

**NOTICE FOR POSTING**  
**MEETING OF**  
**BOARD OF ADJUSTMENT, PANEL A**  
**TUESDAY, NOVEMBER 17, 2009**

**Briefing: 11:00 A.M.**  
**Public Hearing: 1:00 P.M.**

**5/E/S**  
**COUNCIL CHAMBERS**

**Purpose:** To take action on the attached agenda, which contains the following:

1. Zoning Board of Adjustment appeals of cases the Building Official has denied.
2. And any other business which may come before this body and is listed on the agenda.

**\*All meeting rooms and chambers are located in Dallas City Hall, 1500 Marilla, Dallas, Texas 75201**

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11-17-2009

BOARD OF ADJUSTMENT, PANEL A  
TUESDAY, NOVEMBER 17, 2009  
AGENDA

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BRIEFING	<b>5/E/S</b>	11:00 A.M.
LUNCH		
PUBLIC HEARING	<b>COUNCIL CHAMBERS</b>	1:00 P.M.

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**Donnie Moore, Chief Planner**  
**Steve Long, Board Administrator**  
**Kyra Blackston, Senior Planner**

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**MISCELLANEOUS ITEMS**

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	Approval of the <b>Tuesday, October 20, 2009</b> Board of Adjustment Public Hearing Minutes	M1
	Consideration and adoption of Panel A's 2010 Public Hearing Schedule	M2
Unassigned	5601 Mountain Creek Parkway <b>REQUEST:</b> Of the Mountain View Community Missionary Baptist Church, represented by Clyde L. Murchison, to waive the filing fee to be submitted in conjunction with a potential board of adjustment appeal	M3
	<b>EXECUTIVE SESSION:</b> Executive session for attorney briefing pursuant to Texas Open Meetings Act Section 551.071, regarding <i>Jay Ma</i> <i>Corporation v. City of Dallas and Board of Adjustment</i> , Civil Action No. 3-08-CV-0979-P (N.D. Tex.). BDA 078-059, Property at 3103 Colonial Avenue	M4

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**UNCONTESTED CASE**

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BDA 089-126(K)	5424 Edlen Road <b>REQUEST:</b> Application of Joel Fineberg represented by Robert Baldwin for a special exception to the fence height regulations	1
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**REGULAR CASES**

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BDA 089-120	11309 Emerald Street, Suite C <b>REQUEST:</b> Application of Hai C Vu, represented by William A. Bratton, to appeal the decision of the administrative official	2
BDA 089-123	11308 Emerald Street, Suite 104 <b>REQUEST:</b> Application of Bill Hardy, represented by Phillip Robertson, to appeal the decision of the administrative official	3

## EXECUTIVE SESSION NOTICE

The Commission/Board may hold a closed executive session regarding any item on this agenda when:

1. seeking the advice of its attorney about pending or contemplated litigation, settlement offers, or any matter in which the duty of the attorney to the Commission/Board under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. [Tex. Govt. Code §551.071]
2. deliberating the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.072]
3. deliberating a negotiated contract for a prospective gift or donation to the city if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.073]
4. deliberating the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing. [Tex. Govt. Code §551.074]
5. deliberating the deployment, or specific occasions for implementation, of security personnel or devices.. [Tex. Govt. Code §551.076]
6. discussing or deliberating commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay, or expand in or near the city and with which the city is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect. [Tex. Govt. Code §551.086]

**(Rev. 6-24-02)**

**MISCELLANEOUS ITEM NO. 1**

To approve the Board of Adjustment Panel A October 20, 2009 public hearing minutes.

**MISCELLANEOUS ITEM NO. 2**

To consider and adopt Board of Adjustment Panel A's 2010 public hearing schedule.

**MISCELLANEOUS ITEM NO. 3**

**FILE NUMBER:** Unassigned

**REQUEST:** To waive the filing fee to be submitted in conjunction with a potential Board of Adjustment appeal

**LOCATION:** 5601 Mountain Creek Parkway

**APPLICANT:** Mountain View Community Missionary Baptist Church  
Represented by Clyde L. Murchison

**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.

**GENERAL FACTS:**

- The Dallas Development Code states the following with regard to requests for Board of Adjustment fee waivers/reimbursements:
  - The board may waive the filing fee if the board finds that payment of the fee would result in substantial financial hardship to the applicant.
  - 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.
  - If the issue is placed on the miscellaneous docket, the applicant may not file the application until the merits of the request for a waiver have been determined by the board.
  - In making this determination, the board may require the production of financial documents.
- The applicant submitted a letter related to their request of the board to waive the \$900.00 filing fee to be submitted with a potential board of adjustment application (see Attachment A).

**Timeline:**

Oct. 15, 2009      The applicant submitted a letter requesting a waiver of the filing fee for a Board of Adjustment application that may be submitted/requested at the address referenced above (see Attachment A).

Oct. 16 2009: The Board of Adjustment Secretary randomly assigned this request to Board of Adjustment Panel A.

Oct. 16, 2009: The Board Administrator wrote the applicant a letter that conveyed information about their request (see Attachment B).

**MISCELLANEOUS ITEM NO. 4**

Executive session for attorney briefing pursuant to Texas Open Meetings Act Section 551.071, regarding *Jay Ma Corporation v. City of Dallas and Board of Adjustment*, Civil Action No. 3-08-CV-0979-P (N.D. Tex.). BDA 078-059, Property at 3103 Colonial Avenue

**FILE NUMBER:** BDA 089-126(K)

**BUILDING OFFICIAL'S REPORT:**

Application of Joel Fineberg represented by Robert Baldwin for a special exception to the fence height regulations at 5424 Edlen Drive. This property is more fully described as lot 5 in City Block 2/5603 and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct an 8 foot fence in a required front yard setback which will require a special exception of 4 feet.

**LOCATION:** 5424 Edlen Drive

**APPLICANT:** Joel Fineberg  
Represented by Robert Baldwin

**REQUESTS:**

A special exception to the fence height regulations of 4 foot is requested to construct a fence that is 8 foot in a required front yard setback.

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

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.

**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.

**GENERAL FACTS:**

- The site is zoned R-1ac(A) which limits the maximum height of a fence in the front yard to 4 feet.
- The applicant proposes to maintain an 8 foot high fence.
- According to DCAD the property was developed in 2007 with a single family structure that is approximately 8,800 square feet.

## **BACKGROUND INFORMATION:**

### **Zoning:**

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

### **Land Use:**

The subject site developed with a single family structure. The properties to the north, south, east, and west are developed with single family structures.

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

1. BDA 023-007 (5431 Edlen Drive) On November 12, 2002, the Board of Adjustment Panel B granted a fence height special exception to maintain a 6'6" high fence and 8.5' high entry gate.
2. BDA 078-058 (5327 Edlen Drive) On April 16, 2008 the Board of Adjustment Panel, B, granted a request for 3 feet, 6 inches, special exception to the fence height regulations.

### **Timeline:**

- September 23, 2009: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- October 22, 2009: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A.
- November 3, 2009: The Board Senior Planner contacted the applicant's representative by email and the following information:
- the public hearing date and panel that will consider the application;
  - the criteria and standard that the board will use in their decision to approve or deny the request;
  - the importance of evidence submitted by the applicant with regard to the board's decision since the code states that the applicant has the burden of proof to establish the necessary facts to warrant favorable action by the board;

- the November 6<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
- that additional evidence submitted past this date should be brought to the public hearing, should adhere to the recently adopted Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence," and may result in delay of action on the appeal or denial; and
- that the board will take action on the matter at the November public hearing after considering the information, evidence and testimony presented to them by the applicant and all other interested parties.

November 3, 2009: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the November public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner, the Board Administrator, the Board of Adjustment Senior Planner, the Development Services Senior Engineer, the Building Inspection Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

#### **STAFF ANALYSIS:**

- The subject site is developed with a single family structure.
- The applicant proposes construct a fence that exceeds the maximum 4 foot height allowed in a front yard setback.
- The submitted site plan and elevation plan illustrates a 6-foot-6-inch tall open wrought iron fence, with 7-foot tall masonry columns with capstones and an 8-foot tall open wrought iron gate with columns and capstones.
- The proposed fence runs 167 feet parallel to the front property line.
- The property to the north of the subject is developed with a single family structure and fence over 4-feet in height in a required front yard setback.
- The applicant has the burden of proof in establishing that granting the special exception to the fence height regulation will not adversely affect neighboring properties.
- If the Board grants the special exception to the fence height regulations, staff recommends imposing the submitted site plan and elevation as a condition.

**FILE NUMBER:** BDA 089-120

**BUILDING OFFICIAL'S REPORT:**

Application of Hai C Vu, represented by William A. Bratton, to appeal the decision of the administrative official at 11309 Emerald Street, Suite C. This property is more fully described as a .461 acre tract in City Block 6546 and is zoned IR which requires a certificate of occupancy for its use. The building official shall revoke a certificate of occupancy if the building official determines that the certificate of occupancy was issued on the basis of false, incomplete, or incorrect information; the use is being operated in violation of the Dallas Development Code, other city ordinances, rules, or regulations, or any county, state, or federal laws or regulations; or a required license to operate the use has not been issued. The applicant proposes to appeal the decision of the administrative official in the revocation of a certificate of occupancy.

**LOCATION:** 11309 Emerald Street, Suite C

**APPLICANT:** Hai C Vu  
Represented by William A. Bratton

**REQUEST:**

- An appeal has been made requesting that the Board of Adjustment reverse/overturn the Building Official's April 28, 2009 revocation of certificate of occupancy no. 0806101011 for a personal service use (Blue Star) at 11309 Emerald Street Suite C. The applicant alleges that this revocation was based "on an incorrect premise that the location is being used as a massage establishment without proper license from the state."

The Board of Adjustment should determine if the applicant complied with the Dallas Development Code provision related to the posting of notification signs on the subject site with the findings that: 1) no notification sign was posted on the site when the Board Administrator conducted his field visit on October 9<sup>th</sup> -23 days after the application was submitted on September 16<sup>th</sup>, and 2) that as of October 26<sup>th</sup>, city records showed that the required number of notification signs had not been purchased - 40 days after the application was submitted on September 16<sup>th</sup>.

The Dallas Development Code states that "The applicant shall post the required number of notification signs on the property within 14 days after an application is filed. The signs must be legible and remain posted until a final decision is made on the application. For tracts with street frontage, signs must be evenly spaced over the length of every street frontage, posted at a prominent location adjacent to a public street, and be easily visible from the street. For tracts without street frontage, signs must be evenly posted in prominent locations most visible to the public." The code additionally states "If the city plan commission, landmark commission, or board of

adjustment determines that the applicant has failed to comply with the provisions of this section, it shall take no action on the application other than to postpone the public hearing for at least four weeks, or deny the applicant's request, with or without prejudice. If the hearing is postponed, the required notification signs must be posted within 24 hours after the case is postponed and comply with all other requirements of this section."

**BASIS FOR APPEAL FROM DECISION OF AN ADMINISTRATIVE OFFICIAL:**

Section 51A-3.102(d)(1) of the Dallas Development Code states that the Board of Adjustment has the power and duty to hear and decide appeals from decisions of Administrative Officials made in the enforcement of the Dallas Development Code.

**GENERAL FACTS:**

- Section 51A-4.703(2) of the Dallas Development Code provides that any aggrieved person, or an officer, department, or board of the city may appeal a decision of an administrative official to the board when that decision concerns issues within the jurisdiction of the board. The code provides that an appeal to the board must be made within 15 days after notice of the decision of the official; that the appellant shall file with the official a written notice of appeal on a form approved by the board; and that the official shall forward the notice of appeal and the record upon which the appeal is based to the director of development services.
- The Building Official's April 28<sup>th</sup> letter to New York Co. and Hai C. Vu states the following:
  - This letter is to inform you that certificate of occupancy no. 086101011 is hereby revoked, and any use operating on the Property without a certificate of occupancy is an illegal land use that must immediately cease operating.
  - An application for a certificate of occupancy must include a detailed description of the use that will be operated; the services offered; and whether a city, county, state, or federal license, permit, or registration is required to operate the use. The Dallas Police Department has informed me that you are operating a massage establishment at the Property without a license. A license is required to operate a massage establishment. Your application for this certificate of occupancy did not state that the use would be operated as a massage establishment, not did you supply a copy of a massage establishment license.
  - Therefore, the application for this certificate of occupancy provided false, incomplete, and incorrect information about the use being operated and the requirements of a massage establishment license. The building official is required to revoke a certificate of occupancy if the building official determines that the certificate of occupancy is issued on the basis of false, incomplete, or incorrect information; the use is being operated in violation of the Dallas Development Code, other city ordinances, or any state laws or regulations; or a required license to operate the use has not been issued.
  - Any determination made by the building official shall be final unless appealed within 15 days after you receive this letter. Questions about the appeal process should be directed to the building official at 214-948-4320.

**BACKGROUND INFORMATION:**

## **Zoning:**

Site: IR (Industrial Research)  
North: IR (Industrial Research)  
South: IR (Industrial Research)  
East: IM (Industrial Manufacturing)  
West: IR (Industrial Research)

## **Land Use:**

The subject site is developed as a commercial structure with a use doing business as Blue Star. The areas to the north, south, east, and west are developed with a mix of commercial/retail, office, and warehouse uses.

## **Zoning/BDA History:**

1. BDA 089-101, Property at 11308 Emerald Street, Suite 102 (A suite on the property immediately east of the subject site).

On September 15, 2009, the Board of Adjustment Panel A denied an appeal to reverse/overturn the Building Official's May 15, 2009 revocation of certificate of occupancy no. 0708221075 for a personal service use (Moon Night) at 11308 Emerald Street, Suite 102. The applicant had alleged that this revocation was based "on an incorrect finding that the premise being used as a massage establishment without proper license from state. "

2. BDA 089-123, Property at 11308 Emerald Street, Suite 104 (A suite on the property immediately east of the subject site).

On November 17, 2009, the Board of Adjustment Panel A will consider an appeal to reverse/overturn the Building Official's August 25, 2009 revocation of certificate of occupancy no. 0601301088 for a personal service use (Elegant Facial Spa) at 11308 Emerald Drive, Suite 104. The applicant has made this request "to continue to operate under the original certificate of occupancy, as personal service use. "

## **Timeline:**

Sept. 16, 2009: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

Oct. 22, 2009: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

Oct. 22 & 26, 2009: The Board Administrator emailed the applicant's representative the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the November 2<sup>nd</sup> deadline to submit additional evidence for staff to factor into their analysis; and the November 6<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the outline of procedure for appeals from decisions of the building official to the board of adjustment;
- the code provision related to the posting of notification signs on the subject site; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

Nov. 3, 2009 The Board of Adjustment staff review team meeting was held regarding this application and the others scheduled for the November public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner, the Board Administrator, the Board of Adjustment Senior Planner, the Chief Arborist, the Sustainable Development Department Project Engineer, the Building Inspection Development Code Specialist, and the Assistant City Attorney to the Board.

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

### **STAFF ANALYSIS:**

- The applicant is requesting that the Building Official's revocation of certificate of occupancy no. 0806101011 for a personal service use (Blue Star) at 11309 Emerald Street Suite C on April 28, 2009 be overturned/reversed.
- The Board of Adjustment should determine if the applicant complied with the Dallas Development Code provision related to the posting of notification signs on the subject site with the findings that: 1) no notification sign was posted on the site when the Board Administrator conducted his field visit on October 9<sup>th</sup> -23 days after the application was submitted on September 16<sup>th</sup>, and 2) that as of October 26<sup>th</sup>, city records showed that no notification sign had been purchased - 40 days after the application was submitted on September 16<sup>th</sup>.
- If the Board of Adjustment were to determine that the applicant did not comply with the Dallas Development Code provision related to the posting of notification signs, it shall take no action on the application other than to postpone the public hearing for at least four weeks, or deny the applicant's request, with or without prejudice.

- If the Board of Adjustment were to determine that the applicant complied with the Dallas Development Code provision related to the posting of notification signs on the site and upholds the Building Official's decision, the certificate of occupancy no. 0808121025 for a personal service use (Blue Star) at 11309 Emerald Street Suite C will remain revoked.
- If the Board of Adjustment were to determine that the applicant complied with the Dallas Development Code provision related to the posting of notification signs on the site and reverses the Building Official's decision, the certificate of occupancy no. 0808121025 for a personal service use (Blue Star) at 11309 Emerald Street Suite C will be reinstated.

**FILE NUMBER:** BDA 089-123

**BUILDING OFFICIAL'S REPORT:**

Application of Bill Hardy, represented by Phillip Robertson, to appeal the decision of the administrative official at 11308 Emerald Street, Suite 104. This property is more fully described as an approximately .56 acre tract 1 in City Block 6547 and is zoned IM which requires a certificate of occupancy for its use. The building official shall revoke a certificate of occupancy if the building official determines that the certificate of occupancy was issued on the basis of false, incomplete, or incorrect information; the use is being operated in violation of the Dallas Development Code, other city ordinances, rules, or regulations, or any county, state, or federal laws or regulations; or a required license to operate the use has not been issued. The applicant proposes to appeal the decision of the administrative official in the revocation of a certificate of occupancy.

**LOCATION:** 11308 Emerald Street, Suite 104

**APPLICANT:** Bill Hardy  
Represented by Phillip Robertson

**REQUEST:**

- An appeal has been made requesting that the Board of Adjustment reverse/overturn the Building Official's August 25, 2009 revocation of certificate of occupancy no. 0601301088 for a personal service use (Elegant Facial Spa) at 11308 Emerald Drive, Suite 104.

**BASIS FOR APPEAL FROM DECISION OF AN ADMINISTRATIVE OFFICIAL:**

Section 51A-3.102(d)(1) of the Dallas Development Code states that the Board of Adjustment has the power and duty to hear and decide appeals from decisions of Administrative Officials made in the enforcement of the Dallas Development Code.

**GENERAL FACTS:**

- Section 51A-4.703(2) of the Dallas Development Code provides that any aggrieved person, or an officer, department, or board of the city may appeal a decision of an administrative official to the board when that decision concerns issues within the jurisdiction of the board. The code provides that an appeal to the board must be made within 15 days after notice of the decision of the official; that the appellant shall file with the official a written notice of appeal on a form approved by the board; and that the official shall forward the notice of appeal and the record upon which the appeal is based to the director of development services.

- The Building Official's August 25<sup>th</sup> letter to Aeion, LLC, Stanley Carpenter, and Bill Hardy states the following:
  - This Dallas Police Department has informed me that you are operating a massage establishment at the Property and are engaged in an illegal business under other state penal laws. A state issued massage establishment license is required to legally operate a massage establishment. Further, an application for a City of Dallas certificate of occupancy must include a detailed description of the use that will be operated; the services offered; and whether a city, county, state, or federal license, permit, or registration is required to operate the use. Your application for this certificate of occupancy did not state that the use would be operated as a massage establishment.
  - The building official is required to revoke a certificate of occupancy if the building official determines that the certificate of occupancy is issued on the basis of false, incomplete, or incorrect information; the use is being operated in violation of the Dallas Development Code, other city ordinances, or any state laws or regulations; or a required license to operate the use has not been issued.
  - Your certificate of occupancy is hereby revoked unless you furnish my office with a valid state massage establishment license for the property by September 9, 2009.
  - Any determination made by the building official shall be final unless appealed within 15 days after you receive this letter. Questions about the appeal process should be directed to the building official at 214-948-4320.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: IM (Industrial Manufacturing)  
North: IR (Industrial Research)  
South: IR (Industrial Research)  
East: IR (Industrial Research)  
West: IR (Industrial Research)

**Land Use:**

The subject site is developed as a commercial structure with a use doing business as Elegant Facial Spa. The areas to the north, south, and west are developed with a mix of commercial/retail, office, and warehouse uses; and the area to the east is undeveloped/vacant.

**Zoning/BDA History:**

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| <p>1. BDA 089-101, Property at 11308 Emerald Street, Suite 102 (A suite located to the north on the subject site).</p> | <p>On September 15, 2009, the Board of Adjustment Panel A denied an appeal to reverse/overturn the Building Official's May 15, 2009 revocation of certificate of occupancy no. 0708221075 for a personal service use (Moon Night) at 11308 Emerald</p> |
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Street, Suite 102. The applicant had alleged that this revocation was based “on an incorrect finding that the premise being used as a massage establishment without proper license from state. “

2. BDA 089-120, Property at 11309 Emerald Street, Suite C (The property immediately west of the subject site).

On November 17, 2009, the Board of Adjustment Panel A will consider an appeal to reverse/overturn the Building Official’s April 28, 2009 revocation of certificate of occupancy no. 0806101011 for a personal service use (Blue Star) at 11309 Emerald Street Suite C. The applicant alleges that this revocation was based “on an incorrect premise that the location is being used as a massage establishment without proper license from the state. “

### **Timeline:**

- Sept. 23, 2009: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- October 22, 2009: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, “If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case.”
- October 22, 2009: The Board Administrator emailed the applicant’s representative the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the November 2<sup>nd</sup> deadline to submit additional evidence for staff to factor into their analysis; and the November 6<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
  - the outline of procedure for appeals from decisions of the building official to the board of adjustment; and
  - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”
- Nov. 3, 2009 The Board of Adjustment staff review team meeting was held regarding this application and the others scheduled for the November public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner, the Board Administrator, the Board of Adjustment Senior Planner, the Chief Arborist, the Sustainable Development Department Project

Engineer, the Building Inspection Development Code Specialist, and the Assistant City Attorney to the Board.

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

**STAFF ANALYSIS:**

- The applicant is requesting that the Building Official's revocation of certificate of 0601301088 for a personal service use (Elegant Facial Spa) at 11308 Emerald Drive, Suite 104 be overturned/reversed.
- If the Board of Adjustment upholds the Building Official's decision, the certificate of occupancy no. 0601301088 for a personal service use (Elegant Facial Spa) located at 11308 Emerald Drive, Suite 104 will remain revoked.
- If the Board of Adjustment reverses the Building Official's decision, the certificate of occupancy no. 0601301088 for a personal service use (Elegant Facial Spa) located at 11308 Emerald Drive, Suite 104 will be reinstated.