has the burden of proof in establishing that the special exceptions to the fence standards regulations related to height over four feet in the front yard setback will not adversely affect neighboring property.

Granting these special exceptions with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposed fence reaching up to nine-feet seven-inches-in-height in the front yard setback and with fence panels with surface areas less than 50 percent open located less than five feet from the front lot line to be maintained in the location and of the heights and materials as shown on these documents.

Timeline:

- | | |
|---------------------|---|
| August 18, 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. |
| September 18, 2020: | The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C. |
| September 18, 2020 | <p>The Board Administrator emailed the applicant’s representative the public hearing date and panel that will consider the application; the September 30, 2020 deadline to submit additional evidence for staff to factor into their analysis; and the October 9, 2020 deadline to submit additional evidence to be incorporated into the board’s docket materials and the following information:</p> <ul style="list-style-type: none"> • a copy of the application materials including the Building Official’s report on the application; • 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.” |

September 29, 2020: The applicant submitted additional information to staff beyond what was submitted with the original application (see **Attachment A**).

October 2,2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearings. The review team members in attendance included the Sustainable Development and Construction: Assistant Director, Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Building Inspection Senior Plans Examiner/Development Sign Code Specialist, Senior Engineer, the Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

BOARD OF ADJUSTMENT ACTION: October 19, 2020

APPEARING IN FAVOR: Kerry Warren 3723 S. Versailles Ave. Dallas, TX

APPEARING IN OPPOSITION: None.

MOTION: Hounsel

I move that the Board of Adjustment, in request No. BDA 190-097 on application of Kerry Warren to construct and/or maintain a nine-foot seven-inch high fence having less than 50 percent open surface area as a special exception to fence standards regulations contained in the Dallas Development Code, as amended, is **granted**, subject to the following condition:

Compliance with the submitted site plan and elevation is required.

SECONDED: Agnich

AYES: 5 - Agnich, Pollock, Hounsel, Sashington, Medina

NAYS: 0

MOTION PASSED: 5 – 0 (unanimously)

FILE NUMBER: BDA190-101(OA)

BUILDING OFFICIAL’S REPORT: Application of Eugene Valentine to enlarge a nonconforming use, and for a variance to the front yard setback regulations, and for a variance to the front yard setback regulations at 2428 Harrison Avenue. This property is more fully described as Lots 1-7 and portion of Lot 8, Block F868, and is zoned an RS-C Regional Service Commercial Subdistrict within Planned Development District No. 595, which limits the legal uses in a zoning district and requires a front yard setback of 15 feet. The applicant proposes to enlarge a nonconforming industrial (inside) use, which will require a special exception to the nonconforming use regulations; to construct and maintain a commercial structure and provide a two-foot front yard setback along Coombs Street, which will require a 13-foot variance to the front yard setback regulations; and, to construct and maintain a commercial structure and

provide a zero-foot front yard setback along Harrison Avenue, which will require a 15-foot variance to the front yard setback regulations.

LOCATION: 2428 Harrison Avenue

APPLICANT: Eugene Valentine

REQUEST:

The following requests have been made on the subject site that is developed with a nonconforming industrial (inside) food processing use (Bud's Salads):

1. A request for a special exception to enlarge a nonconforming industrial (inside) food processing use (Bud's Salads), which in this case, involves the remodeling and enlarging of an existing approximately 18,575 square-foot structure on the site. The enlargement would add approximately 16,988 square feet bringing the total square footage, if enlarged, to approximately 35,563 square feet: and,
2. A request for a variance to the front yard setback regulations of 13 feet has been made to remodel and expand the aforementioned nonconforming structure and a canopy, part of which is to be located two feet from one of the site's three front property lines along Coombs Street, or 13 feet into the 15-foot front yard setback; and,
3. A request for a variance to the front yard setback regulations of 15 feet has been made to remodel and expand the aforementioned nonconforming structure and a canopy, part of which is to be located at the property line (zero feet) from one of the site's three front property lines along Harrison Avenue or 15 feet into the 15-foot front yard setback.

STANDARD FOR ENLARGING A NONCONFORMING USE:

Section 51A-4.704(b) (5) (B) of the Dallas Development Code states the board may allow the enlargement of a nonconforming use when, *in the opinion of the board*, the enlargement: 1) does not prolong the life of the nonconforming use; 2) would have been permitted under the zoning regulations that existed when the nonconforming use was originally established by right; and 3) will not have an adverse effect on the surrounding area.

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:

- 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;
- 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

- 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 (enlargement of nonconforming use):

No staff recommendation is made on a request to enlarge a nonconforming use since the basis for this type of appeal is based on the opinion of the board.

STAFF RECOMMENDATION (front yard variances):

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 PD No. 595, RS-C Regional Service Commercial Subdistrict zoning district as it is restrictive in area because it has a smaller lot and cannot be developed in a manner commensurate with the development upon other parcels of land with the same. Therefore, staff concluded that the request is not contrary to public interest and that it was not a self-created hardship. The subject lot is approximately 53,143 square feet and the average lot size of six other properties is 162,237 square feet.

The applicant submitted a document (Attachment A) indicating, among other things, that the proposed addition to the existing structure on the subject site is commensurate to six other lots having an approximate building area average of 71,645 compared to the proposed 35,563 square-foot structure in the same PD No. 595 (RS-C) zoning district. This document also notes the average lot size of six lots in this district is 162,237 square feet while the subject lot is only 53,143 square feet.

BACKGROUND INFORMATION:

Zoning:

Site: PD No. 595, RS-C Regional Service Commercial Subdistrict

Northwest: PD No. 595, RS-C Regional Service Commercial Subdistrict

Northeast: PD No. 595, RS-C & MU Regional Service Commercial & Mixed Use Subdistricts

Southeast: PD No. 595, NC Neighborhood Commercial Subdistrict

Southwest: PD No. 595, RS-C & MU Regional Service Commercial & Mixed Use Subdistricts

Land Use:

The subject site contains nonconforming industrial (inside) food processing use (Bud's Salads). The areas to the, north, east, and west and south are developed with commercial and office 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 (enlarge NC use):

This request focuses on the enlargement of a nonconforming industrial (inside) food processing use (Bud's Salads), which in this case, involves the remodeling and enlarging of an existing approximately 18,575 square-foot structure on the site. The enlargement would add approximately 16,988 square feet bringing the total square footage, if enlarged, to approximately 35,563 square feet.

The subject site is zoned an RS-C Regional Service Commercial Subdistrict within PD No. 595 and the existing industrial (inside) use is not permitted in this district any longer.

Section 51A-2.102(89) of the Dallas Development Code defines a nonconforming use as a use that does not conform to the use regulations of this chapter but was lawfully established under regulations in force at the beginning of operation and has been in regular use since that time.

Section 51A-4.704(b)(5)(A) of the Dallas Development Code states that enlargement of a nonconforming use means any enlargement of the physical aspects of a nonconforming use, including any increase in height, floor area, number of dwelling units, or the area in which the nonconforming use operates.

It appears, from research conducted by staff, that the nonconforming industrial (inside) food processing use (Bud's Salads) became a nonconforming use on September 26, 2001 with the establishment of PD No. 595, changing the zoning to RS-C Regional Service Commercial Subdistrict. The property was previously zoned for industrial uses and permitted the food processing use. When changed to RS-C Regional Service Commercial Subdistrict, the food processing use was no longer permitted. The City has recognized the industrial (inside) food processing use on the property to be a legal nonconforming use.

The applicant has submitted a floor plan indicating that the total size of the proposed structure on the subject site is to be enlarged from 18,575 square feet to 35,563 square feet.

This application is made to enlarge a nonconforming *use*. The enlargement of a nonconforming use does not address any development code standards for nonconforming *structures* such as setbacks, lot coverage requirements, height requirements, parking requirements, etc. The nonconforming land use can only be deemed a conforming *use* if the zoning is changed. Any issues with the nonconforming structure need to be addressed as required and authorized by the Dallas Development Code.

The applicant has the burden of proof to establish that the enlargement of the non-conforming use:

1. does not prolong the life of the nonconforming use;

2. would have been permitted under the zoning regulations that existed when the nonconforming use was originally established by right; and
3. will not have an adverse effect on the surrounding area.

If the board were to grant this request, with a condition imposed that the applicant comply with the submitted site plan and floor plan, the enlargement of the nonconforming use would be limited to what is shown on these documents.

GENERAL FACTS/STAFF ANALYSIS (front yard variances):

The following requests have been made on the subject site as depicted in the site plan:

1. A request for a variance to the front yard setback regulations of 13 feet has been made to remodel and expand the aforementioned nonconforming structure and a canopy part of which is to be located two feet from one of the site's three front property lines along Coombs Street, or 13 feet into the 15-foot front yard setback; and,
2. A request for a variance to the front yard setback regulations of 15 feet has been made to remodel and expand the aforementioned nonconforming structure and a canopy part of which is to be located at the property line (zero feet) from one of the site's three front property lines along Harrison Avenue or 15 feet into the 15-foot front yard setback.

The property is flat, regular in shape, and according to the application, 1.22 acres (or approximately 53,143 square feet) in 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 with the same PD No. 595, RS-C Regional Service Commercial Subdistrict 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 PD No. 595, RS-C Regional Service Commercial Subdistrict zoning classification.

If the board were to grant the variance request and impose the submitted site plan as a condition, the only structures that would be allowed in these front yard setbacks would be limited to what is shown on this document— which in this case is a 35,563 square-foot nonconforming structure and a canopy that would be located two feet from one of the site's three front property lines along Coombs Street or 13 feet into the 15-foot front yard setback;

and, zero feet from Harrison Avenue's front property line or 15 feet into this 15-foot front yard setback.

Timeline:

August 26, 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

September 18, 2020: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

September 18, 2020 The Board Administrator emailed the applicant's representative the public hearing date and panel that will consider the application; the September 30, 2020 deadline to submit additional evidence for staff to factor into their analysis; and the October 9, 2020 deadline to submit additional evidence to be incorporated into the board's docket materials and the following information:

- a copy of the application materials including the Building Official's report on the application;
- 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."

September 29, 2020: The applicant submitted additional information to staff beyond what was submitted with the original application (**Attachment A**).

October 2, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearings. The review team members in attendance included the Sustainable Development and Construction: Assistant Director, Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Building Inspection Senior Plans Examiner/Development Sign Code Specialist, Senior Engineer, the Board of Adjustment 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: October 19, 2020

APPEARING IN FAVOR: Gene Valentine 500 W. 7th St. #300 Fort Worth, TX.

APPEARING IN OPPOSITION: None.

MOTION#1: Sashington

I move that the Board of Adjustment, in Appeal No. BDA 190-101, on application of Eugene Valentine, **grant** the request of this applicant to increase the floor area of a nonconforming use by approximately 16,988 square feet, because our evaluation of the property and the testimony shows that enlarging the nonconforming use (1) will not prolong the life of the nonconforming use; (2) would have been permitted under the zoning regulations that existed when the nonconforming use was originally established by right; and (3) will not have an adverse effect on the surrounding area.

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 floor plan is required.

SECONDED: Medina

AYES: 5 - Agnich, Pollock, Sashington, Medina

NAYS: 1- Honsel

MOTION PASSED: 4-1

MOTION#2: Sashington

I move that the Board of Adjustment, in Appeal No. BDA 190-101, on application of Eugene Valentine, **GRANT** the two-foot variance to the front yard setback regulations along Coombs Street 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: Medina

AYES: 5 - Agnich, Pollock, Honsel, Sashington, Medina

NAYS: 0

MOTION PASSED: 5-0 (unanimously)

MOTION#3: Sashington

I move that the Board of Adjustment, in Appeal No. BDA 190-101, on application of Eugene Valentine, **GRANT** the 15-foot variance to the front yard setback regulations along Harrison Avenue 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.

FILE NUMBER: BDA190-102(OA)

BUILDING OFFICIAL'S REPORT: Application of Wes Hoblit of Masterplan for a special exception to the parking regulations at 2820 Commerce Street. This property is more fully described as Lots 1 & 2, Block 13/191, and is zoned Tract A, within Planned Development District No. 269 which requires parking to be provided. The applicant proposes to construct and maintain a nonresidential structure for an inside commercial amusement use, and provide 74 of the required 120 parking spaces, which will require a 46-space special exception (38.3 percent reduction) to the parking regulations.

LOCATION: 2820 Commerce Street

APPLICANT: Wes Hoblit of Masterplan

REQUEST:

A request for a special exception to the off-street parking regulations of 46 spaces is made to remodel and maintain an inside commercial amusement use within a structure containing 6,115 square feet of floor area and to provide 74 of the 120 required off-street parking spaces.

STANDARD FOR A SPECIAL EXCEPTION TO THE OFF-STREET PARKING REGULATIONS:

Section 51A-4.311 of the Dallas Development Code states the following:

- 1) The Board of Adjustment may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article *if the board finds*, after a public hearing, that *the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets*. The maximum reduction authorized by this section is 25 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(A). For the commercial amusement (inside) use and the industrial (inside) use, the maximum reduction authorized by this section is 75 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). For office use, the maximum reduction authorized by this section is 35 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). Applicants may seek a special exception to the parking requirements under this section and an administrative parking reduction under Section 51A-4.313. The greater reduction will apply, but the reduction may not be combined.
- 2) In determining whether to grant a special exception, the board shall consider the following factors:

- (A) The extent to which the parking spaces provided will be remote, shared, or packed parking.
 - (B) The parking demand and trip generation characteristics of all uses for which the special exception is requested.
 - (C) Whether or not the subject property or any property in the general area is part of a modified delta overlay district.
 - (D) The current and probable future capacities of adjacent and nearby streets based on the city's thoroughfare plan.
 - (E) The availability of public transit and the likelihood of its use.
 - (F) The feasibility of parking mitigation measures and the likelihood of their effectiveness.
- 3) In granting a special exception, the board shall specify the uses to which the special exception applies. A special exception granted by the board for a particular use automatically and immediately terminates if and when that use is changed or discontinued.
- 4) In granting a special exception, the board may:
- (A) Establish a termination date for the special exception or; otherwise provide for the reassessment of conditions after a specified period of time;
 - (B) Impose restrictions on access to or from the subject property; or
 - (C) Impose any other reasonable conditions that would have the effect of improving traffic safety or lessening congestion on the streets.
- 5) The board shall not grant a special exception to reduce the number of off-street parking spaces required in an ordinance granting or amending a specific use permit.
- 6) The board shall not grant a special exception to reduce the number of off-street parking spaces expressly required in the text or development plan of an ordinance establishing or amending regulations governing a specific planned development district. This prohibition does not apply when:
- (A) the ordinance does not expressly specify a minimum number of spaces, but instead simply makes references to the existing off-street parking regulations in Chapter 51; or
 - (B) the regulations governing that specific district expressly authorize the board to grant the special exception.

STAFF RECOMMENDATION:

Approval.

Rationale:

- The Sustainable Development and Construction Department has no objections to this request.

BACKGROUND INFORMATION:

Zoning:

Site: PD No. 269, Tract A
North: PD No. 269, Tract A
South: PD No. 269, Tract A
East: PD No. 269, Tract A
West: PD No. 269, Tract A

Land Use:

The subject site is proposed to be an inside commercial amusement use. The areas to the north, east, south, and west are developed with commercial uses.

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

This request for a special exception to the off-street parking regulations of 46 spaces is made to remodel and maintain a structure containing 6,115 square feet of floor area and to allow for an inside commercial amusement use to provide 74 of the 120 required off-street parking spaces.

PD No. 269 does not require inside commercial amusement uses to provide off-street parking spaces for the first 2,500 square feet of floor area in a ground-level use that has a separate certificate occupancy in an original building. A minimum of one space per 100 square feet of floor area is required for the remaining floor area of an inside commercial amusement use. PD No. 269 also allows a 10-percent reduction to off-street parking requirements when a use is located within one-fourth mile of a DART light-rail station.

The Sustainable Development and Construction Department Senior Engineer has no objections to the request.

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

- The parking demand generated by the proposed inside amusement structure with 6,115 square feet of floor area does not warrant the number of off-street parking spaces required: and
- The special exception of 46 spaces (or a 38.3 percent reduction of the required off-street parking) would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.

If the board were to grant this request and impose the condition that the special exception of 46 spaces shall automatically and immediately terminate if and when the inside commercial amusement use with 6,115 square feet of floor area is changed or discontinued.

TIMELINE:

August 27, 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.

September 18, 2020: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

September 18, 2020 The Board Administrator emailed the applicant’s representative the public hearing date and panel that will consider the application; the September 30, 2020 deadline to submit additional evidence for staff to factor into their analysis; and the October 9, 2020 deadline to submit additional evidence to be incorporated into the board’s docket materials and the following information:

- a copy of the application materials including the Building Official’s report on the application;
- 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.”

October 2,2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearings. The review team members in attendance included the Sustainable Development and Construction: Assistant Director, Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Building Inspection Senior Plans Examiner/Development Sign Code Specialist, Senior Engineer, the Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

October 5, 2020: The Sustainable Development and Construction Department Senior Engineer submitted a review comment sheet marked “no objections”.

October 8, 2020: The applicant submitted additional information to staff beyond what was submitted with the original application (**Attachment A**)

BOARD OF ADJUSTMENT ACTION: October 19, 2020

APPEARING IN FAVOR: Wes Hoblit 2201 Main St. #1280 Dallas, TX. 75201

APPEARING IN OPPOSITION: None.

MOTION: **Medina**

I move that the Board of Adjustment, in Appeal No. BDA 190-102, on application of Wes Hoblit of Masterplan, **grant** the request of this applicant to provide 74 off-street parking spaces to the off-street parking regulations contained in the Dallas Development Code, as amended, which require 120 off-street parking spaces, because our evaluation of the property use and the testimony shows that this special exception will not increase traffic hazards or increase traffic congestion on adjacent or nearby streets, and the parking demand generated by the use does not warrant the number of required parking spaces. This special exception is granted for a inside commercial amusement use only.

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

The special exception of 46 spaces shall automatically and immediately terminate if and when the inside commercial amusement use is changed or discontinued.

SECONDED: Pollock

AYES: 4 – Pollock, Hounsel, Sashington, Medina

NAYS: 1- Agnich

MOTION PASSED: 4 – 1

FILE NUMBER: BDA190-079(OA)

BUILDING OFFICIAL’S REPORT: Application of Karl Crawley for a special exception to the fence height regulations, and for a special exception to the visibility obstruction regulations at 4651 Catina Lane. This property is more fully described as Lot 3A, Block B/5534, and is zoned an R-1 ac(A) Single Family District, which limits the height of a fence in the front yard to four feet and requires a 20-foot visibility triangle at driveway approaches. The applicant proposes to construct a seven-foot-high fence in a required front yard, which will require a three-foot special exception to the fence regulations, and to construct a single family residential fence structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulations.

LOCATION: 4651 Catina Lane

APPLICANT: Karl Crawley

REQUESTS:

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

1. A request for a special exception to the fence standards regulations related to the fence height of three feet is made to construct and maintain a six-foot six-inch iron fence with seven-foot stone columns and a six-foot six-inch iron gate in the required front yard.
2. A request for special exceptions to the visual obstruction regulations is made to locate and maintain portions of the aforementioned fence with stone columns and an iron gate in the

two 20-foot visibility triangles on both sides of the drive approach at the intersection with Catina Lane.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS REGULATIONS:

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

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 (fence standards regulations):

No staff recommendation is made on this or any request for a special exception to the fence standards regulations 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.

STAFF RECOMMENDATION (visual obstruction regulations):

- 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 item will not constitute a traffic hazard.
- The Sustainable Development Department Senior Engineer has no objections to the request.

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

1. BDA189-141, Property located at 4610 Catina Lane (the lot located at the southeast corner of Catina Lane and Welsh Road)

The Board of Adjustment Panel C, at its public hearing held on Monday, June 22, 2020 approved a request for a special exception to the fence height regulations of four-feet six-inches and imposed the submitted site plan and elevation as a condition.

The case report stated that the request was made to construct a fence with a maximum height of four-feet six-inches high with metal on the top and a stone base, and partly an eight-foot-high stone fence, eight-foot six-inch and five-foot stone columns, and two seven-foot six-inch gates in the required 40-foot front yard on Catina Lane on a site being developed with a single-family home
2. BDA189-141, Property located at 4610 Catina Lane (the lot located at the southeast corner of Catina Lane and Welsh Road))

On December 16, 2019, the Board of Adjustment Panel C denied a request for a special exception to the fence height regulations without prejudice. The case report stated that the request was made to construct a fence with a maximum height of seven-feet seven-inches in the required 40-foot front yard on Catina Lane on a site being developed with a single-family home.
3. BDA112-039, Property located at 10757 Lennox Lane (the lot at the South corner of Royal Lane and Lennox Lane)

On May 14, 2012, the Board of Adjustment Panel C granted a request for a special exception to the fence height regulations of three feet and imposed the submitted site plan and elevation as a condition. The case report stated that the request was made in conjunction with constructing and maintaining a solid stucco wall ranging in height from six-feet four-inches to six-feet eight-inches (given grade changes on the property) with seven-foot-high stucco columns in the site's Royal Lane 40-foot front yard setback on a site that is developed with a single-family home.
4. BDA978-231, Property located at 10757 Lennox Lane (the lot at the South corner of Royal Lane and Lennox Lane)

On October 19, 1998, the Board of Adjustment Panel C denied requests for special exceptions to the fence height and visual obstruction regulations without prejudice. The case report stated that the requests were made to construct and maintain an eight-foot-high solid masonry wall in the front yard setback and in the required 45-foot visibility triangle at Royal Lane and Lennox Lane.
5. BDA 045-172, Property at 4610 Royal Lane (two lots north of the subject site)

On May 18, 2005, the Board of Adjustment Panel B granted a request for a special exception to the fence height regulations of seven feet imposing the following condition: Compliance with the newly submitted "Preliminary Concept Plan/Site Plan and Elevation" dated May 18, 2005, is required. The case report stated that the request was made in conjunction with constructing a wall in the 40-foot Royal

Lane front yard setback on a site developed with a single-family home.

GENERAL FACTS/STAFF ANALYSIS (fence standards special exceptions):

The purpose of this request for a special exception to the fence height standards is to construct and maintain a six-foot six-inch iron fence with seven-foot stone columns and a six-foot six-inch iron gate in the required front yard along Catina Lane.

The proposed fence is to be located about one foot-from the front property line. The following additional information was gleaned from the submitted site plan:

- The proposed fence is approximately 165 feet-in-length parallel to Catina Lane and runs approximately 40 feet perpendicular to Catina Lane on both side property lines in the required front yard.
- The minimum distance between the proposed fence and the pavement line is approximately 11 feet.

Section 51A-4.602(a)(2) of 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. The subject site is zoned R-1ac(A) which requires a 40-foot front yard setback.

Staff conducted a field visit of the site and surrounding area and noted several other fences along Catina Lane and Lennox Lane located in front yard setback which appeared to be above four feet-in-height along Catina Lane and Lennox Lane located in the front yard setback, some of which have recorded BDA history (see the Zoning/BDA History section of this case report for details).

As of October 09, 2020, no letters have been received in opposition or support to this request.

No changes were made to this application since the Board of Adjustment held this application on September 21, 2020.

The applicant has the burden of proof in establishing that the special exception to the fence height regulation of three feet will not adversely affect neighboring property.

Granting these special exceptions with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding four feet-in-height in the front yard setback to be constructed in the location and heights as shown on these documents.

GENERAL FACTS/STAFF ANALYSIS (visual obstruction special exceptions):

The requests for special exceptions to the fence standards regulations on a site developed with a single family home focus on constructing and maintaining portions of a six-foot six-inch iron fence with seven-foot stone columns and a six--foot six-inch iron gate in the two 20-foot visibility triangles on both sides of the drive approach at the intersection with Catina Lane.

Section 51A-4.602(d) of the Dallas Development Code states the following: 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 at 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 property is located in an R-1ac(A) Single Family District which requires the portion of a lot with a triangular area formed by connecting the point of intersection of the edge of a driveway or alley and the adjacent street curb line (or, if there is no street curb, what would be the normal street curb line) and points on the driveway or alley edge end the street curb line 20 feet from the intersection.

A site plan and elevation have been submitted indicating portions of a six-foot six-inch iron fence with seven-foot stone columns and a six-foot six-inch iron gate will be located in the 20-foot visibility triangle on both sides of the driveway that intersects with Catina Lane.

The Sustainable Development Department Senior Engineer has no objections to the requests.

No changes were made to this application since the Board of Adjustment held this application on September 21, 2020.

The applicant has the burden of proof in establishing how granting this request to maintain the proposed items in the two 20-foot visibility triangles on both sides of the driveway that intersect with Catina Lane does not constitute a traffic hazard.

Granting these requests with a condition imposed that the applicant complies with the submitted site plan and elevation would limit the items in the two 20-foot visibility triangles formed on each side of the driveway that intersects with Catina Lane to that what is shown on these documents, portions of a six-foot six-inch iron fence with seven-foot stone columns and a six-foot six-inch iron gate located within the two 20-foot visibility triangles on both sides of the drive approach at the intersection with Catina Lane.

Timeline:

- July 24, 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.
- August 18, 2020: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.
- August 19, 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 September 2, 2020 deadline to submit additional evidence for staff to factor into their analysis; and the

September 11, 2020 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."

September 4, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the September public hearing. The 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 Sing Specialist, 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.

September 4, 2020: The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked "Has no objections".

September 21, 2020: The Board of Adjustment Panel A conducted a public hearing on this application, and delayed action on this application per applicant's request until the next public hearing to be held on September 21, 2020

September 28, 2020: The Board Administrator wrote the applicant a letter of the board's action; the September 30, 2020 deadline to submit additional evidence for staff to factor into their analysis; and the October 9, 2020 deadline to submit additional evidence to be incorporated into the board's docket materials.

October 2, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearings. The review team members in attendance included the Sustainable Development and Construction: Assistant Director, Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Building Inspection Senior Plans Examiner/Development Sign Code Specialist, Senior Engineer, the Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

BOARD OF ADJUSTMENT ACTION: September 21, 2020

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

APPEARING IN OPPOSITION: None

MOTION: Agnich

I move that the Board of Adjustment in request No. BDA 190-79, hold this matter under advisement until **October 19, 2020**

SECONDED: Hounsel

AYES: 4 – Hounsel, Agnich, Pollock, Jones.

NAYS: 0

MOTION PASSED: 4 – 0 (unanimously)

BOARD OF ADJUSTMENT ACTION: October 19, 2020

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

APPEARING IN OPPOSITION: None.

MOTION#1: Hounsel

I move that the Board of Adjustment, in Appeal No. BDA 190-079, on application of Karl Crawley of Masterplan, **grant** the request of this applicant to construct and/or maintain a six-foot six-inch high fence as a special exception to the height requirement for fences contained in the Dallas Development Code, as amended, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property.

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

Compliance with the submitted site plan and elevation is required subject to the following changes:

- Fence maximum height of 5 feet;
- Fence columns are five feet six inches;
- Gate columns are six feet six inches; and
- The gate maintaining a height of six feet six inches.

SECONDED: Agnich

AYES: 5 – Hounsel, Agnich, Pollock, Sashington, Medina

NAYS: 0 –

MOTION PASSED: 5-0 (unanimously)

MOTION#2: Hounsel

I move that the Board of Adjustment, in Appeal No. BDA 190-079, on application of Karl Crawley of Masterplan, **grant** the request to construct and/or maintain items in the visibility triangle at the driveway approach as a special exception to the visual obstruction regulation contained in the Dallas Development Code, as amended, because our evaluation of the property and the testimony shows that this special exception will not constitute a traffic hazard.

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

Compliance with the submitted site plan and elevation is required subject to the following changes:

- Fence maximum height of 5 feet;
- Fence columns are five feet six inches;
- Gate columns are six feet six inches; and
- The gate maintaining a height of six feet six inches.

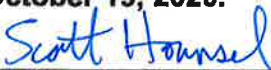
SECONDED: Sashington

AYES: 4 – Hounsel, Pollock, Sashington, Medina

NAYS: 1 – Agnich

MOTION PASSED: 4-1

The meeting was adjourned at 3:13 P.M. on October 19, 2020.



CHAIRPERSON



BOARD ADMINISTRATOR



BOARD SECRETARY

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