



BOARD OF ADJUSTMENT

Panel C Minutes

November 18<sup>th</sup>, 2024

RECEIVED

2024 DEC 18 >M 3:16

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	
Rodney Milliken	
Jared Slade	
Roger Sashington	
Andrew Finney	

**ABSENT: [1]**

Judy Pollock	

Vice-Chair Agnich called the briefing to order at **10:41 A.M.** with a quorum of the Board of Adjustment present.

Vice-Chair Agnich called the hearing to order at **1:08 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**

It was motion to suspend the Rules of Procedure and allow the docket to be published only 6 days prior to the hearing due to the holiday.

Maker:	Robert Agnich				
--------	---------------	--	--	--	--

Approval of the Board of Adjustment Panel C, October 21, 2024, Minutes as presented during the briefing.

**A motion was made to approve Panel C, October 21, 2024, Public Hearing minutes.**

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

Approval of the Board of Adjustment Full Board Meeting Minutes, October 29<sup>th</sup>, 2024, Minutes as presented during the briefing.

**A motion was made to approve Full Board Meeting Minutes, October 29<sup>th</sup>, 2024.**

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

**UNCONTESTED ITEMS**

**1. 5251 Ravine Drive**  
BDA234-126(CJ)

**\*This case was moved to Individual Cases # 1\***

**BUILDING OFFICIAL’S REPORT:** Application of Rob Baldwin for **(1)** a special exception to the fence height regulations, for **(2)** a special exception to the fence opacity regulations, and for **(3)** a special exception to the 20-foot visibility obstruction regulations at **5251 Ravine Dr**. This property is more fully described as Block 5/5595, Lot 8, and is zoned R-1 ac(A), which limits the height of a fence in the front-yard to 4-feet, 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, and requires a 20-foot visibility triangle at driveway approaches.. The applicant proposes to construct and/or maintain a 7-foot 6-inch-high fence in a required front yard, which will require **(1)** a 3-foot 6-inch 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, and to construct a single-family residential fence structure in a required 20-foot visibility obstruction triangle, which will require **(3)** a special exception to the visibility obstruction regulation at driveway approaches.

**LOCATION:** 5251 Ravine Drive

**APPLICANT:** Rob Baldwin

**REQUEST:**

- (1) A request for a special exception to the fence height regulations; and
- (2) A special exception to the fence standards regulations regarding opacity; and
- (3) A special exception to the 20-foot visibility obstruction regulations at the drive approach.

**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.**

**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 these requests.

**BACKGROUND INFORMATION:**

**BDA History:**

- No BDA history found at 5251 Ravine Drive in the last 5 years.

**Square Footage:**

- This lot contains 36,590.4 of square feet.
- This lot is zoned R-1ac(A) which has a minimum lot size of 43,560 square feet or 1 acre.

**Zoning:**

Site: R-1ac(A) (Single Family District)

North: R-1ac(A) (Single Family District)

East: R-1ac(A) (Single Family District)  
South: R-1ac(A) (Single Family District)  
West: R-1ac(A) (Single Family District)

**Land Use:**

The subject site and surrounding properties to the north, south, east and west are developed with single-family use

**GENERAL FACTS/STAFF ANALYSIS:**

- The application for Rob Baldwin property located at 5251 Ravine Drive focuses on 3 requests relating to fence height, fence opacity and visual obstruction regulations.
- The applicant proposes to construct and maintain a 7-foot 6-inch-high fence in a required front yard, which will require a 3-foot 6-inch special exception to the fence height regulations.
- Secondly, the applicant is requesting a special exception to the fence standards regulations regarding opacity; the proposed fence material is wrought iron with various sections of brick wall.
- Lastly, 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 drive approach on Ravine 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 is a mid-block lot with single street frontage on Ravine Drive.
- Based upon staff's analysis of the surrounding properties, there are several homes along Ravine Drive with fences and gates in the required front yard and/or some form of vegetation serving as a screening mechanism.
- It has been confirmed that the 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 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.
- 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 standards relating to height, opacity and visual obstruction regulations with a condition that the applicant complies with the submitted site

BOARD OF ADJUSTMENT  
November 18, 2024

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

- 200' Radius Video: [BDA234-126 at 5251 Ravine Dr.](#)

**Timeline:**

September 18, 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.

October 8, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **C**.

October 16, 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 October 25, 2024, deadline to submit additional evidence for staff to factor into their analysis ;and November 8, 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 6, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the November 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.

November 8, 2024: Traffic Engineering Program Administrator provided comments stating no objection.

Speakers:

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

Against: No Speakers

**Motion # 1**

I move that the Board of Adjustment, in Appeal No. BDA 234-126, on application of Rob Baldwin, **GRANT** the request of this applicant to construct and/or maintain a 7-foot 6-inch high fence as a special exception to the height requirement for fences contained in the Dallas Development Code, as amended, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property.

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

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

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

**Motion # 2**

I move that the Board of Adjustment, in Appeal No. BDA 234-126, on application of Rob Baldwin, **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:	Jared Slade				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Roger Sashington, Andrew Finney, Rodney Milliken, Jared Slade and Robert Agnich
		Against:	-	0	

**Motion # 3**

I move that the Board of Adjustment, in Appeal No. BDA 234-126, on application of Rob Baldwin, **GRANT** the request to maintain items in the 20-foot visibility triangle at the drive approach 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:	Andrew Finney				
Second:	Rodney Milliken				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Roger Sashington, Andrew Finney, Rodney Milliken, Jared Slade and Robert Agnich
		Against:	-	0	

**2. 8151 Military Parkway**  
BDA234-131(CJ)

**BUILDING OFFICIAL’S REPORT:** Application of Jackson Walker represented by Jonathan Vinson for **(1)** a special exception to the fence height regulations at **8151 MILITARY PKWY**. This property is more fully described as A/6207, Lot 1B, and is zoned R-7.5(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:** 8151 Military Parkway

**APPLICANT:** Jackson Walker

**REQUEST:**

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

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

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

**STAFF RECOMMENDATION:**

Special Exception (1):

No staff recommendation is made on this request.

**BACKGROUND INFORMATION:**

**BDA History:**

- No BDA history found at 8151 Military Parkway in the last 5 years.

**Square Footage:**

- This lot contains 486,739.44 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: Planned Development (PD) 827  
South: Multifamily (MF-2(A) and Community Retail (CR)  
West: Planned Development (PD) 366

**Land Use:**

The subject site and areas to the north are zoned R-7.5(A). Surrounding properties to the east are zoned with used permissible in PD 827, properties to the west are zoned with uses permissible in PD 366 and areas to the south are zoned with multifamily (MF-2(A) and community retail (CR) uses.

**GENERAL FACTS/STAFF ANALYSIS:**

- The application for Jackson Walker property located at 8151 Military Parkway focuses on one request relating to fence height regulations.
- The applicant proposes to construct and maintain a 6-foot fence in required front yards, which will require a 2-foot special exception to the fence height regulations.
- The subject site is developed with an academy school.
- It is imperative to note that the subject site has single street frontage on Military Parkway.
- As gleaned from the submitted site plan and elevations, the applicant is proposing to maintain a 6-foot wrought iron fence in the required front yard on Military Parkway.
- Based upon staff's analysis of the surrounding properties, there are a few properties along Military Parkway with fences and gates in the required front yard and/or some form of vegetation serving as a screening mechanism.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard.
- The applicant has the burden of proof in establishing that the special exception to the fence regulations relating to height will not adversely affect the neighboring properties.
- Granting the special exceptions to the fence standards relating to height regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: [BDA234-131 at 8151 Military Pkwy](#)

**Timeline:**

September 26, 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.

October 8, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel C.



BOARD OF ADJUSTMENT  
November 18, 2024

October 16, 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 October 25, 2024, deadline to submit additional evidence for staff to factor into their analysis; and November 8, 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 6, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the November 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 234-131** – Application of Jackson Walker, LLP, represented by Jonathan Vinson, for a special exception to the fence height regulations 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:	Andrew Finney				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Roger Sashington, Andrew Finney, Jared Slade, Rodney Milliken and Robert Agnich
		Against:	-	0	

**\*\*Board Member Roger Sashington left at 2:16 p.m.\*\***

**3. 1000 N. Riverfront Boulevard**

BDA234-132(BT)

**\*This case was moved to Individual Cases # 3\***

**BUILDING OFFICIAL'S REPORT:** Application of Mike Davis for (1) a special exception to the parking regulations at **1000 N RIVERFRONT BLVD**. This property is more fully described as Block 4/6834, Lot 1A and is zoned PD-621 (Subdistrict 1), 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 and provide 50 of the required 72 parking spaces, which will require (1) a 22 space special exception (31 percent reduction) to the parking regulation.

**LOCATION:** 1000 N. Riverfront Blvd.

**APPLICANT:** Andrew Hooper

**REPRESENTED BY:** Mike Davis

**REQUEST:**

- (1) Special Exception to the parking regulations

**STANDARD FOR A SPECIAL EXCEPTION TO THE OFF-STREET PARKING REGULATIONS:**

**SEC 51P-621.110.(2)** Parking reduction (D) Special exception of the Dallas Development Code 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 **SEC 51A-4.311**, minus the number of parking spaces currently not provided due to delta credits, as defined in **SEC 51A-4.704(b)(4)(A)**. The board of adjustment may impose conditions on the special exception.

**Section 51A-3.111(a)** of the Dallas Development Code specifies 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:**

No staff recommendation is made on this or any request for a special exception to the parking regulations since the basis for this type of appeal is when in the opinion of the board, the special exception would not create a traffic hazard or increase traffic congestion on adjacent or nearby streets.

**Square Footage:**

This lot size is 7,352.81 sq. ft.

Building Footprint is 4,465 sq. ft. (63.69 percent lot coverage)

Total Floor Area 7,562 sq. ft. (2-story structure)

**Zoning:**

**Site:** PD-621 (Subdistrict 1)

**North:** PD-621 (Subdistrict 1)

**South:** PD-621 (Subdistrict 1)

**East:** PD-621 (Subdistrict 1)

**West:** PD-621 (Subdistrict 1A) & PD-621 (Subdistrict 1D)

**Land Use:**

The subject site proposes use is for a restaurant without drive-in or drive-through service. The areas to the north, south, east, and west are developed with various uses.

**BDA HISTORY:**

No BDA history found within the last 5 years.

**GENERAL FACTS/STAFF ANALYSIS:**

- The application of Andrew Hooper represented by Mike Davis for the property located at 1000 N. Riverfront Blvd. focuses on one request relating to the parking regulations.
- A request for a special exception to the parking regulations of a 22-space special exception (31 percent reduction) is made to construct and/or maintain a nonresidential structure.
- PD-621 (Subdistrict 1) requires one parking space per 105 square feet of floor area for restaurant without drive-in or drive-through service ( $7,562 / 105 = 72.019$ ).
- The applicant proposes to provide 7 total on-site parking spaces
- The applicant proposes to use 43 parking spaces across Payne St. w/Parking Agreement
- The applicant proposes to use 22 parking spaces w/Parking Agreement at 201 Continental.
- The subject site is currently under construction.
- N. Riverfront Blvd. is a major thoroughfare (8 Lanes with Bike Plan)
- Granting the proposed 22-space special exception (31 percent reduction) to the parking regulations will reduce the number of Parking Agreements required from 2 to 1, with a condition that the special exception of 22 spaces shall automatically and immediately terminate if and when the restaurant without drive-in or drive-through service use is charged or discontinued.
- 200' Radius Video:

**Timeline:**

September 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.

October 8, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel C.

October 17, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the October 25, 2024, deadline to submit additional evidence for staff to factor into their analysis; and November 8, 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.

BOARD OF ADJUSTMENT  
November 18, 2024

November 6, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the November 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: Mike Davis, PO Box 151434, Dallas TX 75215

Against: No Speakers

**Motion**

I move that the Board of Adjustment, in Appeal No. BDA234-132, **HOLD** this matter under advisement until December 16, 2024, with the finding of fact that the applicant did not comply with the notification sign posting requirements of Section 51A-1.106 of the Dallas Development Code.

Maker:	Andrew Finney			
Second:	Rodney Milliken			
Results:	4-0 Unanimously			Motion to hold
		Ayes:	- 4	Rodney Milliken, Judy Pollock, Jared Slade, Robert Agnich
		Against:	- 0	

**4. 6506 N. Frankford Road**

BDA234-136(BT)

**\*This case was moved to Individual Cases # 2\***

**BUILDING OFFICIAL'S REPORT:** Application of Moshe Tropper for **(1)** a special exception to the fence height regulations along Davenport Road; for **(2)** a special exception to the fence height regulations along Frankford Road; and for **(3)** a special exception to the fence height regulations along Windpiper Drive at **6506 FRANKFORD RD**. This property is more fully described as Block Q/8727, Lot6A and is zoned PD-106 (SUP 1288), which limits the height of a fence in the front yard to 4-feet. The applicant proposes to construct and/or maintain an 8-foot-high fence in a required front-yard, which will require **(1)** a 4-foot special exception to the fence height regulations along Davenport Road, to construct and/or maintain an 8-foot high fence in a required front-yard along Frankford Road, which will require **(2)** a 4-foot special exception to the fence height regulations, and to construct and/or maintain an 8-foot high fence in a required front-yard along Windpiper Drive, which will require **(3)** a 4-foot special exception to the fence height regulations.

**LOCATION:** 6506 Frankford Rd.

**APPLICANT:** Moshe Tropper

**REQUEST:**

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

- (6) A request for a special exception to the fence height regulations
- (7) A request for a special exception to the fence height regulations

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

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

**STAFF RECOMMENDATION:**

Special Exceptions (3):

No staff recommendation is made on this request.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: PD-106 (SUP 1288)  
North: R-7.5(A) and PD-268 (Area D)  
East: PD-106  
South: PD-106  
West: R-7.5(A) and CR

**Land Use:**

The subject site is part of SUP 1288 Private School use and all surrounding properties are developed with single-family uses and some CR uses.

**BDA History:**

No BDA history found within the last 5 years

**GENERAL FACTS/STAFF ANALYSIS:**

- The application of Moshe Tropper for the property located at 6506 Frankford Rd. focuses on three requests relating to the fence height.
- The first request is for a special exception to the fence height regulations. The applicant is proposing to construct and maintain an 8-foot high gate in a required front-yard, along Davenport Road, which will require a 4-foot special exception to the fence height regulations.
- The second request is for a special exception to the fence height regulations. The applicant is proposing to construct and maintain an 8-foot high gate in a required front-yard, along Frankford Road, which will require a 4-foot special exception to the fence height regulations.
- The third request is for a special exception to the fence height regulations. The applicant is proposing to construct and maintain an 8-foot high gate in a required front-yard, along Windpiper Drive, which will require a 4-foot special exception to the fence height regulations.

BOARD OF ADJUSTMENT  
November 18, 2024

- The subject site is a private school with majority of the surroundings properties to the north, south, east, and west all developed with single-family homes.
- As illustrated on the submitted site plan and elevations, the applicant is proposing to replace existing fencing and gates surrounding the street frontage of the property.
- Based upon staff's analysis of the surrounding properties, many provided tall fencing serving as a screening mechanism along Frankford Road and Davenport Road
- Both Davenport Road and Frankford Road, are identified as major thoroughfares.
- 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, 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:**

- September 30, 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.
- October 8, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel C.
- October 17, 2024: The Development Services Department Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the October 25, 2024, deadline to submit additional evidence for staff to factor into their analysis; and November 8, 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 6, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the November 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  
November 18, 2024

Speakers:

For: Moshe Tropper, 6506 Frankford Rd., Dallas TX 75252  
Eli Kaufman, 6506 Frankford Rd., Dallas TX 75252

Against: None

**Motion # 1**

I move that the Board of Adjustment, in Appeal No. BDA 234-136, on application of Moshe Tropper, **GRANT** the request of this applicant to construct and/or maintain an 8-foot high fence along Davenport Road 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:	Jared Slade				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Rodney Milliken, Andrew Finney, Jared Slade, Roger Sashington and Robert Agnich
		Against:	-	0	

**Motion # 2**

I move that the Board of Adjustment, in Appeal No. BDA 234-136, on application of Moshe Tropper, **GRANT** the request of this applicant to construct and/or maintain an 8-foot high fence along Frankford Road 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:	Jared Slade				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Rodney Milliken, Andrew Finney, Jared Slade, Roger Sashington and Robert Agnich
		Against:	-	0	

**Motion # 3**

I move that the Board of Adjustment, in Appeal No. BDA 234-136, on application of Moshe Tropper, **GRANT** the request of this applicant to construct and/or maintain an 8-foot high fence along Windpiper Drive 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:	Jared Slade				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Rodney Milliken, Andrew Finney, Jared Slade, Roger Sashington and Robert Agnich
		Against:	-	0	

**ADJOURNMENT**

After all business of the Board of Adjustment had been considered, Vice-Chair Agnich moved to adjourn the meeting at **2:48 P.M.**



Required Signature:  
Mary Williams, Board Secretary  
Planning and Development.



Date



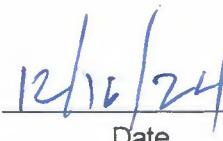
Required Signature:  
Dr. Kameka Miller-Hoskins – Chief Administrator  
Planning & Development



Date



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



Date