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**CITY SECRETARY
DALLAS, TEXAS****City of Dallas****AGENDA****Public Notice**

250487

POSTED CITY SECRETARY
DALLAS, TX**BOARD OF ADJUSTMENT (PANEL C)****MAY 19, 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/boa0519C>
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 Sunday, May 18, 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. Domingo, 18 de Mayo, 2025. Las Personas que quieran hablar en persona, se pueden registrar en la Audiencia.**

AGENDA

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

HANDGUN PROHIBITION NOTICE FOR MEETINGS OF GOVERNMENTAL ENTITIES

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

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

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

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

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

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

MISCELLANEOUS ITEM(S)

- Approval of Panel C Minutes – March 17, 2025
 - Consideration and Approval of amended Board of Adjustment's Rules of Procedure
-

UNCONTESTED CASE(S)

BDA245-057(BT)	3516 BOOKER STREET REQUEST: Application of Sewdat Persaud for a (1) variance to the off-street parking regulations; and for (2) a variance to the front-yard setback regulation.	1
BDA245-069(BT)	5465 E. MOCKINGBIRD LANE REQUEST: Application of Kevin Hickman represented by Skye Thibodeaux for a special exception to the parking regulations.	2

HOLDOVER

None

INDIVIDUAL CASES

BDA234-119(CJ)	1255 ANNEX AVENUE REQUEST: Application of Dani Golan for (1) a variance to the front-yard setback regulations.	3
BDA245-064(CJ)	5930 RICHMOND AVENUE REQUEST: Application of Amy Hall for a variance to the floor area ratio regulations.	4
BDA245-066(CJ)	3516 ROSS AVENUE REQUEST: Application of Oliver Steinberg represented by Skye Thibodeaux for (1) a special exception to the parking regulations.	5



BOARD OF ADJUSTMENT

Panel C Minutes

March 17, 2025

DRAFT

6ES Council Briefing

24957316190@dallascityhall.webex.com

Robert Agnich, Vice-Chair

PRESENT: [5]

Robert Agnich, VC	
Judy Pollock	
Roger Sashington	
Rodney Milliken	
Meredyth Griffin	

ABSENT: [1]

Jared Slade	

Vice-Chair Agnich called the briefing to order at **10:36 A.M.** with a quorum of the Board of Adjustment present.

Vice-Chair Agnich called the hearing to order at **1:20 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.

- Rijaa Butt, not available online at time of the hearing.

MISCELLANEOUS ITEMS

Approval of the Board of Adjustment Panel C, February 20, 2025, Minutes as presented during the briefing.

A motion was made to approve Panel C, February 20, 2025, Public Hearing minutes.

Maker:	Roger Sashington				
Second:	Judy Pollock				
Results:	5-0 unanimously				Motion to approve
		Ayes:	-	5	Robert Agnich, Judy Pollock, Rodney Milliken, Roger Sashington & Meredyth Griffin
		Against:	-	0	

UNCONTESTED ITEMS

1. 2632 Pennsylvania Avenue

BDA245-037(BT)

BUILDING OFFICIAL'S REPORT: Application of Ali Ebrahimi for (1) a variance to the front-yard setback regulations at **2632 PENNSYLVANIA AVENUE**. This property is more fully described as Block 32/1309, Lot 18, and is zoned PD-595 (R-5(A)), which requires a front-yard setback of 20-feet along Myrtle Street. The applicant proposes to construct and/or maintain a single-family residential structure with a setback of 5-feet, which will require **(1)** a 15-foot variance to the front-yard setback along Myrtle Street.

LOCATION: 2632 Pennsylvania Avenue

APPLICANT: Ali Ebrahimi

REPRESENTED BY:

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 along with surroundings properties are all developed with single-family homes.

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 Ali Ebrahimi for the property located at 2632 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.
- 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 is proposed on a vacant lot.
- The applicant has the burden of proof in establishing the following:
 - 1) That granting the variance to the front-yard setback regulations will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
 - 2) The variance is necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
 - 3) The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.
- ELEMENT II SUBSTITUTE:

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

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

- (ii) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
- (iii) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
- (iv) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (v) the municipality considers the structure to be a nonconforming structure.
- Granting the variance to the front-yard setback regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: [BDA245-037 at 2632 Pennsylvania Ave](#)

Timeline:

- January 22, 2025: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- February 6, 2025: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.
- February 21, 2025: Planning and Development Department Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the **February 28, 2025**, deadline to submit additional evidence for staff to factor into their analysis; and **March 7, 2025**, deadline to submit additional evidence to be incorporated into the board's docket materials.
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- February 27, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the **March** 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: Ali Ebrahimi (Did not speak), 2632 Pennsylvania Ave

Against: No Speakers

Motion

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

BDA 245-037—Application of Ali Ebrahimi for a variance to the front-yard setback regulations in the Dallas Development Code is granted subject to the following condition:

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

Maker:	Meridyth Griffin				
Second:	Judy Pollock				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Robert Agnich, Judy Pollock, Rodney Milliken, Roger Sashington & Meredyth Griffin
		Against:	-	0	

INDIVIDUAL CASES

2. 4259 Park Lane

*** This Case was move to Individual cases**

BDA245-032(CJ)

BUILDING OFFICIAL'S REPORT: Application of Jennifer Hiromoto for **(1)** a special exception to the fence height regulations at **4259 Park Lane**. This property is more fully described as Block E/5547, Lot 6, and is zoned R-10(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, which will require **(1)** a 2-foot special exception to the fence regulations.

LOCATION: 4259 Park Lane

APPLICANT: Jennifer Hiromoto

REQUEST:

2. A request for a special exception to the fence height regulations.

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

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

STAFF RECOMMENDATION:

Special Exception (1):

No staff recommendation is made on this request.

BACKGROUND INFORMATION:

BDA History:

- No BDA history found at 4259 Park Lane in the last 5 years.

Square Footage:

- This lot contains 29,403 of square feet or .675 acres.
- This lot is zoned R-10(A) which has a minimum lot size of 10,000 square feet.

Zoning:

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

GENERAL FACTS/STAFF ANALYSIS:

- The application of Jennifer Hiromoto for the property located at 4259 Park Lane focuses on 1 request relating to fence height.
- The applicant proposes to construct and maintain a 6-foot fence in a required front yard, which will require a 2-foot special exception to the fence height regulations.
- 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 mid-block lot with single street frontage on Park Lane.
- It has been confirmed that the fence is proposed and not existing.
- Based upon staff's analysis of the surrounding properties, there are several homes within the subject sites 200' radius with fences and gates in the required front yard and/or some form of vegetation serving as a screening mechanism.
- 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.
- Granting the special exception to the fence regulations relating to height with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: [BDA245-032 at 4259 Park Lane](#)

Timeline:

- January 17, 2025: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- February 6, 2025: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.
- February 21, 2025: The Planning and Development Senior Planner emailed the applicant the following information:
- an attachment that provided the hearing date and panel that will consider the application; the February 28, 2025, deadline to submit additional evidence for staff to factor into their analysis ;and March 7, 2025, deadline to submit additional evidence to be incorporated into the board's docket materials.
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- February 27, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the March 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: Kendra Abahi, 3907 Elm St., Suite B, Dallas TX 75226
Hein Tillman (Changed his opposition), 4251 Park Lane

Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BDA 245-032, on application of Jennifer Hiromoto, **GRANT** the request of this applicant to construct and/or maintain a 6-foot high fence as a special exception to the height requirement for fences contained in the Dallas Development Code, as amended, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property.

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

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

Maker:	Robert Agnich				
Second:	Judy Pollock				

Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Robert Agnich, Judy Pollock, Rodney Milliken, Roger Sashington & Meredyth Griffin
		Against:	-	0	

3. 1637 Sylvan Avenue

*** This Case was move to Individual cases**

BDA245-040(CJ)

BUILDING OFFICIAL'S REPORT: Application of James Bulls for **(1)** a special exception to the fence height regulations at **1637 Sylvan Avenue**. This property is more fully described as Block 2/5928, Lot 10, and is zoned CD-13 (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 10-foot-high fence (retaining wall) in a required front-yard, which will require **(1)** a 6-foot special exception to the fence height regulations.

LOCATION: 1637 Sylvan Avenue

APPLICANT: James Bulls

REQUEST:

3. A request for a special exception to the fence height regulations.

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

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

STAFF RECOMMENDATION:

Special Exception (1):

No staff recommendation is made on this request.

BACKGROUND INFORMATION:

BDA History: _

- No BDA history found at 1637 Sylvan Avenue in the last 5 years.

Square Footage:

- This lot contains 14,810.4 of square feet or .34 acres.
- This lot is zoned Conservation District #13 (R-7.5(A) (Single Family District)) which has a minimum lot size of 7,500 square feet.

Zoning:

Site: Conservation District #13 (R-7.5(A) (Single Family District))
North: Conservation District #13 (R-7.5(A) (Single Family District))
East: Conservation District #13 (R-7.5(A) (Single Family District))
South: Conservation District #13 (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 of James Bulls for the property located at 1637 Sylvan Avenue focuses on 1 request relating to fence height.
- The applicant proposes to construct and maintain a 10-foot-high fence (retaining wall) in a required front yard, which will require a 6-foot special exception to the fence height regulations.
- 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 mid-block lot with single street frontage on Sylvan Avenue.
- It has been confirmed that the fence is proposed and not existing.
- Based upon staff's analysis of the surrounding properties, there are a few homes along the heavily sloped section of Sylvan Avenue with fences and retaining walls in the required front yard and/or some form of vegetation serving as a screening mechanism.
- 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.
- Granting the special exception to the fence regulations relating to height with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: [BDA245-040 at 1637 Sylvan Avenue](#)

Timeline:

- January 30, 2025: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- February 6, 2025: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.
- February 21, 2025: The Planning and Development Senior Planner emailed the applicant the following information:
- an attachment that provided the hearing date and panel that will consider the application; the February 28, 2025, deadline to submit additional evidence for staff to factor into their analysis ;and March 7, 2025, deadline to submit additional evidence to be incorporated into the board's docket materials.

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

February 27, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the March 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: James Bulls, 1637 Sylvan Avenue, Dallas TX

Against: Joseph & Cynthia Whitney, 1652 Sylvan Ave, Dallas TX

Motion

I move that the Board of Adjustment, in Appeal No. BDA 245-040, on application of James Bulls, **GRANT** the request of this applicant to construct and/or maintain a 10-foot high fence as a special exception to the height requirement for fences contained in the Dallas Development Code, as amended, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property.

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

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

Maker:	Judy Pollock				
Second:	Roger Sashington				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Robert Agnich, Judy Pollock, Rodney Milliken, Roger Sashington & Meredyth Griffin
		Against:	-	0	

4. 5323 Miller Avenue

BDA245-030(BT)

BUILDING OFFICIAL'S REPORT: Application of Cyril Pendergast for **(1)** a variance to the side-yard setback regulations at **5323 MILLER AVENUE**. This property is more fully described as Block 12/1937, Lot 23 and is zoned CD-15, which requires a side-yard setback for of 10-feet at the east side of the property. The applicant proposes to construct and/or maintain a single-family residential accessory structure and provide a 1-foot 10-inch side-yard setback, which will require **(1)** an 8-foot 2-inch variance to the side-yard setback regulations.

LOCATION: 5323 Miller Avenue

APPLICANT: Cyril Pendergast

REQUEST:

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

STANDARDS OF REVIEW FOR A VARIANCE:

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

- (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:

Variance:

Denial

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

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

- E. Subject site does not differ from other surrounding parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land in the same Conservation District 15 zoning.
- F. This is not a self-created or personal hardship.

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	CD-15
<u>North:</u>	CD-15
<u>East:</u>	CD-15
<u>South:</u>	CD-15
<u>West:</u>	CD-15

Land Use:

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

Square Footage:

Subject lot size is 8,000 (50' x 160') square feet (0.184 of an acre)

BDA History:

No BDA history found in the last five years

GENERAL FACTS/STAFF ANALYSIS:

- The application of Cyril Pendergast for the property located at 5323 Miller Avenue focuses on 1 request relating to a variance to the side-yard setback regulations.
- The applicant is proposing to construct and maintain a residential addition and provide a 1-foot 10-inch side-yard setback, which will require an 8-foot 2-inch variance to the side-yard setback regulations.
- It is imperative to note that the 10-foot 0-inch east side-yard setback is unique to CD-15.
- The subject site along with surroundings properties are all developed with single-family homes and lot size 50' x 160'.
- CD-15 was established on June 21, 2006, (ORDINANCE NO. 26391) with the most recent adoption / amendment: May 23, 2007, (ORDINANCE NO. 26744).
- The applicant has the burden of proof in establishing the following:
 - 4) That granting the variance to the side-yard setback regulations will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
 - 5) The variance is necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such restrictive area, shape, or slope, that it cannot

be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and

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

- **ELEMENT II SUBSTITUTE:**

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

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

(ii) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.

(iii) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.

(iv) compliance would result in the unreasonable encroachment on an adjacent property or easement; or

(v) the municipality considers the structure to be a nonconforming structure.

- Granting the variance to the side-yard setback regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: [BDA245-030 at 5323 Miller Ave](#)

Timeline:

January 16, 2025: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

February 6, 2025: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel **C**.

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

- an attachment that provided the public hearing date and panel that will consider the application; the **February 28, 2025**, deadline to submit additional evidence for staff to factor into their analysis; and **March 7, 2025**, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

February 27, 2025: The Board of Adjustment staff review team meeting was held regarding this

request and other requests scheduled for the **March** 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: Cyril Pendergast, 5323 Miller Ave, Dallas TX

Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BDA 245-030, on application of Cyril Pendergast, **GRANT** the 8-foot 2-inch variance to the side-yard setback regulations requested by this applicant because our evaluation of the property and testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would result in unnecessary hardship to this applicant.

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

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

Maker:	Roger Sashington				
Second:	Rodney Milliken				
Results:	4-1				Motion to grant
		Ayes:	-	4	Judy Pollock, Rodney Milliken, Roger Sashington & Meredyth Griffin
		Against:	-	1	Robert Agnich

5. 114 W. 7th Street

*** This Case was move to Individual cases**

BDA245-026(BT)

BUILDING OFFICIAL'S REPORT: Application of Santos Martinez for **(1)** a variance to the off-street parking regulations at **114 W 7TH STREET**. This property is more fully described as Block 20/3140, Lot 14, and is zoned CR, which requires parking to be provided. The applicant proposes to provide 7 of the required 28 parking spaces for a restaurant without drive-in or drive-through service use, which will require **(1)** a 21-space variance (75 percent reduction) to the parking regulation.

LOCATION: 114 W 7th Street

APPLICANT: Santos Martinez

REPRESENTED BY:

REQUEST:

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

STANDARDS OF REVIEW FOR A VARIANCE:

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

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

ELEMENT II SUBSTITUTE:

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

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

STAFF RECOMMENDATION:

Variance:

Approval

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

- G. Not contrary to the public interest as no letters of opposition were received.
- H. Lot is restrictive in **area, shape**, or slope; subject site is existing with structure built close to the front property line and parking is not allowed in the required front-yard setback. Therefore, it cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- I. Not self-created nor is it a personal hardship.

BACKGROUND INFORMATION:

Zoning:

Site: CR (Community retail)
North: CR (Community retail)
East: PD-1019
South: MU-1 (Mixed Use)
West: CR (Community retail)

Land Use:

The subject site proposed development with a restaurant without drive-in or drive-through services. The areas to the north, south, east, and west are developed with various use types.

Lot Square Footage:

This lot size is 5,578 square feet. (0.128 of an acre)

BDA History:

No BDA history found within the last 5 years

GENERAL FACTS/STAFF ANALYSIS:

- The application of Santos Martinez for the property located at 114 W 7th Street focuses on one request relating to a variance to the off-street parking regulations of a 21-space parking (75 percent reduction) is made to construct and/or maintain a restaurant without drive-in or drive-through service.
- The subject site existing structure will be converted from auto service center use to a restaurant without drive-in or drive-through service use.
- Parking Requirements per CR 1/100 Restaurant without drive-in or drive-through service use.
- The proposed parking provided access ingress and egress from an unimproved alley.
- Staff recommendation is based off the proposed ZOAC Recommended Amendments in reference to off-street parking for Retail Districts (SEC. 51A-4.122)(b)(5).
- Per staff's review of the subject site, it has been confirmed that the structure of the property is existing.
- The applicant has the burden of proof in establishing the following:
 - 7) That granting the variance to the off-street parking 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.
 - 8) 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

- 9) 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 off-street parking regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
 - 200' Radius Video: [BDA245-026 at 114 W Seventh St](#)

Timeline:

- December 31, 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.
- February 6, 2025: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.
- February 21, 2025: Planning and Development Department Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the **February 28, 2025**, deadline to submit additional evidence for staff to factor into their analysis; and **March 7, 2025**, deadline to submit additional evidence to be incorporated into the board's docket materials.
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- February 27, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the **March** 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: Santos Martinez, 2489 Camino Plata Loop NE, Rio Rancho, NM

Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BDA 245-026, on application of Santos Martinez, **GRANT** the 21-space variance to the parking regulations requested by this applicant because our evaluation of the property and testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would result in unnecessary hardship to this applicant.

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

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

Maker:	Robert Agnich				
Second:	Judy Pollock				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Robert Agnich, Judy Pollock, Rodney Milliken, Roger Sashington & Meredyth Griffin
		Against:	-	0	

6. 5114 McKinney Avenue

*** This Case was move to Individual cases**

BDA245-041(BT)

BUILDING OFFICIAL'S REPORT: Application of Michael Andreasen represented by Winstead PC to terminate deed restrictions at **5114 MCKINNEY AVE**. This property is more fully described as Block 2/2015, Lot 6A, and is zoned PD-193 (LC), which required the imposed deed restrictions to be terminated by the board of adjustment. The applicant proposes a request to terminate deed restrictions as directed in recorded deed restriction documents Volume 80004, Page 2285 – 2288.

LOCATION: 5114 McKinney Avenue

APPLICANT: Michael Andreasen

REPRESENTED BY: Winstead PC

REQUEST:

6. A request is made to terminate existing deed restrictions for this property which were imposed on the property in 1978 and require board action prior to being altered, amended or terminated.

STANDARD FOR ALTERING, AMENDING OR TERMINATING DEED RESTRICTIONS:

NONE.

STAFF RECOMMENDATION:

No staff recommendation is made on this type of request. There is no basis for how the board should weigh this decision; however, the board is the sole entity empowered to alter, amend or terminate the deed restrictions in place.

BACKGROUND INFORMATION:

Zoning:

Site: PD-193(LC)
North: PD-193(LC)
East: PD-193(LC)
South: PD-193(LC)
West: PD-193(LC)

Land Use:

The subject site is developed with a 4 story personal care retirement facility for the elderly, containing 180 residential units and all surrounding properties are developed with uses allowed in PD-193 (LC).

BDA History:

No BDA history found within the last 5 years

GENERAL FACTS/STAFF ANALYSIS:

- The application of Michael Andreasen represented by Winstead PC at 5114 McKinney Avenue focuses on one request relating to the imposed deed restrictions as directed in recorded deed restriction documents Volume 80004 Page 2285 – Page 2288.
- The request is to terminate imposed deed restrictions from 1978 by the board of adjustment.
- BDA 78-231: On August 8, 1978 GRANTED Phase I, subject to the following conditions:
 - Applicant is to deed restrict the property against tenants under 65 years of age.
 - The number of cars to be kept on the property owned by the tenants be limited to 30 cars.
- BDA 78-231: On August 8, 1978 Granted Phase II, subject to the following conditions:

- Approval of front yard variance of 12' with the understanding that variance to be used only for the Porte cochere.
- Deed restrictions were executed on October 18, 1978. These restrictions explicitly authorize in full force and effect for so long as the property is used as a residence home for the aged.
- These restrictions shall not be altered, amended or terminated without a public hearing before the board of adjustment of the City of Dallas.
- Granting the request to terminate the deed restrictions under the board of adjustment purview will reinstate the zoning entitlements offered by the zoning in PD-193 (LC) District unless otherwise rezoned. The existing structure could remain, but all uses would be subject to the allowable uses and development standards for the district if anything were to change.
- 200' Radius Video: [BDA245-041 at 5114 McKinney Ave](#)

Timeline:

- February 14, 2025: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- February 6, 2025: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.
- February 21, 2025: Planning and Development Department Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the **February 28, 2025**, deadline to submit additional evidence for staff to factor into their analysis; and **March 7, 2025**, deadline to submit additional evidence to be incorporated into the board's docket materials.
 - ~~the criteria/standard that the board will use in their decision to approve or deny the request; and~~ **(none exists for this case)**
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- February 24, 2025: The applicant's representative provided additional information, email correspondence and copy of deed.
- February 27, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the **March** 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: Mallory Muse, 2728 N. Harwood St., Ste 500, Dallas TX
- Against: Bruce Richardson, 5607 Richmond, Dallas TX 75206
Melissa Kingston, 5901 Palo Pinto Ave, Dallas TX
(Did not speak)

Motion

I move that the Board of Adjustment, in Appeal No. BDA 245-041, on application of Michael Andreasen represented by David Martin, **DENY** the request of this applicant to terminate the deed restrictions as directed by the Board of Adjustment in case number BDA 78-231 **without prejudice**.

Maker:	Roger Sashington				
Second:	Judy Pollock				
Results:	5-0 Unanimously				Motion to deny without prejudice
		Ayes:	-	5	Robert Agnich, Judy Pollock, Rodney Milliken, Roger Sashington & Meredyth Griffin
		Against:	-	0	

HOLDOVER CASES

7. 1900 Wheatland Road

BDA245-028(BT)

BUILDING OFFICIAL'S REPORT: Application of David Pitcher for **(1)** a special exception to the landscaping regulations at **1900 WHEATLAND ROAD**. This property is more fully described as Block 7611, 7612, 7605, 6886 and is zoned TH-2(A), MF-2(A), MF-3(A), and CR, which requires mandatory landscaping and tree mitigation. The applicant proposes to construct and/or maintain a nonresidential structure and provide an alternate landscape plan for tree mitigation, which will require **(1)** a special exception to the landscape and urban forest conservation regulations.

LOCATION: 1900 Wheatland Road

APPLICANT: David Pitcher

REQUEST:

7. A request for a special exception to the landscape and urban forest conservation regulations

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

Section 51A-10.110(b) of the Dallas Development Code states that the board may grant a special exception to the requirements of Division 51A-10.130, upon making a special finding from the evidence presented that strict compliance with the requirements of Division 51A-10.130 will **unreasonably burden the use of the property**; the special exception **will not adversely affect neighboring property**; and the **requirements are not imposed by a site-specific landscape plan** or tree mitigation plan approved by the city plan commission or city council. In determining whether to grant a special exception under Subsection (a), the board shall consider the following factors:

- The extent to which there is residential adjacency.
- The topography of the site.
- The extent to which landscaping exists for which no credit is given under this article.
- The ability to plant replacement trees safely on the property.

- The extent to which alternative methods of replacement will compensate for a reduction of tree mitigation or extended time for tree replacement. (Ord. Nos. 22053; 25155; 30929)

STAFF RECOMMENDATION:

Special Exceptions (1):

No staff recommendation is made on this request.

BACKGROUND INFORMATION:

Zoning:

Site: TH-2(A), MF-2(A) MF-3(A), AND CR
North: R-7.5(A), R-5(A), PD-624, AND CH
East: PD-624, AND CR
South: R-7.5(A), UC-2, MU-2, AND MF-2(A)
West: R-7.5(A)

Land Use:

The subject site and all surrounding properties are primarily undeveloped land with some commercial and single-family uses.

BDA History:

No BDA history found within the last 5 years

GENERAL FACTS/STAFF ANALYSIS:

- The application of David Pitcher for the property located at 1900 Wheatland Road focuses on one request relating to the landscape and urban forest conservation regulations.
- The applicant is proposing to provide an alternate landscape plan.
- The City of Dallas Floodplain Management office has affirmed the area designated as 100-year floodplain, according to Article V. Per ordinance, 'the floodplain administrator regulates according to both the FEMA effective maps and the regulatory floodplain maps, regardless of adoption by FEMA (Sec. 5.102(a)(4)). The City maintains that the 'agricultural manmade channels' are floodplain as identified on our city maps. The vegetation is protected under Article X tree conservation regulations and must be managed accordingly.
- The board may consider a special exception for tree mitigation based on if strict compliance of the code will unreasonably burden the use of the Property, the special exception will not adversely affect neighboring property, and when there is no site-specific tree mitigation plan by council or the CPC. They may consider residential adjacency, topography, landscaping, suitable planting locations, and the extent to which alternative methods of replacement will compensate for the overall removal (Sec. 51A-10.110(b)).
- The old-filed succession review was added as one component to the tree conservation ordinance in 2018 to help provide a reasonable means of reducing costs and burden for tree survey assessments and the high amount of mitigation for young (early succession) tree stands while providing incentive for the protection of more sensitive and critical woodland

areas. Additional reading on this process can be found in the Landscape and Tree Manual, Appendix G.

- Final calculations for the amount of tree mitigation of a building project are confirmed in the permit review process unless the amount of tree mitigation is previously determined by board or council. The request before the board is for the allowance of the use of the forest stand delineation to define old-field succession mitigation reductions within an area encumbered by a primary natural area currently restricting its use on the portion of the stand in the floodplain area. The board may select criteria to determine a suitable level of mitigation reduction.
- If a special exception is approved, the timing of tree mitigation completion will be defined as per Sec. 51A-10.134(c)(5). The intent is to grade in both Properties to adjust the site in Phase 1 for development. If approved, a special condition for completion of the mitigation to be tied to the timing of the completion of the development is recommended.
- An additional allowance may be needed for the placement of tree mitigation in streets
- The applicant has the burden of proof in establishing that the special exception(s) to the landscape regulations will not adversely affect the neighboring properties and strict compliance with the code will unreasonably burden the use of the property.
- 200' Radius Video: [BDA245-028 at 1900 E Wheatland Rd](#)

Timeline:

- January 17, 2025: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- January 3, 2025: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.
- January 24, 2025: Planning and Development Department Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the January 31, 2025, deadline to submit additional evidence for staff to factor into their analysis; and February 7, 2025, deadline to submit additional evidence to be incorporated into the board's docket materials.
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- January 30, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the February public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.


February 20, 2025: The Board of Adjustment Panel **C**, at its public hearing held on Thursday, February 20, 2025, moved to **HOLD** this matter under advisement until **March 17, 2025**.

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

- an attachment that provided the public hearing date and panel that will consider the application; the **February 28, 2025**, deadline to submit additional evidence for staff to factor into their analysis; and **March 7, 2025**, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

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

March 5, 2025: Applicant provided the following additional information:

- Split the package into 1900 E Wheatland & 7915 Lancaster (specific memos and exhibits for each)
- Changed our request to reduce a specific number of mitigation inches for each property
 - Included a tree table to back up the mitigation inches requested
- Included the trees removed, and replacement inches needed for each property with a table for backup
- Included the proposed inches of planting
- Included the full tree survey and forest stand reports
- Included the Preliminary Plat for 7915 Lancaster and updated our request to only that special exception area
- Link  [20250305_BDA 2nd Resubmtital](#)

Speakers:

For: David Pitcher, 3501 Olympus Blvd, # 100, Dallas TX 75019
Samuel Snyder, 209 Lydia Circle, Irving, TX 75060

Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BDA 245-028, on application of David Pitcher, **GRANT** the request of this applicant for a special exception to the landscape and urban forest conservation regulations contained in Article X of the Dallas Development Code, as amended, because our evaluation of the property and testimony shows that (1) strict compliance with the requirements of Article X will unreasonably burden the use of the property; (2) the special exception will not adversely affect neighboring properties, and (3) the requirements are not imposed by a site-specific landscape plan approved by the city plan commission or city council.

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

1. All tree mitigation to be planted on other than single family lots must be completed prior to the final certificate of occupancy of the multifamily development on the Property.
2. Replacement trees may be planted on existing or proposed streets throughout the Property if authorized by license.
3. Compliance with the most recent version of all submitted plans are required.

Maker:	Rodney Milliken				
Second:	Roger Sashington				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Robert Agnich, Judy Pollock, Rodney Milliken, Roger Sashington & Meredyth Griffin
		Against:	-	0	

8. 7915 S. Lancaster Road

BDA245-029(BT)

BUILDING OFFICIAL'S REPORT: Application of David Pitcher for **(1)** a special exception to the landscaping regulations at **7915 S. LANCASTER ROAD**. This property is more fully described as Block 7609 and is zoned CR, LO-1, MF-2(A), MU-2, and UC-2, which requires mandatory landscaping and tree mitigation. The applicant proposes to construct and/or maintain a nonresidential structure and provide an alternate landscape plan for tree mitigation, which will require **(1)** a special exception to the landscape and urban forest conservation regulations.

LOCATION: 7915 S Lancaster Road

APPLICANT: David Pitcher

REQUEST:

8. A request for a special exception to the landscape and urban forest conservation regulations

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

Section 51A-10.110(b) of the Dallas Development Code states that the board may grant a special exception to the requirements of Division 51A-10.130, upon making a special finding from the

evidence presented that strict compliance with the requirements of Division 51A-10.130 **will unreasonably burden the use** of the property; the **special exception will not adversely affect neighboring property**; and the **requirements are not imposed by a site-specific landscape plan** or tree mitigation plan approved by the city plan commission or city council. In determining whether to grant a special exception under Subsection (a), the board shall consider the following factors:

- The extent to which there is residential adjacency.
- The topography of the site.
- The extent to which landscaping exists for which no credit is given under this article.
- The ability to plant replacement trees safely on the property.
- The extent to which alternative methods of replacement will compensate for a reduction of tree mitigation or extended time for tree replacement. (Ord. Nos. 22053; 25155; 30929)

STAFF RECOMMENDATION:

Special Exceptions (1):

No staff recommendation is made on this request.

BACKGROUND INFORMATION:

Zoning:

Site: MF-2(A) MU-2, UC-2, LO-1, AND CR
North: TH-2(A), MF-3(A), R-7.5(A), AND CR
East: R-7.5(A), NS, CS, AND CR
South: IR
West: MF-2(A), R-7.5(A) and City Limits

Land Use:

The subject site and all surrounding properties are primarily undeveloped land with some commercial and single-family uses.

BDA History:

No BDA history found within the last 5 years

GENERAL FACTS/STAFF ANALYSIS:

- The application of David Pitcher for the property located at 7915 S Lancaster Road focuses on one request relating to the landscape and urban forest conservation regulations.
- The applicant is proposing to provide an alternate landscape plan.
- The City of Dallas Floodplain Management office has affirmed the area designated as 100-year floodplain, according to Article V. Per ordinance, 'the floodplain administrator regulates according to both the FEMA effective maps and the regulatory floodplain maps, regardless of adoption by FEMA (Sec. 5.102(a)(4)). The City maintains that the 'agricultural manmade channels' are floodplain as identified on our city maps. The vegetation is protected under Article X tree conservation regulations and must be managed accordingly.

- The board may consider a special exception for tree mitigation based on if strict compliance of the code will unreasonably burden the use of the Property, the special exception will not adversely affect neighboring property, and when there is no site-specific tree mitigation plan by council or the CPC. They may consider residential adjacency, topography, landscaping, suitable planting locations, and the extent to which alternative methods of replacement will compensate for the overall removal (Sec. 51A-10.110(b)).
- The old-filed succession review was added as one component to the tree conservation ordinance in 2018 to help provide a reasonable means of reducing costs and burden for tree survey assessments and the high amount of mitigation for young (early succession) tree stands while providing incentive for the protection of more sensitive and critical woodland areas. Additional reading on this process can be found in the Landscape and Tree Manual, Appendix G.
- Final calculations for the amount of tree mitigation of a building project are confirmed in the permit review process unless the amount of tree mitigation is previously determined by board or council. The request before the board is for the allowance of the use of the forest stand delineation to define old-field succession mitigation reductions within an area encumbered by a primary natural area currently restricting its use on the portion of the stand in the floodplain area. The board may select criteria to determine a suitable level of mitigation reduction.
- If a special exception is approved, the timing of tree mitigation completion will be defined as per Sec. 51A-10.134(c)(5). The intent is to grade in both Properties to adjust the site in Phase 1 for development. If approved, a special condition for completion of the mitigation to be tied to the timing of the completion of the development is recommended.
- An additional allowance may be needed for the placement of tree mitigation in streets
- The applicant has the burden of proof in establishing that the special exception(s) to the landscape regulations will not adversely affect the neighboring properties and strict compliance with the code will unreasonably burden the use of the property.
- 200' Radius Video: [BDA245-029 at 7915 S Lancaster Rd](#)

Timeline:

- January 17, 2025: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- January 3, 2025: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.
- January 24, 2025: Planning and Development Department Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the January 31, 2025, deadline to submit additional evidence for staff to factor into their analysis; and February 7, 2025, deadline to submit additional evidence to be incorporated into the board's docket materials.

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

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

February 20, 2025: The Board of Adjustment Panel **C**, at its public hearing held on Thursday, February 20, 2025, moved to **HOLD** this matter under advisement until **March 17, 2025**.

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

- an attachment that provided the public hearing date and panel that will consider the application; the **February 28, 2025**, deadline to submit additional evidence for staff to factor into their analysis; and **March 7, 2025**, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

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

March 5, 2025: Applicant provided the following additional information:

- Split the package into 1900 E Wheatland & 7915 Lancaster (specific memos and exhibits for each)
- Changed our request to reduce a specific number of mitigation inches for each property
 - Included a tree table to back up the mitigation inches requested
- Included the trees removed, and replacement inches needed for each property with a table for backup
- Included the proposed inches of planting

- Included the full tree survey and forest stand reports
- Included the Preliminary Plat for 7915 Lancaster and updated our request to only that special exception area
- Link [20250305_BDA 2nd Resubmtital](#)

Speakers:

For: David Pitcher, 3501 Olympus Blvd, # 100, Dallas TX
Samuel Snyder, 209 Lydia Circle, Irving, TX 75060

Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BDA 245-029, on application of David Pitcher, **GRANT** the request of this applicant for a special exception to the landscape and urban forest conservation regulations contained in Article X of the Dallas Development Code, as amended, because our evaluation of the property and testimony shows that (1) strict compliance with the requirements of Article X will unreasonably burden the use of the property; (2) the special exception will not adversely affect neighboring properties, and (3) the requirements are not imposed by a site-specific landscape plan approved by the city plan commission or city council.

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

1. All tree mitigation timing must be completed in compliance with Section 51A-10.134(c)(5) except that mitigation for Phase 1 identified in C04.09 as Block II and JJ shall be completed with the final certificate of occupancy in Phase 1.
2. Replacement trees may be planted on existing or proposed streets throughout the Property if authorized by license.
3. Compliance with the most recent version of all submitted plans are required.

Maker:	Roger Sashington			
Second:	Judy Pollock			
Results:	5-0 Unanimously			Motion to grant
		Ayes:	- 5	Robert Agnich, Judy Pollock, Rodney Milliken, Roger Sashington & Meredyth Griffin
		Against:	- 0	

**** Recess 2:47 P.M. – 2:52 P.M.****

ADJOURNMENT

After all business of the Board of Adjustment had been considered, Vice-Chair Agnich moved to adjourn the meeting at **3:58 P.M.**

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

Date

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

Date

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

Date

CITY OF DALLAS

BOARD OF ADJUSTMENT

WORKING RULES OF PROCEDURE

October 2024

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CITY OF DALLAS BOARD OF ADJUSTMENT

RULES OF PROCEDURE

Section 1. Powers of the Board.

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

Section 2. Composition of the Board.

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

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

Section 4. Duties of the Chair.

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

prepared board and panel agendas.

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

Section 5. Duties of the Presiding Officers.

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

Section 6. Duties of the Board Administrator.

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

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

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

(15[16]) no later than seven calendar days prior to each board or panel meeting, distribute to each member and make available to the public the complete agenda and case docket materials. The board or panel, by majority vote, can still hear the noticed cases even if the agenda and case docket materials were not disseminated in accordance with this paragraph.

(16[17]) review all forms and intake and handling procedures for board applications for accuracy, equality [~~equity~~], and efficiency.

(17[18]) publish all board meeting dates and times, and list all pending cases filed with the board.

(18[19]) conduct an orientation training for new members and alternate members upon appointment.

(b) The board administrator shall also administer oaths and compel the attendance of witnesses when requested by the chair or other presiding officers to do so.

(c) For purposes of this section, BOARD means the full board or panels of the board.

Section 7. Duties of the Board Secretary.

(a) The board secretary shall be generally responsible for the clerical work of the board and panels of the board, under the direction and supervision of the board administrator. The board secretary shall:

(1) keep the minutes of all meetings and proceedings in a substantially bound book showing the vote and motion of each member upon each question, or if absent, or failing to vote, indicating that fact, and attesting the minutes;

(2) compile the required records, log appeals and applications to the board, prepare case folders, type notices and envelopes, prepare

route sheets, log favor and opposition letters, prepare certified mail to applicants, type letters and memoranda; and

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

Section 8. Alternate Members.

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

Section 9. Attendance and General Rules.

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

Section 10. Requests for Board Action.

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

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

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

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

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

Section 11. Public Testimony and Public Hearings.

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

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

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

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

(m) Compliance cases.

- (1) If the city's chief financial officer determines that sufficient funds are available in the nonconforming use fund, the board of adjustment shall hold a ~~A~~ public hearing on a city council request to establish a ~~must be conducted for compliance requirement proceedings~~ on a nonconforming use. Prior to the hearing, the ~~presiding officer may direct that a subpoena duces tecum and interrogatories be served on the owner(s) and/or operators of the use requesting that certain information and documents be produced to the board administrator within a reasonable time. The owner(s) and/or operators—lessee~~ may supply the board administrator with any additional information or documents that are necessary for the panel to make its decision. At the hearing, the panel shall review the information and documents and determine if continued operations of the nonconforming use will have an adverse effect on nearby properties set a date by which the nonconforming use must come into compliance with the current zoning regulations.

- (n2) Notwithstanding subsection (f), the following rules apply to compliance cases.

- (A) After the case is called, the ~~applicant city's representative~~ shall have up to 20 minutes to present his or her case, during

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

(B) After the city's representative's applicant's 20 minutes has expired, the property owner shall have up to 20 minutes to present his or her case, during which time the property owner may give an opening statement, call witnesses, and offer evidence. If the property owner calls a witness, the city's representative applicant may cross-examine that witness for up to five minutes and that time shall not count towards either party's time limit. The property owner can redirect his or her witness for up to five minutes, which shall not count towards the property owner's initial 20-minute time period.

(C) After the property owner's 20 minutes has expired, the city's representative applicant shall have up to five minutes for a rebuttal and a closing statement. The property owner shall also have up to five minutes for a closing statement.

(D) The panel may ask questions at any time. The panel member questions shall not count towards either party's time limitation.

(3) A decision by the board to grant a request to impose a compliance requirement is not a final decision and cannot be immediately appealed. A decision by the board to deny a request to impose a compliance requirement is final unless appealed to state court within 10 days in accordance with Chapter 211 of the Local Government Code.

(4) A person entitled to a remedy under Section 51A-4.704 may appeal the director's determination under that Section to the board

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

(A) A person seeking to continue operation of a nonconforming use under Section 51A-4.704 who appeals the decision of the director under that Section may continue to operate the property in the same manner pending the appeal unless the building official shows cause to stay the nonconforming use by certifying in writing to the board facts supporting the building official's opinion that continued operation of the nonconforming use would cause imminent peril to life or property. Upon a showing of cause the board may, after notice to the building official, grant a restraining order to stay continued operation of the nonconforming use.

(B) If the board of adjustment determines that an owner or lessee is entitled to:

(i) a payment under Section 51A-4.704 in an amount different than the amount determined by the director under that Section, the board shall order, as applicable:

(aa) additional payment to the owner or lessee; or

(bb) the owner or lessee to reimburse the city; or

(ii) an amount of time to operate the nonconforming use that is different than the amount of time initially received under Section 51A-4.704, the board shall order the director to allow the owner or lessee to operate the nonconforming use for additional or less time.

(o) The board administrator may place cases which lack any ~~[are recommended for approval without]~~ opposition on an uncontested docket. When the presiding officer ~~[board administrator]~~ calls the uncontested docket, he or she shall state the case number, the applicant, the location, the nature of the case and the staff recommendation, and shall ask if there is anyone in favor or opposition. A case on the

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

(p) Documentary evidence.

~~(1) [All typewritten documentary evidence including reduced-size copies of conceptual plans, development plans, landscape plans, and site plans must conform to the standard 8.5 x 11-inch letter-sized pages on a size 12 font or larger. Each page must be serially numbered and double-spaced.]~~

(2) All printed and typewritten documentary evidence in excess of five pages tendered by a party shall not be considered by the board unless such documentary evidence is submitted to the board administrator no later than 10 days prior to the scheduled hearing date at which the matter is to be considered. Upon oral request made by the party at the scheduled hearing, a panel of the board may, for good cause, suspend the operation of this rule and consider the excluded evidence or postpone the hearing on the application to a date certain to allow the panel sufficient time to consider the tendered evidence prior to the next scheduled hearing date.

(~~2~~[3]) For purposes of this subsection, DOCUMENTARY EVIDENCE means anything printed, written on paper, or a digital document and relied upon to record or prove something. This term does not include signed petitions or PowerPoints or slide shows offered during a presentation for purposes of submitted evidence limitations.

(~~3~~[4]) For purposes of this subsection, PARTY means the applicant or any person or entity that appears in favor of or against the request.

Section 12. Decisions of a Panel.

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

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

Section 13. Executive Sessions.

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

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

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

Section 14. Two-Year Limitation.

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

Section 15. Amendments to Rules of Procedure.

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

**BOARD OF ADJUSTMENT
CITY OF DALLAS, TEXAS**

MONDAY, MAY 19, 2025

FILE NUMBER: BDA245-057(BT)

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

LOCATION: 3516 Booker Street

APPLICANT: Sewdat Persaud

REPRESENTED BY:

REQUEST:

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

STANDARDS OF REVIEW FOR A VARIANCE:

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

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

ELEMENT II SUBSTITUTE:

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

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

STAFF RECOMMENDATION:**Variance to the off-street parking regulations:****Approval**

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

- A. Contrary to the public interest, staff received letters of opposition.
- B. Lot is restrictive in **buildable area**, slope and shape, it is a lot with double frontage facing both Booker Street and Atlanta Street; therefore, it cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Not self-created nor is it a personal hardship.

Variance to the front-yard setback regulations:**Approval**

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

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

BACKGROUND INFORMATION:**Zoning:**

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

Lot Square Footage:

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

BDA History:

No BDA history found within the last 5 years

GENERAL FACTS/STAFF ANALYSIS:

- The application of Sewdat Persaud for the property located at 3516 Booker Street focuses on two requests relating to a variance to the off-street parking regulations and a variance to the front yard setback regulations.
- The first request is for a variance to the off-street parking regulations. The applicant is proposing to provide zero-parking spaces, which will require a 1-parking space variance.
- The second request is for a variance to the front-yard setback regulations. The applicant is proposing to construct a single-family residential structure and provide an 11-foot 8-inch front yard setback along Atlanta St., which will require an 8-foot 4- inch variance to front yard setback regulations.
- It is imperative to note that the subject site is subject to the Predesignation Moratorium procedure in Section 51A-4.501(c)(4), initiated on June 3, 2024.
- Proposed restrictions include
 - circular driveways and parking areas are not permitted in a front yard.
 - carports or garages are permitted in the side and rear yards if they are historic in appearance.
 - main structure on an interior lot must have a front-yard setback that is within ten feet of the average front yard setback of other structures in the blockface.
- It is imperative to note the applicant has received a certificate of appropriateness from Historic Preservation.
- Per staff's review of the subject site, it has been confirmed that the single-family structure is proposed on a vacant lot.
- The applicant has the burden of proof in establishing the following:

- 1) That granting the variance to the off-street parking regulations and front-yard setback regulations will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
 - 2) The variance is necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
 - 3) The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.
- **ELEMENT II SUBSTITUTE:**
 Dallas Development Code §51A-3.102(d)(10)(b), formerly known as HB 1475, allows for the BDA to use their discretion and consider Element 2 of the Variance standard to be met, if:
 - (i) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 of the Texas Tax Code.
 - (ii) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
 - (iii) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
 - (iv) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
 - (v) the municipality considers the structure to be a nonconforming structure.
 - Granting the variance to the off-street parking regulations with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents.
 - Granting the variance to the front-yard setback regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
 - 200' Radius Video: [BDA245-057 at 3516 Booker St](#)

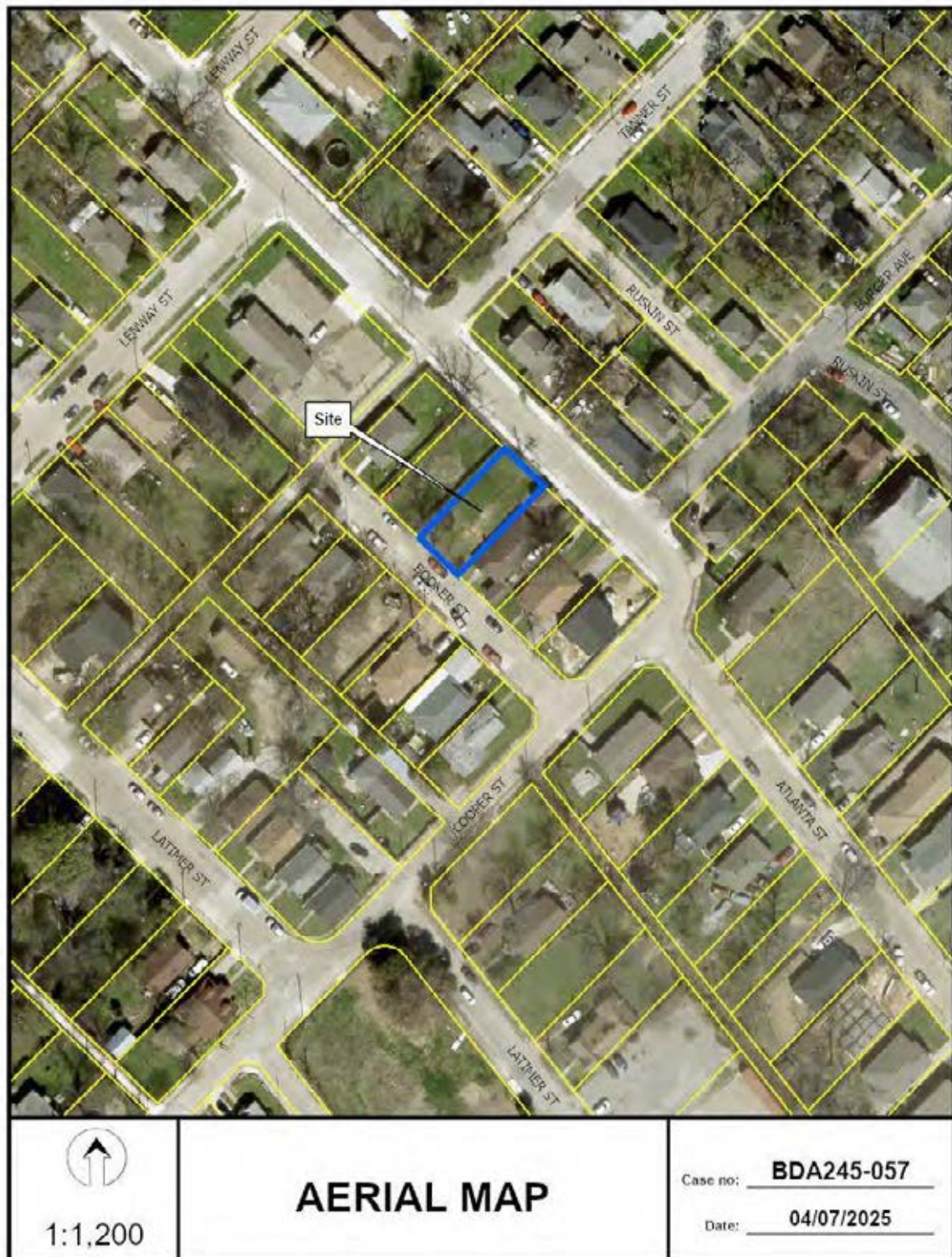
Timeline:

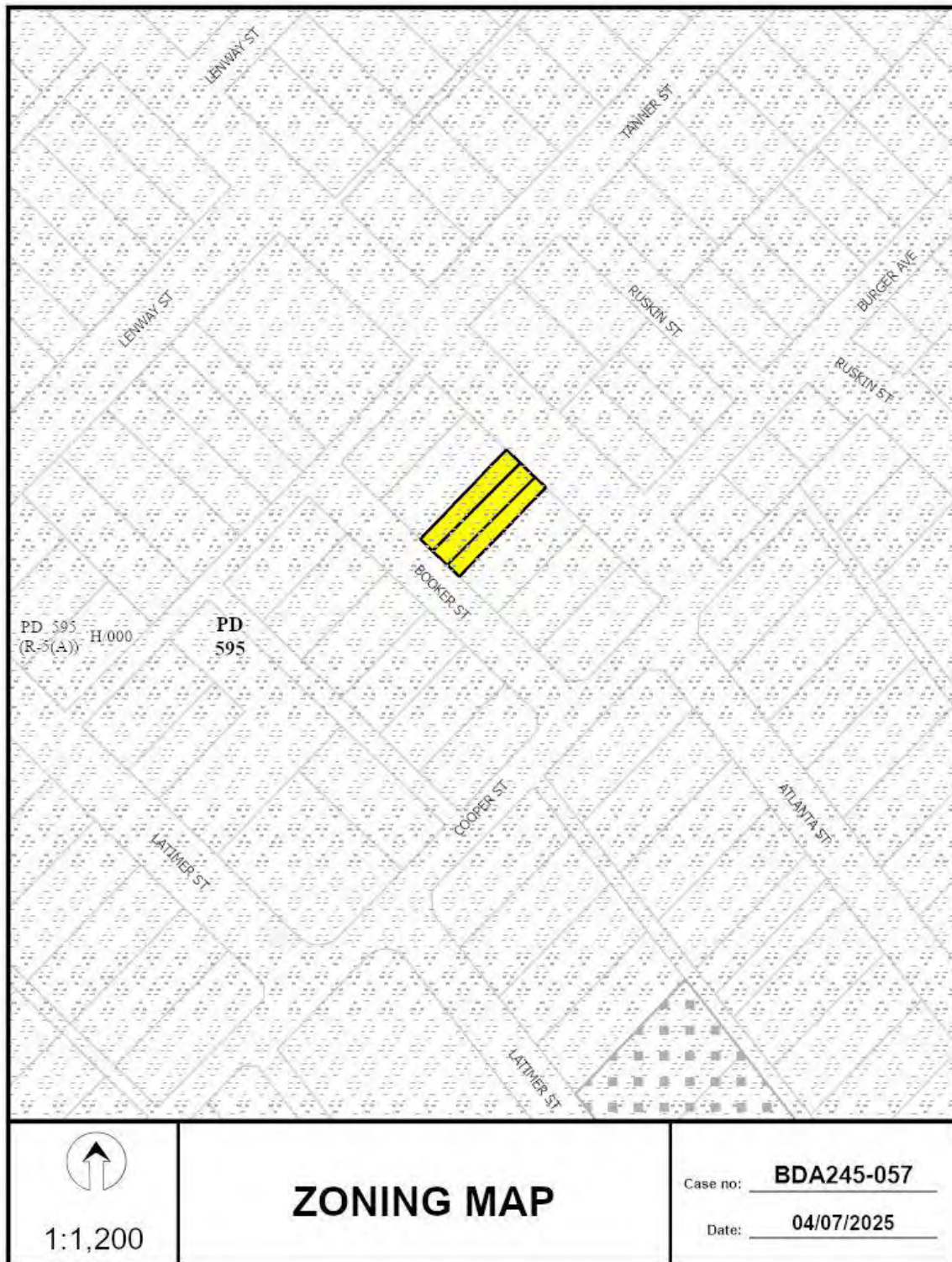
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|-----------------|--|
| March 25, 2025: | The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report. |
| April 3, 2025: | The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C. |

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

- an attachment that provided the public hearing date and panel that will consider the application; the **April 23, 2025**, deadline to submit additional evidence for staff to factor into their analysis; and **May 9, 2025**, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

April 24, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the **May** public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.







Notification List of Property Owners

BDA245-057

36 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3516 BOOKER ST	ALEXANDER MRS MOLLIE
2	2607 TANNER ST	MILES DOROTHY J W TR
3	2603 TANNER ST	EBRAHIMI ALI
4	2612 TANNER ST	FRANK BETTY J
5	2611 BURGER AVE	SOUTH DALLAS RENTALS LLC
6	2610 BURGER AVE	Taxpayer at
7	2606 BURGER AVE	MARTINEZ AURELIO
8	2602 BURGER AVE	SABIR MARGARET A &
9	2606 TANNER ST	CRUZ LETICIA HERNANDEZ
10	2602 TANNER ST	LOPEZ FIDENCIA
11	2607 BURGER AVE	FARMER CEDRIC A
12	2603 BURGER AVE	DANIELS LOUISE
13	2601 BURGER AVE	CARROLL SHARI L &
14	2510 LENWAY ST	S&S LENDING
15	2512 LENWAY ST	WAFFORD DONDI
16	2518 LENWAY ST	SAVAGE SHERNETT
17	2524 LENWAY ST	Taxpayer at
18	2520 LENWAY ST	ZALDIVAR WALDINA
19	3522 LATIMER ST	GEBREDINGIL TESFA
20	3516 LATIMER ST	WALTON CURLEY & ALMA D
21	2509 COOPER ST	LUNA OLGA LOPEZ
22	3501 BOOKER ST	LEE ELVERETTE D
23	3507 BOOKER ST	JC LEASING LLP
24	3515 BOOKER ST	DALLAS HOUSING ACQUISITION & DEV CORP
25	3517 BOOKER ST	ENGLE LLC
26	3519 BOOKER ST	MONCADA MARICELA

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	3521 BOOKER ST	DESOTO REAL ESTATE
28	3500 BOOKER ST	STEARNE KYLE DETRA
29	3508 BOOKER ST	ANTHONY BOYD IRA LLC
30	3526 BOOKER ST	LEFFALL WILLIAM EARL
31	3528 BOOKER ST	TBRO INVESTMENTS LLC
32	3534 BOOKER ST	MEZA JOCELIN &
33	3600 ATLANTA ST	BADIR NADER
34	3601 ATLANTA ST	MOONEY FLETCHER W EST OF &
35	3600 LATIMER ST	MOUNT MORIAH MISSIONARY BAPTIST CHURCH OF DALLAS
36	2530 LENWAY ST	REVEALING OF CHRIST CHURCH

 1:1,200	<h2>NOTIFICATION</h2>		Case no: BDA245-057
	<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;">36</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 4/7/2025	

Route Directions:

Start on Lenway St.

Right on Atlanta St.

Left on Tanner St.

Right on Ruskin St.

Right on Burger Ave.

Left on Atlanta St.

Left on Tanner St.

Left on Booker St.

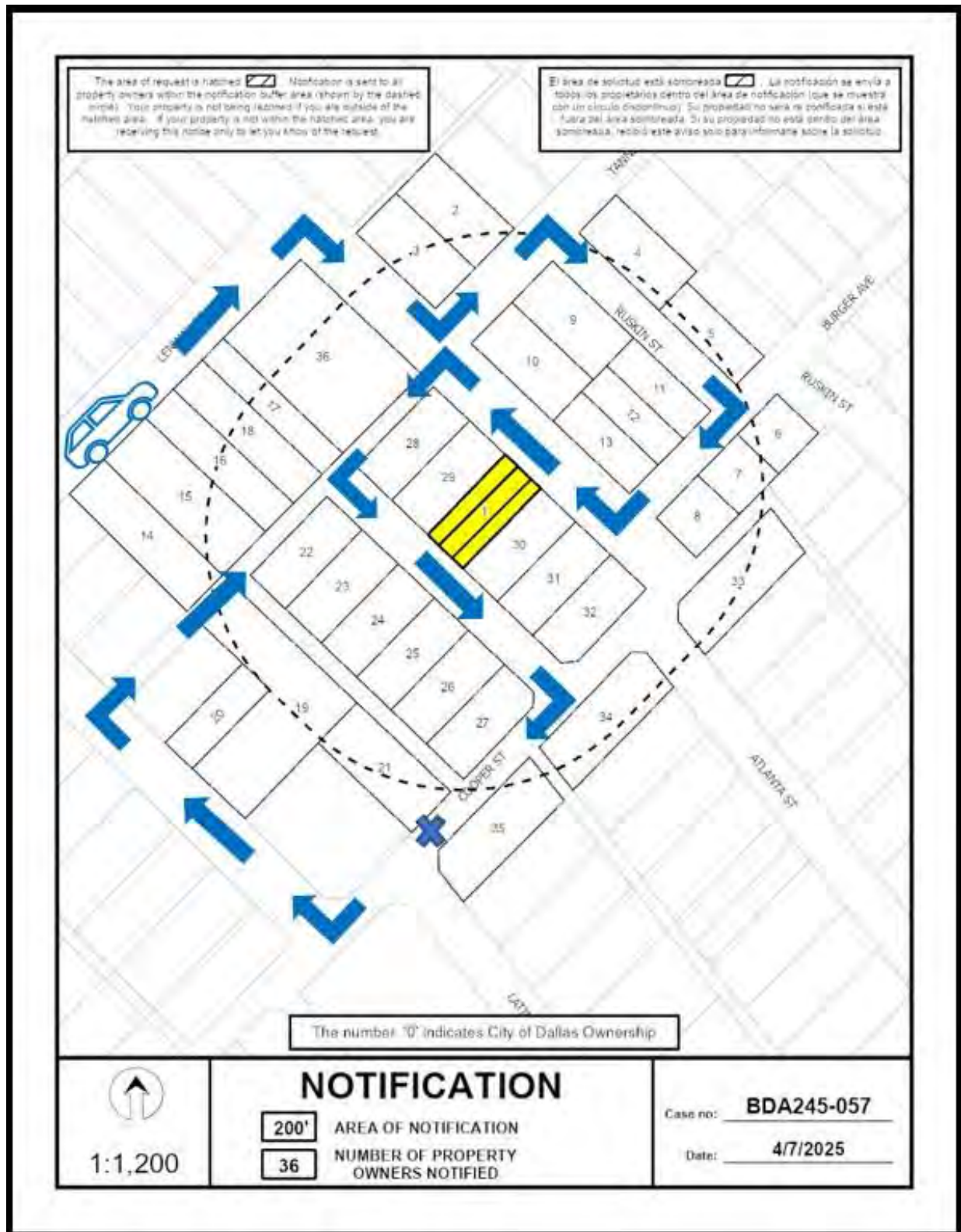
Right on Burger Ave.

Right on Latimer St.

***Subject Site from Atlanta St. at 1:45.**

***Subject Site from Booker St. at 2:15.**

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: **MONDAY, MAY 19, 2025**

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

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

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

BDA245-057(BT) Application of Sewdat Persaud for a **(1)** variance to the off-street parking regulations; and for **(2)** a variance to the front-yard setback regulation at **3516 BOOKER STREET**. This property is more fully described as Block G/1698, Lot 22, and is zoned PD-595/H/000 (R-5A), which requires parking spaces to be located behind the front-yard setback; and requires a 20-foot front-yard setback. The applicant proposes to construct and/or maintain a single-family residential structure with a setback of 11-feet 11-inches, which will require **(1)** a variance of 8-feet 1-inch to the off-street parking regulations along Booker Street. The applicant proposes to construct and/or maintain a single-family residential structure and provide an 11-foot 8-inch front-yard setback which will require **(2)** an 8-foot 4-inch setback to the front-yard along Atlanta 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. 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 **Sunday, May 18, 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 or [YouTube.com/CityofDallasCityHall](https://www.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

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

PLEASE REGISTER AT:

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



APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 245-057
 Data Relative to Subject Property: 3516 Booker St. Dallas TX 75215

Date: FOR OFFICE USE ONLY

Location address: 3516 Booker St. Dallas TX 75215

Zoning District: PD 595 / R-5

Lot No.: 22 Block No.: G/1698 Acreage: .101 Census Tract: _____

Street Frontage (in Feet): 1) 44' 2) 44' 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): M6 HOMES LLC

Applicant: Sewdat Persaud Telephone: 972-898-2029

Mailing Address: 521 Cove Ridge Rd Rockwall Zip Code: 75032

E-mail Address: spersaud@att.net

Represented by: Sewdat Persaud Telephone: 972-898-2029

Mailing Address: 521 Cove Ridge RD. Rockwall TX Zip Code: 75032

E-mail Address: spersaud@att.net

Affirm that an appeal has been made for a Variance ☒ or Special Exception ☐ of 8'-1" OFF STREET PARKING

(1) Requesting an 8.5' x 19' variance to park in the front yard setback.

(2) We are also requesting an 8'-2" variance for the rear yard setback. 38

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:

Lot is not big enough to accommodate parking space.

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

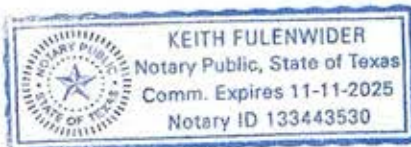
Before me the undersigned on this day personally appeared Sewdat Persaud

(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 20th day of February 2025



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

**BOARD OF ADJUSTMENT
CITY OF DALLAS, TEXAS**

FILE NUMBER: BDA245-057

BUILDING OFFICIAL'S REPORT: Application of SEWDAT PERSAUD for a (1) variance to the off-street parking regulations and for (2) a variance to the front-yard setback regulation at **3516 BOOKER ST.** This property is more fully described as Block G/1698, Lot 22, and is zoned PD-595 (R-5A), which requires a parking space must located behind the front-yard setback and requires a 20-foot front-yard setback. The applicant proposes to construct and/or maintain a single-family residential structure with a setback of 11-feet 11-inches, which will require (1) a variance of 8-feet 1-inch to the off-street parking regulations along Booker Street. The applicant proposes to construct and/or maintain a single-family residential structure and provide an 11-foot 8-inch front-yard setback which will require (2) an 8-foot 4-inch setback to the front-yard along Atlanta Street.

LOCATION: 3516 BOOKER ST.

APPLICANT: SEWDAT PERSAUD



Appeal number: BDA 245-057

I, SEWDAT PERSAUD/ M6 HOMES LLC, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 3516 BOOKER STREET DALLAST X 75215
(Address of property as stated on application)

Authorize: SEWDAT PERSAUD
(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: Requesting Variance of 8'-1" OFF STREET PARKING

SEWDAT PERSAUD
Print name of property owner or registered agent

[Signature]
Signature of property owner or registered agent

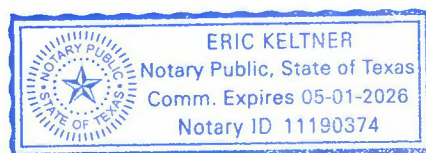
agent Date 2/12/25

Before me, the undersigned, on this day personally appeared

Who on his/her oath certifies that the above statements are true and correct to his/her best

knowledge. Subscribed and sworn to before me this 12 day of

February, 2025



[Signature]
Notary Public for Dallas County,
Texas

Commission expires on
5/1/2026

3516 BOOKER

Date of copy: 1/26/2025

DCAD Tax Account: 00000170386000000



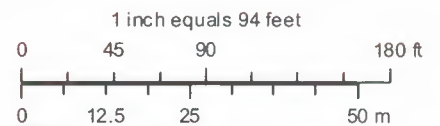
DCAD, NCTCOG, MAPSCO, USGS,

This product is for INFORMATIONAL purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



Dallas Central Appraisal District
2949 N Stemmons Freeway
Dallas, TX 75247-6195
(214) 631-1342
www.dallascad.org

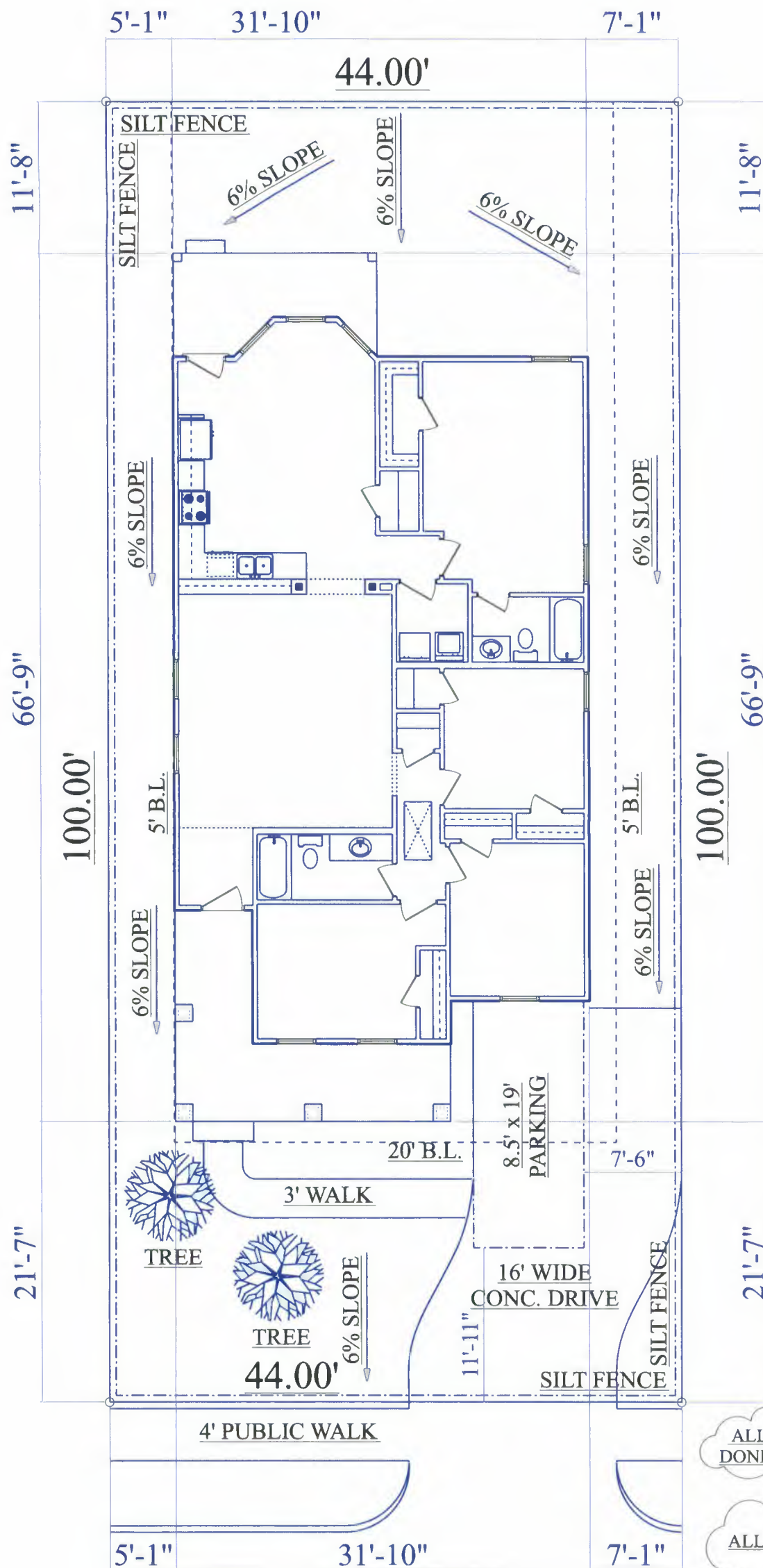
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BDA245-OS7

DCAD, NCTCOG, USGS, Esri, Inc

LOT 22
ATLANTA TO BOOKER BRISTOLS L.L. ADDITION
DALLAS, TEXAS
DALLAS COUNTY



CONC. SLAB
TO BE 15"
ABOVE GRADE

ALL DRIVEWAYS AND STEPS TO BE
DONE IN BRUSH FINISHED CONCRETE

BUILDER TO FIELD VERIFY
ALL SETBACKS AND BUILDING LINES
PRIOR TO CONSTRUCTION

3516 BOOKER STREET

SITE PLAN

SCALE: 1" = 10'-0"

BDA245-057



213 W ENNIS AVENUE
SUITE 400
ENNIS, TX 75119
OFFICE# (972)935-9710
WWW.PLAN-MASTER.COM

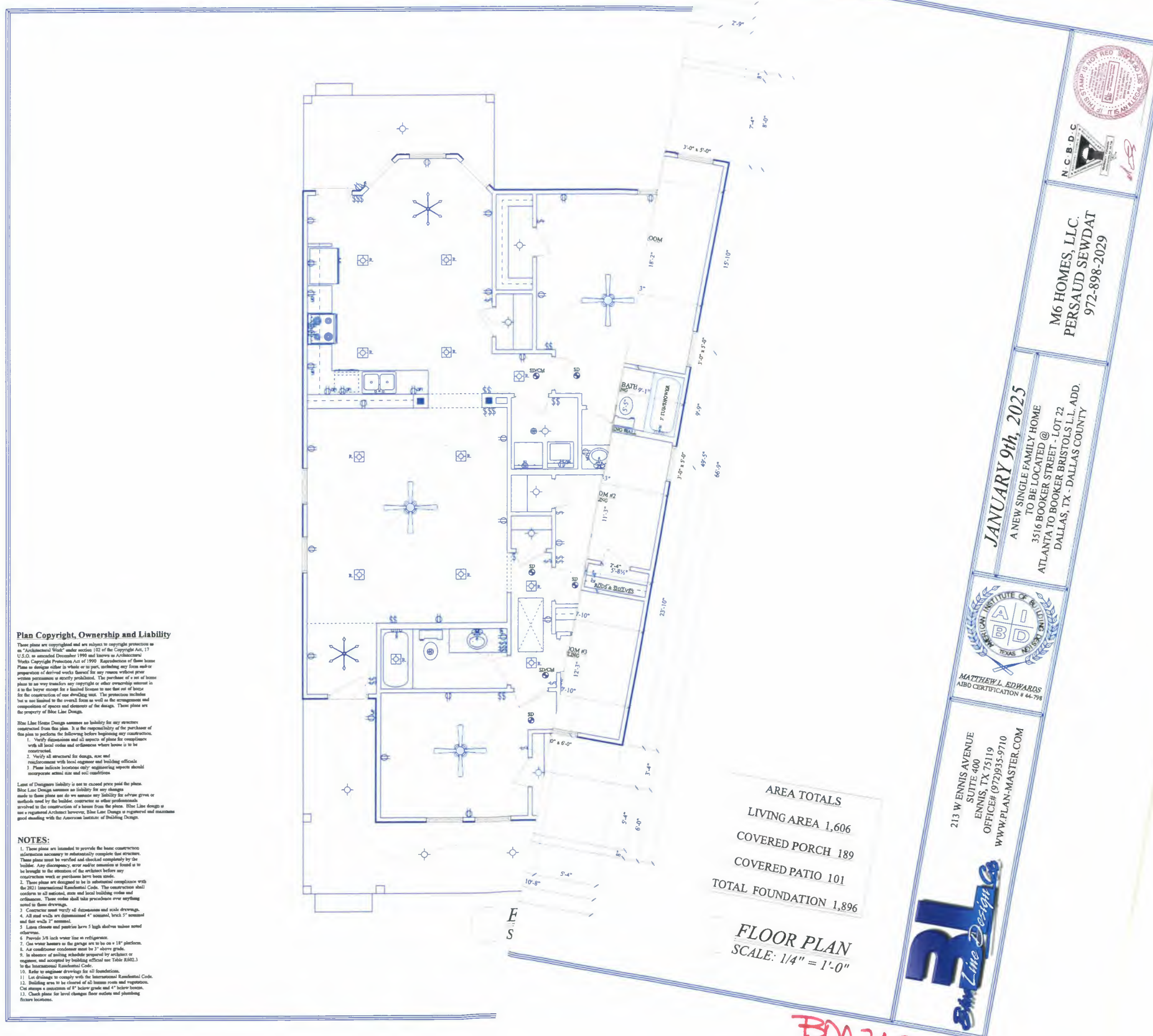


JANUARY 9th, 2025

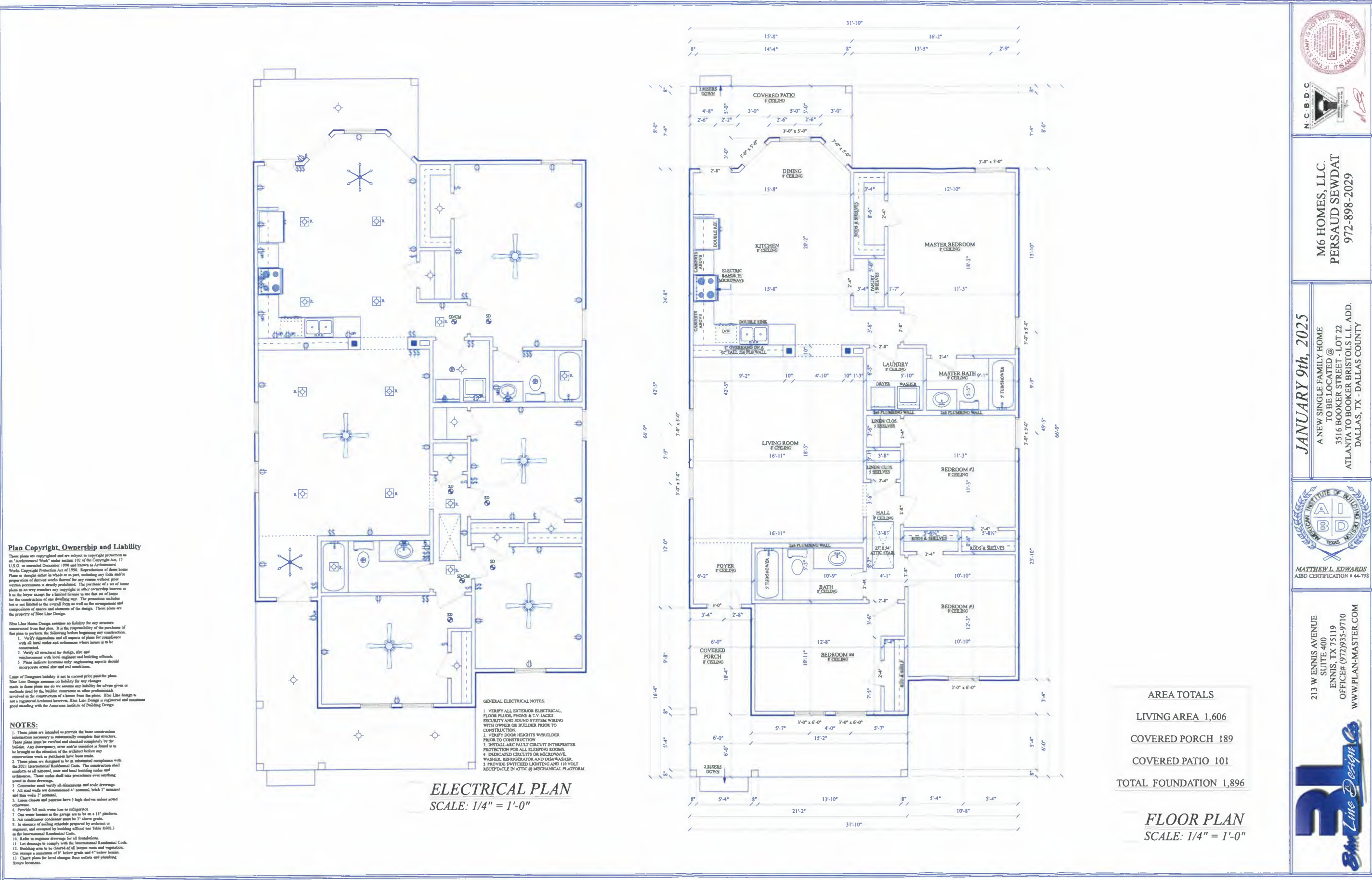
A NEW SINGLE FAMILY HOME
TO BE LOCATED @
3516 BOOKER STREET - LOT 22
ATLANTA TO BOOKER BRISTOLS L.L. ADD.
DALLAS, TX - DALLAS COUNTY

M6 HOMES, LLC.
PERSAUD SEWDAT
972-898-2029





73



BDA245-057

**BOARD OF ADJUSTMENT
CITY OF DALLAS, TEXAS**

MONDAY, MAY 19, 2025

FILE NUMBER: BDA245-069(BT)

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

LOCATION: 5465 E. Mockingbird Lane

APPLICANT: Kevin Hickman

REPRESENTED BY: Skye Thibodeaux

REQUEST:

(1) A request for a special exception to the parking regulations.

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

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

STAFF RECOMMENDATION:

Special Exceptions (1):

No staff recommendation is made on this request.

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

BDA History:

No BDA history found within the last 5 years

GENERAL FACTS/STAFF ANALYSIS:

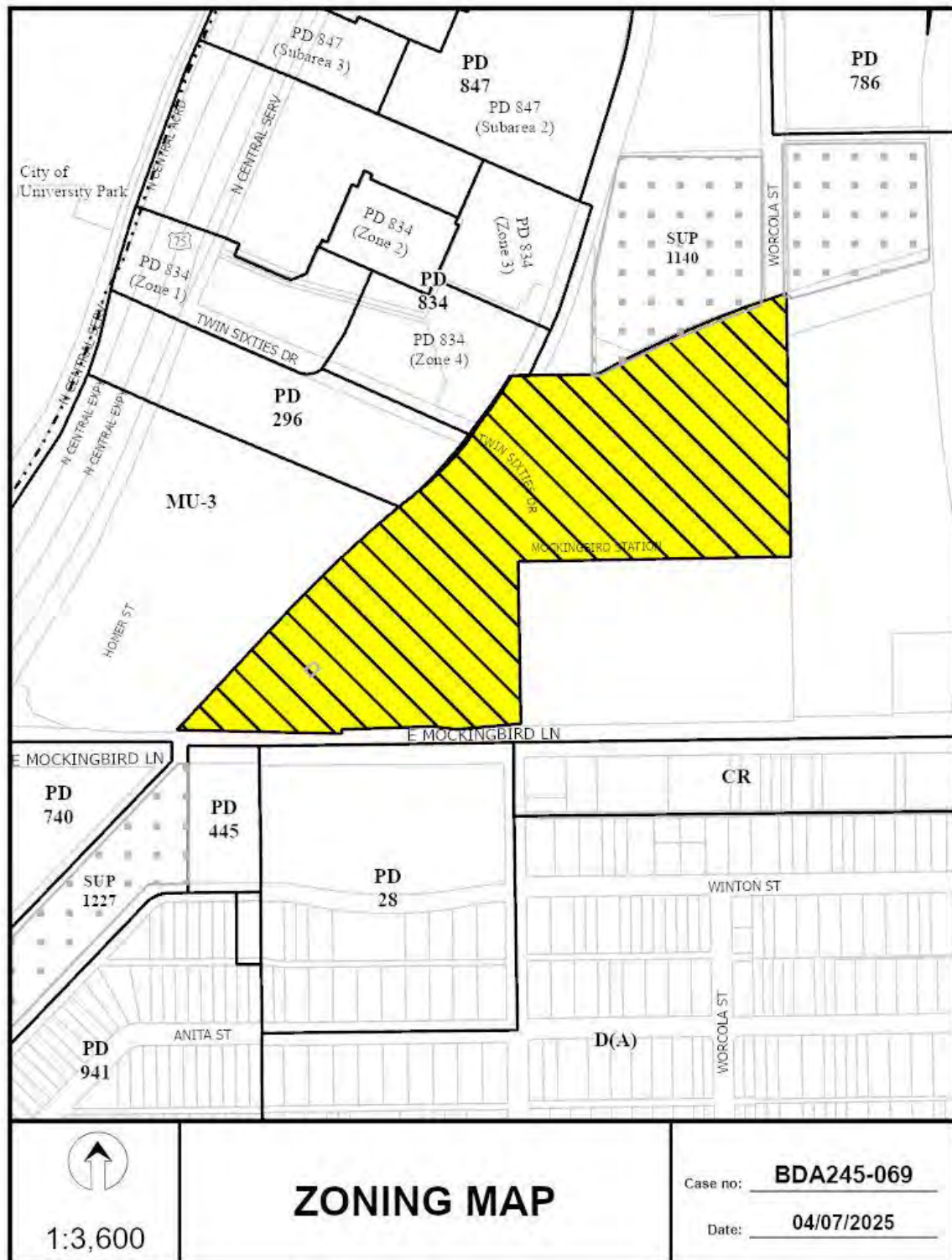
- The application of Kevin Hickman represented by Skye Thibodeaux for the property located at 5465 E. Mockingbird Lane focuses on one request relating to a special exception to the parking regulations.
- The applicant is proposing to provide 453 parking spaces of the required 471 parking space, which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

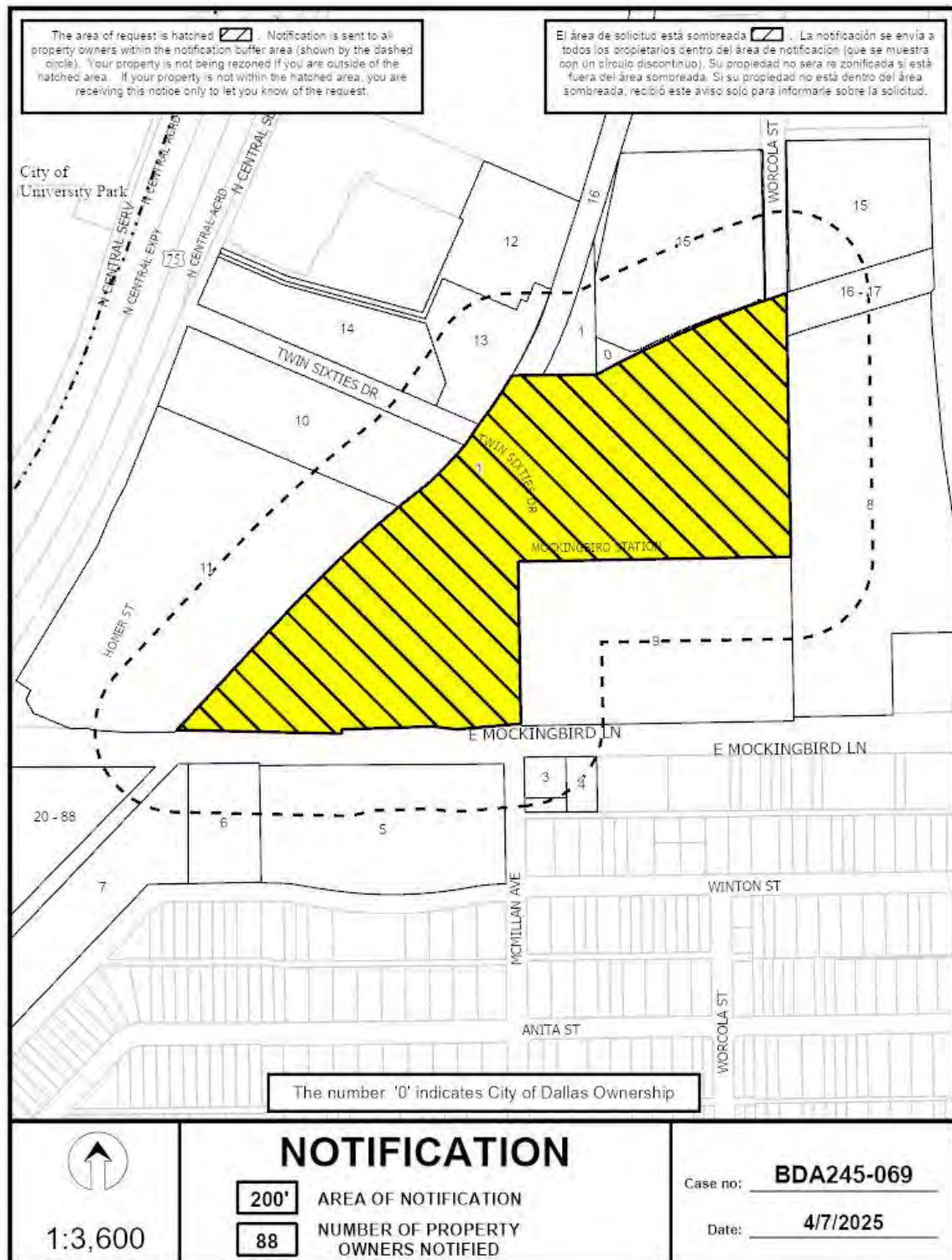
Timeline:

- | | |
|-----------------|---|
| April 3, 2025: | The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report. |
| April 3, 2025: | The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C. |
| April 18, 2025: | <p>Planning and Development Department Senior Planner emailed the applicant the following information:</p> <ul style="list-style-type: none"> • an attachment that provided the public hearing date and panel that will consider the application; the April 23, 2025, deadline to submit additional evidence for staff to factor into their analysis; and May 9, 2025, deadline to submit additional evidence to be incorporated into the board's docket materials. • the criteria/standard that the board will use in their decision to approve or deny the request; and • the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence. |

April 24, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the **May** public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.







Notification List of Property Owners

BDA245-069

88 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4400 WORCOLA ST	DALLAS AREA RAPID TRANSIT
2	4114 MCMILLAN AVE	STEFANEK REVOCABLE LIVING TRUST
3	5502 E MOCKINGBIRD LN	SEXTON JEAN TIREY REVOCABLE
4	5510 E MOCKINGBIRD LN	TACO BELL OF AMERICA INC
5	5400 E MOCKINGBIRD LN	CORSAIR MOCKINGBIRD LLC
6	5342 E MOCKINGBIRD LN	PS TEXAS HOLDINGS LTD
7	5340 E MOCKINGBIRD LN	SHURGARD TEXAS LTD PS
8	5665 E MOCKINGBIRD LN	KROGER TEXAS LP
9	5555 E MOCKINGBIRD LN	SPI MOCKINGBIRD FOXCROFT DEEX LLC &
10	5910 N CENTRAL EXPY	5910 NCX OWNER LLC
11	5307 E MOCKINGBIRD LN	CPUS MOCKINGBIRD LP
12	6080 N CENTRAL EXPY	60 80A NCX LLC
13	6080 N CENTRAL EXPY	60 80B NCX LLC
14	6060 N CENTRAL EXPY	60 80C NCX LLC
15	4419 WORCOLA ST	UNIVERSITY PARK CITY OF
16	555 2ND AVE	DART
17	555 2ND AVE	DART
18	403 REUNION BLVD	DALLAS AREA RAPID TRANSIT
19	403 REUNION BLVD	DALLAS AREA RAPID TRANSIT
20	5656 N CENTRAL EXPY	SMITH HOWARD DAVID
21	5656 N CENTRAL EXPY	WILCOX PHYLLIS DIANE POU &
22	5656 N CENTRAL EXPY	MURPHY JACK D & JEANETTE B
23	5656 N CENTRAL EXPY	WISH DEVELOPMENT DALLAS
24	5656 N CENTRAL EXPY	JOINES RONDA JOY
25	5656 N CENTRAL EXPY	KIESZ STEFANY
26	5656 N CENTRAL EXPY	SCHREIBER FAMILY TRUST THE

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	5656 N CENTRAL EXPY	CAMERON STEPHEN F
28	5656 N CENTRAL EXPY	GEORGES BRITT & MICHELLE
29	5656 N CENTRAL EXPY	KACIC GEORGE & SUSAN
30	5656 N CENTRAL EXPY	COX NICOLE & JAMES W
31	5656 N CENTRAL EXPY	TWD HOLDINGS LLC
32	5656 N CENTRAL EXPY	BLACKWOOD SUE
33	5656 N CENTRAL EXPY	FUTCH JENNIFER ANN
34	5656 N CENTRAL EXPY	SEABROOKS JACQUELINE A
35	5656 N CENTRAL EXPY	CASSULLO JOANNE
36	5656 N CENTRAL EXPY	RICHEY PROPERTIES INC
37	5656 N CENTRAL EXPY	TOMPSON JERRY
38	5656 N CENTRAL EXPY	HARRISON FIELD
39	5656 N CENTRAL EXPY	ALI AMAR BARKAT &
40	5656 N CENTRAL EXPY	CROWE WILLIAM & DENA V
41	5656 N CENTRAL EXPY	
42	5656 N CENTRAL EXPY	GOLDSTEIN ROBERT & DEBORAH
43	5656 N CENTRAL EXPY	HANNA DR SAMI & ELIZABETH
44	5656 N CENTRAL EXPY	BRAVEHEART ENTERPRISES
45	5656 N CENTRAL EXPY	GARDNER GREG
46	5656 N CENTRAL EXPY	EDWARDS STAN &
47	5656 N CENTRAL EXPY	PUNKIN 502 LLC
48	5656 N CENTRAL EXPY	NELSON AMY
49	5656 N CENTRAL EXPY	YAMINI SARA M
50	5656 N CENTRAL EXPY	KASSEBAUM LINDA MAJORS
51	5656 N CENTRAL EXPY	TALLEY JUDITH OLSEN
52	5656 N CENTRAL EXPY	WALTON LARRY E & LINDA
53	5656 N CENTRAL EXPY	CARSON TED J & DEBORAH J
54	5656 N CENTRAL EXPY	CARSON DEBBIE &
55	5656 N CENTRAL EXPY	HARRISON FIELD
56	5656 N CENTRAL EXPY	BARNES SUSAN
57	5656 N CENTRAL EXPY	RUFF PARTNERS LTD

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
58	5656 N CENTRAL EXPY	AGGARWAL RAYMON
59	5656 N CENTRAL EXPY	BOTTUM STEVEN J
60	5656 N CENTRAL EXPY	CHU EMILY & LAWRENCE
61	5656 N CENTRAL EXPY	MCKENZIE CHERYL &
62	5656 N CENTRAL EXPY	KANG KATHERINE
63	5656 N CENTRAL EXPY	CLARKE HOLDINGS INVESTMENTS
64	5656 N CENTRAL EXPY	NELSON AMY
65	5656 N CENTRAL EXPY	HIGHLAND DALLAS 800 LLC
66	5656 N CENTRAL EXPY	SELLINGER LIVING TRUST
67	5656 N CENTRAL EXPY	CHAMNESS RHEA ANN
68	5656 N CENTRAL EXPY	ANDERSON GARY A &
69	5656 N CENTRAL EXPY	MELLON HENRY PARSONS FLAGLER
70	5656 N CENTRAL EXPY	PUNKIN 805 LLC
71	5656 N CENTRAL EXPY	CROWN JODY H
72	5656 N CENTRAL EXPY	JOHNSON DENNICE
73	5656 N CENTRAL EXPY	KHM METRO LLC
74	5656 N CENTRAL EXPY	HARRISON FIELD & SABRINA
75	5656 N CENTRAL EXPY	HARRISON FIELD
76	5320 E MOCKINGBIRD LN	NEE EUGENE P
77	5320 E MOCKINGBIRD LN	MALONEY WESLEY JAMES
78	5320 E MOCKINGBIRD LN	TOM & GLO FAMILY TRUST
79	5320 E MOCKINGBIRD LN	ROIDOPOULOS MARK E
80	5320 E MOCKINGBIRD LN	GREENE EVAN
81	5320 E MOCKINGBIRD LN	DZURILLA ANNE
82	5320 E MOCKINGBIRD LN	KRAUSE TIMOTHY & JORJA
83	5320 E MOCKINGBIRD LN	TOMLIN FRANCIS G &
84	5320 E MOCKINGBIRD LN	LITTLE PAUL
85	5320 E MOCKINGBIRD LN	MAWK THOMAS
86	5300 N CENTRAL EXPY	5300 EML TIC 1 LLC
87	5300 N CENTRAL EXPY	WOODBANCH HIGHLAND LLC
88	5330 E MOCKINGBIRD LN	5300 EML TIC 2 LLC

 1:3,600	<h2 style="text-align: center;">NOTIFICATION</h2> <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px; width: 40px; text-align: center;">200'</div> <div>AREA OF NOTIFICATION</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px; width: 40px; text-align: center;">88</div> <div>NUMBER OF PROPERTY OWNERS NOTIFIED</div> </div>	Case no: <u>BDA245-069</u> Date: <u>4/7/2025</u>
--	---	---

Route Directions:

Start on Greenville Ave.

Right on E Mockingbird Ln.

Right on N Central Exry.

Right on Twin Sixties Dr.

Right on Warcola St.

Circle thru subject site.

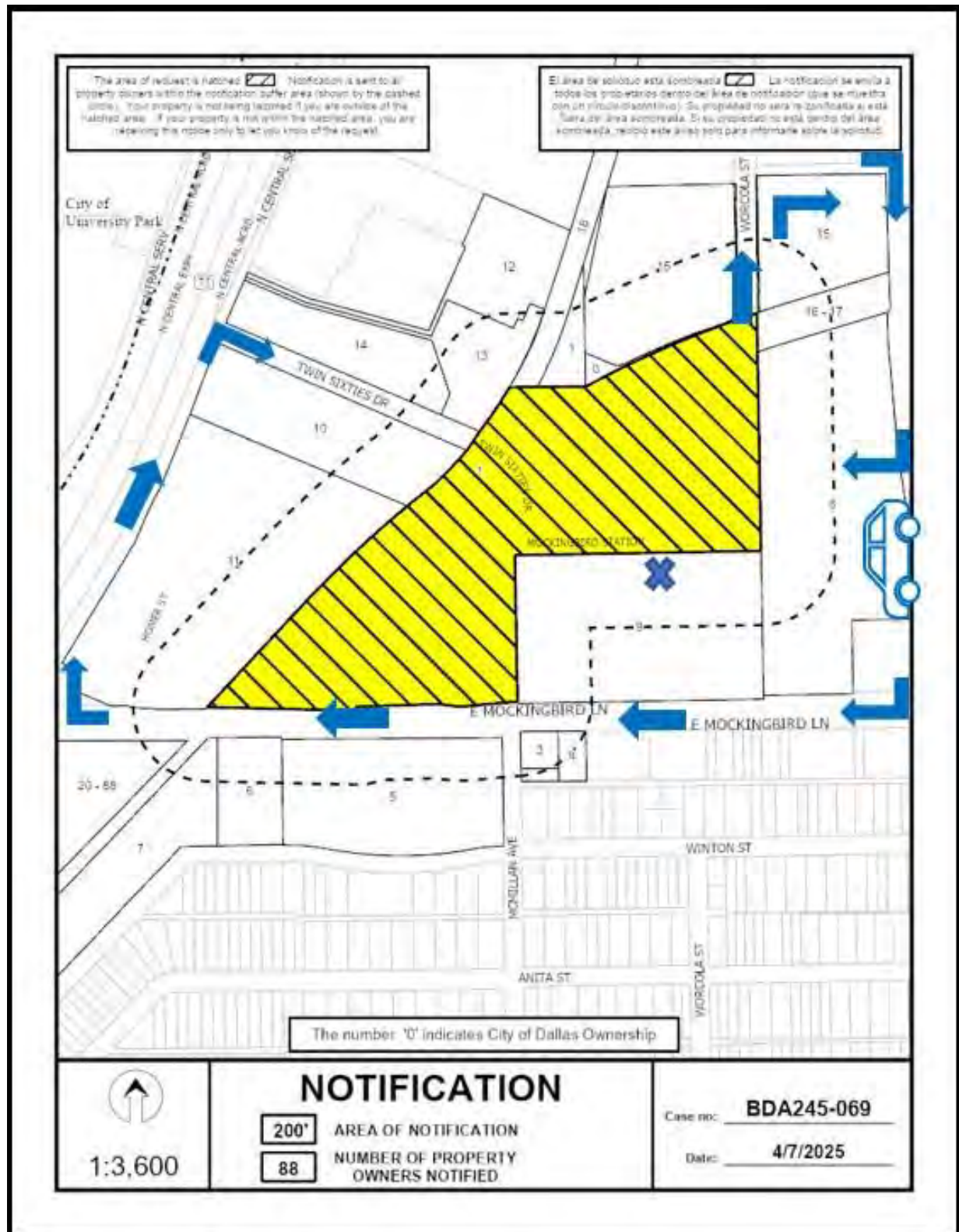
Right on SMU Blvd

Right on Greenville Ave

***Subject Site from E Mockingbird Ln at 1:51**

***Subject Site from Twin Sixties Dr. at 4:00**

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: **MONDAY, MAY 19, 2025**

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

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

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

BDA245-069(BT) Application of Kevin Hickman represented by Skye Thibodeaux for a special exception to the parking regulations at **5465 E. MOCKINGBIRD LANE**. This property is more fully described as Block A/2940, Lot 2, and is zoned MU-3, which requires parking to be provided. The applicant proposes to construct and/or maintain a residential multifamily structure and provide 453 parking spaces of the required 471, which will require an 18-space special exception to the parking regulation.

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

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

The Board of Adjustment hearing will be held by videoconference and in **6ES 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 **Sunday, May 18, 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 or 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

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

PLEASE REGISTER AT:

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



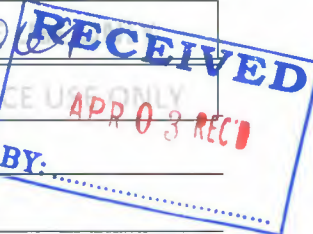
Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA

245-06



Data Relative to Subject Property:

Date:

Location address: 5465 E Mockingbird Ln, Dallas, TX 75206 Zoning District: MU-3

Lot No.: 2 Block No.: A/2940 Acreage: 15.87 Census Tract: 48113000300

Street Frontage (in Feet): 1) 435' 2) 1,254' 3) 411' 4) 254' 5)

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Dallas Area Rapid Transit - Leticia Delgado

Applicant: Trammel Crow ~~Development, Inc.~~ ^{LLC Kevin Hickman} Telephone: 214-863-4254

Mailing Address: 2100 McKinney Ave, Suite 800, Dallas, TX Zip Code: 75201

E-mail Address: khickman@trammecrow.com

Represented by: Skye Thibodeaux, AICP Telephone: 817-657-3259

Mailing Address: PO Box 260203 Zip Code: 75026

E-mail Address: skye@msnrdg.com

Affirm that an appeal has been made for a Variance __, or Special Exception ☒ of 18 parking. spaces

Requesting a total amount of 453 parking spaces, and an approximate 5% reduction to the requirement of 471 parking spaces.

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:

Geometric site constraints, proximity to DART public station

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

Kevin Hickman

(Affiant/Applicant's name printed)

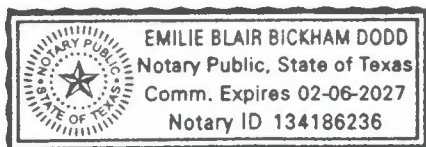
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property

Respectfully submitted:

Kevin Hickman

(Affiant/Applicant's signature)

Subscribed and sworn to before me this 27 day of March, 2025



Emilie Blair Bickham Dodd
Notary Public in and for Dallas County, Texas

**BOARD OF ADJUSTMENT
CITY OF DALLAS, TEXAS**

FILE NUMBER: BDA245-069

BUILDING OFFICIAL'S REPORT: Application of KEVIN HICKMAN represented by SKYE THIBODEAUX for a special exception to the parking regulations at **5465 E MOCKINGBIRD LN.** This property is more fully described as Block A/2940, Lot 2, and is zoned MU-3, which requires parking to be provided. The applicant proposes to construct and/or maintain a residential multifamily structure and provide 453 parking spaces of the required 471, which will require an 18-space special exception to the parking regulation.

LOCATION: 5465 E MOCKINGBIRD LN

APPLICANT: KEVIN HICKMAN represented by SKYE THIBODEAUX



CITY OF DALLAS
AFFIDAVIT

Appeal number: BDA 245-069

I, Dallas Area Rapid Transit - Leticia Delgado, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 5465 East Mockingbird Lane, Dallas Texas 75206
(Address of property as stated on application)

Authorize: Trammell Crow Development, LLC / Kevin Hickman
(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)

 X Special Exception (specify below)

 Other Appeal (specify below)

Specify: Parking reduction request. Requesting a reduction of 5%,
or 18 parking spaces.

Leticia Delgado
Print name of property owner or registered agent

Leticia Delgado
Signature of property owner or registered agent

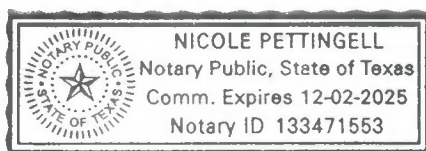
agent Date 3/13/2025

Before me, the undersigned, on this day personally appeared

Who on his/her oath certifies that the above statements are true and correct to his/her best

knowledge. Subscribed and sworn to before me this 13th day of

March, 2025



Nicole Pettingell
Notary Public for Dallas County,
Texas

Commission expires on
12-02-2025



INTEROFFICE MEMORANDUM

DATE: July 28, 2021
TO: Nadine S. Lee
FROM: J. Todd Plesko
SUBJECT: Authorization to Execute Specific Legal Documents

This memorandum is to confirm that Ms. Leticia Delgado, Assistant Vice President, Real Estate, is authorized as the designee to execute Real Estate deeds, leases, licenses, plats, and other such real estate documents, which are necessary for the efficient operation of Dallas Area Rapid Transit (DART).

Please indicate your concurrence below.

If you have any questions or need additional information, please feel free to contact me by email at tplesko@dart.org.

*/s/ J Todd Plesko **

J. Todd Plesko
Interim Executive Vice President
Growth/Regional Development

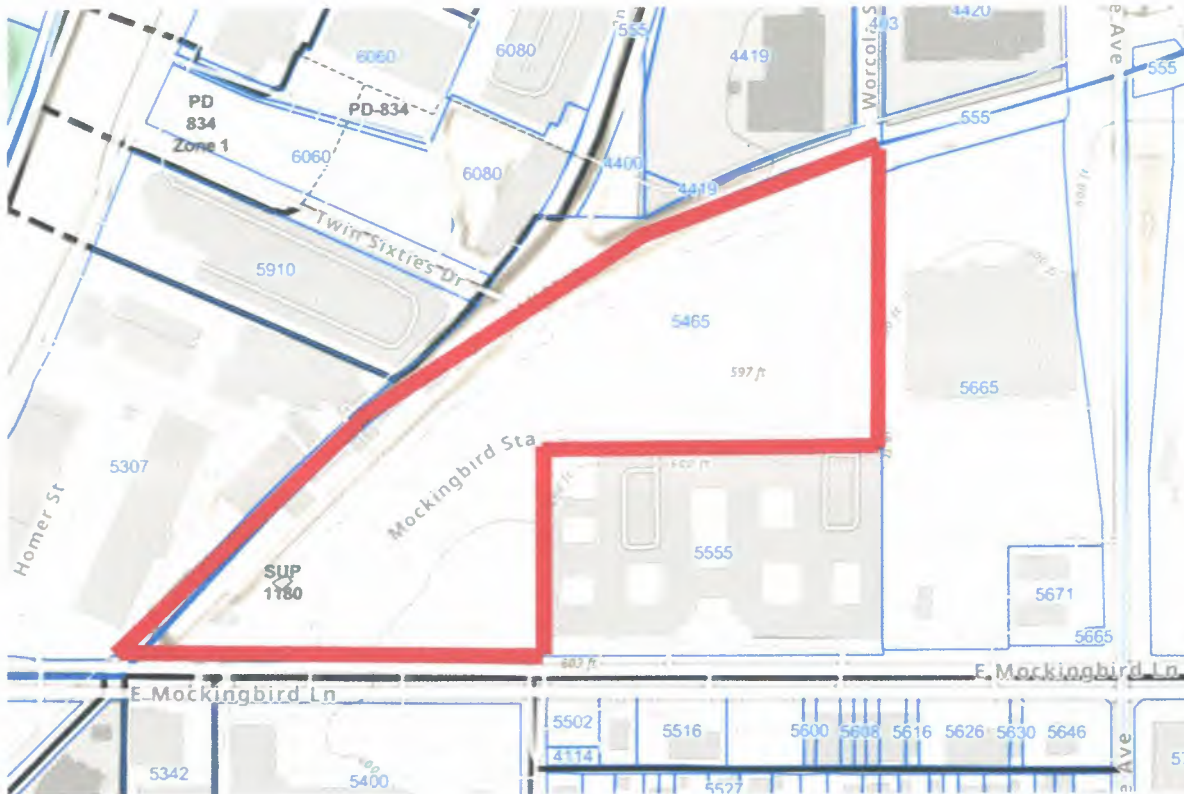
Concur:

A blue ink signature of Nadine S. Lee is written over a horizontal line. The signature is stylized and cursive.

Nadine S. Lee
President & Chief Executive Officer

c: Leticia Delgado
Rail Program Development File Room

* Reviewed and approved, but not signed due to
COVID-19 Coronavirus Pandemic



Zoning Map – 5465 E Mockingbird Ln, Dallas

BDA245-069

SHIPPED DATE: 5-9-96 RECEIVED DATE: 7-11-96

CITY OF DALLAS PLAT BOOKS

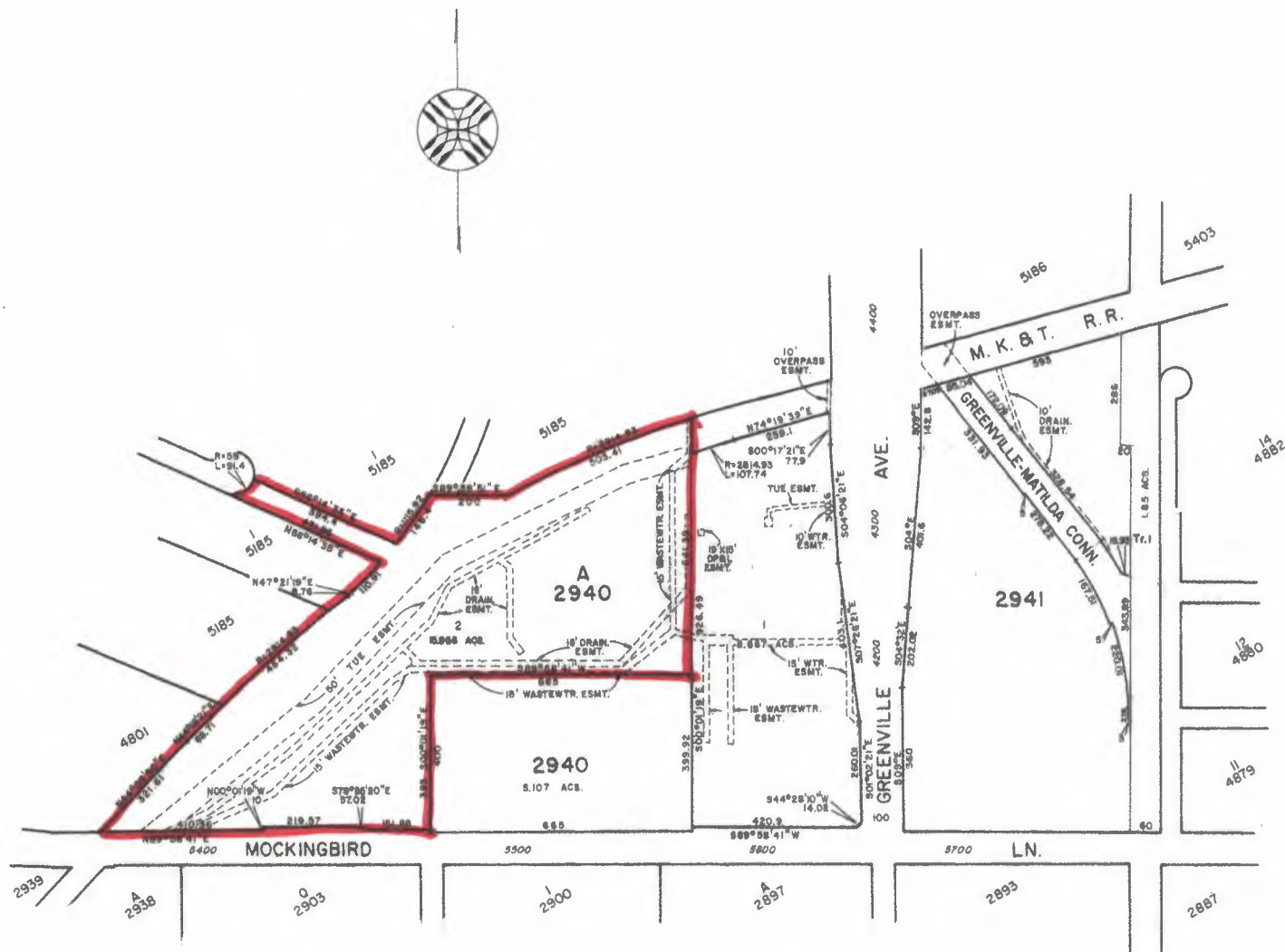
ANNEXED _____ ORD. NO. _____
 SURVEY J. SYKES ABST. 1338
 W. P. CORDER 282

ADDITION _____
 SCALE 200 FT. EQUALS 1 INCH 565 3-2 95

BLOCKS A 2940, 2940, 2941
 SCHOOL DISTRICT DALLAS

FILED: 3-8-94 BLK. A/2940 LT. 1 KROGER DR. PEPPER
 FILED: 12-22-94 BLK. A/2940 LT. 2 MOCKINGBIRD STATION

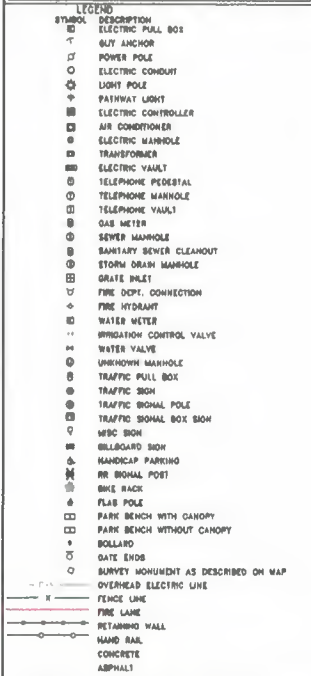
CITY RESERVOIR BLK. 2941 ADDED: 11-26-29



BDA245-069

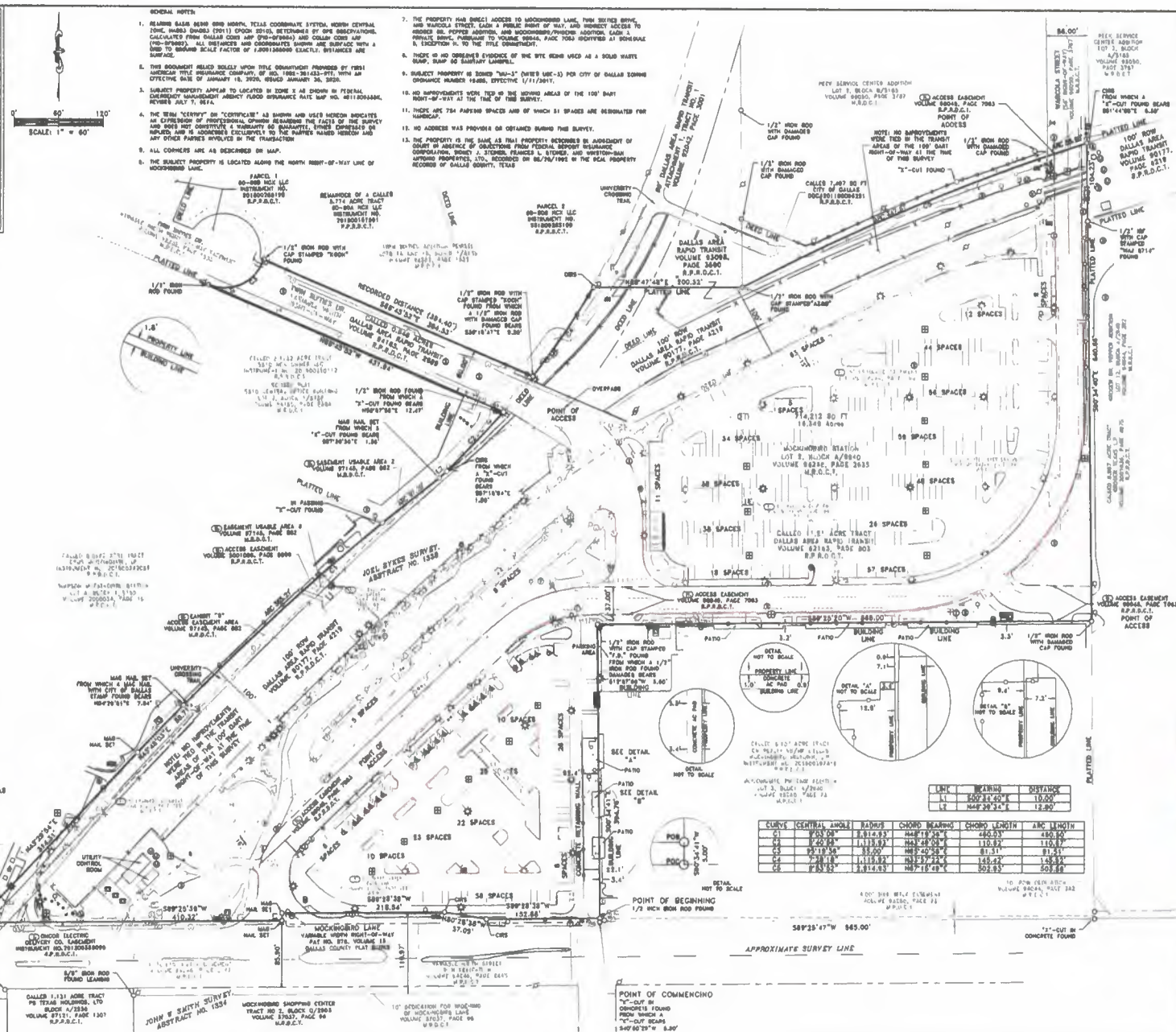
Address	Use	Floor Area	Parking Ratio	Required Parking	Provided Parking
5465 E Mockingbird Ln, Dallas, TX 75206	Multifamily	417,289 SF	1 per bed	471	453

BDA245-069

[illegible]

GENERAL NOTE:

- [illegible]



CURVE	CENTRAL ANGLE	RADIUS	CHORD BEARING	CHORD LENGTH	ARC LENGTH
C1	P35.08°	3,014.83	N45°19'36"	440.53	480.15
C2	P42.92°	1,119.82	N42°48'08"	110.82	110.82
C3	P51.89°	35.00	N45°40'36"	81.51	81.51
C4	P72.88°	1,119.82	N45°57'22"	145.42	145.42
C5	P83.52°	3,014.83	N47°16'49"	502.83	502.83

PROJECT NO.	WFO33100	DATE	REVISIONS
DRAWN BY	ATP	DATE	
APPROVED BY	MEZ	DATE	
DATE	03/17/2006		

ALTA/NSPS LAND TITLE SURVEY
16.396 ACRES

JACOBS
1009 BRYAN STREET, SUITE 1200
DALLAS, TEXAS 75201-3138
TEL (214) 359-0143 FAX (214) 359-0447

SHEET 1 OF 2

BDA 245.069





**BOARD OF ADJUSTMENT
CITY OF DALLAS, TEXAS**

MONDAY, MAY 19, 2025

FILE NUMBER: BDA234-119(CJ)

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

LOCATION: 1255 Annex Avenue

APPLICANT: Dani Golan

REQUEST:

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

Approval

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

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

BACKGROUND INFORMATION:

BDA History:

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

Square Footage:

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

Zoning:

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

Land Use:

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

GENERAL FACTS/STAFF ANALYSIS:

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

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

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

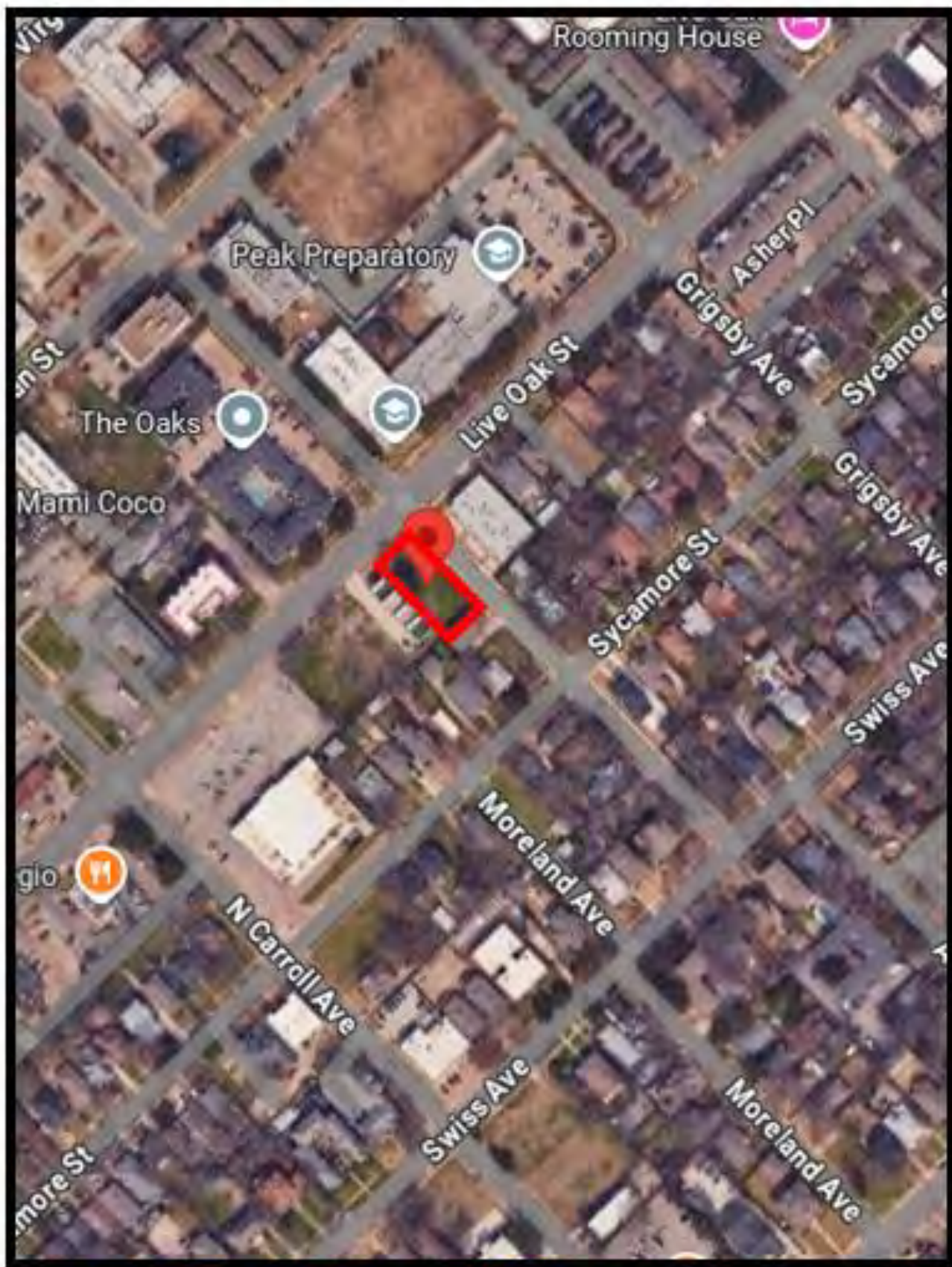
The board may also consider Dallas Development Code **§ 51A-3.102(d)(10)(b)**, formerly known as **HB 1475** as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

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

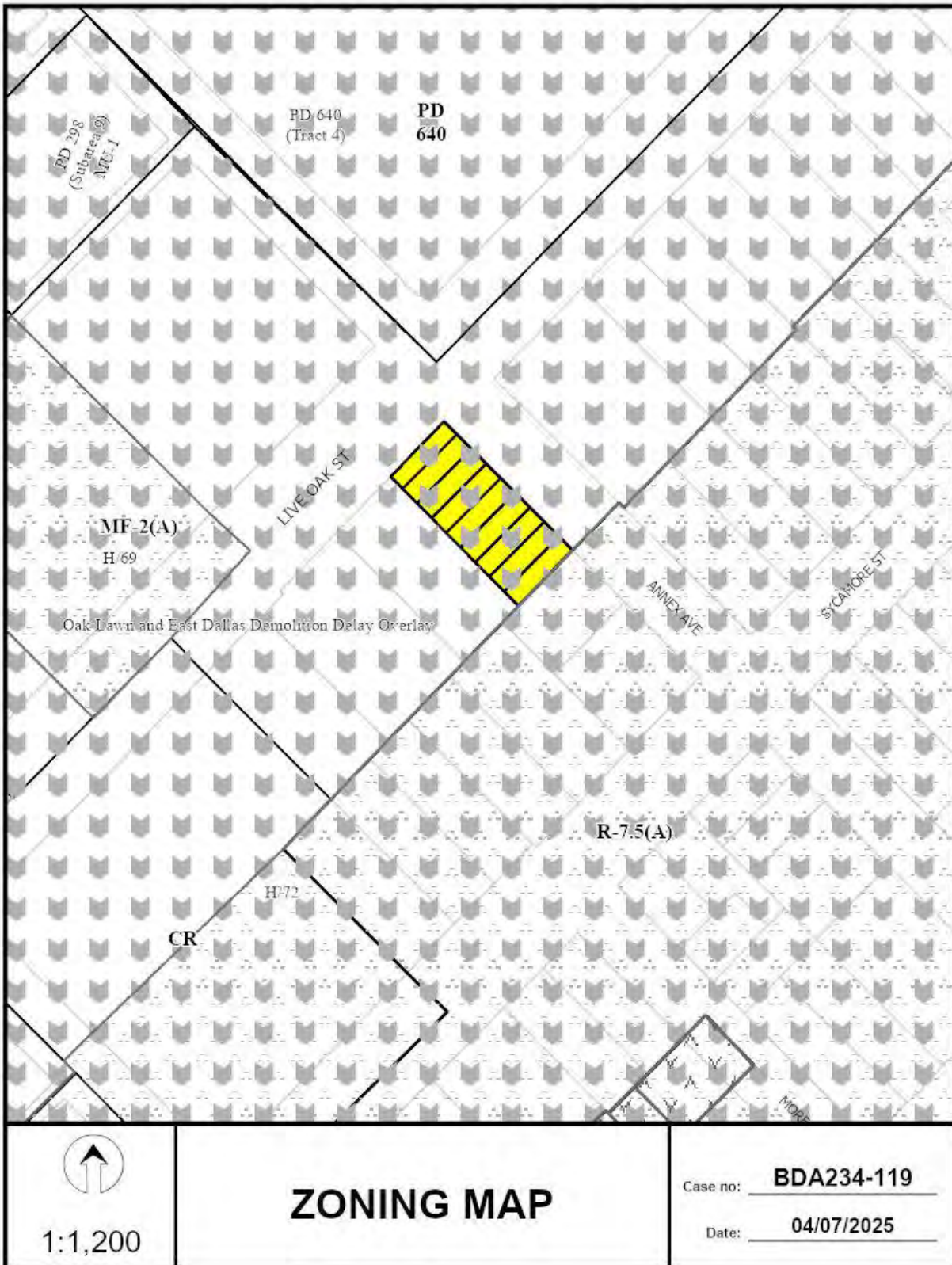
- (c) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
 - (d) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
 - (e) the municipality considers the structure to be a nonconforming structure.
- Granting the proposed variance below, with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents.
 - 4- foot 11- inch variance to the front yard setback regulations.
 - 200' Radius Video: [BDA234-119 at 1255 Annex Avenue](#)

Timeline:

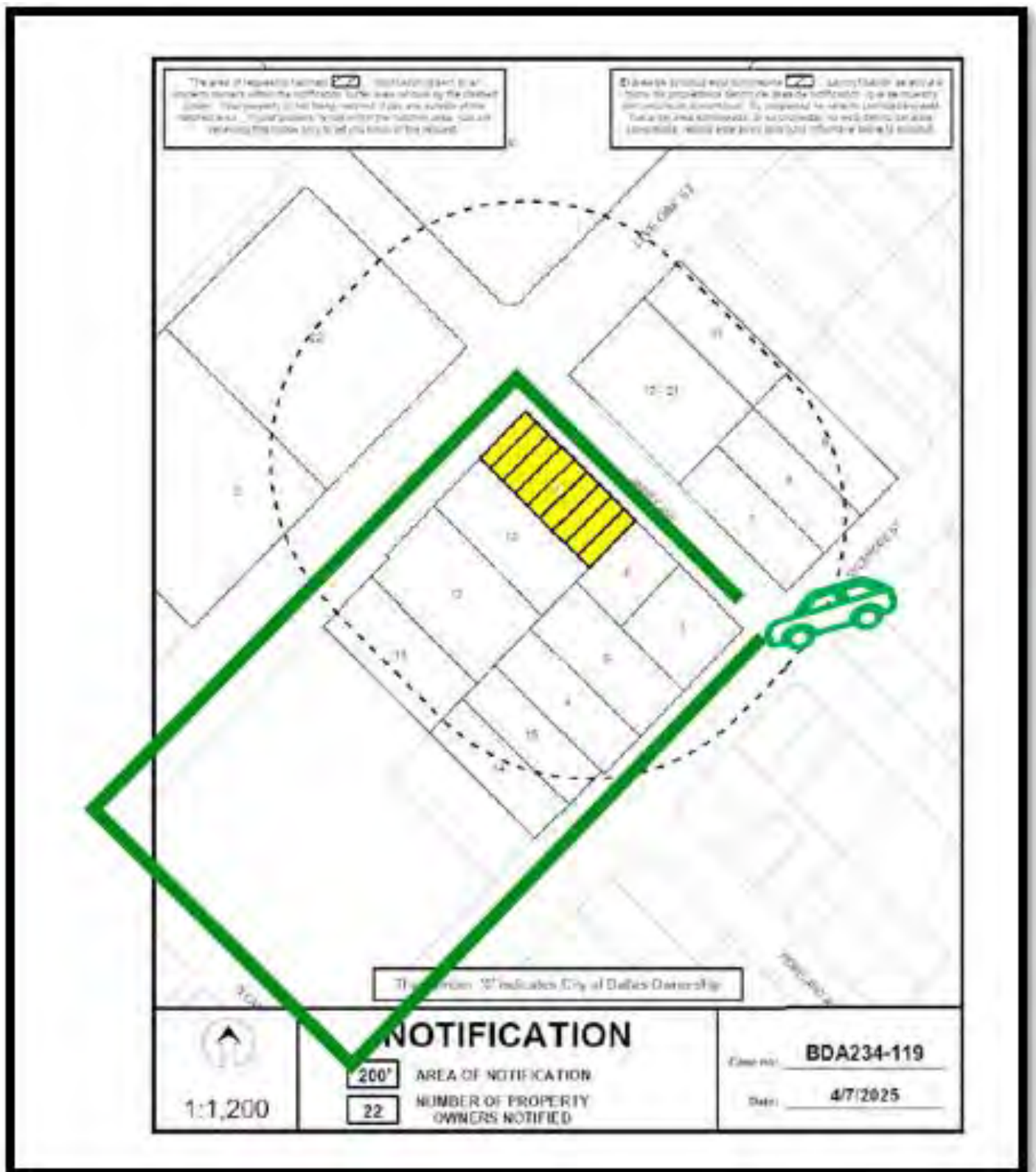
- March 25, 2025: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- April 3, 2025: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel **C**.
- April 18, 2025: The Planning and Development Senior Planner emailed the applicant the following information:
- an attachment that provided the hearing date and panel that will consider the application; the April 23, 2025, deadline to submit additional evidence for staff to factor into their analysis; and May 9, 2025, deadline to submit additional evidence to be incorporated into the board's docket materials.
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- April 24, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the May public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.



[BDA234-119 at 1255 Annex Avenue](#)







04/07/2025

Notification List of Property Owners

BDA234-119

22 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4532 LIVE OAK ST	ORCA INTERNATIONAL LLC
2	4515 LIVE OAK ST	RP WALES HOTEL PARTNERSHIP
3	4541 SYCAMORE ST	ALVAREZ GENOVEVA
4	4529 SYCAMORE ST	CURTISS JOYCE
5	4533 SYCAMORE ST	BERGEAUX THERESA LYNN
6	1207 ANNEX AVE	HARRISON DENNIS
7	4603 SYCAMORE ST	ARNOLD JOEL D
8	4605 SYCAMORE ST	HERNANDEZ REFUGIO VIDAMA
9	4609 SYCAMORE ST	MANOSINH SAY & THOUN
10	4528 LIVE OAK ST	INDIGO DESERT PROPERTIES LLC
11	4608 LIVE OAK ST	STEPHENSON DOROTHY LIFE EST
12	4524 LIVE OAK ST	LAS BRISAS PROPERTIES INC
13	4522 LIVE OAK ST	LAS BRISAS PPTIES INC
14	4523 SYCAMORE ST	KORUPOLU RISHANK REDDY &
15	4525 SYCAMORE ST	CONNORS JACQUELINE
16	4600 BRYAN ST	UPLIFT EDUCATION
17	1252 ANNEX AVE	MARTIN DEVON
18	1254 ANNEX AVE	MISTRY AJAY M &
19	1256 ANNEX AVE	ADAIR AMBER MICHELLE
20	1258 ANNEX AVE	EASTON MARK ISAAC
21	1260 ANNEX AVE	DUMANSKI DREW &
22	4535 LIVE OAK ST	VALERIO HOLDINGS LLC



1:1,200

NOTIFICATION

200'

AREA OF NOTIFICATION

22

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA234-119**Date: **4/7/2025**

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: MONDAY, MAY 19, 2025

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

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

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

BDA234-119(CJ) Application of Dani Golan for (1) a variance to the front-yard setback regulations at 1255 ANNEX AVENUE. This property is more fully described as Block 2/0735, Lot 10, and is zoned MF-2(A), which requires a front-yard setback of 25-feet due to block face continuity with the adjacent zoning district. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 20-foot 1-inch front-yard setback, which will require (1) a 4-foot 11-inch variance to the front-yard setback regulations.

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

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

The Board of Adjustment hearing will be held by videoconference and in 6ES 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 Sunday, May 18, 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 or [YouTube.com/CityofDallasCityHall](https://www.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

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

PLEASE REGISTER AT:

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



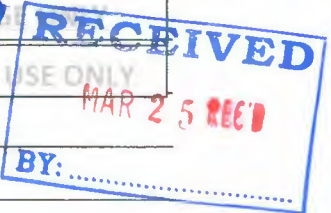
APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA

234-119

Date:

FOR OFFICE USE ONLY



Data Relative to Subject Property:

Location address: 1255 Annex

Zoning District: MF-2(A)

Lot No.: 10 Block No.: 2/735

Acreage: .21

Census Tract:

Street Frontage (in Feet): 1) 63

2) 145

3) 4) 5)

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Orca International

Applicant: Dani Golan

Telephone: 214.505.4400

Mailing Address: 6750 Hillcrest Plaza Suite 200 Dallas

Zip Code: 75230

E-mail Address: Dani@DGM-Builders.com

Represented by: Dani Golan

Telephone: 214.505.4400

Mailing Address: 6750 Hillcrest Plaza Suite 200 Dallas

Zip Code: 75230

E-mail Address: Dani@DGM-Builders.com

Affirm that an appeal has been made for a Variance __, or Special Exception __, of requesting a variance of 4'11" to front yard along Annex, Proposing set back at 20'1".

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 variance is requested to develop this parcel of land similarly to other parcels of land with the same zoning. Given the lots restrictive shape, we encounter two setbacks at Side & Front, that are more restrictive than other lots with the same zoning.

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 Dani Golan

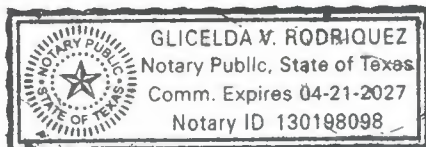
(Affiant/Applicant's name printed)

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 21st day of March, 2025



Notary Public in and for Dallas County, Texas

DEVELOPMENT SERVICES • BOARD OF ADJUSTMENT | REV 05.24.2023

**BOARD OF ADJUSTMENT
CITY OF DALLAS, TEXAS**

FILE NUMBER: BDA234-119

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

LOCATION: 1255 ANNEX AVENUE

APPLICANT: DANI GOLAN



Appeal number: BDA 234-119

I, Amal Alsubki / Orca International, LLC, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 1255 Annex
(Address of property as stated on application)

Authorize: DGM Builders / Dani Golan
(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)

x Variance (specify below)

_____ Special Exception (specify below)

_____ Other Appeal (specify below)

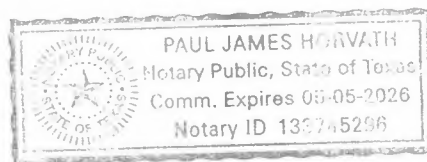
Specify: Requesting a variance of 4'11" to the front yard set back along Annex,
proposing the setback to be at 20'1".

Amal Alsubki
Print name of property owner or registered agent
agent Date _____

[Signature]
Signature of property owner or registered agent

Before me, the undersigned, on this day personally appeared
Amal Alsubki

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 21 day of
March, 2025



[Signature]
Notary Public for Dallas County,
Texas

Commission expires on
05/05/2026



Appeal number: BDA 234-119

I, Amal Alsubki / Orca International, LLC, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 1255 Annex
(Address of property as stated on application)

Authorize: DGM Builders / Dani Golan
(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)

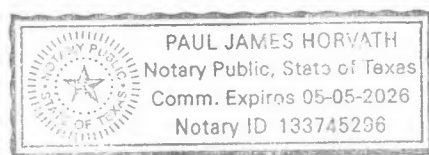
Specify: Requesting a variance of 4'11" to the front yard set back along Annex,
proposing the setback to be at 20'1".

Amal Alsubki
Print name of property owner or registered agent
agent Date _____

[Signature]
Signature of property owner or registered agent

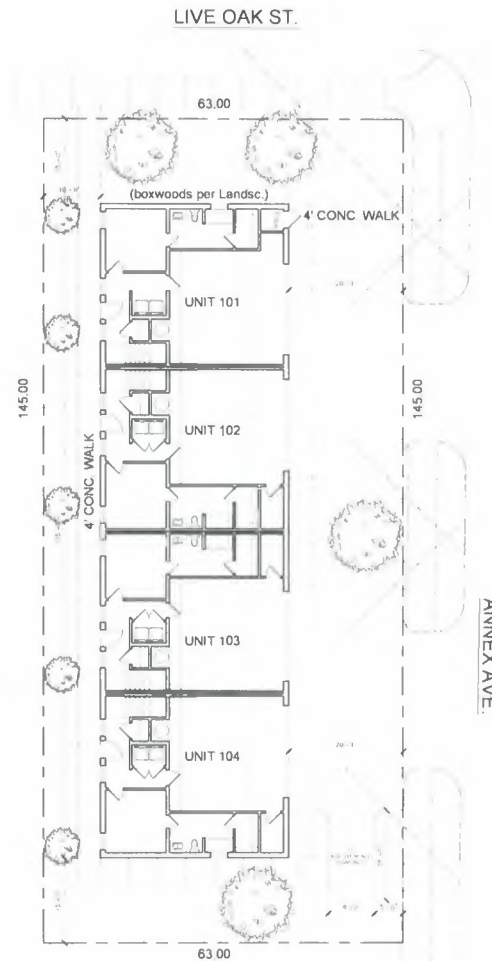
Before me, the undersigned, on this day personally appeared
Amal Alsubki

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 21 day of
March, 2025



[Signature]
Notary Public for Dallas County,
Texas

Commission expires on
05/05/2026



NOTE:

REFER TO CIVIL ENGINEERING
AND LANDSCAPE PLANS
FOR ADDITIONAL
INFORMATION

DENSITY:

$949 \times 4 = 3,796$ (FOOTPRINT)
 $3,796 / 9,135 = 0.4155$
 $= 41.55\%$ COVERAGE

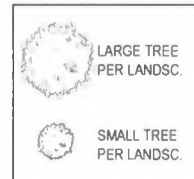
PARKING:

4 X 2 BR UNITS
 $= 4 \times 2 = 8$

SPACES REQUIRED:
 8 SPACES PROVIDED.

VISITOR PARKING:
 4 UNITS X 0.25 = 1.0 SPACES
 REQUIRED.

1 VISITOR SPACE PROVIDED.



Site Plan

01

1" = 10'

PLAN NORTH



972.353.6155
 www.triunearchitecture.com



Townhouse
 Development
 4537 Live Oak St
 Dallas TX

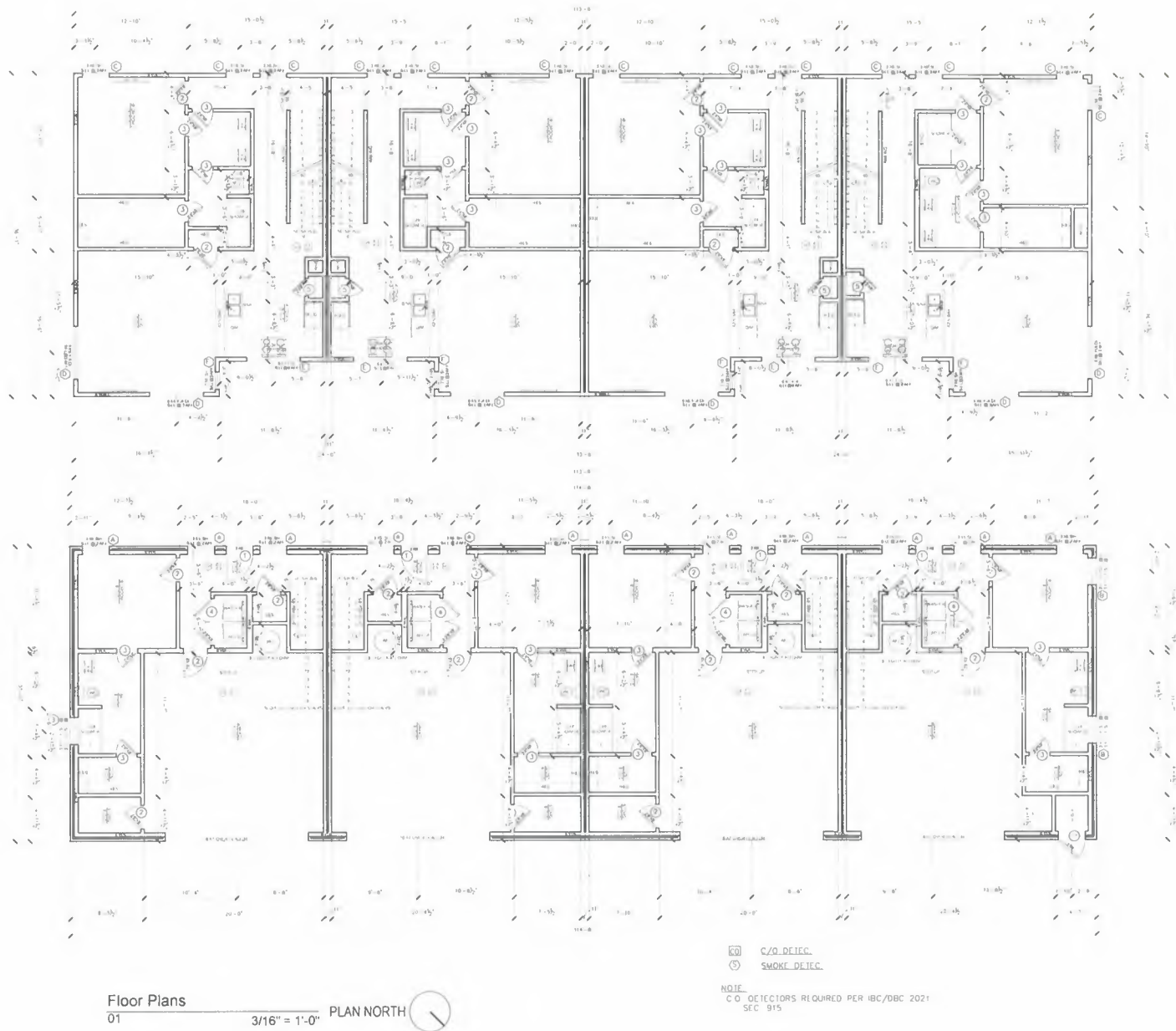


Project # 2405

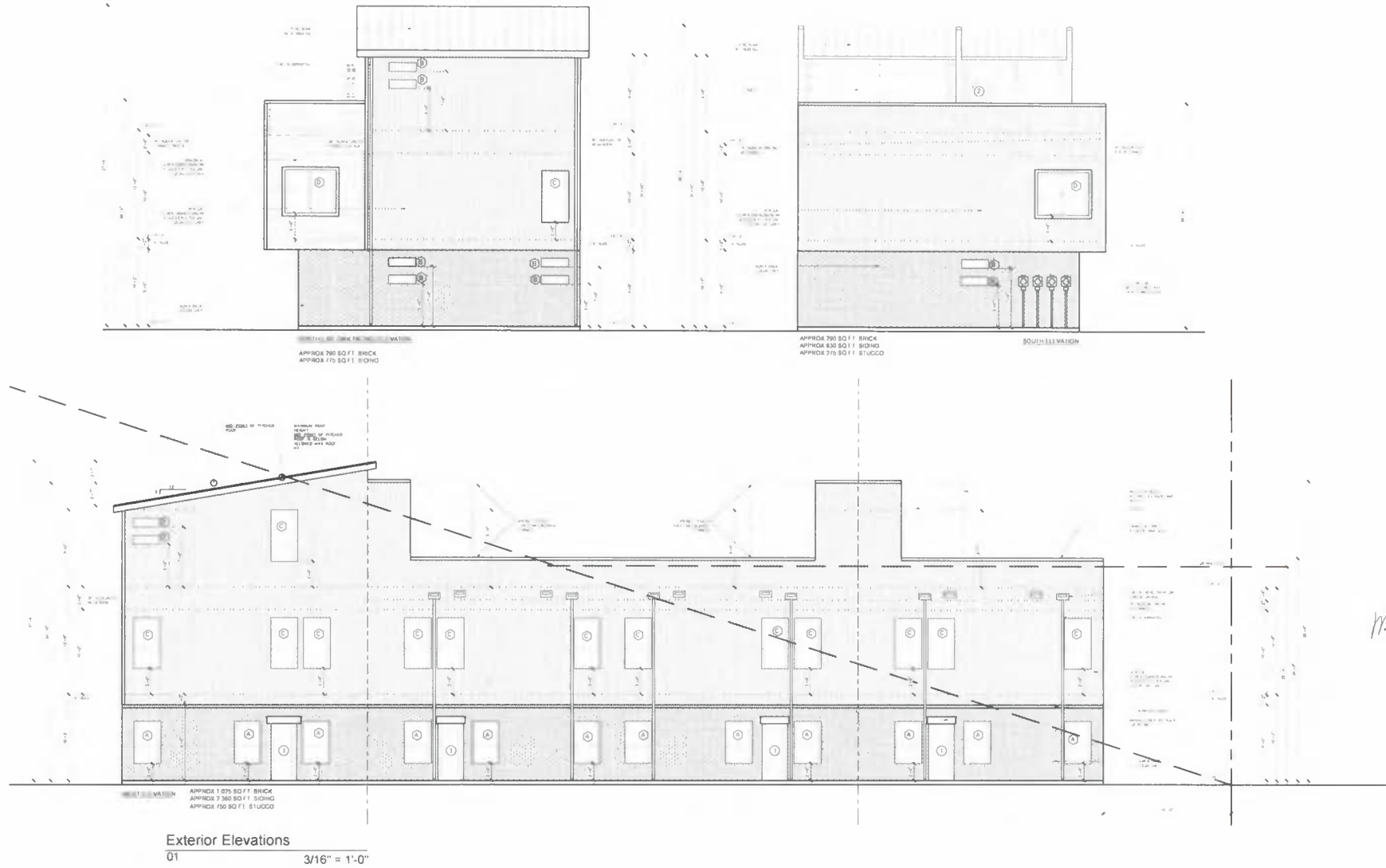
SITE
PLAN

A0.1

BOA234-19



BDA234-119



972-363-8155
www.triunearchitecture.com



Townhouse
Development
4532 Live Oak St
Dallas TX

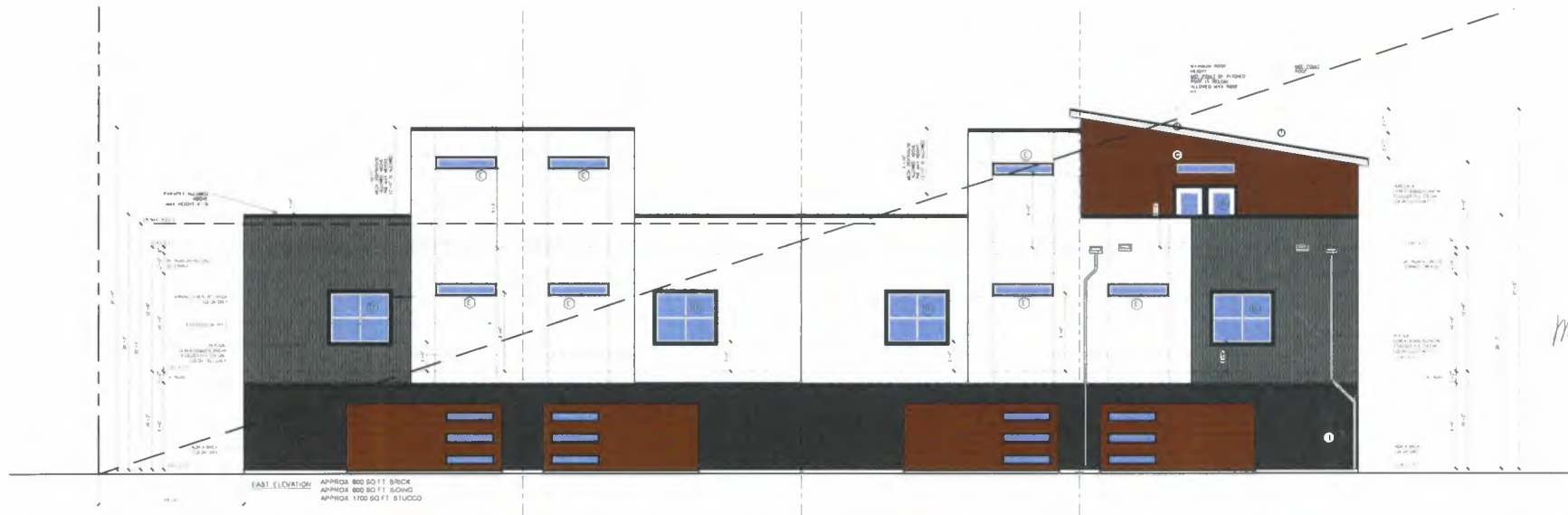


Project # 2405

EXTERIOR
ELEVATIONS

A2.1

DA234-14



Exterior Elevations

01 3/16" = 1'-0"

972-383-6155
www.triunearchitecture.com



Townhouse
Development
4537 Live Oak St
Dallas, TX



Project # 2405

EXTERIOR
ELEVATIONS

A2.2

BDA234-119

FILE NUMBER: BDA245-064 (CJ)

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

LOCATION: 5930 Richmond Avenue

APPLICANT: Amy Hall

REQUEST:

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

STANDARDS OF REVIEW FOR A VARIANCE:

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

- (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 (1)** to the **floor area for structures accessory to single-family use** regulations

Denial

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

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

BACKGROUND INFORMATION:

BDA History:

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

Square Footage:

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

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

Site: R-7.5(A) Zoning District

North: R-7.5(A) Zoning District

East: R-7.5(A) Zoning District

South: R-7.5(A) Zoning District

West: R-7.5(A) Zoning District

Land Use:

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

GENERAL FACTS/STAFF ANALYSIS:

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

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

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

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

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

Timeline:

- March 28, 2025: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- April 3, 2025: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel **C**.
- April 18, 2025: The Planning and Development Senior Planner emailed the applicant the following information:
- an attachment that provided the hearing date and panel that will consider the application; the April 23, 2025, deadline to submit additional evidence for staff to factor into their analysis; and May 9, 2025, deadline to submit additional evidence to be incorporated into the board's docket materials.

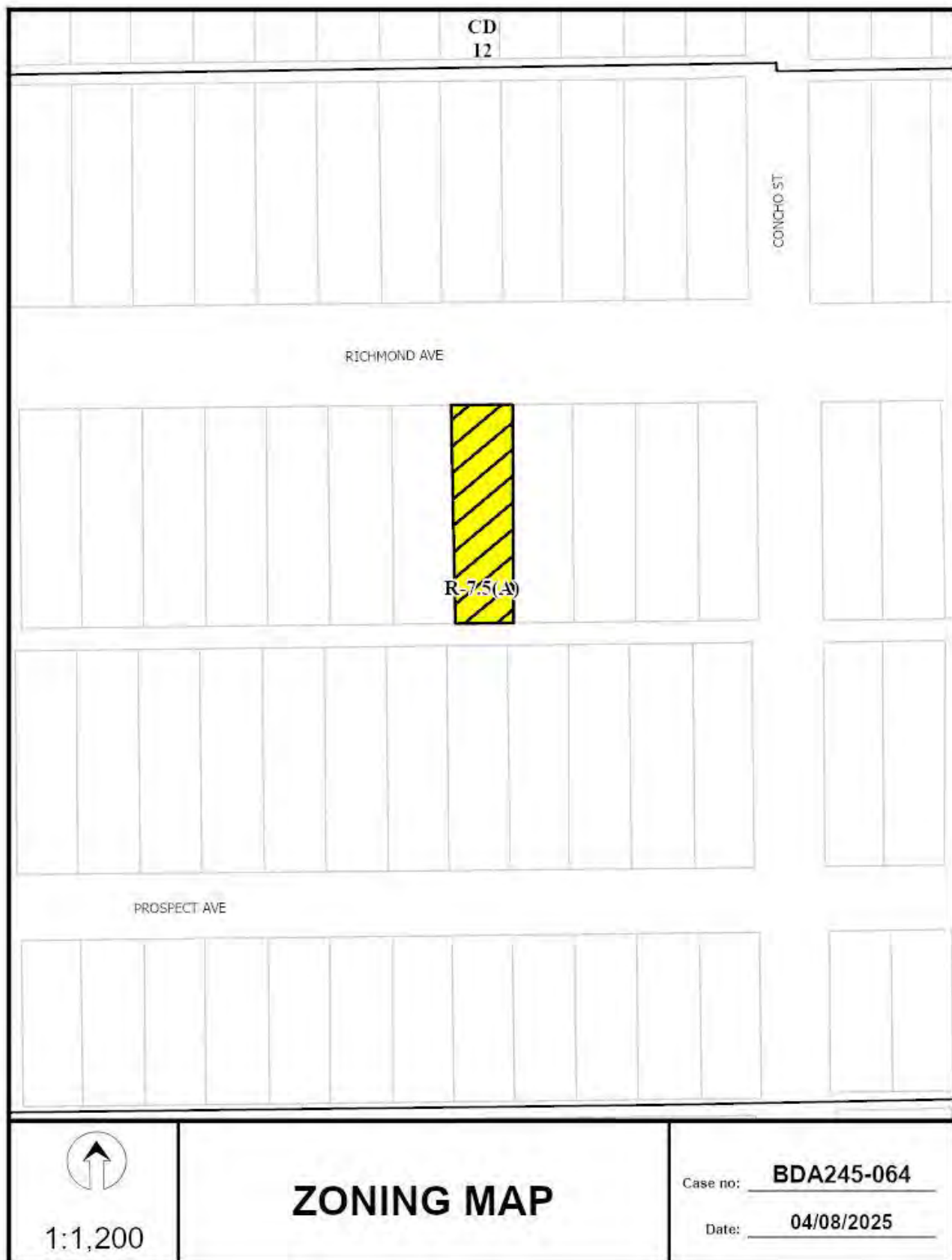
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

April 24, 2025:

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



BDA245-064 at 5930 Richmond Ave.



<p>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.</p>	<p>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.</p>	
<p style="text-align: center;">RICHMOND AVE</p> <p style="text-align: center;">PROSPECT AVE</p>		
<p>The number '0' indicates City of Dallas Ownership</p>		
<div style="text-align: center;"> 1:1,200 </div>	<h2 style="margin: 0;">NOTIFICATION</h2> <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <div style="border: 1px solid black; padding: 2px 5px; text-align: center;">200'</div> <div>AREA OF NOTIFICATION</div> </div> <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <div style="border: 1px solid black; padding: 2px 5px; text-align: center;">27</div> <div>NUMBER OF PROPERTY OWNERS NOTIFIED</div> </div>	<p>Case no: BDA245-064</p> <p>Date: 4/8/2025</p>

The area of interest is located ☒ 200' - Notification is required for properties located within the notification area and is shown on the map. These properties will be notified by mail and by email. If you are a property owner within the notification area, you will receive this notice by mail and by email.

Notification is required for properties located within the notification area and is shown on the map. These properties will be notified by mail and by email. If you are a property owner within the notification area, you will receive this notice by mail and by email.

200' NOTIFICATION AREA

100' NOTIFICATION AREA

The number '12' indicates City of Dallas Ownership.

NOTIFICATION

1:1,200

☒ 200' AREA OF NOTIFICATION

☒ 27 NUMBER OF PROPERTY OWNERS NOTIFIED

Case No: BDA245-064

Date: 4/8/2025

04/08/2025

Notification List of Property Owners**BDA245-064****27 Property Owners Notified**

Label #	Address	Owner
1	5930 RICHMOND AVE	MODI PUNIT &
2	5947 RICHMOND AVE	HORNE LEAR D
3	5943 RICHMOND AVE	OROZCO RAUL & SILVIA
4	5939 RICHMOND AVE	MOORE WELDON L III
5	5935 RICHMOND AVE	PHALEN MOLLY ANNE &
6	5931 RICHMOND AVE	ACKLEY YVONNE VERONA
7	5925 RICHMOND AVE	MASON BLAINE & STACIE
8	5923 RICHMOND AVE	ZARLING JOEL
9	5917 RICHMOND AVE	FLETCHER MARTIN L &
10	5915 RICHMOND AVE	COMBS KEVIN ANDREW &
11	5914 RICHMOND AVE	BARRIOS JOSE WILFREDO JR &
12	5918 RICHMOND AVE	RICHARDS TRAVIS &
13	5922 RICHMOND AVE	LOSAK BRIAN JOSEPH &
14	5928 RICHMOND AVE	STOEPPEL KELLY M
15	5932 RICHMOND AVE	SULLIVAN SHEYANNE J & JAMIES MITCHELL
16	5936 RICHMOND AVE	TURLEY R WINDLE
17	5942 RICHMOND AVE	MONA LINDA TURLEY
18	5946 RICHMOND AVE	BB EUCLID LLC
19	5945 PROSPECT AVE	SYFTESTAD ALF K &
20	5943 PROSPECT AVE	NORTHROP KARL S
21	5939 PROSPECT AVE	KRELLWITZ JOSEPH &
22	5935 PROSPECT AVE	SANDERS JASON L
23	5933 PROSPECT AVE	AFLALO TEXAS LLC
24	5927 PROSPECT AVE	SAMUELSON RICHARD THOMAS
25	5921 PROSPECT AVE	SULLIVAN MARIA L
26	5917 PROSPECT AVE	THOMAS <u>GRAHAM</u>
27	5915 PROSPECT AVE	GIESECKE MEGAN M



1:1,200

NOTIFICATION**200'**

AREA OF NOTIFICATION

27

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA245-064**Date: **4/8/2025**

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: MONDAY, MAY 19, 2025

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

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

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

BDA245-064(CJ) Application of Amy Hall for a variance to the floor area ratio regulations at 5930 RICHMOND AVENUE. This property is more fully described as Block 22/1913, Lot 8, and is zoned R-7.5(A), which requires that an accessory structure may not exceed 25% of the floor area of the main structure. The applicant proposes to construct and/or maintain a single-family residential accessory structure with 640 square feet of floor area (32% of the 2,020 square foot floor area of the main structure), which will require a 135 square foot variance to the floor area ratio regulations.

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

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

The Board of Adjustment hearing will be held by videoconference and in 6ES 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 **Sunday, May 18, 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 or 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

**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/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA

245-004

Date:

FOR OFFICE USE ONLY

RECEIVED

MAR 28 REC'D

BY:

Data Relative to Subject Property:

Location address: 5930 Richmond Avenue

Zoning District:

R-7.5

Lot No.: 8

Block No.: 22/1913

Acreage:

0.21

Census Tract:

Street Frontage (in Feet): 1) 50

2) 405

3)

4)

5)

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Punit Modi & Amy Hall

Applicant:

Amy Hall

Telephone:

832-527-2751

Mailing Address: 5930 Richmond Avenue, Dallas, TX

Zip Code:

75206

E-mail Address:

PunitAndAmy@gmail.com

Represented by:

Amy Hall

Telephone:

832-527-2751

Mailing Address: 5930 Richmond Avenue, Dallas, TX

Zip Code:

75206

E-mail Address:

PunitAndAmy@gmail.com

Affirm that an appeal has been made for a Variance ☒ or Special Exception ☐ of _____ sq ft over 1/4 main house.

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:

Need for when family is visiting from India. We have a new baby and both WFH, so we need additional sq ft.

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 Amy Hall

(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:

Amy Hall

(Affiant/Applicant's signature)

Subscribed and sworn to before me this

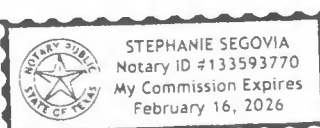
28th

day of March

2025

S. Segovia

Notary Public in and for Dallas County, Texas



**BOARD OF ADJUSTMENT
CITY OF DALLAS, TEXAS**

FILE NUMBER: BDA245-064

BUILDING OFFICIAL'S REPORT: Application of AMY HALLFOR for a variance to the floor area ratio regulations at **5930 RICHMOND AVE**. This property is more fully described as Block 22/1913, Lot 8, and is zoned R-7.5(A), which an accessory structure may not exceed 25% of the floor area of the main structure. The applicant proposes to construct and/or maintain a single family residential accessory structure with 640 square feet of floor area (32% of the 2,020 square foot floor area of the main structure), which will require a 135 square foot variance to the floor area ratio regulations.

.

LOCATION: 5930 RICHMOND AVE

APPLICANT: AMY HALLFOR



Appeal number: BDA 245-064

I, Punit Modi, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 5930 Richmond Avenue, Dallas, TX 75206
(Address of property as stated on application)

Authorize: Amy Hall
(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)

X Variance (specify below)

 Special Exception (specify below)

 Other Appeal (specify below)

Specify: Floor area for accessory structures for single family uses

PUNIT MODI
Print name of property owner or registered agent

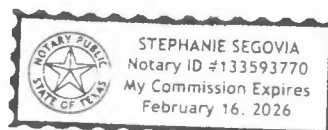
[Signature]
Signature of property owner or registered agent

agent Date 3/28/2025

Before me, the undersigned, on this day personally appeared
Punit Modi

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 28th day of
March, 2025



S. Segovia
Notary Public for Dallas County,
Texas

Commission expires on
02/16/2026

SHIPPED
DATE: 5-2-96

RECEIVED
DATE: 7-11-96

CITY OF DALLAS PLAT BOOKS

ANNEXED APRIL 1, 1919 ORD. NO.

ADDITION BELMONT

BLOCKS 1910, 1911, 1912, 1913, 1914, 1915

SURVEY ALLEN BEARD
ROBERT RAY

ABST. 66
1242

SCALE 100 FT. EQUALS 1 INCH

b6
b7C 5-18-88SCHOOL DISTRICT DALLAS

REPLAT LOT 22-A BLK. 26/1915 FILED: 8-30-88
FILED: 5-5-88 BLK. 28/1915 LOT 20A BELMONT ADDN. REPLAT

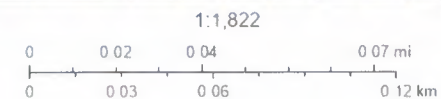


141
BDA 245-064

ArcGIS Web Map



3/12/2025, 2:09:54 PM



Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

BDA245-064

PUNIT+AMY RESIDENCE - ADU / GUEST HOUSE

PROJECT GENERAL NOTES

1. THESE DRAWINGS AND NOTES TO BE USED BY THE ARCHITECTS OF THE PROPERTY OWNER AND NOT BY THE CONTRACTOR. ANY CHANGES TO THE CONSTRUCTION OF THIS PROJECT SHALL BE MADE BY THE ARCHITECT.
2. ALL TRADES SHALL BE RESPONSIBLE FOR KNOWING THE LOCAL MUNICIPALITY AND STATE REQUIREMENTS AND FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
3. THE OWNER SHALL PROVIDE ALL NECESSARY INFORMATION TO THE ARCHITECTS, INCLUDING BUT NOT LIMITED TO, THE EXISTING CONDITIONS OF THE PROPERTY, THE LOCATION OF ALL UTILITIES, AND THE LOCATION OF ALL ADJACENT PROPERTIES.
4. THE OWNER SHALL PROVIDE ALL NECESSARY INFORMATION TO THE ARCHITECTS, INCLUDING BUT NOT LIMITED TO, THE EXISTING CONDITIONS OF THE PROPERTY, THE LOCATION OF ALL UTILITIES, AND THE LOCATION OF ALL ADJACENT PROPERTIES.
5. THE ARCHITECTS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
6. THE ARCHITECTS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.

SHEET LEGEND

COVER	SITE PLAN / GENERAL NOTES
A2.0	ADU - FLOOR PLAN / ROOF PLAN / WINDOW SCHEDULE
A2.1	FOUNDATION PLAN / ELECTRICAL PLAN
A4.0	ELEVATIONS

PROJECT LOCATION

5930 RICHMOND AVENUE
DALLAS, TX

LEGAL DESCRIPTION

LOT 8, BLOCK 22 / 1913
BELMONT ADDITION
CITY OF DALLAS, TEXAS
DALLAS COUNTY

PROJECT DESCRIPTION

EXISTING SINGLE FAMILY RESIDENCE TO REMAIN
(NOT IN SCOPE)

NEW ADU / GUEST HOUSE

NEW FRONT-YARD LANDSCAPE
ENHANCEMENTS

APPLICABLE BUILDING CODES AND ORDINANCES

- 1. DALLAS CITY CODE - 2019 EDITION
- 2. DALLAS CITY CODE - 2019 EDITION
- 3. DALLAS CITY CODE - 2019 EDITION
- 4. DALLAS CITY CODE - 2019 EDITION
- 5. DALLAS CITY CODE - 2019 EDITION
- 6. DALLAS CITY CODE - 2019 EDITION

STRUCTURE AREAS

EXISTING RESIDENCE 1,880 SQ. FT.
EXISTING COVERED FRONT PORCH 140 SQ. FT.
EXISTING (UNCOVERED) BACK DECK 334 SQ. FT.

NEW ADU / GUEST HOUSE 640 SQ. FT.

LOT COVERAGE

LOT AREA 9,250 SQ. FT.

ALLOWABLE LOT COVERAGE
45% 4,162.5 SQ. FT.

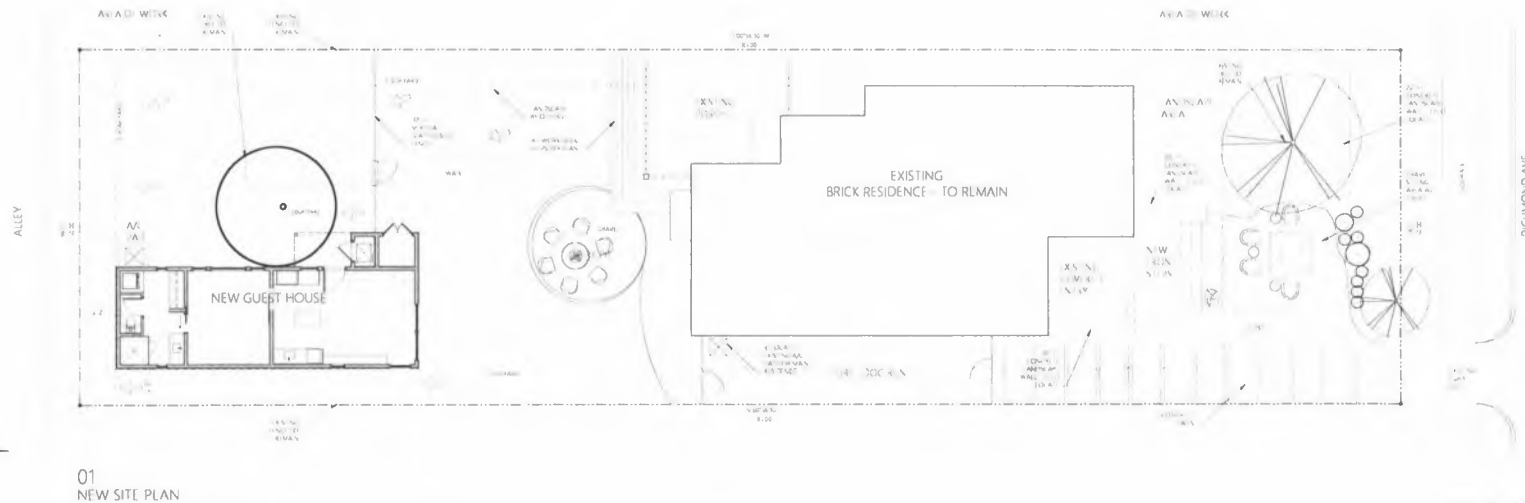
LOT COVERAGE 2,800 SQ. FT. (30%)

SITE: GREEN PHASE II NOTES

1. 80% OF THE NON-ROOF AREA OF THE LOT IS COVERED WITH VEGETATIVE LANDSCAPE (GRASS, TREES, ETC.) OR PERMEABLE MATERIAL.
2. CONTRACTOR TO INSTALL DRIP IRRIGATION SYSTEM AS PART OF THE INITIAL PROJECT CONSTRUCTION.

STORM WATER DRAINAGE NOTES

- 1. DRAINAGE SHALL BE TO THE STREET OR TO A DRAINAGE SYSTEM.
- 2. ALL DRAINAGE SHALL BE TO THE STREET OR TO A DRAINAGE SYSTEM.



RISSER DESIGN DEVELOPMENT
5400 PIER STREET
DALLAS, TX 75206
214-485-1838

PROJECT

PUNIT+AMY RESIDENCE - GUEST HOUSE
5930 RICHMOND AVE
DALLAS, TX

ISSUE
FOR
PERMIT /
CONSTRUCTION
ISSUE DATE
03/10/2025

REVISIONS

No DATE ITEM

SHEET NAME

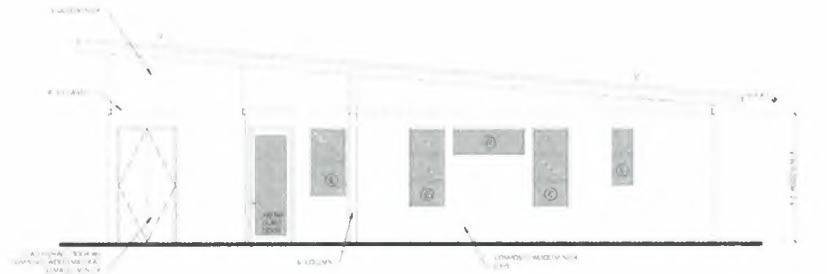
GENERAL NOTES /
DATA

SITE PLAN

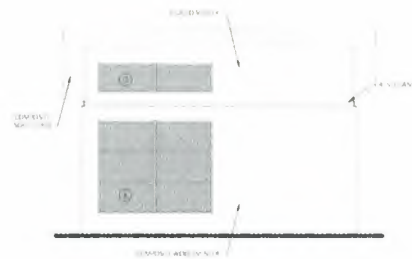
SHEET NUMBER

COVER

BDA245-004



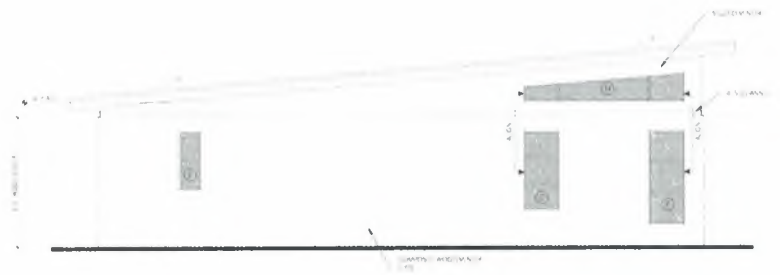
01
ADU - RIGHT SIDE / WEST ELEVATION



02
ADU - FRONT / NORTH ELEVATION



03
ADU - REAR / SOUTH ELEVATION



04
ADU - LEFT SIDE / EAST SIDE ELEVATION



05
EXISTING RESIDENCE - FRONT ELEVATION

ESTIMATED TOTAL EXTERIOR MATERIAL VENEER AREAS (excluding waste)

- EXTERIOR COMPOSITE WOOD MATERIAL = 1,000 SQ. FT.
- STUCCO = 180 SQ. FT.

TYPICAL GRADE BEAM

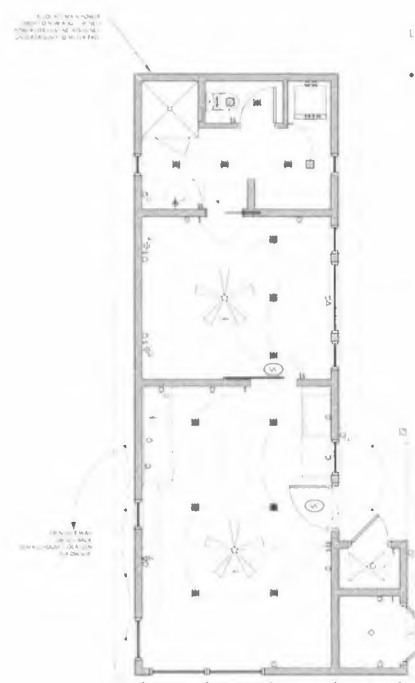
01
BACK HOUSE - FOUNDATION PLAN



- OWNER AND CONTRACTOR TO FINALIZE ALL POWER / LIGHTING WITH ELECTRICAL SUB CONTRACTOR PRIOR TO COMMENCEMENT OF WORK
- CENTER WALL SWITCHES AND DIMMERS AT 36" A.F. (UNLESS REQUIRED OTHERWISE BY OWNER)
- FIELD LOCATE WALL MOUNTED SCONCE LIGHTS
- ELECTRICAL SUB CONTRACTOR SHALL VERIFY ALL APPLIANCE POWER REQUIREMENTS / SPECIFICATIONS PRIOR TO ELECTRICAL ROUGH IN
- COMBO POWER / USB PORTS - LOCATED BY OWNER
- ELECTRICAL SUB CONTRACTOR SHALL PROVIDE SOFFIT / EAVE LIGHTING - REFER OWNER FOR LOCATION
- FINAL LIGHTING / PLUG LOCATIONS TO BE FIELD VERIFIED WITH "BOX WALK" WITH OWNER

- CONTRACTOR AND OWNER TO COORDINATE SECURITY SYSTEM SPECIFICATIONS AND CAMERA LOCATIONS AS WELL AS ANY AUDIO / VIDEO SYSTEMS FOR THE NEW STRUCTURE ONLY

- ANY LANDSCAPE LIGHTING (BOTH FRONT AND BACKYARD) SHALL BE LOCATED IN THE FIELD AND PRICED UNDER A SUBSEQUENT AGREEMENT WITH THE INSTALLER / PROVIDER

02
BACK HOUSE • ELECTRICAL PLAN

PROJECT

PUNIT+AMY RESIDENCE - GUEST HOUSE
5930 RICHMOND AVE
DALLAS, TX

ISSUE
FOR
PERMIT /
CONSTRUCTION

ISSUE DATE
03/10/2025

REVISIONS

No	DATE	ITEM
----	------	------

SHEET NAME

FOUNDATION PLAN

ELECTRICAL PLAN

SHEET NUMBER

A2.1

BDA245-064

5930 RICHMOND AVE



BDA245-064

AMY HALL & PUNIT MODI

Variance to the floor area ratio restriction of additional 135 sq ft

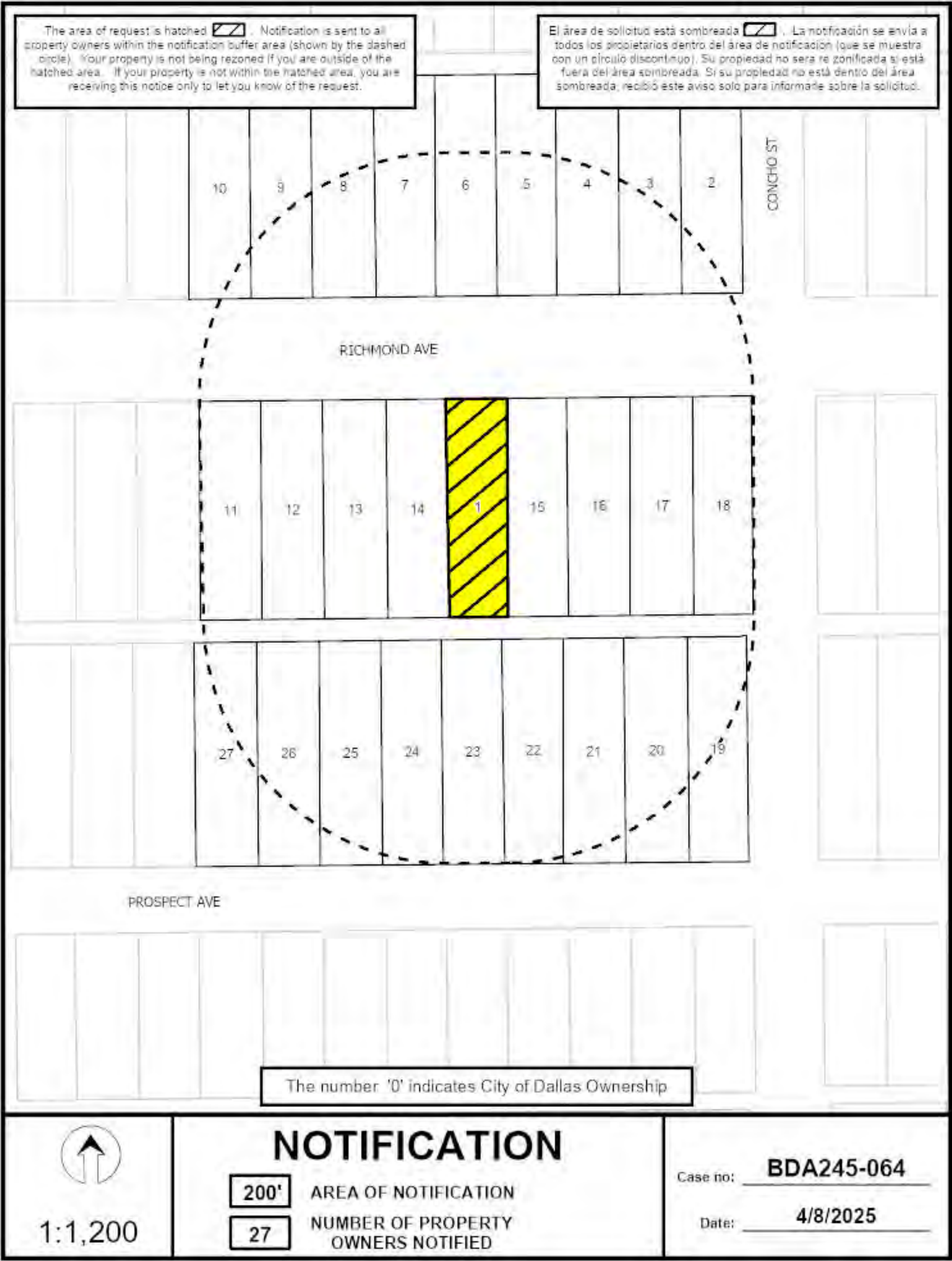
RESTRICTION:

An accessory structure may not exceed 25% of the floor area of the main structure.

PROPOSED:

Construct and/or maintain a single family residential accessory structure with 640 square feet of floor area (32% of the 2,020 square foot floor area of the main structure), which will require a 135 square foot variance to the floor area ratio regulations.

200 FOOT RADIUS



CONSIDERATIONS:

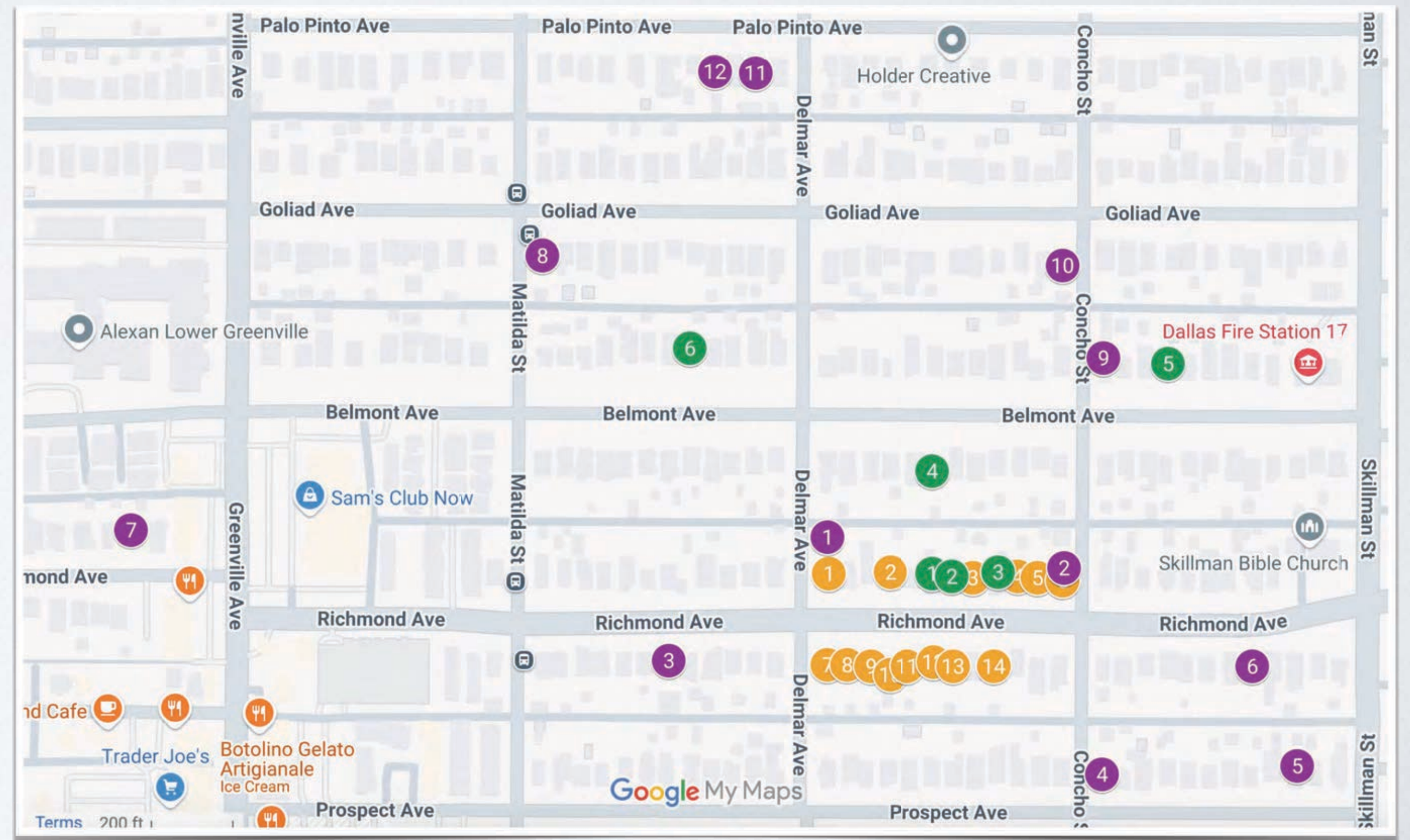
- The additional sq ft is NOT contrary to public interest.
- We have a smaller house in comparison to many neighbors so the 1/4 allotment is NOT sufficient.
- We have a very large lot and are well beneath the lot coverage requirements.
- Structurally and financially it makes more sense to build detached. Our contractor and structural engineer confirmed this with assessments and price quotes.
- Properties near us have secondary structures in back yard, most larger than our request.
- Less than 200 yards away, the Belmont Historic District allows 700 square foot ADU with kitchen by right. Why is the policy different and more time consuming and costly for us?
- Newborn baby and relatives traveling from outside of the country for extended visits equal additional space. Plus, we each work from home need auxiliary space. Otherwise, we will have to tear down the historic home we take pride in maintaining and build new on this lot or move to a much more costly property, likely outside of the neighborhood we have called home for a decade.

ACCESSORY STRUCTURE & ADU RESEARCH

INTERACTIVE MAP (CLICK)

Here are examples of existing conditions similar to our request on neighboring lots.

1. Majority of homes on the 5900 block of Richmond have a main house and a 2nd structure.
2. Many homes in the surrounding neighborhood have a back house. Policies differ from street to street and many exceed the 1/4 sq ft rule.



NEIGHBORHOOD STATS:

Secondary Structures

- 66% of homes (8 of 12) on South side of 5900 block of Richmond have a second structure.
- Neighbors to the East & West both have garages of 700+ sq ft.

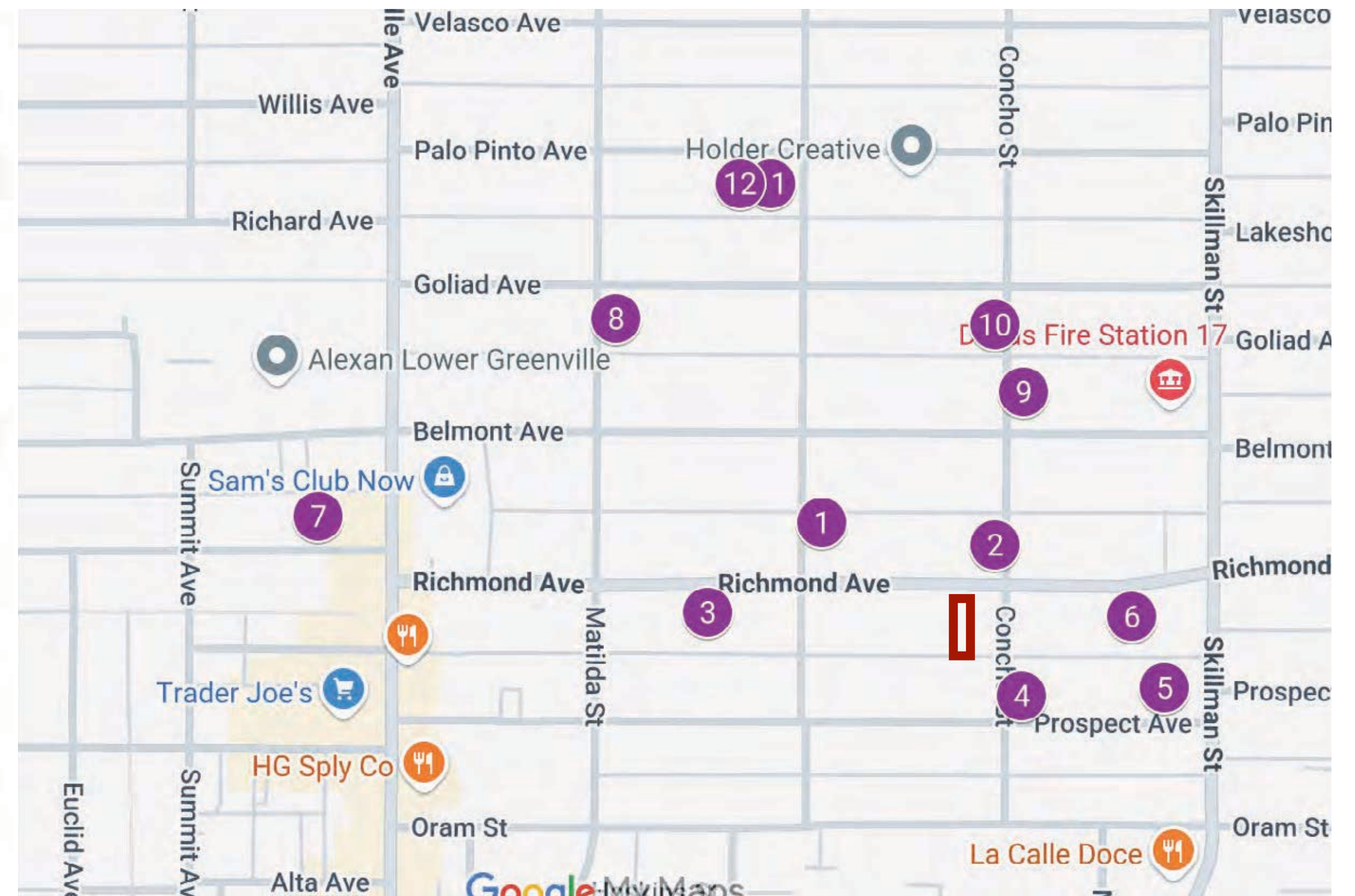


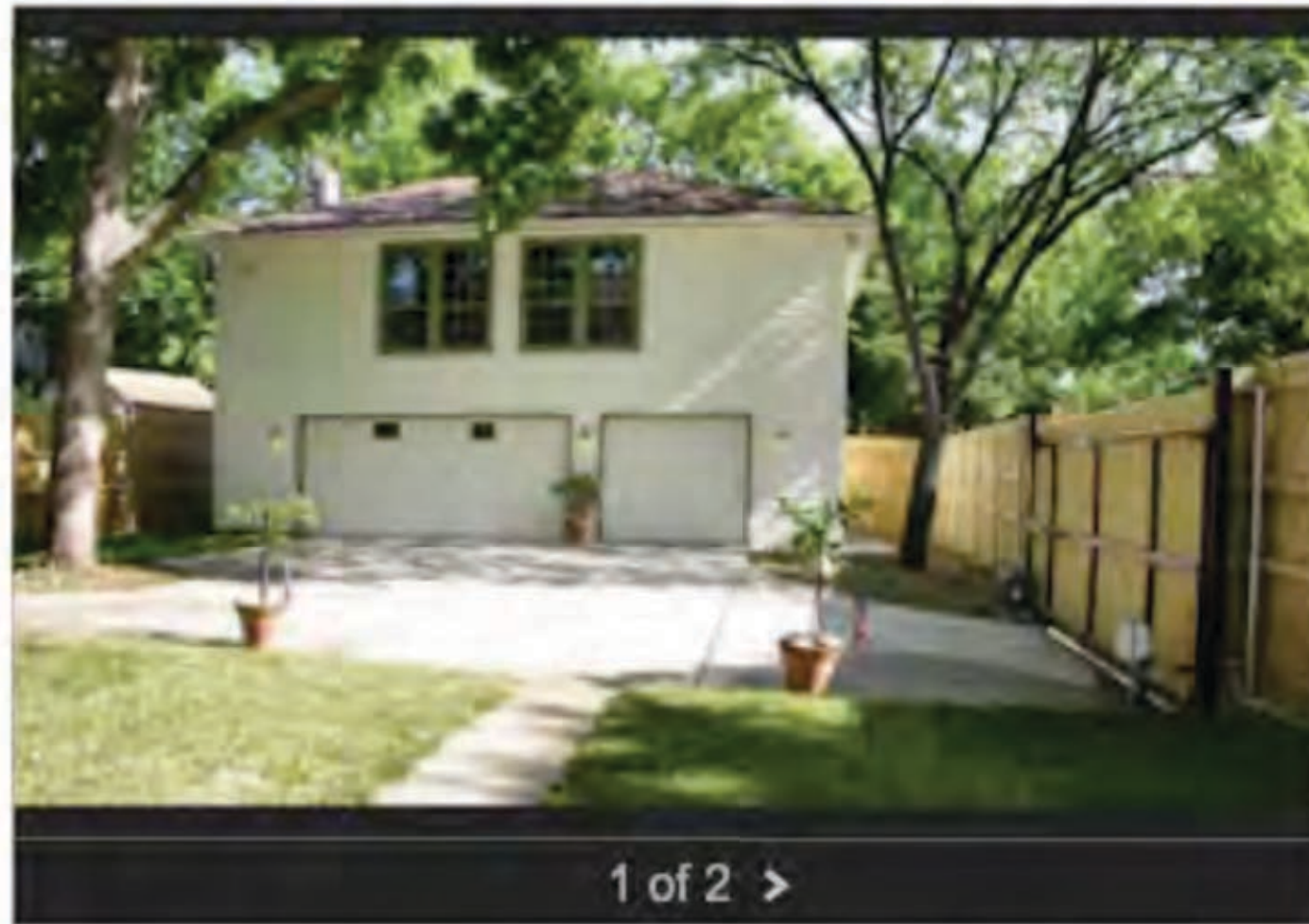
NEIGHBORHOOD STATS:

Garages & Back Houses *Only highlights some for illustrative purposes.

- New build homes that already have more sq ft are allowed a large back house.
Ex. 6028 Richmond Ave
- Many homes cover much more of their lot with or without a back house.
Ex. 6003 Belmont Ave
- Many back houses exceed 1/4 of the sq ft of the main house.
Ex. 5947 Richmond Ave

- 1 5903 Richmond Avenue
- 2 5947 Richmond Avenue
- 3 5828 Richmond Avenue
- 4 6003 Prospect Avenue
- 5 6039 Prospect Avenue
- 6 6028 Richmond Avenue
- 7 5631 Richmond Avenue
- 8 5800 Goliad Avenue
- 9 6003 Belmont Avenue
- 10 5946 Goliad Avenue
- 11 5840 Palo Pinto Avenue
- 12 5834 Palo Pinto Avenue



5947 Richmond Avenue

1 of 2 >

3950 sq ft. Backhouse is approximately 1605 sq ft. Oversized 3-car garage. Above garage is another 700 square feet of space

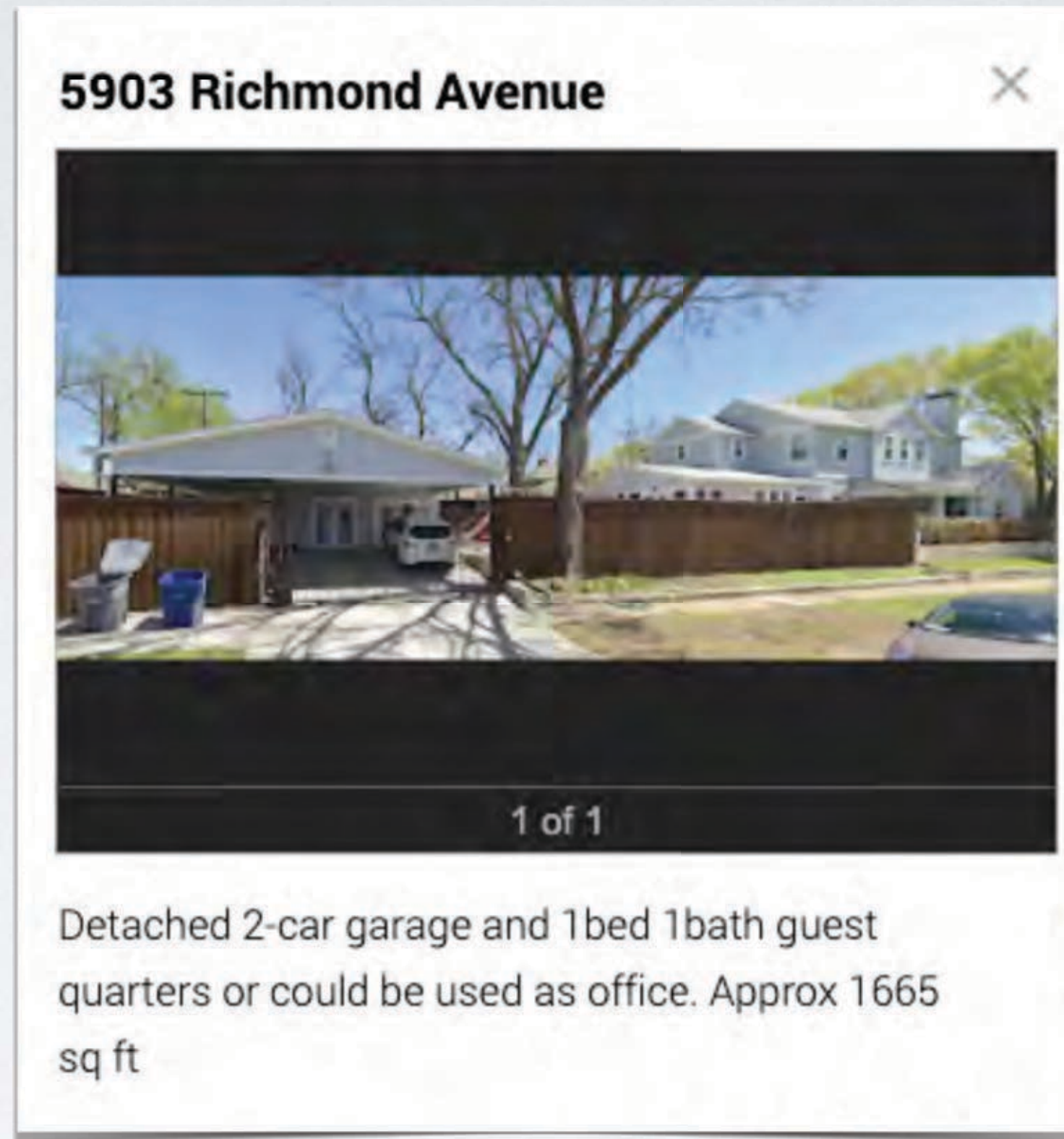
5947 Richmond Avenue

< 2 of 2

3950 sq ft. Backhouse is approximately 1605 sq ft. Oversized 3-car garage. Above garage is another 700 square feet of space

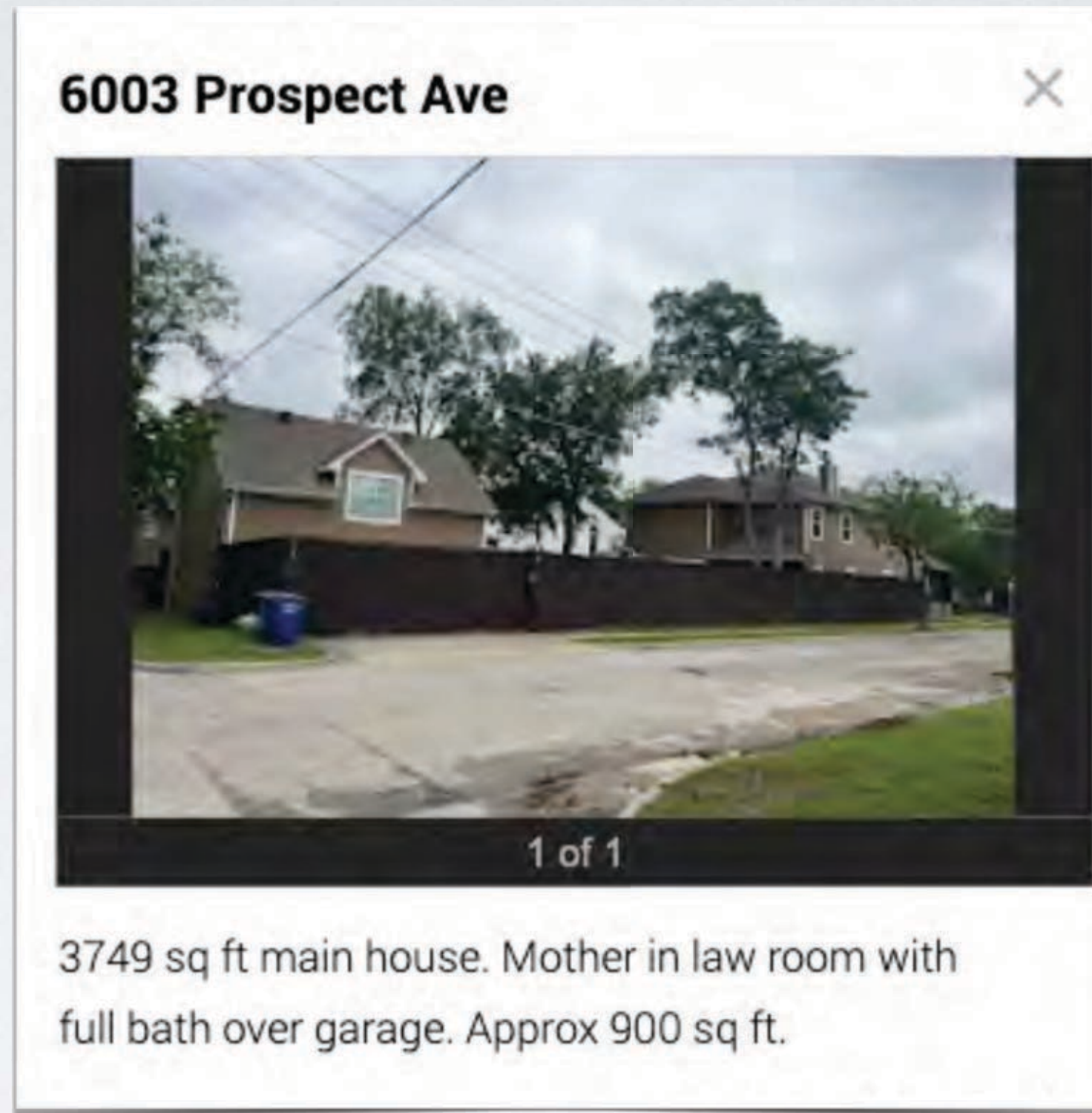
5947 RICHMOND AVE

1605 sq ft back house



5903 RICHMOND AVE

Approx 1665 sq ft back house



6003 PROSPECT AVE

Approx 900 sq ft back house

5631 Richmond Avenue



1 of 4 >

Approx 675 sq ft modern garage

5631 Richmond Avenue



< 5 of 5

Approx 675 sq ft modern garage

5631 RICHMOND AVE

Approx 675 sq ft garage

UNAPPEALING ALTERNATIVES:

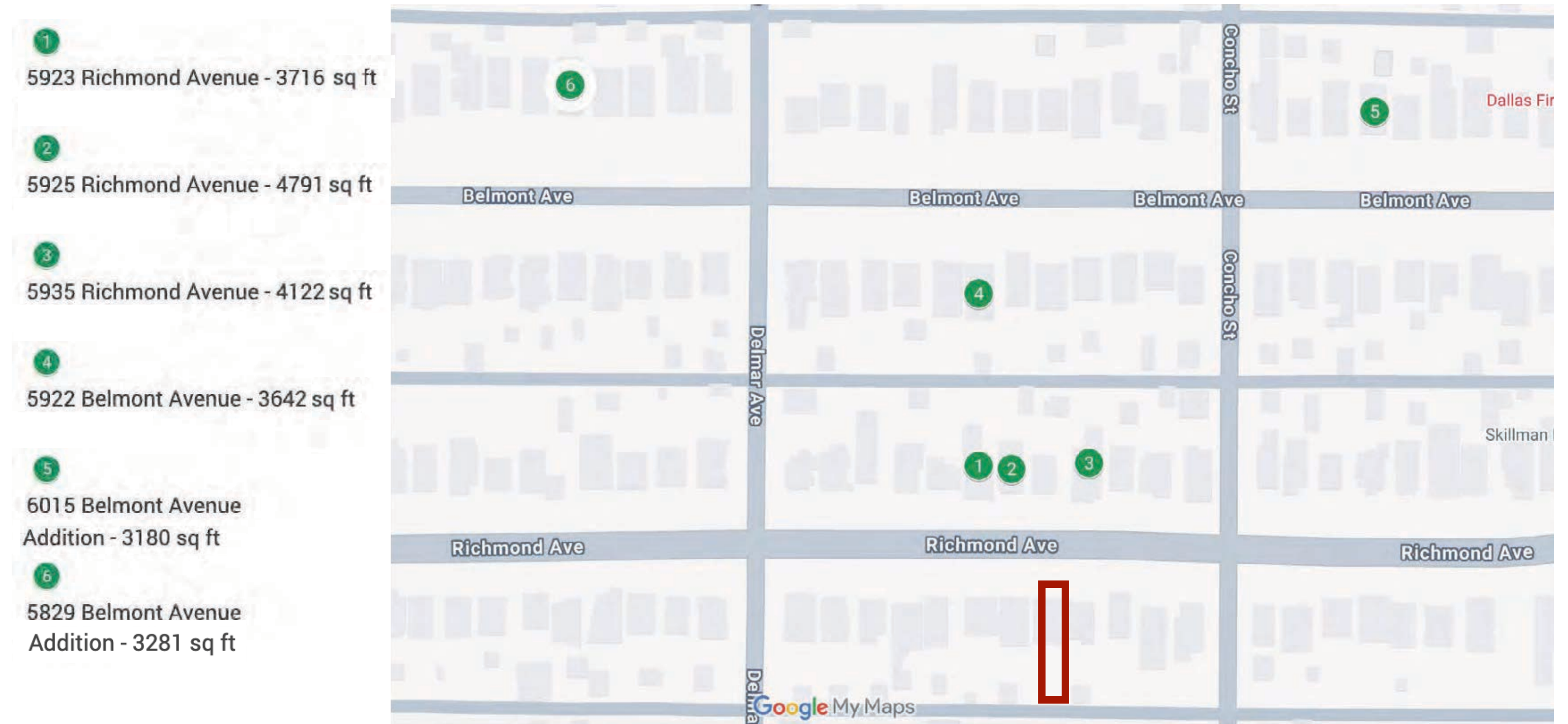
Financially Inhibitive

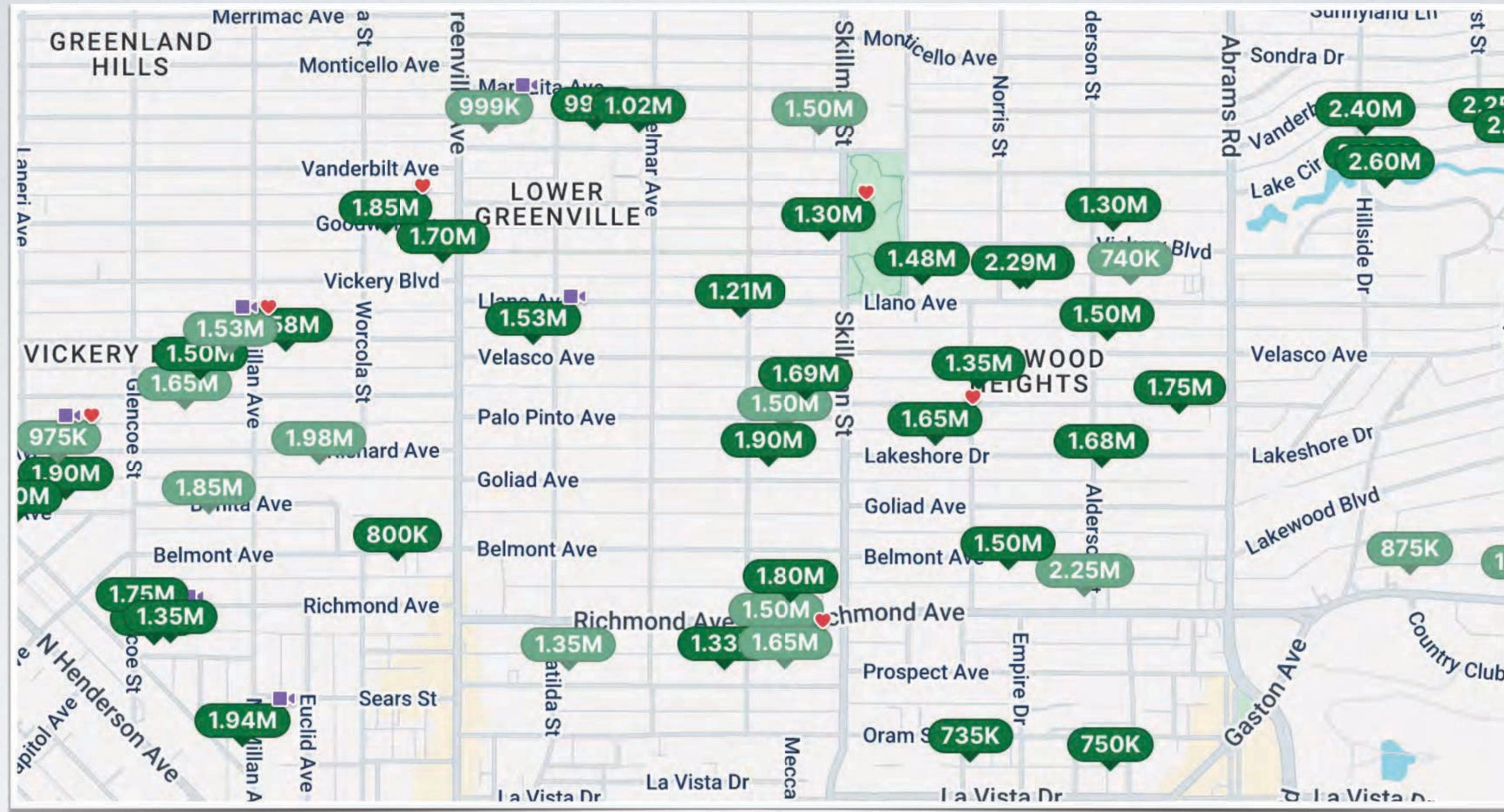
- Build or buy a new, larger home at a much higher price to stay in the area.

Ex. 5925 Richmond Ave

- Add on to our main house with extra expense to tie into the existing pier and beam foundation.

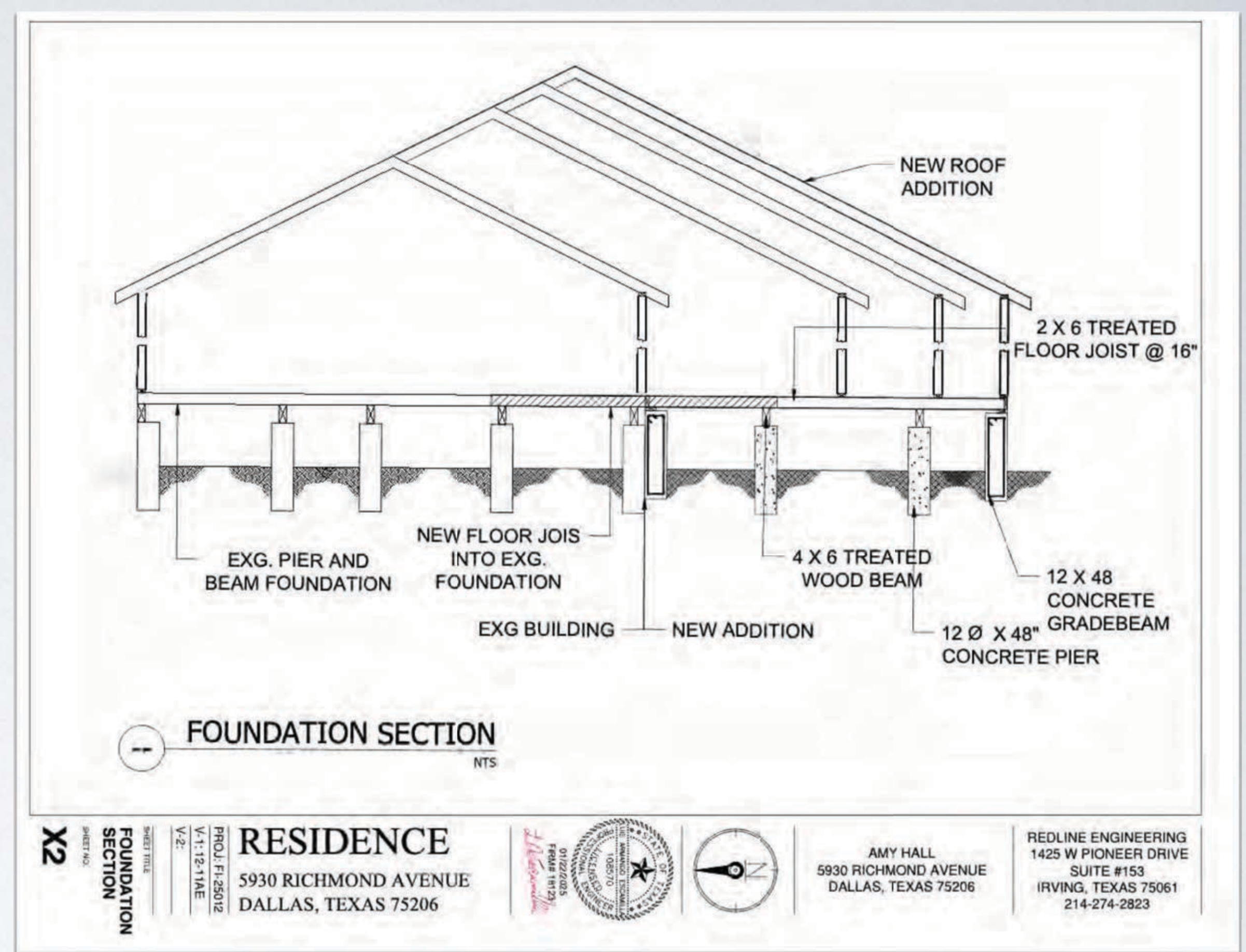
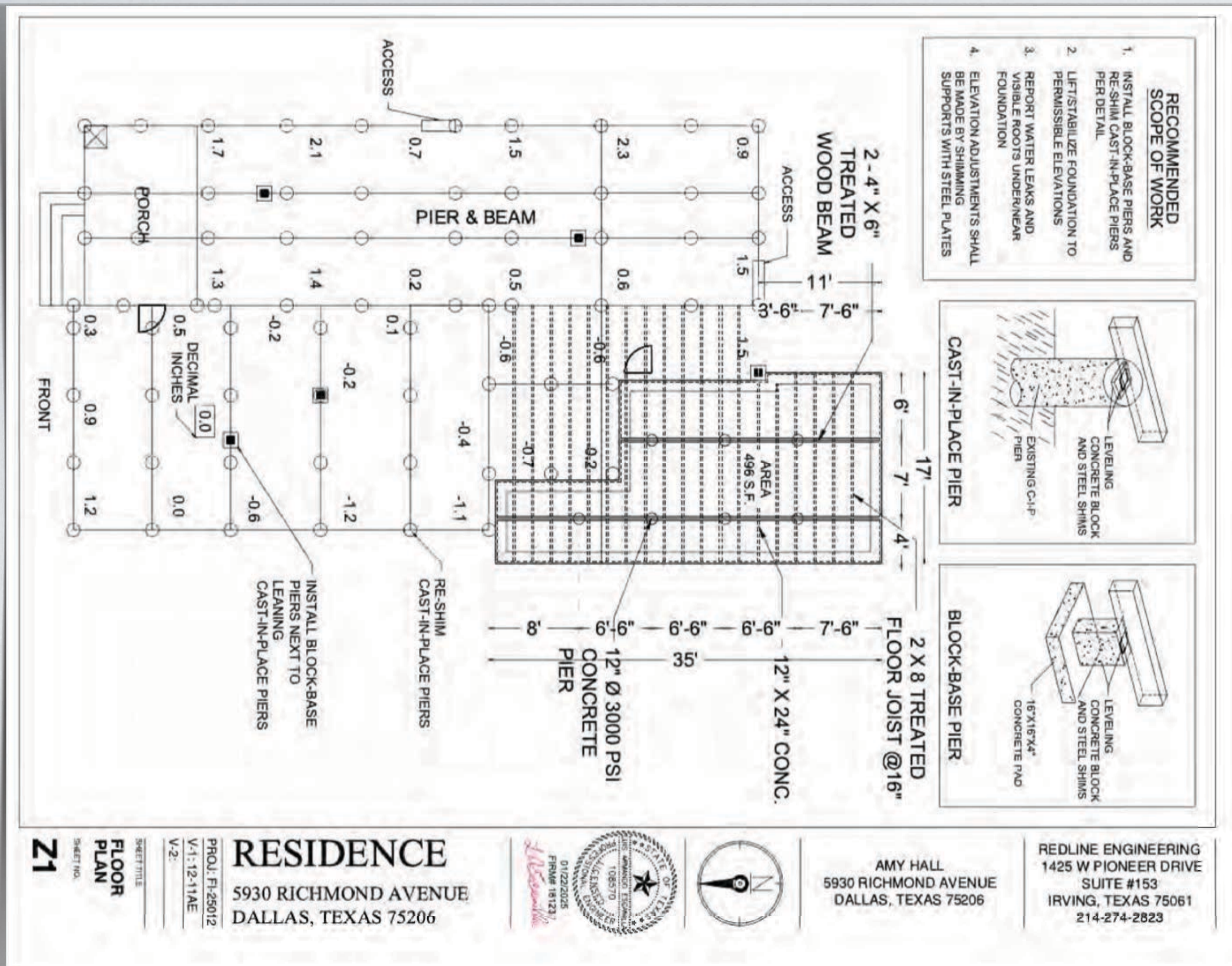
Complex and costly.
Ex. 5829 Belmont Ave





FOR SALE HOME PRICES 2025

3 bed / 2.5 bath 2000+ sq ft



ADDITION ASSESSMENT

Requires extensive foundation and roof enhancements to main house.
Cost prohibitive for growing family.

**BOARD OF ADJUSTMENT
CITY OF DALLAS, TEXAS**

MONDAY, MAY 19, 2025

FILE NUMBER: BDA245-066(CJ)

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

LOCATION: 3516 Ross Avenue

APPLICANT: Oliver Steinberg

REPRESENTATIVE: Skye Thibodeaux

REQUEST:

(1) A request for a special exception to the off-street parking regulations.

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

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

STAFF RECOMMENDATION:

1. Special Exceptions (1):

No staff recommendation is made on this request.

BACKGROUND INFORMATION:

BDA History:

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

Square Footage:

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

Zoning:

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

Land Use:

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

GENERAL FACTS/STAFF ANALYSIS:

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

Timeline:

April 1, 2025: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

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

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

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

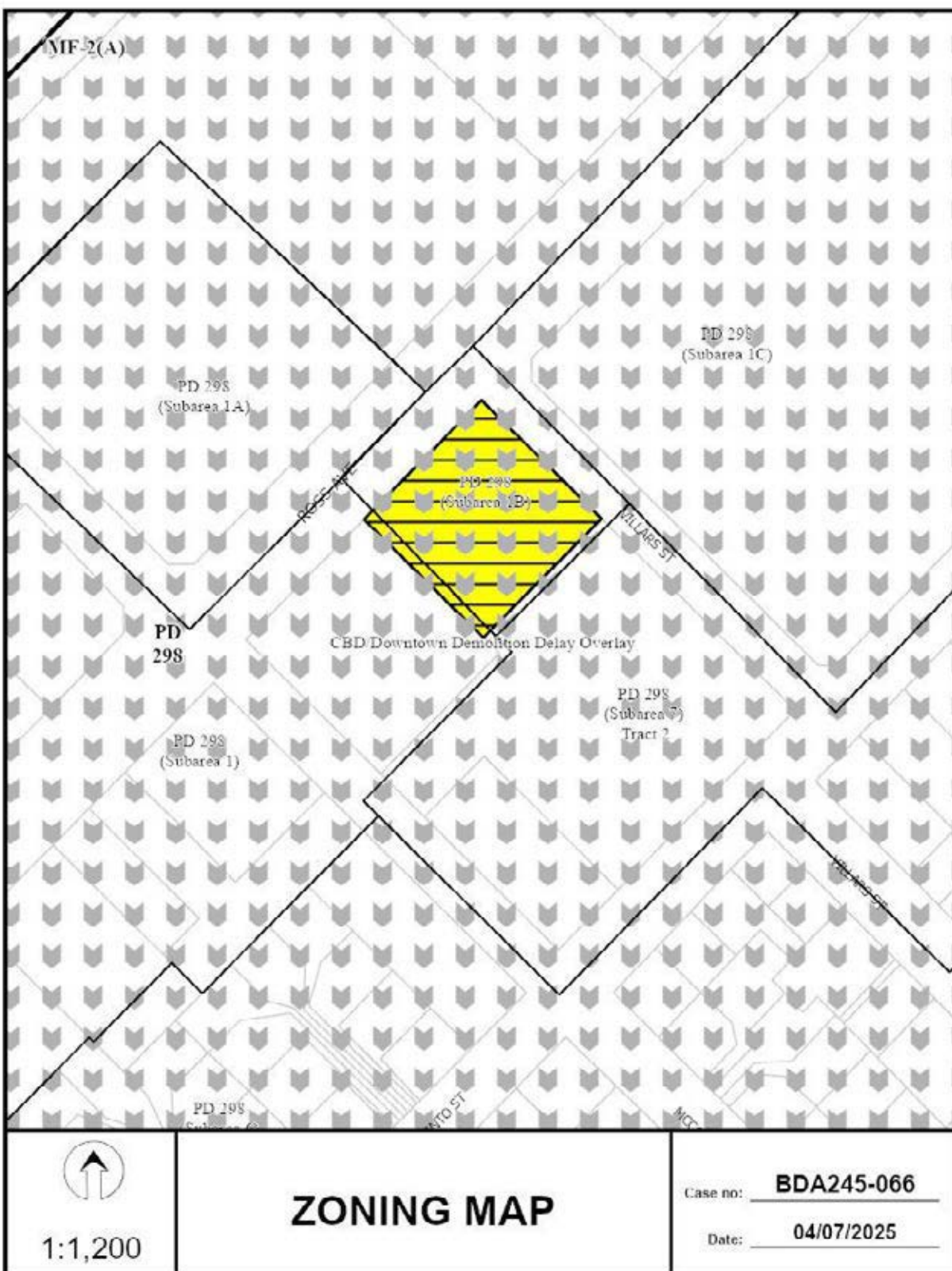
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

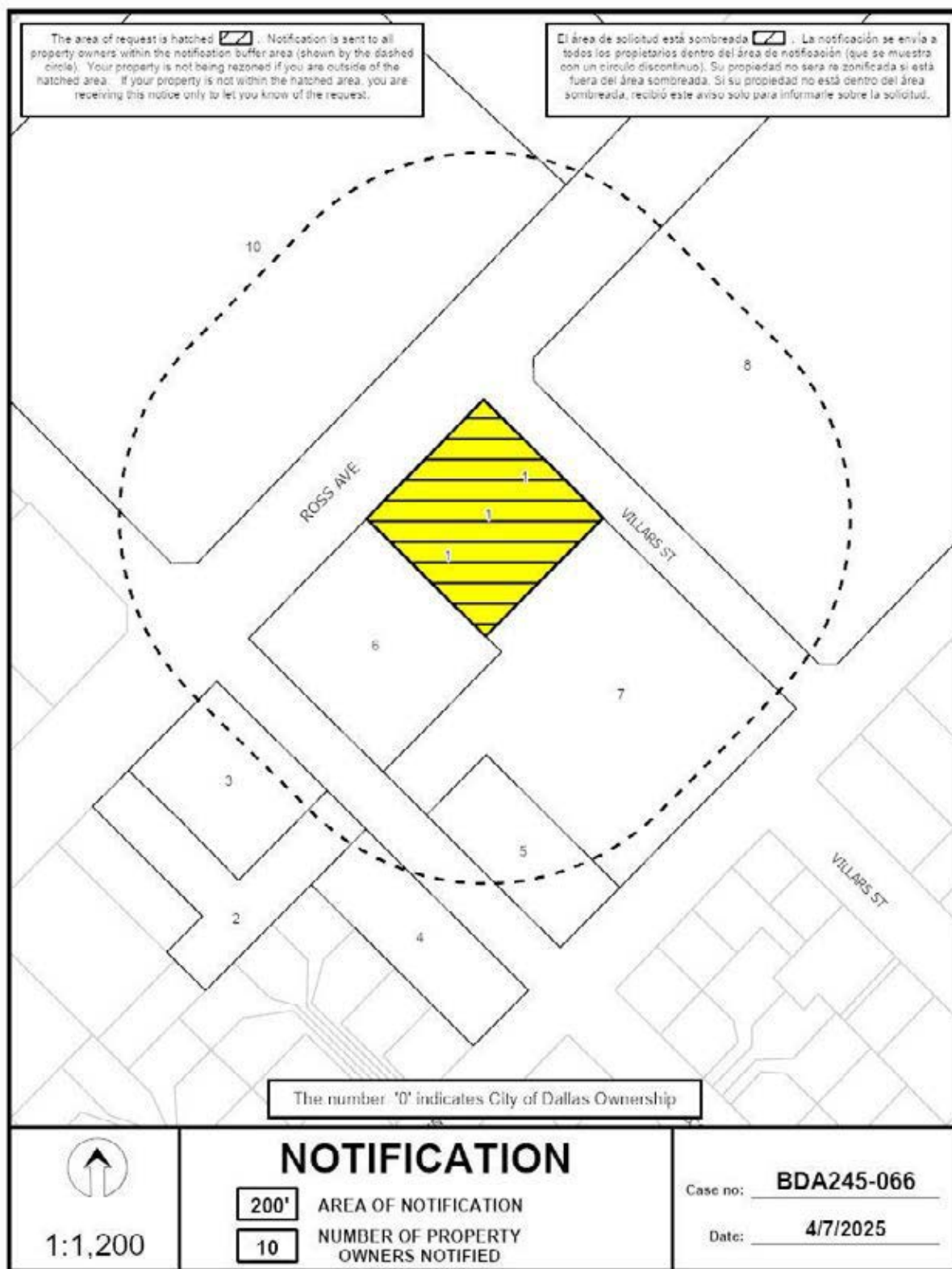
April 24, 2025:

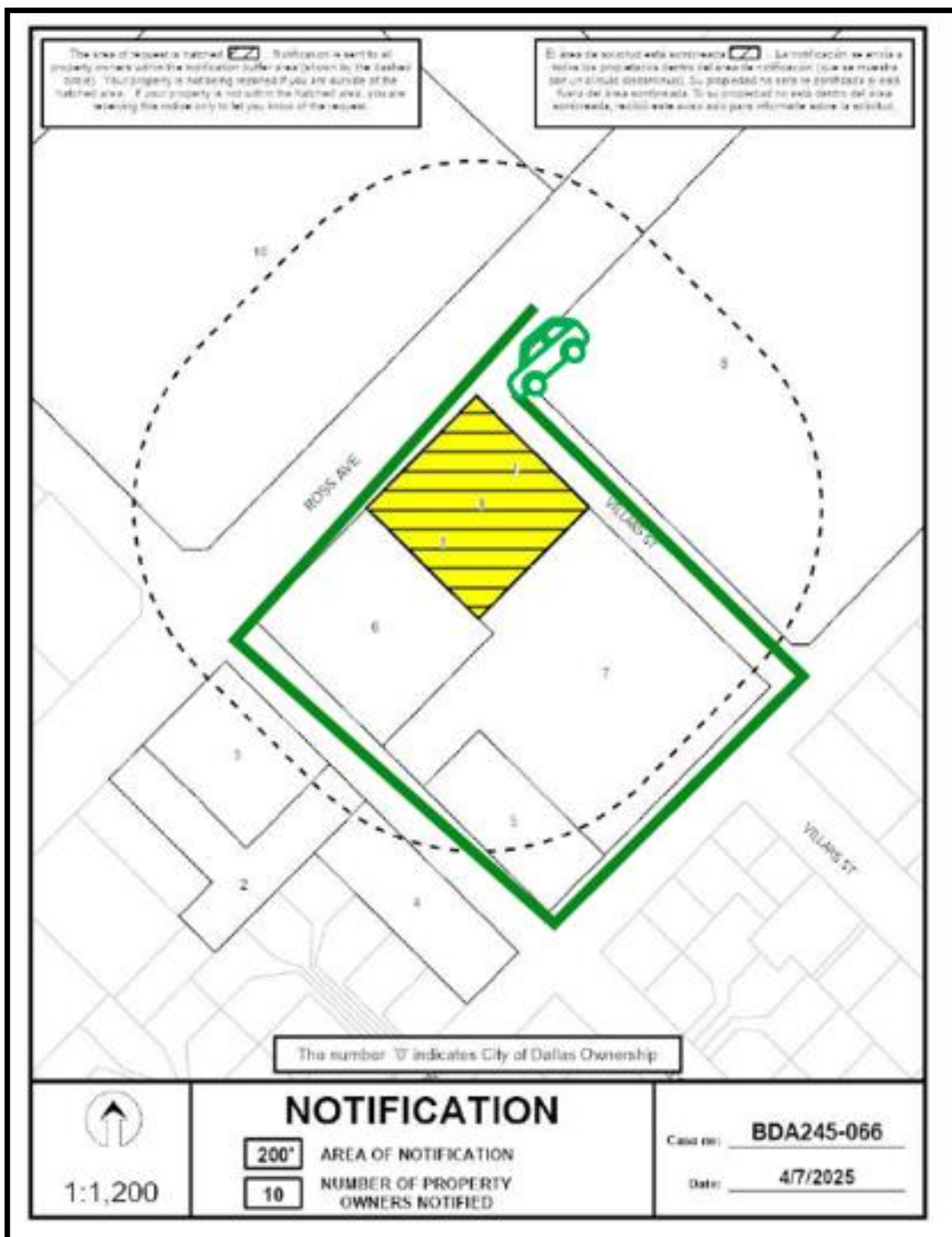
The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the May public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator,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



[BDA245-066 at 3516 Ross Avenue](#)







04/07/2025

Notification List of Property Owners

BDA245-066

10 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3512 ROSS AVE	3516 ROSS LP
2	3404 ROSS AVE	EL CHINGON MANAGEMENT GROUP
3	3410 ROSS AVE	BSK SCHWARTZ LTD
4	1607 MCCOY ST	MACEDONIA BAPTIST CHURCH
5	3501 SAN JACINTO ST	MACEDONIA BAPTIST
6	3510 ROSS AVE	3510 RA LLC
7	3517 SAN JACINTO ST	3517 SAN JACINTO LLC
8	3700 ROSS AVE	NORTHINGTON ROSS AVENUE
9	3615 ROSS AVE	GRIFFITH RUSSELL F &
10	3501 ROSS AVE	MACALLAN ON ROSS LP

 1:1,200	<h3 style="margin: 0;">NOTIFICATION</h3> <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <div style="border: 1px solid black; padding: 2px 5px;">200'</div> <div>AREA OF NOTIFICATION</div> </div> <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <div style="border: 1px solid black; padding: 2px 5px;">10</div> <div>NUMBER OF PROPERTY OWNERS NOTIFIED</div> </div>	<div style="margin-bottom: 10px;">Case no: BDA245-066</div> <div>Date: 4/7/2025</div>
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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: MONDAY, MAY 19, 2025

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

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

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

BDA245-066(CJ) Application of Oliver Steinberg represented by Skye Thibodeaux for (1) a special exception to the parking regulations at 3516 ROSS AVENUE. This property is more fully described as Block 513, Tract 1, and is zoned PD-298 (1B), which requires parking to be provided. The applicant proposes to construct and/or maintain a nonresidential structure for a restaurant use and provide 26 of the required 35 parking spaces which will require (1) a 9-space variance to the parking regulation.

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

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

The Board of Adjustment hearing will be held by videoconference and in 6ES 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 **Sunday, May 18, 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 or [YouTube.com/CityofDallasCityHall](https://www.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
Letters will be received until 9:00
am the day of the hearing.

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



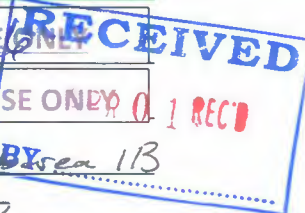
Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA

FOR OFFICE USE ONLY



Data Relative to Subject Property:

Date:

FOR OFFICE USE ONLY 01 REC'D

Location address: 3516 Ross Ave, Dallas, TX 75204 Zoning District: PD 298 S. Base 1B

Lot No.: T124 Block No.: 513 Acreage: 0.4 Census Tract: 48113001602

Street Frontage (in Feet): 1) 135' 2) 130' 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Ross Avenue Urban Eagle LLC

Applicant: Oliver Steinberg Telephone: 469.585.6672

Mailing Address: 2909 Cole Ave, Ste 300 Zip Code: 75204

E-mail Address: oliver@eaglecity.com

Represented by: Skye Thibodeaux, AIC-MRLC Telephone: 469.585.6672 817.657.3254

Mailing Address: PO Box 260203 Zip Code: 75204 75026

E-mail Address: oliver@eaglecity.com skye@msnrdg.com

Affirm that an appeal has been made for a Variance ☒ or Special Exception ☒ of parking spaces

Requesting a total amount of 26 parking spaces, an approximate 25% reduction to the requirement of 35 parking spaces.

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:

Existing site constraints/redevelopment

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 Oliver Steinberg

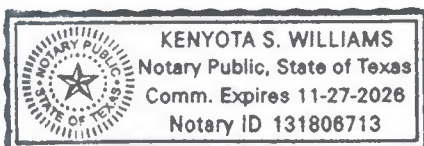
(Affiant/Applicant's name printed)

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 14 day of March, 2025

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



**BOARD OF ADJUSTMENT
CITY OF DALLAS, TEXAS**

May 19, 2025, Panel C

FILE NUMBER: BDA245-066_199261268-001

BUILDING OFFICIAL'S REPORT: **BDA245-066(CJ)** Application of Oliver Steinberg represented by Skye Thibodeaux for **(1)** a special exception to the parking regulations at **3516 ROSS AVENUE**. This property is more fully described as Block 513, Tract 1, and is zoned PD-298 (1B), which requires parking to be provided. The applicant proposes to construct and/or maintain a nonresidential structure for a restaurant use and provide 27 of the required 35 parking spaces which will require **(1)** an 8-space special exception to the parking regulation.

LOCATION: 3516 ROSS AVE

APPLICANT: Oliver Steinberg represented by Skye Thibodeaux

REQUEST: A request for a special exception to the parking regulations



March 26, 2025

To Whom It May Concern:

Oliver Steinberg is the Vice President of Eagle Equity, Inc. and is authorized to act as its agent on all matters relating to 3512, 3516 and 3520 Ross Avenue, Dallas, Texas 75204.

Sincerely,

EAGLE EQUITY, INC.

By: Lawrence E. Steinberg
 Lawrence E. Steinberg
 Chairman/CEO

State of Texas)
) ss:
 County of Dallas)

Before me, Madge M. Cooper, a notary public, on this day personally appeared Lawrence E. Steinberg, personally known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same in his authorized capacity as Chairman/CEO of Eagle Equity, Inc., and that by his signature on this instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and seal of office this 26th day of March, 2025.



Madge M. Cooper
 Notary Public, State of Texas



Zoning Map – 3516 Ross Ave, Dallas

SHIPPED
DATE: 12-25-95

RECEIVED
DATE: 8-15-96

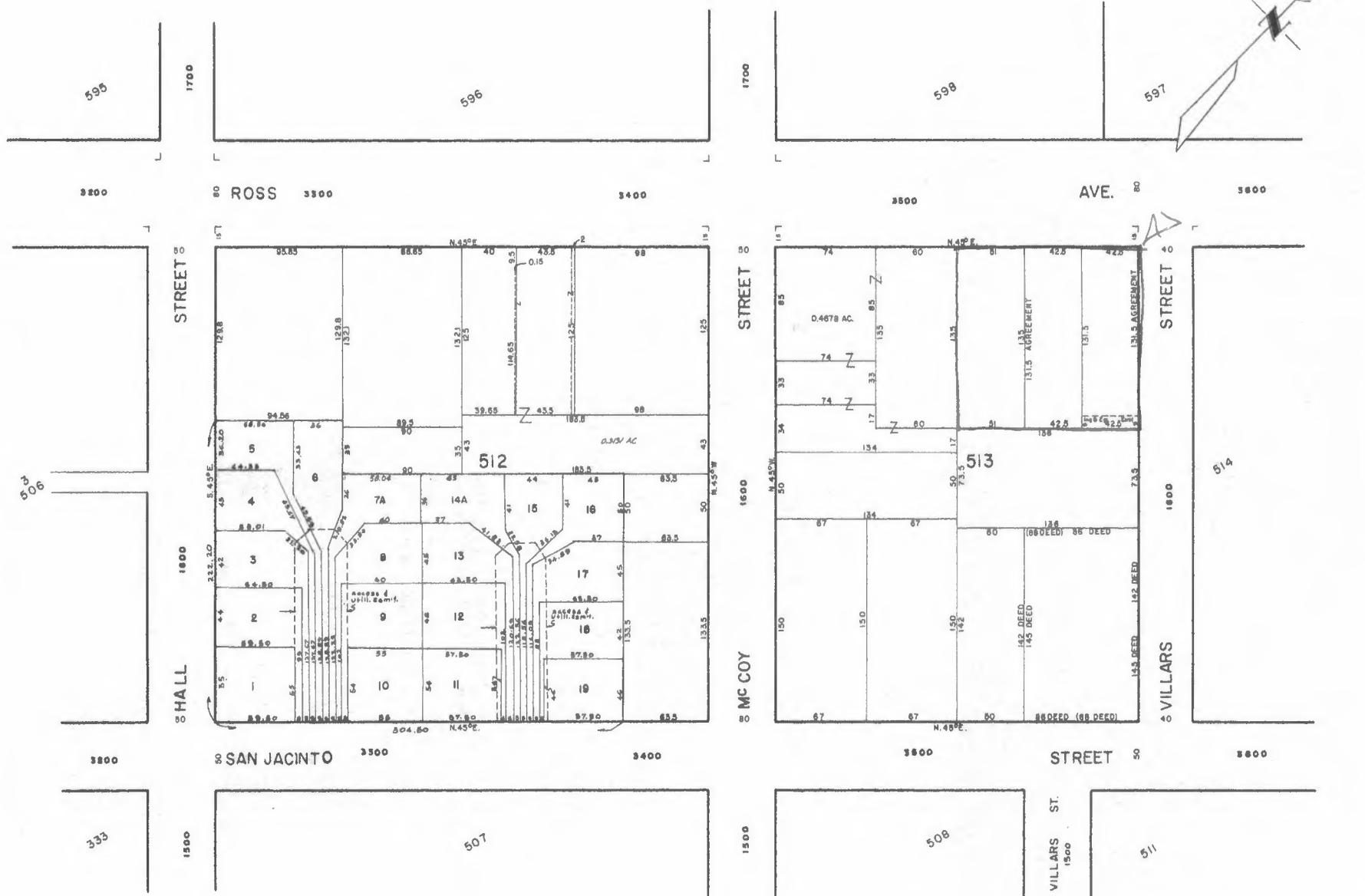
CITY OF DALLAS PLAT BOOKS

ANNEXED SURVEY JOHN GRIGSBY
ORD. NO. ABST. 495

ADDITION
SCALE 50 FT. EQUALS 1 INCH

BLOCKS 512, 513
SCHOOL DISTRICT DALLAS

BRAYAM PLACE PHASE III SEC. 3 BLK. 512 FILED: 10-14-93 (1.3684) AC.
" " " " REPLAT " FILED: 8-9-84



Address	Use	Floor Area	Parking Ratio	Required Parking	Provided Parking
3516 Ross Ave, Dallas, TX 75204	Restaurant	3,500 SF	1 per 100 SF	35	26

BDA245-0000



MEMORANDUM

5-9-2025

To: David Nevarez, P.E., PTOE, CFM
Transportation Development Services
City of Dallas

From: Christian DeLuca, P.E.
Michael Gomez, EIT
Kimley-Horn and Associates, Inc.
Registered Firm F-928

Date: May 9, 2025

Subject: 3516 Ross Avenue Parking Study



Introduction

Kimley-Horn, on behalf of our client, submits this memorandum in support of a special exception to the off-street parking requirements for a proposed restaurant at 3516 Ross Avenue, which is between McCoy Street and Villars Street. The site is within PD 298 (Bryan Area Special Purpose District, Subarea 1). The project involves converting an existing 2,800 square-foot one-story retail building into a restaurant and adding a 700 square-foot covered patio, for a total of approximately 3,500 SF of customer-serving area. The restaurant's parking will be 100% valet-operated, with a valet circulation plan accommodating 25 standard spaces and 2 van accessible spaces on the parcel. No special parking provisions exist in PD 298 for this use or subdistrict, so the standard Dallas Development Code parking requirements apply.

The site is pursuing a special exception under Section 51A-4.311 to reduce the required off-street parking spaces for this restaurant. The rationale for this request is based on the urban context of the site and multiple data points indicating the code-required parking exceeds actual demand. In this memo, we document the applicable Dallas code requirements, the existing parking supply in the vicinity, observational data from comparable local venues, and industry parking demand rates.



City of Dallas Code Requirements

Under the Dallas Development Code, a restaurant without drive-in or drive-through service is required to provide one off-street parking space per 100 square feet of floor area.

With a total floor area of 3,500 SF (including the covered patio), the required parking for the proposed restaurant is 35 spaces (3,500 SF ÷ 100 SF per space). The site will provide 27 on-site parking spaces through a valet-operated private lot configuration. There are no provisions in PD 298 that alter the parking ratio for this use, so the 1:100 SF requirement applies uniformly.

Thus, the project as designed has a parking shortfall of 8 spaces relative to code. In order to proceed with the restaurant use, a special exception of 8 parking spaces (approximately a 23% reduction) to the off-street parking requirement. Section 51A-4.311 of the Dallas Development Code empowers the Board of Adjustment to grant such a special exception to reduce the number of required parking spaces if the applicant demonstrates that the parking demand for the use will be less than the code requirement and that the reduction will not create a traffic hazard or undue congestion on adjacent streets

Table 1 below summarizes the parking requirement versus supply and the reduction requested.

Table 1 – City of Dallas Parking Requirements

Use Classification	Parking Code Requirement	Amount	Parking Requirement
SEC. 51A-4.210: Restaurant	One space per 100 square feet of floor area; with a minimum of four spaces	3,500	35



Parking Inventory and Valet Operations

The subject property is in an urban neighborhood setting with public on-street parking available on the adjacent and nearby streets. A field inventory identified approximately 35 on-street parking spaces within the immediate vicinity of the site that could potentially absorb overflow demand or serve valet operations if needed. The breakdown of nearby on-street parking is as follows:

- Villars Street (between Ross Ave and San Jacinto St): ~13 spaces on-street (including ~5 spaces directly abutting the site frontage).
- San Jacinto Street (between McCoy St and Villars St): ~10 spaces on-street.
- McCoy Street (between San Jacinto St and Ross Ave): ~12 spaces on-street.

All noted on-street spaces are currently unmetered public parking. In the evenings, the anticipated peak period for the restaurant, these spaces are generally underutilized, as the surrounding land uses are a mix of multifamily residential (which typically have their own off-street parking) and commercial uses with off-peak hours or separate parking areas.

The on-site parking will be managed through a dedicated valet operation. The site has two driveways: the western driveway will operate as the valet entry (inbound only) and the eastern driveway will serve as the valet exit (outbound only). This one-way configuration supports efficient internal circulation and eliminates driveway conflicts. Valet attendants can then complete a simple three-right-turn loop around the block (heading east on Ross, south on Villars, west on San Jacinto, and north on McCoy) to quickly cycle between drop-off and pick-up. This efficient loop minimizes operational delays and ensures quick turnaround times during peak service hours.

Figure 1 illustrates the valet route and highlights the available on-street parking spaces along each leg of the loop. These nearby curb spaces provide convenient overflow parking options, especially on busy weekend nights. If needed, valet attendants can stage or direct patrons to these spaces, further extending the site's functional parking capacity.



Figure 1 - Valet Circulation & Parking Availability



Local Observational Data

To gauge real-world parking demand in this neighborhood, we conducted evening peak period parking counts (on Friday, May 3rd, from 9:00 PM to 11:00 PM) at three similar restaurant/bar venues nearby. All three comparison establishments operate in urban Dallas settings with limited on-site parking, relying on street parking, valet, or alternative transportation, similar to the subject site's context. The observed venues and their peak parked vehicle counts were:

- **Black Swan Saloon / Alice (approx. 2,212 SF):** 7 vehicles parked on-site at peak (only 7 spaces provided, remaining demand parked on-street).
- **Columbian Country Club / Bocado Restaurant (approx. 7,865 SF):** 70 vehicles parked at peak.
- **Rodeo Cold (approx. 4,065 SF):** 35 vehicles parked at peak.

Each of these businesses had fewer cars parked than a strict application of Dallas's 1/100 SF parking ratio would require for their size, indicating many patrons arrived via walking or rideshare. The larger venues (Bocado and Rodeo Cold) showed peak parking totals on the order of 8.5–9 cars per 1,000 SF, below the 10 cars/1,000 SF that the code would mandate, and those peaks were accommodated by a combination of on-site valet arrangements and adjacent lot or street parking. These empirical observations strongly suggest that actual parking demand for restaurants/bars in this area is lower than the code minimum, thanks to the urban setting and travel behavior of customers.



ITE Parking Demand Analysis

In addition to local observations, industry data to estimate the anticipated parking demand for the proposed restaurant was reviewed. The Institute of Transportation Engineers (ITE) Parking Generation Manual (6th Edition) provides parking demand rates for various land uses based on empirical studies. The land use category most analogous to this establishment is “Fine Dining Restaurant” (ITE Land Use 931) in a Dense Multi-Use Urban setting. According to the ITE data, the average peak parking demand for Fine Dining restaurants in dense urban contexts is approximately:

- **Friday Evening:** 9.81 parked vehicles per 1,000 SF GFA (average rate)
- **Saturday Peak:** 14.08 parked vehicles per 1,000 SF GFA (average rate)

For our proposed 3,500 SF restaurant, the ITE averages would project a demand of roughly 34 vehicles on a Friday and 49 vehicles on a Saturday during the peak hour. It is worth noting that the Saturday rate of 14.08 per 1,000 SF is relatively high and reflects a worst-case peak scenario (and possibly more auto-centric fine dining patterns or special conditions in the small sample of ITE studies). The Friday night rate (~9.8 per 1,000 SF) is more in line with what we observed in the field for similar venues (~8–9 per 1,000 SF).

Importantly, these ITE figures represent demand, not required supply, and they assume the establishments are operating at or near full capacity during peak periods. In practice, not every patron party arriving will drive and park a single vehicle—especially in this Ross/Bryan area context. Many customers use transportation network companies (TNCs) like Uber and Lyft or arrive via carpooling, which effectively reduces the number of vehicles that need parking.

On a Saturday at maximum capacity (upper estimate around 49 vehicles), the valet lot would be full and the valet operator or patrons could utilize nearby street parking for the overflow cars (there is ample curb capacity for this, with 35+ spaces nearby). However, it is likely that actual Saturday demand will often be lower than the ITE average suggests, because of the mitigations discussed and because not every Saturday is a peak occasion.



Conclusion

This memorandum provides data-driven support for a special exception request to reduce required off-street parking from 35 to 27 spaces (a 23% reduction) for a proposed restaurant on Ross Avenue. The site will provide 27 valet-operated spaces and is surrounded by 35+ nearby on-street spaces, offering ample capacity to accommodate peak demand.

Valet operations are designed for efficiency, with dedicated inbound and outbound driveways and a simple three-right-turn loop around the block for rapid circulation. **Figure 1** illustrates the valet route and available parking.

Observed parking counts at comparable nearby restaurants show lower demand than required by code.

In total, the combination of valet operations, available on-street parking, and demonstrated lower demand supports the requested reduction. The parking plan will meet actual demand and will not cause traffic hazards or congestion, satisfying the requirements of Dallas Code Section 51A-4.311.

Table 2 - Parking Demand & Supply Summary

Parking Calculation	Spaces (Count)
Dallas Code Required Parking (1 space per 100 SF)	35 spaces required
On-Site Parking Provided (100% Valet on parcel)	27 spaces provided
Special Exception Reduction Requested	8 spaces (≈23% decrease)



In accordance with Dallas Development Code Section 51A-4.311(a)(2), the table below summarizes how the proposed project addresses each of the required factors for granting a special exception to off-street parking requirements.

Table 3 - Evaluation of Special Exception Criteria

Factor	Description	Applicability to Site / Justification
(A)	The extent to which the parking spaces provided will be remote, shared, or packed parking.	The site uses 100% valet parking and can maximize use of the on-site area. Additionally, many public on-street spaces nearby serve as practical overflow, supporting a shared parking environment typical in urban neighborhoods.
(B)	The parking demand and trip generation characteristics of all uses for which the special exception is requested.	The sole use is a restaurant, with evening peak hours on Fridays and Saturdays. Parking counts at similar nearby venues and ITE data show that demand is lower than code requirements due to rideshare usage and urban location.
(C)	Whether the subject property or any nearby property is in a modified delta overlay district.	Not applicable. The site is located in PD 298 (Subarea 1) and is not within a modified delta overlay district.
(D)	The current and probable future capacities of adjacent and nearby streets based on the city's thoroughfare plan.	Ross Avenue, Villars Street, San Jacinto Street, and McCoy Street are streets with adequate capacity to accommodate valet circulation. The valet route uses low-volume streets and requires only three right turns, minimizing traffic disruption.
(E)	The availability of public transit and the likelihood of its use.	Many patrons arrive by TNC (Uber/Lyft), reducing the need for personal vehicle parking. The site is in a transit-accessible urban area. Bus routes operate along Ross Avenue.
(F)	The feasibility of parking mitigation measures and the likelihood of their effectiveness.	Valet service is a feasible and effective mitigation strategy. It consolidates parking on-site, enables packed parking, and allows the operator to utilize nearby curb space for overflow. The proposed configuration ensures safe and efficient parking operations.

END

Attachments:

- Proposed Conceptual Site Plan
- ITE Parking Data Summary Table



DEVELOPMENT ANALYSIS | PD298, Subarea 1B

Category	Zoning Requirements
Site Size	0.40 Acres
Building Height	120' maximum
Front Yard Setback	15' maximum
Side Yard Setback	None required
Lot Coverage	90% maximum
Floor Area Ratio (FAR)	4:1
Uses Allowed	Restaurant w/o drive-through service, bar lounge, or tavern w/ Special Use Permit.

NET AREA

Existing Building	+/- 2,800 net SF
Rooftop Patio Covered Additon	+/- 700 net SF
Total	+/- 3,500 net SF

ADDITIONAL OPEN-AIR AREA

Open-Air Rooftop Patio Additon	+/- 1,100 net SF
Open-Air Ground Level Patio Additon	+/- 600 net SF
Total	+/- 1,700 net SF

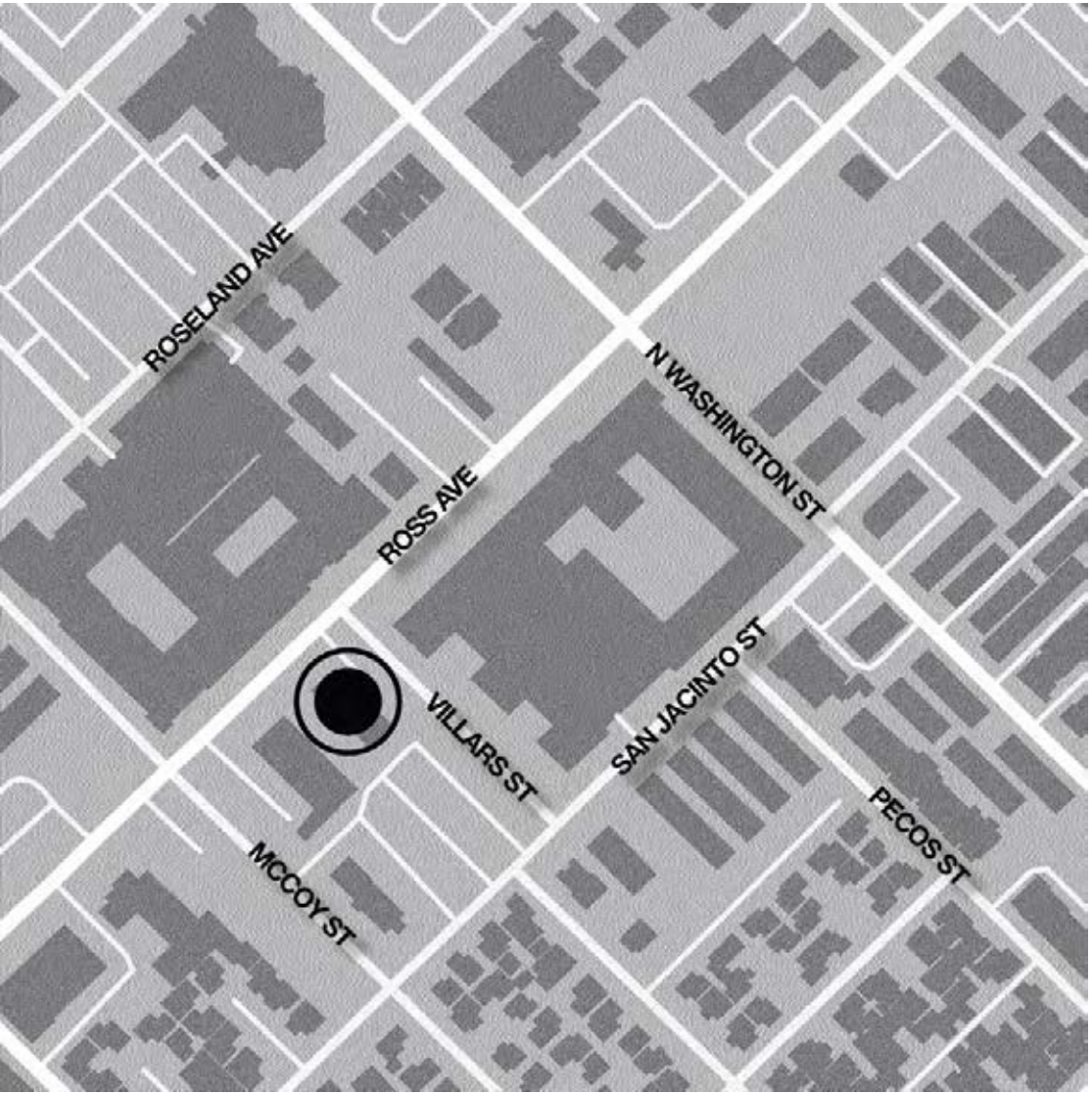
PARKING COUNT

Off-street parking	23 stalls + 4 parallel (27 total)
On-street parking	4 parallel

PARKING REQUIRED

Restaurant Service	10 space / 1000 net SF
Total	35 spaces required

VICINITY MAP (NOT TO SCALE)



Fine Dining Restaurant

(931)

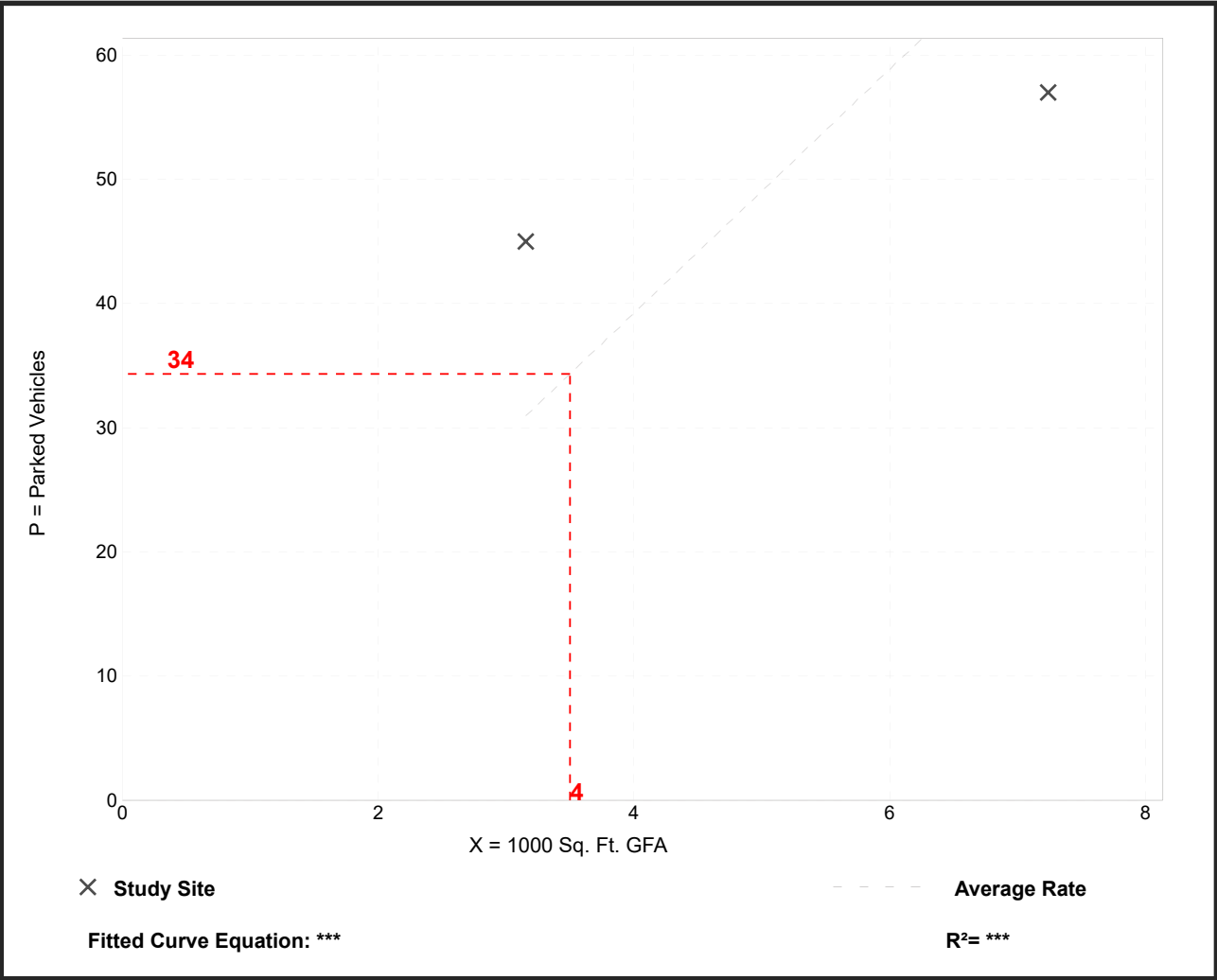
Peak Period Parking Demand vs: 1000 Sq. Ft. GFA
On a: Friday
Setting/Location: Dense Multi-Use Urban
Number of Studies: 2
Avg. 1000 Sq. Ft. GFA: 5.2

Peak Period Parking Demand per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
9.81	7.87 - 14.27	*** / ***	***	***

Data Plot and Equation

Caution – Small Sample Size



Parking Generation Manual, 6th Edition • Institute of Transportation Engineers

Fine Dining Restaurant (931)

Peak Period Parking Demand vs: 1000 Sq. Ft. GFA

On a: Saturday

Setting/Location: Dense Multi-Use Urban

Number of Studies: 3

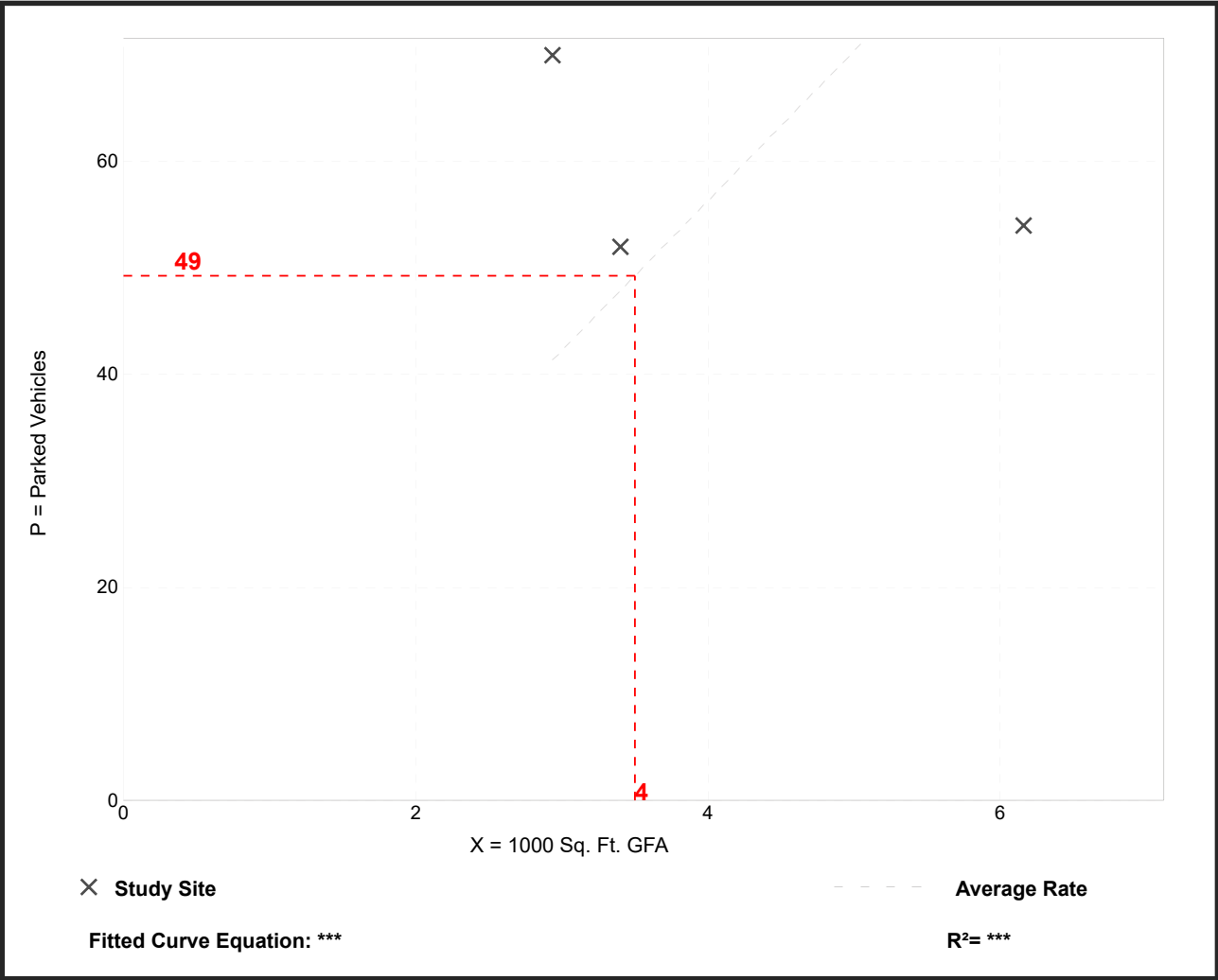
Avg. 1000 Sq. Ft. GFA: 4.1

Peak Period Parking Demand per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
14.08	8.77 - 23.84	10.85 / 23.84	***	7.42 (53%)

Data Plot and Equation

Caution – Small Sample Size





DEVELOPMENT ANALYSIS PD298, Subarea 1B	
Category	Zoning Requirements
Site Size	0.40 Acres
Building Height	120' maximum
Front Yard Setback	15' maximum
Side Yard Setback	None required
Lot Coverage	90% maximum
Floor Area Ratio (FAR)	4:1
Uses Allowed	Restaurant w/o drive-through service, bar lounge, or tavern w/ Special Use Permit.

NET AREA	
Existing Building	+/- 2,800 net SF
Rooftop Patio Covered Additon	+/- 700 net SF
Total	+/- 3,500 net SF

ADDITIONAL OPEN-AIR AREA	
Open-Air Rooftop Patio Additon	+/- 1,100 net SF
Open-Air Ground Level Patio Additon	+/- 600 net SF
Total	+/- 1,700 net SF

PARKING COUNT	
On-site parking	23 stalls + 3 parallel
Street parking	6 parallel
Total	26 spaces

PARKING REQUIRED	
Restaurant Service	1 space / 1000 net SF
Total	35 spaces required

