



BOARD OF ADJUSTMENT

Panel A Meeting Minutes

SEPTEMBER 15, 2026

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CITY SECRETARY
DALLAS, TEXAS

Council Chambers 6EN

24923176153@dallascityhall.webex.com

David A. Neumann, Chairman

PRESENT: [5]

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

ABSENT: [1]

Michael Hopkovitz	

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, August 18, 2026, Meeting Minutes.

Motion was made to approve Panel A, August 18, 2026, Public Hearing Minutes.

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

UNCONTESTED CASES

1. 4701 MIRON DRIVE

BOA-26-000040(BT)

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

BUILDING OFFICIAL'S REPORT: Application of Nicholas Lowe for **(1)** a special exception to the fence height regulations at **4701 MIRON DRIVE**. This property is more fully described as Block A/5554, Lot 2, 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 fence/wall ranging from 5-feet to 8-feet in height within a required front-yard along Miron Drive, with the highest point being the fence at the west side of the property at 8-feet and the lowest point being the fence/wall at the west side of the property at 5-feet, which will require **(1)** a 4-foot special exception to the fence height regulations.

LOCATION: 4701 Miron Drive

APPLICANT: Nicholas Lowe

REQUEST:

(1) a special exception to the fence height regulations

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE HEIGHT 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)
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 Nicholas Lowe for the property located at 4701 Miron Drive focuses on one request relating to the fence height regulations.
- The applicant proposes to construct and/or maintain a fence/wall ranging from 5-feet to 8-feet in height within a required front-yard along Miron Drive, with the highest point being the fence at the west side of the property at 8-feet and the lowest point being the fence/wall at the west side of the property at 5-feet, which will require a 4-foot special exception to the fence height regulations.
- It is imperative to note neighboring properties provide a mixture of open front yards, fencing at various heights, and vegetation.
- Per staff site visit, the fencing is proposed.
- The applicant has the burden of proof in establishing that the special exception to the fence standard regulations relating to height will not adversely affect the neighboring properties.
- Granting the special exception to the fence height with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video:

Timeline:

July 1, 2026: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of

July 8, 2026: The Board of Adjustment Administrator postpone until September.

July 29, 2026: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel A.

August 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, August 21, 2026**,

deadline to submit additional evidence for staff to factor into their analysis; and **1:00 pm, September 3, 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.

August 25, 2026: 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: Nick Lowe, 1922 Anson Rd # 200, Dallas TX
Tommy Mann, 500 Winstead Bldg., Dallas TX75201

Against: No Speakers

Motion # 1

I move that the Board of Adjustment, in Appeal No. BOA-26-000040, on application of Nicholas Lowe, **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:	Kacy Rodgers II				
Second:	Kathleen Davis				
Results:	1-4				Motion to grant fails
		Ayes:	-	1	Kacy Rodgers II
		Against:	-	4	David A. Neumann, Kathleen Davis, Michael Dorn & TC Fleming

Motion # 2

I move that the Board of Adjustment in Appeal No. BOA-26-000040 [hold this matter under advisement](#) until **November 17, 2026**.

Maker:	Chairman Neumann				
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Second:	Kathleen Davis				
Results:	5-0				Motion to hold under advisement
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Michael Dorn, Kacy Rodgers II & TC Fleming
		Against:	-	0	

2. 10660 STRAIT LANE

BOA-26-000054(BT)

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

BUILDING OFFICIAL'S REPORT: Application of Morgun Brown for **(1)** a special exception to the fence height regulations, and for **(2)** a special exception to the fence opacity regulations at **10660 STRAIT LANE**. This property is more fully described as Block F/5518, 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 fence panel with a surface area that is less than 50 percent open not be located less than 5-feet from the front lot line. The applicant proposes to construct and/or maintain a fence/wall ranging from 7-feet 10-inches to 13-feet in height within a required front yard, with the highest point being the gate at 13-feet and the lowest point being the fence/wall at 7-feet 10-inches, which will require **(1)** a 9-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: 10660 Strait Lane

APPLICANT: Morgun Brown

REQUEST:

- (2) A request for a special exception to the fence height regulations; and
- (3) A request for 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-1ac(A)
East: R-1ac(A)/SUP-1622

BOARD OF ADJUSTMENT
SEPTEMBER 15, 2026

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:

BOA history found within the last 5 years BDA234-034.

- The Board of Adjustment Panel A, at its public hearing held on Tuesday, July 16, 2024, moved to **GRANT** the request of this applicant to construct and/or maintain a 13-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. It further moved 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.

- The Board of Adjustment Panel A, at its public hearing held on Tuesday, July 16, 2024, moved to **GRANT** the request of this applicant to construct and/or maintain 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 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. It further moved 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.

- The Board of Adjustment Panel A, at its public hearing held on Tuesday, July 16, 2024, moved to **GRANT** the request of this applicant a special exception to the fence materials standards 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. It further moved 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.

GENERAL FACTS/STAFF ANALYSIS:

- The application of Morgun Brown for the property located at 10660 Strait Lane focuses on 2 requests relating to the fence height and fence opacity regulations.
- The first request is for a special exception to the fence height regulations. The applicant proposes to construct and/or maintain a fence/wall ranging from 7-feet 10-inches to 13-feet in height within a required front yard, with the highest point being the gate at 13-feet and the

BOARD OF ADJUSTMENT
SEPTEMBER 15, 2026

lowest point being the fence/wall at 7-feet 10-inches, which will require a 9-foot special exception to the fence height regulations.

- Secondly, 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.
- It is imperative to note; the fence has been constructed.
- The subject site along with surroundings properties to the north, south and west are all developed with single-family homes.
- 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 Strait Lane.
- Directly to east (behind the subject property) is SUP 1622, The Creeks, a gated residential community.
- As illustrated on the submitted site plan and elevations, the applicant is proposing a combination of wrought iron gate with a chopped limestone veneer wall, located on the front property line.
- 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:

Timeline:

- | | |
|------------------|---|
| July 29, 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. |
| July 29, 2026: | The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel A . |
| August 13, 2026: | The Planning and Development Senior Project Coordinator on behalf of the 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, August 21, 2026, deadline to submit additional evidence for staff to factor into their analysis; and 1:00 pm, September 3, 2026, deadline to submit |

BOARD OF ADJUSTMENT
SEPTEMBER 15, 2026

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 25, 2026: 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: Tommy Mann, 500 Winstead Bldg., Dallas TX 75201

Against: No Speakers

Motion # 1

I move that the Board of Adjustment, in Appeal No. BOA-26-000054, on application of Morgun Brown, **GRANT** the request of this applicant to construct and/or maintain a 9-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, Kacy Rodgers II, Michael Dorn & TC Fleming
		Against:	-	0	

Motion # 2

I move that the Board of Adjustment, in Appeal No. BOA-26-000054, on application of Morgun 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.

BOARD OF ADJUSTMENT
SEPTEMBER 15, 2026

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 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, Kacy Rodgers II, Michael Dorn & TC Fleming
		Against:	-	0	

3. 1937 IRVING BOULEVARD

BOA-26-000057(BT)

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

BUILDING OFFICIAL'S REPORT: Application of Jennifer Hiromoto for **(1)** a special exception to the off-street parking regulations at **1937 IRVING BOULEVARD**. This property is more fully described as Block 23/7890, Lots 41, 42, 43, and 44, and is zoned PD-621 (Subdistrict 1A), 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, personal service, general merchandise and food store greater than 3,500 square feet, office showroom/warehouse, and commercial amusement (inside) uses, and provide 72 of the required 88 off-street parking spaces, which will require **(1)** a 16-space special exception (18.2 percent reduction) to the off-street parking regulation.

LOCATION: 1937 Irving Boulevard

APPLICANT: Jennifer Hiromoto

REQUEST:

(4) A request for a special exception to the off-street parking regulations.

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

(1) **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 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.**

(2) In determining whether to grant a special exception under Paragraph (1), the board shall consider the following factors:

BOARD OF ADJUSTMENT
SEPTEMBER 15, 2026

- (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.
- (3) In granting a special exception under Paragraph (1), 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.
- (4) In granting a special exception under Paragraph (1), 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 impose any other reasonable condition that would have the effect of improving traffic safety or lessening congestion on the streets.

STAFF RECOMMENDATION:

Special Exceptions (1):

No staff recommendation is made on this request.

BACKGROUND INFORMATION:

Zoning:

Site:	PD-621 (Subdistrict 1A)
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 restaurant without drive-in or drive-through service use, personal service, general merchandise and food store greater or less than 3,500 square feet, office showroom/warehouse, and commercial amusement (inside) uses. The surrounding properties are developed with various uses such as but not limited to personal service, office showroom/warehouse, and restaurant without drive-in or drive-through service.

BDA History:

No BDA history has been found within the last 5 years

GENERAL FACTS/STAFF ANALYSIS:

- The application of Jennifer Hiromoto for the property located at 1937 Irving Boulevard focuses on one request relating to the off-street parking regulations.
- The proposed request is made to construct and/or maintain a nonresidential structure and provide 72 of the required 88 off-street parking spaces, which will require a 16-space special exception (18.2 percent reduction).
- The subject site lot size is 24,655 square feet or 0.566 acres of land.
- The existing building footprint is 19,955 square feet (80.93 percent lot coverage)
- PD-621 (Subdistrict 1A) 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 use, ($4,999 / 105 = 47.61$).
 - 1 parking space per 1,100 square feet of floor area for Office/Showroom Warehouse up to 20,000 square feet floor area ($3,583 / 1100 = 3.26$).
 - 1 parking space per 275 square feet of floor area for General Merchandise or food store greater than 3,500 square feet ($4,990 / 275 = 18.15$).
 - 1 parking space per 275 square feet of floor area for Personal Service ($3,391 / 275 = 12.33$).
 - 1 parking space per 200 square feet of floor area for Commercial amusement inside ($2,992 / 200 = 14.96$).
- Additionally, PD621 MUD Parking Chart is used to calculate required parking.
- If the Board were to grant the proposed 16-space special exception (18.2 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 use, personal service, general merchandise and food store greater or less than 3,500 square feet, office showroom/warehouse, and commercial amusement inside use are changed or discontinued, then the applicant could lease and maintain the existing structure with the uses described above and provide 72 of the required off-street parking spaces.
- 200' Radius Video:

Timeline:

July 8, 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.
July 8, 2026:	The Board of Adjustment Administrator postpone until September.
July 29, 2026:	The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel A.
August 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, August 21, 2026**, deadline to submit additional evidence for staff to factor into their analysis; and **1:00 pm, September 3, 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.

August 25, 2026: 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: Jennifer Hiromoto, 10233 E. NW Hwy, Dallas, TX 75205
Lloyd Denman, 2928 Westminster Ave, Dallas, TX 75205

Against: Vincent Procaccini, 2026 Irving Blvd., Dallas TX 75207
Nancy Procaccini, 2014 Irving Blvd., Dallas TX 75207

Motion

I move that the Board of Adjustment, in Appeal No. BOA-26-000057, on application of Jennifer Hiromoto, **GRANT** the request of this applicant to provide **72** off-street parking spaces to the off-street parking regulations contained in the Dallas Development Code, as amended, which requires **88** off-street parking spaces, because our evaluation of the property use and the testimony shows that this special exception will not increase traffic hazards or increase traffic congestion on adjacent or nearby streets, and the parking demand generated by the use does not warrant the number of required parking spaces. This special exception is granted for a restaurant without a drive-in or drive-through service, personal service, general merchandise and food store greater or less than 3,500 square feet, office showroom/warehouse, and commercial amusement (inside) uses only.

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

- The special exception of **16** spaces shall automatically and immediately terminate if and when the restaurant without a drive-in or drive-through service, personal service, general merchandise and food store greater or less than 3,500 square feet, office showroom/warehouse, and commercial amusement (inside) use are changed or discontinued.
- Valet services must be provided for the property.
- The applicant must appear before the board for a reassessment of the special exception within 12 months of the issuance of the certificate of occupancy for the restaurant without drive in-or drive-through service use or the special exception terminates.

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

HOLDOVER CASES

4. 6632 CHURCHILL WAY

BOA-26-000026(BT)

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:

- (5) a special exception to the fence height regulations,
- (6) a special exception to the fence opacity regulations, and
- (7) 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.

BOARD OF ADJUSTMENT
SEPTEMBER 15, 2026

- 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 .
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
SEPTEMBER 15, 2026

July 15, 2026: The Board of Adjustment Panel **A**, at its public hearing held on Tuesday, July 15, 2026, moved to **HELD** this request under advisement until **September 15, 2026**.

July 15, 2026: The Board of Adjustment staff emailed the applicant the following information:

- the **1:00 pm, September 4, 2026**, deadline to submit additional evidence to be incorporated into the board's docket materials.

July 16, 2026: Email exchange between BOA staff and Northeast District Office.

August 20, 2026: The Senior Project Coordinator on behalf of the Senior Planner emailed the applicant the following information:

- the **1:00 pm, September 4, 2026**, deadline to submit additional evidence to be incorporated into the board's docket materials.

August 31, 2026: The applicant, BOA staff and Northeast District Office staff meet onsite.

Speakers:

For: Barry heath, 4263 Country rd # 2602, Caddo Mills, TX 75135
Scott Clements, 6632 Churchill Way, Dallas TX 75230

Against: Hinhe Schroen, 6620 Churchill Way, dallas TX 75230

Motion # 1

I move that the Board of Adjustment, in Appeal No. BOA-26-000026, on application of Scott Clements, **DENY** the special exception requested by this applicant to construct and/or maintain an 8-foot-high fence **without prejudice**, because our evaluation of the property and the testimony shows that granting this special exception would adversely affect neighboring property.

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

Motion # 2

I move that the Board of Adjustment, in Appeal No. BOA-26-000026, on application of Scott Clements, **DENY** the special exception requested 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 by this applicant **without prejudice**, because our evaluation of the property and the testimony shows that this special exception will adversely affect neighboring property.

Maker:	Kathleen Davis				
Second:	Michael Dorn				

BOARD OF ADJUSTMENT
SEPTEMBER 15, 2026

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

Motion # 3

I move that the Board of Adjustment, in Appeal No. BOA-26-000026, on application of Scott Clements, DENY the special exception requested by this applicant to maintain items in the visibility triangle at the driveway approach along Churchill Way **with prejudice**, because our evaluation of the property and the testimony shows that granting this special exception would constitute a traffic hazard.

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

INDIVIDUAL CASES

5. 410 HILLBURN DRIVE

BOA-26-000058(BT)

BUILDING OFFICIAL'S REPORT: Application of Herschel Bowens for **(1)** a variance to the landscape regulations, for **(2)** a special exception to the visibility obstruction regulations at the driveway approach and adjacent street curb, and for **(3)** a special exception to the fence materials regulations at **410 HILLBURN DRIVE**. This property is more fully described as Lot 3, Block 6269, and is zoned IM, where a landscape buffer must be provided between any required screening fence and an adjacent thoroughfare, requires a 20-foot visibility triangle at the driveway or alley edge and the street curb line, and prohibits the use of certain materials for a fence. The applicant proposes to construct and/or maintain an alternative landscape plan in lieu of the required landscape buffer for outside storage, which will require **(1)** a variance to the landscape regulations, to construct and/or maintain a fence structure in a required visibility obstruction triangle on the driveway edge and the street curb line 20 feet from the intersection along Elam Road, which will require **(2)** a special exception to the visibility obstruction regulations at the driveway approach and adjacent street curb, and to construct and/or maintain a fence using a prohibited material, which will require **(3)** a special exception to the fence material regulations.

LOCATION: 410 Hillburn Drive

APPLICANT: Herschel Bowens

REQUEST:

(8) A request for a variance to the landscape regulations.

- (9) A request for a special exception to the 20-foot visibility obstruction regulations at the drive approach along Elam Road.
- (10) A request for a special exception to the fence material 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 landscape 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 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. The subject site is restrictive in area but not shape and slope; therefore, it cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning district.
- 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.

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.

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE MATERIAL 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:

<u>Site:</u>	IM (Industrial manufacturing)
<u>North:</u>	NO(A) (Neighborhood office) & R-7.5(A)
<u>East:</u>	NO(A) & PD-1121
<u>South:</u>	IM
<u>West:</u>	NO(A) & PD-533 (Subdistrict 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 Herschel Bowens for the property located at 410 Hillburn Drive focuses on three requests relating to the landscape regulations, 20-foot visibility obstruction regulations at the driveway approach , and prohibited fence material.
- The first request is for a variance to the landscape regulations. The applicant proposes to construct and/or maintain an alternative landscape plan in lieu of the required landscape buffer for outside storage, which will require a variance to the landscape regulations.
- The second request is for a special exception to the 20-foot visibility obstruction regulations. The applicant proposes to construct and/or maintain a fence structure in a required visibility obstruction triangle on the driveway edge and the street curb line 20 feet from the intersection along Elam Road, which will require a special exception to the visibility obstruction regulations at the driveway approach and adjacent street curb.
- The last request is for a special exception to the fence standard regulations regarding prohibited material. The applicant is requesting a special exception to the fence standards regulations regarding prohibited material, which will require a special exception to the fence material regulations.
- Per staff site visit, the fencing is existing.
- Proposed fencing materials vary based on location onsite.
- Comments from Chief Arborist, per email on August 27, 2026:

The provision for the landscape buffer under Section 51A-4.213(9)(E) does not specify the conditions or parameters of the landscape area. It's function to screen and buffer may be weighed subjectively based on selected plant materials and potential for maintenance. The narrow available grass parkway is suited for the location with the vertical vine plantings due to underground and overhead utilities which would restrict large or small tree plantings in this location. The retention of the old thick foundation further limits planting area for the Elam Road frontage.

I have no objection to the proposed landscape buffer and screening and plant selection.

- Comments from David Nevarez, Planning and Development Transportation provided the following comments on September 2, 2026:
 - "Recommends denial."
- The applicant has the burden of proof in establishing the following:
 - 1) That granting the variance to the landscape 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.
- The applicant has the burden of proof in establishing that the special exception to the visual obstruction regulations will not constitute a traffic hazard.
 - The applicant has the burden of proof in establishing that the special exception to the fence standard regulations regarding prohibited material will not adversely affect the neighboring properties.
 - Granting the variance to the landscape 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.
 - Granting the special exceptions to the visual obstruction and fence material 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: [_](#)

Timeline: _

July 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.
July 29, 2026:	The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel A .
August 13, 2026:	The Planning and Development Senior Project Coordinator on behalf of the Senior Planner emailed the applicant the following information:

BOARD OF ADJUSTMENT
SEPTEMBER 15, 2026

- an attachment that provided the public hearing date and panel that will consider the application; the **1:00 pm, August 21, 2026**, deadline to submit additional evidence for staff to factor into their analysis; and **1:00 pm, September 3, 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.

August 25, 2026: 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: Hershell Bowens, 1900 N. Pearl St # 1800, Dallas TX 75201
Ron Paul Geri, 410 Hillburn Dr., Dallas TX 75217
Travis Perry, 1900 N. Pearl St # 1800, Dallas TX 75201

Against: No Speakers

Motion # 1

I move that the Board of Adjustment, in Appeal No. BOA-26-000058, on application of Herschel Bowens, **GRANT** the variance to the landscaping 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:	TC Fleming				
Second:	Kacy Rodgers II				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Kacy Rodgers II, Michael Dorn & TC Fleming
		Against:	-	0	

Motion # 2

I move that the Board of Adjustment, in Appeal No. BOA-26-000058, on application of Herschel Bowens, **DENY** the special exception requested by this applicant to maintain items in the visibility

BOARD OF ADJUSTMENT
SEPTEMBER 15, 2026

triangle at the driveway approach along Elam Road **without prejudice**, because our evaluation of the property and the testimony shows that granting this special exception would constitute a traffic hazard.

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

Motion # 3

I move that the Board of Adjustment, in Appeal No. BOA-26-000058, on application of Herschel Bowens, **GRANT** the request of this applicant for a special exception to the fence materials standards 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 materials and fence location requirements illustrated in the most recent version of all submitted plans are required.

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

ADJOURNMENT

After all business of the Board of Adjustment had been considered, Chairman Neumann entertained a motion to adjourn at 4:21 p.m.

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

Mary Williams

Required Signature:

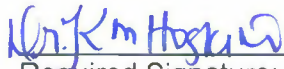
Mary Williams, Board Secretary

Planning & Development Department

10/20/2026

Date

BOARD OF ADJUSTMENT
SEPTEMBER 15, 2026



Required Signature:

Dr. Kameka Miller-Hoskins, Board Coordinator
Planning & Development Department

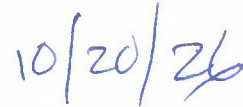


Date



Required Signature:

David A. Neumann, Chairman
Board of Adjustment



Date