



BOARD OF ADJUSTMENT

Panel C Minutes

September 15, 2025

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CITY SECRETARY
DALLAS, TEXAS

6ES Council Briefing

24957316190@dallascityhall.webex.com

Robert Agnich, Vice-Chair

PRESENT: [5]

Robert Agnich, VC	
Roger Sashington	
Rodney Milliken	
Jared Slade	
Andrew Finney	

ABSENT: [0]

Vice-Chair Agnich called the briefing to order at **10:36 A.M.** with a quorum of the Board of Adjustment present.

Vice-Chair Agnich called the hearing to order at **1:03 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 Public Speakers registered.

MISCELLANEOUS ITEMS

Approval of the Board of Adjustment Panel C, August 18, 2025, Minutes as presented during the briefing.

A motion was made to approve Panel C, August 18, 2025, Public Hearing minutes.

Maker:	Roger Sashington				
Second:	Jared Slade				
Results:	5-0 unanimously				Motion to approve
		Ayes:	-	5	Robert Agnich, Rodney Milliken, Jared Slade, Roger Sashington & Andrew Finney
		Against:	-	0	

UNCONTESTED CASES

1. 11932 AUDELIA ROAD

BDA245-053(DB)

BUILDING OFFICIAL'S REPORT: Application of Qunnie Gloger represented by Jude Donovan for (1) a special exception to the fence height regulations and for (2) a special exception to the fence opacity regulations at **11932 AUDELIA ROAD**. This property is more fully described as Block 8441, Part of Tract 2, and is zoned R-7.5(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 may not be located less than 5-feet from the front lot line. 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, and the applicant proposes 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: 11932 AUDELIA ROAD

APPLICANT: Qunnie Gloger represented by Jude Donovan

REQUEST:

- (1) A request for a special exception to the height fence regulations, and
- (2) A request for a special exception to the fence opacity regulations.

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE HEIGHT AND 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 standard 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 these requests.

BACKGROUND INFORMATION:

Zoning:

- **Site:** R-7.5(A)
- **North:** R-7.5(A)
- **East:** R-7.5(A)
- **South:** R-7.5(A) and MF-1(A)
- **West:** R-7.5(A) and MF-1(A)

Land Use:

The subject site is developed with a single-family residence and is surrounded by similar single-family homes, as well as nearby multifamily developments.

Lot Square Footage:

This lot size is approximately 70,728 square feet (1.62 acres).

BDA History:

No BDA history has been found within the last 5 years

GENERAL FACTS/STAFF ANALYSIS:

- The application of Qunnie Gloger represented by Jude Donovan for the property located at 11932 Audelia Road focuses on two requests relating to fence height and fence opacity regulations.
- The first 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.
- Secondly, 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 R-7.5(A), which requires a minimum front yard setback of 25 feet and limits fence height within this setback.
- The property was impacted by a street widening along Audelia Road, further restricting the developable area for the fence location and contributing to the hardship.
- The majority of the property lies within the floodplain; however, the proposed fence is outside of this area. Additionally, there is an easement and a creek that runs through the site.
- There is an existing bus stop located at the entrance of the property, which may influence traffic flow, pedestrian activity, and general safety and security conditions.
- Historical records indicate that this site shares a driveway with the adjacent lot, which is currently owned by the applicant.
- A board-on-board fence is proposed in the front yard with a height and opacity that require special exceptions. The fence is proposed within 5 feet of the front property line, triggering the opacity regulations, and exceeds the 4-foot height limit allowed in required front yards.
- The applicant mentioned safety considerations related to the fence, though he acknowledges that safety alone is not a basis for granting a special exception.
- The applicant submitted letters of support from nearby properties.
- All other zoning regulations and development standards not specifically addressed in this application are presumed to be in compliance with applicable City of Dallas ordinances.

BOARD OF ADJUSTMENT
September 15, 2025

- 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 property.
- Granting these requests with the condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown in the submitted materials.
- 200' Radius Video: [BDA245-053 at 11932 Audelia Road](#)

Timeline:

- March 20, 2025:** Application submitted to the Board of Adjustment with supporting materials.
- April 3, 2025:** The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.
- April 11, 2025:** The Planning and Development Project Coordinator emailed the applicant with the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the April 23, 2025, deadline to submit additional evidence for staff to factor into their analysis; and May 9, 2025, 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.
- April 24, 2025:** The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the May public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, Senior Planner, Project Coordinator, Conservation District Chief Planner, Chief Arborist, Zoning Senior Planner, and Transportation Engineer.
- April 24, 2025:** Per the applicant's request, the case was postponed for the September docket.
- August 14, 2025:** The Board of Adjustment Project Coordinator emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the August 21, 2025, deadline to submit additional evidence for staff to factor into their analysis; and September 5, 2025, 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 27, 2025: 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 Arborist, Zoning Senior Planner, and Transportation Engineer.

Speakers:

For: Jude Donovan, 1132 Audelia Rd., Dallas TX 75243 **(DNS)**
Quinnie Gloger, 9903 Candlebrook Dr., Dallas TX 75243
J. Madison, 12102 Jackson Creek Dr., Dallas TX 75243

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:

BDA 245-053 – Application of Quinnie Gloger represented by Jude Donovan, for a special exception to the fence height requirements and surface area openness requirements for fences 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:	Roger Sashington			
Second:	Andrew Finney			
Results:	5-0 Unanimously			Motion to grant
		Ayes:	- 5	Robert Agnich, Rodney Milliken, Jared Slade, Roger Sashington & Andrew Finney
		Against:	-	

2. 1255 ANNEX AVENUE

BOA-25-000035 (KMH)

This case was moved to Individual Cases

BUILDING OFFICIAL’S REPORT: Application of Dani Golan for **(1)** a variance to the front yard setback regulations at **1255 Annex Avenue**. This property is more fully described as Block 2/735 Lot 10, and is zoned MF-2(A), which requires a front yard setback of 25-feet. The applicant proposes to construct and/or maintain a multifamily-family residential structure and provide a 21-foot front-yard setback, which will require **(1)** a 4- foot variance to the front-yard setback regulations.

LOCATION: 1255 Annex Avenue

APPLICANT: Dani Golan

REQUEST:

1. A request for a variance to the front-yard setback regulations.

STANDARDS OF REVIEW FOR A VARIANCE:

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

ELEMENT II SUBSTITUTE:

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.

STAFF RECOMMENDATION:

Approval

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

- A. Not contrary to the public interest as no letters of opposition were received before case reports were finalized and submitted.
- B. Although the subject site is not restrictive in area, shape or slope; it is a corner lot and due to continuity of the blockface, the lot is governed by two front yards which limits the buildable area; therefore, the property cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Is not a self-created or personal hardship.

BACKGROUND INFORMATION:

BDA History:

- BDA history found at 1255 Annex Avenue in the last 5 years.
 - BDA234-119: Front yard setback - Denial

Square Footage:

- This lot is zoned MF-2(A), the minimum lot area per dwelling unit is as follows:
 - No separate bedroom - 800 square feet.
 - One bedroom - 1,000 square feet
 - Two bedrooms - 1,200 square feet
 - More than two bedrooms - add 150 square feet for each additional room

Zoning:

Site: MF-2(A) Zoning District
North: Planned Development 640
East: R-7.5(A) Zoning District
South: R-7.5(A) Zoning District
West: MF-2(A) Zoning District

Land Use:

The subject site and surrounding properties to the west zoned MF-2(A), areas to the east and south are zoned R-7.5(A) and areas to the south are zoned as Planned Development #640.

GENERAL FACTS/STAFF ANALYSIS:

- The application of Dani Golan for the property located at 1255 Annex Avenue focuses on one request relating to the front yard setback regulations.
- The applicant proposes to construct and/or maintain a multifamily-family residential structure and provide a 21-foot front-yard setback, which will require a 4-foot variance to the front-yard setback regulations.
- Per the applicant, the reason behind the request stems from the alleged restrictive nature of the lot, having two front yards with 25-foot setback requirements.
- The subject site is undeveloped and bordered by a construction fence.
- The subject site is a corner lot and has double street frontage along Annex Avenue and Live Oak Street; the request for the variance is for the front yard along Annex Avenue.

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

- That granting the variance 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.
- 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

BOARD OF ADJUSTMENT
September 15, 2025

- 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.

The board may also consider Dallas Development Code **§ 51A-3.102(d)(10)(b)**, formerly known as **HB 1475** as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

- (a) 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 (Submission of Rolls to Taxing Units), Tax Code.
- (b) 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.
- (c) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
- (d) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (e) the municipality considers the structure to be a nonconforming structure.

- Granting the variance 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.
- 200' Radius Video: [BOA-25-000035 at 1255 Annex Ave](#)

Timeline:

- July 23, 2025: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- August 14, 2025: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel **C**.
- August 14, 2025: The Board of Adjustment Chief Planner emailed the applicant the following information:
- an attachment that provided the hearing date and panel that will consider the application; the August 21, 2025, deadline to submit additional evidence for staff to factor into their analysis; and September 5, 2025, 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 27, 2025: 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,

BOARD OF ADJUSTMENT
September 15, 2025

Project Coordinator, Board Secretary, Conservation District Chief Planner,
Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

Speakers:

For: Dennis Harrison, 1207 Annex Avenue, Dallas TX 75204

Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BOA-25-000035, on application of Dani Golan, **GRANT** the 4-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:	Roger Sashington				
Second:	Andrew Finney				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Robert Agnich, Rodney Milliken, Jared Slade, Roger Sashington & Andrew Finney
		Against:	-	0	

3. 5008 RADBROOK PLACE

BOA-25-000039(DB)

This case was moved to Individual Cases

BUILDING OFFICIAL'S REPORT: Application of Jennifer Hiromoto for **(1)** a special exception to the fence height regulations at **5008 RADBROOK PLACE**. This property is more fully described as Block 12A/5585, Lot 1, 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 an 8-foot-high fence in a required front yard, which will require **(1)** a 4-foot special exception to the fence height regulations.

LOCATION: 5008 RADBROOK PLACE

APPLICANT: Jennifer Hiromoto

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 height 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 is developed with a single-family residence and is surrounded by properties similarly developed with single-family homes.

Lot Square Footage:

This lot size is approximately 48,540 square feet (1.11 acres).

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 5008 Radbrook Place focuses on 1 request relating to fence height regulations.
- The applicant is proposing to construct and/or maintain an 8-foot high fence in a required front yard, which requires a 4-foot special exception to the fence height regulations.
- The property is zoned R-1ac(A), which establishes a minimum fence height located within the front yard setback may not exceed 4-feet in height.
- The subject site is a corner lot, bound by 3 street frontages, 2 of which meet the side and rear yard provisions for residential districts.
- A permit for a board-on-board fence was issued and constructed in 2022 along the side and rear yard which did not require board action.
- The applicant is proposing to construct an open rod iron fence with the following dimensions: fence panels at 6-feet 6-inches, columns at 7-feet 6-inches, and light fixtures at 8-feet.
- While some neighboring properties do not currently have fencing in the required front yard, staff observed similar fences and/or screening are present along the street and within the

BOARD OF ADJUSTMENT
September 15, 2025

neighborhood, demonstrating that this type of improvement is consistent with the area's character.

- All other zoning regulations and development standards not specifically addressed in this application are presumed to be in compliance with applicable City of Dallas ordinances.
- Granting this request with the condition that the applicant complies with the submitted site plan and fence elevations would require the proposal to be constructed as shown in the submitted materials.
- 200' Radius Video: [BOA-25-000039 at 5008 Radbrook Place](#)

Timeline:

July 30, 2025: Application submitted to the Board of Adjustment with supporting materials.

August 14, 2025: The Board of Adjustment Secretary is assigned to Board of Adjustment Panel C.

August 15, 2025: The Planning and Development Project Coordinator emailed the applicant with the following information:

- A notification letter including the public hearing date, the assigned panel, and deadlines for submitting additional documentation:
 - **August 21, 2025** – deadline to submit materials for staff analysis
 - **September 5, 2025** – deadline to submit materials for inclusion in the Board's docket
 - Relevant decision criteria and Board procedures
 - A copy of the Board of Adjustment Working Rules of Procedure related to documentary evidence

August 27, 2025: 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 # 38586, Dallas TX

Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BOA-25-000039, on application of Jennifer Hiromoto, **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 height and fence location requirements, illustrated in the most recent version of all submitted plans are required.

Maker:	Roger Sashington			
Second:	Andrew Finney			
Results:	5-0 Unanimously			Motion to grant
		Ayes:	- 5	Robert Agnich, Rodney Milliken, Jared Slade, Roger Sashington & Andrew Finney
		Against:	- 0	

INDIVIDUAL CASES

4. 1545 ACAPULCO DRIVE

BOA-25-000034(KMH)

BUILDING OFFICIAL’S REPORT: Application of Dani Golan for **(1)** a variance to the front yard setback regulations at **1255 Annex Avenue**. This property is more fully described as Block 2/735 Lot 10, and is zoned MF-2(A), which requires a front yard setback of 25-feet. The applicant proposes to construct and/or maintain a multifamily-family residential structure and provide a 21-foot front-yard setback, which will require **(1)** a 4- foot variance to the front-yard setback regulations.

LOCATION: 1255 Annex Avenue

APPLICANT: Dani Golan

REQUEST:

- 2. A request for a variance to the front-yard setback regulations.

STANDARDS OF REVIEW FOR A VARIANCE:

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

ELEMENT II SUBSTITUTE:

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:

BOARD OF ADJUSTMENT
September 15, 2025

- (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:

Approval

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

- D. Not contrary to the public interest as no letters of opposition were received before case reports were finalized and submitted.
- E. Although the subject site is not restrictive in area, shape or slope; it is a corner lot and due to continuity of the blockface, the lot is governed by two front yards which limits the buildable area; therefore, the property cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- F. Is not a self-created or personal hardship.

BACKGROUND INFORMATION:

BDA History:

- BDA history found at 1255 Annex Avenue in the last 5 years.
 - BDA234-119: Front yard setback - Denial

Square Footage:

- This lot is zoned MF-2(A), the minimum lot area per dwelling unit is as follows:
 - No separate bedroom - 800 square feet.
 - One bedroom - 1,000 square feet
 - Two bedrooms - 1,200 square feet
 - More than two bedrooms - add 150 square feet for each additional room

Zoning:

Site: MF-2(A) Zoning District
North: Planned Development 640
East: R-7.5(A) Zoning District
South: R-7.5(A) Zoning District
West: MF-2(A) Zoning District

Land Use:

The subject site and surrounding properties to the west zoned MF-2(A), areas to the east and south are zoned R-7.5(A) and areas to the south are zoned as Planned Development #640.

GENERAL FACTS/STAFF ANALYSIS:

- The application of Dani Golan for the property located at 1255 Annex Avenue focuses on one request relating to the front yard setback regulations.
- The applicant proposes to construct and/or maintain a multifamily-family residential structure and provide a 21-foot front-yard setback, which will require a 4-foot variance to the front-yard setback regulations.
- Per the applicant, the reason behind the request stems from the alleged restrictive nature of the lot, having two front yards with 25-foot setback requirements.
- The subject site is undeveloped and bordered by a construction fence.
- The subject site is a corner lot and has double street frontage along Annex Avenue and Live Oak Street; the request for the variance is for the front yard along Annex Avenue.

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

- That granting the variance 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.
- 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
- 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.

The board may also consider Dallas Development Code **§ 51A-3.102(d)(10)(b)**, formerly known as **HB 1475** as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

- (f) 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 (Submission of Rolls to Taxing Units), Tax Code.
- (g) 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.
- (h) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
- (i) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (j) the municipality considers the structure to be a nonconforming structure.
- Granting the variance 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.
- 200' Radius Video: [BOA-25-000035 at 1255 Annex Ave](#)

BOARD OF ADJUSTMENT
September 15, 2025

Timeline:

- July 23, 2025: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- August 14, 2025: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.
- August 14, 2025: The Board of Adjustment Chief Planner emailed the applicant the following information:
- an attachment that provided the hearing date and panel that will consider the application; the August 21, 2025, deadline to submit additional evidence for staff to factor into their analysis; and September 5, 2025, 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 27, 2025: 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: Leon A. Waddell, 1545 Acapulco Dr., Dallas TX 75232
Ryan Huston, 1545 Acapulco Dr., Dallas TX 75232 (DNS)
- Against: No Speakers

Motion # 1

I move that the Board of Adjustment, in Appeal No. BOA-25-000034, on application of Leon Waddell **GRANT** the 364.5 square foot variance to the floor area for a structure accessory to the single-family use regulations 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:	Andrew Finney			
Second:	Jared Slade			
Results:	5-0 Unanimously			Motion to grant

		Ayes:	-	5	Robert Agnich, Rodney Milliken, Jared Slade, Roger Sashington & Andrew Finney
		Against:	-	0	

Motion # 2

I move that the Board of Adjustment, in request No. BOA-25-000034, on application of Leon Waddell, **GRANT** the request to construct and maintain an additional dwelling unit (not for rent) on a site developed with a single-family structure as a special exception to the single-family use regulations in the Dallas Development Code, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring properties.

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

1. Compliance with the most recent version of all submitted plans are required.
2. The applicant must deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.

Maker:	Andrew Finney				
Second:	Jared Slade				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Robert Agnich, Rodney Milliken, Jared Slade, Roger Sashington & Andrew Finney
		Against:	-	0	

ADJOURNMENT

After all business of the Board of Adjustment had been considered, Vice-Chair Agnich moved to adjourn the meeting at **2:22 P.M.**



Required Signature:

Mary Williams, Board Secretary
Planning and Development.


10/20/2025
Date



Required Signature:

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

10/20/2025
Date



Required Signature:

Jared Slade, Presiding Officer
Board of Adjustment

10/20/25
Date