

BOARD OF ADJUSTMENT

Panel B Minutes

May 21, 2025



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**CITY SECRETARY  
DALLAS, TEXAS**

6ES Briefing Room

[24974849659@dallascityhall.webex.com](mailto:24974849659@dallascityhall.webex.com)

Cheri Gambow, Vice-Chair

**PRESENT: [5]**

Cheri Gambow, Vice-Chair	
Joe Cannon	
Parker Graham	
Phil Sahuc	
Michael Dorn	

**ABSENT: [1]**

Sarah Lamb	

Vice-Chair Gambow called the briefing to order at **10:49 A.M.** with a quorum of the Board of Adjustment present.

Vice-Chair Gambow 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.

- We had no speakers for public testimony during this hearing.

**MISCELLANEOUS ITEMS**

- Approval of the Board of Adjustment Panel B, April 16, 2025, Meeting Minutes.

**Motion was made to approve Panel B, April 16, 2025, Public Hearing Minutes.**

Maker:	Joe Cannon				
Second:	Parker Graham				
Results:	5-0 unanimously				Motion to approve
		Ayes:	-	5	Cheri Gambow, Joe Cannon, Parker Graham, Phil Sahuc & Michael Dorn
		Against:	-	0	

- Approval of the amended Board of Adjustment Rules and Procedures changes.

Maker:	Joe Cannon				
Second:	Phil Sahuc				
Results:	5-0 unanimously				Motion to approve
		Ayes:	-	5	Cheri Gambow, Joe Cannon, Parker Graham, Phil Sahuc & Michael Dorn
		Against:	-	0	

**UNCONTESTED CASES**

**1. 1 DORSET PLACE**

BDA245-062(BT)

**BUILDING OFFICIAL'S REPORT:** Application of Sardar Sharif for **(1)** a special exception to the fence-height regulations; and **(2)** a special exception to the visibility obstruction regulations at **1 DORSET PLACE**. This property is more fully described as Block D/5532, Lot 8, and is zoned R-1ac(A), which limits the height of a fence in the front-yard to 4-feet and requires a 20-foot visibility triangle at driveway approaches. The applicant proposes to construct and/or maintain a 7-foot 3-inch-high fence in a required front-yard, which will require **(1)** a 3-foot 3-inch special exception to the fence height regulations; and the applicant proposes to construct and/or maintain a single-family residential fence structure in a required visibility obstruction triangle, which will require **(2)** a special exception to the 20-foot visibility obstruction regulations.

**LOCATION:** 1 Dorset Place

**APPLICANT:** Sardar Sharif

**REQUEST:**

- (1) A request for a special exception to the fence height regulations; and
- (2) A request for a special exception to the visibility obstruction regulations.

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

Section 51A-4.602(a)(11) 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 nor constitute a traffic hazard.**

**STAFF RECOMMENDATION:**

Special Exceptions (2):

No staff recommendation is made on this request.

**BACKGROUND INFORMATION:**

**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 along with surroundings properties are developed with single-family homes.

**BDA History:**

No BDA history found within the last 5 years

**GENERAL FACTS/STAFF ANALYSIS:**

- The application of Sardar Sharif for the property located at 1 Dorset Place focuses on two requests relating to the fence height and fence opacity regulations.
- The applicant is proposing to construct and maintain a 7-foot 3-inch high fence and gate within the required front-yard, which will require a 3-foot 3-inch special exception to the fence height regulations.
- Secondly, the applicant is requesting a special exception to the 20-foot visibility obstruction triangle at the drive approach. The applicant seeks to allow a call box to be located within the visibility triangle.
- As illustrated on the submitted site plan and elevations, the applicant is proposing a 7-foot 3-inch-high combination of stucco columns and wrought iron fencing.
- The applicant has the burden of proof in establishing that the special exception to both the fence height regulation and the visual obstruction regulations will not adversely affect the neighboring properties nor constitute a traffic hazard.
- Granting the special exception to the fence height regulation and the visual obstruction 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: [BDA245-062 at 1 Dorset Pl](#)

**Timeline:**

March 28, 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.

April 3, 2025: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel **B**.

April 18, 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 **April 23, 2025**, deadline to submit additional evidence for staff to factor into their analysis; and **May 9, 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.

April 24, 2025: 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: Sardar Sharif, 1 Dorset Place, Dallas TX 75229  
Mark Rose, 16633 Dallas Pkwy., Dallas TX 75001

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 245-062** – Application by Sardar Sharif for a special exception to the height requirement for fences and a special exception to the visual obstruction regulation in the Dallas Development Code is granted subject to the following condition:

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

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Maker:	Joe Cannon				
Second:	Phil Sahuc				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Cheri Gambow, Joe Cannon, Parker Graham, Phil Sahuc & Michael Dorn
		Against:	-	0	

**HOLDOVER CASES**

**4. 1427 EASTUS DRIVE**

BDA245-017(BT)

**BUILDING OFFICIAL'S REPORT:** Application of Rob Baldwin for (1) a variance to the front-yard setback regulations at **1427 EASTUS DRIVE**. This property is more fully described as Block 5920, Lot 3, and is zoned R-7.5(A), which requires a front-yard setback of 25-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 7-foot 6-inch front-yard setback, which will require **(1)** a 17-foot 6-inch variance to the front-yard setback regulations.

**LOCATION:** 1427 Eastus Drive

**APPLICANT:** Rob Baldwin

**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:

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

**ELEMENT II SUBSTITUTE:**

Dallas Development Code Section 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. Contrary to the public interest, staff received letters of opposition.
- B. Lot is restrictive in **buildable area, and irregularly shaped**, it is a corner lot with front-yard setbacks facing both Eastus Drive and W. Greenbriar Lane; 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:**

<u>Site:</u>	R-7.5(A) (Single Family District)
<u>North:</u>	R-7.5(A) (Single Family District)
<u>East:</u>	R-7.5(A) (Single Family District)
<u>South:</u>	R-7.5(A) (Single Family District)
<u>West:</u>	R-7.5(A) (Single Family District)

**Land Use:**

The subject site is vacant, all surrounding properties are developed with single family uses.

**Lot Square Footage:**

This lot size is 9,135 square feet. (0.210 of an acre)

**BDA History:**

No BDA history found within the last 5 years

**GENERAL FACTS/STAFF ANALYSIS:**

- The application of Rob Baldwin for the property located at 1437 Eastus Drive focuses on one request relating to a variance to the front-yard setback regulations.

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- The applicant is requesting a variance to the front-yard setback regulations along W. Greenbriar Lane.
- The applicant original proposal was to construct and maintain a residential structure and provide a 7-foot 6-inch front-yard setback, which will require a 17-foot 6-inch variance to the front-yard setback regulations along W Greenbriar Lane.
- The applicant provided revised plans, reducing the front-yard setback to 15-foot 10-inch, which will require a 9-foot 2-inch variance to the front-yard setback regulations along W Greenbriar Lane.
- The subject site is vacant, surrounding properties to the north, south, east, and west are all developed with single-family homes.
- It is imperative to note that the subject site is a corner lot, having a 25-foot front-yard setback along Eastus Drive and a 25-foot front-yard setback along W. Greenbriar Lane.
- Subject lot is zoned R-7.5(A) which requires a minimum lot size of 7,500 square feet (0.115 of an acre).
- Subject lot size is 9,135 square feet (0.210 of an acre)
- Buildable area without the variance is 4,236 square feet compared to the maximum buildable area with variance is 5,443 square feet. The applicant is requesting 3,978 square feet.
- Per staff's review of the subject site, it has been confirmed that the single-family structure is proposed on a vacant lot.
- The applicant has the burden of proof in establishing the following:
  - 1) That granting the variance to the front-yard setback regulations will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
  - 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.
- ELEMENT II SUBSTITUTE:

Dallas Development Code Section 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 7

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.

- 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: [BDA245-017 at 1427 Eastus Dr](#)

**Timeline:**

December 19, 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.

January 3, 2024: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel **B**.

January 24, 2024: 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 January 31, 2025, deadline to submit additional evidence for staff to factor into their analysis; and February 7, 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.

January 30, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the February 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.

February 19, 2025: The Board of Adjustment Panel **B**, at its public hearing held on Wednesday, February 19, 2025, moved to **HOLD** this matter under advisement until **April 16, 2025**.

February 21, 2025: Planning and Development Department Senior Planner emailed the applicant the following information:

- 1:00 p.m., **April 4, 2025**, deadline to submit additional evidence to be incorporated into the board's docket materials.



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April 16, 2025: The Board of Adjustment Panel **B**, at its public hearing held on Wednesday, April 16, 2025, moved to **HOLD** this matter under advisement until **May 21, 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 7, 2025: Applicant provided revised plans.

May 9, 2025: Applicant provided revised plans.

Speakers:

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

Against: No speakers

**Motion**

I move that the Board of Adjustment, in Appeal No. BDA 245-017, on application of Rob Baldwin, **GRANT** the 17-foot 6-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.

Maker:	Joe Cannon					
Second:	Phil Sahuc					
Results:	5-0 Unanimously					Motion to grant
		Ayes:	-		5	Cheri Gambow, Joe Cannon, Parker Graham, Phil Sahuc and Michael Dorn
		Against:	-		0	

**INDIVIDUAL CASES**

**3. 6442 E. LOVERS LANE**

BDA245-060(CJ)

**BUILDING OFFICIAL'S REPORT:** Application of Kevin Graham for **(1)** a special exception to the single-family use regulations, and for **(2)** a variance to the floor area regulations at 6442 E. Lovers Lane. This property is more fully described as Block 9/5419, Lot 9, and is zoned R-7.5(A), which limits the number of dwelling units to one, and prohibits an accessory structure from exceeding 25 percent of the floor area of the main structure. The applicant proposes to construct and/or maintain an accessory dwelling unit (for rent), which will require **(1)** a special exception to the single-family zoning use regulations, and to construct and/or maintain a single family residential accessory dwelling unit with 542 square feet of floor area (28% of the 1,933 square foot floor area of the main

structure), which will require **(2)** a 59 square foot variance to the floor area ratio regulations.

**LOCATION:** 6442 E. Lovers Lane

**APPLICANT:** Kevin Graham

**REQUEST:**

- (1) A request for a special exception to the single-family use regulations; and
- (2) A request for a variance to the floor area for structures accessory to single-family use regulations.

**STANDARDS OF REVIEW FOR A SPECIAL EXCEPTION TO THE SINGLE-FAMILY ZONING USE REGULATIONS:**

Section 51A-4.209(b)(6)(E)(iii)(aa) of the Dallas Development Code states 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:

(bb) If a minimum of one additional off-street parking space is not provided, the board shall determine if that will create a traffic hazard. The board may require an additional off-street parking space be provided as a condition of granting this special exception.

(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 to annually register the rental property with the city's single family non-owner-occupied rental program.

**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:

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

**ELEMENT II SUBSTITUTE:**

Dallas Development Code Section 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

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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. Special Exceptions (1):  
No staff recommendation is made on this request.
2. Variance (1) to the **floor area for structures accessory to single-family use** regulations

**Denial**

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 before case reports were finalized and submitted.
- B. The subject site is not restrictive via its size (approx. 8,712 sq ft), shape or slope; 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 at 6442 E. Lovers Lane within the last 5 years.

**Square Footage:**

This lot contains 8,712 of square feet or .2 acres.

This lot is zoned R-7.5(A) which has a minimum lot size of 7,500 square feet per dwelling unit for single-family residential structures.

Site: R-7.5(A) Zoning District

North: PD-652 Zoning District

East: R-7.5(A) Zoning District

South: R-7.5(A) Zoning District

West: R-7.5(A) Zoning District

**Land Use:**

The subject site and areas to the south, east, and west are zoned R-7.5(A) and areas to the north are zoned with uses permissible in PD-652.

**GENERAL FACTS/STAFF ANALYSIS:**

- The application of Kevin Graham located at 6442 E. Lovers Lane focuses on two requests relating to the single-family zoning use regulations and the floor area for structures accessory to single-family use regulations.
- The applicant proposes to construct and/or maintain an accessory dwelling unit (for rent), which will require a special exception to the single-family use regulations.
- Secondly, the applicant is proposing to construct and/or maintain a single family residential accessory structure with 542 square feet of floor area (28% of the 1,933 square foot floor area of the main structure), which will require a 59 square foot variance to the floor area ratio regulations.
- The subject site has single street frontage on E. Lovers Lane.
- The subject site along with surrounding properties to the north, south, east and west are zoned with uses permissible in the R-7.5(A) zoning district. Areas to the north are zoned as Planned Development 652.
- The subject site is currently developed with a single-family residential structure and is located within an established neighborhood.
- The applicant has the burden of proof in establishing that granting the special exception to the single-family use regulations will not adversely affect neighboring properties.
- Granting the special exception 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.
- Granting the special exception to the single-family use regulations would also require the applicant to deed restrict the subject property to require owner-occupancy on the premises and to annually register the rental property with the city's single family non-owner-occupied rental program.

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

- That granting the variance 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 Section **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.
- (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 variance below, 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.
  - 59 square foot variance to the floor area regulations.
- 200' Radius Video: [BDA245-060at 6442 E. Lovers Lane](#)

**Timeline:**

March 27, 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.

April 3, 2025: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel **B**.

April 18, 2025: The Planning and Development Senior Planner emailed the applicant the following information:

- an attachment that provided the hearing date and panel that will consider the application; the April 23, 2025, deadline to submit additional evidence for staff to factor into their analysis; and May 9, 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.

April 24, 2025: 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: Nicole Rodriguez, 6442 E. Lovers Lane, Dallas TX 75214  
Kevin Graham, 8342 Forest Hill, Dallas TX 75218

Against: No Speakers

**Motion # 1**

I move that the Board of Adjustment, in request No. BDA 245-060, on application of Kevin Graham, **GRANT** the request to construct and maintain an accessory dwelling unit on a site developed with a single family structure as a special exception to the single family use regulations requirements 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:

- a. Compliance with the submitted site plan is required; and
- b. The property must be deed restricted to require that the property owner reside in the main structure or the accessory dwelling unit if one dwelling unit is used as rental accommodations and annually register the rental property with the city's single family non-owner-occupied rental program.

Maker:	Parker Graham				
Second:	Joe Cannon				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Cheri Gambow, Joe Cannon, Parker Graham, Phil Sahuc and Michael Dorn
		Against:	-	0	

#### Motion # 2

I move that the Board of Adjustment, in Appeal No. BDA 245-060, on application of Kevin Graham, **GRANT** 59-square-foot variance to the floor area ratio 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:	Parker Graham				
Second:	Phil Sahuc				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Cheri Gambow, Joe Cannon, Parker Graham, Phil Sahuc and Michael Dorn
		Against:	-	0	

#### 4. 3266 S. EDGEFIELD AVENUE

BDA245-067(BT)

**\*\*This Case was heard first\*\***

**BUILDING OFFICIAL'S REPORT:** Application of Jesus Aguillon for (1) a special exception to the fence-height regulations; and (2) a special exception to the fence standard regulations at **3266 S. EDGEFIELD AVENUE**. This property is more fully described as Block 4/6025, Lot 3, and is zoned R-7.5(A), which limits the height of a fence in the front-yard to 4-feet and requires a fence panel with a surface area that is less than 50 percent open not be located less than 5-feet from the front lot line. The applicant proposes to construct and/or maintain an 9-foot 7-inch high fence in a required front-yard, which will require (1) a 5-foot 7-inch special exception to the fence height regulations along Grayson Drive; and the applicant proposes 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 standard regulations.

**LOCATION:** 3266 S. Edgefield Avenue

**APPLICANT:** Jesus Aguillon

**REQUEST:**

- (4) A request for a special exception to the fence height regulations; and
- (5) A request for a special exception to the fence standard regulation relating to opacity.

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

Section 51A-4.602(a)(11) 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 Exceptions (2):

No staff recommendation is made on this request.

**BACKGROUND INFORMATION:**

**Zoning:**

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

**Land Use:**

The subject site along with surroundings properties are developed with single-family homes.

**BDA History:**

No BDA history found within the last 5 years

**GENERAL FACTS/STAFF ANALYSIS:**

- The application of Jesus Aguillon for the property located at 3266 S. Edgefield Avenue focuses on two requests relating to the fence height and fence opacity regulations.
- The first request, the applicant is proposing to construct and maintain a 9-foot 7-inch high fence and gate in a required front-yard, which will require a 3-foot 3-inch special exception to the fence height regulations.

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- The second request, the applicant is proposing to construct and 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 requires a special exception to the fence opacity regulations.
- As illustrated on the submitted site plan and elevations, the 9-foot 7-inch-high board on board fence was constructed without permit approval.
- The applicant plans to remove all fencing from the 20-foot visual obstruction near the alley along Grayson Drive.
- The applicant has the burden of proof in establishing that the special exception to the fence standard regulations relating to height and opacity will not adversely affect the neighboring properties.
- Granting the special exception to the fence regulations relating to height and opacity, 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: [BDA245-067 at 3266 S Edgefield Ave](#)

**Timeline:**

- April 2, 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.
- April 3, 2025: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel **B**.
- April 18, 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 **April 23, 2025**, deadline to submit additional evidence for staff to factor into their analysis; and **May 9, 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.
- April 24, 2025: 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: Jesus Aguillon, 3266 S. Edgefield Ave., Dallas TX 75224



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Interpreter: Graciela Quintero, 3266 S. Edgefield Ave., Dallas TX 75224  
Jesus Palacios, 4821 King Fisher Ln., Mesquite TX 75181

Against: No Speakers

**Motion # 1**

I move that the Board of Adjustment, in Appeal No. BDA 245-067, on application of Jesus Aguillon, **GRANT** the request of this applicant to construct and/or maintain a 9-foot 7-inch 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 the most recent version of all submitted plans are required

Maker:	Joe Cannon				
Second:	Phil Sahuc				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Cheri Gambow, Joe Cannon, Parker Graham, Phil Sahuc, Michael Dorn
		Against:	-	0	

**Motion # 2**

I move that the Board of Adjustment, in Appeal No. BDA 245-067, on application of Jesus Aguillon, **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, as amended:

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

Maker:	Joe Cannon				
Second:	Phil Sahuc				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Cheri Gambow, Joe Cannon, Parker Graham, Phil Sahuc, Michael Dorn
		Against:	-	0	

**ADJOURNMENT**

After all business of the Board of Adjustment had been considered, Vice Chair Cheri Gambow moved to adjourn the meeting at 1:39 p.m.

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Mary Williams

Required Signature:

Mary Williams, Board Secretary

Planning and Development Department

8/20/2025

Date

Dr. Kameka Miller-Hoskins

Required Signature:

Dr. Kameka Miller-Hoskins, Board Administrator

Planning and Development Department

8/20/2025

Date

Cheri Gambow

Required Signature:

Cheri Gambow, Vice Chair

Board of Adjustment

8/20/2025

Date