

**BOARD OF ADJUSTMENT, PANEL A
PUBLIC HEARING MINUTES
DALLAS CITY HALL, L1FN AUDITORIUM
TUESDAY, APRIL 22, 2008**

MEMBERS PRESENT AT HEARING: Rob Richmond, Chair, Ben Gabriel, Panel Vice-Chair, Ellen Taft, regular member, Steve Harris, regular member and Jim Gaspard, alternate member

MEMBERS ABSENT FROM HEARING: Jordan Schweitzer, regular member

STAFF PRESENT AT HEARING: Steve Long, Board Administrator, Casey Burgess, Asst. City Attorney, Donnie Moore, Chief Planner, Todd Duerksen, Development Code Specialist, and Trena Law, Board Secretary

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.

1:01 PM: Executive Session

1:22 P.M. Public Hearing Resumed

FILE NUMBER: BDA 078-059

BUILDING OFFICIAL'S REPORT:

Application of St. Philip's School PSA/St. Phillip's School, represented by Monifa Akinwole Bandele, to require compliance of a nonconforming use at 3103 Colonial Avenue. This property is more fully described as Lots 17-20 in City Block 11/1156 and is zoned PD-595 (CC) which limits the legal uses in a zoning district. The applicant proposes to request that the board establish a compliance date for a nonconforming hotel or motel use.

LOCATION: 3103 Colonial Avenue

APPLICANT: St. Philip's School PSA/St. Philip's School
Represented by Monifa Akinwole Bandele

April 22, 2008 Public Hearing Notes:

- The following occurred at this public hearing:
 - the attorney representing the applicant submitted a copy of a City “master permit” for property located at 3103 Colonial Avenue to the members;
 - the attorney representing the owner of the motel submitted a document entitled “Crime Statistics from 2000 to 2007” to the members; and
 - the attorney representing the owner of the motel submitted a printed copy of the power point show shown at the public hearing to the Board Administrator.

REQUEST:

- A request is made for the Board of Adjustment to establish a compliance date for a nonconforming motel use (Colonial House Motel) on the subject site.

BOARD OF ADJUSTMENT ACTION: APRIL 15, 2008

APPEARING IN FAVOR: P. Michael Jung, 7143 Fisher Rd, Dallas, TX
Terry Flowers, 401 Royal Crest, DeSoto, TX

APPEARING IN OPPOSITION: Mark Cronenwett, 4166 Wilada Dr., Dallas, TX
Meenal Patel, 3103 Colonial Ave., Dallas, TX
Jitendra Patel, 3103 Colonial Ave., Dallas, TX
Anthony Garrett, 1629 Pennsylvania, Dallas, TX
James Brown, 1629 Pennsylvania, Dallas, TX

MOTION: Harris

I move that the Board of Adjustment in Appeal No. **BDA 078-059**, based on the evidence presented at the public hearing, find that continued operation of this nonconforming use will have an adverse effect on nearby properties, based on the following factors:

- The nonconforming use of the Colonial House Motel no longer suits the character of the surrounding neighborhood. With the finding of fact that the Colonial House Motel is located across the street and side proximity to the St. Phillips School and Community Center, a teaching center for young children in the City of Dallas, zoned PD 597.
- The Colonial House Motel is operating in a manner that may threaten public health or safety and create or perpetuate public disturbances by the continued operation of its use. With the finding of fact that members of the St. Phillips School and Community Center faculty, parents of St. Phillips School Parent School Association, and Forest heights neighborhood community members have submitted evidence to support their witness of criminal activity, public nuisance and disturbance, or acts that have occurred on or near the proximity of the Colonial House Motel that have threatened public safety.

- In finding that the continued operation of the Colonial House Motel will have an adverse effect that is contributory in nature on nearby properties. We wish to set a hearing date of **June 24, 2008** for the purpose of establishing a compliance date for this nonconforming use.

SECONDED: **Taft**

AYES: 5– Richmond, Gabriel, Harris, Taft, Gaspard

NAYS: 0 –

MOTION PASSED: 5– 0

MOTION: Gaspard

I move to adjourn this meeting.

SECONDED: Gabriel

AYES: 5– Richmond, Gabriel, Taft, Harris, Gaspard

NAYS: 0 -

MOTION PASSED: 5– 0 (Unanimously)

3:54 P.M. - Board Meeting adjourned for **April 22, 2008.**

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.