



## Required material for filing an appeal to the Board of Adjustment

- 2 original "Application" forms, filled out, signed, and notarized, specifically describing the variance or special exception appeal requested, and the reason(s) why the appeal should be granted.
- 2 original "Affidavit" forms, signed and notarized (required only if the "owner of the property" and the "applicant" for the appeal are not the same. The "applicant" must be a person).
- 1 original Certified Warranty Deed for the subject property (obtain from the county).
- 1 original "Tax Certificate" showing property taxes are paid (obtain from the county).
- All appeals for single family and duplex residential zoned properties must include a copy of a certified subdivision plat (obtain the most recent from the county).
- 1 original signed Lien Statement from City Hall, Rm. 2DS showing no city liens on the property.
- 4 copies of the site plan drawn to scale (standard Engineer or Architect scale), showing the entire platted property and all existing remaining and proposed improvements. \*
- 4 copies of elevation drawings drawn to scale. \*
- 4 copies of the floor plan drawn to scale. \*
- For parking requirement appeals, a parking analysis and/or traffic study, describing all uses, the square footage of each use, the required parking of all the uses, and the parking to be provided. \*
- For landscaping and tree mitigation appeals, 4 copies of the landscape plan drawn to scale specifying size and species of all existing and proposed landscaping. For tree mitigation, 4 copies of a tree survey, drawn to scale. Please discuss with the city arborist your landscape or mitigation plan. \*
- 3 copies of a site zoning map (these maps will be provided to you at time of your submittal).
- 3 copies of a site plat map (these maps will be provided to you at time of your submittal).
- "Posting of Notification Sign" acknowledgment on page 9 of this packet (see page 4 of this packet for instructions).

\* Each of these full size scale drawings must also include one reduced 8½"x11" copy of the drawing.

**Appeals are to be submitted to: Todd Duerksen/214-948-4475/ [todd.duerksen@dallascityhall.com](mailto:todd.duerksen@dallascityhall.com)  
320 E. Jefferson Blvd., Room 105**

All appeals must be submitted in person and all required materials and drawings must be submitted at the time of filing the appeal. All fees must be paid at the time of filing the appeal.  
(10-22-15)



## **INFORMATION ABOUT APPEALS TO THE BOARD OF ADJUSTMENT**

The Board of Adjustment is a citizen board authorized by Chapter 51 and 51A of the Dallas City Code and appointed by the City Council to hear and take appropriate action on variances, special exceptions, and decisions concerning the Dallas Development Code. The Board is composed of 15 members and 6 alternates assigned to three separate panels of five members each. Four members must be present at each hearing for a quorum to exist, otherwise a hearing or a case must be canceled. A concurring vote of four is necessary to decide any matter authorized by State law.

Each Board panel normally conducts one public hearing a month at 1:00 p.m. in Dallas City Hall, 1500 Marilla Street. Written notice of the hearing will be sent to all owners of real property located within a 200 foot radius from the boundary of the area upon which the appeal is made, not less than 10 days before the hearing. On the morning of the hearing, staff will fully brief the Board about each appeal to be heard. The Board has the option of taking a tour of each site for which an appeal is being heard.

The Board administrator will schedule each case, and will notify the applicant by mail of the hearing date, time, and location. **Any questions regarding scheduling and/or status of pending cases should be directed to the Board Administrator, Steve Long at [steve.long@dallascityhall.com](mailto:steve.long@dallascityhall.com) or by calling 214-670-4666.**

The applicant, or the applicant's representative, is encouraged to attend both the briefing and the hearing. The applicant has the burden of proof to establish the necessary facts to warrant favorable action by the Board. Evidence submitted to the Board at the public hearing will not be returned, and becomes part of the city's permanent files. Therefore, it is advisable that you make copies of evidence before the hearing.

The Board of Adjustment is a quasi-judicial body and ex parte communication with the members of the Board is prohibited. All communication, oral or written, should be directed to the Board Administrator. Failure to comply with this rule may result in criminal prosecution for improper influence, which is a Class A misdemeanor under Texas Penal Code Section 36.04.

## JURISDICTION OF THE BOARD OF ADJUSTMENT

The Board has the following powers and duties:

- To hear and decide appeals of the decisions of administrative officials made in the enforcement of the zoning ordinance of the city (An applicant has 15 days from the date of the administrative official's decision to file an appeal to the Board of Adjustment).
- To interpret the intent of the zoning district map when uncertainty exists. Because the actual physical features differ from those indicated on the zoning district map and when the rules set forth in the zoning district boundary regulations do not apply.
- To bring about the discontinuance of a nonconforming use under a plan whereby the owner's actual investment in the structure(s) prior to the time that the use became nonconforming can be amortized within a definite time period.
- To hear and decide requests for change of occupancy of a nonconforming use to another nonconforming use.
- To hear and decide requests for the enlargement of a nonconforming use.
- To hear and decide requests for reconstruction of a nonconforming structure on the land occupied by the structure when the reconstruction will not permanently prevent the return of the property to a conforming use and will not increase the nonconformity.
- To require the vacation and demolition of a nonconforming structure that is determined to be obsolete, dangerous, dilapidated, or substandard.
- To consider on its own motion, or upon the request of interested property owners, the operation or alteration of any use which is a nonconforming use because of noncompliance with the environmental performance standards set forth in the zoning ordinance, and specify the conditions and standards with which it must comply for the continuance of the nonconforming use.
- To grant **variances** from the front yard, side yard, rear yard, lot width, lot depth, lot coverage, floor area ratio, height, minimum sidewalk, off-street parking or off-street loading, or landscape regulations that will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the zoning ordinance would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done. The variance must be necessary to permit development of a specific parcel of land 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 in districts with the same zoning classification. A variance may not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor may a variance be granted to permit any person privilege in developing a parcel of land not permitted by the zoning ordinance to other parcels of the land in districts with the same classification. No case sets a precedent.
- To hear and decide **special exceptions** expressly provided for in the zoning ordinance. In general, the Board may grant a special exception when, in the opinion of the board, the special exception will not adversely affect neighboring property. The Board does not consider how the appeal may benefit the applicant. No case sets a precedent.

## **INITIATING THE PROCESS**

Any person interested in filing an appeal to the Board of Adjustment may obtain an application packet from Department of Sustainable Development & Construction, Building Inspection Division, Oak Cliff Municipal Center, 320 E. Jefferson Blvd., Room 105, or online at [www.dallascityhall.com](http://www.dallascityhall.com) . If you have any questions, please contact Todd Duerksen, [todd.duerksen@dallascityhall.com](mailto:todd.duerksen@dallascityhall.com), at the above address, or by calling 214-948-4475.

Incomplete applications will not be accepted for processing. All required materials must be submitted together at the time of filing. Applications must be submitted in person and accompanied by the entire fee and all required materials. Later additions or revisions to a submitted appeal may result in a delay or rescheduling of an appeal hearing date.

### **THE DRAWING INFORMATION LISTED BELOW MUST BE PROVIDED FOR YOUR CASE TO BE ACCEPTED**

- Plans must be drawn to scale, using a standard Engineer or Architect scale showing the entire platted property with all current existing and remaining improvements and proposed improvements. Indicate the scale on the drawing, a recommended scale for single family dwelling site plans is 1"=20'.
- Maximum drawing paper size is 36" x 48" (E size). Minimum text/font size is 3/32".
- Reference front, side, and rear yard setbacks as needed, heights, widths, lengths and all other critical dimensions, and materials of construction.
- All required plans must be blue line or black line copies with a clean white background, drawn to scale and legible. No color drawings and no color "Highlighters" on drawings.
- Indicate on the drawing the area of the property or improvement(s) for which the variance or special exception is being requested.
- Reduced or nonstandard scale plans and/or illegible plans are not acceptable.
- Do not staple drawings together.

### **REQUIRED NOTIFICATION YARD SIGNS FOR ALL APPEALS TO THE BOARD OF ADJUSTMENT**

At the time of filing an appeal, a "Notice of Appeal" yard sign must be obtained. One sign is required for each 500 feet or less of street frontage, or for tracts without frontage, one sign for every five (5) acres or less. For example, a corner lot will require at least 2 signs, 1100 feet of total street frontage would require three signs, or a seven acre tract would require two signs. The cost of each sign is \$10.00. A maximum of five (5) signs is required.

The sign(s) shall be posted on the property within fourteen (14) days after an application is filed, and may not be removed until the hearing ends. The sign(s) must be evenly spaced over the length of each street frontage at a prominent location adjacent to a public street and be easily visible from the street. Failure to properly post the sign(s) will result in either the postponement or denial of the appeal.

**FEES FOR ALL TYPES OF APPEALS**  
(EXCLUDING APPEALS TO THE SIGN ORDINANCE)

The filing fees are listed below. There is an additional \$10.00 fee for each required notification yard sign (see previous section). No fee refund will be made after an appeal is advertised.

<b>Type of Application</b>	<b>Application Fee</b>
Single family or duplex variance	\$600.00
Single family or duplex special exception	\$600.00
Multifamily or nonresidential variance	\$900.00 + \$25 per acre or portion thereof
Multifamily or nonresidential special exception	\$1,200 + \$25 per acre or portion thereof
Landscaping or tree preservation special exception or variance	\$1,200 + \$50 per acre or portion thereof
Off-street parking space reduction special exception or variance	\$900.00 + \$100.00 per parking space requested
Compliance request for a nonconforming use	\$1,000.00
All other non-sign appeals.	\$900.00

The applicant shall pay a separate filing fee for each type of appeal requested. The maximum fee for all appeals on one building site heard at one public hearing is \$10,000.00. Payment is to be made to the City of Dallas.

**FEES FOR APPEALS TO THE SIGN ORDINANCE**

The filing fees are listed below. There is an additional \$10.00 fee for each required notification yard sign (see previous section). No fee refund will be made after an appeal is advertised.

<b>TYPE OF APPLICATION</b>	<b>APPLICATION FEE</b>
Sign special exception	\$1,200.00
All other sign appeals	\$900.00

## **MATTERS INVOLVING NONCONFORMING SIGNS**

### SEC. 51A-7.703. BOARD OF ADJUSTMENT.

(c) When in its judgment the public convenience and welfare will be substantially served and appropriate use of the neighboring area will not be substantially and permanently injured, the board of adjustment may, in specific cases and subject to appropriate conditions, authorize only the following special exceptions to the regulations established in this article for non-conforming signs legally erected or maintained prior to April 30, 1973:

(1) Reserved.

(2) Permit a variance for detached non-premise signs of up to 20 percent of the setback, effective area, and height requirements of this article.

(3) Permit a variance for detached premise signs of up to 25 percent of the setback, effective area, and height requirements of this article.

(4) Authorize one additional detached sign on a premise in excess of the number permitted by this article.

(5) Authorize up to two additional large letter words on an attached sign in excess of the number permitted by this article.

(6) Permit the following special exceptions for movement control signs when from the evidence presented the board finds them to be necessary to give directions to a business:

(A) Authorize an identification message to be placed on the sign.

(B) Authorize an effective area of up to 4 square feet.

(C) Authorize a height of up to 2-1/2 feet.

(7) Authorize the remodeling, renovation, or alteration of a sign when some non-conforming aspect of the sign is thereby reduced and when the period of time allowed for the owner of the sign to recoup his investment is not thereby extended.

(8) The board of adjustment may also vary any or all other provisions of this article not specified above with respect to premise signs only when the board has made a specific finding from evidence presented that strict compliance will result in substantial financial hardship or inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of this article.

## **MATTERS INVOLVING NEW SIGNS**

### SEC. 51A-7.703. BOARD OF ADJUSTMENT.

(d) Except as provided in Section 51A-7.703(c) the board of adjustment may, in specific cases and subject to appropriate conditions, authorize only the following special exceptions to the regulations established in this article when the board has made a special finding from the evidence presented that strict compliance with the requirement of this article will result in substantial financial hardship or inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of this article:

(1) Permit a variance for detached premise signs of up to 10 percent of the setback, effective area, and height requirements of this article.

(2) Authorize one additional detached premise sign on a premise in excess of the number permitted by this article.

(3) Authorize up to two additional large letter words on an attached sign in excess of the number permitted by this article.

(4) Authorize signs attached to a window or glass door in a business zoning district to exceed 15 percent of the area of that window or glass door or to be located within the upper two-thirds of that window or glass door if the board finds that the proposed signs do not eliminate visibility into, or out from, the premise.

- (5) Permit the following special exceptions for movement control signs when from the evidence presented the board finds them to be necessary to give directions to a business:
- (A) Authorize an identification message to be placed on the sign.
  - (B) Authorize an effective area of up to 4 square feet.
  - (C) Authorize a height of up to 2-1/2 feet.

Grant detached sign special exceptions per 51A-7.304(b)(3) for location and distance, and per 51A-7.304(b)(8) for support structure material.

### **REQUEST FOR FEE WAIVER**

To request that the filing fee for your appeal be waived, it is necessary that you forward a letter by mail or e-mail to the Board Administrator, Steve Long, [steve.long@dallascityhall.com](mailto:steve.long@dallascityhall.com), stating that you would like your filing fee to be waived. The Administrator's address is City Hall, 1500 Marilla St., 5BN, Dallas, Texas 75201. In the letter, include the address of the property, the amount of the fee you are requesting to be waived, and any supporting documentation substantiating why payment of the filing fee would result in a substantial financial hardship for the applicant. If the fee waiver is not granted, the full amount of the fee must be paid before an appeal can be processed. Otherwise, you may pay the entire fee, file your case, and request a fee reimbursement by following the same steps outlined above. Requesting a fee reimbursement will allow your case to be processed, whereas requesting a fee waiver may delay the case filing.

### **A VARIANCE OR SPECIAL EXCEPTION APPROVAL IS NOT A BUILDING PERMIT**

If your appeal is granted you will need to apply for a building permit or a certificate of occupancy required to construct or occupy the proposed work within 180 days after the date the appeal is granted. Note that the permit can be issued only within the limit of the approval (do not revise or deviate from any plan or specific condition imposed by the Board of Adjustment, otherwise a new appeal will be required).

#### **Board-Related Phone Numbers:**

Steve Long, Board Administrator	214-670-4666
Trena Law, Board Secretary	214-670-4206
Todd Duerksen, Building Official's Representative	214-948-4475

(Rev. 10/22/15)

## 2017 BOARD OF ADJUSTMENT SCHEDULE

**Hearing Date - Panel**

**Filing Deadline, 12:00 Noon**

(Only the first 14 appeals received by the deadline will be scheduled for that month.)

<b>January 17, 2017 - A</b> <b>January 18, 2017 - B</b>	<b>November 18, 2016</b>
<b>February 21, 2017 - A</b> <b>February 22, 2017 - B</b> <b>February 23, 2017 - C</b>	<b>December 16, 2016</b>
<b>March 20, 2017 - C</b> <b>March 21, 2017 - A</b> <b>March 22, 2017 - B</b>	<b>January 27, 2017</b>
<b>April 17, 2017 - C</b> <b>April 18, 2017 - A</b> <b>April 19, 2017 - B</b>	<b>February 24, 2017</b>
<b>May 15, 2017 - C</b> <b>May 16, 2017 - A</b> <b>May 17, 2017 - B</b>	<b>March 24, 2017</b>
<b>June 19, 2017 - C</b> <b>June 20, 2017 - A</b> <b>June 21, 2017 - B</b>	<b>April 21, 2017</b>
<b>JULY</b>	<b>IN RECESS - NO HEARINGS</b>
<b>August 14, 2017 - C</b> <b>August 15, 2017 - A</b> <b>August 16, 2017 - B</b>	<b>June 23, 2017</b>
<b>September 18, 2017 - C</b> <b>September 19, 2017 - A</b> <b>September 20, 2017 - B</b>	<b>July 21, 2017</b>
<b>October 16, 2017 - C</b> <b>October 17, 2017 - A</b> <b>October 18, 2017 - B</b>	<b>August 25, 2017</b>
<b>November 13, 2017 - C</b> <b>November 14, 2017 - A</b> <b>November 15, 2017 - B</b>	<b>September 22, 2017</b>
<b>December 11, 2017 - C</b>	<b>October 20, 2017</b>





## Posting of Notification Sign

Address: \_\_\_\_\_

Appeal Number: BDA \_\_\_\_\_

All required notification signs must be posted on the property within fourteen (14) days after an application has been made, prior to the Board of Adjustment Hearing, and not be removed until the hearing ends.

The sign must be posted at a prominent location adjacent to the public street, evenly spaced along each frontage, and easily visible from the street. Failure to properly post the sign(s) may result in either a postponement or denial of the appeal.

All required notification signs have been received. One sign is required for each 500 feet or less of frontage, or every tract of five (5) acres or less, with a maximum of five (5) signs required. The cost of each sign is \$10.00.

Footage of each street frontage: \_\_\_\_\_

Number of acres: \_\_\_\_\_

Number of signs received: \_\_\_\_\_

\_\_\_\_\_  
Signature of applicant or person receiving signs

\_\_\_\_\_  
Date



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA \_\_\_\_\_

I, \_\_\_\_\_, Owner of the subject property  
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: \_\_\_\_\_  
(Address of property as stated on application)

Authorize: \_\_\_\_\_  
(Applicant's name as stated on application)

To pursue an appeal to the City of Dallas Zoning Board of Adjustment for the following request(s)

\_\_\_\_\_ Variance (specify below)

\_\_\_\_\_ Special Exception (specify below)

\_\_\_\_\_ Other Appeal (specify below)

Specify: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Print name of property owner/agent      Signature of property owner/agent      Date

Before me, the undersigned, on this day personally appeared \_\_\_\_\_

Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Notary Public for Dallas County, Texas

Commission expires on \_\_\_\_\_



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA \_\_\_\_\_

I, \_\_\_\_\_, Owner of the subject property  
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: \_\_\_\_\_  
(Address of property as stated on application)

Authorize: \_\_\_\_\_  
(Applicant's name as stated on application)

To pursue an appeal to the City of Dallas Zoning Board of Adjustment for the following request(s)

\_\_\_\_\_ Variance (specify below)

\_\_\_\_\_ Special Exception (specify below)

\_\_\_\_\_ Other Appeal (specify below)

Specify: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Print name of property owner/agent    Signature of property owner/agent    Date

Before me, the undersigned, on this day personally appeared \_\_\_\_\_

Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Notary Public for Dallas County, Texas

Commission expires on \_\_\_\_\_