



**NOTICE OF A REGULAR MEETING
DALWORTHINGTON GARDENS ZONING BOARD OF ADJUSTMENTS**

JUNE 7, 2021 AT 7:00 P.M.

**CITY HALL COUNCIL CHAMBERS
2600 ROOSEVELT, DALWORTHINGTON GARDENS, TEXAS**

1. Call to Order
2. Appointment of a Chairperson
3. Appointment of a Vice Chairperson
4. Approval of June 1, 2020 Meeting Minutes
5. Swearing in for Testimony
 - a. At this time, the ZBA Chairperson will swear in all participants who will give testimony.
6. ZBA 21-001: Application from Rudy Martinez located at 2235 Michigan Avenue, Dalworthington Gardens, Texas for variances to the City of Dalworthington Gardens Zoning Ordinance section 14.02.221 regarding the requirement for outside solid waste containers to be screened from public view by a masonry screening device in commercial and industrial districts.
 - a. Conduct a public hearing on this item.
 - b. Discussion and possible action on this item.
7. Adjourn

CERTIFICATION

This is to certify that a copy of the **June 7, 2021** Zoning Board of Adjustments Agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, www.cityofdwg.net, in compliance with Chapter 551, Texas Government Code.

DATE OF POSTING: _____ TIME OF POSTING: _____ TAKEN DOWN: _____

Lola Hazel, City Secretary

**Dalworthington Gardens Zoning Board of Adjustments
June 1, 2020
Meeting Minutes**

1. Call to Order

Chairman Ken Kiser called the meeting to order at 7:00 p.m. with the following present:

Members Present:

Kenneth Kiser, Chairman
Horace Riley
Rhonda Schrock
Michael Henderson
Charles Miller
Anh Nguyen, present but not voting

Staff Present:

Lola Hazel, City Administrator

2. Minutes

- a. **May 6, 2019 minutes**
- b. **March 2, 2020 minutes**

A motion was made by Board Member Horace Riley and seconded by Board Member Rhonda Schrock to approve minutes for May 6, 2019 and March 2, 2020.

Motion carried by the following vote:

Ayes: Members Kiser, Riley, Schrock, Henderson, and Miller

Nays: None

3. Swearing in for Testimony

- a. **At this time, the ZBA Chairperson will swear in all participants who will give testimony.**

Chairperson Ken Kiser administered the oath.

4. ZBA – 002-20: Application from Laura Bianco located at 2801 Pleasant Ridge, Dalworthington Gardens, Texas for variances to the City of Dalworthington Gardens Zoning Ordinance section 14.02.125 “Screening Devices” regarding fences or other screening devices exceeding six (6) feet in height.

- a. **Conduct a public hearing on this item.**
- b. **Discussion and possible action on this item.**

Chairman Ken Kiser opened the public hearing at 7:03 p.m.

Background information on this item: Mrs. Laura Bianco at 2801 W. Pleasant Ridge is looking to build a fence higher than ordinances allow.

In the city’s ordinances, Sections 14.02.123 and 14.02.125 provide regulations for fence height. 14.02.123 is for front yard fence height and 14.02.125 is for side and rear yard height regulations.

14.02.123(d)(2)(C) states:

(d) Permitted obstructions in required yards and open spaces. The following shall not be considered to be obstructions when located in the required yards and open spaces specified.

(2) In front yards:

(C) Fences not exceeding four (4) feet in height which do not constitute a sight obstruction.

14.02.125(b)(3) states the following:

(b) Erection and maintenance responsibility.

(3) No fence or other screening device, whether required or not, shall exceed six (6) feet in height, without prior board approval.

Staff sent notices to all property owners within 200' and has not received any notification back.

Chairman Ken Kiser closed the public hearing at 7:15 p.m.

A motion was made by Board Member Rhonda Schrock and seconded by Board Member Horace Riley to approve a variance to the City of Dalworthington Gardens Zoning Ordinance Section 14.02.125 "Screening Devices" regarding fences or other screening devices exceeding six (6) feet in height, to authorize a six foot fence all the way around the property.

Motion carried by the following vote:

Ayes: Members Kiser, Riley, Schrock, Henderson, and Miller

Nays: None

5. Adjourn

A motion was made by Board Member Rhonda Schrock and seconded by Board Member Horace Riley to adjourn at 7:16 p.m.

Motion carried by the following vote:

Ayes: Members Kiser, Riley, Schrock, Henderson, and Miller

Nays: None

Chairman: Any person speaking or giving testimony, must swear to an oath. Those speaking or giving testimony, please stand and raise your right hand as I read the following oath:

“I swear or affirm that the testimony that I am about to give is the truth, the whole truth, and nothing but the truth so help me God.”

Chairman says to audience: If you so swear, say, ‘I do’.

Audience should respond with “I do”.

AGENDA INFORMATION SHEET

TO: ZONING BOARD OF ADJUSTMENTS

FROM: Lola Hazel, City Administrator

AGENDA DATE: June 7, 2021

AGENDA ITEM: ZBA 21-001: Application from Rudy Martinez located at 2235 Michigan Avenue, Dalworthington Gardens, Texas for variances to the City of Dalworthington Gardens Zoning Ordinance section 14.02.221 regarding the requirement for outside solid waste containers to be screened from public view by a masonry screening device in commercial and industrial districts.

BACKGROUND: Mr. Rudy Martinez at 2235 Michigan Avenue is looking to receive a variance to city ordinances regarding placement of solid waste container.

In the city's ordinances, Section 14.02.221 provides regulations for container placement.

14.02.221(a) states the following for B-1, B-2, B-3, and LI zoning districts:

Regulations	B-1	B-2	B-3	LI
REFUSE DISPOSAL CONTAINERS	(Behind required yard; screened per section 14.02.221(b))			Screened 14.02.221(b)

14.02.221(b)(3) states the following for all districts:

(b) Special standards. The following standards shall be applicable in all of the commercial and industrial districts, unless otherwise herein limited.

(3) Outside solid waste containers shall be screened from public view by a masonry screening device.

Staff sent notices to all property owners within 200' and received two letters back, one in favor and one opposed. Copies of those can be found in your packet.

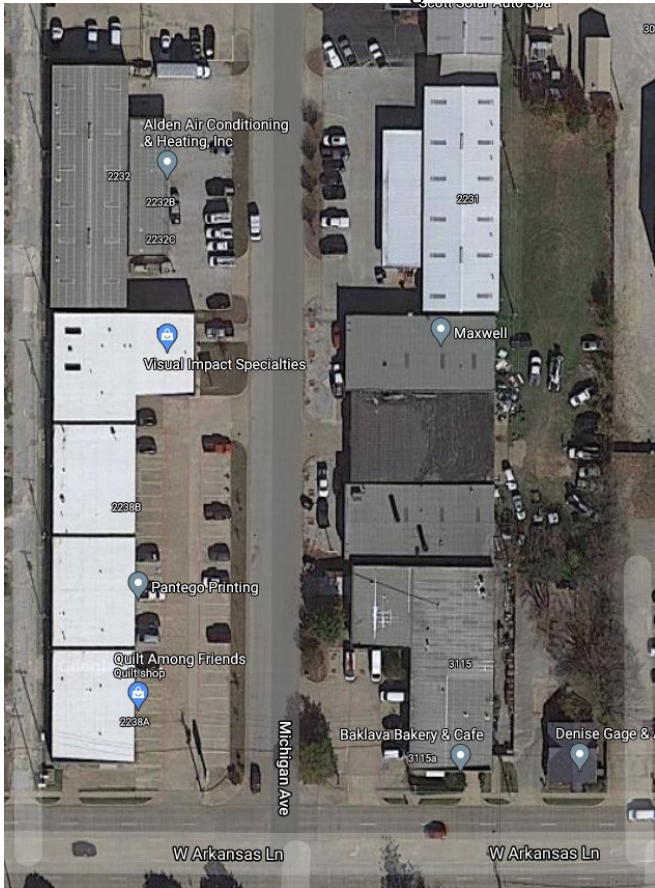
BOARD OPTIONS:

- Grant variances to the following sections:
 - 14.02.221
- Deny variances to the following sections:
 - 14.02.221

ATTACHMENTS:

- Ordinance Sections
- Applicant Request
- 200' Notice Address List
- Public Hearing Notice
- Letter to Residents – 200'
- Board Orders – Denial/Grant Orders

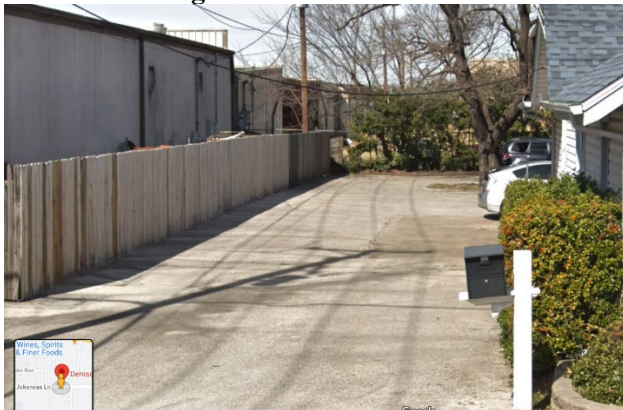
Aerial view of business on Michigan Avenue



Front of building on Michigan Avenue



Behind building shown from Arkansas Lane



Division 6. Commercial and Industrial District Regulations

Sec. 14.02.221 General provisions

(a) Table of standards. The following table of standards shall govern the height, area, yard and other special conditions of permitted nonresidential uses in the commercial and industrial districts.

TABLE 14.02.221

		Districts			
Regulations		B-1	B-2	B-3	LI
HEIGHT (maximum in feet)		35	45	None	None
LOT					
Width (minimum in feet)		80	80	80	None
Coverage, building (maximum as % of lot area)		30	30	30	None
Coverage, impervious surface (maximum as % of lot area)		70	70	80	None
YARDS (minimum in feet)					
Front		25	20	20	20
Side – interior		20	None	None	None
Side - corner lot		25	20	20	10
Rear		15	10	10	None
Abutting residential district:					
	One-story	20	20	20	10
	Multi-story	20	20	20	20
		(subject to section 14.02.221(b)(2) and (b)(5))			

STORAGE				
Inside building	No storage of merchandise	Not more than 25% of the area of any occupancy or 1000 sq. ft. per occupancy (whichever is less); no storage of goods for off-premises sale	Permitted - not more than 75% of building area	Permitted
Outside	Not permitted	Not permitted	Auto-related uses	Screened
REFUSE DISPOSAL CONTAINERS	(Behind required yard; screened per section 14.02.221(b))			Screened 14.02.221(b)
DISPLAY - outside	Not permitted	Not permitted	Behind required yard; per section 14.02.224(b)	Behind required yard

(b) **Special standards.** The following standards shall be applicable in all of the commercial and industrial districts, unless otherwise herein limited.

(1) No building shall hereafter be erected, reconstructed, altered or enlarged for residential use in any of the districts of this division, unless the same is located or to be located on a lot of record, a plat of which was recorded prior to November 12, 1973, and which is subject to restrictive covenants limiting the use thereof to residential purposes.

(2) For a multi-story structure on property adjacent to a residential district, the minimum yard abutting the residential district shall be increased five (5) feet for each story more than one.

(3) Outside solid waste containers shall be screened from public view by a masonry screening device.

(4) Any development in the commercial and industrial districts of more than four (4) acres in gross land area shall be developed under the conditions of [section 14.02.271](#) hereof.

(5) The minimum yard requirements shall be subject to the minimum building separations provided in [article 5.02](#), the fire prevention code of the city. In the event of conflict between the two, the more restrictive provision shall control.

(2005 Code, sec. 17.6.01)

ZONING BOARD OF ADJUSTMENT APPLICATION
CITY OF DALWORTHINGTON GARDENS

RUDY MARTINEZ

Applicant's Name (please print)

4-22-21

Date

EXPRESS FLEET PAINT AND BODY 2235 MICHIGAN AVE. 972 896 3521

Address

Telephone Number

S/A

Property Address

S/A

Property Owner

Address

Telephone Number

2235 MICHIGAN AVE DALWORTHINGTON GARDENS, TX 76013

Legal Description of Property

GARDENS CENTENIAL ADDITION BLOCK 1 LOT 6

I hereby apply to the Zoning Board of Adjustment for the following reason:

☐

An alleged **error** in an order, requirement, decision or determination was made by an administrative official in the enforcement of the ordinance.

☐

A **special exception** to the terms of the ordinance upon which the board is required to pass as specified by ordinance.

☒

A **variance** from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, the literal enforcement of the provisions of the ordinance will result in unnecessary hardship.

Additional information supporting application

PLEASE SEE ATTACHED

Applicant's Signature

Date

For Office Use Only

ZBA Fee \$500.00

Amount

Date

Receipt Number

Notification Mailed

Meeting Scheduled

Rudy Martine
Express Fleet Paint and Body Shop
2235 Michigan Ave
Dalworthington Gardens, Texas 76013
972-896-3521 Cell
682-410-0174 Office

April 22, 2021

Mrs. Hazel
Gary Harsley
Zoning Board Of Adjustment

My name is Rudy Martinez and I wanted to request a Variance and explain the reasons ,

I am requesting a variance from Ordinance 14.02.221 that requires a masonry dumpster enclosure structure in the back of my property, this structure creates a hardship on me as the property owner for I have no access,


I am requesting that I place the enclosure in the front of the building and a fence enclosure for it can be moved in order to maintain utilities in leu of masonry structure ,

I would like to include that shrubby has been planted in order to beatify the front of the building and it will be side by side of the dumpster enclosure.

I have attached a diagram for your consideration.

Thank you very much for your attention.

Respectfully,



Rudy Martinez

ZONING BOARD OF ADJUSTMENT APPLICATION
CITY OF DALWORTHINGTON GARDENS

RUDY E MARTINEZ
Applicant's Name (please print)

4-22-21
Date

2235 MICHIGAN AVE
Address

972 896 3521
Telephone Number

Property Address

RUDY E. MARTINEZ
Property Owner

Address

972 896 3521
Telephone Number

Legal Description of Property

I hereby apply to the Zoning Board of Adjustment for the following reason:

- ☐ An alleged **error** in an order, requirement, decision or determination was made by an administrative official in the enforcement of the ordinance.
- ☐ A **special exception** to the terms of the ordinance upon which the board is required to pass as specified by ordinance.
- ☒ A **variance** from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, the literal enforcement of the provisions of the ordinance will result in unnecessary hardship.

Additional information supporting application

I AM REQUESTING A VARIANCE FROM ORDINANCE 14.02.221
THAT REQUIRES A MASONRY DUMPSTER STRUCTURE IN THE REAR OF MY PROPERTY
THIS STRUCTURE CREATES A HARASSHIP ON ME AS THE PROPERTY OWNER
FOR I HAVE NO ACCESS. (PLEASE SEE ATTACHED)

[Signature]
Applicant's Signature

4-22-21
Date

For Office Use Only

ZBA Fee \$500.00

Amount

Date

Receipt Number

Notification Mailed _____

Meeting Scheduled _____

COMMERCIAL RECORDER PROOF

EMAIL ADDRESS: recorder@flash.net

Deadline for submitting legal notices is 11:00 (am) the business day before

PUBLIC NOTICE

PUBLIC NOTICE

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PUBLIC NOTICE

PUBLIC NOTICE

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PUBLIC NOTICE

Notice is hereby given that the Dalworthington Gardens Zoning Board of Adjustments will hold a public hearing on June 7, 2021 at 7:00 p.m. in the City Hall Council Chambers, 2600 Roosevelt Drive, Dalworthington Gardens, Texas to consider the following:

ZBA – 21-001: Application from Rudy Martinez located at 2235 Michigan Avenue, Dalworthington Gardens, Texas for variances to the City of Dalworthington Gardens Zoning Ordinance section 14.02.221 regarding the requirement for outside solid waste containers to be screened from public view by a masonry screening device in commercial and industrial districts.

This notice has been sent to all owners of real property within 200 feet of the request as such ownership appears on the last approved city tax roll. All interested persons are encouraged to attend the public hearing and express their opinions on the amendment. If you are unable to attend but wish to have your opinions made part of the public record, please mail your opinions prior to the public hearing to City Hall, 2600 Roosevelt Drive, Dalworthington Gardens, TX 76016. Please include your name, address, and property description on all correspondence.

5-4



CITY OF DALWORTHINGTON GARDENS

Notice of Public Hearing

Re: Variance Request from Rudy Martinez, 2235 Michigan Avenue

To Property Owners within 200' of 2235 Michigan Avenue:

Notice is hereby given that the Dalworthington Gardens Zoning Board of Adjustments will hold a public hearing on June 7, 2021 at 7:00 p.m. in the City Hall Council Chambers, 2600 Roosevelt Drive, Dalworthington Gardens, Texas to consider the following:

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Written comments are needed by May 31, 2021 to be presented to the Zoning Board of Adjustment at their meeting. Comments received after that will be recorded and filed.

COMMENTS: _____

I AM IN FAVOR: _____ I HAVE NO OBJECTIONS: _____ I HAVE OBJECTIONS: _____

(PRINTED NAME)

(SIGNATURE)

(ADDRESS)

(CITY, STATE, ZIP)

MAIL TO: CITY OF DWG
CITY ADMINISTRATOR
2600 ROOSEVELT DRIVE
DWG, TX 76016

For questions: Tel 682-330-7418

[illegible]

04184882
3111 W ARKANSAS LN
RUDY MARTINEZ
815 TAHOE LN
KELLER, TX 76248-2848

00466239
3115 W ARKANSAS LN
AMIR AND ANH K KAMMAZ
3 GARDEN LN
ARLINGTON, TX 76016

01032267
2100 ROOSEVELT DR
TRIBROS PROPERTIES
5 ABERNATHY RD
LEXINGTON, MA 02420-2510

41484150
3000 W PIONEER PKWY
DFW MIDSTREAM SERVICES LLC
2300 WINDY RIDGE PKWY N STE 840
ATLANTA, GA 30339

00466212
2231 MICHIGAN AVE
2231 MICHIGAN LLC
2231 MICHIGAN AVE
ARLINGTON, TX 76013

00466204
2227 MICHIGAN AVE
APPLE REMARKETING LLC
7309 MONTICELLO PKWY
COLLEYVILLE, TX 76034

00466301
2238 MICHIGAN AVE
JFAM-MICHIGAN LLC
PO BOX 993
ARLINGTON, TX 76004

00466298
2232 MICHIGAN AVE
JFAM-MICHIGAN LLC
PO BOX 993
ARLINGTON, TX 76004

00466271
2226 MICHIGAN AVE
RT TEXAS HOLDINGS CORP
2226 MICHIGAN AVE
ARLINGTON, TX 76013

00035130
2223 MADRID CT
ROBERT AND LUCY TILLMAN
2223 MADRID CT
ARLINGTON, TX 76013-5817

00035149
2225 MADRID CT
KENNETH TODD DEARMAN
2225 MADRID CT
ARLINGTON, TX 76013

00035157
2227 MADRID CT
JOHN MCGINNIS
6415 WILLOWSTONE TRL
ARLINGTON, TX 76018

00035165
2229 MADRID CT
DORIS AND OKEY AKPOM
3601 WHITE WING DR
ARLINGTON, TX 76014-3658

00035173
2231 MADRID CT
HSIAO-AN AND CHING-HUA J HUO
10013 S ROCKVIEW DR
SANDY, UT 84092-4163

00035181
2233 MADRID CT
CAROLYN AND TROY C SURRITT
2233 MADRID CT
ARLINGTON, TX 76013-5817

00035203
2235 MADRID CT
MONTE L SPELL EST
3815 ROCHELLE DR
ARLINGTON, TX 76016-3004

00035211
2237 MADRID CT
TARRANT PROPERTIES INC
715 W HARRIS RD
ARLINGTON, TX 76001

00035238
2239 MADRID CT
MATT D MCKINNEY
2549 MOCKINGBIRD RD
BURLESON, TX 76028



CITY OF DALWORTHINGTON GARDENS

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COMMENTS: _____

I AM IN FAVOR: _____ I HAVE NO OBJECTIONS: _____ I HAVE OBJECTIONS: X

Theresa K. Hollis
(PRINTED NAME)

[Signature]
(SIGNATURE)

2226 Michigan Ave
(ADDRESS)

Adlington 76013
(CITY, STATE, ZIP)

MAIL TO: CITY OF DWG
CITY ADMINISTRATOR
2600 ROOSEVELT DRIVE
DWG, TX 76016

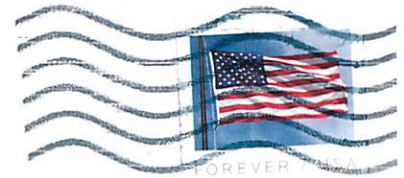
For questions: Tel 682-330-7418



2226 B Michigan Avenue • Arlington, TX 76013
www.cosmopolitancarpet.com



NORTH TEXAS TX P&DC
DALLAS TX 750
5 MAY 2021 PM 5 L



City of DWS
City Administrator
2600 Roosevelt Dr.
DWS, TX 76016

76016-560900





CITY OF DALWORTHINGTON GARDENS

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COMMENTS: The requirement makes no sense for anyone. The screening gets destroyed by the refuse company trucks. The requirement should be removed!
I AM IN FAVOR: X I HAVE NO OBJECTIONS: _____ I HAVE OBJECTIONS: _____

Sheldon Schwartz
(PRINTED NAME)

Gen'l Partner - Tribnas Properties

5 Abernathy Road
(ADDRESS)

Sheldon Schwartz
(SIGNATURE)

Lexington MA 02420
(CITY, STATE, ZIP)

2100-4 Roosevelt Drive; DWG, 76016

MAIL TO: CITY OF DWG
CITY ADMINISTRATOR
2600 ROOSEVELT DRIVE
DWG, TX 76016

For questions: Tel 682-330-7418



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COMMENTS: _____

I AM IN FAVOR: _____ I HAVE NO OBJECTIONS: _____ I HAVE OBJECTIONS: _____

(PRINTED NAME)

(SIGNATURE)

(ADDRESS)

(CITY, STATE, ZIP)

MAIL TO: CITY OF DWG
CITY ADMINISTRATOR
2600 ROOSEVELT DRIVE
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For questions: Tel 682-330-7418



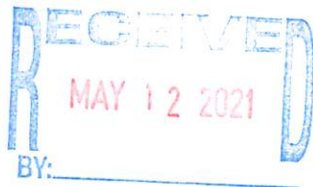
760143658 0011

CITY OF DALWORTHINGTON GARDENS

2600 ROOSEVELT DRIVE
DALWORTHINGTON GARDENS, TEXAS 76016

RETURN SERVICE REQUESTED

06.07.21 ZBA Packet Pg. 21 of 26



FIRST-CLASS



02 7H
0001246982 APR 29 2021
MAILED FROM ZIP CODE 76016
\$ 000.51⁰

DORIS AND OKEY AKPOM
3601 WHITE WING DR
ARLINGTON, TX 76014-3658

NIXIE

756 FEB 1

0003/10/21

RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD

ANK

BC: 76016580900

*2182-04325-10-25

76016580900



CITY OF DALWORTHINGTON GARDENS

Notice of Public Hearing

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COMMENTS: *The dumpsters currently are an eyesore. Perhaps they could be hidden in front by some type**

I AM IN FAVOR: _____ I HAVE NO OBJECTIONS: _____ I HAVE OBJECTIONS: X

Denise Gage Denise Gage
(PRINTED NAME) (SIGNATURE)

3111 W Arkansas Dalworthington Gardens
(ADDRESS) (CITY, STATE, ZIP)
TX 76016

MAIL TO: CITY OF DWG
CITY ADMINISTRATOR
2600 ROOSEVELT DRIVE
DWG, TX 76016

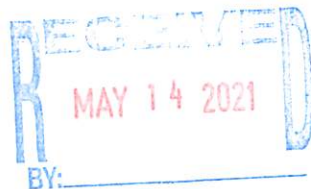
For questions: Tel 682-330-7418

** of screen if inaccessible from the back.*



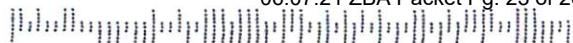
Denise A. Gage, MA, CCC, LSLS, Cert AVT
3111 W. Arkansas Lane
Arlington, Texas 76016

NORTH TEXAS TX P&DC
DALLAS TX 750
12 MAY 2021 PM 1 L



CITY OF DWG
CITY ADMINISTRATOR
2600 ROOSEVELT DRIVE
DWG, TX 76016

76016-380900





CITY OF DALWORTHINGTON GARDENS



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Notice is hereby given that the Dalworthington Gardens Zoning Board of Adjustments will hold a public hearing on June 7, 2021 at 7:00 p.m. in the City Hall Council Chambers, 2600 Roosevelt Drive, Dalworthington Gardens, Texas to consider the following:

ZBA 21-001: Application from Rudy Martinez located at 2235 Michigan Avenue, Dalworthington Gardens, Texas for variances to the City of Dalworthington Gardens Zoning Ordinance section 14.02.221 regarding the requirement for outside solid waste containers to be screened from public view by a masonry screening device in commercial and industrial districts.

This notice has been sent to all owners of real property within 200 feet of the request as such ownership appears on the last approved city tax roll. All interested persons are encouraged to attend the public hearing and express their opinions on the amendment. If you are unable to attend but wish to have your opinions made part of the public record, please mail your opinions to the address below prior to the public hearing. Please include your name, address, and property description on all correspondence.

Written comments are needed by May 31, 2021 to be presented to the Zoning Board of Adjustment at their meeting. Comments received after that will be recorded and filed.

COMMENTS: _____

I AM IN FAVOR: ☒ I HAVE NO OBJECTIONS: _____ I HAVE OBJECTIONS: _____

Rudy Martinez
(PRINTED NAME)

[Signature]
(SIGNATURE)

2235 Michigan Ave
(ADDRESS)

DWG 76013
(CITY, STATE, ZIP)

MAIL TO: CITY OF DWG
CITY ADMINISTRATOR
2600 ROOSEVELT DRIVE
DWG, TX 76016

For questions: Tel 682-330-7418

DECISION OF THE BOARD OF ADJUSTMENT

RE: **Rudy Martinez**
 2235 Michigan Avenue

SUBJECT: Variances to the City of Dalworthington Gardens Zoning Ordinance section 14.02.221 regarding the requirement for outside solid waste containers to be screened from public view by a masonry screening device in commercial and industrial districts.

The above-reference request was GRANTED by the City of Dalworthington Gardens Board of Adjustment ("Board") on **June 7, 2021** by a vote of _____ in favor and _____ against with _____ abstaining.

Any interested person wishing to appeal this decision is required to file a petition for Writ of Certiorari in a district court, county court or county court at law within ten (10) days of the date this decision is filed in the Board's office in accordance with section 211.011 of the Texas Local Government Code. This decision was filed in the Board's office on **June 7, 2021**.

_____ (Name)

Chairman, Board of Adjustment

Date

Lola Hazel

Secretary of the Board of Adjustment

DECISION OF THE BOARD OF ADJUSTMENT

RE: **Rudy Martinez**
2235 Michigan Avenue

SUBJECT: Variances to the City of Dalworthington Gardens Zoning Ordinance section 14.02.221 regarding the requirement for outside solid waste containers to be screened from public view by a masonry screening device in commercial and industrial districts.

The above-reference request was DENIED by the City of Dalworthington Gardens Board of Adjustment ("Board") on **June 7, 2021** by a vote of ____ in favor and ____ against with ____ abstaining. The City's Code of Ordinances requires the concurring vote of four members of the Board to grant a request for a variance.

Any interested person wishing to appeal this decision is required to file a petition for Writ of Certiorari in a district court, county court or county court at law within ten (10) days of the date this decision is filed in the Board's office in accordance with section 211.011 of the Texas Local Government Code. This decision was filed in the Board's office on **June 7, 2021.**

_____ (Name)

Chairman, Board of Adjustment

Date _____

Lola Hazel
Secretary of the Board of Adjustment