

**BOARD OF ADJUSTMENT, PANEL C  
PUBLIC HEARING MINUTES  
DALLAS CITY HALL, AUDITORIUM  
MONDAY, APRIL 20, 2015**

MEMBERS PRESENT AT BRIEFING: Bruce Richardson, Chair, Ross Coulter, regular member, Joe Carreon, regular member and Marla Beikman, regular member

MEMBERS ABSENT FROM BRIEFING: Peter Schulte, regular member,

MEMBERS PRESENT AT HEARING: Bruce Richardson, Chair, Ross Coulter, regular member, Joe Carreon, regular member and Marla Beikman, regular member

MEMBERS ABSENT FROM HEARING: Peter Schulte, regular member

STAFF PRESENT AT BRIEFING: Steve Long, Board Administrator, Jamilah Way, Asst. City Attorney, Todd Duerksen, Development Code Specialist, Danielle Jimenez, Planner, David Lam, Engineer, Donna Moorman, Chief Planner, Neva Dean, Interim Asst. Director, and Trena Law, Board Secretary

STAFF PRESENT AT HEARING: Steve Long, Board Administrator, Jamilah Way, Asst. City Attorney, Todd Duerksen, Development Code Specialist, Danielle Jimenez, Planner, David Lam, Engineer, Donna Moorman, Chief Planner, Neva Dean, Interim Asst. Director, and Trena Law, Board Secretary

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**11:31 a.m.** The Board of Adjustment staff conducted a briefing on the Board of Adjustment's **April 20, 2015** docket.  
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**1:03 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 C March 16, 2015 public hearing minutes.

**BOARD OF ADJUSTMENT ACTION: APRIL 20, 2015**

MOTION:           None

The minutes were approved without a formal vote.

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**FILE NUMBER:**     BDA 145-045

**BUILDING OFFICIAL'S REPORT:** Application of Robert Baldwin of Baldwin and Associates for special exceptions to the fence height regulations at 2324 S. Vernon Avenue. This property is more fully described as a 4.31 acre parcel in Block 5973, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and/or maintain a 6 foot high fence, which will require a 2 foot special exception to the fence height regulations.

**LOCATION:**           2324 S. Vernon Avenue

**APPLICANT:**       Robert Baldwin of Baldwin and Associates

**REQUESTS:**

Requests for special exceptions to the fence height regulations of 2' is made to maintain a 6' high open chain link fence and gates in the site's three front yard setbacks (Ludlow Drive on the north, Wynnewood Drive on the east, and S. Vernon Avenue on the west) on a site that is developed with a charter school (Academy of Dallas).

**STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:**

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

**STAFF RECOMMENDATION:**

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

**BACKGROUND INFORMATION:**

**Zoning:**

- Site: R-7.5(A) (Single family district 7,500 square feet)
- North: R-7.5(A) and RR (Single family district 7,500 square feet and Regional Retail)
- South: LO-3 (Limited office)
- East: RR (Regional retail)
- West: MF-2(A) (Multifamily)

**Land Use:**

The subject site is developed with a charter school (Academy of Dallas). The areas to the north, south, and east are developed with nonresidential uses; and the area to the west is developed with residential uses.

**Zoning/BDA History:**

- 1. Z 145-106 (the subject site) An application for a Specific Use Permit (SUP) for an open-enrollment charter school has been filed with a City Plan Commission public hearing date pending.

**GENERAL FACTS/STAFF ANALYSIS:**

- These requests focus on maintaining a 6’ high open chain link fence and gates in the site’s three front yard setbacks (Ludlow Drive on the north, Wynnewood Drive on the east, and S. Vernon Avenue on the west) on a site that is developed with a charter school (Academy of Dallas).
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4’ above grade when located in the required front yard.
- The site is located at the southeast corner of Ludlow Street and Wynnewood Drive and the southwest corner of Ludlow Street and S. Vernon Avenue. Regardless of how the school on the site is oriented, the site has a 25’ front yard setback along Ludlow Drive, the shortest of the three frontages, which is always deemed the front yard setback on a corner lot in a single-family zoning district; and 15’ front yard setbacks along Wynnewood Drive and S. Vernon Street, the longer of the three

frontages of this corner lot, which are typically regarded as side yards where a 9' high fence is allowed by right. But the site's Wynnewood Drive and S. Vernon Street frontages are also deemed front yard setbacks to maintain the continuity of the established front yard setback established by the lot south of the site zoned LO- 3 that front/is oriented eastward towards Wynnewood Drive and westward towards S. Vernon Street.

- The applicant has submitted a site plan/elevation of the proposal in the front yard setbacks with notations indicating that the fence reaches a maximum height of 6'.
- The following additional information was gleaned from the submitted site plan:
  - The fence proposal is represented as being approximately 360' in length parallel to the Ludlow Drive on the north; approximately 420' in length parallel to Wynnewood Drive on the east; and approximately 510' in length parallel to S. Vernon Street on the west.
  - The fence proposal is represented as being located on the property lines of all three streets, and at a range of 0' to approximately 40' from pavement lines of these streets. (Note that the gates on S. Vernon Avenue and Wynnewood Drive are recessed from these streets and represented to be in compliance with visual obstruction regulations).
- Only two single family homes front this fence in the site's three front yard setbacks—single family homes zoned MF-2(A) that front westward toward the fence on S. Vernon Avenue. These single family homes do not have fences in their front yard setback along S. Vernon Avenue but would be allowed to construct and maintain a 9' high fence in their front yard setback given that are located in MF-2(A) zoning.
- The Board Administrator conducted a field visit of the site and surrounding area and noted one other fence that appeared to be above 4' in height and located in a front yard setback- an approximately 7' high open chain link fence immediately south of the site on property zoned LO-3 where a 9' high fence can be constructed and maintained by right.
- As of April 13, 2015, no letters have been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exceptions to the fence height regulations of 2' will not adversely affect neighboring property.
- Granting these special exceptions of 2' with a condition imposed that the applicant complies with the submitted site plan/elevation would require the proposal exceeding 4' in height in the three front yard setbacks to be maintained in the location and of the heights and materials shown on this document.

### **Timeline:**

January 29, 2015: 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 11, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

March 11, 2015: 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 April 1<sup>st</sup> deadline to submit additional evidence for staff to factor into their analysis; and the April 10<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.

April 7, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for April public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

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

**BOARD OF ADJUSTMENT ACTION: APRIL 20, 2015**

APPEARING IN FAVOR: No one

APPEARING IN OPPOSITION: No one

**MOTION: Coulter**

I move that the Board of Adjustment grant application **BDA 145-045** listed on the uncontested docket because it appears, from our evaluation of the property and all relevant evidence, that the application satisfies all the requirements of the Dallas Development Code or appropriate PD as applicable, and are consistent with its general purpose and intent of the Code or PD. I further move that the following condition be imposed to further the purpose and intent of the Dallas Development code:

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

**SECONDED: Beikman**

**AYES:** 4 – Richardson, Coulter, Carreon, Beikman

**NAYS:** 0 –

**MOTION PASSED:** 4– 0 (unanimously)

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**FILE NUMBER:** BDA 145-026

**BUILDING OFFICIAL’S REPORT:** Application of Robert Baldwin for a variance to the parking regulations at 1018 Gallagher Street. This property is more fully described as Lot 1A, Block B/7099, and is zoned R-5(A), which requires parking to be provided. The applicant proposes to construct and/or maintain a nonresidential structure for a community service center use and provide 19 of the required 25 parking spaces, which will require a 6 space variance to the parking regulation.

**LOCATION:** 1018 Gallagher Street

**APPLICANT:** Robert Baldwin

**REQUEST:**

A request for a variance to the off-street parking regulations of 6 spaces is made where the applicant proposes to provide 19 of the required 25 off-street parking spaces on a site that is developed with a community service use [Vickery Meadow Learning Center] in order to maintain a playground area.

**STANDARD FOR A VARIANCE:**

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

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

**STAFF RECOMMENDATION:**

## Denial

### Rationale:

- While the Sustainable Development and Construction Project Engineer has no objections to the request based on supply and demand, staff recommends denial because the standard for a variance has not been met. The site is flat, rectangular in shape, and, according to the application, 0.512 acres in area where none of these features/conditions preclude the applicant from developing the subject site in a manner commensurate with the development of other parcels of land in the same R-5(A) zoning.
- The applicant has also not substantiated how this variance for this specific use (community service center) at its proposed size is not needed to relieve a self-created hardship. The features/conditions of this flat, rectangular-shaped site do not appear to restrict the applicant from developing it with a smaller sized development that could provide the number of off-street parking spaces required by code.

### **BACKGROUND INFORMATION:**

<u>Site:</u>	R-5(A) (Single family residential district, 5,000 square feet)
<u>North:</u>	R-5(A) (Single family residential district, 5,000 square feet)
<u>South:</u>	R-5(A) (Single family residential district, 5,000 square feet)
<u>East:</u>	R-5(A) (Single family residential district, 5,000 square feet)
<u>West:</u>	R-5(A) (Single family residential district, 5,000 square feet)

### **Land Use:**

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

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

1. Z134-245, Property at 1018 Gallagher Street (Subject Site)  
On August 27, 2014, December 10, 2014, and March 25, 2015, the City Council voted to hold under advisement an application for the amendment and renewal of SUP No. 1763 so the applicant could submit an application to the Board of Adjustment for a parking reduction.

2. BDA 089-063(K), Property at 1018 Gallagher Street (Subject Site)

On May 18, 2009, the Board of Adjustment Panel C granted a variance to the front yard setback and imposed the following condition: Compliance with the submitted site plan is required.

The case report stated the request for a variance of 11 feet to the front yard setback regulations was made to provide for off-street parking.

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

- The request focuses on maintaining a playground area for a community service center [Vickery Meadow Learning Center]. The applicant proposes to provide 19 of the required 25 required off-street parking spaces.
- The subject site is zoned R-5(A) but is developed with a community service use that requires the following off-street parking requirement:
  - Community Service Center Use: One space per 200 square feet of floor area.
- Normally, a request for a parking reduction that equals 25 percent or less of the required off-street parking would qualify for a special exception to the off-street parking regulations.
- Dallas Development Code Section 51A-4.311(a)(1) states that the Board of Adjustment may grant a special exception to authorize a reduction in the number of off-street parking spaces required *under this article* if the board finds, after a public hearing, that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets; and that the maximum reduction authorized by this section is 25 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to already existing nonconforming rights.
- However, Dallas Development Code Section 51A-311(a)(5) states that the Board of Adjustment *shall not* grant a special exception to reduce the number of off-street parking spaces required in an ordinance granting or amending a specific use permit.
- On June 24, 2009, City Council approved Ordinance No. 27576, which granted, for a five-year time period, a community service use at 1018 Gallagher Street under Specific Use Permit No. 1763. Condition No. 8 of SUP No. 1763 states: "Off-street parking spaces must be located as shown on the attached site plan."
- Therefore, the applicant may only apply for a *variance* and only the variance standard applies on this request to reduce the off-street parking regulations for a community service center use even though the reduction request is 24 percent of the required off-street parking.
- The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Has no objections."
- The site is flat, rectangular in shape, and according to the application, 0.512 acres in area. The site is zoned R-5(A).

- DCAD records indicate that the “improvements” at 1018 Gallagher Street is a “church building” with 4,096 square feet built in 1985.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to 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 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-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-5(A) zoning classification.
- If the Board were to grant this request for a variance, the applicant would be allowed to provide 19 of the 25 off-street parking spaces required for a community service center use at approximately 4,977 square feet in order to maintain a playground area.

**Timeline:**

December 18, 2014: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

February 9, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

February 18, 2015: The Current Planner shared the following information with the applicant via e-mail:

- 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 February 25<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the March 6<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.

February 27, 2015: The Current Planner e-mailed the applicant to inform him that the Board could not consider a special exception to the off-street parking regulations. There is a Specific Use Permit (SUP No. 1763) at the site, and condition number eight states that off-street parking

spaces must be located as shown on the site plan attached to the ordinance. Therefore, because there is an ordinance granting a specific use permit that requires parking at the site, the Board can only consider an application to reduce the number of off-street parking spaces under the standard for a variance and not as a special exception to parking demand.

March 3, 2015: The applicant contacted the Building Inspection Senior Plans Examiners/Development Code Specialist and updated the application to request a variance to the off-street parking regulations.

March 16, 2015: The Current Planner updated the applicant with the following information via e-mail:

- 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 April 1st deadline to submit additional evidence for staff to factor into their analysis; and the April 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.

March 26, 2015: The applicant submitted revised site plans on this application to the Building Inspection Senior Plans Examiner/Development Code Specialist.

April 7, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for April public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

April 9, 2015: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Has no objections."

**BOARD OF ADJUSTMENT ACTION: APRIL 20, 2015**

**APPEARING IN FAVOR:** Robert Baldwin, 3904 Elm Street, Dallas, TX

APPEARING IN OPPOSITION: Doyle Simmons, 926 Gallagher, Dallas, TX

MOTION: **Coulter**

I move that the Board of Adjustment in Appeal No. **BDA 145-026** hold this matter under advisement until **May 18, 2015**.

SECONDED: **Carreon**

AYES: 3 – Richardson, Coulter, Carreon

NAYS: 1 – Beikman

MOTION PASSED: 3– 1

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FILE NUMBER: BDA 145-042

**BUILDING OFFICIAL'S REPORT:** Application of Robert Baldwin of Baldwin and Associates for a special exception to the off-street parking regulations at 4331 Belmont Avenue. This property is more fully described as Lot 16 and Lot 17, a 0.166 acre building site, Block 21/2005, and is zoned CS, which requires off-street parking to be provided. The applicant proposes to construct and/or maintain a personal service use, and provide 10 of the required 13 parking spaces, which will require a 3 space special exception to the off-street parking regulations.

**LOCATION:** 4331 Belmont Avenue

**APPLICANT:** Robert Baldwin of Baldwin and Associates

**REQUEST:**

A request for a special exception to the off-street parking regulations of 3 spaces is made to transition the use within an existing approximately 2,600 square foot one-story structure on the subject site from office use to personal service use, and provide 10 (or 77 percent) of the 13 required off-street parking spaces.

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

- 1) The Board of Adjustment may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets. The maximum reduction authorized by this section is 25 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(A). For the commercial amusement (inside) use and the industrial (inside) use, the maximum reduction authorized by this section is 75 percent or one space, whichever is

greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). For the office use, the maximum reduction authorized by this section is 35 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). Applicants may seek a special exception to the parking requirements under this section and an administrative parking reduction under Section 51A-4.313. The greater reduction will apply, but the reduction may not be combined.

- 2) In determining whether to grant a special exception, the board shall consider the following factors:
  - (A) The extent to which the parking spaces provided will be remote, shared, or packed parking.
  - (B) The parking demand and trip generation characteristics of all uses for which the special exception is requested.
  - (C) Whether or not the subject property or any property in the general area is part of a modified delta overlay district.
  - (D) The current and probable future capacities of adjacent and nearby streets based on the city's thoroughfare plan.
  - (E) The availability of public transit and the likelihood of its use.
  - (F) The feasibility of parking mitigation measures and the likelihood of their effectiveness.
- 3) In granting a special exception, the board shall specify the uses to which the special exception applies. A special exception granted by the board for a particular use automatically and immediately terminates if and when that use is changed or discontinued.
- 4) In granting a special exception, the board may:
  - (A) Establish a termination date for the special exception or; otherwise provide for the reassessment of conditions after a specified period of time;
  - (B) Impose restrictions on access to or from the subject property; or
  - (C) Impose any other reasonable conditions that would have the effect of improving traffic safety or lessening congestion on the streets.
- 5) The board shall not grant a special exception to reduce the number of off-street parking spaces required in an ordinance granting or amending a specific use permit.
- 6) The board shall not grant a special exception to reduce the number of off-street parking spaces expressly required in the text or development plan of an ordinance establishing or amending regulations governing a specific planned development district. This prohibition does not apply when:
  - (A) the ordinance does not expressly specify a minimum number of spaces, but instead simply makes references to the existing off-street parking regulations in Chapter 51 or this chapter; or
  - (B) the regulations governing that specific district expressly authorize the board to grant the special exception.

**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- The special exception of 3 spaces shall automatically and immediately terminate if and when the personal service use that would normally need no more than 13 required parking spaces is changed or discontinued.

Rationale:

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

**BACKGROUND INFORMATION:**

**Zoning:**

- Site: CS (Commercial service)
- North: PD 889 (Planned Development)
- South: PD 698 (Planned Development)
- East: CS (Commercial service)
- West: CS (Commercial service)

**Land Use:**

The subject site is developed with an existing one-story structure that has approximately 2,600 square feet of floor area that the applicant intends to retain on the site and lease with personal service use which requires a greater number of off-street parking spaces than the previous use on the subject site (office) and what the applicant proposes to provide. The area to the north is undeveloped; the areas to the east and west are developed with commercial uses; and the area to the south is developed as a school (Spence Middle School).

**Zoning/BDA History:**

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

**GENERAL FACTS/STAFF ANALYSIS:**

- This request focuses on transitioning the use within an existing approximately 2,600 square foot one-story structure on the subject site from office use to personal service use, and providing 10 (or 77 percent) of the 13 required off-street parking spaces.
- The Dallas Development Code requires the following off-street parking requirement:
  - Personal service use: 1 space per 200 square feet of floor area.
- The applicant proposes to provide 10 (or 77 percent) of the required 13 off-street parking spaces in conjunction with the existing structure on the site being leased with and/or maintained with a combination of the uses mentioned above.
- The Sustainable Development Department Project Engineer has indicated that he has no objections to the request.

- The applicant has the burden of proof in establishing the following:
  - The parking demand generated by the personal service use on the site does not warrant the number of off-street parking spaces required, and
  - The special exception of 3 spaces (or a 23 percent reduction of the required off-street parking) would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.
- If the Board were to grant this request, and impose the condition that the special exception of 3 spaces shall automatically and immediately terminate if and when the personal service use is changed or discontinued, the applicant would be allowed to lease and maintain the structure on the site with this specific use with the specified square footage, and provide 10 of the 13 code required off-street parking spaces.

**Timeline:**

January 22, 2015: 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 11, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

March 11, 2015: 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 April 1<sup>st</sup> deadline to submit additional evidence for staff to factor into their analysis; and the April 10<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.”

April 7, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for April public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

April 9, 2015: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Has no objections."

**BOARD OF ADJUSTMENT ACTION: APRIL 20, 2015**

APPEARING IN FAVOR: Robert Baldwin, 3904 Elm Street, Dallas, TX  
Jonas Park, 4331 Belmont Ave., Dallas, TX

APPEARING IN OPPOSITION: Mike Luckoch, 6131 Bordeaux, Dallas, TX

**MOTION: Beikman**

I move that the Board of Adjustment in Appeal No. **BDA 145-042** hold this matter under advisement until **May 18, 2015**.

**SECONDED: Coulter**

AYES: 4 – Richardson, Coulter, Carreon, Beikman

NAYS: 0 –

MOTION PASSED: 4– 0 (unanimously)

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**MOTION: Beikman**

I move to adjourn this meeting.

**SECONDED: Carreon**

AYES: 4 – Richardson, Coulter, Carreon, Beikman,

NAYS: 0 –

MOTION PASSED: 4 – 0 (unanimously)

**2:14 P. M.** - Board Meeting adjourned for **April 20, 2015**.

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CHAIRPERSON

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BOARD ADMINISTRATOR

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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.