



BOARD OF ADJUSTMENT

Panel C Minutes

June 16, 2025

6ES Council Briefing

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Robert Agnich, Vice-Chair

PRESENT: [5]

Robert Agnich, VC	
Roger Sashington	
Rodney Milliken	
Jared Slade	
Phil Sahuc	

ABSENT: [0]

Vice-Chair Agnich called the briefing to order at **10:06 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.

- No Public Speakers registered.

MISCELLANEOUS ITEMS

The Board was briefed in regards of the Texas Supreme Court decision of May 2, 2025, PDT Holdings, Inc. and Phillip Thompson Homes, Inc. dba Phillip Thompson Custom Homes v. City of Dallas and the Board of Adjustment of the City of Dallas, Case No. 23-0842.

- Approval of the Board of Adjustment Panel C, May 19, 2025, Minutes as presented during the briefing.

A motion was made to approve Panel C, May 19, 2025, Public Hearing minutes.

Maker:	Rodney Milliken				
Second:	Robert Agnich				
Results:	5-0 unanimously				Motion to approve
		Ayes:	-	5	Robert Agnich, Rodney Milliken, Roger Sashington, Jared Slade & Phil Sahuc
		Against:	-	0	

INDIVIDUAL CASES

1. 2726 GRAFTON AVENUE

BOA-25-000007(DB)

BUILDING OFFICIAL'S REPORT: Application of Juan Pineda for **(1)** a variance to the front-yard setback regulations at **2726 Grafton Avenue**. This property is more fully described as Block 9/3857, Lot 2, 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 22-foot front-yard setback, which will require **(1)** a 3-foot variance to the front-yard setback regulation.

LOCATION: 2726 Grafton Avenue

APPLICANT: Juan Pineda

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:

1. Variance (1) 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. The subject site is not restrictive in shape or slope but is restrictive in area (R-7.5(A) min, 7500 sq ft, subject site is 7050 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 2726 Grafton Avenue in the last 5 years.

Square Footage:

- This lot contains 7,050 of square feet.

Zoning:

Site: R-7.5(A) Zoning District_
North: R-7.5(A) 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 surrounding properties to the north, south, east and west zoned R-7.5(A).

GENERAL FACTS/STAFF ANALYSIS:

- The application of Juan Pineda for the property located at 2726 Grafton Avenue focuses on one request relating to the front yard setback regulations.
- The applicant proposes to construct and/or maintain a single-family residential structure and provide a 22-foot front-yard setback, which will require a 3-foot variance to the front-yard setback regulations; R-7.5(A) zoning district requires a 25-foot front yard setback.
- Per the applicant, they are requesting the 3-foot variance to the front yard setback to maintain an existing porch that was added as an addition to the home; the addition of the porch is currently under review with the City of Dallas Building Inspections permitting team.
- The subject site is developed with a single-family home.
- The subject site is a mid-block lot and has single street frontage along Grafton Avenue.

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.
 - (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 most recently submitted site plan, would require the proposal to be constructed as shown on the submitted documents.
 - 3- foot variance to the front yard setback regulations.
 - 200' Radius Video: [BOA-25-000007 at 2726 Grafton Avenue](#)

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Timeline:

March 25, 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.

May 5, 2025: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel **C**.

May 16, 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 May 23, 2025, deadline to submit additional evidence for staff to factor into their analysis; and June 6, 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.

May 29, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the June 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 application listed on the uncontested docket because it appears, from our evaluation of the property and all relevant evidence that the application satisfies all the requirements of the Dallas Development Code and is consistent with the general purpose and intent of the Code, as applicable, to wit:

BDA-25-000007 – Application of Juan Pineda, 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:	Robert Sashington				
Second:	Jared Slade				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Robert Agnich, Roger Sashington, Rodney

				Milliken, Jared Slade, Phil Sahuc
		Against:	-	

2. 4803 VICTOR STREET

BOA-25-000006_FR1(BT)

THIS CASE WAS MOVED TO INDIVIDUAL ITEMS

BUILDING OFFICIAL'S REPORT: Application of Felicia Edoghotu for a fee reimbursement for **(1)** a special exception to the fence height regulations, **(2)** a special exception to the fence standard regulations, and for **(3)** a special exception to the 45-foot visibility obstruction regulations at **4803 VISTOR STREET**. This property is more fully described as Block A/795, 1/2 Part Lot 7, and is zoned PD-98.

LOCATION: 4803 Victor Street

APPLICANT: Felicia Edoghotu

REQUEST:

2. The applicant is requesting a fee reimbursement for fees paid for the application submittal for 4803 Victor Street which will appear before Panel C on June 16, 2025.

STANDARD FOR A FEE WAIVER OR REIMBURSEMENT:

Section 303.12.1.6 in Chapter 52 of the Dallas City Code specifies the board of adjustment may waive the filing fee if the board finds **that payment of the fee would result in substantial financial hardship to the applicant**. The applicant may either pay the fee and request reimbursement at the hearing on the matter or request that the issue of financial hardship be placed on the board's miscellaneous docket for predetermination. If the issue is placed on the miscellaneous docket, the applicant may not file the application until the merits of the request for waiver have been determined by the board. In making this determination, the board may require the production of financial documents.

STAFF RECOMMENDATION:

The staff does not make a recommendation on fee waiver requests since the standard is whether the board finds that payment of the fee would result in substantial financial hardship to the applicant.

Speakers:

For: Felicia Edoghotu, 4803 Victor Street, Dallas, TX 75246

Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BOA-25-000006_FR1, on application of Felicia Edoghotu, **GRANT** the request to the reimbursement of the filing fees paid in association with a request for a special exception to the fence height regulations, fence opacity regulations, and visibility triangle regulations as requested by this applicant because our evaluation of the property and testimony shows that the payment of the fee would result in substantial financial hardship to this applicant.

Maker:	Jared Slade				
Second:	Roger Sashington				
Results:	3-2				Motion to grant fails
		Ayes:	-	3	Robert Agnich, Roger Sashington , Jared Slade
		Against:	-	2	Rodney Milliken, Phil Sahuc

3. 4803 VICTOR STREET

BOA-25-000006(BT)

THIS CASE WAS MOVED TO INDIVIDUAL ITEMS

BUILDING OFFICIAL'S REPORT: Application of Felicia Edoghotu for **(1)** a special exception to the fence height regulations, **(2)** a special exception to the fence standard regulations, and for **(3)** a special exception to the 45-foot visibility obstruction regulations at **4803 VISTOR STREET**. This property is more fully described as Block A/795, 1/2 Part Lot 7, and is zoned PD-98, 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, and a person shall not erect, place, or maintain a structure, berm, plant life, or any other item on a lot if the item is in a visibility triangle. The applicant proposes to construct and/or maintain an 6-foot high fence in a required front-yard, which will require **(1)** a 2-foot special exception to the fence height regulations along N. Prairie Avenue, 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, and to construct and/or maintain a single-family residential fence structure in a required visibility obstruction triangle, which will require **(3)** a special exception to the 45-foot visibility obstruction regulation at the intersection of Victor Street and N. Prairie Avenue.

LOCATION: 4803 Victor Street

APPLICANT: Felicia Edoghotu

REQUEST:

3. A request for a special exception to the fence height regulations,
4. A request for a special exception to the fence standard regulation relating to opacity, and
5. A request for a special exception to the 45-foot visibility obstruction regulations at the intersection of Victor Street and N. Prairie Avenue.

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.**

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 request.

BACKGROUND INFORMATION:

Zoning:

Site: PD-98
North: PD-98 and PD-97 (H/11)
East: PD-98
South: PD-98
West: PD-98

Land Use:

The subject site and surrounding properties are developed with single-family, multifamily and duplex uses.

BDA History:

BDA history found in the last five years BDA223-021

- The Board of The Board of Adjustment Panel C, at its public hearing held on Thursday, February 23rd, 2023, moved to **GRANT** the variance to the front yard setback regulations in the Dallas Development Code, subject to the following condition:
 - Compliance with the submitted site plan is required.

GENERAL FACTS/STAFF ANALYSIS:

- The application of Felicia Edoghotu for the property located at 4803 Victor Street focuses on three requests relating to the fence height, fence opacity regulations, and visual obstruction regulations.
- The first request, the applicant is proposing to construct and maintain a 6-foot high board on board fence and gate in a required front-yard along N. Prairie Avenue, which will require a 2-foot special exception to the fence height regulations.
- 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.
- The last request, the applicant is requesting a special exception to the 45-foot visibility obstruction triangle at the corner of Victor Street and N. Prairie Avenue. The proposed 30-foot visibility obstruction triangle with a 4-foot high wrought iron fence.

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- Subject site, due to blockface continuity, has a front-yard setback requirements along both Victor Street and N. Prairie Avenue
- 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, opacity, and visual obstruction 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: [BOA-25-000006 at 4803 Victor St](#)

Timeline:

May 6, 2025:	The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
May 5, 2025:	The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C .
May 19, 2025:	Planning and Development Department Senior Planner emailed the applicant the following information: <ul style="list-style-type: none">• an attachment that provided the public hearing date and panel that will consider the application; the May 23, 2025, deadline to submit additional evidence for staff to factor into their analysis; and May 30, 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.
May 29, 2025:	The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the June 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.
May 28, 2025:	The applicant provided revised site plan.
May 29, 2025:	The applicant provided revised site planSpeakers: For: Felicia Edoghotu, 4803 Victor St, Dallas TX 75246 Justin Grubb, 4803 Victor St, Dallas TX 75246 Against: No Speakers

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Motion # 1

I move that the Board of Adjustment, in Appeal No. BOA-25-000006, on application of Felicia Edoghotu, **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:	Phil Sahuc				
Second:	Jared Slade				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Robert Agnich, Rodney Milliken, Roger Sashington. Jared Slade & Phil Sahuc
		Against:	-	0	

Motion # 2

I move that the Board of Adjustment, in Appeal No. BOA-25-000006, on application of Felicia Edoghotu, **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:	Phil Sahuc				
Second:	Roger Sashington				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Robert Agnich, Rodney Milliken, Roger Sashington. Jared Slade & Phil Sahuc
		Against:	-	0	

Motion # 3

I move that the Board of Adjustment, in Appeal No. BOA-25-000006, on application of Felicia Edoghotu, **GRANT** the request to maintain items in the 45-foot visibility triangle at the intersection of Victor Street and Prairie Avenue as a special exception to the visual obstruction regulation contained in the Dallas Development Code, as amended, because our evaluation of the property

and the testimony shows that this special exception will not constitute a traffic hazard.

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, in regards to the portion in violation of the visual obstruction triangle, are required.

Maker:	Phil Sahuc				
Second:	Roger Sashington				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Robert Agnich, Rodney Milliken, Roger Sashington. Jared Slade & Phil Sahuc
		Against:	-	0	

4. 139 TURTLE CREEK BOULEVARD

BDA245-059(DB)

THIS CASE WAS MOVED TO INDIVIDUAL ITEMS

BUILDING OFFICIAL'S REPORT: Application of John Lewis Mckeel for **(1)** a special exception to the parking regulations at 139 Turtle Creek Boulevard. This property is more fully described as Block 23/7890, Lots 12, 13, 14, and 15, and is zoned PD-621(Subdistrict 1A), which requires parking to be provided. The applicant proposes to construct and/or maintain a nonresidential structure for a restaurant without drive-in or drive-through service use, an art gallery, and a single-family residential structure (live unit), and commercial amusement (inside) use, and provide 71 of the required 107 parking spaces, which will require **(1)** a 36-space special exception (34 percent reduction) to the parking regulation.

LOCATION: 139 Turtle Creek Boulevard

APPLICANT: John Lewis Mckeel

REQUEST:

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

STANDARDS OF REVIEW FOR A SPECIAL EXCEPTION TO OFF-STREET PARKING:

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

STAFF RECOMMENDATION:

Special Exceptions (1):

No staff recommendation is made on this request.

BACKGROUND INFORMATION:

BDA History:

No BDA history found at 139 Turtle Creek Boulevard within the last 5 years.

Square Footage:

This lot contains 517,492.8 of square feet.

This lot is zoned Regional Retail (RR) which does not have a minimum lot size.

Zoning:

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

Land Use:

The subject site is developed with a nonresidential structure. The areas to the north, south, east, and west are developed or are being developed with uses permissible in Planned Development 621.

GENERAL FACTS/STAFF ANALYSIS:

- The application of John Lewis Mckeel for the property located at 139 Turtle Creek Boulevard focuses on one request relating to the parking regulations for a nonresidential structure to be used for a restaurant without drive-in or drive-through service use, an art gallery, and a single-family residential structure (live unit), commercial amusement (inside).
- A request for a special exception to the off-street parking regulations of 36 spaces (34 percent) is made to construct and/or maintain a nonresidential structure at 139 Turtle Creek Boulevard.
- The subject site is zoned Planned Development 621, Subdistrict 1A which requires parking to be provided.
- It is imperative to note that the subject site has single street frontage on Turtle Creek Boulevard.
- The submitted site plan shows the applicant plans to provide 71 (66 percent) of the required 107 parking spaces at 139 Turtle Creek Boulevard.
- The subject site is currently developed with a nonresidential structure.
- The applicant has the burden of proof in establishing that the parking demand generated by the use does not warrant the number of required off-street parking spaces, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent or nearby streets.

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- Granting the proposed 36 space (34 percent) special exception to the parking regulations with a condition that the applicant complies with the most recently submitted site plan, would require the proposal to be constructed as shown on the submitted documents, and the special exception automatically and immediately terminates if and when the restaurant without drive-in or drive-through service, art gallery, single-family residential structure (live unit), and commercial amusement (inside) uses are changed or discontinued.
- 200' Radius Video: [BDA245-059 at 139 Turtle Creek Boulevard](#)

Timeline:

- March 21, 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.
- May 5, 2025: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.
- May 16, 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 May 23, 2025, deadline to submit additional evidence for staff to factor into their analysis; and June 6, 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.
- May 29, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the June 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: John McKeel, 5224 Park Ridge, Flower Mound, TX 75022

Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BDA 245-059, on application of John Lewis Mckeel, **GRANT** the request of this applicant to provide 71 off-street parking spaces to the off-street parking regulations contained in the Dallas Development Code, as amended, which requires 107 off-street parking spaces, because our evaluation of the property use and the testimony shows that this special exception will not increase traffic hazards or increase traffic congestion on adjacent or nearby streets, and the parking demand generated by the use does not warrant the number of required parking spaces. This special exception is granted for a restaurant without a drive-in or drive-throughs service, art gallery, single-family residential structure (live unit), and commercial amusement (inside) uses only.

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

The special exception of 36 spaces shall automatically and immediately terminate if and when the restaurant without a drive-in or drive-throughs service, art gallery, single-family residential structure (live unit), and commercial amusement (inside) uses are changed or discontinued.

Maker:	Roger Sashington				
Second:	Phil Sahuc				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Robert Agnich, Rodney Milliken, Roger Sashington, Jared Slade & Phil Sahuc
		Against:	-	0	

INDIVIDUAL CASES

5. 5115 VANDERBILT AVENUE BDA245-070(BT)

BUILDING OFFICIAL'S REPORT: Application of Rob Baldwin to **(1)** appeal the decision of the administrative official at **5115 VANDERBILT AVE**. This property is more fully described as Block V/2190, Lot 20, and is zoned CD-9 (R-7.5(A)), which requires that the building official shall deny a Conservation District review if the building official determines that the proposed construction would be in violation of the Dallas Development Code, other city ordinances, rules, or regulations, or any county, state, or federal laws or regulations. The applicant proposes to **(1)** appeal the decision of an administrative official in the denial of a Conservation District review CD24071603.

LOCATION: 5115 Vanderbilt Ave.

APPLICANT: Rob Baldwin

REQUEST:

6. A request is made to **appeal the decision of the administrative official in Conservation District 9 application** CD24071603.
 - **ORD 28946(d)(14)(A)** All houses must have a straight driveway located along the east side of the main structure. The driveway entry must be from the front street, except that corner lots may have a driveway entry from the side street.
 - **ORD 28946(d)(14)(B)** Circular driveways are prohibited. Lots may only have one driveway entry, except that additional access is allowed from the alley.
 - **ORD 28946(d)(14)(C)** All driveways and curbing located in a front yard or cornerside yard must be constructed of brush finished concrete.
 - **ORD 28946(d)(14)(D)** The driveway entry must be between eight and ten feet wide. On corner lots, a driveway on the side street may be 24 feet wide if it is located behind the rearmost corner of the main structure or provides access to a garage.

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.

Section 51A-3.102 of the Dallas Development code states the Board of Adjustment has the following powers and duties: To hear and decide appeals from decisions of administrative officials made in the enforcement of the zoning ordinance of the city. For purposes of this section, "administrative official" means that person within a city department having the final decision-making authority within the department relative to the zoning enforcement issue.

Additionally, **Section 51A-4.703** states that "the board shall decide an appeal of a decision of an administrative official at the next meeting for which notice can be provided following the hearing and not later than the 60th day after the appeal date is filed. The board shall have all the powers of the administrative official on the action appealed from. The board may in whole or in part affirm, reverse, or amend the decision of the official. The board may impose reasonable conditions in its order to be complied with by the applicant in order to further the purpose and intent of this chapter."

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).

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	CD-9
<u>North:</u>	CD-9
<u>East:</u>	CD-9
<u>South:</u>	CD-9 and CD-15
<u>West:</u>	CD-9 and PD-193 (O-2)

Land Use:

The subject site and majority of the surrounding properties are developed with single-family uses.

BDA History:

No BDA history found within the last 5 years

GENERAL FACTS/STAFF ANALYSIS:

- Rob Baldwin, represented by Baldwin Associates applied for a CD work review on July 16, 2024.
- Total of four CD work review cycles, July 19, 2024, October 30, 2024, January 27, 2025, and April 14, 2025.
- Denial letter issued via email in reference to CD-9 work review #CD24071603 on April 14, 2025, for the following conditions:
 - **ORD 28946(d)(14)(A)** All houses must have a straight driveway located along the east side of the main structure. The driveway entry must be from the front street, except that corner lots may have a driveway entry from the side street.

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- **ORD 28946(d)(14)(B)** Circular driveways are prohibited. Lots may only have one driveway entry, except that additional access is allowed from the alley.
- **ORD 28946(d)(14)(C)** All driveways and curbing located in a front yard or cornerside yard must be constructed of brush finished concrete.
- **ORD 28946(d)(14)(D)** The driveway entry must be between eight and ten feet wide. On corner lots, a driveway on the side street may be 24 feet wide if it is located behind the rearmost corner of the main structure or provides access to a garage.
- 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:

- April 21, 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.
- May 5, 2025: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **C**.
- May 19, 2025: The Planning and Development Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the **May 23, 2025**, deadline to submit additional evidence for staff to factor into their analysis; and **May 30, 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.
- May 29, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the **June** public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

Speakers:

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

Against: No Speakers

Representing the City of Dallas: Ryan Cocker, Assisting City Attorney, 1500 Marilla Street 7DN
Trevor Brown, Conservation District Chief Planner, 1500 Marilla Street 5BN

Motion

Having fully reviewed the decision of the administrative official of the City of Dallas in Appeal No. BDA 245-070, on application of Robert Baldwin, and having evaluated the evidence pertaining to

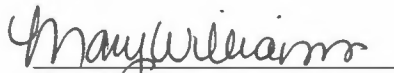
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the property and heard all testimony and facts supporting the application, the board concludes that the building official act did reasonably and fairly, but this is an exceptionable circumstances that will not stop the city from enforcing its zoning requirements and because the applicant has no other recourse, I move that the Board of Adjustment **reverse** the decision of the administrative official and **GRANT** the relief requested by this applicant.

Maker:	Rober Agnich				
Second:	Phil Sahuc				
Results:	5-0 Unanimously				Motion to reverse the Administration official decision
		Ayes:	-	5	Robert Agnich, Jared Slade, Rodney Milliken, Roger Sashington & Phil Sahuc
		Against:	-	0	

ADJOURNMENT

After all business of the Board of Adjustment had been considered, Vice-Chair Agnich moved to adjourn the meeting at **3:17 P.M.**



Required Signature:

Mary Williams, Board Secretary
Planning and Development.

07/14/2025

Date



Required Signature:

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

07/14/2025

Date



Required Signature:

Robert Agnich, Vice-Chair
Board of Adjustment

7/14/2025

Date