



BOARD OF ADJUSTMENT

Panel B Minutes

October 23<sup>rd</sup>, 2024

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CITY SECRETARY  
DALLAS, TEXAS

6ES Briefing Room

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Cheri Gambow, Vice-Chair

**PRESENT: [5]**

Cheri Gambow, Vice-Chair	
Sarah Lamb	
Joe Cannon	
Dr. Emmanuel Glover	
Nicholas Brooks	

**ABSENT: [0]**


Vice-Chair Cheri Gambow made the motion to select Sarah Lamb as Presiding Officer, seconded by Phil Sahuc, and was called the briefing to order at **10:34 A.M.** with a quorum of the Board of Adjustment present.

Presiding Officer Sarah Lamb called the hearing to order at **1:01 P.M.** with a quorum of the Board of Adjustment present.

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

**PUBLIC SPEAKERS**

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

- We had no speakers for public testimony during this hearing.

**MISCELLANEOUS ITEMS**

Approval of the Board of Adjustment Panel B, September 18<sup>th</sup>, 2024, Meeting Minutes.

**Motion was made to approve Panel B, September 18<sup>th</sup>, 2024, Public Hearing Minutes.**

Maker:	Joe Cannon			
Second:	Sarah Lamb			
Results:	5-0 unanimously			Motion to approve
		Ayes:	- 5	Cheri Gambow, Sarah Lamb, Joe Cannon, Nicholas Brooks, and Dr. Emmanuel Glover
		Against:	- 0	

**UNCONTESTED CASES**

**1. 1800 S. Ervay Street**

**\*This item was moved to Individual Cases\***  
 BDA234-106(BT)

**BUILDING OFFICIAL'S REPORT:** Application of JERRY OU for (1) a special exception to the 20-foot visibility obstruction regulations, and for (2) a special exception to the 45-foot visibility obstruction regulations at **1800 S. ERVAY ST.** This property is more fully described as BLOCK B/916, LOT 5, and is zoned PD-317 (subarea 2), which requires a 20-foot visibility triangle at driveway approaches and requires a 45-foot visibility triangle at street intersections. The applicant proposes to construct and/ or maintain a nonresidential structure in a required 20-foot visibility obstruction triangle, which will require (1) a special exception to the 20-foot visibility obstruction regulations at the driveway along Beaumont St.; and to construct and/or maintain a nonresidential structure in a required 45-foot visibility obstruction triangle, which will require (2) a special exception to the 45-foot visibility obstruction regulations at the intersection of Beaumont St. and S. Ervay St.

**LOCATION:** 1800 S. Ervay St.

**APPLICANT:** Jerry Ou

**REQUEST:**

- (1) A special exception to the 20-foot visibility obstruction regulations at the driveway along Beaumont St.; and
- (2) A special exception to the 45-foot visibility obstruction regulations at the intersection of Beaumont St. and S. Ervay St.

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

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

**STAFF RECOMMENDATION:**

Special Exceptions (2):

No staff recommendation is made on this request.

**BACKGROUND INFORMATION:**

**Zoning:**

- Site: PD-317(Subdistrict 2) (Mixed Use Corridors)  
North: PD-317(Subdistrict 2) (Mixed Use Corridors) and PD-317(Subdistrict 1 Tract 1) (Moderate Density Residential)  
East: PD-317(Subdistrict 2) (Mixed Use Corridors) and PD-317(Subdistrict 1 Tract 1) (Moderate Density Residential)  
South: PD-317(Subdistrict 2) (Mixed Use Corridors) and PD-317(Subdistrict 1 Tract 2) (Moderate Density Residential))  
West: PD-317(Subdistrict 2) (Mixed Use Corridors)

**Land Use:**

The subject site and surrounding properties are developed with various uses.

**BDA History:**

No BDA history found in the last five years.

**GENERAL FACTS/STAFF ANALYSIS:**

- The application of Jerry Ou for the property located at 1800 S. Ervay St. focuses on 2 requests relating to the visibility obstruction regulations.
- First, the applicant is requesting a special exception to the 20-foot visibility obstruction triangle at the drive approach along Beaumont St. The proposed 42" high planters encroach about 16-feet into the visibility obstruction triangle on the northwestern boundary of Beaumont St. The existing retaining wall and chain link fence encroach about 3-feet into the visibility obstruction triangle on the northeastern boundary of Beaumont St.
- Secondly, the applicant is requesting a special exception to the 45-foot visibility obstruction triangle at the corner of S. Ervay St. and Beaumont St. The proposed visibility obstruction triangle is 30-foot x 30-foot with a combination of 24-inch high and 42-inch high planters along the boundary and intersection.
- From the submitted site plan and elevations, the applicant is proposing to construct and maintain a combination of 24-inch high and 42-inch high planters along S. Ervay St. and Beaumont St.
- From the submitted site plan and elevations, the applicant is proposing to construct and maintain a 6-foot high chain link fence along Beaumont St.
- It is imperative to note that the subject site is a corner lot, and only vehicular entrance from Beaumont St. for deliveries and trash pick-up. Only pedestrian entrance along S. Ervay St.

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- Based upon staff's analysis of the surrounding properties, there was a mixture of commercial and residential development.
- 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 visibility 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: [BDA234-106 at 1800 S Ervay St](#)

**Timeline:**

- July 19, 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.
- September 3, 2024: The applicant submitted email requesting to postpone hearing while working w/engineering.
- September 9, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel C.
- September 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 September 27, 2024, deadline to submit additional evidence for staff to factor into their analysis; and October 11, 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.
- October 3, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the October 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: Hatsumi Kuzuu, 1800 S. Ervay St, Dallas TX 75215  
Vaibhav (Vo) Singhal, 1800 S. Ervay, Dallas TX 75215 (Did not speak)

Against: No Speakers

**Motion # 1**

I move that the Board of Adjustment, in Appeal No. BDA 234-106, on application of Jerry Ou, **GRANT** the request to maintain items in the 20-foot visibility triangle at the driveway along Beaumont Street, 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:	Sarah Lamb				
Second:	Joe Cannon				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Cheri Gambow, Sarah Lamb, Joe Cannon, Nicholas Brooks and Dr. Emmanuel Glover
		Against:	-	0	

**Motion # 2**

I move that the Board of Adjustment, in Appeal No. BDA 234-106, on application of Jerry Ou, **GRANT** the request to maintain items in the 45-foot visibility triangle at the intersection of Beaumont Street and S. Ervay Street 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:	Sarah Lamb				
Second:	Nicholas Brooks				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Cheri Gambow, Sarah Lamb, Joe Cannon, Nicholas Brooks, and Dr. Emmanuel Glover
		Against:	-	0	

**2. 10230 Marsh Lane**  
 BDA234-116(CJ)

**BUILDING OFFICIAL'S REPORT** Application of Darian Kaar for (1) a special exception to the fence height regulations at 10230 Marsh Lane. This property is more fully described as Block A/6416, Lot 4, and is zoned R-16(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 regulations.

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**LOCATION:** 10230 Marsh Lane

**APPLICANT:** Darian Kaar

**REQUEST:**

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

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

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

**STAFF RECOMMENDATION:**

**Special Exceptions (1):**

No staff recommendation is made on this request.

**BACKGROUND INFORMATION:**

**BDA History:**

No BDA history found at 10230 Marsh Lane in the last 5 years.

**Square Footage:**

- This lot contains 55,756.8 of square feet or 1.28 acres.
- This lot is zoned R-16(A) which has a minimum lot size of 16,000 square feet.

**Zoning:**

**Site:** R-16 (A) (Single Family District)  
**North:** R-16 (A) (Single Family District)  
**East:** R-16 (A) (Single Family District)  
**South:** R-16 (A) (Single Family District)  
**West:** R-16 (A) (Single Family District)

**Land Use:**

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

**GENERAL FACTS/STAFF ANALYSIS:**

- The application of Darian Kaar for property located at 10230 Marsh Lane focuses on 1 request relating to the fence height standards.
- The applicant proposes to maintain a 6-foot high fence in a required front yard, which will require a 2-foot special exception to the fence height regulations on Marsh Lane.
- The subject site along with properties to the north, south, east, and west are all developed with uses permissible in a residential zoning district.
- The subject site is a mid-block lot with single street frontage along Marsh Lane.

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- The proposed fence is material is composite metal.
- Based upon staff's analysis of the surrounding properties, there are homes along Marsh Lane with fences and gates in the required front yard and/or some form of vegetation serving as a screening mechanism.
- Per staff's review of the subject site, the fence is existing and not proposed.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard.
- The 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 standard regulations 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: [BDA234-116 at 10230 Marsh Ln.](#)

**Timeline:**

- August 23, 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.
- September 9, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel B.
- September 12, 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 September 27, 2024, deadline to submit additional evidence for staff to factor into their analysis ;and October 11, 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.
- October 3, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the October 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: Darrian Kaar, 10230 Marsh Lan, Dallas TX 75229 (Did not

Against: speak)  
 No Speakers

**Motion**

I move that the Board of Adjustment **GRANT** the following applications listed on the uncontested docket because it appears, from our evaluation of the property and all relevant evidence that the applications satisfy all the requirements of the Dallas Development Code and are consistent with the general purpose and intent of the Code, as applicable, to wit:

**BDA 234-116** – Application of Darian Kaar, for a special exception to 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:	Sarah Lamb			
Second:	Nicholas Brooks			
Results:	5-0 Unanimously			Motion to grant
		Ayes:	- 5	Cheri Gambow, Sarah Lamb, Joe Cannon, Nicholas Brooks, and Dr. Emmanuel Glover
		Against:	- 0	

**3. 1901 Ramsey Avenue**  
 BDA234-120(CJ)

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

**BUILDING OFFICIAL’S REPORT:** Application of Megan Brown for (1) a special exception to the fence height regulations, and for (2) a special exception to the fence opacity regulations, and for (3) a special exception to the 20-foot visibility obstruction regulation, and for (4) a special exception to the 45-foot visibility obstruction regulation at 1901 Ramsey Avenue. This property is more fully described as Block 12/3603 Lot 14, and is zoned R-7.5(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; requires a 20-foot visibility triangle at driveway approaches; and requires a 45-foot visibility triangle at street intersections. The applicant proposes to construct an 8-foot high fence in a required front yard, which will require (1) a 4-foot special exception to the fence height regulations, and to construct 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 visibility obstruction triangle, which will require (3) a special exception to the visibility obstruction regulation at driveway approaches, and to construct a single-family residential fence structure in a required visibility obstruction triangle, which will require (4) a special exception to the visibility obstruction regulation at street intersections.

**LOCATION:** 1901 Ramsey Avenue.

**APPLICANT:** Megan Brown



**REQUEST:**

- (4) A request for a special exception to the fence height regulations; and
- (5) A special exception to the fence standards regulations regarding opacity; and
- (6) A special exception to the 20-foot visibility obstruction regulations at the drive approach.
- (7) A special exception to the 45-foot visibility obstruction regulations at the street intersection.

**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 (4):

No staff recommendation is made on these requests.

**BACKGROUND INFORMATION:**

**BDA History:**

- No BDA history found at 1901 Ramsey Avenue in the last 5 years.

**Square Footage:**

- This lot contains 7405.2 of square feet.
- This lot is zoned R-7.5(A) which has a minimum lot size of 7,500 square feet.

**Zoning:**

Site: R-7.5(A) (Single Family District)  
North: R-7.5(A) (Single Family District)  
East: R-7.5(A) (Single Family District)  
South: R-7.5(A) (Single Family District)  
West: R-7.5(A) (Single Family District)

**Land Use:**

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

**GENERAL FACTS/STAFF ANALYSIS:**

- The application for Megan Brown property located at 1901 Ramsey Avenue focuses on 4 requests relating to fence height, fence opacity and visual obstruction regulations.

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- The applicant proposes to construct and maintain an 8-foot fence in a required front yard, which will require a 4-foot 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 recycled composite plastic topped with hog wire panels in various sections.
- Thirdly, 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 Ramsey Avenue.
- Lastly, the applicant is proposing to maintain a single-family residential fence structure in a required 45-foot visibility obstruction triangle where the alley and street intersect, which will require a special exception to the 45-foot visibility obstruction regulation at the street intersection of Ramsey Avenue and Georgia Avenue.
- 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 corner lot with double street frontage on Georgia Drive and Ramsey Drive.
- The street frontage along Georgia Drive and Ramsey Drive act as two front yards due to block-face continuity.
- Based upon staff's analysis of the surrounding properties, there are several homes along Georgia Avenue and Ramsey Avenue with fences and gates in the required front yard and/or some form of vegetation serving as a screening mechanism.
- The applicant has stated that the request for special exception has been made for safety reasons.
- 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(s) 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 plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: [BDA234-120 at 1901 Ramsey Ave.](#)

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**Timeline:**

- August 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.
- September 9, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel B.
- September 12, 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 September 27, 2024, deadline to submit additional evidence for staff to factor into their analysis ;and October 11, 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.
- September 20, 2024: The Traffic Engineering provided their review comment sheet.
- October 3, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the October 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: Megan Brown – 1901 Ramsey Ave., Dallas TX 75216

Against: No Speakers

**Motion # 1**

I move that the Board of Adjustment, in Appeal No. BDA 234-120, on application of Megan Brown, **GRANT** the request of this applicant to construct and/or maintain a 8-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:	Sarah Lamb				
Second:	Joe Cannon				

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Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Cheri Gambow, Sarah Lamb, Joe Cannon, Nicholas Brooks, and Dr. Emmanuel Glover
		Against:	-	0	

**Motion # 2**

I move that the Board of Adjustment, in Appeal No. BDA 234-120, on application of Megan Brown, **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:	Sarah Lamb				
Second:	Dr. Emmanuel Glover				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Cheri Gambow, Sarah Lamb, Joe Cannon, Nicholas Brooks, and Dr. Emmanuel Glover
		Against:	-	0	

**Motion # 3**

I move that the Board of Adjustment, in Appeal No. BDA 234-120, on application of Megan Brown, **GRANT** the request to maintain items in the 20-foot visibility triangle at the drive approach on Ramsey 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:	Sarah Lamb				
Second:	Joe Cannon				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Cheri Gambow, Sarah Lamb, Joe Cannon, Nicholas Brooks, and Dr.

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					Emmanuel Glover
		Against:	-	0	

**Motion # 4**

I move that the Board of Adjustment, in Appeal No. BDA 234-120, on application of Megan Brown, **GRANT** the request to maintain items in the 45-foot visibility triangle at the street intersection of Ramsey Avenue and Georgia 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:	Sarah Lamb				
Second:	Nicholas Brooks				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Cheri Gambow, Sarah Lamb, Joe Cannon, Nicholas Brooks, and Dr. Emmanuel Glover
		Against:	-	0	

**4. 4100 Swiss Avenue**  
 BDA234-121(BT)

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

**BUILDING OFFICIAL'S REPORT:** Application of Jennifer Hiromoto for (1) a variance to the parking regulations at **4100 SWISS AVENUE**. This property is more fully described as Block 7/767, Tract 2, and is zoned PD-298 (Subarea 11), which requires parking to be provided. The applicant proposes to construct and/or maintain a nonresidential structure for a medical office use, and provide 10 of the required 19 parking spaces, which will require (1) a 9-space variance (47 percent reduction) to the parking regulation.

**LOCATION:** 4100 Swiss Ave.

**APPLICANT:** Jennifer Hiromoto

**REQUEST:**

A request for a variance to the off-street parking 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:

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- **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.
- **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
- **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. zoning.

**STAFF RECOMMENDATION:**

1. Variance to the off-street parking 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, indicated by having received no letters of opposition.
- B. It is restrictive in shape for parking multiple vehicles on-site. Additional parking is not allowed in the required front-yard setback. Therefore, the subject site cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Not a self-created or personal hardship.

**Zoning:**

**Site:** PD-298 (Subarea 11) Tract 7  
**North:** PD-298 (Subarea 11) Tract 7  
**South:** PD-298 (Subarea 12) Tract 2  
**East:** PD-298 (Subarea 11) Tract 7  
**West:** PD-298 (Subarea 11) Tract 7

**Land Use:**

The subject site proposed development with a medical office. The areas to the north, south, east, and west are developed with various use types including but not limited to residential and medical office clinics.

**BDA HISTORY:**

No BDA history found within the last 5 years.

**GENERAL FACTS/STAFF ANALYSIS:**

- The application of Jennifer Hiromoto for the property located at 4100 Swiss Ave. focuses on 1 request relating to a variance to the off-street parking regulations of a 9-space parking (47 percent reduction) is made to construct and/or maintain a medical office.
- The subject site shares a driveway with the lot next door, originally developed for residential use.
- Zoning PD-298 (Subarea 11) Tract 7 allows for a wide range of allowed and prohibited uses (SEC. 51P-298.107.) USES (5) Exhibits 298E: Use Chart
- Zoning PD-298 (Subarea 11) Tract 7 Parking Requirements reference (SEC. 51P-298.115.) (a) The parking provisions in Chapter 51A apply in the Bryan Area SPD, except as modified below: See PD for details.
- Parking Requirements per PD-298 1/200 Medical Office use.
- The applicant provided BDA staff with a Zoning Determination Letter - Delta Credits for 4100 Swiss Ave (TR 2, Block 7/767).
- The applicant states in a letter to BDA staff hours of operation, number of employees, number of rooms available for visits to be considered.
- The Transportation Engineering division has no objections if certain conditions are met.
- The Transportation Engineering division request parking data needs. No published data for medical clinics based on the number of employees at this facility.
- Granting the variance to the parking 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: [BDA234-121 at 4100 Swiss Ave](#)

**Timeline:**

- August 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.
- September 9, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel B.
- September 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 September 27, 2024, deadline to submit additional evidence for staff to factor into their analysis; and

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October 11, 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.

October 3, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the October 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: Jennifer Hiromoto, 10233 E. NW Hwy # 38586, Dallas TX 75238  
Lloyd Denman, 2928 Westminster Ave., Dallas TX 75205

Against: No Speakers

**Motion**

I move that the Board of Adjustment, in Appeal No. BDA 234-121, on application of Jennifer Hiromoto, **GRANT** the 9-space variance to the parking 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:	Sarah Lamb				
Second:	Dr. Emmanuel Glover				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Cheri Gambow, Sarah Lamb, Joe Cannon, Nicholas Brooks, and Dr. Emmanuel Glover
		Against:	-	0	

5. 5314 Ursula Lane  
BDA234-122(BT)

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

**BUILDING OFFICIAL'S REPORT:** Application of Eddie Grothaus for (1) a special exception to the fence height regulations, and for (2) a special exception to the fence opacity regulations at **5314 URSULA LANE**. This property is more fully described as Block C/5518, Lot 5, and is zoned R-



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1ac(A), which limits the height of a fence in the front yard to 4-feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5-feet from the front lot line. The applicant proposes to construct and/or maintain a 6-foot-high fence in a required front-yard, which will require (1) a 2-foot special exception to the fence height regulations, and to construct and/or maintain a fence in a required front-yard with a fence panel having less than 50 percent open surface area located less than 5-feet from the front lot line, which will require (2) a special exception to the fence opacity regulations.

**LOCATION:** 5314 Ursula Ln.

**APPLICANT:** Eddie Grothaus

**REQUEST:**

- (8) A request for a special exception to the fence height regulations; and
- (9) A request for a special exception to the fence standard regulations regarding opacity

**STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE HEIGHT, FENCE OPACITY AND FENCE MATERIAL STANDARD REGULATIONS:**

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

**STAFF RECOMMENDATION:**

Special Exceptions (2):

No staff recommendation is made on this request.

**BACKGROUND INFORMATION:**

**Zoning:**

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

**Land Use:**

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

**BDA History:**

No BDA history found within the last 5 years.

**GENERAL FACTS/STAFF ANALYSIS:**

- The application of Eddie Grothaus for the property located at 5314 Ursula Ln. focuses on 2 requests relating to the fence height, and fence opacity regulations.

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- The first request is for a special exception to the fence height regulations. The applicant is proposing to construct and maintain a 6-foot high gate in a required front-yard, which will require a 2-foot special exception to the fence height regulations.
- Lastly, 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 subject site along with surroundings properties to the north, south, east and west are all developed with single-family homes.
- As illustrated on the submitted site plan and elevations, the applicant is proposing to replace the existing 4-foot high gate section to the east and west with a 6-foot high gate, located near the front property line.
- Based upon staff's analysis of the surrounding properties, many were open with no fencing or vegetation, some properties provided a form of vegetation serving as a screening mechanism along Ursula Ln and Palomar Ln.
- Some properties provided a fence and/or gate at 4-feet above grade in the required front yard along Ursula Ln and Palomar Ln.
- Applicant is requesting additional height due to safety and security concerns, as the family travel schedule is public knowledge.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard.
- The applicant has the burden of proof in establishing that the special exception(s) to the fence regulations relating to height and opacity will not adversely affect the neighboring properties.
- Granting the special exceptions to the fence standards relating to height and opacity 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: [BDA234-122 at 5314 Ursula Ln](#)

**Timeline:**

- August 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.
- September 9, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel B.
- September 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 September 27, 2024, deadline to submit additional evidence for staff to factor into their analysis; and

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October 11, 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.

October 3, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the October 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: Eddie Grothans, 10930 Switzer Ave, Dallas TX 75238

Against: Kara Gehan, 5330 Ursula Lane, Dallas TX 75229

**Motion**

I move that the Board of Adjustment in Appeal No. BDA 234-122 **HOLD** this matter under advisement until **November 20, 2024.**

Maker:	Sarah Lamb				
Second:	Nicholas Brooks				
Results:	5-0 Unanimously				Motion to hold until November 20, 2024.
		Ayes:	-	5	Cheri Gambow, Sarah Lamb, Joe Cannon, Nicholas Brooks, and Dr. Emmanuel Glover
		Against:	-	0	

**HOLDOVER CASES**

**6. 5325 Kelsey Road**  
BDA234-096(CJ)

**BUILDING OFFICIAL'S REPORT:** Application of Charles Anderson for (1) a special exception to the fence height regulations; for (2) a special exception to the visibility obstruction regulations at driveway #1; and for (3) a special exception to the visibility obstruction regulations at driveway #2 at 5325 Kelsey Road. This property is more fully described as Block A/5517, Lot 9, and is zoned R-1ac(A), which limits the height of a fence in the front-yard to 4-feet and requires a 20-foot visibility triangle at the driveway approaches. The applicant proposes to construct and/or maintain a 6-foot 6-inch high fence in a required front-yard, which will require (1) a 2-foot 6-inch special exception to the fence height regulations; the applicant proposes to construct and/or maintain a single-family residential fence structure in a required visibility obstruction triangle, which will require (2) a special exception to the 20-foot visibility obstruction regulation at driveway #1; the applicant proposes to construct and/or maintain a single-family residential fence structure in a required 20-foot visibility

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obstruction triangle, which will require **(3)** a special exception to the visibility obstruction regulation at driveway #2.

**LOCATION:** 5325 Kelsey Road

**APPLICANT:** Charles C. Anderson

**REQUEST:**

- (10) A special exception to the fence height regulations; and
- (11) A special exception to the 20-foot visibility obstruction regulations at the first drive approach; and
- (12) A special exception to the 20-foot visibility obstruction regulations at the second drive approach.

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

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

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

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

**STAFF RECOMMENDATION:**

Special Exceptions (3):

No staff recommendation is made on this or any request for a special exception.

**BACKGROUND INFORMATION:**

**BDA History:**

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

**Square Footage:**

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

**Zoning:**

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

**Land Use:**

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

**GENERAL FACTS/STAFF ANALYSIS:**

- The application, for the Charles C. Anderson property located at 5325 Kelsey Road focuses on 3 requests relating to the fence height and visual obstruction regulations.
- The applicant is proposing to construct and maintain a 6-foot gate with 6-foot 6-inch stone columns in a required front yard, which will require a 2-foot 6-inch special exception to the fence height regulations.
- Secondly, the applicant is proposing to maintain a single-family residential fence structure in required 20-foot visibility obstruction triangles, which will require a special exception to the 20-foot visibility obstruction regulations at drive approach #1 (west).
- Lastly, the applicant is proposing to maintain a single-family residential fence structure in required 20-foot visibility obstruction triangles, which will require a special exception to the 20-foot visibility obstruction regulations at drive approach #2 (east).
- The subject site along with properties to the north, east, south, and west are all developed with single-family homes.
- As gleaned from the submitted site plan and elevations, the applicant is proposing to maintain a 6-foot gate with 6-foot 6-inch stone columns along the front yard of the home.
- The proposed gate is material is wrought iron connected by stone columns.
- It is imperative to note that the subject site is a mid-block lot with single street frontage on Kelsey Road.
- The applicant has stated that the request for special exception has been made for safety/security reasons.
- Based upon staff's analysis of the surrounding properties, there are a few homes along Kelsey Road with fences and gates in the required front yard and/or some form of vegetation serving as a screening mechanism.
- It has been confirmed that the proposed fence will replace the existing 4-foot fence and be placed in a similar location.
- The applicant has the burden of proof in establishing that the special exception to the fence regulations regarding fence height, will not adversely affect neighboring properties.
- The applicant also has the burden of proof in establishing that the special exceptions to the fence regulations regarding visual obstruction will not constitute a traffic hazard.
- Granting the special exceptions to the fence standards relating to fence height and visual obstruction regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: [BDA234-096 at 5325 Kelsey Rd.](#)

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**Timeline:**

- June 21, 2024: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- July 3, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel B.
- July 17, 2024: The Development Services Department Senior Planner emailed the applicant the following information:
- an attachment that provided the hearing date and panel that will consider the application; the August 9, 2024, deadline to submit additional evidence for staff to factor into their analysis; and July 26, 2024, deadline to submit additional evidence to be incorporated into the board's docket materials.
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- July 29, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the August public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.
- August 21, 2024: Panel B, at its regular scheduled hearing on August 21, 2024 voted to hold this matter under advisement until September hearings.
- August 30, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the September 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.
- September 18, 2024: Panel B, at its regular scheduled hearing on September 18, 2024, voted to hold this matter under advisement until October hearings.
- September 19, 2024: The Board Secretary mailed the applicant an outcome letter restating the board outcome and the hearing date/time for October.

**Speakers:**

For: Peter Kavanagh, 1620 Handley St., Dallas TX 75208  
Moll Anderson, 5325 Kelsey Road, Dallas TX 75229

Against: No Speakers

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**Motion # 1**

I move that the Board of Adjustment, in Appeal No. BDA 234-096, on application of Charles Anderson, **GRANT** the request of this applicant to construct and/or maintain a 6-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:	Sarah Lamb			
Second:	Joe Cannon			
Results:	4-1			Motion to grant
		Ayes:	- 4	Sarah Lamb, Joe Cannon, Nicholas Brooks, and Dr. Emmanuel Glover
		Against:	- 1	Cheri Gambow

**Motion # 2**

I move that the Board of Adjustment, in Appeal No. BDA 234-096, on application of Charles Anderson, **GRANT** the request to maintain items in the 20-foot visibility triangle at the most westerly driveway 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:	Sarah Lamb			
Second:	Nicholas Brooks			
Results:	4-1			Motion to grant
		Ayes:	- 4	Sarah Lamb, Joe Cannon, Nicholas Brooks, and Dr. Emmanuel Glover
		Against:	- 1	Cheri Gambow

**Motion # 3**

I move that the Board of Adjustment, in Appeal No. BDA 234-096, on application of Charles Anderson, **GRANT** the request to maintain items in the 20-foot visibility triangle at the most easterly driveway 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

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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:	Joe Cannon			
Second:	Sarah Lamb			
Results:	4-1			Motion to grant
		Ayes:	- 4	Sarah Lamb, Joe Cannon, Nicholas Brooks, and Dr. Emmanuel Glover
		Against:	- 1	Cheri Gambow

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

**BUILDING OFFICIAL'S REPORT:** Application of Karlyn Herlitz for (1) a special exception to the fence height regulations at **5322 KELSEY RD.** This property is more fully described as Block B/5517, Lot 10, and is zoned R-1ac(A), which limits the height of a fence in the front-yard to 4-feet. The applicant proposes to construct and/or maintain a 6-foot 6-inch-high fence in a required front-yard, which will require a 2-foot 6-inch special exception to the fence regulation.

**LOCATION:** 5322 Kelsey Rd.

**APPLICANT:** Karlyn Herlitz

**REQUEST:**

(13) a special exception to the fence height regulations

A request for

**STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE HEIGHT, FENCE OPACITY AND FENCE MATERIAL STANDARD REGULATIONS:**

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

**STAFF RECOMMENDATION:**

Special Exceptions (1):

No staff recommendation is made on this request.

**BACKGROUND INFORMATION:**

**Zoning:**

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



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West: R-1ac(A)

**Land Use:**

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

**BDA History:**

No BDA history found within the last 5 years

**GENERAL FACTS/STAFF ANALYSIS:**

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

**Timeline:**

- June 25, 2024: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- July 3, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel B.
- July 17, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

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- an attachment that provided the public hearing date and panel that will consider the application; the July 26, 2024, deadline to submit additional evidence for staff to factor into their analysis; and August 9, 2024, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

July 1, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the August public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

August 21, 2024: The Board of Adjustment Panel **B**, at its public hearing held on Wednesday, August 21, 2024, moved to **HOLD** this matter under advisement until **September 18, 2024**.

August 21, 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 August 23, 2024, deadline to submit additional evidence for staff to factor into their analysis; and September 6, 2024, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

August 30, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the September public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.

Speakers:

For: Peter Kavanagh, 1620 Handley St., Dallas TX 75208  
Karlyn Herlitz, 5322 Kelsey Rd., Dallas TX 75229

Against: No Speakers

**Motion**

I move that the Board of Adjustment, in Appeal No. BDA 234-098, on application of Karlyn Herlitz, **GRANT** the request of this applicant to construct and/or maintain a 6-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:	Sarah Lamb				
Second:	Nicholas Brooks				
Results:	4-1				Motion to grant
		Ayes:	-	4	Sarah Lamb, Joe Cannon, Nicholas Brooks, and Dr. Emmanuel Glover
		Against:	-	1	Cheri Gambow

**INDIVIDUAL CASES**

**6. 2417 W. 12<sup>th</sup> Street**  
 BDA234-124(BT)

**BUILDING OFFICIAL'S REPORT:** Application of Elizabeth Rader at **2417 W 12TH STREET** to request an interpretation of the intent of the zoning district boundary map. This property is more fully described as Block B/4567, parts of Lots 7, 8 and a portion of Tract 15, and is zoned CR and R-7.5(A). The applicant requests the Board of Adjustment interpret the zoning map for this property and the ordinances amending the map.

**LOCATION:** 2417 W 12TH St.

**APPLICANT:** Elizabeth Rader

**REQUEST:** A request is made that the Board of Adjustment interpret the zoning map for this property and the ordinances amending the map.

**STANDARD FOR INTERPRETATION OF INTENT OF ZONING DISTRICT BOUNDARY MAP:**

Dallas Development Code Sec. 51A-4.104(d) state that when there is a question as to the boundary of a tract and that question cannot be resolved by the application of Subsections (a) through (c), the board of adjustment shall determine the boundary by interpreting the official zoning district map and ordinances amending the map.

**STANDARD FOR DECISION MAKING:**

Dallas Development Code Sec. 51A.3-102(d)(2) states that the board has the following powers and duties to interpret the intent of the zoning district map when uncertainty exists because the actual physical features differ from those indicated on the zoning district map and when the rules set forth

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in the zoning district boundary regulations do not apply.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: CR and R-7.5(A)  
North: CR and R-7.5(A)  
East: CR  
South: R-7.5(A)  
West: PD-829

**Land Use:**

The subject site is developed with an auto service use and surrounding properties to the north developed with restaurant use, east developed with uses allowed in CR, south developed with DISD school use and west developed with DISD athletic field uses.

**BDA History:**

No BDA history found within the last 5 years

**GENERAL FACTS/STAFF ANALYSIS:**

- Elizabeth Rader, represented by James B. Harris is requesting the Board of Adjustment interpret the zoning map and ordinances amending the map at the property located at 2417 W 12th St.
- March 1954 - 20' strip of land deeded to adjacent property, creating split zoning on the property (R-7.5 and C-1).
- 1959 Ordinance No. 5238 zoned property C-1 thru special permit
- December 1959 boundaries near W. 12th St. and S. Hampton Rd. all rezoned C-1 Ordinance No. 8288
- March 29, 1965 (Revised May 20, 1971) rezoning maps with Ordinance No 10962 near W. 12th St. and S. Hampton Rd.
- February 4, 1987, Ordinance No. 19455 which adopted Chapter 51A provided new zoning districts city-wide, replacing all previous district definitions and boundaries (see Exhibit B of Ordinance No. 20180 passed on January 25, 1989)
- Majority of the original R-7.5(A) zoning district was removed by Ordinance 27942 on August 11, 2010.
- CPC denying request to change R-7.5(A) to CR with Z212-345 on February 2, 2023.
- May 3, 2024 letter delivered to Casey Burgess, Executive Assistant City Attorney.
- Memorandum provided to applicant from city staff with detail interpretation of the zoning district boundary lines on July 24, 2024.
- The board has the power and duty to interpret the intent of the zoning district map when uncertainty exists because the actual physical features differ from those indicated on the

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zoning district map and when the rules set forth in the zoning district boundary regulations do not apply.

- 200' Radius Video: [BDA234-124 at 2417 W 12th St](#)

**Timeline:**

- August 29, 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.
- September 9, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel B.
- September 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 September 27, 2024, deadline to submit additional evidence for staff to factor into their analysis; and October 11, 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.
- August 30, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the October 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: Jim Harris – 1722 Routh Street, Dallas TX 75201  
Peter Kavanagh - 1620 Handley ST., Ste A, Dallas TX 75208  
Geena Piwetz - 12342 Inwood Rd., Dallas TX 75244
- Against (Virtual) Yolanda Alameda – 2405 Tyler St., Dallas TX 75224  
Christine Hopkins – 1118 Elmwood Blvd., Dallas TX 75224  
Albert Mata – 101 W. Davis St., Dallas TX 75208
- In person: Jerry Figueroa – 2220 W. Clarendon Dr., Dallas TX 75208  
Marco Amador – 1207 S. Oak Cliff BLVD., Dallas TX 75208  
Jennifer Rangel – 207 N. Morocco Ave., Dallas TX 75211  
Billy Rangel – 2702 Kellogg Ave., Dallas TX 75216

**Motion**

I move that the Board of Adjustment in Appeal No. BDA 234-124 **HOLD** this matter under advisement until **November 20, 2024.**

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Maker:	Nicholas Brooks				
Second:	Sarah Lamb				
Results:	3-2				Motion to hold until November 20, 2024.
		Ayes:	-	3	Cheri Gambow, Sarah Lamb, and Dr. Emmanuel Glover
		Against:	-	2	Joe Cannon and Nicholas Brooks

\*\*Recess at 2:50 pm – 2:56 pm\*\*

\*\*Recess at 3:57 pm – 4:02 pm\*\*

**ADJOURNMENT**

After all business of the Board of Adjustment had been considered, Vice-chair Cheri Gambow moved to adjourn the meeting at 5:38 p.m.



Required Signature:

Mary Williams, Board Secretary  
Planning and Development Department

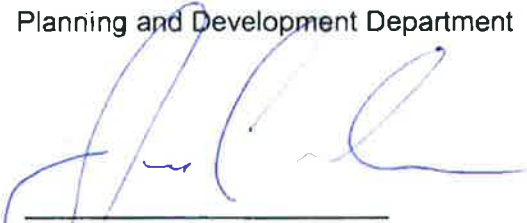
11/20/2024  
Date



Required Signature:

Dr. Kameka Miller-Hoskins, Board Administrator  
Planning and Development Department

11/20/2024  
Date



Required Signature:

Sarah Lamb, Presiding Officer  
Board of Adjustment

11/20/24  
Date