

**BOARD OF ADJUSTMENT, PANEL A  
PUBLIC HEARING MINUTES  
DALLAS CITY HALL, COUNCIL CHAMBERS  
TUESDAY, APRIL 17, 2018**

MEMBERS PRESENT AT BRIEFING: Peter Schulte, Vice-chair, John Jones, regular member, Jay Narey, regular member, Elizabeth Nelson, regular member, and Gary Sibley, alternate member

MEMBERS ABSENT FROM BRIEFING: No one

STAFF PRESENT AT BRIEFING: Steve Long, Chief Planner/Board Administrator, Kanesia Williams, Asst. City Atty., Oscar Aguilera, Senior Planner, Charles Trammell, Development Code Specialist, David Nevarez, Engineering, Shombray Irby, Acting Board Secretary, Elaine Hill, Board Secretary, and Neva Dean, Assistant Director

MEMBERS PRESENT AT HEARING: Peter Schulte, Vice-chair, John Jones, regular member, Jay Narey, regular member, Elizabeth Nelson, regular member, and Gary Sibley, alternate member

MEMBERS ABSENT FROM HEARING: No one

STAFF PRESENT AT HEARING: Neva Dean, Asst. Director, Steve Long, Chief Planner/Board Administrator, Kanesia Williams, Asst. City Atty., Oscar Aguilera, Senior Planner, Charles Trammell, Development Code Specialist, David Nevarez, Engineering, Shombray Irby, Acting Board Secretary, Elaine Hill, Board Secretary, and Neva Dean, Assistant Director

**11:08 A.M.** The Board of Adjustment staff conducted a briefing on the Board of Adjustment's **April 17, 2018** docket.

\*\*\*\*\*

**1:10 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 March 20, 2018 public hearing minutes.

**BOARD OF ADJUSTMENT ACTION: APRIL 17, 2018**

MOTION: None

The minutes were approved without a formal vote.

\*\*\*\*\*

**FILE NUMBER:** BDA178-050(SL)

**REQUEST:** To reimburse the filing fee submitted in conjunction with a request variance to the off-street parking regulations.

**LOCATION:** 7103 Mumford Court

**APPLICANT:** Rabbi Yaakov Rich  
Represented by Grant Schmidt

**STANDARD FOR A FEE WAIVER OR A FEE REIMBURSEMENT:**

The Dallas Development Code states that the board may waive the filing fee for a board of adjustment application if the board finds that payment of the fee would result in substantial financial hardship to the applicant.

The Dallas Development Code further states:

- The applicant may either pay the fee and request reimbursement at the hearing on the matter or request that the issue of financial hardship be placed on the board's miscellaneous docket for predetermination.
- In making this determination, the board may require the production of financial documents.

## Timeline:

February 26, 2018: 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 13, 2018: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, "If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case".

March 13, 2018: The Board Administrator emailed the applicant's representative the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the March 28<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and April 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."

March 29, 2018: The Board Administrator emailed the applicant's representative the information regarding the applicant's request for reimbursement of the filing fee (see Attachment A). This information included:

- the code provision as it relates to fee waivers/reimbursements (Sec 51A-1.105(b)(6)) to the applicant, and informed him that typically when this type of request is made, the applicant will submit documentation that shows how payment of the filing fee results in substantial financial hardship to the applicant (i.e. additional financial documents as in but not limited to copies of 1040's, W-4's, bank statements - *all with account numbers redacted*);
- the deadline to submit information to be included in the Board's docket, and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence".

**BOARD OF ADJUSTMENT ACTION: APRIL 17, 2018**

**APPEARING IN FAVOR:** Grant Schmidt, 4501 N. Harwood St., Dallas, TX

**APPEARING IN OPPOSITION:** No one

**MOTION:** Schulte

I move that the Board of Adjustment, in request No. BDA 178-050 on the application of Grant Schmidt for the miscellaneous item with regard to reimbursing the filing fee, grant this request.

**SECONDED:** Sibley

**AYES:** 5 – Schulte, Jones, Narey, Nelson, Sibley

**NAYS:** 0

**MOTION PASSED:** 5– 0 (unanimously)

\*\*\*\*\*

**FILE NUMBER:** BDA178-051(SL)

**BUILDING OFFICIAL’S REPORT:** Application of DRW Planning Studio, represented by David Whitley, for a special exception to the off-street parking regulations at 660 Fort Worth Avenue. This property is more fully described as Lot 2, Block A/6816, and is zoned MU-3, which requires off-street parking to be provided. The applicant proposes to construct and/or maintain a structure for a commercial amusement (inside), and a restaurant without drive-in or drive-through service use, and provide 74 of the required 97 parking spaces, which will require a 23 space special exception to the off-street parking regulations.

**LOCATION:** 660 Fort Worth Avenue

**APPLICANT:** DRW Planning Studio  
Represented by David Whitley

**April 17, 2018 Public Hearing Notes:**

- The Board Administrator circulated a revised comment sheet from the Sustainable Development Department Senior Engineer to the Board members at the briefing.

**REQUEST:**

A request for a special exception to the off-street parking regulations of 23 spaces is made to lease an approximately 9,700 square foot vacant non-residential structure with “commercial amusement (inside)” and “restaurant without drive-in or drive-through service” uses and to provide 74 (or 76 percent) of the 97 required off-street parking spaces on the subject site.

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

Section 51A-4.311(a) of the Dallas Development Code states the following with regard to special exception: parking demand:

- 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:**

Denial

Rationale:

- Staff concluded from the information submitted by the applicant at the time of the April 3<sup>rd</sup> staff review team meeting that the applicant had not substantiated how the parking demand generated by the proposed “commercial amusement (inside)” and “restaurant without drive-in or drive-through service” uses did 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.
- On April 5, 2018, the Sustainable Development Department Senior Engineer submitted a review comment sheet marked “Recommends denial” commenting “Pending review of supporting technical report to justify request including field observations of comparable land uses”.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: MU-3 (Deed restricted) \* (Mixed use)  
North: PD 714 (Planned Development)  
South: MU-3 (Deed restricted) (Mixed use)  
East: IR (Industrial/research)  
West: PD 714 (Planned Development)

\* Note that on March 13, 2018, the applicant’s representative has represented in an email to the Board Administrator/Chief Planner that this request does not violate these restrictions since there is nothing in the restrictions that prohibits granting a special exception to parking requirements. The applicant’s representative stated that the restrictions identify prohibited uses, cap dwelling unit density, cap the floor area for non-residential uses at 10,000 sf, limit height to 60’, address ingress/egress requirements, limit the use of outdoor speakers, and require nonresidential uses to cease operating at 2:00 a.m.

## **Land Use:**

The subject site is developed with a vacant nonresidential structure. The areas to the north and west are developed with mixed uses; and the area to the south is undeveloped; and the area to east is developed with office/warehouse use.

## **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 for a special exception to the off-street parking regulations of 23 spaces focuses on leasing an approximately 9,700 square foot vacant non-residential structure with “commercial amusement (inside)” and “restaurant without drive-in or drive-through service” uses and providing 74 (or 76 percent) of the 97 required off-street parking spaces on the subject site.
- The Dallas Development Code requires the following off-street parking requirements:
  - Restaurant without drive-in or drive through service: As a main use, 1 space per 100 square feet of floor area. As a limited or accessory use, 1 space per 200 square feet of floor area.
  - Commercial amusement (inside): 1 space per 100 square feet of floor area for any of these uses other than bingo parlor, bowling alley, children’s amusement center, dance hall, motor track, or skating rink.
- On April 5, 2018, the Sustainable Development Department Senior Engineer submitted a review comment sheet marked “Recommends denial” commenting “Pending review of supporting technical report to justify request including field observations of comparable land uses”.
- The applicant has the burden of proof in establishing the following:
  - The parking demand generated by the “commercial amusement (inside)” and “restaurant without drive-in or drive-through service” uses on the site does not warrant the number of off-street parking spaces required, and
  - The special exception of 23 spaces (or 24 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 23 spaces shall automatically and immediately terminate if and when the “commercial amusement (inside)” and “restaurant without drive-in or drive-through service” uses are changed or discontinued, the applicant could lease the vacant structure with these uses, and provide 74 (or 76 percent) of the 97 required off-street parking spaces.

**Timeline:**

- March 2, 2018: 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 13, 2018: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- March 13, 2018: The Board Administrator emailed the applicant’s representative the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the March 28<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and April 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.”
- April 3, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the April public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Project Engineer, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.
- April 5, 2018: The Sustainable Development Department Senior Engineer submitted a review comment sheet marked “Recommends denial” commenting “Pending review of supporting technical report to justify request including field observations of comparable land uses”.
- April 6, 2018: The applicant submitted additional documentation to staff (see Attachment A). Note that this information was not factored into the staff recommendation since it was submitted after the April 3<sup>rd</sup> staff review team meeting.

**BOARD OF ADJUSTMENT ACTION: APRIL 17, 2018**

**APPEARING IN FAVOR:** No one

**APPEARING IN OPPOSITION:** No one

**MOTION: Jones**

I move that the Board of Adjustment **grant** the following application 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 and is consistent with the general purpose and intent of the Code, as applicable, to wit:

**BDA 178-051** – Application of DRW Planning Studio, represented by David Whitley, for a special exception from the off-street parking regulations contained in the Dallas Development Code, is **granted**, subject to the following condition:

- The special exception of 23 spaces shall automatically and immediately terminate if and when the commercial amusement (inside) and restaurant without drive-in or drive-through services uses are changed or discontinued.

**SECONDED: Narey**

**AYES:** 5 – Schulte, Nelson , Jones, Narey, Sibley

**NAYS:** 0

**MOTION PASSED:** 5– 0 (unanimously)

\*\*\*\*\*

**FILE NUMBER:** BDA178-050(SL)

**BUILDING OFFICIAL’S REPORT:** Application of Rabbi Yaakov Rich, represented by Grant K. Schmidt, for a variance to the off-street parking regulations at 7103 Mumford Court. This property is more fully described as Lot 45, Block 10/8758 and is zoned R-7.5(A), which requires off-street parking to be provided. The applicant proposes to construct and/or maintain a structure for a church use, and provide 6 of the required 12 off-street parking spaces, which will require a 6 space variance to the off-street parking regulations.

**LOCATION:** 7103 Mumford Court

**APPLICANT:** Rabbi Yaakov Rich  
Represented by Grant K. Schmidt

**April 17<sup>th</sup> Public Hearing Notes:**

- The applicant circulated additional written documentation to the Board members at the public hearing.

**REQUEST:**

A request for a variance to the off-street parking regulations of 6 spaces is made to obtain a Certificate of Occupancy for an existing church use (Congregation Toras Chaim), and provide 6 of the 12 required off-street parking spaces.

**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:**

Denial

Rationale:

- Staff concluded from the information submitted by the applicant at the time of the April 3<sup>rd</sup> staff review team meeting that the applicant had not substantiated the following:
  - how granting this variance to the off-street parking regulations of 6 spaces was not contrary to public interest (the Sustainable Development Department Senior Engineer has submitted a review comment sheet marked “Recommends denial”);
  - how the variance to the off-street parking regulations was 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 it cannot be developed in a manner commensurate with the development upon other parcels of land with the same R-7.5(A) zoning district, and

- how, if granted, it would not be 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 R-7.5(A) zoning.
- While staff recognized from the information submitted by the applicant at the time of the April staff review team meeting that the subject site has two front yard setbacks atypical of most lots zoned R-7.5(A), staff concluded this unique feature does not preclude the applicant from developing the flat, rectangular-shaped, approximately 12,500 square foot subject site (where lots are typically 7,500 square feet in area) in a manner commensurate with the development upon other parcels of land with the same R-7.5(A) zoning.

## **BACKGROUND INFORMATION:**

### **Zoning:**

Site: R-7.5(A) (Single family residential 7,500 square feet)  
North: PD 173 (Planned Development)  
South: R-7.5(A) (Single family residential 7,500 square feet)  
East: R-7.5(A) (Single family residential 7,500 square feet)  
West: R-7.5(A) (Single family residential 7,500 square feet)

### **Land Use:**

The subject site is developed with an existing church use (Congregation Toras Chaim). The areas to the north, south, east, and west are developed with single family residential uses.

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

- |  |  |
|--|--|
| 1. Miscellaneous Item 2, BDA178-050, Property at 7103 Mumford Court (the subject site) | On April 16, 2018, the Board of Adjustment Panel A will consider a request to reimburse filing fee made in conjunction with this application.  |
| 2. Miscellaneous Item 2, BDA167-072, Property at 7103 Mumford Court (the subject site) | On June 20, 2017, the Board of Adjustment Panel A denied a request to reimburse filing fee made in conjunction with this application.  |
| 3. BDA167-072, Property at 7103 Mumford Court (the subject site)                       | On October 17, 2017, the Board of Adjustment Panel A denied a request for a variance to the off-street parking regulations of 27 spaces without prejudice. The case report stated that the request was made to obtain a Certificate of Occupancy/maintain an existing approximately 3,000 square foot church use |

(Congregation Toras Chaim), and provide 0 of the 27 required off-street parking spaces

**GENERAL FACTS/STAFF ANALYSIS:**

- This request for a variance to the off-street parking regulations of 6 spaces focuses on obtaining a Certificate of Occupancy for an existing approximately church use (Congregation Toras Chaim), and providing 6 of the 12 required off-street parking spaces.
- The site is zoned R-7.5(A) and is bounded by three streets: Frankford Road on the north, Mumford Court on the south, and Meandering Way on the west. The site has two 25' front yard setbacks since the code states that if a lot runs from one street to another and has double frontage, a required front yard must be provided on both streets.
- The Dallas Development Code requires the following off-street parking requirement for "church" use:
  - One space per 333 square feet in floor area if a church has less than 5,000 square feet of floor area and is located in a shopping center with more than 20,000 square feet in floor area, otherwise one space for each four fixed seats in the sanctuary or auditorium. If fixed benches or pews are provided, each 18 inches of length of the fixed bench or pew constitutes one fixed seat for purposes of this paragraph. If portions of seating areas in the sanctuary or auditorium are not equipped with fixed seats, benches, or pews, the parking requirement for those portions is one space for each 28 square feet of floor area.
  - Definitions. For purposes of this subsection, "remote parking" means required off-street parking provided on a lot not occupied by the main use. "Shared parking" means the use of the same off-street parking stall to satisfy the off-street parking requirements for two or more uses.
  - Reconciliation with Divisions 51A-4.300 et seq. Except as otherwise expressly provided in this subsection, the off-street parking regulations in Divisions 51A-4.300 et seq. apply to this use. In the event of a conflict between this subsection and Divisions 51A-4.300 et seq., this subsection controls.
  - Remote and shared parking. A church may use remote and/or shared parking to satisfy up to 50 percent of its off-street parking requirement, provided that the remote and/or shared parking is on a lot that is:
    - (aa) dedicated to parking use by an instrument filed with the building official and approved by the city attorney's office;
    - (bb) located in a non-residential district; and
    - (cc) located within 600 feet (including streets and alleys) of the lot occupied by the church. The distance measured is the shortest distance between the lots.
  - Distance extension with shuttle service. A remote parking lot for a church may be located up to one and one-half miles (including streets and alleys) from the lot occupied by the church if a shuttle service is provided to transport persons

between the church and the remote parking lot. The shuttle service route must be approved by the traffic engineer.

- Remote parking agreement. An agreement authorizing a church to use remote parking may be based on a lease of the remote parking spaces if:
  - (aa) the lease is for a minimum term of three years; and
  - (bb) the agreement provides that both the owner of the lot occupied by the church and the owner of the remote lot shall notify the city of Dallas in writing if there is a breach of any provision of the lease, or if the lease is modified or terminated.
- A site plan and floor plans have been submitted with this application. The application and Building Officials' Report both state that a 50 percent variance is made where the applicant proposes to provide 6 of the required 12 off-street parking spaces.
- According to a document submitted with the application, the 6 off-street parking spaces to be provided in this case is through a shared parking agreement signed by both parties "but still needs the appropriate signatures from the City of Dallas".
- The applicant must seek this parking reduction request as a variance since the maximum reduction authorized by this code for a special exception to off-street parking regulations 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).
- According to Collin CAD records, the "total improvement main area" for property addressed at 7103 Mumford Court is a "residential" improvement with 3,572 square feet constructed in 1986.
- The subject site is flat, rectangular in shape, and (according to the application) is 0.29 acres (or approximately 12,500 square feet) in area. The site is zoned R-7.5(A) where most lots in this zoning district are 7,500 square feet in area.
- The site has two front yard setbacks and two side yard setbacks. Most lots in this zoning district have one front yard setback, one rear yard setback, and two side yard setbacks.
- On April 4, 2018, the Sustainable Development Department Senior Engineer submitted a review comment sheet marked "Recommends denial".
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the 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-7.5(A) zoning classification.
  - If the Board were to grant the variance, it would not be 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 request for a variance to the off-street parking regulations of 6 spaces, the applicant would be meeting one aspect of obtaining a Certificate of Occupancy for a church use on the subject site.

**Timeline:**

February 26, 2018: 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 13, 2018: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, “If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case”.

March 13, 2018: The Board Administrator emailed the applicant’s representative the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the March 28<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and April 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.”

March 29, 2018: The applicant’s representative submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment A).

April 3, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the April public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Project Engineer, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

April 4, 2018: The Sustainable Development Department Senior Engineer submitted a review comment sheet marked “Recommends denial”.

April 6, 2018: The applicant's representative submitted additional documentation to staff (see Attachment B). Note that this information was not factored into the staff recommendation since it was submitted after the April 3<sup>rd</sup> staff review team meeting.

**BOARD OF ADJUSTMENT ACTION: APRIL 17, 2018**

**APPEARING IN FAVOR:** Grant Schmidt, 2501 N. Harwood St., Dallas, TX  
Chelsey Youman, 2001 W. Plano Pkwy. Suite 1600,  
Plano, TX  
Jordan Rich, 719 Bremerton Ct. Dallas, TX  
Chad Walker, 2501 N. Harwood St., Dallas, TX

**APPEARING IN OPPOSITION:** Maura Schreier – Fleming, 7028 Judi St., Dallas, TX  
Andy Jacob, 7115 Rebbe Dr. Dallas, TX  
Robert Colmony, 7108 Mumford Ct. Dallas, TX  
Marilyn Frey, 7116 Mumford Ct., Dallas, TX

**MOTION 1 of 3: Sibley**

I move to suspend the rules and allow the applicant to submit pages in excess of 5 pages.

**SECONDED: Nelson**

**AYES:** 5 – Schulte, Nelson, Jones, Narey, Sibley

**NAYS:** 0 -

**MOTION PASSED:** 5– 0 (unanimously)

**MOTION 2 of 3: Schulte**

I move to go into Executive Session for the discussion in the matter of BDA 178-050 as authorized by Section 551.071 of the Texas Open Meetings Act.

**SECONDED: Jones**

**AYES:** 5 - Schulte, Nelson, Jones, Narey, Sibley

**NAYS:** 0

**MOTION PASSED:** 5– 0 (unanimously)

**MOTION 3 of 3: Jones**

I move that the Board of Adjustment, in request No. BDA 178-050, on application of Grant Schmidt, **deny** the off-street parking regulations variance because our evaluation of the property and the 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 not result in unnecessary hardship to this applicant, that it is not a restrictive 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 that is a self-created or personal hardship.

**SECONDED: Nelson**

**AYES: 5 – Schulte, Nelson, Jones, Narey, Sibley**

**NAYS: 0**

**MOTION PASSED: 5– 0 (unanimously)**

\*\*\*\*\*

**MOTION: Schulte**

I move to adjourn this meeting.

**SECONDED: Narey**

**AYES: 5 – Schulte, Nelson, Jones, Narey, Sibley**

**NAYS: 0 -**

**MOTION PASSED: 5 – 0 (unanimously)**

**2:50 P. M.:** Board Meeting adjourned for **April 17, 2018.**

\_\_\_\_\_  
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.