

**BOARD OF ADJUSTMENT, PANEL C
PUBLIC HEARING MINUTES
DALLAS CITY HALL, COUNCIL CHAMBERS
MONDAY, SEPTEMBER 19, 2011**

MEMBERS PRESENT AT BRIEFING: Sharon Boyd, Vice-Chair, Robert Moore, Panel Vice-Chair, Joel Maten, regular member, Ross Coulter, regular member and Bob Richard, regular member

MEMBERS ABSENT FROM BRIEFING: No one

MEMBERS PRESENT AT HEARING: Sharon Boyd, Vice-Chair, Robert Moore, Panel Vice-Chair, Joel Maten, regular member, Ross Coulter, regular member and Bob Richard, regular member

MEMBERS ABSENT FROM HEARING: No one

STAFF PRESENT AT BRIEFING: Steve Long, Board Administrator, Tammy Palomino, Asst. City Attorney, Todd Duerksen, Development Code Specialist, Phil Erwin, Chief Arborist, Jerry Svec, Traffic Engineer and Trena Law, Board Secretary

STAFF PRESENT AT HEARING: Steve Long, Board Administrator, Tammy Palomino, Asst. City Attorney, Todd Duerksen, Development Code Specialist, Phil Erwin, Chief Arborist, Jerry Svec, Traffic Engineer and Trena Law, Board Secretary

11:30 A.M. The Board of Adjustment staff conducted a briefing on the Board of Adjustment's **September 19, 2011** 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.

12:38 P.M: Executive Session Begins
12:45 P.M: Executive Session Ends
***This was not an action item.**

MISCELLANEOUS ITEM NO. 1

To approve the Board of Adjustment Panel C August 15, 2011 public hearing minutes.

BOARD OF ADJUSTMENT ACTION: SEPTEMBER 19, 2011

MOTION: Maten

I move **approval** of the Monday, **August 15, 2011** public hearing minutes.

SECONDED: Coulter

AYES: 5–Boyd, Moore, Maten, Coulter, Richard

NAYS: 0 –

MOTION PASSED: 5– 0 (unanimously)

FILE NUMBER: BDA 101-079

BUILDING OFFICIAL’S REPORT:

Application of Claudia Rosales, represented by Construction Concepts, for a variance to the landscape regulations at 1523 N. Montclair Avenue. This property is more fully described as Lot 6 in City Block 3955 and is zoned PD 714 (Subdistrict 2B), which requires mandatory landscaping. The applicant proposes to construct and maintain a structure and provide an alternate landscape plan, which will require a variance.

LOCATION: 1523 N. Montclair Avenue

APPLICANT: Claudia Rosales
Represented by Construction Concepts

REQUEST:

- A variance to the landscape regulations is requested in conjunction with paving an undeveloped lot as a surface parking lot to be used in conjunction with a use located in close proximity to the subject site at 1540 Fort Worth Avenue and not fully meeting the landscape requirements of PD No. 714.

STAFF RECOMMENDATION:

Denial

Rationale:

- The applicant has not substantiated how the restrictive area, shape, or slope of the site/lot precludes it from being developed in a manner commensurate with development found on other PD. No. 714 zoned lots.

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:

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

GENERAL FACTS:

- PD No. 714 states that “except as modified in this section (Landscaping), the regulations in Article X, “Landscape and Tree Preservation Regulations,” apply in this district. In the event of a conflict between this section and Article X, this section controls.” The applicant has submitted a landscape plan of the subject site whereby, according to the City of Dallas Chief Arborist, relief is sought from landscape requirements of PD No. 714, specifically from its street tree, parking lot tree, and maintenance schedule and design standards provisions.

- Deficiencies:

- Street Trees – The ordinance requires one tree per 30 feet of frontage (with a minimum of two) at three-inches caliper, and planted in a four foot wide planting strip with a minimum length of six feet. The trees must be planted in the required locations along the street frontage as specified in the Exhibit 714F. Street trees may not be counted as site trees and must be from a specific list.

No street trees are provided as required per ordinance. Two three-inch caliper Caddo maples are provided within a 30 foot distance of the street.

- Parking Lot Trees – The ordinance requires each required parking space to be within 75 feet of a large canopy site tree.

The rear half of the parking lot does not comply with this requirement.

- Design Standards – The ordinance requires each landscape plan to earn a minimum of 75 points from five design criteria. The plan identifies for option A, 20 points; option B, 0 points; option C, 15 points, option D, 30 points, and option E, 0 points.

The plan attains 65 points of the minimum 75 points required. It should be noted that Option B, foundation planting, provides 30 possible points but no structure is planned for this property. It may also be suggested that “open space” as defined in this ordinance was not available for this property as it must be publicly accessible and with pedestrian improvements. Open space provides for 20 possible points.

- The landscape plan does not provide a required schedule for maintenance.

- Factors:

- This Special Purpose District, PD 714, has specific landscape requirements beyond Article X and a requirement to comply with an exhibit for planting location.
- Sidewalk standards and screening regulations are not controlled under the landscape section of PD 714. New paving construction will require the property to come into compliance with the Street and Sidewalk Standards in Section 51P-714.115 and 116 of the PD(), which are not under review with this request.

- An “adequate irrigation and drainage system must be provided for all landscaping” is required in Section 51P-714.114(h).
- The property in review is about 120 feet from the property that will maintain the parking lot as an accessory use to the main use. Both properties are on the south side of Fort Worth Avenue and with no residential adjacency.
- An alternative landscape plan that includes drought-hardy screening shrubs that surrounds the parking lot is provided.
- The site is flat, rectangular in shape (50’ x 150’) and 7,500 square feet in area. The subject site is zoned PD No. 714 (Subdistrict 2B).
- DCAD shows “no main improvement” on the site.

BACKGROUND INFORMATION:

Zoning:

- Site: PD No. 714 (Subdistrict 2B) (Planned Development District)
- North: PD No. 714 (Subdistrict 2B) (Planned Development District)
- South: PD No. 714 (Subdistrict 2B) (Planned Development District)
- East: PD No. 714 (Subdistrict 2B) (Planned Development District)
- West: PD No. 714 (Subdistrict 2B) (Planned Development District)

Land Use:

The subject site is undeveloped. The areas to the north, east, and west appear to be a mix of storage uses or undeveloped parcels of land; and the area to the south appears to be developed with office.

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.

Timeline:

- June 22, 2011: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- August 12, 2011: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- August 18, 2011: The Board Administrator emailed the applicant’s representative the following information:
 - an attachment that provided the public hearing date and panel that will consider the application; the September 1st deadline to submit additional evidence for staff to factor into their analysis; and the September 9th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

September 6, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for September public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Assistant Director, Sustainable Development and Construction Department Engineering Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

September 7, 2011: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Has no objections if certain conditions are met" with the following comments: "Must comply with all C.O.D. visibility requirements."

September 12, 2011: The City of Dallas Chief Arborist submitted a memo that provided his comments regarding the request (see Attachment A).

STAFF ANALYSIS:

- This request focuses on paving an undeveloped lot as a surface parking lot to be used in conjunction with a use located in close proximity to the subject site at 1540 Fort Worth Avenue and not fully meeting the landscape requirements of PD No. 714, more specifically its provisions related to street trees, parking lot trees, design standards, and maintenance.
- Given specific provisions of the landscape provisions of PD No. 714, the applicant can only seek these leniencies from the board of adjustment by requesting a *variance* to the landscape regulations as opposed to the more typical *special exception* to the landscape regulations.
- The site is flat, rectangular in shape (50' x 150') and 7,500 square feet in area. The subject site is zoned PD No. 714 (Subdistrict 2B).
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the landscape regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD No. 714 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 PD No. 714 zoning classification.
- If the Board were to grant this request and impose a condition that the applicant must comply with the submitted alternate landscape plan, the site would be "varied" from full compliance to the landscape regulations of the PD No. 714 whereby the site would be waived from providing any of the required street trees, from providing about half of the required parking lot trees, from providing 65 of the required 75 design standard points, and from providing the required maintenance schedule.
- The applicant's request for a variance to the landscape regulations will not provide any relief to any existing or proposed noncompliant issues on the subject site pertaining to Section 51P-

714.115 and 11,- the Sidewalk and Sidewalk Standards and the Screening Regulations of this Special Purpose District.

BOARD OF ADJUSTMENT ACTION: SEPTEMBER 19, 2011

APPEARING IN FAVOR: Eric Rodriguez, 317 E. Jefferson Blvd., Dallas, TX

APPEARING IN OPPOSITION: No one

MOTION: **Coulter**

I move that the Board of Adjustment, in Appeal No. **BDA 101-079**, on application of Claudia Rosales, represented by Construction Concepts, **grant** the variance to the landscaping regulations requested by this applicant because our evaluation of the property and testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would result in unnecessary hardship to this applicant. I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

- Compliance with the submitted alternate landscape plan is required.

SECONDED: **Maten**

AYES: 5–Boyd, Moore, Maten, Coulter, Richard

NAYS: 0 –

MOTION PASSED: 5– 0 (unanimously)

FILE NUMBER: BDA 101-080

BUILDING OFFICIAL’S REPORT:

Application of Jonathan Vinson for a special exception to the visual obstruction regulations at 2400 Olive Street. This property is more fully described as Lot 1.2 in City Block 3/948 and is zoned PD 334, which requires a 45 foot visibility triangle at street intersections. The applicant proposes to allocate and maintain items in a required visibility triangle which will require a special exception.

LOCATION: 2400 Olive Street

APPLICANT: Jonathan Vinson

REQUEST:

- A special exception to the visual obstruction regulations is requested in conjunction with relocating/reconstructing and maintaining an existing three foot three inch high open metal fence to be added atop a proposed two and a half – two-foot eight-inch high masonry wall in the 45-foot visibility triangle at the intersection of Olive Street and Cedar Springs Road on a site developed as a residential development (The Regency Row Residences).

STAFF RECOMMENDATION:

Approval, subject to the following condition:

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

Rationale:

- The Sustainable Development and Construction Department Project Engineer has no objections to this request with the condition that the applicant complies with the submitted revised site plan/elevation.
- The applicant has substantiated how the location of the item in the 45 foot visibility triangle at the intersection of Olive Street and Cedar Springs Road does not constitute a traffic hazard.

STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:

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.

GENERAL FACTS:

- The Dallas Development Code states the following with regard to visibility triangles: 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 intersections and 20-foot visibility triangles at drive approaches 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).A revised site plan/elevation has been submitted that shows what appears to be an approximately 18-foot long curved fence/wall line located in the 45-foot visibility triangle at the intersection of Olive Street and Cedar Springs Road. The revised elevation indicates a three-foot three-inch high open metal fence atop a two and a half -- two-foot eight-inch high "new brick wall."
- The applicant submitted additional information beyond what was submitted with the original application (see Attachment A).

BACKGROUND INFORMATION:

Zoning:

Site: PD No. 334 (Planned Development)
North: PD No. 193 (Planned Development)
South: PD No. 193 (Planned Development)
East: PD No. 193 (Planned Development)
West: PD No. 193 (Planned Development)

Land Use:

The subject site is developed as a mixed use residential/hotel development (The Regency Row residences and the Ritz Carlton Residential Tower and Hotel). The areas to the north, east, and west are developed with a mix of uses; and the area to the south is undeveloped.

Zoning/BDA History:

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

Timeline:

- June 24, 2011: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- August 12, 2011: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- August 18, 2011: 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 September 1st deadline to submit additional evidence for staff to factor into their analysis; and the September 9th deadline to submit additional evidence to be incorporated into the Board's docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- September 1 & 9, 2011: The applicant forwarded additional information beyond what was submitted with the original application (see Attachment A).
- September 6, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for September public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Assistant Director, Sustainable Development and Construction Department Engineering Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.
- September 7, 2011: The Sustainable Development Department Project Engineer submitted a review comment sheet marked "Has no objections if certain conditions are met" commenting "Conditions: 1) Applicant will provide minimum 33 x 33 ft visibility triangle as provided instead of the 45 x 45 ft standard; 2) wall under the fence will not exceed 30" in height above top of street curb; 3) fence on top of wall will be open (wrought iron) as proposed by the applicant; and 4) area in front of wall (streetside) will be concrete or grass with no obstructions above grade."
- September 9, 2011: The Sustainable Development Department Project Engineer submitted a *revised* review comment sheet marked "Has no objections if certain conditions are met." (Note that some of the comments made in this revised review comment sheet make reference to the "applicant's email" that is part of Attachment A in this case report). The engineer commented: "I agree to the modified conditions of the applicant's email dated 9-8-11, 11:57 a.m. (i.e. 33" on condition 2, allow 6" wide planting strip, no more than 30" in height). See attached emails dated 9-8-11 and 9-9-11." (The applicant conveyed in a 9-12-11 email that his submitted revised site plan/elevation addresses the concerns mentioned in what was mentioned between him and the project engineer in the 9-8-11 and 9-9-11 emails).

STAFF ANALYSIS:

- This request for a special exception to the visual obstruction regulations focuses on relocating/reconstructing and maintaining an existing three-foot three-inch high open metal fence to be added atop a proposed two and a half – two-foot eight-inch high masonry wall in the 45-foot visibility triangle at the intersection of Olive Street and Cedar Springs Road on a site developed as a residential development (The Regency Row Residences).
- The Sustainable Development and Construction Department Project Engineer has conveyed that he has no objections to the request based on what has been conveyed in the applicant’s revised site plan/elevation.
- The applicant has the burden of proof in establishing how granting the request for a special exception to the visual obstruction regulations will not constitute a traffic hazard.
- If the Board chooses to grant this request, subject to compliance with the submitted revised site plan/elevation, the item shown on this document (in this case, what is represented as a three-foot three-inch high open iron picket fence atop an approximately two-foot six-inch high solid brick base wall) would be “excepted” into the 45-foot visibility triangle at the intersection of Olive Street and Cedar Springs Road.

BOARD OF ADJUSTMENT ACTION: SEPTEMBER 19, 2011

APPEARING IN FAVOR: Jonathan Vinson, 901 Main Street, Dallas, TX
Joseph Pitchford, 7525 Illinois St., Dallas, TX

APPEARING IN OPPOSITION: No one

MOTION: Richard

I move that the Board of Adjustment, in Appeal No. **BDA 101-080**, on application of Jonathan Vinson, **grant** the request of this applicant to maintain items in a visibility triangle as a special exception to the visual obstruction regulation contained in the Dallas Development Code, because our evaluation of the property and the testimony shows that this special exception will not constitute a traffic hazard. I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

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

SECONDED: **Maten**

AYES: 5–Boyd, Moore, Maten, Coulter, Richard

NAYS: 0 –

MOTION PASSED: 5– 0 (unanimously)

FILE NUMBER: BDA 101-084

BUILDING OFFICIAL’S REPORT:

Application of Dee Anna Hanchey for special exceptions to the visual obstruction regulations at 3104 San Lucas Avenue. This property is more fully described as Lot 1 in City Block L/7312 and is zoned R-7.5(A) which requires a 20 foot visibility triangle at alley and driveway approaches. The applicant proposes to locate and maintain items in required visibility triangles which will require special exceptions.

LOCATION: 3104 San Lucas Avenue

APPLICANT: Dee Anna Hanchey

REQUESTS:

- Special exceptions to the visual obstruction regulations are requested in conjunction with maintaining an eight-foot high solid wood fence/sliding wood gate in the two 20-foot visibility triangles at the drive approach into the site from Matterhorn Drive, and at the 20-foot visibility triangle at the intersection of the alley immediately south of the site and Matterhorn Drive. The site is developed as a single family home.

STAFF RECOMMENDATION:

(1) Approval of the requests for special exceptions to the visual obstruction regulations to maintain an eight-foot high solid wood fence/gate in the two 20-foot visibility triangles at the drive approach into the site from Matterhorn Drive, subject to the following condition:

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

Rationale:

- The Sustainable Development and Construction Department Engineering Assistant Director recommends approval of these requests.
- The applicant has substantiated how the location of the items in these drive approach visibility triangles does not constitute a traffic hazard.

(2) Denial of the request for a special exception to the visual obstruction regulations to maintain an eight-foot high solid wood fence/gate in the 20-foot visibility triangle at the intersection of the alley immediately south of the site and Matterhorn Drive.

Rationale:

- The Sustainable Development and Construction Department Engineering Assistant Director recommends denial of this request.
- The applicant has not substantiated how the location of the items in this 20-foot visibility triangle does not constitute a traffic hazard.

STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:

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.

GENERAL FACTS:

- The Dallas Development Code states the following with regard to visibility triangles: 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).

A site plan has been submitted that shows a fence (and sliding gate) located in the two 20-foot visibility triangles at the drive approach into the site from Matterhorn Drive (lengths of approximately six feet in each triangle), and in the 20-foot visibility triangle at the intersection the alley immediately south of the site at Matterhorn Drive (length of approximately five feet in this triangle). An elevation document has been submitted that represents what appears as a solid fence (no materials are denoted on the elevation) that is eight feet in height.

BACKGROUND INFORMATION:

Zoning:

Site: R-7.5(A) (Single family district 7,500 square feet)
North: R-7.5(A) (Single family district 7,500 square feet)
South: R-7.5(A) (Single family district 7,500 square feet)
East: R-7.5(A) (Single family district 7,500 square feet)
West: R-7.5(A) (Single family district 7,500 square feet)

Land Use:

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

Zoning/BDA History:

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

Timeline:

- June 30, 2011: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- August 12, 2011: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- August 18, 2011: 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 September 1st deadline to submit additional evidence for staff to factor into their analysis; and the September 9th deadline to submit additional evidence to be incorporated into the Board's docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- September 6, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for September public hearings. Review team members in attendance included: the Sustainable Development and Construction

Department Current Planning Assistant Director, Sustainable Development and Construction Department Engineering Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

September 8, 2011: The Sustainable Development and Construction Department Engineering Assistant Director submitted a review comment sheet marked "Recommends that this be denied" commenting "1) Alley visibility obstruction should be denied due to pedestrian safety concerns. (Remedy exists by sliding gate in other direction); and 2) No objections to driveway visibility triangles."

STAFF ANALYSIS:

- The requests for special exceptions to the visual obstruction regulations focus on maintaining an eight-foot high solid wood fence/sliding wood gate in the two 20-foot visibility triangles at the drive approach into the site from Matterhorn Drive, and at the 20 foot visibility triangle at the intersection of the alley immediately south of the site and Matterhorn Drive. The site is developed as a single family home.
- The Sustainable Development and Construction Department Engineering Assistant Director submitted a review comment sheet marked "Recommends that this be denied" commenting "1) Alley visibility obstruction should be denied due to pedestrian safety concerns. (Remedy exists by sliding gate in other direction); and 2) No objections to driveway visibility triangles."
- The applicant has the burden of proof in establishing how granting each/all of the requests for a special exception to the visual obstruction regulations to maintain eight-foot high solid wood fence/sliding gate in each triangle does not constitute a traffic hazard.
- If the Board chooses to grant any/all of these requests, and impose the submitted site plan and elevation as a condition, the item shown on these documents (in this case, an eight-foot high solid wood fence/gate) would be "excepted" into the each/all of the 20-foot visibility triangles.

BOARD OF ADJUSTMENT ACTION: SEPTEMBER 19, 2011

APPEARING IN FAVOR: Dee Anna Hanchey, 3104 San Lucas Ave., Dallas, TX
Chris Hanchey, 3104 San Lucas Ave., Dallas, TX

APPEARING IN OPPOSITION: No one

MOTION #1: Coulter

I move that the Board of Adjustment, in Appeal No. **BDA 101-084**, on application of Dee Anna Hanchey, **grant** the request of this applicant to maintain an eight-foot-high solid wood fence/sliding wood gate in the two 20-foot visibility triangles at the drive approach into the site from Matterhorn Drive as a special exception to the visual obstruction regulation in the Dallas Development Code, because our evaluation of the property and the testimony shows that this special exception will not constitute a traffic hazard. I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

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

SECONDED: **Maten**

***No vote called. Motion was withdrawn.**

MOTION #2: **Coulter**

I move that the Board of Adjustment in Appeal No. **BDA 101-084**, hold this matter under advisement until **November 14, 2011**.

SECONDED: **Maten**

AYES: 4–Moore, Maten, Coulter, Richard

NAYS: 1 – Boyd

MOTION PASSED: 4– 1

MOTION: **Maten**

I move to adjourn this meeting.

SECONDED: **Richard**

AYES: 5–Boyd, Moore, Malter, Coulter, Richard

NAYS: 0 - None

MOTION PASSED: 5 – 0 (Unanimously)

1: 57 P. M. - Board Meeting adjourned for **September 19, 2011**.

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.