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CITY SECRETARY  
DALLAS, TEXAS



City of Dallas

AGENDA

Public Notice

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POSTED CITY SECRETARY  
DALLAS, TX

**BOARD OF ADJUSTMENT (PANEL C)**

**JANUARY 23, 2025, BRIEFING AT 10:30 A.M. AND  
THE PUBLIC HEARING AT 1:00 P.M.  
Dallas City Hall, 6ES Council Briefing, and Videoconference**

**Video Conference Link: <https://bit.ly/boa0123>  
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) hours after adjournment by visiting <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-C-Register> or call (214) 670-4127, by **5 p.m. on Wednesday, January 22, 2025. In person speakers can register at the hearing.**

La Ciudad de Dallas llevará a cabo Adecuaciones/Modificaciones Razonables a los 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 la reunión en <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-C-Register> o llamando al (214) 670-4127, **antes de las 5 p.m. Miércoles, 22 de Enero, 2025. Las Personas que quieran hablar en persona, se pueden registrar en la Audiencia.**

**AGENDA**

- |      |                                    |                           |
|------|------------------------------------|---------------------------|
| I.   | <b>Call to Order</b>               | Robert Agnich, Vice-Chair |
| II.  | <b>Staff Presentation/Briefing</b> |                           |
| III. | <b>Public Hearing</b>              | Board of Adjustment       |
| IV.  | <b>Public Testimony</b>            |                           |
| V.   | <b>Miscellaneous Items</b>         |                           |
| VI.  | <b>Case Docket</b>                 | Board of Adjustment       |
|      | - Uncontested Items                |                           |
|      | - Holdover Items                   |                           |
|      | - Individual Items                 |                           |
| VII. | <b>Adjournment</b>                 |                           |

**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 propiedad."

**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:

1. 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]
2. 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]
3. 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]
5. 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]
7. 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]

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**MISCELLANEOUS ITEM(S)**

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- Approval of Panel C Minutes – December 16, 2024
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**UNCONTESTED CASE(S)**

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<b>BDA245-005(BT)</b>	2635 Pennsylvania Avenue <b>REQUEST:</b> Application of Ruth Solorzano represented by Shereyar Jawaid for <b>(1)</b> a variance to the front-yard setback regulations.	1
<b>BDA234-149(CJ)</b>	5000 East Side Avenue <b>REQUEST:</b> Application of Rob Baldwin for <b>(1)</b> a variance to the front-yard setback regulations.	2
<b>BDA234-155(CJ)</b>	929 Brookwood Drive <b>REQUEST:</b> Application of Benjamin Lartey for <b>(1)</b> a special exception to the fence height regulations, and for <b>(2)</b> a special exception to the visibility obstruction regulations.	3

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**HOLDOVER**

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<b>BDA234-146(CJ)</b>	3226 Lawnview Avenue <b>REQUEST:</b> Application of Raul Cortes Garcia for <b>(1)</b> a special exception to the fence height regulations, and for <b>(2)</b> a special exception to the fence opacity regulations.	4
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**INDIVIDUAL CASES**

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None



BOARD OF ADJUSTMENT

Panel C Minutes

December 16, 2024

**DRAFT**

6ES – Council Briefing  
[24957316190@dallascityhall.webex.com](mailto:24957316190@dallascityhall.webex.com)

Robert Agnich, Vice-Chair

**PRESENT: [4]**

Robert Agnich, VC	
Judy Pollock	
Jared Slade	
Rodney Milliken	

**ABSENT: [1]**

Roger Sashington	

Vice-Chair Agnich called the briefing to order at **10:37 A.M.** with a quorum of the Board of Adjustment present.

Vice-Chair Agnich called the hearing to order at **1:11 P.M.** with a quorum of the Board of Adjustment present.

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

**PUBLIC SPEAKERS**

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

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

**MISCELLANEOUS ITEMS**

Approval of the Board of Adjustment Panel C, November 18, 2024, Minutes as presented during the briefing.

**A motion was made to approve Panel C, November 18, 2024, Public Hearing minutes.**

Maker:	Jared Slade				
Second:	Robert Agnich				
Results:	4-0 unanimously				Motion to approve
		Ayes:	-	4	Robert Agnich, Judy Pollock, Rodney Milliken, and Jared Slade
		Against:	-	0	

**UNCONTESTED ITEMS**

**1. 12908 Windfall Circle**  
BDA234-140(CJ)

**BUILDING OFFICIAL’S REPORT:** Application of Jordan DSilva for **(1)** a variance to the side-yard setback regulations at **12908 Windfall Circle**. This property is more fully described as 4/8788, Lot 5 and is zoned R-10(A), which requires a 6-foot side-yard setback. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 2-foot 6-inch side-yard setback, which will require a **(1)** 3-foot 6-inch variance to the side-yard setback regulations.

**LOCATION:** 12908 Windfall Circle

**APPLICANT:** Jordan D’Silva

**REQUEST:**

- (1) 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:

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

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

**ELEMENT II SUBSTITUTE:**

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

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

**STAFF RECOMMENDATION:**

1. Variance to the front yard setback regulations

Approval

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

- A. Not contrary to the public interest as no letters of opposition were received before case reports were finalized and submitted.
- B. Though the subject site is not sloped or irregularly shaped, it is only 8,189.28 sq ft. which is smaller than the minimum lot size for residential use in the R-10(A) zoning district (10,000 sq ft.); therefore, the property cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Is not a self-created or personal hardship.

**BACKGROUND INFORMATION:**

**BDA History:**

No BDA history found at 12908 Windfall Circle within the last 5 years.

**Square Footage:**

This lot contains 8,189.28 of square feet.

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

Site: R-10(A) (Single Family District)

North: R-10(A) (Single Family District)

East: R-10(A) (Single Family District)

South: R-10(A) (Single Family District)

West: R-10(A) (Single Family District)

**Land Use:**

The subject site and areas to the north, south, east, and west are zoned R-10(A).

**GENERAL FACTS/STAFF ANALYSIS:**

- The application for the Jordan DSilva property located at 12908 Windfall Circle focuses on 1 request relating to the side yard setback regulations.
- A request for a variance to the side yard setback regulations of 3-feet 6-inches is made to construct and/or maintain a single-family residential structure; zoning district R-10(A) requires a 6-foot side yard setback.
- The subject site is a mid-block lot and has single street frontage on Windfall Circle.
- The subject site along with surrounding properties to the north, south, east and west are zoned with residential uses.
- The subject site is currently developed with a single-family structure and located within an established neighborhood.

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

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

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

- (a) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code.
  - (b) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
  - (c) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
  - (d) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
  - (e) the municipality considers the structure to be a nonconforming structure.
- Granting the proposed variance below with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents.
    - 3-foot 6-inches variance to the side yard setback regulations.

- 200' Radius Video: [BDA234-140 at 12908 Windfall Circle](#)

**Timeline:**

- October 17, 2024: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- November 4, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel C.
- November 13, 2024: The Planning and Development Department Senior Planner emailed the applicant the following information:
- an attachment that provided the hearing date and panel that will consider the application; the November 22, 2024, deadline to submit additional evidence for staff to factor into their analysis; and December 6, 2024, deadline to submit additional evidence to be incorporated into the board's docket materials.
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- December 4, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the December public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.
- November 8, 2024: Traffic Engineering Program Administrator provided comments stating no objection.

Speakers:

For: Jordan D'Silva, 12908 Windfall, Dallas TX 75253 (Did not speak)

Against: No Speakers

**Motion**

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

**BDA 234-140** – Application of Jordan Dsilva, for a variance to the side-yard setback regulations contained in the Dallas Development Code, is **granted**, subject to the following condition:

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



Maker:	Jared Slade				
Second:	Robert Agnich				
Results:	4-0 Unanimously				Motion to grant
		Ayes:	-	4	Robert Agnich, Judy Pollock, Rodney Milliken, Jared Slade
		Against:	-	0	

**2. 3226 Lawnview Avenue**  
BDA234-146(CJ)

**\*Board Member Rodney Milliken has a conflict of interest in this case\***

**BUILDING OFFICIAL’S REPORT:** Application of Raul Cortes Garcia for (1) a special exception to the fence height regulations, and for (2) a special exception to the fence opacity regulations at 3226 Lawnview Ave. This property is more fully described as Block 37/5809, Lot 5 and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4-feet. The applicant proposes to construct and/or maintain a 6-foot high fence in a required front yard along Menger Ave, which will require a (1) 2-foot special exception to the fence height regulations, and to construct 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 a (2) special exception to the fence opacity regulations.

**LOCATION:** 3226 Lawnview Avenue

**APPLICANT:** Raul Cortes Garcia

**REQUEST:**

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

**STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE HEIGHT & OPACITY**

**STANDARD REGULATIONS:** Section 51A-4.602(a)(11) of the Dallas Development Code states that the board may grant a special exception to the fence standard 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 these requests.

**BACKGROUND INFORMATION:**

**BDA History:**

- No BDA history found at 3226 Lawnview Avenue in the last 5 years.

**Square Footage:**

- This lot contains 12,632.4 of square feet.
- This lot is zoned R-7.5(A) which has a minimum lot size of 7,500 square feet.

**Zoning:**

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

**Land Use:**

The subject site and surrounding properties to the north, south, east and west are developed with single-family uses.

**GENERAL FACTS/STAFF ANALYSIS:**

- The application for Raul Cortes Garcia property located at 3226 Lawnview Avenue focuses on 2 requests relating to fence height and fence opacity.
- The applicant proposes to maintain a 6-foot fence in a required front yard, which will require a 2-foot special exception to the fence height regulations.
- Secondly, the applicant is requesting a special exception to the fence standards regulations regarding opacity; the existing fence is made from cedar wood panels.
- The subject site along with properties to the north, south, east, and west are all developed with single-family homes.
- The subject site is a corner lot with double street frontage on Lawnview Avenue and Menger Avenue.
- The subject site has two front yards due to block face continuity; one front yard on Lawnview Avenue and another on Menger Avenue.
- It is imperative to note that the existing fence replaced an older fence that appeared to exist within the front yard setback on Menger Ave. to some degree.
- It has been confirmed that the fence is existing and not proposed.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard. The Dallas Development Code also states that no fence panel having less than 50 percent open surface area may be located less than 5-feet from the lot line.
- The applicant has the burden of proof in establishing that the special exception(s) to the fence regulations relating to height and opacity will not adversely affect the neighboring properties.

- Granting the special exceptions to the fence standards 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: [BDA234-146 at 3226 Lawnview Ave.](#)

**Timeline:**

October 24, 2024: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

November 4, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel C.

November 13, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the hearing date and panel that will consider the application; the November 22, 2024, deadline to submit additional evidence for staff to factor into their analysis; and December 6, 2024, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

November 22, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the December public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

December 16, 2024: The Board of Adjustment Panel C, at its public hearing held on Monday, December 16, 2024, moved to HOLD this matter under advisement until January 23, 2025.

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

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

- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

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

Speakers:

For: Alan Cortes, 3226 Lawnview Ave, Dallas TX 75227 (Did not speak)

Against: No Speakers

**Motion**

I move that the Board of Adjustment in Appeal No. BDA 234-146 **HOLD** this matter under advisement until **January 23, 2025**, due to quorum absence.

Maker:	Robert Agnich			
Second:	Judy Pollock			
Results:	3-0 Unanimously			Motion to Hold
		Ayes:	- 3	Jared Slade, Judy Pollock and Robert Agnich
		Against:	- 0	

**3. 4119 Mehalia Drive**  
BDA234-154(CJ)

**BUILDING OFFICIAL’S REPORT:** Application of Ana Castro for **(1)** a variance to the floor area ratio for structures accessory to single-family uses regulations at **4119 Mehalia Drive**. This property is more fully described as Block D/6868, Lot 36, and is zoned R-5(A), which states that an accessory structure may not exceed 25 percent of the floor area of the main structure. The applicant proposes to construct and/or maintain a single family residential accessory structure with 474 square feet of floor area (40 percent of floor area of the main structure), which will require **(1)** a 177 square foot variance to the floor area ratio regulations.

**LOCATION:** 4119 Mehalia Drive

**APPLICANT:** Ana Castro

**REQUEST:**

- (3) A request for a special exception to the floor area ratio for structures accessory to single-family uses regulations

**STANDARDS OF REVIEW FOR A VARIANCE:**

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

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

**ELEMENT II SUBSTITUTE:**

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

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

**STAFF RECOMMENDATION:**

- 3. Variance to the floor area ratio regulations

Approval

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

- D. Not contrary to the public interest as no letters of opposition were received before case reports were finalized and submitted.
- E. Though the subject site is not sloped or irregularly shaped, it is 4,356 sq ft. which is smaller than the minimum lot size for residential use in the R-5(A) zoning district (5,000 sq ft.); therefore, the property cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- F. Is not a self-created or personal hardship.

**BACKGROUND INFORMATION:**

**BDA History:**

No BDA history found at 4119 Mehalia Drive within the last 5 years.

**Square Footage:**

This lot contains 4,356 of square feet.

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

**Zoning:**

Site: R-5(A) (Single Family District)

North: R-5(A) (Single Family District)

East: R-5(A) (Single Family District)

South: R-5(A) (Single Family District)

West: R-5(A) (Single Family District)

**Land Use:**

The subject site and areas to the north, south, east, and west are zoned with residential uses.

**GENERAL FACTS/STAFF ANALYSIS:**

- The application for the Ana Castro property located at 4119 Mehalia Drive focuses on 1 request relating to the floor area ratio for structures accessory to single family uses regulations.
- A request for a variance to the floor are ratio regulations of 177 square feet is made to maintain a single-family residential accessory structure with 474 square feet of floor area on a site that is developed with a main structure that has 1190 square feet.
- The subject site is a mid-block lot and has single street frontage on Mehalia Drive.
- The subject site along with surrounding properties to the north, south, east and west are zoned with residential uses.
- The subject site is currently developed with a residential structure and located within an established neighborhood.

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

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

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

- (f) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code.
  - (g) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
  - (h) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
  - (i) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
  - (j) the municipality considers the structure to be a nonconforming structure.
- Granting the proposed variance below, with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents.
    - 177 square foot variance to the floor area ratio regulations.
  - 200' Radius Video: [BDA234-154 at 4119 Mehalia Dr.](#)

**Timeline:**

- October 25, 2024: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- November 4, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel C.
- November 13, 2024: The Planning and Development Department Senior Planner emailed the applicant the following information:
- an attachment that provided the hearing date and panel that will consider the application; the November 22, 2024, deadline to submit additional evidence for staff to factor into their analysis; and December 6, 2024, deadline to submit additional evidence to be incorporated into the board's docket materials.
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- December 4, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the December public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

Speakers:

For: No Speakers

Against: No Speakers

**Motion**

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

**BDA 234-154** – Application of Ana Castro, for a variance to the floor area ratio for structures accessory to the single-family use regulations contained in the Dallas Development Code, is granted, subject to the following condition:

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

Maker:	Jared Slade				
Second:	Robert Agnich				
Results:	4-0 Unanimously				Motion to grant
		Ayes:	-	4	Rodney Milliken, Judy Pollock, Jared Slade, Robert Agnich
		Against:	-	0	

**4. 5631 Alta Avenue**

BDA234-150(BT)

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

**BUILDING OFFICIAL’S REPORT:** Application of Rob Baldwin for **(1)** a variance to the front-yard setback regulations, **(2)** a special exception to the visibility triangle regulations and **(3)** a special exception to the visibility triangle regulations at **5631 ALTA AVENUE**. This property is more fully described as Block C/1983, Lot 16, and is zoned PD-842, which requires a front-yard setback of 15-feet and requires a 20-foot visibility triangle at the corner of the street and alley and requires a 20-foot visibility at drive approaches. The applicant proposes to construct and/or maintain a non-residential structure and provide a 0-foot front-yard setback, which will require **(1)** a 15-foot variance to the front-yard setback regulation, the applicant proposes to construct and/or maintain a nonresidential structure in a 20-foot visibility triangle at the corner of Alta Avenue and an alley, which will require **(2)** a special exception to the visibility triangle regulations at the intersection of a street and alley, and the applicant proposes to construct and/or maintain a nonresidential structure in a 20-foot visibility triangle at the drive approach along Alta Avenue, which requires **(3)** a special exception to the visibility triangle regulations at the drive approach.

**LOCATION:** 5631 Alta Avenue.

**APPLICANT:** Rob Baldwin, Baldwin Associates

**REQUEST:**

- (4) A request for a variance to the front-yard setback regulations;
- (5) A request for a special exception to the 20-foot visibility obstruction regulations at the corner of Alta Avenue and an alley; and



- (6) A request for a special exception to the 20-foot visibility obstruction regulations at the drive approach along Alta Avenue.

**STANDARDS OF REVIEW FOR A VARIANCE:**

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

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

**ELEMENT II SUBSTITUTE:**

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

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

**STAFF RECOMMENDATION:**

**Variance:**

Approval

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

- A. Not contrary to the public interest as no letters of opposition were received.

- B. Lot is restrictive in **area**, shape, or slope; it is treated like a corner lot based on the location next to an alley, 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.

**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:**

Special Exceptions (2):

No staff recommendation is made on this request.

**BACKGROUND INFORMATION:**

**Zoning:**

- Site: PD-842 (CR)
- North: PD-842 (CR) and PD-842 (Subdistrict 1), SUP1905 and SUP 1289
- East: PD-842 (CR)
- South: PD-842 (CR)
- West: PD-842 (CR) and PD-691 (Nonresidential and Residential uses allowed)

**Land Use:**

The subject site and surrounding properties are developed with Nonresidential and Residential uses.

**Lot Square Footage:**

This lot size is 9,243 square feet (0.212 of an acre)

**BDA History:**

No BDA history

**GENERAL FACTS/STAFF ANALYSIS:**

- The application of Rob Baldwin of Baldwin Associates for the property located at 5631 Alta Avenue focuses on three requests, one relating to a variance to the front-yard setback regulations, and two requests relating to the visual obstruction regulations.
- The first request is for a variance to the front-yard setback regulations. The applicant is proposing to construct and maintain a nonresidential structure and provide a 0-foot front yard setback along Alta Avenue, which will require a 15-foot variance to the front-yard setback regulations.

- Secondly, the applicant is requesting a special exception to 20-foot visibility obstruction triangle at the corner of Alta Avenue and an alley.
- Last, the applicant is requesting a special exception to 20-foot visibility obstruction triangle at the drive approach along Alta Avenue.
- The subject site along with surroundings properties are all developed with various types of nonresidential and residential uses.
- It is imperative to note that the subject site has provided outdoor seating in the same area for several years.
- Per staff's review of the subject site, it has been confirmed that the covered patio is complete.
- The applicant has the burden of proof in establishing the following:
  - 1) That granting the variance to the front yard setback will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
  - 2) The variance is necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
  - 3) The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.
- Granting the variance to the 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.
- The Engineering Division has no objections to visibility triangle obstruction at the alley along Alta Avenue.
- The Engineering Division has no objections to visibility triangle obstruction at the drive approach along Alta Avenue.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard.
- The applicant has the burden of proof in establishing that the special exception(s) to the visual obstruction regulations will not adversely affect the neighboring properties nor constitute a traffic hazard.
- Granting the special exceptions to the visual obstruction regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: [BDA234-150 at 5631 Alta Ave](#)

**Timeline:**

- October 25, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- November 7, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **C**.
- November 18, 2024: Planning and Development Department Senior Planner emailed the applicant the following information:
  - an attachment that provided the public hearing date and panel that will consider the application; the November 22, 2024, deadline to submit additional evidence for staff to factor into their analysis; and December 6, 2024, deadline to submit additional evidence to be incorporated into the board’s docket materials.
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- December 4, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the December public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.

Speakers:

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

Against: Bruce Richardson, 5607 Richmond Ave., Dallas TX 75206

**Motion # 1**

I move that the Board of Adjustment, in Appeal No. BDA 234-150, on application of Rob Baldwin, **GRANT** the 15-foot variance to the front-yard setback regulations requested by this applicant because our evaluation of the property and testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would result in unnecessary hardship to this applicant.

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

Compliance with the most recent version of all submitted plans are required with the condition that the plans are revised to reflect that neither visibility triangle is obstructed by any structure, berm, plant life, or any other item.

Maker:	Robert Agnich			
Second:	Judy Pollock			

Results:	4-0 Unanimously				Motion to grant
		Ayes:	-	4	Robert Agnich, Rodney Milliken, Judy Pollock, Jared Slade
		Against:	-	0	

**Motion # 2**

I move that the Board of Adjustment, in Appeal No. BDA 234-150, on application of Rob Baldwin, **DENY** the special exception requested by this applicant to maintain items in the visibility triangle at the intersection of Alta Avenue and an alley **without prejudice**, because our evaluation of the property and the testimony shows that granting the application would constitute a traffic hazard.

Maker:	Jared Slade				
Second:	Robert Agnich				
Results:	4-0 Unanimously				Motion to grant
		Ayes:	-	4	Robert Agnich, Rodney Milliken, Judy Pollock, Jared Slade
		Against:	-	0	

**Motion # 3**

I move that the Board of Adjustment, in Appeal No. BDA 234-150, on application of Rob Baldwin, **DENY** the special exception requested by this applicant to maintain items in the visibility triangle at the drive approach along Alta Avenue **without prejudice**, because our evaluation of the property and the testimony shows that granting the application would constitute a traffic hazard.

Maker:	Jared Slade				
Second:	Robert Agnich				
Results:	4-0 Unanimously				Motion to grant
		Ayes:	-	4	Robert Agnich, Rodney Milliken, Judy Pollock, Jared Slade
		Against:	-	0	

**HOLDOVER**

**5. 1000 N. Riverfront Boulevard**  
BDA234-132(BT)

**BUILDING OFFICIAL’S REPORT:** Application of Andrew Hopper represented by Mike Davis for (1) a special exception to the parking regulations at **1000 N RIVERFRONT BOULEVARD**. This property is more fully described as Block 4/6834, Lot 1A and is zoned PD-621 (Subdistrict 1), which requires parking to be provided. The applicant proposes to construct and/or maintain a nonresidential structure for a restaurant without drive-in or drive-through service use and provide 50 of the required 72 parking spaces, which will require (1) a 22 space special exception (31 percent reduction) to the parking regulation.

**LOCATION:** 1000 N. Riverfront Boulevard

**APPLICANT:** Andrew Hooper

**REPRESENTED BY:** Mike Davis

**REQUEST:**

- (1) Special Exception to the parking regulations

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

**SEC 51P-621.110(b)(2)** States that the board may grant a special exception of up to 50 percent of the required off-street parking upon the findings and considerations listed in **SEC 51A-4.311** minus the number of parking spaces currently not provided due to delta credits, as defined in **SEC 51A-4.704(b)(4)(A)**. The board of adjustment may impose conditions on the special exception.

**Section 51A-3.111(a)** of the Dallas Development Code specifies that the board may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, **that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent or nearby streets.**

**Staff Recommendation:**

Special Exceptions (1):

No staff recommendation is made on this request.

**Square Footage:**

This lot size is 7,352.81 sq. ft.

Building Footprint is 4,465 sq. ft. (63.69 percent lot coverage)

Total Floor Area 7,562 sq. ft. (2-story structure)

**Zoning:**

Site: PD-621 (Subdistrict 1)

North: PD-621 (Subdistrict 1)

South: PD-621 (Subdistrict 1)

East: PD-621 (Subdistrict 1)

West: PD-621 (Subdistrict 1A) & PD-621 (Subdistrict 1D)

**Land Use:**

The subject site proposes use is for a restaurant without drive-in or drive-through service. The areas to the north, south, east, and west are developed with various uses.

**BDA HISTORY:**

No BDA history found within the last 5 years.

**GENERAL FACTS/STAFF ANALYSIS:**

- The application of Andrew Hooper represented by Mike Davis for the property located at 1000 N Riverfront Boulevard focuses on one request relating to the parking regulations.
- A request for a special exception to the parking regulations of a 22-space special exception (31 percent reduction) is made to construct and/or maintain a nonresidential structure.

- PD-621 (Subdistrict 1) requires one parking space per 105 square feet of floor area for restaurant without drive-in or drive-through service (7,562 / 105 = 72.019).
- The applicant proposes to provide 7 total on-site parking spaces
- The applicant proposes to use 43 parking spaces across Payne St. w/Parking Agreement
- The applicant proposes to use 22 parking spaces w/Parking Agreement at 201 Continental.
- The subject site is currently under construction.
- N Riverfront Boulevard is a major thoroughfare (8 Lanes with Bike Plan)
- It is imperative to note that the subject site has provided unobstructed visual signage from N Riverfront Boulevard and Payne Street.
- Granting the proposed 22-space special exception (31 percent reduction) to the parking regulations will reduce the number of Parking Agreements required from 2 to 1, with a condition that the special exception of 22 spaces shall automatically and immediately terminate if and when the restaurant without drive-in or drive-through service use is charged or discontinued.
- 200' Radius Video: [BDA234-132 at 1000 N Riverside Blvd](#)

**Timeline:**

September 24, 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.

October 8, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **C**.

October 17, 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 October 25, 2024, deadline to submit additional evidence for staff to factor into their analysis; and November 8, 2024, deadline to submit additional evidence to be incorporated into the board’s docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

November 6, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the November public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.

November 18, 2024: The Board of Adjustment Panel **C**, at its public hearing held on Monday, November 18, 2024, moved to **HOLD** this matter under advisement until

**December 16, 2024.**

November 18, 2024: Planning and Development Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the November 22, 2024, deadline to submit additional evidence for staff to factor into their analysis; and December 6, 2024, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

December 4, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the December public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.

Speakers:

For: Mike Davis, 1837 Wonderlight Ln., Dallas TX 75228  
(Did not speak) Mohammed Abdulle, 2633 Gaston Ave., Dallas TX 75226  
(Did not speak) Grant Gary, 4323 Beverly Dr., Dallas TX 75205  
(Did not speak) Andy Hooper, 9815 P. Clamen St., Las Vegas, NV

Against: No Speakers

**Motion # 1**

I move that the Board of Adjustment, in Appeal No. BDA 234-132, on application of Mike Davis, **GRANT** the request of this applicant to provide **50** off-street parking spaces to the off-street parking regulations contained in the Dallas Development Code, as amended, which requires **72** off-street parking spaces, because our evaluation of the property use and the testimony shows that this special exception will not increase traffic hazards or increase traffic congestion on adjacent or nearby streets, and the parking demand generated by the use does not warrant the number of required parking spaces.

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

The special exception of **22** spaces shall automatically and immediately terminate if and when the restaurant without drive-in or drive-through service use is changed or discontinued.

Maker:	Jared Slade				
Second:	Judy Pollock				



**Motion withdrawn**

Maker:	Jared Slade			
Second:	Judy Pollock			

**Motion # 2**

I move that the Board of Adjustment, in Appeal No. BDA 234-132, hold this matter under advisement until January 23, 2025.

Maker:	Robert Agnich			
Second:	Jared Slade			

**Motion withdrawn**

Maker:	Robert Agnich			
Second:	Jared Slade			

**Motion # 3**

I move that the Board of Adjustment, in Appeal No. BDA 234-132, on application of Mike Davis, **GRANT** the request of this applicant to provide **50** off-street parking spaces to the off-street parking regulations contained in the Dallas Development Code, as amended, which requires **72** off-street parking spaces, because our evaluation of the property use and the testimony shows that this special exception will not increase traffic hazards or increase traffic congestion on adjacent or nearby streets, and the parking demand generated by the use does not warrant the number of required parking spaces.

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

The special exception of **22** spaces shall automatically and immediately terminate if and when the restaurant without drive-in or drive-through service use is changed or discontinued.

Maker:	Robert Agnich			
Second:	Jared Slade			
Results:	4-0 Unanimously			Motion to grant
		Ayes:	- 4	Rodney Milliken, Judy Pollock, Jared Slade, Robert Agnich
		Against:	- 0	

**\*\* Recess 2:16 P.M. – 2:36 P.M.\*\***

**ADJOURNMENT**

After all business of the Board of Adjustment had been considered, Vice-Chair Agnich moved to adjourn the meeting at **5:31 P.M.**

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Required Signature:  
Mary Williams, Board Secretary  
Planning and Development.

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Date

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

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Date

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Required Signature:  
Robert Agnich, Vice-Chair  
Board of Adjustment

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Date

**FILE NUMBER:** BDA245-005(BT)

**BUILDING OFFICIAL'S REPORT:** Application of Ruth Solorzano represented by Shereyar Jawaid for (1) a variance to the front-yard setback regulations at **2635 PENNSYLVANIA AVENUE**. This property is more fully described as Block 26/1308, Lot 35, and is zoned PD-595 (R-5(A)), which requires a front-yard setback of 20-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 5-foot front-yard setback along Myrtle Street, which will require **(1)** a 15-foot variance to the front-yard setback regulations.

**LOCATION:** 2635 Pennsylvania Avenue

**APPLICANT:** Ruth Solorzano

**REPRESENTED BY:** Shereyar Jawaid

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

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

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

**STAFF RECOMMENDATION:**

**Variance:**

Approval

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

- A. Not contrary to the public interest as no letters of opposition were received.
- B. Lot is restrictive in buildable **area**, shape, or slope; it is a corner lot with front-yard setbacks facing both Pennsylvania Avenue and Myrtle Street; therefore, it cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Not self-created nor is it a personal hardship.

**BACKGROUND INFORMATION:**

**Zoning:**

- Site: PD-595 (R-5(A)) (Single Family District)
- North: PD-595 (R-5(A)) (Single Family District)
- East: PD-595 (R-5(A)) (Single Family District)
- South: PD-595 (R-5(A)) (Single Family District)
- West: PD-595 (R-5(A)) (Single Family District)

**Land Use:**

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

**Lot Square Footage:**

This lot size is 3,250 square feet. (0.075 of an acre)

**BDA History:**

No BDA history found within the last 5 years

**GENERAL FACTS/STAFF ANALYSIS:**

- The application of Ruth Solorzano represented by Shereyar Jawaid for the property located at 2635 Pennsylvania Avenue focuses on 1 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 5-foot front yard setback along Myrtle Street, which will require a 15-foot variance to the front-yard setback regulations.
- The subject site along with surroundings properties are all developed with single-family homes.
- It is imperative to note that the subject site is a corner lot, having a 20-foot front-yard setback along Pennsylvania Avenue and a 20-foot front-yard setback along Myrtle Street.
- Subject lot is zoned PD-595 (R-5(A)) which requires a minimum lot size of 5,000 square feet (0.115 of an acre).
- Subject lot size is 3,250 square feet (0.075 of an acre), and buildable area without variance is 0 square feet. compared to other lots buildable area is 3,000 square feet (0.069 of an acre) in the same zoning.
- Per staff's review of the subject site, it has been confirmed that the single-family structure of the property 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:

**Timeline:**

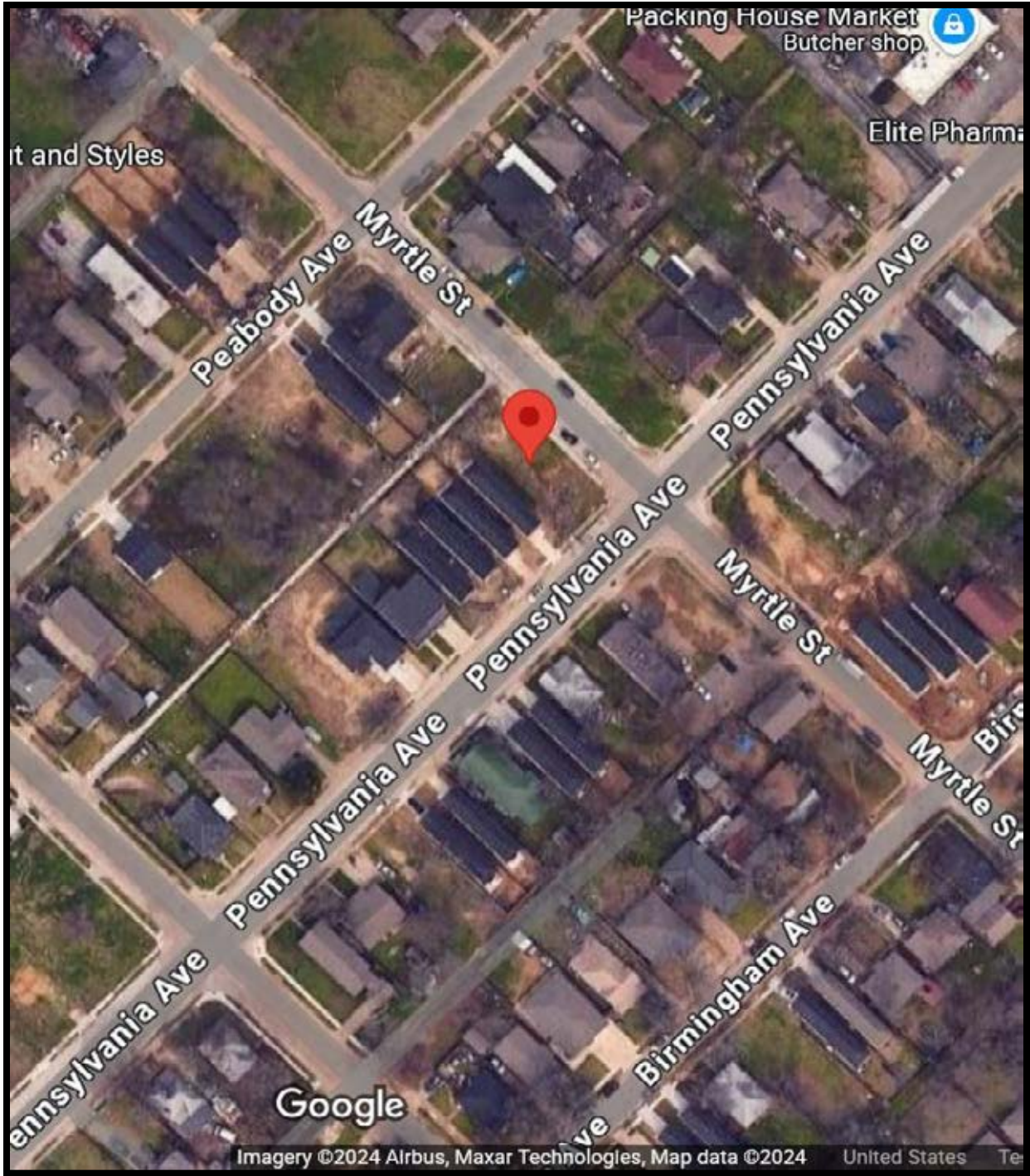
November 25, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

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

December 24, 2024: Planning and Development Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the January 2, 2025, deadline to submit additional evidence for staff to factor into their analysis; and January 10, 2025, deadline to submit additional evidence to be incorporated into the board’s docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
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January 2, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the January public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.



  
1:1,200

# AERIAL MAP

Case no: BDA245-005  
Date: 12/19/2024




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
# ZONING MAP

Case no: **BDA245-005**

Date: **12/19/2024**



The area of request is hatched . Notification is sent to all property owners within the notification buffer area (shown by the dashed circle). Your property is not being rezoned if you are outside of the hatched area. If your property is not within the hatched area, you are receiving this notice only to let you know of the request.

El área de solicitud está sombreada . La notificación se envía a todos los propietarios dentro del área de notificación (que se muestra con un círculo discontinuo). Su propiedad no será re-zonificada si está fuera del área sombreada. Si su propiedad no está dentro del área sombreada, recibió este aviso solo para informarle sobre la solicitud.



 <b>1:1,200</b>	<h2>NOTIFICATION</h2>		Case no: <b>BDA245-005</b>
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">33</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <b>12/19/2024</b>	

## *Notification List of Property Owners*

***BDA245-005***

***33 Property Owners Notified***

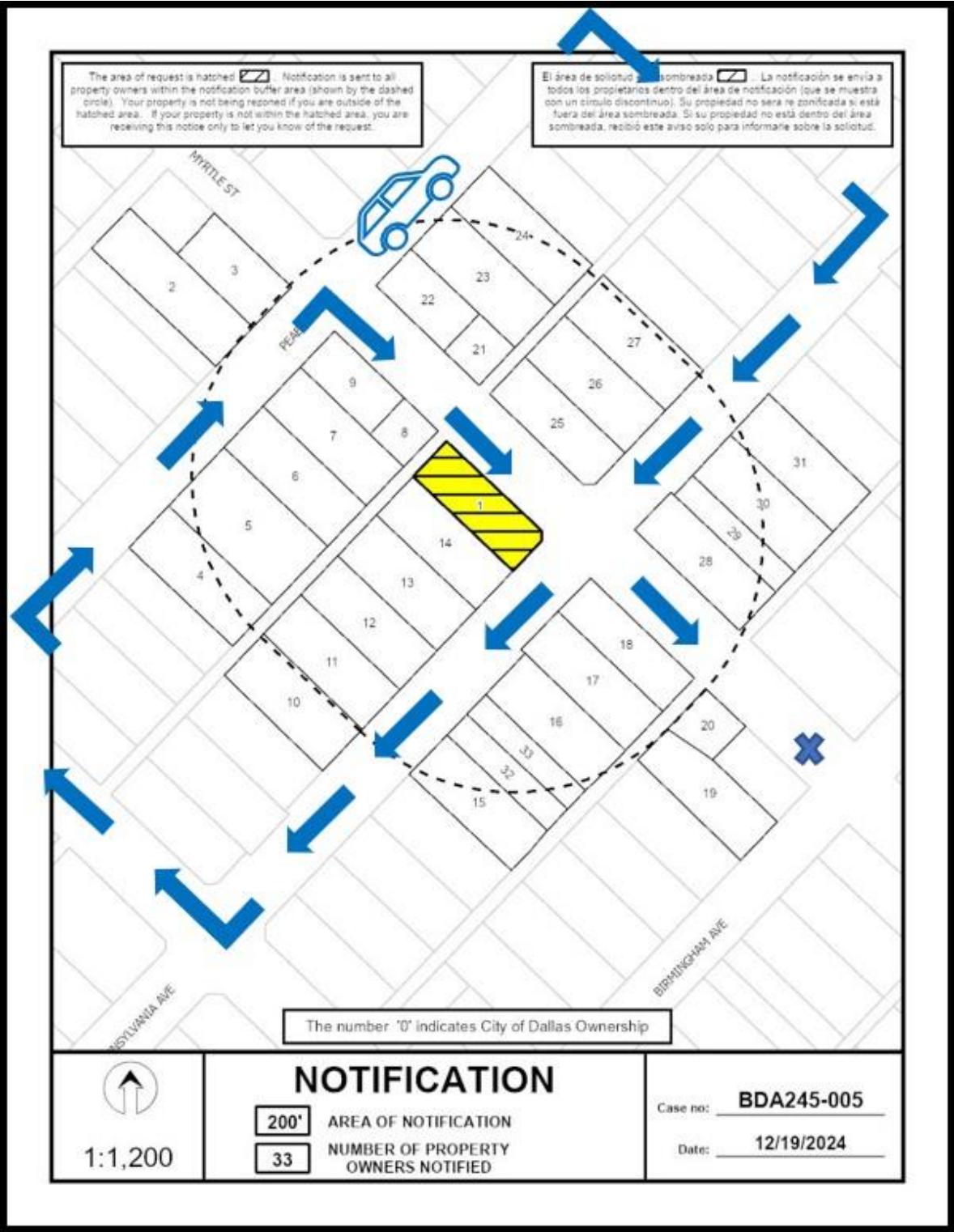
<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	2635 PENNSYLVANIA AVE	PATMON ANDREW TYLER
2	2627 PEABODY AVE	HEDGESTONE INVESTMENTS LLC
3	2633 PEABODY AVE	BARRY GLENN
4	2612 PEABODY AVE	DFG INVEST LLC
5	2618 PEABODY AVE	MUHAMMAD MOSQUE NO 48
6	2624 PEABODY AVE	WATKINS BRIAN
7	2630 PEABODY AVE	RENU PROPERTY INVESTMENTS LLC
8	3109 MYRTLE ST	JOHNSON ELLA JOHNSON
9	2632 PEABODY AVE	CHAI CAPITAL LLC
10	2613 PENNSYLVANIA AVE	GOOD URBAN DEVELOPMENT LLC
11	2617 PENNSYLVANIA AVE	LAND OF AMERICA INC
12	2623 PENNSYLVANIA AVE	HICKS JACOB & JANILL
13	2625 PENNSYLVANIA AVE	Taxpayer at
14	2629 PENNSYLVANIA AVE	TIMELESS MODERN HOME DFW LLC
15	2618 PENNSYLVANIA AVE	GIPSON TRESSIE L EST OF
16	2624 PENNSYLVANIA AVE	MCCLELLAN MICHAEL A
17	2628 PENNSYLVANIA AVE	Taxpayer at
18	2632 PENNSYLVANIA AVE	MAPLE RAE QOF LLC
19	2627 BIRMINGHAM AVE	Taxpayer at
20	3215 MYRTLE ST	DANIEL ELIZABETH
21	3108 MYRTLE ST	FAM UBSPERATIONS REMODELING
22	2700 PEABODY AVE	ANDERSON DEBRA
23	2706 PEABODY AVE	MONTGOMERY IVORY
24	2708 PEABODY AVE	BURNETT WILLIAM P
25	2701 PENNSYLVANIA AVE	WATTS DAISY C
26	2705 PENNSYLVANIA AVE	Taxpayer at

12/19/2024

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	2709 PENNSYLVANIA AVE	ROGEL STEPHANY CORTES
28	2700 PENNSYLVANIA AVE	AGUILAR EDGAR
29	2704 PENNSYLVANIA AVE	Taxpayer at
30	2706 PENNSYLVANIA AVE	CHILDRESS MARLON
31	2710 PENNSYLVANIA AVE	FOCIS HOLDING GROUP LLC
32	2620 PENNSYLVANIA AVE	PORCHIA JERMEIL
33	2622 PENNSYLVANIA AVE	CIFUENTES JOSE &

 1:1,200	<b>NOTIFICATION</b>	Case no: <b>BDA234-153</b>
	<b>200'</b> AREA OF NOTIFICATION <b>26</b> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <b>11/22/2024</b>

# 200' Radius Route Map



NOTICE OF PUBLIC HEARING

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

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

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

DATE: THURSDAY, JANUARY 23, 2025

BRIEFING: 10:30 a.m. via Videoconference and in 6ES COUNCIL BRIEFING, Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa0123>

HEARING: 1:00 p.m. via Videoconference and in 6ES COUNCIL BRIEFING, Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa0123>

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

---

**BDA245-005(BT)** Application of Ruth Solorzano represented by Shereyar Jawaid for (1) a variance to the front-yard setback regulations at 2635 PENNSYLVANIA AVENUE. This property is more fully described as Block 26/1308, Lot 35, and is zoned PD-595 (R-5(A)), which requires a front-yard setback of 20-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 5-foot front-yard setback along Myrtle Street, which will require (1) a 15-foot 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](mailto: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 Council Briefing 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-C-Register> or contact the Planning & Development Department at 214-670-4127 by the close of business **Wednesday, January 22, 2025**. All virtual speakers will be required to show their video in order to address the board. Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and [bit.ly/cityofdallastv](http://bit.ly/cityofdallastv) or [YouTube.com/CityofDallasCityHall](http://YouTube.com/CityofDallasCityHall).

**Speakers at the meeting are allowed a maximum of five (5) 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 and Development Department  
1500 Marilla Street 5CN, Dallas TX 75201

**PLEASE SEND REPLIES TO:**

[BDAREPLY@dallas.gov](mailto:BDAREPLY@dallas.gov)

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

**PLEASE REGISTER AT:**

<https://bit.ly/BDA-C-Register>



# Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

## APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA

245-005

**RECEIVED**

Data Relative to Subject Property: 2635 PENNSYLVANIA AVE

Date: **FOR OFFICE USE ONLY**

**NOV 25 2024**

Location address: 2635 PENNSYLVANIA AVE

Zoning District: \_\_\_\_\_

Lot No.: 36

Block No.: 26/1308

Acreage: \_\_\_\_\_

Census Tract: \_\_\_\_\_

Street Frontage (in Feet): 1) \_\_\_\_\_

2) \_\_\_\_\_

3) \_\_\_\_\_

4) \_\_\_\_\_

5) \_\_\_\_\_

### To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed):

AXUM Investment Group LLC (Shereyar Jawaid)

Applicant: Ruth Solorzano

Telephone: \_\_\_\_\_

Mailing Address: 2023 Custer Dr.

Zip Code: 75216

E-mail Address: ruthsolorzano13@gmail.com

Represented by:

Shereyar Jawaid

Telephone:

972-697-8993

Mailing Address:

2614 Wells Ct Cedar Hill, TX

Zip Code:

75104

E-mail Address:

s.jawaid@hotmail.com (S.J.)

Affirm that an appeal has been made for a Variance<sup>x</sup>, or Special Exception, of 15' variance to the front yard setback regulations

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 lot is too small and adjacent houses are the same style and size

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

Ruth Solorzano

(Affiant/Applicant's name printed)

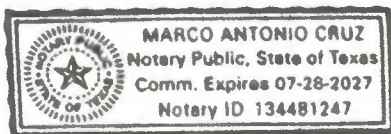
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property

Respectfully submitted:

[Signature]  
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 24 day of July, 2024

2024



Marco Cruz

Marco A Cruz

Notary Public in and for Dallas County, Texas

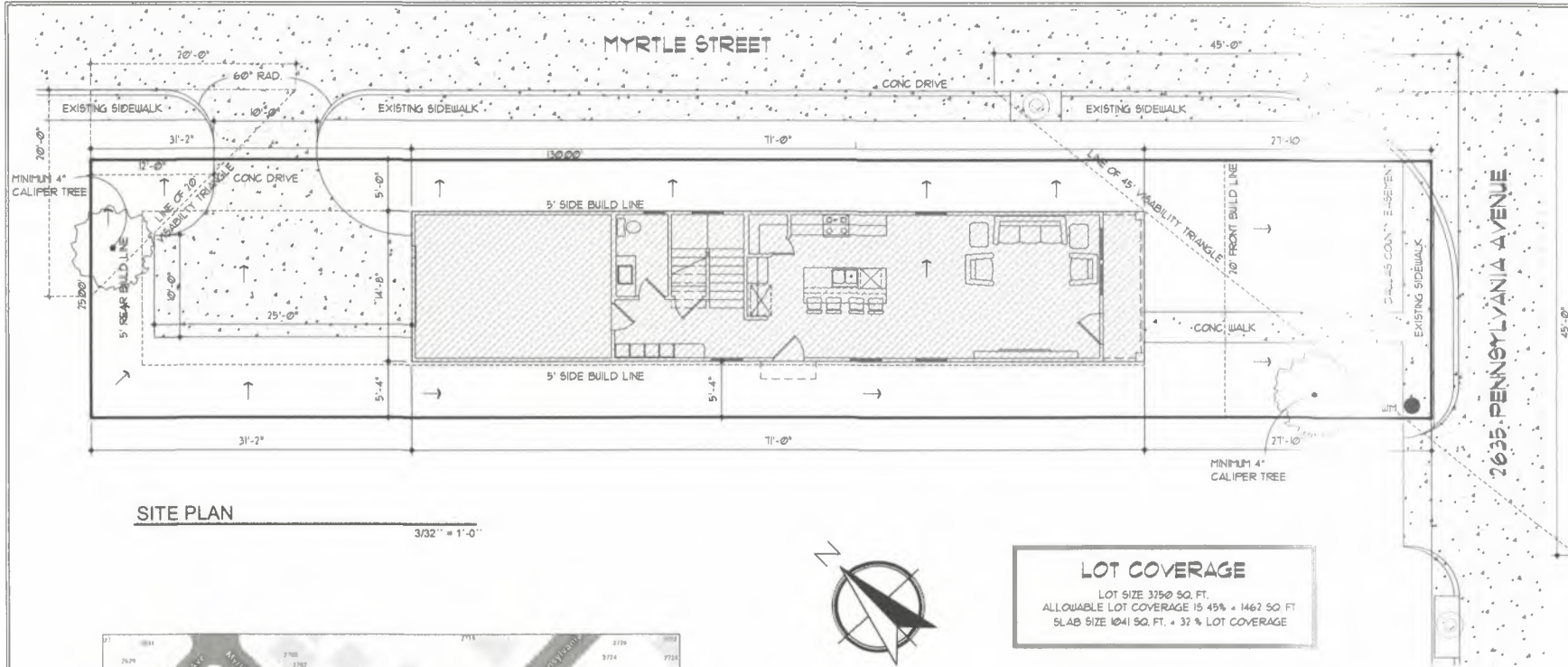








BDA245-005



**SITE PLAN**

3/32" = 1'-0"



**LOT COVERAGE**  
 LOT SIZE 3250 SQ. FT.  
 ALLOWABLE LOT COVERAGE IS 45% = 1462 SQ. FT.  
 SLAB SIZE 1041 SQ. FT. = 32% LOT COVERAGE



VICINITY MAP  
FOR REFERENCE ONLY

**LEGAL DESCRIPTION(CURRENT 2025)**

- 1: SOUTH PARK
- 2: BLK 26/1308 LTS 35 & 36 LESS 290
- 3: SQ FT
- 4: INT201900050828 DD02272019 CO-DC
- 5: 1308 026 03500 1DA1308 026  
Deed Transfer Date: 3/1/2019



**All About Permits**  
 Drafting and Design - Permit Expediting  
 Ruth Solorzano - (214)970-0759

allaboutpermits@outlook.com

**ADDRESS:**  
 2637 PENNSYLVANIA  
 AVE, DALLAS,  
 TX 75215

**USE:**

RESIDENTIAL

**DRAWN BY:**

ALLABOUTPERMITS

**DATE:**

10/17/2024

**PLAN:**

SITE PLAN

**SCALE:**

3/32" = 1'-0"

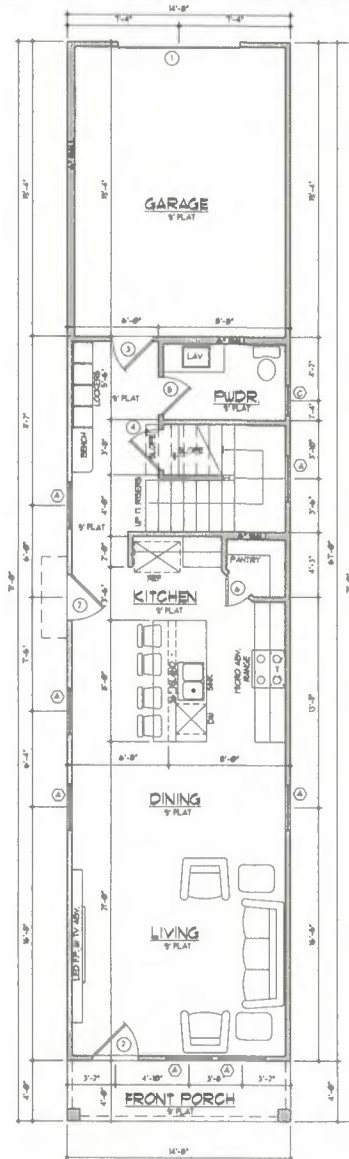
A01

BDA245-008



SECOND FLOOR PLAN

1/8" = 1'-0"



FIRST FLOOR PLAN

1/8" = 1'-0"

**AREAS:**

FIRST FLOOR	699 #
SECOND FLOOR	875 #
APPROXIMATE LIVING	1674 #
FRONT PORCH	95 #
GARAGE/STOR.	784 #
APPROXIMATE T.A.U.E.	2054 #

**DOOR SCHEDULE**

PKC	APRT	SIZE	TYPE	GLSSN
(1)	1	6'-0" x 8'-0"	OVER HEAD RECTANGULAR	N/A
(2)	2	3'-0" x 6'-0"	EXTERIOR	N/A
(3)	1	3'-0" x 6'-0"	EXTERIOR	36
(4)	3	2'-0" x 6'-0"	INTERIOR	N/A
(5)	3	2'-0" x 6'-0"	INTERIOR	N/A
(6)	1	2'-0" x 8'-0"	INTERIOR	N/A
(7)	1	(12) 1'-0" x 6'-0"	INTERIOR	N/A
(8)	1	2'-0" x 6'-0"	INTERIOR POCKET	N/A
(T)	TOTAL			36 SQ FT

**WINDOW SCHEDULE**

PKC	APRT	SIZE	TYPE	GLSSN
(A)	14	3'-0" x 6'-0"	SINGLE HANG	752
(B)	4	3'-0" x 6'-0"	FIXED	T-1
(C)	2	2'-0" x 6'-0"	BH	6 x 1
(D)	2	2'-0" x 6'-0"	FIXED	6 x 1
(T)	TOTAL			766 SQFT



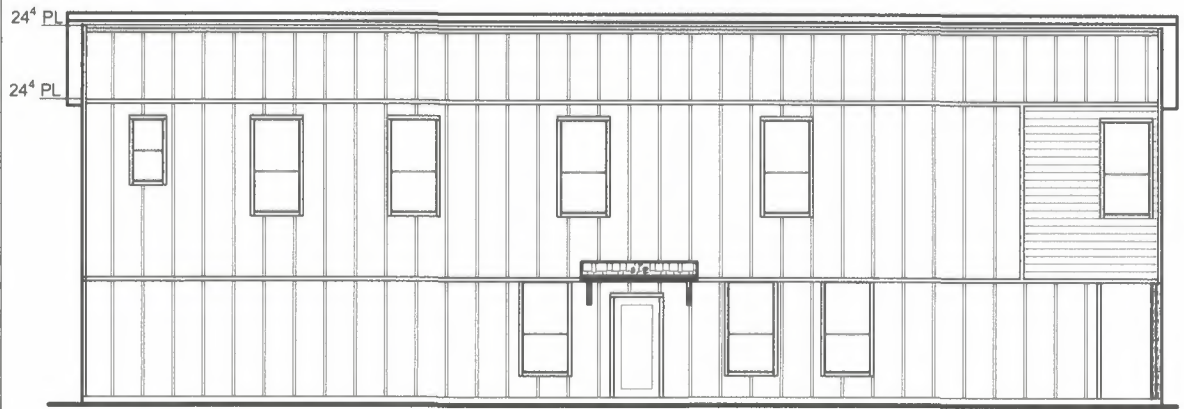
allaboutpermits@outlook.com

ADDRESS:  
2637 PENNSYLVANIA  
AVE, DALLAS,  
TX 75215

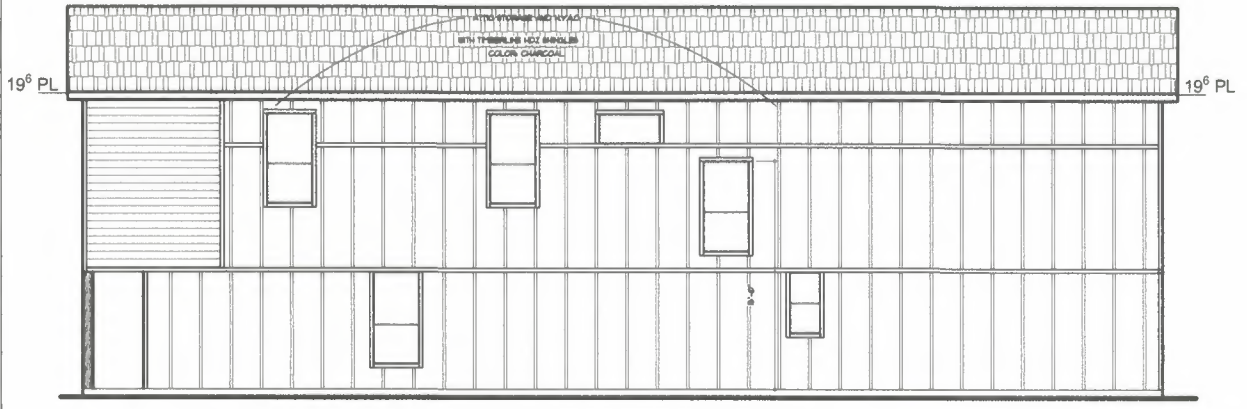
USE:  
RESIDENTIAL  
DRAWN BY:  
ALLABOUTPERMITS  
DATE:  
10/17/2024  
PLAN:  
PROPOSED  
SCALE:  
1/8" = 1'-0"

**A02**

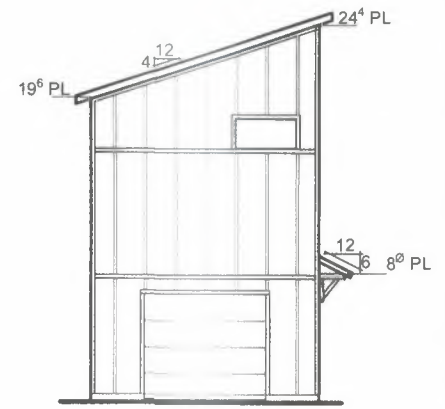
BDA245-005



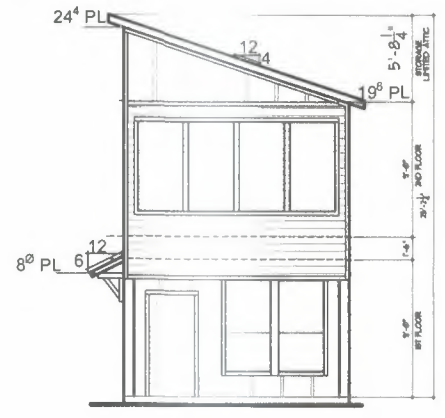
LEFT ELEVATION  
1/8" = 1'-0"



RIGHT ELEVATION  
1/8" = 1'-0"



REAR ELEVATION  
1/8" = 1'-0"



FRONT ELEVATION  
1/8" = 1'-0"

allaboutpermits@outlook.com

ADDRESS:  
2637 PENNSYLVANIA  
AVE, DALLAS,  
TX 75215

USE:
RESIDENTIAL
DRAWN BY:
ALLABOUTPERMITS
DATE:
10/17/2024
PLAN:
PROPOSED
SCALE:
1/8" = 1'-0"

# A05

BDA245-005

**FILE NUMBER:** BDA234-149 (CJ)

**BUILDING OFFICIAL'S REPORT:** Application of Rob Baldwin for **(1)** a variance to the front-yard setback regulations at **5000 East Side Avenue**. This property is more fully described as Block 4/1418, Lot 1 and is zoned D(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 5-foot front yard setback, which will require a **(1)** 20-foot variance to the front yard setback regulations.

**LOCATION:** 5000 East Side Avenue

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

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

- (iv) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (v) the municipality considers the structure to be a nonconforming structure.

**STAFF RECOMMENDATION:**

1. **Variance** to the front yard setback regulations

**Approval**

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

- A. Not contrary to the public interest as no letters of opposition were received before case reports were finalized and submitted.
- B. Though the subject site is not sloped but it is irregularly shaped and only 3,049.2 sq ft. which is smaller than the minimum lot size for residential use in the D(A) zoning district (10,000 sq ft.); therefore, the property cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Is not a self-created or personal hardship.

**BACKGROUND INFORMATION:**

**BDA History:**

No BDA history found at 5000 East Side Avenue within the last 5 years.

**Square Footage:**

This lot contains 3,049.2 of square feet.

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

Site: D(A) (Duplex District)

North: D(A) (Duplex District)

East: D(A) (Duplex District)

South: D(A) (Duplex District)

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

**Land Use:**

The subject site is vacant and areas to the north, south, east, and west are zoned D(A). Properties to the west of the subject site are zoned MF-2(A).

**GENERAL FACTS/STAFF ANALYSIS:**

- The application of Rob Baldwin for the property located at 5000 Eastside Avenue focuses on 1 request relating to the front yard setback regulations.
- A request for a variance to the front yard setback regulations of 20-feet along Munger Avenue is made to construct and/or maintain a single-family residential structure; the applicant is proposing a 5-foot front yard setback instead of the required 25-foot front yard setback required in the D(A) zoning district.

- The subject site is a corner lot and has double street frontage on Eastside Avenue and North Munger Boulevard.
- The subject site along with surrounding properties to the north, south, east and west are zoned with residential uses.
- The subject site is currently vacant and located within an established neighborhood.

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

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

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

- (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.
    - 20-foot variance to the front yard setback regulations.
  - 200' Radius Video: [BDA234-149 at 5000 East Side Avenue](#)

**Timeline:**

- October 25, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- November 4, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **C**.

November 13, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the hearing date and panel that will consider the application; the November 22, 2024, deadline to submit additional evidence for staff to factor into their analysis; and December 6, 2024, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

November 22, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the December public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

December 16, 2024: The Board of Adjustment Panel C, at its public hearing held on Monday, December 16, 2024, moved to HOLD this matter under advisement until January 23, 2025.

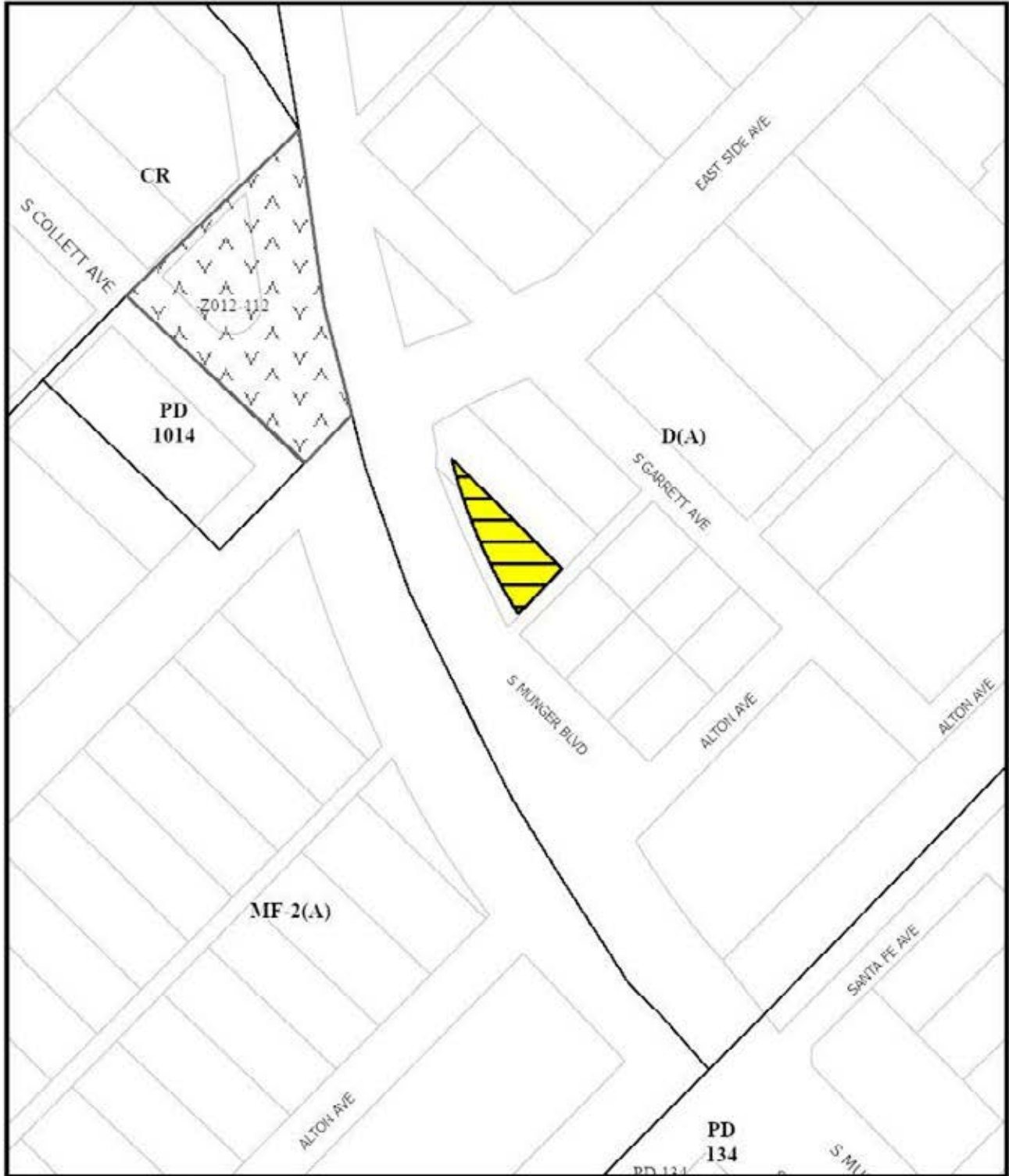
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1:1,200

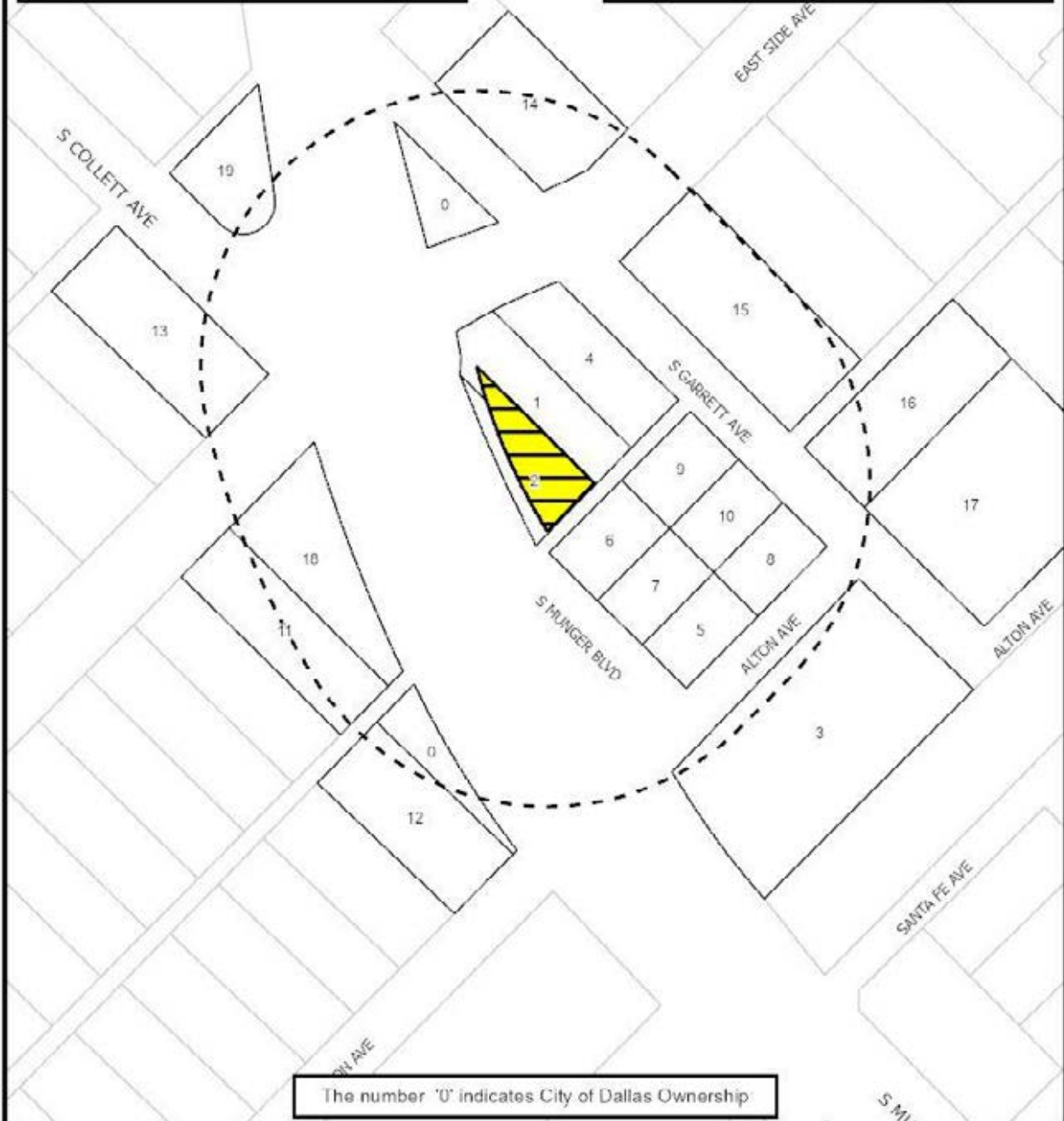
# ZONING MAP

Case no: BDA234-149

Date: 11/22/2024


The area of request is hatched . Notification is sent to all property owners within the notification buffer area (shown by the dashed circle). Your property is not being rezoned if you are outside of the hatched area. If your property is not within the hatched area, you are receiving this notice only to let you know of the request.


El área de solicitud está sombreada . La notificación se envía a todos los propietarios dentro del área de notificación (que se muestra con un círculo discontinuo). Su propiedad no será re-zonificada si está fuera del área sombreada. Si su propiedad no está dentro del área sombreada, recibió este aviso solo para informarle sobre la solicitud.

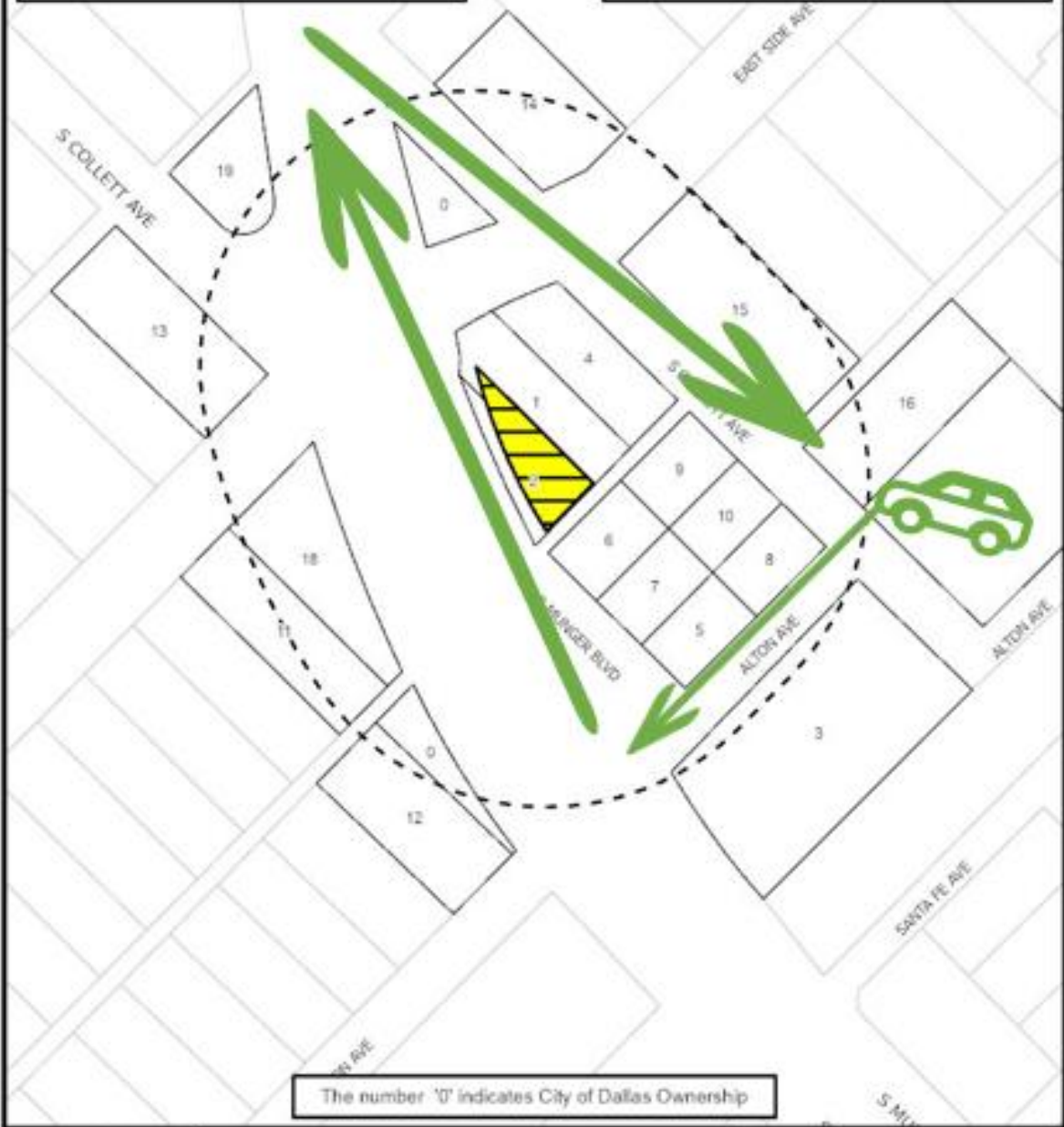


The number "0" indicates City of Dallas Ownership

 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <p><b>200'</b> AREA OF NOTIFICATION</p> <p><b>19</b> NUMBER OF PROPERTY OWNERS NOTIFIED</p>	Case no: <b>BDA234-149</b> Date: <b>11/22/2024</b>
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The area of request is hatched . Notification is sent to all property owners within the notification buffer area (shown by the dashed circle). Your property is not being rezoned if you are outside of the hatched area. If your property is not within the hatched area, you are receiving this notice only to let you know of the request.

El área de solicitud está sombreada . La notificación se envía a todos los propietarios dentro del área de notificación (que se muestra con un círculo discontinuo). Su propiedad no será re zonificada si está fuera del área sombreada. Si su propiedad no está dentro del área sombreada, recibió este aviso solo para informarle sobre la solicitud.



The number '0' indicates City of Dallas Ownership

 1:1,200	<h2>NOTIFICATION</h2> <p> <b>200'</b> AREA OF NOTIFICATION</p> <p> <b>19</b> NUMBER OF PROPERTY OWNERS NOTIFIED</p>	Case no: <b>BDA234-149</b> Date: <b>11/22/2024</b>
--	---	---

11/22/2024

## Notification List of Property Owners

**BDA234-149**

**19 Property Owners Notified**

<b>Label #</b>	<b>Address</b>	<b>Owner</b>
1	5004 EAST SIDE AVE	CAVADIAN PROPERTIES LLC
2	5000 EAST SIDE AVE	Taxpayer at
3	4960 ALTON AVE	TERRA RE VENTURES LLC
4	5010 EAST SIDE AVE	EMILIANO LUDIVINA R
5	222 S MUNGER BLVD	TONTHAT BENJAMIN
6	214 S MUNGER BLVD	GUERRERO AMY JAZMIN
7	218 S MUNGER BLVD	MENDEZ JOSE A
8	221 S GARRETT AVE	MOORE TUCKER
9	211 S GARRETT AVE	PEREZ SERGIO
10	217 S GARRETT AVE	FRAZZITTA KEVIN
11	4944 EAST SIDE AVE	VERA HECTOR MANUEL
12	4939 ALTON AVE	CORONADO EDUARDO & ELDA LAURA SIFUENTES
13	4951 EAST SIDE AVE	ORTIZ ANA A
14	5103 EAST SIDE AVE	AGUILAR JOSEPHINE &
15	5100 EAST SIDE AVE	TRI GROVE HOMES LLC
16	302 S GARRETT AVE	PINTER JAN JOSEPH
17	318 S GARRETT AVE	CANTU JESSY YESENIA
18	200 S MUNGER BLVD	VERA ROSALVA
19	101 S MUNGER BLVD	INTERPROPERTIES GROUP INC



1:1,200

### NOTIFICATION

**200'** AREA OF NOTIFICATION  
**19** NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA234-149**

Date: **11/22/2024**

## NOTICE OF PUBLIC HEARING

### BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL C)

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

**DATE:** THURSDAY, JANUARY 23, 2025

**BRIEFING:** 10:30 a.m. via Videoconference and in 6ES COUNCIL BRIEFING, Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa0123>

**HEARING:** 1:00 p.m. via Videoconference and in 6ES COUNCIL BRIEFING, Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa0123>

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

---

**BDA234-149(CJ)** Application of Rob Baldwin for (1) a variance to the front-yard setback regulations at 5000 EAST SIDE AVENUE. This property is more fully described as Block 4/1418, Lot 1, and is zoned D(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 5-foot front yard setback, which will require a (1) 20-foot 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](mailto: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 Council Briefing 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-C-Register> or contact the Planning & Development Department at 214-670-4127 by the close of business Wednesday, January 22, 2025. All virtual speakers will be required to show their video in order to address the board. Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and [bit.ly/cityofdallastv](http://bit.ly/cityofdallastv) or [YouTube.com/CityofDallasCityHall](http://YouTube.com/CityofDallasCityHall).

**Speakers at the meeting are allowed a maximum of five (5) 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 and Development Department  
1500 Marilla Street 5CN, Dallas TX 75201

**PLEASE SEND REPLIES TO:**  
[BDAREPLY@dallas.gov](mailto:BDAREPLY@dallas.gov)  
Letters will be received until 9:00  
am the day of the hearing.

**PLEASE REGISTER AT:**  
<https://bit.ly/BDA-C-Register>

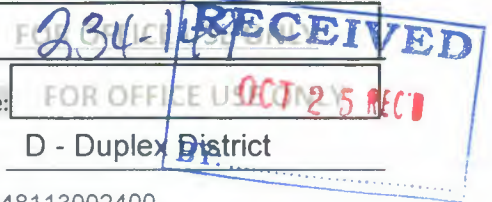


# Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

## APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA



Data Relative to Subject Property: BDA 212-089

Date: OCT 25 2024

Location address: 5000 East Side Zoning District: D - Duplex District

Lot No.: Lt 1 less ROW Block No.: 4/1418 Acreage: 0.07 Census Tract: 48113002400

Street Frontage (in Feet): 1) 135' 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

### To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Jeff Baron omes, 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 , or Special Exception , of A 20' encroachment to the 25' front setback along Munger Boulevard providing a 5' setback along Munger Boulevard.

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 irregular lot shape creates an undue hardship which prevents developing the property commensurate with other developments in the area.

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

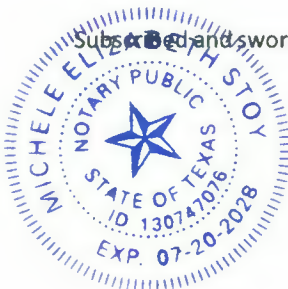
Before me the undersigned on this day personally appeared Rob Baldwin  
(Affiant/Applicant's name printed)

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: [Signature]  
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 10 day of October, 2024

[Signature]  
Notary Public in and for Dallas County, Texas



**MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT**

Date of Hearing \_\_\_\_\_

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**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 5000 East Side

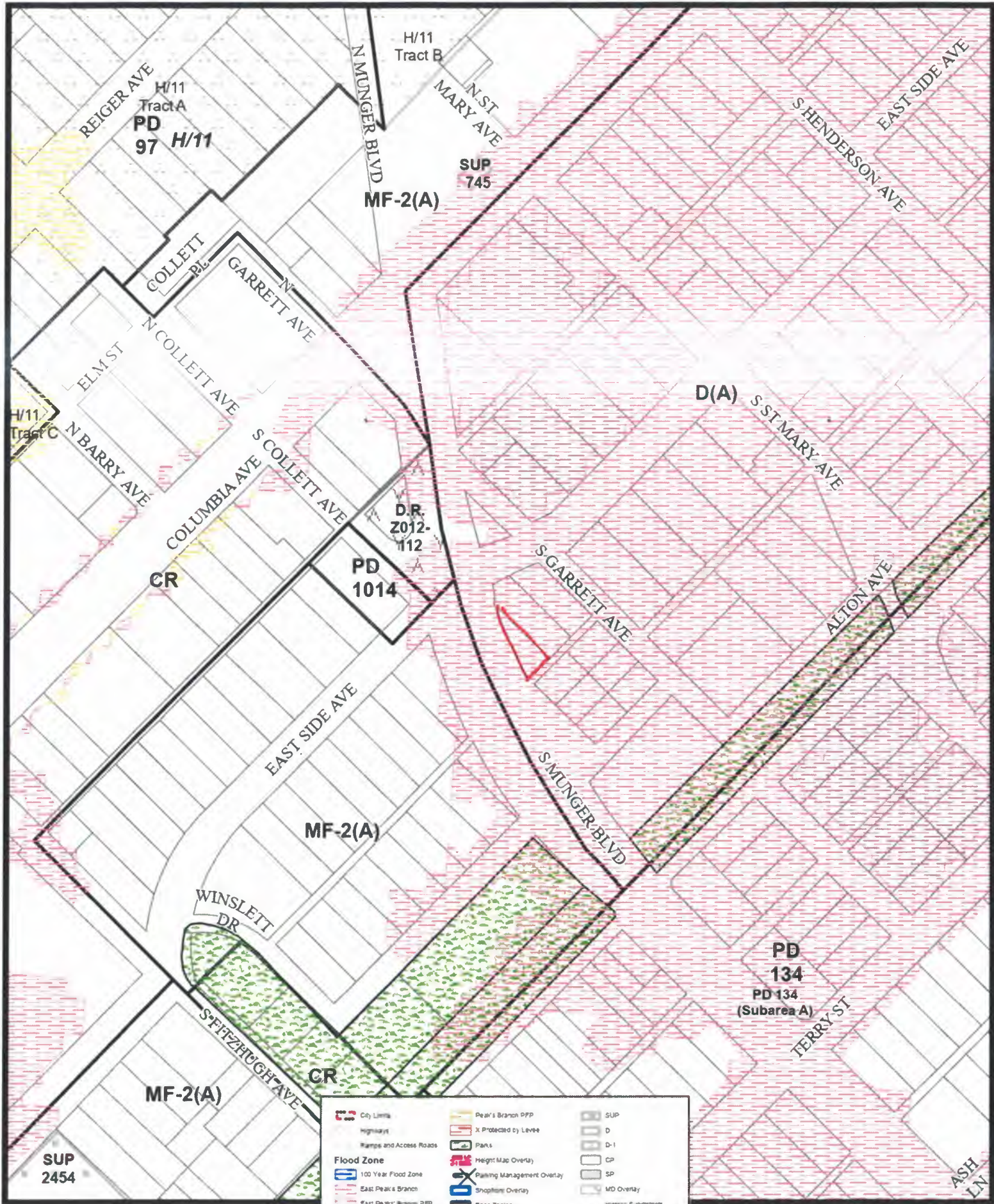
BDA234-149(CJ) Application of Rob Baldwin for (1) a variance to the front-yard setback regulations at 5000 EAST SIDE AVENUE. This property is more fully described as Block 4/1418, Lot 1, and is zoned D(A), which requires a front-yard setback of 25-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 5-foot front yard setback, which will require a (1) 20-foot variance to the front yard setback regulations.

Sincerely,

  
M. Samuell Eskander, PE



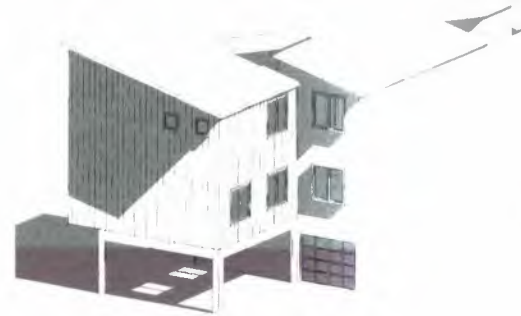




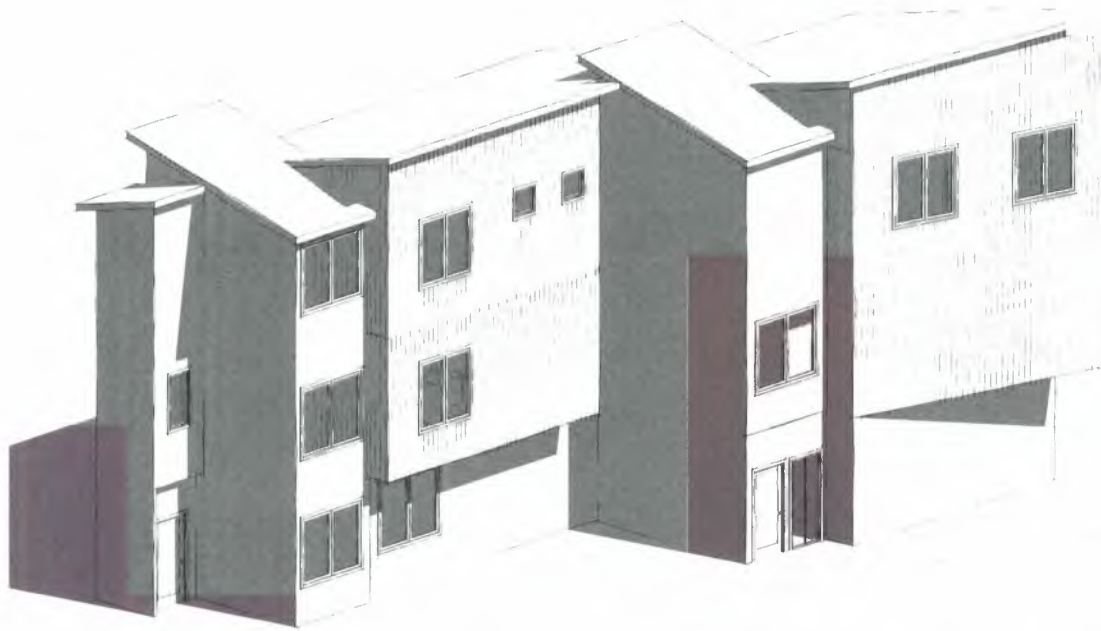
1:2,400

<b>Flood Zone</b>		

# HOUSE PLANS



CONSULTANT



PROJECT

HOUSE PLANS

PROJECT # 20240609

Lot 708 Key Ranch Estates,  
Trinidad Tx, 75163

REVISIONS

No	Description	Date

PROJECT STATUS

NEW CONSTRUCTION

ISSUE DATE

12.05.2024

SHEET NAME

COVER SHEET

SHEET NUMBER

CS

BOA234-149

PROJECT TEAM

LOT INFO

SCOPE OF WORK

SHEET INDEX

AREA SCHEDULE

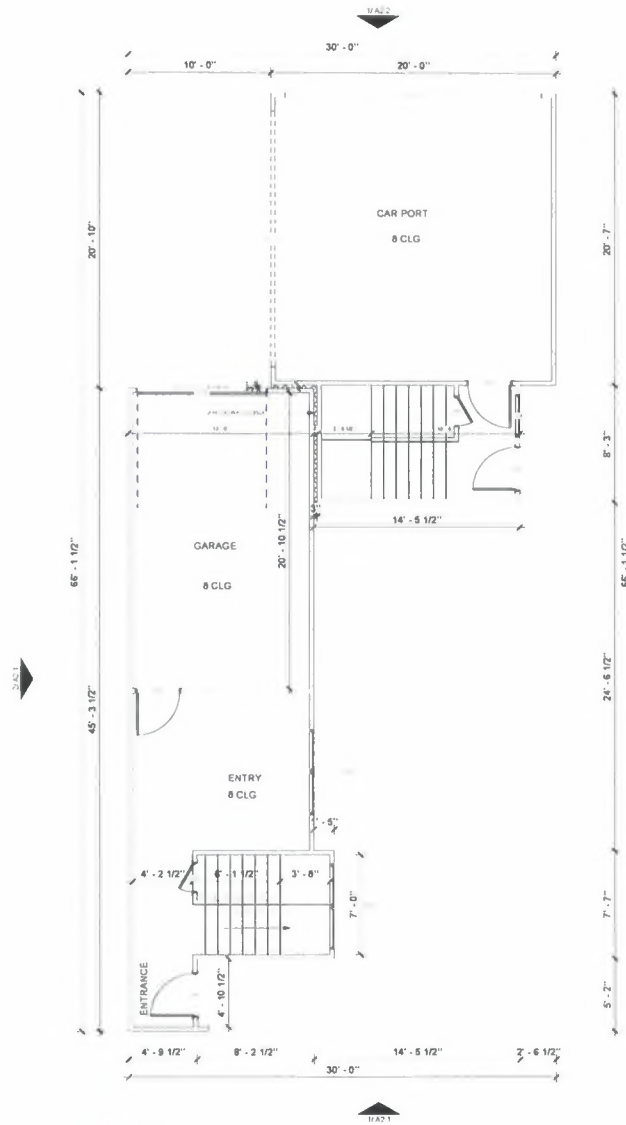
**FLOOR PLAN NOTES**

FLOOR PLAN

- 1 ALL EXTERIOR WALLS ARE 2X6 WOOD STUD @ 16" O C
- 2 ALL INTERIOR WALLS ARE 2X4 WOOD STUD @ 16" O C
- 3 ALL DIMENSIONS ARE TO FACE OF WALL UNLESS NOTED OTHERWISE
- 4 ALL ROOMS HAVE 9' CEILING EXCEPT WHERE SPECIFIED THE 10' CEILING
- 5 ALL INTERIOR FINISHES INCLUDING BUT NOT LIMITED TO FLOORING, PAINT, WALL COVERING, LIGHT FIXTURES, TRIM, LAMINATE, SOLID SURFACES AND MILLWORK TO BE SELECTED BY OWNER AND INSTALLED BY CONTRACTOR PER MANUFACTURER'S GUIDELINES AND IN ACCORDANCE WITH ALL LOCAL CODES AND ORDINANCES
- 6 GENERAL CONTRACTOR SHALL VISIT SITE AND BECOME FAMILIAR WITH SITE CONDITIONS
- 7 NOTIFY DESIGNER IMMEDIATELY IF DIFFERENT CONDITIONS EXIST FROM WHAT IS DESCRIBED
- 8 ALL MECHANICAL, ELECTRICAL AND PLUMBING ITEMS TO BE PROVIDED ON A DESIGN BUILD BASIS IN ACCORDANCE WITH ALL LOCAL CODES AND ORDINANCES. ABIDE FROM ALL ELECTRICAL AND PLUMBING ITEMS REPRESENTED ON PLANS. PROVIDE ADDITIONAL DETAILS AS REQUIRED BY LOCAL CODE.

**WALL ASSEMBLIES**

ITEM	DESCRIPTION
1	EXTERIOR WALL: 2X6 WOOD STUD @ 16" O C
2	INTERIOR WALL: 2X4 WOOD STUD @ 16" O C



**1** FIRST FLOOR PLAN  
1/4" = 1'-0"



PROJECT  
**HOUSE PLANS**  
PROJECT # 20240808  
Lot 708 Key Ranch Estates,  
Trinidad Tx, 75163

No	Description	Date

PROJECT STATUS  
**NEW CONSTRUCTION**  
ISSUE DATE  
**12.05.2024**

SHEET NAME  
**FIRST FLOOR PLAN**

SHEET NUMBER  
**A1.1**

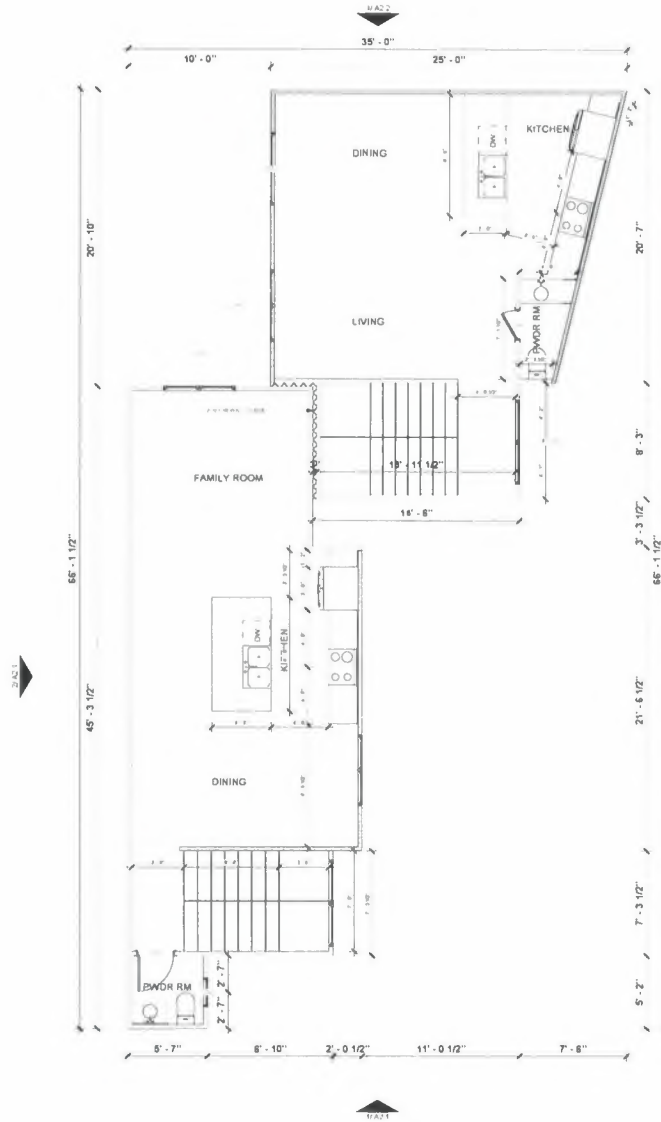
**FLOOR PLAN NOTES**

FLOOR PLAN

- 1 ALL EXTERIOR WALLS ARE 2X6 WOOD STUD @ 16" O C
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- 3 ALL DIMENSIONS ARE TO FACE OF WALL UNLESS NOTED OTHERWISE
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- 7 NOTIFY DESIGNER IMMEDIATELY IF DIFFERENT CONDITIONS EXIST FROM WHAT IS DESCRIBED
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**WALL ASSEMBLIES**

ITEM	DESCRIPTION
1	EXTERIOR WALL 2X6 WOOD STUD @ 16" O C
2	INTERIOR WALL 2X4 WOOD STUD @ 16" O C



**1 SECOND FLOOR**  
1/4" = 1'-0"



CONSULTANT

PROJECT

**HOUSE PLANS**

PROJECT # 20240600

Lot 708 Key Ranch Estates,  
Tnidad Tx, 75163

REVISIONS

No	Description	Date

PROJECT STATUS

**NEW CONSTRUCTION**

ISSUE DATE

12.05.2024

SHEET NAME

**SECOND FLOOR PLAN**

SHEET NUMBER

A1.2

*BDA234-149*

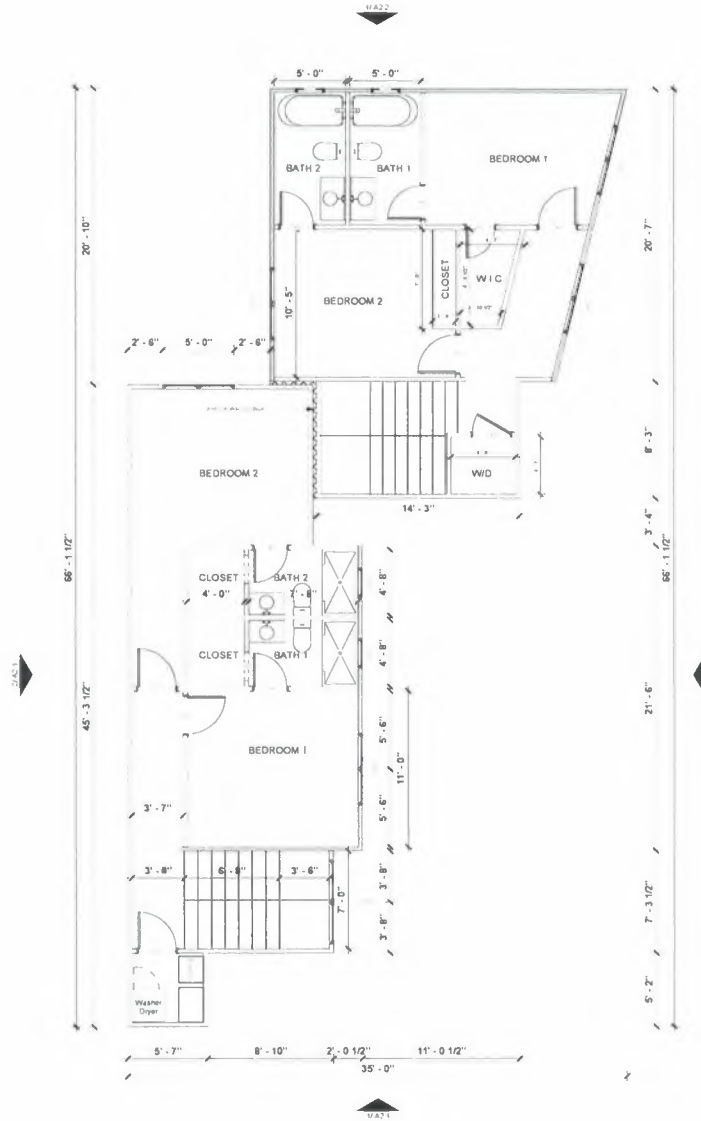
**FLOOR PLAN NOTES**

FLOOR PLAN

- 1 ALL EXTERIOR WALLS ARE 2X6 WOOD STUD @ 16" O C
- 2 ALL INTERIOR WALLS ARE 2X4 WOOD STUD @ 16" O C
- 3 ALL DIMENSIONS ARE TO FACE OF WALL UNLESS NOTED OTHERWISE
- 4 ALL ROOMS HAVE 9' EXposed CEILING SPECIFIED THE 10 CEILING
- 5 ALL INTERIOR FINISHES INCLUDING BUT NOT LIMITED TO FLOORING, PAINT, WALL COVERING, LIGHT FIXTURES, TRIM, LINENITE, SINK SURFACES AND MILLWORK TO BE SELECTED BY OWNER AND INSTALLED BY CONTRACTOR PER MANUFACTURER'S GUIDELINES AND IN ACCORDANCE WITH ALL LOCAL CODES AND ORDINANCES
- 6 GENERAL CONTRACTOR SHALL VISIT SITE AND BECOME FAMILIAR WITH SITE CONDITIONS
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**WALL ASSEMBLIES**

ITEM	DESCRIPTION
1	EXTERIOR WALL 2X6 WOOD STUD @ 16" O C
2	INTERIOR WALL 2X4 WOOD STUD @ 16" O C



**1** THIRD FLOOR  
1/4" = 1'-0"



**NEXT ARCHITECT**  
DREAM TO REALITY!

CONSULTANT

PROJECT  
**HOUSE PLANS**

PROJECT # 20240609

Lot 708 Key Ranch Estates,  
Trinidad Tx, 75163

REVISIONS  
No Description Date

PROJECT STATUS  
**NEW CONSTRUCTION**

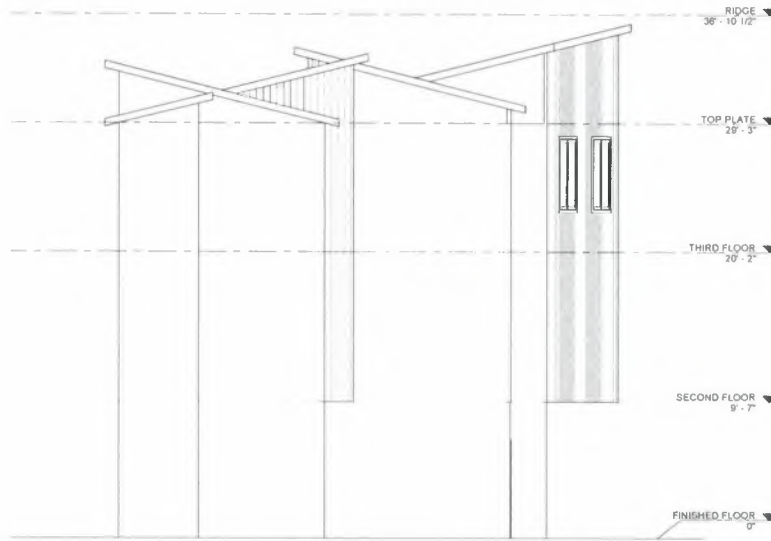
ISSUE DATE  
**12.05.2024**

SHEET NAME  
**THIRD FLOOR**

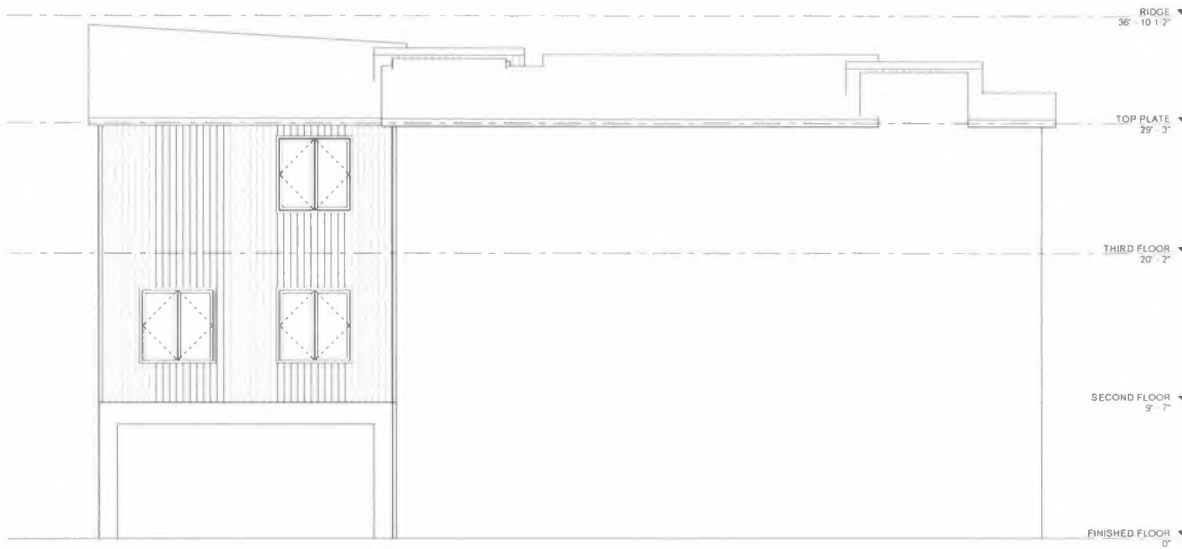
SHEET NUMBER  
**A1.3**

*BOA 2024-149*

12/5/2024 12:23:52 PM



**1** FRONT ELEVATION  
1/4" = 1'-0"



**2** LEFT ELEVATION  
1/4" = 1'-0"



PROJECT

HOUSE PLANS

PROJECT # 20240609

Lot 708 Key Ranch Estates,  
Tnmidad Tx, 75163

REVISIONS

No	Description	Date

PROJECT STATUS

NEW CONSTRUCTION

ISSUE DATE

12.05.2024

SHEET NAME

EXTERIOR  
ELEVATIONS

SHEET NUMBER

BOA234-149

A2.1



**1 REAR ELEVATION**  
1/4" = 1'-0"



**2 RIGHT ELEVATION**  
1/4" = 1'-0"



CONSULTANT

PROJECT  
**HOUSE PLANS**  
PROJECT # 20240609  
Lot 708 Key Ranch Estates,  
Trinidad Tx, 75163

REVISIONS		
No	Description	Date

PROJECT STATUS  
**NEW CONSTRUCTION**  
ISSUE DATE  
**12.05.2024**  
SHEET NAME  
**EXTERIOR ELEVATIONS**  
SHEET NUMBER

A2.2

*BOA234-1A9*






**GENERAL NOTES**

ROOF PLAN

- 1. CONTRACTOR TO PROVIDE ADEQUATE VENTILATION PER IRC 2018
- 2. NO EAVE ON ALL SIDES

**LEGEND**

ROOF PLAN

-  30 YEAR SHINGLE ROOF
-  STANDING SEAM METAL ROOF
-  EXTERIOR WALL STUD BELOW ROOF



PROJECT		
HOUSE PLANS		
PROJECT # 20240809		
Lot 708 Key Ranch Estates, Trinidad Tx, 75163		
REVISIONS		
No	Description	Date

PROJECT STATUS	
NEW CONSTRUCTION	
ISSUE DATE	
12.05.2024	
SHEET NAME	
ROOF PLAN	
SHEET NUMBER	
A3.1	

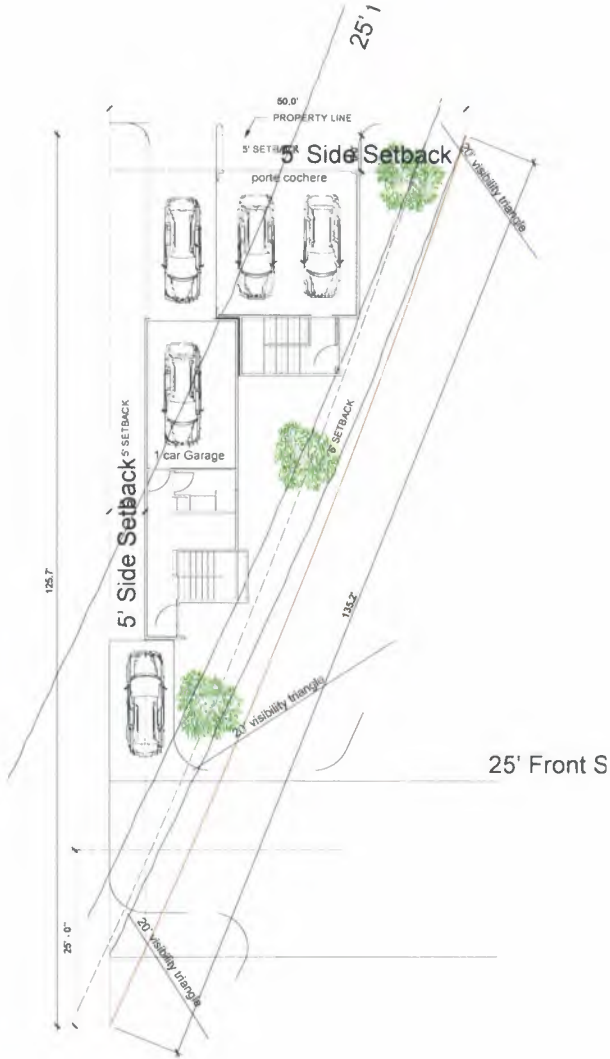
**1** ROOF PLAN  
1/4" = 1'-0"

*BDA234-149*

**SURVEY DISCLAIMERS**

SITE PLAN

THIS SITE PLAN IS DRAWN WITHOUT THE BENEFIT OF A BOUNDARY SURVEY. BOUNDARY AND EXISTING STRUCTURE LOCATIONS ARE APPROXIMATE BASED ON FIELD INFORMATION AND FOR ILLUSTRATIVE PURPOSES ONLY.



**1** SITE PLAN  
1/8" = 1'-0"



**NEXT ARCHITECT**  
DREAM TO REALITY!

CONSULTANT

PROJECT

**HOUSE PLANS**

PROJECT # 20240609

Lot 708 Key Ranch Estates,  
Tnidad Tx, 75163

REVISIONS

No	Description	Date

PROJECT STATUS

**NEW CONSTRUCTION**

ISSUE DATE

12.05.2024

SHEET NAME

**SITE PLAN**

SHEET NUMBER

**SP**

*BDA234-KC1*



November 21, 2024

Cambria Jordan  
Senior Planner  
City of Dallas Board of Adjustment  
Planning & Development Department  
1500 Marilla St., 5BN  
Dallas, TX 75201

Re: BDA234-149

Dear Ms. Jordan,

This firm represents Jeff Baron Homes, LLC in its request for a variance to the front and side yard setback requirements for the property at 5000 East Side Avenue. Specifically, we are requesting a variance to reduce the front yard setback along Munger Boulevard to five feet (5') instead of the 25-foot requirement under the Duplex (D(A)) zoning district. This variance would enable the construction of a new home on this property.

**Background and Justification:**

The subject lot is located on the east side of Munger Boulevard, south of East Side Avenue. Originally platted in 1911, the lot fronted East Side Avenue and sided onto Collett Street. However, a realignment of Munger Boulevard by the city required taking half of the lot for right-of-way purposes. This action drastically altered the lot's configuration, reducing it to a triangular shape and significantly diminishing its size.

In its original configuration, the lot's front yard was along East Side Avenue, where the 25-foot front yard setback would have applied. Today, the property no longer has frontage on East Side Avenue but retains an East Side Avenue address. Due to the new configuration, the Munger Boulevard frontage is now designated as the front yard. Under the current Duplex zoning regulations, the triangular lot faces a 25-foot front yard setback requirement along Munger Boulevard. Combined with the five-foot side and rear yard setbacks, this leaves the lot effectively unbuildable without a variance.

The lot's irregular shape and diminished size differ substantially from other lots in the neighborhood, which are generally rectangular and significantly larger. Specifically:

3904 Elm Street Suite B · Dallas, TX 75226 · 214-824-7949

- The subject property is 66% smaller than the average lot in the immediate vicinity.
- Unlike the rectangular lots typical of the area, this lot is triangular.
- The buildable area of a standard lot in the D(A) zoning district is approximately 3,600 square feet. By contrast, this lot's buildable area is approximately 450 square feet—an 88% reduction.

As a result, this property cannot be developed in a manner consistent with other lots in the D(A) zoning district.

**Not Self-Created:**

The hardship necessitating this variance is not self-created. The lot's challenges stem from the city's realignment of Munger Boulevard, which fundamentally altered the lot's shape and size, rendering it far smaller and less functional than originally platted.

**Public Interest:**

Granting this variance would not be contrary to the public interest. All other lots abutting Munger Boulevard use a five-foot side yard setback, consistent with the setback we are requesting for this lot's frontage. Therefore, the requested five-foot setback would align with the existing development pattern along Munger Boulevard.

**Conclusion:**

The property's unique challenges—its irregular triangular shape, significantly reduced lot size, and minimal buildable area—set it apart from others in the same zoning district. These factors create a legitimate hardship that justifies the requested variance.

Please feel free to contact me if you have any questions or need additional information. Thank you for your time and consideration.

With kind regards,



Robert Baldwin

3904 Elm Street Suite B · Dallas, TX 75226 · 214-824-7949



**FILE NUMBER:** BDA234-155(CJ)

**BUILDING OFFICIAL'S REPORT:** Application of Benjamin Larthey for **(1)** a special exception to the fence height regulations, and for **(2)** a special exception to the visibility obstruction regulations at **929 Brookwood Drive**. This property is more fully described as Block 3/5982, Lot 23, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4-feet and requires a 20-foot visibility triangle at the intersection of an alley and an adjacent street curb line. The applicant proposes to construct and/or maintain an 15-foot high fence in a required front-yard, which will require **(1)** an 11-foot special exception to the fence height regulations, and to construct and/or maintain a single-family residential fence structure in a required visibility obstruction triangle at an alley and an adjacent street curb line, which will require **(2)** a special exception to the visibility obstruction regulations at the intersection of an alley and street.

**LOCATION:** 929 Brookwood Drive

**APPLICANT:** Benjamin Larthey

**REQUEST:**

- (1) A request for a special exception to the fence height regulations; and
- (2) A special exception to the 20-foot visibility obstruction regulations at the intersection of an alley and street.

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

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

**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:**

Special Exceptions (2):

No staff recommendation is made on these requests.

## **BACKGROUND INFORMATION:**

### **BDA History:**

- BDA234-155\_FR1 was granted by Panel C on December 16, 2024

### **Square Footage:**

- This lot contains 10,323.72 of square feet.
- This lot is zoned R-7.5(A) which has a minimum lot size of 7,500 square feet.

### **Zoning:**

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

### **Land Use:**

The subject site is vacant and surrounding properties to the north, south, east and west are developed with single-family uses.

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

- The application of Benjamin Lartey for the property located at 929 Brookwood Drive focuses on 2 requests relating to fence height and visual obstruction regulations.
- The applicant proposes to construct and maintain a 15-foot fence in a required front yard, which will require an 11-foot special exception to the fence height regulations.
- Secondly, the applicant is proposing to maintain a single-family residential fence structure in a required 20-foot visibility obstruction triangle, which will require a special exception to the 20-foot visibility obstruction regulations at the intersection of the alley and Brookwood Drive.
- The subject site along with properties to the north, south, east, and west are all developed with single-family homes.
- It is imperative to note that the subject site has street frontage along Brookwood Drive and the alley.
- Based upon staff's analysis of the surrounding properties, there are a few homes within the neighborhood with fences and gates in the required front yard and/or some form of vegetation serving as a screening mechanism.
- The applicant has stated that the request for special exception has been made to help make the lot a buildable lot.
- It has been confirmed that the fence is proposed and not existing.

- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard.
- The applicant has the burden of proof in establishing that the special exception to the fence regulations relating to height will not adversely affect the neighboring properties.
- 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 exceptions to the fence height standards and 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:

**Timeline:**

November 25, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

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

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

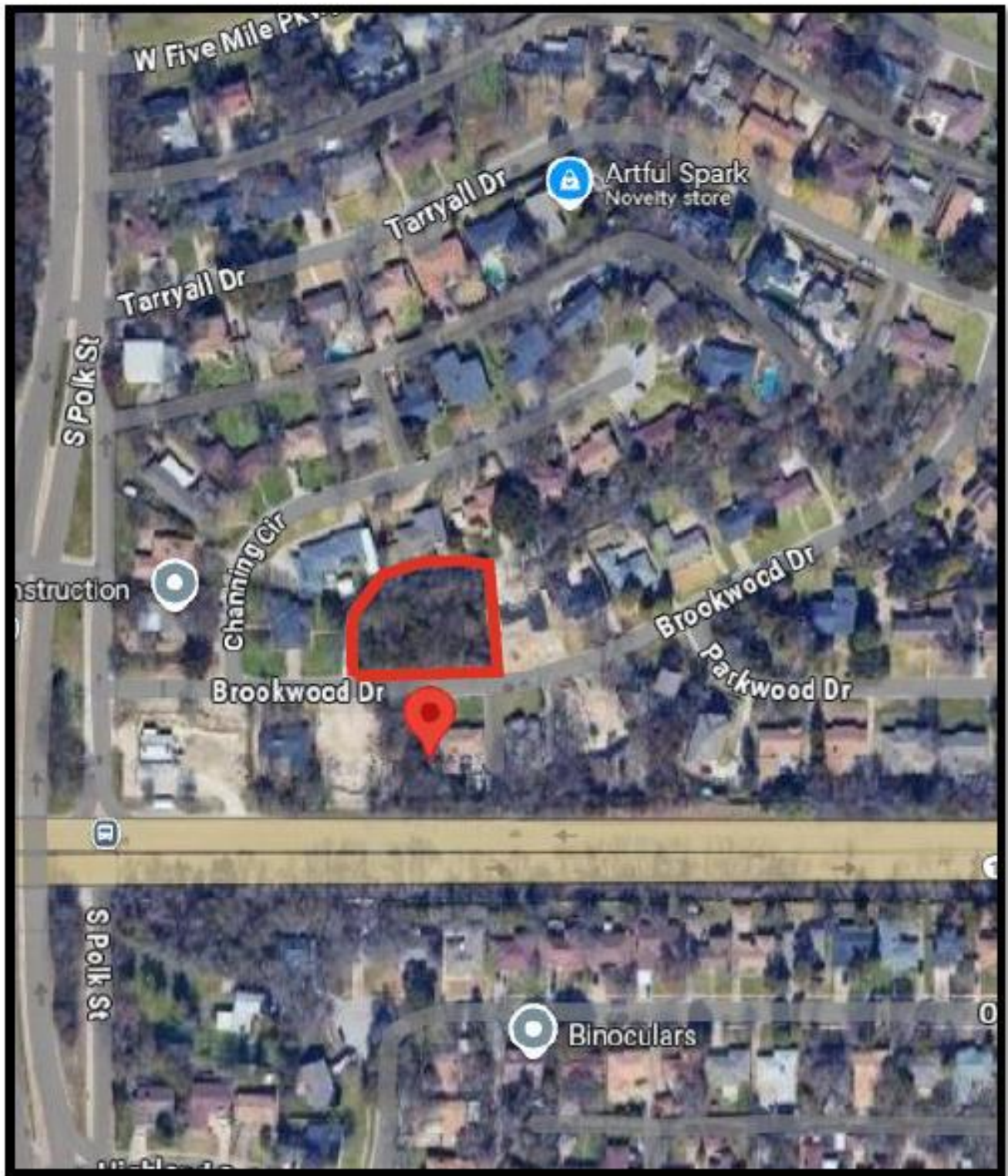
- an attachment that provided the hearing date and panel that will consider the application; the January 2, 2025, deadline to submit additional evidence for staff to factor into their analysis ;and January 10, 2025, deadline to submit additional evidence to be incorporated into the board’s docket materials.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

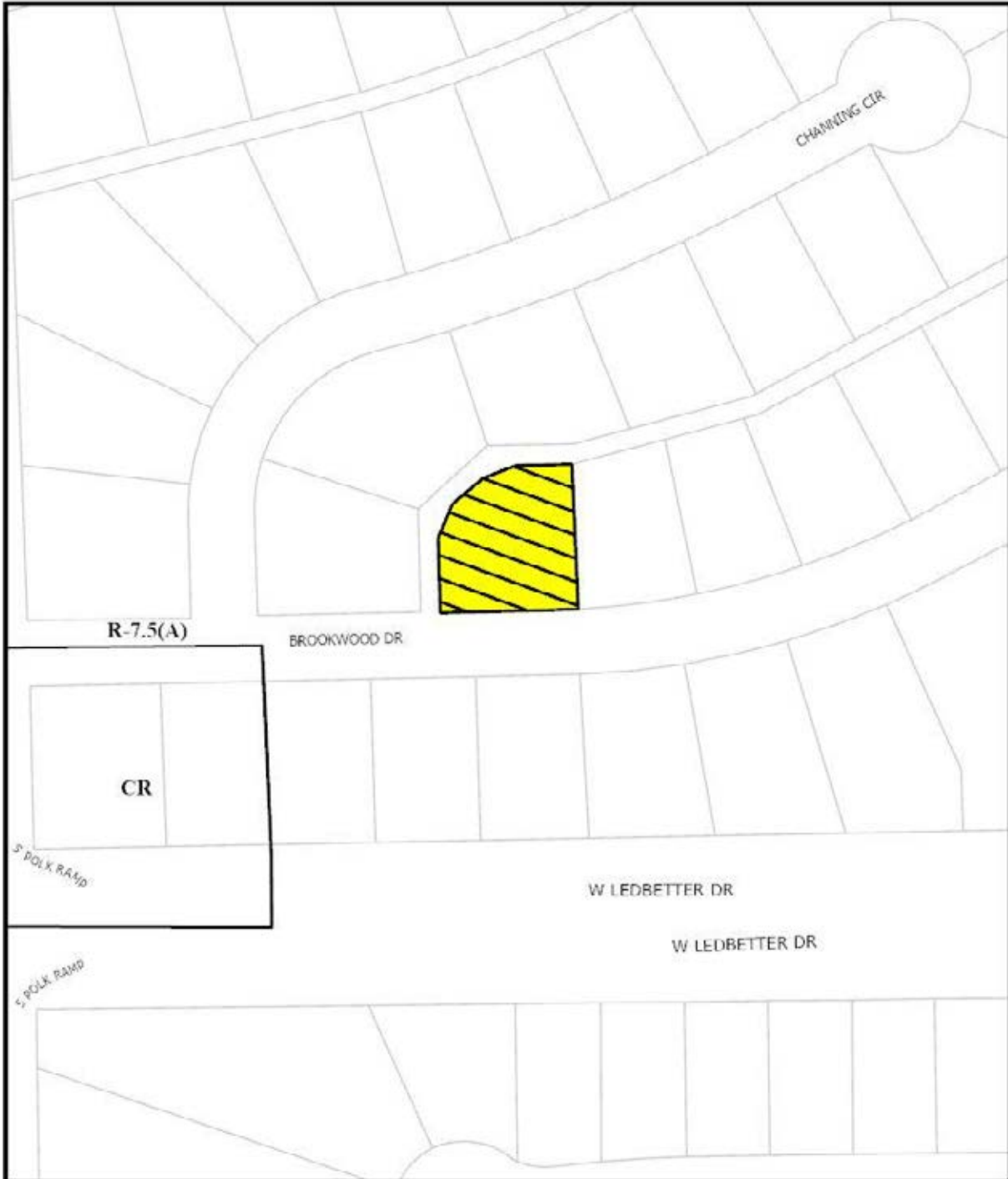
January 2, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the January public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner,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





January 3, 2025


Traffic Engineering group provided comments stating that there are no objections in the event that specific conditions are met.

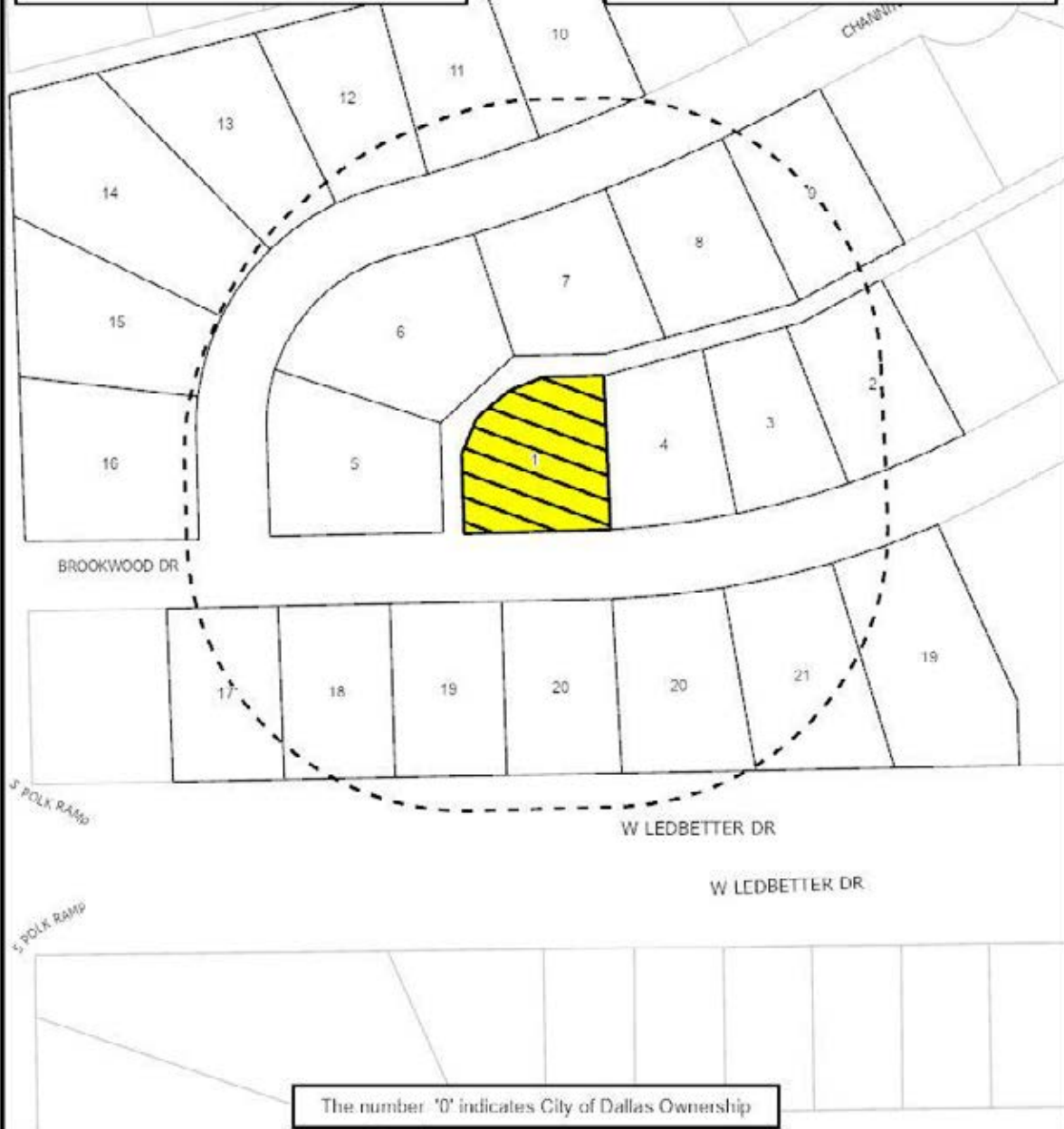




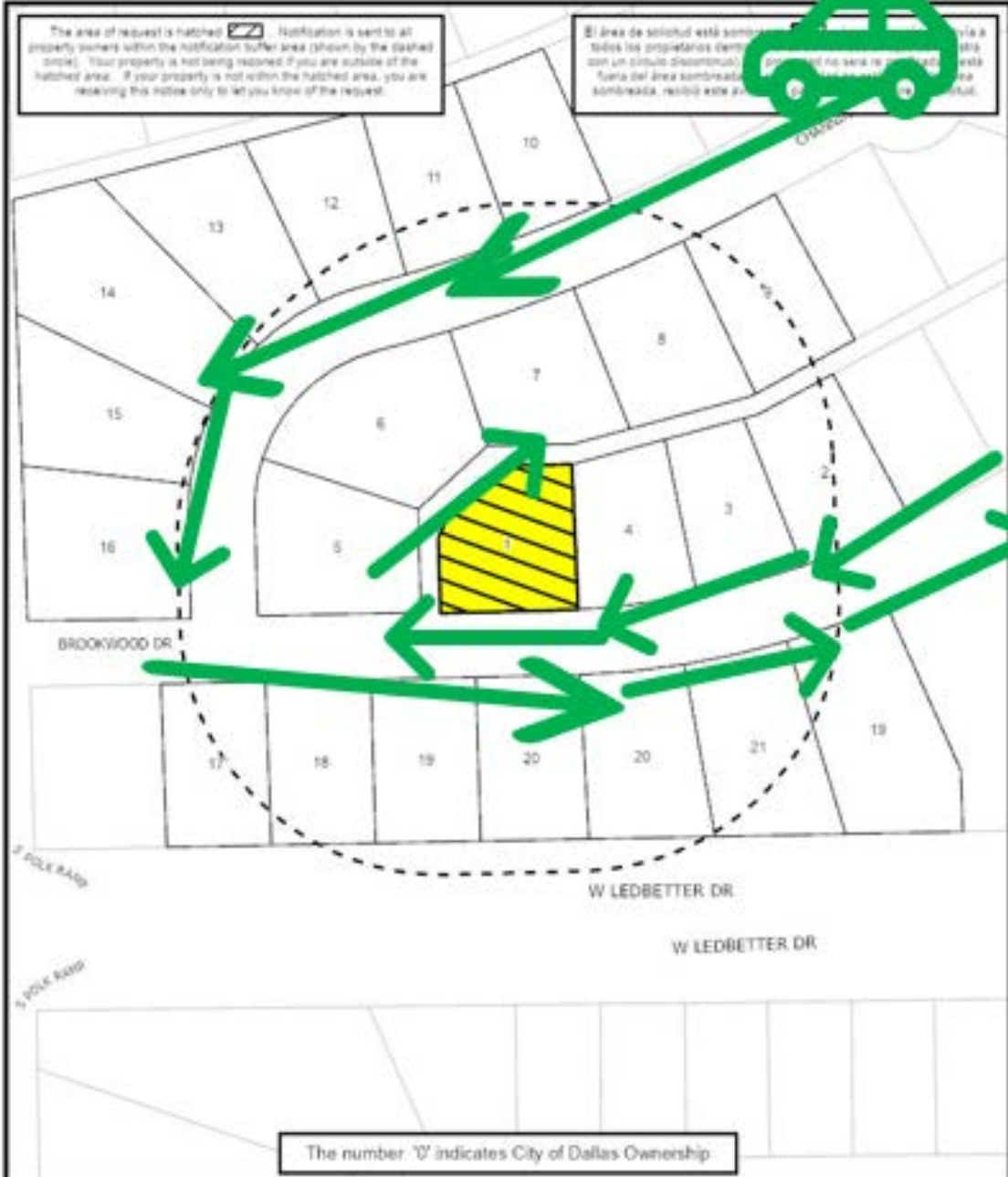
 1:1,200	<h2>ZONING MAP</h2>	Case no: <u>  BDA234-155  </u> Date: <u>  12/19/2024  </u>
--	---------------------	---

The area of request is hatched . Notification is sent to all property owners within the notification buffer area (shown by the dashed circle). Your property is not being rezoned if you are outside of the hatched area. If your property is not within the hatched area, you are receiving this notice only to let you know of the request.

El área de solicitud está sombreada . La notificación se envía a todos los propietarios dentro del área de notificación (que se muestra con un círculo discontinuo). Su propiedad no será re zonificada si está fuera del área sombreada. Si su propiedad no está dentro del área sombreada, recibió este aviso solo para informarle sobre la solicitud.



 <b>1:1,200</b>	<h2>NOTIFICATION</h2>	Case no: <b>BDA234-155</b>
	<div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">200'</div> <div>AREA OF NOTIFICATION</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">21</div> <div>NUMBER OF PROPERTY OWNERS NOTIFIED</div> </div>	Date: <b>12/19/2024</b>



 1:1,200	<b>NOTIFICATION</b>	Case no: <b>BDA234-155</b>
	<div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">200'</div> <div>AREA OF NOTIFICATION</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">21</div> <div>NUMBER OF PROPERTY OWNERS NOTIFIED</div> </div>	Date: <b>12/19/2024</b>

12/19/2024

## Notification List of Property Owners

**BDA234-155**

*21 Property Owners Notified*

<b>Label #</b>	<b>Address</b>	<b>Owner</b>
1	929 BROOKWOOD DR	MAMBA 23 REALTY LLC
2	911 BROOKWOOD DR	MICASA HOLDINGS LLC
3	917 BROOKWOOD DR	HD3 CUSTOM HOMES LLC
4	923 BROOKWOOD DR	HRS BUILD LLC
5	952 CHANNING CIR	CASTANEDA SCOTT &
6	942 CHANNING CIR	JACKSON RENADA MONEAK
7	932 CHANNING CIR	WILLIAMS CLARENCE M
8	926 CHANNING CIR	WALLACE DARWIN T &
9	920 CHANNING CIR	DELONEY EULA BYNUM &
10	927 CHANNING CIR	RANGEL MARIA &
11	933 CHANNING CIR	GOMEZ JOSE E &
12	939 CHANNING CIR	CURRY WILLIE EST OF
13	943 CHANNING CIR	GREER DIANA
14	947 CHANNING CIR	ESQUIVEL DANIEL HUMBERTO &
15	951 CHANNING CIR	HARRIS ROBBYE ANN EST OF
16	957 CHANNING CIR	VILLANUEVA IRENE O
17	1006 BROOKWOOD DR	TEJEDA SERAFIN SANCHEZ
18	942 BROOKWOOD DR	ROLLING LINCOLN C JR
19	936 BROOKWOOD DR	HD3 CUSTOM HOMES LLC
20	930 BROOKWOOD DR	PIER FRANCIS & MARCELL
21	918 BROOKWOOD DR	JARVIS LEONARD & OLLIE B



1:1,200

## NOTIFICATION

200'

AREA OF NOTIFICATION

21

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA234-155**

Date: **12/19/2024**

NOTICE OF PUBLIC HEARING

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

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

- DATE: THURSDAY, JANUARY 23, 2025
- BRIEFING: 10:30 a.m. via Videoconference and in 6ES COUNCIL BRIEFING, Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa0123>
- HEARING: 1:00 p.m. via Videoconference and in 6ES COUNCIL BRIEFING, Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa0123>

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

---

BDA234-155(CJ) Application of Benjamin Lartey for (1) a special exception to the fence height regulations, and for (2) a special exception to the visibility obstruction regulations at 929 BROOKWOOD DRIVE. This property is more fully described as Block 3/5982, Lot 23, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4-feet and requires a 20-foot visibility triangle at the intersection of an alley and an adjacent street curb line. The applicant proposes to construct and/or maintain an 15-foot high fence in a required front-yard, which will require (1) an 11-foot special exception to the fence height regulations, and to construct and/or maintain a single-family residential fence structure in a required visibility obstruction triangle at an alley and an adjacent street curb line, which will require (2) a special exception to the visibility obstruction regulations at the intersection of an alley and street.

---

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](mailto: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 Council Briefing 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-C-Register> or contact the Planning & Development Department at 214-670-4127 by the close of business Wednesday, January 22, 2025. All virtual speakers will be required to show their video in order to address the board. Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and [bit.ly/cityofdallastv](http://bit.ly/cityofdallastv) or [YouTube.com/CityofDallasCityHall](http://YouTube.com/CityofDallasCityHall).

**Speakers at the meeting are allowed a maximum of five (5) 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 and Development Department  
1500 Marilla Street 5CN, Dallas TX 75201

**PLEASE SEND REPLIES TO:**  
[BDAREPLY@dallas.gov](mailto:BDAREPLY@dallas.gov)  
Letters will be received until 9:00  
am the day of the hearing.

**PLEASE REGISTER AT:**  
<https://bit.ly/BDA-C-Register>

REVIEW COMMENT SHEET  
 BOARD OF ADJUSTMENT  
 HEARING Thursday, January 23, 2025 (C)

- |   |   |
|---|---|
| <input type="checkbox"/> Has no objections  | <input type="checkbox"/> BDA234- 149            |
| <input checked="" type="checkbox"/> Has no objections if certain conditions are met<br>(see comments below or attached) | <input checked="" type="checkbox"/> BDA234- 155 |
| <input type="checkbox"/> Recommends denial<br>(see comments below or attached)  | <input type="checkbox"/> BDA245- 005            |
| <input type="checkbox"/> No Comments  | <input type="checkbox"/> BDA245- 007            |
|   | <input type="checkbox"/> BDA245- 010            |
|   | <input type="checkbox"/> BDA245- 013            |

COMMENTS:

*Applicant must provide a site plan to scale, showing*  
*location of proposed fence relative to the edge of*  
*pavement and dimensions of the encroachment into*  
*the visibility triangles no less than 10 feet.*  
 \_\_\_\_\_  
 \_\_\_\_\_

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- 

David Nevarez, P.E., PTOE, CFM, Engineering  
 Name/Title/Department

January 3, 2025  
 Date

Please respond to each case and provide comments that justify or elaborate on your response. Dockets distributed to the Board will indicate those who have attended the review team meeting and who have responded in writing with comments.





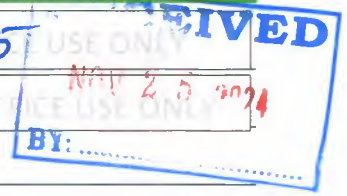
# Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

## APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA

234-155



Data Relative to Subject Property: \_\_\_\_\_

Date: \_\_\_\_\_

Location address: 429 Brookwood Dr Dallas, TX 75204 Zoning District: \_\_\_\_\_

Lot No.: 23 Block No.: 3/5982 Acreage: 0.237 Census Tract: 60.02

Street Frontage (in Feet): 1) \_\_\_\_\_ 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

### To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Mamba 23 Realty LLC

Applicant: Benjamin Lartey Telephone: 469-888-3384

Mailing Address: 6010 W Spring Creek Pkwy Suite 159 Zip Code: 75024

E-mail Address: bllartey@yahoo.com

Represented by: N/A Telephone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Affirm that an appeal has been made for a Variance or Special Exception of for a 8.5 foot retaining wall max, topped by a 6 feet iron fence in the front yard and in the 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:

A variance for a 8.5 foot retaining wall max, topped by a 6 feet iron fence in the front yard and in the visibility triangle. In order to make it a buildable lot by raising the grade on the hillside.

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

Benjamin Lartey

(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

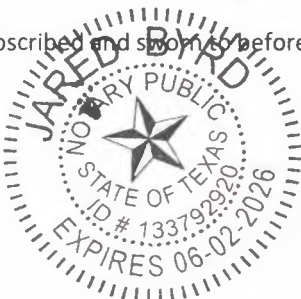
Respectfully submitted:

Benjamin Lartey  
(Affiant/Applicant's signature)

Subscribed and sworn to before me this

25 day of November, 2024

[Signature]  
Notary Public in and for Dallas County, Texas



**MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT**

Date of Hearing \_\_\_\_\_

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

**I hereby certify that** BENJAMIN LARTEY

**did submit a request** for (1) a special exception to the fence height regulations, and for (2) a special exception to the visibility obstruction regulations

**at** 929 Brookwood

BDA234-155(CJ) Application of Benjamin Larthey for (1) a special exception to the fence height regulations, and for (2) a special exception to the visibility obstruction regulations at 929 BROOKWOOD DRIVE. This property is more fully described as Block 3/5982, Lot 23, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4-feet and requires a 20-foot visibility triangle at the intersection of an alley and an adjacent street curb line. The applicant proposes to construct and/or maintain an 15-foot high fence in a required front-yard, which will require (1) an 11-foot special exception to the fence height regulations, and to construct and/or maintain a single-family residential fence structure in a required visibility obstruction triangle at an alley and an adjacent street curb line, which will require (2) a special exception to the visibility obstruction regulations at the intersection of an alley and street.

Sincerely,

  
M. Samuell Eskander, PE

### PLAN REVIEW CHECK LIST - BDA

LOCATION ADDRESS: 929 Brookwood Dr CASE NO. BDA: \_\_\_\_\_

APPLICANT: Benjamin Iartey INTAKE DATE: \_\_\_\_\_

REVIEWER: Sara PANEL: \_\_\_\_\_ HEARING DATE: \_\_\_\_\_

ACREAGE: 0.2 LOT: 23 BLOCK: 3/5982 STAFF REFERRAL: YES  NO

10,636 SQFT LAND USE: Single Family DEED RESTRICTIONS: YES # \_\_\_\_\_ NO \_\_\_\_\_ ZONING DISTRICT: R-7.5(A)

REQUIRED PLATTING: YES S# \_\_\_\_\_ NO \_\_\_\_\_ SHARED ACCESS YES \_\_\_\_\_ NO \_\_\_\_\_

COUNTY PLAT: YES \_\_\_\_\_ NO \_\_\_\_\_ CONSERVATION DISTRICT YES \_\_\_\_\_ NO

TYPE OF DEVELOPMENT S.E to Fence/Retaining wall ARTICLE XII FORM DISTRICTS YES \_\_\_\_\_ NO \_\_\_\_\_

DEMO PERMIT YES # \_\_\_\_\_ NO \_\_\_\_\_ CORNER LOT YES \_\_\_\_\_ NO \_\_\_\_\_

FLOOD PLAIN AREA YES \_\_\_\_\_ NO  DOUBLE FRONTAGE  YES \_\_\_\_\_ NO \_\_\_\_\_

VISIBILITY TRIANGLE 20' x 20' \_\_\_\_\_ 45' x 45' \_\_\_\_\_ THOROUGHFARE PLAN YES \_\_\_\_\_ NO

**MAIN STRUCTURE** REQUIRED PROPOSED REQUIRED PROPOSED

FRONT YARD SETBACK/51A-4.401 25' MIN \_\_\_\_\_ SWIMMING POOL YES FRONT/SIDE/REAR NO

SIDE YARD SETBACK/51A-4.402 5' MIN \_\_\_\_\_ STORIES \_\_\_\_\_ MAX \_\_\_\_\_

REAR YARD SETBACK/51A-4.403 5' MIN \_\_\_\_\_ FENCE HEIGHT/51A-4.602 \_\_\_\_\_ MAX \_\_\_\_\_

SFD MAIN > 7,500 SQ. FT (TOTAL) YES \_\_\_\_\_ NO \_\_\_\_\_ BUILDING HEIGHT \_\_\_\_\_ MAX \_\_\_\_\_

BUILDING FOOTPRINT \_\_\_\_\_ RPS/HT. PLANE REQUIRED YES RATIO \_\_\_\_\_ NO \_\_\_\_\_

LOT COVERAGE/51A-4.407 \_\_\_\_\_ MAX \_\_\_\_\_ LOT SIZE \_\_\_\_\_ MIN \_\_\_\_\_

ENCLOSED PARKING (MIN 20') YES FRONT/SIDE/REAR NO \_\_\_\_\_ PARKING \_\_\_\_\_ MIN \_\_\_\_\_

PARKING REDUCTION \_\_\_\_\_ MIN \_\_\_\_\_

**ACCESSORY STRUCTURE** REQUIRED PROPOSED REQUIRED PROPOSED

SQ. FT \_\_\_\_\_ MAX \_\_\_\_\_ SIDE YARD SETBACK \_\_\_\_\_ MIN \_\_\_\_\_

HEIGHT \_\_\_\_\_ MAX \_\_\_\_\_ REAR YARD SETBACK \_\_\_\_\_ MIN \_\_\_\_\_

25% OR LESS YES NO 50% TOTAL OR LESS YES NO REAR 30% YES NO ADU YES NO

- o Landscape - Chapter 51A - 10.125 (a) (1)
- o Fireplace may project up to 2' in setback - 12 SF MAX.
- o Cantilevered roof eaves & Balconies - 5' MAX in front yard setback
- o Cantilevered roof eaves - 3' MAX in S&R setback.
- o BALCONIES may not project in S&R setback.
- o Visibility triangle 20' x 20' (Alley&Driveway) \_\_\_\_\_
- o Visibility triangle 45' x 45' (Corner lots) \_\_\_\_\_
- o Sidewalks, drive approach & curbs required on ALL site plans
- o Fence height measured from
  - SFD FYSB - top of fence to grade inside and outside (greater controls)
  - SFD S/RSB - top of fence to grade inside
  - ALL OTHERS - top of fence to grade inside
- o Drive approach radius MIN. 5' from P.L. - ALL NSFD
- o Driveway width MIN 10' - MAX 30'
- o No structure within 3' of alley
- o Structures < 5' from property line require 1 HR rating walls
- o N.I.C Pools, Fence & Gate
- o Wing wall & bldg foundation separation required to be located in setback
- o Accessory Buildings located in the Rear 30% of the lot
  - < 15' HT (or main midpoint if < than 15' in height)
  - 0' side yard
  - 0' rear yard (EXCEPTION - alley MIN 3' from r.o.w)

NOTES/COMMENTS: 1) put the name of owner of the property in the parentheses - 2) show the the document who is the owner of nam ba 23 Realty LLC  
3) site plan 4) Elevation<sup>83</sup> of The Fence 10/30/24

929 Brookwood

R-7.5 BUC 3/5982 LT 23



# Global Land Surveying, Inc.

SERVING COLLIN, DALLAS AND DENTON COUNTIES SINCE 2002

## "FLOOD INSURANCE RATE MAP"

JOB NO.: 21-09-035

ADDRESS: 929 BROOKWOOD DRIVE

### LEGEND



SPECIAL FLOOD HAZARD AREAS INUNDATED BY 100 YEAR FLOOD

**ZONE A** No base flood elevations determined

**ZONE AE** Base flood elevations determined

**ZONE AH** Flood depths of 1 to 3 feet usually areas of ponding; base flood elevations determined

**ZONE AO** Flood depths of 1 to 3 feet usually sheet flow on sloping terrain; average depths determined. For areas of aduival fan flooding, velocities also determined

**ZONE A99** To be protected from 100 year flood by Federal flood protection system under construction; no base flood elevations determined

**ZONE V** Coastal flood with velocity hazard wave action; no base flood elevations determined

**ZONE VE** Coastal flood with velocity hazard wave action; base flood elevations determined



FLOODWAY AREAS IN ZONE AE



OTHER FLOOD AREAS

**ZONE X** Areas of 500 year flood areas of 100 year flood with average depths of less than 1 foot or with damage areas less than 1 square mile; and areas protected by levees from 100-year flood



OTHER AREAS

**ZONE X** Areas determined to be outside 500 year floodplain

**ZONE D** Areas in which flood hazards are undetermined

UNDEVELOPED COASTAL BARRIERS



Identified 1983



Identified 1981



Otherwise Protected Areas

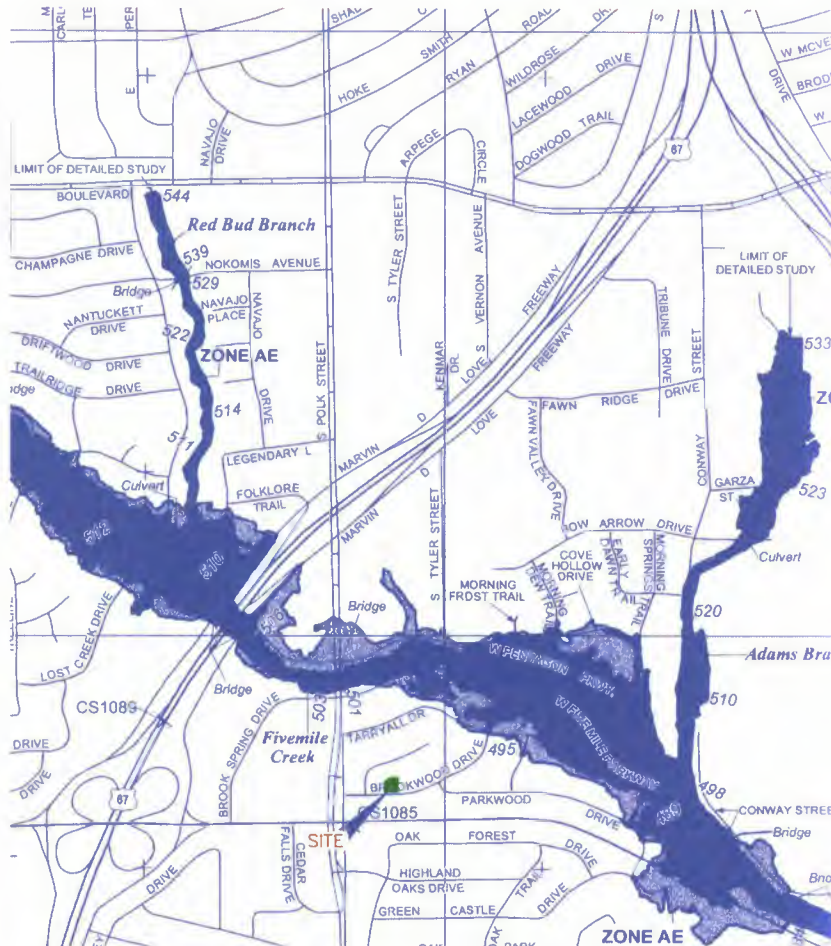
Coastal barrier areas are normally located within or adjacent to Special Flood Hazard Areas.

Headwater boundary

Floodway Boundary

Zone D Boundary

Boundary Dividing Special Flood Hazard Zones, and Boundary Dividing Areas of Different Coastal Base Flood Elevations Within Special Flood Hazard Zones



NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0480K

## FIRM FLOOD INSURANCE RATE MAP DALLAS COUNTY, TEXAS AND INCORPORATED AREAS

PANEL 480 OF 725  
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
DALLAS CITY OF	480171	0480	K

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.



MAP NUMBER  
48113C0480K  
MAP REVISED  
JULY 7, 2014

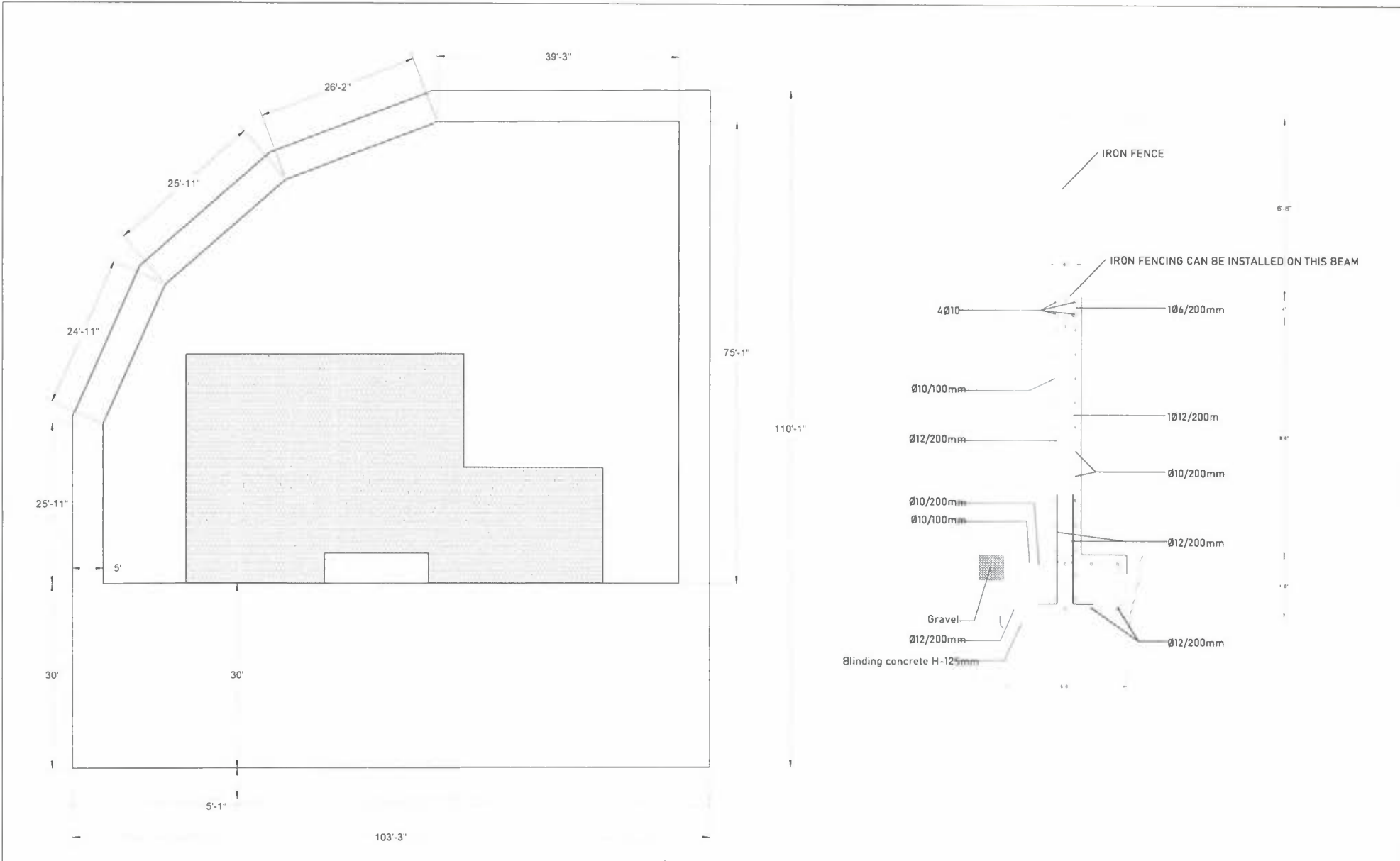
Federal Emergency Management Agency

BDA234-155

# RETAINING WALL PROJECT

PROPOSED RESIDENCE AT 929,  
BROOKWOOD DRIVE DALLAS,  
TX 75224

BDA234-155



PROJECT:  
**RETAINING WALL  
 PROJECT**  
 929 BROOKWOOD DRIVE DALLAS, TX 75224

CLIENT'S NAME  
  
 CLIENT'S SEAL  
  
 DATE

**NOTES**  
 \*THIS DRAWING MUST BE READ IN CONJUNCTION WITH ALL RELEVANT ARCHITECTURAL, STRUCTURAL, MECHANICAL, ELECTRICAL, AND PLUMBING DRAWINGS.  
 \*NO DIMENSIONAL OR ANY OTHER CHANGE ALLOW WITHOUT ARCHITECT'S CONSENT.  
 \*IF ANY DISCREPANCY OR MEASUREMENTS OR DETAILS TO BE RECTIFIED BEFORE ANY SITE OPERATION.  
 YES: COPYRIGHT RESERVED

NOTE	REVISION	INITIALS	DATE

DWG TITLE: SITE PLAN  
 DWG NO: LARD1  
 DWG SCALE: NOT TO SCALE  
 DRAWN BY:  
 DATE: 2024 09 17

CHECKED BY: ARCHITECT'S / ENGINEER SIGNATURE  
 ARCHITECT'S SEAL  
 DATE: 2024 09 17

**BDA234-155**

**Wall Height Adjustments:**

The height of the retaining wall is designed to be flexible and can be adjusted on-site to accommodate varying elevations. The maximum height of the retaining wall is as shown in the detailed drawing and should be used as a reference for installation.

**Site-Specific Considerations:**

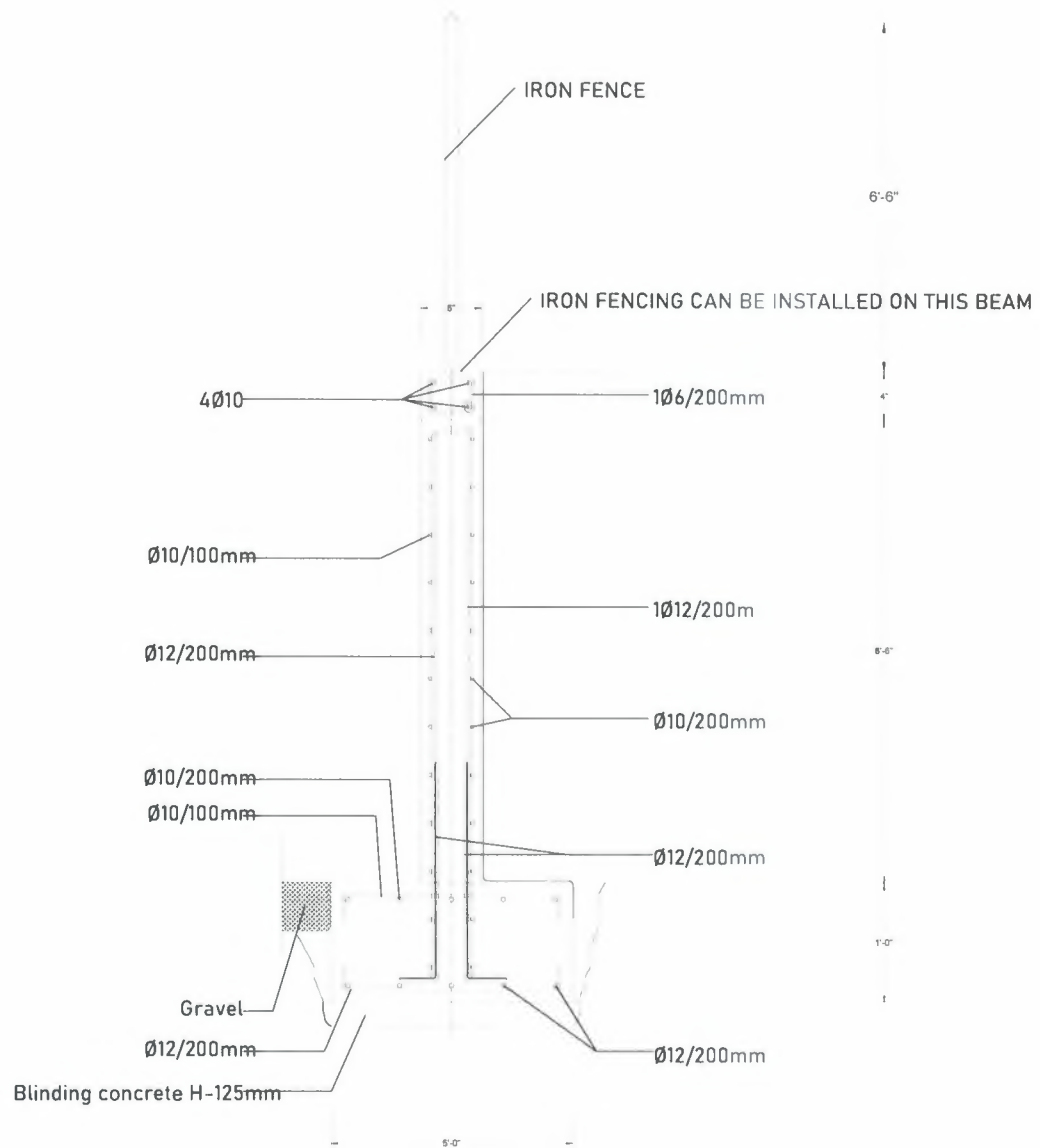
Any changes in wall height must be evaluated based on the site's topography and drainage requirements. Ensure that the structural integrity and design intent are maintained when modifying the height according to the site elevations.

**Iron Fence Installation:**

An iron fence can be securely installed on a small beam at the top of the retaining wall. This beam is positioned to provide support for the fence and will be placed during the wall's construction. However, the fence itself should only be installed after the retaining wall has been completed and cured to ensure stability and structural performance.

**Construction Phases:**

Construction of the retaining wall must follow the sequence outlined in the project specifications. The wall must be built first, allowing for any necessary adjustments on-site. The installation of the iron fence should occur once the wall has achieved its full strength.



PROJECT:  
RETAINING WALL  
PROJECT

929 BROOKWOOD DRIVE DALLAS, TX 75224

CLIENT'S NAME

CLIENT'S SEAL

DATE

**NOTES**

\* THIS DRAWING MUST BE READ IN CONJUNCTION WITH ALL RELEVANT ARCHITECTURAL, STRUCTURAL, MECHANICAL, ELECTRICAL, PLUMBING, AND ENVIRONMENTAL DRAWINGS.  
 \* NO DIMENSIONAL OR ANY OTHER CHANGE ALLOW WITHOUT ARCHITECT'S CONSENT.  
 \* IF ANY DISCREPANCY ON MEASUREMENTS OR DETAILS TO BE RECTIFIED BEFORE ANY SITE OPERATION.  
 \* (C) COPYRIGHT RESERVED

NO.	REVISION	REMARKS	DATE

DWG TITLE

DWG NO

DWG SCALE

DRAWN BY

DATE

RETAINING WALL SECTION

LANS02

NOT TO SCALE

2024 09 17

CHECKED BY

ARCHITECT'S / ENGINEER SIGNATURE

ARCHITECT'S SEAL

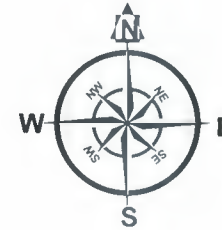
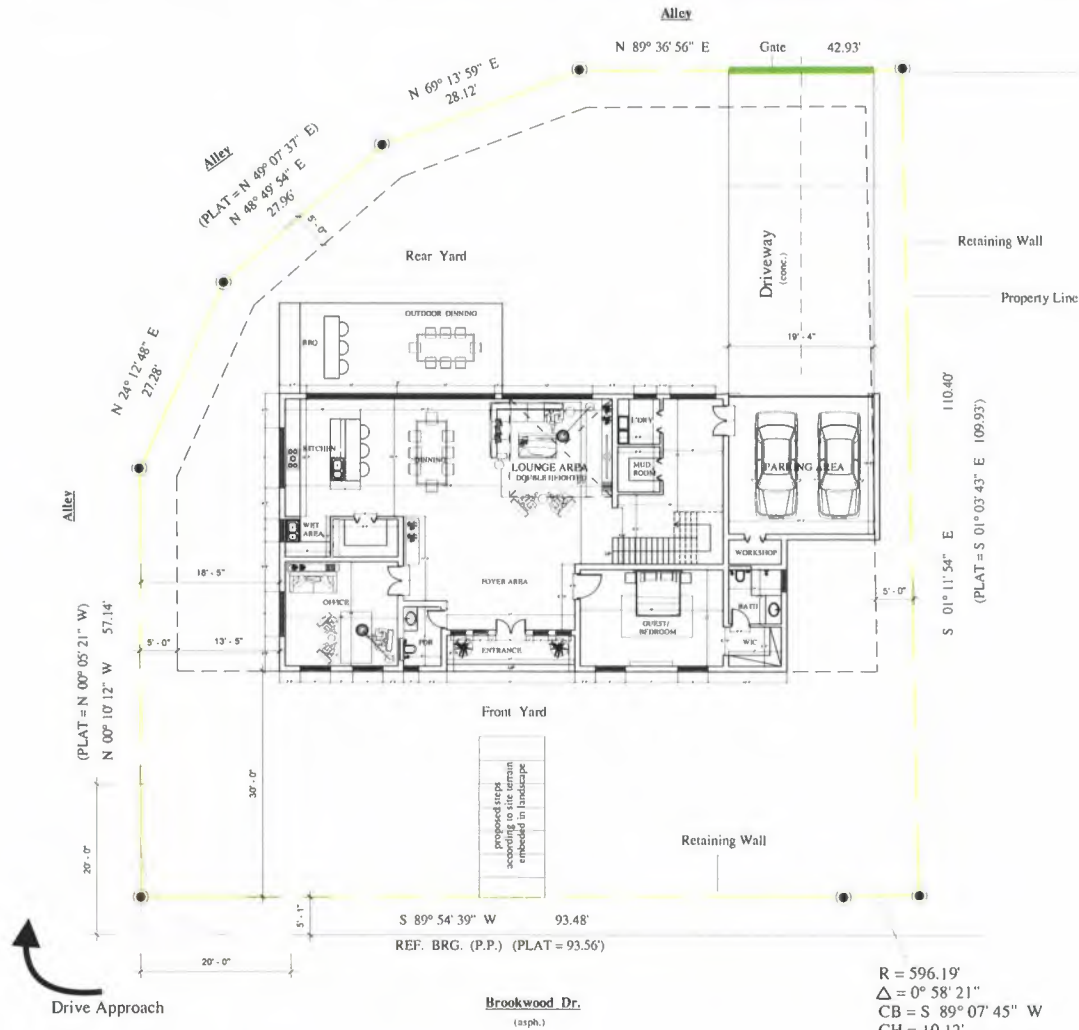
DATE

DATE 2024 09 17

BDA234-155



**ADDRESS: 929 BROOKWOOD DRIVE DALLAS, TX 75224**



CLIENT :  
**MAMBA 23 REALTY LLC**

PROJECT :  
**BUILDING DEVELOPMENT**

SHEET TITLE:  
**SITE PLAN**

LOCATION :  
**929 BROOKWOOD DRIVE DALLAS, TX 75224**

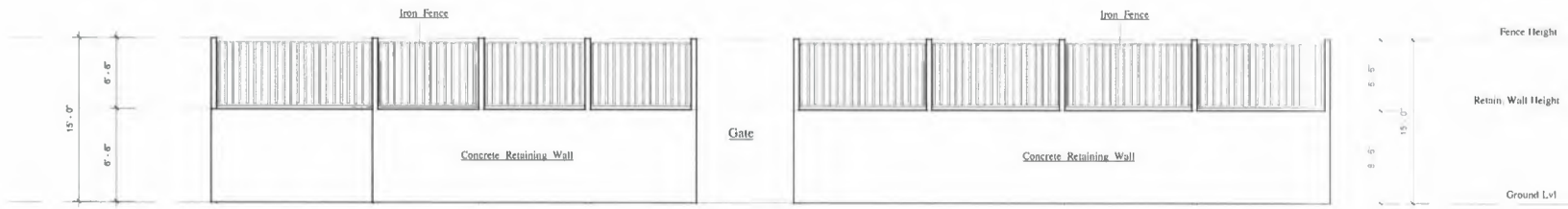
ARCHITECT:  
**Manix-arc**  
 manixarc01@gmail.com

DRAWN :	Manix
CHECKED :	Manix
DATE :	Nov., 2024
SCALE :	STATED

DRAW NO :  
**A101**

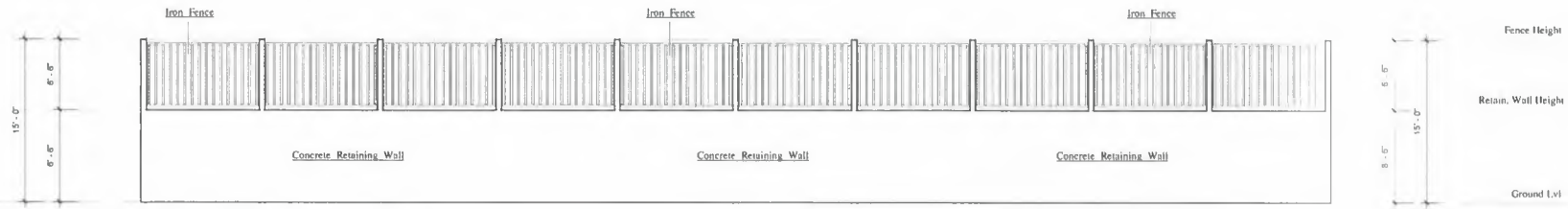
**BDA234-155**

**1** Site Plan  
 1/16" = 1'-0"



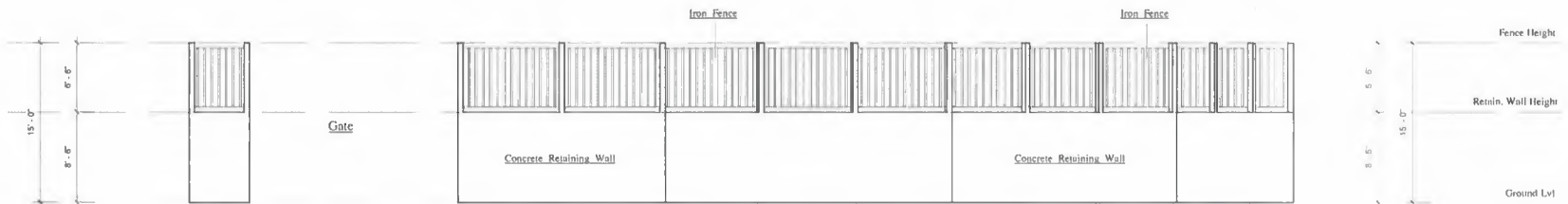
1 South side property fence elevation

3/32" = 1'-0"



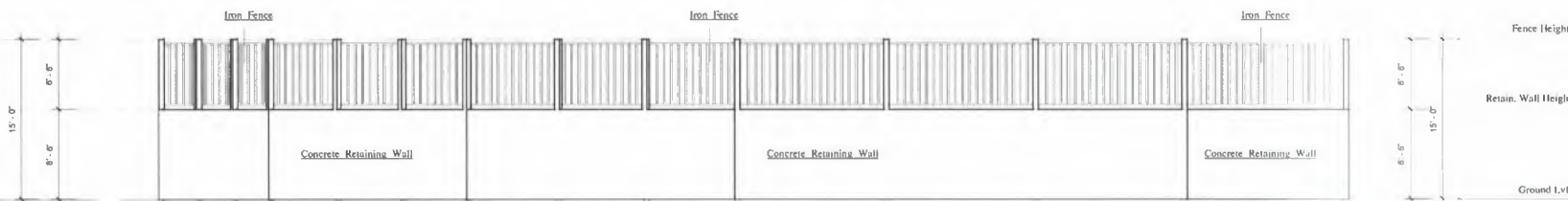
2 East side property fence elevation

3/32" = 1'-0"



3 North side property fence elevation

3/32" = 1'-0"



4 West side property fence elevation

3/32" = 1'-0"

CLIENT :

MAMBA 23 REALTY LLC

PROJECT :

BUILDING DEVELOPMENT

SHEET TITLE :

RETAINING WALL AND FENCE ELEVATION

LOCATION :

929 BROOKWOOD DRIVE DALLAS, TX 75224

ARCHITECT :

Manix-arc

manixarc01@gmail.com

DRAWN : Manix

CHECKED : Manix

DATE : Nov., 2024

SCALE : STATED

DRAW NO :

A102

BDA234-15S

**FILE NUMBER:** BDA234-146(CJ)

**BUILDING OFFICIAL'S REPORT:** Application of Raul Cortes Garcia for **(1)** a special exception to the fence height regulations, and for **(2)** a special exception to the fence opacity regulations at **3226 Lawnview Avenue**. This property is more fully described as Block 37/5809, Lot 5, 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 may not be located less than 5-feet from the front lot line. The applicant proposes to construct and/or maintain a 6-foot high fence in a required front yard along Menger Avenue, which will require **(1)** a 2-foot special exception to the fence height regulations, 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 regulations.

**LOCATION:** 3226 Lawnview Avenue

**APPLICANT:** Raul Cortes Garcia

**REQUEST:**

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

**STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE HEIGHT & OPACITY STANDARD REGULATIONS:** Section 51A-4.602(a)(11) of the Dallas Development Code states that the board may grant a special exception to the fence standard 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 these requests.

**BACKGROUND INFORMATION:**

**BDA History:**

- No BDA history found at 3226 Lawnview Avenue in the last 5 years.

**Square Footage:**

- This lot contains 12,632.4 of square feet.
- This lot is zoned R-7.5(A) which has a minimum lot size of 7,500 square feet.

**Zoning:**

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

**Land Use:**

The subject site and surrounding properties to the north, south, east and west are developed with single-family uses.

**GENERAL FACTS/STAFF ANALYSIS:**

- The application for Raul Cortes Garcia's property located at 3226 Lawnview Avenue focuses on 2 requests relating to fence height and fence opacity.
- The applicant proposes to maintain a 6-foot fence in a required front yard, which will require a 2-foot special exception to the fence height regulations.
- Secondly, the applicant is requesting a special exception to the fence standards regulations regarding opacity; the existing fence is made from cedar wood panels.
- The subject site along with properties to the north, south, east, and west are all developed with single-family homes.
- The subject site is a corner lot with double street frontage on Lawnview Avenue and Menger Avenue.
- The subject site has two front yards due to block face continuity; one front yard on Lawnview Avenue and another on Menger Avenue.
- It is imperative to note that the existing fence replaced an older fence that appeared to exist within the front yard setback on Menger Avenue to some degree.
- It has been confirmed that the fence is existing and not proposed.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard. The Dallas Development Code also states that no fence panel having less than 50 percent open surface area may be located less than 5-feet from the lot line.
- The applicant has the burden of proof in establishing that the special exception(s) to the fence regulations relating to height and opacity will not adversely affect the neighboring properties.
- Granting the special exceptions to the fence standards 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: [BDA234-146 at 3226 Lawnview Ave.](#)

**Timeline:**

October 24, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

November 4, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel C.

November 13, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the hearing date and panel that will consider the application; the November 22, 2024, deadline to submit additional evidence for staff to factor into their analysis; and December 6, 2024, deadline to submit additional evidence to be incorporated into the board’s docket materials.
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November 22, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the December public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

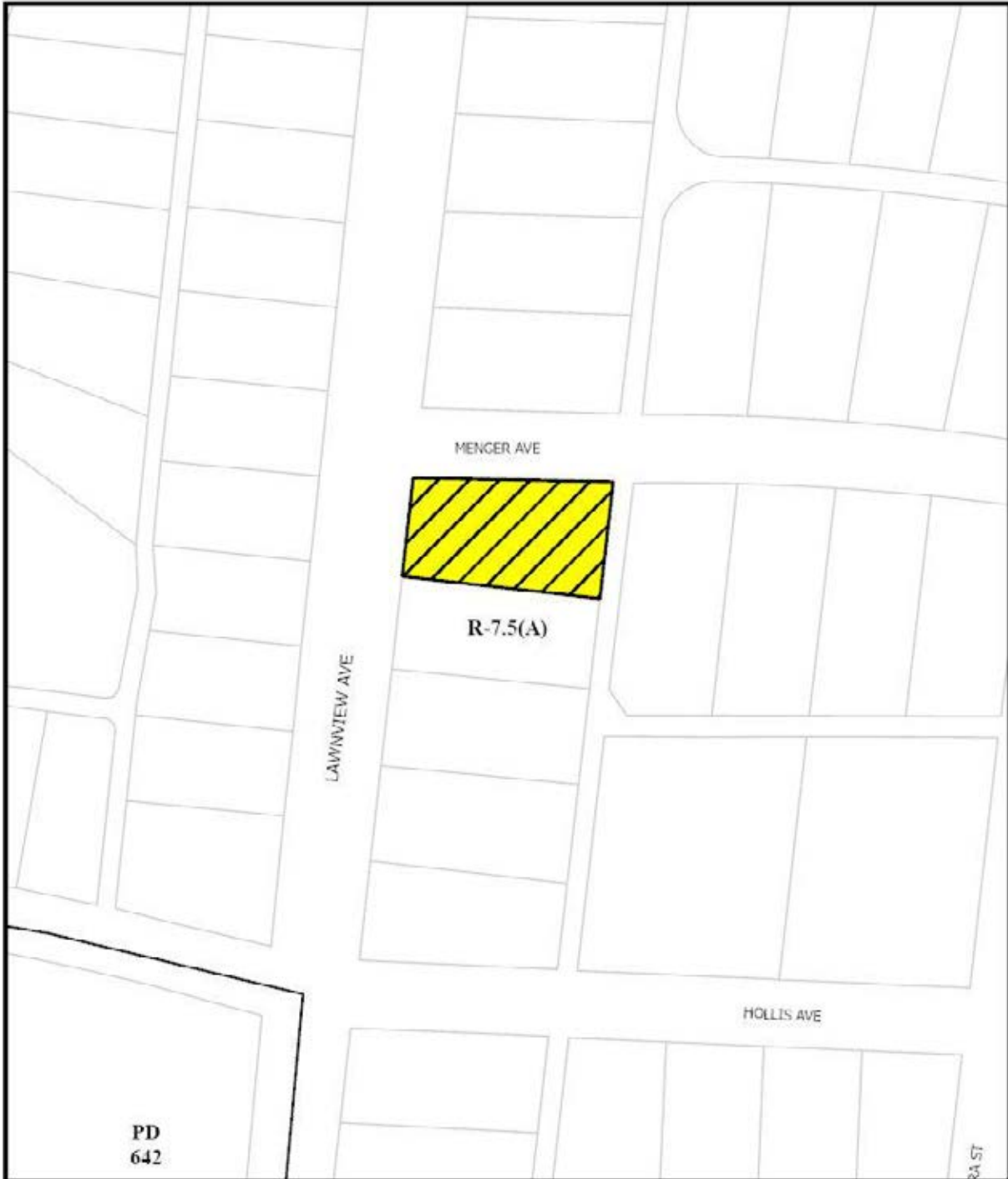
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- an attachment that provided the hearing date and panel that will consider the application; the January 2, 2025, deadline to submit additional evidence for staff to factor into their analysis ;and January 10, 2025, deadline to submit additional evidence to be incorporated into the board’s docket materials.
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1:1,200


# ZONING MAP

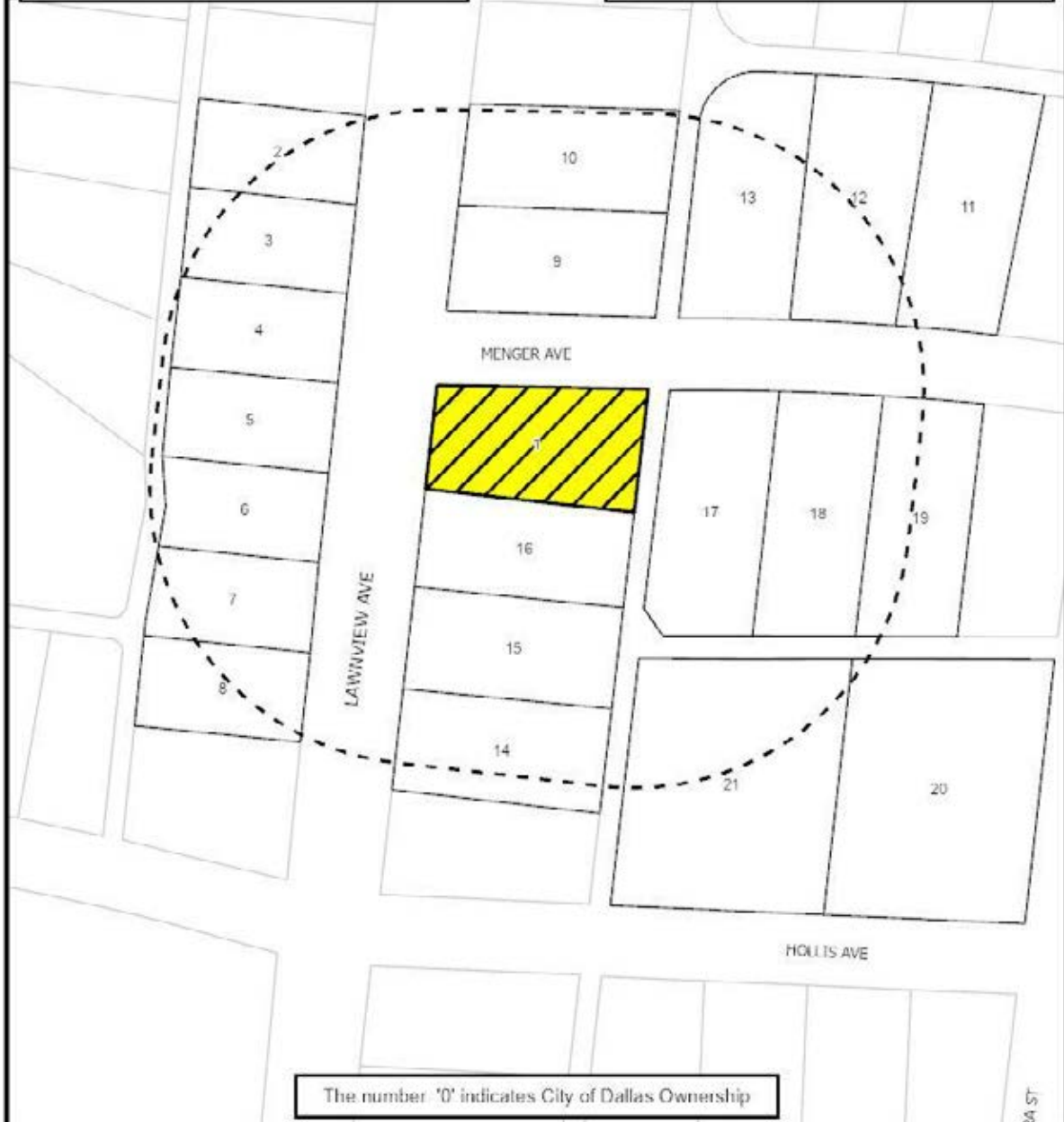
Case no: BDA234-146

Date: 11/21/2024





The area of request is hatched . Notification is sent to all property owners within the notification buffer area (shown by the dashed circle). Your property is not being rezoned if you are outside of the hatched area. If your property is not within the hatched area, you are receiving this notice only to let you know of the request.

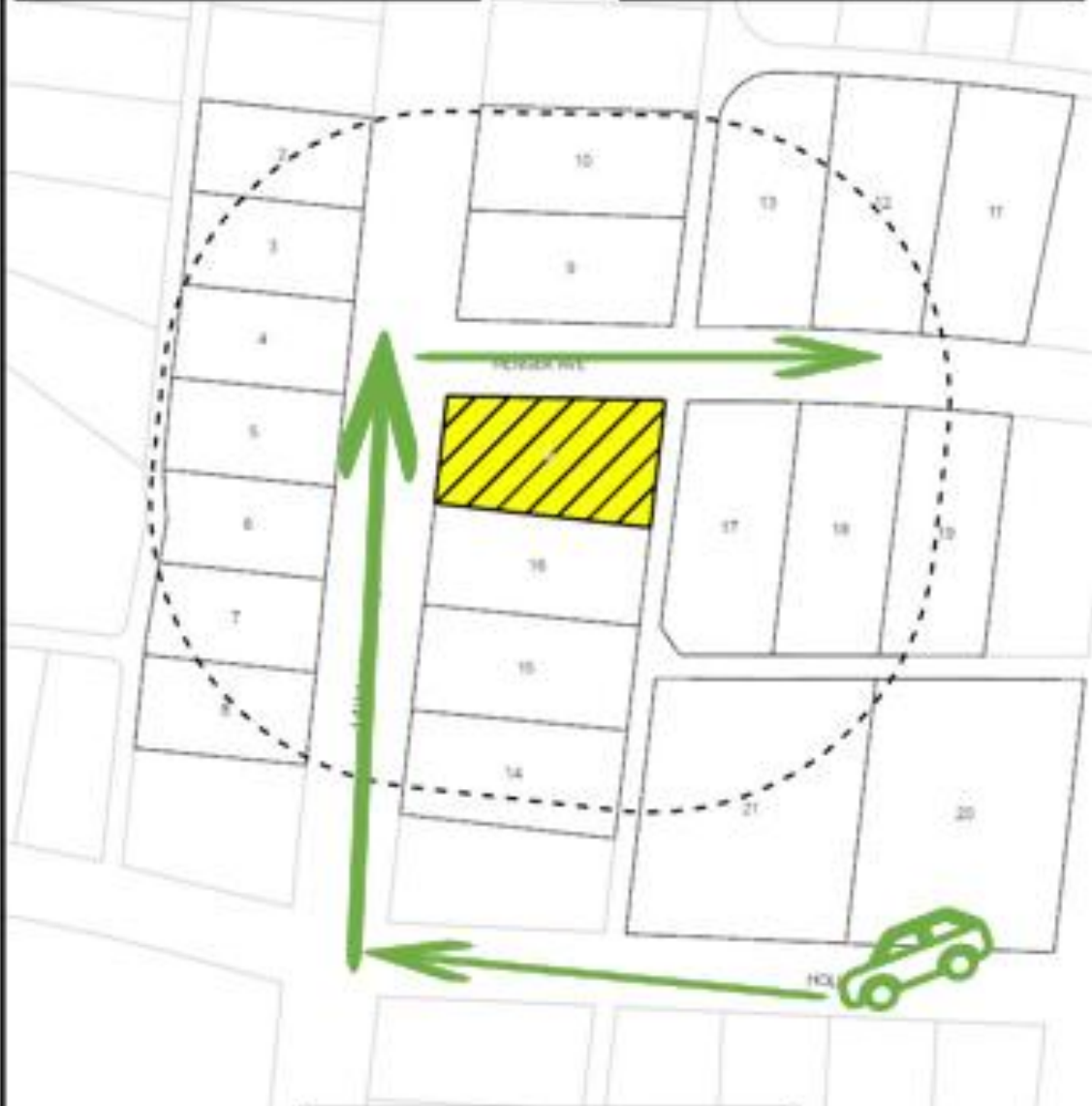
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 1:1,200	<h2>NOTIFICATION</h2>	Case no: <b>BDA234-146</b>
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">21</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <b>11/21/2024</b>

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The number '0' indicates City of Dallas Ownership

 1:1,200	<h2>NOTIFICATION</h2>		Case no: <b>BDA234-146</b>
	<b>200'</b> AREA OF NOTIFICATION	<b>21</b> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <b>11/21/2024</b>

11/21/2024

## Notification List of Property Owners

**BDA234-146**

**21 Property Owners Notified**

<b>Label #</b>	<b>Address</b>	<b>Owner</b>
1	3226 LAWNVIEW AVE	CORTESGARCIA RAUL R &
2	3309 LAWNVIEW AVE	GARCIA JUAN & GABRIELA
3	3303 LAWNVIEW AVE	PAYNE LUCAS M &
4	3231 LAWNVIEW AVE	Taxpayer at
5	3225 LAWNVIEW AVE	SALINAS GLORIA
6	3221 LAWNVIEW AVE	GARCIA ELODIA & LUCIO JAIMES
7	3215 LAWNVIEW AVE	MARQUEZ FRANCISCO VERGARA &
8	3211 LAWNVIEW AVE	3211 LAWNVIEW LLC
9	3302 LAWNVIEW AVE	RUSSELL JOEL DAVID
10	3304 LAWNVIEW AVE	MENDEZ IGNACIO &
11	6031 MENGER AVE	PEREZ FELICIANO & ROSA
12	6023 MENGER AVE	BENAVIDES TERESA
13	6019 MENGER AVE	MARTINEZ JUANA
14	3206 LAWNVIEW AVE	BRADFORD ELLA MAE
15	3214 LAWNVIEW AVE	Taxpayer at
16	3220 LAWNVIEW AVE	FLORES CARLOS &
17	6018 MENGER AVE	LONG ARDIS WAYNE II
18	6022 MENGER AVE	PATINO CYNTHIA & MIGUEL
19	6030 MENGER AVE	OLVERA CELESTINO RANGEL
20	6035 HOLLIS AVE	ANTHONY SHIRLEY
21	6019 HOLLIS AVE	YOUSUF NIZAR

 1:1,200	<b>NOTIFICATION</b>	Case no: <u>BDA234-146</u>
	<b>200'</b> AREA OF NOTIFICATION <b>21</b> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <u>11/21/2024</u>

NOTICE OF PUBLIC HEARING

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

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

DATE: THURSDAY, JANUARY 23, 2025

BRIEFING: 10:30 a.m. via Videoconference and in 6ES COUNCIL BRIEFING, Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa0123>

HEARING: 1:00 p.m. via Videoconference and in 6ES COUNCIL BRIEFING, Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa0123>

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 December 16, 2024.

BDA234-146(CJ) Application of Raul Cortes Garcia for (1) a special exception to the fence height regulations, and for (2) a special exception to the fence opacity regulations at 3226 LAWNVIEW AVENUE. This property is more fully described as Block 37/5809, Lot 5, 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 may not be located less than 5-feet from the front lot line. The applicant proposes to construct and/or maintain a 6-foot high fence in a required front yard along Menger Avenue, which will require (1) a 2-foot special exception to the fence height regulations, 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 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](mailto: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 Council Briefing 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-C-Register> or contact the Planning & Development Department at 214-670-4127 by the close of business Wednesday, January 22, 2025. All virtual speakers will be required to show their video in order to address the board. Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and [bit.ly/cityofdallastv](http://bit.ly/cityofdallastv) or [YouTube.com/CityofDallasCityHall](http://YouTube.com/CityofDallasCityHall).

**Speakers at the meeting are allowed a maximum of five (5) 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 and Development Department  
1500 Marilla Street 5CN, Dallas TX 75201

**PLEASE SEND REPLIES TO:**  
[BDAREPLY@dallas.gov](mailto:BDAREPLY@dallas.gov)  
**Letters will be received until 9:00  
am the day of the hearing.**

**PLEASE REGISTER AT:**  
<https://bit.ly/BDA-C-Register>



# Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

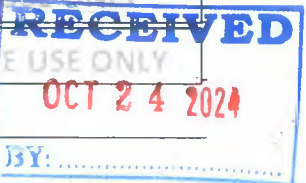
## APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA

234-146

Date:

FOR OFFICE USE ONLY



Data Relative to Subject Property:

Location address: 3226 Lawnview Ave

Zoning District:

Lot No.: 5 Block No.: 37/5809 Acreage: 0.29

Census Tract:

Street Frontage (in Feet): 1) 75' 2) 50' 3) 4) 5)

### To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Raul Cortes-Garcia and Alan Cortes

Applicant: Raul Cortes-Garcia

Telephone: 915-539-2915

Mailing Address: 3226 Lawnview Ave

Zip Code: 75227

E-mail Address: raul.c.cortesgarcia@gmail.com

Represented by: SELF

Telephone:

Mailing Address:

Zip Code:

E-mail Address:

Affirm that an appeal has been made for a Variance  or Special Exception  of extension of existing 6' fence out to sidewalk facing Mergen Ave and construct a 4' fence on the remaining perimeter and opacity

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:

safety of inhabitants and pets, enjoyment of entire property, discouraging loitering (elementary school are block away)

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

Raul Cortes Garcia Raul Cortes Garcia

(Affiant/Applicant's name printed)

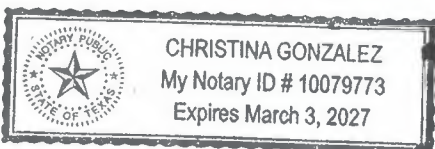
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property

Respectfully submitted:

(Affiant/Applicant's signature)

Subscribed and sworn to before me this

24th day of September, 2024



Christina Gonzalez  
Notary Public in and for Dallas County, Texas





Appeal number: BDA 234-146

I, Raul Cortes-Garcia and Alan Cortes, Owner of the subject property  
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 3226 Lawnview Ave Dallas, TX 75227  
(Address of property as stated on application)

Authorize: Raul Cortes-Garcia  
(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: extend fence from existing position out to sidewalk facing

Manger Avenue - to fence and a 4' fence on remaining perimeter

Raul Cortes-Garcia and Alan Cortes  
Print name of property owner or registered agent

Raul Cortes-Garcia Alan Cortes  
Signature of property owner or registered

agent Date 9/24/24

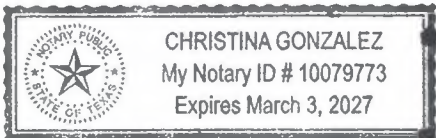
Before me, the undersigned, on this day personally appeared  
Raul Cortes Garcia and Alan Cortes

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 24th day of

September, 2024

Christina Gonzalez  
Notary Public for Dallas County,  
Texas



Commission expires on  
03/03/2027



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 234-146

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(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 3226 Lawnview Ave Dallas, TX 75227  
(Address of property as stated on application)

Authorize: Raul Cortes-Garcia  
(Applicant's name as stated on application)

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- Special Exception (specify below)
- Other Appeal (specify below)

Specify: extend fence from existing position out to sidewalk facing Menger Avenue - 6' fence and a 4' fence on the remaining perimeter

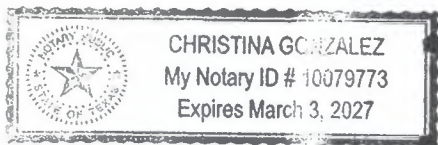
Raul Cortes-Garcia and Alan Cortes  
Print name of property owner or registered agent

Raul Cortes-Garcia / Alan Cortes  
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agent Date 9/24/24

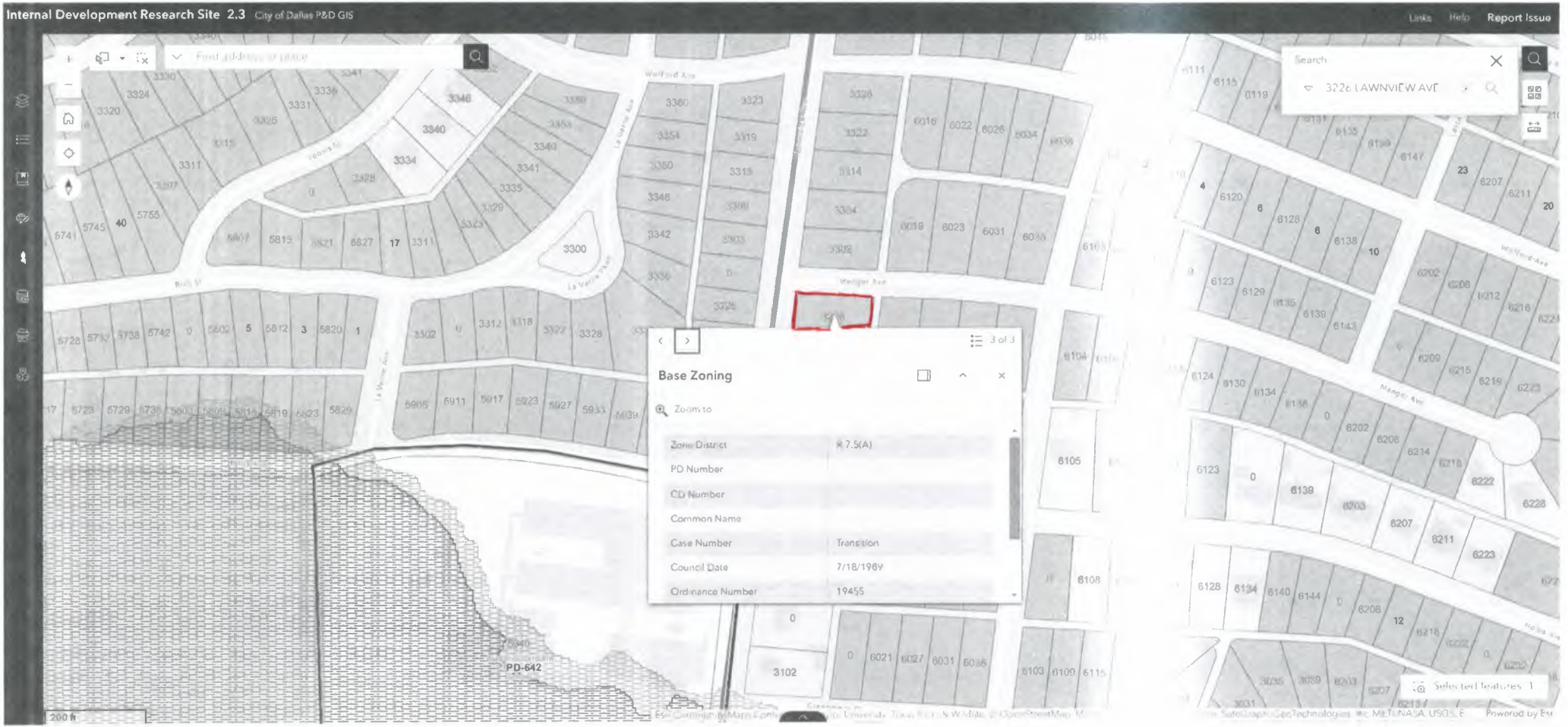
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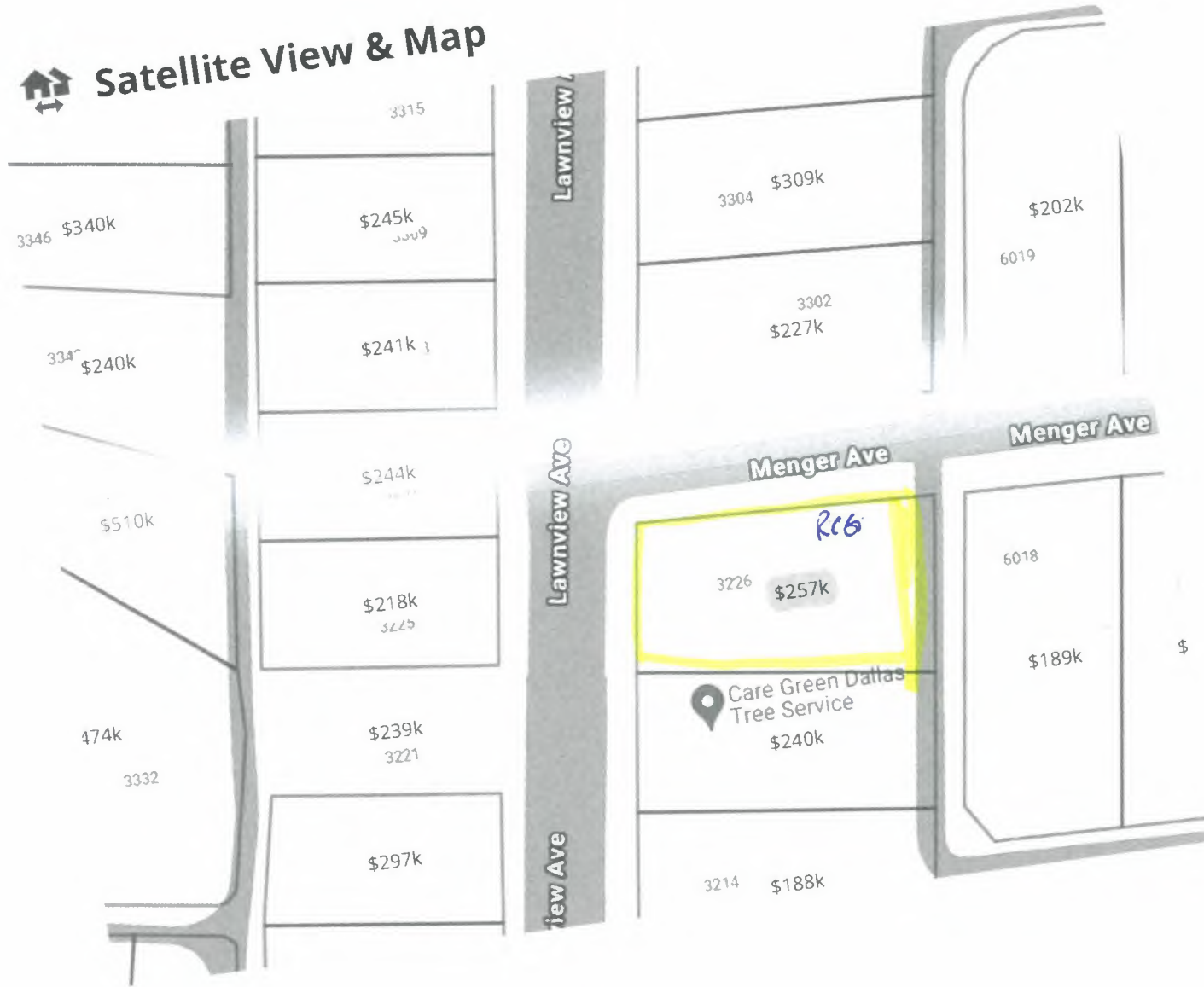
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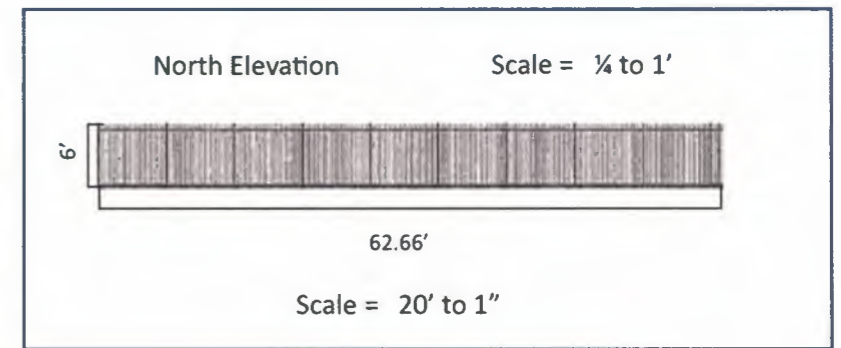
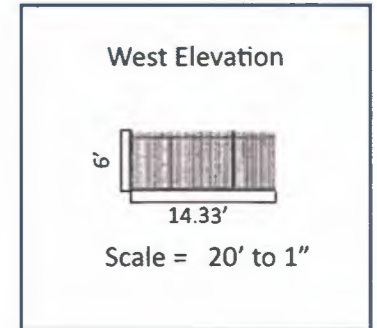
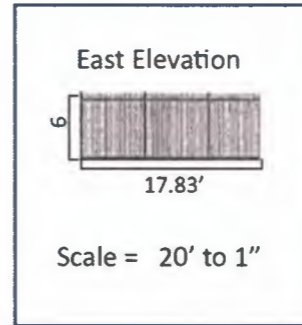
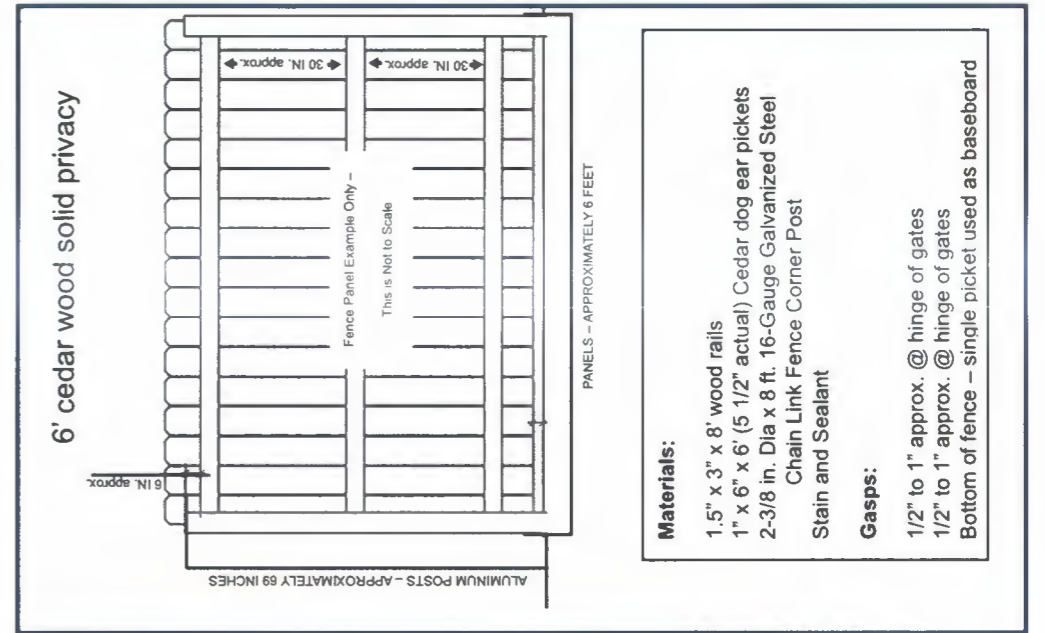
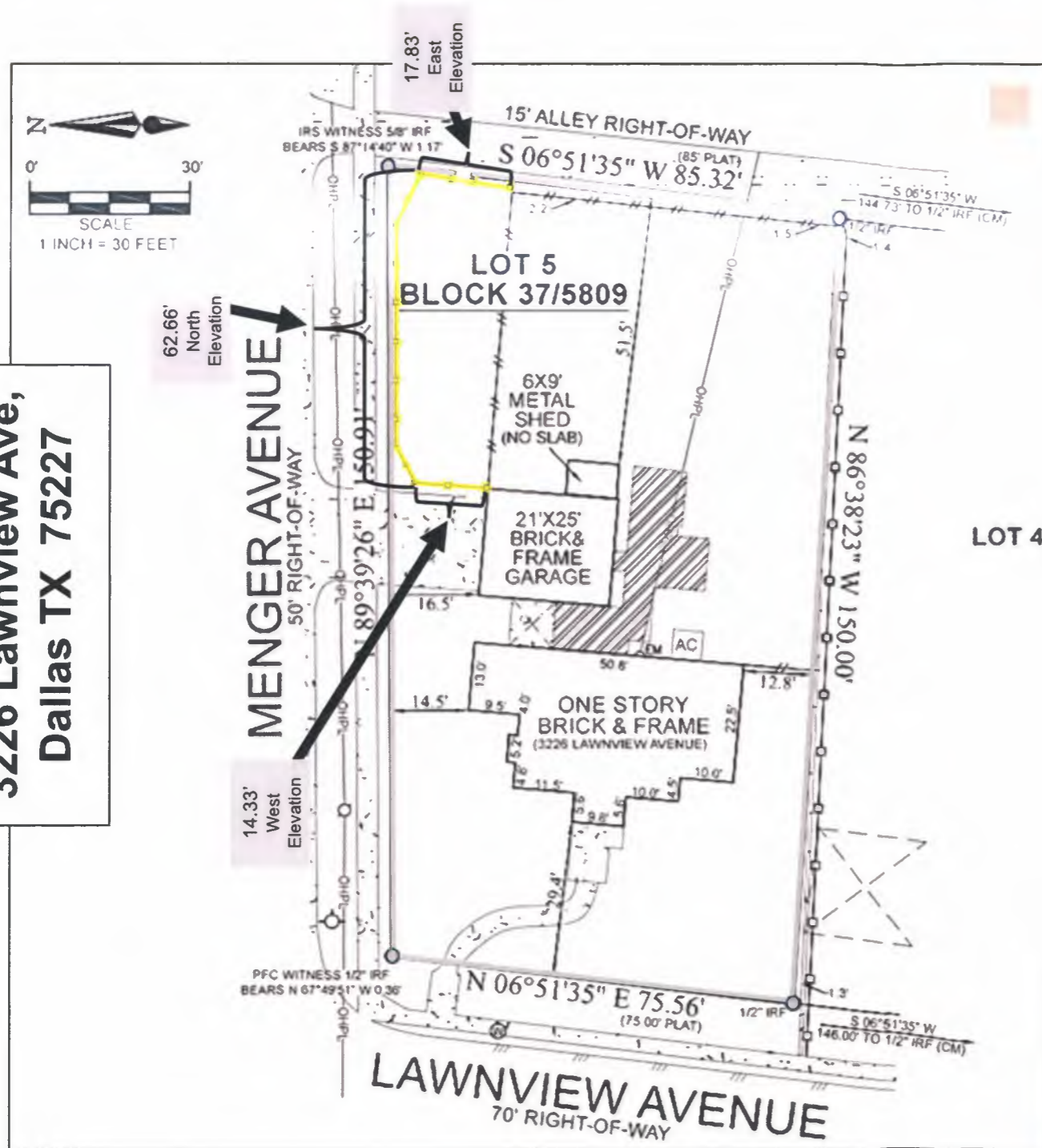


Rafael Garcia

# 🏠 Satellite View & Map



**3226 Lawnview Ave,  
Dallas TX 75227**



**FILE NUMBER:** BDA234-146(CJ)

**BUILDING OFFICIAL'S REPORT:** Application of Raul Cortes Garcia for **(1)** a special exception to the fence height regulations, and for **(2)** a special exception to the fence opacity regulations at **3226 Lawnview Avenue**. This property is more fully described as Block 37/5809, Lot 5, 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 may not be located less than 5-feet from the front lot line. The applicant proposes to construct and/or maintain a 6-foot high fence in a required front yard along Menger Avenue, which will require **(1)** a 2-foot special exception to the fence height regulations, 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 regulations.

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**BACKGROUND INFORMATION:**

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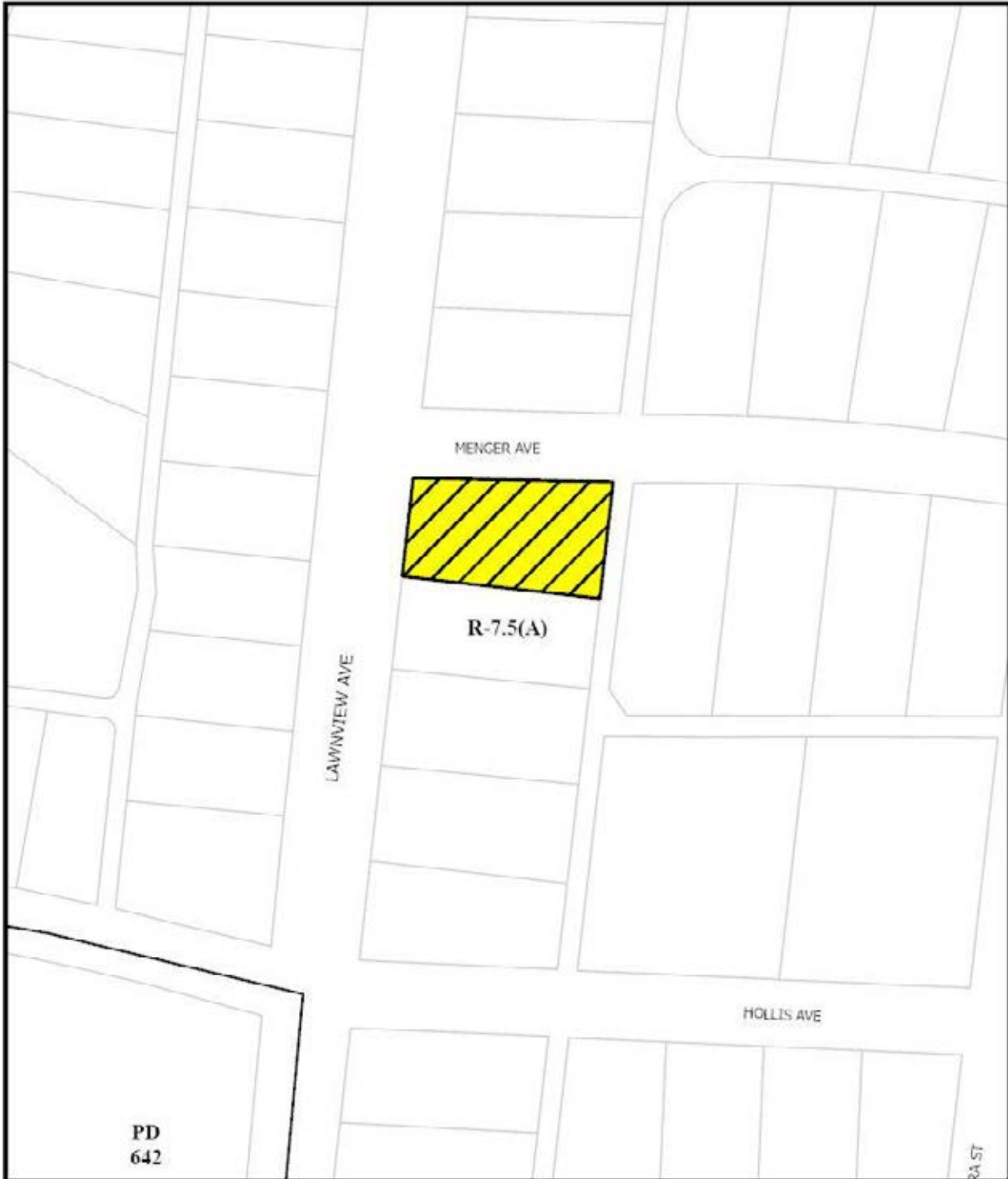
December 23, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

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


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








 1:1,200	<b>ZONING MAP</b>	Case no: <u>BDA234-146</u> Date: <u>11/21/2024</u>
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The area of request is hatched . Notification is sent to all property owners within the notification buffer area (shown by the dashed circle). Your property is not being rezoned if you are outside of the hatched area. If your property is not within the hatched area, you are receiving this notice only to let you know of the request.


El área de solicitud está sombreada . La notificación se envía a todos los propietarios dentro del área de notificación (que se muestra con un círculo discontinuo). Su propiedad no será re zonificada si está fuera del área sombreada. Si su propiedad no está dentro del área sombreada, recibió este aviso solo para informarle sobre la solicitud.

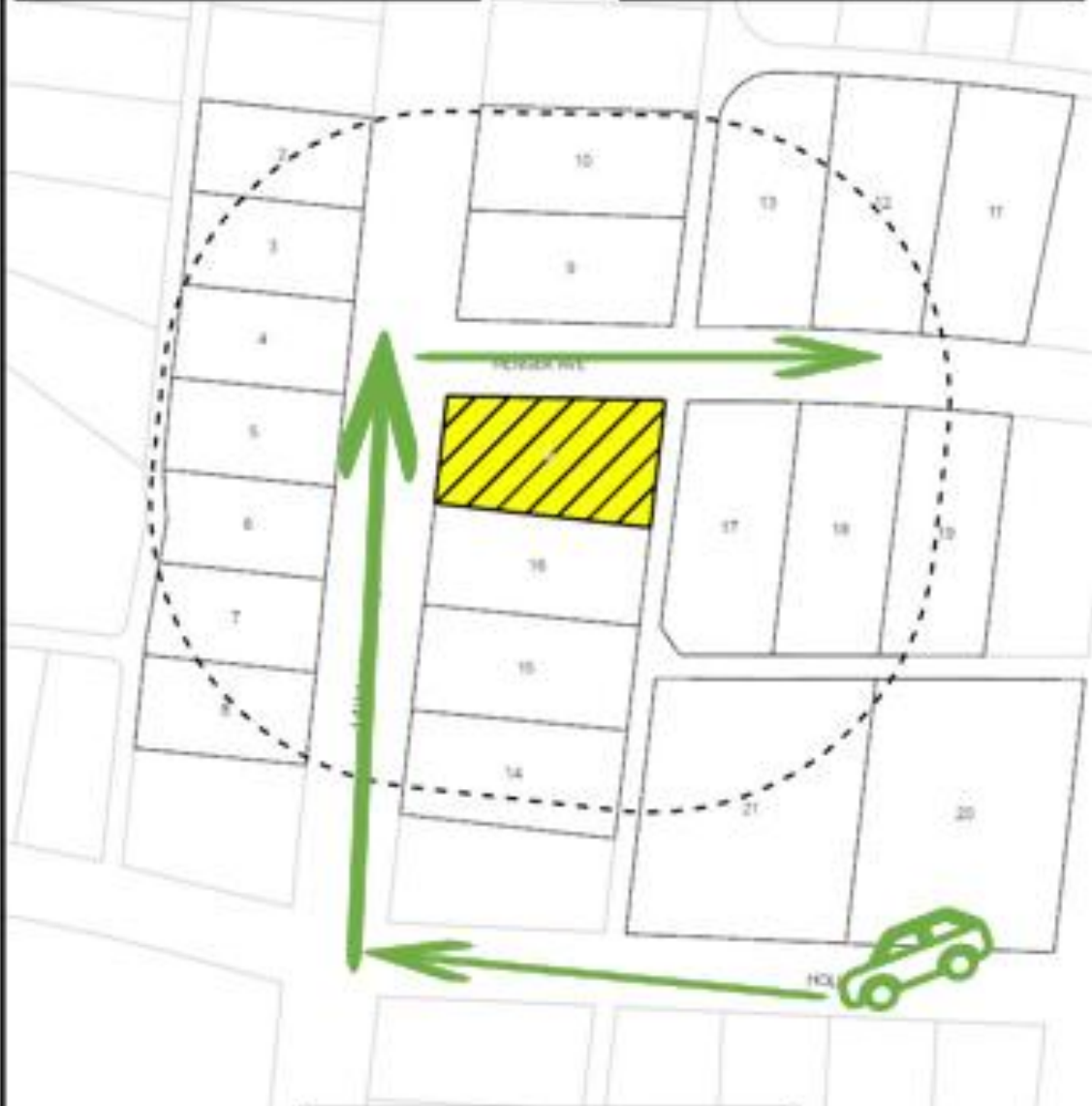


The number '0' indicates City of Dallas Ownership

 1:1,200	<h2>NOTIFICATION</h2>	Case no: <b>BDA234-146</b>
	<div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">200'</div> <div>AREA OF NOTIFICATION</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">21</div> <div>NUMBER OF PROPERTY OWNERS NOTIFIED</div> </div>	Date: <b>11/21/2024</b>

The area of request is hatched . Notification is sent to all property owners within the notification buffer area (shown by the dashed circle). Your property is not being requested if you are outside of the hatched area. If your property is not within the hatched area, you are receiving this notice only to let you know of the request.

El área de solicitud está sombreada . La notificación se envía a todos los propietarios dentro del área de notificación (que se muestra con un círculo discontinuo). Su propiedad no será solicitada si está fuera del área sombreada. Si su propiedad no está dentro del área sombreada, recibió este aviso solo para informarle sobre la solicitud.



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11/21/2024

## Notification List of Property Owners

**BDA234-146**

**21 Property Owners Notified**

<b>Label #</b>	<b>Address</b>	<b>Owner</b>
1	3226 LAWNVIEW AVE	CORTESGARCIA RAUL R &
2	3309 LAWNVIEW AVE	GARCIA JUAN & GABRIELA
3	3303 LAWNVIEW AVE	PAYNE LUCAS M &
4	3231 LAWNVIEW AVE	Taxpayer at
5	3225 LAWNVIEW AVE	SALINAS GLORIA
6	3221 LAWNVIEW AVE	GARCIA ELODIA & LUCIO JAIMES
7	3215 LAWNVIEW AVE	MARQUEZ FRANCISCO VERGARA &
8	3211 LAWNVIEW AVE	3211 LAWNVIEW LLC
9	3302 LAWNVIEW AVE	RUSSELL JOEL DAVID
10	3304 LAWNVIEW AVE	MENDEZ IGNACIO &
11	6031 MENDER AVE	PEREZ FELICIANO & ROSA
12	6023 MENDER AVE	BENAVIDES TERESA
13	6019 MENDER AVE	MARTINEZ JUANA
14	3206 LAWNVIEW AVE	BRADFORD ELLA MAE
15	3214 LAWNVIEW AVE	Taxpayer at
16	3220 LAWNVIEW AVE	FLORES CARLOS &
17	6018 MENDER AVE	LONG ARDIS WAYNE II
18	6022 MENDER AVE	PATINO CYNTHIA & MIGUEL
19	6030 MENDER AVE	OLVERA CELESTINO RANGEL
20	6035 HOLLIS AVE	ANTHONY SHIRLEY
21	6019 HOLLIS AVE	YOUSUF NIZAR

 1:1,200	<b>NOTIFICATION</b>	Case no: <u>BDA234-146</u>
	<b>200'</b> AREA OF NOTIFICATION <b>21</b> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <u>11/21/2024</u>

NOTICE OF PUBLIC HEARING

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

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

DATE: THURSDAY, JANUARY 23, 2025

BRIEFING: 10:30 a.m. via Videoconference and in 6ES COUNCIL BRIEFING, Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa0123>

HEARING: 1:00 p.m. via Videoconference and in 6ES COUNCIL BRIEFING, Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa0123>

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 December 16, 2024.

BDA234-146(CJ) Application of Raul Cortes Garcia for (1) a special exception to the fence height regulations, and for (2) a special exception to the fence opacity regulations at 3226 LAWNVIEW AVENUE. This property is more fully described as Block 37/5809, Lot 5, 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 may not be located less than 5-feet from the front lot line. The applicant proposes to construct and/or maintain a 6-foot high fence in a required front yard along Menger Avenue, which will require (1) a 2-foot special exception to the fence height regulations, 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 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](mailto: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 Council Briefing 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-C-Register> or contact the Planning & Development Department at 214-670-4127 by the close of business Wednesday, January 22, 2025. All virtual speakers will be required to show their video in order to address the board. Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and [bit.ly/cityofdallastv](http://bit.ly/cityofdallastv) or [YouTube.com/CityofDallasCityHall](http://YouTube.com/CityofDallasCityHall).

**Speakers at the meeting are allowed a maximum of five (5) 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 and Development Department  
1500 Marilla Street 5CN, Dallas TX 75201

**PLEASE SEND REPLIES TO:**  
[BDAREPLY@dallas.gov](mailto:BDAREPLY@dallas.gov)  
**Letters will be received until 9:00  
am the day of the hearing.**

**PLEASE REGISTER AT:**  
<https://bit.ly/BDA-C-Register>









