



BOARD OF ADJUSTMENT

Panel A Meeting Minutes

AUGUST 18, 2026

Council Briefing 6ES

24923176153@dallascityhall.webex.com

David A. Neumann, Chairman

RECEIVED

2026 SEP 16 AM 10:07

**CITY SECRETARY
DALLAS, TEXAS**

PRESENT: [5]

David A. Neumann, Chairman	
Kathleen Davis	
Michael Hopkovitz	
Kacy Rodgers II	
Michael Dorn	

ABSENT: [0]

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 **1:00 P.M.** with a quorum of the Board of Adjustment present.

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

PUBLIC SPEAKERS

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

- No Registered Speakers

MISCELLANEOUS ITEMS

Approval of the Board of Adjustment Panel A, July 14, 2026, Meeting Minutes.

Motion was made to approve Panel A, July 14, 2026, Public Hearing Minutes.

Maker:	Kathleen Davis				
Second:	Michael Hopkovitz				
Results:	5-0 unanimously				Motion to approve
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Kacy Rodgers II, Michael Hopkovitz, Michael Dorn
		Against:	-	0	

MISCELLANEOUS CASES

1. 2615 STEPHENSON STREET

BOA-26-000083_FW2(BT)

BUILDING OFFICIAL'S REPORT: Application of Arthur Terry for a fee waiver for **(1)** a variance to the height regulations, and for **(2)** a variance to the floor area for structures accessory to single family use regulations at **2615 STEPHENSON STREET**. This property is more fully described as Block E/2488, Lot 17, and is zoned PD-595 (R-5(A)).

LOCATION: 2615 Stephenson Drive

APPLICANT: Arthur Terry

REQUEST:

A request for a fee waiver for a variance to the maximum height for structure accessory to single-family use regulations and a variance to the floor area for structures accessory to single-family use regulations.

The applicant is requesting a fee waiver for two separate requests, each with a fee of \$600.00 for a total request waiver amount of \$1,200.00. The request pertains solely to the waiver of fees associated with the proposed deviations from the maximum height for structure accessory to single family use regulations and floor area for structures accessory to single family use regulations

STANDARD FOR A FEE WAIVER OR REIMBURSEMENT:

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

STAFF RECOMMENDATION:

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

Speakers:

For: Arthur Terry, 2615 Stephenson St, Dallas TX 75215

Against: No Speakers

Motion # 1

I move that the Board of Adjustment, in Appeal No. BOA-25-000083_FW2, on application of Arthur Terry, **DENY** the request to waive the filing fees to be paid in association with a request for a variance to the height regulations and a variance to the floor area for structures accessory to single family use regulations as requested by this applicant **with prejudice**, because our evaluation of the property and the testimony shows that payment of the fee would NOT result in substantial financial hardship to this applicant.

Maker:	Michael Hopkovitz				
Second:	Kacy Rodgers II				
Results:	5-0 Unanimously				Motion to deny with prejudice
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Michael Hopkovitz, Kacy Rodgers II and Michael Dorn
		Against:	-	0	

A motion was made to reconsider the Board's decision as the applicant's late arrival and reverse the motion.

Maker:	Michael Hopkovitz				
Second:	Kathleen Davis				
Result:	5-0 Unanimously				Motion to reconsider

The Motion to Deny with prejudice was withdrawn

Maker:	Michael Hopkovitz				
Second:	Kacy Rodgers II				

Motion # 2

I move that the Board of Adjustment, in Appeal No. BOA-25-000083_FW2, on application of Arthur Terry, **DENY** the request to waive the filing fees to be paid in association with a request for a variance to the height regulations and a variance to the floor area for structures accessory to single family use regulations as requested by this applicant **without prejudice**, because our evaluation of the property and the testimony shows that payment of the fee would NOT result in substantial financial hardship to this applicant.

BOARD OF ADJUSTMENT
August 18, 2026

Maker:	David A Neumann				
Second:	Kathleen Davis				
Results:	5-0 Unanimously				Motion to deny without prejudice
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Michael Hopkovitz, Kacy Rodgers II and Michael Dorn
		Against:	-	0	

UNCONTESTED CASES

2. 1204 REVEREND CBT SMITH STREET

BOA-26-000056(BT)

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

BUILDING OFFICIAL'S REPORT: Application of Eleni Papaioannou for **(1)** a special exception to the front yard setback regulations at **1204 REVEREND CBT SMITH STREET**. This property is more fully described as Block 49/3030, part of Lot 5, and is zoned PD-571 (Subdistrict 2), which requires all main buildings to have a front yard setback within five percent of the average front yard setback of the other main buildings on the same blockface, resulting in a minimum allowable setback of 24 feet and a maximum allowable setback of 26 feet 6 inches. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 20-foot front yard setback, which will require **(1)** a 4-foot special exception to the front yard setback regulations.

LOCATION: 1204 Reverend CBT Smith Street

APPLICANT: Eleni Papaioannou

REQUEST:

(1) a special exception to the front yard setback regulations

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO THE FRONT YARD SETBACK REGULATIONS IN PD 571:

Section 51P-571.109(c) provides that the board of adjustment may grant a special exception to the front, side, and rear yard setback requirements if the board finds, after a public hearing, that the special exception will not adversely affect the neighboring properties, the improvement is within the general building patterns of the neighborhood, and the special exception will preserve the character of the neighborhood. In granting a special exception to the setback requirements, the board may impose any other reasonable condition that would further the purpose and intent of the setback requirements of PD 571.

STAFF RECOMMENDATION:

Special Exceptions (1):

No staff recommendation is made on these requests.

BACKGROUND INFORMATION:

Zoning:

Site: PD-571 Subdistrict 2 (R-5(A))
North: PD-571 Subdistrict 2
East: PD-571 Subdistrict 2
South: PD-571 Subdistrict 2
West: PD-571 Subdistrict 2

Land Use:

The subject site is undeveloped; north of the subject site is Eloise Lundy Park; to the east and south are residential structures; to the west is Golden Gate Baptist Church.

BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- The application of Eleni Papaioannou for the property located at 1204 Reverend CBT Smith focuses on one request relating to the front yard setback.
- The applicant proposes to construct and/or maintain a residential structure and provide a 20-foot front yard setback, which will require a 4-foot special exception to the front yard setback regulations.
- The property is zoned Planned Development District No. 571 (Subdistrict 2). Section 51-P-571.109(a) states: *All main buildings must have a front yard setback that is within five percent of the average front yard setback of other main buildings in the same blockface. In the event the blockface consists of all vacant lots, the lot must be developed in accordance with the front yard setback regulations for an R-5(A) Single Family District.*
- The front yard setback regulation for R-5(A) Single Family District is a minimum setback of 20 feet.
- The average front setback of the existing structures on the blockface is **25.25 feet**. Applying the $\pm 5\%$ standard results in an allowable front setback range of approximately **24.0 feet to 26.5 feet**. The applicant is requesting a **20-foot front setback**, which is below the minimum calculated range.
- The applicant has the burden of proof in establishing the following:
 1. The special exception will not adversely affect the neighboring properties;
 2. The improvement is within the general building patterns of the neighborhood; and
 3. The special exception will preserve the character of the neighborhood.
- Granting the special exception to the front yard setback 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-foot radius link : [BOA-26-000056 at 1204 Rev CBT Smith](#)

Timeline:

July 3, 2026: The applicant submitted an "Application/Appeal to the Board of Adjustment"

BOARD OF ADJUSTMENT
August 18, 2026

and related documents which have been included as part of this case report.

June 30, 2026: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel **A**.

July 13, 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 **July 24, 2026**, deadline to submit additional evidence for staff to factor into their analysis; and **August 7, 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.

July 28, 2026: 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.

Speakers:

For: No Speakers (Applicant arrived late)

Against: Moriah Parker, 1101 Rev. CBT Smith St, Dallas TX 75203

Motion

I move that the Board of Adjustment, in Appeal No. BOA-26-000056, on application of Eleni Papaioannou, **DENY** the special exception to the front yard setback regulations requested by this applicant **without prejudice**, because our evaluation of the property and the testimony shows that:

- ☐ The special exception would adversely affect neighboring property.
- ☐ The improvement is not within the general building patterns of the neighborhood.
- ☐ The special exception will not preserve the character of the neighborhood.

Maker:	Kathleen Davis				
Second:	Kacy Rodgers II				
Results:	5-0				Motion to deny without prejudice
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Michael Dorn, Kacy Rodgers II & Michael Hopkovitz
		Against:	-	0	

HOLDOVER CASES

3. 5303 BONITA AVENUE

BOA-26-000034(BT)

BUILDING OFFICIAL'S REPORT: Application of Ben Fogler for **(1)** a special exception to the fence height regulations, **(2)** special exception to the fence opacity regulations, and **(3)** a special exception to the 20-foot visibility obstruction regulation at **5303 BONITA AVENUE**. This property is more fully described as Block 22/1942, Part of Lot 28, 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 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 Laneri Avenue, which will require **(3)** a special exception to the 20-foot visibility obstruction regulation.

LOCATION: 5303 Bonita Avenue

APPLICANT: Ben Fogler

REQUEST:

- (1) a special exception to the fence height regulations along Laneri Avenue,
- (2) a special exception to the fence opacity regulations along Laneri Avenue, and
- (3) a special exception to the 20-foot visibility obstruction regulations at the drive approach along Laneri Avenue.

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

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

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

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

STAFF RECOMMENDATION:

Special Exceptions (3):

No staff recommendation is made on this request.

BACKGROUND INFORMATION:

Zoning:

Site: R-7.5(A)
North: CD-15
East: R-7.5(A)
South: R-7.5(A)
West: R-7.5(A)

Land Use:

The subject site is developed and surrounding properties to the east, west, and south are developed with single-family uses and to the north CD-15 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 Ben Fogler for the property located at 5303 Bonita Avenue focuses on three requests relating to the fence height regulations, fence opacity regulations, and visual obstruction regulations all along Laneri Avenue.
- The first request, the applicant is proposing to construct and maintain an 8-foot-high fence in a required front-yard along Laneri Avenue, 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 along Laneri Avenue, 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 along Laneri Avenue.
- Per staff site visit, the fencing is proposed.
- Proposed fencing materials vary based on location onsite.
- David Nevarez from Planning and Development Transportation provided the following comments on 06/01/2026:
 - “Has no objections.”
- 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 with a condition that the applicant complies with the submitted site plan and

BOARD OF ADJUSTMENT
August 18, 2026

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

- 200' Radius Video: [BOA-26-000034 at 5303 Bonita Ave](#)

Timeline:

May 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.
May 7, 2026:	The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel A .
May 18, 2026:	The Planning and Development Senior Project Coordinator on behalf of the Senior Planner emailed the applicant the following information: • an attachment that provided the public hearing date and panel that will consider the application; the May 22, 2026, deadline to submit additional evidence for staff to factor into their analysis; and June 5, 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.
May 28, 2026:	The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the June public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.
June 17, 2026:	The Board of Adjustment Panel A , at its public hearing held on Tuesday, June 17, 2026, moved to HELD this request under advisement until August 18, 2026 .
July 06, 2026:	The applicant provided revised plans.
July 13, 2026:	The Planning and Development Senior Project Coordinator on behalf of the 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, July 24, 2026, deadline to submit additional evidence for staff to factor into their analysis; and 1:00 pm, August 5, 2026, deadline to submit additional evidence to be incorporated into the board's docket materials.
July 28, 2026:	The Board of Adjustment staff confirm signage properly posted onsite.
July 06, 2026:	Traffic Engineer provided comments.

Speakers:

For: Ben Fogler, 5022 Thrush St., Dallas TX 75209

Cameron McKee, 5303 Bonita Ave., Dallas TX 75206

Against: No Speakers

Motion # 1

I move that the Board of Adjustment, in Appeal No. BOA-26-000034, on application of Ben Fogler, **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:	Kacy Rodgers II				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Michael Hopkovitz Kacy Rodgers II & Michael Dorn
		Against:	-	0	

Motion # 2

I move that the Board of Adjustment, in Appeal No. BOA-26-000034, on application of Ben Fogler, **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 Dorn				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Michael Hopkovitz Kacy Rodgers II & Michael Dorn
		Against:	-	0	

Motion # 3

I move that the Board of Adjustment, in Appeal No. BOA-26-000034, on application of Ben Fogler, **GRANT** the request to maintain items in the 20-foot visibility triangle at the driveway approach along Laneri 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 the submitted site plan and elevations, in regards to the portion in violation of the visual obstruction triangle, are required.

Maker:	Kathleen Davis				
Second:	Michael Dorn				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Michael Hopkovitz Kacy Rodgers II & Michael Dorn
		Against:	-	0	

INDIVIDUAL CASES

4. 2919 MAPLE SPRINGS BOULEVARD

BOA-26-000053(KMH)

BUILDING OFFICIAL'S REPORT: Application of JoJo Anaya for **(1)** a variance to the front yard setback regulations at **2919 MAPLE SPRINGS BOULEVARD**. This property is more fully described as Block F/2332, Lot 31, and is zoned PD-193 (R-7.5 Subdistrict), which requires a front yard setback of 25-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 10-foot front yard setback along Bradford Drive, which will require **(1)** a 15-foot variance to the front yard setback regulations.

LOCATION: 2919 Maple Springs Boulevard

APPLICANT: JoJo Anaya

REQUEST:

(4) A request for a variance to the front yard setback regulations.

STANDARDS OF REVIEW FOR A VARIANCE:

Section 51A-3.102(d)(10) of the Dallas Development Code specifies that the board has the power to grant variances from the **front-yard**, side-yard, rear-yard, lot-width, lot-depth, lot-coverage, floor area for structures accessory to single-family uses, height for structures accessory to single-family uses, 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:

Variance to the front yard setback regulations:

Approval

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

- A. Not contrary to the public interest.
- B. The subject site is restrictive in buildable area but not shape and slope. Taking into consideration, the subject site is a corner lot with front-yard setbacks facing both Maple Springs Boulevard and Bradford Drive, reducing the buildable area due to the continuity of the established setback along both street frontage. The subject site has a lot size of 7,953 square feet with a buildable area of 2,865 square feet without variance (5,157 square feet with variance request); therefore, it cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning district.
- C. Not self-created nor is it a personal hardship.

BACKGROUND INFORMATION:

Zoning:

Site: PD-193 (R-7.5)
North: PD-193 (R-7.5)
East: PD-193 (R-7.5)
South: PD-193 (R-7.5)
West: PD-193 (R-7.5)

Land Use:

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

BDA History:

No BDA history was found within the last five years.

GENERAL FACTS/STAFF ANALYSIS:

- The application of JoJo Anaya for the property located at 2919 Maple Springs Boulevard focuses on one request relating to the front-yard setback regulations.
- The applicant is proposing to construct and maintain a single-family residential structure and provide a 10-foot front-yard setback, which will require a 15-foot variance to the front-yard setback regulations.
- The subject site's front yard setback along Maple Springs Boulevard and Bradford Drive is 25 feet.
- **SECTION. 51P-193.118(b)(1) MINIMUM FRONT YARD.**
 - Front yard provisions for residential subdistricts.
 - If a corner lot in a single-family, duplex, multiple-family, or agricultural subdistrict has two street frontages of equal distance, one frontage is governed by the front yard regulations of this section, and the other frontage is governed by the side yard regulations in Section 51P193.119. If the corner lot has two street frontages of unequal distance, the shorter frontage is governed by this section, and the longer frontage is governed by the side yard regulations in Section 51P-193.119. Notwithstanding this provision, the continuity of the established setback along street frontage must be maintained.
- Due to continuity of the blockface along Bradford Drive, the subject site would be reduced significantly when compared with development upon other parcels of land in the same zoning district.
- The subject site lot information:
 - Lot size: 7,953 square feet
 - Buildable area without variance: 2,865 square feet
 - Buildable area with variance: 5,157 square feet

BOARD OF ADJUSTMENT
August 18, 2026

- Lot coverage: 39 percent proposed
- Lot Coverage 45 percent max allowed
- The applicant has the burden of proof in establishing the following:
 - 1) That granting the variance to the front-yard setback regulations will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
 - 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 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.
- Granting the variance to the front-yard setback regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: [BOA-26-000053 at 2919 Maple Springs Blvd](#)

Timeline: _

July 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.

BOARD OF ADJUSTMENT
August 18, 2026

July 8, 2026: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.

July 13, 2026: The Planning and Development Senior Project Coordinator on behalf of the 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, July 24, 2026**, deadline to submit additional evidence for staff to factor into their analysis; and **1:00 pm, August 5, 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.

July 28, 2026: 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.

Speakers:

For: Jokabet Anaya, 5225 Maple Ave # 5109, Dallas TX 75235

Against: Theresa Badylak, 5032 Stoneleigh Ave., Dallas TX 75235
Logan Monaco (Did not speak)

Motion

I move that the Board of Adjustment, in Appeal No. BOA-26-000053, on application of Jojo Anaya, **DENY** the variance to the front-yard setback regulations requested by this applicant **without prejudice**, because our evaluation of the property and the 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 NOT result in unnecessary hardship to this applicant.

Maker:	Kathleen Davis				
Second:	Michael Hopkovitz				
Results:	5-0 Unanimously				Motion to deny without prejudice
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Michael Hopkovitz, Kacy Rodgers II & Michael Dorn
		Against:	-	0	

ADJOURNMENT

After all business of the Board of Adjustment had been considered, Chairman Neumann entertained a motion to adjourn at 2:47 p.m.

BOARD OF ADJUSTMENT
August 18, 2026

Maker:	Michael Hopkovitz				
Second:	Michael Dorn				
Result:	5-0 Unanimously				Motion to adjourn

Mary Williams

Required Signature:

Mary Williams, Board Secretary

Planning & Development Department

09/15/2026

Date

Dr. Kameka Miller-Hoskins

Required Signature:

Dr. Kameka Miller-Hoskins, Board Coordinator

Planning & Development Department

09/15/2026

Date

David A. Neumann

Required Signature:

David A. Neumann, Chairman

Board of Adjustment

9/15/2026

Date