



BOARD OF ADJUSTMENT

Panel B Minutes

October 19, 2022

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CITY SECRETARY
DALLAS, TEXAS

6ES Briefing Room

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Cheri Gambow, Vice-Chair

PRESENT: [5]

Cheri Gambow, VC	
Michael Kanowski	
Joe Cannon	
Andrew Finney	
Thomas Fleming	

ABSENT: [1]

Matt Shouse	

11:05 A.M. The Board of Adjustment staff conducted a briefing on the Board of Adjustment's, **October 19, 2022 docket.**

Vice-Chair Gambow called the hearing to order at **1:06 P.M.** with a quorum of the Board of Adjustment present.

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.

PUBLIC SPEAKERS

The Board of Adjustment provided "public speaker" opportunities for individuals to comment on matters that were scheduled on the agenda or to present concerns or address issues that were not matters for consideration listed on the posted meeting agenda.

We had no speakers for public testimony during this hearing.

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MISCELLANEOUS ITEMS

Approval of the Board of Adjustment Panel B September 20, 2022 public hearing minutes.

Motion was made to approve Panel B September 20, 2022 public hearing minutes.

Maker:	Joe Cannon				
Second:	Michael Karnowski				
Results:	5-0 unanimously				
		Ayes:	-	5	Cheri Gambow, Michael Karnowski, Joe Cannon, Andrew Finney, TC Fleming
		Against:	-	0	

INDIVIDUAL ITEMS

1. 10203 Cayuga Dr.
 BDA212-092(OA)

REQUEST: Application of John Lawton Barnes represented by Robert Reeves And Associates for a variance to the parking regulations.

Speakers:

For: Robert Reeves 3807 Vinecrest Dr.

Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BDA 212-092, on application of John Lawton Barnes represented by Robert Reeves and Associates, **grant** the five-space variance to the parking 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 revised site plan is required.

Maker:	Michael Karnowski				
Second:	Andrew Finney				
Results:	5-0 unanimously				
		Ayes:	-	5	Cheri Gambow, Michael Karnowski, Joe Cannon, Andrew Finney, TC Fleming
		Against:	-	0	

2. 2303 N. Carroll Ave.
 BDA212-099(OA)

REQUEST: Application of Celica Omega for a variance to the parking regulations

Speakers:

For: Celica Omega 5600 SMU Blvd. #1324

Against: No Speakers

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Motion

I move that the Board of Adjustment, in Appeal No. BDA 212-099, on application of Celica Omega, **grant** the four-space variance to the parking 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 revised site plan is required.

Maker:	Andrew Finney				
Second:	TC Fleming				
Results:	5-0 unanimously				
		Ayes:	-	5	Cheri Gambow, Michael Karnowski, Joe Cannon, Andrew Finney, TC Fleming
		Against:	-	0	

3. 247 W. Davis St.
BDA212-102(OA)

REQUEST: Application of William E. Lowe represented by Kayla Sanchez-Nelinger for a special exception to the landscaping regulations.

Speakers:

For: Danielle Mathews 2201 Main St. #1280
Karl Crawley 2201 Main St. #1280

Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BDA 212-102, on application of William E. Lowe represented by Kayla Sanchez-Nelinger, **grant** the request of this applicant for a special exception to the landscape and tree preservation requirements contained in Article X of the Dallas Development Code, as amended, because our evaluation of the property and testimony shows that (1) strict compliance with the requirements of this article will unreasonably burden the use of the property; (2) the special exception will not adversely affect neighboring property, and (3) the requirements are not imposed by a site-specific landscape plan approved by the city plan commission or city council.

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.

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Maker:	Andrew Finney				
Second:	Michael Karnowski				
Results:	5-0 unanimously				
		Ayes:	-	5	Cheri Gambow, Michael Karnowski, Joe Cannon, Andrew Finney, TC Fleming
		Against:	-	0	

4. **7770 Forest Ln.**
BDA212-095(OA)

REQUEST: Application of John Brodersen represented by Matt Wilson for a special exception to the sign regulations.

Speakers:

For: John Brodersen 4407 Northcrest
Matt Wilson 9849 Elmcrest Dr.

Against: Kenny Steinhart 7317 Baxtershire

Motion

I move that the Board of Adjustment, in Appeal No. BDA 212-095, on application of John Brodersen represented by Matt Wilson, **deny** the special exception requested by this applicant to place and/or maintain a non-monument sign within 250 feet of private property in a non-business zoning district **without** prejudice, because our evaluation of the property and the testimony shows that granting the application would adversely affect neighboring property.

Maker:	TC Fleming				
Second:	Joe Cannon				
Results:	4-0 unanimously				
		Ayes:	-	4	Cheri Gambow, Michael Karnowski, Joe Cannon, Andrew Finney, TC Fleming
		Against:	-	0	

*** Vice-Chair Gambow was recused from case BDA212-095 resulting in a four-member vote ***

5. **11350 LBJ Fwy.**
BDA212-101(OA)

REQUEST: Application of Ezzi Signs for a special exception to the sign regulations.

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Speakers:

For: Hussain Shakir 16810 Newlight Bend Dr. Houston, TX

Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BDA 212-101, on application of Ezzi Signs, **grant** the request of this applicant to construct and maintain an additional detached sign on a premise in excess of the number permitted as a special exception to the sign regulations contained in Article VII of the Dallas Development Code, as amended, because our evaluation of the property and testimony shows that strict compliance with the sign regulations will result in substantial financial hardship or inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of this article.

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.

Maker:	Andrew Finney				
Second:	TC Fleming				
Results:	5-0 unanimously				
		Ayes:	-	5	Cheri Gambow, Michael Karnowski, Joe Cannon, Andrew Finney, TC Fleming
		Against:	-	0	

HOLDOVER ITEMS

1. 4706 Memphis St.
BDA212-084(OA)

REQUEST: Application of Jarrett Ouellette represented by Anaya Jokabet for special exceptions to the visibility obstruction regulations.

Speakers:

For: Jarrett Ouellette 1408 N. Riverfront Blvd. #335

Against: No Speakers

Motion #1

I move that the Board of Adjustment, in Appeal No. BDA 212-084, on application of Jarrett Ouellette represented by Anaya Jokabet, **grant** the request to maintain items in the 20-foot visibility triangle

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at the driveway approach on Mississippi Avenue as a special exception to the visual obstruction regulations contained in the Dallas Development Code, as amended, because our evaluation of the property and the testimony shows that the items 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, as amended:

Compliance with the submitted site plan and elevation is required.

Maker:	Andrew Finney				
Second:	TC Fleming				
Results:	5-0 unanimously				
		Ayes:	-	5	Cheri Gambow, Michael Karnowski, Joe Cannon, Andrew Finney, TC Fleming
		Against:	-	0	

Motion #2

I move that the Board of Adjustment, in Appeal No. BDA 212-084, on application of Jarrett Ouellette represented by Anaya Jokabet, **grant** the request to maintain items in the 45-foot visibility triangle at the intersection of Memphis Street and Mississippi Avenue as a special exception to the visual obstruction regulations contained in the Dallas Development Code, as amended, because our evaluation of the property and the testimony shows that the items will not constitute a traffic hazard.

I further move that the following conditions be imposed to further the purpose and intent of the Dallas Development Code, as amended:

Compliance with the submitted site plan and elevation is required.

This applicant must maintain a 30-foot visibility triangle at the intersection of Memphis Street and Mississippi Avenue.

Maker:	Michael Karnowski				
Second:	TC Fleming				
Results:	5-0 unanimously				
		Ayes:	-	5	Cheri Gambow, Michael Karnowski, Joe Cannon, Andrew Finney, TC Fleming
		Against:	-	0	

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ADJOURNMENT

After all business of the Board of Adjustment had been considered, Vice-Chair Gambow moved to adjourn the meeting; motion by Cheri Gambow, seconded by Michael Karnowski at 2:48 p.m.



Required Signature:
LaTonia Jackson, Board Secretary
Development Services Dept.

1-18-23

Date



Required Signature:
Steve Long, Interim Board
Administrator
Development Services Dept.

1-18-23

Date



Required Signature:
Cheri Gambow, Vice-Chair
Board of Adjustment

1/18/23

Date