



BOARD OF ADJUSTMENT

Panel C Minutes

January 23, 2025

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**CITY SECRETARY  
DALLAS, TEXAS**

6ES – Council Briefing  
[24957316190@dallascityhall.webex.com](mailto:24957316190@dallascityhall.webex.com)

Robert Agnich, Vice-Chair

**PRESENT: [5]**

Robert Agnich, VC	
Judy Pollock	
Roger Sashington	
Rodney Milliken	
Andrew Finney	

**ABSENT: [1]**

Jared Slade	

Vice-Chair Agnich called the briefing to order at **10:37 A.M.** with a quorum of the Board of Adjustment present.

Vice-Chair Agnich called the hearing to order at **1:03 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 C, December 16, 2024, Minutes as presented during the briefing.

**A motion was made to approve Panel C, December 16, 2024, Public Hearing minutes.**

Maker:	Andrew Finney				
Second:	Robert Agnich				
Results:	5-0 unanimously				Motion to approve
		Ayes:	-	5	Robert Agnich, Judy Pollock, Andrew Finney, Rodney Milliken, and Roger Sashington
		Against:	-	0	

**UNCONTESTED ITEMS**

**1. 2635 Pennsylvania Avenue**  
BDA245-005(BT)

**BUILDING OFFICIAL’S REPORT:** Application of Ruth Solorzano represented by Shereyar Jawaid for (1) a variance to the front-yard setback regulations at **2635 PENNSYLVANIA AVENUE**. This property is more fully described as Block 26/1308, Lot 35, and is zoned PD-595 (R-5(A)), which requires a front-yard setback of 20-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 5-foot front-yard setback along Myrtle Street, which will require **(1)** a 15-foot variance to the front-yard setback regulations.

**LOCATION:** 2635 Pennsylvania Avenue

**APPLICANT:** Ruth Solorzano

**REPRESENTED BY:** Shereyar Jawaid

**REQUEST:**

1. 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:

- (A) **not contrary to the public interest** when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
- (B) necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a **restrictive area, shape, or slope**, that it cannot be developed

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

- (C) **not granted to relieve a self-created or personal hardship**, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

**ELEMENT II SUBSTITUTE:**

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

(i) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 of the Texas Tax Code.

(ii) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.

(iii) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.

(iv) compliance would result in the unreasonable encroachment on an adjacent property or easement; or

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

**STAFF RECOMMENDATION:**

**Variance:**

Approval

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

- A. Not contrary to the public interest as no letters of opposition were received.
- B. Lot is restrictive in buildable **area**, shape, or slope; it is a corner lot with front-yard setbacks facing both Pennsylvania Avenue and Myrtle Street; therefore, it cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Not self-created nor is it a personal hardship.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: PD-595 (R-5(A)) (Single Family District)  
North: PD-595 (R-5(A)) (Single Family District)  
East: PD-595 (R-5(A)) (Single Family District)  
South: PD-595 (R-5(A)) (Single Family District)  
West: PD-595 (R-5(A)) (Single Family District)

**Land Use:**

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

**Lot Square Footage:**

This lot size is 3,250 square feet. (0.075 of an acre)

**BDA History:**

No BDA history found within the last 5 years

**GENERAL FACTS/STAFF ANALYSIS:**

- The application of Ruth Solorzano represented by Shereyar Jawaid for the property located at 2635 Pennsylvania Avenue focuses on 1 request relating to a variance to the front-yard setback regulations.
- The applicant is requesting a variance to the front-yard setback regulations. The applicant is proposing to construct and maintain a residential structure and provide a 5-foot front yard setback along Myrtle Street, which will require a 15-foot variance to the front-yard setback regulations.
- The subject site along with surroundings properties are all developed with single-family homes.
- It is imperative to note that the subject site is a corner lot, having a 20-foot front-yard setback along Pennsylvania Avenue and a 20-foot front-yard setback along Myrtle Street.
- Subject lot is zoned PD-595 (R-5(A)) which requires a minimum lot size of 5,000 square feet (0.115 of an acre).
- Subject lot size is 3,250 square feet (0.075 of an acre), and buildable area without variance is 0 square feet. compared to other lots buildable area is 3,000 square feet (0.069 of an acre) in the same zoning.
- Per staff's review of the subject site, it has been confirmed that the single-family structure of the property 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 §51A-3.102(d)(10)(b), formerly known as HB 1475, allows for the

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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.
- 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:

**Timeline:**

- November 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.
- December 17, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel C.
- December 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 2, 2025, deadline to submit additional evidence for staff to factor into their analysis; and January 10, 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 2, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the January 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.

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Speakers:

For: Ruth Solorzano, 2023 Custer Dr., Dallas TX 75216  
Shereyar Jawaid, 5801 Marvin D. Love Frwy Suite 310  
Dallas TX 75215

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 245-005** – Application of Ruth Solorzano represented by Shereyar Jawaid, for a variance to the front-yard setback regulations contained in the Dallas Development Code, is granted, subject to the following condition:

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

Maker:	Roger Sashington				
Second:	Judy Pollock				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Robert Agnich, Judy Pollock, Rodney Milliken, Andrew Finney & Roger Sashington
		Against:	-	0	

**2. 5000 East Side Avenue**

BDA234-149(CJ)

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

**BUILDING OFFICIAL’S REPORT:** Application of Rob Baldwin for **(1)** a variance to the front-yard setback regulations at **5000 East Side Avenue**. This property is more fully described as Block 4/1418, Lot 1 and is zoned D(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 5-foot front yard setback, which will require a **(1)** 20-foot variance to the front yard setback regulations.

**LOCATION:** 5000 East Side Avenue

**APPLICANT:** Rob Baldwin

**REQUEST:**

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

**STANDARDS OF REVIEW FOR A VARIANCE:**

Section 51A-3.102(d)(10) of the Dallas Development Code specifies that the board has the power to grant variances from the **front yard**, side yard, rear yard, lot width, lot depth, lot coverage, floor area for structures accessory to single-family uses, height, minimum sidewalks, off-street parking

or off-street loading, or landscape regulations provided that the variance is:

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

**ELEMENT II SUBSTITUTE:**

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

- (i) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 of the Texas Tax Code.
- (ii) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
- (iii) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
- (iv) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (v) the municipality considers the structure to be a nonconforming structure.

**STAFF RECOMMENDATION:**

1. **Variance** to the front yard setback regulations

**Approval**

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

- A. Not contrary to the public interest as no letters of opposition were received before case reports were finalized and submitted.
- B. Though the subject site is not sloped but it is irregularly shaped and only 3,049.2 sq ft. which is smaller than the minimum lot size for residential use in the D(A) zoning district (10,000 sq ft.); therefore, the property cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Is not a self-created or personal hardship.

**BACKGROUND INFORMATION:**

**BDA History:**

No BDA history found at 5000 East Side Avenue within the last 5 years.

**Square Footage:**

This lot contains 3,049.2 of square feet.

This lot is zoned D(A) which has a minimum lot size of 10,000 square feet.

Site: D(A) (Duplex District)

North: D(A) (Duplex District)

East: D(A) (Duplex District)

South: D(A) (Duplex District)

West: MF-2(A) (Multi-Family District)

**Land Use:**

The subject site is vacant and areas to the north, south, east, and west are zoned D(A). Properties to the west of the subject site are zoned MF-2(A).

**GENERAL FACTS/STAFF ANALYSIS:**

- The application of Rob Baldwin for the property located at 5000 Eastside Avenue focuses on 1 request relating to the front yard setback regulations.
- A request for a variance to the front yard setback regulations of 20-feet along Munger Avenue is made to construct and/or maintain a single-family residential structure; the applicant is proposing a 5-foot front yard setback instead of the required 25-foot front yard setback required in the D(A) zoning district.
- The subject site is a corner lot and has double street frontage on Eastside Avenue and North Munger Boulevard.
- The subject site along with surrounding properties to the north, south, east and west are zoned with residential uses.
- The subject site is currently vacant and located within an established neighborhood.

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 **§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.



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- (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.
    - 20-foot variance to the front yard setback regulations.
  - 200' Radius Video: [BDA234-149 at 5000 East Side Avenue](#)

**Timeline:**

October 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.

November 4, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel C.

November 13, 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 November 22, 2024, deadline to submit additional evidence for staff to factor into their analysis; and December 6, 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.

November 22, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the December 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.

December 16, 2024: The Board of Adjustment Panel C, at its public hearing held on Monday, December 16, 2024, moved to HOLD this matter under advisement until January 23, 2025.

December 23, 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 January 2, 2025, deadline to submit additional evidence for staff to factor into their analysis ;and January

10, 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 2, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the January 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 234-149** – Application of Rob Baldwin, for a variance to the front-yard setback regulations contained in the Dallas Development Code, is granted, subject to the following condition:

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

Maker:	Roger Sashington				
Second:	Judy Pollock				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Robert Agnich, Judy Pollock, Andrew Finney, Rodney Milliken and Roger Sashington
		Against:	-	0	

**3. 929 Brookwood Avenue**  
BDA234-155(CJ)

**BUILDING OFFICIAL’S REPORT:** Application of Benjamin Lartey for **(1)** a special exception to the fence height regulations, and for **(2)** a special exception to the visibility obstruction regulations at **929 Brookwood Drive**. This property is more fully described as Block 3/5982, Lot 23, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4-feet and requires a 20-foot visibility triangle at the intersection of an alley and an adjacent street curb line. The applicant proposes to construct and/or maintain an 15-foot high fence in a required front-yard, which will require **(1)** an 11-

foot special exception to the fence height regulations, and to construct and/or maintain a single-family residential fence structure in a required visibility obstruction triangle at an alley and an adjacent street curb line, which will require **(2)** a special exception to the visibility obstruction regulations at the intersection of an alley and street.

**LOCATION:** 929 Brookwood Drive

**APPLICANT:** Benjamin Lartey

**REQUEST:**

2. A request for a special exception to the fence height regulations; and
3. A special exception to the 20-foot visibility obstruction regulations at the intersection of an alley and street.

**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.**

**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 (2):

No staff recommendation is made on these requests.

**BACKGROUND INFORMATION:**

**BDA History:**

- BDA234-155\_FR1 was granted by Panel C on December 16, 2024

**Square Footage:**

- This lot contains 10,323.72 of square feet.
- This lot is zoned R-7.5(A) which has a minimum lot size of 7,500 square feet.

**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 is vacant and surrounding properties to the north, south, east and west are developed with single-family uses.

**GENERAL FACTS/STAFF ANALYSIS:**

- The application of Benjamin Larney for the property located at 929 Brookwood Drive focuses on 2 requests relating to fence height and visual obstruction regulations.
- The applicant proposes to construct and maintain a 15-foot fence in a required front yard, which will require an 11-foot special exception to the fence height regulations.
- Secondly, the applicant is proposing to maintain a single-family residential fence structure in a required 20-foot visibility obstruction triangle, which will require a special exception to the 20-foot visibility obstruction regulations at the intersection of the alley and Brookwood Drive.
- The subject site along with properties to the north, south, east, and west are all developed with single-family homes.
- It is imperative to note that the subject site has street frontage along Brookwood Drive and the alley.
- Based upon staff's analysis of the surrounding properties, there are a few homes within the neighborhood with fences and gates in the required front yard and/or some form of vegetation serving as a screening mechanism.
- The applicant has stated that the request for special exception has been made to help make the lot a buildable lot.
- It has been confirmed that the fence is proposed and not existing.
- 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.
- The applicant has the burden of proof in establishing that the special exception to the fence regulations regarding visual obstruction will not constitute a traffic hazard.
- Granting the special exceptions to the fence height standards and 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:

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**Timeline:**

November 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.

December 17, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **C**.

December 23, 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 January 2, 2025, deadline to submit additional evidence for staff to factor into their analysis ;and January 10, 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 2, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the January 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.

January 3, 2025 Traffic Engineering group provided comments stating that there are no objections in the event that specific conditions are met.

Speakers:

For: Benjamin Lartey, 7201 Stacy Rd., McKinney, TX 75070

Against: No Speakers

**Motion**

I move that the Board of Adjustment in Appeal No. BDA 234-155 **HOLD** this matter under advisement until **February 19, 2025** with instruction to staff to re-notice this case for Panel B.

Maker:	Robert Agnich				
Second:	Roger Sashington				
Results:	5-0 Unanimously				Motion to remand the case to Panel B.
		Ayes:	-	5	Robert Agnich, Andrew Finney, Rodney Milliken, Judy Pollock, Roger Sashington.
		Against:	-	0	

**HOLDOVER**

**4. 3226 Lawnview Avenue**

BDA234-146(CJ)

**\*\*Board member Rodney Milliken has a conflict on this case\*\***

**BUILDING OFFICIAL'S REPORT:** Application of Raul Cortes Garcia for **(1)** a special exception to the fence height regulations, and for **(2)** a special exception to the fence opacity regulations at **3226 Lawnview Avenue**. This property is more fully described as Block 37/5809, Lot 5, 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 may not be located less than 5-feet from the front lot line. The applicant proposes to construct and/or maintain a 6-foot high fence in a required front yard along Menger Avenue, which will require **(1)** a 2-foot special exception to the fence height regulations, and 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 opacity regulations.

**LOCATION:** 3226 Lawnview Avenue

**APPLICANT:** Raul Cortes Garcia

**REQUEST:**

5. A request for a special exception to the fence height regulations; and
6. A special exception to the fence regulations regarding opacity.

**STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE HEIGHT & OPACITY**

**STANDARD REGULATIONS:** Section 51A-4.602(a)(11) of the Dallas Development Code states that the board may grant a special exception to the fence standard 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 these requests.

**BACKGROUND INFORMATION:**

**BDA History:**

- No BDA history found at 3226 Lawnview Avenue in the last 5 years.

**Square Footage:**

- This lot contains 12,632.4 of square feet.
- This lot is zoned R-7.5(A) which has a minimum lot size of 7,500 square feet.

**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)

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South: R-7.5(A) (Single Family District)  
West: R-7.5(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 Raul Cortes Garcia's property located at 3226 Lawnview Avenue focuses on 2 requests relating to fence height and fence opacity.
- The applicant proposes to maintain a 6-foot fence in a required front yard, which will require a 2-foot special exception to the fence height regulations.
- Secondly, the applicant is requesting a special exception to the fence standards regulations regarding opacity; the existing fence is made from cedar wood panels.
- 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 corner lot with double street frontage on Lawnview Avenue and Menger Avenue.
- The subject site has two front yards due to block face continuity; one front yard on Lawnview Avenue and another on Menger Avenue.
- It is imperative to note that the existing fence replaced an older fence that appeared to exist within the front yard setback on Menger Avenue to some degree.
- It has been confirmed that the fence is existing and not proposed.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard. The Dallas Development Code also states that no fence panel having less than 50 percent open surface area may be located less than 5-feet from the lot line.
- The applicant has the burden of proof in establishing that the special exception(s) to the fence regulations relating to height and opacity will not adversely affect the neighboring properties.
- Granting the special exceptions to the fence standards relating to height and opacity with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: [BDA234-146 at 3226 Lawnview Ave.](#)

**Timeline:**

October 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.

BOARD OF ADJUSTMENT  
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November 4, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel C.

November 13, 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 November 22, 2024, deadline to submit additional evidence for staff to factor into their analysis; and December 6, 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.

November 22, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the December 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.

December 16, 2024: The Board of Adjustment Panel C, at its public hearing held on Monday, December 16, 2024, moved to HOLD this matter under advisement until January 23, 2025.

December 23, 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 January 2, 2025, deadline to submit additional evidence for staff to factor into their analysis ;and January 10, 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 2, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the January 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.



BOARD OF ADJUSTMENT  
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Speakers:

For: Raul Cortes-Garcia, 3226 Lawnview Ave, Dallas TX 75227  
(Did not speak) Alan Cortes, 3226 Lawnview Ave., Dallas TX 75227

Against: No Speakers

**Motion # 1**

I move that the Board of Adjustment, in Appeal No. BDA 234-146, on application of Raul Cortes Garcia, **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:	Andrew Finney				
Second:	Roger Sashington				
Results:	4-0 Unanimously				Motion to grant
		Ayes:	-	4	Robert Agnich, Judy Pollock, Andrew Finney and Roger Sashington
		Against:	-	0	

**Motion # 2**

I move that the Board of Adjustment, in Appeal No. BDA 234-146, on application of Raul Cortes Garcia, **GRANT** the request of this applicant to construct and/or maintain a fence with panel having less than 50 percent open surface area located less than five-feet from the front lot line as a special exception to the surface area openness requirement for fences in the Dallas Development Code, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property.

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

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

Maker:	Andrew Finney				
Second:	Roger Sashington				
Results:	4-0 Unanimously				Motion to grant

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		Ayes:	-	4	Robert Agnich, Judy Pollock, Roger Sashington & Andrew Finney
		Against:	-	0	

**\*\* Recess 2:16 P.M. – 2:36 P.M. \*\***

**ADJOURNMENT**

After all business of the Board of Adjustment had been considered, Vice-Chair Agnich moved to adjourn the meeting at **1:33 P.M.**

  
Required Signature:

Robert Agnich, Vice-Chair  
Board of Adjustment

  
Date

  
Required Signature:

Dr. Kameka Miller-Hoskins – Chief Administrator  
Planning & Development

  
Date

  
Required Signature:

Mary Williams, Board Secretary  
Planning & Development

  
Date