



Planning & Development Department

320 E Jefferson Blvd,
Dallas TX 75203
(214) 948-4480

Board of Adjustment:
1500 Marilla Street, 5CN
Dallas Tx 75201
(214) 948-4480

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

OFFICE USE ONLY	
Case no.	_____
Date	_____

Data Relative to Subject Property: _____
 Location address: 5435 Monticello Avenue Zoning District: CD-9
 Lot No.: 18 & pt 17 Block No.: 12/2177 Acreage: 8,700 sf Census Tract: 48113000300
 Street Frontage (in Ft.): 1) 51.66 2) _____ 3) _____ 4) _____ (5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Scott & Hannah Starwalt
 Applicant: Scott Starwalt Telephone: 317-919-9927
 Mailing Address: 5435 Monticello Avenue Zip Code: 75206
 E-mail Address: thestarwalts@gmail.com
 Represented by: NA Telephone: _____
 Mailing Address: _____ Zip Code: _____
 E-mail Address: _____

Affirm that an appeal has been made for a ☒ Variance or ☐ Special Exception, of:
Side yard setback variance of 4' _2".

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:

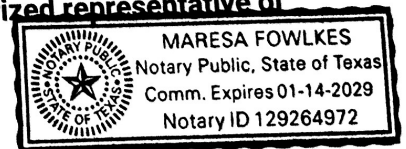
Unlike other lots in CD-9, the driveway is on the west side of the house, so the house has two 10' side setbacks rather than one.

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 SCOTT STARWALT
 (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 18th day of September, 20 25

Notary Public in and for Dallas County, Texas Maresa Fowlkes

Together we are planning and building a better Dallas for all!

4/30/2025

Scott and Hannah Starwalt

5435 Monticello Avenue
Dallas, Texas 75206

September 15, 2025

Mr. Bryant Thompson
Senior Planner – Board of Adjustment
Department of Development Services
City of Dallas
1500 Marilla Street, Room 5BN
Dallas, Texas 75201

Re: Variance Request – 5435 Monticello Avenue

Dear Mr. Thompson,

My wife and I are the owners of 5435 Monticello Avenue and are respectfully requesting approval of a variance to allow a four-foot, two-inch reduction to the east side yard setback requirement. Our property is located within Conservation District 9 (CD-9 – M Streets and Greenland Hills), which requires a 10-foot setback on the east side and a five-foot setback on the west side of homes to accommodate driveways leading to rear garages.

Our home, built in 1926, is unique in that the driveway is located on the west side, yet the property still maintains a 10-foot setback on the east. As a result, our lot is the only one in CD-9 with two 10-foot side yard setbacks instead of the standard combination of one 10-foot and one five-foot setback. This condition prevents us from improving our property in a way that is consistent with other homes in the neighborhood and is the basis of our variance request.

We are seeking permission to construct a screened back patio behind our home that would extend into the east side yard setback, leaving approximately five feet, ten inches between the patio and the property line. We initially obtained permits from the City of Dallas for this work; however, the permits were later revoked after it was determined they had been issued in error. This reversal caused significant delays and expenses, which we have absorbed while seeking the appropriate resolution through the variance process.



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BOARD OF ADJUSTMENT REFERRAL FORM

Referred by: Melissa Parent

Date: 8/29/2025

Department: Conservation

Phone/Email: 214-671-5070

Manager signature: 

Consulted with:

☒ Applicant

☐ Representative

☒ Owner

Name: Scott & Hannah Starwalt

Phone/Email: thestarwalts@gmail.com

Property Information

Address: 5435 Monticello Ave, Dallas TX 75206

Lot: Lot 18 AND W 10FT17 Monticello

City Block:

Zoning Classification: CD-9

Issues that require Board action Side yard setback

List the City of Dallas Development Code(s) this project is non-compliant with:

Check all that apply: ☒ Variance ☐ Special Exception

☒ Yard setback

☐ Lot Width

☐ Lot Depth

☐ Lot coverage

☐ Floor area for accessory structures for single-family uses

☐ Height

☐ Minimum width of sidewalk

☐ Off-street parking

☐ Off-street loading

☐ Landscape regulations

☐ fence height and/or standards

☐ Visibility triangle obstructions

☐ Parking demand

☐ Additional dwelling unit (not for rent) ☐ Accessory dwelling unit (for rent)

☐ Carport

☐ Non-conforming use or structure

☐ Administrative Official Appeal

☐ Other:

Description: Per ORD 28946(d)(8) The minimum side yard setback for main structures is five feet on the west side and 10 feet on the east side. The applicant is proposing a five foot setback on the east side.

Alternative resolutions discussed/offered:

Discussion were made regarding the potential relocation of the proposed rear porch addition, however other conditions on the lot are an impediment to doing so. In this district, driveways are typically placed on the east sides of the lots and accounts for the 10-foot required setback. On this property, the driveway is located on the west side (has been since at least the 1950s). Relocating the addition towards the interior of the lot in an effort to comply with the setback would cause issues with access to the garage as it would leave no room for their needed turning radius to exit the garage structure.

We believe our request fully satisfies the standards for granting a variance under the Dallas Development Code:

1. Special Condition Affecting the Property

Our property is the only lot in CD-9 with two 10-foot side setbacks. This unusual condition creates a restriction not faced by neighboring properties and constitutes a special circumstance.

2. Variance is Necessary for Commensurate Development

Because no other lot is required to provide two 10-foot setbacks, strict enforcement prevents us from developing our property in a manner commensurate with other lots in the district.

3. Hardship Not Self-Created

The hardship stems from the home's original 1926 configuration, not from any action we have taken.

4. Hardship Not Financial Only

Our request is not based solely on financial considerations. The second 10-foot setback materially limits the buildable area of the lot. Additionally, reconfiguring the patio to avoid the setback would encroach upon the root system of a large, mature pecan tree, threatening its health and longevity.

5. No Special Privilege

Granting this variance would not provide us with a special privilege, but would simply allow us to enjoy the same development opportunities afforded to our neighbors.

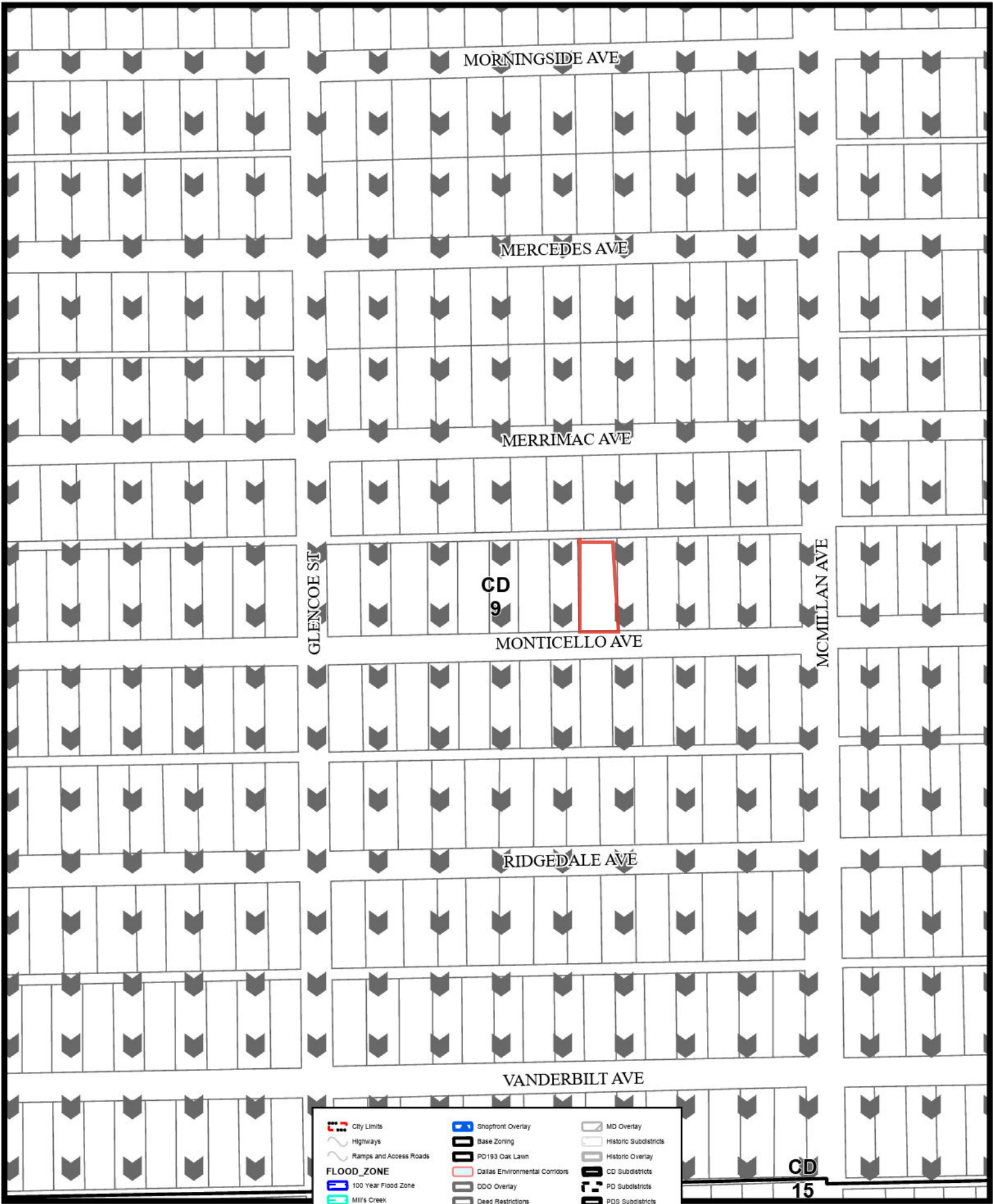
6. Not Contrary to Public Interest

The patio will be located behind the home, invisible from the street, and will not negatively impact adjacent properties. The project respects the spirit of the conservation district while enhancing the functionality of our home.

For these reasons, we respectfully request the Board's approval of this variance. We appreciate your consideration and would be glad to provide any additional information that may assist in your review.

Thank you for considering,

Scott and Hannah Starwalt

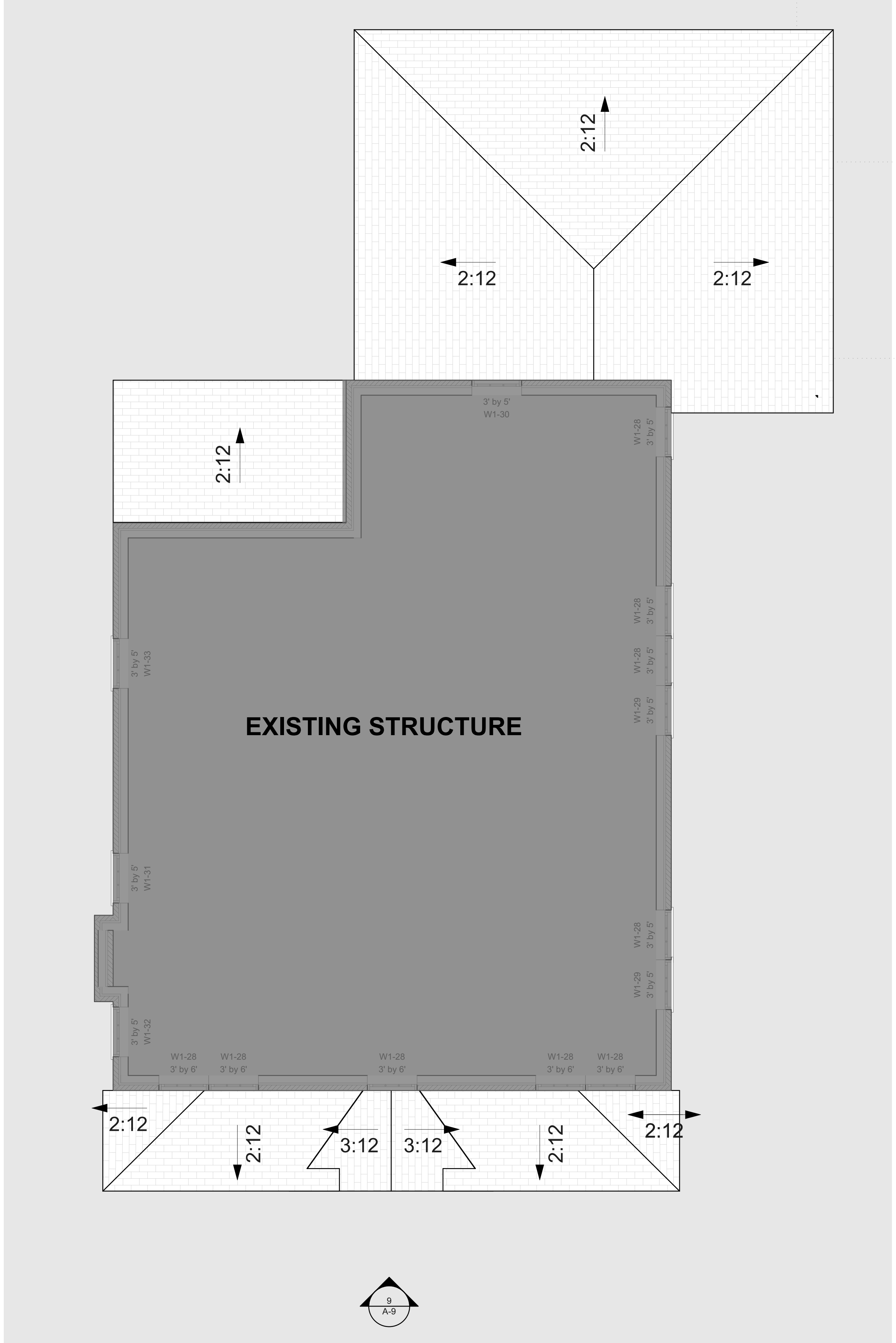
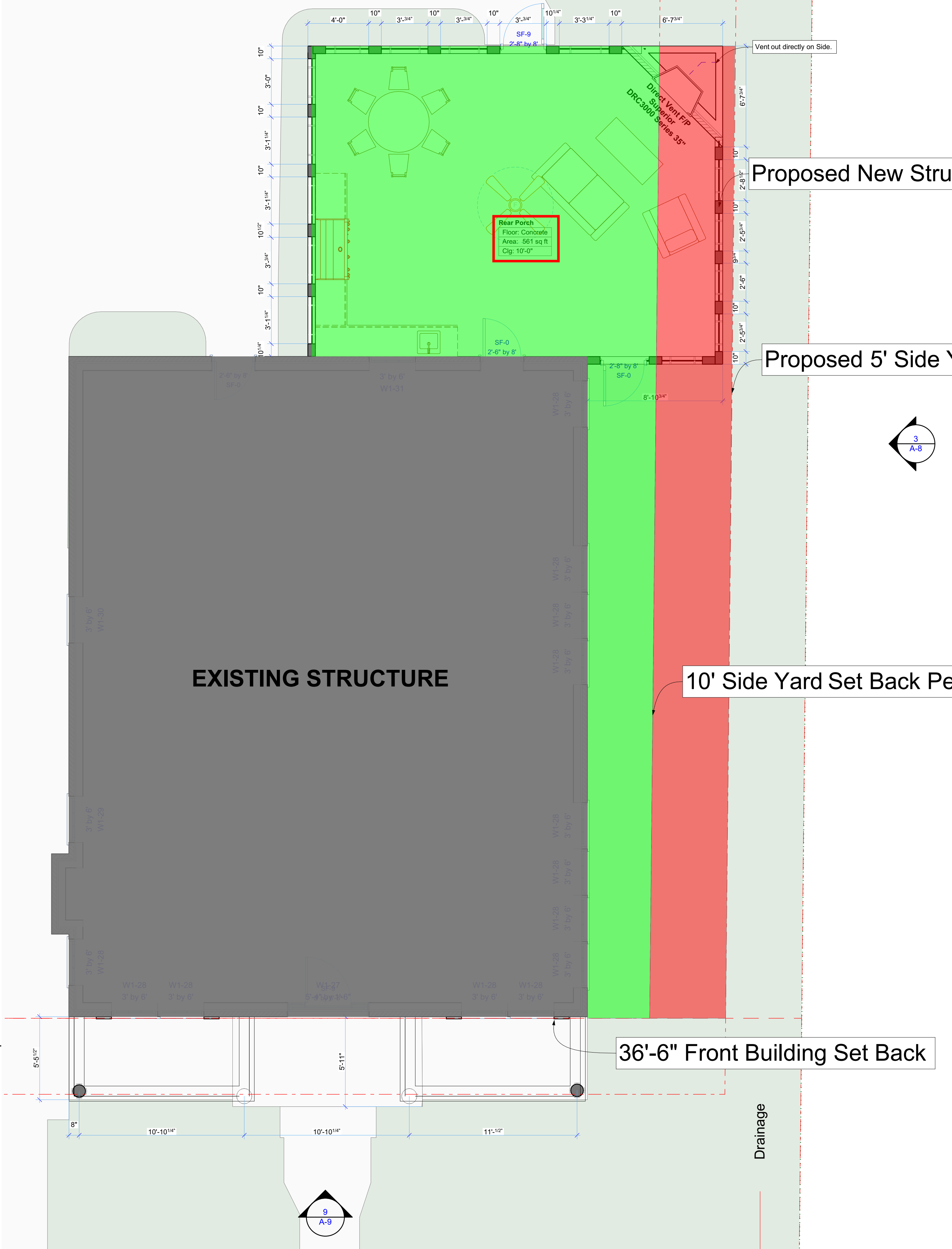
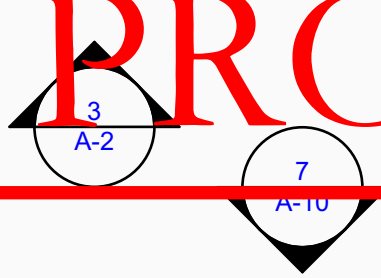


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City Limits	Shopfront Overlay	MD Overlay
Highways	Base Zoning	Historic Subdistricts
Ramps and Access Roads	PD193 Oak Lawn	Historic Overlay
FLOOD_ZONE	Dallas Environmental Corridors	CD Subdistricts
100 Year Flood Zone	DDO Overlay	PD Subdistricts
Mill's Creek	Deed Restrictions	PDS Subdistricts
Peak's Branch	SUP	NSO Subdistricts
X PROTECTED BY LEVEE	D	NSO_Overlay
Parks	D-1	Escarpment Overlay
Height Map Overlay	CP	
Parking Management Overlay	SP	

Printed: 9/25/2025

NEW PROPOSED REAR BACK PORCH FLOOR PLAN



Iconic Drafting
&
Design

Front Porch and
Rear Porch Add-on
5435 Monticello Ave
Dallas, TX

Design Status:
CD Final

9/25/2025

PROJECT: 5435 Monticello
DATE: 9/25/2025
DRAWN BY: JBratcher
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SHEET TITLE
Rear Porch PLAN

A-7

[illegible]

② First Floor - Floor Plan
1/4" = 1'-0"



④ Roof Plan - Add Alternate Laundry/Mudroom
1/4" = 1'-0"

[illegible]

5435 Monticello Ave.

First Floor Plan

Project number	05
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Date	6-30-202
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Drawn by	M
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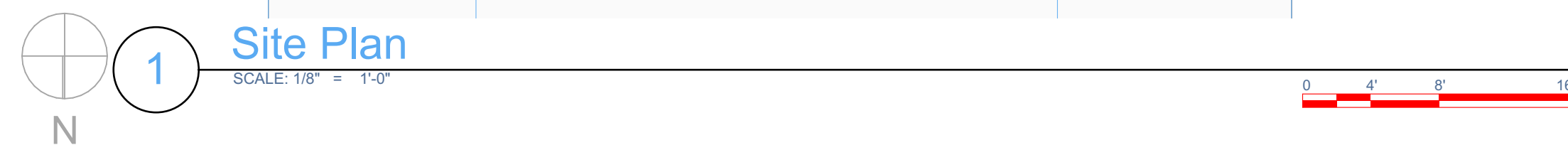
Checked by	
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A1

Scale	1/4" = 1'-0"
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Front Porch and
Rear Porch Add-on
5435 Monticello Ave
Dallas, TX

A-3





Design Status:
CD Final

PROJECT:	5435 Monticello
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Slab Plan

A-6

