



BOARD OF ADJUSTMENT

Panel B Minutes

May 17, 2023

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CITY SECRETARY
DALLAS, TEXAS

6ES Briefing Room

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Cheri Gambow, Vice-Chair

PRESENT: [5]

Cheri Gambow, VC	
Sarah Lamb	
Joe Cannon	
Dr. Emmanuel Glover	
Andrew Finney	

ABSENT: [0]

Michael Karnowski	

Vice-Chair Gambow called the briefing to order at 11.01 A.M. with a quorum of the Board of Adjustment present.

Vice-Chair Gambow called the hearing to order at 1:30 P.M. with a quorum of the Board of Adjustment present.

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.

PUBLIC SPEAKERS

The Board of Adjustment provided "public speaker" opportunities for individuals to comment on matters that were scheduled on the agenda or to present concerns or address issues that were not matters for consideration listed on the posted meeting agenda.

We had no speaker for public testimony during this hearing.

MISCELLANEOUS ITEMS

Approval of the Board of Adjustment Panel B March 22, 2023 public hearing minutes.

Motion was made to approve Panel B January 18, 2023 public hearing minutes.

Maker:	Sarah Lamb				
Second:	Joe Cannon				
Results:	5-0 unanimously				
		Ayes:	-	5	Cheri Gambow, Sarah Lamb, Joe Cannon, Dr. Emmanuel Glover, Andrew Finney
		Against:	-	0	

PUBLIC TESTIMONY:

The Board of Adjustment provided "public speaker" opportunities for individuals to comment on matters that were scheduled on the agenda or to present concerns or address issues that were not matters for consideration listed on the posted meeting agenda.

We had no speakers for public testimony during this hearing.

CONSENT ITEMS

- 1. 5916 Swiss Ave**
BDA223-030(GB)

***This item was moved to Individual Items**

BUILDING OFFICIAL'S REPORT: Application of Noori Abdul-Ghani for a variance to the floor area regulations at 5916 Swiss Ave. This property is more fully described as Block 3/1882, Lot 36 and is zoned PD-63 with an H/1 overlay, which an accessory structure may not exceed 25% of the floor area of the main structure. The applicant proposes to construct and maintain a single family residential accessory structure with 1515 square feet of floor are (37.2% of the 4068 square foot floor area of the main structure), which will require a 498 square foot variance to the floor area regulations.

LOCATION: 5916 Swiss Ave

APPLICANT: Noori Abdul-Ghani

REQUESTS:

The applicant proposes to construct and maintain a single family residential accessory structure with 1515 square feet of floor are (37.2% of the 4068 square foot floor area of the main structure), which will require a 498 square foot variance to the floor area regulations.

STANDARD FOR A VARIANCE:

Section 51(A)-3.102(d)(10) of the Dallas Development Code specifies that the board has the power to grant variances from the front yard, **side yard**, rear yard, lot width, lot depth, lot coverage, **floor area** for structures accessory to single-family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

- not contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done;
- necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
- not granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted site plan is required. The applicant cannot rent out the accessory dwelling unit.

Rationale:

Staff concluded that since the subject site is in the Swiss Ave Historic District the applicant is unable to build additional square footage to the main structure. The additional dwelling unit will not adversely affect neighboring properties. All things considered; the site cannot be developed commensurate with development of neighboring parcels of land within Swiss Avenue Historic District Subdistrict A.

BACKGROUND INFORMATION:

Zoning:

Site: PD 63 (Swiss Ave Historic District Subdistrict: A)

North: PD 63 (Swiss Ave Historic District Subdistrict: A)

South: PD 63 (Swiss Ave Historic District Subdistrict: A)

East: PD 99 (Gaston Ave Special Purpose District Subarea District: Area 1)

West: PD 63 (Swiss Ave Historic District Subdistrict: A)

Land Use:

The subject site and all surrounding properties are developed with single-family uses.

Zoning/BDA History:

There have not been any recent related board or zoning cases in the vicinity within the last five years.

GENERAL FACTS/STAFF ANALYSIS:

The subject property is a two-story single family residential structure that is zoned PD 63 within the Swiss Ave Historic District Subdistrict A. In this district an accessory structure cannot exceed 25 percent of the floor area ratio of the main structure. The proposed accessory dwelling unit is 37.2 percent of the 4068 square foot floor area of the main structure, which will require a 498 square foot variance to the floor area regulations.

DCAD records indicate the following improvements for the property located at 5916 Swiss Ave: "main improvement": a structure with 3,668 square feet of living area built-in 1925" and "additional improvements": a 460-square-foot detached garage, a 400 square-foot basement, a 192 Porte cochere, and a pool.

The applicant has submitted a site plan and proposed floor plans for the additional dwelling unit.

The applicant has the burden of proof in establishing the following:

- That granting the variance to the floor area regulations for structures accessory to single-family uses will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
- The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same zoning classification.
- The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same zoning classification.

As of April 03, 2023, staff has not received any letters in favor nor opposition for this case.

If the board were to grant a variance to the floor area regulations and impose the submitted site plan as a condition, the building footprint of the structure on the site would be limited to what is shown on this document. However, granting these variances will not provide any relief to the Dallas Development Code regulations other than allowing an additional structure on the site to exceed the floor area ratio and encroach into the side yard setback as depicted on the site plan (i.e., development on the site must meet all other code requirements).

Speakers:

For: Noori Abdul-Ghani, 5916 Swiss Ave, Dallas TX

Against: No Speakers

Motion # 1

I move that the Board of Adjustment, in Appeal No. BDA 223-030 on application of Noori Abdul-Ghani, **DENY** the variance to the floor area ratio for a structure accessory to the single-family use regulations requested by this applicant **without** prejudice, because our evaluation of the property and the testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would NOT result in unnecessary hardship to this applicant.

Maker:	Sarah Lamb			
Second:	Joe Cannon			

Motion # 2

I move to withdraw the motion for further consideration, to hear the applicant explanation.

Maker:	Sarah Lamb			
Second:	Cheri Gambow			

Motion # 3

I move that the Board of Adjustment, in Appeal No. BDA 223-030 on application of Noori Abdul-Ghani, **DENY** the variance to the floor area ratio for a structure accessory to the single-family use regulations requested by this applicant **without** prejudice, because our evaluation of the property and the testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would NOT result in unnecessary hardship to this applicant.

Maker:	Sarah Lamb			
Second:	Dr. Emmanuel Glover			
Results:	3-2			
		Ayes:	- 3	Dr. Emmanuel Glover, Sarah Lamb, Andrew Finney
		Against:	- 2	Cheri Gambow, Joe Cannon

2. 7202 La Vista Avenue
 BDA223-034(GB)

BUILDING OFFICIAL'S REPORT: Application of Grayson Wafford for a special exception to the fence height regulations, and for a special exception to the fence regulations at 7202 La Vista Drive. This property is more fully described as Block C/2729, Lot 19 and is zoned R-7.5(A), which limits the height of the fence in the front yard to 4 feet; and requires a fence panel with a surface area that is less than 50 percent open not be located less than 5 feet from the front lot line. The applicant proposes to construct an 8-foot-high fence in a required front yard, which will require a 4-foot special exception to the fence height regulations, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface located less than 5 feet from the lot line, which will require a special exception to the fence regulations.

LOCATION: 7202 La Vista Drive

APPLICANT: Grayson Wafford

REQUESTS:

A request for a 4-foot special exception to the fence regulations, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface located less than 5 feet from the lot line, which will require a special exception to the fence regulations.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

Section 51A-4.602 of the Dallas Development Code states that the board may grant a special exception to the fence standards 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 standards 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: R-7.5(A) Single Family District
North: R-7.5(A) Single Family District
South: R-7.5(A) Single Family District
East: R-7.5(A) Single Family District
West: R-7.5(A) Single Family District

Land Use:

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

Zoning/BDA History:

BDA212-030 Variance to the Front Yard was granted on April 20, 2022

GENERAL FACTS/STAFF ANALYSIS:

A request for a 4-foot special exception to the fence regulations, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface located less than 5 feet from the lot line, which will require a special exception to the fence regulations.

- 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 and states that

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no fence panel having less than 50 percent open surface area may be located less than five feet from the front lot line.

- The applicant has submitted a site plan and elevation of the proposal. The site plan and elevation represent a fence that is over 4' in height in the required front yard.
- The following additional information was gleaned from the submitted site plan:
 - the site plan shows the fence to be approximately 8 feet in height located on the front property line or less than 5' from the pavement line.
- The Board of Adjustment Senior Planner conducted a field visit to determine if the fence would adversely affect neighboring properties.
- As of April 04, 2023, no letters have been received in opposition or support of this request.
- The subject site is zoned an R-7.5 (A) Single Family District where a 30-foot front yard setback is required.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulation of four feet will not adversely affect neighboring property.
- Granting these special exceptions with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding four-feet-in-height in the front yard setback to be constructed in the location and heights as shown on these documents.

Timeline:

February 15, 2023: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents that have been included as part of this case report.

March 06, 2023: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B.

March 14, 2023: The Board Senior Planner emailed the applicant the following information:

- a copy of the application materials including the Building Official's report on the application.
- an attachment that provided the public hearing date and panel that will consider the application; the April 19, 2023, deadline to submit additional evidence for staff to factor into their analysis; and the March 28, 2023, deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

March 30, 2023: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the January public hearing. The review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Board of

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

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

Speakers:

For: Grayson Wafford, 12116 Fieldwood, Dallas TX 75244
 (did not speak)

Against: No Speakers

Motion

I move that the Board of Adjustment **GRANT** the following applications listed on the uncontested docket because it appears, from our evaluation of the property and all relevant evidence that the applications satisfy all the requirements of the Dallas Development Code and are consistent with the general purpose and intent of the Code, as applicable, to wit:

BDA 223-034 - Application of Grayson Wafford, to construct and/or maintain an eight-foot high fence having less than 50 percent open surface area as a special exception to fence standards regulations contained in the Dallas Development Code, as amended, is **granted**, subject to the following condition:

Compliance with the submitted site plan and elevation is required.

Maker:	Sarah Lamb				
Second:	Dr. Emmanuel Glover				
Results:	5-0 Unanimously				
		Ayes:	-	5	Joe Cannon, Dr. Emmanuel Glover, Sarah Lamb, Andrew Finney and Cheri Gambow
		Against:	-	0	

3. 5215 Morningside Avenue

BDA223-038 (ND)

***This case was moved to Individual Cases**

BUILDING OFFICIAL’S REPORT: Application of Tim Myrick represented by James Barnes for a variance to the rear yard setback regulations at 5215 Morningside Ave. This property is more fully described as Block 17/2928, Lot 9, and is zoned CD-9, which requires a rear yard setback of 5 feet. The applicant proposes to construct a single-family residential accessory structure and provide a 4-foot front yard setback, which will require a 1-foot variance to the rear yard setback regulations.

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LOCATION: 5215 Morningside Ave.

APPLICANT: Tim Myrick
Represented by Nick George

REQUEST:

A request for a variance to the rear yard setback regulations of 1-foot is made to construct a single-family residential accessory structure (detached garage). The applicant is proposing to construct a single-family residential accessory structure and provide a 4-foot rear yard setback, which will require a 1-foot variance to the rear yard setback regulations.

STANDARD FOR A VARIANCE:

Section 51(A)-3.102(d)(10) of the Dallas Development Code specifies that the board has the power to grant variances from the front yard, side yard, rear yard, lot width, lot depth, lot coverage, floor area for structures accessory to single-family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

- not contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
- necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
- not granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

State Law/HB 1475 effective 9-1-21

- the board may consider the following as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:
 - (a) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code.
 - (b) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
 - (c) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
 - (d) compliance would result in the unreasonable encroachment on an adjacent property or easement; or the municipality considers the structure to be a nonconforming structure.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

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

Rationale:

- Staff concluded that granting the variance in this application would not be contrary to public interest in that the variance would allow a structure in the rear yard setback if the accessory structure was 15 feet or under.
- **ZONING/BDA HISTORY:**

No BDA history in the past five years.

Zoning:

<u>Site:</u>	CD-9
<u>North:</u>	CD-9
<u>South:</u>	CD-9
<u>East:</u>	CD-9
<u>West:</u>	CD-9

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.

GENERAL FACTS/STAFF ANALYSIS:

- A request for a variance to the rear yard setback regulations of 4 feet is made to maintain a single family residential accessory structure.
- The applicant is proposing to construct a single-family residential accessory structure and provide a 4-foot rear yard setback, which will require a 1-foot variance to the rear yard setback regulations.
- The subject site is flat and rectangular in shape (130' x 65') and is 8,450 square feet in area.
- The height of this detached accessory structure (garage) exceeds 15 feet.
- The proposed accessory structure appears to be 22' in length and 20' in width.
- No variance would be necessary if the height of the garage was 15 feet or less and if the rear yard was not adjacent to an alley.
- The applicant submitted a document and photos to this submission to be utilized as attachments to this case.
- The applicant has the burden of proof in establishing the following:
 - (10) To grant variances from the front yard, side yard, rear yard, lot width, lot depth, lot coverage, floor area for structures accessory to single family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that:

(A) In general.

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(i) the variance is not contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done;

(ii) the variance is necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and

(iii) the variance is not granted to relieve a self-created or personal hardship, nor for financial reasons only, except as provided in Subparagraph (B)(i), nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

- If the Board were to grant the variance request, and impose the submitted site plan and elevation as a condition, the structure in the rear yard setback would be limited to what is shown on this document– which in this case is a garage that would be located 4 feet from the rear yard setback.

Timeline:

February 17, 2023: 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 6, 2023: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B.

- March 23, 2023: The Board of Adjustment Senior Planner emailed the applicant the following information:
- a copy of the application materials including the Building Official’s report on the application
- an attachment that provided the public hearing date and panel that will consider the application; the January 23rd deadline to submit additional evidence for staff to factor into their analysis; and the February 10th deadline to submit additional evidence to be incorporated into the Board’s docket materials
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

March 24, 2023: 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 following: the Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, the Board of Adjustment Development Code Specialist, the Board of Adjustment Consultant, the Chief Arborist, Development Services Senior Engineers, and the Board Attorney.

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

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Speakers:

For: Scott Jordan, 5215 Morningside Ave, Dallas TX 75206
Tim Myrick, 5215 Morningside Ave, Dallas TX 75206
James Barnes, 4447 N. Central Expwy., Dallas TX 75205

Against: No Speakers

Motion # 1

I move that the Board of Adjustment, in Appeal No. BDA 223-038, on application of Tim Myrick, represented by James Barnes, **GRANT** the one-foot variance to the rear yard setback regulations requested by this applicant because our evaluation of the property and testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would result in unnecessary hardship to this applicant.

Maker:	Joe Cannon				
Second:	Cheri Gambow				
Results:	3-2				Motion Failed
		Ayes:	-	3	Dr. Emmanuel Glover, Joe Cannon, Cheri Gambow
		Against:	-	2	Sarah Lamb, Andrew Finney

Motion # 2

I move that the Board of Adjustment, in Appeal No. BDA 223-038, hold this matter under advisement until August 16, 2023.

Maker:	Sarah Lamb				
Second:	Andrew Finney				
Results:	5-0 unanimously				
		Ayes:	-	5	Dr. Emmanuel Glover, Joe Cannon, Sarah Lamb, Andrew Finney, Cheri Gambow
		Against:	-	0	

4. 9226 Club Glen Dr

BDA223-039 (ND)

BUILDING OFFICIAL'S REPORT Application of Jennifer Hiromoto for a special exception to the fence standards regulations at 9226 Club Glen Dr. This property is more fully described as Block B/8155, Lot 17 and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and/or maintain a 6-foot 4-inch high fence in a required front yard, which will require a 2-foot 4-inch special exception to the fence height standards regulations.

LOCATION: 9226 Club Glen Dr

APPLICANT: Jennifer Hiromoto

REQUEST:

A request for a special exception to the fence standards regulations for 2-foot 4-inches is made to construct a 4-foot wrought iron fence on a 2-foot masonry retaining wall and masonry columns at a maximum height of 6-foot 4-inches in the required front yard on the subject site developed with a single-family home.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS REGULATIONS:

Section 51A-4.602 of the Dallas Development Code states that the board may grant a special exception to the fence standards 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 standards 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: R-7.5 (A) (Single family district)
North: R-7.5 (A) (Single family district)
East: R-7.5 (A) (Single family district)
South: R-7.5 (A) (Single family district)
West: R-7.5 (A) (Single family district)

Land Use:

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

Zoning/BDA History:

No BDA history in the last five years.

GENERAL FACTS/STAFF ANALYSIS:

The purpose of this request for a special exception to the fence standards regulations of 2' 4" focuses on constructing and maintaining a 6' 4" high wrought iron fence with masonry columns in the required front yard on a site developed with a single-family home.

The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard.

The subject site is zoned an R-7.5(A) Single Family District where a 25-foot front yard setback is required.

The proposed fence is to be in the required front yard.

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The applicant has the burden of proof in establishing that the special exception to the fence standards regulations will not adversely affect neighboring property.

If the Board were to grant this special exception request and impose a condition that the applicant complies with the submitted site plan/elevation, the proposal over 4' in height in the front yard setback would be limited to that what is shown on this document.

Timeline:

- February 17, 2023: 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 6, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel B.
- March 23, 2023: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the March 29, 2023, deadline to submit additional evidence for staff to factor into their analysis; and April 7, 2023, deadline to submit additional evidence to be incorporated into the board's docket materials.
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- March 30, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the January public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner, the Development Services Chief Planner, the Assistant City Attorney to the Board, and the Senior Planner.

Speakers:

For: Jennifer Hiromoto, 10233 E. Northwest Hwy # 38586, Dallas TX (Did not speak)

Against: No Speakers

Motion

I move that the Board of Adjustment **GRANT** the following applications listed on the uncontested docket because it appears, from our evaluation of the property and all relevant evidence that the applications satisfy all the requirements of the Dallas Development Code and are consistent with the general purpose and intent of the Code, as applicable, to wit:

BDA 223-039 - Application of Jennifer Hiromoto, for a special exception to fence height regulations contained in the Dallas Development Code, is **granted**, subject to the following condition:

Compliance with the submitted site plan/elevation is required.

Maker:	Sarah Lamb				
Second:	Dr. Emmanuel Glover				
Results:	5-0 unanimously				
		Ayes:	-	5	Dr. Emmanuel Glover, Joe Cannon, Sarah Lamb, Andrew Finney and Cheri Gambow
		Against:	-	0	

5. 6830 Desco Drive

BDA223-040 (ND)

***This item was moved to Individual Items**

BUILDING OFFICIAL'S REPORT: Application of Naga Kishore Vankayala for a variance to the side yard setback regulations at 6830 Desco Dr. This property is more fully described as Block D/5474, Lot 1, and is zoned R-7.5(A) NSO 12 Overlay, which requires a side yard setback of 15 feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 5-side yard setback, which will require a 10-foot variance to the side yard setback regulations.

LOCATION: 6830 Desco Dr.

APPLICANT: Naga Kishore Vankayala

REQUEST:
 A request for a variance to the side yard setback regulations of 10 feet is made to construct and/or maintain a single-family home. The applicant is proposing to construct and/or maintain a single-family residential structure and provide a 5-foot side yard setback, which will require a 10-foot variance to the side yard setback regulations.

STANDARD FOR A VARIANCE:

Section 51(A)-3.102(d)(10) of the Dallas Development Code specifies that the board has the power to grant variances from the front yard, side yard, rear yard, lot width, lot depth, lot coverage, floor area for structures accessory to single-family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

- not contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
- necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and

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- not granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

State Law/HB 1475 effective 9-1-21

- the board may consider the following as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:
 - (a) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code.
 - (b) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
 - (c) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
 - (d) compliance would result in the unreasonable encroachment on an adjacent property or easement; or the municipality considers the structure to be a nonconforming structure.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that the subject site is unique and different from most lots in the R-7.5(A) NSO 12 zoning district in that it is restrictive in area due to having a 10 foot right-of-way easement in addition to a more restrictive NSO Overlay side yard setback of 15 feet because it is situated on the exterior of a corner lot
- Staff concluded that granting the variance in this application would not be contrary to public interest in that the variance would allow a structure in the side yard setback in one of the site's two side yard setbacks where the location of this structure would comply with the required 15 foot side yard setback on Hillcrest if this property was not in the NSO 12 Overlay and could be subjected to R-7.5(A) side yard regulations and if there was not a 10 foot right-of-way easement on Hillcrest.

- **ZONING/BDA HISTORY:**

No BDA history for the last five years.

Zoning:

Site: R-7.5(A) NSO 12 Overlay
North: R-7.5(A)
South: R-7.5(A)
East: R-7.5(A)
West: R-7.5(A) NSO 12 Overlay

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.

GENERAL FACTS/STAFF ANALYSIS:

- A request for a variance to the side yard setback regulations of 10 feet is made to construct and/or maintain a single-family home.
- The subject property is located at the corner of Desco Dr. and Hillcrest Rd.
- The subject property is zoned r-7.5 (A) with a NSO 12 Overlay.
- The subject site is flat, rectangular in shape (180' x 100') and is 18,000 square feet in area.
- The subject site is in a base zoning district with an overlay which requires a more restrictive setback than it's base zoning district. In addition, to the restrictive setback, further restriction on the exterior setback is imposed due to a 10 foot right-of-way easement in the side yard on Hillcrest which serves as the line of which the NSO setback is measured from.
- This property is governed by a zoning district and an overlay. Where this is a discrepancy in setback requirements the most restrictive zoning will apply which is the overlay.
- No variance would be necessary if there was not a 10 foot right-of-way easement in the side yard on Hillcrest.
- The applicant has the burden of proof in establishing the following:
 - (A) In general.
 - (i) the variance is not contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done;
 - (ii) the variance is necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
 - (iii) the variance is not granted to relieve a self-created or personal hardship, nor for financial reasons only, except as provided in Subparagraph (B)(i), nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.
- If the Board were to grant the variance request, and impose the submitted site plan as a condition, the structure in the side yard setback would be limited to what is shown on this document– which in this case is a home structure that would be located 15 feet from the site's easement line (Hillcrest).

BOARD OF ADJUSTMENT

May 17, 2023

Timeline:

February 17, 2023: 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 6, 2023: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B.

January 20, 2023: The Board of Adjustment Senior Planner emailed the applicant the following information:

- a copy of the application materials including the Building Official's report on the application
- an attachment that provided the public hearing date and panel that will consider the application; the March 29, 2023 deadline to submit additional evidence for staff to factor into their analysis; and the April 7, 2023 deadline to submit additional evidence to be incorporated into the Board's docket materials
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

March 30, 2023: 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 following: the Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, the Board of Adjustment Development Code Specialist, the Board of Adjustment Consultant, the Chief Arborist, Development Services Senior Engineers, and the Board Attorney.

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

Speakers:

For: Naga Kishore, 6830 Desco Dr, Dallas TX 75225

Against: No Speakers

Motion

I move that the Board of Adjustment **GRANT** the 10-foot variance to the side yard setback regulations requested by this applicant because our evaluation of the property and testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code and are consistent with the general purpose and intent of the Code, as applicable to wit:

BDA 223-040 - Application of Naga Kishore Vankayala, for a variance to the side yard setback regulations contained in the Dallas Development Code, is **granted**, subject to the following condition:

Compliance with the revised submitted site plan is required.

Maker:	Sarah Lamb				
Second:	Joe Cannon				
Results:	5-0 unanimously				
		Ayes:	-	5	Dr. Emmanuel Glover, Joe Cannon, Sarah Lamb, Andrew Finney, Cheri Gambow
		Against:	-	0	

HOLDOVER ITEMS

6. 202 Beckleymeade Ave.

BDA223-004(GB)

BUILDING OFFICIAL’S REPORT: Application of Deeper Life Bible Church, represented by Peter Kavanagh, Zone Systems, Inc., for a variance to the side yard setback regulations at 202 Beckleymeade Avenue. This property is more fully described as block D/7590, lot 1 and is zoned R-7.5(A), which requires a side yard setback of 10 feet. The applicant proposes to construct and / or maintain a structure and provide a 7-foot side yard setback, which will require a 3-foot variance to the side yard setback regulations, and to construct and maintain a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

LOCATION: 202 Beckleymeade Avenue

APPLICANT: Deeper Life Bible Church
Represented by Peter Kavanagh, Zone Systems, Inc.

ORIGINAL REQUEST:

A request for a variance of 3-foot to the side yard setback regulations is made to maintain an approximately 7,000 square foot church structure that is located 7-foot from the site’s southern property line.

Updated Request: To construct and maintain a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

UPDATE (3-22-23):

On January 18, 2023, the Board of Adjustment Panel B held this case to the March 22, 2023, public hearing date. On February 27, 2023, the applicant submitted the most recent appraisal roll certified and a construction estimate. Hence, staff is now recommending approval for a variance of 3’ to the side yard setback regulations.

Update (04/05/2023):

On March 22, 2023, the Board of Adjustment Panel B held this case to the April 19,2023 public hearing date.

STANDARD FOR A VARIANCE:

Section 51(A)-3.102(d)(10) of the Dallas Development Code specifies that the board has the power to grant variances from the front yard, side yard, rear yard, lot width, lot depth, lot coverage, floor area for structures accessory to single-family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

- not contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
- necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
- not granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

State Law/HB 1475 effective 9-1-21

- the board may consider the following as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:
 - (a) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code.
 - (b) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
 - (c) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
 - (d) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
 - (e) the municipality consider the structure to be a nonconforming structure

STAFF RECOMMENDATION:

Approval

Rationale:

- Staff concluded that the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code. The applicant provided the Dallas County assessment of the property. The property is assessed at \$1,293,600 and the cost to reconfigure the structure to meet the 10' setback is estimated at a value of \$689,984.00 or 53 percent the value of the structure.

- **Updated Staff Recommendation:** Staff recommends approval. The original standard has not changed nor has the applicant provided new information. The applicant updated the request to add a request for a special exception to the landscaping regulations.

BACKGROUND INFORMATION:

Zoning:

Site: R-7.5(A) single family district
North: RR regional retail district
East: R-7.5(A) single family district
South: R-7.5(A) single family district
West: R-7.5(A) single family district

Land Use:

The subject site is developed with church use. The areas to the west, east, and south are developed with single-family uses. Properties to the north are developed with retail uses.

BACKGROUND INFORMATION

Zoning/BDA History:

On January 18, 2023, the Board of Adjustment Panel B held this case to the March 22, 2023, public hearing date.

On March 22, 2023, the Board of Adjustment Panel B held this case to the April 19, 2023 public hearing date.

GENERAL FACTS /STAFF ANALYSIS:

The applicant is requesting a variance of 3' to the side yard setback regulations to maintain an approximately 7,000 square foot church structure that is located 7' from the site's southern side property line.

The property is zoned R-7.5(A) single-family district which requires a side yard setback of 10 feet where there is residential adjacency.

According to DCAD records, the subject structure is 8,000 square feet and was converted to a church in 2016. The lot is 116' wide by 200' long containing 22,567 square feet of area. The minimum lot size for this lot within the R-7.5 zoning district is 7,500 square feet.

The applicant is requesting this variance to remedy the existing structure that is located in the required side yard setback.

According to the application, the structure was originally built with a 7' side yard setback and applicant acquired the structure in its current location on the lot.

However, the R-7.5(A) single-family zoning district requires a side yard setback of 10 feet where there is residential adjacency. Therefore, changing the use from residential to nonresidential changed the setback requirements from 5' to 10 feet.

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The applicant provided the Dallas County assessment of the property and an estimate for the proposed demolition and to reconstruct a new wall. The property is assessed at \$1,293,600 and the cost to reconfigure the structure to meet the 10' setback is estimated at a value of \$689,984.00 or 53 percent the value of the structure. Therefore, the applicant demonstrated how the variance is necessary to permit development of the subject site or whether the property differs from other parcels of land by (a) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same R-7.5(A) single-family district zoning designation.

The applicant has the burden of proof in establishing the following:

- That granting the variance to the side yard setback regulations will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
- The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5 single-family zoning classification.
- The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5 single-family zoning classification.

If the board were to grant the variance requests and impose the submitted site plan as a condition, the structure in the side yard setback would be limited to what is shown on this document.

Timeline:

- October 24, 2022: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- December 8, 2022: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel B.
- December 14, 2022: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the December 23, 2022, deadline to submit additional evidence for staff to factor into their analysis; and the January 6, 2023 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

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

December 27, 2022: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the January public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner, the Development Services Chief Planner, the Assistant City Attorney to the Board, and the Senior Planner.

January 18, 2023: The Senior Planner wrote the applicant a letter of the board's action to hold this meeting to the March 22, 2023, public hearing; the February 27, 2023's deadline to submit additional evidence for staff to factor into their analysis; and the March 10th deadline to submit additional evidence to be incorporated into the Board's docket materials

February 27, 2023: The applicant provided additional evidence (**Attachment A**).

February 28, 2023: The Board of Adjustment staff review team meeting was held regarding this request and the other requests scheduled for the January public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner, the Development Services Chief Planner, the Assistant City Attorney to the Board, and the Senior Planner.

BOARD OF ADJUSTMENT ACTION JANUARY 18, 2023

Speakers:

For: Peter Kavanaugh 1620 Handley Dallas, TX
 Tom Witherspoon, 537 E. Polk, Richardson TX 75081 (Did not speak)
 Dr. Matthias Manuel 11700 Luna Rd. Dallas, TX (Did not speak)
 Tito Olaleye 920 Mellville Dr. Plano, TX (Did not speak)
 Akinwumi Akinniyi 1516 Vista Verde Denton, TX (Did not speak)

Against: No Speakers

Motion # 1

I move that the Board of Adjustment, in Appeal No. BDA 223-004(OA), on application of Deeper Life Bible Church, represented by Peter Kavanagh, **GRANT** the three-foot variance to the side yard setback regulations requested by this applicant because our evaluation of the property and testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code

BDA 223-004 - Application of Deeper Life Bible Church, for the three-foot variance to the side yard setback regulations contained in the Dallas Development Code, is **granted**, subject to the following condition:

Compliance with the submitted site plan is required.

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Maker:	Joe Cannon				
Second:	Andrew Finney				
Results:	5-0 unanimously				
		Ayes:	-	5	Dr. Emmanuel Glover, Joe Cannon, Sarah Lamb, Andrew Finney, Cheri Gambow
		Against:	-	0	

Motion # 2

I move that the Board of Adjustment, in Appeal No. BDA 223-023, on application of Deeper Life Bible Church, represented by Peter Kavanagh, **GRANT** the request of this applicant for a special exception to the landscape requirements contained in Article X of the Dallas Development Code, as amended, because our evaluation of the property, the testimony presented to us, and the facts that we have determined show that (1) strict compliance with the requirements of the article will unreasonably burden the use of the property, (2) the special exception will not adversely affect neighboring property, and (3) the requirements are not imposed by a site-specific landscape plan approved by the city plan commission or city council.

BDA 223-004 - Application of Deeper Life Bible Church, the request of this applicant for a special exception to the landscape requirements contained in Article X of the Dallas Development Code, is **granted**, subject to the following condition:

Compliance with the revised submitted alternate landscape plan dated 4/14/22 is required.

Maker:	Andrew Finney				
Second:	Sarah Lamb				
Results:	5-0 unanimously				
		Ayes:	-	5	Dr. Emmanuel Glover, Joe Cannon, Sarah Lamb, Andrew Finney, Cheri Gambow
		Against:	-	0	

7. 6010 Prestonsire Lane

BDA223-023(GB)

BUILDING OFFICIAL'S REPORT: Application of David Hosseiny for a special exception to the single-family use regulations at 6010 Prestonsire Lane. This property is more fully described as Block A/5482, Lot 1 and is zoned R-10(A), which limits the number of dwelling units to one. The applicant proposes to construct and/or maintain an additional dwelling unit, not for rent, which will require a special exception to the single-family use regulations.

LOCATION: 6010 Prestonsire Lane

APPLICANT: David Hosseiny

REQUEST:

A request for a special exception to the single-family use regulations is made to construct and maintain an approximately 1,237 square feet square additional dwelling unit structure on a site developed with single-family dwelling unit.

STANDARD FOR A SPECIAL EXCEPTION TO THE SINGLE-FAMILY USE REGULATIONS TO AUTHORIZE AN ADDITIONAL DWELLING UNIT:

Section 51-4.201(b)(1)(E)(i) of the Dallas Development Code specifies that the board may grant a special exception to the single-family use regulations of the Dallas Development Code to authorize an additional dwelling unit on a lot when, in the opinion of the board, the additional dwelling unit will not: 1) be used as rental accommodations; or 2) adversely affect neighboring properties.

In granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.

STAFF RECOMMENDATION:

No staff recommendation is made on this or any request for a special exception to authorize an additional dwelling unit since the basis for this type of appeal is when in the opinion of the board, the additional dwelling unit will not: 1) be used as rental accommodations; or 2) adversely affect neighboring properties.

BACKGROUND INFORMATION

Zoning:

Site: R-10 (A) Single Family District
North: R-10 (A) Single Family District
South: R-10 (A) Single Family District
East: R-10 (A) Single Family District
West: R-1ac(A) Single Family District

Land Use:

The subject site and surrounding properties are developed for single-family uses.

Zoning/BDA History:

There have been one related board cases in the vicinity within the last five years.

1. **BDA189-109:** On January 21, 2020, Panel A granted requests to construct and maintain an accessory dwelling unit and to install and maintain an additional electric meter on the property as special exceptions to the single-family zoning use regulations contained in the Dallas Development Code, as amended, are granted, subject to the deed restrict the subject property to require owner-occupancy on the premises and annually register the rental property with the city's single family non-owner-occupied rental program.

GENERAL FACTS/STAFF ANALYSIS:

This request for a special exception to the single-family use regulations focuses on constructing and maintaining a 1,237 additional dwelling unit structure on a site developed with a single-family dwelling unit.

The site is zoned an R-10(A) Single Family District where the Dallas Development Code permits one dwelling unit per lot.

The single-family use regulations of the Dallas Development Code state that only one dwelling unit may be located on a lot and that the Board of Adjustment may grant a special exception to this provision and authorize an additional dwelling unit on a lot when, in the opinion of the board, the special exception will not: (1) be use as rental accommodations; or (2) adversely affect neighboring properties.

The Dallas Development Code defines:

- a “single family” use as “one dwelling unit located on a lot;” and a “dwelling unit” as “one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.”
- a “kitchen” is “any room or area used for cooking or preparing food and containing one or more ovens, stoves, hot plates, or microwave ovens; one or more refrigerators; and one or more sinks. This definition does not include outdoor cooking facilities.”
- a “bathroom” as “any room used for personal hygiene and containing a shower or bathtub or containing a toilet and sink.”
- a “bedroom” is “any room in a dwelling unit other than a kitchen, dining room, living room, bathroom, or closet. Additional dining rooms and living rooms, and all dens, game rooms, sunrooms, and other similar rooms are considered bedrooms.”

The submitted site plan identifies the location of two building footprints, the larger of the two denoted as “Existing one-story single-family residence,” which is the proposed single-family residential main structure. The additional dwelling unit is denoted as “addition” the smallest of the two structures.

This request centers on the function of what is proposed to be inside the smaller structure on the site – the “Guest House” structure, specifically its collection of rooms/features shown on the floor plan: the first floor includes two bedrooms, two closets and two bathrooms the second floor includes a kitchen with dining and living room area and a half bathroom.

According to DCAD records, the “main improvement” for the property at 6010 Prestonsire Lane is a structure built in 2020 with 3,756 square feet of total living area with the following “additional improvements”: a 575-square-foot attached garage a 496-brick veneer, a 32-brick veneer and concrete pool. The submitted site plan depicts a proposed 1237 square feet additional dwelling unit.

The applicant has the burden of proof in establishing that the additional dwelling unit will not be used as rental accommodations (by providing deed restrictions, if approved) and will not adversely affect neighboring properties.

As of March 10, 2023, 1 letter has been submitted in support or no letters have been submitted in opposition to the request.

BOARD OF ADJUSTMENT

May 17, 2023

Granting this special exception request will not provide any relief to the Dallas Development Code regulations other than allowing an additional dwelling unit on the site (i.e., development on the site must meet all required code requirements).

The Dallas Development Code states that in granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.

Timeline:

December 12, 2022: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

February 8, 2022: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel B.

February 13, 2023: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the February 27, 2023, deadline to submit additional evidence for staff to factor into their analysis; and March 10, 2023, 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.

February 28, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the January public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner, the Assistant City Attorneys to the Board, and the Senior Planners.

Speakers:

For: David Hosseiny, 6010 Prestonshire Ln., Dallas TX 75225

Against: No Speakers

Motion

I move that the Board of Adjustment, in request No. BDA 223-023(OA), on application of David Hosseiny, **GRANT** the request to construct and maintain an additional dwelling unit on a site developed with a single-family structure as a special exception to the single-family use regulations in the Dallas Development Code, because our evaluation of the property and the testimony shows that this special exception will not be used as rental accommodations and will not adversely affect neighboring properties.

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BDA 223-023 - Application of David Hosseiny, to construct and maintain an additional dwelling unit on a site developed with a single-family structure as a special exception to the single-family use regulations in the Dallas Development Code, is **granted**, subject to the following condition:

The applicant must deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.


Maker:	Sarah Lamb			
Second:	Joe Cannon			
Results:	5-0 unanimously			
		Ayes:	- 5	Cheri Gambow, Michael Karnowski, Joe Cannon, Sarah Lamb, Andrew Finney
		Against:	- 0	

ADJOURNMENT

After all business of the Board of Adjustment had been considered, Vice-Chair Gambow moved to adjourn the meeting at 4:21 p.m.

Recess: 2:19 p.m.; Resume: 2:40 p.m.

Recess: 4:02 p.m.; Resume: 4:06 p.m.



Required Signature:
Mary Williams, Board Secretary
Development Services Dept.

8/16/2023

Date



Required Signature:
Nikki Dunn, Chief Planner/Board Administrator
Development Services Dept.

8-16-23

Date



Required Signature:
Cheri Gambow, Vice-Chair
Board of Adjustment

8/16/23

Date