

**FILE NUMBER:** BOA-26-000029(CC)

**BUILDING OFFICIAL'S REPORT:** Application of Franchesca Jennings for **(1)** a variance to the side yard setback regulations, **(2)** a special exception to the fence height regulations, and for **(3)** a special exception to the fence opacity regulations at **4300 ROSELAND AVENUE**. This property is more fully described as Block 2/650, part of Lots 13 & 14, and is zoned PD-298 (Subarea 4), which requires a side yard setback of 10-feet if a side yard setback is provided, limits the height of a fence in the front yard to 4-feet, and requires a fence panel with a surface area that is less than 50 percent open may not be located less than five feet from the front lot line. The applicant proposes to construct and/or maintain a residential structure and provide a 6-foot 2-inch side yard setback, which will require a **(1)** 3-foot-10-inch variance to the side yard setback regulations, to construct and/or maintain an 8-foot-high fence in a required front-yard, which will require **(2)** a 4-foot special exception to the fence height regulations, and to construct and/or maintain a fence in a required front-yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require **(3)** a special exception to the fence opacity regulations.

**LOCATION:** 4300 Roseland Avenue

**APPLICANT:** Franchesca Jennings

**REQUEST:**

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

**STANDARD OF REVIEW FOR A VARIANCE:**

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

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

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

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

**STAFF RECOMMENDATION:**


**Special Exceptions (2):**

No staff recommendation is made on these requests.

**Variance to the side yard setback regulations:**

**Denial**

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

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

**BACKGROUND INFORMATION:**

**Zoning:**

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

**Land Use:**

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

**BDA History:**

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

**GENERAL FACTS/STAFF ANALYSIS:**

- The application of Franchesca Jennings for the property located at 4300 Roseland Avenue focuses on three requests relating to the side yard setback regulations, the fence height regulations, and the fence opacity regulations.
- The first request is for a variance to the side yard setback regulations. The applicant proposes to construct and/or maintain a residential structure and provide a 6-foot 2-inch side yard setback, which will require a 4-foot-2-inch variance to the side yard setback regulations.
- The second request is for a special exception to the fence height regulations. The applicant is proposing to construct and maintain an 8-foot-high fence in a required front yard, which will require a 4-foot special exception to the fence height regulations.
- Thirdly, the applicant is proposing to construct and maintain the residential fence in a required front yard with a fence panel having less than 50-percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence opacity regulations.
- The property is zoned Planned Development District No. 298 Subarea 4. Section 51-298.112(b)(1) states: *Except as provided in this paragraph, no side yard setback is required in Subareas 1, 1A, 1B, 1C, 1D, 3, 4, 4A, 5, 5A, 7, 8, 10, 10C, 11, 12, and 13; however, if a side yard setback is provided, it must be a minimum of 10 feet.*
- The applicant has the burden of proof in establishing the following:
  1. That granting the variance to the side yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
  2. The variance is necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
  3. The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

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

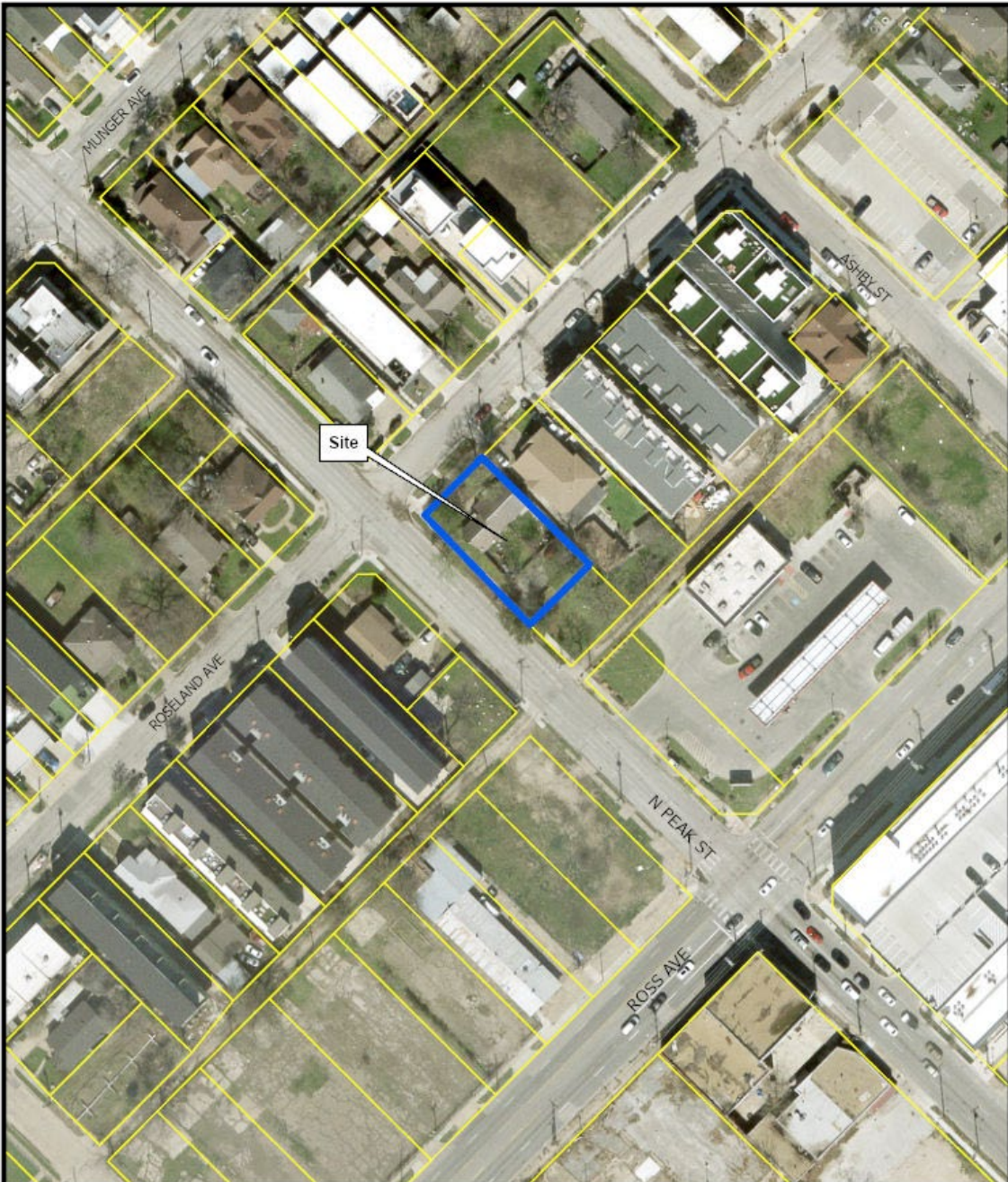
Dallas Development Code § 51A-3.102(d)(10)(B), allows for the board to use their discretion and consider the following as grounds to determine whether the portion of the variance standard of compliance with the ordinance as applied to a structure would result in unnecessary hardship:

- (i) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 of the Texas Tax Code.
- (ii) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
- (iii) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
- (iv) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (v) the municipality considers the structure to be a nonconforming structure.
- The applicant has the burden of proof in establishing that the special exception to the fence height and opacity regulations will not adversely affect neighboring properties.
- Granting the variance to the side yard setback regulations and special exceptions to the fence height and opacity regulations, with the condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: [BOA-26-000029 at 4300 Roseland](#)

**Timeline:**

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

Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

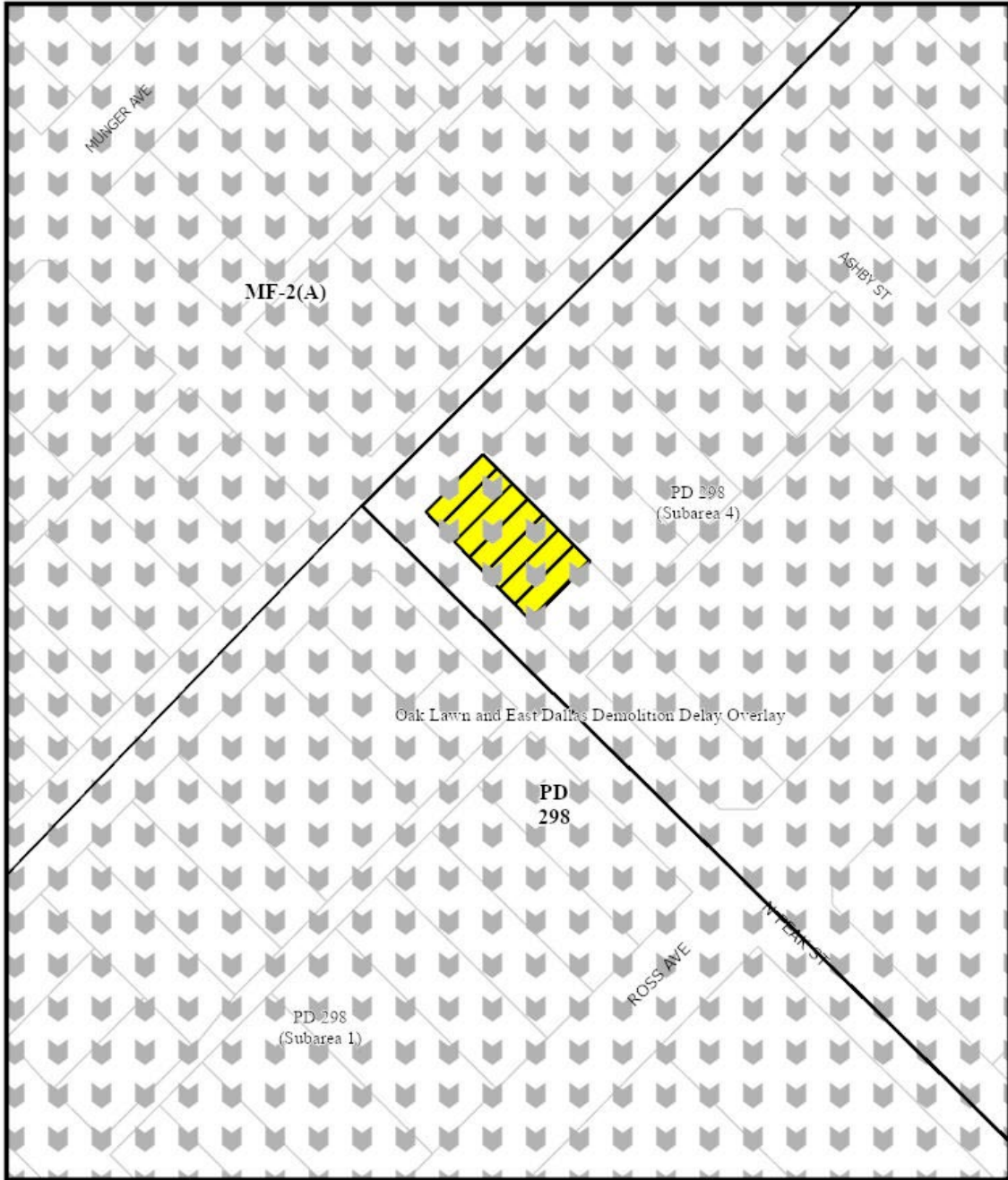


1:1,200

# AERIAL MAP

Case no: BOA-26-000029

Date: 05/05/2026





1:1,200

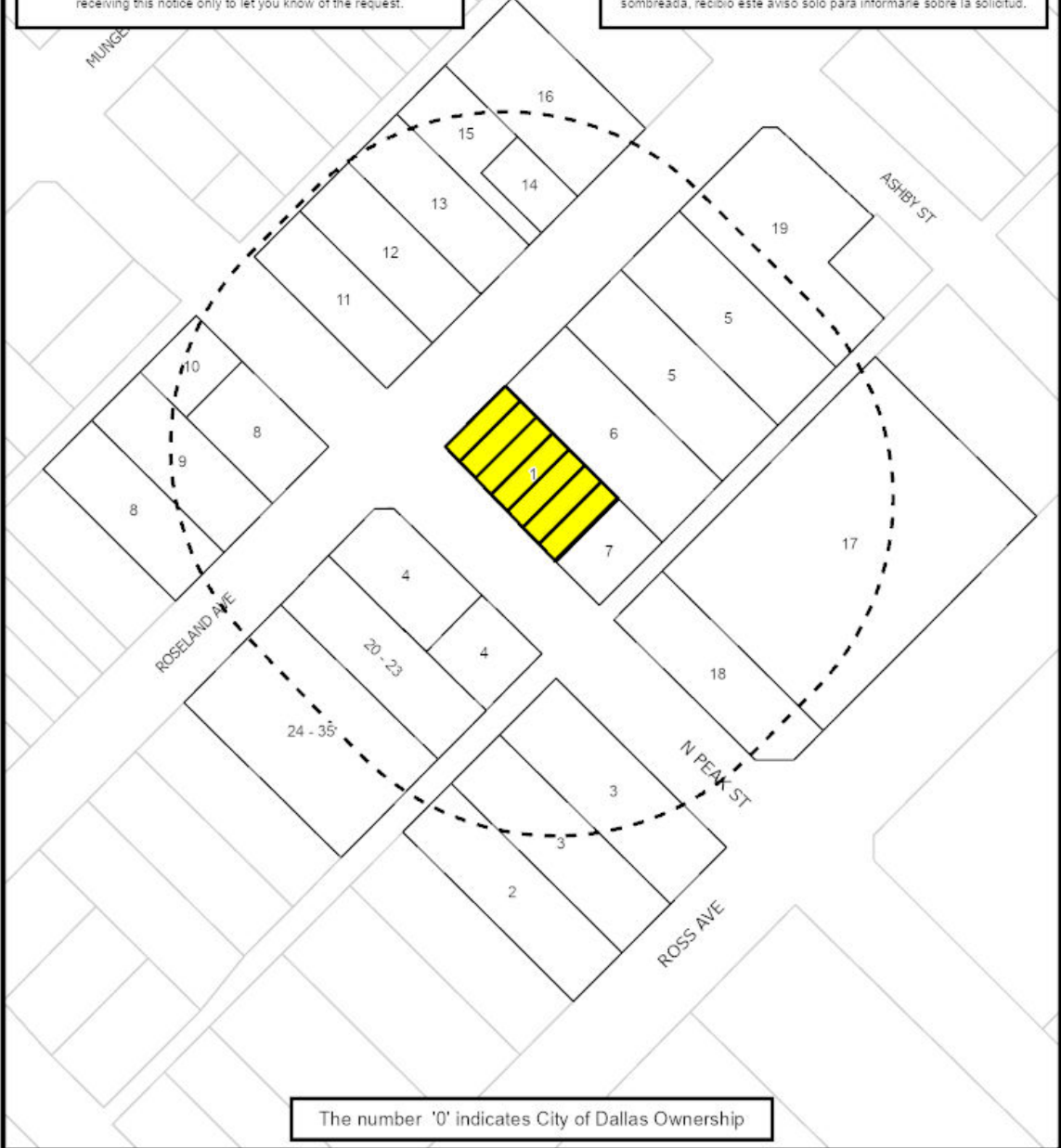
# ZONING MAP

Case no: BOA-26-000029

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	<h2>NOTIFICATION</h2> <p> AREA OF NOTIFICATION</p> <p> NUMBER OF PROPERTY OWNERS NOTIFIED</p>	Case no: <b>BOA-26-000029</b> Date: <b>5/5/2026</b>
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05/05/2026

## ***Notification List of Property Owners***

***BOA-26-000029***

### ***35 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	4300 ROSELAND AVE	SALAS JUAN & FELIPA SALAS
2	4221 ROSS AVE	HOLLOWAY BETTY LOIS ET AL
3	4225 ROSS AVE	M&P LC &
4	1717 N PEAK ST	WATTIKER GEOFFREY
5	4308 ROSELAND AVE	SOLANA ROSELAND FLATS LLC
6	4304 ROSELAND AVE	GARCIA ELISEO
7	1718 N PEAK ST	MASOOD AWAIS
8	4225 ROSELAND AVE	ELDORADO PROPERTIES INC
9	4229 ROSELAND AVE	LUNA TERESA
10	1807 PEAK ST	DHALIWAL KABIR
11	4301 ROSELAND AVE	FLORES EUFRACIO & MANUELA
12	4305 ROSELAND AVE	DUNYHA SANTOSCOY LLC
13	4307 ROSELAND AVE	GARCIA ANTONIO
14	4311 ROSELAND AVE	SOUSA MARK
15	4309 ROSELAND AVE	VIDAL ALEJANDRO & PRISCILA N
16	4315 ROSELAND AVE	DENNETT MARIA V
17	4301 ROSS AVE	ROSS AVENUE JOINT VENTURE LLC
18	4301 ROSS AVE	ROSS & PEAK REAL EST INV LLC
19	4322 ROSELAND AVE	CONSTANTINE REAL ESTATE LLC
20	4230 ROSELAND AVE	SMITH MICHAEL LEROY
21	4230 ROSELAND AVE	ROBERTS PEYTON &
22	4230 ROSELAND AVE	MOORE CONNOR WILSON
23	4230 ROSELAND AVE	GRANT JASON
24	4222 ROSELAND AVE	VERA BENJAMIN
25	4222 ROSELAND AVE	PATEL HERSCHEL &
26	4222 ROSELAND AVE	SHAH MEGHNA

05/05/2026

<b>Label #</b>	<b>Address</b>	<b>Owner</b>
27	4222 ROSELAND AVE	CROW ASHLEY
28	4222 ROSELAND AVE	NOWAKOWSKI LAUREN &
29	4222 ROSELAND AVE	SACKS STEPHEN &
30	4226 ROSELAND AVE	SMITH LYNNA
31	4226 ROSELAND AVE	BONAZZA DAVID
32	4226 ROSELAND AVE	SMITH AUSTIN BALLEW &
33	4226 ROSELAND AVE	HEMESATH MEGAN &
34	4226 ROSELAND AVE	PATEL BIANCA J
35	4226 ROSELAND AVE	MULLER NICHOLAS

## 200' Radius Route Map

**Route Directions:**

**Start on N Peak St.**

**Left on Munger Ave.**

**Left on Haskell Ave.**

**Left on Roseland Ave.**

**Right on Ashby St.**

**Right on Ross Ave.**

**\*Subject Site at 0:34 and 2:04.**



## 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, JULY 14, 2026

**BRIEFING:** 10:30 a.m. via Videoconference and in 6EN COUNCIL CHAMBERS at Dallas City Hall, 1500 Marilla Street

**HEARING:** 1:00 p.m. Videoconference and in 6EN COUNCIL CHAMBERS at Dallas City Hall, 1500 Marilla Street

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

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**BOA-26-000029(KMH)** Application of Franchesca Jennings for (1) a variance to the side yard setback regulations, (2) a special exception to the fence height regulations, and for (3) a special exception to the fence opacity regulations at 4300 ROSELAND AVENUE. This property is more fully described as Block 2/650, part of Lots 13 & 14, and is zoned PD-298 (Subarea 4), which requires a side yard setback of 10-feet if a side yard setback is provided, limits the height of a fence in the front yard to 4-feet, and requires a fence panel with a surface area that is less than 50 percent open may not be located less than five feet from the front lot line. The applicant proposes to construct and/or maintain a residential structure and provide a 6-foot 2-inch side yard setback, which will require a (1) 3-foot-10-inch variance to the side yard setback regulations, to construct and/or maintain an 8-foot-high fence in a required front-yard, which will require (2) a 4-foot special exception to the fence height regulations, and to construct and/or maintain a fence in a required front-yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require (3) a special exception to the fence opacity regulations.

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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, July 13, 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](https://www.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>