



BOARD OF ADJUSTMENT

Panel C Minutes

July 14, 2025

RECEIVED

2025 AUG 20 PM 3:08

**CITY SECRETARY
DALLAS, TEXAS**

6ES Council Briefing

24957316190@dallascityhall.webex.com

Robert Agnich, Vice-Chair

PRESENT: [5]

Robert Agnich, VC	
Meridyth Griffin	
Rodney Milliken	
Jared Slade	
Dr. Emmanuel Glover	

ABSENT: [1]

Roger Sashington	

Vice-Chair Agnich called the briefing to order at **10:30 A.M.** with a quorum of the Board of Adjustment present.

Vice-Chair Agnich called the hearing to order at **1:00 P.M.** with a quorum of the Board of Adjustment present.

The Chairperson stated that no action of the Board of Adjustment shall set a precedent. Each case must be decided upon its own merits and circumstances, unless otherwise indicated, each use is presumed to be a legal use. Each appeal must necessarily stand upon the facts and testimony presented before the Board of Adjustment at this public hearing, as well as the Board's inspection of the property.

PUBLIC SPEAKERS

The Board of Adjustment provided public testimony opportunities for individuals to comment on matters that were scheduled on the posted meeting agenda.

- No Public Speakers registered.

MISCELLANEOUS ITEMS

Approval of the Board of Adjustment Panel C, June 16, 2025, Minutes as presented during the briefing.

A motion was made to approve Panel C, June 16, 2025, Public Hearing minutes.

Maker:	Rodney Milliken				
Second:	Dr. Emmanuel Glover				
Results:	5-0 unanimously				Motion to approve
		Ayes:	-	5	Robert Agnich, Rodney Milliken, Jared Slade, Meridyth Griffin & Dr. Emmanuel Glover
		Against:	-	0	

INDIVIDUAL CASES

1. 8418 PLAINVIEW DRIVE

BOA-25-000012(BT)

BUILDING OFFICIAL'S REPORT: Application of Brandon Elias, represented by Kevin Jara, for **(1)** a variance to the side-yard setback regulations, **(2)** a special exception to the single-family use regulations, **(3)** a variance to the rear-yard setback regulations, and **(4)** a variance to the lot coverage regulations at **8418 PLAINVIEW DRIVE**. This property is more fully described as Block 3/8526, Lot 12, and is zoned A(A), which requires a side-yard setback of 20-feet, limits the number of dwelling units to one, requires a rear-yard setback of 50-feet, and limits the lot coverage to 10 percent for residential structures. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 5-foot 4-inch side-yard setback, which will require **(1)** a 14-foot 8-inch variance to side yard setback regulations, and to construct and/or maintain an additional dwelling unit (not for rent), which will require **(2)** a special exception to the single-family use regulations, and to construct and/or maintain a single-family residential accessory structure and provide a 46-foot rear yard setback, which will require **(3)** a 4-foot variance to rear-yard setback regulations, and to construct and/or maintain a single-family residential structure with 1,395 square feet of floor area and an accessory residential structure with 341 square feet of floor area, resulting in a combined floor area of 1,736 square feet, which will require **(4)** a 257-square-foot variance to the lot coverage.

LOCATION: 8418 Plainview Drive

APPLICANT: Brandon Elias

Representative: Kevin Jara

REQUEST:

1. a variance to the side-yard setback regulations;
2. a special exception to the single-family use regulations;
3. a variance to the rear-yard setback regulations; and

4. a variance to the lot coverage 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.

STANDARD FOR A SPECIAL EXCEPTION TO THE SINGLE-FAMILY USE REGULATIONS TO AUTHORIZE AN ADDITIONAL DWELLING UNIT:

Section 51A-4.209(b)(6)(E)(i) of the Dallas Development Code specifies that the board may grant a special exception to the single-family use regulations of the Dallas Development Code to authorize an additional dwelling unit on a lot when, in the opinion of the board, the additional dwelling unit **will not**:

- 1) **be used as rental accommodations**; or
- 2) **adversely affect neighboring properties.**

Section 51A-4.209(b)(6)(E)(ii) states that in granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.

STAFF RECOMMENDATION:

Variance to the side-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.
- B. Lot is restrictive in buildable **area**, typical A(A) lot size is 3 acres (130,680 square feet), and the applicant lot size is 14,929.4 square feet (0.3427 of an acre). Most restrictive residential side-yard setback is 10 feet, A(A) is 20 feet; 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.

Variance to the rear-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.
- B. Lot is restrictive in buildable **area**, typical A(A) lot size is 3 acres (130,680 square feet), and the applicant lot size is 14,929.4 square feet (0.3427 of an acre). Most restrictive residential rear-yard setback is 10 feet, A(A) is 20 feet; 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.

Variance to the lot coverage 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.
- B. Lot is restrictive in buildable **area**, shape, or slope; Lot is restrictive in buildable area, typical A(A) lot size is 3 acres (130,680 square feet), and the applicant lot size is 14,929.4 square feet (0.3427 of an acre). Most restrictive residential lot coverage is 40 percent (5,971.6 square feet), A(A) is 10 percent (1,492.9 square feet); 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.

Special Exceptions (1):

No staff recommendation is made on this request for a special exception to authorize an additional dwelling unit since the basis for this type of appeal is when in the opinion of the board, the additional

dwelling unit will not: 1) be used as rental accommodations; or 2) adversely affect neighboring properties.

BACKGROUND INFORMATION:

Zoning:

Site: A(A) (Agricultural District)
North: A(A) (Agricultural District)
East: A(A) (Agricultural District)
South: IR (Industrial/research District) & MU-1 (Mixed Use District)
West: A(A) (Agricultural District)

Land Use:

The subject site is developed with single-family use and surrounding properties are developed with single-family uses vacant lots and non-residential uses to the immediate south.

BDA History:

No BDA history has been found within the last 5 years

GENERAL FACTS/STAFF ANALYSIS:

- The application of Brandon Elias, represented by Kevin Jara, for the property located at 8418 Plainview Drive focuses on four requests relating to the side-yard setback regulations, the single-family use regulations, rear-yard setback regulations, and lot coverage regulations.
- The first request is for a variance to the side-yard setback regulations. The applicant is proposing to construct and maintain a single-family residential accessory structure and provide a 5-foot 4-inch side-yard setback.
 - Traditional single-family development has similar square footage ranges from 6-foot to 10-foot side-yard setbacks.
- The second request is for a special exception to the single-family use regulations. The applicant is proposing to construct and maintain an additional dwelling unit (not for rent), which will require a special exception to the single-family zoning use regulations
- The third request is for a variance to the rear-yard setback regulations. The applicant is proposing to construct and maintain a single-family residential accessory structure and provide a 46-foot rear-yard setback.
 - Traditional single-family development lots with similar square footage ranges from 6-foot to 10-foot rear-yard setbacks.
- Lastly, the applicant is requesting a variance to the lot coverage regulations. The applicant is proposing to construct and maintain a single-family residential structure and an accessory residential structure providing 11.6 percent lot coverage.
 - Traditional single-family development lots are allowed up to 40 percent lot coverage.
 - This lot is zoned A(A) which requires a minimum lot size of three acres (130,680 square feet), similar lot sizes in the area average 10,000 square feet.
 - The accessory residential structure is approximately 341 square feet (24.4 percent).

BOARD OF ADJUSTMENT
July 14, 2025

- Typical residential zoning provides provision for accessory structures, allowing construction in the side and rear yard setbacks provided the location is in the rear 30 percent of the lot and does not exceed 15-feet in height. This provision is not part of A(A).
- Per staff's review of the subject site, it has been confirmed that the accessory residential structure has been constructed onsite.
- The applicant has the burden of proof in establishing the following:
 - 1) That granting the variance to the side-yard setback, rear-yard setback, and lot coverage 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.
- The Dallas Development Code states that only one dwelling unit may be located on a lot and that the Board of Adjustment may grant a special exception to this provision and authorize an additional dwelling unit on a lot when, in the opinion of the board, the special exception will not: (1) be use as rental accommodations; or (2) adversely affect neighboring properties.
- The applicant has the burden of proof in establishing that the special exception to the single-family use regulations will not adversely affect the neighboring properties and will not be used as rental accommodations.
- Granting the special exception to the single-family use regulation, variance to the side-yard setback, rear-yard setback, and lot coverage regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents. Granting the special exception to the single-family use regulations would also require the applicant to deed restrict the subject property to prevent the use of the additional dwelling use as rental accommodations.
- 200' Radius Video: [BOA-25-000012 at 8418 Plainview Dr](#)

Timeline: _

May 15, 2025:	The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
June 3, 2025:	The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel C.
June 11, 2025:	The Planning and Development Senior Planner emailed the applicant the following information:

BOARD OF ADJUSTMENT
July 14, 2025

- an attachment that provided the public hearing date and panel that will consider the application; the **June 20, 2025**, deadline to submit additional evidence for staff to factor into their analysis; and **July 3, 2025**, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

June 26, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the **July** public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

Speakers:

For: 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:

BOA-25-000012 – Application of Brandon Elias, represented by Kevin Jara, for a variance to the side-yard setback regulations, a special exception to the single-family use regulations, a variance to the rear-yard setback regulations, and a variance to the lot coverage regulations contained in the Dallas Development Code, is granted, subject to the following condition:

1. The applicant must deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.
2. Compliance with the most recent version of all submitted plans are required.

Maker:	Rodney Milliken				
Second:	Meridyth Griffin				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Robert Agnich, Rodney Milliken, Jared Slade, Meridyth Griffin & Dr. Emmanuel Glover
		Against:	-		

2. 3702 PENELOPE STREET
BOA-25-000013 (DB)

BUILDING OFFICIAL'S REPORT: Application of Birchard Humphrey for **(1)** a variance to the front-yard setback regulations at **3702 PENELOPE STREET**. This property is more fully described as Block C/1825, Part of Lot 1, and is zoned PD-595 (Subdistrict 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 Cross Street, which will require a **(1)** 15-foot variance to the front-yard setback regulations.

LOCATION: 3702 PENELOPE ST

APPLICANT: Birchard Humphrey

REQUEST: (1) 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:

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. The lot is restrictive in terms of buildable area, shape, and/or slope. As a corner lot with front yard setbacks along both Penelope Street and Cross Street, it cannot be developed in a manner commensurate with other parcels in the same zoning district. Additionally, it is one of only two lots within a 200-foot radius that cannot apply the side yard setback provision described in Section 51A-4.401, resulting in reduced flexibility for development. This limitation likely stems from a portion of the site having previously been sold off as a metes and bounds tract, which triggered the application of a front yard setback in place of the standard side yard setback.
- C. Is not a self-created or personal hardship

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

The subject site is developed with a single-family residence and is surrounded by properties similarly developed with single-family homes.

Lot Square Footage:

This lot size is 3,976.74 square feet. (0.0917 of an acre)

BDA History:

No BDA history found within the last 5 years

GENERAL FACTS/STAFF ANALYSIS:

- The application of Birchard Humphrey, for the property located at 3702 Penelope Street, involves a request for a variance to the front-yard setback regulations.

- The applicant is requesting to construct and/or maintain a residential structure and provide a 5-foot front yard setback along Cross Street, which will require a 15-foot variance to the front-yard setback regulations.
- The applicant states that the lot's corner location with dual street frontage, combined with its smaller-than-average size, significantly limits the buildable area due to the required front yard setback. The requested variance would allow for a development that is more consistent with the existing neighborhood character and the residential structures on nearby lots.
- It is imperative to note that the subject site is a corner lot, having a 20-foot front-yard setback along Penelope Street and a 20-foot front-yard setback along Cross Street.
- Subject lot is zoned PD-595 (Subdistrict R-5(A)) which requires a minimum lot size of 5,000 square feet (0.115 of an acre).
- The subject lot is 3,976.74 square feet (approximately 0.0917 acres). Without the variance, the buildable area is limited to 994 square feet, which is only 25 percent of the lot. With the variance, the buildable area increases to 1,953 square feet, or approximately 49 percent of the lot.
- Per staff's review of the subject site, it has been confirmed that the single-family structure is proposed on a vacant lot.

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

- 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.
- 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.

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.

BOARD OF ADJUSTMENT
July 14, 2025

- 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-foot Notification area video [BOA-25-000014 at 3702 Penelope](#)

Timeline:

June 22, 2025: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

June 6, 2025: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.

June 11, 2025: The Planning and Development Project Coordinator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the June 20, 2025, deadline to submit additional evidence for staff to factor into their analysis; and July 3, 2025, deadline to submit additional evidence to be incorporated into the board’s docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

June 26, 2025: The Board of Adjustment staff review team meeting was held regarding this request, and other requests scheduled for the July public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Senior Plans Examiners Senior Project Coordinator-Residential, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.

July 1, 2025: Applicant was notified that the case has been reassigned from Panel A on Tuesday, July 15, 2025, to Panel C on Monday, July 14, 2025.

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:

BOA-25-000013 – Application of Birchard Humphrey, 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:	Rodney Milliken				
Second:	Meridyth Griffin				
Results:	5-0				Motion to grant
		Ayes:	-	5	Robert Agnich, Rodney Milliken, Jared Slade, Meridyth Griffin & Dr. Emmanuel Glover
		Against:	-	0	

3. 9785 AUDUBON PLACE

BOA-25-000014(DB)

BUILDING OFFICIAL'S REPORT: Application of Jennifer Hiromoto for **(1)** a special exception to the fence height regulations at **9785 AUDUBON PLACE**. This property is more fully described as Block 14/5587, Lot 7, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4-feet. The applicant proposes to construct and/or maintain a 6-foot-high fence in a required front-yard, which will require **(1)** a 2-foot special exception to the fence height regulations.

LOCATION: 9785 Audubon Place

APPLICANT: Jennifer Hiromoto

REQUEST: A special exception to the fence height regulations.

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

Section 51A-4.602(a)(11) of the Dallas Development Code states that the board may grant a special exception to the fence standards in this subsection when, in the opinion of the board, the **special exception will not adversely affect neighboring property**.

STAFF RECOMMENDATION:

No staff recommendation is made on this request.

BACKGROUND INFORMATION:

Zoning:

Site: R-1ac(A)
North: PD 385
East: R-1ac(A)
South: R-1ac(A)
West: R-1ac(A)

Land Use:

The subject site is developed with a single-family home and is surrounded by properties similarly developed with single-family homes.

BDA History:

No BDA history within the last 5 years.

GENERAL FACTS/STAFF ANALYSIS:

- The application of Jennifer Hiromoto, for the property located at 9785 Audubon Place, involves a request for a special exception to the fence height regulations.
- The applicant proposes to construct and/or maintain a 6-foot-high fence in the required front yard, which exceeds the maximum 4-foot height limit permitted by the Dallas Development Code. Therefore, a 2-foot special exception is required.
- The applicant states that the proposed 6-foot fence will not adversely affect surrounding properties, as many homes in the area already feature fences taller than four feet.
- Based on the submitted site plan and elevations, the applicant proposes a 6-foot-high fence constructed with a combination of materials from the City's approved materials list, including brick or stone, plexiglass, and chain link.
- This request pertains only to the portion of the fence parallel to Audubon Place. All other existing fencing on the property is assumed to be in compliance with the development code.
- The Dallas Development Code allows fences in required front yards to be constructed up to a maximum height of 4 feet above grade, unless a special exception is granted.
- Staff has verified that the proposed fence does not obstruct visibility triangles, and that it does not raise opacity concerns.
- The burden of proof rests with the applicant to demonstrate that the requested special exception will not adversely impact neighboring properties.
- Granting the special exception to the fence 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-foot Notification area video [BOA-25-000014 9785 Audubon](#)

Timeline:

June 11, 2025: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

June 6, 2025: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **C**.

June 11, 2025: The Planning and Development Project Coordinator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the June 20, 2025, deadline to submit additional evidence for staff to factor into their analysis; and July 3, 2025, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

BOARD OF ADJUSTMENT
July 14, 2025

June 26, 2025: The Board of Adjustment staff review team meeting was held regarding this request, and other requests scheduled for the July public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Senior Plans Examiners Senior Project Coordinator-Residential, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.

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:

BOA-25-000014 – Application of Jennifer Hiromoto, for a special exception to the fence height regulations contained 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:	Rodney Milliken				
Second:	Meridyth Griffin				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Robert Agnich, Rodney Milliken, Jared Slade, Meridyth Griffin & Dr. Emmanuel Glover
		Against:	-	0	

INDIVIDUAL CASES

5. 4503 HOLLAND AVENUE

BOA-25-000004(BT)

BUILDING OFFICIAL'S REPORT: Application of Jennifer Hiromoto for **(1)** a variance to the front-yard setback regulations and **(2)** a special exception to the 20-foot visibility obstruction triangle at the driveway approach at **4503 HOLLAND AVENUE**. This property is more fully described as Block 4/2042, Part of Lot 14, and is zoned PD-193 (MF-2 Subdistrict), which requires a front-yard setback of 15-feet and requires a 20-foot visibility triangle at the driveway approach. The applicant proposes to construct and/or maintain a single-family duplex residential structure and provide a 5-foot front-yard setback, which will require **(1)** a 10-foot variance to the front-yard setback regulation, and the applicant proposes to construct and/or maintain a single-family duplex residential structure in a required 20-foot visibility obstruction triangle at the drive approach along Prescott Avenue, which will require **(2)** a special exception to the visual obstruction regulations.

LOCATION: 4503 Holland Avenue.

APPLICANT: Jennifer Hiromoto

REQUEST:

5. a variance to the front-yard setback regulations, and
6. a special exception to the visual obstruction regulations.

STANDARDS OF REVIEW FOR 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:

- (G) **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.
- (H) 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
- (I) **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.

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO THE 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 requirements of this section when, in the opinion of the board, **the item will not constitute a traffic hazard**.

STAFF RECOMMENDATION:

Variance to the front-yard setback regulations:

Approval

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

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

Special Exceptions (1):

No staff recommendation is made on this request.

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	PD-193 (MF-2)
<u>North:</u>	PD-193 (MF-2)
<u>East:</u>	PD-193 (MF-2)
<u>South:</u>	PD-193 (MF-2)
<u>West:</u>	PD-193 (MF-2)

Land Use:

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

BDA History:

No BDA history has been found within the last 5 years

GENERAL FACTS/STAFF ANALYSIS:

- The application of Jennifer Hiromoto for the property located at 4503 Holland Avenue focuses on 2 requests relating to a variance to the front-yard setback regulations and a special exception the visual obstruction regulations.
- The first request is for a variance to the front-yard setback regulations. The applicant is proposing to construct and maintain a single-family duplex structure and provide a 5-foot front yard setback along Prescott Avenue.
- Secondly, the applicant is requesting a special exception to the 20-foot visibility obstruction triangle at the drive approach along Prescott Avenue. The applicant seeks to allow a portion of the main structure to be located within the visibility triangle.
- The subject site along with surroundings properties are all developed with multifamily duplex and single-family homes.

BOARD OF ADJUSTMENT
July 14, 2025

- It is imperative to note that the subject site is a corner lot and proposed development will cover 54.9 percent of the 60 percent allowed lot coverage.
- Per staff's review of the subject site, it has been confirmed that the duplex structure of the property is proposed on a vacant lot.
- The applicant has the burden of proof in establishing the following:
 - 4) That granting the variance to the front yard setback 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.
 - 5) 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
 - 6) 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 applicant has the burden of proof in establishing that the special exception to the visual obstruction regulations will not constitute a traffic hazard.
- Granting the variance to the front yard setback regulations and special exception to the visual obstruction regulations, with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: [BOA-25-000004 at 4503 Holland Ave](#)

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 Administrator assigned this case to Board of Adjustment Panel **A**.
- 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.

BOARD OF ADJUSTMENT
July 14, 2025

- 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 30, 2025: The applicant emailed staff requesting postponement until July 2025.
- June 12, 2025: The applicant requested to add an additional request to the original application, a special exception to the visual obstruction regulations.
- June 12, 2025: The Planning and Development Senior Planner emailed the applicant the following information:
- **June 20, 2025**, deadline to submit additional evidence for staff to factor into their analysis; and **July 3, 2025**, deadline to submit additional evidence to be incorporated into the board's docket materials.
- July 1, 2025: The Board of Adjustment Administrator reassigned this case to Board of Adjustment Panel **C**.

Speakers:

For: Kendra Abchi, 614 N. Bishop Ave, Dallas TX 75208
Jennifer Hiromoto, 10233 E. NW Hwy # 38586, Dallas TX 75238

Against: No Speakers

Motion # 1

I move that the Board of Adjustment, in Appeal No. BOA-25-000004, on application of Jennifer Hiromoto, **GRANT** the 10-foot variance to the front-yard setback regulations requested by this applicant because our evaluation of the property and testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would result in unnecessary hardship to this applicant.

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

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

Maker:	Jared Slade				
Second:	Dr. Emmanuel Glover				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Robert Agnich, Jared Slade, Rodney Milliken, Meridyth Griffin & Dr. Emmanuel Glover
		Against:	-	0	

Motion # 2

I move that the Board of Adjustment, in Appeal No. BOA-25-000004, on application of Jennifer Hiromoto, **GRANT** the request to maintain items in the 20-foot visibility triangle at the drive

BOARD OF ADJUSTMENT
July 14, 2025

approach along Prescott 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:	Jared Slade				
Second:	Dr. Emmanuel Glover				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Robert Agnich, Jared Slade, Rodney Milliken, Meridyth Griffin & Dr. Emmanuel Glover
		Against:	-	0	

ADJOURNMENT

After all business of the Board of Adjustment had been considered, Vice-Chair Agnich moved to adjourn the meeting at **1:35 P.M.**


Required Signature:

Mary Williams, Board Secretary
Planning and Development.

8/18/2025
Date


Required Signature:

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

8/18/2025
Date



Required Signature:
Robert Agnich, Vice-Chair
Board of Adjustment

8/18/2025
Date