



BOARD OF ADJUSTMENT

Panel A Minutes

July 15, 2025

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**CITY SECRETARY
DALLAS, TEXAS**

Council Chambers 6EN
24923176153@dallascityhall.webex.com

David A. Neumann, Chairman

PRESENT: [5]

David A. Neumann, Chairman	
Kathleen Davis	
Michael Hopkovitz	
Andrew Finney	
Michael Dorn	

ABSENT: [1]

Jay Narey	

Chairman David A. Neumann called the briefing to order at **10:30 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 testimony opportunities for individuals to comment on matters that were scheduled on the posted meeting agenda.

- No Speakers

MISCELLANEOUS ITEMS

Approval of the Board of Adjustment Panel A, June 17, 2025, Meeting Minutes.

Motion was made to approve Panel A, June 17, 2025, Public Hearing Minutes.

Maker:	Kathleen Davis				
Second:	Michael Hopkovitz				
Results:	5-0 unanimously				Motion to approve
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Michael Dorn, Andrew Finney, Michael Hopkovitz
		Against:	-	0	

HOLDOVER CASES

1. 1201 OAK LAWN AVENUE BDA245-049(BT)

BUILDING OFFICIAL'S REPORT: Application of Jonathan Vinson for **(1)** a special exception to the parking regulations at **1201 OAK LAWN AVENUE**. This property is more fully described as Block 27/7889, part of Lot 1, and is zoned PD-621 (Subdistrict 1), which requires parking to be provided. The applicant proposes to construct and/or maintain a nonresidential structure for a restaurant without drive-in or drive-through service use, an office use, and an office/showroom use and provide 73 of the required 135 parking spaces, which will require **(1)** a 62-space special exception (45.9 % reduction) to the parking regulation.

LOCATION: 1201 Oak Lawn Avenue

APPLICANT: Jonathan Vinson

REQUEST:

(1) Special Exception to the parking regulations.

STANDARD FOR A SPECIAL EXCEPTION TO THE OFF-STREET PARKING REGULATIONS:

Section 51P-621.110(b)(2) states that the board may grant a special exception of up to 50 percent of the required off-street parking upon the findings and considerations listed in **Section 51A-4.311** minus the number of parking spaces currently not provided due to delta credits, as defined in **Section 51A-4.704(b)(4)(A)**. The board of adjustment may impose conditions on the special exception. **Section 51A-4.311(a)** of the Dallas Development Code specifies that the board may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, **that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent or nearby streets.**

STAFF RECOMMENDATION:

Special Exceptions (1):

No staff recommendation is made on this request.

BACKGROUND INFORMATION:

Zoning:

Site: PD-621 (Subdistrict 1)
North: PD-621 (Subdistrict 1)
East: PD-621 (Subdistrict 1)
South: PD-621 (Subdistrict 1)
West: PD-621 (Subdistrict 1)

Land Use:

The subject site is developed with office showroom/warehouse and restaurant without drive-in or drive-through service uses. The areas to the north, south, east, and west are developed with various uses such as but not limited to motor vehicle fueling station, personal service, office showroom/warehouse, and restaurant without drive-in or drive-through service.

BDA History:

No BDA history found within the last 5 years

GENERAL FACTS/STAFF ANALYSIS:

- The application of Jonathan Vinson for the property located at 1201 Oak Lawn Avenue focuses on one request relating to the parking regulations.
- The proposed request of a 62-space special exception (45.9 percent reduction) is made to construct and/or maintain a nonresidential structure.
- The subject site lot size is 78,878.29 square feet.
- The existing building footprint is 39,750 square feet (50.39 percent lot coverage)
- PD-621 (Subdistrict 1) requires the following parking ratio per specified use:
 - 1 parking space per 105 square feet of floor area for restaurant without drive-in or drive-through service ($12,600 / 105 = 120$).
 - 1 parking space per 1100 square feet of floor area for Office/Showroom Warehouse up to 20,000 square feet floor area ($20,000 / 1100 = 18.18$).
 - 1 parking space per 4100 square feet of floor area for Office/Showroom Warehouse above 20,000 square feet floor area ($7,150 / 4100 = 1.74$).
- Additionally, a parking agreement is required for calculating adjusted standard parking requirements.
- Granting the proposed 62-space special exception (45.9 percent reduction) to the parking regulations with a condition that the special exception automatically and immediately

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terminates if when the restaurant without drive-in or drive-through service, office, and office/showroom uses are changed or discontinued.

- 200' Radius Video: [BDA245-049 at 1201 Oak Lawn Ave](#)

Timeline:

April 16, 2025:	The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
March 5, 2025:	The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A .
March 14, 2025:	Planning and Development Department Senior Planner emailed the applicant the following information: <ul style="list-style-type: none">• an attachment that provided the public hearing date and panel that will consider the application; the March 21, 2025, deadline to submit additional evidence for staff to factor into their analysis; and April 4, 2025, deadline to submit additional evidence to be incorporated into the board's docket materials.• the criteria/standard that the board will use in their decision to approve or deny the request; and• the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
March 25, 2025:	The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the April 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.
March 25, 2025:	The applicant provided revised Shared Parking Chart.
April 4, 2025:	The applicant provided additional documentary evidence.
April 15, 2025:	The Board of Adjustment Panel A , at its public hearing held on Tuesday, April 15, 2025, moved to HOLD this matter under advisement until May 20, 2025 .
April 17, 2025:	Planning and Development Department Senior Planner emailed the applicant the following information: <ul style="list-style-type: none">• 1:00 p.m., May 9, 2025, deadline to submit additional evidence to be incorporated into the board's docket materials.
May 9, 2025:	The applicant provided additional documentary evidence.

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- May 20, 2025: The Board of Adjustment Panel **A**, at its public hearing held on Tuesday, May 20, 2025, moved to **HOLD** this matter under advisement until **June 17, 2025**.
- May 21, 2025: Planning and Development Department Senior Planner emailed the applicant the following information:
- 1:00 p.m., **June 6, 2025**, deadline to submit additional evidence to be incorporated into the board's docket materials.
- June 5, 2025: The applicant provided additional documentary evidence.
- June 17, 2025: The Board of Adjustment Panel **A**, at its public hearing held on Tuesday, June 17, 2025, moved to **HOLD** this matter under advisement until **July 15, 2025**.
- June 18, 2025: Planning and Development Department Senior Planner emailed the applicant the following information:
- 1:00 p.m., **July 3, 2025**, deadline to submit additional evidence to be incorporated into the board's docket materials.
- July 2, 2025: The applicant provided additional documentary evidence.

Speakers:

For: Jonathan Vinson, 1807 Ross Ave, Suite 440, Dallas TX 75201
Lloyd Denham, 2928 Westminister, Dallas TX 75205

Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BDA 245-049, on application of Jonathan Vinson, **GRANT** the request of this applicant to provide **73** off-street parking spaces to the off-street parking regulations contained in the Dallas Development Code, as amended, which requires **135** off-street parking spaces, because our evaluation of the property use and the testimony shows that this special exception will not increase traffic hazards or increase traffic congestion on adjacent or nearby streets, and the parking demand generated by the use does not warrant the number of required parking spaces. This special exception is granted for a restaurant without a drive-in or drive-through service use, an office use, and an office/showroom use only.

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

- The special exception of **62** spaces shall automatically and immediately terminate if and when the restaurant without a drive-in or drive-through service, office, or office/showroom uses are changed or discontinued.
- Valet services must be provided and the valet stand must be located on site.
- The applicant must appear before the board for a reassessment and final issuance of the special exception within 12 months from issuance of the certificate of occupancy.

Maker:	Kathleen Davis				
Second:	Andrew finney				
Results:	4-1				Motion to grant
		Ayes:	-	4	David A. Neumann, Kathleen Davis, Michael Dorn, Andrew Finney
		Against:	-	1	Michael Hopkovitz

10. 1500 DRAGON STREET

BDA245-050(BT)

BUILDING OFFICIAL'S REPORT: Application of Jonathan Vinson for **(1)** a special exception to the parking regulations at **1500 DRAGON STREET**. This property is more fully described as Block 6851 and is zoned PD-621 (Subdistrict 1), which requires parking to be provided. The applicant proposes to construct and/or maintain a nonresidential structure for a restaurant without drive-in or drive-through service use, an office use, an office/showroom, and a commercial amusement (inside) (event center) use, and provide 177 of the required 300 parking spaces, which will require **(1)** a 123-space special exception (41 percent reduction) to the parking regulation.

LOCATION: 1500 Dragon

APPLICANT: Jonathan Vinson

REQUEST:

(2) Special exception to the parking regulations.

STANDARD FOR A SPECIAL EXCEPTION TO THE OFF-STREET PARKING REGULATIONS:

Section 51P-621.110(b)(2) states that the board may grant a special exception of up to 50 percent of the required off-street parking upon the findings and considerations listed in **Section 51A-4.311** minus the number of parking spaces currently not provided due to delta credits, as defined in **Section 51A-4.704(b)(4)(A)**. The board of adjustment may impose conditions on the special exception. **Section 51A-4.311(a)** of the Dallas Development Code specifies that the board may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, **that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent or nearby streets.**

STAFF RECOMMENDATION:

Special Exceptions (1):

No staff recommendation is made on this request.

BACKGROUND INFORMATION:

Zoning:

Site: PD-621 (Subdistrict 1)

North: PD-621 (Subdistrict 1)

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Ease: PD-621 (Subdistrict 1)
South: PD-621 (Subdistrict 1)
West: PD-621 (Subdistrict 1)

Land Use:

The subject site is developed with commercial amusement (event space), and office showroom/warehouse. The areas to the north, south, east, and west are developed with various uses such as but not limited to office showroom/warehouse, multi-family, and restaurant without drive-in or drive-through service.

BDA History:

No BDA history found within the last 5 years

GENERAL FACTS/STAFF ANALYSIS:

- The application of Jonathan Vinson for the property located at 1500 Dragon Street focuses on one request relating to the parking regulations.
- The proposed request of a 123-space special exception (41 percent reduction) is made to construct and/or maintain a nonresidential structure.
- The subject site lot size is 223,720.73 square feet.
- The existing building footprint is 98,531 square feet (44.04 percent lot coverage).
- PD-621 (Subdistrict 1) requires the following parking ratio per specified use:
 - 1 parking space per 358 square feet of floor area for Office-related ($3,000 / 358 = 8.38$).
 - 1 parking space per 105 square feet of floor area for Restaurant without drive-in or drive-through service ($18,000 / 105 = 171.43$).
 - 1 parking space per 1100 square feet of floor area for Warehouse/Showroom up to 20,000 square feet floor area ($20,000 / 1100 = 18.18$).
 - 1 parking space per 4100 square feet of floor area for Warehouse/Showroom above 20,000 square feet floor area ($47,531 / 4100 = 11.59$).
 - 1 parking space per 100 square feet of floor area for Any other use ($10,000 / 100 = 100$).
- Additionally, a parking agreement is required for calculating adjusted standard parking requirements.
- Granting the proposed 123-space special exception (41 percent reduction) to the parking regulations with a condition that the special exception automatically and immediately terminates if when the restaurant without drive-in or drive-through service, office, office/showroom, and commercial amusement (inside) (event center) uses are changed or discontinued.
- 200' Radius Video: [BDA245-050 at 1500 Dragon St](#)

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Timeline:

- April 16, 2025: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- March 5, 2025: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel **A**.
- March 14, 2025: Planning and Development Department Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the March 21, 2025, deadline to submit additional evidence for staff to factor into their analysis; and April 4, 2025, deadline to submit additional evidence to be incorporated into the board's docket materials.
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- March 25, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the April 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.
- March 25, 2025: The applicant provided revised Shared Parking Chart.
- April 4, 2025: The applicant provided additional documentary evidence.
- April 15, 2025: The Board of Adjustment Panel **A**, at its public hearing held on Tuesday, April 15, 2025, moved to **HOLD** this matter under advisement until **May 20, 2025**.
- April 17, 2025: Planning and Development Department Senior Planner emailed the applicant the following information:
- 1:00 p.m., **May 9, 2025**, deadline to submit additional evidence to be incorporated into the board's docket materials.
- May 9, 2025: The applicant provided additional documentary evidence.
- May 20, 2025: The Board of Adjustment Panel **A**, at its public hearing held on Tuesday, May 20, 2025, moved to **HOLD** this matter under advisement until **June 17, 2025**.
- May 21, 2025: Planning and Development Department Senior Planner emailed the applicant the following information:

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- 1:00 p.m., **June 6, 2025**, deadline to submit additional evidence to be incorporated into the board's docket materials.

June 5, 2025: The applicant provided additional documentary evidence.

June 17, 2025: The Board of Adjustment Panel **A**, at its public hearing held on Tuesday, June 17, 2025, moved to **HOLD** this matter under advisement until **July 15, 2025**.

June 18, 2025: Planning and Development Department Senior Planner emailed the applicant the following information:

- 1:00 p.m., **July 3, 2025**, deadline to submit additional evidence to be incorporated into the board's docket materials.

July 2, 2025: The applicant provided additional documentary evidence.

Speakers:

For: Jonathan Vinson, 1807 Ross Ave, Suite 440, Dallas TX 75201
Lloyd Denham, 2928 Westminster, Dallas TX 75205

Against: No Speakers

Motion # 1

I move that the Board of Adjustment, in Appeal No. BDA 245-050, on application of Jonathan Vinson, **GRANT** the request of this applicant to provide **177** off-street parking spaces to the off-street parking regulations contained in the Dallas Development Code, as amended, which requires 300 off-street parking spaces, because our evaluation of the property use and the testimony shows that this special exception will not increase traffic hazards or increase traffic congestion on adjacent or nearby streets, and the parking demand generated by the use does not warrant the number of required parking spaces. This special exception is granted for a restaurant without a drive-in or drive-through service use, an office use, an office/showroom use, and a commercial amusement (inside)(event center) use only.

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

The special exception of **123** spaces shall automatically and immediately terminate if and when the restaurant without a drive-in or drive-through service, office, office/showroom, or commercial amusement (inside)(event center) uses are changed or discontinued.

Maker:	Andrew Finney				
Second:	Kathleen Davis				
Results:	3-2				Motion to grant fails
		Ayes:	-	3	Kathleen Davis, Michael dorn and Andrew Finney
		Against:	-	2	Michael Hopkovitz & David A. Neumann

Motion # 2

I move that the Board of Adjustment, in Appeal No. BDA 245-050, on application of Jonathan Vinson, **GRANT** the request of this applicant to provide **177** off-street parking spaces to the off-street parking regulations contained in the Dallas Development Code, as amended, which requires 300 off-street parking spaces, because our evaluation of the property use and the testimony shows that this special exception will not increase traffic hazards or increase traffic congestion on adjacent or nearby streets, and the parking demand generated by the use does not warrant the number of required parking spaces. This special exception is granted for a restaurant without a drive-in or drive-through service use, an office use, an office/showroom use, and a commercial amusement (inside)(event center) use only.

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

- The special exception of 123 spaces shall automatically and immediately terminate if and when the restaurant without a drive-in or drive-through service, office, office/showroom, or commercial amusement (inside)(event center) uses are changed or discontinued.
- Valet services must be provided and the valet stand must be located on site.
- The applicant must appear before the board for a reassessment and final issuance of the special exception within 12 months of the issuance of the certificate of occupancy.
- The applicant must post a minimum of 4 signs visible on the property consistent with city code that state "Please do not park on Dragon Street."

Maker:	David Neumann				
Second:	Andrew Finney				
Results:	4-1				Motion to grant with additional conditions
		Ayes:	-	4	David A. Neumann, Kathleen Davis, Michael Dorn and Andrew Finney
		Against:	-	1	Michael Hopkovitz

UNCONTESTED ITEMS

3. 11322 E. RICKS CIRCLE

BOA-25-000009(BT)

BUILDING OFFICIAL'S REPORT: Application of Robert Baldwin for **(1)** a special exception to the fence height regulations at **11322 E RICKS CIRCLE**. This property is more fully described as Block 3/7490, Lot 4, 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 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: 11322 East Ricks Circle

APPLICANT: Rob Baldwin

REQUEST:

(3) a special exception to the fence height regulations.

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

Section 51A-4.602(a)(11) 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 request.

BACKGROUND INFORMATION:

BDA History:

BDA history found in the last five years - BDA245-034

- The Board of Adjustment Panel A, at its public hearing held on Tuesday, March 18, 2025, moved to **DENY** the special exception requested to construct and/or maintain an 8-foot-high gate and fence **without prejudice**, because our evaluation of the property and the testimony shows that granting the application would adversely affect neighboring property.

Square Footage:

- This lot contains 85,813.2 of square feet or 1.97 acres.
- This lot is zoned R-1ac(A) which has a minimum lot size of 43,560 square feet or 1 acre.

Zoning:

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

Land Use:

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

GENERAL FACTS/STAFF ANALYSIS:

- The application of Robert Baldwin for the property located at 11322 East Ricks Circle focuses on one request relating to fence height.
- The applicant proposes to construct and maintain a 6-foot high fence in a required front yard, which will require a 2-foot special exception to the fence height regulations.
- The subject site, along with properties to the north, south, east, and west, are all developed with single-family homes.
- The subject site is a mid-block lot with single street frontage on East Ricks Circle.
- It has been confirmed that the fence is proposed and not existing.

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- Based on the staff's analysis of the surrounding properties within a 200-foot radius of the subject site, most are open and unobstructed. However, staff observed that some properties have fences, gates, or vegetation in the required front yard, which appear to serve as screening elements.
- 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 regulations relating to height will not adversely affect the neighboring properties.
- Granting the special exception to the fence regulations relating to height, 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: [BDA245-034 at 11322 E. Ricks Circle](#)

Timeline: _

- May 6, 2025: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- June 3, 2025: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.
- June 11, 2025: The Planning and Development Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the **June 20, 2025**, deadline to submit additional evidence for staff to factor into their analysis; and **July 3, 2025**, 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.
- June 26, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the **July** 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 Street # B, Dallas TX 75226
Pierce Marshall, 6425 Belmead Dr, Dallas TX 75230
Mickey Munoz, 6009 Beltline Rd, Dallas TX 75254 (did not speak)

Against: No Speakers

Motion # 1

I move that the Board of Adjustment, in Appeal No. BOA-25-000009, on application of Robert Baldwin, **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:	Michael Hopkovitz				
Second:	Andrew Finney				

Motion to grant was withdrawn by Board member Micheal Hopkovitz and Board member Andrew Finney.

Motion # 2

I move that the Board of Adjustment in Appeal No. BOA-25-000009 **HOLD** this matter **under advisement until August 19, 2025**.

Maker:	Kathleen Davis				
Second:	David A. Neumann				
Results:	5-0 Unanimously				Motion to hold until August 19, 2025
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Michael Dorn, Andrew Finney, Michael Hopkovitz
		Against:	-	0	

4. 9003 ELAM ROAD & 10002 RHODA LANE

BOA-25-000001 (DB)

BUILDING OFFICIAL'S REPORT: Application of Rob Baldwin for **(1)** a special exception to the landscape and urban forest conservation regulations at **9903 ELAM ROAD**. This property is more fully described as W Part of Block 6670, and is zoned R-7.5(A), which requires mandatory landscaping and tree mitigation. The applicant proposes an alternate landscape plan for tree mitigation, which will require **(1)** a special exception to the landscape and urban forest conservation regulations.

LOCATION: 9903 Elam Road

APPLICANT: Rob Baldwin

REQUEST:

- (4) a special exception to the landscape and tree preservation regulations

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO THE LANDSCAPING AND TREE REGULATIONS:

Section 51A-10.110(b) of the Dallas Development Code states that the board may grant a special exception to the requirements of Division 51A-10.130, upon making a special finding from the evidence presented that strict compliance with the requirements of Division 51A-10.130 **will unreasonably burden the use** of the property; the **special exception will not adversely affect neighboring property**; and the **requirements are not imposed by a site-specific landscape plan** or tree mitigation plan approved by the city plan commission or city council. In determining whether to grant a special exception under Subsection (a), the board shall consider the following factors:

- The extent to which there is residential adjacency.
- The topography of the site.
- The extent to which landscaping exists for which no credit is given under this article.
- The ability to plant replacement trees safely on the property.
- The extent to which alternative methods of replacement will compensate for a reduction of tree mitigation or extended time for tree replacement.

STAFF RECOMMENDATION:

Special Exceptions (1):

No staff recommendations are made on this request. However, the Chief Arborist objects to this proposal and request.

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

The subject site and all surrounding properties are primarily undeveloped land, city park and single-family residential uses.

BDA History:

No BDA history has been found within the last 5 years

GENERAL FACTS/STAFF ANALYSIS:

- The application of Rob Baldwin for the property located at 9903 Elam Road focuses on one request relating to the landscape and urban forest conservation regulations.

- The applicant is requesting a special exception to approve a significant reduction of tree replacement (mitigation) for the proposed removal of protected trees on the 7.105-acre Property. The Elam Addition is a Dallas Habitat for Humanity proposed development of 27 single-family residential lots with public infrastructure.

Provision

- The applicant has submitted a full tree survey and a proposed landscape plan in compliance with Article X conditions.
- The tree survey identifies protected and unprotected trees by size, species, classification and lists trees in dead or declining condition. Trees that are identified to be in dedicated land areas for street right-of-way or other public infrastructure are omitted from potential tree mitigation based on their location. The defenses to prosecution under Section 51A-10.140(b) identify trees not subject to permit or mitigation.
- The Property consists of a forest of mixed species of varied sizes and age, including - most significantly - a large stand of mature post oaks, and additional eastern redcedar, sugarberry, American elm, and other species. The post oak is classified as Significant at 12" diameter in Article X as compared to other native species classified as Significant at 24" diameter. The post oak makes up more than 40 percent of the species for the overall site.
- In the tree mitigation calculations based on the provided tree survey, the total amount of mitigation required for the Property is **5,862** diameter inches. This excludes the trees removed and not mitigated due to defenses to prosecution through street location or dead condition of the tree
- The tree mitigation calculations suggest a potential of planting **366 inches** (132 x 3") for mitigation, or 6 percent of the total required.
- The proposed landscape plan indicates trees to be planted to comply with Article X minimum landscape requirements for single family construction on lots over 7,500 square feet in area with three trees per lot, or a total of 81 planted trees for the development. Trees are shown to be planted at 3 inch caliper for a replacement of **243 inches** in mitigation, or 4 percent of the total required.

Deficiency

- The full extent of tree mitigation proposed by the applicant is to plant new trees in the development according to the proposed landscape plan in accordance with Section 51A-10.134. The planting would be completed with the end of construction on each lot.
- The full amount of mitigation required (with Reforestation Value) after planting is as follows:
 - $5,862" - 366" = 5,496"$ (\$RV = \$1,060.805.20) or
 - $5,862" - 243" = 5,619"$ (\$RV = \$1,084,467.00)
- The Reforestation Value is determined by the diameter of the tree and its reduction or increase by classification, and \$193 per diameter inch. The amount is established by ordinance and listed in the Landscape and Tree Manual. Payment into the Reforestation Fund is one option for completing tree mitigation.
 - Significant trees: 1.5x \$193 per inch

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- Class 2 trees: 0.7 x \$193 per inch
- Class 3 trees: 0.4 x \$193 per inch
- Example: 20" elm x 0.7 x \$193 = (14") \$2,702 15" post oak x 1.5 x \$193 = (22") \$4,343.50
- The Article X tree conservation regulations offer multiple means of tree mitigation under Section 51A-10.135, Alternative Methods of Compliance. These options include payment into the Reforestation Fund; planting within five miles of the Property; providing trees for public property; park land dedications, and the creation of a conservation easement. The conservation easement allows for mitigation reductions or completion by protecting forested property within the City boundaries from development.
- No provisional or alternative mitigation measures are proposed by the applicant
- The applicant has the burden of proof in establishing that the special exception(s) to the landscape regulations will not adversely affect the neighboring properties, strict compliance with the code will unreasonably burden the use of the property, and the requirements are not imposed by a site-specific landscape plan or tree mitigation plan approved by the city plan commission or city council.
- Granting the special exception to the landscape and urban forest conservation regulations with a condition that the applicant complies with the submitted site and landscape plan, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: [BOA-25-000011 at 9903 Elam Rd](#)

Timeline: _

- May 15, 2025: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- June 3, 2025: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.
- June 11, 2025: The Planning and Development Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the **June 20, 2025**, deadline to submit additional evidence for staff to factor into their analysis; and **July 3, 2025**, 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.
- June 26, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the **July** public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner,

BOARD OF ADJUSTMENT
July 15, 2025

Project Coordinator, Board Secretary, Conservation District Chief Planner,
Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

Speakers:

For: Rob Baldwin, 3904 Elm Street # B, Dallas TX 75226
Haley Coates-Huseman, 6564 Chicory Ct., Dallas TX 75214

Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BOA-25-000011, on application of Rob Baldwin, **DENY** the special exception to the landscape and urban forest conservation regulations requested by this applicant without prejudice, because our evaluation of the property and the testimony shows that strict compliance with the requirements of Article X will not unreasonably burden the use of the property (and/or) the special exception will adversely affect neighboring properties.

Maker:	Kathleen Davis				
Second:	Andrew Finney				
Results:	5-0 Unanimously				Motion to deny without prejudice
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Michael Dorn, Andrew Finney & Michael Hopkovitz
		Against:	-	0	

**Recess 2:53 pm – 3:00 pm **

ADJOURNMENT

After all business of the Board of Adjustment had been considered, Chairman Neumann entertained a motion to adjourn at 5:51 p.m.

Maker:	David A. Neumann				
Second:	Kathleen Davis				
Result:	5-0 Unanimously				Motion to adjourn

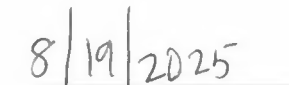

Required Signature:

Mary Williams, Board Secretary
Planning & Development Department


Date


Required Signature:

Dr. Kameka Miller-Hoskins, Board Coordinator
Planning & Development Department


Date

BOARD OF ADJUSTMENT
July 15, 2025

A handwritten signature in blue ink, appearing to read "David A. Neumann", written over a horizontal line.

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

8/19/25
Date