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CITY SECRETARY
DALLAS, TEXAS

**BOARD OF ADJUSTMENT, PANEL A
PUBLIC HEARING MINUTES
CITY OF DALLAS- VIDEOCONFERENCE
TUESDAY, SEPTEMBER 21, 2021**

MEMBERS PRESENT AT BRIEFING: Cheri Gambow, Vice-Chair- regular member, Jay Narey, regular member, Sarah Lamb, regular member, David Ramsour, alternate member and Lawrence Halcomb, regular member

MEMBERS ABSENT FROM BRIEFING: None

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

MEMBERS PRESENT AT HEARING: Cheri Gambow, Vice-Chair- regular member, Jay Narey, regular member, Sarah Lamb, regular member, David Ramsour, alternate member and Lawrence Halcomb, regular member

MEMBERS ABSENT FROM HEARING: None

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

11:23 A.M. The Board of Adjustment staff conducted a briefing on the Board of Adjustment's **September 21, 2021** docket.

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.

MISCELLANEOUS ITEM NO. 1

Approval of the Board of Adjustment Panel A, August 17, 2021 public hearing minutes.

BOARD OF ADJUSTMENT ACTION: September 21, 2021

MOTION: Halcomb

Approval of the Board of Adjustment Panel A, August 17, 2021 public hearing minutes.

SECONDED: Ramsour

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

NAYS: 0

MOTION PASSED: 5 – 0 (unanimously)

FILE NUMBER: BDA201-074(PD)

BUILDING OFFICIAL’S REPORT: Application of Orlando Mora for a variance to the front yard setback regulations at 1002 N. Prairie Creek Road. This property is more fully described as Lot 5 in City Block B/6663 and is zoned an R-7.5(A) Single Family District, which requires a front yard setback of 25 feet. The applicant proposes to construct a single-family dwelling and provide a 15-foot-eight-inch front yard setback, which will require a nine-foot-four-inch variance to the front yard setback regulations.

LOCATION: 1002 N. Prairie Creek Road

APPLICANT: Orlando Mora

REQUESTS:

A request for a variance to the front yard setback regulations of nine-foot-four-inches is made to construct and maintain an approximately 2,127 square-foot single-family dwelling located 15-feet eight-inches from the subject site’s front property line and into the 25-foot front yard setback on a site that is currently undeveloped and situated on a corner lot.

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.

Rationale:

- Staff concluded that the subject site is unique and different from most lots in the R-7.5(A) Single Family District due to evidence submitted by the applicant (**Attachment A**) indicating the average lot size of five lots in this district is 12,543 square feet while the subject lot is 8,349 square feet. When added to the lot being situated on a corner lot with two front yards, this property has a hardship and is unable to be developed in a manner commensurate with the development upon other parcels of land with the same R-7.5(A) zoning classification.
- The applicant submitted documents (**Attachment B**) indicating, among other things, that the proposed single-family dwelling on the subject site is commensurate to five other lots in an R-7.5(A) zoning district.

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 is undeveloped. Surrounding properties are developed with single-family uses.

Zoning/BDA History:

There have been no related board or zoning cases in the vicinity within the last five years.

GENERAL FACTS/STAFF ANALYSIS:

This request focuses on constructing and maintaining an approximately 2,127 square-foot single-family dwelling located 15-feet eight-inches from the subject site's front property line, into the required 25-foot front yard setback, on a site that is undeveloped.

Structures on lots zoned an R-7.5(A) Single Family District must have a minimum front yard setback of 25 feet. A site plan has been submitted denoting the proposed residential dwelling will be located 15-feet eight-inches from the front property line along Cardella Drive and compliance of the required 25-foot front yard setback along N. Prairie Creek Road. The site plan shows that approximately one quarter of the proposed residential structure will be located in the site's 25-foot front yard setback on Cardella Drive.

The subject site is not irregular in shape and is approximately 8,349 square feet in lot area. An R-7.5(A) zoning district requires lots to have a minimum lot size of 7,500 square feet. However, the applicant submitted documents (**Attachments A & B**) indicating, among other things, that the proposed residential dwelling on the subject site is commensurate to five other lots in the same zoning district. Attachment A also notes the average lot size of five lots in this district is 12,543 square feet while the subject lot is 8,349 square feet.

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

- That granting the variance to the front yard setback regulations will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
- The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5(A) zoning classification.

- The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5(A) zoning classification.

If the board were to grant this front yard setback variance request and impose the submitted site plan as a condition, development would be limited to what is shown on this document. Granting this variance request will not provide any relief to the Dallas Development Code regulations.

Timeline:

- June 14, 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.
- August 5, 2021: The Board of Adjustment Secretary randomly assigned this case to the Board of Adjustment Panel A.
- August 12, 2021: The Board of Adjustment Chief Planner/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 August 31, 2021 deadline to submit additional evidence for staff to factor into their analysis; and the September 10, 2021 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.”
- August 13, 2021: The applicant submitted additional evidence (**Attachments A & B**)

September 3, 2021: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the September public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner, the Board of Adjustment Senior Planner, the Chief Arborist, the Conservation Districts Chief Planner, the Building Inspection Chief Planner, the Interim Assistant Director of Current Planning, and the Assistant City Attorney to the board.

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

BOARD OF ADJUSTMENT ACTION: September 21, 2021

APPEARING IN FAVOR: Orlando Mora 1002 N. Prairie Creek Dr. Dallas, TX

APPEARING IN OPPOSITION: None.

MOTION: **Lamb**

I move that the Board of Adjustment, in Appeal No. BDA 201-074, on application of Orlando Mora, **grant** the request of this applicant for a variance to the front yard setback regulations contained in the Dallas Development Code, subject to the following condition:

Compliance with the submitted site plan is required.

SECONDED: **Narey**

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

NAYS: 0 –

MOTION PASSED: 5 - 0 (unanimously)

FILE NUMBER: BDA201-084(PD)

BUILDING OFFICIAL'S REPORT: Application of Merith Sepulveda for a special exception to afford a handicapped person equal opportunity to use and enjoy a dwelling at 2030 Marydale Drive. This property is more fully described as Lot 5, Block 10/4630, and is zoned Subarea A within Conservation District No. 20, in which an accessory structure may not exceed 25 percent of the floor area of the main structure. The applicant proposes to construct a single-family residential accessory structure with 696 square feet of floor area (42.2 percent of the 1,648-square-foot floor area of the main structure), which will require a 284-square-foot special exception to the floor area ratio regulations.

LOCATION: 2030 Marydale Drive

APPLICANT: Merith Sepulveda

REQUESTS:

The proposed detached 696-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: Subarea A within Conservation District No. 20

North: Subarea A within Conservation District No. 20

East: Subarea A within Conservation District No. 20

South: Subarea A within Conservation District No. 20

West: Subarea A within Conservation District No. 20

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

The following request for a special exception for the handicapped focus on constructing and maintaining a detached 696-square-foot one-story proposed to exceed the maximum floor area for an accessory structure.

The site is zoned Subarea A within Conservation District No. 20 where the Dallas Development Code permits one main dwelling unit per lot. In addition, an 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 approximately 1,648-square-foot existing single-family structure and the smaller of the two is a proposed 696-square-foot “one story frame” structure. The site plan also identifies the proposed accessory structure represents 42.2 percent of the existing 1,648 square-foot floor area 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 this special exception for the handicapped request solely on whether they conclude that the special exception is 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 exception is 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 request, typical conditions include compliance with the submitted site plan and that the special exception expire when a handicapped person no longer resides on the property.

Timeline:

July 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.

August 5, 2021: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel A.

August 12, 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 August 31st deadline to submit additional evidence for staff to factor into their analysis; and the September 10th 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 3, 2021: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the September public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner, the Board of Adjustment Senior Planner, the Chief Arborist, the Conservation Districts Chief Planner, the Building Inspection Chief Planner, the Interim Assistant Director of Current Planning, and the Assistant City Attorney to the board.

BOARD OF ADJUSTMENT ACTION: September 21, 2021

APPEARING IN FAVOR: Alfredo Pena 410 E. 5th St. Dallas, TX
Merith Sepulveda 2030 Marydale Rd. Dallas, TX

APPEARING IN OPPOSITION: None

MOTION: Lamb

I move that the Board of Adjustment, in Appeal No. BDA 201-084, on application of Merith Sepulveda **grant** the special exception for the handicapped to the single-family development regulations 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, Halcomb, Narey, Ramsour
NAYS: 0
MOTION PASSED: 5 – 0 (unanimously)

FILE NUMBER: BDA201-075(PD)

BUILDING OFFICIAL’S REPORT: Application of Larbi John Amaroufi for a special exception to the single-family regulations at 12246 Garden Grove Drive. This property is more fully described as Tracts 26 in City Block 8828 and is zoned an R-10(A) Single Family District, which requires that a single-family dwelling use may be supplied by not more than one electrical utility service and metered by not more than one electrical meter. The applicant proposes to construct and/or maintain an accessory structure on a lot with a single-family use and have more than one electrical utility service or electrical meter, which requires a special exception to the single-family zoning use regulations.

LOCATION: 12246 Garden Grove Drive

APPLICANT: Larbi John Amaroufi

REQUESTS:

The following request for a special exception to the single-family use regulations is made to authorize more than one electrical utility service or electrical meter on a site with a single-family use.

STANDARD FOR A SPECIAL EXCEPTION TO THE SINGLE-FAMILY USE REGULATIONS TO AUTHORIZE MORE THAN ONE ELECTRICAL UTILITY SERVICE OR MORE THAN ONE ELECTRICAL METER:

The board may grant a special exception to authorize more than one electrical utility service or more than one electrical meter for a single-family use on a lot in a single-family zoning, duplex, or townhouse district when, in the opinion of the board, the special exception will not:

1. be contrary to the public interest;
2. adversely affect neighboring properties; and
3. be used to conduct a use not permitted in the zoning district.

STAFF RECOMMENDATION:

No staff recommendation is made on this or any request for a special exception to authorize more than one electrical utility service or more than one electrical meter for a single-family use on a lot in a single-family zoning district since the basis for this type of appeal is *when in the opinion of the board*, the standards described above are met.

BACKGROUND INFORMATION:

Zoning:

- Site: R-10(A) (Single Family District)
- North: R-10(A) (Single Family District)
- West: R-10(A) (Single Family District)
- South: R-10(A) (Single Family District); NS(A)-D-1 (Neighborhood Service District with a D-1 Liquor Control Overlay)
- East: R-10(A) (Single Family District)

Land Use:

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

Zoning/BDA History:

There have been no related board or zoning cases in the vicinity within the last five years.

GENERAL FACTS/STAFF ANALYSIS:

The site is zoned an R-10(A) Single Family District and contains an existing original two-story dwelling unit which fronts on Garden Grove Drive. The purpose of the request for a special exception to the single-family use regulations is to construct an accessory structure proposed along Garden Grove Drive and authorize more than one electrical utility service or electrical meter.

The site is developed with five structures: the original two-story single-family structure on Garden Grove Drive, with approximately 2,372 square feet of floor area, according to permit records and Dallas County Appraisal District, DCAD; a one-story detached structure along the northwest corner of the property with approximately 991 square feet of floor area, a one-story structure immediately to the rear of the original single family structure with approximately 660 square feet of floor area, a one-story structure immediately adjacent to the center of the property with approximately 539 square feet of floor area, and the subject one-story accessory structure along the southwest portion of the property fronting along Garden Grove Drive with approximately 5,391 square feet in floor area. According to permit records, the subject accessory structure received a building permit for approximately 3,000 square feet of floor area on May 31, 2002 and a green tag for final inspection of the installation of a permanent additional electrical meter.

As of September 8, 2021, no letters had been submitted regarding the request for a special exception to the single-family regulations.

The applicant has the burden of proof in establishing that the additional electrical meter to be installed and/or maintained on the site will: 1) not be contrary to the public interest; 2) not adversely affect neighboring properties, and 3) not be used to conduct a use not permitted in the zoning

If the board were to grant the request for a second electrical utility service or electrical meter at the site, the only item being authorized is the installation of the second electrical utility service or electrical meter, as shown on the submitted site plan. Any other items shown on the site plan are subject to compliance with all other regulations of the Dallas Development Code, as amended, to obtain building permits.

Timeline:

- | | |
|------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| June 21, 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. |
| August 9, 2021: | The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A. |
| August 12, 2021: | The Senior Planner emailed the applicant the public hearing date and panel that will consider the application; the August 31 st deadline to submit additional evidence for staff to factor into their analysis; and the September 10 th deadline to submit additional evidence to be incorporated into the Board’s docket materials and the following information: <ul style="list-style-type: none">• a copy of the application materials including the Building Official's report on the application; |

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

September 3, 2021: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the September public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner, the Board of Adjustment Senior Planner, the Chief Arborist, the Conservation Districts Chief Planner, the Building Inspection Chief Planner, the Interim Assistant Director of Current Planning, and the Assistant City Attorney to the board.

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

BOARD OF ADJUSTMENT ACTION: September 21, 2021

APPEARING IN FAVOR: Larbi Amaroufi 12246 Garden Grove Dr. Dallas, TX

APPEARING IN OPPOSITION: None

MOTION: Halcomb

I move that the Board of Adjustment, in Appeal No. BDA 201-075, an application of Larbi John Amaroufi, **grant** the request to install and maintain an additional electric meter on the property as a special exception to the single family regulations in the Dallas Development Code, as amended, because our evaluation of the property and the testimony shows that this special exception will not be contrary to the public interest, will not adversely affect neighboring property, and will not be used to conduct a use not permitted in the district where the building site is located.

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

Compliance with the submitted site plan is required.

SECONDED: Ramsour

AYES: 4 – Gambow, Halcomb, Narey, Ramsour

NAYS: 1- Lamb

MOTION PASSED: 4-1

FILE NUMBER: BDA201-080(PD)

BUILDING OFFICIAL’S REPORT: Application of Tom White represented by Brandon Elms for a special exception to the single-family regulations at 4626 & 4630 Cherokee Trail. This property is more fully described as Lot E-1 and 7 in City Block S/4988 and is

zoned an R-1ac(A) Single Family District, which requires that a single-family dwelling use in a single-family district may be supplied by not more than one electrical utility service and metered by not more than one electrical meter. The applicant proposes to construct and/or maintain more than one electrical utility service or electrical meter on a lot with a single-family use, which requires special exceptions to the single-family zoning use regulations.

LOCATION: 4626 & 4630 Cherokee Trail

APPLICANT: Tom White represented by Brandon Elms

REQUEST:

The following request for a special exception to the single-family use regulations is made to authorize more than one electrical utility service or electrical meter on a site with a single-family use.

STANDARD FOR A SPECIAL EXCEPTION TO THE SINGLE-FAMILY USE REGULATIONS TO AUTHORIZE MORE THAN ONE ELECTRICAL UTILITY SERVICE OR MORE THAN ONE ELECTRICAL METER:

The board may grant a special exception to authorize more than one electrical utility service or more than one electrical meter for a single-family use on a lot in a single-family zoning, duplex, or townhouse district when, in the opinion of the board, the special exception will not:

4. be contrary to the public interest;
5. adversely affect neighboring properties; and
6. be used to conduct a use not permitted in the zoning district.

STAFF RECOMMENDATION:

No staff recommendation is made on this or any request for a special exception to authorize more than one electrical utility service or more than one electrical meter for a single-family use on a lot in a single-family zoning district since the basis for this type of appeal is *when in the opinion of the board*, the standards described above are met.

BACKGROUND INFORMATION:

Zoning:

- Site: R-1ac(A) Single Family District
North: R-1ac(A) Single Family District
East: PDD No. 61 (Single Family District)
South: PDD No. 455 (Residential District)

West: PDD No. 455 (Residential District)

Land Use:

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

Zoning/BDA History:

There have been no related board or zoning cases in the vicinity within the last five years.

GENERAL FACTS/STAFF ANALYSIS:

The site is zoned an R-1ac(A) Single Family District. The purpose of the request for a special exception to the single-family use regulations is to authorize more than one electrical utility service or electrical meter. The applicant proposes to demolish the existing one-story single-family structure and detached garage located at 4626 Cherokee Trail to construct two individual structures proposed to be platted as one property or build site, located at 4630 Cherokee Trail.

According to permit records for 4630 Cherokee Trail, the site is currently developed with five structures: the original two-story single-family structure on Cherokee Trail, with approximately 9,736 square feet of floor area exclusive of an attached garage, two cabanas and a tennis court. Additionally, permit records for 4626 Cherokee Trail indicate the site is developed with a one-story single-family structure with approximately 3,770 square feet of floor area exclusive of approximately 529 square feet for a detached garage, located at the intersection of Cherokee Trail and Linwood Avenue.

The Dallas Development Code states that *single family* means one dwelling unit located on a lot and that a *dwelling unit* means one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens¹, one or more bathrooms², and one or more bedrooms³.

The floor plans contained within the outline of the site plan for the proposed accessory structure denotes a number of rooms/features that Building Inspection has determined

¹ KITCHEN means 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. Reference §51A-2.102(57.1) of the Dallas Development Code, as amended.

² BATHROOM means any room used for personal hygiene and containing a shower or bathtub, or containing a toilet and sink. Reference §51A-2.102(8.1) of the Dallas Development Code, as amended.

³ BEDROOM means 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, sun rooms, and other similar rooms are considered bedrooms. Reference §51A-2.102(9) of the Dallas Development Code, as amended.

makes a second dwelling unit apart from the existing/original single family dwelling unit on Cherokee Trail, which are comprised of a kitchen with countertops, a bathroom, and a bedroom housing a closet in one of the two proposed structures. Thus, the applicant has been instructed by staff that further Board action may be required.

If the board grants the request for a second electrical utility service or electrical meter, the applicant can construct and modify the proposed accessory structure with separate utilities. However, the applicant the structure may not be constructed with all three elements that constitute a dwelling unit or with separate utilities since an additional dwelling unit has not been requested with this application.

The subject site extends from Cherokee Trail on the north and Linwood Avenue on the south and is approximately twice the size of other lots on the same block. The applicant proposes to retain the dwelling unit located at 4630 Cherokee Trail and purposes to demolish the dwelling unit located at 4626 Cherokee Trail and construct a 2,042-square-foot structure proposed to increase the total floor area, excluding the calculations of the attached garage and detached cabanas to approximately 11,778 square feet. Per the applicant, necessitating the request is the owner purchasing the adjacent subject property and the desire to install a smaller chiller to be used as a cooling system on the entire property, once the property is replatted. The smallest available chiller on the market is 30 tons and the only power option is 208V/3 phase. The existing service for the dwelling unit located at 4630 Cherokee Trail is at full capacity and the voltage is 240/120V, is single phase and not a match for the proposed addition and chiller proposed to be located at 4626 Cherokee Trail.

The applicant has the burden of proof in establishing that the additional electrical meter to be installed and/or maintained on the site will: 1) not be contrary to the public interest; 2) not adversely affect neighboring properties, and 3) not be used to conduct a use not permitted in the zoning

As of September 8, 2021, no letters had been submitted in support of or in opposition of the request for a special exception to the single-family regulations.

If the board were to grant the request for a second electrical utility service or electrical meter at the combined site, the only item being authorized is the installation of the second electrical utility service or electrical meter, as shown on the submitted site plan. Any other items shown on the site plan are subject to compliance with all other regulations of the Dallas Development Code, as amended, to obtain building permits.

Timeline:

- July 9, 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.
- August 5, 2021: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A.
- August 12, 2021: The Senior Planner emailed the applicant’s representative the public hearing date and panel that will consider the application; the August 31st deadline to submit additional evidence for staff to factor into their analysis; and the September 10th deadline to submit additional evidence to be incorporated into the Board’s docket materials and the following information:
- a copy of the application materials including the Building Official’s report on the application;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”
- September 3, 2021: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the September public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner, the Board of Adjustment Senior Planner, the Chief Arborist, the Conservation Districts Chief Planner, the Building Inspection Chief Planner, the Interim Assistant Director of Current Planning, and the Assistant City Attorney to the board.
- No review comment sheets were submitted in conjunction with this application.

BOARD OF ADJUSTMENT ACTION: September 21, 2021

APPEARING IN FAVOR: Brandon Elms 301 commerce St. #1301 Ft. Worth, TX

APPEARING IN OPPOSITION: None.

MOTION: Lamb

I move that the Board of Adjustment, in Appeal No. BDA 201-080, an application of Tom White, represented by Brandon Elms, **grant** the request to install and maintain an additional electric meter on the property as a special exception to the single family regulations in the Dallas Development Code, as amended, because our evaluation of the property and the testimony shows that this special exception will not be contrary to the public interest, will not adversely

affect neighboring property, and will not be used to conduct a use not permitted in the district where the building site is located.

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.

SECONDED: Halcomb

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

NAYS: 0 -

MOTION PASSED: 5-0 (unanimously)

MOTION: Gambow

I move to adjourn the Panel A hearing.

SECONDED: Narey

AYES: 5 - Gambow, Lamb, Halcomb, Narey, Ramsour

NAYS: 0 -

MOTION PASSED (unanimously): 5 – 0

1:36 P.M. Board Meeting adjourned for **September 21, 2021**

David A Neumann

CHAIRPERSON *David A Neumann*
Jennifer Munoz

BOARD ADMINISTRATOR
Latonia Jackson

BOARD SECRETARY

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