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CITY SECRETARY
DALLAS, TEXAS



City of Dallas

Public Notice

250380

POSTED CITY SECRETARY
DALLAS, TX

BOARD OF ADJUSTMENT (PANEL B)

**APRIL 16, 2025, BRIEFING AT 10:30 A.M. AND
THE PUBLIC HEARING AT 1:00 P.M.**

Dallas City Hall, Room 6ES Council Briefing and Videoconference

Video Conference Link: <https://bit.ly/boa0416B>

Telephone: (408) 418-9388, Access Code: 325527

The City of Dallas will make Reasonable Accommodations/Modifications to programs and/or other related activities to ensure any and all residents have access to services and resources to ensure an equitable and inclusive meeting. Anyone requiring auxiliary aid, service, and/or translation to fully participate in the meeting should notify the Board of Adjustment by calling (214) 670-4127 three (3) business days prior to the scheduled meeting. A video stream of the meeting will be available twenty-four (24) hours after adjournment by visiting <https://dallastx.new.swagit.com/views/113>.

Individuals and interested parties wishing to speak must register with the Board of Adjustment at <https://bit.ly/BDA-B-Register> by 5 PM on Tuesday, April 15, 2025. In Person speakers can register at the hearing.

La Ciudad de Dallas llevará a cabo Adecuaciones/Modificaciones Razonables a los programas y/u otras actividades relacionadas para asegurar que todos y cada uno de los residentes tengan acceso a los servicios y recursos para asegurar una reunión equitativa e inclusiva. Cualquier persona que requiera asistencia adicional, servicio y/o interpretación para poder participar de forma íntegra en la reunión debe notificar a Junta de Ajustes llamando al (214) 670-4127 tres (3) días hábiles antes de la reunión programada. Una transmisión en video de la reunión estará disponible dos días hábiles luego de la finalización de la reunión en <https://dallastx.new.swagit.com/views/113>.

Las personas y las partes interesadas que deseen hacer uso de la palabra deben registrarse en Junta de Ajustes en <https://bit.ly/BDA-B-Register> hasta las 5 PM el Martes, 15 de Abril, 2025. Las Personas que quieran hablar en persona, se pueden registrar en la Audiencia.

AGENDA

- | | | |
|------|------------------------------------|--------------------------|
| I. | Call to Order | Cheri Gambow, Vice-Chair |
| II. | Staff Presentation/Briefing | |
| III. | Public Hearing | Board of Adjustment |
| IV. | Public Testimony | |
| V. | Miscellaneous Items | |
| VI. | Case Docket | Board of Adjustment |
| | - Uncontested Items | |
| | - Holdover Items | |
| | - Individual Items | |
| VII. | Adjournment | |

Handgun Prohibition Notice for Meetings of Governmental Entities

"Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun."

"De acuerdo con la sección 30.06 del código penal (ingreso sin autorización de un titular de una licencia con una pistola oculta), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola oculta."

"Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly."

"De acuerdo con la sección 30.07 del código penal (ingreso sin autorización de un titular de una licencia con una pistola a la vista), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola a la vista."

"Pursuant to Section 46.03, Penal Code (places weapons prohibited), a person may not carry a firearm or other weapon into any open meeting on this property."

"De conformidad con la Sección 46.03, Código Penal (coloca armas prohibidas), una persona no puede llevar un arma de fuego u otra arma a ninguna reunión abierta en esta propiedad."

EXECUTIVE SESSION NOTICE

A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

1. seeking the advice of its attorney about pending or contemplated litigation, settlement offers, or any matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. [Tex. Govt. Code §551.071]
2. deliberating the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.072]
3. deliberating a negotiated contract for a prospective gift or donation to the city if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.073]
4. deliberating the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing. [Tex. Govt. Code §551.074]
5. deliberating the deployment, or specific occasions for implementation, of security personnel or devices. [Tex. Govt. Code §551.076]
6. discussing or deliberating commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay or expand in or near the city and with which the city is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect. [Tex Govt. Code §551.087]
7. deliberating security assessments or deployments relating to information resources technology, network security information, or the deployment or specific occasions for implementations of security personnel, critical infrastructure, or security devices. [Tex Govt. Code §551.089]

MISCELLANEOUS ITEM(S)

- DallasNow Update Jason Pool – Assistant Director
- Approval of Panel B Minutes – February 19, 2025

BDA245-043_FR1	3034 BIRMINGHAM AVENUE	1
	REQUEST: Application of Rick Smith represented by Jazzmyn Poirier for a fee reimbursement (1) for a variance to the front-yard setback regulations and (2) for a special exception to the 20-foot visibility obstruction regulations.	

UNCONTESTED CASE(S)

BDA245-043(CJ)	3034 BIRMINGHAM AVENUE	2
	REQUEST: Application of Rick Smith represented by Jazzmyn Poirier for (1) a variance to the side-yard setback regulations, and for (2) a variance to the front yard setback regulations, and for (3) a special exception to the 20-foot visibility obstruction regulations.	

BDA245-045(CJ)	4155 BUENA VISTA STREET	3
	REQUEST: Application of Jonathan Vinson for (1) a special exception to the landscaping regulations.	

HOLDOVER

BDA245-017(BT)	1427 EASTUS DRIVE	4
	REQUEST Application of Rob Baldwin for (1) a variance to the front-yard setback regulations.	

BDA245-025(CJ)	4519 CABELL DRIVE	5
	REQUEST: Application of Sameet Madhani represented by Neeraj Kumar for (1) a variance to the rear-yard setback regulations; (2) a variance to the off-street parking regulations; and (3) a variance to the side-yard setback regulations.	

INDIVIDUAL CASES

BDA245-051(CJ)	6617 GASTON AVENUE	6
	REQUEST: Application of Brandon Luke represented by Jay Peskuski for (1) a variance to the front-yard setback regulations.	



City of Dallas

DallasNow: Update

**Board of Adjustment
Panel B
April 16, 2025**

Jason Pool
Assistant Director – Customer Experience
Planning & Development Department

Purpose

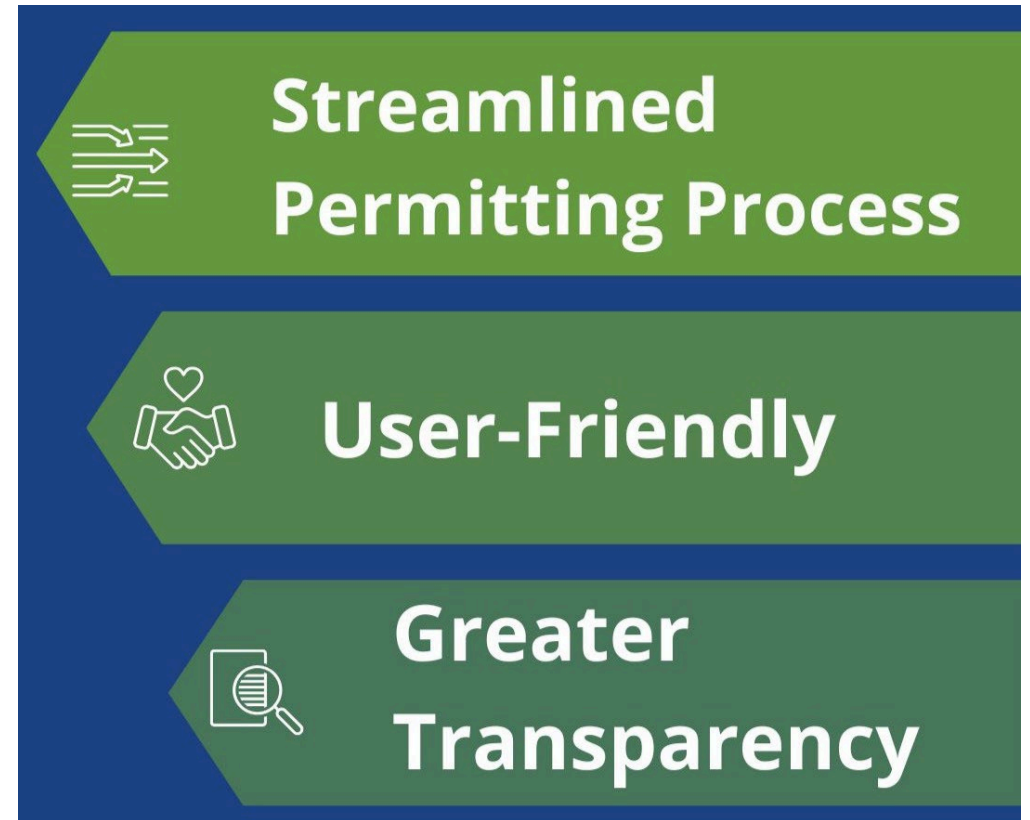


- Introduce *DallasNow*
- Provide an overview key highlights & benefits
- Share important dates, planned downtime, & support resources

What is *DallasNow*?



- Current system, Posse, has been in place for more than 20 years



Why DallasNow?



- Integrated & Accessible
- Fully Digital
- Real-Time Transparency

Video



DallasNow: Boards & Commissions



- Tools for Transparency & Efficiency
 - Improved case tracking and transparency
 - Real-time notifications for applicants & updates for citizens
 - Automated letters, reports & case documents
 - Expanded self-service options for applications & records



DallasNow: Preparation & Support



- Planning & Development is currently holding staff training in hands-on practice environment
- During the coming weeks PDD is providing announcements, demos, workshops & engagement sessions – <https://Dallas.gov/DallasNow>
- After Go-Live on May 5th, PDD will provide ongoing support & enhancements



DallasNow: System Integration



- Integration & Downtime
 - April 25th to May 4th
Limited services due to data migration & testing, will continue:
 - Inspections
 - Emergency Releases
 - Consultations



DallasNow: Next Steps



- Two-Phase Customer Service Initiative
 - Phase One - April 14th thru April 24th (before Go-Live)
 - All team members will be in the office
 - Extended hours from 8am to 6:30 pm at Oak Cliff Municipal Center
 - *DallasNow* Official Go-Live – May 5th
 - Phase Two - May 5th thru May 16th (after Go-Live)
 - All team members will be in the office



DallasNow is Coming Soon!



- DallasNow Opens May 5th



DallasNow





City of Dallas

DallasNow: Update

**Board of Adjustment
Panel B
April 16, 2025**

Jason Pool
Assistant Director – Customer Experience
Planning & Development Department



BOARD OF ADJUSTMENT

Panel B Minutes

February 19, 2025

DRAFT

6ES Briefing Room

24974849659@dallascityhall.webex.com

Cheri Gambow, Vice-Chair

PRESENT: [5]

Cheri Gambow, Vice-Chair	
Joe Cannon	
Parker Graham	
Andrew Finney	
Phil Sahuc	

ABSENT: [1]

Sarah Lamb	

Vice-Chair Gambow called the briefing to order at **10:33 A.M.** with a quorum of the Board of Adjustment present.

Vice-Chair Gambow called the hearing to order at **1:00 P.M.** with a quorum of the Board of Adjustment present.

The Chairperson stated that no action of the Board of Adjustment shall set a precedent. Each case must be decided upon its own merits and circumstances, unless otherwise indicated, each use is presumed to be a legal use. Each appeal must necessarily stand upon the facts and testimony presented before the Board of Adjustment at this public hearing, as well as the Board's inspection of the property.

PUBLIC SPEAKERS

The Board of Adjustment provided public testimony opportunities for individuals to comment on matters that were scheduled on the posted meeting agenda.

- We had no speakers for public testimony during this hearing.

MISCELLANEOUS ITEMS

Approval of the Board of Adjustment Panel B, January 22, 2025, Meeting Minutes, as amended by Board member Joe Cannon.

Motion was made to approve Panel B, January 22, 2025, Public Hearing Minutes.

Maker:	Joe Cannon				
Second:	Andrew Finney				
Results:	5-0 unanimously				Motion to approve
		Ayes:	-	5	Cheri Gambow, Joe Cannon, Parker Graham Andrew Finney and Phil Sahuc
		Against:	-	0	

UNCONTESTED CASES

1. 1711 Botham Jean Boulevard

This item was moved to Individual Cases

BDA245-020(CJ)

BUILDING OFFICIAL'S REPORT: Application of Santos Martinez to **(1)** restore a nonconforming use at **1711 Botham Jean Boulevard**. This property is more fully described as Block 1/1089, Lot 9A, and is zoned PD-317 (Subdistrict 3), which limits the legal uses in a zoning district. The applicant proposes to restore a nonconforming alcoholic beverage establishment use, which will require **(1)** a special exception to the nonconforming use regulations.

LOCATION: 1711 Botham Jean Boulevard.

APPLICANT: Santos Martinez

REQUEST:

(1) A request for a special exception to the non-conforming use regulations.

STANDARDS OF REVIEW FOR A SPECIAL EXCEPTION TO THE NON-CONFORMING USE REGULATIONS:

The right to operate a nonconforming use ceases if the nonconforming use is discontinued for six months or more. **Section 51A-4.704(a)(2)** of the Dallas Development Code specifies that the board may grant a special exception to this provision only if the owner can show that there was a clear intent not to abandon the use even though the use was discontinued for six months or more.

STAFF RECOMMENDATION:

Special Exception (1):

No staff recommendation is made on this request.

BACKGROUND INFORMATION:

Zoning:

Site: Planned Development 317 (Subdistrict 3)
North: Planned Development 317 (Subdistrict 3)
South: Planned Development 317 (Subdistrict 3)
East: Planned Development 317 (Subdistrict 3)
West: Planned Development 317 (Subdistrict 3)

Land Use:

The subject site and all surrounding properties are developed with uses permissible in Planned Development 317(Subdistrict 3).

Square Footage:

This lot contains 20,995.92 of square feet or .482 acres and is zoned PD-317 (Subdistrict 3) which has no minimum lot size.

BDA History:

No BDA history found within the last 5 years.

GENERAL FACTS/STAFF ANALYSIS:

- The application submitted by Santos Martinez for the property located at 1711 Botham Jean Boulevard focuses on one request for a special exception to the non-conforming use regulations.
- The applicant is requesting to restore a non-conforming alcoholic beverage establishment use at 1711 Botham Jean Boulevard.
- The subject site is currently developed with a non-residential structure and has double street frontage on Botham Jean Boulevard and McKee Street.
- Article 317 reverts to the Dallas Development code which states that the board may grant a special exception to the nonconforming use regulations only if the owner can show that there was a clear intent not to abandon the use even though the use was discontinued for six months or more.
- It is imperative to note that the last issued Certificate of Occupancy, with the land use of Alcoholic Beverage Establishment, was issued on 8/5/2015; Planned Development 317 allowed the non-conforming alcoholic beverage establishment use by right at that time.
- Article 317 was amended in February 2021 to require a specific use permit (SUP) for an alcoholic beverage establishment.

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

- The applicant has the burden of proof in establishing that there was a clear intent not to abandon the use even though the use was discontinued for six months or more.
- Granting the special exception to the nonconforming use regulations to restore a nonconforming alcoholic beverage establishment use would require the proposal to be maintained as shown on the submitted documents.

BOARD OF ADJUSTMENT
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- 200' Radius Video: [BDA245-020 at 1711 Botham Jean Boulevard](#)

Timeline:

December 18, 2024: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

January 3, 2025: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **B**.

January 27, 2025: The Planning and Development Senior Planner emailed the applicant the following information:

- an attachment that provided the hearing date and panel that will consider the application; the January 31, 2025, deadline to submit additional evidence for staff to factor into their analysis ;and February 7, 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.

January 30, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the February 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: Santos Martinez, 2489 Camino Plata Loop, NE Rio Rancho NM 87144

Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BDA 245-020, on application of Santos Martinez, **GRANT** the request to restore a nonconforming alcoholic beverage establishment use as a special exception to the use regulations contained in the Dallas Development Code, because our evaluation of the property and the testimony shows that there was a clear intent not to abandon the nonconforming use even though the use was discontinued for six months or more.

Maker:	Andrew Finney				
Second:	Phil Sahuc				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Cheri Gambow, Joe Cannon, Parker Graham Andrew Finney and Phil Sahuc
		Against:	-	0	

2. 4519 Cabell Drive

This item was moved to Individual Cases

BDA245-025(CJ)

BUILDING OFFICIAL'S REPORT: Application of Sameet Madhani represented by Neeraj Kumar for **(1)** a variance to the rear-yard setback regulations; **(2)** a variance to the off-street parking regulations; and **(3)** a variance to the side-yard setback regulations at **4519 Cabell Drive**. This property is more fully described as Block 6/1597, Lot 6, and is zoned MF-2(A), which requires a rear yard setback of 10-feet, requires guest parking to be provided, and requires a side yard setback of 10-feet. The applicant proposes to construct and/or maintain a multifamily residential structure and provide a 4-foot 6-inch rear-yard setback, which will require **(1)** a 5-foot 6-inch variance to the rear-yard setback regulations, and to construct and/or maintain a residential multifamily structure and provide zero of the required 2-guest parking spaces, which will require **(2)** a 2-parking space variance to the required off-street parking regulations, and to construct and/or maintain a multifamily residential structure and provide a 5-foot side-yard setback, which will require **(3)** a 5-foot variance to the side-yard setback regulations.

LOCATION: 4519 Cabell Drive

APPLICANT: Sameet Madhani

REPRESENTATIVE: Neeraj Kumar

REQUEST:

- (1) A request for a variance to the rear-yard setback regulations;
- (2) A request for a variance to the off-street parking regulations; and
- (3) A request for a variance to the side-yard setback regulations.

STANDARDS OF REVIEW FOR A VARIANCE:

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

- **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.
- **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
- **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), formerly known as HB 1475, allows for the BDA to use their discretion and consider Element 2 of the Variance standard to be met, if:

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- (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:

1. Variance (1) to the **Rear Yard Setback** regulations

Approval

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

- A. Not contrary to the public interest as no letters of opposition were received before case reports were finalized and submitted.
- B. The subject site is not sloped or irregularly shaped but the proposed 20-foot wide driveway restricts the size of the lot substantially and decreases the developable area of the lot to less than the standard minimum (1,200 square feet for 2 bedrooms); 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.

2. Variance (2) to the **Off-Street Parking** regulations

Approval

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

- A. Not contrary to the public interest as no letters of opposition were received before case reports were finalized and submitted.
- B. The subject site is not sloped or irregularly shaped but the proposed 20-foot wide driveway restricts the size of the lot substantially and decreases the developable area of the lot to less than the standard minimum (1,200 square feet for 2 bedrooms); 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.

3. Variance (3) to the **Side Yard Setback** regulations

Approval

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

- A. Not contrary to the public interest as no letters of opposition were received before case reports were finalized and submitted.
- B. The subject site is not sloped or irregularly shaped but the proposed 20-foot wide driveway restricts the size of the lot substantially and decreases the developable area of the lot to less than the standard minimum (1,200 square feet for 2 bedrooms); 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:

- No BDA history found at 4519 Cabell Drive in the last 5 years.

Square Footage:

- This lot contains 7,840.8 of square feet.
- 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:

<u>Site:</u>	MF-2(A) (Multi-Family District)
<u>North:</u>	MF-2(A) (Multi-Family District)
<u>East:</u>	MF-2(A) (Multi-Family District)
<u>South:</u>	MF-2(A) (Multi-Family District)
<u>West:</u>	MF-2(A) (Multi-Family District)

Land Use:

The subject site and surrounding properties to the north, south, east, and west are developed with uses permissible in the MF-2(A) zoning district.

GENERAL FACTS/STAFF ANALYSIS:

- The application of Sameet Madhani for the property located at 4519 Cabell Drive focuses on 3 requests relating to rear yard setback regulations, the off-street parking regulations, and the side yard setback regulations.
- The applicant proposes to construct and/or maintain a single-family residential structure and provide a 4-foot 6-inch rear-yard setback, which will require a 5-foot 6-inch variance to the rear-yard setback regulations; MF-2(A) zoning district requires a 10-foot rear yard setback for multi-family residential structures.
- Secondly, the applicant is proposing to construct a residential multifamily structure and provide zero of the required 2-guest parking spaces.
- Lastly, the applicant proposes to construct and/or maintain a single-family residential structure and provide a 5-foot side-yard setback, which will require a 5-foot variance to the rear-yard setback regulations; MF-2(A) zoning district requires a 10-foot side yard setback for multi-family residential structures.
- The subject site is vacant; properties to the north, south, east, and west are all developed with multi-family residential structures.
- The subject site is a mid-block lot and has single street frontage along Cabell Drive.

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- Per the site plan, the applicant is proposing to construct and maintain a multifamily residential structure that houses 6 units.
- Each of the proposed 6 units estimate at 1,561 square feet and have 2 bedrooms with 3 levels.
- The site plan also proposes a 20-foot wide driveway along the east side of the subject site.
- It is imperative to note that the subject site is approximately 50-feet wide and 158-feet deep.

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

- That granting the variance(s) 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(s) is/are necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
- The variance(s) 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 proposed variance(s) below, 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.
 - 5-foot 6-inch variance to the rear yard setback regulations.
 - 2-parking space variance to the off-street parking regulations.
 - 5-foot variance to the side yard setback regulations.
 - 200' Radius Video: [BDA245-025 at 4519 Cabell Drive](#)

Timeline:

December 23, 2024: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

January 3, 2025: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **B**.

January 27, 2025: The Planning and Development Senior Planner emailed the applicant the

following information:

- an attachment that provided the hearing date and panel that will consider the application; the January 31, 2025, deadline to submit additional evidence for staff to factor into their analysis ;and February 7, 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.

January 30, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the February 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: Sameet Madhani, 4519 Cabell Dr., Dallas TX
Neeraj Kumar, 4519 Cabell Dr., Dallas TX

Against: Rigoberto Torres Meza – did not speak
Stacy Locke – did not speak

Motion

I move that the Board of Adjustment, in Appeal No. BDA 245-025, **HOLD** this matter **under advisement** until **April 16, 2025.**

Maker:	Joe Cannon				
Second:	Andrew Finney				
Results:	5-0 Unanimously				Motion to hold until April 16, 2025
		Ayes:	-	5	Cheri Gambow, Joe Cannon, Parker Graham Andrew Finney and Phil Sahuc
		Against:	-	0	

HOLDOVER CASES

3. 929 Brookwood Drive BDA234-155(CJ)

BUILDING OFFICIAL'S REPORT: Application of Benjamin Larney for **(1)** a special exception to the fence height regulations, and for **(2)** a special exception to the visibility obstruction regulations at **929 Brookwood Drive**. This property is more fully described as Block 3/5982, Lot 23, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4-feet and requires a 20-foot visibility triangle at the intersection of an alley and an adjacent street curb line. The applicant proposes to construct and/or maintain an 15-foot high fence in a required front-yard, which will require **(1)** an 14-

foot special exception to the fence height regulations, and to construct and/or maintain a single-family residential fence structure in a required visibility obstruction triangle at an alley and Brookwood Drive, which will require **(2)** a special exception to the visibility obstruction regulations at the intersection of an alley and street.

LOCATION: 929 Brookwood Drive

APPLICANT: Benjamin Lartey

REQUEST:

- (4) A request for a special exception to the fence height regulations; and
- (5) A special exception to the 20-foot visibility obstruction regulations at the intersection of an alley and street.

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE HEIGHT STANDARD 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.**

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 (2):

No staff recommendation is made on these requests.

BACKGROUND INFORMATION:

BDA History:

- BDA234-155_FR1 was granted by Panel B on December 16, 2024

Square Footage:

- This lot contains 10,323.72 of square feet.
- This lot is zoned R-7.5(A) which has a minimum lot size of 7,500 square feet.

Zoning:

Site: R-7.5(A) (Single Family District)
North: R-7.5(A) (Single Family District)
East: R-7.5(A) (Single Family District)
South: R-7.5(A) (Single Family District)
West: R-7.5(A) (Single Family District)

Land Use:

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

GENERAL FACTS/STAFF ANALYSIS:

- The application of Benjamin Lartey for the property located at 929 Brookwood Drive focuses on 2 requests relating to fence height and visual obstruction regulations.
- The applicant proposes to construct and maintain a 15-foot fence in a required front yard, which will require an 11-foot special exception to the fence height regulations.
- Secondly, the applicant is proposing to maintain a single-family residential fence structure in a required 20-foot visibility obstruction triangle, which will require a special exception to the 20-foot visibility obstruction regulations at the intersection of the alley and Brookwood Drive.
- The subject site along with properties to the north, south, east, and west are all developed with single-family homes.
- It is imperative to note that the subject site has street frontage along Brookwood Drive and the alley.
- Based upon staff's analysis of the surrounding properties, there are a few homes within the neighborhood with fences and gates in the required front yard and/or some form of vegetation serving as a screening mechanism.
- The applicant has stated that the request for the special exception has been made to help make the lot a buildable lot.
- It has been confirmed that the fence is proposed and not existing.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard.
- The applicant has the burden of proof in establishing that the special exception to the fence regulations relating to height will not adversely affect the neighboring properties.
- The applicant has the burden of proof in establishing that the special exception to the fence regulations regarding visual obstruction will not constitute a traffic hazard.
- Granting the special exceptions to the fence height standards and visual obstruction regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video:

Timeline:

November 25, 2024: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

December 17, 2024: The Board of Adjustment Administrator assigned this case to Board of

Adjustment Panel **C in error.**

December 23, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the hearing date and panel that will consider the application; the January 2, 2025, deadline to submit additional evidence for staff to factor into their analysis ; and January 10, 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.

January 2, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the January 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.

January 3, 2025 Traffic Engineering group provided comments stating that there are no objections in the event that specific conditions are met.

January 23, 2025: The Board of Adjustment Panel **C**, at its public hearing held on Thursday, January 23, 2025, moved to **HOLD this matter under advisement** until February 19, 2025 to have it noticed to the correct Panel- **Panel B**.

January 27, 2025: The Planning and Development Senior Planner emailed the applicant the following information:

- an attachment that provided the hearing date and panel that will consider the application; the January 31, 2025, deadline to submit additional evidence for staff to factor into their analysis; and February 7, 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.

January 30, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the February 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.

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Speakers:

For: Benjamin Larthey, 929 Brookwood Dr., Dallas TX

Against: No Speakers

Motion # 1

I move that the Board of Adjustment, in Appeal No. BDA 234-155, on application of Benjamin Larthey, **DENY** the special exception requested by this applicant to construct and/or maintain a 15-foot high fence **without prejudice**, because our evaluation of the property and the testimony shows that granting the application would adversely affect neighboring property.

Maker:	Joe Cannon				
Second:	Andrew Finney				
Results:	5-0 Unanimously				Motion to denied
		Ayes:	-	5	Cheri Gambow, Joe Cannon, Parker Graham Andrew Finney and Phil Sahuc
		Against:	-	0	

Motion # 2

I move that the Board of Adjustment, in Appeal No. BDA 234-155, on application of Benjamin Larthey, **GRANT** the request to maintain items in the 45-foot visibility triangle at the intersection of the alley and Brookwood Drive as a special exception to the visual obstruction regulation contained in the Dallas Development Code, as amended, because our evaluation of the property and the testimony shows that this special exception will not constitute a traffic hazard.

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

Compliance with the most recent version of all submitted plans, in regards to the portion in violation of the visual obstruction triangle, are required.

Maker:	Andrew Finney				Motion to grant fails for lack of second
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Motion # 3

I move that the Board of Adjustment, in Appeal No. BDA 234-155, on application of Benjamin Larthey, **DENY** the special exception requested by this applicant to maintain items in the visibility triangle at the intersection of the alley and Brookwood Drive **without prejudice**, because our evaluation of the property and the testimony shows that granting the application would constitute a traffic hazard..

Maker:	Joe Cannon				
Second:	Andrew Finney				
Results:	5-0 Unanimously				Motion to denied
		Ayes:	-	5	Cheri Gambow, Sarah Lamb, Joe Cannon, Parker Graham & Nicholas Brooks
		Against:	-	0	

4. 1417 Lenway Street
BDA245-001(CJ)

BUILDING OFFICIAL'S REPORT: Application of Jay Taylor for **(1)** a special exception to the single-family use regulations, and for **(2)** a variance to the floor area for structures accessory to single-family uses regulations at **1417 Lenway Street**. This property is more fully described as Block 1/1175, Lot 1, and is zoned PD-595 (MF-2(A)), which limits the number of dwelling units to one, and prohibits an accessory structure to exceed 25 percent of the floor area of the main structure. The applicant proposes to construct and/or maintain an additional dwelling unit (not for rent), which will require a **(1)** special exception to the single-family zoning use regulations, and to construct and/or maintain a single family residential accessory structure with 504 square feet of floor area (28 percent of the 1,806 square foot floor area of the main structure), which will require **(2)** a 52.5 square foot variance to the floor area regulations.

LOCATION: 1417 Lenway Street

APPLICANT: Jay Taylor

REQUEST:

- (2) A request for a special exception to the single-family zoning use regulations; and
- (3) A request for a variance to the floor area for structures accessory to single-family uses regulations.

STANDARDS OF REVIEW FOR A SPECIAL EXCEPTION TO THE SINGLE-FAMILY ZONING USE REGULATIONS:

Section 51A-4.209(b)(6)(E)(i) of the Dallas Development Code states that the board of adjustment may grant a special exception to authorize an additional dwelling unit in any district when, in the opinion of the board, the additional dwelling unit will not:

- (aa) be used as rental accommodations; or
- (bb) adversely affect neighboring properties.

In granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent use of the additional dwelling unit as rental accommodations.

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:

- **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.
- **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

- **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), formerly known as HB 1475, 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:

4. Special Exceptions (1):

No staff recommendation is made on this request.

5. Variance (1) to the **floor area for structures accessory to single-family use** regulations

Denial

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. The subject site is not restrictive via its size, shape or slope; therefore, the property can 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:

No BDA history found at 1417 Lenway Street within the last 5 years.

Square Footage:

This lot contains 7,274.52 of square feet or .167 acres.

This lot is zoned MF-2(A) which has a minimum lot size of 1,000 square feet per dwelling unit for single-family residential structures.

Site: PD-595 (MF-2(A)) Zoning District

North: PD-595 (MF-2(A)) Zoning District

East: PD-595 (MF-2(A)) Zoning District

South: PD-595 (MF-2(A)) Zoning District

West: PD-595 (MF-2(A)) Zoning District

Land Use:

The subject site and areas to the north, south, east, and west are zoned PD-595 (MF-2(A)).

GENERAL FACTS/STAFF ANALYSIS:

- The application of Jay Taylor for the property located at 1417 Lenway Street on two requests relating to the single-family zoning use regulations and the floor area for structures accessory to single-family uses regulations.
- The applicant proposes to construct and/or maintain an additional dwelling unit (not for rent), which will require a special exception to the single-family zoning use regulations.
- Secondly, the applicant is proposing to construct and/or maintain a single family residential accessory structure with 504 square feet of floor area (28 percent of the 1806 square foot floor area of the main structure), which will require a 52.5 square foot variance to the floor area regulations.
- The subject site has single street frontage on Lenway Street.
- The subject site along with surrounding properties to the north, south, east and west are zoned with uses permissible in Planned Development 595.
- The subject site currently has a partially developed residential structure and is located within an established neighborhood.
- The applicant has the burden of proof in establishing that granting the special exception to the single-family use regulations will not adversely affect neighboring properties.
- The applicant must also prove that, if granted, the additional dwelling unit will not be used as rental accommodations.
- Granting the special exceptions to the single-family use regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents and require the applicant to deed restrict the subject property to prevent the additional dwelling unit as rental accommodations.

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.

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- (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 proposed variance below, 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.
 - 52.5 square foot variance to the floor area regulations.
- 200' Radius Video: [BDA245-001 at 1417 Lenway Street](#)

Timeline:

- November 22, 2024: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- December 17, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **B**.
- December 18, 2024: The Planning and Development Senior Planner emailed the applicant the following information:
- an attachment that provided the hearing date and panel that will consider the application; the January 2, 2025, deadline to submit additional evidence for staff to factor into their analysis ;and January 10, 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.
- January 2, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the January 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.
- January 22, 2025: The Board of Adjustment Panel **B**, at its public hearing held on Wednesday, January 22, 2025, moved to HOLD this matter under advisement until February 19, 2025.
- January 27, 2025: The Planning and Development Senior Planner emailed the applicant the following information:
- an attachment that provided the hearing date and panel that will consider the application; the January 31, 2025, deadline to submit additional evidence for staff to factor into their analysis ;and February 7, 2025, deadline to submit additional evidence to be incorporated into the board's docket materials.

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- 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.

January 30, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the February 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: Jay Taylor, 1033 E. 9th Street, Dallas TX 75203
Julie Saqueton, 5830 Meaders, Dallas TX 75230
Nicole Raphiel, 1600 Pennsylvania, Dallas TX 75215 (Did not speak)

Against: No Speakers

Motion # 1

I move that the Board of Adjustment, in request No. BDA 245-001, on application of Jay Taylor, **GRANT** the request to construct and maintain an additional dwelling unit 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:	Joe Cannon				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Cheri Gambow, Joe Cannon, Parker Graham, Andrew Finney & Phil Sahuc
		Against:	-	0	

Motion # 2

I move that the Board of Adjustment, in Appeal No. BDA 245-001, on application of Jay Taylor **GRANT** the 52.5 square foot variance to the floor area ratio 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:	Joe Cannon				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Cheri Gambow, Joe Cannon, Parker Graham, Andrew Finney & Phil Sahuc
		Against:	-	0	

5. 3146 Clydedale Drive

****This case was heard first****

BDA245-014(BT)

BUILDING OFFICIAL'S REPORT: Application of Blanca Cardenas for **(1)** a variance to the side-yard setback regulations at **3146 CLYDEDALE DRIVE**. This property is more fully described as Block 6/5776, Lot 22 and is zoned R-7.5(A), which requires a side-yard setback for of 5-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 0-foot side-yard setback, which will require **(1)** a 5-foot variance to the side-yard setback regulations.

LOCATION: 3146 Clydedale Drive

APPLICANT: Blanca Cardenas

REQUEST:

(6) A request for a variance to the side-yard setback regulations.

STANDARDS OF REVIEW FOR A VARIANCE:

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

- **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.
- **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
- **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), formerly known as HB 1475, allows for the BDA to

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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:

Variance:

Denial

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.
- B. Subject site does not differ from other surrounding 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 in the same zoning. However, the subject site is less than the minimum 7,500 square feet (R-7.5(A)).
- C. This is a self-created hardship, constructed without permit approval and inspections.

BACKGROUND INFORMATION:

Zoning:

Site: R-7.5(A) (Single Family District)
North: MF-2(A) (Multifamily District)
East: R-7.5(A) (Single Family District)
South: R-7.5(A) (Single Family District)
West: R-7.5(A) (Single Family District)

Land Use:

The subject site and all surrounding properties are developed with single family uses.

Square Footage:

This lot contains of 6,798 square feet (0.156 of an acre)

BDA History:

No BDA history found in the last five years

GENERAL FACTS/STAFF ANALYSIS:

- The application of Blanca Cardenas for the property located at 3146 Clydedale Drive focuses on 1 request relating to a variance to the side-yard setback regulations.
- The applicant is requesting a variance to the side-yard setback regulations. The applicant is proposing to construct and maintain a residential addition and provide a 0-foot 0-inch side-yard setback, which will require a 5-foot 0-inch variance to the side-yard setback regulations.
- The subject site along with surroundings properties are all developed with single-family homes.
- It is imperative to note that the addition is complete without approved building permits on file.
- 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.
- ELEMENT II SUBSTITUTE:

Dallas Development Code §51A-3.102(d)(10)(b), formerly known as HB 1475, allows for the BDA to use their discretion and consider Element 2 of the Variance standard to be met, if:

 - (i) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 of the Texas Tax Code.
 - (ii) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
 - (iii) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
 - (iv) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
 - (v) the municipality considers the structure to be a nonconforming structure.
- Granting the variance to the side-yard setback regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: [BDA245-014 at 3146 Clydedale Dr](#)

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Timeline:

- December 2, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- December 17, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **B**.
- December 24, 2024: The Planning and Development Department Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the January 2, 2025, deadline to submit additional evidence for staff to factor into their analysis; and January 10, 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.
- January 2, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the January 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.
- January 22, 2025: The Board of Adjustment Panel **B**, at its public hearing held on Wednesday, January 22, 2025, moved to **HOLD** this matter under advisement until **February 19, 2025**.
- January 24, 2024: Planning and Development Department Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the January 31, 2025, deadline to submit additional evidence for staff to factor into their analysis; and February 7, 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.
- January 30, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the February 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: Blanca Cardenas, 3146 Clydedale Ave, Dallas TX
Juan Mendez, 3146 Clydedale Ave., Dallas TX
Antonia Huerta, 3146 Clydedale Ave., Dallas TX
Interpreter - Deyanira De Leon, 8028 Chaparral Dr., Ft Worth, TX

Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BDA 245-014, on application of Blanca Cardenas, **DENY** the variance to the side-yard setback regulations requested by this applicant **without prejudice**, because our evaluation of the property and the testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would NOT result in unnecessary hardship to this applicant.

Maker:	Andrew Finney				
Second:	Joe Cannon				
Results:	5-0 Unanimously				Motion to deny
		Ayes:	-	5	Cheri Gambow, Joe Cannon, Parker Graham, Andrew Finney & Phil Sahuc
		Against:	-	0	

2. 6356 Denham Street
BDA245-015(CJ)

BUILDING OFFICIAL'S REPORT: Application of Blanca Cardenas for **(1)** a special exception to the single-family use regulations and **(2)** a variance to the floor area for structures accessory to single-family uses regulations at **6356 Denham Street**. This property is more fully described as Block 6/6253, Lot 2, and is zoned R-7.5(A), which limits the number of dwelling units to one, and states that an accessory structure may not exceed 25 percent of the floor area of the main structure. The applicant proposes to construct and/or maintain an additional dwelling unit (not for rent), which will require **(1)** a special exception to the single-family zoning use regulations, and to construct and/or maintain a single family residential accessory structure with 464 square feet of floor area (28 percent of the 1,678 square foot floor area of the main structure), which will require **(2)** a 44.5 square foot variance to the floor area regulations.

LOCATION: 6356 Denham Street

APPLICANT: Blanca Cardenas

REQUEST:

- (4) A request for a special exception to the single-family zoning use regulations; and
- (5) A request for a variance to the floor area for structures accessory to single-family uses regulations.

STANDARDS OF REVIEW FOR A SPECIAL EXCEPTION TO THE SINGLE-FAMILY ZONING USE REGULATIONS: SEC. 51A-4.209(b)(6)(E)(i) of the Dallas Development Code states that the

board of adjustment may grant a special exception to authorize an additional dwelling unit in any district when, in the opinion of the board, the additional dwelling unit will not:

- (aa) be used as rental accommodations; or
- (bb) adversely affect neighboring properties.

In granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent use of the additional dwelling unit as rental accommodations.

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:

- **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.
- **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
- **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), formerly known as HB 1475, 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:

6. Special Exception (1):

No staff recommendation is made on this request.

7. Variance (1) to the floor area regulations

Approval

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

- G. Not contrary to the public interest as no letters of opposition were received before case reports were finalized and submitted.
- H. Though the subject site is not sloped or irregularly shaped, it is 7405.2 sq ft. which is smaller than the minimum lot size for residential use in the R-7.5(A) zoning district (7,500 sq ft.); therefore, the property cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- I. Is not a self-created or personal hardship.

BACKGROUND INFORMATION:

BDA History:

No BDA history found at 6356 Denham Street within the last 5 years.

Square Footage:

This lot contains 7,405.2 of square feet or .17 acres.

This lot is zoned R-7.5(A) which has a minimum lot size of 7,500 square feet.

Site: R-7.5(A) Zoning District

North: R-7.5(A) Zoning District

East: R-7.5(A) Zoning District

South: R-7.5(A) Zoning District

West: R-7.5(A) Zoning District

Land Use:

The subject site and areas to the north, south, east, and west are zoned R-7.5(A).

GENERAL FACTS/STAFF ANALYSIS:

- The application of Blanca Cardenas for the property located at 6356 Denham Street on two requests relating to the single-family zoning use regulations and the floor area regulations.
- The applicant proposes to construct and/or maintain an additional dwelling unit (not for rent), which will require a special exception to the single-family zoning use regulations
- Secondly, the applicant is proposing to construct and/or maintain a single family residential accessory structure with 464 square feet of floor area (28 percent of the 1,678 square foot floor area of the main structure), which will require a 44.5 square foot variance to the floor area regulations.
- The subject site has single street frontage on Denham Drive.
- The subject site along with surrounding properties to the north, south, east, and west are zoned with residential uses.
- The subject site is currently developed with a residential structure and located within an established neighborhood.
- The applicant has the burden of proof in establishing that the special exception to the sing-family zoning use regulations will not be used as rental accommodations or adversely affect the neighboring properties.

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- The Dallas Development Code states that in granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.
- Granting the special exceptions to the single-family use regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents and require the applicant to deed restrict the subject property to prevent the additional dwelling unit as rental accommodations.
- The applicant has the burden of proof for the variance 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:

- (k) 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.
 - (l) 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.
 - (m) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
 - (n) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
 - (o) the municipality considers the structure to be a nonconforming structure.
- Granting the proposed 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.
 - 44.5 square foot variance to the floor area regulations.
 - 200' Radius Video: [BDA245-015 at 6356 Denham Drive](#)

Timeline:

- December 2, 2024: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- December 17, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **B**.
- December 18, 2024: The Planning and Development Senior Planner emailed the applicant the following information:

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- an attachment that provided the hearing date and panel that will consider the application; the January 2, 2025, deadline to submit additional evidence for staff to factor into their analysis ;and January 10, 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.

January 2, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the January 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.

January 22, 2025: The Board of Adjustment Panel **B**, at its public hearing held on Wednesday, January 22, 2025, moved to HOLD this matter under advisement until February 19, 2025.

January 27, 2025: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the hearing date and panel that will consider the application; the January 31, 2025, deadline to submit additional evidence for staff to factor into their analysis ;and February 7, 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.

January 30, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the February 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: Blanca Cardenas, 6356 Denham Street, Dallas TX

Against: Yolanda Williams

Motion # 1

I move that the Board of Adjustment, in request No. BDA 245-015, on application of Blanca

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Cardenas, **GRANT** the request to construct and maintain an additional dwelling unit 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:	Joe Cannon					
Results:	2-3					Motion to grants fails
		Ayes:	-		2	Joe Cannon & Andrew Finney
		Against:	-		3	Cheri Gambow, Parker Graham & Phil Sahuc

Motion # 2

I move that the Board of Adjustment, in request No. BDA 245-015, on application of Blanca Cardenas, **DENY** the special exception to construct and maintain an additional dwelling unit on a site developed with a single-family structure as requested by this applicant **without prejudice**, because our evaluation of the property and the testimony shows that granting the application would adversely affect neighboring property.

Maker:	Joe Cannon					
Second:	Andrew Finney					
Results:	5-0 Unanimously					Motion to deny
		Ayes:	-		5	Cheri Gambow, Sarah Lamb, Joe Cannon, Parker Graham & Nicholas Brooks
		Against:	-		0	

Motion # 3

I move that the Board of Adjustment, in Appeal No. BDA 245-015, on application of Blanca Cardenas, **DENY** the variance to the floor area ratio for a structure accessory to the single-family use regulations requested by this applicant without prejudice, because our evaluation of the property and the testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would NOT result in unnecessary hardship to this applicant.

Maker:	Joe Cannon					
Second:	Parker Graham					
Results:	4-1					Motion to deny
		Ayes:	-		4	Cheri Gambow, Joe Cannon, Parker Graham & Phil Sahuc

		Against:	-	1	Andrew Finney
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INDIVIDUAL CASES

7. 1427 Eastus Drive BDA245-017(BT)

BUILDING OFFICIAL'S REPORT: Application of Rob Baldwin for (1) a variance to the front-yard setback regulations at **1427 EASTUS DRIVE**. This property is more fully described as Block 5920, Lot 3, and is zoned R-7.5(A), which requires a front-yard setback of 25-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 7-foot 6-inch front-yard setback, which will require **(1)** a 17-foot 6-inch variance to the front-yard setback regulations.

LOCATION: 1427 Eastus Drive

APPLICANT: Rob Baldwin

REPRESENTED BY:

REQUEST:

(7) 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:

- **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.
- 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
- **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), formerly known as HB 1475, allows for the BDA to use their discretion and consider Element 2 of the Variance standard to be met, if:

- 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.
- compliance would result in a loss to the lot on which the structure is located of at least 25

percent of the area on which development is authorized to physically occur.

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

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

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

STAFF RECOMMENDATION:

Variance:

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.
- E. Lot is restrictive in **buildable area, and irregularly shaped**, it is a corner lot with front-yard setbacks facing both Eastus Drive and W Greenbriar Lane; therefore, it cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- F. Not self-created nor is it a personal hardship.

BACKGROUND INFORMATION:

Zoning:

Site: R-7.5(A) (Single Family District)
North: R-7.5(A) (Single Family District)
East: R-7.5(A) (Single Family District)
South: R-7.5(A) (Single Family District)
West: R-7.5(A) (Single Family District)

Land Use:

The subject site and all surrounding properties are developed with single family uses.

Lot Square Footage:

This lot size is 9,135 square feet. (0.210 of an acre)

BDA History:

No BDA history found within the last 5 years

GENERAL FACTS/STAFF ANALYSIS:

- The application of Rob Baldwin for the property located at 1437 Eastus Drive focuses on one request relating to a variance to the front-yard setback regulations.
- The applicant is requesting a variance to the front-yard setback regulations. The applicant is proposing to construct and maintain a residential structure and provide a 7-foot 6-inch front-

yard setback along W Greenbriar Lane, which will require a 17-foot 6-inch variance to the front-yard setback regulations.

- The subject site along with surroundings properties to the north, south, east, and west are all developed with single-family homes.
- It is imperative to note that the subject site is a corner lot, having a 25-foot front-yard setback along Eastus Drive and a 25-foot front-yard setback along W Greenbriar Lane.
- Subject lot is zoned R-7.5(A) which requires a minimum lot size of 7,500 square feet (0.115 of an acre).
- Subject lot size is 9,135 square feet (0.210 of an acre)
- Buildable area without the variance is 4,236 square feet compared to the maximum buildable area with variance is 5,443 square feet. The applicant is requesting 3,978 square feet.
- Per staff's review of the subject site, it has been confirmed that the single-family structure is proposed on a vacant lot.
- The applicant has the burden of proof in establishing the following:
 - 4) That granting the variance to the front-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.
 - 5) 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
 - 6) 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.
- ELEMENT II SUBSTITUTE:

Dallas Development Code §51A-3.102(d)(10)(b), formerly known as HB 1475, 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.

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- Granting the variance to the front-yard setback regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: [BDA245-017 at 1427 Eastus Dr](#)

Timeline:

- December 19, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- January 3, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **B**.
- January 24, 2024: Planning and Development Department Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the January 31, 2025, deadline to submit additional evidence for staff to factor into their analysis; and February 7, 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.
- January 30, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the February 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: Rob Baldwin, 3904 Elm Street # B, Dallas TX 75226
- Against: No Speakers

Motion # 1

I move that the Board of Adjustment, in Appeal No. BDA 245-017, on application of Rob Baldwin, **DENY** the variance to the front-yard setback regulations requested by this applicant **without prejudice**, because our evaluation of the property and the testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would NOT result in unnecessary hardship to this applicant.

Maker:	Andrew Finney					
Second:	Joe Cannon					
Results:	2-3					Motion to deny fails

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		Ayes:	-	2	Joe Cannon & Andrew Finney
		Against:	-	3	Cheri Gambow, Parker Graham & Phil Sahuc

Motion # 2

I move that the Board of Adjustment, in Appeal No. BDA 245-017, **HOLD** this matter **under advisement** until **April 16, 2025**.

Maker:	Phil Sahuc				
Second:	Cheri Gambow				
Results:	4-1				Motion to hold until April 16, 2025
		Ayes:	-	4	Cheri Gambow, Parker Graham, Andrew Finney & Phil Sahuc
		Against:	-	1	Joe Cannon

ADJOURNMENT

After all business of the Board of Adjustment had been considered, Vice Chair Cheri Gambow moved to adjourn the meeting at 4:38 p.m.

Required Signature:
Mary Williams, Board Secretary
Planning and Development Department

Date

Required Signature:
Dr. Kameka Miller-Hoskins, Board Administrator
Planning and Development Department

Date

Required Signature:
Cheri Gambow, Vice Chair
Board of Adjustment

Date

FILE NUMBER: BDA245-043_FR1

BUILDING OFFICIAL'S REPORT: Application of Rick Smith represented by Jazzmyn Poirier for **(1)** a variance to the side-yard setback regulations; **(2)** a variance to the front-yard setback regulations; and **(3)** a special exception to the 20-foot visibility obstruction regulations at 3034 Birmingham Avenue. This property is more fully described as Block 21/1373, Lots 17 and 18, and is zoned PD-595 (R-5(A)).

LOCATION: 3034 Birmingham Avenue

APPLICANT: Rick Smith

REPRESENTATIVE: Jazzmyn Poirier

REQUESTS:

The applicant is requesting a fee reimbursement of \$1,200.00 for fees paid for the variance to the front yard setback regulations, and the special exception to the 20-foot visibility obstruction regulations at 3034 Birmingham Avenue.

STANDARD FOR A FEE WAIVER OR REIMBURSEMENT:

Section 51A-1.105(b)(6) of the Dallas Development Code specifies the board of adjustment may waive the filing fee if the board finds **that payment of the fee would result in substantial financial hardship to the applicant**. The applicant may either pay the fee and request reimbursement at the hearing on the matter or request that the issue of financial hardship be placed on the board's miscellaneous docket for predetermination. In making this determination, the board may require the production of financial documents.

STAFF RECOMMENDATION:

No staff recommendation is made on this request.

FILE NUMBER: BDA245-043(CJ)

BUILDING OFFICIAL'S REPORT: Application of Rick Smith represented by Jazzmyn Poirier for **(1)** a variance to the side-yard setback regulations; for **(2)** a variance to the front-yard setback regulations; and for **(3)** a special exception to the 20-foot visibility obstruction regulations at 3034 Birmingham Avenue. This property is more fully described as Block 21/1373, Lots 17 and 18, and is zoned PD-595 (R-5(A)), which requires a side yard setback of 5-feet, and requires a front yard setback of 20-feet, and requires a 20-foot visibility triangle at driveway approaches. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 0-foot side yard setback, which will require **(1)** a 5-foot variance to the side yard setback regulations, and the applicant proposes to construct and/or maintain a single-family residential structure and provide a 10-foot front yard setback, which will require **(2)** a 10-foot variance to the front yard setback regulations, and the applicant proposes to construct and/or maintain a single-family residential structure in a required visibility obstruction triangle, which will require **(3)** a special exception to the 20-foot visibility obstruction regulation.

LOCATION: 3034 Birmingham Avenue

APPLICANT: Rick Smith

REPRESENTATIVE: Jazzmyn Poirier

REQUEST:

- (1) A request for a variance to the side-yard setback regulations; and
- (2) A request for a variance to the front-yard regulations; and
- (3) A request for a special exception to the 20-foot visibility obstruction regulation.

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), formerly known as HB 1475, 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.

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:

1. Variance (1) to the **Side Yard Setback** regulations

Approval

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

- A. Not contrary to the public interest as no letters of opposition were received before case reports were finalized and submitted.
- B. The subject site is not irregularly shaped or sloped and is larger than the minimum lot size required in R-5(A) (.116 ac or 5052.96 sq ft) Zoning District but is still restrictive in buildable area. The subject site is a corner lot and sits at the intersection of Birmingham Avenue and Meadow Street. It's location at an intersection requires the site to maintain a 45x45 foot visibility triangle which further decreases the buildable area of the lot; therefore, the property can 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.

2. Variance (2) to the **Front Yard Setback** regulations

Approval

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

- A. Not contrary to the public interest as no letters of opposition were received before case reports were finalized and submitted.
- B. The subject site is not irregularly shaped or sloped and is larger than the minimum lot size required in R-5(A) (.116 ac or 5052.96 sq ft) Zoning District but is still restrictive in buildable area. The subject site is a corner lot and sits at the intersection of Birmingham Avenue and Meadow Street. It's location at an intersection requires the site to maintain a 45x45 foot visibility triangle which further decreases the buildable area of the lot. The subject site also has two front yards, due to blockface continuity, that both require 20-foot setbacks which decreases the buildable area even more; therefore, the property can 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.

- 3. Special Exception (1) to the **Visibility Obstruction** regulations:

No staff recommendation is made on these requests.

BACKGROUND INFORMATION:

BDA History:

- No BDA history found at 3034 Birmingham Avenue in the last 5 years.

Square Footage:

- This lot contains 5052.96 of square feet.
- This lot is zoned PD 595 (R-5(A)) which has a minimum lot size of 5,000 square feet.

Zoning:

Site: Planned Development 595 (R-5(A))
North: Planned Development 595 (MF-2(A))
East: Planned Development 892
South: Planned Development 595 (R-5(A))
West: Planned Development 595 (R-5(A))

Land Use:

The subject site is vacant and surrounding properties to the north, south, and west are developed with uses permissible in Planned Development 595. Areas to the east are developed with uses permissible in Planned Development 892.

GENERAL FACTS/STAFF ANALYSIS:

- The application of Rick Smith for the property located at 3034 Birmingham Avenue focuses on 3 requests relating to side yard setback regulations, the front yard setback regulations and the visibility obstruction regulations.

- The applicant proposes to construct and/or maintain a single-family residential structure and provide a 0-foot side yard setback, which will require a 5-foot variance to the side yard setback regulations; R-5(A) zoning district requires a 5-foot side yard setback for single-family residential structures.
- Secondly, the applicant proposes to construct and/or maintain a single-family residential structure and provide a 10-foot front yard setback, which will require a 10-foot variance to the front yard setback regulation; R-5(A) zoning district requires a 20-foot front yard setback for single-family residential structures.
- Lastly, the applicant proposes to construct and/or maintain a single-family residential structure in a required visibility obstruction triangle, which will require a special exception to the 20-foot visibility obstruction regulation.
- The subject site is vacant; properties to the north, south, and west are all developed with single-family residential structures. The area immediately to the east of the subject site is developed as a park.
- The subject site is a corner lot and has street frontage along Birmingham Avenue and Meadow Street; Birmingham Avenue and Meadow Street are both front yards due to blockface continuity.

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

- That granting the variance(s) 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(s) is/are necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
- The variance(s) 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.

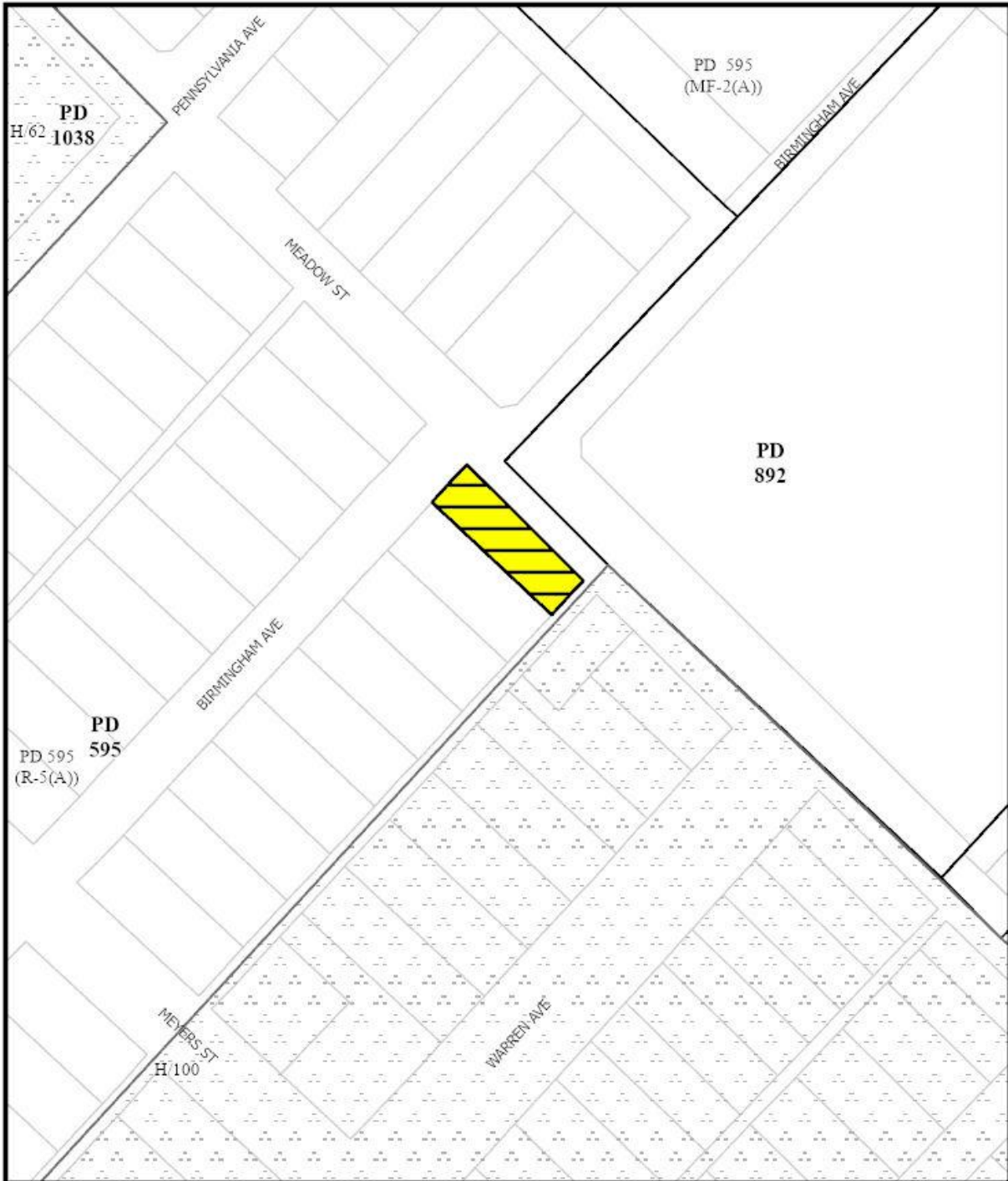
- Granting the proposed variance(s) below, with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents.
 - 5-foot variance to the side yard setback regulations.
 - 10-foot variance to the front yard setback regulations
- The applicant has the burden of proof in establishing that the special exception to the fence regulations regarding visual obstruction will not constitute a traffic hazard.
- Granting the special exception to the visual obstruction regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: [BDA245-043 at 3034 Birmingham Avenue](#)

Timeline:


- February 14, 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.
- March 5, 2025: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel **B**.
- March 13, 2025: The Planning & Development Senior Planner emailed the applicant the following information:
- an attachment that provided the hearing date and panel that will consider the application; the March 21, 2025, deadline to submit additional evidence for staff to factor into their analysis ;and April 4, 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.
- March 25, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the April 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.




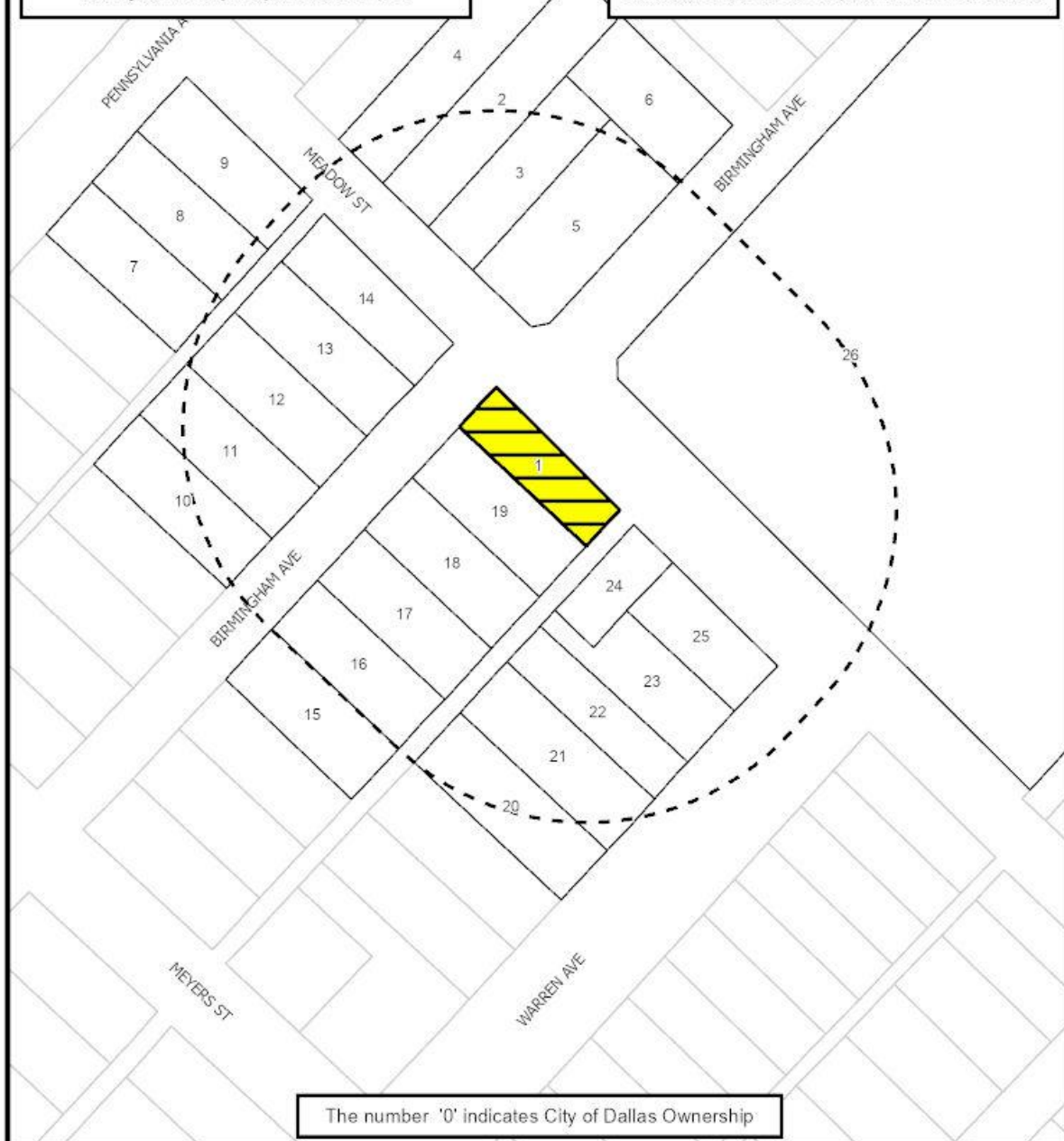
BDA245-043 at 3034 Birmingham Avenue



 1:1,200	<h1>ZONING MAP</h1>	Case no: <u>BDA245-043</u> Date: <u>03/07/2025</u>
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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.




1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
26 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA245-043**
 Date: **3/7/2025**

The area of request is hatched . Notification is sent to all property owners within the notification buffer area (shown by the dashed line). Your property is not being requested 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 está siendo notificada si está fuera del área sombreada. Si su propiedad está fuera del área sombreada, recibió este aviso solo para que sepa de la solicitud.



Number "1" indicates City of Dallas Ownership

 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <div style="display: flex; justify-content: space-between;"> <div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;">200'</div> AREA OF NOTIFICATION </div> <div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;">26</div> NUMBER OF PROPERTY OWNERS NOTIFIED </div> </div>	Case no: <u>BDA245-043</u> Date: <u>3/7/2025</u>
--	---	---

Notification List of Property Owners

BDA245-043

26 Property Owners Notified

Label #	Address	Owner
1	3034 BIRMINGHAM AVE	NINE FOUR ELEVEN LLC
2	3214 MEADOW ST	RAMIREZ JOSE EDMUNDO
3	3220 MEADOW ST	SYKES DESTAINE L
4	3210 MEADOW ST	RAMIREZ JOSE EDMUNDO
5	3222 MEADOW ST	SYKES DESTANIE
6	3115 BIRMINGHAM AVE	SANDERS ELLIS JR &
7	3018 PENNSYLVANIA AVE	RUSSELL ERICA &
8	3028 PENNSYLVANIA AVE	DEARMAN EDWARD EST OF
9	3032 PENNSYLVANIA AVE	RAMIREZ JOSE
10	3017 BIRMINGHAM AVE	ROBINSON HARRIETT &
11	3021 BIRMINGHAM AVE	MOORE CHAD EVERETTE
12	3025 BIRMINGHAM AVE	DALLAS HOUSING ACQUISITION &
13	3031 BIRMINGHAM AVE	Taxpayer at
14	3033 BIRMINGHAM AVE	LICHTENBERG KRISTI
15	3012 BIRMINGHAM AVE	SAFNA REALTY LLC
16	3014 BIRMINGHAM AVE	AZAL BUILDERS LLC
17	3016 BIRMINGHAM AVE	DESIGNER CUSTOM HOMES
18	3020 BIRMINGHAM AVE	ROUTE HATTIE L
19	3022 BIRMINGHAM AVE	SOWELS GLADYS H EST OF &
20	3019 WARREN AVE	STARKE ADINA A
21	3021 WARREN AVE	DALLAS CITY & DALLAS COUNTY & DISD ET AL
22	3027 WARREN AVE	MANNING DAVID INC
23	3033 WARREN AVE	SMITH KEN TROY
24	3313 MEADOW ST	ABOUNDING PROSPERITY INC
25	3037 WARREN AVE	BENNETT LANCE KYLE-LEON
26	3150 BIRMINGHAM AVE	Dallas ISD

 1:1,200	<h2>NOTIFICATION</h2>		Case no: BDA245-043
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">26</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 3/7/2025	

**NOTICE OF PUBLIC HEARING
BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL B)**

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

DATE: WEDNESDAY, APRIL 16, 2025

BRIEFING: 10:30 a.m. via Videoconference and in 6ES, Dallas City Hall, 1500 Marilla Street.
<https://bit.ly/boa0416B>

HEARING: 1:00 p.m. via Videoconference and in 6ES, Dallas City Hall, 1500 Marilla Street.
<https://bit.ly/boa0416B>

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

BDA245-043(CJ) Application of Rick Smith represented by Jazzmyn Poirier for (1) a variance to the side-yard setback regulations, and for (2) a variance to the front yard setback regulations, and for (3) a special exception to the 20-foot visibility obstruction regulations at 3034 BIRMINGHAM AVENUE. This property is more fully described as Block 21/1373, Lots 17 and 18, and is zoned PD-595 (R-5(A)), which requires a side-yard setback of 5-feet and requires a front-yard setback of 20-feet and requires a 20-foot visibility triangle at driveway approaches. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 0-foot side-yard setback, which will require (1) a 5-foot variance to the side-yard setback regulations, and the applicant proposes to construct and/or maintain a single-family residential structure and provide a 10-foot front-yard setback, which will require (2) a 10-foot variance to the front-yard setback regulations, and the applicant proposes to construct and/or maintain a single-family residential structure in a required visibility obstruction triangle, which will require (3) a special exception to the 20-foot visibility obstruction regulation.

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. 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 in 6ES at City Hall. 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-B-Register> by the close of business Tuesday, April 15, 2025. 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 or [YouTube.com/CityofDallasCityHall](https://www.youtube.com/CityofDallasCityHall)

Speakers at the meeting are allowed a maximum of three minutes to address the Board.

Additional information regarding the application may be obtained by calling Cambria Jordan, Senior Planner at (214) 948-4476, 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 & Development department
1500 Marilla Street 5CN Dallas TX 75201

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



Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA

245-043

Date:

FOR OFFICE USE ONLY

Data Relative to Subject Property:

Location address: 3034 Birmingham Ave Dallas, TX 75215 Zoning District: PD-595

Lot No.: 17 & 18 Block No.: 21 Acreage: 0.116 Census Tract:

Street Frontage (in Feet): 1) 39' 2) 130' 3) 4) 5)

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Rick Smith & Jennifer Smith

Applicant: Rick Smith / Nine Four Eleven LLC Telephone: 214-649-3258

Mailing Address: 518 N Highway 67 Cedar Hill Texas Zip Code: 75104

E-mail Address: Nine4eleven@gmail.com

Represented by: Jazzmyn Poirier Telephone: 425-215-3737

Mailing Address: 880 W Euless Blvd Zip Code: 76040

E-mail Address: Poirier.consultingco@gmail.com

Affirm that an appeal has been made for a Variance or Special Exception ☒ of requesting five feet to the side yard setback. (S)

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to Grant the described appeal for the following reason:

We are requesting a variance due to the limited space in the alley behind the property. The alley is too narrow to meet the current setback requirements for a driveway, which makes it impossible to fully utilize the lot under the current zoning regulations. To resolve this issue, we are requesting a Zero Lot Line variance. This would allow us to bypass the setback requirements and proceed with the construction plans as intended.

Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared

Rick Smith

(Affiant/Applicant's name printed)

who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property

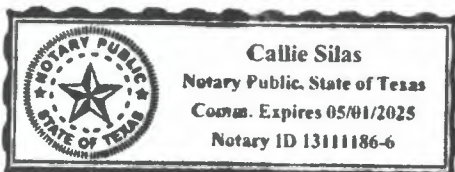
Respectfully submitted:

(Affiant/Applicant's signature)

Subscribed and sworn to before me this 16 day of October, 2024

Callie Silas

Notary Public in and for Dallas County, Texas



3

**MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT**

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

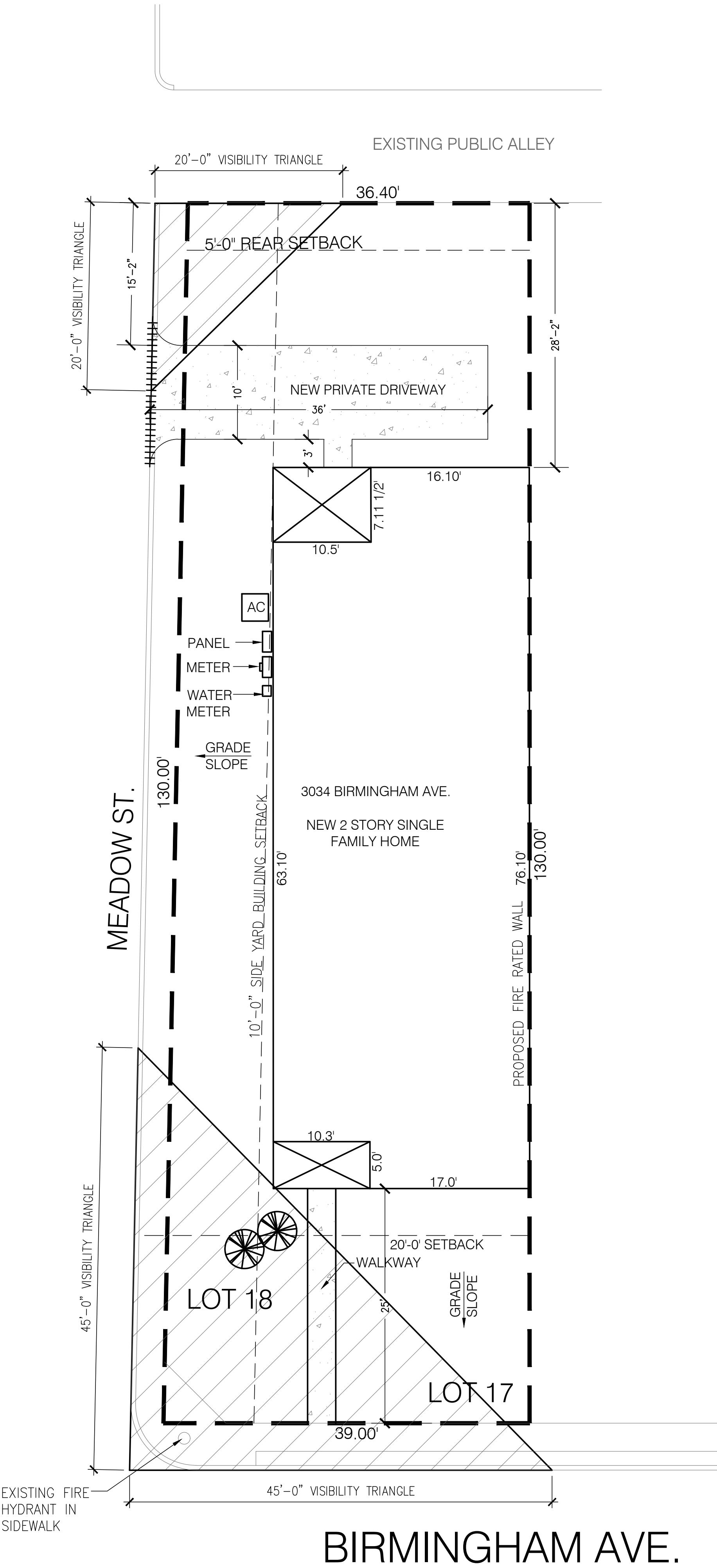
Building Official's Report

I hereby certify that Rick Smith
represented by Jazzmyn Poirier
did submit a request for (1) a variance to the side-yard setback regulations, and for (2) a variance to the front yard setback regulations, and for (3) a special exception to the visibility obstruction regulations
at 3034 Birmingham Ave-BDA245-043

BDA245-043. Application of Rick Smith represented by Jazzmyn Poirier for (1) a variance to the side-yard setback regulations, and for (2) a variance to the front yard setback regulations, and for (3) a special exception to the 20-foot visibility obstruction regulations at 3034 BIRMINGHAM AVE. This property is more fully described as Block 21/1373, Lots 17 and 18, and is zoned PD-595 (R-5(A)), which requires a side yard setback of 5-feet, and requires a front yard setback of 20-feet, and requires a 20-foot visibility triangle at driveway approaches. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 0-foot side-yard setback, which will require (1) a 5-foot variance to the side- yard setback regulations, and the applicant proposes to construct and/or maintain a single-family residential structure and provide a 10-foot front-yard setback, which will require (2) a 10-foot variance to the front-yard setback regulations, and the applicant proposes to construct and/or maintain a single-family residential structure in a required visibility obstruction triangle, which will require (3) a special exception to the 20-foot visibility obstruction regulation.

Sincerely,


M. Samuel Eskander, PE



SITE INFO	
SITE AREA.....	4,901sqft
FOUNDATION.....	2,095sqft
LOT COVERAGES.....	42%

GENERAL NOTES	
1.	WATER METER MAY NOT BE LOCATED IN DRIVEWAY OR APPROACH.
2.	KEEP 20'x20' VISIBILITY TRIANGLES AT ALLEY CLEAR
3.	SIDEWALKS AND DRIVE APPROACH REQUIRE A SEPARATE PERMIT.
4.	FENCE WILL REQUIRE A SEPERATE PERMIT.
5.	POOL DESIGN SHALL REQUIRE A SEPARATE PERMIT.
6.	SITE IMPROVEMENTS SUBJECT TO FIELD INSPECTORS APPROVAL.
7.	GENERAL CONTRACTOR TO VERIFY ALL OR ANY EASEMENTS BEFORE ANY SITE WORK IS STARTED.
8.	GENERAL CONTRACTOR TO VERIFY ALL OR ANY SETBACKS BEFORE ANY SITE WORK IS STARTED.
9.	GENERAL CONTRACTOR TO VERIFY ALL OR ANY EASEMENTS BEFORE ANY SITE WORK IS STARTED.
10.	GENERAL CONTRACTOR SHALL VERIFY MINIMUM SQUARE FOOTAGE ALLOWED ON THE PROPERTY.
11.	UTILITY AND DRAINAGE EASEMENTS MUST REMAIN OPEN AND UNOBSTRUCTED. NO ENCROACHMENTS PERMITTED.
12.	WATER SHALL NOT BE REDIRECTED TO DRAIN ONTO ADJOINING PRIVATE PROPERTY.
13.	FIREPLACE MAX ENCROACHMENT 2' INTO SETBACK UP TO 12sqft TOTAL. FIELD VERIFY WITH AHJ,
14.	WATER COURSE ARROWS DENOTE WATER FLOW, DRAINAGE TO BE DESIGNED BY GRADER.
15.	SILT FENCE TO BE INSTALLED PER CITY REQUIREMENTS. GENERAL CONTRACTOR TO CONFIRM DRAINAGE AND CONSTRUCTION ACCESS.
16.	PROVIDE MINIMUM REQUIRED TREES PER CITY ORDINANCE.
17.	GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR CORRECT PLACEMENT OF BUILDING.
18.	PERMIT MUST BE APPROVED BEFORE ANY SITE WORK IS STARTED.
19.	PERMIT MUST BE APPROVED BEFORE ANY SITE WORK IS STARTED.
20.	UNLESS NOTED OTHERWISE GENERAL CONTRACTOR TO VERIFY FINISHED SLAB HEIGHT ABOVE FINISHED GROUND FLOOR FOR ACCURATE DRAINAGE PER CODE.



01

PROPOSED SITE PLAN

Scale: 1/8" = 1'-0"



1108 Summit Ave
STE #1
Plano, Texas 75074
(469) 231-4821
mlyles@lyleshomedesign.com

2024-0401

BIRMINGHAM AVE

SINGLE-FAMILY NEW CONSTRUCTION

DATE	COMMENTS	
	12/04/2024	VARIANCE SUBMITTAL
	03/25/2025	VARIANCE SUBMITTAL COMMENTS
SUBMITTAL		

3034 BIRMINGHAM AVE
DALLAS, TX 75215

SITE PLAN

SHEET
A0.0







FILE NUMBER: BDA245-045(CJ)

BUILDING OFFICIAL'S REPORT: Application of Jonathan Vinson for **(1)** a special exception to the landscaping regulations at 4155 Buena Vista Street. This property is more fully described as Block 2/1521, Lot 13, and is zoned PD-193, which requires mandatory landscaping. The applicant proposes to construct and/or maintain a nonresidential structure and provide an alternate landscape plan, which will require a **(1)** special exception to the landscape regulations.

LOCATION: 4155 Buena Vista Street

APPLICANT: Jonathan Vinson

REQUEST:

(1) A request for a special exception to the landscape regulations.

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO THE TREE CONSERVATION REGULATIONS:

Sec. 51P-193.126(a)(4) of Article 193 (Planned Development 193) states that the board may grant a special exception to the landscaping requirements of this section if, in the opinion of the board, the **special exception will not compromise the spirit and intent of this section**. When feasible, the board shall require that the applicant submit, and that the property comply with a landscape plan as a condition to granting a special exception under this subsection.

STAFF RECOMMENDATION:

Special Exception (1):

No staff recommendation is made on this request.

BACKGROUND INFORMATION:

BDA History:

No BDA history found at 4155 Buena Vista Street in the last 5 years.

Square Footage:

- This lot contains 13111.56 of square feet.

Zoning:

Site: Planned Development 193

North: Planned Development 193

East: Planned Development 193

South: Planned Development 193
West: Planned Development 193/ Planned Development 21

Land Use:

The subject site and surrounding properties to the east, north and south are developed with uses permissible in Planned Development 193. Surrounding properties to the west are developed with uses permissible in Planned Development 193 & Planned Development 21.

GENERAL FACTS/STAFF ANALYSIS:

- The application of Jonathan Vinson for the property located at 4155 Buena Vista Street focuses on one request relating to the landscape regulations.
- The applicant proposes to construct and/or maintain a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations; this alternate landscape plan is compliant with some provisions of PD 193 Part 1 landscaping regulations.
- The subject site not vacant and is a corner lot with street frontage on Buena Vista Street and North Fitzhugh Avenue.
- The chief arborist has no objection to the alternative landscape plan submitted for this request on the opinion that the plan does not compromise the spirit and intent of the regulations.
- The applicant has the burden of proof in establishing that the special exception to the tree conservation regulations will not compromise the spirit and intent of the landscape regulations listed in Sec. 51P-193.126 Landscape, Streetscape, Screening, and Fencing Standards of Article 193.
- Granting the special exceptions to the tree conservation regulations with a condition that the applicant complies with the submitted site plan/tree mitigation or landscape plan, would require the proposal to be constructed as shown on the submitted documents.
- (200' Radius Video): [BDA245-045 at 4155 Buena Vista Street](#)

Timeline:

February 25, 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.

March 5, 2025: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B.

March 13, 2025: The Development Services Department Senior Planner emailed the applicant the following information:

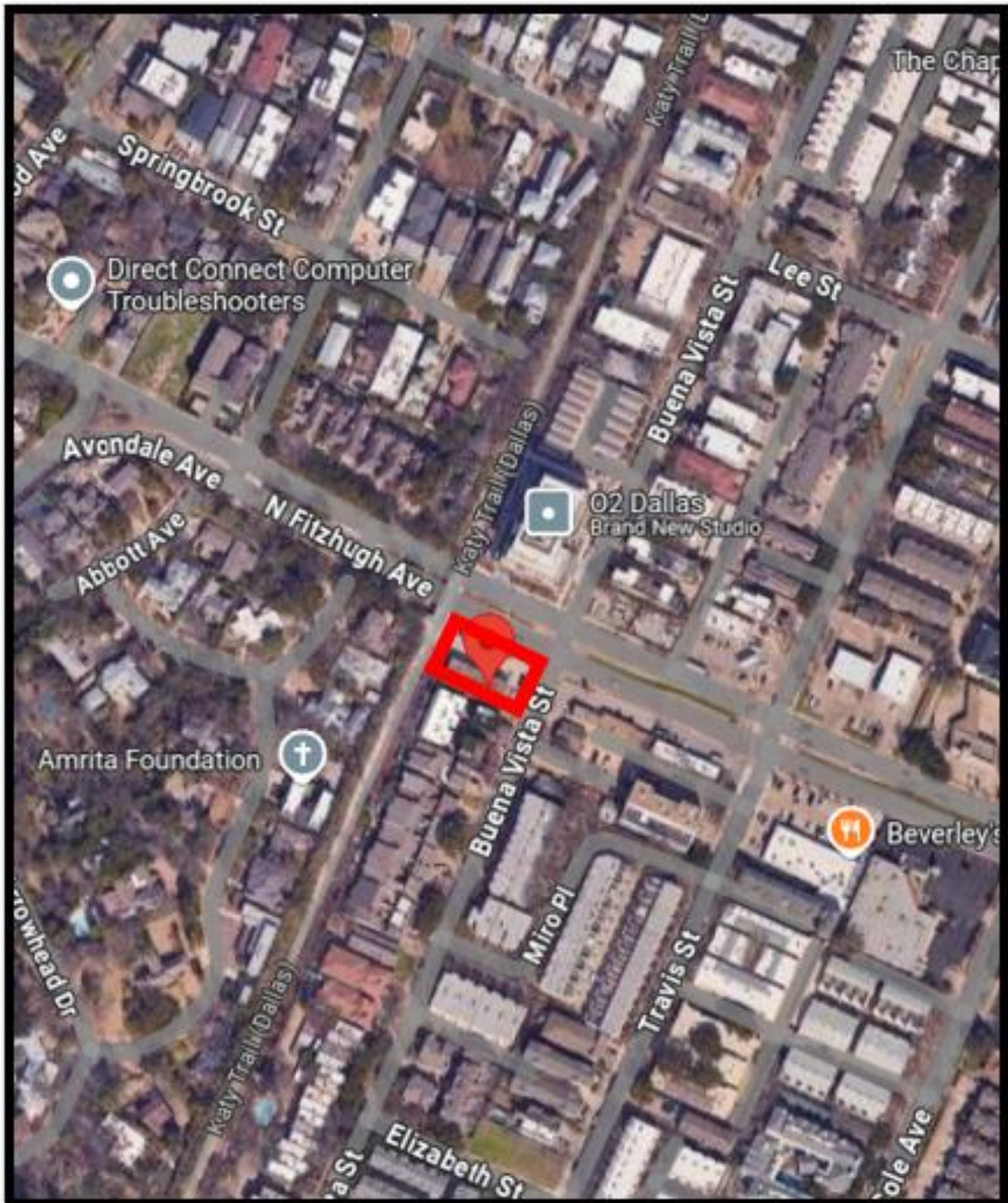
- an attachment that provided the hearing date and panel that will consider the application; the March 21, 2025, deadline to submit

additional evidence for staff to factor into their analysis; and April 4, 2025, deadline to submit additional evidence to be incorporated into the board's docket materials.

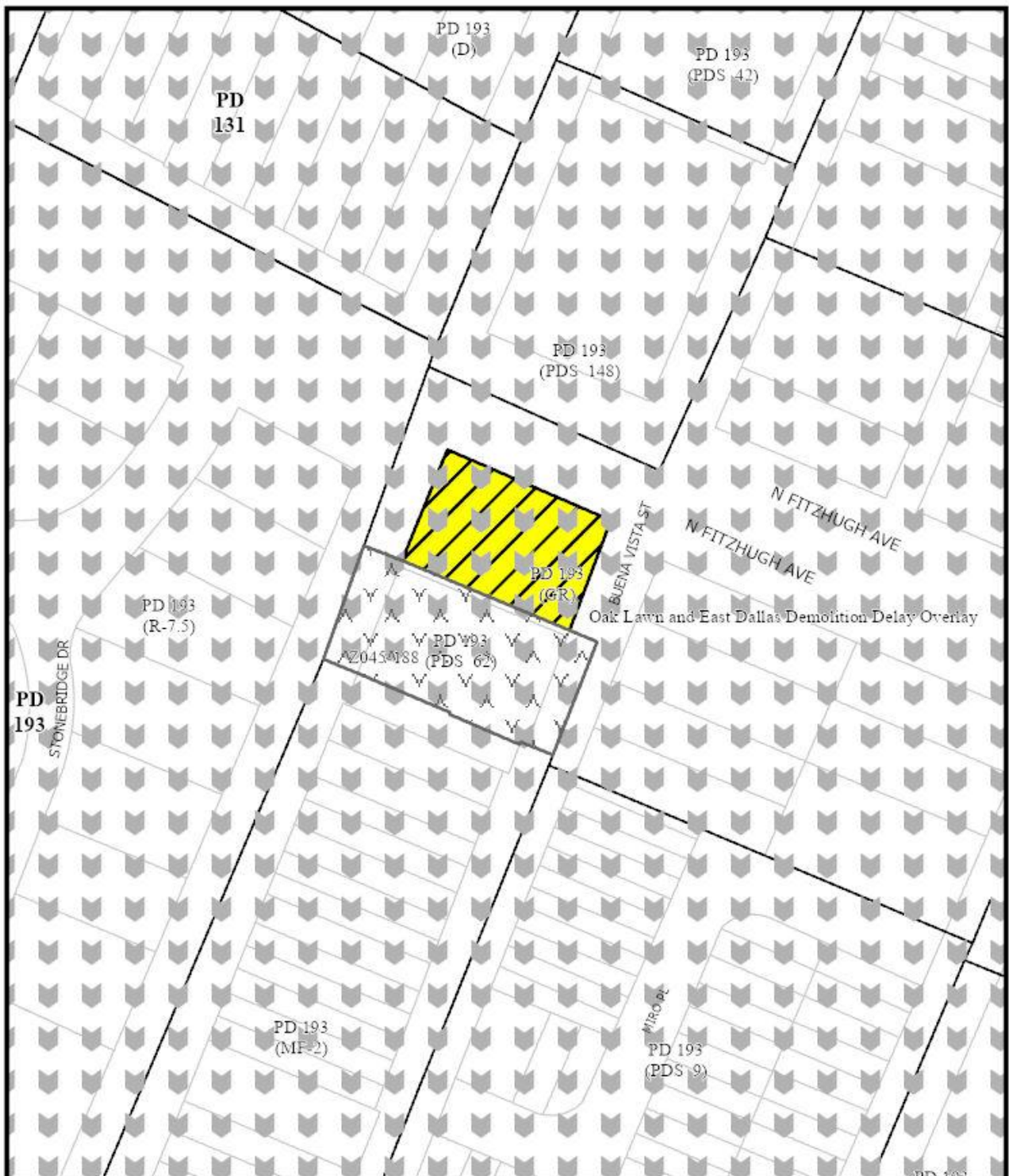
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

March 27, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the April 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.

March 27, 2025: The Arborist Division provided comments.



[BDA245-045 at 4155 Buena Vista Street](#)





1:1,200

ZONING MAP

Case no: **BDA245-045**

Date: **03/07/2025**

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.

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The number '0' indicates City of Dallas Ownership



1:1,200

NOTIFICATION

200'

AREA OF NOTIFICATION

49

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA245-045**

Date: **3/7/2025**

03/07/2025

Notification List of Property Owners

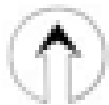
BDA245-045

49 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4155 BUENA VISTA ST	BVJV III 4155 LLC
2	3403 N FITZHUGH AVE	BVJV III4155 LLC
3	3337 N FITZHUGH AVE	RENFRO PROP MGMT LLC
4	4152 BUENA VISTA ST	SW TRAVIS OWNER LLC
5	4139 BUENA VISTA ST	PARTEN JEREMIAH
6	4141 BUENA VISTA ST	GROME LUKE &
7	4141 BUENA VISTA ST	DOUGLAS CHRISTIE
8	4141 BUENA VISTA ST	4141 BUENA VISTA LLC
9	4141 BUENA VISTA ST	COLEMAN JAMES W S
10	3326 N FITZHUGH AVE	BUENA VISTA JV II LLC
11	4108 STONEBRIDGE DR	SHARMA AMIT & SHIWALI RAI
12	4116 STONEBRIDGE DR	KENDER RANDALL F &
13	4120 STONEBRIDGE DR	MILLER FRANK H
14	3300 MIRO PL	PARKWOOD TOWNHOMES HOMEOWNERS ASSOCIATION
15	3300 MIRO PL	PARKWOOD TOWNHOMES HOMEOWNERS ASSOCIATION
16	4128 BUENA VISTA ST	MEZAZEPEDA HECTOR FLORENTINO &
17	4130 BUENA VISTA ST	FARUQUI RON A
18	4132 BUENA VISTA ST	FLAIM THOMAS
19	4134 BUENA VISTA ST	PATE PERRY G
20	4136 BUENA VISTA ST	KETELSON HOWARD
21	4138 BUENA VISTA ST	DO TUAN A & THUY LAM
22	3502 N FITZHUGH AVE	BENNETT BENJAMIN J IV &
23	3504 N FITZHUGH AVE	MULLICAN MARY ANN
24	3506 N FITZHUGH AVE	LOWERY MARY SEWARD
25	4030 STONEBRIDGE DR	GRANT CATHAL
26	4206 BUENA VISTA ST	LEACH GREG

03/07/2025

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	4206 BUENA VISTA ST	BROWN RICHARD L
28	4206 BUENA VISTA ST	DICKSON LAUREN BAKER
29	4206 BUENA VISTA ST	CARVALHO ALEXANDRE B & MARIA ELISA GALLO
30	4206 BUENA VISTA ST	HARDMAN BAILOR L
31	4206 BUENA VISTA ST	HAN CHANG SOO & YOON JOO
32	4143 BUENA VISTA ST	HUGHES JAMES RUSH
33	4143 BUENA VISTA ST	HANSEN LUCAS
34	4143 BUENA VISTA ST	MCLAUGHLIN HOWARD MARK &
35	4143 BUENA VISTA ST	DAYIAN VAHE ROBERT & NORA ARPI
36	4143 BUENA VISTA ST	UEBELE CRAIG
37	4205 BUENA VISTA ST	BUENA VISTA JV LLC
38	4205 BUENA VISTA ST	GERNSBACHER HAROLD
39	4205 BUENA VISTA ST	CASH DAVID
40	4205 BUENA VISTA ST	BROWNE BYRON LINDSAY &
41	4205 BUENA VISTA ST	BYPASS TRUST UNDER THE 1991
42	4205 BUENA VISTA ST	WALKER THOMAS B III
43	4205 BUENA VISTA ST	BUENA VISTA JV LLC
44	4205 BUENA VISTA ST	FACA LLC
45	4205 BUENA VISTA ST	BREWSTER LIVING TRUST THE
46	4205 BUENA VISTA ST	DELAGI GREG & BETH
47	4205 BUENA VISTA ST	HAREN JULIE VAN &
48	4205 BUENA VISTA ST	WENDER JOSEPH H TRUST
49	4205 BUENA VISTA ST	EAGLE JOHN & JENNIFER



1:1,200

NOTIFICATION

200'

AREA OF NOTIFICATION

49

NUMBER OF PROPERTY
OWNERS NOTIFIED

Case no: **BDA245-045**

Date: **3/7/2025**

Memorandum



Date March 27, 2025

To Kameka Miller-Hoskins, PhD Chief Planner/Board Administrator
Cambria Jordan, Senior Planner

Subject BDA #245-045 4155 Buena Vista & 3403 N Fitzhugh Arborist report

Request

The applicant is seeking a special exception to the landscaping regulations of PD 193(GR). The request is for approval of an alternate landscape plan that would not compromise the spirit and intent of the landscaping regulations.

Provision

The applicant has submitted an alternate landscape plan that is compliant with some provisions of PD 193 Part 1 landscaping regulations. The design meets the overall landscape site area requirements for the property and general planting area and special planting area requirements.

Screening of off-street parking is provided with evergreen shrubs for both frontages.

Sidewalk conditions are mainly compliant for location and width.

Street trees may be placed in the front yard if compliance in the tree planting zone is prohibited.

Deficiency

- Landscape site area is required to be 60% of the front yard area but the proposed front yard landscaping is deficient, but not significantly. (193.121(h))
- Street trees must be a minimum of 3.5" and a minimum height of 14 feet. Small trees indicated on the plan in the front yard for this purpose may be deficient, limiting the number of compliant street trees to the medium trees. (193.121(b)(5))
- One tree is required for the Buena Vista frontage for 3403 Fitzhugh, but spacing limitations prohibit the placement of the tree on that corner. (193.121(b)(5))
- Screening of off-street parking is required to be a minimum height of 42 inches above the parking surface. The proposal lists shrubs at 36 inches (193.121(b)(3(A))).

Recommendation

The chief arborist has no objection to the alternative landscape plan submitted for this request on the opinion that the plan does not compromise the spirit and intent of the regulations.

Philip Erwin
Chief Arborist
Development Services

Arborist Division Comments

NOTICE OF PUBLIC HEARING

BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL B)

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

DATE: WEDNESDAY, APRIL 16, 2025

BRIEFING: 10:30 a.m. via Videoconference and in 6ES, Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa0416B>

HEARING: 1:00 p.m. via Videoconference and in 6ES, Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa0416B>

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

BDA245-045(CJ) Application of Jonathan Vinson for (1) a special exception to the landscaping regulations at 4155 BUENA VISTA STREET. This property is more fully described as Block 2/1521, Lot 13, and is zoned PD-193, which requires mandatory landscaping. The applicant proposes to construct and/or maintain a nonresidential structure and provide an alternate landscape plan, which will require a (1) special exception to the landscape regulations.

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. 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 in 6ES at City Hall. 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-B-Register> by the close of business Tuesday, April 15, 2025. 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 or YouTube.com/CityofDallasCityHall

Speakers at the meeting are allowed a maximum of three minutes to address the Board.

Additional information regarding the application may be obtained by calling Cambria Jordan, Senior Planner at (214) 948-4476, 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 & Development Department
1500 Marilla Street 5CN Dallas TX 75201

PLEASE SEND REPLIES TO:
BDAREPLY@dallas.gov
**Letters will be received until 9:00
am the day of the hearing.**

PLEASE REGISTER AT:
<https://bit.ly/BDA-B-Register>



Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA

245 045 RECEIVED

Data Relative to Subject Property:

Date:

FOR OFFICE USE FEB 25 REC'D

Location address: 4155 Buena Vista & 3403 N Fitzhugh Zoning District: PD 193 (GR)

Lot No.: 13/4 Block No.: 2/1521 Acreage: 0.301 Census Tract: 48113000703

Street Frontage (in Feet): 1) 90.54 2) 137.26 3) 4) 5)

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): BVJV III 4155 LLC

Applicant: Jonathan Vinson, Jackson Walker, L.L.F. Telephone: (214) 953-5941

Mailing Address: 2323 Ross Avenue, Suite 600, Dallas, Texas Zip Code: 75201

E-mail Address: jvinson@jw.com

Represented by: Jonathan Vinson, Jackson Walker, L.L.F. Telephone: (214) 953-5941

Mailing Address: 2323 Ross Avenue, Suite 600, Dallas, Texas Zip Code: 75201

E-mail Address: jvinson@jw.com

Affirm that an appeal has been made for a Variance ☒ or Special Exception ☐ of landscaping requirements per PD 193, in order to repave the existing parking lot on the northern portion of the property with approval of an alternate landscape plan.

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to Grant the described appeal for the following reason:

The requested special exception will in no way adversely affect neighboring property, as will be demonstrated with supplemental information.

Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared Jonathan G. Vinson

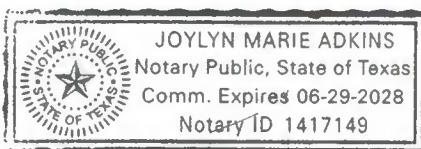
(Affiant/Applicant's name printed)

who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property

Respectfully submitted: Jonathan G. Vinson

(Affiant/Applicant's signature)

Subscribed and sworn to before me this 22nd day of January, 2025



Notary Public in and for Dallas County, Texas

GENERAL PLANTING NOTES

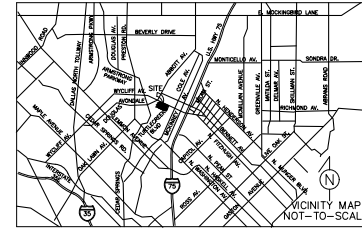
1. Clearing of existing planting shall consist of the satisfactory removal and disposal of existing plants occurring within all planting areas as noted below. DOES NOT INCLUDE EXISTING TREES
2. A. All shrubs and existing groundcover shall be removed and discarded from the site within (2) hours of shrub removal.
3. Backfill: All planting areas shall be backfilled with 20% Sandy Loam and 75% Prepared Soil Mix as needed. Sandy Loam shall be without admixture of subsoil or clay and shall be free of stones, kippa, sticks, plants, or their roots, toxic substances, or other extraneous matter that may be harmful to plant growth or would interfere with future maintenance.
4. Prepared Soil Mix: Organic compost material shall be a mixture of 80% vegetative matter and 20% animal waste. Ingredients shall be a mix of compost and fine bedrock material. 1 Vol. Earth, 2 Vol. to Earth or equivalent equal.
5. Mulch: Mulch shall be Double Shredded Hardwood Bark Mulch of relative uniform particle size with a median size of one (1") inch and shall be free of sticks, stones, leaves, and any other debris.
6. Organic Fertilizer shall be FertiMax, Master-Gro, Manafix, Sudath, Agrion, or any other brand as recommended for required applications. Fertilizer shall be delivered to the site in its original unopened containers, each bearing the manufacturer's guaranteed statement of analysis.
7. Prepare new planting beds by backfilling planting areas with 8" of prepared soil and no less than 12" of depth of four (4") inches.
8. Apply organic fertilizer such as FertiMax, Master-Gro, or Sudath @ 20 lbs / 1,000 sq. ft. at the rate of 1 lb. of nitrogen per 1,000 sq. ft.
9. All planting areas shall receive two (2) inch layer minimum settled thickness of Double Shredded Hardwood Bark Mulch after plant material has been installed.

MAINTENANCE NOTES

1. The Owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of all landscape.
2. All landscape shall be maintained in a neat and orderly manner at all times. This shall include mowing, edging, pruning, fertilizing, watering, weeding and other such activities common to landscape maintenance.
3. All landscape areas shall be kept free of trash, litter, weeds and other such material or plants not part of this plan.
4. All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year.
5. All plant material which dies shall be replaced with plant material of equal or better value.

LANDSCAPE NOTES

1. Contractor shall verify all existing and proposed site elements and notify Architect of any discrepancies. Survey date of existing conditions was supplied by others.
2. Contractor shall locate all existing underground utilities and notify Architect of any conflicts. Contractor shall exercise caution when working in the vicinity of underground utilities.
3. Contractor is responsible for obtaining all required landscape and irrigation permits.
4. Contractor to provide a minimum 2% slope away from all structures.
5. All planting beds and lawn areas to be separated by steel edging. To steel to be installed adjacent to sidewalks or curbs.
6. All landscape areas to be 100% irrigated with an underground automatic irrigation system and shall include rain and freeze sensors.
7. All lawn areas to be Solid Sod Bermuda grass, unless otherwise noted on the drawings.



4155 Buena Vista Street

PD-193 GR LANDSCAPE TABULATIONS

GR LANDSCAPE TABULATIONS	REQUIRED	PROVIDED
Total Site Area: 4,564 s.f.	456.4 s.f.	71.8 s.f. (15.7%)
10% of Total Site to be Landscape		
Front Yard Area: F.Y.A. 688.35 s.f.	68.8 s.f.	178 s.f. (25.8%)
60% of Front Yard to be Landscape		
General Planting Area	12% of Front Yard Area	82.8 s.f.
Special Planting Area	6% of Front Yard Area	41.3 s.f.
Street Trees	(1) tree 3.5" cal. per 25 ft. (less vials, dips 14')	
Buena Vista (31.891.1)	(1) trees	(1) tree, 3.5"

3403 N. Fitzhugh

PD-193 GR LANDSCAPE TABULATIONS

GR LANDSCAPE TABULATIONS	REQUIRED	PROVIDED
Total Site Area: 3,058 s.f.	305.8 s.f.	1,075 s.f. (35.1%)
10% of Total Site to be Landscape		
Front Yard Area: F.Y.A. 2,728.05 s.f.	272.8 s.f.	1,001 s.f. (36.8%)
60% of Front Yard to be Landscape		
General Planting Area	12% of Front Yard Area	327.43 s.f.
Special Planting Area	6% of Front Yard Area	163.71 s.f.
Street Trees	(1) tree 3.5" cal. per 25 ft. (less vials, dips 44')	
Fitzhugh and Buena Vista (137.611.1)	(8) trees	(4) medium 1000L 3.5" (2) small trees, 2" cal.

3403 N. Fitzhugh

PD-193 GR LANDSCAPE TABULATIONS

GR LANDSCAPE TABULATIONS	REQUIRED	PROVIDED
Total Site Area: 3,058 s.f.	305.8 s.f.	1,075 s.f. (35.1%)
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Street Trees	(1) tree 3.5" cal. per 25 ft. (less vials, dips 44')	
Fitzhugh and Buena Vista (137.611.1)	(8) trees	(4) medium 1000L 3.5" (2) small trees, 2" cal.

Parking Lot Screening

All off-street parking to be screened by 30' ft. evergreen shrub

Irrigation

All landscape areas are to be covered by an automatic irrigation system.

GRAPHIC LEGEND

○	MEDIUM CANOPY TREE
●	MEDIUM CANOPY TREE
○	SMALL TREE
●	SMALL TREE
●	ACCENT SHRUBS
●	ORNAMENTAL GRASSES
○	EVERGREEN HEDGE
●	EVERGREEN HEDGE
●	ORNAMENTAL GRASSES
●	ACCENT SHRUBS
●	CLIMBING VINES
○	DECORATIVE GRAVEL
○	SEASONAL COLOR
○	GROUND COVER TYPE 'A'
○	GROUND COVER TYPE 'B'
○	GROUND COVER TYPE 'C'
○	LAWN, SOLID SOG
○	EXISTING CONCRETE SIDEWALK
○	PROPOSED CONCRETE SIDEWALK

01 LANDSCAPE PLAN



Michael Hsu Office Of Architecture

805 Houston Street, Suite 100
Austin, Texas 78705
+1 (512) 706.4303
hsuoffice.com

Document Seal



01/24/25

Consultant



Project Title

Clark's Dallas

3403 N. Fitzhugh
4155 Buena Vista Street
Dallas TX

△ Date Issue / Revision

Drawing Title

Landscape Plan

Sheet

L.010.1

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April 3, 2025

Via email to diana.barkume@dallas.gov
and cambria.jordan@dallas.gov

Hon. Chair and Members, Panel B
Zoning Board of Adjustment
City of Dallas
1500 Marilla Street, Room 5BN
Dallas, Texas 75201

Re: BDA245-045; 4155 Buena Vista Street.

Dear Members of the Board of Adjustment:

I. Introduction. This letter is for the purpose of providing to the Board Staff an explanatory letter and attachments, prior to the April 4 submittal deadline, for inclusion in your Board Panel docket, with detailed information for your benefit in explaining our request.

II. Our Request. We represent the applicant and prospective user, Dallas Clark's LLC, an affiliate of MML Hospitality, on this application for a landscape special exception for certain property addressed as 4155 Buena Vista Street. Capitol Peak Ventures, the owner of the site, is working with MML Hospitality, a very successful and professionally-managed restaurant operator in Austin, to open a new restaurant location on the site. We invite you to visit MML's website at [Refining Hospitality - MML Hospitality](#) to learn more about the wealth of experience MML brings in operating top-quality restaurants.

The site is located in P.D. 193, the Oak Lawn Special Purpose District, in the GR General Retail Subdistrict. P.D. 193 has its own standard for landscape special exceptions. Sec. 51P-193.126(a)(4) of P.D. 193 provides that the Board of Adjustment may grant a special exception to the landscaping requirements if the Board finds that the special exception "*will not compromise the spirit and intent of this section*". Our request clearly meets that standard, and in fact our request actually enhances and goes beyond the spirit and intent of the P.D. 193 landscape requirements, as discussed below.

Our request for approval of an alternative Landscape Plan (copy attached) will greatly enhance the visual appeal of the site and will be an excellent adaptive reuse project, reusing the existing main structure there now, but in a vastly improved condition. The current condition of the site has changed very little over the decades.

Our intent is to also improve the site greatly from a landscape perspective, which will enhance the entire neighborhood. This design will also form a much better visual connection to the Katy Trail, and will reduce the number of entries onto Buena Vista to one access point, which will help with traffic flow in the area.

III. Site Conditions; Discussion. Our challenge is that the existing condition along Fitzhugh includes a very large concrete retaining wall, which has been there for many years. In addition to the engineering challenges created by the presence of this wall, this makes compliance with the P.D. 193 landscape regulations physically impossible (aerial photo and site photos attached).

Our landscape architects at SMR Landscape Architects, a Dallas-based firm with extensive experience in Oak Lawn, have designed a first-class Landscape Plan for the site which will vastly enhance the property and actually will provide *more* landscape area than that which P.D. 193 currently requires.

For example, along Fitzhugh, P.D. 193 requires 306 square feet of landscaping, while we are providing 1,075 square feet. The sidewalk and retaining wall will have to stay in place, but we will screen the retaining wall with newly-planted climbing vines, and other plant materials at the top of the wall, notably including seven canopy trees, which will vastly improve the look on that side (conceptual renderings of the site attached).

You will see more very detailed landscape tabulations and planting locations on the attached Landscape Plan, and I have also included an enlarged excerpt for ease of reference. I want to point out that, except for “Front Yard Area”, where we are constrained by the existing development, in every other type of landscape tabulation we are actually *exceeding* the P.D. 193 requirements. We believe that this alternative Landscape Plan will be a very significant improvement.

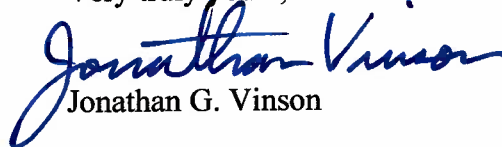
We have also been communicating with Chief Arborist Phil Erwin, and to quote a February 7 email from Mr. Erwin to us, he sees our plan as “well designed given the restrictions to the site” and that it “does seem to still give the best options for improving this corner for landscaping” (copy attached). We have also reached out to our neighbors, and to the leadership of the Oak lawn Committee, to fully inform the community about our request, and have received very positive feedback.

Recently the *Dallas Morning News* reported that the City’s Urban Heat Island Mapping Study names Oak Lawn as one of the more “heat island”-challenged neighborhoods in the City. This Landscape Plan will go a very long way to greening up this site and improving neighborhood walkability, including placing the numerous trees along the now-bare concrete Fitzhugh side, as well as the much more sustainable adaptive re-use of the building itself (although that is not part of our landscape request).

IV. Conclusion. We believe that our proposed Landscape Plan, given the extremely challenging nature of the site, is by far the best-designed, most thoughtful, and most neighborhood-considerate landscaping design solution that can be achieved on this site, and clearly meets the standard for the granting of a landscape special exception under P.D. 193. We are also reaching out to our neighbors to answer any questions they might have.

I am aware that the Current Planning Staff does not make recommendations on landscape special exception cases, but I wanted to give you this additional information just to present some background on the request. Thank you very much for your consideration of this information. We look forward to appearing before you at our April 16 hearing, where we will be respectfully asking for your approval of our request. Thank you very much.

Very truly yours,


Jonathan G. Vinson

cc: Dr. Kameka Miller-Hoskins
Diana Barkume
Kristin Murray-Ralston (MML Hospitality)
Blake Shipp (Capitol Peak Ventures)
Brian Adams (SMR Landscape Architects)
Justin Gesch (Michael Hsu Office of Architecture)
Chet Morgan (Michael Hsu Office of Architecture)
Suzan Kedron (Jackson Walker L.L.P.)

LANDSCAPE TABULATIONS EXCERPTED FROM L.010.1 LANDSCAPE PLAN

4155 Buena Vista Street

PD-193 GR LANDSCAPE TABULATIONS

GR LANDSCAPE TABULATIONS	REQUIRED	PROVIDED
Total Site Area: 4,564 s.f.		
10 % of Total Site to be Landscape	456.4 s.f.	718 s.f. (15.7%)
Front Yard Area: FYA: 688.35 s.f.		
60 % of Front Yard to be Landscape	413 s.f.	176 s.f. (25.5%)
General Planting Area		
12% of Front Yard Area	82.6 s.f.	85 s.f. (12%)
Special Planting Area		
6% of Front Yard Area	41.3 s.f.	91 s.f. (6%)
Street Trees		
(1) tree 3.5" cal. per 25 l.f. (less visib. clips 14')		
Buena Vista (31.89 l.f.)	(1) trees	(1) tree, 3.5"
Parking Lot Screening		
All off-street parking to be screened by 36" ht. evergreen shrub		
Irrigation		
All landscape areas are to be covered by an automatic irrigation system.		

3403 N. Fitzhugh

PD-193 GR LANDSCAPE TABULATIONS

GR LANDSCAPE TABULATIONS	REQUIRED	PROVIDED
Total Site Area: 3,058 s.f.		
10 % of Total Site to be Landscape	305.8 s.f.	1,075 s.f. (35.1%)
Front Yard Area: FYA: 2,728.65 s.f.		
60 % of Front Yard to be Landscape	1,637.19 s.f.	1,001 s.f. (68%)
General Planting Area		
12% of Front Yard Area	327.43 s.f.	330 s.f. (12%)
Special Planting Area		
6% of Front Yard Area	163.71 s.f.	671 s.f. (24.5%)
Street Trees		
(1) tree 3.5" cal. per 25 l.f. (less visib. clips 44')		
Fitzhugh and Buena Vista (137.91 l.f.)	(6) trees	(4) medium trees, 3.5" (3) small trees, 2" cal.
Parking Lot Screening		
All off-street parking to be screened by 36" ht. evergreen shrub		
Irrigation		
All landscape areas are to be covered by an automatic irrigation system.		









smr Michael Hsu
Office Of Architecture



smr Michael Hsu
Office Of Architecture



Vinson, Jonathan

From: Erwin, Philip <philip.erwin@dallas.gov>
Sent: Friday, February 7, 2025 1:39 PM
To: Guerin, Will
Cc: Vinson, Jonathan
Subject: Re: 4155 Buena Vista St. & 3403 Fitzhugh Ave. - BOA Special Exception

Caution: **External Email.

Will,

I have looked at the plan for landscaping purposes and find it's well designed given the restrictions to the site. I did send a referral to the board office to receive the plan and I believe it was being reviewed by our Transportation office for the stacking design. If this is a redesign after the original submittal, it does seem to still give best options for improving this corner for landscaping.

I will be giving the board administrator my comments about the case for the special exception and they will be submitted before the hearing date.



Philip Erwin
Manager-Development (Chief Arborist)
ISA Certified Arborist (TX-1284A)
City of Dallas | [DallasCityNews.net](https://dallascitynews.net)
Planning and Development
320 E Jefferson Blvd, Room 105
Dallas, Texas 75203
O: 214-948-4117 C: 945-542-2333
philip.erwin@dallas.gov



Together we are planning and building a better Dallas for all!

Please Take A Moment To Tell Us How We Are Doing

*****OPEN RECORDS NOTICE: This email and responses may be subject to the Texas Open Records Act and may be disclosed to the public upon request. Please respond accordingly.*****

From: Guerin, Will <wguerin@jw.com>
Sent: Friday, February 7, 2025 12:15 PM
To: Erwin, Philip <philip.erwin@dallas.gov>

Cc: Vinson, Jonathan <jvinson@jw.com>

Subject: 4155 Buena Vista St. & 3403 Fitzhugh Ave. - BOA Special Exception

External Email!

Hi Philip,

You may have already reviewed this, but attached is the latest landscape plan for our BOA Special Exception request at 4155 Buena Vista St. and 3403 Fitzhugh Ave. We submitted a Special Exception for landscaping on this site for BOA Pre-screen, and staff mentioned that the City Arborist(s) would need to take a look at the landscape plan.

Please let us know if you have any questions or concerns. Thank you and nice to meet you virtually!

Sincerely,

Will Guerin, AICP

Land Use Planner

2323 Ross Avenue, Suite 600

Dallas, TX 75201

V: (214) 953-5691 | C: (214) 728-2464 | wguerin@jw.com

Jackson Walker LLP

CAUTION: This email originated from outside of the organization. Please, do not click links or open attachments unless you recognize the sender and know the content is safe.

FILE NUMBER: BDA245-017(BT)

BUILDING OFFICIAL'S REPORT: Application of Rob Baldwin for (1) a variance to the front-yard setback regulations at **1427 EASTUS DRIVE**. This property is more fully described as Block 5920, Lot 3, and is zoned R-7.5(A), which requires a front-yard setback of 25-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 7-foot 6-inch front-yard setback, which will require **(1)** a 17-foot 6-inch variance to the front-yard setback regulations.

LOCATION: 1427 Eastus Drive

APPLICANT: Rob Baldwin

REPRESENTED BY:

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), formerly known as HB 1475, 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:

Variance:

Approval

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

- A. Contrary to the public interest, staff received letters of opposition.
- B. Lot is restrictive in buildable area, and irregularly shaped, it is a corner lot with front-yard setbacks facing both Eastus Drive and W. Greenbriar Lane; therefore, it cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Not self-created nor is it a personal hardship.

BACKGROUND INFORMATION:

Zoning:

Site: R-7.5(A) (Single Family District)
North: R-7.5(A) (Single Family District)
East: R-7.5(A) (Single Family District)
South: R-7.5(A) (Single Family District)
West: R-7.5(A) (Single Family District)

Land Use:

The subject site is vacant, all surrounding properties are developed with single family uses.

Lot Square Footage:

This lot size is 9,135 square feet. (0.210 of an acre)

BDA History:

No BDA history found within the last 5 years

GENERAL FACTS/STAFF ANALYSIS:

- The application of Rob Baldwin for the property located at 1437 Eastus Drive focuses on one request relating to a variance to the front-yard setback regulations.

- The applicant is requesting a variance to the front-yard setback regulations. The applicant is proposing to construct and maintain a residential structure and provide a 7-foot 6-inch front-yard setback along W. Greenbriar Lane, which will require a 17-foot 6-inch variance to the front-yard setback regulations.
- The subject site is vacant, surrounding properties to the north, south, east, and west are all developed with single-family homes.
- It is imperative to note that the subject site is a corner lot, having a 25-foot front-yard setback along Eastus Drive and a 25-foot front-yard setback along W. Greenbriar Lane.
- Subject lot is zoned R-7.5(A) which requires a minimum lot size of 7,500 square feet (0.115 of an acre).
- Subject lot size is 9,135 square feet (0.210 of an acre)
- Buildable area without the variance is 4,236 square feet compared to the maximum buildable area with variance is 5,443 square feet. The applicant is requesting 3,978 square feet.
- Per staff's review of the subject site, it has been confirmed that the single-family structure is proposed on a vacant lot.
- The applicant has the burden of proof in establishing the following:
 - 1) That granting the variance to the front-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.
- ELEMENT II SUBSTITUTE:

Dallas Development Code §51A-3.102(d)(10)(b), formerly known as HB 1475, allows for the BDA to use their discretion and consider Element 2 of the Variance standard to be met, if:

 - (i) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 of the Texas Tax Code.
 - (ii) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.

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

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

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

- Granting the variance to the front-yard setback regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: [BDA245-017 at 1427 Eastus Dr](#)

Timeline:

December 19, 2024: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

January 3, 2024: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel **B**.

January 24, 2024: Planning and Development Department Senior Planner emailed the applicant the following information:

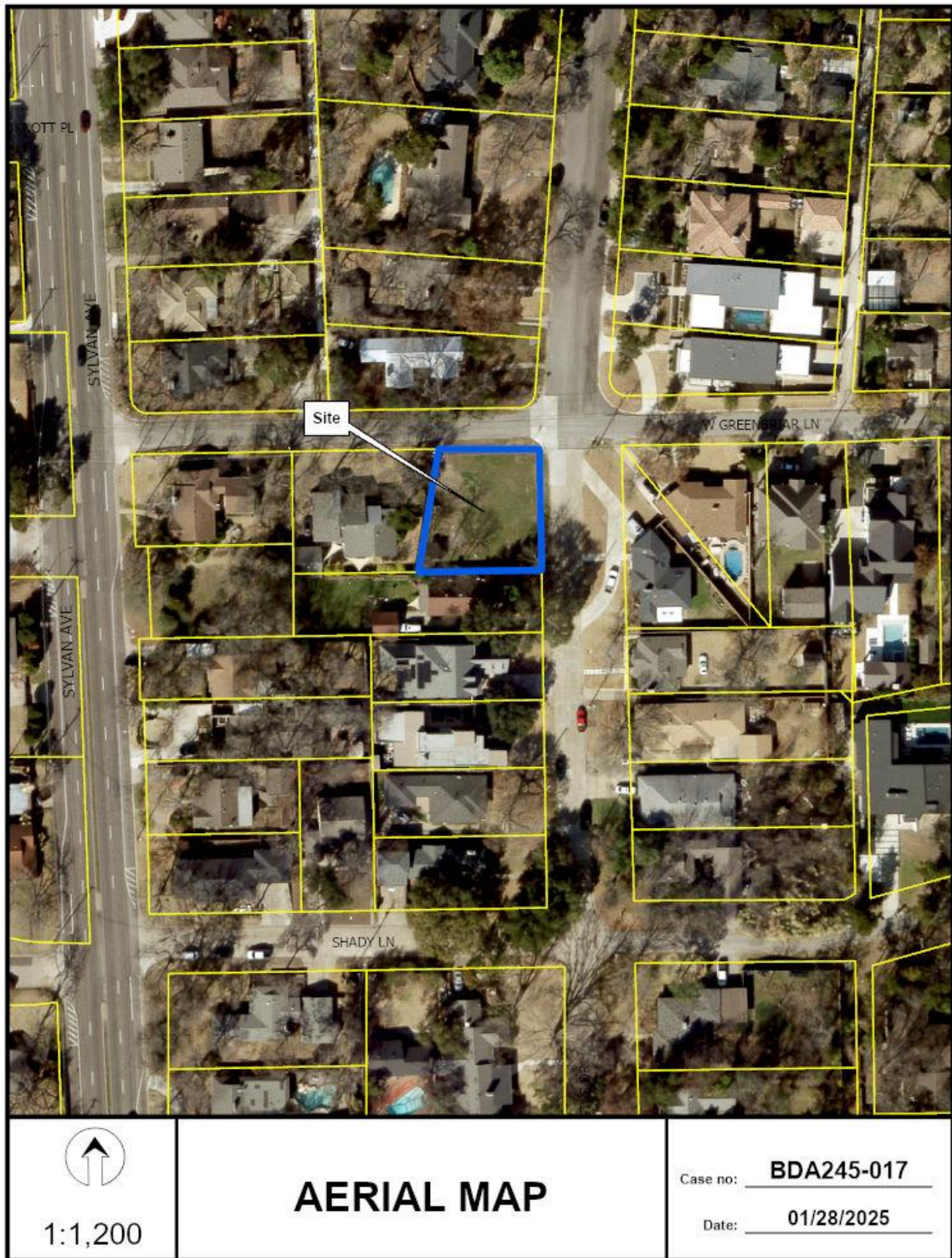
- an attachment that provided the public hearing date and panel that will consider the application; the January 31, 2025, deadline to submit additional evidence for staff to factor into their analysis; and February 7, 2025, deadline to submit additional evidence to be incorporated into the board's docket 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.

January 30, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the February 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.

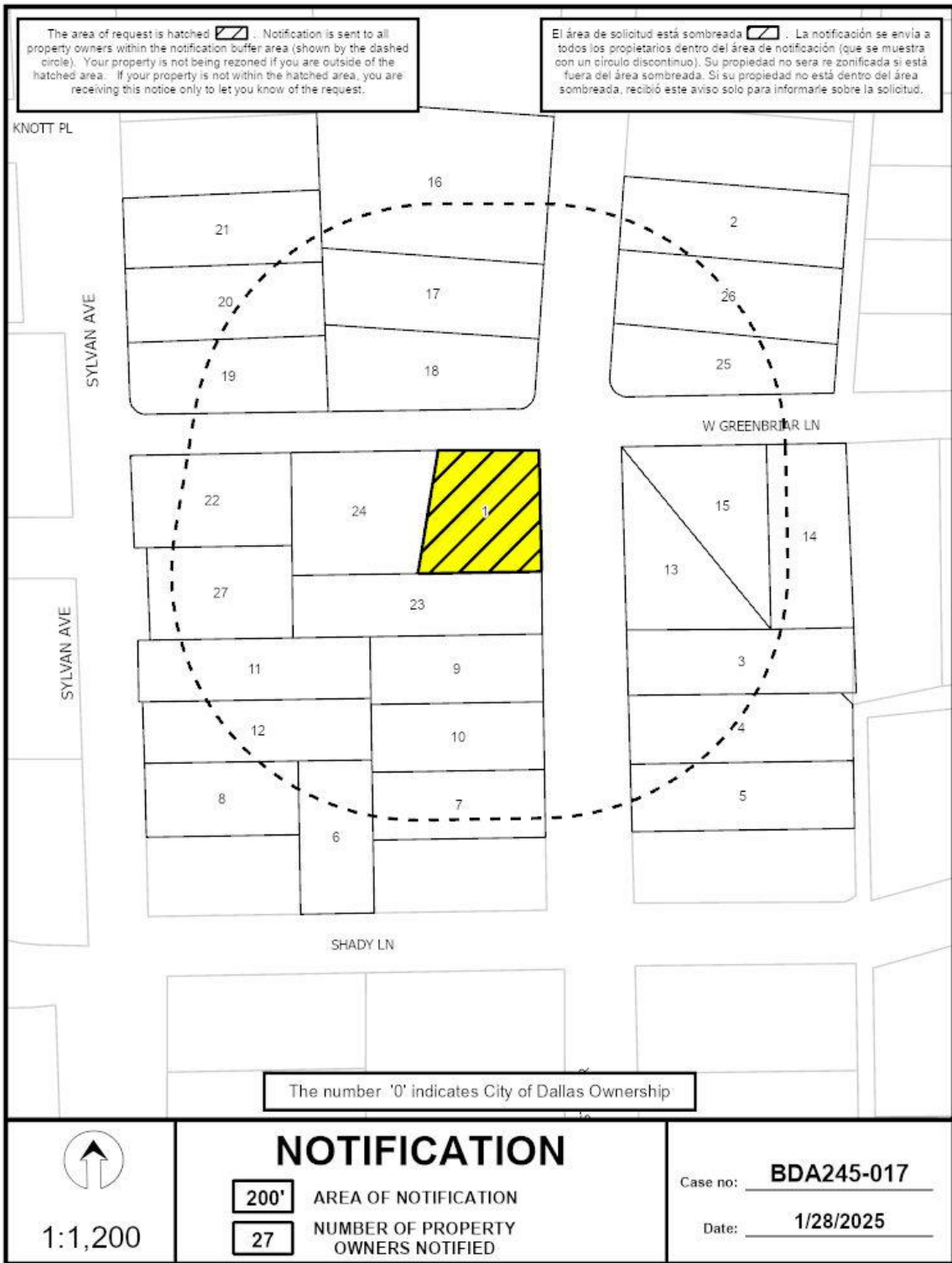
February 19, 2025: The Board of Adjustment Panel **B**, at its public hearing held on Tuesday, March 18, 2025, moved to **HOLD** this matter under advisement until **April 16, 2025**.

February 19, 2025: Planning and Development Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the March 21, 2025, deadline to submit additional evidence for staff to factor into their analysis; and April 4, 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.







Notification List of Property Owners

BDA245-017

27 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1427 EASTUS DR	MARCER CONSTRUCTION CO LLC
2	1512 EASTUS DR	LANE PATRICK DANIEL & ROBIN C
3	1414 EASTUS DR	SPENCER BLAKE &
4	1410 EASTUS DR	WALTER MARTHA M &
5	1406 EASTUS DR	SCHIER WILLIAM J &
6	743 SHADY LN	STRANGE WILLIAM BRYAN III
7	1407 EASTUS DR	CASAS YESENIA
8	1428 SYLVAN AVE	MILLINGTON MARTIN &
9	1415 EASTUS DR	DEMANDER GEOFFREY SHAW &
10	1411 EASTUS DR	PLUNKETT JAMES M
11	1436 SYLVAN AVE	CHAPPELL MARCUS & JUDY ANN
12	1432 SYLVAN AVE	NOEL EMANUEL B
13	1418 EASTUS DR	GOEGEL ROBERT & CHRISTINE
14	720 W GREENBRIAR LN	BAILEY ERIC N & TERI L
15	726 W GREENBRIAR LN	YOUNGQUIST CHARLOTTE A &
16	1519 EASTUS DR	ALFIERI MARK C
17	1507 EASTUS DR	OLSEN ADAM D
18	1503 EASTUS DR	SPRINGFIELD STEPHEN R &
19	1502 SYLVAN AVE	MEZA RENE & SANDRA
20	1506 SYLVAN AVE	AGARWAL HARSH
21	1512 SYLVAN AVE	SHIFFLETT DENNIS BRADY &
22	1444 SYLVAN AVE	WILKINS NANCY J
23	1421 EASTUS DR	SPANN DAVID C & SUZANNE
24	742 W GREENBRIAR LN	SIKES STEVEN P &
25	1506 EASTUS DR	MORROW ELIZABETH
26	1510 EASTUS DR	HUGHES DAN &

Label # Address

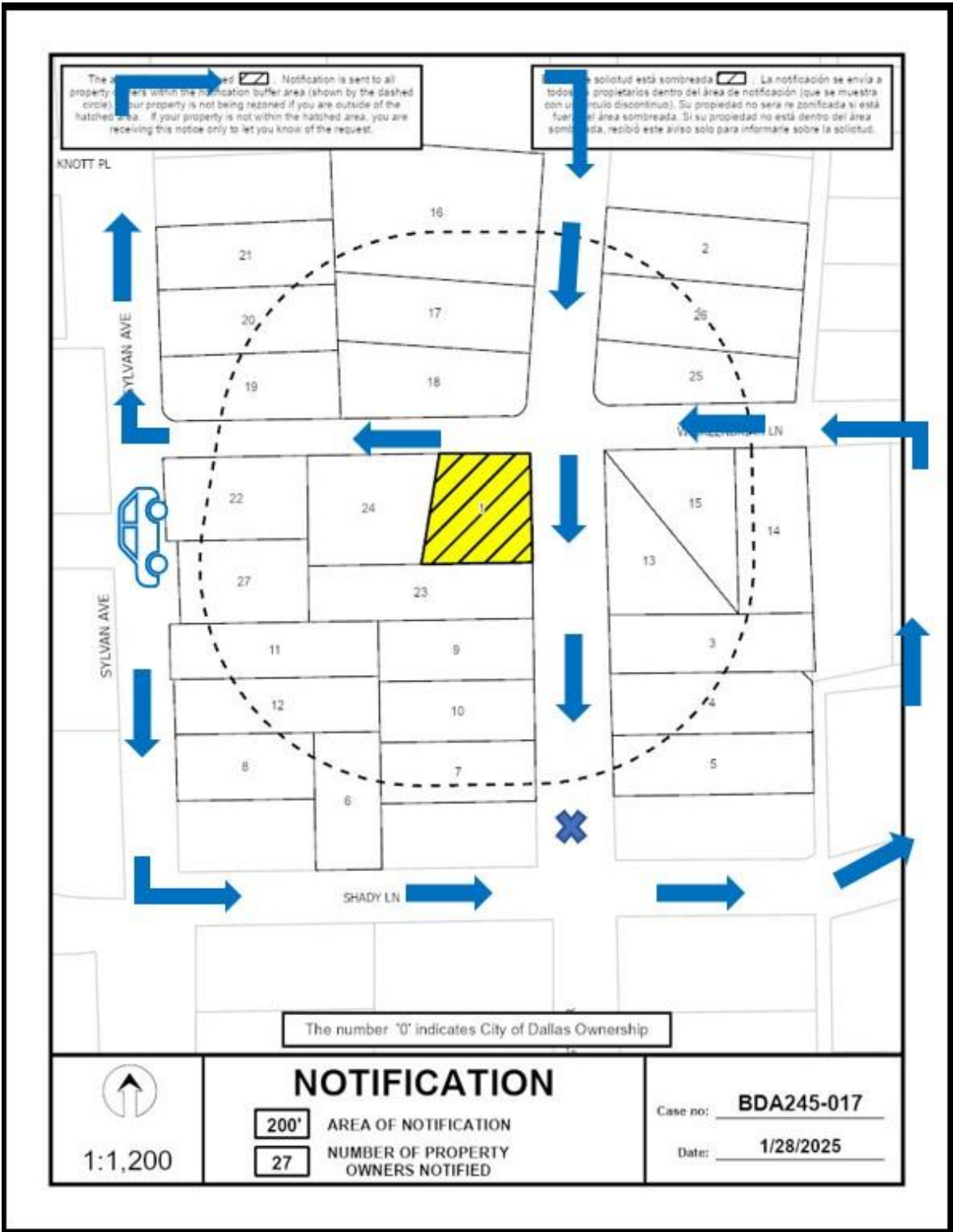
27 1444 SYLVAN AVE

Owner

WILKINS DAVID M

 1:1,200	NOTIFICATION		Case no: BDA245-017
	<div>200'</div> AREA OF NOTIFICATION	<div>27</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 1/28/2025

200' Radius Route Map



NOTICE OF PUBLIC HEARING

BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL B)

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

DATE: WEDNESDAY, APRIL 16, 2025

BRIEFING: 10:30 a.m. via **Videoconference** and in **6ES**, Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa0416B>

HEARING: 1:00 p.m. via **Videoconference** and in **6ES**, Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa0416B>

The purpose of the hearing is to consider the following appeal(s) now pending before the Board of Adjustment. **This case was held under advisement on February 19, 2025.**

BDA245-017(BT) Application of Rob Baldwin for **(1)** a variance to the front-yard setback regulations at **1427 EASTUS DRIVE**. This property is more fully described as Block 5920, Tract 3, and is zoned R-7.5(A), which requires a front-yard setback of 25- feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 7-foot 6-inch front-yard setback, which will require **(1)** a 17-foot 6-inch variance to the front-yard setback regulations.

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. 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 in 6ES at City Hall. 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-B-Register> **by the close of business Tuesday, April 15, 2025. 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 or [YouTube.com/CityofDallasCityHall](https://www.youtube.com/CityofDallasCityHall)

Speakers at the meeting are allowed a maximum of three minutes to address the Board.

Additional information regarding the application may be obtained by calling Bryant Thompson, Senior Planner at (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 & Development Department
1500 Marilla Street 5CN Dallas TX 75201

PLEASE SEND REPLIES TO:
BDAREPLY@dallas.gov

**Letters will be received until 9:00
am the day of the hearing.**

PLEASE REGISTER AT:
<https://bit.ly/BDA-B-Register>



Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA

245-011

Date:

FOR OFFICE USE ONLY

DEC 19 REC'D

Data Relative to Subject Property:

Location address: 1427 Eastus Drive

Zoning District: R-7.5(A)

Lot No.: Tr 3 Block No.: 5920

Acreage: 0.207 Census Tract: 48113004201

Street Frontage (in Feet): 1) 82' 2) 100.21' 3) 4) 5)

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Marcer Construction Co., LLC

Applicant: Rob Baldwin, Baldwin Associates Telephone: 214-824-7949

Mailing Address: 3904 Elm Street, Suite B - Dallas Zip Code: 75226

E-mail Address: rob@baldwinplanning.com / michele@baldwinplanning.com

Represented by: Rob Baldwin, Baldwin Associates Telephone: 214-824-7949

Mailing Address: 3904 Elm Street, Suite B - Dallas Zip Code: 75226

E-mail Address: rob@baldwinplanning.com / michele@baldwinplanning.com

Affirm that an appeal has been made for a Variance ☒ or Special Exception ☒ of to the front yard setback along W. Greenbriar Lane to allow the construction of a single family residence.

and SE to fence in 20' visibility triangle

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to Grant the described appeal for the following reason:

This property is encumbered with 2 front yards which leaves an unreasonable amount of space to build on. The proposed home is commensurate with the surrounding properties.

Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared Rob Baldwin

(Affiant/Applicant's name printed)

who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property

Respectfully submitted:

(Affiant/Applicant's signature)

Subscribed and sworn to before me this 12 day of December, 2024

Notary Public in and for Dallas County, Texas



Date of Hearing _____

Remarks _____

[illegible]

I hereby certify that Rob Baldwin

BDA245-017(BT) Application of Rob Baldwin for (1) a variance to the front-yard setback regulations at 1427 EASTUS DRIVE. This property is more fully described as Block 5920, Lot 3, and is zoned R-7.5(A), which requires a front-yard setback of 25- feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 7-foot 6-inch front-yard setback, which will require (1) a 17-foot 6-inch variance to the front-yard setback regulations.

M. Samuelli Eskander, PE

This Site Plan is not a survey. It is provided for building and site-work layout only. Prior to the start of construction the general contractor shall verify with the city under the appropriate utilities all grades, existing improvements, property lines, required building setbacks, easements, utilities, structures, and any other existing site conditions that could prevent a hazard or interfere with construction. Any discrepancies between this Site Plan and actual on-site conditions shall be the responsibility of the contractor to resolve. Samsen Architects L.L.C. shall be responsible only for the reconstruction of these documents, and then only as information is provided by the general contractor. These requirements apply from the time these documents are issued, and continue throughout the course of construction. Final grade shall provide positive drainage away from (a) structures on this site, and shall furthermore be sensitive to adjacent sites, and shall meet all local requirements.



3/21/24

LOT AREA
9,133 S.F.

SLAB AREA
3,978 S.F.

COVERAGE
43.5%

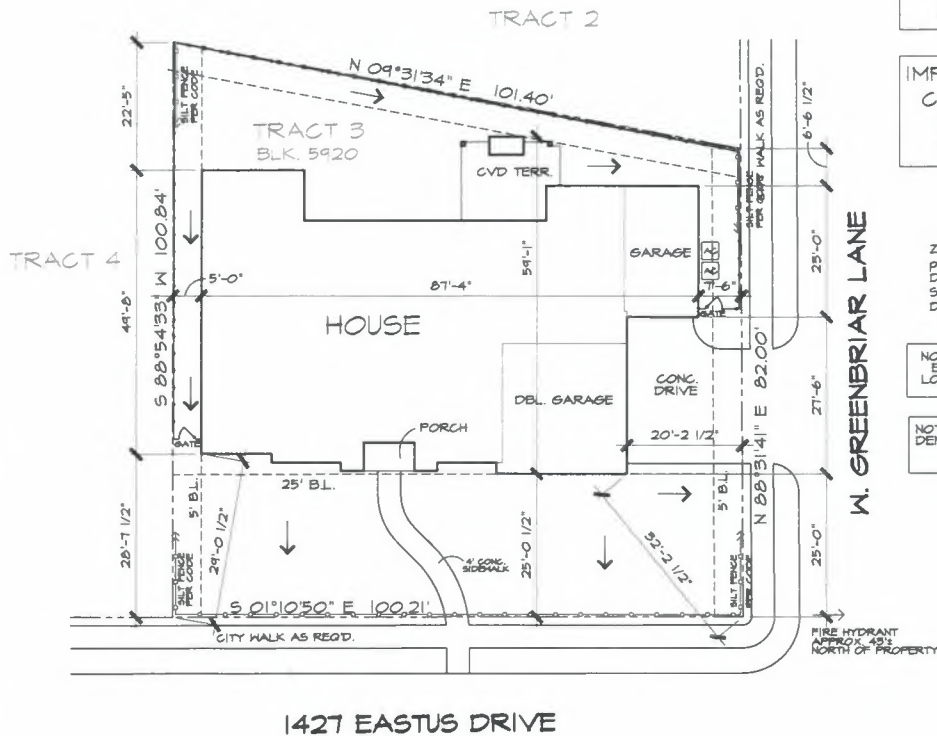
NON-ROOFED
AREA
5,155 S.F.

IMPERMEABLE
COVERAGE
609 S.F.
OR 11.8%

ZONING: T5 (A)
per the City of
Dallas Development
Service and Zoning
District.

NO AIRDUCT OR HVAC
EQUIPMENT WILL BE
LOCATED IN GARAGE.

NOTE: ARROWS
DENOTE WATER FLOW



1427 EASTUS DRIVE

PLOT PLAN

ABST. NO. 1101 - TRACT 3, BLOCK: 5920
1427 Eastus Drive
Dallas, Texas

SCALE: 1"=20'-0"
JOB: 223044
DATE: 3/21/24

BDA245-017

DATE: 3/21/24
R/S: LHM
NAME: PHO
REVISIONS:

Estrada Residence
427 EASTUS DRIVE



IKEMIRE
ARCHITECTS L.L.C.

9/31/24

A1
1 of 1

FIRST FLOOR A/C	2,840 S.F.
SECOND FLOOR A/C	1,470 S.F.
TOTAL A/C	4,310 S.F.
GARAGE	804 S.F.
CVD TERR.	20 S.F.
PORCH	57 S.F.
TOTAL UNDER ROOF	5,490 S.F.

GENERAL 1ST FLR PLAN NOTES:

1. TYP. STUD WALLS ARE 2X4 S. DIMENSIONED 4' OTHERS AS DIMENSIONED BRICK &/OR STONE VENEER 15'-0".
2. INSTALL ALL 1ST FLR WINDOWS WITH HEADS AT 0'-0" AFF UNLESS NOTED OTHERWISE.
3. ALL DOORS ON 1ST FLR TO BE 0'-0" TALL UNLESS NOTED OTHERWISE.
4. TYP. 1ST F.F. EL. = 0'-0" (UND.)
5. FLOOR SYSTEM ASSUMED TO BE 1'-2" UND.

CITY OF DALLAS GREEN ORDINANCE PH. 2

1. ALL EXTERIOR FINISHES TO COMPLY WITH CITY OF DALLAS GREEN ORDINANCE. AVERAGE FLUSH RATE 3.0 GPM OR LESS PER FUTURE.
2. ALL SHOWERHEADS TO COMPLY WITH CITY OF DALLAS GREEN ORDINANCE. AVERAGE FLUSH RATE 2.0 GPM OR LESS PER FUTURE.
3. BUILDERS TO PROVIDE ENERGY STAR QUALIFIED COMPARTMENT SHIMMERS ON ROOF.
4. ALL PENETRATIONS AND CRACKS ALONG HALL BASE MUST BE SEALED AT INTERIOR CONDITION SPACES ADJACENT TO ATTACHED GARAGES.
5. BUILDERS TO PROVIDE ENERGY STAR DISHWASHERS 50% EFFICIENT OR LESS PER ETL.
6. ALL INTERIOR DOORS AT CONDITION SPACES ADJACENT TO ATTIC AND ATTACHED GARAGES MUST HAVE WEATHER STRIPPING INSTALLED ALONG HEADER, JAMB AND SILL.
7. ALL AIR-LOCKS BETWEEN CONDITIONED SPACE AND ATTACHED GARAGE MUST BE TIGHTLY SEALED.
8. ROOF OF NON-ROOF AREA TO BE COVERED WITH VEGETATIVE LANDSCAPE SURFACING, TREES, ETC. OR PERMEABLE PAVING.
9. HVAC UNIT TO BE LOCATED IN THE ATTIC SPACE.
10. BUILDERS MUST INSTALL DRAIN ILLUSTRATION ENTITLED "FOR ALL RELEVANT AREAS OF AN APPROVED LANDSCAPE PLAN".
11. AIR SEAP FOR DISHWASHER.
12. AIR FILTERS MUST BE VERY 8 ON GREATER.
13. AIR HANDLERS MUST BE SIZED TO MAINTAIN AIR PRESSURE AND AIR FLOW.
14. AIR FILTER HOUSING MUST BE AIR-TIGHT.
15. SEE ROOF PLAN SHEET FOR ALL NOTES PERTAINING TO THE ENERGY STAR RATING REQUIREMENTS.
16. SEE ELECTRICAL PLAN SHEETS FOR ALL NOTES PERTAINING TO ALL REQUIREMENTS.

EXT. HALL LEGEND

	BRICK
	CUT STONE



FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"

BDA245-017

FILE NUMBER: BDA245-025(CJ)

BUILDING OFFICIAL'S REPORT: Application of Sameet Madhani represented by Neeraj Kumar for **(1)** a variance to the rear-yard setback regulations; **(2)** a variance to the off-street parking regulations; and **(3)** a variance to the side-yard setback regulations at **4519 Cabell Drive**. This property is more fully described as Block 6/1597, Lot 6, and is zoned MF-2(A), which requires a rear yard setback of 10-feet, requires guest parking to be provided, and requires a side yard setback of 10-feet. The applicant proposes to construct and/or maintain a multifamily residential structure and provide a 4-foot 6-inch rear-yard setback, which will require **(1)** a 5-foot 6-inch variance to the rear-yard setback regulations, and to construct and/or maintain a residential multifamily structure and provide zero of the required 2-guest parking spaces, which will require **(2)** a 2-parking space variance to the required off-street parking regulations, and to construct and/or maintain a multifamily residential structure and provide a 5-foot side-yard setback, which will require **(3)** a 5-foot variance to the side-yard setback regulations.

LOCATION: 4519 Cabell Drive

APPLICANT: Sameet Madhani

REPRESENTATIVE: Neeraj Kumar

REQUEST:

- (1) A request for a variance to the rear-yard setback regulations; and
- (2) A request for a variance to the off-street parking regulations; and
- (3) A request for a variance to the side-yard setback regulations.

STANDARDS OF REVIEW FOR A VARIANCE:

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

- (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), formerly known as HB 1475, 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:

1. Variance (1) to the **Rear Yard Setback** regulations

Denial

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. The subject site is not sloped, irregularly shaped or restrictive in area; therefore, the property can be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Is a self-created or personal hardship.

2. Variance (2) to the **Off-Street Parking** regulations

Denial

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. The subject site is not sloped, irregularly shaped or restrictive in area; therefore, the property can be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Is a self-created or personal hardship.

3. Variance (3) to the **Side Yard Setback** regulations

Denial

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. The subject site is not sloped, irregularly shaped or restrictive in area; therefore, the property can be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Is a self-created or personal hardship.

BACKGROUND INFORMATION:

BDA History:

- No BDA history found at 4519 Cabell Drive in the last 5 years.

Square Footage:

- This lot contains 7,840.8 of square feet.
- 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) (Multi-Family District)
North: MF-2(A) (Multi-Family District)
East: MF-2(A) (Multi-Family District)
South: MF-2(A) (Multi-Family District)
West: MF-2(A) (Multi-Family District)

Land Use:

The subject site is vacant; surrounding properties to the north, south, east, and west are developed with uses permissible in the MF-2(A) zoning district.

GENERAL FACTS/STAFF ANALYSIS:

- The application of Sameet Madhani for the property located at 4519 Cabell Drive focuses on 3 requests relating to rear yard setback regulations, the off-street parking regulations, and the side yard setback regulations.
- The applicant proposes to construct and/or maintain a single-family residential structure and provide a 4-foot 6-inch rear-yard setback, which will require a 5-foot 6-inch variance to the rear-yard setback regulations; MF-2(A) zoning district requires a 10-foot rear yard setback for multi-family residential structures.

- Secondly, the applicant is proposing to construct a residential multifamily structure and provide zero of the required 2-guest parking spaces.
- Lastly, the applicant proposes to construct and/or maintain a single-family residential structure and provide a 5-foot side-yard setback, which will require a 5-foot variance to the rear-yard setback regulations; MF-2(A) zoning district requires a 10-foot side yard setback for multi-family residential structures.
- The subject site is vacant; properties to the north, south, east, and west are all developed with multi-family residential structures.
- The subject site is a mid-block lot and has single street frontage along Cabell Drive.
- Per the site plan, the applicant is proposing to construct and maintain a multifamily residential structure that houses 6 units.
- Each of the proposed 6 units estimate at 1,561 square feet and have 2 bedrooms with 3 levels.
- The site plan also proposes a 20-foot wide driveway along the east side of the subject site.
- It is imperative to note that the subject site is approximately 50-feet wide and 158-feet deep.

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

- That granting the variance(s) 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(s) is/are necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
- The variance(s) 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 proposed variance(s) below, 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.
 - 5-foot 6-inch variance to the rear yard setback regulations.
 - 2-parking space variance to the off-street parking regulations.
 - 5-foot variance to the side yard setback regulations.
- 200' Radius Video: [BDA245-025 at 4519 Cabell Drive](#)

Timeline:

- December 23, 2024: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- January 3, 2025: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel **B**.
- January 27, 2025: The Planning and Development Senior Planner emailed the applicant the following information:
- an attachment that provided the hearing date and panel that will consider the application; the January 31, 2025, deadline to submit additional evidence for staff to factor into their analysis ;and February 7, 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.
- January 30, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the February 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.
- February 19, 2025: The Board of Adjustment Panel **B**, at its public hearing held on Wednesday, February 19, 2025, moved to HOLD this matter under advisement until April 16, 2025.
- March 13, 2025: The Development Services Department Senior Planner emailed the applicant the following information:
- an attachment that provided the hearing date and panel that will consider the application; the March 21, 2025, deadline to submit additional evidence for staff to factor into their analysis ;and April

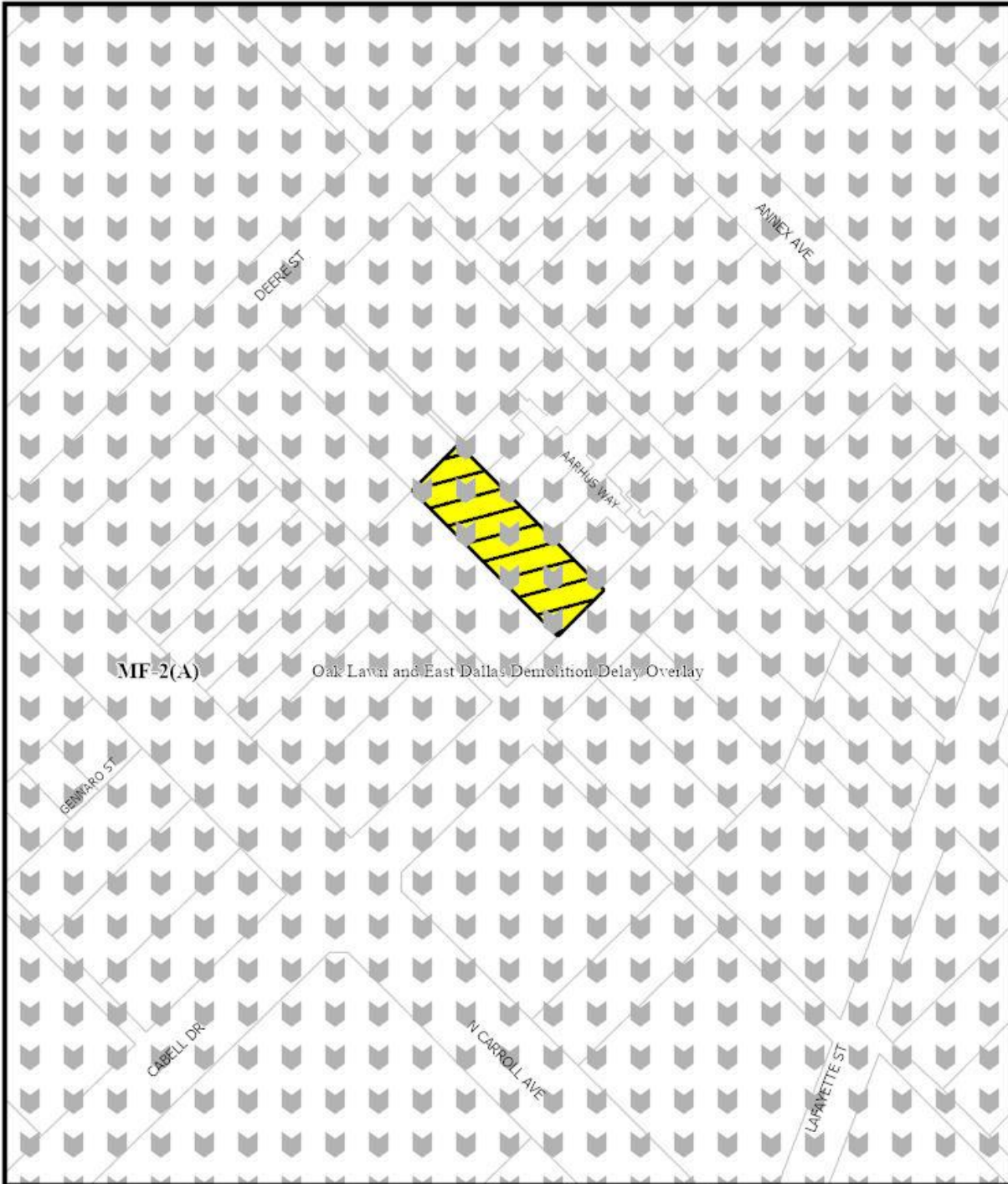
4, 2025, deadline to submit additional evidence to be incorporated into the board's docket materials.

- 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.

March 27, 2025:

The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the April 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

ZONING MAP

Case no: **BDA245-025**

Date: **01/28/2025**

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.



1:1,200

NOTIFICATION

200'

AREA OF NOTIFICATION

61

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA245-025**

Date: **1/28/2025**



/
01/28/2025

Notification List of Property Owners

BDA245-025

61 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4519 CABELL DR	4519 CABELL LLC
2	2222 N CARROLL AVE	HOUSING AUTHORITY OF THE CITY OF DALLAS
3	2210 N CARROLL AVE	VALDEMAR ISRAEL JR & DIANA C
4	2208 N CARROLL AVE	BUTCHER KALE NOLAN
5	2206 N CARROLL AVE	RAMIREZ JOSE F
6	2202 N CARROLL AVE	2202 N CARROLL LLC
7	4516 DEERE ST	CHAVEZ ESPERANZA
8	4518 DEERE ST	GONZALEZ DARIO
9	4532 DEERE ST	LOWERY CARL WESLEY
10	2217 ANNEX AVE	KIMBERLIE KAREN BECKER WAKE
11	2219 ANNEX AVE	BALLAS CARY
12	2215 ANNEX AVE	GONZALEZ PANTALEON &
13	2209 ANNEX AVE	SOLIDALLAS PROPERTIES INC
14	4514 CABELL DR	HEIRISE LLC SERIES B
15	4520 CABELL DR	CABELL TOWNHOMES II LLC
16	4526 CABELL DR	CABELL TOWNHOMES 11 LLC
17	4528 CABELL DR	GUERRERO ROGELIO
18	4532 CABELL DR	4532 CABELL INVESTORS LLC
19	2111 ANNEX AVE	ELIZONDO ADREN
20	2105 ANNEX AVE	MITCHELL DONALD R JR
21	2107 ANNEX AVE	DUNN ALEXANDRA & SHARON
22	2218 N CARROLL AVE	CDB FIESTA LLC
23	2216 N CARROLL AVE	BUTCHER KALE
24	2214 N CARROLL AVE	MICCI BRANDON
25	2212 N CARROLL AVE	FITZGERALD JAMIE L
26	2205 AARHUS WAY	EKCH LLC

01/28/2025

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	2204 AARHUS WAY	DUNMIRE KELSEY
28	2220 AARHUS WAY	EKCH LLC
29	2124 N CARROLL AVE	THE HOUSING AUTHORITY OF
30	4525 LAFAYETTE ST	HILL JADE
31	4523 LAFAYETTE ST	PELAYO JAZMINE
32	4529 LAFAYETTE ST	LINCK VICTOR JOHN
33	4527 LAFAYETTE ST	PASHIN JULIA
34	4537 LAFAYETTE ST	LIU SHIQI
35	4515 CABELL DR	BARON RICHARD &
36	4515 CABELL DR	COSTELLO CAMERON SCOTT
37	4515 CABELL DR	HAN BING
38	4515 CABELL DR	MEZA RIGOBERTO TORRES &
39	4515 CABELL DR	LIU YI
40	2201 ANNEX AVE	BRADY BRIAN CHRISTOPHER
41	2201 ANNEX AVE	GOEL ASHWIN KUMAR
42	2201 ANNEX AVE	JOSEPH MITHUN
43	2201 ANNEX AVE	HUNTSBERRY JASON R
44	2201 ANNEX AVE	CARO IRREVOCABLE TRUST THE
45	4522 DEERE ST	ONEAL RODNEY &
46	4522 DEERE ST	NOELL AMBER M & TODD E
47	4522 DEERE ST	IYA STEPHEN ISA
48	4522 DEERE ST	HUGHES SARAH E
49	4522 DEERE ST	TATUM PATRICK
50	4526 DEERE ST	KRUPPA BRIAN P
51	4526 DEERE ST	JB PROPERTIES & RENTALS LLC
52	4526 DEERE ST	CROWLEY COLLEEN A & THOMAS P
53	4526 DEERE ST	PATEL RAHUL
54	4526 DEERE ST	ZHAO LUCIAN &
55	4515 LAFAYETTE ST	ADAMS LARRY & MICHAEL MATHEWS
56	4515 LAFAYETTE ST	CLARK JODI L
57	4515 LAFAYETTE ST	KARLEN TIMOTHY EDWARD



1:1,200

NOTIFICATION

200'

AREA OF NOTIFICATION

61

NUMBER OF PROPERTY
OWNERS NOTIFIED

Case no: **BDA245-025**

Date: **1/28/2025**

NOTICE OF PUBLIC HEARING

BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL B)

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

DATE: WEDNESDAY, APRIL 16, 2025

BRIEFING: 10:30 a.m. via Videoconference and in 6ES, Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa0416B>

HEARING: 1:00 p.m. via Videoconference and in 6ES, Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa0416B>

The purpose of the hearing is to consider the following appeal(s) now pending before the Board of Adjustment. This case was held under advisement on February 19, 2025.

BDA245-025(CJ) Application of Sameet Madhani represented by Neeraj Kumar for (1) a variance to the rear-yard setback regulations; (2) a variance to the off-street parking regulations; and (3) a variance to the side-yard setback regulations at 4519 CABELL DRIVE. This property is more fully described as Block 6/1597, Lot 6, and is zoned MF-2(A), which requires a rear-yard setback of 10-feet, requires guest parking to be provided, and requires a side-yard setback of 10-feet. The applicant proposes to construct and/or maintain a multifamily residential structure and provide a 4-foot 6-inch rear-yard setback, which will require (1) a 5-foot 6-inch variance to the rear-yard setback regulations, and to construct and/or maintain a residential multifamily structure and provide zero of the required 2-guest parking spaces, which will require (2) a 2-parking space variance to the required off-street parking regulations, and to construct and/or maintain a multifamily residential structure and provide a 5-foot side-yard setback, which will require (3) a 5-foot variance to the side-yard setback regulations.

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. 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 in 6ES at City Hall. 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-B-Register> by the close of business Tuesday, April 15, 2025. 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 or YouTube.com/CityofDallasCityHall

Speakers at the meeting are allowed a maximum of three minutes to address the Board.

Additional information regarding the application may be obtained by calling Cambria Jordan, Senior Planner at (214) 948-4476, 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 & Development Department
1500 Marilla Street 5CN Dallas TX 75201

PLEASE SEND REPLIES TO:
BDAREPLY@dallas.gov
Letters will be received until 9:00
am the day of the hearing.

PLEASE REGISTER AT:
<https://bit.ly/BDA-B-Register>



Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA

245-025

Data Relative to Subject Property: _____

Date: _____

Location address: 4519 CABELL DRIVE, DALLAS, TEXAS

Zoning District: MF-2A

Lot No.: 6 Block No.: 6 / 1597 Acreage: 0.18 ACRES Census Tract: _____

Street Frontage (in Feet): 1) 15' 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): 4519 CABELL LLC - Sameet Madhani

Applicant: SAMEET MADHANI

Telephone: 817.896.2446

Mailing Address: 2401 SALMON RUN LN, EULESS, TX

Zip Code: 76039

E-mail Address: sameetmadhani@gmail.com

Represented by: NEERAJ KUMAR

Telephone: 901.603.8765

Mailing Address: 2494 BUNNELS FORK ROAD, FRISCO, TX

Zip Code: 75036

E-mail Address: nkumar@designgroupmemphis.com

Affirm that an appeal has been made for a Variance 5', or Special Exception X of TO ALLOW WITH THE SETBACK
2) 2 guest parking reduction 4'6" OF 5' AT REAR

add. info - total # units = 6

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to Grant the described appeal for the following reason:

A VARIANCE IS REQUESTED FOR LESS SET BACK AT THE REAR WHICH IS 5' BECAUSE HAVING 10' REAR

SETBACK AND 20' DRIVEWAY WILL LEAVE BUILDING DEPTH ONLY 20'.

Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared _____

SAMEET MADHANI

(Affiant/Applicant's name printed)

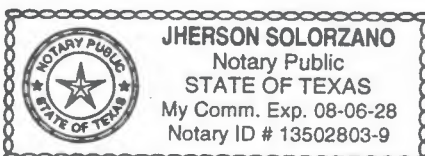
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property

Respectfully submitted: _____

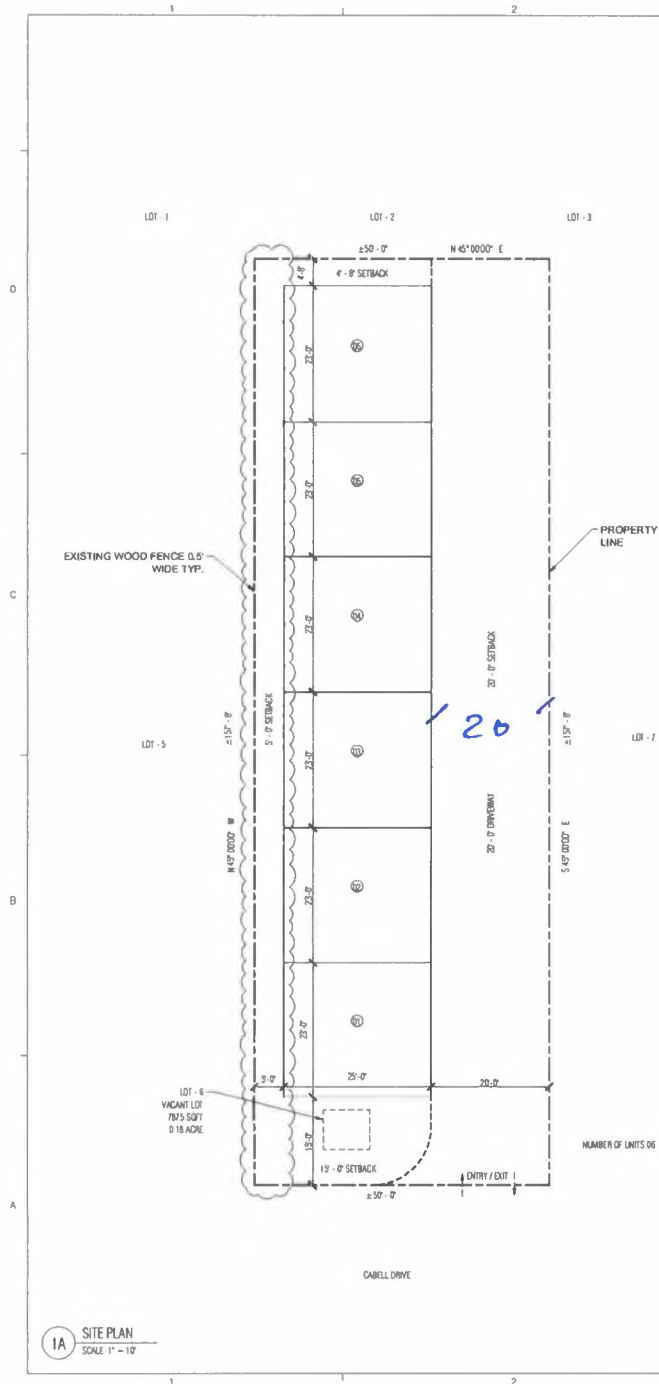
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 23 day of December, 2024

Notary Public in and for Dallas County, Texas



DEVELOPMENT SERVICES • BOARD OF ADJUSTMENT | REV 05.24.2023



SER. NO.	SIZE OF UNITS	AREA
01	25 FT X 23 FT	575 SQ. FT.
02	25 FT X 23 FT	575 SQ. FT.
03	25 FT X 23 FT	575 SQ. FT.
04	25 FT X 23 FT	575 SQ. FT.
05	25 FT X 23 FT	575 SQ. FT.
06	25 FT X 23 FT	575 SQ. FT.
TOTAL NUMBER OF UNITS - 6		

2A AREA CALCULATION OF UNITS

DESIGN GROUP LLC

2494 BLUNCK C. FORK ROAD
FARMINGTON, CT 06030
Telephone: 301.603.8765

E-Mail: nluoma@designgroupmemphis.com

DALLAS TOWNHOMES

4519 CABELL DRIVE,
DALLAS, TEXAS

VARIANCE

NO.	DATE	ISSUE DESCRIPTION
01	08/11/2014	PRELIMINARY SITE PLAN
02	11/12/2014	VARIANCE

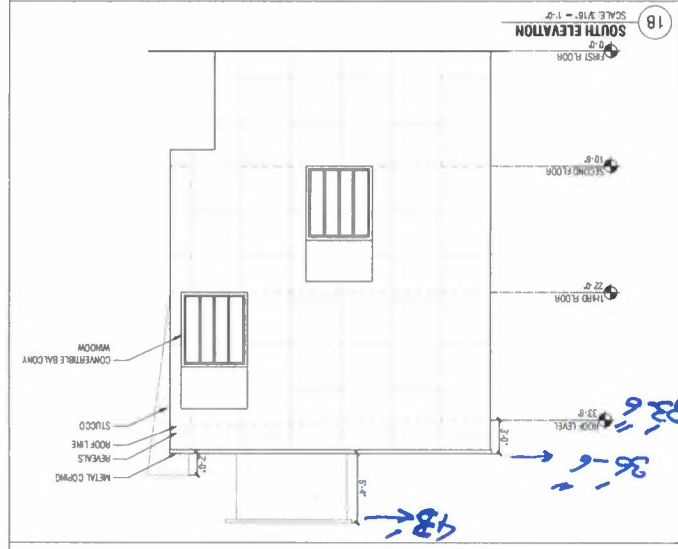
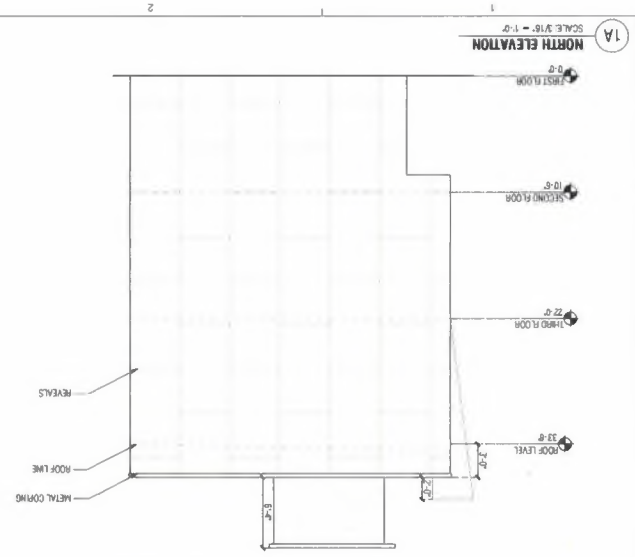
SITE PLAN

DRAWN BY: YOUNG
CHECKED BY:
APPROVED BY:

02/02/2015

A100

FD0245-025



EDM245-025

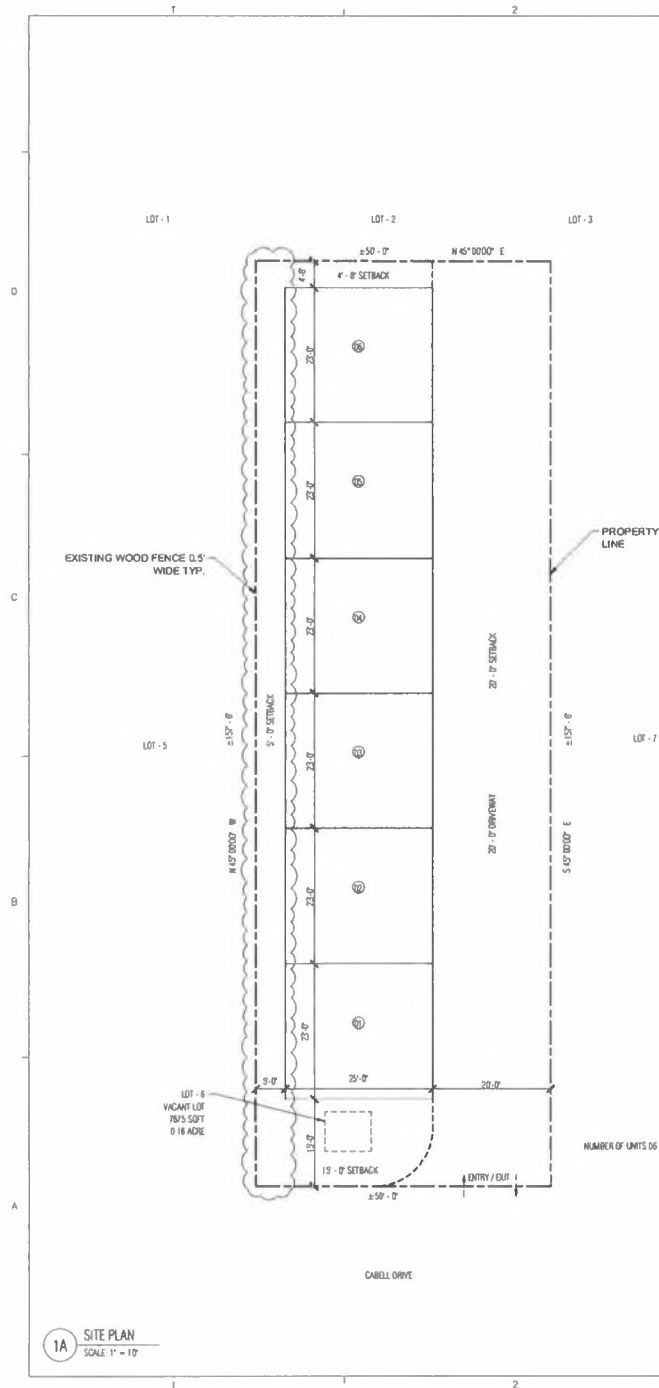
A301

EXTERIOR
ELEVATIONS

VARIANCE

DALLAS TOWNHOMES
4519 CABELL DRIVE,
DALLAS, TEXAS

DESIGN GROUP LLC
2494 BUNNETT'S FORK ROAD
TRISTAR, TX 75036
Telephone: 801.803.8765
E-Mail: rkumar@designgroupmemphis.com



SRL NO	SIZE OF UNITS	AREA
01	25 FT X 23 FT	575 SQ FT
02	25 FT X 23 FT	575 SQ FT
03	25 FT X 23 FT	575 SQ FT
04	25 FT X 23 FT	575 SQ FT
05	25 FT X 23 FT	575 SQ FT
06	25 FT X 23 FT	575 SQ FT
TOTAL NUMBER OF UNITS = 6		

2A AREA CALCULATION OF UNITS

DESIGN GROUP LLC

2494 BUNNELS FORK ROAD
FISCO, TX 75040
Telephone: 301.603.8765

E-Mail: nlumoro@designgroupmemphis.com

DALLAS TOWNHOMES

4519 CABELL DRIVE,
DALLAS, TEXAS

VARIANCE

NO	DATE	REVISION
01	06/15/2024	PRELIMINARY SEE PLAN
02	11/20/2024	VARIANCE

SITE PLAN

DRAWN BY	Yalman
CHECKED BY	
APPROVED BY	
DESIGNED BY	

A100

BD245-025



DESIGN GROUP LLC

2424 BUNNELS FERRY ROAD
FISHER, TEXAS 75040
Phone: 281.613.5777
E-Mail: dgroup@designgroupllc.com

DALLAS TOWNHOMES

4519 CABELL DRIVE,
DALLAS, TEXAS

VARIANCE

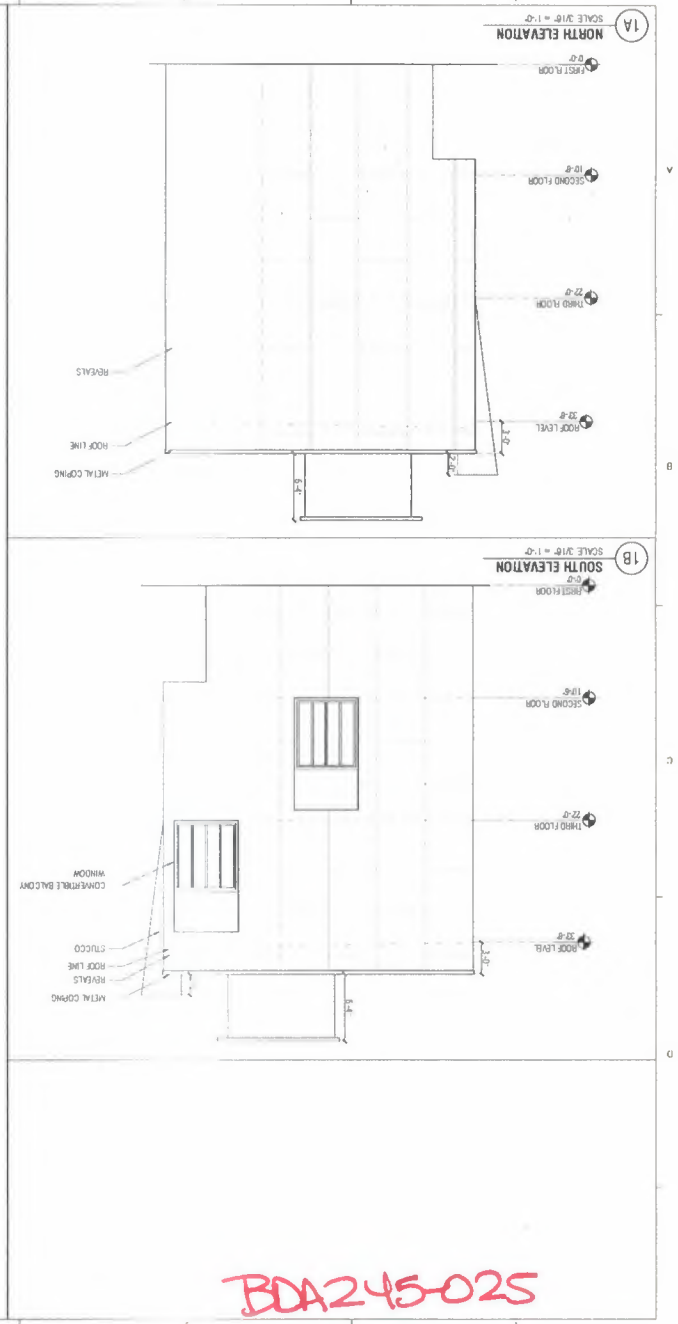
NO.	DATE	ISSUE/REVISION
1	05/04/2024	PRELIMINARY ELEVATIONS
2	11/07/2024	VARIANCE
3	12/09/2024	SEE REVISIONS

DRAWING NAME
EXTERIOR ELEVATIONS

DRAWN BY: YMB/MB
CHECKED BY:
APPROVED BY:
DRAWING NUMBER:

A300

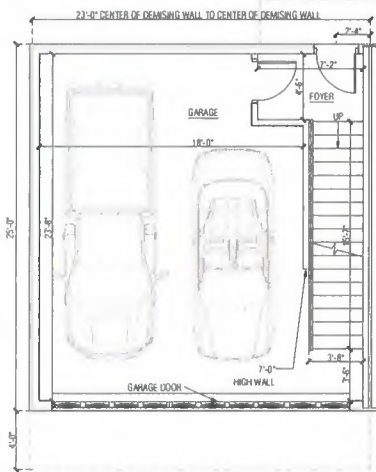
POA245-025



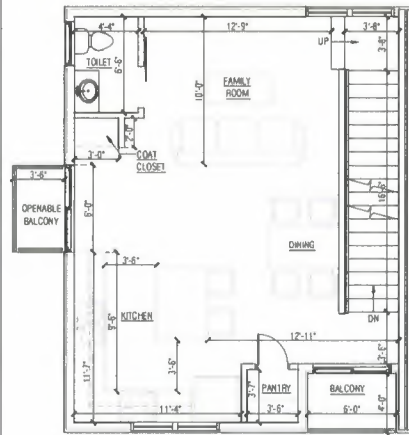
BDA245-025

A301	
DESIGNED BY	DATE
CHECKED BY	REVISION
APPROVED BY	DATE
EXTERIOR ELEVATIONS	
VARIANCE	
DALLAS TOWNHOMES	
4519 CABELL DRIVE, DALLAS, TEXAS	
DESIGN GROUP LLC	
2194 BLUNN'S FORK ROAD Frisco, TX 75036 Telephone: 901.503.8765 E-mail: rhuang@designgroupemg.com	

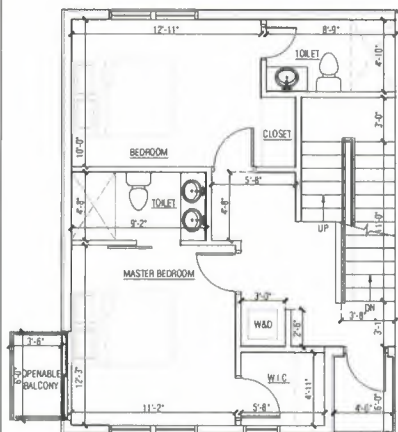
FIRST FLOOR AREA		SECOND FLOOR AREA		THIRD FLOOR AREA	
HEATED AREA	90 SQ. FT.	HEATED AREA	480 SQ. FT.	HEATED AREA	483 SQ. FT.
UNHEATED AREA	509 SQ. FT.	UNHEATED AREA	45 SQ. FT.	UNHEATED AREA	42 SQ. FT.
GARAGE	421 SQ. FT.	BALCONY	45 SQ. FT.	BALCONY	42 SQ. FT.
FRONT PORCH	88 SQ. FT.				
TOTAL UNDER ROOF AREA : 511 SQ. FT.		TOTAL UNDER ROOF AREA : 525 SQ. FT.		TOTAL UNDER ROOF AREA : 525 SQ. FT.	



1A FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"



2A SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"



3A THIRD FLOOR PLAN
SCALE: 1/4" = 1'-0"

BDAS-025



DESIGN GROUP LLC
2494 BUNNELS FORK ROAD
Frisco, TX 75036
Telephone: 907.603.8765
E-Mail: nnumar@designgroupmemphis.com

DALLAS TOWNHOMES
4519 CABELL DRIVE,
DALLAS, TEXAS

VARIANCE

REV	DATE	REVISION
01	09/24/2024	PRELIMINARY DRAWING
02	11/20/2024	VARIANCE

DRAWING NAME
FIRST, SECOND AND THIRD FLOOR PLAN

DRAWN BY	11/20/2024
CHECKED BY	
APPROVED BY	
DRAWING NUMBER	

A101

FILE NUMBER: BDA245-051(CJ)

BUILDING OFFICIAL'S REPORT: Application of Brandon Luke represented by Jay Peskuski for **(1)** a variance to the front yard setback regulations at 6617 Gaston Avenue. This property is more fully described as Block L/2797, Lot 18, and is zoned CD-2 Tract 3, which requires a front yard setback of 60-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 47-foot 5- inch front yard setback, which will require **(1)** a 12- foot 7- inch variance to the front-yard setback regulations.

LOCATION: 6617 Gaston Avenue

APPLICANT: Brandon Luke

REPRESENTATIVE: Jay Peskuski

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), formerly known as HB 1475, 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:

1. Variance (1) to the **Front Yard Setback** regulations

Denial

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. The subject site is in Conservation District #2, Tract 3 which has a minimum lot size of 10,000 sq ft, a minimum depth of 150 feet and a minimum width of 70 feet. The subject site is 17,380.44 sq ft, 151 feet deep and 111 feet wide. Although the location of the subject site is within a curved road, the subject site is not restrictive in area, shape or slope; therefore, the property can 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:

- No BDA history found at 6617 Gaston Avenue in the last 5 years.

Square Footage:

- This lot contains 17380.44 of square feet.

Zoning:

Site: Conservation District #2 (Tract 3)
North: Conservation District #2 (Tract 3)
East: Conservation District #2 (Tract 3)
South: Planned Development #517
West: Conservation District #2 (Tract 2)

Land Use:

The subject site and surrounding properties to the north, east and west are developed with uses permissible in Conservation District #2. Areas to the south are zoned as Planned Development #517.

GENERAL FACTS/STAFF ANALYSIS:

- The application of Brandon Luke for the property located at 6617 Gaston Avenue focuses on one request relating to front yard setback regulations.
- The applicant proposes to construct and/or maintain a single-family residential structure and provide a 47-foot 5-inch front yard setback, which will require a 12-foot 7-inch variance to the front yard setback regulations; Conservation District #2 (Tract 3) zoning district requires a 60-foot front yard setback for all building sites.
- The subject site is developed with a single-family residential structure in an established neighborhood.
- The subject site is a mid-block lot and has single street frontage along Gaston Avenue.
- **Per the site plan, a portion of the existing home is already encroaching into the required 60-foot front yard setback by 12-feet 7-inches; this portion of the home is non-conforming.**
- The applicant plans to expand their home to make it more compatible with the architectural characteristic of Conservation District #2. This expansion includes proposed sections that will encroach into the front yard setback by 12-feet 7-inches, matching the current footprint of an existing section of the home.
- The Conservation Districts group provided comments stating that they are in support of this request for variance for the following reasons:
 - The proposed changes to the front facade will make the structure more architecturally compatible with the Lakewood District, and with the architectural style of the home itself.
 - The location of this property is also within a curve in the road, causing slight variations in depth among the adjacent front yards.
 - The adjustment they seek will not alter the streetscape in an inappropriate way

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:

- (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 proposed variance below, 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.
 - 12-foot 7-inch variance to the front yard setback regulations.
 - 200' Radius Video: [BDA245-051 at 6617 Gaston Avenue](#)

Timeline:

- February 27, 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.
- March 5, 2025: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel **B**.
- March 13, 2025: The Planning & Development Senior Planner emailed the applicant the following information:
- an attachment that provided the hearing date and panel that will consider the application; the March 21, 2025, deadline to submit additional evidence for staff to factor into their analysis ;and April 4, 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.
- March 27, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the April 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.



BDA245-051 at 6617 Gaston Avenue





1:1,200

ZONING MAP

Case no: **BDA245-051**

Date: **03/06/2025**

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
15 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA245-051**

Date: **3/6/2025**

The area of request is hatched . Notification is sent to all property owners within the notification buffer area (shown by the dashed lines). Your property is not being widened 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). Si su propiedad no está en profunda o está fuera del área sombreada, si su propiedad no está dentro del área sombreada, recibirá este aviso solo para informarle sobre la solicitud.



1:1,200

NOTIFICATION

200'

AREA OF NOTIFICATION

15

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA245-051**

Date: **3/6/2025**

/03/06/2025

Notification List of Property Owners

BDA245-051

15 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6617 GASTON AVE	LUKE BRANDON S &
2	1912 ABRAMS RD	LAKEWOOD COUNTRY CLUB
3	2202 CAMBRIA BLVD	VINO MICHAEL BRANDON &
4	6607 GASTON AVE	KENNY ANDREA
5	6616 AVALON AVE	OPITZ JUSTIN R & KASSIDY K
6	6602 AVALON AVE	JACOB MICHAEL & MINDY
7	6608 AVALON AVE	RUBENSTEIN KENNETH JAY &
8	6622 AVALON AVE	BONDS DAVID A
9	6636 AVALON AVE	PEDEN JAMES K III
10	6644 AVALON AVE	MK MANAGEMENT TRUST
11	6640 AVALON AVE	DEHGHANPISHEH DARYAN & CORINE
12	6637 GASTON AVE	HUFFMAN EDWIN & BRITTANI
13	6625 GASTON AVE	REDROCK CAPITAL PARTNERS LLC
14	6629 GASTON AVE	THELEN KYLE & ABBEY
15	6611 COUNTRY CLUB CIR	SISK J ANTHONY & L CATHERINE



1:1,200

NOTIFICATION

200'

AREA OF NOTIFICATION

15

NUMBER OF PROPERTY
OWNERS NOTIFIED

Case no: **BDA245-051**

Date: **3/6/2025**

From: Parent, Melissa
Sent: Friday, March 28, 2025 1:02 PM
To: Jordan, Cambria
Subject: 6617 Gaston

Cambria,
Just a little write-up for this project:

Conservation districts are in support of this variance. The proposed changes to the front facade will make the structure more architecturally compatible with the Lakewood District, and with the architectural style of the home itself. The location of this property is also within a curve in the road, causing slight variations in depth among the adjacent front yards. The adjustment they seek will not alter the streetscape in an inappropriate way.

Regards,
~Melissa

Melissa Parent
Senior Planner – Conservation Districts

Planning & Development Department
1500 Marilla Street, RM 5CN
Dallas, TX 75201
Office: 214-671-5070 | **Cell:**
Email: melissa.parent@dallas.gov



"OFFICE RECORD NOTICE: This email and responses may be subject to the Texas Open Records Act and may be disclosed to the public upon request. Please respond accordingly."

**Conservation District
Division Comments**

NOTICE OF PUBLIC HEARING

BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL B)

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

DATE: WEDNESDAY, APRIL 16, 2025

BRIEFING: 10:30 a.m. via Videoconference and in 6ES, Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa0416B>

HEARING: 1:00 p.m. via Videoconference and in 6ES, Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa0416B>

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

BDA245-051(CJ) Application of Brandon Luke represented by Jay Peskuski for (1) a variance to the front-yard setback regulations at 6617 GASTON AVENUE. This property is more fully described as Block L/2797, Lot 18, and is zoned CD-2 Tract 3, which requires a front-yard setback of 60-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 47-foot 5-inch front-yard setback, which will require (1) a 12-foot 7-inch variance to the front-yard setback regulations.

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. 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 in 6ES at City Hall. 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-B-Register> by the close of business Tuesday, April 15, 2025. 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 or YouTube.com/CityofDallasCityHall

Speakers at the meeting are allowed a maximum of three minutes to address the Board.

Additional information regarding the application may be obtained by calling Cambria Jordan, Senior Planner at (214) 948-4476, 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 & Development Department
1500 Marilla Street 5CN Dallas TX 75201

PLEASE SEND REPLIES TO:

BDAREPLY@dallas.gov

Letters will be received until 9:00 am
the day of the hearing.

PLEASE REGISTER AT:

<https://bit.ly/BDA-B-Register>



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

RECEIVED

Case No.: BDA

245-051

FEB 27 2025

Data Relative to Subject Property:

Date:

BY:

Location address: 6617 Gaston Ave

Zoning District: Conservation District (CD #2)

Lot No.: 18 Block No.: L/2797 Acreage: 0.399 Census Tract: Country Club Estates

Street Frontage (in Feet): 1) 111.07' 2) 3) 4) 5)

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Brandon S Luke & Janie E Gray

Applicant: Brandon Luke

Telephone: 972.369.4989

Mailing Address: 6617 Gaston Ave, Dallas, TX

Zip Code: 75214

E-mail Address: brandon@hattenluke.com

✓ Represented by: Jay Peskuski

Telephone: 469.682.8956

Mailing Address: 2309 Albion Way, Forney, TX

Zip Code: 75126

E-mail Address: jp@jpdfirm.com

Affirm that an appeal has been made for a Variance ☒ or Special Exception ☐ of Required front yard setback.
Requesting to maintain the existing front yard setback.

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to Grant the described appeal for the following reason:

Requesting to maintain the existing front yard setback in effort to create a more contributing structure. The residence is currently "non-contributing" to the Conservation District.

Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared

Brandon Luke

(Affiant/Applicant's name printed)

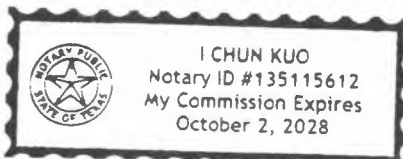
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property

Respectfully submitted:

(Affiant/Applicant's signature)

Subscribed and sworn to before me this 27 day of February, 2025

Notary Public in and for Dallas County, Texas



DEVELOPMENT SERVICES • BOARD OF ADJUSTMENT | REV 01.16.2023



TRADITIONAL/ECLECTIC (NON CONTRIBUTING)

EXISTING
NOT TO SCALE



SPANISH ECLECTIC (CONTRIBUTING)

NEW/PROPOSED
NOT TO SCALE

PROJECT NO.
6617

DATE:
2/21/2025

PDF

**PESKUSKI
DESIGN
FIRM**

DALLAS, TEXAS
P. 469.662.8956
F. 972.279.0238
E. JP@JPOFFICE.COM

NO DESCRIPTION DATE

PROJECT INFO:
LUKE RESIDENCE
6617 GASTON AVENUE
LOT 18, BLOCK U2797
DALLAS, TX

SHEET NO:

CS

BDA245-051



N 87° 17' 53" E 39.87'

6' ESMNT

6' ESMNT₂

EXISTING
GARAGE

NEW/PROPOSED
RESIDENCENEW/PROPOSED
RESIDENCE

N 02° 23' 28" E 151.08'

6-ESMNT

45' BUILD LINE ?

LOT: 17378 SQ FT
COVERAGE 4825 SQ FT
LOT COVERAGE 26.6%

S 88° 24' 25" W 111.07'

10' STORM WATER DRAINAGE ESMNT

S 02° 45' W 159.40'

117-07

GASTON AVE

7) ALL PLANT BEDS AND BEDDING AREAS TO BE IRRIGATED WITH DRIP EMITTERS
8) 70% (OR GREATER) OF THE NON ROOF AREA OF THE LOT COVERED WITH VEGETATIVE LANDSCAPE OR PERMEABLE PAVING

SITE PLAN

SCALE: 1" = 10'

PROJECT NO.
6617

DATE:
2/21/2025

PDF
PESKUSKI
DESIGN
FIRM

DALLAS, TEXAS
P 469 682 8956
F 972 279 0238
E JP@JPDFIRM.COM

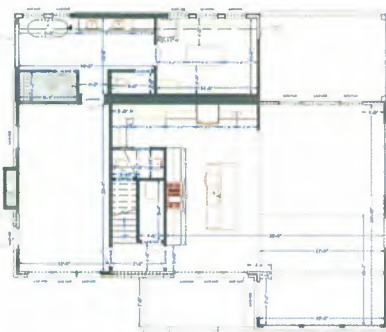
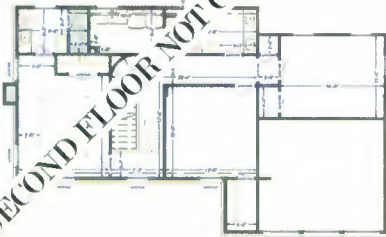
NO	DESCRIPTION	DATE
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PROJECT INFO:
LUKE RESIDENCE
6617 GASTON AVENUE
LOT 18, BLOCK L/2797
DALLAS, TX

SHEET NO:
A-0

BDA245-051

SECOND FLOOR NOT CHANGED/MODIFIED



FIRST FLOOR

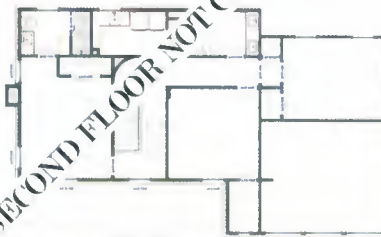
EXISTING

EXISTING

DIMENSIONAL FLOOR PLANS ON SHEET A-2

DIMENSIONAL FLOOR PLANS ON SHEET A-2

SECOND FLOOR NOT CHANGED/MODIFIED



SECOND FLOOR



FIRST FLOOR

DIMENSIONAL FLOOR PLANS ON SHEET A-2

NEW/PROPOSED

DIMENSIONAL FLOOR PLANS ON SHEET A-2

AREAS (SQ FT)

LIVING AREAS	
EXISTING	
EXISTING A/C (PER DCAD)	3004
NEW/ADDED	
1ST FLR ADDED A/C	1316
2ND FLR ADDED A/C	0
TOTAL A/C	4320
NON LIVING AREAS	
FRONT PORCH	34
OUTDOOR LIVING	482
BREEZEWAY	151

PROJECT OVERVIEW

SCALE: 1/8" = 1'

PROJECT NO.
6617
DATE:
2/21/2025

PDF
PESKUSKI
DESIGN
FIRM

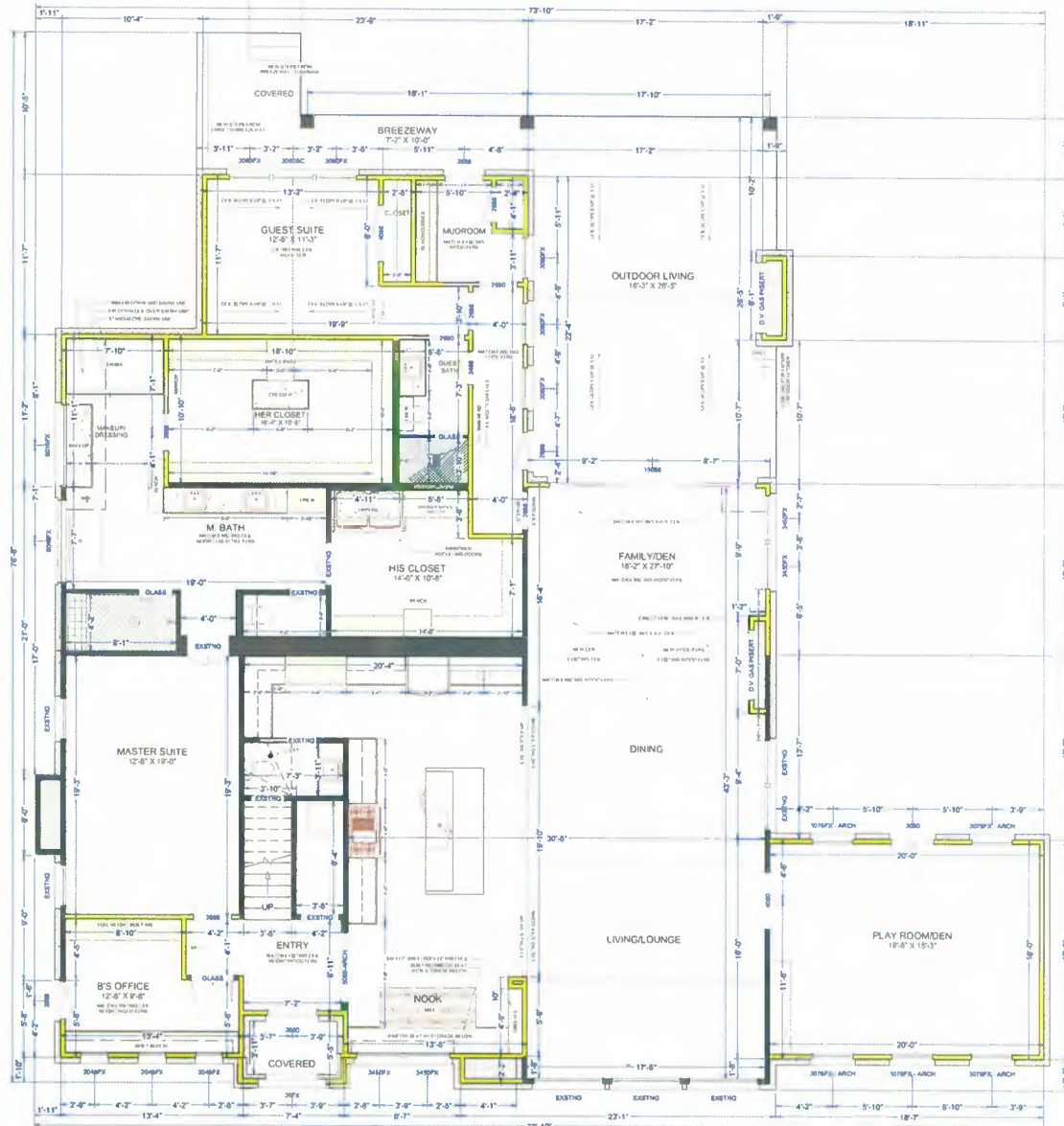
DALLAS, TEXAS
P: 469.682.8956
F: 972.270.0238
E: JP@PDKHRA.COM

NO. DESCRIPTION DATE

PROJECT INFO:
LUKE RESIDENCE
6617 GASTON AVENUE
LOT 18, BLOCK 1/2797
DALLAS, TX

SHEET NO:
A-1

BDA24S-051



**FIRST FLOOR
PLAN**
SCALE 1/4" = 1'
0' 1' 3' 6' 10'

PROJECT NO.
6617
DATE:
2/21/2025

PDF
**PESKUSKI
DESIGN
FIRM**

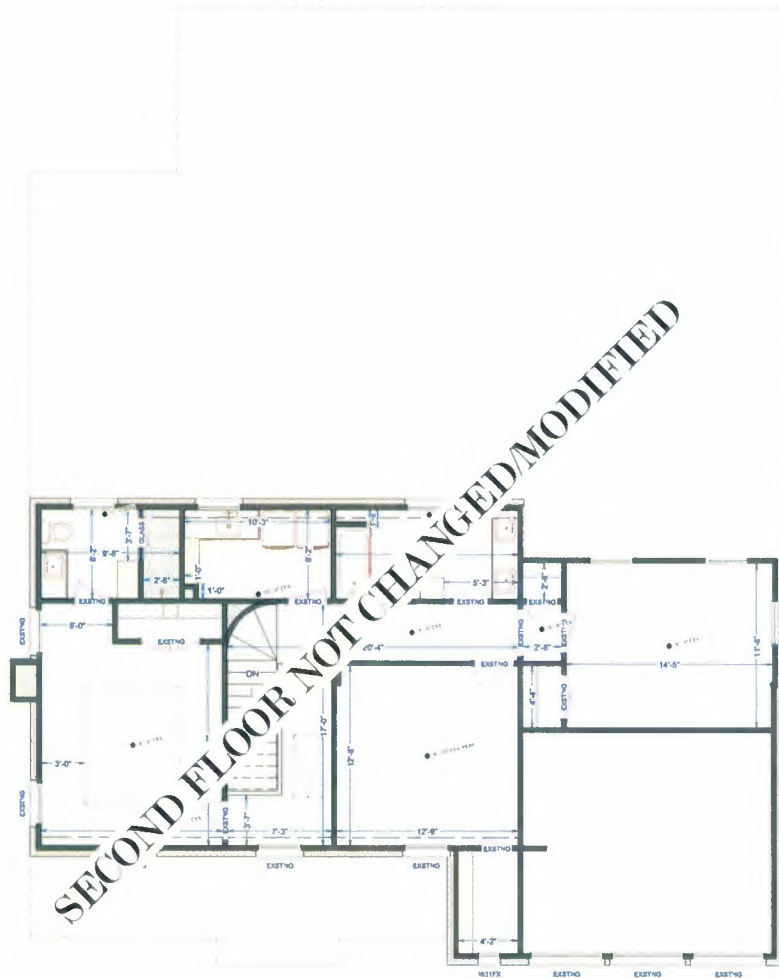
DALLAS, TEXAS
P. 469.692.8956
F. 072.276.0238
E. JP@PDFFIRM.COM

NO. DESCRIPTION DATE

PROJECT INFO:
LUKE RESIDENCE
6617 GASTON AVENUE
LOT 18, BLOCK U2797
DALLAS, TX

SHEET NO:
A-2

BDA245-OS1



SECOND FLOOR PLAN

SCALE: 1/4" = 1'
0 1' 3' 6' 10'

PROJECT NO.
6617
DATE:
2/21/2025

PDF
PESKUSKI
DESIGN
FIRM

DALLAS, TEXAS
P: 469.682.8956
F: 972.279.0218
E: JP@PESKUSKIDESIGN.COM

NO DESCRIPTION DATE

PROJECT INFO:
LUKE RESIDENCE
6617 GASTON AVENUE
LOT 18, BLOCK U/2797
DALLAS, TX

SHEET NO.:

A-3

BDAS-OSI



FRONT ELEVATION (NEW/PROPOSED)



FRONT ELEVATION (EXISTING)



LEFT ELEVATION (NEW/PROPOSED)



LEFT ELEVATION (EXISTING)

FRONT/LEFT ELEVATIONS

SCALE 1/4" = 1'
0' 1' 3' 6' 10'

PROJECT NO.
6617

DATE:
2/21/2025

PDF

PESKUSKI
DESIGN
FIRM

DALLAS TEXAS
P 469 682 8056
F 972 279 0238
E JP@JPDFIRM.COM

NO DESCRIPTION DATE

PROJECT INFO:
LUKE RESIDENCE
6617 GASTON AVENUE
LOT 18, BLOCK U2797
DALLAS, TX

SHEET NO:

A-4

BDA245-051



REAR ELEVATION (NEW/PROPOSED)



REAR ELEVATION (EXISTING)



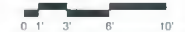
RIGHT ELEVATION (EXISTING)



RIGHT ELEVATION (NEW/PROPOSED)

REAR/RIGHT ELEVATIONS

SCALE 1/4" = 1'



PROJECT NO.
6617

DATE:
2/21/2025

PDF
PESKUSKI
DESIGN
FIRM

DALLAS, TEXAS
P 469 682 8956
F 972 279 0218
E JP@JPDFIRM.COM

NO. OF SHEETS: DATE:

PROJECT INFO:
LUKE RESIDENCE
6617 GASTON AVENUE
LOT 18, BLOCK U/2797
DALLAS, TX

SHEET NO.:

A-5

BDA245-051