

**BOARD OF ADJUSTMENT, PANEL B
PUBLIC HEARING MINUTES
DALLAS CITY HALL, COUNCIL CHAMBERS
WEDNESDAY, APRIL 23, 2014**

MEMBERS PRESENT AT BRIEFING: Sam Gillespie, Panel Vice Chair, Paula Leone, regular member, Scott Housel, regular member, Lorlee Bartos, alternate member, and Philip Lewis, alternate member

MEMBERS ABSENT FROM BRIEFING: Darlene Reynolds, Vice Chair, and David Wilson, regular member

MEMBERS PRESENT AT HEARING: Sam Gillespie, Panel Vice Chair, Paula Leone, regular member, Scott Housel, regular member, Lorlee Bartos, alternate member, and Philip Lewis, alternate member

MEMBERS ABSENT FROM HEARING: No one

STAFF PRESENT AT BRIEFING: Steve Long, Board Administrator, Jamilah Way, Asst. City Attorney, Todd Duerksen, Development Code Specialist, Ali Hatefi, Engineer, Danielle Jeminez, Current Planner, Trena Law, Board Secretary

STAFF PRESENT AT HEARING: Steve Long, Board Administrator, Laura Morrison, Asst. City Attorney, Jamilah Way, Asst. City Attorney, Todd Duerksen, Development Code Specialist, Ali Hatefi, Engineer, Danielle Jeminez, Current Planner, Neva Dean, Interim Asst. Director, and Trena Law, Board Secretary

11:09 A.M. The Board of Adjustment staff conducted a briefing on the Board of Adjustment's **April 23, 2014 docket.**

1:09 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 B March 19, 2014 public hearing minutes.

BOARD OF ADJUSTMENT ACTION: **APRIL 23, 2014**

MOTION: Leone

I move approval of the **Wednesday, March 19, 2014** Board of Adjustment Public Hearing minutes.

SECONDED: Hounsel

AYES: 5–Gillespie, Leone, Hounsel, Bartos, Lewis

NAYS: 0 –

MOTION PASSED 5 – 0 (unanimously)

MISCELLANEOUS ITEM NO. 2

FILE NUMBER: BDA 134-030

REQUEST: To reimburse the filing fee submitted in conjunction with a request for a special exception to the fence height regulations

LOCATION: 5604 Pleasant Ridge Drive

APPLICANT: Michael and Melissa Drake

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 24, 2014: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- March 12, 2014: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- March 12, 2014: The Board Administrator contacted the applicant and emailed him the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the March 26th deadline to submit additional evidence for staff to factor into their analysis; and the April 11th 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;
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence; and
 - the provision from the Dallas Development Code allowing the board to reimburse the filing fee (51A- 1.105 (b)(6)) noting that if the applicant were to add this fee reimbursement request, staff would encourage the applicant to submit any 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.
- March 26, 2014: The applicant/owners of the property submitted a letter (and related information) requesting reimbursement of the filing fee submitted in conjunction with this application (see Attachment A).
- March 26, 2014: The Board Administrator emailed the applicant/owners certain information about the fee reimbursement request (see Attachment B).
- March 26, 2014: The applicant submitted additional information pertaining to the fee reimbursement request (see Attachment C).

BOARD OF ADJUSTMENT ACTION: APRIL 23, 2014

APPEARING IN FAVOR: Greg Davis, 3609 Leeds Ct, Corinth, TX

APPEARING IN OPPOSITION: No one

MOTION: Leone

I move that the Board of Adjustment reimburse the filing fee submitted in conjunction with a request for a special exception to the fence height regulations.

SECONDED: **Bartos**

AYES: 4 –Gillespie, Leone, Bartos, Lewis

NAYS: 1 – Hounsel

MOTION PASSED 4 – 1

FILE NUMBER: BDA 134-031

BUILDING OFFICIAL’S REPORT: Application of Ignacio Santos, represented by Yesenia Casas, for special exceptions to the fence height and visual obstruction regulations at 4473 W. Red Bird Lane. This property is more fully described as tract 166. Block 6949, and is zoned R-7.5(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 a 6 foot high fence, which will require a 2 foot special exception 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: 4473 W. Red Bird Lane

APPLICANT: Ignacio Santos
Represented by Yesenia Casas

REQUESTS:

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

1. A request for a special exception to the fence height regulations of 2’ is made to construct/maintain a 5’ 6” high fence (4’ 6” high open metal pickets atop a 1’ high masonry base) with 6’ high masonry columns, and two, 5’ 6” high open picket gates with 6’ high masonry entry gate columns in the site’s 25’ front yard setback.
2. Requests for special exceptions to the visual obstruction regulations are made to locate/maintain portions of the aforementioned fence and columns in the 20’ visibility triangles on east side of the western driveway and the west side of the eastern driveways into the site from Red Bird Lane.

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.

STAFF RECOMMENDATION (fence height):

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):

Approval, subject to the following condition:

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

Rationale:

- The Sustainable Development and Construction Department Senior Engineer has indicated that he has no objections to these requests.
- The applicant has substantiated how the location of portions of a proposed 5' 6" high fence (4' 6" high open metal pickets atop a 1' high masonry base) with 6' high masonry columns proposed in the 20' visibility triangles on east side of the western driveway and the west side of the eastern driveways into the site from Red Bird Lane does not constitute a traffic hazard.

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: City of Duncanville
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 being developed with a single family home. The areas to the north, and west are developed with single family uses; the area to the east is undeveloped; and the area to the south in the City of Duncanville is a combination of vacant land and retail 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 25, 2014: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

March 12, 2014: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

March 12, 2014: The Board Administrator emailed the following information to the applicant:

- an attachment that provided the public hearing date and panel that will consider the application; the March 26th deadline to submit additional evidence for staff to factor into their analysis; and the April 11th 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 8, 2014 : 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 Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Senior Engineer, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, and the Assistant City Attorney to the Board.

April 9, 2014: The Sustainable Development and Construction Department Senior Engineer submitted a review comment sheet marked "Has no objections."

GENERAL FACTS/STAFF ANALYSIS (fence height):

- This request focuses on constructing/maintaining a 5' 6" high fence (4' 6" high open metal pickets atop a 1' high masonry base) with 6' high masonry columns, and two, 5' 6" high open picket gates with 6' high masonry entry gate columns in the site's 25' front yard setback on a site being developed with a single family home/use.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The applicant has submitted a site plan and a partial elevation of the proposal in the front yard setback that reaches a maximum height of 6'.
- The following additional information was gleaned from the submitted site plan:
 - The proposal is represented as being approximately 150' in length parallel to the Red Bird Lane. (The proposed fence and gates are setback approximately 10' from the fence).
 - The fence proposal is represented as being located approximately 8' from the property line or about 17' from the pavement line. (The proposed gates are

represented as being located approximately 15' from the property line or about 24' from the pavement line).

- The Board Administrator conducted a field visit of the site and surrounding area and noted no other fences above 4 feet high which appeared to be located in a front yard setback.
- No homes front the proposal.
- As of April 14, 2014, no letters have been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 4' will not adversely affect neighboring property.
- Granting this special exception of 4' with a condition imposed that the applicant complies with the submitted site plan and partial elevation would require the proposal exceeding 4' in height in the front yard setback to be constructed/maintained in the location and of the heights and materials as shown on these documents.

GENERAL FACTS/STAFF ANALYSIS (visual obstruction):

- These requests focus on locating/maintaining portions of the an open metal picket fence and masonry columns in the 20' visibility triangles on east side of the western driveway and the west side of the eastern driveways into the site from Red Bird Lane. (The 1' high masonry base of the proposed fence is not a factor in this request given that it is below the 2.5' height at which the visibility triangles begin).
- 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).
- A site plan and partial elevation has been submitted indicating portions of a 5' 6" high fence (4' 6" high open metal pickets atop a 1' high masonry base) with 6' high masonry columns in the 20' visibility triangles in the 20' visibility triangles on east side of the western driveway and the west side of the eastern driveways into the site from Red Bird Lane.
- The Sustainable Development and Construction Department Senior 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/maintain portions of 5' 6" high fence (4' 6" high open metal pickets atop a 1' high masonry base) with 6' high masonry columns in the 20' visibility triangles on east side of the western driveway and the west side of the eastern driveways into the site from Red Bird Lane does not constitute a traffic hazard.
- Granting these requests with a condition imposed that the applicant complies with the submitted site plan and partial elevation would require the items as described above to be limited to and maintained in the locations, height and materials as shown on these documents.

BOARD OF ADJUSTMENT ACTION: APRIL 23, 2014

APPEARING IN FAVOR: No one

APPEARING IN OPPOSITION: No one

MOTION: Hounsel

I move that the Board of Adjustment grant application **BDA 134-031** 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 conditions be imposed to further the purpose and intent of the Dallas Development Code:

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

SECONDED: Leone

AYES: 5 –Gillespie, Leone, Hounsel, Bartos, Lewis

NAYS: 0 –

MOTION PASSED 5– 0(unanimously)

FILE NUMBER: BDA 134-036

BUILDING OFFICIAL’S REPORT: Application of Crickett Reed for special exceptions to the fence height and visual obstruction regulations at 5822 Lakehurst Avenue. This property is more fully described as Lot 16, Block B/5515, and is zoned R-10(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 maintain an 8 foot 2 inch high fence, which will require a 4 foot 2 inch special exception to the fence height regulations, and to maintain items in required visibility triangles, which will require special exceptions to the visual obstruction regulations.

LOCATION: 5822 Lakehurst Avenue

APPLICANT: Crickett Reed

REQUESTS:

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

1. A request for a special exception to the fence height regulations of 4’ 2” is made to maintain generally a 6’ high solid board-on-board wood fence (atop generally a 2’ high masonry base) that reaches a maximum height of 8’ with one 8’ 2” high brick column in the one of the site’s two required front yards (Lakeway Court).
2. Requests for special exceptions to the visual obstruction regulations are made to locate/maintain portions of the aforementioned board-on-board wood fence in the

two 20' visibility triangles on both sides of the driveway into the site from Lakeway Court.

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.

STAFF RECOMMENDATION (fence height):

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):

Approval, subject to the following condition:

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

Rationale:

- The Sustainable Development and Construction Department Senior Engineer has indicated that he has no objections to these requests.
- The applicant has substantiated how the location of the existing generally 6' high solid board-on-board wood fence atop generally a 2' high masonry base located in the 20' visibility triangles on both sides of the driveway into the site from Lakeway Court does not constitute a traffic hazard.

BACKGROUND INFORMATION:

Zoning:

Site: R-10(A) (Single family district 10,000 square feet)
North: R-10(A) (Single family district 10,000 square feet)
South: R-10(A) (Single family district 10,000 square feet)
East: R-10(A) (Single family district 10,000 square feet)
West: R-10(A) (Single family district 10,000 square feet)

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:

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 27, 2014: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

March 12, 2014: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

March 12, 2014: The Board Administrator emailed the following information to the applicant:

- an attachment that provided the public hearing date and panel that will consider the application; the March 26th deadline to submit additional evidence for staff to factor into their analysis; and the April 11th 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 8, 2014 : 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 Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Senior Engineer, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, and the Assistant City Attorney to the Board.

April 9, 2014: The Sustainable Development and Construction Department Senior Engineer submitted a review comment sheet marked "Has no objections."

GENERAL FACTS/STAFF ANALYSIS (fence height):

- This request focuses on maintaining generally a 6' high solid board-on-board wood fence (atop generally a 2' high masonry base) that reaches a maximum height of 8' with one 8' 2" high brick column in the one of the site's two required front yards (Lakeway Court) on a site developed with a single family home/use.

- 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.
- Structures on lots zoned R-10(A) are required to provide a minimum front yard setback of 30'.
- The site is located on the southwest corner of Lakehurst Avenue and Lakeway Court. The site has two required front yards. The site has a 30' required front yard along Lakehurst Avenue because it is the shorter of the two frontages. The site also has a 15' required front yard along Lakeway Court, the longer of the two frontages, which is typically regarded as a side yard where only a 6' setback is required and where a 9' high fence can be erected by right. But the site's Lakeway Court frontage is a side yard treated as a front yard setback nonetheless to maintain the continuity of the established front yard setback established by the lots developed with single family homes south of the site that front/are oriented towards Lakeway Court.
- Regardless of how the existing home is oriented to front onto Lakehurst Avenue (and "side" to Lakeway Court), the site has two required front yards where the focus of the applicant's request in this application is only to maintain a fence higher than 4' in the site's front yard setback on Lakeway Court. (No part of the application is made to construct/maintain a fence in the site's Lakehurst Avenue required front yard).
- The applicant has submitted a site plan and elevation of the proposal in the front yard setback that reaches a maximum height of 8' 2".
- The following additional information was gleaned from the submitted site plan:
 - The proposal is represented as being approximately 36' in length parallel to the Lakeway Court and about 15' on the north and south sides in the Lakeway Court required front yard.
 - The proposal is represented as being located on property line or about 13' from the pavement line.
- The Board Administrator conducted a field visit of the site and surrounding area and noted one other fence above 4 feet high which appeared to be located in a front yard setback- an approximately 8' high solid brick fence located directly east of the subject site with no recorded BDA history.
- No homes front the proposal.
- As of April 14, 2014, 1 letter has been submitted in support of the application and no letters have been submitted in opposition.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 4' 2" will not adversely affect neighboring property.
- Granting this special exception of 4' 2" with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding 4' in height in the front yard setback to be constructed/maintained in the location and of the heights and materials as shown on these documents.

GENERAL FACTS/STAFF ANALYSIS (visual obstruction):

- These requests focus on maintaining portions of generally a 6' high solid board-on-board wood fence atop a 2' masonry base in the two 20' visibility triangles on both sides of the driveway into the site from Lakeway Court. (The 2' high masonry base

of the fence is not a factor in this request given that it is below the 2.5' height at which the visibility triangles begin).

- 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).
- A site plan and elevation has been submitted indicating portions of the generally 6' high solid board-on-board wood fence in the two 20' visibility triangles on both sides of the driveway into the site from Lakeway Court.
- The Sustainable Development and Construction Department Senior Engineer submitted a review comment sheet regarding the applicant's request for special exceptions to the visual obstruction regulations 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 maintain generally a 6' high solid board-on-board wood fence atop generally a 2' high masonry base in the two 20' visibility triangles on both sides of the driveway into the site from Lakeway Court does not constitute a traffic hazard.
- Granting these requests with a condition imposed that the applicant complies with the submitted site plan and elevation would require the item as described above to be limited to and maintained in the locations, height and materials as shown on these documents.

BOARD OF ADJUSTMENT ACTION: APRIL 23, 2014

APPEARING IN FAVOR: No one

APPEARING IN OPPOSITION: No one

MOTION: **Hounsel**

I move that the Board of Adjustment grant application **BDA 134-036** 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 conditions be imposed to further the purpose and intent of the Dallas Development Code:

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

SECONDED: **Leone**

AYES: 5 – Gillespie, Leone, Hounsel, Bartos, Lewis

NAYS: 0 –

MOTION PASSED 5– 0(unanimously)

FILE NUMBER: BDA 134-009

BUILDING OFFICIAL'S REPORT: Application of Michael Spero for special exceptions to the fence height and visual obstruction regulations at 4202 Bretton Bay Lane. This property is more fully described as Lot 1, Block C/8705, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet and requires a 20 foot visibility triangle at drive approaches. The applicant proposes to construct and/or maintain a 7 foot 6 inch high fence which will require a special exception of 3 feet 6 inches to the fence height regulations, and to locate/maintain items in required visibility triangles, which will require special exceptions to the visual obstruction regulations.

LOCATION: 4202 Bretton Bay Lane

APPLICANT: Michael Spero

REQUESTS:

In February of 2014, the following requests were made on a site that is currently developed with a single family home/use:

1. A request for a special exception to the fence height regulations of 3' 6" was made to maintain a 6' high open iron picket fence with 6' 4" high posts and a 6' high open iron picket gate with one 89" high (or 7' 4" high) gate post in one of the site's two 25' front yard setbacks - Voss Road.
2. Requests for special exceptions to the visual obstruction regulations were made to maintain portions of the open iron picket fence/gate and metal posts in the 20' visibility triangles on either side of the driveway into the site from Voss Road.

In April of 2014, the following appeals are made on a site that is currently developed with a single family home/use:

1. A request for a special exception to the fence height regulations of 1' is made in to reduce the height of an existing 6' high open iron picket fence with 6' 4" high posts and a 6' high open iron picket gate with one 89" high (or 7' 4" high) gate post in one of the site's two 25' front yard setbacks - Voss Road all to 5' in height.
2. Requests for special exceptions to the visual obstruction regulations are made to maintain portions of the open iron picket fence/gate and metal posts in the 20' visibility triangles on either side of the driveway into the site from Voss Road.

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.

STAFF RECOMMENDATION (fence height):

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):

Approval, subject to the following condition:

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

Rationale:

- The Sustainable Development and Construction Department Senior Engineer has indicated that he has no objections to these requests.
- The applicant has substantiated how the location of portions of the existing open iron picket fence and gate located in the 20' visibility triangles on either side of the driveway into the site from Voss Road does not constitute a traffic hazard.

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 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:

December 18, 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.

January 15, 2014: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

- January 15, 2014: The Board Administrator emailed the following information to the applicant:
- an attachment that provided the public hearing date and panel that will consider the application; the January 29th deadline to submit additional evidence for staff to factor into their analysis; and the February 7th 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."
- February 4, 2014: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the February public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Interim Assistant Director, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Senior Engineer, the City of Dallas Chief Arborist, and the Assistant City Attorney to the Board.
- February 6, 2014: The Sustainable Development and Construction Department Senior Engineer submitted a review comment sheet regarding the applicant's request for a special exception to the visual obstruction regulations marked "Has no objections."
- February 19, 2014: The Board of Adjustment Panel B conducted a public hearing on this application. The Board held the request under advisement until their public hearing to be held on April 23, 2014.
- February 27, 2014: The Board Administrator sent a letter to the applicant that noted the decision of the panel, and the April 11th deadline to submit additional evidence to be incorporated into the Board's docket materials.
- March 20, 2014: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment A).
- April 7, 2014: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment B).
- April 8, 2014 : 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 Assistant Building Official, the Board Administrator, the Building

Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Senior Engineer, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, and the Assistant City Attorney to the Board.

No additional review comment sheets with comments were submitted in conjunction with this application beyond what was submitted prior to the hearing in February.

April 10, 2014: Additional documentation on this application was forwarded to the Board Administrator by the co-presidents of the Bent Tree West Homeowners Association (see Attachment C).

GENERAL FACTS/STAFF ANALYSIS (fence height):

- This original request has been amended from what was presented to the board at the February 19th public hearing. The applicant has submitted a revised site plan and elevation where his request regarding the fence height special exception is to reduce the existing heights of the 6' high open iron picket fence with 6' 4" high posts and a 6' high open iron picket gate with one 89" high (or 7' 4" high) gate post in one of the site's two 25' front yard setbacks - Voss Road all to 5' in height.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The site is located at the southeast corner of Bretton Bay Lane and Voss Road. The site has a 25' front yard setback along Bretton Bay Lane, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in a single-family zoning district. The site also has a 25' front yard setback along Voss Road, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where only a 5' setback is required. But the site's Voss Road frontage is a side yard treated as a front yard setback nonetheless to maintain the continuity of the established front yard setback established by the lots developed with single family homes south of the site that front/are oriented westward towards Voss Road. Regardless of how the existing home is oriented to front onto Bretton Bay Lane (and to "side" to Voss Road), the site has two 25' front yard setbacks where the focus of the applicant's request in this application is only to maintain a fence higher than 4' in the site's front yard setback on Voss Road. No part of the application is made to address any fence in the site's Bretton Bay Lane front yard setback.
- The applicant had originally submitted a site plan and a partial elevation of the proposal in the front yard setback that reaches a maximum height of 89" or 7' 4". But in April of 2014, the applicant submitted a revised site plan and elevation (see Attachment B) that shows the maximum height of the fence and posts to be 5' in height.
- The following additional information was gleaned from the originally submitted site plan:

- The proposal is represented as being approximately 90' in length parallel to the Voss Road and approximately 21' in length perpendicular to Voss Road on the north and south sides of the site in the Voss Road front yard setback.
- The proposal is represented as being located approximately 4' from the property line or about 16' from the Voss Road pavement line.
- The revised site plan does not make amendments to the length and location of the fence. The only revision to the site plan appears to be the addition of several evergreen plants to be added on the inside of the open picket fence and gates.
- The Board Administrator conducted a field visit of the site and surrounding area and noted no other fences above 4 feet high which appeared to be located in a front yard setback.
- Two homes front the proposal neither of which have fences in their front yards.
- As of April 14, 2014, 13 letters have been submitted in support of the application, 1 letter has been submitted in opposition to the request, and one letter has been submitted for the Board to determine.
- 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 revised site plan and revised partial 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 these documents.

GENERAL FACTS/STAFF ANALYSIS (visual obstruction):

- These requests focus on reducing/maintaining portions of the existing 6' high open iron picket fence with 6' 4" high posts and a 6' high open iron picket gate with one 89" high (or 7' 4" high) gate post in the 20' visibility triangles on either side of the driveway into the site from Voss Road to 5'.
- 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 original and revised submitted site plan and partial elevation indicate portions of an open iron picket fence and open iron picket gate in the 20' visibility triangles on either side of the driveway into the site from Voss Road. While evergreen plants have been added to the revised site plan, these plants denoted on the inside/house side of fence are not located in the visibility triangles.
- The Sustainable Development and Construction Department Senior Engineer submitted a review comment sheet regarding the applicant's request for a special exception to the visual obstruction regulations 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 maintain portions of 5'

high open iron picket fence and gates in the two 20' visibility triangles on either side of the driveway into the site from Voss Road does not constitute a traffic hazard.

- Granting these requests with a condition imposed that the applicant complies with the submitted revised site plan and revised partial elevation would require the items (a 5' high open iron picket fence with 5' high posts and a 5' high open iron picket gate with 5' high gate post in the 20' visibility triangles on either side of the driveway into the site from Voss Road) to be limited to the locations, height and materials as shown on these revised documents.

BOARD OF ADJUSTMENT ACTION: FEBRUARY 19, 2014

APPEARING IN FAVOR: Michael Spero, 4202 Bretton Way Lane, Dallas, TX
Bethany Ardizzoni, 17708 Voss Rd., Dallas, TX

APPEARING IN OPPOSITION: Brian Williamson, 4206 Briargrove Lane, Dallas, TX
Phil Dettle, 4120 Rainsong Dr., Dallas, TX

MOTION #1: Gillespie

I move that the Board of Adjustment, in Appeal No. **BDA 134-009**, on application of Michael Spero, **deny** the special exception requested by this applicant **without prejudice**, because our evaluation of the property and the testimony shows that granting the application would adversely affect neighboring property.

SECONDED: Reynolds

AYES: 2 – Reynolds, Gillespie

NAYS: 3 – Chernock, Wilson, Leone

MOTION FAILED 2 – 3

MOTION #2: Chernock

I move that the Board of Adjustment, in Appeal No. **BDA 134-009**, on application of Michael Spero, **grant** the request to construct and maintain a 7-foot- 6-inch-high fence in the property's front yard as a special exception to the fence height requirements in the Dallas Development Code, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property. 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 partial elevation is required.

SECONDED: Chernock

AYES: 3 – Chernock, Wilson, Leone

NAYS: 2 – Reynolds, Gillespie

MOTION FAILED 3 – 2

MOTION #3: Leone

I move that the Board of Adjustment in Appeal No. **BDA 134-009**, hold this matter under advisement until **April 23, 2014**.

SECONDED: Wilson

AYES: 4 – Reynolds, Chernock, Wilson, Leone

NAYS: 1 – Gillespie

MOTION PASSED 4 – 1

BOARD OF ADJUSTMENT ACTION: APRIL 23, 2014

APPEARING IN FAVOR: Michael Spero, 4202 Bretton Way Lane, Dallas, TX
Brian Williamson, 4206 Briargrove Lane, Dallas, TX

APPEARING IN OPPOSITION: No one

MOTION #1: Leone

I move that the Board of Adjustment, in request No. **BDA 134-009**, on application of Michael Spero, **grant** the request to construct and maintain a 5-foot high fence in the property's front yard as a special exception to the fence height requirements in the Dallas Development Code, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property. 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 and revised elevation is required.

SECONDED: Hounsel

AYES: 5 – Gillespie, Leone, Hounsel, Bartos, Lewis

NAYS: 0 –

MOTION PASSED 5– 0(unanimously)

MOTION #2: Leone

I move that the Board of Adjustment, in request No. **BDA 134-009**, on application of Michael Spero, **grant** the request to maintain items in the visibility triangles as special exceptions to the visual obstruction regulations in the Dallas Development Code, because our evaluation of the property and the testimony shows that these special exceptions 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 revised site plan and revised elevation is required.

SECONDED: Hounsel

AYES: 5 –Gillespie, Leone, Hounsel, Bartos, Lewis

NAYS: 0 –

MOTION PASSED 5– 0(unanimously)

FILE NUMBER: BDA 134-030D

BUILDING OFFICIAL’S REPORT: Application of Greg Davis for a special exception to the fence height regulations at 5604 Pleasant Ridge Drive. This property is more fully described as Lot 7, Block 4/8711, and is zoned PD-226, which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and maintain a 7 foot 6 inch high, which will require a 3 foot 6 inch special exception to the fence height regulations.

LOCATION: 5604 Pleasant Ridge Drive

APPLICANT: Greg Davis

REQUEST:

A special exception to the fence height regulations of 4’ is requested to construct and maintain a fence in the site’s 30’ required front yard on a site that is developed with a single family home—a 5’ high open wrought iron picket fence with a 5’ 8” high walkway gate, 4’ wide, and a 7’ 6” high driveway gate, 12’ 7” wide.

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 #226
North: PD #226
South: PD #226
East: PD #226
West: PD #226

Land Use:

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

Zoning/BDA History:

- | | |
|--|--|
| 1. Miscellaneous Item #2, BDA 134-030, Property at 5604 Pleasant Ridge Drive (the subject site) | On April 23, 2014, the Board of Adjustment Panel B will consider reimbursing the filing fee made in conjunction with this application. |
|--|--|

Timeline:

February 24, 2014: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

March 12, 2014: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

March 12, 2014: The Board Administrator contacted the applicant and emailed him the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the March 26th deadline to submit additional evidence for staff to factor into their analysis; and the April 11th 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 8, 2014 : 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 Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Senior Engineer, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, and the Assistant City Attorney to the Board.

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

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on constructing and maintaining a fence in the site's 30' required front yard on a site that is developed with a single family home – a 5' high open wrought iron picket fence with 5' 8" walkway gate and a 7' 6" high driveway gate.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The following additional information was gleaned from the submitted site plan and elevation:
 - The proposal in the front yard setback is represented as being approximately 100' in length parallel to the street with one recessed entryways.
 - The proposed fence is represented as being located approximately 1' from the property line.
- The proposal would be located on the site where one lot would have direct frontage, a lot which has no fence in its front yard setback.
- As of April 14, 2014, no letters have been submitted in support of the request and one letter has been submitted in opposition.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 4' will not adversely affect neighboring property.
- Granting this special exception of 4' with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding 4' in height in the front yard setback to be constructed/maintained in the location and of the heights and materials as shown on these documents.

BOARD OF ADJUSTMENT ACTION: **APRIL 23, 2014**

APPEARING IN FAVOR: Greg Davis, 3609 Leeds Court, Corinth, TX

APPEARING IN OPPOSITION: Sharon Wilkins, 5610 Pleasant Ridge RD., Dallas, TX

MOTION: **Hounsel**

I move that the Board of Adjustment, in request No. **BDA 134-030(D)**, on application of Greg Davis **grant** the request to construct and maintain a 7-foot 6-inch high fence in the property's front yard as a special exception to the fence height requirements in the Dallas Development Code, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property. 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: **Leone**

AYES: 5 – Gillespie, Leone, Hounsel, Bartos, Lewis

NAYS: 0 –

MOTION PASSED 5– 0(unanimously)

FILE NUMBER: BDA 134-039

BUILDING OFFICIAL'S REPORT: Application of Edward Dominguez to restore a nonconforming use at 3006 W. Northwest Highway. This property is more fully described as Lot 9, Block B/5784, and is zoned CR, which limits the legal uses in a zoning district. The applicant proposes to restore a nonconforming alcoholic beverage establishments use, which will require a special exception to the nonconforming use regulations.

LOCATION: 3006 W. Northwest Highway

APPLICANT: Edward Dominguez

REQUEST:

A special exception to reinstate nonconforming use rights is requested to obtain a Certificate of Occupancy (CO) for an "alcoholic beverage establishments" use on the subject site even though this nonconforming use was discontinued for a period of six months or more.

STANDARD FOR A SPECIAL EXCEPTION TO OPERATE A NONCONFORMING USE IF THAT USE IS DISCONTINUED FOR SIX MONTHS OR MORE: The Dallas Development Code states that the Board may grant a special exception to operate a nonconforming use that has been discontinued for six months or more if the owner can show that there was a clear intent not to abandon the nonconforming use even though the use was discontinued for six months or more.

STAFF RECOMMENDATION:

No staff recommendation is made on this or any request for a special exception to operate a nonconforming use if that use is discontinued for six months or more since the basis for this type of appeal is based on whether the board determines that there was a clear intent not to abandon the nonconforming use even though the use was discontinued for six months or more.

BACKGROUND INFORMATION:

Zoning:

Site: CR (Community Retail)
North: CR (Community Retail)
South: CR (Community Retail)
East: CR (Community Retail)
West: CR (Community Retail)

Land Use:

The subject site is developed with what appears to be a nonresidential structure that is vacant. The areas to the north, east, south, and west appear to be developed mostly as commercial/retail 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 28, 2014: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

March 14, 2014: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

March 14, 2014: The Board Administrator contacted the applicant and shared the following information via email:

- an attachment that provided the public hearing date and panel that will consider the application; the March 26th deadline to submit additional evidence for staff to factor into their analysis; and the April 11th 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;
- the section from the Dallas Development Code pertaining to nonconforming uses and structures; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

April 8, 2014 : 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 Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Senior Engineer, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, and the Assistant City Attorney to the Board.

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

GENERAL FACTS/STAFF ANALYSIS:

- This special exception request is made to restore nonconforming use rights (and obtain a Certificate of Occupancy) for a nonconforming “alcoholic beverage

establishments” use that has been discontinued for six months or more, and to obtain a Certificate of Occupancy (CO) for this use.

- The Dallas Development Code defines “nonconforming use” as “a use that does not conform to the use regulations of this chapter, but was lawfully established under the regulations in force at the beginning of operation and has been in regular use since that time.

The nonconforming use regulations state it is the declared purpose of the nonconforming use section of the code that nonconforming uses be eliminated and be required to comply with the regulations of the Dallas Development Code, having due regard for the property rights of the persons affected, the public welfare, and the character of the surrounding area.

The nonconforming use regulations also states that the right to operate a nonconforming use ceases if the nonconforming use is discontinued for six months or more, and that the board of adjustment may grant a special exception to operate a nonconforming use that has been discontinued for six months or more if the owner can show that there was a clear intent not to abandon the nonconforming use even though the use was discontinued for six months or more.

- The subject site is zoned CR – a zoning district that does permits an “alcoholic beverage establishments” use by SUP only.
- A document has been included in the case file that states the following:
 1. The nonconforming use to be reinstated: alcoholic beverage establishment.
 2. Reason the use is classified as nonconforming: Allowed only by SUP.
 3. Date that the use became nonconforming: October 2012*
 4. Date the nonconforming use was discontinued: October 2012
 5. Current zoning of the property on which the use is located: CR
 6. Previous zoning of the property on which the use is located: CR(* Building Inspection has determined that the actual date in which this use became nonconforming was June 23, 1993).
- Building Inspection has stated that these types of special exception request originate from when an owner/officer related to the property apply for a CO and Building Inspection sees that the use is a nonconforming use. Before a CO can be issued, the City requires the owner/officer related to the property to submit affidavits stating that the use was not abandoned for any period in excess of 6 months since the issuance of the last valid CO. The owners/officers must submit documents and records indicating continuous uninterrupted use of the nonconforming use, which in this case, they could not.
- If the Board were to grant this request, the nonconforming “alcoholic beverage establishments” use on the site would be subject to the possibility of an application that may be brought to the Board of Adjustment requesting that the board establish a compliance date as is the case with any other nonconforming use in the city.
- The “alcoholic beverage establishments” use can obtain “conforming use” status with a change in zoning.
- The owner could develop the site with any use that is permitted by right in the site’s existing CR zoning classification.
- The applicant has the burden of proof in establishing the following related to the special exception request:

- There was a clear intent not to abandon the nonconforming “alcoholic beverage establishments” use on the subject site even though the use was discontinued for six months or more.
- Granting this request would reinstate/restore the nonconforming “alcoholic beverage establishments” use rights that were lost when the use was abandoned for a period of six months or more.
- If restored/reinstated, the nonconforming use would be subject to compliance with use regulations of the Dallas Development Code by the Board of Adjustment as any other nonconforming use in the city. (The applicant has been advised by staff of Section 51A-4.704 which is the provision in the Dallas Development Code pertaining to “Nonconforming Uses and Structures”).

BOARD OF ADJUSTMENT ACTION: **APRIL 23, 2014**

APPEARING IN FAVOR: Edward Dominguez, 4134 Lovers Lane, Dallas, TX

APPEARING IN OPPOSITION: James Staff, 6964 Tokalon, Dallas, TX
 Ricky Gonzales, 428 So. Crest Haven, Dallas, TX
 Tim Dickey, 3134 Lockmoor Lane, Dallas, TX
 Linda Neel, 2927 Kendale Drive, Dallas, TX
 Bessie Reddiel, 9416 Overlake Dr., Dallas, TX

MOTION: **Bartos**

I move that the Board of Adjustment, in request No. **BDA 134-039**, on application of Edward Dominguez, **deny** the special exception requested by this applicant **without prejudice**, because the nonconforming use was discontinued for six months or more and the owner has failed to show that there was a clear intent not to abandon the use even though it was discontinued for six months or more.

SECONDED: **Leone**

AYES: 4 – Gillespie, Leone, Housel, Bartos, Lewis

NAYS: 1 – Gillespie

MOTION PASSED 4-1

MOTION: **Lewis**

I move to adjourn this meeting.

SECONDED: **Leone**

AYES: 5– Gillespie, Leone, Housel, Bartos, Lewis

NAYS: 0 –

MOTION PASSED 5 – 0 (unanimously)

2:26 P.M. Board Meeting adjourned for **April 23, 2014**

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.