

**FILE NUMBER:** BOA-26-000034(BT)

**BUILDING OFFICIAL'S REPORT:** Application of Ben Fogler for **(1)** a special exception to the fence height regulations, **(2)** special exception to the fence opacity regulations, and **(3)** a special exception to the 20-foot visibility obstruction regulation at **5303 BONITA AVENUE**. This property is more fully described as Block 22/1942, Part of Lot 28, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4-feet, requires a fence panel with a surface area that is less than 50 percent open may not be located less than five feet from the front lot line, and requires a 20-foot visibility triangle at the driveway approach. The applicant proposes to construct and/or maintain an 8-foot high fence in a required front-yard, which will require **(1)** a 4-foot special exception to the fence height regulations, to construct and/or maintain a fence in a required front-yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require **(2)** a special exception to the fence opacity regulations, and to construct and/or maintain a single-family residential fence structure in a required 20-foot visibility obstruction triangle at the driveway approach along Laneri Avenue, which will require **(3)** a special exception to the 20-foot visibility obstruction regulation.

**LOCATION:** 5303 Bonita Avenue

**APPLICANT:** Ben Fogler

**REQUEST:**

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

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

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

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

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

## **STAFF RECOMMENDATION:**

### Special Exceptions (3):

No staff recommendation is made on this request.

## **BACKGROUND INFORMATION:**

### **Zoning:**

|               |          |
|---------------|----------|
| <u>Site:</u>  | R-7.5(A) |
| <u>North:</u> | CD-15    |
| <u>East:</u>  | R-7.5(A) |
| <u>South:</u> | R-7.5(A) |
| <u>West:</u>  | R-7.5(A) |

### **Land Use:**

The subject site is developed and surrounding properties to the east, west, and south are developed with single-family uses and to the north CD-15 developed with single-family uses.

### **BDA History:**

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

## **GENERAL FACTS/STAFF ANALYSIS:**

- The application of Ben Fogler for the property located at 5303 Bonita Avenue focuses on three requests relating to the fence height regulations, fence opacity regulations, and visual obstruction regulations all along Laneri Avenue.
- The first request, the applicant is proposing to construct and maintain an 8-foot-high fence in a required front-yard along Laneri Avenue, which will require a 4-foot special exception to the fence height regulations.
- The second request, the applicant is proposing to construct and maintain a fence in a required front-yard with a fence panel having less than 50 percent open surface area located less than 5-feet from the front lot line along Laneri Avenue, which requires a special exception to the fence opacity regulations.
- The last request, the applicant is proposing to construct and maintain a fence in a required 20-foot visibility obstruction triangle at the driveway along Laneri Avenue.
- Per staff site visit, the fencing is proposed.
- Proposed fencing materials vary based on location onsite.
- David Nevarez from Planning and Development Transportation provided the following comments on 06/01/2026:
  - “Has no objections.”

- The applicant has the burden of proof in establishing that the special exception to the fence standard regulations relating to height and opacity will not adversely affect the neighboring properties.
- The applicant has the burden of proof in establishing that the special exception to the visual obstruction regulations will not constitute a traffic hazard.
- Granting the special exceptions to the fence height and opacity regulations and visual obstruction with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: [BOA-26-000034 at 5303 Bonita Ave](#)

**Timeline:**

- May 2, 2026: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- May 7, 2026: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.
- May 18, 2026: The Planning and Development Senior Project Coordinator on behalf of the Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the **May 22, 2026**, deadline to submit additional evidence for staff to factor into their analysis; and **June 5, 2026**, deadline to submit additional evidence to be incorporated into the board’s docket materials.
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- May 28, 2026: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the **June** public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

REVIEW COMMENT SHEET  
 BOARD OF ADJUSTMENT  
 HEARING Tuesday, June 16, 2026 (A)

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Has no objections  | <input type="checkbox"/> BDA245-044               |
| <input type="checkbox"/> Has no objections if certain conditions are met<br>(see comments below or attached) | <input type="checkbox"/> BOA-26-000020            |
| <input type="checkbox"/> Recommends denial<br>(see comments below or attached)                               | <input checked="" type="checkbox"/> BOA-26-000034 |
| <input type="checkbox"/> No Comments   | <input type="checkbox"/>                          |
| <input type="checkbox"/> Pending   | <input type="checkbox"/>                          |

COMMENTS: \_\_\_\_\_  
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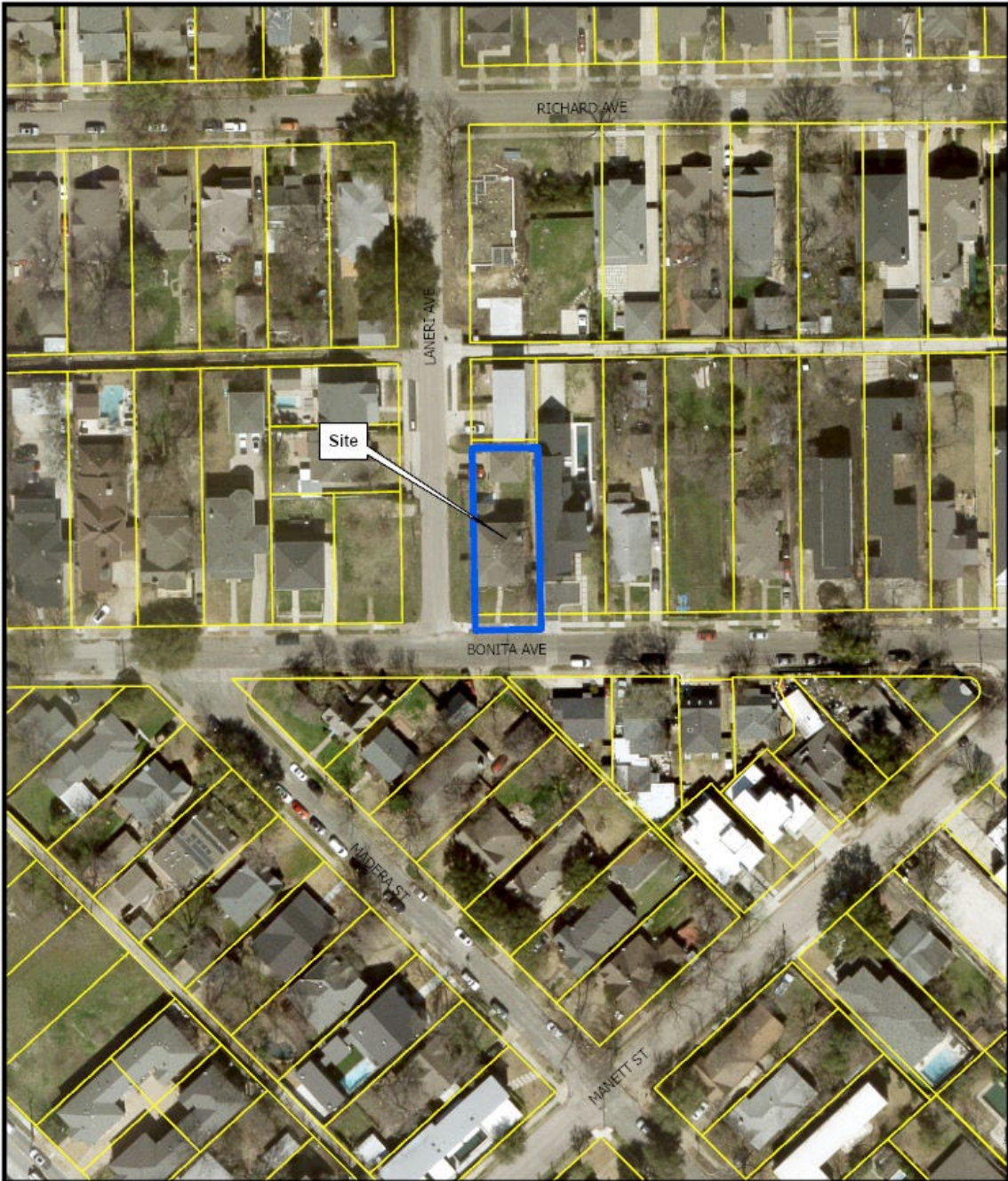
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David Nevarez, P.E., PTOE, CFM, Engineering  
 Name/Title/Department

June 1, 2026  
 Date

Pease respond to each case and provide comments that justify or elaborate on your response. Dockets distributed to the Board will indicate those who have attended the review team meeting and who have responded in writing with comments.



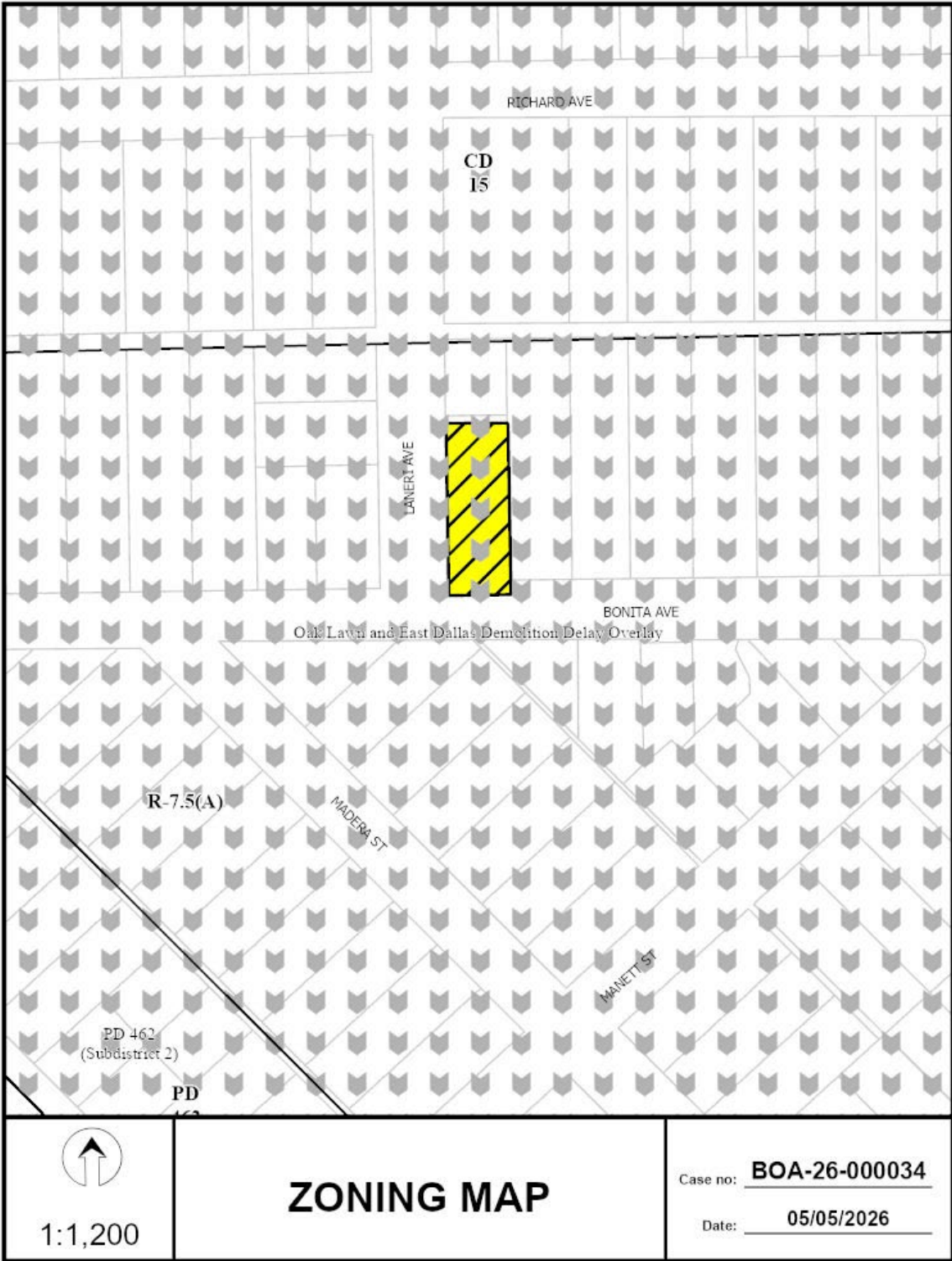


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# AERIAL MAP

Case no: BOA-26-000034

Date: 05/05/2026





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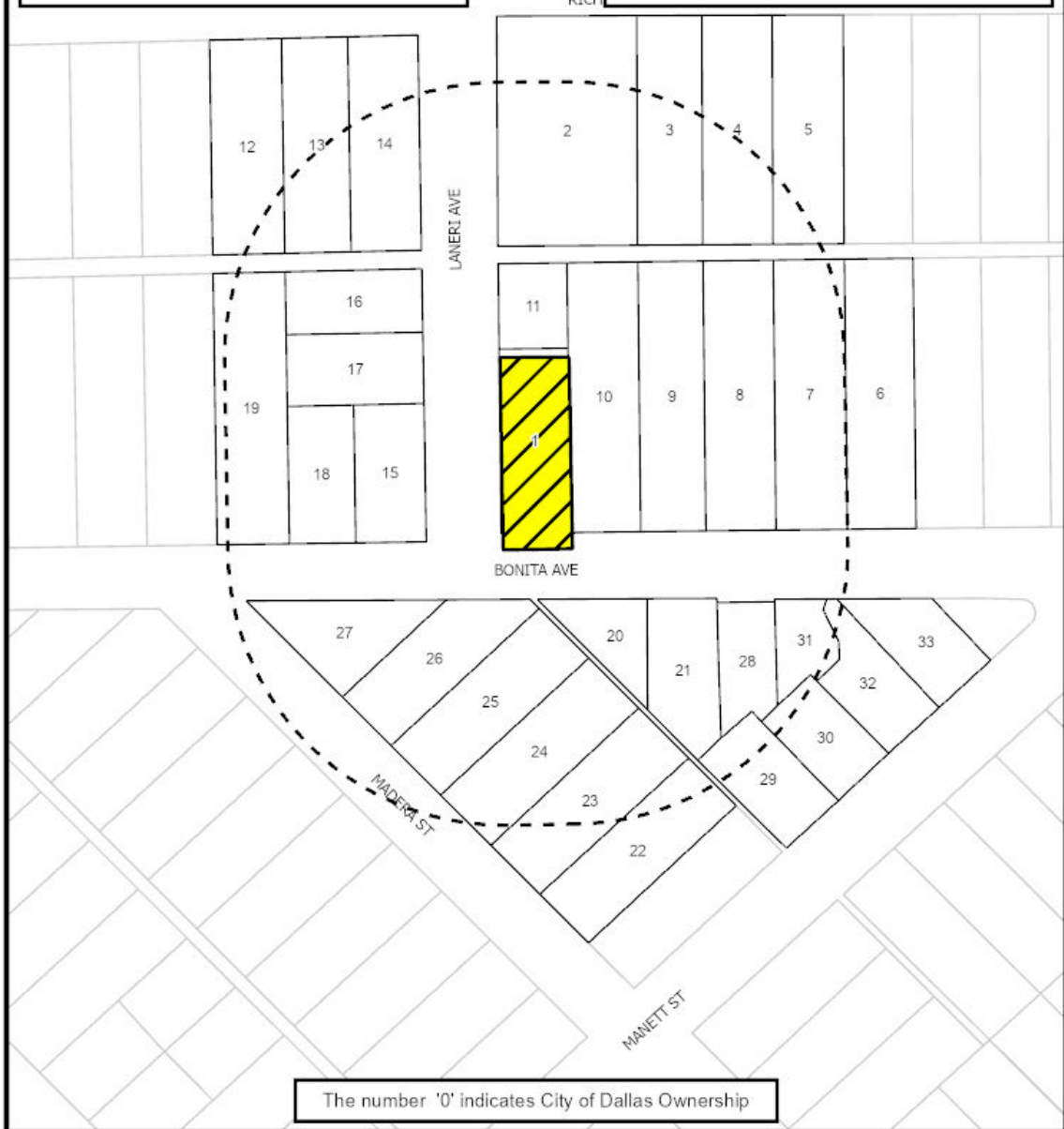
# ZONING MAP

Case no: BOA-26-000034

Date: 05/05/2026

The area of request is hatched . Notification is sent to all property owners within the notification buffer area (shown by the dashed circle). Your property is not being rezoned if you are outside of the hatched area. If your property is not within the hatched area, you are receiving this notice only to let you know of the request.

El área de solicitud está sombreada . La notificación se envía a todos los propietarios dentro del área de notificación (que se muestra con un círculo discontinuo). Su propiedad no será re zonificada si está fuera del área sombreada. Si su propiedad no está dentro del área sombreada, recibió este aviso solo para informarle sobre la solicitud.



The number '0' indicates City of Dallas Ownership



1:1,200

# NOTIFICATION

- 200'** AREA OF NOTIFICATION
- 33** NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BOA-26-000034**  
 Date: **5/5/2026**

# *Notification List of Property Owners*

*BOA-26-000034*

## *33 Property Owners Notified*

| <i>Label #</i> | <i>Address</i>   | <i>Owner</i>                        |
|----------------|------------------|-------------------------------------|
| 1              | 5303 BONITA AVE  | CARLOCK CAMERON N &                 |
| 2              | 5300 RICHARD AVE | DESKINS CASEY                       |
| 3              | 5308 RICHARD AVE | MAYNOR JOHN TRACEY                  |
| 4              | 5314 RICHARD AVE | GIBSON JAMES E III & LORNA N        |
| 5              | 5316 RICHARD AVE | JENKINS JEFF                        |
| 6              | 5323 BONITA AVE  | COLVEN WILLIAM PRESTON JR &         |
| 7              | 5319 BONITA AVE  | TREVINO JOSE & EVANGELINA           |
| 8              | 5315 BONITA AVE  | PATEL ANKIT B & PRIYA               |
| 9              | 5311 BONITA AVE  | NAJERA IRENE C &                    |
| 10             | 5307 BONITA AVE  | FEDERMAN FRAN &                     |
| 11             | 2412 LANERI AVE  | YORK JEFFREY EDGAR &                |
| 12             | 5246 RICHARD AVE | LOVING OLIVER F & FLOR C            |
| 13             | 5250 RICHARD AVE | CARDOSO JESUS                       |
| 14             | 5256 RICHARD AVE | THOMAS GRAHAM                       |
| 15             | 5253 BONITA AVE  | LOAN RANGER CAPITAL INVESTMENTS LLC |
| 16             | 2415 LANERI AVE  | NELSON JEAN M                       |
| 17             | 2411 LANERI AVE  | MIRELES FIDEL F &                   |
| 18             | 5251 BONITA AVE  | SMOYER KELLY OCONNOR FAMILY         |
| 19             | 5247 BONITA AVE  | PETTIT KIMBERLY H                   |
| 20             | 5302 BONITA AVE  | FORD ANGELA J                       |
| 21             | 5308 BONITA AVE  | RODRIGUEZ PEDRO &                   |
| 22             | 2606 MADERA ST   | QUINONES DANIEL                     |
| 23             | 2610 MADERA ST   | ROJAS SOCORRO                       |
| 24             | 2614 MADERA ST   | GUEVARA PABLO                       |
| 25             | 2618 MADERA ST   | MARK TEXAS HOMES CORP               |
| 26             | 2622 MADERA ST   | BROWN ALEXANDER &                   |

| <i>Label #</i> | <i>Address</i>  | <i>Owner</i>         |
|----------------|-----------------|----------------------|
| 27             | 2626 MADERA ST  | WOOD GREGORY &       |
| 28             | 5310 BONITA AVE | JAIMES EMMANUEL      |
| 29             | 5315 MANETT ST  | BOND CHRISTOPHER     |
| 30             | 5319 MANETT ST  | MCBRIDE THOMAS LUCAS |
| 31             | 5318 BONITA AVE | PURCELL JONATHAN B & |
| 32             | 5321 MANETT ST  | Taxpayer at          |
| 33             | 5327 MANETT ST  | KHAN ESTHER          |

|  |   |                               |                      |    |                                    |
|--|---|-------------------------------|----------------------|----|------------------------------------|
| <br>1:1,200 | <b>NOTIFICATION</b>   | Case no: <u>BOA-26-000034</u> |                      |    |                                    |
|  | <table border="0"> <tr> <td style="border: 1px solid black; padding: 2px;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="border: 1px solid black; padding: 2px;">33</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table> | 200'                          | AREA OF NOTIFICATION | 33 | NUMBER OF PROPERTY OWNERS NOTIFIED |
| 200'   | AREA OF NOTIFICATION  |                               |                      |    |                                    |
| 33   | NUMBER OF PROPERTY OWNERS NOTIFIED  |                               |                      |    |                                    |

**Route Directions:**

**Start on Richard Ave.**

**Right on Glencoe St.**

**Right on Bonita Ave.**

**Left on Madera St.**

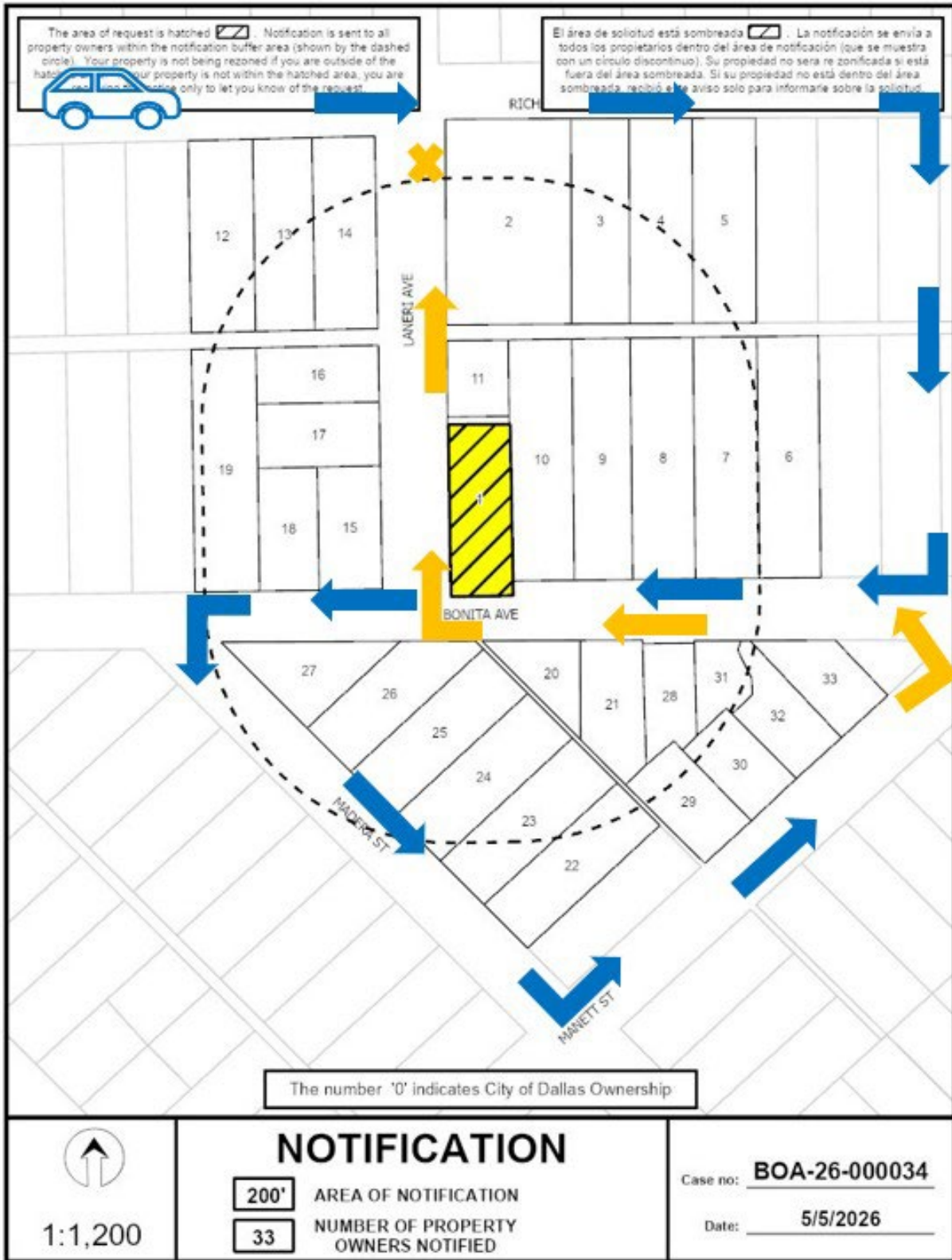
**Left on Manett St.**

**Left on Bonita Ave.**

**Right on Laneri Ave.**

**\*Subject Site at 1:59 and 3:20.**

## 200' Radius Route Map



## NOTICE OF PUBLIC HEARING

### BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A)

**NOTICE IS HEREBY GIVEN** that the **BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A)** will hold a hearing as follows.

**DATE:** TUESDAY, JUNE 16, 2026

**BRIEFING:** 10:30 a.m. via **Videoconference and in 6EN COUNCIL CHAMBERS** at Dallas City Hall, 1500 Marilla Street <https://bit.ly/boa061626>

**HEARING:** 1:00 p.m. **Videoconference and in 6EN COUNCIL CHAMBERS** at Dallas City Hall, 1500 Marilla Street <https://bit.ly/boa061626>

The purpose of the hearing is to consider the following appeal(s) now pending before the Board of Adjustment:

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**BOA-26-000034(BT)** Application of Ben Fogler for **(1)** a special exception to the fence height regulations, **(2)** special exception to the fence opacity regulations, and **(3)** a special exception to the 20-foot visibility obstruction regulation at **5303 BONITA AVENUE**. This property is more fully described as Block 22/1942, Part of Lot 28, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4-feet, requires a fence panel with a surface area that is less than 50 percent open may not be located less than five feet from the front lot line, and requires a 20-foot visibility triangle at the driveway approach. The applicant proposes to construct and/or maintain an 8-foot high fence in a required front-yard along Laneri Avenue, 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 along Laneri Avenue, which will require **(2)** a special exception to the fence opacity regulations, and to construct and/or maintain a single-family residential fence structure in a required 20-foot visibility obstruction triangle at the driveway approach along Laneri Avenue, which will require **(3)** a special exception to the 20-foot visibility obstruction regulation.

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You have received this notice because you own property within 200 feet of the above property. You may be interested in attending the Board of Adjustment hearing to express your support for or opposition to the application. You may also contact the Board of Adjustment by email to [BDAREPLY@dallas.gov](mailto:BDAREPLY@dallas.gov). Letters will be accepted until 9:00 am the day of the hearing. If you are unable to attend the hearing. If you choose to respond, it is important that you let the Board know your reasons for being in favor of or in opposition to the application. The Board members are very interested in your opinion.

**Note:** Any materials (such as plans, elevations, etc.) included within this notice may be subject to change.

The Board of Adjustment hearing will be held by videoconference and at **6EN Council Chambers**. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure **by joining the meeting virtually**, must register online at <https://bit.ly/BDA-A-Register> by the 5 p.m. on **Monday, June 15, 2026. All virtual speakers will be required to show their video in order to address the board. In Person speakers can register at the hearing.** Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and [bit.ly/cityofdallastv](http://bit.ly/cityofdallastv) or [YouTube.com/CityofDallasCityHall](http://YouTube.com/CityofDallasCityHall).

**Speakers at the meeting are allowed a maximum of five (5) minutes to address the Board.**

Additional information regarding the application may be obtained by calling Bryant Thompson, Senior Planner (214) 948-4502, or Mary Williams, Board Secretary at (214) 670-4127. Si desea información en español, favor de llamar al teléfono a Mary Williams al (214) 670-4127.

Board of Adjustment  
Planning and Development Department  
1500 Marilla Street 5CN, Dallas TX 75201

**PLEASE SEND REPLIES TO:**  
[BDAREPLY@dallas.gov](mailto:BDAREPLY@dallas.gov)  
**Letters will be received until 9:00 am  
the day of the hearing.**  
**PLEASE REGISTER AT:**  
<https://bit.ly/BDA-A-Register>