



BOARD OF ADJUSTMENT

Panel A Minutes

December 9, 2024

RECEIVED

2025 JAN 24 PM 12:53

**CITY SECRETARY
DALLAS, TEXAS**

Council Chambers 6ES
24923176153@dallascityhall.webex.com

David A. Neumann, Chairman

PRESENT: [5]

David A. Neumann, Chairman	
Kathleen Davis	
Rachel Hayden	
Michael Hopkovitz	
Jay Narey	

ABSENT: [0]

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, November 19, 2024, Meeting Minutes.

Motion was made to approve Panel A, November 19, 2024, Public Hearing Minutes.

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

1. BDA234-143_FR1

4516 Hopkins Avenue

BUILDING OFFICIAL’S REPORT: Application of Baldwin Associates for **(1)** a variance to the height regulations, for **(2)** a variance to the lot coverage regulations, for **(3)** a variance to the height regulations, and for **(4)** a variance to the height regulations at **4516 HOPKINS AVENUE**. This property is more fully described as Block B/4993, Lot 28, and is zoned PD-67 (Tract 1), 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, and requires that when the height of a roof is above 20-feet, 90 percent of the roof of the main structure must be hip and gable, and allows a maximum lot coverage of 40 percent. The applicant proposes to construct and/or maintain a residential structure with a midpoint height of 26-feet 5-inches which will require **(1)** a 1-foot 5-inch variance to the height regulations, and the applicant proposes to construct and/or maintain a residential structure with a maximum lot coverage of 50 percent, which will require **(2)** a 10 percent variance to the maximum allowed lot coverage, and the applicant proposes to construct and/or maintain a residential structure with an overall height of 32-feet 4-inches to grade, which will require **(3)** a 2-foot 4-inch variance to the height regulation, and the applicant proposes to construct and/or maintain a residential structure with a roof above 20-feet in height which will require **(4)** a 12-foot 7-inch variance to the roof height regulations.

LOCATION: 4516 Hopkins Ave.

APPLICANT: Rob Baldwin – Baldwin Associates

REQUEST:

The applicant is requesting a fee reimbursement for fees paid for the application submittal for 4516 Hopkins Ave. which will appear before Panel A on December 9, 2024.

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. If the issue is placed on the miscellaneous docket, the

applicant may not apply to the merits of the request for a 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.

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

2. BDA234-144_FR1 4500 Hopkins Avenue

BUILDING OFFICIAL’S REPORT: Application of Baldwin Associates for (1) a variance to the height regulations, and for (2) a variance to the lot coverage regulations at **4500 HOPKINS AVENUE**. This property is more fully described as Block B/4993, Lot 32, and is zoned PD-67 (Tract 1), which requires that when the height of a roof is above 20-feet, 90 percent of the roof of the main structure must be hip and gable and allows a maximum lot coverage of 40 percent. The applicant proposes to construct and/or maintain a residential structure with a roof above 20-feet in height which will require (1) a 7-foot 7-inch variance to the roof height regulations, and the applicant proposes to construct and/or maintain a residential structure with a maximum lot coverage of 50 percent, which will require (2) a 10 percent variance to the maximum allowed lot coverage.

LOCATION: 4500 Hopkins Ave.

APPLICANT: Rob Baldwin – Baldwin Associates

REQUEST:

The applicant is requesting a fee reimbursement for fees paid for the application submittal for 4500 Hopkins Ave. which will appear before Panel A on December 9, 2024.

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

BOARD OF ADJUSTMENT
December 9, 2024

miscellaneous docket for predetermination. If the issue is placed on the miscellaneous docket, the applicant may not apply to the merits of the request for a 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.

Motion

I move that the Board of Adjustment, in Appeal No. BDA 234-144_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 and (2) variance to the lot coverage 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:	Kathleen Davis				
Second:	David Neumann				
Results:	3-2				Motion to grant fails
		Ayes:	-	3	David A. Neumann, Kathleen Davis & Rachel Hayden
		Against:	-	2	Jay Narey and Michael Hopkovitz

3. BDA234-145_FR1

4604 Hopkins Avenue

BUILDING OFFICIAL’S REPORT: Application of Baldwin Associates for (1) a variance to the height regulations, for (2) a variance to the lot coverage regulations, for (3) a variance to the height regulations, and for (4) a variance to the height regulations at **4604 HOPKINS AVENUE**. This property is more fully described as Block B/4993, Lot 23, and is zoned PD-67 (Tract 1), 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, and requires that when the height of a roof is above 20-feet, 90 percent of the roof of the main structure must be hip and gable, and allows a maximum lot coverage of 40 percent. The applicant proposes to construct and/or maintain a residential structure with a midpoint height of 25-feet 10-1/2-inches which will require (1) a 10-1/2-inch variance to the height regulations, and the applicant proposes to construct and/or maintain a residential structure with a maximum lot coverage of 50 percent, which will require (2) a 10 percent variance to the maximum allowed lot coverage, and the applicant proposes to construct and/or maintain a residential structure with an overall height of 30-feet 11-inches to grade, which will require (3) a 11-inch variance to the height regulation, and the applicant proposes to construct and/or maintain a residential structure with a roof above 20-feet in height which will require (4) a 10-foot 11-inch variance to the roof height regulations.

LOCATION: 4604 Hopkins Ave.

APPLICANT: Rob Baldwin – Baldwin Associates

REQUEST:

The applicant is requesting a fee reimbursement for fees paid for the application submittal for 4604

Hopkins Ave. which will appear before Panel A on December 9, 2024.

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. If the issue is placed on the miscellaneous docket, the applicant may not apply to the merits of the request for a 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.

Motion

I move that the Board of Adjustment, in Appeal No. BDA 234-145_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:	Kathleen Davis				
Second:	David Neumann				
Results:	3-2				Motion to grant fails
		Ayes:	-	3	David A. Neumann, Kathleen Davis & Rachel Hayden
		Against:	-	2	Jay Narey and Michael Hopkovitz

4. BDA234-156_FR1

6529 Victoria Avenue

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 3), 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:

The applicant is requesting a fee reimbursement for fees paid for the application submittal for 6529 Victoria Ave. which will appear before Panel A on December 9, 2024.

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. If the issue is placed on the miscellaneous docket, the applicant may not apply to the merits of the request for a 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.

Motion

I move that the Board of Adjustment, in Appeal No. BDA 234-156_FR1 on application of Daniel Le, GRANT the request to the reimbursement of the filing fees paid in association with the request for (1) a variance to the maximum height requirements and (2) variance to the maximum height requirements 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:	Kathleen Davis				
Second:	David Neumann				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Rachel Hayden, Jay Narey and Michael Hopkovitz
		Against:	-	0	

CONSENT ITEMS

5. 2121 Irving Boulevard
 BDA234-147(CJ)

This item was moved to Individual Cases

BUILDING OFFICIAL’S REPORT: Application of Steve Oden Jr. represented by Skye Thibodeaux for (1) a special exception to the parking regulations at **2121 Irving Boulevard**. This property is more fully described as Block 7900, Lot 3, and is zoned PD-621 (Subarea 1A), which requires parking to be provided. The applicant proposes to construct and/or maintain a residential structure for a multifamily use and provide 420 of the required 476 parking spaces, which will require (1) a 56-space special exception (12 percent reduction) to the parking regulation.

LOCATION: 2121 Irving Boulevard

APPLICANT: Steve Oden Jr.

REPRESENTED BY: Skye Thibodeaux

REQUEST:

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

STANDARDS OF REVIEW FOR A SPECIAL EXCEPTION TO PARKING REGULATIONS:

SEC. 51P-621.110(b)(1)(M)(i) of Article 621 states that multifamily developments require one and a half parking spaces per dwelling unit.

SEC. 51P-621.110(b)(2)(D) of Article 621 states that the board of adjustment 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. The board of adjustment may impose conditions on the special exception.

STAFF RECOMMENDATION:

Special Exceptions (1):

No staff recommendation is made on this request.

BACKGROUND INFORMATION:

BDA History:

No BDA history found at 2121 Irving Boulevard within the last 5 years.

Square Footage:

This lot contains 206,474.4 of square feet.
This lot is zoned Planned Development 621 (Subarea 1A) which does not have a minimum lot size.

Zoning:

- Site: Planned Development 621 (Subarea 1A)
- North: Planned Development 621 (Subarea 1)
- South: Agricultural (AA) Zoning District
- East: Planned Development 621 (Subarea 1A)
- West: Planned Development 621 (Subarea 1A)

Land Use:

The subject site is developed with a nonresidential building. The areas to the north, east, and west are developed or are being developed with uses permissible in Planned Development 621 (Subarea 1 and 1A). Areas to the south are being developed with uses allowed in the Agricultural (AA) zoning district.

GENERAL FACTS/STAFF ANALYSIS:

- The application of Steve Oden Jr. for the property located at 2121 Irving Boulevard focuses on one request relating to the parking regulations for a residential structure to be used for a multifamily use.

BOARD OF ADJUSTMENT
December 9, 2024

- A request for a special exception to the parking regulations of 56 spaces (12 percent) is made to construct and/or maintain a residential structure for a multifamily use at 2121 Irving Boulevard.
- The subject site is zoned as Planned Development (PD) 621 which requires parking to be provided.
- It is imperative to note that the subject site has single street frontage on Irving Boulevard.
- The submitted site plan shows the applicant plans to provide 420 (88 percent) of the required 476 parking spaces at 2121 Irving Boulevard.
- The subject site is currently developed with a nonresidential structure.
- Per the provided site plan and floor plans, the proposed 420 parking spots will exist amongst 5 levels of the proposed parking garage as well as the ground level of the proposed multifamily development.
- 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.
- Granting the proposed 56 space (12 percent) special exception to the parking regulations 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, and the special exception automatically and immediately terminates if and when the multifamily use is changed or discontinued.
- 200' Radius Video: [BDA234-148 at 7038 Grenville Ave.](#)

Timeline:

- October 25, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- November 4, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.
- November 13, 2024: The Planning and Development Department Senior Planner emailed the applicant the following information:
- an attachment that provided the 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.
- November 22, 2024 The Traffic Engineering Program Administrator provided comments stating that no objection to the special exception request.

BOARD OF ADJUSTMENT
December 9, 2024

Speakers:

For: Skye Thibodeaux, PO Box 206037, Plano TX
Howell Beavair, 5310 Harvest Hill Rd., Dallas TX 75230

Against: No Speakers

Motion # 1

I move that the Board of Adjustment, in Appeal No. BDA 234-147, on application of Steve Oden Jr. represented by Skye Thibodeaux, **DENY** the special exception to the parking regulations requested by this applicant **without prejudice**, because our evaluation of the property and the testimony shows this special exception will increase traffic hazards or increase traffic congestion on adjacent or nearby streets, and the parking demand generated by the use warrants the number of required parking spaces.

Maker:	Michael Hopkovitz				
Second:	No Second				
Results:					Motion to deny fails

Motion # 2

I move that the Board of Adjustment, in Appeal No. BDA 234-147, on application of Steve Oden Jr. represented by Skye Thibodeaux, **GRANT** the request of this applicant to provide 420 off-street parking spaces to the off-street parking regulations contained in the Dallas Development Code, as amended, which requires 476 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 multifamily use 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 56 spaces shall automatically and immediately terminate if and when the multifamily use is changed or discontinued.

Maker:	Jay Narey				
Second:	Rachel Hayden				
Results:	4-1				Motion to grant
		Ayes:	-	4	David A. Neumann, Kathleen Davis, Rachel Hayden & Jay Narey
		Against:	-	1	Michael Hopkovitz

6. 7038 Greenville Avenue
BDA234-148(CJ)

This item was moved to Individual Cases

BUILDING OFFICIAL’S REPORT: Application of Rob Baldwin for **(1)** a variance to the parking regulations at **7038 Greenville Avenue**. This property is more fully described as Block 6/5199, Lot 27 and is zoned MU-3, which requires parking to be provided. The applicant proposes to construct and/or maintain a nonresidential structure for a commercial and business service use and provide

14 of the required 32 parking spaces, which will require **(1)** an 18-space variance (56 percent reduction) to the parking regulation.

LOCATION: 7038 Greenville Ave.

APPLICANT: Rob Baldwin

REQUEST:

(2) A request for a variance to the parking 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 to the parking regulations

Approval

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

site is:

- A. Not contrary to the public interest as no letters of opposition were received before case reports were finalized and submitted.
- B. The subject site is 22,651.2 sq ft. and is in the Multi-Use (MU-3) zoning district, which has no minimum lot size and the lot is not irregularly sloped but the site 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 7038 Greenville Avenue within the last 5 years.

Square Footage:

This lot contains 22,651.2 of square feet.
This lot is zoned Multi Use (MU-3) which does not have a minimum lot size.

Zoning:

- Site: Multi-Use (MU-3) Zoning District
- North: Multi-Use (MU-3) Zoning District
- South: Multi-Use (MU-2) Zoning District
- East: Multi-Family (MF-1(A)) Zoning District
- West: Multi-Use (MU-3) Zoning District

Land Use:

The subject site is developed with a nonresidential structure. The areas to the north, south, and west are developed or are being developed with multi-use uses. Areas to the east are being developed with multi-family uses.

GENERAL FACTS/STAFF ANALYSIS:

- The application of Rob Baldwin for the property located at 7038 Greenville Avenue focuses on one request relating to the parking regulations for a nonresidential structure to be used for a commercial and business service.
- A request for a variance to the parking regulations of 18 spaces (56 percent) is made to construct and/or maintain a nonresidential structure for a commercial and business service use at 7038 Greenville Avenue.
- The submitted site plan shows the applicant plans to provide 14 (44 percent) of the required 32 parking spaces at 7038 Greenville Avenue.
- The subject site is zoned Multi-Use (MU-3) which requires parking to be provided.
- It is imperative to note that the subject site has single street frontage on Greenville Avenue.
- The subject site is currently developed with a nonresidential structure.

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

BOARD OF ADJUSTMENT
December 9, 2024

- 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 18 space (56 percent) variance to the parking regulations with a condition that the applicant complies with the zoning use of the subject site. If granted, it will not be subject to the site plan.
 - 200' Radius Video: [BDA234-148 at 7038 Grenville Ave.](#)

Timeline:

- October 25, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- November 4, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.
- November 13, 2024: The Planning and Development Department Senior Planner emailed the applicant the following information:
 - an attachment that provided the 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.

BOARD OF ADJUSTMENT
December 9, 2024

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.

November 22, 2024 The Traffic Engineering Program Administrator provided comments stating that no objection to the special exception request.

Speakers:

For: Rob Baldwin, 3904 Elm Street # B, Dallas TX 75226
Lloyd Denman, 2928 Westminster, Dallas TX 75205

Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BDA 234-148, on application of Rob Baldwin, **GRANT** the 18-space variance to the parking 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:

1. Compliance with the most recent version of all submitted plans are required.
2. This variance shall automatically and immediately terminate if and when the custom business service use is changed or discontinued.

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

7. 726 W. Greenbriar Lane
BDA234-141(BT)

This item was moved to Individual Cases

BUILDING OFFICIAL'S REPORT: Application of Charlotte Youngquist for **(1)** a special exception to the front yard setback regulations for a carport, and for **(2)** a special exception to the side yard setback regulations for a carport at **726 W Greenbriar Lane**. This property is more fully described as Block 4789, Lot B, and is zoned R-7.5(A), which requires a front yard setback of 25 feet and requires a side yard setback of 5 feet. The applicant proposes to construct a carport for a single-family residential dwelling in a required front-yard and provide a 17 foot setback, which will require **(1)** an 8-foot special exception to the front-yard setback regulations for a carport, and to construct a carport for a single-family residential dwelling in a required side-yard and provide a 2-foot 6-inch

setback, which will require **(2)** a 2-foot 6-inch special exception to the side-yard setback regulations for a carport. Referred to the Board of Adjustment in accordance with Sections 51A-4.401-(c), and 51A-4.402-(c) of the Dallas Development Code, as amended, which states the power of the Board to grant special exceptions for a carport.

LOCATION: 726 W Greenbriar Ln.

APPLICANT: Charlotte Youngquist

REQUEST:

- (1) A request for a special exception for a carport to the front-yard setback regulations.
- (2) A request for a special exception for a carport to the side-yard setback regulations.

STANDARDS OF REVIEW FOR A SPECIAL EXCEPTION FOR CARPORTS IN A REQUIRED FRONT YARD SETBACK REGULATIONS:

Section 51A-4.401(c) of the Dallas Development Code states that the board may grant a special exception for a carport located within the front yard setback regulations when in the opinion of the board, **there is no adequate vehicular access to an area behind the required front building line that would accommodate a parking space; and the carport will not have a detrimental impact on surrounding properties.**

STANDARDS OF REVIEW FOR A SPECIAL EXCEPTION FOR CARPORTS IN A REQUIRED SIDE YARD SETBACK REGULATIONS:

Section 51A-4.402(c) of the Dallas Development Code states that the board may grant a special exception for a carport located within the side yard setback regulations when in the opinion of the board, **the carport will not have a detrimental impact on surrounding properties.**

STAFF RECOMMENDATION:

Special Exceptions (2):

No staff recommendation is made on this request.

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Square Footage:

This lot contains of 8,829 square feet.
This lot is zoned R-7.5(A) which requires a minimum lot size of 7,500 square feet.

BDA History:

No BDA history

GENERAL FACTS/STAFF ANALYSIS:

- The application of Charlotte Youngquist for the property located at 726 W Greenbriar Lane. focuses on two requests relating to special exceptions to the front-yard and side-yard setback regulations for a carport.
- The applicant is requesting a special exception to the front-yard setback regulations for a carport. The applicant is proposing to construct and maintain a carport for a single-family residential dwelling and provide a 17-foot front-yard setback which will require an 8-foot special exception to the front-yard setback regulations.
- Secondly, applicant is requesting a special exception to the side-yard setback regulations for a carport. The applicant is proposing to construct and maintain a carport for a single-family residential dwelling and provide a 2-foot 6-inch side-yard setback, which will require a 2-foot 6-inch special exception to the side-yard setback regulations.
- The subject site along with surroundings properties to the north, south, east, and west are all developed with single-family homes.
- It is imperative to note the subject site is an irregularly (triangle) shaped lot, reducing the buildable area significantly beyond the front building line down to zero in the rear of the property.
- The subject site is restrictive in size, 8,829 square feet with no alley access while other lots in the immediate vicinity range from 9,875 square feet to 19,700 square feet with alley access
- Per staff’s review of the subject site, it has been confirmed that the carport structure is complete and currently being used to house two vehicles.
- The applicant proposes to provide a spray fire retardant that will meet building code requirements while keeping the open look near the property line.
- The applicant has the burden of proof in establishing that the special exception for a carport located within the front and side yard setback, does not have adequate vehicular access to an area behind the required building lines that would accommodate a parking space; and the carport will not have a detrimental impact on surrounding properties.
- The applicant has the burden of proof in establishing that the special exception for a carport is compatible with the character of the neighborhood, the value of surrounding properties will not be adversely affected, the suitability of the size and location of the carport, the materials to be used in construction of the carport.
- Granting the special exceptions for a carport located within the required setbacks with a condition that the applicant complies with the submitted site plan and elevations, storage of

BOARD OF ADJUSTMENT
December 9, 2024

items other than motor vehicles is prohibited in a carport for which a special exception has been granted under this subsection, and would require the proposal to be constructed as shown on the submitted documents.

- 200’ Radius Video: [BDA234-141 at 726 W Greenbriar Ln](#)

Timeline:

October 17, 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 7, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel A.

November 18, 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 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.

November 22, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- Revised briefing and heading date; Monday December 9, 2024.
- November 22, 2024, deadline to submit additional evidence for staff to factor into their analysis; and
- November 22, 2024, deadline to submit additional evidence to be incorporated into the board’s docket materials.
- Confirmation to move forward with or postpone case.

Speakers:

For: Charlotte Youngquist, 726 W. Greenbriar Ln, Dallas TX 75208
Peter Kavanaugh, 305 W. Greenbriar, Dallas TX 75208

Against: No Speakers

Motion # 1

I move that the Board of Adjustment, in Appeal No. BDA 234-141, on application of Charlotte Youngquist, **GRANT** the 8-foot special exception to the front-yard setback regulation for carports contained in the Dallas Development Code, as amended, because our evaluation of the property and the testimony shows that this special exception will not have a detrimental impact on surrounding properties and there is not adequate vehicular access to an area behind the required front building line that would accommodate a parking space.

I further move that the following conditions 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. Storage of items other than motor vehicles is prohibited in the carport.

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

Motion # 2

I move that the Board of Adjustment, in Appeal No. BDA 234-141, on application of Charlotte Youngquist, **GRANT** the 2-foot 6-inch special exception to the side-yard setback regulation for carports contained in the Dallas Development Code, as amended, because our evaluation of the property and the testimony shows that this special exception will not have a detrimental impact on surrounding properties.

I further move that the following conditions 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. Storage of items other than motor vehicles is prohibited in the carport.

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

INDIVIDUAL CASES

8. 4516 Hopkins Avenue
BDA234-143(BT)

BUILDING OFFICIAL’S REPORT: Application of Baldwin Associates for **(1)** a variance to the height regulations, for **(2)** a variance to the lot coverage regulations, for **(3)** a variance to the height regulations, and for **(4)** a variance to the height regulations at **4516 HOPKINS AVENUE**. This property is more fully described as Block B/4993, Lot 28, and is zoned PD-67 (Tract 1), 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, and requires that when the height of a roof is above 20-feet, 90 percent of the roof of the main structure must be hip and gable, and allows a maximum lot coverage of 40 percent. The applicant proposes to construct and/or maintain a residential structure with a midpoint height of 26-feet 5-inches which will require **(1)** a 1-foot 5-inch variance to the height regulations, and the applicant proposes to construct and/or maintain a residential structure with a maximum lot coverage of 50 percent, which will require **(2)** a 10 percent variance to the maximum allowed lot coverage, and the applicant proposes to construct and/or maintain a residential structure with an overall height of 32-feet 4-inches to grade, which will require **(3)** a 2-foot 4-inch variance to the height regulation, and the applicant proposes to construct and/or maintain a residential structure with a roof above 20-feet in height which will require **(4)** a 12-foot 7-inch variance to the roof height regulations.

LOCATION: 4516 Hopkins Ave.

APPLICANT: Rob Baldwin – Baldwin Associates

REQUEST:

- (3) A request for a variance to the height regulations;
- (4) A request for a variance to lot coverage;
- (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:

- (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:

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.

Variance to lot coverage:

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.

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.

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 1)
- North: PD-67 (Tract 1) and PD-67 (Tract 4)
- East: PD-67 (Tract 1)
- South: PD-67 (Tract 1)
- West: CS

Land Use:

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

Square Footage:

This lot contains of 7,463 square feet.

BDA History:

No BDA history

GENERAL FACTS/STAFF ANALYSIS:

- The application of Rob Baldwin for the property located at 4516 Hopkins Avenue focuses on four requests relating to variance height and lot coverage.
- 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 26-feet 5-inches which will require a 1-foot 5-inch variance to the height regulations.
- Secondly, the applicant is requesting a variance to the lot coverage regulations. The applicant proposes to construct and/or maintain a residential structure with a maximum lot coverage of 50 percent, which will require a 10 percent variance to the maximum allowed lot coverage.

BOARD OF ADJUSTMENT
December 9, 2024

- Thirdly, 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 32-feet 4-inches to grade, which will require a 2-foot 4-inch variance to the height regulation.
- Lastly, the applicant is requesting a variance to the height regulations. The applicant proposes to construct and/or maintain a residential structure with a roof above 20-feet in height which will require a 12-foot 7-inch variance to the roof height regulations.
- The subject site along with surroundings properties to the north, south, east and west are all developed with new 2-story duplex homes and older 1-story duplex.
- 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:
 - 1) That granting the variance to the height regulations 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.
- Granting the variance to the height 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. documents.
- 200’ Radius Video: [BDA234-143 at 4516 Hopkins Ave](#)

Timeline:

- November 1, 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 7, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.
- November 18, 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 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.

BOARD OF ADJUSTMENT
December 9, 2024

- 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.

November 22, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- Revised briefing and heading date; Monday December 9, 2024.
- November 22, 2024, deadline to submit additional evidence for staff to factor into their analysis; and
- November 22, 2024, deadline to submit additional evidence to be incorporated into the board’s docket materials.
- Confirmation to move forward with or postpone case.

Speakers:

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

Against: Zac Thompson, 4715 University Blvd, Dallas TX 75209

Motion # 1

I move that the Board of Adjustment, in Appeal No. BDA 234-143, on application of Baldwin Associates, **GRANT** the 1-foot 5-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:	Katheen Davis				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	David A. Neumann, Rachel Hayden, Kathleen Davis, Michael Hopkovitz and Jay Narey
		Against:	-	0	

Motion # 2

I move that the Board of Adjustment, in Appeal No. BDA 234-143, on application of Baldwin Associates, **GRANT** the 10 percent variance to the maximum lot coverage 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:	Katheen Davis				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	David A. Neumann, Rachel Hayden, Kathleen Davis, Michael Hopkovitz and Jay Narey
		Against:	-	0	

Motion # 3

I move that the Board of Adjustment, in Appeal No. BDA 234-143, on application of Baldwin Associates, **GRANT** the 2-foot 4-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:	Kathleen Davis				
Results:	4-1				Motion to grant
		Ayes:	-	4	David A. Neumann, Kathleen Davis, Rachel Hayden, Jay Narey
		Against:	-	1	Michael Hopkovitz

Motion # 4

I move that the Board of Adjustment, in Appeal No. BDA 234-143, on application of Baldwin Associates, **GRANT** the 12-foot 7-inch variance to the roof 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:	Kathleen Davis				
Results:	4-1				Motion to grant
		Ayes:	-	4	David A. Neumann, Kathleen Davis, Rachel Hayden, Jay Narey
		Against:	-	1	Michael Hopkovitz

9. 4500 Hopkins Avenue
 BDA234-144(BT)

BUILDING OFFICIAL’S REPORT: Application of Baldwin Associates for **(1)** a variance to the height regulations, and for **(2)** a variance to the lot coverage regulations at **4500 HOPKINS AVENUE**. This property is more fully described as Block B/4993, Lot 32, and is zoned PD-67 (Tract 1), which requires that when the height of a roof is above 20-feet, 90 percent of the roof of the main structure must be hip and gable, and allows a maximum lot coverage of 40 percent. The applicant proposes to construct and/or maintain a residential structure with a roof above 20-feet in height which will require **(1)** a 7-foot 7-inch variance to the roof height regulations, and the applicant proposes to construct and/or maintain a residential structure with a maximum lot coverage of 50 percent, which will require **(2)** a 10 percent variance to the maximum allowed lot coverage.

LOCATION: 4500 Hopkins Ave.

APPLICANT: Rob Baldwin – Baldwin Associates

REQUEST:

- (7) A request for a variance to the height regulations; and
- (8) A request for a variance to lot coverage.

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 to 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 lot coverage:

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.

BACKGROUND INFORMATION:

Zoning:

- Site: PD-67 (Tract 1)
- North: PD-67 (Tract 1) and PD-67 (Tract 4)
- East: PD-67 (Tract 1)
- South: PD-67 (Tract 1)
- West: CS

Land Use:

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

Square Footage:

This lot contains of 7,463 square feet.

BDA History:

No BDA history

GENERAL FACTS/STAFF ANALYSIS:

- The application of Rob Baldwin for the property located at 4500 Hopkins Avenue. focuses on two requests relating to height and lot coverage.
- The first request is for a variance to the height regulations. The applicant proposes to construct and/or maintain a residential structure with a roof above 20-feet in height which will require a 7-foot 7-inch variance to the roof height regulations.
- Secondly, the applicant is requesting a variance to the lot coverage regulations. The applicant proposes to construct and/or maintain a residential structure with a maximum lot coverage of 50 percent, which will require a 10 percent variance to the maximum allowed lot coverage.
- The subject site along with surroundings properties to the north, south, east and west are all developed with new 2-story duplex homes and older 1-story duplex.
- To the immediate west across Bristol Road is commercial development.
- 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 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.
 - 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

BOARD OF ADJUSTMENT
December 9, 2024

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.
- Granting the variance to the height regulations and lot coverage 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. documents.
- 200’ Radius Video: [BDA234-144 at 4500 Hopkins Ave](#)

Timeline:

November 1, 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 7, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.

November 18, 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 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 November 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.

November 22, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- Revised briefing and heading date; Monday December 9, 2024.
- November 22, 2024, deadline to submit additional evidence for staff to factor into their analysis; and

BOARD OF ADJUSTMENT
 December 9, 2024

- November 22, 2024, deadline to submit additional evidence to be incorporated into the board’s docket materials.
- Confirmation to move forward with or postpone case.

Speakers:

For: Rob Baldwin, 3904 Elm St. # B, Dallas TX 75226

Against: Zac Thompson, 4715 University Blvd, Dallas TX 75209
 Jonathan Maples, 6525 Oriole Dr, Dallas TX 75209
 Kemeshia Richardson, 7314 Kenwell St, Dallas TX 75209

Motion # 1

I move that the Board of Adjustment, in Appeal No. BDA 234-144, on application of Baldwin Associates, **GRANT** the 10 percent variance to the maximum lot coverage 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:	Katheen Davis				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	David A. Neumann, Rachel Hayden, Kathleen Davis, Michael Hopkovitz and Jay Narey
		Against:	-	0	

Motion # 2

I move that the Board of Adjustment, in Appeal No. BDA 234-144, on application of Baldwin Associates, **GRANT** the 7-foot 7-inch variance to the roof 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:	Katheen Davis				
Results:	4-1				Motion to grant

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

10. 4604 Hopkins Avenue
 BDA234-145(BT)

BUILDING OFFICIAL’S REPORT: Application of Baldwin Associates for **(1)** a variance to the height regulations, for **(2)** a variance to the lot coverage regulations, for **(3)** a variance to the height regulations, and for **(4)** a variance to the height regulations at **4604 HOPKINS AVENUE**. This property is more fully described as Block B/4993, Lot 23, and is zoned PD-67 (Tract 1), 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, and requires that when the height of a roof is above 20-feet, 90 percent of the roof of the main structure must be hip and gable, and allows a maximum lot coverage of 40 percent. The applicant proposes to construct and/or maintain a residential structure with a midpoint height of 25-feet 10-1/2-inches which will require **(1)** a 10-1/2-inch variance to the height regulations, and the applicant proposes to construct and/or maintain a residential structure with a maximum lot coverage of 50 percent, which will require **(2)** a 10 percent variance to the maximum allowed lot coverage, and the applicant proposes to construct and/or maintain a residential structure with an overall height of 30-feet 11-inches to grade, which will require **(3)** a 11-inch variance to the height regulation, and the applicant proposes to construct and/or maintain a residential structure with a roof above 20-feet in height which will require **(4)** a 10-foot 11-inch variance to the roof height regulations.

LOCATION: 4604 Hopkins Ave.

APPLICANT: Rob Baldwin – Baldwin Associates

REQUEST:

- (9) A request for a variance to the height regulations;
- (10) a variance to lot coverage; A request for
- (11) a variance to the height regulations; and A request for
- (12) a variance to the height regulations. A request for

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:

Variance to height regulations:

Denial

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

- G. Not contrary to the public interest as no letters of opposition were received.
- H. 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.
- I. Not self-created nor is it a personal hardship.

Variance to lot coverage:

Denial

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

- G. Not contrary to the public interest as no letters of opposition were received.
- H. 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.
- I. 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:

- 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:

- 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.

BACKGROUND INFORMATION:

Zoning:

- Site: PD-67 (Tract 1)
- North: PD-67 (Tract 1) and PD-67 (Tract 4)
- East: PD-67 (Tract 1)
- South: PD-67 (Tract 1)
- West: CS

Land Use:

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

Square Footage:

This lot contains of 7,463 square feet.

BDA History:

No BDA history

GENERAL FACTS/STAFF ANALYSIS:

- The application of Rob Baldwin for the property located at 4604 Hopkins Avenue focuses on four requests relating to variance height and lot coverage.

BOARD OF ADJUSTMENT
December 9, 2024

- 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 25-feet 10-1/2-inches which will require a 10-1/2-inch variance to the height regulations.
- Secondly, the applicant is requesting a variance to the lot coverage regulations. The applicant proposes to construct and/or maintain a residential structure with a maximum lot coverage of 50 percent, which will require a 10 percent variance to the maximum allowed lot coverage.
- Thirdly, 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 30-feet 11-inches to grade, which will require a 11-inch variance to the height regulation.
- Lastly, the applicant is requesting a variance to the height regulations. The applicant proposes to construct and/or maintain a residential structure with a roof above 20-feet in height which will require a 10-foot 11-inch variance to the roof height regulations.
- The subject site along with surroundings properties to the north, south, east and west are all developed with new 2-story duplex homes and older 1-story duplex.
- 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:
 - 7) That granting the variance to the height regulations 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.
 - 8) 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
 - 9) 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.
- Granting the variance to the height regulations and lot coverage 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. documents.
- 200' Radius Video: [BDA234-145 at 4604 Hopkins Ave](#)

Timeline:

- November 1, 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 7, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.

BOARD OF ADJUSTMENT
December 9, 2024

November 18, 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 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.

November 22, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- Revised briefing and heading date; Monday December 9, 2024.
- November 22, 2024, deadline to submit additional evidence for staff to factor into their analysis; and
- November 22, 2024, deadline to submit additional evidence to be incorporated into the board’s docket materials.
- Confirmation to move forward with or postpone case.

Speakers:

- For: Rob Baldwin, 3904 Elm St. # B, Dallas TX 75226
- Against: Zac Thompson, 4715 University Blvd, Dallas TX 75209
Jonathan Maples, 6525 Oriole Dr, Dallas TX 75209
Kemeshia Richardson, 7314 Kenwell St, Dallas TX 75209

Motion # 1

I move that the Board of Adjustment, in Appeal No. BDA 234-145, on application of Baldwin Associates, **GRANT** the 10-1/2-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:	Katheen Davis				
Results:	3-2				Motion fails
		Ayes:	-	3	David A. Neumann, Rachel Hayden, Kathleen Davis
		Against:	-	2	Michael Hopkovitz and Jay Narey

Motion Withdrawn

Maker:	David Neumann				
Second:	Kathleen Davis				

Motion # 2

I move that the Board of Adjustment, in Appeal No. BDA 234-147, hold this matter under advisement until January 21, 2025.

Maker:	David Neumann				
Second:	Kathleen Davis				

Motion Withdrawn

Maker:	David Neumann				
Second:	Kathleen Davis				

Motion # 3

I move that the Board of Adjustment, in Appeal No. BDA 234-145, on application of Baldwin Associates, **DENY** the variance to the maximum 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:	Kathleen Davis				
Second:	Rachel Hayden				
Results:	3-2				Motion to deny
		Ayes:	-	3	Kathleen Davis, Rachel Hayden & Jay Narey
		Against:	-	2	David Neumann and Michael Hopkovitz

Motion # 4

I move that the Board of Adjustment, in Appeal No. BDA 234-145, on application of Baldwin Associates, **GRANT** the 10 percent variance to the maximum lot coverage 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:	Kathleen Davis				
Second:	Rachel Hayden				
Results:	5-0 unanimously				Motion to grant
		Ayes:	-	5	David Neumann, Kathleen Davis, Rachel Hayden, Michael Hopkovitz & Jay Narey
		Against:	-	0	

Motion # 5

I move that the Board of Adjustment, in Appeal No. BDA 234-145, on application of Baldwin Associates, **GRANT** the 11-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:	Kathleen Davis				
Second:	Rachel Hayden				
Results:	3-2				Motion to grant fails
		Ayes:	-	3	David Neumann, Kathleen Davis, Rachel Hayden
		Against:	-	2	Michael Hopkovitz & Jay Narey

Motion # 6

I move that the Board of Adjustment, in Appeal No. BDA 234-145, on application of Baldwin Associates, **DENY** the variance to the overall 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:	David Neumann			
Second:	Kathleen Davis			
Results:	4-1			Motion to deny
		Ayes:	- 4	David Neumann, Kathleen Davis, Rachel Hayden & Jay Narey
		Against:	- 1	Michael Hopkovitz

Motion # 7

I move that the Board of Adjustment, in Appeal No. BDA 234-145, on application of Baldwin Associates, **DENY** the variance to the roof 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:	Kathleen Davis			
Second:	Jay Narey			
Results:	4-1			Motion to deny
		Ayes:	- 4	David Neumann, Kathleen Davis, Rachel Hayden & Jay Narey
		Against:	- 1	Michael Hopkovitz

11. 6529 Victoria Avenue
 BDA234-156(BT)

Board Member Kathleen Davis left at 5:42 pm

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 3), 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:

- (13) A request for a variance to the height regulations; and
- (14) 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:

- (M) **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.
- (N) **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
- (O) **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:

- J. Not contrary to the public interest as no letters of opposition were received.
- K. 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.
- L. 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:

- G. Not contrary to the public interest as no letters of opposition were received.
- H. 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.
- I. 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.
- 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:
 - 10) 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.
 - 11) 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
 - 12) 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.
- Granting the variance 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.
- 200’ Radius Video: [BDA234-156 6529 Victoria Ave](#)

BOARD OF ADJUSTMENT
December 9, 2024

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 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, 6529 Victoria Ave., Dallas TX 75209

Against: Zac Thompson, 4715 University Blvd, Dallas TX 75209
Jonathan Maples, 6525 Oriole Dr, Dallas TX 75209
Kemeshia Richardson, 7314 Kenwell St, Dallas TX 75209
Gus Perez, 7811 Morton St., Dallas TX 75209

Motion

I move that the Board of Adjustment, in Appeal No. BDA 234-156, **HOLD** this matter under advisement until **January 21, 2025**.

Maker:	David Neumann				
Second:	Jay Narey				
Results:	4-0 Unanimously				Motion to hold
		Ayes:	-	4	David A. Neumann, Rachel Hayden, Michael Hopkovitz and Jay Narey
		Against:	-	0	

****Recess at 2:59 – 3:05 pm****

ADJOURNMENT

After all business of the Board of Adjustment had been considered, Chairman Neumann entertained a motion to adjourn at 6:09 p.m.



Required Signature:

Mary Williams, Board Secretary

Planning & Development Department



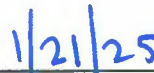
Date



Required Signature:

Dr. Kameka Miller-Hoskins, Board Coordinator

Planning & Development Department



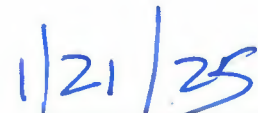
Date



Required Signature:

David A. Neumann, Chairman

Board of Adjustment



Date