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BOARD OF ADJUSTMENT

Panel A Minutes

May 21<sup>st</sup>, 2024

CITY SECRETARY

DALLAS, TEXAS



Council Chambers

[24923176153@dallascityhall.webex.com](mailto:24923176153@dallascityhall.webex.com)

David A. Neumann, Chairman

**PRESENT: [5]**

David A. Neumann, Chairman	
Rachel Hayden	
Kathleen Davis	
Jay Narey	
Philip Sahuc	

**ABSENT: [1]**

Michael Hopkovitz	

Chairman David A. Neumann called the briefing to order at **10:00 A.M.** with a quorum of the Board of Adjustment present.

Chairman David A. Neumann called the hearing to order at **1:00 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 speakers for public testimony during this hearing.

**MISCELLANEOUS ITEMS**

Approval of the Board of Adjustment Panel A, April 16<sup>th</sup>, 2024, Meeting Minutes.

**Motion was made to approve Panel A, April 16<sup>th</sup>, 2024, Public Hearing Minutes.**

Maker:	Rachel Hayden				
Second:	Jay Narey				
Results:	5-0 unanimously				Motion to approve
		Ayes:	-	5	David A. Neumann, Rachel Hayden, Kathleen Davis, Jay Narey and Phil Sahuc
		Against:	-	0	

**CONSENT ITEMS**

**1. 3139 McDermott Avenue**

**\*This item was moved to Individual Cases\***  
 BDA234-053(CJ)

**BUILDING OFFICIAL’S REPORT:** Application of Krystina Paige for **(1)** a variance to the side-yard setback regulations at 3139 MCDERMOTT AVE. This property is more fully described as Block 1802, Lot 18, and is zoned PD-595, which requires side-yard setback of 5-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 0-foot side-yard setback, which will require (1) a 5-foot variance to the side-yard setback regulations.

**LOCATION:** 3139 McDermott Ave.

**APPLICANT:** Krystina Paige

**REQUEST:**

- (1) A request for a variance to the side yard setback regulations.

**STANDARD FOR A VARIANCE:**

Section 51A-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:

- (A) **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.
- (B) **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

- (C) **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.

**ELEMENT II SUBSTITUTE:**

Dallas Development Code §51A-3.102(d)(10)(b), formerly known as HB 1475, allows for the BDA to use their discretion and consider Element 2 of the Variance standard to be met, if:

- (i) 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 of the Texas Tax Code.
- (ii) 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.
- (iii) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
- (iv) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (v) the municipality considers the structure to be a nonconforming structure.

**STAFF RECOMMENDATION:**

Approval

Rationale: Based upon evidence presented and provided by the applicant, staff concluded that the site is:

- A. Not contrary to the public interest as no letters of opposition were received.
- B. Is not restrictive in slope but is restrictive in lot area and shape; The minimum lot area for residential use in the R-5(A) zoning district is 5,000 sqft and the subject site is approximately 2,395.8 sqft with a lot width of approximately 25', therefore, the property cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Is not a self-created or personal hardship.

**BACKGROUND INFORMATION:**

**BDA History:**

No BDA history found within the last 5 years.

**Square Footage:**

This lot contains 2,395.8 of square feet.  
This lot is zoned PD 595/R-5(A) which has a minimum lot size of 5,000 square feet.

**Zoning:**

- Site: R-5(A) (Single-Family Zoning District)
- North: R-5(A) (Single-Family Zoning District)
- South: R-5(A) (Single-Family Zoning District)
- East: R-5(A) (Single-Family Zoning District)
- West: R-5(A) (Single-Family Zoning District)

**Land Use:**

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

**GENERAL FACTS/STAFF ANALYSIS:**

- The application for the Krystina Paige property located at 3139 McDermott Avenue focuses on one request relating to the side yard setback regulations.
- A request for a variance to the side yard setback regulations of 0-feet is made to construct and/or maintain a single-family residential structure at 3139 McDermott Avenue.
- The subject site is currently vacant.
- Zoning District PD 595/R-5(A) requires a minimum side yard setback of 5-feet.
- As gleaned from the submitted site plan, the proposed home is set to encroach into the 5-foot required side yard setback at 3139 McDermott Avenue.
- Based upon staff’s analysis of the surrounding properties, properties adjacent to the east side of the subject site and across the street, from a street view, are larger in width and depth than the subject site.
- The applicant has stated the variance request was made so that the proposed structure can conform to the existing conditions of the neighborhood since being divided into a smaller, more narrow lot.

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

- That granting the variance to the side yard setback 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 a specific parcel of land that differs from other parcels of land by being of such 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
- 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 a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

The board may also consider Dallas Development Code **§51A-3.102(d)(10)(b)**, formerly known as **HB 1475** 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.

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- (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 considers the structure to be a nonconforming structure.
- Granting the proposed 0-foot variance to the side yard setback regulations with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents.
  - 200' Radius Video: [BDA234-053 at 3139 McDermott Ave.](#)

**Timeline:**

- March 21, 2024: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- April 10, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.
- April 24, 2024: The Development Services Department Senior Planner emailed the applicant the following information:
- an attachment that provided the hearing date and panel that will consider the application; the April 26, 2024, deadline to submit additional evidence for staff to factor into their analysis; and May 10, 2024, 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.
- May 2, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the May public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.

Speakers:

- For: Krystina Page, 3139 McDermott, Dallas TX 75215
- Against: Jessica Owens, 3131 Tuskegee St., Dallas, TX 75215

**Motion**

I move that the Board of Adjustment, in Appeal No. BDA 234-053, on application of Krystina Paige, **GRANT** the 5-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, as amended, would result in unnecessary hardship to this applicant.

I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

Compliance with the most recent version of all submitted plans are required.

Maker:	Rachel Hayden				
Second:	Jay Narey				
Results:	4-1				Motion to grant
		Ayes:	-	4	David A. Neumann, Phil Sahuc, Rachel Hayden and Jay Narey
		Against:	-	1	Kathleen Davis

**2. 3601 W. Lawther Drive**

**\*This item was moved to Individual Cases\***

BDA234-055CJ)

**BUILDING OFFICIAL’S REPORT:** Application of Rob Baldwin for **(1)** a special exception to the single-family regulations at 3601 W. LAWATHER DR. This property is more fully described as Block B/4400, Lot 1, and is zoned R-1ac(A), which limits the number of dwelling units to one. The applicant proposes to construct and or maintain accessory dwelling unit (For Rent), which will require (1) a special exception to the single-family zoning use regulations.

**LOCATION:** 3601 Lawther Dr.

**APPLICANT:** Rob Baldwin

**REQUEST:**

- (1) A special exception to the single-family zoning regulations for a rentable single-family residential accessory dwelling unit.

**STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO THE SINGLE-FAMILY USE REGULATIONS TO AUTHORIZE AN ACCESSORY DWELLING UNIT (FOR RENT):**

Section 51A-4.209(b)(6)(E)(iii)(aa) of the Dallas Development Code specifies that the board of adjustment may grant a special exception to authorize a rentable accessory dwelling unit in any district when, in the opinion of the board, **the accessory dwelling unit will not adversely affect neighboring properties.**

Section 51A-4.209(b)(6)(E)(iii)(cc) In granting this type of special exception, the board shall require the applicant to 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.

**STAFF RECOMMENDATION:**

Special Exception:

No staff recommendation is made.

**BDA History**

No BDA history found within the last five years.

**Square Footage:**

The lot contains 45,738 of square feet or 1.5ac.

The lot is zoned R-1ac(A) with a minimum lot size of 43,560 square feet.

**Zoning:**

- Site: R-1ac(A) Single Family District
- North: R-1ac(A) Single Family District
- South: R-1ac(A) Single Family District
- East: R-1ac(A) Single Family District
- West: R-7.5(A) Single Family District

**Land Use:**

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

**BDA History:**

No BDA history within the last five years.

**GENERAL FACTS/STAFF ANALYSIS:**

- The application of Rob Baldwin for the property located at 3601 W. Lawther Dr. focuses on one specific request. The request focuses on a variance to the single-family zoning use regulations for a single-family residential accessory dwelling unit (FR).
- The applicant proposes to construct an accessory dwelling unit (FR), which will require a special exception to the single-family use regulations.
- The Dallas Development code, for single-family zoning, allows one dwelling unit per lot.
- According to the applicant’s application, the accessory structure will be utilized as rentable dwelling unit.
- The single-family use regulations of the Dallas Development Code state that the board of adjustment may grant a special exception to authorize a rentable accessory dwelling unit in any district when, in the opinion of the board, the accessory dwelling unit will not adversely affect neighboring properties.

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- The applicant has the burden of proof in establishing that the accessory dwelling unit will not be used as rental accommodations (by providing deed restrictions, if approved) and will not adversely affect neighboring properties.
- Granting this special exception request will not provide any relief to the Dallas Development Code regulations other than allowing an accessory dwelling unit (FR) 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 require owner-occupancy on the premises and annually register the rental property with the city's single family non-owner occupied rental program.
- Moreover, the applicant has the burden of proof in establishing that the special exception to the single-family use regulations will not adversely affect neighboring properties.
- Granting the special exceptions to the single-family use regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: [BDA234-055 at 3601 W. Lawther Dr.](#)

**Timeline:**

- March 21, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- April 11, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.
- April 24, 2024: The Development Services Department Senior Planner emailed the applicant the following information:
- an attachment that provided the hearing date and panel that will consider the application; the April 26 , 2024, deadline to submit additional evidence for staff to factor into their analysis; and May 10, 2024, 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.
- May 2, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the May public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.

Speakers

For: Rob Baldwin, 3904 Elm St Suite B, Dallas TX 75226



Against: No Speakers

**Motion**

I move that the Board of Adjustment, in request No. BDA 234-055, on application of Rob Baldwin, **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 adversely affect neighboring properties.

I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

Compliance with the most recent version of all submitted plans are required.

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

Maker:	Kathleen Davis				
Second:	Jay Narey				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Rachel Hayden, Jay Narey and Phil Sahuc
		Against:	-	0	

**3. 8206 Inwood Road**  
 BDA234-056(CJ)

**BUILDING OFFICIAL’S REPORT** Application of Rob Baldwin for **(1)** a special exception to the fence-height regulations at 8206 INWOOD RD. This property is more fully described as Block 5674, Lot 23, and is zoned R-16(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 6-inch-high fence in a required front yard, which will require (1) a 2-foot 6-inch special exception to the fence height regulations.

**LOCATION:** 8206 Inwood Rd.

**APPLICANT:** Rob Baldwin

**REQUEST:**

(1) A request for a special exception to the fence height regulations.

**STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:**

Section 51A-4.602(b)(2) of the Dallas Development Code states that the board may grant a special exception to the fence height regulations when in the opinion of the board, **the special exception will not adversely affect neighboring property.**

**STAFF RECOMMENDATION:**

Special Exception (1):

No staff recommendation is made on this or any request for a special exception.

**BACKGROUND INFORMATION:**

**Zoning:**

- Site: R-16 (A) (Single Family District)
- North: R-16 (A) (Single Family District)
- East: R-7.5 (A) (Single Family District)
- South: R-16 (A) (Single Family District)
- West: R-16 (A) (Single Family District)

**Land Use:**

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

**Square Footage:**

No BDA history

**GENERAL FACTS/STAFF ANALYSIS:**

- The application Rob Baldwin, for the property located at 8206 Inwood Road focuses on 1 request relating to the fence height regulations.
- The applicant proposes to construct and maintain and 6-foot-6-inch-high fence in a required front yard facing Inwood Road, which will require a 2-foot-6-inch special exception to the fence height regulations.
- The subject site along with properties to the north, east, south, and west are all developed with single-family homes.
- As gleaned from the submitted site plan and elevations, the applicant is proposing to construct and maintain a 6-foot-6-inch-high fence around the back and along a portion of the front yard of the property at 8206 Inwood Road.
- The applicant has stated that the proposed 6-foot-6-inch fence will be an addition for privacy and security.
- Based upon staff's analysis of the surrounding properties, there are a few homes along Inwood Road with fences and gates in the required front yard and/or some form of vegetation serving as a screening mechanism.
- It is imperative to note that the subject site is a mid-block lot, and it has single street frontage and front yards on Inwood Road.
- 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.

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- Granting the special exceptions to the fence height regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.

**Timeline:**

March 21, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

April 11, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.

April 24, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the hearing date and panel that will consider the application; the April 26 , 2024, deadline to submit additional evidence for staff to factor into their analysis; and May 10, 2024, 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.

May 2, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the May public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.

Speakers:

For: No Speakers

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 234-056** – Application of Rob Baldwin, for a special exception to the fence height standards in the Dallas Development Code is granted subject to the following condition:

Compliance with height and fence location requirements illustrated in the most recent version of all submitted plans are required.

Maker:	Jay Narey				
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Second:	Philip Sahuc				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Phil Sahuc, Rachel Hayden and Jay Narey
		Against:	-	0	

**4. 5717 Walnut Hill Lane**  
 BDA234-058(KMH)

**BUILDING OFFICIAL’S REPORT:** Application of Megan Ratcliff for (1) a special exception to the fence height regulations at 5717 Walnut Hill Ln. This property is more fully described as Block 4/5515, Lot 8B, and is zoned R-10(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 high fence in a required front-yard, which will require (1) a 2-foot special exception to the fence height regulations.

**LOCATION:** 5717 Walnut Hill Ln.

**APPLICANT:** Megan Ratcliff

**REQUEST:**  
 (2) A request for a special exception to the fence height regulations.

**STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE HEIGHT STANDARDS REGULATIONS:**

Section 51A-4.602(b)(2) of the Dallas Development Code states that the board may grant a special exception to the fence regulations when in the opinion of the board, **the special exception will not adversely affect neighboring property.**

**STAFF RECOMMENDATION:**

Special Exception:  
 No staff recommendation is made on this or any request for a special exception.

**BACKGROUND INFORMATION:**

**BDA History:**

No BDA history

**Square Footage:**

This lot contains 18, 898.52 of square feet.  
 This lot is zoned R-10(A) which requires a minimum lot size of 10,000 square feet.

**Zoning:**

- Site: R-10(A)
- North: R-10(A)
- East: R-10(A)

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South: SUP and R-1ac(A)  
West: R-10(A)

**Land Use:**

The subject site is developed with a single-family home. The surrounding properties are also developed with single-family homes. There is a school, Heritage School of Texas, and a congregational facility just south of the subject site.

**GENERAL FACTS/STAFF ANALYSIS:**

- The application of Megan Ratcliff for the property located at 5717 Walnut Hill Lane focuses on one specific request relating to the fence height regulations.
- The subject site is developed with a single-family home. The surrounding properties are also developed with single-family homes. There is also a congregational facility as well as a school just south of the subject site.
- The applicant proposes to construct and maintain a 6-foot high fence in a required front yard. The proposed fence is expected to be a wrought iron fence with ornamental picket gates.
- As gleaned from the submitted elevations, the fence panels measure approximately 6-feet in height.
- The applicant has stated that the proposed is imperative as she lives on a busy street and wants the fence for privacy and security reasons. The applicant also states that the fence is in keeping with other fences in the immediate area as there are other homes that have 6 to 8-foot fences.
- Based upon staff’s analysis of the surrounding properties, there are a few homes along Walnut Hill with fences and/or some form of vegetation serving as a screening mechanism.
- 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 applicant has the burden of proof in establishing that the special exception to the fence height regulations will not adversely affect the neighboring properties.
- Granting the special exception relating to the fence height regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- [BDA234-058 at 5717 Walnut Hill](#) 200’ Radius Video

**Timeline:**

March 25, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

April 10, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel A.

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April 24, 2024: The Development Services 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 April 26, 2024, deadline to submit additional evidence for staff to factor into their analysis; and May 10, 2024, 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.

May 2, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the May public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Board Attorney, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.

Speakers:

For: No Speakers  
 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 234-058** – Application of Megan Ratcliff, for a special exception to the fence standards in the Dallas Development Code is granted subject to the following condition:

Compliance with height and fence location requirements illustrated in the most recent version of all submitted plans are required.

Maker:	Jay Narey				
Second:	Philip Sahuc				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Phil Sahuc, Rachel Hayden and Jay Narey
		Against:	-	0	

**5. 1931 Danube Drive**  
BDA234-061(BT)

**BUILDING OFFICIAL’S REPORT:** Application of Ricardo Alonso for **(1)** a variance to the front-yard setback regulations at 1931 Danube Dr. This property is more fully described as Block 26/5873, Lot R and is zoned R-7.5(A), which requires a front-yard setback at Danube Dr. and Southerland St. of 25-feet. The applicant proposes to construct and/or maintain a single-family dwelling and provide a 20-foot front-yard setback at Southerland St., which will require **(1)** a 5-foot variance to the front-yard setback regulations.

**LOCATION:** 1931 Danube Dr.

**APPLICANT:** Ricardo Alonso

**REQUEST:**

(3) A request for a variance to the front-yard setback regulations.

**STANDARDS OF REVIEW FOR A VARIANCE:**

Section 51A-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:

- (D) **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.
- (E) 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
- (F) **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.

**ELEMENT II SUBSTITUTE:**

Dallas Development Code §51A-3.102(d)(10)(b), formerly known as HB 1475, allows for the BDA to use their discretion and consider Element 2 of the Variance standard to be met, if:

- (i) 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 of the Texas Tax Code.
- (ii) 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.
- (iii) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
- (iv) compliance would result in the unreasonable encroachment on an adjacent property or

easement; or

(v) the municipality considers the structure to be a nonconforming structure.

**STAFF RECOMMENDATION:**

**Variance:**

Approval

**Rationale:** Based upon evidence presented and provided by the applicant, staff concluded that the site is:

- A. Not contrary to the public interest as no letters of opposition were received.
- B. Restrictive in shape as it is an irregularly shaped lot, it is also a corner lot which requires two front yard setback requirements; therefore, it cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Not self-created nor is it a personal hardship.

**BACKGROUND INFORMATION:**

**Zoning:**

- Site: R-7.5(A) (Single Family District)
- North: R-7.5(A) (Single Family District)
- East: SUP 236 Cedar Crest Golf Course
- South: SUP 236 Cedar Crest Golf Course
- West: R-7.5(A) (Single Family District) and one MF-2(A) (Multifamily District)

**Land Use:**

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

**Square Footage:**

This lot contains of 14,074 square feet (0.323 of an acre)  
This lot is zoned R-7.5(A) which requires a minimum lot size of 7,500 square feet  
Total proposed 2-story single family dwelling is 2052 square feet under roof

**BDA History:**

No BDA history

**GENERAL FACTS/STAFF ANALYSIS:**

- The application of Ricardo Alonso for the property located at 1931 Danube Dr. focuses on 1 request relating to a variance to the front-yard setback regulations.
- The applicant is requesting a variance to the front-yard setback regulations. The applicant is proposing to construct and maintain a residential structure and provide a 20-foot front yard setback at Southerland St., which will require a 5-foot variance to the front-yard setback regulations.



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- The subject site along with surroundings properties to the north, are all developed with single-family homes, south and east are all developed with Cedar Crest Golf Course and to the west, majority single-family homes with one multifamily lot adjacent to the subject.
- It is imperative to note that the subject site is a corner lot, and has minimum to no street frontage on Danube Dr.
- Per staff’s review of the subject site, it has been confirmed that the single family structure of the property is proposed.
- The applicant has the burden of proof in establishing the following:
  - 1) That granting the variance to the front yard setback 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.
  - 2) The variance is necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such 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
  - 3) 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 a parcel of land not permitted by this chapter to other parcels of land with the same zoning.
- Granting the variance to the front yard setback regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.

200’ Radius Video: [BDA234-061 at 1931 Danube Dr](#)

**Timeline:**

- March 26, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- April 10, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.
- April 24, 2024: The Development Services 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 April 26, 2024, deadline to submit additional evidence for staff to factor into their analysis; and May 10, 2024, 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.

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May 2, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the May public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.

Speakers:  
 For: No Speakers  
 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 234-061** – Application of Ricardo Alonso for a variance to the front-yard setback regulations in the Dallas Development Code is granted subject to the following condition:

Compliance with the most recent version of all submitted plans are required.

Maker:	Jay Narey				
Second:	Philip Sahuc				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Phil Sahuc, Rachel Hayden and Jay Narey
		Against:	-	0	

**INDIVIDUAL CASES**

**5. 2514 Hillside Drive**  
 BDA234-052(CJ)

**BUILDING OFFICIAL’S REPORT:** Application of Jeff Clardy for **(1)** a variance to the off-street parking regulations at 2514 HILLSIDE DR. This property is more fully described as Block H/2794, Lot 5, and is zoned CD-2 (tract 1), which requires a parking space must be at least 20-feet from the right-of-way line adjacent to a street or alley if the space is in an enclosed structure and if the space faces upon or can be entered directly from the street or alley. The applicant proposes to construct and/or maintain a single-family residential structure with a setback of 16-feet, which will require **(1)** a variance of 4-feet to the off-street parking regulations.

**LOCATION:** 2514 Hillside Dr.

**APPLICANT:** Jeff Clardy

**REQUEST:**

(2) A request for a variance to the off-street parking regulations.

**STANDARDS OF REVIEW FOR A VARIANCE:**

Section 51A-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:

- (G) **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.
- (H) 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
- (I) **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.

**ELEMENT II SUBSTITUTE:**

Dallas Development Code §51A-3.102(d)(10)(b), formerly known as HB 1475, allows for the BDA to use their discretion and consider Element 2 of the Variance standard to be met, if:

- (i) 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 of the Texas Tax Code.
- (ii) 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.
- (iii) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
- (iv) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (v) the municipality considers the structure to be a nonconforming structure.

**STAFF RECOMMENDATION:**

- 1. Variance to the off-street parking regulations

Denial

Rationale: Based upon evidence presented and provided by the applicant, staff concluded that the site is:

- A. Is contrary to the public interest as no letters of opposition have been received.
- B. Is not restrictive in area, shape or slope; The lot area for of the subject site is approximately 8,755.56 sqft, is not sloped and is not irregularly shaped, therefore, the property can be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Is not a self-created or personal hardship.

**BACKGROUND INFORMATION:**

**BDA History:**

No BDA history found within the last 5 years.

**Square Footage:**

This lot contains 8,755.56 of square feet.

This lot is zoned CD-2 (tract 1) which has a minimum lot size of 5,000 square feet.

**Zoning:**

- Site: CD-2 (tract 1) (Lakewood Conservation District)
- North: CD-2 (tract 1) (Lakewood Conservation District)
- South: CD-2 (tract 1) (Lakewood Conservation District)
- East: CD-2 (tract 1) (Lakewood Conservation District)
- West: CD-2 (tract 1) (Lakewood Conservation District)

**Land Use:**

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

**GENERAL FACTS/STAFF ANALYSIS:**

- The application for the Jeff Clardy property located at 2514 Hillside Drive focuses on 1 request relating to the off-street parking regulations.
- A request for a variance to the off-street parking regulations of 4-feet is made to construct and/or maintain a single-family residential structure at 2514 Hillside Drive.
- The subject site is zoned CD-2(tract-1) which requires a parking space must be at least 20-feet from the right-of-way line adjacent to a street or alley if the space is in an enclosed structure and if the space faces upon or can be entered directly from the street or alley
- As gleaned from the submitted site plan, the proposed home is set to encroach 4-feet into the 20-foot required off-street parking setback at 2514 Hillside Drive.
- It is imperative to note that the subject site has single street frontage on Hillside Drive.
- The subject site is currently developed with a single-family structure.
- The Transportation Engineering Program Administrator provided comments stating that there are no objections if certain conditions are met; “the applicant must provide a site plan to scale, showing location of proposed garage and dimensions of alley to determine if proposed condition provides adequate maneuvering in and out of garage.”

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

- That granting the variance to the off-street parking 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 are necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such restrictive area, shape, or slope, that it cannot

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be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and

- 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 a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

The board may also consider Dallas Development Code **§51A-3.102(d)(10)(b)**, formerly known as **HB 1475** 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:

- (f) 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.
  - (g) 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.
  - (h) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
  - (i) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
  - (j) the municipality considers the structure to be a nonconforming structure.
- Granting the proposed 4-foot variance to the off-street parking regulations with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents.
  - 200’ Radius Video: [BDA234-052 at 2514 Hillside Dr.](#)

**Timeline:**

March 21, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

April 10, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.

April 24, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the hearing date and panel that will consider the application; the April 26 , 2024, deadline to submit additional evidence for staff to factor into their analysis; and May 10, 2024, 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.

May 2, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the May public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner,

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Chief Arborists, Zoning Senior Planner and Transportation Engineer

May 2, 2024: Transportation Engineering Program Administrator provided engineering review comments.

Speakers:

For: Jeff Clardy, 9246 Biscayne Blvd., Dallas TX 75218

Against: No Speakers

**Motion**

I move that the Board of Adjustment, in Appeal No. BDA 234-052, on application of Jeff Clardy, **GRANT** the 4-foot variance to the off-street parking 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.

I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

Compliance with the most recent version of all submitted plans are required.

Maker:	Philip Sahuc				
Second:	Rachel Hayden				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Phil Sahuc, Rachel Hayden and Jay Narey
		Against:	-	0	

**6. 7023 Oriole Drive**  
 BDA234-067(CJ)

**BUILDING OFFICIAL’S REPORT:** Application of Shelby Longoria for **(1)** a variance to the front-yard setback regulations; for **(2)** a special exception to the fence opacity regulations; and for **(3)** a special exception to the fence height regulations at 7023 ORIOLE DR. This property is more fully described as Block 9/4921, Lot 1, and is zoned PD-67 (tract 4), which requires a front-yard setback of 25-feet; 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; and limits the height of a fence in the front yard to 4-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 6-foot 7-inch front-yard setback, which will require **(1)** a 18-foot 5-inch variance to the front-yard setback regulations; to construct and/or maintain a fence in a required front-yard with a fence panel having less than 50 percent open surface area located less than 5-feet from the front lot line, which will require **(2)** a special exception to the fence regulations;, and to construct and/or maintain a 6-foot-high fence in a required front-yard, which will require **(3)** a 2-foot special exception to the fence regulations.

**LOCATION:** 7023 Oriole Dr.

**APPLICANT:** Shelby Longoria

**REPRESENTED BY:** Tommy Mann & Daniel Box

**REQUEST:**

- (4) A request for a variance to the front-yard setback regulations.
- (5) A request for a special exception to the fence opacity regulations; and
- (6) A special exception to the fence height regulations.

**STANDARDS OF REVIEW FOR A VARIANCE:**

Section 51A-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:

- (J) **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.
- (K) 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
- (L) **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.

**ELEMENT II SUBSTITUTE:**

Dallas Development Code §51A-3.102(d)(10)(b), formerly known as HB 1475, allows for the BDA to use their discretion and consider Element 2 of the Variance standard to be met, if:

- (i) 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 of the Texas Tax Code.
- (ii) 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.
- (iii) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
- (iv) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (v) the municipality considers the structure to be a nonconforming structure.

**STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE HEIGHT STANDARDS REGULATIONS:**

Section 51A-4.602(b)(2) of the Dallas Development Code states that the board may grant a special exception to the fence regulations when in the opinion of the board, **the special exception will not adversely affect neighboring property.**

**STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE OPACITY STANDARD REGULATIONS:**

Section 51A-4.602(a)(11) of the Dallas Development Code states that the board may grant a special exception to the fence opacity regulations when in the opinion of the board, **the special exception will not adversely affect neighboring property.**

**STAFF RECOMMENDATION:**

Variance to the front yard setback regulations

Denial

Rationale: Based upon evidence presented and provided by the applicant, staff concluded that the site is:

- A. Is contrary to the public interest as no letters of opposition have been received.
- D. Is not restrictive in area, shape or slope; The minimum lot size for residential use in zoning district R-7.5(A) is 7,500 sqft. The lot area for of the subject site is approximately 10,497.96 sqft, is not sloped and is not irregularly shaped, therefore, the property can be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- E. Is not a self-created or personal hardship.

Special Exceptions (2):

No staff recommendation is made on this or any request for a special exception to the fence regulations since the basis for this type of appeal is when in the opinion of the board, the special exception will not adversely affect neighboring property.

**BACKGROUND INFORMATION:**

**Zoning:**

- Site: PD 67/R-7.5 (A) (Single Family District)
- North: PD 67/R-7.5 (A) (Single Family District)
- East: PD 67/R-7.5 (A) (Single Family District)
- South: PD 67/R-7.5 (A) (Single Family District)
- West: PD 67/R-7.5 (A) (Single Family District)

**Land Use:**

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

**BDA History:**

No BDA history

**GENERAL FACTS/STAFF ANALYSIS:**

- The application, for the Shelby Longoria property located at 7023 Oriole Drive focuses on 3 requests relating to the front yard setback regulations, fence height regulations and fence standards regarding opacity.
- The applicant is requesting a 18-foot 5-inch variance to the front-yard setback regulations
- Zoning District PD 67/R-7.5(A) requires a 25-foot front yard setback



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- As gleaned from the site plan, the existing home is encroaching into the 25-foot required front yard setback at 7023 Oriole Drive.
- The applicant has stated that the variance request was made so that the existing structure can conform to the existing conditions of the neighborhood and since having two front yard restricts the subject sites buildable area.

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

- That granting the variance to the front yard setback 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 a specific parcel of land that differs from other parcels of land by being of such 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
- 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 a parcel of land not permitted by this chapter to other parcels of land with the same zoning.
- Secondly, the applicant proposes to maintain and 6-foot high fence in a required front yard, which will require a 2-foot special exception to the fence height regulations.
- Lastly, the applicant is requesting a special exception to the fence standards regulations regarding opacity
- The subject site along with properties to the north, east, south, and west are all developed with single-family homes.
- As gleaned from the submitted site plan and elevations, the applicant is proposing to maintain a 6-foot high fence around the circumference of the property at 7023 Oriole Drive.
- The fence is material is wood.
- It is imperative to note that the subject site is a corner lot, and it has double street frontage and two front yards due to block face continuity on Oriole Drive and Linnet Lane.
- Per staff's review of the subject site, it has been confirmed that the fence surrounding the circumference of the property is existing and not proposed.
- 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 Dallas Development Code also states that no fence panel having less than 50 percent open surface area may be located less than 5-feet from the lot line.
- The applicant has the burden of proof in establishing that the special exception(s) to the fence regulations relating to height and opacity will not adversely affect the neighboring properties.
- Granting the special exceptions to the fence standards relating to height and opacity regulations with a condition that the applicant complies with the submitted site plan and

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elevations, would require the proposal to be constructed as shown on the submitted documents.

- 200’ Radius Video: [BDA234-067 at 7023 Oriole Dr.](#)

**Timeline:**

March 21, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

April 10, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.

April 24, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the hearing date and panel that will consider the application; the April 26 , 2024, deadline to submit additional evidence for staff to factor into their analysis; and May 10, 2024, 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.

May 2, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the May public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.

Speakers:

For: Daniel Box, 2728 N. Harwood, Dallas TX 75201  
Cash M’Elroy, 6301 Lemmon Ave # 202, Dallas TX 75219  
Adrienne Brown, 6811 Robin Rd., Dallas TX 75209

Against: Jonathan Maples, 6525 Oriole Dr., Dallas TX 75209

**Motion # 1**

I move that the Board of Adjustment, in Appeal No. BDA 231-067, on application of Shelby Longoria, **GRANT** the 18-foot 5-inch variance to the front-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.

I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

Compliance with the most recent version of all submitted plans are required.

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Maker:	Rachel Hayden				
Second:	Philip Sahuc				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Phil Sahuc, Rachel Hayden and Jay Narey
		Against:	-	0	

**Motion # 2**

I move that the Board of Adjustment, in Appeal No. BDA 234-067, on application of Shelby Longoria, **GRANT** the request of this applicant to construct and/or maintain a fence with panel having less than 50 percent open surface area located less than five-feet from the front lot line as a special exception to the surface area openness requirement for fences in the Dallas Development Code, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property.

I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

Compliance with opacity and fence location requirements illustrated in the most recent version of all submitted plans are required.

Maker:	Rachel Hayden				
Second:	Kathleen Davis				
Results:	4-1				Motion to grant
		Ayes:	-	4	David A. Neumann, Kathleen Davis, Phil Sahuc and Rachel Hayden
		Against:	-	1	Jay Narey

**Motion # 3**

I move that the Board of Adjustment, in Appeal No. BDA 234-067, on application of Shelby Longoria, **GRANT** the request of this applicant to construct and/or maintain a 6-foot high fence as a special exception to the height requirement for fences contained in the Dallas Development Code, as amended, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property.

I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

Compliance with height and fence location requirements illustrated in the most recent version of all submitted plans are required.

Maker:	Rachel Hayden				
Second:	Kathleen Davis				

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Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Phil Sahuc, Rachel Hayden and Jay Narey
		Against:	-	0	

**\*\*Recess at 2:39 pm – 2:50 pm\*\***

**\*\*Recess at 3:15 pm – 3:30 pm\*\***

**\*\*Recess at 4:20 pm – 4:30 pm\*\***

**ADJOURNMENT**

After all business of the Board of Adjustment had been considered, Chairman moved to adjourn the meeting at 4:46 p.m.

Maker:	Rachel Hayden				
Second:	Philip Sahuc				
Results:	5-0 unanimously				Motion to adjourn

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

6/18/2024  
 Date

Dr. Kameka Miller-Hoskins  
 Required Signature:  
 Dr. Kameka Miller-Hoskins, Chief Administrator  
 Development Services Dept.

June 18, 2024  
 Date

David A. Neumann  
 Required Signature:  
 David A. Neumann, Chairman  
 Board of Adjustment

June 18, 2024  
 Date