



BOARD OF ADJUSTMENT

Panel A Meeting Minutes

July 14, 2026

RECEIVED

2026 AUG 18 PM 4:44

**CITY SECRETARY
DALLAS, TEXAS**

Council Briefing 6ES

24923176153@dallascityhall.webex.com

David A. Neumann, Chairman

PRESENT: [4]

David A. Neumann, Chairman	
Kathleen Davis	
Michael Hopkovitz	
Michael Dorn	
Dr. Emmanuel Glover – Left at 11:30 am	

ABSENT: [1]

Kacy Rodgers II	

Chairman David A. Neumann called the briefing to order at **10:30 A.M.** with a quorum of the Board of Adjustment present.

Chairman David A. Neumann called the hearing to order at **1:02 P.M.** with a quorum of the Board of Adjustment present.

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

PUBLIC SPEAKERS

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

- No Registered Speakers

MISCELLANEOUS ITEMS

Approval of the Board of Adjustment Panel A, June 16, 2026, Meeting Minutes.

Motion was made to approve Panel A, June 16, 2026, Public Hearing Minutes.

Maker:	Michael Hopkovitz				
Second:	Kathleen Davis				
Results:	4-0 unanimously				Motion to approve
		Ayes:	-	4	David A. Neumann, Kathleen Davis, Michael Hopkovitz, Michael Dorn
		Against:	-	0	

MISCELLANEOUS CASES

1. 1201 OAK LAWN AVENUE

BDA245-049_198646410-001_R1(BT)

BUILDING OFFICIAL'S REPORT: Application of Jonathan Vinson for **(1)** a reassessment of a special exception to the parking regulations granted by the Board of Adjustment Panel A on July 15, 2025, in Appeal No. BDA245-049 at **1201 OAK LAWN AVENUE**. This property is more fully described as Block 27/7889, part of Lot 1, 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, an office use, and an office/showroom use and provide 73 of the required 135 parking spaces, which will require **(1)** a 62-space special exception (45.9 % reduction) to the parking regulation.

LOCATION: 1201 OAK LAWN AVENUE

APPLICANT: JONATHAN VINSON

REQUEST:

(1) A reassessment of a special exception to the parking regulations granted by the Board of Adjustment Panel A on July 15, 2025, in Appeal No. BDA245-049

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

Section 51P-621.110(b)(2)(D) states that the board may grant a special exception of up to 50 percent of the required off-street parking upon the findings and considerations listed in Section 51A-4.311 minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). The board of adjustment may impose conditions on the special exception.

Section 51A-4.311(a) of the Dallas Development Code 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

BOARD OF ADJUSTMENT
July 14, 2026

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.

In determining whether to grant a special exception under Section 51A-4.311, the board shall consider the following factors:

(A) The extent to which the parking spaces provided will be remote, shared, or packed parking.

(B) The parking demand and trip generation characteristics of all uses for which the special exception is requested.

(C) Whether or not the subject property or any property in the general area is part of a modified delta overlay district.

(D) The current and probable future capacities of adjacent and nearby streets based on the city's thoroughfare plan.

(E) The availability of public transit and the likelihood of its use.

(F) The feasibility of parking mitigation measures and the likelihood of their effectiveness.

In granting a special exception under this section, the board shall specify the use or uses to which the special exception applies. A special exception granted by the board for a particular use automatically and immediately terminates if and when that use is changed or discontinued.

In granting a special exception under this section, the board may:

(A) establish a termination date for the special exception or otherwise provide for the reassessment of conditions after a specified period of time;

(B) impose restrictions on access to or from the subject property; or

(C) impose any other reasonable condition that would have the effect of improving traffic safety or lessening congestion on the streets.

STAFF RECOMMENDATION:

No staff recommendation is made on this type of request.

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

The subject site is developed with office showroom/warehouse and restaurant without drive-in or drive-through service uses. The areas to the north, south, east, and west are developed with various uses such as but not limited to motor vehicle fueling station, personal service, office showroom/warehouse, and restaurant without drive-in or drive-through service.

BDA History:

No BDA history found within the last 5 years

GENERAL FACTS AND ANALYSIS

- On July 15, 2025, Panel A granted a special exception to the parking regulations for the property located at 1201 Oak Lawn Avenue. As part of the approval, the applicant would have to reappear before Panel A within 12 months of final issuance of a certificate of occupancy.
- A certificate of occupancy was issued for office showroom/warehouse on July, 21, 2025.
- The application of Jonathan Vinson for the property located at 1201 Oak Lawn Avenue focused on one request relating to the parking regulations.
- The proposed request of a 62-space special exception (45.9 percent reduction) is made to construct and/or maintain a nonresidential structure.
- The subject site lot size is 78,878.29 square feet.
- The existing building footprint is 39,750 square feet (50.39 percent lot coverage)
- PD-621 (Subdistrict 1) requires the following parking ratio per specified use:
 - 1 parking space per 105 square feet of floor area for restaurant without drive-in or drive-through service ($12,600 / 105 = 120$).
 - 1 parking space per 1100 square feet of floor area for Office/Showroom Warehouse up to 20,000 square feet floor area ($20,000 / 1100 = 18.18$).
 - 1 parking space per 4100 square feet of floor area for Office/Showroom Warehouse above 20,000 square feet floor area ($7,150 / 4100 = 1.74$).
- Additionally, a parking agreement is required for calculating adjusted standard parking requirements.
- Granting the proposed 62-space special exception (45.9 percent reduction) to the parking regulations with a condition that the special exception automatically and immediately terminates if when the restaurant without drive-in or drive-through service, office, and office/showroom uses are changed or discontinued.
- 200' Radius Video: [BDA245-049 at 1201 Oak Lawn Ave](#)

Timeline:

- | | |
|-----------------|--|
| April 16, 2025: | The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report. |
| March 5, 2025: | The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A. |
| March 14, 2025: | Planning and Development Department Senior Planner emailed the applicant the following information: <ul style="list-style-type: none">• an attachment that provided the public hearing date and panel that will consider the application; the March 21, 2025, deadline |

to submit additional evidence for staff to factor into their analysis; and April 4, 2025, deadline to submit additional evidence to be incorporated into the board's docket materials.

- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

March 25, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the April 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.

March 25, 2025: The applicant provided revised Shared Parking Chart.

April 4, 2025: The applicant provided additional documentary evidence.

April 15, 2025: The Board of Adjustment Panel **A**, at its public hearing held on Tuesday, April 15, 2025, moved to **HOLD** this matter under advisement until **May 20, 2025**.

April 17, 2025: Planning and Development Department Senior Planner emailed the applicant the following information:

- 1:00 p.m., **May 9, 2025**, deadline to submit additional evidence to be incorporated into the board's docket materials.

May 9, 2025: The applicant provided additional documentary evidence.

May 20, 2025: The Board of Adjustment Panel **A**, at its public hearing held on Tuesday, May 20, 2025, moved to **HOLD** this matter under advisement until **June 17, 2025**.

May 21, 2025: Planning and Development Department Senior Planner emailed the applicant the following information:

- 1:00 p.m., **June 6, 2025**, deadline to submit additional evidence to be incorporated into the board's docket materials.

June 5, 2025: The applicant provided additional documentary evidence.

June 17, 2025: The Board of Adjustment Panel **A**, at its public hearing held on Tuesday, June 17, 2025, moved to **HOLD** this matter under advisement until **July 15, 2025**.

June 18, 2025: Planning and Development Department Senior Planner emailed the applicant the following information:

BOARD OF ADJUSTMENT
July 14, 2026

- 1:00 p.m., **July 3, 2025**, deadline to submit additional evidence to be incorporated into the board's docket materials.

July 2, 2025: The applicant provided additional documentary evidence.

May 29, 2026: A courtesy email was sent to the applicant regarding the reassessment

June 25, 2026: The applicant submitted a reassessment report.

Speakers:

For: Jonathan Vinson, 2323 Ross Ave/. Suite 600, Dallas, TX 75201
Lloyd Denman, 2928 Westminster, Dallas TX 75205

Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BDA 245-049_198646410-001, on application of Jonathan Vinson, **DENY** the special exception to the parking regulations requested by this applicant **without prejudice**, because our evaluation of the property and the testimony shows this special exception will increase traffic hazards or increase traffic congestion on adjacent or nearby streets, and the parking demand generated by the use warrants the number of required parking spaces.

Maker:	Michael Hopkovitz				
Second:	Kathleen Davis				
Results:	4-0 Unanimously				Motion to deny without prejudice
		Ayes:	-	4	David A. Neumann, Kathleen Davis, Michael Hopkovitz, Michael Dorn
		Against:	-	0	

UNCONTESTED CASES

2. 6632 CHURCHILL WAY

BOA-26-000026(BT)

****This Case was moved to Individual Cases****

BUILDING OFFICIAL'S REPORT: Application of Scott Clements 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 regulation at the driveway approach at **6632 CHURCHILL WAY**. This property is more fully described as Block 2/7459, Lot 3, and is zoned R-16(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 five feet from the front lot line, and requires a 20-foot visibility triangle at the driveway approach. 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, 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 and/or maintain a single-family residential fence structure in a required 20-foot visibility obstruction triangle at the driveway approach along Churchill Way, which will require (3) a special exception to the 20-foot visibility obstruction regulation at the driveway approach.

LOCATION: 6632 Churchill Way

APPLICANT: Scott Clements

REQUEST:

- (1) a special exception to the fence height regulations,
- (2) a special exception to the fence opacity regulations, 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 AND FENCE OPACITY REGULATIONS:

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

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

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

STAFF RECOMMENDATION:

Special Exceptions (3):

No staff recommendation are made on these requests.

BACKGROUND INFORMATION:

Zoning:

Site: R-16(A)
North: PD-218 & R-1ac(A)
East: R-16(A)
South: R-16(A)
West: R-16(A)

Land Use:

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

BDA History:

No BDA history has been found within the last five years.

GENERAL FACTS/STAFF ANALYSIS:

- The application of Scott Clements for the property located at 6632 Churchill Way focuses on three requests relating to the fence height regulations, fence opacity regulations, and visual obstruction regulations.
- The first request, the applicant is proposing to construct and maintain an 8-foot-high fence in a required front-yard, which will require a 4-foot special exception to the fence height regulations.
- The second request, the applicant is proposing to construct and maintain a fence in a required front-yard with a fence panel having less than 50 percent open surface area located less than 5-feet from the front lot line, which requires a special exception to the fence opacity regulations.
- The last request, the applicant is proposing to construct and maintain a fence in a required 20-foot visibility obstruction triangle at the driveway approach along Churchill Way.
- Per staff site visit, fencing exists, with landscaping and multiple cameras.
- Subject site is located at what staff is referring to as a transition point along Churchill Way. The street frontage transitions from 2 lanes divided with curbs and gutters to single lane traffic with no curbs and gutters.
- In addition, sidewalks are only located on the subject site side of Churchill Way.
- Access is prohibited along Churchill Way to the north (PD-218) at the 2-lane divided section; however, access to R-1ac(A) along Churchill Way to the north is allowed.
- It is imperative to note that on the south side of Churchill Way and to the east no fencing; however, to the west fencing and vegetation provided for both R-16(A) and R-1ac(A) sites.
- PD-218 is a gated community.
- The applicant has the burden of proof in establishing that the special exception to the fence standard regulations relating to height and opacity will not adversely affect the neighboring properties.
- The applicant has the burden of proof in establishing that the special exception to the visual obstruction regulations will not constitute a traffic hazard.
- Granting the special exceptions to the fence height and opacity regulations and visual obstruction regulation with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: [BOA-26-000026 at 6632 Churchill Way](#)

Timeline:

- June 5, 2026: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- June 9, 2026: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel A.

BOARD OF ADJUSTMENT
July 14, 2026

June 22, 2026: The Planning and Development Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the **1:00 pm, June 26, 2026**, deadline to submit additional evidence for staff to factor into their analysis; and **1:00 pm, July 2, 2026**, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

June 30, 2026: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the **July** public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

Speakers:

For: Barry Heath, 4263 CR 2602, Caddo mills, TX, 75087
Scott Clements, 405 N. Ervay, # 2902, Dallas TX 75102
Blake Thompson, 123 Maxwell Creek Rd., Murphy, TX 75094

Against: No Speakers

Motion

I move that the Board of Adjustment in Appeal No. BOA-26-000026 **hold this matter under advisement until September 15, 2026.**

Maker:	Kathleen Davis				
Second:	Michael Dorn				
Results:	4-0				Motion to hold under advisement
		Ayes:	-	4	David A. Neumann, Kathleen Davis, Michael Dorn & Michael Hopkovitz
		Against:	-	0	

3. 4047 DALGREEN DRIVE

BOA-26-000042(BT)

****This Case was moved to Individual Cases****

BUILDING OFFICIAL'S REPORT: Application of Robert Baldwin for **(1)** a special exception to the fence height regulations, and for **(2)** special exception to the fence opacity regulations at **4047 DALGREEN DRIVE**. This property is more fully described as Block 4407, Lot 6, and is zoned R-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 five feet from the front lot line. The applicant proposes to construct and/or maintain an 8-foot 2-inch high fence in a required

front-yard, which will require **(1)** a 4-foot 2-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.

LOCATION: 4047 Dalgreen Drive

APPLICANT: Robert Baldwin

REQUEST:

- (4) a special exception to the fence height regulations, and
- (5) a special exception to the fence opacity regulations.

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

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

STAFF RECOMMENDATION:

Special Exceptions (2):

No staff recommendation is made on this request.

BACKGROUND INFORMATION:

Zoning:

Site: R-1ac(A)
North: R-1/2ac(A)
East: R-1ac(A) & R-7.5(A) (SUP 131 – Cox Cemetery)
South: R-1ac(A)
West: R-1ac(A)

Land Use:

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

BDA History:

No BDA history has been found within the last five years.

GENERAL FACTS/STAFF ANALYSIS:

- The application of Robert Baldwin for the property located at 4047 Dalgreen focuses on two requests relating to the fence height regulations and fence opacity regulations.
- The first request is that the applicant is proposing to construct and maintain an 8-foot 2-inch-high fence in a required front-yard, which will require a 4-foot 2-inch special exception to the fence height regulations.

BOARD OF ADJUSTMENT
July 14, 2026

- The second request, the applicant is proposing to construct and maintain a fence in a required front-yard with a fence panel having less than 50 percent open surface area located less than 5-feet from the front lot line, which requires a special exception to the fence opacity regulations.
- The applicant has stated that the property is located near a heavily vegetated area near a cemetery and White Rock Lake. For this reason, they have requested submitted a request to allow a fence and columns up to 8'2". Additionally, a request for opacity was also submitted to allow a portion of the fence to be constructed of solid materials.
- Per the applicant, several properties in the area have similar fencing and they feel that their proposed fence will not negatively impact the surrounding homes.
- Per staff site visit, proposed fencing will replace existing.
- The applicant has the burden of proof in establishing that the special exception to the fence standard regulations relating to height and opacity will not adversely affect the neighboring properties.
- Granting the special exceptions to the fence 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: [BOA-26-000042 at 4047 Dalgreen Dr](#)

Timeline:

- June 6, 2026: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- June 9, 2026: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.
- June 22, 2026: The Planning and Development Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the **1:00 pm, June 26, 2026**, deadline to submit additional evidence for staff to factor into their analysis; and **1:00 pm, July 2, 2026**, deadline to submit additional evidence to be incorporated into the board's docket materials.
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- June 30, 2026: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the **July** public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

BOARD OF ADJUSTMENT
July 14, 2026

Speakers:

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

Against: No Speakers

Motion # 1

I move that the Board of Adjustment, in Appeal No. BOA-26-000042, on application of Robert Baldwin, **GRANT** the request of this applicant to construct and/or maintain an 8-foot 2-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 the most recent version of the submitted site plan and elevations are required.

Maker:	Kathleen Davis				
Second:	Michael Hopkovitz				
Results:	4-0 Unanimously				Motion to grant
		Ayes:	-	4	David A. Neumann, Kathleen Davis, Michael Hopkovitz & Michael Dorn
		Against:	-	0	

Motion # 2

I move that the Board of Adjustment, in Appeal No. BOA-26-000042, on application of Robert 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 the most recent version of the submitted site plan and elevations are required.

Maker:	Kathleen Davis				
Second:	David Neumann				
Results:	4-0 Unanimously				Motion to grant
		Ayes:	-	4	David A. Neumann, Kathleen Davis, Michael Hopkovitz & Michael Dorn
		Against:	-	0	

4. 9743 LANWARD CIRCLE
BOA-26-000045(BT)

BUILDING OFFICIAL'S REPORT: Application of Cody Welch for **(1)** a special exception for the handicapped to the single-family use regulations, and for **(2)** a special exception for the handicapped to the floor area for structures accessory to single family use regulations at **9743 LANWARD CIRCLE**. This property is more fully described as Block B/8093, Lot 8, and is zoned R-7.5(A), which limits the number of dwelling units to one, and prohibits an accessory structure to exceed 25 percent of the floor area of the main structure. The applicant proposes to construct and/or maintain an additional dwelling unit (not for rent) which will require **(1)** a special exception for the handicapped to the single-family use regulations, and to construct and/or maintain a single-family residential accessory structure with 891 square feet of floor area (36 percent of the floor area of the main structure) which will require **(2)** an 11 percent (272.25 square foot) special exception for the handicapped to the floor area for structures accessory to single family use regulations.

LOCATION: 9743 Lanward Circle

APPLICANT: Cody Welch

REQUEST:

- (6) A special exception for the handicapped to the single-family regulations, and
- (7) A special exception for the handicapped to the floor area for structures accessory to single family use regulations.

STANDARDS OF REVIEW FOR A SPECIAL EXCEPTIONS FOR THE HANDICAPPED:

Section 51A-1.107 of the Dallas Development Code states that the board of adjustment shall grant a special exception to any regulation in this chapter if, after a public hearing, the board finds that the exception is necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling. The term "handicapped person" means a person with a "handicap," as that term is defined in the Federal Fair Housing Amendments Act of 1988, as amended. The board may impose reasonable conditions upon the granting of this special exception consistent with the purpose stated in this section. This section does not authorize the board to grant a change in the use of a building or structure.

STAFF RECOMMENDATION:

Special Exceptions (2):

No staff recommendation is made on these requests.

BACKGROUND INFORMATION:

Zoning:

Site: R-7.5(A)
North: R-7.5(A)
East: R-7.5(A)
South: R-7.5(A)
West: R-7.5(A) & PD-1078 (Lake Highlands Middle School)

Land Use:

The subject site and surrounding properties to the east, south, and west developed with single-family uses. Further to the west lies Lake Highlands Middle School.

BDA History:

No BDA history has been found within the last five years

GENERAL FACTS/STAFF ANALYSIS:

- The application of Cody Welch for the property located at 9743 Lanward Circle focuses on two requests relating to a special exception for the handicapped to the single-family use regulations, and for a special exception for the handicapped to the floor area for structures accessory to single family regulations.
- The first request relates to the additional dwelling unit (not for rent), which will require a special exception for the handicapped to the single-family zoning use regulations.
- The second request relates to the floor area for structures accessory to the single-family use regulations for the handicapped to enjoy a dwelling. The applicant is proposing to construct and maintain an accessory structure greater than 25 percent of the main floor area.
- The applicant has the burden of proof in establishing that granting a special exception is necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling unit.
- Granting the special exception for the handicapped to the single-family use regulations and floor area regulations with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: [BOA-26-000045 at 9743 Lanward Cir](#)

Timeline:

- | | |
|----------------|--|
| June 2, 2026: | The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report. |
| June 9, 2026: | The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel A . |
| June 22, 2026: | The Planning and Development Senior Planner emailed the applicant the following information: <ul style="list-style-type: none">• an attachment that provided the public hearing date and panel that will consider the application; the 1:00 pm, June 26, 2026, deadline to submit additional evidence for staff to factor into their analysis; and 1:00 pm, July 2, 2026, 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 |

BOARD OF ADJUSTMENT
July 14, 2026

- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

June 30, 2026: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the **July** public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

Speakers:

For: Sally Welch, 9743 Lanward Circle, Dallas TX (did not speak)

Against: No Speakers

Motion

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

BOA-26-000045 – Application of Cody Welch, for a special exception for the handicapped to the single-family use regulations and a special exception for the handicapped to the floor area for a structure accessory to the single family use regulations contained in the Dallas Development Code, is **granted**, subject to the following conditions:

- Compliance with the most recent version of all submitted plans are required.
- The special exception expires when a handicapped person no longer resides on the property.

Maker:	Michael Hopkovitz				
Second:	Kathleen Davis				
Results:	4-0 Unanimously				Motion to grant
		Ayes:	-	4	David A. Neumann, Kathleen Davis, Michael Hopkovitz & Michael Dorn
		Against:	-	0	

INDIVIDUAL CASES

5. 4300 ROSELAND AVENUE

BOA-26-000029(KMH)

BUILDING OFFICIAL'S REPORT: Application of Franchesca Jennings for **(1)** a variance to the side yard setback regulations, **(2)** a special exception to the fence height regulations, and for **(3)** a special exception to the fence opacity regulations at **4300 ROSELAND AVENUE**. This property is more fully described as Block 2/650, part of Lots 13 & 14, and is zoned PD-298 (Subarea 4), which requires a side yard setback of 10-feet if a side yard setback is provided, 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 five feet from the front lot line. The applicant proposes to

construct and/or maintain a residential structure and provide a 6-foot 2-inch side yard setback, which will require a **(1)** 3-foot-10-inch variance to the side yard setback regulations, to construct and/or maintain an 8-foot-high fence in a required front-yard, which will require **(2)** a 4-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 **(3)** a special exception to the fence opacity regulations.

LOCATION: 4300 Roseland Avenue

APPLICANT: Franchesca Jennings

REQUEST:

- (1) A variance to the side yard setback regulations
- (2) A special exception to the fence height regulations
- (3) A special exception to the fence opacity regulations

STANDARD OF REVIEW FOR A VARIANCE:

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

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

SECTION 51A-3.102(d)(10)(B): Dallas Development Code § 51A-3.102(d)(10)(B), allows for the board to use their discretion and consider the following as grounds to determine whether the portion of the variance standard of compliance with the ordinance as applied to a structure would result in unnecessary hardship:

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

STAFF RECOMMENDATION:

Special Exceptions (2):

No staff recommendation is made on these requests.

Variance to the side yard setback regulations:

Denial

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

- A. Not contrary to the public interest.
- B. The subject site is not restrictive in area shape or slow; therefore, it can be developed in the same manner commensurate with the development in the same zoning.
- C. Self-created or personal hardship.

BACKGROUND INFORMATION:

Zoning:

Site: PD-298
North: MF-2(A)
East: PD-298
South: PD-298
West: PD-298

Land Use:

The subject site is developed with a single-family residence with surrounding properties sharing the same type of development.

BDA History:

No BDA history found on this property within the past five years.

GENERAL FACTS/STAFF ANALYSIS:

- The application of Franchesca Jennings for the property located at 4300 Roseland Avenue focuses on three requests relating to the side yard setback regulations, the fence height regulations, and the fence opacity regulations.
- The first request is for a variance to the side yard setback regulations. The applicant proposes to construct and/or maintain a residential structure and provide a 6-foot 2-inch side yard setback, which will require a 4-foot-2-inch variance to the side yard setback 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 fence in a required front yard, which will require a 4-foot special exception to the fence height regulations.
- Thirdly, the applicant is proposing to construct and maintain the residential 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 a special exception to the fence opacity regulations.

- The property is zoned Planned Development District No. 298 Subarea 4. Section 51-298.112(b)(1) states: *Except as provided in this paragraph, no side yard setback is required in Subareas 1, 1A, 1B, 1C, 1D, 3, 4, 4A, 5, 5A, 7, 8, 10, 10C, 11, 12, and 13; however, if a side yard setback is provided, it must be a minimum of 10 feet.*
- The applicant has the burden of proof in establishing the following:
 1. That granting the variance to the side yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
 2. The variance is necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
 3. The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

SECTION 51 A-3.102(d)(10)(B)

Dallas Development Code § 51A-3.102(d)(10)(B), allows for the board to use their discretion and consider the following as grounds to determine whether the portion of the variance standard of compliance with the ordinance as applied to a structure would result in unnecessary hardship:

- (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.
- The applicant has the burden of proof in establishing that the special exception to the fence height and opacity regulations will not adversely affect neighboring properties.
 - Granting the variance to the side yard setback regulations and special exceptions to the fence height and opacity regulations, with the condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
 - 200' Radius Video: [BOA-26-000029 at 4300 Roseland](#)

BOARD OF ADJUSTMENT
July 14, 2026

Timeline:

- April 28,2026: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- June 9,2026: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel **B**.
- June 22,2026: The Planning and Development Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the **June 26, 2026**, deadline to submit additional evidence for staff to factor into their analysis; and **July 2, 2026**, deadline to submit additional evidence to be incorporated into the board’s docket materials.
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- June 30, 2026: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the **July** public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

Speakers:

For: Franchesca Jennings, 2275 Hanes Ave., Dallas TX

Against: No Speakers

Motion # 1

I move that the Board of Adjustment, in Appeal No. BOA-26-000029, on application of Franchesca Jennings, **GRANT** the 3-foot 10-inch variance to the side-yard setback regulations requested by this applicant because our evaluation of the property and testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would result in unnecessary hardship to this applicant.

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

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

Maker:	Kathleen Davis				
Second:	Michael Hopkovitz				
Results:	4-0 Unanimously				Motion to grant

BOARD OF ADJUSTMENT
July 14, 2026

		Ayes:	-	4	David A. Neumann, Kathleen Davis, Michael Hopkovitz & Michael Dorn
		Against:	-	0	

Motion # 2

I move that the Board of Adjustment, in Appeal No. BOA-26-000029, on application of Franchesca Jennings, **GRANT** the request of this applicant to construct and/or maintain an 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 the most recent version of the submitted site plan and elevations are required.

Maker:	Kathleen Davis				
Second:	Michael Hopkovitz				
Results:	4-0 Unanimously				Motion to grant
		Ayes:	-	4	David A. Neumann, Kathleen Davis, Michael Hopkovitz & Michael Dorn
		Against:	-	0	

Motion # 3

I move that the Board of Adjustment, in Appeal No. BOA-26-000029, on application of Franchesca Jennings, **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:

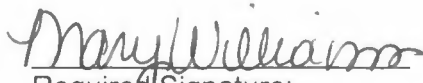
Compliance with the most recent version of the submitted site plan and elevations are required.

Maker:	Kathleen Davis				
Second:	Michael Hopkovitz				
Results:	4-0 Unanimously				Motion to grant
		Ayes:	-	4	David A. Neumann, Kathleen Davis, Michael Hopkovitz & Michael Dorn
		Against:	-	0	

ADJOURNMENT

After all business of the Board of Adjustment had been considered, Chairman Neumann entertained a motion to adjourn at 4:42 p.m.

Maker:	Michael Hopkovitz				
Second:	Michael Dorn				
Result:	4-0 Unanimously				Motion to adjourn



Required Signature:

Mary Williams, Board Secretary

Planning & Development Department

08/18/2026
Date



Required Signature:

Dr. Kameka Miller-Hoskins, Board Coordinator

Planning & Development Department

08/18/2026
Date



Required Signature:

David A. Neumann, Chairman

Board of Adjustment

8/18/26
Date