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City of Dallas

Public Notice

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2025 MAY 12 AM 11: 45

CITY SECRETARY DALLAS, TEXAS

BOARD OF ADJUSTMENT (PANEL B)

MAY 21, 2025, BRIEFING AT 10:30 A.M. AND POSTED CITY SECRETARY DALLAS, TX THE PUBLIC HEARING AT 1:00 P.M.

Dallas City Hall, Room 6ES Council Briefing and Videoconference

Video Conference Link: https://bit.ly/boa0521B Telephone: (408) 418-9388, Access Code: 325527

The City of Dallas will make Reasonable Accommodations/Modifications to programs and/or other related activities to ensure any and all residents have access to services and resources to ensure an equitable and inclusive meeting. Anyone requiring auxiliary aid, service, and/or translation to fully participate in the meeting should notify the Board of Adjustment by calling (214) 670-4127 three (3) business days prior to the scheduled meeting. A video stream of the meeting will be available twenty-four (24) adiournment hours after bν visitina https://dallastx.new.swagit.com/views/113.

Individuals and interested parties wishing to speak must register with the Board of Adjustment at https://bit.ly/BDA-B-Register by 5 PM on Tuesday, May 20, 2025. In Person speakers can register at the hearing.

La Ciudad de **Dallas** llevará cabo Adecuaciones/Modificaciones Razonables а programas y/u otras actividades relacionadas para asegurar que todos y cada uno de los residentes tengan acceso a los servicios y recursos para asegurar una reunión equitativa e inclusiva. Cualquier persona que requiera asistencia adicional, servicio y/o interpretación para poder participar de forma íntegra en la reunión debe notificar a Junta de Ajustes llamando al (214) 670 -4127 tres (3) días hábiles antes de la reunión programada. Una transmisión en video de la reunión estará disponible dos días hábiles luego de la finalización de reunión https://dallastx.new.swagit.com/views/113.

Las personas y las partes interesadas que deseen hacer uso de la palabra deben registrarse en Junta de Ajustes en https://bit.ly/BDA-B-Register hasta las 5 PM el Martes, 20 de Mayo, 2025. Las Personas que quieran hablar en persona, se pueden registrar en la Audiencia.

AGENDA

I. Call to Order Cheri Gambow, Vice-Chair

II. Staff Presentation/Briefing

III. Public Hearing Board of Adjustment

IV. Public Testimony

V. Miscellaneous Items

VI. Case Docket Board of Adjustment

Uncontested Items

- Holdover Items

- Individual Items

VII. Adjournment

Handgun Prohibition Notice for Meetings of Governmental Entities

"Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun."

"De acuerdo con la sección 30.06 del código penal (ingreso sin autorización de un titular de una licencia con una pistola oculta), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola oculta."

"Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly."

"De acuerdo con la sección 30.07 del código penal (ingreso sin autorización de un titular de una licencia con una pistola a la vista), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola a la vista."

"Pursuant to Section 46.03, Penal Code (places weapons prohibited), a person may not carry a firearm or other weapon into any open meeting on this property."

"De conformidad con la Sección 46.03, Código Penal (coloca armas prohibidas), una persona no puede llevar un arma de fuego u otra arma a ninguna reunión abierta en esta propriedad."

EXECUTIVE SESSION NOTICE

A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

- seeking the advice of its attorney about pending or contemplated litigation, settlement offers, or any matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. [Tex. Govt. Code §551.071]
- deliberating the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.072]
- deliberating a negotiated contract for a prospective gift or donation to the city if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.073]
- 4. deliberating the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing. [Tex. Govt. Code §551.074]
- deliberating the deployment, or specific occasions for implementation, of security personnel or devices. [Tex. Govt. Code §551.076]
- 6. discussing or deliberating commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay or expand in or near the city and with which the city is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect. [Tex Govt. Code §551.087]
- deliberating security assessments or deployments relating to information resources technology, network security information, or the deployment or specific occasions for implementations of security personnel, critical infrastructure, or security devices. [Tex Govt. Code §551.089]

	MISCELLANEOUS ITEM(S)						
Approval of Panel B Minutes – April 16, 2025							
Consideration a	Consideration and Approval of amended Board of Adjustment's Rules of Procedure						
	UNCONTESTED CASE(S)						
BDA245-062(BT)	1 DORSET PLACE REQUEST: Application of Sardar Sharif for (1) a special exception to the fence height regulations; and for (2) a special exception to the visibility obstruction regulations.	1					
	HOLDOVER						
BDA245-017(BT)	1427 EASTUS DRIVE REQUEST Application of Rob Baldwin for (1) a variance to the front-yard setback regulations.	2					
	INDIVIDUAL CASES						
BDA245-060(CJ)	6442 E. LOVERS LANE REQUEST: Application of Kevin Graham for (1) a special exception to the single-family use regulations, and for (2) a variance to the floor area regulations.	3					
BDA245-067(BT)	3266 S. EDGEFIELD AVENUE REQUEST: Application of Jesus Aguillon for (1) a special exception to the fence height regulation, and for (2) a special exception to the fence opacity regulation.	4					

BOARD OF ADJUSTMENT



Panel B Minutes

April 16, 2025

DRAFT

6ES Briefing Room
24974849659@dallascityhall.we
bex.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 manners 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 <u>front yard</u>, <u>side yard</u>, 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. <u>Special Exception (1)</u> to the <u>Visibility Obstruction</u> 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))

East: Planned Development 892

South: Planned Development 595 (R-5(A))
West: 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 <u>HB 1475</u> 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(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: <u>BDA245-043 at 3034 Birmingham Avenue</u>

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.

BOARD OF ADJUSTMENT April 16, 2025

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)

<u>BUILDING OFFICIAL'S REPORT</u>: 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

<u>BUILDING OFFICIAL'S REPORT:</u> 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

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

<u>Rationale:</u> 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:

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

Land Use:

The subject site is vacant, 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 frontyard 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.

- (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, 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)

BOARD OF ADJUSTMENT April 16, 2025

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

 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 <u>HB 1475</u> 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
- (i) 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.

BOARD OF ADJUSTMENT April 16, 2025

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.

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 <u>without prejudice</u>, 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 <u>without prejudice</u>, 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)

<u>BUILDING OFFICIAL'S REPORT</u>: 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. <u>Variance (1)</u> to the <u>Front Yard Setback</u> regulations

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

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- 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:

Site: Conservation District #2 (Tract 3)
North: Conservation District #2 (Tract 3)
East: Conservation District #2 (Tract 3)
South: Planned Development #517
West: 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 <u>HB 1475</u> 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.
- (I) 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

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.

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:	Date
Mary Williams, Board Secretary	
Planning and Development Department	
Required Signature:	 Date
Dr. Kameka Miller-Hoskins, Board Administrator	
Planning and Development Department	
Required Signature: Cheri Gambow, Vice Chair	Date
Board of Adjustment	

CITY OF DALLAS BOARD OF ADJUSTMENT WORKING RULES OF PROCEDURE

October 2024

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CITY OF DALLAS BOARD OF ADJUSTMENT

RULES OF PROCEDURE

Powers of the Board. Section 1.

- The powers of the board of adjustment, referred to as the board (a) conferred upon it in Section 7, Chapter 282, Page 424, 40th Legislature, Acts 1927, and as thereafter amended, being codified in Chapter 211 of the Local Government Code, Chapter 8 of the Dallas City Code, as amended, and in Sections 51A-3.102, 51A-4.703, and 51A-4.704 of the Dallas Development Code, as amended, include, but are not limited to, the following:
 - To hear and decide appeals where it is alleged there is error in (1) any order, requirement, decision or determination made by an administrative official in the enforcement of any order or ordinance pertaining to zoning.
 - (2) To hear and decide special exceptions to the terms of the zoning ordinance in the manner provided.
 - To authorize upon appeal in specific cases such variance from the (3) terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the zoning ordinance will result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice done.
 - (4) To regulate and discontinue nonconforming uses and structures.
- (b) In exercising its powers, the [board and] panels of the board may or affirm, wholly or partly, or may modify an order, requirement, decision, or determination appealed from and may make an order, requirement, decision, or determination as ought to be made, and to that end the [board and] panels of the board shall have all the powers of the officer from whom an appeal is taken.

Section 2. Composition of the Board.

- (a) The board shall consist of fifteen members and six alternates appointed by the city council for a term of two years. All members shall be removable for cause by the city council upon written charges and after a public hearing.
- (b) The officers of the board shall consist of a chair, two vice-chairs, appointed by the mayor, a board administrator, a board secretary, a board attorney, and any other officers the board may elect or the chair may appoint. The board administrator, board secretary, and board attorney shall have no voting rights.
- (c) The board shall be divided into three panels of five members. A board member may serve only on the panel to which the member is assigned. The chair and vice-chairs shall each be the presiding officer of one of the panels.
- (d) The board and panels of the board shall be provided the staff employees necessary to conduct its proceedings, as provided by the budget. The services of an accountant and abstract research company may be retained as needed for the preparation of compliance cases.

Section 3. Quorum. At the beginning of each regular or special meeting, the presiding officer shall determine whether a quorum exists. A quorum exists if 75 percent of the <u>fully appointed board [members]</u> (<u>four [4] members minimum</u> for a panel, or 12 members for the fully appointed <u>15 member</u> board), either regular or alternate, are present. If a quorum exists, the presiding officer shall announce that a quorum is present. If a quorum does not exist 30 minutes after the time the meeting was called, the presiding officer shall adjourn the meeting.

Section 4. Duties of the Chair.

- (a) The chair shall preside over all meetings of the entire board. In the absence of the chair, the chair shall appoint a vice-chair to preside and fulfill all of the duties of the chair.
- (b) The chair shall approve a rotational schedule for attendance of alternate members at panel meetings.
- (c) The chair may consult with the board administrator to review the

- prepared board and panel agendas.
- (d) The chair may call and cancel meetings of the full board or of a panel.
- (e) The chair may create ad hoc committees and working groups from time to time to study and make recommendations on specific issues. Ad hoc committees must be made up of only members of the board of adjustment and cannot have more than six members.

Section 5. <u>Duties of the Presiding Officers</u>.

- (a) The chair and vice-chairs shall act as presiding officers of their respective panels. The duties of the presiding officers of a panel are to preside at all meetings of the panel to which they are assigned, to maintain order at all times, to administer oaths, and to rule on all points of procedure, and to dispense the business of the panel in a just and orderly manner. The presiding officer may impose a reasonable time limit for speakers in order to dispense the business of the board or panel in a just and orderly manner.
- (b) The presiding officer shall question all witnesses and/or staff, and request other members of the panel to ask any questions which may assist the board and panels of the board in arriving at a just and fair decision.
- (c) The presiding officer shall sign the minutes of the panel meetings over which he or she presides and each case decided upon in accordance with the decision of the panel.
- (d) In the absence of the presiding officer, the panel shall elect a temporary presiding offer. This election does not survive the meeting in which it is had.
- (e) The presiding officer shall compel the attendance of witnesses when necessary.

Section 6. <u>Duties of the Board Administrator</u>.

- (a) The board administrator shall:
 - (1) receive all complete applications to the board for processing;

- (2) receive all evidence submitted for the board's review;
- (3) provide technical assistance to the board;
- (4) assist the general public with information, procedures, policies, case status, and site plans;
- (5) gather needed information from outside sources and confer with all sections and departments of the city for case analysis;
- (6) provide research on cases;
- (7) prepare board documents, dockets, notices, and advertisements, and write necessary letters to the property owners;
- (8) direct, conduct, and supervise all administrative functions of the board operation as may be deemed necessary;
- (9) coordinate the work of the board in support of the chair and vice-chairs in their leadership of the board;
- (10) serve as liaison between the board and the city plan commission, city manager, and various other officers of the City of Dallas, including, but not limited to, the building official, the director of transportation, the city attorney, and the director of planning; and
- (11) after conferring with the chair, propose and maintain an annual calendar for the board and panel meeting dates, which are subject to initial board approval.
- (12) [balance the caseloads among the panels.
- (13)] prepare the board and panel agendas with consultation by the chair and vice-chairs.
- (13[14]) initiate a comprehensive review of the request based on the current zoning, conduct a site visit of the subject property and the surrounding 200 feet, and consult relevant city departments
- (14[15]) prepare a staff recommendation or technical review for

pending cases when appropriate and state all the staff members and their roles who participated in making the recommendation or technical review.

- (15[16]) no later than seven calendar days prior to each board or panel meeting, distribute to each member and make available to the public the complete agenda and case docket materials. The board or panel, by majority vote, can still hear the noticed cases even if the agenda and case docket materials were not disseminated in accordance with this paragraph.
- (<u>16</u>[17]) review all forms and intake and handling procedures for board applications for accuracy, <u>equality</u> [equity], and efficiency.
- (<u>17</u>[18]) publish all board meeting dates and times, and list all pending cases filed with the board.
- (18[19]) conduct an orientation training for new members and alternate members upon appointment.
- (b) The board administrator shall also administer oaths and compel the attendance of witnesses when requested by the chair or other presiding officers to do so.
- (c) For purposes of this section, BOARD means the full board or panels of the board.

Section 7. <u>Duties of the Board Secretary</u>.

- (a) The board secretary shall be generally responsible for the clerical work of the board and panels of the board, under the direction and supervision of the board administrator. The board secretary shall:
 - (1) keep the minutes of all meetings and proceedings in a substantially bound book showing the vote and motion of each member upon each question, or if absent, or failing to vote, indicating that fact, and attesting the minutes;
 - (2) compile the required records, log appeals and applications to the board, prepare case folders, type notices and envelopes, prepare

- route sheets, log favor and opposition letters, prepare certified mail to applicants, type letters and memoranda; and
- (3) call board and panel members for meetings, maintain index files, number each case, and furnish each member of the board and each member of panel of the board with a copy of each petition, together with the administrative official's decision [building official's refusal].
- (4) randomly and independently assign and reassign cases to the panels and balance the workloads of the panels except as provided in Subsections 10(k) and 10(l).
- (5) no later than seven calendar days prior to each board or panel meeting, distribute to each member and make available to the public the complete agenda and case docket materials. The board or panel, by majority vote, can still hear the noticed cases even if the agenda and case docket materials were not disseminated in accordance with this paragraph.
- Publish all board meeting dates and times, and list all pending (6) cases filed with the board.
- For purposes of this section, BOARD means the full board or panels of (b) the board.

Section 8. Alternate Members.

- In the absence of one or more regular members, alternate members shall (a) attend panel and full board meetings when requested to do so by the board chair, the presiding officer of a board panel, or by the city manager. The presiding officer of a panel may dismiss an alternate member when attendance is not necessary to complete a five-member panel.
- (b) The alternate members are subject to the same [attendance and] general rules as all other board members.
- [(c) Alternate members who are not on the panel scheduled to attend will be called to serve only when one or more regular members are absent from the meeting.

Section 9. Attendance and General Rules.

- (a) The board shall be governed by the rules of procedure and decorum for city boards and commissions contained in Chapter 8 of the Dallas City Code, as amended, and applicable provisions of the City Charter.
- (b) All members shall comply with the attendance rules set forth in Chapter XXIV, Section 17, of the City of Dallas Charter and Chapter 8 of the Dallas City Code, as amended. No member may be excused from attendance at a board or panel meeting, except for medical reasons certified to by his or her physician or unless excused by the board and the city council. A member shall forfeit his or her office if the member misses more than three regular meetings in succession or misses more than 25 percent of the regular meetings during any 12-month period.

Section 10. Requests for Board Action.

- (a) All requests to the board must be made on the prescribed form provided by the director, which must be signed and acknowledged before [.The facts alleged must be attested to by] a notary public.
- (b) The fee as provided by ordinance must accompany each request to defray the cost of advertising the public hearing.
- (c) The board or panel of the board may waive the filing fee if the board or panel of 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 or panel's miscellaneous docket for predetermination. If the issue is placed on the miscellaneous docket for predetermination, the applicant may not file the application until the merits of the request for waiver have been determined by the board or panel of the board.
- (d) Evidence submitted for the board's consideration on a request must be submitted to the board administrator or the board secretary. Evidence submitted is part of the public record and will not be returned. The board and panels are quasi-judicial bodies; therefore, no evidence may be submitted to and no contact may be made with individual members regarding a pending request. All communications, oral or written,

should be directed to the board administrator. Failure to comply with this rule may result in criminal prosecution for improper influence, which is a Class A misdemeanor under Texas Penal Code Section 36.04.

- (e) Unless expressly authorized by the concurring vote of 75 percent of the members of a panel when an extreme hardship is shown, no request may be heard at a regular panel meeting until the expiration of 21 days after it is filed with the <u>administrative</u> [building] official.
- (f) The director shall schedule cases within a reasonable time from the receipt of a complete application.
- (g) An item may be placed on the board agenda by the director, the board chair, or a written request of at least one-third of the members of the board. An item may be placed on a panel agenda by the director, the board chair, the vice-chair of that panel, or a written request of at least two members of that panel.
- (h) The director may authorize the withdrawal of all applications except those to establish a compliance date, which must be authorized by the panel assigned the case. No request for withdrawal of an application may be considered by the director or a panel unless it is in writing. A request to the director for withdrawal must be received before 5:00 p.m. on the second Friday [of the day that will leave five full working days (excluding Saturdays, Sundays, and official city holidays)] before the date of the hearing. A request for withdrawal must be received in sufficient time to notify all interested parties before the hearing date. If the director or the panel finds in the consideration of such a request that there is an objection to the withdrawal and that allowing the withdrawal over the objection will unduly prejudice the objector, the director or panel shall deny the request. If the director denies a request for withdrawal, the applicant may appeal the withdrawal request to the panel assigned the case provided the appeal satisfies all of the requirements of this subsection for an application for withdrawal.
- (i) The director may authorize the amendment of all applications, except those to establish a compliance date and appeals from the decision of an administrative official, which must be authorized by the panel to which the case is assigned. A request to the director to amend [for an amendment] must be received before 5:00 p.m. on the second Friday

[of the day that will leave full days (excluding Saturdays, Sundays, and official city holidays)] before the date of the hearing. If the director or panel finds in the consideration of such a request that there is an objection to the amendment, and that allowing the amendment over the objection will unduly prejudice the objector, the director or panel shall deny the request. If the director denies a request for amendment, the applicant may appeal to the panel assigned the case. If an amendment is authorized which requires newspaper advertisement and/or written notice to surrounding property owners, the amendment constitutes a new application and the requesting party must pay an additional filing fee to defray the cost of re-advertising.

- (j) A panel may not extend the time period for making application for a building permit or certificate of occupancy beyond 180 days from the date of its favorable action unless it makes a specific finding based on evidence presented at a public hearing that there are no substantially changed conditions or circumstances regarding the property. The person requesting the time extension shall have the burden of establishing that there are no substantially changed conditions or circumstances regarding the property to the satisfaction of the panel. In no event, however, may the panel extend the time period beyond 18 months from the date of its favorable action.
- (k) Only one panel may hear, handle, or render a decision in a particular case. If any preliminary action is required on a case, including but not limited to a fee waiver or waiver of the two-year waiting period, the case must be returned to the panel taking the preliminary action. If any application comes before the board with the same building site (location) within the previous five years, it must be returned to the panel to which it was originally assigned. [If a case is dismissed or withdrawn and subsequently re-filed, it must be returned to the panel to which it was originally assigned. If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case.]
- (l) In extraordinary circumstances, the board, by a majority vote, may consolidate and assign cases and appeals to a single panel, to promote efficiency, expediency, fairness to affected parties, and economy of case-management.

Section 11. Public Testimony and Public Hearings.

- (a) All meetings of the board and panels of the board are open to the public and must be held at a time and place determined by the board.
- (b) The chair shall have the authority to call special meetings of the board. The presiding officer of a panel acts as the panel's chair pursuant to Section 8-3 of the Dallas City Code, and shall have the authority to call special meetings of that panel. The officer calling a special meeting shall designate the time and the place of the meeting subject to availability. Special meetings must be called by the chair at the request of at least one-third of the board.
- (c) The board secretary shall notify all affected members of the date, time, and place of either a regular or special meeting.
- (d) The applicant has the burden of proof to establish the necessary facts to warrant favorable action of the board.
- (e) Any interested party may appear in person or by agent or attorney at the public hearing.
- (f) Members of the public may offer public testimony at regular and special meetings of the board regarding any item on the board's posted agenda before or during the board's consideration of the item (e.g. minutes, appeals, compliance cases). Each speaker will have a maximum of three minutes to speak unless the time is shortened or extended by the presiding officer. Any member of the public requiring the use of a translator to relay public comments shall be afforded twice the amount of time as a member of the public who does not require a translator.
- (g) After a case is called, the applicant shall have up to five minutes to state his or her case. Anyone in favor shall be heard next for up to five minutes, then anyone in opposition shall be heard for up to five minutes. The applicant shall have up to five minutes to make a reply. Before the applicant begins, the presiding officer can limit the applicant's time, equally limit the time of the speakers in favor or opposition, or both.
- (h) All applicants, members of the public, or witnesses who wish to address the board during a public hearing shall be sworn in.

- (i) The director shall provide sufficient staff at hearings to ensure that the board can make a fair determination.
- (j) If a case is called for hearing in due order on the docket and the applicant or anyone on his or her behalf does not appear, the panel may hold the case over to the following hearing at which time it will be called again. The panel may also approve a case or deny a case for lack of appearance at the first call at its discretion. If no one appears the second time, the case must be denied with prejudice.
- (k) If, after a public hearing on a request, the presiding officer duly calls for, but does not receive a motion, the request is deemed denied with prejudice.
- (1) [A public hearing must be conducted for compliance proceedings on a nonconforming use. Prior to the hearing, the presiding officer may direct that a subpoena duces tecum and interrogatories be served on the owner(s) and/or operators of the use requesting that certain information and documents be produced to the board administrator within a reasonable time. The owner(s) and/or operators may supply the board administrator with any additional information or documents that are necessary for the panel to make its decision. At the hearing, the panel shall review the information and documents and set a date by which the nonconforming use must come into compliance with the current zoning regulations.
- (m)] Notwithstanding subsection (f), the following rules apply to appeals of decision of administrative officials.
 - (1) After the case is called, the appellant shall have up to 20 minutes to present his or her case, during which time the appellant may give an opening statement, call witnesses, and offer evidence. If the appellant calls a witness, the administrative official may cross-examine that witness for up to five minutes and that time shall not count towards either party's time limit. The appellant can redirect his or her witness for up to five minutes, which shall not count towards the appellant's initial 20-minute time period.
 - (2) After the appellant's 20 minutes has expired, the administrative official shall have up to 20 minutes to present his or her case, during which time the administrative official may give an

opening statement, call witnesses, and offer evidence. If the administrative official calls a witness, the appellant may cross-examine that witness for up to five minutes and that time shall not count towards either party's time limit. The administrative official can redirect his or her witness for up to five minutes, which shall not count towards the appellant's initial 20-minute time period.

- (3) After the administrative official's 20 minutes have expired, the appellant shall have up to three minutes for a rebuttal and three minutes for a closing statement. The administrative official shall also have up to three minutes for a closing statement.
- (4) The panel may ask questions at any time. The panel members' questions shall not count towards either party's time limitation.

(m) Compliance cases.

- If the city's chief financial officer determines that sufficient funds (1) are available in the nonconforming use fund, the board of adjustment shall hold a A-public hearing on a city council request to establish a must be conducted for compliance requirement proceedings on a nonconforming use. Prior to the hearing, the presiding officer may direct that a subpoena duces tecum and interrogatories be served on the owner(s) and/or operators of the use requesting that certain information and documents be produced to the board administrator within a reasonable time. The owner(s) and/or operators lessee may supply the board administrator with any additional information or documents that are necessary for the panel to make its decision. At the hearing, the panel shall review the information and documents and determine if continued operations of the nonconforming use will have an adverse effect on nearby propertiesset a date by which the nonconforming use must come into compliance with the current zoning regulations.
- (#2) Notwithstanding subsection (f), the following rules apply to compliance cases.
 - (A) After the case is called, the applicant city's representative shall have up to 20 minutes to present his or her case, during

which time the <u>city's representative applicant</u> may give an opening statement, call witnesses, and offer evidence. If the <u>city's representative applicant</u> calls a witness, the property owner may cross-examine that witness for up to five minutes and that time shall not count towards either party's time limit. The <u>city's representative applicant</u> may redirect his or her witness for up to five minutes, which shall not count towards the <u>city's representative's applicant's initial</u> 20-minute time period.

- (B) After the city's representative's applicant's 20 minutes has expired, the property owner shall have up to 20 minutes to present his or her case, during which time the property owner may give an opening statement, call witnesses, and offer evidence. If the property owner calls a witness, the city's representative applicant may cross-examine that witness for up to five minutes and that time shall not count towards either party's time limit. The property owner can redirect his or her witness for up to five minutes, which shall not count towards the property owner's initial 20-minute time period.
- (C) After the property owner's 20 minutes has expired, the city's representative applicant shall have up to five minutes for a rebuttal and a closing statement. The property owner shall also have up to five minutes for a closing statement.
- (D) The panel may ask questions at any time. The panel member questions shall not count towards either party's time limitation.
- (3) A decision by the board to grant a request to impose a compliance requirement is not a final decision and cannot be immediately appealed. A decision by the board to deny a request to impose a compliance requirement is final unless appealed to state court within 10 days in accordance with Chapter 211 of the Local Government Code.
- (4) A person entitled to a remedy under Section 51A-4.704 may appeal the director's determination under that Section to the board

of adjustment not later than the 20th day after the determination is made. The director has the burden of proof to establish the correctness of the director's determination.

- (A) A person seeking to continue operation of a nonconforming use under Section 51A-4.704 who appeals the decision of the director under that Section may continue to operate the property in the same manner pending the appeal unless the building official shows cause to stay the nonconforming use by certifying in writing to the board facts supporting the building official's opinion that continued operation of the nonconforming use would cause imminent peril to life or property. Upon a showing of cause the board may, after notice to the building official, grant a restraining order to stay continued operation of the nonconforming use.
- (B) If the board of adjustment determines that an owner or lessee is entitled to:
 - (i) a payment under Section 51A-4.704 in an amount different than the amount determined by the director under that Section, the board shall order, as applicable:
 - (aa) additional payment to the owner or lessee; or
 - (bb) the owner or lessee to reimburse the city; or
 - (ii) an amount of time to operate the nonconforming use that is different than the amount of time initially received under Section 51A-4.704, the board shall order the director to allow the owner or lessee to operate the nonconforming use for additional or less time.
- (o) The board administrator may place cases which <u>lack any</u> [are recommended for approval without] opposition on an uncontested docket. When the <u>presiding officer</u> [board administrator] calls the uncontested docket, he or she shall state the case number, the applicant, the location, the nature of the case and the staff recommendation, and shall ask if there is anyone in favor or opposition. A case on the

uncontested docket must be considered individually as a regular docket item if there is any opposition or a panel member so requests. Any cases remaining on the uncontested docket shall be approved as a group without the need for testimony from the applicants.

(p) <u>Documentary evidence</u>.

- (1) [All typewritten documentary evidence including reduced-size copies of conceptual plans, development plans, landscape plans, and site plans must conform to the standard 8.5 x 11-inch letter-sized pages on a size 12 font or larger. Each page must be serially numbered and double-spaced.
- (2) All printed and typewritten documentary evidence in excess of five pages tendered by a party shall not be considered by the board unless such documentary evidence is submitted to the board administrator no later than 10 days prior to the scheduled hearing date at which the matter is to be considered. Upon oral request made by the party at the scheduled hearing, a panel of the board may, for good cause, suspend the operation of this rule and consider the excluded evidence or postpone the hearing on the application to a date certain to allow the panel sufficient time to consider the tendered evidence prior to the next scheduled hearing date.
- (2[3]) For purposes of this subsection, DOCUMENTARY EVIDENCE means anything printed, written on paper, or a digital document and relied upon to record or prove something. This term does not include signed petitions or PowerPoints or slide shows offered during a presentation for purposes of submitted evidence limitations.
- (3[4]) For purposes of this subsection, PARTY means the applicant or any person or entity that appears in favor of or against the request.

Section 12. Decisions of a Panel.

(a) No action of a panel sets a precedent. Each case must be decided upon its own merits and upon the circumstances of the case.

- (b) The concurring vote of 75 percent of the members of a panel (at least four members) is necessary to reverse any decision of an administrative official, or to decide in favor of an applicant on any matter which the board is required to pass under a zoning ordinance. If such an application does not receive the concurring vote of 75 percent of the members of a panel and no subsequent motion is made, the case is construed as denied with prejudice.
- (c) <u>Reconsideration</u>. The following rules apply for a motion to reconsider.
 - (1) A motion to reconsider may only be made at the same meeting the vote was taken and only by the same makeup of the panel that made the decision.
 - (2) A motion to reconsider may be made and seconded by any member of the panel regardless of their initial vote on the item and requires a simple majority vote. If the time for reconsideration of a case has expired, the panel may not change or modify its decision unless a new application is filed or the case is referred back to the panel.
 - (3) An item may not be twice reconsidered, except by unanimous consent.
- (d) Once a decision of a panel is appealed to district court, it may not be reconsidered or rescinded, unless the case is remanded by the district court.
- (e) The decisions and official records of the board and panels are public records.

Section 13. Executive Sessions.

(a) The board or a panel may remove itself from an open meeting by moving to go into an executive session. Only matters authorized under the Texas Open Meetings Act to be discussed in executive session may be addressed in the executive session. All communication in an executive session is privileged information. The privilege can only be waived by a member by formal waiver. Members are cautioned that discussing the privileged communication with a member of the public, the media, or any other person not privy to the executive session may

damage the privilege. The board or a panel shall not hold an executive session except when discussing complaints about or evaluations of individual staff members, or seeking the advice of its attorney on the following matters:

- (1) Pending or contemplated litigation.
- (2) Settlement offers.
- (3) Risk or liability of the board, a panel or individual members thereof for taking an action.
- (4) Any matter where the duty of the board's counsel to his client, pursuant to the Code of Professional Responsibility of the State Bar of Texas, conflicts with the Open Meetings Law.
- (b) A motion to go into an executive session must be seconded and requires a majority vote. If the motion passes, the board or panel shall follow the following procedure:
 - (1) The presiding officer shall announce that the board or panel is going into an executive session, stating the category under the Texas Open Meetings Act that permits the executive session.
 - (2) The presiding officer shall announce the time.
 - (3) Members shall move quickly to the location of the executive session with no discussion among themselves or with members of the public or media.
 - (4) The executive session must be tape recorded.
 - (5) At the end of the executive session, members shall return quickly to the meeting room with no discussion among themselves or with members of the public or media.
 - (6) The presiding officer shall announce the time when the board or panel resumes the open meeting.

- (a) Except as provided in Subsections (b) and (c), after a final decision is reached by a panel, no further applications may be considered on the matter decided for that property for two years from the date of the final decision.
- (b) If a panel renders a final decision of denial without prejudice, the two-year limitation is waived.
- (c) A property owner may apply for a waiver of the two-year limitation in the following manner:
 - (1) The applicant shall submit his request in writing to the board administrator. The board administrator shall inform the applicant of the date on which his request shall be considered and shall advise the applicant of his right to appear before the panel to which the matter has been assigned.
 - (2) A panel may waive the time limitation if there are changed circumstances regarding the property sufficient to warrant a new hearing. A simple majority vote is required to grant the request. If a rehearing is granted, the applicant shall follow the appeal procedure.

Section 15. Amendments to Rules of Procedure.

These rules may be amended by a simple majority vote of the members present at a meeting of the entire board, or by a majority vote of the members of all three panels at separate meetings Amendments approved by the entire board or by the panels sitting separately become effective once approved by the city council.

BOARD OF ADJUSTMENT CITY OF DALLAS, TEXAS

FILE NUMBER: BDA245-062(BT)

BUILDING OFFICIAL'S REPORT: Application of Sardar Sharif for (1) a special exception to the fence-height regulations; and (2) a special exception to the visibility obstruction regulations at 1 DORSET PLACE. This property is more fully described as Block D/5532, Lot 8, and is zoned R-1ac(A), which limits the height of a fence in the front-yard to 4-feet and requires a 20-foot visibility triangle at driveway approaches. The applicant proposes to construct and/or maintain a 7-foot 3-inch-high fence in a required front-yard, which will require (1) a 3-foot 3-inch special exception to the fence height regulations; and the applicant proposes to construct and/or maintain a single-family residential fence structure in a required visibility obstruction triangle, which will require (2) a special exception to the 20-foot visibility obstruction regulations.

LOCATION: 1 Dorset Place

APPLICANT: Sardar Sharif

REQUEST:

- (1) A request for a special exception to the fence height regulations; and
- A request for a special exception to the visibility obstruction regulations.

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE HEIGHT AND VISUAL OBSTRUCTION REGULATIONS:

Section 51A-4.602(a)(11) of the Dallas Development Code states that the board may grant a special exception to the fence regulations when in the opinion of the board, **the special exception** will not adversely affect neighboring property nor constitute a traffic hazard.

STAFF RECOMMENDATION:

Special Exceptions (2):

No staff recommendation is made on this request.

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

The subject site along with surroundings properties are developed with single-family homes.

BDA History:

No BDA history found within the last 5 years

GENERAL FACTS/STAFF ANALYSIS:

- The application of Sardar Sharif for the property located at 1 Dorset Place focuses on two requests relating to the fence height and fence opacity regulations.
- The applicant is proposing to construct and maintain a 7-foot 3-inch high fence and gate within the required front-yard, which will require a 3-foot 3-inch special exception to the fence height regulations.
- Secondly, the applicant is requesting a special exception to the 20-foot visibility obstruction triangle at the drive approach. The applicant seeks to allow a call box to be located within the visibility triangle.
- As illustrated on the submitted site plan and elevations, the applicant is proposing a 7-foot 3-inch-high combination of stucco columns and wrought iron fencing.
- The applicant has the burden of proof in establishing that the special exception to both the fence height regulation and the visual obstruction regulations will not adversely affect the neighboring properties nor constitute a traffic hazard.
- Granting the special exception to the fence height regulation and 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: BDA245-062 at 1 Dorset Pl

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 B.

April 18, 2025: Planning and Development Department Senior Planner emailed the

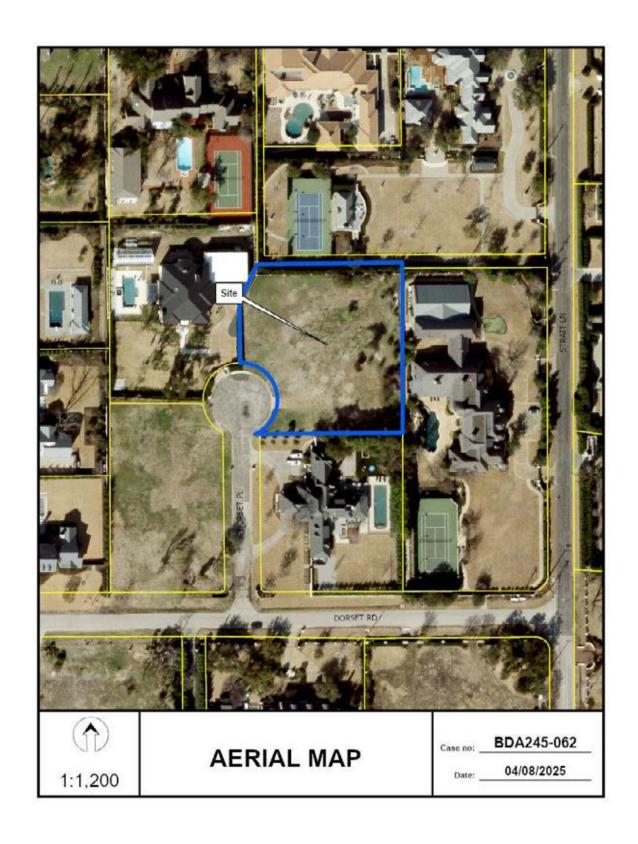
applicant the following information:

- 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.

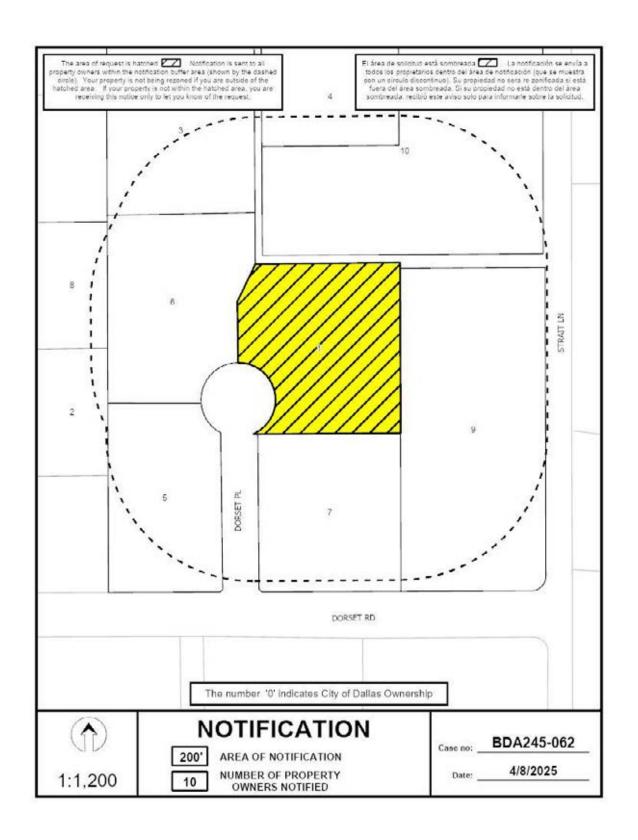
April 24, 2025: The B

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.







Notification List of Property Owners BDA245-062

10 Property Owners Notified

Label #	Address		Owner
1	1	DORSET PL	SHARIF SARDAR & RIDA
2	10322	LENNOX LN	LITTLE ELDON LEROY IV &
3	4726	KELSEY RD	HOLCOMBE MILTON W & BETTY
4	4814	KELSEY RD	WITTMANN THOMAS PETER &
5	3	DORSET PL	NAIFEH JEROME G & DONNA
6	4	DORSET PL	TREVINO LEOBARDO &
7	2	DORSET PL	KENNEALEY DOUGLAS L &
8	10334	LENNOX LN	NEWTON GEOFFREY L &
9	10331	STRAIT LN	POLKA RACHEL BETH
10	10349	STRAIT LN	GODWIN DONALD E &

1	-	1
1	^	1
1	7 [
1	IJ	/

1:1,200

NOTIFICATION

200'

AREA OF NOTIFICATION NUMBER OF PROPERTY OWNERS NOTIFIED Case no: _

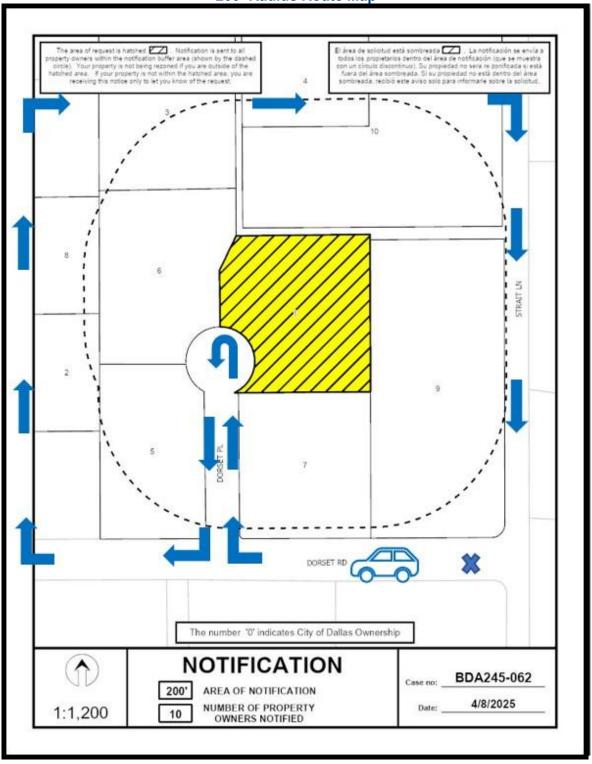
BDA245-062

Date: 4/8/2025

Route Directions:
Start on Dorset Rd.
Right on Dorset Pl.
U-Turn
Right on Dorset Rd.
Right on Lennox Ln.
Right on Kelsey Rd.
Right on Strait Ln.

*Subject Site at 0:45.

200' Radius Route Map



APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 245-01021						
Data Relative to Subject Property: 3 18 25 Date: Date:						
Data Relative to Subject Property.						
Location address: 1 DISVSCT PL., DAILA Ening District: R-1-AC						
Lot No.: 8 Block No.: D5537 Acreage: 97 Census Tract:						
Street Frontage (in Feet): 1) 2 3 4 5						
To the Honorable Board of Adjustment:						
Owner of Property (per Warranty Deed): SANDAN Shanit & Rida Shanif						
Applicant: Sardan Sharif Telephone: 214,564,2182						
Mailing Address: 6208 JACQUELING Dr., Pland Zip Code: 75024						
E-mail Address: SHSQ SHSG-VOUPLLC. COM						
Represented by: SATORY Sharif Telephone: 214,564,2182						
Mailing Address: 6208 Ja CRUFINE Dr., Plandzip Code: 75024						
E-mail Address: SHS C SAS GroupLLC. COM						
Affirm that an appeal has been made for a Variance _ or Special Exception & of Lengtherent Refulation & TO						
Allow A 1.3 Hance IN A REQUIRED treat YAND, Kence To Be Placed						
IN The dis VISIBILITY IT- I Angle with the call 180%.						
Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to						
Grant the described appeal for the following reason: The proposed tence will not acceptly attent surrounding properties						
as many other properties in the surrounding creas have tiples talker,						
Note to Applicant: If the appeal requested in this application is granted by the Fourd of Adjustment, a permit must han 4						
be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a						
longer period. Affidavit						
Before me the undersigned on this day personally appeared						
(Affiant/Applicant's name printed) who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that						
he/she is the owner/or principal/or authorized representative of the subject property						
Respectfully submitted: (Affiant/Applicant's signature)						
Subscribed and sworn to before me this (6th day of March 2025						
On t						
Notary Public in and for Dallas County, Texas						
Cansu Guzel						
My Commission Expires 2/21/2027 Notary ID134212975 DEVELOPMENT SERVICES * BOARD OF ADJUSTMENT REV 01.16.2023						

58

BOARD OF ADJUSTMENT CITY OF DALLAS, TEXAS

FILE NUMBER: BDA245-062

BUILDING OFFICIAL'S REPORT: Application of SARDAR SHARIF for (1) a special exception to the fence height regulations, and for (2) a special exception to the visibility obstruction regulations at 1 DORSET PL. This property is more fully described as D/5532, Lot 8, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4-feet and requires a 20-foot visibility triangle at driveway approaches. The applicant proposes to construct and/or maintain a 7-foot 3-inch-high fence in a required front yard, which will require (1) a 3- foot 3- inch special exception to the fence regulations, and to construct a and/or maintain a single-family residential fence structure in a required visibility obstruction triangle, which will require (2) a special exception to the 20-foot visibility obstruction regulation.

LOCATION: 1 DORSET PL

APPLICANT: SARDAR SHARIF

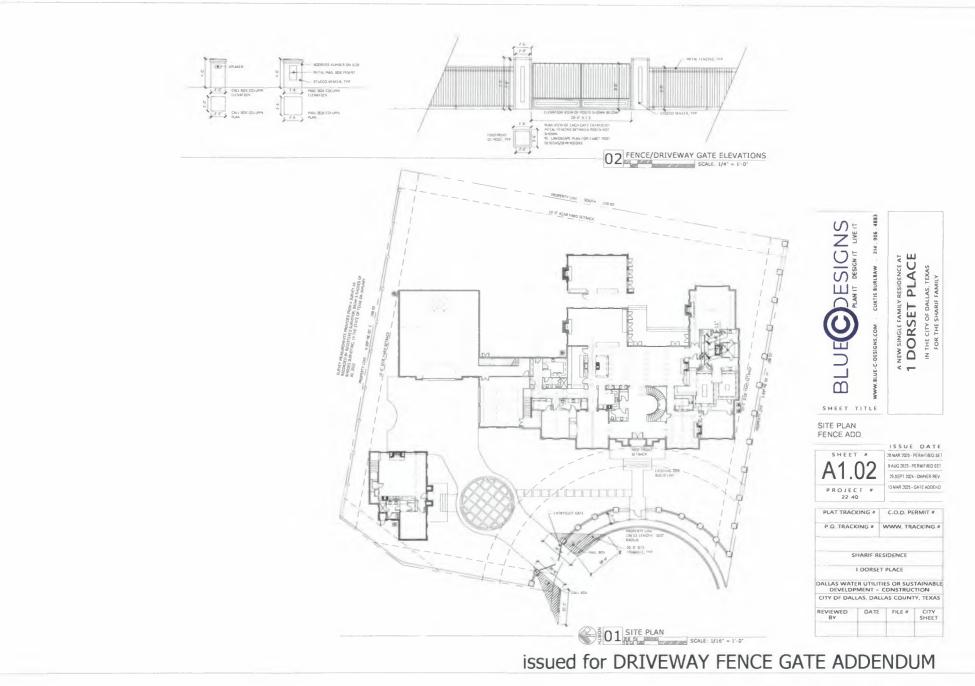


Appeal number: BDA 345063
I, RIDA SHARIF (Owner or "Grantee" of property as it appears on the Warranty Deed), Owner of the subject property
at: 1 Doy Set PL, DAIAS TX (Address of property as stated on application)
Authorize: SARDAR SHARIF (Applicant's name as stated on application)
To pursue an appeal to the City of Dallas Zoning Board of Adjustment for the following request(s)
Variance (specify below)
Special Exception (specify below)
Other Appeal (specify below)
Specify: Fence Figure Pregulations To Allow A 7,3 Fence in A Required Fro VArd, Fence To Be Placed in tHE 20 v Kibility tringle with the
Print name of property owner or registered agent Date
Before me, the undersigned, on this day personally appeared <u>Rido Slorif</u>
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.
Subscribed and sworn to before me this 18th day of March, 2025
Notary Public for Dallas County, Texas
Cansu Guzel Commission expires on 2/21/2027

ArcGIS Web Map



BDA295-002



FILE NUMBER: 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

REQUEST:

(1) 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:

Approval

<u>Rationale:</u> 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:

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

Land Use:

The subject site is vacant, 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 along W. Greenbriar Lane.

- The applicant original proposal was to construct and maintain a residential structure and provide a 7-foot 6-inch front-yard setback, which will require a 17-foot 6-inch variance to the front-yard setback regulations along W Greenbriar Lane.
- The applicant provided revised plans, reducing the front-yard setback to 15-foot 10-inch, which will require a 9-foot 2-inch variance to the front-yard setback regulations along W Greenbriar Lane.
- 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 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 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

Wednesday, February 19, 2025, moved to HOLD this matter under

advisement until April 16, 2025.

February 21, 2025: Planning and Development Department Senior Planner emailed the applicant the following information:

• 1:00 p.m., **April 4, 2025**, deadline to submit additional evidence to be incorporated into the board's docket materials.

April 16, 2025: The Board of Adjustment Panel **B**, at its public hearing held on

Wednesday, April 16, 2025, moved to HOLD this matter under

advisement until May 21, 2025.

April 17, 2025: Planning and Development Department Senior Planner emailed the

applicant the following information:

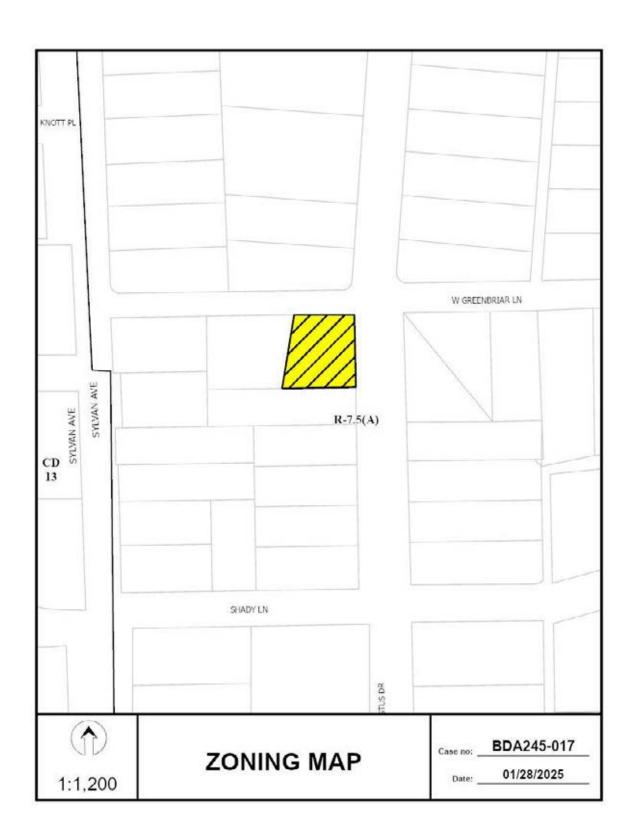
• 1:00 p.m., **May 9, 2025**, deadline to submit additional evidence to

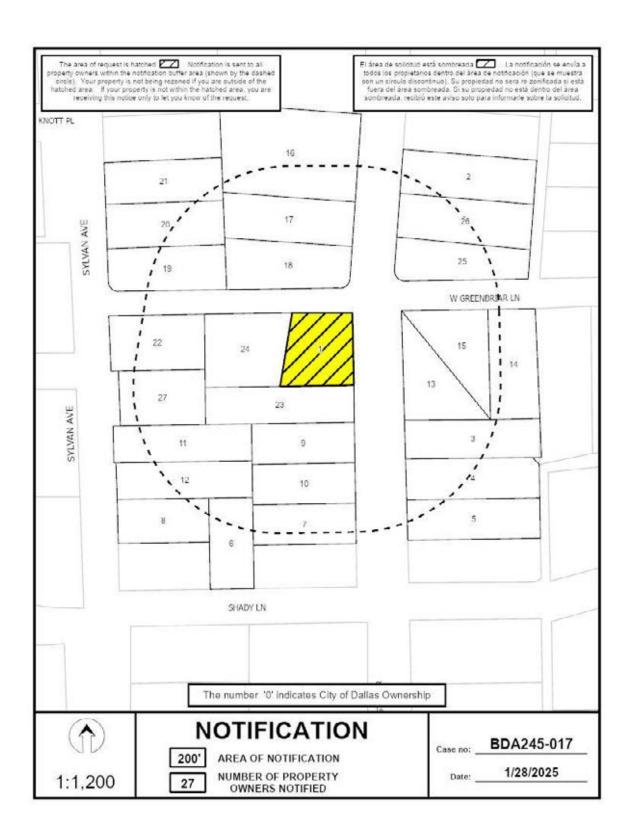
be incorporated into the board's docket materials.

May 7, 2025: Applicant provided revised plans.

May 9, 2025: Applicant provided revised plans.







Notification List of Property Owners BDA245-017

27 Property Owners Notified

Label #	Address		Owner
1	1427	EASTUS DR	MARCER CONSTRUCTION CO LLC
2	1512	EASTUS DR	LANE PATRICK DANIEL & ROBIN C
3	1414	EASTUS DR	SPENCER BLAKE &
4	1410	EASTUS DR	WALTER MARTHA M &
5	1406	EASTUS DR	SCHIER WILLIAM J &
6	743	SHADY LN	STRANGE WILLIAM BRYAN III
7	1407	EASTUS DR	CASAS YESENIA
8	1428	SYLVAN AVE	MILLINGTON MARTIN &
9	1415	EASTUS DR	DEMANDER GEOFFREY SHAW &
10	1411	EASTUS DR	PLUNKETT JAMES M
11	1436	SYLVAN AVE	CHAPPELL MARCUS & JUDY ANN
12	1432	SYLVAN AVE	NOEL EMANUEL B
13	1418	EASTUS DR	GOEGEL ROBERT & CHRISTINE
14	720	W GREENBRIAR LN	BAILEY ERIC N & TERI L
15	726	W GREENBRIAR LN	YOUNGQUIST CHARLOTTE A &
16	1519	EASTUS DR	ALFIERI MARK C
17	1507	EASTUS DR	OLSEN ADAM D
18	1503	EASTUS DR	SPRINGFIELD STEPHEN R &
19	1502	SYLVAN AVE	MEZA RENE & SANDRA
20	1506	SYLVAN AVE	AGARWAL HARSH
21	1512	SYLVAN AVE	SHIFFLETT DENNIS BRADY &
22	1444	SYLVAN AVE	WILKINS NANCY J
23	1421	EASTUS DR	SPANN DAVID C & SUZANNE
24	742	W GREENBRIAR LN	SIKES STEVEN P &
25	1506	EASTUS DR	MORROW ELIZABETH
26	1510	EASTUS DR	HUGHES DAN &

Label # Address

Owner

27

1444

SYLVAN AVE

WILKINS DAVID M

NOTIFICATION

200'

27

AREA OF NOTIFICATION NUMBER OF PROPERTY OWNERS NOTIFIED Case no:

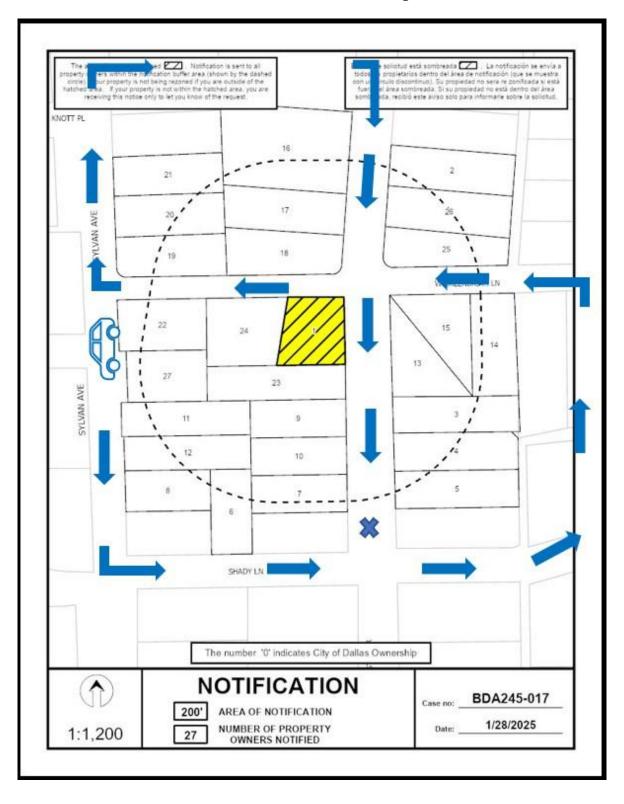
BDA245-017

1/28/2025

Date:

1:1,200

200' Radius Route Map



NOTICE OF PUBLIC HEARING

BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL B)

NOTICE IS HEREBY GIVEN that the BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL B) will hold a hearing as follows:

DATE: WEDNESDAY, MAY 21, 2025

BRIEFING: 10:30 a.m. via Videoconference and in 6ES, Dallas City Hall, 1500 Marilla

Street.

HEARING: 1:00 p.m. via Videoconference and in 6ES, Dallas City Hall, 1500 Marilla

Street

The purpose of the hearing is to consider the following appeal(s) now pending before the Board of Adjustment. This case was held under advisement on April 16, 2025.

BDA245-017(BT) 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, Tract 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.

You have received this notice because you own property within 200 feet of the above property. You may be interested in attending the Board of Adjustment hearing to express your support for or opposition to the application. You may also contact the Board of Adjustment by email to BDAreply@dallas.gov Letters will be accepted until 9:00 am the day of the hearing, if you are unable to attend the hearing. If you choose to respond, it is important that you let the Board know your reasons for being in favor of or in opposition to the application. The Board members are very interested in your opinion.

Note. Any materials (such as plans, elevations, etc.) included within this notice may be subject to change

The Board of Adjustment hearing will be held by videoconference and in 6ES at City Hall. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure by joining the meeting virtually, must register online at https://bit.ly/BDA-B-Register by the close of business Tuesday, May 20, 2025. All virtual speakers will be required to show their video in order to address the board. In Person speakers can register at the hearing. Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99, and bit.ly/cityofdallastv or YouTube com/CityofDallasCityHall

Speakers at the meeting are allowed a maximum of three minutes to address the Board.

Additional information regarding the application may be obtained by calling Bryant Thompson, Senior Planner at (214) 948-4502, or Mary Williams, Board Secretary at (214) 670-4127. Si desea información en español, favor de llamar al teléfono a Mary Williams al (214) 670-4127.

Board of Adjustment Planning & Development Department 1500 Marilla Street 5CN Dallas TX 75201 PLEASE SEND REPLIES TO:
BDArcplv@dallas.gov

Letters will be received until 9:00
am the day of the hearing.

PLEASE REGISTER AT: https://bit.ly/BDA-B-Register

	Case No.: BDA FOR STORY
	Data Relative to Subject Property: Date: FOR OFFICE USE ONLY
	Location address: 1427 Eastus Drive Zoning District: R-7.5(A)
	Lot No.: Tr 3 Block No.: 5920 Acreage: 0.207 Census Tract: 48113004201
	Street Frontage (in Feet): 1) 82' 2) 100.21' 3) 4) 5)
	To the Honorable Board of Adjustment:
	Owner of Property (per Warranty Deed): Marcer Construction Co., LLC
	Applicant: Rob Baldwin, Baldwin Associates Telephone: 214-824-7949
	Mailing Address: 3904 Elm Street, Suite B - Dallas Zip Code: 75226
	E-mail Address: rob@baldwinplanning.com / michele@baldwinplanning.com
	Represented by: Rob Baldwin, Baldwin Associates Telephone: 214-824-7949
	Mailing Address: 3904 Elm Street, Suite B - Dallas Zip Code: 75226
	E-mail Address: rob@baldwinplanning.com / michele@baldwinplanning.com
	Affirm that an appeal has been made for a Variance X or Special Exception to the front yard setback
	along W. Greenbriar Lane to allow the construction of a single family residence.
	and 8t to fence in 20 visibility triangle
	Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to Grant the described appeal for the following reason: This property is encumbered with 2 front yards which leaves an unreasonable amount of
	space to build on. The proposed home is commensurate with the surrounding properties.
	Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.
	Affidavit
	Before me the undersigned on this day personally appeared Rob Baldwin
	(Affiant/Applicant's name printed)
	who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property
	Respectfully submitted: (Affiant/Applicant's signature)
,,,,,	FLIZA DE LA DE LA DE LA DELLA DE LA DELLA DE LA DELLA
IIII E	E Subscribed and sworn to before me this 12 day of <u>December</u> 2024
	Michela Ston
10	
MIC	Notary Public in and for Dallas County, Texas
MICHARITA	Notary Public in and for Dallas County, Texas OF 15 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
MICHIGAN MICHAEL	Notary Public in and for Dallas County, Texas DEVELOPMENT SERVICES • BOARD OF ADJUSTMENT REV 05.24.2023

Building Official's Report

I hereby certify that Rob Baldwin

did submit a request for (1) a variance to the front yard setback regulations

at 1427 Eastus

BDA245-017(BT) 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.

Sincerely,

M. Samuell Eskander, PE

The Site The Is not a surroy. It is provided the bolding and silan-work lagant only. Pror to the start of controlation the general controlates and writing the bard of any grade the exprending state of the special control that are surroy of the state of control that are surroy of the state o



LOT AREA

SLAB AREA 3,978 S.F.

COVERAGE 43.5%

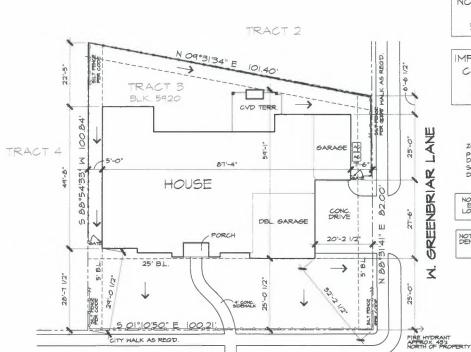
NON-ROOFED AREA 5,155 S.F.

IMPERMEABLE COVERAGE 609 S.F. OR 11.8%

> ZONING: 7.5 (A) per the City of Dallos Development Service and Zoning District.

NO AIRDUCT OR HVAC EQUIPMENT WILL BE LOCATED IN GARAGE

NOTE: ARROWS DENOTE WATER FLOW



1427 EASTUS DRIVE



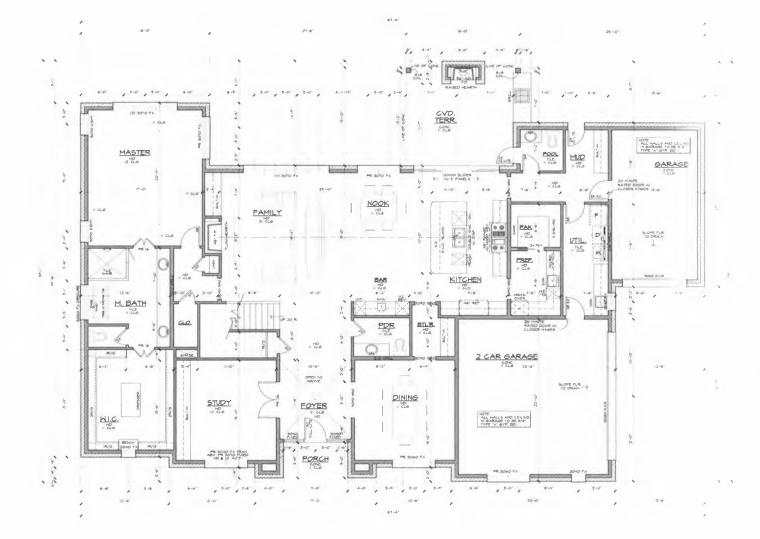
PLOT PLAN

ABST. NO. 1101 - TRACT 3, BLOCK: 5920 1427 Eastus Drive Dallas, Texas SCALE: I"=20'-0" JOB: 223044 DATE: 3/21/24

BDA245-017

(1)

A1



FIRST FLOOR A/C SECOND FLOOR A/C 2,046 5F TOTAL AVE 4,514 SF

GENERAL IST FLR PLAN NOTES:

TYP STUD WALLS ARE 2x45 DIMENSIONED 4 OTHERS AS DIMENSIONED BRICK (OR STONE VENEER IS 6"

2. INSTALL ALL IST FLR WINDOWS WITH HEADS AT 8 - 0 AFF UNLESS NOTED OTHERWISE

5 ALL DOORS ON IST FLR TO BE 8'-0"
TALL UNLESS NOTED OTHERWISE 4 TYP IST FF EL + 0-0 (UNO)

5 FLOOR SYSTEM ASSUMED TO BE 1-2

CITY OF DALLAS GREEN ORDINANCE PH. 2

I ALL LAVATORY PAUCETS TO COMPLY WITH CITY OF DALLAS SPECIAL ORDINANCE, AVERAGE PLON RATE 20' SPM OR LESS SPECIALISE. 2 ALL SHOWERHEADS TO COMPLY HITH CITY OF DALLAS ARREST ORDINANCE, AVERAGE PLON RATE 2.8 APPL OR LESS FIRST FLATIRE

T ALL SUPPACES BETHERS CONDITIONED SPACE AND MIGHT BE TIGHTLY SEALED

4 HYAL UNIT TO BE LOCATED IN THE ATTIC SPACE TO BALOSS MAST INSTALL DRUP INVIGATION INSTITUTES SEDDING MICHAE OF AN APPROVED LANDSCAFE PLAN

ARE BAP FOR DISHMANER

IZ ANT PLATONS HAVE BE HERV & ON BREATER IS ANT HANDLESS HAVE BE SIZED TO HAVE AN

. AR PLIER HOUSING HAST BE ARRESTED * SEE ROOF PLAN SHEET FOR ALL NOTES PERFAHING TO THE SHERIC STAN RECOVERS REQUIRED FORTS

* SEE ELECTRICAL PLAN SHEETS FOR ALL

EXT WALL LEGEND ZZZ BRICK 3/21/24 CUT STONE

FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0

87~4

GENERAL 2ND FLOOR PLAN NOTES

I TYP STUD WALLS ARE 2×45 DIMENSIONED 4" OTHERS AS DIMENSIONED BRICK 4/OR STONE VENEER IS 6"

2 INSTALL ALL 2ND FLR WINDOWS WITH HEADS AT 7-0" A F F UNLESS NOTED OTHERWISE

5 ALL DOORS ON 2ND FLR TO BE 6-8 TALL UNLESS NOTED OTHERWISE

4 FLOOR SYSTEM ASSUMED TO BE 1-2

Estrada Residence

IKEMIRE ARCHITECTS

EXT WALL LEGEND

BRICK



SECOND FLOOR PLAN

5CALE 1/4 + 1-0

FILE NUMBER: BDA245-060 (CJ)

BUILDING OFFICIAL'S REPORT: Application of Kevin Graham for (1) a special exception to the single-family use regulations, and for (2) a variance to the floor area regulations at 6442 E. Lovers Lane. This property is more fully described as Block 9/5419, Lot 9, and is zoned R-7.5(A), which limits the number of dwelling units to one, and prohibits an accessory structure from exceeding 25 percent of the floor area of the main structure. The applicant proposes to construct and/or maintain an accessory dwelling unit (for rent), which will require (1) a special exception to the single-family zoning use regulations, and to construct and/or maintain a single family residential accessory dwelling unit with 542 square feet of floor area (28% of the 1,933 square foot floor area of the main structure), which will require (2) a 59 square foot variance to the floor area ratio regulations.

LOCATION: 6442 E. Lovers Lane

APPLICANT: Kevin Graham

REQUEST:

(1) A request for a special exception to the single-family use regulations; and

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

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

Section 51A-4.209(b)(6)(E)(iii)(aa) of the Dallas Development Code states that the board of adjustment may grant a special exception to authorize a rentable accessory dwelling unit in any district when, in the opinion of the board, the accessory dwelling unit will not adversely affect neighboring properties:

(bb) If a minimum of one additional off-street parking space is not provided, the board shall determine if that will create a traffic hazard. The board may require an additional off-street parking space be provided as a condition of granting this special exception.

(cc) In granting this type of special exception, the board shall require the applicant to deed restrict the subject property to require owner-occupancy on the premises and to annually register the rental property with the city's single family non-owner-occupied rental program.

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, <u>floor area for structures accessory to single-family uses</u>, 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:

1. Special Exceptions (1):

No staff recommendation is made on this request.

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:

- 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 via its size (approx. 8,712 sq ft), 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 6442 E. Lovers Lane within the last 5 years.

Square Footage:

This lot contains 8,712 of square feet or .2 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: PD-652 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 south, east, and west are zoned R-7.5(A) and areas to the north are zoned with uses permissible in PD-652.

GENERAL FACTS/STAFF ANALYSIS:

- The application of Kevin Graham located at 6442 E. Lovers Lane focuses on two requests relating to the single-family zoning use regulations and the floor area for structures accessory to single-family use regulations.
- The applicant proposes to construct and/or maintain an accessory dwelling unit (for rent), which will require a special exception to the single-family use regulations.
- Secondly, the applicant is proposing to construct and/or maintain a single family residential
 accessory structure with 542 square feet of floor area (28% of the 1,933 square foot floor area
 of the main structure), which will require a 59 square foot variance to the floor area ratio
 regulations.
- The subject site has single street frontage on E. Lovers Lane.
- 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. Areas to the north are zoned as Planned Development 652.
- The subject site is currently developed with a single-family residential structure and is located within an established neighborhood.
- The applicant has the burden of proof in establishing that granting the special exception to the single-family use regulations will not adversely affect neighboring properties.
- Granting the special exception to the single-family use 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.
- Granting the special exception to the single-family use regulations would also require the
 applicant to deed restrict the subject property to require owner-occupancy on the premises
 and to annually register the rental property with the city's single family non-owner-occupied
 rental program.

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 Section **51A-3.102(d)(10)(b)**, formerly known as <u>HB 1475</u> 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.
 - 59 square foot variance to the floor area regulations.
- 200' Radius Video: BDA245-060at 6442 E. Lovers Lane

Timeline:

March 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.

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

Adjustment Panel B.

April 18, 2025: The Planning and Development Senior Planner emailed the applicant the

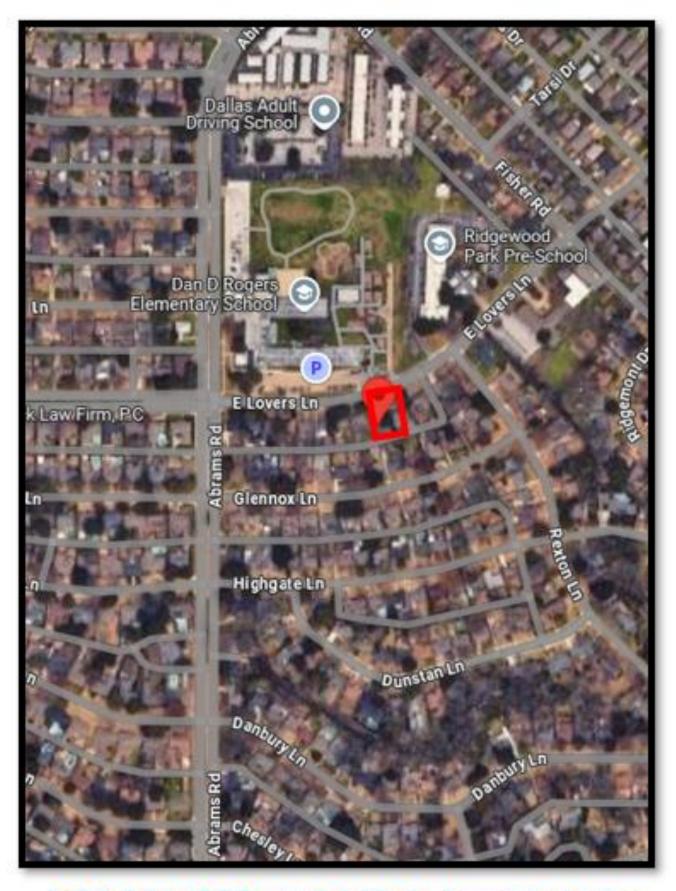
following information:

 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.

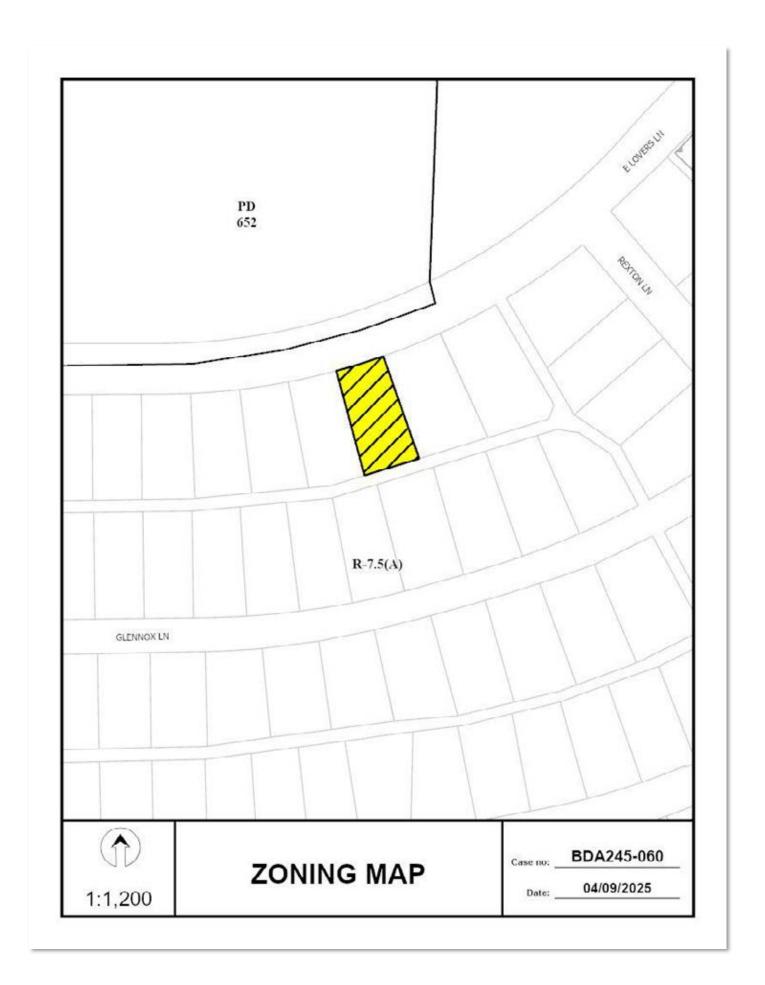
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

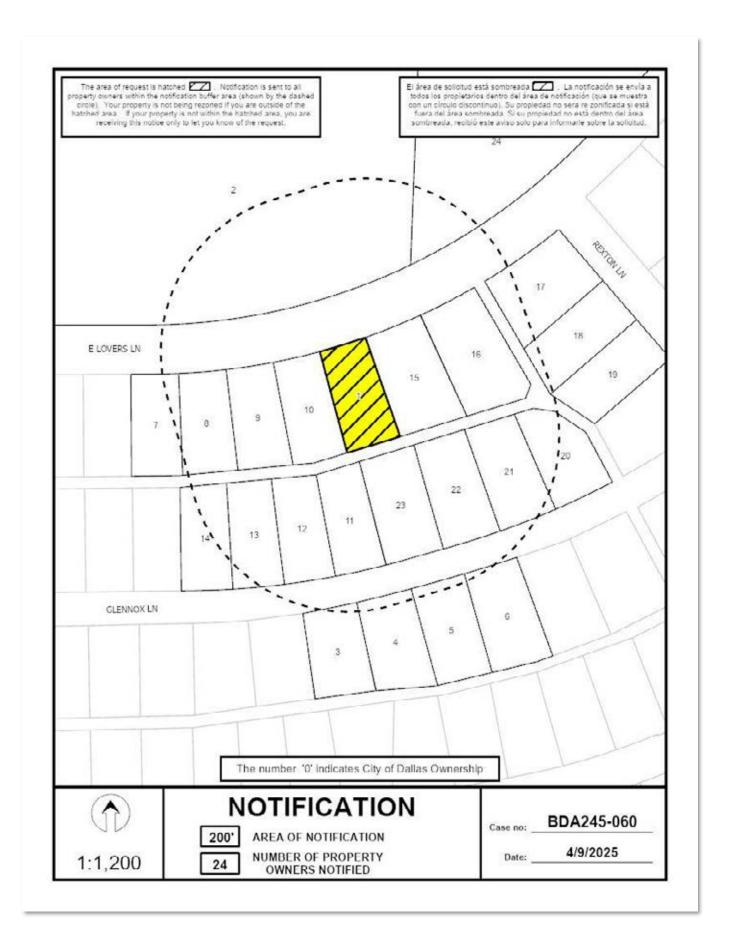
April 24, 2025:

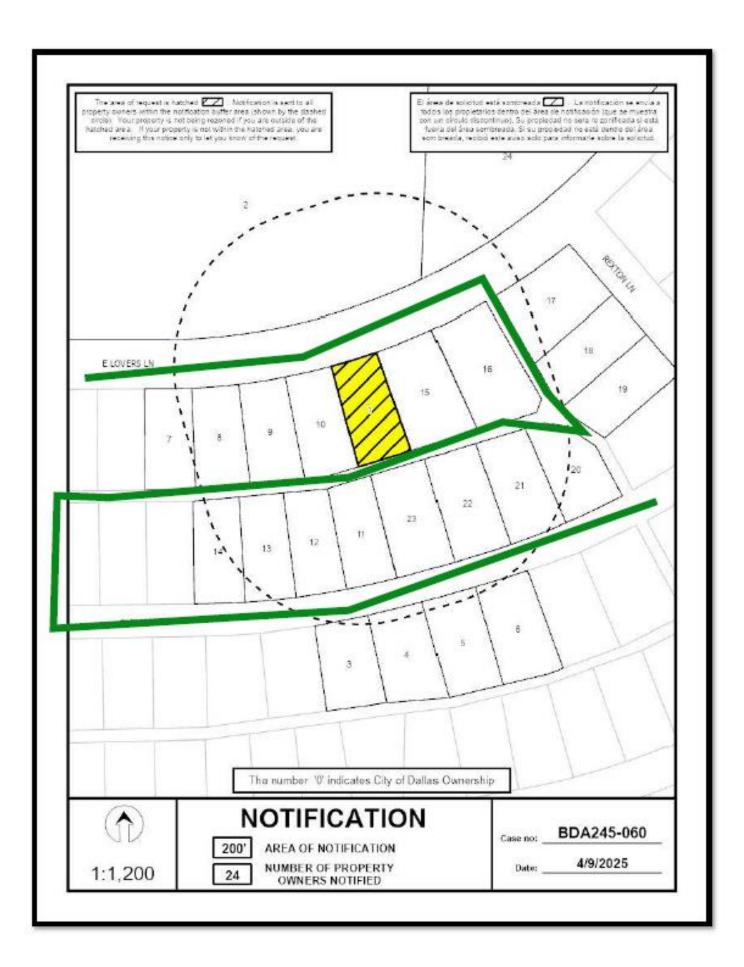
The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the May public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator,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



BDA245-060 at 6442 E. Lovers Lane







l 04/09/2025

Notification List of Property Owners BDA245-060

24 Property Owners Notified

Label#	Address		Owner
1	6442	E LOVERS LN	RODRIGUEZ NICOLE
2	5314	ABRAMS RD	Dallas ISD
3	6442	GLENNOX LN	CHUMBLEY NOLAN REECE &
4	6446	GLENNOX LN	CASTELLAW KYLE E & CARSON G
5	6450	GLENNOX LN	JESSEN JONATHAN S &
6	6456	GLENNOX LN	INGRAHAM TIM A & DARLEEN
7	6424	E LOVERS LN	BRIDGMAN WILLIAM COLE &
8	6428	E LOVERS LN	DAVIS RHONDA &
9	6434	E LOVERS LN	STARR MARGUERITE R
10	6438	E LOVERS LN	KEARBY YVONNE
11	6445	GLENNOX LN	FLATT TIMOTHY RYAN & CRYSTAL ANNETTE
12	6439	GLENNOX LN	GAUNTT MARIAN
13	6435	GLENNOX LN	MURRAY LYNN E
14	6431	GLENNOX LN	GARCIA PRISCILLA JEAN
15	6446	E LOVERS LN	ROHLEDER JOSEPH & MICAELA C
16	6452	E LOVERS LN	BOND NATHAN GREGORY &
17	5221	REXTON LN	BLACK CHRISTOPHER SEAN &
18	5215	REXTON LN	AHMADIAN AMIR &
19	5211	REXTON LN	MORRIS PAUL THOMAS
20	6467	GLENNOX LN	CYPERT ALAN
21	6461	GLENNOX LN	LUCAS PHILLIP A & DOROTHY
22	6455	GLENNOX LN	ARMEY KATHRYN G &
23	6449	GLENNOX LN	JONES ANDERSON COLE
24	6445	E LOVERS LN	RIDGEWOOD PARK METHODIST



NOTIFICATION

200'

AREA OF NOTIFICATION NUMBER OF PROPERTY OWNERS NOTIFIED Case no: BDA245-060

Date: 4/9/2025

1:1,200

NOTICE OF PUBLIC HEARING

BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL B)

NOTICE IS HEREBY GIVEN that the BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL B) will hold a hearing as follows:

DATE: WEDNESDAY, MAY 21, 2025

BRIEFING: 10:30 a.m. via Videoconference and in 6ES, Dallas City Hall, 1500 Marilla

Street.

HEARING: 1:00 p.m. via Videoconference and in 6ES, Dallas City Hall, 1500 Marilla

Street.

The purpose of the hearing is to consider the following appeal(s) now pending before the Board of Adjustment.

BDA245-060(CJ) Application of Kevin Graham for (1) a special exception to the single-family use regulations, and for (2) a variance to the floor area regulations at 6442 E. LOVER\$ LANE. This property is more fully described as Block 9/5419, Lot 9, and is zoned R-7.5(A), which limits the number of dwelling units to one, and prohibits an accessory structure from exceeding 25 percent of the floor area of the main structure. The applicant proposes to construct and/or maintain an accessory dwelling unit (for rent), which will require (1) a special exception to the single-family zoning use regulations, and to construct and/or maintain a single family residential accessory dwelling unit with 542 square feet of floor area (28% of the 1,933 square foot floor area of the main structure), which will require (2) a 59 square foot variance to the floor area ratio regulations. You have received this notice because you own property within 200 feet of the above property. You may be interested in attending the Board of Adjustment hearing to express your support for or opposition to the application. You may also contact the Board of Adjustment by email to BDAreply@dallas.gov. Letters will be accepted until 9:00 am the day of the hearing, if you are unable to attend the hearing. If you choose to respond, it is important that you let the Board know your reasons for being in favor of or in opposition to the application. The Board members are very interested in your opinion.

Note: Any materials (such as plans, elevations, etc.) included within this notice may be subject to change.

The Board of Adjustment hearing will be held by videoconference and in 6ES at City Hall. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure by joining the meeting virtually, must register online at https://bit.ly/BDA-B-Register by the close of business Tuesday, May 20, 2025. All virtual speakers will be required to show their video in order to address the board. In Person speakers can register at the hearing. Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallastv or YouTube.com/CityofDallasCityHall

Speakers at the meeting are allowed a maximum of three minutes to address the Board.

Additional information regarding the application may be obtained by calling Cambria Jordan, Senior Planner at (214) 948-4476, or Mary Williams, Board Secretary at (214) 670-4127. Si desea información en español, favor de llamar al teléfono a Mary Williams al (214) 670-4127.

Board of Adjustment Planning & Development Department 1500 Marilla Street 5CN Dallas TX 75201 PLEASE SEND REPLIES TO:

BDAreply@dallas.gov

Letters will be received until 9:00 am
the day of the hearing.

PLEASE REGISTER AT: https://bit.ly/BDA-B-Register

APPLICATION/APPEAL T	TO THE BOARD OF ADJUSTMENT
	Case No.: BDA 245 - 060E SE ONLY
Data Relative to Subject Property:	Date: FOR OFFICE USE ONLY
Location address: 6442 E. Lovers	La Daussing District: R - 7.5 (A)
	Census Tract:
Street Frontage (in Feet): 1) 60 2) To the Honorable Board of Adjustment:	3)5)
	OLE RODRIGUEZ
	Telephone: 214-616-9374
	s Dacias TXZip Code: 75218
E-mail Address: QRACONSTR.	SWBELL. NET
9	Telephone:
Mailing Address:	Zip Code:
E-mail Address:	
Affirm that an appeal has been made for a Variance	or Special Exception X of) DETACHED
ADDITIONAL DWELLING	UNIT (ADU)
2) ADU EXCREOS Floor	A
Application is made to the Board of Adjustment in a	accordance with the provisions of the Dallas Development Code to
Grant the described appeal for the following reason:	No ADVERSE EFFECT on Prespenty
	No HOVERSE EFFECT ON Krupenty
or Neighbors	, <u>, , , , , , , , , , , , , , , , , , </u>
Note to Applicant: If the appeal requested in this app be applied for within 180 days of the date of the fina	plication is granted by the Board of Adjustment, a permit must all action of the Board, unless the Board specifically grants a
onger period.	Affidavit
Before me the undersigned on this day personally a	Married Keylas (Spallan)
before the the undersigned on this day personally a	
who on (his/her) oath certifies that the above state	(Affiant/Applicant's name printed) ments are true and correct to his/her best knowledge and that
ne/she is the owner/or principal/or authorized rep	
	,
Samuel St. 1	
Respectfully submitted: (Affiant/Applicant's signatu	
7 7 7	
Subscribed and sworn to before me thisday of _	VVlara 2025
And the state of t	
STEVE HAZEN	113

Notary ID 124688622

BOARD OF ADJUSTMENT CITY OF DALLAS, TEXAS

FILE NUMBER: BDA245-060

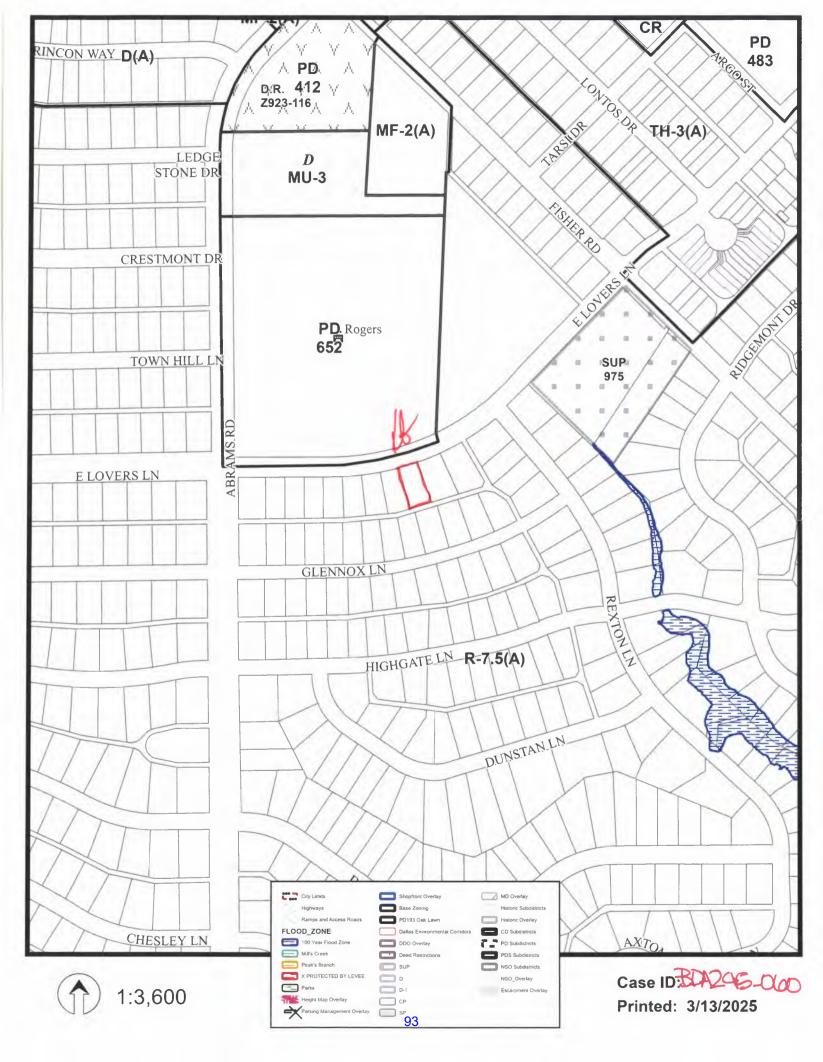
BUILDING OFFICIAL'S REPORT: Application of KEVIN GRAHAM for (1) a special exception to the single-family use regulations, and for (2) a variance to the floor area regulations at 6442 E LOVERS LN. This property is more fully described as Block 9/5419, Lot 9, and is zoned R-7.5(A), which limits the number of dwelling units to one, and prohibits and accessory structure to exceed 25 percent of the floor area of the main structure. The applicant proposes to construct and/or maintain an Accessory dwelling unit (for rent), which will require (1) a special exception to the single-family zoning use regulations, and to construct and/or maintain a single family residential accessory dwelling unit with 542 square feet of floor area (28% of the 1,933 square foot floor area of the main structure), which will require (2) a 59 square foot variance to the floor area ratio regulations.

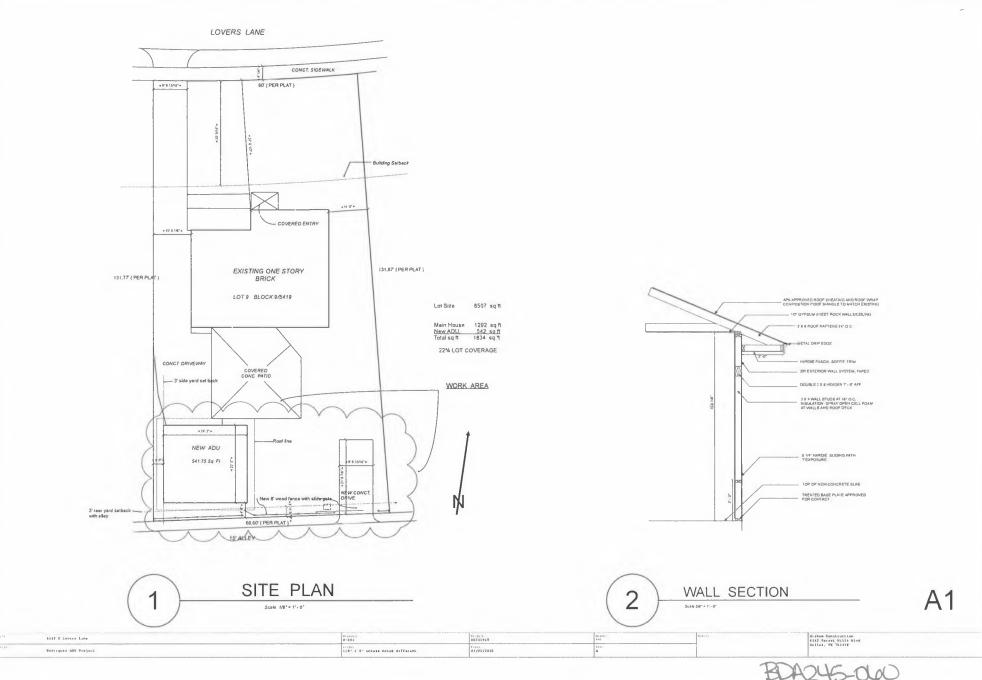
LOCATION: 6442 E LOVERS LN

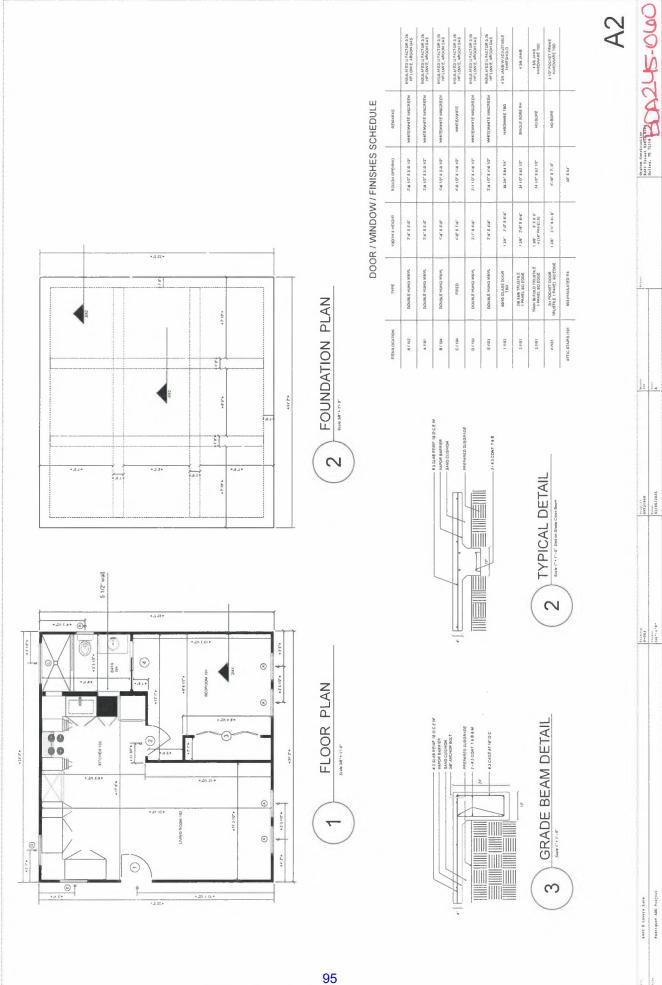
APPLICANT: KEVIN GRAHAM

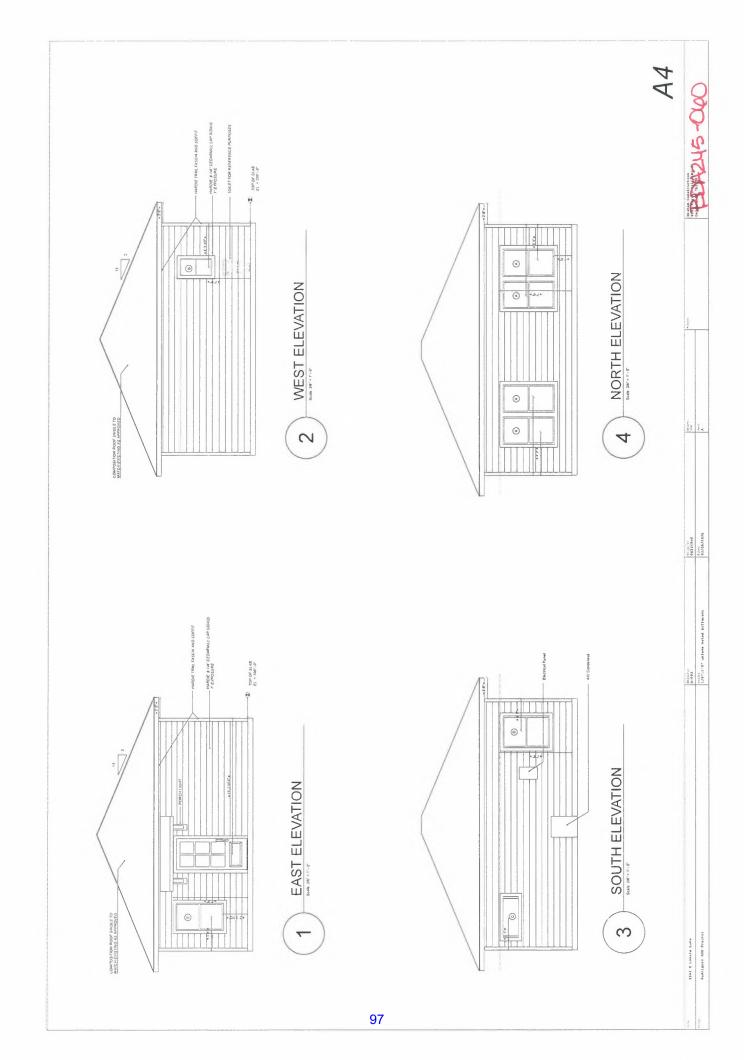


Appeal number: BDA 245-000
I, NICOLE RODRIGUEZ, Owner of the subject property (Owner or "Grantec" of property as it appears on the Warranty Deed)
at: 6442 E. LOYERS Ln Daus, TX 75214 (Address of property as stated on application)
Authorize: KEVIN GRAHAM (Applicant's name as stated on application)
To pursue an appeal to the City of Dallas Zoning Board of Adjustment for the following request(s)
Variance (specify below)
Special Exception (specify below)
Other Appeal (specify below)
Specify: 1) DETACHED ADDITIONAL DWELLING UNIT (ADU)
2) ADU EXCEEDS FLOOR, Area, 1.
Print name of property owner or registered agent Signature of property owner or registered
agent Date March 3, 2025
Before me, the undersigned, on this day personally appeared
Who on his/her oath certifies that the above statements are true and correct to his/her best
knowledge. Subscribed and sworn to before me thisday of
March, 2015
Ah-
Notary Public for Dallas County, Texas Commission expires on NOTATE AND











Front Elevation Existing with detached garage



2 Front Elevation Existing with New ADU Scale 3/8" = 1'-0"

BOARD OF ADJUSTMENT CITY OF DALLAS, TEXAS

FILE NUMBER: BDA245-067(BT)

BUILDING OFFICIAL'S REPORT: Application of Jesus Aguillon for (1) a special exception to the fence-height regulations; and (2) a special exception to the fence standard regulations at 3266 S. EDGEFIELD AVENUE. This property is more fully described as Block 4/6025, Lot 3, and is zoned R-7.5(A), which limits the height of a fence in the front-yard to 4-feet and requires a fence panel with a surface area that is less than 50 percent open not be located less than 5-feet from the front lot line. The applicant proposes to construct and/or maintain an 9-foot 7-inch high fence in a required front-yard, which will require (1) a 5-foot 7-inch special exception to the fence height regulations along Grayson Drive; and the applicant proposes to construct and/or maintain a fence in a required front-yard with a fence panel having less than 50 percent open surface area located less than 5-feet from the front-lot line, which will require (2) a special exception to the fence standard regulations.

LOCATION: 3266 S. Edgefield Avenue

APPLICANT: Jesus Aguillon

REQUEST:

- (1) A request for a special exception to the fence height regulations; and
- (2) A request for a special exception to the fence standard regulation relating to opacity.

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

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

STAFF RECOMMENDATION:

Special Exceptions (2):

No staff recommendation is made on this request.

BACKGROUND INFORMATION:

Zoning:

<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)
 West: R-7.5(A) (Single Family District)

Land Use:

The subject site along with surroundings properties are developed with single-family homes.

BDA History:

No BDA history found within the last 5 years

GENERAL FACTS/STAFF ANALYSIS:

- The application of Jesus Aguillon for the property located at 3266 S. Edgefield Avenue focuses on two requests relating to the fence height and fence opacity regulations.
- The first request, the applicant is proposing to construct and maintain a 9-foot 7-inch high fence and gate in a required front-yard, which will require a 3-foot 3-inch special exception to the fence height regulations.
- The second request, the applicant is proposing to construct and maintain a fence in a required front-yard with a fence panel having less than 50 percent open surface area located less than 5-feet from the front lot line, which requires a special exception to the fence opacity regulations.
- As illustrated on the submitted site plan and elevations, the 9-foot 7-inch-high board on board fence was constructed without permit approval.
- The applicant plans to remove all fencing from the 20-foot visual obstruction near the alley along Grayson Drive.
- The applicant has the burden of proof in establishing that the special exception to the fence standard regulations relating to height and opacity will not adversely affect the neighboring properties.
- Granting the special exception to the fence regulations relating to height and opacity, 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: BDA245-067 at 3266 S Edgefield Ave

Timeline:

April 2, 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 B.

April 18, 2025: Planning and Development Department Senior Planner emailed the

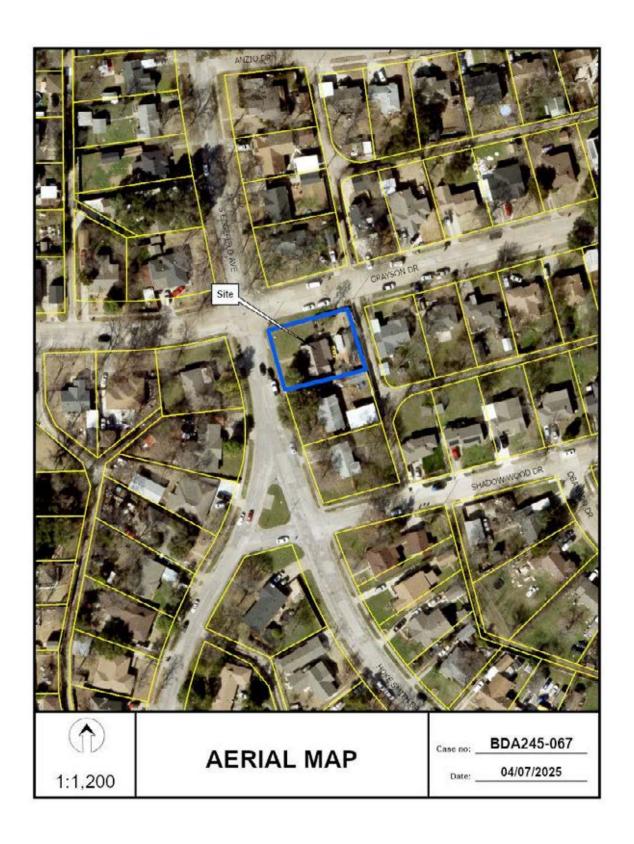
applicant the following information:

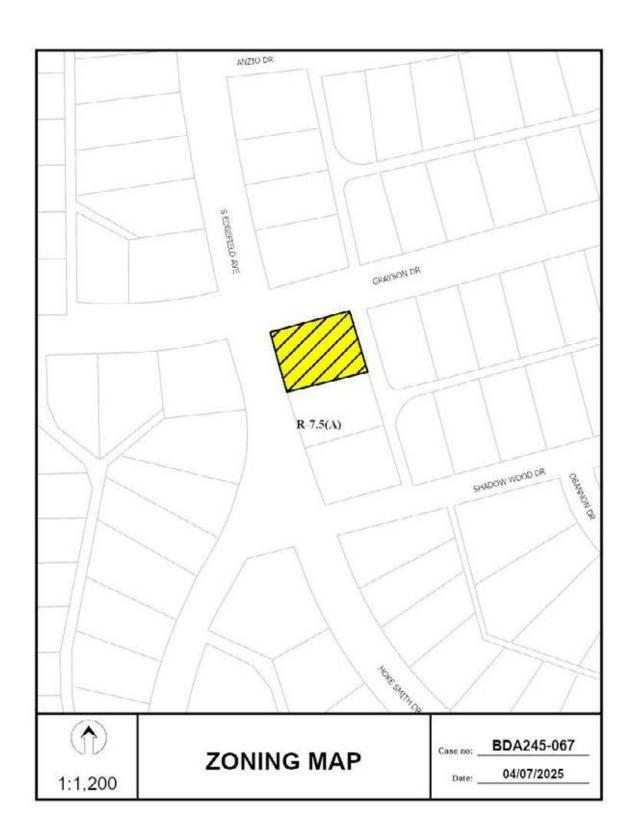
 an attachment that provided the public hearing date and panel that will consider the application; the April 23, 2025, deadline to submit additional evidence for staff to factor into their analysis; and **May 9, 2025**, deadline to submit additional evidence to be incorporated into the board's docket materials.

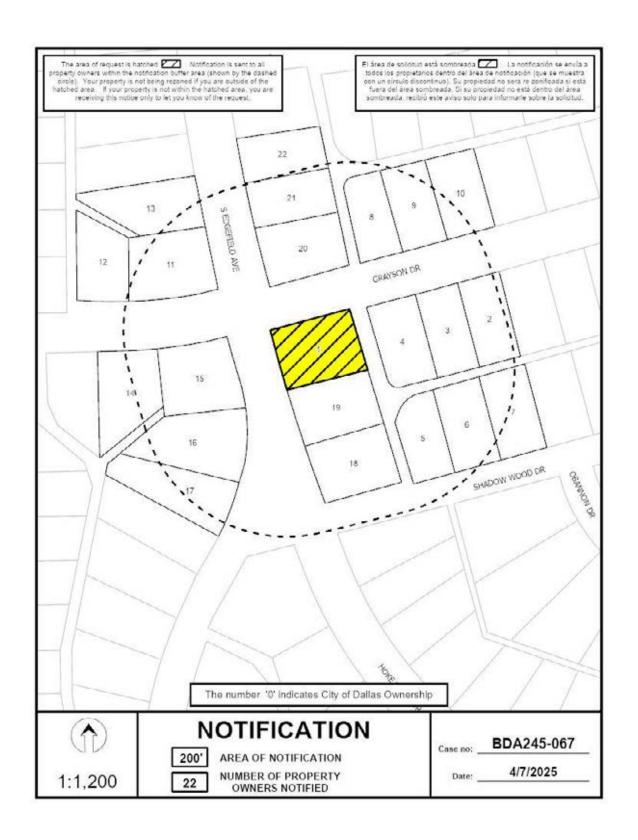
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

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.







Notification List of Property Owners

BDA245-067

22 Property Owners Notified

Label#	Address		Owner
1	3266	S EDGEFIELD AVE	AGUILLON GRACIELA
2	3220	GRAYSON DR	GARZA SYLVIA P
3	3224	GRAYSON DR	TAMEZ ORACIO
4	3228	GRAYSON DR	CHILDRESS JEANETTE
5	3215	SHADOW WOOD DR	OSORIO MARGARITO
6	3209	SHADOW WOOD DR	QUEVEDO DAVID H &
7	3203	SHADOW WOOD DR	PEREZ JUAN J &
8	3229	GRAYSON DR	DAMERAU REESE A
9	3225	GRAYSON DR	PALACIOS GERARDO B
10	3219	GRAYSON DR	COLLAZO FRANCISCA
11	3255	S EDGEFIELD AVE	MARTINEZ JUAN P
12	3313	GRAYSON DR	CASTANEDA MARIA
13	3247	S EDGEFIELD AVE	SANCHEZ RODOLFO &
14	3310	GRAYSON DR	HARRISON HUELON A
15	3267	S EDGEFIELD AVE	GRAY GEORGE H & BARBARA F
16	3275	S EDGEFIELD AVE	ALLIANCE RIOMI
17	3281	S EDGEFIELD AVE	MARQUEZ MIREYA
18	3278	S EDGEFIELD AVE	MONTERROSO GUDELIA
19	3272	S EDGEFIELD AVE	GRIMALDO MARIO A &
20	3252	S EDGEFIELD AVE	ORTIZ JOSE G
21	3246	S EDGEFIELD AVE	WEBB STACY
22	3242	S EDGEFIELD AVE	ESPARZA CLAUDIO &



1:1,200

NOTIFICATION

200'

22

AREA OF NOTIFICATION NUMBER OF PROPERTY **OWNERS NOTIFIED**

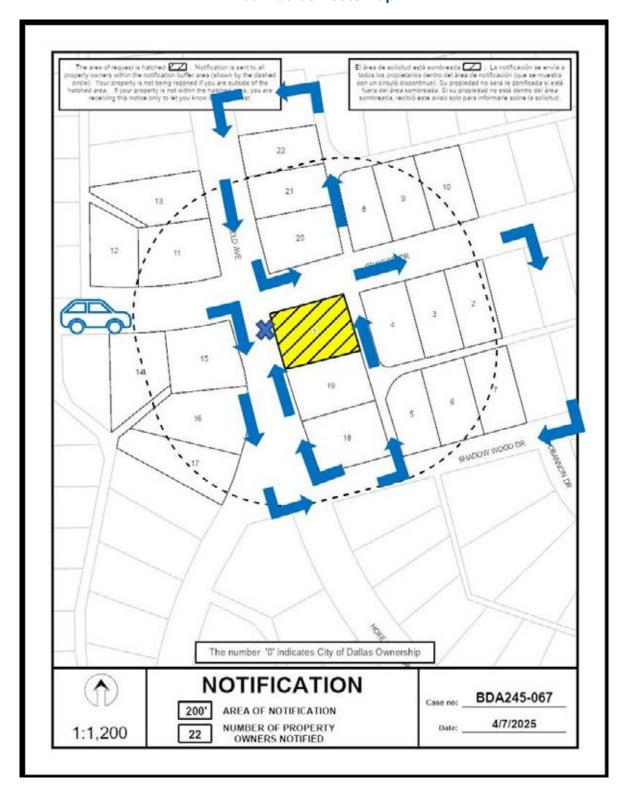
BDA245-067 Case no:

4/7/2025 Date:

Route Directions:

Start on Grayson Dr.
Right on S Edgefield Ave.
Left on Shadow Wood Dr.
Left thru Alley.
Left on Anzio Dr.
Left on S Edgefield Ave.
Left on Grayson Dr.
Right on S Polk St.
Right on S Edgefield Ave.
*Subject Site from Grayson Dr. at 0:35 and 2:20.
*Subject Site from S Edgefield Ave. at 4:07.

200' Radius Route Map



NOTICE OF PUBLIC HEARING

BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL B)

NOTICE IS HEREBY GIVEN that the BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL B) will hold a hearing as follows:

DATE: WEDNESDAY, MAY 21, 2025

BRIEFING: 10:30 a.m. via Videoconference and in 6ES, Dallas City Hall, 1500 Marilla

Street.

HEARING: 1:00 p.m. via Videoconference and in 6ES, Dallas City Hall, 1500 Marilla

Street

The purpose of the hearing is to consider the following appeal(s) now pending before the Board of Adjustment.

BDA245-067(BT) Application of Jesus Aguillon for (1) a special exception to the fence height regulation, and for (2) a special exception to the fence opacity regulation at 3266 S. EDGEFIELD AVENUE. This property is more fully described as Block 4/6025, Lot 3, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4-feet and prohibits a fence panel having less than 50 percent open surface area located less than 5-feet from the front-lot line. The applicant proposes to construct and/or maintain a 9-foot 7-inch high fence in a required front-yard, which will require a 5-foot 7-inch special exception to the fence height regulation; and to construct and/or maintain a fence in a required front-yard with a fence panel having less than 50 percent open surface area located less than 5-feet from the front lot line, which will require (2) a special exception to the fence opacity regulation.

You have received this notice because you own property within 200 feet of the above property. You may be interested in attending the Board of Adjustment hearing to express your support for or opposition to the application. You may also contact the Board of Adjustment by email to BDAreply@dallas.gov. Letters will be accepted until 9:00 am the day of the hearing, if you are unable to attend the hearing. If you choose to respond, it is important that you let the Board know your reasons for being in favor of or in opposition to the application. The Board members are very interested in your opinion.

Note: Any materials (such as plans, elevations, etc.) included within this notice may be subject to change.

The Board of Adjustment hearing will be held by videoconference and in 6ES at City Hall. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure by joining the meeting virtually, must register online at https://bit.ly/BDA-B-Register by the close of business Tuesday, May 20, 2025. All virtual speakers will be required to show their video in order to address the board. In Person speakers can register at the hearing. Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallasty or YouTube.com/CityofDallasCityHall

Speakers at the meeting are allowed a maximum of three minutes to address the Board.

Additional information regarding the application may be obtained by calling Bryant Thompson, Senior Planner at (214) 948-4502, or Mary Williams, Board Secretary at (214) 670-4127. Si desea información en español, favor de llamar al teléfono a

Mary Williams al (214) 670-4127.

Board of Adjustment
Planning & Development Department
1500 Marilla Street 5CN Dallas TX 75201

PLEASE SEND REPLIES TO: BDAreply@dallas.gov

Letters will be received until 9:00 am the day of the hearing.

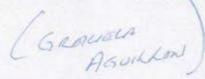
PLEASE REGISTER AT: https://bit.ly/BDA-B-Register

APPLICATION/APPEAL T	O THE BOARD OF ADJUSTMENT
	Case No.: BDA 245 - 067 APR 0 2 7625
Data Relative to Subject Property:	Date:
Location address: 3266 5 Edge Field	Ave Zoning District: R-7.5 (A)
Lot No.: 3 Block No.4/6025 Acreage:	
Street Frontage (in Feet): 1) 85 2) 1/3.39	
To the Honorable Board of Adjustment:	
Owner of Property (per Warranty Deed):	cla Quintero Rodriguez (Graciala Faulli
Applicant: Jesus Aguilles	Telephone: 210 - 765 - 3263
Mailing Address: 3266 5. Edge Field Ave	e Dalho Tx zip code: 75224
E-mail Address: The CJ B to thers construct	
Represented by:	Telephone:
	Zip Code:
Mailing Address:	zip code.
E-mail Address:	zip code.
E-mail Address: Affirm that an appeal has been made for a Variance On the outside 9'7" on 9 royson	or Special Europetion V of 1) From 15 8' on the 106 de
E-mail Address: Affirm that an appeal has been made for a Variance On the outside 9'7" on groyson Application is made to the Board of Adjustment, in a	or Special Exception of 1) Fence 15 8' on the Inside of 1. Z) Opacity Using solid wood on accordance with the provisions of the Dallas Development Code, to
Affirm that an appeal has been made for a Variance on the outside 9'7" on groyson application is made to the Board of Adjustment, in a Grant the described appeal for the following reason: To have better privacy and appeal stuff Note to Applicant: If the appeal requested in this app	e_ or Special Exception of 1) Ferce 15 8 on the Inside of 1. 2) Opacity Using solid wood on accordance with the provisions of the Dallas Development Code, to step people From jumping Ferce and plication is granted by the Board of Adjustment, a permit must all action of the Board, unless the Board specifically grants a
Affirm that an appeal has been made for a Variance on the outside 9'7" on grayson grayson JA Application is made to the Board of Adjustment, in a Grant the described appeal for the following reason: To have better privacy on the same better privacy of the same better privacy of the same beapplied for within 180 days of the date of the final	e_ or Special Exception of 1) Ferce 15 8' on the Inside of 1. 2) Opacity Using solid wood on accordance with the provisions of the Dallas Development Code, to step people From jumping Ferce and plication is granted by the Board of Adjustment, a permit must all action of the Board, unless the Board specifically grants a
Affirm that an appeal has been made for a Variance on the outside 9'7" on grayson application is made to the Board of Adjustment, in a Grant the described appeal for the following reason: To have better privacy of the opposite of the final longer period. Before me the undersigned on this day personally a	e_ or Special Exception of 1) Fence 15 8 on the Inside of 1. 2) Opacity Using solid wood an accordance with the provisions of the Dallas Development Code, to stop people. From Jumping Fence and plication is granted by the Board of Adjustment, a permit must all action of the Board, unless the Board specifically grants a Affidavit appeared

Notary Public in and for Dallas County, Texas



AFFIDAVIT



		Haore
Appeal number: BDA 24	15-067	
CIRACIEL	operty as it appears on the Warranty	No Desc, Owner of the subject property
at: 3266 S 509	EFICLA AVE	DALMAS TX 75224 m application)
Authorize: JESUS	AGUILLEN (Applicant's name as statted or	n application)
		ard of Adjustment for the following request(s)
Variance (specify be	low)	
Special Exception (s	pecify below)	
Other Appeal (speci		
Specify: 1) Fence 15 8	on the inside i	and on Grayson Dr 10 around 9:7
2) opacity us	ing solid au	ood Fence on Grayson Or.
Print name of property owner agent Date 03/26/	r or registered agent	Signature of property owner or registered
Before me, the undersigned,	on this day personally a	ppeared
Who on his/her oath certifies	that the above statemen	nts are true and correct to his/her best
knowledge. Subscribed and s	worn to before me this	3/26/2015 day of
- March	WINDRA M DIA	.015
, , , , , , , , , , , , , , , , , , ,	A STATE OF THE STA	Commission expires on 07 -06 7024.
Marian Ma	0 12952 to 00 1	



DATE: 6-6-96 DATE: 3-4-96

ANNEXED JUNE 27 1945 ORD. NO. 3649

ALL ALLEYS ARE 15 FEET WIDE.

CITY OF DALLAS PLAT BOOKS

ADDITION WYNNEWOOD NO. 5 (PART) & NO.4-IST INSTALL. (PART)

THILLIOUS IN STRAIT BENDER IS IN STALL. (FAR

4-5-6-13 8,4,5 BLOCKS 6025 (PART) 8 6025/2

SURVEY WM. M. LENARD ABST. 775 SCALE 100 FT. EQUALS 1 INCH DALLAS SCHOOL DIST. ADDITION WYNNEWOOD NO. 5 5976 5025 6025 3000 CASINO DRIVE 8 3100 AVE. ADDITION DRIVE ST 5916 EDGEFIELD A 6054 5000 8 ANZIO POLK 8 GRAYSON 3200 DRIVE NO. 5 8 6025 MOVINGGA PERRYTON MAMMEMOOD SSHADOW WOOD DR. NO.4 SECOND INSTALLMENT FIRST WYNNE WOOD NO.4 ADDITIONS BLOCK AND ALLEY RADII ON CORNERS ARE 15 FEET.

BDA245-067



Posting of Notification Sign

PER SEC 51A-1.106 Notification signs required to be obtained and posted

Address: 3266 5. Edge Field Ave Dallas Tx 75224

Appeal Number: BDA 245 - 067
All required notification signs must be posted on the property within fourteen (14) days after an application has been made, prior to the Board of Adjustment Hearing, and not be removed until the hearing ends.
The sign must be posted at a prominent location adjacent to the public street, evenly spaced along each frontage, and easily visible from the street. Failure to properly post the sign(s) may result in either a postponement or denial of the appeal.
All required notification signs have been received. One sign is required for each 500 feet or less of frontage, or every tract of five (5) acres or less, with a maximum of five (5) signs required. The cost of each sign is \$10.00.
Number of signs received: 25 , 1/3 Number of signs received: 2
Signature of applicant or person receiving signs Date

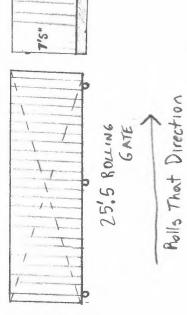


5CALE: 1"= 20' BDA245-007

NORTH FRONT SIDE

EDA245-007

WOOD PICKETS Fence is MADE OUT 8'TALL



54' LONG

F. Refaining WALL TELD: WOOD FEAKE SCALE: 322=1"

TOTAL LENGTH: 79'5

EAST BACK SIDE

00

,28

SCALE: 3/2 = 1.

III : WOOD FENCE

WEST FRONT AIGHT

WEST FRONT LEFT

SALE: 322=1

M: WOOD DOOR IM: WOOD FENCE

SCAE: 32:1' 47,6 00

TIMI : WOOD SOUTH SIDE