



BOARD OF ADJUSTMENT

Panel C Minutes

May 19, 2025

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**CITY SECRETARY
DALLAS, TEXAS**

6ES Council Briefing

24957316190@dallascityhall.webex.com

Robert Agnich, Vice-Chair

PRESENT: [5]

Robert Agnich, VC	
Jared Slade	
Roger Sashington	
Rodney Milliken	
Michael Dorn	

ABSENT: [1]

Judy Pollock	

Vice-Chair Agnich called the briefing to order at **10:33 A.M.** with a quorum of the Board of Adjustment present.

Vice-Chair Agnich called the hearing to order at **1:04 P.M.** with a quorum of the Board of Adjustment present.

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

PUBLIC SPEAKERS

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

- No Public Speakers registered.

MISCELLANEOUS ITEMS

- Approval of the Board of Adjustment Panel C, March 17, 2025, Minutes as presented during the briefing.

A motion was made to approve Panel C, March 17, 2025, Public Hearing minutes.

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

- Approval of the amended Board of Adjustment Rules and Procedures changes.

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

UNCONTESTED ITEMS

1. 3516 BOOKER STREET

BDA245-057(BT)

BUILDING OFFICIAL'S REPORT: Application of Sewdat Persaud for **(1)** a variance to the off-street parking regulations, and for **(2)** a variance to the front-yard setback regulations along Atlanta Street at **3516 BOOKER STREET**. This property is more fully described as Block G/1698, Lot 22, and is zoned PD-595 (R-5(A)), which requires 1 off-street parking space to be provided, and located behind the front-yard setback, and a main structure on an interior lot must have a front-yard setback that is within ten feet of the average front yard setback of other structures in the blockface. The applicant proposes to construct and/or maintain a single-family residential structure and provide zero-required parking spaces, which will require **(1)** a 1-space variance to the off-street parking regulations, and to construct and/or maintain a single-family residential structure and provide a 11-foot 8-inch front-yard setback along Atlanta Street, which will require **(2)** a 8-foot 4-inch variance to the front-yard setback regulations.

LOCATION: 3516 Booker Street

APPLICANT: Sewdat Persaud

REQUEST:

1. A request for a variance to the off-street parking regulations.
2. A request for a variance to the front-yard setback regulations.

STANDARDS OF REVIEW FOR A VARIANCE:

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

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

ELEMENT II SUBSTITUTE:

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

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

STAFF RECOMMENDATION:

Variance to the off-street parking regulations:

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**, slope and shape, it is a lot with double frontage facing both Booker Street and Atlanta Street; therefore, it cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.

C. Not self-created nor is it a personal hardship.

Variance to the front-yard setback regulations:

Approval

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

- A. Not contrary to the public interest as no letters of opposition were received.
- B. Lot is restrictive in **buildable area**, slope and shape, it is a lot with double frontage facing both Booker Street and Atlanta Street; 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>	PD-595 (R-5(A))
<u>North:</u>	PD-595 (R-5(A))
<u>East:</u>	PD-595 (R-5(A))
<u>South:</u>	PD-595 (R-5(A))
<u>West:</u>	PD-595 (R-5(A))

Land Use:

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

Lot Square Footage:

The subject lot size is 4,400 square feet. (0.1010 of an acre). R-5(A) zoning minimum lot size 5,000 square feet (0.1147 of an acre).

BDA History:

No BDA history found within the last 5 years

GENERAL FACTS/STAFF ANALYSIS:

- The application of Sewdat Persaud for the property located at 3516 Booker Street focuses on two requests relating to a variance to the off-street parking regulations and a variance to the front yard setback regulations.
- The first request is for a variance to the off-street parking regulations. The applicant is proposing to provide zero-parking spaces, which will require a 1-parking space variance.
- The second request is for a variance to the front-yard setback regulations. The applicant is proposing to construct a single-family residential structure and provide an 11-foot 8-inch front yard setback along Atlanta St., which will require an 8-foot 4- inch variance to front yard setback regulations.
- It is imperative to note that the subject site is subject to the Predesignation Moratorium procedure in Section 51A-4.501(c)(4), initiated on June 3, 2024.

- Proposed restrictions include
 - circular driveways and parking areas are not permitted in a front yard.
 - carports or garages are permitted in the side and rear yards if they are historic in appearance.
 - main structure on an interior lot must have a front-yard setback that is within ten feet of the average front yard setback of other structures in the blockface.
- It is imperative to note the applicant has received a certificate of appropriateness from Historic Preservation.
- 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 off-street parking regulations and 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 Section 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 off-street parking regulations with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents.

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- 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: [BDA245-057 at 3516 Booker St](#)

Timeline:

- March 25, 2025: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- April 3, 2025: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel **C**.
- April 18, 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 **April 23, 2025**, deadline to submit additional evidence for staff to factor into their analysis; and **May 9, 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.
- April 24, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the **May** 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: Sewdat Persaud, 3516 Booker St., Dallas TX 75215

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 245-057 – Application by Sewdat Persaud for a variance to the parking regulations and variance to the front-yard setback 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:	Roger Sashington				
Second:	Jared Slade				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Robert Agnich, Rodney Milliken, Roger Sashington, Jared Slade & Michael Dorn
		Against:	-	0	

2. 5465 E. MOCKINGBIRD LANE

BDA245-069(BT)

This case was moved to Individual Cases

BUILDING OFFICIAL'S REPORT: Application of Kevin Hickman represented by Skye Thibodeaux for (1) a special exception to the parking regulations at **5465 E. MOCKINGBIRD LANE**. This property is more fully described as Block A/2940, Lot 2, and is zoned MU-3, which requires parking spaces to be provided. The applicant proposes to construct and/or maintain a residential multifamily structure and provide 453 parking spaces of the required 471 parking space, which will require (1) an 18-space special exception (3.82 percent reduction) to the parking regulations.

LOCATION: 5465 E. Mockingbird Lane

APPLICANT: Kevin Hickman

REPRESENTED BY: Skye Thibodeaux

REQUEST:

3. A request for a special exception to the parking regulations.

STANDARD FOR A SPECIAL EXCEPTION TO THE OFF-STREET PARKING REGULATIONS:

Section 51A-3.111(a)(10) of the Dallas Development Code specifies that the board may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, **that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent or nearby streets**. Except as otherwise provided in this paragraph, the maximum reduction authorized by this section is 25% or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in **SEC 51A-4.704(b)(4)(A)**.

STAFF RECOMMENDATION:

Special Exceptions (1):

No staff recommendation is made on this request.

BACKGROUND INFORMATION:

Zoning:

Site: MU-3

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North: MU-3, PD-834, PD-296, SUP 1140 and PD-786
East: MU-3
South: MU-3, PD-28, PD-445 and CR
West: MU-3, SUP 1180, PD-834 and PD-296

Land Use:

The subject site is currently single level parking, surrounding properties are DART rail system, developed primarily with various commercial and multifamily uses.

BDA History:

No BDA history found within the last 5 years

GENERAL FACTS/STAFF ANALYSIS:

- The application of Kevin Hickman represented by Skye Thibodeaux for the property located at 5465 E. Mockingbird Lane focuses on one request relating to a special exception to the parking regulations.
- The applicant is proposing to provide 453 parking spaces of the required 471 parking space, which will require an 18-space special exception (3.82 percent reduction).
- It is imperative to note that the subject site is a single level parking surface and site visits were conducted around 10:00 am.
- Proposed multi-level parking garage part of new multifamily development.
- Granting the proposed 18-space special exception (3.82 percent reduction) to the parking regulations with a condition that the applicant complies with the most recently submitted site plan, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: [BDA245-069 at 5465 E Mockingbird Ln](#)

Timeline:

April 3, 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.

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

April 18, 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 **April 23, 2025**, deadline to submit additional evidence for staff to factor into their analysis; and **May 9, 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.

April 24, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the **May** 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: Skye Thibodeaux, PO Box 260203, Plano, TX 75026

Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BDA 245-069, on application of Kevin Hickman represented by Skye Thibodeaux, **DENY** the special exception to the parking regulations requested by this applicant **without prejudice** as requested by the applicant.

Maker:	Jared Slade				
Second:	Roger Sashington				
Results:	5-0 Unanimously				Motion to deny without prejudice
		Ayes:	-	5	Robert Agnich, Rodney Milliken, Roger Sashington. Jared Slade & Michael Dorn
		Against:	-	0	

INDIVIDUAL CASES

3. 1255 ANNEX AVENUE

BDA234-119(CJ)

BUILDING OFFICIAL'S REPORT: Application of Dani Golan for **(1)** a variance to the front-yard setback regulations at 1255 Annex Avenue. This property is more fully described as Block 2/0735, Lot 10, and is zoned MF-2(A), which requires a front-yard setback of 25-feet due to block face continuity with the adjacent zoning district. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 20-foot 1-inch front-yard setback, which will require **(1)** a 4-foot 11-inch variance to the front-yard setback regulations.

LOCATION: 1255 Annex Avenue

APPLICANT: Dani Golan

REQUEST:

4. 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:

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

ELEMENT II SUBSTITUTE:

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

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

STAFF RECOMMENDATION:

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

Approval

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

- A. Not contrary to the public interest as no letters of opposition were received before case reports were finalized and submitted.
- B. The subject site is not restrictive in 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.
- C. Is not a self-created or personal hardship.

BACKGROUND INFORMATION:

BDA History:

- No BDA history found at 1255 Annex Avenue in the last 5 years.

Square Footage:

- 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) Zoning District
North: Planned Development #640
East: R-7.5(A) Zoning District
South: R-7.5(A) Zoning District
West: MF-2(A) Zoning District

Land Use:

The subject site and surrounding properties to the west zoned MF-2(A), areas to the east and south are zoned R-7.5(A) and areas to the south are zoned as Planned Development #640.

GENERAL FACTS/STAFF ANALYSIS:

- The application of Dani Golan for the property located at 1255 Annex Avenue focuses on one request relating to the front yard setback regulations.
- The applicant proposes to construct and/or maintain a single-family residential structure and provide a 20-foot 1-inch front-yard setback, which will require a 4-foot 11- inch variance to the front-yard setback regulations; MF-2(A) zoning district requires a 15-foot front yard setback for all building sites, however because of block face continuity, a 25-feet front-yard setback is imposed on this property.
- Per the applicant, the reason behind the request stems from the alleged restrictive nature of the lot, having two front yards with 25-foot setback requirements.
- The subject site is undeveloped and bordered by a construction fence.
- The subject site is a corner lot and has double street frontage along Annex Avenue and Live Oak Street; the request for the variance is for the front yard along Annex Avenue.
- Per the site plan, the applicant is proposing to construct and maintain a multifamily residential structure that houses four, 3-story units; each unit is proposed to be over the 1200 sq ft minimum set for 2-bedroom multi-family developments.

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

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- The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

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

- (a) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code.
 - (b) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
 - (c) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
 - (d) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
 - (e) the municipality considers the structure to be a nonconforming structure.
- Granting the proposed variance below, with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents.
 - 4- foot 11- inch variance to the front yard setback regulations.
 - 200' Radius Video: [BDA234-119 at 1255 Annex Avenue](#)

Timeline:

- March 25, 2025: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- April 3, 2025: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.
- April 18, 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 April 23, 2025, deadline to submit additional evidence for staff to factor into their analysis; and May 9, 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.
- April 24, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the May 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.

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Speakers:

For: No Speakers

Against: Dennis Harrison, 1207 Annex Ave, Dallas TX 75204
Susan Harrison, 1207 Annex Ave, Dallas TX 75204
Jim Anderson, 4706 Swiss Ave., Dallas TX 75204

Motion

I move that the Board of Adjustment, in Appeal No. BDA 234-119, on application of Dani Golan, **DENY** the variance to the front-yard setback regulations 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:	Jared Slade				
Second:	Robert Agnich				

Motion withdrawn to amend:

I move that the Board of Adjustment, in Appeal No. BDA 234-119, on application of Dani Golan, **DENY** the variance to the front-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:	Jared Slade				
Second:	Robert Sashington				
Results:	3-2				Motion to denied with prejudice
		Ayes:	-	3	Jared Slade, Roger Sashington, Michael Dorn
		Against:	-	2	Rodney Milliken, Robert Agnich

4. 5930 RICHMOND AVENUE
BDA245-064(CJ)

BUILDING OFFICIAL'S REPORT: Application of Amy Hall for a **(1)** variance to the floor area ratio regulations at 5930 Richmond Avenue. This property is more fully described as Block 22/1913, Lot 8, and is zoned R-7.5(A), which prohibits an accessory structure from exceeding 25% of the floor area of the main structure. The applicant proposes to construct and/or maintain a single family residential accessory structure with 640 square feet of floor area (32% of the 2,020 square foot floor area of the main structure), which will require a **(1)** 135 square foot variance to the floor area ratio regulations.

LOCATION: 5930 Richmond Avenue

APPLICANT: Amy Hall

REQUEST:

- (1) A request for a variance to the floor area for structures accessory to single-family use regulations.

STANDARDS OF REVIEW FOR A VARIANCE:

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

- (G) **not contrary to the public interest** when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
- (H) **necessary to permit development of a specific parcel of land** that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
- (I) **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 (1)** to the **floor area for structures accessory to single-family use** regulations

Denial

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

- D. Not contrary to the public interest as no letters of opposition were received before case reports were finalized and submitted.
- E. The subject site is not restrictive via its size, shape or slope; therefore, the property can 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.

BACKGROUND INFORMATION:

BDA History:

No BDA history found at 5930 Richmond Avenue within the last 5 years.

Square Footage:

This lot contains 9,147.6 of square feet or .21 acres.

This lot is zoned R-7.5(A) which has a minimum lot size of 7,500 square feet per dwelling unit for single-family residential structures.

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 Amy Hall for the property located at 5930 Richmond Avenue focuses on one request relating to the floor area ratio regulations.
- The applicant is proposing to construct and/or maintain a single family residential accessory structure with 640 square feet of floor area (32% of the 2,020 square foot floor area of the main structure), which will require a 135 square foot variance to the floor area ratio regulations.
- Per the applicant, they are hoping to construct and maintain a single family residential accessory structure to accommodate their growing family and in-laws from overseas when they visit.
- The subject site is a mid-block lot and has single street frontage on Richmond Avenue.
- The subject site along with surrounding properties to the north, south, east and west are zoned with uses permissible in the R-7.5(A) zoning district.
- The subject site is currently developed with a residential structure and is located within an established neighborhood.

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

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

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

- (f) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code.

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May 19, 2025

- (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 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.
 - 135 square foot variance to the floor area regulations.
 - 200' Radius Video: [BDA245-064 at 5930 Richmond Avenue](#)

Timeline:

- March 28, 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.
- April 3, 2025: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.
- April 18, 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 April 23, 2025, deadline to submit additional evidence for staff to factor into their analysis; and May 9, 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.
- April 24, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the May 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: Amy Hall, 5930 Richmond Ave., Dallas TX 75206
Punit Modi, 5930 Richmond Ave., Dallas TX 75206
Jeff Karr, 6729 Sandra, Dallas TX 75214
Kay Kiermaier, 5931 Richmond Ave., Dallas, TX 75206

Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BDA 245-064, on application of Amy Hall, **GRANT** 135-square-foot variance to the floor area ratio regulations requested by this applicant because our evaluation of the property and testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would result in unnecessary hardship to this applicant.

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

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

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

5. 3516 ROSS AVENUE

BDA245-066(CJ)

BUILDING OFFICIAL'S REPORT: Application of Oliver Steinberg, represented by Skye Thibodeaux, for **(1)** a special exception to the parking regulations at 3516 Ross Avenue. This property is more fully described as Block 513, Tract A, and is zoned as Subarea 1B within PD-298, which requires parking to be provided. The applicant proposes to construct and/or maintain a nonresidential structure for a restaurant use and provide 27 of the required 35 parking spaces, which will require **(1)** an 8-space special exception to the parking regulation.

LOCATION: 3516 Ross Avenue

APPLICANT: Oliver Steinberg

REPRESENTATIVE: Skye Thibodeaux

REQUEST:

5. A request for a special exception to the off-street parking regulations.

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

Section 51A-3.111(a)(10) of the Dallas Development Code specifies that the board may grant a special exception to authorize a reduction in the number of off-street article if the board finds, after a public hearing, that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent or nearby streets. Except as otherwise provided in this paragraph, the maximum reduction authorized by this section is 25 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined

in Section 51A-4.704(b)(4)(A).

STAFF RECOMMENDATION:

Special Exceptions (1):

No staff recommendation is made on this request.

BACKGROUND INFORMATION:

BDA History:

- No BDA history found at 3516 Ross Avenue in the last 5 years.

Square Footage:

- This lot contains 17,424 of square feet or 0.4 acres.

Zoning:

Site: Planned Development #298 Sub Area 1B
North: MF-2(A) (Multi-Family District)
East: Planned Development #298 Sub Area 1C
South: Planned Development #298 Sub Area 1
West: Planned Development #298 Sub Area 1A

Land Use:

The subject site is developed with a non-residential structure ; surrounding properties to the south, east, and west are developed with uses permissible in Planned Development 298. Areas to the north are zoned MF-2(A).

GENERAL FACTS/STAFF ANALYSIS:

- The application of Oliver Steinberg for the property located at 3516 Ross Avenue focuses on one request relating to the off-street parking regulations.
- The applicant proposes to construct a non-residential structure for a restaurant use and provide 27 of the required 35 parking spaces.
- The subject site is developed; properties to the north, south, east, and west are all developed with multi-family residential structures.
- The subject site is a corner lot and has double street frontage along Villars Street and Ross Avenue.
- Granting the special exception to the off-street parking regulations with a condition that the applicant complies with the submitted site plan would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: [BDA245-066 at 3516 Ross Avenue](#)

Timeline:

April 1, 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.

April 3, 2025: The Board of Adjustment Secretary assigned this case to Board of

Adjustment Panel **C**.

April 18, 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 April 23, 2025, deadline to submit additional evidence for staff to factor into their analysis; and May 9, 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.

April 24, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the May 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: Skye Thibodeaux, PO Box 260203, Plano, TX 75026

Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BDA 245-066, on application of Oliver Steinberg represented by Skye Thibodeaux, **DENY** the special exception to the parking regulations requested by this applicant **without prejudice**, because our evaluation of the property and the testimony shows this special exception will increase traffic hazards or increase traffic congestion on adjacent or nearby streets, and the parking demand generated by the use warrants the number of required parking spaces.

Maker:	Jared Slade				
Second:	Roger Sashington				
Results:	5-0 Unanimously				Motion to deny without prejudice
		Ayes:	-	5	Robert Agnich, Jared Slade, Rodney Milliken, Roger Sashington & Michael Dorn
		Against:	-	0	

ADJOURNMENT

After all business of the Board of Adjustment had been considered, Vice-Chair Agnich moved to adjourn the meeting at **2:44 P.M.**

Mary Williams

Required Signature:

Mary Williams, Board Secretary
Planning and Development.

6/16/2025
Date

Dr. Kameka Miller-Hoskins

Required Signature:

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

6/16/2025
Date

Robert Agnich

Required Signature:

Robert Agnich, Vice-Chair
Board of Adjustment

6/16/2025
Date