

**BOARD OF ADJUSTMENT, PANEL A  
PUBLIC HEARING MINUTES  
DALLAS CITY HALL, COUNCIL CHAMBERS  
TUESDAY, APRIL 17, 2012**

MEMBERS PRESENT AT BRIEFING: Jordan Schweitzer, Panel Vice-Chair, Scott Hounsel, regular member, Johnnie Goins, regular member and Scott Jackson, alternate member

MEMBERS ABSENT FROM BRIEFING: Bruce Richardson, Chair

STAFF PRESENT AT BRIEFING: Steve Long, Board Administrator, Tammy Palomino, Asst. City Attorney, Todd Duerksen, Development Code Specialist, and Trena Law, Board Secretary

MEMBERS PRESENT AT HEARING: Jordan Schweitzer, Panel Vice-Chair, Scott Hounsel, regular member, Johnnie Goins, regular member and Scott Jackson, alternate member

MEMBERS ABSENT FROM HEARING: Bruce Richardson, Chair

STAFF PRESENT AT HEARING: Steve Long, Board Administrator, Tammy Palomino, Asst. City Attorney, Todd Duerksen, Development Code Specialist, and Trena Law, Board Secretary

**1:00 P.M.** The Board of Adjustment staff conducted a briefing on the Board of Adjustment's **April 17, 2012** docket.  
**\*Briefing started at 1:00 P.M. due to lack of a quorum at 11:30 a.m.**

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**1:30 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**

To approve the Board of Adjustment Panel A **March 20, 2012** public hearing minutes as amended.

**BOARD OF ADJUSTMENT ACTION: APRIL 17, 2012**

**MOTION:** Hounsel

I move **approval** of the Tuesday, **March 20, 2012** public hearing minutes.

**SECONDED:** Jackson

**AYES:** 4 – Schweitzer, Hounsel, Goins, Jackson

**NAYS:** 0 -

**MOTION PASSED:** 4– 0 (unanimously)

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**FILE NUMBER:** BDA 112-035

**BUILDING OFFICIAL’S REPORT:**

Application of John M. Dziminski, represented by Dallas Cothrum and Gladys Bowens, for a special exception to the off-street stacking regulations at 15250 Dallas Parkway. This property is more fully described as Lot 2A in City Block 2/8708 and is zoned CR, which requires stacking spaces to be provided. The applicant proposes to construct and maintain a restaurant with drive-in or drive-thru service use and provide 5 of the required 6 stacking spaces, which will require a special exception of 1 space to the off-street stacking regulations.

**LOCATION:** 15250 Dallas Parkway

**APPLICANT:** John M. Dziminski  
Represented by Dallas Cothrum and Gladys Bowens

**REQUEST:**

- A special exception to the off-street stacking space regulations of 1 off-street stacking spaces (or a 17 percent reduction of the off-street stacking space requirement) is requested in conjunction with leasing and maintaining a “restaurant with drive-in or drive-through service” use (The Coffee Bean & Tea Leaf) on a site developed with a retail strip center, and providing 5 (or 83 percent) of the 6 off-street stacking spaces required by code.

**STAFF RECOMMENDATION:**

Approval, subject to the following conditions:

1. The special exception of 1 off-street stacking space shall automatically and immediately terminate if and when the “restaurant with drive-in or drive-through service” use is changed or discontinued.
2. Compliance with the submitted site plan is required.

Rationale:

- The Sustainable Development Department Project Engineer has no objections to this request.
- The applicant has substantiated how the stacking demand generated by the proposed “restaurant with drive-in or drive-through service” use does not warrant the number of off-street stacking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.

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

- 1) The Board of Adjustment may grant a special exception to authorize a reduction in the number of off-street stacking spaces required under this article if the board finds, after a public hearing, that the stacking demand generated by the use does not warrant the number of off-street stacking 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 two spaces for each of the first two drive-through windows, if any, or 25 percent of the total number of required spaces, whichever is greater, minus the number of spaces currently not provided due to already existing nonconforming rights.
- 2) In determining whether to grant a special exception, the board shall consider the following factors:
  - (A) The stacking demand and trip generation characteristics of all uses for which the special exception is requested.
  - (B) The current and probable future capacities of adjacent and nearby streets based on the city’s thoroughfare plan.
  - (C) The availability of public transit and the likelihood of its use.
- 3) In granting a special exception, the board shall specify the use or 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 condition 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 a planned development district, or an ordinance granting or amending a specific use permit.

**GENERAL FACTS:**

- The Dallas Development Code requires the following off-street stacking space requirements for a “restaurant with drive-in or drive-through service” use:
  - 1 drive-through window: 6 stacking spaces
  - 2 drive-through windows: 8 stacking spaces
 Each additional drive-through window: 4 additional stacking spaces  
 The applicant has submitted a site plan indicating a suite within the existing “one story stucco approx. 11,435 sq ft” structure providing one “pass-thru window” and 5 (or 83 percent) of the required 6 off-street stacking spaces.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: CR (Community Retail)  
North: CR (Community Retail)  
South: CR (Community Retail)  
East: CR (Community Retail)  
West: City of Addison

**Land Use:**

The subject site is developed as a retail strip center. The areas to the north, south, and east are developed with retail uses; and the area to the west is the Dallas North Tollway.

**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.

**Timeline:**

- February 13, 2012: 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 20, 2012: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- March 21, 2012: 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 30<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the 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 requests; and

- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

April 3, 2012: 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 Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, the Chief Arborist, and Assistant City Attorney to the Board.

April 5, 2012: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Has no objections."

**STAFF ANALYSIS:**

- This request focuses on leasing and maintaining a "restaurant with drive-in or drive-through service" use (The Coffee Bean & Tea Leaf) on a site developed as a retail strip center, and providing 5 (or 83 percent) of the 6 off-street stacking spaces required by code.
- The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Has no objections."
- The applicant has the burden of proof in establishing the following:
  - The stacking space demand generated by the proposed use on the site does not warrant the number of off-street stacking spaces required, and
  - The special exception of 1 space (or a 17 percent reduction of the required number of off-street stacking spaces) would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.
- If the Board were to grant this request, subject to the conditions that: 1) the special exception of 1 off-street stacking space shall automatically and immediately terminate if and when the "restaurant with drive-in or drive-through service" use is changed or discontinued; and 2) that the applicant complies with the submitted site plan, the applicant would be allowed to lease/maintain a suite on this site with this specific use, and provide only 5 of the 6 code required off-street stacking spaces required for that specific use.

**BOARD OF ADJUSTMENT ACTION: APRIL 17, 2012**

APPEARING IN FAVOR: No one

APPEARING IN OPPOSITON: No one

MOTION: **Hounsel**

I move that the Board of Adjustment grant application **BDA 112-035** 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.

- The special exception shall automatically and immediately terminate if and when the restaurant with drive-in or drive-thru service use on the site is changed or discontinued.
- Compliance with the submitted site plan is required.

**SECONDED: Goins**

**AYES:** 4 – Schweitzer, Hounsel, Goins, Jackson

**NAYS:** 0 -

**MOTION PASSED:** 4– 0(unanimously)

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**FILE NUMBER:** BDA 112-037

**BUILDING OFFICIAL’S REPORT:**

Application of Todd E. Roberts for special exceptions to the fence height and visual obstruction regulations at 5306 Surrey Circle. This property is more fully described as Lot 17 in City Block 3/5663 and is zoned R-16(A), which limits the height of a fence in the front yard to 4 feet and requires a 20 foot visibility triangle at driveway approaches. The applicant proposes to construct and maintain an 8 foot 6 inch high fence in a required front yard, which will require a special exception of 4 feet 6 inches to the fence height regulations, and to locate and maintain items in required visibility triangles, which will require special exceptions to the visual obstruction regulations.

**LOCATION:** 5306 Surrey Circle

**APPLICANT:** Todd E. Roberts

**REQUESTS:**

- The following appeals had been made in this application on a site that is developed with a single family home:
  1. a special exception to the fence height regulations of up to 4’ 6” is requested in conjunction with constructing and maintaining an 8’ high board on board fence with 8’ 6” high stone columns to be located in one of the site’s two 35’ front yard setbacks (Inwood Road), and
  2. special exceptions to the visual obstruction regulations are requested in conjunction with locating and maintaining two of the aforementioned 8’ 6” high stone columns that are proposed to be located in the 20’ visibility triangles on either side of the driveway into the site from Inwood Road. (No part of this application is made to construct/maintain any fence in the site’s Surrey Circle 35’ front yard setback or to locate any item in the Inwood Road/Surrey Circle intersection visibility triangle).

(Note that the applicant has stated that the proposed 8’ high fence that is the focus of this application is a continuation of an existing wood fence that has been located

on the property for decades and to his knowledge allowed by right or is “grandfathered.” )

**STAFF RECOMMENDATION (fence height special exceptions):**

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.

**STAFF RECOMMENDATION (visual obstruction special exceptions):**

Approval, subject to the following condition:

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

Rationale:

- The Sustainable Development and Construction Department Project Engineer has no objections to these requests.
- The applicant has substantiated how the location of two of 8’ 6” high stone columns that are proposed to be located in the 20’ visibility triangles on either side of the driveway into the site from Inwood Road does not constitute a traffic hazard.

**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.

**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.

**GENERAL FACTS (fence height special exception):**

- The subject site is a corner lot zoned R-16(A) with two street frontages of unequal distance. The site is located at the east corner of Surrey Circle and Inwood Road. Even though the Surrey Circle frontage of the subject site appears to function as its front yard and the Inwood Road frontage appears to function as its side yard, the subject site has two 35’ front yard setbacks along both streets. The site has a 35’ front yard setback along Surrey Circle (the shorter of the two frontages, which is always deemed the front yard setback on a corner lot of unequal frontage distance in a single family zoning district), and a 35’ front yard setback along Inwood Road (the longer of the two frontages of this corner lot of unequal frontage distance), which would typically be regarded as a side yard where a 9’ high fence could be maintained by right). The site’s Inwood Road frontage is deemed a front yard to maintain the continuity of the established front yard setback along this street created

by one property immediately south of the subject site that fronts southwest and has a front yard setback along Inwood Road.

- The Dallas Development Code states that a person shall not erect or maintain a fence in a required yard more than 9' above grade, and additionally 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 applicant had submitted a revised site plan/elevation indicating that the proposal in the required Inwood Road front yard setback reaches a maximum height of 8' 6" - in this case the 8' 6" maximum height being an brick columns located between the proposed 8' high board on board fence.
- The following additional information was gleaned from the submitted revised site plan and/or "layout and planting plan":
  - The "new wood fence" is approximately 110' in length generally parallel to Inwood Road.
  - Approximately on the Inwood Road front property line or approximately 17' from the pavement line.
  - a number of landscape materials are located on the street side of the proposed "new wood fence" including "Asian jasmine groundcover less than 8" height," "knock out roses," "DWF Loropedulm."
- On April 2 and 3, 2012, the applicant submitted additional information to staff beyond what was submitted with the original application (see Attachments A and B).

#### **GENERAL FACTS (visual obstruction special exceptions):**

- The Dallas Development Code states the following with regard to visibility triangles: 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 intersections and 20-foot visibility triangles at drive approaches); and
  - between 2.5 – 8 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).A revised site plan/elevation document has been submitted indicating two 8' 6" high stone columns that are proposed to be located in the 20' visibility triangles on either side of the driveway into the site from Inwood Road.
- On April 2 and 3, 2012, the applicant submitted additional information to staff beyond what was submitted with the original application (see Attachments A and B).

#### **BACKGROUND INFORMATION:**

##### **Zoning:**

Site: R-16(A) (Single family district 16,000 square feet)  
North: R-1ac(A) (Single family district 1 acre)  
South: R-16(A) (Single family district 16,000 square feet)  
East: R-16(A) (Single family district 16,000 square feet)  
West: R-16(A) (Single family district 16,000 square feet)

##### **Land Use:**

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

**Timeline:**

February 17, 2012: 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 20, 2012: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

March 22, 2012: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the March 30<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the 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 requests; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

April 2 & 3, 2012: The applicant forwarded additional information beyond what was submitted with the original application (see Attachments A and B).

April 3, 2012: 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 Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, the Chief Arborist, and Assistant City Attorney to the Board.

April 5, 2012: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Has no objections."

### **STAFF ANALYSIS (related to the fence height special exception):**

- This request focuses on constructing and maintaining an 8' high board on board fence with 8' 6" high stone columns to be located in one of the site's two 35' front yard setbacks (Inwood Road) on a site developed with a single family home.
- No part of this application is made to construct/maintain any fence in the site's Surrey Circle 35' front yard setback.
- The submitted revised site plan/elevation documents the location, height, and materials of the fence over 4' in height in the Inwood Road front yard setback. The site plan shows the "new wood fence" to be approximately 110' in length parallel to Inwood Road; to be located approximately on the Inwood Road front property line or about 17' from the pavement line. The revised site plan/elevation document also denotes a number of landscape materials that have been previously detailed in this case report.
- No single family home "fronts" to the proposed "new wood fence" since the properties immediately across Inwood Road front either north to Shadywood Road or south to Farquhar Road.
- The Board Administrator conducted a field visit of the site and surrounding area and noted no other fences above four (4) feet high which appeared to be located in a front yard setback. (One approximately 8' high solid fence was noted immediately west of the subject site – a fence that appears to be in compliance with the Development Code since this property's Inwood Road frontage is a *side yard*).
- One property immediately south of the subject site fronting southwest on Inwood Road causes the Inwood Road frontage on the subject site to be a front yard; otherwise, a 9' high fence could be constructed/maintained on the subject site by right and without a need for a fence height special exception.
- As of April 9, 2012, four letters had been submitted to staff in support of the request, and no 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 4' 6" will not adversely affect neighboring property.
- Granting this special exception of 4' with a condition imposed that the applicant complies with the submitted revised site plan/elevation document would require the proposal exceeding 4' in height in the front yard setback to be constructed and maintained in the location and of the heights and materials as shown on this document.

### **STAFF ANALYSIS (related to the visual obstruction special exceptions):**

- These requests focus on locating and maintaining two 8' 6" high stone columns that are proposed to be located in the 20' visibility triangles on either side of the driveway into the site from Inwood Road.
- No part of this application is made to locate any item in the Inwood Road/Surrey Circle intersection visibility triangle.
- The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Has no objections."
- The applicant has the burden of proof in establishing how granting the requests for special exceptions to the visual obstruction regulations to locate and maintain

columns in the 20' visibility triangles on either side of the driveway into the site from Inwood Road will not constitute a traffic hazard.

- Granting these requests with a condition imposed that the applicant complies with the submitted revised site plan/elevation would require that the items in the 20' visibility triangles on either side of the driveway into the site from Inwood Road to be limited to the location, height, and materials of those items as shown on this document.

**BOARD OF ADJUSTMENT ACTION: APRIL 17, 2012**

**APPEARING IN FAVOR:** No one

**APPEARING IN OPPOSITON:** No one

**MOTION:** Hounsel

I move that the Board of Adjustment grant application **BDA 112-037** 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 revised site plan/elevation.

**SECONDED:** Goins

**AYES:** 4 – Schweitzer, Hounsel, Goins, Jackson

**NAYS:** 0 -

**MOTION PASSED:** 4– 0(unanimously)

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**FILE NUMBER:** BDA 112-041

**BUILDING OFFICIAL’S REPORT:**

Application of Richard J. Malouf, represented by Mark C. Webb, for a special exception to the single family use regulations to authorize more than one electrical utility service or electrical meter at 10711 Strait Lane. This property is more fully described as Lot 12A in City Block 3/5522 and is zoned R-1ac(A), which requires a single family dwelling use in a single family, duplex, or townhouse district to be supplied by not more than one electrical utility service, and metered by not more than one electrical meter. The applicant proposes to have an additional electrical meter on a lot with a single family use, which will require a special exception to the single family use regulations.

**LOCATION:** 10711 Strait Lane.

**APPLICANT:** Richard J. Malouf  
Represented by Mark C. Webb

**REQUEST:**

- A special exception to the single family use regulations is requested in conjunction with installing and maintaining a second electrical meter on a site developed with a single family home/use. The application states that “due to the large size of this estate, and the water well, 3 phase electrical power is required in addition to the existing single phase power, resulting in the need for two (2) electric meters.”

**STAFF RECOMMENDATION:**

No staff recommendation is made on this or any request for a special exception to authorize more than one electrical utility service and/or more than one electrical meter for a single family use on a lot in a single family zoning district since the basis for this type of appeal is *when in the opinion of the board*, the special exception will: 1) not be contrary to the public interest; 2) not adversely affect neighboring properties; and 3) not be used to conduct a use not permitted in the zoning district.

**STANDARD FOR A SPECIAL EXCEPTION TO THE SINGLE FAMILY USE REGULATIONS TO AUTHORIZE AN ADDITIONAL ELECTRICAL UTILITY SERVICE AND ELECTRICAL METER:**

The board may grant a special exception to authorize more than one electrical utility service and/or more than one electrical meter for a single family use on a lot in a single family zoning, duplex, or townhouse district when, in the opinion of the board, the special exception will: 1) not be contrary to the public interest; 2) not adversely affect neighboring properties; and 3) not be used to conduct a use not permitted in the zoning district.

**GENERAL FACTS:**

- The Dallas Development Code states that in R-1ac(A) zoning, a lot for a single family use may be supplied by not more than one electrical service, and metered by not more than one electrical meter.  
The applicant has submitted a site plan of the 4+ acres subject site that denotes the location of the two meters on the site, “Meter 1” located on the north side of the north driveway into the site, and “Meter2” located on the south side of the south driveway into the site approximately 180’ south of “Meter 1.”
- On March 21, 2012, the applicant’s representative submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

**BACKGROUND INFORMATION:**

**Zoning:**

Site: R-1ac(A) (Single family district 1 acre)  
North: R-1ac(A) (Single family district 1 acre)  
South: R-1ac(A) (Single family district 1 acre)  
East: R-1ac(A) (Single family district 1 acre)  
West: R-1ac(A) (Single family district 1 acre)

## **Land Use:**

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

## **Zoning/BDA History:**

1. BDA 089-087, Property at 10711 Strait Lane (the subject site)      On August 18, 2009, the Board of Adjustment Panel A granted a request for a special exception to the fence height regulations of 4' 6" imposing the following condition with the request: compliance with the submitted site plan and elevation is required. The case report states that the request was made to construct and maintain an 8' high open wrought iron fence with 8' 6" high columns.

## **Timeline:**

- February 20, 2012: 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 20, 2012: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A.
- March 21, 2012: 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 30<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the 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 requests; and
  - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- March 21, 2012: The applicant's representative forwarded additional information beyond what was submitted with the original application (see Attachment A).
- April 3, 2012: 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 Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Board Administrator, the Building Inspection Senior

Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, the Chief Arborist, and Assistant City Attorney to the Board.

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

**STAFF ANALYSIS:**

- This request focuses installing and maintaining a second electrical meter on a site developed with a single family home/use.
- The application states that “due to the large size of this estate, and the water well, 3 phase electrical power is required in addition to the existing single phase power, resulting in the need for two (2) electric meters.”
- The applicant has the burden of proof in establishing that the additional electrical meter to be installed and/or maintained on the site will: 1) not be contrary to the public interest; 2) not adversely affect neighboring properties; and 3) not be used to conduct a use not permitted in the zoning district.

**BOARD OF ADJUSTMENT ACTION: APRIL 17, 2012**

APPEARING IN FAVOR: Mark C. Webb, 4319 Park Lane, Dallas, TX

APPEARING IN OPPOSITON: John Mullen, 5365 Montrose Drive, Dallas, TX  
Laura Wilson, 10621 Strait Lane, Dallas, TX

**MOTION: Jackson**

I move that the Board of Adjustment, in Appeal No. **BDA 112-041** on application of Richard J. Malouf, represented by Mark C. Webb, **grant** the request of this applicant to maintain a second electrical utility service/electrical meter on the property as a special exception to the single family regulations contained in the Dallas Development Code, because our evaluation of the property, the testimony presented to us, and the facts that we have determined show that this special exception will not be contrary to the public interest, will not adversely affect neighboring property, and will not be used to conduct a use not permitted in the district where the building site is located.

**SECONDED: Goins**

AYES: 4 – Schweitzer, Hounsel, Goins, Jackson

NAYS: 0 -

MOTION PASSED: 4– 0(unanimously)

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**MOTION: Goins**

I move to adjourn this meeting.

**SECONDED: Hounsel**

**AYES: 4–Schweitzer, Hounsel, Goins, Jackson**

**NAYS: 0 -**

**MOTION PASSED 4– 0 (unanimously)**

**2:11 P. M. - Board Meeting adjourned for April 17, 2012.**

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CHAIRPERSON

\_\_\_\_\_  
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.