

BOARD OF ADJUSTMENT

Panel B Minutes

April 16, 2025



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**CITY SECRETARY
DALLAS, TEXAS**

6ES Briefing Room

24974849659@dallascityhall.webex.com

Cheri Gambow, Vice-Chair

PRESENT: [4]

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

ABSENT: [0]

Vice-Chair Gambow called the briefing to order at **10:34 A.M.** with a quorum of the Board of Adjustment present.

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

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

PUBLIC SPEAKERS

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

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

MISCELLANEOUS ITEMS

Approval of the Board of Adjustment Panel B, February 20, 2025, Meeting Minutes.

Motion was made to approve Panel B, February 20, 2025, Public Hearing Minutes.

Maker:	Sarah Lamb				
Second:	Joe Cannon				
Results:	4-0 unanimously				Motion to approve
		Ayes:	-	4	Cheri Gambow, Sarah Lamb, Joe Cannon, Parker Graham
		Against:	-	0	

UNCONTESTED CASES

1. 3034 Birmingham Avenue
BDA245-043(CJ)

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

LOCATION: 3034 Birmingham Avenue

APPLICANT: Rick Smith

REPRESENTATIVE: Jazzmyn Poirier

REQUEST:

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

STANDARDS OF REVIEW FOR A VARIANCE:

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

- **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:

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

Approval

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

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

- property can be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Is not a self-created or personal hardship.

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

Approval

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

- A. Not contrary to the public interest as no letters of opposition were received before case reports were finalized and submitted.
- B. The subject site is not irregularly shaped or sloped and is larger than the minimum lot size required in R-5(A) (.116 ac or 5052.96 sq ft) Zoning District but is still restrictive in buildable area. The subject site is a corner lot and sits at the intersection of Birmingham Avenue and Meadow Street. It's location at an intersection requires the site to maintain a 45x45 foot visibility triangle which further decreases the buildable area of the lot. The subject site also has two front yards, due to blockface continuity, that both require 20-foot setbacks which decreases the buildable area even more; therefore, the property can be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Is not a self-created or personal hardship.
3. Special Exception (1) to the **Visibility Obstruction** regulations:
No staff recommendation is made on these requests.

BACKGROUND INFORMATION:

BDA History:

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

Square Footage:

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

Zoning:

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

Land Use:

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

GENERAL FACTS/STAFF ANALYSIS:

- The application of Rick Smith for the property located at 3034 Birmingham Avenue focuses on 3 requests relating to side yard setback regulations, the front yard setback regulations and the visibility obstruction regulations.
- The applicant proposes to construct and/or maintain a single-family residential structure and provide a 0-foot side yard setback, which will require a 5-foot variance to the side yard setback regulations; R-5(A) zoning district requires a 5-foot side yard setback for single-family residential structures.
- Secondly, the applicant proposes to construct and/or maintain a single-family residential structure and provide a 10-foot front yard setback, which will require a 10-foot variance to the front yard setback regulation; R-5(A) zoning district requires a 20-foot front yard setback for single-family residential structures.
- Lastly, the applicant proposes to construct and/or maintain a single-family residential structure in a required visibility obstruction triangle, which will require a special exception to the 20-foot visibility obstruction regulation.
- The subject site is vacant; properties to the north, south, and west are all developed with single-family residential structures. The area immediately to the east of the subject site is developed as a park.
- The subject site is a corner lot and has street frontage along Birmingham Avenue and Meadow Street; Birmingham Avenue and Meadow Street are both front yards due to blockface continuity.

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

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

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

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

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- (c) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
 - (d) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
 - (e) the municipality considers the structure to be a nonconforming structure.
- Granting the proposed variance(s) below, with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents.
 - 5-foot variance to the side yard setback regulations.
 - 10-foot variance to the front yard setback regulations
 - The applicant has the burden of proof in establishing that the special exception to the fence regulations regarding visual obstruction will not constitute a traffic hazard.
 - Granting the special exception to the visual obstruction regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
 - 200' Radius Video: [BDA245-043 at 3034 Birmingham Avenue](#)

Timeline:

- February 14, 2025: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- March 5, 2025: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel **B**.
- March 13, 2025: The Planning & Development Senior Planner emailed the applicant the following information:
- an attachment that provided the hearing date and panel that will consider the application; the March 21, 2025, deadline to submit additional evidence for staff to factor into their analysis ;and April 4, 2025, deadline to submit additional evidence to be incorporated into the board's docket materials.
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- March 25, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the April public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

Speakers:

For: Rick Smith, 3034 Birmingham Ave., Dallas TX 75215 (DNS)

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 245-043 – Application of Rick Smith for a variance to the side-yard setback regulations, a variance to the front-yard setback regulations, and a special exception to the 20-foot visibility obstruction regulations 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:	Sarah Lamb				
Second:	Joe Cannon				
Results:	4-0 Unanimously				Motion to grant
		Ayes:	-	4	Cheri Gambow, Sarah Lamb, Joe Cannon, Parker Graham
		Against:	-	0	

2. 3034 Birmingham Avenue

BDA245-043_FR1(CJ)

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

LOCATION: 3034 Birmingham Avenue

APPLICANT: Rick Smith

REPRESENTATIVE: Jazzmyn Poirier

REQUESTS:

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

STANDARD FOR A FEE WAIVER OR REIMBURSEMENT:

Section 51A-1.105(b)(6) of the Dallas Development Code specifies the board of adjustment may waive the filing fee if the board finds **that payment of the fee would result in substantial financial**

hardship to the applicant. The applicant may either pay the fee and request reimbursement at the hearing on the matter or request that the issue of financial hardship be placed on the board's miscellaneous docket for predetermination. In making this determination, the board may require the production of financial documents.

STAFF RECOMMENDATION:

No staff recommendation is made on this request.

Speakers:

For: Rick Smith, 3034 Birmingham Ave., Dallas TX 75215

Against: No Speakers

Motion

I move that the Board of Adjustment, in Item No. BDA 245-043_FR1, on application of Rick Smith, **DENY** the request reimbursement to the filing fees to be paid in association with a request for a variance to the front-yard setback regulations and a special exception to the 20-foot visibility obstruction regulations of the Dallas City Code as requested by this applicant **without prejudice**, because our evaluation of the property and the testimony shows that payment of the fee would NOT result in substantial financial hardship to this applicant.

Maker:	Joe Cannon				
Second:	Sarah Lamb				
Results:	4-0 Unanimously				Motion to grant
		Ayes:	-	4	Cheri Gambow, Sarh Lamb, Joe Cannon, Parker Graham
		Against:	-	0	

3. 4155 Buena Vista Street & 3403 Fitzhugh Avenue
BDA245-045(CJ)

This item was moved to Individual Cases

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

LOCATION: 4155 Buena Vista Street

APPLICANT: Jonathan Vinson

REQUEST:

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

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

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

STAFF RECOMMENDATION:

Special Exception (1):

No staff recommendation is made on this request.

BACKGROUND INFORMATION:

BDA History:

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

Square Footage:

- This lot contains 13111.56 of square feet.

Zoning:

Site: Planned Development 193
North: Planned Development 193
East: Planned Development 193
South: Planned Development 193
West: Planned Development 193/ Planned Development 21

Land Use:

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

GENERAL FACTS/STAFF ANALYSIS:

- The application of Jonathan Vinson for the property located at 4155 Buena Vista Street focuses on one request relating to the landscape regulations.
- The applicant proposes to construct and/or maintain a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations; this alternate landscape plan is compliant with some provisions of PD 193 Part 1 landscaping regulations.
- The subject site not vacant and is a corner lot with street frontage on Buena Vista Street and North Fitzhugh Avenue.
- The chief arborist has no objection to the alternative landscape plan submitted for this request on the opinion that the plan does not compromise the spirit and intent of the regulations.
- The applicant has the burden of proof in establishing that the special exception to the tree conservation regulations will not compromise the spirit and intent of the landscape

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regulations listed in Sec. 51P-193.126 Landscape, Streetscape, Screening, and Fencing Standards of Article 193.

- Granting the special exceptions to the tree conservation regulations with a condition that the applicant complies with the submitted site plan/tree mitigation or landscape plan, would require the proposal to be constructed as shown on the submitted documents.
- (200' Radius Video): [BDA245-045 at 4155 Buena Vista Street](#)

Timeline:

- February 25, 2025: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- March 5, 2025: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel **B**.
- March 13, 2025: The Development Services Department Senior Planner emailed the applicant the following information:
- an attachment that provided the hearing date and panel that will consider the application; the March 21, 2025, deadline to submit additional evidence for staff to factor into their analysis; and April 4, 2025, deadline to submit additional evidence to be incorporated into the board's docket materials.
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- March 27, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the April public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.
- March 27, 2025: The Arborist Division provided comments.

Speakers:

For: Kristin Murray-Ralston, 1711 S. Congress Ave # 200 Dallas TX
Jonathan Vinson, 2323 Ross Ave, # 600, Dallas TX 75201

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 245-045 – Application of Jonathon Vinson for a special exception to the landscape regulations 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:	Sarah Lamb				
Second:	Joe Cannon				
Results:	4-0 Unanimously				Motion to grant
		Ayes:	-	4	Cheri Gambow, Sarah Lamb, Joe Cannon, Parker Graham
		Against:	-	0	

HOLDOVER CASES

4. 1427 Eastus Drive BDA245-017(BT)

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

LOCATION: 1427 Eastus Drive

APPLICANT: Rob Baldwin

REPRESENTED BY:

REQUEST:

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

STANDARDS OF REVIEW FOR A VARIANCE:

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

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

ELEMENT II SUBSTITUTE:

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

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

STAFF RECOMMENDATION:

Variance:

Approval

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

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

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	R-7.5(A) (Single Family District)
<u>North:</u>	R-7.5(A) (Single Family District)
<u>East:</u>	R-7.5(A) (Single Family District)
<u>South:</u>	R-7.5(A) (Single Family District)
<u>West:</u>	R-7.5(A) (Single Family District)

Land Use:

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

Lot Square Footage:

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

BDA History:

No BDA history found within the last 5 years

GENERAL FACTS/STAFF ANALYSIS:

- The application of Rob Baldwin for the property located at 1437 Eastus Drive focuses on one request relating to a variance to the front-yard setback regulations.
- The applicant is requesting a variance to the front-yard setback regulations. The applicant is proposing to construct and maintain a residential structure and provide a 7-foot 6-inch front-yard setback along W. Greenbriar Lane, which will require a 17-foot 6-inch variance to the front-yard setback regulations.
- The subject site is vacant, surrounding properties to the north, south, east, and west are all developed with single-family homes.
- It is imperative to note that the subject site is a corner lot, having a 25-foot front-yard setback along Eastus Drive and a 25-foot front-yard setback along W. Greenbriar Lane.
- Subject lot is zoned R-7.5(A) which requires a minimum lot size of 7,500 square feet (0.115 of an acre).
- Subject lot size is 9,135 square feet (0.210 of an acre)
- Buildable area without the variance is 4,236 square feet compared to the maximum buildable area with variance is 5,443 square feet. The applicant is requesting 3,978 square feet.
- Per staff's review of the subject site, it has been confirmed that the single-family structure is proposed on a vacant lot.
- The applicant has the burden of proof in establishing the following:
 - 1) That granting the variance to the front-yard setback regulations will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
 - 2) The variance is necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
 - 3) The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.
- ELEMENT II SUBSTITUTE:

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

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

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- (iii) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
- (iv) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (v) the municipality considers the structure to be a nonconforming structure.
- Granting the variance to the front-yard setback regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: [BDA245-017 at 1427 Eastus Dr](#)

Timeline:

- December 19, 2024: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- January 3, 2024: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel **B**.
- January 24, 2024: Planning and Development Department Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the January 31, 2025, deadline to submit additional evidence for staff to factor into their analysis; and February 7, 2025, deadline to submit additional evidence to be incorporated into the board's docket materials.
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- January 30, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the February public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.
- February 19, 2025: The Board of Adjustment Panel **B**, at its public hearing held on Tuesday, March 18, 2025, moved to **HOLD** this matter under advisement until **April 16, 2025**.
- February 19, 2025: Planning and Development Department Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the March 21, 2025, deadline to submit additional evidence for staff to factor into their analysis; and April 4,

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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.

Speakers:

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

Against: Mark Alfieri, 1519 Eastus Dr, Dallas TX 75208 (Did not speak)

Motion

I move that the Board of Adjustment, in Appeal No. BDA 245-017, **HOLD** this matter **under advisement** until **May 21, 2025.**

Maker:	Sarah Lamb					
Second:	Oe Cannon					
Results:	4-0 Unanimously					Motion to Hold
		Ayes:	-		4	Cheri Gambow, Sarah Lamb, Joe Cannon, Parker Graham
		Against:	-		0	

5. 4519 Cabell Drive

BDA245-025(CJ)

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

LOCATION: 4519 Cabell Drive

APPLICANT: Sameet Madhani

REPRESENTATIVE: Neeraj Kumar

REQUEST:

- (6) A request for a variance to the rear-yard setback regulations; and
- (7) A request for a variance to the off-street parking regulations; and
- (8) 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:

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

Denial

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

- D. Not contrary to the public interest as no letters of opposition were received before case reports were finalized and submitted.

- B. The subject site is not sloped, irregularly shaped or restrictive in area; therefore, the property can be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Is a self-created or personal hardship.
5. Variance (2) to the **Off-Street Parking** regulations

Denial

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

- A. Not contrary to the public interest as no letters of opposition were received before case reports were finalized and submitted.
- E. The subject site is not sloped, irregularly shaped or restrictive in area; therefore, the property can be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- F. Is a self-created or personal hardship.
6. Variance (3) to the **Side Yard Setback** regulations

Denial

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

- A. Not contrary to the public interest as no letters of opposition were received before case reports were finalized and submitted.
- B. The subject site is not sloped, irregularly shaped or restrictive in area; therefore, the property can be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Is a self-created or personal hardship.

BACKGROUND INFORMATION:

BDA History:

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

Square Footage:

- This lot contains 7,840.8 of square feet.
- This lot is zoned MF-2(A), the minimum lot area per dwelling unit is as follows:
 - No separate bedroom - 800 square feet.
 - One bedroom - 1,000 square feet
 - Two bedrooms - 1,200 square feet
 - More than two bedrooms - add 150 square feet for each additional room

Zoning:

Site: MF-2(A) (Multi-Family District)
North: MF-2(A) (Multi-Family District)
East: MF-2(A) (Multi-Family District)

South: MF-2(A) (Multi-Family District)
West: MF-2(A) (Multi-Family District)

Land Use:

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

GENERAL FACTS/STAFF ANALYSIS:

- The application of Sameet Madhani for the property located at 4519 Cabell Drive focuses on 3 requests relating to rear yard setback regulations, the off-street parking regulations, and the side yard setback regulations.
- The applicant proposes to construct and/or maintain a single-family residential structure and provide a 4-foot 6-inch rear-yard setback, which will require a 5-foot 6-inch variance to the rear-yard setback regulations; MF-2(A) zoning district requires a 10-foot rear yard setback for multi-family residential structures.
- Secondly, the applicant is proposing to construct a residential multifamily structure and provide zero of the required 2-guest parking spaces.
- Lastly, the applicant proposes to construct and/or maintain a single-family residential structure and provide a 5-foot side-yard setback, which will require a 5-foot variance to the rear-yard setback regulations; MF-2(A) zoning district requires a 10-foot side yard setback for multi-family residential structures.
- The subject site is vacant; properties to the north, south, east, and west are all developed with multi-family residential structures.
- The subject site is a mid-block lot and has single street frontage along Cabell Drive.
- Per the site plan, the applicant is proposing to construct and maintain a multifamily residential structure that houses 6 units.
- Each of the proposed 6 units estimate at 1,561 square feet and have 2 bedrooms with 3 levels.
- The site plan also proposes a 20-foot wide driveway along the east side of the subject site.
- It is imperative to note that the subject site is approximately 50-feet wide and 158-feet deep.

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

- That granting the variance(s) will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
- The variance(s) is/are necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and

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- 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.
 - 5-foot 6-inch variance to the rear yard setback regulations.
 - 2-parking space variance to the off-street parking regulations.
 - 5-foot variance to the side yard setback regulations.
 - 200' Radius Video: [BDA245-025 at 4519 Cabell Drive](#)

Timeline:

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

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

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

- an attachment that provided the hearing date and panel that will consider the application; the January 31, 2025, deadline to submit additional evidence for staff to factor into their analysis ;and February 7, 2025, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

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January 30, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the February public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

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

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

- an attachment that provided the hearing date and panel that will consider the application; the March 21, 2025, deadline to submit additional evidence for staff to factor into their analysis ;and April 4, 2025, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

March 27, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the April public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

Speakers:

For: Sameet Madhani, 2401 Salmon Run Ln, Euless TX 76039
Saanya Madhani, 2401 Salmon Run Ln, Euless TX 76039

Against: No Speakers

Motion # 3

I move that the Board of Adjustment, in Appeal No. BDA 245-025, on application of Sameet Madhani, **GRANT** the 5-foot 6-inch variance to the rear-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 regarding the 5 foot side yard setback are required.

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Maker:	Sarah Lamb				
Second:	Joe Cannon				
Results:	4-0 Unanimously				Motion to grant
		Ayes:	-	4	Cheri Gambow, Joe Cannon, Parker Graham, Andrew Finney & Phil Sahuc
		Against:	-	0	

Motion # 2

I move that the Board of Adjustment, in Appeal No. BDA 245-025, on application of Sameet Madhani, **DENY** the variance to the rear-yard setback regulations requested by this applicant **without prejudice**, because our evaluation of the property and the testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would NOT result in unnecessary hardship to this applicant.

Maker:	Sarah Lamb				
Second:	Joe Cannon				
Results:	4-0 Unanimously				Motion denied
		Ayes:	-	4	Cheri Gambow, Sarah Lamb, Joe Cannon, Parker Graham
		Against:	-	0	

Motion # 3

I move that the Board of Adjustment, in Appeal No. BDA 245-025, on application of Sameet Madhani, **DENY** the variance to the parking 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:	Sarah Lamb				
Second:	Joe Cannon				
Results:	4-0 Unanimously				Motion denied
		Ayes:	-	4	Cheri Gambow, Sarah Lamb, Joe Cannon, Parker Graham
		Against:	-	0	

INDIVIDUAL CASES

6. 6617 Gaston Avenue
BDA245-051(CJ)

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

and provide a 47-foot 5- inch front yard setback, which will require **(1)** a 12- foot 7- inch variance to the front-yard setback regulations.

LOCATION: 6617 Gaston Avenue

APPLICANT: Brandon Luke

REPRESENTATIVE: Jay Peskuski

REQUEST:

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

STANDARDS OF REVIEW FOR A VARIANCE:

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

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

ELEMENT II SUBSTITUTE:

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

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

Denial

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

- G. Not contrary to the public interest as no letters of opposition were received before case reports were finalized and submitted.
- H. The subject site is in Conservation District #2, Tract 3 which has a minimum lot size of 10,000 sq ft, a minimum depth of 150 feet and a minimum width of 70 feet. The subject site is 17,380.44 sq ft, 151 feet deep and 111 feet wide. Although the location of the subject site is within a curved road, the subject site is not restrictive in area, shape or slope; therefore, the property can be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- I. Is not a self-created or personal hardship.

BACKGROUND INFORMATION:

BDA History:

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

Square Footage:

- This lot contains 17380.44 of square feet.

Zoning:

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

Land Use:

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

GENERAL FACTS/STAFF ANALYSIS:

- The application of Brandon Luke for the property located at 6617 Gaston Avenue focuses on one request relating to front yard setback regulations.
- The applicant proposes to construct and/or maintain a single-family residential structure and provide a 47-foot 5-inch front yard setback, which will require a 12-foot 7-inch variance to the front yard setback regulations; Conservation District #2 (Tract 3) zoning district requires a 60-foot front yard setback for all building sites.
- The subject site is developed with a single-family residential structure in an established neighborhood.
- The subject site is a mid-block lot and has single street frontage along Gaston Avenue.
- **Per the site plan, a portion of the existing home is already encroaching into the required 60-foot front yard setback by 12-feet 7-inches; this portion of the home is non-conforming.**
- The applicant plans to expand their home to make it more compatible with the architectural characteristic of Conservation District #2. This expansion includes proposed sections that will

encroach into the front yard setback by 12-feet 7-inches, matching the current footprint of an existing section of the home.

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

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

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

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

- (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 below, with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents.
 - 12-foot 7-inch variance to the front yard setback regulations.
 - 200' Radius Video: [BDA245-051 at 6617 Gaston Avenue](#)

BOARD OF ADJUSTMENT
April 16, 2025

Timeline:

- February 27, 2025: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- March 5, 2025: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel **B**.
- March 13, 2025: The Planning & Development Senior Planner emailed the applicant the following information:
- an attachment that provided the hearing date and panel that will consider the application; the March 21, 2025, deadline to submit additional evidence for staff to factor into their analysis ;and April 4, 2025, deadline to submit additional evidence to be incorporated into the board's docket materials.
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- March 27, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the April public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

Speakers:

For: Brandon Luke, 6617 Gaston Ave, Dallas TX 75214
Jay Peskuski. 2309 Albion Way, Forney, TX 75126

Against: No Speakers

City Staff: Melissa Parent, 1500 Marilla Street 5CN, Dallas TX 75201

Motion

I move that the Board of Adjustment, in Appeal No. BDA 245-051, on application of Brandon Luke, **GRANT** the 12-foot 7-inch variance to the rear-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 and front elevation style are required.

BOARD OF ADJUSTMENT
April 16, 2025

Maker:	Sarah Lamb				
Second:	Joe Cannon				
Results:	4-0 Unanimously				Motion to grant
		Ayes:	-	4	Cheri Gambow, Sarah Lamb, Joe Cannon, Parker Graham
		Against:	-	0	

ADJOURNMENT

After all business of the Board of Adjustment had been considered, Vice Chair Cheri Gambow moved to adjourn the meeting at 2:07 p.m.

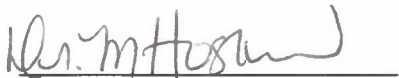


Required Signature:

Mary Williams, Board Secretary
Planning and Development Department

5.21.25

Date



Required Signature:

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

5.21.25

Date



Required Signature:

Cheri Gambow, Vice Chair
Board of Adjustment

5.21.25

Date