



BOARD OF ADJUSTMENT

Panel B Minutes

August 21, 2024

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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	
Sarah Lamb	
Joe Cannon	
Andrew Finney	

**ABSENT: [1]**

Michael Karnowski	
Derrick Nutall	

Vice-Chair Gambow called the briefing to order at **10:11 A.M.** with a quorum of the Board of Adjustment present.

Vice-Chair Gambow called the hearing to order at **1:05 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 B, April 17<sup>th</sup>, 2024, Meeting Minutes.

Minutes were not approved due to several errors regarding attendance.

**UNCONTESTED CASES**

**1. 2706 Turtle Creek Circle**  
BDA234-094(BT)

**BUILDING OFFICIAL'S REPORT:** BDA234-094(BT) Application of Rob Baldwin for **(1)** a special exception to the fence opacity regulations; and for **(2)** a special exception to the visibility obstruction regulations at **2706 TURTLE CREEK CIR**. This property is more fully described as Block A/0995, Lot 1A, and is zoned PD-193 (TH-3), which requires a 20-foot visibility triangle at driveway approaches 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 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 **(1)** a special exception to the fence opacity standards regulations; and to construct and/or maintain a single-family residential fence structure in a required 20-foot visibility obstruction triangle at the drive approach, which will require **(2)** a special exception to the 20-foot visibility obstruction regulations.

**LOCATION:** 2706 Turtle Creek Cir.

**APPLICANT:** Rob Baldwin

**REQUEST:**

- (1) A request for a special exception to the fence opacity regulations; and
- (2) A special exception to the 20-foot visibility obstruction regulations at the driveway

**STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO 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 nor constitute a traffic hazard.**

**STAFF RECOMMENDATION:**

**Special Exceptions (2):**

No staff recommendation is made on this or any request for a special exception since the basis for this type of appeal is when in the opinion of the board, the special exception will not adversely affect neighboring properties nor constitute a traffic hazard.

**BACKGROUND INFORMATION:**

**Zoning:**

- Site:** PD-193 (TH-3)
- North:** PD-193 (O-2)
- East:** PD-193 (TH-3)
- South:** PD-193 (GR and HC)
- West:** PD-193 (O-2)

**Land Use:**

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

**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 2706 Turtle Creek Cir. focuses on 2 requests relating to the fence opacity regulations, and to the visual obstruction regulations.
- The first request is for a special exception to the fence standard regulations. 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.
- Lastly, the applicant is requesting a special exception to the 20-foot visibility obstruction triangle at the drive approach along Turtle Creek Cir. The proposed 7-foot high fence encroach about 10-foot 6-inches into the visibility obstruction triangle on the western boundary and 5-foot into the visibility obstruction triangle on the Northwestern boundary of Turtle Creek Cir.
- The subject site along with surroundings properties to the north, south east and west are all developed with single-family and multi-family uses.
- As illustrated on the submitted site plan and elevations, the applicant is proposing a combination of 7-foot high gate and fence, located near the front property line less than 5-feet.
- A portion of the proposed 7-foot high fence is existing as illustrated on the submitted site plan and elevations.
- Based upon staff's analysis of the surrounding properties, the property is located within a gated community.
- 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(s) to the fence opacity regulations and visual obstruction regulations will not adversely affect the neighboring properties nor constitute a traffic hazard.
- 200' Radius Video: [BDA234-094 2706 Turtle Creek Circle](#)

**Timeline:**

June 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.

July 3, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel B.

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July 17, 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 July 26, 2024, deadline to submit additional evidence for staff to factor into their analysis; and August 9, 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.

July 29, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the August 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: Joseph O'Brien, 2706 Turtle Creek Circle, Dallas TX 75219  
 (Did not speak)

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 234-094** – Application of Rob Baldwin for a special exception to the fence opacity regulations in the Dallas Development Code is granted subject to the following condition:

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

**BDA 234-094** – Application of Rob Baldwin for a special exception to the visibility obstruction regulations in the Dallas Development Code is granted subject to the following condition:

Compliance with the most recent version of all submitted plans, in regards to the portion in violation of the visual obstruction triangle, are required.

Maker:	Sarah Lamb				
Second:	Andrew Finney				
Results:	4-0 Unanimously				Motion to grant
		Ayes:	-	4	Cheri Gambow, Sarah Lamb, Andrew Finney & Joe Cannon
		Against:	-	0	

**2. 5311 Edlen Drive**  
BDA234-102(CJ)

**BUILDING OFFICIAL'S REPORT:** Application of Jennifer Hiromoto for (1) a special exception to the fence height regulations at 5311 EDLEN DR. This property is more fully described as Block 1/5602, Lot 6, 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 7-foot high fence in a required front-yard, which will require (1) a 3-foot special exception to the fence height regulations.

**LOCATION:** 5311 Edlen Dr.

**APPLICANT:** Jennifer Hiromoto

**REQUEST:**

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

**STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE HEIGHT 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 standard regulations when in the opinion of the board, **the special exception will not adversely affect neighboring property.**

**STAFF RECOMMENDATION:**

**Special Exceptions (1):**

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

**BACKGROUND INFORMATION:**

**BDA History:**

- No BDA history found at 5311 Edlen Drive in the last 5 years.

**Square Footage:**

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

**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 for Jennifer Hiromoto property located at 5311 Edlen Drive focuses on one request relating to fence height regulations.
- The applicant proposes to construct and maintain a 6-foot fence with 7-foot high masonry columns in a required front yard, which will require a 3-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.
- As gleaned from the submitted site plan and elevations, the applicant is proposing to maintain a 6-foot wrought iron fence with 7-foot masonry columns along the front and side of the property at 5311 Edlen Drive.
- It is imperative to note that the subject site is a corner lot with double street frontage on Edlen Drive and Meadowbrook Drive.
- The street frontage along Edlen Drive and Meadowbrook Drive act as two front yards due to block-face continuity.
- Based upon staff's analysis of the surrounding properties, there are a few homes along Edlen Drive with fences and gates in the required front yard and/or some form of vegetation serving as a screening mechanism.
- It has been confirmed that the proposed fence will replace the existing fence along Meadowbrook Drive and be placed in a similar location; the remainder of the fence will be along Edlen Drive.
- 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 exceptions to the fence standards relating to 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.
- 200' Radius Video:

**Timeline:**

- June 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.
- July 3, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel B.
- July 17, 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 August 9, 2024, deadline to submit

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additional evidence for staff to factor into their analysis; and July 26, 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.

July 29, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the August 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 234-102** – Application of Jennifer Hiramoto for a special exception to the fence height regulations 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:	Sarah Lamb				
Second:	Andrew Finney				
Results:	4-0 Unanimously				Motion to grant
		Ayes:	-	4	Cheri Gambow, Joe Cannon, Sarah Lamb & Andrew Finney
		Against:	-	0	

**INDIVIDUAL CASES**

**3. 5325 Kelsey Road**  
BDA234-096(CJ)

**BUILDING OFFICIAL’S REPORT:** Application of Charles Anderson for (1) a special exception to the fence height regulations; for (2) a special exception to the visibility obstruction regulations at driveway #1; and for (3) a special exception to the visibility obstruction regulations at driveway #2 at 5325 Kelsey Rd. This property is more fully described as Block A/5517, Lot 9, 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 the driveway approaches. The applicant proposes to construct and/or maintain an 8-foot-high fence in a required front-yard, which will require **(1)** a 4-foot special exception to the fence height regulations; 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 regulation at driveway #1; The applicant proposes to construct and/or maintain a single-family residential fence structure in a required 20-foot visibility obstruction triangle, which will require **(3)** a special exception to the visibility obstruction regulation at driveway #2.

**LOCATION:** 5325 Kelsey Rd.

**APPLICANT:** Charles C. Anderson

**REQUEST:**

- (4) A special exception to the fence height regulations;
- (5) A special exception to the 20-foot visibility obstruction regulations at the first drive approach;
- (6) A special exception to the 20-foot visibility obstruction regulations at the second drive approach.

**STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE HEIGHT 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.**

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

Section 51A-4.602(d)(3) of the Dallas Development Code states that the board may grant a special exception to the visual obstruction regulations when in the opinion of the board, **the special exception will not constitute a traffic hazard.**

**STAFF RECOMMENDATION:**

Special Exceptions (3):

No staff recommendation is made on this or any request for a special exception since the basis for this type of appeal is when in the opinion of the board, the special exception will not adversely affect neighboring properties nor will it constitute a traffic hazard.

**BACKGROUND INFORMATION:**

**BDA History:**

No BDA history found at 5325 Kelsey Road in the last five years.

**Square Footage:**

- This lot contains 42,253.2 of square feet.
- This lot is zoned R-1ac(A) which has a minimum lot size of 1 acre or 43,650 square feet.



**Zoning:**

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

**Land Use:**

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

**GENERAL FACTS/STAFF ANALYSIS:**

- The application, for the Charles C. Anderson property located at 5325 Kelsey Road focuses on 3 requests relating to the fence height and visual obstruction regulations.
- The applicant is proposing to construct and maintain a 7-foot 6-inch fence with 8-foot stone columns in a required front yard, which will require a 4-foot special exception to the fence height regulations.
- Secondly, the applicant is proposing to maintain a single-family residential fence structure in required 20-foot visibility obstruction triangles, which will require a special exception to the 20-foot visibility obstruction regulations at drive approach #1 and drive approach #2.
- 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 7-foot 6-inch fence with 8-foot stone columns along the front yard of the home.
- The proposed fence is material is wrought iron connected by stone columns.
- It is imperative to note that the subject site is a mid-block lot with single street frontage on Kelsey Road.
- The applicant has stated that the request for special exception has been made for safety/security reasons.
- Based upon staff's analysis of the surrounding properties, there are a few homes along Kelsey Road with fences and gates in the required front yard and/or some form of vegetation serving as a screening mechanism.
- It has been confirmed that the proposed fence will replace the existing 4-foot fence and be placed in the same location.
- The applicant has the burden of proof in establishing that the special exception to the fence regulations regarding fence height, will not adversely affect neighboring properties.
- The applicant also has the burden of proof in establishing that the special exceptions to the fence regulations regarding visual obstruction will not constitute a traffic hazard.
- Granting the special exceptions to the fence standards relating to fence height and visual obstruction regulations with a condition that the applicant complies with the submitted site

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

- 200' Radius Video:

**Timeline:**

June 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.

July 3, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel B.

July 17, 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 August 9, 2024, deadline to submit additional evidence for staff to factor into their analysis; and July 26, 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.

July 29, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the August 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: Peter Kavanagh, 1620 Handley St., Dallas TX 75208

Against: Julie Allen, 5337 Kelsey Rd., Dallas TX 75229  
Elizabeth Winslow, 10111 Gaywood Rd., Dallas TX 75229  
Harriane Wallestein, 10122 Gaywood Rd., Dallas TX 75229  
Teri Lajone, 5124 Meaders Lan., Dallas TX 75229  
David Elmquist, 5351 Kelsey Rd., Dallas TX 75229  
Elaine Everitt, 5106 Kelsey Rd., Dallas TX 75229

**Motion**

I move that the Board of Adjustment in Appeal No. BDA 234-096, **HOLD** this matter **under advisement until September 18, 2024.**

Maker:	Sarah Lamb				
Second:	Joe Cannon				

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Results:	4-0 Unanimously				Motion to hold
		Ayes:	-	4	Cheri Gambow, Joe Cannon, Sarah Lamb & Andrew Finney
		Against:	-	0	

**4. 6121 E. Lovers Lane**

**\*\*This Case was heard last\*\***

BDA234-097(BT)

**BUILDING OFFICIAL’S REPORT:** BDA234-097(BT) Application of Joseph and Alevtina Sarno to appeal the decision of the administrative official at **6121 E. LOVERS LN**. This property is more fully described as Block 7/5411, Lot 1, and is zoned PD-1053, which allows a person who is aggrieved by the decision of an administrative official and is the owner of real property within 200 feet of the subject site related to a specific application, address, or project, may appeal to the board. The applicant proposes to appeal the decision of an administrative official in the issuance of a building permit and associated master permit.

**LOCATION:** 6121 E Lovers Ln.

**APPLICANT:** Joseph and Alevtina Sarno

**REQUEST:**

- (7) A request is made to appeal the decision of the administrative official in building permit 2303301066 for a 4500 sq. ft. concrete outdoor basketball court.

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

Section Dallas Development Code Sections 51A-3.102(d)(1) and 51A-4.703(a)(2) state that any aggrieved person may appeal a decision of an administrative official when that decision concerns issues within the jurisdiction of the Board of Adjustment.

**The Board of Adjustment may hear and decide an appeal that alleges error in a decision made by an administrative official.** Tex. Local Gov’t Code Section 211.009(a)(1) .

Administrative official means that person within a city department having the final decision-making authority within the department relative to the zoning enforcement issue. Dallas Development Code Section 51A-4.703(a)(2).

**BACKGROUND INFORMATION:**

**Zoning:**

- Site:** PD-1053
- North:** R-7.5(A)
- East:** R-7.5(A)
- South:** R-7.5(A)
- West:** PD-916 (Subarea A) and PD-916 (Subarea B) Tract 6

**Land Use:**

The subject site is a place of worship and school with surrounding properties to the north, east and south developed with single-family. To the West, PD 916 developed with multi-family.

**BDA History:**

No BDA history found within the last 5 years

**GENERAL FACTS/STAFF ANALYSIS:**

- Zion Lutheran Church applied for a 4500 sq. ft. outdoor basketball addition on March 30, 2023, permit #2303301066 was approved on May 21, 2024 and final green tag inspection completed on July 8, 2024.
- Citizen complaint created on June 24, 2024 and completed on June 27, 2024.
- The board shall have all the powers of the administrative official on the action appealed. The board may in whole or in part affirm, reverse, or amend the decision of the official.

**Timeline:**

- June 24, 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.
- July 3, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel B.
- July 17, 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 July 26, 2024, deadline to submit additional evidence for staff to factor into their analysis; and August 9, 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.
- July 1, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the August 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: Joseph Sarno, 6114 Town Hill Ln., Dallas TX 75214  
Alevtina Sarno, 6114 Town Hill Ln., Dallas TX 75214

Representing the City of Dallas: Ryan Crocker, 1500 Marilla St., 7DN, Dallas TX 75201  
Jason Pool, 320 E. Jefferson, Dallas TX 75203

\*\*Board members went into Executive Session: 3:38 pm – 3:59 pm.\*\*

**Motion**

Having fully reviewed the decision of the administrative official of the City of Dallas in Appeal No. BDA 234-097, on application of Joseph and Alevtina Sarno, and having evaluated the evidence pertaining to the property and heard all testimony and facts supporting the application, I move that the Board of Adjustment **AFFIRM** the decision of the administrative official.

Maker:	Sarah Lamb				
Second:	Andrew Finney				
Results:	4-0 Unanimously				Motion to affirm the AO decision
		Ayes:	-	4	Cheri Gambow, Joe Cannon, Sarah Lamb & Andrew Finney
		Against:	-	0	

**5. 5322 Kelsey Road**  
 BDA234-098(BT)

**BUILDING OFFICIAL’S REPORT:** Application of Karlyn Herlitz for (1) a special exception to the fence height regulations at **5322 KELSEY RD.** This property is more fully described as Block B/5517, Lot 10, 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 6-inch-high fence in a required front-yard, which will require a 2-foot 6-inch special exception to the fence regulation.

**LOCATION:** 5322 Kelsey Rd.

**APPLICANT:** Karlyn Herlitz

**REQUEST:**

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

**STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE HEIGHT, FENCE OPACITY AND FENCE MATERIAL 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 regulations when in the opinion of the board, **the special exception will not adversely affect neighboring property.**

**STAFF RECOMMENDATION:**

Special Exceptions (1):

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

**BACKGROUND INFORMATION:**

**Zoning:**

Site: R-1ac(A)  
North: R-1ac(A)

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East: R-1ac(A)  
South: R-1ac(A)  
West: R-1ac(A)

**Land Use:**

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

**BDA History:**

No BDA history found within the last 5 years

**GENERAL FACTS/STAFF ANALYSIS:**

- The application of Karlyn Herlitz for the property located at 5322 Kelsey Rd. focuses on 1 request relating to the fence height regulations.
- The request is for a special exception to the fence height regulations. The applicant is proposing to construct and maintain a 6-foot 6-inch high iron gate and fence in a required front-yard, which will require a 2-foot 6-inch special exception to the fence height regulations.
- The subject site along with surroundings properties to the north, south east and west are all developed with single-family homes.
- As illustrated on the submitted site plan and elevations, the applicant is proposing a combination of 6-foot high iron double gate and fence with 6-foot 6-inch high stone columns, located near the front property line.
- A majority of the proposed iron fence and gate will be 6-foot high.
- A portion of the proposed stone columns, fence and gate will be constructed on an existing retaining wall.
- Based upon staff's analysis of the surrounding properties, some properties provided a fence and gate exceeding 4-feet above grade in the required front yard and/or some provided a form of vegetation serving as a screening mechanism along Kelsey Rd.
- The applicant provided a motor vehicle theft police report from 2022.
- 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(s) to the fence regulations relating to height will not adversely affect the neighboring properties.
- 200' Radius Video: [BDA234-098 5322 Kelsey Road](#)

**Timeline:**

June 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.

July 3, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel B.

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July 17, 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 July 26, 2024, deadline to submit additional evidence for staff to factor into their analysis; and August 9, 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.

July 1, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the August 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: Peter Kavanagh, 1620 Handley St., Dallas TX 75208

Against: Julie Allen, 5337 Kelsey Rd., Dallas TX 75229  
Elizabeth Winslow, 10111 Gaywood Rd., Dallas TX 75229  
Harriane Wallestein, 10122 Gaywood Rd., Dallas TX 75229  
Teri Lajone, 5124 Meaders Lan., Dallas TX 75229  
David Elmquist, 5351 Kelsey Rd., Dallas TX 75229  
Elaine Everitt, 5106 Kelsey Rd., Dallas TX 75229

**Motion**

I move that the Board of Adjustment in Appeal No. BDA 234-098 **HOLD** this matter under advisement until **September 18, 2024.**

Maker:	Sarah Lamb				
Second:	Joe Cannon				
Results:	4-0 Unanimously				Motion to hold
		Ayes:	-	4	Cheri Gambow, Sarah Lamb, Joe Cannon & Andrew Finney
		Against:	-	0	

**\*\*Recess at 2:04 pm – 2:08 pm\*\***

**\*\*Recess at 2:55 pm – 3:02 pm\*\***

**\*\*Recess at 3:11 pm – 3:16 pm\*\***

**ADJOURNMENT**

After all business of the Board of Adjustment had been considered, Vice-Chair Cheri Gambow moved to adjourn the meeting at 4:28 p.m.



Required Signature:

Mary Williams, Board Secretary  
Development Services Dept.

09.18.24

Date



Required Signature:

Dr. Kameka Miller-Hoskins, Board Administrator  
Development Services Dept.

9/18/24

Date

  
Required Signature:

Sarah Lamb, Presiding Officer  
Board of Adjustment

9-18-24

Date