



BOARD OF ADJUSTMENT

Panel A Minutes

January 21, 2025

**RECEIVED**

2025 FEB 21 AM 9:43

**CITY SECRETARY  
DALLAS, TEXAS**

Council Chambers 6ES  
[24923176153@dallascityhall.webex.com](mailto:24923176153@dallascityhall.webex.com)

David A. Neumann, Chairman

**PRESENT: [5]**

David A. Neumann, Chairman	
Phil Sahuc	
Rachel Hayden	
Michael Hopkovitz	
Jay Narey	

**ABSENT: [1]**

Kathleen Davis	

Chairman David A. Neumann called the briefing to order at **10:30 A.M.** with a quorum of the Board of Adjustment present.

Chairman David A. Neumann called the hearing to order at **1:00 P.M.** with a quorum of the Board of Adjustment present.

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

**PUBLIC SPEAKERS**

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

No Public Speakers

**MISCELLANEOUS ITEMS**

Approval of the Board of Adjustment Panel A, December 9, 2024, Meeting Minutes.

**Motion was made to approve Panel A, December 9, 2024, Public Hearing Minutes.**

Maker:	Michael Hopkovitz				
Second:	Rachel Hayden				
Results:	5-0 unanimously				Motion to approve
		Ayes:	-	5	David A. Neumann, Phil Sahuc, Rachel Hayden, Jay Narey and Michael Hopkovitz
		Against:	-	0	

**1. BDA245-009\_FR1(BT)**  
607 W. Davis Street

**BUILDING OFFICIAL’S REPORT:** Application of Sudduha Sham for **(1)** fee reimbursement for a variance to the front-yard setback regulations, at **607 W DAVIS STREET**. This property is more fully described as Block A/3438 Lot 2A, and is zoned PD-830 (Subdistrict 6).

**LOCATION:** 607 W Davis Street

**APPLICANT:** Sudduha Sham

**REQUEST:**

- (1) The applicant is requesting a fee reimbursement for a variance to the front-yard setback regulations at 607 W Davis Street.

**STANDARD FOR A FEE WAIVER OR REIMBURSEMENT:**

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

**STAFF RECOMMENDATION:**

No staff recommendation is made on this request.

**Motion**

I move that the Board of Adjustment, in Appeal No. BDA 234-143\_FR1 on application of Baldwin Associates, **GRANT** the request to the reimbursement of the filing fees paid in association with the request for (1) a variance to the height regulations, (2) variance to the lot coverage regulations, (3) variance to the height regulations, and (4) variance to the height 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:	Rachel Hayden				
Second:	Jay Narey				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	David A. Neumann, Phil Sahuc, Rachel Hayden, Jay Narey and Michael Hopkovitz
		Against:	-	0	

**CONSENT ITEMS**

**2. 603 S. Buckner Boulevard**  
 BDA234-100(BT)

**\*This item was moved to Individual Cases\***

**BUILDING OFFICIAL’S REPORT:** Application of Mohanad Albadri for **(1)** a special exception to enlarge a nonconforming use at **630 S BUCKNER BOULEVARD**. This property is more fully described as Block 6340, Lots 1A and parts of Lots 1 and 2, and is zoned PD-366 (Subarea 2A), which limits the legal uses in a zoning district. The applicant proposes to enlarge a nonconforming vehicle, display, sales and service use, which will require **(1)** a special exception to the nonconforming use regulations.

**LOCATION:** 630 S. Buckner Boulevard

**APPLICANT:** Mohanad Albadri

**REPRESENTED BY:** Jennifer Hiromoto

**REQUEST:**

(2) A special exception to the nonconforming use regulations.

**STANDARD FOR A SPECIAL EXCEPTION:**

SEC. 51A-4.704(b)(5) Enlargement of a nonconforming use.

(A) In this subsection, enlargement of a nonconforming use means any enlargement of the physical aspects of a nonconforming use, including any increase in height, floor area, number of dwelling units, or the area in which the nonconforming use operates.

(B) The board may allow the enlargement of a nonconforming use when, in the opinion of the board, the enlargement:

- (i) **does not prolong the life of the nonconforming use;**
- (ii) **would have been permitted** under the zoning regulations that existed when the nonconforming use was originally established by right; and
- (iii) **will not have an adverse effect** on the surrounding area.

**STAFF RECOMMENDATION:**

Special Exceptions (1):

No staff recommendation is made on this request.

**BACKGROUND INFORMATION:**

**Zoning:**

- Site: PD-366 (Subarea 2A)
- North: PD-366 (Subarea 2A)
- East: R-7.5(A)
- South: PD-366 (Subarea 2A)
- West: PD-366 (Subarea 2A)

**Land Use:**

The subject site is vehicle, display, sales and service use and surrounding properties to the north, south, and west are developed with various uses. To the east are undeveloped lots.

**BDA History:**

No BDA history found within the last 5 years

**GENERAL FACTS/STAFF ANALYSIS:**

- The application of Mohanad Albadri represented by Jennifer Hiromoto for the property located at 630 S Buckner Boulevard focuses on 1 request relating to a special exception to enlarge a nonconforming use.
- As illustrated on the submitted site plan, floor plans, and elevations, the applicant is proposing to maintain existing structure located on the subject site.
- No permit on file or replatting number on file referencing rear lot addition, increasing total lot square footage.
- Referred by City of Dallas zoning staff after submitting for a Certificate of Occupancy (CO).
- Based upon staff’s analysis of the surrounding properties, various uses exist including similar vehicle, display, sales and services.
- S Buckner Boulevard is identified as major thoroughfares.
- Granting the special exceptions allowing the enlargement of a nonconforming use when, in the opinion of the board, the enlargement:
  - **does not prolong the life of the nonconforming use;**
  - **would have been permitted** under the zoning regulations that existed when the nonconforming use was originally established by right; and
  - **will not have an adverse effect** on the surrounding area.
- 200’ Radius Video:

**Timeline:**

- June 26, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- July 9, 2024: The Board of Adjustment staff postpone this case until additional information was provided by the applicant in reference to legal building site

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determination letter or early release letter associated with replat.  
November 20, 2024: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

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

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

- an attachment that provided the public hearing date and panel that will consider the application; the January 2, 2025, deadline to submit additional evidence for staff to factor into their analysis; and January 10, 2025, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

January 2, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the January public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.

Speakers:

For: Jennifer Hiromoto, 10233 E. N.W Hwy, Dallas TX 75238  
Ali Alihadi, 8702 Shiloh Rd., Dallas TX 75217

Against: No Speakers  
Representing the City: Jason Pool, Assistant Director (I), Planning & Development

**Motion**

I move that the Board of Adjustment, in Appeal No. BDA 234-100, on application of Mohanad Albadri **GRANT** the request of this applicant to enlarge a nonconforming use because our evaluation of the property and the testimony shows that enlarging the nonconforming use (1) will not prolong the life of the nonconforming use; (2) would have been permitted under the zoning regulations that existed with the nonconforming use was originally established by right; and (3) will not have an adverse effect on the surrounding area.

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

1. Compliance with the most recent version of all submitted plans are required.
2. This property is subject to a replat.

Maker:	Rachel Hayden			
Second:	Jay Narey			
Results:	5-0 Unanimously			Motion to grant
		Ayes:	- 5	David A. Neumann, Phil Sahuc, Rachel Hayden, Jay Narey & Michael Hopkovitz
		Against:	- 0	

**3. 607 W. Davis Street**  
 BDA245-009(BT)

**\*This item was moved to Individual Cases\***

**BUILDING OFFICIAL’S REPORT:** Application of Sudduha Sham for **(1)** a variance to the front-yard setback regulations, at **607 W DAVIS STREET**. This property is more fully described as Block A/3438 Lot 2A, and is zoned PD-830 (Subarea 6), which requires a front-yard setback of 10-feet. The applicant proposes to construct and/or maintain a nonresidential structure and provide a 0-foot which will require **(1)** a 10-foot variance to the front-yard setback regulations.

**LOCATION:** 607 W Davis Street

**APPLICANT:** Sudduha Sham

**REQUEST:**

- (3) A request for a variance to the front-yard setback regulations.

**STANDARDS OF REVIEW FOR A VARIANCE:**

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

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

**ELEMENT II SUBSTITUTE:**

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

- (i) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section

26.01 of the Texas Tax Code.

- (ii) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
- (iii) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
- (iv) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (v) the municipality considers the structure to be a nonconforming structure.

**STAFF RECOMMENDATION:**

**Variance:**

Approval

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

- A. Not contrary to the public interest as no letters of opposition were received.
- B. Lot is restrictive in buildable **area**, shape, or slope. The subject site has street frontage on both W Davis Street and on Fouraker Street therefore, it cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning conservation district.
- C. Not self-created nor is it a personal hardship.

**BACKGROUND INFORMATION:**

**Zoning:**

- Site: PD-830 Subdistrict 6
- North: PD-830 Subdistrict 6 & PD-830 Subdistrict 4
- East: PD-830 Subdistrict 6 & PD-160
- South: PD-830 Subdistrict 6
- West: PD-830 Subdistrict 6

**Land Use:**

The subject site is currently developed with a convenience store and gas station. The surrounding area mainly consists of retail and single family structures.

**BDA History:**

BDA history found in the last five years BDA234-071

- The Board of Adjustment Panel A, at its public hearing held on Tuesday, August 20th, 2024, moved to **GRANT** the request of this applicant for a special exception to the landscape requirements contained in Article X of the Dallas Development Code, as amended, because our evaluation of the property and testimony shows that (1) strict compliance with the requirements of this article will unreasonably burden the use of the property; (2) the special exception will not adversely affect neighboring properties, and (3) the requirements are not

imposed by a site-specific landscape plan approved by the city plan commission or city council. The following condition be imposed to further the purpose and intent of the Dallas Development Code:

Compliance with the most recent version of all submitted plans are required. In the event of the loss of a large tree on the subject property, as defined by Article X said tree must be replaced on the lot with a small tree from the City of Dallas approved tree list within 30 days of removal.

**GENERAL FACTS/STAFF ANALYSIS:**

- The application of Sudduha Sham for the property located at 607 W Davis Street focuses on 1 request relating to a variance to the front-yard setback regulations.
- The applicant is requesting a variance to the front-yard setback regulations along Fouraker Street. The applicant is proposing to construct and maintain a nonresidential structure and provide a 0-foot 0-inch front-yard setback along Fouraker Street, which will require a 10-foot 0-inch variance to the front-yard setback regulations.
- The applicant plans to build a new convenience store while maintaining the existing gas station locations onsite.
- Fouraker Street is a 45-foot right-of-way formerly platted alley with no other surrounding properties primary facade facing the street.
- Fouraker Street has an additional 5.50 foot right of way dedicated by replat.
- The subject site is developed with a convenience store and gas station, while surroundings properties are all developed with various uses including single-family homes.
- It is imperative to note that Section 51P-830.114(d)(1)(A) states that the following: (A) Except as provided in this paragraph, minimum front yard is 10-feet. (B) For front-yard setbacks for lots fronting on Davis Street, minimum front yard is 0-feet and maximum front yard is 10 feet. A minimum of 75 percent of the street-facing facade must be located within the area between the minimum and maximum front-yard setback. The remaining street-facing facade (25 percent) is not required to comply with the maximum front yard setback.
- The applicant has the burden of proof in establishing the following:
  - 1) That granting the variance to the front-yard setback regulations will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
  - 2) The variance is necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
  - 3) The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.
- **ELEMENT II SUBSTITUTE:**



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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.
- Granting the 10-foot variance to the front-yard setback regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
  - 200' Radius Video:

**Timeline:**

November 26, 2024: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

December 17, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.

December 24, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the January 2, 2025, deadline to submit additional evidence for staff to factor into their analysis; and January 10, 2025, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

January 2, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the January public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.

Speakers:

For: Houshang Jahvani, 2121 N. Josey Lane # 200, Carrollton, TX 75006

Against: No Speakers

**Motion**

I move that the Board of Adjustment, in Appeal No. BDA 245-009, on application of Sudduha Sham, **GRANT** the 10-foot variance to the front-yard setback regulations requested by this applicant because our evaluation of the property and testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would result in unnecessary hardship to this applicant.

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

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

Maker:	Michael Hopkovitz				
Second:	Rachel Hayden				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	David A. Neumann, Phil Sahuc, Rachel Hayden, Jay Narey and Michael Hopkovitz
		Against:	-	0	

**4. 10115 San Lorenzo Avenue**  
 BDA245-002(CJ)

**\*This item was moved to Individual Cases\***

**BUILDING OFFICIAL'S REPORT:** Application of Monica Hernandez for **(1)** a special exception to the single-family use regulations and for **(2)** a variance to the maximum height regulations at **10115 San Lorenzo Avenue**. This property is more fully described as Block B/7403, Lot 23 and is zoned R-7.5(A), which limits the number of dwelling units to one, and prohibits the height of an accessory structure to exceed the height of the main building. The applicant proposes to construct and/or maintain an additional dwelling unit (not for rent), which will require **(1)** a special exception to the single-family zoning use regulations, and proposes to construct and/or maintain a single-family residential accessory structure with a building height of 13-feet, which will require **(2)** a 1-foot 2-inch variance to the maximum building height regulations.

**LOCATION:** 10115 San Lorenzo Avenue

**APPLICANT:** Monica Hernandez

**REQUEST:**

- (1) A request for special exception to the single-family zoning use regulations; and
- (2) A request for a variance to the maximum building height regulations.

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

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

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

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

**STANDARDS OF REVIEW FOR A VARIANCE:**

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

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

**ELEMENT II SUBSTITUTE:**

Dallas Development Code § 51A-3.102(d)(10)(b), 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. **Special Exception (1):**  
No staff recommendation is made on this request.
2. **Variance (1)** to the maximum building height 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. Although the subject site is larger (16,988.4 sq ft) than the minimum lot size in the R-7.5(A) zoning district and is not sloped, it is irregularly shaped; 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 10115 San Lorenzo Avenue within the last 5 years.

**Square Footage:**

This lot contains 16,988.4 of square feet or .39 acres.  
This lot is zoned R-7.5(A) which has a minimum lot size of 7,500 square feet.

- Site: R-7.5(A) Zoning District
- North: R-7.5(A) Zoning District\_
- East: R-7.5(A) Zoning District
- South: R-7.5(A) Zoning District\_
- West: R-7.5(A) Zoning District

**Land Use:**

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

**GENERAL FACTS/STAFF ANALYSIS:**

- The application of Monica Hernandez for the property located at 10115 San Lorenzo Avenue focuses on two requests relating to the single-family zoning use regulations and the maximum building height regulations.
- The applicant proposes to construct and/or maintain an additional dwelling unit (not for rent), which will require a special exception to the single-family zoning use regulations
- Secondly, the applicant is requesting a variance to the maximum building height regulations of 1-foot 2-inches to construct a 13-foot high (at midpoint) additional dwelling unit (not for rent); the building height is measured from grade to the midpoint of the roof of the building.
- In short, the applicant proposes to construct and/or maintain an additional dwelling unit (not for rent) at 13-feet high at the midpoint, which is 1-foot 2-inches taller than the midpoint of the main structure on the property.
- The subject site has single street frontage on San Lorenzo Avenue.
- The subject site along with surrounding properties to the north, south, east and west are zoned with residential uses.
- The subject site is currently developed with a residential structure and located within an established neighborhood.

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- The applicant has the burden of proof in establishing that the special exception to the single-family zoning use regulations will not adversely affect the neighboring properties or be used as rental accommodations.
- The Dallas Development Code states that in granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.
- The applicant has the burden of proof in establishing that the special exception to the single-family zoning use regulations will not be used as rental accommodations.
- The applicant has the burden of proof for the variance in establishing the following:
  - That granting the variance will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
  - The variance is necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
  - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

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

- (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, with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents.
    - 1-foot 2-inch variance to the maximum building height regulations.
  - 200' Radius Video:

**Timeline:**

- November 22, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- December 17, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.

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December 18, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the hearing date and panel that will consider the application; the January 2, 2025, deadline to submit additional evidence for staff to factor into their analysis ;and January 10, 2025, deadline to submit additional evidence to be incorporated into the board’s docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

January 2, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the January public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

Speakers:  
 For: Monica Hernandez, 7821 Pennington Ct., Plano, TX 75025  
 Against: No Speakers

**Motion # 1**

I move that the Board of Adjustment, in request No. BDA 245-002, on application of Monica Hernandez, **GRANT** the request to construct and maintain an additional dwelling unit on a site developed with a single-family structure as a special exception to the single-family use regulations in the Dallas Development Code, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring properties.

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

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

Maker:	Rachel Hayden				
Second:	Jay Narey				
Results:	2-3				Motion to grant fails
		Ayes:	-	2	Rachel Hayden, Jay Narey
		Against:	-	3	David A. Neumann, Phil Sahuc and Michael Hopkovitz

**Motion # 2**

I move that the Board of Adjustment, in request No. BDA 245-002, on application of Monica Hernandez, **DENY** the special exception to construct and maintain an additional dwelling unit on a site developed with a single-family structure as requested by this applicant **without prejudice**, because our evaluation of the property and the testimony shows that granting the application would adversely affect neighboring property.

Maker:	Rachel Hayden				
Second:	Jay Narey				
Results:	5-0 Unanimously				Motion to deny without prejudice
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Rachel Hayden, Jay Narey and Michael Hopkovitz
		Against:	-	0	

**Motion # 3**

I move that the Board of Adjustment, in Appeal No. BDA 245-002, on application of Monica Hernandez, **DENY** the variance to the building height regulations requested by this applicant **without prejudice**, because our evaluation of the property and the testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would NOT result in unnecessary hardship to this applicant.

Maker:	Rachel Hayden				
Second:	Jay Narey				
Results:	5-0 Unanimously				Motion to deny without prejudice
		Ayes:	-	5	David A. Neumann, Phil Sahuc, Rachel Hayden, Jay Narey and Michael Hopkovitz
		Against:	-	0	

**5. 4544 Royal Lane**

BDA245-003(CJ)

**\*This item was moved to Individual Cases\***

**BUILDING OFFICIAL'S REPORT:** Application of Richard Powell for **(1)** a special exception to the fence height regulations at **4544 Royal Lane**. This property is more fully described as Block A/5534, Lot 3, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4-feet. The applicant proposes to construct and/or maintain an 8-foot-high fence in a required front-yard, which will require **(1)** a 4-foot special exception to the fence height regulations.

**LOCATION:** 4544 Royal Lane

**APPLICANT:** Richard Powell

**REQUEST:**

- (4) A request for a special exception to the fence height regulations.

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

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

**STAFF RECOMMENDATION:**

Special Exception (1):

No staff recommendation is made on this request.

**BACKGROUND INFORMATION:**

**BDA History:**

- No BDA history found at 4544 Royal Lane in the last 5 years.

**Square Footage:**

- This lot contains 43,560 of square feet or 1 acre.
- This lot is zoned R-1ac(A) which has a minimum lot size of 43,560 square feet or 1 acre.

**Zoning:**

- Site: R-1ac(A) (Single Family District)
- North: R-1ac(A) (Single Family District)
- East: R-1ac(A) (Single Family District)
- South: R-1ac(A) (Single Family District)
- West: R-1ac(A) (Single Family District)

**Land Use:**

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

**GENERAL FACTS/STAFF ANALYSIS:**

- The application of Richard Powell for the property located at 4544 Royal Lane focuses on 1 request relating to fence height.
- The applicant proposes to maintain an 8-foot fence in a required front yard, which will require a 4-foot special exception to the fence height regulations.
- The subject site along with properties to the north, south, east, and west are all developed with single-family homes.
- The subject site is a mid-block lot with single street frontage on Royal Lane.
- It has been confirmed that the fence is proposed and not existing.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard.
- The applicant has the burden of proof in establishing that the special exception to the fence regulations relating to height will not adversely affect the neighboring properties.



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- Granting the special exception to the fence standards relating to height with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200’ Radius Video: [BDA245-003 at 4544 Royal Lane](#)

**Timeline:**

November 22, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

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

December 18, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the hearing date and panel that will consider the application; the January 2, 2025, deadline to submit additional evidence for staff to factor into their analysis ;and January 10, 2025, deadline to submit additional evidence to be incorporated into the board’s docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

January 2, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the January public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

Speakers:

For: Richard Powell, 4544 Royal Lane, Dallas TX 75229

Against: No Speakers

**Motion**

I move that the Board of Adjustment, in Appeal No. BDA 245-003, on application of Richard Powell, **GRANT** the request of this applicant to construct and/or maintain an 8-foot high fence as a special exception to the height requirement for fences contained in the Dallas Development Code, as amended, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property.

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

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

Maker:	Phil Sahuc				
Second:	Jay Narey				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	David A. Neumann, Phil Sahuc, Rachel Hayden, Jay Narey and Michael Hopkovitz
		Against:	-	0	

**HOLDOVER CASES**

**6. 6529 Victoria Avenue**  
 BDA234-156(BT)

**BUILDING OFFICIAL’S REPORT:** Application of Daniel Le for **(1)** a variance to the maximum height requirements and for **(2)** a variance to the maximum height requirements at **6529 VICTORIA AVENUE**. This property is more fully described as Block P/2606, Lot 18, and is zoned PD-67 (Tract III), which requires the maximum residential structure height of 25 feet, and requires that no portion of the residential structure may be greater than 30-feet above grade. The applicant proposes to construct and/or maintain a residential structure with a midpoint height of 33-feet 6-inches which will require a **(1)** 8-foot 6-inch variance to the height regulations, and the applicant proposes to construct and/or maintain a residential structure with an overall height of 36-feet 3-inches to grade, which will require **(2)** a 6-foot 3-inch variance to the height regulations.

**LOCATION:** 6529 Victoria Ave.

**APPLICANT:** Daniel Le

**REQUEST:**

- (5) A request for a variance to the height regulations; and
- (6) A request for a variance to the height 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:

- (G) **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.
- (H) **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

- (l) **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 height regulations:**

Denial

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

- D. Not contrary to the public interest as no letters of opposition were received.
- E. Subject site does not differ 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 in the same zoning.
- F. Not self-created nor is it a personal hardship.

**Variance to height regulations:**

Denial

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

- A. Not contrary to the public interest as no letters of opposition were received.
- B. Subject site does not differ 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 in the same zoning.
- C. Not self-created nor is it a personal hardship.

**BACKGROUND INFORMATION:**

**Zoning:**

- Site: PD-67 (Tract 3)
- North: PD-67 (Tract 3)
- East: PD-67 (Tract 3) and PD-67 (Tract 4)
- South: PD-67 (Tract 3) and CR
- West: PD-67 (Tract 3) and CR

**Land Use:**

The subject site is developed with a duplex use and surrounding properties are mixture of vacant lots, non-residential uses, duplex uses, and single-family uses.

**Square Footage:**

This lot contains of 6,250 square feet.

**BDA History:**

BDA history found in the last five years – BDA234-111

- The Board of Adjustment Panel A, at its public hearing held on Tuesday, November 19, 2024, having evaluated the evidence pertaining to the property and heard all testimony and facts regarding the application, moved to **REVERSE** the decision of the administrative official in regard to lot coverage.
- The Board of Adjustment Panel A, at its public hearing held on Tuesday, November 19, 2024, having evaluated the evidence pertaining to the property and heard all testimony and facts regarding the application, moved to **AFFIRM** the decision of the administrative official in regard to building height.
- The Board of Adjustment Panel A, at its public hearing held on Tuesday, November 19, 2024, having evaluated the evidence pertaining to the property and heard all testimony and facts regarding the application, moved to **AFFIRM** the decision of the administrative official in regard to roof type.

**GENERAL FACTS/STAFF ANALYSIS:**

- The application of Daniel Le for the property located at 6529 Victoria Avenue focuses on two requests relating to variance height.
- The first request is for a variance to the height regulations. The applicant proposes to construct and/or maintain a residential structure with a midpoint height of 33-feet 6-inches which will require an 8-foot 6-inch variance to the height regulations.
- Secondly, the applicant is requesting a variance to the height regulations. The applicant proposes to construct and/or maintain a residential structure with an overall height of 36-feet 3-inches to grade, which will require a 6-foot 3-inch variance to the height regulation.
- Ashra Ortiz, represented by Pascual Mojica applied for a duplex permit (6529 and 6531 Victoria Ave.) on January 03, 2023.

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- Permit #2301031121 (Master Permit #2301041101) was approved on January 04,2023.
- Various green tags received with the last being issued on June 28, 2024.
- Project placed on hold on July 26, 2024.
- Letter via email to revoke permit #2301031121 and permit #2301041101 provided to applicant on August 7, 2024.
- AO appeal accepted on August 7, 2024.
- The subject site along with surroundings properties to the north, south, east, and west are undeveloped and developed with various types of uses allowed by right in PD-67 (Tract 3).
- Per staff's review of the subject site, it has been confirmed that the duplex structure on the property is under construction.
- The applicant has the burden of proof in establishing the following:
  - 4) That granting the variance to the height regulations will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
  - 5) The variance is necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
  - 6) The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.
- ELEMENT II SUBSTITUTE:

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

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

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- 200' Radius Video: [BDA234-156 6529 Victoria Ave](#)

**Timeline:**

- November 20, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- November 21, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.
- November 21, 2024: Planning and Development Department Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the November 22, 2024, deadline to submit additional evidence for staff to factor into their analysis; and December 6, 2024, 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.
- November 22, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the December 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.
- December 9, 2024: The Board of Adjustment Panel **A**, at its public hearing held on Monday, December 9, 2024, moved to **HOLD** this matter under advisement until **January 21, 2025**.
- December 24, 2024: Planning and Development Department Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the January 2, 2025, deadline to submit additional evidence for staff to factor into their analysis; and January 10, 2025, deadline to submit additional evidence to be incorporated into the board’s docket materials.
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- January 2, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the January public hearings. Review team members in attendance included: The Board of Adjustment

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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: Daniel Le, 108 N. Bernice Dr., Garland, TX
- Against: Zac Thompson, 4715 University Blvd, Dallas TX 75209  
 Gus Perez, 7811 Morton St., Dallas TX 75209  
 Kemeshia Richardson, 7314 Kenwell St., Dallas TX 75209  
 Jonathan Maples. 6525 Oriole Dr., Dallas TX 75209

**Motion # 1**

I move that the Board of Adjustment, in Appeal No. BDA 234-156, on application of Daniel Le, **GRANT** the 8-foot 6-inch variance to the maximum building height regulations requested by this applicant because our evaluation of the property and testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would result in unnecessary hardship to this applicant.

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

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

Maker:	David Neumann				
Second:	Rachel Hayden				
Results:	4-1				Motion to grant
		Ayes:	-	4	David A. Neumann, Rachel Hayden, Phil Sahuc and Jay Narey
		Against:	-	1	Michael Hopkovitz

**Motion # 2**

I move that the Board of Adjustment, in Appeal No. BDA 234-156, on application of Daniel Le, **GRANT** the 6-foot 3-inch variance to the overall building height regulations requested by this applicant because our evaluation of the property and testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would result in unnecessary hardship to this applicant.

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

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

Maker:	David Neumann				
Second:	Phil Sahuc				
Results:	4-1				Motion to grant

		Ayes:	-	4	David A. Neumann, Rachel Hayden, Phil Sahuc and Jay Narey
		Against:	-	1	Michael Hopkovitz

**INDIVIDUAL CASES**

**7. 4511 Stigall Street**

BDA245-011(CJ)

**BUILDING OFFICIAL’S REPORT:** Application of Tracy Jordan for **(1)** a variance to the maximum building height regulations at **4511 Stigall Street**. This property is more fully described as Block 5/4993, Lot 15, and is zoned PD-67 (Tract IV), which limits the maximum building height to 25-feet. The applicant proposes to construct and/or maintain a single-family residential structure with a building height of 25-feet 3 1/4-inches, which will require **(1)** a 3 1/4-inch variance to the maximum building height regulations.

**LOCATION:** 4511 Stigall Street

**APPLICANT:** Tracy Jordan

**REQUEST:**

(3) A request for a variance to the maximum building height 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:

- (J) **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.
- (K) **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
- (L) **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:**

- 3. **Variance** to the maximum building height regulations

**Denial**

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

- D. Not contrary to the public interest as no letters of opposition were received before case reports were finalized and submitted.
- E. PD 67 reverts to R-5(A) for Tract IV regarding minimum lot size (5,000 sq ft) and the subject site is 7971.48 sq ft. The site is also not irregularly shaped or sloped; therefore, the property can be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- F. Is a self-created or personal hardship. The existing residential structure was approved under building permit #2306061010 with plans showing a building height of 25'.

**BACKGROUND INFORMATION:**

**BDA History:**

No BDA history found at 4511 Stigall Street within the last 5 years.

**Square Footage:**

This lot contains 7,971.48 of square feet or .39 acres.  
This lot is zoned PD 67 (Tract IV) with a R-7.5(A) base layer which has a minimum lot size of 7,500 square feet.

- Site: PD 67 (Tract IV)
- North: PD 67 (Tract IV)
- East: PD 67 (Tract IV)
- South: PD 67 (Tract IV)
- West: PD 67 (Tract IV)

**Land Use:**

The subject site is developed with a residential structure. The subject site and areas to the north, south, east, and west are zoned PD 67 (Tract IV).

**GENERAL FACTS/STAFF ANALYSIS:**

- The application of Tracy Jordan for property located at 4511 Stigall Street focuses on one request relating to the maximum building height regulations.

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- The applicant proposes to construct and/or maintain a single-family residential structure with a building height of 25-feet 3 1/4-inches, which will require a 3 1/4-inch variance to the maximum building height regulations
- SEC. 51P-67.108(b)(1). TRACT IV USES AND DEVELOPMENT STANDARDS of the Development Code states that the maximum building height allowed for single family structures in Tract IV of Planned Development 67 is 25 feet
- The subject site has single street frontage on Stigall Street.
- The subject site along with surrounding properties to the north, south, east and west are zoned with residential uses.
- It is important to note that the plans were approved by the Building Inspections permitting office under permit #2306061010 at 25-feet tall; an error was made during construction and the building was built 25-feet 3 ¼ inches (at the midpoint).
- The subject site is currently developed with a residential structure and located within an established neighborhood.

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

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

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

- (f) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code.
- (g) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
- (h) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
- (i) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (j) the municipality considers the structure to be a nonconforming structure.
- Granting the proposed variance, with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents.
  - 3 ¼ inch variance to the maximum building height regulations.

- 200' Radius Video: [BDA245-011 at 4511 Stigall Street](#)

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**Timeline:**

December 2, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

December 17, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.

December 18, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the hearing date and panel that will consider the application; the January 2, 2025, deadline to submit additional evidence for staff to factor into their analysis ;and January 10, 2025, deadline to submit additional evidence to be incorporated into the board’s docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

January 2, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the January public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

Speakers:

For: Tracy Jordan, 3809 Parry Ave., Dallas, TX 75226  
 Erica Hall. 200 N. Henderson Ave, Apt 205, Dallas TX 75214

Against: Zac Thompson, 4715 University Blvd, Dallas TX 75209  
 Jonathan Maples, 6525 Oriole Dr, Dallas TX 75209  
 Gus Perez, 7811 Morton St., Dallas TX 75209

Did not speak - Kemeshia Richardson, 7314 Kenwell St, Dallas TX 75209

**Motion # 1**

I move that the Board of Adjustment, in Appeal No. BDA 245-011, **HOLD** this matter under advisement until February 18, 2025.

Maker:	Rachel Hayden				
Second:	Jay Narey				
Results:	5-0 Unanimously				Motion to hold until February 18, 2025
		Ayes:	-	5	David A. Neumann, Rachel Hayden, Phil Sahuc, Michael Hopkovitz and Jay Narey
		Against:	-	0	

**\*\*Recess at 2:16 – 2:21 pm\*\***

**ADJOURNMENT**

After all business of the Board of Adjustment had been considered, Chairman Neumann entertained a motion to adjourn at 5:00 p.m.



Required Signature:

Mary Williams, Board Secretary  
Planning & Development Department

2.18.25

Date

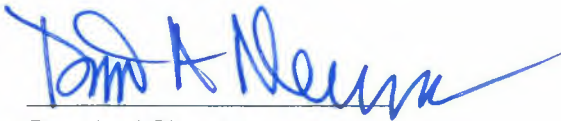


Required Signature:

Dr. Kameka Miller-Hoskins, Board Coordinator  
Planning & Development Department

2/18/25

Date



Required Signature:

David A. Neumann, Chairman  
Board of Adjustment

2/18/25

Date