



BOARD OF ADJUSTMENT

PANEL C MINUTES

JUNE 15, 2026

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CITY SECRETARY
DALLAS, TEXAS

6ES Council Briefing

24957316190@dallascityhall.webex.com

Jared Slade, Temporary
Presiding Officer

PRESENT: [5]

Jared Slade, Temporary Presiding Officer	
Linda Garner	
Amelia Perez	
Rodney Milliken	
Andrew Finney	

ABSENT: [1]

Roger Sashington	

Assistant City Attorney Theresa Carlyle called the briefing to order at **10:34 A.M.** with a quorum of the Board of Adjustment present.

Board Member Linda Garner nominated Board Member Jared Slade as Temporary Presiding Officer for Panel C; it was seconded by Board Member Amelia Perez and voted unanimously.

Presiding Officer Jared Slade 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 Speakers

MISCELLANEOUS ITEMS

Approval of the Board of Adjustment Panel C, May 18, 2026, Meeting Minutes, amending pg. 21, Motion # 1 and changed the vote Linda Garner for Amelia Perez.

A motion was made to approve Panel C, May 18, 2026, Meeting minutes as amended.

Maker:	Linda Garner				
Second:	Amelia Perez				
Results:	5-0 unanimously				Motion to approve as amended
		Ayes:	-	5	Jared Slade, Linda Garner, Amelia Perez, Rodney Milliken & Andrew Finney
		Against:	-	0	

UNCONTESTED CASES

1. 6801 WEBSTER STREET

BOA-26-000030 (KMH)

BUILDING OFFICIAL'S REPORT: Application of Franchesca Jennings for **(1)** a variance to the front yard setback regulations at **6801 WEBSTER STREET**. This property is more fully described as Block D/2596, Lot 18, and is zoned PD-67 (Tract III), which requires a front yard setback of 25 feet. The applicant proposes to construct and/or maintain a residential structure and provide a 5-foot front yard setback, which will require **(1)** a 20-foot variance to the front yard setback regulations.

LOCATION: 6801 Webster Street

APPLICANT: Franchesca Jennings

REQUEST:

(1) 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, 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 side-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 or slope. The subject site is a corner lot with required front yard setbacks along both Webster Street and Thedford Avenue, reducing the buildable area; 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 or personal hardship.

BACKGROUND INFORMATION:

Zoning:

Site: PD 67 (TR 3)
North: PD 67 and PD 659
East: PD 67
South: PD 67
West: IR

Land Use:

The subject site is currently vacant. Surrounding properties are developed with single family homes and duplexes.

BDA History:

No BDA history has been found within the last 5 years

GENERAL FACTS/STAFF ANALYSIS:

- The application of Franchesca Jennings for the property located at 6801 Webster Street focuses on one request relating to the front-yard setback regulations.
- As illustrated on the site, the applicant proposes to construct and/or maintain a duplex structure and provide a 5-foot front yard setback, which will require a 20-foot variance to the side yard setback regulations.
- PD 67 (Tract III) requires a minimum front yard setback of 25-feet.
- PD 67 (Tract III) allows the development of a duplex on vacant land. The subject site is currently a vacant lot.
- It is imperative to note that the subject site is a corner lot, situated on the corner of Webster Street and Thedford Ave.
- The area of request is along Thedford Avenue as the applicant proposes to have the proposed duplex face Webster Street.
- The subject property is uniquely constrained by its corner lot configuration, which requires compliance with front yard setbacks along both Webster and Thedford Streets. These dual setback requirements substantially limit the buildable area of the lot, creating a hardship not generally shared by other properties within the same zoning district and restricting development opportunities that would otherwise be permitted on similarly zoned parcels.

The applicant has the burden of proof in establishing the following:

1. That granting the variance to the front-yard setback 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.

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- (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-26-000030 at 6801 Webster St.](#)

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.
- May 7, 2026: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel C.
- May 18, 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 **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: Planning Manager, The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planners, Project Coordinator, Conservation District Chief Planner, Chief Arborists, and Transportation Engineer.

Speakers:

- For: Franchesca Jennings (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-26-000030 – Application of Franchesca Jennings, for a variance to the front-yard setback regulations contained in the Dallas Development Code, is **granted**, subject to the following condition:

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

Maker:	Linda Garner				
Second:	Andrew Finney				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Jared Slade, Linda Garner, Amelia Perez, Rodney Milliken and Andrew Finney
		Against:	-	0	

2. 8122 ARLENE LANE

BOA-26-000037 (KMH)

BUILDING OFFICIAL'S REPORT: Application of Miguel Abrego for **(1)** a variance to the side yard setback regulations at **8122 ARLENE LANE**. This property is more fully described as Block 7/7858, Part of Lot 7 and Tract 6, and is zoned R-7.5(A), which requires a side yard setback of 5 feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 1-foot 8-inch side yard setback, which will require **(1)** a 3-foot 4-inch variance to the side yard setback regulations.

LOCATION: 8122 Arlene Lane

APPLICANT: Miguel Abrego

REQUEST:

(1) A variance to the side-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, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

- (D) **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.
- (E) 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

- (F) **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:

(vi) 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.

(vii) 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.

(viii) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.

(ix) compliance would result in the unreasonable encroachment on an adjacent property or easement; or

(x) the municipality considers the structure to be a nonconforming structure.

STAFF RECOMMENDATION:

Variance to the side-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 area, as the square footage is 7,413 square feet and the minimum lot size for R-7.5(A) is 7,500 square feet; therefore, it cannot be developed in a manner commensurate with other properties with the same zoning
- C. Not self-created or personal hardship.

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	R-7.5(A)
<u>North:</u>	R-7.5(A)
<u>East:</u>	R-7.5(A) and MU-1
<u>South:</u>	A(A)
<u>West:</u>	R-7.5A)

Land Use:

The subject site along with properties to immediate north, south, east and west are all developed,

with single family homes.

BDA History:

No BDA history has been found within the last 5 years

GENERAL FACTS/STAFF ANALYSIS:

- The application of Miguel Abrego for the property located at 8122 Arlene Lane focuses on one request relating to the side-yard setback regulations.
- As illustrated on the site, the applicant is proposing to maintain an existing detached accessory structure (garage), providing a 1-foot 8-inch side yard setback, which will require a 3-foot 4-inch variance to the side yard setback regulations.
- The minimum side yard requirement for this lot is 5-feet.
- It is important to note that there was an application on file and permitted for a detached accessory structure, however, the structure was not built per the approved plans. Therefore, a new permit application for a permit has been applied for.
- Per the applicant, the structure was constructed prior to the current permit application and has been verified through a sealed survey and city inspection as an existing condition. Due to its location, relocation or demolition of the structure would create an unreasonable economic and structural hardship.
- Additionally, the applicant states that the requested variance will not negatively impact public safety or surrounding properties.
- It is important to note that there was an application on file and permitted for a detached accessory structure, however, the structure was not built per the approved plans.
- 200' radius video: [BOA-26-000037 at 8122 Arlene Ln.](#)

The applicant has the burden of proof in establishing the following:

1. That granting the variance to the side-yard setback 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

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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 side-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.

Timeline:

May 7, 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 **C**.

May 18, 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 **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: Planning Manager, The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planners, Project Coordinator, Conservation District Chief Planner, Chief Arborists, and Transportation Engineer.

Speakers:

For: Miguel Abrego, 8122 Arlene Lane, Dallas TX (Did not speak)
Jimmy, Fordwith, 8122 Arlene Dr., 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-26-000037 – Application of Miguel Abrego, for a variance to the side-yard setback regulations contained in the Dallas Development Code, is **granted**, subject to the following condition:

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

Maker:	Linda Garner				
Second:	Andrew Finney				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Jared Slade, Amelia Perez, Linda Garner, Rodney Milliken & Andrew Finney
		Against:	-	0	

INDIVIDUAL CASES

3. 6452 WALNUT HILL LANE BOA-26-000031(KMH)

BUILDING OFFICIAL'S REPORT: Application of Franchesca Jennings for **(1)** a special exception to the fence height regulations, **(2)** a special exception to the fence opacity regulations, **(3)** a special exception to the 20-foot visibility obstruction triangle regulations at the driveway approach, and **(4)** a special exception to the 20-foot visibility obstruction triangle regulations at the driveway approach at **6452 WALNUT HILL LANE**. This property is more fully described as Block 1/5478, Lot 6, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4-feet, requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line, and requires a 20-foot visibility triangle at driveway approaches. The applicant proposes to construct and/or maintain a 6-foot-high fence in a required front-yard, which will require **(1)** a 2-foot special exception to the fence height regulations, 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, to construct and/or maintain a single-family residential fence structure in a required 20-foot visibility obstruction triangle at the most easterly driveway approach along Walnut Hill Lane , which will require **(3)** a special exception to the 20-foot visibility obstruction regulation at the most easterly driveway approach along Walnut Hill Lane, and to construct and/or maintain a single-family residential fence structure in a required 20-foot visibility obstruction triangle at the most westerly driveway approach along Walnut Hill Lane, which will require **(4)** a special exception to the 20-foot visibility obstruction regulation at the most westerly driveway approach along Walnut Hill Lane.

.LOCATION: 6452 Walnut Hill Lane

APPLICANT: Franchesca Jennings

REQUEST:

- (1) a special exception to the fence height regulation.
- (2) a special exception to the fence opacity regulations.
- (3) a special exception to the visual obstruction regulations at the driveway approach.
- (4) a special exception to the visual obstruction regulations at the driveway 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 (1-4):

No staff recommendations are made on these requests.

BACKGROUND INFORMATION:

Zoning:

Site: R-7.5(A)
North: PD 664
East: R-7.5(A)
South: R-7.5(A)
West: R-10(A)

Land Use:

The subject site is developed with a single-family residence, and the surrounding properties are similarly developed, with the exception of the property immediately to the north, which is developed as a school.

BDA History:

- There is no BOA history for this property within the last five years.

GENERAL FACTS/STAFF ANALYSIS:

- The application of Franchesca Jennings for the property located at 6452 Walnut Hill Lane focuses on four requests relating to the fence height, fence opacity, and visual obstruction regulations.
- The applicant is proposing to construct and/or maintain a 6-foot-high fence in a required front yard, which requires a 2-foot special exception to the fence height regulations.
- The applicant is proposing to construct and/or maintain a fence made of stucco with 0% transparency 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 opacity regulations.

- Additionally, the proposed 6-foot-high stucco fence is proposed to be located within both driveway approaches, therefore requiring special exceptions to the visual obstruction regulations for each driveway approach.
- Per the applicant, the purpose of the 6-foot high fence/wall is for privacy.
- Per staff's site visit, the 6-foot high fence/wall is currently existing.
- Although Board staff does not make a recommendation on special exceptions, the traffic engineering team has recommended denial as documented on the review comment sheet for this particular application.
- The applicant has the burden of proof in establishing the special exception to the fence height and fence opacity will not adversely affect neighboring properties, and that the special exception to the visual obstruction regulation will not constitute a traffic hazard.
- Granting the special exception to the fence height, fence opacity, and visual obstruction 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-26-000031 at 6452 Walnut Hill Ln.](#)

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.
- May 7, 2026 The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **C**.
- May 18, 2026: The Planning and Development Senior Planner emailed the applicant with 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: Planning Manager, The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planners, Project Coordinator, Conservation District Chief Planner, Chief Arborists, and Transportation Engineer. Reports and labels were placed in Accela for this case.

Speakers:

For: Franchesca Jennings, 6452 Walnut hill Ln., Dallas TX 75230

Against: No Speakers

Motion # 1

I move that the Board of Adjustment, in Appeal No. BOA-26-000031, on application of Franchesca Jennings, **DENY** the special exception requested by this applicant to construct and/or maintain a 6-foot high fence **without prejudice**, because our evaluation of the property and the testimony shows that granting the application would adversely affect neighboring property.

Maker:	Andrew Finney				
Second:	Linda Garner				
Results:	5-0 Unanimously				Motion to deny without prejudice
		Ayes:	-	5	Jared Slade, Linda Garner, Amelia Perez, Rodney Milliken & Andrew Finney
		Against:	-	0	

Motion # 2

I move that the Board of Adjustment, in Appeal No. BOA-26-000031, on application of Franchesca Jennings, **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:	Andrew Finney				
Second:	Amelia Perez				
Results:	3-2				Motion to deny without prejudice
		Ayes:	-	3	Amelia Perez, Rodney Milliken & Andrew Finney
		Against:	-	2	Jared Slade, Linda Garner

Motion # 3

I move that the Board of Adjustment, in Appeal No. BOA-26-000031, on application of Franchesca Jennings, **DENY** the special exception requested by this applicant to maintain items in the visibility triangle at the most easterly driveway approach along Walnut Hill Lane **with prejudice**, because our evaluation of the property and the testimony shows that granting the application would constitute a traffic hazard.

Maker:	Andrew Finney				
Second:	NO SECOND				
Results:					Motion to deny with prejudice fails

Motion # 4

I move that the Board of Adjustment, in Appeal No. BOA-26-000031, on application of Franchesca Jennings, **DENY** the special exception requested by this applicant to maintain items in the visibility triangle at the most easterly driveway approach along Walnut Hill Lane **without prejudice**, because our evaluation of the property and the testimony shows that granting the application would constitute a traffic hazard.

Maker:	Linda Garner				
Second:	Jared Slade				
Results:	3-2				Motion to deny without prejudice
		Ayes:	-	3	Jared Slade, Linda Garner, Amelia Perez
		Against:	-	2	Rodney Milliken & Andrew Finney

Motion # 5

I move that the Board of Adjustment, in Appeal No. BOA-26-000031, on application of Franchesca Jennings, **DENY** the special exception requested by this applicant to maintain items in the visibility triangle at the most westerly driveway approach along Walnut Hill Lane **without prejudice**, because our evaluation of the property and the testimony shows that granting the application would constitute a traffic hazard.

Maker:	Linda Garner				
Second:	Jared Slade				
Results:	2-3				Motion to deny without prejudice fails
		Ayes:	-	2	Jared Slade, Linda Garner
		Against:	-	3	Amelia Perez, Rodney Milliken & Andrew Finney

Motion # 5

I move that the Board of Adjustment, in Appeal No. BOA-26-000031, on application of Franchesca Jennings, **DENY** the special exception requested by this applicant to maintain items in the visibility triangle at the most westerly driveway approach along Walnut Hill Lane **with prejudice**, because our evaluation of the property and the testimony shows that granting the application would constitute a traffic hazard.

Maker:	Linda Garner				
Second:	Andrew Finney				
Results:	3-2				Motion to deny without prejudice
		Ayes:	-	3	Amelia Perez, Rodney Milliken & Andrew Finney
		Against:	-	2	Jared Slade, Linda Garner

Motion was made to suspend the rules and receive materials more than 5 pages from the applicant.

Maker:	Rodney Milliken				
Second:	Andrew Finney				

4. 5418 MELROSE AVENUE

BOA-26-000038 (KMH)

BUILDING OFFICIAL'S REPORT: Application of Jorge Maliachi for **(1)** a variance to the front yard setback regulations, **(2)** a variance to the side yard setback regulations, **(3)** a variance to the side yard setback regulations, and **(4)** a variance to the maximum lot coverage regulations at **5418 MELROSE AVENUE**. This property is more fully described as Block C/1978, Lots 8, 9, and 10, and is zoned R-7.5(A), which requires a front yard setback of 25-feet, a side yard setback of 5-feet, and limits the lot coverage to 45 percent for residential structures. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 7-foot front yard setback, which will require **(1)** an 18-foot variance to the front yard setback regulations, to construct and/or maintain a single-family residential structure and provide a 3-foot side yard setback at the west side of the property, which will require **(2)** a 2-foot variance to the side yard setback regulations, to construct and/or maintain a single-family residential structure and provide a 3-foot 10-inch side yard setback at the east side of the property, which will require **(3)** a 1-foot 2-inch variance to the side yard setback regulations, and to construct and or maintain a single-family residential structure with 53 percent lot coverage (2,302 square feet), which will require **(4)** an 8 percent (368.35 square foot) variance to the maximum lot coverage regulations.

LOCATION: 5418 Melrose Avenue

APPLICANT: Jorge Maliachi

REQUEST:

- (1) a variance to the front yard setback regulations
- (2) a variance to the side yard setback regulations
- (3) a variance to the side yard setback regulations
- (4) a variance to the maximum lot coverage regulations

STANDARDS OF REVIEW FOR A VARIANCE:

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

- (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 (4):

Variance (4):

Denial (4)

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

- A. Contrary to the public interest.
- B. The subject site is restrictive in area as it is well below the minimum lot size for the zoning district. The minimum lot size for R-7.5(A) is 7,500 square feet, the subject site has a lot size of 4,546.84 square feet; 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: R-7.5(A)
North: TH-3(A)
East: R-7.5(A)
South: R-7.5(A) and PD-462
West: R-7.5(A) and PD-462

Land Use:

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

BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- The application of Jorge Maliachi for the property located at 5418 Melrose Avenue focuses on four requests relating to the front and side yard setback regulations as well as the lot coverage regulations.
- The first request, the applicant is proposing to construct and maintain a single-family residential structure and provide a 7-foot front yard setback, which will require an 18-foot variance to the front yard setback regulations.
- The second request focuses on the side yard. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 3-foot side yard setback along the west side of the property, which will require a 2-foot special exception.
- Additionally, the applicant is also proposing to construct and/or maintain a single-family residential structure and provide a 3-foot 10-inch side yard setback along the east side of the property, which will require a 1-foot 2-inch variance to the side yard setback regulations.
- Lastly, the applicant is proposing to construct and/or maintain a single-family residential structure with 53 percent lot coverage (2,302 square feet), which will require an 8 percent (368.35 square foot) variance to the maximum lot coverage regulations.
- It is imperative to note that while the lot size is well below the minimum lot size for lots within the R-7.5(A) zoning district, the property is currently developed with a single-family home.
- The current single-family home will be demolished and rebuilt.
- Per the applicant, the subject site presents a unique physical hardship not created by the property owners. The lot is substandard in size, being both narrow in width and short in depth compared to other lots in the surrounding area.
- 200' radius video:
- The applicant has the burden of proof in establishing the following:
 - 1) That granting the variances to the front-yard setback, side yard setback regulations and lot coverage 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 variances are 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 variances 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 BDA to use their discretion and consider Element 2 of the Variance standard to be met, if:

- (i) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 of the Texas Tax Code.
 - (ii) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
 - (iii) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
 - (iv) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
 - (v) the municipality considers the structure to be a nonconforming structure.
- Granting the variances to the front-yard and side yard setback regulations as well as the lot coverage 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-26-000038 at 5418 Melrose Ave.](#)

Timeline:

- May 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.
- May 7, 2026: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel **C**.
- May 18, 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 **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.

Speakers:

For: Jorge Maliachi, 5418 Melrose Ave., Dallas TX 75206
Alex Vidal, 5418 Melrose Ave., Dallas TX 75206

Against: No Speakers

Motion # 1

I move that the Board of Adjustment, in Appeal No. BOA-26-000038, on application of Jorge Maliachi, **GRANT** the 18-foot variance to the front-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:	Jared Slade				
Second:	Andrew Finney				
Results:	3-2				Motion to grant fails
		Ayes:	-	3	Jared Slade, Rodney Milliken & Andrew Finney
		Against:	-	2	Linda Garner, Amelia Perez

Motion # 2

I move that the Board of Adjustment, in Appeal No. BOA-26-000038, on application of Jorge Maliachi, **DENY** the variance to the front-yard setback regulations requested by this applicant **with 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:	Andrew Finney				
Second:	Jared Slade				

Motion withdrawn

Motion # 3

I move that the Board of Adjustment, in Appeal No. BOA-26-000038, on application of Jorge Maliachi, **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:	Andrew Finney				
Second:	Amelia Perez				
Results:	2-3				Motion to deny without prejudice fails
		Ayes:	-	2	Andrew Finney & Amelia Perez
		Against:	-	3	Jared Slade, Linda Garner & Rodney Milliken

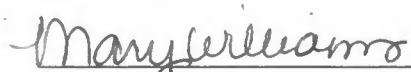
Motion # 4

I move that the Board of Adjustment, in Appeal No. BOA-26-000038, **hold this matter under advisement until August 17, 2026.**

Maker:	Andrew Finney				
Second:	Linda Garner				
Results:	5-0 Unanimously				Motion to hold under advisement
		Ayes:	-	5	Jared Slade, Linda Garner, Rodney Milliken, Andrew Finney & Amelia Perez
		Against:	-	0	

ADJOURNMENT

After all business of the Board of Adjustment had been considered, Presiding Officer Jared Slade moved to adjourn the meeting at **2:50 P.M.**


Required Signature:

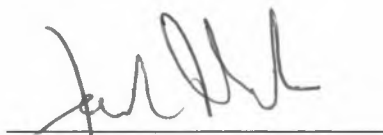
Mary Williams - Board Secretary
Planning and Development.

08/17/2026
Date


Required Signature:

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

08/17/2026
Date


Required Signature:

Jared Slade – Temporary Presiding Officer
Board of Adjustment

8/17/26
Date