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CITY SECRETARY  
DALLAS, TEXAS

**BOARD OF ADJUSTMENT, PANEL A  
PUBLIC HEARING MINUTES  
CITY OF DALLAS- VIDEOCONFERENCE  
TUESDAY, JUNE 22, 2021**

MEMBERS PRESENT AT BRIEFING: Cheri Gambow, Vice-Chair- regular member, Jay Narey, regular member, Sarah Lamb, regular member, Jared Slade, alternate member and Nick Brooks, alternate member

MEMBERS ABSENT FROM BRIEFING: Lawrence Halcomb, regular member

STAFF PRESENT AT BRIEFING: Jennifer Munoz, Chief Planner/Board Administrator, Anna Holmes, Asst. City Atty., Oscar Aguilera, Senior Planner, Pamela Daniel, Senior Planner, LaTonia Jackson, Board Secretary, Robyn Gerard, Public Information Officer, Charles Trammell, Development Code Specialist, David Nevarez, Engineering Division, Neva Dean, Assistant Director, Carolina Yumet, Interim Assistant Director and Kris Sweckard, Director

MEMBERS PRESENT AT HEARING: Cheri Gambow, Vice-Chair- regular member, Jay Narey, regular member, Sarah Lamb, regular member, Jared Slade, alternate member and Nick Brooks, alternate member

MEMBERS ABSENT FROM HEARING: Lawrence Halcomb, regular member

STAFF PRESENT AT HEARING: Jennifer Munoz, Chief Planner/Board Administrator, Anna Holmes, Asst. City Atty., Oscar Aguilera, Senior Planner, Pamela Daniel, Senior Planner, LaTonia Jackson, Board Secretary, Robyn Gerard, Public Information Officer, Charles Trammell, Development Code Specialist, David Nevarez, Engineering Division, Neva Dean, Assistant Director, Carolina Yumet, Interim Assistant Director and Kris Sweckard, Director

**11:14 A.M.** The Board of Adjustment staff conducted a briefing on the Board of Adjustment's **June 22, 2021** docket.

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**1:04 P.M.**

The Chairperson stated that no action of the Board of Adjustment shall set a precedent. Each case must be decided upon its own merits and circumstances, unless otherwise indicated, each use is presumed to be a legal use. Each appeal must necessarily stand upon the facts and

testimony presented before the Board of Adjustment at this public hearing, as well as the Board's inspection of the property.

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**MISCELLANEOUS ITEM NO. 1**

Approval of the Board of Adjustment Panel A, May 18, 2021 public hearing minutes.

**BOARD OF ADJUSTMENT ACTION: June 22, 2021**

**MOTION: Lamb**

Approval of the Board of Adjustment Panel A, May 18, 2021 public hearing minutes.

**SECONDED: Halcomb**

**AYES:** 5 – Gambow, Lamb, Brooks, Narey, Slade

**NAYS:** 0

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

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**FILE NUMBER:** BDA201-051(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Ruben V. Salazar for a special exception to the single-family regulations at 1126 N. Justin Avenue. This property is more fully described as Lot 3B, 2/8331, and is zoned an R-7.5(A) Single Family District, which limits the number of dwelling units to one. The applicant proposes to construct and maintain an additional dwelling unit for non-rental purposes, which will require a special exception to the single-family zoning use regulations.

**LOCATION:** 1126 N. Justin Ave

**APPLICANT:** Ruben V. Salazar

**REQUESTS:**

A request for a special exception to the single-family use regulations is made to construct and maintain a one-story additional dwelling unit structure on a site developed with a single-family use.

**STANDARD FOR A SPECIAL EXCEPTION TO THE SINGLE-FAMILY USE REGULATIONS TO AUTHORIZE AN ADDITIONAL DWELLING UNIT:**

Section 51-4.201(b)(1)(E)(i) of the Dallas Development Code specifies that the board may grant a special exception to the single-family use regulations of the Dallas Development Code to authorize an additional dwelling unit on a lot when, in the opinion of the board, the additional dwelling unit will not: 1) be used as rental accommodations; or 2) adversely affect neighboring properties.

In granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.

**STAFF RECOMMENDATION:**

No staff recommendation is made on this or any request for a special exception to authorize an additional dwelling unit since the basis for this type of appeal is when in the opinion of the board, the additional dwelling unit will not: 1) be used as rental accommodations; or 2) adversely affect neighboring properties.

**BACKGROUND INFORMATION**

**Zoning:**

Site: R-7.5 (A) Single Family District  
North: R-7.5 (A) Single Family District  
South: R-7.5 (A) Single Family District  
East: R-7.5 (A) Single Family District  
West: R-7.5 (A) Single Family District

**Land Use:**

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

**Zoning/BDA History:**

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

**GENERAL FACTS/STAFF ANALYSIS:**

This request for a special exception to the single-family use regulations focuses on maintaining a one-story additional dwelling on a site developed with a single-family use.

The site is zoned an R-7.5(A) Single Family District where the Dallas Development Code permits one dwelling unit per lot.

The single-family use regulations of the Dallas Development Code state that only one dwelling unit may be located on a lot and that the Board of Adjustment may grant a special exception to this provision and authorize an additional dwelling unit on a lot when, in the opinion of the board, the special exception will not: (1) be use as rental accommodations; or (2) adversely affect neighboring properties.

The Dallas Development Code defines:

- a “single-family” use as “one dwelling unit located on a lot;” and a “dwelling unit” as “one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.”
- a “kitchen” as “any room or area used for cooking or preparing food and containing one or more ovens, stoves, hot plates, or microwave ovens; one or more refrigerators; and one or more sinks. This definition does not include outdoor cooking facilities.”
- a “bathroom” as “any room used for personal hygiene and containing a shower or bathtub or containing a toilet and sink.”
- a “bedroom” as “any room in a dwelling unit other than a kitchen, dining room, living room, bathroom, or closet. Additional dining rooms and living rooms, and all dens, game rooms, sunrooms, and other similar rooms are considered bedrooms.”

The submitted site plan identifies the location of two building footprints, the larger of the two denoted as “existing one-story house,” which is the single-family residential main structure. The smaller of the two structures is marked as “proposed one-story guest house”.

This request centers on the function of what is proposed to be inside the smaller structure on the site – the “proposed guest house” structure, specifically its collection of rooms/features shown on the floor plan.

According to the submitted site plan, the main structure contains 2,569 square feet of total living area and the proposed additional dwelling unit will contain 396 square feet of living area.

The applicant has the burden of proof in establishing that the additional dwelling unit will not be used as rental accommodations (by providing deed restrictions, if approved) and will not adversely affect neighboring properties.

As of June 11, 2021, staff received a petition with five signatures in support and no letters have been submitted in opposition to the request (**Attachment A**).

If the board were to approve this request, the board may choose to impose a condition that the applicant complies with the site plan if they feel it is necessary to ensure that the special exception will not adversely affect neighboring properties. However, granting this special exception request will not provide any relief to the Dallas Development

Code regulations other than allowing an additional dwelling unit on the site (i.e. development on the site must meet all required code requirements).

The Dallas Development Code states that in granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.

### **TIMELINE:**

April 13, 2021: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

May 14, 2021: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel A.

May 21, 2021: The Board Administrator emailed the applicant the following information:

- a copy of the application materials including the Building Official’s report on the application.
- an attachment that provided the public hearing date and panel that will consider the application; the June 1<sup>st</sup> deadline to submit additional evidence for staff to factor into their analysis; and the June 11<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

June 4, 2021: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the June public hearing. The review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Building Inspection Sign Code Specialist, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Assistant City Attorney to the Board.

June 7, 2021: The applicant submitted additional information to staff beyond what was submitted with the original application (**Attachment A**)

**BOARD OF ADJUSTMENT ACTION: June 22, 2021**

**APPEARING IN FAVOR:** Ruben Salazar 1126 N. Justin Ave. Dallas, TX  
Linda Valle 1126 N. Justin Ave. Dallas, TX  
Crystal Ressel 6513 Parkway Ave. Dallas, TX

**APPEARING IN OPPOSITION:** None.

**MOTION: Lamb**

I move that the Board of Adjustment, in Appeal No. BDA 201-051, on application of Ruben V. Salazar, **grant** the request of this applicant for a special exception to the single-family regulations contained in the Dallas Development Code, subject to the following condition:

Compliance with the submitted site plan is required.

The applicant must deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.

**SECONDED: Narey**

**AYES:** 5 – Gambow, Lamb, Brooks, Narey, Slade

**NAYS:** 0 –

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

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**FILE NUMBER:** BDA201-053(OA)

**BUILDING OFFICIAL’S REPORT:** Application of Bryan Wetz for a variance to the side yard setback regulations, and for a variance to the off-street parking regulations at 7154 Wildgrove Avenue. This property is more fully described as Lot 16, Block 2/2748, and is zoned an R-7.5(A) Single Family District, which requires a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the street or alley and requires a side yard setback of five feet. The applicant proposes to construct a single-family residential structure and provide a four-foot side yard setback, which will require a one-foot variance to the side yard setback regulations, and with a setback of six-feet eight-inches, which will require a variance of 13-feet four-inches to the off-street parking regulations.

**LOCATION:** 7154 Wildgrove Ave

**APPLICANT:** Bryan Wetz

**REQUESTS:**

The purpose of these requests is to construct an attached, two-story, one-car garage located four feet from the west side property line and with the garage door located six-feet eight-inches from the alley right-of-way line.

**STANDARD FOR A VARIANCE:**

Section 51(A)-3.102(d)(10) of the Dallas Development Code specifies that the board has the power to grant variances from the front yard, side yard, rear yard, lot width, lot depth, lot coverage, floor area for structures accessory to single-family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

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

**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- compliance with the submitted site plan is required.

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Rationale:

- Staff concluded that the subject site is unique and different from most lots in the R-7.5(A) District considering its restrictive lot area due to its irregular shape and slope so that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning classification.

The applicant submitted a document (**Attachment A**) indicating that the proposed structure on the subject site is commensurate to nine other lots located in the same zoning district.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: R-7.5(A) Single Family District

Northwest: R-7.5(A) Single Family District

Northeast: R-7.5(A) Single Family District

Southeast: R-7.5(A) Single Family District

Southwest: R-7.5(A) Single Family District

**Land Use:**

The subject site is developed with a single-family home. The areas to the northwest, northeast, and southwest are also undeveloped. The properties to the southeast are developed with single-family uses.

**Zoning/BDA History:**

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

**GENERAL FACTS /STAFF ANALYSIS:**

The subject site is zoned an R-7.5(A) Single Family District. The minimum lot size in this district is 7,500 square feet. The property is irregular in shape, sloped, and according to the application, contains about 8,045 square feet of lot area. An R-7.5(A) District requires a minimum side yard of five feet and has a minimum lot size of 7,500 square feet. Additionally, a 20-foot setback is required from the right-of-way line for enclosed parking spaces with direct access to a street or alley.

The purpose of these requests, including a one-foot variance to the side yard setback and a 13-foot four-inch variance to the off-street parking requirements, is to construct an attached, two-story, one-car garage located four feet from the west side property line and with the garage door located six-feet eight-inches from the alley right-of-way line.

According to DCAD records, the following are improvements for the property located at 7154 Wildgrove Avenue: “main improvement: a single structure with 1,732 square feet of living area built in 1954” and “additional improvements: a detached garage with 400 square feet of area.

The applicant submitted a document with this application indicating that the total home size of the proposed home addition of the subject site is 1,732 square feet, and the average of nine other properties in the same zoning is approximately 4,301 square feet.

Additionally, the Sustainable Development and Construction Department Senior Engineer submitted a review comment sheet marked “no objections.” (**Attachment B**)

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

- That granting the variances to the side yard setback and off-street parking 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 variances are 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 variances 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.

Additionally, relating to the requested off-street parking variance, the applicant has the burden of proof in establishing that the request for a variance to the off-street parking regulations meets the variance standard completely. If the board were to grant the variance request, staff recommends imposing the following conditions which are suggested to help assure that the variance will not be contrary to the public interest:

1. Compliance with the submitted site plan is required.
2. An automatic garage door must be installed and maintained in working order at all times.

If the board were to grant the variance requests and impose the submitted site plan as a condition, the structure would be limited to what is shown on this document in the locations identified.

**Timeline:**

- April 22, 2021: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- May 14, 2021: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel A.
- May 21, 2021: The Board Administrator emailed the applicant the following information:
  - a copy of the application materials including the Building Official’s report on the application.

- an attachment that provided the public hearing date and panel that will consider the application; the June 1<sup>st</sup> deadline to submit additional evidence for staff to factor into their analysis; and the June 11<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

June 1, 2021: The applicant submitted additional information to staff beyond what was submitted with the original application (**Attachment A**).

June 4, 2021: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the June public hearing. The review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Building Inspection Sign Code Specialist, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Assistant City Attorney to the Board.

June 4, 2021: The Sustainable Development and Construction Senior Engineer submitted a review comment sheet marked “Recommends Denial”. (**Attachment B**).

**BOARD OF ADJUSTMENT ACTION: June 22, 2021**

APPEARING IN FAVOR: Bryan Wetz 7154 Wildgrove Ave. Dallas, TX

APPEARING IN OPPOSITION: None

**MOTION: Lamb**

I move that the Board of Adjustment, in Appeal No. BDA 201-053, on application of Bryan Wetz **grant** the variances to the side yard and off-street parking regulations contained in the Dallas Development Code, subject to the following condition:

Compliance with the submitted site plan is required.

An automatic garage door must be installed and maintained in working order at all times.

**SECONDED:** Narey

**AYES:** 5 – Gambow, Lamb, Brooks, Narey, Slade

**NAYS:** 0

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

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**FILE NUMBER:** BDA201-058(OA)

**BUILDING OFFICIAL’S REPORT:** Application of Jennifer Svelan for a special exception to the single-family use regulations and for a special exception to the floor area regulations, both to afford a handicapped person equal opportunity to use and enjoy a dwelling at 2822 Catherine Street. This property is more fully described as Lot 10, Block 9/4515, and is zoned Conservation District No. 8, in which an accessory structure may not exceed 25 percent of the floor area of the main structure and limits the number of dwelling units to one. The applicant proposes to construct an additional dwelling unit for non-rent, which will require a special exception to the single-family zoning use regulations, and to construct a single-family residential accessory structure with 449 square feet of floor area (42.7 percent of the 1,051-square-foot floor area of the main structure), which will require a 186-square-foot variance to the floor area ratio regulation.

**LOCATION:** 2822 Catherine Street

**APPLICANT:** Jennifer Svelan

**REQUESTS:**

The proposed detached 449-square-foot one-story dwelling unit is requested as a special exception to afford a handicapped person equal opportunity to use and enjoy a dwelling. The additional dwelling unit and the size of the unit require special exceptions.

**STANDARD FOR A SPECIAL EXCEPTION FOR THE HANDICAPPED:**

Section 51A-1.107(b)(1) states that the board of adjustment shall grant a special exception to any regulation in this chapter, if, after a public hearing, the board finds that the exception is necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling. The term “handicapped person,” means a person with a “handicap,” as that term is defined in the Federal Fair Housing Amendments Act of 1988, as amended.

**STAFF RECOMMENDATION:**

No staff recommendation is made on this or any request for a special exception for the handicapped since the basis for this type of appeal is when the board finds that the exception is necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling.

**Zoning:**

Site: Conservation District No. 8

North: Conservation District No. 8

South: Conservation District No. 8

East: Conservation District No. 8

West: Conservation District No. 8

**Land Use:**

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

**Zoning/BDA History:**

There have not been any recent related board or zoning cases recorded either on or near the subject site.

**GENERAL FACTS/STAFF ANALYSIS:**

The following requests for special exceptions for the handicapped focus on constructing and maintaining a detached 449-square-foot one-story additional dwelling unit structure exceeding the maximum floor area for an accessory structure.

The site is zoned Conservation District No. 8 where the Dallas Development Code permits one dwelling unit per lot. In addition, accessory structure may not exceed 25 percent of the floor area of the main structure in this district.

The submitted site plan denotes the locations of two building footprints. The larger building is an existing single-family structure and the smaller of the two is a “one story frame” structure. The site plan also identifies that the proposed unit represents 42.7 percent of the existing 1,051 square-foot main structure.

Section 51A-1.107(b)(1) states that the Board of Adjustment shall grant a special exception to any regulation in this chapter, if, after a public hearing, the board finds that the exception is necessary to afford a handicapped person equal opportunity to use and

enjoy a dwelling. The term “handicapped person,” means a person with a “handicap,” as that term is defined in the Federal Fair Housing Amendments Act of 1988, as amended.

A copy of the “handicap” definition from this act was provided to the Board Administrator by the City Attorney’s Office. Section 3602 of this act states the following:

“(h) “Handicap” means, with respect to a person -

1. a physical or mental impairment which substantially limits one or more of such person’s major life activities,
2. a record of having such an impairment, or
3. being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance (as defined in section 802 of Title 21).”

Therefore, the board is to consider these special exceptions for the handicapped request solely on whether they conclude that the special exceptions are necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling.

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

- The special exceptions are necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling; and
- There is a person with a “handicap” (as that term is defined in the Federal Fair Housing Amendments Act of 1988, as amended) who resides and/or will reside on the site.

If the board were to grant the requests typical conditions include compliance with the submitted site plan and that the special exceptions expire when a handicapped person no longer resides on the property.

**Timeline:**

- April 23, 2021: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- May 14, 2021: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel A.
- May 21, 2021: The Board Administrator emailed the applicant the following information:

- a copy of the application materials including the Building Official's report on the application.
- an attachment that provided the public hearing date and panel that will consider the application; the June 1<sup>st</sup> deadline to submit additional evidence for staff to factor into their analysis; and the June 11<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

June 4, 2021: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the June public hearing. The review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Building Inspection Sign Code Specialist, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Assistant City Attorney to the Board.

**BOARD OF ADJUSTMENT ACTION: June 22, 2021**

APPEARING IN FAVOR: Jennifer Svelan 2822 Catherine St. Dallas, TX

APPEARING IN OPPOSITION: None

MOTION: **Lamb**

I move that the Board of Adjustment, in Appeal No. BDA 201-058, on application of Jennifer Svelan **grant** the special exception to the single-family use regulations to afford a handicapped person equal opportunity to use and enjoy a dwelling, and for a special exception to the floor area regulations to afford a handicapped person equal opportunity to use and enjoy a dwelling contained in the Dallas Development Code, subject to the following condition:

Compliance with the submitted site plan is required.

The special exception expires when a handicapped person no longer resides on the property.

**SECONDED: Narey**

AYES: 5 – Gambow, Lamb, Brooks, Narey, Slade

NAYS: 0

MOTION PASSED: 5 – 0 (unanimously)

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FILE NUMBER: BDA201-046(OA)

**BUILDING OFFICIAL’S REPORT:** Application of Reza Khavari represented by Jose Diaz for a special exception to the fence height regulations, and for a special exception to the visibility obstruction regulations at 10054 Inwood Road. This property is more fully described as Lot D, Block 5517, and is zoned an R-1ac(A) Single Family District, which limits the height of a fence in the front yard to four feet and requires a 20-foot visibility triangle at driveway approaches. The applicant proposes to construct a six-foot-high fence in a required front yard within the visibility triangle, which will require a two-foot special exception to the fence regulations and a special exception to the visibility obstruction regulation.

**LOCATION:** 10054 Inwood Road

**APPLICANT:** Reza Khavari represented by Jose Diaz

**REQUEST:**

The applicant proposes to construct and maintain a six-foot iron fence with two six-foot iron gates in the required front yard within two 20-foot visibility triangles at the driveway approaches at Inwood Road. The site is developed with a single-family home.

**STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:**

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

**STAFF RECOMMENDATION:**

No staff recommendation is made on this or any request for a special exception to the fence standards since the basis for this type of appeal is when in the opinion of the board, the special exception will not adversely affect neighboring property.

**STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:**

Section 51A-4.602(d)(3) of the Dallas Development Code states that the board shall grant a special exception to the requirements of the visual obstruction regulations when, in the opinion of the board, the item will not constitute a traffic hazard.

## **STAFF RECOMMENDATION:**

No staff recommendation is made on this or any request for a special exception to the visual obstruction regulations since the basis for this type of appeal is when in the opinion of the board, the item will not constitute a traffic hazard. However, staff does provide a technical opinion to assist in the board's decision-making.

The Sustainable Development and Construction Senior Engineer reviewed the proposed obstructions for the fence and recommends denial of the requests stating that the City should aggressively manage obstructions to visibility triangles. Exceptions to visibility standards should only be considered for unique circumstances and/or hardship.

## **BACKGROUND INFORMATION:**

### **Zoning:**

Site: R-1ac(A) (Single Family District)  
North: R-1ac(A) (Single Family District)  
East: R-1ac(A) (Single Family District)  
South: R-1ac(A) (Single Family District)  
West: R-1ac(A) (Single Family District)

### **Land Use:**

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

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

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

## **GENERAL FACTS/STAFF ANALYSIS:**

This request for a special exception to the fence standards regulations related to a height of two feet is made to construct and maintain an six-foot-tall iron fence, with two six-foot iron gates in the required front yard setback and within two visibility triangles. The property is developed with a single-family home.

The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard. The subject site is zoned an R-1ac(A) Single Family District which requires a 40-foot front yard setback.

The following information is shown on the submitted site plan:

- The proposed fence is located at the lot line along Inwood Road or approximately between 25 and 15 feet from the pavement line.

- The length of the proposed fence in the front yard along Inwood Road is approximately 148 feet and 20 feet perpendicular to the street on the north and south side.

Staff conducted a field visit of the site and surrounding area, approximately 400 feet around the subject site, and noticed no other fences that appear to be above four feet-in-height and located in a front yard setback.

As of June 11, 2021 no letters have been submitted in support of or in opposition to this request.

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

Additionally, Section 51A-4.602(d) of the Dallas Development Code states the following: a person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:

- in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections and 20-foot visibility triangles at drive approaches and at alleys on properties zoned single-family); and
- between two-and-a-half and eight feet-in-height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).

As further noted on the site plan, the proposed fence would obstruct:

- Portions of the fence and iron gates will be located in two 20-foot visibility triangles on the south side of the north driveway approach and on the north side of the south driveway approach at the intersections with Inwood Road.

The Sustainable Development Department Senior Engineer has objections to the request and determined that the City of Dallas should aggressively manage obstructions to visibility triangles (**Attachment A**).

The applicant has the burden of proof to establish how granting these requests to maintain the fence and gates in the two 20-foot visibility triangles on either side of the driveway do not constitute traffic hazards.

Granting these requests with a condition imposed that the applicant complies with the submitted site plan and elevation would limit the items in the two 20-foot visibility triangles on the south side of the north driveway approach and on the north side of the south driveway approach at the intersections with Inwood Road to what is shown on these documents.

**Timeline:**

March 25, 2021: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.

May 14, 2021: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel A.

May 21, 2021: The Board Administrator emailed the applicant the following information:

- a copy of the application materials including the Building Official’s report on the application.
- an attachment that provided the public hearing date and panel that will consider the application; the June 1<sup>st</sup> deadline to submit additional evidence for staff to factor into their analysis; and the June 11<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

June 2, 2021: The Sustainable Development and Construction Senior Engineer submitted a review comment sheet (**Attachment A**).

June 4, 2021: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the June public hearing. The review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Building Inspection Sign Code Specialist, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Assistant City Attorney to the Board.

**BOARD OF ADJUSTMENT ACTION: June 22, 2021**

APPEARING IN FAVOR: Jose Diaz 1460 Halsey Way #110 Carrollton, TX  
Javier Mendez 1813 Dade Dr. Carrollton, TX  
Fatemeh Khavari 10054 Inwood Rd. Dallas, TX  
Reza Khavari 10054 Inwood Rd. Dallas, TX

APPEARING IN OPPOSITION: None

MOTION#1of 1: Lamb

I move that the Board of Adjustment, in Appeal No. BDA 201-046, on application of Reza Khavari, represented by Jose Diaz, **deny** the special exception requested by this applicant to construct and/or maintain a six-foot high fence **without** prejudice, because our evaluation of the property and the testimony shows that granting the application would adversely affect neighboring property

SECONDED: Narey

AYES: 2 – Lamb, Narey,

NAYS: 3- Gambow, Brooks, Slade

MOTION FAILED: 2 – 3

MOTION#1of 2: Slade

I move that the Board of Adjustment, in Appeal No. BDA 201-046, on application of Reza Khavari, represented by Jose Diaz, **grant** the request of this applicant to construct and/or maintain a six-foot high fence as a special exception to the height requirement for fences contained in the Dallas Development Code, as amended, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property.

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

Compliance with the submitted site plan and elevation is required.

SECONDED: Brooks

AYES: 4 – Narey, Gambow, Brooks, Slade

NAYS: 1 - Lamb

MOTION PASSED: 4 – 1

MOTION#2: Slade

I move that the Board of Adjustment, in Appeal No. BDA 201-046, on application of Reza Khavari, represented by Jose Diaz, **deny** the special exception requested by this applicant to maintain items in the visibility triangle at the drive approach **with** prejudice, because our evaluation of the property and the testimony shows that granting the application would constitute a traffic hazard.

SECONDED: Lamb

AYES: 5 – Gambow, Lamb, Brooks, Narey, Slade

NAYS: 0

MOTION PASSED: 5 – 0 (unanimously)

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**FILE NUMBER:** BDA201-048(OA)

**BUILDING OFFICIAL’S REPORT:** Application of Robert Lance Wakefield for a variance to the rear yard setback regulations, and for a variance to the side yard setback regulations at 7515 Lavendale Avenue. This property is more fully described as Lot 5, Block 5/7285, and is zoned an R-16(A) Single Family District, which requires a rear yard setback of 10 feet and requires a side yard setback of 10 feet. The applicant proposes to construct a single-family residential structure and provide a three-foot two-inch rear yard setback, which will require a six-foot 10-inch variance to the rear yard setback regulations, and to provide a six-inch side yard setback, which will require a nine-foot six-inch variance to the side yard setback regulations.

**LOCATION:** 7515 Lavendale Ave

**APPLICANT:** Robert Lance Wakefield

**REQUESTS:**

The applicant proposes to construct and maintain a detached 1,820-square-foot, two-story, three-car garage with three rooms on the upper level on a site developed with a single-family home.

**STANDARD FOR A VARIANCE:**

Section 51(A)-3.102(d)(10) of the Dallas Development Code specifies that the board has the power to grant variances from the front yard, side yard, rear yard, lot width, lot depth, lot coverage, floor area for structures accessory to single-family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

- (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:

Staff concluded that the applicant had not substantiated how the variances are necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land within the same R-16(A) zoning district.

**BACKGROUND INFORMATION:**

**Zoning:**

- Site: R-16(A) (Single Family District)
- North: R-16(A) (Single Family District)
- East: R-16(A) (Single Family District)
- South: R-16(A) (Single Family District)
- West: R-16(A) (Single Family District)

**Land Use:**

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

**GENERAL FACTS /STAFF ANALYSIS:**

The purpose of these requests for variances to the rear and side yard setback requirements focuses on maintaining an existing detached 1,820-square-foot, two-story, three-car garage with three rooms on the upper level. The accessory structure is located on a site developed with a lot zoned an R-16(A) Single Family District. In this district, a minimum rear and side yard setback of 10 feet is required.

The submitted site plan indicates that the proposed accessory structure is located three-feet two-inches from the rear property line or six-feet 10-inches into this required 10-foot rear yard setback. Additionally, the accessory structure will be located six-inches from the west side property line or as much as nine feet six-inches into the required 10-foot side yard setback.

The subject site is flat, rectangular, and according to the submitted site plan, contains 16,553 square feet in area. The minimum lot size in this district is 16,000 square feet.

According to DCAD records indicate the following improvements for property located at 7515 Lavendale Ave: “main improvement: a single structure with 5,300 square feet of living area built in 1990” and “additional improvements: a detached garage with 936

square feet, a detached garage with 1,190 square feet, and detached quarters with 1,190 square feet.

The applicant provided a comparable table (**Attachment A**) to support the request. However, staff concluded that the applicant had not substantiated how the variances are necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land within the same R-16(A) zoning district.

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

- That granting the variances to the rear and side 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 variances are necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-16(A) zoning classification.
- The variances would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-16(A) zoning classification.

If the board were to grant the variance requests and impose the submitted site plan as a condition, the structure would be limited to what is shown on this document.

**Timeline:**

- April 22, 2021: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- May 14, 2021: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel A.
- May 21, 2021: The Board Administrator emailed the applicant the following information:
- a copy of the application materials including the Building Official’s report on the application.
  - an attachment that provided the public hearing date and panel that will consider the application; the June 1<sup>st</sup> deadline to submit additional evidence for staff to factor into their analysis; and the

June 11<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;

- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

June 4, 2021: The applicant submitted additional information to staff beyond what was submitted with the original application (**Attachment A**).

June 4, 2021: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the January public hearing. The review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Building Inspection Sign Code Specialist, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Assistant City Attorney to the Board

**BOARD OF ADJUSTMENT ACTION: June 22, 2021**

APPEARING IN FAVOR: Robert Lance Wakefield 7515 Lavendale Ave. Dallas, TX

APPEARING IN OPPOSITION: Christopher Bowers 1800 Valley View #36 Dallas, TX  
Scott Nelson 7506 Azalea Ln. Dallas, TX

**MOTION#1 & #2: Lamb**

I move that the Board of Adjustment, in Appeal No. BDA 201-048, hold this matter under advisement until August 17, 2021.

**SECONDED: Slade**

AYES: 5 – Gambow, Lamb, Brooks, Slade

NAYS: 1 - Narey

MOTION PASSED: 4 – 1

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**FILE NUMBER:** BDA201-037(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Dallas City Council Resolution 21-0264 to require compliance of a non-conforming use at 1519 Martin Luther King Blvd. This property is more fully described as part of Lot 6 and all of Lot 7, Block 5/1139, and is zoned an FWMU-3 Form Walkable Mixed-Use Subdistrict within Planned Development District No. 595 with an SH Shopfront Overlay, which limits the legal uses

in a zoning district. The applicant proposes to request that the Board establish a compliance date for a non-conforming liquor store use.

**LOCATION:** 1519 Martin Luther King Blvd

**APPLICANT:** Dallas City Council by Resolution 20-0264  
Represented by Jill Haning and J. Evan Farrior

**REQUEST:**

A request is made for the Board of Adjustment to establish a compliance date for a non-conforming liquor store use (Good Price Liquor) on the subject site.

**COMPLIANCE REGULATIONS FOR NONCONFORMING USES:** SEC. 51A-4.704. NONCONFORMING USES AND STRUCTURES of the Dallas Development Code provides the following provisions:

(a) Compliance regulations for nonconforming uses. It is the declared purpose of this subsection that nonconforming uses be eliminated and be required to comply with the regulations of the Dallas Development Code, having due regard for the property rights of the persons affected, the public welfare, and the character of the surrounding area.

(1) Amortization of nonconforming uses.

(A) Request to establish compliance date. The city council may request that the board of adjustment consider establishing a compliance date for a nonconforming use. In addition, any person who resides or owns real property in the city may request that the board consider establishing a compliance date for a nonconforming use. Upon receiving such a request, the board shall hold a public hearing to determine whether continued operation of the nonconforming use will have an adverse effect on nearby properties. If, based on the evidence presented at the public hearing, the board determines that continued operation of the use will have an adverse effect on nearby properties, it shall proceed to establish a compliance date for the nonconforming use; otherwise, it shall not.

(B) Factors to be considered. The board shall consider the following factors when determining whether continued operation of the nonconforming use will have an adverse effect on nearby properties:

(i) The character of the surrounding neighborhood.

(ii) The degree of incompatibility of the use with the zoning district in which it is located.

- (iii) The manner in which the use is being conducted.
- (iv) The hours of operation of the use.
- (v) The extent to which continued operation of the use may threaten public health or safety.
- (vi) The environmental impacts of the use's operation, including but not limited to the impacts of noise, glare, dust, and odor.
- (vii) The extent to which public disturbances may be created or perpetuated by continued operation of the use.
- (viii) The extent to which traffic or parking problems may be created or perpetuated by continued operation of the use.
- (ix) Any other factors relevant to the issue of whether continued operation of the use will adversely affect nearby properties.

(C) Finality of decision. A decision by the board to grant a request to establish a compliance date is not a final decision and cannot be immediately appealed. A decision by the board to deny a request to establish a compliance date is final unless appealed to state court within 10 days in accordance with Chapter 211 of the Local Government Code.

(D) Determination of amortization period.

- (i) If the board determines that continued operation of the nonconforming use will have an adverse effect on nearby properties, it shall, in accordance with the law, provide a compliance date for the nonconforming use under a plan whereby the owner's actual investment in the use before the time that the use became nonconforming can be amortized within a definite time period.
- (ii) The following factors must be considered by the board in determining a reasonable amortization period:
  - (aa) The owner's capital investment in structures, fixed equipment, and other assets (excluding inventory and other assets that may be feasibly transferred to another site) on the property before the time the use became nonconforming.
  - (bb) Any costs that are directly attributable to the establishment of a compliance date, including demolition expenses, relocation expenses, termination of leases, and discharge of mortgages.

- (cc) Any return on investment since inception of the use, including net income and depreciation.
- (dd) The anticipated annual recovery of investment, including net income and depreciation.
- (E) Compliance requirement. If the board establishes a compliance date for a nonconforming use, the use must cease operations on that date and it may not operate thereafter unless it becomes a conforming use.
- (F) For purposes of this paragraph, "owner" means the owner of the nonconforming use at the time of the board's determination of a compliance date for the nonconforming use.

**GENERAL FACTS:**

The subject site is an FWMU-3 Form Walkable Mixed-Use Subdistrict within Planned Development District No. 595 with an SH Shopfront Overlay. On September 26, 2001, City Council passed Ordinance No. 24726 which added a requirement that liquor store uses must obtain a Specific Use Permit (SUP) in this zoning. However, a Certificate of Occupancy (CO) was issued for an alcoholic beverage establishment use, Good Price Liquor, April 30, 1998—predating the ordinance requiring an SUP. The Dallas Development Code defines a “nonconforming use” as “a use that does not conform to the use regulations of this chapter but was lawfully established under the regulations in force at the beginning of operation and has been in regular use since that time.” Therefore, the use was legally established in 1998 and became nonconforming with the passing of Ordinance No. 24726 in 2001. This use is still in operation today.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: PD No. 595, FWMU-3 Form Walkable Mixed-Use Subdistrict, SH Overlay

North: PD No. 595, FWMU-3 Form Walkable Mixed-Use Subdistrict, SH Overlay

South: PD No. 595, FWMU-3 Form Walkable Mixed-Use Subdistrict, SH Overlay

East: PD No. 595, FWMU-3 Form Walkable Mixed-Use Subdistrict, SH Overlay

West: PD No. 595, FWMU-3 Form Walkable Mixed-Use Subdistrict, SH Overlay

**Land Use:**

The subject site is developed with a commercial structure housing one nonconforming liquor store. The areas to the north, south, west, and east are developed with mixed uses.

**Zoning/BDA History:**

There have not been any recent related board or zoning cases recorded either on or near the subject site.

**TIMELINE:**

February 16, 2021: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

March 9, 2021: The Board of Adjustment Secretary randomly assigned this case to the Board of Adjustment Panel A.

February 12, 2021: The Board of Adjustment Senior Planner sent the record owner of the property (SDL RE LLC) and the tenant/operator of the use (SHRESTHA ABHAY GOOD PRICE LIQUOR) a letter (with a copy to Jill Haning and James Farrior) informing them that a Board of Adjustment case had been filed against the nonconforming liquor store use. The letter included following enclosures:

1. A copy of the Board of Adjustment application and related materials.
2. Dallas Development Code Section 51A-3.102 describing the Board of Adjustment.
3. Dallas Development Code Section 51A-2.102(90), which defines a nonconforming use.
4. Dallas Development Code Section 51A-4.704, provisions for nonconforming uses and structures.
5. Dallas Development Code Section 51A-4.703, Board of Adjustment hearing procedures.
6. City of Dallas Board of Adjustment Working Rules of Procedures.
7. The hearing procedures for Board of Adjustment amortization

of a nonconforming use.

The letter also informed the owners and tenant/operator of the date, time, and location of the public hearing, and provided a deadline of May 7, 2021 to submit any information that would be incorporated into the board's docket.

- April 29, 2021: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the March public hearing. The review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Chief Planner, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Assistant City Attorney to the Board.
- May 7, 2021 The representative for the tenant/operator requested the case be held under advisement to provide the representative time to adequately prepare for this case (**Attachment A**).
- May 7, 2021 The applicant submitted additional information to staff beyond what was submitted with the original application (**Attachment B**).
- May 18, 2021 The Board of Adjustment Panel A conducted a public hearing on this application, and delayed action on this application per business owner's request until the next public hearing to be held on June 21, 2021.
- June 4, 2021: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the March public hearing. The review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Chief Planner, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Assistant City Attorney to the Board.

- June 11, 2021 The representative for the tenant/operator requested the case be held under advisement to provide the representative time to adequately prepare for this case (**Attachment C**).
- June 11, 2021 The representative for the tenant/operator requested the case be held under advisement to provide the representative time to adequately prepare for this case (**Attachment D**).
- June 14, 2021 The applicant submitted additional information to staff beyond what was submitted with the original application (**Attachment F**).

BOARD OF ADJUSTMENT ACTION: May 18, 2021

APPEARING IN FAVOR:

Evan Farrior 1500 Marilla St. Dallas, TX  
Bernardo Bueno 5411 Bexar St. Dallas, TX  
Margarita Ortez 11405 Fenald Ave. Dallas, TX  
Dr. Terry Flowers 1600 Pennsylvania Dallas, TX  
Ferrell Fellows 2314 South Blvd. Dallas, TX  
Dennis Roosien 4120 Amherst Dallas, TX  
Danielle Lindsey 5005 Galleria Rd. #3133 Dallas, TX  
Jeanette Fellows 2314 South Blvd. Dallas, TX  
Jeremy Connally 1414 Belleview St. #1111 Dallas, TX  
Dennis Bryant 2818 MLK Jr. Blvd Dallas, TX

APPEARING IN OPPOSITION:

Shamaila Malik 320 Decker Dr. #100 Dallas, TX  
Parvez Malik 320 Decker Dr. #100 Dallas, TX  
Abhay Shrestha 1519 MLK Jr. Blvd Dallas, TX  
Ang Sam Chrouk 516 Charringotn Dr. Dallas, TX  
Hank Lawson 2402 Park Row Ave. Dallas, TX

MOTION: Lamb

I move that the Board of Adjustment in Appeal No. BDA 201-037, hold this case under advisement until June 22, 2021.

SECONDED: Halcomb

AYES: 5 – Gambow, Lamb, Halcomb, Narey, Slade

NAYS: 0

MOTION PASSED: 5 – 0 (unanimously)

**BOARD OF ADJUSTMENT ACTION: June 22, 2021**

**APPEARING FOR PUBLIC TESTIMONY:** Vanessa Parker 128 Aspen Dallas, TX  
Glen Gipson 2613 Downing Dallas, TX  
Dr. Terry Flowers 401 Royal Crest Dallas, TX

**APPEARING IN FAVOR:** Evan Farrior 1500 Marilla St. Dallas, TX  
Bernardo Bueno 5411 Bexar St. Dallas, TX  
Margarita Ortez 11405 Fenald Ave. Dallas, TX

**APPEARING IN OPPOSITION:** Shamaila Malik 320 Decker Dr. #100 Dallas, TX  
Parvez Malik 320 Decker Dr. #100 Dallas, TX  
Abhay Shrestha 1519 MLK Jr. Blvd Dallas, TX  
Charles Fiscus 8350 N. Central Expy. Dallas, TX

**MOTION: Brooks**

I move that the Board of Adjustment in Appeal No. BDA 201-037, hold this case under advisement until **August 17, 2021**.

**SECONDED: Lamb**

**AYES:** 5 – Gambow, Lamb, Halcomb, Narey, Slade

**NAYS:** 0

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

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**MOTION: Lamb**

I move to adjourn the Panel A hearing.

**SECONDED: Narey**

**AYES:** 5 - Gambow, Lamb, Brooks, Narey, Slade

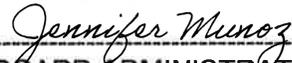
**NAYS:** 0 -

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

**Recess: 1:08 p.m.**

**Resume: 1:13 p.m.**

**3:33 P.M.** Board Meeting adjourned for **June 22, 2021**

  
\_\_\_\_\_  
CHAIRPERSON  
  
\_\_\_\_\_  
BOARD ADMINISTRATOR  
  
\_\_\_\_\_  
BOARD SECRETARY

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