

**BOARD OF ADJUSTMENT, PANEL C
PUBLIC HEARING MINUTES
DALLAS CITY HALL, L1 AUDITORIUM
MONDAY, OCTOBER 19, 2015**

MEMBERS PRESENT AT BRIEFING: Bruce Richardson, Chair, Joe Carreon, regular member, Peter Schulte, regular member, Marla Beikman, regular member and Lorlee Bartos, alternate member

MEMBERS ABSENT FROM BRIEFING: Ross Coulter, regular member

MEMBERS PRESENT AT HEARING: Bruce Richardson, Chair, Joe Carreon, regular member, Peter Schulte, regular member, Marla Beikman, regular member and Lorlee Bartos, alternate member

MEMBERS ABSENT FROM HEARING: Ross Coulter, regular member

STAFF PRESENT AT BRIEFING: Steve Long, Board Administrator, Jamilah Way, Asst. City Attorney, Todd Duerksen, Development Code Specialist, Donna Moorman, Chief Planner, Planner and Trena Law, Board Secretary

STAFF PRESENT AT HEARING: Steve Long, Board Administrator, Jamilah Way, Asst. City Attorney, Todd Duerksen, Development Code Specialist, Donna Moorman, Chief Planner, Planner and Trena Law, Board Secretary

11:42 p.m. The Board of Adjustment staff conducted a briefing on the Board of Adjustment's **October 19, 2015** docket.

1:06 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, 2015 public hearing minutes.

BOARD OF ADJUSTMENT ACTION: OCTOBER 19, 2015

MOTION: None

The minutes were approved without a formal vote.

MISCELLANEOUS ITEM NO. 2

Consideration and approval of Panel C’s 2016 Public Hearing Calendar

BOARD OF ADJUSTMENT ACTION: OCTOBER 19, 2015

MOTION: Schulte

Approval of Panel C’s 2016 Public Hearing Calendar.

SECONDED: Carreon

AYES: 5 – Richardson, Carreon, Schulte, Beikman, Bartos

NAYS: 0 -

MOTION PASSED: 5 – 0 (unanimously)

FILE NUMBER: BDA 145-104

BUILDING OFFICIAL’S REPORT: Application of Robert Hopson for a variance to the front yard setback regulations at 8441 San Benito Way. This property is more fully described as Lot 2, Block 25/5278, and is zoned PD 575 (Subdistrict D), which requires a front yard setback of 50 feet. The applicant proposes to construct and maintain a structure and provide a 16 foot 5 inch front yard setback, which will require a 33 foot 7 inch variance to the front yard setback regulations.

LOCATION: 8441 San Benito Way

APPLICANT: Robert Hopson

REQUEST:

A request for a variance to the front yard setback regulations of 33' 7" is made to construct and maintain additions to an existing single family home structure/use, part of which would be located as close as 16' 5" from the site's San Pedro Parkway front property line or 33' 7" into this 50' front yard setback.

STANDARD FOR A VARIANCE:

The Dallas Development Code specifies that the board has the power to grant variances from the front yard, side yard, rear yard, lot width, lot depth, lot coverage, floor area for structures accessory to single family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

- (A) not contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done;
- (B) necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
- (C) not granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- The subject site is unique and different from most lots in the PD 575 zoning district in that it is irregular in shape and restrictive in area due to having two, 50' front yard setbacks. Most lots in this zoning district are rectangular in shape and have one 50' front yard setback. The area left for development on this triangular shaped lot once both 50' front yard setbacks are accounted for ranges from 0' – 96' in width.
- Furthermore, the applicant provided information documenting that the existing home with proposed additions would total approximately 4,700 square feet of living space. This total living space appeared to be commensurate with other developments identified by the applicant in the same PD 575 zoning district - information stating: 1) that the average of 14 other new houses in the zoning district is over 6,700 square feet or approximately 2,000 square feet or larger than is proposed on the subject site, and 2) that the average of 45 other houses in the zoning district is approximately 5,600 square feet, or approximately 900 square feet larger than what is proposed on the subject site.

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	PD 575 (Subdistrict D) (Planned Development)
<u>North:</u>	PD 575 (Subdistrict D) (Planned Development)
<u>South:</u>	PD 575 (Subdistrict D) (Planned Development)
<u>East:</u>	PD 575 (Subdistrict H) (Planned Development)
<u>West:</u>	PD 575 (Subdistrict D) (Planned Development)

Land Use:

The subject site is developed with a single family home structure that is nonconforming as to the front yard setback regulations along San Benito Way and San Pedro Parkway. The areas to the north, east, and south are developed with single family uses; and the area to the west is undeveloped.

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on constructing and maintaining additions (air conditioned living space and carport with building footprints of approximately 1,500 square feet) to an existing single family home structure/use that has (according to the applicant) approximately 4,100 square feet, part of which would be located as close as 16' 5" from the site's San Pedro Parkway property line or 33' 7" into this 50' front yard setback.
- The subject site is located between San Benito Way and San Pedro Parkway. Regardless of how the existing single-family structure is oriented to front San Benito Way and to back to San Pedro Parkway, the site has two 50' front yard setbacks since the code states that if a lot runs from one street to another and has double frontage, a required front yard must be provided on both streets.
- The minimum front yard setback on lots zoned PD 575 (Subdistrict D) is 50'.
- A scaled site plan has been submitted indicating that part of the new addition structure is located as close as 16' 5" from the site's San Pedro Parkway front property line or 33' 7" into this 50' front yard setback.
- According to DCAD records, the "main improvement" for property addressed at 8441 San Benito Way is a structure built in 1960 with 4,137 square feet of living/total area; and with the following additional improvements: a pool.

- The applicant has chosen only to seek variance to the front yard setback regulations for the new construction/additions to the existing structure on the site, and to not seek variance to remedy/address the nonconforming aspect of the existing nonconforming structure that is located in the site's front yard setbacks on San Benito Way and San Pedro Parkway.
- The code defines nonconforming structure as a structure that does not conform to the regulations of the code, but which was lawfully constructed under the regulations in force at the time of construction.
- The code states that the right to rebuild a nonconforming structure ceases if the structure is destroyed by the intentional act of the owner or the owner's agent.
- The subject site is sloped, triangular in shape, and according to the submitted application is 0.75 acres (or approximately 33,500 square feet) in area. The site is zoned PD 575.
- Prior to the creation of PD 575 in 2000 the property had been zoned R-10(A) where lots are typically 10,000 square feet in area and are required to provide a 30' front yard setback.
- The triangular shaped site has two 50' front yard setbacks and one 6' side yard setback. Most lots in this zoning district are rectangular in shape and have one 50' front yard setback, two 6' side yard setbacks, and 6' rear yard setback.
- No part of this application has been made for any structure to encroach into the San Benito Way 50' front yard setback.
- The area left for development on the triangular shaped lot once both 50' front yard setbacks are accounted for ranges from 0' – 96' in width.
- The applicant has provided documents stating that the total living area (or air-conditioned space) once the additions are made to the home on the site is about 4,700 square feet – “substantially below the average new house being built.” The applicant documents that of 45 houses he found in the area commonly defined as Forest Hills Subdivision, the average size of these homes was approximately 5,600 square feet.
- 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 PD 575 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 575 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 are additions to the existing nonconforming single family home structure located as close as 16’ 5” from the site’s San Pedro Parkway front property line or 33’ 7” into this 50’ front yard setback.

Timeline:

August 15, 2015: 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 15, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

September 15, 2015: The Board Administrator contacted the applicant and emailed 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 30th deadline to submit additional evidence for staff to factor into their analysis; and the October 9th 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 28, 2015: The applicant submitted additional documentation on this application beyond what was submitted with the original application (see Attachment A).

October 1, 2015: The applicant submitted additional documentation on this application beyond what was submitted with the original application (see Attachment B).

October 6, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for October public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

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

BOARD OF ADJUSTMENT ACTION: OCTOBER 19, 2015

APPEARING IN FAVOR: No one

APPEARING IN OPPOSITION: No one

MOTION: **Schulte**

I move to grant that the Board of Adjustment grant application **BDA 145-104** listed on the uncontested docket because it appears, from our evaluation of the property and all relevant evidence, that the application satisfies all the requirements of the Dallas Development Code or appropriate PD as applicable, and are consistent with its general purpose and intent of the Code or PD. I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

- Compliance with the submitted plan is required.

SECONDED: **Beikman**

AYES: 5 – Richardson, Carreon, Schulte, Beikman, Bartos

NAYS: 0 -

MOTION PASSED: 5 – 0 (unanimously)

FILE NUMBER: BDA 145-107

BUILDING OFFICIAL’S REPORT: Application of Claude Allen Stringer, Jr. for a special exception to the fence height regulations at 7130 Brookcove Lane. This property is more fully described as Lot 3, Block B/4404, and is zoned R-16(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to maintain a 9 foot 4 inch high fence, which will require a 5 foot 4 inch special exception to the fence height regulations.

LOCATION: 7130 Brookcove Lane

APPLICANT: Claude Allen Stringer, Jr.

REQUEST:

A request for a special exception to the fence height regulations of 5’ 4” is made to maintain two, 9’ 4” high, approximately 12’ wide stone pedestrian archways on a site developed with a single family home.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:

Section 51A-4.602 of the Dallas Development Code states that the board may grant a special exception to the height requirement for fences 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 height 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.

Zoning:

Site: R-16(A) (Single family district 16,000 square feet)
North: R-16(A) (Single family district 16,000 square feet)
South: R-16(A) (Single family district 16,000 square feet)
East: R-16(A) (Single family district 16,000 square feet)
West: R-16(A) (Single family district 16,000 square feet)

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on maintaining two, 9' 4" high, approximately 12' wide stone pedestrian archways on a site developed with a single family home.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The applicant has submitted a scaled site plan and an elevation. The elevation represents that the highest component of the "fence" in the 35' front yard setback are two stone pedestrian archways that reach 9' 4" in height.
- The submitted site plan represents that the archways that exceed 4' in height are 18' – 25' from the front property line. (While the submitted site plan makes notations of a fence in the front yard setback, the submitted elevation represents that the fence at its highest height is 38" high – less than the 4' allowed by right for a fence located in the front yard setback).

- The archways that exceed 4' in height in the site's 35' front yard setback are located on the site where two lots have frontage – neither of which have a fence in the front yard setback.
- The Board Administrator conducted a field visit of the site and surrounding area along Brookcove Lane (approximately 400 feet in either direction of the site) and noted no other visible fences above 4 feet high which appeared to be located in a front yard setback.
- As of October 9, 2015, no letters had been submitted in support of the request, and no letters had been submitted in opposition.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 5' 4" will not adversely affect neighboring property.
- Granting this special exception of 5' 4" with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding 4' in height in the front yard setback to be maintained in the location and of the heights and materials as shown on these documents.

Timeline:

August 20, 2015: 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 15, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

September 15, 2015: The Board Administrator contacted the applicant and emailed 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 30th deadline to submit additional evidence for staff to factor into their analysis; and the October 9th 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."

October 6, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for October public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, the Sustainable Development and

Construction Department Project Engineer, 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, 2015

APPEARING IN FAVOR: Claude Stringer, 7130 Brookcove LN, Dallas, TX
Shannon Stringer, 7130 Brookcove LN, Dallas, TX
Tory Gustafson, 2700 Redfield, Plano, TX

APPEARING IN OPPOSITION: Veronika Mancuso-Davis, 7140 Brookcove, Dallas, TX
Eugene Davis, 7140 Brookcove, Dallas, TX

MOTION: Schulte

I move that the Board of Adjustment, in request No. **BDA 145-107**, on application of Claude Allen Stringer, Jr., **grant** the request to construct and maintain an 9-foot 4-inch high fence in the property's front yard as a special exception to the fence height requirements in the Dallas Development Code because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property. I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

- Compliance with submitted site plan and elevations is required.

SECONDED: Carreon

AYES: 5 – Richardson, Carreon, Schulte, Beikman, Bartos

NAYS: 0 -

MOTION PASSED: 5 – 0 (unanimously)

FILE NUMBER: BDA 145-106

BUILDING OFFICIAL'S REPORT: Application of Mary Lynn Swayze for variances to the side yard setback regulations at 1523 San Saba Drive. This property is more fully described as Lot 27, Block D/5312, and is zoned R-10(A), NSO 5, which requires a side yard setback of 12 feet on interior side yards. The applicant proposes to construct and/or maintain a structure and provide as close as a 7 foot side yard setback, which will require as much as a 5 foot variance to the side yard setback regulations.

LOCATION: 1523 San Saba Drive

APPLICANT: Mary Lynn Swayze

REQUESTS:

On October 9, 2015, the applicant emailed the Board Administrator a request for the Board to deny her variance requests without prejudice (see Attachment E). Requests for variances to the side yard setback regulations of up to 5' had been made to construct and maintain additions to the first floor of the existing one story single family home on site, part of which were to have been located as close as 7' from one of the side property lines or as much as 5' into the required 12' side yard setbacks. (Note that while the applicant also proposed to add a second floor, it was not proposed to be located in either of the 12' side yard setbacks).

STANDARD FOR A VARIANCE:

The Dallas Development Code specifies that the board has the power to grant variances from the front yard, side yard, rear yard, lot width, lot depth, lot coverage, floor area for structures accessory to single family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

- (D) not contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done;
- (E) necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
- (F) not granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

STAFF RECOMMENDATION:

Denial

Rationale:

- The applicant has requested that her request for variances to the side yard setback regulations be denied without prejudice.
- Prior to the applicant requesting that her application be denied without prejudice, staff had made the following conclusion:

- Even while staff had recognized that the site was sloped to a creek bed and with two front yard setbacks, the applicant had not substantiated at the time of the October 6th staff review team meeting how the features of the R-10(A)(NSO 5)-zoned, sloped, somewhat irregular in shape, and approximately 29,500 square foot subject site precluded her from developing it in a manner commensurate with other developments found on similarly-zoned R-10(A)(NSO 5) lots. Staff had concluded that the features of this site did not preclude the applicant from making what appeared to be reasonably sized-additions to and/or enlargement of the existing single family home to the size proposed while simultaneously meeting required setbacks.

BACKGROUND INFORMATION:

Zoning:

Site: R-10(A)(NSO 5) (Single family residential 10,000 sq ft)(Neighborhood Stabilization Overlay)
North: R-10(A)(NSO 5) (Single family residential 10,000 sq ft)(Neighborhood Stabilization Overlay)
South: R-10(A)(NSO 5) (Single family residential 10,000 sq ft)(Neighborhood Stabilization Overlay)
East: R-10(A)(NSO 5) (Single family residential 10,000 sq ft)(Neighborhood Stabilization Overlay)
West: R-10(A) (Single family residential 10,000 square feet)

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- On October 9, 2015, the applicant emailed the Board Administrator a request for the Board to deny her variance requests without prejudice (see Attachment E).
- These requests focused on constructing and maintaining additions (an approximately 90 square foot laundry room addition on the southeast side of the site and an approximately 400 square foot master bedroom/bath/closet addition on the northwest side of the site) to the first floor of the existing approximately 1,500 square foot one story single family home on site, part of which would have been located as close as 7' from one of the side property lines or as much as 5' into one of the required 12' side yard setbacks.
- Structures on lots zoned R-10(A) are required to provide a minimum side yard setback of 6', however, structures zoned R-10(A) NSO 5 are required to provide a minimum interior side yard setback of 12'.
- Prior to the creation of the NSO (Neighborhood Stabilization Overlay) district in 2007, the minimum side yard setback was 6'.

- The submitted site plan represented that the proposed addition (laundry room) on the southeast side of the site was located 7' 2" ± from that side property line (or 5' into this 12' side yard setback) and that the proposed addition (master bedroom/bath/closet) on the northwest side of the site was located 9' 3" from that side property line (or 2' 9" into that 12' side yard setback).
- The submitted site plan noted that the total area of air conditioned space of the existing one story home was 1,626 square feet, the new addition to the first floor was 480 square feet, and the total amount of air conditioned space with the second floor would have been 3,437 square feet.
- It had appeared from the site plan that the approximately ½ of the proposed laundry room addition on the southeast side of the site would have been located in this 12' side yard setback and approximately 1/6 of the proposed master bedroom/bath/closet addition on the northwest side of the site would have been located in that 12' side yard setback.
- According to DCAD records, the "main improvement" for property addressed at 1523 San Sabo Drive is a structure built in 1945 with 1,656 square feet of living/total area; and with no additional improvements.
- The applicant had chosen only to seek variance to the side yard setback regulations for the new construction/additions to the existing structure on the site, and to not seek variance to remedy/address the nonconforming aspect of the existing nonconforming rear deck structure that was located in the site's side yard setbacks on southeast side of the site.
- The code defines nonconforming structure as a structure that does not conform to the regulations of the code, but which was lawfully constructed under the regulations in force at the time of construction.
- The code states that the right to rebuild a nonconforming structure ceases if the structure is destroyed by the intentional act of the owner or the owner's agent.
- The subject site is sloped, somewhat irregular in shape, and according to the submitted application is 0.68 acres (or approximately 29,500 square feet) in area.
- The subject site has two 50' front yard setbacks – one on San Saba Drive; the other on Old Gate Lane; and two 12' interior side yard setbacks. The site is zoned R-10(A)(NSO 5) where most lots in this zoning have 10,000 square feet, one 50' front yard setback, two 12' interior side yard setbacks, and one 6' rear yard setback.
- According to calculations made by the Board Administrator from information submitted by the applicant, the average of the 12 "house/servants quarters" square footages is 3,975 square feet. The submitted site plan noted that the total a/c floor area of the proposal on the subject site is 3,437 square feet. The applicant's document noted: "main house/w addition 3,593."
- The applicant would have had the burden of proof in establishing the following:
 - That granting the variances to the side yard setback regulations would not had been 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 variances were 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-10(A)(NSO 5) zoning classification.

- The variances would not had been 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-10(A)(NSO 5) zoning classification.
- If the Board were to have granted the variance requests, and imposed the submitted site plan as a condition, the structure in the side yard setbacks would have been limited to what was shown on this document– which in this case was a portion of a structure would have been located as close as 7’ from one of the site’s side property lines (or as much as 5’ into the 12’ side yard setback).

Timeline:

August 19, 2015: 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 15, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

September 15, 2015: The Board Administrator contacted the applicant and emailed 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 30th deadline to submit additional evidence for staff to factor into their analysis; and the October 9th 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 18, 2015: The Building Inspection Senior Plans Examiners/Development Code Specialist forwarded a revised Building Official’s report to the Board Administrator (see Attachment A).

September 25, 30

& October 2, 2015: The applicant submitted additional documentation on this application beyond what was submitted with the original application (see Attachments B, C, and D).

October 6, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for October public hearings. Review team members in attendance included: the

Sustainable Development and Construction Board of Adjustment Chief Planner, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

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

October 9, 2015: The applicant submitted additional documentation on this application beyond what was submitted with the original application (see Attachment E).

BOARD OF ADJUSTMENT ACTION: OCTOBER 19, 2015

APPEARING IN FAVOR: No one

APPEARING IN OPPOSITION: No one

MOTION: **Schulte**

I move that the Board of Adjustment, in request No. **BDA 145-106**, on application of Mary Lynn Swayze, **deny** the side yard setback variance **without prejudice** because our evaluation of the property and the testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would not result in unnecessary hardship to this applicant

SECONDED: **Beikman**

AYES: 5 – Richardson, Carreon, Schulte, Beikman, Bartos

NAYS: 0 -

MOTION PASSED: 5 – 0 (unanimously)

MOTION: **Beikman**

I move to adjourn this meeting.

SECONDED: **Schulte**

AYES: 5 – Richardson, Coulter, Carreon, Schulte, Beikman

NAYS: 0 -

MOTION PASSED: 5 – 0(unanimously)

1:50 P. M. - Board Meeting adjourned for **October 19, 2015.**

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.