

**BOARD OF ADJUSTMENT, PANEL A
PUBLIC HEARING MINUTES
DALLAS CITY HALL, L1 AUDITORIUM
TUESDAY, NOVEMBER 15, 2016**

MEMBERS PRESENT AT BRIEFING: Peter Schulte, acting vice-chair, Michael Gibson, regular member, Elizabeth Nelson, regular member, Renee Dutia, regular member and Gary Sibley, alternate member

MEMBERS ABSENT FROM BRIEFING: No one

STAFF PRESENT AT BRIEFING: Steve Long, Board Administrator, Mary McCullough, Asst. City Attorney, Todd Duerksen, Development Code Specialist, Clay Buehrle, Engineering, Phil Erwin, Chief Arborist, Donna Moorman, Chief Planner, Jennifer Munoz, Senior Planner and Trena Law, Board Secretary

MEMBERS PRESENT AT HEARING: Peter Schulte, acting vice-chair, Michael Gibson, regular member, Elizabeth Nelson, regular member, Renee Dutia, regular member and Gary Sibley, alternate member

MEMBERS ABSENT FROM HEARING: No one

STAFF PRESENT AT HEARING: Steve Long, Board Administrator, Mary McCullough, Asst. City Attorney, Todd Duerksen, Development Code Specialist, Clay Buehrle, Engineering, Phil Erwin, Chief Arborist, Donna Moorman, Chief Planner, Jennifer Munoz, Senior Planner and Trena Law, Board Secretary

11:04 A.M. The Board of Adjustment staff conducted a briefing on the Board of Adjustment's **November 15, 2016** docket.

1:00 P.M.

The Chairperson stated that no action of the Board of Adjustment shall set a precedent. Each case must be decided upon its own merits and circumstances, unless otherwise indicated, each use is presumed to be a legal use. Each appeal must necessarily stand upon the facts and testimony presented before the Board of Adjustment at this public hearing, as well as the Board's inspection of the property.

MISCELLANEOUS ITEM NO. 1

To approve the Board of Adjustment Panel October 18, 2016, 2016 public hearing minutes.

BOARD OF ADJUSTMENT ACTION: NOVEMBER 15, 2016

MOTION: None

The minutes were approved without a formal vote.

MISCELLANEOUS ITEM NO. 2

FILE NUMBER: BDA156-076

REQUEST: To waive the two year limitation on a final decision reached by Board of Adjustment Panel A on August 16, 2016 - a request for a special exception to the landscape regulations that was granted with certain conditions.

LOCATION: 100 Crescent Court

APPLICANT: Robert Reeves of Robert Reeves and Associates

STANDARD FOR WAIVING THE TWO YEAR TIME LIMITATION ON A FINAL DECISION REACHED BY THE BOARD:

The Dallas Development Code states that the board may waive the two year time limitation on a final decision reached by the board if there are changed circumstances regarding the property sufficient to warrant a new hearing.

GENERAL FACTS/TIMELINE:

August 16, 2016: The Board of Adjustment Panel A granted a request for special exception to the landscape regulations and imposed the following conditions to this request: 1) Compliance with the submitted revised landscape plan is required; 2) All landscape improvements shown on the submitted revised site plan must be completed within 18 months of today. Landscape improvements for areas B and D as shown on the submitted site plan must be completed before the final building inspections of each permit in areas B and D. The case report stated that the request focused on amending certain features shown on an alternate landscape plan that was imposed as a condition in conjunction with a request for a special exception to the landscape regulations granted on the subject by Board of Adjustment Panel A on March 17, 2015: BDA145-037.

The subject site is currently developed as an approximately 1,450,000 square foot mixed use development (The Crescent). (See Attachment A for information related to this application).

November 1, 2016: The applicant submitted a letter to staff requesting that the Board waive the two year limitation on the request for a special exception to the landscape regulations granted by Board of Adjustment Panel A on August 16, 2016 (see Attachment B). This miscellaneous item request to waive the two year limitation was made in order for the applicant to file a new application for a landscape special exception on the property.

Note that The Dallas Development Code states the following with regard to board action:

- Except as provided below, after a final decision is reached by the board, no further request on the same or related issues may be considered for that property for two years from the date of the final decision.
- If the board renders a final decision of denial without prejudice, the two year limitation is waived.
- The applicant may apply for a waiver of the two year limitation in the following manner:
 - The applicant shall submit his request in writing to the director. The director shall inform the applicant of the date on which the board will consider the request and shall advise the applicant of his right to appear before the board.
 - The board may waive the two year time limitation if there are changed circumstances regarding the property sufficient to warrant a new hearing. A simple majority vote by the board is required to grant the waiver. If a rehearing is granted, the applicant shall follow the process outlined in the code.

November 1, 2016: The Board Administrator emailed the applicant information regarding his miscellaneous item request (see Attachment C).

November 4, 2016: The applicant submitted additional documentation on this request (see Attachment D).

BOARD OF ADJUSTMENT ACTION: NOVEMBER 15, 2016

APPEARING IN FAVOR: No one

APPEARING IN OPPOSITION: No one

MOTION: Gibson

I move that the Board of Adjustment, in request No. **BDA 156-076**, on application of Robert Reeves, **grant** the request of this applicant to waive the two year limitation on a final decision reached by Board of Adjustment Panel A on August 16, 2016, because

there are changed circumstances regarding the property sufficient to warrant a new hearing.

SECONDED: Dutia

AYES: 5 – Schulte, Gibson, Nelson, Dutia, Sibley

NAYS: 0 -

MOTION PASSED: 5 – 0 (unanimously)

FILE NUMBER: BDA156-106(SL)

BUILDING OFFICIAL’S REPORT: Application of Robert Baldwin of Baldwin and Associates for a special exception to the fence height regulations at 5934 Park Lane. This property is more fully described as Lot 1, Block A/5615, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct an 8 foot high fence, which will require a 4 foot special exception to the fence height regulations.

LOCATION: 5934 Park Lane

APPLICANT: Robert Baldwin of Baldwin and Associates

REQUEST:

A request for a special exception to the fence height regulations of 4’ is made to construct and maintain a fence (a 6’ 3” open ornamental metal fence with 7’ 3” high masonry columns, one 7’ 3” high open ornamental gate with masonry columns, and another approximately 7’ high ornamental metal gate with 8’ high masonry columns) higher than 4’ in height in the front yard setback on a site developed with a single family structure.

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.

BACKGROUND INFORMATION:

Zoning:

Site: R-1ac (A) (Single family district 1 acre)

North: PD 910 (Planned Development)
South: R-1ac (A) (Single family district 1 acre)
East: R-1ac (A) (Single family district 1 acre)
West: R-1ac (A) (Single family district 1 acre)

Land Use:

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

Zoning/BDA History:

1. BDA156-025, Property at 5931 Park Lane (the property north of the subject site)
On March 21, 2016, the Board of Adjustment Panel C granted request for a special exception to the fence height regulations of 3' 6". The Board imposed the following condition: compliance with the submitted revised site plan and revised elevation is required.
The case report stated the construct and maintain a 6' high fence (a 4' open iron picket fence atop a 2' high stone base) with approximately 6' 8" high columns, and two, 7' 6" high arched open iron picket entry gates in the front yard setback on a site being developed with a single family structure.
2. BDA101-076, Property at 5946 Park Lane (the property east of the subject site)
On September 20, 2011, the Board of Adjustment Panel A granted request for a special exceptions to the fence height regulations of 2' 6" and visual obstruction regulations. The Board imposed the following condition: compliance with the submitted and elevation is required.
The case report stated the requests were made to construct/maintain a primarily a 6' high open iron fence with 6' 6" high stone columns/iron entry gate, and maintaining portions of an existing solid cedar fence/wall and two 8' 6" high brick columns in the 45 foot visibility triangle at the intersection of Park Lane and Preston Road on a site developed with a single family home.

3. BDA 056-020, Property at 5946 Park Lane (the property east of the subject site)

On November 15, 2005, the Board of Adjustment Panel A granted a request for a special exception to the fence regulations of 4' 6" and imposed the submitted site plan and elevation as a condition to the request.

The case report stated that the request was made in conjunction with constructing and maintaining an approximately 8' 2" high rough cedar wall with 8' 6" high brick columns in the front yard setback perpendicular to Park Lane.

4. BDA989-109, Property at 5910 Park Lane (two lots west of the subject site)

On October 20, 1998, the Board of Adjustment Panel B granted a request for a special exception to the fence height special regulations of 5' and imposed following condition to these requests: Compliance with the submitted site plan/elevation is required.

The case report stated the request was made in conjunction with constructing a 5.5' – 7.5' high open steel picket fence with 7.5' high columns, and 9' high columns.

5. BDA956-189, Property at 5925 Park Lane (three lots northwest of the subject site)

On April 23, 1996, the Board of Adjustment granted requests for special regulations to the fence height and visual obstruction regulations and imposed following condition to these requests: Compliance with the submitted site/landscape plan is required.

The case report stated the request was made in conjunction with constructing a 6' 8" high fence with 7' 3" high columns, and 8' high gate with 8' high columns.

5. BDA978-127, Property at 5934 Park Lane (the subject site)

On April 28, 1998, the Board of Adjustment Panel A granted requests for special regulations to the fence height and visual obstruction regulations and imposed following condition to these requests: Compliance with the attached sit/elevation plan is required.

The case report stated the request was made in conjunction with constructing a 6' high open wrought iron picket fence with 6.5' high solid columns and a 7' high open metal entry gate.

GENERAL FACTS/STAFF ANALYSIS:

- This request for a special exception to the fence height regulations of 4' focuses on constructing and maintaining a 6' 3" open ornamental metal fence with 7' 3" high masonry columns, one 7' 3" high open ornamental gate with masonry columns, and another approximately 7' high ornamental metal gate with 8' high masonry columns in the front yard setback on a site developed with a single family structure.
- 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 subject site is zoned R-1ac() and has a 40' front yard setback.
- The submitted site plan/elevation indicates that the proposal reaches a maximum height of 8' to account for columns flanking one of the two proposed entry gates.
- The following additional information was gleaned from the submitted site plan:
 - The proposal is represented as being approximately 160' in length parallel to the street.
 - The proposed fence is represented as being located approximately 4' from the front property line, or approximately 20' from the pavement line.
- Two single family lots front the proposed fence, one with an approximately 6' high open metal fence on a stucco base in its front yard that appears to be a result of a granted fence height special exception in 2016 (BDA156-025); and the other with a fence that does not appear to exceed 4' in height.
- The Board Administrator conducted a field visit of the site and surrounding area (properties Park Lane from Preston Road on the east to approximately 300 feet to the west of the site) and noted three other fences over 4' in height and in front yard setback – an approximately 6' high open metal fence east of the subject site that appears to be a result of a granted fence height special exception in 2011 (BDA101-076), an approximately 6' high open metal fence two lots to the west of the subject site that appears to be a result of a granted fence height special exception in 1998 (BDA989-109), and an approximately 7' high solid fence three lots to the northwest of the subject site that appears to be a result of a granted fence height special exception in 1996 (BDA956-189).
- As of November 4, 2016, no letters have been submitted in support of the request and no letters have been submitted in opposition.

- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 4' will not adversely affect neighboring property.
- Granting this special exception of 4' with a condition imposed that the applicant complies with the submitted site plan/elevation would require the proposal exceeding 4' in height in the front yard setback to be constructed and maintained in the location and of the heights and materials as shown on this document.

Timeline:

August 23, 2016: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

October 10, 2016: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, "If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case."

October 11, 2016: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the October 26th deadline to submit additional evidence for staff to factor into their analysis; and the November 4th 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."

November 1, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for November public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, 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: NOVEMBER 15, 2016

APPEARING IN FAVOR: No one

APPEARING IN OPPOSITION: No one

MOTION: **Schulte**

I move to grant that the Board of Adjustment grant application **BDA 156-106(SL)** listed on the uncontested docket because it appears, from our evaluation of the property and all relevant evidence, that the application satisfies all the requirements of the Dallas Development Code or appropriate PD as applicable, and are consistent with its general purpose and intent of the Code or PD. I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

- Compliance with the submitted site plan/elevation is required.

SECONDED: **Sibley**

AYES: 5 – Schulte, Gibson, Nelson, Dutia, Sibley

NAYS: 0 -

MOTION PASSED: 5 – 0 (unanimously)

FILE NUMBER: BDA156-108(JM)

BUILDING OFFICIAL’S REPORT: Application of Aaron W. Grieb, represented by John Vecchio of Greenberg Farrow, for special exceptions to the landscape and off-street parking regulations at 13729 N. Central Expressway. This property is more fully described as Lot 1.1, Block B/7763, and is zoned MU-3, which requires mandatory landscaping and off-street parking to be provided. The applicant proposes to construct and/or maintain a structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations, and to construct and/or maintain a structure for general merchandise or food store 3,500 square feet or less and motor vehicle fueling station uses, and provide 6 of the required 8 off-street parking spaces, which will require a 2 space special exception to the off-street parking regulations.

LOCATION: 13729 N. Central Expressway

APPLICANT: Aaron W. Grieb
Represented by John Vecchio of Greenberg Farrow

REQUEST:

The following requests have been made on a site that is developed with a commercial structure including a motor vehicle fueling station:

1. A request for a special exception to the landscape regulations to construct and maintain a structure and provide an alternate landscape plan, not fully meeting the landscape regulations.
2. A request for a special exception to the off-street parking regulations of 2 spaces is made to construct a 1,200 square foot building for a general merchandise or food store 3,500 square feet or less and a motor vehicle

fueling station on a site that is currently developed with a motor vehicle fueling station use, and provide 6 of the required 8 off-street parking spaces.

STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPE REQUIREMENTS:

The board may grant a special exception to the requirements of this article upon making a special finding from the evidence presented that:

1. Strict compliance with the requirements of this article will unreasonably burden the use of the property;
2. The special exception will not adversely affect neighboring property; and
3. The requirements are not imposed by a site-specific landscape plan approved by the city plan commission or city council.

In determining whether to grant a special exception under Subsection (a), the board shall consider the following factors:

1. The extent to which there is residential adjacency.
2. The topography of the site.
3. The extent to which landscaping exists for which no credit is given under this article.
4. The extent to which other existing or proposed amenities will compensate for the reduction of landscaping.

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

- 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 the 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 this chapter; or
 - (B) the regulations governing that specific district expressly authorize the board to grant the special exception.

STAFF RECOMMENDATION (special exception to the landscape regulations):

Approval, subject to the following condition:

- Compliance with the submitted revised alternate landscape plan is required.

Rationale for approval:

- Staff concurs with the Chief Arborist and recommends approval of this request with the condition imposed above because strict compliance with this article will unreasonably burden the use of this property and this special exception will not adversely affect neighboring property.

STAFF RECOMMENDATION (special exception to the off-street parking regulations):

Approval, subject to the following condition:

- The special exception of 2 spaces shall automatically and immediately terminate if and when the general merchandise or food store 3,500 square feet or less and motor vehicle fueling station uses are changed or discontinued.

Rationale:

- The Sustainable Development and Construction Department Project Engineer indicated that he has no objections to the applicant’s request.

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	MU-3 Mixed Use District
<u>North:</u>	MU-3 Mixed Use District; SUP No. 1818
<u>East:</u>	IR Industrial Research District
<u>South:</u>	IR Industrial Research District
<u>West:</u>	MU-3 Mixed Use District

Land Use:

The subject site is currently a motor vehicle fueling station. To the immediate north is a general merchandise or food store 100,000 square feet or more use. North Central Expressway lies to the east and south with an office use across the expressway. A restaurant without drive-in or drive-through service exists to the west.

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 (special exception to the landscape regulations):

- This request focuses on constructing/maintaining structures on a lot currently developed with a motor vehicle fueling station use, and not fully providing required landscaping. More specifically, according to the City of Dallas Chief Arborist, the features shown on the submitted alternate landscape plan would not conform to Article X landscape regulation standards related to design standards and street trees.
- The new construction of a proposed commercial project triggers compliance with Article X landscape regulations. The applicant plans to tear down the existing structure. In order to build a new structure, they must comply with current codes, including landscaping (Article X).
- The proposed revised alternate landscape plan is deficient in the following:

- a. Design standards – Sec 51A-10.126 – One design standard is provided where two are required. Street buffer is provided for Central Expressway but not for Midpark.
 - b. Street trees – Sec 51A-10.125(b)(4) – One street tree of 3-inches or greater is required for every 50 feet of street frontage. Six street trees are provided, but three street trees are in the public right-of-way subject to plan review for street improvement, and three new trees are identified as 2.5 caliper inches.
- The City of Dallas Chief Arborist states in a memo (see Attachment A) that the request in this case is triggered by the new construction of a commercial project.
 - The Chief Arborist listed several factors for consideration:
 - a. The revised alternate landscape plan provides for screening of off-street parking by 3-foot tall large evergreen shrubs along both street perimeters. An enhanced landscape buffer strip of 15 feet deep is provided along the perimeter with Central Expressway, but landscape area of only about 2 feet in depth is provided along Midpark due to restrictions for parking and maneuvering space, and the dumpster location, for the use. Although the revised alternate landscape plan provides for the needed shrubs and groundcover, the site cannot qualify for the street buffer design standard credit due to these conflicts with the use of the land area.
 - b. Six street trees are required for the lot (10.125(b)(4)). Three large trees are currently in the parkway (public right-of-way) along Midpark and are considered as street trees by ordinance. At this point, it is not determined if the trees will remain if a city sidewalk is required to be installed for the remainder of Midpark to the highway. A sidewalk extension in the parkway is not noted on the plans. Also, overhead utility lines run above the perimeter along Central Expressway limiting the suitable space for new large trees along the east perimeter. In addressing these concerns, the applicant has revised his initial submitted landscape plan to provide three new large canopy trees in suitable space which is offset a few feet from the overhead utility at Central.
 - c. The revision with the added three large canopy trees within proximity to parking spaces has provided the means to comply with parking lot landscape requirements.
 - d. All tree selections for planting by the applicant, except for the three maples, are species of a small tree classification which are good, viable, and drought-tolerant plant materials and will generally reach a height of about 15 feet at maturity. In prime conditions, the maple can achieve well over 30 feet in height.
 - e. All other Article X landscape standards comply.
 - The chief arborist recommends approval of this revised alternate landscape plan because the special exception would not adversely affect neighboring property.
 - The applicant has the burden of proof in establishing the following:

- The special exception complies with Section 51(A) 10.110.
- If the board were to grant this request and impose the submitted alternate landscape plan as a condition, the site would be granted exception from full compliance to the landscape regulations.

GENERAL FACTS/STAFF ANALYSIS (special exception to the off-street parking regulations):

- This request focuses on constructing and maintaining a 1,200 square foot structure for a proposed general merchandise or food store 3,500 square feet or less and motor vehicle fueling station uses on a site that is developed with a motor vehicle fueling station use, and providing 6 of the required 8 off-street parking spaces.
- The Dallas Development Code requires the following off-street parking requirements:
 - General merchandise or food store 3,500 square feet or less use: 1 space per 200 square feet.
 - Motor vehicle fueling station use: 2 spaces
- The Sustainable Development Department Project Engineer has indicated that he has no objections to the request (Attachment B).
- The applicant has the burden of proof in establishing the following:
 - The parking demand expected to be generated by the “general merchandise or food store 3,500 square feet or less and motor vehicle fueling station” uses on the site does not warrant the number of off-street parking spaces required, and
 - The special exception of 2 spaces (or a 25 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 2 spaces shall automatically and immediately terminate if and when the general merchandise or food store 3,500 square feet or less and motor vehicle fueling station uses are changed or discontinued; the applicant would be allowed to construct and maintain the structure on the site with this specific use (“general merchandise or food store 3,500 square feet or less and motor vehicle fueling station”) with the specified square footage, and provide 6 of the 8 code required off-street parking spaces.

TIMELINE:

August 25, 2016: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

October 10, 2016: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A.

October 14, 2016: The Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the October 26th deadline to submit additional evidence for staff to factor into their analysis; and the November 4th 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."

November 1, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for November public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

November 3, 2016: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Has no objections," (see Attachment B).

November 7, 2016: The applicant submitted a revised alternate landscape plan.

November 7, 2016: The City of Dallas Chief Arborist submitted a memo regarding the request for a special exception to the front yard setback regulations of up to 19' 3.5" for tree preservation (see Attachment A).

BOARD OF ADJUSTMENT ACTION: NOVEMBER 15, 2016

APPEARING IN FAVOR: No one

APPEARING IN OPPOSITION: No one

MOTION: Schulte

I move to grant that the Board of Adjustment grant application **BDA 156-108(JM)** 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 revised alternate landscape plan is required.
- The special exception of 2 spaces shall automatically and immediately terminate if and when the general merchandise or food store 3,500 square feet or less and motor vehicle fueling station uses are changed or discontinued.

SECONDED: Sibley

AYES: 5 – Schulte, Gibson, Nelson, Dutia, Sibley

NAYS: 0 -

MOTION PASSED: 5 – 0 (unanimously)

FILE NUMBER: BDA156-111(SL)

BUILDING OFFICIAL’S REPORT: Application of J. Gabriel Barbier-Mueller, represented by Tara Stevenson, for a special exception to the fence height regulations at 5942 Averill Way. This property is more fully described as a 1.0774 acre parcel in Block 5622, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and/or maintain a 9 foot 2 inch high fence, which will require a 5 foot 2 inch special exception to the fence height regulations.

LOCATION: 5942 Averill Way

APPLICANT: J. Gabriel Barbier-Mueller
Represented by Tara Stevenson

REQUEST:

A request for a special exception to the fence height regulations of 5’ 2” is made to maintain an existing fence (an 8’ 10” high brick fence with 9’ 2” high brick columns) in the site’s Preston Road front yard setback 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-1ac (A) (Single family district 1 acre)
North: R-1ac (A) (Single family district 1 acre)
South: R-1ac (A) (Single family district 1 acre)

East: PD 946 (Planned Development)
West: R-1ac (A) (Single family district 1 acre)

Land Use:

The subject site is developed with a single family use. The areas to the north, south, and west are developed with single family uses; and the area to the east is under development.

Zoning/BDA History:

1. BDA156-034, Property at 5942 Averill Way (the subject site)

On May 17, 2016, the Board of Adjustment Panel A granted a request for a special exception to the visual obstruction regulations, and imposed the following condition: compliance with the submitted revised site plan dated May 4, 2016 is required.

The case report stated the request made to maintain a number of unspecified plant materials in the 45' visibility triangle where Averill Way intersects with Preston Road on a site developed with a single family use.

(Note that the applicant's representative has stated that no part of the current application for a special exception to the fence height regulations affects the board of adjustment action (and conditions imposed) on the special exception to the visual obstructions granted in May of 2016.

2. BDA156-033, Property at 5941 Averill Way (the property to the north of the subject site)

On May 17, 2016, the Board of Adjustment Panel A granted a request for a special exception to the visual obstruction regulations, and imposed the following condition: compliance with the submitted revised site plan dated May 4, 2016 is required.

The case report stated the request made to maintain a number of unspecified plant materials in the 45' visibility triangle where Averill Way intersects with Preston Road on a site developed with a single family use.

GENERAL FACTS/STAFF ANALYSIS:

- This request for a special exception to the fence height regulations of 5' 2" focuses on maintaining an existing 8' 10" high brick fence with 9' 2" high brick columns in the site's Preston Road 40' front yard setback.

- The subject site is zoned R-1ac(A) which requires a minimum front yard setback of 40’.
- 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 subject site is located at the southwest corner of Preston Road and Averill Way.
- Given the single family zoning and location of the corner lot subject site, it has two 40’ front yard setbacks – a front yard setback along Preston Road (the shorter of the two frontages of the subject site which is always a front yard in this case) and a front yard setback along Averill Way, (the longer of the two frontages which is typically considered a side yard where on this R-1ac(A) zoned property a 9’ high fence could be erected by right). However the site has a front yard setback along Averill Way in order to maintain continuity of the established front yard setback along this street frontage where homes/lots to the west “front” on Averill Way.
- The submitted site plan and fence elevation represents that the proposal will reach 9’ 2” in height in the 40’ Preston Road front yard setback.
- The submitted site plan represents only a fence to exceed 4’ in height in the Preston Road front yard setback and not into the site’s Averill Way front yard setback.
- The following information was gleaned from the submitted site plan:
 - The proposal/existing fence is represented as being approximately 130’ in length parallel to the Preston Road, and approximately 40’ in length perpendicular to this street on the north and south sides of the site in this front yard setback.
 - The proposal/existing fence is represented as being located mostly on the Preston Road front property line or approximately 15’ from the pavement line.
- The proposal/existing fence is located across from a site that is under development.
- The Board Administrator conducted a field visit of the site and surrounding area along Preston Road (approximately 400’ north and south of the subject site) and noted no other visible fences that appeared to be above 4’ in height in front yards.
- As of November 4th, 2016, one letter 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’ 2” will not adversely affect neighboring property.
- Granting this special exception request of 5’ 2” with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding 4’ in height in the Preston Road front yard setback to be maintained in the location and of the heights and material as shown on these documents.

Timeline:

September 1, 2016: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

October 10, 2016: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A.

October 11, 2016: The Board Administrator emailed the applicant's representative 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 October 26th deadline to submit additional evidence for staff to factor into their analysis; and the November 4th 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 requests; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

November 1, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for November public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, 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: NOVEMBER 15, 2016

APPEARING IN FAVOR: No one

APPEARING IN OPPOSITION: No one

MOTION: **Schulte**

I move to grant that the Board of Adjustment grant application **BDA 156-111(SL)** listed on the uncontested docket because it appears, from our evaluation of the property and all relevant evidence, that the application satisfies all the requirements of the Dallas Development Code or appropriate PD as applicable, and are consistent with its general purpose and intent of the Code or PD. I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

- Compliance with the submitted site plan and elevation is required.

SECONDED: **Sibley**

AYES: 5 – Schulte, Gibson, Nelson, Dutia, Sibley

NAYS: 0 -

MOTION PASSED: 5 – 0 (unanimously)

FILE NUMBER: BDA156-118(SL)

BUILDING OFFICIAL'S REPORT: Application of Marseleno Chavez, represented by Cris Podea, for a special exception to allow the reconstruction of a structure in an FP Flood Plain area at 3112 Silverton Drive. This property is more fully described as Lot 10, Block D/6598, and is zoned R-10(A) FP, which limits construction within a flood plain. The applicant proposes to reconstruct a structure within a flood plain, which would require a special exception to the flood plain regulations.

LOCATION: 3112 Silverton Drive

APPLICANT: Marseleno Chavez
Represented by Cris Podea

REQUEST:

A request for a special exception to the flood plain regulations is made to rebuild/reconstruct a single family home in a floodplain overlay that has been partially destroyed by fire, more specifically, to replace the roofing structure, where, according to the applicant, all other walls (interior and exterior) would remain intact.

STANDARD FOR A SPECIAL EXCEPTION TO ALLOW THE RECONSTRUCTION OF A STRUCTURE IN AN (FP) FLOOD PLAIN AREA:

Section 51A-5.104 states that the board of adjustment may grant a special exception to allow the reconstruction of a structure in an FP area upon a showing of good and sufficient cause, a determination that failure to allow the reconstruction would result in exceptional hardship to the property owner, and a determination that the reconstruction will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with other local laws. The board may not grant a special exception to authorize reconstruction within any designated floodway if any increase in flood levels during the base flood discharge would result. Any special exception granted must be the minimum necessary, considering the flood hazard, to afford relief. The reconstruction of a structure in an FP area may not increase the lot coverage of the structure.

(A) The director of Trinity watershed management shall notify in writing the owner of a structure in an FP area that:

(i) the granting of a special exception to reconstruct the structure below the base flood level will result in increased premium rates for flood insurance that will be commensurate with the increased risk; and

(ii) the construction below the base flood level increases risks to life and property. The notification letter must be maintained with the record of the board's action.

(B) The FP Administrator shall maintain a record of all actions involving applications for special exceptions and shall report special exceptions to FEMA upon request.

STAFF RECOMMENDATION:

Approval

Rationale:

- Staff concluded that the special exception should be granted because the City of Dallas Program Manager of the Trinity Watershed Management has no objections to this request to allow partial reconstruction of the structure on the site in the floodplain in that granting this request will not result in increased flooding or additional threats to public safety.

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	R-10(A)(FP) (Single family district 10,000 square feet, flood plain)
<u>North:</u>	R-10(A)(FP) (Single family district 10,000 square feet, flood plain)
<u>South:</u>	R-10(A)(FP) (Single family district 10,000 square feet, flood plain)
<u>East:</u>	R-10(A)(FP) (Single family district 10,000 square feet, flood plain)
<u>West:</u>	R-10(A)(FP) (Single family district 10,000 square feet, flood plain)

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- This request for a special exception to the flood plain regulations focuses on rebuilding/reconstructing a single family home in a floodplain overlay that has been partially destroyed by fire, more specifically, replacing the roofing structure, where, according to the applicant, all other walls (interior and exterior) would remain intact.
- The Dallas Development Code defines FLOOD PLAIN (FP) as “any land area susceptible to inundation by the design flood.”
- The Dallas Development Code states that the owner of a structure in an FP area shall not make any improvements to the structure without first obtaining approval from the director of Trinity watershed management. The director of Trinity watershed management may approve proposed improvements if the cumulative value of all improvements for the previous ten years is less than 50 percent of the market or tax appraisal value of improvements on the property, whichever is greater. No substantial improvements are permitted. Any improvement must comply with the requirements of Section 51A-5.105(g).
- The Dallas Development Code requires that the director of Trinity watershed management shall notify in writing the owner of a structure in an FP area that:

- 1) the granting of a special exception to reconstruct the structure below the base flood level will result in increased premium rates for flood insurance that will be commensurate with the increased risk; and
 - 2) the construction below the base flood level increases risks to life and property.
The notification letter must be maintained with the record of the board's action.
- According to DCAD records, the “main improvement” for property addressed at 3112 Silverton Drive is a structure built in 1962 with 2,151 square feet of living/total area with the following “additional improvements”: a 504 square foot attached garage.
 - The City of Dallas Program Manager of the Trinity Watershed Management has no objections to this request, and stating among other things, in an email to the Board Administrator, that partial reconstruction of the structure on the site in the floodplain will not result in increased flooding or additional threats to public safety (see Attachment A).
 - The applicant has the burden of proof in establishing the following:
 - The board of adjustment may grant the special exception to allow the reconstruction of a structure in an FP area upon a showing of good and sufficient cause, a determination that failure to allow the reconstruction would result in exceptional hardship to the property owner, and a determination that the reconstruction will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with other local laws. The board may not grant a special exception to authorize reconstruction within any designated floodway if any increase in flood levels during the base flood discharge would result. Any special exception granted must be the minimum necessary, considering the flood hazard, to afford relief. The reconstruction of a structure in an FP area may not increase the lot coverage of the structure.
 - Granting this special exception would allow replacing a roof on the single family home in a floodplain overlay that has been partially destroyed by fire.

Timeline:

- August 23, 2016: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- October 10, 2016: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- October 11, 2016: The Board Administrator emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the October 26th deadline to submit additional evidence for staff to factor into their analysis; and the November 4th 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.”

November 1, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for November public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, 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.

November 3, 2016: The City of Dallas Program Manager of the Trinity Watershed Management emailed his comments on this application to the Board Administrator (see Attachment A).

BOARD OF ADJUSTMENT ACTION: NOVEMBER 15, 2016

APPEARING IN FAVOR: No one

APPEARING IN OPPOSITION: No one

MOTION: **Schulte**

I move to grant that the Board of Adjustment grant application **BDA 156-118(SL)** listed on the uncontested docket because it appears, from our evaluation of the property and all relevant evidence, that the application satisfies all the requirements of the Dallas Development Code or appropriate PD as applicable, and are consistent with its general purpose and intent of the Code or PD.

SECONDED: **Sibley**

AYES: 5 – Schulte, Gibson, Nelson, Dutia, Sibley

NAYS: 0 -

MOTION PASSED: 5 – 0 (unanimously)

FILE NUMBER: BDA156-109(JM)

BUILDING OFFICIAL’S REPORT: Application of Aaron W. Grieb, represented by John Vecchio of Greenberg Farrow, for a variance to the front yard setback regulations at 13729 N. Central Expressway. This property is more fully described as Lot 1.1, Block B/7763, and is zoned MU-3, which requires a front yard setback of 15 feet. The applicant proposes to construct and/or maintain a structure and provide a 3 foot front yard setback, which will require a 12 foot variance to the front yard setback regulations.

LOCATION: 13729 N. Central Expressway

APPLICANT: Aaron W. Grieb
Represented by John Vecchio of Greenberg Farrow

REQUEST:

A request for a variance to the front yard setback regulations of 12' is made to construct and/or maintain structures for a general merchandise or food store 3,500 square feet or less and motor vehicle fueling station use, part of which would be located 3' from the site's front property line or 12' into the 15' front yard setback along Midpark Road.

STANDARD FOR A VARIANCE:

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

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

STAFF RECOMMENDATION:

Denial

Rationale:

- The applicant had not substantiated at the time of the November 1st staff review team meeting how the features of the flat, rectangular-shaped, and approximately 23,394 square foot lot precluded him from developing it in a manner commensurate with other developments found on similarly-zoned MU-3 Mixed Use District. There do not seem to be any restrictions hindering the applicant from developing/maintaining the lot with a commensurately-sized structure/use that can comply with setbacks.

BACKGROUND INFORMATION:

Zoning:

Site: MU-3 Mixed Use District
North: MU-3 Mixed Use District; SUP No. 1818

East: IR Industrial Research District
South: IR Industrial Research District
West: MU-3 Mixed Use District

Land Use:

The subject site is currently a motor vehicle fueling station. To the immediate north is a general merchandise or food store 100,000 square feet or more use. North Central Expressway lies to the east and south with an office use across the expressway. A restaurant without drive-in or drive-through service exists to the west.

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 allowing associated structures for a proposed general merchandise or food store 3,500 square feet or less and motor vehicle fueling station use to encroach up to 12' into the 15' front yard setback along Midpark Road. The subject site has two front yards and is required to provide 15' of unobstructed space from the front property line along both North Central Expressway, and Midpark Road.
- The request is to construct and maintain a 1,200 square foot structure for a proposed general merchandise or food store 3,500 square feet or less and motor vehicle fueling station uses on a site that is developed with a motor vehicle fueling station use. Associated structures including a dumpster and enclosure, and a light post are proposed to be located 3' and 4' from the front property line along Midpark Road, respectively or 12' (dumpster and enclosure) and 11' (light post) into the site's 15' front property line along Midpark Road. No encroachments are proposed within the North Central Expressway front yard.
- The subject site is located at the northeast intersection of Midpark Road and North Central Expressway.
- Lots zoned an MU-3 Mixed Use District are required to provide a minimum front yard setback of 15'.
- The subject property is currently in compliance.
- A site plan has been submitted identifying the total proposed square footage of the main building to be 1,200. The applicant has indicated that they are unable to provide for the two structures in question while accounting for other elements of the site design including safe vehicular traffic, loading/unloading of dumpsters and fuel tankers, and desired signage.
- According to calculations taken by the Board Senior Planner from the submitted site plan, the addition of a dumpster, enclosure, and light post within the Midpark Road

front yard setback accounts for about 12 percent of the total square footage of the required front yard along Midpark Road, or 200 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 R-7.5(A) zoning classification.
 - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5(A) zoning classification.
- If the board were to grant the variance request, and impose the submitted site plan, and elevations as conditions, the structures in the front yard setback would be limited to what is shown on these documents– which in this case is a portion of a structure located as close as 3’ from the site’s front property line along Midpark Road (or 12’ into the 15’ front yard setback).

TIMELINE:

August 25, 2016: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

October 10, 2016: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A.

October 14, 2016: The Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the October 26th deadline to submit additional evidence for staff to factor into their analysis; and the November 4th 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.”

November 1, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for November public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans

Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, 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: NOVEMBER 15, 2016

APPEARING IN FAVOR: John Vecchio, 1430 W Peachtree St, NW Ste 200, Atl GA
Bassam Ziada, 200 Peach St., El Dorado, Arkansas

APPEARING IN OPPOSITION: No one

MOTION #1: Sibley

I move that the Board of Adjustment, in Appeal No. **BDA 156-109**, on application of Aaron W Grieb **grant** a 12-foot variance to the front yard setback regulations, 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: Gibson

*There was no vote called on this motion and the motion was withdrawn by the maker.

MOTION #2: Nelson

I move that the Board of Adjustment, in Appeal No. **BDA 156-109**, hold this matter under advisement until **February 21, 2017**.

SECONDED: Dutia

AYES: 5 – Schulte, Gibson, Nelson, Dutia, Sibley

NAYS: 0 -

MOTION PASSED: 5 – 0 (unanimously)

MOTION: Schulte

I move to adjourn this meeting.

SECONDED: Gibson

AYES: 5 – Schulte, Gibson, Nelson, Dutia, Sibley

NAYS: 0 -
MOTION PASSED: 5 – 0(unanimously)

1:36 P. M.: Board Meeting adjourned for **November 15, 2016**

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.