

**BOARD OF ADJUSTMENT, PANEL A
PUBLIC HEARING MINUTES
DALLAS CITY HALL, 6ES AUDITORIUM
TUESDAY, AUGUST 25, 2015**

MEMBERS PRESENT AT BRIEFING: Clint Nolen, Vice Chair, Larry French, regular member, Mark Rieves, regular member, Paula Leone, regular member, and Jim Gaspard alternate member

MEMBERS ABSENT FROM BRIEFING: No one

STAFF PRESENT AT BRIEFING: Steve Long, Board Administrator
Jamilah Way, Asst. City Attorney, Todd Duerksen, Development Code Specialist, Lloyd Denman, Asst. Director Engineering, Donna Moorman, Chief Planner and Trena Law, Board Secretary

MEMBERS PRESENT AT HEARING: Clint Nolen, Vice Chair, Larry French, regular member, Mark Rieves, regular member, Paula Leone, regular member, and Jim Gaspard alternate member

MEMBERS ABSENT FROM HEARING: No one

STAFF PRESENT AT HEARING: Steve Long, Board Administrator
Jamilah Way, Asst. City Attorney, Todd Duerksen, Development Code Specialist, Lloyd Denman, Asst. Director Engineering, Donna Moorman, Chief Planner and Trena Law, Board Secretary

11:30 A.M. The Board of Adjustment staff conducted a briefing on the Board of Adjustment's **August 25, 2015** 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.

MISCELLANEOUS ITEM NO. 1

To approve the Board of Adjustment Panel June 23, 2015 public hearing minutes.

BOARD OF ADJUSTMENT ACTION: AUGUST 25, 2015

MOTION: None

The minutes were approved without a formal vote.

FILE NUMBER: BDA 145-072

BUILDING OFFICIAL’S REPORT: Application of Isabel Aceves for a special exception to the side yard setback regulations for a carport at 6709 Hollis Avenue. This property is more fully described as Lot 2, Block 5/5818, and is zoned R-7.5(A), which requires a side yard setback of 5 feet. The applicant proposes to construct and/or maintain a carport in a side yard and provide a 0 foot setback, which will require a 5 foot special exception to the side yard setback regulations.

LOCATION: 6709 Hollis Avenue

APPLICANT: Isabel Aceves

REQUEST:

A request for a special exception to the side yard setback regulations of 5’ is made to modify and maintain a carport, part of which is to remain located in the site’s eastern 5’ side yard setback on a site developed with a single family home structure/use.

STANDARD FOR A SPECIAL EXCEPTION TO ALLOW A CARPORT IN THE SIDE YARD:

The Board of Adjustment may grant a special exception to the minimum side yard requirements to allow a carport for a single-family or duplex use when, in the opinion of the Board, the carport will not have a detrimental impact on surrounding properties. In determining whether to grant a special exception, the Board shall consider the following:

- (1) Whether the requested special exception is compatible with the character of the neighborhood.
- (2) Whether the value of surrounding properties will be adversely affected.
- (3) The suitability of the size and location of the carport.
- (4) The materials to be used in construction of the carport.

(Storage of items other than motor vehicles is prohibited in a carport for which a special exception is granted in this section of the Code).

STAFF RECOMMENDATION:

No staff recommendation is made on this or any request for a special exception to the side yard setback regulations since the basis for this type of appeal is, when in the opinion of the board, the carport will not have a detrimental impact on surrounding properties.

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 with a single family home. The area 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.

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on modifying and maintaining carport, part of which is located in the site's eastern 5' side yard setback, on a site developed with a single-family home structure/use.
- A 5' side yard setback is required in the R-7.5(A) zoning district.
- The applicant has submitted a site plan and elevation indicating the location of the carport on the site's eastern side property line.
- The application states that the carport has been in existence since 1960; that the property was purchased in 1988 with carport; and that a permit was granted in 1995 to re-roof entire residence which included the carport.
- The following information was gleaned from the submitted site plan:
 - The carport is represented to be 45' in length and 10' in width (approximately 450 square feet in total area) of which approximately half is located in the eastern side yard setback.

- The following information was gleaned from the submitted elevation:
 - The carport is represented to be approximately 10' in height with wood columns, a 1-hour rated wall and “asphalt shingles over wood rafters” roof.
- The subject site is approximately 130' x 58' (or approximately 7,500 square feet) in area.
- According to DCAD records, the “main improvement” for property addressed at 6709 Hollis Avenue is a structure built in 1950 with 1,098 square feet of living/total area; and with the following additional improvements: a 578 square foot attached garage, a 320 square foot outbuilding.
- The Board Administrator conducted a field visit of the area approximately 500 feet east and west of the subject site and noted no other carports that appeared to be located in a side yard setback.
- As of August 14, 2015, no letters had been submitted in support of the request, and no letters had been submitted in opposition.
- The applicant has the burden of proof in establishing the following:
 - that granting this special exception to the side yard setback regulations of 5' will not have a detrimental impact on surrounding properties.
- Granting this request and imposing the following conditions would require the carport to be modified/maintained in the location and of the heights and materials as shown on these documents:
 1. Compliance with the submitted site plan and elevation is required.
 2. The carport structure must remain open at all times.
 3. No lot-to-lot drainage is permitted in conjunction with this carport special exception.
 4. All applicable building permits must be obtained.
 5. No item (other than a motor vehicle) may be stored in the carport.

Timeline:

- May 6, 2013: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- June 19, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- June 19, 2015: The Board Administrator contacted the applicant and emailed 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 July 29th deadline to submit additional evidence for staff to factor into their analysis; and the August 14th 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 11, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: 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: AUGUST 25, 2015

APPEARING IN FAVOR: No one

APPEARING IN OPPOSITION: No one

MOTION: French

I move to grant that the Board of Adjustment grant application **BDA 145-072** 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 and elevation is required.
- The carport structure must remain open at all times.
- No lot-to-lot drainage is permitted in conjunction with this carport special exception.
- All applicable building permits must be obtained.
- No item (other than a motor vehicle) may be stored in the carport.

SECONDED: Leone

AYES: 5 – Nolen, French, Rieves, Leone, Gaspard

NAYS: 0 -

MOTION PASSED: 5 – 0 (unanimously)

FILE NUMBER: BDA 145-076

BUILDING OFFICIAL’S REPORT: Application of David J. Ferre for a special exception to the fence height regulations at 4519 Cherokee Trail. This property is more fully described as Lot 14, Block Q/4986, and is zoned PD 455, which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and/or maintain a 5 foot high fence, which will require a 1 foot special exception to the fence height regulations.

LOCATION: 4519 Cherokee Trail

APPLICANT: David J. Ferre

REQUEST:

A request for a special exception to the fence height regulations of 1’ is made to maintain an open picket/post fence that ranges in height given grade variations on the property from 4’ 2 ½” – 4’ 6 ½” on a site developed with a single family home.

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: PD 455 (Planned Development)
- North: PD 455 (Planned Development)
- South: PD 455 (Planned Development)
- East: PD 455 (Planned Development)
- West: PD 455 (Planned Development)

Land Use:

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

Zoning/BDA History:

1. BDA 990-201, Property at 4501 Cherokee Trail (three lots west of the subject site) On February 15, 2000, the Board of Adjustment Panel B denied a request for a special exception to the fence height regulations of 4.5' without prejudice. The case report stated the request was made to construct and maintain a 6' high open wrought iron picket fence with 6.5' high stone/brick columns, an 8' high open wrought iron gate with 8.5' high columns.

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on maintaining an open picket/post fence that ranges in height given grade variations on the property from 4' 2 ½" – 4' 6 ½" on a site developed with a single family home.
- 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.
- While the application requests a 1 foot special exception, the applicant has submitted a site plan/elevation of the proposal in the front yard setback indicating that it reaches a maximum height of 4' 6 ½". (The applicant has submitted a document stating a request has been made for a 60" fence to ensure that there is no discrepancy when field measurements are completed by different parties).
- The following additional information was gleaned from the submitted site plan/elevation:
 - The proposal is represented as being approximately 150' in length parallel to the street and approximately 30' perpendicular to the street on the east and west sides of the site in the 30' front yard setback.
 - The fence is represented to be located on the front property line or about 20' from the pavement line.
- The proposal is located on the site where one lot has direct frontage – a lot with no fence in its front yard.
- The Board Administrator conducted a field visit of the site and surrounding area along Cherokee Trail (approximately 400 feet east and west of the site) and noted no other visible fences above 4 feet high which appeared to be located in a front yard setback.
- As of August 14, 2015, one letter had been submitted in support of the request, and four letters had been submitted in opposition.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 1' will not adversely affect neighboring property.
- Granting this special exception of 1' with a condition imposed that the applicant complies with the submitted site plan/elevation would require the proposal exceeding 4' in height in the front yard setback to be maintained in the location and of the heights and materials as shown on this document.

Timeline:

- May 13, 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.
- June 19, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- June 19, 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 July 29th deadline to submit additional evidence for staff to factor into their analysis; and the August 14th 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 11, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: 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 were submitted in conjunction with this application.
- August 11, 2015: The applicant submitted additional documentation on this application beyond what was submitted with the original application (see Attachment A).

BOARD OF ADJUSTMENT ACTION: AUGUST 25, 2015

APPEARING IN FAVOR: David Ferre, 4519 Cherokee Trail, Dallas, TX

APPEARING IN OPPOSITION: Nancy Kenty, 8723 Canyon Drive, Dallas, TX
Pat White, 4714 Wildwood Rd., Dallas, TX
Donald Word, 5020 Lilac Lane, Dallas, TX
Leslie Krakow 4605 Watauga Rd., Dallas, TX

MOTION: Rieves

I move that the Board of Adjustment, in request No. **BDA 145-076**, on application of David J. Ferre, **deny** the special exception requested by this **without prejudice**, because our evaluation of the property and the testimony shows that granting the application would adversely affect neighboring property.

SECONDED: Leone

AYES: 3 – Rieves, Leone, Gaspard

NAYS: 2 – Nolen, French

MOTION PASSED: 3 – 2

FILE NUMBER: BDA 145-081

BUILDING OFFICIAL’S REPORT: Application of Rogelio Guerrero Ramirez for special exceptions to the side yard setback regulations for a carport and visual obstruction regulations at 922 S. Glasgow Drive. This property is more fully described as Lot 1, Block 15/1614, and is zoned PD-134 (Subarea A), which requires a side yard setback of 5 feet, and 20 foot visibility triangles at driveways and a 45 foot visibility triangle at street intersections. The applicant proposes to construct and/or maintain a carport in a side yard and provide a 1 foot setback, which will require a 4 foot special exception to the side yard setback regulations, and to locate and/or maintain items in required visibility triangles, which will require special exceptions to the visual obstruction regulations.

LOCATION: 922 S. Glasgow Drive

APPLICANT: Rogelio Guerrero Ramirez

REQUESTS:

The following requests have been made on a site that is developed with a single family home structure/use:

1. A request for a special exception to the side yard setback regulations of 4’ is made to maintain a carport, part of which is to remain located in the site’s eastern 5’ side yard setback.
2. Requests for special exceptions to the visual obstruction regulations are made to maintain:
 - a 4’ high iron rod fence located in the two 20’ visibility triangles on both sides of the circle driveway into the site from Glasgow Drive;
 - an 8’ high solid sheet metal fence and sliding gate located in the two 20’ visibility triangles on both sides of the driveway into the site from Gurley Avenue; and
 - a 4’ high iron rod fence and what appears to be plant material located in the 45’ visibility triangle at the intersection of Glasgow Street and Gurley Street.

STANDARD FOR A SPECIAL EXCEPTION TO ALLOW A CARPORT IN THE SIDE YARD:

The Board of Adjustment may grant a special exception to the minimum side yard requirements to allow a carport for a single-family or duplex use when, in the opinion of the Board, the carport will not have a detrimental impact on surrounding properties. In determining whether to grant a special exception, the Board shall consider the following:

- (5) Whether the requested special exception is compatible with the character of the neighborhood.
- (6) Whether the value of surrounding properties will be adversely affected.
- (7) The suitability of the size and location of the carport.
- (8) The materials to be used in construction of the carport.

(Storage of items other than motor vehicles is prohibited in a carport for which a special exception is granted in this section of the Code).

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.

STAFF RECOMMENDATION (side yard special exception):

No staff recommendation is made on this or any request for a special exception to the side yard setback regulations since the basis for this type of appeal is when in the opinion of the board, the carport will not have a detrimental impact on surrounding properties.

STAFF RECOMMENDATION (visual obstruction special exceptions):

Approval of the visual obstruction special exceptions requests at all driveway visibility triangles, subject to the following condition:

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

Rationale:

- The Sustainable Development and Construction Department Project Engineer had indicated that he has no objections to the requests for special exceptions to driveway visibility triangles.
- The applicant had substantiated how the location and maintenance of 4' high iron rod fence located in the two 20' visibility triangles on both sides of the circle driveway into the site from Glasgow Drive; and an 8' high solid sheet metal fence and sliding gate in the two 20' visibility triangles on both sides of the driveway into the site from Gurley Avenue does not constitute a traffic hazard.

Denial of the visual obstruction special exception request at the Glasgow Drive/Gurley Street intersection triangle

Rationale:

- The Sustainable Development and Construction Department Project Engineer had recommended that this request be denied, and that the visual obstruction should be removed from this triangle.
- The applicant had not substantiated how the location and 4' high iron rod fence and what appears to be plant material in the 45' visibility triangle at the intersection of Glasgow Street and Gurley Street does not constitute a traffic hazard.

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	PD 134 (Planned Development)
<u>North:</u>	PD 134 (Planned Development)
<u>South:</u>	PD 134 (Planned Development)
<u>East:</u>	PD 134 (Planned Development)
<u>West:</u>	PD 134 (Planned Development)

Land Use:

The subject site is developed with a single family home. The area 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.

GENERAL FACTS/STAFF ANALYSIS (side yard special exception):

- This request focuses on maintaining an approximately 525 square foot carport, part of which is located in the site's eastern 5' side yard setback on a site developed with a single-family home structure/use.
- A 5' side yard setback is required in the Subarea A of the PD 134 zoning district.
- The applicant has submitted a site plan and an elevation indicating the location of the carport 1' from the site's eastern side property line or 4' into this 5' side yard setback.
- The application states that the carport has been on the property since 2006.
- The following information was gleaned from the submitted site plan:
 - The carport is represented to be approximately 42' in length and approximately 12.5' in width (approximately 525 square feet in total area) of which approximately a third is located in the eastern side yard setback.
- The following information was gleaned from the submitted elevation:
 - The carport is represented to be approximately 12' in height. No materials are denoted on the elevation.
- The subject site is approximately 130' x 70' (or approximately 9,100 square feet) in area.

- According to DCAD records, the “main improvement” for property addressed at 922 S. Glasgow Drive is a structure built in 2005 with 3,241 square feet of living/total area; and with the following additional improvements: a 400 square foot detached garage.
- The Board Administrator conducted a field visit of the area approximately 500 feet north and south of the subject site and noted three other carports, two of which appeared to be located in a side yard setback.
- As of August 14, 2015, no letters had been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing the following:
 - that granting this special exception to the side yard setback regulations of 4’ will not have a detrimental impact on surrounding properties.
- Granting this request and imposing the following conditions would require the carport to be modified/maintained in the location and of the heights and materials as shown on these documents:
 1. Compliance with the submitted site plan and elevation is required.
 2. The carport structure must remain open at all times.
 3. No lot-to-lot drainage is permitted in conjunction with this carport special exception.
 4. All applicable building permits must be obtained.
 5. No item (other than a motor vehicle) may be stored in the carport.

GENERAL FACTS/STAFF ANALYSIS (visual obstruction special exceptions):

- These requests focus on maintaining a 4’ high iron rod fence located in the two 20’ visibility triangles on both sides of the circle driveway into the site from Glasgow Drive; an 8’ high solid sheet metal fence and sliding gate located in the two 20’ visibility triangles on both sides of the driveway into the site from Gurley Avenue; and a 4’ high iron rod fence and what appears to be plant material located in the 45’ visibility triangle at the intersection of Glasgow Street and Gurley Street.
- The Dallas Development Code states the following: A person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
 - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections, and 20 foot visibility triangles at drive approaches and at alleys on properties zoned single family); and
 - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).
- The applicant has submitted a site plan and elevation representing a 4’ high iron rod fence located in the two 20’ visibility triangles on both sides of the circle driveway into the site from Glasgow Drive, an 8’ high solid sheet metal fence and sliding gate in the two 20’ visibility triangles on both sides of the driveway into the site from Gurley Avenue, and a 4’ high iron rod fence and what appears to be plant material in the 45’ visibility triangle at the intersection of Glasgow Street and Gurley Street.
- 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 additional comment: “No objection to driveway visibility

triangles. Deny street intersection visibility triangle request. Remove visual obstruction.”

- The applicant has the burden of proof in establishing how granting the requests for special exceptions to the visual obstruction regulations to maintain a 4’ high iron rod fence located in the two 20’ visibility triangles on both sides of the circle driveway into the site from Glasgow Drive, an 8’ high solid sheet metal fence and sliding gate in the two 20’ visibility triangles on both sides of the driveway into the site from Gurley Avenue, and a 4’ high iron rod fence and what appears to be plant material in the 45’ visibility triangle at the intersection of Glasgow Street and Gurley Street does not constitute a traffic hazard.
- Granting these requests with the condition that the applicant complies with the submitted site plan and elevation would require the previously described items in the visibility triangles to be limited to and maintained in the locations, height and materials as shown on these documents.

Timeline:

- May 9, 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.
- June 19, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- June 19, 2015: The Board Administrator contacted the applicant and emailed 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 July 29th deadline to submit additional evidence for staff to factor into their analysis; and the August 14th 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 requests; and
 - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”
- August 11, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: 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.

August 13, 2015: 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 additional comment: "No objection to driveway visibility triangles. Deny street intersection visibility triangle request. Remove visual obstruction."

BOARD OF ADJUSTMENT ACTION: AUGUST 25, 2015

APPEARING IN FAVOR: Gloria Loera, 922 S. Glasgow Drive, Dallas, TX

APPEARING IN OPPOSITION: No one

2:02 P.M.: Break

2:07 P.M.: Resumed

MOTION #1: Gaspard

I move that the Board of Adjustment, in request No. **BDA 145-081**, on application of Rogelio Guerrero Ramirez, **grant** the request to maintain items in the visibility triangles, at the southwest drive, southeast drive, and east drive as a special exception to the visual obstruction regulations 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: French

AYES: 5 – Nolen, French, Rieves, Leone, Gaspard

NAYS: 0 -

MOTION PASSED: 5 – 0 (unanimously)

MOTION #2: Gaspard

I move that the Board of Adjustment, in request No. **BDA 145-081**, on application of Rogelio Guerrero Ramirez, **grant** the request to maintain items in the visibility triangle at the corner and the fence at the intersection, as a special exception to the visual obstruction regulations 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:

1. Compliance with the submitted site plan and elevation is required.
2. The tree at the fence near the intersection be maintained a minimum of 6 feet clearance from ground to bottom of canopy.

SECONDED: Leone

AYES: 5 – Nolen, French, Rieves, Leone, Gaspard

NAYS: 0 -
MOTION PASSED: 5 – 0 (unanimously)

MOTION #3: Gaspard

I move that the Board of Adjustment, in request No. **BDA 145-081**, on application of Rogelio Guerrero Ramirez, **grant** a 4-foot special exception to the side yard setback regulations for a carport because our evaluation of the property and testimony shows that the special exception will not have a detrimental impact on surrounding properties. I further move that the following conditions be imposed to further the purpose and intent of the Dallas Development Code:

1. Compliance with the submitted site plan and elevation is required.
2. The carport structure must remain open at all times.
3. No lot-to-lot drainage is permitted in conjunction with this carport special exception.
4. All applicable building permits must be obtained.
5. No item (other than a motor vehicle) may be stored in the carport.

SECONDED: Nolen
AYES: 5 – Nolen, French, Rieves, Leone, Gaspard
NAYS: 0 -
MOTION PASSED: 5 – 0 (unanimously)

MOTION: Leone

I move to adjourn this meeting.

SECONDED: Nolen
AYES: 5 – Nolen, French, Rieves, Leone, Gaspard
NAYS: 0 -
MOTION PASSED: 5 – 0 (unanimously)

2:21 P. M.: - Board Meeting adjourned for **August 25, 2015**

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.