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CITY SECRETARY
DALLAS, TEXAS



City of Dallas

AGENDA

Public Notice

250647

POSTED CITY SECRETARY
DALLAS, TX

BOARD OF ADJUSTMENT (PANEL C)

**JULY 14, 2025, BRIEFING AT 10:30 A.M. AND
THE PUBLIC HEARING AT 1:00 P.M.**

Dallas City Hall, 6ES COUNCIL BRIEFING, and Videoconference

Video Conference Link: <https://bit.ly/boa0714>

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-C-Register> or call (214) 670-4127, **by 5 p.m. on Sunday, July 13, 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-C-Register> o llamando al (214) 670-4127, **antes de las 5 p.m. Domingo, 13 de Julio, 2025. Las Personas que quieran hablar en persona, se pueden registrar en la Audiencia.**

AGENDA

- | | | |
|------|------------------------------------|---------------------------|
| I. | Call to Order | Robert Agnich, 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)

- Approval of Panel C Minutes – June 16, 2025
-

UNCONTESTED CASE(S)

- BOA-25-000012(BT)** 8418 PLAINVIEW DRIVE 1
REQUEST: Application of Brandon Elias, represented by Kevin Jara, for **(1)** a variance to the side-yard setback regulations, **(2)** a special exception to the single-family use regulations, **(3)** a variance to the rear-yard setback regulations, and **(4)** a variance to the lot coverage regulations.
- BOA-25-000013(DB)** 3702 PENELOPE STREET 2
REQUEST: Application of Birchard Humphrey for **(1)** a variance to the front-yard setback regulations.
- BOA-25-000014(DB)** 9785 AUDUBON PLACE 3
REQUEST: Application of Jennifer Hiromoto for **(1)** a special exception to the fence height regulations.
-

HOLDOVER

NONE

INDIVIDUAL CASES

- BOA-25-000004(BT)** 4503 HOLLAND AVENUE 4
REQUEST: Application of Jennifer Hiromoto for **(1)** a variance to the front-yard setback regulations and **(2)** a special exception to the visibility obstruction regulations.



BOARD OF ADJUSTMENT

Panel C Minutes

June 16, 2025

DRAFT

6ES Council Briefing

24957316190@dallascityhall.webex.com

Robert Agnich, Vice-Chair

PRESENT: [5]

Robert Agnich, VC	
Roger Sashington	
Rodney Milliken	
Jared Slade	
Phil Sahuc	

ABSENT: [0]

Vice-Chair Agnich called the briefing to order at **10:06 A.M.** with a quorum of the Board of Adjustment present.

Vice-Chair Agnich called the hearing to order at **1:03 P.M.** with a quorum of the Board of Adjustment present.

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

PUBLIC SPEAKERS

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

- No Public Speakers registered.

MISCELLANEOUS ITEMS

The Board was briefed in regards of the Texas Supreme Court decision of May 2, 2025, PDT Holdings, Inc. and Phillip Thompson Homes, Inc. dba Phillip Thompson Custom Homes v. City of Dallas and the Board of Adjustment of the City of Dallas, Case No. 23-0842.

- Approval of the Board of Adjustment Panel C, May 19, 2025, Minutes as presented during the briefing.

A motion was made to approve Panel C, May 19, 2025, Public Hearing minutes.

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

INDIVIDUAL CASES

1. 2726 GRAFTON AVENUE

BOA-25-000007(DB)

BUILDING OFFICIAL'S REPORT: Application of Juan Pineda for **(1)** a variance to the front-yard setback regulations at **2726 Grafton Avenue**. This property is more fully described as Block 9/3857, Lot 2, 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 22-foot front-yard setback, which will require **(1)** a 3-foot variance to the front-yard setback regulation.

LOCATION: 2726 Grafton Avenue

APPLICANT: Juan Pineda

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

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 restrictive in shape or slope but is restrictive in area (R-7.5(A) min, 7500 sq ft, subject site is 7050 sq ft); 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 2726 Grafton Avenue in the last 5 years.

Square Footage:

- This lot contains 7,050 of square feet.

Zoning:

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 surrounding properties to the north, south, east and west zoned R-7.5(A).

GENERAL FACTS/STAFF ANALYSIS:

- The application of Juan Pineda for the property located at 2726 Grafton Avenue focuses on one request relating to the front yard setback regulations.
- The applicant proposes to construct and/or maintain a single-family residential structure and provide a 22-foot front-yard setback, which will require a 3-foot variance to the front-yard setback regulations; R-7.5(A) zoning district requires a 25-foot front yard setback.
- Per the applicant, they are requesting the 3-foot variance to the front yard setback to maintain an existing porch that was added as an addition to the home; the addition of the porch is currently under review with the City of Dallas Building Inspections permitting team.
- The subject site is developed with a single-family home.
- The subject site is a mid-block lot and has single street frontage along Grafton Avenue.

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

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

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

- (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 most recently submitted site plan, would require the proposal to be constructed as shown on the submitted documents.
 - 3- foot variance to the front yard setback regulations.
 - 200' Radius Video: [BOA-25-000007 at 2726 Grafton Avenue](#)

BOARD OF ADJUSTMENT
June 16, 2025

Timeline:

March 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.

May 5, 2025: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel **C**.

May 16, 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 May 23, 2025, deadline to submit additional evidence for staff to factor into their analysis; and June 6, 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.

May 29, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the June public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

Speakers:

For: No Speakers

Against: No Speakers

Motion

I move that the Board of Adjustment **GRANT** the following application listed on the uncontested docket because it appears, from our evaluation of the property and all relevant evidence that the application satisfies all the requirements of the Dallas Development Code and is consistent with the general purpose and intent of the Code, as applicable, to wit:

BDA-25-000007 – Application of Juan Pineda, for a variance to the front-yard setback regulations contained in the Dallas Development Code, is **granted**, subject to the following condition:

Compliance with the most recent version of all submitted plans are required.

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

				Milliken, Jared Slade, Phil Sahuc
		Against:	-	

2. 4803 VICTOR STREET

BOA-25-000006_FR1(BT)

THIS CASE WAS MOVED TO INDIVIDUAL ITEMS

BUILDING OFFICIAL'S REPORT: Application of Felicia Edoghotu for a fee reimbursement for **(1)** a special exception to the fence height regulations, **(2)** a special exception to the fence standard regulations, and for **(3)** a special exception to the 45-foot visibility obstruction regulations at **4803 VISTOR STREET**. This property is more fully described as Block A/795, 1/2 Part Lot 7, and is zoned PD-98.

LOCATION: 4803 Victor Street

APPLICANT: Felicia Edoghotu

REQUEST:

2. The applicant is requesting a fee reimbursement for fees paid for the application submittal for 4803 Victor Street which will appear before Panel C on June 16, 2025.

STANDARD FOR A FEE WAIVER OR REIMBURSEMENT:

Section 303.12.1.6 in Chapter 52 of the Dallas City 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. If the issue is placed on the miscellaneous docket, the applicant may not file the application until the merits of the request for waiver have been determined by the board. In making this determination, the board may require the production of financial documents.

STAFF RECOMMENDATION:

The staff does not make a recommendation on fee waiver requests since the standard is whether the board finds that payment of the fee would result in substantial financial hardship to the applicant.

Speakers:

For: Felicia Edoghotu, 4803 Victor Street, Dallas, TX 75246

Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BOA-25-000006_FR1, on application of Felicia Edoghotu, **GRANT** the request to the reimbursement of the filing fees paid in association with a request for a special exception to the fence height regulations, fence opacity regulations, and visibility triangle regulations as requested by this applicant because our evaluation of the property and testimony shows that the payment of the fee would result in substantial financial hardship to this applicant.

Maker:	Jared Slade				
Second:	Roger Sashington				
Results:	3-2				Motion to grant fails
		Ayes:	-	3	Robert Agnich, Roger Sashington , Jared Slade
		Against:	-	2	Rodney Milliken, Phil Sahuc

3. 4803 VICTOR STREET

BOA-25-000006(BT)

THIS CASE WAS MOVED TO INDIVIDUAL ITEMS

BUILDING OFFICIAL'S REPORT: Application of Felicia Edoghotu for **(1)** a special exception to the fence height regulations, **(2)** a special exception to the fence standard regulations, and for **(3)** a special exception to the 45-foot visibility obstruction regulations at **4803 VISTOR STREET**. This property is more fully described as Block A/795, 1/2 Part Lot 7, and is zoned PD-98, which limits the height of a fence in the front-yard to 4-feet and requires a fence panel with a surface area that is less than 50 percent open not be located less than 5-feet from the front lot line, and a person shall not erect, place, or maintain a structure, berm, plant life, or any other item on a lot if the item is in a visibility triangle. The applicant proposes to construct and/or maintain an 6-foot high fence in a required front-yard, which will require **(1)** a 2-foot special exception to the fence height regulations along N. Prairie Avenue, the applicant proposes to construct and/or maintain a fence in a required front-yard with a fence panel having less than 50 percent open surface area located less than 5-feet from the front-lot line, which will require **(2)** a special exception to the fence standard regulations, and to construct and/or maintain a single-family residential fence structure in a required visibility obstruction triangle, which will require **(3)** a special exception to the 45-foot visibility obstruction regulation at the intersection of Victor Street and N. Prairie Avenue.

LOCATION: 4803 Victor Street

APPLICANT: Felicia Edoghotu

REQUEST:

3. A request for a special exception to the fence height regulations,
4. A request for a special exception to the fence standard regulation relating to opacity, and
5. A request for a special exception to the 45-foot visibility obstruction regulations at the intersection of Victor Street and N. Prairie Avenue.

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

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

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

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

STAFF RECOMMENDATION:

Special Exceptions (3):

No staff recommendation is made on this request.

BACKGROUND INFORMATION:

Zoning:

Site: PD-98
North: PD-98 and PD-97 (H/11)
East: PD-98
South: PD-98
West: PD-98

Land Use:

The subject site and surrounding properties are developed with single-family, multifamily and duplex uses.

BDA History:

BDA history found in the last five years BDA223-021

- The Board of The Board of Adjustment Panel C, at its public hearing held on Thursday, February 23rd, 2023, moved to **GRANT** the variance to the front yard setback regulations in the Dallas Development Code, subject to the following condition:
 - Compliance with the submitted site plan is required.

GENERAL FACTS/STAFF ANALYSIS:

- The application of Felicia Edoghotu for the property located at 4803 Victor Street focuses on three requests relating to the fence height, fence opacity regulations, and visual obstruction regulations.
- The first request, the applicant is proposing to construct and maintain a 6-foot high board on board fence and gate in a required front-yard along N. Prairie Avenue, which will require a 2-foot special exception to the fence height regulations.
- The second request, the applicant is proposing to construct and maintain a fence in a required front-yard with a fence panel having less than 50 percent open surface area located less than 5-feet from the front lot line, which requires a special exception to the fence opacity regulations.
- The last request, the applicant is requesting a special exception to the 45-foot visibility obstruction triangle at the corner of Victor Street and N. Prairie Avenue. The proposed 30-foot visibility obstruction triangle with a 4-foot high wrought iron fence.

BOARD OF ADJUSTMENT
June 16, 2025

- Subject site, due to blockface continuity, has a front-yard setback requirements along both Victor Street and N. Prairie Avenue
- The applicant has the burden of proof in establishing that the special exception to the fence standard regulations relating to height and opacity will not adversely affect the neighboring properties.
- Granting the special exception to the fence regulations relating to height, opacity, and visual obstruction with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: [BOA-25-000006 at 4803 Victor St](#)

Timeline:

May 6, 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.
May 5, 2025:	The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C .
May 19, 2025:	Planning and Development Department Senior Planner emailed the applicant the following information: <ul style="list-style-type: none">• an attachment that provided the public hearing date and panel that will consider the application; the May 23, 2025, deadline to submit additional evidence for staff to factor into their analysis; and May 30, 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.
May 29, 2025:	The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the June public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.
May 28, 2025:	The applicant provided revised site plan.
May 29, 2025:	The applicant provided revised site planSpeakers: For: Felicia Edoghotu, 4803 Victor St, Dallas TX 75246 Justin Grubb, 4803 Victor St, Dallas TX 75246 Against: No Speakers

Motion # 1

I move that the Board of Adjustment, in Appeal No. BOA-25-000006, on application of Felicia Edoghotu, **GRANT** the request of this applicant to construct and/or maintain a 6-foot high fence as a special exception to the height requirement for fences contained in the Dallas Development Code, as amended, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property.

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

Compliance with height and fence location requirements illustrated in the most recent version of all submitted plans are required.

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

Motion # 2

I move that the Board of Adjustment, in Appeal No. BOA-25-000006, on application of Felicia Edoghotu, **GRANT** the request of this applicant to construct and/or maintain a fence with panel having less than 50 percent open surface area located less than five-feet from the front lot line as a special exception to the surface area openness requirement for fences in the Dallas Development Code, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property.

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

Compliance with opacity and fence location requirements illustrated in the most recent version of all submitted plans are required.

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

Motion # 3

I move that the Board of Adjustment, in Appeal No. BOA-25-000006, on application of Felicia Edoghotu, **GRANT** the request to maintain items in the 45-foot visibility triangle at the intersection of Victor Street and Prairie Avenue 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:	Phil Sahuc				
Second:	Roger Sashington				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Robert Agnich, Rodney Milliken, Roger Sashington. Jared Slade & Phil Sahuc
		Against:	-	0	

4. 139 TURTLE CREEK BOULEVARD

BDA245-059(DB)

THIS CASE WAS MOVED TO INDIVIDUAL ITEMS

BUILDING OFFICIAL'S REPORT: Application of John Lewis Mckeel for **(1)** a special exception to the parking regulations at 139 Turtle Creek Boulevard. This property is more fully described as Block 23/7890, Lots 12, 13, 14, and 15, and is zoned PD-621(Subdistrict 1A), which requires parking to be provided. The applicant proposes to construct and/or maintain a nonresidential structure for a restaurant without drive-in or drive-through service use, an art gallery, and a single-family residential structure (live unit), and commercial amusement (inside) use, and provide 71 of the required 107 parking spaces, which will require **(1)** a 36-space special exception (34 percent reduction) to the parking regulation.

LOCATION: 139 Turtle Creek Boulevard

APPLICANT: John Lewis Mckeel

REQUEST:

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

STANDARDS OF REVIEW FOR A SPECIAL EXCEPTION TO OFF-STREET PARKING:

Section 51P-621.110(b)(2) states that the board may grant a special exception of up to 50 percent of the required off-street parking upon the findings and considerations listed in Section 51A-4.311 minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). The board of adjustment may impose conditions on the special exception. Section 51A-4.311(a) of the Dallas Development Code states that the board may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, **that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent or nearby streets.**

STAFF RECOMMENDATION:

Special Exceptions (1):

No staff recommendation is made on this request.

BACKGROUND INFORMATION:

BDA History:

No BDA history found at 139 Turtle Creek Boulevard within the last 5 years.

Square Footage:

This lot contains 517,492.8 of square feet.

This lot is zoned Regional Retail (RR) which does not have a minimum lot size.

Zoning:

Site: PD-621(Subdistrict 1A)
North: PD-621(Subdistrict 1A)
South: PD-621(Subdistrict 1A)
East: PD-621(Subdistrict 1A)
West: PD-621(Subdistrict 1A)

Land Use:

The subject site is developed with a nonresidential structure. The areas to the north, south, east, and west are developed or are being developed with uses permissible in Planned Development 621.

GENERAL FACTS/STAFF ANALYSIS:

- The application of John Lewis McKeel for the property located at 139 Turtle Creek Boulevard focuses on one request relating to the parking regulations for a nonresidential structure to be used for a restaurant without drive-in or drive-through service use, an art gallery, and a single-family residential structure (live unit), commercial amusement (inside).
- A request for a special exception to the off-street parking regulations of 36 spaces (34 percent) is made to construct and/or maintain a nonresidential structure at 139 Turtle Creek Boulevard.
- The subject site is zoned Planned Development 621, Subdistrict 1A which requires parking to be provided.
- It is imperative to note that the subject site has single street frontage on Turtle Creek Boulevard.
- The submitted site plan shows the applicant plans to provide 71 (66 percent) of the required 107 parking spaces at 139 Turtle Creek Boulevard.
- The subject site is currently developed with a nonresidential structure.
- The applicant has the burden of proof in establishing that the parking demand generated by the use does not warrant the number of required off-street parking spaces, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent or nearby streets.

BOARD OF ADJUSTMENT
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- Granting the proposed 36 space (34 percent) special exception to the parking regulations with a condition that the applicant complies with the most recently submitted site plan, would require the proposal to be constructed as shown on the submitted documents, and the special exception automatically and immediately terminates if and when the restaurant without drive-in or drive-through service, art gallery, single-family residential structure (live unit), and commercial amusement (inside) uses are changed or discontinued.
- 200' Radius Video: [BDA245-059 at 139 Turtle Creek Boulevard](#)

Timeline:

- March 21, 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.
- May 5, 2025: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.
- May 16, 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 May 23, 2025, deadline to submit additional evidence for staff to factor into their analysis; and June 6, 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.
- May 29, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the June public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

Speakers:

For: John McKeel, 5224 Park Ridge, Flower Mound, TX 75022

Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BDA 245-059, on application of John Lewis Mckeel, **GRANT** the request of this applicant to provide 71 off-street parking spaces to the off-street parking regulations contained in the Dallas Development Code, as amended, which requires 107 off-street parking spaces, because our evaluation of the property use and the testimony shows that this special exception will not increase traffic hazards or increase traffic congestion on adjacent or nearby streets, and the parking demand generated by the use does not warrant the number of required parking spaces. This special exception is granted for a restaurant without a drive-in or drive-throughs service, art gallery, single-family residential structure (live unit), and commercial amusement (inside) uses only.

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

The special exception of 36 spaces shall automatically and immediately terminate if and when the restaurant without a drive-in or drive-throughs service, art gallery, single-family residential structure (live unit), and commercial amusement (inside) uses are changed or discontinued.

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

INDIVIDUAL CASES

5. 5115 VANDERBILT AVENUE

BDA245-070(BT)

BUILDING OFFICIAL'S REPORT: Application of Rob Baldwin to **(1)** appeal the decision of the administrative official at **5115 VANDERBILT AVE**. This property is more fully described as Block V/2190, Lot 20, and is zoned CD-9 (R-7.5(A)), which requires that the building official shall deny a Conservation District review if the building official determines that the proposed construction would be in violation of the Dallas Development Code, other city ordinances, rules, or regulations, or any county, state, or federal laws or regulations. The applicant proposes to **(1)** appeal the decision of an administrative official in the denial of a Conservation District review CD24071603.

LOCATION: 5115 Vanderbilt Ave.

APPLICANT: Rob Baldwin

REQUEST:

6. A request is made to **appeal the decision of the administrative official in Conservation District 9 application** CD24071603.
 - **ORD 28946(d)(14)(A)** All houses must have a straight driveway located along the east side of the main structure. The driveway entry must be from the front street, except that corner lots may have a driveway entry from the side street.
 - **ORD 28946(d)(14)(B)** Circular driveways are prohibited. Lots may only have one driveway entry, except that additional access is allowed from the alley.
 - **ORD 28946(d)(14)(C)** All driveways and curbing located in a front yard or cornerside yard must be constructed of brush finished concrete.
 - **ORD 28946(d)(14)(D)** The driveway entry must be between eight and ten feet wide. On corner lots, a driveway on the side street may be 24 feet wide if it is located behind the rearmost corner of the main structure or provides access to a garage.

STANDARD FOR APPEAL FROM DECISION OF AN ADMINISTRATIVE OFFICIAL:

Section Dallas Development Code Sections 51A-3.102(d)(1) and 51A-4.703(a)(2) state that any aggrieved person may appeal a decision of an administrative official when that decision concerns issues within the jurisdiction of the Board of Adjustment.

Section 51A-3.102 of the Dallas Development code states the Board of Adjustment has the following powers and duties: To hear and decide appeals from decisions of administrative officials made in the enforcement of the zoning ordinance of the city. For purposes of this section, "administrative official" means that person within a city department having the final decision-making authority within the department relative to the zoning enforcement issue.

Additionally, **Section 51A-4.703** states that "the board shall decide an appeal of a decision of an administrative official at the next meeting for which notice can be provided following the hearing and not later than the 60th day after the appeal date is filed. The board shall have all the powers of the administrative official on the action appealed from. The board may in whole or in part affirm, reverse, or amend the decision of the official. The board may impose reasonable conditions in its order to be complied with by the applicant in order to further the purpose and intent of this chapter."

The Board of Adjustment may hear and decide an appeal that alleges error in a decision made by an administrative official. Tex. Local Gov't Code Section 211.009(a)(1).

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	CD-9
<u>North:</u>	CD-9
<u>East:</u>	CD-9
<u>South:</u>	CD-9 and CD-15
<u>West:</u>	CD-9 and PD-193 (O-2)

Land Use:

The subject site and majority of the surrounding properties are developed with single-family uses.

BDA History:

No BDA history found within the last 5 years

GENERAL FACTS/STAFF ANALYSIS:

- Rob Baldwin, represented by Baldwin Associates applied for a CD work review on July 16, 2024.
- Total of four CD work review cycles, July 19, 2024, October 30, 2024, January 27, 2025, and April 14, 2025.
- Denial letter issued via email in reference to CD-9 work review #CD24071603 on April 14, 2025, for the following conditions:
 - **ORD 28946(d)(14)(A)** All houses must have a straight driveway located along the east side of the main structure. The driveway entry must be from the front street, except that corner lots may have a driveway entry from the side street.

BOARD OF ADJUSTMENT
June 16, 2025

- **ORD 28946(d)(14)(B)** Circular driveways are prohibited. Lots may only have one driveway entry, except that additional access is allowed from the alley.
- **ORD 28946(d)(14)(C)** All driveways and curbing located in a front yard or cornerside yard must be constructed of brush finished concrete.
- **ORD 28946(d)(14)(D)** The driveway entry must be between eight and ten feet wide. On corner lots, a driveway on the side street may be 24 feet wide if it is located behind the rearmost corner of the main structure or provides access to a garage.
- The board shall have all the powers of the administrative official on the action appealed. The board may in whole or in part affirm, reverse, or amend the decision of the official.

Timeline:

- April 21, 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.
- May 5, 2025: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **C**.
- May 19, 2025: The Planning and Development Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the **May 23, 2025**, deadline to submit additional evidence for staff to factor into their analysis; and **May 30, 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.
- May 29, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the **June** public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

Speakers:

For: Rob Baldwin, 3904 Elm Street Suite B, Dallas, TX 75226

Against: No Speakers

Representing the City of Dallas: Ryan Cocker, Assisting City Attorney, 1500 Marilla Street 7DN
Trevor Brown, Conservation District Chief Planner, 1500 Marilla Street 5BN

Motion

Having fully reviewed the decision of the administrative official of the City of Dallas in Appeal No. BDA 245-070, on application of Robert Baldwin, and having evaluated the evidence pertaining to

BOARD OF ADJUSTMENT
June 16, 2025

the property and heard all testimony and facts supporting the application, the board concludes that the building official act did reasonably and fairly, but this is an exceptionable circumstances that will not stop the city from enforcing its zoning requirements and because the applicant has no other recourse, I move that the Board of Adjustment **reverse** the decision of the administrative official and **GRANT** the relief requested by this applicant.

Maker:	Rober Agnich				
Second:	Phil Sahuc				
Results:	5-0 Unanimously				Motion to reverse the Administration official decision
		Ayes:	-	5	Robert Agnich, Jared Slade, Rodney Milliken, Roger Sashington & Phil Sahuc
		Against:	-	0	

ADJOURNMENT

After all business of the Board of Adjustment had been considered, Vice-Chair Agnich moved to adjourn the meeting at **3:17 P.M.**

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

Date

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

Date

Required Signature:
Robert Agnich, Vice-Chair
Board of Adjustment

Date

FILE NUMBER: BOA-25-000012(BT)

BUILDING OFFICIAL'S REPORT: Application of Brandon Elias, represented by Kevin Jara, for **(1)** a variance to the side-yard setback regulations, **(2)** a special exception to the single-family use regulations, **(3)** a variance to the rear-yard setback regulations, and **(4)** a variance to the lot coverage regulations at **8418 PLAINVIEW DRIVE**. This property is more fully described as Block 3/8526, Lot 12, and is zoned A(A), which requires a side-yard setback of 20-feet, limits the number of dwelling units to one, requires a rear-yard setback of 50-feet, and limits the lot coverage to 10 percent for residential structures. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 5-foot 4-inch side-yard setback, which will require **(1)** a 14-foot 8-inch variance to side yard setback regulations, and to construct and/or maintain an additional dwelling unit (not for rent), which will require **(2)** a special exception to the single-family use regulations, and to construct and/or maintain a single-family residential accessory structure and provide a 46-foot rear yard setback, which will require **(3)** a 4-foot variance to rear-yard setback regulations, and to construct and/or maintain a single-family residential structure with 1,395 square feet of floor area and an accessory residential structure with 341 square feet of floor area, resulting in a combined floor area of 1,736 square feet, which will require **(4)** a 257-square-foot variance to the lot coverage.

LOCATION: 8418 Plainview Drive

APPLICANT: Brandon Elias

Representative: Kevin Jara

REQUEST:

- (1) a variance to the side-yard setback regulations;
- (2) a special exception to the single-family use regulations;
- (3) a variance to the rear-yard setback regulations; and
- (4) a variance to the lot coverage 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.

STANDARD FOR A SPECIAL EXCEPTION TO THE SINGLE-FAMILY USE REGULATIONS TO AUTHORIZE AN ADDITIONAL DWELLING UNIT:

Section 51A-4.209(b)(6)(E)(i) of the Dallas Development Code specifies that the board may grant a special exception to the single-family use regulations of the Dallas Development Code to authorize an additional dwelling unit on a lot when, in the opinion of the board, the additional dwelling unit **will not**:

- 1) **be used as rental accommodations**; or
- 2) **adversely affect neighboring properties.**

Section 51A-4.209(b)(6)(E)(ii) 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.

STAFF RECOMMENDATION:

Variance 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.
- B. Lot is restrictive in buildable **area**, typical A(A) lot size is 3 acres (130,680 square feet), and the applicant lot size is 14,929.4 square feet (0.3427 of an acre). Most restrictive residential side-yard setback is 10 feet, A(A) is 20 feet; 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.

Variance 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.
- B. Lot is restrictive in buildable **area**, typical A(A) lot size is 3 acres (130,680 square feet), and the applicant lot size is 14,929.4 square feet (0.3427 of an acre). Most restrictive residential rear-yard setback is 10 feet, A(A) is 20 feet; 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.

Variance to the lot coverage 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.
- B. Lot is restrictive in buildable **area**, shape, or slope; Lot is restrictive in buildable area, typical A(A) lot size is 3 acres (130,680 square feet), and the applicant lot size is 14,929.4 square feet (0.3427 of an acre). Most restrictive residential lot coverage is 40 percent (5,971.6 square feet), A(A) is 10 percent (1,492.9 square feet); 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.

Special Exceptions (1):

No staff recommendation is made on this request for a special exception to authorize an additional dwelling unit since the basis for this type of appeal is when in the opinion of the board, the additional dwelling unit will not: 1) be used as rental accommodations; or 2) adversely affect neighboring properties.

BACKGROUND INFORMATION:

Zoning:

Site: A(A) (Agricultural District)
North: A(A) (Agricultural District)
East: A(A) (Agricultural District)
South: IR (Industrial/research District) & MU-1 (Mixed Use District)
West: A(A) (Agricultural District)

Land Use:

The subject site is developed with single-family use and surrounding properties are developed with single-family uses vacant lots and non-residential uses to the immediate south.

BDA History:

No BDA history has been found within the last 5 years

GENERAL FACTS/STAFF ANALYSIS:

- The application of Brandon Elias, represented by Kevin Jara, for the property located at 8418 Plainview Drive focuses on four requests relating to the side-yard setback regulations, the single-family use regulations, rear-yard setback regulations, and lot coverage regulations.
- The first request is for a variance to the side-yard setback regulations. The applicant is proposing to construct and maintain a single-family residential accessory structure and provide a 5-foot 4-inch side-yard setback.
 - Traditional single-family development has similar square footage ranges from 6-foot to 10-foot side-yard setbacks.
- The second request is for a special exception to the single-family use regulations. The applicant is proposing to construct and maintain an additional dwelling unit (not for rent), which will require a special exception to the single-family zoning use regulations
- The third request is for a variance to the rear-yard setback regulations. The applicant is proposing to construct and maintain a single-family residential accessory structure and provide a 46-foot rear-yard setback.
 - Traditional single-family development lots with similar square footage ranges from 6-foot to 10-foot rear-yard setbacks.
- Lastly, the applicant is requesting a variance to the lot coverage regulations. The applicant is proposing to construct and maintain a single-family residential structure and an accessory residential structure providing 11.6 percent lot coverage.
 - Traditional single-family development lots are allowed up to 40 percent lot coverage.
 - This lot is zoned A(A) which requires a minimum lot size of three acres (130,680 square feet), similar lot sizes in the area average 10,000 square feet.

- The accessory residential structure is approximately 341 square feet (24.4 percent).
- Typical residential zoning provides provision for accessory structures, allowing construction in the side and rear yard setbacks provided the location is in the rear 30 percent of the lot and does not exceed 15-feet in height. This provision is not part of A(A).
- Per staff's review of the subject site, it has been confirmed that the accessory residential structure has been constructed onsite.
- The applicant has the burden of proof in establishing the following:
 - 1) That granting the variance to the side-yard setback, rear-yard setback, and lot coverage 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.
- The Dallas Development Code states that only one dwelling unit may be located on a lot and that the Board of Adjustment may grant a special exception to this provision and authorize an additional dwelling unit on a lot when, in the opinion of the board, the special exception will not: (1) be use as rental accommodations; or (2) adversely affect neighboring properties.
- The applicant has the burden of proof in establishing that the special exception to the single-family use regulations will not adversely affect the neighboring properties and will not be used as rental accommodations.
- Granting the special exception to the single-family use regulation, variance to the side-yard setback, rear-yard setback, and lot coverage 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. Granting the special exception to the single-family use regulations would also require the applicant to deed restrict the subject property to prevent the use of the additional dwelling use as rental accommodations.
- 200' Radius Video: [BOA-25-000012 at 8418 Plainview Dr](#)

Timeline:

- May 15, 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.
- June 3, 2025: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **C**.
- June 11, 2025: The Planning and Development Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the **June 20, 2025**, deadline to submit additional evidence for staff to factor into their analysis; and **July 3, 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.
- June 26, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the **July** public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

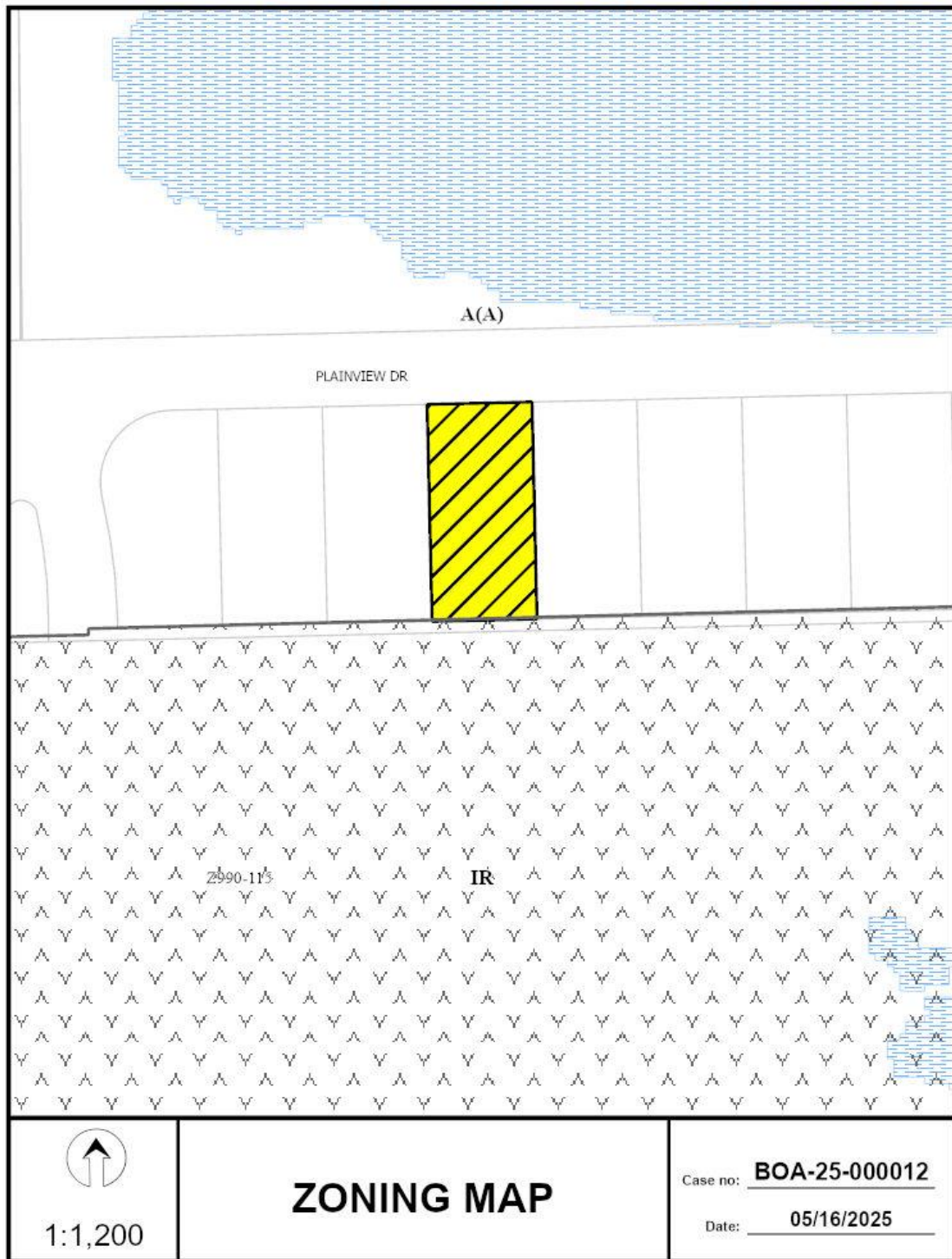



1:1,200


AERIAL MAP

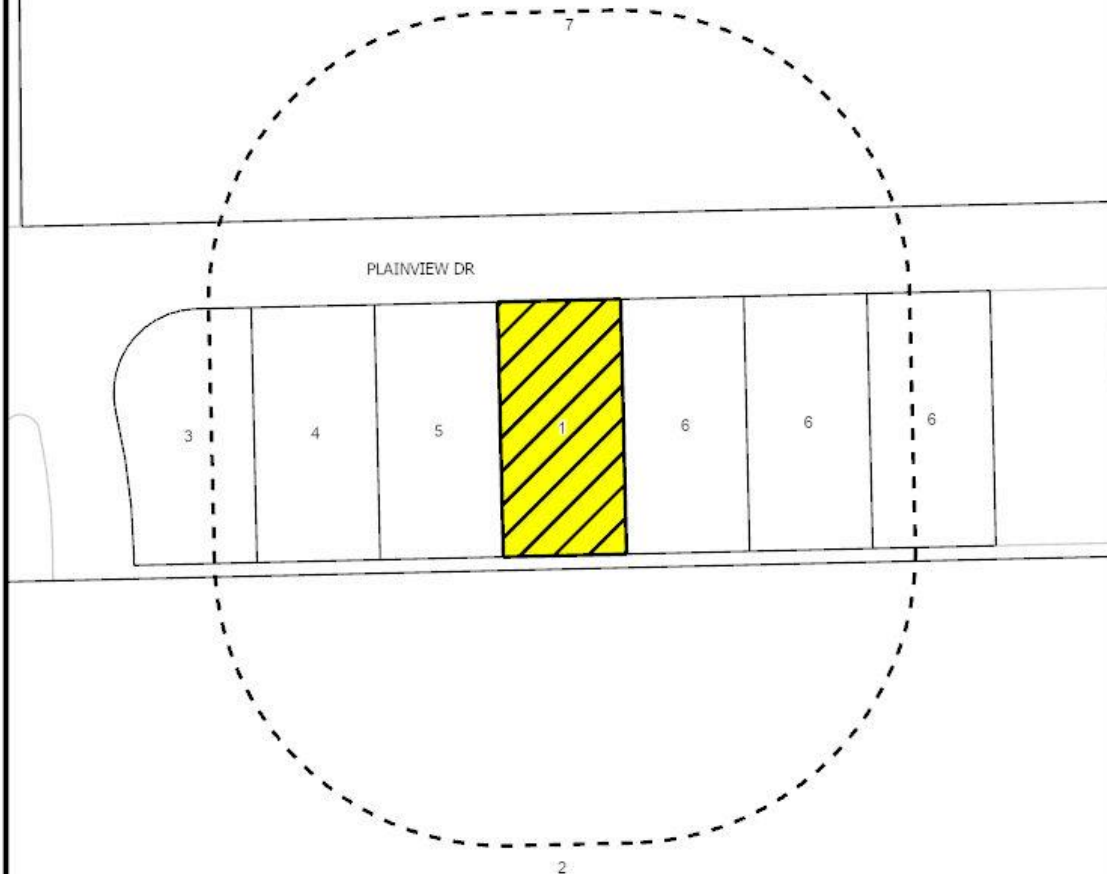
Case no: **BOA-25-000012**

Date: **05/16/2025**



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

7

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BOA-25-000012**

Date: **5/16/2025**

Notification List of Property Owners

BOA-25-000012

7 Property Owners Notified

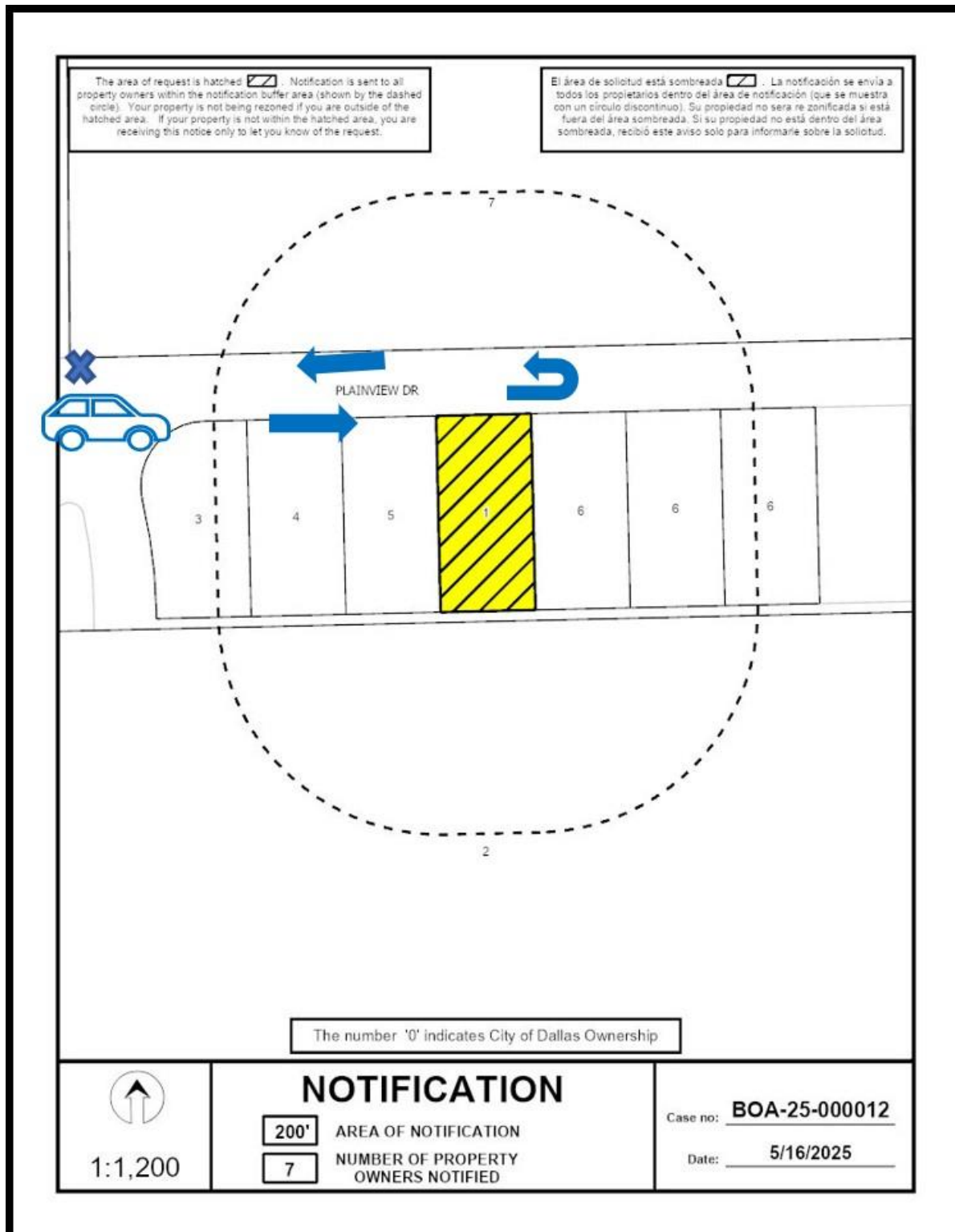
<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	8418 PLAINVIEW DR	Taxpayer at
2	2040 DOWDY FERRY RD	2040 DOWDY FERRY ISF LLC
3	8401 PLAINVIEW DR	SALMERON ANGELICA BENITEZ
4	8406 PLAINVIEW DR	MUNOZ JOSE OSCAR
5	8412 PLAINVIEW DR	Taxpayer at
6	8424 PLAINVIEW DR	PARADISO LLC
7	2006 PLAINFIELD DR	HORRACE SAMPSON

 1:1,200	NOTIFICATION		Case no: BOA-25-000012
	<div>200'</div> AREA OF NOTIFICATION	<div>7</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 5/16/2025

Route Directions:
Start on Plainview Dr.

***Subject Site at 1:02.**

200' Radius Route Map



NOTICE OF PUBLIC HEARING

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

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

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

DATE: MONDAY, JULY 14, 2025

BRIEFING: 10:30 a.m. via Videoconference and in 6ES COUNCIL BRIEFING, Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa0714>

HEARING: 1:00 p.m. via Videoconference and in 6ES COUNCIL BRIEFING, Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa0714>

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

BOA-25-000012(BT) Application of Brandon Elias, represented by Kevin Jara, for (1) a variance to the side-yard setback regulations, (2) a special exception to the single-family use regulations, (3) a variance to the rear-yard setback regulations and (4) a variance to the lot coverage regulations at 8418 PLAINVIEW DRIVE. This property is more fully described as Block 3/8526, Lot 12, and is zoned A(A), which requires a side-yard setback of 20-feet, limits the number of dwelling units to one, requires a rear-yard setback of 50-feet, and limits the lot coverage to 10 percent for residential structures. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 5-foot 4-inch side-yard setback, which will require (1) a 14-foot 8-inch variance to side yard setback regulations, and to construct and/or maintain an additional dwelling unit (not for rent), which will require (2) a special exception to the single-family use regulations, and to construct and/or maintain a single-family residential accessory structure and provide a 46-foot rear yard setback, which will require (3) a 4-foot variance to rear-yard setback regulations, and to construct and/or maintain a single-family residential structure with 1395 square feet of floor area and an accessory residential structure with 341 square feet of floor area, resulting in a combined floor area of 1736, which will require (4) a 257-square-foot variance to the lot coverage.

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 Council Briefing 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-C-Register> or contact the Planning & Development Department at 214-670-4127 by the close of business **Sunday, July 13, 2025. All virtual speakers will be required to show their video in order to address the board.** 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 five (5) 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 and 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-C-Register>



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA

FOR OFFICE USE ONLY

Data Relative to Subject Property:

Date:

FOR OFFICE USE ONLY

Location address: 8418 PLAINVIEW DR

Zoning District: AGRICULTURAL

Lot No.: 4 Block No.: 3 Acreage: .338

Census Tract:

Street Frontage (in Feet): 1) 85'

2)

3)

4)

5)

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): DFW HOME SOLUTIONS

Applicant: BRANDON ELIAS

Telephone: 2146322776

Mailing Address: 1230 RIVERBEND #220

Zip Code: 75247

E-mail Address: B74ELIAS@YAHOO.COM

Represented by: KEVIN JARA

Telephone: 972-800-4867

Mailing Address: 2351 W Northwest Hwy

Zip Code: 75220

E-mail Address: ADMIN@PERMITPROS.ORG

Affirm that an appeal has been made for a Variance, or Special Exception, of 1) Variance to side setback, 2) SE to AOU 3) AOU encroaching side and rear setbacks (slightly outside of 2/3)

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:

MAIN STRUCTURE WAS ALREADY EXISTING PAST THE "25' SETBACK".

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

Kevin Jara

(Affiant/Applicant's name printed)

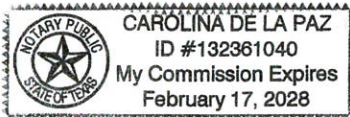
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property

Respectfully submitted:

Kevin Jara
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 7 day of May, 2025

Carolina De La Paz
Notary Public in and for Dallas County, Texas



**BOARD OF ADJUSTMENT
CITY OF DALLAS, TEXAS**

FILE NUMBER: BOA-25-000012

BUILDING OFFICIAL'S REPORT: Application of Kevin Jara for (1) a variance to the side-yard setback regulations, (2) a special exception to the single-family use regulations, and for (3) a variance to the rear-yard setback regulations and (4) a variance to the lot coverage regulations at 8418 PLAINVIEW DR. This property is more fully described as Block 3/8526, Lot 12, and is zoned A(A), which requires a side-yard setback of 20-feet, limits the number of dwelling units to one, and requires a rear-yard setback of 50-feet, and limits the lot coverage to 10 percent. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 5-foot 4- inch side-yard setback, which will require (1) a 14- foot 8- inch variance to side yard setback regulations, and to construct and/or maintain an accessory dwelling unit, which will require (2) a special exception to the single-family use regulations, and to construct and/or maintain a single-family residential accessory structure and provide a 46-foot rear yard setback, which will require (3) a 4-foot variance to rear-yard setback regulations, and to construct and/or maintain a single family residential structure exceeding the 10 percent maximum allowed lot coverage, which will require (4) a variance to the lot coverage regulations.

LOCATION: 8418 PLAINVIEW DR

APPLICANT: Kevin Jara

REQUEST: A request for a variance to the side-yard setback regulations, a special exception to the single-family use regulations , for a variance to the rear-yard setback regulations, a variance to the lot coverage regulations.

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

GF#ST-2024-2212/STG

WARRANTY DEED WITH VENDOR'S LIEN

THE STATE OF TEXAS	§	
	§	KNOW ALL MEN BY THESE PRESENTS
COUNTY OF DALLAS	§	

THAT

VIKKI DARLENE POWELL, AS TO SOLE AND SEPARATE PROPERTY NOT AS TO HOMESTEAD, AND BARBARA ANN RAWLINSON, AS TO SOLE AND SEPARATE PROPERTY NOT AS TO HOMESTEAD

(hereinafter called "Grantor," whether one or more, masculine, feminine or neuter) for and in consideration of the sum of TEN AND NO/100 DOLLARS and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, and the further consideration of the execution and delivery by

DFW HOME SOLUTIONS, LLC, A TEXAS LIMITED LIABILITY COMPANY
Whose address is: 2720 McKinnon Street, Dallas, TX 75201

(hereinafter called "Grantee," whether one or more, masculine, feminine or neuter) of one certain note of even date herewith in the principal sum of **ONE HUNDRED SIXTEEN THOUSAND TWO HUNDRED AND 00/100 DOLLARS (U.S. \$116,200.00)**, payable to the order of **KIAVI FUNDING, INC., A DELAWARE CORPORATION**, hereinafter called "Payee," whether one or more, masculine, feminine or neuter) as therein provided, it having advanced said sum at the special instance and request of Grantee as part of the purchase price for the property conveyed hereby, and Payee shall be and the same hereby is subrogated to all of the rights, titles, liens and equities of said Grantor securing the payment of said note as fully as if it were Grantor herein, and in addition to the first and superior vendor's lien retained herein, said note is additionally secured by a deed of trust of even date herewith to **Rose Swan, PLLC**, Trustee(s), upon the property conveyed hereby;

And by these presents does Grant, Sell and Convey, unto the said Grantee, all that certain property located in Dallas County, Texas, and described as follows:

Lot 4 in BLOCK 3/8526 of FOREST PLAINS ADDITION, an Addition to the City of Dallas, Texas, according to the Map thereof recorded in Volume 31, Page 187 of the Map Records of Dallas County, Texas

together with all improvements thereon, if any, and all rights, privileges, tenements, hereditaments, rights of way, easements, appendages and appurtenances, in anyway appertaining thereto, and all right, title and interest of Grantor in and to any streets, ways, alleys, strips or gores of land adjoining the above-described property or any part thereof (hereinafter, the "Property").

This deed is executed and delivered subject to all easements, reservations, conditions, covenants and restrictive covenants as the same appear of record, to the extent such are valid and subsisting, in the office of the County Clerk of the county in which the Property is located, and property taxes for the current year and subsequent years, the payment of which Grantee assumes.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said Grantee, his, her or its successors, heirs and assigns, as the case may be, forever; and Grantor does hereby bind Grantor and Grantor's successors, heirs, executors and administrators, as the case may be, to Warrant and Forever Defend all and singular the Property unto the said Grantee and Grantee's successors, heirs and assigns, as the case may be, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof.

But it is expressly agreed and stipulated that the aforesaid Vendor's Lien is retained and reserved, and assigned herein to Payee without recourse, until the above-described note and all interest thereon are fully paid according to its face and tenor, effect and reading, when this deed shall become absolute.

EXECUTED THIS THE 13th DAY OF December, 2024.

Vikki Darlene Powell
VIKKI DARLENE POWELL

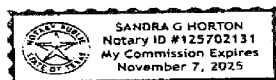
ACKNOWLEDGMENT

STATE OF Texas
COUNTY OF Tarrant

§
§

Before me, the undersigned authority, on this day personally appeared **VIKKI DARLENE POWELL AND BARBARA RAWLINSON** (check one) ☐ known to me or ☒ proved to me through Drivers License (description of identity card) to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that said person executed the same for the purposes and consideration therein.

Given under my hand and seal of office this 13 day of December, 2024.



Sandra Horton
Notary Public, State of Texas
Printed name: Sandra Horton
Commission expires 11-7-2025

Barbara Ann Rawlinson
BARBARA ANN RAWLINSON

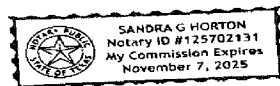
ACKNOWLEDGMENT

STATE OF
COUNTY OF

§
§

Before me, the undersigned authority, on this day personally appeared **BARBARA ANN RAWLINSON** (check one) ☐ known to me or ☒ proved to me through Drivers license (description of identity card) to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that said person executed the same for the purposes and consideration therein.

Given under my hand and seal of office this 13 day of December, 2024.



Sandra G. Horton
Notary Public, State of Texas
Printed name: Sandra G. Horton
Commission expires 11-7-2025

AFTER RECORDING RETURN TO:
DFW HOME SOLUTIONS, LLC
2720 McKinnon Street
Dallas, TX 75201

PREPARED IN THE OFFICE OF:
Adam J. Setliff PLLC
2750 S. Preston Rd., Ste 116193
Celina, TX 75009

**Dallas County
John F. Warren
Dallas County Clerk**

Instrument Number: 202400253051

eRecording - Real Property

Recorded On: December 16, 2024 08:27 AM

Number of Pages: 5

" Examined and Charged as Follows: "

Total Recording: \$37.00

******* THIS PAGE IS PART OF THE INSTRUMENT *******

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 202400253051
Receipt Number: 20241213000934
Recorded Date/Time: December 16, 2024 08:27 AM
User: Chanteon R
Station: Cc143

Record and Return To:

Simplifile



**STATE OF TEXAS
COUNTY OF DALLAS**

I hereby certify that this Instrument was FILED In the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Dallas County, Texas.

John F. Warren
Dallas County Clerk
Dallas County, TX



CITY OF DALLAS

May 7, 2025

ADDRESS: **8418 Plainview Dr.**

RE: **DCAD #00000814234000000**

DEAR SIR/MADAM,

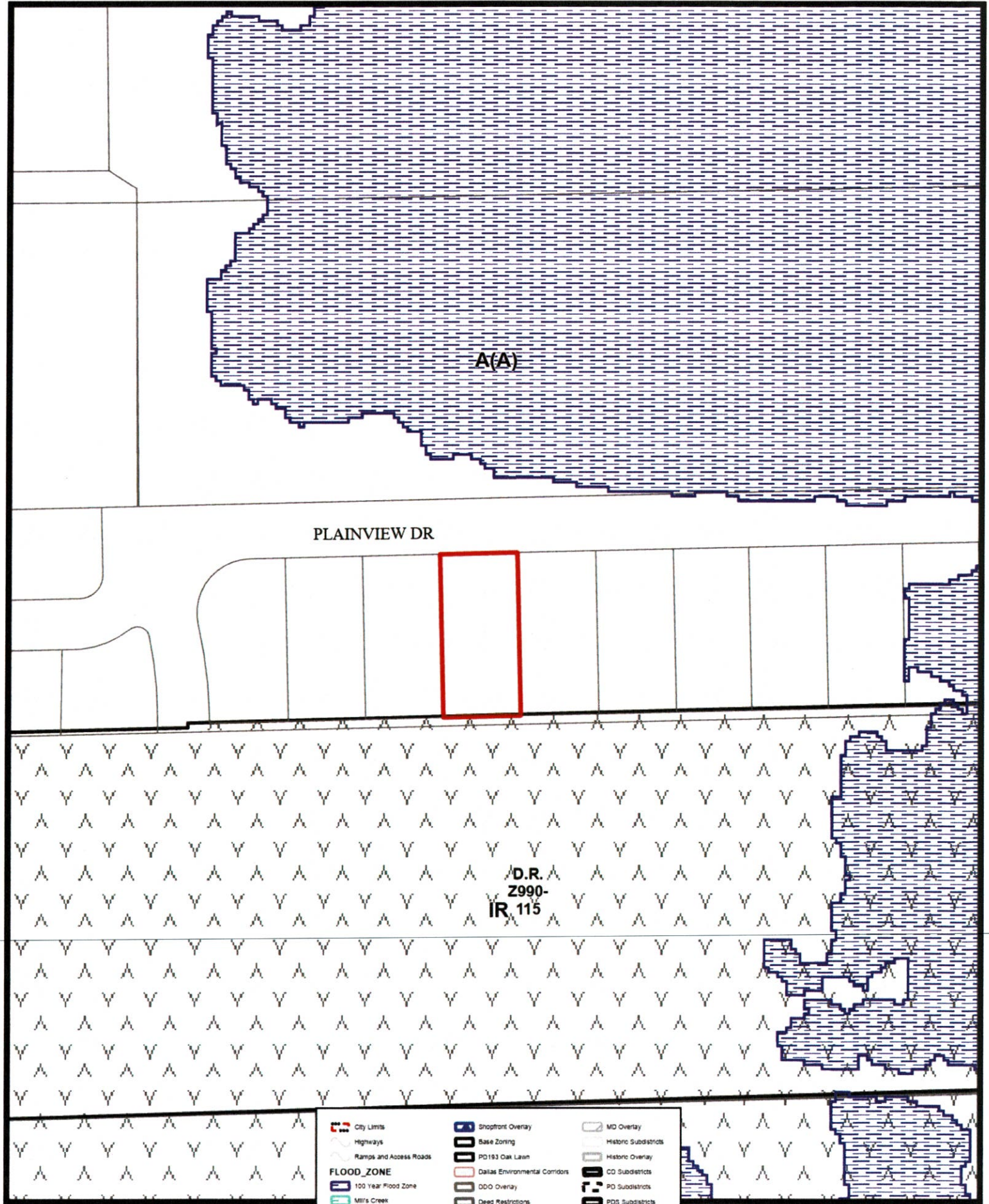
No information was found responsive to your request for identification of City liens in the records of Special Collections. This response does not constitute legal advice regarding the status of the real property at: **8418 Plainview Dr.** There may be additional liens of record in the County Clerk's office. This response is made to your request for public information and constitutes neither estoppel against the City of Dallas nor relinquishment, waiver, release, or other change in any lien interest of record.

Should you have any further questions please contact Special Collections at 214-670-3438.

Sincerely,

Eva Nelson

Special Collections Division
Dallas Water Utilities



1:1,600

City Limits	Shopfront Overlay	MD Overlay
Highways	Base Zoning	Historic Subdistricts
Ramps and Access Roads	PD193 Oak Lawn	Historic Overlay
FLOOD_ZONE	Dallas Environmental Corridors	CO Subdistricts
100 Year Flood Zone	DDO Overlay	PD Subdistricts
Mill's Creek	Deed Restrictions	PDS Subdistricts
Peak's Branch	SUP	NSO Subdistricts
X PROTECTED BY LEVEE	D	NSO Overlay
Parks	D-1	Escarpment Overlay
Height Map Overlay	CP	
Parking Management Overlay	SP	

1500 Marilla Street 5CN
Dallas, TX 75201
Office: 214-948-4364
Email: diana.barkume@dallas.gov



City of Dallas

SERVICE FIRST, NOW!

Connect. Collaborate. Communicate.

"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: Villa, Lorenzo <lorenzo.villa@dallas.gov>
Sent: Wednesday, April 23, 2025 1:22 PM
To: Castaneda, Nora <nora.castaneda@dallas.gov>; Barkume, Diana <diana.barkume@dallas.gov>
Subject: new referral 8418 PLAINVIEW DR

Addition built inside setbacks. Accessory structure ADU. Accessory structure slightly outside of 2/3 in the rear.

Thank you,

Lorenzo Villa
Sr Plans Examiner

Planning and Development Department
320 E Jefferson, Room 105
Dallas, TX 75203
Office: 214-984-4203
Email: lorenzo.villa@Dallas.gov



City of Dallas

SERVICE FIRST, NOW!

Connect. Collaborate. Communicate.

"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."

CITY OF DALLAS PLAT BOOKS

ADDITION FOREST PLAINS

1 THRU 4
BLOCKS 8526 & 8526

ANNEXED MAY 14, 1962 ORD. NO. 9240

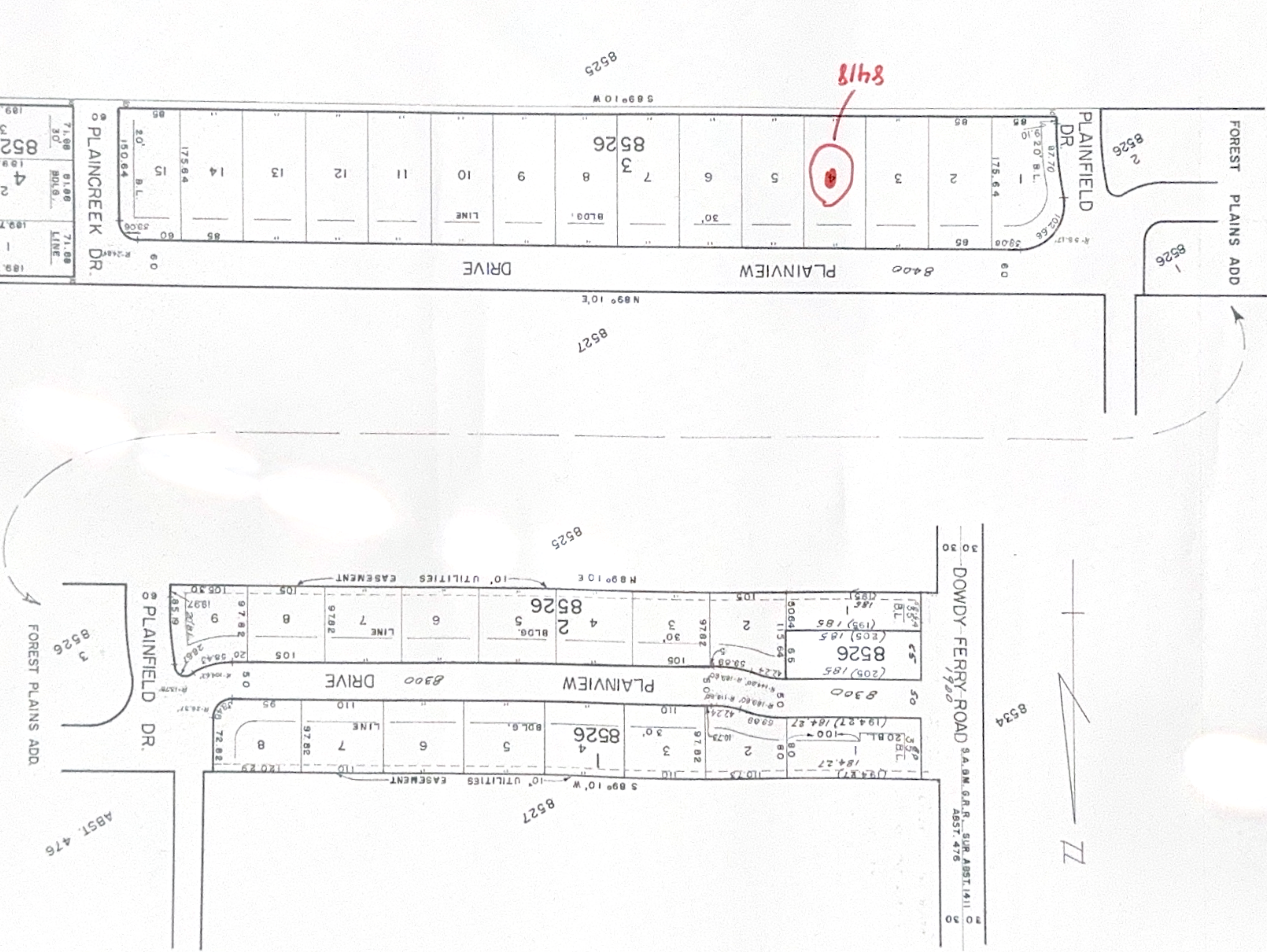
SURVEY JOHN R. FONDREN ABST. 476

SCALE 100 FT. EQUALS 1 INCH

SCHOOL DISTRICT DALLAS

FILED 8-24-58

SHIPPED
DATE: 12-4-58
RECEIVED
DATE: 1-7-59



TRUE AND CORRECT
COPY OF RECORD
ON FILE IN CITY
SURVEYOR'S OFFICE
BY: Robert H. Brown
DATE: 5-9-2025

CODE INFORMATION

- 2021 International Building Code (IBC)
- 2021 International Existing Building Code (IEBC)
- 2021 International Plumbing Code (IPC)
- 2021 International Fuel and Gas Code (IFGC)
- 2021 International Mechanical Code (IMC)
- 2021 International Fire Code (IFC)
- 2021 International Energy Conservation Code (IECC)
- 2020 National Electrical Code (NEC)

SQUARE FOOTAGE	
EXISTING BUILDING AREA:	1,072 S.F.
ADDITION AREA:	323 S.F.
DETACHED ADDITION AREA:	341 S.F.
REMODEL AREA	1,072 S.F.
TOTAL AREA	1,736 S.F.
LOT SIZE	14,790 S.F.
LOT COVERAGE	12%

GENERAL NOTES

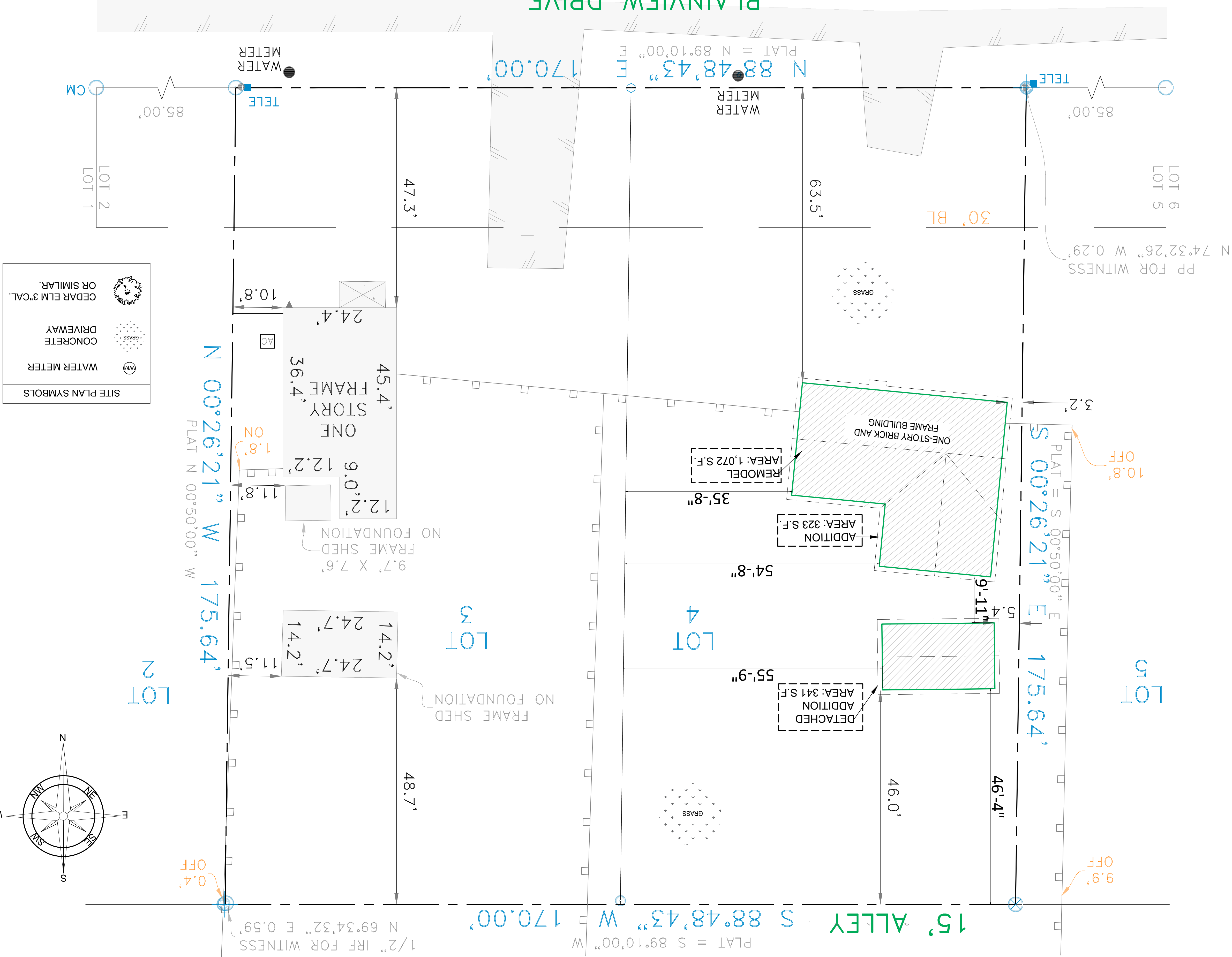
ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE INTERNATIONAL BUILDING CODES, INCLUDING ANY AMENDMENTS OR OTHER CODE REQUIREMENTS SET BY THE CITY.
SHALL BE BUILT IN ACCORDANCE WITH THE CURRENT TEXAS ACCESSIBILITY STANDARDS
THE CONTRACTOR SHALL CAREFULLY EXAMINE ALL ELEMENTS OF EXISTING SITE CONDITIONS AND NOTIFY ANY DISCREPANCIES AND DEVIATIONS.
DIMENSIONS AND LOCATIONS ARE APPROXIMATE. MINOR DEVIATIONS, SUBJECT TO CONSTRUCTION REQUIREMENTS AND FIELD CONDITIONS, CAN BE EXPECTED EXACT
AND FIELD CONDITIONS. LOCATIONS MUST BE FIELD VERIFIED BY CONTRACTOR.
HORIZONTAL WASTE AND SOIL PIPE SHALL BE GIVEN A GRADE OF 1/8" PER FOOT AND NOT LESS THAN 1/8" PER FOOT AS PER IPC FLAME SPREAD FOR THE FINISH MATERIALS FOR INTERIOR WALLS AND CEILINGS SHALL COMPLY WITH NFPA SECTION 701.
SUPPORT OF DUCTWORK SHALL STRICTLY COMPLY WITH THE MANUFACTURER'S RECOMMENDATIONS OR SHALL COMPLY WITH IMC.
ALL MATERIALS AND FINISHES, FIRE AND SMOKE PROTECTION TO COMPLY WITH IBC CODE.

VICINITY MAP



SITE PLAN

Scale: 3/32"=1'-0"



ADDRESS:
8418 Plainview Dr,
Dallas, TX 75217.

SCOPE OF WORK:
REMODEL/ADDITION

LEGAL DESCRIPTION:
LOT 3, BLOCK H, GLEN OAK ADDITION, AN ADDITION TO THE CITY OF GRAND PRAIRIE, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUMEN 80047 PAGE 435, MAP RECORDS, DALLAS COUNTY, TEXAS.

CITY OF:
City of Dallas

TITLE:
SITE PLAN

SCALE:
3/32"=1'-0"

PAPER SIZE:
36"x24"

DATE:
05 / 12 / 25

SHEET:
A1



FILE NUMBER: BOA-25-000013(DB)

BUILDING OFFICIAL'S REPORT: Application of Birchard Humphrey for **(1)** a variance to the front-yard setback regulations at **3702 PENELOPE STREET**. This property is more fully described as Block C/1825, Part of Lot 1, and is zoned PD-595 (Subdistrict R-5(A)), which requires a front-yard setback of 20-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 5-foot front-yard setback along Cross Street, which will require a **(1)** 15-foot variance to the front-yard setback regulations.

LOCATION: 3702 PENELOPE ST

APPLICANT: Birchard Humphrey

REQUEST: (1) 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. Not contrary to the public interest, as no letters of opposition were received
- B. The lot is restrictive in terms of buildable area, shape, and/or slope. As a corner lot with front yard setbacks along both Penelope Street and Cross Street, it cannot be developed in a manner commensurate with other parcels in the same zoning district. Additionally, it is one of only two lots within a 200-foot radius that cannot apply the side yard setback provision described in Section 51A-4.401, resulting in reduced flexibility for development. This limitation likely stems from a portion of the site having previously been sold off as a metes and bounds tract, which triggered the application of a front yard setback in place of the standard side yard setback.
- C. Is not a self-created or personal hardship

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	PD-595 (R-5(A)) (Single Family District)
<u>North:</u>	PD-595 (R-5(A)) (Single Family District)
<u>East:</u>	PD-595 (R-5(A)) (Single Family District)
<u>South:</u>	PD-595 (R-5(A)) (Single Family District)
<u>West:</u>	PD-595 (R-5(A)) (Single Family District)

Land Use:

The subject site is developed with a single-family residence and is surrounded by properties similarly developed with single-family homes.

Lot Square Footage:

This lot size is 3,976.74 square feet. (0.0917 of an acre)

BDA History:

No BDA history found within the last 5 years

GENERAL FACTS/STAFF ANALYSIS:

- The application of Birchard Humphrey, for the property located at 3702 Penelope Street, involves a request for a variance to the front-yard setback regulations.
- The applicant is requesting to construct and/or maintain a residential structure and provide a 5-foot front yard setback along Cross Street, which will require a 15-foot variance to the front-yard setback regulations.
- The applicant states that the lot's corner location with dual street frontage, combined with its smaller-than-average size, significantly limits the buildable area due to the required front yard setback. The requested variance would allow for a development that is more consistent with the existing neighborhood character and the residential structures on nearby lots.
- It is imperative to note that the subject site is a corner lot, having a 20-foot front-yard setback along Penelope Street and a 20-foot front-yard setback along Cross Street.
- Subject lot is zoned PD-595 (Subdistrict R-5(A)) which requires a minimum lot size of 5,000 square feet (0.115 of an acre).
- The subject lot is 3,976.74 square feet (approximately 0.0917 acres). Without the variance, the buildable area is limited to 994 square feet, which is only 25 percent of the lot. With the variance, the buildable area increases to 1,953 square feet, or approximately 49 percent of the lot.
- 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:

- 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.
- 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.

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-foot Notification area video [BOA-25-000014 at 3702 Penelope](#)

Timeline:

June 22, 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.

June 6, 2025: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel A.

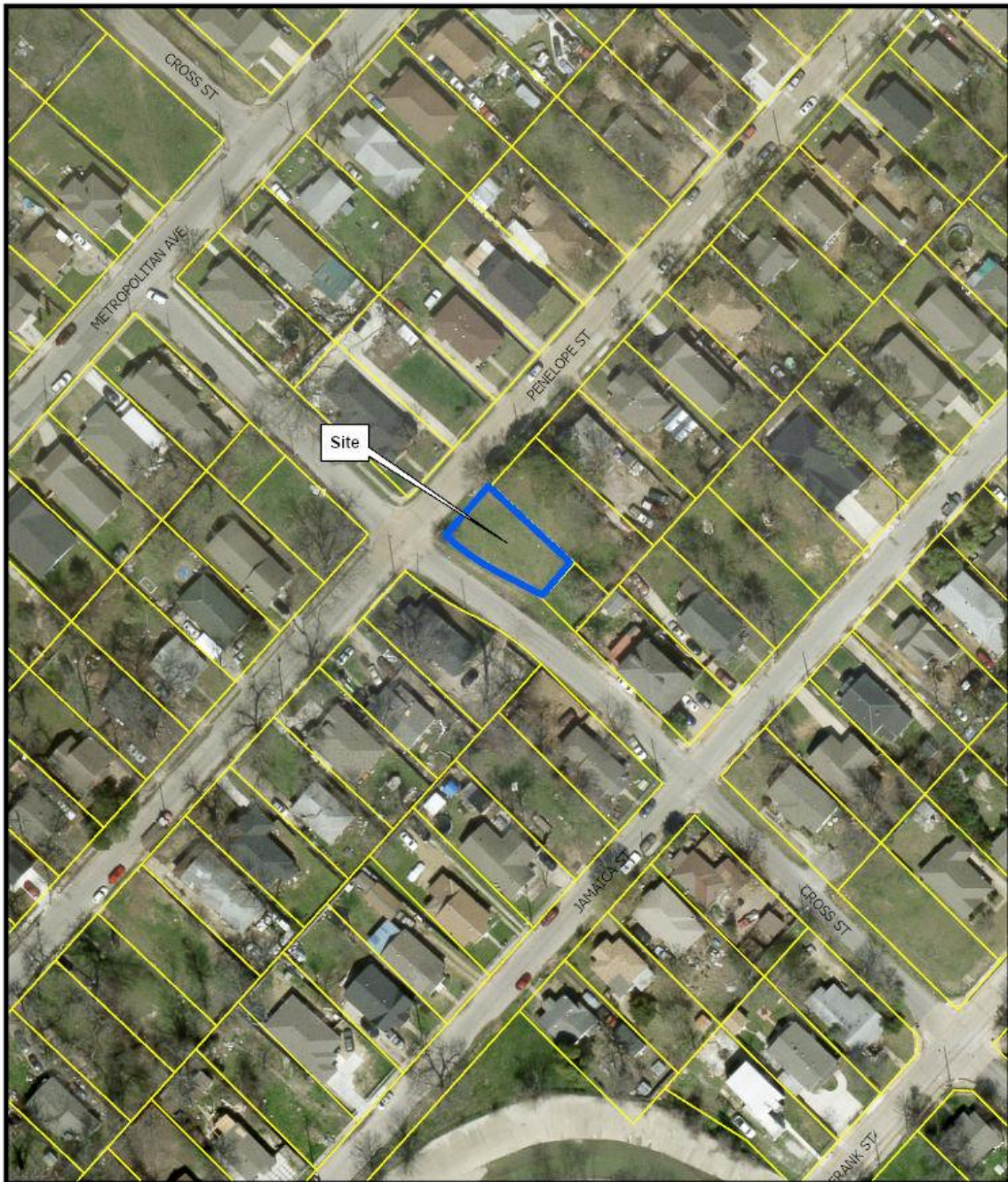
June 11, 2025: The Planning and Development Project Coordinator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the June 20, 2025, deadline to submit additional evidence for staff to factor into their analysis; and July 3, 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.

June 26, 2025: The Board of Adjustment staff review team meeting was held regarding this request, and other requests scheduled for the July public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Senior Plans Examiners Senior Project Coordinator-Residential, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.

July 1, 2025:

Applicant was notified that the case has been reassigned from Panel A on Tuesday, July 15, 2025, to Panel C on Monday, July 14, 2025.

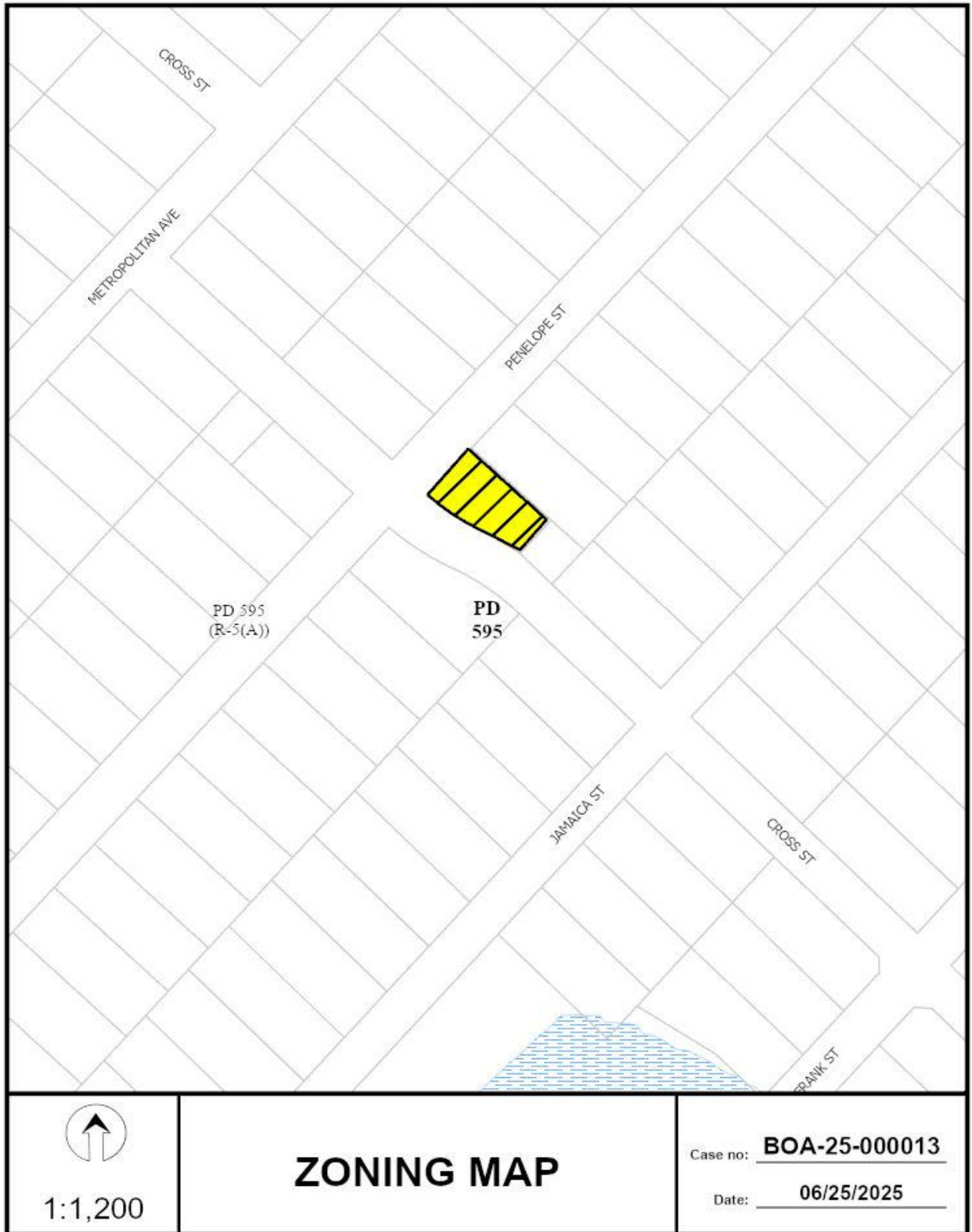


1:1,200

AERIAL MAP

Case no: **BOA-25-000013**

Date: **06/25/2025**





06/25/2025

Notification List of Property Owners

BOA-25-000013

33 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3702 PENELOPE ST	COTTON SHAWN
2	3626 METROPOLITAN AVE	MATAMOROS HENRY MIRANDA
3	3630 METROPOLITAN AVE	RODRIGUEZ GLORIA P
4	2311 CROSS ST	CLEMONS LUCIOUS ESTATE
5	3627 PENELOPE ST	HARTFIELD TAMIKA
6	3623 PENELOPE ST	NIETO JORGE LOREDO
7	3619 PENELOPE ST	WORKS G E & CO
8	3702 METROPOLITAN AVE	GAYTAN GUADALUPE SANDATE &
9	3706 METROPOLITAN AVE	VARGAS YARELY &
10	3710 METROPOLITAN AVE	CRETHERS RUSSELL
11	3802 METROPOLITAN AVE	ISAACHOPES DEBORAH ANN
12	3717 PENELOPE ST	MATTHEWS MARLON T
13	3715 PENELOPE ST	BENEVOLENT SOLUTIONS LLC
14	3711 PENELOPE ST	MAYSTONE INC
15	3707 PENELOPE ST	DESIGNER CUSTOM HOMES INC

27	3631	JAMAICA ST	INGRAM ARTIE ANDREW EST OF
28	3635	JAMAICA ST	LUNA JUAN PABLO
29	3701	JAMAICA ST	LUNA JUAN PABLO
30	3707	JAMAICA ST	DAMIAN OLIVIER
31	3719	JAMAICA ST	VINSON JAMES
32	3706	JAMAICA ST	STEPHENS RITA
33	3702	JAMAICA ST	LAMB SUSAN E

 1:1,200	NOTIFICATION		Case no: BOA-25-000013
	<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;">33</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 6/25/2025	

200-foot Notification area Route Map



Start on Cross St (Subject site @ :30)
Left on Metropolitan Ave
Left on S Second Ave
Left on Penelope St. (Subject Site @ 2:20)
Left on Gertrude Ave
Left on Metropolitan Ave
Left on Cross St. (Subject Site @ 4:13)
Left on Jamaica (U-Turn)

NOTICE OF PUBLIC HEARING

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

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

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DATE: MONDAY, JULY 14, 2025

BRIEFING: 10:30 a.m. via Videoconference and in 6ES COUNCIL BRIEFING, Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa0714>

HEARING: 1:00 p.m. via Videoconference and in 6ES COUNCIL BRIEFING, Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa0714>

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

BOA-25-000013(DB) Application of Birchard Humphrey for (1) a variance to the front-yard setback regulations at 3702 PENELOPE STREET. This property is more fully described as Block C/1825, Part of Lot 1, and is zoned PD-595 (Subdistrict R-5(A)), which requires a front-yard setback of 20-feet. The applicant proposed to construct and/or maintain a single-family residential structure and provide a 5-foot front-yard setback along Cross Street, which will require a (1) 15-foot 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 Council Briefing 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-C-Register> or contact the Planning & Development Department at 214-670-4127 by the close of business Sunday, July 13, 2025. All virtual speakers will be required to show their video in order to address the board. 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 five (5) minutes to address the Board.

Additional information regarding the application may be obtained by calling Diana Barkume, Project Coordinator at (214) 948-4364, or Mary Williams, Board Secretary at (214) 670-4127. Si desea información en español, favor de llamar al teléfono a Mary Williams al (214) 670-4127

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

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

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



Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA

FOR OFFICE USE ONLY

Data Relative to Subject Property:

Date:

FOR OFFICE USE ONLY

Location address: 3702 Penelope St, Dallas, TX 75210 Zoning District: PD - 595 R-5(A)

Lot No.: Pt 1 Block No.: C/1825 Acreage: .0859 Census Tract: 48113002703

Street Frontage (in Feet): 1) 50' 2) 87' 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Caliber Community Group LLC Owner - Brichard Humphrey

Applicant: Brichard Humphrey Telephone: (469) 209-1758

Mailing Address: 1910 Pacific Ave Dallas TX 75201 Suite 2000 - 1003 Zip Code: 75201

E-mail Address: CaliberCommunityGroup@Gmail.Com

Represented by: Brichard Humphrey Telephone: (469) 209-1758

Mailing Address: 1910 Pacific Ave Dallas TX 75201 Suite 2000 - 1003 Zip Code: 75201

E-mail Address: CaliberCommunityGroup@Gmail.Com

Affirm that an appeal has been made for a Variance ☒ or Special Exception ☐ of _____
Requesting approval for a 5' front yard setback along the Cross Street frontage, as the property currently maintains a 20' front setback along both Cross Street and Penelope Street.

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 a 5' front setback on Cross Street to better match neighboring homes
and enhance the block's overall appearance.

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

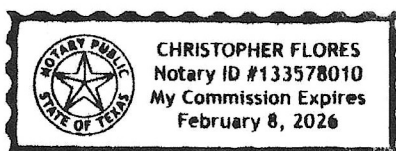
Before me the undersigned on this day personally appeared Brichard Humphrey

(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: Brichard Humphrey
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 20th day of MAY, 2023



Christopher Flores
Notary Public in and for Dallas County, Texas

**BOARD OF ADJUSTMENT
CITY OF DALLAS, TEXAS**

FILE NUMBER: BOA-25-000013

BUILDING OFFICIAL'S REPORT: Application of Birchard Humphrey for (1) a variance to the front-yard setback regulations at 3702 PENELOPE ST. This property is more fully described as BLK C/1825 PTLT 1, and is zoned PD-595, which requires a front-yard setback of 20-feet. The applicant proposed to construct and/or maintain a single-family residential structure and provide a 5-foot front-yard setback along Cross Street, which will require a 15-foot variance to the front-yard setback regulations along Cross Street.



CITY OF DALLAS

Development Services Board of Adjustment Referral Form:

Applicant/Representative: Brichard Humphrey

Owner (if applicable): _____

Property address: 3702 Pinelope St.

Lot: _____ City Block: C/1875 Zoning: PD 545 R-3A

Request (check all that apply):

☐ **Variance**

- ☒ Yard setback
- ☐ Lot width
- ☐ Lot Depth
- ☐ Lot Coverage
- ☐ Floor area for accessory structures for single family uses
- ☐ Height
- ☐ Minimum width of sidewalk
- ☐ Off-street parking
- ☐ Off-street loading
- ☐ Landscape regulations
- ☐ Other

☐ **Special Exception**

- ☐ Fence height and standards
- ☐ Visibility triangle obstructions
- ☐ Parking demand
- ☐ Landscaping
- ☐ Additional dwelling unit for a single-family
- ☐ Carport
- ☐ Non-conforming use
- ☐ Other

Referrer

- ☐ Physical properties of the land prohibit commensurate development with properties of the same zoning
- ☐ The land (not the improvements) has restrictive size, shape, or slope.

"A variance may not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor may a variance be granted to permit any reason privilege in developing a parcel of land permitted by the zoning ordinance to other parcels of the land in districts with the same classification"

Corner lot has two front yards do to blockface continuity
customer looking to use front yard as side yard
(cross st)

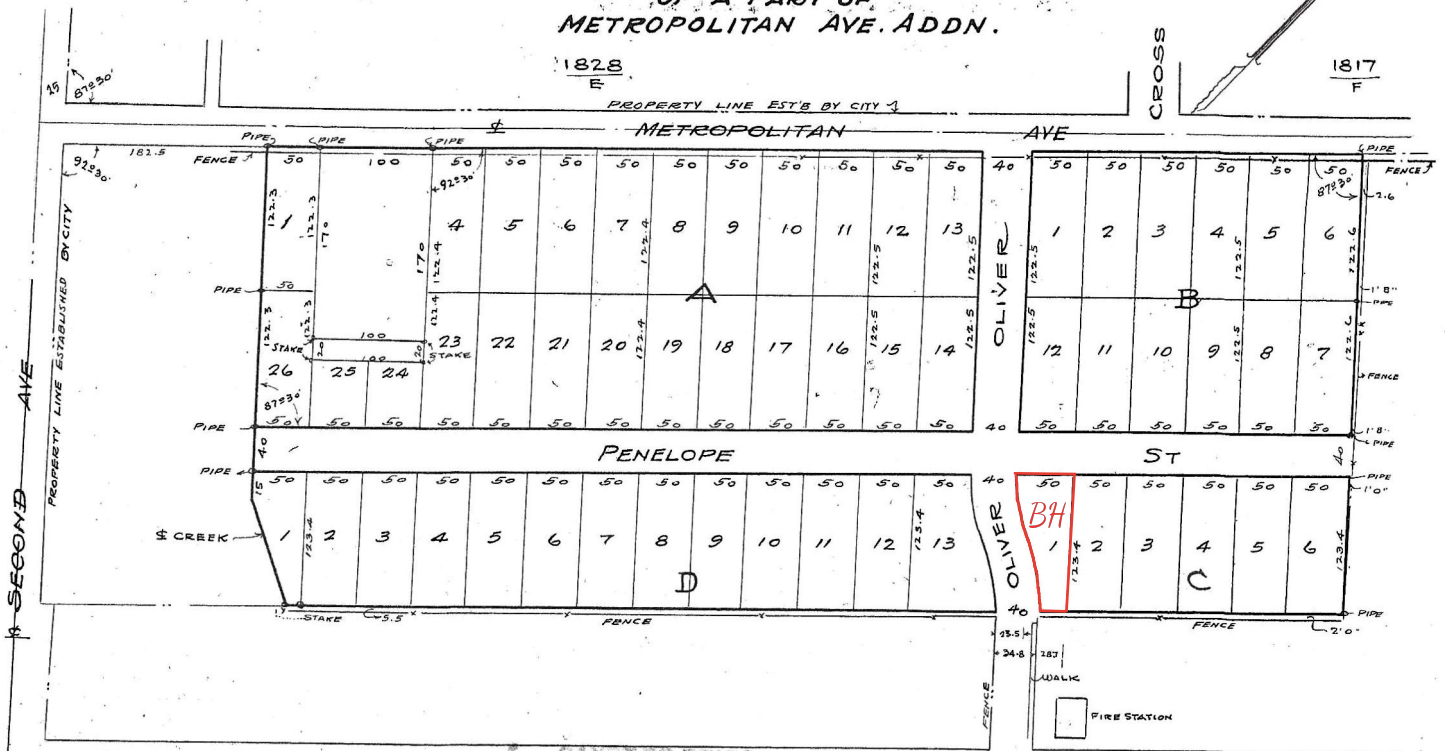
SEC. 51A-3.102

Referred by: Ivan Rosales Date: 5/28/25
Printed name

Application forms can be obtained at
<https://dallascityhall.com/government/Boards-and-Commissions/Board-of-Adjustment/Pages/default.aspx> or
320 E. Jefferson Blvd, Rm 118 Dallas TX 75203

Harris & Brown Subdivision

OF A PART OF
METROPOLITAN AVE. ADDN.



Harris & Brown Developers & Exclusive Agents 1210 S W Life Bldg Phone X6859
Scale 1" = 100' Dec 18th, 1924
Mar. 14th, 1925

Myers & Noyes Engineers
C S 8135 No 3310 X

39635

HARRIS & BROWN SUBDIVISION : STATE OF TEXAS
TO MAP : COUNTY OF DALLAS

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned W P Brown owner of the lands and premises hereinafter described hereby dedicate the plat attached hereto as a true and correct map or plat of said lands and premises to be known as "HARRIS & BROWN SUBDIVISION OF A PART OF METROPOLITAN AVENUE ADDITION to the City of Dallas in Dallas County, Texas, and the streets and alleys as shown on said plat are dedicated to the use of the public forever; said lands and premises being described as follows, to-wit:
All of Lots 5 and 8 in Block 1823, Lots 9 to 23 inclusive in Block 1824; and Lots 28 to 42 inclusive in Block 1825 all in the City of Dallas in Dallas County, Texas

Witness my hand at Corsicana, Tex. this the 23rd day of March A D 1925
W P Brown

THE STATE OF TEXAS :
COUNTY OF NAVARRO

BEFORE ME the undersigned authority, a Notary Public in and for Navarro County, Texas, on this day personally appeared W P Brown, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed
Given under my hand and seal of office this the 25th day of March A D 1925
W A Townsend
Notary Public, Navarro County, Texas.

L S

Filed for Record April 2, 1925, 4:30 P M .. D C WHITELEY, COUNTY CLERK

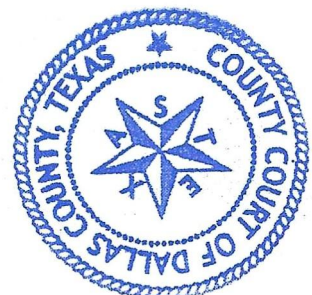
BY O L LEWIS, DEPUTY

RECORDED APRIL 20, 1925, D C WHITELEY, COUNTY CLERK, DALLAS COUNTY, TEXAS.

BY

DEPUTY

---00---





TRUE AND CORRECT
COPY OF RECORD
ON FILE IN CITY
SURVEYOR'S OFFICE
BY: *Robert Ray*
DATE: *5-11-2025*

CITY OF DALLAS PLAT BOOKS

ADDITION

BLOCKS 1823-1829

SCHOOL DISTRICT DALLAS

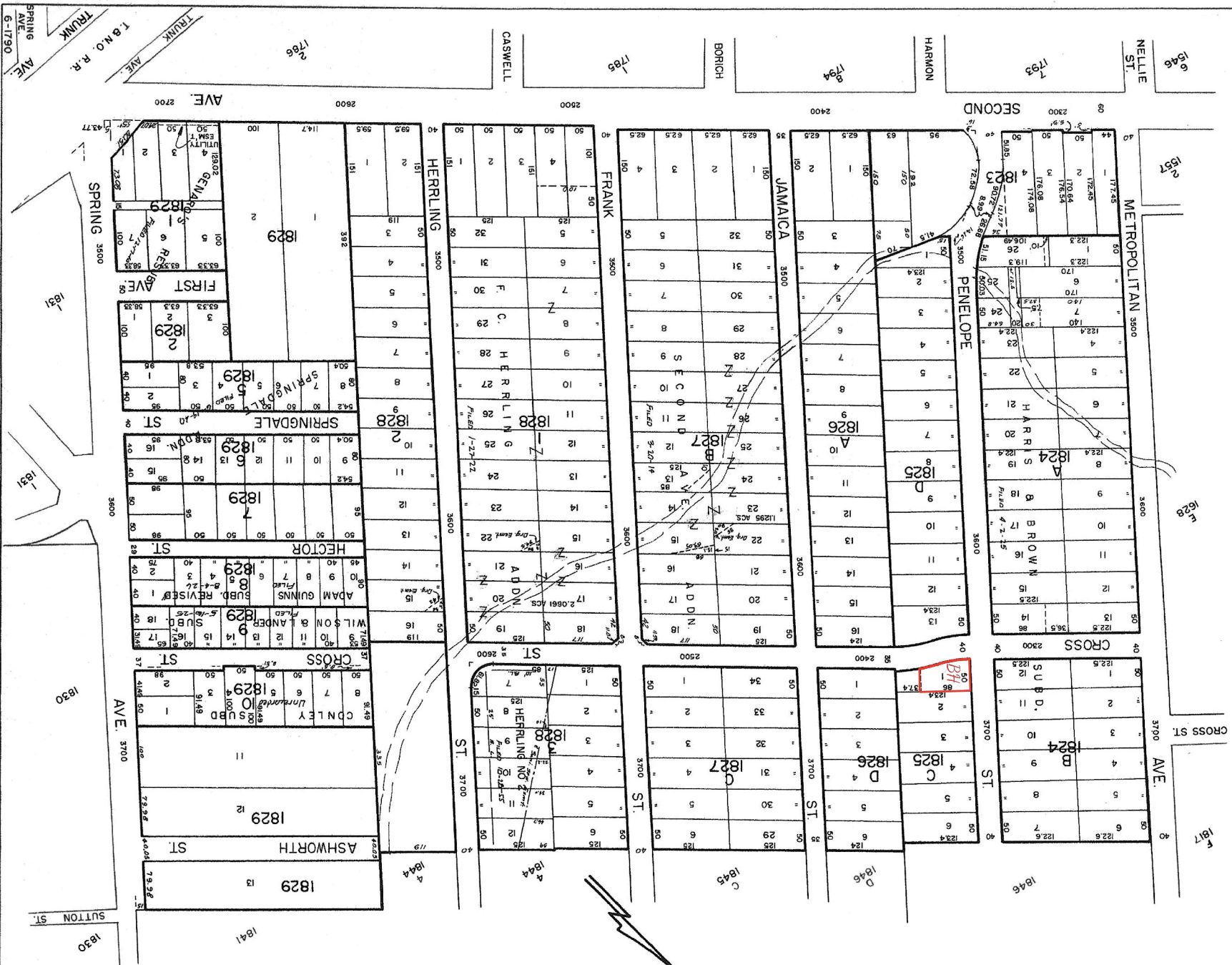
SURVEY T. LAGOW

ABST 759

ORD. NO.

DATE: *5-11-2025*
BY: *Robert Ray*

SCALE 100 FT. EQUALS 1 INCH





3702 PENELOPE ELEVATION RENDITION

- GENERAL PROJECT NOTES
- 1.0 THESE CONSTRUCTION DOCUMENTS ARE INTENDED TO MEET ALL APPLICABLE CODES AND ORDINANCES. CONTRACTOR TO COMPLY WITH ALL LOCAL CODES, ORDINANCES AND DEED RESTRICTIONS. CONTRACTOR SHALL ALSO REQUIRE ALL SUBCONTRACTORS TO COMPLY WITH THESE REGULATIONS.
- 2.0 ANY DISCREPANCIES IN CONSTRUCTION DOCUMENTS OR NONCOMPLIANCE TO BE BROUGHT TO THE ATTENTION OF THE ARCHITECT PRIOR TO ANY WORK BEING PERFORMED OR MATERIALS BEING ORDERED.
- 3.0 BUILDER ACCEPTS FULL RESPONSIBILITY FOR CHECKING PLANS TO ASSURE CONFORMITY TO CURRENT LOCAL BUILDING CODES. SHOULD ANY CHANGES BE MADE TO THESE PLANS BY BUILDER OR HIS REPRESENTATIVES WITHOUT CONTACTING THE ARCHITECT, THE BUILDER WILL ACCEPT FULL LIABILITY FOR AMENDED PLANS.
- 4.0 ARCHITECTS ARE GOVERNED BY THE TEXAS BOARD OF ARCHITECTURAL EXAMINERS, (512)458-1383.
- 5.0 WHILE THESE DRAWINGS ARE INTENDED TO SHOW SAME, THE ARCHITECT IS NOT RESPONSIBLE FOR GOVERNING AUTHORITY INTERPRETATIONS WHERE THOSE INTERPRETATIONS CONFLICT WITH THESE DRAWINGS &/OR SPECS.
- 6.0 PORTIONS OF THIS WORK MAY NOT HAVE BEEN DRAWN BY A REGISTERED ARCHITECT.
- 7.0 THESE DRAWINGS/SPECS ARE INSTRUMENTS OF SERVICE AND SHALL REMAIN THE PROPERTY OF THE ARCHITECT WHETHER THE PROJECT IS EXECUTED OR NOT. THESE DRAWINGS SHALL NOT BE USED BY THE CLIENT FOR OTHER PROJECTS, FOR ADDITIONS TO THIS PROJECT, OR FOR COMPLETION OF THIS PROJECT BY OTHERS WITHOUT PERMISSION OF THIS ARCHITECT.
- 8.0 THESE DOCUMENTS DO NOT SHOW TYPICAL DETAILING &/OR WATERPROOFING.
- 9.0 THESE DOCUMENTS DO NOT SPECIFY ACTUAL PRODUCTS OR MATERIAL SELECTIONS. CONTRACTOR ACCEPTS FULL RESPONSIBILITY FOR APPROPRIATE AND PROPER DETAILING FOR AND BETWEEN ALL ACTUAL PRODUCTS/MATERIALS SELECTED WHEN INSTALLED.
- 10.0 ALL COMPONENTS, MATERIALS, ASSEMBLIES AND FINISHES TO BE CONSTRUCTED AND INSTALLED PER MANUFACTURER'S RECOMMENDATIONS, CODE REQUIREMENTS AND REGULATED BUILDING PRACTICES.
- 11.0 ARCHITECT IS NOT RESPONSIBLE FOR MEANS AND METHODS OF CONSTRUCTION WHICH ARE NOT DETAILED IN THESE CONSTRUCTION DOCUMENTS. CONTRACTOR WILL BE RESPONSIBLE FOR ALL ASPECTS OF CONSTRUCTION INCLUDING BUT NOT LIMITED TO ALL WATER AND DAMP PROOFING, LOAD CONNECTIONS AND MECHANIC, ELECTRICAL AND PLUMBING SYSTEMS.
- 12.0 ALL MATERIALS AND LABOR TO BE GUARANTEED FOR ONE YEAR FROM THE DATE OF FINAL PAYMENT, IN ADDITION TO ALL WARRANTIES THAT ARE STANDARD TO THE INDUSTRY. CONTRACTOR TO PROVIDE (SUPPLY AND INSTALL) ALL EQUIPMENT, LABOR SERVICES, AND MATERIALS REQUIRED FOR THE COMPLETE APPROVED INSTALLATION OF THE SYSTEMS CALLED FOR.
- 13.0 THESE DRAWINGS DO NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. THE CONTRACTOR IS RESPONSIBLE FOR INITIATING, MAINTAINING AND SUPERVISING ALL SAFETY PRECAUTIONS AND PROGRAMS NECESSARY FOR COMPLETION OF WORK.
- 14.0 ALL DIMENSIONS TO BE VERIFIED IN THE FIELD. REPORT ANY AND ALL DISCREPANCIES, ERRORS OR OMISSIONS TO THE ARCHITECT PRIOR TO COMMENCING WORK AND/OR ORDERING MATERIALS. MINOR DEVIATIONS, SUBJECT TO CONSTRUCTION REQUIREMENTS AND FIELD CONDITIONS, CAN BE EXPECTED.
- 15.0 UNDER NO CIRCUMSTANCES SHALL ANY DIMENSION BE SCALED FROM THESE DRAWINGS. ANY CRUCIAL DIMENSION NOT GIVEN SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT.
- 16.0 ALL DIMENSIONS SHOWN ON PLAN ARE TO THE STRUCTURAL FACE OF WALL AND DO NOT INCLUDE WALL FINISHES OR FURRING.
- 17.0 THE CONTRACTOR SHALL GIVE NOTICE TO ALL AUTHORIZED INSPECTORS, SUPERINTENDENTS OR PERSONS IN CHARGE OF UTILITIES AFFECTED BY HIS OPERATIONS PRIOR TO COMMENCING WORK.
- 18.0 THE CONTRACTOR IS TO FILE FOR, AND SECURE ALL APPROVALS, PERMITS, TESTS, INSPECTIONS AND CERTIFICATES OF COMPLIANCE AS REQUIRED. THE CONTRACTOR IS RESPONSIBLE FOR ASSURING THAT ALL PERMITS NECESSARY TO LEGALLY PERFORM THE WORK HAVE BEEN OBTAINED PRIOR TO COMMENCING CONSTRUCTION.
- 19.0 VERIFY EXISTING CONDITIONS AND DIMENSIONS PRIOR TO CONSTRUCTION START.
- 20.0 IN CASE OF DISCREPANCIES OR CONFLICTS ON THE DRAWINGS AND SPECIFICATIONS, OR BETWEEN THE DRAWINGS AND THE EXISTING CONDITIONS, CONTACT THE ARCHITECT OR OWNER BEFORE PROCEEDING WITH THE WORK.
- 21.0 CONTRACTOR SHALL CLEAN UP CONSTRUCTION AREAS AFFECTED BY DAILY WORK AND MAINTAIN A CLEAN AND ORDERLY WORK AREA AT ALL TIMES. REMOVE MATERIALS TO APPROVED DUMP SITES ONLY.

Project Name and Address

New Home Build
3702 Penelope St
Lot 1 / Block C/1825
Harris & Brown Subdivision
of Metropolitan Ave Addition
City of Dallas Texas
Dallas County

Home Owner

Caliber Community Group LLC

GENERAL SITE NOTES:

- 1.0 BUILDER TO RESCULPTURE TOPO/FINISH GRADE TO PROVIDE PROPER DRAINAGE OF SURFACE WATER AWAY FROM BUILDING AS REQ'D.

2.0 FINAL LOCATION OF PROPOSED RESIDENCE TO BE DETERMINED BY BUILDER.

3.0 EXPOSED FOUNDATION TO BE MINIMUM OF 8" AND A MAXIMUM OF 24" ABOVE FINISHED GRADE OR PER SUBDIVISION REQUIREMENTS. UNDERPIN ALL EXPOSED FOUNDATIONS.

4.0 THERE ARE NO STORM SEWER INLETS WITHIN THE LOT FRONTAGE OR 10'-0" BEYOND THE SIDE PROPERTY LINES.

5.0 UTILITY LINE LOCATIONS ARE APPROXIMATES- GENERAL CONTRACTOR TO FIELD VERIFY FOR EXACT LOCATIONS.

6.0 VERIFY METER AND UTILITY SERVICE LOCATIONS PRIOR TO INSTALLATION.

7.0 EROSION CONTROL BARRIERS TO BE INSTALLED PRIOR TO COMMENCEMENT OF CONSTRUCTION.

8.0 STABILIZED TEMPORARY CONSTRUCTION DRIVEWAY TO BE IN PLACE PRIOR TO COMMENCEMENT OF CONSTRUCTION.

9.0 CONFIRM ALL DRIVEWAY, WALKWAY AND PVC LAYOUTS/LOCATIONS PRIOR TO COMMENCING WORK.
- 10.0 PROVIDE CONTROL AND EXPANSION JOINTS AS REQUIRED ON CONCRETE DRIVES, WALKS AND PATIOS.

11.0 ALL EXTERIOR HVAC EQUIPMENT TO BE SCREENED PER CITY REQUIREMENTS, DEED RESTRICTIONS OF SUBDIVISION OR NEIGHBORHOOD ASSOCIATION.

12.0 GARBAGE RECEPTACLES TO BE STORED IN GARAGE OR SCREENED FROM VIEW AND ANIMAL ACCESS.

13.0 LOCATION OF MAILBOX AND EXTERIOR DRIVEWAY LIGHT(S) TO BE VERIFIED PRIOR TO INSTALLATION.

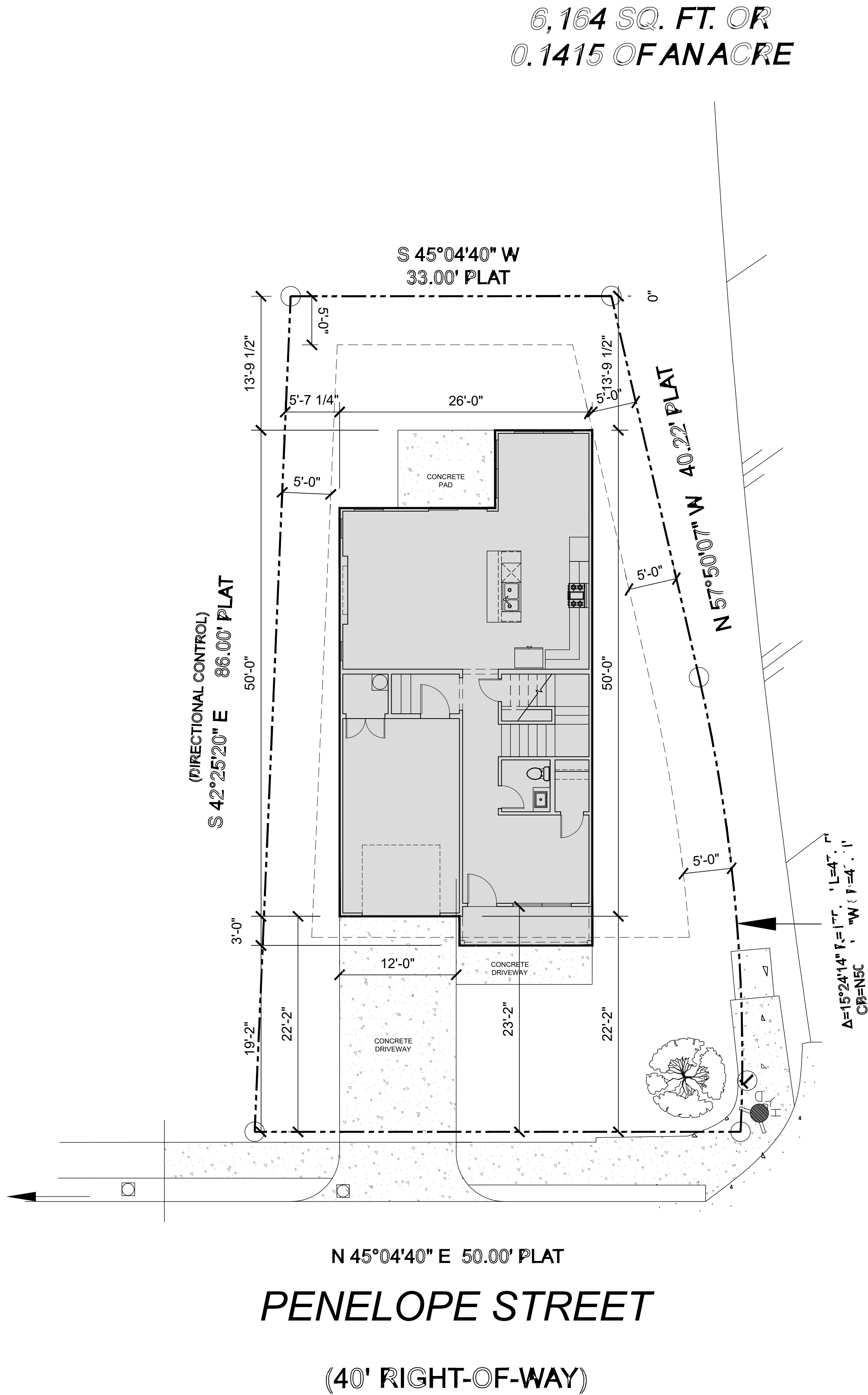
14.0 ALL CONSTRUCTION MATERIALS AND WASTE TO BE STORED ON SITE DURING CONSTRUCTION.

15.0 LANDSCAPE PLANS TO BE PROVIDED BY OTHERS AND PERMIT FOR SAME TO BE OBTAINED SEPARATELY FROM THESE PLANS.

16.0 NO EXISTING TREES TO BE REMOVED OR DISTURBED WITHOUT OWNER APPROVAL.

17.0 ALL STUMPS AND ROOTS SHALL BE REMOVED FROM THE SOIL TO A DEPTH OF 12" BELOW THE SURFACE OF THE GROUND IN THE AREA OF THE BUILDING.

18.0 CONTRACTOR SHALL CLEAN UP AREAS AFFECTED BY DAILY WORK AND REMOVE DEBRIS AND MATERIALS FROM THE SITE UPON COMPLETION OF THE WORK.



1 SITE PLAN
SCALE: 1/8" = 1'-0"



GENERAL PROJECT NOTES

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Project Name and Address

New Home Build
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Lot 1 / Block C/1825
Harris & Brown Subdivision
of Metropolitan Ave Addition
City of Dallas Texas
Dallas County

Home Owner

Caliber Community
Group LLC

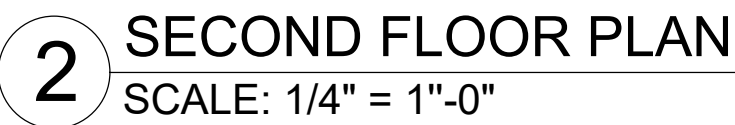
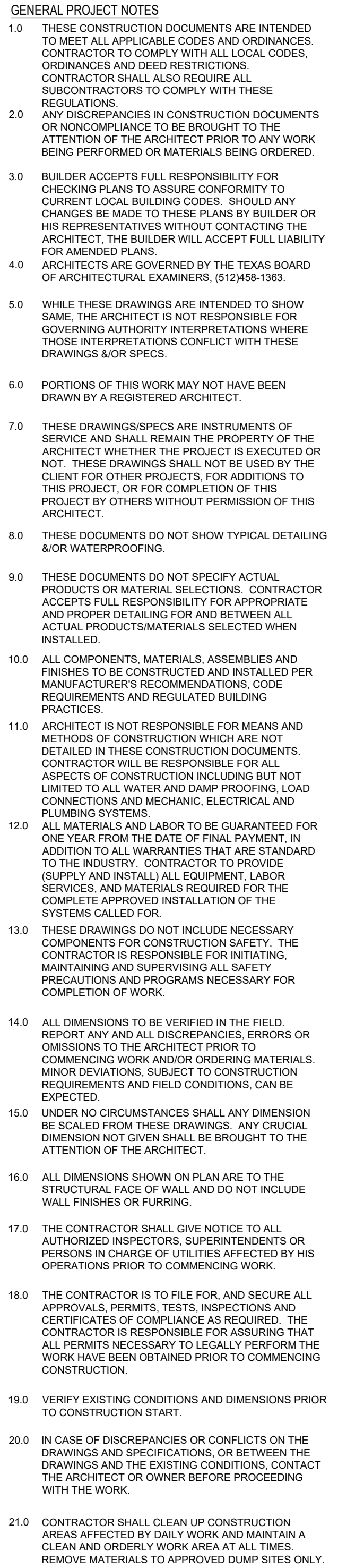
Date

05-19-2025

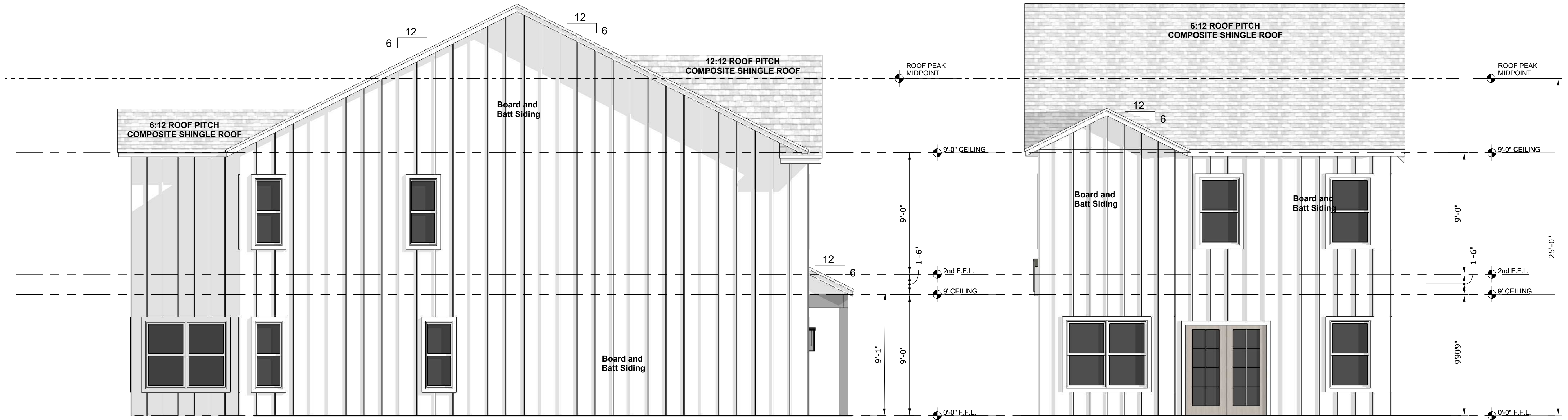
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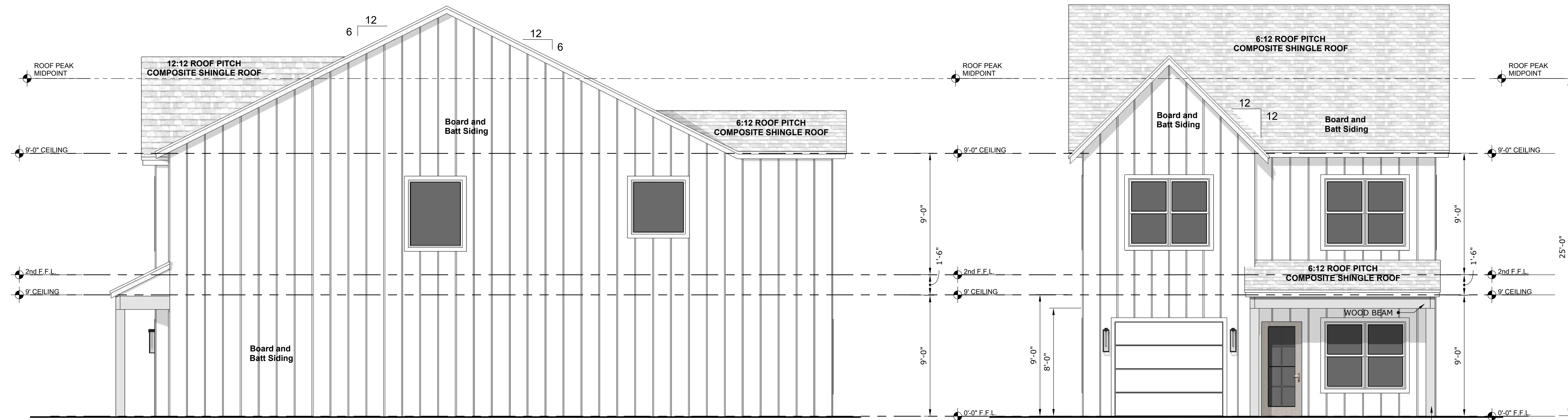
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4 Right Elevation
Scale: 1/4" = 1' -0"

3 Rear Elevation
Scale: 1/4" = 1' -0"



2 Left Elevation
Scale: 1/4" = 1' -0"

1 Front Elevation
Scale: 1/4" = 1' -0"

Project Name and Address

New Home Build
3702 Penelope St
Lot 1 / Block C/1825
Harris & Brown Subdivision
of Metropolitan Ave Addition
City of Dallas Texas
Dallas County

Home Owner

Caliber Community Group LLC

Date
05-19-2025

Sheet
A5.0

Residential	Yes	Proposed
Status of Property	Previous Board of Adjustment case filed on this property	Accommodation for someone with disabilities
Vacant Land	No	No
File Date	Seleccione si necesitara un interprete	Case Number
05/20/2025		-
Are you applying for a fee waiver?	Have the standards for variance and or special exception been discussed?	Has the Notification Sign Acknowledgement Form been discussed?
No	Yes	Yes
Referred by		
SELF		

Internal Use Only

Source of Request	Fee Waiver Granted	Number of Parking Spaces
-		-
Lot Acreage		
-		

PDox Information

PDox Number
-

Board of Adjustment Request

Type of Request	Request Description	Application Type	Other	Affirm that an appeal has been made for	Application is made to BOA to grant the described appeal	Outcome
Variance	Front-yard	Single Family/Duplex Variance or Special Exception	15-foot variance to the front yard setback	3702 Penelope St, Dallas, TX 75210	We are requesting a variance of 15 feet to the required setback along Cross Street, proposing a reduced setback of 5 feet. This request is due to the conditions of our corner lot.	

Street Frontage Information

Street Frontage Linear Feet (Sq. Ft) (Number)

Front	50
Front	87

Case Information

Full Request	Brief Request	Zoning Requirements	Relevant History	BOA History	BOA History Details
to construct and/or maintain a single-family residential structure and provide a 5-foot front-yard setback, which will require a 15-foot variance to the front-yard setback regulations	for a variance to the front-yard setback regulations	requires a front-yard setback of NA 20-feet		No	

Board of Adjustment Meeting

Hearing Type	Action Date	Time	Room	Panel	Presiding Officer	BOA Administrator	BOA Secretary	BOA Code Specialist	Case Assigned to	Notes	Outcome	Filing Date
			6ES			Kameka Miller-Hoskins	Mary Williams	Diana Barkume	Diana Barkume			

GIS Information

Parcel Number (Number)	Service	Layer	Attribute Value	Census Tract Number (Number)	Council District	School District	Escarpment	Floodplain
				30.24	2		No	No

Workflow Status:	Task	Assigned To	Status	Status Date	Action By
	Application Intake		Intake Complete	05/22/2025	Accela Administ...
	GIS AOR Review	Ronda Kemp	Review Complete	05/22/2025	Ronda Kemp
	Case Assignment	Diana Barkume	Case Manager...	06/11/2025	Kameka Miller-H...
	Site Inspection				
	Plans Distribution			05/22/2025	
	Subdivision Review				
	Q Team Review				
	Arborist Review				
	Building Code Review				



CITY OF DALLAS

Development Services Board of Adjustment Referral Form:

Applicant/Representative: Brichard Humphrey

Owner (if applicable): _____

Property address: 3702 Pinelope St.

Lot: _____ City Block: C/1875 Zoning: PD 545 R-3A

Request (check all that apply):

☐ **Variance**

- ☒ Yard setback
- ☐ Lot width
- ☐ Lot Depth
- ☐ Lot Coverage
- ☐ Floor area for accessory structures for single family uses
- ☐ Height
- ☐ Minimum width of sidewalk
- ☐ Off-street parking
- ☐ Off-street loading
- ☐ Landscape regulations
- ☐ Other

☐ **Special Exception**

- ☐ Fence height and standards
- ☐ Visibility triangle obstructions
- ☐ Parking demand
- ☐ Landscaping
- ☐ Additional dwelling unit for a single-family
- ☐ Carport
- ☐ Non-conforming use
- ☐ Other

Referrer

- ☐ Physical properties of the land prohibit commensurate development with properties of the same zoning
- ☐ The land (not the improvements) has restrictive size, shape, or slope.

"A variance may not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor may a variance be granted to permit any reason privilege in developing a parcel of land permitted by the zoning ordinance to other parcels of the land in districts with the same classification"

Corner lot has two front yards do to blockface continuity
customer looking to use front yard as side yard
(cross st)

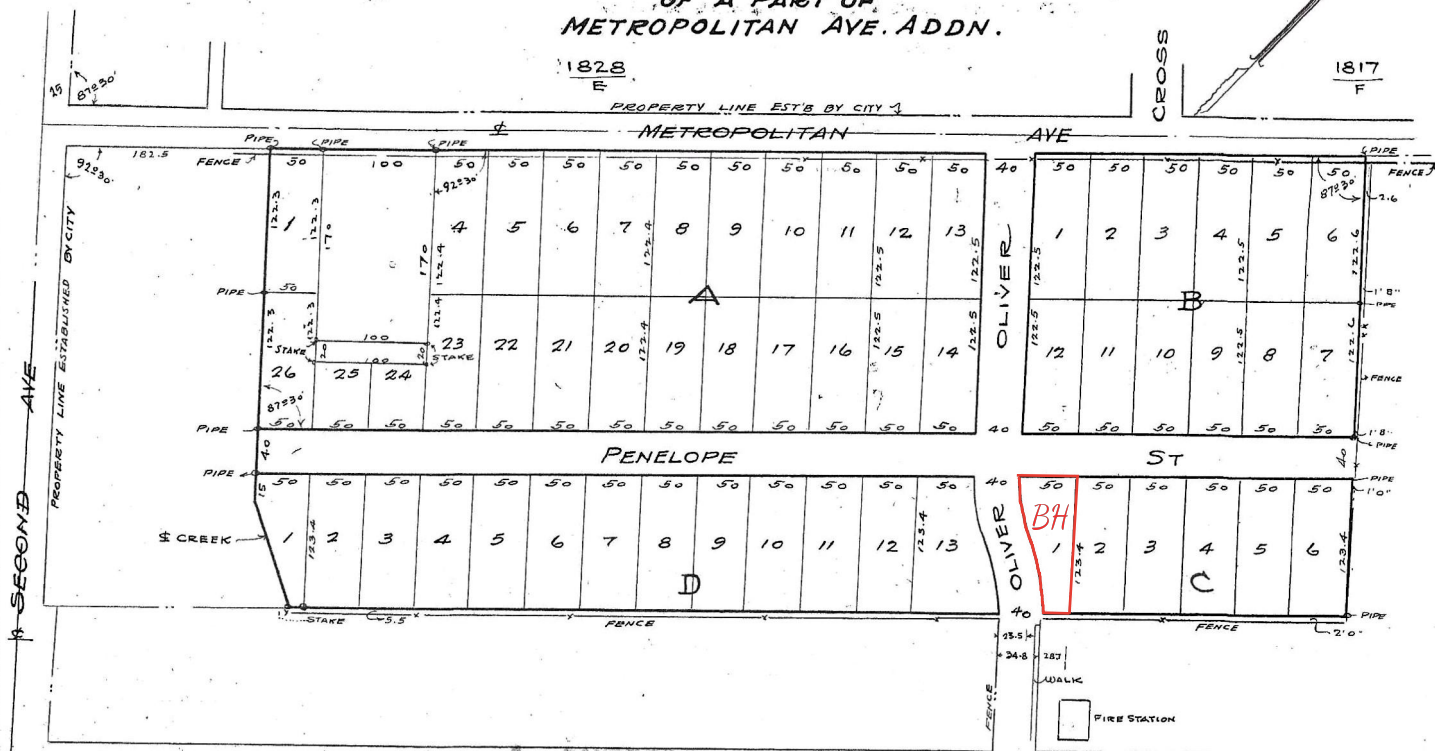
SEC. 51A-3.102

Referred by: Ivan Rosales Date: 5/28/25
Printed name

Application forms can be obtained at
<https://dallascityhall.com/government/Boards-and-Commissions/Board-of-Adjustment/Pages/default.aspx> or
320 E. Jefferson Blvd, Rm 118 Dallas TX 75203

Harris & Brown Subdivision

OF A PART OF
METROPOLITAN AVE. ADDN.



Harris & Brown Developers & Exclusive Agents 1210 S W Life Bldg Phone X6859

Scale 1" = 100' Dec 18th, 1924

Mar. 14th, 1925

39635

HARRIS & BROWN SUBDIVISION : STATE OF TEXAS :
TO MAP : COUNTY OF DALLAS :

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned W P Brown owner of the lands and premises hereinafter described hereby dedicate the plat attached hereto as a true and correct map or plat of said lands and premises to be known as "HARRIS & BROWN SUBDIVISION OF A PART OF METROPOLITAN AVENUE ADDITION to the City of Dallas in Dallas County, Texas, and the streets and alleys as shown on said plat are dedicated to the use of the public forever; said lands and premises being described as follows, to-wit:
All of Lots 5 and 8 in Block 1823, Lots 9 to 23 inclusive in Block 1824; and Lots 28 to 42 inclusive in Block 1825 all in the City of Dallas in Dallas County, Texas

Witness my hand at Corsicana, Tex. this the 23rd day of March A D 1925

W P Brown

THE STATE OF TEXAS :
COUNTY OF NAVARRO :

BEFORE ME the undersigned authority, a Notary Public in and for Navarro County, Texas, on this day personally appeared W P Brown, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed
Given under my hand and seal of office this the 25th day of March A D 1925

W A Townsend

Notary Public, Navarro County, Texas.

L S

Filed for Record April 2, 1925, 4:30 P M .. D C WHITELEY, COUNTY CLERK

BY O L LEWIS, DEPUTY

RECORDED APRIL 20, 1925, D C WHITELEY, COUNTY CLERK, DALLAS COUNTY, TEXAS.

BY

DEPUTY

---00---





TRUE AND CORRECT
COPY OF RECORD
ON FILE IN CITY
SURVEYOR'S OFFICE
BY: *Robert Ralston*
DATE: *5-11-2025*

CITY OF DALLAS PLAT BOOKS

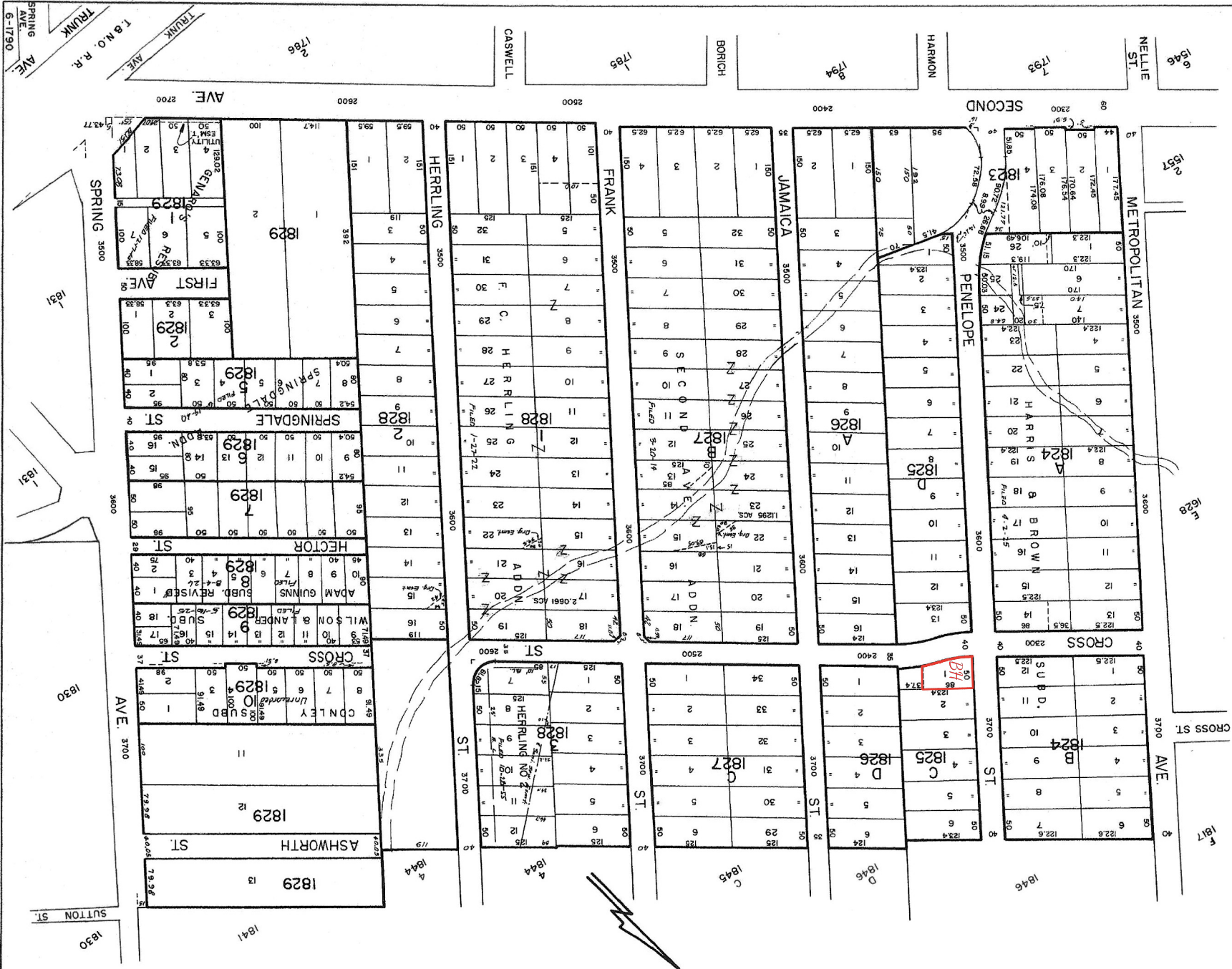
ADDITION

BLOCKS 1823-1829

SCHOOL DISTRICT DALLAS

ANNEXED
SURVEY T. LAGOW
ORD. NO. 759
ABST. 759

SCALE 100 FT. EQUALS 1 INCH





3702 PENELOPE ELEVATION RENDITION

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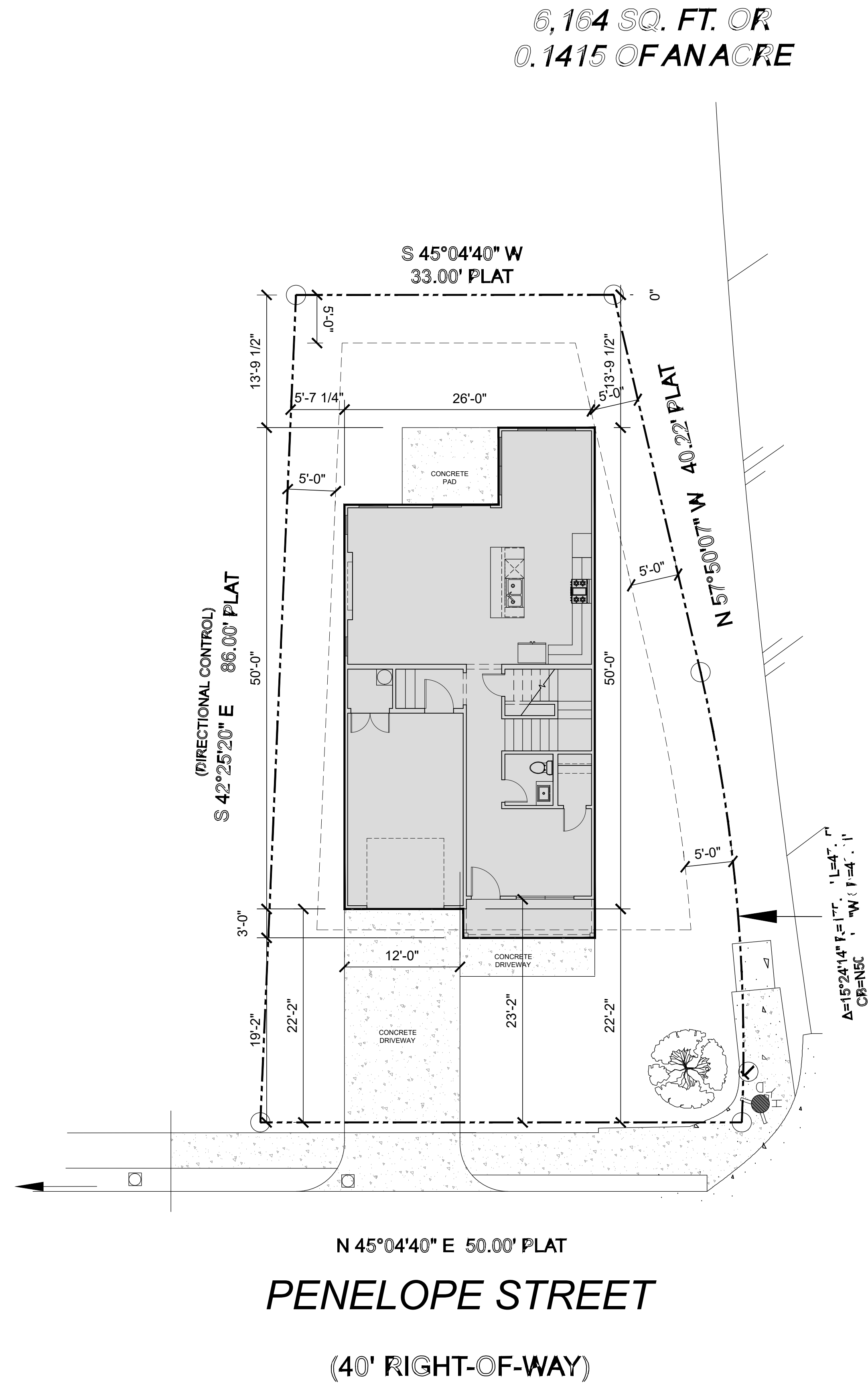
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Harris & Brown Subdivision
of Metropolitan Ave Addition
City of Dallas Texas
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Home Owner

Caliber Community Group LLC

<u>GENERAL SITE NOTES:</u>			
1.0	BUILDER TO RESCULPTURE TOPO/FINISH GRADE TO PROVIDE PROPER DRAINAGE OF SURFACE WATER AWAY FROM BUILDING AS REQ'D.	10.0	PROVIDE CONTROL AND EXPANSION JOINTS AS REQUIRED ON CONCRETE DRIVES, WALKS AND PATIOS.
2.0	FINAL LOCATION OF PROPOSED RESIDENCE TO BE DETERMINED BY BUILDER.	11.0	ALL EXTERIOR HVAC EQUIPMENT TO BE SCREENED PER CITY REQUIREMENTS, DEED RESTRICTIONS OF SUBDIVISION OR NEIGHBORHOOD ASSOCIATION.
3.0	EXPOSED FOUNDATION TO BE MINIMUM OF 8" AND A MAXIMUM OF 24" ABOVE FINISHED GRADE OR PER SUBDIVISION REQUIREMENTS. UNDERPIN ALL EXPOSED FOUNDATIONS.	12.0	GARBAGE RECEPTACLES TO BE STORED IN GARAGE OR SCREENED FROM VIEW AND ANIMAL ACCESS.
4.0	THERE ARE NO STORM SEWER INLETS WITHIN THE LOT FRONTAGE OR 10'-0" BEYOND THE SIDE PROPERTY LINES.	13.0	LOCATION OF MAILBOX AND EXTERIOR DRIVEWAY LIGHT(S) TO BE VERIFIED PRIOR TO INSTALLATION.
5.0	UTILITY LINE LOCATIONS ARE APPROXIMATES- GENERAL CONTRACTOR TO FIELD VERIFY FOR EXACT LOCATIONS.	14.0	ALL CONSTRUCTION MATERIALS AND WASTE TO BE STORED ON SITE DURING CONSTRUCTION.
6.0	VERIFY METER AND UTILITY SERVICE LOCATIONS PRIOR TO INSTALLATION.	15.0	LANDSCAPE PLANS TO BE PROVIDED BY OTHERS AND PERMIT FOR SAME TO BE OBTAINED SEPARATELY FROM THESE PLANS.
7.0	EROSION CONTROL BARRIERS TO BE INSTALLED PRIOR TO COMMENCEMENT OF CONSTRUCTION.	16.0	NO EXISTING TREES TO BE REMOVED OR DISTURBED WITHOUT OWNER APPROVAL.
8.0	STABILIZED TEMPORARY CONSTRUCTION DRIVEWAY TO BE IN PLACE PRIOR TO COMMENCEMENT OF CONSTRUCTION.	17.0	ALL STUMPS AND ROOTS SHALL BE REMOVED FROM THE SOIL TO A DEPTH OF 12" BELOW THE SURFACE OF THE GROUND IN THE AREA OF THE BUILDING.
9.0	CONFIRM ALL DRIVEWAY, WALKWAY AND PVC LAYOUTS/LOCATIONS PRIOR TO COMMENCING WORK.	18.0	CONTRACTOR SHALL CLEAN UP AREAS AFFECTED BY DAILY WORK AND REMOVE DEBRIS AND MATERIALS FROM THE SITE UPON COMPLETION OF THE WORK.



1 SITE PLAN
SCALE: 1/8" = 1'-0"



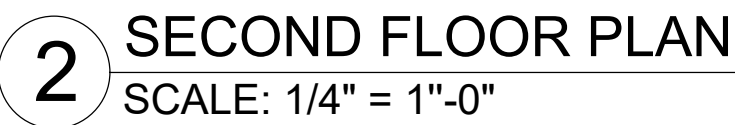
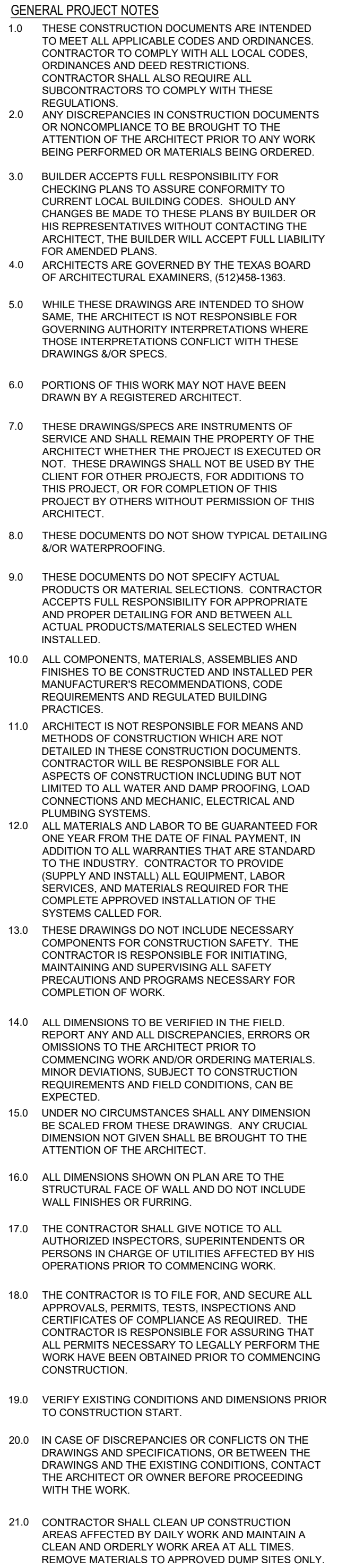
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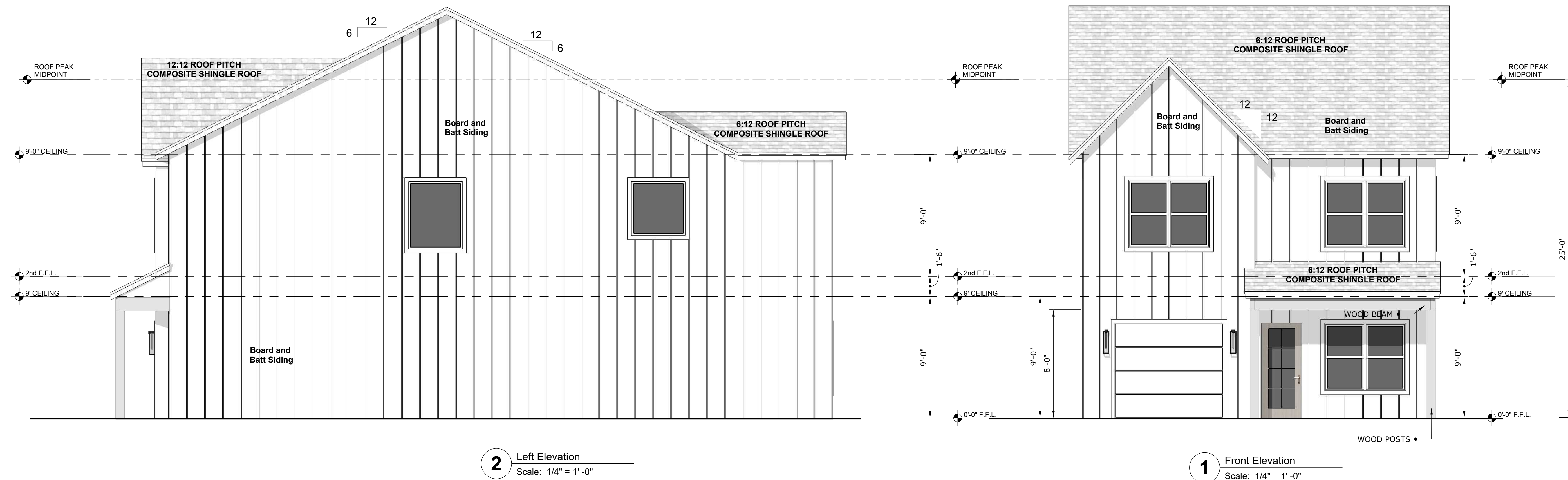
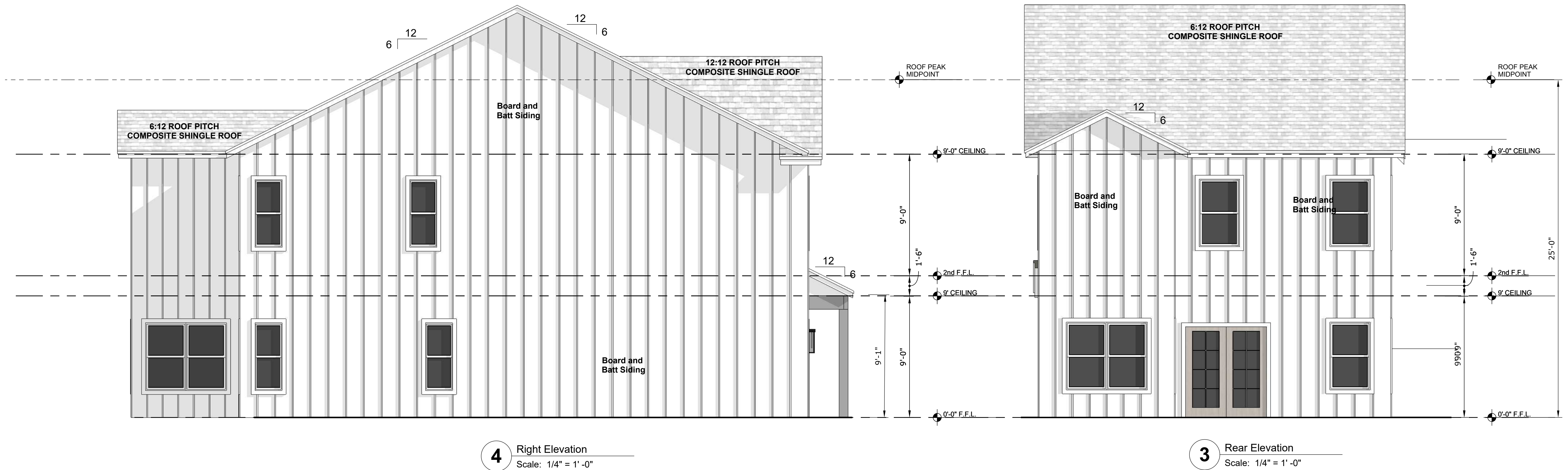
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72



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 - 15.0 UNDER NO CIRCUMSTANCES SHALL ANY DIMENSION BE SCALED FROM THESE DRAWINGS. ANY CRUCIAL DIMENSION NOT GIVEN SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT.
 - 16.0 ALL DIMENSIONS SHOWN ON PLAN ARE TO THE STRUCTURAL FACE OF WALL AND DO NOT INCLUDE WALL FINISHES OR FURRING.
 - 17.0 THE CONTRACTOR SHALL GIVE NOTICE TO ALL AUTHORIZED INSPECTORS, SUPERINTENDENTS OR PERSONS IN CHARGE OF UTILITIES AFFECTED BY HIS OPERATIONS PRIOR TO COMMENCING WORK.
 - 18.0 THE CONTRACTOR IS TO FILE FOR, AND SECURE ALL APPROVALS, PERMITS, TESTS, INSPECTIONS AND CERTIFICATES OF COMPLIANCE AS REQUIRED. THE CONTRACTOR IS RESPONSIBLE FOR ASSURING THAT ALL PERMITS NECESSARY TO LEGALLY PERFORM THE WORK HAVE BEEN OBTAINED PRIOR TO COMMENCING CONSTRUCTION.
 - 19.0 VERIFY EXISTING CONDITIONS AND DIMENSIONS PRIOR TO CONSTRUCTION START.
 - 20.0 IN CASE OF DISCREPANCIES OR CONFLICTS ON THE DRAWINGS AND SPECIFICATIONS, OR BETWEEN THE DRAWINGS AND THE EXISTING CONDITIONS, CONTACT THE ARCHITECT OR OWNER BEFORE PROCEEDING WITH THE WORK.
 - 21.0 CONTRACTOR SHALL CLEAN UP CONSTRUCTION AREAS AFFECTED BY DAILY WORK AND MAINTAIN A CLEAN AND ORDERLY WORK AREA AT ALL TIMES. REMOVE MATERIALS TO APPROVED DUMP SITES ONLY.

Project Name and Address

New Home Build
3702 Penelope St
Lot 1 / Block C/1825
Harris & Brown Subdivision
of Metropolitan Ave Addition
City of Dallas Texas
Dallas County

Home Owner

Caliber Community Group LLC

Date
05-19-2025

Sheet
A5.0

FILE NUMBER: BOA-25-000014(DB)

BUILDING OFFICIAL'S REPORT: Application of Jennifer Hiromoto for **(1)** a special exception to the fence height regulations at **9785 AUDUBON PLACE**. This property is more fully described as Block 14/5587, Lot 7, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4-feet. The applicant proposes to construct and/or maintain a 6-foot-high fence in a required front-yard, which will require **(1)** a 2-foot special exception to the fence height regulations.

LOCATION: 9785 Audubon Place

APPLICANT: Jennifer Hiromoto

REQUEST: A special exception to the fence height regulations.

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO THE FENCE HEIGHT STANDARDS REGULATIONS:

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

STAFF RECOMMENDATION:

No staff recommendation is made on this request.

BACKGROUND INFORMATION:

Zoning:

Site: R-1ac(A)
North: PD 385
East: R-1ac(A)
South: R-1ac(A)
West: R-1ac(A)

Land Use:

The subject site is developed with a single-family home and is surrounded by properties similarly developed with single-family homes.

BDA History:

No BDA history within the last 5 years.

GENERAL FACTS/STAFF ANALYSIS:

- The application of Jennifer Hiromoto, for the property located at 9785 Audubon Place, involves a request for a special exception to the fence height regulations.
- The applicant proposes to construct and/or maintain a 6-foot-high fence in the required front yard, which exceeds the maximum 4-foot height limit permitted by the Dallas Development Code. Therefore, a 2-foot special exception is required.
- The applicant states that the proposed 6-foot fence will not adversely affect surrounding properties, as many homes in the area already feature fences taller than four feet.
- Based on the submitted site plan and elevations, the applicant proposes a 6-foot-high fence constructed with a combination of materials from the City's approved materials list, including brick or stone, plexiglass, and chain link.
- This request pertains only to the portion of the fence parallel to Audubon Place. All other existing fencing on the property is assumed to be in compliance with the development code.
- The Dallas Development Code allows fences in required front yards to be constructed up to a maximum height of 4 feet above grade, unless a special exception is granted.
- Staff has verified that the proposed fence does not obstruct visibility triangles, and that it does not raise opacity concerns.
- The burden of proof rests with the applicant to demonstrate that the requested special exception will not adversely impact neighboring properties.
- Granting the special exception to the fence height 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-foot Notification area video [BOA-25-000014 9785 Audubon](#)

Timeline:

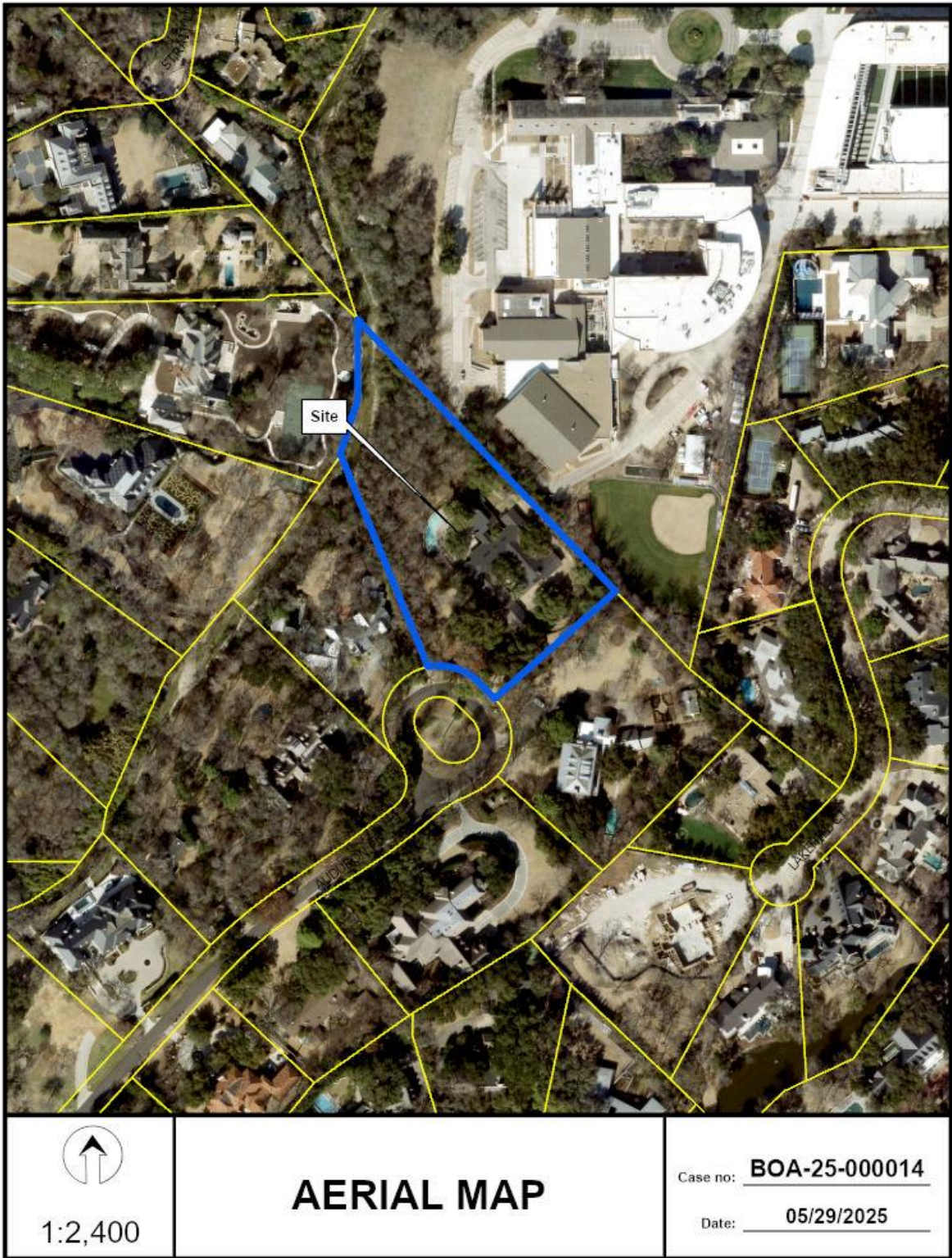
June 11, 2025: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

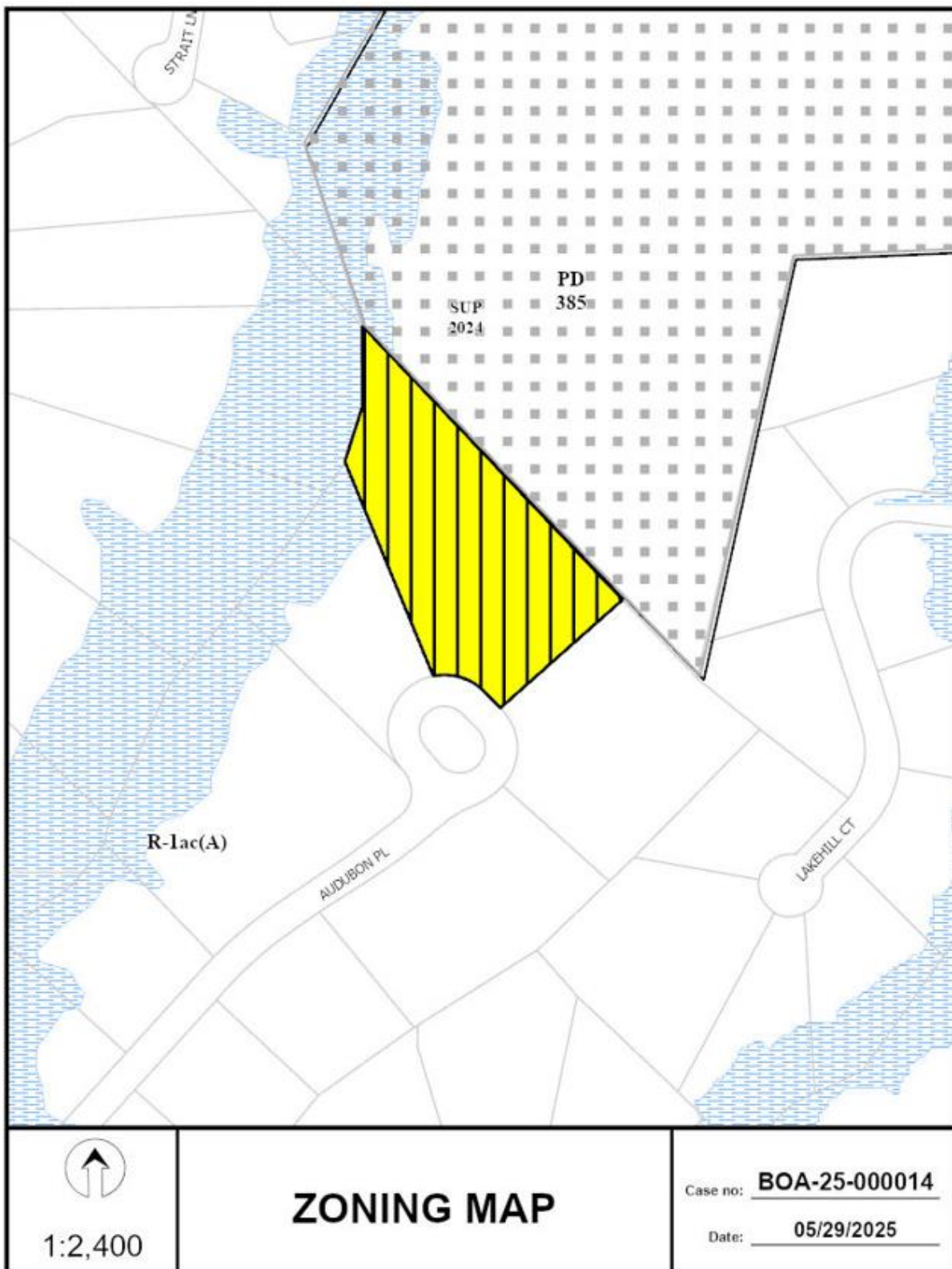
June 6, 2025: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel C.

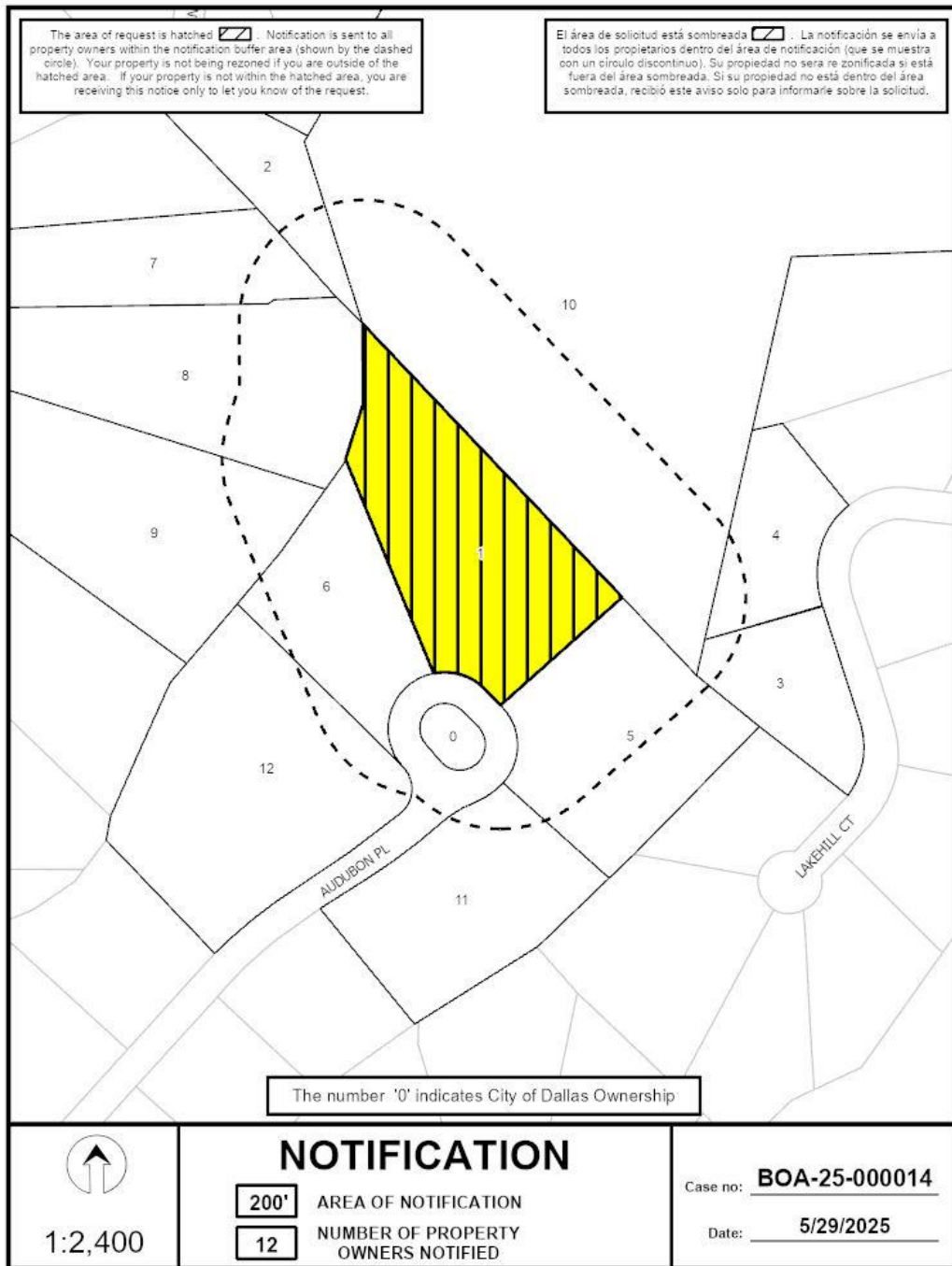
June 11, 2025: The Planning and Development Project Coordinator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the June 20, 2025, deadline to submit additional evidence for staff to factor into their analysis; and July 3, 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.

June 26, 2025: The Board of Adjustment staff review team meeting was held regarding this request, and other requests scheduled for the July public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Senior Plans Examiners Senior Project Coordinator-Residential, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.







Notification List of Property Owners

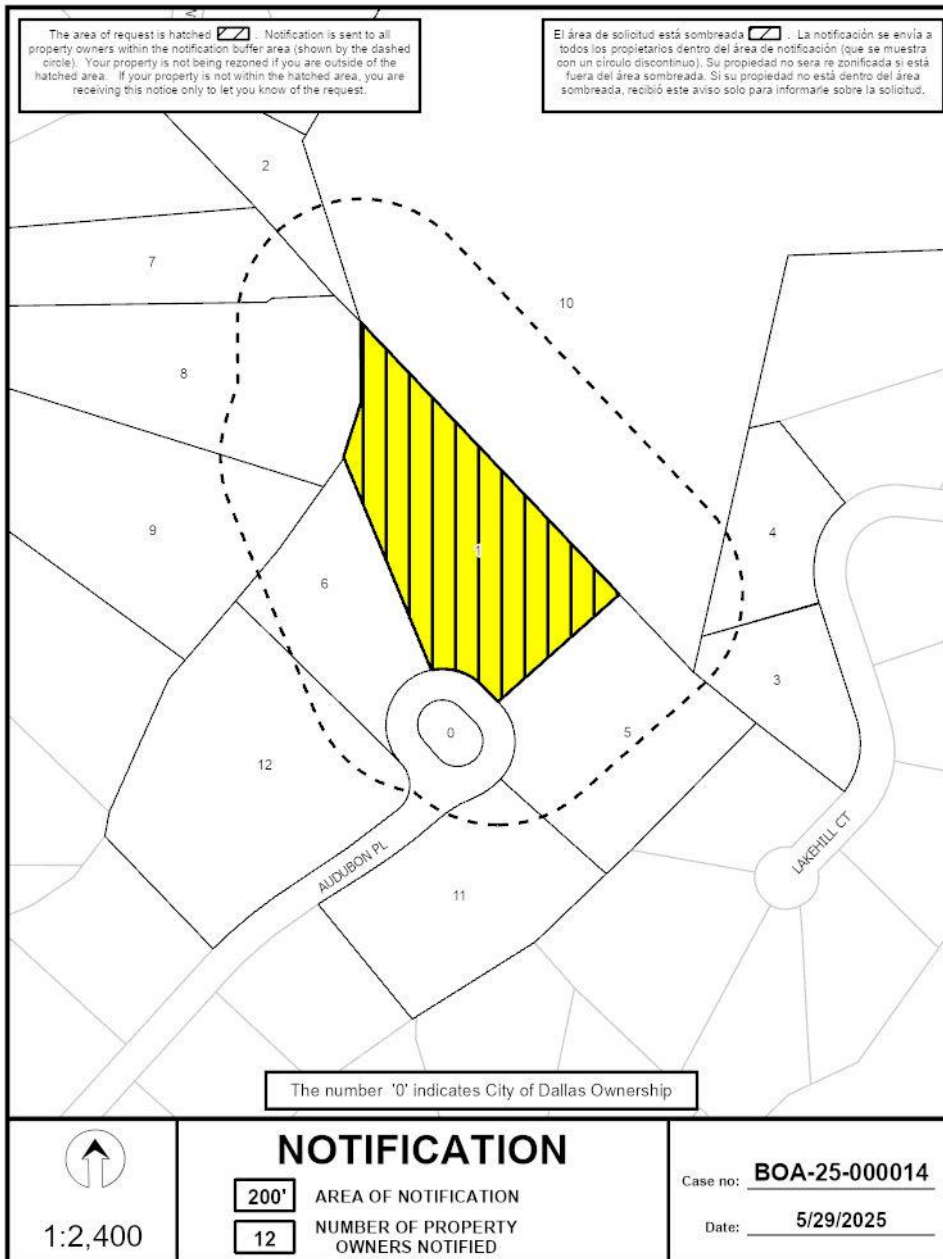
BOA-25-000014

12

Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	9785 AUDUBON PL	FEARON JEFFREY ARCHER
2	9920 STRAIT LN	SIMMONS DIANE GENEVIEVE
3	5045 LAKEHILL CT	ZAINFELD JEAN BALLAS
4	5055 LAKEHILL CT	BECK MICHAEL R &
5	9784 AUDUBON PL	ALFALAH KASIM & WASAN
6	9779 AUDUBON PL	THOMAS MICHAEL &
7	4660 MEADOWOOD RD	BLACKIE GARY
8	4656 MEADOWOOD RD	LOBEL JOSH & MICHELLE
9	4650 MEADOWOOD RD	LUNSFORD R HOLT &
10	5050 WALNUT HILL LN	URSULINE ACADEMY OF DALLAS
11	9762 AUDUBON PL	BEST RANDY & NANCY K
12	9769 AUDUBON PL	MITCHELL LEE ROY & TANDY

 1:2,400	NOTIFICATION		Case no: BOA-25-000014
	200' AREA OF NOTIFICATION	12 NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 5/29/2025



Route Directions:

Start on Meadowood Rd
 Right on Walnut Hill Ln
 Right on Strait Ln (U-turn)
 Right on Walnut Hill Ln
 Right on Inwood Rd
 Right on Lakehill Ct (U-turn)
 Right on Inwood Rd
 Right on Park Ln
 Right on Wedgewood Ln (U-turn)
 Right on Audubon Pl (U-turn)
 Right on Park Ln
 Right on Rockbrook Dr
 Right on Meadowood Rd

NOTICE OF PUBLIC HEARING

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

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

DATE: MONDAY, JULY 14, 2025

BRIEFING: 10:30 a.m. via Videoconference and in 6ES COUNCIL BRIEFING at Dallas City Hall, 1500 Marilla Street <https://bit.ly/boa0714>

HEARING: 1:00 p.m. Videoconference and in 6EN COUNCIL BRIEFING at Dallas City Hall, 1500 Marilla Street <https://bit.ly/boa0714>

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

BOA-25-000014(DB) Application of Jennifer Hiromoto for (1) a special exception to the fence height regulations at 9785 AUDUBON PLACE. This property is more fully described as Block 14/5587, Lot 7, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4-feet. The applicant proposes to construct and/or maintain a 6-foot-high fence in a required front-yard, which will require (1) a 2-foot special exception to the fence height 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 at 6ES Council Briefing. 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-C-Register> by the 5 p.m. on Sunday, July 13, 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 five (5) minutes to address the Board.

Additional information regarding the application may be obtained by calling Diana Barkume, Project Coordinator (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 and 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-C-Register>



Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA

FOR OFFICE USE ONLY

Data Relative to Subject Property:

Date:

FOR OFFICE USE ONLY

Location address: 9785 Audubon Place Zoning District: R-1ac (A)

Lot No.: 7 Block No.: 14/5587 Acreage: 2.9200 Census Tract: 2020

Street Frontage (in Feet): 1) 126 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Jeffery A. Fearon

Applicant: Jennifer Hiromoto Telephone: 469-275-2414

Mailing Address: PO Box 38586 Dallas, TX Zip Code: 75238

E-mail Address: jennifer@buzzurbanplanning.com

Represented by: Jennifer Hiromoto Telephone: 469-275-2414

Mailing Address: PO Box 38586 Dallas, TX Zip Code: 75238

E-mail Address: jennifer@buzzurbanplanning.com

Affirm that an appeal has been made for a Variance ☐ or Special Exception ☒ of fence height of 2-feet
for a total of 6-foot fence in a 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:

The proposed six foot tall fence will not adversely affect surrounding properties as many other properties in the surrounding area already have fences taller than four feet.

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

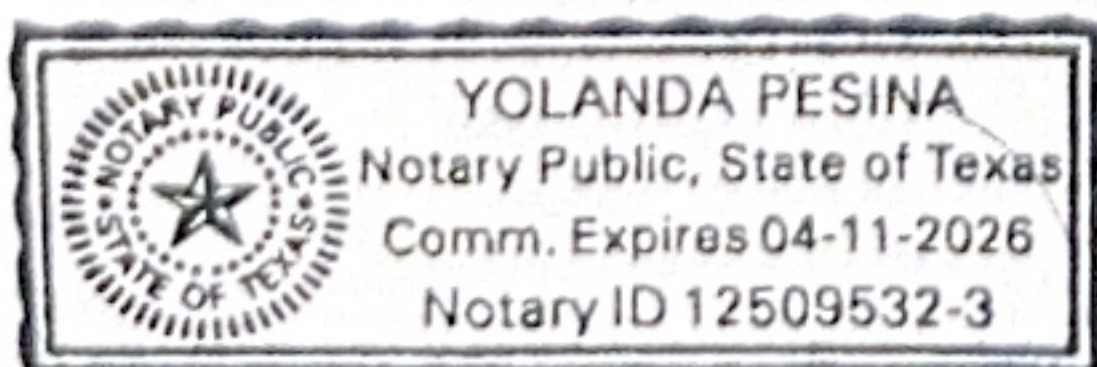
Before me the undersigned on this day personally appeared Jennifer Hiromoto

(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: [Signature]
(Affiant/Applicant's signature)

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

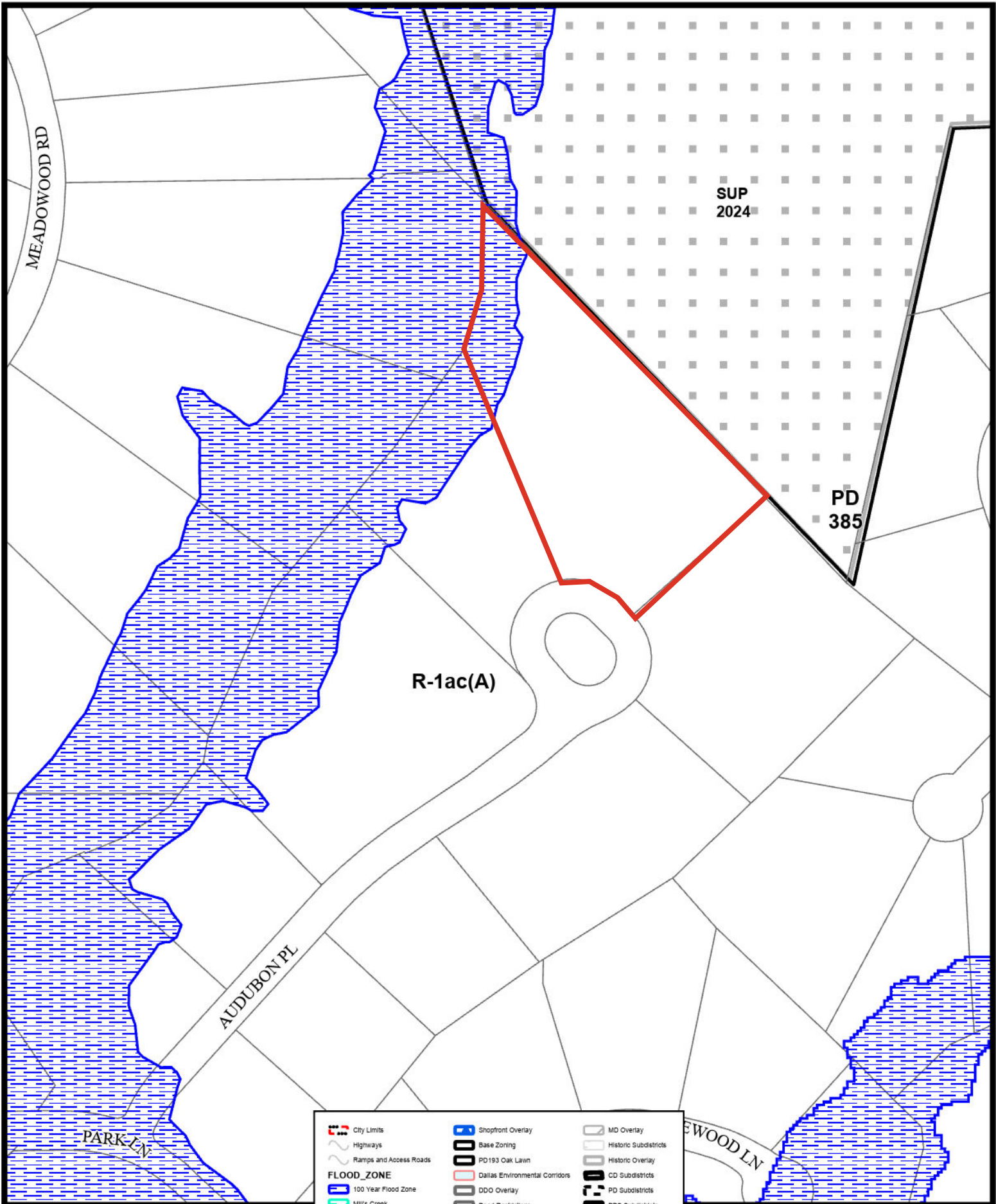


[Signature]
Notary Public in and for Dallas County, Texas

**BOARD OF ADJUSTMENT
CITY OF DALLAS, TEXAS**

FILE NUMBER: BOA-25-000014

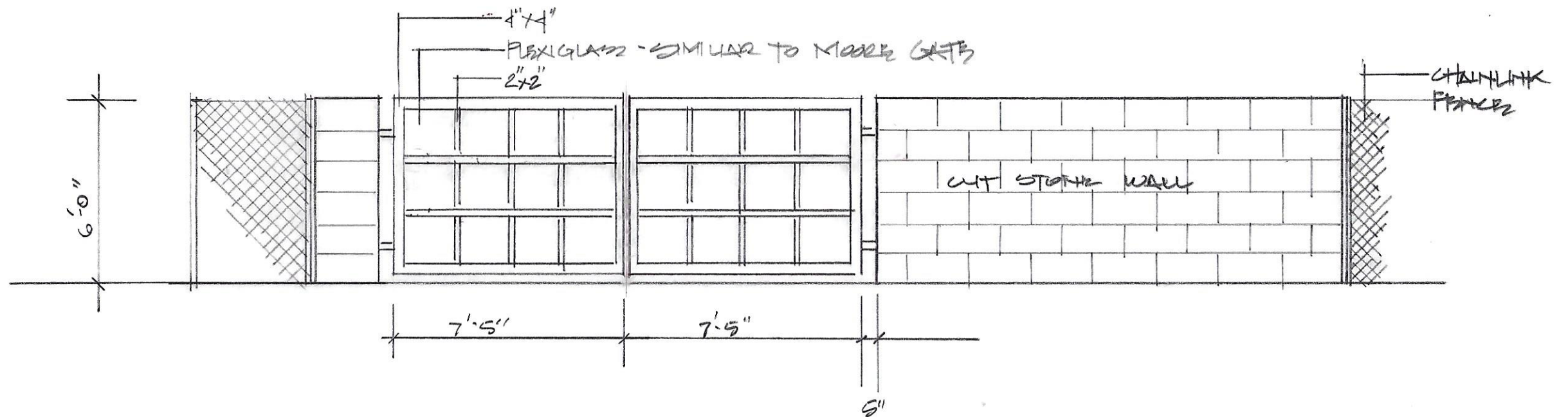
BUILDING OFFICIAL'S REPORT: Application of Jennifer Hiromoto for (1) a special exception to the fence height regulations at 9785 AUDUBON PL. This property is more fully described as BLK 14/5587 LT 7, and is zoned R-1ac(A), which limits the height of a fence in the front- yard to 4-feet. The applicant proposes to construct and/or maintain a 6-foot-high fence in a required front-yard, which will require (1) a 2-foot special exception to the fence height regulations.



1:2,200

City Limits	Shopfront Overlay	MD Overlay
Highways	Base Zoning	Historic Subdistricts
Ramps and Access Roads	PD193 Oak Lawn	Historic Overlay
FLOOD_ZONE	Dallas Environmental Corridors	CD Subdistricts
100 Year Flood Zone	DDO Overlay	PD Subdistricts
Mill's Creek	Deed Restrictions	PDS Subdistricts
Peak's Branch	SUP	NSO Subdistricts
X PROTECTED BY LEVEE	D	NSO_Overlay
Parks	D-1	Escarpment Overlay
Height Map Overlay	CP	
Parking Management Overlay	SP 86	

Case ID:
Printed: 4/14/2025



FEARON/KELTON GATE
 1/4" = 1'-0"

FILE NUMBER: BOA-25-000004(BT)

BUILDING OFFICIAL'S REPORT: Application of Jennifer Hiromoto for **(1)** a variance to the front-yard setback regulations and **(2)** a special exception to the 20-foot visibility obstruction triangle at the driveway approach at **4503 HOLLAND AVENUE**. This property is more fully described as Block 4/2042, Part of Lot 14, and is zoned PD-193 (MF-2 Subdistrict), which requires a front-yard setback of 15-feet and requires a 20-foot visibility triangle at the driveway approach. The applicant proposes to construct and/or maintain a single-family duplex residential structure and provide a 5-foot front-yard setback, which will require **(1)** a 10-foot variance to the front-yard setback regulation, and the applicant proposes to construct and/or maintain a single-family duplex residential structure in a required 20-foot visibility obstruction triangle at the drive approach along Prescott Avenue, which will require **(2)** a special exception to the visual obstruction regulations.

LOCATION: 4503 Holland Avenue.

APPLICANT: Jennifer Hiromoto

REQUEST:

- (1) a variance to the front-yard setback regulations, and
- (2) a special exception to the visual obstruction regulations.

STANDARDS OF REVIEW FOR 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 THE 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 requirements of this section when, in the opinion of the board, **the item will not constitute a traffic hazard.**

STAFF RECOMMENDATION:

Variance 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.
- B. Lot is restrictive in buildable **area**, shape, or slope; it is a corner lot with front-yard setbacks facing both Holland Avenue and Prescott Avenue; 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.

Special Exceptions (1):

No staff recommendation is made on this request.

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	PD-193 (MF-2)
<u>North:</u>	PD-193 (MF-2)
<u>East:</u>	PD-193 (MF-2)
<u>South:</u>	PD-193 (MF-2)
<u>West:</u>	PD-193 (MF-2)

Land Use:

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

BDA History:

No BDA history has been found within the last 5 years

GENERAL FACTS/STAFF ANALYSIS:

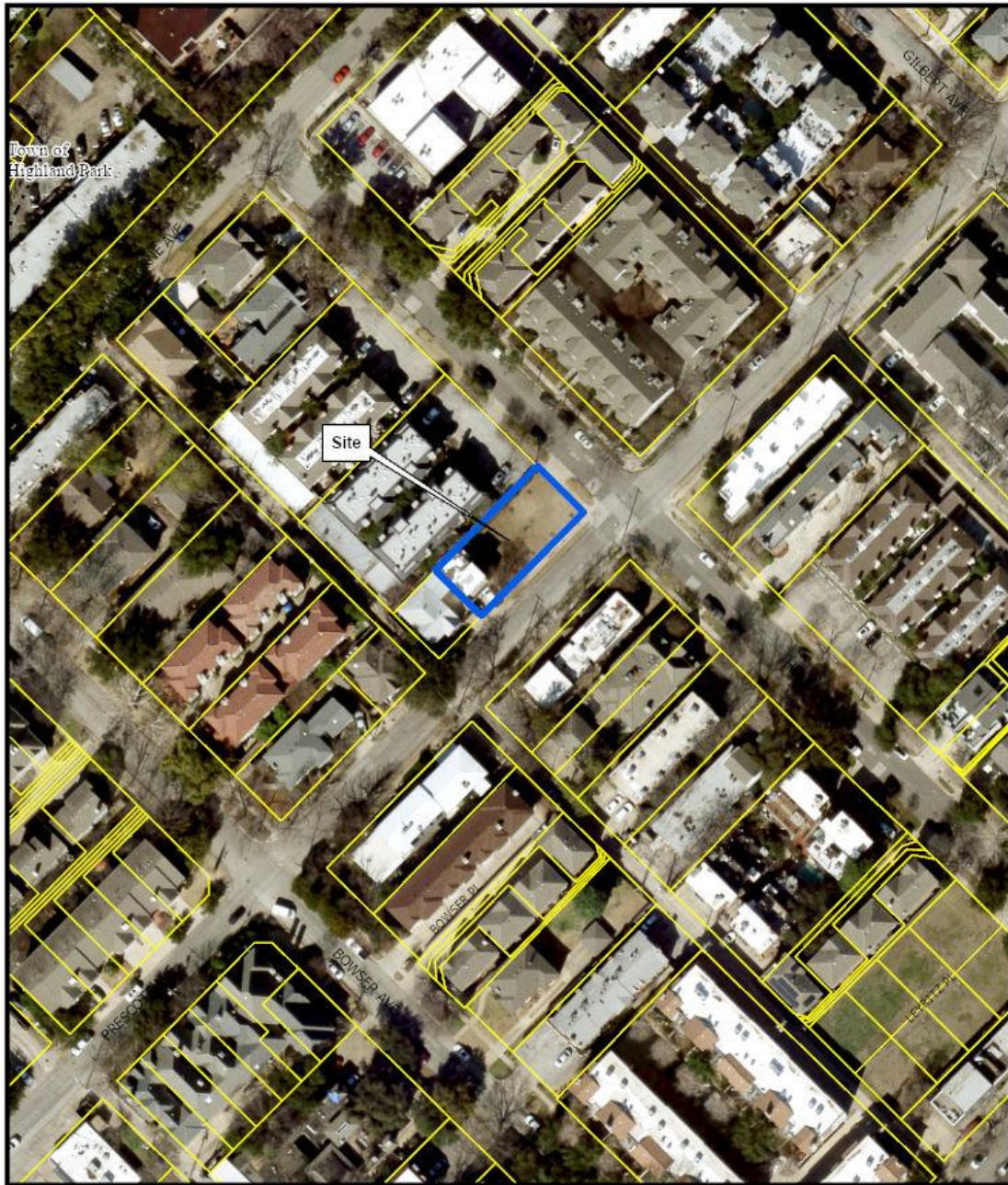
- The application of Jennifer Hiromoto for the property located at 4503 Holland Avenue focuses on 2 requests relating to a variance to the front-yard setback regulations and a special exception the visual obstruction regulations.
- The first request is for a variance to the front-yard setback regulations. The applicant is proposing to construct and maintain a single-family duplex structure and provide a 5-foot front yard setback along Prescott Avenue.
- Secondly, the applicant is requesting a special exception to the 20-foot visibility obstruction triangle at the drive approach along Prescott Avenue. The applicant seeks to allow a portion of the main structure to be located within the visibility triangle.
- The subject site along with surroundings properties are all developed with multifamily duplex and single-family homes.
- It is imperative to note that the subject site is a corner lot and proposed development will cover 54.9 percent of the 60 percent allowed lot coverage.
- Per staff's review of the subject site, it has been confirmed that the duplex structure of the property 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 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.
- The applicant has the burden of proof in establishing that the special exception to the visual obstruction regulations will not constitute a traffic hazard.
- Granting the variance to the front yard setback regulations and 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: [BOA-25-000004 at 4503 Holland Ave](#)

Timeline:

May 6, 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.
May 5, 2025:	The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel A .
May 19, 2025:	<p>The Planning and Development Senior Planner emailed the applicant the following information:</p> <ul style="list-style-type: none">• an attachment that provided the public hearing date and panel that will consider the application; the May 23, 2025, deadline to submit additional evidence for staff to factor into their analysis; and May 30, 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.
May 29, 2025:	The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the June public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.
May 30, 2025:	The applicant emailed staff requesting postponement until July 2025.
June 12, 2025:	The applicant requested to add an additional request to the original application, a special exception to the visual obstruction regulations.
June 12, 2025:	<p>The Planning and Development Senior Planner emailed the applicant the following information:</p> <ul style="list-style-type: none">• June 20, 2025, deadline to submit additional evidence for staff to factor into their analysis; and July 3, 2025, deadline to submit additional evidence to be incorporated into the board's docket materials.
July 1, 2025:	The Board of Adjustment Administrator reassigned this case to Board of Adjustment Panel C .

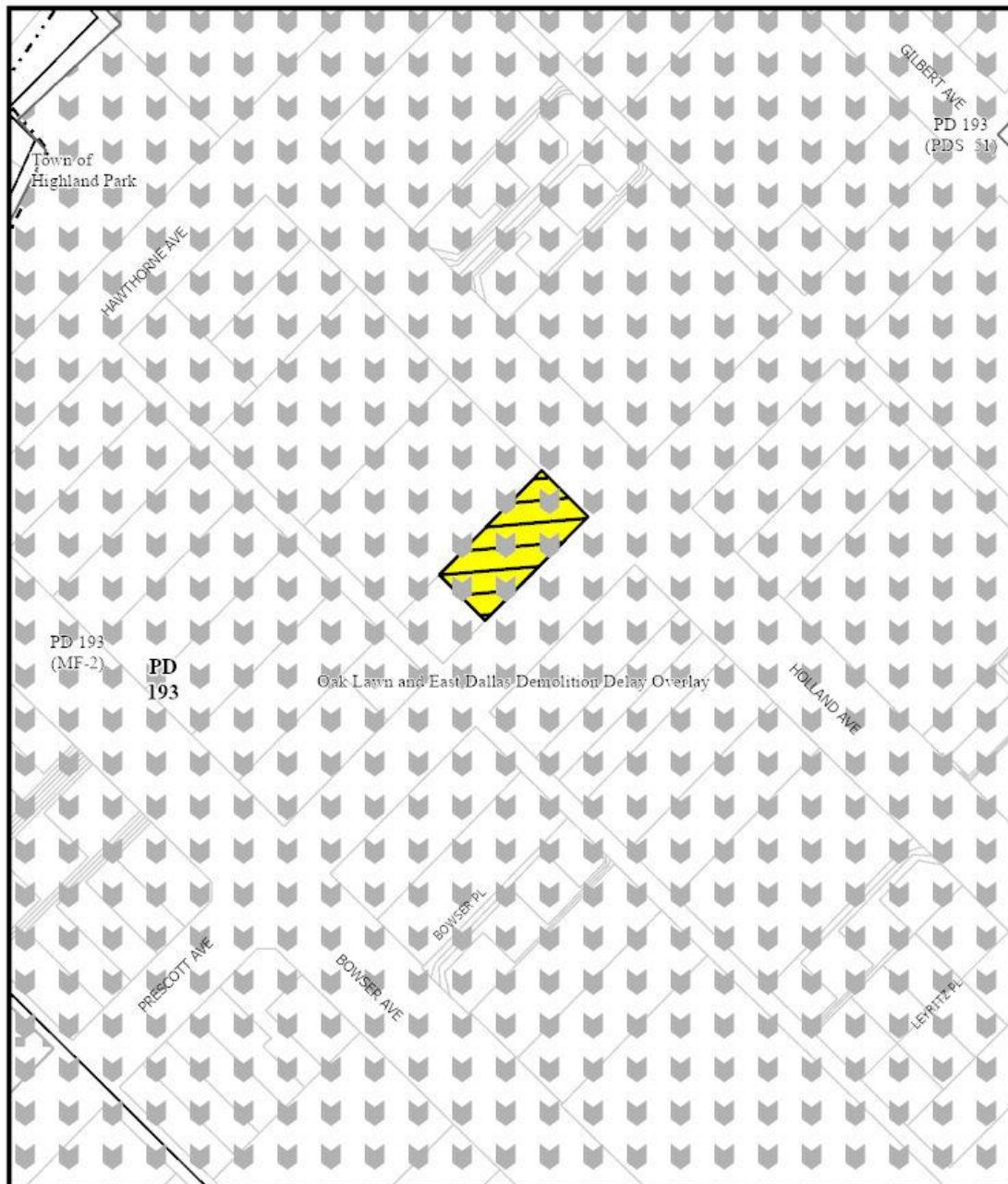


1:1,200

AERIAL MAP

Case no: **BOA-25-000004**

Date: **05/16/2025**



1:1,200

ZONING MAP

Case no: **BOA-25-000004**

Date: **05/16/2025**



Notification List of Property Owners

BOA-25-000004

81 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4503 HOLLAND AVE	SABIO HOLDINGS LLC
2	3609 PRESCOTT AVE	WOODEND DIANE L
3	4500 BOWSER AVE	SCHIMBAX INVESTMENTS LLC
4	4514 BOWSER AVE	RIPPAMONTI RUSSELL N
5	4516 BOWSER AVE	SIEKIELSKI MATT & SHEA LIVING
6	3614 HAWTHORNE AVE	MARTIN JAN MASSEY
7	4523 HOLLAND AVE	ROGERS ARTHUR J
8	3615 PRESCOTT AVE	DISALVATORE NICHOLAS
9	4432 BOWSER AVE	SHAHANI SANJAY R & LAVANYA S
10	3626 PRESCOTT AVE	REALCORP LP
11	4427 HOLLAND AVE	MARSON INVESTMENTS LLC
12	3702 PRESCOTT AVE	3700 PRESCOTT LLC
13	4431 HOLLAND AVE	HUMMEL ERRETT & SALLEY
14	4431 HOLLAND AVE	LAUBICHLER GOTTFRIED
15	4431 HOLLAND AVE	ELEUTERI MANUELA D
16	4431 HOLLAND AVE	ELEUTERI FRANCO
17	4431 HOLLAND AVE	REYNA BIANCA &
18	4430 BOWSER AVE	PATRICK NED H & DIANE P
19	4430 BOWSER AVE	CARTER CATHERINE ANN TRUST
20	4435 HOLLAND AVE	SLONIM SUZANNE M
21	4433 HOLLAND AVE	HOKIN JOSEPH AARON & KIMBERLY ANN
22	4514 HOLLAND AVE	TOLER DAVID M
23	4514 HOLLAND AVE	DIDAS DENA M
24	4514 HOLLAND AVE	CHAN ALICE
25	4514 HOLLAND AVE	WILKEY FAMILY TRUST THE
26	4518 HOLLAND AVE	HOOPER LORA V

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	4518 HOLLAND AVE	DONSKY ALAN
28	4518 HOLLAND AVE	HUNTER CALLIE A
29	4518 HOLLAND AVE	MEDIWAKE RG
30	4504 BOWSER AVE	YU LINGYA
31	4504 BOWSER AVE	WELLONS ROBERT LEON JR &
32	4504 BOWSER AVE	ANTOGNETTI AUGUST A JR
33	4504 BOWSER AVE	PATEL TUSHAR
34	4508 BOWSER AVE	HUTLEY RODGER & JANET K
35	4508 BOWSER AVE	DAWSON KATHRYN COOPER
36	4508 BOWSER AVE	CAMPOBASSO RICHARD M.
37	4508 BOWSER AVE	MOTT ROBERT
38	4502 HOLLAND AVE	MAITLAND HOLLAND LLC
39	4502 HOLLAND AVE	MAITLAND HOLLAND LLC
40	4507 HOLLAND AVE	ONUAGULUCHIPHILLIPS MAUREEN
41	4507 HOLLAND AVE	MICHALSEN GIANNA N &
42	4507 HOLLAND AVE	ENDICOTT LISA A
43	4507 HOLLAND AVE	BITAR JAY &
44	4507 HOLLAND AVE	MCCRARY MAUREEN
45	4507 HOLLAND AVE	LENHART RACHAEL
46	4507 HOLLAND AVE	GOSSETT REAGAN JOEL
47	4507 HOLLAND AVE	ERBEL ALLISON
48	4517 HOLLAND AVE	WEYAND CYNTHIA
49	4517 HOLLAND AVE	MILLEN CRAIG R
50	4517 HOLLAND AVE	HINOJOS DANIEL J &
51	4517 HOLLAND AVE	SHAMOON LAUREN
52	4517 HOLLAND AVE	LIN ASHLEY & ANDREW
53	4517 HOLLAND AVE	BOSCAMP MAGNUM BRADFORD
54	4517 HOLLAND AVE	SPERCO JOHN P &
55	4517 HOLLAND AVE	VOLK ALISON
56	4517 HOLLAND AVE	HAZELTON LEAH M
57	4517 HOLLAND AVE	LAVEZZO MADALYN LANE

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
58	4424 HOLLAND AVE	SIQUEIRA ULISSES
59	4424 HOLLAND AVE	CIMBA MICHAEL JOHN &
60	4424 HOLLAND AVE	CHESKY MORGAN V
61	4424 HOLLAND AVE	KELLER EMILY M
62	4424 HOLLAND AVE	SCHACKMAN FARA D
63	4424 HOLLAND AVE	SIMPSON JOHN WAYNE III
64	4424 HOLLAND AVE	BLAIN MICHAEL W
65	4424 HOLLAND AVE	VOGEL STEPHANIE
66	4424 HOLLAND AVE	ADKINS SHAMAINE
67	4424 HOLLAND AVE	LEDOUX CATHERINE MARGARET
68	4424 HOLLAND AVE	NASR KHALED A
69	4424 HOLLAND AVE	OLD DARBY LANE
70	4424 HOLLAND AVE	SEAGRASS LLC
71	4424 HOLLAND AVE	MECKE SARAH &
72	4424 HOLLAND AVE	MANNING MONTE K
73	4434 HOLLAND AVE	STANLEY MARY L
74	4434 HOLLAND AVE	SIMPSON MALINDA R & TERRELL
75	4434 HOLLAND AVE	MCCLISH HARRY JAMES &
76	4434 HOLLAND AVE	WILLIAMS ALEXANDER MOROZ &
77	3602 PRESCOTT AVE	ABBA INVESTMENT GROUP LLC
78	3604 PRESCOTT AVE	COOK KATHERINE
79	3606 PRESCOTT AVE	CHAPMAN CRISTY
80	3608 PRESCOTT AVE	KNAPP SHAUN P
81	3610 PRESCOTT AVE	CENTER FAMILY HOLDINGS LLC

 1:1,200	<h2>NOTIFICATION</h2>		Case no: BOA-25-000004
	<div>200'</div> AREA OF NOTIFICATION	<div>81</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 5/16/2025

Route Directions:

Start on Bowser Ave.

Left on Herschel Ave.

Left on Holland Ave.

Right on Hawthorne Ave.

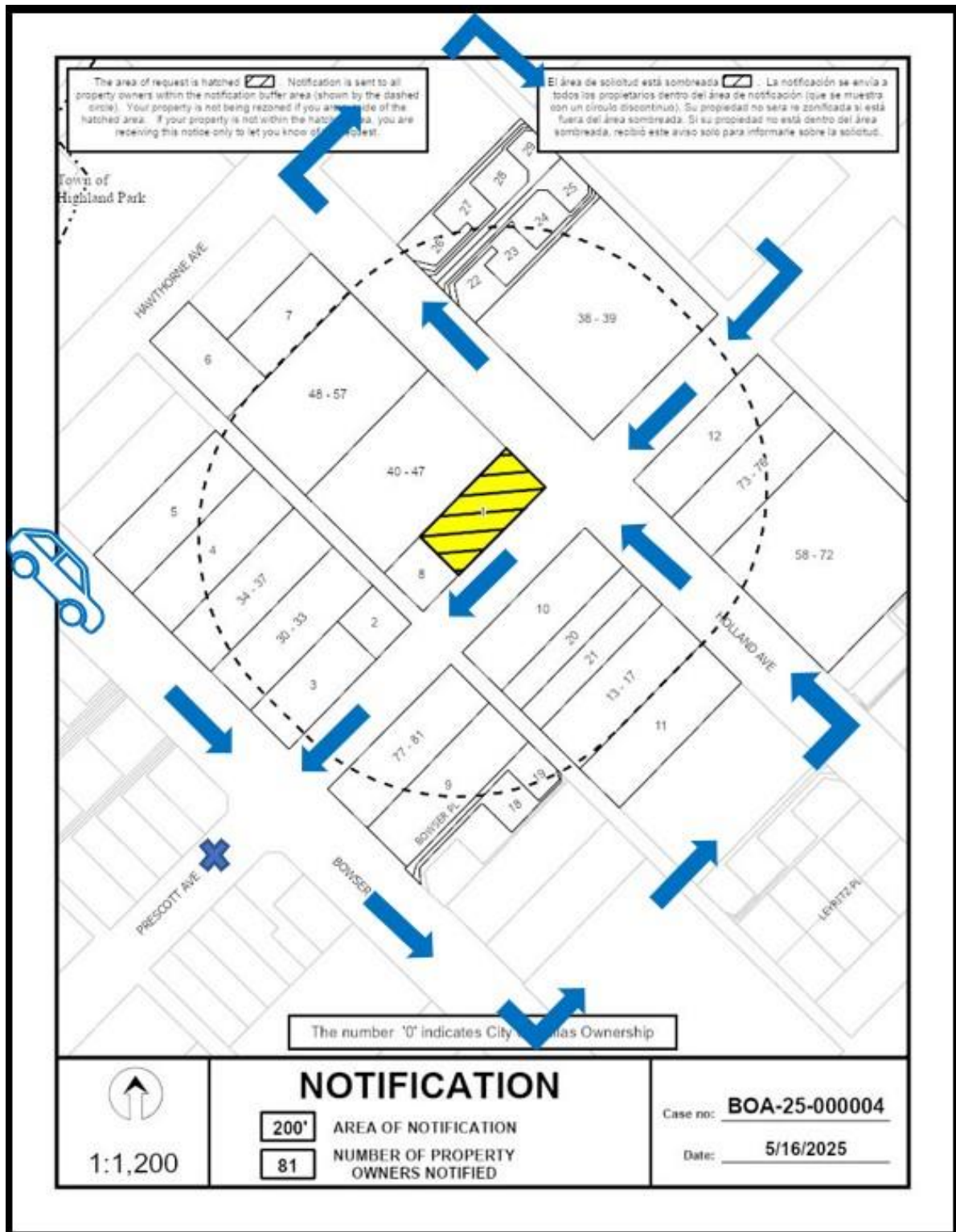
Right on Gilbert Ave.

Right on Prescott Ave.

***Subject Site from Holland Ave. at 2:10**

***Subject Site from Prescott Ave. at 3:53**

200' Radius Route Map



NOTICE OF PUBLIC HEARING

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

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

DATE: MONDAY, JULY 14, 2025

BRIEFING: 10:30 a.m. via Videoconference and in 6ES COUNCIL BRIEFING at Dallas City Hall, 1500 Marilla Street <https://bit.ly/boa0714>

HEARING: 1:00 p.m. Videoconference and in 6ES COUNCIL BRIEFING at Dallas City Hall, 1500 Marilla Street <https://bit.ly/boa0714>

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

BOA-25-000004(BT) Application of Jennifer Hiromoto for (1) a variance to the front-yard setback regulations and (2) a special exception to the 20-foot visibility obstruction triangle at the driveway approach at 4503 HOLLAND AVENUE. This property is more fully described as Block 4/2042, Part of Lot 14, and is zoned PD-193 (MF-2 Subdistrict), which requires a front-yard setback of 15-feet and requires a 20-foot visibility triangle at the driveway approach. The applicant proposes to construct and/or maintain a single-family duplex residential structure and provide a 5-foot front-yard setback, which will require (1) a 10-foot variance to the front-yard setback regulation, and the applicant proposes to construct and/or maintain a single-family duplex residential structure in a required 20-foot visibility obstruction triangle at the drive approach along Prescott Avenue, which will require (2) a special exception to the visibility obstruction 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 at 6ES Council Briefing. 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-C-Register> by the 5 p.m. on Sunday, July 13, 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 five (5) minutes to address the Board.

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

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

PLEASE SEND REPLIES TO:
BDAreply@dallas.gov

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

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



Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA

FOR OFFICE USE ONLY

Date:

FOR OFFICE USE ONLY

Data Relative to Subject Property:

Location address: 4503 Holland Avenue Zoning District: PD 193 Subdistric MF-2

Lot No.: Pt 14 Block No.: 4/2042 Acreage: 0.1262 Census Tract: 2020

Street Frontage (in Feet): 1) 50 2) 110 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Sabio Holdings, LLC

Applicant: Jennifer Hiromoto Telephone: 469-275-2414

Mailing Address: PO Box 38586 Dallas, TX Zip Code: 75238

E-mail Address: jennifer@buzzurbanplanning.com

Represented by: Jennifer Hiromoto Telephone: 469-275-2414

Mailing Address: PO Box 38586 Dallas, TX Zip Code: 75238

E-mail Address: jennifer@buzzurbanplanning.com

Affirm that an appeal has been made for a Variance ☒ or Special Exception ☒ of Front yard setback variance of 10 feet on the Prescott Avenue side of the property and visibility triangle special exception

(JH) 6/24/24

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 reduction in the required front yard setback from 15 feet to 5 feet. This request is based on the unique constraints of the property, as it is a corner lot with double frontage, which significantly limits the buildable area. Additionally, the proposed 5' setback aligns with the setback of the building site across the alley, ensuring consistency with the surrounding development pattern.

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 Jennifer Hiromoto

(Affiant/Applicant's name printed)

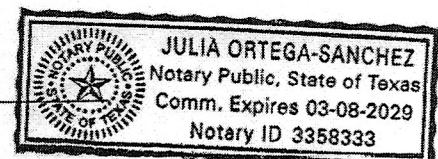
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property

Respectfully submitted:

(Affiant/Applicant's signature)

Subscribed and sworn to before me this 8 day of April 2025

Notary Public in and for Dallas County, Texas



**BOARD OF ADJUSTMENT
CITY OF DALLAS, TEXAS**

FILE NUMBER: BOA-25-000004

BUILDING OFFICIAL'S REPORT: Application of Jennifer Hiromoto for (1) a variance to the front-yard setback regulations and (2) a special exception to the 20-foot visibility obstruction triangle at 4503 HOLLAND. This property is more fully described as block 4/2042 part of lot 14, and is zoned PD-193, which requires a front-yard setback of 15-feet and requires a 20-foot visibility obstruction triangle at the driveway approach. The applicant proposed to construct and/or maintain a single-family residential structure and provide a 5-foot front-yard setback, which will require a 10-foot variance to the front- yard setback regulation, and the applicant proposes to construct and/or maintain a single-family residential structure in a required 20-foot visibility obstruction triangle, which will require (2) a special exception to the 20-foot visibility obstruction regulation.

LOCATION: 4503 HOLLAND

APPLICANT: Jennifer Hiromoto

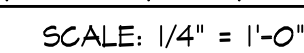
REQUEST: A request for (1) a variance to the front-yard setback regulations, and (2) a special exception to the 20-foot visibility obstruction triangle regulations.

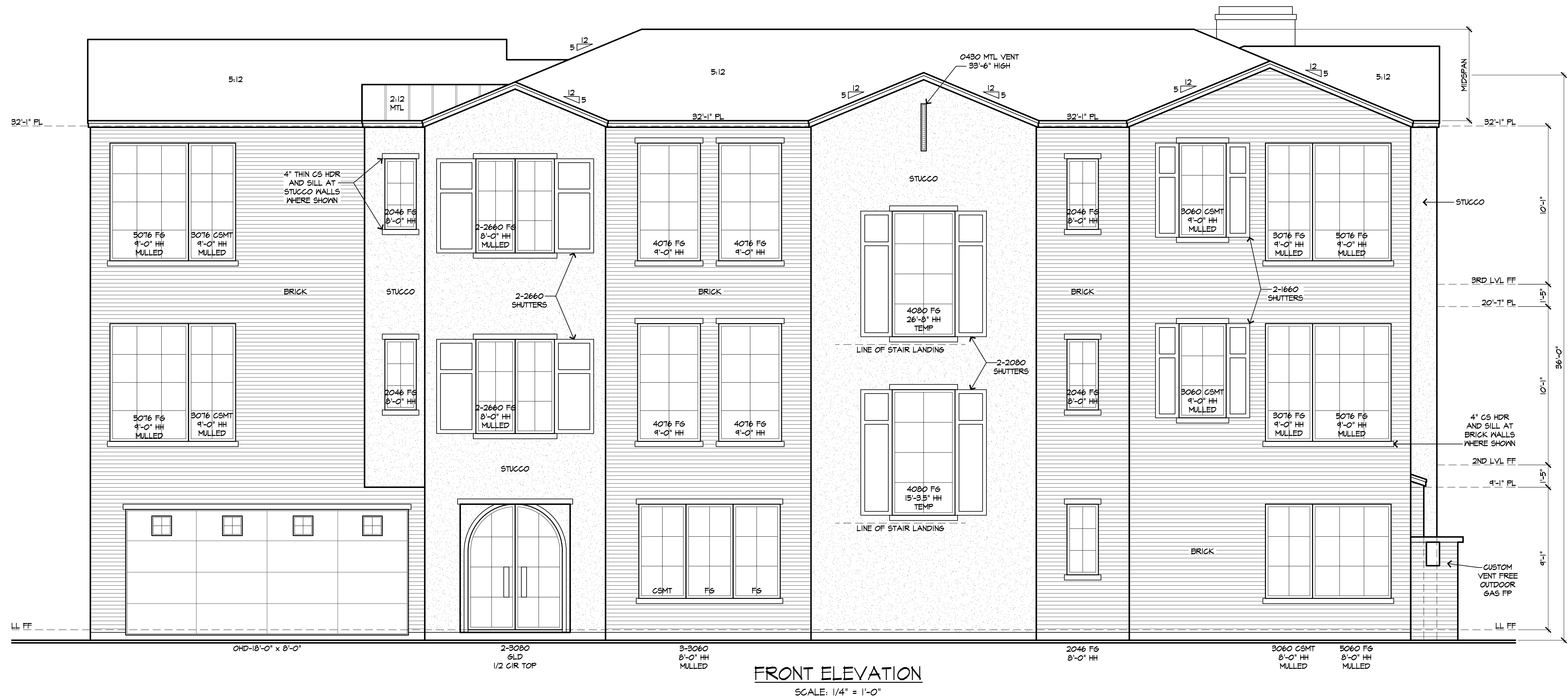


BRICK

1. ALL LOWER LEVEL PLATE HEIGHTS TO BE 9'-11" UNLESS NOTED OTHERWISE
2. ALL SECOND LEVEL PLATE HEIGHTS TO BE 10'-11" UNLESS NOTED OTHERWISE
3. ALL THIRD LEVEL PLATE HEIGHTS TO BE 10'-11" UNLESS NOTED OTHERWISE
4. PLATE HEIGHTS BASED ON 1'-4" FLOOR SYSTEM PLUS 1" DECKING (VERIFY)
5. THESE PLANS ARE IN COMPLIANCE WITH 2021 IRC. CONSTRUCTION SHALL COMPLY WITH ALL APPLICABLE NATIONAL AND LOCAL BUILDING CODES

PAD AREA	1,512	1,510 SQ FT
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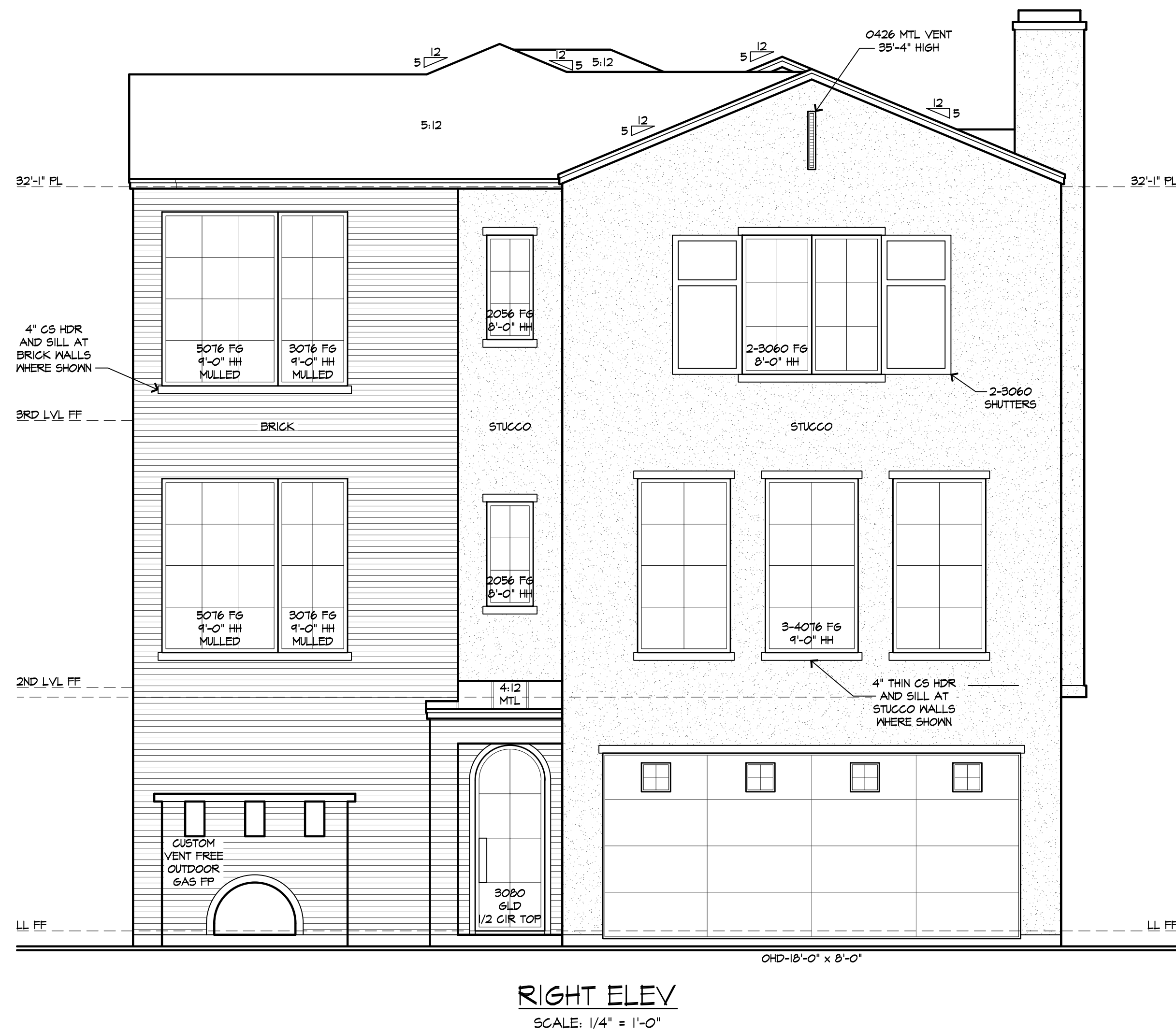




FRONT ELEVATION
SCALE: 1/4" = 1'-0"

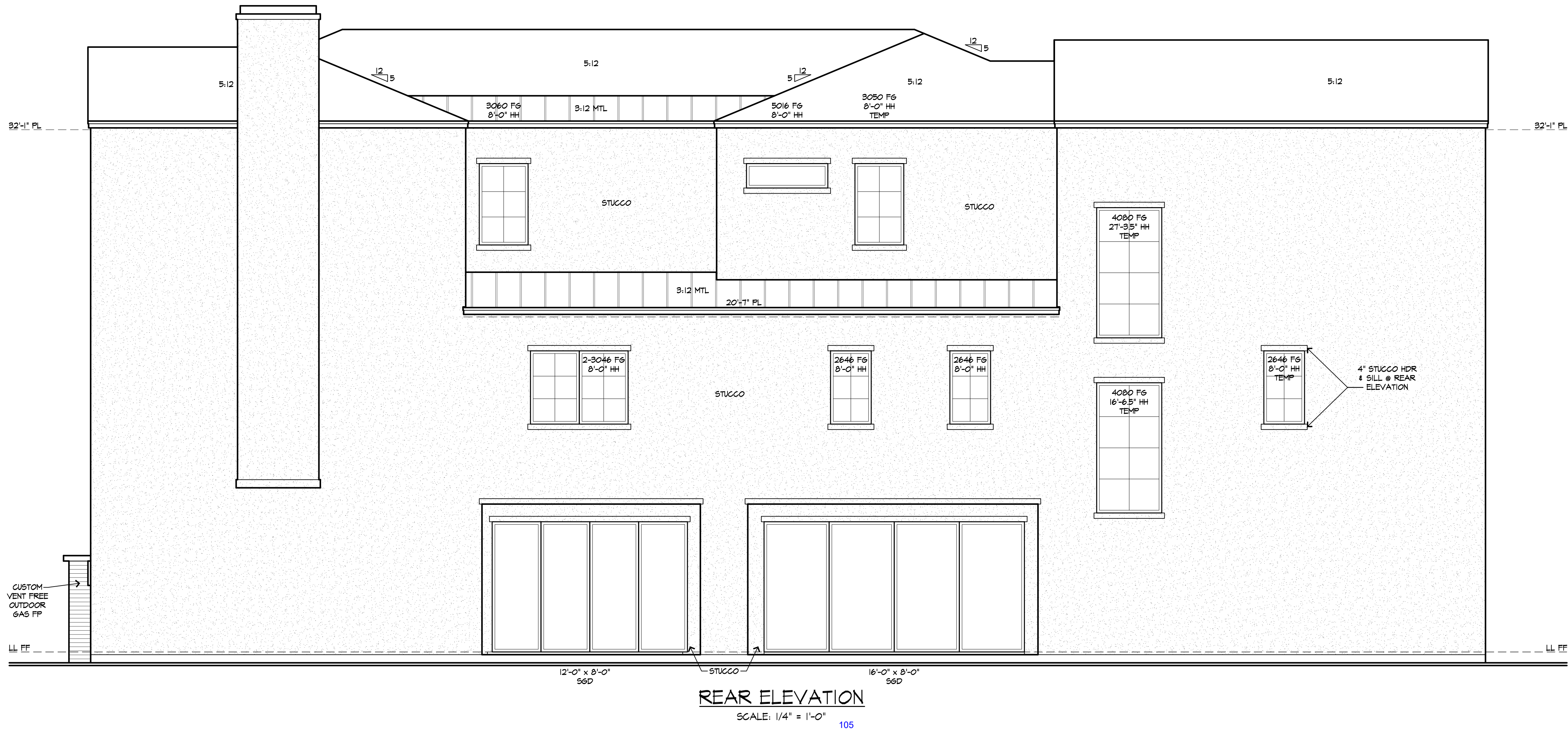


LEFT ELEVATION
SCALE: 1/4" = 1'-0"

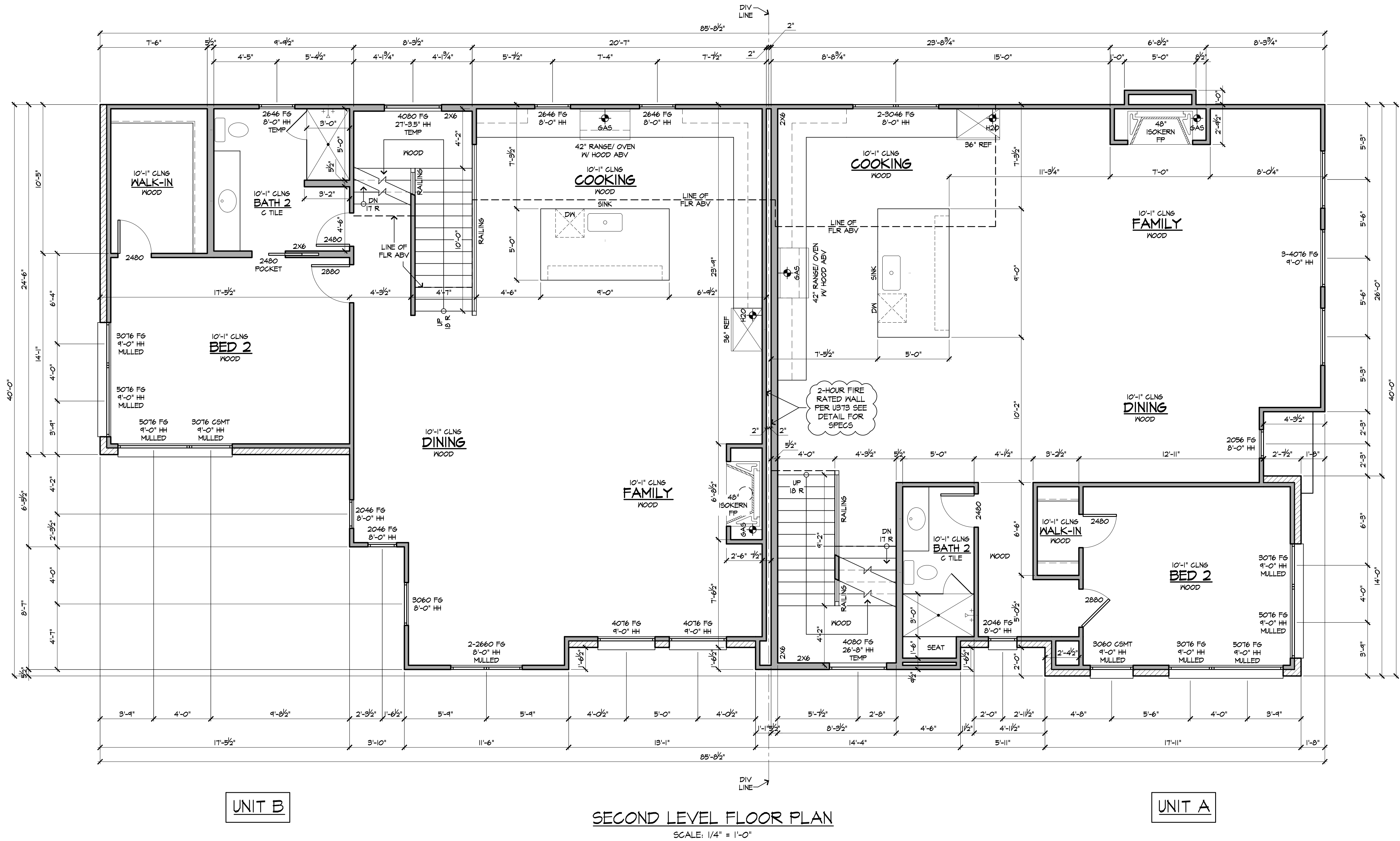
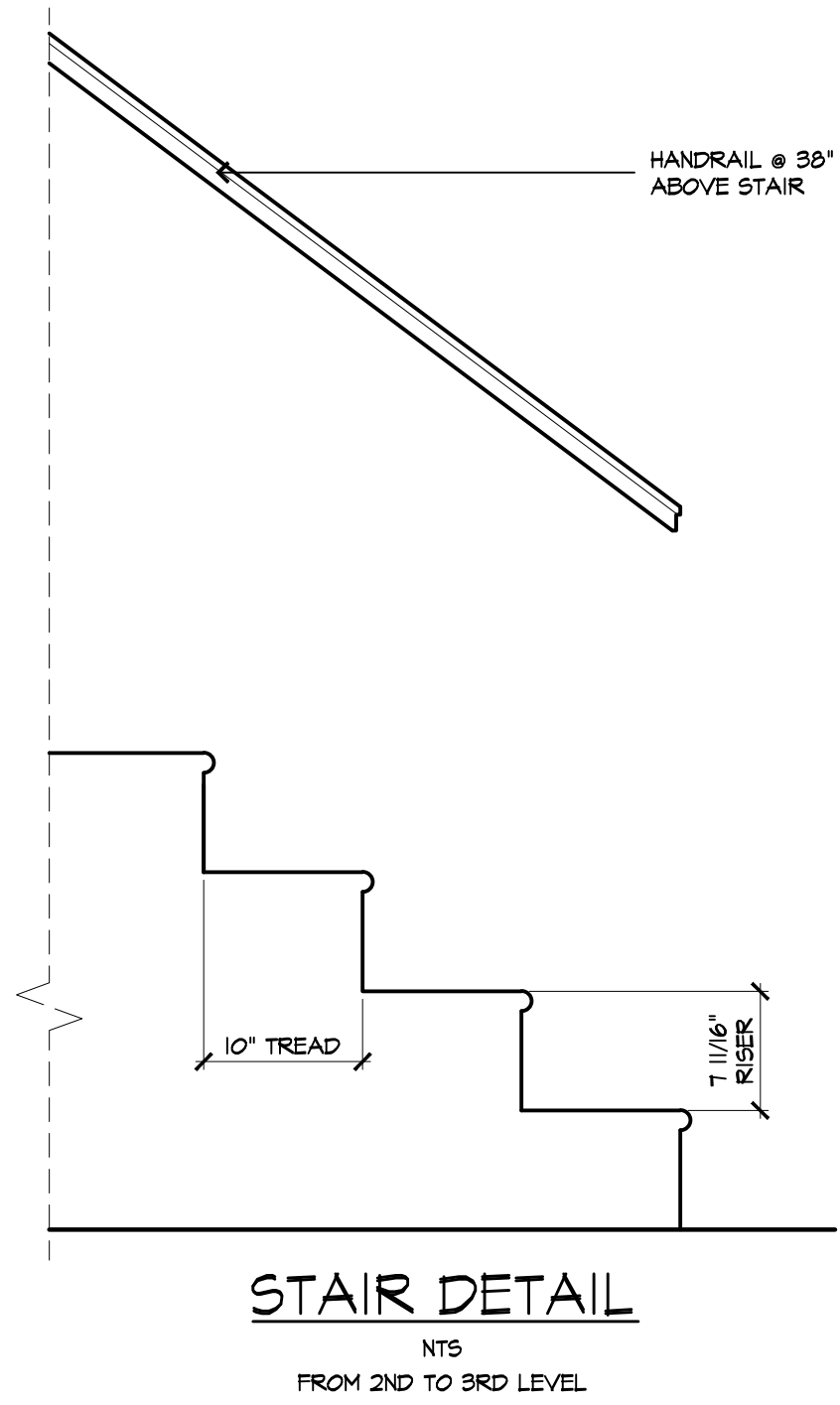


RIGHT ELEV
SCALE: 1/4" = 1'-0"

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A CUSTOM DUPLEX PLAN FOR
AXIOM BUILDERS
4503 HOLLAND AVENUE
DALLAS, TX

24062

REVISED FINAL
3-24-25

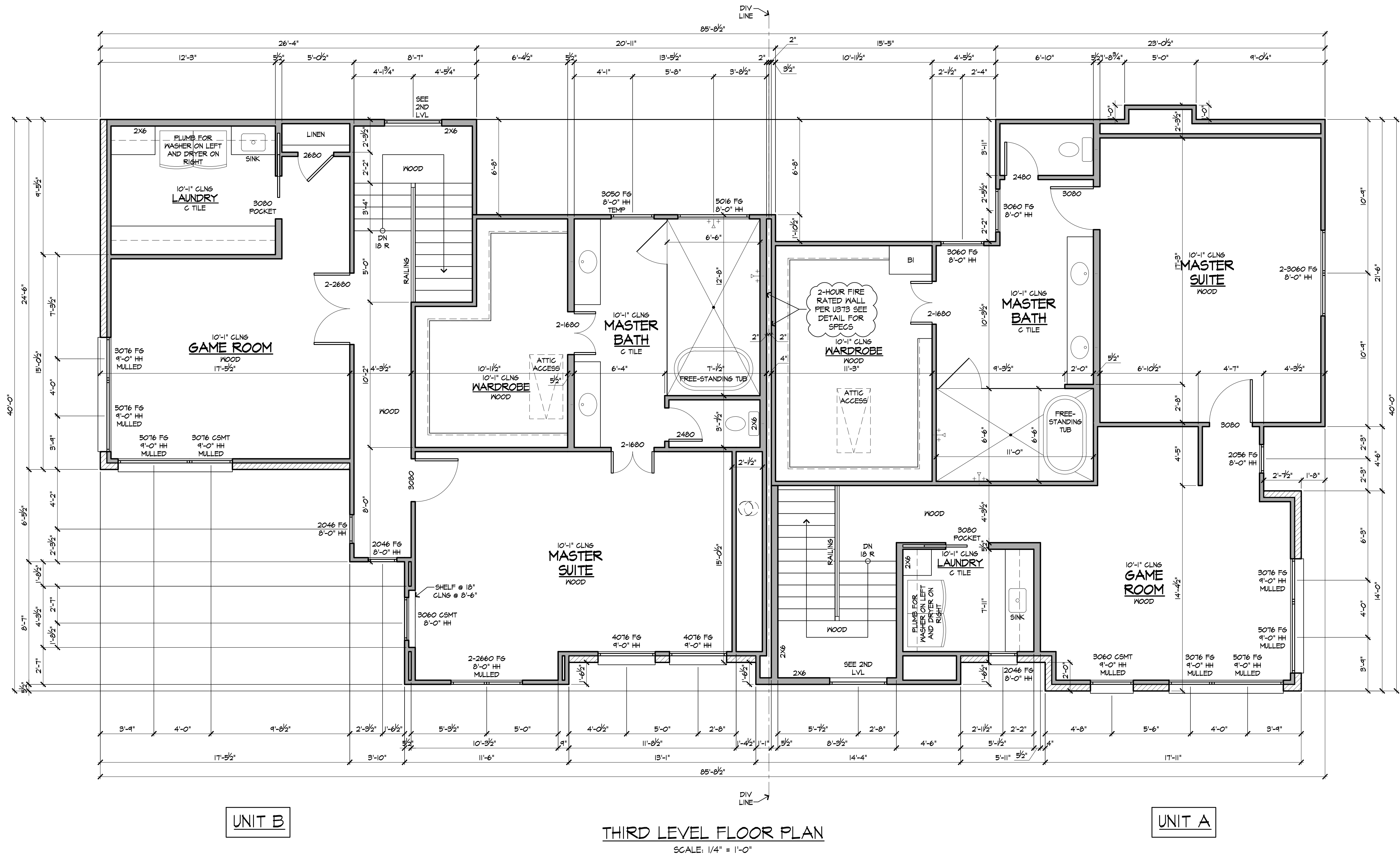
3

OF 9

COVERT+ASSOCIATES
RESIDENTIAL DESIGN

17810 DAVENPORT ROAD, SUITE 111 DALLAS, TEXAS 75252
972.783.4660 PLANS@COVERTANDASSOCIATES.COM

C:\Users\CADwrtier\Toppdata\local\temp\Axiom\183121609 HOLLAND AVENUE (3-24-25).dwg March 24, 2025 10:41 AM CADwrtier7



A CUSTOM DUPLEX PLAN FOR
AXIOM BUILDERS
4503 HOLLAND AVENUE
DALLAS, TX

24062
REVISED FINAL
3-24-25

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4
OF 9



July 3, 2025

City of Dallas
Board of Adjustment

RE: BOA-25-000004
4503 Holland Ave – Front Yard Setback Variance and Visibility Triangle Special Exception

Dear Board Members,

My firm represents the owners in an application before the Board of Adjustment requesting a front yard setback variance along Prescott Avenue and visibility triangle special exception.

We are requesting to reduce the required front yard setback on the Prescott Avenue frontage from 15 feet to 5 feet. The Holland Avenue frontage will maintain the full 15-foot setback. This request stems from the unique constraints of this corner lot, which has double frontage. Strict compliance with two front yard setbacks significantly limits the buildable area—reducing the potential lot coverage to approximately **41%**, well below the **60%** allowed in the MF-2 Subdistrict of PD 193.

This request is not unusual for this block. The proposed 5-foot setback aligns with existing development patterns along Prescott Avenue. Two other building sites within this blockface already follow a similar setback, and properties directly across the street treat Prescott as a side yard, allowing them to build closer to the property line. Our design reflects the established pattern along Prescott Avenue, maintaining consistency and contributing to a cohesive streetscape.

We also seek a special exception for a minor encroachment—approximately 3 feet—into the visibility triangle at the Prescott Avenue driveway. This was flagged during staff review. The driveway leads to a recessed garage located 20 feet from the property line. Given that Prescott Avenue is a local, low-speed street with four-way and two-way stop controls at the nearby intersections, we believe this limited encroachment poses no traffic hazard. We understand that staff has no objection to this request.

The intent behind both requests is to support the construction of a **well-designed duplex** that includes facade articulation and the appearance of two distinct, attached homes. Without the setback variance, the structure would likely have to be redesigned with a simplified, flat front to fit within the restricted buildable area. We believe the proposed design enhances the neighborhood character far more than a more constrained, utilitarian structure would.

In our community outreach, we mailed notices to surrounding neighbors and delayed our hearing date from June to July to allow time for discussion. On June 10th, we hosted a Zoom meeting attended by six neighbors, including those who have submitted opposition emails. Their primary concern focused on the height of the proposed structure and whether it was consistent with the neighborhood. We respectfully clarified that no height variance is being requested, and two of the four corners at this intersection already contain three-story homes. While mature trees partially obscure those homes, our proposed elevations are consistent with those existing structures in both scale and form. The neighbor directly adjacent to our property expressed appreciation for the recessed garage and the visual relief it provides.

We recognize and respect the feedback we've received from neighbors. However, we believe this project meets the necessary criteria for both the front yard variance and the visibility triangle exception, and that the overall design provides a meaningful architectural contribution to the area.

Thank you for your time, thoughtful service, and consideration of this request. We hope you can support our application.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Hiromoto". The signature is fluid and cursive, with the first name "Jennifer" written in a larger, more prominent script than the last name "Hiromoto".

Jennifer Hiromoto