

BOARD OF ADJUSTMENT

Panel B Minutes

January 22, 2025



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CITY SECRETARY  
DALLAS, TEXAS

6ES Briefing Room

[24974849659@dallascityhall.webex.com](mailto:24974849659@dallascityhall.webex.com)

Cheri Gambow, Vice-Chair

**PRESENT: [5]**

Cheri Gambow, Vice-Chair	
Sarah Lamb	
Joe Cannon	
Parker Graham	
Nicholas Brooks	

**ABSENT: [0]**


Vice-Chair Gambow called the briefing to order at **10:32 A.M.** with a quorum of the Board of Adjustment present.

Vice-Chair Gambow called the hearing to order at **1:01 P.M.** with a quorum of the Board of Adjustment present.

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

**PUBLIC SPEAKERS**

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

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

**MISCELLANEOUS ITEMS**

Approval of the Board of Adjustment Panel B, December 18, 2024, Meeting Minutes.

**Motion was made to approve Panel B, December 18, 2024, Public Hearing Minutes.**

Maker:	Sarah Lamb				
Second:	Joe Cannon				
Results:	5-0 unanimously				Motion to approve
		Ayes:	-	5	Cheri Gambow, Sarah Lamb, Joe Cannon, Parker Graham and Nicholas Brooks
		Against:	-	0	

**UNCONTESTED CASES**

**1. 6930 Alpha Road**  
BDA245-006(BT)

**BUILDING OFFICIAL’S REPORT:** Application of Margot Murphy represented by Baldwin Associates for **(1)** a special exception to the fence height regulations along Peyton Drive, and for **(2)** a special exception to the fence height regulations along Hillcrest Road at **6930 ALPHA ROAD**. This property is more fully described as Block B/7425 and is zoned R-1/2ac(A), which limits the height of a fence in the front-yard to 4-feet. The applicant proposes to construct and /or maintain an 8-foot high fence in a required front-yard along Peyton Drive, which will require **(1)** a 4-foot special exception to the fence height regulations, and to construct and/or maintain an 8-foot high fence in a required front-yard along Hillcrest Road, which will require **(2)** a 4-foot special exception to the fence height regulations.

**LOCATION:** 6930 Alpha Road

**APPLICANT:** Margot Murphy

**REPRESENTED BY:** Baldwin Associates

**REQUEST:**

- (1) A request for a special exception to the fence height regulations
- (2) A request for a special exception to the fence height regulations

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

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

**STAFF RECOMMENDATION:**

Special Exceptions (2):

No staff recommendation is made on this request.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: R-1/2ac(A) (SUP 1365)  
North: R-1/2ac(A) and PD-1085  
East: R-10(A)  
South: R-1/2ac(A) and R-16(A)  
West: R-1/2ac(A) (SUP 1405)

**Land Use:**

The subject site is part of SUP 1365 Private School and Childcare Facility use and surrounding properties to the north, south, and east are developed with single-family uses. To the west is developed with Holy Trinity Greek Orthodox Church uses.

**BDA History:**

No BDA history found within the last 5 years

**GENERAL FACTS/STAFF ANALYSIS:**

- The application of Margot Murphy represented by Baldwin Associates for the property located at 6930 Alpha Road focuses on two requests relating to the fence height.
- The first request is for a special exception to the fence height regulations. The applicant is proposing to construct and maintain an 8-foot high gate in a required front-yard, along Peyton Drive, which will require a 4-foot special exception to the fence height regulations.
- The second request is for a special exception to the fence height regulations. The applicant is proposing to construct and maintain an 8-foot high gate in a required front-yard, along Hillcrest Road, which will require a 4-foot special exception to the fence height regulations.
- Fencing and sliding gates along Alpha Road and Hillcrest Road, are wrought iron.
- Alpha Road is considered a side-yard, therefore no request for a special exception to the fence height regulations is required.
- The subject site is a private school and childcare facility with majority of the surrounding properties to the north, south, and east all developed with single-family homes.
- As illustrated on the submitted site plan and elevations, the applicant is proposing to replace existing fencing and gates surrounding the property.
- Based upon staff's analysis of the surrounding properties, vegetation and chain link fencing will serve as a screening mechanism along Peyton Drive and residential homes to the south.
- Both Alpha Road and Hillcrest Road, are identified as major thoroughfares.
- The applicant has the burden of proof in establishing that the special exception(s) to the fence regulations relating to height will not adversely affect the neighboring properties.
- Granting the special exceptions to the fence standards relating to height, with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.

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- 200' Radius Video:

**Timeline:**

- November 25, 2024: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- December 17, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **B**.
- 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: Margot Murphy, 3904 Elm St. Suite B, Dallas TX 75226  
(Did not speak)

Against: No Speakers

**Motion**

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

**BDA 245-006** – Application of Margot Murphy represented by Baldwin Associates, for a special exception to the fence height regulations along Peyton Drive, and a special exception to the fence height regulations along Hillcrest Road contained in the Dallas Development Code, is granted, subject to the following condition:

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

Maker:	Joe Cannon				
Second:	Nicholas Brooks				
Results:	5-0 Unanimously				Motion to grant (amended)
		Ayes:	-	5	Cheri Gambow, Sarah Lamb, Joe Cannon, Parker Graham and Nicholas Brooks
		Against:	-	0	

**2. 6041 McCommas Boulevard**

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

BDA245-008(BT)

**BUILDING OFFICIAL’S REPORT:** Application of Spencer Estep for **(1)** a variance to the side-yard setback regulations at **6041 McCOMMAS BOULEVARD**. This property is more fully described as Block C/2874, Lot 10 and is zoned CD-11 (R-7.5 (A)), which requires a side-yard setback of 10-feet at the east side of the property. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 5-foot 4-inch side-yard setback, which will require **(1)** a 4-foot 8-inches variance to the side-yard setback regulations.

**LOCATION:** 6041 McCommas Boulevard

**APPLICANT:** Spencer Estep

**REQUEST:**

(3) A request for a variance to the side-yard setback regulations on the east side.

**STANDARDS OF REVIEW FOR A VARIANCE:**

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

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

**ELEMENT II SUBSTITUTE:**

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

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

**STAFF RECOMMENDATION:**

**Variance:**

Denial

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

- A. Not contrary to the public interest as no letters of opposition were received.
- B. Lot is not restrictive in area, shape, or slope; therefore, the approved conservation district regulations to ensure that new construction and remodeling is done in a manner that is compatible with the original architectural styles found in the conservation district can be developed on this lot in a manner commensurate with development upon other parcels of land in the same zoning conservation district.
- C. Not self-created nor is it a personal hardship.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: CD-11 (M Streets East Conservation District)  
North: R-7.5(A) (Single Family District)  
East: CD-11 (M Streets East Conservation District)  
South: CD-11 (M Streets East Conservation District)  
West: CD-11 (M Streets East Conservation District)

**Land Use:**

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

**Square Footage:**

This lot contains of 7,975 square feet (0.183 of an acre)

**BDA History:**

No BDA history found within the last 5 years

**GENERAL FACTS/STAFF ANALYSIS:**

- The application of Spencer Estep for the property located at 6041 McCommas Boulevard focuses on 1 request relating to a variance to the side-yard setback regulations.
- The applicant is requesting a variance to the side-yard setback regulations. The applicant is proposing to construct and maintain a residential addition above an existing attached garage and provide a 5-foot 4-inch side-yard setback on the east side, which will require a 4-foot 8-inch variance to the side-yard setback regulations.
- It is imperative to note that CD-11 (M Streets East Conservation District) was approved on January 14, 2004 establishing the following setbacks:
- CD-11(d)(4) Side-yard - Minimum side yard for main structures is five feet on the west side and 10 feet on the east side.
- The subject site along with surroundings properties are all developed with single-family homes.
- The applicant has the burden of proof in establishing the following:
  - 1) That granting the variance to the side-yard setback regulations will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
  - 2) The variance is necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
  - 3) The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.
- ELEMENT II SUBSTITUTE:

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

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

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

**Timeline:**

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

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

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

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

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

Speakers:

For: Spencer Estep, 9618 Losa Dr., Dallas TX 75218  
Darren Dunn, 6041 McCommas Blvd., Dallas TX 75206

Against: No Speakers

**Motion**

I move that the Board of Adjustment, in Appeal No. BDA 245-008, on application of Spencer Estep, **GRANT** the 4-foot 8-inch variance to the side-yard setback regulations requested by this applicant because our evaluation of the property and testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would result in unnecessary hardship to this applicant.

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

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



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

**3. 3146 Clydedale Drive**

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

BDA245-014(BT)

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

**LOCATION:** 3146 Clydedale Drive

**APPLICANT:** Blanca Cardenas

**REQUEST:**

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

**STANDARDS OF REVIEW FOR A VARIANCE:**

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

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

**ELEMENT II SUBSTITUTE:**

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

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

26.01 of the Texas Tax Code.

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

**STAFF RECOMMENDATION:**

**Variance:**

Denial

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

- D. Not contrary to the public interest as no letters of opposition were received.
- E. Subject site does not differ from other surrounding parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land in the same zoning. However, the subject site is less than the minimum 7,500 square feet (R-7.5(A)).
- F. This is a self-created hardship, constructed without permit approval and inspections.

**BACKGROUND INFORMATION:**

**Zoning:**

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

**Land Use:**

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

**Square Footage:**

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

**BDA History:**

No BDA history found in the last five years

**GENERAL FACTS/STAFF ANALYSIS:**

- The application of Blanca Cardenas for the property located at 3146 Clydedale Drive focuses on 1 request relating to a variance to the side-yard setback regulations.

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- The applicant is requesting a variance to the side-yard setback regulations. The applicant is proposing to construct and maintain a residential addition and provide a 0-foot 0-inch side-yard setback, which will require a 5-foot 0-inch variance to the side-yard setback regulations.
- The subject site along with surroundings properties are all developed with single-family homes.
- It is imperative to note that the addition is complete without approved building permits on file.
- The applicant has the burden of proof in establishing the following:
  - 4) That granting the variance to the side-yard setback regulations will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
  - 5) The variance is necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
  - 6) The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.
- ELEMENT II SUBSTITUTE:

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

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

**Timeline:**

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

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

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

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

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

Speakers:

For: Blanca Cardenas, 3146 Clydedale Ave, Dallas TX

Against: No Speakers

**Motion**

I move that the Board of Adjustment, in Appeal No. BDA 245-014, **HOLD** this matter under advisement until February 19, 2025.

Maker:	Sarah Lamb				
Second:	Nicholas Brooks				
Results:	5-0 Unanimously				Motion to hold until February 19, 2025.
		Ayes:	-	5	Cheri Gambow, Sarah Lamb, Joe Cannon, Parker Graham & Nicholas Brooks
		Against:	-	0	

**4. 1417 Lenway Street**

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

BDA245-001(CJ)

**BUILDING OFFICIAL’S REPORT:** Application of Jay Taylor for **(1)** a special exception for the handicapped to the to the single-family use regulations, and for **(2)** a special exception for the handicapped to the floor area regulations at **1417 Lenway Street**. This property is more fully described as Block 1/1175, Lot 1 and is zoned PD-595 (MF-2(A)), which limits the number of dwelling units to one, and prohibits an accessory structure to exceed 25 percent of the floor area of the main

structure. The applicant proposes to construct and/or maintain an additional dwelling unit (not for rent), which will require a **(1)** special exception for the handicapped to the single-family zoning use regulations, and **(2)** to construct and/or maintain a single family residential accessory structure with 504 square feet of floor area (28 percent of the 1806 square foot floor area of the main structure), which will require a 52.5 square foot special exception for the handicapped to the floor area regulations.

**LOCATION:** 1417 Lenway Street

**APPLICANT:** Jay Taylor

**REQUEST:**

- (1) A request for a handicapped person(s) for a special exception to the single-family zoning use regulations; and
- (2) A request for a handicapped person(s) for a special exception to the floor area regulations.

**STANDARDS OF REVIEW FOR A SPECIAL EXCEPTIONS FOR THE HANDICAPPED:**

**Section 51A-1.107(b)(1)** of the Development Code states that (1) the board of adjustment shall grant a special exception to any regulation in this chapter if, after a public hearing, the board finds that the exception is necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling. The term “handicapped person” means a person with a “handicap,” as that term is defined in the Federal Fair Housing Amendments Act of 1988, as amended.

(2) The board may impose reasonable conditions upon the granting of this special exception consistent with the purpose stated in this section

(3) This section does not authorize the board to grant a change in the use of a building or structure.

**STAFF RECOMMENDATION:**

1. Special Exceptions (2):

No staff recommendation is made on these requests.

**BACKGROUND INFORMATION:**

**BDA History:**

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

**Square Footage:**

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

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

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

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

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

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

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

**Land Use:**

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

**GENERAL FACTS/STAFF ANALYSIS:**

- The application of Jay Taylor for the property located at 1417 Lenway Street on two requests for the handicapped relating to the single-family zoning use regulations and the floor area regulations.
- The applicant proposes to construct and/or maintain an additional dwelling unit (not for rent), which will require a special exception for the handicapped to the single-family zoning use regulations.
- The applicant has stated that the additional dwelling unit (not for rent) will be used to provide housing for an older family member with a handicap.
- Secondly, the applicant is proposing to construct and/or maintain a single family residential accessory structure with 504 square feet of floor area (28 percent of the 1806 square foot floor area of the main structure), which will require a 52.5 square foot special exception for the handicapped to the floor area regulations
- The subject site has single street frontage on Lenway Street.
- The subject site along with surrounding properties to the north, south, east and west are zoned with uses permissible in Planned Development 595.
- The subject site currently has a partially developed residential structure and is located within an established neighborhood.
- If the board were to grant any or all of these requests and impose conditions that compliance with the most recent version of all submitted plans are required, and that the special exceptions expire when a handicapped person no longer resides on the property, the 504 square foot additional dwelling unit (not for rent) may be maintained for as long as the handicapped person resides on the site.
- 200' Radius Video: [BDA245-001 at 1417 Lenway Street](#)

**Timeline:**

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

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

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

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

January 2, 2025: The Board of Adjustment staff review team meeting was held regarding this

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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: Jay Taylor, 1033 E. 9<sup>th</sup> Street, Dallas TX 75203  
Julie Saqueton, 5830 Meaders, Dallas TX 75230  
Nicole Raphiel, 1600 Pennsylvania, Dallas TX 75215

Against: No Speakers

**Motion**

I move that the Board of Adjustment, in Appeal No. BDA 245-001, **HOLD** this matter under advisement until February 19, 2025, with instruction to staff to re-notice the case for a special exception to the single-family use regulations and for a variance to the floor are regulations.

Maker:	Sarah Lamb				
Second:	Parker Graham				
Results:	5-0 Unanimously				Motion to hold until February 19, 2025.
		Ayes:	-	5	Cheri Gambow, Sarah Lamb, Joe Cannon, Parker Graham & Nicholas Brooks
		Against:	-	0	

**5. 4819 Melissa Lane**

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

BDA245-004(CJ)

**BUILDING OFFICIAL’S REPORT:** Application of Andrew Glover for **(1)** a variance to the interior east side-yard setback regulations, and for **(2)** a variance to the interior west side-yard setback regulations at **4819 Melissa Lane**. This property is more fully described as Block 3/6391, Lot 4 and is zoned R-1/2ac(A), which requires a 15-foot side-yard setback on interior lots. The applicant proposes to construct and/or maintain a single-family residential structure and provide an 11-foot 7-inch side-yard setback at the east side of the property, which will require **(1)** a 3-foot 5-inch variance to the side-yard setback regulations at the east side of the property, and to construct and/or maintain a single-family residential structure and provide a 10-foot side-yard setback at the west side of the property, which will require **(2)** a 5-foot variance to the side-yard setback regulations at the west side of the property.

**LOCATION:** 4819 Melissa Lane

**APPLICANT:** Crista and Andrew Glover

**REPRESENTATIVE:** Rob Baldwin

**REQUEST:**

- (3) A request for a variance to the side yard setback regulations for the east side of the property; and

- (4) A request for a variance to the side yard setback regulations for the west side of the property.

**STANDARDS OF REVIEW FOR A VARIANCE:**

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

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

**ELEMENT II SUBSTITUTE:**

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

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

**STAFF RECOMMENDATION:**

2. **Variance** to the side yard setback regulations to the **east side of the property**

**Approval**

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

- A. Not contrary to the public interest as no letters of opposition were received before case reports were finalized and submitted.
- B. The subject site is not sloped or irregularly shaped. The subject site is also 25,700.4 sq ft or 0.59 ac. which is larger than the minimum lot size for residential use in the R-1/2ac(A) zoning district (.5 ac or 21,780 sq ft.), however the NSO 1 Northaven Estates layer over the corresponding neighborhood requires a side-yard setback of 15-feet instead of the standard 10-foot setback required in the R-1/2ac(A) zoning district further decreasing the developable



area of the subject site; 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. The plans were approved under building permit #2402131142 on February 20, 2024 with 10-foot side yard setbacks.

3. **Variance** to the side yard setback regulations on the **west side of the property**

### Approval

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

- A. Not contrary to the public interest as no letters of opposition were received before case reports were finalized and submitted.
- B. The subject site is not sloped or irregularly shaped. The subject site is also 25,700.4 sq ft or 0.59 ac. which is larger than the minimum lot size for residential use in the R-1/2ac(A) zoning district (.5 ac or 21,780 sq ft.), however the NSO 1 Northaven Estates layer over the corresponding neighborhood requires a side-yard setback of 15-feet instead of the standard 10-foot setback required in the R-1/2ac(A) zoning district further decreasing the developable area of the subject site; 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. The plans were approved under building permit #2402131142 on February 20, 2024 with 10-foot side yard setbacks.

### **BACKGROUND INFORMATION:**

#### **BDA History:**

No BDA history found at 4819 Melissa Lane within the last 5 years.

#### **Square Footage:**

This lot contains 25,700.4 of square feet or 0.59 ac.

This lot is zoned Conservation District #15 (R-1/2ac(A)) and which has a minimum lot size of 21,780 square feet or 0.50 ac.

#### **Zoning:**

<u>Site:</u>	R-1/2ac(A) - (NSO 1 Northaven Estates Overlay)
<u>North:</u>	R-1/2ac(A) - (NSO 1 Northaven Estates Overlay)
<u>South:</u>	R-1/2ac(A)
<u>East:</u>	R-1/2ac(A) - (NSO 1 Northaven Estates Overlay)
<u>West:</u>	R-1/2ac(A) - (NSO 1 Northaven Estates Overlay)

#### **Land Use:**

The subject site is currently developed with a single-family structure. The areas to the north, east, and west are developed with uses permissible in R-1/2ac(A) zoning district and under the NSO 1 Northaven Estates overlay. Areas to the south are zoned with single-family (R-1/2ac(A)) uses.

### **GENERAL FACTS/STAFF ANALYSIS:**

- The application for Crista and Andrew Glover's property located at 4819 Melissa Lane focuses on 2 requests relating to the side yard setback regulations.

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- The subject site is located in the R-1/2ac(A) - NSO-1 Northaven Estates layer which requires a 15-foot side yard setback; the standard side yard setback required in the R-1/2ac(A) zoning district is 10-feet.
- A request for a variance to the side yard setback regulations on the east side of the property of 3-feet 5-inches is made to construct and/or maintain a single-family residential structure; R-1/2ac(A) - NSO-1 Northaven Estates layer requires a 15-foot side yard setback.
- A request for a variance to the side yard setback regulations on the west side of the property of 5-feet is made to construct and/or maintain a single-family residential structure; R-1/2ac(A) - NSO-1 Northaven Estates layer requires a 15-foot side yard setback.
- It is imperative to note that the Building Inspections permitting office approved plans showing a 10-foot side yard setback under permit #2402131142 on February 20, 2024.
- The subject site is a mid-block lot and has single street frontage on Melissa Lane.
- The subject site along with surrounding properties to the north, south, east and west are zoned with residential uses.
- The subject site is currently developed with a single-family structure and located within an established neighborhood.

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

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

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

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

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- Granting the proposed variance below, with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents.
  - 3-foot 5-inch variance to the side yard setback regulations on the east side of the property.
  - 5-foot variance to the side yard setback regulations on the west side of the property.
- 200' Radius Video: [BDA245-004 at 4819 Melissa Lane](#)

**Timeline:**

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

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

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

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

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

Speakers:

For: Rob Baldwin, 3904 Elm Street Suite B, Dallas TX 75226  
Andrew Glover, 4819 Melissa Lane, Dallas TX 75229

Against: John Hazelton, 4829 Melissa Lane, Dallas TX 75229  
Subie Hazelton, 4829 Melissa Lane, Dallas TX 75229

**Motion # 1**

I move that the Board of Adjustment, in Appeal No. BDA 245-004, on application of Andrew Glover, **GRANT** the 3-foot 5-inch variance to the side-yard setback regulations at the east side of the property 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:	Sarah Lamb				
Second:	Joe Cannon				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Cheri Gambow, Sarah Lamb, Joe Cannon, Parker Graham & Nicholas Brooks
		Against:	-	0	

**Motion # 2**

I move that the Board of Adjustment, in Appeal No. BDA 245-004, on application of Andrew Glover, **DENY** the variance to the side-yard setback regulations at the west side of the property requested by this applicant **with 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:	Sarah Lamb				
Second:	Nicholas Brooks				
Results:	5-0 Unanimously				Motion to deny with prejudice
		Ayes:	-	5	Cheri Gambow, Sarah Lamb, Joe Cannon, Parker Graham & Nicholas Brooks
		Against:	-	0	

**6. 3031 Brooklyndell Avenue**

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

BDA245-012(CJ)

**BUILDING OFFICIAL’S REPORT:** Application of Rob Baldwin for **(1)** a variance to the front-yard setback regulations, for **(2)** a variance to the off-street parking regulations, and for **(3)** a special exception to the visibility obstruction regulations at **3031 Brooklyndell Avenue**. This property is more fully described as Block F/4519, Lot 5A, and is zoned R-7.5(A), which requires a front-yard setback of 25-feet, requires that a parking space must be located at least 20-feet from the right-of-way line adjacent to a street or alley if the space is in an enclosed structure and if the space faces upon or can be entered directly from the street or alley, and requires a 20-foot visibility obstruction triangle at driveway approaches. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 5-foot front-yard setback, which will require **(1)** a 20-foot variance to the front-yard setback regulations, and to locate and maintain a parking space in an enclosed structure with a setback of 5-feet, which will require **(2)** a variance of 15-feet to the off-street parking regulations, and to construct and/or maintain a single-family residential structure located within the 20-foot visibility obstruction triangle at the driveway approach, which will require **(3)** a special exception to the visibility obstruction regulations at the driveway approach.

**LOCATION:** 3031 Brooklyndell Avenue

**APPLICANT:** Rob Baldwin

**REQUEST:**

- (5) A request for a variance to the front yard setback regulations;
- (6) A request for a variance to the off-street parking regulations; and
- (7) A special exception to the 20-foot visibility obstruction regulations at the driveway approach.

**STANDARDS OF REVIEW FOR A VARIANCE:**

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

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

**ELEMENT II SUBSTITUTE:**

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

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

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

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

**STAFF RECOMMENDATION:**

**4. Special Exception (1):**

No staff recommendation is made on this request.

**5. Variance (1) to the Off-Street Parking regulations**

**Approval**

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

- D. Not contrary to the public interest as no letters of opposition were received before case reports were finalized and submitted.
- E. Though the subject site is not sloped or irregularly shaped, it is only 3345.408 sq ft. which is smaller than the minimum lot size for residential use in the R-7.5(A) zoning district (7,500 sq ft.); therefore, the property cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- F. Is not a self-created or personal hardship.

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

**Approval**

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

- A. Not contrary to the public interest as no letters of opposition were received before case reports were finalized and submitted.
- B. Though the subject site is not sloped or irregularly shaped, it is only 3345.408 sq ft. which is smaller than the minimum lot size for residential use in the R-7.5(A) zoning district (7,500 sq ft.); therefore, the property cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Is not a self-created or personal hardship.

**BACKGROUND INFORMATION:**

**BDA History:**

- No BDA history found at 3031 Brooklyndell Avenue in the last 5 years.

**Square Footage:**

- This lot contains 3,345.408 of square feet.
- This lot is zoned R-7.5(A) which has a minimum lot size of 7,500 square feet.

**Zoning:**

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

**Land Use:**

The subject site is vacant and surrounding properties to the north, south, east and west are

developed with single-family uses.

**GENERAL FACTS/STAFF ANALYSIS:**

- The application of Rob Baldwin for the property located at 3031 Brooklyndell Avenue focuses on 3 requests relating to front yard setback regulations, the off-street parking regulations, and the visual obstruction regulations.
- The applicant proposes to construct and/or maintain a single-family residential structure and provide a 5-foot front-yard setback, which will require a 20-foot variance to the front-yard setback regulations; R-7.5(A) requires a 25-foot front yard setback.
- Secondly, the applicant is proposing to locate and maintain a parking space in an enclosed structure with a setback of 5-feet, which will require a variance of 15-feet to the off-street parking regulations; A parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in enclosed structure and if the space faces upon or can be entered directly from the street or alley.
- Lastly, the applicant proposes to construct and/or maintain a single-family residential structure located within the 20-foot visibility obstruction triangle at the driveway approach, which will require a special exception to the visibility obstruction regulations at the driveway approach.
- The subject site is vacant; properties to the north, south, east, and west are all developed with single-family homes.
- It is imperative to note that the subject site is a corner lot and has double street frontage along Brooklyndell Avenue and South Barnett Avenue.
- The subject site has two front yards along Brooklyndell Avenue and South Barnett Avenue due to block-face continuity; all requests (3) are proposed along South Barnett Avenue.
- The applicant has the burden of proof in establishing that the special exception to the visual obstruction regulations will not constitute a traffic hazard.
- Granting the special exceptions to the visual obstruction regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.

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

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

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

- (f) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code.
  - (g) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
  - (h) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
  - (i) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
  - (j) the municipality considers the structure to be a nonconforming structure.
- Granting the proposed variance(s) below, with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents.
    - 20-foot variance to the front yard setback regulations.
    - 15-foot variance to the off-street parking regulations.
  - 200' Radius Video: [BDA245-012 at 3031 Brooklyndell Avenue](#)

**Timeline:**

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

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

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

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

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

January 3, 2025 Traffic Engineering group provided comments stating no objection to the



request.

Speakers:

For: No Speakers

Against: No Speakers

**Motion**

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

**BDA 245-012** – Application of Rob Baldwin, for a variance to the front-yard setback regulations, a variance to the off-street parking regulations, and for a special exception from the visual obstruction regulations at the driveway approach contained in the Dallas Development Code, is granted, subject to the following condition:

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

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

**7. 6356 Denham Street**

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

BDA245-015(CJ)

**BUILDING OFFICIAL’S REPORT:** Application of Blanca Cardenas for **(1)** a special exception to the single-family use regulations and **(2)** a variance to the floor area for structures accessory to single-family uses regulations at **6356 Denham Street**. This property is more fully described as Block 6/6253, Lot 2, and is zoned R-7.5(A), which limits the number of dwelling units to one, and states that an accessory structure may not exceed 25 percent of the floor area of the main structure. The applicant proposes to construct and/or maintain an additional dwelling unit (not for rent), which will require **(1)** a special exception to the single-family zoning use regulations, and to construct and/or maintain a single family residential accessory structure with 464 square feet of floor area (28 percent of the 1678 square foot floor area of the main structure), which will require **(2)** a 44.5 square foot variance to the floor area regulations.

**LOCATION:** 6356 Denham Street

**APPLICANT:** Blanca Cardenas

**REQUEST:**

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

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

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

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

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

**STANDARDS OF REVIEW FOR A VARIANCE:**

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

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

**ELEMENT II SUBSTITUTE:**

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

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

**STAFF RECOMMENDATION:**

**7. Special Exception (1):**

No staff recommendation is made on this request.

**8. Variance (1) to the floor area regulations**

Approval

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

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

**BACKGROUND INFORMATION:**

**BDA History:**

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

**Square Footage:**

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

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

Site: R-7.5(A) Zoning District

North: R-7.5(A) Zoning District

East: R-7.5(A) Zoning District

South: R-7.5(A) Zoning District

West: R-7.5(A) Zoning District

**Land Use:**

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

**GENERAL FACTS/STAFF ANALYSIS:**

- The application of Blanca Cardenas for the property located at 6356 Denham Street on two requests relating to the single-family zoning use regulations and the floor area regulations.
- The applicant proposes to construct and/or maintain an additional dwelling unit (not for rent), which will require a special exception to the single-family zoning use regulations
- Secondly, the applicant is proposing to construct and/or maintain a single family residential accessory structure with 464 square feet of floor area (28 percent of the 1678 square foot floor area of the main structure), which will require a 44.5 square foot variance to the floor area regulations.
- The subject site has single street frontage on Denham Drive.
- The subject site along with surrounding properties to the north, south, east, and west are zoned with residential uses.

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

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

- (k) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code.
  - (l) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
  - (m) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
  - (n) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
  - (o) the municipality considers the structure to be a nonconforming structure.
- Granting the proposed variance, with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents.
    - 44.5 square foot variance to the floor area regulations.
  - 200' Radius Video: [BDA245-015 at 6356 Denham Drive](#)

**Timeline:**

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

the following information:

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

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

Speakers:

For: Blanca Cardenas, 6356 Denham Street, Dallas TX

Against: Yolanda Williams (Did not speak)

**Motion**

I move that the Board of Adjustment in request No. BDA 245-015, **HOLD** this matter under advisement until February 19, 2025.

Maker:	Joe Cannon				
Second:	Nicholas Brooks				
Results:	5-0 Unanimously				Motion to hold until February 19, 2025.
		Ayes:	-	5	Cheri Gambow, Sarah Lamb, Joe Cannon, Parker Graham & Nicholas Brooks
		Against:	-	0	

**HOLDOVER CASES**

**8. 6240 E. Mockingbird Lane**

BDA234-139(CJ)

**BUILDING OFFICIAL’S REPORT** Application of Charles D. Corson for **(1)** a special exception to the sign regulations at **6240 E Mockingbird Lane**. This property is more fully described as Block B/2869, Lot 1A, and is zoned CR, which prohibits non-monument signs within 250 feet of either private property in a non-business zoning district or a public park of more than one acre. The applicant proposes to construct and/or maintain a detached premise non-monument sign on a nonresidential premise within 250 feet of either private property in a non-business zoning district or a public park of more than one acre, which will require **(1)** a special exception to the sign regulations.

**LOCATION:** 6240 E Mockingbird Lane

**APPLICANT:** Charles D. Corson

**REQUEST:**

(8) A request for a special exception to the sign regulations

**STANDARD FOR DETACHED SIGN STANDARDS REGULATIONS & STANDARD FOR SPECIAL EXCEPTION TO SIGN STANDARD REGULATIONS:**

Section 51A-7.304(b)(3) of the Dallas Development Code states that Non-monument signs are not allowed within 250 feet of either private property in a non-business zoning district or a public park of more than one acre. The board of adjustment may grant a special exception to this provision when, in the opinion of the board, the special exception will not adversely affect neighboring property.

**STAFF RECOMMENDATION:**

Special Exceptions (1):

No staff recommendation is made on this request.

**BACKGROUND INFORMATION:**

**BDA History:**

No BDA history found at 6240 E. Mockingbird Lane found in the last 5 years.

**Square Footage:**

This lot contains 8,189.28 of square feet.

This lot is zoned R-10(A) which has a minimum lot size of 10,000 square feet.

**Zoning:**

Site: Community Retail (CR)  
North: R-7.5(A) (Single Family District)  
East: Community Retail (CR)  
South: PD 990 (Planned Development)  
West: R-7.5(A) (Single Family District)

**Land Use:**

The subject site and surrounding properties to the east are zoned Community Retail, areas to the North and West are zoned R-7.5(A) and properties the south are developed with uses permitted under PD-990 use regulations.

**GENERAL FACTS/STAFF ANALYSIS:**

- The application Charles D. Corson for the property located at 6240 E Mockingbird Lane focuses on 1 request relating to the sign regulations.
- As gleaned from the submitted site plan and elevations, the applicant is proposing to maintain a detached premise non-monument sign on a nonresidential premise within 250 feet of either private property in a non-business zoning district that is larger than one acre.

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- The subject site is a mid-block lot, and it has double street frontage on East Mockingbird Lane and Winton Street.
- The Dallas Development Code prohibits non-monument signs within 250 feet of either private property in a non-business zoning district or a public park of more than one acre.
- The applicant has the burden of proof in establishing that the special exception(s) to the sign regulations will not adversely affect the neighboring properties.
- Granting the special exceptions to the sign standards relating to sign 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): [BDA234-139 at 6240 E. Mockingbird 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 4, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **B**.
- 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.
- December 4, 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 18, 2024: The Board of Adjustment Panel C, at its public hearing held on Monday, December 16, 2024, moved to HOLD this matter under advisement until January 23, 2025.
- December 23, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

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

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

Speakers:

For: Charles D. Corson, 6240 E. Mockingbird, Dallas TX  
Against: No Speakers

**Motion**

I move that the Board of Adjustment, in Appeal No. BDA 234-139, on application of Charles D. Corson, **GRANT** the request of this applicant to construct and maintain a detached premise non-monument sign to be located within 250 feet of private property in a non-business zoning district, as a special exception to the sign regulations contained in the Dallas Development Code, as amended, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property.

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

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

Maker:	Nicholas Brooks				
Second:	Joe Cannon				
Results:	4-1				Motion to grant.
		Ayes:	-	4	Cheri Gambow, Joe Cannon, Parker Graham & Nicholas Brooks
		Against:	-	1	Sarah Lamb

**ADJOURNMENT**

After all business of the Board of Adjustment had been considered, Vice Chair Cheri Gambow moved to adjourn the meeting at 3:23 p.m.



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Mary Williams

Required Signature:

Mary Williams, Board Secretary  
Planning and Development Department

02.19.25

Date

Dr. Kameka Miller-Hoskins

Required Signature:

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

2.19.25

Date

Cheri Gambow

Required Signature:

Cheri Gambow, Vice Chair  
Board of Adjustment

2.19.25

Date